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Vol. 46 No. 115
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federal register

Tuesday
June 16, 1981

Highlights

31403 **National P.O.W.-M.I.A. Recognition Day** Presidential proclamation.

31451 **Agricultural Commodities** USDA/ACSC announces "Target" prices, loan and purchase rates, land diversion and special grazing and hay programs determinations for 1981 crops of wheat, feed grains, soybeans and upland cotton.

31418 **Cable Television** FCC revises processing policies for waivers of telephone-cable television cross ownership rules.

31407 **Foreign Trade—Exports** Commerce/ITA revises licensing criteria for certain military commodities subject to foreign policy controls.

31630 **Iran** Treasury/FACO amends rules on transfer of assets to Federal Reserve Bank of New York. (Part IV of this issue)

31455 **Motor Vehicles** Commerce/BIE issues list of names and addresses of bona fide manufacturers.

31598 **Budget** OMB reports rescissions and deferrals as of June 1, 1981. (Part III of this issue)

31461 **Steel Prices** Commerce/ITA announces requests for changes in certain steel trigger price mechanism product coverage.

CONTINUED INSIDE

Highlights

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Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

31409 **Discrimination Against Handicapped** Treasury/RSO defers effective date of revenue sharing regulations.

31415 **Amateur Radio Service** FCC revises power limitations in the 1800–2000 kHz band.

31549 **Sunshine Act Meetings**

Separate Parts of This Issue

31566 **Part II, IDCA/AID**
31598 **Part III, OMB**
31630 **Part IV, Treasury/FACO**

V 46 JE 16 81 UMI

Contents

Federal Register
Vol. 46, No. 115
Tuesday, June 16, 1981

The President
PROCLAMATIONS
31403 P.O.W.-M.I.A. Recognition Day 1981, National (Proc. 4848)

Executive Agencies

Agency for International Development
RULES
Procurement:
31566 Appendices; reinstatement

Agricultural Marketing Service
PROPOSED RULES
Federal Seed Act:
31424 Botanical name changes, testing methods, and certification standards
Milk marketing orders:
31424 Puget Sound and Inland Empire; hearing
NOTICES
Stockyards; posting and deposting:
31453 Schricker's Livestock Auction, Inc., Oreg., et al.

Agricultural Stabilization and Conservation Service
NOTICES
31451 Wheat, feed grains, soybeans, and upland cotton; 1981 target prices, loan and purchase rates, etc.

Agriculture Department
See Agricultural Marketing Service; Agricultural Stabilization and Conservation Service; Rural Electrification Administration; Soil Conservation Service.

Commerce Department
See Industrial Economics Bureau, Commerce Department; International Trade Administration.

Consumer Product Safety Commission
NOTICES
31467 Refuse bins; Lorenzo Pucillo & Son, Inc., et al.; prehearing conference

Defense Department
NOTICES
Meetings:
31467 Science Board task forces

Economic Regulatory Administration
NOTICES
Consent orders:
31468 Skelton Brothers Oil Corp.

Energy Department
See also Economic Regulatory Administration; Federal Energy Regulatory Commission; Hearings and Appeals Office, Energy Department.
NOTICES
Meetings:
31470 National Petroleum Council (3 documents)
Remedial orders:
31468 Exxon Co., U.S.A.

Environmental Protection Agency
RULES
Air pollution control; new motor vehicles and engines:
31411 Carbon monoxide emission standards 1981–1982 model year light-duty vehicles; waiver granted
Water pollution control:
31412 Ocean dumping; five deep-ocean disposal sites off Hawaii, final designations
31413 Ocean dumping; New York Bight existing acid wastes dump site; designation as aqueous acid wastes disposal site
PROPOSED RULES
Air quality implementation plans; approval and promulgation; various States, etc.:
31446 Maryland
NOTICES
Marine sanitation device standards:
31511 Virginia
Toxic and hazardous substances control:
31510 Premanufacture notification requirements; test marketing exemption approvals

Equal Employment Opportunity Commission
NOTICES
31549 Meetings; Sunshine Act

Federal Communications Commission
RULES
Common carrier services:
31417 Public mobile radio services; cellular communications systems; use of frequency bands; correction
31418 Telephone company-cable television cross ownership rules, processing policies for waivers
Frequency allocations and radio treaty matters:
31414 Electronic equipment, importation; relaxation of rules
Radio services, special:
31415 Amateur service; power limitations revision
31422 Bio-medical telemetry operations; transmission of vital life signs for diagnosis and prescribed treatment; correction
Radio stations; table of assignments:
31422 Arkansas
31421 Kentucky

Federal Energy Regulatory Commission
NOTICES
Hearings, etc.:
31471 Arkansas Louisiana Gas Co. (2 documents)
31473 Colorado Interstate Gas Co.
31475 Commonwealth of Massachusetts Public Utilities Department
31501 Distrigas Corp. et al.
31471 Florence, Ala., et al.
31501 Frankfort Electric & Water Plant Board
31502 Hydro Development, Inc.
31507 Kaster, Richard H.
31502 Louisiana Resources Co.

31503 Midwestern Gas Transmission Co. (2 documents)
31503, 31504 Montana-Dakota Utilities Co. (3 documents)
31504 Monterey Pipeline Co.
31504 Niagara Mohawk Power Corp.
31505 Northern Natural Gas Co.
31507 Northern States Power Co.
31472 Riverton, Wyo., et al.
31472 Rochester, N.Y., et al.
31507 Sea Robin Pipeline Co.
31508 South Georgia Natural Gas Co.
31508 Tennessee Gas Pipeline Co. (2 documents)
31509 Union Light, Heat & Power Co.
31509 Western Transmission Corp.
31509 Winnetka, Ill.
Natural Gas Policy Act of 1978:
31476, 31489, 31497 Jurisdictional agency determinations (3 documents)

Federal Maritime Commission
NOTICES
31511, 31513 Agreement filed, etc. (2 documents)
Energy and environmental statements; availability, etc.:
31513 International Association of NVOCC's et al.; fifty mile container rule; violated
Freight forwarder licenses:
31513 Yusen Air & Sea Service (U.S.A.) Inc. et al.

Federal Reserve System
RULES
Bank holding companies (Regulation Y):
31406 Real estate advisory and appraisal services; permissible activities; confirmation of final rule and termination of rulemaking proceeding
NOTICES
Applications, etc.:
31513 American Bancorp, Inc.
31515 AmSouth Bank International
31516 Braman Bancshares, Inc.
31516 Chester State Bancshares, Inc.
31514 Citizens National Bancshares, Inc.
31514 First Arkadelphia Bancshares, Inc.
31516 First International Bancshares, Inc.
31514 Franklin Bancorp, Inc.
31514 Grant S. Clark Investment Co.
31514 Hartman Bancshares, Inc.
31517 Oxford Bancshares, Inc.
31515 People's First National Bancshares, Inc.
31517 Peoples Investment Corp.
31515 Royalton Bancshares, Inc.
31515 York Bancshares, Inc.
Bank holding companies; proposed de novo nonbank activities:
31515 Chase Manhattan Corp. et al.
31549 Meetings; Sunshine Act

Food and Drug Administration
NOTICES
Food additives, petitions filed or withdrawn:
31519 Borg-Warner Chemicals
31519 Nebraska Department of Economic Development
31519 Springborn Institute for Bioresearch, Inc.
Meetings:
31517 Advisory committees, panels, etc.

Foreign Assets Control Office
RULES
31630 Iranian assets control regulations; transfer of financial assets to Federal Reserve Bank of New York

Health and Human Services Department
See Food and Drug Administration.

Hearings and Appeals Office, Energy Department
NOTICES
Applications for exception:
31468 Decisions and orders

Heritage Conservation and Recreation Service
See National Park Service.

Industrial Economics Bureau, Commerce Department
NOTICES
31455 Motor vehicle manufacturers, bona fide; list

Interior Department
See Heritage Conservation and Recreation Service; Land Management Bureau; National Park Service; Reclamation Bureau.

Internal Revenue Service
RULES
Income taxes:
31409 Withholding tax; Virgin Island inhabitants; exemption clarification; correction

International Development Cooperation Agency
See Agency for International Development.

International Trade Administration
RULES
Export licensing:
31407 Foreign policy export controls; crime control equipment; change in criteria
NOTICES
Countervailing duty petitions and preliminary determinations:
31462 Cap screws from Italy
31463 Compressors and parts from Italy
Meetings:
31460 Electronic Instrumentation Technical Advisory Committee
Scientific articles; duty free entry:
31464 University of California et al.
31465 University of Colorado et al.
Steel trigger price mechanism:
31461 Product coverage change requests; inquiry

Interstate Commerce Commission
PROPOSED RULES
Motor carriers:
31450 Commercial zones; expansion of Washington, D.C.
NOTICES
Motor carriers:
31522, 31523, 31535, 31536 Permanent authority applications (4 documents)
31526 Permanent authority applications; operating rights authority republication

31527
31542
31520
31520
31521
31521
31598
31542
31542
31521
31549
31549
31545
31545
31545
31546
31546
31546
31544, 31545
31544
31550

31527 Permanent authority applications; restriction removals

Labor Department
See also Mine Safety and Health Administration; Pension and Welfare Benefit Programs Office.
NOTICES
Adjustment assistance:
31542 Clinton Mills of Geneva et al.

Land Management Bureau
NOTICES
Alaska native claims selections; applications, etc.:
31520 Cook Inlet Region, Inc.
Meetings:
31520 Idaho Falls District Advisory Council
Wilderness areas; characteristics, inventories, etc.:
31521 Idaho
Withdrawal and reservation of lands, proposed, etc.:
31521 Wyoming; correction

Management and Budget Office
NOTICES
31598 Budget rescissions and deferrals; cumulative report

Mine Safety and Health Administration
NOTICES
Petitions for mandatory safety standard modifications:
31542 G & A Coal Co.
31542 Mary Lou Coal Co.

National Park Service
NOTICES
Historic Places National Register; pending nominations:
31521 California et al.

National Railroad Passenger Corporation
NOTICES
31549 Meetings; Sunshine Act

National Transportation Safety Board
NOTICES
31549 Meetings; Sunshine Act

Nuclear Regulatory Commission
NOTICES
Applications, etc.:
31545 Consumers Power Co.
31545 Duke Power Co.
31545 Florida Power & Light Co.
31546 Nebraska Public Power District
31546 Rochester Gas & Electric Corp.
31546 Texas Utilities Generating Co. et al.
Meetings:
31544, 31545 Reactor Safeguards Advisory Committee (2 documents)

Oceans and Atmosphere, National Advisory Committee
NOTICES
31544 Meetings

Overseas Private Investment Corporation
NOTICES
31550 Meetings; Sunshine Act

Pension and Welfare Benefit Programs Office
NOTICES
Employee benefit plans; prohibited transaction exemptions:
31543 Mead Retirement Master Trust

Personnel Management Office
RULES
31405 Administrative law judges; promotions
Excepted service:
31405 Schedule C temporary authority; positions during Presidential transition, department or agency head changes, or new department or agency creation; extension of appointments

Reclamation Bureau
NOTICES
Contract negotiations:
31521 Westlands Water District, San Luis Unit, Central Valley Project, Calif.

Revenue Sharing Office
RULES
Fiscal assistance to State and local governments:
31409 Nondiscrimination for handicapped in federally assisted programs; deferral of effective date

Rural Electrification Administration
NOTICES
Environmental statements; availability, etc.:
31453 Lower Valley Power & Light, Inc.
31451 Wabash Valley Power Association, Inc.

Securities and Exchange Commission
NOTICES
Hearings:
31546 Deltona Corp. et al.

Soil Conservation Service
NOTICES
Environmental statements; availability, etc.:
31453 Auds Creek Critical Area Treatment RC&D Measure, Tex.
31454 Corrales Watershed, N. Mex.
31454 Ewell Hollow Critical Area Treatment RC&D Measure, Tex.
31455 Pleasants County Park Flood Prevention RC&D Measure, W.Va.
31454 South Fork Licking River Watershed, Ohio

Treasury Department
See Internal Revenue Service; Revenue Sharing Office; Foreign Assets Control Office.

MEETING ANNOUNCED IN THIS ISSUE

COMMERCE DEPARTMENT
International Trade Administration—
31459 Electronic Instrumentation Technical Advisory Committee, Washington, D.C. (partially open), 7-7-81

DEFENSE DEPARTMENT

31467 Defense Science Board Task Force on Defense Nuclear Agency Technology Base Program, Washington, D.C., (closed), 7-6 and 7-7-81

ENERGY DEPARTMENT

31470 National Petroleum Council, Hazardous Wastes Task Group of the Committee on Environmental Conservation, Washington, D.C., (open), 7-1-81

31470 National Petroleum Council, Synthetic Fuels Task Group of the Committee on Environmental Conservation, (open), 6-30-81

HEALTH AND HUMAN SERVICES DEPARTMENT

Food and Drug Administration—

31517 Ophthalmic Device Section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel, Washington, D.C. (open), 7-23 and 7-24-81

31517 Pulmonary-Allergy Drugs Advisory Committee, Bethesda, Md. (open), 7-20 and 7-21-81

INTERIOR DEPARTMENT

Land Management Bureau—

31520 Idaho Falls District Advisory Council, Idaho Falls, Idaho, (open), 7-24-81

NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE

31544 Washington, D.C., (open), 6-29 and 6-30-81

NUCLEAR REGULATORY COMMISSION

31545 Reactor Safeguards Advisory Committee, Subcommittee on Structural Engineers, Albuquerque, N.M., (open), 7-1-81

CANCELLED MEETINGS

ENERGY DEPARTMENT

31470 National Petroleum Council, Water Quality Task Group of the Committee on Environmental Conservation, Denver, Colo., (open), 6-2-81

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CFR PA

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3 CFR
Proclama
4848

5 CFR
213
930

7 CFR
Proposed
201
1125
1133

12 CFR
Ch. II

15 CFR
376
385
399

26 CFR
1

31 CFR
51
535

40 CFR
86
228 (2 do

Proposed
52

41 CFR
7-1

47 CFR
2 (2 docu

22
63
73 (2 doc

90
97

49 CFR
Proposed
1048

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

3 CFR
Proclamations:
4848 31403

5 CFR
213 31405
930 31405

7 CFR
Proposed Rules:
201 31424
1125 31424
1133 31424

12 CFR
Ch. II 31406

15 CFR
376 31407
385 31407
399 31407

26 CFR
1 31409

31 CFR
51 31409
535 31630

40 CFR
86 31411
228 (2 documents) 31412, 31413

Proposed Rules:
52 31446

41 CFR
7-1 31566

47 CFR
2 (2 documents) 31414, 31415
22 31417
63 31418
73 (2 documents) 31421, 31422
90 31422
97 31415

49 CFR
Proposed Rules:
1048 31450

V
4
6
J
E
1
6
8
1
UMI

Title 3—

The Pr

[FR Doc. 81-1
Filed 6-12-81
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Federal Register
Vol. 46, No. 115
Tuesday, June 16, 1981

Presidential Documents

Title 3—

The President

Proclamation 4848 of June 12, 1981

National P.O.W.-M.I.A. Recognition Day, 1981

By the President of the United States of America

A Proclamation

Throughout American history our prisoners of war have been called upon to make uncommon sacrifices. In fulfilling their duty as citizens of the United States they have defended American ideals while suffering unimaginable indignities under the absolute control of the enemy. They remained steadfast even while their treatment contravened international understandings and violated elementary considerations of compassion and morality.

All Americans ought to recognize the special debt we owe to our fellow citizens who, in the act of serving our Nation, relinquished their freedom that we might enjoy the blessings of peace and liberty. Likewise, we must remember the unresolved casualties of war—our servicemen who are still missing. The pain and bitterness of war endure for their families, relatives and friends—and for all of us. Our Nation will continue to seek answers to the many questions that remain about their fate.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim Friday, July 17, 1981, as National P.O.W.-M.I.A. Recognition Day, a day dedicated to all former American prisoners of war, to those still missing, and to their families. I urge all Americans to join in honoring those who made the uncommon sacrifice of being held captive in war, and to honor as well their loved ones who have also suffered valiantly and patiently. I also call on appropriate officials of the Federal, State and local governments, as well as private organizations, to observe this day with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twelfth day of June, in the year of our Lord nineteen hundred and eighty-one, and of the Independence of the United States of America the two hundred and fifth.

Ronald Reagan

Editorial Note: The President's remarks of June 12, 1981, concerning National P.O.W.-M.I.A. Recognition Day, are printed in the *Weekly Compilation of Presidential Documents* (vol. 17, p. 618).

[FR Doc. 81-18026
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Rule

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5 CFR Pa

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AGENCY:
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ACTION:

SUMMARY
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Rules and Regulations

Federal Register
Vol. 46, No. 115
Tuesday, June 16, 1981

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 213

Excepted Service; Amendment to Regulation Authorizing Establishment of a New Temporary Schedule C Authority

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: This amendment permits agencies to extend appointments made to temporary Schedule C positions for one additional 120-day calendar period. Such temporary Schedule C positions may be established by agencies in order to facilitate the orderly transition of duties as a consequence of a change in Presidential Administration, changes in Department or agency heads, or changes resulting from the creation of a new department or agency. One extension of 120 days is necessary since a number of key political officials have not yet been appointed to Federal agencies, thereby continuing the transition period for the new Administration.

EFFECTIVE DATE: June 16, 1981.

FOR FURTHER INFORMATION CONTACT: William Bohling, 202–632–6000.

SUPPLEMENTARY INFORMATION: At 45 FR 26315 dated April 18, 1980, OPM published a new regulation which permits agencies to establish, without prior OPM approval, temporary Schedule C positions at the GS–15 grade level and below in order to facilitate the orderly transition of duties as a consequence of a change in Presidential Administration, changes in department or agency heads, or changes resulting from the creation of a new department or agency. Such positions may be either (1) identical to existing Schedule C positions (ITC's) if intent to vacate these positions has been put in writing by management or the present incumbent(s), or (2) new temporary Schedule C positions (NTC's) when it has been determined that the department or agency heads' needs cannot be met through the establishment of a position identical to an existing Schedule C position. This amendment permits agencies to extend, for one additional 120-day calendar period, an appointment made to either an ITC or NTC position.

Pursuant to Sections 553(b)(3)(B) and 553(d)(3) of title 5 of the United States Code, the Director finds that good cause exists for waiving the general notice of proposed rulemaking as well as to make this amendment effective in less than 30 days. The notice is being waived and the regulation made effective immediately because of the staffing activity/needs currently underway in the agencies as a result of the continuing transition to the new Administration.

E.O. 12291, Federal Regulation

OPM has determined that this is not a major rule for the purposes of E.O. 12291, Federal Regulation, because it will not result in:

(1) An annual effect on the economy of $100 million or more;

(2) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

(3) Significant adverse effects on competition, employment, investment, productivity, innovation or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Regulatory Flexibility Act

The Director, Office of Personnel Management, certifies that this regulation will not have a significant economic impact on a substantial number of small entities, including small business, small organizational units and small governmental jurisdictions.

Office of Personnel Management.

Beverly McCain Jones,

Issuance System Manager.

Accordingly, OPM is revising 5 CFR 213.3303(b) to read as follows:

§ 213.3303 Temporary Schedule C positions during a Presidential transition, as a result of changes in department or agency heads or at the time of the creation of a new department or agency.

* * * * *

(b) Individual appointments under this authority may be made for 120 days, with one additional extension of 120 days. These positions must be of a confidential or policy-determining character, and are subject to instructions issued by the Office of Personnel Management.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218)

[FR Doc. 81–17773 Filed 6–15–81; 8:45 am]

BILLING CODE 6325–01–M

5 CFR Part 930

Programs for Specific Positions and Examinations; Administrative Law Judges

AGENCY: Office of Personnel Management (OPM).

ACTION: Final rulemaking.

SUMMARY: OPM is issuing this regulation to promote Administrative Law Judges (ALJs) within an agency. This regulation is necessary because there is currently no regulation governing the promotion of ALJs within their own agencies. This regulation would also provide greater equity and assist in more easily attracting and retaining well-qualified ALJs.

EFFECTIVE DATE: July 16, 1981.

FOR FURTHER INFORMATION CONTACT: Judge Marvin H. Morse, 202–632–4604.

SUPPLEMENTARY INFORMATION: On November 18, 1980, OPM published proposed regulations (45 FR 76183) to promote ALJs within an agency.

A primary purpose of the Administrative Procedure Act (APA) is to assure the independence of the ALJs who preside at APA formal hearings.

Currently, the regulation governing transfers, 5 CFR 930.206, permits a GS–15 ALJ to transfer noncompetitively to another agency at the GS–16 grade level if the person has eligibility on the GS–16 ALJ register and has served as a GS–15 ALJ for at least one year. However, the agency cannot appoint one of its own ALJs to a vacancy unless the ALJ is "within reach" on the register. In short, there is no present regulation governing the promotion of an ALJ within his/her

own agency where there are ALJs at two (2) or more different grade levels.

The proposed regulation provides a practical management tool to meet problems arising from a two-grade structure in an agency. Under this regulation, the agency has discretion to decide that a certain number of vacancies should be filled from within the agency, while OPM retains the sole responsibility for selecting the most qualified ALJs to fill these positions.

Analysis of Comments: The proposed regulation provided a 60-day period for public comment. OPM received comments from two agencies, one organizational group and two individuals. Two of the comments (from one agency and one organizational group) concurred fully in the proposed regulation and two others (from one agency and one individual) concurred but made certain suggestions as to the wording of the proposed regulation. These suggestions have been adopted. Finally, one individual does not agree fully with the intent of the proposed regulation. This individual did make several suggestions, one of which has been adopted.

Section 930.204(a)—One agency expressed the concern that the proposed regulation would be erroneously interpreted as including promotions to ALJ positions having heavy managerial and administrative responsibilities. To meet this concern, language is being added to the regulation to make clear that the regulation pertains only to appointments to positions which because of their substantive and technical nature warrant a grade GS–16; the regulation does not pertain to positions which because of their managerial and administrative nature warrant a grade GS–16.

Section 930.204(b)—One individual suggested language to insure that the regulation does not appear to imply that the employing agency may have a residual authority to decide whether or not to promote an ALJ selected by OPM. To meet this point, the language has been adopted into the regulation. Another individual commented on the proposed statement "No more than twice a year * * *", and asked if it were to be a calendar or fiscal year, or a twelve month period. The text has been clarified to provide that "No more than twice during a calendar year * * *" This individual asks also why only twice and not three or four times. Our response is that it is administratively reasonable and practicable to contemplate two cycles in one calendar year. The same individual does not agree in principle with the thrust of the regulation generally and appears to suggest that the "status quo" be maintained. We do not agree for the reasons stated above. E.O. 12291, Federal Regulation: OPM has determined that this is not a major rule for the purposes of E.O. 12291, Federal Regulation, because it will not result in:

(1) An annual effect on the economy of $100 million or more;

(2) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

(3) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Regulatory Flexibility Act: The Director, OPM, certifies that this regulation will not have a significant economic impact on a substantial number of small entities, including small businesses, small organizational units and small governmental jurisdictions.

Office of Personnel Management.

Beverly McCain Jones,

Issuance System Manager.

Accordingly, OPM is revising § 930.204 of Title 5 of the Code of Federal Regulations to read as follows:

§ 930.204 Promotion.

(a) When the Office of Personnel Management classifies an occupied administrative law judge position at a higher grade, the Office of Personnel Management shall direct the promotion of the incumbent administrative law judge and the promotion is effective on the date named by the Office of Personnel Management. This regulation pertains only to appointments to positions which because of their substantive and technical nature warrant a grade GS–16; the regulation does not pertain to positions which because of their managerial and administrative nature warrant a grade GS–16.

(b) No more than twice during a calendar year, an agency may notify the Office of Personnel Management that it wishes to fill a specific number of its grade GS–16 ALJ vacancies from among its grade GS–15 ALJs who are on the GS–16 ALJ register and who have served as judges at the agency for at least one year. The Office of Personnel Management shall select from the grade GS–15 ALJs of that agency those ALJs who it determines are best qualified for appointment to a grade GS–16 ALJ position and shall direct their appointment by the agency to such grade GS–16 ALJ positions.

Authority: 5 U.S.C. 1305, 3105, 5372.

[FR Doc. 81-17774 Filed 6-15-81; 8:45 am]

BILLING CODE 6325-01-M

FEDERAL RESERVE SYSTEM

12 CFR Ch. II

[Docket No. R–0310]

Regulation Y; Real Estate Appraisal Activities

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Termination of rulemaking.

SUMMARY: On November 26, 1980, the Board adopted a final rule adding the performance of appraisals of real estate to the list of those activities permissible for bank holding companies. (45 FR 79750 (1980)). The Board modified the proposed rule by including appraisals of single-family residences in the final rule and invited public comment on this modification.

After considering all of the comments received, the Board has decided to confirm its final rule and terminate rulemaking on this matter.

FOR FURTHER INFORMATION CONTACT: Michael E. Bleier, Assistant General Counsel (202/452–3721), or Michael L. Kadish, Attorney (202/452–3428), Legal Division, Board of Governors of the Federal Reserve System.

SUPPLEMENTAL INFORMATION: In conjunction with an application by First Chicago Corporation, Chicago, Illinois, the Board in June 1980, published notice of a proposed amendment to its Regulation Y that would add the performance of appraisals of real estate other than single-family residences to the list of activities permissible for bank holding companies and their nonbank subsidiaries (45 FR 44963 (1980)). On the basis of the record, the Board determined that the activity of performing appraisals of real estate, including single-family residences, is closely related to banking and that its performance by bank holding companies is likely, in general, to yield net benefits to the public. Accordingly, the Board issued a final rule permitting bank holding companies to perform appraisals of all types of real estate, including single-family residences. The Board requested interested persons to comment on the rule as modified.

After considering all of the comments received, the Board has decided to affirm its findings regarding the activity of performing appraisals of single-family residences and to terminate rulemaking on the matter. Accordingly, the final rule is affirmed.

Board of Governors of the Federal Reserve System, June 10, 1981.

James McAfee,

Assistant Secretary of the Board.

[FR Doc. 81-17775 Filed 6-15-81; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Parts 376, 385, and 399

Revisions to the Regulations Concerning Foreign Policy Export Controls

AGENCY: Office of Export Administration, International Trade Administration, Commerce.

ACTION: Final rule.

SUMMARY: This rule changes the licensing criteria for certain commodities currently subject to foreign policy controls. Applications to export these commodities have been reviewed under the policy relating to crime control equipment. In order to reflect more accurately the foreign policy interests applicable to these commodities, this rule changes the criteria for review to relate to regional stability. The commodities and countries affected remain unchanged.

EFFECTIVE DATE: June 16, 1981.

FOR FURTHER INFORMATION CONTACT: Archie Andrews, Director, Exporters' Service Staff, Office of Export Administration, U.S. Department of Commerce, Washington, D.C. 20230 (Telephone: (202) 377-5247 or 377-4811).

SUPPLEMENTARY INFORMATION: Pursuant to Section 6 of the Export Administration Act of 1979 and following consultation with the Department of State, it has been determined that this rule is necessary to reflect more accurately the foreign policy interest and review criteria applicable to certain military items that, if exported, could adversely affect the stability of the region to which they are destined. These items presently are controlled for foreign policy reasons under criteria relating to crime control and detection equipment, but are being removed from consideration under these criteria to reflect more accurately the basis for control. The controls on these items for national security reasons remain unchanged.

Therefore, this rule amends relevant parts of the Export Administration Regulations to identify those commodities restricted for export in order to maintain stability in a region by doing the following:

Commodities controlled for regional stability are removed from § 376.14 (Crime Control and Detection Commodities) and are included in a new § 376.16 (Regional Stability Commodities and Equipment).

The Export Administration Regulations define specific crime control commodities. Therefore, the ambiguous phrase "particularly useful for crime control and detection" is deleted from paragraph 385.4(b)(2).

A new paragraph 385.4(b)(3) (Regional Stability Commodities and Equipment) is added to the Regulations to list those countries in Country Group V to which exports are *not* controlled for reasons of maintaining regional stability. (For a complete listing of Country Groups, see Supplement No. 1 to Part 370.)

Paragraph 385.4(d) is amended to specify that the commodities removed from crime control remain under anti-terrorist controls for export to Libya, Iraq, People's Democratic Republic of Yemen, and Syria.

Section 385.5 is amended to differentiate between commodities restricted for export for reasons of crime control and those restricted for reasons of regional stability.

Supplement No. 1 to § 399.1 (the Commodity Control List) is amended by adding the number "3" (indicating export controls for reasons of foreign policy, *i.e.*, regional stability) to the Reason for Control column of pertinent commodities, and deleting the number "5" (indicating export controls for reasons of crime control) from the Reason for Control column for those commodities improperly classified as being controlled for reasons of crime control.

This rule will allow the Office of Export Administration to use more appropriate criteria in determining foreign policy impact when evaluating applications to export commodities.

Rulemaking Requirements

In connection with various rulemaking requirements, the Office of Export Administration has determined that:

1. Under Section 13(a) of the Export Administration Act of 1979 (Pub. L. 96-72, 50 U.S.C. app. 2401 *et seq.*) ("the Act"), this rule is exempt from the public participation in rulemaking procedures of the Administrative Procedure Act.

2. This rule does not impose a burden under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*

3. This rule involves a "foreign affairs" function of the United States and, therefore, is exempt from the requirements of Executive Order 12291 (46 FR 13193, February 19, 1981), "Federal Regulation."

4. This rule is not subject to the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*

Section 13(a) of the Export Administration Act of 1979 (Pub. L. 96-72, 50 U.S.C. app. 2401 *et seq.*) ("the Act") exempts regulations promulgated under the Act from the public participation in rulemaking procedures of the Administrative Procedure Act. Section 13(b) of the Act, which expresses the intent of Congress that where practicable "regulations imposing controls on exports" be published in proposed form, is not applicable because this regulation does not impose new controls on exports. Therefore, this regulation is issued in final form. Although there is no formal comment period, public comments on this regulation are welcome on a continuing basis.

Accordingly, the Export Administration Regulations (15 CFR Parts 368 *et seq.*) are amended as follows:

PART 376—SPECIAL COMMODITY POLICIES AND PROVISIONS

1. Section 376.14 is amended by revising paragraph (a) to read as follows:

§ 376.14 Crime control and detection commodities.

(a) *Export License Requirements.* Pursuant to section 6(j) of the Export Administration Act of 1979, an individual validated export license is required for foreign policy purposes to export crime control and detection instruments and equipment and related technical data, except that authorized under General License *GTDA* (§ 379.3) to any destination except Australia, Belgium, Canada, Denmark, France, the Federal Republic of Germany (including West Berlin), Greece, Iceland, Italy, Japan, Luxembourg, the Netherlands, New Zealand, Norway, Portugal, Turkey and the United Kingdom. Commodities affected by this requirement are identified on the Commodity Control List under CCL listings 5480B, 1502A, 1505A, 1516A, 1585A(f)(3), 4585B(e), 4597B, 5597B, 5680B, 1746A(d) (protective garments and devices only), 4799B, 5998B, and 5999B. Applications for validated export licenses generally will be considered favorably on a case-by-case basis unless there is evidence that the government of the importing country may have violated internationally recognized human rights and that the judicious use of export controls would be helpful in deterring the development of a consistent pattern

of such violations or in distancing the United States from such violations.

* * * * *

2. Part 376 is amended by adding a new § 376.16 reading as follows:

§ 376.16 Regional stability commodities and equipment.

Pursuant to section 6 of the Export Administration Act of 1979, a validated export license is required for foreign policy purposes to export:

(a) Military vehicles and certain commodities (specially designed) used to manufacture military equipment, identified on the Commodity Control List under CCL listings 2018A, 1118A, 2406A, and 2603A, to any destination except Australia, Belgium, Canada, Denmark, France, the Federal Republic of Germany (including West Berlin), Greece, Iceland, Italy, Japan, Luxembourg, the Netherlands, New Zealand, Norway, Portugal, Turkey and the United Kingdom. Applications for validated licenses will generally be considered favorably on a case-by-case basis unless there is evidence that the exports would contribute significantly to the destabilization of the region to which the equipment is destined; and

(b) Off-highway wheel tractors, identified on the CCL under CCL listing 6490F, to Libya. (See paragraph 385.4(e) of this chapter.)

PART 385—SPECIAL COUNTRY POLICIES AND PROVISIONS

3. Section 385.4 is amended by revising paragraph (b)(2), adding a new paragraph (b)(3), and revising paragraph (d) to read as follows:

§ 385.4 Country Group V.

* * * * *

(b) * * *

(1) * * *

(2) Crime control and detection commodities. In support of U.S. foreign policy to promote the observance of human rights throughout the world, an individual validated export license is required to export any crime control and detection equipment as defined in § 376.14 to any destination in this country group except Australia, Belgium, Denmark, France, the Federal Republic of Germany (including West Berlin), Greece, Iceland, Italy, Japan, Luxembourg, the Netherlands, New Zealand, Norway, Portugal, Turkey and the United Kingdom.

(3) Regional stability commodities and equipment. In support of U.S. foreign policy to maintain regional stability, an individual validated license is required to export military vehicles and certain commodities used to manufacture military equipment identified in § 376.16, to any destination in this country group (except Australia, Belgium, Canada, Denmark, France, the Federal Republic of Germany (including West Berlin), Greece, Iceland, Italy, Japan, Luxembourg, the Netherlands, New Zealand, Norway, Portugal, Turkey and the United Kingdom. (See paragraph 385.4(e) of this chapter for regional stability controls on exports to Libya.)

(c) * * *

(d) *Libya, Iraq, People's Democratic Republic of Yemen, and Syria.* As authorized by section 6 of the Export Administration Act of 1979, a validated license is required for foreign policy purposes for the export to Libya, Iraq, People's Democratic Republic of Yemen, and Syria (countries that have repeatedly provided support for acts of international terrorism) of crime control and detection equipment (see § 376.14); of military vehicles and items specially designed to produce military equipment as defined in CCL entries 2018A, 1118A, 2406A, and 2603A (see § 376.16); of aircraft valued at $3 million each or more, and helicopters over 10,000 pounds empty weight as defined in CCL entries 1460A(a), 1460A(b) and 5460F; and of goods or technology subject to national security controls if the export is destined to military end-users or for military end-uses and is valued at $7 million or more. In the case of the use abroad of U.S.-origin parts, components, or materials (see § 376.12) the dollar limits set forth above apply to the U.S. content. Applications for validated export licenses will be considered on a case-by-case basis to determine whether issuance of a license would be consistent with the provisions of section 6 and the applicable policies set forth in section 3 of the Act (exports subject to national security controls also must meet the national security provisions of the Act). Pursuant to the requirements in subsection 6(i) of the Act, before any application valued at $7 million or more is approved, the appropriate Congressional Committees will be notified.

* * * * *

4. Part 385 is amended by revising § 385.5 to read as follows:

§ 385.5 Country Group T; North America, Central America and South America.

In support of U.S. foreign policy, an individual validated export license is required to export crime control and detection equipment, as identified in § 376.14, and military vehicles and certain machinery and commodities (specially designed) used to manufacture military equipment, as identified in § 376.16, to any destination in Country Group T.

PART 399—COMMODITY CONTROL LIST AND RELATED MATTERS

§ 399.1 Commodity Control List incorporated by reference.

5. The Commodity Control List (Supplement No. 1 to § 399.1) is amended by revising the Reason for Control column for entries 2018A, 1118A, 2406A and 2603A to read as follows:

(a) The Reason for Control column of CCL entry 2018A is revised to read as follows (information in other columns is unchanged):

[2018A]

Reason for control
1,3

2018A Specialized machinery, equipment, gear, and specially designed parts and accessories therefor, specially designed for the examination, manufacture, testing, and checking of the arms, ammunition, appliances, machines, and implements of war.

* * * * *

(b) The Reason for Control column of CCL entry 1118A is revised to read as follows (information in other columns is unchanged):

[1118A]

Reason for control
1,3

1118A Equipment for the production of military explosives and solid propellants, as follows:

(a) Complete installations;

(b) Specialized components (for example, dehydration presses; extrusion presses for the extrusion of small arms, cannon and rocket propellants; cutting machines for the sizing of extruded propellants; sweetie barrels (tumblers) 6 feet and over in diameter and having over 500 pounds product capacity; and continuous mixers for solid propellants); or

(c) Nitrators, continuous types; and

(d) Specially designed parts and accessories therefor.

(c) The Reason for Control column of CCL entry 2406A is revised to read as follows (information in other colums is unchanged):

[2406A]

Reason for control
1,3

2406A Vehicles specially designed for military purposes, as follows:

* * * * *

(d) The Reason for Control column of CCL entry 2603A is revised to read as follows (information in other columns is unchanged):

[2603A]

	Reason for control
.....	1,3

2603A Specially designed components and parts for ammunition, *except cartridge cases, powder bags, bullets, jackets, cores, shells, projectiles, boosters, fuses and components, primers, and other detonating devices and ammunition belting and linking machines.* (Specify by name.)

(Secs. 3, 6, 13 and 15, Pub. L. 96–72, 93 Stat. 503, 50 U.S.C. app. § 2401 *et seq.*; Executive Order No. 12214 (45 FR 29783, May 6, 1980); Department Organization Order 10–3 (45 FR 6141, January 25, 1980); International Trade Administration Organization and Function Orders 41–1 (45 FR 11862, February 22, 1980) and 41–4 (45 FR 65003, October 1, 1980)

Dated: June 3, 1981.

William V. Skidmore,

Director, Office of Export Administration, International Trade Administration.

[FR Doc. 81–17602 Filed 6–15–81; 8:45 am]

BILLING CODE 3510–25–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[T.D. 7777]

Withholding of Tax on Nonresident Aliens and Foreign Corporations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Correction of final rule.

SUMMARY: This document corrects a typographical error in the publication of Treasury Decision 7777 on withholding of tax on nonresident aliens and foreign corporations.

EFFECTIVE DATE: This correction is effective as of May 21, 1981, the date that Treasury Decision 7777, was published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Catherine Kelly Banks of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224, Attention: CC:LR:T 202–566–3289.

SUPPLEMENTARY INFORMATION:

Background

On May 21, 1981, the **Federal Register** published Treasury Decision 7777 (46 FR 27635). That Treasury decision revoked a regulation under section 1441 of the Internal Revenue Code of 1954, concerning withholding of tax on nonresident aliens and foreign corporations.

Need for Correction

A typographical error was made in the published regulation concerning the effective date of the revocation of the regulation. This document corrects this error by changing the date in the regulation from "June 18, 1981" to "June 22, 1981".

Drafting Information

The principal author of this correction is Catherine Kelly Banks of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service.

Correction of Effective Date of Treasury Decision

Accordingly, the effective date contained in Treasury Decision 7777 is corrected to read as follows:

In the published regulation on page 27636 of the **Federal Register** for May 21, 1981, T.D. 7777 is corrected in § 1.1441–4(d) by changing the date "June 18, 1981" to read "June 22, 1981".

David E. Dickinson,

Director, Legislation and Regulations Division.

[FR Doc. 81–17662 Filed 6–11–81; 4:16 pm]

BILLING CODE 4830–01–M

Office of Revenue Sharing

31 CFR Part 51

Deferral of Effective Date for Revenue Sharing Regulations

AGENCY: Office of Revenue Sharing, Treasury Department.

ACTION: Notice of indefinite deferral of effective date of Revenue Sharing handicapped discrimination regulations.

SUMMARY: The effective date of the Revenue Sharing handicapped discrimination regulations which were published in the **Federal Register** on January 5, 1981, will be indefinitely delayed, pending government-wide reconsideration of the enforcement of Section 504 of the Rehabilitation Act of 1973, pursuant to Executive Order 12291, "Federal Regulation."

DATES: The effective date of the deferral of Section 51.55 is June 16, 1981. The effective date of Section 51.55 as published at 46 FR 1120, January 5, 1981, is deferred indefinitely.

FOR FURTHER INFORMATION CONTACT: Richard S. Isen, Acting Chief Counsel, Office of Revenue Sharing; or Jacqueline L. Jackson, Attorney, Office of Chief Counsel, Office of Revenue Sharing, Treasury Department, Washington, D.C. 20226; Telephone: (202) 634–5182

SUPPLEMENTARY INFORMATION: On January 5, 1981, the Office of Revenue Sharing ("ORS") published in the **Federal Register** (46 FR 1120) final handicapped discrimination regulations, implementing Section 504 of the Rehabilitation Act of 1973, as amended, for purposes of the Revenue Sharing Program. The regulations were due to take effect on February 4, 1981. On January 29, 1981, the President issued a Memorandum entitled "Postponement of Pending Regulations," which in part required the deferral for 60 days of the effective date of any final regulation pending at the date of the Memorandum. Pursuant to that Memorandum, the ORS filed a notice with the **Federal Register** on February 2, 1981, which was published on February 5, 1981 (46 FR 10908), deferring the effective date of the regulations until March 30, 1981, to permit reconsideration by the new Administration.

On February 19, 1981, the President issued Executive Order 12291 entitled "Federal Regulations" (46 FR 12193). The Executive Order requires Federal agencies to defer the effective dates of final regulations to permit reconsideration and to prepare a regulatory impact analysis.

On March 26, 1981, the ORS filed a notice with the **Federal Register**, which was published on March 31, 1981 (46 FR 19468), that the regulation would be further delayed for a period of 60 days. A companion notice was published in the **Federal Register** on April 3, 1981 (46 FR 20230) requesting public comment on whether to issue these regulations in interim form pending reconsideration. Comment was also requested on whether to delete Section 51.55(b)(1)(ix) of the regulation which prohibits discrimination by recipient governments in the exercise of their zoning authority. The ORS received 142 comments during the comment period. On June 1, 1981, the ORS published a notice in the **Federal Register** (46 FR 29261) further delaying the effective date until June 16, 1981, to provide additional time for review of the comments. These comments are discussed below:

Analysis of Comments

The majority of the comments were from organizations representing the handicapped, particularly mentally retarded persons. The next largest group

of comments were from private citizens who espoused the same point of view as the handicapped organizations. The third group of commenters consisted of local governments and organizations representing them.

The organizations and persons representing the handicapped requested that the regulations be issued as interim and that the zoning provision be retained. The local governments and organizations representing them requested that the revenue sharing handicapped discrimination regulations be indefinitely delayed pending completion of the reconsideration of Section 504. They further requested that the zoning provision be deleted.

Specific comments concerning these issues are set forth below:

I. Whether the Regulations Should Be Issued With Interim Effect

Recipient governments and their organizations stated the opinion that the regulations should be indefinitely delayed because issuance with interim effect may result in recipient governments undertaking a significant amount of planning and capital improvement prior to a determination, during the government-wide review, that they were necessary. They believe that local governments should not be subjected to a set of rules that would likely be amended.

The commenters stated their agreement with the purpose of Executive Order 12291, which is to come to grips with the massive amounts of Federal regulations. The commenters stated that unless there was a compelling reason involving the public good, the regulations should be withheld pending full and complete review of the costs and burdens to local governments that these regulations may require. Lastly, several local governments expressed concern about the fact that they were under serious budget constraints as a result of inflation. They believed these regulations would result in increased expenditures without providing additional revenue sharing funds to meet the cost. It was, therefore, believed to be in the best interest of all concerned for the regulations to be fully reviewed to determine on a government-wide basis how Section 504 can be implemented in the most cost effective manner, with a minimum of financial and administrative burdens.

Organizations representing the handicapped and some private citizens expressed the view that the issuance of the Revenue Sharing regulations was long overdue. They stated that recipient governments and beneficiaries alike have been without formal guidance as to the application of Section 504 to the General Revenue Sharing Program. Further delay was characterized as being unwarranted because the regulations have been subjected to the rule-making process involving extensive public comment. The commenters did not object to the reconsideration of the regulations, but objected to any further delay of the effective date for that purpose. The implementation of Section 504 was not deemed to be too costly because of the fact that most Revenue Sharing recipients are currently implementing Section 504 regulations issued by other Federal agencies.

The commenters felt that an Executive Order should not be able to abrogate statutory requirements that became effective more than four years ago. The commenters stated that the appropriate approach would be to seek a change in the law, not to have the regulations deferred indefinitely.

II. Whether Zoning Provision Should Be Deleted

Local government commenters stated the opinion that the zoning provision would be an unwarranted intrusion by the Federal government in the zoning authority of local governments, one of their most closely guarded police powers. The provision was alleged to be tantamount to abusing the system of Federalism.

Local government commenters further questioned the statutory authority of the ORS to enter into this area. The commenters expressed their opposition to use of the Revenue Sharing Program as a vehicle for Federal intervention in the zoning authority of local governments. Particular objection was expressed to ORS having the authority to review zoning decisions for possible discrimination, where no such authority currently exists. Local government commenters stated that a community's zoning authority is within the jurisdiction of the State legislatures and that it is, therefore, the State's role to police the legality of local government's use of their zoning authority. The nature of zoning was not deemed to easily lend itself to the prevention of discrimination because zoning is oriented towards the control of land use, not people.

Lastly, several commenters complained that the provision was too vague and might result in numerous interpretations and unnecessary Federal intervention in local zoning matters.

Organizations representing the handicapped considered the regulation to be a step forward in assuring full participation of handicapped citizens in residential communities. The opportunity to seek and obtain housing facilities of the same type available to the general public was deemed one of the most important benefits for which handicapped persons could hope. A denial of that benefit was considered a serious limitation of efforts to share as normal an environment as is consistent with their capabilities and potential. One commenter pointed out that most States do not have laws which protect handicapped citizens from zoning discrimination, making it more difficult to bring actions in State courts. Several commenters stated that while they recognized zoning to be primarily within the jurisdiction of State and local governments, they did not believe there was an appropriate and effective recourse in State courts because it was expensive and impractical. Accordingly, the zoning provision provided a valuable legal tool to challenge use of restrictive residential zoning which might prohibit the placement of family-like group homes for handicapped citizens in residential areas.

A number of commenters stated that there was a corresponding Federal legal remedy available because most local governments are recipients of Federal funds. They did not believe that Federal funds should be used in a manner which would have the effect of countermanding the basic national policy expressed in Section 504.

One commenter suggested that the zoning provision was necessary to spur and assist local governments in providing for the development of group homes for handicapped people. The commenter stated that frequently, government officials wish to accommodate such homes, but are afraid to take a favorable position because of allegedly unfounded neighborhood opposition. The local officials would be able to justify their actions if they are acting under authority of the Federal government.

Several commenters pointed out that the purpose of Section 504 is to prohibit any action which has the effect of discriminating against the handicapped. They stated that the issue is not whether zoning actions are traditionally within the province of State and local governments, but whether zoning actions result in unlawful discrimination against handicapped individuals. The commenters stressed that handicapped individuals have a legal and moral right to live where they choose, as well as any other citizen of this country. A number of commenters analogized handicapped discrimination which discrimination against other protected classes. Inasmuch as recipient governments are required not to

discriminate against other minorities, the inclusion of provisions to protect the rights of the disabled was viewed as not being unduly intrusive into the sovereign authority of local governments. The commenters pointed out that restrictive zoning in residential neighborhoods and discrimination concerning access to public services or facilities on the basis of race have been prohibited by the Federal government, including ORS, for a long time. Section 504 is designed to provide the same protections for the disabled. ORS was deemed to be the one agency whose funds could be traced to the exercise by a recipient government of its zoning authority.

Indefinite Delay of Regulations

While the Department recognizes the need for final regulations to provide specific guidance to Revenue Sharing recipients and the public concerning the enforcement of Section 504 with respect to the General Revenue Sharing Program, we are persuaded that the regulations should not become effective at this time. The overall review of the government-wide enforcement of Section 504 should be completed prior to issuance of specific regulations. It is not known how extensive the revision to the HEW Guidelines, which provide the basis for government-wide enforcement of Section 504, will be. To require recipient governments to implement provisions which may be eliminated in the near future does not appear to be the most reasonable course of action at this time.

ORS has enforced Section 504 since January 1, 1977, as required by the 1976 Amendments to the Revenue Sharing Act. Pursuant to those Amendments, on April 6, 1977, the ORS issued interim regulations which contain a basic general prohibition against discrimination on the basis of handicap as provided in Section 504 of the Rehabilitation Act of 1973 (31 CFR Sections 51.50, 51.52). With this authority, the ORS has enforced the Revenue Sharing Act's prohibition against handicap discrimination in accordance with Executive Order 12250. While the specific guidance of subject final Revenue Sharing regulations would be useful, they are not essential for ORS to implement its statutory duty with respect to Section 504. Accordingly, the Department has decided to indefinitely defer the effective date of the final Revenue Sharing handicapped discrimination regulations pending reconsideration of government-wide enforcement of Section 504 pursuant to Executive Order 12291.

Authority

This notice is issued under the authority of the State and Local Fiscal Assistance Act of 1972, as amended (31 U.S.C. 1221 *et seq.*) and Treasury Department Order No. 224 (January 26, 1973) (33 FR 3342) as amended by Treasury Department Order No. 242 Revision No. 1, May 17, 1977.

Dated: June 11, 1981.

Kent Peterson,

Acting Director, Office of Revenue Sharing.

Robert W. Rafuse, Jr.,

Deputy Assistant Secretary (State and Local Finance).

[FR Doc. 81-17822 Filed 6-11-81; 3:40 pm]

BILLING CODE 4810-28-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 86

[EN-FRL-1844-6]

Revised Motor Vehicle Exhaust Emission Standards for Carbon Monoxide (CO) for 1981 and 1982 Model Year Light-Duty Vehicles

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes CO emission standards for two Subaru of America, Inc. (Subaru) 1981 and 1982 model year light-duty vehicle engine families for which I have granted waivers from the standard otherwise applicable under section 202(b)(5) of the Clean Air Act, 42 U.S.C. § 7521(b)(5). The effect of this regulation is to allow the affected manufacturer to introduce into commerce the vehicles in question under the higher waived CO emission standard prescribed here.

EFFECTIVE DATE: June 9, 1981.

FOR FURTHER INFORMATION CONTACT: Michael Chernekoff, Attorney/Advisor, Manufacturers Operations Division (EN-340), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, (202) 472-9421.

PUBLIC DOCKET: Information relevant to this rule, including the accompanying decision document, is contained in Public Docket EN-81-6 at the Central Docket Section of the Environmental Protection Agency (EPA), Gallery I, 401 M Street, SW., Washington, D.C. 20460 and is available for review between the hours of 8:00 a.m. and 4:00 p.m. Copies of this information, and the decision document itself, may be obtained in the Central Docket Section. Copies of the decision document may also be obtained from EPA's Manufacturers Operations Division at the address and phone number provided above. As provided in 40 CFR Part 2, a reasonable fee may be charged for copying services.

SUPPLEMENTARY INFORMATION: Section 202(b)(1)(A) of the Clean Air Act ("the Act"), 42 U.S.C. 7521(b)(1)(A), requires that regulations applicable to CO emissions from light-duty vehicles or engines manufactured during or after the 1981 model year shall contain standards which require a reduction of at least 90 percent from CO emission levels allowable under the 1970 model year standards. Regulations implementing this requirement have established a CO standard, often referred to as the statutory standard for CO, of 3.4 grams per vehicle mile (g/mi).

Section 202(b)(5) of the Act authorizes the Administrator, on application of any manufacturer, to waive the statutory CO standard for the 1981 and 1982 model years for any light-duty vehicle model regarding which the Administrator can make certain findings. In these cases, the Act requires that I promulgate substitute CO standards for 1981 and 1982 model year light-duty vehicles as discussed below. Subaru submitted an application for waivers for two of its light-duty vehicle models for the 1981 and 1982 model years which were denied waivers in a decision published at 44 FR 69417 (December 3, 1979). Subaru has now submitted a petition for reconsideration of those denials applicable to the same vehicle models for the same model years and has stated that these vehicles are experiencing severe driveability problems in use. The statutory criteria, my determinations regarding the criteria with respect to the vehicle models covered by the waiver application, and my decision to grant the waiver application appear in a decision available in the Public Docket and the Manufacturers Operations Division, as stated above. In that decision, I granted waivers covering the following vehicle models (engine families for purposes of that decision) for the model years in question:

Manufacturer	Engine family (liter(s))	Model year
Subaru of America, Inc	1.6	1981, 1982
	1.8	1981, 1982

The basis for my decision is that Subaru has established that effective control technology is not available for its engine families in question, considering the severe driveability problems its 1981 model year vehicles have exhibited in use (and its 1982

model year vehicles are projected to exhibit) and which the record indicates there is no reasonable method of correcting while still meeting the statutory standard.

Once I have decided to grant the waiver application for these vehicle models, the Act requires that I simultaneously promulgate regulations adopting emission standards not permitting CO emissions from vehicles of these engine families to exceed 7.0 g/mi. Moreover, the Act further requires that I promulgate regulations establishing these standards no later than 60 days after I receive the waiver applications in question. The public has been afforded an opportunity to comment on the waiver applications at issue, and I have considered those comments in making the decision which requires the promulgation of this amended rule.

For these reasons, I find that providing notice and an opportunity to comment before final promulgation of the amendment contained in this rulemaking is impracticable and unnecessary.

I find that good cause exists to make this rule become effective immediately since it would avoid delaying further Subaru's planned changes in its 1981 model year vehicles and it would avoid the possibility of forcing Subaru to delay introducing its 1982 model year vehicles into commerce because it must wait to receive certificates of conformity for these models until this rule becomes effective. Moreover, this rule only relieves restrictions, and imposes no new requirements on Subaru.

Note.—Because the decision accompanying this rulemaking already is based on a detailed analysis indicating that this rulemaking will have a negligible effect on air quality, the Environmental Protection Agency has not prepared an Environmental Impact Statement to accompany this rulemaking.

Under Executive Order 12291, EPA must judge whether an action is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This action is not major because it is not likely to result in:

(1) An annual effect on the economy of $100 million or more;

(2) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

(3) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Subaru has submitted information indicating that it is willing to absorb the costs of making the necessary calibration changes, and the total costs it projects for these changes are substantially below $100 million. Also, granting this waiver request will not result in an increase in cost or prices to consumers, individual industries (other than Subaru, the applicant), or governmental bodies. Finally, this action could help make Subaru vehicles more competitive and thus reduce any adverse effects on U.S. Subaru dealerships, in particular, and the economy, in general, which could have resulted from a reduction in consumer demand for Subaru vehicles.

This action was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291. Any comments from OMB to EPA and any EPA response to those comments are available for public inspection at Public Docket EN-81-6 located in EPA's Central Docket Section (A-130), 401 M Street, S.W., Washington, D.C. 20460.

Finally, under the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, EPA is required to determine whether a regulation will have a significant economic impact on a substantial number of small entities so as to require a regulatory analysis. The interim CO emission standard amended by this notice directly affects only Subaru, which is not a "small entity" under the Regulatory Flexibility Act. Therefore, pursuant to 5 U.S.C. 605(b), I hereby certify that this rule will not have a significant economic impact on a substantial number of small entities.

These amendments are issued pursuant to sections 202 and 301(a) of the Clean Air Act, as amended, 42 U.S.C. 7521 and 7501(a).

Dated: June 9, 1981.

Anne M. Gorsuch,

Administrator.

For the reasons set forth above, 40 CFR 86.081-8(a)(1)(ii) is revised to read as follows:

§ 86.081-8 Emissions standards for 1981 light-duty vehicles.

(a)(1) * * *

(i) * * *

(ii) Carbon monoxide—3.4 grams per vehicle mile (2.11 grams per vehicle kilometer), except that carbon monoxide emissions from light-duty vehicles of the following 1981 model year engine families shall not exceed 7.0 grams per vehicle mile (4.35 grams per vehicle kilometer):

Manufacturer	Engine family
American Motors Corp.	151 CID.
	258 CID.
BL Cars, Ltd.	215 CID.
	326 CID.
Chrysler Corp.	1.7 liter.
	2.2 liter.
	2.6 liter.
	3.7 liter.
	5.2 liter/2-V.
	5.2 liter/4-V.
Excalibur Motors, Ltd., Ford Motor Co.	305 CID.
	1.3 liter.
	1.6L liter/2V overhead camshaft.
	2.3 liter/turbocharged.
General Motors Corp.	1.6 liter.
	2.8 liter/173 CID-2V.
	3.8 liter/231 CID-2V.
	3.8 liter/231 CID-4V turbocharged.
Lotus Cars, Ltd., Subaru of America, Inc.	2.0 liter.
	1.6 liter.
	1.8 liter.
Toyo Kogyo Co., Ltd.	91 CID.
	120 CID.
Toyota Motor Co., Ltd.	88.6 CID.

* * * * *

40 CFR 86.082-8(a)(1)(ii) is revised to read as follows:

§ 86.082-8 Emissions standards for 1982 light-duty vehicles.

(a)(1) * * *

(i) * * *

(ii) Carbon monoxide—3.4 grams per vehicle mile (2.11 grams per vehicle kilometer), except that carbon monoxide emissions from light-duty vehicles of the following 1982 model year engine families shall not exceed 7.0 grams per vehicle mile (4.35 grams per vehicle kilometer):

Manufacturer	Engine family
American Motors Corp.	151 CID.
	258 CID.
BL Cars, Ltd.	215 CID.
	316 CID.
Chrysler Corp.	1.6 liter.
	1.7 liter.
	2.2 liter.
	2.6 liter.
	3.7 liter.
	5.2 liter/2-V.
	5.2 liter/4-V.
Excalibur Motors, Ltd., Ford Motor Co.	305 CID.
	1.6 liter
	2.3L/turbocharged.
	3.8 liter/V-6.
General Motors Corp.	1.6 liter.
	1.8/2.0 liter.
	2.8 liter/173 CID-2V.
	3.8 liter/231 CID-2V.
Subaru of America, Inc.	1.6 liter.
	1.8 liter.
Toyota Motor Co., Ltd., Volkswagen of America.	88.6 CID.
	1.7 liter/FBC.

* * * * *

(Sections 202 and 301(a) of the Clean Air Act, as amended, 42 U.S.C. 7521 and 7501(a))

[FR Doc. 81-17805 Filed 6-15-81; 8:45 am]

BILLING CODE 6560-29-M

40 CFR Part 228

[WH-FRL 1853-4]

Ocean Dumping—Final Designation of Sites

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA today designates five ocean disposal sites off Hawaii for continuing use for the disposal of dredged material. This action is

necessary to provide ocean dumping sites for the disposal of dredged material from Hawaiian harbors. Dredging of these harbors is necessary to maintain adequate navigational depths. This action will change the interim designation of some sites to a permanent designation based upon environmental and other considerations and will also change the location of some sites to more environmentally acceptable locations.

DATE: These site designations shall become effective on June 16, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. T. A. Wastler, Chief, Marine Protection Branch (WH–585), EPA, Washington, D.C. 20460, 202/755–0356.

SUPPLEMENTARY INFORMATION: Section 102(c) of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended, 33 U.S.C. 1401 et seq., (hereafter "the Act") gives the Administrator of EPA the authority to designate sites where ocean dumping may be permitted. On September 19, 1980, the Administrator delegated the authority to designate ocean dumping sites to the Assistant Administrator for Water and Waste Management. These proposed site designations are being made pursuant to that authority.

The EPA Ocean Dumping Regulations (40 CFR Chapter I, Subchapter H, Section 228.4) state that ocean dumping sites will be designated by publication in this Part 228. A list of "Approved Interim and Final Ocean Dumping Sites" was published on January 11, 1977 (42 FR 2461 et seq.) and extended on December 9, 1980 (45 FR 81042 et seq.). That list established these sites as interim sites, pending completion of an Environmental Impact Statement (EIS) evaluating environmental effects of dumping dredged material at those locations.

On November 14, 1980, EPA proposed designation of five sites off Hawaii for the disposal of dredged material resulting from maintenance dredging of six harbors in Hawaii. (45 FR 75241). The proposed rulemaking contained detailed information regarding these five sites. The public comment period expired on January 13, 1981. No comments were received.

The EPA has prepared a Final EIS entitled "Final Environmental Impact Statement for Hawaii Dredged Material Disposal Site Designation," which was prepared in accordance with EPA policy which provides for voluntary preparation of EIS's for certain specific regulatory actions. The Final EIS was filed with the EPA Office of Environmental Review on October 1, 1980, and a notice of availability for public review and comment was published in the **Federal Register** on October 10, 1980. The public comment period on this Final EIS closed November 10, 1980.

Based on the information reported in the Final EIS, EPA is designating these five sites for continuing disposal of dredged materials. These materials result from the maintenance dredging of six harbors in Hawaii, which generally becomes necessary in each harbor every five to ten years. For additional information regarding these sites and the anticipated environmental consequences of dumping dredged material at the sites, interested parties should examine the EIS.

The designation of the five Hawaii dredged material disposal sites as EPA Approved Ocean Dumping Sites is being published as final rulemaking. Management authority on these sites will be delegated to the Regional Administrator of EPA Region IX.

The Office of Management and Budget has exempted this regulation from the OMB review requirements of Executive Order 12291 pursuant to Section 8(b) of that Order.

Under the Regulatory Flexibility Act, EPA is required to perform a Regulatory Flexibility Analysis for all rules which may have a significant impact on a substantial number of small entities. Since this rule only establishes an option for disposal of dredged material from six harbors in Hawaii, EPA has determined that it will not have a significant impact on small entities. Consequently, this rule does not trigger the requirements for preparation of a Regulatory Flexibility Analysis.

The proposed site designation is hereby promulgated without change, as set forth below.

Authority: 33 U.S.C. Sections 1412 and 1418.

Dated: May 31, 1981.

James N. Smith,

Acting Assistant Administrator for Water and Waste Management.

In consideration of the foregoing, Subchapter H of Chapter I of Title 40 is amended by adding to Section 228.12(b) (8) through (12) five ocean dumping sites for Region IX as follows:

§ 228.12 Delegation of management authority for interim ocean dumping sites.

* * * * *

(b) * * *

(8) South Oahu Site—Region IX.

Location (center point): Latitude—21°15'10" N., Longitude—157°56'50" W.
Size: 2 kilometers wide and 2.6 kilometers long.
Depth: Ranges from 400 to 475 meters.
Primary Use: Dredged material.
Period of Use: Continuing use.
Restriction: Disposal shall be limited to dredged material.

(9) Nawiliwili Site—Region IX.

Location (center point): Latitude—21°55'00" N. Longitude—159°17'00" W.
Size: Circular with a radius of approximately 920 meters.
Depth: Ranges from 640 to 1,120 meters.
Primary Use: Dredged material.
Period of Use: Continuing use.
Restriction: Disposal shall be limited to dredged material.

(10) Port Allen Site—Region IX.

Location (center point): Latitude—21°50'00" N. Longitude—159°35'00" W.
Size: Circular with a radius of approximately 920 meters.
Depth: Ranges from 1,460 to 1,610 meters.
Primary Use: Dredged material.
Period of Use: Continuing use.
Restriction: Disposal shall be limited to dredged material.

(11) Kahului Site—Region IX.

Location (center point): Latitude—21°04'42" N. Longitude—156°29'00" W.
Size: Circular with a radius of approximately 920 meters.
Depth: Ranges from 345 to 365 meters.
Primary Use: Dredged material.
Period of Use: Continuing use.
Restriction: Disposal shall be limited to dredged material.

(12) Hilo Site—Region IX.

Location (center point): Latitude—19°48'30" N. Longitude—154°58'30" W.
Size: Circular with a radius of approximately 920 meters.
Depth: Ranges from 330 to 340 meters.
Primary Use: Dredged material.
Period of Use: Continuing use.
Restriction: Disposal shall be limited to dredged material.

[FR Doc. 81–17807 Filed 6–15–81; 8:45 am]
BILLING CODE 6560–29–M

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40 CFR Part 228

[WH-FRL 1853-3]

Ocean Dumping; Final Designation of Site

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA today designates the existing acid wastes dumpsite located in the New York Bight as an EPA approved Ocean Dumping Site for the dumping of aqueous acid wastes. The current designation of this site as an "interim" dumpsite expires on December 31, 1982. This action is necessary to provide an

ocean dumping site for the disposal of these materials.

DATE: This site designation shall become effective on June 16, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. T. A. Wastler, Chief, Marine Protection Branch (WH-585), EPA, Washington, DC 20460, 202/755-0356.

SUPPLEMENTARY INFORMATION: Section 102(c) of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended, 33 U.S.C. 1401 et seq. (hereafter "the Act"), gives the Administrator of EPA the authority to designate sites where ocean dumping may be permitted. On September 19, 1980, the Administrator delegated the authority to designate ocean dumping sites to the Assistant Administrator for Water and Waste Management. This site designation is being made pursuant to that authority.

The EPA Ocean Dumping Regulations (40 CFR Chapter I, Subchapter H, Section 228.4) state that ocean dumping sites will be designated by publication in this Part 228. A list of "Approved Interim and Final Ocean Dumping Sites" was published on January 11, 1977 (42 FR 2461 et seq.) and extended on December 9, 1980 (45 FR 81042 et seq.). That list established this site as an interim site, pending completion of an Environmental Impact Statement (EIS) evaluating environmental effects of dumping material at this location.

On May 29, 1980, EPA proposed designation of this site for the disposal of aqueous industrial wastes (45 FR 36099). The public comment period expired on July 29, 1980.

A Final Environmental Impact Statement entitled "Environmental Impact Statement for New York Bight Acid Wastes Disposal Site Designation" was prepared in accordance with EPA policy which provides for the voluntary preparation of EIS's for certain specific regulatory actions. A notice of availability of the Final EIS was published in the **Federal Register** on November 28, 1980 (45 FR 79156). The public comment period expired on December 29, 1980.

Two comments were received in response to the proposed rule. One comment concerned the appropriateness of using the acid site for ocean dumping under an emergency permit. The Agency recognizes that there is another site available for emergency ocean dumping—the 106-mile site—and prefers to use that site in most instances. However, such a determination would be made on a case-by-case basis and would be in accordance with all statutory requirements for the issuance of emergency permits. Thus, in the final rule we have deleted the reference to dumping under emergency permits.

The other comment was related to the need to discuss alternatives other than ocean dumping. The Agency agrees that under the statute it is required to address the need for ocean dumping and the availability of alternative disposal methods. However, such review and evaluation is accomplished on a case-by-case basis during the permitting process.

The designation of the existing New York Bight acid wastes dumpsite as an EPA Approved Ocean Dumping Site is being published as final rulemaking. Management authority on this site will be delegated to the Regional Administrator of EPA Region II. The location of the acid site is approximately 27 kilometers east of Long Branch, New Jersey, and south of Long Beach, Long Island, positioned approximately in a rectangle with coordinates as follows: 40d 16' N. to 40d 20' N.; 73d 36' W. to 73d 40' W. The site occupies an area of approximately 41 square kilometers. Water depths within this area range from 22.6 meters to 28.3 meters. The site was selected in 1948 and has been used since for the disposal of aqueous acid wastes.

The Office of Management and Budget has exempted this regulation from the OMB review requirements of Executive Order 12291 pursuant to Section 8(b) of that Order.

Under the Regulatory Flexibility Act, EPA is required to perform a Regulatory Flexibility Analysis for all rules which may have a significant impact on a substantial number of small entities. Since this rule only establishes an option for disposal by a small number of potential dumpers of aqueous acid wastes, EPA has determined that it will not have a significant impact on small entities. Consequently, this rule does not trigger the requirements for preparation of a Regulatory Flexibility Analysis.

(33 U.S.C. Sections 1412 and 1418)

Dated: May 31, 1981.

James N. Smith,

Acting Assistant Administrator for Water and Waste Management.

In consideration of the foregoing, Subchapter H of Chapter I of Title 40 is amended by adding § 228.12(b)(7), an ocean dumping site for Region II, as follows:

§ 228.12 Delegation of managment authority for interim ocean dumping sites.

* * * * *

(b) * * *

(7) Acid Waste Site—Region II.

Location: Latitude—40d 16' N. to 40d 20' N. Longitude—73d 36' W. to 73d 40' W.

Size: 41 square kilometers.

Depth: Ranges from 22.6 meters to 28.3 meters.

Primary Use: Aqueous acid waste (note restriction below).

Period of Use: Continuing use.

Restriction: Aqueous acid wastes are those that are miscible with seawater and will not form or include a significant solid phase.

(33 U.S.C. 1412 and 1418)

[FR Doc. 81-17608 Filed 6-15-81; 8:45 am]

BILLING CODE 6560-29-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 2

[FCC 81-249]

Relaxation of Rules Adopted in Final Rule Concerning Importation of Certain Electronic Equipment

AGENCY: Federal Communications Commission.

ACTION: Order waiving rules.

SUMMARY: The Commission has relaxed its rules to waive the requirement for use of FCC Form 740 with the entry papers of radio frequency (RF) devices or subassemblies which are imported into the U.S. This requirement was originally established by the REPORT & ORDER in Docket No. 20194 adopted by the Commission on December 10, 1975 (FCC 75-1352). This action is taken due to the current funding and personnel limitations. This waiver is intended to be temporary as dictated by those limitations.

EFFECTIVE DATE: May 31, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Charles Cobbs, Office of Science & Technology 301-725-1585.

Order

Adopted: May 21, 1981.

Released: May 28, 1981.

By the Commission: Chairman Fowler abstaining from voting; Commissioners Quello and Washburn concurring in the result; Commissioner Jones absent.

In the matter of relaxation of rules adopted in report and order in Docket 20194, with respect to importation of certain electronic equipment; FCC 81-249.

1. On December 10, 1975, the Commission adopted a Report and Order in Docket No. 20194 (FCC 75-1352), which was published in the Federal Register (41 FR 25902) on June 23, 1976. The Report and Order adopted new rules (which became effective November 1, 1976) to require the importer of a radio frequency (RF)

device to attach an appropriately completed FCC Form 740 in duplicate to the entry papers of each shipment of each separately identified RF device or subassembly subject to FCC technical or equipment authorization requirements.

2. Since that time, the Commission in a joint effort with the U.S. Customs Service has enforced these rules intended to keep RF devices which have not demonstrated that they are capable of complying with our technical requirements from being imported and distributed to the general public. This program reduces the possibility that equipment that could cause harmful interference to authorized communications is not distributed in the U.S. without Commission scrutiny.

3. While we consider this program useful, it is necessary due to budgetary cutbacks to discontinue for the near future that portion concerning the U.S. Customs Service. This action will be effective at least through the balance of Fiscal Year 1981. It is, therefore appropriate that we waive the applicable FCC regulations which require the submission of FCC Form 740 for each radio frequency device, or subassembly thereof, which is imported into the Customs territory of the United States.

4. Authority for this action is contained in Sections 4(i), 302 and 303(r) of the Communications Act of 1934, as amended. This action affects only the manner and degree of enforcement by the U.S. Customs Service of the Commission's equipment marketing regulations as they apply to imported equipment. The general proscription of Section 302(b) of the Communications Act, and Subpart I of Part 2 of the FCC Rules against importation of non-authorized equipment, foreign and domestic, remain in effect. In addition, this action will reduce the paperwork required for imported equipment, until the resumption of the program. Accordingly, pursuant to Section 553(b)(3)(B) of the Administrative Procedures Act (5 U.S.C. 553(b)(3)(B), we find that prior notice of the attached rules waiver is not required.

5. The Administrative Procedures Act also permits agencies to dispense with the thirty-day waiting period between adoption and effective date of a regulation if good cause is found. (5 U.S.C. Sec. 553(d)(3)). As mentioned above, the funding to the U.S. Customs Service by the Commission for the balance of Fiscal Year 1981 is simply not available. We doubt that a notice requesting comments on the subject will produce additional funds. In addition, our action provides relief of some paperwork overhead to the private sector during this period of suspended operations. Therefore, it is found that good cause exists for the adoption date of this Order to be also the effective date of the subject rule waiver.

§§ 2.1202, 2.1203, 2.1205, 2.1207, 2.1209, 2.1211, 2.1215, 2.1219 [Waived].

6. In review of the above, it is Ordered effective May 31, 1981, that Sections 2.1202, 2.1203, 2.1205, 2.1207, 2.1209, 2.1211, 2.1215 and 2.1219 of the Commission's Rules and Regulations are waived until October 1, 1981.

7. For further information on this proceeding, contact Mr. Charles M. Cobbs of the Authorization and Standards Division, Office of Science and Technology (301) 725-1585.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 397)

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81-17803 Filed 6-15-81; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Parts 2 and 97

[FCC 81-251]

Frequency Allocations and Radio Treaty Matters; Amateur Radio Service; Rules To Revise Power Limitations in a Specific Frequency Band

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document amends the Commission's rules to revise power and geographic restrictions for amateur radio stations operating in the 1800-2000 kHz band. This action was taken to relieve unnecessary operation restrictions.

EFFECTIVE DATES: June 10, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Nancy A. Krieger, Private Radio Bureau, Washington, D.C. 20554, (202) 632-4964—Room 5202(H).

SUPPLEMENTARY INFORMATION:

Order

Adopted: May 21, 1981.

Released: June 1, 1981.

By the Commission: Chairman Fowler abstaining from voting; Commissioner Jones absent.

In the Matter of Amendment of Rule Sections 97.61(a) and (b)(2) of the amateur radio service rules to revise power limitations in the 1800-2000 kHz band; amendment of § 2.106, table of frequency allocations; FCC 81-251.

1. On July 17, 1980, the Commission received a *Request for Agency Action* from the American Radio Relay League, Inc. (ARRL). The ARRL, in its Request, asked the Commission to delete § 97.61 (b)(1) and (b)(2) of the Amateur Radio Service Rules by issuance of an Order. The ARRL believes that such an Order would greatly benefit the Amateur Radio Service community by encouraging innovation and experimentation in the 1800-2000 kHz band (also known at the 160 meter band). Also, the ARRL states that these rule sections currently provide protection to long-range aid to radio navigation (LORAN-A) systems from amateur radio interference. Since LORAN-A is being terminated, the League feels there is no longer a need for § 97.61 (b)(1) and (b)(2). The Amateur Radio Service shares the 160 meter band on a secondary basis. § 97.61(b) places transmitter power and geographic restrictions on amateur radio operations in the 160 meter band to prevent interference to LORAN-A. The ARRL states that the Commission can amend its rules by Order because "Footnote NG15(b) . . . empowers the Commission to terminate the restrictions of Section 97.61 (b)(1) and (b)(2) . . . without the necessity of rulemaking or other procedural steps prescribed by the Administrative Procedures Act."

2. On November 26, 1980, the United States Coast Guard sent a Memorandum to the Secretary for the interdepartment Radio Advisory Committee (IRAC) stating that the Coast Guard planned to cease LORAN-A operations in the United States by the end of 1980. However, LORAN-A operations by other countries may continue until December 31, 1982.[1] The Coast Guard recommended changes to Section 97.61 (b)(1) and (b)(2) of the Commission's Rules. The IRAC approved the Coast Guard plan and forwarded it to the Commission in December, 1980. The Commission can incorporate the Coast Guard recommendations for § 97.61(b)(2) into its Rules. However, we must retain Rule Section 97.61(b)(1) since protection should still be provided for LORAN-A stations operated by Canada.

3. Therefore, by this Order, Rule Section 97.61(a) is revised to reflect a reduction in the restrictions on amateur radio operation in the 160 meter band. Rule Section 97.61(b)(1) remains because amateur radio stations should not

[1] See discussion of results of 1979 World Administrative Radio Conference in paragraph 4.

interfere with the remaining LORAN–A operations. The Table in Rule Section 97.61(b)(2) is revised to reflect the new power limitations for amateur radio operation in the 160 meter band. In addition, we are amending Rule Section 2.106, Table of Frequency Allocations, Footnote NG15(a)(4) to reflect the new power limitations for amateur radio operation in the 160 meter band.

4. The 1979 World Administrative Radio Conference (WARC) in Geneva, decided that Loran–A operations in the 160 meter band in Region 2 (the Americas) would terminate by December 31, 1982. It made an exclusive allocation to the amateur radio service at 1800–1850 kHz and a shared allocation to the service as one of five primary services at 1850–2000 kHz. However, the Final Acts of the Conference are not scheduled to become effective until January, 1982 for those countries who have ratified the treaty. Further, after the United States does ratify the treaty, public consultation may be necessary through the rulemaking process before specific provisions can be incorporated into the domestic Rules. Therefore, the rule amendments adopted in this Order may be effective only for a short interim period.[2] Consequently, Amateur radio operators are cautioned not to invest heavily in equipment which can only be used for this frequency band because there is no guarantee as to the final provisions for the Amateur Radio Service in the 160 meter band.

5. The specific rule amendments that we are adopting are set forth in the Appendix. Authority for the amendments is contained in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended. We are dispensing with the prior notice and public procedures provisions of the Administrative Procedures Act as impracticable (see 5 U.S.C. 553(b)(3)(B) in view of the short period of time that these frequencies are likely to be available.

6. Accordingly, it is ordered effective June 10, 1981 that Parts 2 and 97 of the Commission's Rules are amended as set forth in the attached Appendix.

7. It is further ordered that this proceeding is terminated.

8. Information concerning these rule changes may be obtained from John B. Johnston, (202) 632–4964.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Federal Communications Commission.

William J. Tricarico,

Secretary.

PART 2—FREQUENCY ALLOCATIONS AND TREATY MATTERS; GENERAL RULES AND REGULATIONS

Appendix

A. Part 2 of Chapter I of Title 47 of the Code of Federal Regulations is amended, as follows:

In Section 2.106, under the heading NG Footnotes, amend Footnote NG 15 subparagraph (a)(4) by the existing Table and adding the following Table:

§ 2.106 Table of frequency allocations.

* * * * *

NG Footnotes

* * * * *

NG 15 (a) * * *

(1) * * *

(2) * * *

(3) * * *

(4) * * *

State(s)	Maximum DC plate input power in watts (kilohertz)			
	1900 to 1925	1925 to 1950	1950 to 1975	1975 to 2000
	Day/night	Day/night	Day/night	Day/night
Maine, Massachusetts, New Hampshire, Rhode Island	100/25	0	0	100/25
Connecticut, Delaware, Maryland, New Jersey, New York, Pennsylvania, Vermont	200/50	0	0	200/50
Kentucky, North Carolina, Ohio, South Carolina, Tennessee, Virginia, West Virginia	500/100	0	0	500/100
Florida, Georgia, Illinois, Indiana, Michigan, Wisconsin	500/100	100/25	100/25	500/100
Alabama, Arkansas, Iowa, Minnesota, Mississippi, Missouri	1000/200	200/50	200/50	1000/200
The remainder of the States and territories	1000/200	1000/200	1000/200	1000/200

* * * * *

PART 97—AMATEUR RADIO SERVICE

B. Part 97 of Chapter I of Title 47 of the Code of Federal Regulations is amended, as follows:

1. In Section 97.61 paragraph (a) is amended by removing the first line of the Table and replacing it with the following two lines:

§ 97.61 Authorized frequencies and emissions.

(a) * * *

Frequency band	Emissions	Limitations (see paragraph (b))
1800 to 1900	A1, A3	
1900 to 2000	A1, A3	1, 2

* * * * *

2. In Section 97.61 subparagraph (b)(2) is amended by removing the existing Table and replacing it with the following Table:

§ 97.61 Authorized frequencies and emissions.

* * * * *

(b) * * *

(1) * * *

(2) * * *

State(s)	Maximum DC plate input power in watts (kilohertz)			
	1900 to 1925	1925 to 1950	1950 to 1975	1975 to 2000
	Day/night	Day/night	Day/night	Day/night
Maine, Massachusetts, New Hampshire, Rhode Island	100/25	0	0	100/25
Connecticut, Delaware, Maryland, New Jersey, New York, Pennsylvania, Vermont	200/50	0	0	200/50
Kentucky, North Carolina, Ohio, South Carolina, Tennessee, Virginia, West Virginia	500/100	0	0	500/100
Florida, Georgia, Illinois, Indiana, Michigan, Wisconsin	500/100	100/25	100/25	500/100
Alabama, Arkansas, Iowa, Minnesota, Mississippi, Missouri	1000/200	200/50	200/50	1000/200
The remainder of the States and territories	1000/200	1000/200	1000/200	1000/200

[FR Doc. 81-17830 Filed 6-15-81; 8:45 am]

BILLING CODE 6712-01-M

[2] The First Notice of Inquiry in Docket No. 80-739, Implementation of the Final Acts of the World Administrative Radio Conference, proposed an exclusive allocation to the amateur service at 1800-1900 kHz and an exclusive allocation to the radiolocation service at 1900-2000 kHz, along with suppression of the footnote NG15.

47 CFR Part 22

[CC Docket No. 79-318; FCC 81-161]

Inquiry Into the Use of Certain Frequency Bands for Cellular Communications Systems; and Amendment of Rules Relative to Cellular Communications Systems

Correction

In FR Doc. 81-14610, appearing in the issue of Thursday, May 21, 1981, at page 27655 make the following changes:

1. On page 27681, in the first column, the second paragraph, the ninth sentence now reading "interference in controlled by proper" should be changed to read "interference is controlled by proper".

2. On page 27682, in the first column the fifth heading now reading "$MAXSZIR_{si}$" should be changed to read "$MAXSZTR_{si}$".

3. On page 27684 in the middle column, "• MIN2" and "• MIN1" should read:

"• MIN2. The 10-bit MIN2 is derived from the first three digits of the telephone number (i.e., 321):

i. $D_1 = 3$; $D_2 = 2$; $D_3 = 1$.

ii.$100\ D_1 + 10\ D_2 + D_3 - 111 = 100(3) + 10(2) + (1) - 111 = 210$.

iii. 210 in binary is '00 1101 0010'.

Therefore MIN2 is '00 1101 0010'.

• MIN1. The 10 most significant bits of MIN1 are derived from the second three digits of the telephone number (i.e., 456):

i. $D_1 = 4$; $D_2 = 5$; $D_3 = 6$.

iii..e.$100\ D_1 + 10\ D_2 + D_3 - 111 = 100(4) + 10(5) + (6) - 111 = 345$.

iii. 345 in binary is '0101 0110 01'.

The next four most significant bits of MIN1 are derived from the thousands digit of the telephone number (i.e., 7) by BCD conversion:

7 in BCD is '01 11'.

The 10 least significant bits of MIN1 are derived from the last three digits of the telephone number (i.e., 890):

i. $D_1 = 8$; $D_2 = 9$; $D_3 = 10$.

ii. $100\ D_1 + 10\ D_2 + D_3 - 111 = 100(8) + 10(9) + (10) - 111 = 789$.

iii. 789 is binary in '11 0001 0101'.

Therefore MIN1 is '0101 0110 0101 1111 0001 0101'.".

4. On page 27685 in the first column, the table in 2.4.1.1 *SAT Detection* should be changed to read:

"Measured frequency of incoming signal	Measured SAT determination	where
$f_1<f<f_3$	SAT=6000	$f_3=6015\pm5$Hz.
$f_3<f<f_4$	SAT=6030	$f_4=6045\pm5$Hz.
$f_4<f$	No valid SAT	
No SAT Received	No Valid SAT	

5. On page 27685 in the first column, in 2.4.2 change the last word to read "Rules".

6. On page 27685 in the third column, in 2.6.1.1. *ii.* and *iii.* change the equations now reading "$SID_s = SID_p$" to read "$SIS_s \neq SID_p$".

7. On page 27686 in the first column change paragraph "• ROAM status:" to read:

"• ROAM status: The mobile station must compare the received system identification (SID_r) with the stored system identification (SID_s). If $SID_r \neq SID_s$, the mobile station must compare SID_s with SID_p. If $SID_p \neq SID_s$, the mobile station must set the ROAM status to disabled. If $SID_p = SID_s$, the mobile station must set the ROAM status to enabled.

If $SID_r \neq SID_s$, the mobile station must enter the Retrieve System Parameters Task (see Section 2.6.1.1).".

8. On page 27686, in the second column, in 2.6.2.1 change the first paragraph to read:

"Whenever a mobile station receives an overhead message train (see Section 3.7.1.2), the mobile station must compare SID_s with SID_r. If $SID_s \neq SID_p$ the mobile station must exit the Idle Task and enter the Initialization Task (see Section 2.6.1).".

9. On page 27686 in the third column change I. c. to read:

"c. $LASTCHA_s = FIRSTCHA_s + C$ $MAX_s - 1$.".

10. On page 27686 in the third column change II. c. to read:

"c. $LASTCHA_s = FIRSTCHA_s + C$ $MAX_s - 1$.".

11. On page 27686 in the third column change 4. c. i. now reading,

"• Otherwise do not change $NXTREG_{s\_p}$." to read, " • Otherwise do not change $NXTREG_{s-p}$.".

12. On page 27689 in the second column in 2.6.3.11 change the line now reading, "next registration ID to: $NXTREG_{s\_p} = REGID_s + REGINCR_s$." to read, "next registration ID to: $NXTREG_{s-p} = REGID_s + REGINCR_s$.".

13. On page 27689, in the second column, 2.6.3.11 change the line now reading, "the next registration ID to: $NXTREG_{s\_p} = REGID_s + NRANDOM_{sv}$.". to read "the next registration ID to: $NXTREG_{s-p} = REGID_s + NRANDOM_{sv}$.".

14. On page 27690 in the first column in 2.6.4.3.1 change the paragraph now reading, "• Within 100 ms of the receipt of any of the orders listed below (see Section 3.7.2), the mobile station must compare SCC_s to the present SAT color code (PSCC) field in the received message. If $SCC_s = PSCC$, the order must be ignored. If $SCC_s = PSCC$, the action to be taken for each order is as follows:". to read, "• Within 100 ms of the receipt of any of the orders listed below (see Section 3.7.2), the mobile station must compare SCC_s to the present SAT color code (PSCC) field in the received message. If $SCC_s \neq PSCC$, the order must be ignored. If $SCC_s = PSCC$, the action to be taken for each order is as follows:".

15. On page 27690 in the second column, in 2.6.4.3.2 change the paragraph now reading, "• Within 100 ms of the receipt of any of the orders listed below, the mobile station must compare SCC_s to the PSCC field in the received message. If $SCC_s = PSCC$, the order must be ignored. If $SCC_s = PSCC$, the action to be taken for each order is as follows:" to read, "• Within 100 ms of the receipt of any of the orders listed below, the mobile station must compare SCC_s to the PSCC field in the received message. If $SCC_s \neq PSCC$, the order must be ignored. If $SCC_s = PSCC$, the action to be taken for each order is as follows:".

16. On page 27690 in the third column in 2.6.4.4 change the paragraph now reading, "• Within 100 ms of the receipt of any of the orders listed below, the mobile station must compare SCC_s to the PSCC field in the received message. If $SCC_s \neq PSCC$, the order must be ignored. If $SCC_s = PSCC$, the action to be taken for each order is as follows:" to read, "• Within 100 ms of the receipt of any of the orders listed below, the mobile station must compare SCC_s to the PSCC field in the received message. If $SCC_s \neq PSCC$, the order must be ignored. If $SCC_s = PSCC$, the action to be taken for each order is as follows:"

17. On page 27695 in the first column, change 3.2.1.1 to read as follows:

"*3.2.1.1 Channel Spacing and Designation.*

The land station received channel at 825.030 MHz (and the corresponding mobile station receive channel at 870.030 MHz) shall be termed channel number 1.

See Section 22.902 of the Commission's Rules.

18. On page 27696 in the third column, in 3.6.3.3 change the paragraph now reading,

"• Origination message. Send one of the following orders:

—Initial voice channel designation,

Directed retry.
—Intercept.
—Reorder.".

To read.

"The following responses to mobile station messages may be sent:

• Origination message. Send one of the following orders:
—initial voice channel designation.
—directed retry.
—intercept.
—reorder.".

19. On page 27697 in the third column, change the heading now reading, "3.71" to read "3.7.1".

20. On page 27698 in the third column, the footnote was inadvertently left out, it should read.

"(40 total bits, 28 information bits; distance 5.".

BILLING CODE 1505-01-M

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47 CFR Part 63

[CC Docket No. 78-219; File No. W-602-58; FCC 81-262]

Extension of Lines and Discontinuance of Service by Carriers

AGENCY: Federal Communications Commission.

ACTION: Final rule (Memorandum Opinion and Order).

SUMMARY: The Federal Communications Commission adopted rules in 1970 which prohibit telephone companies from providing cable television service within their telephone service areas. The rules provide for waiver in those areas where cable television service cannot exist except through affiliation with the local telephone common carrier, or upon other showing of good cause. In 1979, the Commission established a rebuttable presumption that in areas with a density of less than thirty households per route mile of coaxial cable trunk and feeder line, independent cable television operation generally is not economically feasible. The presumption was applied separately for each franchise area. Such an application of the presumption would leave unserved those areas where the local telephone company is the only feasible provider of service. This order will make the presumption applicable to the entire cable television service area proposed by the telephone company. Applying the presumption to the entire proposed cable television service area will allow cable television service in areas which would otherwise go unserved.

EFFECTIVE DATE: June 16, 1981.

FOR FURTHER INFORMATION CONTACT: Linda M. Trochim, Common Carrier Bureau, (202) 632-6920.

Memorandum Opinion and Order

Adopted: June 4, 1981.

Released: June 10, 1981.

By the Commission: Chairman Fowler not participating; Commissioner Fogarty issuing a separate statement.

In the matter of revision of the processing policies for waivers of the telephone company-cable television "Cross Ownership Rules," sections 63.54 and 64.601 of the Commission's rules and regulations; CC Docket No. 78-219. In re Petition of National Telephone Cooperative Association for a general waiver in rural areas of the telephone company-cable television cross-ownership rules, sections 63.54 and 64.601 of the Commission's rules and regulations; File No. W-602-58. Petitions for reconsideration.

1. On December 5, 1980, we released a *Memorandum Opinion and Order* in the above captioned proceeding, 82 FCC 2d 254 (1980), (hereinafter cited as *Memorandum Opinion and Order)* clarifying certain aspects of the procedure for waiver of the telephone-cable television cross-ownership rules, 47 CFR 63.54-63.57. We have before us petitions for reconsideration and petitions for stay filed by Verona Cable Company, Inc. and Mt. Vernon Telephone Co. (Verona), the National Telephone Cooperative Association (NTCA), and a joint petition filed by counsel for the Delta County Co-operative Telephone Company, Franklin Telephone Company, Missouri Telephone Company, Orwell Telephone Company, Platteville Telephone Company, and public Service Telephone Company (Telcos). The National Cable Television Association, Inc. (NCTA) filed an opposition to these petitions. Reply pleadings were filed by Verona, NTCA, and Telcos. For the reasons set forth *infra*, we believe that partial reconsideration and modification of the action taken in the *Memorandum Opinion and Order* would serve the public interest.

Background

2. On December 11, 1979, we issued the *Report and Order* in the above captioned matter, 82 FCC 2d 233 (1979), (hereinafter cited as *Report and Order)* setting forth revised standards for waiver of the telephone-cable television cross-ownership rules. Section 63.54 of the rules generally prohibits telephone common carriers from furnishing directly, or through affiliates, cable television service within their telephone service areas. Section 63.56 provides for waiver of this prohibition,

> [i]n those communities . . . where cable television service demonstrably could not exist except through a cable television system owned by, operated by, controlled by, or affiliated with the local telephone common carrier, or upon showing of good cause . . . .

In essence, we stated that when the waiver petitioner proposes service for an area with a density of less than 30 households per route mile, a rebuttable presumption arises in support of the waiver.

3. In the *Memorandum Opinion and Order* at paragraph 12, we clarified the definition of the area to be used for the measurement of household density. We said we would examine the density of each separate franchise area within a telephone company's proposed cable television service area to see if the presumption applied, *i.e.*, to determine if the density was less than thirty households per route mile. This decision was based on our belief that local franchising bodies were best equipped to judge how to divide up their communities. Therefore, we said we would look primarily to the local franchising bodies for determinations with respect to communities and areas.

Petitions

4. The petitioners request that the Commission use the proposed cable television service area, instead of franchise area, as the basis for measuring household density. They allege that the record in this proceeding did not support the change to franchise area. The claim that the *Clarification,*[1] the comments received from the parties, the studies done by the Commission, and the *Report and Order* contemplated the use of the cable system service area. They note that no party challenged the studies with evidence to the contrary.[2] They assert that there was no "basic agreement" concerning the need for clarification of "whether the 30 homes per mile standard would be measured on a community basis . . . ," [3] as the *Memorandum Opinion and Order* stated. Also, they argue that the goal of the proceeding, to lessen the telephone company's burden in proving that independent service is infeasible, is frustrated by the franchise area standard. The petitioners protest that although "gerrymandering" [4] was a

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[1] Clarification and Notice of Proposed Rulemaking in Docket No. CC 78-219, 69 FCC 2d 1097 (1978).

[2] Notice of Proposed Rulemaking in the Elimination of the Telephone Company-Cable Television Cross-Ownership Rules for Rural Areas, FCC 80-780, 46 FR 9138, 9140 (1981) (hereinafter cited as *Notice in CC 80-767).*

[3] *Memorandum Opinion and Order,* 82 FCC 2d at 257.

[4] "Gerrymandering" is a term used to describe the random combination of populous areas with low

Continued

primary concern in adopting the change, no instances of such practice have yet been observed. Therefore, they suggest that any infrequent occurrences of "gerrymandering" be dealt with on a case-by-case basis.

5. They also contend that the stated intent of the *Notice in CC 80–767* will be frustrated by the franchise area standard.[5] Since political boundaries have no relevance to the geographical limits of a feasible cable system, they claim that the rural territory outlying the core franchise area will be permanently denied service. They also maintain that the Commission has rejected the franchise area standard in its cable television rules [6] except for the limited purposes of access, signal carriage, and franchise. Therefore, the *Memorandum Opinion and Order* should not have quoted the *Cable Television Report and Order* [7] in support of the franchise area standard. They finally state that the Communications Act mandates the Commission to consider the availability of service to all the United States as a more important concern than diversity of ownership.[8]

Opposition

6. In its opposition, NCTA argues that the petitions for reconsideration are improper because all of the arguments therein have been previously considered. It further claims that the record in this proceeding, prior experience with the cross-ownership rules, and longstanding Commission policy all support the use of the franchise area standard. It points to several petitions and applications as examples of "gerrymandering,"[9] and contends that a case-by-case consideration of "gerrymandering" would be slow and burdensome. It also alleges that the Commission's cable rules are based upon a franchise area consideration.

7. NCTA further maintains that petitioners' allegations that outlying rural areas will go unserved merely proves that judging the 30 households per route mile standard on a franchise area basis correctly distinguishes feasible from infeasible areas, and that petitioners have therefore demonstrated no true economies. Lastly, it states that the presumption must be construed narrowly in order to protect against several abuses likely to occur with telephone company provided cable television service. It alleges that telephone companies will cross-subsidize between franchise area subscribers and rural subscribers, and between their telephone and cable television services. It fears the telephone companies will have a competitive advantage due to their dominant market power and the availability of more favorable Rural Electrification Administration (REA) loans. It also contends that the telephone companies may attempt to fashion massive service areas which a cable company will be unable to match merely because of the discrepancy in its relative financial capability.

Replies

8. In their reply pleadings, the petitioners provided further support for their earlier arguments, and deny most of NCTA's claims. Petitioners contend that the *Memorandum Opinion and Order* was, indeed, a rule change which is subject to petitions for reconsideration. Also, they suggest that it is the concern of local authorities, not the Commission, as to whether there is a cross-subsidization between urban and rural subscribers. They allege, in any case, that such cross-subsidization is necessary in most utility-type services, and is not disallowed for independent cable operators. Furthermore, petitioners assert that many MSOs are in a better position than the telephone companies to raise the capital needed for a massive cable system. They perceive a discrepancy in NCTA's position in that NCTA commented in the revision of the cable rules in favor of the service area standard. Finally, they reason that the results of the Rand studies [10] describe infeasibility of cable television systems, regardless of whether those systems extend beyond the boundaries of a single franchise area.

Discussion

9. The issue before us in this proceeding is a narrow one. Should household density be measured individually for each franchise area or should it be measured for the entire area which a telephone company proposes to serve? We have concluded that the franchise area approach is likely to deprive service to residents of sparsely populated areas, contrary to a long-standing concern of this Commission.

10. Since the adoption of the cross-ownership rules, we have been concerned about those situations where the rules would operate to deprive the public of cable television service. In the notice which preceded the adoption of the rules, we inquired:

> Will there be (and to what extent) cases where a substantial segment of the public would be deprived of CATV service unless a telephone company is permitted to [furnish] facilities to an affiliate?[11]

In the *Final Report and Order* which adopted the telephone-cable television cross-ownership rules, we recognized that in some rural areas or areas of low population density an affiliate of the local telephone company might be the only feasible source of cable television service.[12] We therefore provided a waiver mechanism for those cases where no practical alternative existed for making cable television service available.[13]

11. The *Clarification* which initiated this proceeding sought "to relieve telephone companies in rural areas of [the] need to demonstrate the infeasibility of independent cable television operation where such operation [might] be reasonably presumed to be economically infeasible because of low population density."[14] We recognized that our previous procedures may have discouraged the initiation of new rural cable television service by needlessly requiring complicated and extensive presentations by rural telephone companies. We therefore proposed procedures, including a rebuttable presumption of infeasibility, which were intended "to relieve rural telephone companies from [the] unnecessary

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density areas in order to form a service proposal which qualifies for the presumption. *See Memorandum Opinion and Order*, 82 FCC 2d at 257.

[5] The *Notice in CC 80–767* examines criteria for *exempting* telephone companies in rural areas from our cable television cross-ownership rules. Telephone companies not entitled to exemption would be allowed to apply for a waiver of rules. In this proceeding we revise the standards for processing waiver applications.

[6] Section 76.5(a) of the rules, 47 CFR §76.5(a).

[7] *Memorandum Opinion and Order*, 82 FCC 2d at 258.

[8] Petitioners cite Section 1 of the Communications Act of 1934, as amended, 47 U.S.C. § 151, and FCC v. National Citizens Committee for Broadcasting, 436 U.S. 775 (1978).

[9] Order and Certificate in File No. W–602–144 (released April 3, 1981) which granted the petition and application of Public Service Telephone Company; waiver petitions of Great Plains Broadband Services, Inc. and Pioneer Telephone Cooperative, Inc. (file No. W–602–83), and Orwell Cable TV Company and Orwell Telephone Company (File No. W–603–67); proposal of the Delta County Co-operative Telephone Company, d/b/a/ Delta County Telephone Company (Exhibit B attached to Telcos' petition for reconsideration), not yet filed with the Commission.

[10] *Report and Order*, 82 FCC 2d app. at 245

[11] Notice of Proposed Rulemaking and Notice of Inquiry in the Applications of Telephone Companies for Section 214 Certificates for Channel Facilities furnished to Affiliated Community Antenna Television Systems, 34 FR 6290, 6282 (1969).

[12] Final report and Order in the Applications of Telephone Companies for Section 214 Certificates for Channel Facilities Furnished to Affiliated Community Antenna Television Systems, 21 FCC 2d 307, 328 (1970).

[13] *Id.* at 325.

[14] *Clarification*, 69 FCC 2d at 1097–1098.

administrative burden of demonstrating the impossibility of improbable developments while undertaking the expensive engineering planning necessary to institute rural cable television service."[15] These proposals remained consistent with our regulatory goal of encouraging a competitive environment in the development and use of broadband cable facilities. We hoped that the proposed procedures would help eliminate the impediments to the development of rural cable television service stemming from our rules.[16]

12. The following *Report and Order* incorporated a rebuttable presumption of infeasibility into the telephone-cable television cross-ownership rules. We reemphasized our belief that in area where competition was unlikely, rules premised upon potential adverse effects on competition were inappropriate.[17] By streamlining our procedures, we hoped to further our goal of allowing new service to clearly infeasible areas.

13. In light of the preceding historical analysis, we conclude that the franchise area standard adopted in the *Memorandum Opinion and Order* undermines the very purpose of the *Clarification*—to allow the development of new cable television service in areas where independent service clearly is economically infeasible. The franchise area standard bears no reasonable relationship to this goal.[18] Rather, it might preclude cable television service altogether in many areas. Our experience in dealing with waiver petitions only confirms this conclusion. Although some applications for waiver have proposed service to a single franchise area, others have included outlying areas in their service proposals. Most of the applications for service areas larger than a single franchise area have gone unopposed with respect to any outlying area.[19] The telephone companies in such cases have usually claimed that they will be unable to serve the outlying area if waiver for the more densely populated franchise area(s) is denied. Thus, application of the presumption of infeasibility by franchise area may well cause a denial of that presumption to many sparsely populated outlying areas, resulting in a denial of service to those areas in direct contravention of the purpose of this proceeding.[20]

14. We conclude that the presumption must be applied on a proposed cable television service area basis in order to facilitate service in areas which will otherwise go unserved. NCTA argues that use of a service area standard will result in instances of "gerrymandered" proposals. However, our rules still require that individual waiver requests be examined on a case-by-case basis.[21] NCTA has not demonstrated that we will be unable to detect improper practices when and if they occur and deal with them accordingly.

15. In addition, we want to ensure that the waiver recipients will indeed serve the outlying areas included in their proposals. To that end, our rules require that construction and operation under Section 214 authorizations be commenced within certain time frames.[22] We will further condition the Section 214 grants to require that the telephone companies provide service according to the schedules they have provided in their waiver petitions. We expect that when those schedules promise to commence construction or service sooner than the Section 214 authorization would normally require, the telephone company will abide by its own schedule as outlined in the waiver petition.

Petitions for Stay

16. In their requests for stay, petitioners assert that the *Memorandum Opinion and Order* will result in denial of the pending waiver requests prepared on a service area basis, and a permanent denial of cable television service to the rural areas outside of the franchise areas. As a consequence, petitioners urge that a stay is necessary to prevent denial of cable television service to the public in outlying areas, and to prevent the loss of cable television franchises held by telephone companies whose waiver petitions will be denied.

17. Since the adoption of the *Memorandum Opinion and Order*, no waiver petitions which relied upon the presumption of infeasibility have been denied.[23] Therefore, no party has been irreparably injured by lack of the requested relief. The petitioners requested that the stay be effective until Commission action on the petitions for reconsideration. We are taking such action today. Therefore, the need for stay is ended, and the petitions for stay will be dismissed as moot.

Other Matters

18. A number of opposed applications for waiver are pending. Cursory review of several of these files indicates that often the petitioners' proposed service areas are not identical to the opponents' proposed service areas. The change adopted in this Order will cause a need for opponents to demonstrate their "ability to institute essentially the same service to approximately the same number of households within the same time frame as proposed by the waiver petitioner."[24] For supplementation on this point only, we will allow additional time to all parties who have already filed in pending waiver petition proceedings. We will also provide additional time for replies.

19. Since we are revising rules which are now in constant use, and in order to avoid unnecessary delays in the processing of pending waiver petitions, we find that immediate implementation would be in the public interest. Accordingly, pursuant to Section 553(d)(3) of the Administrative Procedure Act, 5 U.S.C. § 553(d)(3), the revised rules will be effective on June 16, 1981.

20. Accordingly, it is ordered, That, pursuant to Sections 2, 3, 4 (i) and (j), 205, 214, 303, 307, 308, 309 and 403 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 152, 153, 154 (i) and (j), 205, 214, 303, 307, 308, 309 and 403, Part 63 of the Commission's Rules is amended as set forth in the attached Appendix, effective on June 16, 1981.

21. It is further ordered, That the Petitions for Reconsideration filed in this proceeding ARE GRANTED, to the

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[15] *Id.* 1113–1114.

[16] *Id.* at 1114.

[17] *report and Order*, 82 FCC 2d at 234–235.

[18] Our decision to use a franchise area standard was based on our belief that the decision as to how to divide up communities was a matter for the local franchising authorities. However, in a number of cases, local officials have stated their preference for local telephone companies which plan to serve the outlying areas as well as the franchise areas. *See, e.g.*, Shenandoah Telephone Company, 84 FCC 2d 371 (1981). We believe these authorities can best judge the economic effects of such a combination on the various groups served. Therefore, our determination today is not a rejection of the recognized role of local or State government agencies in delineating franchise areas, but rather, a recognition that franchise areas bear no rational relationship to the Commission's waiver presumption. No facts before us suggest that the franchise area is congruent to the maximum area which can be feasibly served by a cable television system. The franchise area standard would discourage rather than expedite the provision of cable television service in sparsely populated outlying areas.

[19] Of the fifteen opposed waiver petitions now pending, twelve propose service to an area which extends beyond the boundaries of a single franchise area. In eight of these twelve cases, the opposition proposes to serve an area smaller than that proposed by the telephone company.

[20] *See Memorandum Opinion and Order*, 82 FCC 2d at 274–275 (Addendum to Separate Statement of Commissioner Joseph R. Fogarty).

[21] *Clarification*, 89 FCC 2d at 1109.

[22] Section 63.05 of the Commission's Rules, 47 CFR § 63.05.

[23] Only one waiver petition has been denied. It relied upon "other good cause." Deuel Telephone Cooperative Association, FCC 80–791 (released January 7, 1981).

[24] Section 63.56(d) of the Commission's Rules, 47 CFR § 63.56(d).

extent indicated above, and ARE DENIED, in all other respects.

22. It is further ordered, That the Petitions for Stay filed in this proceeding *are dismissed.*

23. It is further ordered, That parties who have already filed in pending waiver petition proceedings may file, on or before June 23, 1981, any supplement to earlier filings as authorized in paragraph 18, above. It is further ordered, That, in those waiver petitions in which supplements are filed, parties may file replies on or before June 30, 1981.

(Secs. 1, 2, 4, 201–205, 208, 215, 218, 313, 314, 403, 404, 410, 602; 48 Stat. as amended; 1064, 1066, 1070, 1071, 1072, 1073, 1076, 1077, 1087, 1094, 1098, 1102; 47 U.S.C. 151, 152, 154, 201–205, 208, 215, 218, 313, 314, 403, 404, 410, 602)

Federal Communications Commission.[25]

William J. Tricarico,

Secretary.

Appendix

Part 63 of Chapter I of Title 47 of the Code of Federal Regulations is amended by revising § 63.56, paragraphs (a), (b)(2), (b)(3), and (c) to read as follows:

§ 63.56 Waivers.

(a) In those areas where cable television service demonstrably could not exist except through a cable television system owned by, operated by, controlled by, or affiliated with the local telephone common carrier, or upon other showing of good cause, the provisions of §§ 63.54 and 63.55 may be waived, on the Commission's own motion or on petition for waiver, if the Commission finds that the public interest, convenience and necessity would be served thereby.

(b) * * *

(2) A demonstration that the proposed cable television service area has a density of less than thirty (30) households per route mile of coaxial cable trunk and feeder line;

(3) Evidence that notice was given, by newspaper advertisement(s) or other appropriate means, of waiver petitioner's intention to construct and/or operate the proposed cable television system, including the name of the newspaper, the date(s) of publication of the advertisement(s) and the area in which the newspaper is distributed; and

* * * * *

(c) Telephone company waiver requests shall not enjoy the rebuttable evidentiary presumption of paragraph (b) of this section, and shall contain the showings required by the Commission, including notice as specified in § 63.56 (b)(3), if the proposed cable television service area has a density of thirty (30) or more households per route mile of coaxial cable trunk and feeder line.

* * * * *

[25] See attached statement of Commissioner Fogarty.

Separate Statement of Commissioner Joseph R. Fogarty

In Re: Revision of the Processing Policies for Waiver of the Telephone Company—Cable Television "Cross Ownership" Rules (CC Docket No. 78–219), on Further Reconsideration.

I strongly support the Commission's reconsideration of the "Clarification" *Order* in this proceeding[1] and our decision to apply the less-than-30-home-per-route-mile rebuttable waiver presumption on the basis of the cable television service area proposed, rather than franchise area by franchise area. As I stated in an Addendum to my separate Statement on the December 5, 1980 *Order*, I have been concerned that—

. . . this "clarification" may seriously undermine the salutary purpose of the Commission's waiver presumption—that is, to allow the development and offering of cable TV services by telephone companies in underserved rural and sparsely populated areas. The net effect of this action may be to facilitate telco cable service only in the outlying areas of essentially all-rural counties as telcos may still be precluded from serving the higher density areas of those counties which are subject to separate local franchising authorities. Such a "crazy-quilt" effect may preclude viable telco rural cable service proposals altogether, and may result in denial of the less-than-30-homes-per-route-mile presumption to a considerable number of the cable/telco cross-ownership rule waiver applications now pending.[2]

With this *Order* the Commission wisely remedies these defects and ensures that consumers in rural areas will not be held hostage to belated independent cable industry interest and will not be denied cable television service which can be provided now by telephone companies.[3] I hope that we can move with both expedition and finality on the numerous waiver applications which have been awaiting decision for nearly two years. Service this long delayed is service denied to the clear detriment of rural America.

[FR Doc. 81-17813 Filed 6-15-81; 8:45 am]

BILLING CODE 6712-01-M

[1] 82 FCC 2d 254 (1980).

[2] 82 FCC 2d at 274.

[3] *See* Separate Statement of Commissioner Joseph R. Fogarty in CC Docket No. 78–219, 82 FCC 2d 286, 267.

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47 CFR Part 73

[BC Docket No. 80-528; RM-3571]

Radio Broadcast Services; FM Broadcast Station, Owingsville, Ky.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns FM Channel 296A to Owingsville, Kentucky, in response to a petition filed by Bath Radio Works. The assignment could provide Owingsville with a first local aural service.

EFFECTIVE DATE: August 7, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632–7792.

SUPPLEMENTARY INFORMATION:

Adopted: June 2, 1981.

Released: June 5, 1981.

By the Chief, Policy and Rules Division:

In the Matter of amendment of § 73.202(b), Table of Assignments, FM broadcast stations. (Owingsville, Kentucky); BC Docket No. 80–528 RM–3571

1. Before the Commission is a *Notice of Proposed Rule Making*, 45 Fed. Reg. 58617, published September 4, 1980, proposing the assignment of FM Channel 296A to Owingsville, Kentucky, as that community's first FM assignment, at the request of Bath Radio Works ("petitioner"). Supporting comments were filed by petitioner in which it reaffirmed its intent to file for the channel, if assigned. No oppositions to the proposal were received. In order to comply with the Commission's minimum distance mileage separation requirements, a site restriction of 5.2 kilometers (3.2 miles) northwest of Owingsville is required for this assignment to avoid short-spacing to an existing station. As indicated in the petitioner's proposal, the geographic coordinates for its transmitter site are compatible with this requirement.

2. Owingsville (population 1,381),[1] seat of Bath County (population 9,235), is located in northern Kentucky, approximately 220 kilometers (125 miles) east of Louisville, Kentucky. This community presently has no local aural service.

3. Petitioner has submitted information with respect to Owingsville which is persuasive as to its need for a first local FM assignment.

4. We believe the public interest would be served by the assignment of Channel 296A to Owingsville, Kentucky. An interest has been shown for its use, and such an assignment would provide the community with an FM station.

[1] Population figures are taken from 1970 U.S. Census.

which could render a first full-time local aural broadcast service.

5. The Canadian Government has given its concurrence to the assignment of Channel 296A to Owingsville, Kentucky.

6. Authority for the adoption of the amendment herein is contained in §§ 4(i), 5(d)(1), 303(g) and (r) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules.

7. Accordingly, it is ordered, That effective August 7, 1981 § 73.202(b) of the Commission's Rules, the FM Table of Assignments, is amended with regard to the following community:

City	Channel No
Owingsville, Ky.	296A

8. It is further ordered, That this proceeding is terminated.

9. For further information concerning the above, contact Mark N. Lipp, Broadcast Bureau (202) 632-7792.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-17809 Filed 6-15-81; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 80-516; RM-3592]

Radio Broadcast Services; FM Broadcast Station in Hampton, Ark.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns FM Channel 296A to Hampton, Arkansas, in response to a petition filed by Travis Carroll. The assignment could provide Hampton with a first local aural service.

EFFECTIVE DATE: August 7, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: June 2, 1981.

Released: June 9, 1981.

By the Chief, Policy and Rules Division.

In the matter of amendment of § 73.202(b), Table of Assignments, FM broadcast stations. (Hampton, Arkansas); BC Docket No. 80-516 RM-3592.

1. The Commission has before it for consideration a *Notice of Proposed Rule Making*, 45 FR 58611, published September 4, 1980, in response to a petition filed by Travis Carroll ("petitioner"), proposing the assignment of FM Channel 296A to Hampton, Arkansas, as the community's first FM assignment. Supporting comments were filed by petitioner in which it affirmed its intent to file for the channel, if assigned. No oppositions to the proposal were received.

2. Hampton (population 1,252), in Calhoun County (population 5,573), is located in the south central portion of the State.[1] Channel 296A could be assigned to Hampton, provided the transmitter site is located approximately 10 kilometers (6.1 miles) southwest of Hampton to comply with the minimum distance separation requirements of § 73.207 of the Commission's Rules.

3. In support of its proposal, petitioner submitted information with respect to Hampton which is persuasive as to its need for a first FM channel assignment.

4. We believe that the public interest would be served by the assignment of Channel 296A to Hampton, Arkansas. An interest has been shown for its use, and such an assignment would provide the community with an FM station which could render a first local aural broadcast service.

5. Authority for the adoption of the amendment herein is contained in §§ 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules.

6. Accordingly, it is ordered, that effective August 7, 1981, § 73.202(b) of the Commission's Rules, the FM Table of Assignments, is amended with regard to the following community:

City	Channel No
Hampton, Ark.	296A

7. It is further ordered, that this proceeding is terminated.

8. For further information concerning the above, contact Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

[1] Population figures are taken from 1970 U.S. Census.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-17810 Filed 6-15-81; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 90

[PR Docket No. 80-422; RM-3199]

Bio-Medical Telemetry Operations; Correction

AGENCY: Federal Communications Commission.

ACTION: Final rule; correction.

SUMMARY: On April 21, 1981, the Federal Communications Commission published regulations amending the Special Emergency Radio Service rules to permit the use of F2 and F9 emission on certain frequencies in the 155 MHz range within 50 miles of cities having populations in excess of 600,000. This errata makes necessary corrections to those regulations because of omissions and inaccuracies which occurred in the production and printing.

EFFECTIVE DATE: May 15, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mr. Arthur C. King, Private Radio Bureau, (202) 632-6497.

SUPPLEMENTARY INFORMATION:

In the Matter of amendment of Part 90 of the Commission's Rules concerning bio-medical telemetry operations; PR Docket No. 80-422; RM-3199.

Errata

Released: June 9, 1981.

Appendix B to the Report and Order in this proceeding (46 FR 22590, adopted March 26, 1981) detailed changes to the Special Emergency Radio Service Frequency Table and included limitation (26), a new limitation on five frequencies. It should have been numbered as (29) because during the pendancy of this rule making proceeding, limitation (26) was used in the Appendix to the Report and Order in Docket 79-192. This Errata makes the necessary corrections to the final rules which appeared on page 22592 of the April 20, 1981, **Federal Register.**

Appendix B also included a tabulation of 41 urbanized areas but omitted any reference to their geographical coordinates. This errata also provides the required reference.

1. On page 22592, column two, in Section 90.53(a), correct the Special Emergency Radio Service Frequency

Table to add limitation 25 and to change limitation 26 to 29 as follows:

§ 90.53 [Amended]

(a) * * *

Frequency or band	Class of station(s)	Limitations
155.325	do	8, 9, 25, 29
155.340	do	10, 25, 29
155.355	do	8, 9, 25, 29
155.385	do	8, 9, 25, 29
155.400	do	8, 9, 25, 29

* * * * *

2. On page 22592, column two, correct at § 90.53(b), by adding new subparagraph (29) to read as follows:

§ 90.53 [Amended]

* * * * *

(b) * * *

(29) In addition to other authorized uses, the use of F2 or F9 emission is permitted on this frequency for the operation of bio-medical telemetry systems subject to the following limitations:

(1) Bio-medical telemetry operations may be conducted only in geographic areas beyond fifty miles from the centers of the following urbanized areas:

New York, N.Y.-Northeastern New Jersey; Los Angeles-Long Beach, California; Chicago, Ill.-Northwestern Indiana; Philadelphia, Pa.-N.J.; Detroit, Mich.; San Francisco-Oakland, Calif.; Boston, Mass.; Washington, D.C.-Md.-Va.; Cleveland, Ohio; St. Louis, Mo.-Ill.; Pittsburgh, Pa.; Minneapolis-St. Paul, Minn.; Houston, Tex.; Baltimore, Md.; Dallas, Tex.; Milwaukee, Wis.; Seattle-Everett, Wash.; Miami, Fla.; San Diego, Calif.; Atlanta, Ga.; Cincinnati, Ohio-Ky.; Kansas City, Mo.-Kans.; Buffalo, N.Y.; Denver, Colo.; San Jose, Calif.; New Orleans, La.; Phoenix, Ariz.; Portland, Oreg.-Wash.; Indianapolis, Ind.; Providence-Pawtucket-Warwick, R.I.-Mass.; Columbus, Ohio; San Antonio, Tex.; Louisville, Ky.-Ind.; Dayton, Ohio; Fort Worth, Tex.; Norfolk-Portsmouth, Va.; Memphis, Tenn.-Miss.; Sacramento, Calif.; Fort Lauderdale-Hollywood, Fla.; Rochester, N.Y.; Tampa-St. Petersburg, Fla.

(ii) The continuous carrier mode of operation may be used for telemetry transmissions on this frequency for periods up to two-minutes duration; following which there must be a break in the carrier for at least a one-minute period.

(iii) Geographical coordinates for the above-listed urbanized areas may be found at § 90.365(h).

* * * * *

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81-17829 Filed 6-15-81; 8:45 am]

BILLING CODE 6712-01-M

Proposed Rules

Federal Register
Vol. 46, No. 115
Tuesday, June 16, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 201

Federal Seed Act Regulations: Update and Standardize Botanical Names, Testing Methods and Certification Standards; Notice of Public Hearings

Correction

In FR Doc. 81-17127, appearing in the issue of Wednesday, June 10, 1981, at page 30780, make the following change, on page 30787, in § 201.58d(b)(2), the third sentence should read, "Thoroughly moisten a layer of vermiculite at least 40 mm in depth with nitrogen-free nutrient solution, and level the surface with a 10 mm layer of washed sterile sand.".

BILLING CODE 1505-01-M

7 CFR Parts 1125 and 1133

[Docket Nos. AO-226-A29 and AO-275-A32]

Milk in the Puget Sound, Washington, and Inland Empire Marketing Areas; Notice of Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

AGENCY: Agricultural Marketing Service, USDA

ACTION: Public hearing on proposed rules.

SUMMARY: The hearing is being held to consider a proposal by a major cooperative association to merge the Puget Sound and Inland Empire marketing areas under one order. The proposal also would expand the proposed merged area to include 12 additional counties in the State of Washington. The Puget Sound order provisions would be used to a large extent as the basic regulatory provisions of the merged order. The merger proposal would not include a Class I base plan as now provided by the Puget Sound order. Proposals of other parties, however, would continue the base plan under a merged order. Other proposals would amend certain provisions of the Puget Sound order if applied to a merged order. Proponents, which include both handlers and producer groups, contend that the changes are needed to reflect changed marketing conditions.

DATES: July 7, 1981, and July 13, 1981.

ADDRESSES: Vance Airport Inn at Sea-Tac, 18220 Pacific Highway South, Seattle, Washington 98188, on July 7, 1981, and at the Ramada Inn, Spokane International Airport, Spokane, Washington 99219, on July 13, 1981.

FOR FURTHER INFORMATION CONTACT: Maurice M. Martin, Marketing Specialist, Dairy Division, Agriculture Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447-7183.

SUPPLEMENTARY INFORMATION: Notice is hereby given of a public hearing to be held at the Vance Airport Inn at Sea-Tac, 18220 Pacific Highway South, Seattle, Washington, beginning at 9:30 a.m. on July 7, 1981, with an additional session also to be held at the Ramada Inn, Spokane International Airport, Spokane, Washington, beginning at 9:30 a.m. on July 13, 1981, with respect to proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in the aforesaid specified marketing areas.

The hearing is called pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

The purpose of the hearing is to receive evidence with respect to the economic and marketing conditions in each of the aforesaid specified marketing areas which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreements and to the orders.

Proposal No. 1, a proposal to combine the Puget Sound, Washington, and Inland Empire marketing areas under one order, raises the issue of whether the provisions set forth in that proposal would tend to effectuate the declared policy of the Act if they are applied to the proposed merged and expanded marketing area, and if not, what modifications of the proposal would be appropriate. Similarly, Proposal No. 2 relative to a redefinition of the Puget Sound, Washington, marketing area raises the issue whether the provisions of the proposal would tend to effectuate the declared policy of the Act, if they are applied to the marketing area as proposed to be redefined and if not, what modifications of the provisions of the proposed amended order would be appropriate.

Issues raised by the proposals set forth herein also include whether the declared policy of the Act would tend to be effectuated by:

(a) Merging under one order the Puget Sound, Washington, and Inland Empire marketing areas.

(b) The adoption of any of the proposed provisions, or appropriate modification thereof, for separate orders or a combined order, including a review of the appropriate pricing and pooling provisions of the order whether separate or combined. The issue of consolidation of the Puget Sound and Inland Empire marketing areas also raises the issue of the appropriate disposition of the producer-settlement funds, marketing service funds and administrative funds accumulated under the respective orders.

Beginning January 1, 1981, actions under the Federal milk order program became subject to the "Regulatory Flexibility Act" (Pub. L. 96-354). This act seeks to ensure that, within the statutory authority of a program, the regulatory and information requirements are tailored to the size and nature of small businesses. For the purpose of the Federal order program, a small business will be considered as one which is independently owned and operated and which is not dominant in its field of operation. Most parties subject to a milk order are considered as a small business. Accordingly, interested parties are invited to present evidence on the probable regulatory and informational impact of the hearing proposals on small businesses. Also, parties may suggest modifications of these proposals for the purpose of tailoring their applicability to small businesses.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Northwest Dairymen's Association

Proposal No. 1

PART 1125—MILK IN THE PUGET SOUND-INLAND MARKETING AREA

§ 1125.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

Definitions

§ 1125.2 Puget Sound-Inland marketing area.

"Puget Sound—Inland marketing area" (hereinafter called the "marketing area") means all territory geographically within the places listed below, including all territory wholly or partly therein occupied by government (Municipal, State or Federal) reservations, facilities, installations, or institutions:

Idaho Counties

Benewah, Bonner, Boundary, Kootenai, Latah, Shoshone.

Washington Counties

Adams, Chelan, Clallam, Douglas, Ferry, Grant, Grays, Harbor, Island, Jefferson, King, Kitsap, Kittitas, Lewis (except the town of Vader), Lincoln, Mason, Okanogan, that portion of Pacific county north of township 11N (except Long Island and North Beach Peninsula), Pend Orielle, Pierce, San Juan, Skagit, Snohomish, Spokane, Stevens, Thurston, Whatcom, Whitman.

§ 1125.3 Route disposition.

"Route disposition" means any delivery of fluid milk products (including delivery at a plant, plant store, or eating place and delivery by a vendor or through a distribution point), except:

(a) A delivery to a plant: *Provided*, That packaged fluid milk products that are transferred to a pool distributing plant from another pool distributing plant, and classified as Class I under § 1125.42(a), shall be considered route disposition from the transferor-plant for the sole purpose of qualifying it as a pool distributing plant under § 1125.7(a), and the transferor-plant shall be assigned in-area dispositions but not in excess of the in-area dispositions of the transferee;

(b) A delivery in bulk to a commercial food processing establishment pursuant to § 1125.40(b)(3); or

(c) A delivery to a military or other ocean transport vessel leaving the marketing area, of fluid milk products which originated at a plant located outside the marketing area and were not received or processed at any pool plant.

§ 1125.4 Plant.

"Plant" means the building, facilities and equipment, whether owned or operated by one or more persons, constituting a single operating unit or establishment, which is maintained and operated primarily for the receiving, handling and/or processing of milk or milk products (including filled milk).

The term "plant" (which does not include "bulk reload points") means buildings, and facilities, including facilities for washing tanks, used primarily as a location at which milk is transferred from one farm pickup tank truck to another or to an over-the-road tank truck. Any reload point approved for such use by a duly constituted regulatory agency and located on the premises of a plant engaging in other operations shall constitute a part of the operations of such plant. However, milk which is reloaded at such a facility in transit to another plant at which it is processed, shall, for purposes of pricing only, be considered a receipt at the plant at which it is processed.

§ 1125.5 Distributing plant.

"Distributing plant" means a plant in which a fluid milk product approved by a duly constituted regulatory agency for fluid consumption, or filled milk, is processed or packaged and that has route disposition in the marketing area during the month.

§ 1125.6 Supply plant.

"Supply plant" means a plant from which a fluid milk product approved by a duly constituted regulatory agency for fluid consumption, or filled milk, is transferred during the month to a pool distributing plant.

§ 1125.7 Pool plant.

Except as provided in paragraph (c) of this section "pool plant" means a plant specified in paragraph (a) or (b) of this section. For the purpose of determining a plant's pool status under paragraphs (a), (b), or (c) of this section, the receipts and disposition of filled milk shall be excluded from such computation.

(a) A distributing plant with route disposition in the marketing area during the month that averages more than 300 pounds daily and is also not less than 10 percent of receipts of Grade A milk at such plant. For purposes of this paragraph, route disposition shall not include receipts from a transferor-plant pursuant to the proviso of § 1125.3(a); or

(b) A supply plant from which there is transferred to a pool distributing plant fluid milk products that represent not less than the following percentages of the total quantity of Grade A milk that is physically received at such plant directly from dairy farmers, or a cooperative association pursuant to § 1125.9(c) or diverted therefrom as producer milk pursuant to § 1125.13:

Months and Applicable Percentage

January, February, or September—40
March through August—30
October through December—50

Any such plant that has transferred the applicable percentage of its receipts during the entire September through February period shall be a pool plant for the months of March through August immediately following. Any plant which otherwise meets the requirement of this paragraph may withdraw from pool supply plant status in the March through August period if the operator of the plant files with the market administrator prior to the first day of such month a written request for such withdrawal. The plant may regain pool status during such period only by meeting the applicable qualifying percentage.

(c) The term "pool plant" shall not apply to the following plants:

(1) A producer-handler plant;

(2) A plant qualified pursuant to paragraph (a) of this section which also meets the pooling requirements of another Federal order and from which, the Secretary determines, there is a greater quantity of route disposition during the month in such other Federal order marketing area than in this marketing area, except that if such plant was subject to all the provisions of this part in the immediately proceding month it shall continue to be subject to all the provisions of this part until the fourth consecutive month in which a greater proportion of its route disposition is made in such other marketing area unless, notwithstanding the provisions of this paragraph, it is regulated under such other order;

(3) A plant qualified pursuant to paragraph (a) of this section which also meets the pooling requirements of another Federal order on the basis of route disposition in such other marketing area and from which, the Secretary determines, there is a greater quantity of route disposition in this marketing area than in such other marketing area but which plant maintains pooling status for the month under such other Federal order; or

(4) A plant pursuant to paragraph (b) of this section which also meets the pool plant requirements of another Federal order and from which greater shipments are made during the month to plants regulated under such other order than are made to plants regulated under this order; or

(5) That portion of a plant that is physically separated from the Grade A portion of such plant, is operated separately, and is not approved by any regulatory agency for the receiving, processing, or packaging of any fluid milk products for Grade A disposition.

§ 1125.8 Nonpool plant.

"Nonpool plant" means any plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which during the month an average of more than 300 pounds daily of fluid milk products is disposed of as route disposition in the marketing area.

(d) "Unregulated supply plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products are moved to a pool plant during the month.

§ 1125.9 Handler.

"Handler" means:

(a) The operator of one or more pool plants;

(b) Any cooperative association with respect to producer milk which is caused to be diverted for the account of such cooperative association from a pool plant to a nonpool plant, or pursuant to § 1125.40(b)(3);

(c) Any cooperative association with respect to producer milk received from the farm for delivery to the pool plant of another handler in a tank truck owned and operated by, or under contract to, such cooperative association, if the cooperative association notified the market administrator and the operator of the pool plant to whom the milk is delivered, in writing prior to the first day of the month of delivery that it elects to be the handler of such milk;

(d) The operator of a partially regulated distributing plant;

(e) A producer-handler; and

(f) The operator of an other order plant from which route disposition is made in the marketing area during the month.

§ 1125.10 Producer-handler.

"Producer-handler" means a person who is engaged in the production of milk and also operates a plant from which during the month an average of more than 110 pounds daily of fluid milk products, except filled milk, is disposed of as route disposition within the marketing area and who has been so designated by the market administrator upon his determination that all of the requirements of this section have been met, and that none of the conditions therein for cancellation of such designation exists. All designations shall remain in effect until canceled pursuant to paragraph (c) of this section. Any state institution shall be a producer-handler exempt from the provisions of this section and §§ 1125.30 and 1125.32 with respect to milk of its own production and receipts from pool plants processed or received for consumption in State institutions and with respect to movements of milk to or from a pool plant.

(a) *Requirements for designation.*

(1) The producer-handler has and exercises (in his capacity as a handler) complete and exclusive control over the operation and management of a plant at which he handles and processes milk received from his milk production resources and facilities (designated as such pursuant to paragraph (b)(1) of this section), the operation and management of which are under the complete and exclusive control of the producer-handler (in his capacity as a dairy farmer).

(2) The producer-handler neither receives at his designated milk production resources and facilities nor receives, handles, processes or distributes at or through any of his milk handling, processing or distributing resources and facilities (designated as such pursuant to paragraph (b)(2) of this section) milk products for reconstitution into fluid milk products, or fluid milk products derived from any source other than (i) his designated milk production resources and facilities, (ii) pool plants within the limitation specified in paragraph (c)(2) of this section, or (iii) nonfat milk solids which are used to fortify fluid milk products.

(3) The producer-handler is neither directly nor indirectly associated with the business control or management of, nor has a financial interest in, another handler's operation; nor is any other handler so associated with the producer-handler's operation.

(4) Designation of any person as a producer-handler following a cancellation of his prior designation shall be preceded by performance in accordance with paragraph (a) (1), (2), and (3) of this section for a period of 1 month.

(b) *Resources and facilities.* Designation of a person as a producer-handler shall include the determination and designation of the milk production, handling, processing and distributing resources and facilities, all of which shall be deemed to constitute an integrated operation, as follows:

(1) As milk productioin resources and facilities: All resources and facilities (milking herd(s), buildings housing such herd(s), and the land on which such buildings are located) used for the production of milk:

(i) Which are directly, indirectly or partially owned, operated or controlled by the producer-handler;

(ii) In which the producer-handler in any way has an interest including any contractual arrangement; and

(iii) Which are directly, indirectly or partially owned, operated or controlled by any partner or stockholder of the producer-handler: Provided, That for purposes of this paragraph any such milk production resources and facilities which the producer-handler proves to the satisfaction of the market administrator do not constitute an actual or potential source of milk supply for the producer-handler's operation as such shall not be considered a part of his milk production resources and facilities; and

(2) As milk handling, processing and distributing resources and facilities: All resources and facilities (including store outlets) used for handling, processing and distributing within the marketing area any fluid milk product:

(1) Which are directly, indirectly or partially owned, operated or controlled by the producer-handler; or

(ii) In which the producer-handler in any way has an interest, including any contractual arrangement, or with respect to which the producer-handler directly or indirectly exercises any degree of management or control.

(c) *Cancellation.* The designation as a producer-handler shall be canceled under any of the conditions set forth in paragraph (c) (1) and (2) of this section or upon determination by the market administrator that any of the requirements of paragraph (a) (1), (2), and (3) of this section are not continuing to be met, such cancellation to be effective on the first day of the month following the month in which the requirements were not met, or the conditions for cancellation occurred.

(1) Milk from the designation milk production resources and facilities of the producer-handler is delivered in the name of another person as producer milk to another handler.

(2) The producer-handler handles fluid milk products derived from sources other than the designated milk production facilities and resources, with the exception of purchases from pool plants in the form of packaged fluid milk or fluid cream products other than whole milk, which do not exceed in the aggregate a daily average during the month of 100 pounds.

(d) *Public Announcement.* The market administrator shall publicly announce the name, plant location and farm location(s) of persons designated as producer-handlers, of those whose designations have been canceled, and the effective dates of producer-handler status or loss of producer-handler status for each. Such announcements shall be controlling with respect to the accounting at plants of other handlers for fluid milk products received from any producer-handler.

(e) *Burden of establishing and maintaining producer-handler status.* The burden rests upon the handler who is designated as a producer-handler to establish through records required pursuant to § 1000.5 of this chapter that the requirements set forth in paragraph (a) of this section have been and are continuing to be met, and that the conditions set forth in paragraph (c) of this section for cancellation of designation do not exist.

§ 1125.11 [Reserved]

§ 1125.12 Producer.

(a) Except as provided in paragraph (b) of this section, "producer" means any person who produces milk approved by a duly constituted regulatory agency for disposition as Grade A milk and whose milk is:

(1) Received at pool plant directly from such person;

(2) Received by a handler described in § 1125.9(c); or

(3) Diverted from a pool plant in accordance with § 1125.13.

(b) "Producer" shall not include:

(1) A producer-handler as defined in any order (including this part) issued pursuant to the Act;

(2) Any person with respect to milk produced by him that is diverted to a pool plant from an other order plant if the other order designates such person as a producer under that order and such milk is allocated to Class II or Class III utilization pursuant to § 1125.44(a)(8)(iii) and the corresponding step of § 1125.44(b).

(3) Any person with respect to milk produced by him that is reported as diverted to an other order plant if any portion of such person's milk so moved is assigned to Class I under the provisions of such order;

(4) Any person who during the month has disposed of as route distribution or to consumers at the farm an average of more than 110 pounds daily of fluid milk or fluid cream products; and

(5) Any person (to be known as a dairy farmer for other markets) who during the month delivers milk to a nonpool plant (except an other order plant) other than by diversion from a pool plant of this or another order.

§ 1125.13 Producer milk.

"Producer milk" or "milk received from producers" means skim milk and butterfat in milk produced by producers which is received for the account of a handler as follows:

(a) With respect to receipts at a pool, producer milk shall include:

(1) Milk received at such plant directly from producers;

(2) Milk diverted from such pool plant to a nonpool plant or pursuant to § 1125.40(b)(3) for the account of the operator of the pool plant, subject to the conditions set forth in paragraph (c) of this section; and

(3) Milk received at such pool plant from a cooperative association in its capacity as a handler pursuant to § 1125.9(c), for all purposes other than those specified in paragraph (b)(2)(i) of this section;

(b) With respect to milk for which a cooperative association is a handler in a capacity other than as the operator of a pool plant, producer milk shall include:

(1) Milk diverted from a pool plant to a nonpool plant or pursuant to § 1125.40(b)(3) for the account of the cooperative association, subject to the conditions set forth in paragraph (c) of this section; and

(2) Milk for which the cooperative association is a handler pursuant to § 1125.9(c) to the following extent:

(i) For purposes of reporting pursuant to §§ 1125.30(c) and 1125.31(a) and making payments to producers pursuant to § 1125.73(a); and

(ii) For all purposes, with respect to any such milk which is not delivered to the pool plant of another handler;

(c) With respect to diversions to nonpool plants or pursuant to § 1125.40(b)(3):

(1) Milk of any producer may be diverted by a cooperative association or its agent for its account pursuant to § 1125.9(b) from pool distributing plants to nonpool plants or pursuant to § 1125.40(b)(3). The total quantity of milk diverted may not exceed 80 percent during the months of September through April of the producer milk which the association or its agent causes to be delivered to pool distributing plants, or diverted therefrom. No percentage limit shall apply during the months of May through August;

(2) Milk of any producer may be diverted by a cooperative association or its agent for its account pursuant to § 1125.9(b) from pool supply plants to nonpool plants or pursuant to § 1125.40(b)(3). The total quantity of milk so diverted may not exceed 50 percent of the producer milk which the association or its agent causes to be delivered to all such pool supply plants or diverted therefrom during the month;

(3) A handler, other than a cooperative association, operating a pool distributing plant may divert therefrom for his account to nonpool plants or pursuant to § 1125.40(b)(3). The total quantity of milk diverted may not exceed 80 percent during the months of September through April of the milk received at or diverted from such handler's pool distributing plant from any producer other than a member of a cooperative association which markets milk under paragraph (c)(1) or (c)(2) of this section and for which the operator of such plant is the handler during the month. No percentage limit shall apply during the months of May through August;

(4) A handler, other than a cooperative association, operating a pool supply plant may divert therefrom for his account to nonpool plants or pursuant to § 1125.40(b)(3). The total quantity of milk so diverted may not exceed 50 percent of the total milk received at or diverted from such pool plant during the month from any producer other than a member of a cooperative association which markets milk under paragraphs (c)(1) or (c)(2) of this section and for which the operator of such plant is the handler during the month;

(5) Milk diverted in excess of the limits specified shall not be considered producer milk, and the diverting handler shall specify the producers whose milk is ineligible as producer milk. If a handler fails to designate such producers, producer milk status shall be forfeited with respect to all milk diverted by the handler during the month;

(6) For purpose of location adjustments pursuant to §§ 1125.52 and 1125.75, milk diverted to a nonpool plant or pursuant to § 1125.40(b)(3) shall be priced at the location of the plant or commercial food processing establishment to which diverted; and

(d) In the case of any bulk tank load of milk originating at farms and subsequently divided among plants, the

proportion of the load received at each plant shall be prorated among the individual producers involved on the basis of their respective percentage of the total load.

§ 1125.14 Other source milk.

"Other source milk" means all skim milk and butterfat contained in or represented by:

(a) Receipts of fluid milk products and bulk products specified in § 1125.40(b)(1) from any source other than producers, handlers described in § 1125.9(c), or pool plants;

(b) Receipts in packaged form from other plants of products specified in § 1125.40(b)(1);

(c) Products (other than fluid milk products, products specified in § 1125.40(b)(1), and products produced at the plant during the same month) from any source which are reprocessed, converted into, or combined with another product in the plant during the month; and

(d) Receipts of any milk product (other than a fluid milk product or a product specified in § 1125.40(b)(1)) for which the handler fails to establish a disposition.

§ 1125.15 Fluid milk products.

(a) Except as provided in paragraph (b) of this section, "fluid milk product" means any of the following products in fluid or frozen form: milk, skim milk, lowfat milk, milk drinks, buttermilk, mixtures of cream and milk or skim milk containing less than 18 percent butterfat (including those which are sterilized or aseptically packaged), filled milk, and milkshake and ice milk mixes containing less than 20 percent total solids, including any such products that are flavored, cultured, modified with added nonfat milk solids, concentrated (if in a consumer-type package), or reconstituted.

(b) The term "fluid milk product" shall not include:

(1) Evaporated or condensed milk (plain or sweetened), evaporated or condensed skim milk (plant or sweetened), formulas especially prepared for infant feeding or dietary use that are packaged in hermetically sealed glass or all-metal containers, any product that contains by weight less than 6.5 percent nonfat solids, and whey; and

(2) The quantity of skim milk in any modified product specified in paragraph (a) of this section that is in excess of the quantity of skim milk in an equal volume of an unmodified product of the same nature and butterfat content.

§ 1125.16 Fluid cream product.

"Fluid cream product" means cream (other than plastic cream or frozen cream), sour cream, or a mixture (including a cultured mixture) of cream and milk or skim milk containing 18 percent or more butterfat, with or without the addition of other ingredients.

§ 1125.17 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers, or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

§ 1125.18 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers, duly organized as such under the laws of any State, which includes members who are producers as defined in § 1125.12 and which the Secretary determines, after application by the association:

(a) To be qualified under the standards set forth in the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act".

(b) To have its entire organization and all of its activities under the control of its members; and

(c) To be currently engaged in making collective sales of or marketing milk or its products for its members.

Handler Reports

§ 1125.30 Reports of receipts and utilization.

On or before the 9th day of each month each handler shall report to the market administrator, in the detail and on forms prescribed by the market administrator, the following information for the preceding month:

(a) Each handler operating a pool plant(s) shall report separately for each pool plant:

(1) The quantities of skim milk and butterfat contained in:

(i) Milk received directly from producers, showing separately any milk of own-farm production;

(ii) Milk received from a cooperative association pursuant to § 1125.9(c);

(iii) Fluid milk products and bulk fluid cream products received from other pool plants showing filled milk separately;

(iv) Other source milk showing filled milk separately; and

(v) Inventories at the beginning and end of the month of fluid milk products and products specified in § 1125.40(b)(1).

(2) The utilization of all skim milk and butterfat required to be reported, including separate statements of quantities in route disposition inside and outside the marketing area.

(b) Each producer-handler shall report:

(1) The quantities of skim milk and butterfat contained in:

(i) Milk of own-farm production;

(ii) Receipts of fluid milk products and fluid cream products from pool plants, showing separately receipts in packaged form and in bulk; and

(iii) Other source milk, showing separately any receipts from another dairy farmer.

(2) As specified in paragraph (a)(2) of this section.

(c) Each cooperative association shall report with respect to milk for which it is the handler pursuant to either § 1125.9(b) or (c):

(1) The quantities of skim milk and butterfat received from producers;

(2) The utilization of skim milk and butterfat for which it is the handler pursuant to § 1125.9(b); and

(3) The quantities of skim milk and butterfat delivered to each pool plant pursuant to § 1125.9(c).

(d) Each handler who operates a partially regulated distributing plant shall report as specified in paragraph (a)(1) and (2) of this section except that receipts from dairy farmers in Grade A milk shall be reported in lieu of those in producer milk. Such report shall include separate statements, respectively, showing the respective amounts of skim milk and butterfat disposed of as route disposition in the marketing area as Class I milk and the quantity of reconstituted skim milk in fluid milk products disposed of as route disposition in the marketing area.

(e) Each handler who operates an other order plant with route disposition of fluid milk products in the marketing area shall report the quantities of skim milk and butterfat in such disposition.

§ 1125.31 Payroll reports.

On or before the 22nd day of each month handlers shall report to the market administrator as follows:

(a) Each handler with respect to each of his pool plants and each cooperative association which is a handler pursuant to § 1125.9(b) or (c) shall submit his producer payroll for deliveries (other than his own-farm production) in the preceding month which shall show:

(1) The total pounds of milk received from each producer, the pounds of

butterfat contained in such milk, and the number of days on which milk was delivered by such producer in such month;

(2) The amount of payment to each producer and cooperative association; and

(3) The nature and amount of any deductions or charges involved in such payments; and

(b) Each handler operating a partially regulated distributing plant who wishes computations pursuant to § 1125.76(a) to be considered in the computation of his obligation pursuant to § 1125.76 shall submit his payroll for deliveries of Grade A milk by dairy farmers which shall show:

(1) The total pounds of milk and the butterfat content thereof received from each dairy farmer;

(2) The amount of payment to each dairy farmer (or to a cooperative association on behalf of such dairy farmer); and

(3) The nature and amount of any deductions or charges involved in such payments.

§ 1125.32 Other reports.

At such time and in such manner as the market administrator may prescribe, each handler shall report to the market administrator such information in addition to that required under §§ 1125.30 and 1125.31 as may be requested by the market administrator with respect to milk and milk products (including filled milk) handled by him.

Classification of Milk

§ 1125.40 Classes of utilization.

Except as provided in § 1125.42 all skim milk and butterfat required to be reported by a handler pursuant to § 1125.30 shall be classified as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid milk product, except as otherwise provided in paragraphs (b) and (c) of this section;

(2) In packaged inventory of fluid milk products at the end of the month; and

(3) Not specifically accounted for as Class II or Class III milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid cream product, eggnog, yogurt and any product containing 6 percent or more non-milk fat (or oil) that resembles a fluid cream product, eggnog, or yogurt, except as otherwise provided in paragraph (c) of this section;

(2) In packaged inventory at the end of the month of the products specified in paragraph (b)(1) of this section;

(3) In all bulk fluid milk products and bulk fluid cream products disposed of to any commercial food processing establishment, or in producer milk diverted to a commercial food processing establishment in Pacific County, Washington, subject to the conditions of § 1125.42(e), (other than a milk or filled milk plant) at which food products (other than milk products and filled milk) are processed and from which there is no disposition of fluid milk products or fluid cream products other than those received in consumer type packages; and

(4) Used to produce:

(i) Cottage cheese, lowfat cottage cheese, and dry curd cottage cheese;

(ii) Milkshake and ice milk mixes (or bases) containing 20 percent or more total solids; frozen desserts, and frozen dessert mixes;

(iii) Any concentrated milk product in bulk, fluid form other than that specified in paragraph (c)(1)(iv) of this section.

(iv) Plastic cream, frozen cream and anhydrous milkfat.

(v) Custards, puddings, and pancake mixes; and

(vi) Formulas especially prepared for infant feeding or dietary use that are packaged in hermetically sealed, glass, or all-metal containers.

(c) *Class III milk.* Class III milk shall be all skim milk and butterfat:

(1) Use to produce:

(i) Cheese (other than cottage cheese, lowfat cottage cheese, and dry curd cottage cheese);

(ii) Butter;

(iii) Any milk product in dry form;

(iv) Any concentrated milk product in bulk, fluid form that is used to produce a Class III product;

(v) Evaporated or condensed milk (plain or sweetened) in a consumer-type package and evaporated or condensed skim milk (plain or sweetened) in a consumer type package; and

(vi) Any product not otherwise specified in this section;

(2) In inventory at the end of the month of fluid milk products in bulk form and products specified in paragraph (b)(1) of this section in bulk form;

(3) In fluid milk products and products specified in paragraph (b)(1) of this section that are disposed of by a handler for animal feed;

(4) In fluid milk products and products specified in paragraph (b)(1) of this section that are dumped by a handler if the market administrator is notified of such dumping in advance and is given the opportunity to verify such disposition;

(5) In skim milk in any modified fluid milk product that is in excess of the quantity of skim milk in such product that was included within the fluid milk product definition pursuant to § 1125.15; and

(6) In shrinkage assigned pursuant to § 1125.41(a) to the receipts specified in § 1125.41(a)(2) and in shrinkage specified in § 1125.41 (b) and (c).

§ 1125.41 Shrinkage.

For purposes of classifying all skim milk and butterfat to be reported by a handler pursuant to § 1125.30, the market administrator shall determine the following:

(a) The pro rata assignment of shrinkage of skim milk and butterfat, respectively, at each pool plant to the respective quantities of skim milk and butterfat:

(1) In the receipts specified in paragraph (b)(1) through (6) of this section on which shrinkage is allowed pursuant to such paragraph; and

(2) In other source milk not specified in paragraph (b)(1) through (6) of this section which was received in the form of a bulk fluid milk product or a bulk fluid cream product.

(b) The shrinkage of skim milk and butterfat, respectively, assigned pursuant to paragraph (a)(1) of this section that is not in excess of:

(1) Two percent of the skim milk and butterfat, respectively, in producer milk (excluding milk diverted by the plant operator to another plant and milk received from a handler described in § 1125.9(c));

(2) Plus 1.5 percent of the skim milk and butterfat, respectively, in milk received from a handler described in § 1125.9(c), except that if the operator of the plant to which the milk is delivered purchases such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples, the applicable percentage under this paragraph shall be 2 percent;

(3) Plus 0.5 percent of the skim milk and butterfat, respectively, in producer milk diverted from such plant by the plant operator to another plant or to a commercial food processing establishment pursuant to § 1125.40(b)(3), except that if the operator of the plant or establishment to which the milk is delivered purchases such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples, the applicable percentage under this paragraph shall be zero;

(4) Plus 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid

milk products received by transfer from other pool plants;

(5) Plus 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products received by transfer from other order plants, excluding the quantity for which Class II or Class III classification is requested by the operator of both plants;

(6) Plus 1.5 percent of the skim milk and butterfat respectively, in bulk fluid milk products received from unregulated supply plants, excluding the quantity for which Class II or Class III classification is requested by the handler; and

(7) Less 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products transferred to other plants that is not in excess of the respective amounts of skim milk and butterfat to which percentages are applied in paragraph (b) (1), (2), (4), (5), and (6) of this section; and

(c) The quantity of skim milk and butterfat, respectively, in shrinkage of milk from producers for which a cooperative association is the handler pursuant to § 1125.9(b) or (c) but not in excess of 0.5 percent of the skim milk and butterfat, respectively, in such milk. If the operator of a plant or a commercial food processing establishment pursuant to § 1125.40(b)(3) to which the milk is delivered purchases such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples, the applicable percentage under this paragraph for the cooperative association shall be zero.

§ 1125.42 Classification of transfers and diversions.

(a) *Transfers to pool plants.* Skim milk or butterfat transferred in the form of a fluid milk product or a bulk fluid cream product from a pool plant to another pool plant shall be classified as Class I milk unless the operators of both plants request the same classification in another class. In either case, the classification of such transfers shall be subject to the following conditions:

(1) The skim milk or butterfat classified in each class shall be limited to the amount of skim milk and butterfat, respectively, remaining in such class at the transferee-plant after the computations pursuant to § 1125.44 (a)(12) and the corresponding step of § 1125.44(b);

(2) If the transferor-plant received during the month other source milk to be allocated pursuant to § 1125.44(a)(7) or the corresponding step of § 1125.44(b), the skim milk or butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor-handler received during the month other source milk to be allocated pursuant to § 1125.44(a)(11) or (12) or the corresponding steps of § 1125.44(b), the skim milk or butterfat so transferred up to the total of the skim milk and butterfat, respectively, in such receipts of other source milk, shall not be classified as Class I milk to a greater extent than would be the case if the other source milk had been received at the transferee-plant.

(b) *Transfers and diversions to other order plants.* Skim milk or butterfat transferred or diverted in the form of a fluid milk product or a bulk fluid cream product from a pool plant to an other order plant shall be classified in the following manner. Such classification shall apply only to the skim milk or butterfat that is in excess of any receipts at the pool plant from the other order plant of skim milk and butterfat, respectively, in fluid milk products and bulk fluid cream products, respectively, that are in the same category as described in paragraph (b)(1), (2) or (3) of this section:

(1) If transferred as packaged fluid milk products, classification shall be in the classes to which allocated as a fluid milk product under the other order;

(2) If transferred in bulk form, classification shall be in the classes to which allocated under the other order (including allocation under the conditions set forth in paragraph (b)(3) of this section;

(3) If the operators of both plants so request in their reports of receipts and utilization filed with their respective market administrators, transfers or diversions in bulk form shall be classified as Class II or Class III milk to the extent of such utilization available for such classification pursuant to the allocation provisions of the other order;

(4) If information concerning the classes to which such transfers or diversions were allocated under the other order is not available to the market administrator for the purpose of establishing classification under this paragraph, classification shall be as Class I, subject to adjustment when such information is available;

(5) For purposes of this paragraph, if the other order provides for a different number of classes of utilization than is provided for under this part, skim milk or butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I milk, and skim milk or butterfat allocated to the other classes shall be classified as Class III milk; and

(6) If the form in which any fluid milk product that is transferred to an other order plant is not defined as a fluid milk product under such other order, classification under this paragraph shall be in accordance with the provisions of § 1125.40.

(c) *Transfers and diversions to producer-handlers.* Skim milk or butterfat transferred or diverted in the form of fluid milk product or a bulk fluid cream product from a pool plant to a producer-handler under this or any other Federal order shall be classified as Class I milk.

(d) *Transfers and diversions to other nonpool plants.* Skim milk or butterfat transferred or diverted in the following forms from a pool plant to a nonpool plant that is not an other order plant or a producer-handler plant shall be classified:

(1) As Class I milk, if transferred in the form of a packaged fluid milk product; and

(2) As Class I milk, if transferred or diverted in the form of a bulk fluid milk product or a bulk fluid cream product, unless the following conditions apply:

(i) If the conditions described in paragraph (d)(2)(i) (*a*) and (*b*) of this section are met, transfers or diversions in bulk form shall be classified on the basis of the assignment of the nonpool plant's utilization to its receipts as set forth in paragraph (d)(2) (ii) through (viii) of this section:

(*a*) The transferor-handler or divertor-handler claims such classification in his report of receipts and utilization filed pursuant to § 1125.30 for the month within which such transaction occurred; and

(*b*) The nonpool plant operator maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available for verification purposes if requested by the market administrator;

(ii) Route disposition in the marketing area of each Federal milk order from the nonpool plant and transfers of packaged fluid milk products from such nonpool plant to plants fully regulated thereunder shall be assigned to the extent possible in the following sequence:

(*a*) Pro rata to receipts of packaged fluid milk products at such nonpool plant from pool plants;

(*b*) Pro rata to any remaining unassigned receipts of packaged fluid milk products at such nonpool plant from other order plants;

(*c*) Pro rata to receipts of bulk fluid milk products at such nonpool plant from pool plants; and

(*d*) Pro rata to any remaining unassigned receipts of bulk fluid milk products at such nonpool plant from other order plants;

(iii) Any remaining Class I disposition of packaged fluid milk products from the nonpool plant shall be assigned to the extent possible pro rata to any remaining unassigned receipts of packaged fluid milk products at such nonpool plant and other order plants;

(iv) Transfers of bulk fluid milk products from the nonpool plant to a plant fully regulated under any Federal milk order, to the extent that such transfers to the regulated plant exceed receipts of fluid milk products from such plant and are allocated to Class I at the transferee-plant, shall be assigned to the extent possible in the following sequence:

(*a*) Pro rata to receipts of fluid milk products at such nonpool plant from pool plants; and

(*b*) Pro rata to any remaining unassigned receipts of fluid milk products at such nonpool plant from other order plants;

(v) Any remaining unassigned Class I disposition from the nonpool plant shall be assigned to the extent possible in the following sequence:

(*a*) To such nonpool plant's receipts from dairy farmers who the market administrator determines constitute regular sources of Grade A milk for such nonpool plant; and

(*b*) To such nonpool plant's receipts of Grade A milk from plants not fully regulated under any Federal milk order which the market administrator determines constitute regular sources of Grade A milk for such nonpool plant;

(vi) Any remaining unassigned receipts of bulk fluid milk products at the nonpool plant from pool plants and other order plants shall be assigned, pro rata among such plants, to the extent possible first to any remaining Class I utilization, then to Class III utilization, and then to Class II utilization at such nonpool plants;

(vii) Receipts of bulk fluid cream products at the nonpool plant from pool plants and other order plants shall be assigned, pro rata among such plants, to the extent possible first to any remaining Class III utilization, then to any remaining Class II utilization, plant; and then to Class I utilization at such nonpool plant; and

(viii) In determining the nonpool plant's utilization for purposes of this subparagraph, any fluid milk products and bulk fluid cream products transferred from such nonpool plant to a plant not fully regulated under any Federal milk order shall be classified on the basis of the second plant's utilization using the same assignment priorities at the second plant that are set forth in this subparagraph.

(e) *Diversions to a commercial food processing establishment.* Skim milk and butterfat diverted to a commercial food processing establishment shall be classified:

(1) Subject to the provisions of § 1125.13(c) and, except as provided in paragraph (e)(2) of this section, as Class II milk if diverted pursuant to § 1125.40(b)(3); or

(2) The diversion shall be classified as Class I milk unless the market administrator is permitted to audit the records of the commercial food processing establishment for the purpose of verification.

§ 1125.43 General classification rules.

In determining the classification of producer milk pursuant to § 1125.44, the following rules shall apply:

(a) Each month the market administrator shall correct for mathematical and other obvious errors all reports filed pursuant to § 1125.30 and shall compute separately for each pool plant and for each cooperative association with respect to milk for which it is the handler pursuant to § 1125.9 (b)(or (c) the pounds of skim milk and butterfat, respectively, in each class in accordance with §§ 1125.40, 1125.41, and 1125.42;

(b) If any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk in such product that are to be considered under this part as used or disposed of by the handler shall be an amount equivalent to the nonfat milk solids contained in such product plus all of the water originally associated with such solids;

(c) The classification of producer milk for which a cooperative association is the handler pursuant to § 1125.9 (b) or (c) shall be determined separately from the operations of any pool plant operated by such cooperative association; and

(d) For classification purposes, pursuant to §§ 1125.40 through 1125.45 butterfat in skim milk either disposed or to others or used in the manufacture of milk products shall be accounted for at a butterfat content of 0.060 percent unless the handler has adequate records of the actual butterfat content of such skim milk.

§ 1125.44 Classification of producer milk.

For each month the market administrator shall determine the classification of producer milk of each handler described in § 1125.9(a) for each of his pool plants separately and of each handler described in § 1125.9 (b) and (c) by allocating the handler's receipts of skim milk and butterfat to his utilization as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class III the pounds of skim milk in shrinkage specified in § 1125.41(b);

(2) Subtract from the total pounds of skim milk in Class I the pounds of skim milk in receipts of packaged fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk disposed of to such plant by handlers fully regulated under any federal milk order is classified and priced as Class I milk and is not used as an offset for any other payment obligation under any order;

(3) Subtract from the pounds of skim milk remaining in each class:

(i) The pounds of skim milk in fluid milk products received in packaged form from an other order plant, except that to be subtracted pursuant to paragraph (a)(7)(vi) of this section as follows:

(a) From Class III milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(b) From Class I milk, the pounds of skim milk in packaged fluid milk products in inventory at the beginning of the month, but not in excess of the pounds remaining in Class I;

(4) Subtract from the pounds of skim milk in Class II the pounds of skim milk in products specified in § 1125.40(b)(1) that were received in packaged form from other plants, but not in excess of the pounds of skim milk remaining in Class II;

(5) Subtract from the remaining pounds of skim milk in Class II the pounds of skim milk in products specified in § 1125.40(b)(1) that were in inventory at the beginning of the month in packaged form, but not in excess of the pounds of skim milk remaining in Class II. This paragraph shall apply only if the pool plant was subject to provisions of this paragraph or comparable provisions of another Federal milk order in the immediately preceding month;

(6) Subtract from the remaining pounds of skim milk in Class II the pounds of skim milk in other source milk (except that received in the form of a fluid milk product or a fluid cream product) that is used to produce, or added to any product specified in § 1125.40(b) but not in excess of the pounds of skim milk remaining in Class II;

(7) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in each of the following:

(i) Other source milk (except that received in the form of a fluid milk product) and, if paragraph (a)(5) of this section applies, packaged inventory at the beginning of the month of products specified in § 1125.40(b)(1) that was not subtracted pursuant to paragraph (a) (4), (5), and (6) of this section;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established;

(iii) Receipts of fluid milk products from unidentified sources;

(iv) Receipts of fluid milk products from a producer-handler as defined under this or any other Federal milk order;

(v) Receipts of reconstituted skim milk in filled milk from an unregulated supply plant that were not subtracted pursuant to paragraph (a)(2) of this section;

(vi) Receipts of reconstituted skim milk in filled milk from an other order plant that is regulated under any Federal milk order providing for individual-handling pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor-plant; and

(vii) Receipts of fluid milk products from a person described in § 1125.12(b)(5);

(8) Subtract in the order specified below from the pounds of skim milk remaining in Class II and Class III, in sequence beginning with Class III:

(i) The pounds of skim milk in receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to paragraph (a)(2) and (7)(v) of this section for which the handler requests a classification other than Class I, but not in excess of pounds of skim milk remaining in Class II and Class III combined;

(ii) The pounds of skim milk in receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to paragraph (a)(2), (7)(v), and (8)(i) of this section which are in excess of the pounds of skim milk determined pursuant to paragraph (a)(8)(ii) (*a*) through (*c*) of this section. Should the pounds of skim milk to be subtracted from Class II and Class III combined exceed the pounds of skim milk remaining in such classes, the pounds of skim milk in Class II and Class III combined shall be increased (increasing as necessary Class III and then Class II to the extent of available utilization in such classes at the nearest other pool plant of the handler, and then at each successively more distant pool plant of the handler) by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class I shall be decreased by a like amount. In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount:

(*a*) Multiply by 1.25 the sum of the pounds of skim milk remaining in Class I at this allocation step at all pool plants of the handler (excluding any duplication of Class I utilization resulting from reported Class I transfers between pool plants of the handler);

(*b*) Subtract from the above result the sum of the pounds of skim milk in receipts at all pool plants of the handler of producer milk, fluid milk products from pool plants of other handlers, and bulk fluid milk products from other order plants that were not subtracted pursuant to paragraph (a)(7)(vi) of this section; and

(*c*) Multiply any plus quantity resulting above by the percentages that the receipts of skim milk in fluid milk products from unregulated supply plants that remain at this pool plant is of all such receipts remaining at this allocation step at all pool plants of the handler; and

(iii) The pounds of skim milk in receipts of bulk fluid milk products from an other order plant that are in excess of bulk fluid milk products transferred or diverted to such plant and that were not subtracted pursuant to paragraph (a)(7)(vi) of this section, if Class II or Class III classification is requested by the operator of the other order plant and the handler, but not in excess of the pounds of skim milk remaining in Class II and Class III combined;

(9) Subtract from the pounds of skim milk remaining in each class, beginning with Class III, the pounds of skim milk in packaged fluid milk products, in bulk fluid milk products and in products specified in § 1125.40(b)(1) in inventory at the beginning of the month that were not subtracted pursuant to paragraphs (a)(3), (5) and (7)(i) of this section;

(10) Add to the remaining pounds of skim milk in Class III the pounds of skim milk subtracted pursuant to paragraph (a)(1) of this section;

(11) Subject to the provisions of paragraph (a)(11) (i) and (ii) of this section, subtract from the pounds of skim milk remaining in each class at the plant, pro rata to the total pounds of skim milk remaining in Class I and in Class II and Class III combined at this allocation step at all pool plants of the handler (excluding any duplication of utilization in each class resulting from transfers between pool plants of the handler), with the quantity pro rata to Class II and Class III combined being subtracted first from Class III and then from Class II, the pounds of skim milk in receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to paragraph (a)(2), (7)(v), and (8) (i) and (ii) of this section and that were not offset by transfers or divisions of fluid milk products to the same unregulated supply plant from which fluid milk products to be allocated at this step were received:

(i) Should the pounds of skim milk to be subtracted from Class II and Class III combined pursuant to this paragraph exceed the pounds of skim milk remaining in such classes, the pounds of skim milk in Class II and Class III combined shall be increased (increasing as necessary Class III and then Class II to the extent of available utilization in such classes at the nearest other pool plant of the handler, and then at each successively more distant pool plant of the handler) by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class I shall be decreased by a like amount. In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount; and

(ii) Should the pounds of skim milk to be subtracted from Class I pursuant to this paragraph exceed the pounds of skim milk remaining in such class, the pounds of skim milk in Class I shall be increased by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class II and Class III combined shall be decreased by a like amount (decreasing as necessary Class III and then Class II). In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount, beginning with the nearest plant at which Class I utilization is available;

(12) Subtract in the manner specified below from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of bulk fluid milk products from an other order plant that are in excess of bulk fluid milk products transferred or diverted to such plant and that were not subtracted pursuant to paragraph (a)(7)(vi) and (8)(iii) of this section;

(i) Subject to the provisions of paragraph (a)(12)(ii), (iii), and (iv) of this section, such subtraction shall be pro rata to the pounds of skim milk in Class I and Class II and Class III combined, with the quantity prorated to Class II and Class III combined being subtracted

first from Class III and then from Class II, with respect to whichever of the following quantities represents the lower proportion of Class I milk:

(*a*) The estimated utilization of skim milk of all handlers in each class as announced for the month pursuant to § 1125.45(a); or

(*b*) The total pounds of skim milk remaining in each class at this allocation step at all pool plants of the handler (excluding any duplication of utilization in each class resulting from transfers between pool plants of the handler);

(ii) Should the proration pursuant to paragraph (a)(12)(i) of this section result in the total pounds of skim milk at all pool plants of the handler that are to be subtracted at this allocation step from Class II and Class III combined exceeding the pounds of skim milk remaining in Class II and Class III at all such plants, the pounds of such excess shall be subtracted from the pounds of skim milk remaining in Class I after such proration at the pool plants at which such other source milk was received;

(iii) Except as provided in paragraph (a)(12)(ii) of this section, should the computations pursuant to paragraph (a)(12)(ii) or (i) of this section result in a quantity of skim milk to be subtracted from Class II and Class III combined that exceeds the pounds of skim milk remaining in such classes, the pounds of skim milk in Class II and Class III combined that exceed the pounds of skim milk remaining in such classes, the pounds of skim milk in Class II and Class III combined shall be increased (increasing as necessary Class III and the Class II to the extent of available utilization in such classes at the nearest other pool plant of the handler, and then at each successively more distant pool plant of the handler) by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class I shall be decreased by a like amount. In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount; and

(iv) Except as provided in paragraph (a)(12)(ii) of this section, should the computations pursuant to paragraph (a)(12)(i) or (ii) of this section result in a quantity of skim milk to be subtracted from Class I that exceeds the pounds of skim milk remaining in such class, the pounds of skim milk in Class I shall be increased by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class II and Class III combined shall be decreased by a like amount (decreasing as necessary Class III and then Class II). In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount beginning with the nearest plant at which Class I utilization is available;

(13) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of fluid milk products and bulk fluid cream products from another pool plant according to the classification of such products pursuant to § 1125.42(a); and

(14) If the total pounds of skim milk remaining in all classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class III. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) The quantity of producer milk in each class shall be the combined pounds of skim milk and butterfat remaining in each class after the computations pursuant to paragraph (a)(14) of this section and the corresponding step of paragraph (b) of this section.

§ 1125.45 Market administrator's reports and announcements concerning classification.

The market administrator shall make the following reports and announcements concerning classification:

(a) Whenever required for the purpose of allocating receipts from other order plants pursuant to § 1125.44(a)(12) and the corresponding step of § 1125.44(b), estimate and publicly announce the utilization (to the nearest whole percentage) in each class during the month of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose.

(b) Report to the market administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received from a handler who has received fluid milk products or bulk fluid cream products from an other order plant, the class to which such receipts are allocated pursuant to § 1125.44 on the basis of such report, and thereafter, any change in such allocation required to correct errors disclosed in the verification of such report.

(c) Furnish to each handler operating a pool plant who has shipped fluid milk products or bulk fluid cream products to an other order plant the class to which such shipments were allocated by the market administrator of the other order on the basis of the report by the receiving handler, and, as necessary, any changes in such allocation arising from the verification of such report.

(d) On or before the 14th day after the end of each month, report to each cooperative association which so requests the amount and class utilization of producer milk delivered by members of such cooperative association to each handler receiving such milk. For the purpose of this report the milk so received shall be prorated to each class in accordance with the total utilization of producer milk by such handler.

Class Prices

§ 1125.50 Class prices.

Subject to the provisions of § 1125.52, the class prices for the month, per hundredweight of milk containing 3.5 percent butterfat, shall be as follows.

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.95.

(b) *Class II price.* The Class II price shall be the Class III price computed pursuant to paragraph (c) of this section, plus 25 cents per hundredweight.

(c) *Class III price.* The Class III price shall be the basic formula price for the month but not to exceed the price computed as follows:

(1) Multiply the Chicago butter price pursuant to § 1125.51 by 4.2;

(2) Multiply by 8.2 the weighted average of carlot prices per pound for nonfat dry milk solids, spray process, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department; and

(3) From the sum of the results arrived at under paragraph (c) (1) and (2) of this section subtract 48 cents, and round to the nearest cent.

§ 1125.51 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as

one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month

§ 1125.52 Plant location adjustment for handlers.

(a) For milk received at a plant located inside the marketing area, or in the Washington counties of Yakima, Benton, Franklin or Walla Walla, or in the Idaho county of Nez Perce, there shall be no location adjustment.

(b) For locations not specified in subsection (a) above, the price specified in § 1125.50(a) shall be reduced by 1.5 cents for each 10 miles or fraction thereof by shortest hard-surfaced highway distance that the plant is located from the nearer of the County Courthouse in Spokane or the County City Building in Seattle.

(c) The Class I price applicable to other source milk shall be adjusted at the rates set forth in paragraphs (a) and (b) of this section, except that no price so adjusted shall be less than the Class III price.

§ 1125.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month.

§ 1125.54 Equivalent price.

If for any reason a price or pricing constituent required by this part for computing class prices or for other purposes is not available as prescribed in this part, the market administrator shall use a price or pricing constituent determined by the Secretary to be equivalent to the pricing constituent that is required.

Uniform Price

§ 1125.60 Handler's value of milk for determining pool obligation

For the purpose of determining each handler's pool obligation, the market administrator shall determine for each month the value of milk of each handler with respect to each of his pool plants and of each handler described in § 1125.9 (b) and (c) with respect to milk that was not received at a pool plant, as follows:

(a) Multiply the quantity of producer milk in each class, as computed pursuant to § 1125.44(c), by the applicable class prices (adjusted pursuant to § 1125.52) and add together the resulting amounts;

(b) Add the amount obtained from multiplying the pounds of overage deducted from each class pursuant to § 1125.44(a)(14) and the corresponding step of § 1125.44(b) by the class prices applicable at the location of the pool plants, as adjusted by the butterfat differential specified in § 1125.74. In case overage occurs in a nonpool plant located on the same premises as a pool plant, such overage shall be prorated between the quantity transferred from the pool plant and other source milk in such nonpool plant, add an amount equal to the value of overage allocated to the transferred quantity at the class price applicable at the pool plant;

(c) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class III price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1125.44(a)(7) (i) through (iv) and (vii) and the corresponding step of § 1125.44(b) excluding receipts of bulk fluid cream products from an other order plant;

(d) Add the amount obtained from multiplying the difference between the Class I price applicable at the location of the transferor-plant and the Class III price by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1125.44(a)(7) (v) and (vi) and the corresponding step of § 1125.44(b);

(e) Add the amount obtained from multiplying the difference between the Class III price and the Class I price adjusted pursuant to § 1125.52, or the Class II price as the case may be, for the current month by the hundredweight of skim milk and butterfat subtracted from Class I and Class II pursuant to § 1125.44(a)(9) and the corresponding step of § 1125.44(b); and

(f) Add an amount equal to the value at the Class I price, adjusted for location of the nearest nonpool plant(s) from which an equivalent volume was received, with respect to skin milk and butterfat subtracted from Class I pursuant to § 1125.44(a)(11) and the corresponding step of § 1125.44(b), excluding such skim milk or butterfat in bulk receipts of fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk or butterfat disposed of to such plant by a handler fully regulated under this or any other order issued pursuant to the Act is classified and priced as Class I milk and is not used as an offset on any payment obligation under this or any other order; and

(g) Add or subtract, as the case may be, the amount necessary to correct errors as disclosed by the verification of reports of such handler of his receipts and utilization of skim milk and butterfat in previous months for which payment has not been made.

§ 1125.61 Computation of uniform price.

For each month the market administrator shall compute the "uniform price" per hundredweight for milk of 3.5 percent butterfat content received from producers as follows:

(a) Combine into one total the values computed pursuant to § 1125.60 for all handlers who filed the reports prescribed by § 1125.30 for the month and who made the payments pursuant to § 1125.71 and § 1125.73 for the preceding month;

(b) Add an amount equal to the sum of the deductions for location adjustments computed pursuant to § 1125.75;

(c) Add an amount equal to not less than one-half of the unobilgated balance in producer-settlement fund;

(d) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which a value is computed pursuant to § 1125.60(f); and

(e) Subtract not less than 4 cents nor more than 5 cents per hundredweight. The result shall be the "uniform price" for milk received from producers.

§ 1125.62 Announcement of uniform price and butterfat differential.

The market administrator shall announce publicly on or before:

(a) The fifth day after the end of each month the butterfat differential for such month; and

(b) The 14th day after the end of each month the uniform price for such month.

Payments for Milk

§ 1125.70 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund," into which he shall deposit all payments made by handlers pursuant to §§ 1125.71, and 1125.76 and out of which he shall make all payments to handlers pursuant to § 1125.72: *Provided*, that the market administrator shall offset the payment due to a handler from such fund against payments due from such handler.

§ 1125.71 Payments to the producer-settlement fund.

(a) On or before the 16th after the end of the month during which the skim milk and butterfat were received each handler shall pay to the market administrator the amount, if any, by which the total amount specified in paragraph (a)(1) of this section exceeds the total amount specified in paragraph (a)(2) of this section:

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(1) The sum of:

(i) The total value of milk of the handler for such month as determined pursuant to § 1125.60; and

(ii) For a cooperative association handler, the amount due from other handlers pursuant to § 1125.73(d) but without adjustment for butterfat;

(2) The sum of:

(i) The value of milk received by such handler from producers at the applicable uniform price pursuant to § 1125.73(a)(2) but without adjustment for butterfat;

(ii) The amount to be paid to cooperative associations pursuant to § 1125.73(d) but without adjustment for butterfat; and

(iii) The value at the uniform price for all skim milk and buttermilk and butterfat applicable at the location of the plant(s) from which received (not to be less than the value at the Class III price) with respect to other source milk for which a value is computed pursuant to § 1125.60(f); and

(b) On or before the 25th day after the end of the month, each handler operating a plant specified in § 1125.7(c) (2) and (3), if such plant is subject to the classification and pricing provisions of another order which provides for individual handler pooling, shall pay to the market administrator for the producer-settlement fund an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of as route disposition in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant as route disposition in the marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area.

(2) Compute the value of the quantity assigned in paragraph (b)(1) of this section to Class I disposition in this area, at the Class I price under this part applicable at the location of the other order plant (but not to be less than the Class III price) and subtract its value at the Class III price.

§ 1125.72 Payments from the producer-settlement fund.

On or before the 18th day after the end of each month during which the skim milk and butterfat were received, the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1125.71(a)(2) exceeds the amount computed pursuant to § 1125.71(a)(1), and less any unpaid obligations of such handler to the market administrator pursuant to §§ 1125.71(a), 1125.77, 1125.85, and 1125.86: *Provided*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

§ 1125.73 Payments to producers and to cooperative associations.

(a) Each handler shall make payments to each producer for milk received from such producer during the month:

(1) On or before the last day of the month to each producer who had not discontinued shipping milk to such handler before the 18th day of the month, at not less than the Class III price for the preceding month per hundredweight of milk received during the first 15 days of the month, less proper deductions authorized in writing by such producer; and

(2) On or before the 19th day after the end of each month for milk received from such producers during such month:

(i) At not less than the uniform price for the quantity of milk received, adjusted by the butterfat differential computed pursuant to § 1125.74 and by any location adjustments applicable under § 1125.75;

(ii) Minus payments made pursuant to paragraph (a)(1) of this section: *Provided*, That, if by such date such handler has not received full payment for such month pursuant to § 1125.72, he shall not be deemed to be in violation of this paragraph if he reduces uniformly for all producers his payments per hundredweight pursuant to this paragraph by a total amount not in excess of the reduction in payment from the market administrator; however, the handler shall make such balance of payment uniformly to those producers to whom it is due on or before the date for making payments pursuant to this paragraph next following that on which such balance of payments is received from the market administrator.

(b) The payments required in paragraph (a) of this section shall be made, upon request, to a cooperative association qualified under § 1125.18, or its duly authorized agent, with respect to milk received from each producer who has given such association authorization by contract or by other written instrument to collect the proceeds from the sale of his milk, and any payment made pursuant to this paragraph, shall be made on or before 2 days prior to the dates specified in paragraph (a) of this section.

(c) Each handler shall pay to each cooperative association or its duly authorized agent which operates a pool plant for skim milk and butterfat received from such plant:

(1) On or before the 2nd day prior to the date specified in paragraph (a)(1) of this section for skim milk and butterfat received during the first 15 days of that month at not less than the Class III price for the preceding month; and

(2) On or before the 15th day after the end of such month, an amount of money computed by multiplying the total punds of such skim milk and butterfat in each class pursuant to § 125.42(a) by the class price adjusted by the butterfat differential and taking into account any location adjustment as provided by § 1125.52 applicable at the pool plant of the cooperative association or its agent, minus payment made pursuant to paragraph (c)(1) of this section.

(d) Each handler who received milk for which a cooperative association is the handler pursuant to § 1125.9(c) shall pay such cooperative association for such milk received:

(1) On or before the 2nd day prior to the date specified in paragraph (a)(1) of this section for such milk received during the first 15 days of that month at not less than the Class III price for the preceding month; and

(2) On or before the 18th day after the end of each month, for the milk received at not less than the uniform price for all milk adjusted pursuant to §§ 1125.74 and 1125.75(b), minus payments made pursuant to paragraph (d)(1) of this section.

(e) None of the provisions of this section shall be construed to restrict any cooperative association qualified under section 8c(5)(F) of the Act from making payment for milk to its producers in accordance with such provision of the Act.

(f) In making payments to producer pursuant to this section, each handler, on or before the 19th day of each month shall furnish each producer with a supporting statement in such form that it may be retained by the producer, which shall show for the preceding month:

(1) The identity of the handler and the producer;

(2) The total pounds of milk delivered by the producer and the average butterfat test thereof and the pounds per shipment if such information is not furnished to the producer each day of delivery;

(3) The minimum rate at which payment to the producer is required under the provisions of this section;

(4) The rate per hundredweight and amount of any premiums or payments above the minimum price provided by the order;

(5) The amount or rate per hundredweight of each deduction claimed by the handler, together with a description of the respective deductions; and

(6) The net amount of payment to the producer.

(g) In making payment to a cooperative association in aggregate pursuant to this section, each handler upon request shall furnish to the cooperative association, with respect to each producer for whom such payment is made, any or all of the above information specified in paragraph (f) of this section.

§ 1125.74 Butterfat differential.

For milk containing more or less than 3.5 percent butterfat, the uniform prices shall be increased or decreased, respectively, for each one-tenth percent butterfat variation from 3.5 percent by a butterfat differential, rounded to the nearest one-tenth cent, which shall be 0.115 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago as reported by the Department for the month.

§ 1125.75 Plant location adjustments for producers and on nonpool milk.

(a) In making payment to producers pursuant to § 1125.73(a) subject to the application of § 1125.13(c)(6) deduction may be made per hundredweight of milk received from producers at respective plant locations at the same rate as specified for Class I milk set forth in § 1125.52.

(b) In making payments to a cooperative association pursuant to § 1125.73(d) deductions may be made at the rates specified for Class I milk in § 1125.52 for the location of the plant at which the milk was received from the cooperative association.

(c) For purposes of computations pursuant to §§ 1125.71(a) and 1125.72 the uniform price for all milk shall be adjusted at the rates set forth in § 1125.52 for Class I milk applicable at the location of the nonpool plant from which the milk or filled milk was received, except that the adjusted uniform price shall not be less than the Class III price.

§ 1125.76 Payments by handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month either of the amounts (at the handler's election) calculated pursuant to paragraph (a) or (b) of this section. If the handler fails to report pursuant to §§ 1125.30(d) and 1125.31(b) the information necessary to compute the amount specified in paragraph (a) of this section, he shall pay the amount computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1)(i) This obligation that would have been computed pursuant to § 1125.60 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation (receipts at such nonpool plant from a pool computation), receipts at such nonpool plant from a pool plant or another order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II or Class III milk if allocated to such class at the pool plant or other order plant and be valued at the uniform price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class III price. No obligation shall apply to Class I milk transferred to a pool plant or another order plant if such Class I utilization is assigned to receipts at the partially regulated distributing plant from pool plants and other order plants at which an equivalent amount of milk was classified and priced as Class I milk. There shall be included in the obligation so computed a charge in the amount specified in § 1125.60(f) and a credit in the amount specified in § 1125.71(a)(2)(iii) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class III price, unless an obligation with respect to such plant is computed as specified in paragraph (a)(1)(ii) of this section; and

(ii) If the operator of the partially regulated distributing plant so requests, and provides with his reports pursuant to §§ 1125.30(d) and 1125.31(b) similar reports with respect to the operations of any other nonpool plant which serves as a supply plant for such partially regulated distributing plant by shipments to such plant during the month equivalent to the requirements of § 1125.7(b), with agreement of the operator of such plant that the market administrator may examine the books and records of such plant for purposes of verification of such reports, there will be added the amount of the obligation computed at such nonpool supply plant in the same manner and subject to the same conditions as for the partially regulated distributing plant.

(2) From this obligation there will be deducted the sum of (i) the gross payments made by such handler for Grade A milk received during the month from dairy farmers at such plant adjusted to a 3.5 percent butterfat basis by the butterfat differential pursuant to § 1125.74, and like payments made by the operator of a supply plant(s) included in the computations pursuant to paragraph (a)(1) of this section and (ii) any payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant.

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as route disposition of Class I milk within the marketing area;

(2) Deduct the respective amount of skim milk and butterfat received at the plant:

(i) As Class I milk from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act; and

(ii) From a nonpool plant that is not another order plant to the extent that an equivalent amount of skim milk or butterfat disposed of to such nonpool plant by handlers fully regulated under this or any other order issued pursuant to the Act is classified and priced as Class I milk and is not used as an offset on any payment obligation under this or any other order;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of as route disposition in the marketing area;

(4) [Reserved]

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the uniform price applicable at such location (not to be less than the Class III price), and add for the quantity of reconstituted skim milk specified in paragraph (b) (3) of this section its value computed at the Class I price applicable at the location of the nonpool plant (but not to be less than the Class III price) less the value of such skim milk at the Class III price.

§ 1125.77 Adjustment of accounts.

Whenever verification by the market administrator of reports or payments of any handler discloses errors resulting in money due:

(a) The market administrator from such handler;

(b) Such handler from the market administrator; or

(c) Any producer or cooperative association from such handler, the

market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred following the 5th day after such notice.

Administrative Assessment and Marketing Service Deduction

§ 1125.85 Assessment for order administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 16th day after the end of the month 4 cents per hundredweight, or such lesser amount as the Secretary may prescribe, with respect to:

(a) Producer milk (including such handler's own production);

(b) Other source milk allocated to Class I pursuant to § 1125.44(a) (7) and (11) and the corresponding steps of § 1125.44(b), except such other source milk on which no handler obligation applies pursuant to § 1125.60(f); and

(c) Route disposition in the marketing area from a partially regulated distributing plant that exceeds the Class I milk:

(1) Received during the month at such plant from pool plants and other order plants that is not used as an offset under a similar provision of another order issued pursuant to the Act; and

(2) Specified in § 1125.76(b)(2)(ii).

§ 1125.86 Deduction for marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers (other than with respect to milk of such handler's own production) pursuant to § 1125.73(a)(2), shall make a deduction of 5 cents per hundredweight of milk or such amount not exceeding 5 cents per hundredweight as the Secretary may prescribe, with respect to the following:

(1) All milk received from producers at a plant not operated by a cooperative association.

(2) [Reserved]

(3) All milk received at a plant operated by a cooperative association from producers for whom the marketing services set forth below in this subparagraph are not being performed by the cooperative association as determined by the market administrator. Such deduction shall be paid by the handler to the market administrator on or before the 16th day after the end of the month. Such moneys shall be expended by the market administrator for the verification of weights, sampling and testing of milk received from producers, and in providing for market information to producers; such services to be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of each producer:

(1) Who is a member of, or who has given written authorization for the rendering of marketing service and the taking of deduction therefore to, a cooperative association;

(2) Whose milk is received at a plant not operated by such association; and

(3) For whom the market administrator determines that such association is performing the services described in paragraph (a) of this section, each handler shall deduct, in lieu of the deduction specified under paragraph (a) of this section, from the payments made pursuant to § 1125.73 (a)(2) the amount per hundredweight on milk authorized by such producer and shall pay, on or before the 18th day after the end of the month, such deduction to the association entitled to receive it under this paragraph.

Proposed by Producers' Base Committee

Proposal No. 2

As an alternative to Proposal No. 1, amend the present Puget Sound, Washington order in the following manner:

Amend § 1125.2 Defining the Marketing Area:

By deleting from the captioned heading of § 1125.2 the words "Puget Sound, Washington," and by substituting in lieu of the deleted words the words "Puget Sound-Inland,".

By deleting from the opening words of § 1125.2 the words "Puget Sound, Washington.," and by substituting for the deleted words the words "Puget Sound-Inland,".

By adding to § 1125.2 following its first paragraph [ending with the word . . . "institutions:"] and above the centered caption "Washington Counties" the centered caption "Idaho Counties" followed by:

Benewah, Bonner, Boundary, Kootenai, Latah, Shoshone.

By adding to § 1125.2 beneath the centered caption "Washington Counties" and above the words "Grays Harbor" the words:

Adams, Chelan, Clallam, Douglas, Ferry, Grant.

By adding to § 1125.2 beneath the word "Island" and above the word "King" the word:

Jefferson.

By adding to § 1125.2 beneath the word "King" and above the words "Lewis (except the town of Vader)." the words:

Kitsap, Kittitas.

By adding to § 1125.2 beneath the words "Lewis (except the town of Vader)." and above the words "Pacific (all territory north of township 11 N except Long Island and the North Beach Peninsula)." the words:

Lincoln, Mason, Okanagan.

By adding to § 1125.2 beneath the words "Pacific (all territory north of township 11 N except Long Island and the North Beach Peninsula)." and above the words "Pierce (except Fox, NcNeil and Anderson Islands and the peninsulas adjacent to Ketsap County." the words:

Pend Oreille.

By deleting from § 1125.2 the words "(except Fox, McNeil and Anderson Islands and the peninsulas adjacent to Ketsap County)." that follow the word "Pierce" and that are above and precede the words "San Juan".

By adding to § 1125.2 beneath the word "Snohomish" and above the word "Thurston" the words:

Spokane, Stevens.

By adding to § 1125.2 beneath the word "Whatcom" (and as the last Washington County to be included in the marketing area) the word:

Whitman.

Amend § 1125.4 defining plant:

By deleting from the opening sentence of § 1125.4 the words "land" and "surroundings".

By deleting from subparagraph (a) of § 1125.4 the parenthesized letter "(a)" that precedes the opening words "Bulk reload points" and by changing the capital letter "B" in the word "Bulk" to a lower case "b".

By deleting from the first sentence of subparagraph (a) of § 1125.4 the words "comprise the" and by substituting for the deleted word the word "means".

By deleting all of subparagraph (b) of § 1125.4.

Amend § 1125.7 defining Pool plant:

By deleting from the opening sentence of § 1125.7(a) numerals "110" that follow the word "than" and that precede the word "pounds" and by substituting for the deleted numerals the numerals "300".

By deleting from § 1125.7(c)(2) the word "third" that follows the words "until the" and that precedes the words "consecutive month" and by substituting for the deleted word the word "fourth".

By deleting the period (.) following the last sentence of § 1125.7(c)(4) and by substituting for the deleted period (.) a semicolon (;) and by adding to § 1125.7(c) as a new, fifth and final subparagraph the following:

"(5) That portion of a plant that is physically separated from the Grade A

portion of such plant, is operated separately, and is not approved by any regulatory agency for the receiving, processing, or packaging of any fluid milk product from Grade A disposition."

Amend § 1125.8 defining nonpool plant by deleting from § 1125.8(c) the numerals "110" that follow the word "than" and that precede the word "pounds" and by substituting for the deleted numerals "300".

Amend § 1125.10 defining Producer-handler:

By deleting from § 1125.10 the opening words of the section's third sentence, *viz.*, "The Department of Institutions, State of Washington," and by substituting for the deleted words the words "A State institution".

By adding to § 1125.10(c)(2) after the words "in the form of packaged fluid milk" and before the word "products", the words "or fluid cream".

Amend § 1125.12 defining Producer by deleting the entire section and by substituting in lieu thereof the following:

§ 1125.12 Producer.

(a) Except as provided in paragraph (b) of this section, "producer" means any person who produces milk approved by a duly constituted regulatory agency for disposition as Grade A milk and whose milk is:

(1) Received at a pool plant directly from such person;

(2) Received by a handler described in § 1125.9(c); or

(3) Diverted from a pool plant in accordance with § 1125.13.

(b) "Producer" shall not include:

(1) A producer-handler as defined in any order (including this part) issued pursuant to the Act;

(2) Any person with respect to milk produced by him that is diverted to a pool plant from an other order plant if the other order designates such person as a producer under that order and such milk is allocated to Class II or Class III utilization pursuant to § 1125.44(a)(8)(iii) and the corresponding step of § 1125.44(b);

(3) Any person with respect to milk produced by him that is reported as diverted to an other order plant if any portion of such person's milk so moved is assigned to Class I under the provisions of such other order;

(4) Any person who during the month has disposed of as route distribution or to consumers at the farm an average of more than 110 pounds daily of fluid milk or fluid cream products; and

(5) Any person (to be known as a dairy farmer for other markets) who during the month delivers milk to a nonpool plant (except an other order plant) other than by diversion from a pool plant of this or another order."

Amend § 1125.13 defining producer milk:

By deleting from the opening words of § 1125.13(b)(1) the words "the pool plant of another handler" and by substituting for the deleted words the words "a pool plant".

By deleting from the second sentence of § 1125.13(c)(1) the numerals "70", and the words "January and 80 percent during the months of February through April" and by substituting for the deleted numerals the numerals "80" and by substituting for the deleted words commencing with "January" the word "April".

By deleting from the second sentence of § 1125.13(c)(3) the numerals "70", the words "January and 80 percent during the months of February through April" and the word "producers" and by substituting for the deleted numerals the numerals "80", by substituting for the deleted words commencing with "January" the word "April" and by substituting for the deleted word "producers" the words "any producer other than a member of a cooperative association which markets milk under paragraphs (c)(1) or (c)(2) of this Section."

By deleting from § 1125.13(c)(3) the next to last sentence of the subsection that reads: "The milk for which the operator of such plant is the handler during the month, however, shall not duplicate milk diverted pursuant to paragraph (c)(1) of this Section."

Amend § 1125.14 defining Other Source Milk by deleting the entire section and substituting in lieu thereof the following:

§ 1125.14 Other source milk.

"Other source milk" means all skim milk and butterfat contained in or represented by:

(a) Receipts of fluid milk products and bulk products specified in § 1125.40(b)(1) from any source other than producers, handlers described in § 1125.9(c), or pool plants;

(b) Receipts in packaged form from other plants of products specified in § 1125.40(b)(1);

(c) Products (other than fluid milk products, products specified in § 1125.40(b)(1), and products produced at the plant during the same month) from any source which are reprocessed, converted into, or combined with another product in the plant during the month; and

(d) Receipts of any milk product (other than a fluid milk product or a product specified in § 1125.40(b)(1)) for which the handler fails to establish a disposition.

Amend § 1125.15 defining Fluid Milk Products by deleting the entire section and by substituting in lieu thereof the following:

§ 1125.15 Fluid milk product.

(a) Except as provided in paragraph (b) of this section, "fluid milk product" means any of the following products in fluid or frozen form: milk, skim milk, lowfat milk, milk drinks, buttermilk, mixtures of cream and milk or skim milk containing less than 18 percent butterfat (including those which are sterilized or aseptically packaged), filled milk, and milkshake and ice milk mixes containing less than 20 percent total solids, including any such products that are flavored, cultured, modified with added nonfat milk solids, concentrated (if in a consumer-type package), or reconstituted.

(b) The term "fluid milk product" shall not include:

(1) Evaporated or condensed milk (plain or sweetened), evaporated or condensed skim milk (plain or sweetened), formulas especially prepared for infant feeding or dietary use that are packaged in hermetically sealed glass or all-metal containers, any product that contains by weight less than 6.5 percent nonfat milk solids, and whey; and

(2) The quantity of skim milk in any modified product specified in paragraph (a) of this section that is in excess of the quantity of skim milk in an equal volume of an unmodified product of the same nature and butterfat content.

Add a new § 1125.16 defining Fluid Cream Products as follows:

§ 1125.16 Fluid cream product.

"Fluid cream product" means cream (other than plastic cream or frozen cream), sour cream, or a mixture (including a cultured mixture) of cream and milk or skim milk containing 18 percent or more butterfat, with or without the addition of other ingredients.

Amend § 1125.18 defining a Cooperative Association by pluralizing the word "sale" in subsection 1125.18(c) so that it shall read "sales".

Amend § 1125.30 entitled Reports of Receipts and Utilization:

By deleting from the first sentence of § 1125.30 the term "8th" and by substituting for the deleted term the term "9th".

By inserting in § 1125.30(a)(1)(iii) after the words "Fluid milk products" and before the words "received from other pool plants" the words "and bulk fluid cream products" and by deleting, as the

last word of § 1125.30(a)(1)(iii), the word "and".

By deleting from § 1125.30(a)(1)(iv) the period (.) following the word "separately" and by substituting for the deleted period (.) a semi-colon (;) followed by the word "and".

By adding to § 1125.30(a)(1) as a new subparagraph (v) the following:

"Inventories at the beginning and end of the month of fluid milk products and products specified in § 1125.40(b)(1)."

By deleting from the opening sentence of § 1125.30(a)(2) the colon (:) following the word "quantities", by deleting § 1125.30(a)(2) (i) and (ii) and by substituting for all of the deleted material the words "in route disposition inside and outside the marketing area."

By inserting in § 1125.30(b)(1)ii) after the words "fluid milk products" and before the words "from pool plants" the words "and fluid cream products."

By deleting from § 1125.30(b)(2) the numeral "(4)" and by substituting for the deleted numeral "(3)".

By adding as the last word of § 1125.30(c)(2) the word "and".

By deleting the semi-colon (;) and the word "and" at the end of § 1125.30(c)(3) and by substituting for the deleted semi-colon (;) a period (.).

By deleting all of subparagraph § 1125.30(c)(4).

By deleting from the first sentence of § 1125.30(d) the words "paragraph (a) (1), (2), and (4)" and by substituting for the deleted words the words "paragraph (a) (1) and (2)."

Amend § 1125.31 entitled Payroll Reports:

By deleting from the opening words of § 1125.31 the term "20th" and substitute in lieu thereof the term "22nd".

Amend § 1125.40 entitled Classes of Utilization by deleting the entire section and by substituting in lieu thereof the following:

§ 1125.40 Classes of utilization.

Except as provided in § 1125.42 all skim milk and butterfat required to be reported by a handler pursuant to § 1125.30 shall be classified as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid milk product, *except as otherwise provided in paragraphs (b) and (c) of this section;*

(2) In packaged inventory of fluid milk products at the end of the month; and

(3) Not specifically accounted for as Class II or Class III milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid cream product, eggnog, yogurt, and any product containing 6 percent or more non-milk fat (or oil) that resembles a fluid cream product eggnog, or yogurt, except as otherwise provided in paragraph (c) of this section;

(2) In packaged inventory at the end of the month of the products specified in paragraph (b)(1) of this section;

(3) In all bulk fluid milk products and bulk fluid cream products disposed of to any commercial food processing establishment, or in producer milk diverted to a commercial food processing establishment in Pacific County, Washington, subject to the conditions of § 1125.42(e) (other than a milk or filled milk plant) at which food products (other than milk products and filled milk) are processed and from which there is no disposition of fluid milk products or fluid cream products other than those received in consumer type packages; and

(4) Used to produce:

(i) Cottage cheese, lowfat cottage cheese, and dry curd cottage cheese;

(ii) Milkshake and ice milk mixes (or bases) containing 20 percent or more total solids; frozen desserts, and frozen dessert mixes;

(iii) Any concentrated milk product in bulk, fluid form other than that specified in paragraph (c)(1)(iv) of this section;

(iv) Plastic cream, frozen cream and anhydrous milkfat;

(v) Custards, puddings, and pancake mixes; and

(vi) Formulas especially prepared for infant feeding or dietary use that are packaged in hermetically sealed glass or all-metal containers.

(c) *Class III milk.* Class III milk shall be all skim milk and butterfat:

(1) Used to produce:

(i) Cheese (other than cottage cheese, lowfat cottage cheese, and dry curd cottage cheese);

(ii) Butter;

(iii) Any milk product in dry form;

(iv) Any concentrated milk product in bulk, fluid form that is used to produce a Class III product;

(v) Evaporated or condensed milk (plain or sweetened) in a consumer-type package and evaporated or condensed skim milk (plain or sweetened) in a consumer type package; and

(vi) Any product not otherwise specified in this section;

(2) In inventory at the end of the month of fluid milk products in bulk form;

(3) In fluid milk products and products specified in paragraph (b) (1) of this section that are disposed of by a handler for animal feed;

(4) In fluid milk products and products specified in paragraph (b)(1) of this section that are dumped by a handler if the market administrator is notified of such dumping in advance and is given the opportunity to verify such disposition;

(5) In skim milk in any modified fluid milk product that is in excess of the quantity of skim milk in such product that was included within the fluid milk product definition pursuant to § 1125.15; and

(6) In shrinkage assigned pursuant to § 1125.41(a) to the receipts specified in § 1125.41(a) (2) and in shrinkage specified in § 1125.41 (b) and (c).

Amend § 1125.41 entitled "Shrinkage" by deleting the entire section and by substituting in lieu thereof the following:

§ 1125.41 Shrinkage.

For purposes of classifying all skim milk and butterfat to be reported by a handler pursuant to § 1125.30, the market administrator shall determine the following:

(a) The pro rata assignment of shrinkage of skim milk and butterfat, respectively, at each pool plant to the respective quantities of skim milk and butterfat:

(1) In the receipts specified in paragraph (b)(1) through (6) of this section on which shrinkage is allowed pursuant to such paragraph; and

(2) In other source milk not specified in paragraph (b)(1) through (6) of this section which was received in the form of a bulk fluid milk product or a bulk fluid cream product.

(b) The shrinkage of skim milk and butterfat, respectively, assigned pursuant to paragraph (a) of this section to the receipts specified in paragraph (a)(1) of this section that is not in excess of:

(1) Two percent of the skim milk and butterfat, respectively, in producer milk (excluding milk diverted by the plant operator to another plant and milk received from a handler described in § 1125.9(c));

(2) Plus 1.5 percent of the skim milk and butterfat, respectively, in milk received from a handler described in § 1125.9(c), except that if the operator of the plant to which the milk is delivered purchases such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples, the applicable percentage under this paragraph shall be 2 percent;

(3) Plus 0.5 percent of the skim milk and butterfat, respectively, in producer milk diverted from such plant operator to another plant, or to a commercial food processing establishment pursuant to § 1125.40(b)(3), except that if the operator of such plant or establishment to which the milk is delivered purchases

such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples, the applicable percentage under this paragraph shall be zero;

(4) Plus 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products received by transfer from other pool plants;

(5) Plus 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products received by transfer from other order plants, excluding the quantity for which Class II or Class III classification is requested by the operators of both plants;

(6) Plus 1.5 percent of the skim milk and butterfat respectively, in bulk fluid milk products received from unregulated supply plants, excluding the quantity for which Class II or Class III classification is requested by the handler; and

(7) Less 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products transferred to other plants that is not in excess of the respective amounts of skim milk and butterfat to which percentages are applied in paragraph (b)(1), (2), (4), (5), and (6) of this section; and

(c) The quantity of skim milk and butterfat, respectively, in shrinkage of milk from producers for which a cooperative association is the handler pursuant to § 1125.9(b) or (c) but not in excess of 0.5 percent of the skim milk and butterfat, respectively, in such milk. If the operator of a plant or a commercial food processing establishment pursuant to § 1125.4(b)(3) to which the milk is delivered purchases such milk on the basis of weights determined from its measurement as the farm and butterfat tests determined from farm bulk tank samples, the applicable percentage under this paragraph for the cooperative association shall be zero.

Amend § 1125.42 entitled "Classification of transfers and diversions" by deleting the entire section and by substituting in lieu thereof the following:

§ 1125.42 Classification of transfers and diversions.

(a) *Transfers to pool plants.* Skim milk or butterfat transferred in the form of a fluid milk product or a bulk fluid cream product from a pool plant to another pool plant shall be classified as Class I milk unless the operators of both plants request the same classification in another class. In either case, the classification of such transfers shall be subject to the following conditions:

(1) The skim milk or butterfat classified in each class shall be limited to the amount of skim milk and butterfat, respectively remaining in such class at the transferee-plant after the computations pursuant to § 1125.44(a)(12) and the corresponding step of § 1125.44(b).

(2) If the transferor-plant received during the month other source milk to be allocated pursuant to § 1125.44 (a)(7) or the corresponding step of § 1125.44 (b), the skim milk or butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor-handler received during the month other source milk to be allocated pursuant to § 1125.44 (a)(11) or (12) or the corresponding steps of § 1125.44(b), the skim milk or butterfat so transferred up to the total of the skim milk and butterfat, respectively, in such receipts of other source milk, shall not be classified as Class I milk to a greater extent than would be the case if the other source milk had been received at the transferee-plant.

(b) *Transfers and diversions to other order plants.* Skim milk or butterfat transferred or diverted in the form of a fluid milk product or a bulk fluid cream product from a pool plant to an other order plant shall be classified in the following manner. Such classification shall apply only to the skim milk or butterfat that is in excess of any receipts at the pool plant from the other order plant of skim milk and butterfat, respectively, in fluid milk products and bulk fluid cream products, respectively, that are in the same category as described in paragraph (b)(1), (2) or (3) of this section:

(1) If transferred as packaged fluid milk products, classification shall be in the classes to which allocated as a fluid milk product under the other order;

(2) If transferred in bulk form, classification shall be in the classes to which allocated under the other order (including allocation under the conditions set forth in paragraph (b)(3) of this section);

(3) If the operators of both plants so request in their reports of receipts and utilization filed with their respective market administrators, transfers or diversions in bulk form shall be classified as Class II or Class III milk to the extent of such utilization available for such classification pursuant to the allocation provisions of the other order;

(4) If information concerning the classes to which such transfers or diversions were allocated under the other order is not available to the market administrator for the purpose of establishing classification under this paragraph, classification shall be as Class I, subject to adjustment when such information is available;

(5) For purposes of this paragraph, if the other order provides for a different number of classes of utilization than is provided for under this part, skim milk or butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I milk, and skim milk or butterfat allocated to the other classes shall be classified as Class III milk; and

(6) If the form in which any fluid milk product that is transferred to an other order plant is not defined as a fluid milk product under such other order, classification under this paragraph shall be in accordance with the provisions of § 1125.40.

(c) *Transfers and diversions to producer-handlers.* Skim milk or butterfat transferred or diverted in the form of a fluid milk product or a bulk fluid cream product from a pool plant to a producer-handler under this or any other Federal order shall be classified as Class I milk.

(d) *Transfers and diversions to other nonpool plants.* Skim milk or butterfat transferred or diverted in the following forms from a pool plant to a nonpool plant that is not an other order plant or a producer-handler plant shall be classified:

(1) As Class I milk, if transferred in the form of a packaged fluid milk product; and

(2) As Class I milk, if transferred or diverted in the form of a bulk fluid milk product or a bulk fluid cream product, unless the following conditions apply:

(i) If the conditions described in paragraph (d)(2)(i)(*a*) and (*b*) of this section are met, transfers or diversions in bulk form shall be classified on the basis of the assignment of the nonpool plant's utilization to its receipts as set forth in paragraph (d)(2) (ii) through (viii) of this section:

(*a*) The transfer-handler or divertor-handler claims such classification in his report of receipts and utilization filed pursuant to § 1125.30 for the month within which such transaction occurred; and

(*b*) The nonpool plant operator maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available for verification purposes if requested by the market administrator;

(ii) Route disposition in the marketing area of each Federal milk order from the nonpool plant and transfers of packaged fluid milk products from such nonpool plant to plants fully regulated thereunder shall be assigned to the extent possible in the following sequence:

(*a*) Pro rata to receipts of packaged fluid milk products at such nonpool plant from pool plants;

(*b*) Pro rata to any remaining unassigned receipts of packaged fluid milk products at such nonpool plant from other order plants;

(*c*) Pro rata to receipts of bulk fluid milk products at such nonpool plant from pool plants; and

(*d*) Pro rata to any remaining unassigned receipts of bulk fluid milk products at such nonpool plant from other order plants;

(iii) Any remaining class I disposition of packaged fluid milk products from the nonpool plant shall be assigned to the extent possible pro rata to any remaining unassigned receipts of packaged fluid milk products at such nonpool plant and other order plants;

(iv) Transfers of bulk fluid milk products from the nonpool plant to a plant fully regulated under any Federal milk order, to the extent that such transfers to the regulated plant exceed receipts of fluid milk products from such plant and are allocated to Class I at the transferee-plant, shall be assigned to the extent possible in the following sequence:

(*a*) Pro rata to receipts of fluid milk products at such nonpool plant from pool plants; and

(*b*) Pro rata to any remaining unassigned receipts of fluid milk products at such nonpool plant from other order plants;

(v) Any remaining unassigned Class I disposition from the nonpool plant shall be assigned to the extent possible in the following sequence:

(*a*) To such nonpool plant's receipts from dairy farmers who the market administrator determines constitute regular sources of Grade A milk for such nonpool plant; and

(*b*) To such nonpool plant's receipts of Grade A milk from plants not fully regulated under any Federal milk order which the market administrator determines constitute regular sources of Grade A milk for such nonpool plant;

(vi) Any remaining unassigned receipts of bulk fluid milk products at the nonpool plant from pool plants and other order plants shall be assigned, pro rata among such plants, to the extent possible first to any remaining Class I utilization, then to Class III utilization, and then to Class II utilization at such nonpool plant;

(vii) Receipts of bulk fluid cream products at the nonpool plant from pool plants and other order plants shall be assigned, pro rata among such plants, to the extent possible first to any remaining Class III utilization, then to any remaining Class II utilization, and then to Class I utilization at such nonpool plant; and

(viii) In determining the nonpool plant's utilization for purposes of this subparagraph, any fluid milk products and bulk fluid cream products transferred from such nonpool plant to a plant not fully regulated under any Federal milk order shall be classified on the basis of the second plant's utilization using the same assignment priorities at the second plant that are set forth in this subparagraph.

(e) *Diversions to a commercial food processing establishment.* Skim milk and butterfat diverted to a commercial food processing establishment shall be classified:

(1) Subject to the provisions of § 1125.13(c) and, except as provided in paragraph (d)(2) of this section, as Class II milk if diverted pursuant to § 1125.40(b)(3); or

(2) The diversion shall be classified as Class I milk unless the market administrator is permitted to audit the records of the commercial food processing establishment for the purpose of verification.

Amend § 1125.43 entitled "General classification rules" by deleting the entire section and by substituting in lieu thereof the following:

§ 1125.43 General classification rules.

In determining the classification of producer milk pursuant to § 1125.44, the following rules shall apply:

(a) Each month the market administrator shall correct for mathematical and other obvious errors all reports filed pursuant to § 1125.30 and shall compute separately for each pool plant and for each cooperative association with respect to milk for which it is the handler pursuant to § 1125.9 (b) or (c) the pounds of skim milk and butterfat, respectively, in each class in accordance with §§ 1125.40, 1125.41, and 1125.42;

(b) If any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk in such product that are to be considered under this part as used or disposed of by the handler shall be an amount equivalent to the nonfat milk solids contained in such product plus all of the water originally associated with such solids;

(c) The classification of producer milk for which a cooperative association is the handler pursuant to § 1125.9 (b) or (c) shall be determined separately from the operations of any pool plant operated by such cooperative association; and

(d) For classification purposes, pursuant to § 1125.40 through § 1125.45, butterfat in skim milk either disposed of to others or used in the manufacture of milk products shall be accounted for at a butterfat content of 0.060 percent unless the handler has adequate records of the actual butterfat content of such skim milk.

Amend § 1125.44 entitled "Classification of producer milk" by deleting the entire section and by substituting in lieu thereof the following:

§ 1125.44 Classification of producer milk.

"For each month the market administrator shall determine the classification of producer milk of each handler described in § 1125.9(a) for each of his pool plants separately and of each handler described in § 1125.9 (b) and (c) by allocating the handler's receipts of skim milk and butter fat to his utilization as follows:

(a) Skim milk shall be allocated in the following manner:

(2) Subtract from the total pounds of skim milk in Class III the pounds of skim milk in shrinkage specified in § 1125.41 (b);

(1) Subtract from the total pounds of skim milk in Class I the pounds of skim milk in receipts of packaged fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk disposed of to such plant by handlers fully regulated under any federal milk order is classified and priced as Class I milk and is not used as an offset for any other payment obligation under any order;

(3) Subtract from the pounds of skim milk remaining in each class:

(i) The pounds of skim milk in fluid milk products received in packaged form from an other order plant, except that to be subtracted pursuant to paragraph (a)(7)(vi) of this section as follows:

(*a*) From Class III milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(*b*) From Class I milk, the remainder of such receipts;

(ii) From Class I milk the pounds of skim milk in packaged fluid milk products in inventory at the beginning of the month, but not in excess of the pounds remaining in Class I;

(4) Subtract from the pounds of skim milk in Class II the pounds of skim milk in products specified in § 1125.40(b)(1) that were received in packaged form from other plants, but not in excess of the pounds of skim milk remaining in Class II;

(5) Subtract from the remaining pounds of skim milk in Class II the pounds of skim milk in products

specified § 1125.40(b)(1) that were in inventory at the beginning of the month in packaged form, but not in excess of pounds of skim milk remaining in Class II. This paragraph shall apply only if the pool plant was subject to provisions of this paragraph or comparable provisions of another Federal milk order in the immediately preceding month;

(6) Subtract from the remaining pounds of skim milk in Class II the pounds of skim milk in other source milk (except that received in the form of a fluid milk product or a fluid cream product) that is used to produce, or added to any product specified in § 1125.40(b) but not in excess of the pounds of skim milk remaining in Class II;

(7) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in each of the following:

(i) Other source milk (except that received in the form of a fluid milk product) and, if paragraph (a)(5) of this section applies, packaged inventory at the beginning of the month of products specified in § 1125.40(b)(1) that was not subtracted pursuant to paragraph (a) (4), (5), and (6) of the section;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established;

(iii) Receipts of fluid milk products from unidentified sources;

(iv) Receipts of fluid milk products from a producer-handler as defined under this or any other Federal milk order;

(v) Receipts of reconstituted skim milk in filled milk from an unregulated supply plant that were not subtracted pursuant to paragraph (a)(2) of this section;

(vi) Receipts of reconstituted skim milk in filled milk from an other order plant that is regulated under any Federal milk order providing for individual-handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor-plant; and

(vii) Receipts of fluid milk products from a person described in § 1125.12(b)(5);

(8) Subtract in the order specified below from the pounds of skim milk remaining in Class II and Class III, in sequence beginning with Class III:

(i) The pounds of skim milk in receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to paragraph (a)(2) and (7)(v) of this section for which the handler requests a classification other than Class I, but not in excess of the pounds of skim milk remaining in Class II and Class III combined;

(ii) The pounds of skim milk in receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to paragraph (a)(2), (7)(v), and (8)(i) of this section which are in excess of the pounds of skim milk determined pursuant to paragraph (a)(8)(ii) (*a*) through (*c*) of this section. Should the pounds of skim milk to be subtracted from Class II and Class III combined exceed the pounds of skim milk remaining in such classes, the pounds of skim milk (remaining) in Class II and Class III combined shall be increased (increasing as necessary Class III and then Class II to the extent or available utilization in such classes at the nearest other pool plant of the handler, and then at each successively more distant pool plant of the handler) by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class I shall be decreased by a like amount. In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount:

(*a*) Multiply by 1.25 the sum of the pounds of skim milk remaining in Class I at this allocation step at all pool plants of the handler (excluding any duplication of Class I utilization resulting from reported Class I transfers between pool plants of the handler);

(*b*) Subtract from the above result the sum of the pounds of skim milk in receipts at all pool plants of the handler of producer milk, fluid milk products from pool plants of other handlers, and bulk fluid milk products from other order plants that were not subtracted pursuant to paragraph (a)(7)(vi) of this section; and

(*c*) Multiply any plus quantity resulting above by the percentages that the receipts of skim milk in fluid milk products from unregulated supply plants that remain at this pool plant is of all such receipts remaining at this allocation step at all pool plants of the handler; and

(iii) The pounds of skim milk in receipts of bulk fluid milk products from an other order plant that are in excess of bulk fluid milk products transferred or diverted to such plant and that were not subtracted pursuant to paragraph (a)(7)(vi) of this section, if Class II or Class III classification is requested by the operator of the other order plant and the handler, but not in excess of the pounds of skim milk remaining in Class II and Class III combined;

(9) Subtract from the pounds of skim milk remaining in each class, beginning with Class III, the pounds of skim milk in packaged fluid milk products, in bulk fluid milk products and in products specified in § 1125.40(b)(1) in inventory at the beginning of the month that were not subtracted pursuant to paragraphs (a)(3), (b)(5) and (7)(i) of this section;

(10) Add to the remaining pounds of skim milk in Class III the pounds of skim milk subtracted pursuant to paragraph (a)(1) of this section;

(11) Subject to the provisions of paragraph (a)(11)(i) and (ii) of this section, subtract from the pounds of skim milk remaining in each class at the plant, pro rata to the total pounds of skim milk remaining in Class I and in Class II and Class III combined at this allocation step at all pool plants of the handler (excluding any duplication of utilization in each class resulting from transfers between pool plants of the handler), with the quantity pro rated to Class II and Class III combined being subtracted first from Class III and then from Class II, the pounds of skim milk in receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to paragraph (a)(2), (7)(v), and (8)(i) and (ii) of this section and that were not offset by transfers or diversions of fluid milk products to the same unregulated supply plant from which fluid milk products to be allocated at this step were received:

(i) Should the pounds of skim milk to be subtracted from Class II and Class III combined pursuant to this paragraph exceed the pounds of skim milk remaining in such classes, the pounds of skim milk in Class II and Class III combined shall be increased (increasing as necessary Class III and then Class II to the extent of available utilization in such classes at the nearest other pool plant of the handler, and then at each successively more distant pool plant of the handler) by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class I shall be decreased by a like amount. In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount; and

(ii) Should the pounds of skim milk to be subtracted from Class I pursuant to this paragraph exceed the pounds of skim milk remaining in such class, the pounds of skim milk in Class I shall be increased by an amount equal to such excess quantity to be subtracted, and pounds of skim milk in Class II and Class III combined shall be decreased by a like amount (decreasing as necessary Class III and then Class II). In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other

pool plants shall be adjusted in the reverse direction by a like amount, beginning with the nearest plant at which Class I utilization is available.

(12) Subtract in the manner specified below from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of bulk fluid milk products from an other order plant that are in excess of bulk fluid milk products transferred or diverted to such plant and that were not subtracted pursuant to paragraph (a)(7)(vi) and (8)(iii) of this section;

(i) Subject to the provisions of paragraph (a)(12)(ii), (iii) and (iv) of this section such subtraction shall be pro rata to the pounds of skim milk in Class I and Class II and Class III combined, with the quantity prorated to Class II and Class III combined being subtracted first from Class III and then from Class II, with respect to whichever of the following quantities represents the lower proportion of Class I milk:

(*a*) The estimated utilization of skim milk of all handlers in each class as announced for the month pursuant to § 1125.45(a); or

(*b*) The total pounds of skim milk remaining in each class at this allocation step at all pool plants of the handler (excluding any duplication of utilization in each class resulting from transfers between pool plants of the handler);

(ii) Should the proration pursuant to paragraph (a)(12)(i) of this section result in the total pounds of skim milk at all pool plants of the handler that are to be subtracted at this allocation step from Class II and Class III combined exceeding the pounds of skim milk remaining in Class II and Class III at all such plants, the pounds of such excess shall be subtracted from the pounds of skim milk remaining in Class I after such proration at the pool plants at which such other source milk was received;

(iii) Except as provided in paragraph (a)(12)(ii) of this section, should computations pursuant to paragraph (a)(12)(i) or (ii) of this section result in a quantity of skim milk to be subtracted from Class II and Class III combined that exceeds the pounds of skim milk remaining in such classes, the pounds of skim milk in Class II and Class III combined that exceed the pounds of skim milk remaining in such classes, the pounds of skim milk in Class II and Class III combined shall be increased (increasing as necessary Class III and the Class II to the extent of available utilization in such classes at the nearest other pool plant of the handler, and then at each successively more distant pool plant of the handler) by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class I shall be decreased by a like amount. In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount; and

(iv) Except as provided in paragraph (a)(12)(ii) of this section, should the computations pursuant to paragraph (a)(12)(i) or (ii) of this section result in a quantity of skim milk to be subtracted from Class I that exceeds the pounds of skim milk remaining in such class, the pounds of skim milk in Class I shall be increased by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class II and Class III combined shall be decreased by a like amount (decreasing as necessary Class III and then Class II). In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount beginning with the nearest plant at which Class I utilization is available;

(13) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of fluid milk products and bulk fluid cream products from another pool plant according to the classification of such products pursuant to § 1125.42(a); and

(14) If the total pounds of skim milk remaining in all classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class III. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure oulined for skim milk in paragraph (a) of this section; and

(c) the quantity of producer milk in each class shall be the combined pounds of skim milk and butterfat remaining in each class after the computations pursuant to paragraph (a)(14) of this section and the corresponding step of paragraph (b) of this section."

Amend § 1125.45 entitled "Market Administrators reports and announcements concerning classification" by deleting the entire section and by substituting in lieu thereof the following:

§ 1125.45 Market administrator's reports and announcements concerning classification.

The market administrator shall make the following reports and announcements concerning classification:

(a) Whenever required for the purpose of allocating receipts from other order plants pursuant to § 1125.44(a)(12) and the corresponding step of § 1125.44 (b), estimate and publicly announce the utilization (to the nearest whole percentage) in each class during the month of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose.

(b) Report to the market administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received from a handler who has received fluid milk products or bulk fluid cream products from an other order plant, the class to which such receipts are allocated pursuant to § 1125.44 on the basis of such report, and thereafter, any change in such allocation required to correct errors disclosed in the verification of such report.

(c) Furnish to each handler operating a pool plant who has shipped fluid milk products or bulk fluid cream products to an other order plant the class to which such shipments were allocated by the market administrator of the other order on the basis of the report by the receiving handler, and, as necessary, any changes in such allocation arising from the verification of such report.

(d) On or before the 14th day after the end of each month, report to each cooperative association which so requests the amount and class utilization of producer milk delivered by members of such cooperative association to each handler receiving such milk. For the purpose of this report the milk so received shall be prorated to each class in accordance with the total utilization of producer milk by such handler.

Amend § 1125.50 entitled "Class Prices" by deleting from § 1125.50(a) everything after the word "plus" and by substituting for the deleted numerals and words the numerals "$1.95".

Amend § 1125.51 entitled "Basic formula price" by deleting the last sentence of the section.

Amend § 1125.52 entitled "Plant location adjustments for handlers" by deleting from the §§ 1125.52(a) and 1125.52(b) and by substituting in lieu thereof the following:

§ 1125.52 Plant location adjustments for handlers.

(a) For milk received at a plant located inside the marketing area, or in the Washington counties of Yakima, Benton, Franklin, or Walla Walla, or in

the Idaho county of Nez Perce, there shall be no location adjustment.

(b) For locations outside of the marketing area, the price specified in § 1125.50(a) shall be reduced by 1.5 cents for each 10 miles or fraction thereof by shortest hard-surfaced highway distance that the plant is located from the nearer of the County Courthouse in Spokane or the County-City Building in Seattle.

Amend § 1125.53 entitled "Announcement of class prices" by deleting therefrom everything following the words "Class II and Class III prices for the preceding month" and by substituting for the deleted punctuation and words a period [.].

Amend § 1125.60 entitled "Handlers value of milk for computing uniform prices":

By deleting from the captions heading of § 1125.60 the words "computing uniform prices" and by substituting for the deleted words the words "Determining pool obligations."

By deleting from § 1125.60 the first full paragraph and by substituting in lieu thereof the following:

"For the purpose of determining each handler's pool obligation, the market administrator shall determine for each month the value of milk of each handler with respect to each of his pool plants and of each handler described in § 1125.9(b) and (c) with respect to milk that was not received at a pool plant, as follows:"

By deleting from § 1125.60(a) the expression "and (b)" following the reference to "§ 1125.52".

By deleting from § 1125.60(b) the reference to "§ 1125.44(a)(12)" and by substituting for the deleted reference a reference to "§ 1125.44(a)(14)".

By deleting from § 1125.60, 1125.60(b) through and including § 1125.60(e) and by substituting in lieu thereof:

§ 1125.60 Handler's value of milk for determining pool obligation.

* * * * *

(b) Add the amount obtained from multiplying the pounds of overage deducted from each class pursuant to § 1125.44(a)(14) and the corresponding step of § 1125.44(b) by the class prices applicable at the location of the pool plant, as adjusted by the butterfat differential specified in § 1125.74. In case overage occurs in a nonpool plant located on the same premises as a pool plant, such overage shall be prorated between the quantity transferred from the pool plant and other source milk in such nonpool plant, add an amount equal to the value of overage allocated to the transferred quantity at the class price applicable at the pool plant;

(c) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class III price, with respect to skim milk and butter fat in other source milk subtracted from Class I pursuant to § 1125.44(a)(7)(i) through (iv) and (vii) and the corresponding step of § 1125.44(b) excluding receipts of bulk fluid cream products from another order plant;

(d) Add the amount obtained from multiplying the difference between the Class I price applicable at the location of the transferor-plant and the Class III price by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1125.44(a)(7)(v) and (vi) and the corresponding step of § 1125.44(b);

(e) Add the amount obtained from multiplying the difference between the Class III price and the Class I price adjusted pursuant to § 1125.52, or the Class II price as the case may be, for the current month by the hundredweight of skim milk and butterfat subtracted from Class I and Class II pursuant to § 1125.44(a)(9) and the Corresponding step of § 1125.44(b)."

§ 1125.60 [Amended].

* * * * *

By deleting from § 1125.60(f) the reference to "§ 1125.44(a)(9)" and by substituting for the deleted reference a reference to "§ 1125.44(a)(11)".

By deleting from § 1125.60 the period [.] at the end of the subsection and by substituting for the deleted period [.] "; and".

By adding to § 1125.60 a new subsection designated § 1125.60(g) that shall read as follows:

(g) Add or subtract, as the case may be, the amount necessary to correct errors as disclosed by the verification of reports of such handler of his receipts and utilization of skim milk and butterfat in previous months for which payment has not been made.

Amend § 1125.62 entitled "Announcement of uniform prices and butterfat differential" by deleting from § 1125.62(b) the expression "13th" and by substituting for it the expression "14th.".

Amend § 1125.70 entitled "Producer-settlement fund" by deleting the period [.] at the end of the section and by substituting in lieu thereof a semicolon [;] followed by:

"Provided, that the market administrator shall offset the payment due to a handler from such fund against payments due from such handler."

Amend § 1125.71 entitled "Payments to the producer-settlement fund." as follows:

By deleting from § 1125.71(a) the expression "15th" and by substituting for the deleted expression the expression "16th".

By adding to § 1125.71(a)(2)(iii) after the words "skim milk" and before the words "and butterfat" the words "and buttermilk".

Amend § 1125.72 entitled "Payments from the producer-settlement fund" by deleting from the opening words of the section the expression "17th" and by substituting for the deleted expression the expression "18th".

Amend § 1125.73 entitled "Payments to producers and to cooperative associations":

By deleting from § 1125.73(a) the word "or" that is located after the words "from milk received" and before the words "such producer" and by substituting for the deleted word the word "from".

By deleting from the opening words of § 1125.73(a)(1) the expression "25th" and by substituting for the deleted expression the word "last".

By deleting from § 1125.73(a)(1) the expression "15th" and by substituting for the deleted expression the expression "18th".

By deleting from § 1125.73(c) the part of § 1125.73(c)(1) that reads: "23rd day of each month" and by substituting for the deleted words the following: "2nd day prior to the date specified in paragraph (a)(1) of this section".

By deleting from § 1125.73(c)(2) the expression "17th" and by substituting for the deleted expression the expression "15th".

By deleting from the parenthetical expression in § 1125.73(c)(2) that reads "[pursuant to § 1125.42(a) or § 1125.42(b)" the word and numerals "or § 1125.42(b)" so that, as so amended, the parenthetical expression shall read "(pursuant to § 1125.42(a))".

By deleting from § 1125.73(d)(1) the words "23rd day of each month" and by substituting for the deleted words the following: "2nd day prior to the date specified in paragraph (a)(1) of this section".

By deleting from § 1125.73(d)(2) the expression "17th" and by substituting for the deleted expression the expression "18th".

Amend § 1125.75 entitled "Plant Location Adjustments for Producers and on Non-pool Milk":

By deleting from § 1125.75(a) after the words "per hundredweight of" and before the word "milk" the word "base".

By deleting as the final terms of § 1125.75(a) the alternative references "§ 1125.52(a) or § 1125.52(b)" and by

substituting for the deleted references the reference "§ 1125.52".

By deleting from § 1125.75(b) the references "§ 1125.52(a) and (b)" and by substituting for the deleted references the reference "§ 1125.52."

By deleting from § 1125.75(c) the references to § 1125.52(a) or § 1125.52(b) and by substituting for the deleted reference the reference "§ 1125.52."

Amend § 1125.85(b) entitled "Assessment for order administration" by changing the references therein from § 1125.44(a) (5) and (9) to references to "§ 1125.44(a) (7) and (11)."

Amend § 1125.86 entitled "Deduction for marketing services":

By deleting from § 1125.86(a)(3) the expression "15th" that follows the words "on or before the" and that precede the word "day" and by substituting for the deleted expression the expression "16th".

By deleting from § 1125.86(b)(3) the expression "15th" that follows the words "on or before the" and precedes the word "day" and by substituting for the deleted expression the expression "18th".

Proposed By Dari-Marketing Services

Proposal No. 3

Amend Proposal No. 1 to incorporate the entire Class I base plan provisions currently included in the Puget Sound, Washington, Federal Milk Order (§§ 1125.90 through 1125.96) in any amended order that may result from this proceeding. Make such conforming changes in other provisions of an amended order as may be necessary to effectuate this proposal.

Proposal No. 4

Amend Proposal No. 1 by renumbering the proposed § 1125.13(c)(6) as (c)(7) and inserting a new (c)(6) as follows:

* * * * *

(c) * * *

(6) Two or more cooperative associations may have their allowable diversions computed on the basis of their combined deliveries of producer milk which the associations cause to be delivered to pool plants or diverted from pool plants during the month if each association has filed a request in writing with the market administrator on or before the first day of the month the agreement is to be effective. This request shall specify the basis for assigning overdiverted milk to the producer deliveries of each cooperative according to a method approved by the market administrator.

Proposal No. 5

Amend Proposal No. 1 by deleting the proposed language in § 1125.52 in its entirety and substituting the following:

§ 1125.52 Plant location adjustment for handlers.

(a) The price specified in § 1125.50(a) shall be reduced at plants located more than 75 miles from the nearer of the County-City Building in Seattle or the County Courthouse in Spokane by 1.5 cents for each 10 miles or fraction thereof as measured by the shortest hard-surfaced highway.

(b) The Class I price applicable to other source milk shall be adjusted as set forth in paragraph (a) of this section, except that no price so adjusted shall be less than the Class III price.

Make such conforming changes to § 1125.75 of an amended order as may be necessary to effectuate the proposed amendments to § 1125.52.

Proposed by Carnation—Fresh Milk and Ice Cream Division

Proposal No. 6

Amend Proposal No. 1 by deleting the proposed language in § 1125.53 in its entirety and substituting the following:

§ 1125.53 Announcement of class prices and handler butterfat differentials.

The market administrator shall announce publicly on or before the 5th day of each month:

(a) The Class I price for the following month;

(b) The Class I butterfat differential for the current month;

(c) The Class II and Class III prices and the corresponding butterfat differentials, all for the preceding month.

Proposal No. 7

Amend Proposal No. 1 by renumbering proposed § 1125.54 as § 1125.55 and inserting a new § 1125.54 as follows:

§ 1125.54 Handler butterfat differentials.

If the average butterfat content of Class I milk, Class II milk or Class III milk, computed pursuant to § 1125.43(a), for any handler for any month differs from 3.5 percent, there shall be added to, or subtracted from, the applicable class price for each one-tenth of 1 percent that the average butterfat content of such class is respectively above, or below, 3.5 percent, a butterfat differential computed by the market administrator using the simple average of the wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago as reported by the Department as follows:

(a) *Class I milk.* Multiply the butter price for the preceding month by 0.115 and round to the nearest tenth of a cent.

(b) *Class II milk and Class III milk.* Multiply the butter price for the month by 0.115 and round to the nearest tenth of a cent.

Make conforming changes to the proposed order in §§ 1125.44, 1125.60, 1125.61, 1125.62, 1125.71, 1125.74 and other sections as may be necessary.

Proposal No. 8

Retain a location adjustment as is currently in effect in the Puget Sound market order. Location adjustments should be computed from outside mileage zones of the market centers of Seattle and Spokane. Also, consider raising location adjustments to reflect hauling increases since location adjustments were established.

Proposed by Foremost Dairy Division—Foremost—McKesson Food Groups

Proposal No. 9

Revise § 1125.40(b)(4)(i) to read as follows:

§ 1125.40 Classes of utilization.

* * * * *

(b) * * *

(4) * * *

(i) Cottage cheese, lowfat cottage cheese, dry curd cottage cheese, and cottage cheese creaming mixtures;

* * * * *

Proposal No. 10

Amend Proposal No. 1 by deleting "$1.95" from § 1125.50(a) and insterting "$1.88".

Proposal No. 11

Amend Proposal No. 1 by deleting the proposed language in § 1125.50(c) in its entirety and substituting the following:

* * * * *

(c) Class III price. The Class III price shall be the basic formula price for the month.

Proposal No. 12

Amend Proposal No. 1 by deleting "15th" from § 1125.73(c)(2) and inserting the "17th".

Proposal No. 13

Amend Proposal No. 1 by deleting the proposed language in § 1125.53 in its entirety and inserting a new § 1125.53 as follows:

§ 1125.53 Announcement of class prices and handler butterfat differentials.

The market administrator shall announce publicly on or before the 5th day of each month:

(a) The Class I price for the following month;

(b) The Class II and Class III prices for the preceding month;

(c) The Class I and Class II butterfat differentials for the following month;

(d) The Class III butterfat differentials for the preceding month.

Proposal No. 14

Amend Proposal No. 1 by adding § 1125.55 as follows:

§ 1125.55 Handler butterfat differentials.

If the average butterfat content of Class I milk, Class II milk, or Class III milk, computed pursuant to § 1125.43, for any handler for any month differs from 3.5 percent, there shall be added to, or subtracted from, the applicable class price (§ 1125.50) for each one-tenth of 1 percent that the average butterfat content of such class is respectively above, or below, 3.5 percent, a butterfat differential computed by the market administrator as follows:

(a) *Class I and Class II milk.* The simple average of the wholesale selling price per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter at Chicago, as reported by the Department during the second preceding month, multiplying by 0.115 and round to the nearest tenth of a cent.

(b) *Class III milk.* The simple average of the wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter at Chicago as reported by the Department during the month, multiplying by 0.115 and round to the nearest tenth of a cent.

Proposal No. 15

Amend Proposal No. 1 by adding after the title of § 1125.61 "Computation of Uniform Price" the words "(Including Weighted Average Price)".

Proposal No. 16

Amend Proposal No. 1 by deleting the proposed language of § 1125.74 in its entirety and substituting the following:

§ 1125.74 Producer butterfat differential.

In making payments pursuant to § 1125.73 the applicable prices shall be increased or decreased for each one-tenth of 1 percent that the butterfat content of the producer's milk is above or below 3.5 percent, respectively, at the rate determined by multiplying the pounds of butterfat in producer milk allocated to each class pursuant to §1125.44 by the butterfat differential for such class, dividing the sum of such values by the pounds of such butterfat and rounding the resultant figure to the nearest one-tenth cent.

Proposed by Lamar Millet, d/b/a Mil-Key Farm

Proposal No. 17

Amend Proposal No. 1 by deleting from § 1125.2 under the subtitle of "Washington Counties" the counties of "Clallam, Jefferson, Kitsap".

Proposal No. 18

Amend Proposal No. 1 by deleting the proposed language of § 1125.10(c)(2) in its entirety and substituting the following:

* * * * *

The producer-handler handles fluid milk products derived from sources other than the designated milk production facilities or resources in excess of the amounts of fluid milk products derived from the designated milk production facilities and resources.

Proposed by the Dairy Division, Agricultural Marketing Service

Proposal No. 19

Make such changes as may be necessary to make the entire marketing agreements an the orders conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the orders may be procured from the market administrator, James A. Burger, 16 West Harrison Street, Seattle, Washington 98119 or from the Hearing Clerk, Room 1077 South Building, United States Department of Agriculture, Washington D.C. 20250 or may be there inspected.

From the time that a hearing notice is issued and until the issuance of a final decision in a proceeding, Department employees involved in the decisional process are prohibited from discussing the merits of the hearing issues on an ex parte basis with any person having an interest in the proceeding. For this particular proceeding the prohibition applies to employees in the following organizational units:

Office of the Secretary of Agriculture
Office of the Administrator, Agricultural Marketing Service
Office of General Counsel
Dairy Division, Agricultural Marketing Service (Washington office only)
Office of the Market Administrator, Puget Sound, Washington and Inland Empire marketing areas

Procedural matters are not subject to the above prohibition and may be discussed at any time.

Signed at Washington, D.C., on: June 11, 1981.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 81-17883 Filed 6-15-81; 8:45 am]

BILLING CODE 3410-02-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A3 FRL 1813-1]

State of Maryland; Proposed Revision of the Maryland State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The State of Maryland has submitted a proposed revision of its State Implementation Plan (SIP) for Total Suspended Particulate Matter and other miscellaneous changes. This revision is a result of action by the Maryland Legislature removing the authority of the Secretary of Health and Mental Hygiene to establish more restrictive standards for pollutants for which National Ambient Air Quality Standards already exist. In addition, existing regulations were required to be amended to be no more restrictive than necessary to attain and maintain ambient air quality standards, provided that there is no conflict with Federal requirements. Also, a new ambient air quality standard for lead was established, and the air quality episode criteria for the ozone alert stage has been changed to be consistent with the current Federal ozone standard.

This revision was accompanied by a demonstration from the State intended to show that National Ambient Air Quality Standards will not be violated as a result of the amendments and describing the techniques used in making this demonstration.

DATE: Comments must be submitted on or before July 16, 1981.

ADDRESSES: Copies of the proposed SIP revision and the accompanying support documents are available for inspection during normal business hours at the following offices:

U.S. Environmental Protection Agency, Air Programs Branch, Curtis Building, 6th and Walnut Streets, Philadelphia, PA 19106, Attn: Patricia Sheridan
Air Quality Programs, State of Maryland, 201 West Preston Street, Baltimore, Maryland 21201, Attn: Mr. George Ferreri, Administrator

Public Information Reference Unit, Room 2922, EPA Library, U.S. Environmental Protection Agency, 401 M Street SW. (Waterside Mall), Washington, D.C. 20460.

All comments on the proposed revision will be considered and should be directed to: Mr. James E. Sydnor, Chief, DC, MD, VA Section, Air Programs Branch (3AH11), Air, Toxics and Hazardous Materials Division, U.S. Environmental Protection Agency, 6th & Walnut Streets, Philadelphia, PA 19106, Attn: (AH023aMD).

FOR FURTHER INFORMATION CONTACT: Gregory Ham (3AH12), U.S. Environmental Protection Agency, Region III, 6th & Walnut Streets, Philadelphia, PA 19106, (215) 597–2745.

SUPPLEMENTARY INFORMATION: On October 24, 1979, Governor Harry Hughes submitted to EPA, Region III, the proposed amendments to the Maryland Air Quality Control Regulations. Hearings were held on June 4, 5, and 8, 1979, and the regulations were adopted on October 9, 1979.

Description of the Changes

The Department of Health and Mental Hygiene (DHMH) has proposed amendments to Regulation .03, Air Pollution Episode System; and Regulation .04, Ambient Air Quality Standards, under COMAR 10.18.01, Control of Air Pollution in the State; Regulations .02, Control and Prohibition of Visible Emissions; .03, Control and Prohibition of Practiculate Matter Emissions; .04, Control and Prohibition of Gas and Vapor Emissions; .06, Control and Prohibition of Installations and Operations, under COMAR 10.18.02; Air Pollution in Area I, COMAR 10.18.03 Air Pollution in Area II, COMAR 10.18.06, Air Pollution in Area V, and COMAR 10.18.07, Air Pollution in Area VI; and Regulation .04, Control and Prohibition of Gas and Vapor Emissions, under COMAR 10.18.04, Air Pollution in Area III, and COMAR 10.18.05, Air Pollution in Area IV. The changes to each of these regulations are discussed below.

Regulation .03, Air Pollution Episode System, is changed to reflect the change in the Federal ozone standard (from .08 ppm .12 ppm), and the term "photochemical oxidant" is changed to the term "ozone."

The new episode criteria for the ozone alert stage is 0.2 ppm for a one hour average (previously 0.1 ppm). The warning and emergency stage ozone levels remain unchanged (at 0.4 ppm and 0.5 ppm, respectively).

Regulation .04, Ambient Air Quality Standards, has been completely revised to be consistent with the National Ambient Air Quality Standards, including the addition of an ambient standard for lead. The standards are contained in Chart 1. Chart 2 contains the previous ambient standards.

The following amendments have been made to the air pollution regulations in areas I, II, V, and VI. Regulation .02, Control and Prohibition of Visible Emissions, has been rewritten to prohibit the discharge of emissions from any installation at greater than 20 percent opacity (excluding water in an uncombined form). Exception to these are provided for short-term start up and maintenance procedures and process adjustments and for larger periods (up to five years) where the source can demonstrate that the limitation is not practical or technologically feasible. The previous regulation prohibited any visible emissions from new plants (built since January 17, 1972) or from specified sources. Other sources were limited to 20 percent opacity.

Regulation .03 Control and Prohibition of Particulate Matter Emissions, Section B, has been rewritten but allows particulate emissions from existing sources at the same levels as the previous regulation (a sliding scale from 0.6 lbs/mmBtu for sources up to 10 mmBtu/hour heat input to 0.12 lbs/mmBtu for sources of 10,000 mmBtu's/hour heat input). For new sources (built on or after January 17, 1972), the restrictions are on a sliding scale from 0.4 lbs/mmBtu for sources from 4 to 25 mmBtu/hour, to 0.1 lbs/mmBtu for sources 250 mmBtu/hour or more. The previous regulations had limited emissions to the levels in the following Chart 3:

Dust collection devices designed to result in emissions equal to or less than the above-listed levels were required for all these new sources burning fuel oil (greater than 13 mmBtu/hour) or solid fuel. Exemptions are provided from these revised regulations for two situations as described in Section (b)(4).

Section C, Particulate Matter from Incinerators, has been written to remove the differentiation between existing and modified incinerators and applies the regulation only to sources existing before January 17, 1972. In addition, the subsection for pathological waste incinerators (existing or modified) has been deleted. These regulations remain at 0.3 gr/SCFD for sources burning less than 200 lbs/hour, 0.2 gr/SCFD for sources 200 lbs/hour or more. For incinerators built since January 17, 1972, emissions are now limited to 0.10 gr/SCFD. For new incinerators smaller than 1 ton of refuse per hour, and for new pathological incinerators, the previous limitation was the same; but for new sources above one ton of refuse per hour capacity, or burning five tons or more per day, the limitation was 0.03 gr/SCFD.

Section E has been added and titled "Particulate Matter From Asphalt Concrete Plants" and limits those plants built before June 11, 1973 to emissions of 0.5 gr/SCFD or less.

Section F, Particulate Matter from Other Installations (formerly Section E), has been reworded but contains the same requirements except for sources greater than 60,000 pounds. Emissions can exceed that resulting from the equation in the regulation, but not exceeding .05 gr/SCFD for these sources. This is also the limit for other new sources. For any source for whith the Department determines compliance with these regulations will cause or exacerbate a violation of the National Ambient Air Quality Standards or Federal Prevention of Significant Deterioration increments, the applicable emission standard is 0.03 gr/SCFD. In a screening procedure used to assess the effect of these regulation changes, it was determined that localized problems could be expected in the vicinity of three major sources if they were controlled to levels allowed in the revised particulate matter regulations. Therefore, these three sources will be restricted to the current regulation of 0.03 gr/SCFD. These sources are:

Kelly-Springfield Tire Company (buffers, tire tread grinders)
Eastalco Aluminum Company (potline electro-cells, carbon anode furnace)
D.M. Stoltzfus and Sons (stone crushing)

Any change occurring in this list must be submitted to EPA as a revision to the Maryland SIP.

Regulation .04, Control and Prohibition of Gas and Vapor Emissions, Section G, Nitrogen Oxides from New Fuel Burning Equipment, Subsection C has been changed from a limit of 0.50 lb/mmBtu heat input maximum 2-hour average, to 0.70 lbs/mmBtu heat input for a 2-hour maximum average, expressed as NO_2 when solid fuel is burned.

Regulation .06, Section D, Prohibition of Certain New Fuel Burning Equipment, Subsection 2, has been changed to allow construction of solid fuel-fired equipment in which any furnace has a rated heat input equal to or greater than 13 mmBtu/hour (the previous lower limit was 50 mmBtu/hour). In Section E, several tables and figures have been renumbered, and one table was deleted. Citation changes have been made

throughout these amendments to reflect this renumbering.

In areas III and IV, Regulations .04, Control and Prohibition of Gas and Vapor Emissions, Subsection G, 1, C, the 2-hour maximum average limitation for nitrogen oxides is revised from 0.50 lbs/mmBtu heat input to 0.70 lbs/mmBtu heat input, expressed as NO_2.

The demonstration of air quality impacts resulting from this regulation change consisted of developing concentration estimates using emission rates based on the proposed emission limitations. Because of the large area affected by this revision, several methods were used in this demonstration. The impact analyses for isolated sources were performed according to the *Guidelines for air Quality Maintenance and Planning*, Vol. 10, Sec. 4.3. For most of the premises where more than one source was emitting, a modified CRSTER model was used. In addition, four sources had previously been modeled using the Valley model, and these results were adopted for the demonstration. Multi-source models capable of evaluating multi-source interaction in urban areas were used in areas of high source density, and nearby major sources were included. One of these models was the State's Multiple Source Dispersion Model, used for Frederick and Hagerstown. A version of EPA's model, C9M3D, was used for the Cumberland analysis. Major sources identified in the screening procedure used in this analysis as potentially causing or contributing to a violation of National Ambient Air Quality Standards or PSD increments under the revised regulations will be required to remain at emission levels required under existing regulations. Three sources are to be included in this exception for particulates. Concentrations resulting from other major sources and similar interacting sources were estimated at levels less than those causing or exacerbating air quality standards or increments.

The modeling approach used in this demonstration has been reviewed by the EPA and was found to be consistent with modeling guidelines. Modeling in accordance with EPA's Modeling Guideline shows that these emission limits would not cause or contribute to a violation of the NAAQS for total suspended particulates and would not cause significant degradation of air quality, in any other State. This emission limit, therefore, meets the requirements of Section 110(a)(2)(E) of the Clean Air Act, 42 U.S.C. 7410(a)(2)(E).

The State of Maryland submitted proof that public hearings were held in Hagerstown, Baltimore, and Salisbury, Maryland on June 4, June 5, and June 8, 1979 respectively, in accordance with the requirements of 40 CFR 51.4.

Based on the foregoing, it is the tentative decision of the Administrator to approve the proposed revision of the Maryland SIP.

The public is invited to submit, to the address stated above, comments on whether the amendments of the State's regulations should be approved as a revision of the Maryland State Implementation Plan.

The Administrator's decision to approve or disapprove the proposed revision will be based on the comments received and on a determination of whether the amendment meets the requirements of Section 110(a)(2) of the Clean Air Act and 40 CFR Part 51, Requirements for Preparation, Adoption, and Submittal of State Implementation Plans.

Pursuant to the provisions of 5 U.S.C. 605(b) the Administrator has certified that SIP approvals under Sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities (46 FR 8709 (January 27, 1981)). The attached rule, if promulgated, would constitute a SIP approval under Sections 110 and 172 within the terms of the January 27 certification. Under Executive Order 12291, EPA also must judge whether a regulation is "major" and therefore subject to the requirement of a regulatory impact analysis. This rule is not "major" for the same reasons it would not have significant economic impact. This action would only approve State actions, and would impose no new requirements of its own. Moreover, under the Clean Air Act, federal inquiry into the economic reasonableness of State SIP changes would serve no practical purpose and could well be improper.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

(42 U.S.C. 7401–642)

Dated: March 10, 1981.

Jack Schramm,

Regional Administrator.

Chart 1.—*Proposed Ambient Air Quality Standards for the State of Maryland*

Pollutant	Averaging time	Primary standards	Secondary standards
Sulfur oxides: Reg. (04)(B)	Annual arithmetic—mean	80 $\mu g/m^3$ (.03 ppm)	
	24-hour[1]	365 $\mu g/m^3$ (.140 ppm)	
	3-hour[1]	1,300 $\mu g/m^3$ (.50 ppm)	
Particulate matter: Reg. (.04)(C)	Annual geometric—mean	75 $\mu g/m^3$	
	24-hour[1]	260 $\mu g/m^3$	150 $\mu g/m^3$.
Carbon monoxide: Reg. (.04)(D)	8 hour[1]	10 mg/m^3 (8 ppm)	10 mg/m^3 (8 ppm).
	1 hour[1]	40 $\mu g/m^3$ (35 ppm)	40 $\mu g/m^3$ (35 ppm).
Ozone: Reg. (.04)(E)		235 $\mu g/m^3$ (.12 ppm)	235 $\mu g/m^3$ (.12 ppm).[2]
Hydrocarbons: Reg. (.04)(F)	3-hour[1] (6–9 a.m.)	160 $\mu g/m^3$ (.24 ppm)	160 $\mu g/m^3$ (.24 ppm).
Nitrogen dioxide: Reg. (.04)(G)	Annual arithmetic—mean	100 $\mu g/m^3$ (.05 ppm)	
Lead: Reg. (.04)(H)	Calendar quarter—average	1.5 $\mu g/m^3$	1.5 $\mu g/m^3$.

[1] Maximum concentration not to be exceeded more than once per year.
[2] The standard is attained when the expected number of days per calendar year with maximum hourly average concentrations above .12 ppm is equal to or less than one.

BILLING CODE 6560-26-M

CHART 2
PREVIOUS AMBIENT AIR QUALITY STANDARDS

CHART 2

PREVIOUS AMBIENT AIR QUALITY STANDARDS

POLLUTANT	FREQUENCY	MORE ADVERSE RANGE				SERIOUS LEVEL	
	TIMES VALUES MAY BE EXCEEDED PER UNIT TIME	UG/M^3		PPM		UG/M^3	PPM
		LOWER LIMIT	UPPER LIMIT	LOWER LIMIT	UPPER LIMIT		
1. Particulate Matter							
a. Suspended Particulate							
Annual Arithmetic Average		65	75	----	----	75	----
Daily Average	Once Per Year	140	160			160	
2. Dustfall				MG/CM^2/Month		MG/CM^2/Month	
Annual Arithmetic Average	Values Not to Be Exceeded			.035	.050	0.50	
		LOWER LIMIT	UPPER LIMIT				
Monthly Average		0.70	1.00			1.10	
3. Carbon Monoxide							
8-hour Arithmetic Average[2]	Once Per Year	No Standard				MG/M^3 10	PPM 9
Hourly Average	Once Per Year	No Standard				40	35
4. Non-Methane Hydrocarbons[3]							
Three-Hour Average[4]	Once Per Year	No Standard				UG/M^3 160	PPM Carbon 0.24
5. Photochemical Oxidants							
Hourly Average	Once Per Year	No Standard				UG/M^3 160	PPM Ozone 0.08
6. Nitrogen Dioxide							
Annual Arithmetic Average	Values Not to Be Exceeded	No Standard				UG/M^3 100	PPM 0.05

REFERENCES

1. Annual averages shall be for the calendar year for all pollutants.

2. Applies in areas representing generalized atmospheric levels; 20 ppm applies in any other place where members of the public congregate for extended periods of time.

3. The standards set forth in this regulation for hydrocarbons are not based upon the direct adverse effects of hydrocarbons but upon an empirical relationship, based upon ambient air quality measurements, between morning hydrocarbon concentrations and oxidant concentrations occurring later the same day. The hydrocarbon standard is designed primarily to achieve the standard for photochemical oxidants. In view of the lack of an exact quantitative relationship, the uncertainties in existing measurement techniques and the lack of full identification of the photochemically reactive species of hydrocarbons occurring in the ambient air in the Region, these levels should be considered as tentative pending further scientific developments.

4. Three hour period: 6 a.m. to 9 a.m. Eastern Standard Time.

BILLING CODE 6560-28-C

Chart 3.—*Previous Emission Standards for New Fuel Burning Equipment*

Equipment description	Maximum rated input in million Btu (gigajoules) per hour per furnace	Effective date of standard	Maximum allowable emissions of part. matter—gr/SCFD (mg/dscm)	Maximum allowable emissions, Shell Bacharach Smoke Spot test No
Residual oil burning[1]	Less than 13 (14)	1/1/75	(2)	4
	13–50 (14–53)	7/1/76	0.03 (69)	4
50–250 (53–265)		10/1/74	0.02 (46)	4
	Greater than 250 (265)	1/17/72	0.01 (23)	
Distillate oil burning	All sizes	1/17/72	(2)	2
Solid fuel burning	Greater than 50[3]	1/17/72	0.030 (69)	(2)

[1] Construction of residual oil fired units of less than 13 million Btu/hour is prohibited.
[2] No requirement.
[3] Construction of solid fuel fired units of less than 50 million Btu/hour is prohibited.

[FR Doc. 81-17767 Filed 6-15-81; 8:45 am]

BILLING CODE 6560-26-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1048

[Ex Parte No. MC-37 (Sub-No. 35)]

Commercial Zones and Terminal Areas; Washington, D.C., Commercial Zone

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed rules.

SUMMARY: The Commission has been requested to consider whether to amend its existing regulations set forth in 49 CFR 1048.10 to expand the Washington, D.C., commercial zone to include Prince William County, VA, the City of Manassas, VA, and the City of Manassas Park, VA, which constitute a specified area adjacent to the present zone. The proposed expansion would increase the zone within which interstate motor carrier operations would be exempt from Federal economic regulation.

DATES: Comments must be filed with the Commission or or before July 16, 1981.

ADDRESS: Send comments (an original and 15 copies where possible) to: Ex Parte No. MC–37 (Sub-No. 34), Room 5416, Office of Proceedings, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Barbara Reideler, (202) 275–7982 or Edward E. Guthrie, (202) 275–7929.

SUPPLEMENTARY INFORMATION: The commercial zone of Washington, D.C., is defined specifically in 49 CFR 1048.10 to include the municipality of Washington, D.C., itself, all points within a line drawn 15 miles beyond the municipal limits of Washington, D.C., and all points in Fairfax and Loudon Counties, VA. The Prince William County Chamber of Commerce, the Prince William County Board of Supervisors, the City of Manassas, and the City of Manassas Park request that the limits of the Washington, D.C., commercial zone be expanded to include all points in Prince William County, including the independent cities of Manassas and Manassas Park which are located within the county.

Prince William County consists of an elongated area approximately 36 miles long and 12 miles wide that covers approximately 350 square miles in northeastern Virginia. It is contiguous to the southwestern boundary of the present Washington, D.C., commercial zone. No portion of the county presently is part of the Washington, D.C. commercial zone. Manassas and Manassas Park are adjacent independent jurisdictions which are located entirely within Prince William County. Manassas comprises an area of approximately eight square miles in the north-central portion of the county. Manassas Park is a smaller community located north of Manassas which is contiguous to the boundary of the present Washington, D.C., commercial zone.

Petitioners present various geographic, demographic, and economic information in support of their position that the area should be considered adjacent to and commercially a part of Washington, D.C. They state that since 1960 Prince William County and the communities of Manassas and Manassas Park have experienced one of the fastest rates of population growth in the nation and in the metropolitan Washington, D.C., area. As a result, retail and industrial activities are increasing within the county. Nevertheless, petitioners contend that the economic growth of the area is hampered by the area's exclusion from the Washington, D.C. commercial zone. They state that commercial and industrial establishments within the area are at a disadvantage in competing with those establishments within the zone, and that industries and other businesses are reluctant to relocate or expand to an area not included within the zone. Petitioners submit 54 verified statements from representatives of government agencies, commercial groups, and individual industries and businesses which favor expansion of the Washington, D.C., commercial zone to include Prince William County, the City of Manassas, and the City of Manassas Park.

Comments and procedural matters

No oral hearing in this proceeding is contemplated. Any person (including petitioner) wishing to participate in the proceeding, in support of or in opposition to the proposal, is invited to submit written representations, views, and arguments. We do not believe that the action proposed will have an adverse effect on either the quality of the human environment or conservation of energy resources. In addition, we do not believe that the proposed action will have a significant economic impact on a substantial number of small entities, inasmuch as our action would result in the reduction of Federal regulation of certain small organizations, businesses, and governmental entities. Pursuant to 5 U.S.C. 605, a copy of this decision will be served on the Chief Counsel for Advocacy of the Small Business Administration. However, anyone may comment on these aspects of the proposal. Written material or suggestions submitted will be available for public inspection at the Office of the Secretary of the Interstate Commerce Commission, 12th and Constitution Avenue, NW., Washington, D.C., during regular business hours.

This notice of proposed rules is issued under authority of 49 U.S.C. 10321, 49 U.S.C. 10526, and 5 U.S.C. 553.

Decided: June 1, 1981.

By the Commission, Division 1, Commissioners Clapp, Alexis, and Gilliam.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-17771 Filed 6-15-81; 8:45 am]

BILLING CODE 7035-01-M

Notices

Federal Register
Vol. 46, No. 115
Tuesday, June 16, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

Wabash Valley Power Association, Inc.; Finding of No Significant Impact

Notice is hereby given that the Rural Electrification Administration (REA) has prepared a Finding of No Significant Impact (FONSI) in connection with proposed financing assistance by REA for Wabash Valley Power Association, Inc., (WVPA) of Indianapolis, Indiana, to continue to participate in the Marble Hill Generating Station (MHGS) in Jefferson County and to purchase the MHGS to Columbus 765 kV transmission line in Jefferson, Jackson, Scott, Jennings and Bartholomew Counties which will be constructed by the Public Service Company of Indiana.

WVPA prepared a Borrower's Environmental Report concerning the proposed project and an Environmental Assessment has been prepared by REA.

Threatened and endangered species, important farmlands, archaeological and historic sites, wetlands, floodplains, and all other potential impacts of the proposed project have been adequately investigated.

Based on REA's independent evaluation, the REA Environmental Assessment, and WVPA's Borrower's Environmental Report, a Finding of No Significant Impact was reached in accordance with REA Bulletin 20–21:320–21, Part I.

Copies of REA's Finding of No Significant Impact, REA's Environmental Assessment, and WVPA's Borrower's Environmental Report may be reviewed in the office of the Director, Power Supply Division, Room 5168, South Agriculture Building, Washington, D.C. 20250, and at the office of Wabash Valley Power Association, Inc., 700 North High School Road, P.O. Box 24700, Indianapolis, Indiana 46224.

This Program is listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees.

Dated at Washington, D.C. this 8th day of June 1981.

Joe S. Zoller,

Acting Administrator, Rural Electrification Administration.

[FR Doc. 81-17744 Filed 6-15-81; 8:45 am]

BILLING CODE 3410-15-M

Office of the Secretary

1981 Wheat, feed grains, soybeans and upland cotton program determinations regarding established "Target" prices and loan and purchase rates; land diversion and special grazing and hay program for wheat

AGENCY: Agricultural Stabilization and Conservation Service, (ASCS) USDA.

ACTION: Notice of Determination of 1981-Crop Established "Target" Prices for Wheat, Corn, Sorghum, Barley and Upland Cotton; Loan and Purchase Rates for Wheat, Corn, Sorghum, Barley, Oats, Rye and Soybeans; Land Diversion and Special Grazing and Hay Program for Wheat.

SUMMARY: The purpose of this notice is to announce the following: the 1981-crop established "target" prices for wheat, corn, sorghum, barley and upland cotton; the loan and purchase rates for the 1981 crops of wheat, corn, sorghum, barley, oats, rye and soybeans; and that there will be no land diversion program and no special grazing and hay program for the 1981 crop of wheat. These determinations are required to be made in accordance with the provisions of the Agricultural Act of 1949, as amended.

EFFECTIVE DATE: June 15, 1981.

ADDRESS: Production Adjustment Division, ASCS/USDA, 3630 South Building, P.O. Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: Lois G. Moe, Agricultural Program Specialist, Production Adjustment Division, ASCS/USDA, P.O. Box 2415, Washington, D.C. 20013, (202) 447-8373. Final Impact Statements describing the options considered in developing this notice of determination and the impact of implementing each option are available on request from the above named individual.

SUPPLEMENTARY INFORMATION: This notice of determination has been reviewed in accordance with the provisions of Executive Order 12291 and has been classified "major". The emergency nature of this action makes it impracticable for the agency to follow the procedures of Executive Order 12291 with respect to this rule.

Notices were published in the **Federal Register** at 45 FR 59363, 45 FR 41672 and 45 FR 65643 requesting comments with respect to various program determinations for the 1981 crops of feed grains and soybeans, wheat, and upland cotton, respectively. Notices of determinations regarding various program issues were published at 45 FR 77095, 45 FR 56118, and 45 FR 83643 at which time all comments received regarding these issues were discussed. It was noted that there would be a continuing review of various program decisions concerning (1) established "target" prices, (2) loan and purchase rates and (3) whether a land diversion program or special grazing and hay program for the 1981 crop of wheat would be implemented. This document sets forth the final program determination with respect to these issues.

The announcement of these determinations with respect to (1) the established "target" prices for the 1981 crops of wheat, corn, sorghum, barley and upland cotton; (2) the loan and purchase rates for the 1981 crops of wheat, corn, sorghum, barely, oats, rye and soybeans; and (3) that there will be no land diversion or special grazing and hay program for the 1981 crop of wheat must be made by the Secretary immediately so that producers are made aware of these program provisions in order that they may make their farming plans accordingly. Therefore, I have determined that compliance with any further public rulemaking requirements of Secretary's Memorandum No. 1955 and 5 U.S.C. 553 is impractical and contrary to the public interest. Thus, this notice of determination shall become effective upon date of filing with the Director, Office of the Federal Register.

The titles and numbers of the federal assistance programs that this notice applies to are: Title—Wheat Production Stabilization, Number 10–058; Title—Feed Grains Production Stabilization, Number 10.055; Title—Commodity Loans

and Purchases. Number 10.051, and Title—Cotton Production Stabilization, Number 10.052, as found in the Catalog of Federal Domestic Assistante. This action will not have a significant impact specifically on area and community development. Therefore, a reveiw as established by Office of Management and Budget (OMB) Circular A–95 was not used to assure that units of local government are informed of this action.

The need for this notice is to satisfy the requirements governing determinations of loan and purchase rates and established "target" prices as provided for in Sections 103(f), 105A and 107A of the Agricultural Act of 1949, as amended, with respect to the 1981 crops of upland cotton, feed grains and wheat, respectively. This notice also sets forth determinations regarding the following: (1) the loan and purchase rate for the 1981 crop of soybeans as provided for by Section 201(e) of the Agricultural Act of 1949, as amended; (2) the loan for the 1981 crops of wheat and feed grains placed in the farmer-owned reserve program as authorized by Section 110(b) of the Agricultural Act of 1949, as amended; (3) whether a land diversion program will be offered for the 1981 crop of wheat as authorized by Section 107(f)(2) of the Agricultural Act of 1949, as amended; and (4) whether a special grazing and hay program authorized by Section 109 of the Agricultural Act of 1949, as amended, will be implemented for the 1981 crop of wheat.

Sections 105A and 107A of the Agricultural Act of 1949, as amended, provide that the 1981-crop established "target" prices for corn and wheat shall be not less than the established "target" prices for the 1980 crops of those commodities adjusted upward to reflect such changes in the cost of production as the Secretary finds necessary and appropriate for the purpose of establishing and maintaining a fair and equitable relationship between loan rates, established prices and production costs for those commodities and competing commodities. Section 105A of the 1949 Act also provides that the payment rate for sorghum and, if designated by the Secretary, barley and oats, shall be fair and reasonable in relation to the rate at which payments are made available for corn. Section 103(f) of the 1949 Act further provides that the 1981 established "target" price for upland cotton shall be based upon the established "target" price for 1980 adjusted to reflect any change in the average costs of production for crop years 1979 and 1980 from the average costs of production for crop years 1978 and 1979.

Section 105A of the Agricultural Act of 1949, as amended, provides that the loan and purchase rate for the 1981 crop of corn shall be not less than $2.25 per bushel. Loan and purchase rates are established at such levels as will encourage the exportation of feed grains and not result in excessive total stocks of feed grains in the United States. The 1949 Act further provides that the loan rates for barley, oats and rye shall be established at such levels as the Secretary determines are fair and resonable in relation at such levels as the Secretary determines are fair and resonable in relation to the level that loans and purchases are made available for corn, taking into consideration the feeding value of each commodity in relation to corn and other factors specified in Section 401(b) of the 1949 Act. The 1949 Act further provides that the Secretary make available to producers loans and purchases on the 1981 crop of sorghum, at such level as the Secretary determines is fair and reasonable in relation to that level that loans and purchases are made available for corn, taking into consideration the feeding value and average transportation costs to market for sorghum in relation to corn.

Section 107A of the Agricultural Act of 1949, as amended, provides that the loan and purchase rate for the 1981 crop of wheat shall be not less than $3.00 per bushel. Loan rates for wheat are established so that wheat will maintain its competitive relationship to other grains in domestic and export markets.

Section 110(b) of the Agricultural Act of 1949, as amended, provides that the 1981-crop loan rates for wheat and feed grains under the producer storage program (farmer-owned reserve) will be not less than $3.30 per bushel for wheat, $2.40 per bushel for corn and such levels (1) for barley, oats and rye as the Secretary determines fair and reasonable in relation to the feeding value in relation to corn and other factors as specified in Section 401(b) of the 1949 Act and (2) for sorghum, the feeding value and average transportation costs to market in relation to corn.

Furthermore, Section 201(e) of the Agricultural Act of 1949, as amended, provides the loan and purchase rate for the 1981 crop of soybeans shall be at such level as the Secretary determines appropriate in relation to competing commodities and taking into consideration domestic and foreign supply and demand factors, but in no event shall the loan and purchase rate for the 1981 crop be less than $5.02 per bushel.

Section 107A(f)(2) of the Agricultural Act of 1949, as amended, provides that the Secretary may make land diversion payments for wheat if the Secretary determines that such payments are neceassary to assist in adjusting the total national acreage of wheat to desirable goals. Section 109 of the Agricultural Act of 1949, as amended, also provides that the Secretary has authority to administer a special wheat acreage grazing and hay program for the 1981 crop.

Accordingly, the Secretary has made determinations pertaining to the 1981 crops of wheat, feed grains, soybeans and upland cotton. The purpose of this Notice is to announce these determinations.

Final Determinations

1. *1981-Crop Established "Target" Prices:* Based on the statutory provisions of the Agricultural Act of 1949, as amended, it is hereby determined that the 1981-crop established "target" prices shall be:

Commodity	Established "target" price
Wheat (per bushel)	$3.81
Corn (per bushel)	2.40
Sorghum (per bushel)	2.55
Barley (per bushel)	2.60
Upland cotton (per pound)	.7087

The 1981-crop established "target" prices for corn and wheat are adjusted upward from the 1980-crop levels ($2.35 per bushel for corn; $3.63 per bushel for wheat) to reflect changes in the costs of producing these commodities and to maintain a fair and equitable relationship between loan rates, established prices and production costs for competing commodities. The sorghum and barley established "target" prices are set at rates that have been determined to be fair and reasonable in relation to the rate established for corn. Oats was not designated as a program crop for 1981, therefore, no target price was established for oats.

The established "target" price for the 1981-crop of upland cotton is adjusted from the 1980-crop level of $0.584 per pound reflecting the change in the two year moving average specified costs of production (variable, machinery ownership and general farm overhead costs).

2. *1981-Crop Loan and Purchase Levels:* Based on the statutory provisions of the Agricultural Act of 1949, as amended, it is hereby determined that 1981-crop loan and purchase rates shall be:

Commodity	Loan purchase levels	
	Regular loans [1]	Farmer-owned reserve [2]
Wheat (per bushel)	$3 20	$3 50
Corn (per bushel)	2 40	2 55
Sorghum (per bushel)	2 28	2.42
Sorghum (per hundredweight)	4 07	4 32
Barley (per bushel)	1 95	2.07
Oats (per bushel)	1 24	1 31
Rye (per bushel)	2 04	NA
Soybeans (per bushel)	5 02	NA

[1] Regular loan rates, as authorized by the Agricultural Act of 1949, as amended.
[2] Farmer-owned reserve loan rates as authorized by Section 110 of the Agricultural Act of 1949, as amended.

Loan and purchase rates for wheat have been established so that wheat will maintain its competitive relationship to other grains in domestic and export markets.

Loan and purchase levels for corn have been established at such levels as will encourge the exportation of feed grains and not result in excessive total stocks of feed grains in the United States. For sorghum, the feeding value and average transportation costs to market in relation to corn were considered. The levels announced for barley, oats and rye have been established at their feeding value relationship to corn and in accordance with other factors specified in Section 401(b) of the Agricultural Act of 1949, as amended. Loan and purchase rates for soybeans have been established at a level determined appropriate in relation to competing commodities taking into consideration domestic and foreign supply and demand factors.

3. *Wheat Land Diversion and Special Grazing and Hay Program:* Carryover stocks of U.S. wheat from the 1981 crop are expected to increase over a tenth from the 1980 crop level of about 910 million bushels. These projected stocks are slightly more than six percent of the estimated world consumption of wheat for the 1981/82 season, a level not considered excessive. Therefore, based on statutory authority of the Agricultural Act of 1949, as amended, it is hereby determined that no land diversion program will be necessary to assist in adjusting the total national acreage of wheat to meet desirable goals for the 1981 crop. It is further determined that no special grazing and hay program will be implemented for the 1981 crop of wheat.

Signed at Washington, D.C., on June 9, 1981.

John R. Block,

Secretary.

[FR Doc. 81-17592 Filed 6-15-81; 8:45 am]

BILLING CODE 3410-05-M

Agricultural Marketing Service

Schricker's Livestock Auction, Inc., Sutherlin, Oreg., et al.; Depositing of Stockyards

It has been ascertained, and notice is hereby given, that the livestock markets named herein, originally posted on the respective dates specified below as being subject to the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 *et seq.*), no longer come within the definition of a stockyard under said Act and are, therefore, no longer subject to the provisions of the Act.

Facility No., name, and location of stockyard	Date of posting
OR-120 Schricker's Livestock Auction, Inc., Sutherlin, Oregon	Oct. 10, 1959
GA-183 Miller Livestock Company, Colquitte, Georgia	Feb. 20, 1977
GA-151 County Line Milling Co., Inc., Pelham, Georgia	Apr. 9, 1970
GA-172 Waycross Livestock Market, Waycross, Georgia	July 13, 1959

Notice or other public procedure has not proceded promulgation of the foregoing rule. There is no legal justification for not promptly deposting a stockyard which is no longer within the definition of that term contained in the Act.

The foregoing is in the nature of a change relieving a restriction and may be made effective in less than 30 days after publication in the **Federal Register**.

(42 Stat. 159, as amended and supplemented; 7 U.S.C. 181 *et seq.*)

Done at Washington, D.C., this 11th day of June 1981.

Jack W. Brinckmeyer,

Chief, Rates and Registrations Branch, Livestock Marketing Division.

[FR Doc. 81-17844 Filed 6-15-81; 8:45 am]

BILLING CODE 3410-02-M

Rural Electrification Administration

Lower Valley Power & Light Inc.; Finding of No Significant Impact

Notice is hereby given that the Rural Electrification Administration (REA) has made a Finding of No Significant Impact in connection with the proposed financing assistance to Lower Valley Power and Light, Inc., (LVP&L) of Afton, Wyoming.

LVP&L has requested financing assistance to rehabilitate their existing Swift Creek Hydroelectric Project, the rehabilitation of the upper dam system involves the replacement of the penstock and all electrical equipment, the repairing of the generators, and dredging around the penstock intake structure. The lower dam system rehabilitation involves the replacing of the penstock and powerhouse, earthwork repair of the dam, and dredging around the penstock intake.

LVP&L prepared a Borrower's Environmental Report (BER) on the rehabilitation and REA prepared an Environmental Assessment (EA) on the rehabilitation.

After an independent evaluation of the BER, the EA, and information from other sources, REA has concluded the rehabilitation will not have a significant impact on the quality of the human environment and prepared a "Finding of No Significant Impact." The "Finding of No Significant Impact," REA's EA, and LVP&L's BER may be reviewed in the office of the Director, Energy Management and Utilization Division, Rural Electrification Administration, Room 5908, South Agriculture Building, Washington, D.C. 20250, telephone (202) 447-6065 or at the office of the cooperative, Lower Valley Power and Light, Inc., north of Afton, Wyoming, on Highway 89, mailing address, P.O. Box 188, Afton, Wyoming 83110.

This Program is listed in the catalog of the Federal Domestic Assistance as 10.850 Rural Electrification Loans and Loan Guarantees.

Dated at Washington, D.C., this 11th day of June 1981.

Joe S. Zoller,

Acting Administrator, Rural Electrification Administration.

[FR Doc. 81-17895 Filed 6-15-81; 8:45 am]

BILLING CODE 3410-15-M

Soil Conservation Service

Auds Creek Critical Area Treatment R.C. & D. Measure, Texas

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of a finding of no significant impact.

FOR FURTHER INFORMATION CONTACT:
Mr. George C. Marks, State Conservationist, Soil Conservation Service, P.O. Box 648, Temple, Texas 76501, telephone 817-774-1214.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Auds Creek

Critical Area Treatment R.C. & D. Measure, Lamar County, Texas.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. George C. Marks, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for critical area treatment. The planned works of improvement include shaping, smoothing, and establishing permanent vegetated cover on 399 acres of gullied areas; installing about 18 small grade stabilization structures that would occupy about 71 acres of eroded land; and fencing the treated areas where it is necessary to the establishment and management of vegetation.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. George C. Marks. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until 30 days after the date of this publication in the **Federal Register.**

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular No. A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated June 5, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81-17782 Filed 6-15-81; 8:45 am]

BILLING CODE 3410-16-M

Corrales Watershed, New Mexico

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of availability of a record of decision.

FOR FURTHER INFORMATION CONTACT: Raymundo T. Margo, Jr., State Conservationist, Soil Conservation Service, 517 Gold Avenue, S.W., Albuquerque, New Mexico 87103, telephone number 505-766-3277.

NOTICE: Raymundo T. Margo, Jr., responsible Federal official for projects administered under the provisions of Public Law 83-566, 16 U.S.C. 1001-1008, in the State of New Mexico, is hereby providing notification that a record of decision to proceed with the installation of the Corrales Watershed project is available. Single copies of this record of decision may be obtained from Raymundo T. Margo, Jr., at the above address.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular A-95, regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: June 5, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81-17778 Filed 6-15-81; 8:45 am]

BILLING CODE 3410-16

Four Winds R.C. & D. Area; Ewell Hollow Critical Area Treatment R.C. & D. Measure, Texas

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of finding of no significant impact.

FOR FURTHER INFORMATION CONTACT: George C. Marks, State Conservationist, Soil Conservation Service, W. R. Poage Federal Building, 101 South Main, Temple, Texas 76501, telephone 817-774-1214.

NOTICE: Pursuant to Section 102(2)(C) of the National Environment Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Ewell Hollow Critical Area Treatment R.C. & D. Measure, Hardeman County, Texas.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, George C. Marks, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The proposed action involves treatment of 104 acres of severely gullied lands and 125 acres of sandy cropland subject to severe wind erosion and water erosion. Vegetation is to be established on 70 acres of eroded land which will be shaped and smoothed, on 54 acres of eroded land shaped for waterways, and on the 125 acres of sandy cropland subject to wind erosion. Fences are to be installed to protect the vegetation, 5 grade stabilization structures are to be installed to stabilize outlets, and 38,300 feet of basin terraces are to be installed to help establish the needed vegetation.

The Notice of Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting George C. Marks. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated on or before July 16, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: June 5, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81-17781 Filed 6-15-81; 8:45 am]

BILLING CODE 3410-16-M

South Fork Licking River Watershed, Ohio

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of availability of a record of decision.

FOR FURTHER INFORMATION CONTACT: Robert R. Shaw, State Conservationist, Soil Conservation Service, 200 North High Street, Room 522, Columbus, Ohio 43215, telephone (614) 469-6962.

NOTICE: Robert R. Shaw, responsible Federal official for projects administered under the provisions of Public Law 83-566, 16 U.S.C. 1001-1008, in the State of Ohio, is hereby providing notification that a record of decision to proceed with installation of the South Fork Licking River Watershed project is available. Single copies of this record of decision may be obtained from Robert R. Shaw at the above address.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: June 5, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81-17779 Filed 6-15-81: 8:45 am]

BILLING CODE 3410-16-M

Pleasants County Park Flood Prevention R.C.&D. Measure, West Virginia

AGENCY: Soil Conservation Service. Department of Agriculture.

ACTION: Notice of a Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT: Mr. Craig M. Right, State Conservationist, Soil Conservation Service, 75 High Street, Room 301, Morgantown, West Virginia 26505, telephone 304-599-7151.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Pleasants County Park Flood Prevention RC&D Measure, Pleasants County, West Virginia.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Craig M. Right, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan to correct excessive floodwater damage to recreation facilities. The planned works of improvement include installation of 545 feet of open channel, 255 feet of underground 48-inch diameter conduit, and 2 sediment basins.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Craig M. Right. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until 30 days after the date of this publication in the **Federal Register.**

Dated: June 3, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81-17780 Filed 6-15-81: 8:45 am]

BILLING CODE 3410-16-M

DEPARTMENT OF COMMERCE

Bureau of Industrial Economics

Bona Fide Motor-Vehicle Manufacturers; List of Names and Addresses

AGENCY: Bureau of Industrial Economics, Commerce.

ACTION: List of names and addresses of bona fide motor-vehicle manufacturers.

SUMMARY: In accordance with headnote 2 to subpart B, Part 6, Schedule 6 of the Revised Tariff Schedules of the United States (19 USC 1202) and 15 CFR Chapter VI Part 615, the following is a list of the names and addresses of bona fide motor-vehicle manufacturers, as determined by the Director Bureau of Industrial Economics, Department of Commerce, and the effective date for each such determination. Each determination shall be effective for the 12-month period beginning on the determination date shown following the name and address of each manufacturer. From time to time this list will be revised, as may be appropriate, to reflect additions, deletions, or other necessary changes.

EFFECTIVE DATE: May 1, 1981.

FOR FURTHER INFORMATION CONTACT: Rolf Nordlie, Director, Transportation Equipment Div., 566-7408.

United States Bona Fide Motor Vehicle Manufacturers List, May 1, 1981, With Date of Certification

Allentown Brake and Wheel Service, Inc.,
R.D. 3
P.O. Box 2088
Allentown, Pennsylvania 18001
October 15, 1980

Allied Truck Equipment
6280 S. Division
Grand Rapids, Michigan 49508
January 1, 1981

American Equipment and Trailer, Inc.
3707 Quirt
Lubbock, Texas 79408
December 1, 1980

American La France Div. of A-T-O, Inc.
100 East LaFrance Street
Elmira, New York 14902
July 8, 1980

American Motors Corporation
27777 Franklin Road
Southfield, Michigan 48034
January 1, 1981

American Trailer Service, Inc
2814 North Cleveland Avenue
St. Paul, Minnesota 55113
January 18, 1981

American Transportation Corporation
Highway 65 South
Conway, Arkansas 72032
April 19, 1981

Amthor's Welding Service, Inc.
307 State Route 52 East
Walden, New York 12586
July 9, 1980

H. G. Anderson Equipment Corporation
213 Broadway
Menands, New York 12204
October 4, 1980

Antietam Equipment Corporation
P.O. Box 91
Hagerstown, Maryland 21740
January 1, 1981

Arkansas Trailer Mfg., Inc.
P.O. Boc 4080
32nd & Elm Street
Little Rock, Arkansas 72214
January 1, 1981

Armored Vehicle Builder, Inc.
Route 41 Central Berkshire Blvd.
Pittsfield, Massachusetts 01201
April 30, 1981

Arrow Trailer & Equipment Co.
140 North Dirksen Parkway
Springfield, Illinois 62702
March 31, 1981

Artic Enterprises, Inc.
P.O. Boc 635
Thief River Falls, Minnesota 56701
August 1, 1980

Ateco Equipment, Inc.
1241 Rodi Road
Turtle Creek, Pennsylvania 15145
April 1, 1981

Attex International, Inc.
6168 Woodbine Avenue
Ravenna, Ohio 44266
August 1, 1980

Automated Waste Equipment Company, Incorporated
328 Fourth Street
Trenton, New Jersey 08638
September 1, 1980

Automotive Service Company
111-113 North Waterloo
Jackson, Michigan 49204
January 18, 1981

Avanti Motor Corporation
P.O. Boc 1916
South Bend, Indiana 46634
January 1, 1981

Aztec Products
P.O. Box 659
Mansfield, Texas 74808
December 1, 1980

Beam Truck and Body Inc.
433 Cumberland Hill Road
Woonsocket, Rhode Island 02895
September 1, 1980

Bender's Sales and Service, Inc.,
4805 Holland
Saginaw, Michigan 48601

November 15, 1980

Bethlehem Fabricators, Inc.
1700 Riverside Drive
P.O. Box A
Bethlehem, Pennsylvania 18015
January 20, 1981

Allen U. Bevier, Inc.
1201 Ridgely Street
Baltimore, Maryland 21230
March 31, 1981

Bibeau Enterprises
Route 102
Londonderry, N.H. 03053
October 16, 1980

Blue Bird Body Company
P.O. Box 937
Fort Valley, Georgia 31030
January 18, 1981

Boone Trailers, Inc.
154 Park Street
Palmer, Massachusetts 01069
December 31, 1980

Boyertown Auto Body Works
Third & Walnut Streets
Boyertown, Pennsylvania 19512
September 1, 1980

Brake and Electric Sales Corp.
300 Mystic Avenue
Medford, Massachusetts 02155
December 1, 1980

Brake Service & Parts, Inc.
170 Washington Street
Bangor, Maine 04401
January 1, 1981

Bristol-Donald Company, Inc., Bristol-Donald Manufacturing Corp.
50 Roanoke Avenue
Newark, New Jersey 07105
January 1, 1981

Brown Cargo Van, Inc.
807 East 29th Street
Lawrence, Kansas 66044
April 30, 1981

Bud Industries, Inc.
100 Pulaski Street
West Warwick, Rhode Island 02893
December 5, 1980

Bus Andrews Equipment Sales and Service, Inc.
2828 E. Kearney Street
Springfield, Missouri 65803
January 1, 1981

Bush Hog Loadcraft
P.O. Box 431
Brady, Texas 76825
November 1, 1980

Caelter Industries, Inc.
Purdy Avenue
Watertown, New York 13601
April 1, 1981

Capacity of Texas, Inc.
P.O. Box 7848
Longview, Texas 75602
December 1, 1980

Capitol Trailer & Body Company
3420 E. Broadway
North Little Rock, Arkansas
December 1, 1980

The Carnegie Body Company
9500 Brookpark Road
Cleveland, Ohio 44129
January 1, 1981

Carpenter Body Works, Inc.
1500 W. Main Street
Mitchell, Indiana 47446
January 1, 1981

C. E. Pollard Company
13575 Auburn
Detroit, Michigan 48223
July 27, 1980

Champion Carriers, Inc.
2321 E. Pioneer Drive
Irving, Texas 75061
October 20, 1980

Champion Home Builders, Co.
5573 E. North Street
Dryden, Michigan 48428
August 1, 1980

Checker Motors Corporation
2016 N. Pitcher Street
Kalamazoo, Michigan 49007
January 1, 1981

Cherry Valley Tank Div., Inc.
75 Cantiague Road
Westbury, New York 11590
April 1, 1981

Chrysler Corporation
CIMS 416-1606
Chrysler Center
12000 Lynn Townsend Drive
Highland Park, Michigan 48288
January 18, 1981

B. M. Clark Company, Inc.
Route 17—P.O. Box 185
Union, Maine 04862
January 14, 1981

D. W. Clark Road Equipment
448 East Brighton avenue
Syracuse, New York 13205
May 1, 1981

Clark Engineering of Brownwood, Inc.
P.O. Drawer 1386
Brownwood, Texas 76801
January 1, 1981

Clark Truck Equipment Company
6821 Academy Parkway West, N.E.
Albuquerque, New Mexico 87190
January 1, 1981

Clemett and Company, Inc.
2020 Lemoyne Street
Syracuse, New York 13211
July 1, 1980

Collins Industries, Inc.
Box 58 H.A.B.I.T.
Hutchinson, Kansas 67501
January 1, 1981

Commercial Truck & Trailer, Inc.
313 N. State Street
Girard, Ohio 44420
January 1, 1981

Cook Body Company
3701 Harlee Avenue
Charlotte, North Carolina 28208
October 22, 1980

Correct Manufacturing Corporation
London Road Extension
Delaware, Ohio 43015
July 1, 1980

Crenshaw Corporation
P.O. Box 24217
1700 Commerce Road
Richmond, Virginia 23224
July 1, 1980

Crown Coach Corporation
2428 East 12th Street
Los Angeles, California 90021
March 20, 1981

Dakota Manufacturing Co., Inc.
1910 South Rowley
Mitchell, South Dakota 37301
November 1, 1981

Daleiden, Inc.
425 E. Vine Street
Kalamazoo, Michigan 49001
January 31, 1981

Darby Equipment Company
P.O. Box 5698
3913 W. Marshall Avenue
Longview, Texas 75608
January 1, 1981

Dealers Truck Equipment Inc.
2123 Fern Valley Road
Louisville, Kentucky 40213
March 1, 1981

Dealers Truck Equipment Co., Inc.
2460 Midway Street
P.O. Box 31435
Shreveport, Louisiana 71130
January 1, 1981

Decker Tank Company
63 Royal Avenue
Hawthorne, New Jersey 07506
November 3, 1980

John Deere Horicon Works of Deere and Company
220 East Lake Street
Horicon, Wisconsin 53032
June 1, 1980

D. P. Way Corporation
3288 W. Elm Street
Milwaukee, Wisconsin 53209
December 31, 1980

Dunham Manufacturing Co., Inc.
P.O. Box 430
Minden, Louisiana 71055
January 1, 1981

Duralite Truck Body and Container Corporation
1300 Bush Street
Baltimore, Maryland 21230
January 1, 1981

Dutec, Incorporated
60 Lumber Street
Hopkington, Massachusetts 01748
January 15, 1981

Eagle International, Inc.
P.O. Box 4119
2045 Les Mauldin Blvd.
Brownsville, Texas 78520
January 1, 1981

Eastern Tank Corporation
290 Pennsylvania Avenue
Paterson, New Jersey 07503
January 1, 1981

Eggiman Motor and Equipment Sales, Inc.
1813 West Beltline Highway
P.O. Box 9432
Madison, Wisconsin 53715
December 31, 1980

Eight Point Trailer Corporation
6100 E. Washington Boulevard
Los Angeles, California 90040
January 18, 1981

Elder International
P.O. Box 2061
Houson, Texas 77001

August 1, 1980

Equipment Service, Inc.
40 Airport Road
Hartford, Connecticut 06114
April 1, 1981

E. D. Etnyre and Company
200 Jefferson Street
Oregon, Illinois 61061
October 1, 1980

E. & R. Trailer Sales, Inc.
RFD #1
Middle Point, Ohio 45863
January 1, 1981

Euclid Incorporated
22221 St. Clair Avenue
Cleveland, Ohio 44117
August 1, 1980

Ewell Equipment Company
307 N. Timberland Drive
Lufkin, Texas 75901
Februrary 2, 1981

Excalibur Automobile Corporation
1735 South 106th Street
Milwaukee, Wisconsin 53214
May 22, 1980

Fifth Wheel, Incorporated
Box 15855
Tulsa, Oklahoma 74112
January 1, 1981

Fontaine Truck Equipment Company
653 Beale
P.O. Box 502
Memphis, Tennessee 38101
January 1, 1981

Ford Motor Company
The American Road
Dearborn, Michigan 48121
January 18, 1981

F&P Truck & Trailer Equip. Div.
264 Central Avenue
Newark, New Jersey 07103
October 12, 1980

Freightliner Corporation
4747 North Channel Avenue
Portland, Oregon 97217
December 14, 1980

Freuhauf Corporation
10900 Harper Avenue
Detroit, Michigan 48213
December 1, 1980

FWD Corporation
105 East 12th Street
Clintonville, Wisconsin 54929
January 1, 1981

Garnon Truck Equipment Company
1617 Peninsula Drive
P.O. Box 1358
Erie, Pennsylvania 16505
March 1, 1981

General Motors Corporation
3044 West Grand Boulevard
Detroit Michigan 48202
January 18, 1981

General Truck Equipment & Trailer Sales
5310 Broadway Avenue
Jacksonville, Florida 32205
January 1, 1981

Gilson Brothers Company
P.O. Box 152
Plymouth, Wisconsin 53073
September 26, 1980

Godfrey Brake Service & Supply, Inc.
Box 799
110 Poplar Street
Rapid City, South Dakota 57709
December 1, 1981

Gooch Brake & Equipment Company
506 Grand Avenue
Kansas City, Missouri 64106
January 1, 1981

Granning Service Corporation
3040 Wyoming Avenue
Dearborn, Michigan 48120
January 1, 1981

The Greyhound Corporation
Greyhound Tower
Phoenix, Arizona 85077 (doing business through)
Motor Coach Industries, Inc.
Pembina, North Dakota 58271 and
Transportation Mfg. Corp.
Roswell, New Mexico 88201
August 1, 1980

Grumman Flexible Corporation
970 Pittsburgh Drive
Delaware, Ohio 43015
January 1, 1981

Grumman Olson Division
Grumman Allied Industries
445 Broad Hollow Road
Melville, New York 11747
November 1, 1980

Hackney and Sons
400 Hackney Avenue
Washington, North Carolina 27889
January 1, 1981

Hackney & Sons (Midwest) Inc.
West Laurel Street and Hackney Avenue
Independence, Kansas 67301
September 23, 1980

Hallenberger, Inc.
5616 Booneville Highway
P.O. Box 5058
Evansville, Indiana 47715
December 31, 1980

Harley-Davidson Motor Co., Inc.
3700 West Juneau Avenue
Milwaukee, Wisconsin 53201
April 1, 1981

Harris Rim and Wheel, Inc.
415 St. Paul Avenue
Knoxville, Tennessee 37901
September 23, 1980

Harris Rim and Wheel, Inc.
525 Peters Street S.W.
P.O. Box 10995
Atlanta, Georgia 30310
September 24, 1980

Harris Truck and Trailer Sales, Incorporated
P.O. Box 619
Cape Girardeau, Missouri 63701
January 1, 1981

Heil Equipment Company of Philadelphia, Incorporated
1223 Ridge Pike
Conshohocken, Pennsylvania 19428
January 1, 1981

Hendrickson Manufacturing Co.
P.O. Box 249
Burr Ridge, Illinois 60521
January 1, 1981

Hews Body Company
190 Rumery Street
South Portland, Maine 04106
January 18, 1981

Hillbuilt Mfg. Company Division of Hill Equip. Co.
Route 7, Box 3089
Benton, Arkansas 72015
January 1, 1981

O. G. Hughes & Son, Inc.
4816 Rutledge Pike
P.O. Box 6277
Knoxville, Tennessee 37914
January 1, 1981

Ibex Manufacturing, Inc.
2331 South 2300 West
Salt Lake City, Utah 84125
August 1, 1980

Illinois Auto Central, Inc.
4750 S. Central Avenue
Chicago, Illinois 60638
October 1, 1980

International Harvester Co.
401 North Michigan Avenue
Chicago, Illinois 60611
January 18, 1981

Iroquois Mfg. Co., Inc
Richmond Road
Hinesburg, Vermont 05461
March 1, 1981

Isometrics, Inc.
P.O. Box 660
Reidsville, North Carolina 27320
March 31, 1981

IVECO Trucks of North America
P.O. Box 1102
1730 Walton Road
Blue Bell, Pennsylvania 19422
January 1, 1981

Janesville Truck Equipment Co.
P.O. Box 466
3032 Cooper Drive
Janesville, Wisconsin 53545
February 1, 1981

Jeep Corporation
27777 Franklin Road
Southfield, Michigan 48034
January 1, 1981

Kaffenbarger Welding Company
10100 Ballentine Pike
New Carisle, Ohio 45344
January 1, 1981

Kawasaki Motors Corporation
2009 E. Edinger Avenue
Santa Ana, California 92711
January 1, 1981

Kay Wheel Sales Co., Inc.
1771 Tomlinson Road
Philadelphia, Pennsylvania 19116
September 24, 1980

Kencar Equipment Company
1906 Lakeview Avenue
Dayton, Ohio 45408
January 1, 1981

Leland Equipment Company
5647 Southj 122 East Avenue
P.O. Box 45128
Tulsa, Oklahoma 74145
January 18, 1981

Loadcraft
P.O'Box 12959
Houston, Texas 77017
December 1, 1980

Loadcraft, Division of Allied Products Corporation
P.O. Box 431
Brady, Texas 76825
December 31, 1980

Long Trailer Service, Inc.
P.O. Box 5105
Greenville, South Carolina 29606
January 1, 1981

Mack Trucks, Inc.
P.O. Box M
Allentown, Pennsylvania 18105
January 1, 1981

Maday Body & Equipment Corporation
575 Howard Street
Buffalo, New York 14206
January 1, 1981

Madison Truck Equipment, Inc.
2410 South Stoughton Road
Madison, Wisconsin 53716
October 22, 1980

Manning Equipment, Inc.
12000 Westport Road
P.O. Box 23229
Louisville, Kentucky 40223
April 16, 1981

Mark Body Division Core Industries
50625 Richard W. Boulevrd
Mt. Clemens, Michigan 48045
March 31, 1981

Maxon Industries, Inc.
5750 South Eastern Avenue
City of Commerce, California 90040
August 16, 1980

Meadows Hydraulics Sales and Service, Inc.
U.S. 13 and S. Division St.
Fruitland, Maryland 218265
September 23, 1980

Mickey Truck Bodies, Inc.
P.O. Box 2044
1305 Trinity Avenue
High Point, No. Carolina 27261
July 1, 1980

Middlehauff, Incorporated
1615 Ketcham Avenue
Toledo, Ohio 43608
January 18, 1981

Mid West Truck Equipment Sales Corporation
4041 No. Brush College Road
R.R. 7 Box 463F
Decatur, Illinois 62521
February 22, 1981

M & M Equipment, Inc.
P.O. Box 152
Lebanaon, New Hampshire 03766
March 14, 1981

Moline Body Company
222 52nd Street
Moline, Illinois 61265
January 8, 1981

Monon Trailer, Division of Evans Transportation Co.
P.O. Box 655
Monon, Indiana 47959
April 8, 1981

Moore and Sons, Inc.
P.O. Box 30991
2900 Airways Boulevard
Memphis, Tennessee 38130
December 31, 1980

Morgan Trailer
Box 258
Morgantown, Pennsylvania 19543
January 1, 1981

Motor Truck Equipment Corp.
P.O. Box 47385
Dallas, Texas 75247
December 31, 1980

Nabors Trailer, Inc.
P.O. Box 979
Mansfield, Louisiana 71052
January 1, 1981

Neil's Automotive Service, Inc.
167 E. Kalamazoo Avenue
Kalamazoo, Michigan 49007
January 1, 1981

Nelson Manufacturing Company
6448 U.S. Route 224
Ottawa, Ohio 45875
January 1, 1981

The Ness Company
P.O. Box 667
270 N. Zarfoss Drive
York, Pennsylvania 17405
January 1, 1981

Newark Truck Parts, Inc.
560 Market Street
Newark, New Jersey 07105
January 1, 1981

New Method Equipment Company
P.O. Box 4638
707 27th Avenue, S.W.
Cedar Rapids, Iowa 52404
December 31, 1980

Novi Manufacturing Company
25701 Seeley Road
Novi, Michigan 48050
November 1, 1980

Ohio Truck Equipment, Inc.
4100 Rev Drive
Cincinnati, Ohio 45232
December 10, 1980

Olson Trailer & Body Builders Co.
2740 South Ashland Avenue
P.O. Box 2445
Green Bay, Wisconsin 54306
January 1, 1981

Omaha Standard, Inc.
2401 W. Broadway
Council Bluffs, Iowa 51501
January 1, 1981

Oshkosh Truck Corporation
2307 Oregon Street
Oshkosh, Wisconsin 54903
January 18, 1981

Ottawa Truck Corporation
Gulf & Western Manufacturing Co.
415 East Dundee Street
Ottawa, Kansas 66067
December 10, 1980

Outboard Marine Corporation
100 Sea Horse Drive
Waukegan Illinois 60085
January 18, 1981

PACCAR, Incorporated
d/b/a Kenworth Truck Company
Peterbilt Motors Company
P.O. Box 1518
Bellevue, Washington 98009
January 18, 1981

Palmer Spring Company
355 Forest Avenue
Portland, Maine 04101
January 18, 1981

Peabody Galion
P.O. Box 607
500 Sherman Street
Galion, Ohio 44833
October 31, 1980

Peerless Division—Lear Siegler Incorporated
18205 S.W. Boones Ferry Road
Tualatin, Oregon 97062
January 8, 1981

Perfection Equipment Company
P.O. Box 75540
5100 West Reno
Oklahoma City, Oklahoma 73147
January 12, 1981

Petroleum Equipment and Supply Company, Inc.
321 Forbes Avenue
New Haven, Connecticut 06512
September 27, 1980

Pheonix Manufacturing, Inc.
375 West Union Street
Nanticoke, Pennsylvania 18634
February 20, 1981

Polar Tank Trailer, Inc.
R.R. 1
Holdingford, Minnesota 56340
September 31, 1980

Polaris E-Z-Go
Division of Textron, Inc.
P.O. Box 1284
1225 North County Road 18
Minneapolis, Minnesota 55440
July 1, 1980

Power Brake Service & Equip. Co.
1022 Carnegie Avenue
Cleveland, Ohio 44115
December 31, 1980

Progress Industries, Inc.
400 East Progress Street
Arthur, Illinois 61911
October 1, 1980

PSI Mobile Products, Inc.
25 Eldridge
Mt. Clemens, Michigan 48043
July 1, 1980

Quality Truck Equipment Co.
P.O. Box 102
I-55 Beltline & Mercer Avenue
Bloomington, Illinois 61620
November 15, 1980

Recreative Industries, Inc.
60 Depot Street
Buffalo, New York 14206
July 13, 1980

Reynolds & Son, Inc.
P.O. Box 380
Bridge Street
South Barre, Vermont 05670
January 1, 1981

Rowland Truck Equipment, Inc.
2900 N.W. 73rd Street
Miami, Florida 33147
November 19, 1980

R/S Truck Body Company, Inc.
P.O. Box 420
Allen, Kentucky 41601
January 1, 1981

Ryder Truck Rental
P.O. Box 100
Pennsburg, Pennsylvania 18073
January 1, 1981

Ryder Truck Rental Inc.
4709 West 96th Street
P.O. Box 68490
Indianapolis, Indiana 46206
January 1, 1981

Schien Sody and Equip. Company
North on University
Carlinville, Illinois 62626
August 1, 1980

Scientific Brake and Equipment Co.
P.O. Box 840
314 W. Genesee Avenue
Saginaw, Michigan 48606
January 19, 1981

Sharpsville Steel Equip. Company
6th & Main Streets
Sharpsville, Pennsylvania 16150
January 2, 1981

Skillcraft Industries, Inc.
1270 Ogden Road
Venice, Florida 33595
September 1, 1980

Smith-Moore Body Co., Inc.
P.O. Box 27287
Richmond, Virginia 23261
January 18, 1981

Somerset Welding & Steel, Inc.
P.O. Box 628
733 S. Center Avenue
Somerset, Pennsylvania 15501
January 1, 1981

South Florida Engineers, Inc.
5911 E. Buffalo Avenue
P.O. Box 11927
Tampa, Florida 33680
July 2, 1980

Spring Valley Dodge, Inc.
P.O. Box 419
19 South Main Street
Spring Valley, New York 10977
March 31, 1981

Steelfab, Incorporated
27 Marshall Street
P.O. Box 2305
Patterson, New Jersey 07509
June 1, 1980

Steffen Incorporated
623 West 7th Street
Sioux City, Iowa 51103
November 4, 1980

Taylor-Dunn Mfg. Company
2114 West Ball Road
Anaheim, California 92804
October 3, 1980

Terex Corporation
State Route 91
Hudson, Ohio 44236
January 1, 1981

Toll Road Truck Equipment Co.
841 N. Bedford Street
East Bridgewater, Mass. 02333
February 1, 1981

Transport Equipment Company
3400—6th Avenue, South
P.O. Box 3817
Seattle, Washington 98124
January 18, 1981

Triangle Fleet Service
801 Coliseum Blvd. West
Fort Wayne, Indiana 46808
January 1, 1981

Truck Equipment Company, Inc.
1911 S.W. Washington Street
Peoria, Illinois 61602
January 18, 1981

Truck Equipment, Inc.
P.O. Box 1086

65 East Longfield Avenue
Mansfield, Ohio 44901
March 15, 1981

Truck Equipment, Inc.
680 Potts Avenue
Green Bay, Wisconsin 54304
January 1, 1981

Truck Equipment, Inc.
P.O. Box 3265
1560 N.E. 44th Avenue
Des Moines, Iowa 50316
January 1, 1981

Truck Equipment Service Company
800 Oak Street
Lincoln, Nebraska 68521
January 1, 1981

The Truck Engineering Co.
3200 East Pontiac Street
Fort Wayne, Indiana 46803
January 1, 1981

Truck Parts and Equipment
4401 West Esthner
Wichita, Kansas 67209
December 11, 1980

Truckers Equipment, Inc
1701 N. Port Avenue
Corpus Christi, Texas 78408
December 1, 1980

Truckers Equipment, Inc.
2022 N. 77 Sunshine Strip
Harlingen, Texas 78550
December 1, 1980

T&T Parts Warehouse
5550 Clay Avenue S.W.
Grand Rapids, Michigan 49508
December 1, 1980

Twin Bay Industries, Inc.
6908 Cairn Highway
Elk Rapids, Michigan 49629
April 30, 1981

Union City Body Company, Inc
1015 West Pearl Street
Union City, Indiana 47390
September 1, 1980

Unit Rig & Equipment Co
P.O. Box 3107
5400 S. 49th W. Avenue
Tulsa, Oklahoma 74101
January 1, 1981

Universal Co Tract of Georgia Ltd.
961 Industrial Park Drive
Marietta, Georgia 30062
June 1, 1980

U.S. Truck Body Co., Inc.
37-21 24th Street
Long Island City, New York 11101
March 30, 1981

Valley Truck and Equipment Company, Inc
P.O. Box 156
Trevett Road
Boston, New York 14025
October 15, 1980

Van Con, Incorporated
123 Williams Street
Middlesex, New Jersey 08846
September 1, 1980

Volkswagen of America, Inc.
27621 Parkview Boulevard
Warren, Michigan 48092
October 11, 1980

WABCO Construction & Mining Division of American Standard
2300 N.E. Adams Street
Peoria, Illinois 61639
February 1, 1981

Wayne Corporation (An Indian-Head Company)
P.O. Box 1447
Industries Road
Richmond, Indiana 47374
November 1, 1980

Wayne Engineering Corporation
2412 West 27th Street
Cedar Falls, Iowa 50613
October 31, 1980

Western Equipment Co., Inc.
P.O. Box 1502
130 Railroad Hill Street
Waterbury, Connecticut 06721
January 3, 1981

W. F. Mickey Body Co., Inc.
P.O. Box 2044
1505 Bethel Drive
High Point, North Caroline 27261
September 24, 1980

White Motor Corporation
34500 Grand River Avenue
Farmington Hills, Michigan 48024
January 18, 1981

Winnebago Industries, Inc.
P.O. Box 152
Forest City, Iowa 50436
March 19, 1981

Wyman's Incorporated
P.O. Box 542
Northfield Road
Montpelier, Vermont 05602
July 1, 1980

Beatrice N. Vaccara,
Director, Bureau of Industrial Economics.

[FR Doc. 81-17758 Filed 6-15-81; 8:45 am]
BILLING CODE 3510-30-M

International Trade Administration

Electronic Instrumentation Technical Advisory Committee; Partially Closed Meeting

AGENCY: International Trade Administration, Commerce.

SUMMARY: The Electronic Instrumentation Technical Advisory Committee was initially established on October 23, 1973, and rechartered on August 29, 1980 in accordance with the Export Administration Act of 1979 and the Federal Advisory Committee Act.

The Committee advises the Office of Export Administration with respect to questions involving (A) technical specifications and policy issues relating to those specifications which are of concern to the Department, (B) worldwide availability of products and systems, including quantity and quality, and actual utilization of production technology, (C) licensing procedures which affect the level of export controls applicable to electronic instrumentation, or technology, and (D) exports of the aforementioned commodities subject to unilateral and multilateral controls which the United States establishes or in which it participates including proposed revisions of any such controls.

TIME AND PLACE: July 7, 1981, at 9:30 a.m. The meeting will take place at the Main Commerce Building, Room 5611, 14th Street and Constitution Ave., NW, Washington, D.C.

AGENDA: General Session

(1) Opening remarks by the Chairman.

(2) Presentation of papers or comments by the public.

(3) Review assignments for the 1982 International List Review.

(4) Industry view of the licensing process.

(5) Review of drafts for automatic test equipment (ATE) control.

(6) New Business. Executive Session.

(7) Discussion of matters properly classified under Executive Order 12065, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

PUBLIC PARTICIPATION: The General Session of the meeting will be open to the public and a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on September 16, 1980, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government In The Sunshine Act, Pub. L. 94-409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1) and are properly classified under Executive Order 12065.

A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 5317, U.S. Department of Commerce, telephone: 202-377-4217.

FOR FURTHER INFORMATION OR COPIES OF THE MINUTES CONTACT:
Mrs. Margaret Cornejo, Office of the Director of Licensing, Office of Export Administration, Room 1609, U.S. Department of Commerce, Washington, D.C. 20230, Telephone: 202-377-2583.

Dated: June 10, 1981.

Saul Padwo,

Director of Licensing.

[FR Doc. 81-17823 Filed 6-15-81; 8:45 am]

BILLING CODE 3510-25-M

Steel Trigger Price Mechanism Product Coverage

AGENCY: U.S. Department of Commerce, International Trade Administration.

ACTION: Notice of requests to expand and delete coverage under the steel trigger price mechanism (TPM).

SUMMARY: The Department of Commerce is publishing notice of requests for additions and deletions in the trigger price product coverage of certain specific steel products under the TPM. Interested parties are invited to comment on or before July 16, 1981.

FOR FURTHER INFORMATION CONTACT: Stanley P. Gustafson, Agreements Compliance Division, Office of Compliance, Room 1001, Department of Commerce, Washington, D.C. 20230, (202) 377-3529.

SUPPLEMENTARY INFORMATION: The Department of Commerce has previously announced requests for changes in trigger price product coverage on October 21, 1980 (45 FR 69527), November 20, 1980 (45 FR 76722), and January 27, 1981 (46 FR 8637). The Department is hereby announcing receipt of additional requests, as identified and described below.

I. Clad Plate

The Department has received a request to add trigger price coverage for clad plate. Clad plate has a stainless steel surface bonded to a base of carbon or low alloy plate. It is in AISI import category 5.

II. Mechanical Tubing

The Department has received requests for two changes in trigger price coverage of mechanical tubing:

A. ASTM A513 Mechanical Tubing

Current trigger price coverage of ASTM A513 mechanical tubing is on pages 14-26 through 14-28 of the *Second Quarter 1981 TPM Price Manual.* Current coverage includes only round tubing. The Department has received a request to expand trigger price coverage to include square and rectangular tubing in all standard sizes down to ½", and to include a cold sheet extra.

B. ASTM A519 Mechanical Tubing

The Department has received a request to add trigger price coverage for ASTM A519 seamless carbon and alloy mechanical tubing in the following AISI and SAE grades; 1021, 1026, 1030, 1035, 1040, 1045, 1330, 1335, 1340, 1345, 1524, 1541, 4130, 4135, 4137, 4140, 4142, 4145, 4340, 8620 and 8640.

III. ASTM A500 Structural Tubing

ASTM A500 square and rectangular structural tubing is currently covered on pages 14-14 through 14-19 of the *Second Quarter 1981 TPM Price Manual.* The Department has received a request to modify current trigger price coverage in the following ways:

A. Cold Strip Extra

Delete the cold strip extra; such product would then be trigger priced using the expanded A513 coverage noted in item II(A) above;

B. Wall Thickness of 0.120" or Less

Delete coverage for tubing with a wall thickness of 0.120" or less; and

C. Outside Periphery of 8" or Less

Delete coverage for tubing with an outside periphery of 8" or less.

The party requesting such changes contends that square and rectangular tubing in small dimensions, manufactured from cold finished material, currently being trigger priced as A500 structural tubing, is known commercially only as A513 mechanical tubing.

IV. Hot Rolled Sheet and Bands

Current trigger price coverage of hot rolled sheets and bands is on page 25-1 through 25-3 of the *Second Quarter 1981 TPM Price Manual.* The Department has received a request for deletion of current trigger price coverage of hot rolled sheets and bands in widths over 76 inches.

V. Bearing Quality Wire

On April 8, 1981, the Department announced the deletion of trigger price coverage of bearing quality wire (46 FR 21048, 21050). As indicated in the April 8 **Federal Register** notice, the Department considered continued trigger price coverage of bearing quality wire inconsistent with the Department's decision to delete trigger price coverage of bearing quality wire rod, from which bearing quality wire is drawn. Subsequent to the April 8 decision, a domestic bearing quality wire drawer has requested that the Department reconsider its decision to delete trigger price coverage of bearing quality wire. That firm asserts that, despite its dependence on foreign supplies for its bearing quality rod, it has been a significant, competitive supplier of bearing quality wire to domestic needle bearing manufacturers.

The firm asserts that deletion of trigger price coverage has threatened its continued existence and that the Department's decision to delete trigger price coverage of bearing quality wire rod is not relevant to the trigger price coverage of bearing quality wire.

VI. Seamless Steel Pressure Tubing

VI. Current trigger price coverage for seamless pressure tubing is on pages 15-11 through 15-30 of the *Second Quarter 1981 TPM Price Manual.* The Department has received a request to delete trigger price coverage by restricting the pressure tubing coverage to the following grades:

1. ASTM A335 Grades P1, P5, P11, P12, and P22;

2. ASTM A333 Grades 1, 3, 6; and 8; and

3. ASTM A106 Grades A, B, and C (currently covered as line pipe if in line pipe sizes).

Another request was received on ASTM A106 requesting the deletion of this product from coverage as pressure tubing if imported in other than line pipe sizes. The requester also urged that pressure tubing coverage be limited to the following grades: ASTM A161, ASTM A179, ASTM A192, ASTM A210, ASTM A334, and ASTM A556.

The Department will consider any comment on the limiting of seamless pressure tubing coverage to specific grades.

VII. Grade X-70 Line Pipe

The Department has received a request to expand coverage to include grade X-70 line pipe. The request, if granted, would result in an addition of this grade to the coverage on page 14-12 of the *Second Quarter 1981 TPM Price Manual.*

VIII. Electrolytic Tinplate, Single Reduced

The Department has received a request to expand trigger price coverage of electrolytic tinplate, single reduced, to include coating weights not currently covered. Coating weights are on page 23-2 of the *Second Quarter 1981 TPM Price Manual.* The additional coatings requested are #30/20 and #40/50.

IX. Hot-Dipped Galvanized Sheet

The Department has received a request to delete current trigger price coverage of hot-dipped galvanized sheet in thicknesses less than 0.015" and under, and in widths over 42". This coverage is found on page 27-5 of the

Second Quarter 1981 TPM Price Manual.

X. Electrical Sheets, Grain Oriented and Non-Oriented

The Department has received a request to expand coverage on grain oriented electrical sheets and non-oriented electrical sheets to include uncoated sheets. This coverage, on pages 26–1 and 26–2 in the *Second Quarter 1981 TPM Price Manual,* is currently limited to coated sheets.

XI. Galvanized Wire

The Department has received a request to expand coverage of galvanized wire to include Type III coating. Currently, regular or commercial coating and Type I are covered on pages 16–5 to 16–7 of the *Second Quarter 1981 TPM Price Manual.*

Interested parties are invited to submit comments on the trigger price product coverage issues identified above. Comments should be specific with respect to the product involved and should provide detailed information with respect to the domestic market, foreign import penetration levels, price levels, and any other economic factors pertinent to the product coverage change request.

Comments should be submitted within thirty days of this notice to Stanley P. Gustafson, Import Administration, Room 1001, U.S. Department of Commerce, Washington, D.C. 20230

Dated: June 11, 1981.

B. Waring Partridge III,

Acting Deputy Assistant Secretary for Import Administration.

[FR Doc. 81-17 Filed 6-15-81; 8:45 am]

BILLING CODE 3510-25-M

Cap Screws from Italy; Preliminary Results of Administrative Review of Countervailing Duty Order

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Notice of preliminary results of administrative review of countervailing duty order.

SUMMARY: The Department of Commerce has conducted an administrative review of the countervailing duty order on cap screws from Italy. The review covers the period January 1, 1980, through December 31, 1980. As a result of this review, the Department has preliminarily determined the net amount of the subsidy to be the full value of the rebate for this product under Italian Law 639. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: June 16, 1981.

FOR FURTHER INFORMATION CONTACT: Paul J. McGarr, Office of Compliance, Room 2803, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202–377–1167).

SUPPLEMENTARY INFORMATION:

Procedural Background

On August 13, 1976, a final countervailing duty determination on cap screws from Italy, T.D. 76–225, was published in the **Federal Register** (41 FR 34250). The notice stated that the Department of the Treasury had determined that exports of cap screws from Italy benefitted from bounties or grants within the meaning of section 303 of the Tariff Act of 1930 (19 U.S.C. 1303) ("the Tariff Act"). Accordingly, imports of this merchandise were subject to countervailing duties.

On January 1, 1980, the provisions of title I of the Trade Agreement Act of 1979 ("the TAA") became effective. On January 2, 1980, the authority for administering the countervailing duty law was transferred from the Department of the Treasury to the Department of Commerce ("the Department"). On April 3, 1980, the International Trade Commission ("the ITC") notifed the Department that an injury determination for this order had been requested under section 104(b) of the TAA. Therefore, following the requirements of that section, liquidation was suspended on April 3, 1980, on all shipments of such merchandise entered, or withdrawn from warehouse, for consumption on or after that date. The Department published in the **Federal Register** of May 13, 1980 (45 FR 31255) a notice of intent to conduct administrative reviews of all outstanding countervailing duty orders. As required by section 751 of the Tariff Act, the Department has conducted an administrative review of the order on cap screws from Italy.

Scope of the Review

Imports covered by this review are iron or steel cap screws, ¼" in diameter and over, imported directly or indirectly from Italy. These imports are currently classifiable under item 646.63, Tariff Schedules of the United States.

The review covers the period January 1, 1980, through December 31, 1980, and is limited to rebates granted under Italian Law 639 of July 5, 1964, which was the only program found countervailable in the Final Determination.

Preliminary Results of the Review

Under Italian Law 639, exporters receive rebates of customs duties and certain indirect taxes on the export of specified products containing iron and steel. The rates differ for particular types of products. For cap screws the rebate is 15 lire per kilogram.

The Government of Italy provided no substantive response to our questionnaire of August 15, 1980, nor were our follow-up requests for information answered. Our independent investigation has confirmed that the rate legislated in Law 639 still applies in full for exports of this merchandise to the United States.

Because we have received no information to indicate that any part of the rebate is not countervailable, we preliminarily determine that the rate of net subsidy conferred upon producers exporting to the United States is 15 lire per kilogram.

The Department intends to instruct the Customs Service to assess countervailing duties of 15 lire per kilogram on all unliquidated entries of this merchandise entered, or withdrawn from warehouse, for consumption on or after January 1, 1980, and prior to April 3, 1980. The provisions of section 303(a)(5) of the Tariff Act, prior to the enactment of the TAA, apply to all entries prior to January 1, 1980. Accordingly, the Department also intends to instruct the Customs Service to assess countervailing duties of 15 lire per kilogram, the amount set forth in T.D. 76–225, on all unliquidated entries of this merchandise which were entered, or withdrawn from warehouse, for consumption prior to January 1, 1980. In addition, should the ITC find that there is injury or likelihood of injury to an industry in the United States, the Department intends to instruct the Customs Service to assess countervailing duties of 15 lire per kilogram on all unliquidated entries of cap screws entered, or withdrawn from warehouse, for consumption on or after April 3, 1980, and exported on or before December 31, 1980.

Further, a cash deposit of estimated countervailing duties of 15 lire per kilogram shall be required on all shipments entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results. This requirement shall remain in effect until publication of the final results of the next administrative review.

Pending publication of the final results of the present review, the existing deposit of estimated duties of 15 lire per

kilogram shall continue to be required on each entry, or withdrawal from warehouse, for consumption of this merchandise, and liquidation shall continue to be suspended on entries made on or after April 3, 1980 until the Department is notified of a determination by the ITC.

Interested parties may submit written comments on these preliminary results within 30 days of the date of publication of this notice and may request disclosure and/or a hearing within 15 days of the date of publication. The Department will publish the final results of this administrative review including the results of its analysis of any such comments or hearing. This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 355.41 of the Commerce Regulations (19 CFR 355.41).

B. Waring Partridge III,

Acting Deputy Assistant Secretary for Import Administration.

June 10, 1981.

[FR Doc. 81-17706 Filed 6-15-81; 8:45 am]

BILLING CODE 3510-25-M

Compressors and Parts Thereof From Italy; Preliminary Results of Administrative Review of Countervailing Duty Order

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Notice of preliminary results of administrative review of countervailing duty order.

SUMMARY: The Department of Commerce has conducted an administrative review of the countervailing duty order on compressors and parts thereof from Italy. The review covers the period January 1, 1980, through December 31, 1980. As a result of this review, the Department has preliminarily determined the net amount of the subsidy to be the full value of the rebates for these products under Italian Law 639. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: June 16, 1981.

FOR FURTHER INFORMATION CONTACT: Paul J. McGarr, Office of Compliance, Room 2803, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-1167).

SUPPLEMENTARY INFORMATION:

Procedural Background

On May 3, 1972, a final countervailing duty determination on compressors and parts thereof from Italy, T.D. 72-122, was published in the **Federal Register** (37 FR 8948). The notice stated that the Department of the Treasury had determined that exports of compressors and parts thereof from Italy benefitted from bounties or grants within the meaning of section 303 of the Tariff Act of 1930 (19 U.S.C. 1303) ("the Tariff Act"). Accordingly, imports of this merchandise were subject to countervailing duties.

On January 1, 1980, the provisions of title I of the Trade Agreements Act of 1979 ("the TAA") became effective. On January 2, 1980, the authority for administering the countervailing duty law was transferred from the Department of the Treasury to the Department of Commerce ("the Department"). On April 3, 1980, the International Trade Commission ("the ITC") notified the Department that an injury determination for this order had been requested under section 104(b) of the TAA. Therefore, following the requirements of that section, liquidation was suspended on April 3, 1980, on all shipments of such merchandise entered, or withdrawn from warehouse, for consumption on or after that date. The Department published in the Federal Register on May 13, 1980 (45 FR 31455) a notice of intent to conduct administrative reviews of all outstanding countervailing duty orders. As required by section 751 of the Tariff Act, the Department has conducted an administrative review of the order on compressors and parts thereof from Italy.

Scope of the Review

Imports covered by this review are compressors and parts therof from Italy (see Appendix A). These imports are currently classifiable under item 661.12, Tariff Schedules of the United States.

The review covers the period January 1, 1980, through December 31, 1980, and is limited to rebates granted under Italian Law 639 of July 5, 1964, which was the only program found countervailable in the Final Determination.

Preliminary Results of the Review

Under Italian Law 639, exporters receive rebates of customs duties and certain indirect taxes on the export of specified products containing iron and steel. The rates differ for particular types of products. For compressors and parts thereof from Italy (see Appendix A), the rebates are between 15 and 80 lire per kilogram.

The Government of Italy provided no response to our questionnaire of July 15, 1980, nor were our follow-up requests for information answered. Our independent investigation has confirmed that the rates legislated in Law 639 still apply in full for exports of this merchandise to the United States.

Because we have received no information to indicate that any part of the rebates is not countervailable, we preliminarily determine that the rates of net subsidy conferred upon producers exporting to the United States are those listed in Appendix A.

The Department intends to instruct the Customs Service to assess countervailing duties at the rates listed in Appendix A on all unliquidated entries of this merchandise entered, or withdrawn from warehouse, for consumption on or after January 1, 1980, and prior to April 3, 1980. The provisions of section 303(a)(5) of the Tariff Act, prior to the enactment of the TAA, apply to all entries prior to January 1, 1980. Accordingly, the Department also intends to instruct the Customs Service to assess countervailing duties on all unliquidated entries of this merchandise which were entered, or withdrawn from warehouse, for consumption prior to January 1, 1980 in the amounts set forth in T.D. 71-122. (The lower rates are due to allowable offsets reported on during the initial investigation but not reported during this review.) In addition, should the ITC find that there is injury or likelihood of injury to an industry in the United States, the Department intends to instruct the Customs Service to assess countervailing duties at the rates listed in Appendix A on all unliquidated entries of compressors and parts thereof entered, or withdrawn from warehouse, for consumption on or after April 3, 1980, and exported on or before December 31, 1980.

Further, as required by section 355.36(c) of the Commerce Regulations, a cash deposit of the estimated countervailing duties listed in Appendix A shall be required on all shipments entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results. This requirement shall remain in effect until publication of the final results of the next administrative review.

Pending publication of the final results of the present review, the existing deposit of estimated duties shall continue to be required, at the rates set forth in T.D. 72-122, on each entry, or withdrawal from warehouse, for consumption of this merchandise, and liquidation shall continue to be suspended on entries made on or after April 3, 1980 until the Department is notified of a determination by the ITC.

Interested parties may submit written comments on these preliminary results within 30 days of the date of publication of this notice and may request disclosure and/or a hearing within 15 days of the date of publication. The Department will publish the final results of this administrative review including the results of its analysis of any such comments or hearing.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and section 355.41 of the Commerce Regulations (19 CFR 355.41).

B. Waring Partridge III,

Acting Deputy Assistant Secretary for Import Administration.

June 10, 1981.

Appendix A

	Per kilogram (lire)
Air or gas compressors (including compressors for refrigerating equipment presented separately), power driven vacuum pumps	35
Compressors and vacuum pumps, motor coupled sets	35
Parts of compressors	
Blades, vanes and rotors	
Of stainless steel	60
Other, made predominantly of cast iron, iron or steel	40
Cylinders and cylinder heads	20
Cylinder blocks, crankcases, baseplates and bodies of pumps and compressors of cast iron or steel	15
Pistons, made predominantly of cast iron, iron or steel	20
Cylinder liners	15
Connecting rods	30
Crankshafts and camshafts, pump shafts	30
Piston rings	15
Oil pumps, water pumps and turbines, feed pumps	20
Gasoline lifting pumps, economizers, oil cleaners, oil and fuel filters, and their parts, made predominantly of cast iron, iron or steel	20
Injectors, injector holders, injection pumps and parts thereof, the latter limited to those made predominantly of cast iron, iron or steel	70
Pressure regulators	40
Gaskets, also presented in envelopes or like packages, made predominantly of iron or steel	20
Other parts, not elsewhere specified, made predominantly of iron or steel	30

[FR Doc. 81-17799 Filed 6-15-81; 8:45 am]

BILLING CODE 3510-25-M

University of California et al.; for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Statutory Import Programs Staff, U.S. Department of Commerce, Washington, D.C. 20230, within 20 calendar days after the date on which this notice of application is published in the **Federal Register.**

Regulations (15 CFR 301.9) issued under the cited Act prescribe the requirements for comments.

A copy of each application is on file, and may be examined between 8:30 a.m. and 5:00 p.m., Monday through Friday, in Room 2119 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 81-00196. Applicant: University of California, Pathology Department, 405 Hilgard Avenue, Los Angeles, CA 90024. Article: Electron Microscope, Model EM 109 with Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used to provide transmission electron microscopy as a service to research laboratories at UCLA. Examples of the experiments to be conducted include:

(1) Human tissue culture, detection of mycoplasma.

(2) Skin research—collagen injected introdermally, to detect new growth of collagen.

(3) Human pancreas—frozen tissue used for implants, to detect ultrastructural effects.

(4) Kidneys (dog)—detection of renal immune complexes.

(5) Sheep placenta (cell suspension)—ultrastructural features of organelles in aliquots of suspension.

Clinical investigations are carried out in the laboratory to clarify a particular diagnostic problem or category and to relate specific diagnosis to specific prognoses. The article will also be used to acquaint resident physicians in pathology with the techniques of transmission electron microscopy and to illustrate the application of the techniques to the diagnostic process. Application received by Commissioner of Customs: April 20, 1981.

Docket No. 81-00197. Applicant: University of Wisconsin, 1415 W. Johnson Drive, Department of Chemical Engineering, Madison, WI 53706. Article: Small-angle X-ray Camera System. Manufacturer: Anton Paar KG, Austria. Intended use of article: The article is intended to be used for the study of the morphology of viruses, fibrin, photoreceptor membrane vesicles, segmented polyurethane elastomers, and amphoteric latex particles. Projects involving thermosetting resins and metal physics will also be carried out. Application received by Commissioner of Customs: April 20, 1981.

Docket No. 81-00198. Applicant: University of Chicago, Operator of Argonne National Laboratory, 9700 South Cass Avenue, Argonne, Illinois 60439. Article: Excimer Multi-Gas Laser, Model EM 102 and Accessories. Manufacturer: Lambda Physics, Inc., West Germany. Intended use of article: The article is intended to be used for photoionization of aromatic compounds in hydrocarbon solvents that involves the study of short lived radicals and radical ions by electron parmagnetic resonance spectroscopy. This study aims to provide better understanding of photoionization and transient intermediates that are involved. Application received by commissioner of customs: April 20, 1981.

Docket No. 81-00199. Applicant: Princeton University, Department of Biology, Princeton, N.J. 08544. Article: Electron Microscope, Model JEM 100S with Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for the following research studies: ultrastructural analysis of ferratin-labeled desmosomes, serial section analysis of vertebrate neuron pathways specifically those that connect the eye to the visual centers of the central nervous system, and vesicle purification examination of the localized sites of bacteriophage on cell surface of *Caulobacter.* The purposes of those studies are to examine cellular and neurological development as well as to ascertain cellular organelles. Application received by Commissioner of Customs: April 20, 1981.

Docket No. 81-00200. Applicant: National Bureau of Standards, Route 270 and Quince Orchard Road, Gaithersburg, Maryland 20760. Article: Picosecond Camera System, Imacon 500. Manufacturer: Hadland Photonics, Ltd., United Kingdom. Intended use of article: The article is intended to be used to view very fast chemical and biological events. The samples will include large chemical and biochemical systems that will be excited by the laser which emits very weak pulses only a nanojoule in energy. Light emitted by the sample can then be detected with the streak camera synchroscan system, because even though the emission excited by a pulse is too weak to detect, the camera can be run at 82 MHz repetition rate of the pumping laser and so can add up millions of shots in synchronism with the excitation pulses. The synchronous streak camera facility allows viewing of numerous samples with different

excitation bands avoiding nonlinear effects due to high power laser excitation. Samples investigated will include photosynthetic and protein systems as well as organometallic complexes. Application received by Commissioner of Customs: April 20, 1981.

Docket No. 81-00215. Applicant: NASA Wallops Flight Center, Wallops Island, VA 23418. Article: Hydraulic Drive. Manufacturer: Field Aviation, Ltd., Canada. Intended use of article: The article is intended to be used in an assembly of hydraulic components which takes mechanical power from an aircraft powerplant and provides mechanical energy to an electrical alternator in the cabin of the aircraft. Application received by Commissioner of Customs: April 28, 1981.

Docket No. 81-00217. Applicant: University of California, San Diego, Geological Research Division A020A, La Jolla, California 92093. Article: GS VII Nude Ion Source. Manufacturer: Eidgenossiche Technische Hochschule, Switzerland. Intended use of article: The article is intended to be used for research on ^{3}HE and rare gases applied to studies of ocean circulation, earthquake prediction and geothermal energy exploration. Application received by Commissioner of Customs: April 28, 1981.

Docket No. 81-00218. Applicant: University of Hawaii, 2444 Dole Street, Honolulu, Hawaii 96822. Article: Electron Spectrometer, ESCLAB 5. Manufacturer: VG Scientific Instruments, Ltd., United Kingdom. Intended use of article: The article is intended to be used to study the atomic-level surface chemistry and surface structure of solid specimens of metals, metal alloys, semi-conductors, and inorganic compounds. The primary experiment to be done is angle-resolved photoelectron spectroscopy of valence and core electronic levels, from which atomic identities, atomic positions, and detailed bonding mechanisms are derived. Application received by Commissioner of Customs: April 28, 1981.

Docket No. 81-00219. Applicant: University of Texas Health Science Center, 7703 Floyd Curl Drive, San Antonio, Texas 78284. Article: Oxford Mark II Transducer and Perfusion Unit. Manufacturer: Clinical Research Center, United Kingdom. Intended use of article: The article is to be used in conjunction with a portable tape recorder and together they allow the recording of arterial blood pressure and heart rate in research animals continuously for 24 hour periods. This research involves examination of the time course of changes that occur in blood pressure and heart rate after inducing high blood pressure by renal artery constriction or low blood pressure by decreasing the heart rate to one half of its normal value. The animal will try to adapt to these changes in levels of blood pressure over a certain time period following the change. These adaptations that occur over time: minute to minute, hour to hour and day to day will be investigated. Application received by Commissioner of Customs: April 28, 1981.

Docket No. 81-00220. Applicant: University of California, San Diego, Receiving Department, 3175 Mirarmar Road Bldg. 509, La Jolla, CA 92093. Article: Surface Balance. Manufacturer: Mayer Feintechnik, West Germany. Intended use of article: The article is intended to be used to measure the surface properties of phospholipids and proteins, the interactions between these two components as well as the effect of the composition of the aqueous subphase. The article will be used to study interactions of phospholipids with the following proteins: Rhodpsin, Bacterial reaction centers, acetylocholine receptor, Diptheria toxin.

In addition, the article will be used in research and training of undergraduate and graduate students as well as postgraduate research biophysicist in the technique of surface chemistry involving lipids and proteins. Application received by Commissioner of Customs: May 1, 1981.

Docket No. 81-00222. Applicant: The Maritime Institute of Technology & Graduate Studies, 5700 Hammonds Ferry Road, Linthicum Heights, MD 21090. Article: Deviascope. Manufacturer: B. Cooke & Son, Ltd., United Kingdom. Intended use of article: The article is intended to be used for instruction in the Licensed Advancement Program. Application received by Commissioner of Customs: May 1, 1981.

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

[FR Doc. 81-17786 Filed 6-15-81; 8:45 am]

BILLING CODE 3510-25-M

University of Colorado; Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Statutory Import Programs Staff, U.S. Department of Commerce, Washington, D.C. 20230, within 20 calendar days after the date on which this notice of application is published in the **Federal Register.**

Regulations (15 CFR 301.9) issued under the cited Act prescribe the requirements for comments.

A copy of each application is on file, and may be examined between 8:30 a.m. and 5:00 p.m., Monday through Friday, in Room 2119 of the Department of Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No.: 81-00085. Applicant: University of Colorado, Joint Institute for Laboratory Astrophysics, Boulder, Colorado 80309. Article: Excimer Laser-Pumped Dye Laser System, EMG 101. Manufacturer: Lambda Physik GmbH & Co., KG, West Germany. Intended use of article: The article is intended to be used to study the effect of intense laser radiation on atomic and molecular collision processes (initially alkali and alkali earths colliding with rare gases will be studied). The research is part of a program to develop efficient techniques for laser induced chemistry. Two graduate students will use the article for their research, during which they will learn the techniques of using laser radiation to manipulate collision processes for chemical and physical research. Application received by Commissioner of Customs: April 16, 1981.

Docket No.: 81-00201. Applicant: Sandia National Laboratories, Division 2516, P.O. Box 5800, Albuquerque, NM 87185. Article: ESCLAB 5 Spectrometer. Manufacturer: VG Scientific Limited, United Kingdom. Intended use of article: The article is intended to be used for the following studies of surface chemistry and physics of explosives and pyrotechnic materials:

I. Pyrotechnics

A. Single component behavior will be studied with emphasis on the oxidation and thin oxide dissolution of current and proposed pyrotechnic fuels (B, Ti, TiH_x, Zr, ZrH_x) as well as the reduction of pyrotechnic oxidants ($KClO_4$, $CaCrO_4$, NH_4ClO_4, NH_4NO_3, KNO_3).

B. Characterization of pyrotechnic compositions will be undertaken to determine the influence of production processes on surface composition. The mechanism of thermal ignition in pyrotechnic systems will be characterized as well as the influence of surface composition and properties on pyrotechnic behavior (spark sensitivity, ignition sensitivity, RAF, burn rate).

C. Compatibility and aging studies to allow measurement of the uptake, interaction, and thermal desorption of H_2O from pyrotechnic mixtures to complement TDS data from a new system which is currently under construction. In addition the interaction of other reactive gases (such as those released during the aging of HE) with pyrotechnic constituents will be examined. The compatibility of pyrotechnics and HE at pellet interfaces and the corrosion of materials used to contain pyrotechnic and HE compositions are of further interest.

II. High Explosives

A. Valence band data is needed to corroborate molecular orbital calculations of HE which are currently in progress.

B. The detection of ion and free radical fragments from photon and electron stimulated desorption as well as inert ion sputtering of HE samples is necessary for experimental verification of emerging models of the shock initiation process.

C. Interaction of reactives gases (produced during aging or thermal decomposition of HE) with component materials (bridgewire, glass ceramic, alloys, epoxies, etc.) will be studied.

Application received by Commissioner of Customs: April 20, 1981.

Docket No. 81-00202. Applicant: New York State Department of Health, Empire State Plaza Tower Bldg., Division of Labs and Research, Albany, New York 12201. Article: Compensating Coil (Choke). Manufacturer: Emile Haefely, Switzerland. Intended use of article: The article is intended to be used for high-voltage electron microscopy/elemental analysis of biological/materials science specimens. Application received by Commissioner of Customs: April 20, 1981.

Docket No. 81-00203. Applicant: New York State Department of Health, Empire State Plaza. Article: Mark II Microelectrophoresis Apparatus. Manufacturer: Rank Brothers, United Kingdom. Intended use of article: The article is intended to be used in studying interactions of human pathogenic viruses with minerals and soils to obtain information that will enable the State to assist local government and utilities with selecting proper sites for land applications of sewage effluents and designing recharge methods for replenishing aquifers which are sources of drinking water. More specifically, the article is used to measure the electrophoretic mobility of various minerals and soils. Electrophoretic mobility is important because it is one of the best predictors of the capacities of minerals and soils to absorb viruses. After the study is completed, the instrument will be maintained as a resource for statewide evaluation of soils as to their capacity to absorb viruses which is valuable to understanding soil adsorbed behavior for other contaminants as well. Application received by Commissioner of Customs: April 20, 1981.

Docket No. 81-00204. Vanderbilt University, Nashville, Tennessee 37232. Article: Electron Microscope, Model H-600. Manufacturer: Hitachi Ltd., Japan. Intended use of article: The article is intended to be used for studies of biological tissues, cells or subcellular components. The tissues to examined will be primarily thin sections of tissues from reproductive organs derived from a variety of experimental animals. Objectives of individual projects will vary, but the overall goal will be advancement of scientific knowledge in terms of understanding and, possibly, regulating certain aspects of reproductive processes. Application received by Commissioner of Customs: April 20, 1981.

Docket No. 81-00205. Applicant: Naval Medical Research Institute, Bethesda, MD 20014. Article: Cryokit, Model 14800-3 Complete. Manufacturer: LKB Produkter, Sweden. Intended use of article: The article is an accessory to an existing ultramicrotome that is required for sectioning of unembedded frozen tissue. This accessory will be used in a variety of research programs dealing with detection of trace elements in biological tissue. Application received by Commissioner of Customs: April 20, 1981.

Docket No. 81-00206. Applicant: Argonne National Laboratory, 9700 South Cass Avenue, Argonne, Illinois 60439. Article: Deuterium Thyratron Switching Electron Tube. Manufacturer: English Electric Valve Co., United Kingdom. Intended use of article: The articles are part of the extraction system for a proton synchrotron particle accelerator. The extracted protons strike a uranium target. Neutrons are liberated from the target and are used in a variety of ways to study materials used in the nation's basic energy science program. These materials will include $Hg_2A_sF_6$, $A1_2O_3$, Pb_{1-x}, $SnMo_6S_8$, RuO_xD_2O, RNA, HCOOH. Application received by Commissioner of Customs: April 22, 1981.

Docket No. 81-00207. Applicant: Mercy Hospital Medical Center, Sixth & University Avenues, Des Moines, IA 50314. Article: Electron Microscope, Model JEM 100S with Accessories. Manufacturer: JOEL Ltd., Japan. Intended use of article: The article is intended to be used for studies of the ultrastructural characteristics of tissues, viruses and cellular inclusions associated with disease. Experiments to be conducted will involve obtaining material from a variety of diseases and correlating the ultrastructural appearance of the tissue with aspects of the disease and with that seen under experimental conditions such as cultures. The objective to be pursued in the course of these investigations will be to obtain knowledge about the mechanism of a variety of diseases and, by examining changes in the cellular ultrastructure, document the course of these diseases during treatment. The article will also be used to instruct residents and staff in the ultrastructure of neoplastic and renal diseases and other medical disease. Application received by Commissioner of Customs: April 22, 1981.

Docket No. 81-00208. Applicant: University of California, San Diego, 3175 Miramar Road, La Jolla, CA 92093. Article: Iatroscan TH-10 TLC/FID Analyzer. Manufacturer: Iatroscan Laboratories, United Kingdom. Intended use of article: The article is intended to be used for the study of the mechanism of action of an enzyme phospholipase A_2. This requires analyzing and quantitatively determining small amounts of phospholipids, lyso-phospholipid and fatty acids. Experiments will be conducted to determine the detailed mechanistic and specificity of the enzyme as it is responsible for generating prostaglandins and leukotrienes which are important in the control of many disease states especially those involved with inflammation. Application received by Commissioner of Customs: April 22, 1981.

Docket No. 81-00209. Applicant: University of Illinois Campus at Urbana-Champaign, Purchasing Division, 223 Administration, Urbana, Illinois 61801. Article: Bede Double Axis X-Ray Diffractometer System and Related Components. Manufacturer: Bede Scientific Instruments Ltd., United Kingdom. Intended use of article: The article is intended to be used for studies

of: Quaternary, Indium gallium arsenide phosphide (InGaAsP) and ternary, Indium gallium arsenide (InGaAs) compound semiconductor crystal layers grown by liquid and vapor phase epitaxy on Indium phosphide (InP) substrates.

The objective of the investigation is the determination of the optimum crystal growth conditions to obtain high quality compositionally uniform epitaxial layers and examination and identification of crystalline defects of these layers. The article will also be used by students to conduct research in the course EE 499, Ph.D. Thesis Research. Application received by Commissioner of Customs: April 22, 1981.

Docket No. 81-00210. Applicant: Solar Energy Research Institute, 1617 Cole Blvd., Golden, CO 80401. Article: Scanning Electron Microscope, Model JSM 35C with Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for studies of photovoltaic materials including raw materials including raw materials and devices at various stages of fabrication; and related materials such as metallizations, antireflective coatings, substrates and encapsulants. The phenomena to be studied include surface topography; crystal structure, orientation and recombination and lifetime; carrier diffusion; and x-ray fluorescence. The objectives pursued will be the evaluation of candidate PV materials and devices and providing information on fabrication procedures, degradation mechanisms, structural and chemical problems and identifying possible improvements in PV materials and devices. Application received by Commissioner of Customs: April 22, 1981.

Docket No. 81-00211. Applicant: Brookhaven National Laboratory, Upton, New York 11973. Article: 4M Spherical Diffraction Grating. Manufacturer: Astron Developments, Ltd., United Kingdom. Intended use of article: The article is intended to be used for studies of various molecular species in gaseous form. Application received by Commissioner of Customs: April 23, 1981.

Docket No. 81-00212. Applicant: Brookhaven National Laboratory, Upton, New york 11973. Article: Torodial X-Ray Diffraction Gratings. Manufacturer: Ion Tech Ltd., United Kingdom. Intended use of article: The article is intended to be used for studies of atomically clean solid surfaces with and without absorbates. The properties to be investigated include the electronic structure of surface and bulk, surface geometry. Application received by Commissioner of Customs: April 23, 1981.

Docket No. 81-00213. Applicant: Standord University, 851 Welch Road, Palo Alto, CA 94304. Article: Tritium Meter with Accessories. Manufacturer: Hughes Whitlock, Ltd., United Kingdom. Intended use of article: The article is intended to be used to conduct assays for radioactive contamination resulting from the use of radioactive biochemicals in research and teaching laboratories throughout the University. The radioactivity will be primarily H-3, C-14, P-32, S-35, and I-125 used in biological and medical research. Application received by Commissioner of Customs: April 24, 1981.

Docket No. 81-00214. Applicant: Northwestern University, Materials Science Department, The Technological Institute, 2145 Sheridan Road, Evanston, IL 60201. Article: Electron Microscope, Hitachi Model H-700H and Accessories. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article is intended to be used for the investigation of microstructure, mechanical properties and physical properties of various metals, alloys, ceramics and polymers. Experiments will be conducted in order to establish fundamental principles relating microstructure and properties, and generation of basic information on better usage of materials. The article will also be used for educational purposes in various courses. Application received by Commissioner of Customs: April 24, 1981.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-17795 Filed 6-15-81; 8:45 am]

BILLING CODE 3510-25-M

CONSUMER PRODUCT SAFETY COMMISSION

[CPSC Docket No. 80-10]

Lorenzo Pucillo & Son, Inc. and Chester Pucillo, an officer of the Corporation: Prehearing Conference

AGENCY: Consumer Product Safety Commission.

ACTION: Notice of Prehearing Conference in a matter under the Consumer Product Safety Act.

DATE: June 22, 1981, at 11 a.m.,

ADDRESS: Courtroom Number 3 (Room 309), U.S. Court of Claims, 717 Madison Place, NW, Washington, DC.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Deputy Secretary, Consumer Product Safety Commission, 1111-18th St., NW, Washington, DC 20207, telephone (202)634-7700.

SUMMARY: The prehearing conference in this matter will be held before Administrative Law Judge Joseph L. Clark. The issue presented in the complaint is whether the respondents distributed 142 refuse bins in commerce at the time or times and places alleged; the staff has alleged that these refuse bins did not comply with the Ban of Unstable Refuse Bins, 16 CFR Part 1301.

The agenda for the prehearing conference includes the following: (1) Pending discovery requests; (2) the possibility of settling the case; (3) establishing a schedule for the exchange of witness lists, summary of expected testimony, and exchange of copies of documentary evidence; and (4) selection of a date for convening the hearing.

June 11, 1981.

Sheldon D. Butts,

Deputy Secretary, Consumer Product Safety Commission.

[FR Doc. 81-17884 Filed 6-15-81; 8:45 am]

BILLING CODE 6355-01-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board Task Force on Defense Nuclear Agency Technology Base Program: Notice of Advisory Committee Meeting

The Defense Science Board Task Force on the Defense Nuclear Agency Technologly Base Program (DNA TBP) will meet in closed session on 6-7 July 1981 at Headquarters, Defense Nuclear Agency, Washington, D.C.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on overall research and engineering policy and to provide long-range guidance to the Department of Defense in these areas.

At its meeting on 6-7 July 1981 the Task Force will conduct a comprehensive review of the Defense Nuclear Agency NWE Technology Base Program including blast and shock, cratering, EMP, SGEMP, free-field environments, and the coupling effects and the response of generic systems to these effects.

In accordance with 5 U.S.C. App. 1 10(d)(1976), it has been determined that this Defense Science Board Task Force

meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1976), and that accordingly this meeting will be closed to the public.

Dated: 11 June 1981.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

[FR Doc. 81-17843 Filed 6-15-81; 8:45 am]

BILLING CODE 3810-70-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of settlement.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives Notice that a Consent Order was entered into between the Office of Enforcement, ERA, and the firm listed below during the month of May 1981. The Concent Order represents resolution of an outstanding compliance investigation by the DOE and the firm and concerns overcharges in sales of gasoline during the period covered by the audit. This Consent Order is concerned exclusively with the firms agreement to refund overcharges direct to End-user customers.

For further information regarding this Consent Order please contact James C. Easterday, District Manager of Enforcement, Southeast District, Economic Regulatory Administration, 1655 Peachtree Street, N.E., Atlanta, Georgia 30367, telephone number (404) 881-2396.

Firm name and address	Settlement terms	Period covered
Skelton Brothers Oil Corporation, ...	Refund $10,487.16 including interest, direct to End-user customers, payment of $315.00 penalty.	July 1, 1979 through Apr. 30, 1980.

Issued in Atlanta, Georgia on the 4th day of June 1981.

James C. Easterday,

District Manager.

Leonard F. Bittner,

Chief, Enforcement Counsel.

[FR Doc. 81-17760 Filed 6-15-81; 8:45 am]

BILLING CODE 6450-01-M

Office of the Secretary

Proposed Remedial Order to Exxon Co., U.S.A. and Opportunity for Objection

AGENCY: Department of Energy.

ACTION: Proposed remedial order to Exxon Company, U.S.A. and opportunity for objection.

I. Introduction

Pursuant to 10 CFR § 205.192, the Office of Special Counsel, of the Economic Regulatory Administration (ERA), Department of Energy (DOE) hereby gives Notice of a Proposed Remedial Order issued to Exxon Company, U.S.A., Houston, Texas. In accordance with that section, a copy of the Proposed Remedial Order with confidential information, if any, deleted, may be obtained from the ERA.

II. The Proposed Remedial Order

Exxon is a refiner engaged in the production of crude oil, in refining, and in the marketing of petroleum products subject to DOE regulations. DOE regulations in effect prior to January 28, 1981, required that a decrease in the quality of an item or substantially the same item marketed by a refiner be accompanied by a price decrease.

Between September 10, 1974 and December 18, 1979, Exxon reduced the octane numbers of the regular and premium motor gasoline sold from its East Coast (New Jersey), Gulf Coast (Texas and Louisiana), Benecia (California), and Billings (Montana) refineries. Exxon's total octane number reductions ranged from 0.6 to 2.0 for regular gasoline, and from 2.5 to 3.5 for premium gasoline.

Exxon did not adjust its selling prices for regular and premium gasoline on sales of these products to reflect the reductions in octane. As a result, Exxon charged to the affected customers, or banked for subsequent passthrough, $70,161,655 in excess of the amounts permitted under the regulations for the period September 10, 1974 through December 1980.

The DOE proposes that Exxon be required to refund $70,161,655 plus interest to Exxon's affected customers within thirty (30) days of the effective date of a final Remedial Order.

III. Notice of Objection

In accordance with 10 CFR § 205.193, any aggrieved person may file a Notice of Objection to the Proposed Remedial Order with the Office of Hearings and Appeals on or before July 1, 1981. A person who fails to file a Notice of Objection shall be determined to have admitted the findings of fact and conclusions of law as stated in the Proposed Remedial Order. If a Notice of Objection is not filed as provided by § 205.193, the Proposed Remedial Order may be issued as a final order.

All Notices, Statements, Motions, Responses, and other documents required to be filed with the National Office of Hearings and Appeals should be sent to: Department of Energy, Office of Hearings and Appeals, 2000 M Street, Northwest, Washington, D.C. 20461.

No confidential information shall be included in a Notice of Objection.

Requests for copies of the Proposed Remedial Order with confidential information deleted should be directed to: Freedom of Information Reading Room, Forrestal Building, 1000 Independence Avenue, SW, Room 1E-190, Washington, D.C. 20850.

Issued in Washington, D.C., June 5, 1981.

Avrom Landesman,

Acting Special Counsel.

[FR Doc. 81-17759 Filed 6-15-81; 8:45 am]

BILLING CODE 6450-01-M

Office of Hearings and Appeals

Issuance of Decisions and Orders; Week of May 4 through May 8, 1981

During the week of May 4 through May 8, 1981, the decisions and orders summarized below were issued with respect to appeals and applications for exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Appeals

Energy Cooperative, Inc., May 7, 1981, BEA-0108

Energy Cooperative, Inc. (ECI) filed an Appeal of a Temporary Assignment Order which ERA Region VI issued to the firm on December 7, 1979. The firm sought to have the Order rescinded. In considerig the request, the DOE determined that the Temporary Assignment Order was legally and factually deficient because ECI had not received adequate notice of the Order and because the Order reached erroneous conclusions about ECI's supply capabilities. The Appeal was therefore granted.

Exxon Company, U.S.A., May 8, 1980, BEA-0161

Exxon Company, U.S.A. filed an Appeal from an order for the Redirection of Product which the ERA issued to the firm on January 4, 1980. That Order directed Exxon to supply volumes of motor gasoline to Gas 'N Sav

pursuant to the provisions of 10 C.F.R. § 211.107(c). In considering Exxon's Appeal, the DOE found that the record upon which the Redirection Order was based was insufficient to support the redirection of product pursuant to Section 211.107(c). Accordingly, the Exxon Appeal was granted.

Jeffries Banknote Company, May 7, 1981, BFA–0659

Jeffries Banknote Company filed an Appeal from a partial denial by the DOE Office of Business Liaison in the Directorate of Procurement and Assistance Management of a Request for Information which the firm had submitted under the Freedom of Information Act (the FOIA). Jeffries sought access to a portion of a competitor's technical proposal which was submitted in response to a DOE Request for Proposal. In considering the Appeal, the DOE found that the withheld portion of the technical proposal contained commercial and confidential information whose release would likely cause substantial harm to the submitting firm's competitive position. The DOE concluded that the Directorate correctly withheld the material pursuant to Exemption 4 of the FOIA.

Winston Refining Company Co., May 8, 1981, BEA–0151, BEA–0321

Winston Refining Company filed Appeals from two ERA decisions which denied the firm's Applications for Emergency Allocations of crude oil pursuant to the Crude Oil Buy/Sell Program, 10 C.F.R. § 211.65. In considering the Appeals, the DOE rejected the firm's contention that under the Buy/Sell Program it "lost" a portion of its crude oil supply when the price of the crude oil increased to the point that it could no longer be processed profitably. Accordingly, the Appeals were denied.

Petitions for Special Redress

Clark Oil, Inc., May 6, 1981 BEG–0053, BES–0150

Clark Oil, Inc. filed a Petition for Special Redress requesting an order directing the DOE Office of Special Counsel for Compliance to release to Clark all workpapers and other documents compiled in connection with a Notice of Probable Violation issued to the firm. Clark also filed an Application for Stay of its obligation to respond to the NOPV. In considering the issure raised in Clark's Petition, the DOE determined that it would be more appropriate for Clark to raise these issues in its reply to the NOPV. The DOE therefore concluded that the Petition for Special Redress should be dismissed. The DOE also determined that Clark would not suffer an irreparable injury in the absence of stay relief and that it was not in the public interest to approve the stay relief requested. Accordingly, Clark's Application for Stay was denied.

Lakeside Refining Company, Inc., May 4, 1981, BEG–0047

Lakeside Refining Company, Inc. filed a Petition for Special Redress in which it sought to have a civil enforcement proceeding against the firm stayed pending the resolution of a related criminal prosecution. In considering the request, the DOE determined that there was no evidence to indicate that the Office of Enforcement had issued a Notice of Probable Violation to Lakeside in order to obtain evidence for a criminal prosecution. In addition, the DOE found that Lakeside's officers had chosen to respond to the NOPV without asserting the Fifth Amendment privilege against self incrimination. Accordingly, Lakeside's Petition was denied.

Remedial Order

Tri–Service Drilling Company, May 4, 1981 BRO–1293, BRD–1293

Tri-Service Drilling Company filed a Statement of Objections and a Motion for Discovery in response to a Proposed Remedial Order which the DOE Southwest District Office of Enforcement issued to the firm on July 18, 1980. The Office of Enforcement subsequently sought leave to modify the property determinations which served as the bases for the findings of overcharges in the Proposed Remedial Order. The DOE concluded that the formal reissuance of an amended Proposed Remedial Order would provide the most efficient procedural framework for a full consideration of Tri-Service's objections to the Office of Enforcement's revised legal theories and factual contentions. The DOE also found that Tri-Service would not be unduly prejudiced by having to respond to an amended Proposed Remedial Order. Accordingly, the Proposed Remedial Order was remanded to the Southwest District Office of Enforcement, and Tri-Service's Statement of Objections and Motion for Discovery were dismissed without prejudice.

Requests for Exception

Bachelder Oil Company, May 4, 1981 BEE–1543

Bachelder Oil Company filed an Application for Exception in which it requested to be relieved of its obligation to file Form EIA–9A, No. 2 Distillate Price Monitoring Report. In considering the request, the DOE found that Bachelder was experiencing personnel problems which made it unduly burdensome for the firm to complete the form in a timely manner. Accordingly, Bachelder was granted an extension of time in which to file Form EIA–9A.

BYS, Inc., May 6, 1981, BXE–1524

BYS, Inc. filed an Application for Exception from the provisions of 10 C.F.R. Part 212 in which it sought an extension of exception relief previously granted to the firm. The requested relief would permit BYS to continue to sell a portion of the crude oil produced from the No. 1 Humble-Dowdy Fee lease at prices in excess of the applicable ceiling price levels. In considering the request, the DOE determined that BYS should be provided with an incentive to continue production at its lease. Accordingly, exception relief was granted, and the firm was permitted to sell 33.71 percent of the working interest share of the crude oil produced and sold for the benefit of the working interest owners at market price levels.

Charter Oil Co., May 4, 1981, DXE–2108

Charter Oil Company filed an Application for Exception from the provisions of 10 C.F.R. § 211.67 in which the firm sought to be relieved of a portion of its entitlement purchase obligations for the period January through June 1979. In considering the request, the DOE found that Charter should be permitted to retain the $4,994,150 of entitlement exception relief granted to the firm in a March 19, 1979 Proposed Decision and Order pursuant to the *Delta* standards. However, the DOE also determined that the firm did not qualify for exception relief under the general hardship or inequity criteria. The DOE therefore concluded that Charter should not receive an additional $71,115 which would result from recalculating the relief granted in the Proposed Decision. Accordingly, the Charter exception request was granted in part.

District of Columbia, May 5, 1981, DEE–8329

The District of Columbia filed an Application for Exception from the provisions of 10 C.F.R. Part 211. In its application, the District requested that the DOE establish a trigger mechanism for providing the District with additional supplies of motor gasoline when certain criteria indicated that the District was suffering a motor gasoline supply shortfall greater than the shortage experienced in other parts of the country. On January 2, 1980 the DOE issued a Proposed Decision and Order in which relief was tentatively approved. The District and five other parties subsequently filed Statements of Objections to the Proposed Decision. However, prior to the issuance of a final determination, motor gasoline was exempted from the Mandatory Petroleum Allocation Regulations, and the portions of 10 C.F.R. Part 211 from which the District sought relief was revoked. Accordingly, the DOE determined that the District's request was moot and should be dismissed.

Giant Industries, Inc., May 4, 1981, BEE–1346

Giant Industries, Inc. filed an Application for Exception from the provisions of 10 C.F.R. § 211.67 in which the firm requested that the DOE increase the number of entitlements issued to Giant in order to permit the firm to purchase crude oil at an average post-entitlements acquisition cost equivalent to that of other refiners. In considering the request, the DOE found that any difficulties which the firm was experiencing were attributable primarily to Giant's decision to expand its refinery capacity. In addition, the DOE determined that Giant was not suffering any competitive disadvantage as a result of the entitlements exception relief granted to its competitors. Consequently, Giant's Application for Exception was denied.

Lucia Lodge, May 8, 1981, DEE–5531

Lucia Lodge filed an Application for retroactive and prospectice exception relief from the provisions of 10 C.F.R. § 212.93 in which the firm sought to be permitted to charge a price for motor gasoline in excess of its maximum lawful selling price. In considering the request, the DOE found that exception relief from the date on which Lucia filed its Application until the date on which motor gasoline prices were decontrolled was necessary to provide the firm with an incentive to continue its motor gasoline

operations. However, the DOE also determined that Lucia had failed to present compelling reasons for the granting of exception relief prior to the date of filing of its Application. Accordingly, Lucia's Application for Exception was granted in part.

O.K. Petroleum Products Corporation, May 5, 1981, DEE–6685

O.K. Petroleum Products Corporation filed an Application for Exception from the provisions of 10 C.F.R. Part 211 in which the firm sought the assignment of a new base period supplier of motor gasoline. In considering the request, the DOE found that the prices for motor gasoline charged by O.K. Petroleum's base period supplier were significantly higher than the prices charged by other suppliers in the firm's market area. The DOE therefore concluded that O.K. Petroleum should be assigned a new supplier of motor gasoline for the period June 1980 through November 1980. Accordingly, exception relief was granted.

Request for Stay

Hydrotherm, Inc., May 4, 1981, BES–0146

Hydrotherm, Inc. filed an Application for stay from the requirement that it test the energy efficiency of its new pulse combustion boiler in compliance with the procedures set forth in 10 C.F.R. Part 430. In considering the Application, the DOE determined that Hydrotherm had failed to make a significant showing of irreparable injury or likelihood of success on the merits of its underlying Petition for Waiver. The firm's stay request was therefore denied.

Interlocutory Order

Elm City Filling Stations, Inc., May 8, 1981, BRZ–0097

Elm City Filling Stations, Inc. filed a Statement of Objections to a Proposed Remedial Order which the DOE Northeast District Office of Enforcement issued to the firm on January 2, 1979 (Case No. DRO–0172). Subsequent to oral argument in the objection proceeding, the Office of Enforcement sought leave to substitute a different transaction as the basis for calculating alleged overcharges in the Proposed Remedial Order. The DOE determined that the Office of Enforcement acted appropriately and without undue delay in seeking to amend the Proposed Remedial Order. The DOE also found that the additional burden to Elm City created by the requested modification of the Proposed Remedial Order would not unduly prejudice the firm. Accordingly, the Office of Enforcement's Motion to Amend the Proposed Remedial Order was granted.

Petition Involving the Motor Gasoline Allocation Regulations

The following firm filed an Application for Exception from the provisions of the Motor Gasoline allocation Regulations. The DOE issued a Decision and Order which determined that the request be granted.

Company Name and Case No.

Lite–Ning Auto, Inc., DEO–0379

Petition Involving the Motor Gasoline allocation Regulations

The following firm filed an Application for Exception from the provisions of the Motor Gasoline Allocation Regulations. The DOE issued a Decision and Order which determined that the request be dismissed:

Company Name and Case No.

Downtown Standard: DFE–6415

Dismissals

The following submissions were dismissed without prejudice:

Name and Case No.

Big S Oil Co., Inc.: BEE–1591
Cray Research: BRA–0662
Delta Refining Co.: DRO–0185
HNG Oil Company: DRO–0066
Liberty Hill Oil Corp.: DEE–6132

Copies of the full text of these decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B–120, 2000 M Street, N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

Dated: June 9, 1981.

George B. Breznay,

Director, Office of Hearings and Appeals.

[FR Doc. 81–17839 Filed 6–15–81; 8:45 am]

BILLING CODE 6450–01–M

National Petroleum Council, Water Quality Task Group of the Committee on Environmental Conservation; Cancellation of Meeting

This notice is given to advice of the cancellation of the seventh meeting of the Task Group announced in the June 2, 1981, issue of the Federal Register (46 FR 29496).

Issued at Washington, D.C. on June 8, 1981.

Roger W. A. LeGassie,

Acting Assistant Secretary for Fossil Energy.

June 8, 1981.

[FR Doc. 81–17840 Filed 6–15–81; 8:45 am]

BILLING CODE 6450–01–M

National Petroleum Council, Synthetic Fuels Task Group of the Committee on Environmental Conservation; Meeting

Notice is hereby given that the Synthetic Fuels Task Group of the Committee on Environmnetal Conservation will meet in June 1981. The National Petroleum Council was established to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas or the oil and natural gas industries. The Committee on Environmental Conservation will analyze the environmental problems of the oil and gas industries and the impact of current environmental control regulations on the availability and costs of petroleum products and natural gas. Its analysis and findings will be based on information and data to be gathered by the various task groups. The time, location and agenda of the Hazardous Wastes Task Group meeting follows:

The Synthetic Fuels Task Group will hold its seventh meeting on Tuesday, June 30, 1981, starting at 9:00 a.m., in the Salon C of the Ramada O'Hare Inn, 6600 Mannheim Road, Des Plaines, Illinois.

The tentative agenda for the meeting follows:

1. Review preliminary draft of Task Group report.

2. Discuss any other matters pertinent to the overall assignment of the Synthetic Fuels Task Group.

The meeting is open to the public. The Chairman of the Synthetic Fuels Task Group is empowered to conduct the meeting in a fashion that will, in his judgement, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Synthetic Fuels Task Group will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform G. J. Parker, Office of Oil and Natural Gas, Fossil Energy, 202/633–8383, prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Summary minutes of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room IE–190, DOE, Forrestal Building, 1000 Independence Avenue, SW, Washington, D.C., between the hours of 8 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C. on June 9, 1981.

Roger W. A. LeGassie,

Acting Assistant Secretary for Fossil Energy.

June 9, 1981.

[FR Doc. 81–17941 Filed 6–15–81; 8:45 am]

BILLING CODE 6450–01–M

National Petroleum Council, Hazardous Wastes Task Group of the Committee on Environmental Conservation, Meeting

Notice is hereby given that the Hazardous Wastes Task Group of the Committee on Environmental Conservation will meet in July 1981. The National Petroleum Council was

established to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas or the oil and natural gas industries. The Committee on Environmental Conservation will analyze the environmental problems of the oil and gas industries and the impact of current environmental control regulations on the availability and costs of petroleum products and natural gas. Its analysis and findings will be based on information and data to be gathered by the various task groups. The time, location and agenda of the Hazardous Wastes Task Group meeting follows:

The Hazardous Wastes Task Group will hold its sixth meeting on Wednesday, July 1, 1981, starting at 10:00 a.m., in the Conference Room of the National Petroleum Council, 1625 K Street, NW, Suite 601, Washington, D.C.

The tentative agenda for the meeting follows:

1. Review preliminary draft of Task Group report.

2. Discuss any other matters pertinent to the overall assignment of the Hazardous Wastes Task Group.

The meeting is open to the public. The Chairman of the Hazardous Wastes Task Group is empowered to conduct the meeting in a fashion that will, in his judgement, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the hazardous Wastes Task Group will be permitted to do so, either before or after the meeting. members of the public who wish to make oral statements should inform G. J. Parker, Office of Oil and Natural Gas, Fossil Energy, 202/633–8383, prior to the meeting and reasonable provision will be made for their appearance on the ageanda.

Summary minutes of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room IE–190, DOE, Forrestal Building, 1000 Independence Avenue, SW, Washington, D.C., between the hours of 8 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C. on June 9, 1981.

Roger W. A. LeGassie,

Acting Assistant Secretary for Fossil Energy.

June 9, 1981.

[FR Doc. 81–17842 Filed 6–15–81; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Docket No. RP81–75–000]

Arkansas Louisiana Gas Co.; Filing of Revised Tariff Sheets Reflecting Change in General Terms and Conditions

June 8, 1981.

Take notice that on June 1, 1981, Arkansas Louisiana Gas Company (Arkla) tendered for filing 1st Revised Sheet No. 186 to its FERC Gas Tariff First Revised Volume No. 3, Rate Schedule No. X–26, to become effective July 1, 1981.

Arkla states that the purpose of 1st Revised Sheet No. 186 is to reflect that the rate of interest charged on past due bills will be the applicable rate of interest provided for in § 154.67(d)(2)(iii) of the Commission's regulations.

Arkla also states that a copy of this filing is being mailed to Cities Service Gas Company, the only customer served under Arkla's Rate Schedule No. X–26.

Any person desiring to be heard or to protest said filing should file a Petition to Intervene or Protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 22, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a Petition to Intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–17847 Filed 6–15–81; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. RP81–74–000]

Arkansas Louisiana Gas Co., Filing of Revised Tariff Sheet Reflecting Change in General Term and Conditions

June 8, 1981.

Take notice that on June 1, 1981, Arkansas Louisiana Gas Company (Arkla) tendered for filing 1st Revised Sheet No. 10 to its FERC Gas Tariff First Revised Volume No. 1, Rate Schedule No. G–2, to become effective July 1, 1981.

Arkla states that the purpose of 1st Revised Sheet No. 10 is to reflect a change in the Rate of Interest charged on past due bills from 6% per annum to the applicable rate of interest provided for in § 154.67 (d)(2)(iii) of the Commission's regulations.

Arkla also states that a copy of this filing is being mailed to the customers served under Arkla's Rate Schedule No. G–2.

Any person desiring to be heard or to protest said filing should file a Petition to Intervene or Protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, and 1.10). All such petitions or protests should be filed on or before June 22, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a Petition to Intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–17846 Filed 6–15–81; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. CP81–155–000]

City of Florence, Alabama, Applicant, Tennessee Gas Pipe Line Co. and Alabama-Tennessee Natural Gas Co., Respondents; Technical Conference

June 9, 1981.

Take notice that on June 30, 1981, a technical conference will be held in Docket No. CP81–155–000 to discuss issues raised by the application of the City of Florence, Alabama, filed pursuant to Section 7(a) of the Natural Gas Act.

The conference will be held at 10:00 a.m. at the Federal Energy Regulatory Commission, 825 North Capitol Steet, N.E., Washington, D.C. 20426 in room 7312A. All interested parties are permitted to attend but attendance at the conference will not be deemed to authorize intervention as a party in these proceedings.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–17849 Filed 6–15–81; 8:45 am]

BILLING CODE 6450–85–M

[Project No. 4613-000, Project No. 4614-000, and Project No. 4615-000]

City of Rochester, New York, Mohawk Energy Corp., and Village of Arcade, New York; Application for Preliminary Permit

June 10, 1981.

Take notice that the City of Rochester, New York (City), the Mohawk Energy Corporation (MEC), and the Village of Arcade, New York (Arcade) filed on May 1, 1981, applications for a preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Projects Nos. 4613, 4614, and 4615, respectively, to be known as the Munt Morris Project located on the Genesee River in Livingston County, New York. Correspondence with the City should be directed to: Mr. Peter Korn, City Manager, City Hall, 30 Church Street, Rochester, New York 14614. Correspondence with MEC should be directed to: Mr. James D. Krugman, 282 Main Street, Paterson, New Jersey 07505. Correspondence with Arcade should be directed to: Mr. Philip J. Movish, Daverman & Associates, P.C., 500 South Salina Street, Syracuse, New York 13202.

Project Description—Each project would utilize the existing Corps of Engineers Mount Morris Dam.

Project No. 4613 would consist of: (1) a new powerhouse 500 feet downstream from the dam's toe; (2) a new penstock approximately 300 feet long; (3) two tube turbines connected to generators with a total capacity of 5 MW and generating 20 million kWh annually and; (4) a 5.0-mile long transmission line

Project No. 4614 would consist of one of three alternatives: (1) use two existing penstocks in the north abutment and build a powerhouse containing units rated at 10 MW and generating 40 million kWh annually; (2) use four existing outlet conduits as penstocks to a new powerhouse located below the dam in the stilling basin area and equipped as above; (3) install crest gates across the existing spillway crest and build a powerhouse located downstream on the north bank containing units rates at 30 MW and generating 130 million kWh annually.

Project No. 4615 would consist of: (1) a series of taintor gates across the dam's spillway raising the maximum flood elevation by 30 feet; (2) a gatehouse with an intake structure and trashracks; (3) two 18-foot in diameter penstocks about 300 feet long; (4) a new powerhouse containing two 10 MW units with an annual generation of 66 million kWh; (5) a 3.0-mile long, single circuit 115-kV transmission line.

Proposed Scope and Cost of Studies under Permit—The City requests a permit term of 24 months, while MEC and Arcade request a 36-month term, during which time the Permittee would perform surveys and geological investigations, determine the economic feasibility of the project, reach final agreement on sale of project power, secure financing commitments, consult with Federal, State, and local government agencies concerning the potential environmental effects of the project, and prepare an application for FERC license, including an environmental report. The City, MEC, and Arcade estimate the cost of studies under the permit would be $75,000, $160,000 and $150,000, respectively.

Competing Applications—These applications were filed as competing applications to the Mount Morris Project No. 3662 filed on November 4, 1980, by Continental Hydro Corporation under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies only directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before July 9, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITIONS TO INTERVENE", as applicable, and the Projects Numbers of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any petition to intervene must also be served upon the representatives of the Applicants specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17863 Filed 6-15-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4237-000 and Project No. 4530-000]

City of Riverton, Wyoming and City of Gillette, Wyoming; Application for Preliminary Permit

June 10, 1981

Take notice that the City of Riverton, Wyoming (RV) and the City of Gillette, Wyoming, (GL) (Applicants) filed on February 23, 1981, and April 14, 1981, respectively, competing applications for preliminary permits [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Projects Nos. 4237 (RV) and 4530 (GL) to be known as the Jackson Lake Project located on the Snake River in Teton County, Wyoming. The applications are on file with the Commission and are available for public inspection. Correspondence with the Applicants should be directed to: William A. Peterson, City Administrator, P.O. Box 1700, Riverton, Wyoming 82501 (RV), and Paul G. Schamp, P.E., Electrical Engineer, City of Gillette, P.O. Box 3003, Gillette, Wyoming 82716 (GL).

Project Description—The proposed project would utilize the existing Water and Power Resources Service's Jackson Lake Dam and Reservoir and would consist of: (1) new penstocks; (2) a new powerhouse containing generating units having a total rated capacity between 8,400 kW and 9,500 kW (RV) or 6,700 kW (GL); (3) a tailrace; (4) a new transmission line; and (5) appurtenant facilities. The Applicants estimate that the average annual energy output would be between 29,000,000 kWh and 32,000,000 kWh (RV) or 20,000,000 kWh (GL).

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. Applicants seeks issuance of a preliminary permit for a period of three years, during which time each would prepare studies of the hydraulic, construction, economic, environmental, historic and recreational aspects of the project. Depending on the outcome of the studies, Applicants would prepare an application for an FERC license. Applicants estimate the cost of the

studies under the permit would be $60,000 (RV) or $100,000 (GL)

Competing Applications—These applications were filed as competing applications to Pacific Northwest Generating Company's application for Project No. 3505 filed on September 26, 1981, under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described applications. (A copy of the application may be obtained by agencies only directly from the Applicants.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before July 9, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE" as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17864 Filed 6-15-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP78-99, Docket No. CP80-35, and Docket No. CP81-328-000]

Colorado Interstate Gas Co.;

June 10, 1981

Take notice that on May 11, 1981, Colorado Interstate Gas Company (CIG), Post Office Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP78-99, CP80-35, and CP81-328-000 an application pursuant to Sections 7(b) and (c) of the Natural Gas Act for authorizations to amend the orders issued Noverber 19, 1979, in Docket No. CP78-99 and May 7, 1978 in Docket No. CP80-35, as they pertain to Michigan Wisconsin Pipe Line Company (Michigan Wisconsin) and to Panhandle Eastern Pipe Line Company (Panhandle), respectively so as to permit and approve the abandonment of the sale of natural gas to Panhandle, so as to increase the level of transportation and exchange volumes for Michigan Wisconsin and Panhandle, and so as to revise the method by which transportation charges are computed for Panhandle and for a certificate of public convenience and necessity in Docket No. CP81-328-000 authorizing the construction and operation of certain facilities to provide firm capacity to transport gas, as certificated, for Michigan Wisconsin and Panhandle, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

CIG states that the facilities for which authority is sought herein would provide for additional capacity on both its Wyoming and Southern Systems which would enable CIG to provide firm transportation service for Michigan Wisconsin and Panhandle at levels significantly higher than the volumes of gas heretofore tendered by such parties to CIG for transportation by it.

CIG requests specifically, that the Commission, pursuant to Section 7(b) and 7(c) of the Natural Gas Act,

(1) amend the order in Docket No. CP80-35 to permit the abandonment of the sale of natural gas to Panhandle.

(2) Amend the order in Docket No. CP80-35 to authorize an increase in the level of transportation and exchange authority for Panhandle from 298,371 Mcf per day to 400,000 Mcf per day.

(3) Amend the order to Docket No. CP78-99 to authorize an increase in the level of transportation and exchange authority for Michigan Wisconsin from 89,511 Mcf per day to 124,321 Mcf per day.

(4) Authorize the construction, installation, and operation of the following facilities:

Approximately 32.5 miles of 30-inch pipeline loop east of the Rawlins Compressor Station in Wyoming

Approximately 39 miles of 30-inch loop east of the Laramie Compressor Station in Wyoming

Approximately 53.6 miles of 30-inch pipeline loop south of the Cheyenne Station in Colorado

Approximately 77 miles of 30-inch pipeline loop east of the Watkins Compressor Station in Colorado

Approximately 39 miles of 26-inch pipeline loop south of the Kit Carson Compressor Station in Colorado

Approximately 11 miles of 26-inch pipeline south of the Springfield Compressor Station in Colorado

Approximately 28.1 miles of 26-inch pipeline loop east of the Morton County Compressor Station in Kansas and Oklahoma

One gas turbine-driven compressor unit of approximately 3,830 horsepower to be installed at the Wamsutter Compressor Station and the rewheeling of four existing compressor units in Wyoming

One reciprocating gas compressor unit of approximately 2,000 horsepower to be installed at the Rawlins Compressor Station in Wyoming

Two reciprocating gas compressor units of approximately 2,700 horsepower each to be installed at the Watkins Compressor Station in Colorado

A new compressor station having approximately 5,000 horsepower, to be known as the Beaver County Compressor Station, and minor facilities to connect the new station with Michigan Wisconsin's pipeline, located in Beaver County, Oklahoma.

CIG states that the estimated cost of the proposed expansion, to include facilities as detailed above and line pack gas inventory, is $144,900,000. Further, CIG says it proposes to place the new facilities in operation no later than October 1, 1982. According to CIG, it expects to meet the funding requirements for this project from funds on hand, internally generated cash from operations, and such additional funds from external sources as may be required.

CIG states that, on December 1, 1978, it and Panhandle entered into a systemwide gas purchase, transportation, and exchange agreement, wherein existing prior authorizations would be abandoned and a new systemwise authorization would be requested which provided for either party to transport up to 298,371 Mcf per day for the other party from supply areas along the companies' pipeline systems. The Commission granted

authorization in the orders issued May 7, 1980, in Docket No. CP80–34 (Panhandle) and CP80–35 (CIG) to carry out the terms of the December 1, 1978, agreement. CIG states that, pursuant to such agreement, it has under certain circumstances, obligations to construct facilities to provide firm transportation service for up to 298,371 Mcf per day. Panhandle, according to CIG, must also provide transportation for CIG but to date CIG has not tendered significant volumes to Panhandle for transportation.

CIG now says that its present system does not have capacity to redeliver the volume of 240,686 Mcf per day which Panhandle has notified CIG it expects to tender during the fiscal year 1983. Therefore, CIG says, a portion of the facilities proposed in the instant application is required to provide transportation service for Panhandle up to the 240,686 Mcf per day level.

According to CIG, it and Panhandle entered into an amended agreement, dated April 21, 1981, and, CIG now requests authority herein to carry out the provisons of the amended agreement which provfded for the following changes:

(1) Deletion of the option of both parties to purchase up to 25 percent of the delivery volumes by either party and abandonment of the sale of natural gas as certificated in Docket Nos. CP80–34 and CP80–35. (CIG says it has notified Panhandle that the option to purchase would not be exercised beginning in May 1982.)

(2) Increase in the level of transportation and exhange volumes from 298,371 Mcf per day to 400,000 Mcf per day which would afford greater supply capacity to both parties.

(3) Revision of the method by which transportation charges are computed so that each party may charge its jurisdictional rate multipled by the redelivery volumes transported for the other party. In addition, Panhandle would pay to CIG a minimum annual bill based upon a minimum annual volume which shall be not less than 82.6 percent of the then effective annualized total volumes as listed in the amended agreement. In the event Panhandle's actual annual deliveries are less than the then existing minimum annuel volume, Panhandle shall pay CIG a transportation charge computed by multiplying CIG's arithmetic average transportation rate in effect during the fiscal year times the difference between the minimum annual volume and the actual annual deliveries tendered to CIG.

(4) Panhandle shall have the option, upon a 90–day written notice to CIG, to charge CIG for transporting a minimum annual volume in a manner similar to that charged by CIG.

(5) In the event the delivering party does not own or have committed to it sufficient gas to meet the minimum annual volume then in effect, said party may substitute for the deficiency, gas committed to or owned by third parties. This substitute gas would qualify for the minimum annual volume provided it is not otherwise committed to the receiving party for transportation, and the substitute gas shall be delivered and redelivered at points of interconnection as certificated in the agreement or to new points of interconnection which would utilize previously committed capacity.

CIG states that it entered into a systemwide gas transportation exchange agreement with Michigan Wisconsin on July 20, 1979, whereby it transports a small volume of Michigan Wisconsin's gas from Fremont and Sweetwater Counties, Wyoming, for redelivery to Michigan Wisconsin in Beaver County, Oklahoma, pursuant to authorization granted in Docket No. CP78–99, *et al.* According to CIG, the maximum allowable deliveries under such agreement are 89,511 Mcf per day by either party. CIG says it has, under certain circumstances, obligations to construct facilities to provide firm transportation service for up to 89,511 Mcf per day for Michigan Wisconsin under the existing agreement. Michigan Wisconsin has advised, CIG says, that the 1983 summer-day pressure of its line at Beaver County would be considerably higher than the current pressure such that CIG would be unable to redeliver any gas to Michigan Wisconsin at that redelivery location without additional facilities. Therefore, according to CIG, additional facilities would be required to enable it to provide transportation service to Michigan Wisconsin up to the currently certificated contract ceiling of 89,511 Mcf per day. CIG says it and Michigan Wisconsin are presently negotiating an amendment to the July 20, 1979, agreement to provide for an increased level of transportation and exchange volumes equal to 124,321 Mcf per day. CIG says the 89,511 Mcf per day level would not be exceeded prior to obtaining the appropriate authority from the Commission.

CIG states that it first received on April 23, 1981, notification from Michigan Wisconsin that it intended to file with the Commission an application to operate a new pipeline system which would enable Michigan Wisconsin to take deliveries of gas from CIG near Cheyenne, Wyoming. On April 24, 1981, according to CIG, in Docket No. CP81–301–000, American Natural Rocky Mountain Company (ANRMC) made its filing for a certificate authorizing construction of pipeline and associated facilities to transport gas for Michigan Wisconsin from a point near Cheyenne, Wyoming, to Michigan Wisconsin's transmission system near Greensburg, Kansas.

CIG says it has only recently received a copy of the ANRMC application and has not yet completed its analysis of the same. Also, according to CIG, its personnel have only participated in preliminary meetings with Michigan Wisconsin representatives concerning the letter's expressed desire to add a Cheyenne delivery point to the existing agreement.

It is stated that the ANRMC application proposes a service which seems, in part, to be inconsistent with CIG's existing certificated transportation agreement with Michigan Wisconsin. Furthermore, CIG says, the instant application, if certificated as proposed, would appear to eliminate the need for the facilities and service proposed by the ANRMC application. Notwithstanding these recent developments, CIG states that it believes its existing certificated contract obligations to Michigan Wisconsin require it to make the instant filing seeking in part to add facilities to CIG's existing pipeline system in order to accept and redeliver to Michigan Wisconsin at Beaver County, Oklahoma, the volumes nominated by Michigan Wisconsin.

CIG says that the proposed expansion of its Wyoming and Southern Systems would increase CIG's redelivery capacity to Michigan Wisconsin and Panhandle by 168,717 Mcf per day. According to CIG, the expansion of the Southern System would increase the backflow capability from Watkins by 170,262 Mcf per day from 351,100 Mcf per day to 521,362 Mcf per day which is sufficient to satisfy existing and proposed redelivery of the transportation volumes, as well as CIG's storage and market requirements.

CIG states that the proposed facilities would enable it to increase its redelivery capacity to Panhandle at Lakin to 240,686 Mcf per day on a 1983 summer day which would satisfy CIG's redelivery obligation to Panhandle. This redelivery capability at Lakin, CIG says, would satisfy its transportation obligation in accordance with Panhandle's estimate for fiscal year 1983 under the existing transportation and exchange agreement.

CIG says the proposed facilities would also enable CIG to redeliver 124,321 Mcf per day to Michigan Wisconsin at Beaver County which would satisfy the increased level of transportation and exchange volume requested herein.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 1, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17865 Filed 6-15-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RM79-55]

Commonwealth of Massachusetts Department of Public Utilities; Extension of Time

June 9, 1981.

On May 28, 1981, Oglethorpe Power Corporation filed a request for an extension of time to file a petition to intervene in response to the Commission's Notice of Request for Declaratory Order issued May 6, 1981, in the above-docketed proceeding. The motion states that the company requires additional time to solicit the views of its thirty-nine member cooperatives on the proposal of the Massachusetts Department of Public Utilities and to analyze the impact this proposal would have on these cooperatives and their consumers.

Upon consideration, notice is hereby given that an extension of time for the filing of petitions to intervene is granted to and including July 10, 1981.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17870 Filed 6-15-81; 8:45 am]

BILLING CODE 6450-85-M

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JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
OHIO DEPARTMENT OF NATURAL RESOURCES									
-AMTEX OIL AND GAS INC		RECEIVED: 05/06/81 JA: OH							
8129840		3416922177		103		CHARLES SNYDER WELL NO 1	SUGARCREEK	300.0	
8129840		3416922177		107-TF		CHARLES SNYDER WELL NO 1	SUGARCREEK	300.0	
8129839		3416922176		103		ERVIN A WEAVER WELL NO 1	SUGARCREEK	300.0	
8129839		3416922176		107-TF		ERVIN A WEAVER WELL NO 1	SUGARCREEK	300.0	
8129841		3416922298		103		ROMAN S MILLER WELL NO 1	PAINT	250.0	COLUMBIA GAS TRAN
8129841		3416922298		107-TF		ROMAN S MILLER WELL NO 1	PAINT	250.0	COLUMBIA GAS TRAN
8129842		3416922333		103		STROH-GRABER WELL NO 1	PAINT	300.0	
8129842		3416922333		107-TF		STROH-GRABER WELL NO 1	PAINT	300.0	
8129843		3416922334		103		STROH-GRABER WELL NO 2	PAINT	0.0	
8129843		3416922334		107-TF		STROH-GRABER WELL NO 2	PAINT	0.0	
8129844		3416922335		103		STROH-GRABER WELL NO 3	PAINT	300.0	
8129844		3416922335		107-TF		STROH-GRABER WELL NO 3	PAINT	300.0	
8129845		3416922336		103		STROH-GRABER WELL NO 4	PAINT	300.0	
8129845		3416922336		107-TF		STROH-GRABER WELL NO 4	PAINT	300.0	
-APPALACHIAN EXPLORATION INC		RECEIVED: 05/06/81 JA: OH							
8129846		3403123746		103		GARY AND MARILYN STEYSKAL #1	BEDFORD	0.0	COLUMBIA GAS TRAN
-APPALACHIAN PETROLEUM CORP		RECEIVED: 05/06/81 JA: OH							
8129847		3412122601		107-DV		MARK SCHOTT #6	JACKSON	3.5	COLUMBIA GAS TRAN
-ATLAS ENERGY GROUP INC		RECEIVED: 05/06/81 JA: OH							
8129864		3415521285		102-2		ALLEN NO 1	HARTFORD	0.0	COLUMBIA GAS TRAN
8129864		3415521285		107-TF		ALLEN NO 1	HARTFORD	0.0	COLUMBIA GAS TRAN
8129877		3415521409		102-2		AMORGANOS NO 1	HARTFORD	6.0	COLUMBIA GAS TRAN
8129877		3415521409		107-TF		AMORGANOS NO 1	HARTFORD	6.0	COLUMBIA GAS TRAN
8129859		3415521270		102-2		ANDREWS NO 1	HARTFORD	0.0	COLUMBIA GAS TRAN
8129859		3415521270		107-TF		ANDREWS NO 1	HARTFORD	0.0	COLUMBIA GAS TRAN
8129853		3415521176		107-CS		BARFAT NO 1	FOWLER	12.0	COLUMBIA GAS TRAN
8129879		3415521429		102-2		BEADER MYERS UNIT NO 1	HARTFORD	22.0	COLUMBIA GAS TRAN
8129879		3415521429		107-TF		BEADER MYERS UNIT NO 1	HARTFORD	22.0	COLUMBIA GAS TRAN
8129857		3415521189		102-2		BIGGS-GLOWACKY NO 1	FOWLER	12.0	COLUMBIA GAS TRAN
8129857		3415521189		107-TF		BIGGS-GLOWACKY NO 1	FOWLER	12.0	COLUMBIA GAS TRAN
8129856		3415521188		102-2		BODE WILLIAMS NO 1	FOWLER	12.0	COLUMBIA GAS TRAN
8129856		3415521188		107-TF		BODE WILLIAMS NO 1	FOWLER	12.0	COLUMBIA GAS TRAN
8129892		3415521640		103		BRITT NO 1	VERNON	0.0	COLUMBIA GAS TRAN
8129892		3415521640		107-TF		BRITT NO 1	VERNON	0.0	COLUMBIA GAS TRAN
8129865		3415521334		102-2		BUSH EDGAR UN NO 1	HARTFORD	0.0	COLUMBIA GAS TRAN
8129865		3415521334		107-TF		BUSH EDGAR UN NO 1	HARTFORD	0.0	COLUMBIA GAS TRAN
8129848		3415521029		103		CAMBRIDGE FARMS NO 1	BAZETTA	26.0	COPPERWELD STEEL
8129848		3415521029		107-RT		CAMBRIDGE FARMS NO 1	BAZETTA	26.0	COPPERWELD STEEL
8129867		3415521347		103		CAMBRIDGE FARMS NO 2	BAZETTA	109.0	COPPERWELD STEEL
8129867		3415521347		107-TF		CAMBRIDGE FARMS NO 2	BAZETTA	109.0	COPPERWELD STEEL

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8129866		3415521286		103		CAMBRIDGE FARMS NO 3	BAZETTA	109.0	COPPERWELD STEEL
8129866		3415521286		107-TF		CAMBRIDGE FARMS NO 3	BAZETTA	109.0	COPPERWELD STEEL
8129849		3415521030		103		CAMBRIDGE FARMS NO 4	BAZETTA	26.0	COPPERWELD STEEL
8129849		3415521030		107-RT		CAMBRIDGE FARMS NO 4	BAZETTA	26.0	COPPERWELD STEEL
8129850		3415521031		103		CAMBRIDGE FARMS NO 5	BAZETTA	26.0	COPPERWELD STEEL
8129850		3415521031		107-RT		CAMBRIDGE FARMS NO 5	BAZETTA	26.0	COPPERWELD STEEL
8129851		3415521032		103		CAMBRIDGE FARMS NO 6	BAZETTA	26.0	COPPERWELD STEEL
8129851		3415521032		107-RT		CAMBRIDGE FARMS NO 6	BAZETTA	26.0	COPPERWELD STEEL
8129852		3415521033		103		CAMBRIDGE FARMS NO 7	BAZETTA	26.0	COPPERWELD STEEL
8129852		3415521033		107-RT		CAMBRIDGE FARMS NO 7	BAZETTA	26.0	COPPERWELD STEEL
8129868		3415521348		103		CAMBRIDGE FARMS NO 8	BAZETTA	109.0	COPPERWELD STEEL
8129868		3415521348		107-TF		CAMBRIDGE FARMS NO 8	BAZETTA	109.0	COPPERWELD STEEL
8129869		3415521349		103		CAMBRIDGE FARMS NO 9	BAZETTA	109.0	COPPERWELD STEEL
8129869		3415521349		107-TF		CAMBRIDGE FARMS NO 9	BAZETTA	109.0	COPPERWELD STEEL
8129870		3415521350		103		CAMBRIDGE FARMS NO 10	BAZETTA	109.0	COPPERWELD STEEL
8129870		3415521350		107-TF		CAMBRIDGE FARMS NO 10	BAZETTA	109.0	COPPERWELD STEEL
8129871		3415521351		103		CAMBRIDGE FARMS NO 11	BAZETTA	109.0	COPPERWELD STEEL
8129871		3415521351		107-TF		CAMBRIDGE FARMS NO 11	BAZETTA	109.0	COPPERWELD STEEL
8129872		3415521352		103		CAMBRIDGE FARMS NO 12	BAZETTA	109.0	COPPERWELD STEEL
8129872		3415521352		107-TF		CAMBRIDGE FARMS NO 12	BAZETTA	109.0	COPPERWELD STEEL
8129873		3415521353		103		CAMBRIDGE FARMS NO 13	BAZETTA	109.0	COPPERWELD STEEL
8129873		3415521353		107-TF		CAMBRIDGE FARMS NO 13	BAZETTA	109.0	COPPERWELD STEEL
8129874		3415521354		103		CAMBRIDGE FARMS NO 14	BAZETTA	109.0	COPPERWELD STEEL
8129874		3415521354		107-TF		CAMBRIDGE FARMS NO 14	BAZETTA	109.0	COPPERWELD STEEL
8129875		3415521355		103		CAMBRIDGE FARMS NO 15	BAZETTA	109.0	COPPERWELD STEEL
8129875		3415521355		107-TF		CAMBRIDGE FARMS NO 15	BAZETTA	109.0	COPPERWELD STEEL
8129876		3415521356		103		CAMBRIDGE FARMS NO 16	BAZETTA	109.0	COPPERWELD STEEL
8129876		3415521356		107-TF		CAMBRIDGE FARMS NO 16	BAZETTA	109.0	COPPERWELD STEEL
8129860		3415521271		102-2		CARPENTER NO 1	HARTFORD	0.0	COLUMBIA GAS TRAN
8129860		3415521271		107-TF		CARPENTER NO 1	HARTFORD	0.0	COLUMBIA GAS TRAN
8129861		3415521272		102-2		CARPENTER NO 2	HARTFORD	0.0	COLUMBIA GAS TRAN
8129861		3415521272		107-TF		CARPENTER NO 2	HARTFORD	0.0	COLUMBIA GAS TRAN
8129862		3415521273		102-2		CARPENTER NO 3	HARTFORD	0.0	COLUMBIA GAS TRAN
8129862		3415521273		107-TF		CARPENTER NO 3	HARTFORD	0.0	COLUMBIA GAS TRAN
8129863		3415521274		102-2		CARPENTER NO 4	HARTFORD	0.0	COLUMBIA GAS TRAN
8129863		3415521274		107-TF		CARPENTER NO 4	HARTFORD	0.0	COLUMBIA GAS TRAN
8129858		3415521190		102-2		CHAMBERLAIN NO 1	FOWLER	12.0	COLUMBIA GAS TRAN
8129858		3415521190		107-TF		CHAMBERLAIN NO 1	FOWLER	12.0	COLUMBIA GAS TRAN
8129878		3415521428		102-2		CHARLES SNYDER WELL NO 2	SUGARCREEK	300.0	
8129878		3415521428		107-TF		CHARLES SNYDER WELL NO 2	SUGARCREEK	300.0	
8129880		3415521430		102-2		CHARLES SNYDER WELL NO 3	SUGARCREEK	300.0	
8129880		3415521430		107-TF		CHARLES SNYDER WELL NO 3	SUGARCREEK	300.0	
8129881		3415521431		102-2		CHARLES SNYDER WELL NO 4	SUGARCREEK	300.0	
8129881		3415521431		107-TF		CHARLES SNYDER WELL NO 4	SUGARCREEK	300.0	
8129882		3415521432		102-2		CHARLES SNYDER WELL NO 5	SUGARCREEK	300.0	
8129882		3415521432		107-TF		CHARLES SNYDER WELL NO 5	SUGARCREEK	300.0	
8129883		3415521433		102-2		CHARLES SNYDER WELL NO 6	SUGARCREEK	300.0	
8129883		3415521433		107-TF		CHARLES SNYDER WELL NO 6	SUGARCREEK	300.0	
8129884		3415521434		102-2		CHARLES SNYDER WELL NO 7	SUGARCREEK	300.0	
8129884		3415521434		107-TF		CHARLES SNYDER WELL NO 7	SUGARCREEK	300.0	
8129885		3415521435		102-2		CHARLES SNYDER WELL NO 8	SUGARCREEK	300.0	
8129885		3415521435		107-TF		CHARLES SNYDER WELL NO 8	SUGARCREEK	300.0	
8129886		3415521436		102-2		CHARLES SNYDER WELL NO 9	SUGARCREEK	300.0	
8129886		3415521436		107-TF		CHARLES SNYDER WELL NO 9	SUGARCREEK	300.0	
8129887		3415521437		102-2		CHARLES SNYDER WELL NO 10	SUGARCREEK	300.0	
8129887		3415521437		107-TF		CHARLES SNYDER WELL NO 10	SUGARCREEK	300.0	
8129888		3415521438		102-2		CHARLES SNYDER WELL NO 11	SUGARCREEK	300.0	
8129888		3415521438		107-TF		CHARLES SNYDER WELL NO 11	SUGARCREEK	300.0	
8129889		3415521439		102-2		CHARLES SNYDER WELL NO 12	SUGARCREEK	300.0	
8129889		3415521439		107-TF		CHARLES SNYDER WELL NO 12	SUGARCREEK	300.0	
8129890		3415521440		102-2		CHARLES SNYDER WELL NO 13	SUGARCREEK	300.0	
8129890		3415521440		107-TF		CHARLES SNYDER WELL NO 13	SUGARCREEK	300.0	
8129891		3415521441		102-2		CHARLES SNYDER WELL NO 14	SUGARCREEK	300.0	
8129891		3415521441		107-TF		CHARLES SNYDER WELL NO 14	SUGARCREEK	300.0	

JD NO	JA DKT	API NO	E	SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8129866		3415521346		103	CAMBRIDGE FARMS NO 3	BAZETTA	91.0	COPPERWELD STEEL
8129866		3415521346		107-TF	CAMBRIDGE FARMS NO 3	BAZETTA	91.0	COPPERWELD STEEL
8129849		3415521018		103	DABELKO NO 1	CHAPPION	37.0	COPPERWELD STEEL
8129849		3415521018		107-TF	DABELKO NO 1	CHAPPION	37.0	COPPERWELD STEEL
8129858		3415521234		103	ELLIS JAMES UNIT NO 1	CHAPPION	19.0	COPPERWELD STEEL
8129858		3415521234		107-TF	ELLIS JAMES UNIT NO 1	CHAPPION	19.0	COPPERWELD STEEL
8129878		3415521414		102-2	FABICK NO 1	HARTFORD	0.0	COLUMBIA GAS TRAN
8129878		3415521414		107-TF	FABICK NO 1	HARTFORD	0.0	COLUMBIA GAS TRAN
8129871		3415521383		102-2	FUREY NO 1	HARTFORD	0.0	COLUMBIA GAS TRAN
8129871		3415521383		107-TF	FUREY NO 1	HARTFORD	0.0	COLUMBIA GAS TRAN
8129890		3415521612		103	GALLATIN NO 1	VERNON	8.0	COLUMBIA GAS TRAN
8129890		3415521612		107-TF	GALLATIN NO 1	VERNON	8.0	COLUMBIA GAS TRAN
8129883		3415521499		102-2	GOODHART NO 1	VERNON	0.0	COLUMBIA GAS TRAN
8129883		3415521499		107-TF	GOODHART NO 1	VERNON	0.0	COLUMBIA GAS TRAN
8129885		3415521[illegible]		102-2	H DRAA NO 1	VERNON	0.0	COLUMBIA GAS TRAN
8129885		3415521[illegible]		107-TF	H DRAA NO 1	VERNON	0.0	COLUMBIA GAS TRAN
8129875		3415521388		102-2	HORNING NO 1	BROCKFIELD	0.0	COLUMBIA GAS TRAN
8129875		3415521388		107-TF	HORNING NO 1	BROCKFIELD	0.0	COLUMBIA GAS TRAN
8129851		3415521166		102-2	J MIZICKO NO 1	FOWLER	0.0	COLUMBIA GAS TRAN
8129851		3415521166		107-TF	J MIZICKO NO 1	FOWLER	0.0	COLUMBIA GAS TRAN
8129861		3415521273		102-2	JENNINGS NO 1	BROCKFIELD	0.0	COLUMBIA GAS TRAN
8129861		3415521273		107-TF	JENNINGS NO 1	BROCKFIELD	0.0	COLUMBIA GAS TRAN
8129860		3415521272		102-2	KEPNER NO 1	HARTFORD	0.0	COLUMBIA GAS TRAN
8129860		3415521272		107-TF	KEPNER NO 1	HARTFORD	0.0	COLUMBIA GAS TRAN
8129887		3415521591		103	KEPNER NO 2	HARTFORD	0.0	COLUMBIA GAS TRAN
8129887		3415521591		107-TF	KEPNER NO 2	HARTFORD	0.0	COLUMBIA GAS TRAN
8129876		3415521404		102-2	LIST NO 1	HARTFORD	0.0	COLUMBIA GAS TRAN
8129876		3415521404		107-TF	LIST NO 1	HARTFORD	0.0	COLUMBIA GAS TRAN
8129882		3415521457		102-2	MALLETT NO 1	HARTFORD	0.0	COLUMBIA GAS TRAN
8129882		3415521457		107-TF	MALLETT NO 1	HARTFORD	0.0	COLUMBIA GAS TRAN
8129870		3415521382		102-2	MCCURDY NO 1	BROCKFIELD	0.0	COLUMBIA GAS TRAN
8129870		3415521382		107-TF	MCCURDY NO 1	BROCKFIELD	0.0	COLUMBIA GAS TRAN
8129889		3415521607		103	MCKAY NO 3	BROCKFIELD	16.0	COLUMBIA GAS TRAN
8129889		3415521607		107-TF	MCKAY NO 3	BROCKFIELD	16.0	COLUMBIA GAS TRAN
8129855		3415521187		107-CS	MONTGOMERY NO 1	BROCKFIELD	12.0	COLUMBIA GAS TRAN
8129862		3415521274		102-2	MONTGOMERY NO 2	BROCKFIELD	0.0	COLUMBIA GAS TRAN
8129862		3415521274		107-TF	MONTGOMERY NO 2	BROCKFIELD	0.0	COLUMBIA GAS TRAN
8129886		3415521581		103	ROMAN CATH DIOCESE YOUNGSTOWN #2	CHAPPION	65.0	COLUMBIA GAS TRAN
8129886		3415521581		107-TF	ROMAN CATH DIOCESE YOUNGSTOWN #2	CHAPPION	65.0	COLUMBIA GAS TRAN
8129868		3415521353		102-2	RUIHLEY NO 1	HARTFORD	0.0	COLUMBIA GAS TRAN
8129868		3415521353		107-TF	RUIHLEY NO 1	HARTFORD	0.0	COLUMBIA GAS TRAN
8129863		3415521284		102-2	SABOLIA NO 1	HARTFORD	0.0	COLUMBIA GAS TRAN
8129863		3415521284		107-TF	SABOLIA NO 1	HARTFORD	0.0	COLUMBIA GAS TRAN
8129881		3415521430		102-2	SHRADER NO 1	HARTFORD	0.0	COLUMBIA GAS TRAN
8129881		3415521430		107-TF	SHRADER NO 1	HARTFORD	0.0	COLUMBIA GAS TRAN
8129880		3415521430		103	SHRADER-TAYLOR NO 1	HARTFORD	35.0	COLUMBIA GAS TRAN
8129880		3415521430		107-TF	SHRADER-TAYLOR NO 1	HARTFORD	35.0	COLUMBIA GAS TRAN
8129884		3415521500		102-2	SPEELMAN NELSON NO 1	HARTFORD	0.0	COLUMBIA GAS TRAN
8129884		3415521500		107-TF	SPEELMAN NELSON NO 1	HARTFORD	0.0	COLUMBIA GAS TRAN
8129869		3415521381		102-2	STARR NO 1	BROCKFIELD	0.0	COLUMBIA GAS TRAN
8129869		3415521381		107-TF	STARR NO 1	BROCKFIELD	0.0	COLUMBIA GAS TRAN
8129850		3415521165		107-CS	TAYLOR NO 1	FOWLER	11.0	COLUMBIA GAS TRAN
8129854		3415521185		102-2	THOMAS NO 2	BROCKFIELD	0.0	COLUMBIA GAS TRAN
8129854		3415521185		107-TF	THOMAS NO 2	BROCKFIELD	0.0	COLUMBIA GAS TRAN

VOLUME 936 PAGE 003

FIELD NAME	FRCD	PURCHASER
VERNON	11.0	COLUMBIA GAS TRAN
VERNON	11.0	COLUMBIA GAS TRAN
CHAMPION	41.0	COPPERWELD STEEL
CHAMPION	41.0	COPPERWELD STEEL
VERNON	0.0	COLUMBIA GAS TRAN
VERNON	0.0	COLUMBIA GAS TRAN
BROCKFIELD	19.0	COLUMBIA GAS TRAN
BROCKFIELD	19.0	COLUMBIA GAS TRAN
BROCKFIELD	0.0	COLUMBIA GAS TRAN
BROCKFIELD	0.0	COLUMBIA GAS TRAN
BROCKFIELD	0.0	COLUMBIA GAS TRAN
BROCKFIELD	0.0	COLUMBIA GAS TRAN
RAVENNA	40.0	
RAVENNA	40.0	
ROOTSTOWN	10.0	
ROOTSTOWN	10.0	
RAVENNA	25.0	
RAVENNA	25.0	
RAVENNA	20.0	
RAVENNA	20.0	
LIBERTY	25.2	EAST OHIO GAS CO
LIBERTY	25.2	EAST OHIO GAS CO
BROCKFIELD	29.0	COLUMBIA GAS TRAN
BROCKFIELD	29.0	COLUMBIA GAS TRAN
BROCKFIELD	16.0	COLUMBIA GAS TRAN
BROCKFIELD	16.0	COLUMBIA GAS TRAN
BROCKFIELD	15.0	COLUMBIA GAS TRAN
BROCKFIELD	15.0	COLUMBIA GAS TRAN
BROCKFIELD	21.6	COLUMBIA GAS TRAN
BROCKFIELD	21.6	COLUMBIA GAS TRAN
BROCKFIELD	46.0	COLUMBIA GAS TRAN
BROCKFIELD	46.0	COLUMBIA GAS TRAN
VIENNA	1.8	EAST OHIO GAS CO
VIENNA	1.8	EAST OHIO GAS CO
LIBERTY	1.0	EAST OHIO GAS CO
LIBERTY	1.0	EAST OHIO GAS CO
VIENNA	0.7	EAST OHIO GAS CO
VIENNA	0.7	EAST OHIO GAS CO
LIBERTY	14.4	EAST OHIO GAS CO
LIBERTY	14.4	EAST OHIO GAS CO
LIBERTY	10.8	EAST OHIO GAS CO
LIBERTY	10.8	EAST OHIO GAS CO
VIENNA	2.4	EAST OHIO GAS CO
VIENNA	2.4	EAST OHIO GAS CO
VIENNA	2.2	EAST OHIO GAS CO
VIENNA	2.2	EAST OHIO GAS CO
VIENNA	0.7	EAST OHIO GAS CO
VIENNA	0.7	EAST OHIO GAS CO
BROCKFIELD	1.0	COLUMBIA GAS TRAN
BROCKFIELD	1.0	COLUMBIA GAS TRAN
BROCKFIELD	1.0	COLUMBIA GAS TRAN
BROCKFIELD	1.0	COLUMBIA GAS TRAN

API NO	SEC	CAT	WELL NAME
3415521602	103		TOMLINSON NO 1
3415521602	107-TF		TOMLINSON NO 1
3415521173	103		TORI UN NO 1
3415521173	107-RT		TORI UN NO 1
3415521630	103		WADE NO 1
3415521630	107-TF		WADE NO 1
3415521385	102-2		YASKOWSKI NO 1
3415521385	107-TF		YASKOWSKI NO 1
3415521346	102-2		ZOELAR NO 1
3415521346	107-TF		ZOELAR NO 1
3415521387	102-2		ZOELAR NO 2
3415521387	107-TF		ZOELAR NO 2

-BECK OIL & GAS CO — RECEIVED: 05/06/81 JA: CH

3413322396	103		ANTOINETTE BENNETT NO 1
3413322396	107-TF		ANTOINETTE BENNETT NO 1
3413322397	103		BROWN WELL NO 1
3413322397	107-TF		BROWN WELL NO 1
3413322350	103		MCMAHON WELL NO 1
3413322350	107-TF		MCMAHON WELL NO 1
3413322356	103		TICKNOR WELL NO 1
3413322356	107-TF		TICKNOR WELL NO 1

-BEREA OIL AND GAS COMPORATION — RECEIVED: 05/06/81 JA: CH

3415521116	103		A ABRUTZ & J DAMATC UNIT
3415521116	107-RT		A ABRUTZ & J DAMATC UNIT
3415521337	102-2		BELUS #1
3415521337	107-TF		BELUS #1
3415521292	102-2		BIELBOCKIE #1
3415521252	107-TF		BIELBOCKIE #1
3415521291	102-2		BIELBOCKIE #2
3415521251	107-TF		BIELBOCKIE #2
3415521301	102-2		BIELBOCKIE #3
3415521301	107-TF		BIELBOCKIE #3
3415521303	102-2		BIELBOCKIE #4
3415521333	107-TF		BIELBOCKIE #4
3415521305	103		BUILDERS ASSOCIATION UNIT
3415521305	107-TF		BUILDERS ASSOCIATION UNIT
3415521115	103		BURIN UNIT #1
3415521115	107-DP		BURIN UNIT #1
3415521357	103		CRAIN UNIT #1
3415521357	107-TF		CRAIN UNIT #1
3415520689	103		D & P BRUNO #1
3415520689	107-RT		D & P BRUNO #1
3415520972	103		E & J FOLTZ #1
3415520972	107-RT		E & J FOLTZ #1
3415521360	103		FLINT #1A
3415521360	107-TF		FLINT #1A
3415521313	103		GONCZ #1
3415521313	107-TF		GONCZ #1
3415521312	103		GONCZ #2
3415521312	107-TF		GONCZ #2
3415521364	102-2		HROPYAK #1
3415521364	107-TF		HROPYAK #1
3415521363	102-2		HROPYAK #2
3415521363	107-TF		HROPYAK #2

VOLUME 936 PAGE 004

FIELD NAME	FRCD	PURCHASER

API NO	SEC	CAT	WELL NAME

SD NO	SA DKT	API NO	C	SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8129951		3415521351		102-2	HUBISH #3	BROCKFIELD	1.0	COLUMBIA GAS TRAN
8129951		3415521351		107-TF	HUBISH #3	BROCKFIELD	1.0	COLUMBIA GAS TRAN
8129904		3415520641		103	I D CREED #1	LIBERTY	32.4	EAST OHIO GAS CO
8129904		3415520641		107-RT	I D CREED #1	LIBERTY	32.4	EAST OHIO GAS CO
8129911		3415521013		103	J & M DENIRO UNIT #1	LIBERTY	21.6	EAST OHIO GAS CO
8129911		3415521013		107-RT	J & M DENIRO UNIT #1	LIBERTY	21.6	EAST OHIO GAS CO
8129944		3415521358		103	KEIR UNIT #1	VIENNA	1.0	EAST OHIO GAS CO
8129944		3415521358		107-TF	KEIR UNIT #1	VIENNA	1.0	EAST OHIO GAS CO
8129906		3415520769		103	KLOUDA UNIT #1	FARMINGTON	0.5	EAST OHIO GAS CO
8129906		3415520769		107-RT	KLOUDA UNIT #1	FARMINGTON	0.5	EAST OHIO GAS CO
8129915		3415521224		103	LALLO-WILLAMAN UNIT #1	VIENNA	1.0	EAST OHIO GAS CO
8129915		3415521224		107-TF	LALLO-WILLAMAN UNIT #1	VIENNA	1.0	EAST OHIO GAS CO
8129947		3415521362		102-2	LEONARD UNIT #1	BROCKFIELD	1.0	COLUMBIA GAS TRAN
8129947		3415521362		107-TF	LEONARD UNIT #1	BROCKFIELD	1.0	COLUMBIA GAS TRAN
8129929		3415521309		102-2	LUKASKO #1	BROCKFIELD	28.8	COLUMBIA GAS TRAN
8129929		3415521309		107-TF	LUKASKO #1	BROCKFIELD	28.8	COLUMBIA GAS TRAN
8129928		3415521308		102-2	LUKASKO #2	BROCKFIELD	25.2	COLUMBIA GAS TRAN
8129928		3415521308		107-TF	LUKASKO #2	BROCKFIELD	25.2	COLUMBIA GAS TRAN
8129945		3415521359		103	MAJECIC #1	VIENNA	1.0	EAST OHIO GAS CO
8129945		3415521359		107-TF	MAJECIC #1	VIENNA	1.0	EAST OHIO GAS CO
8129941		3415521350		102-2	MALINER #1	BROCKFIELD	15.0	COLUMBIA GAS TRAN
8129941		3415521350		107-TF	MALINER #1	BROCKFIELD	15.0	COLUMBIA GAS TRAN
8129936		3415521335		103	MANENTI #1	VIENNA	0.7	EAST OHIO GAS CO
8129936		3415521335		107-TF	MANENTI #1	VIENNA	0.7	EAST OHIO GAS CO
8129916		3415521260		103	MARKOVICH #1	VIENNA	1.5	EAST OHIO GAS CO
8129916		3415521260		107-RT	MARKOVICH #1	VIENNA	1.5	EAST OHIO GAS CO
8129950		3415521374		102-2	MEEKER #2	BROCKFIELD	0.0	COLUMBIA GAS TRAN
8129950		3415521374		107-TF	MEEKER #2	BROCKFIELD	0.0	COLUMBIA GAS TRAN
8129918		3415521288		102-2	MOSCRA #1	BROCKFIELD	54.0	COLUMBIA GAS TRAN
8129918		3415521288		107-TF	MOSCRA #1	BROCKFIELD	54.0	COLUMBIA GAS TRAN
8129919		3415521289		102-2	MOSORA #2	BROCKFIELD	18.0	COLUMBIA GAS TRAN
8129919		3415521289		107-TF	MOSORA #2	BROCKFIELD	18.0	COLUMBIA GAS TRAN
8129940		3415521345		102-2	MURCKO #4	BROCKFIELD	20.0	COLUMBIA GAS TRAN
8129940		3415521345		107-TF	MURCKO #4	BROCKFIELD	20.0	COLUMBIA GAS TRAN
8129939		3415521344		102-2	MURCKO #5	BROCKFIELD	29.8	COLUMBIA GAS TRAN
8129939		3415521344		107-TF	MURCKO #5	BROCKFIELD	29.8	COLUMBIA GAS TRAN
8129942		3415521355		102-2	MURCKO UNIT #2	BROCKFIELD	1.0	COLUMBIA GAS TRAN
8129942		3415521355		107-TF	MURCKO UNIT #2	BROCKFIELD	1.0	COLUMBIA GAS TRAN
8129903		3405520286		103	O & W HOPKINS #3	PARKMAN	0.5	EAST OHIO GAS CO
8129903		3405520286		107-RT	O & W HOPKINS #3	PARKMAN	0.5	EAST OHIO GAS CO
8129907		3415520970		103	P E & J H SCHLADEN #1	LIBERTY	16.2	EAST OHIO GAS CO
8129907		3415520970		107-RT	P E & J H SCHLADEN #1	LIBERTY	16.2	EAST OHIO GAS CO
8129909		3415521011		103	R BANNER #1	LIBERTY	14.4	EAST OHIO GAS CO
8129909		3415521011		107-RT	R BANNER #1	LIBERTY	14.4	EAST OHIO GAS CO
8129910		3415521012		103	R BANNER #2	LIBERTY	23.4	EAST OHIO GAS CO
8129910		3415521012		107-RT	R BANNER #2	LIBERTY	23.4	EAST OHIO GAS CO
8129930		3415521310		103	S GONCZ #3	VIENNA	1.0	EAST OHIO GAS CO
8129930		3415521310		107-TF	S GONCZ #3	VIENNA	1.0	EAST OHIO GAS CO
8129914		3415521223		103	SCHULTZ #1	VIENNA	0.7	EAST OHIO GAS CO
8129914		3415521223		107-TF	SCHULTZ #1	VIENNA	0.7	EAST OHIO GAS CO
8129920		3415521290		102-2	SMITH #1	BROCKFIELD	18.8	COLUMBIA GAS TRAN
8129920		3415521290		107-TF	SMITH #1	BROCKFIELD	18.8	COLUMBIA GAS TRAN
8129934		3415521316		103	SWARTZ #1	VIENNA	1.2	EAST OHIO GAS CO
8129934		3415521316		107-TF	SWARTZ #1	VIENNA	1.2	EAST OHIO GAS CO

JO NO	JA CKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8129923		3415521296		103		THOMAS #2	VIENNA	0.7	EAST OHIO GAS CO
8129923		3415521296		107	TF	THOMAS #2	VIENNA	0.7	EAST OHIO GAS CO
8129924		3415521297		103		THOMAS #3	VIENNA	1.0	EAST OHIO GAS CO
8129924		3415521297		107	TF	THOMAS #3	VIENNA	1.0	EAST OHIO GAS CO
8129925		3415521298		103		THOMAS #4	VIENNA	1.5	EAST OHIO GAS CO
8129925		3415521298		107	TF	THOMAS #4	VIENNA	1.5	EAST OHIO GAS CO
8129917		3415521277		103		WALLACE #1	VIENNA	2.2	EAST OHIO GAS CO
8129917		3415521277		107	TF	WALLACE #1	VIENNA	2.2	EAST OHIO GAS CO
8129938		3415521338		102	-2	WASILCHAK #1	BROCKFIELD	18.0	COLUMBIA GAS TRAN
8129938		3415521338		107	TF	WASILCHAK #1	BROCKFIELD	18.0	COLUMBIA GAS TRAN
8129933		3415521315		103		WOOD #1	VIENNA	0.7	EAST OHIO GAS CO
8129933		3415521315		107	TF	WOOD #1	VIENNA	0.7	EAST OHIO GAS CO
-BETHEL RESOURCES INC		RECEIVED: 05/06/81 JA: CH							
8129957		3416922347		103		GUENTHER #5	CHESTER	12.0	COLUMBIA GAS TRAN
8129957		3416922347		107	TF	GUENTHER #5	CHESTER	12.0	COLUMBIA GAS TRAN
8129958		3416922444		103		HOUSE #1	WAYNE	12.0	COLUMBIA GAS TRAN
8129958		3416922444		107	TF	HOUSE #1	WAYNE	12.0	COLUMBIA GAS TRAN
8129953		3416922244		103		OGDEN #1	CHESTER	12.0	COLUMBIA GAS TRAN
8129953		3416922244		107	TF	OGDEN #1	CHESTER	12.0	COLUMBIA GAS TRAN
8129956		3416922342		103		OGDEN #3	CHESTER	12.0	COLUMBIA GAS TRAN
8129956		3416922342		107	TF	OGDEN #3	CHESTER	12.0	COLUMBIA GAS TRAN
8129952		3416922240		103		RICKETT #2	WAYNE	12.0	COLUMBIA GAS TRAN
8129952		3416922240		107	TF	RICKETT #2	WAYNE	12.0	COLUMBIA GAS TRAN
8129954		3416922250		103		WEISER #1	CHESTER	12.0	COLUMBIA GAS TRAN
8129954		3416922250		107	TF	WEISER #1	CHESTER	12.0	COLUMBIA GAS TRAN
8129955		3416922255		103		ZIMMERMAN #2	WAYNE	12.0	COLUMBIA GAS TRAN
8129955		3416922255		107	TF	ZIMMERMAN #2	WAYNE	12.0	COLUMBIA GAS TRAN
-BRADEN DEVELOPMENT COMPANY		RECEIVED: 05/06/81 JA: CH							
8129968		3416725568		103		BRADEN-LINDAMOOD #2	INDEPENDENCE	60.0	
8129969		3416725894		103		BRADEN-LINDAMOOD #3	INDEPENDENCE	100.0	
8129967		3416725467		103		ENOCH #1	INDEPENDENCE	50.0	
-BROWN PETROLEUM CORP		RECEIVED: 05/06/81 JA: CH							
8129971		3407522262		103		FLINTSTONE FARMS #2	KILLBUCK	3.0	COLUMBIA GAS TRAN
8129971		3407522262		107	TF	FLINTSTONE FARMS #2	KILLBUCK	3.0	COLUMBIA GAS TRAN
-BUCKEYE OIL PRODUCING CO		RECEIVED: 05/06/81 JA: CH							
8129976		3416922185		108		DELMAR C FALB #1		8.0	COLUMBIA GAS TRAN
8129973		3407522179		108		CLI J TROYER #1		8.0	EAST OHIO GAS CO
8129975		3413521541		108		INGLADO #1		3.0	EAST OHIO GAS CO
8129974		3407522181		108		LEVI HERSHBERGER #1		12.0	EAST OHIO GAS CO
-BUCKEYE CRUDE EXPLORATION INC		RECEIVED: 05/06/81 JA: CH							
8129972		3400921766		103		JOHNSON #2	AMES	2.3	COLUMBIA GAS TRAN
-CLINTON OIL CO		RECEIVED: 05/06/81 JA: CH							
8129981		3413322317		103		BAILEY-DAVIS #1-519	RANDOLPH	75.0	TIMKEN CO
8129981		3413322317		107	TF	BAILEY-DAVIS #1-519	RANDOLPH	75.0	TIMKEN CO
8129982		3413322318		103		BANIECKI #1-520	ROOTSTOWN	100.0	TIMKEN CO
8129982		3413322318		107	TF	BANIECKI #1-520	ROOTSTOWN	100.0	TIMKEN CO
8129980		3413322261		103		BANIECKI 2-512	ROOTSTOWN	100.0	TIMKEN CO
8129980		3413322261		107	TF	BANIECKI 2-512	ROOTSTOWN	100.0	TIMKEN CO
8129984		3413322420		103		D & T TURNER #1-555	MANTUA	100.0	TIMKEN CO
8129984		3413322420		107	TF	D & T TURNER #1-555	MANTUA	100.0	TIMKEN CO
8129988		3413322496		103		D & T TURNER #2-688	MANTUA	100.0	TIMKEN CO
8129988		3413322496		107	TF	D & T TURNER #2-688	MANTUA	100.0	TIMKEN CO
8129983		3413322407		103		FRANK PAPP UNIT #1-521	BRIFFIELD	100.0	TIMKEN CO
8129983		3413322407		107	TF	FRANK PAPP UNIT #1-521	BRIFFIELD	100.0	TIMKEN CO

JO NO	JA CKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8129986		3413322452		103		JOHN & DAVID SMITH #1-532	RANDOLPH	75.0	TIMKEN CO
8129986		3413322452		107	TF	JOHN & DAVID SMITH #1-532	RANDOLPH	75.0	TIMKEN CO
8129985		3413322451		103		JOHN & DAVID SMITH #2-533	RANDOLPH	75.0	TIMKEN CO
8129985		3413322451		107	TF	JOHN & DAVID SMITH #2-533	RANDOLPH	75.0	TIMKEN CO
8129987		3413322495		103		KOSTELNIK #1-687	MANTUA	100.0	TIMKEN CO
8129987		3413322495		107	TF	KOSTELNIK #1-687	MANTUA	100.0	TIMKEN CO
8129989		3413322497		103		KOSTELNIK #2-689	MANTUA	100.0	TIMKEN CO
8129989		3413322497		107	TF	KOSTELNIK #2-689	MANTUA	100.0	TIMKEN CO
8129990		3413322498		103		KOSTELNIK #3-690	MANTUA	100.0	TIMKEN CO
8129990		3413322498		107	TF	KOSTELNIK #3-690	MANTUA	100.0	TIMKEN CO
8129991		3413322499		103		KOSTELNIK #4-691	MANTUA	100.0	TIMKEN CO
8129991		3413322499		107	TF	KOSTELNIK #4-691	MANTUA	100.0	TIMKEN CO
8129992		3413322500		103		KOSTELNIK #5-692	MANTUA	100.0	TIMKEN CO
8129992		3413322500		107	TF	KOSTELNIK #5-692	MANTUA	100.0	TIMKEN CO
8129993		3413322501		103		KOSTELNIK #6-693	MANTUA	100.0	TIMKEN CO
8129993		3413322501		107	TF	KOSTELNIK #6-693	MANTUA	100.0	TIMKEN CO
8129994		3413322502		103		KOSTELNIK #7-694	MANTUA	100.0	TIMKEN CO
8129994		3413322502		107	TF	KOSTELNIK #7-694	MANTUA	100.0	TIMKEN CO
8129995		3413322503		103		KOSTELNIK #8-695	MANTUA	100.0	TIMKEN CO
8129995		3413322503		107	TF	KOSTELNIK #8-695	MANTUA	100.0	TIMKEN CO
8129996		3413322504		103		KOSTELNIK #9-696	MANTUA	100.0	TIMKEN CO
8129996		3413322504		107	TF	KOSTELNIK #9-696	MANTUA	100.0	TIMKEN CO
8129997		3413322505		103		KOSTELNIK #10-697	MANTUA	100.0	TIMKEN CO
8129997		3413322505		107	TF	KOSTELNIK #10-697	MANTUA	100.0	TIMKEN CO
8129998		3413322506		103		KOSTELNIK #11-698	MANTUA	100.0	TIMKEN CO
8129998		3413322506		107	TF	KOSTELNIK #11-698	MANTUA	100.0	TIMKEN CO
8129999		3413322507		103		KOSTELNIK #12-699	MANTUA	100.0	TIMKEN CO
8129999		3413322507		107	TF	KOSTELNIK #12-699	MANTUA	100.0	TIMKEN CO
8130000		3413322508		103		KOSTELNIK #13-700	MANTUA	100.0	TIMKEN CO
8130000		3413322508		107	TF	KOSTELNIK #13-700	MANTUA	100.0	TIMKEN CO
8130001		3413322509		103		KOSTELNIK #14-701	MANTUA	100.0	TIMKEN CO
8130001		3413322509		107	TF	KOSTELNIK #14-701	MANTUA	100.0	TIMKEN CO
8130002		3413322510		103		KOSTELNIK #15-702	MANTUA	100.0	TIMKEN CO
8130002		3413322510		107	TF	KOSTELNIK #15-702	MANTUA	100.0	TIMKEN CO
8130003		3413322511		103		KOSTELNIK #16-703	MANTUA	100.0	TIMKEN CO
8130003		3413322511		107	TF	KOSTELNIK #16-703	MANTUA	100.0	TIMKEN CO
8130004		3413322512		103		KOSTELNIK #17-704	MANTUA	100.0	TIMKEN CO
8130004		3413322512		107	TF	KOSTELNIK #17-704	MANTUA	100.0	TIMKEN CO
8130005		3413322513		103		KOSTELNIK #18-705	MANTUA	100.0	TIMKEN CO
8130005		3413322513		107	TF	KOSTELNIK #18-705	MANTUA	100.0	TIMKEN CO
8130006		3413322514		103		KOSTELNIK #19-706	MANTUA	100.0	TIMKEN CO
8130006		3413322514		107	TF	KOSTELNIK #19-706	MANTUA	100.0	TIMKEN CO
8130007		3413322515		103		KOSTELNIK #20-707	MANTUA	100.0	TIMKEN CO
8130007		3413322515		107	TF	KOSTELNIK #20-707	MANTUA	100.0	TIMKEN CO
8130008		3413322516		103		KOSTELNIK #21-708	MANTUA	100.0	TIMKEN CO
8130008		3413322516		107	TF	KOSTELNIK #21-708	MANTUA	100.0	TIMKEN CO
8130009		3413322517		103		KOSTELNIK #22-709	MANTUA	100.0	TIMKEN CO
8130009		3413322517		107	TF	KOSTELNIK #22-709	MANTUA	100.0	TIMKEN CO
8130010		3413322518		103		KOSTELNIK #23-710	MANTUA	100.0	TIMKEN CO
8130010		3413322518		107	TF	KOSTELNIK #23-710	MANTUA	100.0	TIMKEN CO
8130011		3413322519		103		KOSTELNIK #24-711	MANTUA	100.0	TIMKEN CO
8130011		3413322519		107	TF	KOSTELNIK #24-711	MANTUA	100.0	TIMKEN CO
8130012		3413322520		103		KOSTELNIK #25-712	MANTUA	100.0	TIMKEN CO
8130012		3413322520		107	TF	KOSTELNIK #25-712	MANTUA	100.0	TIMKEN CO
8130013		3413322521		103		KOSTELNIK #26-713	MANTUA	100.0	TIMKEN CO
8130013		3413322521		107	TF	KOSTELNIK #26-713	MANTUA	100.0	TIMKEN CO
8130014		3413322522		103		KOSTELNIK #27-714	MANTUA	100.0	TIMKEN CO
8130014		3413322522		107	TF	KOSTELNIK #27-714	MANTUA	100.0	TIMKEN CO
8130015		3413322523		103		KOSTELNIK #28-715	MANTUA	100.0	TIMKEN CO
8130015		3413322523		107	TF	KOSTELNIK #28-715	MANTUA	100.0	TIMKEN CO
8130016		3413322524		103		KOSTELNIK #29-716	MANTUA	100.0	TIMKEN CO
8130016		3413322524		107	TF	KOSTELNIK #29-716	MANTUA	100.0	TIMKEN CO
8130017		3413322525		103		KOSTELNIK #30-717	MANTUA	100.0	TIMKEN CO
8130017		3413322525		107	TF	KOSTELNIK #30-717	MANTUA	100.0	TIMKEN CO
8130018		3413322526		103		KOSTELNIK #31-718	MANTUA	100.0	TIMKEN CO
8130018		3413322526		107	TF	KOSTELNIK #31-718	MANTUA	100.0	TIMKEN CO
8130019		3413322527		103		KOSTELNIK #32-719	MANTUA	100.0	TIMKEN CO
8130019		3413322527		107	TF	KOSTELNIK #32-719	MANTUA	100.0	TIMKEN CO
8130020		3413322528		103		KOSTELNIK #33-720	MANTUA	100.0	TIMKEN CO
8130020		3413322528		107	TF	KOSTELNIK #33-720	MANTUA	100.0	TIMKEN CO
8130021		3413322529		103		KOSTELNIK #34-721	MANTUA	100.0	TIMKEN CO
8130021		3413322529		107	TF	KOSTELNIK #34-721	MANTUA	100.0	TIMKEN CO
8130022		3413322530		103		KOSTELNIK #35-722	MANTUA	100.0	TIMKEN CO
8130022		3413322530		107	TF	KOSTELNIK #35-722	MANTUA	100.0	TIMKEN CO
8130023		3413322531		103		KOSTELNIK #36-723	MANTUA	100.0	TIMKEN CO
8130023		3413322531		107	TF	KOSTELNIK #36-723	MANTUA	100.0	TIMKEN CO
8130024		3413322532		103		KOSTELNIK #37-724	MANTUA	100.0	TIMKEN CO
8130024		3413322532		107	TF	KOSTELNIK #37-724	MANTUA	100.0	TIMKEN CO
8130025		3413322533		103		KOSTELNIK #38-725	MANTUA	100.0	TIMKEN CO
8130025		3413322533		107	TF	KOSTELNIK #38-725	MANTUA	100.0	TIMKEN CO
8130026		3413322534		103		KOSTELNIK #39-726	MANTUA	100.0	TIMKEN CO
8130026		3413322534		107	TF	KOSTELNIK #39-726	MANTUA	100.0	TIMKEN CO
8130027		3413322535		103		KOSTELNIK #40-727	MANTUA	100.0	TIMKEN CO
8130027		3413322535		107	TF	KOSTELNIK #40-727	MANTUA	100.0	TIMKEN CO
8130028		3413322536		103		KOSTELNIK #41-728	MANTUA	100.0	TIMKEN CO
8130028		3413322536		107	TF	KOSTELNIK #41-728	MANTUA	100.0	TIMKEN CO
8130029		3413322537		103		KOSTELNIK #42-729	MANTUA	100.0	TIMKEN CO
8130029		3413322537		107	TF	KOSTELNIK #42-729	MANTUA	100.0	TIMKEN CO
8130030		3413322538		103		KOSTELNIK #43-730	MANTUA	100.0	TIMKEN CO
8130030		3413322538		107	TF	KOSTELNIK #43-730	MANTUA	100.0	TIMKEN CO
8130031		3413322539		103		KOSTELNIK #44-731	MANTUA	100.0	TIMKEN CO
8130031		3413322539		107	TF	KOSTELNIK #44-731	MANTUA	100.0	TIMKEN CO
8130032		3413322540		103		KOSTELNIK #45-732	MANTUA	100.0	TIMKEN CO
8130032		3413322540		107	TF	KOSTELNIK #45-732	MANTUA	100.0	TIMKEN CO
8130033		3413322541		103		KOSTELNIK #46-733	MANTUA	100.0	TIMKEN CO
8130033		3413322541		107	TF	KOSTELNIK #46-733	MANTUA	100.0	TIMKEN CO
8130034		3413322542		103		KOSTELNIK #47-734	MANTUA	100.0	TIMKEN CO
8130034		3413322542		107	TF	KOSTELNIK #47-734	MANTUA	100.0	TIMKEN CO
8130035		3413322543		103		KOSTELNIK #48-735	MANTUA	100.0	TIMKEN CO
8130035		3413322543		107	TF	KOSTELNIK #48-735	MANTUA	100.0	TIMKEN CO
8130036		3413322544		103		KOSTELNIK #49-736	MANTUA	100.0	TIMKEN CO
8130036		3413322544		107	TF	KOSTELNIK #49-736	MANTUA	100.0	TIMKEN CO
8130037		3413322545		103		KOSTELNIK #50-737	MANTUA	100.0	TIMKEN CO
8130037		3413322545		107	TF	KOSTELNIK #50-737	MANTUA	100.0	TIMKEN CO
8130038		3413322546		103		KOSTELNIK #51-738	MANTUA	100.0	TIMKEN CO
8130038		3413322546		107	TF	KOSTELNIK #51-738	MANTUA	100.0	TIMKEN CO
8130039		3413322547		103		KOSTELNIK #52-739	MANTUA	100.0	TIMKEN CO
8130039		3413322547		107	TF	KOSTELNIK #52-739	MANTUA	100.0	TIMKEN CO
8130040		3413322548		103		KOSTELNIK #53-740	MANTUA	100.0	TIMKEN CO
8130040		3413322548		107	TF	KOSTELNIK #53-740	MANTUA	100.0	TIMKEN CO
8130041		3413322549		103		KOSTELNIK #54-741	MANTUA	100.0	TIMKEN CO
8130041		3413322549		107	TF	KOSTELNIK #54-741	MANTUA	100.0	TIMKEN CO
8130042		3413322550		103		KOSTELNIK #55-742	MANTUA	100.0	TIMKEN CO
8130042		3413322550		107	TF	KOSTELNIK #55-742	MANTUA	100.0	TIMKEN CO
8130043		3413322551		103		KOSTELNIK #56-743	MANTUA	100.0	TIMKEN CO
8130043		3413322551		107	TF	KOSTELNIK #56-743	MANTUA	100.0	TIMKEN CO
8130044		3413322552		103		KOSTELNIK #57-744	MANTUA	100.0	TIMKEN CO
8130044		3413322552		107	TF	KOSTELNIK #57-744	MANTUA	100.0	TIMKEN CO
8130045		3413322553		103		KOSTELNIK #58-745	MANTUA	100.0	TIMKEN CO
8130045		3413322553		107	TF	KOSTELNIK #58-745	MANTUA	100.0	TIMKEN CO
8130046		3413322554		103		KOSTELNIK #59-746	MANTUA	100.0	TIMKEN CO
8130046		3413322554		107	TF	KOSTELNIK #59-746	MANTUA	100.0	TIMKEN CO
8130047		3413322555		103		KOSTELNIK #60-747	MANTUA	100.0	TIMKEN CO
8130047		3413322555		107	TF	KOSTELNIK #60-747	MANTUA	100.0	TIMKEN CO
8130048		3413322556		103		KOSTELNIK #61-748	MANTUA	100.0	TIMKEN CO
8130048		3413322556		107	TF	KOSTELNIK #61-748	MANTUA	100.0	TIMKEN CO
8130049		3413322557		103		KOSTELNIK #62-749	MANTUA	100.0	TIMKEN CO
8130049		3413322557		107	TF	KOSTELNIK #62-749	MANTUA	100.0	TIMKEN CO
8130050		3413322558		103		KOSTELNIK #63-750	MANTUA	100.0	TIMKEN CO
8130050		3413322558		107	TF	KOSTELNIK #63-750	MANTUA	100.0	TIMKEN CO
8130051		3413322559		103		KOSTELNIK #64-751	MANTUA	100.0	TIMKEN CO
8130051		3413322559		107	TF	KOSTELNIK #64-751	MANTUA	100.0	TIMKEN CO
8130052		3413322560		103		KOSTELNIK #65-752	MANTUA	100.0	TIMKEN CO
8130052		3413322560		107	TF	KOSTELNIK #65-752	MANTUA	100.0	TIMKEN CO
8130053		3413322561		103		KOSTELNIK #66-753	MANTUA	100.0	TIMKEN CO
8130053		3413322561		107	TF	KOSTELNIK #66-753	MANTUA	100.0	TIMKEN CO
8130054		3413322562		103		KOSTELNIK #67-754	MANTUA	100.0	TIMKEN CO
8130054		3413322562		107	TF	KOSTELNIK #67-754	MANTUA	100.0	TIMKEN CO
8130055		3413322563		103		KOSTELNIK #68-755	MANTUA	100.0	TIMKEN CO
8130055		3413322563		107	TF	KOSTELNIK #68-755	MANTUA	100.0	TIMKEN CO
8130056		3413322564		103		KOSTELNIK #69-756	MANTUA	100.0	TIMKEN CO
8130056		3413322564		107	TF	KOSTELNIK #69-756	MANTUA	100.0	TIMKEN CO
8130057		3413322565		103		KOSTELNIK #70-757	MANTUA	100.0	TIMKEN CO
8130057		3413322565		107	TF	KOSTELNIK #70-757	MANTUA	100.0	TIMKEN CO
8130058		3413322566		103		KOSTELNIK #71-758	MANTUA	100.0	TIMKEN CO
8130058		3413322566		107	TF	KOSTELNIK #71-758	MANTUA	100.0	TIMKEN CO
8130059		3413322567		103		KOSTELNIK #72-759	MANTUA	100.0	TIMKEN CO
8130059		3413322567		107	TF	KOSTELNIK #72-759	MANTUA	100.0	TIMKEN CO
8130060		3413322568		103		KOSTELNIK #73-760	MANTUA	100.0	TIMKEN CO
8130060		3413322568		107	TF	KOSTELNIK #73-760	MANTUA	100.0	TIMKEN CO
8130061		3413322569		103		KOSTELNIK #74-761	MANTUA	100.0	TIMKEN CO
8130061		3413322569		107	TF	KOSTELNIK #74-761	MANTUA	100.0	TIMKEN CO
8130062		3413322570		103		KOSTELNIK #75-762	MANTUA	100.0	TIMKEN CO
8130062		3413322570		107	TF	KOSTELNIK #75-762	MANTUA	100.0	TIMKEN CO
8130063		3413322571		103		KOSTELNIK #76-763	MANTUA	100.0	TIMKEN CO
8130063		3413322571		107	TF	KOSTELNIK #76-763	MANTUA	100.0	TIMKEN CO
8130064		3413322572		103		KOSTELNIK #77-764	MANTUA	100.0	TIMKEN CO
8130064		3413322572		107	TF	KOSTELNIK #77-764	MANTUA	100.0	TIMKEN CO
8130065		3413322573		103		KOSTELNIK #78-765	MANTUA	100.0	TIMKEN CO
8130065		3413322573		107	TF	KOSTELNIK #78-765	MANTUA	100.0	TIMKEN CO
8130066		3413322574		103		KOSTELNIK #79-766	MANTUA	100.0	TIMKEN CO
8130066		3413322574		107	TF	KOSTELNIK #79-766	MANTUA	100.0	TIMKEN CO
8130067		3413322575		103		KOSTELNIK #80-767	MANTUA	100.0	TIMKEN CO
8130067		3413322575		107	TF	KOSTELNIK #80-767	MANTUA	100.0	TIMKEN CO
8130068		3413322576		103		KOSTELNIK #81-768	MANTUA	100.0	TIMKEN CO
8130068		3413322576		107	TF	KOSTELNIK #81-768	MANTUA	100.0	TIMKEN CO
8130069		3413322577		103		KOSTELNIK #82-769	MANTUA	100.0	TIMKEN CO
8130069		3413322577		107	TF	KOSTELNIK #82-769	MANTUA	100.0	TIMKEN CO
8130070		3413322578		103		KOSTELNIK #83-770	MANTUA	100.0	TIMKEN CO
8130070		3413322578		107	TF	KOSTELNIK #83-770	MANTUA	100.0	TIMKEN CO
8130071		3413322579		103		KOSTELNIK #84-771	MANTUA	100.0	TIMKEN CO
8130071		3413322579		107	TF	KOSTELNIK #84-771	MANTUA	100.0	TIMKEN CO
8130072		3413322580		103		KOSTELNIK #85-772	MANTUA	100.0	TIMKEN CO
8130072		3413322580		107	TF	KOSTELNIK #85-772	MANTUA	100.0	TIMKEN CO
8130073		3413322581		103		KOSTELNIK #86-773	MANTUA	100.0	TIMKEN CO
8130073		3413322581		107	TF	KOSTELNIK #86-773	MANTUA	100.0	TIMKEN CO
8130074		3413322582		103		KOSTELNIK #87-774	MANTUA	100.0	TIMKEN CO
8130074		3413322582		107	TF	KOSTELNIK #87-774	MANTUA	100.0	TIMKEN CO
8130075		3413322583		103		KOSTELNIK #88-775	MANTUA	100.0	TIMKEN CO
8130075		3413322583		107	TF	KOSTELNIK #88-775	MANTUA	100.0	TIMKEN CO
8130076		3413322584		103		KOSTELNIK #89-776	MANTUA	100.0	TIMKEN CO
8130076		3413322584		107	TF	KOSTELNIK #89-776	MANTUA	100.0	TIMKEN CO
8130077		3413322585		103		KOSTELNIK #90-777	MANTUA	100.0	TIMKEN CO
8130077		3413322585		107	TF	KOSTELNIK #90-777	MANTUA	100.0	TIMKEN CO
8130078		3413322586		103		KOSTELNIK #91-778	MANTUA	100.0	TIMKEN CO
8130078		3413322586		107	TF	KOSTELNIK #91-778	MANTUA	100.0	TIMKEN CO
8130079		3413322587		103		KOSTELNIK #92-779	MANTUA	100.0	TIMKEN CO
8130079		3413322587		107	TF	KOSTELNIK #92-779	MANTUA	100.0	TIMKEN CO
8130080		3413322588		103		KOSTELNIK #93-780	MANTUA	100.0	TIMKEN CO
8130080		3413322588		107	TF	KOSTELNIK #93-780	MANTUA	100.0	TIMKEN CO
8130081		3413322589		103		KOSTELNIK #94-781	MANTUA	100.0	TIMKEN CO
8130081		3413322589		107	TF	KOSTELNIK #94-781	MANTUA	100.0	TIMKEN CO
8130082		3413322590		103		KOSTELNIK #95-782	MANTUA	100.0	TIMKEN CO
8130082		3413322590		107	TF	KOSTELNIK #95-782	MANTUA	100.0	TIMKEN CO
8130083		3413322591		103		KOSTELNIK #96-783	MANTUA	100.0	TIMKEN CO
8130083		3413322591		107	TF	KOSTELNIK #96-783	MANTUA	100.0	TIMKEN CO
8130084		3413322592		103		KOSTELNIK #97-784	MANTUA	100.0	TIMKEN CO
8130084		3413322592		107	TF	KOSTELNIK #97-784	MANTUA	100.0	TIMKEN CO
8130085		3413322593		103		KOSTELNIK #98-785	MANTUA	100.0	TIMKEN CO
8130085		3413322593		107	TF	KOSTELNIK #98-785	MANTUA	100.0	TIMKEN CO
8130086		3413322594		103		KOSTELNIK #99-786	MANTUA	100.0	TIMKEN CO
8130086		3413322594		107	TF	KOSTELNIK #99-786	MANTUA	100.0	TIMKEN CO
8130087		3413322595		103		KOSTELNIK #100-787	MANTUA	100.0	TIMKEN CO
8130087		3413322595		107	TF	KOSTELNIK #100-787	MANTUA	100.0	TIMKEN CO

JOB NO	JA INT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8129986		3413322459			103	JOHN & DIANE CUBON #1-617	ROOTSTOWN	75.0	
8129986		3413322459			107-TF	JOHN & DIANE CUBON #1-617	ROOTSTOWN	75.0	
8129987		3413322488			103	PAPP-HORSCHAK UNIT #1-686	RANDOLPH	100.0	
8129987		3413322488			107-TF	PAPP-HORSCHAK UNIT #1-686	RANDOLPH	100.0	
8129977		3413322012			103	STREETSBORO UNIT #5	STREETSBORO	100.0	TIMKEN CO
8129977		3413322012			107-TF	STREETSBORO UNIT #5	STREETSBORO	100.0	TIMKEN CO
8129978		3413322013			103	STREETSBORO UNIT #6	STREETSBORO	100.0	TIMKEN CO
8129978		3413322013			107-TF	STREETSBORO UNIT #6	STREETSBORO	100.0	TIMKEN CO
8129979		3413322014			103	STREETSBORO UNIT #8	SHALERSVILLE	100.0	TIMKEN CO
8129979		3413322014			107-TF	STREETSBORO UNIT #8	SHALERSVILLE	100.0	TIMKEN CO
8129985		3413322421			103	T BATTAGLIA UNIT #1-555	BRIMFIELD	100.0	TIMKEN CO
8129985		3413322421			107-TF	T BATTAGLIA UNIT #1-555	BRIMFIELD	100.0	TIMKEN CO
8129990		3415123382			103	WILDERNESS CENTER #1-560	SUGAR CREEK	100.0	COLUMBIA GAS TRAN
8129990		3415123382			107-TF	WILDERNESS CENTER #1-560	SUGAR CREEK	100.0	COLUMBIA GAS TRAN
8129989		3415123381			103	WILDERNESS CENTER #2-561	SUGAR CREEK	100.0	COLUMBIA GAS TRAN
8129989		3415123381			107-TF	WILDERNESS CENTER #2-561	SUGAR CREEK	100.0	COLUMBIA GAS TRAN
-DART OIL COMPANY						RECEIVED: 05/06/81 JA: DM			
8129991		3409921302			103	CATTELL UNIT NO 2	SMITH	40.0	EAST OHIO GAS CO
-DAVID SHAFER OIL PRODUCERS INC						RECEIVED: 05/06/81 JA: CH			
8130098		3415320932			103	R AND B ALESSIO #1	BATH	25.0	COLUMBIA GAS TRAN
-DIXIE ENERGY CO						RECEIVED: 05/06/81 JA: CH			
8129992		3416922456			103	CHASE #1	CLINTON	365.0	COLUMBIA GAS OF O
8129992		3416922456			107-TF	CHASE #1	CLINTON	365.0	COLUMBIA GAS OF O
-DONALD P SHANAHAN						RECEIVED: 05/06/81 JA: CH			
8130099		3411522380			103	ALBERT FINKEL #1B	CENTER	40.0	EAST OHIO GAS CO
8130101		3416726391			103	DENNIE ALBRIGHT #1	WATERFORD	40.0	EAST OHIO GAS CO
8130102		3416726491			103	DENNIS HUCK #1	WATERFORD	36.0	EAST OHIO GAS CO
8130100		3416726246			103	KENNETH FINKEL #1	WATERFORD	10.0	EAST OHIO GAS CO
-DORAN & ASSOCIATES INC						RECEIVED: 05/06/81 JA: CH			
8129993		3407522996			103	WYMAN RABER #1	BERLIN	12.0	COLUMBIA GAS TRAN
-EARTH RESOURCES EXPL DEV CORP						RECEIVED: 05/06/81 JA: CH			
8130002		3416922315			103	ABBOTT #1	CANAAN	20.0	COLUMBIA GAS TRAN
8130002		3416922315			107-TF	ABBOTT #1	CANAAN	20.0	COLUMBIA GAS TRAN
8129995		3416922233			103	CROSS #1	CANAAN	20.0	COLUMBIA GAS TRAN
8129995		3416922233			107-TF	CROSS #1	CANAAN	20.0	COLUMBIA GAS TRAN
8129999		3416922237			103	CROSS #2	CANAAN	30.0	COLUMBIA GAS TRAN
8129999		3416922237			107-TF	CROSS #2	CANAAN	30.0	COLUMBIA GAS TRAN
8130003		3416922392			103	EROOS #1	CANAAN	20.0	COLUMBIA GAS TRAN
8130003		3416922392			107-TF	EROOS #1	CANAAN	20.0	COLUMBIA GAS TRAN
8129997		3416922235			103	G & J CROSS #1	CANAAN	30.0	COLUMBIA GAS TRAN
8129997		3416922235			107-TF	G & J CROSS #1	CANAAN	30.0	COLUMBIA GAS TRAN
8130004		3416922393			103	JORDAN #1	CANAAN	20.0	COLUMBIA GAS TRAN
8130004		3416922393			107-TF	JORDAN #1	CANAAN	20.0	COLUMBIA GAS TRAN
8129996		3416922234			103	WEINMAN #1	CANAAN	25.0	COLUMBIA GAS TRAN
8129996		3416922234			107-TF	WEINMAN #1	CANAAN	25.0	COLUMBIA GAS TRAN
8129998		3416922236			103	WEINMAN #2	CANAAN	20.0	COLUMBIA GAS TRAN
8129998		3416922236			107-TF	WEINMAN #2	CANAAN	20.0	COLUMBIA GAS TRAN
8130001		3416922266			103	WEINMAN #3	CANAAN	20.0	COLUMBIA GAS TRAN
8130001		3416922266			107-TF	WEINMAN #3	CANAAN	20.0	COLUMBIA GAS TRAN
8130000		3416922263			103	WILES #1	CANAAN	30.0	COLUMBIA GAS TRAN
8130000		3416922263			107-TF	WILES #1	CANAAN	30.0	COLUMBIA GAS TRAN
8129994		3416922228			103	WYCKOFF #1	CANAAN	25.0	COLUMBIA GAS TRAN
8129994		3416922228			107-TF	WYCKOFF #1	CANAAN	25.0	COLUMBIA GAS TRAN

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JD NO	JA DKT	API NO	D SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-EDCO DRILLING & PRODUCING INC			RECEIVED: 05/06/81 JA: CH				
8130007		3411925532	103	BL-2A CONRAD	CASS	18.0	
8130010		3416922538	103	BL-2A HERSHBERGER	SUGAR CREEK	18.0	
8130010		3416922538	107-TF	BL-2A HERSHBERGER	SUGAR CREEK	18.0	
8130009		3416922509	103	BL-2A HOFSTETER	SUGAR CREEK	18.0	
8130009		3416922509	107-TF	BL-2A HOFSTETER	SUGAR CREEK	18.0	
8130006		3411925531	103	BL-3A CONRAD	CASS	18.0	
8130008		3411925552	103	KB-2A BAKER	JACKSON	18.0	
8130005		3408322829	103	KB-2A KAUFFMAN	HARRISON	18.0	
-ENERGEX OIL & GAS CORP			RECEIVED: 05/06/81 JA: CH				
8130014		3416320430	103	ENGLE CONSTR NO 1	SWAN TOWNSHIP	35.0	COLUMBIA GAS TRAN
8130013		3416320429	103	ENGLE CONSTR NO 2	SWAN TOWNSHIP	35.0	COLUMBIA GAS TRAN
8130012		3416320417	103	K DAVIS NO 1	SWAN TOWNSHIP	35.0	COLUMBIA GAS TRAN
8130011		3416320415	103	K HUGGINS NO 2	SWAN TOWNSHIP	15.0	COLUMBIA GAS TRAN
-ENERGY DEVELOPMENT CORP			RECEIVED: 05/06/81 JA: CH				
8130017		3416922565	103	CANANKAMP UNIT WELL #4	PLAIN	20.0	COLUMBIA GAS TRAN
8130017		3416922565	107-TF	CANANKAMP UNIT WELL #4	PLAIN	20.0	COLUMBIA GAS TRAN
8130015		3416922366	103	CANANKAMP WELL #2	PLAIN	20.0	COLUMBIA GAS TRAN
8130015		3416922366	107-TF	CANANKAMP WELL #2	PLAIN	20.0	COLUMBIA GAS TRAN
8130016		3416922368	103	CANANKAMP WELL #3	PLAIN	20.0	COLUMBIA GAS TRAN
8130016		3416922368	107-TF	CANANKAMP WELL #3	PLAIN	20.0	COLUMBIA GAS TRAN
-FORAKER PRODUCING COMPANY INC			RECEIVED: 05/06/81 JA: CH				
8130021		3412724647	103	HITE HEIRS #2	PIKE	7.0	
8130021		3412724647	107-TF	HITE HEIRS #2	PIKE	7.0	
8130018		3412724408	103	J SMITH #1	HARRISON	7.0	
8130018		3412724408	107-TF	J SMITH #1	HARRISON	7.0	
8130020		3412724526	103	MCNULTY #3	HARRISON	8.0	
8130020		3412724526	107-TF	MCNULTY #3	HARRISON	8.0	
8130019		3412724501	103	SHERRICK #2	HARRISON	6.0	
8130019		3412724501	107-TF	SHERRICK #2	HARRISON	6.0	
-GUERNSEY PETROLEUM CORPORATION			RECEIVED: 05/06/81 JA: CH				
8130028		3412122185	108	DUDLEY-BROWN #1MH		13.0	EAST OHIO GAS CO
8130022		3411923398	108	HOMER HILL #26		13.0	EAST OHIO GAS CO
8130027		3412122180	108	KUNTZ #2-MH		10.0	EAST OHIO GAS CO
8130026		3412121988	108	LARRICK #2MD		13.0	EAST OHIO GAS CO
*8130023		3411924062	108	OHIO POWER #27MD		9.0	EAST OHIO GAS COM
8130025		3412121924	108	OHIO POWER 16MC		13.0	EAST OHIO GAS CO
8130024		3412121904	108	WINKLEMAN #2MC		0.0	EAST OHIO GAS CO
-H I SMITH OIL & GAS INC			RECEIVED: 05/06/81 JA: CH				
8130104		3407522251	108	SNYDER #2		16.0	EAST OHIO GAS CO
-HADDAD & BROOKS INC			RECEIVED: 05/06/81 JA: CH				
8130029		3416726132	103	H D AND J M HELDMAN #2	INDEPENDENCE	30.0	
-HOPCO RESOURCES INC			RECEIVED: 05/06/81 JA: CH				
8130034		3411925479	103	FREDERICK & MAE FRUEH #1	MUSKINGUM	12.0	COLUMBIA GAS TRAN
8130030		3403124100	103	LLOYD EICK #1	KEENE	12.0	COLUMBIA GAS TRAN
8130031		3403124142	103	STEVE LEPI #2	WASHINGTON	12.0	
8130032		3411925073	103	WAYNE GRAHAM #A2	JACKSON	12.0	NATIONAL OIL & GA
8130033		3411925146	103	WAYNE GRAHAM #B2	JACKSON	12.0	NATIONAL OIL & GA
-HOPEWELL OIL AND GAS DEVELOPMENT CO			RECEIVED: 05/06/81 JA: CH				
8130035		3411122252	103	HARLEY PIATT #1	SUMMIT	12.0	COLUMBIA GAS TRAN
8130037		3412122552	103	MARY CIKRA #1	STOCK	12.0	COLUMBIA GAS TRAN
8130036		3411122260	103	ROY A RING #1	SUMMITT	10.0	COLUMBIA GAS TRAN
-HORTIN & HUFFMAN			RECEIVED: 05/06/81 JA: CH				

JD NO	JA DKT	API NO	D SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-HOPEWELL OIL AND GAS DEVELOPMENT CO			RECEIVED: 05/06/81 JA: CH				
8130035		3411122252	103	HARLEY PIATT #1	SUMMIT	12.0	COLUMBIA GAS TRAN
8130037		3412122552	103	MARY CIKRA #1	STOCK	12.0	COLUMBIA GAS TRAN
8130036		3411122260	103	ROY A RING #1	SUMMITT	10.0	COLUMBIA GAS TRAN
-HORTIN & HUFFMAN			RECEIVED: 05/06/81 JA: CH				
8130033		3411925146	103	WAYNE GRAHAM #B2	JACKSON	12.0	NATIONAL OIL & GA
-HOPEWELL OIL AND GAS DEVELOPMENT CO			RECEIVED: 05/06/81 JA: CH				
8130035		3411122252	103	HARLEY PIATT #1	SUMMIT	12.0	COLUMBIA GAS TRAN
8130037		3412122552	103	MARY CIKRA #1	STOCK	12.0	COLUMBIA GAS TRAN
8130036		3411122260	103	ROY A RING #1	SUMMITT	10.0	COLUMBIA GAS TRAN
-HORTIN & HUFFMAN			RECEIVED: 05/06/81 JA: CH				
8130033		3411925146	103	WAYNE GRAHAM #B2	JACKSON	12.0	NATIONAL OIL & GA

JD NO	JA DKT	API NO	C	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8130038		3408923379		103		4 HAINS-VAN WEY	HANOVER	1.5	NATIONAL GAS & OI
-J D DRILLING CO				RECEIVED: 05/06/81 JA: CH					
8130040		3410521828		103		CHARLES LAWRENCE #1	LEBANON	14.0	COLUMBIA GAS TRAN
8130039		3410521423		103		EARL CLEEK #1	LEBANON	7.0	COLUMBIA GAS TRAN
-J H BEAL ASSOCIATES INC				RECEIVED: 05/06/81 JA: CH					
8129893		3416320412		103		C BENTLEY NO 1	SWAN TOWNSHIP	35.0	COLUMBIA GAS TRAN
8129895		3416320438		103		D SHELOR NO 1	SWAN TOWNSHIP	35.0	COLUMBIA GAS TRAN
8129896		3416320444		I03		E HUNTLEY NO 1	SWAN TOWNSHIP	35.0	COLUMBIA GAS TRAN
8129898		3416320465		103		F BRAY NO 6	SWAN TOWNSHIP	35.0	COLUMBIA GAS TRAN
8129894		3416320426		103		T JOHNSTON NO 2	SWAN TOWNSHIP	35.0	COLUMBIA GAS TRAN
8129897		3416320447		103		T JOHNSTON NO 3	SWAN TOWNSHIP	35.0	COLUMBIA GAS TRAN
-JAMES O BIEHL				RECEIVED: 05/06/81 JA: CH					
8129963		3416724937		107-DV		BROEDEL UNIT #2	RENO FIELD	18.0	COLUMBIA GAS TRAN
8129961		3416724424		107-DV		BUTTERFIELD #1	RENO FIELD	3.5	COLUMBIA GAS TRAN
8129964		3416724938		107-DV		BUTTERFIELD #2 UNIT	RENO FIELD	5.0	COLUMBIA GAS TRAN
8129965		3416725199		107-DV		BUTTERFIELD #A	RENO FIELD	2.0	COLUMBIA GAS TRAN
8129960		3416724389		107-DV		HENSLER #1	RENO FIELD	7.0	COLUMBIA GAS TRAN
8129966		3416725246		107-DV		MILLER UNIT #1	RENO FIELD	3.0	COLUMBIA GAS TRAN
8129962		3416724936		107-DV		MORGENSTERN #1	RENO FIELD	6.3	COLUMBIA GAS TRAN
8129959		3416724204		107-DV		NORTH #1	RENO FIELD	5.5	COLUMBIA GAS TRAN
-JAMES R SMAIL				RECEIVED: 05/06/81 JA: CH					
8130103		3416922537		103		RICHARD L DUTTER ET AL #1	CLINTON	30.0	COLUMBIA GAS TRAN
8130103		3416922537		107-TF		RICHARD L DUTTER ET AL #1	CLINTON	30.0	COLUMBIA GAS TRAN
-JERRY C OLDS				RECEIVED: 05/06/81 JA: OH					
8130058		3416922205		103		O SCHROCK #1-A	GREEN	2.3	COLUMBIA GAS TRAN
8130058		3416922205		107-TF		O SCHROCK #1-A	GREEN	2.3	COLUMBIA GAS TRAN
8130059		3416922376		103		MUMAW #1	GREEN	20.0	COLUMBIA GAS TRAN
8130059		3416922376		107-TF		MUMAW #1	GREEN	20.0	COLUMBIA GAS TRAN
-JOHN W LOTHES				RECEIVED: 05/06/81 JA: CH					
8130048		3408924030		103		#1 VOGLEMEIR	MARY ANN	2.5	COLUMBIA GAS TRAN
-JONSU CORP				RECEIVED: 05/06/81 JA: OH					
8130041		3412724877		103		HARLAN #1	READING	25.0	
-KING DRILLING CO				RECEIVED: 05/06/81 JA: OH					
8130042		3416922417		103		EVA FIKE #1	GREEN	10.0	COLUMBIA GAS TRAN
8130042		3416922417		107-TF		EVA FIKE #1	GREEN	10.0	COLUMBIA GAS TRAN
8130043		3416922432		103		IDA RAMSEYER #1	GREEN	10.0	COLUMBIA GAS TRAN
8130043		3416922432		107-TF		IDA RAMSEYER #1	GREEN	10.0	COLUMBIA GAS TRAN
-L & M PETROLEUM INC				RECEIVED: 05/06/81 JA: CH					
8130045		3416725383		107-DV		EDWARD MARTIN #1	LAWRENCE	12.0	COLUMBIA GAS TRAN
-LANZER OIL CO				RECEIVED: 05/06/81 JA: OH					
8130046		3415123391		103		AEBI #1		28.0	
8130046		3415123391		107-TF		AEBI #1		28.0	
-LBJ DRILLING DBA JEFF MORAN				RECEIVED: 05/06/81 JA: CH					
8130044		3408923939		103		MULLINS & PEROZEK #1	EDEN	0.0	
-LOMAK PETROLEUM INC				RECEIVED: 05/06/81 JA: CH					
8130047		3411924607		103		K ALEXANDER #2	HARRISON	29.0	COLUMBIA GAS TRAN
-MARK V SCHUMACHER PE				RECEIVED: 05/06/81 JA: OH					
8130097		3415521253		103		C W MCELRATH #1	VIENNA	2.1	EAST OHIO GAS
8130097		3415521253		107-TF		C W MCELRATH #1	VIENNA	2.1	EAST OHIO GAS
-MB OPERATING CO INC				RECEIVED: 05/06/81 JA: CH					
8130049		3415123332		103		G & A MALAVITE UNIT #2	CANTON	73.0	ASHLAND EXPLORATI
8130049		3415123332		107-TF		G & A MALAVITE UNIT #2	CANTON	73.0	ASHLAND EXPLORATI
-MID-CON OIL COMPANY				RECEIVED: 05/06/81 JA: OH					

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VOLUME 436 PAGE 009

JD NO	DA DKT	API NO	C	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8130050		3411925551		103		GUY GIBBONS #2	HOPEWELL	0.0	NATIONAL GAS CO
-NEW FRONTIER EXPLORATION INC				RECEIVED: 05/06/81 JA: OH					
8130052		3405922564		103		WILLIAM ENOS #1	LIBERTY	28.0	BARTLO OIL & GAS
8130052		3405922564		107-TF		WILLIAM ENOS #1	LIBERTY	28.0	BARTLO OIL & GAS
8130051		3405922563		103		WILLIAM ENOS #2	LIBERTY	34.0	BARTLO OIL & GAS
8130051		3405922563		107-TF		WILLIAM ENOS #2	LIBERTY	34.0	BARTLO OIL & GAS
-NOBLE OIL CORP				RECEIVED: 05/06/81 JA: OH					
8130053		3415521662		103		VIETS #1	SOUTHINGTON	20.0	COLUMBIA GAS TRAN
8130053		3415521662		107-TF		VIETS #1	SOUTHINGTON	20.0	COLUMBIA GAS TRAN
-OHIO NATURAL FUEL CO				RECEIVED: 05/06/81 JA: OH					
8130054		3416922169		103		REDICK #3	CHESTER	22.0	COLUMBIA GAS TRAN
8130054		3416922169		107-RT		REDICK #3	CHESTER	22.0	COLUMBIA GAS TRAN
-OHIO PARTNERS OIL CO				RECEIVED: 05/06/81 JA: OH					
8130055		3413322493		103		BROOKSHIRE UNIT #1	WINDHAM	20.0	COLUMBIA GAS TRAN
8130055		3413322493		107-TF		BROOKSHIRE UNIT #1	WINDHAM	20.0	COLUMBIA GAS TRAN
8130057		3415521648		103		MILLER #1	BRISTOL	30.0	
8130057		3415521648		107-TF		MILLER #1	BRISTOL	30.0	
8130056		3415521643		103		RICHMAN #1	BRISTOL	30.0	
8130056		3415521643		107-TF		RICHMAN #1	BRISTOL	30.0	
-ONEAL PRODUCTIONS INC				RECEIVED: 05/06/81 JA: OH					
8130061		3411522149		102-3		D SCOTT #4	PENN	0.0	COLUMBIA GAS TRAN
8130060		3411522019		102-3		PARMITER #2	MORGAN	0.0	COLUMBIA GAS TRAN
-OXFORD OIL CO				RECEIVED: 05/06/81 JA: OH					
8130062		3403123029		108		GEORGE WRIGHT #1	MILTON	3.0	NATIONAL GAS & OI
-PETRO EVALUATION SERVICES INC				RECEIVED: 05/06/81 JA: OH					
8130063		3416922311		103		GORDON #2	MILTON	40.0	COLUMBIA GAS TRAN
8130063		3416922311		107-TF		GORDON #2	MILTON	40.0	COLUMBIA GAS TRAN
8130064		3416922328		103		GORDON-DOTTERER #3	MILTON	25.0	COLUMBIA GAS TRAN
8130064		3416922328		107-TF		GORDON-DOTTERER #3	MILTON	25.0	COLUMBIA GAS TRAN
8130065		3416922438		103		HUGHES UNIT #1	MILTON	25.0	COLUMBIA GAS TRAN
8130065		3416922438		107-TF		HUGHES UNIT #1	MILTON	25.0	COLUMBIA GAS TRAN
-POMSTONE CORP				RECEIVED: 05/06/81 JA: OH					
8130066		3403122681		108		CHESTER YOUNG #1		6.0	
8130068		3403123343		108		MARGARET ROEMER #2		11.0	
8130070		3403123500		108		NORA GARBER #1		21.0	
8130067		3403122682		108		VICTOR WENTZ #1		5.0	
8130069		3403123474		103		WALTER & CLEO BRINKER #1	WHITE EYES	0.0	
8130071		3403123573		108		WOODROW SKELTON #1		3.0	
-R GENE BRASEL-DBA BRASEL & BRASEL				RECEIVED: 05/06/81 JA: OH					
8129970		3405320333		103		R O J #2-B	ADDISON	0.0	COLUMBIA GAS TRAN
-REDSTONE CORP				RECEIVED: 05/06/81 JA: OH					
8130074		3403122735		108		BICKLE/FRANK #1		0.0	
8130079		3403123012		108		F E & J E WILSON #2		0.5	
8130081		3403123212		108		FRANCIS R HOTHEM #1		1.0	
8130076		3403122838		108		FRED BARTH #3		7.0	
8130080		3403123091		108		FRED BARTH #5		1.0	
8130078		3403122919		108		FRED H MASON #1		7.0	
8130072		3403122653		108		FRED L BARTH #1		4.0	
8130082		3403123241		108		PARKER/ROEMER #1		4.0	
8130077		3403122913		108		RUSSELL R BOYD #1		6.0	
8130073		3403122689		108		W T ADAMS #1		3.0	
8130075		3403122828		108		W T ADAMS #4		3.0	
-RIMCO OPERATING INC				RECEIVED: 05/06/81 JA: OH					

VOLUME 436 PAGE 010

JD NO	DA DKT	API NO	C	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8130092		3416922691		103		D & G SIGLER #1	PLAIN	12.0	COLUMBIA GAS TRAN

ID NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8130092		3416922491		103		D & G SIGLER #1	PLAIN	12.0	COLUMBIA GAS
8130092		3416922491		107-TF		D & G SIGLER #1	PLAIN	12.0	COLUMBIA GAS
8130090		3416922489		103		D & G SIGLER #2	PLAIN	12.0	COLUMBIA GAS
8130090		3416922489		107-TF		D & G SIGLER #2	PLAIN	12.0	COLUMBIA GAS
8130091		3416922490		103		D & G SIGLER #3	PLAIN	12.0	COLUMBIA GAS
8130091		3416922490		107-TF		D & G SIGLER #3	PLAIN	12.0	COLUMBIA GAS
8130089		3416922488		103		D BECKER #1	CHESTER	12.0	COLUMBIA GAS
8130089		3416922488		107-TF		D BECKER #1	CHESTER	12.0	COLUMBIA GAS
8130084		3416922304		103		G MILLER #1	WAYNE	12.0	COLUMBIA GAS
8130084		3416922304		107-TF		G MILLER #1	WAYNE	12.0	COLUMBIA GAS
8130087		3416922461		103		G STULL #1	PLAIN	12.0	COLUMBIA GAS
8130087		3416922461		107-TF		G STULL #1	PLAIN	12.0	COLUMBIA GAS
8130088		3416922462		103		HOSFELD #1	PLAIN	12.0	COLUMBIA GAS
8130088		3416922462		107-TF		HOSFELD #1	PLAIN	12.0	COLUMBIA GAS
8130093		3416922515		103		ICKES #1	PLAIN	12.0	COLUMBIA GAS
8130093		3416922515		107-TF		ICKES #1	PLAIN	12.0	COLUMBIA GAS
8130083		3416922299		103		REICHERT #1	CHESTER	12.0	COLUMBIA GAS
8130083		3416922299		107-TF		REICHERT #1	CHESTER	12.0	COLUMBIA GAS
8130086		3416922452		103		RHAMY #1	FRANKLIN	12.0	COLUMBIA GAS
8130086		3416922452		107-TF		RHAMY #1	FRANKLIN	12.0	COLUMBIA GAS
8130085		3416922357		103		SHERRICK #1	WOOSTER	12.0	COLUMBIA GAS
8130085		3416922357		107-TF		SHERRICK #1	WOOSTER	12.0	COLUMBIA GAS
8130094		3416922547		103		THOMPSON #1	PLAIN	12.0	COLUMBIA GAS
8130094		3416922547		107-TF		THOMPSON #1	PLAIN	12.0	COLUMBIA GAS
-RIVERVIEW FINANCE CO				RECEIVED: 05/06/81 JA: CH					
8130096		3412122587		103		JOHN NOON #4	ELK	60.0	
8130095		3412122359		103		ROBERT ULLMAN #8	ELK	35.0	
-STELLAR PETROLEUM CORP				RECEIVED: 05/06/81 JA: CH					
8130105		3416726229		103		LAWRENCE M SMITH #10	INDEPENDENCE	60.0	
-TIGER OIL INC				RECEIVED: 05/06/81 JA: CH					
8130106		3412122543		103		CLEMENS BECKER B-1	ELK	0.0	COLUMBIA GAS TRAN
8130107		3412122550		103		CLEMENS BECKER B-2	ELK	0.0	COLUMBIA GAS TRAN
8130108		3412122551		103		CLEMENS BECKER B-3	ELK	0.0	COLUMBUS GAS TRAN
-TIPKA-BARTLO OIL & GAS CO				RECEIVED: 05/06/81 JA: CH					
8130120		3405922598		103		A GLASS #1	WASHINGTON	8.0	LIBBEY-OWENS-FORD
8130120		3405922598		107-TF		A GLASS #1	WASHINGTON	8.0	LIBBEY-OWENS-FORD
8130112		3405922398		103		A SLIMBOSKY #1	WASHINGTON	5.0	LIBBEY-OWENS-FORD
8130112		3405922398		107-TF		A SLIMBOSKY #1	WASHINGTON	5.0	LIBBEY-OWENS-FORD
8130113		3405922399		103		BIG BROTHER TRACT BAND #1	WASHINGTON	10.0	LIBBEY-OWENS-FORD
8130113		3405922399		107-RT		BIG BROTHER TRACT BAND #1	WASHINGTON	10.0	LIBBEY-OWENS-FORD
8130121		3405922605		103		BIG BROTHER TRACT BAND #1	WASHINGTON	15.0	LIBBEY-OWENS-FORD
8130121		3405922605		107-RT		BIG BROTHER TRACT BAND #1	WASHINGTON	15.0	LIBBEY-OWENS-FORD
8130111		3405922397		103		D PETERSON #1	WASHINGTON	15.0	LIBBEY-OWENS-FORD
8130111		3405922397		107-RT		D PETERSON #1	WASHINGTON	15.0	LIBBEY-OWENS-FORD
8130109		3405922369		103		F LARRICK #1	MONROE	10.0	LIBBEY-OWENS-FORD
8130109		3405922369		107-RT		F LARRICK #1	MONROE	10.0	LIBBEY-OWENS-FORD
8130130		3405922727		103		F MITCHELL #1	WASHINGTON	5.0	LIBBEY-OWENS-FORD
8130130		3405922727		107-TF		F MITCHELL #1	WASHINGTON	5.0	LIBBEY-OWENS-FORD
8130122		3405922618		103		FASSINGER UNIT #1	WASHINGTON	5.0	LIBBEY-OWENS-FORD
8130122		3405922618		107-RT		FASSINGER UNIT #1	WASHINGTON	5.0	LIBBEY-OWENS-FORD
8130124		3405922623		103		FORDYCE UNIT #1	WASHINGTON	10.0	LIBBEY-OWENS-FORD
8130124		3405922623		107-TF		FORDYCE UNIT #1	WASHINGTON	10.0	LIBBEY-OWENS-FORD
8130127		3405922721		103		G COX #1	WASHINGTON	5.0	LIBBEY-OWENS-FORD
8130127		3405922721		107-TF		G COX #1	WASHINGTON	5.0	LIBBEY-OWENS-FORD

VOLUME 436 PAGE 011

JD NO	JA DKT	API NO	D	SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8130131		3405922744		103	H ANNIS #1	WILLS	10.0	LIBBEY-OWENS-FORD
8130131		3405922744		107-TF	H ANNIS #1	WILLS	10.0	LIBBEY-OWENS-FORD
8130125		3405922661		103	H G HOLDERBAUM #2	WILLS	10.0	LIBBEY-OWENS-FORD
8130125		3405922661		107-TF	H G HOLDERBAUM #2	WILLS	10.0	LIBBEY-OWENS-FORD
8130126		3405922705		103	H ROE UNIT #1	WILLS	20.0	LIBBEY-OWENS-FORD
8130126		3405922705		107-TF	H ROE UNIT #1	WILLS	20.0	LIBBEY-OWENS-FORD
8130132		3405922807		103	HARDING UNIT #1	WILLS	15.0	LIBBEY-OWENS-FORD
8130132		3405922807		107-TF	HARDING UNIT #1	WILLS	15.0	LIBBEY-OWENS-FORD
8130117		3405922580		103	J ECK #2	WASHINGTON	8.0	LIBBEY-OWENS-FORD
8130117		3405922580		107-TF	J ECK #2	WASHINGTON	8.0	LIBBEY-OWENS-FORD
8130114		3405922567		103	LANNING #1	MONROE	15.0	LIBBEY-OWENS-FORD
8130114		3405922567		107-TF	LANNING #1	MONROE	15.0	LIBBEY-OWENS-FORD
8130118		3405922583		103	LANNING-AIKIN UNIT #1	MONROE	15.0	LIBBEY-OWENS-FORD
8130118		3405922583		107-TF	LANNING-AIKIN UNIT #1	MONROE	15.0	LIBBEY-OWENS-FORD
8130123		3405922622		103	M BERTINE #2	WASHINGTON	10.0	LIBBEY-OWENS-FORD
8130123		3405922622		107-TF	M BERTINE #2	WASHINGTON	10.0	LIBBEY-OWENS-FORD
8130128		3405922722		103	M GETZ #1	WASHINGTON	6.0	LIBBEY-OWENS-FORD
8130128		3405922722		107-TF	M GETZ #1	WASHINGTON	6.0	LIBBEY-OWENS-FORD
8130116		3405922579		103	M TIDRICK #2	WASHINGTON	4.0	LIBBEY-OWENS-FORD
8130116		3405922579		107-RT	M TIDRICK #2	WASHINGTON	4.0	LIBBEY-OWENS-FORD
8130119		3405922597		103	PETERSON UNIT #1	WASHINGTON	12.0	LIBBEY-OWENS-FORD
8130119		3405922597		107-TF	PETERSON UNIT #1	WASHINGTON	12.0	LIBBEY-OWENS-FORD
8130110		3405922395		103	R BONNETT #1	WASHINGTON	8.0	LIBBEY-OWENS-FORD
8130110		3405922395		107-RT	R BONNETT #1	WASHINGTON	8.0	LIBBEY-OWENS-FORD
8130129		3405922723		103	S GREENWALT #1	WASHINGTON	10.0	LIBBEY-OWENS-FORD
8130129		3405922723		107-TF	S GREENWALT #1	WASHINGTON	10.0	LIBBEY-OWENS-FORD
8130115		3405922578		103	V TEDRICK #2	WASHINGTON	10.0	LIBBEY-OWENS-FORD
8130115		3405922578		107-TF	V TEDRICK #2	WASHINGTON	10.0	LIBBEY-OWENS-FORD
-TITAN ENERGY CORP				RECEIVED: 05/06/81	JA: CH			
8130133		3405921612		103	ALLEN & CHARM AITKEN #1	WESTLAND	20.0	
8130133		3405921612		107-TF	ALLEN & CHARM AITKEN #1	WESTLAND	20.0	
8130138		3405922827		103	ALLEN & CHARM AITKEN #2	WESTLAND	20.0	
8130138		3405922827		107-TF	ALLEN & CHARM AITKEN #2	WESTLAND	20.0	
8130137		3405922821		103	CLAGETT - UNIT - #1	WESTLAND	20.0	
8130137		3405922821		107-TF	CLAGETT - UNIT - #1	WESTLAND	20.0	
8130141		3415521678		103	G NEIMI - UNIT - WELL #1	BAZETTA	20.0	
8130141		3415521678		107-TF	G NEIMI - UNIT - WELL #1	BAZETTA	20.0	
8130134		3405922800		103	J LENT - WELL #1	WESTLAND	20.0	
8130134		3405922800		107-TF	J LENT - WELL #1	WESTLAND	20.0	
8130136		3405922802		103	J LENT #2	WESTLAND	20.0	
8130136		3405922802		107-TF	J LENT #2	WESTLAND	20.0	
8130135		3405922801		103	J LENT #3	WESTLAND	20.0	
8130135		3405922801		107-TF	J LENT #3	WESTLAND	20.0	
8130140		3415521668		103	L & E TODUT #2	BROOKFIELD	20.0	
8130140		3415521668		107-TF	L & E TODUT #2	BROOKFIELD	20.0	
8130139		3415521644		103	R L REDA #1	HARTFORD	20.0	
8130139		3415521644		107-TF	R L REDA #1	HARTFORD	20.0	
-TOWNER PETROLEUM CO				RECEIVED: 05/06/81	JA: CH			
8130144		3405922814		103	BLANEY #2	GUERNSEY	0.0	
8130144		3405922814		107-TF	BLANEY #2	GUERNSEY	0.0	
8130145		3405922825		103	J SMITH #3	GUERNSEY	0.0	
8130145		3405922825		107-TF	J SMITH #3	GUERNSEY	0.0	
8130142		3405922811		103	J SMITH 2	GUERNSEY	0.0	
8130142		3405922811		107-TF	J SMITH 2	GUERNSEY	0.0	

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8130147		3405922829		103		JOHNSTON #1	GUERNSEY	0.0	
8130147		3405922829		107-TF		JOHNSTON #1	GUERNSEY	0.0	
8130149		3405922875		103		LINN #5	GUERNSEY	0.0	
8130149		3405922875		107-TF		LINN #5	GUERNSEY	0.0	
8130143		3405922812		103		M WITTMER 2	GUERNSEY	0.0	
8130143		3405922812		107-TF		M WITTMER 2	GUERNSEY	0.0	
8130146		3405922826		103		MCWILLIAMS #1	GUERNSEY	0.0	
8130146		3405922826		107-TF		MCWILLIAMS #1	GUERNSEY	0.0	
8130148		3405922832		103		WARNE/VANHORN #1	GUERNSEY	0.0	
8130148		3405922832		107-TF		WARNE/VANHORN #1	GUERNSEY	0.0	
-VALENTINE OIL PROPERTIES		RECEIVED: 05/06/81 JA: OH							
8130150		3416722982		108		DON & ROSE ANDERSON #1		5.0	OHIO FUEL GAS CO
-VESCORP INDUSTRIES INC		RECEIVED: 05/06/81 JA: OH							
8130154		3413322105		103		COURTNEY #1	MANTUA	80.0	TIMKEN CO
8130154		3413322105		107-TF		COURTNEY #1	MANTUA	80.0	TIMKEN CO
8130155		3415723280		103		J YODER #1	WAYNE	120.0	COLUMBIA GAS TRAN
8130155		3415723280		107-TF		J YODER #1	WAYNE	120.0	COLUMBIA GAS TRAN
8130152		3413322103		103		REYNOLDS #1	ROOTSTOWN	7.0	TIMKEN CO
8130152		3413322103		107-TF		REYNOLDS #1	ROOTSTOWN	7.0	TIMKEN CO
8130153		3413322104		103		S B A #1	MANTUA	60.0	TIMKEN CO
8130153		3413322104		107-TF		S B A #1	MANTUA	60.0	TIMKEN CO
8130151		3413321268		103		W THOMAS #1	ROOTSTOWN	75.0	TIMKEN CO
8130151		3413321268		107-TF		W THOMAS #1	ROOTSTOWN	75.0	TIMKEN CO
-VIKING RESOURCES CORP		RECEIVED: 05/06/81 JA: OH							
8130156		3415123311		103		FOLTZ UNIT #3	PARIS	30.0	
8130156		3415123311		107-TF		FOLTZ UNIT #3	PARIS	30.0	
8130159		3415123424		103		KEITH UNIT #1	PARIS	30.0	
8130159		3415123424		107-TF		KEITH UNIT #1	PARIS	30.0	
8130161		3415123455		103		LYTLE UNIT #1	PARIS	30.0	
8130161		3415123455		107-TF		LYTLE UNIT #1	PARIS	30.0	
8130160		3415123454		103		LYTLE UNIT #2	PARIS	30.0	
8130160		3415123454		107-TF		LYTLE UNIT #2	PARIS	30.0	
8130158		3415123365		103		SICKAFOOSE UNIT #2	PARIS	30.0	
8130158		3415123365		107-TF		SICKAFOOSE UNIT #2	PARIS	30.0	
8130157		3415123336		103		SPEAKMAN UNIT #1	PARIS	30.0	
8130157		3415123336		107-TF		SPEAKMAN UNIT #1	PARIS	30.0	

OTHER PURCHASERS

8130023 COLUMBIA GAS TRANS CORP

BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agenices by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission on or before July 1, 1981.

Categories within each NGPA section are indicatd by the following codes:

Section 102–1: New OCS lease
- 102–2: New well (2.5 mile rule)
- 102–3: New well (1000 ft rule)
- 102–4: New onshore reservoir
- 102–5: New reservoir on old OCS lease

Section 107–DP: 15,000 feet or deeper
- 107–GB: Geopressured brine
- 107–CS: Coal seams
- 107–DV: Devonian shale
- 107–PE: Production enhancement
- 107–TF: New tight formation
- 107–RT: Recompletion tight formation

Section 108: Stripper well
- 108–SA: Seasonally affected
- 108–ER: Enhanced recovery
- 108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–17873 Filed 6–15–81; 8:45 am]

BILLING CODE 6450–85–M

[Volume 437]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

June 9, 1981.

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JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
KANSAS CORPORATION COMMISSION									
-HERNDON OIL & GAS CO				RECEIVED: 05/07/81		JA: KS			
8130381	K80-0835	1503500000		108		EVA BOLLER #2	MURPHY	8.5	CITIES SERVICE GA
-ZENITH DRILLING CORPORATION INC				RECEIVED: 05/11/81		JA: KS			
8130385	K 81-0060	1515520687		103		WITHRODER #1	ZENITH PEACE CREEK MISSI	55.0	PEOPLES NATURAL G
MICHIGAN DEPARTMENT OF NATURAL RESOURCES									
-GETTY OIL COMPANY				RECEIVED: 05/08/81		JA: MI			
8130384		2114132607		102-4		STATE-ALLIS NO 1-19	ALLIS 19-33N-2E (OIL)	55.0	MICHIGAN CONSOLID
-MACK OIL CO				RECEIVED: 05/08/81		JA: MI			
8130383		2105533936		102-4		FEWLESS #1-7A	PARADISE 7	600.0	CONSUMERS POWER C
-NORTHERN MICHIGAN EXPLORATION CO				RECEIVED: 05/08/81		JA: MI			
8130382		2107900000		102-4		STATE-KALKASKA NO 3-10	KALKASKA 10	164.0	CONSUMERS POWER C
OKLAHOMA CORPORATION COMMISSION									
-AL MCCORD INC				RECEIVED: 05/04/81		JA: OK			
8130330	8678	3507322459		103		WILCZEK #1		8.0	
-ALAMO PETROLEUM COMPANY				RECEIVED: 05/04/81		JA: OK			
8130323	8727	3515321092		102-4		STATE OF OKLAHOMA NO 2	PERSIMMON CREEK	210.0	PANHANDLE EASTERN
-AMERADA HESS CORPORATION				RECEIVED: 05/04/81		JA: OK			
8130373	8659	3504520086		108		JAMES BERRYMAN UNIT D #1	PEEK SOUTH	14.7	PANHANDLE EASTERN
-AN-SON CORPORATION				RECEIVED: 05/04/81		JA: OK			
8130322	08571	3505121025		103		NORRIS #1	LAVERTY	109.0	PHILLIPS PETROLEU
8130321	08572	3507322666		103		VIRGINIA #1	EAST OKARCHE	180.0	DELHI GAS PIPE LI
-ANADARKO PRODUCTION COMPANY				RECEIVED: 05/04/81		JA: OK			
8130305	08269	3500721888		103		CANADAY A NO 1	MOCANE	73.0	COLORADO INTERSTA
-ANDOVER OIL CO				RECEIVED: 05/04/81		JA: OK			
8130276	7272	3501721578		102-2		HUNT #32-2		185.0	DELHI GAS PIPELIN
8130276	7272	3501721578		103		HUNT #32-2		185.0	DELHI GAS PIPELIN
-ANDOVER OIL COMPANY				RECEIVED: 05/04/81		JA: OK			
8130299	08532	3501721635		102-2		HUNT #32-3		185.0	DELHI GAS PIPELIN
-B J BROWN				RECEIVED: 05/04/81		JA: OK			
8130270	08518	3509100000		108		BEEN #1	COALTON	96.0	PHILLIPS PETROLEU
8130268	08521	3509100000		108		BROWN #1	COALTON	13.8	PHILLIPS PETROLEU
8130269	08525	3509100000		108		CHEZ #1	COALTON	17.0	PHILLIPS PETROLEU
8130265	08527	3509100000		108		CHRISTENBERRY #1	COALTON	3.6	PHILLIPS PETROLEU
8130266	08526	3509100000		108		CHRISTENBERRY A #1	COALTON	13.0	PHILLIPS PETROLEU
8130310	08522	3509100000		108		HENSLEY #1	COALTON	17.4	PHILLIPS PETROLEU
8130273	08517	3509100000		108		PATTON #1	COALTON	18.0	PHILLIPS PETROLEU
8130314	08524	3509100000		108		PINE #1	COALTON	18.0	PHILLIPS PETROLEU

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8130315	08523	3509100000		108		SONNY #1	COALTON	20.0	PHILLIPS PETROLEU
-B R POLK INC						RECEIVED: 05/04/81 JA: OK			
8130350	8438	3508320748		103		ERMA #2	S MARSHALL	50.0	EASON OIL CO
8130325	08711	3508321252		103		NIVENS #1	S E RUSSELL	50.0	EASON OIL CO
-BEREN CORPORATION						RECEIVED: 05/04/81 JA: OK			
8130253	08435	3500721822		102-4		KIRTON NO 1-22	EAST BOYD	31.0	KANSAS-NEBRASKA N
8130295	08434	3500721741		102-4		RODGERS NO 1-21	EAST BOYD	118.0	KANSAS-NEBRASKA N
-BERRY PETROLEUM CORP						RECEIVED: 05/04/81 JA: OK			
8130267	08380	3507322262		103		MALY #31-2A	SOONER TREND	150.0	EXXON CORP USA
8130346	08431	3504722333		103		MCCULLEY #12-1	SOONER TREND	150.0	GRACE PETROLEUM C
-BLAIK OIL COMPANY						RECEIVED: 05/04/81 JA: OK			
8130261	8661	3500300080		108		DAISY HAGUE #1	SOONER TREND	17.0	AMINOIL USA INC
-BOBBY ROWE OIL PROPERTIES						RECEIVED: 05/04/81 JA: OK			
8130356	08604	3511100000		108		KOUPLEN #2	POLLYANNA	6.5	PHILLIPS PETROLEU
-CABOT CORPORATION						RECEIVED: 05/04/81 JA: OK			
8130374	8661	3513921252		103		CASTO #15 (LOWER MORROW)	UNALLOCATED GAS WELL	91.0	KOKOMO GAS & FUEL
-CARL E GUNGOLL						RECEIVED: 05/04/81 JA: OK			
8130378	8039	3504700000		108		BLAKELEY #1	NE ENID	0.0	CHAMPLIN PETROLEU
-CHAMPLIN PETROLEUM COMPANY						RECEIVED: 05/04/81 JA: OK			
8130293	8263	3512920474		102-4		R R CARLTON NO 1	S W LEEDY	438.0	
-CHASE EXPLORATION CORP						RECEIVED: 05/04/81 JA: OK			
*8130286	08703	3507121820		103		BERRIE/N/S 59 #3-8		18.9	CITIES SERVICE GA
*8130292	08705	3507121808		103		BREEDLOVE/FF1C #2-25		3.8	CITIES SERVICE GA
*8130336	08305	3507121110		103		CHAPPELL - VA #1-5		2.3	CITIES SERVICE GA
*8130285	08706	3507121270		103		DAY #2-27		15.7	CITIES SERVICE GA
*8130288	08700	3507121123		103		KAHLE #3-24		16.9	CITIES SERVICE GA
*8130287	08699	3507121487		103		KAHLE #4-18		3.4	CITIES SERVICE GA
*8130257	08697	3507121170		103		KAHLE/AMA-YETTA #3-18		11.3	CITIES SERVICE GA
*8130290	08702	3507121124		103		KAHLE/VA-4 #1-18		3.3	CITIES SERVICE GA
*8130291	08704	3507121612		103		KAMPSCHROEDER #2-29		3.8	CITIES SERVICE GA
*8130289	08701	3507121153		103		SWAIM #1-25		181.4	CITIES SERVICE GA
*8130256	08696	3507120966		103		WOOD #1-6		14.5	CITIES SERVICE GA
-CLARK RESOURCES INC						RECEIVED: 05/04/81 JA: OK			
8130338	7396	3507322462		103		HAMIL 19-1	SOONER TREND	13.5	CITIES SERVICE GA
-CLIFFORD RESOURCES INC						RECEIVED: 05/04/81 JA: OK			
8130301	08610	3509300000		103		SHERMAN #1-27	MENO	82.0	PANHANDLE EASTERN
-COTTON PETROLEUM CORPORATION						RECEIVED: 05/04/81 JA: OK			
8130242	08553	3513921142		108		STATE 1-36	GUYMON HUGOTON	18.0	PHILLIPS PETROLEU
8130355	08554	3501520970		103		STEWART NO 1	N SICKLES	900.0	TRANSOK PIPE LINE
-DALCO PETROLEUM INC						RECEIVED: 05/04/81 JA: OK			
8130275	07020	3507322446		103		EMMERICH #1	SOONER TREND	91.3	DALCO PETROLEUM U
-DAPATAN INC						RECEIVED: 05/04/81 JA: OK			
8130279	08611	3513121268		103		HOWARD MITCHELL #2		21.0	DIAMOND S GAS SYS
-DON J LEEMAN						RECEIVED: 05/04/81 JA: OK			
8130306	7872	3509900000		103		LEEMAN #9-1 WELL	SOUTHWEST DAVIS	18.0	AMINOIL USA INC
-DONLARR EXPLORATION INC						RECEIVED: 05/04/81 JA: OK			
8130345	08363	3507322623		103		LOHMEYER 22 NO 1	SOONER TREND	110.0	CITIES SERVICE CO
-E LYLE JOHNSON INC						RECEIVED: 05/04/81 JA: OK			
8130284	8132	3501900000		108		PRUITT A-2 METER #528	CADDO	13.4	UNION OIL CO OF C
-EXCO OIL INC						RECEIVED: 05/04/81 JA: OK			
8130376	08378	3507121949		103		STATE SCHOOL LAND #2	S PECKHAM	10.0	CITIES SERVICE CO
-F C D OIL CORP						RECEIVED: 05/04/81 JA: OK			
8130372	08653	3507322611		103		BEECHER 1-19	S E KINGFISHER	73.0	PHILLIPS PETROLEU

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8130319	08654	3508321445		103		DRABEK 2-26	NORTH CRESCENT	36.5	EASON OIL CO
8130320	08655	3508321446		103		DRABEK 3-26	NORTH CRESCENT	36.5	EASON OIL CO
8130321	08656	3508321447		103		DRABEK 4-26	NORTH CRESCENT	36.5	EASON OIL CO
8130322	08657	3508321448		103		DRABEK 5-26	NORTH CRESCENT	36.5	EASON OIL CO
8130323	08658	3508321449		103		DRABEK 6-26	NORTH CRESCENT	36.5	EASON OIL CO
8130324	08659	3508321450		103		DRABEK 7-26	NORTH CRESCENT	36.5	EASON OIL CO
8130317	08660	3508321451		103		DRABEK 8-26	NORTH CRESCENT	36.5	EASON OIL CO
8130318	08661	3508321452		103		DRABEK 9-26	NORTH CRESCENT	36.5	EASON OIL CO
8130316	08662	3508321453		103		DRABEK 10-26	NORTH CRESCENT	36.5	EASON OIL CO
8130314	08663	3508321454		103		DRABEK 11-26	NORTH CRESCENT	36.5	EASON OIL CO
8130313	08664	3508321455		103		DRABEK 12-26	NORTH CRESCENT	36.5	EASON OIL CO
8130312	08665	3508321456		103		DRABEK 13-26	NORTH CRESCENT	36.5	EASON OIL CO
8130311	08666	3508321457		103		DRABEK 14-26	NORTH CRESCENT	36.5	EASON OIL CO
8130310	08667	3508321458		103		DRABEK 15-26	NORTH CRESCENT	36.5	EASON OIL CO
8130309	08668	3508321459		103		DRABEK 16-26	NORTH CRESCENT	36.5	EASON OIL CO
8130308	08669	3508321460		103		DRABEK 17-26	NORTH CRESCENT	36.5	EASON OIL CO
8130307	08670	3508321461		103		DRABEK 18-26	NORTH CRESCENT	36.5	EASON OIL CO
8130305	08671	3508321462		103		DRABEK 19-26	NORTH CRESCENT	36.5	EASON OIL CO
8130304	08672	3508321463		103		DRABEK 20-26	NORTH CRESCENT	36.5	EASON OIL CO
8130303	08673	3508321464		103		DRABEK 21-26	NORTH CRESCENT	36.5	EASON OIL CO
8130302	08674	3508321465		103		DRABEK 22-26	NORTH CRESCENT	36.5	EASON OIL CO
8130300	08675	3508321466		103		DRABEK 23-26	NORTH CRESCENT	36.5	EASON OIL CO
8130299	08676	3508321467		103		DRABEK 24-26	NORTH CRESCENT	36.5	EASON OIL CO
8130298	08677	3508321468		103		DRABEK 25-26	NORTH CRESCENT	36.5	EASON OIL CO
8130297	08678	3508321469		103		DRABEK 26-26	NORTH CRESCENT	36.5	EASON OIL CO
8130296	08679	3508321470		103		DRABEK 27-26	NORTH CRESCENT	36.5	EASON OIL CO
8130294	08680	3508321471		103		DRABEK 28-26	NORTH CRESCENT	36.5	EASON OIL CO
8130282	08681	3508321472		103		DRABEK 29-26	NORTH CRESCENT	36.5	EASON OIL CO
8130283	08682	3508321473		103		DRABEK 30-26	NORTH CRESCENT	36.5	EASON OIL CO
8130281	08683	3508321474		103		DRABEK 31-26	NORTH CRESCENT	36.5	EASON OIL CO
8130280	08684	3508321475		103		DRABEK 32-26	NORTH CRESCENT	36.5	EASON OIL CO
8130278	08685	3508321476		103		DRABEK 33-26	NORTH CRESCENT	36.5	EASON OIL CO
8130277	08686	3508321477		103		DRABEK 34-26	NORTH CRESCENT	36.5	EASON OIL CO
8130276	08687	3508321478		103		DRABEK 35-26	NORTH CRESCENT	36.5	EASON OIL CO
8130274	08688	3508321479		103		DRABEK 36-26	NORTH CRESCENT	36.5	EASON OIL CO
8130273	08689	3508321480		103		DRABEK 37-26	NORTH CRESCENT	36.5	EASON OIL CO
8130272	08690	3508321481		103		DRABEK 38-26	NORTH CRESCENT	36.5	EASON OIL CO
8130271	08691	3508321482		103		DRABEK 39-26	NORTH CRESCENT	36.5	EASON OIL CO
8130270	08692	3508321483		103		DRABEK 40-26	NORTH CRESCENT	36.5	EASON OIL CO
8130269	08693	3508321484		103		DRABEK 41-26	NORTH CRESCENT	36.5	EASON OIL CO
8130268	08694	3508321485		103		DRABEK 42-26	NORTH CRESCENT	36.5	EASON OIL CO
8130266	08695	3508321486		103		DRABEK 43-26	NORTH CRESCENT	36.5	EASON OIL CO
8130265	08696	3508321487		103		DRABEK 44-26	NORTH CRESCENT	36.5	EASON OIL CO
8130264	08697	3508321488		103		DRABEK 45-26	NORTH CRESCENT	36.5	EASON OIL CO
8130263	08698	3508321489		103		DRABEK 46-26	NORTH CRESCENT	36.5	EASON OIL CO
8130262	08699	3508321490		103		DRABEK 47-26	NORTH CRESCENT	36.5	EASON OIL CO
8130260	08700	3508321491		103		DRABEK 48-26	NORTH CRESCENT	36.5	EASON OIL CO
8130259	08701	3508321492		103		DRABEK 49-26	NORTH CRESCENT	36.5	EASON OIL CO
8130258	08702	3508321493		103		DRABEK 50-26	NORTH CRESCENT	36.5	EASON OIL CO
8130254	08703	3508321494		103		DRABEK 51-26	NORTH CRESCENT	36.5	EASON OIL CO
8130252	08704	3508321495		103		DRABEK 52-26	NORTH CRESCENT	36.5	EASON OIL CO
8130251	08705	3508321496		103		DRABEK 53-26	NORTH CRESCENT	36.5	EASON OIL CO
8130250	08706	3508321497		103		DRABEK 54-26	NORTH CRESCENT	36.5	EASON OIL CO
8130249	08707	3508321498		103		DRABEK 55-26	NORTH CRESCENT	36.5	EASON OIL CO
8130248	08708	3508321499		103		DRABEK 56-26	NORTH CRESCENT	36.5	EASON OIL CO
8130247	08709	3508321500		103		DRABEK 57-26	NORTH CRESCENT	36.5	EASON OIL CO
8130246	08710	3508321501		103		DRABEK 58-26	NORTH CRESCENT	36.5	EASON OIL CO
8130245	08711	3508321502		103		DRABEK 59-26	NORTH CRESCENT	36.5	EASON OIL CO
8130244	08712	3508321503		103		DRABEK 60-26	NORTH CRESCENT	36.5	EASON OIL CO
8130243	08713	3508321504		103		DRABEK 61-26	NORTH CRESCENT	36.5	EASON OIL CO
8130241	08714	3508321505		103		DRABEK 62-26	NORTH CRESCENT	36.5	EASON OIL CO
8130240	08715	3508321506		103		DRABEK 63-26	NORTH CRESCENT	36.5	EASON OIL CO
8130239	08716	3508321507		103		DRABEK 64-26	NORTH CRESCENT	36.5	EASON OIL CO
8130238	08717	3508321508		103		DRABEK 65-26	NORTH CRESCENT	36.5	EASON OIL CO
8130237	08718	3508321509		103		DRABEK 66-26	NORTH CRESCENT	36.5	EASON OIL CO
8130236	08719	3508321510		103		DRABEK 67-26	NORTH CRESCENT	36.5	EASON OIL CO
8130235	08720	3508321511		103		DRABEK 68-26	NORTH CRESCENT	36.5	EASON OIL CO
8130234	08721	3508321512		103		DRABEK 69-26	NORTH CRESCENT	36.5	EASON OIL CO
8130233	08722	3508321513		103		DRABEK 70-26	NORTH CRESCENT	36.5	EASON OIL CO
8130232	08723	3508321514		103		DRABEK 71-26	NORTH CRESCENT	36.5	EASON OIL CO
8130231	08724	3508321515		103		DRABEK 72-26	NORTH CRESCENT	36.5	EASON OIL CO
8130230	08725	3508321516		103		DRABEK 73-26	NORTH CRESCENT	36.5	EASON OIL CO
8130229	08726	3508321517		103		DRABEK 74-26	NORTH CRESCENT	36.5	EASON OIL CO
8130228	08727	3508321518		103		DRABEK 75-26	NORTH CRESCENT	36.5	EASON OIL CO
8130227	08728	3508321519		103		DRABEK 76-26	NORTH CRESCENT	36.5	EASON OIL CO
8130226	08729	3508321520		103		DRABEK 77-26	NORTH CRESCENT	36.5	EASON OIL CO
8130225	08730	3508321521		103		DRABEK 78-26	NORTH CRESCENT	36.5	EASON OIL CO
8130224	08731	3508321522		103		DRABEK 79-26	NORTH CRESCENT	36.5	EASON OIL CO
8130223	08732	3508321523		103		DRABEK 80-26	NORTH CRESCENT	36.5	EASON OIL CO
8130222	08733	3508321524		103		DRABEK 81-26	NORTH CRESCENT	36.5	EASON OIL CO
8130221	08734	3508321525		103		DRABEK 82-26	NORTH CRESCENT	36.5	EASON OIL CO
8130220	08735	3508321526		103		DRABEK 83-26	NORTH CRESCENT	36.5	EASON OIL CO
8130219	08736	3508321527		103		DRABEK 84-26	NORTH CRESCENT	36.5	EASON OIL CO
8130218	08737	3508321528		103		DRABEK 85-26	NORTH CRESCENT	36.5	EASON OIL CO
8130217	08738	3508321529		103		DRABEK 86-26	NORTH CRESCENT	36.5	EASON OIL CO
8130216	08739	3508321530		103		DRABEK 87-26	NORTH CRESCENT	36.5	EASON OIL CO
8130215	08740	3508321531		103		DRABEK 88-26	NORTH CRESCENT	36.5	EASON OIL CO
8130214	08741	3508321532		103		DRABEK 89-26	NORTH CRESCENT	36.5	EASON OIL CO
8130213	08742	3508321533		103		DRABEK 90-26	NORTH CRESCENT	36.5	EASON OIL CO
8130212	08743	3508321534		103		DRABEK 91-26	NORTH CRESCENT	36.5	EASON OIL CO
8130211	08744	3508321535		103		DRABEK 92-26	NORTH CRESCENT	36.5	EASON OIL CO
8130210	08745	3508321536		103		DRABEK 93-26	NORTH CRESCENT	36.5	EASON OIL CO
8130209	08746	3508321537		103		DRABEK 94-26	NORTH CRESCENT	36.5	EASON OIL CO
8130208	08747	3508321538		103		DRABEK 95-26	NORTH CRESCENT	36.5	EASON OIL CO
8130207	08748	3508321539		103		DRABEK 96-26	NORTH CRESCENT	36.5	EASON OIL CO
8130206	08749	3508321540		103		DRABEK 97-26	NORTH CRESCENT	36.5	EASON OIL CO
8130205	08750	3508321541		103		DRABEK 98-26	NORTH CRESCENT	36.5	EASON OIL CO
8130204	08751	3508321542		103		DRABEK 99-26	NORTH CRESCENT	36.5	EASON OIL CO
8130203	08752	3508321543		103		DRABEK 100-26	NORTH CRESCENT	36.5	EASON OIL CO

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8130319	08654	3508321445			103	DRABEK 2-26	NORTH CRESCENT	36.5	EASON OIL CO
8130371	08652	3504722269			103	MILACEK 1-28	SOONER TREND	36.5	PHILLIPS PETROLEU
-F M BUXTON						RECEIVED: 05/04/81 JA: OK			
8130243	08535	3508300000			103	WISE NO 1	SOONER TREND	198.0	CONOCO INC
-FLYNN ENERGY CORPORATION						RECEIVED: 05/04/81 JA: OK			
8130364	08595	3501121440			103	BUCHANAN 25-1	EAST OKEENE	120.0	ARKANSAS LOUISIAN
8130308	08594	3507322455			103	CLINE 14-1	SOONER TREND	54.0	PHILLIPS PETROLEU
-GEMINI OIL CO						RECEIVED: 05/04/81 JA: OK			
8130340	07110	3505320546			103	LICHTI #1 053-47955	WEBB	0.0	ARKANSAS LOUISIAN
-GEORGE RODMAN INC						RECEIVED: 05/04/81 JA: OK			
8130326	8712	3508720499			103	BURKHEAD NO 1	WEST STEALY	37.0	SUN GAS CO
-GETTY OIL COMPANY						RECEIVED: 05/04/81 JA: OK			
8130329	8677	3513921348			103	E C KRONE #2	N E GUYMON	43.8	CITIES SERVICE PI
8130347	08381	3513921347			103	HURLIMAN A #4	NORTHEAST GUYMON	730.0	CITIES SERVICE P
-GLENCO PETROLEUM CORP						RECEIVED: 05/04/81 JA: OK			
8130360	8582	3506321144			103	GEORGE TURNER #2	GREASY CREEK	36.0	WELLHEAD ENTERPRI
-GRAHAM-MICHAELIS CORP						RECEIVED: 05/04/81 JA: OK			
8130380	05509	3500700000			108-ER	ORINGDERFF #1-22	CAMRICK	1.5	NORTHERN NATURAL
-HALLIBURTON OIL PRODUCING COMPANY						RECEIVED: 05/04/81 JA: OK			
8130316	8575	3504722292			103	GRASSMAN #1	NORTH MARSHALL	5.0	EASON OIL CO
8130304	08613	3504722321			103	MILLER #1	NORTH MARSHALL	5.0	EASON OIL CO
8130302	8612	3507322563			103	POLLARD A #2	WEST LOVELL	5.0	EASON OIL CO
-HAMM PRODUCTION CO						RECEIVED: 05/04/81 JA: OK			
8130283	8529	3507322678			103	MCEACHERN #1	SOONER TREND	104.8	PHILLIPS PETROLEU
-HAP DRILLING CO						RECEIVED: 05/04/81 JA: OK			
8130352	08560	3504900000			108	IVEY NO 1	WEST MAYSVILLE	0.0	WARREN PETROLEUM
8130246	08499	3507300000			108	MIKLES NO 1	SOONER TREND	0.0	CONOCO INC
8130248	08497	3507300000			108	SARAH A NO 1	SOONER TREND	0.0	CONOCO INC
-HARPER OIL COMPANY						RECEIVED: 05/04/81 JA: OK			
8130280	08626	3507322718			103	TED HICKMAN #2	SOONER TREND	146.0	PHILLIPS PETROLEU
-HCM						RECEIVED: 05/04/81 JA: OK			
8130342	08477	3505920907			102-4	NO 1 PRICE B	MOCANE-LAVERNE	300.0	NORTHERN NATURAL
8130342	08477	3505920907			103	NO 1 PRICE B	MOCANE-LAVERNE	300.0	NORTHERN NATURAL
-HELMERICH & PAYNE INC						RECEIVED: 05/04/81 JA: OK			
8130309	8581	3509321965			103	UNWIN B NO 1	WEST TRIVOLI	146.0	MICHIGAN WISCONSI
-HERNDON OIL & GAS CO						RECEIVED: 05/04/81 JA: OK			
8130348	8439	3505920888			103	KUHN #1	LAVERNE	128.0	MICHIGAN WISCONSI
-J L THOMAS ENGINEERING INC						RECEIVED: 05/04/81 JA: OK			
8130312	8656	3509300000			103	DAVID #1	CLEO SPRINGS	188.0	PIONEER GAS PRODU
-JAMES E VINCENT						RECEIVED: 05/04/81 JA: OK			
8130318	08632	3514721569			103	LAMBERT NO 1	HOGSHOOTER	16.0	DIAMOND S GAS SYS
-JIMMY W GRAY						RECEIVED: 05/04/81 JA: OK			
8130274	08547	3504921376			103	BETTY NO 1	FLORENCE CHAPEL SOUTHWES	0.0	WARREN PETROLEUM
8130297	08634	3504921205			103	BOBO #1	GOLDEN TREND	0.0	LONE STAR GAS CO
8130296	08635	3504921223			103	COCKRELL #1	SOUTHWEST MCCARTY	0.0	LONE STAR GAS CO
8130367	08637	3504921305			103	COCKRELL #2	SOUTHWEST MCCARTY	0.0	LONE STAR GAS CO
8130366	08638	3504921314			103	EZZELL #1	SOUTHWEST MCCARTY	0.0	LONE STAR GAS CO
8130370	08636	3504921315			103	EZZELL #2	SOUTHWEST MCCARTY	0.0	LONE STAR GAS CO
8130277	08549	3504921377			103	PAULINE #1	FLORENCE CHAPEL SOUTHWES	0.0	WARREN PETROLEUM
8130254	08546	3504921378			103	PHYLLIS #1	FLORENCE CHAPEL SOUTHWES	0.0	WARREN PETROLEUM
8130298	08633	3504921344			103	SHIPLEY #3	WHITEBEAD WEST	0.0	WARREN PETROLEUM
-JOE C RICHARDSON JR						RECEIVED: 05/04/81 JA: OK			
8130328	08714	3500721837			103	BARKER NO 1	JORDAN (MORROW)	360.0	NORTHERN NATURAL

VOLUME 437 PAGE 004

JD NO	JA DKT	API NO	D SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-KEITH F WALKER				RECEIVED: 05/04/81 JA: OK			
8130264	08628	3501921931	103	SMITH	OIL CITY	109.5	MOBIL OIL CORP
-KIRKPATRICK OIL CO				RECEIVED: 05/04/81 JA: OK			
8130240	08550	3507322561	103	MAXON A #1-31	SW REEDING	0.0	CONOCO INC
-L G WILLIAMS OIL COMPANY INC				RECEIVED: 05/04/81 JA: OK			
8130337	8006	3504321097	105	CHAIN RANCH 10-1	S HUCMAC	0.0	DELHI GAS PIPELIN
8130303	8618	3501721475	102-2	MANNING #29-1	NW YUKON	0.0	PHILLIPS PETROLEU
-L O WARD				RECEIVED: 05/04/81 JA: OK			
8130341	8450	3501100000	103	WILSON-RAUH #1	S W SOUTHARD	2.0	DELHI GAS PIPELIN
-LIBERTY EXPLORATION CO				RECEIVED: 05/04/81 JA: OK			
8130324	8713	3513363791	103	IRES #1	HOLDENVILLE	144.0	ARKLA GAS CO
-MACKELLAR INC				RECEIVED: 05/04/81 JA: OK			
8130362	8585	3510320845	103	MOUNT #1	EAST GREEN VALLEY	0.0	ARCO OIL & GAS CO
8130361	8583	3510321110	103	MOUNT #3	EAST GREEN VALLEY	0.0	ARCO OIL & GAS CO
8130363	8584	3510321122	103	MOUNT #4	EAST GREEN VALLEY	0.0	ARCO OIL & GAS CO
-MAGUIRE OIL COMPANY				RECEIVED: 05/04/81 JA: OK			
8130262	08687	3500320770	103	MCNICKLE #2	CHANEY DELL	0.1	PANHANDLE EASTERN
-MUSTANG PRODUCTION CO.				RECEIVED: 05/04/81 JA: OK			
8130252	08597	3507720213	102-2	FOSTER #1-35	PANOLA	500.0	ARKANSAS LOUISIAN
8130252	08597	3507720213	103	FOSTER #1-35	PANOLA	500.0	ARKANSAS LOUISIAN
-NATIONAL COOP REFINERY ASSOC				RECEIVED: 05/04/81 JA: OK			
8130282	08625	3507322581	103	B & B UNIT #2	SOONER TREND	100.0	EXXON CO USA
-NATOMAS NORTH AMERICA INC				RECEIVED: 05/04/81 JA: OK			
8130369	8707	3512920443	102-2	J TAYLOR #1-11	TAYLOR RANCH	0.0	EL PASO NATURAL G
8130369	8707	3512920443	103	J TAYLOR #1-11	TAYLOR RANCH	0.0	EL PASO NATURAL G
-NEVA ASSOCIATES				RECEIVED: 05/04/81 JA: OK			
8130379	08590	3507121856	103	KAHLE #1-15		0.0	CITIES SERVICE GA
-NICHOLS PETROLEUM CO				RECEIVED: 05/04/81 JA: OK			
8130327	8679	3504722293	103	HIXON 27-1	SOONER TREND	124.5	UNION TEXAS PETRO
-OLEUM INC				RECEIVED: 05/04/81 JA: OK			
8130263	08627	3501922039	103	ALICE STURM NO 2	JOINER CITY	19.0	
-ONG EXPLORATION INC				RECEIVED: 05/04/81 JA: OK			
8130244	08536	3504722238	103	CLINE NO 2	NORTHWEST ELKHORN	40.0	ARCO OIL & GAS CO
-PAYNE INC				RECEIVED: 05/04/81 JA: OK			
8130245	08537	3508321402	103	EDDIE LOU HALSEY NO 2	WEST LAURIE	45.0	EASON OIL CO
-PERRY OIL CO				RECEIVED: 05/04/81 JA: OK			
8130358	8660	3509321820	103	DOLL #1	E RINGWOOD	160.6	PANHANDLE EASTERN
-PETRO-LEWIS CORPORATION				RECEIVED: 05/04/81 JA: OK			
8130351	08567	3503120589	103	STATE B #2	WEST MARLOW	435.0	ARKANSAS LOUISIAN
-PETROLEUM INC				RECEIVED: 05/04/81 JA: OK			
8130334	8406	3513900000	108	BEASLEY #1	CAMRICK	12.0	NORTHERN NATURAL
8130333	8408	3500700000	108	BURKE UNIT #3	SIX MILE	12.0	NORTHERN NATURAL
8130331	8407	3504500000	108	JAHAY #1	N W FARGO	10.0	NORTHERN NATURAL
8130332	8534	3508720512	103	STEELE #1	N DIBBLE	35.0	SUN GAS CO
-PHILLIPS PETROLEUM COMPANY				RECEIVED: 05/04/81 JA: OK			
8130365	08642	3504320805	108	DRAKE B #1		0.0	TRANSWESTERN PIPE
8130311	08655	3501721777	103	MEYER D #1	N CONCHO	0.0	PANHANDLE EASTERN
8130339	0329	3513900000	108-ER	STEW NO 1	GUYMON HUGOTON	15.0	PANHANDLE EASTERN
8130349	8437	3508720459	103	THOMPSON N 1		0.0	
-PHOENIX ENERGY CORP				RECEIVED: 05/04/81 JA: OK			
8130249	8449	3508722110	103	PRIBYL #1	SOONER TREND	125.0	
-PHOENIX RESOURCES COMPANY				RECEIVED: 05/04/81 JA: OK			
8130357	8622	3500721840	103	NOE #3	ALLEN & PARKER	38.0	NORTHERN NATURAL

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-PORTS OF CALL OIL CO						RECEIVED: 05/04/81 JA: OK			
8130354	08551	3501721778		103		J W BURMEIER NO 22-1	EL RENO	146.0	
-RED EAGLE OIL CO						RECEIVED: 05/04/81 JA: OK			
8130272	08349	3509321830		103		THOMPSON NO 1	NW FAIRVIEW	328.0	PHILLIPS PETROLEU
-REINEKE-PURSER OIL & GAS INC						RECEIVED: 05/04/81 JA: OK			
8130247	8455	3504722323		103		HOUSER #2	SOONER TREND	192.0	GRACE PETROLEUM C
-S K TUTHILL & B J BARBEE						RECEIVED: 05/04/81 JA: OK			
8130368	8668	3515321108		103		SIMPSON WALKER 1-29	SOUTH FREEDOM	320.0	PANHANDLE EASTERN
-SAMEDAN OIL CORPORATION						RECEIVED: 05/04/81 JA: OK			
8130300	08598	3508520290		103		GAITHER B #1		408.0	CIMARRON TRANSMIS
-SAMSON RESOURCES COMPANY						RECEIVED: 05/04/81 JA: OK			
8130294	7953	3507920367		102-4		ROY REED NO 1-19	RED OAK - NORRIS	164.0	ARKANSAS LOUISIAN
8130294	7953	3507920367		103		ROY REED NO 1-19	RED OAK - NORRIS	164.0	ARKANSAS LOUISIAN
-SERVICE DRILLING CO						RECEIVED: 05/04/81 JA: OK			
*8130335	08350	3510100000		102-4		MCALESTER #1		56.0	TENNESSEE GAS PIP
-SHELLY ENERGY INC						RECEIVED: 05/04/81 JA: OK			
8130317	08629	3508100000		102-3		SADLER NO 1	SOUTH CARNEY	25.6	SUN GAS CO
-SOUTHLAND ROYALTY CO						RECEIVED: 05/04/81 JA: OK			
8130307	8189	3513921303		103		BROWN #1-28	CAPLE	108.0	NORTHERN NATURAL
8130259	08649	3509321868		102-2		STAMBAUGH 3-32	ORION	108.0	MICHIGAN WISCONSI
8130258	08648	3509321947		102-2		STAMBAUGH 4-32	ORION	105.0	MICHIGAN WISCONSI
-SOUTHPORT EXPLORATION INC						RECEIVED: 05/04/81 JA: OK		183.0	
8130251	08591	3504520803		102-2		ROLLIN NO 1			
-TENNECO OIL COMPANY						RECEIVED: 05/04/81 JA: OK			
8130320	08646	3509321962		103		TAYLOR 1-2	CHEYENNE VALLEY	14.0	PHILLIPS PETROLEU
-TEXACO INC						RECEIVED: 05/04/81 JA: OK			
8130377	08111	3513900431		108-EM		HARRY BROWN UNIT NO 1	CAMRICK	14.0	NATURAL GAS PIPEL
8130250	08490	3511720632		103		W J LAUDERDALE NO 17	TERLTON NORTH	7.0	HJD CATTLE CO INC
8130343	08485	3511720873		103		W J LAUDERDALE NO 25	TERLTON NORTH	29.0	HJD CATTLE CO INC
-TEXAS OIL & GAS CORP						RECEIVED: 05/04/81 JA: OK			
8130359	08528	3501721590		103		CALUMET #1	WILDCAT	0.0	DELHI GAS PIPELIN
8130278	08600	3507322656		103		KUNNEMAN A #1	ALTONA	0.0	
8130281	08599	3512120724		103		WARD D #1	S E ULAN	150.0	
-TEXAS PACIFIC OIL COMPANY INC						RECEIVED: 05/04/81 JA: OK			
*8130241	8573	3512920457		103		LIBBY #3	REYDON	88.0	KANSAS NEBRASKA N
-THE GHK COMPANY						RECEIVED: 05/04/81 JA: OK			
8130255	08692	3500920310		102-4		#1-19 THORNTON	CARPENTER FIELD	456.0	PANHANDLE EASTERN
-THOMAS N BERRY & CO						RECEIVED: 05/04/81 JA: OK			
8130353	08589	3510321060		103		SHOOP #3	SOUTH POLO	40.0	AMINOIL USA INC
-TOWER OIL AND GAS COMPANY INC						RECEIVED: 05/04/81 JA: OK			
8130271	08569	3504722322		103		MERRITT #1	SOONER TREND	109.5	PANHANDLE EASTERN
-WALLACE OIL & GAS INC						RECEIVED: 05/04/81 JA: OK			
8130375	08466	3513900000		103		LAST MINUTE SMITH #1	GUYMON HUGOTON	346.6	NORTHERN NATURAL
-WILLIS EXPLORATION INC						RECEIVED: 05/04/81 JA: OK			
8130260	8658	3501721697		103		SOUTHBOUND #1	NE MUSTANG	500.0	MOBIL OIL CORP
-WOHNLICH OIL CO						RECEIVED: 05/04/81 JA: OK			
8130313	8676	3509321952		103		VAN THOMPSON NO 27-1	MCWILLIE	18.0	AMINOIL USA INC
-WOODS PETROLEUM CORPORATION						RECEIVED: 05/04/81 JA: OK			
8130344	08192	3504321074		102-4		EDWARDS #5-2	KODRAS	217.0	DELHI GAS PIPELIN

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WEST VIRGINIA DEPARTMENT OF MINES

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-APPALACHIAN EXPLORATION & DEVEL INC RECEIVED: 05/06/81 JA: WV

VOLUME 437 PAGE 006

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8130200		4701501100		108		A HOWES #11	PLEASANT	7.8	CABOT CORP
8130193		4703903578		103		A MIDELBURG #1	WASHINGTON	7.0	TENNESSEE GAS PIP
8130163		4706700413		108		C & H CORPORATION B-10	JEFFERSON	16.7	CABOT CORP
8130165		4701501211		108		C & H CORPORATION B-6	PLEASANT	18.9	CABOT CORP
8130164		4701501215		108		C & H CORPORATION B-7	PLEASANT	18.9	CABOT CORP
8130166		4701501207		108		C & H CORPORATION B-8	PLEASANT	18.9	CABOT CORP
8130168		4701501113		108		F F MCINTOSH #1	PLEASANT	11.0	CABOT CORP
8130167		4701501202		108		F F MCINTOSH #5	PLEASANT	11.0	CABOT CORP
8130201		4706700436		108		HILL & LONG B-11	JEFFERSON	13.8	CABOT CORP
8130162		4706700428		108		HILL & LONG B-12	JEFFERSON	14.0	CABOT CORP
8130202		4706700437		108		HILL & LONG B-13	JEFFERSON	13.8	CABOT CORP
8130204		4706700429		108		HILL & LONG B-14	JEFFERSON	13.8	CABOT CORP
8130203		4706700430		108		HILL & LONG B-15	JEFFERSON	13.8	CABOT CORP
8130194		4707900962		103		J L MCLEAN A-24	UNION	28.0	TENNESSEE GAS PIP
8130199		4707900966		103		J L MCLEAN A-41	UNION	16.0	TENNESSEE GAS PIP
8130188		4703903611		103		JOHN W FORD #1	JEFFERSON	27.0	TENNESSEE GAS PIP
8130169		4708100348		108		PINEY COKING COAL A-20	SLAB FORK	16.5	CABOT CORP
8130171		4708100349		108		PINEY COKING COAL A-21	SLAB FORK	16.5	CABOT CORP
8130172		4708100350		108		PINEY COKING COAL A-23	SLAB FORK	16.5	CABOT CORP
8130173		4708100351		108		PINEY COKING COAL A-26	SLAB FORK	0.0	CABOT CORP
8130174		4708100352		108		PINEY COKING COAL A-27	SLAB FORK	15.3	CABOT CORP
8130175		4708100364		108		PINEY COKING COAL A-28	SLAB FORK	0.0	CABOT CORP
8130176		4708100384		108		PINEY COKING COAL A-41	SLAB FORK	4.0	CABOT CORP
8130177		4708100424		108		PINEY COKING COAL A-42	SLAB FORK	16.8	CABOT CORP
8130170		4708100422		108		POCAHONTAS LAND CORP A-8	SLAB FORK	10.1	CABOT CORP
-BEREA OIL AND GAS CORPORATION						RECEIVED: 05/06/81 JA: WV			
*8130186		4700101202		103		D SOUTHERLY #1	VALLEY	12.2	CONSOLIDATED GAS
-BRAXTON OIL AND GAS CORP						RECEIVED: 05/06/81 JA: WV			
8130227		4700701325		108		COBERLY NO 1	HEATERS	30.0	CONSOLIDATED GAS
8130228		4700701360		108		CRUTCHFIELD NO 1	HEATERS	50.0	CONSOLIDATED GAS
8130226		4704102525		108		ECKES NO 1	VANDALIA	50.0	CONSOLIDATED GAS
8130229		4700701431		108		NO 1 HILDEBRAND	CHAPEL-GERMAN	10.0	CONSOLIDATED GAS
8130225		4700701440		108		WATSON NO 1		15.0	CONSOLIDATED GAS
-BURDETTE OIL & GAS CO INC						RECEIVED: 05/06/81 JA: WV			
8130220		4707300765		102-3		AUBRA GRACE THORN #1	BENS RUN	0.0	COLUMBIA GAS TRAN
8130213		4707300743		102-3		WALDO WAGNER #1	BENS RUN	0.0	COLUMBIA GAS TRAN
8130221		4707300747		102-3		WALDO WAGNER #2	BENS RUN DISTRICT	0.0	
-CHASE PETROLEUM						RECEIVED: 05/06/81 JA: WV			
8130211		4708504800		102-3		GOODWIN #1	CLAY DISTRICT	79.2	
-CONSOLIDATED GAS SUPPLY CORPORATION						RECEIVED: 05/06/81 JA: WV			
8130205		4703301912		108		COMMERCIAL COAL & COKE 12513	WEST VIRGINIA OTHER A857	10.0	GENERAL SYSTEM PU
8130210		4707700192		108		FERMAN H CLARKSON 12526	WEST VIRGINIA OTHER A857	10.0	GENERAL SYSTEM PU
8130207		4704102148		108		I B SNYDER 12311	WEST VIRGINIA OTHER A857	21.0	GENERAL SYSTEM PU
8130209		4706100371		108		J RUSSELL SMITH 12408	GREER-GLADESVILLE 290235	9.0	GENERAL SYSTEM PU
8130208		4704700797		108		OLGA COAL COMPANY 12441	PINEVILLE FIELD AREA A59	19.0	GENERAL SYSTEM PU
8130206		4703302088		108		WATER NEELY ET AL 12593	WEST VIRGINIA OTHER A857	5.0	GENERAL SYSTEM PU
-GENE STALNAKER INC						RECEIVED: 05/06/81 JA: WV			
8130197		4700101522		103		BARBOUR COUNTY COMMISSION B-46-1	BARBOUR COUNTY PARK & RE	25.0	COLUMBIA GAS TRAN
8130196		4700101414		103		BARTLETT B-53-1	M BARTLETT	25.0	COLUMBIA GAS TRAN
8130189		4700101381		103		KINES B-52-1	KINES	25.0	CONSOLIDATED GAS
8130190		4700101433		103		KINES B-54-2	DON KINES	25.0	CONSOLIDATED GAS
-GLENN L HAUGHT & SONS						RECEIVED: 05/06/81 JA: WV			
8130187		4707300897		103		CHARLES PETHTEL H-1019	MCKIM DISTRICT	15.0	COLUMBIA GAS TRAN

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8130212		4707300891			103	CHARLES PETHTEL H-1020	MCKIM DISTRICT	15.0	COLUMBIA GAS TRAN
-JAMES F SCOTT				RECEIVED: 05/06/81 JA: WV					
8130198		4703302443			103	DESSIE MOORE S-313	EAGLE	5.0	CONSOLIDATED GAS
8130182		4704102893			103	ROSEMARY SANFORD S-300	HACKERS CREEK	25.0	CONSOLIDATED GAS
8130195		4703302467			103	SALERNO S-321	CLAY DISTRICT	10.0	CONSOLIDATED GAS
8130192		4703302461			103	TRUMAN GORE S-319	COAL DISTRICT	10.0	CONSOLIDATED GAS
-PENNZOIL COMPANY				RECEIVED: 05/06/81 JA: WV					
8130238		4702100006			108	CORA HOLT #1	DEKALB	0.0	CONSOLIDATED GAS
8130233		4703903270			108	J M & V SUMMERS (4A) #1	ELK	0.0	
8130232		4703903271			108	J M & V SUMMERS #2	ELK	0.0	
8130231		4703903272			108	J M & V SUMMERS #3	ELK	7.0	
8130239		4701702962			108	MINDA ALLEN #6	MCCLELLAN	0.0	CONSOLIDATED GAS
8130234		4702103272			108	PERRY BLACK #1	DEKALB	0.0	CONSOLIDATED GAS
8130237		4702100573			108	PERRY BLACK #2	DEKALB	0.0	CONSOLIDATED GAS
8130236		4702100590			108	PERRY BLACK #3	DEKALB	0.0	CONSOLIDATED GAS
8130235		4702101848			108	S M HARDMAN #7	DEKALB	0.0	CONSOLIDATED GAS
-PETROLEUM DEVELOPMENT CORP				RECEIVED: 05/06/81 JA: WV					
8130183		4703302043			103	L CLEVENGER #1	BRIDGEPORT	10.0	CONSOLIDATED GAS
-QUAKER STATE OIL REFINING CORP				RECEIVED: 05/06/81 JA: WV					
8130223		4703903602			103	J H CARTE #11	ELK DISTRICT	11.0	COLUMBIA GAS TRAN
8130214		4703923478			103	J H COPENHAVER #12	ELK DISTRICT	13.9	COLUMBIA GAS TRAN
8130224		4703903586			103	L KELLY #6	ELK DISTRICT	13.9	COLUMBIA GAS TRAN
8130222		4703903607			103	W H EWING #2	ELK	11.0	COLUMBIA GAS TRAN
-RAY RESOURCES CORP				RECEIVED: 05/06/81 JA: WV					
8130181		4710500831			103	HARRY BELT UNIT #827	BURNING SPRINGS	1.0	COLUMBIA GAS TRAN
8130180		4710500840			103	HARRY BELT UNIT #848	BURNING SPRINGS	1.5	COLUMBIA GAS TRAN
8130179		4710500847			103	HARRY BELT UNIT #858	BURNING SPRINGS	1.5	COLUMBIA GAS TRAN
8130178		4710500854			103	THORN ROBERTS #863	BURNING SPRINGS	1.5	COLUMBIA GAS TRAN
-ROBERT R JONES				RECEIVED: 05/06/81 JA: WV					
8130185		4702103662			103	JONES NO 4-A	GLENVILLE NORTH	0.0	CONSOLIDATED GAS
8130184		4702103663			103	JONES NO 5-A	GLENVILLE NORTH	60.0	CONSOLIDATED GAS
-RUSSELL V JOHNSON JR				RECEIVED: 05/06/81 JA: WV					
8130216		4708504438			103	C A WILSON #1 (H-831)	INDIAN CREEK	6.0	CONSOLIDATED GAS
8130215		4708504437			103	C A WILSON #2 (H-829)	INDIAN CREEK	8.5	CONSOLIDATED GAS
8130218		4708504752			103	E V COOKRO #1 N	MURPHY DISTRICT	16.0	CONSOLIDATED GAS
8130230		4708504751			103	E V COOKRO #1 S	MURPHY DISTRICT	16.5	CONSOLIDATED GAS
8130219		4708504753			103	RICHARDS #1	ADDIS RUN	24.0	CONSOLIDATED GAS
8130217		4708504555			103	VALENTINE-DOWLER #1	SUGARCAMP RUN OF INDIAN	8.0	CONSOLIDATED GAS
-UNION DRILLING INC				RECEIVED: 05/06/81 JA: WV					
8130191		4700101400			103	JOHN A MOSESSO ET AL #2 1573	PLEASANT DISTRICT	0.0	CONSOLIDATED GAS

OTHER PURCHASERS

8130186	BROOKLYN UNION GAS
8130241	PANHANDLE EASTERN P L CO
8130256	CHASE GATHERING SYSTEMS
8130257	CHASE GATHERING SYSTEMS
8130285	CHASE GATHERING SYSTEMS
8130286	CHASE GATHERING SYSTEMS
8130287	CHASE GATHERING SYSTEMS
8130288	CHASE GATHERING SYSTEMS
8130289	CHASE GATHERING SYSTEMS
8130290	CHASE GATHERING SYSTEMS
8130291	CHASE GATHERING SYSTEMS
8130292	CHASE GATHERING SYSTEMS
8130335	COLUMBIA GAS TRANS CORP
8130336	CHASE GATHERING SYSTEMS

BILLING CODE 6460-86-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104 Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission on or before July 1, 1981.

Categories within each NGPA section are indicated by the following codes:

Section
- 102–1: New OCS lease
- 102–2: New well (2.5 mile rule)
- 102–3: New well (1000 ft rule)
- 102–4: New onshore reservoir
- 102–5: New reservoir on old OCS lease

Section
- 107–DP:15,000 feet or deeper
- 107–GB: Geopressured brine
- 107–CS: Coal seams
- 107–DV: Devonian shale
- 107–PE: Production enhancement
- 107–TF: New tight formation
- 107–RT: Recompletion tight formation

Section 108: Stripper well
- 108–SA: Seasonally affected
- 108–ER: Enchanced recovery
- 108–PB: Pressure buildup

Kenneth F. Plumb,
Secretary.

[FR Doc. 8117874 Filed 6–15–81, 8:45 am]
BILLING CODE 6450–85–M

[Volume 438]
Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978
June 9, 1981.

JD NO	JA DKT	API NO	D SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER

V 46 JE 16 81 UMI

JD NO	JA DKT	API NO	D	SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
COLORADO OIL & GAS COMMISSION								
-ABRAXAS PETROLEUM CORP			RECEIVED: 05/11/81 JA: CO					
8130403	80-439	0507508749		102-4	KERSCHNER NUMBER 1	RAYMER CREEK	100.0	KANSAS NEBRASKA N
-AMOCO PRODUCTION CO			RECEIVED: 05/11/81 JA: CO					
8130406	81-30	0512307271		108	BERNARD E TEETS WELL #1	WATTENBERG	17.6	PANHANDLE EASTERN
8130407	81-29	0512308242		108	RAYMOND H PRESTON WELL #1	WATTENBERG	16.0	PANHANDLE EASTERN
-BEREN CORPORATION			RECEIVED: 05/11/81 JA: CO					
8130404	80-365	0507508771		102-4	HELEN NO 1	SEAL FIELD	15.8	
-DONNELLY CASING PULLING CO			RECEIVED: 05/11/81 JA: CO					
8130427	79-86	0512307914		108-ER	LOUSBERG #1	MCKENZIE	0.0	KANSAS-NEBRASKA N
-ENERGY MINERALS CORPORATION			RECEIVED: 05/11/81 JA: CO					
8130412	81-107	0512307708		108	#1 VONASEK	SPINDLE	7.0	COLORADO INTERSTA
8130414	81-110	0512308301		108	#3 CLEVELAND	SPINDLE	12.0	COLORADO INTERSTA
8130413	81-111	0512308341		108	#4 CLEVELAND	SPINDLE	12.0	COLORADO INTERSTA
8130411	81-106	0512308523		108	#4 VONASEK	SPINDLE	13.8	COLORADO INTERSTA
8130415	81-109	0512309203		108	#5 CLEVELAND	SPINDLE	12.0	COLORADO INTERSTA
8130410	81-105	0512309218		108	#5 VONASEK	SPINDLE	10.6	COLORADO INTERSTA
8130409	81-108	0512309179		108	#7 CLEVELAND	SPINDLE	9.0	COLORADO INTERSTA
-GRIFFIN PETROLEUM CORP			RECEIVED: 05/11/81 JA: CO					
8130417	80-339	0512308544		102-0	RUTH #1	KIOWA CREEK	118.8	CRYSTAL GAS RESOU
-GULF ENERGY CORP			RECEIVED: 05/11/81 JA: CO					
8130392	80-459	0500107478		103	B W TRUPP #1	RADAR	240.0	COLO INTERSTATE G
8130393	80-463	0500107604		103	B W TRUPP #2	RADAR	12.0	COLO INTERSTATE G
8130395	80-461	0500107607		103	CLYDE E WILLIAMS JR #1	RADAR	36.0	COLORADO INTERSTA
8130396	80-460	0500107653.		103	CLYDE E WILLIAMS JR #2	RADAR	36.0	COLORADO INTERSTA
8130394	80-462	0500107466		103	FARM RANCH EXPLORATION #2	RADAR	12.0	COLO INTERSTATE G
-KANSAS-NEBRASKA NATURAL GAS CO INC			RECEIVED: 05/11/81 JA: CO					
8130424	81-83	0512500609		108	ALLISON 1-29	WILDCAT	20.0	KANSAS-NEBRASKA N
-MGF OIL CORP			RECEIVED: 05/11/81 JA: CO					
8130400	80-377	0512309907		103	ANDREWS 13-18X	LANYARD FIELD	10.0	CRYSTAL GAS RESOU
8130416	81-435	0512309133		102-4	HOOPER 11-32	WAITE LAKE	73.0	PHILLIPS PETROLEU
8130401	80-274	0512309933		103	PREMIER 22-4	LANYARD	60.0	CRYSTAL GAS RESOU
8130421	80-436	0512307112		102-4	STATE 23-29	WAITE LAKE	159.8	PHILLIPS PETROLEU
-MIDLANDS GAS CORPORATION			RECEIVED: 05/11/81 JA: CO					
8130398	80-472	0512506419		103	ALLEN 1-12	BEECHER ISLAND	65.0	KANSAS-NEBRASKA N
8130399	80-471	0512506450		103	ALLEN 1-7X	BEECHER ISLAND	48.0	KANSAS-NEBRASKA N
8130419	80-470	0512506424		103	ROCKWELL 1-14	REPUBLICAN	36.0	KANSAS-NEBRASKA N
-MOUNTAIN PETROLEUM CORPORATION			RECEIVED: 05/11/81 JA: CO					
8130422	81-95	0512506225		108	BLACH 1-19	PONY EXPRESS	1.5	NATURAL GAS PIPEL
8130423	81-94	0512506159		108	BLACH 1-24	PONY EXPRESS	10.0	NATURAL GAS PIPEL
-NIELSON ENTERPRISES INC			RECEIVED: 05/11/81 JA: CO					
8130408	81-3	0512308410		108	KERN #1	WATTENBERG J FIELD	16.0	PANHANDLE EASTERN

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8130426	81-67	0512309299		108		STROMBERGER UNIT #2	HAMBERT FIELD	19.0	PANHANDLE EASTERN
-PREMIER RESOURCES LTD				RECEIVED: 05/11/81 JA: CO					
8130405	81-60	0500106624		108		VETTER #73001	CHIEFTAIN	0.0	PANHANDLE EASTERN
-RINCON OPERATING CO				RECEIVED: 05/11/81 JA: CO					
8130420	80-236	0500506405		102-4		CRAIG #1		500.0	SUN GAS CO
-SAGE DRILLING CO INC				RECEIVED: 05/11/81 JA: CO					
8130389	80-417	0500900000		102-4		SAGE-ALLEY #1-17	WALSH	250.0	
8130390	80-416	0500906257		102-4		SAGE-DOKE #1-8	WALSH	212.0	PANHANDLE EASTERN
8130391	80-415	0500900000		102-4		SAGE-DOKE #2-8	WALSH	300.0	
-SAMSON OIL COMPANY				RECEIVED: 05/11/81 JA: CO					
8130402	80-473	0500906253		103		ELLIS 1-25	GREENWOOD	110.0	COLORADO INTERSTA
8130397	80-474	0500906254		103		HOLT 1-26	GREENWOOD	110.0	COLORADO INTERSTA
-TENNECO OIL COMPANY				RECEIVED: 05/11/81 JA: CO					
8130425	81-69	0500900000		108		C V COGBURN #1	MIDWAY	20.0	PANHANDLE EASTERN
-TOM F MARSH				RECEIVED: 05/11/81 JA: CO					
8130418	80-267	0500906221		103		COGBURN 2-22 WELL #2	MIDWAY	17.0	PANHANDLE EASTERN
**********									
MONTANA BOARD OF OIL & GAS CONSERVATION									
**********									
-J BURNS BROWN				RECEIVED: 05/07/81 JA: MT					
8130387	8-80-180	2500522131		108		BURNS 4-32-18	WILDCAT	11.0	NORTHERN NATURAL
8130388	8-80-139	2504122074		108		KULBECK 3-32-15	WILDCAT	20.0	NORTHERN NATURAL
-MIDLANDS GAS CORPORATION				RECEIVED: 05/07/81 JA: MT					
8130386	9-80-194	2507121490	D	108		1370 1-13 REX BURWELL	BOWDOIN	19.0	KANSAS-NEBRASKA N
**********									
OKLAHOMA CORPORATION COMMISSION									
**********									
-ADAMS PETROLEUM ENTERPRISES CORP				RECEIVED: 05/11/81 JA: OK					
8130483	08685	3506321033		103		DIAMOND #1	GREASY CREEK	182.5	TRANSOK PIPE LINE
-ASTRO DRILLING CO				RECEIVED: 05/11/81 JA: OK					
8130448	08730	3504921383		103		BLEVINS 1-32	S E ELMORE CITY PROSPECT	11.5	ENSERCH CORP
8130486	8815	3504921374		103		BLEVINS 1-33	SE ELMORE CITY PROSPECT	11.5	ENSERCH CORP
8130449	8731	3504921408		103		BLEVINS 2-32	S E ELMORE CITY PROSPECT	11.5	ENSERCH CORP
-B J BROWN				RECEIVED: 05/11/81 JA: OK					
8130461	08519	3509100000		108		BEEN #3	COALTON	9.4	PHILLIPS PETROLEU
8130462	08520	3509100808		108		BEEN #5	COALTON	6.8	PHILLIPS PETROLEU
-BROWN & BORELLI INC				RECEIVED: 05/11/81 JA: OK					
8130431	8577	3507322691		103		GEORGE #1	WEST OF DOVER	36.5	PHILLIPS PETROLEU
-COBRA OIL AND GAS CORPORATION				RECEIVED: 05/11/81 JA: OK					
8130479	08695	3505920808		103		DEWEESE 21 #1	UNALLOCATED	0.0	NORTHERN NATURAL
8130454	08694	3505920939		103		DEWEESE 21 #2	UNALLOCATED	0.0	NORTHERN NATURAL
-DAVIS OIL COMPANY				RECEIVED: 05/11/81 JA: OK					
8130489	6914	3501520892		103		BODE NO 2	HINTON	450.0	ARKANSAS LOUISIAN
8130446	8725	3504321098		103		KROWS #1	CESTOS	350.0	MICHIGAN WISCONSI
-DON J LEEMAN				RECEIVED: 05/11/81 JA: OK					
8130490	07804	3509321563		103		DON J LEEMAN #1 W B JOHNSON	SOUTH BELVA	10.2	DELHI GAS PIPELIN
8130476	07806	3511122092		103		MAGGARD #1	BRITTON	35.0	SWABB CORP
8130475	07805	3511100000		103		PALMER #1-A	TIGER FLATS	190.0	SWABB CORP
-ECC OIL CO				RECEIVED: 05/11/81 JA: OK					
8130451	8734	3514721838		103		C SUMPTER #1 C NE/4 NW/4 29-25N-14E	OGLESBY GAS FIELD	43.8	OKAN GAS CO
-EL PASO NATURAL GAS COMPANY				RECEIVED: 05/11/81 JA: OK					
8130463	08724	3500935560		108		PUCKETT #2	ERICK SOUTH-BROWN DOLOMI	17.8	EL PASO NATURAL G
-G S CECIL				RECEIVED: 05/11/81 JA: OK					

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME
8130498	8708	3514721642			102-2	BARBARA JO #1
8130499	8709	3514721643			102-2	BARBARA JO #2
						RECEIVED: 05/11/81 JA: OK
-GETTY OIL COMPANY						
8130438	08739	3507920353			103	COUCH 22-1
						RECEIVED: 05/11/81 JA: OK
-GIN INC						
8130442	06791	3507300000			103	ACE #1
						RECEIVED: 05/11/81 JA: OK
-HAMILTON BROTHERS OIL CO						
8130458	8011	3504520842			102-4	PARKER NO 1-22
8130458	8011	3504520842			103	PARKER NO 1-22
						RECEIVED: 05/11/81 JA: OK
-HAP DRILLING CO						
8130496	08559	3504900000			108	WILLIAMS UNIT NO 1
						RECEIVED: 05/11/81 JA: OK
-HENRY PETROLEUM INC						
8130432	8615	3510920131			108	VOREL #1
						RECEIVED: 05/11/81 JA: OK
-HUNT ENERGY CORPORATION ET AL						
8130471	08647	3504520855			103	BERRYMAN #1
						RECEIVED: 05/11/81 JA: OK
-IPS 80 - 1 LTD						
8130488	08716	3513100000			102-2	MACH #1
						RECEIVED: 05/11/81 JA: OK
-J W ALBRITTON						
8130478	8614	3513300000			108	RAGLAND #1
						RECEIVED: 05/11/81 JA: OK
-JIMMY W GRAY						
8130435	8675	3504921328			103	ROSE #3
8130434	8672	3504921388			103	SHIRLEY NO 1
8130488	8674	3504921393			103	SHIRLEY NO 2
8130495	08548	3504921293			103	TURNEY NO 1
						RECEIVED: 05/11/81 JA: OK
-KETAL OIL PRODUCING CO						
8130460	08457	3511921278			103	MYERS #4
						RECEIVED: 05/11/81 JA: OK
-L & T OIL & GAS INC						
8130468	08747	3507322679			103	HOLLAND 18 NO 1
8130450	06752	3507322243			103	MARTIN 3 NO 1
8130457	06753	3507322415			103	VILHAUER 33 NO 2
						RECEIVED: 05/11/81 JA: OK
-LONG CONSTRUCTION CO						
8130469	08794	3504722278			103	HERMANSKI L-2
						RECEIVED: 05/11/81 JA: OK
-MORGAN & STEINERT INC						
8130491	08475	3507322404			103	VADDER #1
						RECEIVED: 05/11/81 JA: OK
-PETRO-LEWIS CORPORATION						
8130472	08657	3505120945			103	CRAWFORD-EDWARDS #3
						RECEIVED: 05/11/81 JA: OK
-PHILLIPS OIL OPERATING CO						
8130453	08773	3508121057			103	GREEN NO A-1
						RECEIVED: 05/11/81 JA: OK
-PHOENIX RESOURCES COMPANY						
8130459	08456	3507300000			103	RACER #2
						RECEIVED: 05/11/81 JA: OK
-PIONEER PRODUCTION CORPORATION						
8130485	08800	3502520446			103	SMALTS #1-22
-RALPH E PLOTNER OIL & GAS INVEST IN						RECEIVED: 05/11/81 JA: OK
8130466	08743	3501721455			103	B KOUBA NO 1-30
8130467	08744	3501721682			103	DAVIS NO 1-9
						RECEIVED: 05/11/81 JA: OK
-S K TUTHILL & B J BARBEE						
8130481	8671	3515121079			102-2	MYRTLE ENGLE UNIT 1-16
8130437	8669	3515321088			103	WALKER NO 1-6
8130433	8670	3515321095			103	WOODWARD TRUST NO 1-5
						RECEIVED: 05/11/81 JA: OK
-SOUTHLAND ROYALTY CO						
8130477	08382	3509321895			103	CAMPBELL #I-35
8130445	08723	3509321865			103	WOODRING #1-31
-SOUTHWESTERN EXPLOR CONSULTANTS INC						RECEIVED: 05/11/81 JA: OK

FIELD NAME	PROD	PURCHASER
	28.0	DIAMOND-S GAS SYS
	28.0	DIAMOND - S GAS S
KINTA	110.0	ARKANSAS LOUISIAN
SOONER TREND	2.0	DALCO MARKETING &
WILDCAT	720.0	UNITED GAS PIPE L
WILDCAT	720.0	UNITED GAS PIPE L
NORTH LINDSAY	0.0	WARREN PETROLEUM
LUTHER	9.0	SUN GAS CO
S E ARNETT	858.0	NORTHERN NATURAL
TALALA	18.0	DIAMOND S GAS SYS
WILDCAT	12.2	ARKANSAS LOUISIAN
WHITEBEAD SOUTH	0.0	WARREN PETROLEUM
WHITEBEAD SOUTH	0.0	WARREN PETROLEUM
WHITEBEAD SOUTH	0.0	WARREN PETROLEUM
FLORENCE CHAPEL SOUTHWES	0.0	WARREN PETROLEUM
LOST CREEK	117.0	SUN GAS CO
SOONER TREND	531.0	CONTINENTAL OIL C
SOONER TREND	18.5	CONOCO INC
SOONER TREND	146.0	CITIES SERVICE GA
NORTH GARBER	100.0	ARCO OIL & GAS CO
SOONER TREND	92.0	EXXON CO
WEST HARLOW	54.0	ARKANSAS LOUISIAN
SOUTHWEST PRAIRIE GEM	33.0	SUN OIL CO
W HENNESSEY	33.6	
N E GRIGGS	450.0	
SOUTH YUKON	288.0	PHILLIPS PETROLEU
YUKON	226.0	MOBIL OIL CORP
NORTH EAST FARRY	75.0	PANHANDLE EASTERN
SOUTH FREEDOM	120.0	PANHANDLE EASTERN
SOUTH FREEDOM	125.0	PANHANDLE EASTERN
ORION	95.0	PANHANDLE EASTERN
ORION	80.0	PHILLIPS PETROLEU

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME
8130474	07502	3508321390		102	-4	GALE #1
				RECEIVED: 05/11/81 JA: OK		
-STIMCO OIL CO						
8130441	06703	3514700000		102	-2	CARTER #1CS
				RECEIVED: 05/11/81 JA: OK		
-SUN OIL COMPANY (DELAWARE)						
8130443	7890	3500700000		108		BOYD UNIT NO 11-1
8130473	07019	3500721744		103		MANSE WOOD NO 3
8130494	08544	3503700000		108		STEWART FEE NO 30
				RECEIVED: 05/11/81 JA: OK		
-TEXACO INC						
8130444	08742	3511720689		103		R LUNSFORD 1-B
8130464	08737	3511720809		103		R LUNSFORD 2-B
8130439	08738	3511720878		103		R LUNSFORD 3-B
8130440	08741	3511720894		103		R LUNSFORD 4-B
				RECEIVED: 05/11/81 JA: OK		
-TEXAS OIL & GAS CORP						
8130456	08690	3502520429		103		DURHAM A #1
8130455	08691	3515321103		103		HUFFMAN #2
				RECEIVED: 05/11/81 JA: OK		
-THE GHK COMPANY						
8130482	08684	3500920326		103		#1-27 THURMOND
				RECEIVED: 05/11/81 JA: OK		
-THE WIL-MC OIL CORP						
8130478	08686	3510320992		103		CINNAMON #1
8130447	8728	3510720838		103		HYDEN #1
				RECEIVED: 05/11/81 JA: OK		
-VIERSEN & COCHRAN						
8130452	08689	3515321072		103		HAMILTON #1-28
8130487	8816	3501121514		103		TRIBAL #1-31
				RECEIVED: 05/11/81 JA: OK		
-VULCAN ENERGY CORP						
8130484	8795	3507322591		103		MARY HOFFMAN #1
				RECEIVED: 05/11/81 JA: OK		
-W C PAYNE						
8130492	8338	3507300000		108		HOFFMAN A NO 1
8130430	08564	3508700000		108		KIRBY NO 1
8130428	08562	3508700000		108		MITCHELL NO 1
8130429	08563	3507300000		108		NELSON NO 1
8130497	08561	3509300000		108		SCANNELL A NO 1
8130493	08482	3508300000		108		VIETH NO 2
				RECEIVED: 05/11/81 JA: OK		
-WALKER & WITHROW INC						
8130465	08740	3501721788		103		SALISBURY 10-2
				RECEIVED: 05/11/81 JA: OK		
-WHITMAR EXPLORATION CO						
8130436	08717	3504921369		103		WILLIE B SMITH #2-12
				RECEIVED: 05/11/81 JA: OK		
-WILLIFORD ENERGY CO						
*8130500	08688	3513722198		103		C QUINN 1-A

Other Purchasers
8130500 Lone Star Gas Co

BILLING CODE 6450-85-C

VOLUME 438 PAGE 004

FIELD NAME	PROD	PURCHASER
CRESCENT	0.0	EASON OIL CO
CANARY POOL	0.0	CITIES SERVICE GA
E GRAND VALLEY	7.0	PHILLIPS PETROLEU
COMO S E	0.0	TRANSWESTERN PL C
CUSHING	0.2	ARCO OIL & GAS CO
TERLTON NORTH	4.8	HJD CATTLE CO INC
TERLTON NORTH	5.5	HJD CATTLE CO INC
TERLTON NORTH	5.5	HJD CATTLE CO INC
TERLTON NORTH	5.5	HJD CATTLE CO INC
N E GRIGGS	82.0	PHILLIPS PETROLEU
N W CEDARDALE	195.0	
WEST CARPENTER FIELD	3.1	
POLO	36.0	AMINOIL USA INC
	120.0	
WEST VICI	180.0	PANHANDLE EASTERN
WATONGA TREND 4	150.0	DELHI GAS PIPELIN
MARY HOFFMAN #1	100.0	PHILLIPS PETROLEU
SOONER TREND	0.0	CONOCO INC
S W WAYNE	0.0	WARREN PETROLEUM
S W WAYNE	0.0	WARREN PETROLEUM
SOONER TREND	0.0	EXXON CORP
RINGWOOD	0.0	PIONEER GAS
SOONER TREND	0.0	CONOCO INC
YUKON	190.0	CONOCO INC
E ANTIOCH	200.0	WARREN PETROLEUM
SHO-VEL-TUM	250.0	GETTY OIL CO

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The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission on or before July 1, 1981.

Categories within each NGPA section are indicated by the following codes:

Section
- 102–1: New OCS lease
- 102–2: New well (2.5 mile rule)
- 102–3: New well (1000 ft rule)
- 102–4: New onshore reservoir
- 102–5: New reservoir on old OCS lease

Section
- 107–DP: 15,000 feet or deeper
- 107–GB: Geopressured brine
- 107–CS: Coal seams
- 107–DV: Devonian shale
- 107–PE: Production enhancement
- 107–TE: New tight formation
- 107–RT: Recompletion tight formation

Section
- 108: Stripper well
- 108–SA: Seasonally affected
- 108–ER: Enhanced recovery
- 108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17875 Filed 6-15-81, 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA81-2-12-000]

Distrigas Corp. and Distrigas of Massachusetts Corp.; Rate Change Pursuant to Purchased Gas Cost Adjustment Provision

June 8, 1981.

Take notice that Distrigas Corporation (Distrigas) on May 29, 1981 tendered for filing Seventh Revised Sheet No. 1 to its FERC Gas Tariff and Distrigas of Massachusetts Corporation (DOMAC) on the above date tendered for filing Seventh Revised Sheet No. 3A.

Seventh Revised Sheet No. 1 and Seventh Revised Sheet No. 3A are being filed pursuant to distrigas' and DOMAC's purchased LNG cost adjustment provision set forth in their respective tariffs. The distrigas rate change is being filed to reflect in its sales rate to DOMAC a redetermination (increase) of the price paid for the purchase of LNG from its supplier SONATRACH in accordance with the Distrigas-SONATRACH Agreement for Sale and Purchase of Liquefied Natural Gas together with demurrage and amortization over the six-month period, July 1, 1981 through December 31, 1981, of the balance of the unrecovered purchased LNG cost account.

The DOMAC rate change is being filed to reflect the Distrigas rate change in DOMAC's rates for resale to its distribution customer companies and the amortization over the six-month period, July 1, 1981 through December 31, 1981, of the balance in DOMAC's unrecovered purchased LNG cost account and the GRI Surcharge.

Distrigas and DOMAC request that the proposed tariff sheets become effective July 1, 1981 to coincide with the change in LNG costs from SONATRACH.

A copy of this filing is being served on all affected parties and interested State commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 22, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17850 Filed 6-15-81, 8:45am]

BILLING CODE 6450-85-M

[Project No. 4623-000]

Frankfort Electric and Water Plant Board; Application for Preliminary Permit

June 10, 1981

Take notice that Frankfort Electric and Water Plant Board (Applicant) filed on May 4, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4623 known as the Kentucky River Lock and Dam No. 4 located on the Kentucky River in Anderson and Woodford Counties, Kentucky. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Rodney R. Ratliff, Board Chairman, Frankfort Electric and Water Plant Board, P.O. Box 308, Frankfort, Kentucky 40604.

Project Description—The proposed project would utilize a U.S. Army Corps of Engineers' dam. The project would consist of: (1) a proposed powerhouse containing an installed generating capacity of 6 MW; (2) a proposed 800-foot long transmission line; and (3) appurtenant facilities. The project would be located on Federal lands. The Applicant estimates the average annual generation to be 34 GWh.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months. During this time the significant legal, institutional, engineering, environmental, marketing, economic and financial aspects of the project will be defined, investigated and assessed to support an investment decision. The report of the proposed study will address whether or not a commitment to implementation is warranted, and, if the findings are positive, describe the steps required for implementation. The report will be prepared so that the information presented will be useful in preparing an application for license for the project. The Applicant's estimated total cost for performing a feasibility study is $100,000.

Competing Applications—This application was filed as a competing application to the Kentucky River Lock and Dam No. 5 Project No. 3676 filed on November 5, 1980, by Dam Five Development, Ltd under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing notices of intent has passed. Therefore, notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before July 10, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretrary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17866 Filed 6-15-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4612-000]

Hydro Development, Inc.; Application for Preliminary Permit

June 10, 1981.

Take notice that Hydro Development, Inc. (Applicant) filed on April 30, 1981, an application for preliminary permit [pursuant to the Federal Power Act 16 U.S.C. 791(a)—825(r)] for Project No. 4612 to be known as the Canyon Creek Water Power Project located on the Canyon Creek in Trinity County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Howard L. Stone, President, Hydro Development Inc., Suite 711, Kirkeby Center, 10889 Wilshire Boulevard, Los Angeles, California 90024.

Project Description—The project would consist of: (1) an instream diversion structure; (2) a 600-foot long closed water conduit; (3) a 7-mile long ditch; (4) two 600-foot long, 24-inch diameter penstocks leading to; (5) a powerhouse to contain two generating units with a total rated capacity of 3 MW; and (6) a 50-foot long, 12-kV tie line to an existing Pacific Gas and Electric Company transmission line.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize contruction. The Applicant seeks an 18-month preliminary permit to study the feasibility of construction and operating the proposed project. The cost of the feasibility studies has been estimated by the Applicant to be about $130,000.

Competing Applications—This application was filed as a competing application to Canyon Creek Project No. 3262 filed on November 18, 1980, by the Modesto Irrigation District under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies only directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before July 10, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all Capital letters the title "COMMENTS", PROTESTS", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4612. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17867 Filed 6-15-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ST81-270-000]

Louisiana Resources Co.; Application for Approval of Rates

June 10, 1981.

Take notice that on May 11, 1981, Louisiana Resources Company (Applicant), 4100 One Williams Center, Tulsa, Oklahoma 74172, filed in Docket No. ST81-270-000 an application pursuant to Section 311 of the Natural Gas Policy Act of 1978 and § 284.123 of the Regulations thereunder for approval of rates for the transportation of natural gas on behalf of Texas Gas Transmission Corporation (Texas Gas), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that under a gas transportation agreement with Texas Gas dated February 18, 1981, Applicant has agreed to transport by exchange up to 125 billion Btu's of gas per day. It is stated that the gas would be transported from a point on the facilities of Applicant located in Iberville Parish, Louisiana, to a point on the facilities of Applicant located in Cameron Parish, Louisiana.

Applicant states that in view of the limited nature of the services being performed by Applicant and the operational benefits which would accrue to Applicant by reason of the exchange, Applicant would assess no additional rates or charges for the services so performed on behalf of Texas Gas.

Applicant therefore proposes to charge a transportation service rate of 0 cents per million Btu for the volumes of gas delivered on behalf of Texas Gas.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 1, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17877 Filed 6-15-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP81-70-000]

Midwestern Gas Transmission Co.; Revisions to Tariff

June 8, 1981.

Take notice that on May 29, 1981, Midwestern Gas Transmission Company (Midwestern) tendered for filing certain proposed changes to its FERC Gas Tariff to be effective July 1, 1981, consisting of the following:

Original Volume No. 1
- Original Sheet No. 86A
- First Revised Sheet Nos. 6, 84, 85, 86 and 168

Original Volume No. 2
- Fifth Revised Sheet No. 37
- Original Sheet No. 37A

Midwestern states that the revisions make certain changes in the minimum bill provisions of certain Northern System rate schedules to flow-through the benefits of changes made in the gas purchase contracts of TransCanada Pipelines Limited with Midwestern and Michigan Wisconsin Pipeline Company. Midwestern also states that the tariff provisions related to the recovery of unrecovered purchased gas costs are being revised to reflect properly the treatment of revenues received pursuant to the minimum bill provisions of Midwestern's tariff.

Midwestern states that copies of the filing have been mailed to all of its customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 22, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of the filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17881 Filed 6-15-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA81-2-5-002 (PGA81-3, IPR81-2, DCA81-2)]

Midwestern Gas Transmission Co.; Rate Filing Pursuant to Tariff Rate Adjustment Provisions

June 8, 1981.

Take notice that on May 29, 1981, Midwestern Gas Transmission Company (Midwestern) tendered for filing First Revised Sheet Nos. 5, 7 and 8 and Substitute First Revised Sheet No. 6 to its FERC Gas Tariff, Original Volume No. 1, to be effective July 1, 1981.

Midwestern states that the sole purpose of the revised tariff sheets is to reflect adjustments to its rates pursuant to rate adjustment provisions of the General Terms and Conditions of its tariff as follows:

(1) PGA Rate Adjustments for the Southern System pursuant to Article XVII;

(2) a PGA Rate Adjustment for the Northern System pursuant to Article XVIII;

(3) a Curtailment Credit Rate Adjustment for the Southern System pursuant to Article XIX;

(4) Estimated Incremental Pricing Surcharges for the Southern System pursuant to Article XXII; and

(5) Estimated Incremental Pricing Surcharges for the Northern System pursuant to Article XXIII.

Midwestern states the copies of the filing have been mailed to all of its jurisdictional customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 22, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17852 Filed 6-15-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP81-71-000]

Montana-Dakota Utilities Co.; Proposed Change in Rates

June 8, 1981.

Take notice that on May 29, 1981, Montana-Dakota Utilities Co. ("MDU"), a Delaware corporation, whose mailing address is 400 North Fourth Street, Bismarck, North Dakota 58501, filed proposed changes in rates charged to its jurisdictional customers.

More specifically, MDU filed the following tariff sheets as part of its FERC Gas Tariff in which are reflected an increase in jurisdictional rates:

Original Volume No. 4
- Eighteenth Revised Sheet No. 3A

First Revised Volume No. 2
- Eleventh Revised Sheet No. 10

The proposed effective date is July 1, 1981.

Increased revenues from the rates as proposed would amount to $509,139 annually under MDU's Rate Schedules G-1, PR-1, X-1, and I-1.

MDU also filed the following alternate tariff sheets:

Original Volume No. 4
- Alternate Eighteenth Revised Sheet No. 3A

First Revised Volume No. 2
- Alternate Eleventh Revised Sheet No. 10

The proposed rates under the alternate tariff sheets reflect the inclusion of certain new on-system and off-system sales and services that are either currently pending before this Commission in a Section 7 proceeding or, will be the subject of Section 7 applications during the pendency of this rate proceeding. The inclusion of such sales and services would result in a rate decrease of 14.403 cents per Mcf for MDU's jurisdictional customers under its Rate Schedules G-1, PR-1, I-1, and X-1. MDU states that if the rates proposed for its existing jurisdictional customers become effective on July 1, 1981, and one or more of the new sales

are commenced shortly thereafter, MDU proposes to reduce the rates for all customers, effective on the day of commencement of service to each new customer.

Any person desiring to be heard or to make any protest with reference to said filing should on or before June 22, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests file with the Commission will be considered by it in determing the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17853 Filed 6-15-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TC81-53-000]

Montana-Dakota Utilities Co.; Tariff Filing

June 8, 1981.

Take notice that on May 29, 1981, Montana-Dakota Utilities Co. (MDU), 400 North Fourth Street, Bismarck, North Dakota 58501, filed in Docket No. TC81-53-000 pursuant to Section 4 of the Natural Gas Act and the "Order Approving Settlement" issued November 29, 1979, in said docket the following tariff sheets for inclusion in MDU's FERC Gas Tariff, First, Revised Volume No. 1:

Third Revised Sheet No. 100
Third Revised Sheet No. 101
Third Revised Sheet No. 102
Third Revised Sheet No. 103
Third Revised Sheet No. 104
Third Revised Sheet No. 105
Third Revised Sheet No. 106
Third Revised Sheet No. 107
Third Revised Sheet No. 108
Third Revised Sheet No. 110

The proposed effective date is July 1, 1981. The volume changes in said sheets are said to reflect changes in the requirements for essential agricultural use based upon affidavits submitted to MDU by each agricultural user. In addition to the changes in volumes of natural gas, the revised tariff sheets reflect deletions of two customers from the index of requirements because they have ceased operations and reflect a change in corporate name and a change in identity of a purchaser. The revised sheets are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said filing should on or before June 26, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17854 Filed 6-15-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP76-91]

Montana-Dakota Utilities Co.; Informal Conference

June 9, 1981.

Take notice that at the conclusion of a conference on a related matter in Docket No. CP81-316 which commences at 10:00 a.m. on June 17, 1981, Staff will meet with represenatatives of the above-captioned company for the purpose of a possible resolution of the issues in a proposed amendment to the currently effective curtailment settlement in the above-captioned docket.

The conference will be held in Room 3200 of the Commission's offices at 941 North Capitol Street, NE., and all interested parties at their option may attend.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17855 Filed 6-15-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ST81-269-000]

Monterey Pipeline Co., Application for Approval of Rates

June 10, 1981.

Take notice that on May 8, 1981, Monterey Pipeline Company (Applicant), 1700 Commerce Building, New Orleans, Louisiana 70112, filed in Docket No ST81-269-000 an application pursuant to Section 311 of the Natural Gas Policy Act of 1978 and § 284.123 of the Regulations thereunder for approval of rates for the transportation of natural gas on behalf of Columbia Gas Transmission Corporation (Columbia), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it has agreed to transport up to 1,000 Mcf of natural gas per day on behalf of Columbia for a period of up to two years. It is stated that Applicant would receive gas from Columbia at the inlet flange to a measurement station owned and operated at a point on Applicant's existing Baton Rouge-West pipeline system located in Acadia Parish, Louisiana, and would then redeliver the gas to Columbia at existing or other mutually agreeable future points between Applicant and Columbia. Applicant asserts that the transportation service would be subject to interruption by Applicant to the extent necessary for Applicant to provide adequate service to its intrastate customers.

Applicant herein proposes to charge Columbia a transportation service rate of 17.5 cents per million Btu of gas redelivered by Applicant. It is further stated that Columbia would reimburse Applicant for the full amount of any present or future taxes with respect to this transportation service to the extent that such taxes are not included in the 17.5 cents per million Btu rate. Applicant states that justification for the proposed rate is set forth in Docket No. ST81-207-000.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 1, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17878 Filed 6-15-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-502-000]

Niagara Mohawk Power Corp.; Filing

June 8, 1981.

The filing Company submits the following:

Take notice that on May 29, 1981, Niagara Mohawk Power Corporation (Niagara Mohawk) tendered for filing a Notice of Cancellation of an agreement between Niagara Mohawk and the Green Mountain Power Corporation (Green Mountain) dated December 13, 1980. Niagara Mohawk requests an effective date of January 9, 1981.

Copies of this filing have been served upon the Green Mountain Power Corporation and the Public Service Commission of the State of New York.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 26, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17856 Filed 6-15-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-327-000]

Northern Natural Gas Co., Division of InterNorth, Inc.; Application

June 10, 1981.

Take notice that on May 8, 1981, Northern Natural Gas Company, Division of InterNorth, Inc. (Northern), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP81-327-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities and the transportation and sale of natural gas in interstate commerce, all as more fully set forth in the application on file with the Commission and open to public inspection.

According to Northern, in the instant application, it is offering to its customers further increases [1] in service under all of its firm rate schedules in an effort to provide the broadest service to meet the varying needs of all of its utility customers. At the request of its market area customers, Northern says it proposes to make additional volumes available under its existing Rate Schedules CD-1, SS-1, PS-1 and WPS-1. Further, Northern says that those customers currently purchasing under rate schedules included in its FERC Gas Tariff, Original Volume No. 2 who desire additional service are also being provided increased entitlement under their existing rate schedules.

According to Northern, over the last several years, it has had significant improvement in its acquisition efforts. This is reflected, it says, by recent gas reserve bookings of 409,000,000 Mcf in 1978, 608,000,000 Mcf in 1979, and 725,000,000 Mcf in 1980 and by 800,000,000 Mcf of Canadian gas and 4.6 billion Mcf of Alaskan gas currently under contract.

Northern says that during the time period 1981 to 1992, it expects to add to its production inventory an average of about 500,000,000 Mcf per year and that, accordingly, it is in a position to offer expanded service to meet its customers' market requirements. A comparison by Northern of its projected supply sources versus projected consumption during that period is as follows:

[1] Northern states that, in Docket No. CP80-135, it proposed to provide additional service to its utility customers under its SS-1 Rate Schedule. The presiding administrative law judge in that proceeding approved the increase in service as proposed and the matter is now before the Commission on exception of the "Brick People".

Comparison of Projected Supply Sources vs. Projected Consumption Peakday Volumes From 1982-83 Through 1991-92 Heating Seasons

[Millions cubic feet per day at 14.73 Psia]

Particulars (a)	1982-83 (b)	1983-84 (c)	1984-85 (d)	1985-86 (e)	1986-87 (f)	1987-88 (g)	1988-89 (h)	1989-90 (i)	1990-91 (j)	1991-92 (k)
Sources:										
Onshore	1,854	1,854	1,769	1,690	1,616	1,537	1,453	1,376	1,312	1,240
Offshore	541	539	472	461	466	467	471	466	470	471
Alaska					413	413	413	413	413	413
Consolidated (Trans Canada)	200	200	150	100	50					
Northwest Alaska (Pan Alberta)	200	200	200	200	200	90				
Total supply areas	2,895	2,793	2,591	2,451	2,745	2,507	2,337	2,257	2,195	2,124
Deliveries from Storage:										
Redfield	345	345	345	345	345	345	345	345	345	345
Lyons	85	85	85	85	85	85	85	85	85	85
Cunningham	530	530	530	530	530	530	530	530	530	530
LNG Wrenshall—Garner	200	200	200	200	200	200	200	200	200	200
NSP LNG	73									
Michigan Wisconsin	42	42	42	42	42	42	42	42	42	42
Michigan Consolidated [1]	56	56	56	56	56	56	56	56	56	
Other storage to be developed								75	125	250
Total from storage	1,301	1,226	1,258	1,258	1,258	1,258	1,258	1,393	1,383	1,452
Total sources	4,196	4,021	3,849	3,709	4,003	3,765	3,595	3,590	3,578	2,576
Consumption:										
Total system peak day demand	3,306	3,306	3,306	3,306	3,306	3,306	3,306	3,306	3,306	3,306
Associated sales	38	23	2	1	1					
Off-system sales	100	100	100	100						
Fuel, use, and unaccounted for	249	256	256	256	248	264	272	261	256	246
Total consumption	3,693	3,684	3,664	3,665	3,556	3,570	3,578	3,567	3,561	3,551

Comparison of Projected Supply Sources vs. Projected Consumption Peakday Volumes From 1982-83 Through 1991-92 Heating Seasons—Continued

(Millions cubic feet per day at 14.73 Psia)

Particulars (a)	1982-83 (b)	1983-84 (c)	1984-85 (d)	1985-86 (e)	1986-87 (f)	1987-88 (g)	1988-89 (h)	1989-90 (i)	1990-91 (j)	1991-92 (k)
Sources above/(below) consumption	503	337	184	44	448	195	17	23	17	25

' Excludes Daily Volume Associated with 5 Bcf Seasonal Firm Service

Northern states that it has requested nominations for increased service from each of its customers and that, in response to such request, customers have requested the following net changes in entitlements:

Gas Sales Volumes Estimated for the First Year of Operation

(Million cubic feet at 14.73 Psia)

Classification	Contract demand	Seasonal service	Winter period service	Peaking service	Annual incremental sales
Jurisdictional					
Rate Zone 1	0	860	0	0	16,753
Rate Zone 2	1,664	9,161	0	(179)	307,701
Rate Zone 3	19,140	13,707	3,525	(29)	3,217,456
Rate Zone B	22,907	9,742	(70)	(1,858)	1,770,815
Rate Zone C	1,172	5,163	0	0	128,461
Rate Zone D	0	3,270	0	212	4,033
Total jurisdictional	44,883	41,903	3,455	(1,854)	5,445,219
Non-Jurisdictional					
Rate Zone 1	(151)	1,030	172		7,275
Rate Zone 2	7,886	(5,395)	410		47,012
Rate Zone 3	16,624	9,860	(1,059)		589,473
Rate Zone B	2,455	(1,057)	419		1,148
Rate Zone C	246	132	56		7,525
Rate Zone D	[illegible]	0	0		3,865
Total non-jurisdictional	27,060	4,600	0		636,298
Total jurisdictional and non-jurisdictional	71,943	46,503	3,455	(1,854)	6,081,517
Field and other Sales					
Argus System—Group O	27				2,000
Panhandle	201				1,000
Plains	0				0
Permian	300				2,002,000
Total system	72,471	46,503	3,455	(1,854)	8,086,517

Northern says that the total requested increases would assist its utility customers in providing natural gas service to a market not now fully served and at a price lower than competitive fuels. This increase, according to Northern, would also allow its utility customers to respond to the changing sales pattern emerging as a result of varying market loads, conservation on the part of existing customers and the addition of new customers. Further, Northern says the increase would allow its customers the opportunity to maintain their natural gas markets to assure better utilization of natural gas in all market segments, while at the same time providing the ultimate consumer an opportunity to utilize economical natural gas.

It is stated that, in order to accommodate the delivery of the proposed increase in firm entitlement, Northern proposes to construct and operate the following facilities:

(1) 5.49 miles of 4-inch loop on the Perry Branch Line from Green County, Iowa, to the Perry, Iowa, TBS in Dallas County, Iowa.

(2) 4.0 miles of 4-inch loop on the Spirit Lake Branch Line all in Dickinson County, Iowa.

(3) 5.27 miles of 6-inch loop on the Gilmore City Branch Line from Buena Vista County, Iowa, to Pocahontas County, Iowa.

(4) 2.07 miles of 4-inch line in replacement of a like segment of the existing 2-inch Milford Branch Line, all in Seward County, Nebraska.

(5) Approximately 38.6 miles of new 12-inch pipeline from Willmar, Kandiyohi County, Minnesota, to a point northwest of Benson, Swift County, Minnesota.

(6) 1.98 mile of 6-inch loop on the Mound Branch Line from Carver, Minnesota, to the Mound TBS in Hennepin County, Minnesota.

(7) 7.71 miles of 6-inch loop on the Buffalo Branch Line, all in Wright County, Minnesota.

(8) 2.99 miles of 4-inch loop on the St. Michael Branch Line, all in Sherbourne County, Minnesota.

(9) 4.13 miles of 4-inch loop on the Rockford Branch Line from Wright County, Minnesota to Hennepin County, Minnesota.

(10) 8.00 miles of 6-inch loop on the St. Joseph Branch Line from Benton County, Minnesota, across the Mississippi River to Stearns County, Minnesota, and a new St. Cloud TBS along the St. Joseph Branch Line in Stearns County, Minnesota.

(11) 3.99 miles of 6-inch loop on the Sartell Branch Line, all in Benton County, Minnesota.

(12) 7.27 miles of 6-inch loop on the New Ulm Branch Line, all in Blue Earth County, Minnesota.

(13) 22.11 miles of 10-inch loop on the Marshall Branch Line from Yellow Medicine County, Minnesota, to Lyon County, Minnesota.

(14) A new TBS for St. Paul, Minnesota, adjacent to the existing Hastings #1C TBS in Washington County, Minnesota.

Northern says that several town border stations associated with the above branch line loopings would also require modifications to measuring and/or regulator facilities to meet the increased delivery volumes.

The estimated cost of the proposed facilities in $15,956,113, according to Northern, and would be financed with general corporate funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 1, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17868 Filed 6-15-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-473-000]

Northern States Power Co.; Filing

June 8, 1981.

The filing Company submits the following:

Take notice that Northern States Power Company, on May 20, 1981, tendered for filing the Exchange Agreement, dated April 14, 1981, with the United Power Association.

The Agreement provides for the Northern States purchase of the Prairie Substation from United Power and United Power's purchase of substation facilities at Voltaire, North Dakota, and St. Cloud, Minnesota, from Northern States.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 22, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17857 Filed 6-15-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4360-000]

Richard H. Kaster; Application for Preliminary Permit

June 10, 1981.

Take notice that Richard H. Kaster (Applicant) filed on March 17, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4360 known as the Briggs Creek located on Briggs Creek in Gooding County, Idaho. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Richard H. Kaster, Route 3, Buhl, Idaho 83316.

Project Description—The proposed project would consist of: (1) a 4-foot high diversion structure; (2) a 500-foot long penstock; (3) a powerhouse containing a 750 kW generating unit; (4) a 0.75-mile long transmission line. The Applicant estimates that the average annual energy output would be 5,987,520 kWh.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 30 months, during which time it would perform engineering and technical electrical studies and design. The cost of these studies is estimated by the Applicant to be $3,000 to $5,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before August 17, 1981, either the competing application itself [See 18 CFR 4.33(a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33(b) and (c) (1980] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than October 16, 1981.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies only directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before August 17, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17869 Filed 6-15-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP81-73-000]

Sea Robin Pipeline Co.; Proposed Changes in FERC Gas Tariff

June 8, 1981.

Take notice that Sea Robin Pipeline Company (Sea Robin), on June 1, 1981, tendered for filing proposed changes in its FERC Gas Tariff, Original Volume Nos. 1 and 2. The proposed changes are based on the twelve-month period ending March 31, 1981, as adjusted, and would increase jurisdictional revenues by $4,322,483.

Sea Robin states that the revenue increase results from increases in costs for several areas of Sea Robin's operations including cost of debt and equity capital and depreciation.

Copies of the filling have been served upon Sea Robins's jurisdictional customers and the Public Service Commission of the State of Louisiana.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal

Energy Regulatory Commission, 825 North Capitol Street, NW., Washington, D.C. 20426, in accordance with the §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 22, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to a proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17858 Filed 6-15-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA-81-2-8-000]

South Georgia Natural Gas Co.; Revision to Tariff

June 8, 1981.

Take notice that on June 1, 1981, South Georgia Natural Gas Company (South Georgia) tendered for filing Filing Fourteenth Revision Sheet No. 4 to its FPC Gas Tariff, First Revised Volume No.1. This tariff sheet and supporting information is being filed 30 days before the effective date of July 1, 1981, pursuant to the Purchased Gas Adjustment Provisions set out in Section 14, of South Georgia's tariff.

South Georgia states that its Fourteenth Revised Sheet No. 4 reflects increases in the rates of its pipeline supplier, Southern Natural Gas Company as filed to be effective July 1, 1981. This rate change will increase the cost of purchased gas to South Georgia's jurisdictional customers $7,828,090. Also reflected in Fourteenth Revised Sheet No. 4 is a Surcharge Adjustment as provided for by Section 14.3 of the General Terms and Conditions of South Georgia's FPC Gas Tariff. The credit balance in the Unrecovered Purchased Gas Cost Account of $298,669 will be amortized over the estimated sales for the six-month period commencing July 1, 1981 by a negative surcharge adjustment rate of 3.24¢ per MMBtu.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 22, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17859 Filed 6-15-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-65-007 (Phase I)]

Tennessee Gas Pipeline Co., a Division of Tenneco Inc.; Petition to Amend

June 10, 1981.

Take notice that on May 20, 1981, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Petitioner), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP80-65-007 (Phase I) a petition to amend the order issued October 31, 1980, in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to authorize the substitution by assignment of Granite State Gas Transmission, Inc. (Granite State) for Bay State Gas Company (Bay State) as recipient of the interruptible storage transportation service authorized in the said order all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that by order issued October 31, 1980, it was authorized to render a long-term interruptible storage transportation service for Bay State in connection with a long-term underground storage service to be rendered by Consolidated Gas Supply Corporation.

It is further submitted that Granite State, an affiliate of Bay State, has proposed to effect a realignment of various gas supply transportation, and sales arrangements between and among Bay State, Granite State and Northern Utilities, Inc., another affiliate of Bay State.

Petitioner asserts that upon consummation of the proposed realignment, Bay State proposes to assign to Granite State its rights and obligations under the October 31, 1980, order issued to Petitioner. It is stated that Petitioner, Granite State and Bay State have entered into a precedent agreement dated April 15, 1981, reflecting the proposed substitution of Granite State for Bay State.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before July 1, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17870 Filed 6-15-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. TA81-2-9-000 (PGA81-2) (IPR81-2) (DCA81-2) (R&D81-2) (LFUT81-2)]

Tennessee Gas Pipeline Co., a Division of Tenneco Inc.; Rate Change Under Tariff Rate Adjustment Provisions

June 8, 1981.

Take notice that on May 29, 1981, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee) tendered for filing First Revised Sheet Nos. 20, 21, 22, and 23 through 30 to Original Volume No. 1 of its FERC Gas Tariff to be effective on July 1, 1981.

Tennessee states that the purposes of the revised tariff sheets are to adjust Tennessee's rates pursuant to Articles XXIII, XXIV, XXV, XXVIII and XXIX of the General Terms and Conditions of its FERC Gas Tariff, consisting of a PGA rate adjustment, a rate adjustment to reflect curtailment credits, an R&D rate adjustment, a First Use Tax rate adjustment, and Estimated Incremental Pricing Surcharges.

Tennessee states that copies of the filing have been mailed to all of its customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 22, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file

with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17860 Filed 6-15-81 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ES81-1-001]

Union Light, Heat and Power Co.; Amended Application

June 9, 1981.

Take notice that on May 26, 1981, The Union Light, Heat and Power Company filed an amendment to its application pursuant to Section 204 of the Federal Power Act, seeking authority to increase the amount of unsecured short-term debt authorized from $10 million to $15 million, with no change in the issuance date or maturity dates.

Any person desiring to be heard or to make any protest with reference to said Application should file petitions or protests on or before June 26, 1981, with the Federal Energy Regulatory Commission, Washington, D.C. 20426, in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). The Application is on file and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17861 Filed 6-15-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4561-000]

Village of Winnetka, Ill.; Application for Preliminary Permit

June 10, 1981.

Take notice that the Village of Winnetka (Applicant) filed on April 20, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 4561 to be known as the Brandon Road Lock and Dam Project located on the Illinois River in Will County, Illinois. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Gary L. Zimmerman, 510 Green Bay Road, Winnetka, Illinois 60093. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the existing U.S. Army Corps of Engineers' Brandon Road Lock and Dam. The proposed project would consist of: (1) a proposed powerhouse containing an installed generating capacity of 15 MW; and (2) appurtenant facilities. The project would occupy Federal lands.

The Applicant estimates that the average annual energy output would be 70 GWh.

Purpose of Project—The Applicant proposes to market the energy output of the project to meet existing municipal demand and energy requirements.

Proposed Scope and Cost of Studies Under Permit—The Applicant seeks issuance of a preliminary permit for a period of 24 months, during which time the Applicant would accomplish hydrological, engineering, environmental, and economic feasibility studies on the project and prepare an application for FERC license. Applicant estimates cost of studies under its permit would be about $50,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to the Mitchell Energy Company Project No. 3567 filed on October 14, 1980, under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before July 9, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS," "PROTEST," or "PETITION TO INTERVENE," as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4561. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17871 Filed 6-15-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-348-000]

Western Transmission Corp.; Application

June 10, 1981.

Take notice that on May 26, 1981, Western Transmission Corporation, 3000 Fidelity Union Tower, Dallas, Texas 75201, filed in Docket No. CP81-348-000 an application pursuant to Section 7(c) of the Natural Gas Act and § 157.7(b) of the Regulations thereunder (18 CFR 157.7(b)) for a certificate of public convenience and necessity authorizing the construction during an indefinite period commencing June 1, 1981, and operation of facilities to enable Applicant to take into its certificated main pipeline system natural gas supplies, all as more fully set

forth in the application which is on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in connecting to its pipeline system supplies of natural gas which may become available from various producing areas generally coextensive with its pipeline system or the systems of other pipeline companies which may be authorized to transport gas for the account of or exchange gas with Applicant, and supplies of natural gas from Applicant's own production or acquired for system supply under Section 311 or 312 of the Natural Gas Policy Act of 1978.

Applicant states that the total expenditures for the remainder of 1981 would not exceed $291,666.66. It is asserted that total and on-shore single project expenditures would not exceed $500,000 for each calendar year thereafter. Such costs would be financed by funds from operations, it is submitted.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 1, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17872 Filed 6-15-81; 8:45 am]

BILLING CODE 6450-85-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-59048A; TSH-FRL 1845-4]

Urethane Oligomer, Approval of Test Marketing Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: On April 2, 1981, EPA received an application for a test marketing exemption (TM-81-9) from the premanufacture notification requirements of section 5 of the Toxic Substances Control Act (TSCA). The manufacturer claimed its identity confidential.

EPA has determined that the manufacturer's test marketing of urethane oligomer will not be present any unreasonable risk of injury to health or the environment. Therefore, the Agency has granted the manufacturer an exemption from the TSCA premanufacture reporting requirements for test marketing of the substance in the manner described in the application and subject to restrictions specified in this notice.

FOR FURTHER INFORMATION CONTACT: Michael Brown, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-335, Washington, DC 20460, (202-755-1150).

SUPPLEMENTARY INFORMATION: Under section 5 of TSCA, anyone who intends to manufacture or import a new chemical substance for commercial purposes in the United States must submit a notice to EPA before manufacture or import begins. A "new" chemical substance is one that is not on the Inventory of existing chemical substances compiled by EPA under section 8(b) of TSCA. Section 5(a)(1) requires each premanufacture notice (PMN) to be submitted in accordance with section 5(d) and any applicable requirements of section 5(b). Section 5(d)(1) defines the contents of a PMN and section 5(b) contains additional reporting requirements for certain new chemical substances.

Section 5(h), "Exemptions," contains several provisions for exemptions from some or all of the requirements of section 5. In particular, section 5(h)(1) authorizes EPA, upon application, to exempt persons from any requirement of section 5(a) or section 5(b), to permit them to manufacture or process chemical substances for test marketing purposes. To grant an exemption, the Agency must find that the test marketing activities will not present any unreasonable risk of injury to health or the environment. EPA must either approve or deny the application within 45 days of its receipt, and under section 5(h)(6) the Agency must publish a notice of its decision in the **Federal Register**. If EPA grants a test marketing exemption, it may impose restrictions on the test marketing activities.

On April 2, 1981, EPA received an application for an exemption from the requirements of sections 5(a) and 5(b) of TSCA to manufacture a new chemical substance for test marketing purposes. Notice of receipt of this application, designated TM-81-9, was published in the **Federal Register** of May 1, 1981 (46 FR 24675). The manufacturer claimed all information as confidential business information, pursuant to section 14 of TSCA.

The substance is described generically as a urethane oligomer with a generic use as an intermediate for manufacture of coatings. EPA has established that the test marketing of the substance described in TM-81-9, under the conditions set out in the application and subject to the restrictions noted below, will not present any unreasonable risk of injury to health or the environment for the reasons explained below. There were no significant health or environmental concerns for the new substance. No significant worker exposure is expected; potential exposure would be due to accidental spills. Consumer exposure to the substance in TM-81-9 will be nil because the coatings in which it is present will be cured before the final product is sold. Environmental release is expected to be low and is not judged to be a concern.

Based on the facts and information obtained and reviewed, EPA grants the manufacturer a test marketing exemption for TM-81-9, effective on June 9, 1981, but subject to all conditions set out in the exemption application, and those enumerated below:

1. This exemption is granted solely to this manufacturer.

2. The applicant must maintain records of the date(s) of shipment(s) to its customers and the quantities shipped

in each shipment, and must make these records available to EPA upon request.

3. Each bill of lading that accompanies a shipment of the substance during the test marketing period must state that the use of the substance is restricted to that described to EPA in the test marketing exemption application.

4. The production volume of the new substance may not exceed 50 gallons.

5. The test marketing activity approved in this notice is limited to a period of six months, commencing on the date of publication of this notice in the **Federal Register**.

6. The number of workers should not exceed that specified in the application and the exposure levels and duration of exposure should not exceed that specified.

7. The Agency reserves the right to rescind its decision to grant this exemption should any new information come to its attention which casts significant doubt on the Agency's conclusion that the substance will not present an unreasonable risk of injury to human health or the environment.

Dated: June 9, 1981.

Anne M. Gorsuch,

Administrator.

[FR Doc. 81-17792 Filed 6-15-81; 8:45 am]

BILLING CODE 6560-31-M

[WH-FRL 1853-2]

Commonwealth of Virginia, Marine Sanitation Device Standard; Receipt of Supplemental Information in Support of Petition

AGENCY: Environmental Protection Agency.

ACTION: Notice of receipt of supplemental information and request for public comments.

SUMMARY: The Environmental Protection Agency has received supplemental information from the Commonwealth of Virginia in support of its petition for a determination by the Administrator that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for the waters of certain portions of the Rappahannock River and its tributaries. The Agency is soliciting comments on this new information.

DATES: Comments on this information are due no later than July 16, 1981.

ADDRESSES: The Commonwealth's submissions and previous public comments are available for inspection and copying in Room 2824, U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460. Comments should be addressed to Joseph A. Krivak, Director, Criteria and Standards Division (WH-585), Office of Water Planning and Standards, U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Joseph A. Krivak, Director, Criteria and Standards Division (WH-585), Office of Water Planning and Standards, U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, 202/755-0100.

SUPPLEMENTARY INFORMATION: On August 16, 1979, the Commonwealth of Virginia submitted a petition under Section 312(f)(3) of the Clean Water Act, 33 U.S.C. 1322(f)(3), and submitted additional information in support of the petition on October 19, 1979. The petition requested that the Administrator make a determination that adequate facilities for safe and sanitary removal and treatment from all vessels are reasonably available for the waters of certain portions of the Rappahannock River and its tributaries. The Commonwealth of Virginia wants to prohibit all discharges of sewage from vessels in certain portions of the Rappahannock River, but may not do so until after the Administrator has made this determination.

On November 26, 1979, the Agency published a Notice of Receipt of the Petition and requested comments on the petition (44 FR 67524). The Commonwealth submitted additional information in response to Agency requests on April 9, 1980, and June 4, 1980. On August 20, 1980, the Agency published a Notice of Receipt of the Commonwealth's supplemental information and solicited additional public comments (45 FR 55526).

Representatives of the Environmental Protection Agency (EPA) met with representatives of the Commonwealth of Virginia on December 17, 1980, December 23, 1980, and March 18, 1981. Minutes of these meetings may be found in Room 2824 at EPA. At these meetings, representatives of EPA expressed the concern that while the existing pumpout facilities appear to be adequate to service the existing boats with holding tanks in the proposed no discharge area, there may not be adequate facilities available to meet the increased demand when the no discharge requirements take effect. The Commonwealth has requested that the Agency approve its petition on the grounds that by the time Virginia's no discharge regulations take effect one year from the date of the Administrator's certification, adequate facilities will be available. The Commonwealth has affirmed that once the no discharge requirements take effect and boaters begin to install holding tanks, marina operators will install pumpout facilities to meet the demand. Virginia has indicated a willingness to compel the installation of pumpout facilities if the operation of market forces does not lead to voluntary installation.

As a result of these meetings, EPA asked the Commonwealth to provide three pieces of additional information. The Agency requested:

1. A letter signed by the Attorney General of the Commonwealth stating that existing authority allows the Commonwealth to mandate operation of all pumpout facilities.

2. A letter signed by the Director of the Department of Health of the Commonwealth stating that if market conditions do not result in the installation of adequate and reasonably available pumpout facilities prior to the time that Virginia's no discharge regulations take effect, the Commonwealth itself will assure that these facilities will be installed and operating;

3. A plan signed by the Director of the Department of Health detailing how many facilities will be installed at which locations by which dates in order to meet the requirements of adequacy and reasonable availability.

The Commonwealth has submitted this information and the Agency is soliciting public comments on it.

A copy of this information is being mailed to each person who submitted comments on the Commonwealth's petition and copies are available for inspection and copying in Room 2824 at EPA. 40 CFR 2.120 provides that a fee may be charged for reproducing material at a cost of $0.20 per page, if the fee in connection with a request is in excess of $10.00. Thus, there is no charge for the first 50 pages reproduced; the fee is $0.20 per page thereafter.

Dated June 6, 1981.

James N. Smith,

Acting Assistant Administrator for Water and Waste Management.

[FR Doc. 81-17793 Filed 6-15-81; 8:45 am]

BILLING CODE 6560-29-M

FEDERAL MARITIME COMMISSION

Agreements Filed

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of each of the agreements and the justifications offered therefor at the Washington Office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10218; or may inspect the agreements at the Field Offices located at New York, N.Y.; New Orleans, Louisiana; San Francisco, California; Chicago, Illinois; and San Juan, Puerto Rico. Interested parties may submit comments on each agreement, including requests for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before July 6, 1981 Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreements and the statement should indicate that this has been done.

Agreement No.: T–3930–A.

Filing party: John C. Barnett, Assistant Chief, Leases & Operating Agreements Division, The Port of New York & New Jersey, One World Trade Center, New York, New York 10048.

Summary: Agreement No. T–3930–A, between the Port Authority of New York and New Jersey (Port) and Universal Maritime Service (Universal) supplements Agreement No. T–3930 by adding a small portion of upland area to the premises under lease at the Red Hook Container Terminal, Brooklyn, New York and by the letting of an additional container crane at the terminal. The crane is to be installed and fabricated at an initial cost to the Port not to exceed $3,100,000 with provison for an equipment rental to be paid by Universal to the Port.

Agreement No.: T–3976.

Filing party: Ms. Annette Ubinas Landrau, Acting General Counsel, Commonwealth of Puerto Rico Ports Authority, G.P.O.xBox 2829, San Juan, Puerto Rico 00936.

Summary: Agreement No. T–3976, between Puerto Rico Ports Authority and Sea-Land Service, Inc. (Sea-Land), provides for the exclusive use of Parcel 8 located at Puerto Nuevo Terminal, San Juan Harbor, Puerto Rico. The leased area consists of 7.1846 "cuerdas" of land with a cyclone fence, 70,380 sq. ft. of warehouse space, 2,500 sq. ft. for a gate house and a transformer substation. The term of the lease will be from date of approval until November 30, 1982, with renewal options. The premises shall be used for Sea-Land's full container, LTL and break bulk terminal operations. As compensation, Sea-Land shall pay a monthly rental of $9,991.14, with rental adjustments provided for upon utilization of renewal options. In addition, the parties agree to terms of a guarantee payment by Sea-Land, assignments, liability insurance and other conditions provided for in the agreement.

Agreement No.: T–3977. Filing Party: Mr. Bradley J. Schultz, Assistant Manager, Property Department, Port of San Diego, P.O. Box 488, San Diego, California 92112.

Summary: Agreement No. T–3977, between the San Diego Unified Port District (Port) and Melwire Trading Company, Inc. (Melwire), provides for the lease by Port to Melwire of certain premises to be used for bulk cement handling and storage facilities. As compensation, Melwire will pay Port a monthly rental based on the area of the premises, as well as all applicable rates and charges established under Port's tariff. The term of the lease is for one year, with four additional one-year renewal options.

Agreement No.: 161–37.

Filing party: Mr. Howard A. Levy, Ms. Patricia E. Byrne, 17 Battery Place, Suite 727, New York, New York 10004.

Summary: Agreement No. 161–37 modifies the basic agreement of the Gulf/United Kingdom Conderence by authorizing the Conderence Chairman, Secretary or Counsel to execute agreement modifications on behalf of conference members.

Agreement No.: 2846–47.

Filing party: Jeffrey F. Lawrence, Esquire, Billig, Sher & Jones, P.C., 2033 K. Street, N.W., Suite 300, Washington, D.C. 20006.

Summary: Agreement No. 2846–47 amends the West Coast of Italy, Sicilian and Adriatic Ports/North Atlantic Range Conference's basic agreement by adding a new Article 33 which designates the authority to execute and file amendments to the basic agreement.

Agreement No.: 5660–32.

Filing party: Mr. John R. Attanasio, Billig, Sher & Jones, P.C., Suite 300, 2033 K Street, N.W., Washington, D.C. 20006.

Summary: Agreement No. 5660–32 modifies the basic agreement of the Marseilles North Atlantic U.S.A. Freight Conference by increasing the amount of the member's financial guarantee from $25,000 to $50,000.

Agreement No.: 8090–20.

Filing party: Jeffrey F. Lawrence, Esquire, Billig, Sher & Jones, P.C., 2033 K Street, N.W., Suite 300, Washington, D.C. 20006.

Summary: Agreement No. 8090–20 amends the Mediterranean North Pacific Coast Freight Conference's basic agreement by adding a new Article 25 which designates the authority to execute and file amendments to the basic agreement.

Agreement No.: 8770–11.

Filing party: Mr. Howard A. Levy, Attorney at Law, 17 Battery Place, Suite 727, New York, New York 10004.

Summary: Agreement No. 8770–11 modifies the basic agreement of the U.K./U.S.A. Gulf Westbound Rate Agreement (1) to provide that the Agreement may be amended by the unanimous vote of its partiesand (2) to provide that such amendments may be executed by the Conference Chairman or Counsel on behalf of conference members.

Agreement No.: 9615–31.

Filing Party: John R. Attanasio, Esquire, Billig, Sher & Jones, P.C., 2033 K Street N.W., Washington, D.C. 20006.

Summary: Agreement No. 9615–31 modifies the basic agreement of the Iberian/U.S. North Atlantic Freight Conference by extending the Conference scope to inland points in the United States.

Agreement No.: 9982–15.

Filing party: Howard A. Levy, Esquire, Patricia E. Byrne, Esquire, 17 Battery Place, Suite 727, New York, New York 10004.

Summary: Agreement No. 9982–15 modifies the basic agreement of the Scandinavia Baltic/U.S. North Atlantic Westbound Freight Conference by authorizing the conference Chairman to execute agreement modifications and Merchant's Freight Contracts on behalf of conference members.

Agreements Nos.: 9984–17, 9984–18, 9984–19, 9984–20, 9984–21, 9984–22 and 9984–23.

Filing party: John McCluskey, Chairman, South Atlantic-North Europe Rate Agreement, 17 Battery Place, New York, New York 10004.

Summary: *Agreement No. 9984–17,* among the member lines of the South Atlantic-North Europe Rate Agreement, Modifies Article II of the basic agreement by including within the rate agreement's rate-making authority, the establishment of uniform credit rules as well as terms and conditions of brokerage, and increasing the time period for notice of intent to exercise independent action, from 48 hours to ten (10) days. *Agreement No. 9984–18* modifies Article IV of the basic

agreement by providing for the election of an Acting Chairman whose duties shall correspond to those of the Chairman and Deputy Chairman. In addition, reference to the filing of conference minutes is deleted. *Agreement No. 9984–19* modifies Article V of the basic agreement by establishing a $50,000 financial guarantee and clarifying the terms of admission, resignation and readmission to the agreement. *Agreement No. 9984–20* adds a new Article VI to the basic agreement for the purpose of clarifying voting requirements. *Agreement No. 9984–21* modifies existing Article VI of the basic agreement by providing, when and if the number of signatories to the agreement exceeds two, for compliance with the Commission's self-policing requirements as set forth in General Order No. 7 (46 CFR 528). *Agreement No. 9984–22* adds a new Article VIII to the basic agreement to provide for the sharing of office quarters, personnel, equipment, facilities and banking arrangements with other conferences and/or rate agreements. *Agreement No. 9984–23* modifies existing Article VII of the basic agreement by extending the term of the basic agreement for an additional two years, from September 30, 1981, through September 30, 1983.

Agreement No. 10423

Filing party: David F. Anderson, Esquire, Matson Navigation Company, P.O. Box 3933, San Francisco, California 94119.

Summary: Agreement No. 10423 is a transshipment agreement between Matson Navigation Company and Philippines, Micronesia & Orient Navigation Company, applicable to the trade between ports of Micronesia and the Western Pacific on the one hand, and U.S. West Coast ports on the other, with transshipment at Honolulu, Hawaii. The agreement applies to: containerizable cargo in 20-foot dry, flatrack, and refrigerated containers; noncontainerizable cargo; and, vehicles.

By Order of the Federal Maritime Commission

Joseph C. Polking,

Acting Secretary.

Dated: June 10, 1981.

[FR Doc. 81–17811 Filed 6–15–81, 8:45 am]

BILLING CODE 6730–01–M

Independent Ocean Freight Forwarder License; Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(c)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C., 20573.

Yusen Air & Sea Service (U.S.A.) Inc., 60 East 42nd Street, Lincoln Bldg., Rm. 1212, New York, NY 10165. Officers: Yasuyuki Mizuno, President, Shoji Oguri, Executive Vice President, Mike M. Wada, Director

Larmex International Freight Forwarders, Inc., 7310 N.W. 79th Avenue, Miami, FL 33166. Officers: Silvia Mejias, President/Vice President, Jorge L. Armada, Secretary/Treasurer

Peggy J. Augsburger dba Peachtree Forwarding, P.O. Box 2492, 407 Harbor Loop, Peachtree City, GA 30269.

Consular Documentation, Inc., 1444 International Trade Mart Bldg., New Orleans, LA 70130. Officers: Rafael De La Torre, Chairman/President, Jeffrey De La Torre, Vice President, Mabel J. De La Torre, Secretary/Treasurer

Bekins Moving & Storage Co., Inc., Northwest Forwarding Division, 9401 Aurora Avenue, North, Seattle, WA 98103. Officers: Claude Bekins, President, Fred Bekins, Secretary/Treasurer, Claude K. Hulbert, Vice President, Wells F. Bekins, Vice President, Howard Tuttle, Director, Gerald G. Tuttle, Director, D. E. Morris, Assistant Vice President

Pacifico D. San Pedro dba St. Peter Shipping Company, c/o Western Overseas Corp., 556 Commercial Street, San Francisco, CA 94111.

Lura M. Williams dba Lura M. Williams, CHB,103B Beaufain St., P.O. Box 2969, Charleston, SC 29401.

By the Federal Maritime Commission.

Dated: June 10, 1981.

Joseph C. Polking,

Acting Secretary.

[FR Doc. 81–17812 Filed 6–15–81, 8:45 am]

BILLING CODE 6730–01–M

[Docket No. 81–27; Agreements Nos. 10355 and 10402]

Availability of Finding of No Significant Impact

Upon completion of an environmental assessment, the Federal Maritime Commission's Office of Energy and Environmental Impact has determined that the Commission's decision on Docket No. 81–27 will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 USC 4321 *et seq.*, and that preparation of an environmental impact statement is not required. This proceeding involves investigation, hearing and *pendente lite* approval of Agreements Nos. 10355 and 10402.

This Finding of No Significant Impact (FONSI) will become final within 20 days unless a petition for review is filed pursuant to 46 CFR 547.6(b).

The FONSI and related environmental assessment are available for inspection on request from the Office of the Secretary, Room 11101, Federal Maritime Commission, Washington, D.C. 20573, telephone (202) 523–5725.

Joseph C. Polking,

Acting Secretary.

[FR Doc. 81–17761 Filed 6–15–81, 8:45 am]

BILLING CODE 6730–01–M

[Docket No. 81–5]

International Association of NVOCC's et al. and Atlantic Container Line, et al.; Notice of Availability of Finding of no Significant Impact

Upon completion of an environmental assessment, the Federal Maritime Commission's Office of Energy and Environmental Impact has determined that the Commission's decision on Docket No. 81–5 will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. § 4321 *et seq.*, and that preparation of an environmental impact statement is not required. In this proceeding the Commission will determine whether the respondents have violated the Shipping Act, 1916, and the Intercoastal Shipping Act, 1933, by implementing the 50 mile container rule.

This Finding of No Significant Impact (FONSI) will become final within 20 days unless a petition for review is filed pursuant to 46 C.F.R. 547.6(b).

The FONSI and related environmental assessment are available for inspection on request from the Office of the Secretary, Room 11101, Federal Maritime Commission, Washington, D.C. 20573, telephone (202) 523–5725.

Joseph C. Polking,

Acting Secretary.

[FR Doc. 81–17762 Filed 6–15–81, 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

American Bancorp, Inc.; Formation of Bank Holding Company

American Bancorp, Inc., Reading,

Pennsylvania, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring up to 100 percent of the voting shares of American Bank and Trust Company of Pennsylvania, Reading, Pennsylvania. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Philadelphia. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than June 26, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 8, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-17783 Filed 6-15-81, 8:45 am]

BILLING CODE 6210-01-M

Citizens National Bancshares, Inc.; Formation of Bank Holding Company

Citizens National Bancshares, Inc., Oklahoma City, Oklahoma, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 per cent of the voting shares of Citizens National Bank & Trust Co., Oklahoma City, Oklahoma. The factors that are considered in acting on the application ae set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than July 9, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 10, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-17785 Filed 6-15-81, 8:45 am]

BILLING CODE 6210-01-M

Franklin Bancorp, Inc.; Formation of Bank Holding Company

Franklin Bancorp, Inc., College Grove, Tennessee, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 91.7 percent of the voting shares of the Bank of College Grove, College Grove, Tennessee. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than July 7, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 8, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-17786 Filed 6-15-81, 8:45 am]

BILLING CODE 6210-01-M

First Arkadelphia Bancshares, Inc.; Formation of Bank Holding Company

First Arkadelphia Bancshares, Inc., Arkadelphia, Arkansas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of Citizens first State Bank, Arkadelphia, Arkansas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than July 9, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing

Board of Governors of the Federal Reserve System, June 10, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-17784 Filed 6-15-81; 8:45 am]

BILLING CODE 6210-01-M

Grant S. Clark Investment Co.; Formation of Bank Holding Company

Grant S. Clark Investment Company, Salt Lake City, Utah, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 54.47 percent or more of the voting shares of Davis County Bank, Farmington, Utah. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than July 7, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 8, 1981

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-17787 Filed 6-15-81, 8:45 am]

BILLING CODE 6210-01-M

Hartman Bancshares, Inc.; Formation of Bank Holding Company

Hartman Bancshares, Inc., Okabena, Minnesota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of First State Bank of Okabena, Okabena, Minnesota. The factors that are considered in acting on the application are set forth in

section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than July 9, 1981. Any comment on an application that requests a hearing must include a statement of why a writen presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 10, 1981.

D. Michael Manies,

Assistant Secretary of the Board

[FR Doc. 81-17788 Filed 6-15-81; 8:45 am]

BILLING CODE 6210-01-M

The People's First National Bancshares, Inc.; Formation of Bank Holding Company

The People's First National Bancshares, Inc., New Iberia, Louisiana, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 66.67 percent or more of the voting shares of The People's National Bank of Iberia Paris, New Iberia, Louisiana. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than July 9, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 10, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-17789 Filed 6-15-81; 8:45 am]

BILLING CODE 6210-01-M

Royalton Bancshares, Inc.; Formation of Bank Holding Company

Royalton Bancshares, Inc., Royalton, Minnesota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 96 per cent of the voting shares of Royalton State Bank, Royalton, Minnesota. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than July 9, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 10, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-17790 Filed 6-15-81; 8:45 am]

BILLING CODE 6210-01-M

York Bancshares, Inc.; Formation of Bank Holding Company

York Bancshares, Inc., Elmhurst, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares, less directors' qualifying shares, of the successor by merger to York State Bank and Trust Company, Elmhurst, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than July 9, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 10, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-17791 Filed 6-15-81; 8:45 am]

BILLING CODE 6210-01-M

Amsouth Bank International Corporation To Do Business; Establishment of U.S. Branch of a Corporation

An application has been submitted for the Board's approval of the organization of a corporation to do business under section 25 (a) of the Federal Reserve Act ("Edge Corporation"), to be known as AmSouth Bank International, Birmingham, Alabama. AmSouth Bank International would operate as a subsidiary of The First National Bank of Birmingham, Birmingham, Alabama. The proposed corporation has also applied for the Board's approval under § 211.4(c)(1) of Regulation K (12 CFR 211.4(c)(1) to establish a branch in Mobile, Alabama. The factors that are considered in acting on the application are set forth in § 211.4(a) of the Board's Regulation K (12 CFR 211.4(a)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than July 3, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identify specifically any questions of fact that are in dispute and summarize the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 10, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-17832 Filed 6-15-81; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Proposed de Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1)) for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been

determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Commnents and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than July 9, 1981.

A. *Federal Reserve Bank of New York* (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

The Chase Manhattan Corporation, New York, New York (mortgage banking and related lending and insurance activities; Maryland): to engage, through its subsidiary, Chase Home Mortgage Corporation, in making or acquiring, for its own account or for the account of others, loans and other extensions of credit secured by real estate, including but not limited to, first and second mortgage loans secured by mortgages on a one-to-four family residential properties; servicing loans and other extensions of credit for any person; selling mortgage loans in the secondary market; and offering mortgage term life insurance, accident and health insurance and disability insurance directly related to such lending and servicing activities. These activities will be conducted from an office located in the area of the intersection of Routes 2 and 50 in Annapolis, Maryland, serving the State of Maryland.

B. *Federal Reserve Bank of San Francisco* (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

Bancorp Hawaii, Inc., Honolulu, Hawaii (industrial banking and insurance activities: Hawaii): to engage, through its indirect subsidiary, Bancorp Finance of Hawaii, Inc., in the operations of an industrial loan company as permitted by Hawaii law, and, as agent or broker, in the sale of credit-related life, accident, and health insurance. These activities would be conducted from an office in Lahaina, Hawaii, serving the western part of the island of Maui.

2. BankAmerica Corporation, San Francisco, California (financing, servicing, and insurance activities; New Jersey and Pennsylvania: to continue to engage, through its indirect subsidiary, FinanceAmerica Corporation, a New Jersey corporation, in the activities of making or acquiring for its own account loans and other extensions of credit such as would be made or acquired by a finance company, servicing loans and other extensions of credit, and offering credit-related life and credit-related accident and health insurance. Such activities will include, but not be limited to, making consumer installment loans; purchasing installment sales finance contracts; making loans and other extensions of credit to small businesses; making loans secured by real and personal property; and the offering of credit-related life, accident, and health insurance directly related to extensions of credit made or acquired by FinanceAmerica Corporation. These activities will be conducted from existing offices in Camden, Cookstown, Northfield, and Runnemede, New Jersey, serving the entire State of New Jersey and the eastern region of Pennsylvania.

C. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, June 10, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 17838 Filed 6-15-81; 8:45 am]

BILLING CODE 6210-01-M

Braman Bancshares, Inc.; Formation of Bank Holding Company

Braman Bancshares, Inc., Braman, Oklahoma, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842 (a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of The First National Bank of Braman, Braman, Oklahoma. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than July 7, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 8, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-17833 Filed 6-15-81; 8:45 am]

BILLING CODE 6210-01-M

Chester State Bancshares, Inc.; Formation of Bank Holding Company

Chester State Bancshares, Inc., Chester, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of The Chester State Bank of Chester, Chester, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than July 7, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 8, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-17834 Filed 6-15-81; 8:45 am]

BILLING CODE 6210-01-M

First International Bancshares, Inc., Formation of Bank Holding Company

First International Bancshares, Inc., Dallas, Texas, has applied for the Board's approval under section 3(a)(5) of the Bank Holding Company Act (12 U.S.C. 1842(a)(5)) to acquire 100 per cent of the voting shares of the successor by merger to First Bancorp, Inc., Corsicana, Texas. The factors that are considered in acting on the application are set forth

in section 3(c) of the Act (12 U.S.C. 1842 (c)).

First International Bancshares, Inc., Dallas, Texas, has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to indirectly acquire voting shares of Old Reliable Mortgage Company, Corsicana, Texas, and First Bancorp Insurance Company, Corsicana, Texas.

Applicant states that the proposed indirect subsidiaries would perform respectively: real estate mortgage activities, and credit life or mortgage redemption insurance underwriting and credit accident and health insurance underwriting. These activities would be performed from offices of Applicant's indirect subsidiaries in Corsicana, Texas, and the geographic areas to be served are the banking markets for each of the subsidiary banks of Applicant's proposed subsidiary holding company. These banks are located in the following Texas cities: Addison, Clifton, Corsicana, Ennis, Forney, Greenville, Hillsboro, Hutchins, Kaufman, and Malakoff. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas.

Any views or requests for hearing should be submitted in writing and received by the Reserve Bank not later than July 10, 1981.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than June 11, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-17836 Filed 6-15-81; 8:45 am]

BILLING CODE 6210-01-M

Oxford Bancshares, Inc.; Formation of Bank Holding Company

Oxford Bancshares, Inc., Oxford, Kansas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of The Oxford Bank, Oxford, Kansas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than July 7, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 8, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-17838 Filed 6-15-81; 8:45 am]

BILLING CODE 6210-01-M

Peoples Investment Corp.; Formation of Bank Holding Company

Peoples Investment Corporation, Cuba, Missouri, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of Peoples Bank of Cuba, Cuba, Missouri. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1852(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than July 3, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 8, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-17837 Filed 6-15-81; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Advisory Committees; Meetings

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice announces forthcoming meetings of public advisory committees of the Food and Drug Administration (FDA). This notice also sets forth a summary of the procedures governing committee meetings and methods by which interested persons may participate in open public hearings conducted by the committees and is issued under section 10(a) (1) and (2) of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), and FDA regulations (21 CFR Part 14) relating to advisory committees. The following advisory committee meetings are announced:

Pulmonary-Allergy Drugs Advisory Committee

Date, time, and place. July 20 and 21, 8:30 a.m., Bldg. B-Auditorium, Uniformed Services University of the Health Sciences, 4301 Jones Bridge Rd., Bethesda, MD.

Type of meeting and executive secretary. Open public hearing, July 20, 8:30 a.m. to 9:30 a.m.; open committee discussion, July 20, 9:30 a.m. to 3 p.m., July 21, 8 a.m. to 12 m.; closed committee deliberations, July 21, 1 p.m. to 2 p.m.; Conrad J. Ledet, Bureau of Drugs (HFD-160), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3500.

General function of the committee. The committee reviews and evaluates available data on the safety and effectiveness of marketed and investigational prescription drugs for use in the treatment of pulmonary diseases and diseases with allergic and/or immunologic mechanisms.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in

writing, on issues pending before the committee.

Open committee discussion. The committee will discuss theophylline/ephedrine combinations; tumorigenicity of $Beta_2$ agoinst bronchodilators; bronchodilator testing guidelines; unlabeled uses of approved drugs; methacholine and other drugs used for inhalation challenge; pulmonary function tests and requirements for evaluating efficacy in bronchodilators; systemic effect after administration of intra-nasal and intra-bronchial steroids; and $Beta_2$ agonist/theophylline combinations.

Closed committee deliberations. The committee will be updated on various investigational new drug (IND's) studies in progress. This portion of the meeting will be closed to permit discussion of trade secret data (5 U.S.C. 552b(c)(4)).

Applications for reimbursement. Must be received by July 3, 1981.

Date, time, and place. July 23 and 24, 9 a.m., Rm. 800, 200 Independence Ave. SW., Washington, D.C.

Type of meeting and panel section leader. Open public hearing, July 23, 9 a.m. to 10 a.m.; open committee discussion, July 23, 10 a.m. to 12 m.; closed committee deliberations, July 23, 1 p.m. to 5 p.m.; open public hearing, July 24, 9 a.m. to 10 a.m.; open committee discussion, July 24, 10 a.m. to 12 m.; closed committee deliberations, July 24, 1 p.m. to 5 p.m.; Max W. Talbott, Bureau of Medical Devices (HFK–460), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7320.

General function of the committee. The committee reviews and evaluates available data on the safety and effectiveness of medical devices currently in use and makes recommendations for their regulation.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the panel section leader before July 9, 1981, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments. Time will be allocated to interested persons.

Open committee discussion. On July 23, the committee will discuss statistical/epidemiological questions pertaining to intraocular lenses, and it may discuss premarket approval applications for sodiumhyaluronate. On July 24, the committee may discuss premarket approval applications and general issues relating to contact lens products.

Closed committee deliberations. The committee will conduct reviews of premarket approval applications on July 23 and 24. This portion of the meeting will be closed to permit discussion of trade secret data (5 U.S.C. 552b(c)(4)).

Applications for reimbursement. Must be received by July 2, 1981.

Each public advisory committee meeting listed above may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. The dates and times reserved for the separate portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairman determines will facilitate the committee's work.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this **Federal Register** notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairman's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

A list of committee members and summary minutes of meetings may be requested from the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday. The FDA regulations relating to public advisory committees may be found in 21 CFR Part 14.

The Commissioner, with the concurrence of the Chief Counsel, has determined for the reasons stated that those portions of the advisory committee meetings so designated in this notice shall be closed. The Federal Advisory Committee Act (FACA), as amended by the Government in the Sunshine Act (Pub. L. 94–409), permits such closed advisory committee meetings in certain circumstances. Those portions of a meeting designated as closed, however, shall be closed for the shortest possible time, consistent with the intent of the cited statutes.

The FACA, as amended, provides that a portion of a meeting may be closed where the matter for discussion involves a trade secret; commercial or financial information that is privileged or confidential; information of a personal nature, disclosure of which would be a clearly unwarranted invasion of personal privacy; investigatory files compiled for law enforcement purposes; information the premature disclosure of which would be likely to significantly frustrate implementation of a proposed agency action; and information in certain other instances not generally relevant to FDA matters.

Examples of portions of FDA advisory committee meetings that ordinarily may be closed, where necessary and in accordance with FACA criteria, include the review, discussion, and evaluation of drafts of regulations or guidelines or similar preexisting internal agency documents, but only if their premature disclosure is likely to significantly frustrate implementation of proposed agency action; review of trade secrets and confidential commercial or financial information submitted to the agency; consideration of matters involving investigatory files compiled for law enforcement purposes; and review of matters, such as personnel records or individual patient records, where disclosure would constitute a clearly unwarranted invasion of personal privacy.

Examples of portions of FDA advisory committee meetings that ordinarily shall not be closed include the review, discussion, and evaluation of general preclinical and clinical test protocols and procedures for a class of drugs or devices; consideration of labeling requirements for a class of marketed drugs or devices; review of data and information on specific investigational or marketed drugs and devices that have previously been made public; presentation of any other data or information that is not exempt from public disclosure pursuant to the FACA, as amended; and, notably deliberative

sessions to formulate advice and recommendations to the agency on matters that do not independently justify closing.

Applications for reimbursement for participation in the meetings listed above should be sent to the Office of Consumer Affairs (HFE–1), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, rather than to the Dockets Management Branch as prescribed in § 10.210 of the regulations (21 CFR 10.210). If you wish to submit an application or wish more information regarding the reimbursement program, please call 301–443–5006.

FDA has established expedited procedures for review of any application for reimbursement for participation in the meetings announced in this notice. The Office of Consumer Affairs, FDA, will file any application for reimbursement for participation in the meetings announced in this notice in the docket for this notice.

Dated: June 6, 1981.

Arthur Hull Hayes, Jr.,

Commissioner of Food and Drugs.

[FR Doc. 81-17367 Filed 6-15-81; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 81F-0160]

Borg-Warner Chemicals; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces that Borg-Warner Chemicals has filed a petition proposing that the food additive regulations be amended to provide for the safe use of phosphorous acid, cyclic neopentanetetrayl bis(2,4-di-tert-butyl phenyl) ester, which may contain triisopropanolamine, as an antioxidant and/or stabilizer for high density polyethylene in contact with food.

FOR FURTHER INFORMATION CONTACT: Andrew D. Laumbach, Bureau of Foods (HFF–334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–472–5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP–1B3562) has been filed by Borg-Warner Chemicals, Technical Centre, Washington, WV 26181, proposing that § 178.2010 *Antioxidants and/or stablizers for polymers* (21 CFR 178.2010) be amended to provide for the safe use of phosphorous acid, cyclic neopentanetetrayl bis(2,4-di-*tert*-butyl phenyl) ester, which may contain triisopropanolamine, as an antioxidant and/or stabilizer for high density polyethylene in contact with food.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c) (proposed December 11, 1979; 44 FR 71742).

Dated: June 5, 1981.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 81-17364 Filed 6-15-81; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 81F-0179]

Nebraska Department of Economic Development; Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces that the Nebraska Department of Economic Development has filed a petition proposing that the food additive regulations be amended to provide for the safe use of sucrose fatty acid esters in foods.

FOR FURTHER INFORMATION CONTACT: Patricia J. McLaughlin, Bureau of Foods (HFF–334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–472–5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 1A3564) has been filed by the Nebraska Department of Economic Development, P.O. Box 94666, Lincoln, NE 68509, proposing that the food additive regulations be amended to provide for the safe use of sucrose fatty acid esters as an emulsifier, stabilizer, and texturizer in some foods for human consumption.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c) (proposed December 11, 1979; 44 FR 71742).

Dated: June 5, 1981.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 81-17566 Filed 6-15-81; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 81F-0161]

Springborn Institute for Bioresearch, Inc., Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces that Springborn Institute for Bioresearch, Inc., has filed a petition proposing the safe use of polyester elastomer, 1,4-benzenedicarboxylic acid, polymer with 1,4 butanediol and α-hydro-w-hydroxy poly (oxy-1,4-butanediyl), as polymer modifiers in polyethylene terepthalate film intended for use in contact with food.

FOR FURTHER INFORMATION CONTACT: Blondell Anderson, Bureau of Foods (HFF–334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5740.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 1B3557) has been filed by Springborn Institute for Bioresearch, Inc., Spencerville, OH 45887, proposing that § 178.3790 *Polymer modifiers in semirigid and rigid vinyl chloride plastics* (21 CFR 178.3790) be amended to provide for the safe use of polyester elastomer, 1,4-benzenedicarboxylic acid, polymer with 1,4 butanediol and α-hydro-w-hydroxy poly (oxy-1,4-butanediyl), as polymer modifiers in polyethylene terepthalate film intended for use in contact with food.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c) (proposed December 11, 1979; 44 FR 71742).

Dated: June 5, 1981.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 81-17565 Filed 6-15-81; 8:45 am]

BILLING CODE 4110-03-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AA-41915]

Alaska Native Claims Selection

On February 4, 1981, Cook Inlet Region, Inc., filed selection application AA–41915, under the provisions of Sec. 12(b)(6) of the act of January 2, 1976 (89 Stat. 1151), and I.C.(2) of the Terms and Conditions for Land Consolidation and Management in the Cook Inlet Area, as clarified August 31, 1976, for the surface and subsurface estates of certain lands located in Gold Creek Alaska.

Section 12(b)(6) of the act of January 2, 1976, authorizes conveyance of lands to Cook Inlet Region, Inc., from a selection pool established by the Secretary of the Interior and the General Services Administrator.

The lands are located inside the boundaries of Cook Inlet Region. The lands within selection AA–41915 were placed in the pool of properties available for Cook Inlet Region, Inc., subject to valid existing rights, by notice dated June 15, 1979.

The selection application of Cook Inlet Region, Inc., as to the lands described below is properly filed and meets the requirements of the act and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with Federal laws leading to acquisition of title.

In view of the foregoing, the surface and subsurface estates of the following described lands, located in T. 31 N., R. 2 W., Seward Meridian, Alaska, are considered proper for acquisition by Cook Inlet Region, Inc., and are hereby approved for conveyance pursuant to Sec. 12(b)(6) of the act of January 2, 1976:

U.S. survey No. 3626, Alaska, lot 3, situated at Gold Creek, Alaska.
containing 5.00 acres.

There are no easements to be reserved to the United States pursuant to Sec. 17(b) of the Alaska Native Claims Settlement act (ANCSA).

The grant of lands shall be subject to:

Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under Sec. 6(b) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 341; 48 U.S.C. Ch. 2, Sec. 6(g))), contract, permit, right-of-way, or easement, and the right of the lessee, contractee, premittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him. Further, pursuant to Sec. 17(b)(2) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 708; 43 U.S.C. 1601, 1616(b)(2)) (ANCSA), any valid existing right recognized by ANCSA shall continue to have whatever right of access as is now provided for under existing law.

Section 12(b)(6) of Public Law (Pub. L.) 94–204 provides that conveyances pursuant to this section shall be made in exchange for lands or rights to select lands outside the boundaries of Cook Inlet Region as described in Sec. 12(b)(5) of this act and on the basis of values determined by appraisal, the lands described above have been appraised at a value of $10,000. Under Sec. I.C. (2)(e) of the Terms and Conditions, this property constitutes 20.00 acre/equivalents. Upon acceptance of title to these lands, Cook Inlet Region, Inc., will relinquish its selection rights to 20.00 acres of its out-of-region entitlement.

Conveyance of the remaining entitlement to Cook Inlet Region, Inc., shall be made at a later date.

There are no inland water bodies considered to be navigable within the lands described.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the *Federal Register* and once a week, for four (4) consecutive weeks, in the *Anchorage Daily News*.

Any party claiming a property interest in lands affected by this decision, an agency of the Federal government, or regional corporation may appeal the decision to the Alaska Native Claims Appeal Board, provided, however, pursuant to Pub. L. 96–487, this decision constitutes the final administrative determination of the Department of the Interior concerning navigability of water bodies.

Appeals should be filed with the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510, with a copy served upon both the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513, and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501. The time limits for filing an appeal are:

1. Parties receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, and parties who failed or refused to sign the return receipt shall have until July 16, 1981 to file an appeal.

Any party known or unknown who is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the parties to be served with a copy of the notice of appeal are:

Cook Inlet Region, Inc., P.O. Brawer 4–N, Anchorage, Alaska 99509.
State of Alaska, Department of Natural Resources, Division of Research and Development, 323 East Fourth Avenue, Anchorage, Alaska 99501.

Ann Johnson,

Chief, Branch of Adjudication.

[FR Doc. 81–17794 Filed 6–15–81; 8:45 am]

BILLING CODE 4310–84–M

Idaho Falls District; Advisory Council Meeting

Notice is hereby given in accordance with Pub. L. 92–463, Pub. L. 94–579, Pub. L. 95–514 and 43 CFR Part 1780, that the Idaho Falls District Advisory Council will meet Friday, July 24, 1981.

The Idaho Falls Advisory Council members will convene at 8:30 a.m. at the Bureau of Land Management Office, 940 Lincoln Road, Idaho Falls, Idaho 83401, for a field tour. The tour is open to the public. Anyone wishing to go on the tour must provide their own transportation and is asked to notify the Idaho Falls BLM District Manager at the above address by July 20.

The purpose of the field tour is to make an on-site inspection of and discuss Big Southern Butte communication conflicts. Other topics on the Advisory Council's agenda include recreational development at Dike Lake and the Omitted Lands of the Snake River. The Advisory Council will accept public statements from 8:30 a.m.–9:00 a.m. at the Idaho Falls BLM Office. The Advisory Council will also make arrangements for their next meeting.

Summary minutes of the meeting will be maintained in the District Office and will be available for public inspection and reproduction during business hours 30 days after the meeting.

Dated: June 8, 1981.

O'dell A. Frandsen,

District Manager.

[FR Doc. 81–17757 Filed 6–15–81; 8:45 am]

BILLING CODE 4310–84

Wilderness Appeal—Idaho

In the April 6, 1981 issue of the **Federal Register**, page 20607 listed wilderness inventory units for which the decision to drop the units had been appealed.

The Interior Board of Land Appeals (IBLA) on May 21, 1981, advised the Idaho State Office of the BLM that one of the letters received during the appeal period should be considered as a protest filed after the close of the protest period, and should not be considered as an appeal.

Therefore, the following inventory units, originally listed as appealed, are now dropped from further wilderness review:

111–36b—7,352 acres
26–1—20,615 acres
26–3—6,615 acres
27–1—9,609 acres
27–2—6,646 acres
32–4—11,134 acres
33–5—8,650 acres
33–6—8,000 acres
33–13—20,650 acres
33–14—35,720 acres
33–16—9,420 acres
33–23—13,880 acres
41–3—10,720 acres
44–2—12,602 acres
44–3—9,707 acres
44–4—28,040 acres
44–9—7,470 acres
16–9—14,650 acres

The above listed units will no longer be subject to the wilderness interim management policy.

For further information contact: Bureau of Land Management, Idaho State Office, Box 042, Federal Building, 550 W. Fort Street, Boise, Idaho 83724.

Dated June 8, 1981.

T. G. Bingham,

Acting State Director, Bureau of Land Management, Idaho.

[FR Doc. 81-17756 Filed 6-15-81; 8:45 am]

BILLING CODE 4310-84-M

[W14928]

Wyoming; Proposed Continuation of Withdrawal

Correction

In FR Doc. 81–16067, appearing in the issue of Friday, May 29, 1981, on page 28955 the heading should have read as set forth above.

BILLING CODE 1505-01-M

National Park Service

National Register of Historic Places; Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before June 5, 1981. Pursuant to § 1202.13 of 36 CFR Part 1202, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, U.S. Department of the Interior, Washington, DC 20243. Written comments should be submitted by July 1, 1981.

Carol Shull,

Chief, Registration Branch.

CALIFORNIA

Amador County

Jackson, *Kennedy Tailing Wheels*, Jackson Gate Rd.

Contra Costa County

Walnut Creek vicinity, *Old Borges Ranch*, 1035 Castle Rock Rd.

Kern County

Taft, *Fort, The*, Ash and Lincoln Sts.

Los Angeles County

Long Beach, *Rancho Los Alamitos*, 6400 Bixby Hill Rd.

San Francisco County

San Francisco, *Beach Chalet*, 1000 Great Hwy.

INDIANA

Lake County

Cedar Lake, *Lassen Hotel*, 7808 W. 138th Pl.

MINNESOTA

Hennepin County

Wayzata, *Great Northern Railroad Depot*, 402 E. Lake St.

NEW JERSEY

Morris County

Dover, *Baker Building*, 16 W. Blackwell St.

WISCONSIN

Dodge County

Beaver Dam, *Dodge County Historical Museum*, 127 S. Spring St.

Milwaukee County

Milwaukee, *Milwaukee Fire Department High Pressure Pumping Station*, 2011 S. 1st St.

Waukesha County

Eagle vicinity, *Ward District No. 3 Schoolhouse*, WI 67 and Betts Rd.
Mukwonago, *Andrews, Sewall, House*, 103 Main St.

[FR Doc. 81-17378 Filed 6-15-81; 8:45 am]

BILLING CODE 4310-70-M

Bureau of Reclamation

Contract Negotiations With the Westlands Water District—San Luis Unit, Central Valley Project (CVP), California

The Department of the Interior, through the Bureau of Reclamation, reopened contract negotiations with the Westlands Water District on May 26, 1981, in Washington, DC. This represents the continuation of negotiations that were announced in the **Federal Register** on July 11, 1978 (43 FR 29839). Negotiations to date have not resulted in acceptable contracts.

At the meeting in Washington, DC, on May 26 and 27, contracting principles and guidelines were established for water pricing, water supply, acreage limitation, repayment of the costs of the distribution system and the San Luis Drain. The Bureau of Reclamation has been directed to seek resolution and develop contract terms and conditions with the Westlands District representatives for three forms of contracts covering: (1) payments for water service to the Westlands Water District, involving the irrigable land in the San Luis Unit and which includes the area previously identified as the Westplains area, and for the municipal and industrial customers; (2) repayment of the costs of the distribution and drainage system constructed and under construction for the above service area; and (3) a service or utility-type contract that will ensure repayment of costs involved for constructing the San Luis Drain or suitable alternative.

The meetings in Washington, DC, were recessed until June 16, 1981, at which time negotiations will resume in Sacramento, California. The Bureau's negotiating team is chaired by Acting Regional Director Michael A. Catino. Messrs. John Budd, Contracts and Repayment Specialist; James E. Turner, Regional Solicitor's Office; Department of the Interior; and Richard J. Dauber, Consultant for the Bureau of Reclamation are the other members of the negotiating team for the Department of the Interior.

Negotiation meetings scheduled by the Bureau with the Westlands Water District for the purpose of discussing the terms and conditions of the proposed contracts shall be open to the general public as obsevers. Advance notice of the meetings in Washington, DC, was furnished to those parties having previously furnished a written request for such notice in line with procedures established for previous negotiations. However, in view of the urgency to

complete these contract negotiations so that the contracts and appropriate legislation can be submitted to this session of the Congress, I am waiving the 7-day notice requirement covering the date, time, and location of the next meeting when that information is provided at a given negotiation session.

The public is invited to submit written comments on the forms of the proposed contracts within 15 days after the contracts are declared to be available to the public. In view of the requirement for congressional approval of the contracts and the enactment of appropriate legislation, no public hearings will be held on the contracts except those scheduled by the Congress. The Commissioner of the Bureau of Reclamation will review the written comments and submit a summary of the appropriate Committees of the Congress when the contracts and legislation are presented. The availability of the proposed contracts will be announced in the **Federal Register** or other media, as appropriate.

For further information please contact Mr. John Budd, Bureau of Reclamation, attention MP–440, 2800 Cottage Way, Sacramento, California 95825, or telephone (916) 464–4380.

Dated: June 12, 1981.

Garry E. Carruthers,

Assistant Secretary—Land and Water Resources.

[FR Doc. 81-18017 Filed 6-15-81; 8:45 am]

BILLING CODE 4310-09-M

INTERSTATE COMMERCE COMMISSION

[Permanent Authority Decision Volume No. OPY–5–84]

Motor Carrier; Permanent Authority; Decision-Notice

Decided: June 5, 1981.

The following operating rights applications, filed on or after July 3, 1980, are filed in connection with pending finance applications under 49 U.S.C. 10926, 11343 or 11344. The applications are governed by Special Rule 252 of the Commission's General Rules of Practice (49 CFR 1100.252).

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Persons submitting protests to applications filed in connection with pending finance applications are requested to indicate across the front page of all documents and letters submitted that the involved proceeding is directly related to a finance application and the finance docket number should be provided. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00

Amendments to the request for authority are not allowed. However, the Commission may have modified the application to conform to the Commission's policy of simplifying grants of operating authority.

Findings: With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each applicant has demonstrated that its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements as to the finance application *or* to the following operating rights applications directly related thereto filed within 45 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except where the application involves duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board Number 3, members Krock, Joyce and Dowell.

James H. Bayne,

Acting Secretary.

MC–F 14634, filed May 14, 1981. PULLEY FREIGHT LINES, INC., (PFL) (405 S.E. 20th Street, Des Moines, IA 50317)—CONTINUANCE IN CONTROL—PULLEY CONTRACT CARRIERS, INC. (PCC) (405 S.E. 20th Street, Des Moines, IA 50317) Representative: Jack H. Blanshan, 205 West Touhy, Avenue, Suite 200–A Park Ridge, IL 60068. PFL seeks authority to continue control of PCC through ownership of all of the outstanding capital stock of PCC upon issuance to PCC of operating authority by the Commission. By the same application, Nenver Rietveld and John Burroughs, who control PFL by stock ownership, seek authority to continue the control of PCC through the same transaction. PCC is a wholly owned subsidiary of PFL and has filed concurrently with the Commission an application in Docket No. MC–156158 for operating authority as a contract carrier, by motor vehicle, over irregular routes, in the transportation of general commodities (except classes A and B explosives), between points in the United States, under continuing contracts with 5 supporting shippers. PFL is a motor common carrier authorized in Docket No. MC–117815 and subs thereunder to transport various specified commodities, over irregular routes, to, from and between all points in the United States. An application has not been filed by PFL for temporary authority under 49 U.S.C. 11349.

Note.—Pulley Contract Carriers, Inc. has filed a directly related contract carrier application. This application, docketed No. MC–156158 is published in the same **Federal Register** issue.

MC 156158 filed May 28, 1981. Applicant: PULLEY CONTRACT CARRIERS, INC., 405 S.E. 20th St., Des Moines, IA 50317. Representative: Jack H. Blanshan, 205 West Touhy Ave., Suite 200–A, Park Ridge, IL 60068, 312–698–2235. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. under continuing contracts with Oscar Mayer & Co., of Madison, WI and its subsidiaries, Louis Rich, Inc., Clausen Pickle Company., Chefs Pantry., O.M. Ingredients., SPL, Inc., and Oscar Mayer of PA; Kitchens of Sara Lee., of Deerfield, IL; S.C. Johnson & Son, Inc., of Racine, WI; Swift Independent Packing Company of Chicago, IL; and Campbell Soup Company of Camden, NJ, and its subsidiaries.

Note.—Common Control is involved, this application directly related to MC–F 14634 published in the same **Federal Register** issue.

[FR Doc. 81-17770 Filed 6-15-81; 8:45 am]

BILLING CODE 7035-01-M

Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings: With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

James H. Bayne,

Acting Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Vol. No. OPY–5–82

Decided: June 9, 1981.

MC 5888 (Sub-61), filed June 1, 1981. Applicant: MID-AMERICAN LINES, INC., 127 West Tenth St., Kansas City, MO 64105. Representative: Tom Zaun (same address as applicant) 816–842–1355. Transporting *machinery* between Cleveland, OH, and points in Lake County, OH, on the one hand, and, on the other, points in IL, IN, IA, KS, KY, MI, MN, MO, NE, and WI.

MC 18038 (Sub-6), filed June 1, 1981. Applicant: JACK N. TEDFORD, P.O. Box 1505, Fallon, NV 89406. Representative: Pat Fagan, 402 N. Division St., P.O. Box 646, Carson City, NV 89701, 702–882–0202. Transporting *general commodities* (except A and B explosives), between points in CA, OR, ID, UT, and AZ, on the one hand, and, on the other, points in Churchill, White Pine, Nye, Lincoln, Lander, and Eureka Counties, NV.

MC 41608 (Sub-2), filed May 29, 1981. Applicant: CORRIGAN MOVING & STORAGE CO., 2000 Westwood, Dearborn, MI 48124. Representative: B. W. LaTourette, Jr., 11 S. Meramec, Suite 1400, St. Louis, MO 63105, (314) 727–0777. Transporting *household goods*, between points in AL, AR, CO, CT, FL, GA, IA, KS, KY, LA, MA, MD, ME, MO, MN, MS, NC, NE, NH, NM, OK, RI, SC, TN, TX, VA, VT, and WV.

MC 118318 (Sub-62), filed June 1, 1981. Applicant: IDA-CAL FREIGHT LINES, INC., P.O. Drawer M, Nampa, ID 83651. Representative: Timothy R. Stivers, P.O. Box 1576, Boise, ID 83701, 208–343–3071. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Fred Meyer, Inc., and its subsidiaries, Sun Labs and Roundup Company, all of Portland, OR.

MC 124408 (Sub-20), filed June 2, 1981. Applicant: THOMPSON BROS., INC., P.O. Box 1283, Sioux Falls, SD 57101. Representative: Alan Foss, 502 First National Bank Bldg., Fargo, ND 58126, (701) 235–4487. Transporting (1) *machinery, and* (2) *metal products*, between points in the U.S., under continuing contract(s) with Jerry's Electric, Inc., of Colman, SD.

MC 135078 (Sub-76), filed June 1, 1981. Applicant: AMERICAN TRANSPORT, INC., 7850 "F" Street, Omaha, NE 68127. Representative: Arthur J. Cerra, 2100 Charter Bank Center, P.O. Box 19251, Kansas City, MO 64141, (816) 842–8600. Transporting *Furniture and fixtures*, between points in the U.S. under continuing contract(s) with Jordan Manufacturing Company, of Peoria, IL.

MC 143568 (Sub-4), filed June 1, 1981. Applicant: SIMMONS TRUCKING, INC., P.O. Box 71, Glenwood, MO 63541. Representative: Frank W. Taylor, Jr., 1221 Baltimore Ave. Suite 600, Kansas City, MO 64105, (816) 221–1464. Transporting *chemicals and related products*, between points in IA, IL, MO, and WI.

MC 149369 (Sub-2), filed May 29, 1981. Applicant: GRAMBLETT TRUCKING, INC., 2232 Avalon Road NW., Carrollton, OH 44615. Representative: James M. Burtch, 100 E. Broad St., Columbus, OH 43215, (614) 228–1541. Transporting (1) *coal and coal products*, and (2) *ores and minerals*, between points in OH, KY, MI, PA, and WV.

MC 150509 (Sub-8), filed June 1, 1981. Applicant: BULLET EXPRESS, INC., P.O. Box 289, Bay Ridge Station, Brooklyn, NY 11220. Representative: Robert L. Van Buren (same address as applicant), 212–492–7332. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Seabrook Foods, Inc., of Fresno, CA.

MC 152108 (Sub-2), filed June 1, 1981. Applicant: RELCO SYSTEMS, INC., 7310 Chestnut Ridge Rd., Lockport, NY 14094. Representative: George V. C. Muscato, 188 East Ave., Lockport, NY 14094, (716) 434–9177. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of metal products, between points in the U.S., under continuing contract(s) with Sherwood Selpac Corp., of Lockport, NY.

MC 152758, filed June 2, 1981. Applicant: STRONG TRANSPORT COMPANY, INC., 15534 West Hardy Road, Suite 130, Houston, TX 77060. Representative: A. William Brackett, 623 S. Henderson, Fort Worth, TX 76104, (817) 332–4415. Transporting *general commodities* (except classes A and B explosives), between the facilities of Valmont Industries, Inc. and its subsidiaries at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 154419, filed May 29, 1981. Applicant: PAUL GAILEY, P.O. Box 3703, (520 Mobile Home Park), Enid, OK 73701. Representative: C. L. Phillips, Room 248, Classen Terrace Bldg., 1411 N. Classen, Oklahoma City, OK 73106, (450) 528–3884. Transporting *food and related products*, between points in St. Louis County, MO, and St. Clair County, IL, on the one hand, and, on the other, Ponca City, OK, and points in Garfield County, OK

MC 154519, filed June 2, 1981. Applicant: GEORGE B. and J. JOANNE BROCKLEY, 4430 S. 56th St., Lincoln, NE 68528. Representative: Charles J. Kimball, 1600 Sherman St., #665, Denver, CO 80203, 303–839–5856. Transporting *passengers and their baggage*, in special or charter operations, beginning and ending at points in NE, and extending to points in the U.S.

MC 156208, filed May 29, 1981. Applicant: RESORT BUS LINE, INC., 1220 N.E. First St., Bend, OR 97701. Representative: Lawrence V. Smart, Jr., 419 N.W. 23rd Ave., Portland, OR 97210, (503) 226–3755. Transporting *passengers and their baggage*, in charter and special operations, beginning and ending at those points in OR in and east of Josephine, Douglas, Klamath, Deschutes, Jefferson, Wasco and Hood River Counties, and extending to points in the U.S.

MC 156249, filed June 2, 1981. Applicant: MACHINERY ACCEPTANCE CORPORATION, 2000 Harvester Drive, Milwaukie, OR 97222. Representative: David C. White, 2400 SW Fourth Ave., Portland, OR 97201, (503) 226–6491. Transporting *vehicle washing systems*, between points in the U.S., under continuing contract(s) with Hanna Industries, of Portland, OR.

Volume No. OPY–5–81

Decided: June 8, 1981

MC 10068 (Sub-1), filed May 28, 1981. Applicant: I–GO VAN & STORAGE CO., a corporation, 7601 Dodge, Omaha, NE 68114. Representative: Donald L. Stern, Suite 610, 7171 Mercy Rd., Omaha, NE 68106, (402) 392–1220. Transporting *household goods*, between points in WY, CO, SD, NE, KS, OK, TX, AR, MO, IA, MN, WI, IL, IN, and OH.

MC 19778 (Sub-120), filed May 27, 1981. Applicant: THE MILWAUKEE MOTOR TRANSPORTATION COMPANY, a corporation, 10800 Franklin Ave., Franklin Park, IL 60131. Representative: Robert F. Munsell (same address as applicant), (312) 860–4878. Transporting *fly ash*, between points in Yellowstone County MT, on the one hand, and, on the other, points in ND.

MC 30969 (Sub-7), filed may 29, 1981. Applicant: SOUTH HUDSON TRUCKING COMPANY, INC., 736 Avenue E., Bayonne, NJ 07002. representative: Charles J. Williams, P.O. Box 186, Scotch Plains, NJ 07076, 201–322–5030. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of containers, between points in the U.S. under continuing contract(s) with Inland Steel Container Company, division of Inland Steel Company, of Jersey City, NJ.

MC 110328 (Sub-22), filed May 21, 1981. Applicant: ROY A. LEIPHART TRUCKING, INC., 1298 Toronita St., York, PA 17402. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740, (301) 797–6060. Transporting *automobile parts and textile mill products*, between points in Mifflin and Cumberland Counties, PA and Escambia and Mobile Counties, AL, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 123048 (Sub-494), filed May 29, 1981. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 5021 21st St., Racine, WI 53406. Representative: Carl S. Pope (same address as applicant), 414–554–5400. Transporting *general commodities* (except classes A and b explosives), between points in the U.S.

MC 127738 (Sub-8), filed May 26, 1981. Applicant: TWA SERVICES, INC., Yellowstone National Park, Wyoming 82190. Representative: S. B. Freeman III, P.O. Box 550, Cody, WY 82414, (307) 587–5594. Transporting *passengers and their baggage* in the same vehicle, in charter and special operations, beginning at points in ID, and extending to points in the U.S., under continuing contract(s) with Western Tour and Travel, of Idaho Falls, ID, Big Valley, Inc., d/b/a Grand Targhee Resort, of Briggs, ID, and Becon tours, of Rexburg, ID.

MC 133589 (Sub-3), filed May 28, 1981. Applicant: BCT, INC., P.O. Box 7747, Boise, ID 83707. Representative: John D. Burke (same address as applicant), (208) 384–7172. Transporting (1) *miscellaneous products* of manufacturing, (2) *furniture and fixtures*, and (3) *such commotities* as are dealt in or used by the manufacturers and distributors of lawn and garden products, between points in the U.S., under continuing contract(s) with Marathon Carey-McFall Company, of Montoursville, PA.

MC 138328 (Sub-137), filed May 27, 1981. Applicant: CLARENCE L. WERNER, d.b.a. WERNER ENTERPRISES, I–80 & Hwy. 50, P.O. Box 37308, Omaha, NE 68137. Representative: Donna Ehrlich (same address as applicant), (402) 895–6640. Transporting *metal products*, between points in the U.S., under continuing contract(s) with Henry Pratt Company, of Aurora, IL.

MC 150618 (Sub-2), filed May 29, 1981. Applicant: AVION TRANSPORT, INC., 43 East Hollis St., Nashua, NH 03060. Representative: Wesley S. Chused, 15 Court Sq., Boston, MA 02108, 617–742–3530. Transporting (1) *general commodities* (except classes A and B explosives), between points in MA, NH, and RI on the one hand, and, on the other, points in the U.S. (2) *pet products and pet supplies*, between points in Winnebago County, IL, on the one hand, and, on the other, points in the U.S.

MC 153979 (Sub-1), filed May 29, 1981. Applicant: WEST POINT TRANSPORT, INC., 1700 Willis Rd. Richmond, VA 23234. Representative: Paul D. Collins, 7761 Lakeforest Dr., Richmond, VA 23235, 804–745–0446. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. under continuing contract(s) with Bear Island Paper Co., Greenwich, CT; Colgate-Palmolive Co., New York, NY; Electrolux Corp., Stamford, CT and Nabisco, Inc. and its subsidiaries Freezer Queen Foods, J. B. Williams Co., Hygiene Industries and Everlon Fabrics, of New York, NY. Condition: The person or persons who appear to be engaged in control of another regulated carrier must either file an application under 49 U.S.C. 11343(A) or submit an affidavit indicating why such approval is unnecessary, to the Secretary's office. In order to expedite issuance of any authority please submit a copy of the affidavit or proof of filing the application for common control to Team 5 Room 6370.

MC 154458 (Sub-1), filed May 27, 1981. Applicant: QUALITY DELIVERY, INC., 4900 Deramus, Kansas City, MO 64120. Representative: Alex M. Lewandowski, 1221 Baltimore Ave., Suite 600, Kansas City, MO 64105, (816) 221–1464. Transporting *such commodities* as are dealt in or used by manufacturers of cosmetics, between points in the U.S., under continuing contract(s) with Avon Products, Inc., of Kansas City, MO

MC 155009, filed May 28, 1981. Applicant: K & B EQUIPMENT LEASING, 1004 11th St., NE, Ardmore, OK 73401. Representative: James F. Crosby, 7363 Pacific St., Oak Park Office Bldg., Suite 210B, Omaha, NE 68114, (402) 397–9900. Transporting *metal products, machinery*, and *transportation*

equipment, between points in Carter County, OK, on the one hand, and, on the other, points in the U.S.

MC 156228, filed May 29, 1981. Applicant: RDC TRUCKING, INC., Charles St., P.O. Box 151, Glen Cove, NY 11542. Representative: Peter R. Gilbert, 5th Floor, 1000 Potomac Street NW., Washington, D.C. 20007, (202) 965–6600. Transporting *such commodities* as are dealt in or used by photographic and graphic arts supply manufacturers and distributors, between points in the U.S., under continuing contract(s) with Power Chemco, Inc., of Glen Cove, NY.

Volume No. OPY–5–83

Decided: June 10, 1981.

MC 8989 (Sub-225), filed June 1, 1981. Applicant: HOWARD SOBER, INC., 5810 Moeller Rd., P.O. Box 216, Fort Wayne, IN 46808. Representative: Richard A. Kerwin, 180 North La Salle St., Chicago, IL 60601, (312) 332–5106. Transporting *transportation equipment*, between the facilities of Freightliner Corporation, and International Harvester, in the U.S., on the one hand, and, on the other, points in the U.S.

MC 51018 (Sub-17), filed June 3, 1981. Applicant: THE BESL TRANSFER CO., 5550 Este Ave., Cincinnati, OH 45232. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215, (614) 228–1541. Transporting (1) *those commodities* which because of their size or weight require the use of special handling or equipment, and (2) *metal products*, between points in Boone, Campbell and Kenton Counties, KY, on the one hand, and, on the other, points in the U.S.

MC 61908 (Sub-19), filed June 3, 1981. Applicant: GARNER TRUCKING, INC., Route #4, Findlay, OH 45840. Representative: John L. Alden, 1396 W. Fifth Ave., Columbus, OH 43212, (614) 481–8821. Transporting *food and related products*, between the facilities of Heinz USA, Division of H. J. Heinz Co., at points in the U.S. in and east of ND, SD, NE, CO, and NM, on the one hand, and, on the other, those points in the U.S., in and east of ND, SD, NE, CO, and NM.

MC 84728 (Sub-66), filed June 3, 1981. Applicant: SAFEWAY TRAILS, INC., 1200 I Street NW., Washington, DC 20005. Representative: George W. Hanthorn, 1500 Jackson St., Dallas, TX 75201, (214) 655–7937. Over *regular* routes, transporting *passengers and their baggage and express and newspapers* in the same vehicle with passengers, between Philadelphia, PA, and junction of NJ Hwy 73 and NJ Hwy 38; from Philadelphia over the Tacony/Palmyra Bridge to NJ Hwy 73, then over NJ Hwy 73 to junction NJ Hwy 38 and return over the same routes, serving all intermediate points.

MC 99439 (Sub-19), filed June 1, 1981. Applicant: SUWANNEE TRANSFER, INC., 9800 Normandy Blvd., P.O. Box 40764, Jacksonville, FL 32203. Representative: Martin Sack, Jr., 203 Marine National Bank Bldg., 311 W. Duval St., Jacksonville, FL 32202, (904) 353–9707. Transporting *general commodities* (except classes A and B explosives), between points in GA, FL, and AL.

MC 111289 (Sub-17), filed June 2, 1981. Applicant: RICHARD D. FOLTZ, P.O. Box 161, Orwigsburg, PA 17961. Representative: S. Berne Smith, P.O. Box 1166, Harrisburg, PA 17108, (717) 232–8000. Transporting *food and related products* between points in the U.S., under continuing contract(s) with Peter Paul Cadbury, Inc., of Naugatuck, CT.

MC 121489 (Sub-25), filed June 3, 1981. Applicant: NEBRASKA–IOWA XPRESS, INC., 3219 Nebraska Ave., Council Bluffs, IA 51501. Representative: James E. Ballenthin, 630 Osborn Bldg., St. Paul, MN 55102, (612) 227–7731. Transporting *food and related products*, between those points in the U.S. in and east of MI, IN, IL, MO, AR, and TX.

MC 133689 (Sub-370), filed June 3, 1981. Applicant: OVERLAND EXPRESS, INC., 8651 Naples Street NE., Blaine, MN 55344. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118, (612) 457–6889. Transporting *general commodities* (except classes A and B explosives), between the facilities of GTE Electrical Products, Inc., at points in San Mateo and Los Angeles Counties, CA; Denver County, CO; Orange County, FL; Fulton County, GA; Cook County, IL; Jackson County, IN; Wyandotte County, KS; Clark and Woodford Counties, KY; Orleans County, LA; Essex and Bristol Counties, MA; Wayne County, MI; St.Louis County, MO; Anoka County, MN; Cumberland, Oxford, and Lincoln Counties, ME; Bergen County, NJ; Erie County, NY; Mecklenburg County, NC; Hillsborough and Rockingham Counties, NH; Hamilton and Cuyahoga Counties, OH; Lycoming, Elk, Chester, and Allegheny Counties, PA; Dyer County, TN; Dallas and Harris Counties, TX; Fairfax County, VA; and King County, WA, on the one hand, and, on the other, points in the U.S.

MC 134229 (Sub-14), filed June 1, 1981. Applicant: RICHMOND TRANSFER, INC., Route 4, Box A97, Richmond, MO 64085. Representative: Patricia F. Scott, 20 East Franklin, P.O. Box 258, Liberty, MO 64068, (816) 781–6000. Transporting *general commodities* (except classes A and B explosives), between points in Lafayette and Ray Counties, MO, on the one hand, and, on the other, points in AR, AZ, TN, and MO.

MC 138438 (Sub-109), filed June 3, 1981. Applicant: D. M. BOWMAN, INC., Route 2, Box 43A1, Williamsport, MD 21795. Representative: Edward N. Button, 580 Northern Ave., Hagerstown, MD 21740, (301) 739–4860. Transporting *pulp, paper and related products, printed matter*, and *rubber and plastic products*, between points in the U.S.

MC 138469 (Sub-275), filed June 1, 1981. Applicant: DONCO CARRIERS, INC., P.O. Box 75354, Oklahoma City, OK 73107. Representative: Daniel O. Hands, 205 West Touhy Ave., Suite 200–A, Park Ridge, IL 60068, (312) 698–2235. Transporting *chemicals and related products*, between points in the U.S.

MC 142368 (Sub-36), filed June 3, 1981. Applicant: DANNY HERMAN TRUCKING, INC., 1415 East Ninth St., Pomona, CA 91766. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609, (213) 945–2745. Transporting *waste or scrap materials not identified by industry producing*, between points in Beaver County, UT, on the one hand, and, on the other, points in the U.S.

MC 145639 (Sub-3), filed June 1, 1981. Applicant: TRANSTECH LTD., 5500 Bradley, Sioux City, IA 51102. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501, (402) 475–6761. Transporting *transportation equipment*, between points in the U.S. under continuing contract(s) with Wilson Trailer Company and Multech Corporation both of, Sioux City, IA.

MC 150339 (Sub-30), filed June 2, 1981. Applicant: PIONEER TRANSPORTATION SYSTEMS, INC., 302 Bloomingdale Ave., Federalsburg, MD 21632. Representative: Stephen J. Hammer (same address as applicant), (301) 673–7151. Transporting *such commodities* as are dealt in or used by manufacturers of plastic articles, between points in the U.S., under continuing contract(s) with W. R. Grace & Company, Formpac Division, of Reading, PA.

MC 150509 (Sub-9), filed June 3, 1981. Applicant: BULLET EXPRESS, INC., 5600 First Ave., P.O. Box 289, Bay Ridge Station, Brooklyn, NY 11220. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201) 435–7140. Transporting *rubber and plastic products*, between points in the U.S., under continuing contract(s) with American Wilcon Plastics, Inc., of Orrick, MO.

MC 150509 (Sub-10), filed June 3, 1981. Applicant: BULLET EXPRESS, INC., 5600 First Ave., P.O. Box 289, Bay Ridge Station, Brooklyn, NY 11220. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201) 435–7140. Transporting *metal products*, between points in the U.S., under continuing contract(s) with Danver Division, Cir-Tex, Inc., of Hamden, CT.

MC 151819 (Sub-5), filed June 2, 1981. Applicant: CARGO MASTER, INC., 917 S. Harwood St., Dallas, TX 75201. Representative: Jackson Salasky, P.O. Box 45538, Dallas, TX 75245, (214) 358–3341. Transporting *metal products*, between the facilities of Commercial Metals Co., in the U.S., on the one hand, and, on the other, points in the U.S.

MC 155159, filed June 2 1981. Applicant: R & R VISIONS, INC., d.b.a. B & N TRUCKING CO., 9768 Maine St., Lakeside, CA 92040. Representative: William R. Daly, 4340 Vandever Ave., Suite S, P.O. Box 20521, San Diego, CA 92120, (714) 282–7337. Transporting *machinery*, between points in the U.S., under continuing contract(s) with Teledyne-Inet, Inc., of Torrance, CA.

MC 155829 (Sub-1), filed June 1, 1981. Applicant: AQUATOURS, INC., 37 Prospect St., Caldwell, NJ 07006. Representative: Joseph Lipman (same address as applicant), (201) 226–4804. To engage in operations in interstate or foreign commerce as a *broker* at New York, NY, in arranging the transportation of *passengers and their baggage*, in special, or charter operations, beginning and ending at New York, NY and extending to points in the U.S.

MC 156268, filed June 1, 1981. Applicant: COASTAL PLAIN CHARTER SERVICE, INC., 2913 South Church St., P.O. Box 153, Rocky Mount, NC 27801. Representative: Lee A. Spinks, 225 S. Franklin St., P.O. Box 1053, Rocky Mount, NC 27801, (919) 977–2211. Transporting *passengers and their baggage*, in special and charter operations, beginning and ending at points in Nash, Edgecombe, Halifax, Warren, Franklin, Johnston, Pitt, and Martin Counties, NC, and extending to points in the U.S.

MC 156269, filed June 2, 1981. Applicant: CO-OPERATIVE DELIVERY SERVICE, INC., 1925 East Vernon Ave., Los Angeles, CA 90058. Representative: Robert L. Cope, Suite 501, 1730 N St. NW., Washington, DC 20036, (202) 296–2900. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with L.T.L. Shippers Association, Inc., of Los Angeles, CA.

[FR Doc. 81-17772 Filed 6-13-81; 8:45 am]
BILLING CODE 7035-01-M

[Permanent Authority Volume No. OP5-95]

Motor Carrier Permanent Authority; Republications of Grants of Operating Rights Authority Prior to Certification

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the **Federal Register**.

An original and one copy of opposing verified statements must be filed with the Commission within 45 days after the date of this **Federal Register** notice. Applicant may file a verified statement in rebuttal within 60 days. Such pleadings shall comply with 49 CFR 1100.252 addressing specifically the issue(s) indicated as the purpose for republication.

James H. Bayne,
Acting Secretary.

MC 119118 (Sub-67F) (republication), filed December 5, 1980, published in the **Federal Register** issue of February 20, 1981, and republished this issue. Applicant: HIGHLAND EXPRESS, INC., P.O. Box 388, Latrobe, PA 15650. Representative: Richard C. McGinnis, 711 Washington Building, Washington, DC 20005. An Order of the Commission, Division 1, decided May 5, 1981, and served May 22, 1981, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of (1) *malt beverages*, in containers, and (2) *materials, equipment and supplies* used in the manufacture, sale and distribution of the commodities named in (1) above, between points in Butler County, OH, Lehigh County, PA, Vanderburgh County, IN, Campbell County, KY, Saginaw County, MI, and the Baltimore, MD, Commercial Zone, on the one hand, and, on the other, points in the U.S. in and east of Wisconsin, Illinois, Missouri, Tennessee and Mississippi.

MC 150088 (Sub-1F) (republication), filed October 27, 1980, published in the **Federal Register** issue of November 21, 1980, and republished this issue. Applicant: STERLING TRANSPORT DIVISION, INC., 801 Heinz Way, Grand Prairie, TX 75071. Representative: Robert K. Frisch, 2711 Valley View Lane, Suite 101, Dallas, TX 75234. A Decision of the Commission, Review Board Number 1, decided March 6, 1981, and served March 23, 1981, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce as a *common carrier*, by motor vehicle, over irregular routes, transporting *household appliances, air conditioning units, television receiving sets, and television receiving set stands*, between Pulaski County, AR, on the one hand, and on the other, points in Texas and Oklahoma, that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to indicate applicant's actual grant of authority.

MC 153489F (republication), filed December 29, 1980, published in the **Federal Register** issue of February 3, 1981, and republished this issue. Applicant: TEX-WEST ENTERPRISES, INC., 5802½ Jensen, Houston, TX 72312. Representative: C. Jack Pearce, Suite 1200, 1000 Conn. Ave., NW., Washington, DC 20036. An Order of the Commission, Review Board 2, decided April 30, 1981, and served May 21, 1981, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of (1) *iron and steel articles*, (2) *fabricated metal products*, (3) *lumber*, (4) *building materials*, and (5) *commodities* which by reason of size or weight require the use of special equipment, between points in Illinois and those in the United States on and west of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, thence northward along the western boundaries of Itasca and Koochiching Counties, MN, to the International Boundary line between the United States and Canada, that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to indicate applicant's actual grant of authority.

[FR Doc. 81-17789 Filed 6-15-81; 8:45 am]
BILLING CODE 7035-01-M

[Permanent Authority Decisions Volume No. 101]

Restriction Removals; Decision-Notice

Decided: June 10, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.000.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Alspaugh, and Shaffer.

James H. Bayne,

Acting Secretary.

FF–29 (Sub-1)X, filed: May 28, 1981. Applicant: FLORIDA-TEXAS FREIGHT, INC., 11405 N.W. 36th Avenue, Miami, FL 33167. Representative: S. S. Eisen, 370 Lexington Avenue, New York, NY 10017. Applicant seeks to remove restrictions in its freight forwarder Permit No. FF–29 to replace one-way authority with radial authority, betweeen CT, DE, ME, MD, MA, MI, NH, NJ, NY, OH, PA, RI, VT, VA, WV, and DC, and, AL, AZ, AR, FL, LA, MS, NM, OK, TN, and TX.

MC 8933 (Sub-3)X, filed June 4, 1981. Applicant: ART KOHLER TRUCKING, INC., P.O. Box 68, Audubon, MN 56511. Representative: Robert N. Maxwell, P.O. Box 2471, Fargo, ND 58108. Applicant seeks to remove restrictions from its certificate in the lead and Sub-No. 1 and its permits in MC–140509 (Sub-Nos. 1, 5F and 6F) to (1) broaden the commodity description (a) from farm implements and farm machinery, groceries, meat, fish, drygoods, seeds, salt and feed to "machinery, food and related products, and textile mill products"; and from washing machines, hardware, electrical appliances, wire and building materials to "machinery, metal products, and building materials,"; and from livestock to "farm products", all in the lead; and (b) from emigrant movables to "household goods, machinery, and farm products" in Sub-No. 1; and (c) from potato products and alcoholic beverages (except in bulk) to "food and related products" in MC–140509 Sub-Nos. 1 and 6F; and (d) from floor and wall coverings, and materials, hand tools and supplies for the installation of floor and wall coverings to "textile mill products, metal products, clay, concrete, glass, or stone products, lumber and wood products, rubber and plastic products" in MC–140509 Sub-No. 5; (2) replace specified points with county-wide authority as follows: Cass County, ND and Becker County, MN for Fargo ND and Audubon, MN; Jasper County, IA and Becker County, MN for Newton, IA and Detroit Lakes and Audubon, MN; Cass County, ND for West Fargo and Union Stockyards, ND; and Dakota County, MN for St. Paul, MN in the lead and Sub-No. 1 of MC–8933; (3) replace existing one-way authority with radial authority in the lead and Sub-No. 1F of MC–8933 between the counties named above and points in MN, ND, IA, SD, and WI; and (4) authorize service between points in the U.S. under a continuing contract(s) with named shippers in MC–140509 Sub-Nos. 1, 5F and 6F; and (5) delete a "mixed loads" restriction in MC–140509 Sub-No. 1; (6) delete "originating at or destined to" restriction in MC–140509 Sub-No. 1.

MC 47583, (Sub–145)X, filed May 18, 1981. Applicant: TOLLIE FREIGHTWAYS, INC., 1020 Sunshine Road, Kansas City, KS 66115. Representative: D. S. Hults, P. O. Box 225, Lawrence, KS 66044. Applicant seeks to remove restrictions in its Sub-Nos. 98, 100, 117, 128 and 136 to (1) broaden the commodity description in Sub No. 98 from containers, and materials, equipment and supplies used in the manufacture and distribution of containers, to "containers" (2) remove the restriction to commodities in bulk in Sub Nos. 98, 100, 117, and 128 (3) remove the in tank vehicles restriction in Sub-No. 128; (4) change city to county-wide authority; Tarrant County, TX for Fort Worth, TX; in Sub-No. 117 (5) remove the restriction against service to AK and HI in Sub-Nos. 98, 100 and 128; (6) remove the "originating at or destined to" restrictions in Sub-Nos. 98, 100, 117, 128 and 136, and (7) change one-way to radial authority between points in 2 States, and, 1 TX county in Sub-No.117.

MC 60014 (Sub–209)X, filed May 28, 1981. Applicant: AERO TRUCKING, INC., Box 308, Monroeville, PA 15146. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215. Applicant seeks to remove restrictions from its Sub-No. 183F certificate to (1) broaden the commodity description from lumber and lumber mill products to "lumber and wood products"; and (2) replace existing one-way authority with radial authority between points in CA, NV, OR, WA, ID, MT, and, points in the US in and east of ND, SD, NE, KS, OK, and TX.

MC 62110 (Sub-19)X, filed February 10, 1981, previously noticed in the **Federal Registers** of February 24 and March 12, 1981, republished as follows: Applicant: BILLINGS TRUCKING CORPORATION, 509 Cherry St., North Wilkesboro, NC 28659. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168. Applicant seeks to remove restrictions from its Sub-No. 8, 10, and 12 certificates. By a certificate served April 23, 1981, applicant was granted certain commodity and territorial modifications. However, it was not granted authority for all counties within 75 miles of North Wilkesboro, NC. Because of a recent decision authorizing the granting of counties for a milage radius description, this Board has decided to renotice this application concerning the granting of all counties within 75 Miles of North Wilkesboro. Notice is hereby given that applicant seeks to expand to all points in Cherokee and York Counties, SC Carter, Greene, Hawkins, Johnson Unicoi, Sullivan and Washington, Counties, TN, Floyd, Franklin, Carroll, Grayson, Henry, Patrick, Pulaski, Smyth, Washington, and Wythe Counties, VA and Alexander, Avery, Ashe, Allegheny, Burke, Buncombe, Cabbarus, Caldwell, Catawba, Cleveland, Davie, Davidson, Forsyth, Gaston, Guilford, Henderson, Iredell, Lincoln, McDowell, Madison, Mecklenburg, Mitchell, Polk, Randolph, Rockingham, Rowan, Rutherford, Stanley, Stokes, Surry, Watauga, Wilkes, Yancey and Yadkin Counties, NC, from points within 75 miles of North Wilkesboro, NC.

MC 67234 (Sub-43)X, filed May 22, 1981. Applicant: UNITED VAN LINES, INC., One United Drive, Fenton, MO 63026. Representative: B. W. LaTourette, Jr., 11 S. Meramec, Suite 1400, St. Louis, MO 63105. Applicant seeks to remove restrictions in its Sub-Nos. 1 and 5 certificates to (1) remove the exception

which prohibits transportation of household goods to Alaska in its nationwide authority, and (2) expand the commodity description of household goods to "household goods, furniture and fixtures."

MC 80443 (Sub-49)X, filed May 27, 1981. Applicant:OVERNITE EXPRESS, INC., 2550 Long Lake Rd., Roseville, MN 55113. Representative: Thomas J. Van Osdel, 502 First National Bank Bldg., Fargo, ND 58126. Applicant seeks to remove restrictions in its lead certificate and authority acquired in No. MC-F-13602 to (1) broaden the commodity descriptions (a) from bakery products, yeast, baker's malt, dry malt, cakes and pies to "food products"; from empty containers to "containers"; and from newspapers to "printed matter" in its lead; and (b) remove exceptions to general commodities (except classes A and B explosives) in its lead and MC-F-13602 authority; (2) remove facilities limitations and replace Abbotsford, Prentice, Neillsville and Eau Claire, WI, with Clark, Pierce, and Eau Claire Counties, WI, and Chemolite, Northfield, Kenyon, and Hutchinson, MN, with Dakota, Rice, Goodhue, and Mc Leod Counties, MN, in the irregular route portion of its lead, Wahpeton, ND, with Richland and Wilkin County, MN in MC-F-13602, and Chemolite, MN, with Dakota County, MN, in the regular route portion of its lead and MC-F-13602; (3) replace one-way with two-way authority (regular route) or radial authority (irregular route) in its lead.

MC 83835 (Sub-172)X, filed May 15, 1981. Applicant: WALES TRANSPORTATION, INC., P.O. Box 226186, Dallas, TX 75266. Representative: Thomas L. Cook, 5801 Marvin D. Love Freeway, #301, Dallas, TX 75237. Applicant seeks to remove restrictions from its lead and Sub-Nos. 54, 55, 59, 60, 61, 62, 63, 65, 67, 68, 70, 71, 73, 74, 75, 77, 80, 82, 87, 88, 90, 91, 92, 99, 100, 102, 103, 104, 105, 106, 107, 112, 113, 114, 117, 118, 119, 120, 121, 122, 123, 124, 128, 130, 131, 132, 133, 134, 135, 137, 139, 140, 141, 143, 145, 146, 147, 149, 150, 151, 152, 153, 154, 157, 158, 159, 163, 164, 166, 168, and 170 certificates and E-litter notices Nos. 7, 13, 14, 15, 16, 27, 28, 31, 32, 34, 38, 39, 51, 56, 57, and 58 to (1) broaden the commodity descriptions as follows: lead certificate, par. 1, from contractors' machinery and equipment, to "machinery and metal products"; par. 2, in part (1) from mining and contractors' machinery, to "machinery and metal products"; pars. 3 and 4, from machinery, equipment, materials used in connection with the discovery, development, production, and distribution of Mercer commodities to "machinery, metal products and Mercer commodities"; par. 4, from machinery, equipment, materials and supplies used in connection with the discovery, development, production, and distribution of Mercer commodities to "machinery, metal products and Mercer commodities"; par. 5, from machinery, equipment, materials and supplies used in connection with the construction, operation, and repair of pipelines to "machinery and metal products"; par. 6, from heavy machinery to "machinery"; par. 8, from heavy machinery and other commodities requiring the use of special equipment to "machinery and those commodities which because of their size or weight require the use of special handling or equipment"; par. 10, from commodities which, because of their size or weight require the use of special equipment except Mercer commodities "machinery, metal products and those commodities which because of their size or weight require the use of special handling or equipment"; par. 11, from commodities, the transportation of which, because of size or weight require the use of special equipment, except Mercer commodities to "machinery, metal products and those commodities which because of size or weight require the use of special handling or equipment"; par. 13, from pipe to "metal products"; par. 14, from plastic pipe, plastic tubing, joint sealer, bonding cement, primer, coating, thinner, and accessories to "rubber and plastic products, petroleum, natural gas and their products, and chemicals and related products"; pars. 15 and 16, from self-propelled articles, each weighing 15,000 pounds or more and lift trucks, platform and warehouse tractors to "machinery"; Sub-Nos. 54, 59, 61, 62, 63, 65, 67, 70, 71, 75, 90, 105, 118, 122, 124, 128, 131, 132, 133, 145, 150, E–31 and E–51 from iron and steel articles or pipe or metal tubing and pipe or tubing to "metal products"; Sub-Nos. 55, 92, 107, 113, 135, 147, 154, and 157, from material handling equipment, winches, compaction and roadmaking equipment, rollers, mobile cranes highway freight trailers and terminal tractors, off-highway vehicles and parts, to "machinery and transportation equipment"; Sub-No. 60, from parts of cooling towers or parts of fluid coolers, and materials and supplies used in the construction or installation of cooling towers to "machinery, metal products, lumber and wood products, and those commodities which, because of their size or weight, require the use of special handling or equipment"; Sub-No. 68, from towers, parts and accessories for towers and electronic equipment shelters to "metal products and machinery"; Sub-No. 73, from contractors' machinery, equipment, materials and supplies to "machinery, metal products, transportation equipment, and those commodities which, because of their size or weight, require the use of special handling or equipment"; Sub-No. 74, from sprinkler systems to "building materials, metal products, and rubber and plastic products"; Sub-No. 77, from enameled steel silos, loading and unloading devices, waste storage tanks, livestock scales, livestock feeder bunkers, forage metering devices, animal waste spreader tanks, livestock feeding systems to "metal products and machinery"; Sub-No. 80, in part (1) from pumps, pump parts, and pump motors to "machinery and metal products"; Sub-No. 82, from lumber to "lumber and wood products"; Sub-No. 87, from commodities, the transportation of which, because of size or weight, require the use of special equipment and self-propelled articles, each weighing 15,000 pounds or more to "machinery, transportation equipment, and those commodities which, because of their size or weight, require the use of special handling or equipment"; Sub-No. 88, from cooling towers, fluid coolers, and component parts and materials and supplies used in the manufacture, installation and erection of the foregoing to "machinery, metal products, Mercer commodities, and those commodities which, because of their size or weight, require the use of special handling or equipment"; Sub-No. 91, from steel tanks to "metal products"; Sub-No. 99, from steel roof decking to "metal products"; Sub-No. 100, from iron and steel reinforcement products to "metal products"; Sub-No. 102, from particle board to "lumber and wood products"; Sub-No. 103, from natural asphalt and asphalt-asphalatum to "clay, concrete, glass and stone products, ores and minerals, and Mercer commodities"; Sub-No. 104, from plastic pipe fittings to "rubber and plastic products and building materials"; Sub-No. 106, from postal conveying equipment and parts to "machinery"; Sub-No. 112, from plastic and aluminum pipe and sprinkler systems to "rubber and plastic products, metal products, building materials"; Sub-No. 114, from refined copper and Sub-No. 121, from iron and steel articles, aluminum articles, iron and steel tanks, aluminum tanks and parts to "metal products"; Sub-No. 117, from iron and steel articles and iron and steel scraps to "metal products and waste or scrap material not identified by industry producing"; Sub-No. 119, from fabricated

metal products and pallets to "metal products and lumber and lumber products"; Sub-No. 120 from aluminum ingots, alloys and slag, and zinc ingots and alloys and nonferrous metal scrap to "metal products, ores and minerals and waste or scrap materials not identified by industry producing"; Sub-No. 123, from gas filters, flow filters, filter separators, cyclotube separators, launching and receiving scraper traps to "machinery, Mercer commodities, and metal products"; Sub-No. 130, from contractors' machinery, equipment, materials and supplies to "machinery, metal products and transportation equipment"; Sub-No. 134, from used rail track, and equipment used in connection with the removal and installation of rail track to "metal products, machinery, transportation equipment, and those commodities which, because of their size or weight, require the use of special handling or equipment"; Sub-No. 137, from metal building material and commodities used in the manufacture of metal building material to "metal products and building materials"; Sub-No. 139, from aluminum scrap to "metal products and waste or scrap metals not identified by industry producing"; Sub-No. 140, from barrel pumps, pump parts, accessories, equipment, valves, nipples, clamps and couplings to "machinery, metal products, and Mercer commodities"; Sub-No. 141, from asbestos drilling mud additives to "Mercer commodities, clay, concrete, glass or stone products"; Sub-No. 143, from machinery and metal building material and supplies to "machinery, metal products, and building materials"; Sub-No. 146, from cooling towers and parts accessories to machinery, metal products, and lumber and wood products"; Sub-No. 149, from bentonite clay and lignite coal to "clay, concrete, glass or stone products, ores and minerals, coal and coal products, and Mercer commodities"; Sub-No. 151, from vessels, heaters, tubing and parts, accessories, and attachments for vessels and heaters and material and supplies used in the manufacture of vessels and heaters to "metal products, machinery, Mercer commodities and those commodities which, because of their size or weight, require the use of special handling or equipment"; Sub-No. 152, from pipe and materials, equipment and supplies used in the manufacture of pipe to "metal products and machinery"; Sub-No. 158, from parts (1) and (2) concrete mixer barrels, and parts and accessories for concrete mixer barrels, and in Sub-No. 159, parts (1) and (2) from material-handling equipment, and parts, accessories, and attachments for material-handling equipment, to "machinery and metal products"; Sub-No. 163, part (1) from fabricated iron and steel articles, alloy iron castings, and coal tipple parts, to "metal products and machinery"; Sub-No. 164, from molybdenum concentrate and nickel, and alloys and chemicals to "ores and minerals, chemicals and related products, and metal products"; Sub-No. 166, parts (1) and (2) from contractors and industrial equipment and self-propelled articles to "machinery, transportation equipment and metal products"; Sub-No. 168, from nonferrous metals; and Sub-No. 170, from aluminum, copper and steel wire, aluminum, copper, and steel cable, aluminum, copper and steel strands, aluminum, copper, and steel rods, reels used in the distribution of the commodities above, to "metal products and machinery"; E-7 from contractors' machinery and equipment used in connection with the repair, servicing, maintenance, and dismantling of pipelines, and used in connection with the development, production, and refining of natural gas and petroleum to "machinery, metal products, transportation equipment and Mercer commodities"; E-13, from contractors' machinery and equipment which are self-propelled and which are used in connection with Mercer commodities, and which are earth drilling commodities and which are heavy machinery and other commodities requiring the use of special equipment and which are used in connection with pipelines to "machinery, Mercer commodities, transportation equipment and those commodities which because of their size or weight require the use of special handling or equipment"; E-14, from machinery, equipment, materials, and supplies used in connection with Mercer commodities and the servicing, maintenance and dismantling of pipelines and earth drilling machinery and equipment to "Mercer commodities and metal products"; E-15, from contractors' heavy machinery and other contractors' commodities requiring the use of special equipment and contractors' machinery and equipment which are self-propelled articles, each weighing 15,000 pounds or more to "machinery, metal products, and those commodities which because of their size or weight require the use of special handling or equipment"; E-16, from contractors' machinery and equipment and supplies to "machinery and metal products"; E-27, from contractors' machinery and equipment which are self-propelled articles, each weighing 15,000 pounds or more and which are used in connection with the discovery, development and distribution with construction of pipelines which are earth drilling and which are commodities, which because of their size or weight require the use of special equipment, to "machinery, Mercer commodities, metal products, and those commodities which because of their size or weight require the use of special handling or equipment and transportation equipment"; E-28, from commodities which because of their size or weight, require the use of special equipment when used in connection with the construction, operation and dismantling of pipelines and which are transported as earth drilling machinery and equipment and self-propelled articles, each weighing 15,000 pounds or more when transported as machinery used in connection with the construction of pipelines and earth drilling commodities to "machinery, metal products, transportation equipment and those commodities which because of their size or weight require the use of special handling or equipment"; E-32, from machinery, and equipment used in connection with the discovery, development, and distribution of natural gas and petroleum and in commodities with pipelines to "Mercer commodities and metal products"; E-34, from machinery, equipment, materials and supplies used in connection with the discovery, development, and distribution of natural gas and petroleum which are earth drilling and commodities the transportation of which, because of size or weight, require the use of special equipment used in connection with the discovery, development and distribution of natural gas and petroleum and E-56, from commodities, the transportation of which because of size or weight require the use of special equipment and/or self-propelled articles each weighing 15,000 pounds or more when transported as Mercer and earth drilling commodities to "machinery, metal products, Mercer commodities, and those commodities which because of their size or weight require the use of special handling or equipment"; E-38, from pipe (except oilfield pipe) which because of their size or weight require the use of special equipment and related parts when their transportation is incidental to transportation of size or weight commodities and E-39, from pipe when transported as contractors' machinery, pipe, materials and which because of its size or weight require the use of special equipment to "metal products and those commodities which because of their size or weight require

the use of special equipment; E–57, from machinery, equipment, materials and supplies used in connection with the discovery, development and distribution of natural gas and petroleum, which are commodities, the transportation of which because of size or weight require the use of special equipment or self-propelled articles each weighing 15,000 pounds or more to "machinery, Mercer commodities, and those commodities which because of their size or weight require the use of special handling or equipment"; E–58, from contractors' machinery, equipment, materials, and supplies which are commodities, the transportation of which because of size or weight require the use of special handling equipment or self-propelled articles, each weighing 15,000 pounds or more to "machinery, metal products, transportation equipment and those commodities which because of their size or weight require the use of special handling or equipment"; (2) replace one-way with radial authority between named points in the U.S. in the lead 3, 4, 5, 7, 12, 13, 14, 15, and 16 and Sub-Nos. 54, 59, 60, 61, 62, 63, 65, 67, 68, 70, 71, 74, 75, 77, 82, 90, 91, 92, 99, 100, 102, 103, 104, 105, 106, 114, 117, 118, 119, 120, 121, 122, 124, 128, 131, 132, 133, 135, 137, 141, 143, 145, 146, and 153 and E-letter notices 31, 38, 39, and 51; (3) remove facility restrictions or orginating at and destined to restrictions in Sub-Nos. 55, 59, 62, 65, 68, 70, 71, 74, 75, 77, 80, 88, 90, 91, 99, 100, 102, 103, 104, 105, 107, 112, 113, 114, 117, 118, 120, 121, 122, 123, 124, 128, 130, 132, 133, 139, 140, 143, 145, 146, 147, 149, 150, 151, 152, 153, 154, 157, 158, 159, 163, 164, 166, 168, 170, E–31 and E–51; (4) remove in bulk restrictions in Sub-Nos. 73, 88, 103, 112, 114, 120, 122, 123, 124, 130, 137, 140, 149, 151, 154, 158, 166, 168, and E16, E39 and E58; (5) remove restriction against commodities which are transported on trailers in the lead par. 15 and Sub-Nos. 87, E15, E56, E57, and E58; (6) remove restriction excepting AK in Sub-Nos. 65, 71, 75, 92, 112, 114, 119, 124, 140, 146, 149, 151, 157, 159, 163, 166, 168, and

170;(7) remove the restriction other than oilfield or Mercer products of the restriction limiting service to pipelines used for transmission of gas except in connection with main or trunk pipelines in lead pars. 3, 5, 10, 11, and 13, and Sub-Nos. 59, 65, 67, 71, 75, 90, 118, and 112 and E-letter notices 27, 28, 34, 38, 39, 51, and 56; (8) removing and/or replacing named facilities limitations and city-wide authority with county-wide authority: lead, par 7, Findlay, Lorain, Marion, Elyria, and Cleveland, with Hancock, Lorain, Marion and Cuyahoga Counties, OH; par. 12, Columbus and Marietta with Franklin and Washington Counties, OH; par. 15, Findlay, Lorain, Marion, Elyria and Cleveland with Hancock, Lorain, Marion and Cuyahoga Counties, OH; par. 16, Danville, IL with Vermilion County, IL; Sub-No 54, Corpus Christi and Galveston,TX with Nueces and Galveston County, TX; Sub-No. 55, Danville and Kewanee with Vermilion and Henry Counties, IL; and Harvey with Cook County, IL; in Sub-No. 59, Gainesville, TX with Cooke County, TX; Sub-No. 60, Olathe, KS with Johnson County, KS; Sub-No. 62, Pueble, CO with Pueblo County, CO; Sub-65, Rosenberg, TX with Fort Bend County, TX; Sub-No. 67, Wagoner, OK with Wagoner County, OK; Sub-No. 70, Gerald with Franklin County, MO; Sub-No. 77, Kankakee and Eureka with Kankakee and Woodford Counties, IL; and Elkhorn with Walworth County, WI; Sub-No. 82, Pine Bluff and Sheridan, AR with Jefferson and Grant Counties, AR; Sub-No 91, Parsons, KS with Labette County, KS; Sub-No. 92, Longview, TX with Gregg County, TX; Sub-No. 100, Parsons, KS with Labette County, KS; Sub-No. 102, Bend with Deschutes County, OR; Sub-No. 103, Bonanza, UT with Uintah County, UT; Sub-No. 104, Newberry with Alachua Couny, FL; Sub-No. 105, Sand Springs with Tulsa County, OK; Sub-No. 170, Crawfordsville with Montgomery County, IN; Sub-No. 112, Lubbock with Lubbock County, TX; Colby, KS with Thomas County, KS; Brinkley with Monroe County, AR; and Grand Island with Hall County, NE; Sub-No. 113, Lufkin with Angelina County, TX; Conroe with Montgomery County, TX; and Niagara Falls with Niagara County, NY; Sub-No. 117, Midlothian with Ellis County, TX; Sub-No. 119, Jonesburg with Montgomery County, MO; Sub-No. 120, Checotah with McIntosh County, OK; Sub-No. 122, Mannford with Creek County, OK and Sand Springs with Tulsa County, OK; Sub-No. 123, Mineral Wells with Palo Pinto County, TX; Sub-No. 128, Norfolk with Madison County, NE; Sub-No. 131, Gerald with Franklin County, MO and Warsaw with Kosciusko County, IN; Sub-No. 133, Sand Springs with Tulsa County, OK; Sub-No. 139, Manvel with Brazoria County, TX; Sub-No. 141, from King City with Monterey County, CA; Sub-No. 143, Spokane with Spokane County, WA; Sub-No. 145, Harahan with Jefferson Parish, LA; Sub-No. 147, Lexington with Lexington County, SC; Sub-No. 150, Birmingham with Jefferson County, AL; Sub-No. 152, Union with Franklin County, MO; Sub-No. 154, Danville and Kewanee with Vermilion and Henry Counties, IL; Crawfordsville with Montogomery County, IN and Berea with Madison County, KY; Sub-No. 157, Corpus Christi with Nueces County, TX; Sub-No. 158, Bryan with Williams County, OH; Industry with Los Angeles County, CA; Calhoun, GA with Gordon County, GA; Sub-No. 163, Pittsburg with Crawford County, KS; Sub-No. 164, Ft. Madison with Lee County, LA; Sub-No. 166, Franklin with Venango County, PA; Birmingham with Jefferson County, AL; Claremont with Sullivan County, NH; Buffalo with Eire County, NY; Michigan City with LaPorte County, IN; Wilson with Wilson County, NC; and New Philadelphia with Tuscarawas County, OH; Sub-No. 168, Corpus Christi with Nueces County, TX; Grover with St. Louis County, MO; Sand Springs with Tulsa County, OK; Whiting with Lake County, IN; Newark and Trenton with Essex and Mercer Counties, NJ; and Hillsboro, with Montgomery County, IL; Sub-No. 170, Orange, Buena Park, Long Beach, and San Jose with Orange County, Los Angeles County, and Santa Clara County, CA; Harrisonville with Cass County, MO; Sycamore with DeKalb County, IL; Marion with Grant County, IN; LaGrange with Oldham County, KY; Forest Park with Clayton County, GA; Edenton and Tarboro with Chowan and Edgecomb Counties, NC; E–31 Pueblo with Pueblo County, CO; and Corpus Christi and Galveston with Nueces and Galveston Counties, TX; and E–5, Gerald with Franklin County, MO; (9) remove restrictions against transportation to specified points or States as follows: lead par. 3 from Columbus and Marietta, OH to points in KS, OK, and TX; lead pars. 1 and 2 and Sub-Nos. E–7, E–15, and E–16, the restriction against the transportation of iron and steel and iron and steel articles at points in IN which are within the Chicago, IL commercial zone; Sub-No. 63, except Decatur and except Atlanta; Sub-No. 82, except Memphis; Sub-No. 102, except AK, HI, and OR; Sub-No. 103, except AK, HI, and UT; and Sub-No. 146, except AK, HI, and OK; (10) remove the restriction against combining that authority with other authority, (11) in Sub-No. 60, remove the mixed load restriction; (12) is Sub-No. 67, remove restriction against the transportation of Aerospace products and equipment; (13) Sub-Nos. 138 and 140, remove the restriction "in tank vehicles"; (14) change authority to serve points of entry on the US-Canada Boundary line at Niagara Falls and Buffalo, NY to ports of entry in New York, in Sub-No. 135; (15) remove the foreign commerce any restriction in Sub-No. 113; and (16) in Sub-No. 153F remove the exception of facilities at or near Dillin, Darby, and Columbia Falls, MT.

Note.—Carrier's authority to tack will be governed by 49 CFR 1042.10 (b).

MC 88368, (Sub-50)X, filed June 5, 1981. Applicant: CARTWRIGHT VAN LINES, INC., 11901 Cartwright Avenue, Grandview, MO 64030. Representative: Thomas R. Kingsley, 10614 Amherst Avenue, Silver Spring, MD 20902. Applicant seeks to remove restrictions from its Sub-Nos. 37F and 40F certificates, to (1) broaden to commodity descriptions (a) in Sub-No. 37F, from playground equipment and recreational equipment, restaurant equipment, furnishings, and fixtures to "miscellaneous products of manufacturing, recreational kits, outfits, and products, restaurant equipment, and furniture, furnishings, and fixtures"; from plastic sheeting and plastic forms to "chemicals and related products and rubber and plastic products," and, (b) is Sub-No. 40F, from furniture to "furniture and fixtures"; (2) expand cities to county-wide authorities, (a) replacing, in Sub-No. 37F, Grinnell, Mount Ayr, and Seymour, IA, with Jasper, Poweshiek, Ringgold, Wayne, and Appanoose Counties, IA, and Glendale, CA, with Los Angeles County, CA, and (b) Mansfield, TX, with Johnson and Tarrant Counties, TX, and (c) replacing in Sub-No. 40F, La Crosse, KS, with Rush County, KS; (3) authorize radial authority in place of existing one-way authority between the counties named above and points throughout the US in both Sub-Nos.; and (4) delete the exception of service to AK in Sub-No. 37.

MC 111656 (Sub-14)X, filed June 1, 1981. Applicant: FRANK LAMBIE, INC., Pier 79 North River, New York, NY 10018. Representative: Roy A. Jacobs, 550 Mamaroneck Avenue, Harrison, NY 10528. Applicant seeks to remove restriction in its Sub-Nos. 5, 6, 7, 9F and 13F permits to (1) broaden the commodity description (a) in Sub-No. 5 from yarn and in Sub-No. 9F from yarn wool to "textile mill products"; (b) in Sub-No. 6 from business machines and materials and supplies used in connection with business machines to such commodities as are dealt in by manufacturers and distributors of business machines," (c) remove "except in bulk" in Sub-No. 9F; (d) in Sub-No. 13F from computer paper to "pulp, paper and related products"; and (2) broaden the territorial description in Sub-Nos. 5, 6, 7, and 9F to between points in the United States under continuing contracts(s) with named shippers.

MC 111729 (Sub-770)X, filed March 3, 1981 previously noticed in the Federal Register of March 23, 1981, republished as follows: Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, NY 11042. Representative: Peter A. Green, 1920 N. St., N.W., Suite 700, Washington, D.C. 20036. Applicant seeks to remove restrictions in its Sub-Nos. 250, 494, 497, 502, 519, 520, 535, 538, 542, 543, 547, 555, 557, 565, 571, 591, 595, 622, 693, 695, 707, 743F, 744F, 746F, 748F, 749F, 755F, 758F, and 765F certificates. This Board previously broadened these certificates by (1) removing all exceptions to the general commodities authority except classes A and B explosives, (2) eliminating size and weight restrictions and restrictions requiring that traffic have a prior or subsequent movement by a specified mode of transportation, (3) removing restrictions precluding service between named points, (4) broadening cities to county-wide authority and (5) replacing one-way authority with radial authority. Applicant also sought to remove a dual operation imposed restriction precluding service to banks and banking institutions. This was proper under the restriction removal rules, but through administrative oversight the Board failed to include this restriction among those to be removed in its federal register caption summary. The Restriction Removal Board has decided to renotice the application with respect to removal of the dual operations type restrictions. Notice is hereby given that applicant seeks to remove the restriction reading "restricted against providing service from or to the premises of banks and banking institutions" wherever this restriction appears in the above-referenced certificates.

MC 117415 (Sub-10)X, filed June 2, 1981. Applicant: JENSEN TRUCKING CO., INC., POB 402, American Fork, UT 84003. Representative: Irene Warr, Ste. 280, Western Home Bank Bldg. 311 S. State St., Salt Lake City, UT 84111. Applicant seeks to remove restrictions in its Sub No. 6F certificate to (1) broaden the commodity description in part (2) from baler and binder twine to "textile mill products" and in part (3) from tires to "rubber and plastic products"; (2) replace cities with county-wide authority as follows; Pueblo with Pueblo County, CO; Preston with Franklin County, ID; Buena Park with Orange County, CA; and Bowling Green with Warren County, KY; and (3) change its one-way to radial authority between points in CO, CA, ID and UT, in part (1), OR, TX, CA, ID and UT, in part (2), and CA, KY, OH, ID and UT, in part (3).

MC 121507 (Sub-9)X, filed May 29, 1981. Applicant: PERISHABLE DELIVERIES, INC., 1520 Beason St., Baltimore, MD 21230. Representative: Charles E. Creager, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740. Applicant seeks to remove restrictions in its Sub-Nos. 1, 3, 4, 5, 7 and 8F certificates by: (1) broadening the commodity authorities in Sub-Nos. 1, 3, 4, 5, and 7 from meats, meat products, meat byproducts, dairy products and articles distributed by meat packing houses, as described in Section A, B, and C of Appendix I to the report in Descriptions in Motor Carrier Certificates 61 M.C.C. 209 and 766 to "food and related products"; (2) removing the restriction "in vehicles equipped with mechanical refrigeration" from its Sub-Nos. 1 and 3; (3) broadening its named point authority to county-wide authority: Montgomery County, MD, for Wheaton and Silver Spring, MD, and Prince Georges County, MD, for Oxon Hill, MD, in Sub-No. 4, and Prince Georges County, MD, for Upper Marlboro, MD, in Sub-No. 5; and (4) broadening authority to serve named facilities at Baltimore and Landover, MD to city-wide and county-wide authority respectively in Baltimore and Prince Georges County, MD, in Sub-No. 8F.

MC 123279 (Sub-8)X, filed May 29, 1981. Applicant: CHARTER EXPRESS, INC., 8418 Tallmadge Rd., R.D. No. 6, Ravenna, OH 44266. Representative: William P. Jackson, Jr., P.O. Box 1240, Arlington, VA 22210. Applicant seeks to remove restrictions in its Sub-Nos. 3F and 5F certificates to (1) broaden its commodity description from paper and paper products, to "pulp, paper and related products", in Sub-No. 3F; (2) replace its facilities with city or county-wide authority: in Sub-No. 3F, facilities at or near Boston, MA with Boston, MA; and in Sub-No. 5F, facilities at or near North Hampton, Wadsworth, and West Salem, OH, with Clark, Medina, and Wayne Counties, OH; and (3) change one-way to radial authority between Boston, MA, and points in OH, MI, IN, IL, and WI, in Sub-No. 3F.

MC 125575 (Sub-7)X, filed May 28, 1981. Applicant: L. J. KENNEDY TRUCKING CORP., 342 Schuyler Avenue, Kearny, NJ 07032. Representative: Morton E. Kiel, Suite 1832–2 World Trade Center, New York, NY 10048. Applicant seeks to remove restrictions in its Sub-Nos. 1 and 4 permits to (1) broaden the commodity descriptions to (a) "containers" from empty glass bottles in cardboard containers, in Sub-No. 1, and, (b) "food and related products" from alcoholic beverages, in Sub-No. 4; and (2) broaden the territorial description to "between points in the U.S.", under continuing

contract(s) with named shippers, in both permits.

MC 129788 (Sub–19)X, filed May 21, 1981. Applicant: NASS TRUCK LINES, INC., P.O. Box H, Wenona, IL 61377. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington DC 20001. Applicant seeks to remove restrictions in its Sub-No. 18 certificate to (1) broaden the commodity description from glass and glass products, to "clay, concrete, glass, or stone products"; (2) broaden the territory description from Toledo, OH to Monroe County, MI and Lucas and Wood Counties, OH; and (3) broaden the territorial description from one-way service to radial authority between La Salle County, IL, and, Monroe County, MI, Lucas and Wood Counties, OH, Davenport, IA, and points in that part of Wisconsin on and south of U.S. Highway 18.

MC 138748 (Sub–4)X, filed May 26, 1981. Applicant: DODDS REALTY CO., d.b.a. DODDS SERVICE CO., 40 Terminal Street, Dubuque, IA 52001. Representative: Carl E. Munson, 469 Fischer Building, P.O. Box 796, Dubuque, IA 52001. Applicant seeks to remove restrictions in its Sub-Nos. 2 and 3F permits to (1) broaden the commodity description from twine to "textile mill products," in both permits; and (2) broaden the territorial description to "between points in the U.S.," under continuing contract(s) with a named shipper, in both permits.

MC 140216 (Sub–7)X, filed June 1, 1981. Applicant: JOHN E. WAY, JR., d.b.a. WAY MESSENGER SERVICE, 205 E. King Street, Lancaster, PA 17602. Representative: J. Bruce Walter, P.O. Box 1146, Harrisburg, PA 17108. Applicant seeks to remove restrictions from its Sub-Nos. 2 and 3 certificates to (a) remove a weight restriction in Sub-No. 3; (b) remove the restrictive language "restricted against traffic having a prior or subsequent movement by air" in sub-Nos. 2 and 3; and (c) substitute Lancaster County, PA for City of Lancaster, PA, in Sub-Nos. 2 and 3.

MC 140484 (Sub-95)X, filed May 18, 1981. Applicant: LESTER COGGINS TRUCKING, INC., P.O. Box 69, Fort Myers, FL 33902. Representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth St., NW., Washington, D.C. 20005. Applicant seeks to remove restrictions in its Sub-Nos. 3, 31F, 34F, 36F, 39F, 44F, 51F, 56F, 60F, 61F, 62F, 68F, 69F, 71F, 74F, 78F, 79F, 80F, 81F 83F, and 84F certificates to (A) broaden the commodity descriptions: In Sub-No 3 from (1) organic potting soil, (2) materials and supplies used in the sale or production of mushrooms, and potting soil (except commodities in bulk) and (3) fresh mushrooms, to "farm products and food and related products"; in Sub-Nos. 34, 56F, 68F, 71F, 74F, 81F, and 83F from meats, meat products and meat by-products, etc; in Sub-Nos. 36, 80F and 83F from foodstuffs; in Sub-Nos. 44, 51F and 78F, from malt beverages; in Sub-No. 61, from flour and donut sugar topping; and in Sub-No. 62F and 79F, from meat, in boxes, to "food and related products"; in Sub-No. 3F, remove the restriction against the transportation of fertilizer and fertilizer materials from Baltimore, MD and Claymont, DE and points in their respective commercial zones; (B) in Sub-No. 31, substitute Wayne County, MI for the named facilities limitation at Taylor, MI; in Sub-No. 34F, substitute Ogle, Kane and Kankakee Counties, IL for the named facilities limitations at Rochelle, St. Charles and Bradley, IL; in Sub-No. 36F, substitute Polk County, FL for a facility limitation at or near Lakeland, FL; in Sub-No. 44F, substitute Dougherty County, GA, Rockingham County, NC and Tarrant County, TX for Albany, GA, Eden, NC, and Fort Worth, TX; and substitute Lee County, FL for Fort Myers, FL; in Sub-No. 51F, substitute Dougherty County, GA, for Albany, GA, in Sub-No. 56F, substitute Potter, El Paso and Lubbock Counties, TX, and Caddo County, LA, for a named facilities limitation at or near Amarillo, El Paso and Lubbock, TX, and Shreveport, LA; in Sub-No. 60F, remove restriction excepting service in AK; in Sub-No. 61F, substitute Marion County, OH, for a named facilities limitation at Martel, OH, and substitute Broward, Dade and Orange Counties, FL, for Fort Lauderdale, Hollywood, Miami and Orlando, FL; in Sub-No. 62F, substitute Fort Worth, TX, for a named facilties limitation at or near Forth Worth, TX; in Sub-Nos. 68F and 69F substitute Emmet and Woodbury Counties, IA and Minnehaha County, SD for a named facilities limitation at or near (a) Estherville and Sioux City, IA and (b) and Sioux Falls, SD; in Sub-No. 71F, substitute Hale County, TX for a named facilities limitation at or near Plainview, TX; in Sub-No. 74F, remove the "in foreign commerce only" restriction and substitute Dade, Palm Beach and Hillsboro Counties, FL, Chatham County, GA and Charleston County, SC for Miami, West Palm Beach and Tampa, FL, Savannah, GA and Charleston, SC; in Sub-No. 78F, substitute Vanderburgh County IN for a named facilities limitation at or near Evansville, IN; in Sub-No. 79F, substitute Forth Worth, TX for a named facilities limitation at or near Forth Worth, TX; in Sub-No. 81F, substitute Chicago, IL, Ogle County, IL, and St. Louis, MO for a named facilities limitation at (A) points within the Chicago Commercial Zone and (B) at or near Rochelle and East St. Louis, IL; (C) in all authorities except Sub-Nos. 3, 39F, 60F and 74F, replace one way with radial authority; (D) in Sub-Nos. 31F, 34F, 36F, 56F, 68F, and 69F, remove the restriction limiting transportation to traffic originating at or destined to named facilities, (E) in Sub-Nos. 31F, 34F, 36F, 44F, 51F, 56F, 60F, 61F, 68F, 69F, 71F, 74F, 78F, 81F, and 83F, remove restrictions excepting hides, skins, commodities in bulk in tank vehicles; and (F) in Sub-Nos. 39F and 79F remove the vehicles equipped with mechanical refrigeration language.

MC 140768 (Sub-51)X, filed May 21, 1981, Applicant: AMERICAN TRANS-FREIGHT, INC., P.O. Box 796, Manville, NJ 08835. Representative: Eugene M. Malkin, Suite 1832 2 World Trade Center, New York, NY 10048. Applicant seeks to remove restrictions in it Sub-Nos. 3, 4, 7, 9, 11, 13, 16F, 17F, 19F, 22F, 23F, 25F, 28F, 29F, 33F, 34F, 36F, 40F, 41F, 42F, 46F, 47F, and 48F, certificates to (1) broaden the commodity descriptions (a) from malt beverages in Sub-No. 3 and from pet foods in Sub-No. 29F, to "food and related products", (b) from used, damaged, and defective automobile batteries and parts for such commodities, to "rubber and plastic products, machinery, lumber and wood products, metal products, petroleum, natural gas and their products and waste or scrap materials", in Sub-No. 4, (c) from paperboard and paperboard products, to "pulp, paper and related products", in Sub-No. 7, (d) from heating, equipment, stoves, fireplaces, furnaces and incinerators, to metal products, machinery, and furniture and fixtures", in Sub-Nos. 9 and 19F, (e) from insulating material (except in bulk), to "textile mill products, pulp paper and related products, clay, concrete, glass or stone products, building materials, rubber and plastic products, and lumber and wood products", In Sub-Nos. 11 and 25F, (f) from eletrolyte battery acid, brake fluid, lacquer, gasoline antifreeze, and windshield washer solution, to "chemicals and related products and petroleun, natural gas and their products", in Sub-No. 13, (g) from farm, dairy and water treatment equipment, materials and supplies and cleaning products, paints and pesticides, to "machinery, chemicals and related products, coal and coal products, rubber and plastic products, and petroleum, natural gas and their products", in Sub-No. 16F, (h) from office equipment and supplies (except in bulk), to "machinery,

instruments and photographic goods, furniture and fixtures, and pulp, paper and related products", in Sub-No. 17F, (i) from charcoal briquettes and fireplace logs, to "lumber and wood products, petroleum, natural gas and their products, metal products, pulp, paper and related products, in Sub-No. 22F, (j) from power tools, and equipment, materials, and supplies used in the manufacture, packaging, and distribution of power tools (with exceptions) to "machinery", in Sub-No. 23F, (k) from molded wood pulp products, and materials and supplies used in the manufacture, packaging and distribution thereof, to "pulp, paper and related products, building materials, and lumber and wood products", in Sub-No. 28F, (l) from alumina tri-hydrate (except in bulk), to "chemicals and related products", in Sub-No. 33F; (m) from air conditioners, heating equipment, stoves, ranges and trash compactors (with exceptions), and materials and supplies used in the manufacture or distribution thereof (with exceptions), to "machinery, metal products, and transportation equipment", in Sub-No. 34F; (n) from air conditioning, heating and cooling equipment, parts for named commodities, and materials and supplies used in the manufacture, repair, and distribution thereof (with exceptions), to "machinery, metal products, transportation equipment, rubber and plastic products, and instruments and photographic goods", in Sub-No. 36F, (o) from disposable diapers and diaper liners, to "textile mill products, rubber and plastic products, and pulp, paper and related products", in Sub-No. 40F, (p) from lawn mowers and grass catchers, accessories and equipment, materials, and supplies used in the manufacture and distribution thereof, to "machinery", in Sub-No. 41F, (q) from plastic containers, accessories for plastic containers, and materials, equipment and supplies used in the manufacture and distribution thereof (with exceptions), to "rubber and plastic products, pulp, paper and related products, and metal products", in Sub-No. 42F, (r) from wooden pallets, to "wood products" and alumina and synthetic cryolite (except in bulk), to "ores and minerals, and chemicals and related products", in Sub-No. 46F, (s) from insulation, and sound deadening and fireproofing materials, equipment, materials and supplies used in the manufacture and installation thereof (except in bulk), to "textile mill products, pulp, paper and related products, clay, concrete, glass or stone products, building materials, rubber and plastic products, and lumber and wood products", in Sub-No. 47F, and (t) from computer terminals, hardware, assemblies, sub assemblies, and parts and supplies used in the manufacture thereof, to "machinery, rubber and plastic products, and metal products", in Sub-No. 48F; (2) replace its facilities and cities with county-wide authority: in Sub-No. 3, Belleville, IL, with St. Clair County, IL; in Sub-No. 7, Augusta and St. Mary's, GA, with Richmond and Camden Counties, GA, Demopolis, AL, with Marengo County, AL, Downingtown, PA with Chester County, PA, Amsterdam, NY with Montgomery County, NY, Holyoke, MA, with Hampden County, MA, Chester, VA, with Chesterfield County, VA, and Marietta, GA, with Cobb County, GA; in Sub-No. 9, facilities at or near Athens and Huntsville, AL, with Limestone and Madison Counties, AL; in Sub-Nos. 11 and 25F, facilities at or near Grambling, LA, and Fruita, CO, with Lincoln Parish, LA, and Mesa County, CO; in Sub-No. 13, facilities at or near Bidgefield, NJ, Northlake, IL, and College Park, GA, with Bergen County, NJ, Cook and DuPage Counties, IL, and Clayton and Fulton Counties, GA; in Sub-No. 16F, facilities at or near Oak Brook and Romeoville, IL with DuPage and Will Counties, IL; in Sub-No. 17F, facilities at or near Park Ridge, NJ, Rochester, NY, Bardstown, KY, and City of Industry, CA with Bergen County, NJ, Monroe County, NY, Nelson County, KY, and Los Angeles, CA; in Sub-No. 19F, facilities at or near Sheffield, AL, and Americus, GA with Colbert County, AL, and Sumter County, GA; in Sub-No. 22F, facilities at or near Marion, OH, and Gamilla, GA with Marion County, OH, and Mitchell County, GA; in Sub-No. 23F, facilities at or near Walnut Ridge and Herber Springs, AR, with Lawrence and Cleburne Counties, AR, facilities at or near Berkeley, Chicago, Elk Grove Village, Skokie, and Wheeling, IL with Cook and DuPage Counties, IL; in Sub-No. 28F, Macon, GA and Griffith, IN with Bibb County, GA and Lake County, IN; in Sub-No. 29F, facilities at or near Red Bay, AL, and Tupelo, MS with Franklin County, AL and Lee County, MS; in Sub-No. 33F, South Plainfield, NJ with Middlesex County, NJ, Willow Grove, PA, with Montgomery County, PA, Fitchburg and Leominster, MA with Worcester County, MA, Utica and Hicksville, NY, with Oneida and Nassau Counties, NY, Bridgeport, CT, with Fairfield County, CT, Bow and Contoocook, NH, with Merrimack County, NH, Martinsburg, WV, with Berkeley County, WV, and Wilmington, DE, with New Castle County, DE; in Sub-No. 34F, facilities at or near Fayetteville, TN with Lincoln County, TN; in Sub-No. 36F, facilities at or near Edison, NJ, Effingham, IL, and Frederick, MD, with Middlesex County, NJ, Effingham County, IL, and Frederick County, MD; in Sub-No. 40F, facilities in Middlesex and Somerset Counties, NJ, and at or near Atlanta, GA, Memphis, TN, and Jacksonville, FL with the named counties and cities; in Sub-No. 41F, Genoa, IL with DeKalb County, IL; in Sub-No. 42F, facilities at or near Seymour, IN, Orlando, FL, and Langhorne, PA with Jackson County, IN, Orange County, FL, and Bucks County, PA; and in Sub-No. 46F, facilities at or near Randleman, NC, with Randolph County, NC; change its one-way to radial authority between specified cities counties and States in the U.S., in all of the above sub-numbers except Sub-Nos. 17F, 36F, 42F, 47F, and 48F; and (4) eliminate: (a) in Sub-No. 4, the restriction against the transportation of traffic to or from named facilities of Butler, NJ; (b) the AK and HI exceptions in Sub-Nos. 4, 9, 13, 16F, 19F, 28F, 34F, and 41F; and (c) the bulk or size and weight restrictions in Sub-Nos. 11, 13, 16F, 17F, 23F, 25F, 28F, 33F, 34F, 36F, 41F, 42F, 46F, and 47F.

MC 141917 (Sub-3)X, May 28, 1981. Applicant: LEO J. UMERLEY, INC., 9813 Philadelphia Rd., Baltimore, MD 21237. Representive: Gerald K. Gimmel, Suite 145, 4 Professional Dr. Gaithersburg, MD 20760. Applicant seeks to remove restrictions in its Sub-No. 1 certificate to broaden the commodity description from salt and calcium chloride to "chemicals and related products" between six eastern States.

MC 144645 (Sub–11)X, Filed May 26, 1981. Applicant: ROBERT HANSEN TRUCKING, INC., Route 2, Box 125, Delavan, WI 53115. Representive: Daniel R. Dineen, 710 North Plankinton Avenue, Milwaukee, WI 53203. Applicant seeks to remove restrictions in its Sub-Nos. 2F and 3F permits to (1) broaden the commodity description: (a) from electrical copper wire to "metal products" in Sub-No. 2F; and (b) from paint and varnish (except in bulk) to "chemicals and related products" in Sub-No. 3F; and (2) broaden the territorial description to "between points in the U.S." under continuing contracts with the named shipper in its Sub-Nos. 2F and 3F permits.

MC 144692 (Sub–6)X, Filed May 26, 1981. Applicant: GARY L. MANN, d.b.a. MANN TRUCKING, Hastings, MN 55033. Representive: Val M. Higgins, 1600 TCF Tower, 121 South 8th St., Minneapolis, MN 55402. Applicant seeks removal of restrictions in its certificates

to (A) broaden the commodity descriptions: to "chemicals and related products" from dry fertilizer (except in bulk, in tank vehicles) in Sub-No. 1F: to "petroleum, natural gas and their products" from petroleum coke, in bulk, in Sub-No. 3F; and to "chemicals and related products, and ores and minerals" from salt, in Sub-No. 4; (B) remove exceptions excluding service to ten named towns on service to ND, in Sub-No. 1; and (C) broaden the territorial descriptions to authorize county-wide service in lieu of named origin points, and change one-way service to radial service: in Sub-No. 1, (a) between Dakota County, MN (Pine Bend, MN), and, points in IA, NE, WI, ND, and those in the Upper Peninsula of MI, and (b) between Anoka, Hennepin, Dakota, Ramsey, Washington, Scott and Carver Counties, MN and St. Croix and Pierce Counties, WI (Minneapolis, MN) and Winona County, MN (Winona, MN), and, points the same as in (a) above; Sub-No. 3, between Dakota County, MN(Pine Bend, MN), and, points in WI.

MC 145163 (Sub–9)X, Filed May 18, 1981. Applicant: DONALD MULDER, d.b.a. DON MULDER TRUCKING, 1735 North 50th Lincoln, NE 68504. Representive: Lavern R. Holdeman, P.O. Box 81849, Lincoln, NE 68501. Applicant seeks to remove restrictions in its Sub-Nos. 3F and 6F certificates to (1) broaden the commodity description from printed matter and materials, equipment and supplies used in the manufacture, sale and distribution of printed matter in Sub-No. 6 "printed matter, and pulp, paper and related articles"; (2) remove the "in bulk" and "originating at or destined to" named points restrictions in Sub-No. 3F; (3) change city to county-wide authority from Lincoln, NE to Lancaster County, NE in Sub-No. 3F; and (4) remove the restriction against service to AK and HI in Sub-Nos. 3 and 6.

MC 145480 (Sub–1)X, Filed June 2, 1981. Applicant: ED WOLFE TRUCKING, INC., 20425 Ahha Lane, Bend, OR 97701. Representive: Philip G. Skofstad, 1525 N.E. Weidler, Portland, OR 97232. Applicant seeks to remove restrictions in its lead certificate to (1) broaden the commodity description to "waste and scrap materials", from lime sludge; to "clay, concrete, glass or stone products", from volcanic aggregate, crushed agri-gypsum rock, and clay; and to "chemicals and related products", from dry fertilizer; (2) authorize county wide authority: Klamath County, OR, for Klamath Falls, OR; (3) eliminate the in bulk and in bulk in dump vehicles restriction; and (4) replace one way authority with with radial authority between specified counties, in WA, OR, NV, and CA and points in OR and WA.

MC 146035 (Sub-6)X, filed, May 28, 1981. Applicant: SOUTHERN DRAYAGE, INC., P.O. Box 1983, Jackson, MS 39205. Representative: John A. Crawford, 17th Floor Deposit Guaranty Plaza, P.O. Box 22567, Jackson, MS 39205. Applicant seeks to remove restrictions in its MC–147787 Sub-No. 6F permit to (1) broaden the commodity description to "commodities sold in or distributed by packaged liquor stores" from rum; and (2) broaden the territorial description to "between points in the U.S.", under continuing contract(s) with a named shipper.

MC 146583 (Sub–4)X, filed: May 27, 1981. Applicant: TERRAIN TAMERS, INC., Interstate Transport, Box 1457 Roseburg, OR 97470. Representative: Thomas Y. Higashi, 3762 Bayonne Dr., S.E., Salem, OR 97301. Applicant seeks to remove restrictions in its Sub–No. 2F certificate to (1) broaden the commodity descriptions to (a) " metal products" from steel strapping, in coils, in part (2), and (b) " building materials" from rooding, roofing materials, wallboard and materials and supplies used in the installation and application of wallboard, gypsum products, siding and insulation materials, in part (3); (2) remove the restriction prohibiting the transportation of specified commodities, in part (3); (3) authorize county-wide authority to replace existing city-wide service: (a) from Bandon, Riddle, Roseburg and Wallowa, OR to Coos, Douglas and Wallowa Counties, OR, in part (1); (b) Pittsburg, CA and Roseburg, OR to Contra Costa County, CA, and Douglas County, OR, in part (2); and (c) Fremont, Fresno, Gilroy, Hollister, Los Angeles, Richmond, Sacramento, Santa Clara and Stockton, CA, Las Vegas, NV, and Bend, Roseburg and Salem, OR to Alameda, Fresno, Santa Clara, San Benito, Los Angeles, Contra Costa, Sacremento, Santa Clara and San Joaquin Counties, CA, Clark County, NV, and Deschutes, Douglas and Marion Counties, OR, in part (3); and, (4) authorize radial authority to replace existing one-way service between points in 5 western States.

MC 146605 (Sub–5)X, filed: May 27, 1981. Applicant: EVENSON BROS., INC., 835 First Street SW; Pelican Rapids, MN 56572. Representative: Thomas J. Van Osdel, 502 First National Bank Bldg., Fargo, ND 58126. Applicant seeks to remove restrictions in its Sub-Nos. 2F, 3 and 4F certificates to (1) broaden the commodity description from (a) gypsum board to "clay, concrete, glass or stone products" and (b) siding, rafters and trusses to "construction materials", in Sub-No. 2F; (2) replace the facilities and city-wide service with county-wide authority: (a) Mandan, ND, with Morton County, ND, and (b) Detroit Lakes and Pelican Rapids, MN, with Becker and Otter Tail Counties, MN in Sub-No. 2F; (3) remove the "originating at" restriction, in Sub-No. 4; and (4) authorize radial authority to replace existing one-way service between points in States throughout the U.S., in all certificates.

MC 149258 (Sub–2)X, filed: June 2, 1981. Applicant: SELCO TRUCKING CO., P.O. Box 8801, Canton, OH 44711. Representative: Boyd B. Ferris, 50 W. Broad St., Columbus, OH 43215. Applicant seeks to remove restrictions in its Sub-No. 1F certificate to (1) eliminate: the commodity in bulk exception; the facilities limitation at specified origins; the AK and HI exception; and the originating at and destined to restriction; and (2) replace Malvern and Saxton, PA, with Chester and Bedford Counties, PA.

MC 149447 (Sub–1)X, filed: June 4, 1981. Applicant: VALLEY REFRIGERATED EXPRESS, INC., Box 3946, McAllen, TX 78501. Representative: S. S. Eisen, 370 Lexington Avenue, New York, NY 10017. Applicant seeks to remove restrictions in its lead certificate to (1) broaden the commodity description from general commodities (with exceptions) to "general commodities" (except classes A and B explosives); (2) delete restriction requiring shipments move on bills of lading of freight forwarders; (3) broaden cities to counties: Akron, OH, with Summit County, OH; Boston, MA, with Suffolk County, MA; Philadelphia, PA, with Philadelphia County, PA; Cranston, RI, with Providence County, RI; Cincinnati, OH, with Hamilton County, OH; Cleveland, OH, with Cuyahoga County, OH; Milford, and New Haven CT, with New Haven County, CT; Secaucus, and North Bergen, NJ, with Hudson County, NJ; Syracuse, NY, with Onondaga, NY; Amarillo, Dallas, Ft. Worth, El Paso, Houston, Laredo, Lubbock, and San Antonio, TX, with Potter, Dallas, Tarrant, El Paso, Harris, Webb, Lubbock, and Bexar Counties, TX; and (4) authorize radial service in lieu of one-way authority between named points in OH, MD, MA, RI, CT, NJ, PA, NY, and points in TX.

MC 151115 (Sub–1)X, filed: June 1, 1981. Applicant: CHAS. J. BURNHAM CARTAGE, INC., 1448 Wabash, Detroit, MI 48216. Representative: William B. Elmer, 624 Third Street, Traverse City, MI 49684. Applicant seeks to remove

restrictions in its lead certificate to (1) broaden the commodity description from paper and paper products to "pulp, paper and related products"; (2) replace one-way with radial authority between Detroit, MI, and MI, and (3) remove a restriction requiring a prior movement by rail.

[FR Doc. 81-17826 Filed 6-15-81; 8:45 am]
BILLING CODE 7035-01-M

Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule 251 of the Commission's Rules of Practice, see 49 CFR 100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR. 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OP1-170

Decided: June 9, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 154661 (Sub-1), filed May 27, 1981. Applicant: D. L. CABLE, d.b.a. RED LINE EXPRESS, P.O. Box 6837, 2501 E. Bessmer Avenue (C), Greensboro, NC 27405. Representative: D. L. Cable, (Same address as applicant), (919) 275-0323. Transporting for or on behalf of the United States Government, of *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 156221, filed May 29, 1981. Applicant: JAMES RICHMAN, R.R. 1, Box 259, Villa Grove, IL 61956. Representative: Dorothy Richman, (same address as applicant), (217) 832-9755. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

Volume No. OPI-172

Decided: June 9, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 87451 (Sub-5), filed June 3, 1981. Applicant: CARGO TRANSPORT, INC., 91 Mountain Road, Burlington, MA 01803. Representative: Samuel A. Bithoney, Jr. (same address as applicant), (617) 628-1600.Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 134551 (Sub-24), filed June 2, 1981. Applicant: LANTER REFRIGERATED DISTRIBUTING CO., 3 Caine Drive, Madison, IL 62060. Representative: Gerald K. Gimmel, Suite 145, 4 Professional Drive, Gaithersburg, MD 20760, (301) 840-8565. Transporting *shipments weighing 100 pounds or less if transported in a motor vehicle in which no one package exceeds 100 pounds,* between points in the U.S.

MC 156270, filed June 2, 1981. Applicant: REGIS COURIER, INC., 2115 Pleasant, West Des Moines, IA 50265. Representative: William L. Fairbank, 2400 Financial Center, Des Mones, IA 50309, (515) 282-3525. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 156271, filed June 1, 1981. Applicant: LAST CHANCE COMMODITY BROKERS, 40 West Sixth Ave., Helena, MT 59601. Representative: Geoffrey L. Brazier, 516 Harrison, Helena, MT 59601, (406) 442-8733. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 156281, filed June 2, 1981. Applicant: IOWA CONTINENTAL SHIPPERS, INC., 1320 Hayne Street, Ottumwa, IA 52501. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309, (515) 244-2329. As a *broker of general commodities* (except household goods), between points in the U.S.

Vol. No. OPY-3-092

Decided: June 9, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 156224, filed June 1, 1981. Applicant: CARGO FORWARDING, INC., 168-01 Rockaway Blvd., Jamaica, NY 11434. Representative: David M. Stahl, 375 Park Ave., New York, NY 10152, (212) 759-5400. Transporting *shipments weighing 100 pounds* or less if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

Vol. No. OPY–5–85

Decided: June 10, 1981.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 55889, (Sub-73), filed May 22, 1981. Applicant: AAA COOPER TRANSPORTATION, P.O. Box 6827, Dothan, AL 36302. Representative: Kim Mann, Suite 1010, 7101 Wisconsin Ave., Washington, DC 20014, (301) 986–1410. Transporting *general commodities* (except classes A and B explosives), between Lutherville, GA, on the one hand, and, on the other, points in the U.S. Applicant intends to tack this authority with existing regular-route authority.

Note.—The purpose of this application is to substitute motor carrier for abandoned rail carrier service.

MC 85718 (Sub-20), filed June 1, 1981. Applicant: SEWARD MOTOR FREIGHT INC., P.O. Box 126, Seward, NE 68434. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501, (402) 475–6761. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials and sensitive weapons and munitions), between points in the U.S.

MC 128709 (Sub-14), filed May 27, 1981. Applicant: PARIS MOTOR - FREIGHT, INC., P.O. Box 1787, Ft. Smith, AR 72901. Representative: Charles H. Smidly (same address as applicant), (501) 785–2943. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 145178 (Sub-2), filed May 29, 1981. Applicant CHARLES INKS, d.b.a. CHARLES INKS TRUCKING, 12400 Cypress, Space 37, Chino, CA 91710. Representative: William L. Monheim, P.O. Box 1756, Whittier, CA 90609, (213) 945– 2745.Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs). *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 147198 (Sub-12), filed May 27, 1981. Applicant: P. & E. I. TRUCK LINES INC., 210 North Chicago, P.O. Box 175, Rossville, IL 60963.) Representative: Thomas A Graham, 4 West Seminary, Danville, IL 61832, (217) 443–0304 Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 151619 (Sub-4), filed May 22, 1981. Applicant: CARGO-MASTER, INC., 917 S. Harwood, Dallas, TX 75201. Representative: Paul A. Lueck (same address as applicant), (214) 741–6185. Transporting for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 154859 (Sub-1), filed June 1, 1981. Applicant: DRAKE MOVING & STORAGE COMPANY, 414 Puyallup Ave., Tacoma, WA 98421. Representative: Boyd Hartman, P.O. Box 3641, Bellevue, WA 98009, (206) 453–0312. Transporting *used household goods* for the account of the United States Government incident to the performance of a pack-and-crate service on behalf of the Department of Defense, between points in the U.S.

MC 155319 (Sub-1), filed May 29, 1981. Applicant: WILLIAM L. BLACK, d.b.a. BLACK'S TRUCKING, Rural Route #2, Franklin, IN 46131. Representative: Michael D. McCormick, 1301 Merchants Plaza, Indianapolis, IN 46204, (317) 638–1301. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 156058, filed May 18, 1981. Applicant: PHILLIP LANDPHIER, d.b.a. PHIL LANDPHIER TRUCKING, 5496 S. Bird St., Sun Prairie, WI 53590. Representative: Charles E. Dye, P.O. Box 971, West Bend, WI 53095, (414) 677–2586. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between, points in the U.S.

MC 156159, filed May 22, 1981. Applicant: KENTON D. ARNOLD, d.b.a. K & J TRUCKING, P.O. Box 44, Sutherland, NE 69165. Representative: James F. Crosby, 7363 Pacific St., Oak Park Office Bldg., Suite 210B, Omaha, NE 68114, (402) 397–9900. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

James H. Bayne,

Acting Secretary.

[FR Doc. 81–17625 Filed 6–15–81; 8:45 am]
BILLING CODE 7035–01–M

Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The

unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 1, Members Parker, Chandler and Fortier.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Vol. No. OP1–169

Decided: June 9, 1981.

MC 48501 (Sub-19), filed May 29, 1981. Applicant: INDIANA MOTOR BUS COMPANY, a corporation, 715 S. Michigan, South Bend, IN 46624. Representative: Edward Malinzak, 900 Old Kent Bldg., Grand Rapids, MI 49503, (616) 459–6121. Transporting *passengers and their baggage*, in the same vehicle with passengers, in charter operations, between points in IN, and those in Allegan, Barry, Branch, Calhoun, Clinton, Eaton, Ingham, Ionia, Jackson, Kent, Muskegon, Ottawa, and Washtenaw Counties, MI, on the one hand, and, on the other, points in the U.S., under continuing contract(s) with Ja Mar Tours, Inc., of Grand Rapids, MI.

MC 59150 (Sub-194), filed May 29, 1981. Applicant: PLOOF TRUCK LINES, INC., 1414 Lindrose St., Jacksonville, FL 32206. Representative: Martin Sack, Jr., 203 Marine National Bank Bldg., 311 W. Duval St., Jacksonville, FL 32202 (904) 353–9707. Transporting *malt beverages*, between the facilities of Pabst Brewing Company at points in the U.S. in and east of ND, SD, NE, KS, OK, and TX, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 61281 (Syb-15), filed May 29, 1981. Applicant: JOHN HENNES TRUCKING CO., a corporation, 320 South 19th Street, P.O. Box 10–H, Milwaukee, WI 53201. Representative: Leonard R. Kofkin, 39 South LaSalle Street, Chicago, IL 60603, (312) 236–9375. Transporting *those commodities* which because of their size or weight require the use of special handling or equipment, between points in IL and WI, on the one hand, and, on the other, points in AL, AZ, AR, CA, CO, FL, GA, ID, LA, MS, MT, NV, NM, NC, OK, OR SC, TX, UT, WA, and WY.

MC 98701 (Sub-7), filed May 29, 1981. Applicant: CLEVELAND EXPRESS, INC., P.O. Box 158, South Lee Highway, Cleveland, TN 37311. Representative: Blaine Buchanan, 1024 James Bldg., Chattanooga, TN 37402, (615) 267–1135. Transporting *general commodities* (except classes A and B explosives), serving points in GA, Washington County, VA, and Carter, Cocke, Greene, Hamblen, Hawkins, Jefferson, Sullivan, Unicoi, and Washington Counties, TN, as off-route points in connection with applicant's otherwise authorized regular-route operations.

MC 129401 (Sub-17), filed May 28, 1981. Applicant: DOUGLAS & BESS, INC., Route 5, Box 238, Statesville, NC 28677. Representative: Charles Ephraim, 406 World Center Bldg., 918 16th St., N.W., Washington, DC 20006, (202) 833–1170. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Piedmont Aviation, Inc., of Winston-Salem, NC.

MC 134820 (Sub-12), filed May 29, 1981. Applicant: R. S. ALBRIGHT, INC., 6640 Ellis Ave., S., P.O. Box 81025, Seattle, WA 98108. Representative: James T. Johnson, 1610 IBM Bldg., Seattle, WA 98101, (206) 624–2832. Transporting *general commodities* (except classes A and B explosives), between points in AZ, CA, GA, ID, IA, IL, IN, KY, MD, MI, MT, MN,ND, NJ, NM, NV, NY, OH, OR, PA, SD, UT, WA, WI, WY, and CO.

MC 141620 (Sub-5), filed May 29, 1981. Applicant: VAN BUS DELIVERY COMPANY, d.b.a. UNITED VAN BUS DELIVERY, 2601 32nd Ave., South, Minneapolis, MN 55405. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Ave., Memphis TN 38137, (901) 767–5600. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Soo Line Railroad Co., of Minneapolis, MN.

MC 142220 (Sub-5), filed May 29, 1981. Applicant: BAKER TRUCKING CORP., INC., 4600 Brazil St., Los Angeles, CA 90029. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517, (717) 344–8030. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Barre National, Inc., of Baltimore, MD.

MC 142311 (Sub-4), filed May 29, 1981. Applicant: QUALITY STEAKS TRANSPORTATION CO., INC., 5100 Race Ct., Denver, CO 80216. Representative: Jack B. Wolfe, 1600 Sherman #665, Denver, CO 80203 (303) 839–5866. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with ECI Table Readi Meats, of Englewood, CO.

MC 144780 (Sub-5), filed June 1, 1981. Applicant: PAUL EVANS & SONS TRUCKING, INC., P.O. Box 185, Wilmington, OH 45177. Representative: John L. Alden, 1396 W. Fifth Ave., Columbus, OH 43212, (614) 481–8821. Transporting (1) *sand and gravel* and (2) *coal*, between points in the U.S., under continuing contract(s) with R.B.S., Inc., and RODA Enterprises, Inc., both of Cincinnati, OH.

MC 144910 (Sub-21), filed May 29, 1981. Applicant: TY PRUITT TRUCKING, INC., 6717 Quad Ave., Baltimore, MD 21237. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 Fifteenth St., N.W., Washington, D.C. 20005 (202) 296–3555. Transporting *food and related products*, between points in Forsyth County, NC, on the one hand, and, on the other, points in VA, DE, MD, NJ, and NY.

MC 152011 (Sub-1), filed June 1, 1981. Applicant: VALLEY TRUCK RENTALS CO., INC., R.D. 5, Box 286, Jackson, NJ 08527. Representative: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, NJ 08904, (201) 572–5551. Transporting *chemicals*, between points in the U.S., under continuing contract(s) with (a) Amato Solvents, Inc., of Silver Springs, MD, and (b) Buffalo Equipment & Chemicals Co., of Buffalo, NY.

MC 152451 (Sub-2), filed June 1, 1981. Applicant: LAKE STATES CARTAGE, INC., 9430 State Route 309 West, Kenton, OH 43326. Representative: James Duvall, P.O. Box 97, 220 W. Bridge St., Dublin, OH 43017, (614) 889–2531. Transporting *metal products*, between points in Marion County, OH, on the one hand, and, on the other, points in IL, IN, KY, MI, MN, and WI.

MC 152671 (Sub-3), filed May 29, 1981. Applicant: ALL FREIGHT TRANSPORTATION, INC., P.O. Box 6699, Boise, ID 83707. Representative: Timothy R. Stivers, P.O. Box 1576, Boise, ID 83701, (208) 343–3071. Transporting (1) *building materials*, and (2) *lumber and wood products*, between points in CA, ID, OR, and WA, on the one hand, and, on the other, points in the U.S.

MC 153140, filed May 29, 1981. Applicant: PIONEER FREIGHT SYSTEMS, INC., 144 Parsippany Rd., P.O. Box 5, Whippany, NJ 07981. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417,

Hagerstown, MD 21740, (301) 797–6060. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. under continuing contract(s) with Carter Wallace, Inc. of Cranbury, NJ, and The Mennen Company of Morristown, NJ.

MC 153421, filed May 29, 1981. Applicant: PRINTCO, INC., P.O. Box 16039, Memphis, TN 38116. Representative: Lawrence E. Lindeman, 1032 Pennsylvania Bldg., Pennsylvania Ave. and 13th St., N.W., Washington, DC 20004, (202) 628–4600. Transporting *food and related products*, between points in FL, LA, MD, NC, PA, TN, TX, MA, DE, NY, NJ, and VA on the one hand, and, on the other, points in the U.S.

MC 154121 (Sub-9), filed May 28, 1981. Applicant: TRAILER CORP., P.O. Box 357, Old Chester Rd., Gladstone, NJ 07934. Representative: George A. Olsen (same address as applicant), (201) 435–7140. Transporting *food and related products*, between the facilities used by Seabrook Foods, Inc., its subsidiaries, division, vendors, and distributors, in the U.S., on the one hand, and, on the other, points in the U.S.

MC 154121 (Sub-11), filed May 28, 1981. Applicant: TRAILNER CORP., P.O. Box 357 (Old Chester Rd.), Gladstone, NJ 07934. Representative: George A. Olsen (same address as applicant), (201) 435–7140. Transporting *such commodities* as are dealt in or used by builders' and contractors', between the facilities used by Ajax Hardware Corp., its subsidiaries, divisions, vendors, and suppliers, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 154780 (Sub-4), filed June 2, 1981. Applicant: ATLANTIC TRANSPORT SERVICE, INC., 1300 South French Ave., Box 257, Sanford, FL 32771. Representative: Kim D. Mann, 7101 Wisconsin Ave., Suite 1010, Washington, DC 20014, (202) 986–1410. Transporting *general commodities* (except classes A and B explosives), between points in TN, on the one hand, and, on the other, points in the U.S.

MC 154861 filed June 2, 1981. Applicant: WINSKY CARTAGE COMPANY, a corporation, 27275 Mound Rd., Warren, MI 48092. Representative: John S. Barbour, 2711 E. Jefferson, Suite 202, Detroit, MI 48207, (313) 259–6555. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with The Cross Company, of Fraser, MI.

MC 155921, filed May 29, 1981. Applicant: EXECUTIVE COACH CORPORATION, Statler Office Bldg., Room 313, 20 Providence St., Boston, MA 02116. Representative: Robert M. Santaniello, 95 State St., Suite 1010, Springfield, MA 01103, (413) 781–2130. Transporting *passengers and their baggage*, in special and charter operations, in vehicles with a seating capacity of twenty-five persons or less, beginning and ending at points in CT, MA, ME, NH, NY, RI, and VT, and extending to points in the U.S.

MC 156021, filed May 18, 1981. Applicant: BOSTICK TRUCKING SERVICES, INC., 2004 Elgin St., P.O. Box 6057, Myers Branch, Charleston, SC 29405. Representative: George E. Bostick (same address as applicant), (803) 577–4539. Transporting (1) *lumber and wood products*, and (2) *metal products*, between points in FL, GA, NC, and SC.

MC 156241, filed May 29, 1981. Applicant: UNITED DC, INC., 1977 Tellepsen, Houston, TX 77023. Representative: Mary E. Kelley, 22 Stearns Ave., Medford, MA 02155 (617) 396–4090. Transporting *chemicals and related products, and rubber and plastic products*, between Lake Charles, LA, and Houston, TX. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. § 11343(A) or submit an affidavit indicating why such approval is unnecessary to the Secretary's office. In order to expedite issuance of any authority please submit a copy of the affidavit or proof of filing the application(s) for common control to team 1, Room 6358.

MC 156250, filed June 2, 1981. Applicant: FEDERAL TRANSPORT, INC., 301 Bulldog Drive, Chesapeake, VA 23320. Representative: Richard E. Doub (same address as applicant) (804) 547–5187. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with B. Green Company, Inc., of Baltimore, MD, Eberwine Brothers, Inc., of Portsmouth, VA, and Valley Poultry, of Norfolk, VA.

Volume No. OP1–171

Decided: June 9, 1981.

MC 28060 (Sub-65), filed June 3, 1981. Applicant: WILLERS, INC., d.b.a. WILLERS TRUCK SERVICE, P.O. Box 944, Sioux Falls, SD 57101. Representative: Bruce E. Mitchell, Fifth Floor, Lenox Towers South, 3390 Peachtree Rd., NE, Atlanta, GA 30326, (404) 262–7855. Transporting *food and related products*, between points in SD, MN, ND, NE, KS, OK, MO, IA, WI, and IL.

MC 82841 (Sub-315), filed June 2, 1981. Applicant: HUNT TRANSPORTATION, INC., 10770 "I" St., Omaha, NE 68127. Representative: William E. Christensen (same address as applicant), (402) 339–3003. Transporting *metal products*, between points in Oakland County, MI, on the one hand, and, on the other, points in the U.S. in and west of MN, IA, MO, AR, and LA.

MC 95490 (Sub-55), filed June 1, 1981. Applicant: UNION CARTAGE COMPANY, INC., 37 Southwest Cutoff, Worcester, MA 01604. Representative: Edward J. Kiley, 1730 M Street NW., Suite 501, Washington, D.C. 20036, (202) 296–2900. Transporting *general commodities* (except classes A and B explosives), between points in Onodaga County, NY, on the one hand, and, on the other, Baltimore, MD, and the District of Columbia.

MC 119700 (Sub-79), filed June 1, 1981. Applicant: STEEL HAULERS, INC., 306 Ewing Ave., Kansas City, MO 64125. Representative: Frank W. Taylor, Jr., 1221 Baltimore Ave., Suite 600, Kansas City, MO 64105, (816) 221–1464. Transporting *metal products*, between points in Dallas, Harris, and Tarrant Counties, TX, on the one hand, and, on the other, points in AR, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, NE, OH, OK, SD, TN, and WI.

MC 127120 (Sub-3), filed June 1, 1981. Applicant: BOLLMAN CHARTER SERVICE, INC., R.D. #1, Route 1, Everett, PA 15537. Representative: William A. Gray 2310 Grant Bldg., Pittsburgh, PA 15219, (412) 471–1800 Transporting *passengers and their baggage*, in the same vehicle with passengers, in round-trip charter and special operations, beginning and ending at points in Allegany and Washington Counties, MD, and Franklin, Fulton, Cambria, Blair and Huntingdon Counties, PA, and extending to points in the U.S. (including AK, but excluding HI).

MC 127820 (Sub-21), filed June 2, 1981. Applicant: TRANS-SERVICE INC., 1943 S. Lawn Ext., Coshocton, OH 43812. Representative: James Duvall, P.O. Box 97, 220 W. Bridge St., Dublin, OH 43017 (614) 889–2531. Transporting *pulp, paper and related products*, between the facilities used by Stone Container Corporation, its divisions and subsidiaries at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 134821 (Sub-11), filed May 22, 1981. Applicant: DONALD L. DROSTE, d.b.a. DON DROSTE TRUCKING, 1004 West Carroll St., Portage, WI 53901 Representative: Clyde N. Christey, Ks Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612, (913) 233–9629.

Transporting *(1) metal products,* (2) *rubber and plastic products, clay, concrete, glass or stone products, machinery, and transportation equipment,* and (3) *fiberglas products,* between points in IL, IN, IA, KS, MI, MO, MN, NE, ND, SD and WI.

MC 135691 (Sub-65), filed June 2, 1981. Applicant: DALLAS CARRIERS CORP., 12661 Perimeter Dr. Dallas, TX 75228. Representative: J. Max Harding, P.O. Box 6645, Lincoln, NE 68506, (402) 489–3585. Transporting *such commodities* as are dealt in or used by manufacturers of cellulose film, plastic film, and paper film, between the facilities of Printpack, Inc., in the U.S., on the one hand, and, on the other, points in the U.S.

MC 146021 (Sub-8), filed June 1, 1981. Applicant: RALPH OWENS TRUCKING CO., INC., P.O. Box 711, Hereford, TX 79045. Representative: Richard Hubbert, P.O. Box 10236, Lubbock, TX 79408, (806) 763–9555. Transporting *such commodities* as are dealt in or used by grocery stores and food business houses, between points in TX, NM, OK, LA, KS, MS, TN, AL, AR, and CO.

MC 146521 (Sub-3), filed June 1, 1981. Applicant: JOHN LILLEY d.b.a. LILLEY TRUCKING, Box 264, Princeton, IL 61356. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701, (217) 544–5468. Transporting *metal products,* between points in AR, IL, IN, IA, KY, KS, MO, MI, NE, NJ, OH, PA, and WI.

MC 147101 (Sub-3), filed June 3, 1981. Applicant: LDF, INC., 30 Enterprise Ave., Secaucus, NJ 07094. Representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, OH 44114, (216) 566–5639. Transporting *food and related products,* between points in the U.S., under continuing contract(s) with The Nestle Company, Inc., of White Plains, NY.

MC 148831 (Sub-5), filed June 1, 1981. Applicant: STUMPS REFRIGERATED EXPRESS, INC., R.R. #1, Box 57, Tiro, OH 44887. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215, (614) 228–1541. Transporting *clay, concrete, glass or stone products,* between points in Wyandot County, OH, on the one hand, and, on the other, points in the U.S.

MC 151571 (Sub-1), filed June 1, 1981. Applicant: STORES DELIVERY SERVICE, INC., d.b.a. SOUND DELIVERY SERVICE, 3601 South 263rd Street, Kent, WA 98031. Representative: David Ramey, 9302 10th Ave., South, Seattle, WA 98108, (206) 762–3564. Transporting (1) *Metal products, waste or scrap materials not identified by Industry Producing, and building materials,* between points in ID, WA, and OR, and (2) *ores and minerals, clay, concrete, glass or stone products, and chemicals and related products,* between Springdale, WA, on the one hand, and, on the other, points in OR.

MC 152251, filed June 1, 1981. Applicant: DKM, INC., P.O. Box 1083, Gunnison, CO 81230. Representative: William F. Schenkein, 718 17th St., Suite 1600 Denver, CO 80202, (303) 629–1800. (1) *Over regular routes.* Transporting *general commodities* (A) between Gunnison, CO, and the facilities of the Homestake Mining Company at or near Sargents, CO: from Gunnison over U.S. Hwy 50 to junction unnumbered Hwy, then over unnumbered Hwy to the facilities of the Homestake Mining Company, and return over the same route, and (B) between Gunnison and Lake City, CO: from Gunnison over U.S. Hwy 50 to junction CO Hwy 149, then over CO Hwy 149 to Lake City, and return over the same route, serving all intermediate points in routes I (A) and (B) above. (2) *Irregular routes:* Transporting *general commodities,* between points in Cheffee, Gunnison, Hinsdale, Lake, Mesa, Montrose and Saguache Counties, CO, on the one hand, and, on the other, points in CO. Condition: To the extent that the certificate in this proceeding authorizes the transportation of classes A and B explosives, it will expire 5 years from the date of issuance.

MC 152451 (Sub-3), filed June 1, 1981. Applicant: LAKE STATES CARTAGE, INC., 9430 State Route 309 West, Kenton, OH 43326. Representative: James Duvall, P.O. Box 97, 220 W. Bridge St., Dublin, OH 43017 (614) 889–2531. Transporting *metal products,* between points in Richland County, OH, Starke County, IN, Baltimore, MD, and Chicago, IL, on the one hand, and, on the other, points in the U.S.

MC 154410 filed June 1, 1981. Applicant: BALDUC TRUCKING, INC., d.b.a. PAULSON TRUCKING CO., P.O. Box 1034, Station A, San Mateo, CA 94403. Representative: Thomas E. Kurtenback (same address as applicant). Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Nabisco, Inc., of San Francisco, CA.

MC 155131 filed June 1, 1981. Applicant: CISZAR INTERSTATE TRANSPORTATION CO., INC., P.O. Box 446, Dolton, IL 60419. Representative: Stephen H. Loeb, Suite 2027, 33 North LaSalle St., Chicago, IL 60602, (312) 726–9722. Transporting *rubber and plastic products,* between points in Cook County, IL, on the one hand, and, on the other, points in IA, IN, MI, MN, MO, and WI.

MC 156311 filed June 4, 1981. Applicant: SOUTHWEST CONTINENTAL FREIGHT LINES, INC., P.O. Box 175, Grand Rapids, MI 49501. Representative: Michael P. Zell (same address as applicant), (616) 456–5351. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. § 11343(A) or submit an affidavit indicating why such approval is unnecessary to the Secretary's office. In order to expedite issuance of any authority, please submit a copy of the affidavit or proof of filing the application(s) for common control to team 1, Room 6358.

MC 156320, filed June 1, 1981. Applicant: J. D. McCOTTER, SR., P.O. Box 937, Washington, NC 27889. Representative: Vaughan S. Winborne, 1108 Capital Club Bldg., Raleigh, NC 27601, (919) 832–5732. Transporting *boats,* between those points in the U.S. in and east of WI, IL, MO, OK and TX.

Vol. No OPY–2–101

Decided: June 8, 1981.

MC 9812 (Sub-22), filed June 1, 1981. Applicant: C. F. KOLB TRUCKING COMPANY, INC., R.R. 1, Box 294, Mt. Vernon, IN 47620. Representative: Constance J. Goodwin, Suite 800 Circle Tower, Five East Market St., Indianapolis, IN 46204, 1–(317) 634–8313. Transporting *general commodities,* between points in the U.S. Conditions: (1) To the extent any certificate issued in this proceeding authorizes the transportation of classes A and B explosives, it shall be limited in point of time to a period expiring 5 years from its date of issuance; and (2) The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. § 11343(A) or submit an affidavit indicating why such approval is unnecessary to the Secretary's office. In order to expedite issuance of any authority, please submit a copy of the affidavit or proof of filing the application(s) for common control to Team 2, Room 2379.

MC 115413 (Sub-9), filed May 29, 1981. Applicant: BLISSFIELD TRUCK LINE, INC., 1–22155–SH2, Box 245, Archbold, OH 43502. Representative: Andrew Jay Burkholder, 275 East State St., Columbus, OH 43215, (614) 228–8575. Transporting *general commodities* (except classes A and B explosives),

between points in Williams, Defiance, Paulding, Van Wert, Allen, Putnam, Henry, Fulton, Lucas, Wood, Hancock, Wyandot, Seneca, Sandusky, Ottawa, Crawford, Huron, and Erie Counties, OH, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, MO, AR, and LA.

Note.—Applicant intends to tack this grant of authority with its existing regular-route authority in MC-115413 extending between Toledo, OH, and Blissfield, MI.

MC 139023 (Sub-16), filed May 28, 1981. Applicant: 2-G TRANSPORTATION, INC., 12515 Pennsylvania Ave., Savage, MN 55378. Representative: Wayne W. Wilson, 150 E. Gilman St., Madison, WI 53703, (608) 256-7411. Transporting *general commodities* (except classes A and B explosives), between the facilities used by Ralston Purina Company and its subsidiaries, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 141443 (Sub-69), filed May 27, 1981. Applicant: JOHN LONG TRUCKING INC., 1030 East Denton, Sapulpa, OK 74066. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112, (405) 848-7946. Transporting *food and related products*, between points in CA, on the one hand, and, on the other, points in TX.

MC 142603 (Sub-49), filed May 27, 1981. Applicant: CONTRACT CARRIERS OF AMERICA, INC., P.O. Box 179, Springfield, MA 01101. Representative: Susan E. Mitchell (same address as applicant), (413) 732-6283.Transporting *such commodities* as are dealt in or used by manufacturers of games, toys, and swimming pools, between points in the U.S., under continuing contract(s) with Coleco Industries, of Amsterdam, NY.

MC 142672 (Sub-171), filed May 29, 1981. Applicant: DAVID BENEUX PRODUCE & TRUCKING, INC., Post Office Drawer F Mulberry, AR 72947. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72701, (501) 521-8121. Transporting *resin solutions and flammable liquid*, between Ft. Smith, AR, on the one hand, and, on the other, points in the U.S. Condition: To the extent that this certificate authorizes transportation of flammable liquids it shall be limited in term expiring 5 years from its date of issuance.

MC 148143 (Sub-7), filed May 28, 1981. Applicant: MID-AMERICA FARM LINES, INC., M.P.O. Box 71, Springfield, MO 65801. Representative: John M. Ringenberg (same address as applicant), (417) 862-7460. Transporting *food and related products*, between points in Los Angeles County, CA, Fulton County, GA, and Hamilton County, OH, on the one hand, and, on the other, points in the U.S.

MC 150393 (Sub-2), filed May 29, 1981. Applicant: AUGUSTA TRANSPORTATION, INC., P.O. Box 185, Augusta, GA 30903. Representative: Timothy S. Mirshak, 702 Georgia Railroad Bank Bldg., Augusta, GA 30902 (404) 722-1551.Transporting *general commodities* (except classes A and B explosives), between points in Abbeville, Aiken, Allendale, Bamberg, Barnwell, Edgefield, Greenwood, Hampton, Lexington, McCormick, Orangeburg, and Saluda Counties, SC, and Richmond County, GA.

MC 151283 (Sub-2), filed April 17, 1981. (Correction), previously published in the **Federal Register** issue of May 7, 1981, and republished this issue. Applicant: MOBY DICK, INC., 815 Max Ave., P.O. Box 20276, Lansing, MI 48901. Representative: Karl L. Gotting, 1200 Bank of Lansing Bldg., Lansing, MI 48933, (517) 489-5724. Transporting *general commodities* (except classes A and B explosives), between the facilities of Dow Chemical U.S.A. and its customers and vendors, at points in the U.S., on the one hand, and, on the other, points in the U.S.

Note.— This republication is to correct the territory description.

MC 151383 (Sub-6), filed May 27, 1981. Applicant: NICKELL TRUCKING CO., 4901 West 51st Street, Tulsa, OK 74107. Representative: Fred Rahal, Jr., Suite 305 Reunion Center, 9 East Fourth Street, Tulsa, OK 74103, (918) 583-9000. *General commodities* (except classes A and B explosives) between points in the U.S. under continuing contract(s) with (a) Litwin Engineers and Constructors, Inc. of Houston, TX, (b) Freeman Pump & Supply co. of Garden City, KS, (c) supreme Mfg. Inc. of Garden City, KS, (d) Con-Rad Industries, Inc. of Sand Springs, OK (e) Tulsa Steel Mfg. Co., Inc. of Tulsa, OK, (f) Sapulpa Tank Company of Sapulpa, OK, and (g) Webco Tank Co., Inc. Of Sapulpa, OK.

MC 151743 (Sub-1), filed May 27, 1981. Applicant: A. H. MISSANT, INC., 1930 Marston, Detroit, MI 49211. Representative: Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, MI 48167, (313) 349-3980. Transporting *general commodities* (except classes A and B explosives), between points in MI, OH, and IN.

Vol. No. OPY-3-085

Decided: June 10, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams (Williams not participating).

MC 67024 (Sub-29), filed June 2, 1981. Applicant: SERVICE COACH LINES, INC., 1500 Jackson Street, Dallas, TX 75201. Representative: George W. Hanthorn (same address as applicant), (214) 655-7937. Transporting *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, between Millen, GA and Augusta, GA, from Millen over U.S. Hwy 25 to Waynesboro, then over GA Hwy 56 to Augusta and return over the same route.

Note:—Applicant intends to tack and interline this authority with its existing authority.

MC 72914 (Sub-2), filed June 1, 1981. Applicant: SOUTH HILLS MOVERS, INC., 3132 Industrial Boulevard, Bethel Park, PA 15102 Representative: John A. Vuono, 2310 Grant Building, Pittsburgh, PA 15219, (412) 471-1800. Transporting *household goods*, between points in AL, AZ, AR, CA, CO, CT, DE, FL, GA, ID, IL, IN, IA, KS, KY, LA, MD, MA, MI, MN, MS, MO NE, NV, NH, NJ, NM, NY, NC, OH, OK, PA, RI, SC, TN, TX, UT, VT, VA, WV, WI, WY and DC.

MC 120615 (Sub-2), filed June 2, 1981. Applicant: SOUTH SHORE MOTOR SERVICE, INC., 11510 S. Oakley, Chicago, IL 60643. Representative: James R. Madler, 120 W. Madison St., Chicago, IL 60602, (312) 726-6525. Transporting *general commodities* (except classes A and B explosives), (a) between points in Cook, DuPage, Grundy, Kans, Kankakee, Kendall, Lake, McHenry, and Will Counties, IL, and (b) between points in Cook, DuPage, Grundy, Kane, Kankakee, kendall, Lake, McHenry, and Will Counties, IL, on the one hand, and, on the other, points in IL. Condition: Issuance of a Certificate in this proceeding is subject to prior or coincidental cancellation of Certificate of Registration No. MC-120615 at applicant's written request.

MC 127284 (Sub-5), filed June 3, 1981. Applicant: DOMINION-CONSOLIDATED TRUCK LINES LIMITED, 775 The Queensway, Toronto, Ontario, Canada M8Z 1N2. Representative: Owen B. Katzman, 1828 L St., N.W., Suite 1111, Washington, DC 20036 (202) 296-2929. Transporting *general commodities* (except classes A and B explosives), between points in IL, IN, MI, MN, NJ, NY, OH, PA, and WI.

MC 134105 (Sub-102), filed June 3, 1981. Applicant: CELERYVALE TRANSPORT, INC. 3420 New Cummings Rd., Chattanooga, TN 37419. Representative: James E. Elgin (same

address as applicant), (615)756–4066. Transporting *general commodities* (except classes A and B explosives), between the facilities of W. R. Grace & Co., Construction Products Division, located at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 135895 (Sub-129), filed May 29, 1981. Applicant: B & DRAYAGE, INC., P.O. Box 8534, Battlefield Station, Jackson, MS 39204. Representative: Douglas C. Wynn, P.O. Box 1295, Greenville, MS 38701, (601) 335–3576. Transporting (1) *forest products*, (2) *lumber and wood products*, (3) *furniture and fixtures*, (4) *pulp, paper, and related products*, (5) *printed matter*, (6) *chemical and related products*, (7) *rubber and plastic products*, (8) *clay, concrete, glass and stone products*, (9) *metal products*, (10) *building materials*, and (11) *containers*, between points in the U.S.

MC 139814 (Sub-4), filed June 1, 1981. Applicant: G. W. TRANSFER, INC., 3100 State Route 95, Mt. Gilead, OH 43338. Representative: James Duvall, P.O. Box 97, Dublin, OH 43017, (614) 889–2531. Transporting *Mercer commodities*, between points in Stark County, OH, on the one hand, and, on the other, points in the U.S.

MC 140464 (Sub-12), filed June 4, 1981. Applicant: D–X TRUCKING, INC., 5660 Southwyck Blvd., Ste. P, Toledo, OH 43614. Representative: Michael M. Briley, P.O. Box 2088, Toledo, OH 43603, (419) 255–8220. Transporting *transportation equipment*, between points in Greene County, AR, Hart County, GA, Lucas County, OH and Dawson County, NE, on the one hand, and, on the other, points in the U.S.

MC 148355 (Sub-3), filed June 2, 1981. Applicant: A–1 DISPOSAL CORPORATION, P.O. Box 301, 400 Broad St., Plainwell, MI 49080. Representative: Edward Malinzak, 900 Old Kent Bldg., Grand Rapids, MI 49503, (616) 459–6121. Transporting *hazardous waste materials* (except nuclear waste and explosives) between the facilities of General Electric Co., Apparatus Service Division, at Schenectady, NY, on the one hand, and, on the other, points in the U.S.

MC 148394 (Sub-4), filed June 2, 1981. Applicant: McKINLEY TRUCKING CO., INC., 652 N. Williams St., Carson City, MI 48811. Representative: Karl L. Gotting, 1200 Bank of Lansing Bldg., Lansing, MI 48933, (517) 489–5724. Transporting *petroleum, natural gas and their products*, between points in the U.S., under continuing contract(s) with Peerless Distributing Co., of Southfield, MI, Crystal Refining Company, of Carson City, MI, and Lakeside Refining Company, of Kalamazoo, MI.

MC 148674 (Sub-1), filed June 4, 1981. Applicant: RED DIAMOND LINES, INC., P.O. Box 553, Bedford, NY 10506. Representative: Deborah K. Schroedel, RFD #3 Loop Rd., Bedford, NY 10506, (203) 661–6638. Transporting *passengers and their baggage*, in the same vehicle with passengers, in charter operations, beginning and ending at points in Fairfield County, CT, and extending to points in the U.S.

MC 150185 (Sub-5), filed June 2, 1981. Applicant: STAM–WIN, INC., 3700 Park East Dr., Cleveland, OH 44122., Representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, OH 44114, (216) 566–5639. Transportating *metal products*, between points in the U.S., under continuing contract(s) with Atlas Alloys, of Cleveland, OH.

MC 150295, filed June 4, 1981. Applicant: K & M DIESEL SERVICE, INC., 10 East Maple Ave., Cedarville, NJ 08311. Representative: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, NJ 08904, (201) 572–5551. Transporting *metal products*, between points in the U.S., under continuing contract(s) with Bridgeton Transfer Point, Inscon Cable, Manhattan Electric Corp., and Petro Cable Corp., all of Bridgeton, NJ.

MC 150334 (Sub-1), filed June 3, 1981. Applicant: ASA NOLTENSMEIER, Box 109A, Chandlerville, IL 62627. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701, (217) 544–5468. Transporting (1) *building materials;* and (2) *metal products*, between points in Sangamon County, IL, on the one hand, and, on the other points in WI.

MC 155115 (Sub-1), filed June 3, 1981. Applicant: ANDERSON ARMORED CAR SERVICE, INC., P.O. Box 244, Anderson, SC 29622. Representative: Richard C. Otter, P.O. Box 273, Anderson, SC 29622, (803) 225–2571. Transporting (1) *precious metals;* and (2) *machinery*, between points in the U.S., under continuing contract(s) with Owens-Corning Fiberglas Corporation, of Toledo, OH.

MC 156254 (Sub-2), filed June 1, 1981. Applicant: CONTRACT TRUCKERS, INC., 530 Haunted Lane, Cornwells Heights, PA 19020. Representative: Russell S. Callahan, P.O. Box 1806, Brockton, MA 02403, (617) 697–7748. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Simplex Products Division of Anthony Industrial Group, of Adrian, MI.

MC 156274, filed June 2, 1981. Applicant: IOWA MEAT DISTRIBUTING COMPANY, INC., P.O. Box 36, Hope Hull, AL 36043. Representative: Terry P. Wilson, 428 S. Lawrence St., Montgomery, AL 36104, (205) 262–2756. Transporting *food and related products*, between points in Ford County, KS, on the one hand, and, on the other, points in the U.S.

MC 156274 (Sub-1), filed June 3, 1981. Applicant: IOWA MEAT DISTRIBUTING CO., INC., P.O. Box 36, Hope Hull, AL 36053. Representative: Terry P. Wilson, 428 S. Lawrence St., Montgomery, AL 36104, (205) 262–2756. Transporting *such commodities* as are dealt in or used by grocery stores and food business houses, between points in Greenville County, SC, on the one hand, and, on the other, points in the U.S.

MC 156304, filed May 27, 1981. Applicant: WILLIAM HALL, 1116 Great Plain Avenue, Needham, MA 02192. Representative: Robert V. Cauchon, 100 Federal Street, Boston, MA 02110, (617) 338–2906. As a *broker*, at Needham, MA in arranging for the transportation of *passengers and their baggage*, is special or charter operations, between points in the U.S.

MC 156314, filed June 4, 1981. Applicant: AALCO MOVING & STORAGE, INC., d.b.a. WEST COAST MOVING SYSTEMS, 5747 Imperial Way, S.W., Port Orchard, WA 98366. Representative: Robert J. Gallagher, 1000 Connecticut Ave. NW., Suite 1200, Washington, DC 20036, (202)–785–0024. Transporting *household goods*, between points in WA, OR and MT, on the one hand, and on the other, points in WA, OR, MT, CA, UT, NV, AZ, ID and WY.

MC 156315, filed June 4, 1981. Applicant: WILLIAM G. SMAILES, County Road 6–19568, Coshocton, OH 43812. Representative: Earl N. Merwin, 85 East Gay Street, Columbus, OH 43215, (614) 224–3161. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Columbus and Southern Ohio Electric Company, Columbus, OH.

MC 156324, filed May 27, 1981. Applicant: SOLJET-TOURS, INC., Suite 2003, 1500 Broadway, New York, NY 10036. Representative: Howard S. Boros, Suite 460, 1120 Connecticut Ave. NW. Washington, DC 20036, (200) 296–3766. As a *broker*, at New York, NY, of *passengers and their baggage*, between points in the U.S.

MC 153994, (Sub-1), filed April 13, 1981, previously published in the FR on April 28, 1981. Applicant: NORM

SCHILLING TRUCKING, INC., 18042 S Kedzie Ave., Hazelcrest, IL 60429. Representative: Philip A. Lee, 120 W Madison, St., Chicago, IL 60602, (312)–236–8225. Transporting *clay, concrete, glass or stone products*, between points in the U.S., under continuing contract(s) with Permacrete Products Corp., of South Holland, IL.

Note.—This republication indicates that the applicant is a contract carrier.

James H. Bayne,

Acting Secretary.

[FR Doc. 81-17826 Filed 6-15-81, 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF LABOR

Mine Safety and Health Administration

[Docket No. M-80-149-C]

G & A Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

G & A Coal Company, Box 69—Keyrock Road, Pineville, WV 24874 has filed a petition to modify the application of 30 CFR 75.1710 (cabs and canopies) to its #2 Deep Mine located in Wyoming County, West Virginia. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statement follows:

1. The coal seam varies from 42 to 50 inches in height, with uneven top and bottom conditions. Petitioner states that a lower coal height is anticipated in the near future.

2. Petitioner states that the use of cabs or canopies on the mine's shuttle cars would result in a diminution of safety to the miners affected because:

a. The canopies strike the roof, dislodging roof support and weakening the roof;

b. The seats must be removed to allow sufficient room for the operator, causing a painful and discomforting seating position;

c. The equipment operator's visibility is hampered by the canopies, causing the operators to lean out from the equipment and expose themselves to hazards;

d. When the equipment hits a bump, it bounces the operator's head against the top of the canopy, causing injury and discomfort to the operator.

3. For these reason, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before July 16, 1981. Copies of the petition are available for inspection at that address.

Dated: December 3, 1980.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-17827 Filed 6-15-81, 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-81-118-C]

Mary Lou Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Mary Lou Coal Company, Route 1, Box 31, Hurley, Virginia 24620 has filed a petition to modify the application of 30 CFR 75.305 (weekly examinations for hazardous conditions) to its No. 1 mine located in Buchanan County, Virginia. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that return air courses be examined in their entirety by a certified person.

2. Numerous roof falls have occurred along the return airways making travel of the entire airways extremely hazardous.

3. As an alternate method petitioner proposes to establish and maintain three air measuring stations at specified locations. Results of each examination will be recorded in a date book at each location.

4. Petitioner states that this alternate method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before July 16, 1981. Copies of the petition are available for inspection at that address.

Dated June 19, 1981.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-17831 Filed 6-15-81, 8:45 am]

BILLING CODE 4510-43-M

Office of the Secretary

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to Section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than June 26, 1981.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to

the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than June 26, 1981.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 202210.

Signed at Washington, D.C. this 8th day of June 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

Appendix

Petioner Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Clinton Mills of Geneva (workers)	Geneva, AL	6/8/81	5/28/81	TA-W-12,736	Cotton cloth.
Columbian Chemicals Company (workers)	Trenton, NJ	6/2/81	5/27/81	TA-W-12,737	Iron oxide.
Ford Aerospace & Communications Corp. (workers)	Lansdale, PA	5/22/81	5/20/81	TA-W-12,738	Onboard computers, speed control device, stereo tape cassette radio, electronic voltage regulators, solid state ignition module, sensors.
General Tire & Rubber Co., Chemical Plastic/Industrial Products Group (workers)	Newcomerstown, Ohio	6/2/81	5/20/81	TA-W-12,739	Rigid plastics sheets.
J.C. Sportswear Company, Inc. (company)	New york, NY	5/28/81	5/26/81	TA-W-12,740	Jackets, skirts and pants.
Jen Morton, Inc (workers)	New York, NY	5/29/81	5/26/81	TA-W-12,741	Contractors of ladies' lingerie.
Jen Morton (Shaping) (workers)	Beacon, NY	5/29/81	5/26/81	TA-W-12,742	Contractor of ladies' lingerie.
LGAM Manufacturing Company (ILGWU)	Woodsfield, Ohio	6/3/81	5/26/81	TA-W-12,743	Ladies' blouses.
Sanchez International, General Metal Fabricators (workers).	Gray, TN	5/15/81	5/10/81	TA-W-12,744	Auto parts.
T.M. Landis, Inc (workers)	Mainland, PA	6/3/81	5/28/81	TA-W-12,745	Beef slaughtering.
(The) Toro Company, Shakopee Die Cast Plant (workers).	Shakopee, MN	6/4/81	5/28/81	TA-W-12,746	Die cast aluminum lawn mower decks, gear cases and other small parts.
Wean United, Inc. (USWA)	Canton, Ohio	6/3/81	5/30/81	TA-W-12,747	Iron rolls.
Zevon Textile Service Co., Inc (workers)	New York, NY	6/3/81	6/1/81	TA-W-12,748	Textile refolding.
Ford Motor Co.-Virginia Parts Distribution center (workers)	Richmond, VA	5/28/81	5/6/81	TA-W-12,749	Parts depot.

[FR Doc. 81-17828 Filed 6-15-81; 8:45 am]

BILLING CODE 4510-28-M

Office of Pension and Welfare Benefit Programs

[Exemption Application No. D-1777]

Proposed Exemption for Certain Transactions Involving the Mead Retirement Master Trust Located in Dayton, Ohio; Hearing

AGENCY: Department of Labor.

ACTION: Notice of hearing.

SUMMARY: This document contains a notice of public hearing with respect to an application filed on behalf of the Mead Retirement Master Trust (the Plan). The application is for an exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and from certain taxes imposed by the Internal Revenue Code of 1954 (the Code). The public hearing will allow persons who would be affected by the proposed exemption to present oral comments to the Department of Labor (the Department).

DATES: The hearing will be held Friday, July 10, 1981 at 10 a.m. Persons who wish to present oral comments at the hearing shall submit a statement to that effect, which must be received by the Department on or before Thursday, July 2, 1981.

ADDRESSES: The hearing will be held in Room N-5437 C and D of the Department of Labor Building, 200 Constitution Ave., NW., Washington, D.C.

Statements and any written comments on the proposed exemption should be sent to: Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, 200 Constitution Avenue, NW., Washington, D.C. 20216. Attention: Hearing for Application No. D-1777. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, NW., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Paul R. Antsen of the Department, (202) 523-6915. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of a public hearing to be held before the Department with respect to a proposed exemption from the restrictions of sections 406(a), 406 (b)(1) and (b)(2), and 407(a) of the Act and from the taxes imposed by section 4975 (a) and (b) of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code. The proposed exemption was requested in an application filed on behalf of the Plan, pursuant to section 408(a) of the Act, and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975).

The proposed exemption, if granted, would permit: (1) The contribution by the Mead Corporation (Mead), the sponsoring employer, of several parcels of improved real estate subject to an existing ground lease to the Plan; (2) the holding by the Plan of such real estate; (3) the guaranteed payment of rent by Mead to cure an act of default for a limited period of time; (4) the guaranteed repurchase of the real estate by Mead in the event of a default on the ground lease or inability of the Plan to rent or sell the property upon the expiration of the ground lease; and (5) the exercise of certain contingent voting rights by Mead during the existence of the ground lease.

A Notice of Pendency of the proposed exemption was published in the **Federal Register** on Friday, February 20, 1981 (46 FR 13425). By means of the Notice of Pendency, interested persons were invited to submit written comments and requests for a public hearing with respect to the proposed exemption. Two comments and one request for a public hearing have been received by the Department.

Based on the request, the Department has determined that a public hearing regarding the proposed exemption will be held on Friday, July 10, 1981 beginning at 10 a.m. in Room N-5437 C and D of the Department of Labor Building, 200 Constitution Avenue, NW., Washington, D.C. 20216.

Any person who desires to present oral comments at the hearing, and who wishes to be assured of being heard, shall submit a statement to that effect, indicating the amount of time he wishes

to devote to his oral comments. Such statement and any written comments that such person wishes to be considered in conjunction with his presentation should be submitted to the address specified in "Address" above, within the time period set forth in "Dates" above.

An agenda will be prepared by the Department, containing the order of presentation of oral comments. Copies of the agenda will be available at the hearing. Information concerning contents of the agenda may be obtained on or after Monday, July 6, 1981 by telephoning the person whose name and number are shown above.

Ordinarily, ten minutes will be allowed each person for making an oral presentation. In addition, persons presenting such oral comments should be prepared to answer questions relating to the proposed exemption. At the conclusion of presentation of comments by persons listed on the agenda, other comments will be received to the extent time permits. The public hearing will be transcribed.

Signed at Washington, D.C., this 12th day of June 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services, Department of Labor.

[FR Doc. 81-17984 Filed 6-15-81; 8:45 am]

BILLING CODE 4510-29-M

NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE

Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1976), as amended, notice is hereby given that the National Advisory Committee on Oceans and Atmosphere (NACOA) will hold a meeting on Monday and Tuesday, June 29 and 30, 1981, in Room 418, Page Building 1, 2001 Wisconsin Avenue, NW., Washington, D.C.

The Committee, consisting of 18 non-Federal members appointed by the President from academia, business and industry, public interest organizations, and State and local government, was established by Congress by Public Law 95-63, on July 5, 1977. Its duties are to (1) undertake a continuing review, on a selective basis, of national ocean policy, coastal zone management, and the status of the marine and atmospheric science and service programs of the United States; (2) advise the Secretary of Commerce with respect to the carrying out of the programs administered by the National Oceanic and Atmospheric Administration; and (3) submit an annual report to the President and to the Congress setting forth an assessment, on a selective basis, of the status of the Nation's marine and atmospheric activities, and submit such other reports as may from time to time be requested by the President or Congress.

The tentative agenda contains the following topics:

Monday, June 29, 1981

Plenary

9:00 a.m.–9:30 a.m.—Announcements
9:30 a.m.–11:00 a.m.—Federal Oceans Program, Martin Belsky, Executive Secretary, Committee on Atmosphere and Oceans, Assistant Administrator, Policy & Planning, National Oceanic and Atmospheric Administration (NOAA)
11:00 a.m.–12:00 noon—Guest Speaker: Gerald J. Kovach, General Counsel, Senate Commerce, Science, and Transportation Committee
12:00 noon–1:00 p.m.—Lunch
1:00 p.m.–2:30 p.m.—Proposals for new NACOA activity
1:00 p.m.–1:30 p.m.—Provision of Weather Services: Warren Washington
1:30 p.m.–2:00 p.m.—Regulatory Activity: Peter Emerson
2:00 p.m.–2:30 p.m.—Environmental Research: John Knauss

Panel Meetings

2:30 p.m.–5:00 p.m.—Oil Spill Liability and Compensation, Room B-100; Atmospheric Science Research Facilities: Louis Battan
5:00 p.m.—Adjourn

Tuesday, June 30, 1981

Panel Meeting

8:30 a.m.–10:00 a.m.—Hydrology: Paul Bock

Plenary

10:00 a.m.–11:30 a.m.—NAVSTAR Global Positioning System. Speakers: Lt. Col. John H. Martel, USAF, Office of the Under Secretary of Defense; Capt. John C. Fueschel, USCG (Ret.), National Ocean Industries Assoc.
11:30 a.m.–12:00 noon—Topex
12:00 noon–1:00 p.m.—Lunch
1:00 p.m.–3:30 p.m.—Plenary: Panel Reports, Other Business
3:30 p.m.—Adjourn

Persons desiring to attend will be admitted to the extent seating is available. Persons wishing to make formal statements should notify the Chairman in advance of the meeting. The Chairman retains the prerogative to impose limits on the duration of oral statements and discussions. Written statements may be submitted before or after each session.

Additional information concerning this meeting may be obtained through the Committee's Executive Director, Steven N. Anastasion, whose mailing address is: National Advisory Committee on Oceans and Atmosphere, 3300 Whitehaven Street NW., (Room 438, Page Building #1), Washington, D.C. 20235. The telephone number is (202) 653-7816.

Dated June 11, 1981.

Steven N. Anastasion,

Executive Director.

[FR Doc. 81-17777 Filed 6-15-81; 8:45 am]

BILLING CODE 3510-12-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards, Subcommittee on Class-9 Accidents; Meeting

The ACRS Subcommittee on Class-9 Accidents will hold a meeting on June 30, 1981 at the Regent of Albuquerque, 201 Marquette Street, N.W., Albuquerque, NM to discuss the feasibility of the use of a filtered-vented containment systems in nuclear plants. Notice of this meeting was published May 19.

In accordance with the procedures outlined in the **Federal Register** on October 7, 1980, (45 FR 66535), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The meeting will be open except for those sessions which will be closed to public attendance to ensure the security of information identified and supplied by a foreign government in confidence (Sunshine Act Exemption 4) and Commission regulations 10 CFR 7.9, 9.104(a)(4) and 2.790(d)(2). For the reason just stated, such a discussion would not be possible if held in public session. To the extent practicable, these closed sessions will be held so as to minimize inconvience to members of the public in attendance.

The agenda for subject meeting shall be as follows: *Tuesday, June 30, 1981, 8:30 a.m. until the conclusion of business.*

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be

considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Dr. Richard Savio (telephone 202/634-3267) between 8:15 a.m. and 5:00 p.m., EDT.

I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act, that it may be necessary to close portions of this meeting to public attendance to ensure the security of information identified and supplied by a foreign government in confidence. The authority for such closure is Exemption (4) to the Sunshine Act, 5 U.S.C. 552b(c)(4) and Commission regulations 10 CFR 7.9, 9.104(a)(4) and 2.790(d)(2).

Dated: June 11, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81-17814 Filed 6-15-81; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards, Subcommittee on Structural Engineering; Meeting

The ACRS Subcommittee on Structural Engineering will hold a meeting on July 1, 1981 at the Regent of Albuquerque, 201 Marquette Street, N.W., Albuquerque, NM to discuss the containment research being conducted by Los Alamos Scientific Laboratory and Sandia Laboratories.

In accordance with the procedures outlined in the **Federal Register** on October 7, 1980, (45 FR 66535), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance.

The agenda for subject meeting shall be as follows: *Wednesday, July 1, 1981 8:30 a.m. until the conclusion of business.*

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal employee, Mr. Elpidio Igne (telephone 202/634-1414) between 8:15 a.m. and 5:00 p.m., EDT.

Dated: June 10, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81-17815 Filed 6-15-81; 8:45am]

BILLING CODE 7590-01-M

[Docket No. 50-155]

Consumers Power Co.; Issuance of Amendment to Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 44 to Facility Operating License No. DPR-6 for the Big Rock Point Nuclear Plant to Consumers Power Company (the licensee), which revised the Technical Specifications for operation of the Big Rock Point Nuclear Plant, located in Charlevoix County, Michigan. The amendment is effective as of the date of issuance.

The amendment authorizes a change in the reactor operating limits based on a new Loss-of-Coolant-Accident (LOCA) analysis.

The application for amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of the amendment is not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of the amendment will not result in any signifcant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in conncetion with the issuance of the amendment.

For further details with respect to this action, see (1) the application for amendment dated February 25, 1980, (2) Amendment No. 44 to Facility Operating License No. DPR-6 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Charlevoix Public Library, 107 Clinton Street, Charlevoix, Michigan 49720. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 9th day of June, 1981.

For the Nuclear Regulatory Commission.

Dennis M. Crutchfield,

Chief, Operating Reactors Branch #5, Division of Licensing.

[FR Doc. 81-17816 Filed 6-15-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-369 OL & 50-370 OL]

Duke Power Co. (William B. McGuire Nuclear Station, Units 1 & 2); Reconstitution of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority conferred by 10 CFR § 2.787(a), the Chairman of the Atomic Safety and Licensing Appeal Panel has reconstituted the Atomic Safety and Licensing Appeal Board for this operating license proceeding to consist of the following members: Alan S. Rosenthal, Chairman, Dr. John H. Buck, Christine N. Kohl.

Dated: June 9, 1981.

C. Jean Bishop,

Secretary to the Appeal Board.

[FR Doc. 81-17817 Filed 6-15-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-250 SP & 50-251 SP]

Florida Power & Light Co. (Turkey Point Nuclear Generating Units Nos. 3 & 4); Assignment of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority conferred by 10 CFR § 2.787(a), the Chairman of the Atomic Safety and Licensing Appeal Panel has assigned the following panel members to serve as the Atomic Safety and Licensing Appeal Board for this

steam generator repairs proceeding: Alan S. Rosenthal, Chairman, Dr. John H. Buck, Thomas S. Moore.

Dated: June 9, 1981.

C. Jean Bishop,

Secretary to the Appeal Board.

[FR Doc. 81-17818 Filed 6-15-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-298]

Nebraska Public Power District; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 71 to Facility Operating License No. DPR-46, issued to Nebraska Public Power District, which revised the Technical Specifications for operation of the Cooper Nuclear Station, located in Nemaha County, Nebraska. The amendment is effective as of the date of its issuance.

This amendment modifies Appendix B of the Technical Specifications to delete Section 2.1.5/3.1.5 regarding the limit for rate of temperature change at the mixing zone boundary. Other miscellaneous administrative changes that were inadvertently omitted from License Amendment 68 are also included.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment is a ministerial action and an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated March 31, 1981, (2) Amendment No. 71 to License No. DPR-46, and (3) the Commission's letter to the licensee dated June 9, 1981. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. and at the Auburn Public Library, 118 15th Street, Auburn, Nebraska 67305. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 9th day of June 1981.

For the Nuclear Regulatory Commission.

Thomas A. Ippolito,

Chief Operating Reactors Branch No. 2 Division of Licensing.

[FR Doc. 81-17819 Filed 6-15-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-244]

Rochester Gas and Electric Corp.; Issuance of Amendment to Provisional Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 43 to Provisional Operating License No. DPR-18, to Rochester Gas and Electric Corporation (the licensee), which revised the Technical Specifications for operation of the R. E. Ginna Nuclear Power Plant (the facility) located in Wayne County, New York. The amendment is effective as of its date of issuance.

The amendment modifies the provisions of the Technical Specifications to provide for redundancy in decay heat removal capability in all modes of operation.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR §51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment notarized November 12, 1980 (transmitted by letter dated November 17, 1980), and (2) Amendment No. 43 to License No. DPR-18, including the Commission's letter of transmittal. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Rochester Public Library, 115 South Avenue, Rochester, New York 14627. A copy of item (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 3rd day of June, 1981.

For the Nuclear Regulatory Commission.

Dennis M. Crutchfield,

Chief Operating Reactors Branch #5 Division of Licensing.

[FR Doc. 81-17820 Filed 6-15-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-445 50-446]

Texas Utilities Generating Co., et al.; Application for Operating License Order for Prehearing Conference

In the Matter of Texas Utilities Generating Company, *ET AL* (comanche Peak Steam Electric Station, Units 1 and 2).

Before Administrative Judges: Valentine B. Deale, Chairman Dr. Richard F. Cole Dr. Forrest J. Remick.

Notice is hereby given that, in keeping with the Licensing Board Chairman's conference call to the parties on June 2, 1981 and the Board Memorandum (Prehearing Conference Agenda) served June 8, 1981, and in accordance with the Commission's Rules of Practice, 10 CFR Part 2, a Prehearing Conference will be held at the National Labor Relations Board Hearing Room 8A-24, Federal Building, 819 Taylor Street, Fort Worth, Texas 76012 on Wednesday and Thursday, July 8 and 9, 1981 commencing at 9:30 a.m. local time.

The conference will deal principally with matters of discovery and scheduling as outlined in the Board Memorandum to the parties on June 8, 1981.

It is so ordered.

Dated at Bethesda, Maryland this 10th day of June, 1981.

For the Atomic Safety and Licensing Board.

Valentine B. Deale,

Chairman, Administrative Judge.

BILLING CODE 4510-43-M

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 22082; 31-705]

Deltona Corp.; Application for Authorization To Acquire Gas Utility Company and for Order or Exemption

In the Matter of the Deltona Corporation, Deltona Utilities, Inc., United Florida Utilities Corporation, the

Mackle Company, Inc., 3250 S.W. Third Avenue, Miami, Florida 33129.

Notice is hereby given That the Deltona Corporation ("Deltona"), a Delaware corporation, Deltona Utilities, Inc. ("Utility I") and United Florida Utilities Corporation ("Utility II"), both of which are Florida corporations and are wholly-owned subsidiaries of Deltona, and The Mackle Company, Inc. ("Mackle"), a corporation owning approximately 12.55% of the outstanding common stock of Deltona, have filed with this Commission an application and amendments thereto pursuant to the Public Utility Holding Company Act of 1935 ("Act") requesting (1) authorization under Sections 9(a)(2) and 10 for Deltona to acquire the common stock of Utility II and (2) an order under Section 2(a)(4) declaring Utility I and Utility II not to be "gas utility companies" under the Act, or, in the alternative, an order under Section 3(a)(3) exempting Deltona and Mackle on the ground that Deltona and Mackle are only incidentally holding companies, being primarily engaged in one or more businesses other than the business of a public utility company. All interested persons are referred to the amended application, which is summarized below, for a description of Deltona's acquisition of Utility II and a description of applicants and a statement of the bases upon which the exemptions are sought.

Deltona is engaged, directly and through subsidiaries, in real estate development in Florida, and in the lumber, airline and broadcasting businesses. At December 31, 1980, Deltona reported consolidated assets of $356,678,000 and for the year then ended, consolidated revenues of $207,321,000 and net income of $4,604,000. Deltona is now developing nine Florida communities, and holds land for future development in 12 other Florida locations. Deltona has had a practice of providing water, sewage, sewage and LP gas services to its communities since opening its first comunity in 1962. Deltona involvement extended to the design, installation and operation of the utility systems. Prior to January 1979, all utility operations were conducted as divisions of Deltona.

Deltona's revenues from the gas revenues of Utility I and Utility II were 1.17% and 0.02%, respectively, of Deltona's consolidated revenues for the year ended December 31, 1980. For the year 1980 net income from gas operations of Utility I and Utility II were $55,913 and $6,474, or 1.21% and 0.14%, respectively, of Deltona's consolidated net income.

In January 1979 the assets for the furnishing of water, sewage and LP gas services to three communities were transferred, at cost, from Deltona to Utility I.[1] On January 10, 1980, Deltona incorporated Utility II and subsequently transfetted to it, at cost, the assets for the furnishing of water, sewage and LP gas services to five other communities.[2] At December 31, 1980, Utility I had about 6,500 LP gas customers and Utility II had about 1,300 such customers.

Utility I and Utility II furnish LP gas service through three methods. First, from storage tanks, owned by the utilities, which distribute through underground gas mains, also owned by the utilities. Second, Utility I and Utility II operate the facilities for distribution by tanks, owned by the supplier or the utility and located on utility or privately owned property, trough underground service lines serving one to four homes. Third, LP gas is sold in 100 pound portable cylinders. The sales in exclosed portable containers do not constitute the distribution of gas at retail under section 2(a) (4) and are an insignificant portion of applicants' sales of LP gas.

The operatiing revenues of Utility I, by category and as a percentage of total revenues, for the year ended December 31, 1980 were as follows:

	Revenues	Percentage of total
Water	$2,703,180	39.4
Sewer	1,690,029	24.6
Gas	2,418,023	35.2
Other	51,756	.8
Total	6,862,988	100.0

The operating revenues of Utility II, by category and as a percentage of total revenues, for the year ended December 31, 1980, were as follows:

	Revenues	Percentage of total
Water	$224,676	32.3
Sewer	252,641	25.1
Gas	411,434	40.9
Other	16,747	1.7
Total	1,005,698	100.0

The LP gas operations of Utility I and Utility II do not constitute a utility service under Florida law.[3] The companies do not hold franchises for funishing LP gas service, do not have eminent domain authority, and their rates are not subject to state regulation.

Applicants request an order declaring Utility I and Utility II not to be "gas utility companies" under Section 2(a)(4). Section 2(a)(4) provides, in part, that the Commission may declare a company not to be a "gas utility company" if it finds that "(A) such company is primarily engaged in one or more businesses other than the business of a gas utility company, and (B) by reason of the small amount of natural or manufactured gas distributed at retail by such company it is not necessary in the public interest or for the protection of investors and consumers that such company be considered a gas utility company for the purposes of [the Act]." Applicants also request an exemptive order under Section 3(a)(3) for Deltona and Mackle on the ground that Deltona and Mackle are only incidentally holding companies, being primarily engaged in non-utility businesses.

The fees and expenses to be incurred in connection with Deltona's acquisition of Utility II will be supplied by amendment. No state or federal Commission, other than this Commission, has jurisdiction with respect to said acquisition.

Notice is further given that any interested person may, not later than July 6, 1981, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said amended application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request

[1] The communities served by Utility I, Deltona (between Orlando and Daytona Deach), Marco island (on the Gulf coast of southwest Florida) and Spring Hill (45 miles north of Tampa), are not contiguous.

[2] The communities served by Utility II, Sunny Hills (in the Florida panhandle), Citrus Springs (28 miles southeast of Ocala), Pine Ridge (south of Citrus Springs), Marion Oaks (18 miles south of Ocala) and St. Augustine) are for the most part non-contiguous.

[3] Florida Stat. section 366.02(1) (Supp. 1980).

should be served personally or by mail upon the applicants at the above-stated address, and proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) should be filed with the request. At any time after said date, the application, as amended or as it may be further amended, may be granted as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-17800 Filed 6-15-81; 8:45 am]

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Sunshine Act Meetings

Federal Register
Vol. 46, No. 115
Tuesday, June 16, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

	Items
Equal Employment Opportunity Commission	1
Federal Reserve System	2
National Railroad Passenger Corporation	3
National Transportation Safety Board	4
Overseas Private Investment Corporation	5

1

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

DATE AND TIME: 9:30 a.m. (eastern time), Tuesday, June 16, 1981.

PLACE: Commission Conference Room, No. 5240, fifth floor, Columbia Plaza Office Building, 2401 E Street, NW, Washington, D.C. 20506.

STATUS: Part will be open to the public and part will be closed to the public.

MATTERS TO BE CONSIDERED: Open:

1. Freedom of Information act Appeal No. 81-3-FOIA-21-NYDO, concerning a request for materials in two closed ADEA and EPA charge files.
2. Freedom of Information Act Appeal No. 81-2-FOIA-3, concerning a request for access to an open Title VII complaint file.
3. A Report on Commission Operations by the Executive Director.

Closed to the Public:

1. Litigation Authorization; General Counsel Recommendations.

Note.—Any matter not discussed or concluded may be carried over to a later meeting.

CONTACT PERSON FOR MORE INFORMATION: Treva I. McCall, Executive Officer, Executive Secretariat, at (202) 634-6748.

This Notice Issued June 10, 1981.

[S-932-81 Filed 6-12-81; 3:14 pm]

BILLING CODE 6750-06-M

2

FEDERAL RESERVE SYSTEM.

TIME AND DATE: 10 a.m., Friday, June 19, 1981

PLACE: 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. The Committee's agenda will consist of matters relating to (a) the general administrative policies and procedures of the Retirement Plan, Thrift Plan, Long Term Disability Income Plan, and Insurance Plan for Employees of the Federal Reserve System; (b) general supervision of the operations of the Plans; (c) the maintenance of proper accounts and accounting procedures in respect to the Plans; (d) the preparation and submission of an annual report on the operations of each of such Plans; (e) the maintenance and staffing of the Office of the Federal Reserve Employee Benefits System; and (f) the arrangement for such legal actuarial, accounting, administrative, and other services as the Committee deems necessary to carry out the provisions of the Plans.

Specific items include continuation of funding of the Retirement Plan.

2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452-3204.

Dated: June 11, 1981

James McAfee,

Assistant Secretary of the Board.

[S-929-81 Filed 6-11-81; 4:19 pm]

BILLING CODE 6210-01-M

3

NATIONAL RAILROAD PASSENGER CORPORATION.

Board of Directors Meeting

In accordance with Rule 4(a) of Appendix A of the Bylaws of the National Railroad Passenger Corporation, notice is given that the Board of Directors will meet on June 24, 1981.

A. The meeting will be held on Wednesday, June 24, 1981, in the Caucus Room, Lobby Level, Loew's L'Enfant Plaza Hotel, 480 L'Enfant Plaza, SW., Washington, D.C., beginning at 9:30 a.m.

B. The meeting will be open to the public at 10:30 a.m. beginning with agenda item No. 3, as described below.

C. The agenda items to be discussed at the meeting follow.

Agenda

(9:30) *Closed Session*
1. Internal Personnel Matters
2. Litigation Matters
(10:30) *Open Session*
3. Approved of Minutes of Regular Meeting of May 27, 1981
4. Resolution Increasing Non-guaranteed Borrowing Authority
5. Resolution Establishing Policy for Retirement of (Non-rolling Stock) Fixed Assets
6. Resolution Authorizing Corporate Officers to Execute Agreements for Development of 30th Street Station—Philadelphia
7. Board Committee Reports
   Finance
   Legal Affairs
   Northeast Corridor Improvement Project
   Organization & Compensation
8. President's Report
9. New Business
10. Adjournment

D. Inquiries regarding the information required to be made available pursuant to Appendix A of the Corporation's Bylaws should be directed to the Corporate Secretary at (202) 383-3754.

Sandra Spence,

Corporate Secretary.

June 12, 1981

[S-931-81 Filed 6-12-81; 2:05 am]

BILLING CODE ????-??-M

4

NATIONAL TRANSPORTATION SAFETY BOARD.

TIME AND DATE: 9 a.m., Tuesday, June 23, 1981.

PLACE: NTSB Board Room, National Transportation Safety Board, 800 Independence Avenue, S.W., Washington, D.C. 20594.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. *Marine Accident Report:* Disappearance of U.S. Freighter *SS Poet* in the North Atlantic Ocean about October 25, 1980, and *Recommendations* to the Federal Communications Commission; the U.S. Coast Guard; the U.S. Maritime Administration; the American Bureau of Shipping; the Hawaiian Eugenia Corp., and International Ship Management and Agency Services; the Radio Officers Union; the National Aeronautics and Space Administration; and the National Cargo Bureau, Inc.
2. *Marine Accident Report:* U.S. Tug *Sentinel*, Loss of Tow and Resultant Grounding of Barges *Kona* and *Agattu*, Gulf of Farralones, Pacific Ocean, December 31, 1979, and *Recommendations* to the National Oceanic and Atmospheric Administration and to the National Weather Service.
3. *Letter* to Air Line Pilot's Association regarding Petition of Reconsideration of Probable Cause in Aircraft Accident, PSA

Boeing 727 and Cessna 172G, N771G, San Diego, California, September 25, 1978.

4. *Recommendation* to the Federal Aviation Administration regarding takeoff and landing minimums and associated visibility observations.

CONTACT PERSON FOR MORE INFORMATION: Sharon Flemming 202–382–6525.

June 12, 1981.

[S–933–81 Filed 6–12–81; 3:30 pm]

BILLING CODE 4910–58–M

5

OVERSEAS PRIVATE INVESTMENT CORPORATION:

Meeting of the Board of Directors

TIME AND DATE: Meeting of the OPIC Board or Directors: Tuesday June 23, 1981 at 9 a.m. (closed portion); 11 a.m. (open portion).

PLACE: Offices of the Corporation, seventh floor board room; 1129 20th Street, N.W., Washington, D.C.

STATUS: The first part of the meeting from 9 a.m. to 11 a.m. will be closed to the public. The open portion of the meeting will start at 11 a.m.

MATTERS TO BE CONSIDERED: Closed to the Public: 9 a.m. to 11 a.m.:

1. 1981 Legislative Renewal.
2. Insurance Project in Central American Country.
3. Insurance Project in African Country.
4. Insurance Project in Middle East Country.
5. Insurance Project in Caribbean Country.
6. Finance Project in Caribbean Country.
7. Claims Report.
8. Information Report: Insurance Project in Caribbean Country.
9. Information Reports.

FURTHER MATTERS TO BE CONSIDERED: Open to the public: 11 a.m.

1. Approval of the Minutes of the Previous Board Meeting.
2. Confirmation of Scheduled Board Meetings.
3. Personnel Actions.
4. Determination of Countries Qualifying as Developing Countries for OPIC Programs.
5. Application of Country Eligibility Guidelines for Newly-Designated High-Income Developing Countries.
6. Board Delegation of Authority to Management for Insurance and Finance Projects.
7. Financial Statements.
8. Information Reports.

CONTACT PERSON FOR INFORMATION: Information with regard to this meeting may be obtained from the Secretary of the Corporation at (202) 653–2949.

June 12, 1981.

Elizabeth A. Burton,

Corporate Secretary.

[S–930–81 Filed 6–12–81; 10:30 am]

BILLING CODE 3210–01–M

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federal register

Tuesday
June 16, 1981

Part II

International Development Cooperation Agency

Agency for International Development

AID Procurement Regulations; Reinstatement of Appendices

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

41 CFR Ch. 7-1

[AIDPR Notice 81-6]

Reinstatement of the Appendices in the AID Procurement Regulations

AGENCY: Agency for International Development.

ACTION: Final rule.

SUMMARY: This AIDPR Notice amends the AID Procurement Regulations (AIDPR) to reinstate the AIDPR Appendices. The Appendices improve the quality and utility of the AIDPR by providing:

(1) Supplemental, background, and explanatory information that contributes by illustration or amplification to the understanding of AID Procurement Regulations;

(2) Forms which illustrate or must be used with certain aspects of regulatory text;

(3) Agency procedures that supplement the AIDPR text.

The Appendices do not amend or affect existing portions of CFR text, nor do they introduce any new requirements or restrictions into the AIDPR.

The Appendices bear self-explanatory subject titles, conform to a uniform system of designation for appendices throughout the AIDPR, and indicate or will indicate, when applicable, the specific regulatory provision to which the appendix is related.

EFFECTIVE DATE: June 16, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. V. Henry Walker, CM/SD/POL, Agency for International Development, Washington, D.C. 20523, (703) 235-9107.

SUPPLEMENTARY INFORMATION: The AIDPR Appendices were originally published within AID as manual orders, policy determinations, or similar issuances. They were incorporated into the CFR in 39 FR 36965 on October 16, 1974, and additional Appendices were added in 41 FR 21640 on May 27, 1976. They were removed from the CFR on June 8, 1978, 43 FR 24839, for distribution under the new AID Handbook system.

However, publication in the AID Handbook system proved inadequate as a means of communicating, to AID contractors and the general public, the policies and procedures in practice with respect to the AIDPR's.

Publishing the Appendices in the looseleaf, essentially internal Handbook system, as a separate issuance from the AIDPR, also proved as a practical matter to be less than efficient for the purposes of AID procurement personnel, especially those serving overseas in AID missions.

Accordingly, this notice is issued to rejoin the AIDPR and AIDPR appendices in a single CFR publication, to be amended by **Federal Register** notices from time to time, with characteristically broad CFR availability for AID personnel, AID contractors, and the general public.

41 CFR Chapter 7 is amended as follows:

1. Add "Appendices" following the last entry in the table of Parts of the AIDPR.

PART 7-1—GENERAL

2. § 7-1.105-5 is revised as follows:

§ 7-1.105-5 Appendices.

Procurement policies and instructions which are essentially informational or procedural may be issued as Appendices to the AIDPR. Appendices are filed behind the main text of the AIDPR in a section entitled "Appendices." The Appendices section contains a table of contents and individual Appendices. The Appendices are identified by letter and subject title (e.g., Appendix A, [title]).

3. Add a new Appendices Table of Contents following the main AIDPR text (Part 7-60) and Appendices A-L to read as follows:

Appendices

Appendix A—Respective Role of Contracting and Other Personnel in the AID Procurement Process
Appendix B—AID Contract Formats
Appendix C—Contractor Performance Evaluation Report
Appendix D—Notice to Cost-Reimbursement Type Contractors of Changes in Applicable Standardized Government Regulations
Appendix E—Logistic Support Overseas to AID-Direct Contractors
Appendix F—Direct AID Contracts With U.S. Citizens or U.S. Residents for Personal Services Abroad
Appendix G—Contract Closeout Procedures
Appendix H—Use of Collaborative Assistance Method for AID Direct Contracts for Technical Assistance
Appendix I—Approval and Reporting Procedures for Contractor Proposed Salaries Including Those That Exceed The Statutory Limitation On Basic Pay of An FSR-1
Appendix J—Resolution of Costs Questioned in Audit Reports
Appendix K—AID's Academic Publication Policy
Appendix L—Review and Certification of Procurement Regulations

Appendix A—Respective Roles of Contracting and Other Personnel in the AID Procurement Process

1. Basic Policy

Only a contracting officer, designated to enter into contracts and make the determinations and findings related thereto (or an authorized representative of the contracting officer acting within the limits of his authority), may bind the United States Government to a contract, or direct or authorize a contractor to proceed with work (see FPR § 1-1.207, § 1-3.801).

2. Planning, Competition, Negotiation, and Award

(a) Preaward technical discussions with potential contractors should be conducted in such a manner as to preclude the assumption by any potential contractor that a commitment has been made to him. AID employees are responsible for insuring that no unfair competitive advantage is afforded one contractor over any other contractor in competing for Agency contracts. In this connection, discussions with prospective contractors prior to the final selection of the contractor and commencement of negotiations by the contracting officer must be conducted with the greatest discretion. Under no circumstances should the specific amount of funds which the Agency has available to support a contract be made known to a prospective contractor. No AID employee is authorized to dilute the Agency's negotiation position prior to or during an "arm's length" negotiation conducted between AID and the contractors with whom it does business. The requirement for preservation of the Agency's negotiation position must be scrupulously observed whether the procurement is to be negotiated with a single, non-competitive source or whether it is to be negotiated on the basis of multiple competitive proposals. It is advisable to involve the contracting officer in the project planning cycle as early as possible, and to insure that he or his representative is either present at any meeting with prospective contractors, or is consulted prior to such a meeting.

(b) Contracting personnel act upon requirements which are formulated by the planning, technical, and research offices of the Agency. Contracting officers obtain the information they need on technical requirements by questions and discussions with the planning, technical, and research offices of the Agency. If a contract is to be tenable, the end result which is desired must be described with completeness and exactitude. The scope of the work must be explicitly stated; otherwise the contracting officer cannot assure terms in a contract by which the desired action can be enforced. If the requiring office cannot provide a point of departure in these terms and deliver to the contracting officer a clear-cut description of the purpose and outline the limits of the scope, results may be disappointing and the possibility of deferring the project until these elements can be given more concrete dimensions should be considered. Finally, the requiring office should insure that the scope of work and funding information are

delivered to the contracting officer with sufficient lead time to allow for proper preparation and planning of the procurement.

(c) One of the paramount duties of the contracting officer is to secure competition to the maximum practical extent for any planned procurement.The procedures for formally advertised, or for publicized negotiated, or for limited source procurements differ; the contracting officer must determine the proper method of procurement and contract type, and must determine the extent of competition required. The technical office has a continuing responsibility to assist the contracting officer in this effort to obtain competition and negotiate a contract. Basically, this commences with adequate drafting of the statements of work and specifications. The technical office can frequently assist by identifying additional technically competent sources for the solicitation of proposals.

3. Contract Administration

Meetings to discuss contract matters with contractors should be preceded by sufficient advance notification to all parties, including the contracting officer, to permit advance arrangements for the attendance at such meetings. Technical personnel shall not hold discussions of contract problems with contractors or technical problems with contractual implications without arranging for attendance by contracting personnel. Once a meeting with a contractor has been agreed upon and the issues have been made known to all involved parties, an internal AID meeting should take place between technical and contracting personnel, with the Country Desk representative and such other personnel in attendance as may be necessary, to establish an AID position or line of inquiry to be followed in the meeting with the contractor. If differences of opinion arise among AID personnel in the meeting with the contractor, such differences should never be discussed in the meeting with the contractor. AID personnel shall adjourn to resolve privately any such differences of opinion, and resume discussions with the contractor only when the AID position is consolidated. The AID individual designated to chair meetings with a contractor should be selected prior to the meeting with the contractor. Depending upon the issues to be discussed, whether primarily technical or primarily contractual, the chairman should be designated from either the technical office or the contracting office.

Appendix B—AID Contract Formats

1. FPR and AIDPR Required Contract Clauses

FPR 1–7 and 1–16, and AIDPR 7–7 and 7–16 establish prescribed general provision clauses and contract cover pages for AID contracts.

2. General Provisions

(a) For administrative convenience, AID issues preprinted general provisions and additional general provisions, as shown in the list below:

AID Form No. and Title

1420–27H General Provisions—Contract for Participant Training
1420–41C General Provisions—Cost Reimbursement Type Contract
1420–41D Additional General Provisions—Cost Reimbursement Type Contract
1420–42C General Provisions—Fixed Price Technical Services Contract
1420–42D Additional General Provisions—Fixed Price Technical Services Contract
1420–23C General Provisions—Cost Reimbursement Contract with an Educational Institution
1420–23D Additional General Provisions—Cost Reimbursement Contract with an Educational Institution

(b) The preprinted general provisions and additional general provisions listed in paragraph 2(a), above, are preprinted as a convenience, to save typing and assembly time. Each AID contract negotiator and contracting officer is responsible for insuring that the contract contains the clauses required by the relevant sections of AIDPR 7–7 and FPR 1–7; the clauses set forth in AIDPR 7–7 and FPR 1–7 take precedence over equivalent clauses in the preprinted formats.

(c) The preprinted formats are updated as of October 1 of each year to bring them into conformance with the required clauses established in AIDPR Part 7–7 and FPR 1–7. Between such revisions, AID contract specialists are responsible for ensuring that the required clauses established in FPR 1–7 and AIDPR Part 7–7 are utilized.

3. Contract Schedules

Contract Schedule outlines have been prepared for optional use in developing the final contract schedule. The following outlines are available:

AID Form No. and Title

1420–41B Schedule—Cost Reimbursement Type Contract
1420–42B Schedule—Fixed Price Technical Services Contract
1420–23B Schedule—Cost Reimbursement Contract with an Educational Institution

4. Contract Cover Pages

Required cover pages are prescribed in FPR 1–16 and AIDPR 7–16.

5. Availability of Formats

The contract formats referenced herein are stocked by the AID Distribution Branch and by the Support Division, Office of Contract Management. Mission contracting offices should order their supply through AID Distribution; AID/W contracting offices, through the Support Division, Office of Contract Management.

Appendix C—Contractor Performance Evaluation Report

1. Purpose

(a) The Contractor Performance Evaluation Report (U–1423/1) is used to (1) provide a record of each contractor's performance for future evaluation purposes, (2) advise the contracting officer of the contractor's performance and provide the contracting officer with a basis for taking action, in consultation with the project manager, to avert or correct problems arising under the contract, (3) provide contracting officers and project managers with a means of evaluating contractors under consideration for other AID contracts, and (4) establish and update the Agency's central contractor evaluation file.

(b) The central file, located in the Small Business Division (SDB/SB) of the Office of Small and Disadvantaged Business Utilization, AID/W, constitutes the only official record of the contractor performance evaluation reports available to AID/W or Mission contracting officers and project managers for their use in evaluating contractors under consideration for other AID contracts. Before signing any new contract the AID/W or Mission contracting officer shall contact SDB/SB for information on the evaluation of past performance of the prospective contractor.

2. Applicability of the Evaluation Report (U–1423/1) [1]

The U–1423/1 Report (form AID 1420–43) applies to all AID-direct contracts and task orders, regardless of duration, except the following:

(a) Contracts for normal administrative services by Mission contracting offices and the Office of Management Operations (SER/MO). Examples of administrative services are those provided by interpreters, janitorial or maintenance workers, etc.

(b) Contracts for Interpreter/Escort Services.

(c) Task Orders issued under Agreements with educational institutions when the price paid for training is published in a catalog.

3. Reporting Periods

(a) The initial report covers the first 6-month period of contractor performance from the date the contract is signed. The U–1423/1 Report is due within 30 days after the end of that period.

(b) Thereafter, annual reports are prepared as part of the regularly scheduled project evaluation process and are submitted at the same time as the Project Appraisal Report (PAR) or equivalent.

(c) A final report is due within 30 days after the completion date of the contract. This report provides a summary evaluation of the whole period of contractor performance.

(d) If any contract is for a period of 6 months or less, the U–1423/1 Report is prepared and submitted within 30 days following the completion date of the contract.

4. Preparation and Distribution

(a) The project manager prepares the U–1423/1 Report.

(b) The initial report reflects the project manager's judgment based on observation and contractor progress reports. The final report is a synthesis of preceding evaluations and an overview of total performance.

(c) After completing the U–1423/1 Report, the project manager retains a copy in the official project file, forwards one copy to AID/W project support officer assigned to the project, and forwards the remaining two copies as follows:

(1) If the contract was executed by AID/W, both copies are sent to the Office of Contract Management, Support Division, Support

[1] Filed as part of the original document.

Services Branch (CM/SD/SUP). The Support Services Branch records the date of receipt and forwards both copies to the cognizant contracting officer; or

(2) If the contract was executed by a Mission, both copies are sent directly to the cognizant contracting officer.

5. Contracting Officer Review and Approval

(a) The AID/W or Mission contracting officer signs both copies of Satisfactory or Outstanding Reports sent to him, forwards one copy to AID/W, SDB/SB, through CM/SD/FSR, and retains one for the contract file. By signing the report the contracting officer acknowledges receipt, review, and approval of the report.

(b) In the case of an Unsatisfactory Report, the contracting officer shall furnish the Contractor a copy of same and request his comments prior to reviewing and approving the report. Distribution of the approved report and the Contractor's comments shall be the same as in 5(a) above.

6. Central File Maintenance

SDB/SB is responsible for maintaining the Agency's official central file of Contractor Performance Evaluation Reports (U-1423/1).

Appendix D—Notice to Cost-Reimbursement Type Contractors of Changes in Applicable Standardized Government Regulations

1. General

This appendix establishes a procedure for providing new cost-reimbursement contractors with applicable Government travel and allowance regulations, and for notifying existing contractors, whose contracts require that they be so notified, of changes in such regulations.

2. Background

(a) AID cost-reimbursement type contracts generally provide (see paragraph 3) for the application of direct-hire AID personnel travel and allowance regulations to similarly situated contractor personnel. The procedures for notifying contractors of changes in such regulations are set out in paragraph 5 of this appendix.

(b) For the purpose of this appendix, the term "Chief of Party" refers to either the head of a field party or such other representative of the contractor in the field designated to communicate on contract matters with the AID Mission.

3. General Provisions for Cost-Reimbursement Contracts

(a) Educational institution contracts. The text of the clause is set forth in § 7-7.5502-12, "Notice of changes in regulations".

(b) Other than educational institution contracts. The text of the clause is set forth in § 7-7.5002-14, "Notice of changes in regulations".

4. Notice to Contractor Field Personnel

Notice of changes in Government travel and allowance regulations is sent to the contractor at his/her address shown on the cover sheet of the contract. Notice to the contractor's Chief of Party is supplied by:

(a) The contractor, in accordance with his/her normal field communication procedures; or,

(b) The Mission Executive Officer, by use of his/her normal internal Mission information procedures. (See paragraph 5(d)(2) below).

5. Duties and Responsibilities

(a) *Contracting Officer.*—(1) Upon signing each contract, forwards the contract together with three completed copies of form AID 1420-2*, AID Cost-Reimbursement Contract Allowances—Applicability of Standardized Regulations, to the Office of Contract Management, Support Division (Attention: SER/CM/SD/SUP, Statistical Section), indicating on the form whether the contractor needs to be supplied with Government travel and allowance regulations.

(2) If the Government travel and allowance regulations do apply, forwards copy No. 4 of Form AID 1420-2 to the appropriate Mission Executive Officer.

(3) Retains copy No. 5 of form AID 1420-2 for his/her record.

(b) *Statistical Section, SER/CM/SD/SUP.*—(1) Maintains a current file on all cost-reimbursement contractors to which the Government travel and allowance regulations apply, and annually supplies a revised list of such contractors to the Office of Management Operations, Distribution Branch (SER/MO/PAV).

(2) Notifies SER/MO/PAV of all changes to the list using form AID 1420-2.

(c) *Distribution Branch, SER/MO/PAV.*—(1) Prepares for mailing to each contractor, upon addition of its name to the SER/CM/SD/SUP distribution list, a complete set of the Government travel and allowance regulations.

(2) Following any change in the Government travel or allowance regulations, mails to each contractor on the current SER/CM/SD/SUP distribution list all revisions to such regulations.

(3) Keeps the distribution list, J-27, updated as instructed by SER/CM/SD/SUP.

(d) *Mission Executive Officer.*—(1) Maintains a current file of all contracts affected by changes in the Government travel or allowance regulations. (See paragraph 5(a) above.)

(2) Promptly notifies each appropriate contractor's Chief of Party in writing of all relevant changes in the Government travel or allowance regulations and their effective date.

Appendix E—Logistic Support Overseas to AID—Direct Contractors

1. General

(a) *Purpose.*—In furtherance of AID's objectives to (1) increase the utilization of contractors in accordance with Section 621 of the Foreign Assistance Act of 1961, as amended, (FAA), (2) reduce the administration burden on the AID establishment in cooperating countries, and (3) ensure, in accordance with Section 636(h) of the FAA, that to the maximum extent possible local costs are met from cooperating country funds or United States (U.S.) Government-owned local currency rather than from U.S. dollars, the following policies govern the financing and provision in kind of logistic support overseas to AID-direct contractors.

(b) *Scope.*—"Logistic support overseas" means the financing of or furnishing to a contractor, its employees, and their dependents (in accordance with the provisions of the contract) items such as transportation of personnel, personal goods and commodities; quarters, furnishings, equipment, utilities, and supplies for residence and office; and maintenance and other supporting services, including medical facilities.

2. Policy

(a) *Financing of Logistic Support.*—(1) *Local Currency Financing.* Consistent with the requirements of AID Handbook 19, Financial Management, local currencies are to be used wherever feasible in lieu of dollars to defray the costs of contractor logistic support, whether such support is arranged for by the contractor, the cooperating country, or AID. Such local currencies will be contributed from the following sources in descending order of preference:

(i) The cooperating country's own budgetary or private resources;

(ii) Cooperating country-owned local currency generated through AID or Pub. L. 480 programs; and

(iii) U.S. Government-owned country-use local currency generated through AID or Pub. L. 480 programs.

(2) *Dollar Financing.* AID dollars are used to finance logistic support overseas only when no reasonable alternative exists by which such support can be financed with local currency or provided in kind.

(b) *Arrangements for Logistic Support.*—The methods for provision of logistic support are given the following descending order of preference:

(1) Arrangements by the contractor itself where feasible and reasonably economical. (It is assumed that this test will be met in the case of virtually all construction contracts and in most of the larger engineering and technical assistance contracts.)

(2) Arrangements by the cooperating country where these would be timely, adequate, and feasible in terms of the country's economic and administrative resources.

(3) Arrangements by the mission alone or jointly with either or both of the other parties, in those cases where the Mission Director determines, at or prior to approval of each PIO/T that adequate and timely logistic support at reasonable cost cannot be assured through the other options. In such cases, the mission is encouraged to make such arrangements, wherever feasible, by drawing upon locally available firms and facilities rather than mission resources.

(c) *Medical Facilities.*—AID and the Department of State have an agreement whereby the latter furnishes certain medical services, *on an availability basis,* to all eligible U.S. citizen contract personnel performing economic assistance functions abroad under the Foreign Assistance Act, and to their authorized dependents overseas with funding via Shared Administrative Support (SAS) Budgets. These services are provided at post to such personnel to the same extent as for AID direct-hire personnel.

They are provided at no cost to the contractor or to the personnel. The medical services to be provided exclude (1) evacuation or hospitalization, and (2) entrance, in-service, fitness for duty, and separation medical examinations.

(1) *Eligible Personnel.*—(i) Eligible contractor personnel are those U.S. citizens serving abroad, and their authorized dependents, who are engaged under a contract between a contractor and AID or who are engaged under a subcontract thereto.

(ii) Employees of other U.S. Government agencies serving under Participating Agency Service Agreement (PASA's) with AID are also eligible pursuant to the terms of General Agreements between AID and their parent agencies.

(iii) U.S. citizens serving under cooperating country contracts financed from AID loan or grant funds *are not* "AID contractor employees" and thus not eligible. Third country national employees of AID contractors are not U.S. citizens and thus are not eligible. Americans serving under operational expert (OPEX) type contracts to which AID is not a signatory are also not "AID contractor employees." Most OPEX employees are provided a lump-sum amount to finance their participation in a group health program in lieu of receiving any U.S. Government health services.

(iv) AID or other direct-hire U.S. Government employees working under formal detail to multilateral or other non-U.S. agencies obtain health services on the same basis as their non-U.S. co-workers unless the provisions governing detail of the U.S. employees specifically provide for their access to available U.S. Government facilities.

(v) It is recognized that emergency situations will arise involving OPEX or other Americans who are not "AID contractor personnel" as defined above. Such cases are to be handled by the Medical Officer or other post officials pursuant to their procedures for handling an emergency health problem of any non-official American requesting assistance.

(2) *Services To Be Provided.* Embassy physician, nurse, and health room services are provided, in countries where and when these are available, including:

(i) Immunizations and preventive health measures;

(ii) Diagnostic examinations and advice;

(iii) Emergency treatment;

(iv) Home visits as medically indicated.

(d) *Other Post Privileges.* Privileges such as the use of APO, PX's, commissaries, and officers clubs are established at posts abroad pursuant to agreements between the U.S. and cooperating governments. Normally, these facilities *are not* available to contractor employees. However, in those cases where the facilities are open to contractor personnel, they may be used.

(e) *Uniformity.* Every effort should be made by each mission to foster the development of country-wide standards for comparable classes of contractors. In all instances, logistic support is to be provided at the minimum level necessary to assure efficient, economical, and effective contractor performance.

(f) *Exceptions.* Exceptions from these policies, except as permitted by paragraph 2(b)(3) above, are made in writing by the responsible Assistant Administrator or his designee for such purposes.

3. Contract Implementation

Each PIO/T shall indicate on page 3 each type of logistic support which is to be made available, either in cash or in kind, by the cooperating country, the mission, and the contractor itself. The contracting officer shall ensure that the contract reflects the information contained in the PIO/T.

4. Additional Instructions for Medical Support

(a) *Notifications.*—(1) The AID contracting officer shall notify the contractor of any potentially available medical benefits prior to the execution of the contract.

(2) The Mission Executive Officer notifies the contractor's Chief of Party at the post of the locally available medical benefits.

(b) *Identification of Eligible Persons.*—The Mission Executive Officer provides each eligible contractor employee and dependent with appropriate identification for use at Embassy medical facilities.

(c) *Records and Insurance.*—(1) The Embassy medical unit maintains an appropriate register of visits to the unit. The information recorded includes the name of the contractor employee or dependent treated, the contractor's name and contract number, date of visit, and a brief description of the reason for the visit (e.g., medical consultation, injury, medical briefing, immunization). Periodically a copy of this register is forwarded to the Mission Executive Officer.

(2) If medical service provided to a contractor employee or his authorized dependents by the Embassy medical unit is eligible for recovery from an insurance company, the contractor employee shall file an appropriate claim with the insurance company and so notify the Mission Executive Officer in writing. The contractor employee pursues the claim for reimbursement. Amounts recovered are forwarded to the Mission Executive Officer for the account of the medical unit in accordance with AID regulations.

Appendix F—Direct AID Contracts With U.S. Citizens or U.S. Residents for Personal Services Abroad

1. General

(a) *Purpose.*—This appendix and attachments set forth the authority, policy, and provisions under which AID may contract with individual U.S. citizens or U.S. residents to provide personal services abroad.

(b) *Definitions.*—For the purposes of this appendix:

(1) A personal services contract is one which establishes an employer-employee relationship.

(2) A nonpersonal services contract is one which establishes an independent contractor relationship.

2. Legal Basis

(a) Section 635(b) of the Foreign Assistance Act of 1961, as amended (FAA), provides specific contracting authority for AID.

(b) Section 636(a)(3) of the FAA authorizes the Agency to enter into contracts with individuals for personal services abroad and provides further that such individuals "shall not be regarded as employees of the U.S. Government for the purpose of any law administered by the Civil Service Commission."

3. Applicability

(a) This appendix applies to AID contracts with U.S. citizens or U.S. residents to provide assistance abroad to cooperating countries and regional organizations under contracts which establish an employer-employee relationship. Attachment A is designed to establish that relationship.

(b) This Appendix does not apply to:

(1) Contracts with U.S. citizens or U.S. residents which establish independent contractor relationships, which are covered under *AID Handbook 14—Procurement Regulations.*

(2) Contracts with consultants and experts, which are covered under *AID Handbook 25—Employment and Promotion.*

(3) Contracts with individual cooperating country or third-country nationals, which are covered under *AID Handbook 31—Foreign National Personnel.*

4. Policy

(a) *General.*—AID may finance the cost of providing personal services to a cooperating country or a regional organization as part of the Agency's program of assistance to such country or organization by entering into a direct contract with an individual U.S. citizen or U.S. resident for personal services.

(b) *Limitations on Personal Services Contracts.*—A personal services contract with an individual may not include services of the nature which are for performance by full-time Federal employees, such as the following:

(1) Negotiating on behalf of the United States with AID recipient countries, organizations or entities.

(2) Policy formulation.

(3) Planning, budgeting, and programming decisions which determine the allocation of resources available to AID.

(4) Supervising the execution of functions performed by U.S. Government personnel of AID or other Government agencies.

(5) Performance of internal functions such as personnel selection and administration, agency management, and congressional presentation.

(6) Contracts entered into pursuant to this authority may not exceed 5 years.

5. Executing a Personal Services Contract

Procuring activities, whether AID/W or Mission, may execute personal services contracts, provided that the amount of the contract does not exceed the amount of contracting authority which has been redelegated pursuant to Delegation of Authority No. 99—To the Assistant Administrator for Program and Management Services, et al., Concerning Contracting and Related Functions (38 FR 12834). In executing a contract, the procuring activity insures that:

(a) The following approvals for the proposed contractor have been obtained:

(1) Security clearance, to the extent required by *AID Handbook 6—Security.*

(2) Mission and country clearance, as appropriate.

(3) Medical clearance based on certification by a licensed physician. Medical clearance requirements apply to the contractor and to each dependent who is authorized to travel to the overseas post.

(b) Compensation for personal services provided under each contract complies with the principles and approvals set forth in the AID Procurement Regulations, § 7-15.205-6, entitled Compensation for Personal Services, in effect at the time the contract is executed (See Appendix I)

(c) The contract is modified by deleting from the General Provisions the inapplicable portion of the clauses entitled, "Allowances, Travel and Transportation Expenses," and the medical clearance of dependents residing with the contractor at post, when the contractor is a resident of the cooperating country.

(d) The block entitled, "Project No.," on the cover page of the contract format is completed by inserting the four-segment project number as prescribed in *AID Handbook 18—Information Services.*

(e) Necessary deviations from the prescribed contract format are properly documented and approved by the head of the procuring activity (see § 7-1.107 of the AID Procurement Regulations). A record of the nature of each such deviation, the justification for it, and the approval are included in the contract file and a copy is forwarded to the Office of Contract Management, Support Division (SER/CM/SD), AID/W, which is responsible for maintaining a central record of all approved deviations.

(f) Funds for the contract are properly obligated to preclude violation of the Anti-Deficiency Act, 31 U.S.C. 665. The contracting officer assures that the contract has been properly recorded by the appropriate accounting office prior to its release for the signature of the selected contractor.

(g) The contractor receives and understands Chapter 3, Employee Responsibilities and Conduct, of *AID Handbook 24—General Personnel Policy,* and a copy is attached to each contract, as provided for in paragraph 2(c) of the General Provisions (Attachment B).

(h) Agency conflict of interest requirements are met by the contractor prior to his/her reporting for duty.

6. Post Audit

The Inspector General, or his designee, audits the personal services contracts of all procuring activities for the purpose of insuring conformance to approved policy and standards.

7. Contract Provisions

The attachments referred to in paragraph 1(a) above are the personal services contract formats and clauses. They are:

Attachment A—AID form 1420-36, "Schedule";

Attachment B—AID form 1420-37, "General Provisions"; and

Attachment C—AID form 1420-38, "Additional General Provisions".

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AID 1420-38

ATTACHMENT A

AGENCY FOR INTERNATIONAL DEVELOPMENT
CONTRACT WITH A U.S. CITIZEN OR U.S. RESIDENT FOR PERSONAL SERVICES ABROAD

CONTRACT NO. _____

NEGOTIATED PURSUANT TO THE FOREIGN ASSISTANCE ACT OF 1961, AS AMENDED, AND EXECUTIVE ORDER 11223

CONTRACT FOR PROJECT NO.	ESTIMATED CONTRACT AMOUNT
PROGRAM OFFICE	EFFECTIVE DATE
PROJECT OFFICER	ESTIMATED COMPLETION DATE
ADMINISTERED BY	ACCOUNTING AND APPROPRIATION DATA APPROPRIATION NO. ALLOTMENT NO. PIO/T NO.
CONTRACTING OFFICE NAME AND ADDRESS	CONTRACTOR (Name) Street Address City State ZIP Code

PAYING OFFICE

MAIL INVOICES TO (Original and three copies)

The United States of America, hereinafter called the Government, represented by the Contracting Officer executing this Contract and the Contractor agree that the Contractor shall perform all the services set forth in the attached Schedule for the consideration stated therein. The rights and obligations of the parties to this Contract shall be subject to and governed by the Schedule and the General Provisions. To the extent of any inconsistency between the Schedule or the General Provisions and any specifications or other provisions which are made a part of this Contract, by reference or otherwise, the Schedule and General Provisions shall control. To the extent of any inconsistency between the Schedule and the General Provisions, the Schedule shall control.

This Contract consists of this Cover Page, the Schedule of _____ pages, including the Table of Contents, and the General Provisions (form AID 1420-37) dated _____, and, when appropriate, the Additional General Provisions (form AID 1420-38) dated _____.

	UNITED STATES OF AMERICA AGENCY FOR INTERNATIONAL DEVELOPMENT
SIGNATURE OF CONTRACTOR	BY (Signature of Contracting Officer)
TYPED OR PRINTED NAME	TYPED OR PRINTED NAME
DATE	DATE

AID 1420-36 (12-80)

Contract No. _____

TABLE OF CONTENTS

SCHEDULE

The Schedule on pages 2 through 5 consists of this Table of Contents and the following Articles:

ARTICLE I STATEMENT OF DUTIES
ARTICLE II PERIOD OF SERVICE OVERSEAS
ARTICLE III CONTRACTOR'S COMPENSATION AND REIMBURSEMENT IN U.S. DOLLARS
ARTICLE IV COSTS REIMBURSABLE AND LOGISTIC SUPPORT
ARTICLE V PRECONTRACT EXPENSES
ARTICLE VI ADDITIONAL CLAUSES

GENERAL PROVISIONS

The following provisions, numbered as shown below, omitting number(s) _____, are the General Provisions (GP) of this Contract:

1. Definitions
2. Laws and Regulations Applicable Abroad
3. Physical Fitness
4. Workweek
5. Leave and Holidays
6. Differential and Allowances
7. Social Security and Federal Income Tax
8. Advance of Dollar Funds
9. Insurance
10. Travel and Transportation Expenses
11. Payment
12. Conversion of U.S. Dollars to Local Currency
13. Post of Assignment Privileges
14. Security Requirements
15. Contractor-Mission Relationships
16. Termination
17. Disputes
18. Release of Information
19. Officials Not to Benefit
20. Covenant Against Contingent Fees
21. Notices
22. Reports

For a tour of duty of 1 year or more, "Additional General Provisions (AGP)" will be attached and be applicable to this contract. References to individual clauses should specify, for example, "GP 9" (insurance), or "AGP 9" (termination).

SCHEDULE

[NOTE: Use of the following Schedule articles are not mandatory. They are intended to serve as guidelines for contracting offices in drafting contract schedules. Article language may be changed to suit the needs of the particular contract.]

ARTICLE I – STATEMENT OF DUTIES

[The statement of duties shall include:

A. General statement of the purpose of the contract.

B. Statement of duties to be performed.

C. Any AID consultation or orientation.]

ARTICLE II – PERIOD OF SERVICE OVERSEAS

Within _____ days after written notice from the Contracting Officer that all clearances, including the doctor's certificate required under General Provisions Clause 3, have been received or unless another date is specified by the Contracting

Officer in writing, the contractor shall proceed to _____ where he/she shall promptly commence performance of the duties specified above. The contractor's period of service overseas shall be approximately _____ in _____ . (Specify time of duties in each location as well as authorized stopovers with purpose of each.)

ARTICLE III – CONTRACTOR'S COMPENSATION AND REIMBURSEMENT IN U.S. DOLLARS

A. Except to the extent reimbursement therefor is payable in the currency of the cooperating country pursuant to Article IV, AID shall pay the contractor compensation after it has accrued and reimburse him/her in U.S. dollars for necessary and reasonable costs actually incurred by him/her in the performance of this contract within the categories listed in paragraph C, below, and subject to the conditions and limitations applicable thereto as set out herein and in the attached General Provisions (GP).

B. The amount budgeted and available as personal compensation to the contractor is calculated to cover a calendar period of approximately _____ (days) (weeks) (months) (years) (which is to include (1) vacation, sick, and home leave which may be earned during the contractor's tour of duty (GP Clause No. 5, AGP Clause No. 4), (2) _____ days for authorized travel (GP Clause 10(b)), and (3) _____ days for orientation and consultation in the United States.

C. Allowable Costs

1. *Compensation* at the rate of $ _____ per (year) (month) (week) (day). Adjustments in compensation for periods when the contractor is not in compensable pay status shall be calculated as follows: Rate of $ _____ per (day) (hour).		$ _____
2. *Overtime* (Unless specifically authorized in the Schedule of this contract, no overtime hours shall be allowed hereunder.)		$ _____
3. *Overseas Differential* (Ref. GP Clause No. 6.) Rate _____ $		$ _____
*4. *Allowances in Cooperating Country* (Ref. GP Clause 6 and AGP Clause 5.)		$ _____
*5. *Travel and Transportation* (Ref. GP Clause 10 and AGP Clause 6.) (Includes the value of GTRs furnished by the Government, not payable to Contractor).		
a. United States	$ _____	
b. International	$ _____	
c. Cooperating and Third Country	$ _____	
Subtotal Item 5		$ _____
*6. *Subsistence or Per Diem* (Ref. GP Clause 10 and AGP Clause 6.)		
a. United States	$ _____	
b. International	$ _____	
c. Cooperating and Third Country	$ _____	
Subtotal Item 6		$ _____
7. *Other Direct Costs*		
a. Health and Life Insurance (Ref. GP Clause 9-b)	$ _____	
b. Precontract Costs, passport, visa, inoculations, etc. (Ref. GP Clause 8)	$ _____	
c. Physical Examination (Ref. GP Clause 3 and AGP Clause 3.)	$ _____	
d. Communications, Miscellaneous	$ _____	
Subtotal Item 7		$ _____
8. *F.I.C.A.* - U.S.G. contribution (not payble to contractor)		$ _____

*Do not include the value of any costs to be paid or reimbursed in local currency.

Total Estimated Costs (lines 1 thru 8) $ _____

D. *Maximum U.S.-Dollar Obligation*

In no event shall the maximum U.S.-dollar obligation under this contract exceed $ _____ . Contractor shall keep a close account of all obligations he/she incurs and accures hereunder and promptly notify the Contracting Officer whenever in his/her opinion the said maximum is not sufficient to cover all compensation and costs reimbursable in U.S. dollars which he/she anticipates under the contract.

ARTICLE IV – COSTS REIMBURSABLE AND LOGISTIC SUPPORT

A. *General*

The contractor shall be provided with or reimbursed in local currency (_____) for the following:

[Complete]

B. *Method of Payment of Local Currency Costs*

Those contract costs which are specified as local currency costs in paragraph A. above, if not furnished in kind by the cooperating government or the Mission, shall be paid to the contractor in a manner adapted to the local situation, based on vouchers submitted in accordance with General Provisions Clause 11. The documentation for such costs shall be on such forms and in such manner as the Mission Director shall prescribe.

C. *Cooperating or U.S. Government-Furnished Equipment and Facilities*

List any logistical support, equipment, and facilities to be provided by the cooperating government or the U.S. Government at no cost to this contract; e.g., office space, supplies, equipment, secretarial support, etc., and the conditions, if any, for use of such equipment.

ARTICLE V – PRECONTRACT EXPENSES

No expense incurred before execution of this contract will be reimbursed unless such expense was incurred after receipt and acceptance of a precontract expense letter issued to the contractor by the Contracting Officer, and then only in accordance with the provisions and limitations contained in such letter. The rights and obligations created by such letter shall be considered as merged into this contract.

ARTICLE VI – ADDITIONAL CLAUSES

[Additional Schedule clauses may be added, such as the implementation of General Provisions or Additional General Provisions clauses.]

V 4 6 J E 1 6 8 1 UMI

ATTACHMENT B

GENERAL PROVISIONS

CONTRACT WITH A U.S. CITIZEN OR U.S. RESIDENT FOR PERSONAL SERVICES ABROAD

To be used on tours of duty of less than 1 year. For tours of duty of 1 year or more these "General Provisions" will be supplemented by "Additional General Provisions."

INDEX OF CLAUSES

1. Definitions
2. Laws and Regulations Applicable Abroad
3. Physical Fitness
4. Workweek
5. Leave and Holidays
6. Differential and Allowances
7. Social Security and Federal Income Tax
8. Advance of Dollar Funds
9. Insurance
10. Travel and Transportation Expenses
11. Payment
12. Conversion of U.S. Dollars to Local Currency
13. Post of Assignment Privileges
14. Security Requirements
15. Contractor-Mission Relationships
16. Termination
17. Disputes
18. Release of Information
19. Officials Not to Benefit
20. Covenant Against Contingent Fees
21. Notices
22. Reports
23. Use of Pouch Facilities

1. DEFINITIONS

(a) "Administrator" means the Administrator or the Deputy Administrator of the Agency for International Development.

(b) "AID" means the Agency for International Development

(c) "Contracting Officer" means the person executing this Contract on behalf of the U.S. Government, or his successor who is a properly designated Contracting Officer; and the term includes, except as otherwise provided in this Contract, the authorized representative of a Contracting Officer acting within the limits of his authority.

(d) "Contractor" means the individual engaged to serve in the cooperating country under this Contract.

(e) "Cooperating country" means the foreign country in or for which services are to be rendered hereunder.

(f) "Cooperating government" means the government of the cooperating country.

(g) "Economy class" air travel (also known as jet-economy, air coach, tourist-class, etc.) means a class of air travel which is less than first class.

(h) "Government" means the United States Government

(i) "Local currency" means the currency of the cooperating country.

(j) "Mission" means the United States AID Mission to, or principal AID office in, the cooperating country.

(k) "Mission Director" means the principal officer in the Mission in the cooperating country, or his designated representative.

(l) "Tour of duty" means the Contractor's period of service under this Contract and shall include orientation in the United States (less language training), authorized leave, and international travel.

(m) "Traveler" means the Contractor in authorized travel status.

(n) "Project Officer" means the AID official to whom the Contractor reports, and who is responsible for monitoring the Contractor's performance.

(o) "U.S. Resident", as used in this contract, means an alien immigrant, legally resident in the United States, the Commonwealth of Puerto Rico, or the possessions of the United States, and having a valid "Alien Registration and Receipt Card" (Immigration and Naturalization Service forms I-151 or I-551).

2. LAWS AND REGULATIONS APPLICABLE ABROAD

(a) *Conformity to Laws and Regulations of the Cooperating Country*

Contractor agrees that, while in the cooperating country, he shall abide by all applicable laws and regulations of the cooperating country and political subdivisions thereof

(b) *Purchase or Sale of Personal Property or Automobiles*

To the extent permitted by the cooperating country, the purchase, sale, import, or export of personal property or automobiles in the cooperating country by the Contractor shall be subject to the same limitations and prohibitions

which apply to Mission U.S.-citizen direct-hire employees.

(c) *Code of Conduct*

The Contractor shall, during his tour of duty under this Contract, be considered an "employee" (or if his tour of duty is for less than 130 days, a "special Government employee") for the purposes of, and shall be subject to, the provisions of AID Handbook 24, Chapter 3. The Contractor acknowledges receipt of a copy of said provisions by his acceptance of this Contract.

3. PHYSICAL FITNESS

The Contractor shall be required to be examined by a licensed doctor of medicine and the Contractor shall obtain from the doctor a certificate that, in the doctor's opinion, the Contractor is physically qualified to engage in the type of activity for which he is to be employed under the Contract and is physically qualified to reside in the cooperating country. A copy of the certificate shall be provided to the Contracting Officer prior to the Contractor's departure for the cooperating country or if this Contract is entered into in the cooperating country, the Contractor shall provide the certificate before he starts work under the Contract. The Contractor shall be reimbursed not to exceed $85 for the cost of the physical examination, plus reimbursement of charges for immunizations.

4. WORKWEEK

The Contractor's workweek shall not be less than 40 hours, unless otherwise provided in the Schedule, and shall coincide with the workweek for those employees of the Mission or the cooperating country agency most closely associated with the work of this Contract. If the Contract is for less than full time (40 hours weekly), the leave earned shall be prorated.

5. LEAVE AND HOLIDAYS

(a) *Vacation Leave*

(1) The Contractor shall earn vacation leave at the rate of 13 workdays per annum or 4 hours every 2 weeks. However, no vacation shall be earned if the tour of duty is less than 90 days.

(2) It is understood that vacation leave is provided under this Contract primarily for the purposes of affording necessary rest and recreation during the tour of duty in the cooperating country. All vacation leave earned by the Contractor will be used during the Contractor's tour of duty. Unless approved by the Contracting Officer or Mission Director, the maximum amount of vacation leave which the Contractor may take following the completion of his services overseas shall be limited to vacation leave earned by the Contractor during a 6-month period.

(b) *Sick Leave*

Sick leave is earned at a rate not to exceed 13 workdays per annum or 4 hours every 2 weeks. Unused sick leave may be carried over under an extension of this Contract but the Contractor will not be compensated for unused sick leave at the completion of this Contract.

(c) *Leave Without Pay*

Leave without pay may be granted only with the written approval of the Contracting Officer or Mission Director.

(d) *Holidays*

The Contractor, while serving abroad, shall be entitled to all holidays granted to U.S.-citizen direct-hire employees by the Mission who are on comparable assignments.

6. DIFFERENTIAL AND ALLOWANCES

The following differential and allowances will be granted to the Contractor to the same extent and on the same basis as they are granted to U.S.-citizen direct-hire employees at the Mission by the Standardized Regulations (Government Civilians, Foreign Areas), as from time to time amended, except as noted to the contrary below:

	Applicable Reference to Standardized Regulations
(a) Post Differential	Chapter 500 and Tables in Chapter 900
(b) Living Quarters Allowance	Section 130
(c) Temporary Lodging Allowance	Section 120
(d) Post Allowance	Section 220
(e) Supplemental Post Allowance	Section 230
(f) Payments During Evacuation	Section 600

The allowances provided in paragraphs (b) through (e) above shall be paid to the Contractor in dollars or in the currency of the cooperating country in accordance with the practice prevailing at the Mission, or the Mission Director may direct that the Contractor be paid a per diem in lieu thereof as prescribed by the Standardized Regulations (Government Civilians, Foreign Areas), as from time to time amended.

7. SOCIAL SECURITY AND FEDERAL INCOME TAX

F.I.C.A. contributions and U.S. Federal Income Tax withholding shall be deducted in accordance with regulations and rulings of the Social Security Administration and the U.S. Internal Revenue Service, respectively.

8. ADVANCE OF DOLLAR FUNDS

If requested by the Contractor and authorized in writing by the Contracting Officer, AID will arrange for an advance of funds to defray the initial cost of travel, travel allowances, authorized precontract expenses, and shipment of personal property. The advance shall be granted on the

same basis as to an AID U.S.-citizen direct-hire employee in accordance with AID Handbook 22, Chapter 4.

9. INSURANCE

(a) *Workmen's Compensation Benefits*

The Contractor shall be provided workmen's compensation benefits in accordance with the Federal Employees Compensation Act.

(b) *Health and Life Insurance*

The Contractor shall be reimbursed for the cost of personal health and life insurance premiums not to exceed $175 per annum.

(c) *Insurance on Private Automobiles*

If the Contractor or his dependents transport, or cause to be transported, privately owned automobile(s) to the cooperating country, or any of them purchase an automobile within the cooperating country, the Contractor agrees to insure that all such automobile(s) during such ownership within the cooperating country will be covered by a paid-up insurance policy issued by a reliable company providing the following minimum coverages, or such other minimum coverages as may be set by the Mission Director, payable in U.S. dollars or its equivalent in the currency of the cooperating country: injury to persons, $10,000/$20,000; property damage, $5,000 The Contractor further agrees to deliver, or cause to be delivered to the Mission Director, the insurance policies required by this clause or satisfactory proof of the existence thereof, before such automobile(s) is operated within the cooperating country. The premium costs for such insurance shall not be a reimbursable cost under this Contract.

(d) *Claims for Private Personal Property Losses*

The Contractor shall be reimbursed for private personal property losses in accordance with AID Handbook 23, "Overseas Support", Chapter 10.

10. TRAVEL AND TRANSPORTATION EXPENSES

(a) *General*

AID/Washington Office of Management Operations, or such other office as may be designated by that office, may furnish Transportation Requests (TR's) to the Contractor for transportation originating in the United States authorized by this Contract, and the executive or administrative officer at the Mission may furnish TR's for such authorized transportation which is payable in local currency or is to originate overseas. When transportation is not provided by Government-issued TR, the Contractor shall procure his own transportation, the costs of which will be reimbursed in accordance with the following:

(b) *Travel and Transportation*

(1) *U.S. Travel and Transportation*

The Contractor shall be reimbursed for actual transportation costs and travel allowances in the United States as authorized in the Schedule or approved in advance by the Contracting Officer or the Mission Director. Transportation costs and travel allowances shall not be reimbursed in any amount greater than the cost of, and time required for, economy-class commercial-scheduled air travel by the most expeditious route except as otherwise provided in paragraph (6) below, unless economy air travel is not available and the Contractor certifies to this in his voucher or other documents submitted for reimbursement.

(2) *International Travel*

(i) The Contractor shall be reimbursed for actual transportation costs and travel allowances from place of residence in the United States (or other location, provided that the cost of such travel does not exceed the cost of travel from the place of residence), to post of duty in the cooperating country and return to place of residence in the United States (or other location, provided that the cost of such travel does not exceed the cost of travel from the post of duty to the place of residence) upon completion of his duties. Such transportation costs shall not be reimbursed in an amount greater than economy-class commercial-scheduled air travel by the most expeditious route, except as otherwise provided in paragraph (b)(6) below and unless economy air travel is not available and the Contractor certifies to the facts in the voucher or other documents he submits for reimbursement. When travel to or from the cooperating country is by economy-class accommodations, the Contractor will be reimbursed for the costs of transporting up to 22 pounds gross weight of accompanied personal baggage in addition to that regularly allowed with the economy ticket, provided that the total number of pounds of baggage does not exceed that regularly allowed for first-class travelers. Travel allowances shall be at the rate of $6 per day for not more than the travel time required by scheduled economy-class commercial air carrier using the most expeditious route and computed in accordance with the Federal Travel Regulations, as from time to time amended. One stopover en route for a period not to exceed 24 hours is allowable when the Contractor uses economy-class accommodations for a trip of 14 hours or more of scheduled duration. Such stopover shall not be authorized when travel is by indirect route for the convenience of the Contractor. Per diem during authorized stopover shall be paid in accordance with the Federal Travel Regulations, as from time to time amended.

(ii) *Unaccompanied Baggage*

Except as provided in the Schedule or approved by the Contracting Officer, the Contractor who is on a tour of duty of 90 days or more under this Contract shall be reimbursed for the cost of unaccompanied personal effects not to exceed 250 pounds gross weight via airfreight from place of residence in the United States (or other location, provided that the cost of such shipment does not exceed the cost of shipment from the place of residence) to post of duty in the cooperating country and return to place of residence in the United States (or other location, provided that the cost of such shipment does not exceed the cost of shipment from the post of duty to the place of residence) upon completion of his duties.

(iii) *Local Travel*

The Contractor shall be reimbursed at the rates

established by the Mission Director for authorized travel in the cooperating country in connection with duties directly referable to work under this Contract. In the absence of such established rates, the Contractor shall be reimbursed for actual costs of authorized travel in the cooperating country if not provided by the cooperating government or the Mission in connection with duties directly referable to work hereunder, including travel allowances at rates prescribed by the Standardized Regulations (Government Civilians, Foreign Areas), as from time to time amended.

(iv) *Special International Travel and Third-Country Travel*

For special travel which (*1*) advances the purpose of the Contract, (*2*) is not otherwise provided by the cooperating government, and (*3*) has the prior written approval of the Contracting Officer or the Mission Director, the Contractor shall be reimbursed for (i) the costs of international transportation other than between the United States and the cooperating country and for local transportation within other countries, and (ii) travel allowances while in official travel status and while performing services under the Contract in such other countries at rates prescribed by the Standardized Regulations (Government Civilians, Foreign Areas), as from time to time amended.

(v) *Indirect Travel for Personal Convenience*

(*1*) When travel is performed by an indirect route for the personal convenience of the traveler, the allowable costs of such travel will be computed on the basis of the cost of economy class air fare via the direct usually traveled route between the authorized points of departure and destination.

(*2*) If such costs include fares for air or ocean transportation by foreign-flag carriers, approval for indirect travel by such foreign-flag carrier pursuant to paragraph (ix)(*1*) below must be obtained from the Contracting Officer or the Mission Director before such travel is undertaken, otherwise only that portion of travel accomplished by U.S.-flag carriers will be reimbursable within the above limitation of allowable costs.

(vi) *Delays En Route*

The Contractor may be granted reasonable delays en route while in travel status, not circuitous in nature, which are caused by events beyond the control of the Contractor. It is understood that if the delay is caused by physical incapacitation, the Contractor shall be eligible for such sick leave as is provided under GP Clause No. 5(b) of this Contract.

(vii) *Privately Owned Automobiles (POV)*

(*1*) If travel by POV is authorized in the Schedule or approved by the Contracting Officer, the Contractor shall be reimbursed for the cost of travel in his privately owned automobile at the rate per mile equal to the rate authorized a U.S. Government employee in equivalent circumstances, plus authorized per diem, if the automobile is being driven in connection with (A) authorized orientation, (B) authorized duties under this Contract, or (C) en route to or from the cooperating country provided that the total cost of the mileage and the per diem to the Contractor shall not exceed the total constructive cost of fare and normal per diem by (1) surface common carrier or (2) less than first-class air, whichever is the lesser.

(*2*) Cost of the shipment of automobiles for Contract tours of duty of less than 1 year are not reimbursable under this Contract.

(viii) *Emergency and Irregular Travel and Transportation*

Actual transportation costs and travel allowances while en route, as provided in this section, shall be reimbursed under the following conditions:

(*1*) Subject to the prior written approval of the Mission Director, the costs of going from post of duty in the cooperating country to the United States or other approved location for the Contractor when, because of reasons or conditions beyond his control, the Contractor has not completed his required service in the cooperating country. The Mission Director may also authorize the return to the cooperating country of such Contractor.

(*2*) It is agreed that paragraph (viii)(*1*) above includes, but is not necessarily limited to, the following:

1. Need for medical care beyond that available within the areas to which the Contractor is assigned.

2. Serious effect on physical or mental health if residence is continued at assigned post of duty.

3. Serious illness, injury, or death of a member of the Contractor's immediate family. Travel shall be authorized in accordance with emergency visitation travel granted to U.S.-citizen direct-hire employees under Chapter 699 of the Standardized Regulations (Government Civilians, Foreign Areas).

4. Emergency evacuation, when ordered by the principal U.S. Diplomatic Officer in the cooperating country. Allowances at safe haven when authorized by the Mission Director shall be payable in accordance with established Government Regulations.

5. Preparation and return of the remains of a deceased Contractor.

(ix) *Preference for U.S. Flag Air Carriers (Jan. 1977)*

(*1*) Pub. L. 93-623 requires that all Federal agencies and Government contractors and subcontractors will use U.S. flag air carriers for international air transportation of personnel (and their personal effects) or property to the extent service by such carriers is available. It further provides that the Comptroller General of the United States shall disallow any expenditure from appropriated funds for international air transportation on other than a U.S. flag air carrier in the absence of satisfactory proof of the necessity therefor.

(*2*) The contractor agrees to utilize U.S. flag air carriers for international air transportation of personnel (and their personal effects) or property to the extent service by such carriers is available.

(*3*) In the event that the contractor selects a carrier other than a U.S. flag air carrier for international air transportation, he will include a certification on vouchers involving such transportation which is essentially

as follows:

CERTIFICATION OF UNAVAILABILITY OF U.S. FLAG AIR CARRIERS

I hereby certify that transportation service for personnel (and their personal effects) or property by certificated air carrier was unavailable for the following reasons: (state reasons)*

(4) The terms used in this clause have the following meanings:

(A) "International air transportation" means transportation of persons (and their personal effects) or property by air between a place in the United States and a place outside thereof or between two places both of which are outside the United States.

(B) "U.S. flag air carrier" means one of a class of air carriers holding a certificate of public convenience and necessity issued by the Civil Aeronautics Board, approved by the President, authorizing operations between the United States and/or its territories and one or more foreign countries.

(C) The term "United States" includes the fifty states, Commonwealth of Puerto Rico, possessions of the United States, and the District of Columbia.

*NOTE: FPR 1-1.323-3, requires that expenditures for service furnished by a noncertificated air carrier generally will be allowed only when service by a certificated air carrier or carriers is "unavailable" as indicated by the June 17, 1975, Comptroller General's memorandum (B-138942) entitled "Guidelines for Implementation of Section 5 of the International Air Transportation Fair Competitive Practices Act of 1974". The criteria contained in the memorandum are reproduced below:

(a) Passenger or freight service by a certificated air carrier is considered "available" even though:

(1) Comparable or a different kind of service by a noncertificated air carrier costs less, or

(2) Service by a noncertificated air carrier can be paid for in excess foreign currency, or

(3) Service by a noncertificated air carrier is preferred by the agency or traveler needing air transportation, or

(4) Service by a noncertificated air carrier is more convenient for the agency or traveler needing air transportation.

(b) Passenger service by a certificated air carrier will be considered to be "unavailable":

(1) When the traveler, while en route has to wait 6 hours or more to transfer to a certificated air carrier to proceed to the intended destination, or

(2) When any flight by a certificated air carrier is interrupted by a stop anticipated to be 6 hours or more for refueling, reloading, repairs, etc., and no other flight by a certificated air carrier is available during the 6 hour period, or

(3) When by itself or in combination with other certificated or noncertificated air carriers (if certificated air carriers are "unavailable") it takes 12 or more hours longer from the original airport to the destination airport to accomplish the agency's mission then would service by a noncertificated air carrier or carriers.

(4) When the elapsed traveltime on a schedule flight from origin to destination airports by noncertificated air carrier(s) is 3 hours or less, and service by certificated air carrier(s) would involve twice such scheduled traveltime.

(x) The contractor shall include the substance of this clause, including this paragraph (x), in each subcontract or purchase hereunder which may involve international air transportation.

11. PAYMENT

(a) Once each month (or at more frequent intervals, if approved by the paying office indicated on the Cover Page), the Contractor may submit to such office form SF 1034 Public Voucher for Purchases and Services Other Than Personal (original) and SF 1034-A (three copies), each voucher identified by the AID contract number, properly executed in the amount of dollars claimed during the period covered. The voucher forms shall be supported by:

(1) The Contractor's detailed invoice, in original and two copies indicating, for each amount claimed, the paragraph of the Contract under which payment is to be made, supported when applicable as follows:

(i) *For compensation* - a statement showing period covered, days worked, and days when Contractor was in authorized travel, leave, or stopover status for which compensation is claimed. All claims for compensation will be accompanied by, or will incorporate, a certification signed by the Project Officer covering days or hours worked, or authorized travel or leave time for which compensation is claimed.

(ii) *For travel and transportation* - a statement of itinerary with attached carrier's receipt and/or passenger's coupons, as appropriate.

(iii) *For reimbursable expenses* - an itemized statement supported by original receipts.

(2) The first voucher submitted shall include a fully executed Form W-4, Employees Withholding Exemption Certificate, to permit required withholding by AID, such as Federal Income Tax, F.I.C.A. deductions, and, when applicable, state income tax. The first voucher shall also account for, and liquidate the unexpended balance of, any funds theretofore advanced to the Contractor.

(b) A final voucher shall be submitted by the Contractor promptly following completion of the duties under this Contract but in no event later than 120 days (or such longer period as the Contracting Officer may in his discretion approve in writing) from the date of such completion. The Contractor's claim, which includes his final settlement of compensation, shall not be paid until after the performance of the duties required under the terms of this Contract has been approved by AID. On receipt and approval of the voucher designated by the Contractor as the "final voucher" submitted on form SF 1034 (original) and SF 1034-A (three copies), together with a refund check for the balance remaining on hand of any funds which may have been advanced to the Contractor, the Government shall pay any amounts due and owing the Contractor.

12. CONVERSION OF U.S. DOLARS TO LOCAL CURRENCY

Upon arrival in the cooperating country, and from time to time as appropriate, the Contractor shall consult with the Mission Director or his authorized representative who shall provide, in writing, the policy the Contractor shall follow in the conversion of U.S. dollars to local currency. This may include, but not be limited to, the conversion of said currency through the cognizant U.S. Disbursing Officer, or Mission Controller, as appropriate.

13. POST OF ASSIGNMENT PRIVILEGES

(a) Health room services are generally available for Contractor at the post of duty. These services do not include hospitalization, or predeparture or end of tour medical examinations. The services do include such medications as may be available, immunizations and preventive health measures, diagnostic examinations and advice, emergency treatment, and home visits as medically indicated.

(b) Privileges such as the use of APO, PX's, commissaries and officer's clubs are established at posts abroad pursuant to agreements between the U.S. and host governments. These facilities are intended for and usually limited to members of the official U.S. establishment including the Embassy, AID Mission, U.S. Information Service and the Military. Normally, the agreements do not permit these facilities to be made available to non-official Americans.

14. SECURITY REQUIREMENTS

(a) The provisions of the following paragraphs of this clause shall apply to the extent that this Contract involves access to classified information ("Confidential," "Secret," or "Top Secret") or access to administratively controlled information ("Limited Official Use"). Contractors that are not U.S. citizens shall not have access to classified or administratively controlled information.

(b) The Contractor (1) shall be responsible for safeguarding all classified or administratively controlled information in accordance with appropriate instructions furnished by the AID Office of Security, as referenced in paragraph (d) below and shall not supply, disclose, or otherwise permit access to classified information or administratively controlled information to any unauthorized person; (2) shall not make or permit to be made any reproductions of classified information or administratively controlled information except with the prior written authorization of the Contracting Officer or Mission Director; (3) shall submit to the Contracting Officer, at such times as the Contracting Officer may direct, an accounting of all reproductions of classified or administratively controlled information; and (4) shall not incorporate in any other project any matter which will disclose classified and/or administratively controlled information except with the prior written authorization of the Contracting Officer.

(c) The Contractor shall not permit any alien access to classified or administratively controlled information. The Contractor shall not permit any individual to have access to classified information or administratively controlled information without the prior written authorization of the Contracting Officer or Mission Director.

(d) The Contractor shall follow the procedures for classifying, marking, handling, transmitting, disseminating, storing, and destroying official material in accordance with the regulations in the Uniform Security Regulations (Foreign Affairs Manual, Chapter 5), a copy of which will be furnished by the Contracting Officer or Mission Director.

(e) The Contractor agrees to submit immediately to the Mission Director or Contracting Officer a complete detailed report, appropriately classified, of any information which the Contractor may have concerning existing or threatened espionage, sabotage, or subversive activity.

(f) The Government agrees that when necessary it shall indicate by security classification or administratively controlled designation, the degree of importance to the national defense of information to be furnished by the Contractor to the Government or by the Government to the Contractor and the Government shall give written notice of such security classification or administratively controlled designation to the Contractor and of any subsequent changes thereof. The Contractor is authorized to rely on any letter or other written instrument signed by the Contracting Officer changing a security classification or administratively controlled designation of information.

(g) The Contractor agrees to certify after completion of his assignment under this Contract that he has surrendered or disposed of all classified and/or administratively controlled information in his custody in accordance with applicable security instructions.

15. CONTRACTOR-MISSION RELATIONSHIPS

(a) The Contractor acknowledges that this Contract is an important part of the U.S. Foreign Assistance Program and agrees that his duties will be carried out in such a manner as to be fully commensurate with the responsibilities which this entails.

(b) While in the cooperating country, the Contractor is expected to show respect for the conventions, customs, and institutions of the cooperating country and not interfere in its political affairs.

(c) If the Contractor's conduct is not in accordance with paragraph (b), the Contract may be terminated pursuant to the General Provision of this contract, entitled "Termination." The Contractor recognizes the right of the U.S. Ambassador to direct his/her immediate removal from any country when, in the discretion of the Ambassador, the interests of the United States so require.

(d) The Mission Director is the chief representative of

AID in the cooperating country. In this capacity, he is responsible for the total AID Program in the cooperating country including certain administrative responsibilities set forth in this Contract and for advising AID regarding the performance of the work under the Contract and its effect on the U.S. Foreign Assistance Program. The Contractor will be responsible for performing his duties in accordance with the statement of duties called for by the Contract. However, he shall be under the general policy guidance of the Mission Director and shall keep the Mission Director or his designated representative currently informed of the progress of the work under the Contract.

16. TERMINATION

This Contract may be terminated by the Contracting Officer:

(a) For cause, by giving not less than 10 calendar days advance written notice and a statement of reasons to the Contractor in the event (1) he commits a breach or violation of any of his obligations herein contained, (2) a fraud was committed in obtaining this Contract, or (3) he is guilty (as determined by AID) of misconduct in the cooperating country. Upon such a termination, the Contractor's right to compensation shall cease when the period specified in such notice expires or the last day on which he performs services hereunder, whichever is earlier. No costs of any kind incurred by the Contractor after the date such notice is delivered to him shall be reimbursed hereunder except cost of return transportation (not including travel allowances), if approved by the Contracting Officer. If any costs relating to the period subsequent to such date have been prepaid by AID, the Contractor shall promptly refund to AID any such prepayment as directed by the Contracting Officer.

(b) For the convenience of AID, by giving not less than 30 calendar days advance written notice to the Contractor. Upon such a termination, Contractor's right to compensation shall cease when the period specified in such notice expires except that the Contractor shall be entitled to return transportation costs and travel allowances and transportation of unaccompanied baggage costs at the rates specified in the Contract and subject to the limitations which apply to authorized travel status.

(c) For the convenience of AID, when the Contractor is unable to complete performance of his services under the Contract by reason of sickness or physical or emotional incapacity based upon a certification of such circumstances by a duly qualified doctor of medicine approved by the Mission. The Contract shall be deemed terminated upon delivery to the Contractor of a termination notice. Upon such a termination, the Contractor shall not be entitled to compensation except to the extent of any unused vacation or sick leave but shall be entitled to return transportation, travel allowances, and unaccompanied baggage costs at rates specified in the Contract and subject to the limitations which apply to authorized travel status.

17. DISPUTES (FPR TEMP. REG. 56) (MAY 1980)

(a) This Contract is subject to the Contract Disputes Act of 1978 (Pub. L. 95-563).

(b) Except as provided in the Act, all disputes arising under or relating to this contract shall be resolved in accordance with this clause.

(c)(1) As used herein, "claim" means a written demand or assertion by one of the parties seeking, as a legal right, the payment of money, adjustment or interpretation of contract terms, or other relief, arising under or relating to this contract.

(2) A voucher, invoice, or request for payment that is not in dispute when submitted is not a claim for the purposes of the Act. However, where such submission is subsequently not acted upon in a reasonable time, or disputed either as to liability or amount, it may be converted to a claim pursuant to the Act.

(3) A claim by the Contractor shall be made in writing and submitted to the Contracting Officer for decision. A claim by the Government against the Contractor shall be subject to a decision by the Contracting Officer.

(d) For Contractor claims of more than $50,000, the Contractor shall submit with the claim a certification that the claim is made in good faith; the supporting data are accurate and complete to the best of the contractor's knowledge and belief, and the amount requested accurately reflects the Contract adjustment for which the Contractor believes the Government is liable. The certification shall be executed by the Contractor if an individual. When the Contractor is not an individual, the certification shall be executed by a senior company official in charge at the Contractor's plant or location involved, or by an officer or general partner of the Contractor having overall responsibility for the conduct of the Contractor's affairs.

(e) For Contractor claims of $50,000 or less, the Contracting Officer must render a decision within 60 days. For Contractor claims in excess of $50,000, the Contracting Officer must decide the claim within 60 days or notify the Contractor of the date when the decision will be made.

(f) The Contracting Officer's decision shall be final unless the Contractor appeals or files a suit as provided in the Act.

(g) The authority of the Contracting Officer under the Act does not extend to claims or disputes which by statute or regulation other agencies are expressly authorized to decide.

(h) Interest on the amount found due on a Contractor claim shall be paid from the date the claim is received by the Contracting Officer until the date of payment.

(i) Except as the parties may otherwise agree, pending final resolution of a claim by the Contractor arising under the Contract, the Contracter shall proceed diligently with the performance of the Contract in accordance with the Contracting Officer's decision.

18. RELEASE OF INFORMATION

All rights in data and reports shall become the property of the U.S. Government. All information gathered under this Contract by the Contractor and all reports and recommendations hereunder shall be treated as confidential by the Contractor and shall not, without the prior written approval of the Contracting Officer, be made available to any person, party, or government, other than AID, except as otherwise expressly provided in this Contract.

19. OFFICIALS NOT TO BENEFIT

No member of or delegate to the Congress or resident commissioner shall be admitted to any share or part of this Contract or to any benefit that may arise therefrom.

20. COVENANT AGAINST CONTINGENT FEES

The Contractor warrants that no person or selling agency has been employed or retained to solicit or secure this Contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees or bona fide established commercial or selling agencies maintained by the Contractor for the purpose of securing business. For breach or violation of this warranty, AID shall have the right to annul this Contract without liability or in its discretion to deduct from the Contract price or consideration, or otherwise recover, the full amount of such commission, percentage, brokerage, or contingent fee.

21. NOTICES

Any notice, given by any of the parties hereunder, shall be sufficient only if in writing and delivered in person or sent by telegraph, telegram, registered, or regular mail as follows:

To AID:

Administrator
Agency for International Development
Washington, D.C. 20523
Attention: Contracting Office
(name of the cognizant Contracting Officer with a copy to the appropriate Mission Director)

To Contractor:

At his post of duty while in the cooperating country and at the Contractor's address shown on the Cover Page of this Contract

or to such other address as either of such parties shall designate by notice given as herein required. Notices hereunder shall be effective in accordance with this clause or on the effective date of the notice, whichever is later.

22. REPORTS

(a) The Contractor shall submit two copies of each written technical report prepared under the terms of this Contract (e.g., progress reports, final report, etc.) to the AID Reference Center, Agency for International Development, Washington, D.C. 20523. The title page of all reports forwarded to the AID Reference Center shall include the contract number, the project number and the project title which are set forth on the Cover Page of this Contract.

(b) When preparing reports, the Contractor shall refrain from using elaborate art work, multicolor printing and expensive paper/binding, unless it is specifically authorized in the Schedule of this Contract. Wherever possible, pages should be printed on both sides using single spaced type.

23. USE OF POUCH FACILITIES (DEC. 1980)

(a) Use of diplomatic pouch is controlled by the Department of State. The Department of State has authorized the use of pouch facilities for AID Contractors as a general policy, as detailed in items (1) through (6) below. However, the final decision regarding use of pouch facilities rests with the Embassy or AID Mission. In consideration of the use of pouch facilities as hereinafter stated, the Contractor agrees to indemnify and hold harmless the Department of State and AID for loss or damage occuring in pouch transmission.

(1) Contractors are authorized use of the pouch for transmission and receipt of up to a maximum of 2 pounds per shipment of correspondence and documents needed in the administration of assistance programs.

(2) U.S. citizen Contractors are authorized use of the pouch for personal mail up to a maximum of one pound per shipment (but see (a)(3) below). Non U.S. citizen Contractors are not permitted use of the pouch for personal mail except and to the extent that such use may be authorized by the Chief of Mission.

(3) Merchandise, parcels, magazines, or newspapers are not considered to be personal mail for purposes of this clause, and are not authorized to be sent or received by pouch.

(4) Official and personal mail pursuant to (a)(1) and (2) above, sent by pouch, should be addressed as follows:

Name of individual (followed by letter symbol "C")
Name of post (USAID/)
Agency for International Development
Washington, D.C. 20523

(5) Mail sent via the diplomatic pouch may not be in violation of U.S. Postal laws and may not contain material ineligible for pouch transmission.

(6) AID contractors are *not* authorized use of mili-

tary postal facilities (APO/FPO). This is an Adjutant General's decision based on existing laws and regulations governing military postal facilities and is being enforced worldwide. Posts having access to APO/FPO facilities and using such for diplomatic pouch dispatch may, however, accept official and personal mail for the pouch provided, of course, adequate postage is affixed when onward transmission (mail to other than AID/W) through U.S. postal channels is required.

(b) The Contractor shall be responsible for compliance with these guidelines and limitations on use of pouch facilities.

(c) Specific additional guidance on use of pouch facilities in accordance with this clause is available from the Post Communication Center at the Embassy or AID Mission.

ATTACHMENT C

ADDITIONAL GENERAL PROVISIONS

CONTRACT WITH A U.S. CITIZEN OR U.S. RESIDENT FOR PERSONAL SERVICES ABROAD

(To be used along with the General Provisions for a tour of duty of 1 year or more)

TABLE OF CONTENTS

1. Definitions (long tour)
2. Laws and Regulations Applicable Abroad (dependents)
3. Physical Fitness (long tour)
4. Leave and Holidays (long tour)
5. Allowances (long tour)
6. Travel and Transportation Expenses (long tour)
7. Orientation and Language Training (long tour)
8. Post of Assignment Privileges (dependents)
9. Termination (long tour)

1. DEFINITIONS (LONG TOUR)

(a) "Dependents" means:

(1) *Spouse.*

(2) *Children* (including step and adopted children) who are unmarried and under 21 years of age or, regardless of age, are incapable of self-support.

(3) *Parents* (including step and legally adoptive parents) of the employee or of the spouse, when such parents are at least 51 percent dependent on the Contractor for support.

(4) *Sisters and brothers* (including step or adoptive sisters or brothers) of the Contractor, or of the spouse, when such sisters and brothers are at least 51 percent dependent on the Contractor for support, unmarried and under 21 years of age, or regardless of age, are incapable of self-support.

(b) "Traveler" also means dependents of the Contractor who are in authorized travel status.

2. LAWS AND REGULATIONS APPLICABLE ABROAD

(a) *Conformity to Laws and Regulations of the Cooperating Country*

While in the cooperating country, the Contractor agrees he will make every effort to assure that his authorized dependents shall abide by all applicable laws and regulations of the cooperating country and political subdivisions thereof.

(b) *Purchase, Sale, Import, or Export of Personal Property or Automobiles*

To the extent permitted by the cooperating country, the purchase, sale, import, or export of personal property or automobiles by the Contractor's authorized dependents in the cooperating country shall also be subject to the same limitations and prohibitions which apply to U.S.-citizen direct-hire employee dependents.

3. PHYSICAL FITNESS (LONG TOUR)

(a) *Predeparture*

The Contractor's authorized dependents shall also be required to be examined by a licensed doctor of medicine. The Contractor shall require the doctor to certify that, in the doctor's opinion, the Contractor's authorized dependents are physically qualified to reside in the cooperating country. A copy of the certificate shall be provided to the Contracting Officer prior to the dependent's departure for the cooperating country.

(b) *End of Tour*

The Contractor and his authorized dependents are authorized physical examinations within 60 days after completion of the Contractor's tour of duty.

(c) *Reimbursement*

The Contractor shall be reimbused for the physical examinations mentioned in paragraphs (a) and (b) above as follows: (1) not to exceed $85 per examination for the Contractor's dependents of 12 years of age and over and (2) $25 per examination for Contractor's dependents under 12 years of age. The Contractor shall also be reimbursed for the cost of immunizations.

4. LEAVE AND HOLIDAYS (LONG TOUR)

(a) *Vacation Leave*

With the approval of the Mission Director, and if the circumstances warrant, a Contractor may be granted advance vacation leave in excess of that earned but in no case shall a Contractor be granted advance vacation leave in excess of that which he will earn over the life of the Contract. The Contractor agrees to reimburse AID for leave used in excess of the amount earned during the Contractor's assignment under the Contract.

(b) *Military Leave*

Military leave of not more than 15 calendar days in

any calendar year may be granted to a Contractor who is a reservist of the Armed Forces, provided that such military leave has been approved in advance by the Contracting Officer or the Mission Director.

(c) *Home Leave*

(1) Home leave is leave earned for service abroad for use only in the United States, in the Commonwealth of Puerto Rico, or in the possessions of the United States.

(2) A Contractor who is a U.S. citizen or U.S. resident and has served at least 2 years overseas, as defined in paragraph (c)(4) below, under this Contract, and has not taken more than 30 workdays leave (vacation, sick, or leave without pay) in the United States, may be granted home leave of not more than 15 calendar days for each such year of service overseas; provided, that the Contractor agrees to return overseas upon completion of home leave under an additional 2 year appointment, or for such shorter period of not less than 1 year of overseas service under the Contract as the Mission Director may approve in advance. Home leave must be taken in the United States, the Commonwealth of Puerto Rico, or the possessions of the United States, and any days spent elsewhere will be charged to vacation leave or leave without pay.

(3) Notwithstanding the requirement in paragraph (c)(2) above, that the Contractor must have served 2 years overseas under this Contract to be eligible for home leave, Contractor may be granted advance home leave subject to *all* of the following conditions:

(i) Granting of advance home leave would in each case serve to advance the attainment of the objectives of this Contract;

(ii) The Contractor shall have served a minimum of 18 months in the cooperating country on his current tour of duty under this Contract; and

(iii) The Contractor shall have agreed to return to the cooperating country to serve out the remainder of his current tour of duty and an additional 2 year appointment under this Contract, or such other additional appointment of not less than 1 year of overseas service as the Mission Director may approve.

(4) The period of service overseas required under paragraph (c) (2), or paragraph (c) (3) above, shall include the actual days in orientation in the United States (less language training) and the actual days overseas beginning on the date of departure from the U.S. port of embarkation on international travel and continuing, inclusive of authorized delays en route, to the date of arrival at the U.S. port of debarkation from international travel. Allowable vacation and sick leave taken while overseas, but not leave without pay, shall be included in the required period of service overseas. An amount equal to the number of days of vacation and sick leave taken in the United States, the Commonwealth of Puerto Rico, or the possessions of the United States will be added to the required period of service overseas

(5) Salary during travel to and from the United States for home leave will be limited to the time required for travel by the most expeditious air route. The Contractor will be responsible for reimbursing AID for payments made during home leave if, in spite of the undertaking of the new appointment, the Contractor, except for reasons beyond his control as determined by the Contracting Officer, does not return overseas and complete the additional required service. Unused home leave is not reimbursable under this Contract.

(6) To the extent deemed necessary by the Contracting Officer, a Contractor in the United States on home leave may be authorized to spend not more than 5 days in work status for consultation on-campus or at AID/Washington before returning to post of duty. Consultation at locations other than AID/Washington or on-campus, as well as any time in excess of 5 days spent for consultation, must be approved by the Mission Director or the Contracting Officer.

(7) Except as provided in the Schedule or approved by the Mission Director or the Contracting Officer, home leave is not authorized for third-country nationals.

5. ALLOWANCES (LONG TOUR)

The following allowances shall also be granted to the Contractor and his authorized dependents to the same extent, and on the same basis as, they are granted to AID employees and their dependents by the Standardized Regulations (Government Civilians, Foreign Areas), as from time to time amended:

	Applicable Reference to Standardized Regulations
(a) *Educational Allowance*	Chapter 270
(b) *Educational Travel*	Chapter 280
(c) *Separate Maintenance Allowances*	Chapter 260

The allowances provided in paragraphs (a) through (c) above shall be paid to the Contractor in dollars or in the currency of the cooperating country in accordance with the practice prevailing at the Mission.

6. TRAVEL AND TRANSPORTATION EXPENSES (LONG TOUR)

(a) *General*

Pursuant to paragraph (a) of Clause 10 of the General Provisions, when transportation is not provided by Government-issued TR for the items listed below, the Contractor shall procure his own transportation, the costs of which will be reimbursed in accordance with the following:

(1) *International Travel*

(i) International travel costs and allowances and stopovers for authorized dependents shall be reimbursed on the same basis as for the Contractor under General Provision Clause No. 10(b)(2)(i) of this Contract except that travel allowances for such dependents shall be at the rate of $6 per day for persons 11 years of age or over and $3 per day for persons under 11 years of age payable for not more than the travel time required by scheduled economy class commercial air carrier using the most expeditious route and computed in accordance with the Federal Travel Regulations, as from time to time amended.

(ii) *1.* All international ocean transportation of things which is to be reimbursed in U.S. dollars as authorized under this Contract shall be by U.S.-flag vessels to the extent they are available. When U.S.-flag vessels are not available, or their use would result in a significant delay, the Contractor may request a release from this requirement from the SER/COM, Transportation Support Division, Agency for International Development, Washington, D.C. 20523, giving the basis for the request.

2. All international air transportation of dependents shall be in accordance with paragraph (b) (9) of Clause 10 of the General Provisions, entitled "Preference for U.S. Flag Air Carriers."

(b) *Limitation on Travel by Dependents*

Travel costs and allowances will be allowed for authorized dependents of the Contractor and such costs shall be reimbursed for travel from place of abode in the United States to assigned station in the cooperating country and return, only if the dependent remains in the cooperating country for at least 9 months or one-half of the required tour of duty of the Contractor, whichever is greater, except as otherwise authorized hereunder for education, medical, or emergency visitation travel.

(c) *Delays En Route*

Dependents may be granted reasonable delays en route, not circuitous in nature, while in travel status, caused by events beyond the control of such dependents.

(d) *Travel by Privately Owned Automobile (POV)*

Notwithstanding the provisions of paragraph (b) (7) of Clause 10 of the General Provisions, if travel by POV is authorized in the Schedule or approved by the Contracting Officer, the Contractor shall be reimbursed for the cost of travel in his privately owned automobile at the rate per mile equal to the rate authorized a U.S. Government employee in equivalent circumstances, plus authorized per diem for the Contractor and for each of the authorized dependents traveling in the automobile if the automobile is being driven in connection with (1) authorized orientation, (2) authorized duties under this Contract, or (3) en route to or from the cooperating country as authorized in the Schedule; provided that the total cost of the mileage and the per diem paid to all authorized travelers shall not exceed the total constructive cost of fare and normal per diem by all authorized travelers by (i) surface common carrier or (ii) less-than-first-class air, whichever is the lesser.

(e) *Emergency and Irregular Travel and Transportation*

Notwithstanding the provisions of paragraph (b) (8) of Clause 10 of the General Provisions, actual transportation costs and travel allowances while en route, as provided in this section, will also be reimbursed under the following conditions:

(1) Subject to the prior written approval of the Mission Director, the costs of going from post of duty in the cooperating country to the United States or other approved location for the Contractor and authorized dependents, when because of reasons or conditions beyond his control, the Contractor has not completed his required service in the cooperating country or the dependent must leave the cooperating country. The Mission Director may also authorize the return to the cooperating country of such Contractor and/or his authorized dependents.

(2) It is agreed that paragraph (e) (1) above, includes but is not necessarily limited to the following:

(i) Need for medical care beyond that available within the area to which Contractor is assigned.

(ii) Serious effect on physical or mental health if residence is continued at assigned post of duty.

(iii) Serious illness, injury, or death of a member of a Contractor's immediate family or the immediate family of a dependent. Travel may be authorized in accordance with emergency visitation travel granted to U.S.-citizen direct-hire employees and their dependents under Chapter 699 of the Standardized Regulations (Government Civilians, Foreign Areas).

(iv) Emergency evacuation, when ordered by the principal U.S. Diplomatic Officer in the cooperating country. Transportation and travel allowances at safe haven and the transportation of household effects and automobile or storage thereof when authorized by the Mission Director shall be payable in accordance with established Government regulations.

(v) Preparation and return of the remains of a deceased Contractor or his dependents.

(f) *Transportation of Motor Vehicles, Personal Effects, and Household Goods*

(1) *General*

Transportation, including packing and crating costs, will be paid for shipment from Contractor's residence in the United States or other location (provided that the cost of transportation does not exceed the cost from the Contractor's residence) to post of duty in the cooperating country and return to the Contractor's residence in the United States or other location (provided that the cost of transportation does not exceed the cost to the Contractor's residence), (i) of one privately owned motor vehicle for the Contractor subject to the restrictions contained in paragraph (h) below, (ii) of personal effects of the Contractor, and (iii) of household goods of Contractor not to exceed the following limitations:

	Basic Household Furniture Not Supplied (Pounds Net Weight)	Basic Household Furniture Supplied (Pounds Net Weight)
Contractor with dependents in cooperating country	7500	2500
Contractor without dependents in cooperating country	4500	1500

Note: For the purpose of this Clause, "net weight" and "gross weight" are defined and determined in accordance with the provisions of Section 162.1 of the Uniform State/AID/USICA Foreign Service Travel Regulations.

The cost of transporting motor vehicles and household goods shall not exceed the cost of packing, crating, and

transportation by surface common carrier. In the event that the carrier does not require boxing or crating of motor vehicles for shipment to the cooperating country, the cost of boxing or crating is not reimbursable. The transportation of a privately owned motor vehicle for a Contractor may be authorized as a replacement of the last such motor vehicle shipped under this Contract for such Contractor when the Mission Director determines, in advance, and so notifies the Contractor in writing, that the replacement is necessary for reasons not due to the negligence or malfeasance of the Contractor. The determination shall be made under the same rules and regulations that apply to authorized Mission U.S.-citizen direct-hire employees.

(2) *Unaccompanied Baggage*

The Contractor will be reimbursed for costs of shipment of unaccompanied baggage (in addition to the weight allowance above for household effects) not to exceed the following:

	Gross weight
Employee	250 lbs.
First dependent traveling	200 lbs.
Second dependent traveling	150 lbs.
Each additional dependent traveling	100 lbs.

This unaccompanied baggage may be shipped as air freight by the most direct route between authorized points of origin and destination regardless of the modes of travel used.

Unaccompanied baggage is considered to be those personal belongings needed by the traveler immediately upon arrival at destination.

(3) *Reduced Rates on U.S.-Flag Carriers*

Reduced rates on U.S.-flag carriers are in effect for shipments of household goods and personal effects of AID Contractors between certain locations. These reduced rates are available provided the shipper furnishes to the carrier at the time of the issuance of the Bill of Lading documentary evidence that the shipment is for the account of AID. The Contracting Officer will, on request, furnish to the Contractor current information concerning the availability of a reduced rate with respect to any proposed shipment. The Contractor will not be reimbursed for shipments of household goods or personal effects in amounts in excess of the reduced rates which are available in accordance with the foregoing.

(g) *Storage of Household Effects*

The cost of storage charges (including packing, crating, and drayage costs) in the United States of household goods of Contractor will be permitted, in lieu of transportation of all or any part of such goods to the cooperating country under paragraph (f) above, provided that (1) the total amount of household goods shipped to the cooperating country and stored in the United States shall not exceed 4,500 pounds net for each Contractor without dependents in the cooperating country and 7,500 pounds net for each Contractor with dependents in the cooperating country, and (2) at least 200 pounds net of household effects will be stored; quantities of less than 200 pounds net stored will not be reimbursed.

(h) *Transportation of Foreign-Made Motor Vehicles*

Reimbursement of the costs of transporting a foreign (non-U.S.) made motor vehicle will be made in accordance with the provisions of the Uniform State/AID/USICA Foreign Service Travel Regulations, as from time to time amended, on the same basis as a U.S. Government employee.

(i) *Home Leave Travel*

The Contractor shall be reimbursed for the cost of travel performed by Contractor and dependents for purposes of home leave, provided that such reimbursement does not exceed that authorized by the Uniform State/AID/USICA Foreign Service Travel Regulations.

(j) *Rest and Recuperation Travel*

If approved in writing by the Mission Director, the Contractor and his dependents shall be allowed rest and recuperation travel on the same basis as authorized U.S.-citizen direct-hire Mission employees and their dependents.

7. ORIENTATION AND LANGUAGE TRAINING

(a) Except as set forth in paragraph (b) (4) below, the Contractor shall receive a maximum of 2 weeks AID orientation before travel overseas. The dates of orientation shall be selected by the Contractor and approved by the Contracting Officer from the orientation schedule provided by AID.

(b) As either set forth in the Contract Schedule, or provided in writing by the Contracting Officer, the following may be authorized taking into consideration specific job requirements, Contractor's prior overseas experience, or unusual circumstances, in connection with orientation of individual Contractors:

(1) Modified orientation,

(2) Language training,

(3) Orientation for Contractor's dependents at Contract expense,

(4) Waiver of orientation for individual Contractor.

(c) Transportation costs and travel allowances not to exceed one round trip from the Contractor's residence to place of orientation and return will be reimbursed, pursuant to Clause 10 of the General Provisions, entitled "Travel and Transportation Expenses," if the orientation is more than 50 miles from the Contractor's residence. Allowable salary costs during the period of orientation are also reimbursable.

8. POST OF ASSIGNMENT PRIVILEGES (DEPENDENTS)

(a) Health room services are generally available for Contractor's authorized dependents at the post of duty. These services do not include hospitalization, or predeparture or end of tour medical examinations. The services do include such medications as may be available, immunizations and preventive health measures, diagnostic examinations and advice, emergency treatment, and home visits as medically indicated.

(b) Privileges such as the use of APO, PX's, commissaries and officer's clubs are established at posts abroad pursuant to agreements between the U.S. and host governments. These facilities are intended for and usually are limited to members of the official U.S. establishment including the Embassy, AID Mission, USICA, and the Military. Normally, the agreements do not permit these facilities to be made available to non-official Americans.

9. TERMINATION

If this Contract is terminated for the convenience of the Government pursuant to Clause 16 of the General Provisions, the Contractor shall also be entitled to return transportation costs and travel allowances for authorized dependents, transportation of motor vehicle, personal effects, and household goods, if any or all of the above are authorized in this Contract, subject to the limitations which apply to such costs.

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Appendix G—Contract Closeout Procedures

1. Purpose

This Appendix G establishes procedures for the orderly and expeditious closeout of completed
AID/W and Mission direct contracts.

2. Closeout Procedures

(a) For the purpose of this Appendix, the "closeout phase" is defined as the period of time extending from the date the work has been completed by the contractor (including submission of all reports required under the contract) until all remaining administrative actions have been satisfactorily accomplished and the contract file is retired. The closeout procedures are administered by the Support Services Branch, Office of Contract Management (CM/SD/SUP).

(b) AID organizational elements accomplish their respective responsibilities during the closeout phase as follows:

(1) *Fixed-Price Type Contracts.* Within 4 months after the contractor has completed the work.

(2) *Cost-Reimbursement Type Contracts.* Within 21 months after the contractor has completed the work.

(c) Contract records are not officially retired by the contracting office until the closeout phase is completed.

3. Responsibility

(a) *Contracting Office.* The contracting officer is responsible for:

(1) Identifying outstanding closeout actions.

(2) Contacting other offices within AID having responsibilities during the closeout phase for status information.

(3) Assuring that all closeout actions have been accomplished as evidenced by the information provided by responsible offices on the checklist form.

(4) Initiation of follow-up measures, as necessary, on administrative actions which have not been completed within a reasonable time.

(5) Submitting any contract file to the Office of the General Counsel for review when he feels that (i) litigation may be involved, or (ii) there is a legal problem which GC should comment on before the contract is closed out.

(b) *Other AID Offices.* Other AID offices (e.g., the Technical Office, Inspector General, AID/W or Mission Security, AID/W Paying Office or Mission Controller, and the Mission) are responsible for:

(1) Accomplishing administrative actions on a work-completed contract as expeditiously as possible.

(2) Providing completed checklist forms or other status information as requested by the contracting officer in accordance with the procedures in this appendix.

4. Procedures

(a) As soon as feasible, but not more than 90 days after completion of the work under a contract (including receipt of all reports required thereunder), the contracting officer, or his designated representative, reviews the contract records to identify the outstanding closeout actions which must be accomplished prior to retiring the contract.

(b) The contracting officer or his designated representative (CM/SD/SUP for AID/W) prepares and sends two copies of form AID 1420–15*, Contract Closeout Checklist, to each of the indicated AID action offices as follows:

Part I—AID/W Technical Office (form AID 1420–15A).

Part II—AID Security or Mission Security Office (form AID 1420–15B).

Part III—AID/W IG Audit (form AID 1420–15C).

Part IV—AID/W Paying Office or Mission Controller (form AID 1420—15D).

Part V—Mission (form AID 1420–15E).

(c) The above checklists are sent concurrently to the action offices indicated. Each action office returns one copy of the completed part of the checklist to the contracting officer by the date indicated on the form. Additional remarks or comments by the action office may be attached to their reply. In closing out a mission contract, it may be necessary to obtain certain information from AID/W offices before completing the checklist. If an office indicates on the checklist that one or more items are still pending, they forward the second and final signed copy of the checklist when all of their outstanding actions have been completed.

(d) The contracting officer, or his designated representative, follows up periodically on outstanding administrative actions that have not been accomplished within a reasonable period of time.

(e) The contracting officer shall certify to the Security Office when the contractor has given notification that all classified information in the contractor's possession has been properly disposed of or retained (see Part VI, item 8 of form AID 1420–15F).

(f) When the contracting officer has received the completed, certified checklists from the other action offices, he completes Part VI, the Contracting Office Checklist (form AID 1420–15F), assembles all checklist parts in order, signs the certification in paragraph B of Part VI, and places the document in the contract file. The signed checklist and support data then constitute the necessary authority to officially retire the contract file.

5. Availability of Contract Closeout Checklist

The six part contract closeout checklist form, AID form 1420–15, is stocked by the AID Distribution Branch (MO/PAV) and by the Support Division, Office of Contract Management. Mission contracting offices should order their supply through the AID Distribution Branch (MO/PAV); AID/W contracting offices, through the Support Division, Office of Contract Management.

Appendix H—Use of Collaborative Assistance Method for AID Direct Contracts for Technical Assistance

1. Introduction

(a) AID direct contracts for technical assistance are now classified in one of three categories depending on the source selected to perform the services. They are:

(1) Architect/engineer services provided with a technical assistance project;

(2) services to be performed by an educational/nonprofit institution; and

(3) services to be performed by commercial contractors, or others, as a result of competitive negotiation.

(b) Procurement policies and procedures for architect/engineer services are contained in the AID Procurement Regulations (AIDPR 7–4.10). Services to be performed by commercial contractors, or others, as a result of competitive negotiation will now be procured under policies and procedures contained in Subpart 7–4.56, General Selection Procedures, in the AID Procurement Regulations.

(c) For the procurement of services to be performed by educational institutions, international research centers, or cooperative development organizations, there are two Subparts to the AID Procurement Regulations. The first of these, Subpart 7–4.57, Educational Institution and International Research Center Selection Procedure will be used whenever it has been determined that required services or relationships necessary for the successful performance of the project are available only from an educational institution or international research center (except contracts negotiated under 7–3.211 and Subpart 7–4.58, Collaborative Assistance).

(d) The second of these, Subpart 7–4.58, Collaborative Assistance, introduces an additional approach for obtaining services from educational institutions, international research centers, or cooperative development organizations, and is the major concern of this appendix.

2. Purpose

This appendix describes an alternative contractual relationship known as the collaborative assistance approach for the following purposes:

(a) Increasing the joint implementation authority and responsibility of the contractor and the LDC;

(b) Encouraging more effective collaboration between all participating parties (AID, host country, and contractor) at important stages, including the design stage, of a technical assistance project.

3. Policy

The collaborative assistance approach represents an alternative method for long-term technical assistance which involves professional collaboration with educational institution, international research center, or cooperative development organization contractors and LDC counterparts for a problem-solving type activity to develop new institutional forms and capabilities, to devise operating systems and policies, and to conduct joint research and development—including training. In such an activity, the difficulty in defining, in advance, precise and objectively verifiable contractor inputs and long-term project content as a basis for payment usually requires a flexible approach to project design, contracting, and project implementation. Such flexibility is also essential to the collaborative style which is responsive to LDC desires in problem areas of great complexity and varying uncertainty. Other types of technical assistance, which are usually shorter in term are amenable to more precise definition in advance, or involve

closely defined and relatively standardized services, or are otherwise more analogous to commodity resource transfers, may be suitable for other contracting methods, e.g., certain forms of institution building, on-the-job training, resource surveys, etc. The collaborative assistance method is an approved method for providing technical assistance when used in accordance with the circumstances outlined above, and with the guidelines set forth in paragraph 4, below.

4. Implementation Procedures

(a) *Introduction.* This paragraph 4. provides background information, guidelines and procedures to effect the implementation of the policy set forth in paragraph 3. above.

(b) *Conditions and Practices.* In order for this policy to work effectively even when the proposed activity fits the criteria described under Policy, there must also be:

(1) Acceptance of the notion that the host country, in consultation with the contractor, is in the best position to make tactical, day-to-day decisions on project inputs within agreed-upon limitations and output expectations;

(2) Sufficient trust and respect between the Agency and the contractor to allow this flexible implementation authority;

(3) A direct-hire project monitor with appropriate background to be knowledgeable of progress and to assist in an advisory and facilitative capacity, both during and between periodic reviews. In addition, the following important conditions must be met:

(1) Adequate preproject communication between, and identification of assistance required by, the host government and USAID;

(2) Full joint planning and improved project design ("Joint" as used herein refers to the primary parties, i.e., the collaborating institutions, as well as the host government and USAID. In some instances, it can also include other donors.);

(3) Careful contractor selection, i.e., matching of the contractor's technical and managerial capabilities to the anticipated requirements of the overseas activity;

(4) Establishment of relationships between host country, AID and contractor staff to include host country leadership, flexible implementation authority, and effective management by the contractor;

(5) Improved joint project evaluation, feedback, and replanning; and

(6) Simplified administrative procedures and greater reliance on in-country logistical support.

(c) *Project Stages and Contractor Involvement.*—In the long-term technical assistance projects as described above, there are four discrete but sometimes overlapping decision stages which take place—with the principal contractor usually involved in the last three.

(1) *Problem Analysis and Project Identification.* After the host government has indicated a desire for U.S. collaboration on a particular problem and the AID field mission has determined that the proposed activity is consistent with its program goals and priorities, considerable effort is usually necessary to refine further the project purpose and type of assistance required and provide a basis for contractor selection. This is a crucial step and is focused on results sought—on what the prospective contractor is expected to produce in relation to resources to be used and to project purpose. It should result in a clear understanding of what the LDC wants, and an overall plan which includes agreement on specific objectives or outputs, acceptable types of activities and inputs and an initial budget—resulting in project documentation. At this step, AID makes decisions it cannot delegate on what it will support and at what cost. If needed to supplement its direct-hire expertise, AID can use outside consultants for analysis and advice but retains the ultimate decision for itself in collaboration with, but independent of, the requesting host government. (Normally, the proposed contractor for project definition and subsequent implementation should not have been involved in the problem analysis and project identification stage as a consultant to either the host country government, host institution, or USAID. If a potential contractor has been so involved, particular care must be taken to prevent actual or apparent organizational conflicts of interest in the procurement that follows. This could require, at a minimum, a careful assessment and complete documentation of reasons for selection.)

Normally, there will need to be some mutual interaction between the overall planning stage outlined here and the detailed planning and design work which follows in the next phase. There will usually be some overlap, with preliminary decisions in this stage providing a basis for selection of implementing agents for stage (2) which in turn proceeds through some preliminary planning to guide completion of stage (1) as a basis for long-term contracting.

(2) *Project Definition.* At this stage, having selected the implementing agent, the U.S. and LDC organizations which will be collaborating in carrying out the project are encouraged to work out, to their mutual satisfaction, the particulars of what to do and how to do it (i.e., detailed project design) within the context of LDC leadership and responsibility and the general agreements and budget reached in stage (1). The emphasis here is on the technical approach to be utilized and the scheduling and management of project inputs. This may involve a short-term reconnaissance and/or an extensive period of detailed joint planning and feeling out of what is feasible during a preliminary operating phase of the project, possibly lasting as much as a year or more. This stage recognizes the importance, for the problem-solving or ground-breaking types of technical assistance, of involving the U.S. and LDC implementing organizations together as soon as the detailed design work begins. AID's role here is to facilitate, not direct, the joint planning, assure consistency with prior agreements or concur in changes, affirm that the implementing parties have agreed on a reasonable project design, and prepare or cause to be prepared the documentation required for stage (3), including any amendments that might be required to the project documentation. If and when a decision is made by the host government and AID to proceed into the operating phase with the same contractor, the U.S. intermediary should be treated as a cooperating partner in the negotiation of the subsequent long-term operating agreement(s) with the host government, host institution and AID.

(3) *Implementation.* The results of the approach outlined in the stage above should include, in addition to a better understanding and more meaningful commitment by all parties, the following specific products:

(i) A jointly developed life-of-project design which reflects the commitment of all parties and includes clear statements of purpose, principal outputs, eligible types of activity and expenditure limits, critical assumptions, and major progress indicators;

(ii) A workplan and input schedule for the first two years or at least as long as the expenditure period for the next obligation of project funds;

(iii) Provisions for any administrative support, special services or other inputs by the host country, contractor, and/or AID; and

(iv) A plan for periodic joint evaluation and review or progress and subsequent workplans, normally annually, with the participation of all parties.

Appropriate elements of these agreements and understandings are now embodied in a contract for project implementation, as described in paragraph ((d)(3)(i)) of the section below on Contracting Implications. This contract allows the U.S. intermediary to apply its judgment, reflecting close collaboration with its LDC colleagues, in adjusting the flow of AID-financed inputs and in making other operational decisions with a minimum of requirements for prior AID approvals or contract amendments as long as the contractor stays within the bounds of the approved overall plan and budget. In this phase, AID will give technical assistance contractors the authority and responsibility for using their specialized expertise to the fullest extent in the scheduling and managing of project inputs.

(4) *Monitoring, Joint Evaluation and Replanning.* With increased flexibility and responsibility for implementation placed with the technical assistance contractor, the host government, and/or institutional collaborator, improved and timely progress reporting and periodic, joint, and structured reviews of results and evolving plans are imperative as a basis for monitoring and evaluating contractor performance, revalidating or adjusting project design, and for determining future funding levels and commitments.

Both the contractor's annual report and the joint review should be structured within the framework of purpose, outputs, performance indicators, etc., originally established in the project identification phase—as modified by detailed project designed—and reflected in the Project Agreement and other pertinent documentation. The field review will normally serve as the occasion for discussing changes in or additions to previously agreed-to workplans as well as proposing changes in purpose, types of activities authorized and budgets which require contract amendment. Obviously, the appropriate host government, host institution, and senior contractor officials should be thoroughly involved in the

process, which will have to be adapted to the conditions within specific projects and countries. An important USAID responsibility is to assure that there is appropriate host country participation in developing and improving project plans prior to new obligations of funds. The special requirements and responsibilities of the various parties shall also be reflected in The Project Agreement and contract terms and in guidelines on the content of annual reports, evaluation procedures, etc.

Standard checking on services actually delivered as a basis for reimbursement will be continued including appropriate audit of expenditures.

(d) *Contracting Implications.*—The principal elements of change in present contracting practices, as detailed below, are earlier selection and involvement of the prime contractor, contracting by major stages of project design and operations, minimizing the need for precontract negotiations and contract amendments and AID approvals, and providing technical assistance contractors with the authority and responsibility needed to manage implementation within the approved program bounds.

(1) *Selection.* The early involvement of contractor in the definition stage of a long-term technical assistance project, after AID decides what it wants to undertake in stage (1), does not alter the Agency's responsibility to select its contractors carefully and in full compliance with appropriate contracting regulations and selection procedures. What is required here is that contractor selection be carried out at an earlier stage than has sometimes been the agency practice in the past or with other types of contracts and in anticipation that the contractor, assuming adequate performance, will participate in all subsequent phases until final completion.

(2) *Contracting Stages.* In contracting, the initial design stage should be separated from the longer term implementation stage without any AID commitment to undertake the second until it has exercised its independent judgment based on the product of the first plus any outside expert appraisal it and the host country want to use.

The long-term implementation stage itself may be further subdivided into contract periods which permit time between predetermined events for analysis, determination of new project requirements, and evaluation of performance prior to initiating the next phase by contract amendment/extension. If, for any reason, such an examination does not appear to warrant project continuation, then termination of the project and/or contract would be the next step.

(3) *Flexible Implementation Authority.* While good project design will eliminate or diminish many operational problems, the very nature of long-term technical assistance requires flexible implementation within agreed purposes, ultimate outputs, types of activity and available financing. With these key variables for AID management control established, contracts should be written so as to minimize the need for amendments and AID approval of changes in input particulars. This can be facilitated, both for the USAID, host country, institution, and the contractor, by:

(i) *Retention of Operational Plan in Contract and Removal of Workplan.* The contract narrative will contain the life-of-the-project Operational Plan, consistent with the project design as developed in stage (2) and reflected in the project documentation (and subsequent amendments thereto). The Operational Plan includes a statement of the purpose to be achieved, the outputs to be produced by the contractor and the types of activities to be undertaken, the more significant indicators of progress, a general description of the type of inputs that are authorized and intended to be provided during the life of the project, and the overall budget.

In order to allow adjustments at the implementation level without going through the contract amendment process, the detailed but short-term workplan containing specific descriptions and scheduling of all inputs such as numbers and types of staff, participants, commodities, etc., and specific activities, will not be a part of the contract. It is a working document to be modified in the field when the situation demands. The latest version will be available as a supporting document to justify proposed new obligation levels. Normally, the workplan and derived budget will cover a rolling two year period, i.e., each year another yearly increment is added after review and approval.

(ii) *Budget Flexibility.* To support this implementation flexibility, contract budget or fiscal controls will be shifted from fixed line items for each input category to program categories, permitting the technical assistance contractor to adjust amounts and timing to achieve previously approved project purpose and outputs—as long as he/she remains within the total contract amount and approved types of activity. This same type of flexibility should apply to any local currency supplied for project operations and/or contractor staff support. While an essential corollary to eliminating the workplan from the contract, this is not a unique procedure under cost reimbursment type contracts when the contractor has demonstrated adequate management capability.

(iii) *Negotiation of Advance Understandings.* To permit university and International Research Center contractors to manage their activities in accordance with their own policies and procedures and thereby sharpen their management responsibility while achieving substantial savings in time and reduced documentation, AID may negotiate advance understandings with its technical assistance contractors on dollars cost and administrative procedures that would be included by reference in its subsequent contracts. Upon receipt of a request from the contractor that their policies be reviewed and approved for usage in their contract in lieu of the standard terms and conditions, CM/SOD/OSC, AID/W, will initiate negotiations of such policies in an expeditious manner. The approved policies will be used in all relevant relations involving the Agency and respective contractors in lieu of traditional contract standard provisions, whenever this may be appropriate. This does not apply to local currency costs and host government procedures which must be negotiated in each case.

The purpose of the practices listed above is not only to give a qualified contractor the authority to adjust the composition and timing of inputs but to assign him/her to clear responsibility of managing such resources, as the evolving circumstances require, to achieve the agreed-upon outputs on a cost efficient basis. It should also reduce the delay and paperwork involved in frequent but minor contract amendments, and approvals. For the Agency as a whole, both in the Mission and in AID/W, these have involved a large workload and cost.

(e) *Role of AID.* Nothing in this appendix is intended to delegate, diminish or otherwise modify AID's final responsibility for the prudent management of public funds and its own programs. Rather, in withdrawing from the day-to-day involvement in and responsibility for the management of adjustment of the flow of inputs during the implementation, the best use of limited Agency staff and time can be devoted to protecting the public interest in gaining maximum results from the funds appropriated for technical assistance by:

(1) Seeking optimum identification in terms of LDC priorities and U.S. capabilities;

(2) Mobilizing and selecting the best U.S. professional talent to design and carry out the project;

(3) Monitoring what is happening to assure adequacy of processes, get a feel of results, assure actual delivery of inputs being financed;

(4) Assuring that the attention of AID's implementation agents and LDC colleagues stay well focused on project purpose and results to be achieved (outputs) and the relation to these of what is being done and actual results;

(5) Providing intermediaries adequate authority and responsibility to adjust inputs promptly and sensitively to the evolving project situations.

Attention to these considerations, and to achievements of the preimplementation conditions prescribed above, should greatly increase the chances for successful project completion and impact on a cost effective basis, which is the final measurement of prudent management.

Attachment 1 to Appendix H—Guidelines for Preparation of, and Response to, Requests for Expression of Interest (REI) Under the Collaborative Assistance Method

A. Length and Level of Detail

An Expression of Interest should include more than just a short letter expressing interest, but should not be in the detail of a technical proposal (RFTP). The Expression of Interest Document is not the only source of information that can or should be used for selection, but at least a minimum level of information should be contained in each document. A ten page paper that responds to the selection criteria included in every REI should be sufficient for evaluation purposes. The selection criteria should specify the technical inputs required for successful execution of the project and normally require a response in three general areas:

1. A description of the institution's capability to address the problem described in the REI.

2. Any related experience, whether in the country or region or in the problem area

3. A demonstrable commitment of the institution to support the project.

The responses should address the capability, experience, and commitment to the *particular project*.

B. Specific Personnel Information

The response should specify within the areas set out in the selection criteria the following planning and personnel factors

1. The design team plan and the scope of work for each member.

2. A list of candidates for the design team and their credentials.

3. A list of possible candidates for long-term assignment to the project. (Since there has been no project design, the specific technical assistance slots and technical responsibilities are vague. But it is expected that at least half of the personnel needs can be estimated early in the project. The institution should make its best guess for the team and present to the Agency the persons or types of persons with whom they are likely to contract.)

C. Multiple Institution Submissions

Joint effort on the part of several institutions is encouraged when appropriate A single institution may submit an Expression of Interest for part of the project without knowledge of other collaborators or it may submit information in response to A and B of this attachment as part of a suggested collection of institutions. In either case, a proposed plan for cooperation is necessary. However, such joint efforts must specify the division of responsibilities for the planning and personnel factors indicated in B of this attachment. Often AID will identify the need for cooperation and suggest such an effort in the REI. Even if AID does not suggest collaboration, joint efforts with a description of the cooperation would be an appropriate way to respond to an REI.

Appendix I—Approval and Reporting Procedures for Contractor Proposed Salaries Including Those That Exceed the Statutory Limitation on Basic Pay of an FSR–1

1. Purpose

This appendix does the following:

(a) Provides guidelines for the use of prudent judgement when considering salaries, especially salaries exceeding the FSR–1 maximum salary limitation (5 U.S.C. 5308 and Pub. L. 95–66);

(b) establishes procedures for justification of salary approvals;

(c) prescribes procedures for control numbers and submission of copies of salary approvals to SER/CM/SD/SUP;

(d) establishes a semiannual report of salary approvals for the Deputy Administrator.

2. Procedures

(a) *Salary Approvals.*—In accordance with Handbook 14, AID Procurement Regulations 7–15.205–6(b)(2), contracting officer approvals of salaries exceeding the FSR–1 rate are to be based upon a memorandum from the technical office approved by the Assistant Administrator or Mission Director having program responsibility for the contract. The reasonableness of proposed salaries exceeding the FSR–1 level must be evaluated by the appropriate technical office in terms of the technical competence required, scope of supervisory responsibilities involved, and the relationship of the proposed salary level to the individual's customary salary level for similar work. Even though approval of salary levels above the FSR–1 rate are justified primarily by the Assistant Administrator or Mission Director having program responsibility, it is the contracting officer's responsibility to scrutinize increases as a matter of business acumen whenever AID negotiations deal with any salaries payable under contracts. Increases in the FSR–1 statutory salary limitation are not, and shall not be by themselves, a basis for upward salary revisions of contractor employees. Proposals for such revisions should be considered normally when contracts are renewed, and must be carefully reviewed and negotiated to ensure that increases are not automatically granted without corresponding increases in the quality or quantity of services rendered. Salaries below the FSR–1 maximum level should also be fully justified, even though formal approval procedures may not be involved. Personnel compensation negotiated and payable under AID contracts should be at the minimum levels necessary to attract needed technical services in a competitive market. Rates should be determined by the "market place" where the types of services are obtained. Using such criteria, very few salaries can be expected to approach or exceed the FSR–1 level.

Actual discussions with contractors concerning salaries should be held only by persons authorized to negotiate and execute contracts. (See AIDPR Appendix A.)

(b) *Justification of Approvals.*—There will be cases where the services required are so unique and highly specialized that few persons are available to perform them. In such instances, if justifications for exceptional salaries are needed, particularly where the salary would exceed the FSR–1 level, the project officer will be consulted. If no alternative can be found, the project officer will prepare a salary justification to support the negotiator's action. It is the negotiator's responsibility to see to it that such cases are fully justified and that a complete record of the rationale is included in his memorandum for the contract file.

3. Approval Control Numbering and Submission to SER/CM

Copies of all approvals of salaries that exceed the FSR–1 level are required to be sent to SER/CM/SD/SUP. To assist SER/CM in determining that they are receiving all copies from each approving office, approving officials will have a consecutive control number starting each fiscal year assigned to each approval by their office, the record of which will be maintained separately from other approval documents.

4. Semiannual Report to the Deputy Administrator

Commencing with March 31, 1978, a semiannual report listing all salary approvals that exceed the FSR–1 maximum level will be sent to the Deputy Administrator of AID by the Office of Contract Management.

Appendix J—Response to Audit Recommendations

1. Purpose

This Appendix establishes consolidated procedures for responding to post-award audit reports. The procedures in this Appendix are not applicable to pre-contract audit surveys.[1]

2. Applicability

The procedures set forth in this Appendix apply to all audit recommendations concerning costs questioned under AID-direct contracts whether the recommendation is assigned to SER/CM, or to a Mission or Area Contracting Officer.

3. The Role of the Inspector General

(a) *Legislative and Procedural Requirements.*—Public Law 96–304, July 8, 1980 (Section 305) requires that audits involving questioned costs be resolved within six months. Further, OMB Circular A–73, Audit of Federal Operations and Programs, requires that each agency establish policies and procedures for prompt and proper resolution of audit recommendations, and establish standards for such policies and procedures. The Administrator has approved procedures for audit follow-up and resolution, as recommended by the Inspector General (IG).

(b) *IG Responsibilities.*—(1) The IG and the Regional Inspectors General (RIG) are responsible for tracking and following up on audit recommendations to insure prompt and proper resolutions, and for reporting on monetary recoveries resulting from audit reports. Following receipt of the Contracting Officer's disposition of the substance of an audit recommendation, the IG and RIG are responsible for determining whether or not to officially close the recommendations.

(2) If the cognizant RIG has not received satisfactory evidence of resolution of an audit recommendation within four months of issuance, the RIG will request a status report from the office assigned action responsibility (see also paragraph 5b(3), below). If no evidence of satisfactory resolution is received by six months, the IG follows up directly with the cognizant Assistant Administrator. The IG may request the Deputy Administrator to take action on any recommendation open for more than six months.

(3) If the cognizant RIG does not agree to an action office's disposition of an audit recommendation, the RIG will first attempt to resolve the issue with the action office. If this

[1] Contracting Officers often request audit advice and assistance in evaluating Contractor's proposals prior to award. FPR 1–3.811(b) requires the Contracting Officer to provide a copy of the memorandum of negotiation to the auditor (the cognizant RIG) when a pre-award survey has been performed, to inform the auditor of the disposition and usefulness of the pre-award survey. Provision of a copy of the memorandum of negotiation to the cognizant RIG, pursuant to FPR 1–3.811(b), constitutes response to a pre-award audit survey.

is unsuccessful, the issue will be referred to the IG, who will attempt resolution with the cognizant office head or Assistant Administrator. If the issue cannot be resolved at this level, it can then be referred by IG to the Deputy Administrator for decision. (See also paragraph 4.b., concerning the role of the Contracting Officer.)

(4) If the cognizant RIG questions a Contracting Officer's decision not to seek recovery of audit questioned cost, the RIG may submit the issue to the cognizant Regional Legal Advisor, or to the General Counsel's Office. (See also paragraph 4.b., concerning the role of the Contracting Officer.)

4. The Role of the Contracting Officer

(a) Pursuant to the Contract Disputes Act of 1978 (41 U.S.C. 601–613), as implemented in FPR 1–1.318 and AIDPR 7–1.318, and as provided in FPR 1–1.402 and AIDPR 7–1.452–1, Contracting Officers have the authority to negotiate and enter into settlements with contractors of costs questioned under audit reports. With this authority goes the responsibility for insuring that such settlements are properly justified and documented, and promptly executed.

(b) A negotiated settlement of questioned costs, executed by the contractor and the Contracting Officer; or a Contracting Officer's final decision pursuant to the Disputes clause (in the event questioned costs are not settled by negotiated agreement), are final, subject only to a contractor's appeal, either under the provisions of the Disputes Act, or to the Courts. Regardless of internal controls, such as IG or RIG's right to maintain a recommendation as open (see paragraph 3.b.(3), above), or to question a Contracting Officer's decision regarding questioned costs (see paragraph 3.b.(4), above), the Contracting Officer's decision as between the Government and the Contractor is final, subject to established methods of contractor appeal. Authority to negotiate settlements, or make final decisions on questioned costs rests with duly delegated Contracting Officers alone.

5. Procedures

In order to insure that resolutions of audit recommendations are properly justified and documented, the following procedures are established:

(a) *General.*—(1) Copies of all correspondence concerning resolution of an audit recommendation must be promptly sent to the cognizant RIG. All correspondence provided to the cognizant RIG should include the Contractor's name, the contract number(s), and the audit report and recommendation number(s).

(2) In transmitting post-award audit reports to action offices, the RIG's attached memoranda shall identify each contract by its number and request an initial written response within 30 days. Under the Agency's new audit recommendation follow-up system, the RIG's are following up to insure that action offices provide the 30-day responses. The IG is required to provide a copy of the initial response to several Congressional Committees. It is recognized that the initial response to audit reports questioning contract costs takes the form of a notification to the contractor by the Contracting Officer. The cognizant RIG will accept copies of the Contracting Officer's notification as the initial response to the audit report if:

—The notification clearly indicates the title and/or number of the audit report.

—The notification covers all the cost issues raised in the audit report. If it does not, the cognizant RIG requires a separate memorandum explaining the Contracting Officer's position on the remaining cost issues.

(3) Action offices have six months from receipt of an audit recommendation to resolve that recommendation; however, every effort will be made to resolve the recommendation within 120 days of its receipt. The Contracting Officer is responsible for keeping the cognizant RIG informed regarding the status of open audit recommendations in accordance with the procedures established in this Appendix. If for any reason a recommendation cannot be resolved within the 120 day period, the Contracting Officer must so advise the cognizant RIG in writing, giving the reasons. This notification is to be provided as soon as possible, but in any event at least two weeks before expiration of the 120 day period. The Contracting Officer is also responsible for insuring that RIG's four-month follow-up (see paragraph 3b(2), above) is promptly answered. For details on RIG's four and six month follow-up procedures, see paragraph 3.b.(2), above.

(4) Responses to audit recommendations must be in writing, properly documented to clearly explain the action taken. When the Contracting Officer is satisfied that action on a recommendation has been completed, and the file properly documented, he or she should specifically request that the cognizant RIG consider the audit recommendation closed, (see paragraph 6, below). The cognizant RIG should be requested to notify the Contracting Officer promptly, in writing, if for any reason they are not prepared to officially close the recommendation, providing the reasons. Such notice should identify the contract number and refer to the Contracting Officer's last correspondence.

(b) *Audit Recommendations Questioning Costs Under AID Direct Contracts.*—(These procedures are mandatory for audit recommendations assigned to SER/CM. It is recommended that they be applied, suitably adapted, to audit recommendations assigned to Missions which have been delegated contracting authority or to an Area Contracting Officer).

(1) *Documentation and Control.* (a) All correspondence to and from the cognizant RIG shall specify the contract number, contractor's name, audit report number, and recommendation number, plus the amount of the questioned costs allowed or sustained as disallowed by the contracting officer.

(b) All incoming audits containing recommendations for action by SER/CM are to be immediately submitted to CM/SD/SUP. CM/SD/SUP will log in the audit report, recording the recommendation numbers and established due dates for all recommendations assigned to SER/CM. CM/SD/SUP will then transmit the audit, through the cognizant division chief, to the Contracting Officer with action responsibility.

(c) CM/SD/SUP will establish a tickler file of recommendations assigned to SER/CM, and will provide internal reminders and follow-ups.

(d) The Contracting Officer will keep CM/SD/SUP advised on the current status of open recommendations by providing CM/SD/SUP with a copy of official audit-related correspondence between the Contracting Officer and the RIG. Any necessary follow up by CM/SD/SUP to update data for preparation of reports shall be made through the cognizant division chief.

(2) *Notification, Negotiation, and Settlement.* (a) Within two weeks after receipt of the audit report, the Contracting Officer shall formally notify the contractor by letter of the costs questioned. This notification shall require the contractor to respond to the Contracting Officer within 30 calendar days of receiving the letter. If warranted in the circumstances, invite the contractor to participate in negotiations to arrive at a mutually acceptable resolution of such costs. If no response has been received within 30 calendar days following the initial notification to the contractor of the questioned costs, issue a follow-up letter to the contractor requesting a response within 20 calendar days. In this follow-up the contractor should be advised that failure to respond within the specified period will result in the issuance of a final decision, pursuant to the Disputes clause of the contract. If no response is received 20 calendar days after the follow-up letter, the Contracting Officer makes a final decision in accordance with AIDPR 7–1.318–1 regarding the questioned costs and issues, in writing, the appropriate Contracting Officer's decision as authorized in the Disputes clause of the contract. A copy of each letter, and any decision, shall be sent to the cognizant RIG (and, when the audit recommendation is assigned to SER/CM, to CM/SD/SUP).

(b) If the contractor responds to the Contracting Officer's letter identifying questioned costs, but an acceptable settlement is not achieved within a reasonable period of time (normally, 3 months from the date of initial notification), the Contracting Officer shall consider negotiations to have reached an impasse. The Contracting Officer shall then issue the appropriate decision as authorized in the Disputes clause of the contract. A copy of this decision must be sent to the cognizant RIG (and, when the audit recommendation is assigned to SER/CM, to CM/SD/SUP). See also paragraph 5b(4), below, regarding notification of the Controller.

(c) Normally, the contractor will respond to notification of questioned costs, and a mutually acceptable settlement can be negotiated. Such negotiated settlements must be documented for the contract file by the Contracting Officer. The written record must include:

(1) The initial audit findings, in detail, including all questioned costs, item by item.

(ii) The Contracting Officer's position, as reflected in the notification to the contractor, on each of the audit findings, and questioned costs. If there are any differences between the Contracting Officer's position and that of the audit, these must be explained, showing exactly what the differences are, why, and how they were arrived at (including discussions, comments, and advice or clearances by other offices).

(iii) A final summary analysis showing the audit finding; the Contracting Officer's initial position; the contractor's response; subsequent positions of both parties, and final resolution. This must be in sufficient detail to permit any reasonable person to understand what the issues were, how much was involved, what items were adjusted (plus how much and why), what the final resolution was, and why.

A copy of this written record, clearly marked to indicate the audit report and recommendation number(s) must be sent to the cognizant RIG (and, when the audit recommendation is assigned to SER/CM, to CM/SD/SUP). See also paragraph 5b(4), below, regarding notification of the Controller.

(3) *Collection.* The preferred method of collection is through the issuance of a Bill for Collection, in accordance with Agency policy on cash management. Use of any other collection method must be coordinated in advance with FM/PAD. Bills for Collection are issued by the Controller in accordance with the procedures set forth in paragraph 5b(4), below.

(4) *Notification of the Controller.* (a) When a settlement has been negotiated, or a final decision has been issued pursuant to the Disputes clause, it remains to collect the amount determined due to AID (sustained disallowances). The Contracting Officer is responsible for notifying the Controller to issue a Bill for Collection. A copy of this notification must be sent to the cognizant RIG, and to IG/PPP (and to CM/SD/SUP, for audits assigned to SER/CM).

(b) The notification to the Controller must contain the following information:

(i) Identification of the contract/task order/work order, providing the contract number, and the contractor's name and address;

(ii) The most recent accounting and appropriation data (PIO/T number and allotment number, etc.);

(iii) The amount due to AID;

(iv) The applicable audit and recommendation number(s); and

(v) A copy of the Contracting Officer's negotiated settlement or final decision pursuant to the Disputes clause (see paragraph 5b(2), above).

(c) The notification must request that a copy of the Bill for Collection be sent to the cognizant RIG, IG/PPP, and the Contracting Officer. The Contracting Officer is responsible for following up to insure that the Bill for Collection has been issued, and that a copy is in fact provided to the cognizant RIG and to IG/PPP, and is placed in the contract file.

(d) If the Contractor appeals the final decision pursuant to the Disputes clause, the Contracting Officer must promptly notify the Controller to suspend collection pending resolution of the appeal. Suspension action by the Controller shall be taken in consultation with the Office of the General Counsel, pursuant to Delegation of Authority No. 80. The Contracting Officer is responsible for notifying the Controller regarding resolution of any appeal.

6. Closing Audit Recommendations

When the Contracting Officer has completed all action required by an audit recommendation in accordance with the procedures established in this Appendix, he/she shall request that the recommendation be considered officially closed. The memorandum to the cognizant RIG shall specifically identify the audit report and recommendation number(s), summarize the actions taken, and explain why the recommendation(s) should be considered closed, providing sufficient evidence to permit the cognizant RIG to make a reasonable decision. For audit recommendations involving questioned costs which result in sustained disallowances, RIG and IG/PPP will accept a copy of the issued Bill for Collection as evidence to close a recommendation. A copy of the request to close a recommendation shall be sent to IG/PPP (and, for audits assigned to SER/CM, to CM/SD/SUP).

7. Clearances

(a) *General.* All proposed post-award audit responses, whether to internal audits prepared by the IG, or to GAO audits, prepared by SER/CM are to be cleared in accordance with AA/SER requirements in effect at the time the response is prepared. Responses prepared by Mission or Area Contracting Officers will be cleared in accordance with applicable Mission and Bureau procedures.

(b) *Final Decisions Pursuant to the Disputes Clause.* If settlement of an audit requires a final decision by the Contracting Officer in accordance with AIDPR 7-1.318-1, pursuant to the Disputes Clause, such decisions must be cleared by GC or the cognizant Mission or Regional Legal Advisor.

Appendix K—AID's Academic Publication Policy

Academic Publication

1. Statement of Policy

This is a statement of AID policy on publication, or release to parties other than those specifically authorized, of unclassified materials gathered or developed under contracts with academic institutions.

2. Underlying Principles

AID favors and encourages the publication of scholarly research as well as the maximum availability, distribution, and use of knowledge developed in its program.

This policy statement does not deal with material that is classified for security reasons. It does deal with considerations of national interest, not of sufficient gravity to warrant security classification, but serious enough to affect adversely the conduct of U.S. assistance programs. Consequently, in addition to the requirements of courtesy, propriety, and confidence which normally guide scholars in their work, there should also be consideration of the potential repercussions of publication on the successful execution of development and other cooperative programs in which the United States and foreign countries are involved.

3. Operational Definitions

The Agency draws a distinction between two kinds of manuscripts which a scholar may wish to publish:

(a) A report which is prepared and delivered to the Agency under the terms of the contract (a "contract manuscript"); and

(b) An article or book based upon experience and information gained under an AID contract but not prepared or delivered under the contract (a "non-contract manuscript").

There are two kinds of actions, to be specified in the contract, which the Agency can take upon notification of a contractor's desire to publish:

(a) Comment only, under which AID and the foreign government involved may review the manuscript, and have their comments considered seriously by the contractor prior to publication; and

(b) Authorization for release, which AID may withhold if reconciliation between the national interest and the author's interest is impossible.

4. Policy Statements

(a) AID, as a general rule, will not require an academic institution to obtain permission to publish the written work produced under a contract. It will ask for the opportunity to review the manuscript for comment only, prior to publication.

In the case of a contract manuscript, AID reserves the right to disclaim endorsement of the opinions expressed; if it is a noncontract manuscript, AID reserves the right to dissociate itself from sponsorship or publication.

(b) On the other hand, AID may reserve the right of authorization for release in those exceptional cases where conditions exist making it reasonable foreseeable, in light of the contract's scope of work and the manner and place of performance, that the written work to be prepared and delivered under the contract may have adverse repercussions on the relations and programs of the United States. Where this right is reserved, it must be so specified in the contract. In determining where to reserve such right, AID will consider all relevant factors, including:

(1) The extent to which prompt and full performance of the contract will require access, facilitated by reason of the contract, to information not generally available to scholars;

(2) The extent to which the work involves matters of political concern to foreign countries, particularly where any substantial part of the work is to be performed therein;

(3) The extent to which, by reason of AID's close involvement and cooperation in the performance of the contract, the work product may be so identified with AID itself as to prevent effective disclaimer of AID endorsement thereof;

(4) The extent to which the objective of the contract is to provide advice to AID or to a foreign government of immediate operational

significance in the conduct of the AID program or the implementation of governmental programs in the host country;

(5) The desires of the host country.

5. Implementation

The successful implementation of this policy on publication rests on a thorough understanding and acceptance of these principles by AID and the prospective contractor. The actual publications provision for a particular contract, then, would be so worded as to reflect the agreement reached in the contract negotiations.

AID's concern with noncontract manuscripts is related to the identification of a manuscript with the U.S. Government. This concern will be modified by the passage of time following termination of the contract.

In the normal case of prepublication review for AID comment, the institution will submit a copy of the manuscript not later than the date of submission to the publisher. This gives the Agency time to comment if it is deemed appropriate. However, in the case of review for authorization, timely notification of AID's response will be given, consistent with the size of the manuscript and the number and location of the parties involved.

The Agency will make every effort to expedite this review procedure in accordance with the underlying principle described at the beginning of this policy statement.

Appendix L—Review and Certification of Procurement Regulations

1. Purpose

This AIDPR appendix formalizes procedures for the review and certification of proposed AID Procurement Regulations, promulgated by AIDPR Notices, as required by Office of Federal Procurement Policy (OFPP) Policy Letter 80–5.

2. Background

OFPP Policy Letter 80–5 requires, in pertinent part, that: "a. Heads of executive departments and establishments shall assure that no procurement regulation is promulgated within their respective agencies unless a written determination is made, under review procedures established by the agency head, that such regulation would not be inconsistent with the policies set forth in paragraphs (1) through (8) of Section 2 of the Act. (The Office of Federal Procurement Policy Act, Pub. L. 93–400, as amended by Pub. L. 96–83), or with policy directives issued by the Administrator (OFPP) under 6(h) of the (OFPP) Act. The required determination shall accompany the publication of any such procurement regulation in the **Federal Register** and shall also accompany promulgation directly to Federal Agencies. With respect to acquisition regulations, the required determination shall be the responsibility of the principal acquisition official."

By letter dated August 19, 1980, the Deputy Assistant Administrator, Bureau for Program and Management Services, acting as the "principal acquisition official" for AID, advised the Administrator, OFPP, of the review and certification procedure to be followed by AID for the AIDPR. This Appendix formalizes the procedure established in DAA/SER's August 19 letter.

3. Procedure

(a) Every proposed policy, regulation, procedure, or form to be promulgated in the AIDPR shall be carefully reviewed by the Policy Branch in the Office of Contract Management (CM/SD/POL) to insure that the proposed action is consistent with paragraphs (1) through (8) of Section 2 of the OFPP Act, and with policy directives issued by OFPP under Section 6(h) of the OFPP Act (for brevity, hereinafter referred to as the OFPP Act and OFPP policy directives), as required by OFPP Policy Letter 80–5.

(b) Only those policies, regulations, procedures, or forms found in the initial review by CM/SD/POL to be consistent with the OFPP Act and OFPP policy directives will be prepared for promulgation in the AIDPR. The results of this initial review may be appealed to the Assistant General Counsel for Contracting and Litigation (GC/C&L), and ultimately to the Deputy Assistant Administrator Bureau for Program and Management Services (DAA/SER), whose decision is final.

(c) Policies, regulations, procedures, and forms are incorporated into the AIDPR by AIDPR Notices, signed by DAA/SER. AIDPR Notices are prepared by CM/SD/POL and forwarded to DAA/SER by Action Memorandum from the Director of the Office of Contract Management. CM/SD/POL will include a summary of their review, and a statement that CM/SD/POL finds the proposed AIDPR Notice is not inconsistent with the OFPP Act and OFPP Policy directives in the Action Memo. CM/SD/POL will also prepare a determination for signature by DAA/SER, to accompany the AIDPR Notice, stating that the proposed AIDPR Notice is not inconsistent with the OFPP Act and OFPP policy directives (sample determination attached).

(d) Proposed AIDPR Notices and their covering Action Memos are reviewed by GC/C&L before being presented to DAA/SER. GC/C&L will, as part of their review, consider CM/SD/POL's finding that the proposed AIDPR Notice is not inconsistent with the OFPP Act and OFPP policy directives. GC/C&L clearance of the Action Memo will serve as an objective confirmation of CM/SD/POL's finding. In the event that GC/C&L and CM/SD/POL do not agree on the finding that a proposed AIDPR Notice is not inconsistent with the OFPP Act and OFPP policy directives, they will attempt to reconcile their opinions. If no agreement can be reached, the Director, SER/CM will present the respective positions to DAA/SER for final decision.

(e) The determination (sample attached) prepared for DAA/SER's signature must accompany proposed AIDPR Notices when they are submitted for publication to the **Federal Register**.

Attachment to Appendix L

Determination

As required by paragraph 4a of OFPP Policy Letter 80–5, I hereby determine that [AIDPR Notice] has been reviewed against the policies set forth in paragraphs (1) through (8) of Section 2 of the Office of Federal Procurement Policy Act (Pub. L. 93–400 as amended by Pub. L. 96–83, hereinafter referred to as the Act), and policy directives issued by OFPP under Section 6(h) of the Act. Based on this review, I hereby determine that [AIDPR Notice] is not inconsistent with the policies set forth in paragraphs (1) through (8) of Section 2 of the Act, and policy directives issued by OFPP under Section 6(h) of the Act.

John F. Owens,

Deputy Assistant Administrator, Bureau for Program and Management Services.

Authority: This AIDPR Notice is issued pursuant to 41 CFR 7–1.104–4.

Determination

As required by paragraph 4a of OFPP Policy Letter 80–5, I hereby determine that AIDPR Notice 81–6 has been reviewed against the policies set forth in paragraphs (1) through (8) of Section 2 of the Office of Federal Procurement Policy Act (Pub. L. 93–400 as amended by Pub. L. 96–83, hereinafter referred to as the Act), and policy directives issued by OFPP under Section 6(h) of the Act. Based on this review, I hereby determine that AIDPR Notice 81–6 is not inconsistent with the policies set forth in paragraphs (1) through (8) of Section 2 of the Act, and policy directives issued by OFPP under Section 6(h) of the Act.

Dated: June 2, 1981.

John F. Owens,

Deputy Assistant Administrator, Bureau for Program and Management Services.

[FR Doc. 81–16994 Filed 6–15–81; 8:45 am]

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federal register

Tuesday
June 16, 1981

Part III

Office of Management and Budget

Cumulative Report on Rescissions and Deferrals

OFFICE OF MANAGEMENT AND BUDGET

Cumulative Report on Rescissions and Deferrals

June 1, 1981.

This report is submitted in fulfillment of the requirements of Section 1014(e) of the Impoundment Control Act of 1974 (Pub. L. 93–344). Section 1014(e) provides for a monthly report listing all budget authority for this fiscal year with respect to which, as of the first day of the month, a special message has been transmitted to the Congress.

This month's report gives the status as of June 1, 1981 of 155 rescissions and 106 deferrals contained in the first nine special messages for FY 1981. These messages were transmitted to the Congress on October 1, and December 2, 1980, January 15 and 29, February 13, March 10, 17, and 19, and April 27, 1981.

Rescissions (Table A and Attachment A)

Rescission proposals totaling $14,753.9 million are currently pending before the Congress. All of the funds proposed for rescission are now available for obligation. However, rescission of these funds is still under active consideration by the Congress. Table A summarizes while Attachment A shows the history and status of each rescission proposed during FY 1981.

Deferrals (Table B and Attachment B)

As of June 1, 1981, $4,351.3 million in 1981 budget authority was being deferred from obligation and another $6.5 million in 1981 obligations was being deferred from expenditure. Attachment B shows the history and status of each deferral reported during FY 1981.

Information From Special Messages

The special messages containing information on the deferral covered by the cumulative report are printed in the **Federal Register** of:

Monday, October 6, 1980 (Part VIII, Vol. 45, No. 195)
Friday, December 5, 1980 (Part VII, Vol. 45, No. 236)
Wednesday, January 21, 1981 (Part XII, Vol. 46, No. 13)
Tuesday, February 3, 1981 (Part III, Vol. 46, No. 22)
Thursday, February 19, 1981 (Part II, Vol. 46, No. 33)
Friday, March 13, 1981 (Part VI, Vol. 46, No. 49)
Monday, March 23, 1981 (Part III, Vol. 46, No. 55)
Tuesday, March 24, 1981 (Part III, Vol. 46, No. 56)
Friday, May 1, 1981 (Part IV, Vol. 46, No. 84)

David A. Stockman,
Director.

Table A—*Status of 1981 rescissions*

[In millions of dollars]

	Amount
Rescissions proposed by the President	15,896.3
Rescission proposals withdrawn	1,142.4
Accepted by the Congress	
Rejected by the Congress	
Pending before the Congress	14,753.9

Table A—*Status of 1981 deferrals*

[In millions of dollars]

	Amount
Deferrals proposed by the President	8,608.0
Routine Executive release (−4,268.6 million) and adjustments (+18.4 million) through June 1, 1981	4,250.2
Overturned by the Congress	
Currently before the Congress	[1] 4,357.8

[1] This amount includes $6.5 million in outlays for a Department of the Treasury deferral (D81-198)

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PAGE 1 AS OF 06/03/81 12:39
ATTACHMENT A - STATUS OF RESCISSIONS - FISCAL YEAR 1981
AS OF JUNE 1, 1981
AMOUNTS IN THOUSANDS OF DOLLARS

AMOUNT CURRENTLY BEFORE THE	DATE OF MESSAGE	AMOUNT PREVIOUSLY CONSIDERED	DATE MADE

PAGE 1 ATTACHMENT A - STATUS OF RESCISSIONS - FISCAL YEAR 1981 AS OF 06/03/81 12:39

AS OF JUNE 1, 1981 AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
EXECUTIVE OFFICE OF THE PRESIDENT							
Council on Env. Quality and Office of Env. Quality							
Council on Env. Quality and Office of Env. Quality							
BA	R81- 38		708	3 17 81		708	5 18 81
Council on Wage and Price Stability							
Salaries and expenses							
BA	R81- 34		1,500	1 29 81		1,500	3 26 81
Office of Science and Technology Policy							
Salaries and expenses							
BA	R81- 39		595	3 17 81		595	5 18 81
EXECUTIVE OFFICE OF THE PRESIDENT TOTAL BA			2,803			2,803	
FUNDS APPROPRIATED TO THE PRESIDENT							
Appalachian Regional Development Programs							
Appalachian Regional Development programs							
BA	R81- 40		110,000	3 17 81		110,000	5 18 81
Disaster Relief							
Disaster relief							
BA	R81- 41		8,000	3 17 81		8,000	5 18 81
International Development Assistance							
Sahel development program							
BA	R81- 42		2,000	3 17 81		2,000	5 18 81
Inter-American Foundation							
Inter-American Foundation							

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AS OF JUNE 1, 1981 AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
BA	R81- 43		138	3 17 81		138	5 18 81
FUNDS APPROPRIATED TO THE PRESIDENT TOTAL BA			120,138			120,138	
DEPARTMENT OF AGRICULTURE							
Agricultural Stabilization Conservation Service							
Dairy and beekeeper indemnity programs BA	R81- 44		1,500	3 17 81		1,500	5 18 81
Rural Electrification Administration							
Rural communication development fund BA	R81- 45		16,341	3 17 81			
BA	R81- 45A		-341	4 27 81		16,000	5 18 81
Farmers Home Administration							
Rural development planning grants BA	R81- 46		2,000	3 17 81		2,000	5 18 81
Rural community fire protection grants BA	R81- 47		1,500	3 17 81		1,500	5 18 81
Rural housing supervisory assistance grants BA	R81- 48		500	3 17 81		500	5 18 81
Rural housing insurance fund BA	R81-119		316,000a	3 17 81		316,000	5 18 81
Agricultural credit insurance fund BA	R81-120		88,850a	3 17 81		88,850	5 18 81
Rural development insurance fund BA	R81-121		160,000a	3 17 81		160,000	5 18 81

AS OF JUNE 1, 1981 AMOUNTS IN THOUSANDS OF DOLLARS		AMOUNT PREVIOUSLY	AMOUNT CURRENTLY	DATE OF		AMOUNT	DATE MADE
AGENCY/BUREAU/ACCOUNT	RESCISSION NUMBER	CONSIDERED BY CONGRESS	BEFORE THE CONGRESS	MESSAGE MO DA YR	AMOUNT RESCINDED	MADE AVAILABLE	AVAILABLE MO DA YR
Rural telephone bank BA	R81-122		5,000a	3 17 81		5,000	5 18 81
Rural development grants BA	R81-123		3,000a	3 17 81		3,000	5 18 81
Rural water and waste disposal grants BA	R81-124		60,000a	3 17 81		60,000	5 18 81
Rural development loan fund BA	R81-125		4,000a	3 17 81		4,000	5 18 81
Rural development loan fund liquidating account BA	R81-126		-4,000a	3 17 81			
Soil and water loans BA	R81-127		4,000a	3 17 81		4,000	5 18 81
Soil and water loans liquidating account BA	R81-128		-4,000a	3 17 81			
Forest Service							
Forest roads and trails BA	R81-129		10,000a	3 17 81		10,000	5 18 81
Land and water conservation fund BA	R81-130		5,000a	3 17 81		5,000	5 18 81
Soil Conservation Service							
Watershed and flood prevention operations BA	R81-131		100,000a	3 17 81		100,000	5 18 81
Watershed planning BA	R81-132		5,000a	3 17 81		5,000	5 18 81
Watershed protection and flood prevention fund BA	R81-133		100,000a	3 17 81		100,000	5 18 81
Watershed protection and flood prevention fund liquidating account BA	R81-134		-100,000a	3 17 81			
TOTAL BA			1,000,000			1,000,000	
DEPARTMENT OF COMMERCE							
Economic Development Administration							
Economic development assistance programs BA	R81- 49		100,000	3 17 81		100,000	5 18 81
Economic development revolving fund BA	R81- 50		3,000	3 17 81		3,000	5 18 81
Economic development revolving fund liquidating account BA	R81- 51		-3,000	3 17 81			
TOTAL BA			100,000			100,000	
DEPARTMENT OF DEFENSE - MILITARY							
Military Construction, Army BA	R81- 52		1,000	3 17 81		1,000	5 18 81
Military Construction, Navy BA	R81- 53		1,000	3 17 81		1,000	5 18 81
Military Construction, Air Force BA	R81- 54		1,000	3 17 81		1,000	5 18 81
Military Construction, Defense Agencies BA	R81- 55		1,000	3 17 81		1,000	5 18 81
Military Construction, Army National Guard BA	R81- 56		1,000	3 17 81		1,000	5 18 81
Military Construction, Air National Guard BA	R81- 57		1,000	3 17 81		1,000	5 18 81
Military Construction, Army Reserve BA	R81- 58		1,000	3 17 81		1,000	5 18 81
Military Construction, Naval Reserve BA	R81- 59		1,000	3 17 81		1,000	5 18 81
Military Construction, Air Force Reserve BA	R81- 60		1,000	3 17 81		1,000	5 18 81
TOTAL BA			9,000			9,000	

AS OF JUNE 1, 1981 AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
DEPARTMENT OF AGRICULTURE							
TOTAL BA			586,350			586,350	
DEPARTMENT OF COMMERCE							
Economic Development Administration							
Economic development assistance programs							
BA	R81- 49		342,350	3 17 81		342,350	5 18 81
Regional Development Programs							
Regional development programs							
BA	R81- 50		21,000	3 17 81		21,000	5 18 81
United States Travel Service							
Salaries and expenses							
BA	R81- 51		41	3 17 81		41	5 18 81
National Oceanic and Atmospheric Administration							
Operations, research, and facilities							
BA	R81- 1	30,493b		1 15 81		30,493	2 13 81
BA	R81-123		36,493	3 19 81		36,493	4 28 81
Construction							
BA	R81- 52		9,000	3 17 81		9,000	5 18 81
Coastal energy impact fund							
BA	R81- 53		40,000	3 17 81		40,000	5 18 81
Science and Technical Research							
Scientific and technical research and services							
BA	R81- 54		3,370	3 17 81		3,370	5 18 81
National Telecommun. and Info Administration							
Salaries and expenses							
BA							

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PAGE 4 ATTACHMENT A - STATUS OF RESCISSIONS - FISCAL YEAR 1981 AS OF 06/03/81 12:39

AS OF JUNE 1, 1981 AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
	R81- 55		313	3 17 81		313	5 18 81
Public telecommun. facil., plan. and construction							
BA	R81- 2	4,000b		1 15 81		4,000	2 13 81
BA	R81-124		25,717	3 19 81		25,717	4 28 81
Maritime Administration							
Research and development							
BA	R81- 56		2,500	3 17 81		2,500	5 18 81
DEPARTMENT OF COMMERCE							
TOTAL BA		34,493	480,784			515,277	
DEPARTMENT OF EDUCATION							
Office of Elementary and Secondary Education							
Elementary and secondary education							
BA	R81- 4	52,150b		1 15 81		52,150	2 13 81
BA	R81-126		982,385	3 19 81		982,385	4 28 81
School assistance in federally affected areas							
BA	R81- 3	148,000b		1 15 81		148,000	2 13 81
BA	R81-125		66,500	3 19 81		66,500	4 28 81
Equal educational opportunities							
BA	R81- 57		73,253	3 17 81		73,253	5 18 81
Office of Special Education and Rehab. Services							
Education for the handicapped, gifted and talented							
BA	R81- 58		267,938	3 17 81		267,938	5 18 81
Rehabilitation services and handicapped research							
BA	R81- 59		22,323	3 17 81		22,323	5 18 81
Office of Vocational and Adult Education							

PAGE 5 ATTACHMENT A - STATUS OF RESCISSIONS - FISCAL YEAR 1981 AS OF 06/03/81 12:39

AS OF JUNE 1, 1981 AMOUNTS IN THOUSANDS OF DOLLARS	RESCISSION	AMOUNT PREVIOUSLY CONSIDERED	AMOUNT CURRENTLY BEFORE THE	DATE OF MESSAGE	AMOUNT	AMOUNT MADE	DATE MADE AVAILABLE

AS OF JUNE 1, 1981 AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
Vocational and adult education							
BA	R81- 5	11,862b		1 15 81		11,862	2 13 81
BA	R81-127		238,777	3 19 81		238,777	4 28 81
Office of Postsecondary Education							
Student loan insurance							
BA	R81- 6	78,728b		1 15 81		78,728	2 13 81
BA	R81-128		103,270	3 19 81		103,270	4 28 81
Higher and continuing education							
BA	R81- 7	30,989b		1 15 81		30,989	2 13 81
BA	R81-129		49,239	3 19 81		49,239	4 28 81
College housing loans							
BA	R81- 60		14,550	3 17 81		14,550	5 18 81
Office of Educational Research and Improvement							
Libraries and learning technologies							
BA	R81- 61		42,750	3 17 81		42,750	5 18 81
Institute of museum services							
BA	R81- 62		12,357	3 17 81		12,357	5 18 81
School improvement programs							
BA	R81- 63		36,606	3 17 81		36,606	5 18 81
DEPARTMENT OF EDUCATION TOTAL BA		321,729	1,909,948			2,231,677	
DEPARTMENT OF ENERGY							
Energy Programs							
Energy supply R&D- operating expenses							
BA	R81- 8	25,026b		1 15 81		25,026	2 13 81

PAGE 6 ATTACHMENT A - STATUS OF RESCISSIONS - FISCAL YEAR 1981 AS OF 06/03/81 12:39

AS OF JUNE 1, 1981 AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
	BA	R81-130		126,609	3 19 81			
	BA	R81-130A		-327	4 27 81		126,282	4 28 81
Energy supply R&D- plant and capital equip.								
	BA	R81- 9	3,650b		1 15 81		3,650	2 13 81
	BA	R81-131		7,967	3 19 81		7,967	4 28 81
Fossil energy research and development								
	BA	R81- 10	25,450b		1 15 81		25,450	2 13 81
	BA	R81-132		65,932	3 19 81		65,932	4 28 81
Fossil energy construction								
	BA	R81- 64		246,900	3 17 81		246,900	5 18 81
Energy production demo. and distribution								
	BA	R81- 65		12,649	3 17 81		12,649	5 18 81
Energy conservation								
	BA	R81- 11	47,800b		1 15 81		47,800	2 13 81
	BA	R81-133		306,045	3 19 81		306,045	4 28 81
Energy information administration								
	BA	R81- 66		13,443	3 17 81		13,443	5 18 81
Economic regulation								
	BA	R81- 67		33,155	3 17 81		33,155	5 18 81
Geothermal resources development fund								
	BA	R81- 68		22,066	3 17 81		22,066	5 18 81
Alternative fuels production								
	BA	R81- 69		300,000	3 17 81		300,000	5 18 81
Departmental Administration								
Departmental administration								

PAGE 7 ATTACHMENT A - STATUS OF RESCISSIONS - FISCAL YEAR 1981 AS OF 06/03/81 12:39

AS OF JUNE 1, 1981 AMOUNTS IN THOUSANDS OF DOLLARS		RESCISSION	AMOUNT PREVIOUSLY	AMOUNT CURRENTLY	DATE OF		AMOUNT	DATE MADE
AGENCY/BUREAU/ACCOUNT		NUMBER	CONSIDERED BY CONGRESS	BEFORE THE CONGRESS	MESSAGE MO DA YR	AMOUNT RESCINDED	MADE AVAILABLE	AVAILABLE MO DA YR
	BA	R81-134		1,000	3 19 81		1,000	4 28 81
Energy and Water Development								
Corps of Engineers								
Construction, general								
	BA	R81- 12	1,000b		1 15 81		1,000	2 13 81
	BA	R81- 13	1,000b		1 15 81		1,000	2 13 81
	BA	R81- 14	1,000b		1 15 81		1,000	2 13 81
	BA	R81- 15	1,000b		1 15 81		1,000	2 13 81
	BA	R81- 16	1,000b		1 15 81		1,000	2 13 81
	BA	R81- 17	1,000b		1 15 81		1,000	2 13 81
	BA	R81- 18	1,000b		1 15 81		1,000	2 13 81
	BA	R81- 19	1,000b		1 15 81		1,000	2 13 81
	BA	R81- 20	1,000b		1 15 81		1,000	2 13 81
	BA	R81- 21	1,000b		1 15 81		1,000	2 13 81
	BA	R81- 22	1,000b		1 15 81		1,000	2 13 81
	BA	R81- 23	1,000b		1 15 81		1,000	2 13 81
	BA	R81- 24	1,000b		1 15 81		1,000	2 13 81
	BA	R81- 25	1,000b		1 15 81		1,000	2 13 81
	BA	R81- 26	1,000b		1 15 81		1,000	2 13 81
	BA	R81- 27	1,000b		1 15 81		1,000	2 13 81
	BA	R81- 28	1,000b		1 15 81		1,000	2 13 81
	BA	R81- 29	1,000b		1 15 81		1,000	2 13 81
	BA	R81- 30	1,000b		1 15 81		1,000	2 13 81
	BA	R81- 31	1,000b		1 15 81		1,000	2 13 81
	BA	R81- 32	1,000b		1 15 81		1,000	2 13 81
	BA	R81- 33	1,000b		1 15 81		1,000	2 13 81
	BA	R81- 34	1,000b		1 15 81		1,000	2 13 81
	BA	R81- 35	1,000b		1 15 81		1,000	2 13 81
	BA	R81- 36	1,000b		1 15 81		1,000	2 13 81
	BA	R81- 37	1,000b		1 15 81		1,000	2 13 81
	BA	R81- 38	1,000b		1 15 81		1,000	2 13 81
	BA	R81- 39	1,000b		1 15 81		1,000	2 13 81
	BA	R81- 40	1,000b		1 15 81		1,000	2 13 81
	BA	R81- 41	1,000b		1 15 81		1,000	2 13 81
	BA	R81- 42	1,000b		1 15 81		1,000	2 13 81
	BA	R81- 43	1,000b		1 15 81		1,000	2 13 81
	BA	R81- 44	1,000b		1 15 81		1,000	2 13 81
	BA	R81- 45	1,000b		1 15 81		1,000	2 13 81
	BA	R81- 46	1,000b		1 15 81		1,000	2 13 81
	BA	R81- 47	1,000b		1 15 81		1,000	2 13 81
	BA	R81- 48	1,000b		1 15 81		1,000	2 13 81
	BA	R81- 49	1,000b		1 15 81		1,000	2 13 81
	BA	R81- 50	1,000b		1 15 81		1,000	2 13 81
	BA	R81- 51	1,000b		1 15 81		1,000	2 13 81
	BA	R81- 52	1,000b		1 15 81		1,000	2 13 81
	BA	R81- 53	1,000b		1 15 81		1,000	2 13 81
	BA	R81- 54	1,000b		1 15 81		1,000	2 13 81
	BA	R81- 55	1,000b		1 15 81		1,000	2 13 81
	BA	R81- 56	1,000b		1 15 81		1,000	2 13 81
	BA	R81- 57	1,000b		1 15 81		1,000	2 13 81
	BA	R81- 58	1,000b		1 15 81		1,000	2 13 81
	BA	R81- 59	1,000b		1 15 81		1,000	2 13 81
	BA	R81- 60	1,000b		1 15 81		1,000	2 13 81
	BA	R81- 61	1,000b		1 15 81		1,000	2 13 81
	BA	R81- 62	1,000b		1 15 81		1,000	2 13 81
	BA	R81- 63	1,000b		1 15 81		1,000	2 13 81
	BA	R81-135		1,000	3 19 81		1,000	4 28 81
Energy research and development								
	BA	R81- 70		1,000	3 17 81		1,000	5 18 81
Uranium supply and enrichment								
	BA	R81- 71		1,000	3 17 81		1,000	5 18 81
Bonneville Power Administration fund								
	BA	R81- 72		1,000	3 17 81		1,000	5 18 81
Southeastern Power Administration								
	BA	R81- 73		1,000	3 17 81		1,000	5 18 81
Southwestern Power Administration								
	BA	R81- 74		1,000	3 17 81		1,000	5 18 81
Western Area Power Administration								
	BA	R81- 75		1,000	3 17 81		1,000	5 18 81
Falcon and Amistad operating and maintenance fund								
	BA	R81- 76		1,000	3 17 81		1,000	5 18 81
Independent Agencies								
Appalachian Regional Commission								
	BA	R81- 77		1,000	3 17 81		1,000	5 18 81
Delaware River Basin Commission								
	BA	R81- 78		1,000	3 17 81		1,000	5 18 81
Susquehanna River Basin Commission								
	BA	R81- 79		1,000	3 17 81		1,000	5 18 81
Water Resources Council								
	BA	R81- 80		1,000	3 17 81		1,000	5 18 81
Nuclear Regulatory Commission								
Salaries and expenses								
	BA	R81- 81		1,000	3 17 81		1,000	5 18 81
Office of Inspector and Auditor								
	BA	R81- 82		1,000	3 17 81		1,000	5 18 81
Tennessee Valley Authority								
Tennessee Valley Authority fund								
	BA	R81- 83		1,000	3 17 81		1,000	5 18 81
Title II - Related Agencies								
Department of Agriculture								
Forest Service								
Forest research								
	BA	R81- 84		1,000	3 17 81		1,000	5 18 81
State and private forestry								
	BA	R81- 85		1,000	3 17 81		1,000	5 18 81
National forest system								
	BA	R81- 86		1,000	3 17 81		1,000	5 18 81
Wildland fire management								
	BA	R81- 87		1,000	3 17 81		1,000	5 18 81
Land acquisition								
	BA	R81- 88		1,000	3 17 81		1,000	5 18 81
Construction								
	BA	R81- 89		1,000	3 17 81		1,000	5 18 81
Forest roads								
	BA	R81- 90		1,000	3 17 81		1,000	5 18 81
Forest pest management								
	BA	R81- 91		1,000	3 17 81		1,000	5 18 81
Cooperative work								
	BA	R81- 92		1,000	3 17 81		1,000	5 18 81
Wildland fire management								
	BA	R81- 93		1,000	3 17 81		1,000	5 18 81
Land acquisition								
	BA	R81- 94		1,000	3 17 81		1,000	5 18 81
Construction								
	BA	R81- 95		1,000	3 17 81		1,000	5 18 81
Forest roads								
	BA	R81- 96		1,000	3 17 81		1,000	5 18 81
Forest pest management								
	BA	R81- 97		1,000	3 17 81		1,000	5 18 81
Cooperative work								
	BA	R81- 98		1,000	3 17 81		1,000	5 18 81
Department of Commerce								
National Oceanic and Atmospheric Administration								
Operations, research, and facilities								
	BA	R81- 99		1,000	3 17 81		1,000	5 18 81
Coastal zone management fund								
	BA	R81-100		1,000	3 17 81		1,000	5 18 81
Department of Housing and Urban Development								
Housing programs								
Annual contributions for assisted housing								
	BA	R81-101		1,000	3 17 81		1,000	5 18 81
Rent supplement program								
	BA	R81-102		1,000	3 17 81		1,000	5 18 81
Public housing capital fund								
	BA	R81-103		1,000	3 17 81		1,000	5 18 81
Public housing operating fund								
	BA	R81-104		1,000	3 17 81		1,000	5 18 81
Independent Agencies								
Environmental Protection Agency								
Research and development								
	BA	R81-105		1,000	3 17 81		1,000	5 18 81
Abatement and control								
	BA	R81-106		1,000	3 17 81		1,000	5 18 81
Construction grants								
	BA	R81-107		1,000	3 17 81		1,000	5 18 81
Abatement, control and compliance								
	BA	R81-108		1,000	3 17 81		1,000	5 18 81
Hazardous substance response trust fund								
	BA	R81-109		1,000	3 17 81		1,000	5 18 81
Federal Emergency Management Agency								
Disaster relief								
	BA	R81-110		1,000	3 17 81		1,000	5 18 81
General Services Administration								
Federal buildings fund								
	BA	R81-111		1,000	3 17 81		1,000	5 18 81
Office of Personnel Management								
Salaries and expenses								
	BA	R81-112		1,000	3 17 81		1,000	5 18 81
Revolving fund								
	BA	R81-113		1,000	3 17 81		1,000	5 18 81
Small Business Administration								
Business loans program account								
	BA	R81-114		1,000	3 17 81		1,000	5 18 81
Disaster loans program account								
	BA	R81-115		1,000	3 17 81		1,000	5 18 81
Veterans Administration								
Medical care								
	BA	R81-116		1,000	3 17 81		1,000	5 18 81
Medical and prosthetic research								
	BA	R81-117		1,000	3 17 81		1,000	5 18 81
Construction, major projects								
	BA	R81-118		1,000	3 17 81		1,000	5 18 81
Construction, minor projects								
	BA	R81-119		1,000	3 17 81		1,000	5 18 81
Title III - General Provisions								
Section 301								
	BA	R81-120		1,000	3 17 81		1,000	5 18 81
Section 302								
	BA	R81-121		1,000	3 17 81		1,000	5 18 81
Section 303								
	BA	R81-122		1,000	3 17 81		1,000	5 18 81
Section 304								
	BA	R81-123		1,000	3 17 81		1,000	5 18 81
Section 305								
	BA	R81-124		1,000	3 17 81		1,000	5 18 81
Section 306								
	BA	R81-125		1,000	3 17 81		1,000	5 18 81
Section 307								
	BA	R81-126		1,000	3 17 81		1,000	5 18 81
Section 308								
	BA	R81-127		1,000	3 17 81		1,000	5 18 81
Section 309								
	BA	R81-128		1,000	3 17 81		1,000	5 18 81
Section 310								
	BA	R81-129		1,000	3 17 81		1,000	5 18 81
Section 311								
	BA	R81-130		1,000	3 17 81		1,000	5 18 81
Section 312								
	BA	R81-131		1,000	3 17 81		1,000	5 18 81
Section 313								
	BA	R81-132		1,000	3 17 81		1,000	5 18 81
Section 314								
	BA	R81-133		1,000	3 17 81		1,000	5 18 81
Section 315								
	BA	R81-134		1,000	3 17 81		1,000	5 18 81
Section 316								
	BA	R81-135		1,000	3 17 81		1,000	5 18 81

AS OF JUNE 1, 1981 AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
	BA	R81- 70		11,500	3 17 81		11,500	5 18 81
DEPARTMENT OF ENERGY								
TOTAL BA			101,926	1,145,939			1,247,865	
DEPARTMENT OF HEALTH AND HUMAN SERVICES								
Health Services Administration								
Health services								
	BA	R81- 12	8,057b		1 15 81		8,057	2 13 81
	BA	R81-134		11,616	3 19 81		11,616	4 28 81
Indian health facilities								
	BA	R81- 17		8,871	3 17 81		8,871	5 18 81
Centers for Disease Control								
Preventive health services								
	BA	R81- 13	27,000b		1 15 81		27,000	2 13 81
	BA	R81-135		38,520	3 19 81		38,520	4 28 81
National Institutes of Health								
National Cancer Institute								
	BA	R81- 14	13,565b		1 15 81		13,565	2 13 81
	BA	R81-136		17,986	3 19 81		17,986	4 28 81
National Heart, Lung, and Blood Institute								
	BA	R81- 15	10,324b		1 15 81		10,324	2 13 81
	BA	R81-137		11,120	3 19 81		11,120	4 28 81
National Institute of Dental Research								
	BA	R81- 16	302b		1 15 81		302	2 13 81
	BA	R81-138		700	3 19 81		700	4 28 81

PAGE 8 ATTACHMENT A - STATUS OF RESCISSIONS - FISCAL YEAR 1981 AS OF 06/03/81 12:39

AS OF JUNE 1, 1981 AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
Nat. Inst. of Arth., Metab. and Diges. Diseases							
BA	R81- 17	3,232b		1 15 81		3,232	2 13 81
BA	R81-139		3,943	3 19 81		3,943	4 28 81
Nat. Inst. of Neurol. and Comm. Disord. and Stroke							
BA	R81- 18	2,031b		1 15 81		2,031	2 13 81
BA	R81-140		4,388	3 19 81		4,388	4 28 81
Nat. Inst. of Allergy and Infectious Diseases							
BA	R81- 72		1,088	3 17 81		1,088	5 18 81
Nat. Inst. of General Medical Sciences							
BA	R81- 73		18,682	3 17 81		18,682	5 18 81
Nat. Inst. of Child Health and Human Develop.							
BA	R81- 19	3,285b		1 15 81		3,285	2 13 81
BA	R81-141		4,119	3 19 81		4,119	4 28 81
National Eye Institute							
BA	R81- 20	2,353b		1 15 81		2,353	2 13 81
BA	R81-142		8,856	3 19 81		3,856	4 28 81
Nat. Inst. of Environmental Health Sciences							
BA	R81- 21	3,258b		1 15 81		3,258	2 13 81
BA	R81-143		2,179	3 19 81		2,179	4 28 81
National Institute of Aging							
BA	R81- 22	588b		1 15 81		588	2 13 81
BA	R81-144		1,593	3 19 81		1,593	4 28 81
Research resources							
BA	R81- 23	10,561b		1 15 81		10,561	2 13 81
BA	R81-145		3,714	3 19 81		3,714	4 28 81

PAGE 9 ATTACHMENT A - STATUS OF RESCISSIONS - FISCAL YEAR 1981 AS OF 06/03/81 12:39

AS OF JUNE 1, 1981 AMOUNTS IN THOUSANDS OF DOLLARS	RESCISSION	AMOUNT PREVIOUSLY CONSIDERED	AMOUNT CURRENTLY BEFORE THE	DATE OF MESSAGE	AMOUNT	AMOUNT MADE	DATE MADE

AS OF JUNE 1, 1981
AMOUNTS IN THOUSANDS OF DOLLARS

AGENCY/BUREAU/ACCOUNT		RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
National Library of Medicine								
	BA	R81- 24	341b		1 15 81		341	2 13 81
	BA	R81-146		341	3 19 81		341	4 28 81
Office of the Director								
	BA	R81- 25	360b		1 15 81		360	2 13 81
	BA	R81-147		360	3 19 81		360	4 28 81
Alcohol, Drug Abuse, and Mental Health Admin.								
Const. and renovation, St. Elizabeths Hospital								
	BA	R81- 74		1,020	3 17 81		1,020	5 18 81
Alcohol, drug abuse, and mental health								
	BA	R81- 26	67,140b		1 15 81		67,140	2 13 81
	BA	R81-148		98,370	3 19 81		98,370	4 28 81
Health Resources Administration								
Health resources								
	BA	R81- 27	78,683b		1 15 81		78,683	2 13 81
	BA	R81-149		131,751	3 19 81		131,751	4 28 81
Office of Assistant Secretary for Health								
Salaries and expenses								
	BA	R81- 75		30,724	3 17 81		30,724	5 18 81
Health Care Financing Administration								
Payments to health care trust funds								
	BA	R81- 76		8,693	3 17 81		8,693	5 18 81
Program management								
	BA	R81- 77		6,992	3 17 81		6,992	5 18 81
Social Security Administration								

AS OF JUNE 1, 1981 AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
Refugee assistance							
BA	R81- 78		25,100	3 17 81		25,100	5 18 81
Human Development Services							
Human development services							
BA	R81- 28	10,000b		1 15 81		10,000	2 13 81
BA	R81-150		10,100	3 19 81		10,100	4 28 81
DEPARTMENT OF HEALTH AND HUMAN SERVICES TOTAL BA		241,080	445,826			686,906	
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT							
Housing Programs							
Subsidized housing programs							
BA	R81- 79		5,099,104	3 17 81		5,099,104	5 18 81
Congregate services program							
BA	R81- 29	10,000b		1 15 81		10,000	2 13 81
BA	R81-151		10,000	3 19 81		10,000	4 28 81
Solar Energy and Energy Conservation Bank							
Assistance for solar and conserv. improvements							
BA	R81- 80		121,000	3 17 81		121,000	5 18 81
Community Planning and Development							
Planning assistance							
BA	R81- 81		34,976	3 17 81		34,976	5 18 81
Rehabilitation loan fund							
BA	R81- 82		110,857	3 17 81		110,857	5 18 81
Neighborhoods, Vol. Assoc. and Consumer Prot.							
Housing counseling assistance							

AS OF JUNE 1, 1981 AMOUNTS IN THOUSANDS OF DOLLARS	RESCISSION	AMOUNT PREVIOUSLY	AMOUNT CURRENTLY	DATE OF		AMOUNT	DATE MADE

AS OF JUNE 1, 1981 AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
BA	R81- 83		6,000	3 17 81		6,000	5 18 81
Neighborhood self-help devel. program BA	R81- 84		8,119	3 17 81		8,119	5 18 81
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TOTAL BA		10,000	5,390,056			5,400,056	
DEPARTMENT OF THE INTERIOR							
Office of Water Research and Technology							
Salaries and expenses BA	R81- 85		11,800	3 17 81		11,800	5 18 81
United States Fish and Wildlife Service							
Construction and anadromous fish BA	R81- 86		2,500	3 17 81		2,500	5 18 81
National Park Service							
Urban park and recreation grants BA	R81- 87		35,000	3 17 81		35,000	5 18 81
Land and water conservation fund BA	R81- 88		250,000	3 17 81		250,000	5 18 81
Historic preservation fund BA	R81- 89		8,000	3 17 81		8,000	5 18 81
Construction (trust fund) BA	R81- 90		15,500	3 17 81		15,500	5 18 81
Office of Surface Mining Reclam. and Enforcement							
Regulation and technology BA	R81- 91		1,954	3 17 81		1,954	5 18 81

PAGE 12 ATTACHMENT A - STATUS OF RESCISSIONS - FISCAL YEAR 1981 AS OF 06/03/81 12:39

AS OF JUNE 1, 1981 AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
Office of the Solicitor & Office of the Secretary							
Youth conservation corps BA	R81- 35		38,194	3 10 81		38,194	5 11 81
DEPARTMENT OF THE INTERIOR TOTAL BA			362,948			362,948	
DEPARTMENT OF LABOR							
Employment and Training Administration							
Temporary employment assistance BA	R81- 92		234,475c	3 17 81		45,000	5 18 81
DEPARTMENT OF LABOR TOTAL BA			234,475			45,000	
DEPARTMENT OF STATE							
Bureau of Refugee Programs							
Migration and refugee assistance BA	R81- 93		22,500	3 17 81		22,500	5 18 81
Bureau for International Narcotics Matters							
International narcotics control BA	R81- 94		3,100	3 17 81		3,100	5 18 81
DEPARTMENT OF STATE TOTAL BA			25,600			25,600	
DEPARTMENT OF TRANSPORTATION							
Urban Mass Transportation Administration							

PAGE 13 ATTACHMENT A - STATUS OF RESCISSIONS - FISCAL YEAR 1981 AS OF 06/03/81 12:39

AS OF JUNE 1, 1981 AMOUNTS IN		AMOUNT PREVIOUSLY	AMOUNT CURRENTLY	DATE OF		AMOUNT	DATE MADE

PAGE 13 ATTACHMENT A - STATUS OF RESCISSIONS - FISCAL YEAR 1981 AS OF 06/03/81 12:39

AS OF JUNE 1, 1981

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
Urban mass transportation fund							
BA	R81- 95		24,700	3 17 81		24,700	5 18 81
Research and Special Programs Administration							
Cooperative automotive research							
BA	R81- 96		11,500	3 17 81		11,500	5 18 81
DEPARTMENT OF TRANSPORTATION TOTAL BA			36,200			36,200	
DEPARTMENT OF THE TREASURY							
Bureau of Government Financial Operations							
Biomass energy development							
BA	R81- 97		1,245,500	3 17 81		1,245,500	5 18 81
DEPARTMENT OF THE TREASURY TOTAL BA			1,245,500			1,245,500	
ENVIRONMENTAL PROTECTION AGENCY							
Res. and dev. (pollution and abatement)							
BA	R81- 98		149	3 17 81		149	5 18 81
Abatement control and compliance							
BA	R81- 99		1,253	3 17 81		1,253	5 18 81
Construction grants							
BA	R81-100		1,700,000	3 17 81		1,700,000	5 18 81

AS OF JUNE 1, 1981 AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
ENVIRONMENTAL PROTECTION AGENCY							
TOTAL BA			1,701.402			1,701.402	
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION							
Research and development							
BA	R81-101		4.500	3 17 81		4.500	5 18 81
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION							
TOTAL BA			4.500			4.500	
VETERANS ADMINISTRATION							
Construction, major projects							
BA	R81-102		162.160	3 17 81		162.160	5 18 81
VETERANS ADMINISTRATION							
TOTAL BA			162.160			162.160	
OTHER INDEPENDENT AGENCIES							
Action							
Operating expenses, domestic programs							
BA	R81-103		3.207	3 17 81			
BA	R81-103A		-3.007	4 23 81		200	5 18 81

AS OF JUNE 1, 1981 AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
OTHER INDEPENDENT AGENCIES							
Appalachian Regional Commission							
Appalachian regional development programs							
BA	R81-104		100.000	3 17 81		100.000	5 18 81
OTHER INDEPENDENT AGENCIES							
TOTAL BA			100.000			100.000	
DEPARTMENT OF DEFENSE - MILITARY							
Military construction, Army							
BA	R81-105		1.000	3 17 81		1.000	5 18 81
Military construction, Navy							
BA	R81-106		1.000	3 17 81		1.000	5 18 81
Military construction, Air Force							
BA	R81-107		1.000	3 17 81		1.000	5 18 81
Military construction, Defense agencies							
BA	R81-108		1.000	3 17 81		1.000	5 18 81
Military construction, Army National Guard							
BA	R81-109		1.000	3 17 81		1.000	5 18 81
Military construction, Air National Guard							
BA	R81-110		1.000	3 17 81		1.000	5 18 81
Military construction, Army Reserve							
BA	R81-111		1.000	3 17 81		1.000	5 18 81
Military construction, Naval Reserve							
BA	R81-112		1.000	3 17 81		1.000	5 18 81
Military construction, Air Force Reserve							
BA	R81-113		1.000	3 17 81		1.000	5 18 81
DEPARTMENT OF DEFENSE - MILITARY							
TOTAL BA			9.000			9.000	

AS OF JUNE 1, 1981
AMOUNTS IN THOUSANDS OF DOLLARS

AGENCY/BUREAU/ACCOUNT	RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
Arms Control and Disarmament Agency							
Arms control and disarmament activities							
BA	R81-104		1,500	3 17 81		1,500	5 18 81
Community Services Administration							
Community services program							
BA	R81- 30	6,000b		1 15 81		6,000	2 13 81
BA	R81-152		6,000	3 19 81		6,000	4 28 81
Corporation for Public Broadcasting							
Salaries and expenses							
BA	R81-105		95,000	3 17 81		95,000	5 18 81
Federal Mediation and Conciliation Service							
Salaries and expenses							
BA	R81-106		687	3 17 81		687	5 18 81
Federal Mine Safety and Health Review Commission							
Salaries and expenses							
BA	R81- 31	163b		1 15 81		163	2 13 81
BA	R81-153		186	3 19 81		186	4 28 81
Federal Trade Commission							
Salaries and expenses							
BA	R81-107		226	3 17 81		226	5 18 81
Marine Mammal Commission							
Salaries and expenses							
BA	R81-108		4	3 17 81		4	5 18 81
Merit Systems Protection Board							
Office of the special counsel							
BA							

AS OF JUNE 1, 1981 AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
	R81-109		210	3 17 81		210	5 18 81
National Consumer Cooperative Bank							
Investment in Nat. Consumer Cooperative Bank							
BA	R81- 36		59,849	3 10 81		59,849	5 11 81
Self-help development and technical assistance							
BA	R81- 37		29,990	3 10 81		29,990	5 11 81
National Science Foundation							
Research and related activities							
BA	R81-110		66,000	3 17 81		66,000	5 18 81
BA	R81-110A		d	4 27 81			
Science and engineering activities							
BA	R81-111		16,000	3 17 81		16,000	5 18 81
BA	R81-111A		d	4 27 81			
Occupational, Safety, and Health Review Comm.							
Salaries and expenses							
BA	R81-112		39	3 17 81		39	5 18 81
Office of Fed Insp. for the Alaska Nat. Gas Sys.							
Salaries and expenses							
BA	R81-113		445	3 17 81		445	5 18 81
Pennsylvania Avenue Development Corporation							
Salaries and expenses							
BA	R81-114		60	3 17 81		60	5 18 81
Postal Service							
Payment to the Postal Service Fund							
BA	R81- 32	250,000b		1 15 81		250,000	2 13 81
BA							

AS OF JUNE 1, 1981 AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
Railroad Retirement Board							
Limitation on administration							
BA	R81-115		1,000	3 17 81		1,000	5 18 81
Securities and Exchange Commission							
Salaries and expenses							
BA	R81-116		1,000	3 17 81		1,000	5 18 81
Small Business Administration							
Salaries and expenses							
BA	R81-117		1,000	3 17 81		1,000	5 18 81
Business loan and investment fund							
BA	R81-117A		d	4 27 81			
Smithsonian Institution							
Salaries and expenses							
BA	R81-118		1,000	3 17 81		1,000	5 18 81
Tennessee Valley Authority							
Tennessee Valley Authority Fund							
BA	R81-119		1,000	3 17 81		1,000	5 18 81
Veterans Administration							
Medical care							
BA	R81-120		1,000	3 17 81		1,000	5 18 81
Medical and prosthetic research							
BA	R81-120A		d	4 27 81			
Medical administration and miscellaneous operating expenses							
BA	R81-120B		d	4 27 81			
Construction, major projects							
BA	R81-120C		d	4 27 81			
Construction, minor projects							
BA	R81-120D		d	4 27 81			
Grants for construction of State extended care facilities							
BA	R81-120E		d	4 27 81			
Grants for construction of State veterans cemeteries							
BA	R81-120F		d	4 27 81			
Total		250,000	1,000,000			1,250,000	

AS OF JUNE 1, 1981 AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
	R81-154		250,000	3 19 81		250,000	4 28 81
Selective Service System							
Salaries and expenses							
BA	R81-115		1,940	3 17 81		1,940	5 18 81
Small Business Administration							
Salaries and expenses							
BA	R81-116		1,405	3 17 81		1,405	5 18 81
Tennessee Valley Authority							
Tennessee Valley Authority fund							
BA	R81- 33	177,000b		1 15 81		177,000	2 13 81
BA	R81-117		500	3 17 81		500	5 18 81
BA	R81-155		177,000	3 19 81		177,000	4 28 81
Water Resources Council							
Water resources planning							
BA	R81-118		5,000	3 17 81		5,000	5 18 81
OTHER INDEPENDENT AGENCIES							
TOTAL BA		433,163	712,241			1,145,404	
OFF-BUDGET FEDERAL ENTITIES							
Department of Agriculture							
Rural electr. and telephone revolving fund							
BA	R81-122		187,000a	3 17 81			
BA	R81-122A		d	4 27 81		187,000	5 18 81
TOTAL BA		1,142,391	14,753,870			15,706,786	

FOOTNOTES

a. This amount represents a proposed reduction in authority to incur obligations for direct loans.

b. This rescission proposal was withdrawn on February 13, 1981.

c. The amount withheld totals $45,000,000, which is $189,475,000 less than the amount proposed for rescission.

d. This supplementary report was transmitted solely to report a technical correction to the appropriation language accompanying the original report. This change did not affect amounts proposed for rescission.

END OF REPORT

PAGE 1 ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1981 AS OF 06/11/81 14:58

AMOUNTS IN THOUSANDS OF DOLLARS — AGENCY/BUREAU/ACCOUNT		DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 6-01-81
FUNDS APPROPRIATED TO THE PRESIDENT									
Appalachian Regional Development Programs									
Appalachian regional development programs	BA	D81- 79	10,000		3 10 81				10,000
International Security Assistance									
Foreign military credit sales	BA	D81- 23	659,250		12 2 80	-659,250			
Economic support fund	BA	D81- 24	1,984,500		12 2 80	-1,365,380			619,120
FUNDS APPROPRIATED TO THE PRESIDENT TOTAL	BA		2,653,750			-2,024,630			629,120
DEPARTMENT OF AGRICULTURE									
Forest Service									
Timber salvage sales	BA	D81- 1	16,481		10 1 80				16,481
Expenses, brush disposal	BA	D81- 2	37,342		10 1 80				
	BA	D81- 2A		3,228	4 27 81				40,570
	BA	0000							
DEPARTMENT OF AGRICULTURE TOTAL	BA		53,823	3,228					57,051
DEPARTMENT OF COMMERCE									
General Administration									
Participation in U.S. expositions	BA	D81- 3	2,867		10 1 80				
	BA	D81- 3A		184	1 15 81				3,051

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 6-01-81
Minority Business Development Agency									
Minority business development	BA	D81-103	3,400		3 17 81				3,400
National Oceanic and Atmospheric Administration									
Operations, research, and facilities	BA	D81- 42	30,493a		2 13 81	-30,493			
Construction	BA	D81- 4	10,230		10 1 80	-5,239			4,991
Promote and develop fishery products and research	BA	D81-105	5,000		4 27 81				5,000
National Telecom and Information Admin.									
Public telecom facilities, plan. & constr.	BA	D81- 43	4,000a		2 13 81	-4,000			
Maritime Administration									
Ship construction	BA	D81- 80	92,000		3 10 81				92,000
DEPARTMENT OF COMMERCE	TOTAL BA		147,990	184		-39,732			108,442
DEPARTMENT OF DEFENSE-MILITARY									
Procurement									
Shipbuilding and conversion, Navy	BA	D81- 27	1,125,000		1 15 81				1,125,000
Procurement activities	BA	D81- 5	139,700		10 1 80	-139,700			
Research, Development, Test, and Evaluation									
RDT&E Activities	BA	D81- 6	46,500		10 1 80	-46,500			
Military Construction									

PAGE 3 ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1981 AS OF 06/11/81 14:58

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 6-01-81
Military construction (medical facilities)									
	BA	D81- 25	111,300		12 2 80	-111,300			
Military construction, all services									
	BA	D81- 7	6,983		10 1 80				
	BA	D81- 7A		600,344	12 2 80	-486,637		800	121,49
Family Housing, Defense									
Family housing, Defense									
	BA	D81- 8	18,651		10 1 80	-18,651			
	BA	D81- 28	1,992		1 15 81				1,99
DEPARTMENT OF DEFENSE-MILITARY TOTAL BA			1,450,126	600,344		-802,788		800	1,248,48
DEPARTMENT OF DEFENSE-CIVIL									
Corps of Engineers									
Construction, general									
	BA	D81- 81	10,000		3 10 81				10,00
Wildlife Conservation, Military Reservations									
Wildlife conservation, all services									
	BA	D81- 9	667		10 1 80	-136b			
	BA	D81- 9A		147	1 15 81	-18		136	79
DEPARTMENT OF DEFENSE-CIVIL TOTAL BA			10,667	147		-154		136	10,79
DEPARTMENT OF EDUCATION									
Office of Elem. and Secondary Education									
Elementary and secondary education									
	BA	D81- 45	52,150a		2 13 81	-52,150			
School assist. in federally affected areas									
	BA	D81- 44	148,000a		2 13 81	-148,000			
Office of Vocational and Adult Education									

PAGE 4 ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1981 AS OF 06/11/81 14:58

AMOUNTS IN THOUSANDS OF DOLLARS		DEFERRAL	AMOUNT TRANSMITTED ORIGINAL	AMOUNT TRANSMITTED SUBSEQUENT	DATE OF MESSAGE	CUMULATIVE OMB	CONGRESSIONALLY	CUMULATIVE	AMOUNT DEFERRED
AGENCY/BUREAU/ACCOUNT		NUMBER	REQUEST	CHANGE	MO DA YR	/AGENCY RELEASES	REQUIRED RELEASES	ADJUSTMENTS	AS OF 6-01-81
Office of Vocational and Adult Education									
Vocational and adult education									
	BA	D81- 46	1,000a		2 13 81	-1,000			
Office of Special Education and Rehabilitative Services									
Education of handicapped children									
	BA	D81- 47	1,300a		2 13 81	-1,300			
Rehabilitation services and handicapped research									
	BA	D81- 48	1,000a		2 13 81	-1,000			
Office of Postsecondary Education									
Higher education									
	BA	D81- 49	1,000a		2 13 81	-1,000			
Howard University									
Howard University									
	BA	D81- 50	1,000a		2 13 81	-1,000			
DEPARTMENT OF EDUCATION TOTAL BA			205,450			-205,450			
DEPARTMENT OF ENERGY									
Energy Supply, Research and Development Activities									
Energy supply, research and development activities									
	BA	D81- 10	1,000		10 1 80				
	BA	D81- 10A		1,000	12 2 80	-1,000			
Uranium Enrichment Activities									
Uranium enrichment activities									
	BA	D81- 11	1,000		10 1 80				
	BA	D81- 11A		1,000	12 2 80	-1,000			
Naval Petroleum and Oil Shale Reserves									
Naval petroleum and oil shale reserves									
	BA	D81- 12	1,000		10 1 80				
	BA	D81- 12A		1,000	12 2 80	-1,000			
Strategic Petroleum Reserve									
Strategic petroleum reserve									
	BA	D81- 13	1,000		10 1 80				
	BA	D81- 13A		1,000	12 2 80	-1,000			
Energy Information Administration									
Energy information administration									
	BA	D81- 14	1,000		10 1 80				
	BA	D81- 14A		1,000	12 2 80	-1,000			
DEPARTMENT OF ENERGY TOTAL BA			5,000	4,000		-5,000			4,000
ENVIRONMENTAL PROTECTION AGENCY									
Research and Development									
Research and development									
	BA	D81- 15	1,000		10 1 80				
	BA	D81- 15A		1,000	12 2 80	-1,000			
Abatement and Control									
Abatement and control									
	BA	D81- 16	1,000		10 1 80				
	BA	D81- 16A		1,000	12 2 80	-1,000			
Construction Grants									
Construction grants									
	BA	D81- 17	1,000		10 1 80				
	BA	D81- 17A		1,000	12 2 80	-1,000			
Abatement, Control and Compliance									
Abatement, control and compliance									
	BA	D81- 18	1,000		10 1 80				
	BA	D81- 18A		1,000	12 2 80	-1,000			
Hazardous Substance Response Trust Fund									
Hazardous substance response trust fund									
	BA	D81- 19	1,000		10 1 80				
	BA	D81- 19A		1,000	12 2 80	-1,000			
Salaries and Expenses									
Salaries and expenses									
	BA	D81- 20	1,000		10 1 80				
	BA	D81- 20A		1,000	12 2 80	-1,000			
ENVIRONMENTAL PROTECTION AGENCY TOTAL BA			8,000	8,000		-8,000			8,000
FEDERAL EMERGENCY MANAGEMENT AGENCY									
Disaster Relief									
Disaster relief									
	BA	D81- 21	1,000		10 1 80				
	BA	D81- 21A		1,000	12 2 80	-1,000			
Salaries and Expenses									
Salaries and expenses									
	BA	D81- 22	1,000		10 1 80				
	BA	D81- 22A		1,000	12 2 80	-1,000			
FEDERAL EMERGENCY MANAGEMENT AGENCY TOTAL BA			2,000	2,000		-2,000			2,000
GENERAL SERVICES ADMINISTRATION									
Federal Buildings Fund									
Federal buildings fund									
	BA	D81- 23	1,000		10 1 80				
	BA	D81- 23A		1,000	12 2 80	-1,000			
GENERAL SERVICES ADMINISTRATION TOTAL BA			1,000	1,000		-1,000			1,000
INTERNATIONAL ASSISTANCE PROGRAMS									
Agency for International Development									
Development assistance									
	BA	D81- 24	1,000		10 1 80				
	BA	D81- 24A		1,000	12 2 80	-1,000			
INTERNATIONAL ASSISTANCE PROGRAMS TOTAL BA			1,000	1,000		-1,000			1,000
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION									
Research and Development									
Research and development									
	BA	D81- 26	1,000		10 1 80				
	BA	D81- 26A		1,000	12 2 80	-1,000			
Construction of Facilities									
Construction of facilities									
	BA	D81- 27	1,000		10 1 80				
	BA	D81- 27A		1,000	12 2 80	-1,000			
Space Flight, Control and Data Communications									
Space flight, control and data communications									
	BA	D81- 28	1,000		10 1 80				
	BA	D81- 28A		1,000	12 2 80	-1,000			
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION TOTAL BA			3,000	3,000		-3,000			3,000
NATIONAL SCIENCE FOUNDATION									
Research and Related Activities									
Research and related activities									
	BA	D81- 29	1,000		10 1 80				
	BA	D81- 29A		1,000	12 2 80	-1,000			
NATIONAL SCIENCE FOUNDATION TOTAL BA			1,000	1,000		-1,000			1,000
SMALL BUSINESS ADMINISTRATION									
Salaries and Expenses									
Salaries and expenses									
	BA	D81- 30	1,000		10 1 80				
	BA	D81- 30A		1,000	12 2 80	-1,000			
SMALL BUSINESS ADMINISTRATION TOTAL BA			1,000	1,000		-1,000			1,000
TOTAL BA			1,716,243	626,491		-1,035,392		936	1,307,342

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 6-01-81
Vocational and adult education									
	BA	D81- 46	11,862a		2 13 81	-11,862			
Office of Postsecondary Education									
Student loan insurance									
	BA	D81- 47	78,728a		2 13 81	-78,728			
Higher and continuing education									
	BA	D81- 48	30,989a		2 13 81	-30,989			
Higher education facilities loan and ins.									
	BA	D81- 82	25,000		3 10 81				25,000
DEPARTMENT OF EDUCATION									
TOTAL	BA		346,729			-321,729			25,000
DEPARTMENT OF ENERGY									
Atomic Energy Defense Activities									
Operating expenses									
	BA	D81- 29	5,000		1 15 81	-5,000			
	BA	D81- 29A		5,000	3 10 81		5,000		10,000
Plant and capital equipment									
	BA	D81- 30	12,000		1 15 81	-12,000			
Energy Programs									
Fossil energy R&D									
	BA	D81- 51	25,450a		2 13 81	-25,450			
Fossil energy construction									
	BA	D81- 33	42,000		1 15 81				
	BA	D81- 33A		163,000	3 10 81				
	BA	D81- 33B		d	4 27 81	-105,000			100,000
Energy supply R&D-operating expenses									
	BA	D81- 31	23,860		1 15 81				
	BA	D81- 49	25,026a		2 13 81	-48,886			
Energy supply R&D-plant and capital equip.									
	BA	D81- 32	3,690		1 15 81				
	BA	D81- 50	3,650a		2 13 81	-7,340			

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 6-01-81
Energy conservation	BA	D81- 34	10,450		1 15 81				
	BA	D81- 52	47,800a		2 13 81	-58,250			
Strategic Petroleum Reserve	BA	D81- 83	8,000		3 10 81				8,000
DEPARTMENT OF ENERGY TOTAL	BA		206,926	168,000		-261,926		5,000	118,000
DEPARTMENT OF HEALTH AND HUMAN SERVICES									
Health Services Administration									
Health Services	BA	D81- 53	8,057a		2 13 81	-8,057			
Centers for Disease Control									
Preventive Health Services	BA	D81- 54	27,000a		2 13 81	-27,000			
National Institutes of Health									
National Cancer Institute	BA	D81- 55	13,565a		2 13 81	-13,565			
Nat. Heart, Lung, and Blood Institute	BA	D81- 56	10,324a		2 13 81	-10,324			
Nat. Institute of Dental Research	BA	D81- 57	302a		2 13 81	-302			
Nat. Inst. of Arth., Metab., and Digest. Dis.	BA	D81- 58	3,232a		2 13 81	-3,232			
Nat. Inst. of Neuro. and Commun. Dis. and Stroke	BA	D81- 59	2,031a		2 13 81	-2,031			
Nat. Inst. of Child Health and Human Development	BA	D81- 60	3,285a		2 13 81	-3,285			
National Eye Institute	BA	D81- 61	2,353a		2 13 81	-2,353			
Nat. Inst. of Environ. Health Sciences									

AMOUNTS IN THOUSANDS OF DOLLARS		DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB	CONGRESSIONALLY	CUMULATIVE	AMOUNT DEFERRED

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 6-01-81
	BA	D81- 62	3,258a		2 13 81	-3,258			
National Institute of Aging									
	BA	D81- 63	588a		2 13 81	-588			
Research Resources									
	BA	D81- 64	10,561a		2 13 81	-10,561			
National Library of Medicine									
	BA	D81- 65	341a		2 13 81	-341			
Office of the Director									
	BA	D81- 66	360a		2 13 81	-360			
Alcohol, Drug Abuse & Mental Health Administration									
Alcohol, drug abuse & mental health									
	BA	D81- 67	67,140a		2 13 81	-57,140			
Construction & renovation, St. Elizabeths Hospital									
	BA	D81- 10	10,698		10 1 80				10,698
Health Resources Administration									
Health resources									
	BA	D81- 68	78,683a		2 13 81	-78,683			
Office of Assistant Secretary for Health									
Special foreign currency program									
	BA	D81- 11	8,000		10 1 80				
	BA	D81- 11A		1,118	4 27 81				9,118
Social Security Administration									
Limitation on administrative expenses									
	BA	D81-104	8,004		3 19 81				8,004
Human Development Services									
Human development services									
	BA	D81- 69	10,000a		2 13 81	-10,000			
White House Conference on Children and Youth									
	BA	D81- 12	562		10 1 80	-562			
DEPARTMENT OF HEALTH AND HUMAN SERVICES									

PAGE 7 ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1981 AS OF 06/11/81 14:58

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 6-01-81
TOTAL BA		268,344	1,118		-241,642			27,820
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT								
Housing Programs								
Congregate services program								
BA	D81- 70	10,000a		2 13 81	-10,000			
Policy Development and Research								
Research and technology								
BA	D81- 84	5,000		3 10 81				5,000
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TOTAL BA		15,000			-10,000			5,000
DEPARTMENT OF THE INTERIOR								
Bureau of Land Management								
Oregon and California grant lands								
BA	D81- 71	1,849		2 13 81				1,849
Heritage Conservation and Recreation Service								
Land and water conservation fund								
BA	D81- 13	30,000		10 1 80				30,000
Geological Survey								
Exploration of National Petroleum Res in Alaska								
BA	D81- 35	10,710		1 15 81	-7,960			2,750
Payments from proceeds, sale of water								
BA	D81- 14	41		10 1 80				41
Bureau of Mines								
Drainage of anthracite mines								
BA	D81- 15	765		10 1 80				765
DEPARTMENT OF THE INTERIOR TOTAL BA		43,365			-7,960			35,405

PAGE 8 ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1981 AS OF 06/11/81 14:58

AMOUNTS IN THOUSANDS OF DOLLARS	DEFERRAL	AMOUNT TRANSMITTED ORIGINAL	AMOUNT TRANSMITTED SUBSEQUENT	DATE OF MESSAGE	CUMULA- TIVE OMB /AGENCY	CONGRES- SIONALLY REQUIRED	CUMULA- TIVE ADJUST-	AMOUNT DEFERRED

PAGE 8 ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1981 AS OF 06/11/81 14:58

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 6-01-81
DEPARTMENT OF JUSTICE									
General Administration									
Salaries and expenses	BA	D81- 85	7,485		3 10 81				7,485
Federal Prison System									
Buildings and facilities	BA	D81- 16	15,750		10 1 80				
	BA	D81- 16A		4,050	1 15 81				19,800
Salaries and expenses	BA	D81- 86	4,385		3 10 81				4,385
Office of Justice Assist., Res., and Statistics									
Law enforcement assistance	BA	D81- 87	670		3 10 81				670
DEPARTMENT OF JUSTICE TOTAL	BA		28,290	4,050					32,340
DEPARTMENT OF LABOR									
Employment and Training Administration									
Employment and training assistance	BA	D81- 36	76,699		1 15 81				
	BA	D81- 36A		652,488	3 10 81				729,187
	BA	0000							
DEPARTMENT OF LABOR TOTAL	BA		76,699	652,488					729,187
DEPARTMENT OF STATE									
Other									

PAGE 9 ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1981 AS OF 06/11/81 14:58

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE		DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 6-01-81
Emergency refugee and migration assistance fund										
	BA	D81- 37	15,000			1 15 81				15,000
	BA	0000								
DEPARTMENT OF STATE										
TOTAL	BA		15,000							15,000
DEPARTMENT OF TRANSPORTATION										
Office of the Secretary										
Transportation planning, res. and dev.										
	BA	D81- 88	1,040			3 10 81				1,040
Federal Aviation Administration										
Various activities										
	BA	D81- 72	3,403			2 13 81				3,403
Facilities & equip. (Airport & airway trust fund)										
	BA	D81- 17	133,823			10 1 80				
	BA	D81- 17A		240,603		12 2 80	-14,893			
	BA	D81- 17B			c	3 10 81			6,250	365,783
Federal Highway Administration										
Trust fund share of other highway programs										
	BA	D81- 89	21,500			3 10 81				
	BA	D81- 89A			d	4 27 81	-3,765			17,735
Federal Railroad Administration										
Railroad research and development										
	BA	D81- 90	383			3 10 81				383
Rail service assistance										
	BA	D81- 91	80,341			3 10 81				80,341
Northeast corridor improvement program										
	BA	D81- 92	125,000			3 10 81				125,000
Urban Mass Transportation Administration										
Urban mass transportation fund										

PAGE 10 ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1981 AS OF 06/11/81 14:58

AMOUNTS IN THOUSANDS OF DOLLARS			AMOUNT TRANSMITTED	AMOUNT TRANSMITTED			CUMULA-	CONGRES-	CUMULA-	AMOUNT
AGENCY/BUREAU/ACCOUNT		DEFERRAL NUMBER	ORIGINAL REQUEST	SUBSEQUENT CHANGE		DATE OF MESSAGE MO DA YR	TIVE OMB /AGENCY RELEASES	SIONALLY REQUIRED RELEASES	TIVE ADJUST- MENTS	DEFERRED AS OF 6-01-81
Urban mass transportation fund										
	BA	D81- 93	1,200,000			3 10 81				1,200,000
Interstate transfer grants - mass transportation										
	BA	D81- 94	1,200,000			3 10 81				1,200,000
National Highway Traffic Safety Administration										
Operations and research										
	BA	D81- 95	1,000			3 10 81				1,000
Highway traffic safety grants										
	BA	D81- 96	1,000			3 10 81				1,000
Highway traffic safety grants (Highway trust fund)										
	BA	D81- 97	15,000			3 10 81				15,000
Saint Lawrence Seaway Development Corporation										
Operations and maintenance										
	BA	D81- 98	1,000			3 10 81				1,000
TOTAL	BA		2,865,494	240,603			-18,658		6,250	3,093,689
DEPARTMENT OF THE TREASURY										
Bureau of Alcohol, Tobacco and Firearms										
Salaries and expenses										
	BA	D81- 99	1,000			3 10 81				1,000
Bureau of the Public Debt										
Payment to the Federal Financing Bank										
	BA	D81- 100	1,000			3 10 81				1,000
Internal Revenue Service										
Tax law enforcement										
	BA	D81- 101	1,000			3 10 81				1,000
Processing returns and revenue accounting										
	BA	D81- 102	1,000			3 10 81				1,000
Taxpayer service										
	BA	D81- 103	1,000			3 10 81				1,000
Operations support										
	BA	D81- 104	1,000			3 10 81				1,000
Facilities management										
	BA	D81- 105	1,000			3 10 81				1,000
Information systems development										
	BA	D81- 106	1,000			3 10 81				1,000
Publication of statistical income										
	BA	D81- 107	1,000			3 10 81				1,000
Tax litigation										
	BA	D81- 108	1,000			3 10 81				1,000
Office of the Secretary										
Salaries and expenses										
	BA	D81- 109	1,000			3 10 81				1,000
Office of Revenue Sharing										
Payment to trust fund										
	BA	D81- 110	1,000			3 10 81				1,000
TOTAL	BA		12,000							12,000

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 6-01-81
	BA	D81- 93	210.000		3 10 81				210.000
Research and Special Programs Administration									
Research and special programs	BA	D81- 94	3.100		3 10 81				3.100
DEPARTMENT OF TRANSPORTATION TOTAL BA			578.590	240.603		-18.658		6.250	806.785
DEPARTMENT OF THE TREASURY									
Office of Revenue Sharing									
State and local government fiscal assistance fund	BA	D81- 18	111.773		10 1 80	-2.160		161	109.774
	O	D81- 19	5.485		10 1 80				
	O	D81- 19A		5.209	12 2 80	-3.959			
	O	D81- 19B		51.062	2 13 81	-57.302		6.022	6.517
Bureau of the Mint									
Construction of mint facilities	BA	D81- 20	5.730		10 1 80	-5.730			
DEPARTMENT OF THE TREASURY TOTAL BA			117.503			-7.890		161	109.774
TOTAL O			5.485	56.271		-61.261		6.022	6.517
Veterans Administration									
Medical care	BA	D81- 95	29.389		3 10 81				29.389
Medical and prosthetic research	BA	D81- 96	1.690		3 10 81				1.690
Medical admin. and misc. operating expenses	BA	D81- 97	515		3 10 81				515

PAGE 11 ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1981 AS OF 06/11/81 14:58

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 6-01-81
Construction, major projects									
	BA	D81- 98	183,493		3 10 81				183,493
	BA	0000							
Veterans Administration									
TOTAL	BA		215,087						215,087
OTHER INDEPENDENT AGENCIES									
Board for International Broadcasting									
Grants and expenses									
	BA	D81-106	1,370		4 27 81				1,370
Community Services Administration									
Community services program									
	BA	D81- 73	6,000a		2 13 81	-6,000			
Federal Emergency Management Agency									
Emergency planning, preparedness, and mobilization									
	BA	D81- 21	80		10 1 80	-80			
Federal Mine Safety & Health Review Commission									
Salaries and expenses									
	BA	D81- 74	163a		2 13 81	-163			
General Services Administration									
Office of Inspector General									
	BA	D81- 99	444		3 10 81				444
Allowances and office staff for former Presidents									
	BA	D81-100	8		3 10 81				8
Consumer information center									
	BA	D81-101	50		3 10 81				50
Intelligence Community Staff									
Intelligence Community Staff									
	BA	D81- 38	2,000		1 15 81	-800			1,200

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 6-01-81
International Communication Agency									
Salaries & expenses	BA	D81- 75	1,500		2 13 81				1,500
Acquisition & construction of radio facilities	BA	D81- 76	1,252		2 13 81				
	BA	D81- 76A		12,074	4 27 81				13,326
National Consumer Cooperative Bank									
Self-help development fund	BA	D81- 39	13,133		1 15 81	-13,133			
Pennsylvania Avenue Development Corporation									
Land acquisition and development	BA	D81- 40	30,896		1 15 81				30,896
Postal Service									
Payment to the Postal Service fund	BA	D81- 77	250,000a		2 13 81	-250,000			
Small Business Administration									
Business loan and investment fund	BA	D81- 41	57,500		1 15 81				
	BA	D81- 41A		55,900	3 10 81				113,400
Surety bond guarantees revolving fund	BA	D81-102	6,000		3 10 81	-6,000			
Tennessee Valley Authority									
Tennessee Valley Authority fund	BA	D81- 22	17,000		10 1 80	-17,000			
	BA	D81- 26	15,800		12 2 80				15,800
	BA	D81- 78	177,000a		2 13 81	-177,000			
OTHER INDEPENDENT AGENCIES									
	TOTAL BA		580,196	67,974		-470,176			177,994
	TOTAL BA		6,808,085	1,738,136		-4,207,285		12,347	4,351,283
	TOTAL O		5,485	56,271		-61,261		6,022	6,517

FOOTNOTES

a. These funds were proposed for rescission from January 15, 1981 until February 13, 1981. The former rescission proposal related to these funds is listed in Attachment A.

b. This amount was released before the special message containing the deferral was transmitted to the Congress.

c. This report was transmitted solely to reflect a change in justification for $30 million of the deferred funds.

d. This report was transmitted solely to reflect technical adjustments to the previous report.

[FR Doc. 81-17846 Filed 6-15-81; 8:45 am]
BILLING CODE 3110-01-C

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federal register

Tuesday
June 16, 1981

Part IV

Department of the Treasury

Office of Foreign Assets Control

Iranian Assets Control Regulations; Transfer of Financial Assets to Federal Reserve Bank of New York

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

31 CFR Part 535

Iranian Assets Control Regulations: Transfer of Financial Assets to Federal Reserve Bank of New York

AGENCY: Office of Foreign Assets Control.

ACTION: Final rule.

SUMMARY: The Office of Foreign Assets Control is amending the Iranian Assets Control Regulations. The purposes of the amendments are: (1) to extend the time for transfer to the Federal Reserve Bank of New York of certain Iranian financial assets held by domestic banks and nonbanking institutions to a date to be determined by the Department of the Treasury after the Supreme Court has had an opportunity to review legal arguments challenging the President's authority to order the transfers; (2) to provide that the United States Government will not seek to impose penalties for failure to transfer nonfinancial assets to Iran before that date to be determined by the Department of the Treasury when such assets are the subject of an attachment, injunction or other like proceeding or process; and (3) to specify that persons required to make transfers under § 535.213 or § 535.214 shall report by June 26, 1981, on the assets required to be transferred, whether or not the assets are actually transferred by that date.

EFFECTIVE DATE: June 12, 1981.

FOR FURTHER INFORMATION CONTACT: Raymond W. Konan, Chief Counsel, Office of Foreign Assets Control, Department of the Treasury, Washington, D.C. 20220, Tel. (202) 376-0236.

SUPPLEMENTARY INFORMATION: The Supreme Court will be reviewing the basic issues involved in legal challenges to the President's authority to order the transfer of certain assets of Iran. Because many of the financial assets required to be transferred under § 535.213 or § 535.214 are currently the subject of attachments, injunctions, or similar legal process, the validity of which is now before the Supreme Court for review, the time for their transfer to the Federal Reserve Bank of New York is being extended to a date to be determined subsequently by the Treasury Department.

The required reports are necessary to allow the timely compilation of information on financial assets required to be transferred to Iran by July 19, pursuant to the Iran-United States agreements of January 19, 1981.

Since the Regulations involve a foreign affairs function, the provisions of the Administrative Procedure Act, 5 U.S.C. 553, requiring notice of proposed rulemaking, opportunity for public participation and delay in effective date are inapplicable.

Similarly, because the Regulations are issued with respect to a forign affairs function of the United States, they are not subject to Executive Order 12291 of the February 17, 1981, dealing with Federal regulations.

31 CFR Part 535 is amended as follows:

1. Section 535.213 is amended by adding a new paragraph (e) as follows:

§ 535.213 [Amended]

* * * * *

(e) For any property described in paragraph (a) of this section, the transfer time in paragraph (b) is extended to a date to be determined subsequently by the Department of the Treasury.

2. Section 535.214 is amended by adding a new paragraph (e) as follows:

§ 535.214 [Amended]

* * * * *

(e) For any property described in paragraph (a) of this section, the transfer time in paragraph (b) is extended to a date to be subsequently determined by the Department of the Treasury.

3. Section 535.215 is amended by adding a new paragraph (c) as follows:

§ 535.215 [Amended]

* * * * *

(c) The United States Government will not seek to impose civil or criminal sanctions on any party for failure to transfer before a date to be determined by the Department of the Treasury any property described in paragraph (a) of this section that is the subject of an attachment, injunction, or other like proceedings or process on June 19, 1981.

4. Section 535.620 is revised to read as follows:

§ 535.620 Report on transfer of domestic bank assets and financial assets held by nonbanking institutions.

(a) *Requirement for reports.* A report shall be filed by June 26, 1981 on Form TFR-620 by any bank or nonbanking institution regarding any transfer to the Federal Reserve Bank of New York that is required by § 535.213 § 535.214. Any reporter that transfers property to the Federal Reserve Bank of New York by June 19, pursuant to § 535.213 or § 535.214, shall describe the property so transferred. Property (including interest through July 6, 1981, not transferred but required by § 535.213 or § 535.214 to be transferred shall be separately described.

(b) *Contents of report.* Each report shall contain the following information:

(1) Name and address of the transferor (indicate whether bank or nonbanking institution).

(2) Name and telephone number of person to be contacted about the transfer.

(3) Description of the property transferred or required to be transferred with a list of accounts, including branch, account party, account number, and account amount, with breakdown between principal and interest (as of date transferred or as of July 6 if not yet transferred).

(4) Total value (market value in the case of securities) of each transfer.

(5) Date and time of transfer (if applicable).

(6) A statement as to how interest was calculated, including rate(s) of interst and period(s) for which the rate(s) was applied.

(c) *Filing.* Reports shall be prepared in triplicate. Two copies shall be sent in a set to Unit 620, Office of Foreign Assets Control, Department of the Treasury, Washington, D.C. 20220. The third copy shall be retained for the reporter's records.

(d) *Confidentiality of reports.* Reports under this section are regarded as privileged and confidential but may be disclosed to Iran.

(e) *Updating of reports.* The Form TFR-620 report shall be updated within five business days of the transfer date to be determined by the Treasury Department by any reporter that does not transfer to the Federal Reserve Bank of New York, on or before that date, the property described in the reporter's TFR-620 report. The required updating shall include a full explanation as to why the property actually transferred was not the same as the property described in the reporter's TFR-620 report.

(Sec. 201-207, 91 Stat. 1626, 50 U.S.C. 1701-1706; E.O. No. 12170, 44 FR 65729; E.O. No. 12205, 45 FR 24099; E.O. No. 12211, 45 FR 26605; E.O. No. 12276, 46 FR 7913; E.O. No. 12279, 46 FR 7919; E.O. No. 12280, 46 FR 7921; E.O. No. 12281, 46 FR 7923; E.O. No. 12282, 46 FR 7925; and E.O. No. 12294, 46 FR 14111)

Dated: June 12, 1981.

Dennis M. O'Connell,

Director.

Approved:

John P. Simpson,

Acting Assistant Secretary, Enforcement and Operations.

BILLING CODE 4810-25-M

OMB Number 15-05-0037

APPENDIX

(NOTE: This appendix will not appear in the Code of Federal Regulations)

Form TFR-620

REPORT OF IRANIAN FINANCIAL ASSETS
SUBJECT TO TRANSFER

Office of Foreign Assets Control
Unit 620
Department of the Treasury
Washington, D.C. 20220

Form TFR-620 is to be used by all persons required to file reports pursuant to section 535.620 of Title 31 of the Code of Federal Regulations. These reports will be regarded as privileged and confidential but may be disclosed to Iran. For assistance, call (202) 376-0968 or 376-0969.

To the Secretary of the Treasury:

The undersigned, pursuant to section 535.620 of Title 31 of the Code of Federal Regulations, hereby makes the following report:

Requirement for reports. A report shall be filed by June 26, 1981 on Form TFR-620 by any bank or nonbanking institution regarding any transfer to the Federal Reserve Bank of New York that is required by section 535.213 or section 535.214. Any reporter that transfers property to the Federal Reserve Bank of New York by June 19, pursuant to section 535.213 or section 535.214, shall describe the property so transferred. Property (including interest through July 8, 1981) not transferred but required by section 535.213 or section 535.214 to be transferred shall be separately described.

Contents of report. State the following information:

1. Name and address of the transferor (indicate whether bank or nonbanking institution).

2. Name and telephone number of person to be contacted about the transfer.

3. Description of the property transferred or required to be transferred with a list of accounts, including branch, account party, account number, and account amount, with breakdown between principal and interest (as of date transferred or as of July 8 if not yet transferred). Attach list or printout, if necessary.

4. Total value (market value in the case of securities) of assets transferred or to be transferred.

5. Date and time of transfer, if applicable.

6. A statement as to how interest was calculated, including rate(s) of interest and period(s) for which the rate(s) was applied. Attach list or printout, if necessary.

Filing. Reports shall be prepared in triplicate. Two copies shall be sent in a set to Unit 620, Office of Foreign Assets Control, Department of the Treasury, Washington, D.C. 20220. The third copy shall be retained with the reporter's records.

Updating of Reports. The Form TFR-620 report shall be updated within five business days of the transfer date to be determined by the Treasury Department by any reporter that does not transfer to the Federal Reserve Bank of New York, on or before that date, the property described in the reporter's TFR-620 report. The required updating shall include a full explanation as to why the property actually transferred was not the same as the property described in the reporter's TFR-620 report.

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Certification.

I, _____, certify that
(Type or print name)

I am the _____
(State relationship of signatory to holder, e.g., treasurer or individual holder)

of the _____
(Name of holder)

that I am authorized to make this certification and that, to the best of my knowledge and belief, the statements set forth in this report, including any papers attached hereto or filed herewith, are true and accurate, and that all material facts in connection with said report have been set forth herein.

_____ _____
(Date) (Signature)

Address _____
(Street)

_____
(City)

_____
(State)

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(Telephone Number)

[FR Doc. 81-18028 Filed 6-15-81; 8:45 am]
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FEDERA

29239-29
29453-29
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30073-30
30327-30
30481-30
30623-30
30797-30
30997-31
31249-31
31403-31

Reader Aids

Federal Register

Vol. 46, No. 115

Tuesday, June 16, 1981

INFORMATION AND ASSISTANCE

PUBLICATIONS

Code of Federal Regulations	
CFR Unit	202-523-3419 523-3517
General information, index, and finding aids	523-5227
Incorporation by reference	523-4534
Printing schedules and pricing information	523-3419
Federal Register	
Corrections	523-5237
Daily Issue Unit	523-5237
General information, index, and finding aids	523-5227
Public Inspection Desk	633-6930
Scheduling of documents	523-3187
Laws	
Indexes	523-5282
Law numbers and dates	523-5282 523-5266
Slip law orders (GPO)	275-3030
Presidential Documents	
Executive orders and proclamations	523-5233
Public Papers of the President	523-5235
Weekly Compilation of Presidential Documents	523-5235
Privacy Act Compilation	523-3517
United States Government Manual	523-5230

SERVICES

Agency services	523-3408
Automation	523-3408
Dial-a-Reg	
Chicago, Ill.	312-663-0884
Los Angeles, Calif.	213-688-6694
Washington, D.C.	202-523-5022
Magnetic tapes of FR issues and CFR volumes (GPO)	275-2867
Public briefings: "The Federal Register—What It Is and How To Use It"	523-5235
Public Inspection Desk	633-6930
Regulations Writing Seminar	523-5240
Special Projects	523-4534
Subscription orders (GPO)	783-3238
Subscription problems (GPO)	275-3054
TTY for the deaf	523-5239

FEDERAL REGISTER PAGES AND DATES, JUNE

29239-29452	1
29453-29690	2
29691-29920	3
29921-30072	4
30073-30326	5
30327-30480	8
30481-30622	9
30623-30796	10
30797-30996	11
30997-31248	12
31249-31402	15
31403-31634	16

CFR PARTS AFFECTED DURING JUNE

At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Executive Orders:
May 9, 1898 (Revoked by PLO 5949) 29939
February 6, 1926 (Revoked by PLO 5948) 29938
April 17, 1926 (Revoked in part by PLO 5950) 29939
February 14, 1933 (Revoked by PLO 5944) 29710
5451 (Revoked by PLO 5947) 29938
11476 (Amended by EO 12306) 29693
11835 (See EO 12306) 29693
12018 (See EO 2306) 29693
12198 (Amended by EO 12306) 29693
12233 (See EO 12306) 29693
12285 (Amended by EO 12307) 30481
12296 (Amended by EO 12309) 30997
12306 29693
12307 30483
12308 30485
12309 (Amends EO 12296) 30997

Proclamations:
4846 29691
4847 30483
4848 31403

Administrative Orders:
Presidential Determinations:
No. 81-8 of June 2, 1981 30797
No. 81-9 of June 2, 1981 29921

5 CFR

Ch. XIV 30327
213 31405
930 31405
1200 30999

Proposed Rules:
Ch. I 31018

7 CFR

28 30073
700 29453
800 30322
907 ..... 29923, 30799
910 ..... 30012, 31249
917 ..... 30075, 30077
953 ..... 29454, 30487
979 29693
991 29693
1425 30327
1944 29239

Proposed Rules:
102 30620
201 ..... 30780, 31424
989 30645
993 29271
1125 31424
1133 31424

8 CFR

204 ..... 29923, 30078
214 29456

9 CFR

78 30487
82 ..... 29456, 30488, 31249
92 ..... 29239, 29240

10 CFR

2 30328
51 29457
376 29680
390 29680
440 29242
1500 29924
1502 29924
1534 29924

Proposed Rules:
2 30349
30 29712
40 29712
70 29712
73 31267
500 31216
501 31216
503 31216
504 31216
505 31216

12 CFR

Ch. II 31406
220 31250
303 30079
552 30488
570 30079

Proposed Rules:
213 29245
226 29246
332 31018
337 31018
526 30113
545 30114
569a 29246
701 ..... 29247, 29482
720 29248

13 CFR

124 29251

Proposed Rules:
124.....29276

14 CFR

39.....29252, 29253, 29924-29926, 30332-30334, 30799, 30800, 31250, 31251
71.....29254-29256, 29927, 30335, 30801-30806, 31250-31252
73.....29256, 30806
75.....31253
97.....29257, 30807
135.....30968
152.....30808
207.....31000
208.....31000
212.....31000
302.....31001

Proposed Rules:
Ch. I.....30352
39.....31268
71.....29278-29281, 29947-29951, 30353, 30354, 30833, 31269
73.....30833
75.....29280, 29281, 31278
323.....29282
302.....29718
399.....29285, 29719, 29727

15 CFR

370.....29457
376.....31001, 31407
385.....31407
399.....31407
806.....30336

Proposed Rules:
330.....29662
331.....29662
332.....29662
340.....29662
341.....29662
342.....29662
343.....29662
350.....29662
351.....29662
352.....29662
353.....29662
354.....29662
373.....30623

16 CFR

13.....29458, 29928, 30337
460.....29256
1031.....29928
1032.....29928
1212.....29696

Proposed Rules:
Ch. II.....29951, 30115
13.....30646

17 CFR

15.....29931
16.....29931
17.....29931
18.....29931
21.....29931

Proposed Rules:
Ch. I.....29952

18 CFR

141.....29459
271.....29697, 29699, 30489-30491, 31253-31256
284.....30491
375.....29700
1301.....31002
1309.....30811

Proposed Rules:
157.....30505
271.....30833
375.....30505

19 CFR

101.....29462
134.....30336

Proposed Rules:
Ch. I.....29953
200.....29729

20 CFR

Proposed Rules:
404.....29953

21 CFR

5.....31003
74.....31004
101.....31004
135.....31004
166.....31004
172.....30080
173.....30492, 30493
178.....31005-31007
193.....30338, 30494, 31008
444.....31009
520.....29464, 31010
561.....30339
573.....30081

Proposed Rules:
161.....30505
180.....31020
182.....31020
430.....30115
436.....30115
440.....30115
444.....30115
448.....30115
452.....30115
1308.....29484

22 CFR

41.....30082

Proposed Rules:
171.....30649

24 CFR

235.....29256, 31257
570.....29908

26 CFR

1.....29465, 31409
7a.....30495
11.....29465
35.....30495

Proposed Rules:
31.....31278

27 CFR

4.....29260
19.....29261
70.....29261
240.....29261
245.....29261
250.....29261
270.....29261
275.....29261

Proposed Rules:
9.....31020

28 CFR

0.....29704, 29931
16.....30495
301.....31204

Proposed Rules:
31.....29438
522.....31210
527.....31210
544.....31210
545.....31210

29 CFR

1910.....31010
2610.....31257

Proposed Rules:
530.....29485

30 CFR

250.....29932
700.....31258
716.....31258
785.....31258

31 CFR

51.....29261, 31409
535.....30340, 31630

32 CFR

199.....29704
294.....29705

Proposed Rules:
298a.....29486

33 CFR

25.....29933
165.....29933
204.....29934

Proposed Rules:
100.....29288
110.....31278
117.....30354, 30834
160.....30835
162.....29954
402.....30838

36 CFR

Proposed Rules:
1190.....30839
272.....31021

37 CFR

Proposed Rules:
201.....30649
202.....30651

38 CFR

3.....31011
21.....29474

Proposed Rules:
21.....31022

39 CFR

601.....30623

Proposed Rules:
10.....30505

40 CFR

30.....31259
40.....31259
52.....29707, 30082, 30496, 31011, 31012, 31258-31261
60.....29262
61.....29262
62.....30496
81.....31013
86.....30497, 31411
122.....29708, 30624
123.....29936
162.....29708
180.....30342, 30499, 30624, 31014, 31015
228.....31412, 31413
260.....29708
261.....29708
264.....29708, 30624
265.....29708, 30624
413.....30625

Proposed Rules:
52.....29289, 29488, 30116, 30355-30366, 30653-30655, 31023, 31024, 31446
60.....29955
62.....31026
81.....29281, 30368, 30655, 31027
123.....29292, 31028, 31279
180.....30506, 30662, 31279
408.....30663
430.....31028
431.....31028
773.....30300

41 CFR

Ch. 12.....30816
7-1.....31566
8-14.....31262
8-74.....31262
15-1.....29709
51-4.....30084
51-5.....30084

Proposed Rules:
Ch. 1.....30369
1-4.....30369
101-11.....30369
101-37.....30369
104-4.....29955

43 CFR

5420.....29262

Public Land Orders:
1281 (Revoked by 5883).....29263
5169 (Amended by PLO 5396 and 5951).....29937
5179 (Amended by PLO 5250 and 5951).....29937
5180 (Amended by PLO 5418 and 5951).....29937
5250 (Amended by PLO 5951).....29937
5396 (Amended by PLO 5951).....29937
5418 (Amended by PLO 5951).....29937
5865.....30500
5866.....30500
5883.....29263
5943.....29710
5944.....29710
5945.....29939
5946.....29939
5947.....29938
5948.....29938
5949.....29939
5950.....29939
5951.....29939
5952.....29939
5953.....29939

Proposed Rules:
35.....30

44 CFR

64.....29
67.....30

Proposed Rules:
55.....
61.....
67.....29
30116, 30
30
300.....

45 CFR

3.....
46.....
74.....
235.....

Proposed Rules:
71.....
301.....
304.....
1300.....

46 CFR

Proposed Rules:
310.....
502.....
547.....

47 CFR

1.....
2.....
22.....
61.....
63.....
64.....
73.....300
30344, 312
74.....
81.....
83.....
90.....
97.....

Proposed Rules:
Ch. I.....305
2.....
22.....
23.....
31.....
73.....294
30372, 305
94.....

49 CFR

Ch. X.....
1.....
172.....
387.....
531.....
575.....
1000.....
1003.....
1033.....294
1056.....
1100.....
1137.....

Proposed Rules:
171.....

V 46 J E 16 8 1 UMI

5951.....29937
5952.....30086
5953.....30817
Proposed Rules:
35.....29955

44 CFR

64.....29940, 29942, 30626
67.....30500, 30628, 31263
Proposed Rules:
55.....29292
61.....29292
67.....29729-29732, 29956, 30116, 30124, 30507, 30663, 30665, 31281-31285
300.....29264

45 CFR

3.....30343
46.....29883
74.....30500
235.....29264
Proposed Rules:
71.....29732
301.....30372
304.....29964
1300.....31029

46 CFR

Proposed Rules:
310.....30507
502.....30666
547.....30667

47 CFR

1.....30818
2.....31414, 31415
22.....31417
61.....29264, 30818
63.....31418
64.....29474
73.....30086-30091, 30343, 30344, 31264, 31265, 31421, 31422
74.....31265
81.....31015
83.....31015
90.....31422
97.....31415
Proposed Rules:
Ch. I.....30516, 30668, 31286
2.....30124, 31290
22.....31292
23.....30124
31.....30150, 30152
73.....29488, 30153, 30154, 30372, 30516-30518, 31029, 31290
94.....30124

49 CFR

Ch. X.....30092
1.....29269
172.....29392
387.....30974
531.....29944
575.....29269
1000.....30502
1003.....31016
1033.....29480, 30502, 30632
1056.....29711, 29945
1100.....30832
1137.....30832
Proposed Rules:
171.....29967

172.....29968, 29973
173.....29967, 29968, 29973, 31294
175.....29968
178.....29973
571.....31294
1047.....30668
1048.....31450
1127.....30156
1201.....30839
1241.....30839
1248.....30839

50 CFR

17.....29481
91.....30633
301.....30345
651.....30348
661.....29733, 30633
Proposed Rules:
17.....29490
20.....31030
653.....30674
682.....30674

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/FSQS		DOT/FAA	USDA/FSQS
DOT/FHWA	USDA/REA		DOT/FHWA	USDA/REA
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/NHTSA	LABOR		DOT/NHTSA	LABOR
DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
Comments should be submitted to the

Day-of-the-Week Program Coordinator,
Office of the Federal Register,
National Archives and Records Service,
General Services Administration,
Washington, D.C. 20408.

List of Public Laws

Last Listing May 27, 1981

This is a continuing list of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the Federal Register but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (telephone 202-275-3030).

H.R. 3512/Pub. L. 97-12 Supplemental Appropriations and Rescission Act, 1981 (June 5, 1981; 95 Stat. 14) Price: $3.75.

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Just Released

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Revised as of January 1, 1981

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6-17-81
Vol. 46 No. 116
Pages 31635-31868

federal register

Wednesday
June 17, 1981

Highlights

31635 **Economic Support Fund Assistance for El Salvador** Presidential determination.

31654 **Real Estate Loans** NCUA proposes regulations on fixed rate mortgage and adjustable rate mortgage loans.

31651, 31660 **Credit Unions** NCUA proposes regulations on lending policies, amortization and loan payments, lines of credit to members and participation loans. (2 documents)

31804 **Federal Cash Management** Treasury/FS publicizes current rate of funds as 16.19 percent.

31818, 31836 **National Wildlife Refuges and Parks** Interior/FWS/NPS establish public use and management regulations for refuges and park areas located on Alaskan federally-owned lands. (2 documents) (Parts II and III of this issue)

31663 **Military Personnel** DOD proposes to revise its policies, standards, and procedures for administrative separation of enlisted persons.

31766, 31767 **National Fires Codes** OFR request comments on existing National Fire Protection Association (NFPA) safety standards and technical committee reports. (2 documents)

CONTINUED INSIDE

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Highlights

31642 **Grants—Hazardous Waste Management** EPA allows 100 percent funding for fiscal year 1982 State developmental activities.

31677 **Motor Vehicle Pollution** EPA requests information on studies of 1984 heavy-duty engine and 1985 light-duty diesel vehicle requirements emission performance and defect warranties.

31769 **Loan Programs—Health** HHS/PHS/HSA and HRA update low-income levels for educational loan repayment under the Health Professions and Nursing Student Loan Programs.

31866 **College Library Resources** ED adopts final grant program regulations. (Part IV of this issue)

31648 **Fish, Wildlife and Other Property** Commerce/NOAA provides procedures for seizure, forfeiture and disposal.

31693 **Radio** FCC solicits comments on national implementation of the Final Acts of the 1979 World Administrative Radio Conference.

31698 **Toy Balloons and Playballs From Mexico** Commerce/ITA dismisses countervailing duty petition and terminates proceeding.

31804 **Treasury Notes** Treasury/Secretary invites tenders for Series S–1983.

31637, 31700 **Privacy Act Documents** DOE (2 documents)

31807 **Sunshine Act Meetings**

Separate Parts of This Issue

31818 **Part II, Interior/FWS**
31836 **Part III, Interior/NPS**
31866 **Part IV, ED**

Contents

Federal Register
Vol. 46, No. 116
Wednesday, June 17, 1981

The President
ADMINISTRATIVE ORDERS
31635 El Salvador, economic support fund assistance authorization (Presidential Determination No. 81-10 of June 9, 1981)

Executive Agencies

Agricultural Marketing Service
RULES
31637 Walnuts grown in Calif.; correction

Agriculture Department
See Agricultural Marketing Service.

Air Force Department
NOTICES
Meetings:
31699 Scientific Advisory Board

Army Department
NOTICES
Meetings:
31699 U.S. Military Academy, Board of Visitors

Bonneville Power Administration
NOTICES
31700 Privacy Act; systems of records

Civil Aeronautics Board
NOTICES
31697 Certificates of public convenience and necessity and foreign air carrier permits; Air Chicago, Inc.
Hearings, etc.:
31697 Pan American World Airways, Inc.; mail rates
31697 Wien Air Alaska mainline and bush mail rates investigation

Commerce Department
See International Trade Administration; National Bureau of Standards; National Oceanic and Atmospheric Administration.

Defense Communications Agency
NOTICES
Meetings:
31699 Scientific Advisory Group

Defense Department
See also Air Force Department; Army Department; Defense Communications Agency.
PROPOSED RULES
Personnel:
31663 Enlisted administrative separations
NOTICES
Meetings:
31699 Electron Devices Advisory Group; correction

Drug Enforcement Administration
NOTICES
Registration applications, etc.; controlled substances:
31801 Ganes Chemicals, Inc.
31801 Sigma Chemical Co.

Economic Regulatory Administation
NOTICES
Consent orders:
31702 Cummings, Douglas R.
31703 Ginther, N.C.
Powerplant and industrial fuel use; prohibition orders, exemption requests, etc.:
31701 New Smyrna Beach, Fla.; tentative staff anslyses; availability
31703 Rochester Public Utilities

Education Department
RULES
Educational research and improvement:
31866 College Library Resources Program

Energy Department
See also Bonneville Power Administration; Economic Regulatory Administration; Federal Energy Regulatory Commission.
RULES
31637 Privacy Act; implementation; correction

Environmental Protection Agency
RULES
Grants, State and local assistance:
31642 Hazardous waste program class deviation
Pesticide chemicals in or on raw agricultural commodities; tolerances and exemptions, etc.:
31642 5-ethoxy-3-trichloromethyl-1,2,4-thiadiazole
Pesticides; tolerances in animal feeds:
31637 Chlorpyrifos
Procurement:
31743 Letter contracts
PROPOSED RULES
Air pollution control; new motor vehicles and engines:
31677 Emissions performance and defect warranties; 1984 heavy-duty engine and 1985 light-duty diesel; studies
Air quality implementation plans; approval and promulgation; various States; etc.:
31675 South Carolina
NOTICES
Meetings:
31746 Science Advisory Board
Pesticide registration, cancellation, etc.:
31745 Carbon dioxide; Airco Industrial Gases
31745 Grasshopper spore; Reuter Laboratories Inc.
Toxic and hazardous substances control:
31746 Confidential information and data transfer to contractor

Federal Communications Commission
RULES
Radio services, special:
31647 Land mobile services; elimination of antenna height vs. effective radiated power (ERP) table affecting stations in Los Angeles, Calif.; stay of compliance

PROPOSED RULES
Common carrier services:
31693 MTS and WATS market structure; interstate telecommunications services entry policy and Alaska submarket inquiry; extension of time
Frequency allocations and radio treaty matters:
31693 World Administrative Radio Conference; implementation
Radio stations; table of assignments:
31695 Minnesota
NOTICES
31747, 31764 AM broadcast applications accepted for filing and notification of cut-off date (2 documents)
Hearings, etc.:
31747 American Telephone & Telegraph Co.
31759 KRLC, Inc., et al
31760 Vencap Investment Corp. et al.
31764 Rulemaking proceedings filed, granted, denied, etc.; petitions by various companies
31762 Television broadcast applications accepted for filing and notification of cut-off date

Federal Deposit Insurance Corporation
NOTICES
31807 Meetings; Sunshine Act (2 documents)

Federal Emergency Management Agency
RULES
Flood elevation determinations:
31645 Connecticut et al.
31646 New York et al.
Flood insurance; communities eligible for sale:
31643 Illinois et al.
PROPOSED RULES
Flood elevation determinations:
31680 Arizona et al.
31692 Michigan et al.
31686 New Jersey et al.

Federal Energy Regulatory Commission
PROPOSED RULES
Public Utility Regulatory Policies Act of 1978:
31663 Small power production and cogeneration facilities; transmission to other electric utilities; method of calculation of avoided cost; request for declaratory order; extension of time
NOTICES
Hearings, etc.:
31704 ANR Storage Corp.
31704 Boston Edison Co.
31704 Commonwealth Electric Co.
31705 Consolidated Edison Co.
31705 Consolidated Gas Supply Corp.
31705 Eastern Shore Natural Gas Co., et al.
31704 Ehrnschwender, Arthur R.
31705 El Paso Natural Gas Co.
31706 Empire District Electric Co.
31706 Gas Gathering Corp.
31707 Green Mountain Power Corp. (2 documents)
31707 Iowa Pubic Service Co.
31707 Iowa-Illinois Gas & Electric Co.
31708 Kansas Gas & Electric Co. (2 documents)
31714 Michigan Wisconsin Pipe Line Co.
31744 Midwestern Gas Transmission Co.
31708 Mohawk Energy Corp.
31710 National Forge Co.
31710 North Valley Land Corp.
31711 Pacific Power & Light Co.
31711 Pennsylvania Electric Co. et al.
31712 Pennsylvania-New Jersey-Maryland Interconnection
31710 Roomy, Nicholas Jr.
31712 Sea Robin Pipeline Co.
31713 Sheafer, William L.
31712 Southern California Edison Co.
31715 Tennessee Gas Pipeline Co.
31712 Tennessee Natural Gas Lines, Inc.
31713 Toledo Edison Co.
31713 Union Electric Co.
31713 Wisconsin Electric Power Co.
Natural Gas Policy Act of 1978:
31718, 31730, 31736, 31741 Jurisdictional agency determinations (4 documents)

Federal Home Loan Bank Board
NOTICES
31808 Meetings; Sunshine Act

Federal Maritime Commission
NOTICES
Energy and environmental statements; availability, etc.:
31764 Atlantic and Gulf Coast ports; "50 mile container rules", possible violations
Freight forwarder licenses:
31765 Reliable Traffic Service
Rate increases, etc.; investigations and hearings, etc.:
31765 Hawaiian Marine Lines, Inc.

Federal Register Office
NOTICES
National Fire Codes:
31767 National Fire Protection Association Technical Committee reports; inquiry
31766 Standards revisions; inquiry

Federal Reserve System
NOTICES
Applications, etc.:
31765 Amerigroup Financial Corp.
31765 Century Holding Corp.
31765 First Eastex Bancshares, Inc.; correction
31766 El Paso National Corp.
31766 Kavanaugh Bancshares, Inc.
31808 Meetings; Sunshine Act

Federal Trade Commission
PROPOSED RULES
31662 Funeral industry practices; oral presentation scheduling and meeting

Fiscal Service
NOTICES
31804 Funds rate; Treasury current value

Fish and Wildlife Service
RULES
31818 Alaska National Wildlife Refuges

31770
31770
31769
31769
31771
31775
31698
31794
31794
31795
31795
31796
31795
31795
31784-31788
31789
31779
31778

General Services Administration
See Federal Register Office.

Geological Survey
NOTICES
Outer Continental Shelf; oil, gas, and sulphur operations; development and production plans:
31770 Amoco Production Co.
31770 ARCO Oil & Gas Co.

Health and Human Services Department
See Health Resources Administration; Health Services Administration; Public Health Service.

Health Resources Administration
NOTICES
Grants; availability, etc.:
31769 Health professions and nursing student loans; low income levels for loan repayment

Health Services Administration
NOTICES
Grants; availability, etc.:
31769 Health professions and nursing student loans; low income levels for loan repayment

Indian Affairs Bureau
NOTICES
Liquor and tobacco sale or distribution ordinance:
31771 Port Gamble Reservation, Wash.
31775 White Mountain Reservation, Ariz.

Interior Department
See Fish and Wildlife Service; Geological Survey; Indian Affairs Bureau; Land Management Bureau; National Park Service; Surface Mining Reclamation and Enforcement Office.

International Trade Administration
NOTICES
Countervailing duty petitions and preliminary determinations:
31698 Toy balloons and playballs from Mexico

International Trade Commission
NOTICES
Import investigations:
31794 Airless paint spray pumps and components
31794 Capers imported in bulk
31795 Card data imprinters and components
31795 Food slicers and components
31796 Menthol from China
31795 Roses, fresh cut, from Colombia
31795 Stabilized hull units and components

Interstate Commerce Commission
NOTICES
Motor carriers:
31784–31788 Permanent authority applications (4 documents)
31789 Permanent authority applications; restriction removals
31779 Temporary authority applications
Railroad services abandonment:
31778 Consolidated Rail Corp.

Justice Department
See also Drug Enforcement Administration.

NOTICES
Pollution control; consent judgments:
31800 Sharon Steel Co.

Land Management Bureau
NOTICES
Classification of lands:
31777 Nevada; correction
31776 New Mexico (3 documents)
31777 Oregon
Meetings:
31776 Las Vegas District Grazing Advisory Board
31777 Moab District Grazing Advisory Board
31778 Shoshone District Grazing Advisory Board
Survey plat filings:
31777 Nevada
Withdrawal and reservation of lands, proposed, etc.:
31775 California

National Bureau of Standards
NOTICES
Senior Executive Service:
31699 Limited Performance Review Board; membership

National Credit Union Administration
PROPOSED RULES
Federal credit unions:
31651 Lending policies, amortization and payment of loans and lines of credit; deregulation
31654 Mortgage loans; fixed and adjustable rates
31660 Participation loans; eligible obligations, purchase, sale, and pledge

National Oceanic and Atmospheric Administration
RULES
Marine mammals:
31648 Seizure, forfeiture, and disposal procedures

National Park Service
RULES
31836 Alaska National Park System units

Nuclear Regulatory Commission
NOTICES
Applications, etc.:
31802 Commonwealth Edison Co.
Meetings:
31801 Reactor Safeguards Advisory Committee
31808 Meetings; Sunshine Act

Postal Service
NOTICES
31808 Meetings; Sunshine Act

Public Health Service
NOTICES
31769 Health maintenance organizations, qualified; list
Medical technology scientific evaluations:
31770 Apheresis, safety and clinical effectiveness; treatment of Goodpasture's syndrome etc.

State Department
NOTICES
Meetings:
31803 International Investment, Technology, and Development Advisory Committee

31803 International Telegraph and Telephone Consultative Committee

Surface Mining Reclamation and Enforcement Office
RULES
Abandoned mine lands reclamation program; plan submissions:
31638 New Mexico

Treasury Department
See also Fiscal Service
NOTICES
Notes, Treasury:
31804 S–1983 series

MEETINGS ANNOUNCED IN THIS ISSUE

DEFENSE DEPARTMENT
Air Force Department—
31699 USAF Scientific Advisory Board, Langley AFB, Va. (closed), 7–7 and 7–8–81
Army Department—
31699 Board of Visitors, United States Military Academy, West Point, N.Y. (open), 8–3 through 8–5–81
Defense Communications Agency—
31699 Defense Communications Agency Scientific Advisory Group, Arlington, Va. (closed), 6–29 and 6–30–81

ENVIRONMENTAL PROTECTION AGENCY
31746 Science Advisory Agency Board, Clean Air Scientific Advisory Committee, Triangle Park, N.C. (open), 7–7 through 7–9–81

FEDERAL TRADE COMMISSION
31662 Funeral industry practices, Washington, D.C., 7–7, 7–8 and 7–15–81

INTERIOR DEPARTMENT
Land Management Bureau—
31776 Las Vegas District Grazing Advisory Board, Las Vegas, Nev. (open), 7–23–81
31777 Moab District Grazing Advisory Board, Moab, Utah (open), 7–27–81
31778 Shoshone District Grazing Advisory Board, Shoshone, Idaho (open), 7–22–81

STATE DEPARTMENT
Office of the Secretary—
31803 International Investment, Technology, and Development Advisory Committee, Preparations for the UN Conference on New and Renewable Sources of Energy Working Group, Washington, D.C. (open), 7–9–81
31803 International Telegraph and Telephone Consultative Committee, Study Group A of the U.S. Organization, Washington, D.C. (open), 6–30–81

HEARING

INTERNATIONAL TRADE COMMISSION
31795 Fresh cut roses from Colombia, Washington, D.C., 6–30–81

CFR PA
A cumul
the Rea
3 CFR
Administ
Presidenti
No. 81–1
June 9
7 CFR
984
10 CFR
1008
12 CFR
Proposed
701 (3 d
16 CFR
Proposed
453
18 CFR
Proposed
292
21 CFR
561
30 CFR
931
32 CFR
Proposed
41
34 CFR
773
36 CFR
13
40 CFR
35
180
Proposed
52
86
41 CFR
15–3
44 CFR
64
67 (2 doc
Proposed
67 (3 doc
47 CFR
90
Proposed
2
63
73
50 CFR
36
219

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

3 CFR
Administrative Orders:
Presidential Determinations:
No. 81-10 of June 9, 1981 31635

7 CFR
984 31637

10 CFR
1008 31637

12 CFR
Proposed Rules:
701 (3 documents) 31651, 31654, 31660

16 CFR
Proposed Rules:
453 31662

18 CFR
Proposed Rules:
292 31663

21 CFR
561 31637

30 CFR
931 31638

32 CFR
Proposed Rules:
41 31663

34 CFR
773 31866

36 CFR
13 31836

40 CFR
35 31642
180 31642
Proposed Rules:
52 31675
86 31677

41 CFR
15-3 31643

44 CFR
64 31643
67 (2 documents) 31645, 31646
Proposed Rules:
67 (3 documents) 31680, 31686, 31692

47 CFR
90 31647
Proposed Rules:
2 31693
63 31693
73 31695

50 CFR
36 31818
219 31648

V
4
6
J
E
1
7
8
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Title 3—

The Pr

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Federal Register
Vol. 46, No. 116
Wednesday, June 17, 1981

Presidential Documents

Title 3—

The President

Presidential Determination No. 81-10 of June 9, 1981

Economic Support Fund Assistance for El Salvador

Memorandum for the Secretary of State

By virtue of the authority vested in me by section 614(a)(1) of the Foreign Assistance Act of 1961, as amended (the Act), I hereby:

(1) determine that the furnishing to El Salvador of not to exceed $18,000,000 in assistance under chapter 4 of part II of the Act from amounts appropriated for assistance to Israel and Egypt under that chapter in the fiscal year 1981, without regard to statutory allocations of assistance under that chapter to those countries, is important to the security interests of the United States; and

(2) authorize the furnishing of such assistance to El Salvador.

You are requested on my behalf to report this determination to the Congress immediately, and none of the assistance provided for herein shall be furnished until after such report has been made.

This determination shall be published in the **Federal Register.**

Ronald Reagan

THE WHITE HOUSE,
Washington, June 9, 1981.

[FR Doc. 81-16162
Filed 6-15-81; 4:17 pm]
Billing code 3195-01-M

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Rule

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DEPARTM

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7 CFR Pa

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SUMMARY
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Rules and Regulations

Federal Register
Vol. 46, No. 116
Wednesday, June 17, 1981

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 984

Walnuts Grown in California; Expenses of the Walnut Marketing Board and Rate of Assessment for the 1980–81 Marketing Year; Correction

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule; correction.

SUMMARY: This document corrects the rate of assessment for certified merchantable walnuts established by the final rule authorizing expenses and rate of assessment for the 1980–81 marketing year. The final rule was published on page 70212 of the October 23, 1980, issue of the **Federal Register.** The correct rate of assessment is 0.40 cent per kernelweight pound instead of 0.40 cent per 100 pounds kernelweight.

FOR FURTHER INFORMATION CONTACT:
J. S. Miller, Chief, Specialty Crops Branch, Fruit and Vegetable Division, AMS, USDA, Washington, D.C. 20250 (202) 447–5697.

Therefore, § 984.332(b) is corrected to read as follows:

§ 984.332 Expenses and rate of assessment.

* * * * *

(b) The rate of assessment for said year payable by each handler in accordance with § 984.69 is fixed at 0.40 cent per kernelweight pound for certified merchantable walnuts.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

Dated: June 11, 1981.

D. S. Kuryloski,
Deputy Director, Fruit and Vegetable Division.

[FR Doc. 81-17928 Filed 6-16-81; 8:45 am]
BILLING CODE 3410-02-M

DEPARTMENT OF ENERGY

10 CFR Part 1008

Privacy Act: Records Maintained on Individuals; Correction

AGENCY: Department of Energy.

ACTION: Correction to final rule.

SUMMARY: This document corrects the designation of certain paragraphs in a Privacy Act document regarding records maintained on individuals published at 45 FR 61576, September 16, 1980.

EFFECTIVE DATE: October 16, 1980.

FOR FURTHER INFORMATION CONTACT:
Milton Jordan, Director, Division of FOI and Privacy Acts Activities, AD–43 (202–252–5955).
Leslie Bordon Greenspan, Attorney Advisor, General Counsel, GC–41 (202–252–8618).

In the **Federal Register** of September 16, 1980, appearing at 45 FR 61576, the following corrections are made to § 1008.10:

1. On page 61581, columns two and three, the paragraphs designated as "(b), (c), (d), (e) and (f)" should be redesignated to read: "(d), (e), (f), (g) and (h), respectively.

Issued in Washington, D.C., June 11, 1981.

William S. Heffelfinger,
Assistant Secretary, Management and Administration.

[FR Doc. 81-18029 Filed 6-16-81; 8:45 am]
BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

21 CFR Part 561

[FAP 9H5205/T67; PH-FRL-1854-2]

Chlorpyrifos; Tolerances for Pesticides in Animal Feeds Administered by the Environmental Protection Agency

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule extends feed additive regulation related to the experimental use of the combined residues insecticide chlorpyrifos and its metabolite on dried citrus pulp. This rule will permit the marketing of dried citrus pulp while further data is collected on the subject pesticide

EFFECTIVE DATE: Effective on June 17, 1981.

ADDRESS: Written objections may be submitted to the: Hearing Clerk, Environmental Protection Agency, Rm. M–3708 (A–110), 401 M St. SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:
Jay S. Ellenberger, Product Manager (PM) 12, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 400, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703–557–7024).

SUPPLEMENTARY INFORMATION:
EPA issued a notice that published in the **Federal Register** of April 21, 1980 (45 FR 26695) that Dow Chemical Co., PO Box 1706, Midland, MI 48640 had filed a feed additive petition (FAP 9H5205) with the EPA. The petition established a regulation permitting the combined residues of the insecticide chlorpyrifos [*O,O*-diethyl *O*-(3,5,6-trichloro-2-pyridyl)phosphorothioate] and its metabolite 3,5,6-trichloro-2-pyridinol in or on the animal feed dried citrus pulp resulting from application of chlorpyrifos to growing lemons and oranges with a tolerance limitation of 15 parts per million (ppm).

The pesticide is considered useful for the purppose for which a regulation is sought. Therefore, the regulation is extended as set forth below. A related document (PP 9G2168/T305) extending temporary tolerances for chlorpyrifos on lemons and oranges appears elsewhere in this issue of the **Federal Register.**

Any person adversely affected by this regulation may, on or before July 17, 1981, file written objections with the Hearing Clerk, Environmental Protection Agency, Rm. M–3708 (A–110), 401 M St. SW., Washington, D.C. 20460. Such objections should be submitted in

quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

As required by Executive Order 12291, EPA has determined that this rule in not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this regulation from the OMB review requirement of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–534, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that regulations establishing new food and feed additive levels, or conditions for safe use of additives, or raising such food and feed additive levels do not have significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24945). Effective on: June 17, 1981.

(Sec. 409(c)(1), 72 Stat. 1786, (21 U.S.C. 348(c)(1)))

Dated: June 8, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

Therefore, 21 CFR 561.98(b) is revised to read as follows:

§ 561.98 Chlorpyrifos.

* * * * *

(b) A tolerance is established for the combined residues of the insecticide chlorpyrifos [*O,O*-diethyl *O*-(3,5,6-trichloro-2-pyridyl)phosphorothioate] and its metabolite 3,5,6-trichloro-2-pyridinol in or on dried citrus pulp, intended for animal feed, at 15 parts per million, resulting from application of the pesticide to the growing raw agricultural commodities lemons and oranges in accordance with provisions of an experimental use permit that expires April 10, 1982.

* * * * *

[FR Doc. 81-17982 Filed 6-16-81, 8:45 am]

BILLING CODE 6560-32-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 931

Approval of the Abandoned Mine Reclamation Plan for the State of New Mexico Under the Surface Mining Control and Reclamation Act of 1977

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Final rule.

SUMMARY: On September 29, 1980, the State of New Mexico submitted to OSM its proposed abandoned mine land reclamation plan under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The purpose of this submission is to demonstrate the State's intent and capability to assume responsibility for administering and conducting the Abandoned Mine Reclamation Program established by Title IV of SMCRA and regulations adopted by OSM (30 CFR Chapter VII, Subchapter R, 43 F.R. 49932–49952, October 25, 1978). After opportunity for public comment and review of the plan submission, the Director of the Office of Surface Mining has determined that the New Mexico Abandoned Mine Reclamation Plan meets the requirements of SMCRA and the Abandoned Mine Land Reclamation Program. Accordingly, the Director of the Office of Surface Mining has approved the New Mexico Plan.

Final promulgation of this rule has been delayed beyond the time limit established in 30 CFR 884.14 in accordance with the President's Memorandum of January 29, 1981, directing all Federal agencies to postpone for 60 days from the date of the memorandum the promulgation of any final rule.

EFFECTIVE DATE: This approval is effective July 17, 1981.

ADDRESSES: Copies of the full text of the New Mexico Plan are available for review during regular business hours at the following locations:

Office of Surface Mining Reclamation and Enforcement, Region V, Brooks Towers, 1020–15th Street, Denver, Colorado 80202

New Mexico Department of Energy and Minerals, Mining and Minerals Division, 1222 Luisa Street, Santa Fe, New Mexico 87501

The Office of Surface Mining Reclamation and Enforcement, Room 153, 1951 Constitution Avenue, N.W., Washington, D.C. 20240

FOR FURTHER INFORMATION CONTACT: Charles A. Beasley, Assistant Director, Abandoned Mine Lands, Office of Surface Mining Reclamation and Enforcement, U.S. Department of the Interior, South Interior Building, 1951 Constitution Avenue NW., Washington, D.C. 20240, Telephone (202) 343–4012.

SUPPLEMENTARY INFORMATION:

General Background of Abandoned Mine Lands Program

Title IV of the Surface Mining Control and Reclamation Act of 1977 (SMCRA), Public Law 95–87, 30 U.S.C. 1201 *et seq.*, establishes an abandoned mine land reclamation program for the purpose of reclaiming and restoring lands and water resources adversely affected by past mining. This program is funded by a reclamation fee imposed upon the production of coal. Lands and water eligible for reclamation under the program are those that were mined or affected by mining and abandoned or left in an inadequate reclamation status prior to August 3, 1977, and for which there is no continuing reclamation responsibility under State or Federal law.

Each State having within its borders coal mined lands eligible for reclamation under Title IV of SMCRA, may submit to the Secretary a State Reclamation Plan, demonstrating its capability for administering an abandoned mine reclamation program. Title IV provides that the Secretary may approve the plan once the State has an approved regulatory program under Title V of SMCRA. If the Secretary determines that a State has developed and submitted a program for reclamation and has the necessary State legislation to implement the provisions of Title IV, the Secretary shall grant the State exclusive responsibility and authority to implement the provisions of the approved plan. Section 405 of SMCRA (30 U.S.C. 1235) contains the requirements for State reclamation plans.

The Secretary has adopted regulations that specify the content requirements of a State reclamation plan and the criteria for plan approval (30 CFR Part 884, 43 FR 49932, 49947, October 25, 1978). Under those regulations, the Director is required to review the plan, solicit and consider comments of other Federal agencies and the public, and either approve or disapprove the plan. If the Director disapproves the State plan, the State may resubmit a revised

reclamation plan at any time.

To codify information applicable to individual States under SMCRA, including decisions on State reclamation plans, OSM has established a new Subchapter T of 30 CFR Chapter VII. Subchapter T consists of parts 900 through 950. Provisions relating to New Mexico are found in 30 CFR Part 931.

Background on the New Mexico Abandoned Mine Plan Submission

On May 31, 1979, a cooperative agreement between the New Mexico Department of Energy and Minerals and the Office of Surface Mining was approved. The purpose of this agreement was to assure that information required for the preparation of the New Mexico Abandoned Mine Reclamation Plan would be assembled.

On September 11 and 12, 1980, the Department of Energy and Minerals held public meetings in Gallup and Santa Fe, New Mexico, for comments on New Mexico's proposed plan.

On September 29, 1980, the State of New Mexico submitted its proposed Abandoned Mine Reclamation Plan to OSM.

On October 29 and 30, 1980, and November 13, 1980, the New Mexico Department of Energy and Minerals submitted revisions to the New Mexico Reclamation Plan.

On November 3, 1980, the Office of Surface Mining conducted a public hearing in Albuquerque, New Mexico.

The revised pages contain several amendments and modifications to the original plan as a result of the discussions between representatives of the New Mexico Mining and Minerals Division and OSM. The necessary changes have been incorporated by a letter from the State of New Mexico received on February 9, 1981, and therefore comply with the requirement that the policies and procedures to be followed by the agency be incorporated into the reclamation plan. All of the documents mentioned above are available for public inspection at the office of OSM listed above under "Addresses" and at the Office of the Department of Natural Resources listed under "Addresses."

Notice of receipt of the submission initiating the Plan review was published October 3, 1980, (45 FR 65626–65628). The announcement requested public comments and scheduled a public hearing for November 3, 1980. The public hearing was held as scheduled. No public comments were made at the hearing.

On February 10, 1981, the Regional Director and on February 16, 1981, the Assistant Director for Abandoned Mine Lands Reclamation recommended to the Director that the New Mexico Reclamation Plan be approved.

The administrative record on the New Mexico Plan is available for review during regular business hours at the Office of Surface Mining Reclamation and Enforcement, Region V, Brooks Towers, 1020 15th Street, Denver, Colorado 80202.

Director's Findings:

1. In accordance with Section 405 of SMCRA the Director finds that New Mexico has submitted a plan for reclamation of abandoned mine properties on non-Indian lands in the State, and has the ability and necessary State legislation to implement the provisions of Title IV of SMCRA.

2. The Director has determined, pursuant to 30 CFR 884.14, that:

(a) The Department of Energy and Minerals, Mining and Minerals Division of the State of New Mexico has the legal authority, policy and administrative structure necessary to carry out the proposed plan;

(b) the proposed plan meets all the requirements of 30 CFR Chapter VII Subchapter R;

(c) the State has an approved regulatory program; and

(d) the proposed plan is in compliance with all applicable State and Federal laws and regulations.

3. The Director has solicited and considered the views of other Federal agencies having an interest in the plan as required by CFR 884.14(a)(2).

These agencies include the Bureau of Mines (BOM), National Park Service (NPS), Soil Conservation Service (SCS), U.S. Forest Service (USFS), U.S. Fish and Wildlife Service (FWS), and the U.S. Geological Survey (USGS).

It should be noted that the State of New Mexico does not specifically discuss reclamation of noncoal mined lands in their Abandoned Mine Land Plan. Further, it should be noted that the New Mexico statute, Section 8A, restricts the filing of liens to lands adversely affected by past coal mining practices and does not explicitly provide for the exercise of police power on noncoal mined lands. In a meeting between the Director of New Mexico's Mining and Minerals Division and OSM officials held May 6, 1981, the State indicated that it would seek statutory or other appropriate authority to enable it to file liens on noncoal lands reclaimed under the program. The Director believes that the States inherent police power can be practiced on such lands.

The Director therefore finds that the State of New Mexico lacks the legal authority it wishes to have in its program in order to carry out certain noncoal related reclamation activities consistent with Section 409 of SMCRA and 30 CFR 882.13(a) because it lacks lien authority on noncoal projects. The authority the States will enact will allow the State, itself, to determine the cirumstances in which a lien will be filed. Accordingly, until the lien authority is obtained, the Regional Director does not expect to approve grants for noncoal reclamation activities where liens would be placed. Further, the Director finds that all coal and noncoal reclamation projects anticipated by Section 409, 30 U.S.C. 1239 must be achieved prior to approval of grants for the construction of public facilities in communities impacted by coal development. An assertion of lack of explicit rights of entry and police power authority will not be considered as adequate justification to waive achievement of all remaining coal and noncoal projects prior to providing coal impact assistance.

Disposition of Comments:

The comments received on the New Mexico Abandoned Mine Plan during the public comment period raised the issues listed below, which were considered in the Director's evaluation of the New Mexico Plan as indicated:

1. The BOM asked if the "ID Number" in Exhibit A, page 15 of the Plan corresponds to the "Mine Number" in the Appendix.

Yes, the "Mine Number" in the Appendix corresponds to the "ID Number" on Exhibit A.

2. The OMB asks what the term "Problem Area" in Exhibit A, page 15 of the Plan denotes—Geographic location of the mine or the problem associated with the mine.

The term "Problem Area" describes the general geographic area including local land marks surrounding the identified problem.

3. The OMB asks what the terms "Historical Value" and "Archaeological Value" refer to in Exhibit A of the Plan—old mine workings, surrounding area or something else.

The above terms refer to the distance from the perimeter of the mine to the perimeter of the historic or archaeological site.

4. The BOM asks if the term "land use" in Exhibit A refers to the land surrounding the abandoned mine or to the use made of the reclaimed mine land.

The above term refers to the present use of land surrounding the problem area.

5. The NPS commented that since abandoned noncoal mines are provided for in the Office of Surface Mining

Abandoned Mine Land Reclamation Program, New Mexico's Reclamation Plan should evaluate the magnitude of the noncoal problems as well as discuss corrective procedures.

Though the Abandoned Mine Land Reclamation Program provides for reclamining abandoned noncoal mines, it does not require the State to prepare a separate program to reclaim noncoal lands. The provisions for reclaiming noncoal abandoned mine lands are found in 30 CFR 874.12(3)(b) and 884.12(b), and provide that noncoal reclamation may take place only after all coal mining reclamation has been accomplished or the Governor of the State has requested and the Director of OSM has determined that the reclamation is necessary for the protection of the public health and safety under 30 CFR 874.12(b).

If New Mexico wishes to change the scope of its reclamation plan to address reclamation of abandoned noncoal mines in the future, it can amend the reclamation plan, according to the procedures outlined in 30 CFR 884.15.

6. The NPS commented that where abandoned mine land projects may affect NPS lands or are adjacent to or within an NPS unit, they should be included in any reclamation activity undertaken. In addition, the NPS suggests that a specific procedure requiring NPS involvement be provided for in the Plan.

Where any reclamation activity affects NPS units the State of New Mexico or the Secretary will coordinate with the NPS.

Section 412(b) of SMCRA, however, does not require the State to design cooperative efforts as outlined by NPS but rather leaves such reclamation decisions to the discretion of the regulatory authority. The State will treat all projects on a case by case basis and where feasible, will enter into cooperative agreeements with other agencies to undertake reclamation activities.

In addition, responsibility for reclaiming abandoned coal mine lands within an NPS unit lies with the Secretary and any of the contractual options available may be utilized to accomplish the reclamation.

7. The NPS commented that public participation in the grant application procedure should begin after the State filed the application on the premise the public would then better understand the proposal.

The purpose of inviting public review of the grant application is to seek advice and counsel from the public on the proposed content of the application before finalizing the application for submission and execution. New Mexico has allowed time for incorporation of the public's comments, suggestions and evaluations into the grant application before the final request for funds as required by 30 CFR 884.13(e). No change is therefore required in the State Reclamation Plan.

8. The NPS commented that the maps submitted by New Mexico pursuant to 30 CFR 884.13(f)(1) were at a scale of 1:1,000,000 rather than the 1:250,000 or larger as required by the OSM regulations.

The State of New Mexico has supplied a map at a scale of 1:1,000,000 which identifies U.S. Geological Survey quadrangle map sheets, where abandoned mine problems exist in the State. The quadrangle sheets have the information required by 30 CFR 884.13(f)(1) at the appropriate scale. The Office is therefore satisfied that the State has satisfactorily met the requirements of the regulations.

9. The USGS inquired whether the New Mexico Reclamation Plan, entitled *New Mexico's Reclamation Plan for Abandoned Mine Lands*, was properly titled since New Mexico's plan addresses only abandoned coal mines. Accordingly, USGS suggested New Mexico insert the word "coal" in their title.

Since New Mexico has the option to amend the scope of their Reclamation Plan to include abandoned noncoal mines, New Mexico may title their Reclamation Plan as they wish, without the burden of further Federal regulation.

10. The USGS comments that other hydrologic factors such as flooding of abandoned mines, groundwater changes in movement and quality and surface runoff disturbances could be considered in the ranking and selection of projects.

The suggestions have been brought to the attention of the State of New Mexico and the Plan amended.

11. The USGS comments that hydrologic problems and their abatement are not discussed as are other extensive problems.

Proposed projects are considered on a case by case basis and specific problems including hydrologic problems will be considered as they are identified in the development of a proposed project.

12. The USGS asked if uranium mines will be included in this Reclamation Plan.

The State of New Mexico may undertake reclamation of abandoned noncoal mined lands as provided for in 30 CFR 874.12(3)(b) and 884.12(b). The State may also amend their Reclamation Plan at any time according to 30 CFR 884.15.

The question of noncoal reclamation is also addressed under our response to comment number 5 above.

13. The USGS comments that water quality and sediment data from reclaimed spoil pits (p.111, paragraph 2) are being collected at the Navajo Mine. However, computation of sediment loads, they point out, may not be possible from the data being collected.

This discrepancy has been pointed out to the New Mexico Energy and Minerals Department, Mining and Minerals Division for correction.

14. The USGS comments that the "Water-Resources Information" section in the appendix could be expanded to include the USGS, Water Resources Divisions, WATSTORE computer file and the Environmental Protection Agency STORET file.

These suggestions have been brought to the attention of the regulatory authority, and USGS was added to the list of Federal agencies to be consulted on projects.

15. The SCS commented that on pages 18, 19 and 51 it is unclear whether the Plan is referring to the USDA-Soil Conservation Service or the New Mexico Natural Resource Department's Soil Conservation Division.

References on pages 18, 19 and 51 of the New Mexico Reclamation Plan refer to the New Mexico Soil Conservation Division.

16. The SCS commented that on pages 19 and 51 of the Plan the reference should be the Soil Conservation Service Field Office rather than the SCS District Office.

This editorial error has been pointed out to the regulatory authority and appropriate changes will be made to their Plan.

17. The Soil Conservation Service commented that ecosystem descriptions included in the New Mexico Reclamation Plan on pages 96 and 97 were incomplete and nonrepresentative of the total plant communities within the State.

New Mexico intended the descriptions to act only as a representation of the diverse ecosystem within the State. Ecosystems will be inventoried, evaluated and reported in detail on a project by project basis in full compliance with the National Environmental Protection Act and all other Federal and State laws applicable to environmental protection before Reclamation funds are granted.

18. The SCS comments that on page 103 of the Plan the second paragraph should begin "Most of the wildlife found

in the State are *potentially* present in the coal fields" rather than "are present in the coal fields."

This potential error has been pointed out to the regulatory agency.

19. The USFS suggested the New Mexico Reclamation Plan should describe in greater detail the coordination of reclamation planning with land use planning.

New Mexico will coordinate reclamation plans for Abandoned Mine Lands on a project basis. OSM will fund no project without an environmental evaluation submitted to the State Planning and Development Districts administered by a Council of Governments, for evaluation and comment, and an A–95 review certifying internal State review, including the Council's. Therefore, no further discussion is necessary.

20. The USFS commented that the coordination between the regulatory authority and the New Mexico Department of Game and Fish for identifying specific problems in the reclamation of individual abandoned mine sites and in the protection of endangered and threatened species was satisfactory. However, they suggested the State identify the more common types of problems associated with reclamation in respect to fish and wildlife. Also the USFS suggested further discussion of the positive wildlife and fish benefits.

The Plan is a general description of the abandoned mine land problems and a more specific and detailed analysis will be prepared on a project basis. In addition, positive wildlife and fish benefits will be discussed as part of the project ranking and selection process.

21. The FWS commented that the Plan is deficient in specifying how coordination will be implemented to assure compliance with the Endangered Species Act as well as other acts under the FWS.

The State of New Mexico has amended the Plan by providing that the New Mexico Department of Game and Fish will review each project. In addition, the FWS will be contacted regarding any chance of encounter with rare or endangered species in the Site Evaluation Matrix.

The OSM and FWS have signed a Memorandum of Understanding on June 10, 1980, 45 FR 40240 (June 13, 1980) that provides for formal consultation on those projects which may affect threatened or endangered species. OSM is satisfied that with these additional safeguards the New Mexico Plan adequately addresses the protection of threatened or endangered species.

22. The FWS commented that the Plan does not provide a general description of those reclamation areas containing threatened or endangered species.

In addition to the procedures outlined above, the regulatory authority and the Secretary will review all proposed projects with regard to their impact on threatened or endangered species on a project by project basis. Accordingly, OSM is satisfied that the Plan adequately addresses problems concerning threatened or endangered species.

23. The FWS pointed out that the list of endangered or threatened plant species included in the New Mexico Reclamation Plan is out of date and should be updated.

New Mexico amended their Plan to provide the current endangered and threatened species list for plants and animals in their State Reclamation Plan.

24. The Navajo Tribe reasserted jurisdiction rights of all Indian Tribes over those lands exterior to Federal Indian reservations, including those lands held in trust for the Nation by the Secretary, those lands owned in fee by the Indian, and Indian-held estates. The Navajo state the Indian Nations are authorized to develop an Abandoned Mine Land Reclamation Program for those lands claimed to be under their jurisdiction to the exclusion of the jurisdiction of the State in which they lie.

The question of jurisdiction for Indian lands is a complex issue and is currently under review by the Department as a part of the Special Report to be submitted to Congress under 30 U.S.C. 1300.

The Secretary has explicitly stated in his findings that the approval contained in 30 CFR 931.20 is limited to non-Indian lands in the State of New Mexico. Furthermore, the Secretary's approval of New Mexico's Abandoned Mine Lands Reclamation Plan in no way acts to grant or endorse any assertion by New Mexico of jurisdiction over mining on Indian lands. The Secretary has been informed by New Mexico that the State takes the position that assumption of responsibility for their Abandoned Mine Reclamation Program should not be deemed a waiver of any jurisdiction claims the State might have with the Indian Tribes (Administrative Record No. 29).

The Director has determined that the New Mexico Abandoned Mine Reclamation Plan will not have a significant effect on the quality of the human environment because the decision relates to policies, procedures and organization of the State's Abandoned Mine Plan. Therefore, under the Department of the Interior Manual 516.2.3(A)(1), the Director's decision on the New Mexico Plan is categorically excluded from the National Environmental Policy Act process. As a result, no Environmental Assessment or Environmental Impact Statement has been prepared on this action. It should be noted that a programmatic EIS was prepared by OSM in conjunction with the implementation of Title IV. Also, an environmental analysis or an EIS will be prepared for the approval of grants for the abandoned mine lands reclamation projects under 30 CFR Part 886.

The Director has determined that this document is not a major rule under E.O. 12291 or 43 CFR Part 14 and, therefore, no regulatory analysis has been prepared on this action.

Certification of No Significant Economic Impact

The approval of the New Mexico Reclamation Plan has been found not to have significant economic effect on a substantial number of small entities. The regulation concerns only the approval of a reclamation plan and signifies the granting of exclusive responsibility to the State for implementing the provisions of their approved program. Therefore, in accordance with the Regulatory Flexibility Act and 43 CFR Part 14, I certify that the rule described above will not have a significant economic effect on a substantial number of small entities.

Dated: May 20, 1981.

Andrew V. Bailey,

Acting Director, Office of Surface Mining.

Part 931 is amended by adding § 931.20 to read as follows:

PART 931—NEW MEXICO

§ 931.20 Approval of the New Mexico Abandoned Mine Reclamation Plan.

The New Mexico Abandoned Mine Reclamation Plan as submitted on September 29, 1980, and amended February 4, 1981, is approved. Copies of the approved program are available at the following locations:

Office of Surface Mining Reclamation and Enforcement, Region V, Brooks Towers, 1020 15th Street, Denver, Colorado 80202

New Mexico Department of Energy and Minerals, Mining and Minerals Division, 1222 Luisa Street, Santa Fe, New Mexico 87501

Office of Surface Mining Reclamation and Enforcement, Room 153, 1951 Constitution Avenue NW., Washington, D.C. 20240

[FR Doc. 81–17918 Filed 6–16–81; 8:45 am]

BILLING CODE 4310–05–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 35

[SWH-FRL 1827-7]

State and Local Assistance; Program Grants; Class Deviation

AGENCY: Environmental Protection Agency.

ACTION: Deviation to rule.

SUMMARY: The Environmental Protection Agency (EPA) is issuing a class deviation from a provision of its program grant regulations to allow EPA's share of the hazardous waste program to be 100 percent of the allowable cost for development activities for fiscal year 1982. We are publishing the complete text of the deviation as part of this document.

DATE: The class deviation became effective on June 8, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Harvey Pippen, Jr., Director, Grants Administration Division (PM-216), Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460. (202) 755-0850.

Dated: June 5, 1981.

Roy L. Gamse,

Acting Assistant Administrator for Planning and Management (PM-208).

Dated: June 9, 1981.

James N. Smith,

Acting Assistant Administrator for Water and Waste Management (WH-556).

United States Environmental Protection Agency

Date: June 8, 1981
Subject: Class Deviation from 40 CFR 35.714(b)(2)
From: Evelyn T. Thorton, Acting Director, Grants Administration Division (PM-216)
To: Regional Administrators

Action

I am approving a class deviation from 40 CFR 35.714(b)(2) of the Solid and Hazardous Waste Management Program Support Grants Regulations. This class deviation will permit States to receive 100 percent of the allowable program cost for development activities for FY 1982.

Background

Section 35.714(b)(2) limits EPA's award of assistance for FY 1982 and subsequent fiscal years to 75 percent of the allowable program cost. When the regulation was issued, EPA believed that by FY 1982, all States would be managing a fully authorized hazardous waste program. However, most States will not have full authorization and will need to continue developmental activities past FY 1981.

Recognizing the cost of developing a hazardous waste program and the time required to secure adequate State funds, EPA's Office of Solid Waste wants to continue to award assistance of 100 percent of the cost of eligible developmental activities for FY 1982. A class deviation is necessary to permit this in FY 1982.

Dated: June 5, 1981.
Concur:

Roy L. Gamse.

Acting Assistant Administrator for Planning and Management (PM-208).

Dated: June 9, 1981.
Concur:

James N. Smith.

Acting Assistant Administrator for Water and Waste Management (WH-556).

[FR Doc. 81-17808 Filed 6-16-81; 8:45 am]
BILLING CODE 6560-30-M

40 CFR Part 180

[PP OFO997/R324; PH-FRL-1854-4]

5-Ethoxy-3-Trichloromethyl-1,2,4-Thiadiazole; Tolerances and Exemptions From Tolerances for Pesticide Chemicals In or On Raw Agricultural Commodities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a tolerance for the combined residues of the fungicide 5-ethoxy-3-trichloromethyl-1,2,4-thiadiazole and its mono-acid metabolite 3-carboxy-5-ethoxy-1,2,4-thiadiazole in or on cottonseed at 0.2 part per million (ppm). This regulation was requested by Olin Chemicals. This regulation establishes a maximum permissible level for residues of the fungicide on cottonseed.

EFFECTIVE DATE: Effective on June 17, 1981.

ADDRESS: Written objections may be submitted to the: Hearing Clerk, Environmental Protection Agency, Rm. M-3708 (A-110), 401 M St. SW., Washington, D.C. 20460

FOR FURTHER INFORMATION CONTACT: Henry M. Jacoby, Product Manager (PM)21, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Room 418, CM No. 2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703-557-7060).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the **Federal Register** of October 1, 1976 (41 FR 43421) that Olin Chemicals, 120 Long Ridge Road, Stamford, CT 06094, had submitted a pesticide petition to the EPA. This petition proposed that 40 CFR Part 180 be amended by the establishment of a tolerance for the combined residues of the fungicide 5-ethoxy-3-trichloromethyl-1,2,4-thiadiazole and its mono-acid metabolite 3-carboxy-5-ethoxy-1,2,4-thiadiazole in or on the raw agricultural commodity cottonseed at 0.2 ppm. No comments or request for referral to an advisory committee were received in response to this notice of proposed rulemaking.

The data submitted in the petition and all other relevant material have been evaluated. The scientific data considered in support of the tolerance were a 2-year rat oncogenic study (negative, with a no-observed-effect-level (NOEL) of 80 ppm), a 2-year dog feeding study (NOEL of 100 ppm), a rat reproduction study (NOEL of equal to or greater than 80 and less than 640 ppm), a rabbit teratology study (negative at 15 milligrams (mg)/kilogram (kg), and a mutagenic (Ames) study (equivocal or slightly positive). Based on the dog feeding study, the NOEL is 100 ppm. Using a 100-fold safety factor, the allowable daily intake (ADI) is 0.0250 mg/kg/day and the maximum permissible intake (MPI) is 1.5 mg/day for a 60-kg person. Established tolerances and this tolerance result in a maximum theoretical exposure of 0.0041 mg/day for a 60-kg person and utilize 0.27 percent of the ADI. Tolerances have previously been established for the combined residues of 5-ethoxy-3-trichloromethyl-1,2,4-thiadiazole and its mono-acid metabolite 3-carboxy-5-ethoxy-1,2,4-thiadiazole in or on the raw agricultural commodities, avocado at 0.15 ppm and strawberries at 0.2 ppm.

The establishment of a permanent tolerance of 0.2 ppm for the combined residues of the fungicide 5-ethoxy-3-trichloromethyl-1,2,4-thiadiazole and its mono-acid metabolite 3-carboxy-5-ethoxy-1,2,4-thiadiazole makes the interim tolerance under § 180.319 inadequate. Therefore, this tolerance of 0.3 ppm is being deleted.

The metabolism of 5-ethoxy-3-trichloromethyl-1,2,4-thiadiazole and its mono-acid metabolite 3-carboxy-5-ethoxy-1,2,4-thiadiazole is adequately understood, and an adequate analytical method is available for enforcement purposes (gas-liquid chromatography with an electron affinity detector for detection of the parents; a polargraphic method is available for the mono-acid metabolite).

Based on the information cited above, the agency has determined that the establishment of tolerances for the combined residues of the fungicide 5-ethoxy-3-trichloromethyl-1,2,4-thiadiazole and its mono-acid metabolite 3-carboxy-5-ethoxy-1,2,4-thiadiazole in or on raw agricultural

commodity cottonseed will protect the public health. Therefore, the regulation is established by amending 40 CFR 180.370 as set forth below.

Any person adversely affected by the regulation may, on or before July 17, 1981, file written objections with the Hearing Clerk, EPA, Rm. M-3708 (A-110), 401 M St., SW., Washington, DC 20460. Such objections should be submitted in quintuplicate, and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are legally sufficient to justify the relief sought.

As required by Executive Order 12291, EPA has determined that this rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this regulation from the OMB review requirement of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the administrator has determined that the regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have significant economoic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

Effective on: June 17, 1981.

(Sec. 408(e), 68 Stat. 514, 21 U.S.C. 346a(e))

Dated: June 8, 1981.

Edwin L. Johnson

Deputy Assistant Administrator for Pesticide Programs.

Therefore, Subpart C of 40 CFR Part 180 is amended as follows:

§ 180.319 [Amended]

1. By removing "5-ethoxy-3-trichloromethyl-1,2,4-thiadiazole".

2. By amending 40 CFR 180.370 by adding "cottonseed" to read as follows:

§ 180.370 5-ethoxy-3-trichloromethyl-1,2,4-thiadiazole; tolerances for residues.

* * * * *

Commodities	Parts per million
* * * * *	
Cottonseed	0.2
* * * * *	

[FR Doc. 81-17963 Filed 6-16-81; 8:45 am]

BILLING CODE 6560-32-M

41 CFR Part 15-3

[AS-FRL-1854-1]

Letter Contracts

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This final rule amends 41 CFR, § 15-3.408, entitled "Letter Contract" to permit the contracting officer to issue a final decision for the price or estimated cost and fixed fee in the event the Government and the contractor cannot agree on the definitization of a letter contract. Previously the contracting officer was required to terminate the letter contract in the event of failure to reach agreement. This final rule also deletes 41 CFR, § 15-16.553, which prescribes the format for a letter contract.

EFFECTIVE DATE: Effective June 17, 1981.

FOR FURTHER INFORMATION CONTACT: Edward Murphy, Procurement and Contracts, Management Division (PM-214), Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460 (202/755-0900).

SUPPLEMENTARY INFORMATION: The Agency has not invited public comment on this rule because its subject is limited to a matter of internal Agency procedure.

May 25, 1981.

Roy N. Gamse,

Acting Assistant Administrator for Planning and Management.

§ 15-3.408 [Amended]

1. Accordingly, 41 CFR, § 15-3.408 is amended by revising paragraph (a)(3) to read as follows:

(a) * * *

(3) A letter contract shall be superseded by a definitive contract within ninety (90) days from the date the letter contract is accepted, unless a period of performance in excess of ninety (90) days is authorized by the chief officer responsible for procurement at the contracting activity. The letter contract shall specify the date by which the definitive contract is to be negotiated. In the event the Government and the contractor, after exhausting all reasonable efforts, cannot negotiate a definitive contract within ninety (90) days from the date of acceptance, the contracting officer with the approval of the head of the procuring activity shall issue a final decision as to a reasonable price or estimated cost and fixed fee for the letter contract work. The decision is subject to appeal under the disputes clause of the contract. The contracting officer shall issue the decision within ninety (90) days from the date of acceptance of the letter contract, unless the ninety (90) day period is extended by the chief officer responsible for procurement at the procuring activity.

* * * * *

2. 41 CFR 15-3.408(g) is amended by removing the sentence "A format for a letter contract is illustrated in § 15-16.533.

3. 41 CFR Section 15-3.408 is amended by deleting paragraph (c).

§ 15-16.553 [Removed]

4. 41 CFR Part 15-16 is amended by removing § 15-16.553.

[FR Doc. 81-17965 Filed 6-16-81; 8:45 am]

BILLING CODE 6560-38-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA 6077]

List of Communities Eligible for the Sale of Insurance Under the National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: This rule lists communities participating in the National Flood Insurance Program (NFIP). These communities have applied to the program and have agreed to enact certain flood plain management measures. The communities' participation in the program authorizes the sale of flood insurance to owners of property located in the communities listed.

EFFECTIVE DATES: The date listed in the fifth column of the table.

ADDRESSES: Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Phone: (800) 638-6620.

FOR FURTHER INFORMATION CONTACT: Mr. Gary Johnson, National Flood Insurance Program, (202) 755-5581 or EDS Toll Free Line 800-638-6620 for Continental U.S. (except Maryland); 800-638-6831 for Alaska, Hawaii, Puerto Rico, and the Virgin Islands; and 800-492-6605 for Maryland, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program

(NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Since the communities on the attached list have recently entered the NFIP, subsidized flood insurance is now available for property in the community.

In addition, the Federal Insurance Administrator has identified the special flood hazard areas in some of these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the sixth column of the table. In the communities listed where a flood map has been published, Section 102 of the Flood Disaster Protection Act of 1973, as amended, requires the purchase of flood insurance as a condition of Federal or federally related financial assistance for acquisition or construction of buildings in the special flood hazard area shown on the map.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

The Catalog of Domestic Assistance Number for this program is 83.100 "Flood Insurance." This program is subject to procedures set out in OMB Circular A–95.

In each entry, a complete chronology of effective dates appears for each listed community. The entry reads as follows:

Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

§ 64.6 List of eligible communities.

State and county	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified
Illinois:				
Calhoun	Brussels, village of	170747B	May 19, 1981, suspension withdrawn	July 21, 1978.
Do	Hoffman Estates, village of	170107B	do	Sept. 20, 1974 and Aug. 27, 1976.
Cook	Justice, village of	170112B	do	Mar. 22, 1974 and Feb. 20, 1976.
Lake	Long Grove, village of	170380B	do	Apr. 5, 1974 and Aug. 27, 1976.
Cook and Du Page	Roselle, village of	170216B	do	Sept. 7, 1973 and Aug. 8, 1975.
Indiana:				
Hamilton	Carmel, city of	180081C	do	Aug. 9, 1974, Mar. 5, 1976 and Mar. 10, 1978.
Tipton and Madison	Elwood, city of	180152C	do	Dec. 28, 1973, Oct. 24, 1975 and Mar. 16, 1979.
Iowa: Humboldt	Humboldt, city of	190155B	do	Apr. 5, 1974 and Feb. 20, 1976.
Louisiana:				
Assumption Parish	Unincorporated areas	220017A	do	Apr. 8, 1977.
Terrebonne Parish	Houma, city of	220220C	do	Nov. 26, 1973, Apr. 9, 1976 and Oct. 31, 1978.
Maine:				
Cumberland	Cumberland, town of	230162B	do	Aug. 30, 1977.
Oxford	Otisfield, town of	230203B	do	Jan. 31, 1975 and Apr. 2, 1976.
Cumberland	Standish, town of	230207B	do	Apr. 18, 1975 and Nov. 19, 1976.
Minnesota:				
Clay	Dilworth, city of	270080B	do	May 17, 1974 and June 4, 1976.
Isanti	Unincorporated areas	270197A	do	
Hennepin	Minnetonka, city of	270173B	do	Aug. 23, 1974 and July 23, 1976.
Olmstead	Unincorporated areas	270626A	do	
Stearns	Sauk Centre, city of	270459B	do	Mar. 8, 1974 and Oct. 31, 1975.
Missouri:				
St. Louis	Moline Acres, city of	290370B	do	June 14, 1974 and Jan. 2, 1976.
Do	Wellston, city of	290395B	do	Dec. 17, 1973 and June 18, 1976.
Montana: Carbon	Red Lodge, city of	300007B	do	May 24, 1974 and Nov. 14, 1975.
New Jersey:				
Morris	Boonton, town of	340335B	do	May 28, 1974 and June 4, 1976.
Ocean	Berkeley, township of	340369B	do	Aug. 2, 1974 and Aug. 13, 1976.
Morris	Morristown, town of	340352C	do	Feb. 1, 1974, June 18, 1976 and Nov. 26, 1976.
Ocean	Ocean Gate, borough of	340384B	do	May 31, 1974 and June 3, 1977.
Monmouth	Red Bank, borough of	340321B	do	Mar. 8, 1974 and Mar. 19, 1976.
Ohio: Lucas	White House, village of	390639B	do	Mar. 29, 1974 and Aug. 6, 1976.
Oklahoma: Oklahoma	Midwest City, city of	400405C	do	June 3, 1977 and Mar. 7, 1978.
Pennsylvania:				
Northampton	Allen, township of	421928A	do	May 21, 1976.
Lancaster	Caernarvon, township of	421763A	do	Oct. 29, 1976.
Do	Ephrata, township of	421208B	do	Sept. 20, 1974 and July 23, 1976.
Erie	Mill Village, borough of	422417A	do	Apr. 11, 1975.
Do	North East, township of	421368B	do	Sept. 20, 1974 and Sept. 24, 1976.
Allegheny	Rosslyn Farms, borough of	420069B	do	Jan. 16, 1974 and May 21, 1976.
Lehigh	Upper Milford, township of	421815B	do	Nov. 1, 1974 and Nov. 14, 1975.
Erie	Washington, township of	421372C	do	Oct. 18, 1974, Oct. 3, 1975 and June 2, 1978.
Do	Wattsburg, borough of	420455B	do	Aug. 16, 1974 and Mar. 19, 1976.
Lancaster	West Earl, township of	420959B	do	Apr. 12, 1974 and Jan. 14, 1977.
Tennessee: Cheatham	Unincorporated areas	470026B	do	Sept. 9, 1977.
Texas:				
Cass	Atlanta, city of	480117B	do	June 28, 1974 and June 4, 1976.
Brazos	Bryan, city of	480082B	do	Mar. 15, 1974 and July 18, 1975.
Guadalupe	Cibolo, city of	480267B	do	Feb. 1, 1974 and Apr. 2, 1976.
Gillespie	Fredericksburg, city of	480252B	do	Apr. 12, 1974 and Dec. 26, 1975.
Utah:				
Weber	Plain City, city of	490217B	do	June 3, 1977.
Davis	South Weber, city of	490049C	do	July 26, 1974, Apr. 2, 1976 and Sept. 12, 1978.
Weber	Uintah, city of	490192A	do	Oct. 29, 1976.
Virginia: Franklin	Unincorporated areas	510061A	do	Apr. 25, 1975.
Washington: Clark	Ridgefield, city of	530298B	do	Dec. 24, 1976.
Wisconsin:				
Pierce and St. Croix	River Falls, city of	550330A	do	Oct. 12, 1973.
Brown	Wrightstown, village of	550025A	do	Aug. 22, 1975.
California: San Diego	Santee, city of	060703 new	May 18, 1981, emergency	
Illinois: McHenry	McHenry Shores, village of	170830A	do	Apr. 27, 1979.
Pennsylvania:				
Indiana	Glen Campbell, borough of	422437	do	Jan. 24, 1975.

State and county	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified
Susquehanna	Harmony, township of	422062B	Feb. 2, 1976, emergency; Jan. 16, 1981, regular; Jan. 16, 1981, suspension; May 18, 1981, reinstated.	June 10, 1977.
Ohio: Gallia	Rio Grande, village of	390679 new	May 20, 1981, emergency	
Pennsylvania:				
Pike	Palmyra, township of	421968A	do	Dec. 13, 1974.
Indiana	Grant, township of	421717	May 22, 1981, emergency	Jan. 31, 1975.
Alaska	Juneau, city and borough	0200098	May 22, 1970, emergency; Feb. 4, 1981, regular; Feb. 4, 1981, suspension; May 26, 1981, reinstated.	May 9, 1970 and May 20, 1977.
Indiana: Morgan	Unincorporated areas	180176A	May 27, 1981, emergency	Dec. 20, 1974 and Jan. 20, 1978.
New York: Jefferson	Champion, town of	360328C	do	May 31, 1974, Feb. 7, 1975 and Apr. 2, 1976.
Texas: Waller	Hempstead, city of	481045	do	July 30, 1976.
Arkansas: Crawford	Mulberry, city of	050354A	May 27, 1981, emergency; May 27, 1981, regular.	Nov. 26, 1976 and Apr. 1, 1981.
Pennsylvania: Beaver	Hookstown, borough of	422319B	May 29, 1981, emergency	Jan. 31, 1975 and Dec. 12, 1980.
Texas: Fort Bend	Fort Bend County Municipal Utility District No. 25.	481570 new	do	

Note.—The Township of Americus and Township of Blooming, Grand Forks County, North Dakota is entering the Emergency Program under Grand Forks County's Application. Effective date May 27, 1981.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: June 1, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-17932 Filed 6-16-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

National Flood Insurance Program; Final Flood Elevation Determinations

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the nation.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required either to adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the community.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. R. Gregg Chappell, P.E., National Flood Insurance Program, (202) 755–5585, Federal Emergency Management Agency, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determination of flood elevations for each community listed.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR Part 60.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 44 CFR Part 60.

The final base (100-year) flood elevations for selected locations are:

Final Base (100-Year) Flood Elevations

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Connecticut	City of Bristol, Hartford County (Docket No. FEMA-5785)	Pequabuck River	Downstream Corporate Limits	*196
			Central Street (Upstream side)	*208
			Confluence w/Copper Mine Brook	*216
			Andrews Street (Upstream side)	*225
			Broad Street (Upstream side)	*239
			Middle Street (Upstream side)	*251
			Downs Street (Upstream side)	*263
			East Street (Upstream side)	*275
			Mellen Street (Upstream side)	*286
			235 feet downstream from Main Street at culvert outlet.	*293
			365 feet downstream from West Street at culvert inlet	*312
			Confluence of Tributary 1	*321
			Jacobs Street (Upstream side)	*338
			Tulip Street (Upstream side)	*352
			Dutton Avenue (Upstream side)	*357
			Terryville Road (Upstream side)	*392
			Private Road (off Terryville Road) Upstream side	*412

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
			Clark Avenue Extended	*440
			1,452 feet downstream from upstream Corporate Limits.	*491
			Upstream Corporate Limits	*506
		North Creek	180 feet upstream of North Farmington Street at culvert inlet.	*349
			North Main Street (Upstream side)	*360
			James Street (Upstream side)	*373
			Franklin Street (Upstream side)	*385
			Private Road (Upstream side)	*404
			Conrail (Upstream side)	*423
			Private Road (Upstream side)	*431
			1,589 feet upstream from Private Road (Limit of Study)	*472
		Copper Mine Brook	Confluence w/Pequabuck	*216
			Confluence of Tributary A	*223
			West Washington Street (Upstream side)	*229
			Foot bridge (Downstream side)	*239
			Artisan Street (Upstream side)	*245
			Farmington Avenue (Upstream side)	*255
			Stevens Street (Upstream side)	*273
			Jerome Avenue (Upstream side)	*288
			Dam	*307
			Upstream Corporate Limits	*320
		Polkville Brook	Confluence w/Copper Mine Brook	*256
			Private Road (Upstream side)	*259
			Jerome Avenue (Upstream side)	*280
			Warner Street (Upstream side)	*297
			864 feet upstream from Warner Street (Limit of Study)	*318
		Negro Hill Brook	Confluence w/Copper Mine Brook	*257
			Jerome Avenue (Upstream side)	*278
			976 feet upstream of Jerome Avenue	*294
			Falls Brook Road (Upstream side)	*305
			1,441 feet upstream of Falls Brook Road (Limit of Study).	*328
		Tributary A to Copper Mine Brook	Confluence w/Copper Mine Brook	*223
			Mechanic Street (Upstream side)	*241
			Andrews Street (Upstream side)	*246
		Tributary B to Copper Mine Brook	Confluence w/Copper Mine Brook	*246
			Stafford Avenue (Upstream side)	*254
Maps available for inspection at the Office of the City Clerk, City Hall, Bristol, Connecticut.				
Pennsylvania	Scottdale, Borough, Westmoreland County (Docket No. FI-5405)	Jacobs Creek	Downstream Corporate Limits	*1,026
			Confluence of Stauffer Run	*1,035
			Upstream Corporate Limits	*1,035
		Stauffer Run	Mt. Pleasant Road	*1,035
			Upstream Corporate Limits	*1,038
Maps available for inspection at the Borough Building, 10 Mount Pleasant Road, Scottdale, Pennsylvania.				

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: June 1, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-17933 Filed 6-16-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

National Flood Insurance Program; Final Flood Elevation Determinations; New York and South Dakota

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the nation.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required either to adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the community.

ADDRESS: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 755–5585, Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determination of flood elevations for each community listed.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR Part 67). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 44 CFR Part 60.

The final base (100-year) flood elevations for selected locations are:

Final Base (100-Year) Flood Elevations

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
New York	South Corning, Village, Steuben County (Docket No FEMA-5912).	Chemung River	Downstream Corporate Limits	*918
			Upstream Corporate Limits	*920
	Maps available for inspection at the Village Office, 1 Clark Street, Corning, New York.			
South Dakota	Rapid City (City), Pennington County FEMA-6000	Lime Creek	Intersection of Lime Creek and Hall Street	*3333
			160 feet downstream of intersection of Lime Creek and Academy Road	*3531
		Robbinsdale Drain	Intersection of Robbinsdale Drain and State Highway 79	*3193
			Intersection of Robbinsdale Drain and Centennial Street	*3310
		Arrowhead Drain	70 feet upstream of intersection of Arrowhead Drain and Tomahawk Drive	*3342
			Intersection of Arrowhead Drain and Horsecreek Road	*3419
		Rapid Creek	50 feet downstream of intersection of Rapid Creek and East St. Patrick Street	*3145
			Intersection of Rapid Creek and Jackson Boulevard	*3313
			30 feet downstream of intersection of Rapid Creek and State Highway 44 (Upstream Crossing)	*3416
		Red Rock Canyon	50 feet upstream of intersection of Red Rock Canyon and Copper Hill Drive	*3390
			20 feet upstream of intersection of Red Rock Canyon and Idlewild Court	*3418
		Cleghorn Canyon	Intersection of Cleghorn Canyon and State Highway 44	*3393
	Maps available for inspection at City hall, 22 Main Street, Rapid City, South Dakota 57701.			

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: June 1, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-17935 Filed 6-16-81; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 90

[RM-3451]

Private Land Mobile Radio Services; Elimination of the Antenna Height Versus ERP Table Affecting Stations in the Los Angeles Urbanized Area

AGENCY: Federal Communications Commission.

ACTION: Order granting stay of compliance.

SUMMARY: This Order stays the effectiveness of compliance with FCC Rule 90.307(f), 47 CFR 90.307(f) pending action on a Petition for Reconsideration filed by the National Mobile Radio Association regarding FCC denial of the relief requested in RM-3451. This petition sought deletion of the Antenna Height vs. Effective Radiated Power (ERP) Table for private land mobile radio service licensees operating in the 470–512 MHz band in the Los Angeles urbanized area. This Order is needed to prevent unnecessary degradation of service in the interim, should the Commission act favorably on the Petition for Reconsideration.

DATE: This Order becomes effective June 1, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Keith Plourd, Private Radio Bureau, Washington, D.C. 20554, (202) 632–6497, Room 5120.

SUPPLEMENTARY INFORMATION:

Adopted: May 6, 1981.

Released: May 21, 1981.

1. The National Mobile Radio Association (NMRA) has requested a Stay in the effective date of § 90.307(f) of the Rules (47 CFR 90.307(f)) pending Commission consideration of NMRA's petition for reconsideration of the Commission's Memorandum Opinion and Order in RM-3451. The Chief of the Private Radio Bureau, acting on delegated authority, grants that request.

2. In 1974 the Commission adopted rules limiting the power of land mobile stations in the 470–512 MHz band located at high elevations in the Los Angeles area. See 47 CFR 90.307(f). The rules established a height-vs.-ERP table, under which the permissible power level decreases as a station's elevation increases above 1,500 feet above sea level (457 m). The limitations were designed to maximize spectrum efficiency by facilitating frequency re-use, while providing reasonable singnal quality. *Land Mobile Channels 470–512 MHz*, 49 FCC 2d 1300, 1303–04 (1974).[1]

3. In June, 1979, the NMRA (then called the California Mobile Radio Association) petitioned the Commission to delete § 90.307(f). The Chief of the Private Radio Bureau, acting on delegated authority, extended the deadline for grandfathered licensees to comply with the rule until December 31,

[1] "Reasonable signal quality", here, refers to signal quality within 30 miles of the base station. This is so because in the 470–512 MHz band, mobiles may not operate further than 30 miles from their associated base station(s). 47 CFR 90.305(b).

1980, or until the Commission acted on NMRA's rule making request.

On October 21, 1980, the Commission acted on and denied NMRA's request. FCC 80-606. NMRA then filed a Petition for Reconsideration and a motion for stay of the effectiveness of the rule, until the Commission acted on its Petition for Reconsideration. We are granting this request.

4. The effectiveness of the requirement that grandfathered stations conform with § 90.307(f) is hereby stayed, therefore, until the Commission has acted on the NMRA's Petition for Reconsideration.

Carlos V. Roberts,

Chief, Private Radio Bureau.

§ 90.307 [Stayed].

Therefore, the effectiveness of § 90.307(f) is stayed as of June 1, 1981.

[FR Doc. 81-17947 Filed 6-16-81; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 219

Seizure, Forfeiture, and Disposal Procedures

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Final rule.

SUMMARY: A number of laws enforced by NOAA provide for seizure and forfeiture of fish, wildlife, and other property involved in violations of law. This revision of NOAA's forfeiture regulations clarifies existing procedures and establishes uniform procedures for disposal of forfeited and abandoned items seized under laws administered by NOAA.

DATES: Effective date: July 17, 1981.

FOR FURTHER INFORMATION CONTACT: Stephen J. Powell or Patricia Kraniotis, NOAA Office of General Counsel (GCEL), Page Building 1, Room 275, 2001 Wisconsin Avenue NW., Washington, D.C. 20235. Telephone (202) 254-8350.

SUPPLEMENTARY INFORMATION: On July 1, 1980, notice was published (45 FR 44352) of a proposal to revise and clarify procedures for the seizure and forfeiture of fish, wildlife, and other property seized under the various statutes administered by NOAA. Also proposed were uniform procedures for the disposal of such forfeited and abandoned items under the Fish and Wildlife Improvement Act of 1978, 16 USC 7421(c).

Public comments were invited until July 31, 1980. None was received.

The proposed rule included minor technical amendments to Subparts A and B of Part 219 and the addition of a new Subpart C covering disposal of forfeited and abandoned items. The purpose of Subpart C is to establish uniform procedures for disposal of the items by such methods as loan, gift, sale, or destruction. The procedures are necessary both to eliminate unnecessary expense and overcrowding at government storage facilities and to provide a uniform means of accommodating government agencies and other public institutions wishing to use these items for scientific, educational, and public display purposes and to increase public awareness of wildlife laws and their goals.

This rule does not allow for sale of marine mammal or endangered species items, since it is the intent of the statutes governing them to eliminate trade in such items. Further, sale of fish under the Magunson Fishery Conservation and Management Act and other fisheries laws may also be subject to special rules, such as 50 CFR 621.2.

NOAA expects that the majority of disposals of items other than fish and fish products will be by loan. Interested persons may inquire at any NOAA Regional Office or may respond to the periodic notices of availability published by NOAA in the **Federal Register**. Any such loan will be subject to these regulations and to the terms in any loan agreement executed pursuant to these regulations. For example, loan applicants must agree to use the items only for scientific, educational, or public display purposes, and must demonstrate an ability to provide adequate care and security. Reloaning of such items to another party is subject to several restrictions under the regulations.

The regulations also provide for destruction of certain items in order to reduce expenses and eliminate overcrowding of government storage facilities. The regulations limit destruction of handicrafted items to those valued at less than $100. Only items that are not subject to acceptable loan applications, or are not expected to be subject to loan because of previous lack of public interest in similar items, may be destroyed.

Minor technical changes have been made from the proposed rules. After further consideration, Section 219.24 was revised to provide for the loan of seized items to foreign governments, as allowed by the Convention on International Trade in Endangered Species of Wild Fauna and Flora. While such loans were possible under the proposed version of this section, this provision is now explicit. As with other loans under this Part, the United States will retain title to the loaned items. In addition, section 219.2 has been changed to include the Marine Protection, Research, and Sanctuaries Act of 1972 as among the laws covered by the Part. Definitions of "abandon," "waiver of any claim," and "forfeiture" have been added in order to make the final rules clearer and more precise. Also, § 219.28 was reworded to clarify its intent. The changes are technical, and do not alter the substance of the proposed rules.

The NOAA Administrator does not consider issuance of this final rule to be a major federal action under the National Environmental Policy Act of 1969. Hence, preparation of an environmental impact statement is not required.

This final rule does not require additional collecting of information from individuals, and is therefore not subject to the requirements of the Paperwork Reduction Act of 1980.

Nor does this final rule have a significant economic impact on any small businesses, organizations, or governmental jurisdictions within the meaning of the Regulatory Flexibility Act. Hence, preparation of a Regulatory Flexibility Analysis is not required.

Because the amendments to this Part 219 are solely concerned with NOAA's internal management of wildlife and other items already seized under other statutory and regulatory authorities, the NOAA Administrator has determined that these amendments are exempt from the provisions of Executive Order 12291 of February 17, 1981. Preparation of a Regulatory Impact Analysis is, therefore, not required.

Signed at Washington, D.C., this 12th day of June 1981.

William H. Stevenson,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

Accordingly, 50 CFR Part 219 is amended by revising Subparts A and B, and by adding Subpart C, to read as follows:

PART 219—SEIZURE, FORFEITURE, AND DISPOSAL PROCEDURES

Subpart A—Introduction

Sec

219.1 Purpose of regulations.
219.2 Scope of regulations.

Subpart B—Holding, Bonding, and Return of Certain Wildlife or Other Property

Sec.
219.11 Notification of seizure.
219.12 Seizure by Customs.
219.13 Bonded release.
219.14 Return of seized wildlife or other property.
219.15 Abandonment provisions.

Subpart C—Disposal of Forfeited or Abandoned Items

219.20 Delivery to Administrator.
219.21 Definition of disposal.
219.22 Purposes of disposal.
219.23 Disposal of evidence.
219.24 Loans to institutions.
219.25 Loans to individuals.
219.26 Selection of loan recipients.
219.27 Loan agreement.
219.28 Temporary reloans; documents to accompany item.
219.29 Destruction of items.
219.30 Food items.
219.31 Record-keeping.

Authority: Black Bass Act, 16 U.S.C. 851–856; Marine Mammal Protection Act of 1972, 16 U.S.C. 1361–1407; Endangered Species Act of 1973, 16 U.S.C. 1531–1543; Lacey Act, 18 U.S.C. 42–44, 3054, 3112; Fish and Wildlife Improvement Act of 1978, 16 U.S.C. 742*l*(c); Atlantic Tunas Convention Act of 1975, 16 U.S.C. 971–971g; Fishery Conservation and Management Act of 1976, 16 U.S.C. 1801–1882; Northern Pacific Halibut Act of 1937, 16 U.S.C. 772–772j; North Pacific Fisheries Act of 1954, 16 U.S.C. 1021–1032; Sockeye Salmon or Pink Salmon Fishing Act of 1947, 16 U.S.C. 776–776f; Sponge Act, 16 U.S.C. 781–785; Tuna Conventions Act of 1950, 16 U.S.C. 951–961; Whaling Convention Act of 1949, 16 U.S.C. 916–916*l*; Fur Seal Act of 1966, 16 U.S.C. 1151–1187; Marine Protection, Research, and Sanctuaries Act of 1972, 16 U.S.C. 1431–1434.

Subpart A—Introduction

§ 219.1 Purpose of regulations.

The regulations in this part provide rules and procedures for the seizure, holding, bonding, abandonment, and forfeiture of wildlife and other property, which under certain laws enforced by the National Marine Fisheries Service are subject to seizure and forfeiture.

§ 219.2 Scope of regulations.

The regulations in this Part apply to fish, wildlife, or any other items (referred to as "items" hereinafter) which have been forfeited or abandoned to the United States under the following laws and regulations issued thereunder:

(a) Endangered Species Act of 1973, 16 U.S.C. 1531–1543;

(b) Marine Mammal Protection Act of 1972, 16 U.S.C. 1361–1407;

(c) Black Bass Act, 16 U.S.C. 851–856;

(d) Lacey Act, 16 U.S.C. 42–44, 3054, 3112;

(e) Fishery Conservation and Management Act of 1976, 16 U.S.C. 1801–1882;

(f) Atlantic Tunas Convention Act of 1975, 16 U.S.C. 971–971g;

(g) Northern Pacific Halibut Act of 1937, 16 U.S.C. 772–772j;

(h) North Pacific Fisheries Act of 1954, 16 U.S.C. 1021–1032;

(i) Sockeye Salmon or Pink Salmon Fishing Act of 1947, 16 U.S.C. 776–776f;

(j) Sponge Act, 16 U.S.C. 781–785;

(k) Tuna Conventions Act of 1950, 16 U.S.C. 951–961;

(l) Whaling Convention Act of 1949, 16 U.S.C. 916–916*l*;

(m) Fur Seal Act of 1966, 16 U.S.C. 1151–1187;

(n) Marine Protection, Research, and Sanctuaries Act of 1972, 16 U.S.C. 1431–1434.

The regulations in this Part are in addition to, and not in contradiction of, any special rules which may provide for the sale of fish and perishable items seized under various of these laws.

Subpart B—Holding, Bonding, and Return of Certain Wildlife or Other Property

§ 219.11 Notification of seizure.

Except where the owner or consignee is personally notified or seizure is made pursuant to a search warrant, the Administrator, or his or her designee, shall, as soon as practicable following his seizure or other receipt of seized wildlife or other property, mail a notification of seizure by registered or certified mail, return receipt requested, to the owner or consignee, if known. Such notification shall describe the seized wildlife or other property, and shall state the time, place, and reason for the seizure.

§ 219.12 Seizure by Customs.

Any authorized employee or officer of the U.S. Customs Service who has seized any wildlife or other property shall deliver such seizure to the Enforcement Division (See § 217.23), or its designee, who shall either hold such seized wildlife or other property or arrange for its proper handling and care.

§ 219.13 Bonded release.

The Administrator, or his or her designee, may, in his or her sole discretion, accept an appearance bond or other security in place of wildlife or other property seized. Said bond or security may contain such additional conditions as may be appropriate. Such bond or security may be in an amount up to $10,000 per offense and shall only be allowed where the Administrator, or his or her designee, determines either that the health or safety of any wildlife so requires, or that the release of the seized wildlife or other property would not frustrate the purposes of the statute.

§ 219.14 Return of seized wildlife or other property.

If, at the conclusion of the appropriate proceedings, the seized wildlife or other property is to be returned to the owner or consignee, the Administrator, or his or her designee, shall issue a letter or other document authorizing its return. This letter or other document shall be delivered personally or sent by registered or certified mail, return receipt requested, and shall identify the owner or consignee, the seized property, and, if appropriate, the bailee of the seized wildlife or other property. It shall also provide that upon presentation of the letter or other document and proper identification, the seized wildlife or other property is authorized to be released, provided it is properly marked in accordance with applicable State or Federal requirements.

§ 219.15 Abandonment provisions.

When any wildlife or other property is subject to seizure and forfeiture, a blank assent to forfeiture form (Customs Form 4607, or a similar National Oceanic and Atmospheric Administration form) may be given or sent, with the notification required by § 218.11 or by § 219.11 to the owner thereof. The owner may voluntarily abandon the wildlife or other property to the Government by executing and returning the assent to forefeiture form. Such abandonment will be considered by the Administrator or his or her designee in the disposition of the case, and may be the basis for the compromise of any proposed assessment of a civil penalty under Part 218.

Subpart C—Disposal of Forfeited or Abandoned Items

§ 219.20 Delivery to Administrator.

Upon forfeiture of any fish, wildlife, parts or products thereof, or other property to the United States, or the abandonment or waiver of any claim to any such property, it shall be delivered to the Administrator, or his or her designee, for storage or disposal according to the provisions of this subpart.

§ 219.21 Definitions.

For the purpose of this Subpart C:

(a) "Abandon" means an owner's surrender of a seized item to NOAA by, but not limited to, expressly waiving any claim to the item, refusing or otherwise avoiding delivery of mail concerning the seizure (as by giving a false name or address), or failing for more than 180 days to make or maintain a claim to the item. An item will be declared finally abandoned, without

recourse, upon a finding of abandonment, as defined here.

(b) "Disposal" includes, but is not limited to, loan, gift, sale or destruction of an item, except that no marine mammal or endangered species item may be sold.

(c) "Forfeiture" includes, but is not limited to, surrender or relinquishment of any claim to an item by written agreement, or otherwise; or extinguishment of any claim to, and transfer of title to an item to the Government by court order or by order of the NOAA Administrator (or designee) under a statute.

(d) "Waiver of any claim" includes, but is not limited to, failing to respond within 120 days of issuance of a Government Notice concerning the seizure; or voluntarily relinquishing any interest in an item by written agreement, or otherwise. An item will be declared finally abandoned, without recourse, upon a finding of waiver, as defined here.

§ 219.22 Purposes of disposal.

Disposal procedures may be used to alleviate overcrowding of evidence storage facilities, and to avoid the accumulation of seized items where disposal is not otherwise accomplished by court order, as well as to address the needs of governmental agencies and other institutions and organizations for such items for scientific, educational, and public display purposes. In no case shall items be used for personal purposes, either by loan recipients or government personnel.

§ 219.23 Disposal of evidence.

Items that are evidence shall be disposed of only after authorization by the NOAA Office of General Counsel. Disposal approval usually will not be given until the case involving the evidence is closed, except that perishable items may be authorized for disposal sooner.

§ 219.24 Loans to institutions.

Items approved for disposal may be loaned to institutions or organizations requesting such items for scientific, educational, or public display purposes. Items will be loaned only after execution of a loan agreement which provides, among other things, that the loaned items will be used only for noncommercial scientific, educational, or public display purposes, and that they will remain the property of the United States government, which may demand their return at any time. Parties requesting the loan of an item must demonstrate the ability to provide adequate care and security for the item. Loans may be made to responsible agencies of foreign governments in accordance with the Convention on International Trade in Endangered Species of Wild Fauna and Flora.

§ 219.25 Loans to individuals.

Items generally will not be loaned to individuals not affiliated with an institution or organization unless it is clear that the items will be used in a noncommercial manner, and for scientific, educational, or public display purposes which are in the public interest.

§ 219.26 Selection of loan recipients.

Recipients of items will be chosen so as to assure a wide distribution of the items throughout the scientific, educational, public display and museum communities. Other branches of NMFS, NOAA, the Department of Commerce, and other governmental agencies will have the right of first refusal of any item offered for disposal. The Administrator, or his or her designee, may solicit applications, by publication of a notice in the **Federal Register**, from qualified persons, institutions, and organizations who are interested in obtaining the property being offered. Such notice will contain a statement as to the availability of specific items for which transferees are being sought, and instructions on how and where to make application. Applications will be granted in the following order: other offices of NMFS, NOAA, and the Department of Commerce; U.S. Fish and Wildlife Service; other Federal agencies; other governmental agencies; scientific, educational, or other public or private institutions; and private individuals.

§ 219.27 Loan agreement.

Items will be transferred pursuant to a loan agreement executed by the Administrator, or his or her designee, and the borrower. Any attempt on the part of the borrower to retransfer an item, even to another institution for related purposes, will violate and invalidate the loan agreement, and entitle the United States to immediate repossession of the item, unless the prior approval of the Administrator, or his or her designee, has been obtained pursuant to section 219.28. Violation of the loan agreement may also subject the violator to the penalties provided by the laws governing possession and transfer of the item.

§ 219.28 Temporary reloans; documents to accompany items.

Temporary reloans by the borrower to another qualified borrower (as for temporary exhibition) may be made if the Administrator, or his or her disignee, is advised in advance by the borrowers. Temporary loans for more than thirty days must be approved in advance in writing by the Administrator or his or her designee. A copy of the original loan agreement, and a copy of the written approval for reloan, if any, must accompany the item whenever it is temporarily reloaned or is shipped or transported across state or international boundaries.

§ 219.29 Destruction of items.

This paragraph and other provisions relating to the destruction of property apply to items—

(a) which have not been handicrafted, or

(b) which have been handicrafted and are of less than one hundred dollars ($100) value, and

(c) for which no acceptable applications have been received, or for which publication in the **Federal Register** of the availability of similar items in the past has resulted in the receipt of no applications.

Such items may be destroyed if they have been in government ownership for more than one year. Perishable items which are not fit for human consumption may be destroyed sooner, if the authorization required by § 219.23 has been obtained. Destruction of items shall be witnessed by two persons, one of whom may be the disposing officer.

§ 219.30 Food items.

Food items shall, if possible, be disposed of by gift to nonprofit groups providing public welfare food services.

§ 219.31 Record-keeping.

A "fish and wildlife disposal" form shall be completed each time an item is disposed of pursuant to the policy and procedure established herein, and shall be retained in the case file for the item. These forms shall be available to the public.

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Proposed Rules

Federal Register
Vol. 46, No. 116
Wednesday, June 17, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 701

Deregulation of Lending Policies, Amortization and Payment of Loans, and Lines of Credit

AGENCY: National Credit Union Administration.

ACTION: Proposed Rulemaking.

SUMMARY: In accordance with its established policy of reviewing its regulations at regular intervals, the National Credit Union Administration (NCUA) has reviewed its regulations covering lending policies, amortization of loans and lines of credit. As a result of this review, NCUA proposes to amend these regulations. The proposed amendments would reduce the regulatory burden on Federal credit unions and provide greater flexibility to the boards of directors of Federal credit unions in establishing lending policies.

DATE: Comments must be received on or before July 10, 1981.

ADDRESS: Send comments to Robert S. Monheit, Regulatory Development Coordinator, Office of General Counsel, National Credit Union Administration, 1776 G Street NW., Washington, D.C. 20456.

FOR FURTHER INFORMATION CONTACT: Barbara A. Burrows, Attorney-Advisor, Office of General Counsel at the above address. Telephone: (202) 357–1030.

SUPPLEMENTAL INFORMATION:

Lending Policies 701.21–1

Section by Section Analysis

Section 701.21–1(a). The proposed subparagraph (a) sets forth the general rule that the board of directors of a Federal credit union shall establish written lending policies consistent with cooperative principles. The rule clarifies that although the board is free to set its own policies, it must do so within the limitations of applicable law (such as the Federal Credit Union Act and the Consumer Credit Protection Act), within the limitations of applicable regulations (such as Regulation Z (Truth in Lending) and Regulation B (Non-Discrimination)) and within the limitations of applicable bylaws (such as Article XII (Loans and lines of credit to members)).

The proposed general rule continues the existing requirement that lending policies must be in writing. The NCUA Board continues to view this requirement as essential not only to assure the board of directors' compliance with its responsibilities under the Federal Credit Union Act but also to ensure that credit union members are afforded their rights under consumer protection laws.

Section 701.21–1(b). This subparagraph is currently designated as § 701.21–1(d). It is retained without change although it is redesignated as § 701.21–1(b).

Section 701.21–1(c). This subparagraph would assure that a borrower's loan file contains a loan application evidencing the financial data on which the decision to grant the loan was made. This subparagraph condenses some existing requirements of § 701.21–1 (e) and (f) but removes the specific eight recordkeeping requirements of the existing rule because they generally duplicate the requirements of Article IX sections 6 and 8 of the Federal Credit Union Bylaws. These bylaw sections promote sound credit granting decisions by requiring a Federal credit union to inquire into the applicant's financial condition and to determine the value of security.

The NCUA Board intends that the proposed rule require the credit union to retain on file only the essential information necessary for examination purposes. Unlike the existing rule, the proposed rule would allow a Federal credit union to use an abbreviated loan application for a share secured loan. The proposed rule would therefore eliminate the need for a credit union to collect and retain detailed information for a share secured loan, thereby reducing costs in employee time and recordkeeping.

Discussion of Changes and Deletions to the Existing Rule

Section 701.21–1(a). The existing rule contains definitions of "security," "unsecured loan limit," and "loan file." The NCUA Board believes that these definitions are simply restatements of the trade meaning of these terms and therefore need not be part of a regulation. Therefore, the NCUA Board proposes to delete them. Further discussion and guidance about the nature of security and secured loans may be found in the NCUA *Credit Manual* which contains an entire chapter on security.

Section 701.21–1(c). The existing rule requires a Federal credit union to notify its members when it increases its loan interest rates above the traditional 12%. The NCUA Board proposes to delete all of this subparagraph because it believes the requirement is now obsolete. The notice requirement was adopted in April 1980, shortly after Congress raised the interest rate ceiling for Federal credit unions from 12% to 15%. Since then, the ceiling has been temporarily raised again to 21% by the NCUA Board. However, for 45 years prior to April 1980, Federal credit unions could charge a maximum loan interest rate of no greater than 12% per year.

Because credit union members were very familiar with the longstanding 12% ceiling the NCUA Board believed that members should be notified when their credit union first decided to increase loan interest rates above 12%. The Board recognizes, however, that many Federal credit unions now charge more than 12% annual interest. Therefore, the Board believes that while the provisions of § 701.21–1(c) served a necessary purpose in early 1980, they are outdated and unnecessarily burdensome to Federal credit unions, especially newly chartered Federal credit unions. The Board therefore proposes to eliminate them.

Amortization and Payment of Loans to Members 701.21–2

General Purpose

Beause the existing requirements of § 701.21–2 may be unnecessarily limiting the ability of the board of directors in the management of its loan portfolio, the NCUA Board proposes to revise that section. The revision will give the board of directors significantly greater flexibility in establishing its amortization and loan repayment policies.

Discussion of the Requirements of the Existing Regulation

Section 701.21–2(a) sets forth the general mandate that a loan must be paid by substantially equal payments at intervals of not greater than 12 months, except for a line of credit which must be paid at intervals not greater than 1 month. Subparagraph (c) of the rule also requires that an interest payment accompany each principal payment, that interest be paid at least annually and that payments be sufficient to pay off the loan at maturity.

The remainder of the existing rule sets out the following four exceptions to these general rules:

(1) 701.21–2(b)(2)(i) allows the credit union to tailor the terms of payment of an education loan to fit the member's needs, if consistent with the best interest of the credit union.

(2) 701.21–2(b)(2)(ii) allows the credit union to underwrite a single payment loan with a maturity of not greater than 30 months. This is an exception to the rule that requires repayment of interest at least annually.

(3) 701.21–2(b)(2)(iii) provides an exception to the rule that requires at least monthly payments on a line of credit, but the exception is limited to those situations when the member's income is received other than monthly.

(4) 701.21–2(b)(2)(iv) provides a similar exception to the line of credit rule but it applies only where a central credit union extends a line of credit to a member credit union.

Discussion of Proposed 701.21–2

The NCUA Board offers two alternative proposals for comment. Both proposals would provide the board of directors a great deal of flexibility in establishing amortization and loan payment policies, but would require the board to establish these policies after considering the needs of the borrowers, the amounts and durations of the loans, the interests of the members and such other factors the board deems relevant. This added flexibility comports with the legislative intent that a credit union be allowed to use innovative repayment schedules. (H.R. Rep. No. 95–23, 95th Cong., 1st Sess. 10 (1977)).

This new broad authority would give a credit union freedom to use final large payments (formally called balloon payments under Regulation Z).[1] The NCUA Board recognizes, however, that an excessive number of balloon payment loans could threaten a credit union's solvency if a substantial number of borrowers default on them at the same time. Therefore the NCUA Board invites comments on "balloon payments," their advantages and disadvantages and the advisability of placing a percentage or dollar limitation on them.

This broad new authority would also allow a credit union to grant a variety of "variable rate" consumer loans. In recent months the NCUA Board has proposed and adopted several rules deregulating the liability side of the balance sheet, with the ultimate goal of eliminating share and share certificate divided rate ceilings. The Board believes that these actions will, among other things, remedy inequities suffered by savers. To best implement the changes on the liability side, a credit union must possess similar flexibility on the asset side. While share certificate dividend rates may fluctuate with the market, loan rates have not been permitted to vary. The NCUA Board has moved to deregulate mortgage lending and now is proposing similar action for consumer lending.

NCUA's existing regulation requires that a member loan "* * * shall be paid by substantially equal payments * * *," which precludes changes in the regular payment amount as a means of implementing adjustments in the loan rate. Therefore, although a credit union may grant a "variable rate" [2] loan under the existing regulation, its only means of adjusting the loan to the new rate is to extend the loan maturity. The maturity for consumer loans, including all extensions, is limited to 12 years by § 107 of the Federal Credit Union Act. Mobile home loans and home improvement loans may have a maturity of 15 years. Under the proposed rule, a credit union could grant market sensitive consumer loans without restrictions either on indexing or the method of adjusting the loan to market fluctuations. Loan rate increases could be directly translated into higher regular payments. Consequently, a credit union could avoid maturity extensions that increase the risk, and could derive higher income immediately from an increase in the net yield on a loan and a borrower would not be tied to a loan with an expanding maturity.

The NCUA Board invites comments on this proposed broad authority. The Board especially invites comments as to whether NCUA should more closely regulate the use of adjustable rate consumer loans by restricting the frequency and the amount of an adjustment and by restricting the use of indexes.

Comments on "accretion of principal" also are invited. Regarding this topic, the Board recognizes that when variable rate loans are adjusted through addition of unpaid interest to the principal balance, the result may be that a large final payment is required. Like balloon payments, these large final payments may threaten a credit union's solvency particularly if a substantial number of members default on them at the same time. Therefore, the Board requests comments on whether and how accretion of principal should be limited.

The NCUA Board strongly encourages each federal credit union that offers variable rate consumer loans to establish a member education program for prospective applicants for such loans to help them understand how loans of this type work under varying conditions, including "worst case" situations. The program would be in addition to any disclosure requirements.

The NCUA Board proposes to restrict some of the authority in the general rule described above, and offers the following two alternatives or a combination of the two for comment.

Alternative No. 1

Alternative No. 1 would retain the existing requirement of § 701.21–2(c)(1) that each principal payment be accompanied by a payment of interest accrued to date. The Board believes this requirement not only reminds the member of the continuing debt obligation, but also emphasizes to the credit union the importance of debt service and its relationship to the solvency and safety and soundness of the credit union.

This alternative would also allow greater flexibility to a credit union to grant single payment loans. The credit union could therefore better accommodate emergency or other meritorious situations that NCUA cannot foresee.

This alternative also includes a requirement that a credit union must disclose certain information regarding a variable rate consumer loan. The Board proposes two options regarding disclosure and requests comments on them. The first option parallels the existing requirements of Regulation Z and the Truth in Lending Act. The second option would require a Federal credit union to comply, at the time of application, with the disclosure

[1] Under the current Regulation Z, a balloon payment is any payment more than twice the amount of any regularly scheduled payment. The new simplified Reg. Z drops the term, but still requires disclosure of odd payments. Current: 12 CFR 226.8(b)(3); Simplified: 46 FR 20848 (1981) (to be codified in 12 CFR 226.18(g)).

[2] Variable rate consumer loans, of course, are subject to the disclosure requirements of Regulation Z. Current: 12 CFR § 226.8(b)(8); Simplified: 46 FR 20848 (1981) to be codified at 12 CFR 226.18(f).

requirements of the new Regulation Z. However, this option would require more specific disclosures of the variable rate consumer loan information. In connection with the variable rate aspect of a loan, Regulation Z requires disclosure of the circumstances under which the rate may increase, any limitations on the increase, the effect of an increase, and an example of the changed payment terms. Option No. 2 would require that a federal credit union additionally specify the index to be used, disclose how often an increase might take place, and explain how the increase will be calculated, all in commonly understood language. This disclosure would be provided at the time of application.

Option No. 2 would not cause a credit union to develop any disclosures in addition to the disclosure described above, since Regulation Z grants Federal regulatory agencies authority to specify variable rate disclosure requirements in lieu of those contained in the regulation. Furthermore, a federal credit union would have to revise its forms anyway in order to comply with the new Regulation Z, since the forms currently in use will not comply with the new Regulation.

A credit union would not have to redisclose at the time of consummation in irregular transactions unless the APR increased by more than ¼ of one percent of the APR. Only those terms that had changed would have to be redisclosed.

The Board solicits comments as to whether the current Regulation Z disclosure requirements should be the only ones required or whether the current Regulation Z variable rate disclosure requirements should be replaced by NCUA's more specific requirements.

Alternative No. 2

This alternative retains the same existing requirement that alternative No. 1 retains. Unlike Alternative No. 1, however, this alternative also continues the existing requirement of § 701.21–2(c)(2) that interest accrued to date must be paid at least annually, but would add an exception for crop loans, allowing appropriate interest payments for those loans at the discretion of the board of directors. The Board is aware that member/farmers in Hawaii, for example, may be subject to a growing cycle as long as 3 years for sugar cane crops and that it may therefore be difficult for them to make annual interest payments on their crop loans. The Board invites comments as to the advisability of this exception.

Alternative No. 2, unlike alternative No. 1, would continue to impose a maximum maturity on a single payment loan, but would extend it from the present 2½ years (30 months) to 3 years (36 months). This change is proposed to accommodate some agricultural loans that are routinely made on a 3-year seasonal basis. The Board invites comments as to whether this maturity restriction on a single payment loan is necessary for safety and soundness purposes. This alternative includes the disclosure options contained in Alternative No. 1.

Lines of Credit to Members § 701.21–3

Discussion of Existing Rule and Proposed Changes

Sections 701.21–3(a) (1) and (2) define the terms "line of credit" and "agreement." The NCUA Board believes these terms are defined appropriately in the existing regulation.

Contents of the Line of Credit Agreement

Section 701.21–3(b) of the existing regulation sets forth the minimum provisions required in a line of credit agreement. The NCUA Board proposes to delete this entire subparagraph because its requirements are either requirements of the Federal Credit Union Act (in which case the regulation is duplicative) or dictated by sound business practice (in which case the provisions normally would be included in any line of credit agreement anyway).

Termination of the Agreement

The NCUA Board believes that the existing requirements as to conditions under which a credit union may terminate the agreement reflect obvious sound business practice. While the NCUA Board proposes to delete these requirements, it does so with the expectation that the line of credit agreement will set forth the specific conditions under which the agreement may be terminated by the credit union. (The borrower, of course, may terminate the agreement for any reason at any time, but must repay the outstanding obligation existing at the time of termination.)

The Board continues to believe, however, that the interests of the members are served best by the existing requirement that the credit union notify the member in writing of any termination. Therefore the Board has retained this requirement in the proposed rule. The Board requests comments as to whether it should require that the notice be sent within a specific time period after termination.

36-Month Review, Reapplication, Disbursements Exceeding a Borrower's Credit Limit, Review of Liquidity Status

The Board proposes to delete from the existing rule §§ 701.21–3(d) (36-month review), 701.21–3(e) (Reapplication), 701.21–3(f) (Disbursements exceeding a borrower's credit limit), and 701.21–3(g) (Review of liquidity status). NCUA adopted these rules shortly after Federal credit unions first received authority to offer lines of credit. At that time NCUA felt that it was in a credit union's best interest to require it to closely monitor its lines of credit through the methods set out in the current rule. While the Board continues to view such monitoring with importance, it no longer believes it necessary to specify in a regulation how it must be done. Therefore, the Board proposes to delete these sections from the rule. However, the NCUA Board strongly encourages federal credit unions to continue such monitoring, and especially encourages a review of a member's creditworthiness every 36 months.

Regulatory Procedures

Regulatory Flexibility Act

The NCUA Board hereby certifies that the proposed rules, if adopted, will not have a significant economic impact on a substantial number of small credit unions because the rules would increase their management flexibility, increase their competitive positions and reduce their paperwork burdens.

Financial Regulation Simplification Act

Since the proposed rules would reduce burdens and delay would cause unnecessary harm, the NCUA Board finds that full and separate consideration of all the requirements of the Financial Regulations Simplification Act is impracticable. The NCUA Board has considered most of these policies, as set forth in the preamble above.

Comment Period

The NCUA Board is providing for a comment period of less than 60 days on the changes to the existing rules since the changes would relieve a regulatory burden. In addition, delay is not in the public interest since it would further delay the ability of Federal credit unions to adopt flexible loan policies and to grant variable rate consumer loans to their members, thus perpetuating the imbalance in flexibility and planning

between the asset and liability sides of a Federal credit union's balance sheet.

Beatrix Fields,

Acting Secretary of the NCUA Board.

June 12, 1981.

(12 U.S.C. 1757, 1761(b)(c) and 1766(a))

Remarks.—Accordingly, it is proposed that 12 CFR 701.21–1, 701.21–2, 701.21–3 be revised as set forth below.

§ 701.21–1 Lending policies.

(a) General Rule: Within the limitations prescribed by applicable law, regulations and bylaws, the board of directors shall establish written lending policies consistent with cooperative principles.

(b) Interest rates charged on loans (including line of credit balances) may vary according to written classifications established by the board of directors consistent with cooperative principles and existing laws and regulations.

(c) Subject to limitations established by the board of directors, the credit committee or loan officer shall assure that a credit application for each borrower is on file which

(1) Reflects the borrower's financial condition and the financial condition of the borrower's sureties, if any;

(2) Evidences the ability to repay of the borrower and the borrower's sureties;

(3) Supports the approving officer's decision to extend credit.

§ 701.21–2 Amortization and payment of loans to members (alternative No. 1).

(a) General rule: Subject to the following restriction, loans shall be paid or amortized in accordance with policies prescribed by the board of directors after taking into account the needs or conditions of the borrowers, the amounts and duration of the loans, the interests of the members and such other factors as the board deems relevant.

(b) Each loan shall provide for payment of interest accrued to date with each payment of principal.

(c) Disclosure of variable rate consumer loan information.

Option #1. An applicant must be given a disclosure notice in accordance with the Truth in Lending Act and in accordance with Regulaton Z. Federal credit unions are permitted to disclose additional material to the borrower as determined appropriate by the board of directors of the Federal credit union.

Option #2. Each Federal credit union that offers variable rate consumer loans must have available and give each prospective applicant at the time of application a disclosure notice in accordance with the Truth in Lending Act and Regulation Z and a written statement in commonly understood language summarizing how a variable rate consumer loan will work (what the index will be, how often increases will occur, how the increase will be calculated, what the effect of the increase will be on the monthly payment, etc.). The statement will be adequate to enable the member to easily compare the terms of the variable rate consumer loan from the credit union with those offered by other institutions.

§ 701.21–2 Amortization and payment of loans to members (alternative #2).

(a) General rule: Subject to the following restrictions, loans shall be paid or amortized in accordance with written policies prescribed by the board of directors after taking into account the needs or conditions of the borrowers, the amounts and duration of the loans, the interests of the members and such other factors as the board deems relevant.

(b) Single payment loans must have a maturity of 36 months or less.

(c) Each loan shall provide for:

(1) Payment of interest accrued to date with each payment of principal;

(2) Payment of interest accrued to date not less frequently than annually; except that crop loans may be repaid with interest payments required at such intervals as the board of directors deems appropriate.

(d) Disclosure of variable rate consumer loan information.

Option #1. An applicant must be given a disclosure notice in accordance with the Truth in Lending Act and in accordance with Regulation Z. Federal credit unions are permitted to disclose additional material to the borrower as determined appropriate by the Board of directors of the Federal credit union.

Option #2. Each Federal credit union that offers variable rate consumer loans must have available and give each prospective applicant at the time of application a disclosure notice in accordance with the Truth in Lending Act and Regulation Z and a written statement in commonly understood language summarizing how a variable rate consumer loan will work (what the index will be, how often increases will occur, how the increase will be calculated, what the effect of the increase will be on the monthly payment, etc.). The statement will be adequate to enable the member to easily compare the terms of the variable rate consumer loan from the credit union with those offered by other institutions.

§ 701.21–3 Lines of credit to members

(a) For the purposes of this section:

(1) "Line of credit" means a fixed amount which may be drawn upon by a member from time to time and which may be replenished by payments on amounts previously drawn.

(2) "Agreement" means the written document signed by the borrower to establish the terms and conditions of a line of credit.

(b) Each line of credit must be evidenced by an agreement.

(c) Termination of a line of credit agreement by the credit union shall be given by written notice and shall not affect the borrower's obligation to pay the balance outstanding incurred prior to the notice.

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12 CFR Part 701

Fixed Rate Mortgage Loans and Adjustable Rate Mortgage Loans

AGENCY: National Credit Union Administration.

ACTION: Proposed rules.

SUMMARY: In accordance with its ongoing program of updating, clarifying and simplifying existing regulations, the National Credit Union Administration (NCUA) has conducted a further review of its regulation governing fixed rate mortgage loans. As a result of this review, NCUA is requesting comments on whether or not to increase the limit on the aggregate dollar amount of long term real estate loans that a Federal credit union may have outstanding. At present a Federal credit union may have up to 25 percent of its assets in long term real estate loans. As a result of this review, NCUA is also proposing to amend the regulation to clarify that, notwithstanding state law, a Federal credit union is required to have a due on sale clause in its loan instruments. And further, notwithstanding state law, a credit union may exercise that clause unless the person to whom the property is sold or transferred and the Federal credit union reach written agreement that the credit of such person is satisfactory and that the interest payable to the credit union shall be at such rate as the credit union shall request. In addition, NCUA is proposing a regulation which would permit Federal credit unions to make adjustable rate mortgage loans (ARMs). This action will better enable Federal credit unions to provide mortgage loans to their members and will better enable Federal credit unions to match the earnings of their assets (loans) with the cost of their market sensitive liabilities and equity accounts (member share and share certificate accounts).

DATE: Comments must be received on or before July 10, 1981.

ADDRESS: Send comments to: Robert S. Monheit, Regulatory Development Coordinator, Office of General Counsel, National Credit Union Administration,

1776 G Street, N.W., Washington, D.C. 20456.

FOR FURTHER INFORMATION CONTACT: John L. Culhane, Jr., Senior attorney, Office of General Counsel, (Principal Draftsman, proposed amendments to 701.21–6) or Thomas C. Buckman, Regulatory Review Officer, Office of Examination and Insurance (Principal Draftsman, proposed 701.21–6B), both at the address above. Telephone numbers: (202) 357–1030 (Mr. Culhane), (202) 357–1065 (Mr. Buckman).

SUPPLEMENTARY INFORMATION:

Proposal Changes—Fixed Rate Mortgage Loans

1. Background. Prior to the April 19, 1977 amendments to the Federal Credit Union Act, Federal credit unions were only authorized to grant loans with maturities of 10 years or less. This made it difficult for Federal credit unions to grant conventional mortgage loans. Public Law 95–22 amended the Act to pemit Federal credit unions to grant residential real estate loans with maturities of 30 years or less. This power was to be implemented by regulations adopted by NCUA. Section 701.21–6 implementing this power was added to NCUA's Rules and Regulations and became effective on May 8, 1978. (43 FR 14924 (1978)).

Since that time the regulation has been reviewed regularly and significant deregulation has already taken place. For example, following amendments to the Federal Credit Union Act, the regulation was amended to reflect the fact that the maximum rate of interest was changed from 12 percent per annum inclusive of all service charges to 15 percent per annum inclusive of all finance charges. In defining the term "finance charges" NCUA stated that, in order to eliminate inconsistencies insofar as possible, it would generally look to the definition of the term "Finance Charge" under the Truth in Lending Act and Regulation Z.

Consequently, charges excluded from the Finance Charge determination under the Truth in Lending Act and Regulation Z would not be considered finance charges for purposes of the Federal Credit Union Act. Hence certain charges incurred in connection with loans secured by real property would not be considered to be finance charges for purposes of the Federal Credit Union Act (i.e. fees for title examinations or title insurance, fees for document preparation, escrows for payments of taxes and insurance, notary fees, appraisal fees, and credit report fees). (45 FR 22888, 22890 (1980))

Further deregulation occurred in connection with the NCUA Board's decision to raise the permissible interest rate ceiling from 15 percent to 21 percent. At that time, the regulation was amended to clarify that the recomputation and refund requirement would no longer apply to government insured or guaranteed loans. (If points or other front end charges are assessed in connection with a long term real estate loan and the loan is paid prior to maturity, a refund or adjustment of the final payment is necessary to assure that the maximum permissible rate of interest has not been exceeded.) A recomputation and refund is now necessary on government insured or guaranteed loans only when expressly required by the laws and regulations governing the insured or guaranteed loan program. (45 FR 81032, 81035 (1980))

Additional deregulation occurred recently when the restrictions on loan origination fees were removed and when Federal credit unions with less than $2 million in assets were granted the authority to engage in real estate lending without prior approval by NCUA. (46 FR 17538 (1981)) Further deregulation in the real estate lending area will occur once NCUA completes its ongoing rulemaking proceeding on the use of adjustable rate mortgages by Federal credit unions.

Since the substantive provisions of § 701.21–6 were also reviewed in connection with the NCUA Board's decision to approve a final regulation permitting Federal credit unions to enter into business relationships with other mortgage lenders (46 FR 19927 (1981)), NCUA's review of its real estate lending regulation has therefore been a limited one. Consequently, only two changes in the existing regulation are being considered.

2. Percentage of Assets Limitation. In granting Federal credit unions the power to make long term real estate loans Congress directed NCUA to ensure that Federal credit unions provide this service without adversely affecting their primary function of providing low cost consumer loans to their members. NCUA was given the discretion to impose maximums on the percentage of a credit union's portfolio that could be allocated for long term real estate loans and was also given the discretion to determine whether this percentage should vary according to the asset size of the credit union. *See* H.R. Rep. No. 23, 95th Cong., 1st Sess. 9 (1977). In promulgating final regulations, NCUA determined to limit the aggregate dollar amount of real estate loans outstanding to 25 percent of the credit union's assets and that percentage has remained unchanged to date. (43 FR 14925 (1978)) The NCUA Board is now requesting comments as to whether this limit should be increased in order to provide greater flexibility to Federal credit unions.

The Board observes that once a final adjustable rate mortgage regulation is adopted, a change may be advisable to provide Federal credit unions more latitude to compete with other financial institutions in offering such mortgages. Loans that are sold are not included in the percentage limitation (and only the interest that is retained is included when part of a loan is sold). However, until such time as an extensive secondary market develops for adjustable rate mortgage loans, Federal credit unions offering those loans may of necessity have to retain a significant number of them in their loan portfolios. Consequently, a change may be advisable to enable Federal credit unions offering adjustable rate loans to better compete with other lenders by allowing Federal credit unions to remain in the mortgage market longer than would otherwise be the case.

3. Due on Sale Clause. A due on sale clause is a type of acceleration clause that gives the lender or the holder of the loan the option of calling the loan if the borrower sells or transfers all or part of his or her interest in the real property securing the loan. A number of states, either by statute, regulation, or judicial decision either limit or prohibit the enforceability of a due on sale clause in a residential real estate loan unless the lender can show an impairment to its security or risk of default as the result of the sale or transfer. *E.g., Wellenkamp v. Bank of America,* 21 Cal. 3d 943, 148 Cal. Rptr. 379, 578 P.2d 970 (1978). As a result, several Federal credit unions and some credit union leagues have asked whether a Federal credit union, like a Federal savings and loan association, may exercise its rights under a due on sale clause and raise the interest rate on a loan notwithstanding state law. *See, e.g., Glendale Savings and Loan Association v. Fox,* 459 F. Supp. 903 (C.D. Cal. 1978), *appeal pending.*

In promulgating its regulations pursuant to the plenary and exclusive powers granted it to regulate the real estate loans granted by a Federal credit union, the amortization of those loans, and the sale of those loans NCUA elected to require that a Federal credit union use the FNMA/FHLMC Uniform Instruments in lieu of permitting a credit union to draft its own notes and its own deeds of trusts or mortgage instruments.

(43 FR 14924 (1978) (final regulations); 42 FR 59980 (1977) (proposed regulation)).

In making this decision, NCUA was well aware that at that time paragraph 17 of the FNMA/FHLMC deed of trust (or mortgate) contained a due on sale clause. Paragraph 17, which has essentially remained unchanged to date, provides as follows:

> Transfer of the Property; Assumption. If all or any part of the Property or an interest therein is sold or transferred by Borrower without Lender's prior written consent, excluding (a) the creation of a lien or encumbrance subordinate to this Deed of Trust, (b) the creation of a purchase money security interest for household appliances, (c) a transfer by devise, descent or by operation of law upon the death of a joint tenant or (d) the grant or any leasehold interest of three years or less not containing an option to purchase, Lender may, at Lender's option, declare all the sums secured by this Deed of Trust to be immediately due and payable. Lender shall have waived such option to accelerate if, prior to the sale or transfer, Lender and the person to whom the Property is to be sold or transferred reach agreement in writing that the credit of such person is satisfactory to Lender and that the interest payable on the sums secured by this Deed of Trust shall be at such rate as Lender shall request. If Lender has waived the option to accelerate provided in this paragraph 17 and if Borrower's successor in interest has executed a written assumption agreement accepted in writing by Lender, Lender shall release Borrower from all obligations under this Deed of Trust and the Note. If Lender exercises such option to accelerate, Lender shall mail Borrower notice of acceleration in accordance with paragraph 14 hereof. Such notice shall provide a period of not less than 30 days from the date the notice is mailed within which Borrower may pay the sums declared due. If Borrower fails to pay such sums prior to the expiration of such period, Lender may, without further notice or demand on Borrower, invoke any remedies permitted by paragraph 18 hereof.

Similarly, NCUA was well aware that at that time paragraph 13 of the FNMA/FHLMC deed of trust (or mortgage) provided that the lender's right to exercise the due on sale clause would inure to a subsequent holder of the loan. In pertinent part paragraph 13, which has essentially remained unchanged to date, provides as follows: "The covenants and agreements herein contained shall bind, and the rights hereunder shall inure to, the respective successors and assigns of Lender and Borrower, subject to the provisions of paragraph 17 hereof."

In deciding to require that a Federal credit union have a due on sale clause in its instruments, NCUA was mindful of the fact that this would evenly balance the effect of changing market rates. By statute, a member of a Federal credit union may prepay his or her loan in whole or in part on any business day without penalty. (12 U.S.C. 1757(5)(A)(viii)) As a result, the member may take advantage of decreasing rates by paying off the loan at the credit union without incurring a prepayment fee and by refinancing the outstanding balance at a lower rate. The credit union therefore bears the risk that rates will drop. Absent a due on sale clause, the member would also be able to take advantage of increasing rates by selling the property at a premium to a purchaser who would then assume a loan at a rate below market rates. As a result, the credit union would also bear the risk that rates would increase.

Moreover, NCUA chose to require that an instrument containing these clauses be used by a Federal credit union because of its belief that the ability of the holder of a loan made by a Federal credit union to exercise the rights afforded by a due on sale clause is essential to a Federal credit union's safe and sound participation in the residental mortgage market. If a Federal credit union were to be unable to exercise a due on sale clause and update its current mortgage portfolio yields to match and exceed its current cost of funds, the credit union would either be forced to abstain from making new mortgage loans altogether or would be forced to make new loans at higher rates. A significant imbalance between loan yield and cost of funds would also have a adverse effect on the liquidity and solvency of the credit union. If the holder of a loan made by a Federal credit union were to be unable to exercise a due on sale clause, the value of a credit union mortgage to the secondary market would diminish substantially because the yield on the mortgage would reduce substantially. Thus, a Federal credit union would be hampered in its ability to access the secondary mortgage market, despite clear Congressional intent to enable a credit union engaged in real estate lending to take advantage of secondary mortgage market facilities. *See* H.R. Rept. No. 23, 95th Cong., 1st Sess. 12 (1977).

The NCUA Board concurs with the conclusions of the Nebraska Supreme Court in *Occidental Savings & Loan Association* v. *Venco Partnership*. In that case the Court held as follows:

> Not only are we convinced that a "due-on-sale" clause is not repugnant to public policy but, to the contrary, we recognize that, under certain economic circumstances, they may favor the public interest and, therefore, be supportive of public policy. On the one hand, the assets * * * are * * * long-term mortgages, while, on the other hand, the funds necessary to make such loans are obtained from short-term and demand savings accounts and certificates. As the cost of obtaining deposits rises, the spread widens between what [a financial institution] must pay for funds by way of interest and what [it] receives from borrowers. Once the spread gets too great, the [financial institution] will be unable to meet the standards set by government regulations and will fail. The potential failure of [financial institutions] and the loss of their depositors' finds should be of no less a concern * * * than the inability of a property owner to transfer its mortgage at a premium when selling its property. Balancing portfolio return with cost of money is an important factor in the survival of [financial institutions]. The "due-on-sale" clause is an important device in maintaining that balance.

Occidental Savings & Loan Association v. Venco Partnership, 206 Neb. 469, 293 N.W.2d 843 (1980).

In order to clarify this position, the NCUA Board is proposing to add a new § 701.21-6(d) to its Rules and Regulations. This Section will state that a Federal credit union is required to place a due on sale clause in its mortgage instruments and that the holder of a loan made by a Federal credit union may exercise its rights under such a clause, notwithstanding state laws to the contrary. The restrictions placed on the exercise of the clause will simply mirror those that appear in paragraph 17. Since no change in position is made, § 701.21-6(d) will apply to all long-term real estate loans that have been or that will be granted by Federal credit unions.

The NCUA Board is satisfied that, in restating its position, it is exercising the specific and general rulemaking authority granted by Congress to preempt state laws regarding the real estate loans made by Federal credit unions, the amortization of those loans, and the sale of those loans. Moreover, the Board notes that the courts have consistently held that the interest rates charged on loans made by Federal credit unions are governed by Federal rather than state law. *See, e.g., Christian v. Atlanta Army Depot Federal Credit Union*, 140 Ga. App. 277, 231 S.E.2d 7 (1976); *Brooklyn Jenapo Federal Credit Union v. Schucher*, 258 N.Y.S.2d 348 (S.Ct. 1963); *McAnally v. Ideal Federal Credit Union*, 428 P.2d 322 (Okla. 1967); *Birdwhistell v. Y-12 Employees Federal Credit Union*, 57 Tenn. App. 621, 422 S.W.2d 896 (1968).

Proposed Rule—Adjustable Rate Mortgage Loans

1. Background. On December 1, 1980, the NCUA Board issued an Advance Notice of Proposed Rulemaking requesting comments on the use of adjustable rate mortgages by a Federal

credit union. (45 FR 79494 (1980).) The Advance Notice has provided the NCUA Board with the benefit of public comments concerning the scope and direction of any proposed rule. Additionally, NCUA staff has carefully studied the adjustable mortgage loan regulations issued by the Federal Home Loan Bank Board and the Office of the Comptroller of the Currency.

NCUA received 34 comments on the Advance Notice of Proposed Rulemaking. With one exception, all of the commenters favored NCUA allowing a Federal credit union to grant mortgage loans which are secured by adjustable rate mortgages.

In general the commenters urged NCUA to issue a regulation with considerable flexibility to allow a Federal credit union to compete in the marketplace. They believe that market competition rather than government regulations should be the final arbiter of how adjustable rate mortgage loans are structured. Several commenters also cautioned NCUA not to issue an overly restrictive regulation. At this early stage in the development of ARMs such a regulation could result in a Federal credit union not being able to participate in the secondary market. Additionally, the commenters pointed out that if the regulation is overly restrictive, and NCUA has to make frequent changes to the regulation in response to the marketplace, the result will be that a Federal credit union will need to incur additional costs to modify its programs each time the regulation is changed.

The one opposing view was received from a consumer association which expressed the belief that allowing lending institutions to adjust interest rates will result in higher mortgage rates and as a result will harm consumers. However, NCUA notes that ARMs may result in additional mortgage funds being available to consumers and also notes that under NCUA's proposed rule consumers will automatically receive the benefits of lower interest rates when mortgage rates decline.

Moreover, NCUA believes this view does not recognize that, as a matter of safety and soundness, the recent deregulation actions of the NCUA Board on the liability side of the balance sheet necessitate similar deregulation on the asset side of the balance sheet. For example, a Federal credit union is currently permitted to issue market sensitive share certificate accounts which benefit consumers. The proposed regulation will permit a Federal credit union to grant market sensitive mortgage loans. The NCUA Board believes that it is essential that the deregulation of the asset side of the balance sheet of a Federal credit union be accomplished in tandem with the deregulation of the liability side of the balance sheet.

NCUA does expect to monitor the effects of any final rule on consumers and on the safety and soundness of a Federal credit union through its regular supervision and examination program. If abuses should be noted the NCUA Board would consider further regulation in this area.

The Advance Notice posed six questions. A restatement of the questions asked and an analysis of the comments received from the public follows.

2. Question: *Should Federal credit unions be required to offer the borrower a choice between a fixed rate mortgage and an adjustable rate mortgage?*

Overwhelmingly, the commenters recommended that Federal credit unions not be required to offer fixed rate mortgages. They suggested that a Federal credit union should have the flexibility to make this decision based upon market conditions and based on its financial condition. Some commenters stated that requiring a credit union to administer two mortgage loan programs could add to the cost of credit union operations. While the NCUA Board encourages Federal credit unions to consider offering both fixed rate mortgages and adjustable rate mortgages, the proposed regulation would allow the board of directors of each individual credit union to make this determination for themselves.

3. Question: *Should NCUA specify the index (or indexes) to be used in ARM's or should Federal credit unions be allowed to choose an index? If NCUA should specify an index (or indexes), which index (or indexes) would best meet the needs of Federal credit unions and their members?*

Two-thirds of the commenters who commented upon this question recommended that NCUA not specify any index. They believe that in the development stage of ARMs Federal credit unions need the flexibility to use the indexes that secondary market investors will accept. They believe that if NCUA specifies an index (or indexes) that must be used, the marketability of ARMs originated by Federal credit unions will be lessened.

Accordingly, the proposed regulation does not specify any index. As proposed, a Federal credit union would have the flexibility of using any index as long as the index is beyond the control of the credit union and as long as the index is readily verifiable by the borrower. (An individual Federal credit union's cost of funds would not be an acceptable index. Also, the contract between the Federal credit union and the borrower should specify a single index.)

In accordance with sound asset-liability management, the NCUA Board would recommend that a Federal credit union choose an index which moves in direct correlation with its cost of funds and which is a market rate rather than an administered rate. Thus, NCUA would not recommend the use of the Federal National Mortgage Association (FNMA) auction yield as an index since the auction yield reflects the particular needs of FNMA as well as the market place. Nor would NCUA recommend the use of the Central Liquidity Fund lending rate since it is tied to corporate central lending rates which may be affected by special industry circumstances.

4. Question: *How should NCUA regulate adjustments?*

a. *How often should interest rates be allowed to change?*

b. *How much should the rate be able to change during any one adjustment?*

c. *How much should the rate be able to go up over the life of the mortgages?*

A majority of the commenters who commented upon this question recommended that NCUA not regulate rate adjustments for the same reasons previously mentioned, i.e., Federal credit unions need the flexibility in the development stages of ARMs to adjust to market place competition. The proposed rule would allow each individual credit union to determine how rate adjustments will be carried out. The rate adjustment terms negotiated between the borrower and the Federal credit union would essentially be a direct product of market place competition.

5. Question: *How should ARMs be amortized?*

a. *Should Federal credit unions be required to renew loans secured by renegotiable rate mortgages?*

b. *Should the borrower be given the option of extending the maturity of the loan (amortization schedule) if possible?*

c. *Should NCUA permit principal accretion schedules?*

A wide variety of comments were received on this question. The majority of the commenters favored allowing the individual credit union to make its own decisions in establishing amortization schedules.

On the question of renewing loans, one of the commenters asked for clarification as to the type of renegotiable rate mortgage NCUA was considering. This commenter pointed out that a renegotiable rate mortage may be

either a long-term loan secured by a mortgage of equal length on which the interest rate may be adjusted every three, four or five years, or a short-term loan secured by a long-term mortgage which is automatically renewed at intervals of three, four or five years at a potentially different interest rate. During the request for comments, NCUA was considering the merits of both types of renegotiable rate mortgages.

The proposed rule would only permit the use of a long-term loan secured by a mortgage of equal length on which the interest rate may be adjusted. The proposed rule would not permit the use of a short-term loan (with a balloon payment) secured by a long-term mortgage due to anticipated problems such as lien priority, added costs, and the hardship on a member forced to refinance a mortgage when funds may be extremely expensive.

The comments on whether or not the borrower should be given the option to extend the loan were mixed. Commenters pointed out that the maximum maturity limit in the Federal Credit Union Act might prohibit a Federal credit union from extending the maturity beyond 30 years. They also pointed out that even if longer amortization schedules are permissible, the borrower receives very little relief in reduced monthly payment once a loan is extended beyond 30 years. Additionally, it was pointed out that extended maturities would greatly increase the borrower's interest cost. Consequently, the proposed rule only permits amortization schedules under 40 years.

The initial maturity of a loan may not exceed 30 years. However, the loan may be renewed or extended provided the overall amortization schedule from the date of loan origination does not exceed 40 years. (In the case of a loan insured or guaranteed by the Federal government, state government or agency of either, the maturity may be as provided by the insuring or guaranteeing agency.)

The majority of the comments received on the question of principal accretion favored allowing a Federal credit union to use a principal accretion schedule as long as the lender has the right to reappraise the property securing the loan. (The term principal accretion is used to describe the increase in the loan balance that occurs when the monthly payment is too small to cover the accrued interest for the month and the unpaid interest is added to the loan balance.)

The proposed rule would permit the board of directors of each individual Federal credit union to determine the amortization schedule as long as the amortization schedule is sufficient to fully amortize the principal balance over the maturity of the loan. Principal accretion would be permitted as long as at least every five years the amount of the monthly payment is adjusted to a level sufficient to amortize the loan balance at the then existing interest rate over the remaining term of the loan.

The proposed regulation assumes continued compliance with the loan-to-value provisions of Section 701.21–6(b)(5) of the NCUA Rules and Regulations as long as the original loan-to-value ratio was in compliance with the regulation. However, the NCUA Board notes that private mortgage insurance companies, secondary market investors, and Federal credit unions would be able to develop their own loan-to-value requirements within the parameters of the proposed rule.

6. Question: *What information should be disclosed to the borrower?*

A wide variety of comments were received on this question. Some commenters noted that a Federal credit union will be required to make disclosures about the variable rate feature of an ARM in accordance with the Truth in Lending Act and Regulation Z. Hence they argued that any additional disclosures would be unnecessary and, if complex, would only serve to confuse the borrower. Other commenters favored NCUA drafting a plain English model disclosure form, but they felt that the use of the form should be optional. NCUA agrees that in order for any disclosures to be meaningful, they must be easily understood by the borrower.

Consequently, NCUA is proposing two alternatives for comment. Under the first alternative disclosures would be made in accordance with the Truth in Lending Act and Regulation Z. (Under Regulation Z, in connection with the variable rate feature of a loan a lender must disclose the circumstances under which the rate may increase, any limitations on the increase, the effect of any increase, and an example of the payment terms that would result from an increase). Any additional disclosures would be optional.

Under the second alternative, a Federal credit union would be required to make the disclosures mandated by the Truth in Lending Act and Regulation Z at the time of or within three days of application and in addition would be required to disclose the index to be used, how often an increase might take place, and how the increase will be calculated. All of these disclosures would have to be made in commonly understood language. These disclosures would have to be made at or within three days of the time of application for shopping purposes.

NCUA notes that this alternative should not place any additional burdens on a Federal credit union making adjustable rate mortgage loans. The credit union would not have to redisclose terms under Regulation Z if, at the time of consummation, the APR has not increased by more than ¼ of one percent. If the APR did increase by more than ¼ of one percent, only those terms that had changed would have to be redisclosed.

Moreover, a credit union would not have to develop additional disclosure forms, since the credit union must revise its current forms by April 1, 1982 in order to be in compliance with the new Regulation Z anyway. Hence the credit union should not have to develop any additional forms because of this regulation. It would not have to develop a special variable rate disclosure for Regulation Z, since Regulation Z permits the Federal regulatory agencies to require disclosures in lieu of the variable rate disclosures required by Regulation Z. In addition, should this second alternative be adopted and should there be sufficient demand, NCUA would prepare an optional model disclosure form that could be used to satisfy these requirements.

Finally, the NCUA Board notes that regardless of which disclosure is selected in a final regulation, a Federal credit union that chooses to offer adjustable rate mortgage loans is encouraged to establish a member education program for prospective applicants for such loans to help them understand how mortgages of this type work under varying conditions, including "worst case" situations. This program would be in addition to the disclosures that the credit union provides.

7. Question: *If a Federal credit union is not required to use FMNA/FHLMC uniform Instruments in granting ARMs, should it be required to have a commitment from an investor to purchase ARMs? Should a commitment be required only after ARMs equal a certain percentage of the Federal credit union assets?*

The comments were about evenly divided on the question of whether or not a Federal credit union should be required to use FNMA/FHLMC Uniform Instruments in originating ARMs. Some commenters did express the belief that a Federal credit union should have the option of originating ARMs for its portfolio on documents which meet local jurisdictional requirements.

As of this writing a FNMA/FHLMC Uniform Instrument for ARMs has not been developed. Accordingly, the proposed rule does not require Federal credit unions to use mortgage instruments which comply with the requirements of secondary market investors. However, NCUA strongly recommends that, once a final regulation is adopted, a Federal credit union originate ARMs which are saleable in the secondary market in order to avoid an unforeseen liquidity crisis due to the inability to sell ARMs.

Overwhelmingly, the commenters express the belief that a Federal credit union should not be required to obtain a commitment from an investor. They believe that the existing limitation in the NCUA Rules and Regulations is sufficient. Section 701.21–6(b)(4) currently limits the aggregate dollar amount of real estate loans outstanding to 25 percent of a Federal credit union's assets. Consequently, the proposed rule does not contain a commitment requirement.

As discussed above, the NCUA Board is requesting comments on whether or not a change in the percentage of assets limitation is warranted. Nonetheless, the NCUA Board cautions that a Federal credit union may encounter liquidity problems if it originates ARMs which are not saleable in the secondary market.

Procedures for Regulatory Development

The NCUA Board is providing for a comment period of less than 60 days on these proposed rules because the proposed rules relieve regulatory burdens and because delay may not be in the public interest in that it could hamper the ability of Federal credit unions to manage their loan portfolios in a safe and sound manner. In addition, a longer comment period could delay the ability of Federal credit unions to offer fixed rate and adjustable rate mortgage loans to their members on a more equal competitive footing with other federally chartered financial institutions.

The NCUA Board certifies that the proposed changes, if adopted, will not have a significant economic impact on a substantial number of small Federal credit unions (Federal credit unions with less than $1,000,000 in assets). The NCUA Board believes that only a few credit unions under $1,000,000 in assets are making long-term real estate loans. Therefore a substantial number of small Federal credit unions would not be affected and a regulatory flexibility analysis is not required. (5 U.S.C. 605(b))

Furthermore, since the proposed rules would reduce burdens where delay would cause unnecessary harm, the NCUA Board finds that full consideration of all the policies of the Regulatory Simplification Act is impracticable. However, the NCUA Board has considered most of these policies as set forth in the preamble above.

Accordingly, NCUA proposes to amend its existing rules and regulations as set forth below.

Dated: June 12, 1981.

Beatrix D. Fields,

Acting Secretary, NCUA Board.

(12 U.S.C. 1757, 1766(a), 1789(a)(11))

1. Section 701.21–6 is amended by adding paragraph (d) to read as follows:

§ 701.21–6 Real estate lending.

* * * * *

(d) *Due on sale clause.* (1) Notwithstanding any state law to the contrary, a Federal credit union is required to include a due on sale clause in its loan instruments whereby the holder of a loan made by a Federal credit union may, at its option, declare immediately due and payable all of the sums secured by the security instrument if all or any part of the real property securing the loan is sold or transferred by the borrower without the holder's prior written consent.

(2) Notwithstanding any state law to the contrary, the holder of a loan made by a Federal credit union may exercise a due on sale clause unless:

(i) Exercise of the due on sale clause would be based on any of the following:

(A) Creation of a lien or other encumbrance subordinate to the security instrument;

(B) Creation of a purchase money security interest for household appliances;

(C) Transfer by devise, descent, or by operation of law upon the death of a joint tenant; or

(D) Grant of any leasehold interest of three years or less not containing an option to purchase; or unless

(ii) Prior to the transfer the holder and the person to whom the property is to be sold or transferred reach written agreement that the credit of such person is satisfactory to the holder and that the interest payable to the holder on sums secured by its security instrument shall be at such rate as the holder shall reques[t]

(3) This section is being promulgated pursuant to the plenary and exclusive authority of the NCUA Board as set forth in Sections 107(5)(A)(i), 107(5)(A)(ix), and 107(13) of the Federal Credit Union Act to regulate, respectively, the real estate loans granted by Federal credit unions, the amortization of loans granted by Federal credit unions, and the sale of loans granted by Federal credit unions. This exercise of the Board's authority preempts State laws purporting to address the ability of the holder of a loan made by a Federal credit union to exercise its rights under a due on sale clause to raise interest rates on loans.

2. Section 701.21–6B is added to 12 CFR Part 701 to read as follows:

§ 701.21–6B Adjustable rate mortgage loans.

(a) *Definitions.* (1) An adjustable rate mortgage loan is a mortgage loan which permits the periodic adjustment of the rate of interest on the loan in response to the movement of an index which was agreed upon in advance by the borrower and the Federal credit union.

(2) Principal accretion is an increase in the unpaid loan balance. Principal accretion will occur if the monthly payment is insufficient to cover the interest due on a loan. The interest due that is in excess of the monthly payment will be added to the loan balance.

(b) *Authorization.* (1) Federal credit unions are permitted to make adjustable rate mortgage loans to members which are secured by first liens on residential real property and which have maturities in excess of 12 years and not exceeding 30 years. Loans whch are made under the provisions of this rule shall also comply with all the provisions of § 701.21–6 of the NCUA Rules and Regulations except for the following:

(i) The provisions of § 701.21–6(b)(2) (which require substantially equal monthly payments); and

(ii) The provisions of § 701.21–6(b)(7) (which require the use of the FNMA/FHLMC Uniform Instruments).

(2) This rule is promulgated pursuant to the exclusive authority of the NCUA Board to regulate real estate lending and loan amortization as set forth in Sections 107(5)(A)(i) and 107(5)(A)(ix) of the Federal Credit Union Act. This exercise of the NCUA Board's authority preempts any state law purporting to address the subject of a Federal credit union's ability or right to make adjustable rate mortgage loans.

(c) *Amortization.* (1) Adjustable rate mortgage loans shall have amortization schedules sufficient to fully amortize the principal balance over the maturity of the loan. If the principal balance of the loan is adjusted in response to a movement in the index the amount of the monthly payment shall be adjusted at least every five years to a level sufficient to amortize the loan balance at the then existing interest rate over the remaining term of the loan. Amortization

schedules with large final payments are not permitted.

(d) *Adjustment options.* (1) Adjustments to the interest rate may be implemented through changes in the monthly payment amount, through adjustment to the outstanding principal loan balance (principal accretion), or through extension of the loan maturity, provided that the maturity may not exceed 40 years.

(2) Adjustments may be made as frequently as monthly.

(e) *Index.* (1) The adjustment in the interest rate shall correspond directly with the movement of an index agreed upon in advance. The index must be beyond the control of the Federal credit union and readily verifiable by the borrower.

(2) The amount of the rate adjustment shall reflect the difference between the initial index value and the most recently available index value as of the date the Federal credit union notifies the borrower of the adjustment/or as of the date of rate adjustment.

(3) The initial index value shall be the index value as of the date of the loan closing or a value within 6 months prior to the closing.

(4) Where the movement of the index permits an interest rate increase, the Federal credit union may decline to increase the interest rate. Any permitted interest rate increase not taken by the Federal credit union may not be used to offset subsequent movements of the index and carried over to succeeding rate-change dates.

(5) Where the index has moved downward the decrease in the interest rate is mandatory.

(6) A Federal credit union may decrease the interest rate any time.

(f) *Costs or fees.* (1) The borrower shall not be charged any costs or fees in connnection with regularly scheduled adjustments to the interest rate, the monthly payment, the outstanding principal loan balance, or the loan maturity.

(g) *Notice to borrower of payment adjustment.* (1) At least thirty (30) but not more than forty-five (45) days before adjustment in the rate of interest, the credit union shall notify the borrower in writing of the following information:

(i) The date the adjustment in the rate is scheduled and how the adjustment will be implemented;

(ii) The interest rate on the loan before and after the adjustment;

(iii) The index value before and after the adjustment;

(iv) The monthly payment before and after the adjustment;

(v) The projected outstanding balance of the loan as of the date of the adjustment date;

(vi) The period of time for which the interest rate will be in effect;

(vii) The fact that the borrower may pay off the loan in whole or in part without penalty; and

(viii) The name and telephone number of an employee of the Federal credit union who can answer questions about the notice.

Alternative No. 1

(h) *Disclosure.* An applicant must be given a disclosure notice in accordance with the Truth in Lending Act and Regulation Z. Federal credit unions are permitted to disclose additional material to the borrower as determined appropriate by the board of directors of the Federal credit union.

Alternative No. 2

(h) *Disclosure.* Each Federal credit union that offers adjustable rate mortgage loans must have available and give each prospective applicant at the time of or within three days of application a disclosure notice in accordance with the Truth in Lending Act and Regulation Z and a written statement in commonly understood language summarizing how the adjustable rate mortgage will work (what the index will be, how often increases will occur, how the increase will be calculated, what the effect of an increase will be on the monthly payment, etc.). The statement will be adequate to enable the member to easily compare the terms of the adjustable rate mortgage with those offered by other institutions.

[FR Doc. 81-18032 Filed 6-16-81, 8:45 am]
BILLING CODE 7535-01-M

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12 CFR Part 701

Participation Loans; Purchase, Sale, and Pledge of Eligible Obligations

AGENCY: National Credit Union Administration.

ACTION: Proposed rule.

SUMMARY: In accordance with its ongoing program of updating, clarifying, and simplifying existing regulations, the National Credit Union Administration (NCUA) has conducted a review of its regulation governing participation loans. As a result of this review, NCUA proposes (1) to amend the regulation to permit Federal credit unions to participate with other lenders in extending lines of credit to credit union members; (2) to delete from the regulation the requirement that specific provisions appear in the participation agreement; and (3) to permit the use of repurchase provisions. Because NCUA's regulation governing the purchase, sale, and pledge of eligible obligations (loans) was drafted to impose the same restrictions on those activities that are placed on participations (in order not to favor one arrangement over another), NCUA also proposes to make similar changes in that regulation. In addition, NCUA proposes to amend its regulation governing participation loans to clarify that the programs currently operated by the Federal Home Loan Mortgage Corporation, the Federal National Mortgage Association, and the Government National Mortgage Association are not participation loan programs as that term is used in NCUA regulations.

DATES: Comments must be received on or before July 10, 1981.

ADDRESS: Send comments to: Robert S. Monheit, Regulatory Development Coordinator, Office of General Counsel, National Credit Union Administration, 1776 G Street, NW., Washington, D.C. 20456.

FOR FURTHER INFORMATION CONTACT: John L. Culhane, Jr., Senior Attorney, Office of General Counsel, at the above address. Telephone number: (202) 357-1030.

SUPPLEMENTARY INFORMATION: Before Pub. L. 95-22 was passed, Federal credit unions could not participate in making loans with other lenders. Public law 95-22 granted this power and the regulation implementing it became effective on December 1, 1978. 43 FR 51610 (1978).

In accordance with its ongoing program of updating, clarifying, and simplifying existing regulations, NCUA has conducted a review of § 701.21-7, its regulation governing participation loans. As a result of this review, NCUA now proposes to make the changes discussed in detail below.

Proposed Changes—Participation Loan Regulation

1. *Definitions.* NCUA is proposing to make the following changes to the definitions which currently appear in § 701.21-7(a) of its participation loan regulation.

a. *Participation Loan.* Currently a "participation loan" is defined in § 701.21-7(a)(1) to mean "a loan, other than a line of credit loan, made in participation with one or more eligible organizations, where the written commitment to participate in the loan precedes final disbursement." At the time the regulation was drafted, several commenters requested that line of credit

loans be included in the definition. Because of concerns at the time about operational problems that might result if participation arrangements in lines of credit were permitted, and since there had been no demonstrated need expressed, NCUA determined to retain the exclusion.

Although such arrangements may cause operational problems for a Federal credit union, the NCUA Board believes that participations in lines of credit should now be allowed. the NCUA Board believes that decisions as to the operational feasibility of a participation line of credit program as compared to any other line of credit program are best made by the board of directors of the individual credit union. NCUA therefore proposes to remove the phrase "other than a line of credit loan" from the definition.

This change will permit a Federal credit union to explore participation arrangements as a means of providing lines of credit to its members. It will give Federal credit unions broad flexibility to engage in credit card programs similar to that afforded Federal savings and loan associations by regulations of the Federal Home Loan Bank Board. (45 FR 46338 (1980) (to be codified in 12 CFR 545.4–3))

b. *Financial Organization.* The term "financial organization" is defined in § 701.21–7(a)(5) to mean "any federally chartered or federally insured financial institution, the Federal Home Loan Mortgage Corporation, the Federal National Mortgage Association, or the Government National Association." The more general phrase, "any federally chartered or federally insured financial institution," appears in the legislative history of Pub. L. 95–22. *See* H.R. Rep. No. 23, 95th Cong., 1st Sess. 10 (1975). In adopting final regulations, NCUA determined that the Federal Home Loan Mortgage Corporation, the Federal National Mortgage Association, and the Government National Mortgage Association were included within the more general phrase "any federally chartered or federally insured financial institution." (43 FR 51610 (1978))

However, NCUA proposes to delete the specific references to those agencies from the definition in order to avoid further confusion. Because those organizations are specifically listed in the definition, there has been some uncertainty among Federal credit unions as to when the regulation applies. If the regulation applies, then a credit union originating participation loans is required to retain an interest of at least 10 percent of the face amount of the loans. (12 CFR 701.21–7(c)(2)) As a result, Federal credit unions often ask if the regulation applies in the event a credit union obtains a pre-commitment of funds from one of these organizations, originates loans, and then sells those loans to the organization.

NCUA believes this transaction is governed by its regulation on the sale of loans, rather than by its participation loan regulation. The participation regulation applies where a third party funnels funds into the credit union with the intent of actually participating in *making* the loan, for example, where the participant will assist in preparing the loan documentation and the participant's funds will actually be disbursed at origination. The participation requlation does not apply when an organization merely arranges to purchase loans subsequently originated by the credit union.

c. *Participation Account.* Section 701.21–7(a)(7) defines the term "participation account" as "a special payable account established for the accumulation of loan payments awaiting distribution to participants." NCUA proposes to delete this definition. The term only appears in a section of the regulation that prescribes certain contract terms which must appear in the participation agreement. As discussed further below, NCUA is now proposing to delete that section from the regulation. Consequently, the definition will no longer be necessary.

2. Minimum Terms. At present, § 701.21–7(b)(2) requires the participation agreement to include provisions which:

(i) Identify the participation loan or loans;

(ii) Provide for the collection, processing, and/or remittance of payments of principal and interest, late charges, service charges, escrow accounts (if required), and participation accounts;

(iii) Provide that in the event of a loss each participant shall share in the loss equal to its interest in the participation loan;

(iv) Provide for the distribution of payments of principal to each participant proportionate to its interest in the participation loan;

(v) provide for loan status reports to each participant; and

(vi) State the terms and conditions under which the agreement may be terminated or modified.

Because participation lending was new to Federal credit unions, NCUA felt it necessary to require that certain provisions appear in the participation agreement. Most of these provisions were required so that the agreement would cover otherwise unforeseen situations that might create problems during the life of a loan. Others were required so that each participant would be treated equitably with regard to the distribution of payments of principal and the sharing of any losses. Although NCUA continues to believe it prudent to include such provisions in participation agreements, the NCUA Board believes that each credit union can best draft agreements for the individual participation arrangements it makes.

NCUA therefore proposes to delete from the regulation all requirements save for the requirement that loans be identified. (The NCUA Board believes that identification of loans will be necessary for examination purposes.) For the most part, neither the regulations issued by the Office of Comptroller of the Currency nor the regulations issued by the Federal Home Loan Bank Board dictate the terms that must appear in participation agreements. 12 CFR 7.1135, 7.2120 (national banks); 12 CFR 545.8, 563.9–1 (insured savings and loan associations). *See* 45 FR 76104, 76109 (1980) (to be codified in 12 CFR 545.7–10) (Federal savings and loan associations). Consequently, this change will also give Federal credit unions the same flexibility that national banks and Federal savings and loan associations have in drafting their participation agreements.

3. Recourse or Repurchase Provisions. Currently § 701.21–7(b)(3) prohibits the use of recourse or repurchase provisions. An originating lender can, however, enter into an agreement which requires the lender to repurchase because of any breach of warranty or misrepresentation, an agreement which allows the lender to repurchase at its discretion, and an agreement which allows the lender to substitute one loan for a participation loan.

These restrictions were imposed in order to prevent a credit union from having a large number of contingent liabilities which could affect its solvency at some future date. At the same time, NCUA hoped to provide sufficient flexibility so as not to impede a credit union from reacquiring a member's loan in cases where the member might be encountering temporary financial difficulties. Nonetheless, the NCUA Board is concerned that the prohibition on repurchases may impair the ability of Federal credit unions to compete with other financial institutions.

The NCUA Board notes that both national banks and Federal savings and loan associations are permitted to enter into participation agreements containing repurchase provisions. In both instances, however, an agreement

containing a repurchase obligation is considered to be a borrowing. 12 CFR 7.7519 (national banks); 46 FR 13682 (1981) (to be codified in 12 CFR 563.8) (insured savings and loan associations). In order to better enable a Federal credit union to compete with other financial institutions, the NCUA Board therefore proposes to remove the regulatory language that prevents a Federal credit union from entering into a participation agreement containing a repurchase or recourse provision. However, such a repurchase or recourse obligation would be considered a borrowing subject to the statutory limit set out at 12 U.S.C. 1757 (50 percent of a credit union's paid-in and unimpaired capital and surplus).

The exceptions presently permitted would continue to apply. Hence a Federal credit union could enter into an agreement which requires it to repurchase a loan because of any breach of warranty or misrepresentation, an agreement which allows it to repurchase a loan at its discretion, and an agreement which allows the Federal credit union to substitute another loan for a participation loan. As long as the obligation did not otherwise contain a repurchase or recourse provision, it would not be considered a borrowing subject to the statutory limit set out at 12 U.S.C. 1757.

Proposed Changes—Purchase, Sale and Pledge of Eligible Obligations Regulation

In drafting § 701.21–8, its regulation governing the purchase, sale and pledge of eligible obligations, NCUA followed the same format used in drafting its participation loan regulation. With the exception of different restrictions specifically imposed by the Federal Credit Union Act, restrictions similar to those placed on participation loans were adopted. This was done so that NCUA's regulations would not favor any one arrangement over another, thus leaving to the discretion of a credit union's board of directors the decision as to how best to structure any particular transaction. *See* 44 FR 60, 61 (1979).

Consequently, although this regulation will be reviewed more thoroughly at a later date, the NCUA Board believes it important to propose corresponding changes to the purchase, sale and pledge of eligible obligations regulation at this time. NCUA is therefore proposing to permit the purchase, sale and pledge of lines of credit; to remove the requirements that certain terms appear in contracts for the purchase, sale or pledge of loans (and as a result of this change to delete the definition of the term "obligation account"); and to permit repurchase provisions in sale agreements.

Procedures for Regulatory Development

The NCUA Board is providing for a comment period of less than 60 days on this proposed rule because the proposed rule relieves regulatory burdens and because delay may not be in the public interest. Further delay would prevent Federal credit unions from participating with other lenders in extending lines of credit to their members and would prohibit Federal credit unions from drafting more flexible participation agreements, thus putting Federal credit unions at a competitive disadvantage.

The NCUA Board certifies that the proposed changes, if adopted, will not have a significant economic impact on a substantial number of small Federal credit unions (Federal credit unions with less than $1,000,000 in assets). The NCUA Board believes that only a few credit unions under $1,000,000 in assets are making participation loans. Therefore a substantial number of small Federal credit unions will not be affected. In addition, because the proposed changes would increase the management flexibility of small credit unions, increase their competitive positions, and reduce their paperwork burden, a regulatory flexibility analysis is not required. 5 U.S.C. 605(b).

Furthermore, since the proposed rule would reduce burdens where delay would cause unnecessary harm, the NCUA Board finds that full consideration of all the policies of the Regulatory Simplification Act is impracticable. However, the NCUA Board has considered most of these policies, as set forth in the preamble above.

Accordingly, NCUA proposes to amend §§ 701.21–7 and 701.21–8 of its existing rules and regulations as set forth below.

(12 U.S.C. 1757, 1766(a), 1789(a)(11))

Dated: June 12, 1981.

Beatrix D. Fields,

Acting Secretary, NCUA Board.

§ 701.21–7 [Amended]

1. Section 701.21–7 is amended by removing paragraphs (a)(7) and (b)(3).

2. Section 701.21–7 is amended by redesignating paragraph (b)(4) as paragraph (b)(3).

3. Section 701.21–7 is amended by revising paragraphs (a)(1), (a)(5), and (b)(2) to read as follows:

§ 701.21–7 Loan participation.

(a) For purposes of this section:

(1) "Participation loan" means a loan made in participation with one or more eligible obligations, where the written commitment to participate in the loan precedes final disbursement.

* * * * *

(5) "Financial organization" means any federally chartered or federally insured financial institution.

* * * * *

(b) * * *

(2) Prior to final disbursement, a written participation agreement shall be properly executed, acted upon by the Federal credit union's board of directors or the investment committee and retained in the Federal credit union's office. At a minimum, the agreement shall include provisions which identify the participation loan or loans.

* * * * *

§ 701.21–8 [Amended]

3. Section 701.21–8 is amended by removing paragraphs (a)(4), (b)(3), (c)(2), and (c)(3).

4. Section 701.21–8 is amended by redesignating paragraph (b)(4) as paragraph (b)(3), by redesignating paragraph (c)(1) as paragraph (c), by redesignating paragraph (c)(1)(i) as paragraph (c)(1), and by redesignating paragraph (c)(1)(ii) as paragraph (c)(2).

5. Section 701.21–8 is amended by revising paragraphs (a)(1) and (d)(2) to read as follows:

§ 701.21–8 Purchase, sale and pledge of eligible obligations.

(a) For purposes of this section:

(1) "Eligible obligation" means a loan or group of loans;

* * * * *

(d) * * *

(2) The pledge agreement shall, at a minimum, identify the eligible obligations covered by the agreement.

* * * * *

[FR Doc. 81–18090 Filed 6–16–81; 8:45 am]

BILLING CODE 7535–01–M

FEDERAL TRADE COMMISSION

16 CFR Part 453

Funeral Industry Practices: Rescheduling of Oral Presentation and Scheduling of Subsequent Commission Meeting

AGENCY: Federal Trade Commission.

ACTION: Rescheduling of Oral Presentation and Scheduling of Subsequent Commission Meeting.

SUMMARY: On January 22, 1981, the Commission published in the **Federal Register** (46 FR 6978) a notice establishing a comment period, rebuttal period, and oral presentation on a

revised proposed rule to regulate funeral industry practices. The oral presentation was scheduled for May 13, 1981. On April 14, 1981, the Commission published a notice in the **Federal Register** (46 FR 21784) extending the rebuttal comment period and rescheduling the oral presentation for June 17, 1981. This notice reschedules the oral presentation for the morning of July 7, 1981 and the morning of July 8, 1981, and establishes July 15, 1981 as the date when the Commission will meet to consider what action it will take on the proposed rule.

DATES: An oral presentation on the proposed funeral rule will be held on the morning of July 7, 1981 and the morning of July 8, 1981. A Commission meeting on the proposed rule will be held on July 15, 1981.

FOR FURTHER INFORMATION CONTACT: Robert A. M. Schick, Program Advisor, Funeral Industry Project, Federal Trade Commission, Room 283, 6th and Pennsylvania Ave. NW., Washington, D.C. 20510, telephone (202) 523–3885.

Carol M. Thomas,

Secretary.

[FR Doc. 81–18016 Filed 6–16–81; 8:45 am]

BILLING CODE 6750–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 292

[Docket No. RM79–55]

Regulations Under Sections 201 and 210 of the Public Utility Regulatory Policies Act of 1978 With Regard to Small Power Production and Cogeneration; Notice of Extension of Comment Period

June 12, 1981.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of Extension of Comment Period.

SUMMARY: On Janaury 9, 1981, the Commonwealth of Massachusetts, Department of Public Utilities, filed with the Federal Energy Regulatory Commission a request for a declaratory order pursuant to § 1.7(c) of the Commission's rules. The Commonwealth of Massachusetts requests the Commission to issue a declaratory order clarifying the method of calculation of avoided cost for all requirements. Utilities which is currently set out in 18 CFR 292. 303(d). The Commission is extending the period during which comments may be filed, pursuant to § 1.7(e) of the Commission's rules of practice and procedure.

DATE: Written comments are due July 17, 1981.

ADDRESS: File comments with: Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, Reference: Docket No. RM79–55.

FOR FURTHER INFORMATION CONTACT: Glenn Berger, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, (202) 357–8033.

SUPPLEMENTARY INFORMATION: The general contents of the Commonwealth of Massachusetts' petition are set out in 46 FR 26353 (May 12, 1981).

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–18014 Filed 6–16–81; 8:45 am]

BILLING CODE 6450–85–M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 41

[DoD Directive 1332.14]

Enlisted Administrative Separations

AGENCY: Office of the Secretary, DOD.

ACTION: Proposed rule.

SUMMARY: The Department of Defense proposes to revise its directive governing enlisted administrative separations. The proposal sets forth the criteria for characterizing certain separations. The revision also authorizes certain separations by an order of release from the custody and control of the Armed Forces. The revision clarifies the procedure that will be used when the member is subject to involuntary separation or is being recommended for separation with a general discharge and the member is not entitled to a hearing before a separation board.

DATE: Written comments must be received by August 17, 1981.

ADDRESS: Office of the Deputy Assistant Secretary of Defense (Military Personnel Policy), the Pentagon, Room 3C980, Washington, D.C. 20301.

FOR FURTHER INFORMATION CONTACT: LTC R. F. Baker, USA, telephone 202–697–9283.

SUPPLEMENTARY INFORMATION: In FR Doc. 81–3445 appearing in the **Federal Register** (46 FR 9571) on January 29, 1981, the Office of the Secretary of Defense reissued a revised Part 41 that incorporates changes 1 (January 31, 1977) and 2 (January 16, 1981). Change 2 reaffirmed DoD policy that homosexuality is incompatible with military service and clarified procedures to be used in processing enlisted members for separation. The policies and procedures on discharge for homosexuality have been included in the proposed rule. On June 19, 1979, the Department of Defense published for comment by July 19, 1979, a proposed revision of DoD Directive 1332.14 (44 FR 35248).

The comment period was extended to August 14, 1979 (44 FR 42896). The proposed rule was not adopted and the rule-making was terminated. A new project to revise Part 41 was initiated in October 1980. This proposed rule is the result of that project and further modifies this Part. Although Part 41 pertains solely to agency management and personnel, thus obviating the requirement under 32 CFR 296 (1978) for notice and public comment, the proposed rule nonetheless is set forth herein to obtain the views of the public.

Specific Modifications. The revision establishes the first 180 days of a member's initial enlistment as "Entry Level Status." The service of members separated during this period will normally be described as an "Entry Level Separation," except when an Under Other Than Honorable Conditions Separation is appropriate for members separated by reasons such as misconduct or in lieu of trial by court-martial. The Secretaries of the Military Departments may approve an honorable separation during this period on a case by case basis when warranted by unusual circumstances. The revision also authorizes certain separations of members by an order of release from the custody and control of the Armed Forces in the case of a void enlistment, and, in certain circumstances, provides for separation by dropping the members from rolls. The revision allows certain members to transfer to the Individual Ready Reserve who, though separated early, are determined to be potential mobilization assets.

A new notification procedure has been established that requires the member to be notified in writing of the basis for separation, the effect of such separation, the right to submit statements, and the right to consult with counsel.

An honorable characterization is authorized upon completion of enlistment, general demobilization, special early release, acceptance of a commission, or appointment or discharge for immediate reenlistment.

The revision provides for the separation of members with an honorable, general, or entry level separation when they fail to complete a Drug or Alcohol Rehabilitation Program, when they lack potential for continued military service, or when long-term rehabilitation is necessary. Moreover, the revision provides for the deletion of the marginal performer program and substitution of a Trainee Separation Program which will apply during a member's first 180 days. Also deleted is separation for unsuitability, which is replaced by Unsatisfactory Performance.

Nothing in this proposal has express retroactive application to individuals previously separated or discharged from military service.

Accordingly, it is proposed to revise 32 CFR Part 41 reading as follows:

PART 41—ENLISTED ADMINISTRATIVE SEPARATION

Sec.

41.1 Reissuance and purpose.
41.2 Applicability and scope.
41.3 Policy.
41.4 Responsibilities.
41.5 Definitions.
41.6 Reasons for separation.
41.7 Guidelines for retention, suspension of separation, and characterization.
41.8 Procedures for separation.

Authority: Title 10, U.S.C. 1162, 1163, 1169, 1170, 1172, and 1173.

§ 41.1 Reissuance and purpose.

This Part establishes policies, standards, and procedures governing the administrative separation of enlisted persons from the Military Services.

§ 41.2 Applicability and scope.

The provisions of this Part apply to the Military Departments, including the Reserve Components thereof, and, by agreement with the Secretary of Transportation, to the Coast Guard. When the term "Military Department" is used in this Part, the Coast Guard is included.

§ 41.3 Policy.

(a) Separation policy promotes the readiness of the armed forces by providing a means to —

(1) Achieve authorized force levels and grade distributions;

(2) Provide for the orderly administration separation of military personnel in a variety of circumstances;

(3) Insure that the armed forces are served by individuals capable of meeting appropriate standards of duty performance and discipline; and

(4) Maintain standards of performance and conduct throughout characterization of separations.

(b) The armed forces make a substantial investment in training, time, equipment, and related expenses when persons are enlisted or inducted into the military. The loss of this investment when an individual is separated prior to completion of his or her term of service represents an inefficient use of defense resources. Early separation also is wasteful because it generates a requirement for increased accessions, thereby producing an unnecessary burden on recruiting operations. Consequently, attrition is an issue of significant concern at all levels of responsibility within the armed forces. Every reasonable effort must be made to identify persons who exhibit a likelihood for early separation, and to improve their chances for retention through counseling, retraining, and rehabilitation prior to initiation of separation procedures.

(c) Standards and procedures for implementation of these policies are set forth in § 41.5. through § 41,.8.

§ 41.4 Responsibilities.

(a) Each Military Department shall prescribe appropriate internal procedures for periodic explanation to enlisted members of the types of discharges, the basis for their issuance, the possible effects of various discharges upon reenlistment, civilian employment, veteran's benefits, and related matters, and the effects of 10 U.S.C. 977 concerning denial of certain benefits to members who fail to complete at least two years of an original enlistment. Such explanation may be provided in the form of a written fact sheet or similar document. The periodic explanation shall take place at least each time the provisions of the Uniform Code of Military Justice (UCMJ) ae explained pursuant to Article 137 of the UCMJ. The requirement that the effects of the various types of discharges be explained to military personnel is a command responsibility, not a procedural entitlement. Failure on the part of the member to receive or to understand such explanation does not create a bar to separation or characterization.

(b) Each Military Department shall ensure that information concerning the purpose and authority of the Discharge Review Board and the Board for Correction of Military-Naval Records, established pursuant to Title 10, United States Code, Sections 1552 and 1553 and 32 CFR 70 is provided during the separation processing of all members. Specific counseling is required under Title 38, Section 3103(a) which states that a discharge under other than honorable conditions, resulting from a period of continuous, unauthorized absence of 180 days or more, is a conditional bar to benefits administered by the Veterans Administration, notwithstanding any action by a Discharge Review Board. Such counseling should be provided in the form of a written fact sheet or similar document. Failure on the part of the member to receive or to understand such explanation does not create a bar to separation or characterization.

(c) Each Military Department shall establish processing time goals for the types of administrative separation authorized by this Part. Such goals shall be designed to further the efficient administration of the armed forces and shall be measured from the date of notification to the date of separation. Normally such goals should not exceed 15 working days for a Notification Procedure (§ 41.8(b)) and 50 working days for an Administrative Separation Board Procedure (§ 41.8(c)). Goals for shorter processing times are encouraged, particularly for cases in which expeditious action is likely. Variations may be established for complex cases or cases in which the Separation Authority is not located on the same facility as the respondent. The goals, and a program for monitoring effectiveness, shall be set forth in the implementing document issued by the Military Department. Failure to process an administrative separation within the prescribed goal for processing times shall not create a bar to separation or characterization.

(d) The Assistant Secretary of Defense (Manpower, Reserve Affairs and Logistics) is delegated the authority to modify or supplement the enclosures to this Part.

§ 41.5 Definitions.

(a) *Member.* An enlisted member of a Military Service.

(b) *Discharge.* Complete severance from all military status.

(c) *Release from Active Duty.* Termination of active duty status and transfer or reversion to a Reserve Component not on active duty, including transfer to the Individual Ready Reserve (IRR).

(d) *Separation.* A general term which includes discharge, release from active duty, release from custody and control of the armed forces, or transfer to a Reserve Component.

(e) *Military Record.* An individual's overall performance while a member of a Military Service, including personal conduct and performance of duty.

(f) *Separation Authority.* An official authorized by a Military Service to take final action with respect to a specified

type of separation. This term includes a commanding officer who is authorized to initiate action even if the authority to take final action is vested in a higher authority.

(g) *Respondent.* A member of a Military Service who has been notified that action has been initiated to separate the member.

(h) *Counsel.* A lawyer qualified under Article 27(b)(1) of the Uniform Code of Military Justice (UCMJ), or a civilian lawyer retained at the member's expense. Under regulations prescribed by the Secretary concerned, nonlawyer counsel may be appointed for purposes of consultation under circumstances where counsel qualified under Article 27(b)(1) is not reasonably available. Nonlawyer counsel may not represent a respondent before an Administrative Separation Board unless (1) the respondent expressly declines appointment of counsel qualified under Article 27(b)(1) and requests a specific nonlawyer counsel; or (2) the Separation Authority assigns nonlawyer counsel to assist counsel qualified under Article 27(b)(1) or retained at the member's expense.

(i) *Entry Level Status.* The first 180 days of continuous active duty in a member's initial term of service. For purposes of characterization or description of service, the member's status is determined by the date of notification as to the initiation of separation proceedings.

(j) *Non-Commissioned Officer.* An enlisted member of a military service: (1) in grade E–5 or higher or (2) in grade E–4 and designated as a non-commissioned officer in accordance with implementing documents of the Military Department concerned.

§ 41.6 Reasons for separation.

(a) *Expiration of Service Obligation and Similar Changes in Military Status.*

(1) *Basis.* A member may be separated for the following reasons:

(i) Expiration of enlistment or fulfillment of service obligation. This includes separation authorized by the Military Department concerned when the member is within 30 days of the date of expiration of term of service and—

(A) the member is serving outside the continental United States (CONUS); or

(B) The member is a resident of a state, territory, or possession outside CONUS and is serving outside the member's state, territory, or possession of residence.

(ii) General demobilization or reduction in authorized strength.

(iii) Early separation of personnel under a program established by the Military Department. A copy of the document authorizing such program shall be forwarded to the ASD (MRA&L) on or before the date of implementation.

(iv) Acceptance of an active duty commission or appointment, or acceptance into a program leading to such a commission or appointment in any branch of the Military Services.

(v) Immediate enlistment or reenlistment.

(2) *Characterization or Description of Service.* Honorable, unless—

(i) An entry Level Separation is authorized; or

(ii) Another characterization is warranted upon discharge from the IRR under § 41.8(e).

(b) *Convenience of the Government.*

(1) *Basis.* A member may be separated for convenience of the government for the reasons set forth in paragraph (b)(4) of this section.

(2) *Characterization or Description of Service.* Honorable, unless—

(i) An Entry Level Separation is authorized; or

(ii) Characterization of the separation as General is warranted under § 41.7(c).

(3) *Procedures.* Procedural requirements may be established by the military departments, subject to provisions of paragraph (b)(4) of this section. Prior to separation with a General Discharge, the member shall be notified of the specific factors in the service record that warrant such a characterization, and the Notification Procedure (§ 41.8(b)) shall be used. Such notice and procedure is not required, however, when a General Discharge is based upon numerical scores accumulated in a formal, service-wide rating system that evaluates conduct and performance on a regular basis.

(4) *Reasons.*

(i) *Early release to further education.* A member be separated under DoD Directive 1332.15, "Early Release of Military Enlisted Personnel for College or Vocational/Technical School Enrollment," June 1, 1976, to attend a college, university, or vocational or technical school.

(ii) *Early release to accept public office.* A member may be separated to accept public office only under circumstances authorized by the Military Department concerned and consistent with DoD Directive 1344.10, "Political Activities by Members of the Armed Forces," September 23, 1969.

(iii) *Dependency or Hardship.* Upon request of the member and concurrence of the government, separation may be directed when genuine dependency or undue hardship exists, and—

(A) The hardship or dependency is not temporary;

(B) Conditions have arisen or have been aggravated to an excessive degree since entry into the service and the member has made every reasonable effort to remedy the situation;

(C) The administrative separation will eliminate or materially alleviate the condition; and

(D) There are no other means of alleviation reasonably available.

Undue hardship does not necessarily exist solely because of altered present or expected income, family separation, or other inconveniences normally incident to military service.

(iv) *Pregnancy or childbirth.* A female member may be separated on the basis of pregnancy or childbirth upon her request, unless retention is determined to be in the best interests of the service under guidance established by the Military Department concerned.

(v) *Parenthood.* A member may be separated by reason of parenthood if as a result of thereof the member is unable satisfactorily to perform his or her duties or is unavailable for worldwide assignment or deployment. Prior to involuntary separation under this provision, the Notification Procedure (§ 41.8(b)) shall be used.

(vi) *Conscientious objection.* A member may be separated if authorized under 32 CFR 75.

(vii) *Surviving family member.* A member may be separated if authorized under 32 CFR 52.

(viii) *Other designated physical or mental conditions.*

(A) The Military Departments may authorize separation on the basis of other designated physical or mental conditions, not amounting to Disability (§ 41.6(c)), Enclosure, that potentially interfere with assignment to or performance of duty. Such conditions may include but are not limited to chronic seasickness or airsickness, enuresis, and personality disorder. Separation on the basis of personality disorder is authorized only if—

(*1*) There is an insufficient basis for separation under Defective Enlistments or Inductions (§ 41.6(d)), the Trainee Separation Program (§ 41.6(e)), Unsatisfactory Performance (§ 41.6(f)), Homosexuality (§ 41.6(g)), Drug or Alcohol Rehabilitation Failure (§ 41.6(h)), or Misconduct (§ 41.6(i)); and

(*2*) A diagnosis by a psychiatrist, completed in accordance with procedures established by the Military Department concerned, concludes that the disorder is so severe that the member's ability to function effectively in the military environment is significantly impaired.

(B) Nothing in this provision precludes separation of a member who has such a condition under any other basis set forth under Convenience of the Government or for any other reason authorized by this Part.

(C) Prior to involuntary separation under this provision, the Notification Procedure (§ 41.8(b)) shall be used.

(ix) *Additional grounds.* The Military Departments may provide additional grounds for separation for the convenience of the government. A copy of the document authorizing such grounds shall be forwarded to the ASD(MRA&L) on or before the date of implementation.

(c) *Disability.*

(1) *Basis.* A member may be separated for disability under the provisions of chapter 61 of title 10, United States Code.

(2) *Characterization or Description of Service.* Honorable, unless—

(i) An Entry Level Separation is authorized; or

(ii) Characterization of the separation as General is warranted under § 41.7(c).

(3) *Procedures.* Procedural requirements may be established by the Military Departments. Prior to separation with a General Discharge, the member shall be notified of the specific factors in the service record that warrant such a characterization, and the Notification Procedure (§ 41.8(b)) shall be used. Such notice and procedure is not required, however, when a General Discharge is based upon numerical scores accumulated in a formal, service-wide rating system that evaluates conduct and performance on a regular basis.

(d) *Defective Enlistments and Inductions.*

(1) *Minority.*

(i) *Basis.*

(A) *Under age 17.* If a member is under the age of 17, the enlistment of the member is void, and the member shall be separated.

(B) *Age 17.* A member shall be separated if—

(*1*) There is evidence satisfactory to the Secretary concerned that the member is under 18 years of age;

(*2*) The member enlisted without the written consent of the member's parent or guardian; and

(*3*) An application for the member's separation is submitted to the Secretary concerned by the parent or guardian within 90 days of the member's enlistment.

Separation under this provision is not required when the member is retained for the purpose of trial by court-martial.

(ii) *Characterization or Description of Service.* The separation of the member shall be described as an Entry Level Separation unless an order of release from the custody and control of the armed forces (by reason of void enlistment or induction) is required under § 41.7(c)(4).

(iii) *Procedure.* The Notification Procedure (§ 41.8(b)) shall be used, except that the counseling and rehabilitation provisions in § 41.7(b)(1) are not applicable.

(2) *Erroneous.*

(i) *Basis.* A member may be separated on the basis of an erroneous enlistment, induction, or extension of enlistment. An enlistment, induction, or extension of enlistment is erroneous if—

(A) It would not have occurred had the relevant facts been known by the government or had appropriate directives been followed;

(B) It was not the result of fraudulent conduct on the part of the member; and

(C) The defect is unchanged in material respects.

(ii) *Characterization or Description of Service.* Honorable, unless an Entry Level Separation is authorized or an order of release from the custody and control of the armed forces (by reason of void enlistment or induction) is required under § 41.7(c)(4).

(iii) *Procedure.* If the command recommends that the individual be retained in military service, the initiation of separation processing is not required under this provision if—

(A) The defect is no longer present; or

(B) The defect is waivable and a waiver is obtained from appropriate authority.

If separation processing is initiated, the Notification Procedure (§ 41.8(b)) shall be used, except that the counseling and rehabilitation provisions § 41.8(b)(1) are not applicable.

(3) *Defective Enlistment Agreements.*

(i) *Basis.* A defective enlistment agreement exists if—

(A) As a result of a material misrepresentation by recruiting personnel, upon which the member reasonably relied, the member was induced to enlist with a commitment for which the member was not qualified;

(B) The member received an enlistment commitment from recruiting personnel for which the member was qualified, but which cannot be fulfilled by the military service; or

(C) The enlistment was involuntary. *See* 10 U.S.C. 802

(ii) *Characterization or Description of Service.* Honorable, unless an Entry Level Separation is authorized or an order of release from the custody and control of the armed forces (by reason of void enlistment) is required under § 41.7(c)(4).

(iii) *Procedures.* This provision does not bar appropriate disciplinary action or other administrative separation proceedings regardless of when the defect is raised. Separation is appropriate under this provision only if—

(A) The member did not knowingly participate in creation of the defective enlistment;

(B) The member brings the defect to the attention of appropriate authorities within 30 days after the defect is discovered or reasonably should have been discovered by the member;

(C) The member requests separation in lieu of other authorized corrective action; and

(D) The request otherwise meets such criteria as may be established by the Secretary concerned.

(4) *Fraudulent Entry Into Military Service.*

(i) *Basis.* A member may be separated on the basis of procurement of a fraudulent enlistment, induction, or period of military service through any deliberate material misrepresentation, omission, on concealment which, if known at the time of enlistment, induction, or entry onto a period of military service, might have resulted in rejection.

(ii) *Characterization or Description of Service.* The separation shall be characterized or described in accordance with § 41.7(c). If the fraud involves concealment of a prior separation that was not characterized as Honorable, the separation normally shall be characterized as Under Other Than Honorable Conditions.

(iii) *Procedures.*

(A) The Notification Procedure (§ 41.8(b)) shall be used except that a separation Under Other Than Honorable Conditions may not be issued unless the Administrative Separation Board Procedure (§ 41.8(c)) is used. The counseling and rehabilitation requirements in § 41.8 (5)(b)(i) and (5)(c)(i) are not applicable.

(B) If the command recommends that the individual be retained in military service, the initiation of separation processing is unnecessary if—

(*1*) The defect is no longer present; or

(*2*) The defect is waivable and a waiver is obtained from appropriate authority.

(e) *Trainee Separation Program.*

(1) *Basis.* A member may be separated under the Trainee Separation Program when it is determined that the member is unqualified for further military service by reason of unsatisfactory performance or conduct, as evidenced by inability, lack of reasonable effort, failure to

adapt to the military environment or minor disciplinary infractions. This reason for separation may be initiated only while the member is in Initial Entry Status. (§41.5(i)).

When separation of a member [from one of the foregoing periods of service] is warranted by unsatisfactory performance or minor disciplinary infractions, the member normally should be separated under this provision. Nothing in this provision precludes separation under another provision of this Part when such separation is authorized and warranted by the circumstances of the case.

(2) *Description of Service.* Entry Level Separation.

(3) *Procedures.* The Notification Procedure (§ 41.8(b)) shall be used.

(f) *Unsatisfactory Performance.*

(1) *Basis.* A member may be separated when it is determined that the member is unqualified for further military service by reason of unsatisfactory performance as evidenced by inability or lack of reasonable effort. This reason shall not be used if the member is in Entry Level Status.

(2) *Characterization of Service.* The separation shall be characterized as Honorable or General in accordance with § 41.7(c).

(3) *Procedures.* The Notification Procedure (§ 41.8(b)) shall be used.

(g) *Homosexuality.*

(1) *Basis.*

(i) Homosexuality is incompatible with military service. The presence in the military environment of persons who engage in homosexual conduct or who, by their statements, demonstrate a propensity to engage in homosexual conduct, seriously impairs the accomplishment of the military mission. The presence of such members adversely affects the ability of the armed forces to maintain discipline, good order, and morale; to foster mutual trust and confidence among services members; to insure the integrity of the system of rank and command; to facilitate assignment and worldwide deployment of servicemembers who frequently must live and work under close conditions affording minimal privacy; to recruit and retain members of the armed forces; to maintain the public acceptability of military service; and to prevent breaches of security.

(ii) As used in this Section—

(A) Homosexual means a person, regardless of sex, who engages in, desires to engage in, or intends to engage in homosexual acts;

(B) Bisexual means a person who engages in, desires to engage in, or intends to engage in homosexual and heterosexual acts; and

(C) A homosexual act means bodily contact, actively undertaken or passively permitted, between members of the same sex for the purpose of satisfying sexual desires.

(iii) The basis for separation may include preservice, prior service, or current service conduct or statements. A member shall be separated under this provision if one or more of the following approved findings is made:

(A) The member has engaged in, attempted to engage in, or solicited another to engage in a homosexual act or acts unless there are approved further findings that:

(*1*) Such conduct is a departure from the member's usual and customary behavior;

(*2*) Such conduct under all the circumstances is unlikely to recur;

(*3*) Such conduct was not accomplished by use of force, coercion, or intimidation by the member during a period of military service;

(*4*) Under the particular circumstances of the case, the member's continued presence in the Service is consistent with the interest of the Service in proper discipline, good order, and morale; and

(*5*) The member does not desire to engage in or intend to engage in homosexual acts.

(B) The member has stated that he or she is a homosexual or bisexual unless there is a further finding that the member is not a homosexual or bisexual.

(C) The member has married or attempted to marry a person known to be the same biological sex (as evidenced by the external anatomy of the persons involved) unless there are further findings that the member is not a homosexual or bisexual and that the purpose of the marriage or attempt was the avoidance or termination of military service.

(2) *Characterization or description of service.* A separation under this provision shall be characterized or described in accordance with the guidance in § 41.7(c) subject to the following: A separation Under Other Than Honorable Conditions may be issued if there is a finding that during the current term of service the member attempted, solicited, or committed a homosexual act—

(i) By using force, coercion, or intimidation;

(ii) With a person under 16 years of age;

(iii) With a subordinate in circumstances that violate customary military superior-subordinate relationships;

(iv) Openly in public view;

(v) For compensation;

(vi) Aboard a military vessel or aircraft; or

(vii) In another location subject to military control under aggravating circumstances noted in the finding that have an adverse impact on discipline, good order, or morale comparable to the impact of such activity aboard a vessel or aircraft.

(3) *Procedures.* The Administrative Separation Board Procedure [§ 41.8(c)] shall be used, subject to the following guidance:

(i) Separation processing shall be initiated if there is probable cause to believe separation is warranted under paragraph (g)(1)(iii) of this section.

(ii) Counseling and rehabilitation requirements are not applicable.

(iii) The Administrative Separation Board shall follow the procedures set forth in § 41.8(c)(6), except—

(A) If the Board finds that one or more of the circumstances authorizing separation under paragraph (g)(1)(iii) of this section is supported by the evidence, the Board shall recommend separation unless the Board finds that retention is warranted under the limited circumstances described in paragraph (g)(1)(iii) of this section.

(B) If the Board does not find that there is sufficient evidence that one or more of the circumstances authorizing separation under paragraph (g)(1)(iii) of this section has occurred, the Board shall recommend retention unless the case involves another basis for separation of which the member has been duly notified.

(iv) In any case in which a Separation Under Other Than Honorable Conditions is not authorized, the Separation Authority may be exercised by an officer empowered to act as Separation Authority under § 41.8(b)(5)(i).

(v) The Separation Authority shall dispose of the case according to the following provisions:

(A) If the Board recommends retention, the Separation Authority shall—

(*1*) Approve the finding and direct retention; or

(*2*) Forward the case to the Secretary concerned with a recommendation that the Secretary separate the member under the Secretary's Authority (41.6(m)).

(B) If the Board recommends separation, the Separation Authority shall:

(*1*) Approve the finding and direct separation; or

(*2*) Disapprove the finding on the basis that—

(i) There is insufficient evidence to support the finding; or

(ii) retention is warranted under the limited circumstances described in paragraph (g)(1)(iii) of this section.

(C) If there has been a waiver of Board proceedings, the Separation Authority shall dispose of the case in accordance with the following provisions:

(*1*) If the Separation Authority determines that there is not sufficient evidence to support separation under paragraph (g)(1)(iii) of this section the Separation Authority shall direct retention unless there is another basis for separation of which the member has been duly notified.

(*2*) If the Separation Authority determines that one or more of the circumstance authorizing separation under paragraph (g)(1)(iii) of this section has occurred, the member shall be separated unless retention is warranted under the limited circumstances described in that section.

(vi) The burden of proving that retention is warranted under the limited circumstances described in paragraph (g)(1)(iii) of this section rests with the member except in cases where the member's conduct was solely the result of a desire to avoid or terminate military service.

(vii) Findings regarding the existence of the limited circumstances warranting a member's retention under paragraph (g)(1)(iii) of this section are required only if:

(A) The member clearly and specifically raises such limited circumstances; or

(B) The Board or Separation Authority relies upon such circumstances to justify the member's retention.

(viii) Nothing in these procedures—

(A) Limits the authority of the Secretary concerned to take appropriate action in a case to ensure that there has been compliance with the provisions of this Part;

(B) Precludes retention of a member for a limited period of time in the interests of national security as authorized by the Secretary concerned;

(C) Authorizes a member to seek Secretarial review unless authorized in procedures promulgated by the Secretary concerned;

(D) Precludes separation in appropriate circumstances for another reason set forth in this Part; or

(E) Precludes trial by court-martial in appropriate cases.

(h) *Drug or Alcohol Rehabilitation Failure.*

(1) *Basis.*

(i) A member who has been referred to a program of rehabilitation for drug or alcohol abuse may be separated for failure to complete such a program if—

(A) There is a lack of potential for continued military service; or

(B) Long-term rehabilitation is determined necessary and the member is transferred to a civilian medical facility for rehabilitation.

(ii) Successful rehabilitation is the objective of programs concerning drug and alcohol abuse. However, if a member—whether or nor referred to such a program—is involved in drug or alcohol abuse, nothing in this provision precludes separation in appropriate cases under any other provision of this Part, including Unsatisfactory Performance (§ 41.6(d) or Misconduct (§ 41.6(i)).

(2) *Characterization or Description of Service.* A separation under this provision may be characterized as Honorable, General, or described as an Entry Level Separation in accordance with § 41.7(c).

(3) *Procedures.* The Notification Procedure (§ 41.8(b)) shall be used.

(i) *Misconduct.*

(1) *Basis.*

(i) A member may be separated for misconduct when it is determined that the member is unqualified for further military service by reason of one or more of the following circumstances:

(A) A pattern of misconduct consisting of discreditable involvement with civil or military authorities or conduct prejudicial to good order and discipline.

(B) Commission of a serious military or civilian offense if—

(*1*) The specific circumstances of the offense warrant separation;

(*2*) A punitive discharge would be authorized for the same or a closely related offense under the Manual for Court-Martial; and

(*3*) The defense of former jeopardy would not preclude a trial by courts-martial for the offense.

(C) Conviction by civilian authorities or action taken which is tantamount to a finding of guilty, including similar adjudications in juvenile proceedings when—

(*1*) The specific circumstances of the offense warrant separation, and

(*2*) A punitive discharge would be authorized for the same or a closely related offense under the Manual for Courts-Martial; or the sentence by civilian authorities includes confinement for one year of more without regard to suspension or probation.

Separation processing may be initiated even if a member has filed an appeal of a civilian conviction or has stated an intention to do so. Execution of an approved separation should be withheld pending outcome of the appeal or until the time for appeal has passed, but the member may be separated prior to final action on the appeal upon request of the member of upon direction of the Secretary concerned.

(ii) Misconduct involving homosexuality shall be processed under paragraph (g) of this section. Misconduct involving a fraudulent enlistment is considered under paragraph (d)(4) of this section. If separation of a member in Entry Level Status is warranted by reason of minor disciplinary infractions, the action should be processed under the Trainee Separation Program (§ 41.6(e)).

(2) *Characterization or Description of Service.* The separation normally shall be characterized as General or Under Other Than Honorable Conditions, but may be characterized as Honorable in accordance with the guidelines in § 41.7(c). If the member is in Entry Level Status and characterization of the separation as Under Other Than Honorable Conditions is not warranted, it shall be described as an Entry Level Separation.

(3) *Procedures.*

(i) The Administrative Board Procedure (§ 41.8(c)) shall be used, except that use of the Notification Procedure (§ 41.8(b)) is authorized if separation is based upon a pattern of minor disciplinary infractions and Separation Under Other Than Honorable Conditions is not warranted under § 41.7(c).

(ii) If the sole basis of separation is a single offense (§ 41.6(h)(1)(i)(B)) or a civilian conviction or a similar juvenile adjudication (§ 41.6(h)(1)(i)(C)) the counseling and rehabilitation requirements of § 41.8(c)(1) are not applicable.

(j) *Separation in Lieu of Trial by Court-Martial.*

(1) *Basis.* A member may be separated in lieu of trial by court-martial if charges have been preferred with respect to an offense or offenses for which a punitive discharge is authorized. This provision may not be used where Section B of paragraph 127c of the Manual for Courts-Martial provides the sole basis for a punitive discharge unless the charges have been referred to a court-martial empowered to adjudge a punitive discharge.

(2) *Characterization or Description of Service.* The separation normally shall be characterized as General or Under Other Than Honorable Conditions, but may be characterized as Honorable in accordance with the guidelines in § 41.7(c). If the member is in Entry Level Status and characterization of the

separation as Under Other Than Honorable Conditions is not warranted, it shall be described as an Entry Level Separation.

(3) *Procedures.*

(i) The request for discharge must be submitted in writing and signed by the member.

(ii) The member shall be afforded opportunity to consult with counsel. If the member refuses to do so, counsel shall prepare a statement to this effect, which shall be attached to the file, and the member shall state that he or she has waived the right to consult with counsel.

(iii) Except when the member has waived the right to counsel, the request shall be signed by counsel.

(iv) In the written request, the member shall state that he or she—

(A) Understands the elements of the offense or offenses charged;

(B) Acknowledges guilt of one or more of the offenses or any lesser included offenses for which a punitive discharge is authorized;

(C) Understands that a separation Under Other Than Honorable Conditions is authorized; and

(D) Understands the adverse nature of such a characterization and possible consequences thereof.

(v) The Separation Authority shall be a commander exercising general court-martial jurisdiction or higher authority.

(vi) Statements submitted in connection with a request under this paragraph are not admissible in courts-martial except as authorized under Military Rule of Evidence 410, Manual for Courts-Martial.

(k) *Security.*

(1) *Basis.* When retention is clearly inconsistent with the interest of national security, a member may be separated by reason of security and under conditions and procedures established by the Secretary of Defense in DoD 5200.2–R, "Personal Security Program," December 1979, or similar directives applicable to the Coast Guard.

(2) *Characterization or Description of Service.* The separation shall be characterized or described in accordance with § 41.7(c).

(l) *Unsatisfactory Participation in the Ready Reserves.*

(1) *Basis.* A member may be separated for unsatisfactory participation in the Ready Reserves under criteria established by the Secretary concerned under 32 CFR 100.

(2) *Characterization or Description of Service.* The separation shall be characterized in accordance with § 41.7(c), 32 CFR 100.

(3) *Procedures.* The Administrative Board Procedure (§ 41.8(b)) shall be used.

(m) *Secretarial Plenary Authority.*

(1) *Basis.* The Secretary concerned may direct the separation of any member prior to expiration of term of service after determining it to be in the best interests of the Service.

(2) *Characterization or Description of Service.* Honorable, unless—

(i) An Entry Level Separation is authorized; or

(ii) Characterization of the separation as General is warranted under § 41.7(c).

(3) *Procedures.* Prior to involuntary separation, the notification procedure (§ 41.8(b)(1) shall be used, except the provisions for counseling and rehabilitation (§ 41.8(b)) and the right to request an Administrative Separation Board (§ 41.8(b)(2)(vi)) are not applicable.

(n) *Reasons Established by the Military Department.*

(1) *Basis.* The Military Departments may establish additional reasons for separation for circumstances not otherwise provided for in this Part to meet their specific requirements, subject to approval by the Assistant Secretary of Defense (MRA&L).

(2) *Characterization or Description of Service.* The separation shall be characterized or described in accordance with § 41.7(c).

(3) *Procedures.* The procedures shall be established by the Military Department consistent with the procedures contained in this Part.

§ 41.7 Guidelines for retention, suspension of reporting and characterization

(a) *Separation*

(1) *Policy.* There is a substantial investment in the training of persons enlisted or inducted into the armed forces. As a general matter, reasonable efforts at rehabilitation should be made prior to initiation of separation proceedings.

(2) *Guidance.*

(i) This general guidance shall be considered in conjunction with the specific guidance set forth for the specific reasons for separation in § 41.6.

(ii) Unless separation is mandatory, the potential for rehabilitation and further useful military service shall be considered by the Separation Authority and, where applicable, the Administrative Separation Board. If separation is warranted despite the potential for rehabilitation, consideration should be given to suspension of the separation, if authorized. An alleged or established inadequacy in previous rehabilitative efforts does not provide a legal bar to separation.

(iii) The following factors may be considered on the issue of retention or separation, depending on the circumstances of the case:

(A) The seriousness of the circumstances forming the basis for initiation of separation proceedings, and the effect of the member's continued retention on military discipline, good order, and morale.

(B) The likelihood of continuation or recurrence of the circumstances forming the basis for initiation of separation proceedings.

(C) The likelihood that the member will be a disruptive or undesirable influence in present or future duty assignments.

(D) The ability of the member to perform duties effectively in the present and in the future, including potential for advancement or leadership.

(E) The member's rehabilitative potential.

(F) The member's entire military record.

(*1*) This may include:

(*i*) Past contributions to the service, assignments, awards and decorations, evaluation ratings, and letters of commendation;

(*ii*) Letters of reprimand or admonition, counseling records, records of nonjudicial punishment, records of convinction by court-martial; and

(*iii*) Any other matter deemed relevant by the Board, if any, or the Separation Authority, based upon the specialized training, duties, and experience of persons untrusted by this Part with recommendations and decisions on the issue of separation or retention.

(*2*) The following guidance applies to consideration of matter under subparagraph (*1*):

(*i*) Adverse matter from a prior enlistment or period of military service, such as records of nonjudicial punishment and convictions by courts-martial, may be considered only when such records would have a direct and strong probative value in determining whether separation is appropriate. The use of such records ordinarily shall be limited to those cases involving patterns of conduct manifested over an extended period of time.

(*ii*) Isolated incidents and events that are remote in time, normally have little probative value in determining whether administrative separation should be effected.

(3) *Limitations on separation actions.*

(i) A member may not be separated on the basis of conduct that—

(A) Has been the subject of judicial proceedings resulting in an acquittal or action having the effect thereof except when such action is based upon a judicial determination not going to the guilt or innocence of the respondent; or

(B) Has been the subject of administrative proceedings resulting in a final determination by a Separation Authority that the member should be retained, except as provided in § 41.8(c)(7).

(ii) The limitations in this Section apply to the following reasons for separation under § 41.6 Fraudulent Entry into Military Service (§ 41.7(d)(4)). Homosexuality (§ 41.7(g)), Drug or Alcohol Rehabilitation Failure (§ 41.7(h)), and Misconduct (§41.7(i)).

(b) *Suspension of Separation.*

(1) *Suspension.*

(i) Unless prohibited by this Part, a separation may be suspended for a specified period of not more than 12 months by the Separation Authority or higher authority if the circumstances of the case indicate a reasonable likelihood of rehabilitation.

(ii) During the period of suspension, the member shall be afforded an opportuinty to meet appropriate standards of conduct and duty performance.

(iii) Unless sooner vacated or remitted, execution of the approved separation shall be remitted upon completion of the probationary period, upon termination of the member's enlistment or period of obligated service, or upon decision of the Separation Authority that the goal of rehabilation has been achieved.

(2) *Action during the period of suspension.*

(i) Behavior during the period of suspension amounting to Unsatisfactory Performance, Homosexuality, or Misconduct may establish the basis for one or more of the following actions:

(A) Disciplinary action;

(B) New administrative action; or

(C) Vacation of the suspension accompanied by execution of the separation.

(ii) Prior to vacation of a suspension, the member shall be notified in writing of the basis for the action and shall be afforded the opportunity to consult with counsel and submit a statement in writing to the Separation Authority. If such a statement is submitted in a case in which the suspended separation resulted from a proceeding initiated under § 41.8(c) (Administrative Separation Board Procedure), the matter shall be reviewed by a judge advocate prior to final action by the Separation Authority.

(c) *Characterization or Description of Separation.*

(1) *Types of separation.*

(i) The following types of separation are authorized under this Directive:

(A) Characterization as Honorable, General, or Under Other than Honorable Conditions.

(B) Entry Level Separation.

(C) Order of release from the custody and control of the armed forces by reason of void enlistment or induction.

(D) Separation from the Delayed Entry Program under Honorable Conditions.

(E) Separation by being dropped from the rolls of the service.

(ii) Any of the types of separation listed in this section may be used in appropriate circumstances unless a limitation as to characterization with respect to the specific reason for separation is set forth in §41.6 (Reasons for Separation) or in this section.

(2) *Characterization.*

(i) *General considerations.*

(A) When a separation is characterized, the characterization shall be based upon the quality of the member's service, including the reason for separation. The quality of service will be determined in accordance with standards of acceptable personal conduct and performance of duty for military personnel. These standards are found in the UCMJ, directives and regulations issued by the Department of Defense and the Military Departments, and the time-honored customs and traditions of military service. Conduct in the civilian community of a member on active duty or active duty for training that is of a nature that brings discredit on the armed forces or is prejudicial to good order and discipline directly affects the member's quality of service regardless of whether the conduct is subject to UCMJ jurisdiction.

(B) As a general matter, characterization will be based upon a pattern of behavior rather than an isolated incident. There are circumstances, however, in which the conduct or performance of duty reflected by a single incident, particularly in cases involving misconduct, may provide the basis for characterization.

(C) Due consideration shall be given to the reason for separation and to the member's age, length of service, grade, and aptitude.

(ii) *Types of characterization.*

(A) *Honorable.* A person who has served in the armed forces for a required or obligated term has rendered an honorable service to the nation, and the member's separation shall be characterized as Honorable. The Honorable characterization is appropriate in other cases when the quality of the member's service generally has met the standards of acceptable conduct and performance of study for military personnel, or is otherwise so meritorious that any other characterization would be clearly inappropriate. In the case of an honorable discharge, an Honorable Discharge Certificate (DD Form 256) will be awarded and a notation will be made on the appropriate copies of the DD Form 214/5 in accordance with 32 CFR 45.

(B) *General (under honorable conditions).* If a member's service has been honest and faithful, a separation under honorable conditions is appropriate. Such a separation shall be characterized as General when significant negative aspects of the member's conduct or performance of duty outweigh positive aspects of the member's military record, with due regard for the member's age, length of service, grade, and aptitude. Such a characterization also may be based upon standards contained in a formal, service-wide evaluation system for rating conduct and performance.

(C) *Under Other Than Honorable Conditions.* This characterization is appropriate in the following circumstances:

(*1*) When the military record reflects a pattern of conduct prejudicial to good order and discipline or of a nature to bring discredit upon the armed forces.

(*2*) When the reason for discharge is based upon one or more acts or omissions that constitute a significant departure from the conduct expected of members of the armed forces. Examples of factors that may be considered include the use of force or violence to produce serious bodily injury or death, abuse of a special position of trust, disregard by a superior of customary superior-subordinate relationships, acts or omissions that endanger the security of the United States or the health and welfare of other members of the armed forces, and deliberate acts or omissions that seriously endanger the health and safety of other persons.

(D) This characterization is authorized only if the member has been afforded the opportunity to request an Administrative Separation Board, except as provided in § 41.6(j) (Separation in Lieu of Trial by Courts-Martial.)

(iii) *Limitations on characterization.* Except as otherwise provided in this paragraph, characterization of separation will be determined solely by the member's military record during the current enlistment or period of service to

which the separation pertains, plus any extensions thereof prescribed by law or regulation or effected with the consent of the member.

(A) Prior service activities, including records or conviction by courts-martial, records of absence without leave, or commission of other offenses for which punishment was not imposed shall not be considered on the issue of characterization. To the extent that such matters are considered on the issue of retention or separation (§ 41.7(a)(2)), the record of proceedings may reflect express direction that such information shall not be considered on the issue of characterization.

(B) Preservice activities may not be considered on the issue of characterization, except in a proceeding concerning a defective enlistment or induction. Evidence of preservice misrepresentations about matters that would have precluded, postponed, or otherwise affected the member's eligibility for enlistment or induction may be considered on the issue of characterization.

(C) A separation may not be characterized as Under Other Than Honorable Conditions if the grounds for such separation are based in whole or in part upon acts or omissions for which the member previously has been tried by court-martial resulting in acquittal or action having the effect thereof, except when such action is based upon a judicial determination not going to the member's guilt or innocence.

(D) Conduct in the civilian community of a member of a Reserve Component who is not on active duty or active duty for training may form the basis for characterization of a separation as Under Other than Honorable Conditions only if such conduct affects directly the performance of military duties. Such conduct may form the basis of a General characterization only if such conduct has an adverse impact on the overall effectiveness of the service, including military morale and efficiency.

(3) *Entry Level Separation.* A separation shall be described as an Entry Level Separation if separation processing is initiated while a member is in entry level status, except if—

(i) A characterization of Under Other Than Honorable Conditions is authorized under the reason for separation (§ 41.6) and is warranted by the circumstances of the case; or

(ii) The Secretary concerned, on a case-by-case basis, determines that characterization is clearly warranted by the presence of unusual circumstances in the case and separation under § 41.6 is by reason of various changes in military status (§ 41.6(a)). Convenience of the Government (§ 41.6(b)). Disability (§ 41.6(c)), Secretarial Plenary Authority (§ 41.6(m)), or an approved reason established by the Military Department (§ 41.6(n)).

With respect to administrative matters that require a determination of characterization, an Entry Level Separation shall be treated as an Honorable separation.

(4) *Void Enlistments or Inductions.* A member shall not receive a discharge, a characterized separation, or an Entry Level Separation if the enlistment or induction is void except when a constructive enlistment arises and such action is required under § 41.6(c)(4)(i). If characterization or an Entry Level Separation is not required, the separation shall be described as an order of release from custody or control of the armed forces.

(i) An enlistment is void in the following circumstances:

(A) An enlistment is void if it was effected without the voluntary consent of a person who has the capacity to understand the significance of enlisting in the armed forces, including enlistment of a person who is intoxicated or insane at the time of enlistment. *See* 10 U.S.C. 802(b).

(B) The enlistment of a person who is under 17 years of age is void. *See* 10 U.S.C. 505.

(C) The enlistment of a person who is under 18 years of age without the written consent of his or her parent or guardian, is void under the circumstances described in § 41.6(d)(1)(i)(B).

(D) The enlistment of a person who is a deserter from another Military Service is void. *See* 10 U.S.C. 504.

(ii) Although an enlistment may be void at its inception, a constructive enlistment shall arise in the case of a person serving with a Military Service who—

(A) Submitted voluntarily to military authority;

(B) Met the mental competency and minimum age qualifications of Sections 504 and 505 of title 10, United States Code, at the time of voluntary submission to military authority;

(C) Received military pay or allowances; and

(D) Performed military duties.

(iii) If an enlistment that is void at its inception is followed by a constructive enlistment within the same term of service, the separation of the member shall be characterized or described under § 41.6 (c)(2) or (c)(3), as appropriate; however, if the enlistment was void by reason of desertion from another Military Service, the member shall be separated by an order of release from the custody and control of the service regardless of any subsequent constructive enlistment. The occurrence of such a constructive enlistment does not preclude the Military Departments, in appropriate cases, from either retaining the member or separating the member under § 41.6(d) on the basis of the circumstances that occasioned the original void enlistment or upon any other basis of separation provided in this Part. *See* 10 U.S.C. 802(c).

(5) *Dropping from the rolls.* A member may be dropped from the rolls of the service when such action is authorized by the military department concerned and a characterization or other description of service is not authorized or warranted.

§ 41.8 Procedures for separation.

(a) *Scope.*

This enclosure provides supplementary procedures which are applicable only when mandated in § 41.6, subject to such limitations or additional requirements as may be set forth in § 41.6 for the specific reason for separation.

(b) *Notification Procedure.*

(1) *Counseling and Rehabilitation.* Separation processing may not be initiated until the member has been counseled formally concerning deficiencies and has been afforded an opportunity to overcome those deficiencies as reflected in appropriate counseling or personnel records except when this requirement is inapplicable under § 41.6.

(2) *Notice.* If a Notification Procedure is initiated under § 41.6, the respondent shall be notified in writing of the matter set forth in this paragraph.

(i) The basis of the proposed separation, including the alleged facts and circumstances upon which the action is based and a reference to the applicable provisions of the Military Department's implementing regulation.

(ii) Whether the proposed separation could result in discharge, release from active duty to a reserve component, transfer from the Selected Reserve to the IRR, or release from custody or control of the armed forces.

(iii) The least favorable characterization or description of separation authorized for the proposed separation.

(iv) The respondent's right to submit statements.

(v) The respondent's right to consult with counsel.

(vi) If the respondent is a noncommissioned officer or has 8 or more years of total active and reserve military service, the right to request an

Administrative Separation Board § 41.8(c).

(vii) The right to waive paragraph (b)(2) (iv), (v), or (vi) of this section, after being afforded a reasonable opportunity to consult with counsel, and that failure to respond shall constitute a waiver of the right.

(3) *Additional Notice Requirements.*

(i) If separation processing is initiated on the basis of more than one reason under § 41.6, the requirements of paragraph (b)(2)(i) of this section apply to all proposed reasons for separation.

(ii) If the respondent is in civil confinement, absent without leave, or in a reserve component not on active duty or upon transfer to the IRR, the relevant notification procedures in paragraph (d), (e), or (f) of this section apply.

(iii) Additional notification requirements are set forth in § 41.6 (b) and (c), when a separation is characterized as General and the member is separated by reason of Convenience of the Government or Disability.

(4) *Response.* The respondent shall be provided a reasonable period of time, but not less than two working days, to act on the notice. The decision of the respondent on each of the rights set forth in paragraph (b)(2)(iv) through (b)(2)(vii) of this section and applicable provisions referenced in paragraph (b)(3) of this section shall be recorded and signed by the respondent and counsel, subject to the following limitations:

(i) If notice by mail is authorized under paragraph (d), (e), or (f) of this section and the respondent fails to acknowledge receipt or submit a timely reply, that fact shall constitute a waiver of rights and an appropriate notation shall be recorded on a retained copy of the appropriate form.

(ii) If the respondent declines to respond as to the selection of rights, such declination shall constitute a waiver of rights and an appropriate notation will be made on the form provided for respondent's reply. If the respondent indicates that one of more of the rights will be exercised, but declines to sign the appropriate form, the selection of rights will be noted and an appropriate notation as to the failure to sign will be made.

(5) *Separation Authority.*

(i) The Separation Authority for actions initiated under the Notification Procedure shall be a special court-martial convening authority or higher authority. The Military Department concerned also may authorize a commanding officer in grade O–6 or above with a judge advocate or legal advisor available to the command to act as a Separation Authority under such circumstances.

(ii) The action of the Separation Authority shall be recorded and must be supported by a preponderance of the evidence.

(iii) The Separation Authority shall determine whether there is sufficient evidence to verify the allegations set forth in the notification of the basis for separation. If an allegation is not supported by a preponderance of the evidence, it may not be used as a basis for separation.

(iv) If there is a sufficient factual basis for separation, the Separation Authority shall determine whether separation is warranted under the guidance set forth in § 41.7(a). On the basis of that guidance, the Separation Authority shall direct—

(A) Retention;

(B) Separation for a specific reason under § 41.6; or

(C) Suspended separation in accordance with the guidance in§ 41.7(b).

If the Separation Authority directs separation or suspended separation on the basis of more than one reason under § 41.6, the Separation Authority shall designate the most appropriate basis as the primary reason for reporting purposes.

(v) If separation or a suspended separation is directed, the Separation Authority shall assign a characterization or description in accordance with § 41.7(c).

(vi) Except when separation Under Other than Honorable Conditions is directed or the member is separated on the basis of homosexuality or a void enlistment or induction, the Secretary concerned may authorize the Separation Authority or higher authority to make a recommendation or determination as to whether the respondent should be retained in the Ready Reserve as a mobilization asset to fulfill the respondent's total military obligation. This option applies in cases involving separation from active duty or from the Selected Reserve. § 41.8(e) is applicable if such transfer is approved.

(c) *Administrative Board Procedure.*

(1) *Counseling and Rehabilitation.* Separation processing under this section shall not be initiated until the member has been counseled formally concerning deficiencies and has been afforded an opportunity to overcome those deficiencies as reflected in appropriate counseling or personnel records except when this requirement is inapplicable in § 41.6.

(2) *Notice.* If an Administrative Separation Board is required, the respondent shall be notified in writing of the matters set forth in this paragraph.

(i) The basis of the proposed separation, including the alleged facts and circumstances upon which the action is based and reference to the applicable provisions of the Military Department's implementing regulation.

(ii) Whether the proposed separation could result in discharge, release from active duty to a reserve component, transfer from the Selected Reserve to the IRR, or release from the custody or control of the armed forces.

(iii) The least favorable characterization or description of separation authorized for the proposed separation.

(iv) The respondent's right to request a hearing before an Administrative Separation Board.

(v) The respondent's right to present written statements in lieu of board proceedings.

(vi) The respondent's right to representation either by military counsel appointed by the Separation Authority or by military counsel of the respondent's own choice (if counsel of choice is determined to be reasonably available under regulations of the Secretary concerned) but not both.

(vii) The right to representation by civilian counsel at the respondent's own expense.

(viii) The right to waive the rights in paragraph (c)(2)(iv) through (c)(2)(vii) of this section.

(ix) That failure to respond after being afforded a reasonable opportunity to consult with counsel constitutes a waiver of the rights in paragraph (c)(2)(iv) through (c)(2)(vii) of this section.

(x) Failure to appear without good cause at a hearing constitutes waiver of the right to be present at the hearing.

(3) *Additional Notice Requirements.*

(i) If separation processing is initiated on the basis of more than one reason under § 41.6, the requirements of paragraph (c)(2)(i) of this section apply to all proposed reasons for separation.

(ii) If the respondent is in civil confinement, absent without leave, or in a reserve component not on active duty or upon transfer to the IRR, the relevant notification procedures in paragraph (d), (e), or (f) of this section apply.

(iii) Additional notification requirements are set forth in § 41.6 (b) and (c) when a separation is characterized as General and the member is separated by reason of Convenience of the Government or Disability.

(4) *Response.* The respondent shall be provided a reasonable period of time,

but not less than two working days, to act on the notice. The decision of the respondent on each of the rights set forth in paragraph (c)(2)(iv) through (c)(2)(vii) of this section and applicable provisions referenced in paragraph shall be recorded and signed by the respondent and counsel, subject to the following limitations:

(i) If notice by mail is authorized under paragraph (d), (e), or (f) of this section and the respondent fails to acknowledge receipt or submit a timely reply, that fact shall constitute a waiver of rights and an appropriate notation shall be recorded on a retained copy of the appropriate form.

(ii) If the respondent declines to respond as to the selection of rights, such declination shall constitute a waiver of rights and an appropriate notation will be made on the form provided for respondent's reply. If the respondent indicates that one or more of the rights will be exercised, but declines to sign the appropriate form, the selection of rights will be noted and an appropriate notation as to the failure to sign will be made.

(5) *Waiver.*

(i) If the right to a hearing before an Administrative Separation Board is waived, the case will be processed under paragraph (b)(5) of this section (Notification Procedure), but the Separation Authority in such cases shall be exercised by an official designated under paragraph (c)(6)(vii) of this section.

(ii) When authorized by the Military Department concerned, a respondent entitled to an Administrative Separation Board may exercise a conditional waiver after a reasonable opportunity to consult with counsel. A conditional waiver is a statement initiated by a respondent waiving the right to a board proceeding contingent upon receiving a characterization or description of separation higher than the least favorable characterization or description authorized for the basis of separation set forth in the notice to the respondent.

(6) *Hearing Procedure.* If a respondent requests a hearing before an Administrative Separation Board, the following procedures are applicable:

(i) *Composition.*

(A) The Separation Authority shall appoint to the Administrative Separation Board at least three experienced commissioned, warrant, or noncommissioned officers. Enlisted personnel appointed to the Board shall be in grade E–7 or above, and shall be senior to the respondent. At least one member of the Board shall be serving in the grade of O–4 or higher, and a majority shall be commissioned or warrant officers. The senior member shall be the President of the Board. The Separation Authority also may appoint to the Board a nonvoting recorder. A nonvoting legal advisor may be appointed to assist the Board if authorized by the Secretary concerned.

(B) If the reapondent is an enlisted member of a Reserve Component or holds an appointment as a Reserve Commissioned or Warrant Officer, a majority of the voting members of the Board shall be Reserve officers, if such officers are reasonably available. If a Reserve majority is not available, the Board shall include at least one Reserve officer as a voting member. Voting members shall be senior to the respondent's reserve grade. *See* 10 U.S.C. 266.

(C) The Separation Authority shall insure that the opportunity to serve on Administrative Separation Boards is given to women and minorities. The mere appointment or failure to appoint a member of such a group to the Board, however, does not provide a basis for challenging the proceeding.

(D) The respondent may challenge a voting member of the Board or the legal advisor, if any, for cause only

(ii) *Presiding Officer.* If appointed, the legal advisor shall preside in all open sessions and shall rule finally on all matters of procedure and evidence. In all other cases, the President shall preside and rule on such matters, but the rulings of the President may be overruled by a majority of the Board.

(iii) *Witnesses.*

(A) The respondent may request the attendance of witnesses in accordance with the implementing instructions of the Military Department concerned.

(B) In accordance with such instructions, the respondent may submit a written request for TDY or invitational travel orders for witnesses. Such a request shall contain—

(*1*) A synopsis of the testimony that the witness is expected to give.

(*2*) An explanation of the relevance of such testimony to the issues of separation or characterization.

(*3*) An explanation as to why written or recorded testimony would not be sufficient to provide for a fair determination.

The separation authority may authorize expenditure of funds for TDY or invitational travel orders if the presiding officer, after consultation with a judge advocate, determines that the testimony of a witness is not cumulative, that it is essential to a fair determination on the issues of separation or characterization, and that written or recorded testimony will not accomplish adequately the same objective, and that the need for live testimony is substantial, material, and necessary for a proper disposition of the case.

(C) If the Separation Authority determines that the personal testimony of a witness is required, the hearing will be postponed or continued if necessary to permit the attendance of the witness.

(D) If a witness requested by the respondent is unavailable because—

(*1*) The presiding officer determines that the personal testimony of the witness is not required;

(*2*) The commanding officer of a military witness determines that military necessity precludes the witness' attendance at the hearing; or

(*3*) A civilian witness declines to attend the hearing,

The hearing shall be continued or postponed to provide the respondent with a reasonable opportunity to obtain a written statement from the witness. § 41.8(c)(6)(iii), above, does not authorize a federal employee to decline to appear as a witness if directed to do so in accordance with applicable procedures of the employing agency.

(iv) *Record of Proceedings.* The record of the proceedings shall be kept in summarized form unless a verbatim record is required by the Secretary concerned. In all cases, the findings and recommendations of the Board shall be in verbatim form.

(v) *Presentation of Evidence.*

(A) The rules of evidence for courts-martial and other judicial proceedings are not applicable before an Administrative Separation Board. Reasonable restrictions shall be observed, however, concerning relevancy and competency of evidence.

(B) The respondent may testify in his or her own behalf, subject to the provisions of Article 31(a), UCMJ.

(C) At any time during the proceedings, the respondent or counsel may submit written or recorded matter for consideration by the Board.

(D) The respondent or counsel may question any witness who appears before the Board.

(vi) *Findings and Recommendations.*

(A) The Board shall determine its findings and recommendations in closed session. Only voting members of the board shall be present.

(B) The Board shall determine whether each allegation set forth in the notice of proposed separation is supported by a preponderance of the evidence.

(C) The Board shall then determine under the guidance in § 41.7(a) whether the findings warrant separation with

respect to the reason for Separation set forth in the Notice. If more than one reason was contained in the Notice, there shall be a separate determination for each reason.

(D) The Board shall make recommendations on the following:

(*1*) *Retention or Separation.* The Board shall recommend one of the following actions.

(*i*) Retention.

(*ii*) Separation.

(*iii*) Separation, but with the separation suspended in accordance with § 41.7(b). The recommendation of the Board as to suspension is not binding on the Separation Authority.

(*2*) *Characterization or Description of Service.* If separation or suspended separation is recommended, the Board shall recommend a characterization or description of separation as authorized in § 41.6 (Reason for Separation) in accordance with the guidance in § 41.7(c). The Board's recommendation must be supported by a preponderance of the evidence.

(*3*) *Transfer to the Ready Reserve* Except when the Board has recommended separation on the basis of homosexuality or otherwise Under Other than Honorable Conditions, the Secretary concerned may authorize the Board to make a recommendation as to whether the respondent should be retained in the Ready Reserve as a mobilization asset to fulfill the respondent's total military obligation. The option applies to cases involving separation from active duty or from the Selected Reserve. § 41.7(e) is applicable if the transfer is approved.

(vii) *Separation Authority.*

(A) The Separation Authority for actions initiated under the Administrative Board Procedure shall be a general court-martial convening authority or higher authority. The Military Department concerned also may authorize a commanding officer in grade 0–7 or above with a judge advocate or legal advisor available to his command to act as a separation authority in specified circumstances. When the case has been initiated under the Notification Procedure and the hearing is a result of a request under paragraph (b)(2)(vi) of this section, the Separation Authority shall be as designated in paragraph (b)(5) of this section.

(B) The record of the proceedings will be reviewed by a judge advocate or civilian attorney employed by the Military Department prior to action by the Separation Authority.

(C) The respondent will be provided with a copy of the Board's statement of facts and recommendations.

(D) The Separation Authority shall take action in accordance with this subparagraph, the requirements of § 41.6 with respect to the reason for separation, and the guidance in § 41.7 on separation and characterization.

(*1*) If the Separation Authority approves the recommendations of the Board in the issue of separation, this constitutes approval of the Board's findings and determinations under paragraph (c)(6)(vi) of this section unless the Separation Authority expressly modifies such findings or determinations.

(*2*) If the Board recommends retention, the Separation Authority may—

(*i*) Approve the recommendation

(*ii*) Forward the matter to the Secretary concerned with a recommendation for separation based upon the circumstances of the case. In such a case, the Secretary may direct retention of separation with an Honorable or General characterization or an Entry Level Separation.

(*3*) If the Board recommends separation, the Separation Authority may—

(*i*) Approve the Board's recommendation;

(*ii*) Approve the Board's recommendations, but modify the recommendations by one or more of the following actions when appropriate:

(*A*) Approve the separation but suspend execution as provided in § 41.7(b).

(*B*) Change the characterization or description of separation to a more favorable characterization or description.

(*C*) Change the Board's recommendation, if any, concerning transfer to the Individual Ready Reserve.

(*iii*) Disapprove the Board's recommendation retain the respondent.

(*4*) If the Separation Authority approves the Board's findings and determinations in whole or in part with respect to more than one reason under § 41.6, the Separation Authority shall designate the most appropriate basis as the primary reason for reporting purposes.

(*5*) If the Separation Authority (*i*) finds legal prejudice to a substantial right of the respondent or (*ii*) determines that the findings of the Board have been obtained by fraud or collusion, the case may be referred to a new board. No member of the new board shall have served on a prior board that considered the case. The Separation Authority may not approve findings and recommendations less favorable to the respondent than those rendered by the previous Board unless the Separation Authority finds that fraud or collusion in the previous Board is attributable to the respondent or an individual acting on the respondent's behalf.

(E) *Limitation as to former proceedings.* Conduct that previously has been the subject of an Administrative Separation Board proceeding that resulted in retention may not be presented to a later Separation Board unless—

(1) There is new or newly discovered evidence forming the basis for the proceeding; or

(2) The conduct is the subject of a rehearing ordered under paragraph (c)(6)(vii)(D)(*3*), of this section, on the basis of fraud or collusion.

(d) *Additional provisions concerning members confined by civil authorities.*

(1) If proceedings under § 41.8 have been initiated against a respondent confined by civil authorities, the case may be processed in the absence of the respondent. § 41.8(c)(6)(v) is not applicable except insofar as such rights can be exercised by counsel on behalf of the respondent.

(2) The following requirements apply:

(i) The notice shall contain the matter set forth in paragraph (b)(2) of this section (Notice in Notification Procedure) or paragraph (c)(2) of this section (Notice in Administrative Separation Board Procedure), as appropriate. The notice shall be delivered personally to the respondent or sent by registered mail or certified mail, return receipt requested (or by an equivalent form of notice if such service is not available for delivery by U.S. Mail at an address outside the United States.

(ii) If delivered personally, receipt shall be acknowledged in writing by the respondent. If the respondent does not acknowledge receipt, the notice shall be sent by mail as provided in paragraph (d)(2)(i) of this section.

(iii) The notice shall state that the action has been suspended until a specific date (not less than 30 days from the date of delivery) in order to give the respondent the opportunity to exercise the rights set forth in the notice. If respondent does not reply by such date, the separation authority shall take appropriate action under paragraph (b)(5) of this section.

(iv) The name and address of appointed military counsel for consultation shall be specified in the notice.

(v) If the case involves entitlement to an Administrative Separation Board, the respondent shall be notified that the board will proceed in the respondent's absence and that the case may be

presented on respondent's behalf by counsel for the respondent.

(e) *Additional requirements for certain members of Reserve Components.*

(1) *Members of reserve components not on active duty.*

(i) If proceedings under § 41.8 have been initiated against a member of a Reserve Component not on active duty, the case may be processed in the absence of the member—

(A) At the request of the member;

(B) If the member does not respond to the notice of proceedings on or before the suspense date provided therein; or

(C) If the member fails to appear at a hearing as provided in paragraph (c)(2)(x) of this section.

(ii) The notice shall contain the matter set forth in paragraph (b)(2) or (c)(2), of this section as appropriate.

(iii) If the action involves a transfer from active duty or the Selected Reserve to the IRR under circumstances in which the procedures in § 41.8 are applicable, the member will be notified that the character of separation upon transfer to the IRR also will constitute the character of separation upon discharge at the completion of the military service obligation unless specified conditions established by the military Department concerned are met.

(2) *Transfer to the IRR.* Upon transfer to the IRR, the member will be notified of the following:

(i) The character of separation upon transfer from active duty or the Selected Reserve to the IRR, and that the character of discharge upon completion of the military service obligation will be the same unless specified conditions established by the military department concerned are met.

(ii) The date upon which the military service obligation will expire.

(iii) The date by which the member must submit evidence of satisfactory completion of the specified conditions.

(3) If the member submits such evidence but the military department proposes to issue a General Discharge, the Notification Procedure shall be used except that counseling and rehabilitation requirements are not applicable. An Administrative Board Proceeding is not required at this point not withstanding the member's rank or years of service.

(4) If the member does not submit such information on or before the date specified in the notice, no further proceedings are required. The character of discharge at the completion of the military service obligation shall be the same as the character of separation upon transfer from the Selected Reserve to the IRR.

(5) The following requirements apply to the notices required by § 41.8(e) (1) and (2).

(i) Reasonable effort should be made to furnish copies of the notice to the member through personal contact by a representative of the command. In such a case, a written acknowledgment of the notice shall be obtained.

(ii) If the member cannot be contacted or refuses to acknowledge receipt of the notice, the notice shall be sent by registered or certified mail, return receipt requested, (or by an equivalent form of Notice if such service by U.S. Mail is not available for delivery at an address outside the United States) to the most recent address furnished by the member as an address for receipt or forwarding of official mail. The individual who mails the notification shall prepare a Sworn Affidavit of Service by Mail (32 CFR 100), which will be inserted in the member's personnel file together with PS Form 3800.

(f) *Additional requirements for members beyond military control by reason of unauthorized absence.*

(1) *Determination of applicability.* If the general court-martial convening authority or higher authority determines that separation is otherwise appropriate under this Part a member may be separated without return to military control in one or more of the following circumstances:

(i) Absence without authority after receiving notice of initiation of separation processing.

(ii) When prosecution of a member who is absent without authority appears to be barred by the statute of limitations, Article 43.

(iii) When a member who is an alien is absent without leave and appears to have gone to a foreign country where the United States has no authority to apprehend the member under a treaty or other agreement.

(2) *Notice.* Prior to execution of the separation under paragraph (f)(1) (ii) or (iii) of this section, the member will be notified of the imminent action by registered mail or certified mail, return receipt requested, (or by an equivalent form of Notice if such service by U.S. Mail is not available for delivery at an address outside the United States) to the member's last known address or to the next of kin under regulations prescribed by the Military Department concerned. The notice shall contain the matter set forth in § 41.7 (b)(2) or (c)(2), as appropriate, and shall specify that the action has been suspended until a specific date (not less than 30 days from the date of mailing) in order to give the respondent the opportunity to return to military control. If the respondent does not return to military control by such date, the separation authority shall take appropriate action under paragraph (b)(5) of this section.

(3) *Members of Reserve Components.* The provisions of 10 U.S.C. 1163 apply to separation of members of Reserve Components.

M. S. Healy,

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-4-FRL 1847-6]

Approval and Promulgation of Implementation Plans; South Carolina; Proposed Plan Revisions

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: EPA today proposes approval action on the State Implementation Plan (SIP) revisions which the South Carolina Department of Health and Environmental Control submitted pursuant to requirements of Part D, Title I of the Clean Air Act (CAA), as amended in 1977, with regard to nonattainment areas. The revisions proposed today were submitted to EPA, Region IV to correct the deficiencies noted in the **Federal Register** of July 13, 1979 (44 FR 40901). Amendments and information were submitted on April 4, June 13, July 6, August 22, 1979 and September 10, 1980. They address deficiencies in the plan's total suspended particulate (TSP) control strategy for Charleston and Georgetown, the ozone related volatile organic compound (VOC) regulations and the offset provisions. EPA has found that the deficiencies except the one related to the Pittsburg-Meeting Street in Charleston (TSP) nonattainment area, are adequately corrected by the amendments and today proposes to approve them. The final rule conditionally approving South Carolina's Implementation plans was published in the **Federal Register** of Tuesday, January 29, 1980 (45 FR 6572).

The State's original SIP submittal was discussed in detail in the July 13, 1979, **Federal Register**; this detail is not repeated here. The areas affected by the proposed changes are discussed in

detail in the Supplemental Information section of this proposal.

DATE: In order for comments to be considered, they must be submitted on or before July 17, 1981.

ADDRESSES: Written comments should be addressed to Ray Gregory of EPA Region IV's Air Programs Branch (see EPA Region IV address below). Copies of the materials submitted by South Carolina may be examined during normal business hours at the following locations:

Public Information Reference Unit, Library Systems Branch, Environmental Protection Agency, 401 M Street SW., Washington, DC 20460.

Library, Environmental Protection Agency, Region IV, 345 Courtland Street NE., Atlanta, Georgia 30365.

Bureau of Air Quality Control, South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, South Carolina 29201.

FOR FURTHER INFORMATION CONTACT: Mr. Ray Gregory, Environmental Protection Agency, Region IV, Air Programs Branch, 345 Courtland Street NE., Atlanta, Georgia 30365, 404/881-3286 or FTS 257-3286.

SUPPLEMENTARY INFORMATION: Implementation plan revisions required under Part D, Title I of the Clean Air Act were developed by South Carolina for all nonattainment areas in the State. The revisions were submitted for EPA's approval on December 22, 1978. South Carolina made additional submittals on April 4, June 13, July 6, August 14, August 22, 1979 and September 10, 1980.

Conditional approval of the State's December 22, 1978 submittal was proposed in the July 13, 1979 **Federal Register** (44 FR 40901) and finalized in the January 29, 1980, **Federal Register** (45 FR 6572); the changes to the revisions, proposed for approval today, correct the deficiencies in the original submittal as noted below. These were noted in detail in the proposed notice, and are listed below, accompanied by the proposed corrections and/or necessary discussion (see General Discussion below). Today's action proposes approval of South Carolina's nonattainment SIP revisions except for the Pittsburg-Meeting Street TSP nonattainment area in Charleston.

General discussion. The following is a list of deficiencies in the original South Carolina 1979 SIP revision submittal as noted in the July 13, 1979, **Federal Register** (44 FR 40901), accompanied by an explanation of the correction and additional comments as applicable.

A. Deficiency—The legal authority for enforcing the reasonably available control technology (RACT) schedule for industrial fugitive emissions and certain point source emissions was not included in the SIP. To ensure the application of resonably available control technology (RACT) to these emissions, the RACT schedule should include emissions limitations included as permit conditions, or other enforceable conditions that require RACT.

Response—The State made additional submittals on June 13 and August 22, 1979. The June 13 submittal contains a RACT schedule for the Charleston industry (Macalloy Corporation). The schedule which follows does not remove the deficiency of specifying RACT. No action is being taken concerning the Pittsburg-Meeting Street TSP nonattainment area at this time:

Table IV-17.—*Schedule for Reducing Emissions From Operations at Macalloy Corporation*

	Not later than—
Crushing and screening:	
Submit plan	Feb. 28, 1979.
Submit permit application	Aug. 1, 1979.
Let material contracts	Dec. 31, 1979.
Start construction	Mar. 1, 1980.
Complete construction	Oct. 31, 1980.
Final compliance (RACT in place).	Dec. 31, 1980.
Bed stripping:	
Begin investigation	Feb. 1, 1979.
Evaluate process	June 13, 1979.
Submit permit application	Nov. 1, 1979.
Convert plant to nng casting	Dec. 31, 1979.
Furnace startup and shutdowns:	
Engineering	May 1, 1980.
Submit permit application	Aug. 30, 1980.
Order equipment	Sept. 30, 1980.
Install and start-up	Apr. 30, 1981.
Final compliance (RACT in place).	June 30, 1981.

B. Deficiency—The SIP did not clearly differentiate between allowable and actual emissions in the control strategy development and demonstration of attainment for TSP.

Response—The State's June 13 submittal corrects this deficiency, indicating that the maximum *allowable* emissions were used in the 1982 attainment demonstration and that the *actual* emissions were used in the modeling for the 1977 nonattainment analysis.

C. Deficiency—A special provision exempting soot blowing from the State's Regulation 62.5, Standard No. 1, Section I was not approvable. To correct this deficiency, it was necessary that violations of emissions limits due to soot blowing be recorded as violations, and that industries be required to maintain a log of such activities and report same to the State.

Response—The State's September 10, 1980 submittal deletes the exemption for soot blowing. This deletion, in essence, makes this portion of the SIP approval.

D. Deficiency—In the TSP demonstration of attainment for Charleston and Georgetown, the modeling should be expanded in order to better represent actual air quality in the nonattainment areas.

Response—The modeling in the June 13, 1979 submittal is acceptable; it is an expansion of the data presented in the December 22, 1978 submittal.

E. Deficiency—In the State's volatile organic compound regulations (Section II, Part B), the minimum tank capacity for applicability of the regulation to petroleum liquid storage should be 40,000 gallons or justifications made for using a higher limit (The State used 42,000 gallons).

Response—This deficiency is corrected in the June 13, 1979 submittal. The threshold tank capacity for petroleum liquid storage is reduced to 40,000 gallons (R-61-62.5, Standardd No., 5, Section II, Part B).

F. Deficiency—The definition of "volatile organic compound" did not ensure that where there is an issue as to what substances come under control, the test procedures would supersede the definition in the State's regulation and that ASTM test method D2369-73 (or its analog ASTM D1644-59) would be used.

Response—The State's June 13, 1979 submittal corrects this deficiency. (R-61-62.5, Standard No. 5, Section I, Part A)

G. Deficiency—In the State's Regulations 62.1 and 62.6, the State was requested to clarify the difference between fugitive dust and fugitive emissions, defining both clearly and in such a manner that the regulations could be readily interpreted and enforced.

Response—The State's July 6, 1979 submittal is sufficient to correct State Regulation 62.1. However, the enforcement and interpretation of State Regulation 62.6 is not enhanced by the July 6 submittal.

Moreover, the submittals of August 14 and August 22 do not correct the enforceability problems of State Regulation 62.6. The State has indicated that this regulation will be revised and submitted as a protion of the secondary standard attainment plan. EPA is proposing no action concerning South Carolina Regulation 62.6 at this time since it is not an essential part of the Part D revisions. EPA is today proposing approval of the State's Regulation 62.1.

H. Deficiency—State Regulation 62.5, Standard No., 1, Section I, could not be approved as written; less stringent emission limitations cannot be allowed prior to review and approval by EPA.

Response—This deficiency was corrected in the State's July 8 submittal. There the State added a paragraph (4) to Part F as follows:

(4) "Exceptions granted under this part are not effective until submitted to and approved by the Administrator of the United States Environmental Protection Agency as a revision of the State Implementation Plan pursuant to Section 110 (a)(3)(A) of the Clean Air Act."

I. Deficiency—The proposal notice of July 13, 1979 indicated that the State's definition of lowest achievable emission rate (LAER) was not approvable.

Response—The State's June 13, 1979 submittal (App. B, I, B, 7) corrects this deficiency by presenting an acceptable definition of LAER.

J. Deficiency—The earlier proposal notice also stated that the State must submit to EPA an analysis of the economic, energy and social effects of the revisions.

Response—The requested information was furnished in the State's June 13, 1979, submittal (Chapter 11).

K. Deficiency—The State's initial submittal did not contain the public comments received, if any, on the foregoing analysis.

Response—This information was furnished under separate cover as an attachment to the August 14, 1979, submittal.

Action. EPA has determined that the South Carolina 1979 plan revisions under Part D now satisfy the requirements of the 1977 Clean Air Act Amendments and the Agency's implementing guidelines for all areas except the Pittsburg-Meeting Street TSP nonattainment area in Charleston. EPA proposes today to approve the above plan revisions submitted under Part D for the following nonattainment areas:

Total Suspended Particulate Matter

A. That portion of Charleston County within the section of North Charleston just South of the U.S. Army Depot (secondary standard).

B. That portion of Georgetown County within the southern section of Georgetown (primary standard).

Photochemical Oxidants

A. Charleston Area—Charleston and Berkeley Counties.

B. Columbia Area Richland and Lexington Counties.

C. York County.

The public is invited to participate in this rulemaking by submitting written comments on the proposed revisions.

A thirty-day comment period is being used to expedite publication of final action on this SIP revision. Under Section 172 of the CAA, the nonattainment portions of the SIP were to have been approved by July 1, 1979. Moreover, the revision was discussed in detail in the July 13, 1979, **Federal Register** (44 FR 40901), and the proposed changes to the revision are not so complex as to require a longer comment period.

After considering all relevant comments received together with all other information available to him, the Administrator will take final action on these corrective changes to South Carolina's 1979 SIP revisions for nonattainment areas.

Pursuant to the provisions of 5 U.S.C. § 605(b) the Administrator has certified that SIP approvals under Sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. 46 Fed. Reg. 8709 (January 27, 1981). The attached rule, if promulgated, constitutes a SIP approval under Sections 110 and 172 within the terms of the January 27 certification. This action only approves State actions. It imposes no new requirements.

Under Executive Order 12291, EPA must judge whether a regulation is major and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because it merely ratifies State actions and imposes no new burden on sources.

This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

(Section 110 and 172 of the CAA [42 U.S.C. 7410 and 7502])

Dated: May 1, 1981.

John A. Little,

Acting Regional Administrator.

[FR Doc. 81-17988 Filed 6-16-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 86

[AMS-FRL-1853-6]

Studies of 1984 Heavy-Duty Engine and 1985 Light-Duty Diesel Vehicle Requirements and Emissions Performance and Defect Warranties

AGENCY: Environmental Protection Agency.

ACTION: Request for information.

SUMMARY: This action invites submission of information relative to four studies being undertaken by EPA as part of the President's program to provide regulatory relief to the U.S. auto industry. In order to ensure that these particular studies accurately reflect the most current information, we are requesting interested parties to submit any new data or information not considered during the subject rulemaking proceedings, as well as any relevant comments on the subjects listed below.

DATES: Information pertinent to the following EPA studies should be submitted by the dates indicated:

(1) The technological feasibility of the 1985 Light-Duty Diesel Particulate standard (October 1, 1981).

(2) Whether the 1984 heavy-duty engine requirements, taking into account the reduction in standards to be proposed in September 1981, should be further revised based on the results of manufacturer's current transient test programs (November 1, 1981).

(3) Whether the full life useful life requirement for heavy-duty engines and light-duty trucks should be reduced to a half-life requirement or otherwise modified (December 1, 1981).

(4) Whether EPA should take administrative action or make legislative proposals to minimize any potential adverse impacts on any affected parties from the "design and defect" and performance warranties (July 30, 1981).

ADDRESSES: All information supplied in response to this request should be submitted to Public Docket No. A-81-20 located at the Environmental Protection Agency, Central Docket Section, West Tower Lobby Gallery I, 401 M Street, SW., Washington, D.C. 20460. It is also requested that duplicates be submitted to the persons listed below as contacts for further information.

Persons desiring additional background information concerning the relevant rulemakings and the issues involved in the studies can consult the appropriate public dockets. Docket No. OMSAPC-78-3 deals with the light-duty diesel particulate standards, while Docket Nos. OMSAPC-78-4 and OMSAPC-79-2 relate to the heavy-duty engine and light-duty truck requirements. Docket Nos. EN-79-6 and EN-79-8 relate to the performance warranty.

The dockets are open to the public between 8 a.m. and 4 p.m. on weekdays. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT:

Diesel Particulate and Heavy-Duty Engines:

Mr. John F. Anderson, U.S. Environmental Protection Agency, Emission Control Technology Division, 2565 Plymouth Road, Ann Arbor, MI 48105, (313) 668–4496.
Warranties:
Mr. David Feldman, U.S. Environmental Protection Agency, Field Operations and Support Division, 401 M Street, SW., Washington, D.C. 20460, (202) 472–9350.

SUPPLEMENTARY INFORMATION: On April 6, 1981, Vice President Bush announced the President's program to aid the U.S. auto industry. The contents of the program are set out in "Actions to Help the U.S. Auto Industry" (April 6, 1981), which can be found in Public Docket No. A–81–20 at the address listed above. The relief program was developed in view of the problems of depressed sales, record losses, and severe unemployment now affecting the industry. As part of that program, EPA committed to undertake immediately 18 actions to provide significant savings to the industry with little or no environmental effect. EPA published an announcement on these actions on April 13, 1981, 46 FR 21628. EPA also committed to perform studies and reviews of 13 issues that could lead to further changes in its regulations or in the Clean Air Act.

This request for comments and information on four of the thirteen issues being studied by EPA is designed to permit EPA to base its reviews on the latest available information. As discussed further below, EPA promulgated the subject regulations on the basis of information that showed the requirements to be cost-effective and achievable within the remaining leadtime. For both the 1985 diesel particulate and 1984 heavy-duty engine regulations, regulatory modifications designed to reduce costs of complying with the regulations will be proposed in September 1981. At this time, EPA is not aware of any information to indicate that further revision of the regulations is necessary; however, reviewing the most recent information available on manufacturers' efforts to comply with these regulations may show that further changes are necessary to refine the regulations or to retain their technological feasibility and cost-effectiveness. In the case of the warranty regulations, there may be information available at this time to show that modification of the current requirements would reduce the costs of compliance, or otherwise address concerns of respective interested parties.

The dates specified for submission of information on these issues are intended to allow interested parties maximum opportunity to gather and critique the latest available information. However, we encourage earliest possible submission of data or information which may indicate that timely amendments of the existing regulations is necessary.

Other items that EPA has committed to review will not be dealt with in this notice, and may possibly be the subject of other FR notices to be published in the future.

Specific areas on which EPA would like comments to be submitted are identified below; however, EPA will not limit its consideration of comments to the specific items listed, and submission of any information that would be useful in conducting the studies is welcome.

1. Study of the 1985 Light-Duty Diesel Particulate Standards.

On March 5, 1980, EPA published regulations governing emissions of particulate matter from diesel-powered light-duty vehicles and light-duty trucks (45 FR 14496). These regulations set 1982 standards of 0.6 gpm for both vehicle categories and 1985 standards of 0.2 gpm for diesel light-duty vehicles and 0.26 gpm for diesel light-duty trucks. The 1985 standards were based upon an analysis of the best technology believed to be available for use by that time. Specifically, EPA projected that trap oxidizers, and aftertreatment technology, could be successfully developed for 1985 model year application and the final standards were developed from that projection. EPA acknowledged the technology forcing nature of those standards at the time of promulgation and their dependence upon the successful development of trap oxidizers for light-duty diesels, pointing out that the standards would be revised if it appeared that manufacturers were not making the progress that EPA had predicted. In upholding the standards on judicial review, the U.S. Court of Appeals for the District of Columbia Circuit recently agreed with EPA's view that there is sufficient time remaining to permit modification of the standards if the expected pace of development does not occur. *NRDC v. EPA*, No. 80–1312 (D.C. Cir. April 22, 1981).

This study will reexamine the technological feasibility of the final particulate standards for light-duty diesel vehicles and light-duty diesel trucks by updating the earlier feasibility analysis with information on progress made by both vehicle manufacturers and independent suppliers in the development of trap-oxidizer technology. EPA expects to complete this review before the time when major capital investments would have to be made by the industry to comply with the standards.

The study will be conducted in light of the April 16, 1981, announcement that EPA will propose by September 1981 diesel particulate emission averaging schemes to replace the individual-vehicle standards now in place for 1985. Averaging will provide flexibility to the diesel manufacturers in allowing them to comply with the 1985 standards by allocating particulate control technologies among their diesel models in the most cost-effective manner.

In connection with this study, EPA requests informaton on the following specific areas:

a. What filter materials and designs have been evaluated thus far, and what are the advantages and disadvantages of each?

b. What are the particulate collection efficiencies and backpressure levels associated with the various trap materials, both at zero-mile levels and at various levels of mileage accumulation (without external regeneration)?

c. What durability levels (i.e., mileage) have been achieved with each of the various trap materials, with either external or on-board regeneration?

d. What exhaust gas temperatures are required for regeneration of the various trap designs? How do these temperatures compare to the exhaust temperatures of the diesel vehicles for which the trap-oxidizers are being designed?

e. How closely do the trap collection efficiencies and backpressure levels return to zero-mile levels after one regeneration, several regenerations, and hundreds of regenerations?

f. How far can the vehicle be driven between regenerations? Is there a critical range of loading such that the trap must undergo regeneration in that range or result in trap deterioration or destruction? If so, are there control devices or other ways to bring about regeneration within that narrow range?

g. What methods have been evaluated for the initiation and control of on-board trap-oxidizer regeneration? What are the advantages and disadvantages of each of the control systems?

h. What are the highest temperatures reached during trap regeneration? How long does regeneration take? Is driveability affected when regeneration occurs?

i. What parameters have been of most importance in determining the optimum frequency of on-board regeneration?

j. Does the trap-oxidizer have any effect on fuel consumption?

k. What are the HC, CO, NOx, and particulate emission profiles during trap regeneration?

l. What are the measured sulfate levels for the various trap designs?

m. Does the trap remove or eliminate other emissions such as CO and organics? If organics are removed, which classes of organics are removed or eliminated? Does the location of the trap in the exhaust system affect the removal/elimination of the organics or other emissions?

n. Have any bioassay tests been performed on particulate emissions collected during trap operation? Does the trap have any effect on measured biological activity?

o. Have the optimum trap volumes been determined for the vehicles for which the trap-oxidizers are being designed?

p. Where in the exhaust system will trap-oxidizers most likely be placed?

q. Do you foresee any safety problems with trap-oxidizer operation?

r. What is your current overall evaluation of the trap-oxidizer, and what, if any, technical improvements are still necessary?

s. What is your best estimate of the additional time necessary, if any, to optimize a trap-oxidizer design and when could it be integrated into vehicle production?

t. What is your best estimate of the cost of the trap-oxidizer?

u. Have you done any work in the development of control techniques other than trap-oxidizers?

2. Study of the 1984 Heavy-Duty Truck Requirements

Regulations for 1984 and later model year heavy-duty engine emissions of HC and CO were promulgated on January 21, 1981 (45 FR 4136). These regulations implemented a broad range of new provisions for heavy-duty engines. One of the key provisions of the regulations was EPA's adoption of a transient engine test procedure to replace the current steady-state test as being more representative of actual truck use.

Since heavy-duty engine manufacturers currently are conducting transient test programs, this study will survey manufacturers' progress to date in developing the transient testing capability needed to meet the 1984 requirements for implementation of the new test procedure. The results of this survey will be used to evaluate whether there is any need to revise those requirements.

Three other issues critical to the manufacturers—the level of the standards, Selective Enforcement Auditing (SEA) requirements, and the Acceptable Quality Level applied in SEA testing are to be proposed for modification in September 1981. (46 FR 21628).

Since these revisions are designed to reduce the testing and compliance burdens of the regulations, EPA will assess the need for further revision in light of these planned modifications.

The particular areas in which EPA requests information are as follows:

a. Please identify your needs for transient testing facilities for 1984–85. These needs should be based upon EPA's announced intention to delay implementation of Selective Enforcement Auditing for two years. Include an identification of the number of engine families you plan to certify.

b. Please describe the status of your transient facilities. Identify how many cells you now have and when they became operational plus how many are currently under construction and expected completion dates for those. Describe the equipment complement of your test cells.

c. Please describe any difficulties you are experiencing in developing your testing capabilities. Are you having problems locating vendors to supply necessary equipment? What are delivery times associated with key equipment items? Have economic conditions led you to either delay or cancel purchases of the necessary facilities and equipment? What is your assessment of remaining leadtime for the 1984–85 model years?

d. Please describe the economic impact you are experiencing in developing transient test capability. Itemize the cost of items in your test facilities. Have all outstanding equipment items been purchased and what would be the impact of a 1- or 2-year delay in the required implementation date? How are you financing the required investments and what do you consider to be your overall cost of capital? What effect, if any, have the transient test costs had on your future product plans for the heavy-duty market? Please provide a detailed calculation of cost impact on a per-engine basis.

e. Please provide any information you have on transient versus steady-state emissions for regulated pollutants. Have you attempted to establish a relationship on either a family-by-family basis or a product line basis? Please provide any data you have developed.

f. For diesel engine manufacturers, have you done, or are you doing, work to develop transient test capability on eddy-current dynamometers? Please describe your effort and any results.

g. Have you identified any problems with the transient test itself, such as problems with repeatability of test results? Please submit supporting data.

h. Are these specific modifications that could be made to the test to make it more representative of real world conditions and manner of use?

3. Full Life Useful Life for Heavy-Duty Engines and Light-Duty Trucks.

The regulations adopted for 1984 and later heavy-duty engines and light-duty trucks included provisions for vehicles to meet emission standards over their full useful life rather than only the first 50,000 miles as currently is the case. The full useful life was defined in those regulations as the average period of use up to engine retirement or rebuild, as determined by the manufacturer.

Although EPA expects that the actions it will propose to take in September 1981 will reduce the stringency of the full useful life requirement, this study will review the issues related to adoption of this requirement and will examine any difficulties being encountered by manufacturers in preparing to implement the program.

EPA invites submission of information in the following areas:

a. Please describe the approach you are taking to establish the average useful lives for your engine families. Identify any problems which you have encountered to date.

b. Are you experiencing any problems in determining an individual engine's useful life according to the mechanical criteria of 40 CFR 86.084–21(b)(4)(C)?

c. Please identify any specific disadvantages from your viewpoint of manufacturer-determined useful life versus a fixed level set by EPA and applicable to all manufacturers. What is your assessment of the marketing impact of varying useful life definitions between engines or manufacturers?

d. What work have you done in assessing the high mileage durability of emission-related components? Are there any reasons why more durable components cannot be produced where necessary?

e. Do you have data relating to anticipated warranty claims at high mileage? How does the cost of such claims relate to the cost of developing more durable components?

f. Please itemize the cost impact of the full useful life. Analyze the net cost to the purchaser considering such aspects as the increased first price component costs versus operating cost savings through reduced maintenance.

g. If you believe that the full useful life definition is inappropriate, please

suggest alternative useful life definitions and submit for each alternative the relative costs and benefits, including the overall emissions benefits, associated with each.

4. Emission Control System Warranties

Section 207 of the Clean Air Act requires vehicle manufacturers to provide two emission warranties with each new motor vehicle—the section 207(a) emission design and defect warranty and the section 207(b) emission performance warranty.

The defect warranty has been provided with all new vehicles since the beginning of the 1972 model year. The Act required no EPA regulations to implement the warranty and to date EPA has not promulgated any such regulations. Basically, as set out in the Act, the defect warranty requires each new vehicle to be (1) designed, built, and equipped so as to conform at the time of sale with applicable emission regulations and, (2) free from defects in materials and workmanship which cause such vehicle to exceed emission standards.

The performance warranty provisions required regulations for implementation. The regulations were promulgated on May 22, 1980 (45 FR 34829) for 1981 and later model years (45 FR 34829). This warranty is designed to protect vehicle owners who have properly maintained and used their vehicles from certain repair costs associated with an inspection and maintenance test failure. This warranty covers all emission related components for the initial 24 months or 24,000 miles (whichever first occurs), of a vehicles' useful life. For the remainder of the vehicle's useful life the warranty covers only devices installed in or on a vehicle for the sole or primary purpose of controlling vehicle emissions. EPA published with the regulations an advisory list of parts meeting this description on May 22, 1980.

The Agency has committed to studying these two warranties to determine if any administrative action should be taken to modify the programs in a manner that would reduce the burden on industry while still carrying out the clean air and consumer protection objectives they were meant to provide.

EPA also is interested in receiving comments on possible amendments to section 207 of the Clean Air Act; however, since the EPA Administrator has committed to provide legislative recommendations to Congress by June 30, 1981, such comments probably cannot be considered for the purpose of formulating legislative recommendations unless they are submitted immediately. Of course, the Agency will consider all comments for the general purpose of refashioning the warranty program to the extent possible to achieve Congress' clean air goals with minimal economic disruption.

EPA invites submission of information on the following subjects:

a. How much has the existence of the section 207(a) design and defect warranty added to the retail price of new vehicles?

b. In what manner could the section 207(a) design and defect warranty be modified to lessen the cost of compliance to vehicle manufacturers while still carrying out the Congressional objectives surrounding the warranty? Please distinguish between actions that could be taken administratively and those requiring Congressional action.

c. What cost savings would vehicle manufacturers receive if the section 207(a) design and defect warranty were limited to the same parts covered under the 207(b) performance warranty?

d. How has the section 207(a) design and defect warranty impacted the automotive aftermarket between 1972 to the present? Please include any available data which demonstrates that the warranty has altered the competitive position of franchised dealers and independent repair facilities.

e. Should independent repair facilities be allowed to perform either section 207(a) design and defect warranty repairs or section 207(b) emission performance warranty repairs?

f. How much of the price of 1981 and 1982 model vehicles is attributable to the 207(b) performance warranty? How was this amount arrived at?

g. Does EPA's advisory list of parts likely to be covered by 207(b) warranty for the full useful life of a vehicle (published in the **Federal Register** on May 22, 1980) contain any parts which you believe should not be covered, or omit any that you believe should be included? If so, please state which parts have been improperly included or excluded and explain why.

h. What further steps can EPA take to minimize the cost of the section 207(b) emission performance warranty while still carrying out the basic purpose for the warranty? For example, how could the scope of the warranty be limited to minimize costs borne by the manufacturer while protecting consumers from costs not related to improper maintenance or use? Please distinguish between actions that could be taken administratively and those requiring Congressional action.

EPA will publish an announcement of completion and availability of the studies in the **Federl Register**. Since all information submitted during the three subject rulemakings has been considered by the Agency, and remains in the appropriate public docket, persons submitting information in response to this notice should avoid resubmitting information that has already been submitted and made part of the rulemaking record. In addition, since EPA wishes to base its studies on publicly available information, all persons should avoid submitting confidential information wherever possible. EPA will consider information claimed to be confidential, however, and will not disclose such information outside of the procedures set forth in 40 CFR Part 2.

Dated: June 10, 1981.

Approved:

Edward F. Tuerk,

Acting Assistant Administrator for Air, Noise and Radiation.

[FR Doc. 81-18015 Filed 6-16-81, 8:45 am]

BILLING CODE 6560-26-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA-6079]

National Flood Insurance Program; Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the nation. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., National Flood Insurance Program, (202) 755–5585, Federal Emergency Mangement Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives

notice of the proposed determinations of base (100-year) flood elevations for selected locations in the nation, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a).

These elevations, together with the flood plain management measures required by § 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or Regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the proposed flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the floodplain area. The elevation determinations impose no restriction unless and until the local community voluntarily adopts floodplain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevation prescribes how high to build in the floodplain and does not prescribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

The proposed base (100-year) flood elevations for selected locations are:

Proposed Base (100-Year) Flood Elevations

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
Arizona	Mohave County (unincorporated areas)	*North Mohave Valley Area:*		
		Highland-Williams Wash	Intersection of Oak Avenue and Locust Boulevard	#2
		Highland-Green Wash	Intersection of La Puerta Road and El Camino Road	#1
		Bullhead Wash	Intersection of 5th Street and Main Street	#2
		Montana Wash	Intersection of Ramar Road and Monte Vista Drive	#2
		Chaparral Wash	Intersection of Mohave Drive and Via Arroyo	*501
		Fort Mohave Wash	Intersection of Jose Avenue and Normando Drive	#1
		Black Wash	Intersection of 6th Street and Long Avenue	#3
		South Mohave Valley Area:		#1
		Camp Mohave Wash	Intersection of Camp Mohave Road and La Calzada	
		Mohave Washes	Intersection of State Highway 95 (Mohave Valley Highway) and Los Gauchos Road.	#1
		Hualapai Valley Area:		
		Mohave Wash	Intersection of Thompson Avenue and Wash	*3,313
			Intersection of Sierra Vista Avenue and North Pinal Street.	*3,350
		Lake Havasu City Area:		
		Desert Wash	Intersection of Mohave Drive and Kenneth Lane	#2
		Jops Wash	Intersection of Havasu Garden Drive and Park View Drive	#2
		Colorado City Area:		
		Short Creek	Upstream side of the intersection of State Highway 389 and the channel	*4,930
		Hualapai Mountain Park Area:		
		Wheeler Wash	Upstream side of the intersection of Hualapai Mountain Road and the channel	*6,150
		Wheeler Wash Tributary	Confluence with Wheeler Wash	*5,991

Maps available for inspection at Flood Plain Department, 4th & Spring, Kingman, Arizona.

Send comments to the Honorable Jerry Holt, P.O. Box 390, Kingman, Arizona 86401

Connecticut	Durham, Town, Middlesex County	Allyn Brook	Confluence with Coginchaug River	*152
			Upstream of Maple Avenue	*164
			Confluence of Ball Brook	*185
		Ball Brook	Confluence with Allyn Brook	*185
			Approximately 3,700 upstrem of Maiden Lane	*205
		Coginchaug River	Downstream Corporate Limits	*152
			Upstream Meeting House Hill Road	*166
			Upstream Creamory Road	*177
			Approximately 2,250 upstream of Creamory Road	*186
			Upstream Corporate Limits	*202
		Hersig Brook	Confluence with Allyn Brook	*185
			Upstream of High School Drive	*197
			Approximately 1,100 upstream of High School Drive	*210
		Parmalee Brook	Confluence with Coginchaug River	*156
			Downstream Indian Lane	*167
			Approximately 1,300 upstream of Indian Lane	*200
			Upstream of Saw Mill Road	*222
			Approximately 6,200 upstream Saw Mill Road	*255

Maps available for inspection at Durham Town Clerk's Office, Town Hall, Durham, Connecticut.

Send comments to the Honorable Foster Mather, First Selectman of Durham, Town Hall, Durham, Connecticut 06422

Connecticut	Plymouth, Town, Litchfield County	Pequabuck River	Downstream Corporate Limits	*508
			Conrail (Upstream)	*558
			U.S. Routes 6 & 202 (Upstream)	*588
			Eagle Street (Downstream)	*630

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Dam (Upstream)	*668
			Preston Road (Downstream)	*738
		Poland River	Confluence with Pequabuck River	*589
			North Main Street (Upstream)	*603
			State Route 72 (Upstream)	*662
			Dam (Downstream)	*1,066
		Naugatuck River	Leadmine Road—extended (Upstream)	*496
Maps available for inspection at the Plymouth Town Hall, Department of Planning, Zoning and Public Works, 19 East Main Street, Terryville, Connecticut.				
Send comments to the Honorable Charles H. Buell, Mayor of Plymouth, Plymouth Town Hall, 19 East Main Street, Terryville, Connecticut 06786.				
Connecticut	Tolland, Town, Tolland County	Willamantic River	Downstream Corporate Limits	*330
			Upstream of Depot Road	*352
			100' upstream of U.S. Route 44	*372
			100' upstream of Interstate Route 86	*381
			Approximately 6,650' upstream of Interstate Route 86	*400
			Approximately 200' downstream of Central Vermont Railway (most upstream crossing)	*426
			Upstream Corporate Limits	*436
Maps available for inspection at the Town Planners Office, Tolland Town Hall, 52 Tolland Green, Tolland, Connecticut				
Send comments to the Honorable Edith Knight, Chairwoman of the Tolland Board of Selectmen, Town Hall, 52 Tolland Green, Tolland, Connecticut 06084				
Florida	Unincorporated Areas of Highlands County	Arbuckle Creek	Just downstream of U.S. Highway 98 (State Highway 700)	*44
			Approximately 1,000 feet upstream of Seaboard Coast Line Railroad	*50
		Arbuckle Creek West Division	Just upstream of U.S. Highway 98 (State Highway 700)	*45
		Jack Creek	Just upstream of Weir, 600 feet upstream of confluence with Josephine Creek	*65
			Just upstream of Covered Bridge	*72
		Yellow Bluff Creek	Approximately 700 feet upstream of confluence with Josephine Creek	*52
			Just downstream of U.S. Highway 98 (State Highway 700)	*77
		Josephine Creek	Just downstream of State Highway 17	*63
			Just upstream of Weir	*68
		Channel Between Lake June-In-Winter and Lake Placid.	Approximately 1300 feet upstream of confluence with Lake June-In-Winter	*75
			Just downstream of Lake Placid	*96
		Channel Between Lake Josephine and Wolf Lake	Just upstream of State Highway 66	*80
			Just upstream of Unnamed Road	*95
		Carter Creek	Just upstream of Arbuckle Creek Road	*67
			Just upstream of State Highway 17	*93
			Just upstream of confluence with Little Bonnet Lake	*102
		Channel A	Just upstream of State Highway 17	*96
			At Little Red Water Lake Shoreline	*104
		Lake Adelaide	Entire Shoreline	*109
		Lake Annie	Entire Shoreline	*113
		Lake Carne	Entire Shoreline	*76
		Lake Charlotte	Entire Shoreline	*94
		Lake Chilton	Entire Shoreline	*115
		Lake Clay	Entire Shoreline	*79
		Lake Damon	Entire Shoreline	*100
		Lake Francis	Entire Shoreline	*72
		Grassy Lake	Entire Shoreline	*93
		Lake Henry	Entire Shoreline	*75
		Lake Huntley	Entire Shoreline	*84
		Lake Istokpoga	Entire Shoreline	*42
		Lake Josephine	Entire Shoreline	*75
		Lake June-In-Winter	Entire Shoreline	*75
		Lake McCoy	Entire Shoreline	*87
		Mirrow Lake	Entire Shoreline	*96
		Lake Olivia	Entire Shoreline	*118
		Lake Pabor	Entire Shoreline	*106
		Lake Pearl	Entire Shoreline	*87
		Persimmon Lake	Entire Shoreline	*69
		Lake Placid	Entire Shoreline	*96
		Lake Pythias	Entire Shoreline	*102
		Red Beach Lake	Entire Shoreline	*78
		Lake Ruth	Entire Shoreline	*92
		Lake Sebring	Entire Shoreline	*110
		Lake Trout	Entire Shoreline	*99
		Wolf Lake	Entire Shoreline	*95
Maps available for inspection at County Commissioner's Building, Sebring, Florida 33870.				
Send comments to Mr. Robert Stupper, Chairman, Board of County Commissioners, or Mr. Bill Stevenson, Zoning Director, P.O. Box 1926, Sebring, Florida 33870.				
Florida	City of Inverness, Citrus County	Tsala Apopka Lake	Entire Shoreline	*43
		Henderson Lake	Entire Shoreline	*43
		Little Spivey Lake	Entire Shoreline	*43
		White Lake	Entire Shoreline	*38
		Grant Lake	Entire Shoreline	*36

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
	Maps available for inspection at City Hall, Main Street, Inverness, Florida 32650.			
	Send comments to Mayor Jacob Blanton or Ms. Marian E. Lattin, City Clerk, City Hall, P.O. Box 337, Inverness, Florida 32650.			
Florida	Unincorporated Areas of Sumter County	Withlacoochee River	Just downstream of Wysong Lock and Dam	*44
			Downstream of Florida Highway 48	*47
		Jumper Creek	Just downstream of Interstate Highway 75	*59
			Just downstream of U.S. Highway 301	*67
			Just downstream of Seaboard Coastline Railroad	*87
		Lake Panasoffkee	Entire Shoreline of the Lake	*45
		Black Lake	The Entire Shoreline the Lake	*59
		Cherry Lake	The Entire Shoreline the Lake	*59
		Lake Miona	The Entire Shoreline the Lake	*59
		Lake Okahumpa	At the Florida Turnpike crossing the Lake	*62
		Lake Deston	The Entire Shoreline of the Lake	*62
	Maps available for inspection at Sumter County Courthouse, 400 North Florida Avenue, Bushnell, Florida 33213.			
	Send comments to Mr. Harry Lovett, Chairman or Mr. William C. Wing, Vice Chairman, Board of County Commissioners, Sumter County Courthouse, P.O. Box 8, Bushnell, Florida 33213.			
Georgia	Unincorporated Areas of Brooks County	Withlacoochee River	Just upstream of U.S. Highway 84, 221 & State Highway 38.	*114
		Little River	Just downstream of State Highway 94	*128
		Okapilco Creek	Just upstream of U.S. Highway 84, 221 & State Highway 38.	*109
			Just upstream of North Highland Street	*114
			Just upstream of Southern Railway	*117
	Maps available for inspection at Brooks County Courthouse, Screven Street, Quitman, Georgia 31643.			
	Send comments to Mr. J. B. Thagard, Chairman or Mr. James R. Knight, Vice Chairman, Brooks County Courthouse, P.O. Box 272, Quitman, Georgia 31643.			
Illinois	(C) Rochelle, Ogle County	Kyte River	At the downstream corporate limits	*772
			About 160 feet downstream of 7th Street	*780
			About 250 feet upstream of South Main Street	*785
			Just downstream of the Burlington Northern Railroad	*786
			Just upstream of the Burlington Northern Railroad	*789
			About 120 feet upstream of the Chicago and North Western Railroad.	*790
			At the upstream corporate limits	*793
		Unnamed Tributary No. 1	At the mouth	*790
			Just downstream of Caron Road	*790
		Ryley Ditch	At the mouth	*789
			About 4350 feet upstream of First Avenue	*789
	Maps available for inspection at the Engineer's Office, Municipal Building, Rochelle, Illinois.			
	Send comments to Honorable Bill Cipolla, Mayor, City of Rochelle, Municipal Building, Rochelle, Illinois 61068.			
Indiana	(Uninc.), Porter County	Salt Creek	About 300 feet upstream of Interstate 80	*617
			Just upstream of 600 North Road	*630
			Just downstream of State Route 130	*642
			Just upstream of Norfolk & Western Railway (West of 325 West Road).	*648
			About 300 feet downstream of 250 West Road	*661
			Just upstream of Norfolk & Western Railway (East of 250 West Road).	*670
			Just upstream of Joliet Road	*680
			Just upstream of U.S. Route 30	*691
			Just downstream of Meridian Road	*691
		Kankakee River	At downstream county boundary	*650
			Just upstream of State Route 49	*680
			At upstream county boundary	*666
		Lake Michigan	Within Porter County	*584
	Maps available for inspection at the Porter County Planning Commission Office, 1401 North Calumet Avenue, Valparaiso, Indiana.			
	Send comments to Honorable Grover Biggs, Executive Secretary, Porter County Planning Commission, Unincorporated Areas of Porter County, Porter County Planning Commission Office, 1401 North Calumet Avenue, Valparaiso, Indiana 46383.			
Indiana	(C) Shelbyville, Shelby County	Big Blue River	At downstream corporate limit	*751
			Just upstream of Conrail	*759
			About 0.9 mile upstream of the confluence of the Little Blue River.	*764
		Little Blue River	At confluence with the Big Blue River	*761
			At upstream corporate limit	*768
	Maps available for inspection at the Mayor's Office, Town Hall, 44 West Washington Street, Shelbyville, Indiana.			
	Send comments to Honorable Dan Theobald, Mayor, City of Shelbyville, Town Hall, 44 West Washington Street, Shelbyville, Indiana 46176.			
Kansas	(C) Manhattan, Riley County	Kansas River	Confluence of Big Blue River	*1,010
			About 1,350 feet upstream of State Highway 177	*1,018
			About 2,500 feet upstream of confluence of Wildcat Creek.	*1,020
		Wildcat Creek	About 280 feet downstream of Union Pacific Railroad (at corporate limit).	*1,020
			About 900 feet upstream of confluence of Rolling Hills Tributary (at corporate limits).	*1,043
		Little Kitten Creek	Just upstream of U.S. Highway 24	*1,062
			About 1.8 miles upstream of U.S. Highway 24 (at corporate limit).	*1,119
		Virginia-Nevada Tributary	Mouth at Wildcat Creek	*1,036
			Just downstream of Anderson Avenue	*1,036

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		CI–CO Tributary	About 850 feet upstream of Beechwood Terrace	*1,066
			About 670 feet downstream of Anderson Avenue	*1,051
			About 100 feet downstream of Claflin Road	*1,051
			Just upstream of Claflin Road	*1,061
			About 1,400 feet upstream of Claflin Road	*1,076
		Rolling Hills Tributary	Mouth at Wildcat Creek	*1,042
			About 3,200 feet upstream of mouth	*1,099
		Shallow Flooding (Overflow from Riverside Drain).	Intersection of Hayes Drive and McCall Road	*1,008
			Intersection of Sarber Lane and Frontage Road	*1,008
			Just downstream of U.S. Highway 24	*1,008
Maps available for inspection at the City Hall, Manhattan, Kansas.				
Send comments to Honorable Ed Horne, Mayor, City of Manhattan, City Hall, Manhattan, Kansas 66502				
Kansas	(Uninc.), Riley County	Kansas River	About 3600 feet downstream of the Riley County-Wabaunsee County boundary.	*989
			About 6700 feet upstream of the confluence of Dry Branch.	*1,048
		Big Blue River	Downstream county boundary	*1,010
			Just downstream of the Tuttle Creek Dam outlet portal	*1,026
		Wildcat Creek	Mouth at Kansas River	*1,020
			About 200 feet upstream of the confluence of Rolling Hills Tributary.	*1,043
			About 1700 feet upstream of Riley County Highway	*1,124
		Sevenmile Creek	Mouth at Kansas River	*1,034
			About 1600 feet upstream of State Highway 114	*1,062
		Wolf Creek	Mouth at Big Blue River	*1,028
			Just downstream of State Highway 13	*1,068
			Just upstream of State Highway 13	*1,086
			About 5000 feet upstream of State Highway 13	*1,130
		Deep Creek	Downstream county boundary	*989
			Just downstream of County Road 917	*1,010
		Phiel Creek	Mouth at Big Blue River	*1,026
			Just upstream of U.S. Highway 24	*1,040
			About 150 feet downstream of State Highway 113	*1,130
		Eureka Valley Tributary	Mouth at Kansas River	*1,034
			Just downstream of county road (at boundary of Fort Riley Military Reservation).	*1,074
		Dry Branch	Mouth at Kansas River	*1,045
			Just downstream of State Highway 114	*1,056
			About 2800 feet upstream of State Highway 114	*1,068
		Sevenmile Creek and Dry Branch Overflow.	About 600 feet downstream of City of Ogden corporate limits.	*1,046
			About 100 feet upstream of State Highway 114	*1,058
		Little Kitten	Mouth at Wildcat Creek	*1,050
			Just downstream of Chicago, Rock Island and Pacific Railroad.	*1,054
			Just downstream of U.S Highway 24	*1,060
			Just upstream of upstream City of Manhattan corporate limits.	*1,119
			About 3900 feet upstream of upstream City of Manhattan corporate limits.	*1,147
		Tuttle Creek Lake	Shoreline	*1,136
Maps available for inspection at the Riley County Courthouse, Manhattan, Kansas.				
Send comments to Honorable C.C. Hovan, Chairman of the County Commission, Riley County, County Courthouse, Manhattan, Kansas 66502.				
Kentucky	City of Raceland, Greenup County	Ohio River (Backwater Flooding on Pond Run).	Just upstream Railroad Avenue	*544
		Pond Run	Just upstream of Dillow Avenue	*563
			Just upstream of Hillview Avenue	*585
Maps available for inspection at City Hall, Chinn Street, Raceland, Kentucky 41169.				
Send comments to Mayor Jim R. Daniels or Mr. Wallace French, Treasurer, City Hall, Chinn Street, Raceland, Kentucky 41169.				
Louisiana	Village of Florien, Sabine Parish	Midkiff Creek	Just downstream of State Highway 474 (Port Arthur Avenue).	*243
			Just downstream of Kansas City Southern Railroad	*246
		Unnamed Tributary	Approximately 200 feet downstream of US Highway 171	*236
			Just upstream of US Highway 171	*237
Maps available for inspection at Village Hall, Highway 474, Florien, Louisiana 71429.				
Send comments to Mayor John R. Manasco or Mr. Michael D. Jones, Chief of Police, Village Hall, P.O. Box 68, Florien, Louisiana 71429.				
Louisiana	City of Kaplan, Vermilion Parish	Tributary 4 Coulee DeJohn Canal	At the lower corporate limits	*13
		Ponding Area	At intersection of North Cushing Avenue and 11th Street	*13
			At intersection of North Morvant Avenue and 4th Street	*13
Maps available for inspection at City Clerk's Office, City Hall, 511 North Cushing Avenue, Kaplan, Louisiana 70548.				
Send comments to Mayor Bennet Broussard, Or Ms. Ouida Broussard, City Clerk, City Hall, 511 Cushing Avenue, Kaplan, Louisiana 70548.				
Maine	Baileyville, Town, Washington County	St. Croix River	Downstream Corporate Limits	*93
			Confluence with Wapsaconhegan Brook	*103
			2,500' upstream of confluence with Wapsaconhegan Brook.	*108
		Wapsaconhegan Brook	Confluence with St. Croix River	*103
			120' downstream of Main Street	*109
			60' upstream of Main Street	*117
			60' upstream of U.S. Route 1	*124
			2,330' upstream of U.S. Route 1	*134

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			8,000' upstream of U.S. Route 1	*144
			13,000' upstream of U.S. Route 1	*154
Maps available for inspection at the Belleyville Town Office on Broadway Street, Belleyville, Maine.				
Send all comments to the Honorable Doug Jones, Chairman of the Town Council, c/o Belleyville Town Offices, Broadway Street, Belleyville, Maine 04819.				
Massachusetts	Charlton, Town, Worcester County	Little River	Approximately 425' downstream of Turner Road	*521
			Upstream of Turner Road	*550
			Upstream of U.S. Route 20	*567
			Approximately 0.8 mile upstream of U.S. Route 20	*606
		Cady Brook	Corporate Limits	*492
			Upstream of 1st crossing of State Route 169	*517
			Upstream of 2nd crossing of State Route 169	*564
			Upstream of Snake Hill Road	*581
			Approximately 1.0 mile upstream of Snake Hill Road	*617
			Downstream of dam	*671
		Deans Brook	Corporate Limits	*472
			Upstream of 2nd crossing of Saundersdale Road	*529
			Upstream of 2nd crossing of Blood Road	*555
			Downstream of McIntyre Road	*585
			Approximately 1,500' upstream of dam	*607
		Little Nugget Brook	Pikes Pond	*697
			Upstream of Northside Turnpike	*734
			Upstream of Little Nugget Drive	*772
		Pikes Pond Tributary	Pikes Pond	*697
			Upstream of Northside Turnpike	*736
			Approximately 1,050' upstream of Conrail	*782
Maps available for inspection at the Charlton Town Hall, Main Street, Charlton, Massachusetts.				
Send comments to the Honorable Leonard H. Abeler, Chairman of the Charlton Board of Selectmen, Charlton Town Hall, Main Street, Charlton, Massachusetts 01507.				
Massachusetts	Cheshire, Town, Berkshire County	South Branch Hoosic River	Corporate Limits	*924
			Cheshire Harbor Dam (Down stream)	*935
			Conrail (Upstream)	*948
			Confluence of South Brook	*958
			Approximately 1,000' upstream of confluence of Kitchen Brook.	*970
		South Brook	Confluence with South Branch Hoosic River	*958
			Approximately 970' upstream of confluence with South Branch Hoosic River.	*961
		Kitchen Brook	Confluence with South Branch Hoosic River	*968
			State Route 8 (Downstream)	*989
			Approximately 1,670' upstream of State Route 8	*1,060
			Approximately 2,800' upstream of State Route 8	*1,114
		Wells Road Brook	Confluence with South Branch Hoosic River	*951
			Approximately 3,780' upstream of confluence with South Branch Hoosic River.	*968
Maps available for inspection at the Cheshire Town Hall, Church Street, Cheshire, Massachusetts.				
Send all comments to the Honorable Harvey Daniels, Chairman of the Cheshire Board of Selectmen, Cheshire Town Hall, Cheshire, Massachusetts.				
Massachusetts	Lanesborough, Town, Berkshire County	Town Brook	Upstream of Bull Hill Road culvert	*1,104
			Putnam Road (Upstream)	*1,113
			Bridge Street (Upstream)	*1,121
			Private Road (downstream)	*1,148
			Bailey Road (downstream)	*1,170
			U.S. Route 7 (Downstream)	*1,176
			Approxaimtely 1,600' upstream of U.S. Route 7	*1,190
		Secum Brook	Approximately 70' upstream of Narragansett Avenue culvert.	*1,102
			Balance Rock Road (Upstream)	*1,121
			Olsen Road (Upstream)	*1,140
			Approximately 375' upstream of Olsen Road	*1,141
		Daniels Brook	Corporate Limits	*1,140
			Approximately 200' downstream of Potter Mountain Road.	*1,180
			Approximately 1,360' upstream of Potter Mountain Road	*1,214
		Pontoosuc Lake	Entire shoreline with the community	*1,101
Maps available for inspection at the Lanesborough Town Clerk's Office, Town Hall, 83 North Main Street, Lanesborough, Massachusetts.				
Send all comments to Honorable Bertram B. Robinson, Chairman of the Board of Selectmen of Lanesborough, Town, Hall, 83 North Main Stree, P.O. Box D, Lanesborough Massachusetts 01237.				
Massachusetts	Westminster, Town, Worcester County	Wyman Pond Brook	Downstream Corporate Limits	*722
			Narrows Road approximately 3,070' upstream of Corporate Limits (Upstream).	*782
			Narrows Road approximately 6,660' upstream of Corporate Limits (Upstream).	*875
			Wyman Road (Upstream)	*893
			Culvert approximately 350' upstream of Worcester Road	*893
		Phillips Brook	Downstream Corporate Limits	*700
			Ashburnham Road approximately 3,300' upstream of Corporate Limits (Upstream).	*721
			Fred Smith Road (Upstream)	*771
			Approximately 6,400' upstream of Fred Smith Road	*820
		Round Meadow Pond Brook	Downstream Corporate Limits	*663
			Depot Road (Upstream)	*702
			Old Mill Dam (Upstream)	*868

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Round Meadow Pond Dam (Upstream)	*912
		Tributary to Round Meadow Pond	Confluence with Round Meadow Pond Brook	*912
			Old Town Farm Road (Upstream)	*933
			State Route 2 (Upstream) Aubuchon Avenue (Upstream)	*985
			Aubuchon Avenue (Upstream)	*1,076
			Gold Course Dam (Upstream)	*1,094
			Ellis Road (Upstream)	*1,107
		Smith Brook	Confluence with Wyman Pond Dam (Upstream)	*893
				*917
		Wyman Pond Tributary	State Route 140 (Upstream)	*893
Maps available for inspection at the Westminster Town Hall, 7 Bacon Street, Westminster, Massachusetts.				
Send all comments to the Honorable Mary E. VeDoe, Chairwoman of the Westminster Board of Selectmen, Town Hall, 7 Bacon Street, Westminster, Massachusetts 01473.				
Michigan	(C) Galesburg, Kalamazoo County	Kalamazoo River	Just upstream of 35th Street	*778
			Just upstream of Climax Road	*786
Maps available for inspection at the City Hall, 200 East Michigan, Galesburg, Michigan.				
Send comments to Honorable Dennis Bresson, Mayor, City of Galesburg, City Hall, 200 East Michigan, Galesburg, Michigan 49053.				
Michigan	(C) Williamston, Ingham County	Red Cedar River	About 2.25 miles downstream of South Putnam Street	*862
			About 1.05 miles upstream of South Putnam Street	*868
		Deer Creek	Mouth at Red Cedar River	*864
			About 2,150 feet upstream of West Wallace Street	*864
		Unnamed Tributary	Mouth at Red Cedar River	*864
			About 1,500 feet upstream of West Church Street	*864
Maps available for inspection at the Clerk's Office, City Hall, 161 East Grand River Avenue, Williamston, Michigan.				
Send comments to Honorable Drucilla Roehm, Mayor, City of Williamston, 161 East Grand River Avenue, Williamston, Michigan 48895.				
Missouri	(C) Burlington Junction, Nodaway County	Nodaway River	Just upstream of Norfolk and Western Railway	*918
			Just downstream of confluence of North Branch Nodaway River.	*920
Maps available for inspection at the City Hall, Box B, Burlington Junction, Missouri.				
Send comments to Honorable James Denny, Mayor, City of Burlington Junction, City Hall, Box B, Burlington Junction, Missouri 64428.				
Missouri	(C) Hopkins, Nodaway County	Hundred and Two River	About 1,500 feet downstream of County Highway JJ	*1,037
			At confluence of Middle Fork of Hundred and Two River	*1,040
		East Fork of Hundred and Two River.	About 400 feet upstream of Burlington Northern railroad	*1,044
Maps available for inspection at the City Hall, Hopkins, Missouri.				
Send comments to Honorable Orris Fine, Mayor, City of Hopkins, City Hall, Hopkins, Missouri 64461.				
Missouri	(C) Trimble, Clinton County	Dicks Creek	Just downstream of County Highway F (downstream of Oak Street).	*930
			Just downstream of Maple Street	*937
			Just upstream of County Highway F (near Red Bud)	*944
Maps available for inspection at the City Hall, Trimble, Missouri.				
Send comments to Honorable Calvin Gandy, Mayor, City of Trimble, City Hall, Trimble, Missouri 64492.				

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator.)

Issued: June 5, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-17929 Filed 6-16-81; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 67

[Docket No. FEMA-6080]

National Flood Insurance Program; Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the nation. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

ADDRESS: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., National Flood Insurance Program, (202) 755–5585, Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for selected locations in the nation, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which

added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a).

These elevations, together with the flood plain management measures required by § 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or Regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator, to whom authority has beean delegated by the Director, Federal Emergency Management Agency, hereby certifies that the proposed flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the floodplain area. The elevation determinations impose no restriction unless and until the local community valuntarily adopts floodplain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevation prescribes how high to build in the floodplain and does not prescribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

The proposed base (100-year) flood elevations for selected locations are:

Proposed Base (100-Year) Flood Elevations

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
New Jersey	Bogota, borough, Bergen County	Hackensack River	Upstream corporate limits	*9
			Downstream corporate limits	*9
Maps available for inspection at the Borough Hall, 375 Larch Avenue, Bogota, New Jersey.				
Send comments to Honorable William P. Schuber, Mayor of Bogota, Borough Hall, 375 Larch Avenue, Bogota, New Jersey 07603.				
New Jersey	Bordentown, township, Burlington County	Delaware River	Downstream corporate limits	*13
			Confluence of Crosswicks Creek	*14
		Blacks Creek	Confluence with Crosswicks Creek	*14
			U.S. Route 206 (upstream side)	*15
		Crosswicks Creek	Confluence with Delaware River	*14
			Upstream corporate limits	*19
Maps available for inspection at the Office of the Township Administrator, Township Building, Municipal Drive, Bordentown, New Jersey.				
Send comments to Honorable R. Joseph Foster, Jr., Mayor of Bordentown Township, Township Building, Municipal Drive, Bordentown, New Jersey 08505.				
New Jersey	Chester, township, Morris County	Lamington River	1,350' downstream of Ironia Road	*691
			Upstream corporate limits	*694
		Burdett Brook	Downstream corporate limits	*402
			2,500' upstream of State Route 24	*432
			Upstream of Old Mill Road (first crossing)	*471
			1,910' upstream of Old Mill road (first crossing)	*500
			Upstream of footbridge	*531
			3,450' upstream of footbridge	*600
			Downstream of Old Mill Road (second crossing)	*634
			Downstream of dam	*682
			Upstream of dam	*701
			Downstream of South Road	*707
		Peapack Brook	Downstream corporate limits	*273
			2,000' upstream of Saint Bernards Road	*300
			1,680' downstream of farm access road	*325
			Upstream of farm access road	*357
		Gladstone Brook	Downstream Corporate limits	*273
			Downstream of access road	*300
			1,110' upstream of access road	*313
		Indian Brook	Downstream corporate limits	*401
			1,350' upstream of State Route 24	*425
			Confluence with Burnett Brook	*446
maps available for inspection at the Office of the Tax Assessor, Municipal Building, Chester, New Jersey.				
Send comments to Honorable Frank Adessa, Mayor of the Township of Chester, P.O. Box 428, Chester, New Jersey 07930.				
New Jersey	Glen Gardner, borough, Hunterdon County	Spruce Run	Downstream corporate limits approximately 8,200' upstream of confluence with Spruce Run Reservoir.	*365
			Approximately 9,140' upstream of confluence with Spruce Run Reservoir.	*375
			Approximately 100' downstream of Main Street	*385
			Main Street (upstream side)	*388
			Sanatorium Road (upstream side)	*399
			Approximately 1,300' upstream of Sanatorium Road	*409
			Approximately 710' downstream of School Street	*419
			School Street (upstream side)	*426
			Main Street (upstream side)	*431
			Approximately 960' upstream of Main Street	*441
			Conrail (upstream side)	*450
			Bell Avenue (upstream side)	*453
			Approximately 2,680' upstream of Bell Avenue	*472
			Upstream corporate limits	*485

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Maps available for inspection at the Office of the Borough Clerk, Municipal Building, Glen Gardner, New Jersey				
Send comments to Honorable Stanley J. Olenacz, Mayor of Glen Gardner, P.O. Box 307, Glen Gardner, New Jersey 08826				
New York	Clarence, town, Erie County	Got Creek	Corporate limits	*591
			Newhouse Road (downstream side)	*603
			Approximately 1,300' upstream of Newhouse Road	*607
		Ransom Creek	Corporate limits	*584
			Miles Road (upstream side)	*592
			Conor Road (downstream side)	*602
			Conrail	*616
			Clarence Center Road (upstream side)	*625
			Goodrich Road (upstream side)	*630
			Approximately 7,150' upstream of Goodrich Road	*643
Maps available for inspection at the Town Hall, 1 Town Place, Clarence, New York 14031				
Send comments to Honorable Carl J. Giglia, Supervisor of the Town of Clarence, Town Hall, 1 Town Place, Clarence, New York 14031				
New York	Elbridge, town, Onondaga County	Seneca River	Downstream corporate limits	*381
			Upstream corporate limits	*382
		Skaneateles Creek	Downstream corporate limits	*387
			Upstream New York State Thruway	*394
			Upstream Conrail	*401
			Upstream corporate limits with village of Jordan	*431
			Upstream Valley Drive	*450
			Approximately 1,968' upstream Valley Drive	*466
			Approximately 3,552' upstream Valley Drive	*485
			Approximately 5,162' upstream Valley Drive	*499
			Downstream corporate limits with village of Elbridge	*518
			Upstream corporate limits with village of Elbridge	*541
			Downstream Hamilton Road	*547
Maps available for inspection at Elbridge Town Hall, Jordan, New York				
Send comments to Honorable Lawrence Gray, Town Supervisor of Elbridge, Box 568, Jordan, New York 13080				
New York	Elbridge, village, Onondaga County	Skaneateles Creek	Corporate limits	*511
			Upstream of Valley Drive/State Route 31C	*532
			Corporate limits	*542
Maps available for inspection at the Village Office, 111 South Street, Elbridge, New York				
Send comments to Honorable Fred Platt, Mayor of the Village of Elbridge, 111 South Street, Elbridge, New York 13060				
New York	Fulton, city, Oswego County	Lake Neatahwanta	Entire shoreline within community	*373
		Oswego River	Downstream corporate limits	*318
			Confluence of Waterhouse Creek	*318
			Downstream lock No. 3	*326
			Approximately 100' upstream lock No. 3	*344
			Downstream lock No. 2	*346
			Upstream lock No. 2	*358
			Upstream corporate limits	*358
		Tannery Creek	Downstream corporate limits	*361
			Upstream Hannibal Street	*371
			Confluence of Lake Neatahwanta	*373
		Waterhouse Creek	Confluence with Oswego River	*318
			Downstream North Sixth Street	*321
			Approximately 75' upstream North Sixth Street	*331
			Downstream dam	*340
			Upstream dam	*348
			Upstream corporate limits	*354
Maps available for inspection at the Office of the City Engineer, Municipal Building, South First Street, Fulton, New York				
Send comments to Honorable Verner Droham, Mayor of Fulton, Municipal Building, South First Street, Fulton, New York 13069				
New York	Geneva, city, Ontario and Seneca Counties	Castle Creek	Confluence with Seneca Lake	*449
			Upstream Conrail	*461
			Upstream of Hammond Lane	*477
			Downstream of Castle Street	*497
			Downstream of Brook Street	*513
			2,600' upstream of Brook Street	*547
		Marsh Creek	Confluence with Seneca Lake	*449
			Upstream of East North Street	*454
			Upstream corporate limits	*455
Maps available for inspection at the Office of the City Engineer, City Hall, 47 Castle Street, Geneva, New York.				
Send comments to Honorable Giles W. Reynolds, Mayor of Geneva, City Hall, 47 Castle Street, Geneva, New York 14456				
New York	Jordan, village, Onondaga County	Skaneateles Creek	Downstream corporate limits	*401
			Upstream side of dam	*408
			Upstream side of Elbridge Street	*417
			Upstream corporate limits	*427
Maps available for inspection at Village Hall, Mechanic Street, Jordan, New York				
Send comments to Honorable Richard Platten, Mayor of Jordan, Village Hall, Mechanic Street, Jordan, New York 13080.				
New York	Mendon, town, Monroe County	Irondequoit Creek	Downstream corporate limits	*511
			Mile Square Road (upstream side)	*537
			Approximately 4,000' upstream of Mile Square Road	*553
			Mendon-Ionia Road (upstream side)	*569
			West Bloomfield-Pittsford Road (upstream side)	*578
			Taylor Road (upstream side)	*585

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Cheese Factory Road (upstream side)	*607
			Chamberlain Road (extended)	*625
			Boughton Hill Road (upstream side)	*655
			Approximately 1,000' upstream of Boughton Hill Road	*657
		Honeoye Creek	Downstream corporate limits	*555
			Plains Road (upstream side)	*559
			Approximately 4,400' upstream of Plains Road	*585
			Approximately 3,200' downstream of Sibley Road	*571
			Sibley Road (upstream side)	*580
			Upstream crossing of Conrail	*596
			Approximately 2,800' upstream of Conrail crossing (upstream crossing).	*600
			Upstream corporate limits	*670
		Tributary A	Confluence with Irondequoit Creek	*572
			Rush-Mendon Road (upstream side)	*589
			West Bloomfield-Pittsford Road (upstream side)	*591
			Approximately 1,100' upstream of West Bloomfield-Pittsford Road.	*596
		Tributary B	Confluence with Irondequoit Creek	*576
			Pond Road Dam (upstream side)	*597
			Approximately 3,000' upstream of Pond Road Dam	*603
			Mendon Center Road (upstream side)	*623
			Approximately 3,100 upstream of Mendon Center Road.	*641
		Tributary C	Confluence with Irondequoit Creek	*604
			West Bloomfield-Pittsford Road (upstream side)	*608
			Lanning Road (upstream side)	*618
			Approximately 3,800' upstream of Lanning Road	*629
			Approximately 600' upstream of Boughton Hill Road	*658
		Tributary D	Confluence with tributary C	*618
			Approximately 1,300' downstream of Boughton Hill Road.	*630
			Approximately 550' upstream of Boughton Hill Road	*646
		Tributary E	Confluence with Irondequoit Creek	*607
			Approximately 2,100' upstream of West Bloomfield-Pittsford Road.	*625
			Approximately 500' upstream of Boughton Hill Road	*648
		Tributary F	Downstream corporate limits	*543
			New York State Thruway (upstream side)	*569
			Approximately 1,000' upstream of Cole Road	*572
	Maps available for inspection at the Mendon Town Office, 9 North Main Street, Honeoye Falls, New York.			
	Send comments to Honorable Roberta Barnes, Town Supervisor of Mendon, Mendon Town Hall, Honeoye Falls, New York, 14472.			
New York	Weedsport, village, Cayuga County	Cold Spring Brook	Downstream corporate limits	*392
			Upstream Conrail	*395
			Upstream corporate limits	*395
	Maps available for inspection at the Office of the Village Clerk, Village Hall, 8892 South Street, Weedsport, New York.			
	Send comments to Honorable Richard Coyle, Mayor or Weedsport, Village Hall, 8892 South Street, Weedsport New York 13166.			
North Dakota	Morton County (unincorporated areas)	Missouri River	500 feet east from the intersection of Burlington Northern Railroad with North Dakota State Highway 1806.	*1,632
		Heart River	100 feet downstream of center of U.S. Highway 10 (North Dakota State Highway 25).	*1,666
	Maps available for inspection at County Engineer's Office, Morton Copunty Courthouse, 210 2nd Avenue, Mandan, North Dakota.			
	Send comment to the Honorable Richard Bendish, P.O. 368, Mandan, North Dakota 58554.			
North Dakota	Mandan (city), Morton County	Missouri River	Intersection of river and center of Burlington Northern Railroad.	*1,636
		Heart River	100 feet upstream from center of North Dakota State Highway 6.	*1,654
	Maps available for inspection at City Engineer's Office, 205 2d Avenue NW., Mandan, North Dakota.			
	Send comments to the Honorable Donald Hertz, 205 2d Avenue NW., Mandan, North Dakota 58544.			
Oklahoma	Town of Mounds, Creek County	North Duck Creek	Just upstream of St. Louis-San Francisco Railroad	*726
		Middle Duck Creek	Just upstream of Cemetery Road	*707
		Stream A	Just upstream of 8th Street	*724
	Maps available for inspection at City Hall, Mounds, Oklahoma 74047.			
	Send comments to Mayor David Sivadon or Charles Stephenson, Town Manager, P.O. Box 318, Mounds, Oklahoma 74047.			
Oregon	Forest Grove (city) Washington County	Tualatin River	Area north of Tualatin River, along Fern Hill Road	*158
		Gales Creek	Intersection of Ash Street and 13th Avenue	*169
		Council Creek	Limit of detailed study area, west of State Highway 47	*166
	Maps available for inspection at Administrative Offices, 1924 Council Street, Forest Grove, Oregon.			
	Send comments to the Honorable James George Hills, P.O. Box 326, Forest Grove, Oregon 97116.			
Pennsylvania	Coatesville, city, Chester County	West Branch Brandwine Creek	Downstream corporate limits	*308
			Upstream of Lincoln Highway	*315
			Approximately 700 feet upstream of Lincoln Highway	*321
			Approximately 3,050 feet downstream of State Route 30 By-pass.	*345
			Upstream of Route 30 By-pass	*357
			Upstream corporate limits	*362

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Sucker Run	Strode Avenue	*315
			Upstream corporate limits	*319
	Maps available for inspection at the City Hall, Coatesville, Pennsylvania.			
	Send comments to Honorable Paul Aucker, Mayor of Coatesville, City Hall, Coatesville, Pennsylvania 19320			
Pennsylvania	Cranberry, township, Butler County	Brush Creek	Downstream corporate limits	*973
			Upstream of Powell Road	*980
			Approximately 6,000' upstream of Powell Road	*988
			Upstream of Rochester Road	*999
			Confluence of Coal Run	*1,007
			Upstream of Freedom Road	*1,011
			Upstream of Commonwealth Drive	*1,019
			Upstream corporate limits	*1,024
		Coal Run	Confluence with Brush Creek	*1,007
			Upstream of Pennsylvania Turnpike	*1,012
			Upstream of Rochester Road	*1,026
			Upstream of Interstate Route 79	*1,034
			Upstream of Fox Run Road	*1,057
			Upstream of Canterbury Trail	*1,070
			Downstream of Northfield Road	*1,090
	Maps available for inspection at the Cranberry Municipal Building, 1506 Rochester Road, R.D. 5, Mars, Pennsylvania.			
	Send comments to Honorable Frank Petrone, Chairman of the Cranberry Board of Supervisors, 1506 Rochester Road, R.D. 5, Mars, Pennsylvania 16046.			
Texas	Unincorporated areas of Caldwell County	San Marcos River	Just upstream of confluence of Plum Creek	*354
			Just downstream of Interstate Highway 10	*357
			Just upstream of Southern Pacific Railroad	*360
			Just downstream of State Highway 671	*405
			Just upstream of State Highway 20	*443
			Just upstream of Farm Market Road 1977	*482
		Unnamed tributary to San Marcos River	Just upstream of State Highway 80	*558
		Shallow flooding area	Just upstream of State Highway 80	*558
		Tenney Creek	Just upstream of Farm Market Road 3158	*445
			Just upstream of State Highway 731	*446
		Campbell Creek	Just upstream of Farm Market Road 3158	*445
			Just upstream of a dirt road	*458
		Seals Creek	Just upstream of Old San Marcos Highway	*374
			Just downstream of U.S. Highway 90	*375
		Seals Creek tributary	Just upstream of Old San Marcos Highway	*374
		West Fork Plum Creek	Just upstream of State Highway 20	*475
		Little West Fork	Just downstream of an unnamed road	*484
		Big West Fork	Just upstream of an unnamed road	*489
	Maps available for inspection at the County Judge's Office, County Courthouse, Lockhart, Texas 78644.			
	Send comments to Honorable L. W. Scott, Caldwell County Courthouse, Lockhart, Texas 78644.			
Texas	City of Stafford, Fort Bend and Harris Counties	Stafford Run	Just upstream of dirt road	*80
			Just upstream of Avenue E	*77
	Maps available for inspection at City Hall, 2610 South Main, Stafford, Texas 77477.			
	Send comments to Mayor Leonard Scarcella or Mr. Varcaro, Director of Public Works, City Hall, 2610 South Main Street, Stafford, Texas 77477.			
Texas	City of Uvalde, Uvalde County	Leona River	Just upstream of East Mesquite Street	*902
			Just upstream of Leona Street	*903
			Just downstream of Studer Street	*907
		Cooks Slough	Just upstream of W. Main Street (U.S. Highway 90)	*901
			Just upstream of Fort Clark Street	*903
			Just upstream of Bohme Street extended	*909
			Just upstream of Benson (FM Highway 1052)	*916
		Taylor Slough	Just downstream of U.S. Highway 90	*916
			Just upstream of U.S. Highway 90	*921
	Maps available for inspection at City Hall, Intersection of Highways 90 and 83, Uvalde, Texas 78801.			
	Send comments to Mayor John Harrell or Mr. James Thurmond, City Manager, City Hall, P.O. Box 799, Uvalde, Texas 78801.			
Vermont	Duxbury, town, Washington County	Winooski River	Downstream corporate limits	*341
			Bolton Falls Dam (downstream side)	*359
			Bolton Falls Dam (upstream side)	*405
			Upstream crossing of Central Vermont Railroad	*416
			Upstream Corporate Limits	*428
		Crossett Brook	Confluence with Winooski River	*427
			Approximately 2,060' Upstream of State Route 100 (downstream crossing).	*445
			State Route 100 upstream crossing (downstream side)	*493
			Approximately 190' upstream of Private Drive	*523
	Maps available for inspection at the Duxbury Town Clerk's Office, Waterbury, Vermont.			
	Send comments to the Honorable Wade Morse, Chairman of the Duxbury Board of Selectmen, Duxbury Town Office, P.O. Box 387, Waterbury, Vermont 05676.			
Vermont	Waterbury, town, Washington County	Winooski River	Downstream corporate limits	*353
			Upstream of Bolton Falls Dam	*405
			Upsteam Central Vermont Railway	*419
			Upstream corporate limits	*433
		Thatcher Brook	Downstream corporate limits	*503
			Downstream of Laurel Road	*575
			Upstream Guptil Road (1st crossing)	*587
			Upstream Guptil Road (2d crossing)	*592
			Upstream Guptil Road (3d crossing)	*610
			Approximately 75' upstream from Guptil Road (4th crossing).	*643

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Maps available for inspection at the Waterbury Municipal Offices, Waterbury, Vermont.				
Send comments to the Honorable Robert Winchell, Waterbury Town Manager, Waterbury Municipal Offices, Waterbury, Vermont 05676.				
Vermont	Waterbury, village, Washington County	Winooski River	Downstream corporate limits	*421
			Winooski Street (upstream side)	*425
			Upstream corporate limits	*426
		Thatcher Brook	Confluence with Winooski River	*423
			Interstate 89 (upstream side)	*430
			Interstate 89 off ramp (upstream side)	*440
			Dam appoximately 310' upstream of Interstate 89 off ramp.	*454
			Dam approximately 400' downstream of Stowe Street	*492
			Stowe Street (downstream side)	*499
			Corporate limits	*504
Maps available for inspection at the Waterbury Municipal Offices, Waterbury, Vermont.				
Send comments to the Honorable Robert Winchell, Waterbury Village Manager, Waterbury Municipal Offices, Waterbury, Vermont 05676.				
Vermont	Wolcott, town, Lamoille County	Lamoille River	Downstream corporate limits	*663
			200' downstream of Town Highway 38	*673
			350' upstream of Lamoille Valley Railroad (second most downstream crossing).	*684
			125' upstream of School Street (Town Highway 3)	*693
			575' upstream of State Route 15 (downstream crossing).	*703
			1,270' downstream of Pottersville Dam	*713
			420' downstream of Pottersville Dam	*723
			50' downstream of Pottersville Dam	*736
			Upstream of Pottersville Dam	*767
			400' downstream of State Route 15 (upstream crossing).	*777
			Upstream corporate limits	*784
		Wild Branch	Confluence with Lamoille River	*676
			80' downstream of Town Highway 2	*686
			2,125' downstream of Town Highway 15	*696
			90' upstream of Town Highway 15	*707
			2,075' upstream of Town Highway 15	*717
			1,450' upstream of private drive (upstream crossing)	*737
			2,330' downstream of Town Highway 12	*767
			70' downstream of Town Highway 13	*781
			600' upstream of Town Highway 13	*788
			3,250' upstream of Town Highway 13	*808
			4,870' upstream of Town Highway 13	*828
			7,220' upstream of Town Highway 13	*868
			3,500' downstream of private drive (upstream crossing).	*888
			2,550' downstream of private drive (upstream crossing).	*898
			1,200' downstream of private drive (upstream crossing).	*908
			Upstream corporate limits	*928
Maps available for inspection at the Town Clerk's Office, Wolcott, Vermont.				
Send comments to the Honorable Eugene Gates, Chairman of the Wolcott Board of Selectmen, c/o Wolcott Town Clerk's Office, Wolcott, Vermont 05680.				
Virginia	Boykins, town, Southampton County	Tarrara Creek	Bryant Avenue (extended)	*31
			Downstream of Main Street	*36
			Upstream of Intersection of Seaboard Coast Line with corporate limits.	*39
Maps available for inspection at the Town Hall, Boykins, Virginia.				
Send comments to Honorable Jim Hill, Manager of Boykins, Box 363, Boykins, Virginia 23827.				
Washington	Roy (town), Pierce County	Muck Creek	50 Feet upstream from center of Warren Street	*312
Maps available for inspection at Town Clerk's Office, Town Hall, McNaught Street, Roy, Washington.				
Send comments to the Honorable Roy A. Moline, P.O. Box 177, Roy, Washington 98580.				

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: June 5, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-17940 Filed 6-16-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA-6078]

National Flood Insurance Program; Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below and proposed changes to base flood elevations for selected locations in the nation. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 755–5585 or Toll Free Line (800) 424–8872 (In Alaska and Hawaii call Toll Free Line (800) 424–9080), Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for selected locations in the nation, in accordance with section 110 and Section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a) (presently appearing at its former Title 24, Chapter X, § 1917.4(a)).

These elevations, together with the flood plain management measures required by § 60.3 (formerly § 1910.3) of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Proposed Base (100-Year) Flood Elevations

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Michigan	(Township), Locke, Ingham County	Red Cedar River	Downstream corporate limits	*866
			About 1.1 miles upstream of the downstream corporate limit.	*869
Maps available for inspection at the Clerk's Home, 3959 Rowley Road, Williamston, Michigan.				
Send comments to Honorable Robert Force, Township Supervisor, Township of Locke, 2655 Rowley Road, Williamston, Michigan 48895.				
Missouri	(C), Hannibal, Marion and Ralls Counties	Mississippi River	About 1.0 mile downstream of confluence of Bear Creek.	*475
			About 0.6 mile upstream of Norfolk and Western Railway.	*476
		Mills Creek	At mouth	*484
			Just downstream of Johnson Street	*497
			Just downstream of Lilly Avenue	*507
		Minnow Branch	Just downstream of Burlington Northern Railroad	*487
			Just upstream of Market Street	*493
			Just downstream of Bird Street	*540
			Just upstream of Bird Street	*545
			About 200 feet upstream of Munger Lane	*589
		Unnamed tributary	At mouth	*513
			Just downstream of Norfolk and Western Railway	*520
			Just upstream of Burlington Northern Railroad	*525
			About 4,000 feet upstream of U.S. Highway 61	*567
		Bear Creek	At mouth	*475
			Just upstream of Lindell Avenue	*485
			Just downstream of New London Road	*515
			About 900 feet upstream of New London Road	*519
			About 3,300 feet upstream of U.S. Highway 61	*526
Maps available for inspection at the City Hall, 320 Broadway, Hannibal, Missouri.				
Send comments to Honorable Lillian Herman, Mayor, City of Hannibal, City Hall, 320 Broadway, Hannibal, Missouri 63401.				
New Jersey	Lopatcong, township, Warren County	Dry Run	Approximately 450' upstream U.S. Route 22	*253
			Downstream Conrail	*301
			Upstream State Route 57	*316
			Approximately 600' upstream Powder Horn Drive	*354
Maps available for inspection at the office of the Township Clerk, Lopatcong Municipal Building, Phillipsburg, New Jersey.				
Send comments to Honorable Raymond W. Miller, Mayor of Lopatcong, 232 Third Street, Morris Park, Phillipsburg, New Jersey 08865.				
Vermont	Montpelier (city), Washington County	Winooski River	150 feet upstream from centerline of Central Vermont Railroad.	*518
			50 feet upstream from centerline of Main Street	*529
			200 feet upstream from concrete dam upstream of Pioneer Street.	*539
		North Branch Winooski River	100 feet upstream from centerline of State Street	*526
			100 feet upstream from centerline of Gould Hill Road	*537
			100 feet upstream from centerline of Haggett Road	*561
		Dog River	50 feet upstream from centerline of Montpelier and Barre Railroad.	*520

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Stevens Branch	150 feet upstream from confluence with Winooski River.	*547

Maps available for inspection at Zoning Administrator's Office, City Hall, Main Street, Montpelier, Vermont.
Send comments to the Honorable Charles Nichols, City Hall, Main Street, Montpelier, Vermont 05602.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: June 1, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-17934 Filed 6-16-81; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 2

[Docket No. 80-739; Report No. 16379]

Frequency Allocations and Radio Treaty Matters; General Rules and Regulations

AGENCY: Federal Communications Commission.

ACTION: Second notice of inquiry.

SUMMARY: The Commission is soliciting public comments, through a series of documents in this proceeding (Docket 80–739), on national implementation of the Final Acts of the 1979 World Administrative Radio Conference. This action was taken to consider frequency allocations for the portion of radio spectrum from 28 MHz through 1215 MHz.

DATES: Comments are due on or before July 15, 1981 and replies on or before August 30, 1981.

ADDRESS: Federal Communications Commission, 1919 "M" Street, N.W., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mr. Fred Thomas, Office of Science and Technology, 1919 "M" Street, N.W., Washington, D.C. 20554, (202) 653–8171.

Action in Docket Case—Inquiry Adopted on Implementation of 1979 WARC Actions

May 22, 1981.

The Commission has adopted a Second Notice of Inquiry proposing revision of the Table of Frequency Allocations established in FCC Rules (Section 2.106) covering the bands from 28MHz in preparation for implementation of actions taken at the 1979 World Administrative Radio Conference.

The actions of the Conference comprise a treaty, which the United States has not yet ratified. The actions take effect internationally January 1, 1982, for those countries which have ratified the treaty. The WARC was held under the auspices of the International Telecommunication Union, of which the United States is a member.

FCC rule changes resulting from Conference actions will not be adopted until after ratification. A First Notice of Inquiry, released December 30, 1980, (46 FR 3060; January 13, 1981)[1] covered changes in frequency allocations up to 28 MHz.

The new Notice compares Conference action in the 28–1–215 MHz bands with U.S. proposals, most of which were adopted entirely or in part, in order to develop appropriate modifications of FCC Rules. In cases where flexibility was provided, this Notice proposes appropriate Rule changes.

The Commission invited interested persons to file comments in the inquiry. Deadlines for filing comments and replies will be announced later.

For further information contact William Torak, (202) 632–7025, or Fred Thomas, (202) 653–8171.

Note.—Due to the effort to minimize publishing costs, the Notice of Inquiry will not be printed. However, copies may be obtained from the FCC Press Office, Room 202, 1919 M St., N.W., Washington, D.C. 20554.

[1] *Editorial Note:* This document was originally published in the notices section of the Federal Register. It should have appeared in the Proposed Rules Section.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81-18081 Filed 6-16-81; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 63

[CC Docket 78-72-Phase 2]

MTS-WATS Market Structure; Order Extending Time for Filing Reply Comments

AGENCY: Federal Communication Commissions.

ACTION: Notice of inquiry and proposed rule; extension of reply comment period.

SUMMARY: This order grants in part the request of Alascom, Inc., for leave to file additional reply comments in response to the *Report and Third Supplemental Notice of Inquiry and Proposed Rulemaking* in the MTS–WATS market structure inquiry (78–72–Phase 2), 81 FCC 2d 177 (1980), 45 FR 55777 (released August 21, 1980). That order granted Alascom one more opportunity in which to make a showing that the public interest would be best served by sole source supply in the Alaskan MTS–WATS market.

DATES: Alascom is granted until June 22, 1981, in which to file reply comments in response to the opposition's filed in response to its impact study filed January 8, 1981.

ADDRESSES: Federal Communications Commission, 1919 M Street NW., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Douglas L. Slotten, Policy and Program Planning Division, Common Carrier Bureau, (202) 632–9342.

Memorandum Opinion and Order

Adopted: June 8, 1981.

Released: June 11, 1981.

By the Chief, Common Carrier Bureau:

1. On May 1, 1981, Alascom, Inc., filed a *Motion Requesting Leave To File Reply Comments* in the above-captioned proceeding. This motion asks that Alascom be given until July 24, 1981, to revise its study and respond to the replies filed on March 25, 1981. General Communication, Inc. (GCI) and Southern Pacific Communications Company (SPCC) filed opposition to Alascom's motion. Alascom has replied.

2. Alascom's first basis for requesting leave to file additional pleadings in this proceeding is based on a procedural due process theory. It argues that the Commission placed the burden of proof on it and required it to file its study in the first round of comments. Thereafter, the Commission authorized other interested persons to file replies to its study. However, it argues that it must be given an opportunity to respond to the comments of other parties that have challenged its legal arguments and its study methodologies and conclusions.

3. Alascom's second argument is that many of the criticisms of its study methodology are well taken, and it therefore proposes to revise its study to provide more refined and reliable data. Alascom proposes to supplement its data base; to restructure the traffic model to redetermine the customers with reason to change; to test the sensitivity of the changeover, assumptions, and establish a confidence interval; and to revise the separation, financial and rate impact studies. Alascom states that most of these steps must be done sequentially and that the entire process will take ten weeks. In addition, Alascom allows itself a further two weeks to prepare the response portion of its comments reflecting the improved study results. Alascom states that it wants only to perfect the procedure and reliability of its study so as to improve the record and foster a reasoned decision. It states that July 24, 1981, is the earliest reasonable time in which the substantial effort can be completed and submitted.

4. GCI and SPCC argue that the Commission should deny Alascom's motion. They submit that Alascom is not seeking merely to respond, but rather is seeking to introduce new information in the form of an updated and revised third study. They assert this will unduly prolong an already extended proceeding, thereby placing an additional burden on Alascom, the Commission, and opposing parties, with the likely result that any new study will again result in a futile effort to demonstrate the alleged impact. Finally, they argue that if the Commission should permit Alascom to submit a revised study, additional opportunity for comment must be provided them.

5. In response, Alascom states that it submitted the best study that could be done given the constraints on time and the uncertainly about what studies would satisfy the Commission's needs. Fundamental fairness, Alascom states, requires that it be given an opportunity to respond to the oppositions to its showings. The objective of getting at the facts rather than deciding issues based on procedural rigidity or burden of proof criteria favors allowing Alascom to submit revised study showings. Alascom states that the Commission's role is not to provide an adversarial forum for parties to argue their differing policy positions, but rather to determine the public interest and fostering Alaskan communications. It states that if GCI and SPCC are confident that no injury can be shown, no harm can result from allowing Alascom to submit its revised study. It states that it has no objection to other parties filing reply comments to its revised study showings.

6. We conclude that there is merit to Alascom's procedural argument that it should be provided an opportunity to rebut the comments of parties filing in opposition to its legal analysis and its economic findings.[1] However, a reading of Alascom's motion reveals an intent to do more than merely rebut the reply comments. Rather, it seeks to file new, revised studies of economic impact to correct for errors noted by opposing parties in its earlier study methodology.

7. This proceeding has a long history. It was commenced in February 1978, *Notice of Inquiry and Proposed Rulemaking*, 67 FCC 2d 757 (1978). On August 30, 1979, the Commission issued a *Supplemental Notice of Inquiry and Proposed Rulemaking*, 73 FCC 2d 222 (1979), which invited interested persons to submit comments describing an optimal industry structure for the MTS–WATS market including an entry policy and other related regulatory policies which in combination will be most likely to produce results that further the goals of the Communications Act. Alascom sought clarification as to whether the Alaskan market was at issue. After the Commission affirmed that the Alaskan market was, in fact, at issue, an extention of time to file comments of approximately two and a half weeks was granted at Alascom's request. In an order released August 25, 1980, *Report and Third Supplemental Notice*, 81 FCC 2d 177 (1980), the Commission gave Alascom another opportunity to demonstrate by "clear and convincing evidence that the creation of a protected enclave is required in order to avoid evils the Communications Act was designed to prevent." 81 FCC 2d at 204. This order established October 17, 1980 as the date on which Alascom should file supplemental comments. Subsequently, Alascom was granted three extensions of time of approximately one month each in which to file supplemental comments. Now, five weeks after reply comments have been filed, Alascom has asked for four months in which to revise its study and submit additional comments.

8. In setting comment periods in rulemaking proceedings, the Commission must balance the need to keep a proceeding moving expeditiously with the need of permitting parties as full an opportunity as possible to present their position. In this proceeding, Alascom has already had two opportunities to make its economic showing, namely, in response to the *First Supplemental Notice* and in response to the Third Supplemental Notice. In each of these instances, Alascom has been granted additional time, a total of nearly three months in the latter of these two instances. It now seeks to change its assumptions, redo its latest economic study, and to submit these as rebuttal comments. For this purpose, it requested four months from March 25, 1981, the date on which reply comments were filed. This is an extremely lengthly and unusual request, which would result in substantial delay in concluding this proceeding and leave a cloud over the business opportunities of potential entrants. This cloud can only work to Alascom's advantage by discouraging entry, and if the tentative conclusion of the Third Notice is reaffirmed, it will serve to delay the introduction of the unrestrained competitive benefits to telecommunication users in Alaska. In light of these factors, the only conclusion that can be reached is that the public interest will not be served by allowing Alascom until July 24, 1981, in which to file rebuttal comments.

[1] While a five week delay in filing for leave to file additional comments could be the basis of dismissing a motion as untimely filed, we do not choose to follow that course herein. As noted, we believe procedural fairness requires Alascom to have a chance to rebut the opposition comments, an opportunity that the Commission did not directly provide in the Order giving Alascom another chance to argue for sole source supply. However, this lengthy delay in filing its motion is certainly not helpful to Alascom here and might give rise to questions as to its commitment to keep this proceeding moving expeditiously.

9. Even if Alascom could redo its studies in four months, the Commission cannot allow parties repeated opportunities to submit economic showings if it is to make the public policy decisions with which it is charged in an expeditious manner. We do not believe that four months is necessary to prepare rebuttal comments to the oppositions filed in this proceeding. However, to permit the filing or rebuttal comments which we conclude procedural fairness requires, we will permit Alascom to file rebuttal comments by June 22, 1981.

10. At this time we are unable to determine the nature or scope of the rebuttal comments Alascom will file on June 22, 1981. We are therefore unable to determine whether reply comments may be appropriate or necessary. Therefore, no reply period is being established. This conclusion is without prejudice to any determination that may be necessary subsequent to June 22, 1981.

11. Accordingly, it is ordered, pursuant to Section 5(d) of the Communications Act of 1943, as amended, 47 U.S.C. 155(d); and § 0.291 of the Commission's Rules, 47 CFR 0.291, that Alascom's motion for leave to file additional comments is granted to the extent that it is given until June 22, 1981, in which to file rebuttal comments, and in all other respects is denied.

12. It is further ordered, that the requests of General Communications, Inc. and Southern Pacific Communications Company to establish an opportunity to respond to Alascom's rebuttal comments are denied, without prejudice to any action on later petitions.

Joseph A. Marino,

Acting Chief, Common Carrier Bureau.

[FR Doc. 81-17907 Filed 6-16-81; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 81-372; RM-3777]

FM Broadcast Station, Madison, Minn.; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign FM Channel 221A to Madison, Minnesota, in response to a petition filed by Maynard R. Meyer. The assignment would provide Madison with a first local aural service.

DATE: Comments must be filed on or before August 10, 1981, and reply comments on or before August 28, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-77-92.

SUPPLEMENTARY INFORMATION:

Adopted: June 2, 1981.

Released: June 11, 1981.

In the matter of an amendment of § 73.202(b), table of assignments, FM broadcast stations (Madison, Minnesota), BC Docket No. 81-372, RM-3777, notice of proposed rule making.

1. Maynard R. Meyer ("petitioner") has filed a petition for rule making [1] seeking assignment of FM Channel 221A to Madison, Minnesota, as that community's first FM assignment. The assignment can be made in compliance with the minimum distance separation requirements, and petitioner states that it will apply for the channel, if assigned.

2. Madison (population 2,242),[2] the seat of Lac Qui Parle County (population 11,164), is located approximately 240 kilometers (150 miles) west of St. Paul, Minnesota. It has no local aural service.

3. Petitioner failed to set forth in its proposal demographic and economic information with respect to the Madison area to demonstrate the need for the proposed assignment, and is required to do so by the date established herein for filing comments.

4. In order to give further consideration the request, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules, as follows:

City	Channel No.	
	Present	Proposed
Madison, Minn.	----	221A

5. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

6. Interested parties may file comments on or before August 10, 1981, and reply comments on or before August 28, 1981.

7. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. *See, Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend Sections 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

8. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, IT IS PROPOSED TO AMEND the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than

[1] Public Notice of the petition was given November 3, 1980, Report No. 1254.

[2] Population figures are taken from the 1970 U.S. Census.

that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an orginal and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 81-17900 Filed 6-16-81; 8:45 am]

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Notices

Federal Register
Vol. 46, No. 116
Wednesday, June 17, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

CIVIL AERONAUTICS BOARD

Application of Air Chicago, Inc. for Certificate Authority Under Subpart Q

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order 81–6–73 application of Air Chicago, Inc., under Subpart Q for a certificate of public convenience and necessity Docket 39628.

SUMMARY: The Board is proposing to grant a certificate of public convenience and necessity to Air Chicago, Inc., subject to a favorable determination of its fitness, to authorize it to provide air transportation of persons, property and mail between and among the 42 Chicago (Midway Airport) markets listed in its application. The complete text of this order is available as noted below.

DATES: Objections: All interested persons having objections to the Board issuing the proposed authority shall file, and serve upon all persons listed below no later than July 2, 1981, a statement of objections, together with a summary of testimony, statistical data, and other material expected to be relied upon to support the stated objections.

ADDRESSES: Objections should be filed in Docket 39628, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

FOR FURTHER INFORMATION CONTACT: Thomas G. Chew, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428, (202) 673–5056.

SUPPLEMENTARY INFORMATION: Objections should be served upon Air Chicago, Inc.; the Mayors of Chicago, Illinois, Atlanta, Georgia, Baltimore, Maryland, Boston, Massachusetts, Buffalo, New York, Cincinnati, Ohio, Cleveland, Ohio, Columbus, Ohio, Dallas/Ft. Worth, Texas, Dayton, Ohio, Denver, Colorado, Des Moines, Iowa, Detroit, Michigan, Hartford, Connecticut, Houston, Texas, Indianapolis, Indiana, Long Island-MacArthur, New York, Kansas City, Missouri, Lincoln, Nebraska, Louisville, Kentucky, Memphis, Tennessee, Milwaukee, Wisconsin, Minneapolis/St. Paul, Minnesota, Nashville, Tennessee, New Orleans, Louisiana, New York, New York, Newark, New Jersey, Oklahoma City, Oklahoma, Omaha, Nebraska, Peoria, Illinois, Philadelphia, Pennsylvania, Pittsburgh, Pennsylvania, Moline, Illinois, Rockford, Illinois, Rochester, New York, St. Louis, Missouri, Sioux Falls, South Dakota, Syracuse, New York, Toledo, Ohio, Tulsa, Oklahoma, Washington, D.C., and White Plains, New York; the manager of these cities' airports; the Illinois Department of Transportation, the Louisiana Department of Transportation, the Michigan Aeronautics Commission, the New York State Department of Transportation; the Oklahoma Aeronautics Commission, the Ohio Department of Transportation, the Tennessee Department of Transportation, and Texas Aeronautics Commission; the Federal Aviation Administration, the Airline Pilots Association, and the Association of Flight Attendants.

The complete text of Order 81–6–73 is available from our Distribution Section, Room 516, 1825 Connecticut Avenue NW., Washington, D.C. Persons outside the metropolitan area may send a post card request for Order 81–6–73 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board, June 11, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81–17974 Filed 6–16–81; 8:45 am]

BILLING CODE 6320–01–M

Pan American World Airways, Inc.; Order Concerning Mail Rates

Order 81–6–85, June 12, 1981, Docket 37392, denies the petition of Pan American World Airways, Inc. for reconsideration of Order 81–4–107 which established final mail rates for the period January 1 through March 31, 1981.

Copies of the order are available from the C.A.B. Distribution Section, Room 516, 1825 Connecticut Avenue NW., Washington, D.C. 20428. Persons outside the Washington metropolitan area may send a postcard request.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81–17975 Filed 6–16–81; 8:45 am]

BILLING CODE 6320–01–M

[Docket Nos. 38019, 38961; Order 81–6–67]

Wien Air Alaska Mainline and Bush Mail Rates Investigation and Intra-Alaska Class Service Mail Rates

Issued under delegated authority June 10, 1981.

Order

Order 81–6–4, establishing an informal conference[1] of the parties to these proceedings, states that the conference would be governed by the rules for informal mail rate conferences in §§ 302.313 and 302.314 of the Board's Procedural Regulations. Informal mail rate conferences are closed to the public and the participants are required to comply with certain rules for the nondisclosure of information obtained during the course of the conference.

After further consideration, the undersigned concludes that the nature of the proceedings at this point do not warrant the institution of an informal mail rate conference. Accordingly, the conference established in Order 81–6–4 will be open to the public and the procedures in §§ 302.313 and 302.314 will not be applied. It should be emphasized, however, as the order already states, that actual participation in the conference will be limited to the parties to Dockets 38019 and 38961 and the Board's staff.

Accordingly,

1. Ordering paragraph 4 of Order 81–6–4 is amended to read as follows:[2]

"4. The provisions contained in 14 CFR 302.313 and 14 CFR 302.314 will not apply to this conference."

2. A copy of this order will be served on Alaska Airlines, Alaska International Air, Kodiak-Western Alaska Airlines, Munz Northern Airlines, Reeve Aleutian Airways, Peninsula Airlines, Sea

[1] The conference is scheduled for June 17, 1981.

[2] Due to an oversight in drafting, ordering paragraph 2 already contains notice that the conference would be open to the public. Therefore, the amendment here simply brings the rest of the order into conformity with that invitation.

Airmotive, Wien Air Alaska and the Postmaster General.

This order will be published in the **Federal Register.**

Persons entitled to petition the Board for review of this order under the Board's Regulations, 14 CFR 385.50, may file their petitions within 10 days of the date of service of this ordfer.

This order shall become effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within that period a petition for review is filed, or the Board gives notice that it will review this order on its own motion.

Phyllis T. Kaylor,

Secretary.

Attachment

Service List, Dockets 38019 and 38981

Alaska International Air, Inc., Box 60029, Airport Annex, Fairbanks, Alaska 99706
Leonard N. Bebchick, Martin, Whitfield, Smith & Bebchick, 1701 Pennsylvania Ave. NW., Suite 1102, Washington, D.C 20006
Raymond J. Vecci, Vice President, Planning & Assistant to the President, Alaska Airlines, Inc., Seattle-Tacoma International Airport, Seattle, Washington 98188
Marshall S. Sinick, Fisher, Gelband and Sinick, Suite 440, 2020 K Street, NW., Washington, D.C. 20006
Air North d.b.a. Yukon Air Service, Box 60054 Fairbanks, AK 99701
Michael J. Roberts, Verner, Liipfert, Bernhard and McPherson, Suite 1100, 1660 L Street, NW., Washington, D.C. 20036
Mr. Howard G. Fowler, President, Kodiak-Western Alaska Airlines, Inc., P.O. Box 2456, Kodiak, Alaska 99615
Mr. Andrew E. Hoge, Hoge & Lekisch, 437 "E" Street, Suite 500, Anchorage, Alaska 99501
Ms. Debbie Pickworth, Comptroller, Kodiac-Western Alaska Airlines, Inc., 2015 Merrill Field Drive, Anchorage, Alaska 99501
Mr. Richard F. Galleher, President, Munz Northern Airlines, Inc., P.O. Box 790, Nome, Alaska 99762
Mr. James J. Flood, President, Wien Air Alaska, Inc., 4100 W. International Airport Road, Anchorage, Alaska 99520
Mr. Theodore I. Seamon, Seamon, Wasko & Ozmont, 1211 Connecticut Ave. NW., Suite 300, Washington, D.C. 20036
Mr. Larry Ledlow, President, Western Yukon Air, P.O. Box 131, St. Marys, Alaska 99558
Mr. Edwin O. Bailey, Kirkland and Ellis, 1776 K Street NW., Washington, D.C. 20006
Mr. Robert A. Scherr, Room 9417, U.S. Postal Service, Washington, D.C. 20260
Mr. Harold E. Mesirow, Lillick McHuse & Charles, 1333 New Hampshire Ave. NW., Washington, D.C. 20036
Mr. R. D. Reeve, President, Reeve Aleutian Airways, Inc., 4700 W-International Airport Road, Anchorage, Alaska 99502
Mr. Robert G. Cook, Diemler & Diekemper, Inc., 1435 Powhatan Street, Alexandria, Virginia 22314

Service List, Dockets 38019 and 38961

Mr. Jerry G. Barnes, Staff Vice President, CAB & Regulatory Matters, Wien Air Alaska, Inc., 4100 W. International Airport Rd., Anchorage, Alaska 99502
Mr. Irving Saginor, S. E. Colker & Associates, Inc., 1330 New Hampshire Ave. NW., Suite 114, Washington, D.C. 20036
Ms. Katharine W. Carpenter, Beauvais, Roberts and Kurth, 1250 Connecticut Avenue NW., Suite 200 Washington, D.C. 20036
Mr. George R. Short, Controller Air North, P.O. Box 60054, Fairbanks, Alaska 99701
Mr. Lance Wells, Esq., General Counsel, Sea Airmotive, Inc., P.O. Box 6003, Anchorage, Alaska 99502
Mr. Jeffrey L. Johnson, Vice President Controller, Alaska International Air, Inc., P.O. Box 60009, Fairbanks, Alaska 99701
Mr. Marvin A. Sprunk, Vice President Administration, Alaska International Air, Inc., P.O. Box 6789, Anchorage, Alaska 99502
Mr. Alfred R. Stout, Consultant, 710 Piney Wood Circle, California, Maryland 20619
Mr. Richard P. Taylor, Steptoe & Johnson, 1250 Connecticut Avenue NW., Washington, D.C. 20036
Mr. Robert Reed Gray, Esq., Hale, Russell & Gray, 1025 Connecticut Avenue NW., Washington, D.C. 20036

[FR Doc. 81-17973 Filed 6-16-81, 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Toy Balloons and Playballs From Mexico; Dismissal of Countervailing Duty Petition

AGENCY: International Trade Administration, Commerce.

ACTION: Dismissal of Countervailing Duty Petition.

SUMMARY: This notice is to advise the public that a petition has been received requesting that countervailing duties be imposed with respect to the importation of toy balloons and playballs from Mexico. The petition does not properly allege the basis upon which countervailing duties may be imposed and is therefore being dismissed and the proceeding terminated.

EFFECTIVE DATE: June 17, 1981.

FOR FURTHER INFORMATION CONTACT: Louis Apple, Office of Investigations, Import Administration, International Trade Administration, Department of Commerce, Washington, D.C. 20230 (202–377–1279).

SUPPLEMENTARY INFORMATION: On May 14, 1981, we received a petition from counsel for the National Latex Products Company ("NLP") of Ashland, Ohio. The petition alleges that Mexican producers and exporters of toy balloons (including punchballs) and playballs receive subsidies. It contains information concerning alleged subsidies, but does not contain any information alleging injury to an industry in the United States.

Scope of Petition

The merchandise covered by the petition consists of toy balloons (including punchballs) and playballs. Balloons and punchballs are currently classifiable under TSUSA number 737.9535, and playballs under TSUSA number 735.0990. These products enter the United States duty-free under the Generalized System of Preferences.

Ballons and punchballs are inflatable, thin-walled articles made by dipping non-porous forms (called "mandrels") in natural latex. Punchballs have slightly thicker walls than balloons and are sold packaged with bands.

A playball is a hollow sphere produced from polyvinyl chloride (a thermoplastic resin) and other thermoplastics that will bounce when inflated with air and which yields diameters from 4 to 20 inches. Playballs are not nylon-wound or made of rubber, and are not to be confused with sportballs (used in athletic activities).

The alleged manufacturers of these products are Latex Occidental, S.A. (balloons and punchballs), and Industrias Salver (playballs), both located in Guadalajara, Mexico.

Dismissal of Petition

Section 303 of the Tariff Act of 1930, as amended (19 U.S.C. 1303) ("the Act"), applies to this investigation, as Mexico is not a "country under the Agreement" within the meaning of section 701(b) of the Act (19 U.S.C. 1671(b)). Section 303(a)(2) states:

> In the case of any imported article or merchandise which is free of duty, duties may be imposed under this section only if there are affirmative determinations by the Commission under subtitle IV of this chapter; except that such a determination shall not be required unless a determination of injury is required by the international obligations of the United States.

Petitioner alleges that the United States has no "international obligation" to provide an injury determination for duty-free Mexican merchandise; the petition contains no information alleging injury to the United States industry from Mexican exports of the subject product.

We conclude that in this case an allegation of injury to the United States industry is a necessary component of the petition. This conclusion is based on the decision by the United States Department of the Treasury in a 1978 case involving other Mexican duty-free products. In the August 28, 1978, notice

of initiation of this case (43 FR 38482) Treasury stated:

The imported merchandise classifiable under item numbers 705.3000, 791.7620, and 791.7660 of the tariff schedules of the United States, annotated (TSUSA) are eligible for duty-free entry under the generalized system of preferences. In the event that it becomes necessary to refer this case to the U.S. International Trade Commission pursuant to section 303(a)(2), Tariff Act of 1930, as amended (19 U.S.C. 1303(a)(2)), there is evidence on record concerning injury, or likelihod of injury, to an industry in the United States with regard to these duty-free imports.

In the absence of any subsequent action prior to this petition rendering the 1978 decision inapplicable to cases involving duty-free imports from Mexico, we have determined in this case that countervailing duties may not be imposed unless there is an affirmative determination concerning injury. Because of the absence of any allegation of injury, the petition, which is satisfactory otherwise, does not allege the elements necessary for the imposition of countervailing duties. We are dismissing the petition and terminating the proceeding without prejudice to the right of the petitioner to submit a revised petition that includes the necessary allegation and supporting information on injury.

B. Waring Partridge III,

Acting Deputy Assistant Secretary for Import Administration.

[FR Doc. 81-17976 Filed 6-16-81; 8:45 am]

BILLING CODE 3510-25-M

National Bureau of Standards

Appointment of Member To Limited Performance Review Board

In a notice published in the Federal Register on October 5, 1979 (44 FR 57462), announcement was made of the establishment and purpose of the Limited Performance Review Board (LPRB). That notice and a notice in the Federal Register dated October 17, 1979 (44 FR 59930) announced the membership of the LPRB and the terms of its three members.

This notice announces the appointment to the LPRB, in place of one of the members who has resigned, of the individual whose name, title and term is set out below: Dr. William P. Raney, Assistant Associate Administrator for Space and Terrestial Applications (Programs), National Aeronautics and Space Administration, Washington, D.C. 20546, Term—2 years.

Persons desiring any further information about the LPRB or its membership, may contact Elizabeth W. Stroud, Chief, Personnel Division, National Bureau of Standards, Washington, D.C. 20234, (301) 921-3555.

Dated: June 12, 1981.

Ernest Ambler,

Director.

[FR Doc. 81-17864 Filed 6-16-81; 8:45 am]

BILLING CODE 3510-13-M

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF Scientific Advisory Board; Meeting

June 9, 1981.

The USAF Scientific Advisory Board Tactical Cross Matrix Panel will meet at HQ TAC Langley AFB, Virginia on July 7–8, 1981. The meeting will convene at 8:30 a.m. and adjourn at 5:00 p.m. each day.

The Panel will receive a review and update of Tactical Air Command ongoing programs and developments. The briefings and discussions will be closed to the public in accordance with Section 552b(c) of Title 5, United States Code, specifically subparagraph (1).

For further information, contact the Scientific Advisory Board Secretariat at (202) 697-4648.

Carol M. Rose,

Air Force Federal Register Liaison Officer.

[FR Doc. 81-17906 Filed 6-16-81; 8:45 am]

BILLING CODE 3910-01-M

Department of the Army

Board of Visitors, United States Military Academy; Open Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92-463), announcement is made of the following meeting.

Name of Committee: Board of Visitors, United States Military Academy
Dates of Meeting: 3–5 August 1981
Place of Meeting: West Point, New York
Time: At West Point:

1300–1700, 3 Aug, Optional orientation for new Board members (West Point)
0830–1130, 4 Aug, Observe Cadet Basic Training (West Point)
1130–1630, 4 Aug, Observe Cadet Field Training (Camp Buckner)
0830–1200, 5 Aug, Board Discussions (Lee Hall)
1410–1530, 5 Aug, Board Discussions (Washington Hall)

Proposed Agenda: Inquiry about the cadet training to include Cadet Field Training, Cadet Basic Training, honor instruction, leadership preparation for service in the Army, and other matters relating to the Military Academy that the Board decides to consider.

All proceedings are open. For further information, contact COL D. P. Tillar, Jr. United States Military Academy, West Point, New York, telephone 914-938-2785/4723.

For the Board of Visitors:

D. P. Tillar, Jr.,

Col. GS, Executive Secretary, USMA Board of Visitors.

[FR Doc. 81-17895 Filed 6-16-81; 8:45 am]

BILLING CODE 3710-08-M

Defense Communications Agency

Scientific Advisory Group; Closed Meeting

The DCA Scientific Advisory Group will hold closed meetings on 29 and 30 June 1981. The 29 and 30 June meetings will be at the Defense Communications Agency, Director's Management Information Center at Headquarters, Defense Communications Agency, 8th Street and South Courthouse Road, Arlington, Virginia.

The subject of the meetings will be DCA Goals and Reorganization.

Any person desiring information about the Advisory Group may telephone (Area Code 202-692-1765) or write Chief Scientist—Associate Director, Technology, Headquarters, Defense Communications Agency, 8th Street and South Courthouse Road, Arlington, Virginia 22204.

These meetings are closed because the material to be discussed is classified requiring protection in the interest of National Defense. (5USC522b(c)(1))

Irwin L. Lebow,

Chief Scientist—Associate Director, Technology.

[FR Doc. 81-17898 Filed 6-16-81; 8:45 am]

BILLING CODE 3810-05-M

Office of the Secretary

DOD Advisory Group on Electronic Devices; Advisory Committee Meeting

Correction

In FR Doc. 81-17595, published on page 31305, on Monday, June 15, 1981, in the first paragraph, in the fourth line, "July 19–30" should be corrected to read "July 29–30".

BILLING CODE 1505-01-M

DEPARTMENT OF ENERGY

Bonneville Power Administration

Privacy Act of 1974; Proposed Establishment of a New System of Records

AGENCY: Department of Energy, Bonneville Power Administration.

ACTION: Proposed establishment of a new system of records subject to the Privacy Act of 1974 (Pub. L. 93–579; 5 U.S.C. 552a).

SUMMARY: The Department of Energy (DOE) proposed to establish a system of records in order to carry out Bonneville Power Administration's (BPA) conservation programs. In cooperation with various utilities; Federal, State, and local organizations; and other groups, BPA will undertake to accomplish various conservation and renewable resource measures in the Pacific Northwest. Public comment is sought on the system of records, and, in particular, on the routine uses of the records, as required by Subsection (e)(11) of the Privacy Act (5 U.S.C. 552a(e)(11)).

DATE: Written comments must be received within 30 days after publication.

ADDRESS: Comments and requests for further information should be directed to: Mr. John L. Elizalde, Bonneville Power Administration, PEP, P.O. Box 3621, Portland, Oregon, 97208.

SUPPLEMENTARY INFORMATION: The Bonneville Power Administration of the Department of Energy proposes to establish a new system of records, to be entitled "Bonneville Power Administration Conservation Program." As a part of this overall program, BPA will implement individual measures, both pilot and regional in nature. Authority for these measures stems from the Bonneville Project Act of 1937 (16 U.S.C. Ch. 12B) as amended by the Flood Control Act of 1944 (16 U.S.C. 825s), the Federal Columbia River Transmission Act (16 U.S.C. Ch. 838), and the Pacific Northwest Electric Power Planning and Conservation Act (Pub. L. 96–501). These measures involve conservation and energy efficiency in residential, agricultural, commercial, and industrial sectors; direct application of wind, geothermal, and solar resources; and technical applications of other energy-conserving or energy-efficiency-improving techniques. These programs will involve such measures as zero-interest loans for weatherization; other direct incentives for weatherization, water heater wraps, shower flow restrictors, pump testing, solar water heating incentives, passive solar home construction incentives, commercial information and audit services, lighting replacements, and other programs as developed.

The records in the system will be disclosed as follows: (1) records will be made available to BPA for audit and program evaluation purposes; (2) records, in aggregated form, will become a part of a public data base on conservation and direct application renewable resource measures; (3) records will be made available to authorized personnel for purposes of installation or repair to any equipment installed under the program; (4) records will be used for verification or correction of services rendered under the program; (5) records will be used for purposes of load forecasting; (6) records will become part of a data base used for program publicity; and (7) information regarding buildings will be made available to subsequent purchasers of the buildings. Information may also be released to the public for purposes of survey and program analysis.

The system of records will be established and maintained pursuant to the Bonneville Project Act of 1937 (16 U.S.C.Ch. 12B), as amended by the Flood Control Act of 1944 (16 U.S.C. 825s), the Federal Columbia River Transmission Act (16 U.S.C. 838), and the Pacific Northwest Electric Power Planning and Conservation Act (Pub. L. 96–501). The collectio of data and maintenance of the system of records are incidental to the performance of the overall Bonneville Power Administration Conservation Program, the objective of which is (1) to acquire energy resources through energy conservation and direct application renewable resource measures; (2) to determine what cost-effective conservation and direct application renewable resource measures should be installed or adopted under different circumstances; and (3) to provide incentives for the installation of such measures.

The establishment of this system of records should have a mininal effect on the personal privacy of participants. Although BPA, a utility, or other participant may directly contact individuals to provide program information, participation in the program is voluntary and will be initiated by the individuals.

BPA is expressly authorized in the Pacific Northwest Electric Power Planning and Conservation Act to cooperate with its customers and governmental authorities to achieve conservation. Although BPA may deal directly with State and local governments in various program settings, there will be no adverse impact on the principles of federalism.

Some States in the region currently offer financial incentives such as tax credits or deductions for some conservation or direct application renewable resource measures. The BPA program will provide additional incentives in more program areas to energy consumers in the region.

Safeguards

Records will be safeguarded in several ways: (1) access to records will be limited to those personnel who have a need for the data, and (2) records will be locked when unattended. Records may also be maintained in a "protected" computer file. In view of these provisions, more elaborate security measures need not be considered.

A report on New Systems has been submitted to the Office of Management and Budget (OMB) as required by Section 3(o) of the Privacy Act (5 U.S.C. section 552a(o)) and OMB Circular No. A–108, as amended.

Whenever applicable, information to be maintained in the system will be collected using a data collection form which has been submitted to OMB for clearance under the Federal Reports Act and OMB Circular No. A–40, as amended.

The text of the system notice is set forth below.

Dated: June 10, 1981.

DOE–74

William S. Heffelfinger,
Assistant Secretary, Management and Administration.

SYSTEM NAME:

Bonneville Power Administration Conservation Program

SYSTEM LOCATION:

Bonneville Power Administration, Division of Conservation, P.O. Box 3621, Portland, Oregon 97208; and utilities or other entities which may participate in the program.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any participant in a Bonneville conservation program will be included in the system of records. For example, participants include but are not limited to, residential consumers, commercial consumers, contractors, utility personnel, and personnel of other implementing entities.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information about individual energy consumption including names,

addresses and other demographic data; characteristics of buildings; characteristics about natural phenomenon (such as wind, sunlight, geothermal activity, etc.); structural aspects related to thermal efficiency; information as to type, location, and number of installed measures; performance data; information relating to BPA financial assistance to consumers; and information as to auditor/analyst training.

AUTHORITY FOR MAINTENANCE OF SYSTEM:

Bonneville Project Act of 1937, 16 U.S.C. Chapter 12B (1976), as amended by the Flood Control Act of 1944 (16 U.S.C. section 825s), the Federal Columbia River Transmission System Act of 1974 (16 U.S.C. Chapter 838), and the Pacific Northwest Electric Power Planning and Conservation Act (Pub. L. 96–501).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information will be maintained by BPA, a utility, or other entity administering the program and will be used (1) to determine eligibility for and to account for BPA payments; (2) to evaluate the electric energy displacement for conservation and direct application renewable resource measures; (3) to evaluate the performance of specific measures; (4) to assess potential regional impact of individual pilot measures; (5) to make recommendations to consumers concerning energy efficiency; (6) to assist in preparing detailed resource assessments; (7) to assist in installation or repair of measures; and (8) to assist in verification or correction of services rendered under this program. Information may also be released to the public in aggregated form for purposes of survey and program analysis. Except in cases (1), (7), and (8), above, information will not be released in other than aggregated form without the prior consent of the individual.

BPA will use this information in statistical form (1) to evaluate the overall effectiveness of the program, and (2) to provide and make available a public data base which will be used to plan and analyze appropriate conservation and direct application renewable resource measures for firms and residents of the Pacific Northwest.

The utility or other entity administering the program will make information available (1) in aggregated form to Federal, State, and local agencies and organizations with an interest in conservation and direct application renewable resource measures, and (2) to BPA for audit and program evaluation purposes. When necessary for accomplishing a measure, the utility or other entity will make information available to contractors for use in preparing and submitting bids for work, and to repair persons called upon to evaluate, correct deficiencies in, or otherwise repair installed measures. The utility or other entity may disclose site or building-specific information to subsequent purchasers.

POLICIES, PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained (1) on paper in file folders, and (2) on computer tape or disc.

RETRIEVABILITY:

Records maintained by the utility are indexed by a utility account number assigned to each utility customer. Records are indexed by other assigned numbers when maintained at a location other than a utility.

SAFEGUARDS:

Access to and use of these records is limited to those persons whose official duties require such access. All files are locked or otherwise secure when unattended.

RETENTION AND DISPOSAL:

A records retention and disposal authorization will be developed and issued in the effective edition of Order DOE 1324.2, Records Disposition.

SYSTEM MANAGER(S) AND ADDRESS:

Mr. John L. Elizalde, Chief, Program Branch, PEP, Division of Conservation, Bonneville Power Administration, P.O. Box 3621, Portland, Oregon 97208, 503–234–3361, Ext. 4086.

NOTIFICATION PROCEDURE:

Individuals about whom information is maintained in this system of records are aware of that fact through participation in the program. However, inquiries may be addressed to the System Manager named above. Requests should include the individual's full name and address. Procedures for existing Privacy Act rights are contained in DOE's Privacy Act regulations, 10 CFR 1008, 45 FR 61576, September 16, 1980.

RECORD ACCESS PROCEDURES:

Requests for access may be directed to the System Manager named above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information about them maintained in this system should direct their request to the System Manager named above.

RECORD SOURCE CATEGORIES:

The information in this system is solicited from the individual to whom the record pertains. Information will also be gathered from data collection and other monitoring equipment such as electric meters, flowmeters, air quality monitors, and so forth. Information will be gathered by representatives of the utilities or by others at BPA's request.

[FR Doc. 81-18050 Filed 6-16-81; 8:45 am]
BILLING CODE 6450-01-M

Economic Regulatory Administration

[ERA Case No. 52031-0681-01-42]

Availability of Tenative Staff Analysis

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of availability of tentative staff analysis.

SUMMARY: On December 30, 1980, Utilities Commission of the City of New Smyrna Beach (New Smyrna Beach), Florida petitioned the Economic Regulatory Administration (ERA) of the Department of Energy for an order exempting its Swoope Unit #1 powerplant from the provisions of the Powerplant and Industrial Fuel Use Act of 1978 (FUA) which prohibit natural gas use in certain existing electric powerplants. ERA's final rules implementing FUA, including criteria to be used in petitioning for exemptions from the prohibitions of FUA, were issued on May 30, 1980, and August 1, 1980, and were published in the **Federal Register** on June 6, 1980 (45 FR 38276) and August 12, 1980 (45 FR 53682). New Smyrna Beach has requested a permanent exemption under Section 312(h) of FUA for use of natural gas by a powerplant with capacity of less than 250 million Btu's per hour for its Swoope Unit #1.

ERA accepted the petition on February 26, 1981, and published notice of its acceptance in the **Federal Register** on March 6, 1981, at 46 FR 15538. The Notice of Acceptance provided for a 45-day comment period during which time interested persons could submit written comments and request a public hearing on the petition for exemption. That period expired on April 20, 1981. No comments were received, nor was a public hearing requested.

Based upon the ERA staff's review and analysis of the information presently contained in the record of this proceeding, a Tentative Staff Analysis

has been completed. This analysis recommends that ERA issue an order which would grant the requested exemption. Pursuant to 10 CFR 501.64, notice of the availability of the Tentative Staff Analysis is hereby issued; and, interested persons are invited to submit written comments in regard to this matter; and, any interested person may submit a written request that ERA convene a public hearing.

DATES: Written comments on the Tentative Staff Analysis are due on or before July 1, 1981. A request for public hearing must also be made within the same 14-day comment period.

ADDRESSES: Fifteen copies of written comment or a request for public hearing should be submitted to: Economic Regulatory Administration, Case Control Unit (Fuel Use Act), Box 4629, Room 3214, 2000 M Street, NW., Washington, D.C. 20461.

Case Number ERA-FC-52031-0681-01-42 should be printed clearly on the outside of the envelope and on the document contained therein.

FOR FURTHER INFORMATION CONTACT: Jack Vandenberg, Office of Public Information, Economic Regulatory Administration, Department of Energy, 2000 M Street, NW., Room B-110, Washington, D.C. 20461, (202) 653-4055.

James W. Workman, Director, Powerplants Conversion Division, Office of Fuels Conversion, Economic Regulatory Administration, Department of Energy, 2000 M Street, NW., Room 3002F, Washington, D.C. 20461, (202) 653-4268.

Henry K. Garson, Acting Assistant General Counsel for Coal Regulations, Office of General Counsel, Department of Energy, 1000 Independence Avenue, SW., Room 6B-178, Washington, D.C. 20585, (202) 252-2967.

ERA will issue a final order granting or denying the New Smyrna Beach petition for permanent exemption within six months after the public comment period provided for in this notice has expired, unless ERA extends such period. Notice of any extension, together with a statement of reasons for such extension, will be published in the **Federal Register**.

The public file containing a copy of the Tentative Staff Analysis and other documents and supporting materials on this proceeding is available for inspection upon request at: ERA, Room B-110, 2000 M Street, NW., Washington D.C., Monday through Friday, 8:00 a.m.-4:30 p.m.

SUPPLEMENTARY INFORMATION: The Economic Regulatory Administration (ERA) published final rules on June 6, 1980, and August 12, 1980, implementing provisions of Title III of the Powerplant and Industrial Fuel Use Act of 1978 (FUA). Title III of FUA prohibits the use of natural gas as a primary energy source in an existing electric powerplant on or after January 1, 1990, and prohibits the use of natural gas as a primary energy source in an existing electric powerplant unless such powerplant burned natural gas as a primary energy source in 1977, and then in no proportion greater than the average yearly proportion which the powerplant used in calendar years 1974 through 1976, unless an exemption has been granted by ERA. Swoope Unit #1 is a 7.5 MW electric powerplant that uses natural gas and is subject to the Title III prohibitions on natural gas use.

Swoope Unit #1 is currently allowed to burn natural gas until October 31, 1981, under a special temporary public interest exemption which ERA granted to the Utilities Commission of the City of New Smyrna Beach (New Smyrna Beach) Florida, pursuant to 10 CFR Part 508. On March 6, 1981, ERA issued a Notice of Acceptance of New Smyrna Beach's petition for exemption for Swoope Unit #1.

Eligibility and evidentiary requirements governing the permanent exemption for use of natural gas by a powerplant with capacity of less than 250 million Btu's per hour are set forth at 10 CFR 504.60. Under 10 CFR 504.60(a), a petitioner may show eligibility for this exemption by making certain certifications. New Smyrna Beach has made the following certifications in its petition:

(1) Unit #1 has a design capability of consuming fuel at a fuel heat input rate of less than 250 million Btu's per hour;

(2) Unit #1 was a baseload powerplant on April 20, 1977;

(3) Unit #1 is not capable of burning solid coal, and no suitable coal derivative is available; and

(4) use of a mixture of an alternate fuel and natural gas or petroleum for which an exemption would be available is not technically or economically feasible in Unit #1.

The ERA staff has examined the foregoing certifications made by New Smyrna Beach and has determined that they fulfill the requirements of 10 CFR 504.60(a). Accordingly, the ERA staff has completed a Tentative Staff Analysis which recommends that ERA issue an order granting New Smyrna Beach the requested exemption for Swoope Unit #1. This exemption will be subject to the following terms and conditions.

Terms and Conditions: Section 314(a) of FUA authorizes ERA to grant exemptions which such terms and conditions which ERA deems as appropriate. New Smyrna Beach has stated that if such a permanent exemption is granted to Unit #1, it will accept the terms and conditions of 10 CFR 504.60(b). Such terms and conditions, enumerated below, will accordingly be attached to any order which would grant the requested exemption.

(1) All steam pipes on Unit #1 must be insulated, and all steam traps on Unit #1 must be properly maintained.

(2) This exemption for Unit #1 may only apply to prohibitions under Section 301 of FUA and prohibitions established by final rules or orders issued before January 1, 1990.

The Tentative Staff Analysis does not constitute a decision by ERA to grant the requested exemption. Such a decision will be made in accordance with 10 CFR 501.68 on the basis of the entire record of this proceeding, including any comments received on the Tentative Staff Analysis.

Issued in Washington, D.C. on June 5, 1981.

Robert L. Davies,

Director, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 81-17922 Filed 6-16-81; 9:45 am]

BILLING CODE 6450-01-M

Douglas R. Cummings; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of action taken on consent order.

SUMMARY: The Office of Enforcement (OE), Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces notice of filing a Petition for the Implementation of Special Refund Procedures for refunds received pursuant to a Consent Order.

DATE: Petition submitted to the Office of Hearings and Appeals: June 5, 1981.

FOR FURTHER INFORMATION CONTACT: Crude Producers Branch, Attn: John Marks, Office of Enforcement, 2000 M Street, N.W., Room 5204, Washington, D.C. 20461, (202) 653-3517.

SUPPLEMENTARY INFORMATION: On April 29, 1980, the OE published notification in the **Federal Register** that it executed a Consent Order with D. R. Cummings, (Cummings) of Oklahoma City, Oklahoma on April 16, 1980, 45 FR 28414, 1980. Interest persons were invited to submit comments concerning the terms, conditions, or procedural aspects of the Consent Order. In addition, persons who believe they have a claim to all or a portion of the refund

paid by Cummings pursuant to the Consent Order were requested to submit notice of their claims to the OE.

One comment was received. The commentor presented no new evidence which was materially inconsistent with evidence upon which the DOE's acceptance of the Consent Order was based. Therefore, the Consent Order was not modified.

Pursuant to the Consent Order, Cummings is refunding the sum of $14,000, plus interest, by certified checks made payable to the United States Department of Energy in 24 monthly equal installments. All such funds received by DOE have been placed into a suitable account pending determination of their proper distribution. The following company submitted a notice of claim to the OE:

Mobil Oil Corporation

Action Taken: The OE is unable, readily, to identify the persons entitled to receive the $14,000, plus interest, or to ascertain the amounts of refunds that such persons are entitled to receive. Therefore, the OE has petitioned the Office of Hearings and Appeals (OHA) on June 5, 1981 to implement Special Refund Procedures pursuant to 10 CFR Part 205, Subpart V, 10 CFR 205.280 *et seq.* to determine the identity of persons entitled to the remaining refunds and the amounts owing to each of them. Persons who believe they are entitled to all or a portion of the refunds should comply with the procedures of 10 CFR Part 205, Subpart V.

Issued in Washington, D.C. on the 10 day of June, 1981.

Adna Day,

Acting Director, Program Operations Division.

[FR Doc. 81-17919 Filed 6-16-81; 8:45 am]

BILLING CODE 6450-01-M

N. C. Ginther; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of action taken on consent order.

SUMMARY: The Office of Enforcement (OE), Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces notice of filing a petition for the Implementation of Special Refund Procedures for refunds received pursuant to a Consent Order.

DATE: Petition submitted to the Office of Hearings and Appeals: June 5, 1981.

FOR FURTHER INFORMATION CONTACT: Crude Producers Branch, Attn: John Marks, Office of Enforcement, Room 5002, 2000 M Street, N.W., Washington, D.C. 20461, Telephone Number (202) 653-3517.

SUPPLEMENTARY INFORMATION: On November 26, 1979, the OE published notification in the Federal Register that it executed a Consent Order with N. C. Ginther, (Ginther) of Houston, Texas on November 14, 1979, 44 FR 67500 (1979). Interested persons were invited to submit comments concerning the terms, conditions, or procedural aspects of the Consent Order. In addition, persons who believe they have a claim to all or a portion of the refund of overcharges paid by Ginther pursuant to the Consent Order were requested to submit notice of their claims to the OE.

Although interested persons were invited to submit comments regarding the Consent Order to the DOE, no comments were received. Therefore, the Consent Order was not modified.

Pursuant to the Consent Order, Ginther refunded the sum of $40,000 by certified checks made payable to the United States Department of Energy in 3 equal quarterly installments. This sum was received by DOE and has been placed into a suitable account pending determination of its proper distribution. The OE received no notices of claim to the refunds.

Action Taken: The OE is unable, readily, to identify the persons entitled to receive the $40,000 or ascertain the amounts of refunds that such persons are entitled to receive. Therefore, the OE has petitioned the Office of Hearings and Appeals (OHA) on June 5, 1981 to implement Special Refund Procedures pursuant to 10 CFR 205. 280 *et seq.* to determine the identity of persons entitled to the refunds and the amounts owing to each of them. Persons who believe they are entitled to all or a portion of the refunds should comply with the procedures of 10 CFR Part 205, Subpart V.

Issued in Washington, D.C. on the 10th day of June, 1981.

Adna Day,

Acting Director, Program Operations Division.

[FR Doc. 81-17920 Filed 6-16-81; 8:45 am]

BILLING CODE 6450-01-M

Powerplant and Industrial Fuel Use Act of 1978; Withdrawal of Acceptance of Petition for Exemption

The Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice that it has withdrawn a previously issued order granting a temporary public interest exemption pursuant to section 311(e) of the Powerplant and Industrial Fuel Use Act of 1978, U.S.C. 8301 et seq. (FUA or the Act) and 10 CFR Part 508. An exemption from the prohibitions of section 301(a)(2) and (3) of the Act was granted to the following petitioner:

Docket No	Petitioner	Generating station	Powerplant identification
80004-9117-21-41	Rochester Public Utilities	Cascade Creek	CT 1.

ERA previously published in the Federal Register on April 25, 1980 (45 FR 27976) an order granting an exemption to the above-mentioned petitioner. The petitioner had filed for a temporary public interest exemption to use natural gas to displace oil for electric power generation pursuant to 10 CFR Part 508.

In the previously accepted petition, the petitioner represented that the powerplant for which the exemption was sought, was subject to the prohibitions of either section 301(a)(2) or (3) of FUA. Based upon this information, ERA published a final order granting the exemption in the Federal Register.

The petitioner listed above has now informed ERA that it wishes to withdraw the petition for the above listed powerplant because it cannot justify the capital investment necessary to burn natural gas. In light of this information, ERA hereby publishes this notice of withdrawal.

Any questions regarding this temporary public interest exemption action should be directed to Mr. James W. Workman, Director, Powerplants Conversion Division, Office of Fuels Conversion, Economic Regulatory Administration, Department of Energy, Room 3112D, 2000 M Street, NW., Washington, D.C. 20461 (202) 653-4268.

Issued in Washington, D.C. on June 11, 1981.

Robert L. Davies,

Director, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 81-17921 Filed 6-16-81; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket Nos. RP80-83-003 & RP80-111-002]

ANR Storage Corp.; Filing of Tariff Sheets by ANR Storage Corp.

June 11, 1981.

Take notice that ANR Storage Corporation (ANR) on June 1, 1981, tendered for filing proposed tariff sheets in accordance with the provisions of the Stipulation and Agreement as approved by the Federal Energy Regulatory Commission in a letter issued on April 3, 1981. The proposed tariff sheets reflect a reduction in the interest component of rate of return from an annual rate of 20.74% (previously effective) to an annual rate of 18%. ANR states that the basis of the change in rates was adopted in order to reflect the actual annualized cost of debt not in excess of 18% per annum for which ANR is liable on the date the new tariff sheets are filed. ANR claims that at the present time its cost of debt is approximately 20% and therefore, has used a rate of 18% in computing the proposed tariff sheets. The proposed tariff sheets are proposed to become effective on June 1, 1981. The proposed tariff sheets also contain, pursuant to Article II of the approved Stipulation and Agreement, new Sections 6.2 and 6.3 which represent ANR's proposed tariff.

A copy of the filing has been served on all ANR's customers in Docket Nos. RP80-83-003 and RP80-111-002.

Any persons desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.W., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 25, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17979 Filed 6-16-81, 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ID-1491-001]

Arthur R. Ehrnschwender; Filing

June 12, 1981.

The filing individual submits the following:

Take notice that on May 29, 1981, Arthur R. Ehrnschwender filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Senior Vice President, Cincinnati Gas & Electric Company
Senior Vice President, Union Light, Heat & Power Company and Director
Senior Vice President, Miami Power Corporation

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 6, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17985 Filed 6-16-81, 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-513-000]

Boston Edison Co.; Filing

June 11, 1981.

The filing Company submits the following:

Take notice that Boston Edison Company (Boston Edison) on June 2, 1981, tendered for filing a proposed rate schedule consisting of a contract for the sale of unit capacity to the North Attleboro (Massachusetts) Electric Department. The proposed effective date of the contract is February 4, 1981.

Copies of the filing were served on the North Attleboro Electric Department and the Massachusetts Department of Public Utilities.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 2, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to the prroceeding. Any person wishing to make protestants parties to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17990 Filed 6-16-81, 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-520-000]

Commonwealth Electric Co.; Filing

June 12, 1981.

The filing Company submits the following:

Take notice that on June 1, 1981, Commonwealth Electric Company (Commonwealth) tendered for filing a Notice of Termination of its currently-effective Rate Schedule FERC No. 38. Said Rate Schedule consists of a unit power sales agreement dated October 20, 1989 between Commonwealth and the Massachusetts Municipal Wholesale Electric Company (MMWEC) for the sale by Commonwealth of a portion of its entitlement to the capacity and related energy produced by Canal Electric Company's Unit No. 2.

Commonwealth states that Rate Schedule FERC No. 38 became effective on November 1, 1980 and terminated by its own provisions on April 30, 1981. Commonwealth requests the Commission to waive its Regulations as provided at Section 35.15 and to permit the tendered Notice of Termination to become effective as of April 30, 1981.

Commonwealth further states that a copy of this filing has been mailed to MMWEC.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 2, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17998 Filed 6-16-81, 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-520-000]

Commonwealth Electric Co.; Filing

June 12, 1981.

The filing Company submits the following:

Take notice that on June 1, 1981, Commonwealth Electric Company (Commonwealth) tendered for filing a Notice of Termination of its currently-effective Rate Schedule FERC No. 38. Said Rate Schedule consists of a unit power sales agreement dated October 20, 1969 between Commonwealth and the Massachusetts Municipal Wholesale Electric Company (MMWEC) for the sale by Commonwealth of a portion of its entitlement to the capacity and related energy produced by Canal Electric Company's Unit No. 2.

Commonwealth states that Rate Schedule FERC No. 38 became effective on November 1, 1980 and terminated by its own provisions on April 30, 1981. Commonwealth requests the Commission to waive its Regulations as provided at Section 35.15 and to permit the tendered Notice of Termination to become effective as of April 30, 1981.

Commonwealth further states that a copy of this filing has been mailed to MMWEC.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 2, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17990 Filed 6-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP81-63-000]

Consolidated Gas Supply Corp.; Proposed Changes in FERC Gas Tariff

June 10, 1981.

Take notice that Consolidated Gas Supply Corporation (Consolidated) on May 19, 1981 tendered for filing a revision to its General Terms and Conditions, specifically Section 12.6(a) Flow Through of Supplier Refunds, General Rule. The revision, shown on Fifth Revised Sheet No. 72, provides for the flow through of all refunds received without restriction of jurisdictional service dates.

Consolidated has been, since January 1, 1980, flowing through all supplier refunds to its jurisdictional customers by check, or by other means agreed upon without regard to applicable service dates. Consolidated proposes to revise its tariff provision to provide for such flow through.

Consolidated requests a waiver of the Commission's Rules and Regulations, specifically § 154.22, Notice Requirements, and any other of the Rules and Regulations as may be deemed necessary in order to permit Fifth Revised Sheet No. 72 to become effective June 1, 1981.

Copies of this filing were served upon Consolidated's jurisdictional customers as well as interested State Commissions.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 17, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17987 Filed 6-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. RP80-84, et al.]

Eastern Shore Natural Gas Co., et al.; Filing of Pipeline Refund Reports and Refund Plans

June 11, 1981.

Take notice that the pipelines listed in the Appendix hereto have submitted to the Commission for filing proposed refund reports or refund plans. The date of filing, docket number, and type of filing are also shown on the Appendix.

Any person wishing to do so may submit comments in writing concerning the subject refund reports and plans. All such comments should be filed with or mailed to the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, on or before June 25, 1981. Copies of the respective filings are on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

Appendix

Filing date	Company	Docket No.	Type filing
May 1, 1981	Eastern Shore Natural Gas Co	RP80-84	Report.
May 18, 1981	Alabama Tennessee Natural Gas Co	RP73-77	Report.
May 22, 1981	Columbia Gas Transmission Co	RP80-115-004 and RP73-65.	Report.
May 27, 1981	Consolidated Gas Supply Corp	RP80-61-009	Amended report.
May 29, 1981	El Paso Natural Gas Co	CP77-289	Plan.
June 4, 1981	Eastern Shore Natural Gas Co	RP77-106	Report.

[FR Doc. 81-17982 Filed 6-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP80-63]

El Paso Natural Gas Co.; Withdrawal of General Rate Increase Filing

June 10, 1981.

Take notice that on June 3, 1981, El Paso Natural Gas Company ("El Paso"), a Delaware corporation, whose mailing address is Post Office Box 1492, El Paso, Texas 79978, filed a notice of withdrawal of its proposed general rate increase filing of December 31, 1979 at Docket No. RP80-63, pursuant to Federal Energy Regulatory Commission ("Commission") order of May 30, 1980 at Docket No. RP79-12 (Extension), Section 1.11(d) of the Commission's Rules of Practice and Procedure and § 154.66(a) of the Commission's Regulations Under

the Natural Gas Act, all as more fully set forth in the document which is on file with the Commission and open to public inspection.

The notice of withdrawal of general rate increase filing states that El Paso gave notice of a change in rates and changes in certain tariff provisions on December 31, 1979, for natural gas service rendered to jurisdictional customers. The changes would have affected those customers served under all rate schedules contained in Original Volume No. 1 and certain rate schedues contained in Third Revised Volume No. 2 and Original Volume No. 2A of El Paso's FERC Gas Tariffs. The Commission suspended the proposed rate change and set the matter for hearing by order dated January 30, 1980.

On January 16, 1980 El Paso filed at Docket No. RP79–12 (Extension) a Stipulation and Agreement as Restated and Amended ("Extension Agreement"), which was designed to extend the basic provisions of El Paso's Original Stipulation and Agreement ("Original Agreement") dated May 31, 1979. The Original Agreement was approved by Commission letter order dated July 20, 1979, at Docket No. RP79–12. Under the offer of settlement in said Extension Agreement, El Paso stated that it would be able to forego the general rate increase pending at Docket No. RP80–63 if the Commission were to approve the Extension Agreement as filed. El Paso also stated that upon receipt of a final Commission order no longer subject to judicial review approving the Extension Agreement, El Paso would promptly withdraw its general rate increase filing pending at Docket No. RP80–63. By order issued May 30, 1980 at Docket No. RP79–12 (Extension), the Commission approved the Extension Agreement.

The City of Willcox, Arizona and Arizona Electric Power Cooperative, Inc. (jointly referred to herein as "AEPCO") petitioned for review of the Commission's order issued May 30, 1980 at Docket No. RP79–12 (Extension) before the United States Court of Appeals for the Fifth Circuit at Case No. 80–1973. However, by letter dated May 6, 1981 AEPCO filed a motion before the United States Court of Appeals for the Fifth Circuit to dismiss the proceedings at Case No. 80–1973. AEPCO's motion was granted by the United States Court of Appeals for the Fifth Circuit by order issued May 27, 1981. El Paso now states that the Extension Agreement is final and no longer subject to judicial review. Accordingly, El Paso gave notice of withdrawal of its proposed general rate increase filing of December 31, 1979 at Docket No. RP80–63.

El Paso states that copies of the filing have been served upon all parties of record in Docket No. RP80–63 and, otherwise, upon all customers served from El Paso's interstate transmission system and interested state regulatory commissions.

Any person desiring to be heard or to make any protest with reference to said notice of withdrawal of general rate increase filing should, on or before June 22, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations Under the Natural Gas Act (18 CFR 157.10). Protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make any protestants parties to the proceeding. Any person wishing to become a party to a proceeding must file a petition to intervene in accordance with the Commission's Rules. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17998 Filed 6-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-512-000]

Empire District Electric Co.; Filing

June 12, 1981.

The filing Company submits the following:

Take notice that The Empire District Electric Company (Empire) on June 2, 1981, tendered for filing proposed changes in its FERC Electric Service Tariff, Volume No. One. The proposed changes would increase revenues from present jurisdictional sales and service the Sekan Electric Cooperative, Inc., Girard, Kansas by $84,298 based on the 12-month period ending February 28, 1978.

Empire states that the presently effective rates are based on contractual agreements made up to fifteen years ago. Since that time Empire has experienced substantial increase in all elements of its cost, including fuel, labor, interest, taxes and construction to provide additional capacity and meet environmental requirements. Empire proposes an effective date of July 18, 1981.

Copies of the filing were served upon the public utility's jurisdictional customers and the Kansas State Corporation Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 2, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17883 Filed 6-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA81-2-13-000 (PGA81-2)]

Gas Gathering Corp.; Proposed Change in Rates Under Purchased Gas Adjustment Clause Provision

June 10, 1981.

Take notice that Gas Gathering Corporation (GGC) on June 1, 1981, tendered for filing proposed changes in its FERC Gas Tariff providing for increased charges to Transcontinental Gas Pipe Line Corporation (Transco), its sole jurisdictional customer, under GGC's PGA clause. The proposed changes would increase the rate charged Transco by 10.854235 cents per Mcf from those rates presently in effect. The proposed changes are proposed to be made effective July 1, 1981. GGC states that the filing is made to allow it to recover increased current costs of purchased gas, and to reduce the balance of its Unrecovered Purchased Gas Cost Account as of March 31, 1981, through a six month surcharge.

A copy of the filing has been served upon Transco.

Any persons desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 22, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are

on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17999 Filed 6-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-525-000]

Green Mountain Power Corp.; Filing

June 12, 1981.

The filing Company submits the following:

Take notice that on June 8, 1981, Green Mountain Power Corporation (Green Mountain) tendered for filing an amendment to its December 28, 1978 contract with the Washington Electric Cooperative, Inc. (Co-op) of East Montpelier, Vermont, pertaining to the sale of capacity and associated energy of the Berlin No. 5 gas turbine unit. By this amendment, the terms of the contract are sought to be extended for the following amounts and time periods:

April 24, 1981 through April 30, 1981—
1,500 MW

With its tender, Green Mountain submitted a copy of the amendment, which was executed by both Green Mountain and the Co-op and is dated April 24, 1981.

Green Mountain states that a copy of the filing was sent to the Co-op and to the Vermont Public Service Board.

Green Mountain requests that the Commission waive its notice requirements and permit the generation contract to become effective as of April 24, 1981.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 2, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-18000 Filed 6-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-526-000]

Green Mountain Power Corp.; Filing

June 12, 1981.

The filing Company submits the following:

Take notice that on June 8, 1981, Green Mountain Power Corporation (Green Mountain) tendered for filing an amendment to its contract with the Village of Stowe Water and Light Department (VSWLD) of Stowe, Vermont, pertaining to the sale of capacity and associated energy of the Berlin No. 5 gas turbine unit. By this amendment, the terms of the contract are sought to be extended for the following amounts and time periods:

April 24, 1981 through April 30, 1981—
1,900 KW

With its tender, Green Mountain submitted a copy of the amendment, which was executed by both Green Mountain and the Co-op and is dated April 24, 1981.

Green Mountain stated that a copy of the filing was sent to the Co-op and to the Vermont Public Service Board.

The parties request that the Commission waive its notice requirements and permit the generation contract to become effective as of April 24, 1981.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 2, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-18001 Filed 6-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-506-000]

Iowa-Illinois Gas & Electric Co.; Filing

June 11, 1981.

The filing Company submits the following:

Take notice that Iowa-Illinois Gas & Electric Company, Davenport, Iowa (Iowa-Illinois) on June 1, 1981, tendered for filing Participation Power Transaction No. 2, under an Interchange Agreement of November 15, 1971, as amended, with the City of Geneseo, Illinois (City). The transaction is dated May 27, 1981, and is proposed to become effective August 1, 1981, for a period of 30 months.

Iowa-Illinois states Service Schedule K of the Interchange Agreement provides that transactions for participation power may be negotiated by the parties for each transaction and attached thereto. Iowa-Illinois further states that Transaction No. 2, provides for the sale of 3 MW to City from Iowa-Illinois' shares of Neal Unit 3, Council Bluffs Unit 3 and Ottumwa Unit 1, utilizing weighted cost-based rates related to the participation units, and provides for substitute energy, at Company's option, and establishes rates therefor, qualified in respect of Order No. 84 of this Commission. It is stated that no new or addition facilities are required to effectuate the transaction.

According to Iowa-Illinois, Copies of the filing have been mailed to the City and the Illinois Commerce Commission.

Any persons desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 29, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17994 Filed 6-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ES81-53-000]

Iowa Public Service Co.; Application

June 11, 1981.

Take notice that on June 4, 1981, Iowa Public Service Company (Applicant) filed an application seeking authorization to negotiate the placement of not more than $25 million of First Mortgage Bonds.

Any persons desiring to be heard or to make any protest with reference to said application should on or before June 30, 1981, file with the Federal Energy Regulatory Commission, Washington,

D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). The application is on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17985 Filed 6-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-523-000]

Kansas Gas & Electric Co.; Proposed Tariff Change

June 12, 1981.

The filing Company submits the following:

Take notice that Kansas Gas and Electric Company (KG&E) on June 8, 1981, tendered for filing a proposed change in FERC Electric Service Tariff No. 144. The proposed Letter of Intent changes the amount of power delivered to the City under Service Schedule A, Firm Power Service. KG&E proposes an effective date of July 1, 1981.

KG&E states that the Letter of Intent is necessary because the City has requested an increase in firm power service.

Copies of this filing were served upon the City of Burlington, Kansas.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 2, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-18002 Filed 6-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-524-000]

Kansas Gas & Electric Co.; Proposed Tariff Change

June 11, 1981..

The filing Company submits the following:

Take notice that Kansas Gas and Electric Company (KG&E) on June 8, 1981, tendered for filing a proposed change in its FPC Electric Service Tariff No. 136. The proposed Amendment changes in minimum and maximum amounts of power. KG&E proposes an effective date of May 18, 1981.

KG&E states that the Amendment is necessary because the present demands have been exceeded.

Copies of this filing were served upon The Sedgwick County Electric Cooperative Association, Inc.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 2, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17986 Filed 6-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4339-000]

Mohawk Energy Corp.; Application for Preliminary Permit

June 11, 1981.

Take notice that Mohawk Energy Corporation (Applicant) filed on March 16, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 4339 to be known as The Upper Mohawk River/State Barge Canal Project located on the New York State Barge Canal and the Mohawk River in or near the Towns of Herkimer, Little Falls, St. Johnsville, Minden, German Flatts, Canajoharie, Palatine, Root, Mohawk, and Florida, in Herkimer and Montgomery Counties, New York. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. James D. Krugman, 262 Main Street, Paterson, New Jersey 07505. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed run-of-river project would utilize existing Barge Canal facilities owned by the New York State Department of transportation and would consist of seven developments:

A. The Lock 12 Development comprising: (1) an existing bridge-type movable dam; (2) a reservoir having a surface area of 325 acres at normal pool elevation 278.0 feet m.s.l.; (3) alternate 1 comprising: (a) an intake structure upstream of the dam; (b) a penstock; and (c) a powerhouse; or (4) alternative 2 comprising an intake integral with the dam, a penstock, and a powerhouse; (5) six generating units having a total rated capacity of 4,200-kW and operated under a 9-foot head; (6) a tailrace; (7) a switchyard; (8) a 5,500-foot long transmission line; and (9) appurtenant facilities. The Applicant estimates that the average annual energy output would be 18,400 MWh.

B. The Lock 13 Development comprising: (1) an existing bridge-type movable dam; (2) a reservoir having a surface area of 100 acres at normal pool elevation 286.0 feet m.s.l.; (3) alternate 1 comprising: (a) an intake structure upstream of the dam; (b) a penstock; and (c) a powerhouse; or (4) alternate 2 comprising an intake integral with the dam, a penstock, and a powerhouse; (5) six generating units having a total rated capacity of 2,700-kW and operated under a 7-foot head; (6) a tailrace; (7) a switchyard; (8) a 21,000-foot long transmission line; and (9) appurtenant facilities. The Applicant estimates that the average annual energy output would be 11,800 MWh.

C. The Lock 14 Development comprising: (1) an existing bridge-type movable dam; (2) a reservoir having a surface area of 125 acres at normal pool elevation 294.0 feet m.s.l.; (3) alternate 1 comprising: (a) an intake structure upstream of the dam; (b) a penstock; and (c) a powerhouse; or (4) alternate 2 comprising an intake integral with the dam and a powerhouse; (5) five generating units having a total rated capacity of 2,250-kW and operated under a 7-foot head; (6) a tailrace; (7) a switchyard; (8) a 1,900-foot long transmission line; and (9) appurtenant facilities. The Applicant estimates that the average annual energy output would be 9,800 MWh.

D. The Lock 15 Development comprising: (1) an existing bridge-type movable dam; (2) a reservoir having a surface area of 60 acres at normal pool elevation 302.0 feet m.s.l.; (3) alternate 1 comprising: (a) an intake structure

upstream of the dam; (b) a penstock; and (c) a powerhouse; or (4) alternate 2 comprising an intake integral with the dam and a powerhouse; (5) five generating units having a total rated capacity of 2,000-kW and operated under a 7-foot head; (6) a tailrace; (7) a switchyard; (8) a 400-foot long transmission line; and (9) appurtenant facilities. The Applicant estimates that the average annual energy output would be 10,000 MWh.

E. The Lock 16 Development comprising: (1) an existing bridge-type movable dam; (2) a reservoir having a surface area of 85 acres at normal pool elevation 322.5 feet m.s.l.; (3) a five-mile long portion of the Barge Canal (to be used as an intake channel); (4) an intake structure; (5) a power canal; (6) a powerhouse containing two generating units having a total rated capacity of 4,500-kW and operated under a 20-foot head; (7) a tailrace; (8) a switchyard; (9) a 6,500-foot long transmission line; and (10) appurtenant facilities. The Applicant estimates that the average annual energy output would be 19,700 MWh.

F. The Lock 17 Development comprising: (1) an existing dam in two sections; (2) a reservoir having a surface area of 160 acres at normal pool elevation 363.0 feet m.s.l.; (3) a portion of the Barge Canal (to be used an an intake channel); (4) an intake structure; (5) penstocks; (6) a powerhouse containing two generating units having a total rated capacity of 9,400-kW and operated under a 41-foot head; (7) a tailrace; (8) a switchyard; (9) a 200-foot long transmission line; and (10) appurtenant facilities. The Applicant estimates that the average annual energy output would be 41,000 MWh.

G. The Lock 18 Development comprising: (1) an existing bridge-type movable dam; (2) a reservoir having a surface area of 100 acres at normal pool elevation 383.0 feet m.s.l.; (3) a five-mile long portion of the Barge Canal (to be used as an intake channel); (4) an intake structure; (5) a power canal; (6) a powerhouse containing two generating units having a total rated capacity of 1,800-kW and operated under a 20-foot head; (7) a tailrace; (8) a switchyard; (9) a 400-foot long transmission line; and (10) appurtenant facilities. The Applicant estimates that the average annual energy output would be 7,800 MWh.

The Project would develop a 36-mile reach of the river having a 116-foot elevation change and would comprise 28 generating units having a total rated capacity of 26,850-kW and would produce an average annual energy output of 118,500 MWh.

Purpose of Project—Project energy would be sold to Niagara Mohawk Power Corporation.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would undertake a number of studies, investigations, tests, and surveys to determine the technical and economic feasibility of the proposal and to prepare an application for an FERC license. Applicant estimates the cost of the work under the permit would be $350,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—The Lock 17 Development portion of this application was filed as a competing application to that of Little Falls Hydroelectric Associates Project No. 3509 filed on September 29, 1980, under 18 CFR 4.33 (1980), and therefore, no further competing applications or notices of intent to file a competing application for the Lock 17 Development portion of this application will be accepted for filing. Anyone desiring to file a competingapplication pertaining to the remaining developments contained in this application must submit to the Commission, on or before August 17, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than October 16, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before August 17, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4339. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-18003 Filed 6-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. SA81-41-000]

National Forge Co.; Application for Adjustment and Interim Relief From Incremental Pricing Regulations

June 11, 1981.

Take notice that on May 19, 1981, the National Forge Company (National Forge) filed with the Federal Energy Regulatory Commission (Commission) an application for adjustment and interim relief from the provisions of § 282.205 of the Commission's incremental pricing regulations. The application was filed pursuant to section 502(c) of the Natural Gas Policy Act of 1978 (NGPA), 15 U.S.C. 3301 *et seq.* and § 1.41 of the Commission's Rules of Practice and Procedure.

National Forge's application states the following facts. National Forge obtained an exemption from incremental pricing under § 282.205(b) for its small industrial boiler facility located at its plant in Irvine, Pennsylvania. The exemption was effective as of January 1, 1981. National Forge states that the primary fuel source for the subject boiler facility is coal.

On March 18, 1981, the conveyer system which transfers and supplies coal from the coal pile bin to the boiler facility suffered a major breakdown which was unable to be corrected until March 31, 1981. During this period, from March 18 to March 31, 1981, the boiler facility was obliged to use natural gas as its fuel source. This usage caused the average daily use of natural gas for the month of March to exceed 300 Mcf per day, (the small boiler exemption cut-off figure). On April 24, 1981, National Fuel Gas Distribution Corporation, the facility's supplier, filed a notice of change of circumstances for National Forge's boiler facility status with the Commission pursuant to § 282.205.

As of April 1, 1981, National Forge was able to resume using coal as its primary fuel source in the subject boiler. The average daily use of natural gas for the month of April, 1981 was less than 300 Mcf per day.

National Forge maintains that the breakdown of the conveyer system was an unusual and unexpected occurrence which is not representative of the normal operation of its boiler facility. During the fourteen months prior to the breakdown, the boiler's operation used less than 300 Mcf of gas per day on an average daily basis.

National Forge requests relief from the Commission's regulations, at § 282.205, which provide that a change in circumstances, as experienced by National Forge, requires the user to lose its exempt status with regard to incremental pricing. National Forge states that irreparable injury and undue hardship would result if it is not granted interim relief from the applicable regulations.

The procedures applicable to the conduct of this adjustment proceeding are found in § 1.41 of the Commission's regulations. Any person desiring to participate in this proceeding shall file a petition to intervene in accordance with the provisions of 18 CFR 1.41(e). All petitions to intervene must be filed within fifteen (15) days after publication of this notice in the **Federal Register.**

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17987 Filed 6-16-81, 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ID-1887-001]

Nicholas Roomy, Jr.; Filing

June 11, 1981.

The filing individual submits the following:

Take notice that on June 4, 1981, Nicholas Roomy, Jr. filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Vice President and Director, Appalachian Power Company; Director, Kanawha Valley Power Company.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 30, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17988 Filed 6-16-81, 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4552-000]

North Valley Land Corp.; Application for Preliminary Permit

June 11, 1981.

Take notice that North Valley Land Corp. (Applicant) filed on April 20, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 4552 to be known as the Antelope Creek Power Project located on the South Fork Antelope Creek in Lassen National Forest in Tehama County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. C. Donald Nelson, 50 Wilshire drive, Redding, California 96002. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wished to file.

Project Description—The proposed project would consist of: (1) a 4-foot high diversion structure; (2) a 20,000-foot long combination open ditch and pipeline water conduit; (3) a 3,800-foot long, 36-inch diameter steel penstock serving; (4) a powerhouse to contain one turbine-generating unit with a rated capacity of 2.6 MW; and (5) a 4-mile long, 12-kV transmission line to an existing Pacific Gas and Electric Company transmission line. The Applicant estimates that the average annual energy output would be 13 million kWhs.

Purpose of Project—Applicant proposes to sell the project energy to the Pacific Gas and electric company.

Proposed Scope and Cost of Studies Under Permit—The Applicant has conducted some reconnaissance studies of the site. The Applicant now seeks issuance of a preliminary permit for a period of 24 months, during which it would prepare a definitive project report that would include engineering, economic, and evnironmental data. The cost of these activities, the preparation of an environmental report, obtaining agreements with various Federal, State, and local agencies, and preparation of an FERC license application is estimated by the Applicant to be about $60,000. No new road construction would be required to conduct the field studies under the proposed permit.

Purpose of Preliminary Permit—a preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for license.

Agency Comments—Federal, State, and local agencies that receive this

notice through direct mailing from the commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the proposed of a permit as described, in this notice. No other formal request for comments will be made. If an agency does not file comments with the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before Agust 5, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than October 5, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the réquirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before August 5, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to invervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4552. Any comments, notices of intent, competing applications, protests, or petititions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. an additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc 18-18004 Filed 6-16<81, 8:45 am

BILLING CODE 6450-85-M

[Docket No. ER81-396-000]

Pacific Power & Light Co.; Filing

June 11, 1981.

The filing Company submits the following:

Take Notice that Pacific Power & Light Company (Pacific) on April 1, 1981, tendered for filing, in accordance with § 35.13 of the Commission's Regulations, an Agreement with Svilar Light & Power, Inc. (Svilar) to continue to provide the power and energy requirements of Svilar and to provide for a new Point of Delivery in place of the old Point of Delivery. No change in rates other than a reduction in charges by eliminating the use-of-facilities charge for Pacific's substation.

Pacific requests waiver of the Commission's notice requirements to permit this Rate Schedule to become effective on July 25, 1980, which is the date of commencement of service.

Copies of the filing were supplied to Svilar.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, DC., 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 24, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17969 Filed 6-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-515-000]

Pennsylvania Electric Co., et al.; Filing

June 12, 1981.

In the matter of Pennsylvania Electric Company, Metropolitan Edison Company, and Jersey Central Power & Light Company.

The filing Company submits the following:

Take notice that on June 4, 1981, the GPU Service Corporation tendered for filing, on behalf of the above listed utilities, proposed Schedules 4.02, 4.04, 7.02 and 11.01 to the exising Agreement among them, dated July 21, 1969.

The GPU Service Corporation states that Schedules 4.02, operating capacity obligations and charges; 4.04, regulating capability obligations and charges; 7.02, rates and payments—components of operating capacity and energy costs; and 11.01, definitions have been revised to allow the cost of operating capacity to be added to the cost of energy sold during each hour of the day. This change will bring the method of accounting for the cost of operating capacity and energy into conformity with the method used by the PJM-Interconnection, of which the GPU System Companies listed above are members.

GPU requests waiver of the Commission's notice requirements and requests an effective date of June 1, 1981.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 2, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file

with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-18005 Filed 6-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-516-000]

Pennsylvania-New Jersey-Maryland Interconnection; Filing

June 11, 1981.

The filing Company submits the following:

Take notice that on June 4, 1981, Pennsylvania-New Jersey-Maryland Interconnection tendered for filing Modification No. 1 to Schedule 7.05, issued June 2, 1980.

This filing is made on behalf of the above parties in accordance with the authorization contained in Section 5.6 of the Agreement and all parties have received copies.

The Company states that the only change is to increase the demand rate for the supply of Short Term Power from $850 to $1050 per megawatt per week. The Company requests an effective date of August 3, 1981.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington , D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 2, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17990 Filed 6-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP77-302-006 (TA81-2-6)]

Sea Robin Pipeline Co.; Filing of Revised Tariff Sheets

June 10, 1981.

Take notice that on June 1, 1981, Sea Robin Pipeline Company (Sea Robin) tendered for filing as a part of its FERC Gas Tariff, Original Volume No. 2, Tenth Revised Sheet Nos. 127-D and 135-C to become effective July 1, 1981. These revised tariff sheets reflect Sea Robin's cost of gas delivered at Pecan Island, Louisiana, for the six (6) month period beginning July 1, 1981, and are being filed 30 days prior to the effective date pursuant to Section 4 of Sea Robin's Tariff.

Copies of the revised tariff sheets and supporting data are being mailed to Sea Robin's jurisdictional customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 22, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-18006 Filed 6-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-522-000]

Southern California Edison Co.; Filing

June 12, 1981.

The filing Company submits the following:

Take notice that on June 4, 1981, Southern California Edison Company (Edison) tendered for filing a Modification Agreement between Edison and Anza Electric Cooperative, Inc. (Anza). The Agreement modifies certain terms of the Settlement Agreement executed by the Parties on June 8, 1978, and provides for termination of electric service by Edison to Anza. Edison states that the Agreement is proposed to become effective when executed by the Parties and accepted for filing by the Commission.

Copies of this filing were served upon the Public Utilities Commission of the State of California and Anza Electric Cooperative, Inc.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 2, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are not on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-18007 Filed 6-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA81-2-10-000 (PGA81-2, IPR81-2)]

Tennessee Natural Gas Lines, Inc; PGA Tariff Filing

June 10, 1981

Take notice that on June 1, 1981, Tennessee Natural Gas Lines, Inc. ("TNGL") tendered for filing a rate change, pursuant to the purchased gas cost adjustment ("PGA") provisions of its FERC Gas Tariff, First Revised Volumn No. 1, and pursuant to § 282.602 of the Commission's regulations under the Natural Gas Policy Act of 1978 ("NGPA"), consisting of the following tariff sheets:

Thirty-Sixth Revised Sheet No. PGA-1; Third Revised Sheet No. PGA-1-A.

TNGL requests that such tariff sheets be allowed to become effective on July 1, 1981.

TNGL states that the purposes of its filing are: To reflect in its rates the changed rates of its sole supplier Tennessee Gas Pipeline Company, a Division of Tenneco, Inc. ("TGP"), which will become effective on July 1, 1981; and, to set forth the estimated Maximum Absorption Capabilities ("MSAC") of its customers as required by § 282.602 of the Commission's regulations under the NGPA.

TNGL states that copies of the filing were served upon its jurisdictional customer, the interested state regulatory commission, its non-jurisdictional customers estimated to be billed for NGPA incremental pricing surcharges, and are available for public inspection at TNGL's offices in Nashville, Tennessee.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, Washington D.C. 20406, in accordance with § 1.8 or 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 22, 1981. Protests will be considered by the commission in determining the appropriate action to be

taken, but will not serve to make protestants parties to the proceedings.

Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-18006 Filed 6-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-518-000]

Toledo Edison Co.; Filing

June 12, 1981.

The filing Company submits the following:

Take notice that on June 4, 1981, The Toledo Edison Company (Toledo) tendered for filing a proposed Seasonal Transmission Service Tariff for transmission of prescheduled seasonally available surplus electric power from Buckeye Power, Inc.'s Cardinal units to existing delivery points of municipal distribution systems served by Toledo.

Toledo states that the proposed rate for this transmission is $1.84 per kw per month for scheduled transmission service, with an additional charge of $0.95 per kw per month when service is provided at 12.47 kv.

Toledo requests that waiver of § 35.3 of the Commission's regulations be granted and that the proposed tariff be made effective as of April 1, 1981.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 2, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17991 Filed 6-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-519-000]

Union Electric Co.; Filing

June 12, 1981.

The filing Company submits the following:

Take notice that on June 4, 1981, Union Electric Company (Union) tendered for filing a notice to the city of Farmington, Missouri revising the rate for transactions under the Boundary Line Agreement between the parties. Union requests a proposed effective date of March 27, 1978.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 2, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17992 Filed 6-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ID-1902-001]

William L. Sheafer; Filing

June 12, 1981.

The filing individual submits the following:

Take notice that on May 29, 1981, William L. Sheafer filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Controller, Cincinnati Gas & Electric Company
Controller, Union Light, Heat & Power Company
Controller, Miami Power Corporation
Director, Susquehanna Electric Company

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 6, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-18009 Filed 6-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-517-00]

Wisconsin Electric Power Co.; Filing

June 11, 1981.

The filing Company submits the following:

Take notice that Wisconsin Electric Power Company (Wisconsin) on June 4, 1981, tendered for filing proposed changes in its rates and charges for sales for resale to its 21 wholesale customers. The proposed increase is $7,180,165 or 17.6%, on a calendar year 1980 (Period I) basis. Wisconsin requests an effective date of August 3, 1981.

Copies of the filing have been served upon the Company's jurisdictional customers. Copies have also been mailed to the Michigan Public Service Commission and the Public Service Commission of Wisconsin.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 25, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17993 Filed 6-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP81-61-000]

Michigan Wisconsin Pipe Line Co.; Order Accepting for Filing and Suspending Tariff Sheets, Initiating Hearing and Establishing Procedures

Issued: May 29, 1981.

On May 1, 1981, Michigan Wisconsin Pipeline Company (Mich-Wisc) filed for a general rate increase under section 4(e) of the Natural Gas Act (NGA) that will result in increased charges of approximately $97 million (4.3 percent) compared to the rates presently in effect subject to refund in Docket No. RP80-100 excluding the PGA surcharge of 15.15 cents per dekatherm.[1] Approximately 14.4 percent of the increase in revenues is attributable to costs other than purchased gas costs. The proposed rates are based on an overall cost of service utilizing the twelve months ended January 31, 1981, as adjusted for known and measurable changes in costs that are expected to be incurred by the end of the test period, and a proposed overall rate of return of 12.96 percent. The proposed rates were derived by application of a rate design which assigns costs classified as demand costs in accordance with the *United* decision to all classes of customers on the basis of peak day entitlements. The proposed effective date for the increased rates is June 1, 1981.

Notice of this filing was issued on May 11, 1981, with petitioners to intervene due by May 20, 1981. Petitions to intervene were filed by the petitions listed on Appendix B. The Commission finds that all petitioners have demonstrated an interest in this proceeding warranting their participation. The petitions shall be granted.

Mich-Wisc states that the principal reasons for the proposed changes are: (1) substantial investments in facilities related to the attachment of new gas supplies and installation of additional compression and mainline looping; (2) increased cost of capital; (3) the need for higher depreciation rates; (4) increased levels of operation and maintenance expenses; and (5) a reduction in sales levels.

The cost of service underlying the filed rates reflects costs associated with certain facilities which are not yet certificated. In addition, rate schedules providing for transportation service, the revenues for which are shown on Statement G of the filing, are not yet approved by the Commission. Mich-Wisc anticipates receiving all necessary certifications prior to the time the proposed rates go into effect but respectfully requests a waiver of the Commission's Regulations to the extent necessary to allow inclusion of such costs and revenues pending the requisite Commission approval.

Based upon a review of Mich-Wisc's filing, the Commission finds that the proposed rates have not been shown to be just and reasonable, and may be unjust, unreasonable, unduly discriminatory or othewise unlawful. Accordingly, the Commission shall accept Mich-Wisc's tariff sheets for filing subject to refund and to the conditions set forth below.

In a number of suspension orders, the Commission has addressed the policy considerations underlying the Commission's policy regarding rate suspensions.[2] For the reasons given there we have concluded that rate filings should generally be suspended for the maximum period permitted by statute where preliminary study leads the Commission to believe that the filing may be unjust and unreasonable or in violation of other statutory standards. We have acknowledged, however, that shorter suspensions may be warranted in circumstances where suspension for the maximum period may lead to harsh and inequitable results. No such circumstances have been presented here. In addition, the Illinois Power Company filed a motion requesting suspension for the maximum statutory period of five months.

Accordingly, subject to the conditions specified below, we shall accept and suspend Mich-Wisc's rates (set forth in Appendix A) for a period of five (5) months to become effective subject to refund on November 1, 1981.

The Commission finds that good cause exists to grant waiver of § 154.63(e)(2)(ii) of its regulations and accept for filing the proposed tariff sheets which reflect costs of uncertificated facilities not yet in service and revenues under rate schedules for transportation services which have not yet been approved by the Commission. Acceptance is subject to Mich-Wisc's filing revised tariff sheets and supporting data prior to the end of the test period to reflect the elimination of costs associated with facilities not in service by October 31, 1981, and the elimination of revenues associated with rate schedules for transportation services which have not been approved by the Commission on or before October 31, 1981. Also, this waiver will be granted upon the condition that Mich-Wisc shall not be permitted to make offsetting adjustments other than those made pursuant to Commission approved tracking provisions, those adjustments required by this order, and those required by other Commission orders. Acceptance of Mich-Wisc's filed tariff sheets is further conditioned upon Mich-Wisc's filing revised tariff sheets and supporting data at the end of the test period to reflect the actual balance of advance payments in Account 166 as of October 31, 1981.

The Commission Order

(A) Pursuant to the authority of the Natural Gas Act, particularly Sections 4, 5, 8 and 15 thereof, and the Commission's rules and regulations, a public hearing shall be held concerning the lawfulness of the rate increases proposed by Natural.

(B) Pending hearing and decision, and subject to the conditions of the ordering paragraphs below and those described in the body of this order, Mich-Wisc's tariff sheets listed in Appendix A are accepted for filing and suspended for five months until November 1, 1981, subject to refund.

(C) Waiver of § 154.63(e)(2)(ii) of the regulations is granted to the extent necessary to accept Mich-Wisc's tariff sheets (shown in Appendix A) which reflect costs of uncertificated facilities not yet in service and revenues under rate schedules for transportation services which have not yet been approved by the Commission. Waiver is granted subject to the condition that Mich-Wisc file on or before October 31, 1981, revised tariff sheets reflecting the elimination of all costs associated with facilities not in service by October 31, 1981 and the elimination of all revenues associated with rate schedules for transportation services which have not been approved by the Commission on or before October 31, 1981. Waiver is also granted subject to the condition that Mich-Wisc file on or before October 31, 1981, revised tariff sheets to reflect the actual balance of advance payments in Account 166 as of October 31, 1981, *provided, however;* That the inclusion of a higher balance will not be permitted to increase the level of the original suspended rates.

(D) Staff shall be required to serve top sheets on or before September 8, 1981.

(E) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that

[1] See Appendix A for a list of the Revised Tariff Sheets.

[2] *E.g., Valley Gas Transmission, Inc.*, Docket No. RP80-96 (August 22, 1980) (one day suspension); *Great Lakes Gas Transmission Company*, Docket No. RP80-134 (September 24, 1980) (five month suspension).

purpose (18 C.F.R. 3.5(d)), shall convene a prehearing conference in this proceeding to be held within 10 days after the service of top sheets in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol, N.E., Washington, D.C. 20426. The Presiding Administrative Law Judge is authorized to establish such further procedural dates as may be necessary to conduct further proceedings in accordance with this order and the Rules of Practice and Procedure.

(F) The petitioners identified in Appendix B to this order are permitted to intervene in this proceeding subject to the rules and regulations of the Commission; *provided, however,* that the participation of the intervenors shall be limited to matters affecting asserted rights and interests specifically set forth in their petitions to intervene and *provided, further,* that the admission of such intervenors shall not be construed as recognition that they might be aggrieved by any order entered in this proceeding.

By the Commission:

Kenneth F. Plumb,

Secretary.

Appendix A—Michigan-Wisconsin Pipe Line Company

Docket No. RP81-61-000

Original Volume No. 1
Seventh Revised Sheet No. 7
First Revised Volume No. 2
Eleventh Revised Sheet Nos. 92, 110, 129 and 130
Tenth Revised Sheet Nos. 141, 142 and 171
Eighth Revised Sheet nos. 214 and 215
Seventh Revised Sheet Nos. 231, 232, 297, 315 and 339
Sixth Revised Sheet Nos. 420 and 421
Fourth Revised Sheet No. 656
Third Revised Sheet Nos. 486, 508, 519, 531, 553, 563, 575, 585, 596, 597, 611, 612, 618, 619, 680, 681, 698 and 699
Second Revised Sheet Nos. 777, 778, 803, 833, 856, 857, 865, 944, 1023, 1133, 1134, 1161 and 1202
First Revised Sheet Nos. 789, 978, 995, 1077, 1221, 1222, 1249, 1250, 1276, 1277, 1303, 1304, 1330, 1405, 1473, 1474, 1529, 1530, 1531, 1554, 1555, 1578, 1579, 1602, 1603, 1625, 1626, 1652, 1653, 1678, 1679, 1707, 1708, 1734, 1735, 1758, 1776, 1777, 1778, 1805 and 1806
Original Sheet Nos. 1AA, 1BB, 1CC and 1DD

Appendix B—Michigan-Wisconsin Pipe Line Company

Docket No. RP81-61-000

Wisconsin Natural Gas Company
Michigan Power Company
Associated Natural Gas Company
Michigan Gas Utilities Company
State of Michigan and the Michigan Public Service Commission
Michigan Consolidated Gas Company
Chevron Chemical Company
North Central Public Service Company
Illinois Power Company
Public Service Commission of Wisconsin
Columbia Gas Transmission Corporation

[FR Doc. 81-17976 Filed 6-16-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket Nos. RP81-54-000, RP81-56-000, and RP80-97-004]

Tennessee Gas Pipeline Co.; Order Accepting for Filing and Suspending Proposed Rate Increase Subject to Conditions; Rejecting Tariff Sheets; Consolidating Proceedings; Initiating Hearing and Establishing Procedures

Issued: May 29, 1981.

This order treats two filings by Tennessee Gas Pipeline Company (Tennessee). One filing is a general Natural Gas Act Section 4 rate increase application, and the other filing proposes to implement dekatherm billing on the Tennessee system.

I. General Section 4 Rate Filing (RP81-54)

On April 30, 1981, Tennessee Gas Pipeline Company tendered for filing proposed changes in its FERC Gas Tariff, Original Volume No. 1 and Sixth Revised Volume No. 2 [1] to become effective June 1, 1981. The proposed changes in rates would increase revenues from jurisdictional sales and service by approximately $197.5 million based upon the 12 month period ended January 31, 1981 as adjusted.

Notice of this filing was issued on May 11, 1981, with petitions to intervene due by May 20, 1981. Petitions to intervene were filed by the petitioners listed in Appendix C. The Commission finds that all petitioners have demonstrated an interest in this proceeding warranting their participation. The petitions shall be granted.

Tennessee states that the principal reasons for the proposed rate changes are: (1) an increase in the overall rate of return to 14.06%, plus an additional allowance of 1% to reflect the further risk which Tennessee experiences in a period of ever increasing costs; (2) an increase in the depreciation rate for offshore facilities to 12.5%; (3) a major increase in gas plant of approximately $274 million and related expenses; (4) an increase in the cost of materials, supplies, wages and services required to operate and maintain Tennessee's pipeline; and (5) an increase in the cost of transportation and storage of gas by others. In addition, the instant filing reflects Tennessee's adoption of a dekatherm billing basis and a three-part rate for its jurisdictional sales as set forth in its filing of April 30, 1981, under Docket No. RP81-56.

The cost of service underlying the rates filed herein reflects costs associated with certain facilities which are not yet certificated and the rates reflect Tennessee's adoption of a dekatherm billing basis and a three part rate for its jurisdictional sales as set forth in its filing of April 30, 1981 under Docket No. RP81-56.

In addition, Tennessee has proposed adding a Transportation Cost Rate Adjustment provision to its FERC tariff which would allow Tennessee to track increases and decreases in costs paid for transmission and compression of gas by others.

Tennessee requests waiver of Section 154.38(d)(3) of the Commission's regulations to accept for filing First Revised Sheet No. 225 and Original Sheet No. 226 reflecting the Transportation Cost Rate Adjustment provision. section 154.38(d)(3) of the Commission's Regulations specifically prohibits including this type of adjustment in a pipeline's rate schedule or any other part of the tariff. To the extent that Tennessee incurs increases in the costs paid for transmission and compression of gas by others, these costs are included in FERC Account No. 858 and recovered in rate increase filings. Accordingly, First Revised Sheet No. 225 and Orignial Sheet No. 226 shall be rejected as not being in compliance with Section 154.38(d)(3) of the Commission's regulations. The rejection should be without prejudice to the proposal contained therein being considered as an issue in this proceeding.

Based upon a review of Tennessee's filing, the Commission finds that the proposed rate increase and tariff modifications have not been shown to be just and reasonable and may be unjust, unreasonable and unduly discriminatory or otherwise unlawful. Accordingly, the Commission shall accept for filing Tennessee's revised tariff sheets as listed in Appendix A, suspended their effectiveness for five months until November 1, 1981 when they shall be permitted to become effective subject to refund, and to the conditions set forth below.

In a number of suspension orders, the Commission has addressed the policy considerations underlying the Commission's policy regarding rate

[1] A list of revised tariff sheets is set forth in Appendix A to this order.

suspensions.[2] For the reasons given there we concluded that rate filings should generally be suspended for the maximum period permitted by statute where preliminary study leads the Commission to believe that the filing may be unjust and unreasonable or in violation of other statutory standards. We have acknowledged, however, that shorter suspension may be unwarranted in circumstances where suspension for the maximum period may lead to harsh and inequitable results. No such circumstances have been presented here.

Tennessee's cost of service includes certain facilities which have not been certificated and placed in service. The Commission normally accepts proposed rates that reflect the costs of facilities not placed in service conditioned upon the filing of revised tariff sheets to reflect elimination of the facilities not in service before the proposed rates go into effect. In this respect, Tennessee should be permitted to include these items conditioned upon the filing of revised tariff sheets reflecting the elimination of costs associated with any facilities not in service on or before November 1, 1981. Also, this waiver will be granted upon the condition that Tennessee shall not be permitted to make offsetting adjustments other than those made pursuant to Commission approved tracking provisions, those adjustments required by this order, and those required by other Commission orders. Acceptance of Tennessee's filed tariff sheets is further conditioned upon Natural's filing revised tariff sheets and supporting data at the end of the test period to reflect the actual balance of advance payments in Account 186 as of September 30, 1981.

For purposes of this filing, Tennessee has used the *Atlantic Seaboard* method [3] of cost classification cost allocation and rate design in determining rates. The Commission has been placing companies on notice that the use of the *Atlantic Seaboard* method may be inadequate and contrary to the public interest.[4] Consequently, Tennessee should be placed on notice that to the extent that the rates found just and reasonable for Tennessee after hearing and decision departs from the *Atlantic Seaboard* methodology by assigning additional fixed costs to the commodity component of its rates, Tennessee may be subject to undercollections may occur.

II. Dekatherm Filing (RP80–97–004 and RP81–56–000)

On April 30, 1981, Tennessee Gas Pipeline Company (Tennessee), tendered for filing Original Volume No. 1 of its FERC Gas Tariff and certain tariff sheets to Sixth Revised Volume No. 2 designed to implement a dekatherm billing basis for Tennessee's jurisdictional sales and make other miscellaneous changes in Tennessee's tariff.[5] Tennessee states that this filing will not result in increased revenues. The proposed effective date is June 1, 1981.

Notice of this filing was issued on May 11, 1981, with petitions to intervene due by May 20, 1981. Petitions to intervene were filed by the petitioners listed in Appendix C to this Order. Having demonstrated an interest in this proceeding warranting their participation, these petitioners are granted intervention.

Tennessee has revised its existing two-part demand and commodity sales rates to separate the present commodity charge into two components, a commodity charge based on non-gas costs and a gas charge based solely on gas costs. All gas costs reflected in Tennessee's current sales rates would be henceforth reflected in the gas charges and billed on a dekatherm basis. The demand and commodity sales charges which now reflect solely the costs associated with transporting the gas to the customer will continue to be billed on a volumetric basis.

According to Tennessee, the heat content of its flowing supplies can vary from time to time at different points on the system depending upon the producers exercise of their processing rights.[6] Accordingly, Tennessee has determined that it would be more equitable to change to a heat content billing basis for Tennessee's cost of gas and that it is appropriate to reduce the guaranteed Btu content of its gas deliveries.

The Commission concludes that further review of the dekatherm conversion, three-part rate structure and resulting revenues is necessary. Furthermore, we note that on May 19, 1981 Tennessee filed a letter with the Commission indicating that a number of Tennessee's customers have either indicated concerns with the filing or stated that the complexity of the filing will preclude them from reviewing it adequately prior to the proposed June 1, 1981 effective date.

Based upon a review of Tennessee's filing, the Commission finds that the proposed rates have not been shown to be just and reasonable or otherwise unlawful. Accordingly, the Commission shall accept the proposed tariff sheets for filing, and suspend their effectiveness, subject to refund and to the conditions set forth below.

In a number of suspensions orders,[7] the Commission has addressed the considerations underlying its policy regarding rate suspensions. For the reasons given there, we have concluded that rate filings should generally be suspended for the maximum period permitted by statute where preliminary study leads the Commission to believe that the filing may be unjust, unreasonable, or that it may run afoul of the other statutory standards. It has been acknowledged, however, that shorter suspensions may be warranted in circumstances where suspension for the maximum period may lead to harsh and inequitable results. Such circumstances have been presented here. Since this filing is not intended to increase revenues, the Commission shall suspend the effectiveness of the proposed tariff sheets for one day to become effective on June 2, 1981, subject to refund and subject to modification in the consolidated proceeding noted below.

Consolidation

We find that all of the dockets discussed in this order raise common issues of law and fact. Accordingly, we shall consolidate Docket Nos. RP80–97, RP81–54 and RP81–56 for purposes of hearing and decision.

The Commission Orders

(A) Pursuant to the authority of the Natural Gas Act, particularly Sections 4, 5, 8, and 15 thereof, and the Commission's rules and regulations, a public hearing shall be held concerning the lawfulness of the revised rates proposed by Tennessee in Docket Nos. RP80–97, RP81–54 and RP81–56.

(B) Pending hearing and decision, and subject to the conditions of the ordering

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[2] E.g., *Valley Gas Transmission, Inc.*, Docket No RP80–98 (August 22, 1980) (one day suspension); *Great Lakes Gas Transmission Company*, Docket No. RP80–134 (September 24, 1980) (five month suspension).

[3] *Atlantic Seaboard Corporation*, 11 FPC 43 (1952).

[4] *See, Natural Gas Pipeline Company of America*, order issued April 30, 1981, in Docket No. RP81–49–000.

[5] A list of filed revised tariff sheets is set forth in Appendix B to this order.

[6] The actual Btu content of Canadian gas, which Tennessee has been authorized to purchase, has decreased to well below 1000 Btu per cubic foot as a result of increased processing by Canadian producers. Additionally, most of the domestic producers from whom Tennessee purchases gas retain the right to process all gas sold.

[7] E.g., *Valley Gas Transmission Inc.*, Docket No. RP80–98 (August 22, 1980) (one day suspension); *Great Lakes Gas Transmission Company*, Docket No. RP80–134 (September 24, 1980) (five month suspension).

paragraphs below and those described in the body of this order, Tennessee's tendered tariff sheets listed in Appendix A in Docket No. RP81–54 shall be accepted for filing and suspended for the full statutory period of five months until November 1, 1981, when they shall be permitted to become effective, subject to refund.

(C) Tennessee's tendered First Revised Sheet No. 225 and Original Sheet No. 226 to its FERC Gas Tariff, Original Volume No. 1 in Docket No. RP81–54 comprising its Transportation Cost Rate Adjustment provision is rejected without prejudice to the proposal contained therein being considered as an issue in this proceeding.

(D) Tennessee is required to file revised tariff in Docket No. RP81–54 sheets to reflect elimination of costs associated with facilities not placed in service by November 1, 1981, and is further required to revise its tariff sheets to reflect the actual balance of advance payments in Account 166 as of October 31, 1981, *provided, however,* That the inclusion of a higher advance payment balance will not be permitted to increase the level of the original, suspended rates.

(E) Pending hearing and decision the proposed revised tariff sheets in Docket Nos. RP80–97 and RP81–56 listed in Appendix B.

(F) Docket Nos. RP80–97, RP81–54 and RP81–56 are hereby consolidated for purposes of hearing and decision.

(G) Staff shall be required to serve top sheets on or before September 4, 1981.

(H) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (18 C.F.R. 3.5(d)), shall convene a prehearing conference in this proceeding to be held within ten days after the service of top sheets in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. The Presiding Administrative Law Judge is authorized to establish such further procedural dates as may be necessary and to conduct further proceedings in accordance with this order and the Rules of Practice and Procedure.

(I) The petitioners identified in Appendix C to this order are permitted to intervene in this proceeding subject to the rules and regulations of the Commission; *provided, however,* that the participation of the intervenors shall be limited to matters affecting asserted rights and interests set forth in their petition to intervene and *provided, further,* that the admission of such intervenors shall not be construed as recognition that they might be aggrieved by any order entered in this proceeding.

By the Commission.

Kenneth F. Plumb,

Secretary.

Appendix A—Tennessee Gas Pipeline Company

Docket No. RP81–54

Original Volume No. 1
First Revised Sheet No. 20
First Revised Sheet No. 21
First Revised Sheet No. 22
Sixth Revised Volume No. 2
First Revised Sheet No. 277B
First Revised Sheet No. 299V6
First Revised Sheet No. 299W5
First Revised Sheet No. 299X6
First Revised Sheet No. 299Y6
First Revised Sheet No. 299EE6
First Revised Sheet No. 299FF5
First Revised Sheet No. 299GG7
First Revised Sheet No. 299JJ5
First Revised Sheet No. 322D
Second Revised Sheet No. 266J
Second Revised Sheet No. 268C
Second Revised Sheet No. 287E
Second Revised Sheet No. 288D
Second Revised Sheet No. 289E
Second Revised Sheet No. 290E
Second Revised Sheet No. 291E
Second Revised Sheet No. 292E
Second Revised Sheet No. 299L9
Second Revised Sheet No. 299M6
Second Revised Sheet No. 299N5
Second Revised Sheet No. 299Q5
Second Revised Sheet No. 299R5
Second Revised Sheet No. 299S9
Second Revised Sheet No. 299S10
Third Revised Sheet No. 266I
Third Revised Sheet No. 274E
Fifth Revised Sheet No. 141A
Sixth Revised Sheet No. 294H
Sixth Revised Sheet No. 249I
Seventh Revised Sheet No. 245D
Eighth Revised Sheet No. 76
Eighth Revised Sheet No. 215
Ninth Revised Sheet No. 53
Ninth Revised Sheet No. 54
Ninth Revised Sheet No. 77
Tenth Revised Sheet No. 141
Twelfth Revised Sheet No. 11
Twelfth Revised Sheet No. 12

Appendix B—Tennessee Gas Pipe Line Company

Docket Nos. RP81–56 and RP80–97–004

Original Volume No. 1
Sixth Revised Volume No. 2
First Revised Sheet Nos. 425, 432, 433, 434, 435, 436, 437, 438, 439, 440 and 441
Second Revised Sheet Nos. 430 and 431
Third Revised Sheet No. 428
Sixth Revised Sheet No. 429
Seventh Revised Sheet No. 426
Eighth Revised Sheet No. 427

Appendix C—Tennessee Gas Pipeline Company

Docket No. RP81–54–000—Interventions

Western Kentucky Gas Company
Orange and Rockland Utilities
Midwestern Gas Transmission Company
Columbia Gas Transmission Corporation
New England Customer Group
Pennsylvania Gas and Water Company
East Tennessee Group
Public Service Electric and Gas Company
North Indiana Public Service Company
New York State Electric & Gas Corporation
Consolidated Edison of New York
East Tennessee Natural Gas Company
Public Service Commission of New York

Docket No. RP81–56–000—Interventions

Columbia Gas Transmission Corporation
Pennsylvania Gas and Water Company
East Tennessee Group
New York State Electric & Gas Corporation
East Tennessee Natural Gas Company

[FR Doc. 81–17978 Filed 6–16–81; 8:45 am]

BILLING CODE 6450–85–M

[Volume 439]
Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978
Issued: June 11, 1981.

JD NO	JA CAT	API NO	D SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
TEXAS RAILROAD COMMISSION							
-ADA OIL EXPLORATION CORP			RECEIVED: 05/11/81 JA: TX				
8130593	27110	4237330417	102-3	DUKE #1-A	EDNY DUKE (WILCOX 9000)	142.7	TENNESSEE GAS PIP
8130592	27041	4237330410	102-3	EDNA P MILLER #1	NEW ACE FIELD	109.5	TENNESSEE GAS PIP
8130577	25582	4228730472	102-2	JOHN NEWMAN #1	GIDDINGS (AUSTIN CHALK)	241.3	PHILLIPS PETROLEU
8130572	24959	4205100000	102-2	POST OAK MILL #1	GIDDINGS (AUSTIN CHALK)	219.0	CLAJON GAS CO
-AGOIL INC			RECEIVED: 05/11/81 JA: TX				
8130504	12585	4246931261	102-4	MCCAN NO 4	CRAIN (4000) FIELD	91.0	TENNESSEE GAS PIP
8130504	12585	4246931261	103	MCCAN NO 4	CRAIN (4000) FIELD	91.0	TENNESSEE GAS PIP
8130505	12586	4246931290	102-4	MCCAN NO 5	CRAIN (3300) FIELD	91.0	TENNESSEE GAS PIP
8130505	12586	4246931290	103	MCCAN NO 5	CRAIN (3300) FIELD	91.0	TENNESSEE GAS PIP
-ALL GLORY BEE OIL GAS & MINERALS CO			RECEIVED: 05/11/81 JA: TX				
8130651	30785	4236331975	102-4	GLORY BEE #1 91041	MI SION (DUFFER)	507.0	CORONADO TRANSMIS
-ALPAR RESOURCES INC			RECEIVED: 05/11/81 JA: TX				
8130626	29969	4239330776	103	CAMPBELL RANCH #1-63	MENDOTA NW (GRANITE WASH	350.0	PIONEER NATURAL G
8130560	23844	4235700000	102-4	HARBAUGH #11 RRC NO 03889	LONE BUTTE (CLEVELAND)	18.0	PHILLIPS PETROLEU
8130561	23845	4235700000	102-4	P A HARBAUGH #3114	LONE BUTTE (CLEVELAND)	0.0	PHILLIPS PETROLEU
8130565	23849	4235700000	102-4	P A HARBAUGH #34	LONE BUTTE (CLEVELAND)	35.0	PHILLIPS PETROLEU
8130562	23846	4235700000	102-4	P A HARBAUGH #44	LONE BUTTE (CLEVELAND)	2.0	PHILLIPS PETROLEU
8130564	23848	4235700000	102-4	P A HARBAUGH B #13	LONE BUTTE (CLEVELAND)	4.0	PHILLIPS PETROLEU
8130563	23847	4235700000	102-4	P A HARBAUGH B #24	LONE BUTTE (CLEVELAND)	9.0	PHILLIPS PETROLEU
-AMERICAN PUBLIC ENERGY CO			RECEIVED: 05/11/81 JA: TX				
8130631	30206	4243523292	103	HULL #1	SONORA (CANYON-UPPER)	330.0	EL PASO NATURAL G
8130631	30206	4243523292	107-TF	HULL #1	SONORA (CANYON-UPPER)	330.0	EL PASO NATURAL G
-AMMEX PETROLEUM CORP			RECEIVED: 05/11/81 JA: TX				
8130512	19387	4205100000	102-2	GEORGE SIMEK #1 - RRC #11962	GIDDINGS (AUSTIN CHALK)	109.0	CLAJON GAS CO
8130512	19387	4205100000	103	GEORGE SIMEK #1 - RRC #11962	GIDDINGS (AUSTIN CHALK)	109.0	CLAJON GAS CO
-AMOCO PRODUCTION CO			RECEIVED: 05/11/81 JA: TX				
8130675	31382	4220330736	107-TF	ALICE SNIDER GAS UNIT NO 1	WOODLAWN (COTTON VALLEY)	360.0	EAST TEXAS INDUST
8130676	31389	4220330723	107-TF	BATH GAS UNIT A WELL NO 1	BLOCKER (COTTON VALLEY)	436.0	UNITED GAS PIPELI
8130792	33228	4213533458	103	DAVID FASKEN BG #3	FASKEN S (ATOKA)	6.2	AMOCO PRODUCTION
8130793	33229	4213533426	103	ELLIOTT F COWDEN A #139	COWDEN SOUTH (6790 CANYO	3.7	PIONEER NATURAL G
8130627	30064	4200332409	103	FULLERTON SAN ANDRES UNIT #67	FULLERTON SAN ANDRES	12.1	AMOCO PRODUCTION
8130811	33291	4221933020	103	LEVELLAND UNIT #782	LEVELLAND	21.8	AMOCO PRODUCTION
8130680	31470	4220330626	107-TF	SANDERS GAS UNIT WELL NO 3	WOODLAWN/COTTON VALLEY/	436.0	EAST, TEXAS INDUST
8130791	33227	4249531240	103	SEALY-SMITH FOUNDATION A #52	MONAHANS E (PENN LO)	39.1	PIONEER NATURAL G
8130812	33292	4200332389	103	UNIVERSITY CONSOLIDATED XII #44	FUHRMAN-MASCHO	44.5	AMOCO PRODUCTION
8130686	31878	4240730395	102-4	W W LANGHAM D WELL NO 1	URBANA (WILCOX 10000)	94.0	UNITED GAS PIPELI
8130813	33294	4248930619	102-4	WILLAMAR COMMUNITY NO 2	WILLAMAR(GRABEN 5090)	30.0	NATURAL GAS PIPEL
-ANADARKO PRODUCTION COMPANY			RECEIVED: 05/11/81 JA: TX				
8130814	33295	4233500000	102-4	J F MCCABE NO 1	JAMESON N (CODOM)	24.0	SUN GAS DIV OF SU
-ANDERSON PETROLEUM INC			RECEIVED: 05/11/81 JA: TX				

JD NO	JA CAT	API NO	D SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER

JD NO	JA NT	API NO	L SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8130600	27461	4210532458	107-TF	A C MILLSPAUGH A 1-32	OZONA (CANYON SAND)	120.0	ANDERSON PIPELINE
8130601	27481	4210532585	107-TF	AUSTIN MILLSPAUGH B 1-70	OZONA (CANYON SAND)	36.0	ANDERSON PIPELINE
8130607	28212	4210532993	103	FRANK WHITE A 2-85	OZONA (CANYON SAND)	90.0	ANDERSON PIPELINE
8130607	28212	4210532993	107-TF	FRANK WHITE A 2-85	OZONA (CANYON SAND)	90.0	ANDERSON PIPELINE
-ANDOVER OIL COMPANY			RECEIVED: 05/11/81 JA: TX				
8130557	23287	4237100000	108	PUCKETT E WELL #3	BELDING (YATES)	3.0	EL PASO NATURAL G
8130558	23296	4237100000	108	PUCKETT E WELL #4	BELDING (YATES)	3.0	EL PASO NATURAL G
-APACHE CORPORATION			RECEIVED: 05/11/81 JA: TX				
8130707	32655	4248330575	107-DP	STILES #3-37		328.5	ARKANSAS LOUISIAN
-ARCO OIL AND GAS COMPANY			RECEIVED: 05/11/81 JA: TX				
8130616	29113	4231131151	102-4	BAKER A WELL #1	BRAZIL (1890')	200.0	CENTRAL POWER & L
8130617	29431	4231131478	103	D W RHODE 9(A) #5C	RHODE RANCH EAST (WILCOX	700.0	ARCO OIL & GAS CO
8130763	33134	4200332498	103	EMMA COWDEN #90	EMMA	10.0	EL PASO NATURAL G
8130764	33135	4200332520	103	EMMA COWDEN #92	EMMA (GRAYBURG)	20.0	EL PASO NATURAL G
8130835	33371	4217900000	108	HUMPHREYS-SHAW NO 1	PANHANDLE GRAY	11.0	PHILLIPS PETROLEU
8130836	33372	4206530784	103	R C WARE NO 20	PANHANDLE CARSON COUNTY	7.3	GETTY OIL CO
-BALL PRODUCTION CO			RECEIVED: 05/11/81 JA: TX				
8130655	30910	4200332349	103	WILLIE LEE MEDLEY #1 (90845)	BROWN COUNTY REGULAR (MA	300.0	ODESSA NATURAL CO
-BASS ENTERPRISES PRODUCTION CO			RECEIVED: 05/11/81 JA: TX				
8130735	33066	4210332404	102-4	L D MOSS ET AL NO 26	TROPORO N (DEVONIAN)	87.0	P&P GAS PRODUCTS
-BETTIS BOYLE & STOVALL			RECEIVED: 05/11/81 JA: TX				
8130508	18616	4208700000	108	GOOCH #5	PANHANDLE EAST	10.0	WARREN PETROLEUM
8130509	18638	4208700000	108	LANKFORD #1	PANHANDLE EAST	11.9	WARREN PETROLEUM
8130510	18651	4208700000	108	MCDOWELL	PANHANDLE EAST	6.9	WARREN PETROLEUM
-BILL J GRAHAM			RECEIVED: 05/11/81 JA: TX				
8130777	33169	4210900000	108	TXL - 9 #1	GERALDINE (FORD)	0.0	CONTINENTAL OIL C
8130778	33172	4210900000	108	TXL - 9 #4	GERALDINE (FORD)	0.0	CONTINENTAL OIL C
-BRAZOS RESOURCES INC			RECEIVED: 05/11/81 JA: TX				
8130828	33321	4205100000	103	ROBINSON UNIT WELL NO 1	GIDDINGS (AUSTIN CHALK)	0.0	FERGUSON CROSSING
-C & K PETROLEUM INC			RECEIVED: 05/11/81 JA: TX				
8130711	32816	4210931384	103	CATTAIL WELL NO 1	MARSH SOUTH (DELAWARE)	100.0	INTRATEX GAS CO
-C F LAWRENCE & ASSOC INC			RECEIVED: 05/11/81 JA: TX				
8130502	07140	4210500000	103	HARWOOD D #1 74670	CLARA COUCH (WOLFCAMP)	11.4	EL PASO NATURAL G
-CAG PETROLEUM CORP			RECEIVED: 05/11/81 JA: TX				
8130765	33152	4205130599	102-2	KNESEK ET AL UNIT NO 1 RRC #12888	GIDDINGS AUSTIN CHALK	94.0	CLAJON GAS CO
-CENTEX OIL & GAS INC			RECEIVED: 05/11/81 JA: TX				
8130660	30982	4270830236	103	HIGH ISLAND BLOCK 10-L GULF NO 6	HIGH ISLAND BLOCK 10-L 6	0.0	TRANSCONTINENTAL
-CHAMPLIN PETROLEUM COMPANY			RECEIVED: 05/11/81 JA: TX				
8130634	30266	4236531004	107-TF	CARTHAGE GAS UNIT 28-3	CARTHAGE (COTTON VALLEY)	637.0	TENNESSEE GAS PIP
8130633	30265	4236531045	107-TF	CARTHAGE GAS UNIT 31 NO 2	CARTHAGE	402.0	TENNESSEE GAS PIP
8130636	30269	4236530981	107-TF	CARTHAGE GAS UNIT 7 NO 2	CARTHAGE	1.5	TENNESSEE GAS PIP
8130635	30267	4236530930	107-TF	CARTHAGE GAS UNIT 8-3	CARTHAGE (COTTON VALLEY)	256.0	TENNESSEE GAS PIP
-CHEROKEE ENERGY INC			RECEIVED: 05/11/81 JA: TX				
8130548	23010	4224931147	102-4	H J MOSSER #1 87968	HARRY J (5300)	73.0	VALERO TRANSMISSI
-CHEVRON U S A INC			RECEIVED: 05/11/81 JA: TX				
8130861	33089	4200331940	103	COLUMBUS GRAY #19-19	FUHRMAN - MASCHO	671.6	PHILLIPS PETROLEU
-CLEMCO INC			RECEIVED: 05/11/81 JA: TX				
8130516	20027	4220330639	102-4	CLEMENTS GAS UNIT NO 3 WELL NO 3	ALPINE (TRAVIS PEAK)	180.0	ARKANSAS LOUISIAN
8130594	27148	4218330416	107-TF	HENDERSON GAS UNIT NO 1 #88540	N LANSING (COTTON VALLEY	127.0	ARKANSAS LOUISIAN
-CLOVER ENERGY CORP			RECEIVED: 05/11/81 JA: TX				
8130715	32880	4212331097	102-4	BRUSHY CREEK UNIT NO 1 ID 90943	BRUSHY CREEK S (7700)	95.0	TEXAS EASTERN TRA
-COSTAL OIL & GAS CORP			RECEIVED: 05/11/81 JA: TX				
8130797	33243	4237530755	103	BIVINS 3306 S	PANHANDLE (RED CAVE)	11.0	COLORADO INTERSTA

JD NO	DA DKT	API NO	D SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-CONOCO INC			RECEIVED: 05/11/81 JA: TX				
8130839	33388	4243300000	108	A BRINKLEY JR-A-#15 ID #04263	FLOWERS	0.3	CITIES SERVICE 01
8130858	33417	4216500000	108	A L WASSON -48- #35 ID #17975	WASSON	2.0	SHELL OIL CO
8130855	33413	4211500000	108	EAST ACKERLY DEAN UNIT #25 ID	ACKERLY	5.0	TEXACO
8130857	33416	4211500000	108	EAST ACKERLY DEAN UNIT #27 ID	ACKERLY	0.7	TEXACO
8130514	19785	4211500000	108	EAST ACKERLY DEAN UNIT #43 ID	ACKERLY	1.0	TEXACO
8130838	33386	4215100000	108	LUCIE MAE WILSON #14 ID #01915	ROUND TOP	6.8	LONE STAR GAS CO
8130860	33420	4215100000	108	LUCIE MAE WILSON #20 ID #01915	ROUND TOP	8.7	LONE STAR GAS CO
8130726	33053	4210900000	103	RAMSEY -22- #9 ID #24217	FORD WEST (4100)	16.1	EL PASO NATURAL G
8130856	33414	4210931443	103	RAMSEY-22-#10 ID #24212	FORD WEST (4100)	19.0	EL PASO NATURAL G
8130859	33418	4200300000	108	W FUHRMAN MASCHO UNIT #18 ID #21220	FUHRMAN - MASCHO	0.5	PHILLIPS PET CO
-CORPUS CHRISTI OIL AND GAS CO			RECEIVED: 05/11/81 JA: TX				
8130689	31998	4260330125	102-4	STATE TRACT 834-S WELL #1 LOWER	CLEAR (MIOCENE 6680) FIE	0.0	CHANNEL INDUSTRIE
-COURSON OIL & GAS INC			RECEIVED: 05/11/81 JA: TX				
8130661	31086	4229530839	103	LANDERS #2-855C	BRADFORD (CLEVELAND)	250.0	TRANSWESTERN PIPE
-DELTA DRILLING CO			RECEIVED: 05/11/81 JA: TX				
8130641	30460	4236500000	107-TF	ALICE SNIDER #1 86488	CARTHAGE (COTTON VALLEY)	500.0	NATURAL GAS PIPEL
8130678	31412	4242300000	108	DINA RAYFORD #1 #41917	CHAPEL HILL FIELD	19.7	UNITED GAS PIPE L
8130637	30296	4236500000	107-TF	J H TURNER #1 86929	CARTHAGE (COTTON VALLEY)	73.0	UNITED GAS PIPE L
8130581	25828	4236531129	102-2	JETTA WILLIS #1	WILDCAT ABOVE 10400	365.0	NATURAL GAS PIPEL
8130581	25828	4236531129	103	JETTA WILLIS #1	WILDCAT ABOVE 10400	365.0	NATURAL GAS PIPEL
8130630	30168	4241300000	107-TF	JONES #2 90449	ELDORADO (CANYON SAND)	91.0	NORTHERN NATURAL
-DELTA OIL & GAS CO			RECEIVED: 05/11/81 JA: TX				
8130760	33127	4242932537	103	JOE B MATTHEWS ESTATE ET AL 16154	STEPHENS COUNTY REGULAR	0.6	WARREN PETROLEUM
-DIAMOND SHAMROCK CORPORATION			RECEIVED: 05/11/81 JA: TX				
8130758	33116	4242100000	108	BYWATERS ESTATE NO 2	TEXAS HUGOTAN	3.0	NORTHERN NATURAL
8130757	33115	4239300000	108	F M CHAMBERS B 1-79	MENDOTA NW	1.0	SOUTHWESTERN PUBL
8130613	28581	4229530787	103	MARIE KOCH NO 2	BRADFORD	180.0	SOUTHWESTERN PUBL
-EL PASO NATURAL GAS COMPANY			RECEIVED: 05/11/81 JA: TX				
8130802	33251	4243532346	103	BARTON #3	SONORA CANYON UPPER	85.0	EL PASO NATURAL G
8130802	33251	4243532346	107-TF	BARTON #3	SONORA CANYON UPPER	85.0	EL PASO NATURAL G
8130780	33205	4243532237	107-TF	BERGER GAS UNIT #4	SONORA CANYON UPPER	81.0	EL PASO NATURAL G
8130774	33166	4243532218	107-TF	BERGER GAS UNIT #5	SONORA CANYON UPPER	119.0	EL PASO NATURAL G
8130771	33163	4243532217	107-TF	BERGER GAS UNIT #6	SONORA CANYON UPPER	182.0	EL PASO NATURAL G
8130798	33246	4243532340	103	DAVIS D #3	SONORA CANYON UPPER	82.0	EL PASO NATURAL G
8130798	33246	4243532340	107-TF	DAVIS D #3	SONORA CANYON UPPER	82.0	EL PASO NATURAL G
8130800	33248	4243532347	103	DEBERRY-BERGER UNIT #1	SONORA CANYON UPPER	110.0	EL PASO NATURAL G
8130800	33248	4243532347	107-TF	DEBERRY-BERGER UNIT #1	SONORA CANYON UPPER	110.0	EL PASO NATURAL G
8130803	33252	4243532343	103	DEBERRY-BOYETT UNIT #3	SONORA CANYON UPPER	85.0	EL PASO NATURAL G
8130803	33252	4243532343	107-TF	DEBERRY-BOYETT UNIT #3	SONORA CANYON UPPER	85.0	EL PASO NATURAL G
8130775	33167	4243532197	107-TF	DEBERRY-HALBERT UNIT #3	SONORA CANYON UPPER	34.0	EL PASO NATURAL G
8130801	33249	4243532339	103	DEBERRY-HALBERT UNIT #4	SONORA CANYON UPPER	81.0	EL PASO NATURAL G
8130801	33249	4243532339	107-TF	DEBERRY-HALBERT UNIT #4	SONORA CANYON UPPER	81.0	EL PASO NATURAL G
8130761	33129	4208726069	108	EMMERT A #2	PANHANDLE EAST	17.0	EL PASO NATURAL G
8130776	33168	4243532199	107-TF	HALBERT #5	SONORA CANYON UPPER	28.0	EL PASO NATURAL G
8130804	33253	4243532342	103	HALBERT #6	SONORA CANYON UPPER	81.0	EL PASO NATURAL G
8130804	33253	4243532342	107-TF	HALBERT #6	SONORA CANYON UPPER	81.0	EL PASO NATURAL G
8130762	33130	4208726135	108	LAYCOCK A #3	PANHANDLE EAST	17.0	EL PASO NATURAL G
8130773	33165	4243532189	107-TF	SHURLEY #14	SAWYER CANYON	66.0	EL PASO NATURAL G
8130799	33247	4243532335	103	SHURLEY #17	SAWYER CANYON	134.0	EL PASO NATURAL G
8130799	33247	4243532335	107-TF	SHURLEY #17	SAWYER CANYON	134.0	EL PASO NATURAL G
8130772	33164	4243532353	107-TF	WARD #8	SONORA CANYON UPPER	96.0	EL PASO NATURAL G
8130583	25899	4208726284	108	WATTENBARGER A #4	PANHANDLE EAST	22.0	EL PASO NATURAL G

JD NO	DA DKT	API NO	D SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8130802	33251	4243532346	107-TF	BARTON #3	SONORA CANYON UPPER	85.0	EL PASO NATURAL G
8130780	33205	4243532237	107-TF	BERGER GAS UNIT #4	SONORA CANYON UPPER	81.0	EL PASO NATURAL G
8130774	33166	4243532218	107-TF	BERGER GAS UNIT #5	SONORA CANYON UPPER	119.0	EL PASO NATURAL G
8130771	33163	4243532217	107-TF	BERGER GAS UNIT #6	SONORA CANYON UPPER	182.0	EL PASO NATURAL G
8130798	33246	4243532340	103	DAVIS D #3	SONORA CANYON UPPER	82.0	EL PASO NATURAL G
8130798	33246	4243532340	107-TF	DAVIS D #3	SONORA CANYON UPPER	82.0	EL PASO NATURAL G
8130800	33248	4243532347	103	DEBERRY-BERGER UNIT #1	SONORA CANYON UPPER	110.0	EL PASO NATURAL G
8130800	33248	4243532347	107-TF	DEBERRY-BERGER UNIT #1	SONORA CANYON UPPER	110.0	EL PASO NATURAL G
8130803	33252	4243532343	103	DEBERRY-BOYETT UNIT #3	SONORA CANYON UPPER	85.0	EL PASO NATURAL G
8130803	33252	4243532343	107-TF	DEBERRY-BOYETT UNIT #3	SONORA CANYON UPPER	85.0	EL PASO NATURAL G
8130775	33167	4243532197	107-TF	DEBERRY-HALBERT UNIT #3	SONORA CANYON UPPER	34.0	EL PASO NATURAL G
8130801	33249	4243532339	103	DEBERRY-HALBERT UNIT #4	SONORA CANYON UPPER	81.0	EL PASO NATURAL G
8130801	33249	4243532339	107-TF	DEBERRY-HALBERT UNIT #4	SONORA CANYON UPPER	81.0	EL PASO NATURAL G
8130761	33129	4208726069	108	EMMERT A #2	PANHANDLE EAST	17.0	EL PASO NATURAL G
8130776	33168	4243532199	107-TF	HALBERT #5	SONORA CANYON UPPER	28.0	EL PASO NATURAL G
8130804	33253	4243532342	103	HALBERT #6	SONORA CANYON UPPER	81.0	EL PASO NATURAL G
8130804	33253	4243532342	107-TF	HALBERT #6	SONORA CANYON UPPER	81.0	EL PASO NATURAL G
8130762	33130	4208726135	108	LAYCOCK A #3	PANHANDLE EAST	17.0	EL PASO NATURAL G
8130773	33165	4243532189	107-TF	SHURLEY #14	SAWYER CANYON	66.0	EL PASO NATURAL G
8130799	33247	4243532335	103	SHURLEY #17	SAWYER CANYON	134.0	EL PASO NATURAL G
8130799	33247	4243532335	107-TF	SHURLEY #17	SAWYER CANYON	134.0	EL PASO NATURAL G
8130772	33164	4243532353	107-TF	WARD #8	SONORA CANYON UPPER	96.0	EL PASO NATURAL G
8130583	25899	4208726284	108	WATTENBARGER A #4	PANHANDLE EAST	22.0	EL PASO NATURAL G

JD NO	DA DKT	API NO	D SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-ENERGETICS INC			RECEIVED: 05/11/81 JA: TX				
8130712	32870	4214930455	102-2	J L SHEPARD #1 ID# 13501	GIDDINGS (AUSTIN CHALK)	72.0	PHILLIPS PETROLEU
8130714	32872	4214930624	102-2	J L SHEPARD #2 ID#13501	GIDDINGS (AUSTIN CHALK)	48.0	PHILLIPS PETROLEU
8130713	32871	4214930452	102-2	J T WILSON #1 ID# 12976	GIDDINGS (AUSTIN CHALK)	225.0	PHILLIPS PETROLEU
-ENRE CORP			RECEIVED: 05/11/81 JA: TX				
8130786	33217	4213331860	103	COOPER A #1 (15130)	CISCO NW (ELLENBURGER)	53.0	BENGAL GAS TRANSM
8130787	33219	4205932249	103	FAYE WILBANKS #1 (15172)	PUTNAM NORTH (DUFFER)	34.0	BENGAL GAS TRANSM
8130788	33220	4205931942	103	FLEMING #1 (76414)	FLEMING (DUFFER) FIELD	348.0	BENGAL GAS TRANSM
8130789	33221	4205932317	103	LAWSON #1 (15284)	PUTNAM NORTH (DUFFER)	22.0	BENGAL GAS TRANSM
8130784	33215	4213331690	103	PENN #1 (15027)	EASTLAND COUNTY REGULAR	3.0	BENGAL GAS TRANSM
8130785	33216	4213331939	103	PENN B #1 (15599)	CISCO NORTHWEST (ELLEN)	6.0	BENGAL GAS TRANSM
-ENSERCH EXPLORATION INC			RECEIVED: 05/11/81 JA: TX				
8130515	19991	4249731653	103	G M COCANOUGHER NO 3	BOONSVILLE	180.0	LONE STAR GAS CO
8130759	33126	4236700008	108	P S BOWEN A NO 1	BOONSVILLE	18.0	LONE STAR GAS CO
-ERNEST W KUEHNE			RECEIVED: 05/11/81 JA: TX				
8130809	33267	4241733337	102-4	LUCION W BROOKS #1-A (90180)	BOWNE N (CADDO)	517.0	LONE STAR GAS CO
-ERSO INC			RECEIVED: 05/11/81 JA: TX				
8130679	31433	4236500000	103	CARTHAGE GAS UNIT WELL #35	CARTHAGE	365.0	TENNESSEE GAS PIP
8130679	31433	4236500000	107-TF	CARTHAGE GAS UNIT WELL #35	CARTHAGE	365.0	TENNESSEE GAS PIP
8130620	29707	4236500000	107-TF	CARTHAGE UNIT WELL #32	CARTHAGE	365.0	TENNESSEE GAS PIP
8130621	29708	4236500000	107-TF	CARTHAGE UNIT WELL #38	CARTHAGE	365.0	TENNESSEE GAS PIP
-EXXON CORPORATION			RECEIVED: 05/11/81 JA: TX				
8130779	33174	4224730400	102-4	A M K BASS 33-T (91169)	KELSEY DEEP (ZONE 22-E N	200.0	TRUNKLINE GAS CO
8130542	22737	4224531225	103	AMELIA OIL UNIT #28 WELL #4	AMELIA (FRIO 6)	34.7	HOUSTON PIPELINE
8130519	20634	4222732004	103	DOUTHIT UNIT #139	HOWARD GLASSCOCK	0.0	PHILLIPS PETROLEU
8130518	20633	4222731990	103	DOUTHIT UNIT #207	HOWARD GLASSCOCK	0.1	PHILLIPS PETROLEU
*8130582	25844	4208930650	107-DP	EAST HAMEL EDWARDS GAS UNIT 1 #1	HAMEL EAST (EDWARDS)	0.0	ARMCO STEEL CORP
8130684	31854	4239931550	103	FT CHADBOURNE ODOM LIME #2301	FORT CHADBOURNE	22.0	EL PASO NATURAL G
*8130638	30327	4249930789	103	HAWKINS FIELD UNIT #4230	HAWKINS	18.0	ARMCO STEEL CORP
8130845	33396	4210332362	103	J B TUBB A/C 1 #230L	SAND HILLS (TUBB)	16.0	EL PASO NATURAL G
8130846	33397	4210332370	103	J B TUBB A/C 1 #234L	SAND HILLS (TUBB)	4.0	EL PASO NATURAL G
8130844	33395	4210332399	103	J B TUBB A/C 1 #236U	SAND HILLS (MC KNIGHT)	163.0	EL PASO NATURAL G
8130847	33398	4210332422	103	J B TUBB A/C 1 #240U	SAND HILLS (MCKNIGHT)	41.0	EL PASO NATURAL G
*8130570	24361	4227331313	102-4	K R ALAZAN 312-D (80452)	MINOJOSA N	500.0	ARMCO STEEL CORP
*8130547	22992	4227331168	103	KING RANCH SEELIGSON C-192-F 76374	SEELIGSON	365.0	ARMCO STEEL CORP
8130843	33394	4200332360	103	MEANS (SAN ANDRES) UNIT #750	MEANS	1.0	PHILLIPS PETROLEU
8130840	33391	4200332526	103	MEANS/SAN ANDRES/UNIT #1560	MEANS	3.0	PHILLIPS PETROLEU
8130841	33392	4200332551	103	MEANS/SAN ANDRES/UNIT #1772	MEANS	7.0	PHILLIPS PETROLEU
8130842	33393	4200332552	103	MEANS/SAN ANDRES/UNIT #1774	MEANS	16.0	PHILLIPS PETROLEU
8130567	24183	4224730913	102-4	MRS A M K BASS 42-F (87114)	KELSEY DEEP (ZONE 18-0 W	100.0	TRUNKLINE GAS CO
8130568	24239	4226130511	102-4	SARITA FIELD OIL & GAS UNIT 149-F	SARITA (15-S W)	1000.0	NATURAL GAS PIPEL
-FLAG-REDFERN OIL CO			RECEIVED: 05/11/81 JA: TX				
8130724	33042	4246131584	103	WINDHAM 158 NO 1 WELL #08648	KING MOUNTAIN N (BEND)	54.0	WARREN PETROLEUM
-FOREST OIL CORPORATION			RECEIVED: 05/11/81 JA: TX				
8130640	30439	4221531031	103	A A MCALLEN NO 20	MCALLEN RANCH (VICKSBURG	110.0	VALERO TRANSMISSI
8130640	30439	4221531031	107-TF	A A MCALLEN NO 20	MCALLEN RANCH (VICKSBURG	110.0	VALERO TRANSMISSI
-GAS PRODUCING ENTERPRISES INC			RECEIVED: 05/11/81 JA: TX				
8130545	22947	4237530701	103	MASTERSON 84-7RO	PANHANDLE RED CAVE	32.0	COLORADO INTERSTA
-GENERAL PRODUCTION CORP			RECEIVED: 05/11/81 JA: TX				
8130796	33237	4205131218	103	FRANK C ANDERSON NO 6	WILLARD (NAVARRO) FIELD	0.0	FERGUSON CROSSING
-GETTY OIL COMPANY			RECEIVED: 05/11/81 JA: TX				
8130596	23286	4241732771	103	G R DAVIS WELL NO 2	WINCHAM NORTH (MORRIS)	219.0	LONE STAR GAS CO
8130576	25422	4208130865	103	G W WARE #28	CAYUGA	21.0	LONE STAR GAS CO

JD NO	JA DKT	API NO	C	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8130723	33041	4235531835			103	LAKE TRAMMEL UNIT #98	LAKE TRAMMEL W (CANYON)	2.0	WEST LAKE NATURAL
8130573	24974	4236531012			103	SHIVERS UNIT WELL #3	CARTHAGE (TRAVIS PEAK 64	90.0	UNITED GAS PIPELI
8130549	23022	4200730624			102-4	T S T 196-197 UNIT I WELL NO 1	ROCKPORT (FRIO 10900)	685.0	VALERO TRANSMISSI
8130575	25061	4236500000			103	VERA HARRISON A #1	CARTHAGE (TRAVIS PEAK)	0.0	UNITED GAS PIPELI
8130566	24150	4236500000			103	WERNER-SMITH #3	CARTHAGE (COTTON VALLEY)	427.0	DELHI GAS PIPELIN
-GOLDKING PRODUCTION COMPANY		RECEIVED: 05/11/81 JA: TX							
8130551	23158	4235531477			102-4	CELANESE CORP NO 1	BIG CAESAR E (7250)	180.0	HOUSTON PIPE LINE
8130657	30932	4212331084			103	E R RODE NO 1-T	COTTONWOOD CREEK S	123.0	HOUSTON PIPE LINE
8130623	29839	4205730944			103	P SCOTT ET AL NO 1	PORT LAVACA (6100)	91.0	HOUSTON PIPE LINE
-GULF OIL CORPORATION		RECEIVED: 05/11/81 JA: TX							
8130743	33093	4207931286			103	DUGGAN SLAUGHTER UNIT NO 801A	SLAUGHTER	14.6	AMOCO PRODUCTION
8130733	33061	4207931284			103	DUGGAN SLAUGHTER UNIT NO 811A	SLAUGHTER	8.2	AMOCO PRODUCTION
8130639	30366	4247532153			103	HUTCHINGS STOCK ASSN WELL NO 1105	WARD-ESTES NORTH	3.0	CABOT CORP
8130646	30666	4221131201			103	MACIAS #1-127L	ALPAR/TONKAWA	54.0	CITIES SERVICE GA
8130745	33102	4230130234			103	MARY BAGWELL ET AL NO 1	WHEAT	52.0	PHILLIPS PETROLEU
8130732	33060	4230130247			103	MARY BAGWELL ET AL NO 2	WHEAT	18.0	PHILLIPS PETROLEU
8130746	33103	4238931148			107-DP	STATE SCHOOL BRD ZZ NO 6	WORSHAM-BAYER (ELLENBURG	4685.0	TRANSWESTERN PIPE
8130730	33058	4230130244			103	TXL AI (NCT-A) WELL NO 12	WHEAT	18.0	PHILLIPS PETROLEU
8130729	33057	4230130233			103	TXL AI NCT-A NO 10	WHEAT	41.0	PHILLIPS PETROLEU
8130727	33055	4230130248			103	TXL AI NCT-A NO 11	WHEAT	14.0	PHILLIPS PETROLEU
8130728	33056	4230130274			103	TXL AI NCT-A NO 13	WHEAT	5.0	PHILLIPS PETROLEU
8130731	33059	4230130229			103	TXL AI NCT-A WELL NO 9	WHEAT	24.0	PHILLIPS PETROLEU
8130752	33110	4210332229			103	W N WADDELL ET AL NO 1147	SAND HILLS (JUDKINS)	19.0	H & T GATHERING
8130754	33112	4210332285			103	W N WADDELL ET AL NO 1156	SAND HILLS (JUDKINS)	267.0	H & T GATHERING
8130749	33107	4210332265			103	W N WADDELL ET AL NO 1162	SAND HILLS (JUDKINS)	336.0	H & T GATHERING
8130750	33108	4210332295			103	W N WADDELL ET AL NO 1163	SAND HILLS (JUDKINS)	267.0	H & T GATHERING
8130769	33160	4210332283			103	W N WADDELL ET AL NO 1168	SAND HILLS (JUDKINS)	336.0	H & T GATHERING
8130767	33158	4210332264			103	W N WADDELL ET AL NO 1169	SAND HILLS (JUDKINS)	600.0	H & T GATHERING
8130832	33365	4210332408			103	W N WADDELL ET AL NO 1174	SAND HILLS (WICHITA ALBA	631.0	H & T GATHERING
-H-M OIL CO		RECEIVED: 05/11/81 JA: TX							
8130677	31390	4213134977			102-4	AVELINO GARCIA #1	WILDCAT (ABOVE 6800) PRO	180.0	UNITED GAS PIPELI
8130663	31109	4248131803			102-4	REDWINE #1	ALLEN (6970)	200.0	TENNESSEE GAS PIP
8130663	31109	4248131803			103	REDWINE #1	ALLEN (6970)	200.0	TENNESSEE GAS PIP
-HANSON MINERALS CO		RECEIVED: 05/11/81 JA: TX							
8130559	23368	4212330914			102-4	MILLER GAS UNIT #1	MEYERSVILLE SE (MV II)	73.4	TEXAS EASTERN TRA
8130559	23368	4212330914			103	MILLER GAS UNIT #1	MEYERSVILLE SE (MV II)	73.4	TEXAS EASTERN TRA
-HILL PRODUCTION CO		RECEIVED: 05/11/81 JA: TX							
8130615	28891	4240330840			103	EUNICE B STEPHENS GAS UNIT NO 2	OAK HILL	360.0	DELHI GAS PIPELIN
8130615	28891	4240330840			107-TF	EUNICE B STEPHENS GAS UNIT NO 2	OAK HILL	360.0	DELHI GAS PIPELIN
8130681	31497	4240130842			103	T W HARRIS #1 84330	POD (COTTON VALLEY)	100.0	DELHI GAS PIPELIN
8130681	31497	4240130842			107-TF	T W HARRIS #1 84330	POD (COTTON VALLEY)	100.0	DELHI GAS PIPELIN
-HNG OIL COMPANY		RECEIVED: 05/11/81 JA: TX							
8130701	32373	4243532225			103	BLOODWORTH 139-3 (84617)	SAWYER/CANYON/	84.0	INTRATEX GAS CO
8130701	32373	4243532225			107-TF	BLOODWORTH 139-3 (84617)	SAWYER/CANYON/	84.0	INTRATEX GAS CO
8130708	32695	4243532359			103	BLOODWORTH 140-4 (90116)	SAWYER/CANYON/	219.0	INTRATEX GAS CO
8130708	32695	4243532359			107-TF	BLOODWORTH 140-4 (90116)	SAWYER/CANYON/	219.0	INTRATEX GAS CO
8130699	32371	4243532200			103	ESPY 57 #3 (84245)	SAWYER/CANYON/	54.0	INTRATEX GAS CO
8130699	32371	4243532200			107-TF	ESPY 57 #3 (84245)	SAWYER/CANYON/	54.0	INTRATEX GAS CO
8130698	32369	4243532210			103	HICKS 60-3 (84246)	SAWYER/CANYON/	1.1	INTRATEX GAS CO
8130698	32369	4243532210			107-TF	HICKS 60-3 (84246)	SAWYER/CANYON/	1.1	INTRATEX GAS CO
8130697	032368	4243532206			103	HICKS 60-4 (84247)	SAWYER/CANYON/	73.0	INTRATEX GAS CO
8130697	032368	4243532206			107-TF	HICKS 60-4 (84247)	SAWYER/CANYON/	73.0	INTRATEX GAS CO
8130696	32367	4243532215			103	PFLUGER 89-3 (84471)	SAWYER/CANYON/	146.0	INTRATEX GAS CO
8130696	32367	4243532215			107-TF	PFLUGER 89-3 (84471)	SAWYER/CANYON/	146.0	INTRATEX GAS CO

JD NO	JA DKT	API NO	C	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER

JD NO	JA DKT	API NO	E	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8130700	32372	4243532214		103		PFLUGER 89-4 (84728)	SAWYER/CANYON/	16.8	INTRATEX GAS CO
8130700	32372	4243532214		107-TF		PFLUGER 89-4 (84728)	SAWYER/CANYON/	16.8	INTRATEX GAS CO
8130702	32374	4243532245		103		SIMMONS 72-3 (85437)	SAWYER/CANYON/	89.8	INTRATEX GAS CO
8130702	32374	4243532245		107-TF		SIMMONS 72-3 (85437)	SAWYER/CANYON/	89.8	INTRATEX GAS CO
-HOOKS BROTHERS OIL CO				RECEIVED: 05/11/81 JA: TX					
8130628	30139	4223330785		103		THOMPSON B #4 01015	PANHANDLE HUTCHINSON COU	6.0	PHILLIPS PETROLEU
8130629	30140	4223330785		103		THOMPSON B #5 01015	PANHANDLE HUTCHINSON COU	0.0	PHILLIPS PETROLEU
-HOUSTON OIL & MINERALS CORPORATION				RECEIVED: 05/11/81 JA: TX					
8130805	33254	4228730801		103		FOEHR NO 1	GIDDINGS (AUSTIN CHALK)	6.0	P&P GAS PRODUCTS
-HUGHES & HUGHES				RECEIVED: 05/11/81 JA: TX					
8130619	33318	4228730542		103		ARMADILLO #1	GIDDINGS (AUSTIN CHALK)	101.6	CLAJON GAS CO
8130685	31868	4235531612		102-4		W C BERNSEN ET UX A	MINNIE BOCK EAST (BERNSE	738.0	FERGUSON CROSSING
-HUMBLE EXPLORATION CO INC				RECEIVED: 05/11/81 JA: TX					
8130535	21872	4214930359		102-2		BETTY PETZOLD #1 - 12517	GIDDINGS	558.8	PHILLIPS PETROLEU
8130535	21872	4214930359		103		BETTY PETZOLD #1 - 12517	GIDDINGS	558.8	PHILLIPS PETROLEU
8130538	22371	4247730326		102-2		BRENDA WILCOX #1 - 12742	GIDDINGS - AUSTIN CHALK	42.7	PHILLIPS PETROLEU
8130538	22371	4247730326		103		BRENDA WILCOX #1 - 12742	GIDDINGS - AUSTIN CHALK	42.7	PHILLIPS PETROLEU
8130530	21494	4228730537		102-2		DOROTHY LUECKE - 12547	GIDDINGS	188.7	PHILLIPS PETROLEU
8130530	21494	4228730537		103		DOROTHY LUECKE - 12547	GIDDINGS	188.7	PHILLIPS PETROLEU
8130683	31716	4228700000		102-4		EMMA HUFF #1	GIDDINGS	0.0	PHILLIPS PETROLEU
8130683	31716	4228700000		103		EMMA HUFF #1	GIDDINGS	0.0	PHILLIPS PETROLEU
8130533	21870	4228730317		102-2		LAURA #1 - 12203	GIDDINGS	14.0	PHILLIPS PETROLEU
8130533	21870	4228730317		103		LAURA #1 - 12203	GIDDINGS	14.0	PHILLIPS PETROLEU
8130532	21497	4247730318		102-2		LILI MARLENE - 12766	GIDDINGS	93.4	PHILLIPS PETROLEU
8130532	21497	4247730318		103		LILI MARLENE - 12766	GIDDINGS	93.4	PHILLIPS PETROLEU
8130537	22296	4228730548		102-2		PAULA STANDRIDGE #1 - 12574	GIDDINGS	142.7	PHILLIPS PETROLEU
8130537	22296	4228730548		103		PAULA STANDRIDGE #1 - 12574	GIDDINGS	142.7	PHILLIPS PETROLEU
8130534	21871	4214930355		102-2		POMPEIA #1 WELL - 12514	GIDDINGS AUSTIN CHALK	294.0	PHILLIPS PETROLEU
8130534	21871	4214930355		103		POMPEIA #1 WELL - 12514	GIDDINGS AUSTIN CHALK	294.0	PHILLIPS PETROLEU
8130539	22375	4214930361		102-2		SERVILIA #1 - 12525	GIDDINGS (AUSTIN CHALK)	25.0	PHILLIPS PETROLEU
8130539	22375	4214930361		103		SERVILIA #1 - 12525	GIDDINGS (AUSTIN CHALK)	25.0	PHILLIPS PETROLEU
8130546	22962	4228730608		102-4		TERESA GARRETT #1 - 87465	GIDDINGS (AUSTIN CHALK-G	186.2	PHILLIPS PETROLEU
8130546	22962	4228730608		103		TERESA GARRETT #1 - 87465	GIDDINGS (AUSTIN CHALK-G	186.2	PHILLIPS PETROLEU
8130531	21496	4228730470		102-2		VENUS - 12276	GIDDINGS	901.5	PHILLIPS PETROLEU
8130531	21496	4228730470		103		VENUS - 12276	GIDDINGS	901.5	PHILLIPS PETROLEU
-I B BEREN				RECEIVED: 05/11/81 JA: TX					
8130690	32152	4250300000		102-4		VAUGHAN NO 3 90237	VAUGHAN (1400)	115.0	SOUTHWESTERN GAS
-INDIAN WELLS OIL CO				RECEIVED: 05/11/81 JA: TX					
8130654	30905	4223531577		103		TANKERSLEY 712 #1	IRION WEST (CANYON)	15.0	NORTHERN NATURAL
-J-W OPERATING COMPANY				RECEIVED: 05/11/81 JA: TX					
8130611	28578	4212331055		102-4		E C SHAEFFER #3	COTTONWOOD CREEK S	73.0	VALERO TRANSMISSI
8130610	28569	4212331086		102-4		E C SHAEFFER #4	COTTONWOOD CREEK SOUTH	73.0	VALERO TRANSMISSI
8130609	28568	4212331061		102-4		GEORGE STANCHOS B #1	STANCHOS (YEGUA)	0.7	VALERO TRANSMISSI
8130612	28579	4212331065		102-4		R FOEGELLE #1	STANCHOS (YEGUA)	11.0	VALERO TRANSMISSI
-JAMES K ANDERSON INC				RECEIVED: 05/11/81 JA: TX					
8130619	29607	4239931591		102-4		ODELL A NO 1	W WINGATE	60.0	LONE STAR GAS CO
8130619	29607	4239931591		103		ODELL A NO 1	W WINGATE	60.0	LONE STAR GAS CO
-JATAM INC				RECEIVED: 05/11/81 JA: TX					
8130795	33236	4243130927		103		JATAM INC KNIGHT - 142 (#1)	JAMESON (STRAWN)	48.0	SUN OIL CO
-JOHN L COX				RECEIVED: 05/11/81 JA: TX					
8130528	21321	4217331023		103		ALBY CROUCH WELL NO 2-X RRC #08425	SPRABERRY (TREND AREA)	5.0	EL PASO NATURAL G
8130527	21304	4231732099		103		DICKENSON #3-X RRC #21525	SPRABERRY (TREND AREA)	10.0	ALPINE OIL CO
8130526	21296	4238331496		103		ROCKER B P #14-X RRC #05173	SPRABERRY (TREND AREA)	5.0	EL PASO NATURAL G

VOLUME 439 PAGE 007

JD NO	JA CKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-JOHN R THOMPSON OPERATING INC						RECEIVED: 05/11/81 JA: TX			
8130837	33374	4220700000		103		HARRISON ESTATE B #1	HARRISON STRAWN	0.0	CITIES SERVICE CO
-K&H LTD						RECEIVED: 05/11/81 JA: TX			
8130599	27430	4250530608		102-4		L E VELA WELL NO 1	EL GRULLO (7780)	0.0	INTRASTATE GATHER
-KAISER-FRANCIS OIL COMPANY						RECEIVED: 05/11/81 JA: TX			
8130595	27211	4248330637		102-4		FRANKLIN #1		100.0	PIONEER NATURAL G
-KEITH D GRAHAM						RECEIVED: 05/11/81 JA: TX			
8130717	32907	4205131136		102-2		CARLOMAGNO UNIT #1	CALDWELL (AUSTIN CHALK)	226.7	FERGUSON CROSSING
8130741	33083	4205131254		102-2		HCW #7 ID-12918	GIDDINGS (AUSTIN CHALK)	135.4	CLAJON GAS CO
-KILLAM & HURD LTD						RECEIVED: 05/11/81 JA: TX			
8130608	28258	4247932759		102-4		BRUNI MINERAL D WELL NO 2	JUANITA (LOBO)	0.0	HOUSTON PIPELINE
-KNOX INDUSTRIES INC						RECEIVED: 05/11/81 JA: TX			
8130734	33064	4238331517		103		DIXON A #3	SPRABERRY (TREND AREA)	0.0	NORTHERN NATURAL
-LEAR PETROLEUM CORPORATION						RECEIVED: 05/11/81 JA: TX			
8130503	10355	4208700000		108		POLK LEASE WELL NO 12	EAST PANHANDLE	0.4	EL PASO NATURAL G
-LEWIS B BURLESON						RECEIVED: 05/11/81 JA: TX			
8130721	33021	4237133169		103		PUCKETT STATE A 1	BELDING (YATES)	12.0	APACHE GAS CORP
-LONGHORN RESOURCES INC						RECEIVED: 05/11/81 JA: TX			
8130783	33213	4236731952		103		NEWBERRY #1-C (91390)	MOBY DICK (CONGL)	511.0	LONE STAR GAS CO
-LOUISIANA LAND & EXPLORATION CO						RECEIVED: 05/11/81 JA: TX			
8130589	26960	4214330461		102-4		I W YOUNG NO 1	LIBERTY OAK (BIG SALINE)	51.0	NORTHERN GAS PROD
-MADDOX ENERGY CORPORATION						RECEIVED: 05/11/81 JA: TX			
8130618	29506	4237100000		107-DP		FROST NATIONAL BANK STATE WELL #1	WILDCAT	456.0	EL PASO NATURAL G
-MARSHALL EXPLORATION INC						RECEIVED: 05/11/81 JA: TX			
8130602	27640	4236531090		103		SPRADLEY #1-LT	BELLE BOWER (COTTON VALL	120.0	UNITED GAS PIPELI
8130602	27640	4236531090		107-TF		SPRADLEY #1-LT	BELLE BOWER (COTTON VALL	120.0	UNITED GAS PIPELI
-MAY PETROLEUM INC						RECEIVED: 05/11/81 JA: TX			
8130666	31122	4229530790		103		ALTMILLER #1	MAMMOTH CREEK NORTH (CLE	182.5	NORTHERN NATURAL
8130665	31121	4229530854		103		NEWMAN A #1	MAMMOTH CREEK NORTH (CLE	109.5	NORTHERN NATURAL
-MCCORMICK OPERATING CO						RECEIVED: 05/11/81 JA: TX			
8130632	30214	4240131004		103		SOONER GAS UNIT NO 3	OAK HILL (COTTON VALLEY)	0.0	HYDROCARBON TRANS
8130632	30214	4240131004		107-TF		SOONER GAS UNIT NO 3	OAK HILL (COTTON VALLEY)	0.0	HYDROCARBON TRANS
-MCMORAN EXPLORATION CO						RECEIVED: 05/11/81 JA: TX			
8130544	22876	4221531021		102-4		COOK WELL #2-U	MCALLEN SOUTH (EL TEXANO	350.0	TRANSCONTINENTAL
8130544	22876	4221531021		103		COOK WELL #2-U	MCALLEN SOUTH (EL TEXANO	350.0	TRANSCONTINENTAL
-MEYER MORITZ & CO INC						RECEIVED: 05/11/81 JA: TX			
8130571	24615	4243500000		103		BEHLING NO 1	SAWYER (CANYON)	50.0	INTRATEX GAS CO
8130571	24615	4243500000		107-TF		BEHLING NO 1	SAWYER (CANYON)	50.0	INTRATEX GAS CO
-MITCHELL ENERGY CORPORATION						RECEIVED: 05/11/81 JA: TX			
8130614	28867	4249700000		108		A R JACKSON #2 17822	MORRIS (CONSOLIDATED CON	7.0	UPHAM OIL & GAS
8130642	30470	4249737823		103		ADAMS-SOUTHWEST #4	BOONSVILLE (BEND CONGL G	300.0	
*8130587	26287	4229330480		107-TF		ARTHUR CLIFTON #1	NORTH PERSONVILLE (COTTO	8.0	SOUTHWESTERN GAS
8130692	32241	4249731833		103		BERRY-CHERRYHOMES #2-U	CHICO WEST (CADDO CONGLO	3.0	NATURAL GAS PIPEL
8130719	32992	4236300000		108		C B EDMONSON #1	BRAZOS (STRAWN)	0.0	SOUTHWESTERN GAS
8130720	32993	4236300000		108		C B EDMONSON #12	BRAZOS (STRAWN)	0.0	SOUTHWESTERN GAS
8130716	32991	4236300000		108		C B EDMONSON #4	BRAZOS (STRAWN)	0.0	SOUTHWESTERN GAS
8130653	30856	4236731967		103		C L CAVENESS #3	RENO (CONGLOMERATE)	1000.0	NATURAL GAS PIPEL
8130603	27806	4229330457		103		J C PRICHARD GAS UNIT #1	NORTH PERSONVILLE (COTTO	0.0	
8130606	28156	4229330457		107-TF		J C PRICHARD GAS UNIT #1	NORTH PERSONVILLE (COTTO	0.0	
8130591	27021	4229330500		107-TF		MAE B VANCE #1	EAST POKEY (COTTON VALLE	0.0	TEXAS UTILITIES F
8130598	27425	4229330500		103		MAE B VANCE #1	EAST POKEY (COTTON VALLE	0.0	TEXAS UTILITIES F
8130604	27891	4249700000		108		MARIE WAGGONER #3 47242	BOONSVILLE (BEND CONGL G	6.0	NATURAL GAS PIPEL
8130588	26288	4229330477		107-TF		MUSE-TUCKER #1 87160	PERSONVILLE N (COTTON VA	0.0	SOUTHWESTERN GAS

VOLUME 439 PAGE 008

JD NO	JA CKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-MITCHELL ENERGY CORPORATION						RECEIVED: 05/11/81 JA: TX			
8130615	28868	4249700000		108		A R JACKSON #3 17822	MORRIS (CONSOLIDATED CON	7.0	UPHAM OIL & GAS
8130616	28869	4249700000		108		A R JACKSON #4 17822	MORRIS (CONSOLIDATED CON	7.0	UPHAM OIL & GAS
8130617	28870	4249700000		108		A R JACKSON #5 17822	MORRIS (CONSOLIDATED CON	7.0	UPHAM OIL & GAS
8130643	30471	4249737823		103		ADAMS-SOUTHWEST #5	BOONSVILLE (BEND CONGL G	300.0	
8130644	30472	4249737823		103		ADAMS-SOUTHWEST #6	BOONSVILLE (BEND CONGL G	300.0	
8130645	30473	4249737823		103		ADAMS-SOUTHWEST #7	BOONSVILLE (BEND CONGL G	300.0	
8130646	30474	4249737823		103		ADAMS-SOUTHWEST #8	BOONSVILLE (BEND CONGL G	300.0	
8130647	30475	4249737823		103		ADAMS-SOUTHWEST #9	BOONSVILLE (BEND CONGL G	300.0	
8130693	32242	4249731833		103		BERRY-CHERRYHOMES #3-U	CHICO WEST (CADDO CONGLO	3.0	NATURAL GAS PIPEL
8130694	32243	4249731833		103		BERRY-CHERRYHOMES #4-U	CHICO WEST (CADDO CONGLO	3.0	NATURAL GAS PIPEL
8130695	32244	4249731833		103		BERRY-CHERRYHOMES #5-U	CHICO WEST (CADDO CONGLO	3.0	NATURAL GAS PIPEL
8130696	32245	4249731833		103		BERRY-CHERRYHOMES #6-U	CHICO WEST (CADDO CONGLO	3.0	NATURAL GAS PIPEL
8130697	32246	4249731833		103		BERRY-CHERRYHOMES #7-U	CHICO WEST (CADDO CONGLO	3.0	NATURAL GAS PIPEL
8130698	32247	4249731833		103		BERRY-CHERRYHOMES #8-U	CHICO WEST (CADDO CONGLO	3.0	NATURAL GAS PIPEL
8130699	32248	4249731833		103		BERRY-CHERRYHOMES #9-U	CHICO WEST (CADDO CONGLO	3.0	NATURAL GAS PIPEL
8130700	32249	4249731833		103		BERRY-CHERRYHOMES #10-U	CHICO WEST (CADDO CONGLO	3.0	NATURAL GAS PIPEL
8130701	32250	4249731833		103		BERRY-CHERRYHOMES #11-U	CHICO WEST (CADDO CONGLO	3.0	NATURAL GAS PIPEL
8130702	32251	4249731833		103		BERRY-CHERRYHOMES #12-U	CHICO WEST (CADDO CONGLO	3.0	NATURAL GAS PIPEL
8130703	32252	4249731833		103		BERRY-CHERRYHOMES #13-U	CHICO WEST (CADDO CONGLO	3.0	NATURAL GAS PIPEL
8130704	32253	4249731833		103		BERRY-CHERRYHOMES #14-U	CHICO WEST (CADDO CONGLO	3.0	NATURAL GAS PIPEL
8130705	32254	4249731833		103		BERRY-CHERRYHOMES #15-U	CHICO WEST (CADDO CONGLO	3.0	NATURAL GAS PIPEL
8130706	32255	4249731833		103		BERRY-CHERRYHOMES #16-U	CHICO WEST (CADDO CONGLO	3.0	NATURAL GAS PIPEL
8130707	32256	4249731833		103		BERRY-CHERRYHOMES #17-U	CHICO WEST (CADDO CONGLO	3.0	NATURAL GAS PIPEL
8130708	32257	4249731833		103		BERRY-CHERRYHOMES #18-U	CHICO WEST (CADDO CONGLO	3.0	NATURAL GAS PIPEL
8130709	32258	4249731833		103		BERRY-CHERRYHOMES #19-U	CHICO WEST (CADDO CONGLO	3.0	NATURAL GAS PIPEL
8130710	32259	4249731833		103		BERRY-CHERRYHOMES #20-U	CHICO WEST (CADDO CONGLO	3.0	NATURAL GAS PIPEL
8130711	32260	4249731833		103		BERRY-CHERRYHOMES #21-U	CHICO WEST (CADDO CONGLO	3.0	NATURAL GAS PIPEL
8130712	32261	4249731833		103		BERRY-CHERRYHOMES #22-U	CHICO WEST (CADDO CONGLO	3.0	NATURAL GAS PIPEL
8130713	32262	4249731833		103		BERRY-CHERRYHOMES #23-U	CHICO WEST (CADDO CONGLO	3.0	NATURAL GAS PIPEL
8130714	32263	4249731833		103		BERRY-CHERRYHOMES #24-U	CHICO WEST (CADDO CONGLO	3.0	NATURAL GAS PIPEL
8130715	32264	4249731833		103		BERRY-CHERRYHOMES #25-U	CHICO WEST (CADDO CONGLO	3.0	NATURAL GAS PIPEL
8130718	32265	4249731833		103		BERRY-CHERRYHOMES #26-U	CHICO WEST (CADDO CONGLO	3.0	NATURAL GAS PIPEL
8130722	33022	4237133169		103		PUCKETT STATE A 2	BELDING (YATES)	12.0	APACHE GAS CORP
8130723	33023	4237133169		103		PUCKETT STATE A 3	BELDING (YATES)	12.0	APACHE GAS CORP
8130724	33024	4237133169		103		PUCKETT STATE A 4	BELDING (YATES)	12.0	APACHE GAS CORP
8130725	33025	4237133169		103		PUCKETT STATE A 5	BELDING (YATES)	12.0	APACHE GAS CORP
8130726	33026	4237133169		103		PUCKETT STATE A 6	BELDING (YATES)	12.0	APACHE GAS CORP
8130727	33027	4237133169		103		PUCKETT STATE A 7	BELDING (YATES)	12.0	APACHE GAS CORP
8130728	33028	4237133169		103		PUCKETT STATE A 8	BELDING (YATES)	12.0	APACHE GAS CORP
8130729	33029	4237133169		103		PUCKETT STATE A 9	BELDING (YATES)	12.0	APACHE GAS CORP
8130730	33030	4237133169		103		PUCKETT STATE A 10	BELDING (YATES)	12.0	APACHE GAS CORP
8130731	33031	4237133169		103		PUCKETT STATE A 11	BELDING (YATES)	12.0	APACHE GAS CORP
8130732	33032	4237133169		103		PUCKETT STATE A 12	BELDING (YATES)	12.0	APACHE GAS CORP
8130733	33033	4237133169		103		PUCKETT STATE A 13	BELDING (YATES)	12.0	APACHE GAS CORP
8130735	33034	4238331517		103		DIXON A #4	SPRABERRY (TREND AREA)	0.0	NORTHERN NATURAL
8130736	33035	4238331517		103		DIXON A #5	SPRABERRY (TREND AREA)	0.0	NORTHERN NATURAL
8130737	33036	4238331517		103		DIXON A #6	SPRABERRY (TREND AREA)	0.0	NORTHERN NATURAL
8130738	33037	4238331517		103		DIXON A #7	SPRABERRY (TREND AREA)	0.0	NORTHERN NATURAL
8130739	33038	4238331517		103		DIXON A #8	SPRABERRY (TREND AREA)	0.0	NORTHERN NATURAL
8130740	33039	4238331517		103		DIXON A #9	SPRABERRY (TREND AREA)	0.0	NORTHERN NATURAL
8130742	33040	4238331517		103		DIXON A #10	SPRABERRY (TREND AREA)	0.0	NORTHERN NATURAL
8130743	33041	4238331517		103		DIXON A #11	SPRABERRY (TREND AREA)	0.0	NORTHERN NATURAL
8130744	33042	4238331517		103		DIXON A #12	SPRABERRY (TREND AREA)	0.0	NORTHERN NATURAL
8130745	33043	4238331517		103		DIXON A #13	SPRABERRY (TREND AREA)	0.0	NORTHERN NATURAL
8130746	33044	4238331517		103		DIXON A #14	SPRABERRY (TREND AREA)	0.0	NORTHERN NATURAL
8130747	33045	4238331517		103		DIXON A #15	SPRABERRY (TREND AREA)	0.0	NORTHERN NATURAL
8130748	33046	4238331517		103		DIXON A #16	SPRABERRY (TREND AREA)	0.0	NORTHERN NATURAL
8130749	33047	4238331517		103		DIXON A #17	SPRABERRY (TREND AREA)	0.0	NORTHERN NATURAL
8130750	33048	4238331517		103		DIXON A #18	SPRABERRY (TREND AREA)	0.0	NORTHERN NATURAL
8130751	33049	4238331517		103		DIXON A #19	SPRABERRY (TREND AREA)	0.0	NORTHERN NATURAL
8130752	33050	4238331517		103		DIXON A #20	SPRABERRY (TREND AREA)	0.0	NORTHERN NATURAL
8130753	33051	4238331517		103		DIXON A #21	SPRABERRY (TREND AREA)	0.0	NORTHERN NATURAL
8130754	33052	4238331517		103		DIXON A #22	SPRABERRY (TREND AREA)	0.0	NORTHERN NATURAL
8130755	33053	4238331517		103		DIXON A #23	SPRABERRY (TREND AREA)	0.0	NORTHERN NATURAL
8130756	33054	4238331517		103		DIXON A #24	SPRABERRY (TREND AREA)	0.0	NORTHERN NATURAL
8130757	33055	4238331517		103		DIXON A #25	SPRABERRY (TREND AREA)	0.0	NORTHERN NATURAL
8130758	33056	4238331517		103		DIXON A #26	SPRABERRY (TREND AREA)	0.0	NORTHERN NATURAL
8130759	33057	4238331517		103		DIXON A #27	SPRABERRY (TREND AREA)	0.0	NORTHERN NATURAL
8130760	33058	4238331517		103		DIXON A #28	SPRABERRY (TREND AREA)	0.0	NORTHERN NATURAL
8130761	33059	4238331517		103		DIXON A #29	SPRABERRY (TREND AREA)	0.0	NORTHERN NATURAL
8130762	33060	4238331517		103		DIXON A #30	SPRABERRY (TREND AREA)	0.0	NORTHERN NATURAL
8130763	33061	4238331517		103		DIXON A #31	SPRABERRY (TREND AREA)	0.0	NORTHERN NATURAL
8130764	33062	4238331517		103		DIXON A #32	SPRABERRY (TREND AREA)	0.0	NORTHERN NATURAL
8130765	33063	4238331517		103		DIXON A #33	SPRABERRY (TREND AREA)	0.0	NORTHERN NATURAL

JD NO	JA DKT	API NO	E	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8130585	26284	4229330469		107-TF		PRESLEY-SADLER #1	POKEY FIELD (COTTON VALL	25.0	TEXAS UTILITIES F
8130605	28064	4236300000		108		R W MCCLURE #1 35237	GRAFORD (BEND CONGL)	3.5	SOUTHWESTERN GAS
8130586	26285	4229330449		107-TF		T J MCCLARAN #1 86214	FALLON (COTTON VALLEY)	0.0	SOUTHWESTERN GAS
		RECEIVED: 05/11/81 JA: TX							
-MOBIL PROD TEXAS & NEW MEXICO INC									
8130742	33090	4223300000		108		JOHNSON RANCH NO 2	PANHANDLE WEST	4.5	J M HUBER CORP
8130648	30712	4230130235		107-DP		LACY ET AL UNIT NO 1	WILDCAT	1941.8	
8130794	33235	4221933114		103		MAPLE WILSON NO 100	SLAUGHTER	12.8	AMOCO PRODUCTION
8130672	31169	4230130228		107-DP		W D JOHNSON ET AL C NC 1	SLASH RANCH (FUSSELMAN)	346.8	INTRATEX GAS CO
		RECEIVED: 05/11/81 JA: TX							
-MORAN EXPLORATION INC									
8130790	33223	4223331547		103		MAYER A #4	SPRABERRY (TREND AREA)	0.0	NORTHERN NATURAL
8130506	15575	4223330312		108		ROCKER B J NO 5	SPRABERRY (TREND AREA)	12.8	NORTHERN NATURAL
		RECEIVED: 05/11/81 JA: TX							
-MORMAC OIL & GAS CO									
8130716	32900	4212732092		102-4		N C KING NO 3	STUMBERG (OLMOS 4150)	40.8	VALERO TRANSMISSI
		RECEIVED: 05/11/81 JA: TX							
-MURPHY M BAXTER									
8130670	31153	4202531426		103		FOX NO 1	BLANCONIA (4800)	180.0	
		RECEIVED: 05/11/81 JA: TX							
-NATURAL GAS ANADARKO INC									
8130744	33099	4235700000		108		J T TREW #1 RRC# 21911	ELLIS RANCH (CLEVELAND)	12.8	TRANSWESTERN PIPE
		RECEIVED: 05/11/81 JA: TX							
-NRM PETROLEUM CORPORATION									
8130521	20934	4208100000		103		HARRIS #1	LYGAY	90.0	SUN GAS CO
		RECEIVED: 05/11/81 JA: TX							
-NUCORP ENERGY INC									
8130722	33039	4214930739		102-2		MILLICENT BROWN SHELDEN #1 13697	GIDDINGS (AUSTIN CHALK)	214.3	PHILLIPS PETROLEU
		RECEIVED: 05/11/81 JA: TX							
-OJB INC									
8130705	32623	4210500000		103		PIERCE-HENDERSON 7-5	OZONA (CANYON SAND)	180.0	VALERO TRANSMISSI
8130705	32623	4210500000		107-TF		PIERCE-HENDERSON 7-5	OZONA (CANYON SAND)	180.0	VALERO TRANSMISSI
8130706	32624	4210500000		103		PIERCE-HENDERSON 8-2	OZONA (CANYON SAND)	180.0	VALERO TRANSMISSI
8130706	32624	4210500000		107-TF		PIERCE-HENDERSON 8-2	OZONA (CANYON SAND)	180.0	VALERO TRANSMISSI
		RECEIVED: 05/11/81 JA: TX							
-OLYMPIA OIL CO									
8130523	21049	4205932224		102-4		MCADOO #1 ID 83938	NUGENTS NOOK (STRAWN)	828.8	DELHI GAS PIPELIN
		RECEIVED: 05/11/81 JA: TX							
-PALO-PLACER									
8130645	30652	4246131523		103		AMACKER-HALFF 48-1	SPRABERRY (TREND AREA)	50.0	PHILLIPS PETROLEU
8130644	30554	4246131531		103		WAHLENMAIER 42-1	SPRABERRY TREND AREA	50.0	PHILLIPS PETROLEU
8130643	30553	4246131532		103		WAHLENMAIER 42-2	SPRABERRY (TREND AREA)	50.0	PHILLIPS PETROLEU
		RECEIVED: 05/11/81 JA: TX							
-PANHANDLE PRODUCING COMPANY									
8130703	32496	4223300000		108		AGUA DULCE-SANFORD #1 (23779)	PANHANDLE WEST	27.0	COLORADO INTERSTA
		RECEIVED: 05/11/81 JA: TX							
-PAR OIL CORPORATION									
8130529	21464	4236500000		103		MULLINS NO 1	CARTHAGE - COTTON VALLEY	400.0	ARKANSAS LOUISIAN
		RECEIVED: 05/11/81 JA: TX							
-PARAFFINE OIL CORP									
8130710	32711	4224931292		102-4		HERBERT SMITH NO 5	BEN BOLT (5800)	13.0	SEAGULL PIPELINE
8130710	32711	4224931292		103		HERBERT SMITH NO 5	BEN BOLT (5800)	13.0	SEAGULL PIPELINE
8130704	32523	4205731040		102-4		P H WELDER B NO 9-L	KATIE WELDER (N-2)	31.0	FLORIDA GAS TRANS
8130704	32523	4205731040		103		P H WELDER B NO 9-L	KATIE WELDER (N-2)	31.0	FLORIDA GAS TRANS
8130622	29723	4205731016		102-4		P H WELDER D 3-L	KATIE WELDER (L-7)	185.0	SEAGULL PIPELINE
8130622	29723	4205731016		103		P H WELDER D 3-L	KATIE WELDER (L-7)	185.0	SEAGULL PIPELINE
		RECEIVED: 05/11/81 JA: TX							
-PARAGON RESOURCES INC									
8130828	33336	4205130786		103		ASSENHEIMER #1	CALDWELL (AUSTIN CHALK)	30.0	FERGUSON CROSSING
8130740	33082	4231131447		102-4		HAGIST RANCH #1	LOMA ALTA WEST (YEGUA 36	150.0	VALERO TRANSMISSI
8130740	33082	4231131447		103		HAGIST RANCH #1	LOMA ALTA WEST (YEGUA 36	150.0	VALERO TRANSMISSI
		RECEIVED: 05/11/81 JA: TX							
-PARKER & PARSLEY INC									
8130736	33073	4232930937		103		BUCHANAN F WELL NO 1	SPRABERRY (TREND AREA)	15.0	PHILLIPS PETROLEU
8130543	22827	4232930872		103		FASKEN F WELL NO 1	SPRABERRY (TREND AREA)	15.0	PHILLIPS PETROLEU
		RECEIVED: 05/11/81 JA: TX							
-PENNZOIL PRODUCING COMPANY									
8130584	25990	4250530252		102-4		ALICIA R GUTIERREZ NO 1	JENNINGS SOUTH (WILCOX 8	100.0	VALERO INTERSTATE
		RECEIVED: 05/11/81 JA: TX							
-PERRYMAN OPERATING CO INC									

VOLUME 439 PAGE 009

JD NO	JA DKT	API NO	D	SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8130671	31166	4221300000		102-2	JOHN CORLEY NO 1	THOMAS LAKE (COTTON VALL	400.0	TEXAS UTILITIES F
8130671	31166	4221300000		107-TF	JOHN CORLEY NO 1	THOMAS LAKE (COTTON VALL	400.0	TEXAS UTILITIES F
-PHILLIPS PETROLEUM COMPANY					RECEIVED: 05/11/81 JA: TX			
8130693	32247	4236530892		107-TF	BALL 2 NO 2	CARTHAGE COTTON VALLEY	350.0	UNITED GAS PIPELI
8130808	33266	4242100000		108	BUELOW #2	TEXAS HUGOTON	0.0	MICHIGAN WISCONSI
8130694	32248	4236530943		107-TF	CALLOW 2 NO 2	CARTHAGE COTTON VALLEY	365.0	UNITED GAS PIPELI
8130829	33338	4217900000		108	CLAY #5	PANHANDLE GRAY	0.0	
8130517	20527	4223300000		108	COCKRELL RANCH #41	PANHANDLE	16.0	GETTY OIL CO
8130807	33265	4217900000		108	CUBINE M#1	PANHANDLE EAST	0.0	
8130725	33052	4213533520		103	GS ADOBE UNIT #23-6	GOLDSMITH (5600)	3.7	EL PASO NATURAL G
8130513	19517	4205100000		108	HITCH - E #2	HITCHLAND WEST	18.0	PANHANDLE EASTERN
*8130525	21265	4234130579		103	LOVE #2	PANHANDLE WEST	69.0	EL PASO NATURAL G
*8130541	22556	4234100000		103	MARY BETH NO 2	PANHANDLE WEST	6.0	EL PASO NATURAL G
8130691	32207	4236531002		107-TF	PANOLA 2 WELL NO 2	CARTHAGE COTTON VALLEY	365.0	UNITED GAS PIPELI
8130766	33157	4243530422		108	WARD C NO 1	SONORA (CANYON UPPER)	22.9	INTRATEX GAS CC
-QUEST PETROLEUM INC					RECEIVED: 05/11/81 JA: TX			
8130659	30951	4249700000		103	B A MOORE A-1	BOONSVILLE (BEND-CONGL B	0.0	LONE STAR GAS CO
-R M ENGELKE					RECEIVED: 05/11/81 JA: TX			
8130674	31269	4223931172		102-4	JOHN M BENNETT B NO 1	LA SALLE (5735)	190.2	TENNESSEE GAS PIP
8130674	31269	4223931172		103	JOHN M BENNETT B NO 1	LA SALLE (5735)	190.2	TENNESSEE GAS PIP
8130667	31146	4223931175		103	JOHN M BENNETT B NO 3-C	LA SALLE	241.6	TENNESSEE GAS PIP
8130668	31147	4223931175		103	JOHN M BENNETT B NO 3-T	LA SALLE	110.9	TENNESSEE GAS PIP
-RALPH L WAY INC					RECEIVED: 05/11/81 JA: TX			
8130624	29852	4210532775		103	UNIVERSITY DYCO A #2	FARMER (SAN ANDRES)	3.2	NORTHERN NATURAL
8130625	29863	4210532779		103	UNIVERSITY DYCO A #6	FARMER (SAN ANDRES)	12.2	NORTHERN NATURAL
-REALITOS ENERGY CORP					RECEIVED: 05/11/81 JA: TX			
8130652	30823	4248132025		103	E HOLUB NO 1-T	EL CAMPO S (6850)	185.0	DOW CHEMICAL CO
8130656	30913	4246931651		103	WALTER E MUELLER NO 2	COLOGNE	15.0	TENNESSEE GAS PIP
-SANCHEZ-OBRIEN MINERALS CORP					RECEIVED: 05/11/81 JA: TX			
8130597	27411	4229732330		102-4	NEVILLE P CLARKE NO 1	SOL WEST (SECOND MACKHAN	500.0	UNITED TEXAS TRAN
-SAXON OIL COMPANY					RECEIVED: 05/11/81 JA: TX			
8130815	33298	4246131647		103	WINDHAM D NO 1	SPRABERRY (TREND AREA)	24.1	EL PASO NATURAL G
-SEARCH DRILLING CO					RECEIVED: 05/11/81 JA: TX			
8130806	33255	4239330796		103	MAHLER #2-106	MENCOTA NW	492.0	PHILLIPS PETROLEU
-SEELY OIL CO					RECEIVED: 05/11/81 JA: TX			
8130781	33207	4213332087		103	EUDY #1 ID #90267	EASTLAND COUNTY REGULAR	72.0	LONE STAR GAS CO
-SHELL OIL CO					RECEIVED: 05/11/81 JA: TX			
8130664	31113	4221531033		103	A A MC ALLEN NO 64	MC ALLEN RANCH (VICKSBUR	400.0	VALERO INTERSTATE
-SIGMOR CORP					RECEIVED: 05/11/81 JA: TX			
8130658	30945	4208300000		103	LAMAR TURNER #4	BETLIN (FRY) FIELD	180.0	BRADY TEXAS MUNIC
-SIMPSON-MANN OIL PRODUCERS					RECEIVED: 05/11/81 JA: TX			
8130687	31883	4218532969		103	J M BAGGETT EST ET AL #4-2	ADAMS-BAGGETT RANCH (CAN	40.0	VALERO TRANSMISSI
-SKLAR & PHILLIPS OIL CO					RECEIVED: 05/11/81 JA: TX			
8130673	31268	4236531158		102-2	BRIGGS GAS UNIT NO 1	NO BECKVILLE (COTTON VAL	200.0	ARKANSAS LOUISIAN
8130673	31268	4236531158		103	BRIGGS GAS UNIT NO 1	NO BECKVILLE (COTTON VAL	200.0	ARKANSAS LOUISIAN
-SOHIO PETROLEUM CO					RECEIVED: 05/11/81 JA: TX			
8130647	30667	4240931364		103	MAX M FLOERKE JR ET AL WELL NO 2-R	MIDWAY EAST (10700)	139.0	TEXAS EASTERN TRA
-SOUTHWESTERN GAS EXPLORATION					RECEIVED: 05/11/81 JA: TX			
8130555	23269	4222130546		103	E L RHODES UNIT #1	BRATTEN (MARBLE FALLS)	18.6	
8130550	23139	4223732147		103	LINDSAY RANCH #3	BAMBERGER (ATOKA)	32.0	SOUTHWESTERN GAS
8130554	23223	4223732507		103	LINDSEY RANCH #5	JACK COUNTY REGULAR (OIL	5.9	SOUTHWESTERN GAS
8130553	23217	4236731536		103	LITTLE BEAR RANCH #3	ALEDO S (ATOKA)	44.6	
8130536	22211	4249731453		103	LOUIS ENGLER #1	BOONSVILLE (BEND CONGL G	200.0	

JD NO	JA UNT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8130552	23212	4214330370		103		PARKEY RANCH #8	MORGAN MILL (MARBLE FALL	353.3	ENERGY PIPELINE C
-SPENCER & HUTSON				RECEIVED: 05/11/81 JA: TX					
8130830	33363	4214930606		103		PAMALA NO 1	GIDDINGS (AUSTIN CHALK)	32.5	PHILLIPS PETROLEU
-SUN OIL COMPANY (DELAWARE)				RECEIVED: 05/11/81 JA: TX					
8130524	21163	4249731188		103		DORA MORRIS UNIT NO 2	BOONSVILLE	55.0	NATURAL GAS PIPEL
8130649	30717	4213533311		103		E GOLDSMITH HOLT UT NO 6-4L	GOLDSMITH E (HOLT)	2.0	PHILLIPS PETROLEU
8130650	30718	4213533311		103		EAST GOLDSMITH SAN ANDRES UT #6-4U	GOLDSMITH E (SAN ANDRES)	25.0	PHILLIPS PETROLEU
8130520	20750	4240100000		108		FINNEY NO 6	EAST TEXAS	0.5	PARADE CO
8130507	15595	4246931282		103		W H BENNETT WELL NO 16-U	MEYSER	73.0	TENNESSEE GAS PIP
8130662	31093	4207931091		103		WRIGHT UNIT NO 6-35	LEVELLAND	7.3	CITIES SERVICE CO
-TAUBERT & STEED				RECEIVED: 05/11/81 JA: TX					
8130695	32330	4226930793		102-4		S B BURNETT ESTATE GG 5	BIG-S-(CONGLOMERATE)	1.8	LONE STAR GAS CO
-TENNECO OIL COMPANY				RECEIVED: 05/11/81 JA: TX					
8130501	03929	4237330399		103		KINGSBURY CO HOLDING CORP #3-A	LIVINGSTON	180.8	UNITED TEXAS TRAN
8130669	31148	4217930751		103		WORLEY #98	PANHANDLE GRAY COUNTY	56.0	PHILLIPS PETROLEU
-TEXAS INTERNATIONAL PET CORP				RECEIVED: 05/11/81 JA: TX					
8130818	33312	4205131144		102-2		SHUPAK #3	GIDDINGS (AUSTIN CHALK)	183.0	CLAJON GAS CO
-TEXAS OIL & GAS CORP				RECEIVED: 05/11/81 JA: TX					
8130590	27007	4240130966		103		HEDGE A #1	OAK HILL (COTTON VALLEY)	580.8	DELHI GAS PIPELIN
8130590	27007	4240130966		107-TF		HEDGE A #1	OAK HILL (COTTON VALLEY)	500.0	DELHI GAS PIPELIN
8130596	27215	4216130596		102-2		NANNY #1	BEAR GRASS NE (COTTON VA	1.0	
8130596	27215	4216130596		103		NANNY #1	BEAR GRASS NE (COTTON VA	1.0	
-TEXAS PACIFIC OIL COMPANY INC				RECEIVED: 05/11/81 JA: TX					
8130540	22417	4213300000		102-4		N C GAILEY ET AL WELL NO 1	GAILEY (CONGL)	189.5	SOUTHWESTERN GAS
8130569	24302	4221932824		103		NORTHEAST LEVELLAND UNIT #13-A	LEVELLAND	7.5	AMOCO PRODUCTION
-THE DOW CHEMICAL COMPANY				RECEIVED: 05/11/81 JA: TX					
8130823	33325	4234931254		102-4		FARMER OIL UNIT A WELL NO 1	CHENEYBORO	146.0	LONE STAR GAS CO
8130824	33326	4234931422		102-4		FARMER OIL UNIT B WELL NO 2	CHENEYBORO	36.0	LONE STAR GAS CO
8130822	33324	4234931299		102-4		HAYES OIL UNIT A WELL NO 1	CHENEYBORO	36.0	LONE STAR GAS CO
8130825	33327	4234931352		102-4		HAYES OIL UNIT C WELL NO 3	CHENEYBORO	72.0	LONE STAR GAS CO
8130821	33323	4234931375		102-4		RAYMOND HAYES WELL NO 2	CHENEYBORO	36.0	LONE STAR GAS CO
-TRAVELERS OIL CO				RECEIVED: 05/11/81 JA: TX					
8130737	33075	4217900000		108		HAYNES A #4 00486	PANHANDLE GRAY COUNTY	8.0	PHILLIPS PETROLEU
8130738	33076	4217900000		108		HAYNES A #6 00486	PANHANDLE GRAY COUNTY	9.0	PHILLIPS PETROLEU
8130739	33077	4217900000		108		HAYNES C #3 00402	PANHANDLE GRAY COUNTY	5.0	PHILLIPS PETROLEU
-UNION OIL COMPANY OF CALIF				RECEIVED: 05/11/81 JA: TX					
8130747	33104	4229500000		108		GEORGE H ROBBINS B #3	KELLN (TONKAWA-OIL)	14.0	PHILLIPS PETROLEU
8130709	32704	4260330137		102-4		STATE LEASE 73379 WELL NO 1	STEAMBOAT PASS S (5000)	1825.0	
-UNION TEXAS PETROLEUM				RECEIVED: 05/11/81 JA: TX					
8130851	33405	4223531443		103		FARMAR 43-10 #1	ROCK PEN (CANYON) CANYON	43.3	CRA INC
8130834	33368	4223531519		103		FARMAR 43-10 #2	ROCK PEN (CANYON) CANYON	22.5	CRA INC
8130831	33364	4223531180		103		FARMAR 44 #1	ROCK PEN (CANYON) CANYON	56.1	CRA INC
8130850	33404	4223531259		103		FARMAR 44 #2	ROCK PEN (CANYON) CANYON	50.0	CRA INC
8130853	33407	4223531265		103		FARMAR 44 #3	ROCK PEN (CANYON) CANYON	49.8	CRA INC
8130848	33401	4223531295		103		FARMAR 44 #4	ROCK PEN (CANYON) CANYON	61.0	CRA INC
8130849	33403	4223531238		103		FARMAR 55 #1	ROCK PEN (CANYON) CANYON	23.0	CRA INC
8130852	33406	4223531239		103		FARMAR 57 #3	ROCK PEN (CANYON) CANYON	48.2	CRA INC
8130782	33208	4223531237		103		FARMAR 57 #4	ROCK PEN (CANYON) CANYON	65.4	CRA INC
-UPHAM OIL & GAS CO				RECEIVED: 05/11/81 JA: TX					
8130574	25032	4249700000		108		N H DAVIS #4 RRC #86076	BOONSVILLE (BASAL ATOKA)	9.5	LONE STAR GAS CO
-W A MONCRIEF JR				RECEIVED: 05/11/81 JA: TX					
8130682	31628	4236731299		108		MONCRIEF RANCH NO 6	MONCRIEF RANCH (STRAWN)	3.4	SOUTHWESTERN GAS
-W H PRICE				RECEIVED: 05/11/81 JA: TX					

VOLUME 439 PAGE 011

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8130522	21018	4235330731		102-4		WHITESIDE #1	GROUP S (CANYON REEF)	14.0	PALO DURO PIPELIN
-MAINOCO OIL & GAS COMPANY				RECEIVED: 05/11/81 JA: TX					
8130511	19277	4224531311		103		W C GILBERT EST NO 1	GILBERT RANCH (8700)	550.0	SOUTHWESTERN GAS
-WARREN PETR CO A DIV OF GULF OIL CO				RECEIVED: 05/11/81 JA: TX					
8130854	33408	4210332356		103		J B TUBB ET AL NO 33	SAND HILLS (TUBB)	74.0	EL PASO NATURAL G
8130827	33334	4210332374		103		P J LEA ET AL NO 111	LEA (SAN ANDRES)	25.0	EL PASO NATURAL G
8130826	33332	4210332370		103		P J LEA ET AL NO 112	LEA (SAN ANDRES)	24.0	EL PASO NATURAL G
8130753	33111	4210332306		103		W N WADDELL ET AL NO 1153	RUNNING W (TUBB)	10.0	EL PASO NATURAL G
8130755	33113	4210332285		103		W N WADDELL ET AL NO 1156	RUNNING W (TUBB)	4.0	EL PASO NATURAL G
8130748	33105	4210332293		103		W N WADDELL ET AL NO 1165	SAND HILLS (JUDKINS)	134.0	EL PASO NATURAL G
8130756	33114	4210332281		103		W N WADDELL ET AL NO 1166	SAND HILLS (JUDKINS)	43.0	EL PASO NATURAL G
8130770	33161	4210332284		103		W N WADDELL ET AL NO 1167	SAND HILLS (JUDKINS)	80.0	EL PASO NATURAL G
8130768	33159	4210332359		103		W N WADDELL ET AL NO 1172	RUNNING W (TUBB)	145.0	EL PASO NATURAL G
8130833	33366	4210832361		103		W N WADDELL ET AL NO 1173	LEA (SAN ANDRES)	25.0	EL PASO NATURAL G
8130816	33305	4210332388		103		W N WADDELL NO 1138	DUNE	3.0	EL PASO NATURAL G
8130817	33306	4210332393		103		W N WADDELL NO 1140	WADDELL	2.0	EL PASO NATURAL G
8130751	33109	4210332303		103		W N WADDELL TR 3 NO 1117-A	UNIVERSITY-WADDELL (DEVO	0.0	EL PASO NATURAL G
-WOOD MCSHANE & THAMS				RECEIVED: 05/11/81 JA: TX					
8130810	33269	4249531270		103		KEYSTONE CATTLE CO #I-H RRC #26369	KEYSTONE HOLT	401.5	PIONEER NATURAL G
-WORLD PRODUCERS INC				RECEIVED: 05/11/81 JA: TX					
8130578	25803	4236332088		102-0		GOEN C #4	VAN DYKE (ATOKA)	40.0	NATURAL GAS PIPEL
8130579	25804	4236332362		102-0		GOEN F #7	VAN DYKE (ATOKA)	40.0	NATURAL GAS PIPEL
8130580	25805	4236332382		102-4		WHARTON B #3	VAN DYKE (ATOKA)	40.0	NATURAL GAS PIPEL
-1488 CORP				RECEIVED: 05/11/81 JA: TX					
8130688	31972	4247900080		102-4		WEBB COUNTY SCHOOL LAND NO 1 61305	RANCHO PRADO (WILCOX LR	8.0	TRANSCONTINENTAL

OTHER PURCHASERS

8130525 PANHANDLE EASTERN P/L CO
8130541 PANHANDLE EASTERN P/L CO
8130547 HOUSTON LIGHTING AND POWER CO
8130570 HOUSTON LIGHTING & POWER CO
8130587 LONE STAR GAS CO
8130638 HOUSTON LIGHTING & POWER CO

BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission on or before July 2, 1981.

Categories within each NGPA section are indicated by the following codes:

Section:

102–1: New OCS lease
102–2: New well (2.5 mile rule)
102–3: New well (1000 ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease
107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal seams
107–DV: Devonian shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–18010 Filed 6–16–81; 8:45 am]
BILLING CODE 6450–85–M

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: June 11, 1981.

JD NO	JA DKT	API NO	D SEC CAT WELL NAME	FIELD NAME	PROD	PURCHASER
KANSAS CORPORATION COMMISSION						
-HERNDON OIL & GAS CO		RECEIVED: 05/18/81	JA: KS			
8131012	K-80-0744	1519100000	108-ER SHUTLER #1	MURPHY	5.5	CITIES SERVICE GA
-MCKELVY OPERATING CORP		RECEIVED: 05/18/81	JA: KS			
8131013	K-79-1630	1505500000	108-ER SPIKES #29	HUGOTON	12.0	CITIES SERVICE GA
-PAN EASTERN EXPLORATION COMPANY		RECEIVED: 05/15/81	JA: KS			
8131018	K 81-0072	1517500000	108-SA HARNDEN #1	HUGOTON	55.0	PANHANDLE EASTERN
-R J PATRICK OPERATING CO		RECEIVED: 05/18/81	JA: KS			
8131011	K-81-0221	1503320369	102-A RALPH BAKER NO 1 - MISSISSIPPIAN		91.3	NORTHERN NATURAL
KENTUCKY DEPARTMENT OF MINES & MINERALS						
-ASHLAND EXPLORATION INC		RECEIVED: 05/14/81	JA: KY			
8130933	502051	1619500000	108 CASSADY J W #2 - 005240	EASTERN KENTUCKY GAS	21.0	COLUMBIA GAS TRAN
8130934	502052	1619500000	108 CASSADY J W #3 005400	EASTERN KENTUCKY GAS	20.0	COLUMBIA GAS TRAN
8130929	502047	1619500000	108 COLONY COAL & COKE #2 - 003390	EASTERN KENTUCKY GAS	16.0	COLUMBIA GAS TRAN
8130930	502048	1619500000	108 COLONY COAL & COKE #33 - 010580	EASTERN KENTUCKY GAS	18.0	COLUMBIA GAS TRAN
8130931	502049	1619501326	108 COLONY COAL & COKE #50 - 020490	EASTERN KENTUCKY GAS	18.0	COLUMBIA GAS TRAN
8130932	502050	1619517364	108 COLONY COAL & COKE #60 - 046130	EASTERN KENTUCKY GAS	21.0	COLUMBIA GAS TRAN
8130936	502054	1619500000	108 DAISY P VARNEY #1 - 019940	PIKE	1.0	COLUMBIA GAS TRAN
8130935	502053	1619500000	108 HAMILTON JAMES #1 - 008280	EASTERN KENTUCKY GAS	20.0	COLUMBIA GAS TRAN
-COLUMBIA GAS TRANSMISSION CORP		RECEIVED: 05/14/81	JA: KY			
8130878	501991	1619532159	108 KENTLAND COMPANY 820595	KENTUCKY AREA C	24.0	COLUMBIA GAS TRAN
-CONTROLLED RESOURCES OIL & GAS CORP		RECEIVED: 05/14/81	JA: KY			
8130907	502022	1619500000	108 KY 27302 J TAYLOR EX 8	BRUSHY CREEK	11.0	COLUMBIA GAS TRAN
8130906	502021	1619500000	108 KY 29459 J TAYLOR EX75-8	BRUSHY CREEK	11.0	COLUMBIA GAS TRAN
8130909	502024	1615900000	108 KY24578 - METER C G T CORP 5916		5.2	COLUMBIA GAS TRAN
8130908	502023	1619500000	108 KY27301 J TAYLOR EX7	BRUSHY CREEK	11.0	COLUMBIA GAS TRAN
-HOLLY CREEK PRODUCTION CORP		RECEIVED: 05/14/81	JA: KY			
8130919	502037	1623700000	108 BLAKE ROSE #1	HOLLY CREEK FIELD	5.7	CAPITAL GAS & OIL
8130913	502028	1623700000	108 CLAY CAMPBELL #1	HOLLY CREEK FIELD	3.7	CAPITAL GAS & OIL
8130918	502036	1623700000	108 DOWIE BANKS #1	HOLLY CREEK FIELD	1.2	CAPITAL GAS & OIL
8130916	502034	1623700000	108 G T HURST #2	HOLLY CREEK FIELD	1.0	CAPITAL GAS & OIL
8130921	502039	1623700000	108 GLENN TYRA #1	HOLLY CREEK FIELD	8.6	CAPITAL GAS & OIL
8130920	502038	1623700000	108 HAZEL TYLER #1	HOLLY CREEK FIELD	13.7	CAPITAL GAS & OIL
8130915	502033	1623700000	108 LETCHER SMITH #1	HOLLY CREEK FIELD	1.9	CAPITAL GAS & OIL
8130912	502027	1623700000	108 M BREWER #1	HOLLY CREEK FIELD	1.8	CAPITAL GAS & OIL
8130922	502040	1623700000	108 MABLE WATKINS	HOLLY CREEK FIELD	4.5	CAPITAL GAS & OIL
8130911	502026	1602500000	108 ONEY BANKS	HOLLY CREEK FIELD	9.2	CAPITAL GAS & OIL
8130923	502041	1623700000	108 REED WILLIAMS #1	HOLLY CREEK FIELD	2.2	CAPITAL GAS & OIL
8130917	502035	1623700000	108 S H ELKINS #1	HOLLY CREEK FIELD	1.6	CAPITAL GAS & OIL
8130914	502032	1623700000	108 SAMP MALONEY #1	HOLLY CREEK FIELD	2.5	CAPITAL GAS & OIL

JD NO	JA DKT	API NO	D SEC CAT WELL NAME	FIELD NAME	PROD	PURCHASER

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-J W KINZER				RECEIVED: 05/14/81 JA: KY					
8130940	502060	1619500000		108		CHESAPEAKE MINERAL #19	NARROBONE	10.2	COLUMBIA GAS TRAN
-KENTUCKY WEST VA GAS COMPANY				RECEIVED: 05/14/81 JA: KY					
8130924	502042	1611900000		108		KYCOGA LAND COMPANY - NO 1672	KENTUCKY EAST	5.9	KENTUCKY WEST VIR
8130925	502043	1619500000		108		7252-JOHN W GOFF	KENTUCKY EAST	2.7	KENTUCKY WEST VIR
-THE WISER OIL COMPANY				RECEIVED: 05/14/81 JA: KY					
8130890	502005	1612100000		108		ABE CARNES #1	KNOX COUNTY FIELD	3.4	WISER OIL CO
8130883	501998	1605100000		108		AL MATHIS #1 WELL	CLAY COUNTY FIELD	6.6	WISER OIL CO
8130884	501999	1605100000		108		ALBERT NOLAN #1 WELL	CLAY COUNTY FIELD	6.6	WISER OIL CO
8130897	502012	1612100000		108		ALLIE MILLS #1	KNOX COUNTY FIELD	3.4	WISER OIL CO
8130903	502018	1612100000		108		AXIE SLUSHER #1	KNOX COUNTY FIELD	3.4	WISER OIL CO
8130869	501981	1605100000		108		B STEWART #1 WELL	CLAY COUNTY FIELD	6.6	WISER OIL CO
8130885	502000	1605100000		108		BETTY PARKS #1 WELL	CLAY COUNTY FIELD	6.6	WISER OIL CO
8130901	502016	1612100000		108		ELIZABETH REYNOLDS #1	KNOX COUNTY FIELD	3.4	WISER OIL CO
8130882	501997	1605100000		108		ELLA LEWIS #1 WELL	CLAY COUNTY FIELD	6.6	WISER OIL CO
8130898	502013	1612100000		108		ESTIE MILLS #1	KNOX COUNTY FIELD	3.4	WISER OIL CO
8130871	501984	1605100000		108		FORDSON #5064	FORDSON 7 WELLS	7.3	WISER OIL CO
8130876	501989	1605100000		108		FORDSON #8303	FORDSON 7 WELLS	7.3	WISER OIL CO
8130872	501985	1605100000		108		FORDSON #8304	FORDSON 7 WELLS	7.3	WISER OIL CO
8130875	501988	1605100000		108		FORDSON #8727	FORDSON 7 WELLS	7.3	WISER OIL CO
8130877	501990	1605100000		108		FORDSON #8728	FORDSON 7 WELLS	7.3	WISER OIL CO
8130873	501986	1605100000		108		FORDSON #8843	FORDSON 7 WELLS	7.3	WISER OIL CO
8130874	501987	1605100000		108		FORDSON #8845	FORDSON 7 WELLS	7.3	WISER OIL CO
8130879	501994	1605100000		108		FRANK HENSLEY #1 WELL	CLAY COUNTY FIELD	6.6	WISER OIL CO
8130862	501974	1605100000		108		FRANK SPURLOCK #1 WELL	CLAY COUNTY FIELD	6.6	WISER OIL CO
8130895	502010	1612100000		108		G G HAMMONS #1	KNOX COUNTY FIELD	3.4	WISER OIL CO
8130894	502009	1612100000		108		H EVANS #1	KNOX COUNTY FIELD	3.4	WISER OIL CO
8130870	501982	1605100000		108		H M HENSLEY #1 WELL	CLAY COUNTY FIELD	6.6	WISER OIL CO
8130896	502011	1612100000		108		HAROLD JACKSON #1	KNOX COUNTY FIELD	3.4	WISER OIL CO
8130905	502020	1612100000		108		J D & BEN WALKER #1	KNOX COUNTY FIELD	3.4	WISER OIL CO
8130904	502019	1612100000		108		J D WALKER #1	KNOX COUNTY FIELD	3.4	WISER OIL CO
8130886	502001	1605100000		108		JAMES ROBERTS #1 WELL	CLAY COUNTY FIELD	6.6	WISER OIL CO
8130867	501979	1605100000		108		JANE THOMPSON #1 WELL	CLAY COUNTY FIELD	6.6	WISER OIL CO
8130892	502007	1612100000		108		JOHN CARNES #1	KNOX COUNTY FIELD	3.4	WISER OIL CO
8130865	501977	1605100000		108		JOHN REED #1 WELL	CLAY COUNTY FIELD	6.6	WISER OIL CO
8130881	501996	1605100000		108		JONES & FELTNER #1 WELL	CLAY COUNTY FIELD	6.6	WISER OIL CO
8130888	502003	1612100000		108		LEVI BAYS #1	KNOX COUNTY FIELD	3.4	WISER OIL CO
8130887	502002	1605100000		108		LINK SETSER #1 WELL	CLAY COUNTY FIELD	6.6	WISER OIL CO
8130863	501975	1605100000		108		LIZZIE SHARP #1 WELL	CLAY COUNTY FIELD	6.6	WISER OIL CO
8130880	501995	1605100000		108		MILLARD HERD #1 WELL	CLAY COUNTY FIELD	6.6	WISER OIL CO
8130891	502006	1612100000		108		MRS J M CARNES #1	KNOX COUNTY FIELD	3.4	WISER OIL CO
8130868	50198	1605100000		108		PHIL WILSON #1 WELL	CLAY COUNTY FIELD	6.6	WISER OIL CO
8130893	502008	1612100000		108		R H CORUM #1	KNOX COUNTY FIELD	3.4	WISER OIL CO
8130902	502017	1612100000		108		SIMPSON SPURLOCK #1	KNOX COUNTY FIELD	3.4	WISER OIL CO
8130864	501976	1605100000		108		SQUIRE REED #1 WELL	CLAY COUNTY FIELD	6.6	WISER OIL CO
8130899	502014	1612100000		108		W H PURSIFUL #1	KNOX COUNTY FIELD	3.4	WISER OIL CO
8130900	502015	1612100000		108		W H PURSIFUL #1G	KNOX COUNTY FIELD	3.4	WISER OIL CO
8130889	502004	1612100000		108		W M BINGHAM #1	KNOX COUNTY FIELD	3.4	WISER OIL CO
8130866	501978	1605100000		108		W W RAWLINGS #1 WELL	CLAY COUNTY FIELD	6.6	WISER OIL CO
-VICTOR HALE				RECEIVED: 05/14/81 JA: KY					
8130928	502046	1607100000		108		G W RATLIFF - KY W VA GAS CO #3	MIDDLE CREEK	7.3	KENTUCKY WEST VIR
8130926	502044	1607100000		108		T L REFFETT ETAL NO 1	MIDDLE CREEK	5.7	KENTUCKY WEST VIR
8130927	502045	1607100000		108		THORNSBURY HEIRS #3	MIDDLE CREEK	5.0	KENTUCKY WEST VIR

JD NO	JA DKT	API NO	D SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-W G BAILEY			RECEIVED: 05/14/81 JA: KY				
8130937	502057	1615900000	108	T J HARDIN #1	BIG SANDY FIELD	3.6	COLUMBIA GAS TRAN
8130938	502058	1615900000	108	T J HARDIN #2	BIG SANDY FIELD	3.6	COLUMBIA GAS TRAN
8130939	502059	1615900000	108	T J HARDIN #3	BIG SANDY FIELD	3.6	COLUMBIA GAS TRAN
-WALTER DUNCAN			RECEIVED: 05/14/81 JA: KY				
8130910	502025	1610700000	108	#1 CAL UNIT	NORTH MANITOU FIELD	17.9	TEXAS GAS TRANSMI
MICHIGAN DEPARTMENT OF NATURAL RESOURCES							
-AMOCO PRODUCTION CO			RECEIVED: 05/15/81 JA: MI				
8131016		2105533909	102-4	CUDNEY UNIT WELL NO 1-17	EAST BAY 17-26N-10W	42.0	CONSUMERS POWER C
8131015		2105533503	102-4	FOSTER UNIT WELL NO 1-12	EAST BAY 12	75.0	CONSUMERS POWER C
8131014		2103933898	103	STATE FREDERIC /B/ WELL NO 5B-8	FREDERIC 8-28N-4W	10.0	CONSUMERS POWER C
8131017		2100933895	103	STATE MANCELONA /I/ WELL NO 1A-36	BLUE LAKE 1-28N-5W	38.0	CONSUMERS POWER C
-PATRICK PETROLEUM CORP OF MICHIGAN			RECEIVED: 05/13/81 JA: MI				
8130988		2102534243	102-4	SMITH FARMS NO 1-36	CONVIS 30	3.0	
NEW YORK DEPARTMENT OF ENVIRONMENTAL CONSERVATION							
-KETCHURIAN & CO			RECEIVED: 05/13/81 JA: NY				
8130942	19	3101312623	108	SANDERS 1 #25	LAKESHORE	9.9	NATIONAL FUEL GAS
-PARAGON RESOURCES INC			RECEIVED: 05/13/81 JA: NY				
8130979	300	3101311894	108	UNIT NO 419 - ALBERT VANDETTE	LAKESHORE	6.4	NATIONAL FUEL GAS
8130980	301	3101311896	108	UNIT NO 421 - STEVE HASKELL	LAKESHORE	8.4	NATIONAL FUEL GAS
8130981	302	3101312204	108	UNIT NO 422 - ROBERT STORMS	LAKESHORE	2.4	NATIONAL FUEL GAS
8130982	303	3101311897	108	UNIT NO 423 - GORDON CORNELL	LAKESHORE	8.4	NATIONAL FUEL GAS
8130983	305	3101311900	108	UNIT NO 426 - ROSE VERHAGUE	LAKESHORE	4.8	NATIONAL FUEL GAS
8130984	306	3101311901	108	UNIT NO 427 - CONSTANCE MONETTE	LAKESHORE	8.6	NATIONAL FUEL GAS
8130985	307	3101311902	108	UNIT NO 428 - DAVID SNYDER	LAKESHORE	4.6	NATIONAL FUEL GAS
8130986	308	3101312458	108	UNIT NO 432 - WILLIAM POTKOVICK	LAKESHORE	9.4	NATIONAL FUEL GAS
8130987	310	3101311910	108	UNIT NO 436 - ERNEST BERNARD	LAKESHORE	3.3	NATIONAL FUEL GAS
8130961	323	3101312423	108	UNIT NO 454-RUTH STCINTSCHEWSKY	LAKESHORE	7.4	NATIONAL FUEL GAS
8130962	324	3101312275	108	UNIT NO 455-PAUL LUCZKOWSKI	LAKESHORE	1.2	NATIONAL FUEL GAS
8130963	325	3101312353	108	UNIT NO 456-RICHARD POTTER	LAKESHORE	7.8	NATIONAL FUEL GAS
8130964	326	3101312276	108	UNIT NO 458-STANLEY CLARK	LAKESHORE	7.9	NATIONAL FUEL GAS
8130965	327	3101312294	108	UNIT NO 459-ALBERT FANCHER	LAKESHORE	7.2	NATIONAL FUEL GAS
8130966	328	3101312277	108	UNIT NO 461 - LESTER PALMER	LAKESHORE	5.5	NATIONAL FUEL GAS
8130967	329	3101312278	108	UNIT NO 463 - HOWARD TOWN	LAKESHORE	7.2	NATIONAL FUEL GAS
8130968	331	3101312445	108	UNIT NO 465 - ANTHONY BORDONARO	LAKESHORE	5.7	NATIONAL FUEL GAS
8130969	332	3101312233	108	UNIT NO 466 - HOWARD TOWN	LAKESHORE	15.1	NATIONAL FUEL GAS
8130970	334	3101312234	108	UNIT NO 469 - ALBERT H GAUS	LAKESHORE	4.8	NATIONAL FUEL GAS
8130971	337	3101312235	108	UNIT NO 472 - HELEN MAZUR	LAKESHORE	8.2	NATIONAL FUEL GAS
8130972	338	3101312236	108	UNIT NO 473 - ALBERT H GAUS	LAKESHORE	16.5	NATIONAL FUEL GAS
8130973	339	3101312385	108	UNIT NO 475 - DARYL MCAVOY	LAKESHORE	4.2	NATIONAL FUEL GAS
8130974	340	3101312237	108	UNIT NO 476 - PETER H MARE	LAKESHORE	6.7	NATIONAL FUEL GAS
8130975	350	3101312386	108	UNIT NO 477 - EARL CARDOT	LAKESHORE	1.2	NATIONAL FUEL GAS
8130976	342	3101312387	108	UNIT NO 479 - BARNEY GLOWNIAK	LAKESHORE	2.3	NATIONAL FUEL GAS
8130977	343	3101312388	108	UNIT NO 480 - EARL C	LAKESHORE	7.2	NATIONAL FUEL GAS
8130978	346	3101312301	108	UNIT NO 485 - ANTHONY LEONE	LAKESHORE	1.5	NATIONAL FUEL GAS
-SCG GAS QUEST INC			RECEIVED: 05/13/81 JA: NY				
8130945	1071	3102913304	108	BOWER #1	EDEN-EVANS	3.4	TENNESSEE GAS PIP
8130947	1073	3102913226	108	DIOCESE OF BUFFALO #1	EDEN-EVANS	8.2	TENNESSEE GAS PIP
8130946	1072	3102913227	108	DIOCESE OF BUFFALO #2	EDEN-EVANS	13.3	TENNESSEE GAS PIP

JD NO	JA DKT	API NO	D SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8130948	1074	3102913228		108		GARCIA #1	EDEN-EVANS	5.1	TENNESSEE GAS PIP
8130944	1069	3102913306		108		HENRICH #1	EDEN-EVANS	11.3	TENNESSEE GAS PIP
8130951	1076	3102912897		108		HOWLES #1	EDEN-EVANS	8.4	TENNESSEE GAS PIP
8130950	1075	3102913230		108		HOWLES #2	EDEN-EVANS	15.9	TENNESSEE GAS PIP
8130943	1068	3102913305		108		MARTENS #1	EDEN-EVANS	7.0	TENNESSEE GAS PIP
8130958	1084	3102912757		108		MILIUS-THOMAS #1	EDEN-EVANS	6.4	TENNESSEE GAS PIP
8130957	1083	3102912759		108		MILIUS-THOMAS #2	EDEN-EVANS	8.9	TENNESSEE GAS PIP
8130955	1080	3102912898		108		MILLER #1	EDEN-EVANS	3.5	TENNESSEE GAS PIP
8130954	1079	3102913229		108		MILLER #2	EDEN-EVANS	2.1	TENNESSEE GAS PIP
8130956	1081	3102912875		108		MORTIMER A SULLIVAN #1	EDEN-EVANS	1.0	TENNESSEE GAS PIP
8130949	1070	3102913303		108		N C FARMING #1	EDEN-EVANS	5.8	TENNESSEE GAS PIP
8130941	1082	3102912853		108		NORMAN E BROMLEY ET UX #1	EDEN-EVANS	1.9	TENNESSEE GAS PIP
8130960	1086	3102912758		108		WHEELOCK-TURNBULL #1	EDEN-EVANS	5.4	TENNESSEE GAS PIP
8130959	1085	3102912768		108		WHEELOCK-TURNBULL #2	EDEN-EVANS	16.3	TENNESSEE GAS PIP
8130953	1078	3102912896		108		YAGER #1	EDEN-EVANS	3.5	TENNESSEE GAS PIP
8130952	1077	3102913231		108		YAGER #2	EDEN-EVANS	9.4	TENNESSEE GAS PIP
**********									
OKLAHOMA CORPORATION COMMISSION									
**********									
-APACHE CORPORATION				RECEIVED: 05/13/81 JA: OK					
8130995	08817	3500920278		103		SMITH #1-31		0.0	MICHIGAN-WISCONSI
-ASTRO ENERGY CORP				RECEIVED: 05/13/81 JA: OK					
8131001	8682	3508300000		103		FITZPATRICK #1	FITZPATRICK #1	15.0	EASON OIL
-AUBREY C BLACK				RECEIVED: 05/13/81 JA: OK					
8131002	6950	3507720197		103		AUBREY C BLACK FARMERS UNION CO-OP=	KINTA	500.0	ARKANSAS LOUISIAN
-BERRY PETROLEUM CORP				RECEIVED: 05/13/81 JA: OK					
*8130989	08832	3500320758		103		BURRIGHT #14-1	SOONER TREND	150.0	PANHANDLE EASTERN
8130990	08831	3500321497		103		COOPER #31-1	SOONER TREND	150.0	PANHANDLE EASTERN
-BUTTES RESOURCES CO				RECEIVED: 05/13/81 JA: OK					
8131009	8143	3500720913		108		HAACK #1 - 11	HAACK #1 - 11	17.0	PANHANDLE EASTERN
-CAYMAN EXPLORATION CORP				RECEIVED: 05/13/81 JA: OK					
8130997	08766	3507322473		103		SHUTLER #1	SOONER TREND	18.3	CONTINENTAL OIL C
8131005	08767	3507322491		103		WELLS #1	SOONER TREND	18.3	CITIES SERVICE GA
-CITIES SERVICE COMPANY				RECEIVED: 05/13/81 JA: OK					
8130991	08829	3512920473		102-2		A-CROSS RANCH - A #1	WEST CARPENTER	547.0	
8130992	08828	3513921356		102-3		SHUBERT A NO 1	SOUTH EVA	454.0	
-COTTON PETROLEUM CORPORATION				RECEIVED: 05/13/81 JA: OK					
8130993	08824	3501520926		102-2		LINDLEY NO 1	S W HINTON	270.0	DELHI GAS PIPE LI
-DALCO PETROLEUM INC				RECEIVED: 05/13/81 JA: OK					
8130998	08745	3507322443		103		KOLLER #1	SOONER TREND	91.3	PHILLIPS PETROLEU
-ENNEX PRODUCTION COMPANY				RECEIVED: 05/13/81 JA: OK					
8130994	08818	3508121132		103		GREEN NO 1	S W PRAIRIE GEN	117.0	
-GULF OIL CORPORATION				RECEIVED: 05/13/81 JA: OK					
8131010	07594	3507350108		108		STALDER #1	LINCOLN SE	14.0	CONTINENTAL OIL C
-JIMMY W GRAY				RECEIVED: 05/13/81 JA: OK					
8131006	8673	3504921387		103		DES #1	WHITEBEAD WEST	0.0	WARREN PETROLEUM
-JOE C RICHARDSON JR				RECEIVED: 05/13/81 JA: OK					
8130996	08809	3500721863		103		KAMOS NO 1-2	MOCANE-LAVERNE	500.0	COLORADO INTERSTA
-P-T II LTD				RECEIVED: 05/13/81 JA: OK					
8131008	8404	3507322132		103		JOHN WEBER #1	SOONER TREND	96.0	PHILLIPS PETROLEU
-PHILLIPS PETROLEUM COMPANY				RECEIVED: 05/13/81 JA: OK					
8131007	08644	3501520910		103		EAST BINGER UNIT 14-2	EAST BINGER UNIT	0.0	ONG EXPLORATION
-PIONEER PRODUCTION CORPORATION				RECEIVED: 05/13/81 JA: OK					

VOLUME 46: PAGE 005

JD ID	JA DAT	FLT NO	S SEC CAT WELL NAME	FILE NAME	PROD	PURCHASER
8131003	08801	3502500000	102-2 THELMA BROWN #1-21	N E GRIGGS	180.0	
-REDMEN OIL CO			RECEIVED: 05/13/81 JA: OK			
8131004	02129	3510936289	108 HILDRETH #1	MINNIE PAGE ADDITION	16.6	PHILLIPS PETROLEU
-TENNECO OIL COMPANY			RECEIVED: 05/13/81 JA: OK			
8130999	08721	3503920009	102-4 ASHBY 1-36	WEATHERFORD NORTH	126.0	
-W M & A P FULLER			RECEIVED: 05/13/81 JA: OK			
8131000	08718	3501721683	103 ESKEW NO 1	NORTHEAST YUKON	0.0	PHILLIPS PETROLEU

OTHER PURCHASERS

8130989 UNION TEXAS PETROLEUM CORP

BILLING CODE 6450-85-C

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The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission on or before July 2, 1981.

Categories within each NGPA section are indicated by the following codes:

Section:

102–1: New OCS lease
102–2: New well (2.5 mile rule)
102–3: New well (1000 ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease
107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal seams
107–DV: Devonian shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-18011 Filed 6-16-81; 8:45 am]
BILLING CODE 6450-85-M

[Volume 441]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: June 11, 1981.

JD NO	JA DKT	API NO	D SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
ALABAMA OIL & GAS BOARD							
-GEORGE G ANDERMAN			RECEIVED: 05/15/81 JA: AL				
8131054	3-20-814PD-A	0105720221	103	AIRHART-WATKINS 6-16	WEST FAYETTE	130.0	CORONADO TRANSMIS
-PRUET PRODUCTION CO			RECEIVED: 05/15/81 JA: AL				
8131053	3-20-8116PD	0107520294	102-4	ROGERS 3-16 NO 1	NORTH BLOWHORN CREEK OIL	41.0	SOUTHERN NATURAL
8131052	3208115PDA	0107520320	102-4	ROGERS 3-8 NO 1	NORTH BLOWHORN CREEK OIL	35.0	SOUTHERN NATURAL
-SOUTHLAND ROYALTY CO			RECEIVED: 05/15/81 JA: AL				
8131055	5-1-8118 PD	0107520318	102-2	E L BRADFORD 19-15 #1	STAR	500.0	TENNESSEE GAS PIP
-WARRIOR DRILLING & ENG CO INC			RECEIVED: 05/15/81 JA: AL				
8131056	51-8120PD-A	0107520218	102-4	GORDON 11-5	NORTH BLOWHORN CREEK OIL	25.0	SOUTHERN NATURAL
CALIFORNIA DEPARTMENT OF CONSERVATION							
-TENNECO OIL COMPANY			RECEIVED: 05/12/81 JA: CA				
8131036	81-4-0028	0402961402	103	HOOKER 24X-34	YOWLUMNE	20.0	ARCO OIL & GAS CO
8131044	81-4-0036	0402958123	103	YOWLUMNE UNIT A 54X-3	YOWLUMNE	177.0	ARCO OIL & GAS CO
8131042	81-4-0034	0402956194	103	YOWLUMNE 14X-3	YOWLUMNE	69.0	ARCO OIL & GAS CO
8131043	81-4-0035	0402958026	103	YOWLUMNE 21X-3	YOWLUMNE	265.0	ARCO OIL & GAS CO
8131037	81-4-0029	0402956817	103	YOWLUMNE 25X-4	YOWLUMNE	636.0	ARCO OIL & GAS CO
8131041	81-4-0033	0402957853	103	YOWLUMNE 32-3	YOWLUMNE	500.0	ARCO OIL & GAS CO
8131039	81-4-0031	0402957684	103	YOWLUMNE 44X-3	YOWLUMNE	255.0	ARCO OIL & GAS CO
8131038	81-4-0030	0402955768	103	YOWLUMNE 45-4	YOWLUMNE	447.0	ARCO OIL & GAS CO
8131040	81-4-0032	0402956958	103	YOWLUMNE 52X-4	YOWLUMNE	82.0	ARCO OIL & GAS CO
-TEXACO INC			RECEIVED: 05/12/81 JA: CA				
8131045	81-4-0037	0402961550	102-4	BUENA VISTA LAKE #1	PALOMA FIELD	360.0	
LOUISIANA OFFICE OF CONSERVATION							
-AMERICAN QUASAR PETROLEUM CO			RECEIVED: 05/15/81 JA: LA				
8131180	81-1016	1702321558	102-2	DIXIE RICE #3	S LAKE ARTHUR SEC 2 T12S	0.0	COLUMBIA GAS DEVE
-B & J CO			RECEIVED: 05/15/81 JA: LA				
8131174	81-907	1711122843	103	J C ALLEN #1 171567	MONROE GAS	32.0	MID LOUISIANA GAS
-BAYLES & WHITE			RECEIVED: 05/15/81 JA: LA				
8131168	81-983	1707321685	103	EDWARDS NO 1	MONROE GAS ROCK	15.0	UNITED GAS PIPELI
-CEKA GAS CORP			RECEIVED: 05/15/81 JA: LA				
8131154	81-978	1711122784	108	HSD NO 10	MONROE GAS FIELD	0.1	INTERNATIONAL MIN
8131155	81-977	1711122785	108	HSD NO 11	MONROE GAS FIELD	0.1	INTERNATIONAL MIN
8131153	81-979	1711122764	108	HSD NO 2	MONROE GAS FIELD	0.1	INTERNATIONAL MIN
8131152	81-980	1711122765	108	HSD NO 3	MONROE GAS FIELD	0.1	INTERNATIONAL MIN
8131151	81-981	1711122774	108	HSD NO 7	MONROE GAS FIELD	0.1	INTERNATIONAL MIN
8131156	81-976	1711122783	108	HSD NO 9	MONROE GAS FIELD	0.1	INTERNATIONAL MIN
-CHEM-ROCK INC			RECEIVED: 05/15/81 JA: LA				

JD NO	JA DKT	API NO	D SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8131069	81-966	1706721552	103	DUNN ET AL #1	MONROE	29.0	IMC PIPELINE CO I

JD NO	JA DKT	API NO	D	SEC	LAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8131069	81-966	1706721552		103		DUNN ET AL #1	MONROE	29.0	IMC PIPELINE CO I
8131068	81-967	1706721620		103		DUNN ET AL #2	MONROE	29.0	IMC PIPELINE CO I
-CRYSTAL OIL COMPANY				RECEIVED: 05/15/81 JA: LA					
8131175	81-906	1701521507		102-A		HAY RA SU O INTERNATIONAL PAPER CO	ARKANA	1138.0	ARKANSAS LOUISIAN
-DAC OIL CORP				RECEIVED: 05/15/81 JA: LA					
8131102	81-960	1703920216		102-A		A J MANUEL NO 1	EAST POINT BLUE	500.0	LOUISIANA INTERST
-EASON OIL COMPANY				RECEIVED: 05/15/81 JA: LA					
8131065	81-970	1711102163		108		A W SMITH NO 1	MONROE	8.0	IMC PIPELINE CO I
8131064	81-971	1711102162		108		B E SMITH ET AL NO 1	MONROE	12.0	IMC PIPELINE CO I
8131066	81-969	1707300045		108		GUTHRIE NO 1	MONROE	17.0	PETRO-LEWIS CORP
8131067	81-968	1711101177		108		J W LANKFORD NO 1	MONROE	20.0	TEXAS GAS TRANSMI
-ERGON INC				RECEIVED: 05/15/81 JA: LA					
8131111	81-973	1711121975		107-TF		EXXON C NO 4	MONROE (6824)	9.3	TEXAS GAS TRANSMI
8131157	81-975	1711121817		103		VUH JIMMY BRANTLEY NO 1	MONROE (6824)	9.6	TEXAS GAS TRANSMI
8131110	81-974	1711121818		103		VUI FARRIS RATZLAFF NO 1	MONROE (6824)	9.0	TEXAS GAS TRANSMI
8131063	81-972	1711121994		107-TF		VUK JOE E BROWN JR NO 1	MONROE (6824)	9.3	TEXAS GAS TRANSMI
-EXCHANGE OIL & GAS CORPORATION				RECEIVED: 05/15/81 JA: LA					
8131126	81-947	1710922340		107-DP		PELLEGRIN-PRICE WELL NO 2	BAYOU SAUVEUR	365.0	LOUISIANA INTRAST
8131128	81-945	1770520083		107-DP		S/L 3842 WELL NO 4	VERMILION BLOCK 16	1460.0	TRANSCONTINENTAL
-EXXON CORPORATION				RECEIVED: 05/15/81 JA: LA					
8131074	81-915	1707522769		102-A		LW O RA SU S L 212 NO 89	LAKE WASHINGTON	5.0	TENNESSEE GAS PIP
-FRANKS PETROLEUM INC ETAL				RECEIVED: 05/15/81 JA: LA					
8131073	81-916	1701320443		103		HOSS RA SUI ESSIE WHITE NO 1	CASTOR	75.0	TEXAS EASTERN TRA
8131176	81-905	1702720579		102-A		HOSS 5070 RA SUC R R THURMAN NO 1	LISBON	146.0	ARKANSAS LOUISIAN
-GATOR HAWK GAS CO				RECEIVED: 05/15/81 JA: LA					
8131097	81-924	1707321709		103		COLEMAN #1	MONROE	12.0	IMC PIPELINE CO I
8131082	81-926	1707321707		103		MEMPHILL #4	MONROE	7.0	IMC PIPELINE CO I
8131083	81-925	1707321705		103		MEMPHILL #5	MONROE	12.0	IMC PIPELINE CO I
-GULF OIL CORPORATION				RECEIVED: 05/15/81 JA: LA					
8131140	81-939	1709700420		108		KZS SU KU WELL NO 42	KROTZ SPRINGS	2.0	MICHIGAN WISCONSI
-H L MCKEE & J P MCKEE				RECEIVED: 05/15/81 JA: LA					
8131179	81-902	1711122583		103		PEEK #3	MONROE	8.0	MID LOUISIANA GAS
-HERBST RESOURCES INC				RECEIVED: 05/15/81 JA: LA					
8131095	81-899	1707321480		103		CLARK 80 - 1	MONROE GAS ROCK	16.0	MID LOUISIANA GAS
8131094	81-900	1707321481		103		CLARK 80 - 2	MONROE GAS ROCK	16.0	MID LOUISIANA GAS
8131093	81-901	1707321482		103		CLARK 80 - 3	MONROE GAS ROCK	16.0	MID LOUISIANA GAS
-HOOTKINS-SMITH LA LTD				RECEIVED: 05/15/81 JA: LA					
8131101	81-920	1711122870		107-TF		VIRGINIA YELTON #1	MONROE	7.0	TEXAS GAS TRANSMI
-IMC EXPLORATION COMPANY				RECEIVED: 05/15/81 JA: LA					
8131137	81-942	1707321569		103		ABE ARENT ET AL #5	MONROE	18.0	IMC PIPELINE CO I
8131119	81-996	1711122841		108		CITIES SERVICE #F-331	MONROE	10.0	IMC PIPELINE CO I
8131118	81-997	1711122842		108		CITIES SERVICE #F-332	MONROE	10.0	IMC PIPELINE CO I
8131098	81-923	1707321706		103		COLE T #35	MONROE	22.0	IMC PIPELINE CO I
8131121	81-994	1711122042		108		GRAYLING #N-255	MONROE	8.0	IMC PIPELINE CO I
8131120	81-995	1711122835		108		GRAYLING #N-264	MONROE	8.0	IMC PIPELINE CO I
8131114	81-1001	1706721222		108		KENO #1	MONROE	3.0	IMC PIPELINE CO I
8131115	81-1000	1707321232		108		NACHTRIEB A #6	MONROE	3.0	IMC PIPELINE CO I
8131117	81-998	1707321248		108		NACHTRIEB A #9	MONROE	2.0	IMC PIPELINE CO I
8131123	81-992	1707321501		108		PACE LAKE #4	MONROE	8.0	IMC PIPELINE CO I
8131122	81-993	1707321502		108		PACE LAKE #5	MONROE	10.0	IMC PIPELINE CO I
8131138	81-941	1707321712		103		PACE LAKE #6	MONROE	18.0	IMC PIPELINE CO I
8131113	81-1002	1706721408		108		SANDIDGE A NO 13	MONROE	17.0	UNITED GAS PIPEI
8131116	81-999	1707321290		108		UNION PRODUCING CO T #11	MONROE	9.0	IMC PIPELINE CO I

VOLUME 441 PAGE 003

JD NO	JA DKT	API NO	L SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8131062	81-1003	17073214B4	108	UNION PRODUCING CO T #4	MONROE	9.0	IMC PIPELIN CO IN
	-K D LANKFORD JR & L&N DRLG CO		RECEIVED: 05/15/81 JA: LA				
8131079	81-929	1711121466	108	MOORE NO 1	MONROE	18.0	UNITED GAS PIPE L
8131088	81-930	1711121465	108	MOORE NO 1	MONROE	18.0	UNITED GAS PIPE L
8131080	81-928	1711121877	108	MOORE NO 3	MONROE	18.0	UNITED GAS PIPE L
8131081	81-927	1711121869	108	MOORE NO 4	MONROE	18.0	UNITED GAS PIPE L
	-LANKFORD & NANCE		RECEIVED: 05/15/81 JA: LA				
8131085	81-933	1711122314	108	ALLEN NO 1	MONROE	12.0	TEXAS GAS TRANSMI
8131084	81-932	1711122349	108	ALLEN NO 2	MONROE	12.0	TEXAS GAS TRANSMI
8131087	81-931	1711122443	108	BIRD NO 1	MONROE	8.0	TEXAS GAS TRANSMI
8131086	81-934	1711122580	108	K D LANKFORD NO 4	MONROE	10.0	TEXAS GAS TRANSMI
	-MARSHALL EXPLORATION INC		RECEIVED: 05/15/81 JA: LA				
8131090	81-896	1703121087	108	FBG RA SU 10 RAMSEY #8	LOGANSPORT	18.0	TENNESSEE GAS PIP
8131089	81-897	1703120971	108	FBG RA SU 109 ROBERTS #1	LOGANSPORT	19.0	TENNESSEE GAS PIP
8131091	81-895	1703120998	108	FBG RA SU 159 WHITEHEAD #2	LOGANSPORT	19.0	SOUTHERN NATURAL
8131096	81-898	1703120516	108	FBG RA SU 70 GAMBLE #1	LOGANSPORT	18.0	TENNESSEE GAS PIP
8131092	81-894	1703121160	108	FBG RA SU 92 FREDERICK #1	LOGANSPORT	17.0	TENNESSEE GAS PIP
8131178	81-903	1703120964	108	FBG RA SU 98 SMITH #1	LOGANSPORT	9.0	TENNESSEE GAS PIP
8131150	81-962	1703121043	108	L GR RA SUL PACE #4	LOGANSPORT	19.0	TENNESSEE GAS PIP
8131133	81-951	1703121094	103	U HOSS RA SU N PACE #5	BELLE BOWER	350.0	TENNESSEE GAS PIP
	-MCALESTER FUEL COMPANY		RECEIVED: 05/15/81 JA: LA				
8131130	81-938	1711320967	103	ALL RA SUC HUMBLE NC 1	SOUTHWEST GUEYDAN	547.0	CONOCO INC
	-MCCORMICK OPERATING CO		RECEIVED: 05/15/81 JA: LA				
8131112	81-1021	1705120522	102-4	L L & E NO 1	SOUTH BAYOU DE FLEUR	150.0	SOUTHERN NATURAL
	-MID LOUISIANA GAS COMPANY		RECEIVED: 05/15/81 JA: LA				
8131129	81-944	1711122652	103	MLGC FEE GAS NO 941	MONROE FIELD	29.2	
	-MIDWAY PRODUCTION CO VII		RECEIVED: 05/15/81 JA: LA				
8131100	81-921	1707321381	108	LAKE PARK NO 3	MONROE	9.6	PETRO-LEWIS CORP
8131099	81-922	1707321382	108	LAKE PARK NO 4	MONROE	9.6	PETRO-LEWIS CORP
	-NELSON OIL & GAS INC		RECEIVED: 05/15/81 JA: LA				
8131177	81-904	1711920245	103	MOSS A RA SU CC BUTLER NO 1-D	ADA	0.0	ARKANSAS LOUISIAN
	-NICKLOS OIL & GAS		RECEIVED: 05/15/81 JA: LA				
8131109	81-1022	1705721560	102-4	MARCILLEN RICHARD #1	ROUSSEAU	730.0	TRANSCONTINENTAL
	-PALMER PETROLEUM INC		RECEIVED: 05/15/81 JA: LA				
8131160	81-991	1702720822	102-4	CYRASUF WHITE #1	MCKENZIE	700.0	LOUISIANA GAS INT
	-PLACID OIL COMPANY		RECEIVED: 05/15/81 JA: LA				
8131132	81-952	1705921726	102-4	IPB 6 NO 1	WILDCAT	100.0	
	-PRIMOS PRODUCTION CO		RECEIVED: 05/15/81 JA: LA				
8131173	81-908	1707321374	108	PETRO LEWIS HATCHER EVANS #5	MONROE GAS	3.0	PETRO-LEWIS FUNDS
8131165	81-986	1711122779	103	PETRO-LEWIS ALVIN HARRELL #1	MONROE	12.3	PETRO-LEWIS FUNDS
8131164	81-987	1711122850	103	PETRO-LEWIS FROST LUMBER #10	MONROE	14.4	PETRO-LEWIS FUNDS
8131163	81-988	1711122851	103	PETRO-LEWIS FROST LUMBER #11	MONROE	12.3	PETRO-LEWIS FUNDS
8131166	81-985	1711122780	103	PETRO-LEWIS FROST LUMBER #14	MONROE	15.4	PETRO-LEWIS FUNDS
8131136	81-909	1707321377	108	PETRO-LEWIS HATCHER EVANS #7	MONROE GAS	3.0	PETRO-LEWIS FUNDS
8131167	81-984	1711122885	103	PETRO-LEWIS UNION PRODUCING #2	MONROE	14.4	PETRO-LEWIS FUNDS
	-R W ELLINGTON JR		RECEIVED: 05/15/81 JA: LA				
8131106	81-956	1711101825	108	TUCKER ET AL 1-D	MONROE GAS	0.8	UNITED GAS PIPE L
	-RELIANCE TR-JV		RECEIVED: 05/15/81 JA: LA				
8131147	81-1011	1711122157	107-TF	BEN POST # 1	MONROE	5.0	TEXAS GAS TRANSMI
8131135	81-910	1711122612	107-TF	E JOHNSON #1	MONROE	9.0	TEXAS GAS TRANSMI
8131146	81-1012	1711122182	107-TF	G WARD ESTATE # 1	MONROE	16.0	TEXAS GAS TRANSMI
8131148	81-1010	1711122158	107-TF	H D GREEN # 1	MONROE	4.0	TEXAS GAS TRANSMI
8131149	81-1009	1711122224	107-TF	H D GREEN #3	MONROE	15.0	TEXAS GAS TRANSMI

VOLUME 441 PAGE 004

JD NO	JA DKT	API NO	L SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER

JD NO	SE NBR	API NO	D SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8131159	81-943	1711123015	103	H D GREEN #4	MONROE	13.0	TEXAS GAS TRANSMI
8131169	81-1008	1711122166	107-TF	HOPKINS ESTATE #1	MONROE	15.0	TEXAS GAS TRANSMI
8131170	81-1007	1711122532	107-DP	HOPKINS ESTATE #4	MONROE	11.0	TEXAS GAS TRANSMI
8131171	81-1006	1711122613	107-TF	HOPKINS ESTATE #6	MONROE	11.0	TEXAS GAS TRANSMI
8131181	81-1015	1711122669	107-TF	J D TAYLOR #2	MONROE	16.0	TEXAS GAS TRANSMI
8131182	81-1014	1711122611	107-TF	J D TAYLOR #3	MONROE	16.0	TEXAS GAS TRANSMI
8131183	81-1013	1711122227	107-TF	J D TAYLOR #5	MONROE	16.0	TEXAS GAS TRANSMI
8131172	81-1005	1711122161	107-TF	OLINKRAFT #6	MONROE	11.0	TEXAS GAS TRANSMI
8131141	81-1004	1711122168	107-TF	OLINKRAFT #8	MONROE	16.0	TEXAS GAS TRANSMI
-RELIANCE TRUSTS			RECEIVED: 05/15/81 JA: LA				
8131071	81-911	1711122097	107-TF	OLINKRAFT #34	MONROE	11.0	TEXAS GAS TRANSMI
8131070	81-912	1711122846	107-TF	SHACKLEFORD # 2	MONROE	11.0	TEXAS GAS TRANSMI
-RIO BRAVO OIL CO INC			RECEIVED: 05/15/81 JA: LA				
8131127	81-946	1710922237	102-4	L L & E #1	SOUTH SUNRISE	980.0	LOUISIANA INTRAST
-ROBERSON WELL SERVICE			RECEIVED: 05/15/81 JA: LA				
8131158	81-1017	1707321667	103	PENNZOIL OSTERLAND NO 5	MONROE	14.1	UNITED GAS PIPELI
-SEVARG COMPANY INC			RECEIVED: 05/15/81 JA: LA				
8131103	81-959	1709720579	103	GUILLORY SUB YOUNG BROS NO 1	SAVOY FIELD	25.0	TEXAS EASTERN TRA
-SHADRACK PRODUCTION CO			RECEIVED: 05/15/81 JA: LA				
8131098	81-964	1711122751	108	R S ALLEN NO 1	MONROE	9.0	WEST MONROE GAS G
8131097	81-965	1711122859	108	W T MILLER NO 1	MONROE	8.0	WEST MONROE GAS G
-SUN OIL COMPANY (DELAWARE)			RECEIVED: 05/15/81 JA: LA				
8131134	81-950	1710101697	108	BI N VUA NO 1-47	BELLE ISLE	16.0	UNITED GAS PIPELI
8131125	81-948	1710101684	108	BI N VUA NO 1-53	BELLE ISLE	22.0	UNITED GAS PIPELI
8131124	81-949	1710101567	108	BI N VUA NO 1-63	BELLE ISLE	7.4	UNITED GAS PIPELI
8131076	81-913	1700120912	103	RM RA SUC W L TRIPBLE NO 5	EGAN	0.0	
8131075	81-914	1700120925	102-4	HAYLS A NO 5	EGAN	1.3	
-TEXACO INC			RECEIVED: 03/15/81 JA: LA				
8131105	81-957	1709720520	103	BOTANY BAY LBR CO MIN FEE TR-2 #125	PORT BARRE	15.0	CONSOLIDATED ALUM
-TEXACO INC			RECEIVED: 05/15/81 JA: LA				
8131107	81-955	1709720276	103	BOTANY BAY LBR CO MIN FEE TR-2 124	PORT BARRE	10.0	CONSOLIDATED ALUM
8131144	81-1019	1709720467	103	BOTANY BAY LBR CO MIN FEE TR-2 151	PORT BARRE	20.0	CONSOLIDATED ALUM
8131145	81-1018	1709720468	103	BOTANY BAY LBR CO MIN FEE TR-2#152	PORT BARRE	5.0	CONSOLIDATED ALUM
8131131	81-953	1709920813	102-4	PB 10300 RF SU ST MARTIN LD 68	PLUMB BOB	88.0	UNITED GAS PIPE L
8131108	81-954	1709920789	102-4	PB 2950 RA SU SMPSB 20	PLUMB BOB	7.0	UNITED GAS PIPE L
8131072	81-917	1710922306	103	VUL DGL U-12 62	DOG LAKE	5.0	TEXAS GAS TRANSMI
-TEXAS OIL & GAS CORP			RECEIVED: 05/15/81 JA: LA				
8131161	81-990	1703121243	102-4	HOSS RA SUB ATWOOD #1	SPIDER	496.0	DELHI GAS PIPELIN
8131162	81-989	1704920161	103	HOSS RA SUK ATKINS E #1	CLAY	1300.0	DELHI GAS PIPELIN
-THE STONE OIL CORPORATION			RECEIVED: 05/15/81 JA: LA				
8131104	81-958	1711321103	107-DP	EXXON FEE NO 13	LAC BLANC	1789.0	TENNESSEE GAS PIP
-TRANSCO EXPLORATION COMPANY			RECEIVED: 05/15/81 JA: LA				
8131139	81-940	1703121244	102-4	HOSS RA SUJ BAKER NC 1	SPIDER	0.0	TRANSCONTINENTAL
-TRIGON EXPLORATION INC			RECEIVED: 05/15/81 JA: LA				
8131077	81-918	1710922171	102-4	A M DUPONT NO 1	LAPEYROUSE FIELD	39.0	UNITED GAS PIPE L
8131078	81-919	1710922265	102-4	E A KLINGMAN NO 1	LAPEYROUSE	37.0	UNITED GAS PIPE L
-UNION TEXAS PETROLEUM			RECEIVED: 05/15/81 JA: LA				
8131143	81-1020	1705320693	103	MIOCYP RB SUA BROUSSARD NO 5	LAKE ARTHUR	255.5	TEXAS GAS TRANSMI
-VISTA INVESTMENTS			RECEIVED: 05/15/81 JA: LA				
8131060	81-962	1711120405	108	CLAUDIS MCKINNIE #1	MONROE	3.0	MID-LOUISIANA GAS
8131059	81-963	1711102503	108	EVA B SMITH #1	MONROE	2.0	GLENDA PETROLEUM
8131061	81-961	1711100000	108	H JENNY #1	MONROE GAS	2.0	MID-LOUISIANA GAS
-WEAVER EXPLORATION CO			RECEIVED: 05/15/81 JA: LA				

JD NO	JA DKT	API NO	C SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8131142	81-1023	1709920874	103	L PLAN (P) 4 SUE DOW CHEMICAL #1	BAYOU LONG	913.0	DOW CHEMICAL CO
NEBRASKA OIL & GAS CONSERVATION COMMISSION							
-BEREN CORPORATION			RECEIVED: 05/15/81 JA: NB				
8131048		2610521788	102-2	MILLARD NO 1	NOTT	33.0	KANSAS-NEBRASKA N
8131049		2610521951	102-2	MILLARD NO 2	NOTT	55.0	KANSAS-NEBRASKA N
-BWAB INC			RECEIVED: 05/15/81 JA: NB				
8131051		2603321975	103	SCHOU #1A	WILDCAT	18.0	MARATHON OIL CO
8131050		2603322038	103	SCHOU #2A	WILDCAT	15.0	MARATHON OIL CO
UTAH DIVISION OF OIL,GAS, & MINING							
-BURTON W HANCOCK			RECEIVED: 05/19/81 JA: UT				
8131047	K-134-0	4301930310	103	HANCOCK STATE NO 7	WEST BAR-X	70.0	NORTHWEST PIPELIN
-CIG EXPLORATION INC			RECEIVED: 05/19/81 JA: UT				
8131046	K-129-3	4304730833	103	CIGE 360-32-9-22	NATURAL BUTTES	574.0	COLORADO INTERSTA
WYOMING OIL & GAS CONSERVATION COMMISSION							
-DAVIS OIL COMPANY			RECEIVED: 05/12/81 JA: WY				
8131022	W 6-1	4901920562	102-2	INDIAN CHIEF FEDERAL #29	INDIAN CREEK UNIT II	66.2	PHILLIPS PETROLEU
•• U.S. GEOLOGICAL SURVEY - DENVER,CO							
-AMERICAN PETROLEUM ENERGY CO INC			RECEIVED: 05/12/81 JA: CO 1				
8131034	CD 0091-81	0506706312	103	ARGENTA-UTE #14	IGNACIO-BLANCO	0.0	NORTHWEST PIPELIN
-AMERICAN RESOURCES MANAGEMENT CORPO			RECEIVED: 05/14/81 JA: CO 1				
8131019	CD 0015-81-E	0504506010	108-ER	S C #11-1		0.0	NORTHWEST P L COR
-BEARTOOTH OIL & GAS CO			RECEIVED: 05/12/81 JA: CO 1				
8131024	CD0107-81	0504506275	102-2	FEDERAL NO 18-3	EVACUATION CREEK UNIT	185.0	NORTHWEST PIPELIN
-CHANDLER & ASSOCIATES INC			RECEIVED: 05/12/81 JA: CO 1				
8131028	CD 0051-81	0510308447	107-TF	FORK UNIT 11-31-1-1	DRAGON TRAIL	110.0	NORTHWEST PIPELIN
8131027	CD 0050-81	0510308449	107-TF	FORK UNIT 12-29-1-1	MANCOS B	73.0	NORTHWEST PIPELIN
8131026	CD 0104-81	0510308601	107-TF	FORK UNIT 13-8-2-1	DRAGON TRAIL	42.0	NORTHWEST PIPELIN
8131030	CD 0101-81	0510308488	107-TF	FORK UNIT 2-29-1-1	DRAGON TRAIL	160.0	NORTHWEST PIPELIN
8131031	CD 0105-81	0510308634	107-TF	FORK UNIT 2-32-1-1	DRAGON TRAIL	164.0	NORTHWEST PIPELIN
8131033	CD 0046-81	0510308406	107-TF	FORK UNIT 4-12-1-2	DRAGON TRAIL	51.0	NORTHWEST PIPELIN
8131029	CD 0103-81	0510308583	107-TF	FORK UNIT 5-29-1-1	DRAGON TRAIL	63.0	NORTHWEST PIPELIN
8131032	CD 0102-81	0510308602	107-TF	FORK UNIT 6-8-2-1	DRAGON TRAIL	111.0	NORTHWEST PIPELIN
-NORTHWEST PIPELINE CORP			RECEIVED: 05/12/81 JA: CO 1				
8131035	CD0033-80	0506700000	108	IGNACIO 33-8 #12	IGNACIO BALNCO MESAVERDE	22.0	NORTHWEST PIPELIN
-GAS PRODUCING ENTERPRISES INC			RECEIVED: 05/12/81 JA: UT 1				
8131023	UC 219-0	4304730484	102-4	NATURAL BUTTES CIGE 14-9-10-22	BITTER CREEK	225.0	COLORADO INTERSTA
-MAPCO PRODUCTION COMPANY			RECEIVED: 05/12/81 JA: UT 1				
8131025	UC 495-0	4304730409	102-4	RBU 5-11D	ISLAND FIELD	182.5	PACIFIC GAS & ELE
•• U.S. GEOLOGICAL SURVEY - CASPER,WY							
-DAVIS OIL COMPANY			RECEIVED: 05/12/81 JA: WY 5				
8131020	W 4-1	4900921738	102-2	GATES FEDERAL NO 3	S SCOTT FIELD	35.0	PHILLIPS PETROLEU
8131021	W 5-1	4901920378	102-2	INDIAN CREEK II UNIT 27	INDIAN CREEK II UNIT	1.0	PHILLIPS PETROLEU

BILLING CODE 6450-66-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission on or before July 2, 1981.

Categories within each NGPA section are indicated by the following codes:

Section:

102–1: New OCS lease
102–2: New well (2.5 mile rule)
102–3: New well (1000 ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease
107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal seams
107–DV: Devonian shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Presure buildup

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–18012 Filed 6–16–81; 8:45 am]

BILLING CODE 6450–85–M

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL RESOURCES									
-ADOBE OIL & GAS CORPORATION				RECEIVED: 05/15/81 JA: PA					
8131184	6900	3700522301		103		ALEX CRIBBS #1	ELDERTON	86.0	PEOPLES NATURAL G
8131189	6908	3712921172		103		BEUTEN (SHANDEL) #2	LATROBE	25.0	TITANIUM METALS C
8131199	6926	3706325969		103		GEORGE W ISENBERG #1-B	CLYMER	55.0	COLUMBIA GAS TRAN
8131190	6909	3706324247		103		INDIANA LIVESTOCK AUCTION CORP #1	INDIANA	162.0	PEOPLES NATURAL G
8131193	6912	3712921386		103		JAMES E POOLE #1	MT PLEASANT	106.0	INDUSTRIAL GAS SA
8131197	6916	3705120191		103		JOHN & KATHRYN E MCGILL #1	NEW SALEM	30.0	UGI CORP
8131186	6903	3712921164		103		JOHN W WILKINSON #3	MT PLEASANT	46.0	UNITED GAS UTILIT
8131191	6910	3712921165		103		JOHN W WILKINSON #4	MT PLEASANT	25.0	UNITED GAS UTILIT
8131195	6914	3712921166		103		JOHN W WILKINSON #5	MT PLEASANT	30.0	UNITED GAS UTILIT
8131192	6911	3712921163		103		JOHN W WILKINSON ET UX#2	MT PLEASANT	20.0	UNITED GAS UTILIT
8131187	6906	3706521990		103		LOUIS EMANUEL #3	REYNOLDSVILLE	68.0	T W PHILLIPS GAS
8131196	6915	3705120187		103		MATTHEW M REBIDAS #1	FAYETTE CITY	30.0	UGI CORP
8131198	6917	3712921217		103		NELLIE B FOSTER #1-A	BLAIRSVILLE	30.0	PEOPLES NATURAL G
8131188	6907	3700522272		103		RONALD A JANTZ #1	DISTANT	113.0	PEOPLES NATURAL G
8131185	6902	3712921159		103		WAYNE H AND A HELEN HILLIS #1	MT PLEASANT	90.0	UNITED GAS UTILIT
8131194	6913	3712921161		103		WAYNE H AND A HELLEN HILLIS #3	MT PLEASANT	40.0	UNITED GAS UTILIT
-BAKER GAS INC				RECEIVED: 05/15/81 JA: PA					
8131208	6949	3700500000		108		BLACKBURN #1	MATEER	3.5	PEOPLES NATURAL G
8131206	6947	3700521083		108		DWIGHT PATTON #1	SLATE LICK	2.2	APOLLO GAS CO
8131205	6946	3700500000		108		E J SHIREY #1	APOLLO	1.8	PEOPLES NATURAL G
8131210	6951	3700500000		108		E J SHIREY #2	APOLLO	1.8	PEOPLES NATURAL G
8131214	6955	3700500000		108		IDA RUPERT #1	MATEER	2.5	PEOPLES NATURAL G
8131215	6956	3700521995		108		KLINGENSMITH #1-R	MATEER	7.2	PEOPLES NATURAL G
8131201	6941	3700500000		108		M B BOWSER #2	BOGGS	2.9	PEOPLES NATURAL G
8131203	6944	3700500000	D	108		RUDOLPH #3	LOGANSPORT	1.8	APOLLO GAS CO
8131202	6943	3700502462	D	108		RUDOLPH #2	LOGANSPORT	1.8	APOLLO GAS CO
8131213	6954	3700500000		108		S L WILCOX #1	MATEER	3.2	PEOPLES NATURAL G
8131209	6950	3700520595		108		SAM ORR #1	VANDERGRIFT	4.7	PEOPLES NATURAL G
8131200	6940	3700500000		108		SEFTON #1		2.2	PEOPLES NATURAL G
8131204	6945	3700520054		108		VERNER #2	APOLLO	4.7	PEOPLES NATURAL G
8131207	6948	3700500000		108		WILLIAM F SHOOK #1	SLATE LICK	2.2	APOLLO GAS CO
8131211	6952	3700500000		108		WISER #1	MATEER	1.4	PEOPLES NATURAL G
8131212	6953	3700500000		108		WISER #2	MATEER	3.6	PEOPLES NATURAL G
-CENTER BAR GAS CO				RECEIVED: 05/15/81 JA: PA					
8131216	6719	3703920714		103		KENYN BURNS #80-1 PA PER CRA 20719	CONNEAUT	0.0	COLUMBIA GAS TRAN
-CONSOLIDATED GAS SUPPLY CORPORATION				RECEIVED: 05/15/81 JA: PA					
8131218	6972	3706325151		103		BARBARA ANDERSON WN-1767	GREEN	0.0	GENERAL SYSTEM PU
8131217	6899	3703300987		103		JAMES M MITCHELL ESTATE WN1811	BELL	1.5	GENERAL SYSTEM PU
8131220	6974	3706521507		103		JOSEPH F LORELLI WN-1588	WINSLOW	12.9	GENERAL SYSTEM PU
8131219	6973	3706325437		103		T M BERRINGER WN-1791	PINE	0.0	GENERAL SYSTEM PU
-DOC-NCC SERVICE CO				RECEIVED: 05/15/81 JA: PA				30.0	CRUCIBLE INC
8131221	6699	3706325405		103		M M KIMMEL 144-2			
-DORAN & ASSOCIATES INC				RECEIVED: 05/15/81 JA: PA					
8131227	6600	3703320627		108		B BRUNETT #1 K-G-3	UPPER DEVONIAN SANDS	20.0	CONSOLIDATED GAS
8131223	6500	3700522089		108		C COCHRAN #1 K-E-2	UPPER DEVONIAN SANDS	20.0	INDUSTRIAL GAS SA
8131225	6538	3700527090		108		C COCHRAN #2 K-E-3	UPPER DEVONIAN SANDS	20.0	INDUSTRIAL GAS SA
8131224	6532	3706323668		108		E ROHACHECK #2 K-L-2	UPPER DEVONIAN SANDS	20.0	INDUSTRIAL GAS SA
8131222	6898	3712921727		103		J SIECZKOWSKI #1 K-Z-13	UPPER DEVONIAN SAND	30.0	T W PHILLIPS GAS
8131226	6595	3703320649		108		O MCMANUS #1 K-G-1	UPPER DEVONIAN SANDS	20.0	CONSOLIDATED NATU

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-EDWARD G KRIEBEL GAS CO				RECEIVED: 05/15/81 JA: PA					

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-EDWARD G KRIEBEL GAS CO						RECEIVED: 05/15/81 JA: PA			
8131236	6928	3704720008			108	ROLAND DILL #1	BENEZETTE	11.8	CONSOLIDATED GAS
8131235	6927	3703920049			108	THOMAS ATWOOD #1	SPRING	1.9	NATIONAL FUEL GAS
-FAIRMAN DRILLING CO						RECEIVED: 05/15/81 JA: PA			
8131228	6897	3706522262			103	THOMAS L LOVELACE NO 1 F-3000	BIG RUN	30.0	CONSOLIDATED GAS
-GOE PRO INC						RECEIVED: 05/15/81 JA: PA			
8131229	6484	3704921159			103	W A & T NAGEL-ERI-21159	ALBION	8.0	NATIONAL FUEL GAS
-KEYSTONE ENERGY RESOURCES						RECEIVED: 05/15/81 JA: PA			
8131231	6887	3706325874			103	BEDICK #6	KATHERINE BEDICK	79.8	T W PHILLIPS GAS
8131233	6931	3706324806			103	BUCKLEY #1	JOHN BUCKLEY	37.7	T W PHILLIPS GAS
8131234	6932	3706325038			103	D SMITH #1	DONALD L SMITH	100.3	T W PHILLIPS GAS
8131232	6930	3706324334			103	MCCORD #2	SAMUEL XX MCCORD	31.9	T W PHILLIPS GAS
-KRIEBEL WELLS 80						RECEIVED: 05/15/81 JA: PA			
8131238	6874	3706325565			103	ANNA S MAURER #1	ROCHESTER MILLS	31.5	
8131239	6875	3706325879			103	ANNA S MAURER #2	ROCHESTER MILLS	31.5	
8131237	6873	3706325975			103	DANIEL R M GREENLEE #1	ROCHESTER MILLS	31.5	
8131240	6876	3706325145			103	DAVID F IRVIN #1	INDIANA	29.8	PEOPLES NATURAL G
-MID-EAST OIL CO						RECEIVED: 05/15/81 JA: PA			
8131241	6892	3706325369			103	MURRAY L TREESE WELL #1	ROCHESTER MILLS	24.4	T W PHILLIPS GAS
-PEACOCK/DOVERSPIKE GAS VENTURE - 79						RECEIVED: 05/15/81 JA: PA			
8131243	6977	3706325498			102-2	OHARRAH #2 IND - 25498	W PA UPPER DEVONIAN SAND	0.0	COLUMBIA GAS TRAN
8131244	6978	3706325499			102-2	OHARRAH #3 IND - 25499	W PA UPPER DEVONIAN SAND	0.0	COLUMBIA GAS TRAN
-PENN STATE JOINT VENTURE						RECEIVED: 05/15/81 JA: PA			
8131246	6768	3705322139			108	K1423	QUEEN SAND GLADE FORMATI	4.0	QUAKER STATE OIL
8131247	6769	3705322141			108	K1425	QUEEN SAND GLADE FORMATI	4.0	QUAKER STATE OIL
8131245	6763	3705322145			108	K1427	QUEEN SAND GLADE FORMATI	4.0	QUAKER STATE OIL
8131248	6783	3705322418			108	K1453	QUEEN SAND GLADE FORMATI	4.0	QUAKER STATE OIL
8131250	6785	3705322417			108	K1454	QUEEN SAND GLADE FORMATI	4.0	QUAKER STATE OIL
8131249	6784	3705322416			108	K1455	QUEEN SAND GLADE FORMATI	4.0	QUAKER STATE OIL
-PHILLIPS PRODUCTION CO						RECEIVED: 05/15/81 JA: PA			
8131255	6921	3706323966			108	HELEN RIGELY ESTATE #3	CENTER	7.0	COLUMBIA GAS TRAN
8131254	6918	3706323903			108	JENNIE B ADAMS ESTATE #1	CENTER	10.0	COLUMBIA GAS TRAN
8131252	6935	3706325584			103	JOHN E COLONELLO ET UX ET AL #2	NORTH MAHONING	45.0	
8131253	5280	3705120219			108	KENNETH MILLS ET UX #1	FRANKLIN	16.0	COLUMBIA GAS TRAN
8131251	6869	3706325800			103	LEONARD COVATCH ET UX #1	EAST MAHONING	25.0	
-SCOTT AND MUSSING						RECEIVED: 05/15/81 JA: PA			
8131256	6929	3712921690			103	B H WOODWARD #2 #140	SALTSBURG	30.0	T W PHILLIPS GAS
-THE MUTUAL OIL & GAS COMPANY						RECEIVED: 05/15/81 JA: PA			
8131242	6840	3704921094			102-2	ROMBA #1		40.0	COLUMBIA GAS TRAN
-VICTORY DEVELOPMENT CO						RECEIVED: 05/15/81 JA: PA			
8131257	6979	3706325692			102-2	DEYARMIN #1 IND - 25692	W PA UPPER DEVONIAN SAND	0.0	COLUMBIA GAS TRAN
8131258	6980	3706325723			102-2	DEYARMIN #2 IND - 25723	W PA UPPER DEVONIAN SAND	0.0	COLUMBIA GAS TRAN
8131259	6981	3706325722			102-2	DEYARMIN #3 - IND - 25722	W PA UPPER DEVONIAN SAND	0.0	COLUMBIA GAS TRAN
8131260	6982	3706325834			103	DEYARMIN #4 - IND - 25834	W PA UPPER DEVONIAN SAND	0.0	COLUMBIA GAS TRAN
-VINEYARD OIL & GAS CO						RECEIVED: 05/15/81 JA: PA			
8131261	5562	3704920890			102-2	MARTEN #1 E-795	MARTEN #1 - LE BOEUF	5.0	NATIONAL FUEL GAS
8131262	5569	3704920941			102-2	MARTENS #2 E-807	MARTENS #2 - LE BOEUF	26.4	NATIONAL FUEL GAS
-ZODIAC RESOURCES LTD						RECEIVED: 05/15/81 JA: PA			
8131230	6817	3704921243			103	HUYA #1 ERI-21243	ALBION-EAST	0.0	COLUMBIA GAS TRAN

BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission on or before July 2, 1981.

Categories within each NGPA section are indicated by the following codes:

Sections

102–1: New OCS lease
102–2: New well (2.5 mile rule)
102–3: New well (1000 ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease
107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal seams
107–DV: Devonian shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
108 : Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–18013 Filed 6–16–81; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. RP81–57–000 & RP81–17–000]

Midwestern Gas Transmission Co.; Order Accepting for Filing and Suspending Revised Tariff Sheet, Consolidating Proceedings, and Establishing Procedures

Issued May 29, 1981.

On April 30, 1981, Midwestern Gas Transmission Company (Midwestern) filed Original Volume No. 1 to its FERC Tariff to implement a dekatherm billing basis for its jurisdictional sales. Midwestern also seeks to make other tariff changes to reflect more accurately the Company's current operating conditions. Midwestern states that the proposed changes will not increase its jurisdictional revenues.

The Company requests that the proposed tariff changes become effective on June 1, 1981, except for those reflected on Original Sheets Nos. 5 and 6. Midwestern proposes that these later sheets be subject to the outcome of Midwestern's pending rate proceeding in Docket No. RP81–17–000.

In support of its filing, Midwestern maintains that its present two part demand/commodity rates are designed on the average heating value of 990 Btu/cf on its Northern System, and 1025 Btu/cf on the Southern System; however, the heating value of gas flowing through its Southern System has recently been reduced from historic levels. This reduction has occurred because Midwestern's chief supplier for the Southern System, Tennessee Gas Transmission Company (Tennessee), is purchasing a significant amount of Canadian gas which has a heat content well below 1000 Btu/cf.

To reflect these changed circumstances, Midwestern has revised its two part rate to break its commodity charge into two components, one based solely on gas costs. The demand and commodity costs which reflect solely transportation costs will continue to be billed on a volumetric basis. But the gas-related commodity component will be billed on a heat content, or dekatherm, basis. Also, Midwestern intends to reduce the minimum guaranteed heat content applicable for rate design purposes on its Southern System, from the Present 1025 Btu/cf to 967 Btu/cf.

In addition, Midwestern has proposed revisions to the definitions of various terms, measurements, measuring equipment and the forms of gas service contracts applicable to all rate schedules. Midwestern intends to cancel its Schedule CDX–1, as current operating conditions no longer require separating CDX–1 service from Schedule CD–1 service. Customers previously served under CDX–1 will now be served under CD–1.

Public notice of this filing was issued May 11, 1981, providing for protests or petitions to intervene to be filed by May 20, 1981. Petitions to intervene were filed by Inter-City Gas Corporation and Central Illinois Light Company. Having demonstrated an interest in this proceeding warranting their participation, the petitioners shall be granted intervention.

Based upon a review of Midwestern's filing, the Commission finds that the proposed tariff changes have not been shown to be just and reasonable, and may be unjust, unreasonable, unduly discriminatory, or otherwise unlawful. Accordingly, the Commission will accept for filing but suspend the effectiveness of this filing, and further, set the matter for hearing.

In a number of suspension orders,[1] the Commission has addressed the considerations underlying the Commission's policy regarding rate suspensions. For the reasons given there, we have concluded that rate filings should generally be suspended for the maximum period permitted by statute where preliminary study leads the Commission to believe that the filing may be unjust and unreasonable or that it may run afoul of the other statutory standards. It has been acknowledged, however, that shorter suspensions may be warranted in circumstances where suspension for the maximum period may lead to harsh and inequitable results. Such circumstances have been presented here. Because the proposed tariff changes purportedly will not affect Midwestern's required revenue level, the filing shall be suspended for one day, and made effective on June 2, 1981, subject to refund, and subject to the following conditions.

Midwestern has not specifically requested that the tariff filed in this proceeding supersede its currently effective Original Volume No. 1. However, as such supersession is required to make the presently filed tariff effective, the Commission will treat the filing as incorporating a request to supersede, and grant the request. Further, Midwestern has not filed supporting information, as required by 18 CFR 154.63(b)(2), to justify tariff changes other than rate level changes. As much of this required information has been filed by Midwestern in its general rate increase filing, Docket No. RP81.17–000, the Commission will consolidate this proceeding with Docket No. RP81–17–000, and treat the consolidated filings as substantially meeting the requirements of 18 CFR 154.63(b)(2). It is further appropriate to consolidate the two proceedings because several issues raised by the subject filing, particularly changes reflected on Original Sheet Nos. 5 and 6, are also present in Docket No. RP81–17–000.

The Commission Orders

(A) Midwestern's Original Volume No. 1 to its FERC Gas Tariff is accepted for filing, suspended for one day to be effective June 2, 1981, subject to refund, and subject to conditions listed in Ordering Paragraphs (B) and (C).

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[1] *E.g., Valley Gas Transmission, Inc.*, Docket No. RP–80–98 (August 22, 1980) (one day suspension); *Great Lakes Gas Transmission Company*, Docket No. RP–134 (September 24, 1980) (five month suspension).

(B) Pursuant to Sections 4 and 5 of the Natural Gas Act, an investigation shall be instituted into the lawfulness of proposed tariff changes in Docket No. RP81-57-000.

(C) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (18 CFR 3.5(d)), shall convene a conference in this proceeding to be held in a conference room at the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, at such time as he deems appropriate. The Presiding Administrative Law Judge is authorized to establish such procedural dates as may be necessary and to rule all motions (except motions to consolidate, sever, or dismiss), as provided for in the Rules of Practice and Procedure.

(D) The proceedings in Docket No. RP81-17-000 shall be consolidated with the investigation of mid-western's ongoing general rate increase filing in Docket No. RP81-17000 for purposes of hearing and decision.

(E) The petitioners identified in this order are permitted to intervene in this proceeding subject to the rules and regulations of the Commission; *Provided, however,* That the participation of the intervenors shall be limted to matters affecting asserted rights and interests specifically set forth in the petitions to intervene; and *Provided, further,* That the admission of such intervenors shall not be construed as recognition that they might be aggrieved by any order entered in this proceeding.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17977 Filed 6-16-81; 8:45 am]

BILLING CODE 6450-85-M

ENVIRONMENTAL PROTECTION AGENCY

[OPP-C31048; PH-FRL-1854-3]

Airco Industrial Gases; Application to Conditionally Register a Pesticide Product Entailing a Changed Use Pattern

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces that Airco Industrial Gases has submitted an application to conditionally register the pesticide product Carbon Dioxide entailing a changed use pattern.

DATE: Written comments must be received by July 17, 1981.

ADDRESS: Written comments to: William H. Miller, Product Manager (PM) 16, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: William H. Miller (703-557-7040).

SUPPLEMENTARY INFORMATION: Airco Industrial Gases, 575 Industrial Ave., Murray Hill, NJ 07974, has submitted an application to conditionally register the pesticide product Carbon Dioxide, containing 99.95 percent of the active ingredient carbon dioxide. The application proposes that the insecticide be classified for general use as a grain fumigant. The product has been assigned EPA File Symbol No. 38719-L.

This application is made pursuant to the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (92 Stat. 819; 7 U.S.C. 136), and the regulations thereunder (40 CFR 162.6). Notice of receipt of an application does not indicate a decision by the agency on the application.

Notice of approval or denial of this application to conditionally register the pesticide product will be announced in the **Federal Register**. Except for such material protected by section 10 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), the test data and other scientific information deemed relevant to the registration decision may be made available after approval, under provisions of the Freedom of Information Act. The procedure for requesting such data will be given in the **Federal Register** if an application is approved.

Interested persons are invited to submit written comments on this application. Comments may be submitted and inquiries directed to the product manager. The comments must be received on or before July 17, 1981, and should bear a notation indicating the document control "[OPP-C31048]" and file symbol. Comments received within the specified time period will be considered before a final is made; comments received after the specified time period will be considered only to the extent possible without delaying processing of the application. The label furnished by the applicant, as well as all written comments filed pursuant to this notice, will be available for public inspection in the product manager's office from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

Dated: June 8, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-17961 Filed 6-16-81; 8:45 am]

BILLING CODE 6560-32-M

[OPP-C31050; PH-FRL-1854-5]

Reuter Laboratories Inc.; Receipt of Application To Register a Pesticide; Product Entailing a Changed Use Pattern

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY. This notice announces that an application has been received to register the pesticide product GRASSHOPPER SPORE, entailing a changed use pattern.

DATE: Written comments must be received on or before July 17, 1981.

ADDRESS: Written comments to: Franklin D. R. Gee, Product Manager (PM) 17, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Franklin D. R. Gee (703-557-7028).

SUPPLEMENTARY INFORMATION: EPA gives notice that Reuter Laboratories, Inc., 2405 James Madison Highway, Haymarket, VA 22069, has submitted an application to conditionally register the pesticide product GRASSHOPPER SPORE, containing the active ingredient Spores of *Nosema locustae* Canning at 0.0459 percent, entailing a changed use pattern. The product is currently registered for use on rangeland forage. This application proposes that the use pattern be changed to gardner use. The product has been assigned EPA File Symbol No. 36488-G.

This application is made pursuant to the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (92 Stat. 819; 7 U.S.C. 136), and the regulations thereunder (40 CFR 162.6). Notice of receipt of an application does not indicate a decision by the agency on the application.

Notice of approval denial of the application will be announced in the **Federal Register.** Except for such material protected by section 10 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (92 Stat. 819, (7U.S.C.136)), the test data and other scientific information deemed relevant to the registration decision may be made available after approval, under provisions of the Freedom of

Information Act. The procedure for requesting such data will be given in the **Federal Register**, if an application is approved.

Interested persons are invited to submit written comments on this application. Comments may be submitted and inquiries directed to the product manager. The comments must be received on or before July 17, 1981, and should bear a notation indicating the document control number "[OPP–C31050]" and the file symbol. Comments received after the specified time period will be considered only to the extent possible without delaying processing of the application. The label furnished by the applicant, as well as written comments filed pursuant to this notice, will be available for public inspection in the procuct manager's office from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

Dated: June 9, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81–17960 Filed 6–16–81; 8:45 am]

BILLING CODE 6560–32–M

[SA–FRL 1854–8

Science Advisory Board, Clean Air Scientific Advisory Committee (CASAC); Open Meeting

Under Pub. L. 92–463, notice is hereby given of a meeting of the Clean Air Scientific Advisory Committee of the Science Advisory Board. The meeting will be held July 7–9, 1981, starting at 9:00 am on July 7 in the Main Auditorium, EPA, Environmental Research Center, Route 54 and Alexander Drive, Research Triangle Park, North Carolina. A major purpose of the meeting is to allow the Committee to review and provide its advice to EPA on the second external review draft of EPA's revised air quality criteria document for sulfur oxides and particulate matter. The draft was made available to the public recently for a period of public comment; 46 FR 15569 (March 6, 1981), 46 FR 23795 (April 28, 1981). For this review, the Committee has been divided into two subcommittees, one of which will review health effects related information and the other to review welfare effects related information. The two subcommittees will jointly consider air quality measurements and related issues before breaking to consider health and welfare effects in separate concurrent sessions.

Copies of the second draft air quality criteria document may be obtained while individual volumes are available by writing Ms. Diane Chappel, Environment Criteria and Assessment Office, MD–52, EPA, Research Triangle Park, N.C. 27711, or by calling Ms. Chappel on (919) 541–3637. Proposed revisions of the criteria document in response to public comments will be circulated to CASAC approximately three weeks prior to the July 7–9 meeting. Copies of these proposed revisions may also be obtained from Ms. Chappel. In addition, copies of the proposed revisions will be made available at the CASAC meeting.

Another major purpose of the meeting is the CASAC review of the EPA Staff Paper for Particulate Matter. A staff paper is a vehicle for preliminary identification and evaluation by EPA staff of the key scientific studies in the criteria document and critical elements to be considered in review of the pertinent national ambient air quality standard. Copies of this document may be obtained by writing Mr. John H. Haines, Office of Air Quality Planning and Standards, MD–12, EPA, Research Triangle Park, N.C. 27711 or by calling Mr. Haines at (919) 541–5531; Copies of the Staff Paper will also be made available at the CASAC meeting.

The meeting is open to the public. Any member of the public wishing to obtain information or participate should contact Terry F. Yosie, (202) 755–0263 by close of business June 30, 1981. Members of the public wishing to make formal statements at the meeting should provide a written summary to Mr. Yosie by close of business June 30, 1981.

The following members of CASAC (indicated by asterisks) and consultants will meet to review EPA's second external review draft criteria document for sulfur oxides and particulate matter, and staff paper for particulate matter.

Clean Air Scientific Advisory Committee, Subcommittee on Health Effects of SO_x/PN

*Dr. Mary Amdur, Department of Nutrition and Food Science, Room 16339, MIT, Cambridge, Mass. 02139
*Dr. Judy A. Bean, College of Medicine, Department of Preventive Medicine and Emvironmental Health, University of Iowa, Iowa City, Iowa 52242
Dr. Edward Crandall, Division of Pulmonary Disease, Department of Medicine, UCLA, Los Angeles, Calif. 90024
Dr. Bernard Goldstein, Rutgers University Medical School, Department of Environmental and Community Medicine, Piscataway, NJ 08854
Dr. Herschel Griffin, San Diego State University, School of Public Health, San Diego, California 92192
Dr. Timothy Larsen, Department of Civil Engineering, Mail Stop FC–05, University of Washington, Seattle, Washington 98195
Dr. Morton Lippmann, Institute of Environmental Medicine, New York University, New York, New York 10016
Dr. Roger O. McClellan, Director of Inhalation Toxicology Research Institute, Lovelace Foundation, P.O. Box 5890, Albuquerque, New Mexico 87115
Dr. Andrew McFarland, Dept. Civil Engineering, Texas A&M University, College Station, Texas 77843
*Dr. Vaun Newill, Exxon Corp., Associate Medical Director, 1251 Avenue of the Americas, New York, NY 10020

Subcommittee on Welfare Effects of SO_x/PM

Dr. Robert Dorfman, Department of Economics, Harvard University, 325 Littauer, Cambridge, Mass. 02138
*Dr. Sheldon Friedlander, School of Engineering and Applied Science, UCLA, Los Angeles, Calif. 90024
Dr. Ronald Hall, Section on Ecology & Systematics, Langmuir Laboratory, Cornell University, Ithaca, NY 14850
*Mr. Harry Hovey, New York Department of Environmental Conservation, 50 Wolf Road, Albany, NY 12233
Dr. Peter McMurray, Department of Mechanical Engineering, University of Minnesota, 111 Church Street, SE, Minneapolis, Minn. 55455
Dr. Michael Treshow, Dept. of Biology, University of Utah, Salt Lake City, Utah 84112
*Mr. Donald Pack, 1826 Opalocka Drive, McClean, Virginia 22101

Terry F. Yosie,

Acting Director, Science Advisory Board.

June 10, 1981.

[FR Doc. 81–17958 Filed 6–16–81; 8:45 am]

BILLING CODE 6560–34–M

[EN–H–FRL–1854–6; OPTS–50031]

Transfer of TSCA Confidential Business Information to Contractor; Data Collection by Contractor

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The EPA has awarded a contract for the purpose of conducting compliance monitoring activities under the Toxic Substances Control Act (TSCA or the Act) to Versar Incorporated, Springfield, Virginia (Contract number 68–01–6291). Versar's work assignments under the contract include information gathering activities such as inspections and sample analyses. Versar will obtain relevant compliance monitoring information in several ways. The information may be (1) Gathered by Versar during the performance of a facility inspection; (2) directly transmitted to Versar by EPA; or (3) submitted to Versar by a firm. Versar is authorized to receive confidential business information and is required to follow Agency stipulated

procedures in handling such information.

DATE: The receipt of data claimed to be confidential will occur no sooner than July 1, 1981.

FOR FURTHER INFORMATION CONTACT: Russell B. Selman (EN-342), Environmental Protection Agency, Pesticides & Toxic Substances Enforcement Division, 401 M Street SW., Washington, D.C. 20460, (202) 755-9404.

SUPPLEMENTARY INFORMATION: The EPA is responsible for monitoring compliance with the provisions of TSCA and all regulations promulgated under the Act. The Agency has supplemented its resources available for routine compliance monitoring activities by entering into a contract with Versar Inc. Under the terms of this contract, Versar will perform a variety of compliance monitoring activities such as inspections, physical sample analyses, and surveys. During the period of the contract, Versar may conduct such activities specifically to monitor compliance with Section 6 of TSCA, 15 U.S.C. section 2605 governing polychlorinated biphenyls (PCBs), chlorofluorocarbons (CFCs), and dioxins.

The EPA anticipates that Versar will participate in compliance monitoring activities in facilities subject to the regulations cited above. Following is a list of the major industrial categories and facility categories to which these activities are expected to extend:

Chemical Manufacturers and Processors

PCB Manufacturers (past and present, including PCB by-products)
CFC Manufacturers (past and present, including hexachlorophene)
Dioxin Producers (past and present)
Dye and Pigment Manufacturers
Processors and Fillers of CFCs

Users and Handlers of PCB Equipment and Liquids

Electric Utility Facilities
Gas Transmission and Utility Facilities
Non-ferrous Metals Facilities
Paper and Lumber Facilities
Food and Feed Facilities
Stone, Clay and Glass Facilities
Textiles Facilities
Automotive Facilities
Railroad and Subway Company Facilities
Commercial Buildings
Transformer and Capacitor Manufacturing Facilities
Transformer Repair Facilities
Mining Motor Repair Facilities
Die Casting Facilities
Heat Casting Facilities
PCB Storage Facilities
Other Facilities with PCB Equipment or Liquids

Disposal Sites and Facilities

Chemical Waste Landfills
Waste Oil Handlers
Other Sites Handling Dioxin or PCB Waste

Pursuant to 40 CFR 2.306(j), EPA has determined that it is necessary for Versar to have access to confidential business information for the satisfactory performance of this contract. Any information needed to successfully complete the performance requirements under this EPA contract will be made available to Versar.

Versar has been cleared in accordance with the procedures in the EPA TSCA Confidential Business Information Security Manual to have access to confidential business information. The EPA has approved Versar's security plan and has conducted the required inspection of the Versar facility and found it to be in compliance with the requirements of the Security Manual.

TSCA subsection 14(d), 15 U.S.C. section 2613(d), provides a criminal penalty for wrongful disclosure of confidential business information, whether such disclosure is made by an EPA employee or an EPA contractor. Versar's contract specifically prohibits disclosure of confidential business information to any third party in any form without written authorization from EPA, and Versar's personnel will be required to sign a nondisclosure agreement before they are permitted to access such information.

Dated: June 8, 1981.

Warren Muir,

Deputy Assistant Administrator for Toxic Substances.

[FR Doc. 81-17988 Filed 6-16-81; 8:45 am]

BILLING CODE 6560-33-M

FEDERAL COMMUNICATIONS COMMISSION

[Report No. B-16]

AM Broadcast Application Accepted for Filing and Notification of Cut-Off Date

Released: June 10, 1981.

Cut-off Date: July 17, 1981.

Notice is hereby given that the following application has been accepted for filing. Because it is in conflict with an application previously accepted for fi ing and subject to a cut-off date for conflicting applications, no application which would be in conflict with it will be accepted for filing.

Petitions to deny this application must be on file with the Commission not later than the close of business on July 17, 1981.

Minor amendments to this application, and to the one it is in conflict with may be filed as a matter of right not later than the close of business on July 17, 1981.

BP-810430AB (new), Silt, Colorado, Rifle Broadcast Company, Req: 700 kHz, 1 kW, 50 kW-LS, DA-N, U

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81-17909 Filed 6-16-81; 8:45 am]

BILLING CODE 6712-01-M

[CC Docket No. 81-351 Transmittal No. 13663 FCC 81-254]

American Telephone and Telegraph Co.; Institution of Investigation

Adopted: May 21, 1981.

Released: June 3, 1981.

By the Commission: Chairman Fowler abstaining from voting; Commissioner Fogarty issuing a separate statement; Commissioner Jones absent.

In the Matter of American Telephone and Telegraph Company revisions to Tariff F.C.C. Nos. 258 and 260, and the Establishment of Tariff F.C.C. No. 269, for Series 7000 Terrestrial Television Transmission Services.

1. Before the Commission are revisions to AT&T's Series 7000 terrestrial television service offerings, which would restructure the tariffs and increase rate levels. Timely petitions to reject or suspend the tariff revisions were filed by the Association of Independent Television Stations, Inc. (INTV); the three major commercial networks, ABC, CBS, and NBC in a joint petition (Networks); Educational Broadcasting Corporation, licensee of noncommercial educational television station WNET in Newark, New Jersey (WNET); Hughes Television Network, Inc. (HTN); and Wold Communications, Inc. (Wold). ITT World Communications Inc. (ITT) asks only for rejection and the Independent Television News Association (ITNA) and the Cable News Network, Inc. (CNN) seek suspension, investigation, and the imposition of an accounting order.[1]

2. As we explain below, both the petitions and our own examination of AT&T's tariff filing convince us that

[1] Late-filed pleadings were submitted by the National Association of Broadcasters (NAB), the National Hockey League and National Basketball Association, the Commissioner of Baseball, and Wometco Enterprises, Inc. Only the NAB filed a notion for acceptance of a late-filed pleading, and all of these submissions were essentially comments in support of other petitions. We will deny the NAB notion for acceptance and deny consideration of the other late-filed submissions, but any of these organizations may participate in our investigation by filing a notice of intent to participate or filing timely comments, as provided in para. 46, *infra*.

substantial questions exist as to the lawfulness of the proposed revisions. We are therefore suspending the revisions for the full statutory period of five months while we investigate and consider if necessary the prescription of a reasonable rate structure.

Background

3. The Series 7000 tariff offering encompasses AT&T's terrestrial private line television transmission services, the primary services for distribution of commercial and non-commercial television programming in the United States. These services, which provide one-directional audio/video channel transmission, have been offered continuously since 1948 to the major commercial networks (ABC, CBS and NBC), national and regional sports and entertainment networks, and intermitent providers and distributors of television programming. There are three basic Series 7000 offerings. Type 7004 Interexchange Channels are offered between customer premises in exchanges more than 25 miles apart on a full time basis. Type 7003 is a local distribution service furnished only to noncommercial educational customers on a full time basis. The third and most widely-used offering, namely Type 7001, includes three basic service elements: (1) interexchange channels (IXCs) which link the various AT&T television operating centers (TOCs) around the United States; (2) local channels (or television loops) which connect the TOCs to television broadcast studios or other points of program origination; and (3) station connections (SCs) which link IXCs) and local channels at the TOCs.

4. It has been AT&T's practice to offer two categories of Type 7001 transmission services—full time (with flat rates for a specified contract period) and part time or occasional use (with rates based on shorter duration, such as per day or per hour). Generally speaking, the three major commercial TV networks use nearly all of the full time class of service, as well as a substantial portion of the part time services. While non-network customers use some full time facilities, the overwhelming number of these users purchase the various elements of TV service on a part time basis exclusively.

5. Originally, full time service was provided for a minimum of 8 consecutive hours of use a day, 7 days a week at monthly rates based upon airline milage. Occasional use by contrast was priced on the basis of airline miles per hour of consecutive use. In 1970, however, after a hearing before an examiner upon a complaint filed by Hughes Sports Network, the Commission's Review Board concluded in the *SNI* case that the IXC service provisions of AT&T's tariff were unreasonably discriminatory and unlawful under Section 202(a) of the Act as applied to small or occasional users.[2] It found in particular that AT&T had failed to show any cost justification for the rates charged users of less than 8 hours of service. AT&T thereafter filed new rate schedules, which reduced the occasional service rate by over 50% (and over 75% for off-peak hours) and set up a sliding scale which allowed monthly contract customers to purchase one to 24 hours per day. Because the Commission believed that the new rates and rate structure might at least ameliorate the unlawful discrimination in the existing tariffs, it allowed the revisions to become effective while setting them for investigation in Docket No. 18684.[3] In 1972, however, AT&T submitted new tariffs which proposed increases in the occasional use rates (now called part time) almost to previous levels and the adoption of a single full time, 24 hour per day service. AT&T claimed these revisions were necessary to prevent its largest contract users, namely the networks, from shifting to specialized microwave carriers. The Commission also set this tariff filing for investigation, but terminated the proceeding and the pending Docket No. 18684 without a decision on the merits by accepting a stipulation of the parties to a revised tariff.[4] Under the terms of this stipulation, which was effective until December 31, 1975, AT&T retained its proposed rates, except that the increase for occasional use channels was reduced. The stipulated rates have remained in effect to the present.

6. In 1977, AT&T again sought to revise its Series 7000 tariff, this time as part of a larger submission filed in response to the cost-allocation principles enunciated by the Commission in Docket No. 18128.[5] Under those principles, AT&T was required to reprice its individual interstate service categories so that each category earned a rate of return corresponding to the firm's prescribed overall rate of return unless that requirement was waived by the Commission. For Series 7000, AT&T reported a return of 3.8% as compared to a system-wide prescribed rate of return of 9.59%. It proposed to increase the rate for each of the three major rate elements for part time service and to eliminate its "topping" provision (rate ceiling) for local channels used by part time customers. AT&T projected that the elimination of topping and the increase in part time rates would generate a 27% increase in part time revenues. At the same time, AT&T proposed to reduce some rates for full time service and increase others, for an overall reduction in full time revenues projected at 3.5%. The transmittal also would have extended from six months to one year the minimum period for full time service.

7. The Commission rejected this filing in a lengthy and detailed decision adopted on November 30, 1977, Rejection Order, 67 FCC 2d 1134 (1978). Basically, the Commission concluded that full time and part time were like services under Section 202(a) of the Act and that AT&T had failed even to attempt a cost justification for its discriminatory rate structure as required by both the *SNI* proceeding and Section 202(a) generally. AT&T had also failed to meet the tariff justification requirements of the Docket No. 18128 Order in several major respects.

6. The Commission also suggested several improvements in the subsisting tariff, including use of a usage sensitive rate structure, the removal of the full time six-month minimum service period, the averaging of IXC and (possibly) SC charges between full time and part time users, and the disaggregation of local channel costs and rates to reflect the wide variety of local channel services. In denying reconsideration we decided not to institute a prescription hearing, but placed AT&T on notice that "only substantial changes in its ratemaking approach to Series 7000 service, which has always tended to favor its largest customers to the detriment of moderate and smaller users, are likely to satisfy our substantial concerns with respect to this service." Reconsideration Order, 70 FCC 2d 2031, 2053 (1979). The Commission's decision was affirmed on appeal, *sub nom. ABC v. FCC* No. 79–1261 (D.C. Cir. October 8, 1980), *reh. den.* December 5, 1980.

AT&T's Transmittal

7. AT&T represents that the tariff revisions we consider here are intended to respond to past Commission decisions and orders, to attain a 10.5% earnings ratio, and to comply with some of the Commission's suggestions for corrective action. The revisions are filed in a new Program Transmission Service Tariff, FCC No. 269. (The major changes in rates and rate structures are shown in the Appendix.)

8. We turn to the structural changes first. For Type 7001 IXCs and SCs, the

[2] *Hughes Sports Network, Inc.* v. *AT&T*, 25 FCC 2d 550, 560 (1970).

[3] FCC 69–1038, Docket No. 18684, October 9, 1969.

[4] *AT&T*, Docket No. 18684, 44 FCC 2d 525 (1973).

[5] *AT&T*, Docket No. 18128, 61 FCC 2d 587 (1976), *aff'd in part and vacated in part sub nom. Aeronautical Radio Inc.* v. *FCC*, No. 77–1333 (D.C. Cir. June 24, 1980).

full time/part time service classifications are to be replaced by a step rate structure. Service is to be offered at a declining unit rate for each consecutive hour of service for the first 24 hours, and a flat rate is imposed for the final rate step of 24 to 730 hours, i.e., from one day to one month. Each nonconsecutive hour of use would be charged at the first hour rate. AT&T also proposes a new requirement that any IXC channel requested for a period longer than 24 consecutive hours will require permanent facilities. Special construction charges would be applied to such permanent facilities on a case-by-case basis under AT&T Tariff FCC No. 262.

9. A step rate structure is also proposed for local channels, the third basic Type 7001 service element. Service would be offered at a declining per day rate for each consecutive day of use up to a maximum of 30 days per month. Each nonconsecutive day of use would be charged at the first day rate. In addition, a surcharge would be applied each day for the 5th through 30th consecutive days in which service is furnished using temporary portable microwave or cable systems. AT&T also proposes to restructure its Type 7004 full time, point-to-point IXC service. Present discounts for black and white transmission and for the second through fifth channels ordered would be eliminated and the initial six month minimum service period would be ended. With regard to noncommercial educational customers, AT&T proposes to delete Type 7003 service (Tariff FCC No. 260) and the Educational Network Broadcast Services (Tariff FCC No. 258). AT&T asserts that it would continue to provide service at current terms and would continue to file rate and service reports with us in accordance with Section 43.74 of the Rules. Other proposed tariff revisions include: an increase in charges for late orders, charges, and cancellations; an increase in charges for Remote Control Television Switching Arrangements; a restructuring and increase in changes for additional audio channels furnished in conjunction with television transmission services; and an increase in charges for a special video transmission wiring arrangement at the United Nations Building in New York City.

12. In regard to rate levels, AT&T projects that the filing would increase its rate of return for Type 7001 and 7004 services from 7.8% in 1979 to 10.8% in 1981. Net revenues would rise from $57.9 million to $79.5 million, an increase of 37%. However, AT&T also projects that demand for continuous, full time service will decline in 1983 as the networks and other customers migrate to satellite distribution systems. On the other hand, AT&T estimates that the proposed increases in local channel and station connection charges will discourage piece-outs of service (i.e., use of AT&T and another supplier's facilities for a single service), with the result that demand for part time Type 7001 service will, until 1983, greatly exceed the capability of AT&T's existing intercity facility network. Some migration of part time service to satellites is also projected. Based on this overall decline in demand, AT&T projects that its rate of return in 1983 at the filed rates will decline to 3.8% upon revenues of $59 million.

13. The distribution of the proposed increase varies among different services, with the greater increases assigned generally to full time services. Overall, AT&T estimates that full time rates will increase by 41% and part time rates by 4%, based on 1979 usage. For example, under the filed rates the full time charge for Type 7001 IXC channels would increase by 17% and the SC charge by 23%, while the local channel charge would increase by 124%. The rates for full time Type 7004 IXCs would increase by at least 157% and customers could experience increases of as much as 710% because of the elimination of both the lower rate for black and white transmission and discounts for additional channels.

14. For part time customers, both IXC and SC rates for the first hour of service would increase by 13%, but because of the step rate structure, charges for additional consecutive hours would be lower. A break even point would be reached at 6 consecutive hours of use from which point rates would be below current rates. Similarly, local channel rates for part time users would be increased by 11% for the first day, but are reduced for consecutive use of two or three days. However, because of the elimination of "topping" of local channel rates, which now limits monthly local channel rates to the equivalent of a two-day rate, overall increases for more than three consecutive days, or for more than two nonconsecutive days, could be much larger. Charges for the full thirty days, for example, would increase by 124%. In addition, because the rate steps are based upon consecutive days of use, a part time customer conceivably could experience far greater increases.[6]

15. The actual effect of these increases would depend in large part upon the needs of particular customers and the configuration of their facilities. The Network, for example, claim that ABC, CBS, and NBC would each experience annual rate increases of some $5 million. ITNA, which distributes news programs to local stations, estimates that its current costs for Series 7000 service, $200,000 a year, would increase by about 30% or $60,000. CNN, which provides a 24 hour a day news service to CATV systems, predicts a similar increase, from about $1.1 million to about $1.5 million a year. HTN, which provides a number of TV transmission services to customers who include professional baseball, basketball, and hockey teams (particularly in-place local channels from professional sports facilities and occasional IXC service) states that the local channel rates for its planned coverage of baseball games for this year would increase from $90,000 to $267,000, or almost 200%. In general, independent programmers claim that the proposed rate increases are likely to result in reductions in the amount of live news, sports, and entertainment programming provided by broadcasters. For example, INTV states that independent TV station WPIX in New York City would experience a 42% increase in transmission charges and would almost certainly reduce coverage of out-of-town New York Yankees games and other events. Other independent stations, it says, would experience similar or larger increases and lack the financial resources to absorb them without reductions in programming.

Discussion

IXC and Station Connection Services

16. To repeat, in the SNI and Rejection Orders, we concluded that full time and part time television transmission services are like services under Section 202(a) and that cost studies were required to support any rate differentials. We therefore rejected the 1977 filing, in part because AT&T had sought to justify rate differentials between these service categories only with bald assertions that there were different cost characteristics. In this filing, AT&T claims that it has eliminated the issue of whether part time and full time are like services by

[6] For example, the rate for 10 nonconsecutive days of local channel service would be $5890, an increase of 460% over the present "topped" rate of $1052. Of course, a user who was aware that he would need even as few as 5 nonconsecutive days of service a month could be expected to order the full 30 consecutive days at the $2358.16 rate, especially since AT&T proposes to eliminate the present 6 month minimum service requirement. But customers with unexpected service needs could experience rates higher than the 30 consecutive day rate for only a few days service.

combining them in a single, step rate structure for IXCs and SCs. The proposal before us is also claimed to satisfy the Commission's suggested adoption of a more usage sensitive rate structure, and elimination of the six-month minimum service period for full time service.[7] The Networks argue that the elimination of the full time/part time rate structures misconstrues prior Commission orders, and that AT&T mistakenly assumes it was required to file a unified rate structure for Type 7001 service elements when it might readily have demonstrated that the discrimination between these categories is reasonable. The Networks claim that the massive tariff restructuring now proposed would result in the unjustified cross-subsidization of part time service by full time.

17. Our review of the tariff reveals otherwise. That analysis shows that the proposed changes in the IXC and SC tariff structure are largely cosmetic, that AT&T's "unified" rate structure continues in fact to be two separate services at very different rates, and that AT&T still has not even attempted to justify these rate differentials. As we understand it, AT&T portrays the IXC and SC rates as unified because all usage is rated on the basis of a single, 25-step rate structure. But AT&T avoids mention of the obvious fact that the structure produces very different results when applied to occasional and continuous use. As explained, occasional use in priced under one of the first 24 rate steps based upon the number of consecutive hours of service, with the incremental rate per hour declining up to the maximum of 24 hours. For each nonconsecutive transmission, the occasional user falls under the high first hour rate step. The 25th rate step, by contrast, is in operative effect a recast of the present full time service classification under another name. Thus, it sets a single rate for all continuous use of more than 24 hours. While it is theoretically possible that a customer could place several orders for periods longer than 24 hours, thus paying several times the 24–730 hour rate in a month, such as outcome strikes us as highly improbable. Although the 1–24 hour rate steps do provide for some rate reduction for cumulative part time use, the full time rate continues to be far less expensive per hour, as shown in the following table:

Rate element	Hours			
	1	4	24	24 to 730
Station connection per connection, per hour	$95.00	$87.50	$40.50	$2.52
IXC per mile, per hour	.88	.82	.46	.09

The fact that AT&T's proposed special construction requirement applies solely to the full time, 24–730 hour service contributes significantly to this discrimination, since it is a virtual entrance requirement to full time service. Thus, any customer who does not presently have full time service and wants IXC or SC service for more than 24 consecutive hours would be required to obtain permanent facilities and pay special construction charges. Plainly this requirement makes the 24–730 hour rate step a very different offering from service for less than 24 hours.

18. As in 1977, AT&T makes no substantial attempt to justify an obvious discrimination between part time and full time services both in the rates and terms of service. Aside from maintaining that the two services have been combined in a single offering, AT&T provides no explanation for the differentials in its proposed rate steps. There may well be cost differences which would warrant rate differentials between continuous use and short term, occasional use, but AT&T has furnished no cost data or other justification for this fundamental component of the tariff scheme. It merely purports to have taken into account a myriad of factors. Similarly, AT&T fails to support its development of the 24–730 hour rate step, which covers 30 times the amount of usage of the other 24 steps combined, except to claim that historically there has been no demand for service longer than 24 hours. As this history is based upon AT&T's part time/full time rate structure which encouraged users to obtain the much cheaper monthly full time service, it is hardly persuasive evidence that there would be no demand for more granulated periods if offered. Significantly, too, AT&T apparently made no effort to examine this question in its market survey and study.

19. Most troubling of all, AT&T makes virtually no effort to justify its requirement that permanent facilities be installed for any service request longer than 24 hours, except to comment in its reply that the requirement is designed for the sole purpose of protecting ratepayers from being burdened with unneeded facilities. If there is no demand, as claimed, this requirement would be unnecessary. In any event, the requirement does not prevent unneeded facilities except to the extent that the more expensive part time rates suppress demand. Customers can obtain the same IXC and station connection service, they simply can't do so continuously. Needless to say, such a procedure would waste rather than conserve facilities. This again seems to be an unjustified discrimination and, as HTN points out, one which tends to prevent resale and arbitrage of service by customers. It also clearly favors existing full time customers, who would receive the same service as new customers for 24–730 hour services, yet would not be bound to pay special construction charges.[8]

20. We also cannot agree that AT&T has followed our previous suggestions. Although AT&T would remove the six-month minimum service requirement for full time services, as we suggested, the special construction charge requirement it proposes to add could well be an even greater restriction on customer access to the less expensive continous service. AT&T further claims that its step rate structure is responsive to the Commission's suggestion that rates be usage sensitive. A rate structure based on usage should more nearly approximate costs and provide more accurate and reasonable price signals to users. This in turn could encourage diversity in programming and efficient network utilization. For example, we noted that the unjustified full time/part time rate structure did not offer a middle ground to the recurring part time user.

21. AT&T's proposal, however, is only usage sensitive to the extent that it allows lower rates for additional consecutive hours. Thus it gives some recognition to the likely front-end costs of occasional services which are not repeated for additional, consecutive hours, and this may encourage longer transmissions. But the rate structure does not reflect usage in any other way. Recurring part time users would still pay the full first hour rate for every transmission. More importantly, AT&T offers no justification for the specific

[7] Petitioners HTN, and INTV contend, on the other hand, that the filing in fact perpetuates the same discrimination against part time users, which AT&T has never justified.

[8] The Networks did question whether the special construction charge requirement might apply to their existing arrangements, but AT&T explains in its reply that existing services would not be affected by this regulation.

rates chosen, so it is impossible to determine whether these rates are in fact related to costs.[9]

Local Channels

22. Another suggested tariff improvement was the disaggregation of local channel costs and rates to reflect the variety of local channel services, e.g., channels in place used on an occasional basis, mobile service, and full time local channels in place. With this transmittal AT&T filed studies of local channel costs which claim to show radical differences in costs between three types of channels. However, the actual rates for local channels were not disaggregated, as the following table illustrates:

Comparison of Disaggregated Required Rates[1] and Filed Rates for Local Channels

Local classification	Required rate	Filed rate	Amount filed rate is over or (under) required rate
Fixed in place (full time use) (per month)	$1,170	$2,358.16	$1,128.16
Fixed in place (part time use) (per day)	900	[2]589.00	(311.00)
Mobile (per day)	2,615	[2]589.00	(2,026.00)

[1] The required rate is obtained by dividing the annual costs, including a return on investment, by the projected days or months of use. Projected 1982 costs. AT&T Description and Justification, Vol. 1, p. 2-27.

[2] These rates are for the first day of service. The incremental rate for consecutive days declines from $295 for the second day to $48.16 for the thirtieth day.

Moreover, this table would appear to understate the extent to which full time local channels would subsidize both forms of part time local channels if the filed costs are accurate.[10] Additional days of local channel use are much cheaper than the first day, even when AT&T's surcharge for use of temporary facilities for more than four consecutive days is added. For example, the total charge for the fifth consecutive day of temporary microwave service is $170.62 ($48.16 for the channel plus a $122.46 surcharge). Since AT&T provides no studies of the costs of additional consecutive days of temporary local channel use, it is impossible to tell whether the cost shortfall shown in the table for the first day is even greater on the fifth.[11]

23. AT&T attributes its failure to file disaggregated local channel rates to the fact that the rates it developed for mobile service might be prohibitively high and therefore would tend to limit remote news and sports reports to locations with channels in place. It suggests this might be inconsistent with Commission objectives. AT&T also states that alternatives to AT&T's local distribution facilities are not readily available.

24. Wold urges rejection of the tariff because of AT&T's failure to file disaggregated rates. We do not agree that rejection of the aggregated local channel rates is warranted. Simply put, our suggeston to AT&T did not constitute a prescription of disaggregated rates which AT&T was required to follow.[12] Nevertheless, we continue to be concerned by AT&T's failure to significantly disaggregate local channel rates and the likely effects of its

[9] AT&T argues for instance that because it uses separate dedicated networks for full time and part time services strict rate averaging would be inherently inequitable. However, in the Rejection Order, 67 FCC 2d at 1168 we concluded that the so-called "dedication" of facilites was arbitrary and that facilities could be shifted from one use to the other as the need arose.

[10] In fact, the claimed "costs" in large part reflect demand. The actual cost of an in-place channel is presumably the same whether the customer chooses service on a full time or part time basis, and that choice is largely a function of the relative rates and rate structures. Thus, for in place channels the great difference in reported costs is probably not meaningful.

[11] AT&T mentions that the surcharge is applied because it rents temporary facilities to provide service for more than four consecutive days. Thus, the surcharge may only recoup these additional charges, not the basic difference in costs for AT&T's own facilities.

[12] ABC v. FCC, *supra*, Slip Op. at p. 7, n. 8.

apparently subsidized rates upon efficient use of facilities and upon competition. The pricing of temporary microwave channels at less than 30 percent of their claimed cost raises substantial questions of reasonableness, especially since the subsidized mobile service is or could be competitive. Petitioner Wold in fact competes with AT&T in providing temporary local channels, and there may well be other actual or potential competitors. Some users may also find it worthwhile to invest in their own facilities rather than pay unsubsidized rates. On the other hand, petitioners such as ITNA, CNN, and ITT suggest that there is a lack of available alternatives to AT&T's local channel services. To the extent that this is the case, it may be reasonable to allow some subsidization of these rates, perhaps on a temporary basis, to the extent that large, abrupt changes in these rates might disrupt valuable transmission services. We expect to explore this question more thoroughly in the investigation.

25. Petitioners also question the setting of local channel rates based upon consecutive days of use. INTV argues that the consecutive days rate structure effectively perpetuates the discrimination against part time use. For example, it points out that the rate for two non-consecutive days would be $1178 (2 × the single day rate of $589) or 33 percent more than the $884 rate for two consecutive days. Even more pronounced is the disparity in rates between full time and occasional use. A user for a single day of local channel service would pay $589, while a user who subscribes to 30-day service would pay an average daily rate of $78.60 ($2358.16 per month). The effect of this rate structure, we expect, is that any customer with a conceivable need for at least five non-consecutive days of service would subscribe to full time service to take advantage of the very low rates for additional consecutive days.

26. AT&T denies that this rate structure is unreasonably discriminatory, but, as stated, fails to provide any justification for the proposed rate differentials. Specifically, there is no documentation of any cost savings or any demonstration that the proposed rates actually approximate the cost savings for consecutive days of use. To repeat, in our Rejection Order we suggested the adoption of a usage sensitive rate structure to encourage efficient use of facilities, and to discourage both underutilization and waste. In the present filing however, the local channel rate structure clearly encourages occasional users to subscribe to full time local channel service even if they expect to use only a few non-consecutive days of service a month. It follows, therefore, that many local channels might be used only a fraction of the time.

27. These problems arise, in part, because of another tariff change, the elimination of local channel "topping". When AT&T proposed this in its 1977 filing, we concluded that elimination of the local channel "topping" provision resulted in preferential rate treatment for full time users which served to establish, maintain, and aggravate the Section 202(a) discrimination between like full and part time services. We also saw no attempt in the filing to justify such discrimination as required under Section 202(a), *SNI* and other Commission decisions. 67 F.C.C. 2d at 1177. Here, too, AT&T makes no attempt to justify the elimination of topping, and the same discriminatory effects would result. A part time customer for ten nonconsecutive days of service a month would pay a rate of $5,890, more than 400 percent higher than the current rate and over 240 percent more than the proposed rate for 30 consecutive days. This disparity may be expected to encourage customers to order full time service even if they don't need it. If the rates were "topped" near the full time rate, on the other hand, customers would no doubt order only the service they needed until they reached the "topped" rate. This could help alleviate the current shortage of part time facilities, rather than exacerbate it as AT&T's rate structure would seem to do.

28. Other features of the proposed local channel rates also appear arbitrary or unjustified. No explanation is given for the rate slope, which sets rates at $589 for the first day, $295 for the second, $148 for the third, $74 for the fourth, and $48.16 for each additional day. Nor is any significant explanation given for applying the additional charge for temporary facilities only after four consecutive days. Although AT&T states that temporary facilities are "sized" for four consecutive days of usage, and that it leases systems for longer usage, it

provides no justification for this practice and no cost data.

Allocation of Unassigned PSV Cable Investment

29. In its support material, AT&T asserts that the filed costs for Type 7001 service elements include $29.7 million in investment associated with unassigned polyethylene—shielded video (PSV) cable pairs. PSV pairs are contained in composite cables with inservice local exchange cable pairs; because of moves, cancellations, and rearrangements of television services, however, these unassigned pairs have no current or foreseeable use for television services. AT&T states that it is exploring the use of these unneeded facilities (55% of all PSV pairs) for future private line applications. The filed rates propose to allocate this investment to all three Type 7001 service elements so as not to impose the full burden on local channels. (AT&T also submitted lower, illustrative rates which it states it is willing to substitute for the filed rates. These rates are based upon the assignment of this investment to all private line service, and are about 11% below the filed rates for IXCs, SCS, and local channels.)

30. The commenters on this issue favor substitution of the lower alternative rates. The Networks and ITN also argue on the basis of classic ratemaking principles that the investment should not be included in the rate base because it is not "used and useful" for the provision of service to the public. AT&T replies that this investment may be disallowed only if shown to have been inefficient or improvident when made or made in bad faith, and that this is not the case here.

31. In Docket No. 19129[13] we discussed applications of the "used and useful" standard to rate base valuation, specifically with regard to AT&T. We there rejected an AT&T proposal which would have allowed a return based upon the amount of investment capital provided to AT&T or the amount of past prudent investment, concluding that we could not countenance an approach which would require ratepayers to pay a return to AT&T's investors on capital which to the ratepayers was nonproductive. 64 FCC 2d at 49. Among examples of plant and property which may not be considered used and useful under the facts of a particular case, we listed overbuilt plant, property temporarily out of use, and property once used and useful but no longer so because of a decrease in business.

[13] *AT&T*, Docket 19129, 64 FCC 2d 1, *aff'd on recon.* 67 FCC 2d 1429 (1978).

32. There is ample authority for this approach. See *e.g., Los Angeles Gas Co. v. Railroad Comm'n of California*, 289 U.S. 287, 306 (1933), *St. Joseph Stock Yards Co. v. United States* 298 U.S. 38, 56–57 (1936); *Denver Union Stock Yard Co. v. United States*, 304 U.S. 470 (1938); *Minneappolis Street Railway Co. v. City of Minneapolis*, 86 N.W. 2d 657 (Sup. Ct. Minn. 1957); *Kansas Gas and Electric Co. v. State Corp. Commn*, 544 P. 2d 1396 (Sup. Ct. Kan. 1967); *Home Tel. Co. v. Carthage*, 139 S.W. 547 (Sup. Ct. Mo. 1911). Thus, we could arguably disallow the unusable PSV investment from AT&T's rate base. However, as our decision in Docket No. 19129 indicates, the issue depends upon the particular facts of the case. For this reason, as part of our investigation we will seek further comment on the principles to be applied.

Services for Noncommercial Educational Broadcasters

33. Under Section 396(h) of the Act, 47 U.S.C. §396(h), carriers may provide services free or at reduced rates to noncommercial educational television or radio services. Carriers are required to report the furnishing or denial of such services quarterly, pursuant to Section 43.74 of the Commission's Rules, 47 C.F.R. §43.74. AT&T currently provides Type 7003 local distribution services only to educational customers. Type 7004 IXC service is also provided to educational customers, but is not limited to them. A few specified educational customers in Georgia, Kentucky, and Louisiana also receive reduced rate services pursuant to the Educational Network Broadcast Services offering in AT&T Tariff FCC No. 258.

34. In the transmittal, AT&T states that it will continue to charge these educational customers at current levels. However, it also proposes to delete the Type 7003 and the Educational Network Broadcast Services offerings from its tariffs. AT&T states that requests for rearrangement of existing services or for new services would be furnished on an individual case basis at charges developed to cover relevant costs. Existing and new services would be reported as required by Section 43.74 of the Rules. AT&T also proposes to include the revenues and costs for services furnished to educational customers in the Private Line FDC category.

35. Although AT&T is silent on the point, the Commission has already decided the question of whether reduced rate services to educational customers may be detariffed. Thus, in *Public Broadcasting Service*, 63 F.C.C. 2d 707, 722–23 (1977), we specifically determined that free or reduced rate services under Section 396(h) must be tariffed under Section 203 of the Act.[14] AT&T's proposal to detariff its offering to noncommercial educational customers is thus in conflict with a prior Commission order. However, no customer has objected to detariffing these services and the filing of reports may make unnecessary the filing of tariffs as well. We will request comments on this issue.[15]

Other Issues

36. Many of the petitioners question the need for a rate increase and the Networks seek rejection on the ground that the Interim Cost Allocation Manual (ICAM) does not require that individual services must immediately earn a 10.5% return. While this in fact may be the case, it is no basis for rejection. Here, AT&T proposes to increase the calculated return from 7.8% to 10.5% in the first year. If accurate, Series 7000 earnings would not approach unreasonable high levels.

37. ITT urges rejection essentially on the ground that AT&T improperly and anticompetitively requires customers for international record carrier (IRC) international television transmission services to obtain three local channels to access a Comsat overseas switch, by denying direct connection between the customer's premises and the IRC's premises. ITT claims AT&T's own international customers need only obtain a single local channel to AT&T's television operating center. ITT argues that in this context the 124% increase local channel rates would eliminate IRC

[14] In response to a staff letter, AT&T cites a Commission ruling in Docket No. 18316, 20 F.C.C. 2d 491, 496 (1969) that AT&T could furnish its tariffed, commercial service to the Corporation for Public Broadcasting at reduced rates without any further tariff filings. There AT&T was required only to submit reports of such service pursuant to our rules. AT&T misunderstands the thrust of this decision. It did not allow detariffing of services, only the provision of commercial tariffed services at less than the tariff rate. In short, a tariff was still required to be on file.

[15] We also note that in *Free or Reduced Rate Interconnection Service for Noncommercial Educational Broadcasting*, Docket No. 18316, 20 F.C.C. 2d 491 (1969), we reaffirmed an earlier finding that the intent of Section 396(h) was that subsidization of public broadcasting as a matter of policy should be borne by general telephone users. We then granted a declaratory ruling that all costs for service under Section 396(h) "shall be treated as related to common carrier interstate services and as such shall be included in the carriers total interstate rate base and operating expenses." 20 F.C.C. 2d at 492, 494. See also, *Report and Order*, Docket No. 18216, 17 F.C.C. 2d 155, 158 (1969). While we encourge AT&T to provide reduced rate service under Section 396(h), AT&T is placed on notice that its treatment of costs for reduced rate services to noncommercial educational customers should comply with this ruling, and that allocation of those costs solely to private line customers is improper.

competition to AT&T for international TV services, leaving only AT&T. However, ITT cites no tariff or contract provision substantiating this alleged practice, and no actual examples. In its reply, AT&T denies any such practice, and claims there is no reason why a customer cannot be connected directly to an IRC operating center via a single local channel, or indeed by an IRC—provided channel. In the absence of any evidence to support ITT's claim of an anticompetitive practice, we discern no basis for rejection or investigation at this time.

38. The Networks raise a number of questions concerning the validity of AT&T's market studies, its treatment of facilities available for future growth under the ICAM, the allocation of certain categories of plant, and other issues relating to costs. None of these issues, in our view, presents grounds for rejection since there is no showing of patent violation of the statute, a Commission rule, or an order. In any case, we think the better course is to defer their consideration until we examine some more pressing rate structure issues, as explained below. We expect to be in a better position at that time to determine whether these issues require further consideration.

Conclusion

39. The present filings has essentially the same problems as AT&T's rejected 1977 transmittal, and while the proposed rate structure shows some improvement (e.g., the more graduated rate structure), other changes are either cosmetic (e.g., the claimed unification of full time and part time rates) or arbitrary (e.g., the special construction charge and the aggregated local channel rates). Once again, AT&T fails to make even a threshold attempt to justify the apparent discrimination between full and part time use. Although the various major areas of this filing which lack adequate justification provide adequate grounds for rejection of the proposed tariff changes under our previous orders as well as Section 202(a) of the Act, we believe this is an appropriate case to exercise our discretion to proceed by investigation rather than rejection. *Associated Press v. FCC*, 448 F. 2d 1095 (D.C. Cir. 1971). Drawing on our similar experience with developing a lawful WATS tariff, we think the better course is to initiate an investigation to determine a reasonable structure for this service. AT&T, FCC 80–777, released December 29, 1980. Only after such an investigation, it now appears, will we be able to assure that rates and terms for the services are just, reasonable, and not unreasonably discriminatory.

40. We will also suspend the effectiveness of the proposed revisions for the full statutory period of five months. Some of the controversial regulations proposed, such as the special construction requirement and the elimination of topping, could have a major rate impact upon customers and could cause shifts in service and facility arrangements and disruptions in this market. These factors alone warrant the exercise of our suspension power in order to protect the user public.[16] We hope to make substantial progress in our investigation during this five-month period. We do want to make clear, however, our view that the proposed tariff in some respects improves upon the filing we rejected in 1977, particualrly the elimination of minimum service terms and the more flexible rate structure. The assignment to occasional users of generally lower rate increases and in some instances actual reductions may also moderate the discrimination between part time and full time service. It is possible that a reasonable tariff can be developed by modifying the proposed tariff, even if it is found to be unlawful as filed.

41. The structure of the new rates also at least provides a format for integrating part time and full time services into a single structure. Under present tariffs, the single television market is segmented into two sectors, part time and full time, through the use of separate rate elements operating in conjunction with minimum service terms. These arbitary minimum service periods for full time service insure that no migration could take place between the segmented market sectors. Now that such devices as these have been eliminated from the basic rate structure we believe that a workable basis exists for further refinement to achieve an acceptable, lawful rate structure.

42. In the structure AT&T proposes, IXC mileage rates are time-of-use sensitive, i.e., the average hourly rate declines as the service terms lengthens. As a general practice, we have always allowed the use of rate averaging whereby fixed and variable costs are merged into some form of curvilinear rate structure. An example of this is the distance sensitive rates for certain voice and telegraph-grade interexchange channels. Another example is the amortization of what would normally be non-recurring or one-time charges through a merger of these charges with the monthly recurring charge for most private line channel services. Thus, the ratemaking principle of distributing costs over time or distance on a cost averaging basis is not a novel one. What we must examine, however is the question of whether or not this method of averaging gives rise to unreasonable discrimination as between customers with different usage characteristics. When improperly employed, rate averaging or deaveraging can be just as effective a market segmentation device as the use of separate rate structures for like services. We will examine, therefore, the question of whether or not the rate averaging employed by AT&T is reasonable or whether it unfairly creates artificial demarcations between different service attributes, such as length of service, so as to limit efficient use of television channels or burden certain sectors of the market with costs that should properly be distributed over the entire market. The great disparity in hourly and daily charges under the filed tariff is presumably intended to reflect start-up and discontinuance costs attributable to different occasions of leased channel usage. By distributing these costs over a narrow band of hours, however, AT&T appears to have segmented the market into one-day and one-month periods of use. This is accomplished by making the charge for 25 hours equivalent to the charge for one month. We can conceive of no justification for such a practice, particularly in view of the fact that the costs distributed over the one-day period could be protracted and lessened by encouraging usage for intermediate time periods. For example, if three customers were to require service between the same two points for three continuous days, each day would be charged for as though it were a new start-up and discontinuance of service which it clearly is not. The customer who maintains service for a month or longer, however, may not be bearing any of the charges for start-up and discontinuance even though such a customer may terminate service any time he wishes on a month to month basis. We will consider, therefore, prescribing a rate structure which reflects a more reasonable means of rate averaging to encourage greater efficiency in use of service and distribute cost burdens in a fair manner.

43. On the other hand, our analysis provides no basis for specific objection to the proposed increases in charges for Type 7004 channels, late orders, changes and cancellations, Remote Control Television Switching Arrangments, additional audio channels, and service at the UN building. AT&T may implement these changes by separate filing.

[16] It is for this reason that we have suspended for five months rather than only for one day.

44. As we have said, our investigation is intended to examine in the main the legal and policy issues relating to the reasonable of AT&T's proposed Type 7001 rates structure, and the possible precription of a rate structure. The specific issues in the investigation are as follows:

A. Issues concerning the reasonableness of AT&T's proposed tariff revisions.

1. Whether the proposed step rate structure for IXCs and SCs, particularly the rate slope and use of a 24–730 hour final rate step, is just and reasonable.

2. Whether the requirement that any customers ordering IXC and SC services for more than 24 hours consecutively obtain permanent facilities is just and reasonable.

3. Whether the use of a rate structure based upon consecutive hours of use for IXCs and SCs, and consecutive days of use for local channels, is just and reasonable.

4. Whether the aggregation of local channel rates without regard to the actual facilities used is just and reasonable.

5. Whether the proposed surcharge for temporary local channels used more than four days consecutively is just and reasonable.

6. Whether AT&T's investment in unassigned PSV channels should be removed from AT&T's rate base, or assigned to all private line services, or assigned solely to television transmission service.

7. Whether AT&T's proposal to eliminate "topping" of local channel rates is just and reasonable.

8. Whether the proposed rate structure for Type 7001 IXCs, SCs, and local channels is unreasonable discriminatory under Sec. 202(a) of the Communications Act.

B. Prescription issues.

1. Whether a rate structure with a more reasonable means of averaging fixed and variable costs should be prescribed.

2. Whether a rate structure with disaggregated costs and rates for different types of local channels, i.e., permanent in-place cable temporary cable, and temporary microwave facilities, would be just and reasonable.

3. Whether any other changes or additions to the structure of changes or additions to AT&T's proposed television transmission tariff would be just and reasonable.

C. Reduced rate services to noncommercial educational broadcasters.

1. Whether AT&T should be allowed to detariff its offerings of television transmission service to noncommercial educational broadcasters.

45. Accordingly, it is ordered, That pursuant to Section 4(i), 4(j), 201, 202, 203, 204, 205, and 403 of the Communications Act, 47 U.S.C. §§ 154(i), 154(j), 201, 202, 203, 204, 205, and 403, an investigation is instituted into the lawfulness of the American Telephone and Telegraph Company's tariff revisions filed under Transmittal No. 13663.

46. It is further ordered, That the American Telephone and Telegraph Company; the Association of Independent Television Stations, Inc.; ABC, CBS and NBC; the Educational Broadcasting Corporation; Hughes Television Netowrk, Inc.; Wold Communications, Inc.; ITT World Communications, Inc; the Independent Television News Association; and Cable News Network shall be parties to this proceeding. Any other interested person seeking to participate in this investigation may become a party either by filing a notice with the Commission within 30 days of the release of this order, or by filing a reply case or comments in response to the American Telephone and Telegraph Company's direct case.

47. It is further ordered, That the American Telephone and Telegraph Company shall submit its direct case within 45 days of the release of this order. Other parties may file their reply cases or comments within 30 days thereafter. The American Telephone and Telegraph Company may file its response within 15 days thereafter.

48. It is further ordered, That tariff revisions filed by the American Telephone and Telegraph Company under Transmittal No. 13663 are suspended for a period of five months.

49. It is further ordered, That the petitions to reject, or in the alternative, to suspend and investigate the American Telephone and Telegraph Company's tariff revisions ARE GRANTED to the extent indicated and otherwise ARE DENIED.

50. It is further ordered, That this action is effective immediately.

51. It is further ordered, That the Secretary shall cause this Order to be published in the **Federal Register.**

Federal Communications Commission.[17]

William J. Tricarico,

Secretary.

BILLING CODE 6712-01-M

[17] See attached separate statement of Commissioner Joseph R. Fogarty.

APPENDIX

COMPARISON OF

PRESENT RATES AND FILED RATES

TYPE 7001 INTEREXCHANGE CHANNEL AND STATION CONNECTION

Present Rates IXC		Step	Consec. Hrs. of Use Over	To	Filed Rates IXC Per Mile	Per SC
. Part-Time	$ .79 Mi/Hr	1	0	1	0.89	95.00
		2	1	2	1.73	185.00
. Full-Time	57.82 Mi/Mo.	3	2	3	2.52	270.00
		4	3	4	3.27	350.00
		5	4	5	3.98	425.00
		6	5	6	4.65	495.00
		7	6	7	5.28	560.00
		8	7	8	5.87	620.00
		9	8	9	6.42	675.00
SC		10	9	10	6.93	725.00
		11	10	11	7.41	770.00
. Part-Time	$ 84.10 SC/Hr	12	11	12	7.86	810.00
		13	12	13	8.28	845.00
. Full-Time	1,577.00 SC/Mo	14	13	14	8.67	875.00
		15	14	15	9.03	900.00
		16	15	16	9.36	920.00
		17	16	17	9.66	935.00
		18	17	18	9.93	945.00
		19	18	19	10.17	952.00
		20	19	20	10.38	958.00
		21	20	21	10.56	963.00
		22	21	22	10.71	967.00
		23	22	23	10.83	970.00
		24	23	24	10.93	972.00
		25	24	730	67.65	1,944.87

Full-time subject to initial 6-month minimum service period.

Initial 6-month minimum service period is eliminated.

V 46 JE 17 81 1 UMI

TYPE 7004 INTEREXCHANGE CHANNEL

	Present Rates Per Mile, Per Month		Filed Rates Per Mile, Per Month
	Monochrome	Color	Per Channel
Channel 1	$28.91	$33.11	$85.22
Channel 2	13.14	15.77	
Channel 3	13.14	33.11	
Channel 4	10.51	15.77	
Channel 5	10.51	33.11	

. Full-Time only
- Declining rate structure for additional channels (up to 4) between same two customer premises

. Full-Time only
- Eliminates declining rate structure for additional channels
- Eliminates rate distinction between monochrome and color

LOCAL CHANNELS

Present Rates		Step	Consec. Days of Use Over	To	Filed Rates Per Chan	Additional Charge for Use of Temp. Fax. MW	Cable
.Part-Time	$ 526 LC/DAY	1	0 -	1	$ 589.00	-	-
		2	1 -	2	884.00	-	-
-Maximum Charge (for usage in		3	2 -	3	1032.00	-	-
		4	3 -	4	1106.00	-	-
any consec.		5	4 -	5	1154.16	122.46*	71.38*
30-day period)	$1,052	6	5 -	6	1202.32	-	-
		7	6 -	7	1250.48	-	-
.Full Time	$1,051 LC/Mo	8	7 -	8	1298.64	-	-
		9	8 -	9	1346.80	-	-
		10	9 -	10	1394.96	-	-
		11	10 -	11	1443.12	-	-
		12	11 -	12	1491.28	-	-
		13	12 -	13	1539.44	-	-
		14	13 -	14	1587.60	-	-
		15	14 -	15	1635.76	-	-
		16	15 -	16	1683.92	-	-
		17	16 -	17	1732.08	-	-
		18	17 -	18	1780.24	-	-
		19	18 -	19	1828.40	-	-
		20	19 -	20	1876.56	-	-
		21	20 -	21	1924.72	-	-
		22	21 -	22	1972.88	-	-
		23	22 -	23	2021.04	-	-
		24	23 -	24	2069.20	-	-
		25	24 -	25	2117.36	-	-
		26	25 -	26	2165.52	-	-
		27	26 -	27	2213.68	-	-
		28	27 -	28	2261.84	-	-
		29	28 -	29	2310.00	-	-
		30	29 -	30	2358.16	-	-

Full-Time subject to 6-month service period

* Charge will apply per day for the 5th through 30th day in each consecutive 30 day period, for each microwave or cable system used in furnishing temporary facilities.

. Initial 6-month minimum service period and maximum charge application eliminated.

Separate Statement of Commissioner Joseph R. Fogarty

In Re: American Telephone and Telegraph Company, Revisions to Tariff F.C.C. Nos. 258 and 260, and the Establishment of Tariff F.C.C. No. 269, for Series 7000 Terrestrial Television Transmission Services.

I wish I could take joy in the Commission's action suspending and investigating AT&T's proposed Series 7000 tariff revisions. I cannot. More than two years ago I dissented to the Series 7000 Reconsideration Order because I believed that instead of permitting AT&T a second "bite of the apple," administrative efficiency dictated that the Commission immediately institute a hearing on the lawful rate structure for the Series 7000 services.[18] I Stated:

> If we wait for AT&T to submit another filing, and if we should find that a hearing is required, we will have to determine first the lawfulness of the filed tariff. If it is found unlawful in whole or part, we must then begin the . . . process . . . to prescribe rates. Thus, we will not only delay the final decision, but we will have extra burdens placed upon us as well . . . . 70 F.C.C. 2d at 2055.[19]

My prognostication has been realized. I hate to say it but . . . I told you so!

[FR Doc. 81-17910 Filed 6-16-81; 8:45 am]

BILLING CODE 6712-01-M

KRLC Inc., et al.; Applications for Hearing on Consolidated Issues

[BC Docket No. 81-375, File No. BPH-800421AH, et al.]

In re Applications of KRLC, INC. Lewiston, Idaho Req: 106.9 MHz, Channel 295C 99 kW (H&V), 1230 feet; BC Docket No. 81-375 File N. BPH-80042AH; Bill M. Holzheimer, Beckki L. Holzheimer and J.J. Streibick & Assoc. Inc., d/b/a/ Nez Perce Broadcasting Lewiston, Idaho Req: 106.9 MHz, Channel 295C 87.846 kW (H&V), 960.3 feet; BC Docket No. 81-376 File No. BPH-800710AA; Seaport Broadcasters, Inc. Lewiston, Idaho Req: 106.9 MHz, Channel 295C 100 kW (H&V), 1230; BC Docket No. 81-377 File No. BPH-800829AB.

Adopted: June 1, 1981.

Released: June 9, 1981.

By the Chief, Broadcast Bureau:

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration the above-captioned mutually exclusive applications filed by KRLC, INC. (KRLC), Bill M. Holzheimer, Beckki L. Holzheimer and J.J. Streibick & Associates, Inc. d/b/a Nez Perce Broadcasting (Nez Perce), and Seaport Broadcasters, Inc.

2. Analysis of the financial data submitted by KRLC reveals that $106,126 will be required to construct the proposed station and operate for three months, itemized as follows:

Equipment	$18,972
Equipment payments	32,437
Land	335
Building	10,000
Miscellaneous	18,000
Operating cost (3 months)	24,759
Total	104,503

Applicant plans to finance construction and operation with the following funds: (i) $9500 in cash (ii) $50,508 net loan from Seaport Citizens Bank (iii) $55,400 net loan from Donald A. Thomas, and (iv) $4713 in profits from existing operations. Applicant however failed to submit a balance sheet or financial statement from Donald A. Thomas as required by Paragraph 4(b) of Section III. The applicant has, therefore, only shown $64,721 available to meet a requirement of $106,128. Accordingly, a financial issue will be specified.

3. Analysis of the financial data submitted by Nez Perce reveals that $59,880 will be required to construct the proposed station and operate for three months, itemized as follows:

Equipment lease	$9,630
Building	3,000
Miscellaneous	7,000
Operating cost (3 months)	40,250
Total	59,880

Nez Perce plans to finance construction and operation with the following funds: (i) $12,000 in cash (ii) $89,500 net loan from Valley Bank, and (iii) $75,800 in estimated advertising sales. The $89,500 loan letter from the Valley Bank cannot be relied upon because it failed to comply with paragraph 4(e) of Section III which requires that the interest rate of the loan, the terms of repayments and collateral or security be stated. Additionally, we cannot allow reliance on projected revenue earning. The financial standards adopted in 1978 requires applicants to demonstrate the ability to construct the station and operate for three months, without relying upon advertising. See *Financial Qualifications Standards for Aural Broadcast Applicants*, 69 FCC 2d 407(1978). The applicant has, shown therefore, only $12,000 available to meet a requirement of $59,880. Accordingly, a financial issue will be specified.

4. Examination of Nez Perce's application reveals that applicant failed to file an Equal Employment Opportunity Program as required by Section 73.2080 of the Commission Rules and Regulations. Accordingly, applicant will be required to remedy this deficiency by filing an EEO program with the Administrative Law Judge.

Data submitted by the applicants indicate that there would be a significant difference in the size of the areas and populations which would receive service from the proposals. Consequently, for the purpose of comparison, the areas and populations which would receive FM service of 1 mV/v or greater intensity, together with the availability of other primary aural services in such areas, will be considered under the standard comparative issue, for the purpose of determining whether a comparative preference should accrue to one of the applicants.

6. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

7. Accordingly, it is ordered, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are desigated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1.To determine with respect to KRLC: (a) the source of availability of additional funds over and above the $64,721 indicated; and (b) whether, in light of the evidence adduced pursuant to (a) above, the applicant is financially qualified.

2. To determine with respect to Nez Perce: (a) the source of availability of additional funds over and above $12,000 indicated: (b) whether, in light of evidence adduced pursuant to (a) above the applicant is financially qualified.

3. To determine which of the proposals, on a comparative basis, better serve the public interest.

4. To determine, in light of the evidence adduced pursuant to the

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[18] Separate Statement of Commissioner Joseph R. Fogarty, dissenting in part, AT&T Company, 70 F.C.C. 2d 2031 (1979) [Reconsideration Order].

[19] *See also*, Separate Statement of Commissioner Joseph R. Fogarty, AT&T Company, 67 F.C.C. 2d 1134 (1978) [Rejection Order] where I stated: Rather than simply requiring the carrier to file a new tariff, in which case we might be forced either to reject again or to initiate an investigation some months later, [footnote omitted] I believe that it would be more efficient by far to look now toward a Commission-prescribed tariff for this service, after hearing. 67 F.C.C. 2d at 1193.

foregoing issues, which of the applications should be granted.

8. It is further ordered, That in the event the application of KRLC is granted, it is subject to the condition that if the Commission ultimately adopts a rule prohibiting commonly owned AM and FM Stations in that same market, KRLC will divest itself of either its AM station or FM station in accordance with the requirements established in such rulemaking proceeding.

9. It is further ordered, That Nez Pez shall file an Equal Employment Opportunity Program with the presiding Administrative Law Judge.

10. It is further ordered, That to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to Section 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

11. It is further ordered, That the applicants herein shall, pursuant to Section 311(a) (2) of the Communications Act of 1934, as amended and Section 73.3594 of the Commission's Rules, give notice of the hearing (either individually or, if feasible and consistent with the Rules, jointly) within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Larry Eads,

Acting Chief Broadcast Facilities Division.

[FR Doc. 81-17911 Filed 6-16-81; 8:45 am]

BILLING CODE 6712-01-M

BC Docket No. 81-361, Filed N. BPCT-800429 KF]

Vencap Investment Corp., et al.; Applications for Consolidated Hearing on Stated Issues

Adopted: May 21, 1981.

Released: June 9, 1981.

By the Chief, Broadcast Bureau:

In re Applications of Vencap Investment Corporation Tallahassee, Florida, BC Docket No. 81-361 File No. BPCT-800429KF; Holt-Robinson Television, Inc. Tallahassee, Florida, BC Docket No. 81-362 File No. BPCT-800908KE; Octagon Broadcasting Company Tallahassee, Florida, BC Docket No. 81-363 File No. BPCT-800908KF; JGM, Inc. Tallahassee, Florida BC Docket No. 81-364 File No. PBCT-800908KI; For a Television Construction Permit

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has before it the above-captioned mutually exclusive applications of Vencap Investment Corporation (Vencap), Holt-Robinson Television, Inc. (Holt-Robinson), Octagon Broadcasting Company (Octagon), and JGM, Inc. (JGM) for a new commercial television station to operate on Channel 40 in Tallahassee, Florida.

Vencap Investment Corporation

2. Vencap estimates that $158,306 will be required to construct its proposed station and to operate it for three months, itemized as follows:

Equipment rental:	
(Deposit)	$4,945
(5 months)	12,361
Building	5,000
Legal, engineering, installation, and other miscellaneous costs	10,000
Operating costs (3 months)	126,000
Total	158,306

Vencap proposes to locate its transmitter atop and its studio in the Tallahassee Hilton Holtel, but the applicant has not indicated the number of months the $5,000 would cover. Consequently, we are unable to accurately determine the cost of leasing the antenna site and studio space for five months (two months of construction and three months of operation). Further, Vencap proposes only $5,000 for legal expenses, but that amount would appear to be unrealistically low, since the cost of prosecuting the application through an administrative hearing must be included. Accordingly, issues will be specified to determine the reasonableness of the Applicant's estimated legal expenses.

3. To meet these expenses, Vencap intends to rely entirely on $156,871 in existing capital; however, we cannot determine the net liquid assets available to the applicant, since its balance sheet was outdated upon the initial filing of its application. See FCC Form 301, Section III, Question 2a. Consequently, we are unable to determine the availability of any funds to Vencap, and an appropriate financial issue will be specified.

4. Vencap fails to indicate when the surveys of both community leaders and the general public were conducted, as required by Question and Answer 15 of the *Primer on Ascertainment of Community Problems by Broadcast Applications*, 27 FCC 2d 650 (1971). Accordingly, an appropriate ascertainment issue will be specified.

Holt-Robinson Television, Inc.

5. In the event of a grant of Holt-Robinson's application, the construction permit will be conditioned to require Holt-Robinson to demonstrate that its proposed tower would not alter the radiation patterns of nearby Stations WCVC(AM) and WKQE(AM).

Octagon Broadcasting Company

6. Octagon proposes to be the 100% satellite station of WMBB(TV), Panama City, Florida. Since the other applicants do not propose satellite operations, Octagon must justify the need for a satellite. *Multiple Ownership*, Docket No. 14711,, 3 R.R. 2d 1554 (1964); *Newhouse Broadcasting Corporation*, 77 FCC 2d 97 (1980). Accordingly, an issue as to the need for satellite operation in Tallahassee will be specified.

7. Octagon estimates that $175,825 will be required to construct its proposed station and to operate it for three months, itemized as follows:

Equipment and installation	$165,825
Operating costs (3 months)	6,000
Unstated purpose	4,000
Total	175,825

The applicant does not indicate the costs it will incur in acquiring a transmitter site and transmitter building. Further, Octagon has not provided for the legal and engineering costs incident to the prosecution of its application through the hearing process. Acccordingly, appropriate financial issues will be specified.

8. To meet its expenses, Octagon intends to rely entirely on the cash flow from operations of primary station WMBB(TV) and on the foregoing of the repayment of interst on outstanding loans from its 100% parent, Agronomics Incorporated—both totalling more than $200,000. Octagon, however, has not submitted an agreement whereby Agronomics would forego the interest repayment. Since the applicant has not separately itemized the cash flow from operations of WMBB(TV), we are unable to determine the availability of any funds to Octagon, and an appropriate financial issue will be specified.[1]

9. Octagon fails to indicate who conducted its survey of community

[1] We note that even if Octagon had submitted an agreement from Agronomics foregoing the interest repayment, the applicant would still have been financially deficient, since the $200,000 figure would be the cash flow from operations and repayment of interest over an entire year, and Octagon must show the availability of funds within a five month period (two months for construction and another three for operating costs).

leaders, as required by Question and Answer 11a of the *Primer*. The applicant also fails to indicate when the survey was taken, as required by Question and Answer 15 of the *Primer*. Accordingly, appropriate ascertainment issues will be specified.

JGM, Inc.

10. JGM estimates that $2,458,623 will be required to construct its proposed station and to operate it for three months, itemized as follows:

Equipment	$1,884,321
Land	110,000
Building	60,000
Installation and other miscellaneous costs	10,000
Operating costs (3 months)	404,302
Total	2,458,623

JGM has not provided for the legal and enginering costs incident to the prosecution of its application through the hearing process. Accordingly, an appropriate financial issue will be specified.

11. To meet its expenses, JGM intends to rely on deferred credit on the purchase of its equipment from RCA and from Comark Communications, Inc., a $2,000,000 (net $1,935,000) loan from the First National Bank of Dayton, and $1,000 in existing capital.

12. The credit letters from Comark Communications, Inc. and RCA expired on May 15, 1980, and June 13, 1980, approximately three months prior to the filing of JGM's application. Although we have allowed expired credit letters, we have done so only when the time entailed in processing or in hearing caused the letters to expire. *Contemporary Television Broadcasting, Inc.*, Mimeo No. 05812 (FCC,, released Jan. 16, 1981). We have not accepted credit letters that would have been unacceptable at the time the application was filed.

13. In that JGM has not submitted its balance sheet, as required by FCC Form 301, Section III, Question 2a, we cannot determine the availability of any existing capital to the applicant. Consequently, even with the availability of its $2,000,000 (net $1,935,000) bank loan, JGM would require an additional $523,623 plus legal and engineering costs, and an appropriate financial issue will be specified.

14. Rather than conducting its own ascertainment survey of the general public, the applicant relies on a study commissioned by the City of Tallahassee in the Fall of 1978, nearly two years before the filing of JGM's application; however, Question and Answer 15 of the *Primer* requires consultations to be held within six months of the filing. Accordingly, an appropriate ascertainment issue will be specified.

Conclusion and Order

15. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. Since the applications are mutually exclusive, the Commission is unable to make the statutory finding that their grant will serve the public interest, convenience, and necessity. Therefore, the applications must be designated for hearing in a consolidated proceeding on the issues set out below.

16. Accordingly, it is ordered, That pursuant to Section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications are designated for hearing in a consolidated proceeding to be held before an Administrative Law Judge at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine, with respect to Vencap Investment Corporation:

(a) the cost of leasing an antenna site and studio space for five months;

(b) whether $5000 will be adequate to meet the applicant's legal expenses, and if not, the legal costs that will be required;

(c) in light of the evidence adduced pursuant to (a) and (b) above, Vencap's construction and three month operating costs;

(d) the availability of financial resources to meet the applicant's construction and three month operating costs;

(e) whether, in light of the evidence adduced pursuant to (a)–(d) above, the applicant is financially qualified;

(f) Whether the applicant has complied with the provisions of Question and Answer 15 of the *Primer*;

(g) Whether, in light of the evidence adduced pursuant to (f) above, the applicant is qualified.

2. To determine, with respect to Octagon Broadcasting Company:

(a) Whether circumstances exist which would make operation as a "satellite" necessary for Tallahassee, Florida, and, if not, the effect thereof on the applicant's basic qualifications;

(b) The costs of a transmitter site, transmitter building, legal and engineering services;

(c) In light of the evidence adduced pursuant to (b) above, Octagon's construction and three month operating costs;

(d) The availability of financial resources to meet the applicant's construction and three month operating costs;

(e) Whether, in light of the evidence adduced pursuant to (b)–(d) above, the applicant is financially qualified;

(f) Whether, with respect to its community leader survey, the applicant has complied with the provisions of Questions and Answers 11a and 15 of the *Primer*;

(g) Whether, in light of the evidence adduced pursuant to (f) above, the applicant is qualified.

3. To determine, with respect to JGM, Inc.:

(a) The applicant's legal and engineering costs;

(b) In light of the evidence adduced pursuant to (a) above, JGM's construction and three month operating costs;

(c) The availability of financial resources—beyond the $1,935,000 bank loan—to meet the applicant's construction and three month operating costs;

(d) Whether, in light of the evidence adduced pursuant to (a)–(c) above, the applicant is financially qualified;

(e) Whether, with respect to its general public survey, the applicant has complied with the provisions of Question and Answer 15 of the *Primer*;

(f) Whether, in light of the evidence adduced pursuant to (e) above, the applicant is qualified.

4. To determine which of the proposals would, on a comparative basis, best serve the public interest.

5. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

17. It is further ordered, That, in the event of a grant of Holt-Robinson's application, the construction permit shall contain the following conditions:

Prior to construction of the TV tower authorized herein, permittee shall notify AM stations WCVC and WKQE so that they may determine operating power by the indirect method. Permittee shall be responsible for the installation and continued maintenance of detuning apparatus necessary to prevent adverse effects upon the radiation patterns of the aforementioned AM stations. Subsequent to construction of the TV tower and installation of all apurtenances thereon, antenna impedance measurements of the AM antennas and sufficent field strength measurements obtained at at least 10 locations along each of eight equally spaced radials shall be made to establish that the AM radiation patterns are essentially omnidirectional, and the results of such measurements shall be submitted to the Commission in applications for the AM stations to return to the direct method of power determination. Thereafter, the TV station may commence *Limited Program Tests*.

18. It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and the party respondent herein shall, pursuant to Section 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

19. It is further ordered, That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and Section 73.3594 of the Commission's Rules, give notice of the hearing within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by Section 73.3594(g) of the Rules.

Federal Communications Commission.

Larry D. Eads,

Acting Chief, Broadcast Facilities Division, Broadcast Bureau.

[FR Doc. 81-17912 Filed 6-16-81, 8:45 am]

BILLING CODE 6712-01-M

TV Broadcast Applications Accepted for Filing and Notification of Cut-Off Date

Cut-Off Date: July 15, 1981.

Released: June 4, 1981.

Notice is hereby given that the applications listed in the attached appendix are accepted for filing. They will be considered to be ready and available for processing after July 15, 1981. An application, in order to be considered with any application appearing on the attached list or with any other application on file by the close of business on July 15, 1981, which involves a conflict necessitating a hearing with any application on this list, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., no later than the close of business on July 15, 1981.

Petitions to deny any application on this list must be on file with the Commission not later than the close of business on July 15, 1981.

Applications for new stations may not be filed against any application on the attached list which is designated by an asterisk (*).

Federal Communications Commission

William J. Tricarico,

Secretary.

UHF Low Power TV Applications

BPTTL-801202IH (new), Anchorage, Alaska, Bobbi Suga Grimm & Communicators of America, Inc., d/b/a Communicators of Anchorage. Req: Channel 57, 728-743 MHz, 1000 watts

BPTTL-810107IQ (new), Anchorage, Alaska, Summit Communications, Inc. Req: Channel 14, 470-476 MHz, 1000 watts

BPTTL-801118IP (new), Anchorage, Alaska, Graphic Scanning Corporation. Req: Channel 55, 716-722 MHz, 1000 watts

BPTTL-810122IY (new), Anchorage, Alaska, North American Television Network. Req: Channel 22, 518-524 MHz, 1000 watts

BPTTL-810217MI (new), Anchorage, Alaska, H. Frank Dominquez, et. al. Req: Channel 49, 680-686 MHz, 1000 watts

BPTTL-810303FX (new), Healy, Alaska, State of Alaska. Req: Channel 58, 734-740 MHz, 10 watts

BPTTL-810303FY (new), Nenana, Alaska, State of Alaska. Req: Channel 55, 716-722 MHz, 10 watts

BPTTL-810303GD (new), Kenai, Soldotna, Alaska, State of Alaska. Req: Channel 69, 800-806 MHz, 10 watts

BPTTL-810313JQ (new), Seward, Alaska, Visual Entertainment Unlimited, Roxie Jackson (Sole Proprietor). Req: Channel 17, 488-494 MHz, 100 watts

BPTTL-810324IC (new), Seward, Alaska, State of Alaska. Req: Channel 55, 716-722 MHz, 10 watts

BPTTL-810409KA (new), Anchorage, Alaska, Alaska Public Television, Inc. Req: Channel 38, 614-620 MHz, 100 watts

UHF TV Translator Applications

BPTT-801219IB (new), Talkeetna, Alaska, Alaska Public Television, Inc. Req: Channel 47, 674-680 MHz, 10 watts. Primary: KAKM-TV, Channel 7, Anchorage, Alaska

BPTT-810203IS (new), Eagle River Road, Alaska, State of Alaska. Req: Channel 61, 752-758 MHz, 10 watts. Primary KIMO-TV, Channel 13, Anchorage, Alaska

BPTT-810203IT (new), Eagle River Road, Alaska, State of Alaska. Req: Channel 58, 734-740 MHz, 10 watts. Primary KTVA-TV, Channel 11, Anchorage, Alaska

BPTT-810203IU (new), Eagle River Road, Alaska, State of Alaska. Req: Channel 55, 716-722 MHz, 10 watts. Primary: KENI-TV, KAKM-TV, Anchorage, Alaska

BPTT-810330AW (new), Sutton, Alaska, Alaska Public Television, Inc. Req: Channel 49, 680-686 MHz, 10 watts. Primary: KAKM-TV, Anchorage, Alaska

VHF Low Power TV Applications

BPTVL-810210IC (new), Fairbanks, Alaska, Mr. David Eugene Brown. Req: Channel 7, 174-180 MHz, 100 watts

BPTVL-810303EA (new), Selawik, Alaska, State of Alaska. Req: Channel 9, 186-192 MHz, 10 watts

BPTVL-810303EB (new), Port Lions, Alaska, State of Alaska. Req: Channel 7, 174-180 MHz, 10 watts

BPTVL-810303EC (new), Tenakee Springs, Alaska, State of Alaska. Req: Channel 7, 174-180 MHz, 10 watts

BPTVL-810303ED (New), Kobuk, Alaska, State of Alaska. Req: Channel 2, 54-60 MHz, 10 watts

BPTVL-810303EE (New), Anaktuvuk Pass, Alaska, State of Alaska. Req: Channel 9, 186-192 MHz, 10 watts

BPTVL-810303EF (New), Aniak, Alaska, State of Alaska. Req: Channel 2, 54-60 MHz, 10 watts

BPTVL-810303EG (New), Pelican, Alaska, State of Alaska. Req: Channel 9, 186-192 MHz, 10 watts

BPTVL-810303EH (New), Deering, Alaska, State of Alaska. Req: Channel 9, 186-192 Mhz, 10 watts

BPTVL-810303EI (New), Skagway, Alaska, State of Alaska. Req: Channel 11, 198-204 MHz, 10 watts

BPTVL-810303EJ (New), Teller, Alaska, State of Alaska. Req: Channel 9, 186-192 MHz, 10 watts

BPTVL-810303EK (New), Fort Yukon, Alaska, State of Alaska. Req: Channel 7, 174-180 MHz, 10 watts

BPTVL-810303EL (New), Goodnews Bay, Alaska, State of Alaska. Req: Channel 4, 66-72 MHz, 10 watts

BPTVL-810303EM (New), Cordova, Alaska, State of Alaska. Req: Channel 4, 66-72 MHz, 10 watts

BPTVL-810303EN (New), Delta Junction, Alaska, State of Alaska. Req: Channel 4, 66-72 MHz, 10 watts

BPTVL-810303EO (New), Akutan, Alaska, State of Alaska. Req: Channel 9, 186-192 MHz, 10 watts

BPTVL-810303EP (New), Chevak, Alaska, State of Alaska. Req: Channel 2, 54-60 MHz, 10 watts

BPTVL-810303EQ (New), Buckland, Alaska, State of Alaska. Req: Channel 9, 186-192 MHz, 10 watts

BPTVL-810303ER (New), Ambler, Alaska, State of Alaska. Req: Channel 11, 198-204 MHz, 10 watts

BPTVL-810303ES (New), Eagle Village, Alaska, State of Alaska. Req: Channel 9, 186-192 MHz, 10 watts

BPTVL-810303EU (New), St. George, Alaska, State of Alaska. Req: Channel 9, 186-192 MHz, 10 watts

BPTVL-810303EV (New), Telida, Alaska, State of Alaska. Req: Channel 13, 210-216 MHz, 10 watts

BPTVL-810303EW (New), Savoonga, Alaska, State of Alaska. Req: Channel 7, 174-180 MHz, 10 watts

BPTVL-810303EY (New), Nuiqsut, Alaska, State of Alaska. Req: Channel 9, 186-192 MHz, 10 watts

BPTVL-810303EZ (New), Noorvik, Alaska, State of Alaska. Req: Channel 9, 186-192 MHz, 10 watts

BPTVL-810303FB (New), Nome, Alaska, State of Alaska. Req: Channel 4, 66-72 MHz, 10 watts

BPTVL-810303FC (New), Noatak, Alaska, State of Alaska. Req: Channel 7, 174-180 MHz, 10 watts

BPTVL-810303FD (New), Nilolski, Alaska, State of Alaska. Req: Channel 9, 186-192 MHz, 10 watts

BPTVL-810303FE (New), Kongiganak, Alaska, State of Alaska. Req: Channel 9, 186-192 MHz, 10 watts

BPTVL-810303FF (New), McGrath, Alaska, State of Alaska. Req: Channel 9, 186-192 MHz, 10 watts

BPTVL-810303FG (New), Nulato, Alaska, State of Alaska. Req: Channel 2, 54-60 MHz, 10 watts

BPTVL–810303FH (New), Red Devil, Alaska, State of Alaska. Req: Channel 2, 54–60 MHz, 10 watts
BPTVL–810303FI (New), Kiana, Alaska, State of Alaska. Req: Channel 9, 186–192 MHz, 10 watts
BPTVL–810303FJ (New), Holy Cross, Alaska, State of Alaska. Req: Channel 7, 174–180 MHz, 10 watts
BPTVL–810303FK (New), Shageluk, Alaska, State of Alaska. Req: Channel 4, 66–72 MHz, 10 watts
BPTVL–810303FL (New), Atka, Alaska, State of Alaska. Req: Channel 9, 186–192 MHz, 10 watts
BPTVL–810303FM (New), Mt. Village, Alaska, State of Alaska. Req: Channel 4, 66–72 MHz, 10 watts
BPTVL–810303FN (New), Anvik, Alaska, State of Alaska. Req: Channel 7, 174–180 MHz, 10 watts
BPTVL–810303FO (New), Ruby, Alaska, State of Alaska. Req: Channel 4, 66–72 MHz, 10 watts
BPTVL–810303FP (New), Arctic Village, Alaska, State of Alaska. Req: Channel 9, 186–192 MHz, 10 watts
BPTVL–810303FQ (New), Elim, Alaska, State of Alaska. Req: Channel 9, 186–192 MHz, 10 watts
BPTVL–810303FR (New), Cold Bay, Alaska, State of Alaska. Req: Channel 9, 186–192 MHz, 10 watts
BPTVL–810303FS (New), Minto, Alaska, State of Alaska. Req: Channel 4, 66–72 MHz, 10 watts
BPTVL–810303FT (New), Unalakleet, Alaska, State of Alaska. Req: Channel 9, 186–192 MHz, 10 watts
BPTVL–810303FU (New), Togiak, Alaska, State of Alaska. Req: Channel 9, 186–192 MHz, 10 watts
BPTVL–810303FV (New), Tooksok Bay, Alaska, State of Alaska. Req: Channel 11, 198–204 MHz, 10 watts
BPTVL–810303FW (New), Marshall, Alaska, State of Alaska. Req: Channel 2, 54–60 MHz, 10 watts
BPTVL–810303FZ (New), Valdez, Alaska, State of Alaska. Req: Channel 4, 66–72 MHz, 10 watts
BPTVL–810303GA (New), Unalaska, Alaska, State of Alaska. Req: Channel 4, 66–72 MHz, 10 watts
BPTVL–810303GB (New), Craig, Alaska, State of Alaska. Req: Channel 9, 186–192 MHz, 10 watts
BPTVL–810303GC (New), Aleknagik, Alaska, State of Alaska. Req: Channel 13, 210–216 MHz, 10 watts
BPTVL–810303IG (New), Hughes, Alaska, State of Alaska. Req: Channel 9, 186–192 MHz, 10 watts
BPTVL–810303IH (New), Shisharef, Alaska, State of Alaska. Req: Channel 9, 186–192 MHz, 10 watts
BPTVL–810303II (New), False Pass, Alaska, State of Alaska. Req: Channel 9, 186–192 MHz, 10 watts
BPTVL–810303IJ (New), Haines, Alaska, State of Alaska. Req: Channel 7, 174–180 MHz, 10 watts
BPTVL–810303IK (New), Kotzebue, Alaska, State of Alaska. Req: Channel 4, 66–72 MHz, 10 watts
BPTVL–810303IL (New), Nondalton, Alaska, State of Alaska. Req: Channel 9, 186–192 MHz, 10 watts
BPTVL–810303IM (New), Stebbins, Alaska, State of Alaska. Req: Channel 9, 186–192 MHz, 10 watts
BPTVL–810303IN (New), Petersburg, Alaska, State of Alaska. Req: Channel 4, 66–72 MHz, 10 watts
BPTVL–810303IO (New), Egegik, Alaska, State of Alaska. Req: Channel 4, 66–72 MHz, 10 watts
BPTVL–810303IP (New), Copper Center, Alaska, State of Alaska. Req: Channel 12, 204–210 MHz, 10 watts
BPTVL–810303IQ (New), Rampart, Alaska, State of Alaska. Req: Channel 9, 186–192 MHz, 10 watts
BPTVL–810303IR (New), Koyuk, Alaska, State of Alaska. Req: Channel 9, 186–192 MHz, 10 watts
BPTVL–810303IS (New), St. Mary's Alaska, State of Alaska. Req: Channel 11, 198–204 MHz, 10 watts
BPTVL–810303IT (New), Emmonak, Alaska, State of Alaska. Req: Channel 4, 66–72 MHz, 10 watts
BPTVL–810303IU (New), Pt. Hope, Alaska, State of Alaska. Req: Channel 9, 186–192 MHz, 10 watts
BPTVL–810303IV (New), Gambell, Alaska, State of Alaska. Req: Channel 9, 186–192 MHz, 10 watts
BPTVL–810303IW (New), King Salmon, Alaska, State of Alaska. Req: Channel 4, 66–72 MHz, 10 watts
BPTVL–810303IX (New), Golovin, Alaska, State of Alaska. Req: Channel 7, 174–180 MHz, 10 watts
BPTVL–810303IY (New), Grayling, Alaska, State of Alaska. Req: Channel 11, 198–204 MHz, 10 watts
BPTVL–810303IZ (New), King Cove, Alaska, State of Alaska. Req: Channel 9, 186–192 MHz, 10 watts
BPTVL–810303JA (New), Huslia, Alaska, State of Alaska. Req: Channel 9, 186–192 MHz, 10 watts
BPTVL–810303JB (New), Dillingham, Alaska, State of Alaska. Req: Channel 4, 66–72 MHz, 10 watts
BPTVL–810303JC (New), Tok, Tanacross & Tetlin, Alaska, State of Alaska. Req: Channel 13, 210–216 MHz, 10 watts
BPTVL–810303JE (New), Karluk, Alaska, State of Alaska. Req: Channel 9, 186–192 MHz, 10 watts
BPTVL–810303JG (New), Ouzinkie, Alaska, State of Alaska. Req: Channel 7, 174–180 MHz, 10 watts
BPTVL–810303JH (New), Wainwright, Alaska, State of Alaska. Req: Channel 9, 186–192 MHz, 10 watts
BPTVL–810303JJ (New), Old Harbor, Alaska, State of Alaska. Req: Channel 13, 210–213 MHz, 10 watts
BPTVL–810303JK (New), Kivalina, Alaska, State of Alaska. Req: Channel 9, 186–192 MHz, 10 watts
BPTVL–810303JL (New), Kaktovik, Alaska, State of Alaska. Req: Channel 9, 186–192 MHz, 10 watts
BPTVL–810303JM (New), Larsen Bay, Alaska, State of Alaska. Req: Channel 9, 186–192 MHz, 10 watts
BPTVL–810303JN (New), Barrow, Alaska, State of Alaska. Req: Channel 4, 66–72 MHz, 10 watts
BPTVL–810303JO (New), Angoon, Alaska State of Alaska. Req: Channel 9, 186–192 MHz, 10 watts
BPTVL–810303JP (New), Shaktoolik, Alaska, State of Alaska. Req: Channel 7, 174–180 MHz, 10 watts
BPTVL–810303JQ (New), Northway, Alaska, State of Alaska. Req: Channel 4, 66–72 MHz, 10 watts
BPTVL–810303JR (New), Klukwan, Alaska, State of Alaska. Req: Channel 4, 66–72 MHz, 10 watts
BPTVL–810303JS (New), Kodiak, Alaska, State of Alaska. Req: Channel 4, 66–72 MHz, 10 watts
BPTVL–810303JT (New), Iliamna, Alaska, State of Alaska. Req: Channel 4, 66–72 MHz, 10 watts
BPTVL–810303JU (New), Bethel, Alaska, State of Alaska. Req: Channel 2, 54–60 MHz, 10 watts
BPTVL–810303JV (New), Beaver, Alaska, State of Alaska. Req: Channel 9, 186–192 MHz, 10 watts
BPTVL–810303JW (New), Kake, Alaska, State of Alaska. Req: Channel 9, 186–192 MHz, 10 watts
BPTVL–810303JX (New), Nelson Lagoon, Alaska, State of Alaska. Req: Channel 9, 186–192 MHz, 10 watts
BPTVL–810303JY (New), New Stuyahok, Alaska, State of Alaska. Req: Channel 9, 186–192 MHz, 10 watts
BPTVL–810303JZ (New), Shungnak, Alaska, State of Alaska. Req: Channel 7, 174–180 MHz, 10 watts
BPTVL–810303KA (New), Tanana, Alaska, State of Alaska. Req: Channel 7, 174–180 MHz, 10 watts
BPTVL–810303KB (New), Sand Point, Alaska, State of Alaska. Req: Channel 9, 186–192 MHz, 10 watts
BPTVL–810303KC (New), St. Paul, Alaska, State of Alaska. Req: Channel 9, 186–192 MHz, 10 watts
BPTVL–810303KD (New), St. Michaels, Alaska, State of Alaska. Req: Channel 9, 186–192 MHz, 10 watts
BPTVL–810324LA (New), Koliganek, Alaska, State of Alaska. Req: Channel 7, 174–180 MHz, 10 watts
BPTVL–810324IB (New), Mentasta Lake, Alaska, State of Alaska. Req: Channel 9, 186–192 MHz, 10 watts
BPTVL–810324ID (New), Hydaburg, Alaska, State of Alaska. Req: Channel 9, 186–192 MHz, 10 watts
BPTVL–810324IE (New), Tyonek, Alaska, State of Alaska. Req: Channel 9, 186–192 MHz, 10 watts
BPTVL–810324IF (New), Hoonah, Alaska, State of Alaska. Req: Channel 7, 174–180 MHz, 10 watts
BPTVL–810324IG (New), Chalkyitsik, Alaska, State of Alaska. Req: Channel 9, 186–192 MHz, 10 watts
BPTVL–810324IH (New), Allakaket/Atlanta, Alaska, State of Alaska. Req: Channel 9, 186–192 MHz, 10 watts
BPTVL–810324II (New), Chistochina, Alaska, State of Alaska. Req: Channel 7, 174–180 MHz, 10 watts

BPTVL–810324IJ (New), Dot Lake, Alaska, State of Alaska. Req: Channel 13, 210–216 MHz, 10 watts
BPTVL–810324JB (New), Sitka, Alaska, State of Alaska. Req: Channel 3, 60–66 MHz, 10 watts
BPTVL–810409JH (New), Dillingham, Alaska, State of Alaska. Req: Channel 7, 174–180 MHz, 10 watts
BPTTV–800729ID (K04IJ), Kenai & Sterling, Alaska, State of Alaska. Req: Change frequency to Channel 3, 60–66 MHZ, add Soldotna, Alaska to present principal community
BPTTV–801020ID (New), Slana, Alaska, State of Alaska. Req: Channel 4, 66–72 MHz, 10 watts. Primary: KTVA–TV, KENI–TV, KIMO–TV, KAKM–TV, Anchorage, Alaska, KTOO–TV, Juneau, Alaska, KYUK–TV, Bethel, Alaska, KUAC–TV, Fairbanks, Alaska
BPTTV–810123JI (New), Moose Pass, Alaska, Moose Pass Sportsman's Club. Req: Channel 4, 66–72 MHz, 10 watts. Primary: KUAC–TV, Fairbanks, KYUK–TV, Bethel, KTOO–TV, Juneau, KIMO–TV, KTVA–TV, KENI–TV, Anchorage, Alaska
BPTTV–810123JK (New), Moose Pass, Alaska, Moose Pass Sportsman's Club. Req: Channel 7, 174–180 MHz, 10 watts. Primary: KENI–TV, Anchorage, Alaska
BPTTV–810123JL (New), Moose Pass, Alaska, Moose Pass Sportsman's Club. Req: Channel 11, 198–204 MHz, 10 watts. Primary: WGN–TV, Chicago, Illinois
BPTTV–810123JN (New), Lemon and Switzer Creek basins and East Twin Lakes areas of Juneau, Alaska, Capital Community Broadcasting, Inc. Req: Channel 10, 192–198 MHz, 10 watts. Primary: KTOO–TV, Juneau, Alaska
BPTTV–810203IV (New), Koyuk, Alaska, Koyuk Village Council. Req: KUAC–TV, Fairbanks, KYUK–TV, Bethel, KTOO–TV, Juneau, KAKM–TV, KINMO–TV, KTVA–TV, KENI–TV, Anchorage, Alaska
BPTTV–810220II (New), Glenn Allen, Alaska, Wrangle Mountain TV Club, Inc. Req: Channel 7, 174–180 MHZ, 10 watts. Primary: WGN–TV, Chicago, Illinois
BPTTV–810331S2 (New), Unalaska/Dutch Harbor, Alaska, Unalaska City School District. Req: Channel 2, 54–60 MHz, 10 watts. Primary: KUAC–TV, Fairbanks, KYUK–TV, Bethel, KAKM, KENI, KTVA, KIMO–TV, Anchorage, KTOO–TV, Juneau, Alaska
BPTTV–810123JJ (New), Moose Pass, Alaska, Moose Pass Sportsman's Club. Req: Channel 13, 210–216 MHz, 10 watts. Primary: KUAC–TV, Fairbanks, KYUK–TV, Bethel, KTOO–TV, Juneau, KENI–TV, KIMO–TV, KTVA–TV, Anchorage, Alaska
BPTTV–801209IF (New), Port Graham, Alaska, State of Alaska. Req: Channel 9, 186–192 MHz, 10 watts. Primary: KTVA–TV, KIMO–TV, KAKM–TV, Anchorage, Alaska, KTOO–TV, Juneau, KYUK–TV, Bethel, KUAC–TV, Fairbanks, Alaska
BPTTV–801024ID (New), St. Mary's, Alaska, City of Saint Mary's Req: Channel 7, 174–180 MHz, 10 watts. Primary: KUAC–TV, Fairbanks, KYUK–TV, Bethel, KTOO–TV, Juneau, KAKM–TV, KIMO–TV, KTVA–TV, KENI–TV, Anchorage, Alaska

VHF Low Power TV Applications

BPTVL–810317IB (New), Sutton, Alaska, Central Alaska Broadcasting, Inc. Req: channel 5, 76–82 MHz, 10 watts. Primary: KIMO–TV, Anchorage, Alaska

[FR Doc. 81–17718 Filed 6–16–81, 8:45 am]

BILLING CODE 6712–01–M

[Report No. B–19]

AM Broadcast Applications Accepted for Filing and Notification of Cut-off Date

Released: June 12, 1981.

Cut-off Date: July 19, 1981.

Notice is hereby given that the following applications have been accepted for filing. Because they are in conflict with applications previously accepted for filing and subject to cut-off dates for conflicting applications, no application which would be in conflict with them will be accepted for filing.

Petitions to deny these applications must be on file with the Commission not later than the close of business on July 10, 1981.

Minor amendments to these applications and to those they are in conflict with, may be filed as a matter of right not later than the close of business on July 10, 1981.

BP–810511AJ (new), Carrollton, Texas, Latin American Broadcasting Co., Req: 770 kHz, 2.5 kW, 5 kW–LS, DA–2, U
BP–810511AL (new), Plano, Texas, Bluebonnet Radio Broadcasters, Inc., Req: 770 kHz, 1 kW, 10 kW–LS, DA–2, U
BP–810511AM (new), Garland, Texas, Century Broadcasting Corp., Req: 770 kHz, 1 kW, 10 kW–LS, DA–2, U
BP–810511AO (new), Plano, Texas, Plano Broadcasting Corporation, Req: 770 kHz, 1 kW, 5 kW–LS, DA–2, U
BP–810511AP (KPBC), Garland, Texas, Dontron, Inc., Has: 1040 kHz, 1 kW, D, Req: 770 kHz, 1 kW, 5 kW–LS, DA–2, U
BP–810511AQ (new), San Antonio, Texas, Inner City Broadcasting of San Antonio, Inc., Req: 760 kHz, 1 kW, 50 kW–LS, DA–N, U

William J. Tricarico,

Secretary.

[FR Doc. 81–18033 Filed 6–16–81, 8:45 am]

BILLING CODE 6712–01–M

[Report No. 1292]

Petitions for Reconsideration of Actions in Rule Making Proceedings

June 12, 1981.

The following listings of petitions for reconsideration filed in Commission rulemaking proceedings is published pursuant to 47 CFR 1.429(e). Oppositions to such petitions for reconsideration must be filed on or before July 2, 1981. Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

Subject: An inquiry into the Future Role of Low Power Television Broadcasting and Television Translators in the National Telecommunications System. (BC Docket No. 78–253).
Filed by: James F. Flug & Mark Hessell, Attorneys for International Union, UAW on 6–10–81.
Subject: Revision of Applications for Renewal of License of Commercial and Noncommercial AM, FM, and Television Licensees. (BC Docket No. 80–253, RM–2898).
Filed by: Henry Geller on 6–10–81.
Subject: Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (St. Johnsbury, Vermont) (BC Docket No. 80–667), RM–3354).
Filed by: John P. Bankson, Jr. & Brian C. Murchison, Attorneys for North Country Communications, Inc. (WNCS–FM) on 6–8–81.

William J Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 81–18034 Filed 6–16–81, 8:45 am]

BILLING CODE 6712–01–M

FEDERAL MARITIME COMMISSION

[Docket No. 81–11]

Availability of Finding of No Significant Impact

In the matter of "50 mile Container Rules" implementation by common carriers by water serving the Atlantic and Gulf Coast ports of the United States—possible violations of the Shipping Act, 1916, and of the Intercoastal Shipping Act, 1933.

Upon completion of an environmental assessment, the Federal Maritime Commission's Office of Energy and Environmental Impact has determined that the Commission's decision on Docket No. 81–11 will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*, and that preparation of an environmental impact statement is not required. The Commission instituted this investigation to determine whether or not the involved carriers serving the Atlantic and Gulf Coast ports have violated the Shipping Act, 1916, and the Intercoastal Shipping Act, 1933.

This Finding of No Significant Impact (FONSI) will become final within 20

days unless a petition for review is filed pursuant to 46 CFR 547.6(b).

The FONSI and related environmental assessment are available for inspection on request from the Office of the Secretary, Room 11101, Federal Maritime Commission, Washington, D.C. 20573, telephone (202) 523–5725.

Joseph C. Polking,

Acting Secretary.

[FR Doc. 81-17913 Filed 6-16-81; 8:45 am]

BILLING CODE 6730-01-M

Hawaiian Marine Lines, Inc.; Application for Permission To Submit Alternative Data

The Federal Maritime Commission hereby gives notice that Hawaiian Marine Lines, Inc. (HML) has filed an application with the Commission for permission to submit alternative data pursuant to 46 CFR 512.2(d).

In support of general rate changes, carriers are required by the Commission's General Order 11, Revised, to submit actual financial data for a twelve-month period commencing not more than fourteen months prior to the filing date. If the filing is within 150 days of the end of its fiscal year, this requirement may be satisfied by the submission of the carrier's General Order 11, Revised, report for its fiscal year. HML operates on a fiscal year ending December 31, and proposes to file a general rate change on or before June 30, 1981. Although more than 150 days will have expired between December 31, 1980, and June 30, 1981, HML proposes to use its fiscal year 1980 General Order 11, Revised, submission as the actual twelve months financial and operating data in support of its general rate increases.

Interested parties may inspect the data submitted in support of the application at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Washington, D.C. Interested parties may submit comments on the application to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before (20 days). A copy of any comments should also be forwarded to Hawaiian Marine Lines, Inc., Crowley Maritime Plaza, P.O. Box 2287, Seattle, Washington 98111, and the comments should indicate that this has been done.

Joseph C. Polking,

Acting Secretary.

Dated: June 11, 1981.

[FR Doc. 81-17887 Filed 6-16-81; 8:45 am]

BILLING CODE 6730-01-M

[Independent Ocean Freight Forwarder License No. 1441]

Marshall Ashby Smith, Jr., d.b.a. Reliable Traffic Service; Notice Revising Order of Revocation

On June 2, 1981, an Order of Revocation was published in the Federal Register (46 FR 29538) revoking the independent ocean freight forwarder license issued to Marshall Ashby Smith, Jr., d/b/a Reliable Traffic Service. The reason stated in that Order was that the licensee had failed to furnish a replacement surety bond as required by section 44(c) of the Shipping Act, 1916.

It has now come to the Commission's attention that Marshall Ashby Smith, Jr. died on February 1, 1981 and that the license issued to Marshall Ashby Smith, Jr. d/b/a Reliable Traffic Service was surrendered for voluntary revocation.

Therefore, the Order of Revocation published in the Federal Register on June 2, 1981 is hereby amended to reflect that license no. 1441, issued to Marshall Ashby Smith, Jr., d/b/a Reliable Traffic Service, was surrendered for voluntary revocation in lieu of the reason stated above.

Albert J. Klingel, Jr.,

Director, Bureau of Certification and Licensing.

[FR Doc. 81-17888 Filed 6-16-81; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Amerigroup Financial Corp.; Formation of Bank Holding Company

Amerigroup Financial Corporation, Houston, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of Brookhollow National Bank, Houston, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than July 10, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 11, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-17942 Filed 6-16-81; 8:45 am]

BILLING CODE 6210-01-M

Century Holding Corp.; Acquisition of Bank

Century Holding Corporation, San Francisco, California, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of Century Bank, Los Angeles, California. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than July 9, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 10, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-17943 Filed 6-16-81; 8:45 am]

BILLING CODE 6210-01-M

First Eastex Bancshares, Inc.; Formation of Bank Holding Company; Correction

This notice corrects a previous Federal Register document (FR Doc. 81–15881) published at page 28745 of the issue for Thursday, May 28, 1981. Applicant's name was incorrectly listed as First Foster Bancshares, Inc.

First Eastex Bancshares, Inc., Buna, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares, less directors' qualifying shares, of East Texas State Bank, Buna, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas.

Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than June 20, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 8, 1981.

D. Michael Manies,

Assistant Secretary of the Board

[FR Doc. 81-17944 Filed 6-16-81; 8:45 am]

BILLING CODE 6210-01-M

El Paso National Corp.; Proposed Acquisition of North Coast Mortgage Co.

El Paso National Corporation, El Paso, Texas, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire voting shares of North Coast Mortgage Company, San Antonio, Texas.

Applicant states that the proposed subsidiary would engage in mortgage banking activities, including selling and servicing mortgages secured by residential or commercial income producing real estate. In addition, the proposed subsidiary will act as a collection agent for taxes and insurance premiums on mortgage properties. These activities would be performed from offices of Applicant's subsidiary in San Antonio, Beaumont, and Fort Worth, Texas, and the geographic areas to be served are Bexar County, Jefferson County, and El Paso County, Texas. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices."

Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas.

Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than July 9, 1981.

Board of Governors of the Federal Reserve System, June 10, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-17945 Filed 6-16-81; 8:45 am]

BILLING CODE 6210-10-M

Kavanaugh Bancshares, Inc.; Formation of Bank Holding Company

Kavanaugh Bancshares, Inc., Walker, Missouri, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of Farmers Bank of Walker, Walker, Missouri. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than July 9, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 10, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-17946 Filed 6-16-81; 8:45 am]

BILLING CODE 6210-01-M

GENERAL SERVICES ADMINISTRATION

Office of the Federal Register

National Fire Codes; Request for Proposal for Revisions of Standards

AGENCY: Office of the Federal Register.

ACTION: Request for Proposals.

SUMMARY: The National Fire Protection Associations (NFPA) proposes to revise some of its fire safety standards. The Office of the Federal Register, as a public service, requests proposals from the public to amend existing NFPA fire safety standards. The purpose of this request is to increase public participation in the system used by the NFPA to develop its standards.

DATES: Interested persons may submit Proposals on or before the dates listed with the standards.

ADDRESS: Richard E. Stevens, Vice President, NFPA, Batterymarch Park, Quincy, Massachusetts 02269.

FOR FURTHER INFORMATION CONTACT: Richard E. Stevens, at above address, (617) 328-9290. **Federal Register** contact: Gary Segal (202) 523-4534.

SUPPLEMENTARY INFORMATION:

Background

The National Fire Protection Association (NFPA) develops fire safety standards which are known collectively as the National Fire Codes. Federal agencies frequently use these standards as the basis for developing Federal regulations concerning fire safety. Often, the Office of the Federal Register (OFR) approves the incorporation by reference of these standards under 5 U.S.C. 552(a) and CFR Part 51.

Request for Proposal

Interested persons may submit amendments, supported by written data, views, or arguments to Richard E. Stevens, Vice President, NFPA, Batterymarch Park, Quincy, Massachusetts 02269. Each person who submits a proposal must include his or her name and address, must identify the notice, and must give reasons for the proposal. The NFPA will consider any proposal that it receives on or before the date listed with the standard.

The NFPA will publish a copy of each written proposal that it receives and the disposition of each proposal by the NFPA Committee as the Technical Committee Report. The NFPA will send a copy of the Technical Committee Report to each person who submits a proposal.

The NFPA will make copies of the Technical Committee Report available for review at the Office of the Federal Register, 1100, L Street, N.W., Room 8401, Washington, DC.

Dated: June 11, 1981.

Martha Girard,

Acting Director, Office of the Federal Register.

The NFPA requests proposals from the public to amend the following standards:

Aviation	NFPA 402-1978, Aircraft Rescue and Fire Fighting Procedures	July 24, 1981
	NFPA 403, Aircraft Rescue and Fire Fighting Services	(open)
	NFPA 406M-1975, Aircraft Rescue and Fire Fighting Techniques	July 24, 1981.
	NFPA 409-1979, Aircraft Hangers	July 24, 1981.
	NFPA 415-1977, Aircraft Fueling Ramp Drainage	July 24, 1981.
	NFPA 416-1975, Construction and Protection of Airport Terminal Buildings	July 24, 1981.
	NFPA 417-1977, Construction and Protection of Aircraft Loading Walkways	July 24, 1981.
	NFPA 419-1975, Airport Water Supply Systems	(open)
	NFPA 422M, Aircraft Fire Investigators Manual	(open).
	NFPA 423-1977, Construction and Protection of Aircraft Engine Test Facilities	July 4, 1981.
Boiler-Furnace Explosions	NFPA 85B-1978, Prevention of Furnace Explosions in Natural Gas-Fired Multiple Burner Boiler-Furnaces	(open)
	NFPA 85D-1978, Prevention of Furnace Explosions in Fuel Oil-Fired Multiple Burner Boiler-Furnaces	(open).
	NFPA 85E-1980, Prevention of Furnace Explosions in Pulverized Coal-Fired Multiple Burner Boiler-Furnaces	(open)
Chemicals and Explosives	NFPA 493-1978, Intrinsically Safe Process Control Equipment	July 24, 1981
	Proposed NFPA 497M-1982, Group Classification of Flammable and Combustible Vapors and Combustible Dusts	August 24, 1981
Chimneys and Heating Equipment	NFPA 82-1977, Incinerators, Waste and Linen Handling Systems and Equipment	July 24, 1981
	NFPA 89M-1976, Clearances for Heat Producing Appliances	July 24, 1981
	NFPA 96-1980, Removal of Smoke and Grease Laden-Vapors from Commercial Cooking Equipment	(open).
Cutting and Welding Practices	NFPA 51B-1977, Use of Cutting and Welding Practices	July 24, 1981.
Dry Chemical Extinguishing Systems	NFPA 17-1980, Dry Chemical Extinguishing Systems	(open).
Dust Explosion Hazards	NFPA 65-1980, Processing and Finishing of Aluminum	(open).
	NFPA 651-1980, Manufacture of Aluminum or Magnesium Powder	(open)
Explosion Protection Systems	NFPA 68-1978, Explosion Venting	July 24, 1981.
	NFPA 69-1978, Explosion Prevention Systems	July 24, 1981
Fire Department Equipment	Proposed NFPA 1903-1982, Testing Fire Department Pumpers	July 24, 1981
Fire Department Organization	NFPA 1201-1977, Organization for Fire Services	June 1, 1981
Fire Protection for Non-Nuclear Power Generating Plants	Proposed NFPA 850-1983, Gas, Oil and Coal-Fired Steam Electric Generating Plants	Sept. 1, 1981
Fire Service Training	NFPA 13E-1978, Fire Department Operations in Properties Protected by Sprinkler and Standpipe Systems	July 1, 1981
Fire Tests	NFPA 701-1977, Methods of Fire Tests for Flame-Resistant Textiles and Films	July 24, 1981
Firesafety Symbols	Proposed NFPA 173-1982, Fire Protection Symbols for Graphic Displays	(open).
Flammable Liquids	NFPA 31-1978, Oil Burning Equipment	July 24, 1981
	NFPA 325M-1977, Fire Hazard Properties of Flammable Liquids, Gases and Volatile Solids	July 24, 1981
	NFPA 329-1977, Underground Leakage of Flammable and Combustible Liquids	July 24, 1981
Foam	NFPA 11A-1976, High Expansion Form Systems	July 24, 1981.
Health Care Facilities	NFPA 78A-1977, Essential Electrical Systems for Health Care Facilities	July 24, 1981
Height and Areas	NFPA 206M-1976, Building Areas and Heights	July 24, 1981
Industrial and Medical Gases	NFPA 50-1979, Bulk Oxygen Storage at Consumer Sites	Feb 15, 1982.
	NFPA 51A-1979, Acetylene Cylinder Charging Plants	Feb 15, 1982
Lightning Protection	NFPA 78-1980, Lightning Protection Code	Jan 22, 1982.
Liquefied Petroleum Gases	NFPA 58-1979, Liquefied Petroleum Gases	July 24, 1981.
	NFPA 59-1979, Liquefied Petroleum Gases at Utility Gas Plants	July 24, 1981.
Mining Facilities	NFPA 120 (Existing NFPA 653-1971), Coal Preparation Plants	July 24, 1981.
	Proposed NFPA 122-1981, Flammable and Combustible Liquids Within Underground Mines Other Than Coal	July 24, 1981.
	Proposed NFPA 123-1982, Underground Coal Mines	July 24, 1981
National Electrical Code	NFPA 70-1981, National Electrical Code	Nov. 30, 1981
Ovens and Furnaces	NFPA 86C-1977, Industrial Furnaces Using a Special Processing Atmosphere	July 24, 1982.
Pest Control Operations	NFPA 57, Fumigation	(open)
Protective Equipment for Fire Fighters	Proposed NFPA 1973-1982, Protective Gloves for Fire Fighters	July 24, 1981.
	Proposed NFPA 1974-1982, Protective Boots for Fire Fighters	July 24, 1981.
	Proposed NFPA 1982-1982, Personal Alert Safety Systems	July 24, 1981.
Public Fire Protection Evaluation and Criteria	Proposed NFPA 1301-1982, Evaluation of Regulations, Enforcement and Public Education	July 24, 1981.
Safety to Life	NFPA 101-1981, Life Safety Code	Jan. 15, 1982
Signaling Systems	Proposed NFPA 72F-1982, Emergency Communication Systems for High Rise and Other Occupied Buildings	July 24, 1981.
	Proposed NFPA 72G-1982, Audible and Visual Signaling Appliances for Protective Signaling Systems	July 24, 1981.
Static Electricity	NFPA 77-1977, Static Electricity	July 24, 1981
Storage	NFPA 231-1979, Indoor General Storage	July 24, 1981.
	NFPA 231A-1975, Outdoor General Storage	July 24, 1981.
	Proposed NFPA 231E-1982, Storage of Baled Cotton	July 24, 1981.
	Proposed NFPA 231F-1982, Storage of Rolled Paper	July 24, 1981.
Water Cooling Towers	NFPA 214-1977, Water Cooling Towers	July 24, 1981.
Water Extinguishing Systems	NFPA 13-1980, Installation of Sprinkler Systems	August 14, 1981
	NFPA 13D-1980, Installation Systems in One- and Two-Family Dwellings and Mobile Homes	Aug. 14, 1981.
	NFPA 14-1980, Installation of Standpipe and Hose Systems	(open)
	NFPA 26-1976, Supervision of Valves Controlling Water Supplies for Fire Protection	July 24, 1981
	NFPA 291-1977, Uniform Marking of Hydrants	July 24, 1981.

[FR Doc. 81-17885 Filed 6-16-81; 8:45 am]

BILLING CODE 1505-02-M

National Fire Codes; Request for Comments on NFPA Technical Committee Reports

AGENCY: Office of the Federal Register.

ACTION: Request for comments.

SUMMARY: The National Fire Protection Association (NFPA) revises existing standards and adopts new standards twice a year. At the NFPA's fall meeting in November, or at the annual meeting in May, the NFPA acts on recommendations made by its technical committees.

The Office of the Federal Register, as a public service, requests comments on the technical reports which will be presented at the 1982 Annual Meeting.

DATES: Technical committee reports will be available for distribution August 28, 1981. Comments received on or before November 13, 1981 will be considered by the NFPA before final action is taken on the proposals.

ADDRESS: 1982 Annual Technical Committee Reports are available from NFPA, Publications Department, Batterymarch Park, Quincy, Massachusetts 02269. (no charge for single copies.) Comments on the reports should be submitted to Vice President Richard E. Stevens, NFPA, Batterymarch Park, Quincy, Massachusetts 02269.

FOR FURTHER INFORMATION CONTACT: Richard E. Stevens, at above address, (617) 328–9290. Federal Register contact, Gary Segal (202) 523–4534.

SUPPLEMENTARY INFORMATION:

Background

Standards developed by the technical committees of the National Fire Protection Association (NFPA) have been used by various Federal agencies as the basis for Federal regulations concerning fire safety. The NFPA standards are known collectively as the National Fire Code. Often, the Office of the Federal Register approves the incorporation by reference of these standards under 5 U.S.C. 552(a) and 1 CFR Part 51.

Revisions of existing standards and adoption of new standards are reported by the technical committees at the NFPA's Fall Meeting in November or at the Annual Meeting in May of each year. The NFPA invites public comment on its Technical Committee Reports.

Request for Comments

Interested persons may participate in these revisions by submitting written data, views, or arguments to Vice President Richard E. Stevens, NFPA, Batterymarch Park, Quincy, Massachusetts 02269. Commentors may use the forms provided for comments in the Technical Committee Reports. Each person submitting a comment should include his name and address, identify the notice, and give reasons for any recommendations. Comments received on or before November 13, 1981 will be considered by the NFPA before final action is taken on the proposals.

Copies of all written comments received and the disposition of those comments by the NFPA committees will be published as the Technical Committee Documentation by March 29, 1982, prior to the Annual Meeting.

A copy of the Technical Committee Documentation will be sent automatically to each commentor. Action on the Technical Committee Reports (adoption or rejection) will be taken at the Annual Meeting, May 17–20, 1982, at the San Francisco Hilton, Brooks Hall Convention Center, San Francisco, California, by NFPA members.

Copies of the Technical Committee Reports and Technical Committee Documentation, when published, will also be available for review at the Office of the Federal Register, 1100 L Street, N.W., Washington, D.C.

Dated: June 11, 1981.

Martha Ginard,

Acting Director, Office of the Federal Register.

Action at the NFPA Annual Meeting in May 1982 is being proposed on the NFPA standards listed below:

Technical Committee Reports

1982 Annual Meeting

Committee	Document	Action
Boiler-Furnace Explosions	NFPA 85, Prevention of Furnace Explosions in Fuel Oil- & Natural Gas-Fired Single Burner Boiler-Furnaces (to be renumbered NFPA 85A)	O-C.
	NFPA 85F, Installation & Operation of Pulverized Fuel Systems	O-P
	NFPA 85G, Prevention of Furnace Implosions in Multiple Burner Boiler-Furnaces	O-P.
Building Construction		
Building Construction	NFPA 204, Smoke & Heat Venting	O-C.
Chemicals & Explosives		
Explosives	NFPA 492, Separation Distances of Ammonium Nitrate & Blasting Agents from Explosives or Blasting Agents	W.
	NFPA 495, Manufacture, Transportation, Storage, & Use of Explosive Materials	O-C.
	NFPA 498, Explosives Motor Vehicle Terminals	O-C.
Storage, Handling & Transportation of Hazardous Chemicals	NFPA 40, Storage & Handling of Cellulose Nitrate Motion Picture Film	O-C.
Combustible Metals	NFPA 482M, Zirconium	O-C
Fire Prevention Code	NFPA 1, Fire Prevention Code	O-C
Fire Service Professional Standards Development for Fire Inspector & Investigator Qualifications	NFPA 1031, Professional Qualifications for Fire Inspector, Fire Investigator, & Fire Prevention Education Officer	O-P
	NFPA 1002, Fire Apparatus Driver/Operator Professional Qualifications	R
Firesafety for Mobile Homes	NFPA 501A, Mobile Home Parks	O-C
Firesafety for Recreational Vehicles	NFPA 501C, Recreational Vehicles	O-C
	NFPA 501D, Recreational Vehicle Parks	O-C.
Fixed Guideway Transit Systems	NFPA 130, Fixed Guideway Transit Systems	N-O.
Ovens & Furnaces	NFPA 86A, Ovens & Furnaces—Design, Location & Equipment	O-P
	NFPA 86B, Industrial Furnaces—Design, Location & Equipment	O-C
Signaling Systems.		
Central Station Signaling Systems	NFPA 71, Installation, Maintenance & Use of Central Station Signaling Systems	O-P.
Detection Devices	NFPA 72E, Automatic Fire Detectors	O-P
Water Extinguishing Systems.		
Fire Pumps	NFPA 20, Installation of Centrifugal Fire Pumps	O-P
	NFPA 21, Operation & Maintenance of National Standard Steam Fire Pumps	R.
Water Spray Fixed Systems	NFPA 15, Water Spray Fixed Systems for Fire Protection	O-P.

Types of Action

Proposed Action on Official Documents: O–P Partial Amendments; O–C Complete Revision, O–T Tentative Revisions.
Proposed Action on New Documents, N–T Tentative Adoption; N–O Official Adoption
Proposed Action on Tentative Documents: T–P Partial Amendments; T–C Complete Revision, T–O Official Adoption
Other Proposed Action: R Reconfirmation W Withdrawal

[FR Doc. 81–17886 Filed 6–16–81; 8:45 am]

BILLING CODE 1505-02-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service, Health Services Administration, Health Resources Administration

Health Professions and Nursing Student Loans; "Low Income Levels" for Loan Repayment, Start-Up Assistance Grants, Health Careers Opportunity Grants, Nursing Capitation Grants and Nursing Special Project Grants

This Notice updates the income levels that are used to define a "low income family" for purposes of repayment of educational loans and for the support of training for individuals from disadvantaged backgrounds as provided for under sections 787 and 798, Health Careers Opportunity Grants; section 788(a), Start-Up Assistance Grants; section 810, Nursing Capitation Grants; and section 820, Nursing Special Project Grants of the Public Health Service Act.

Under sections 741(l) and 836(j) and the applicable program regulations, the Secretary of Health and Human Services may repay all or part of an individual's educational loan made after November 17, 1971, to meet the costs of attending a school of medicine, osteopathy, dentistry, veterinary medicine, optometry, pharmacy, podiatry, or nursing if the Secretary determines that the individual meets all of the following:

(1) Failed, after November 17, 1971, to complete the health professions studies leading to the individual's first professional degree or to complete the specified nursing studies for which the loan(s) was made;

(2) Is in exceptionally needy circumstances;

(3) Is from a low income or disadvantaged family; and

(4) Has not resumed or cannot reasonably be expected to resume the course of study within two years following the date the individual ended the studies.

Sections 57.214(c) and 57.317(c) of the applicable program regulations (42 CFR Part 57, Subparts C and D) require the Secretary to publish annually in the **Federal Register** the low income levels which will be used in determining an applicant's eligibility for this repayment program. Aside from their use in determining whether an individual comes from a "low income family," these income levels, together with other relevant factors such as value of assets, unusual expenses, income available to the individual, etc., are also considered in determining whether an individual is "in exceptionally needy circumstances" or is from a "disadvantaged family."

The income figures below were taken from low income levels, published by the U.S. Bureau of Census, using an index adopted by a Federal Interagency Committee for use in a variety of Federal Programs, then multiplied by a factor of 1.3 for adaptation to the Health Professions and Nursing Student Loan Programs and other designated grant programs for which training for individuals from disadvantaged backgrounds is supported. The income figures have been updated to reflect increases in the Consumer Price Index through December 31, 1980.

Size of parents' family[1]	Income level[2]
1	$5,600
2	7,200
3	8,600
4	11,000
5	12,900
6 or more	14,500

[1] Includes only dependents listed on Federal income tax forms.
[2] Rounded to $100. Adjusted gross income for calendar year 1980.

Dated: June 2, 1981.

John H. Kelso,

Acting Administrator, Health Services Administration.

Dated: June 5, 1981.

Robert Graham, M.D.,

Acting Administrator, Health Resources Administration.

[FR Doc. 81-17049 Filed 6-16-81; 8:45 am]

BILLING CODE 4110-84-M

Health Maintenance Organizations

AGENCY: Public Health Service, HHS.

ACTION: Notice, April—qualified health maintenance organizations.

SUMMARY: This notice sets forth the names, addresses, service areas, and dates of qualification of entities determined by the Secretary to be qualified health maintenance organizations (HMOs). In addition, service area revisions of three previously qualified HMOs are reported at the end of the list.

FOR FURTHER INFORMATION CONTACT: Frank H. Seubold, Ph. D., Acting Director, Office of Health Maintenance Organizations, Park Building—Third Floor, 12420 Parklawn Drive, Rockville, Maryland 20857, 301/443-4106.

SUPPLEMENTARY INFORMATION: Regulations issued under Title XIII of the Public Health Service Act, as amended, (42 CFR 110.605(b)) require that a list and description of all newly qualified HMOs be published on a monthly basis in the **Federal Register**. The following entities have been determined to be qualified HMOs under Section 1310(d) of the Public Health Service Act (42 U.S.C. 300e-9(d)):

Qualified Health Maintenance Organizations

Name, Address, Service Area, and Date of Qualification

(Preoperational Qualified Health Maintenance Organization: 42 CFR § 110.603(c))

1. Prudential Health Care Plan, Inc., (Medical Group Model, see Section 1310(b)(1) of the Public Health Service Act), 1000 Circle 75 Parkway, Suite 640, Atlanta, Georgia 30339. (A regional component of Prudential Health Care Plan, Houston, Texas 77001—see 45 FR 13899-900). Service area: Cobb, Fulton, DeKalb, and Gwinnett Counties, Georgia. Date of qualification: April 1, 1981.

(Operational Qualified Health Maintenance Organization: 42 CFR § 110.603(a))

1. Intergroup Prepaid Health Services, Inc., (Individual Practice Association Model, see Section 1310(b)(2)(A) of the Public Health Service Act), CNA Plaza, Chicago, Illinois 60685. Service area: Illinois—Counties of Champaign, Cook, DuPage, Grundy, Kane, Kendall, Lake, McHenry, Peoria, Tazewell, Will, and Woodford. Indiana—Counties of Adams, Allen, Blackford, DeKalb, Delaware, Grant, Huntington, Jay, Lake, Madison, Miami, Noble, Porter, Randolph, Wabash, Wells, and Whitley. Date of qualification: April 18, 1980. (Achieved transitional qualification on April 18, 1977).

(Transitional Qualified Health Maintenance Organization: 42 CFR § 110.603(b))

1. Compcare Health Services, (Individual Practice Association Model, see Section 1310(b)(2)(A) of the Public Health Service Act), 2315 North Lake Drive, Suite 819, Milwaukee, Wisconsin 53211. Service area: Zip codes in the following counties:

Milwaukee

53110, 53129-30, 53132, 53154, 53172, 53193, and 53202-28

Ozaukee

*53012, 53024, and 53092

* Partial coverage.

Washington

*53012, *53017, 53022, *53033, *53037, *53076, and *53086

Waukesha

53005, 53007, 53029, 53051, *53072, 53122, *53130, 53150–1, and *53186

Date of qualification: April 30, 1981.

Service Area Revisions

1. HMO Illinois, Inc., 233 North Michigan Avenue, Suite 1323, Chicago, Illinois 60601. Service area: Delete the following from the service area published on 3/3/80 in the **Federal Register**, 45 FR 13896: Fulton, Peoria, Tazewell and Woodford Counties, Illinois. Effective date: April 1, 1981.

2. Lifeguard, Inc., 1715 South Bascom Avenue, Bascom Financial Center, Campbell, California 95008. Service area: Add the following municipalities and zip codes to the service area published on 3/3/80, in the **Federal Register**, 45 FR 13898:

Fremont-Southern Alameda County

Fremont: 94536–8; Newark: 94560; Union City: 94587; and Sunol: 94586

San Lorenzo: 94580: San Leandro: 94577–9; Pleasanton: 94566; and Dublin: 94566

Castro Valley: 94546; Hayward: 94541–6

Effective date: April 16, 1981.

3. Av-Med Health Plan, Inc., 9400 South Dadeland Boulevard, Miami, Florida 33156. Service area: Add the following to the service area published on 3/3/80, in the **Federal Register**, 45 FR 13894: Broward County, Florida. Effective date: April 24, 1981.

Files containing detailed information regarding qualified HMOs will be available for public inspection between the hours of 8:30 a.m. and 5:00 p.m. on Tuesdays and Thursdays, except for Federal holidays, in the Office of Health Maintenance Organizations, Office of the Assistant Secretary for Health, Department of Health and Human Services, Park Building, 3rd Floor, 12420 Parklawn Drive, Rockville, Maryland 20857.

Questions about the qualification review process or requests for information about qualified HMOs should be sent to the same office.

Dated: June 10, 1981.

Frank H. Seubold,

Acting Director, Office of Health Maintenance Organizations.

[FR Doc. 81–17900 Filed 6–16–81; 8:45 am]

BILLING CODE 4110–85–M

Office of the Assistant Secretary for Health
Public Health Service

National Center for Health Care Technology; Evaluation of Medical Technology

The National Center for Health Care Technology (Center) announces that it is conducting an evaluation of what is known of the safety and clinical effectiveness of apheresis for the treatment of (1) Goodpasture's syndrome; (2) systemic lupus erythematosis; (3) membranous and proliferative glomerulonephritides; (4) multiple sclerosis; (5) potentially life-threatening complications of rheumatic diseases (rheumatoid arthritis, systemic lupus erythematosis, polymyositis/dermatomyositis, and progressive systemic sclerosis; and, (6) thrombotic thrombocytopenic purpura (TTP).

Based on this evaluation, a recommendation will be formulated to assist the Health Care Financing Administration (HCFA) in establishing Medicare coverage policy. Any person or group wishing to provide the Center with information relevant to this evaluation should do so in writing no later than September 15, 1981. To enable the Center's staff to give appropriate consideration to any literature references or analyses of clinical data, a written summary no longer than 10 pages should be attached to any such material submitted.

Written material should be submitted to: Division of Medical and Scientific Evaluation, National Center for Health Care Technology, Room 17A29, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

For further information contact: Stephen P. Heyse, M.D., M.P.H., Health Science Analyst, at the above address or by telephone (301) 443–4990.

Dated: June 10, 1981.

Wayne C. Richey, Jr.,

Acting Executive Secretary, Office of Health Research, Statistics, and Technology.

[FR Doc. 81–17967 Filed 6–16–81; 8:45 am]

BILLING CODE 4110–85–M

DEPARTMENT OF THE INTERIOR

Geological Survey

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Geological Survey, Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that Amoco Production Company has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS 0578, Block 215, Eugene Island Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised Section 250.34 of Title 30 of the Code of Federal Regulations.

Dated: June 8, 1981.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81–17890 Filed 6–16–81; 8:45 am]

BILLING CODE 4310–31–M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Geological Survey, Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that ARCO Oil and Gas Company has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS–G 3980, Block 104, portion, Vermilion Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geoligical Survey, 3301 North Causeway

Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837-4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised Section 250.34 of Title 30 of the Code of Federal Regulations.

Dated: June 8, 1981.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81-17801 Filed 6-16-81; 8:45 am]

BILLING CODE 4310-31-M

Bureau of Indian Affairs

Port Gamble Reservation, Wash.; Ordinance Regulating the Use, Possession, Sale and Distribution of Liquor

June 5, 1981.

This Notice is published in accordance with authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8, and in accordance with the Act of August 15, 1953, 18 U.S.C. 1161 (1976). I certify that the following Resolution and Ordinance relating to the application of the Federal Indian Liquor Laws on the Port Gamble Indian Reservation, Washington, were adopted on November 19, 1980, by the Port Gamble Klallam Business Committee of the Port Gamble Indian Reservation which has jurisdiction over the area of Indian country included in this Ordinance, reading as set forth below.

Roy H. Sampsel,

Acting Deputy Assistant Secretary—Indian Affairs.

Resolution No. 80-A52

I

Whereas, the Port Gamble Indian Community is organized under the Indian Reorganization Act of June 18, 1934; and

II

Whereas, under its Constitution and Bylaws adopted August 5, 1939, the Community Council was designated as the governing body of the Port Gamble Indian Community; and

III

Whereas, by resolution dated April 22, 1956, the Port Gamble Klallam Community Council delegated the authority to conduct the business of the Port Gamble Klallam Indian Community to the Port Gamble Klallam Business Committee; and

IV

Whereas, 18 U.S.C. 1161 recognizes the authority of the Business Council to regulate transactions involving liquor in Indian country; and

V

Whereas, the regulation of liquor on the Port Gamble Klallam reservation by the Port Gamble Klallam Tribe will provide employment for Native Americans in this community, generate funds for Tribal government purposes, and eliminate past unregulated practices,

VI

Now Therefore Be It Resolved, that the following Liquor Control Ordinance is hereby adopted:

Certification

We Hereby Certify that on this date there was a regular meeting held of the Port Gamble Klallam Business Committee on the Port Gamble Klallam Indian Reservation, at which time a quorum was present:

We Further Certify, that the above numbered resolution was, at said meeting, introduced, evaluated, and was passed by a vote of 4 for and 0 against.

Dated this 19th day of November, 1980.

Ronald G. Charles,

Tribal Chairman.

Marie Stiner,

Tribal Secretary.

Port Gamble Klallam Liquor Ordinance

Section 1. Findings and Purpose

1.1 The introduction, possession and sale of liquor on Indian reservations have, since treaty time, been clearly recognized as matters of special concern to Indian tribes and to the United States Federal Government. The control of liquor on reservations remains exclusively subject to their legislative enactments.

1.2 Beginning with the Treaty of Point No Point, 1855, to which the ancestors of the Port Gamble Klallam Tribe were parties, the Federal Government has respected this Tribe's determinations and activities on the Port Gamble Klallam Reservation. At treaty time, this Tribe's ancestors desired to exclude "ardent spirits" from their reservation; and federal law currently prohibits the introduction of liquor into Indian country (18 U.S.C. Sec. 1154), leaving tribes the decision regarding when and to what extent liquor transactions shall be permitted (18 U.S.C. Sec. 1161).

1.3 Present day circumstances make a complete ban of liquor within the Port Gamble Klallam Reservation ineffective and unrealistic. At the same time, the need still exists for strict tribal regulation and control over liquor distribution.

1.4 The enactment of a tribal ordinance governing liquor sales on the Reservation and providing for exclusive purchase and sale through the tribal enterprise will increase the ability of the tribal government to control Reservation liquor distribution and possession, and at the same time, will provide an important source of revenue for the continued operation of the tribal government and delivery of tribal governmental services.

1.5 In order to provide for increased tribal control over liquor distribution and possession on the Reservation and to provide for an urgently needed additional revenue source, the Business Committee of the Port Gamble Klallam Tribe hereby adopts this liquor ordinance.

Section 2. This ordinance shall be known as the Port Gamble Klallam Liquor Ordinance.

Section 3. Relation to Other Tribal Laws

All prior ordinances and resolutions of Port Gamble Klallam Tribe regulating, authorizing, prohibiting or in any way dealing with the sale of liquor are hereby repealed and of no further force and effect and no tribal business licensing law or other tribal law shall be applied in a manner inconsistent with the provisions of this ordinance.

Section 4. Definitions

As used in this ordinance, the following definitions shall apply unless the context clearly indicates otherwise:

4.1 "Alcohol" is that substance known as ethyl alcohol, hydrated oxide of ethyl, or spirit of wine, which is commonly produced by the fermentation or distillation of grain, starch, molasses, or sugar, or other substances including all dilution and mixtures of this substance.

4.2 "Liquor" includes the four varieties of liquor herein defined (alcohol, spirits, wine and beer), and all fermented, spirituous, vinous, or malt

liquor, or combinations thereof, and mixed liquor, a part of which is fermented, spirituous, vinous or malt liquor or otherwise intoxicating; and every liquid or solid or semi-solid or other substance, patented or not, containing alcohol, spirits, wine or beer, and all drinks or drinkable liquids and all preparations or mixtures capable of human consumption, and any liquid, semi-solid, solid, or other substance, which contains more than one percent of alcohol by weight shall be conclusively deemed to be intoxicating.

4.3 "Sale" and "sell" include exchange, barter, and traffic; and also include the selling or supplying or distributing, by any means whatsoever of liquor, or of any liquid known or described as beer or by any name whatever commonly used to describe malt, or brewed liquor or wine, by any person to any person.

4.4 "Wine" means any alcoholic beverage obtained by fermentation of fruits (grapes, berries, apples, et cetera) or other agricultural products containing sugar, to which any saccharine substances may have been added before, during or after fermentation, and containing not more than seventeen percent of alcohol by weight, including sweet wines fortified with wine spirits, such as port, sherry, muscatel and angelica, not exceeding seventeen percent of alcohol by weight.

4.5 "Package" means any container or receptacle used for holding liquor.

4.6 "Business Committee" shall mean the Port Gamble Klallam Business Committee duly elected under tribal law.

4.7 "Reservation" means the Port Gamble Klallam Indian Reservation.

4.8 "Tribe" means the Port Gamble Klallam Tribe.

Section 5. Prohibitions

The introduction, purchase, and sale and dealing in liquor, other than when done by the Port Gamble Klallam tribal government through a tribally owned and operated enterprise as provided in this ordinance, is prohibited within the exterior boundaries of the Port Gamble Klallam Reservation and is hereby declared an offense under tribal law. The federal Indian liquor laws are intended to remain applicable to any act or transaction which is not authorized by this ordinance and violators of this ordinance shall be subject to federal prosecution as well as to legal action in accordance with law. It is intended that possession of liquor by any person now prohibited by federal law from possessing liquor shall be lawful so long as the possession is in conformity with this ordinance.

Section 6. Conformity With State law

Tribally authorized liquor transactions shall comply with Washington State liquor law standards to the extent required by 18 U.S.C. 1161.

Section 7. Port Gamble Klallam Liquor Distribution Agency Created

7.1 There is hereby created a Liquor Distribution Agency. The Port Gamble Klallam Business Committee shall decide upon its formal designated name and whether it is to operate either independently or as a subdivision of another tribal division. This Agency shall be constituted in function as part of the Port Gamble Klallam Tribal Government.

7.2 A manager of the Port Gamble Klallam Liquor Distribution Agency shall be appointed by and shall serve at the sole discretion of the Port Gamble Klallam Business Committee.

7.3 The manager of this Agency shall have the following powers and duties in regard to this agency:

(a) To manage this Liquor Agency for the benefit of the Tribe.

(b) To purchase, in the name of the Tribe, liquor products from wholesale distributors and distribute them to such tribal enterprise outlets as he/she deems appropriate.

(c) To establish, with the Business Committee and subject to its approval, such administrative procedures that are necessary to govern the operation of the Agency.

(d) To report and account to the Business Committee at least twice a year regarding the operation and financial status of the Agency. The Business Committee and the manager shall establish the dates on which such accounting shall take place. The Business Committee may require more frequent accounting if deemed necessary. The manager reports all written reports, accounts and records of the Council's proceedings in regard to the Liquor Agency shall be available for inspection to any Port Gamble Klallam Tribal member, upon demand.

(e) To hire and set salaries of additional personnel, subject to Business Committee approval, as he/she deems necessary to the successful operation of the Agency provided that such employees shall be considered employees of the Tribe for all purposes.

(f) To supervise all Agency employees.

(g) To purchase, with Business Committee approval, and maintain the Agency's real and personal property.

(h) To collect the Port Gamble Klallam liquor excise taxes.

(i) To transfer all tax revenues to the tribal treasurer for deposit in the tribal tax fund, and to transfer to the tribal treasurer for deposit in the Tribe's general fund all other revenue not reasonably foreseen as being required for the operation of the Agency.

(j) To maintain all other Agency revenues in a tribal tax fund under direction from the tribal treasurer. With the written approval of at least one Business Committee person, funds may be withdrawn from this account by the manager for the wholesale purchase of liquor products to be sold pursuant to this chapter for payment of salaries and business expenses of employees of the Agency, and for the purchase and upkeep of real and personal property required for the Agency's operation.

(k) To set the retail price for liquor products, in cooperation with the Business Committee.

(l) To obtain and maintain in full force and effect a policy of general liability insurance covering any owned or leased liquor outlet premises in an amount set by the Business Committee. The policy shall contain the stipulation that the Port Gamble Klallam Tribe shall be given ten days notice of the proposed cancellation or expiration of such policy. The manager shall submit to the Business Committee a Certification of Insurance from such policy and shall have available for inspection a complete copy of such policy.

(m) The manager shall be bonded for such additional amount and for such additional purposes as the Business Committee shall determine to be appropriate in managing the Liquor Distribution Agency.

(n) Performing all matters and things incidental and necessary to conduct its business and carry out its duties and functions.

(o) Promulgating rules and regulations governing the time, place and manner of sale.

7.4 All sales at tribal liquor outlets shall be on a cash only basis and no credit shall be extended to any person, organization, or entity.

7.5 All sales shall be for the personal use of the purchases and resale for profit of any liquor purchased at a tribal liquor outlet is prohibited within the Port Gamble Indian Reservation. Any person who purchases liquor at a tribal store and resells that beverage for profit, whether in the original container or not, shall be subject to the penalties in this ordinance.

7.6 The entire stock of liquor sold under this ordinance shall remain tribal property owned by the Port Gamble Klallam Indian Tribe until sold.

7.7 No liquor shall be distributed to any tribal enterprise outlet unless such outlet is owned operated and controlled by the Port Gamble Klallam Tribe.

Section 8. Sovereign Immunity Preserved

Nothing in this chapter is intended or shall be construed as a waiver of the sovereign immunity of the Port Gamble Klallam Tribe. No manager or employee of the Agency shall be authorized, nor shall he/she attempt, to waive the immunity of the Tribe.

Section 9. Excise Tax Levy

9.1 There is hereby levied and shall be collected an excise tax upon each retail sale of liquor, except beer and wine, and whatever packages or container, in the amount of three (3) cents per fluid ounce or fraction thereof contained in such package or container. There is hereby levied and shall be collected an excise tax upon each retail sale of beer and wine in the original package in the amount of five percent (5%) of the selling price. Said taxes shall be added to the sales price of the liquor sold and shall be paid by the buyer to the Port Gamble Klallam Liquor Distribution Agency (or whatever name it shall be known) who shall collect the same and hold them in trust for the Port Gamble Klallam Tribe until deposited as provided in Section 7.3(i) of this ordinance. The taxes provided for herein shall be only taxes applicable to activities of the Port Gamble Klallam Liquor Distribution Agency.

9.2 These taxes which shall be deposited, through the tribal treasurer, as provided in Section 7.3(i) and shall be used for the benefit of the Reservation and tribal community. In appropriating these tax revenues, the Business Committee shall give priority to:

(a) Strengthening tribal government, which shall include but not be limited to strengthening Tribal Court and Law Enforcement systems and the system for administering and enforcing this ordinance.

(b) Health, education, and other social services, and land acquisition and development needs.

(c) Enhancing equal business opportunities for tribal members and the Tribal Enterprise Division.

(d) Providing other reasonable and necessary services to tribal members.

The Business Committee shall have the discretion to determine which of the above priorities shall receive an appropriation and the amount of the appropriation for a given priority.

9.3 The manager shall keep such records as shall be sufficient for the tribal tax administration to determine the amount of tax owing and shall complete tax returns in accordance with instruction from the tribal tax administrator.

9.4 Amendments to the amounts and type of taxes levied on Reservation liquor dealings may be made from time to time by approval of the Port Gamble Klallam Business Committee, after consultation with the Liquor Distribution Agency manager.

Section 10. Penalties—Remedies.

10.1 If any person is found to have violated this ordinance or any lawful regulation or rule made pursuant thereto for which no penalty has been specifically provided, he or she shall be liable for a civil penalty of not more than five hundred dollars ($500.00) plus costs per violation.

10.2 The Tribal Court shall have jurisdiction over any case brought by the Tribe for violations of this ordinance. The Tribal Court may, in addition to the above penalty, grant to the Tribe such other relief as is necessary and proper for the enforcement of this ordinance, including but not limited to injuctive relief against acts in violation of this ordinance.

Section 11. Illegal Activities

11.1 Liquor Stamp—Contraband. No liquor shall be sold on the Reservation unless there shall be affixed a stamp of the Liquor Distribution Agency. Any sales made in violation of this provision shall be a violation of this ordinance which shall be remedied as set out in Section 10 herein. All liquor which is sold or held for sale on the Reservation without a stamp is hereby declared contraband and, in addition to any penalties imposed by the Tribal Court for violation of this section, it may be confiscated and forfeited in accordance with the procedures set out in Section 12 herein. Beer, wine, and malt liquor shall be excluded from this Section 11.1.

11.2 Proof of Unlawful Sale—Intent. In any proceeding under this ordinance, proof of one unlawful sale of liquor shall suffice to establish *Prima Facie* the intent or purpose of unlawfully keeping liquor for sale in violation of this ordinance.

11.3 Use of Seal. No person other than an employee of the Tribe shall keep or have in his or her possession any legal seal prescribed under this ordinance unless the same is attached to a package which has been purchased from a tribal liquor outlet, nor shall any person keep or have in his or her possession any design in imitation of any official seal prescribed under this ordinance or calculated to deceive by its resemblance to any official seal, or any paper upon which such design is stamped, engraved, lithographed, printed or otherwise marked. Any person violating this provision shall be in violation of this ordinance.

11.4 Illegal Transportation, Still, or Sale without Permit. Any person who shall sell or offer for sale or transport in any manner, any liquor in violation of this ordinance, or who shall operate or have in his or her possession without a permit, any mash capable of being distilled into liquor, shall be in violation of this ordinance.

11.5 Illegal Sale of Liquor by Drink or Bottle. Except as otherwise provided in this ordinance, any person who sells any liquor by the drink or bottle, shall be in violation of this ordinance.

11.6 Illegal Purchase of Liquor. Any person within the boundaries of the reservation who buys liquor from any person other than at a properly authorized tribal liquor outlet shall be in violation of this ordinance.

11.7 Illegal Possession of Liquor—Intent To Sell. Any person who keeps or possesses liquor on his or her person or in any place or on premises conducted or maintained by him or her as a principal or agent with the intent to sell it contrary to the provisions of this ordinance, shall be in violation of this ordinance.

11.8 Sales to Persons Apparently Intoxicated. Any person who sells liquor to a person apparently under the influence of liquor shall be in violation of this ordinance.

11.9 Drinking in a Public Conveyance. Any person engaged wholly or in part in the business of carrying passengers for hire, and every agent, servant, or employee of such person who shall knowingly permit any person to drink any liquor in any public conveyance shall be in violation of this ordinance. Any person who shall drink any liquor in a public conveyance shall be in violation of this ordinance.

11.10 Furnishing Liquor to Minors. Except in the case of liquor given or permitted to be given to a person under the age of twenty-one (21) years by his or her parent or guardian for beverage or medicinal purposes, or administered to him or her by his or her physician or dentist for medicinal purposes, no person under the age of twenty-one (21) shall consume, acquire, or have in his or her possession any alcoholic beverages except when such beverage is being used in connection with religious services. No person shall give or otherwise supply liquor to any person under the age of twenty-one (21) nor shall he or she permit any person under the age of twenty-one (21) to consume

liquor on his or her premises or on any premises under his or her control except as allowed in this section. Any person violating this section shall be in violation of this ordinance.

11.11 Sales of Liquor to Minors. Any person who shall sell any liquor to any person under the age of twenty-one (21) years of age shall be in violation of this ordinance.

11.12 Unlawful Transfer of Identification. Any person who transfers in any manner an identification of age to a minor for the purpose of permitting such minor to obtain liquor shall be in violation of this ordinance; provided, that corroborative testimony of a witness other than the minor shall be a requirement for a judgment against the defendant.

11.13 Possessing False or Altered Identification. Any person who attempts to purchase liquor through the use of false or altered identification which falsely purports to show the individual to be over the age of twenty-one (21) years of age shall be in violation of this ordinance.

11.14 Identification—Proof of Minimum Age. Where there may be a question of a person's right to purchase liquor by reason of his or her age, such person shall be required to present any one of the following officially issued cards of identification which shows correct age and bears his or her signature and photograph:

(1) Liquor Control Authority Card of Identification
(2) Driver's license of any state or "Indenti-Card"
(3) United States Active Duty Military Identification
(4) Passport
(5) Tribal Identification or Enrollment Card

11.15 Defense To Action for Sale to Minors. It shall be a defense to a suit for serving liquor to a person under twenty-one (21) years of age if such person has presented a card of identification.

(1) In addition to the presentation by the holder and verification by the server of such card of identification, the server shall require the person whose age may be in question to sign a card and place a date and number of his card of identification thereon. Such statement shall be upon a five-inch by eight-inch file card, which card shall be filed alphabetically by the server at or before the close of business on the day on which the statement is executed. The file box containing a suitable alphabetical index and the card shall be subject to examination by any tribal peace officer.

(2) Such card in the possession of a server may be offered as a defense in any hearing held by the Tribal Court for serving liquor to the person who signed the card and may be considered by the Court as evidence that the person acted in good faith.

Section 12. Contraband—Seizure/Forfeiture

12.1 All liquor within the reservation held, owned, or possessed by any person or liquor outlet operating in violation of this ordinance are hereby declared to be contraband and subject to forfeiture to the Tribe. Upon application of the Tribe, the Tribal Judge shall issue an order directing the Tribal Law Enforcement Officer to seize contraband liquor within this reservation and deliver it to the Business Committee. A copy of the court order shall be delivered to the person from whom the property was seized.

12.2 Within two weeks following the seizure of the contraband a hearing shall be held in Tribal Court, at which time the operator or owner of the contraband shall be given an opportunity to present evidence in defense of his or her activities.

12.3 Adequate notice of the hearing shall be given to the person from whom the property was seized if known. If the person is unknown, notice of the hearing shall be posted at the place where the contraband was seized and at some other public place. The notice shall describe the property seized, and the time, place, and cause of seizure and give the name and place of residence, if known, of the person from whom the property was seized.

12.4 Judgment of Forfeiture—Disposition of Proceeds of Property Sold. If upon the hearing, the evidence warrants, or if no person appears as claimant, the Tribal Court shall thereupon enter a judgment of forfeiture, and order such articles destroyed forthwith.

Section 13. Abatement

13.1 Declaration of Nuisance. Any room, house, building, boat, vessel, vehicle, structure, or other place where liquor is sold, manufactured, given away, furnished, or otherwise disposed of in violation of the provisions of this ordinance or any lawful regulations made pursuant thereto, or of any other tribal law relating to the manufacture, importation, transportation, possession, distribution, and sale of liquor, and all property kept in and used in maintaining such a place, are hereby declared to be a common nuisance.

13.2 Institution of Action. The Tribe may institute and maintain an action in the Tribal Court in the name of the Tribe to abate and perpetually enjoin any nuisance declared under this ordinance. The Tribe shall not be required to give bond in this action. Restraining orders, temporary injunctions, and permanent injunctions may be granted in the cause as in other injunction proceedings, and upon final judgment against the defendant, the Court may also order the room, house, building, boat, vessel, vehicle, structure, or place closed for a period of one (1) year or until the owner, lessee, tenant, or occupant thereof shall give bond of sufficient surety to be approved by the Court in the penal sum of not less than one thousand dollars ($1,000.00), payable to the Tribe and conditioned that liquor will not be thereafter manufactured, kept, sold, given away, furnished, or otherwise disposed of thereof in violation of the provisions in this ordinance or of any other applicable tribal law, and that he or she will pay all fines, costs, and damages assessed against him or her for any violation of this ordinance or other tribal liquor laws. If any condition of the bond be violated, the whole amount may be recovered as a penalty for the use of the Tribe. Any action taken under this section shall be in addition to any other penalties provided in the ordinance.

13.3 Abatement. In all cases where any person has been found by the Tribal Court to have violated this ordinance, applicable tribal regulations or tribal laws relating to the manufacture, importation, transportation, possession, distribution, and sale of liquor, an action may be brought in Tribal Court by the Tribe to abate as a nuisance any real estate and other property involved in the commission of the offense, and in any such action a certified copy of the record of such conviction shall be admissible in evidence and *Prima Facie* evidence that the room, house, vessel, boat, building, vehicle, structure, or place against which such action is brought is a public nuisance.

Section 14. Severability

14.1 If any clause, part or section of this ordinance shall be adjudged invalid, such judgment shall not affect or invalidate the remainder of the ordinance, but shall be confined in its operation to the clause, part, or section directly involved in the controversy in which such judgment was rendered.

14.2 If any application of this ordinance or any clause, part or section thereof, is adjudged invalid, such judgment shall not be deemed to render that provision inapplicable to other persons or circumstances.

Section 15. Disclaimer

Nothing in this ordinance shall be construed to authorize or require the criminal trial and punishment of non-Indians except to the extent allowed by any applicable present or future Act of Congress or any applicable federal court decision.

Section 16. Effective Date

This ordinance shall be effective on such date as the Secretary of the Interior certifies this ordinance and publishes the same in the **Federal Register.**

Section 17. Amendments

This ordinance may be amended by a majority vote of the Business Committee.

[FR Doc. 81-17904 Filed 6-16-81; 8:45 am]
BILLING CODE 4310-02-M

White Mountain Reservation, Ariz.; Ordinance Establishing Lawful Age for all Purposes of the Liquor Laws

June 5, 1981.

This Notice is published in accordance with authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8, and in accordance with the Act of August 15, 1953, 18 U.S.C. 1161 (1976). I certify that the following Ordinance amending Ordinance No. 92, published in the **Federal Register** on February 7, 1973, relating to the application of the Federal Indian Liquor Laws on the White Mountain Indian Reservation, Arizona, was adopted on October 1st, 1980, by the White Mountain Apache Tribal Council which has jurisdiction over the area of Indian country included in the Ordinance, reading as set forth below.

Roy H. Sampsel,

Deputy Assistant Secretary—Indian Affairs.

Article II. Unlawful Acts

It is unlawful:

10. For a licensee or any other person to sell, deliver, give or otherwise furnish spirituous liquors to any person under the age of twenty-one years, or leave or deposit any such spirituous liquors in any place with the intent that the same shall be procured by any person under the age of twenty-one years, or for a person under the age of twenty-one years to buy, receive, have in his possession or consume, spirituous liquor. It shall be the responsibility of the licensee or his employee and of anyone acting in his behalf to ascertain that the purchaser of any intoxicating beverage either by the drink, or by the bottle or any other container is twenty-one years of age or older.

11. For a licensee to employ a person under the age of twenty-one years to manufacture, sell or dispose of spirituous liquors.

12. For an on-sale retail licensee to employ a person under the age of twenty-one years in any capacity connected with the handling of spirituous liquors.

23. For a person under twenty-one years of age to offer or present to a licensee, employee or other person a fraudulent or false certificate of birth or other written evidence of age which is not actually his own, or to otherwise mispresent his age, for the purpose of inducing the licensee or employee to sell, give, serve or furnish spirituous liquor contrary to law.

24. To influence or attempt to influence the sale, giving or serving of spirituous liquor to a person under twenty-one years of age by misrepresenting the age of such person or to order, request, receive or procure spirituous liquor from any licensee, employee or other person for the purpose of selling, giving, or serving it to a person under twenty-one years of age.

26. For any person under the age of twenty-one years to buy, sell, give, possess, deliver, serve, or to be employed for any of the foregoing, or to consume, any spirituous liquor within the Fort Apache Indian Reservation.

Article V

Section II: Be it further enacted that all Tribal resolutions, Ordinances, and Tribal Law adopting liquor laws of the State of Arizona, are hereby amended to provide in all applicable sections that the lawful age for all purposes of the Tribal liquor laws within the exterior boundaries of the Fort Apache Indian Reservation shall be twenty-one years.

The foregoing Ordinance No. 115 was on October 1, 1980 duly enacted by a vote of *9* for and *0* against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article V, Section 1(q) of the Amended Constitution and By-laws of the Tribe, ratified by the Tribe June 27, 1958, and approved by the Secretary of the Interior on May 28, 1958, pursuant to Section 16 of the Act of June 18, 1934 (43 Stat. 984).

Ronnie Lupe,
Chairman of the Tribal Council.

Mary Endfield,
Secretary of the Tribal Council.

LaFolette Butler,
Assistant Area Director.

Henry A. Dodge,
Superintendent, Fort Apache Agency, Whiteriver, AZ.

[FR Doc. 81-17905 Filed 6-16-81; 8:45 am]
BILLING CODE 4310-02-M

Bureau of Land Management

[SAC-047465 WR, S-3531 WR]

California; Proposed Continuation of Withdrawals

June 8, 1981.

In accordance with the provisions of Section 204 of the Federal Land Policy and Management Act, the Bureau of Land Management proposes to continue the withdrawals of the Honey Lake Waterfowl Management Area on the following lands:

Mount Diablo Meridian, California

1. Public Land Order 759 dated October 22, 1951, SAC-047465 WR.

T. 28 N., R. 14 E.,
Sec. 3, Lots 1 and 2 of the NW¼, SW¼;
Sec. 4, SE¼SE¼;
Sec. 11, SE¼;
Sec. 12, Fractional SE¼.
The area described aggregates 673.65 acres in Lassen County, California.

2. Public Land Order 1449 dated July 25, 1959, SAC-047465 WR.

T. 28 N., R. 14 E.,
Sec. 13, Lots 1, 2 and 3;
Sec. 14, Lots 1 thru 4 inclusive;
Sec. 15, Lot 1, NE¼NW¼.
The area described aggregates 185.78 acres in Lassen County, California.

3. Public Land Order 5038 dated April 6, 1971, S-3531 WR.

T. 28 N., R. 14 E.,
Sec. 9, NE¼SE¼, S½SE¼.
T. 28 N., R. 15 E.,
Sec. 7, Lots 3 thru 6 inclusive.
The area described aggregates 191.46 acres in Lassen County, California.

The Honey Lake Waterfowl Management Area is administered by the State of California's Department of Fish and Game under a cooperative agreement with the Department of the Interior. The lands are segregated from all forms of appropriation under the public land laws including the mining laws but not from leasing under the mineral leasing law.

No change in the segregative effect of the withdrawals or the use of the land is proposed.

Notice is hereby given that a public hearing is afforded in connection with the proposed withdrawal continuations. All interested persons who desire to be heard on the proposal must submit a written request for a hearing to the undersigned on or before July 17, 1981. Upon determination by the State Director, Bureau of Land Management, that a public hearing should be held, a notice will be published in the **Federal Register** giving the time and place of such hearing. The public hearing will be scheduled and conducted in accordance with BLM Manual 23511.16B. Additionally, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal continuation may present their views in writing to the undersigned authorized officer of the BLM on or before July 17, 1981.

The authorized officer of the BLM will undertake such investigations as are necessary and prepare a report for consideration by the Office of the Secretary of the Interior. The final determination on the continuation of the withdrawal will be published in the **Federal Register**. The existing withdrawal will continue until such final determination is made. All communication in connection with the withdrawal continuations should be addressed to the undersigned, Bureau of Land Management, Room E-2841, Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

Walter F. Holmes,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-17897 Filed 6-16-81, 8:45 am]

BILLING CODE 4310-84-M

Las Vegas District Grazing Advisory Board; Meeting

Notice is hereby given in accordance with Pub. L. 92-463 that a meeting of the Las Vegas District Grazing Advisory Board will be held on July 23, 1981, in the Las Vegas District Conference Room at 4765 W. Vegas Drive, Las Vegas, Nevada.

The Agenda will be as follows:

(1) Reading of the minutes of the previous meeting; (2) Discussion of and action on proposed range betterment projects to be constructed during FY 81; (3) Discussion of range betterment projects constructed in FY 81 in Caliente Planning Unit; (4) Progress on Coordinated Resource Management Planning; (5) Discussion of Progress on Clark Planning & E.S.; (6) Other range matters; (7) Arrangements for the next meeting; (8) Public comments.

The meeting is open to the public. Interested parties may make oral statements to the board between 1:30 and 2:00 p.m. on the date of the meeting or file written statements for the board's consideration before or during the meeting. Anyone wishing to make an oral statement must notify the District Manager, Bureau of Land Management, 4765 W. Vegas Drive, Las Vegas, NV. (P.O. Box 5400, zip code 89102) by July 21, 1981. Depending on the number of persons wishing to make an oral statement, the District Manager may establish a per-person time limit.

Summary minutes of the board meeting will be maintained at the District Office. They will be available for public inspection during regular business hours (7:30 a.m. to 4:15 p.m.) within 30 days after the meeting.

June 5, 1981.

Kemp Conn,

District Manager.

[FR Doc. 81-17899 Filed 6-16-81, 8:45 am]

BILLING CODE 4310-84-M

[NM 1624 and NM 1624, Amdts. 2 and 3]

New Mexico; Termination of Classification of Public Lands for Multiple Use Management

June 9, 1981.

1. On June 20, 1967 (FR, Vol. 32, No. 118, pages 8768-8772) the public lands described in the notice, aggregating approximately 1,415,335 acres were classified for multiple use management pursuant to the Act of September 19, 1964 and segregated from appropriation under the agricultural land laws (43 U.S.C. Parts 7 and 9, and 25 U.S.C. 334) and from sale under section 2455 of the Revised Statutes (43 U.S.C. 1171). The lands remained open to all other applicable forms of appropriation, including the mining and mineral leasing laws. On December 17, 1970 (FR, Vol. 35, No. 244, pages 19136-19137) an additional 24,725.65 acres and 5,046.87 acres were classified and similarly segregated under NM 1624 Amdts. 2 and 3, respectively.

2. Pursuant to the regulations set forth in 43 CFR 2461.5(c)(2), the classifications referred to under paragraph 1 above are hereby terminated. This action will restore the lands to operation of the public land laws generally, subject to valid existing rights and the requirements of applicable law. The lands have been open continually to the mining laws and to applications and offers under the mineral leasing laws.

Inquiries concerning these lands should be addressed to the Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87501.

Leroy C. Montoya,

Chief, Division of Technical Services.

[FR Doc. 81-17892 Filed 6-16-81, 8:45 am]

BILLING CODE 4310-84-M

[NM 9752]

New Mexico; Termination of Classification of Public Lands for Multiple Use Management

June 9, 1981.

1. On July 30, 1970 (FR, Vol. 35, No. 147, page 12220), the public lands described in the notice, aggregating approximately 19,627.78 acres in San Miguel County, New Mexico, were classified for multiple use management under the Act of September 19, 1964 and segregated from appropriation under the agricultural land laws (43 U.S.C. Parts 7 and 9; 25 U.S.C. sec. 334) and from sales under section 2455 of the Revised Statutes (43 U.S.C. 1171). The lands remained open to all other applicable forms of appropriation, including the mining and mineral leasing laws.

2. Pursuant to the regulations set forth in 43 CFR 2461.5(c)(2), the classifications referred to under paragraph 1 above are hereby terminated. At 8:00 a.m., on July 13, 1981, the lands described in said notice of July 30, 1970 will be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 8:00 a.m., on July 13, 1981 shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

Inquires concerning these lands should be address to the Chief, Division of Technical Services, Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87501.

Leroy C. Montoya,

Chief, Division of Technical Services.

[FR Doc. 81-17893 Filed 6-16-81, 8:45 am]

BILLING CODE 4310-84-M

[NM 9491]

New Mexico; Termination of Classification of Public Lands for Multiple Use Management

June 9, 1981.

On September 17, 1970 (FR, Vol. 35, No. 181, pages 14564-14565), the public lands described under Groups I, II and III of the notice, aggregating 94,529.06,

832.50 and 707.58 acres, respectively, were classified for multiple use management under the Act of September 19, 1964 and segregated from appropriation under the agricultural land laws (43 U.S.C. Parts 7 and 9; 25 U.S.C. sec. 334) and from sales under section 2455 of the Revised Statutes (43 U.S.C. 1171). The lands in Groups II and III were further segregated from all other forms of appropriation, including the general mining laws, but not the mineral leasing laws.

2. Pursuant to the regulations set forth in 43 CFR 2461.5(c)(2), the classification is hereby terminated. At 8:00 a.m., on July 13, 1981, the lands described in the notice referred to under paragraph 1 above, will be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 8:00 a.m., on July 13, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. The lands described under Groups II and III of said notice will also be open to location under the United States mining laws at 10:00 a.m., on July 13, 1981.

Inquiries concerning these lands should be addressed to the Chief, Division of Technical Services, Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87501.

Leroy C. Montoya

Chief, Division of Technical Services.

[FR Doc. 81-17894 Filed 6-16-81; 8:45 am]

BILLING CODE 4310-84-M

[OR 6534]

Oregon; Termination of Disposal Classification

1. By Order of the Oregon State Director, Bureau of Land Management, which was published in the **Federal Register** on August 16, 1972 (37 FR 16558), the following described public land was classified for disposal through exchange pursuant to Section 2 of the Classification and Multiple Use Act of September 19, 1964 (43 U.S.C. 1412):

Willamette Meridian

T. 7 S., R. 4 E., Sec. 13, NW¼NW¼.

The area described contains 40 acres in Clackamas County, Oregon.

2. The above-described public land has been eliminated from any exchange proposal; accordingly, pursuant to 43 CFR 2461.5(c)(2), the classification is terminated upon publication of this notice in the **Federal Register**.

3. At 10: 00 a.m., on July 22, 1981, the above-described public land will be relieved of the segregative effect of the above-mentioned classification order.

Dated: June 8, 1981.

Paul M. Vetterick,

Acting State Director.

[FR Doc. 81-17902 Filed 6-16-81; 8:45 am]

BILLING CODE 4310-84-M

DEPARTMENT OF THE INTERIOR

Moab District Grazing Advisory Board; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of meeting.

Notice is hereby given, in accordance with Pub. L. 92-463, that a meeting of the Moab District Grazing Advisory Board will be held July 27, 1981 at 10 a.m. in the Moab District Office conference room, located at 125 West 200 South in Moab, Utah. The meeting is open to the public.

The agenda for the meeting will include:

1. Discussion on Range Improvements (RI).

a. Proposed construction of new RI for Fiscal Year 1982.

b. Maintenance of existing RI for Fiscal Year 1982.

c. Use of Grazing Advisory Board funds for maintenance of cooperative agreement RI and Section 4 RI permits.

d. Proposed Range Improvement Policy review and submission of comments on the Interim Guidance.

2. Range Monitoring.

a. How it relates to range use adjustments.

b. BLM Responsibility: primary studies used

c. Allottee Responsibility: How they will be involved .

3. Discussion on Interim Rangeland Management Program.

a. How it relates to Grazing Environmental Impact Statement.

b. How it affects the allottees.

4. Discussion of status of Price River EIS.

5. Discussion of Grand Resource Area Range Program.

6. Discussion of Allotment Management Plan (AMP) revisions.

Interested persons may make oral statements to the Board between 2 and 3 p.m. or may file written statements for the Board's consideration. Anyone wishing to make an oral statement must notify the District Manager, Bureau of Land Management, P.O. Box 970, Moab, Utah 84532 (801-259-6111) by July 23, 1981.

Gene Nodine,

District Manager.

[FR Doc. 81-17955 Filed 6-16-81; 8:45 am]

BILLING CODE 4310-84-M

Nevada; Classification Partially Revoked and Lands Open to Entry; Correction

On February 6, 1970 (FR, Vol. 35, No. 30, Page 2901) the following described land was classified for multiple use management under the Act of September 19, 1964 and segregated from appropriation under the agricultural land laws and from sale under R.S. 2455:

Mount Diablo Meridian, Nevada

T. 19 N., R. 35 E.,
Sec. 3, S½NW¼SW¼SE¼, S½SW¼SE¼, SW¼SW¼SE¼SE¼;
Sec. 10, N½NE¼NE¼, N½S½NE¼NE¼, N½N½NW¼NE¼;
Sec. 11, N½NE¼NW¼, NE¼SW¼>NE¼NW¼, W½SE¼NE¼NW¼, N½SW¼NW¼NW¼, NW¼SE¼>NW¼NW¼, SE¼SE¼NW¼, NE¼NW¼>NE¼SW¼.

The land described aggregated 115 acres.

Review and evaluation of the land use capabilities of the above described land indicates that the classification is no longer valid and it is hereby revoked.

The land is now open to the operation of the public land laws, subject to valid existing rights and the requirements of applicable law. The land has been open continually to the mining laws and to applications and offers under the mineral leasing laws. All valid applications received at or before 10 a.m. on July 20, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing. A drawing to determine application priority will be held if more than one application embraces, wholly or in part, the same described land.

Inquiries and applications concerning this land should be addressed to the Bureau of Land Management, 300 Booth Street, P.O. Box 12000, Reno, NV 89520.

Wm. J. Malencik,

Chief, Division of Technical Services.

[FR Doc. 81-17950 Filed 6-16-81; 8:45 am]

BILLING CODE 4310-84-M

Nevada; Filing of Plats of Survey and Order Providing for Opening of Lands

1. The Plats of Survey of lands described below will be officially filed at the Nevada State Office, Reno,

Nevada, effective at 10:00 a.m., on July 24, 1981.

Mount Diablo Meridian, Nevada

T. 18½ N., R. 46 E.

2. The land within the above township varies from rolling to gently rolling land. Elevation ranges from 6,300 to 7,100 feet above sea level. Soil varies from sandy clay loam and rocky on higher elevations to sandy clay loam on lower lands. Vegetation consists on juniper, pinion, budsage, shadscale and crested wheatgrass.

U.S. Highway No. 50 crosses through the township. There is a campground in the North portion of Sec. 11.

No mineral formations of consequence were noted.

3.

Mount Diablo Meridian, Nevada

T. 24 N., R. 41 E.

The land surveyed and resurveyed within this township is located in Antelope Valley. Elevation ranges from about 5,000 to 5,700 feet above sea level. Soil ranges from sandy clay loam and rocky in higher elevations to sandy clay loam in lower elevations. Vegetation consists of shadscale, white sage, and bunchgrass.

Principal users of the area are cattlemen and access to the township is provided by numerous desert roads.

4.

Mount Diablo Meridian, Nevada

T. 16 N., R. 44 E.

Lands in this township range from 5,500 feet to 7,200 feet above sea level and is nearly level to rolling and mountainous. Juniper, pinion and mahogany grow on the higher elevations.

Town of Kingston is located partially in Sec. 31. Access is provided by Nevada State Highway 8A, supplemented by numerous improved and unimproved desert trails.

No mineral formations of consequence were noted.

5.

Mount Diablo Meridian, Nevada

T. 24 N., R. 23 E.
T. 24 N., R. 24 E.

A determination of partition lines in the dry lake bed of Winnemucca Lake; reestablishment of a portion of the original meander lines and completion of survey of the East and North boundary lines and the subdivisional lines.

Lands surveyed within the above townships ranges from 3,820 to 5,220 feet above sea level and are located primarily in the dry lake bed of Winnemucca Lake. Soil is of sandy clay loam.

The lake bed was at one time fed with water from Pyramid Lake.

Principal users are cattlemen. Access into the townships is provided by State Highway No. 34 and numerous trail roads.

6. Subject to valid existing rights, the provisions of existing withdrawals and classifications, and the requirements of applicable law, the lands are hereby opened to such applications and petitions as may be permitted. All such valid applications received at or prior to 10:00 a.m. on July 24, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in order of filing.

Inquiries concerning these lands shall be addressed to the Nevada State Office, Bureau of Land Management, 300 Booth Street, P.O. Box 12000, Reno, Nevada 89520.

Dated: June 9, 1981.

Loyd C. Miller,

Chief, Branch of Records and Data Management.

[FR Doc. 81-17952 Filed 6-16-81; 8:45 am]

BILLING CODE 4310-84-M

Shoshone District Grazing Advisory Board; Meeting

AGENCY: Bureau of Land Management (BLM) Interior.

ACTION: Meeting.

SUMMARY: Notice is hereby given, in accordance with Pub. L. 94-529, and 43 CFR Part 1780, that a meeting of the Shoshone District Grazing Advisory Board will be held on Wednesday, July 22, 1981, at 9 a.m., at the BLM District Office, 400 West F Street, Shoshone, Idaho 83352.

Agenda for the Grazing Advisory Board Meeting will be:

1. Recommendation on Range Betterment (8100) Funds for FY 82.
2. Proposed Allotment Management Plans.

Supplementary Information: The meeting is open to the public. Anyone wishing to make an oral statement must notify the district manager at the above address by July 15, 1981. Depending on the number of persons wishing to make an oral statement, a per person time limit may be considered. Statements to the board will be made between 1 and 3 p.m., on the day of the meeting.

Summary minutes of the meetings will be maintained in the district office and will be available for public inspection and reproduction during regular business hours within 30 days following the meeting.

Dated: June 8, 1981.

Charles J. Haszier,

District Manager.

[FR Doc. 81-17908 Filed 6-16-81; 8:45 am]

BILLING CODE 4310-84-M

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 29587 (Sub-No. 1)]

Consolidated Rail Corp. Exemption-Abandonment of the Orange Avenue Branch in Cleveland, Ohio; Decision-Notice

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Interstate Commerce Commission exempts the abandonment of a 2.9-mile segment of rail line, the Orange Avenue Branch of Consolidated Rail Corporation (Conrail), in Cleveland, OH, from the requirements of prior Commission approval under 49 U.S.C. 10903.

DATES: Exemption effective upon publication in the **Federal Register.** Petitions for reconsideration of this action must be filed within 20 days after this publication.

ADDRESSES: Send pleadings to:

(1) Section of Finance, Room 5414, Interstate Commerce Commission, 12th St. and Constitution Ave., Washington, DC 20423, and

(2) Petitioner's representative: Charles E. Mecham, 1138 Six Penn Center Plaza, Philadelphia, PA 19104.

Pleadings should refer to Finance Docket No. 29587 (Sub-No. 1).

FOR FURTHER INFORMATION CONTACT: Ellen D. Hanson, (202) 275-7245.

SUPPLEMENTARY INFORMATION:

The Proposed Transaction

Conrail has filed a petition to exempt the abandonment of a 2.9-mile segment of its Orange Avenue Branch in Cleveland, OH from the requirements of 49 U.S.C. 10903.

This petition was originally filed as a part of a proposal to exempt the abandonment of 51 other lines, in Finance Docket No. 29587. By letter filed May 11, 1981, Conrail has requested that the Orange Avenue Branch be treated separately. It notes that it has negotiated the sale of this line to the Greater Cleveland Regional Transit Authority, and that it would like to be able to consummate the sale by June 30, 1980.

The Orange Avenue Branch was listed on Conrail's 1979 System Diagram Map

as a category 1 line. Conrail states that no traffic has been handled on the line for at least one year. It knows of no demand for service during that period and does not believe there is any prospect for generating traffic on the line in the future. It states that abandonment will have no effect on its operations or on its ability to provide service on other lines. Conrail expects to obtain substantial benefits from abandonment. A grant of the exemption would permit it to salvage rail and other materials for use elsewhere in its system and to consummate its proposed sale of the line at a substantial price.

The Statute

Rail abandonments require the approval and authorization of the Commission under 49 U.S.C. 10903. To obtain our approval, an application must be filed in compliance with our regulations at 49 CFR Part 1121 (1978) (abandonment regulations). Conrail requests an exemption from 49 U.S.C. 10903 so that it will not have to file a formal application under the abandonment regulations.

Under 49 U.S.C. 10505, as modified by section 213 of the Staggers Rail Act of 1980 (Pub. L. 96-448, 94 Stat. 1895, October 14, 1980 (Staggers Act), the Commission is authorized to exempt a transaction when (1) continued regulation is not necessary to carry out the Rail Transportation Policy of 49 U.S.C. 10101a; and (2) either the transaction is of limited scope, or regulation is not necessary to protect shippers from the abuse of market power.

Discussion and Conclusions

Our detailed scrutiny of this abandonment is not necessary to carry out the rail transportation policy of section 10101a because the abandonment does not affect shippers, employees or competing carriers.

The proposed abandonment is limited in scope. It encompasses only a relatively short track segment which is currently not used in any rail operations. Service to shippers will continue to be conducted in the same manner as in the past.

Since the proposed transaction is of limited scope, it is not necessary to consider whether our regulation is needed to protect shippers from the abuse of market power.

Public Use Condition and Offers of Financial Assistance. In abandonment applications filed pursuant to 49 U.S.C. 10903, we are required to consider two matters that have not been specifically considered in this exemption proceeding. First, 49 U.S.C. 10906 requires us to determine if the property to be abandoned is suitable for other public uses. If the property is suitable, we impose certain conditions to allow interested persons an opportunity to obtain the property. Second, 49 U.S.C. 10905, as modified by section 402 of the Staggers Act, allows interested persons to make offers of financial assistance to assure the continuation of operations over the line. Under the procedure provided by this section, financial offers may lead to continued subsidized operation of the line or sale of the line for continued operations by others.

Since the provisions of sections 10905 and 10906 apply only to applications under section 10903, we are not required to allow offers of financial assistance or impose any public use conditions when an exemption is given, because no application need be filed. We note, however, that these matters may be raised in petitions for reopening of this proceeding.

Labor Protection. In granting an exemption under section 10505, we may not relieve a carrier of its obligation to protect the interests of employees as required by 49 U.S.C. Subtitle IV. (See 49 U.S.C. 10505(g)(2).) Therefore, as a condition to this exemption, we will impose the same level of labor protection as is usually required in abandonment transactions. We have determined that the employee protective conditions developed in *Oregon Short Line R. Co.—Abandonment—Goshen,* 360 ICC 91 (1979), satisfy the statutory requirements for protection of employees involved in an abandonment transaction.

Energy and Environmental Considerations. Our initial review of the proposal indicates that the abandonment will not significantly affect energy consumption or the quality of the human environment. Various Ohio agencies concerned with environmental issues have been informed of this action by our Section of Energy and Environment. These agencies or other interested persons may file petitions to reopen this proceeding on environmental grounds.

It is ordered:

(1) The letter request to treat the Orange Avenue Line separately is granted.

(2) We exempt from the requirements of 49 U.S.C. 10903 the abandonment by Conrail of the 2.9-mile line described in its petition subject to the conditions for the protection of employees embodied in *Oregon Short Line R. Co.—Abandonment—Goshen,* 360 ICC 91 (1979).

(3) Notice of our action shall be given to the general public by delivery of a copy of this decision to the Director, **Federal Register**, for publication.

(4) This exemption will continue in effect for one year from the effective date of this decision. The abandonment of the line segment must occur during that time in order to use this exemption.

(5) This decision is effective when published in the **Federal Register**.

(6) Petitions to reopen this proceeding for reconsideration of this decision must be filed no later than 20 days after the date of publication in the **Federal Register**.

Decided: June 10, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-17951 Filed 6-16-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier Temporary Authority Applications

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register**. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. F–129

The following applications were filed in region 2: Send protests to: ICC, Federal Reserve Bank Building, 101 N. 7th Street, Room 620, Philadelphia, PA 19106.

MC 146372 (Sub-II–1TA), filed June 8, 1981. Applicant: DON'S TRUCKING INC., 1801 Coxendale Rd. Chester, VA 23831. Representative: Paul D. Collins, 7761 Lakeforest Dr. Richmond, VA 23235. *General commodities (except household goods as defined by the Commission and classes A & B explosives)*, between pts. in VA, on the one hand, and, on the other, pts. in DE, GA, MD, NJ, NY, NC, SC, VA, WV and DC, for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: There are 5 supporting shippers. Their statements may be examined at the ICC Reg. Ofc., Phila., PA.

MC 156374 (Sub-II–1TA), filed June 8, 1981. Applicant: OVERLAND TRANSPORT, INC., 8125 Rosebank Ave., Baltimore, MD 21222. Representative: Marion James Capezio, 715 Corbett Rd., Monkton, MD 21111. Contract, irregular: *Bowling Alley equipment and accessories having a prior or subsequent movement by water* under continuing contract with AMF Bowling Products Group, (1) from the fac. of A.M.F. Corp., located at Shelby, OH and York, PA to pts. in MD, PA, VA, NY, NC, SC, DE & NJ; and (2) from Baltimore, MD to Shelby, OH, for 270 days. Supporting shipper: A.M.F. Inc., Jericho Tpke., Westbury, NY 11590.

MC 136511 (Sub-II–8TA), filed June 8, 1981. Applicant: VIRGINIA APPALACHIAN LUMBER CORP., 9640 Timberlake Road, Lynchburg, VA 24502. Representative: J. Johnson Eller, Jr. 513 Main St., Altavista, VA 24517. *Furniture and furniture parts and materials and supplies used in the manufacture thereof*, between Marion County, SC, Dallas County, AL and Fulton County, OH, on the one hand, and, on the other, points in the United States for 270 days. Supporting shipper: Pilliod Cabinet Co., 105 Woodland Ave., Swanton, OH 43558.

MC 153562 (Sub-II–1TA), filed June 8, 1981. Applicant: EMMETT BPMD, d.b.a. KTA TRANSPORTATION, 295 Orange Street Mansfield, OH 44902. Representative: Thomas M. Mulroy 1500 Bank Tower, 307 Fourth Avenue, Pittsburgh, PA 15222. *Contract Carrier, Irregular Route: salt* from Baltimore, MD and Chicago, IL to Mansfield, OH for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Richland Water Company, 662 Park Avenue East, Mansfield, OH 44905.

MC 1936 (Sub-II–1TA), filed June 8, 1981. Applicant: B & P MOTOR EXPRESS, COMPANY 825 West Federal Street, Youngstown, OH 44501. Representative: David A. Turano, Baker & Hostetler, 100 E. Broad St., Columbus, OH 43215. *General Commodities (except Classes A and B explosives)* between pts in PA, on the one hand, and, on the other, pts in AL, AR, CT, DE, DC, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MS, MO, NE, NH, NJ, NY, NC, OH, OK, PA, RI, SC, TN, TX, VT, VA, and WV for 270 days. Applicant intends to tack the authority sought herein with authority held under MC 1936. Supporting shippers: Titusville Fabricators, Inc., 106 W. Mechanic St., Titusville, PA 16354; Franklin Steel, Inc., P.O. Box 671, Franklin, PA 16323. Oil Creek Plastics, Inc., P.O. Box 385, Titusville, PA 16354; Van Huffel Tube, Inc., Seneca Street, Oil City, PA 16301; Schaming Industries, Inc., 253 Washington St., Connoquenessing, PA 16027.

MC 156362 (Sub-II–1TA), filed June 8, 1981. Applicant: JAMES B. WOODS d.b.a. WOODS TRUCKING, 2444 Middle Ridge Rd., Amherst, OH 44001. Representative: Anthony E. Young, 29 South La Salle St., Suite 350, Chicago, IL 60603. *Metal and metal products* between Lorain, OH, on the one hand, and, on the other, points in the United States in and east of ND, SD, NE, KS, OK, and TX, restricted to the transportation of traffic originating at or destined to the facilities of Servisteel Corporation for 270 days. Supporting shipper(s): Servisteel Corporation, 4920 French Creek Rd., Lorain, OH 44054.

MC 113300 (Sub-II–1TA), filed June 8, 1981. Applicant: WILLIAM T. HERRON TRUCKING, INC., Box 424, Marietta, OH 45750. Representative: Andrew Jay Burkholder, 275 East State St., Columbus, OH 43215. *General commodities (except classes A and B explosives)* between points in OH and WV, on the one hand, and, on the other, points in MI, IN, KY, OH, WV, MD, DE, PA, NJ, NY, CT, MA, RI, VT, NH, ME, VA, NC, SC, and GA for 270 days. Restricted to service from and to the facilities of or used by Marietta Industrial Enterprises, Inc. Supporting Shipper: Marietta Industrial Enterprises, Inc., P.O. Box 525, Marietta, OH 45750.

MC 154758 (Sub-II–2TA), filed June 8, 1981. Applicant: HARRY J. MILLER, R.D. #4, Box 467, Williamsport, PA 17701. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517. *Scrap Metal* between Lycoming, Northumberland & Clinton Counties, PA, on the one hand, and, on the other, points in OH for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Staiman Brothers, P.O. Box 1235, Williamsport, PA 17701.

MC 136343 (Sub-II–21TA), filed June 8, 1981. Applicant: MILTON TRANSPORTATION, INC., P.O. Box 355, Milton, PA 17847. Representative: Herbert R. Nurick, P.O. Box 1166, Harrisburg, PA 17108. *Scrap paper* between those points in the U.S. in and east of Lower Peninsula MI, IN, KY, TN and GA for 270 days. Restricted to traffic originated by D C Intercel. An underlying ETA seeks 120 days authority. Supporting shipper: D C Intercel, Division of International Cellulose, 800 Jackson Street NE., Washington, DC 20017.

MC 148400 (Sub-II–5TA), filed June 8, 1981. Applicant: ORVILLE E. VAUGHAN AND KATHLEEN V. VAUGHAN, d.b.a. SUN VALLEY TANK LINES, 64 LaPorte Dr., Mars, PA 16046. Representative: William A. Gray, 2310 Grant Bldg., Pittsburgh, PA 15219. *Contract; irregular: Baking soda, washing soda, oven cleaner, laundry detergent, sodium bicarbonate and sodium carbonate and materials, equipment and supplies used in the manufacture and distribution of said commodities* between Salt Lake City and Clearfield, UT and Green River, WY, on the one hand, and, on the other, points in the U.S. under a continuing contract(s) with Church & Dwight Co., Inc. of Piscataway, NJ for 270 days. An underlying ETA seeks 120 days authority. Supporting Shipper: Church & Dwight Co., Inc., P.O. Box 369, 20 Kings Bridge Rd., Piscataway, NJ 08854.

MC 146148 (Sub-II–3TA), filed June 8, 1981. Applicant: B-RIGHT TRUCKING CO., 7087 West Blvd., Suite 8, Youngstown, OH 44512. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215. *Lumber and lumber products*, between ports of entry between the U.S. and Canada in the states of MI and NY on the one hand, and, on the other, points in the U.S., for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Empire Wholesale Lumber Co., P.O. Box 249, Akron, OH 44309; 84 Lumber Co., P.O. Box 8484, Eighty-Four, PA 15330; Forest City Palevsky Corp., 5111 Richmond Rd., Cleveland, OH 44114; Busy Beaver Building Centers, Inc., 641 Alpha Dr., Pittsburgh, PA 15238; Inland

Wholesale Lumber, 601 Tallmadge Rd., Kent, OH 44240.

MC 151142 (Sub-II–4TA), filed June 8, 1981. Applicant: H & H TRANSPORTATION, INC., 1425 E. Main Street, Newark, OH 43055. Representative: H. Neil Garson, 3251 Old Lee Highway, Suite 400, Fairfax, VA 22030. Furniture upholstered, wooden, dual, purpose sleep furniture, polyethelene, fabric, and supplies used in the manufacture thereof. Between Kingston, PA on the one hand, and, on the other, points in IL, IN, MI and OH for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Nelson of Kingston, Inc., Division Street, P.O. Box 1046, Kingston, PA. 18704.

MC 135189 (Sub-II–1TA), filed June 8, 1981. Applicant: G. Wylie Blum, Richardson Ave., P.O. Box 197, Negley, OH 44441. Representative: John A. Vuono, 2310 Grant Building, Pittsburgh, PA 15219. *Contract; Irregular: Clay and carbonaceous materials,* between points in Columbiana County, OH on the one hand, and, on the other, points in Boyd County, KY, Baltimore County, MD and Lehigh and Northampton Counties, PA, under a continuing contract(s) with Metrel, Inc. of Negley, OH for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Metrel, Inc., P.O. Box 176, Negley, OH 44441.

MC 139254 (Sub-II–24TA), filed June 8, 1981. Applicant: BROOKS TRANSPORTATION, INC., 3830 Kelley Ave., Cleveland, OH 44114. Representative: John P. McMahon, Baker & Hostetler, 100 E. Board St., Columbus, OH 43215. Contract carrier irregular: *General commodities,* except classes A and B explosives, between pts in the US (except AK and HI) under continuing contract(s) with General Foods Corporation, of White Plains, NY for 270 days. Supporting shipper: General Foods Corporation, 250 North St., White Plains, NY 10625.

The following applications were filed in region 3. Send protests to ICC, Regional Authority Center, P.O. Box 7600, Atlanta, GA 30357.

MC 121081 (Sub-3–8TA), filed May 14, 1981. Applicant: COLUMBUS MOTOR LINES, INC., P.O. Box 26741, Charlotte, NC 28213. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168. *Pre stressed and pre cast concrete,* between Charlotte, NC, on the one hand, and, on the other, points in SC and VA. Supporting shipper: Exposaic Ind., Inc., P.O. Box 5445, Charlotte, NC 28225.

MC 135895 (Sub-3–26TA), filed May 14, 1981. Applicant: B & R DRAYAGE, INC. P.O. Box 8534, Battlefield Station, Jackson, MS 39204. Representative: Douglas C. Wynn, P.O. Box 1295, Greenville, MS 38701. *(1) Pulp, paper, and paper products; (2) rubber and plastic products; (3) containers; (4) chemicals and related products; (5) building materials and (6) materials, equipment and supplies used in the manufacture, assembly, sale and distribution of commodities described in (1) through (5) above:* between points in the U.S.; Restricted to traffic originating at or destined to facilities used by Georgia Pacific Corporation. Supporting shipper: Georgia Pacific Corporation, 320 Post Road, Darien, CT 06820.

MC 138308 (Sub-3–23TA), filed June 5, 1981. Applicant: KLM, INC., P.O. Box 6098, Jackson, MS 39208. Representative: Robert L. McArty, P.O. Box 22628, Jackson, MS 39205. *Metal products and ores and minerals* between Baltimore, MD, and, New York, NY, on the one hand, and, on the other, Hamburg, MI; and, between Detroit, MI, and Mt. Carmel, PA. Supporting shipper: Hoskins Manufacturing Company, 4445 Lawton Avenue, Detroit, MI 48208.

MC 110012 (Sub-3–6TA), filed May 14, 1981. Applicant: ROY WIDENER MOTOR LINES, INC., 707 North Liberty Hill Road, Morristown, TN 37814. Representative: Frank Batson, 707 North Liberty Hill Road, Morristown, TN 37814. *Furniture and fixtures* between Guilford County, NC, on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shipper(s): Dar/Ran Furniture Industries, Inc., 2402 Shore Drive, High Point, NC 27261.

MC 139006 (Sub-3–7TA), filed May 14, 1981. Applicant: RAPIER SMITH, Rural Route 5, Loretto Rd., Bardstown, Kentucky 40004. Representative: William P. Whitney, Jr. (same address as applicant). *Glass containers (one gallon or less in capacity),* from Memphis, TN and its commercial zone to points in AL, AR, GA, IL, KY, LA, MO, MS, NC, TN, restricted to traffic originating at the facilities utilized by Chattanooga Glass Company. Supporting shipper: Chattanooga Glass Co., 400 West 45th St., Chattanooga, TN 37410.

MC 145461 (Sub-3–2TA), filed May 14, 1981. Applicant: TENNESSEE-TEXAS EXPRESS, INC., P.O. Box 888, Gallatin, TN 37066. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137. *Furniture and fixtures and materials, equipment and supplies related to the manufacture thereof,* between Sumner County, TN and Fulton Count, GA on the one hand, and, on the other, points in the U.S. Supporting shippers: G. F. Business Equipment, Inc., Steam Plant Rd., Gallatin, TN 37066; Globe Business Furniture, Inc., 90 Volunteer Dr., Hendersonville, TN 37075; Crescent Manufacturing Co., Maple Street, Gallatin, TN 37066; Office Equipment Dist., Box 43467, Atlanta, GA 30336.

MC 153509, (Sub-3–12TA), filed May 18, 1981. Republication—Originally published in **Federal Register** of June 1, 1981, volume 46, No. 104. Applicant: KENTUCKY DISPATCH, INC., 3303 Camp Ground Rd., Louisville, KY 40216. Representative: James B. Murphy, Suite 102, Interchange Bldg., 835 West Jefferson St., Louisville, KY 40202. *General commodities, (except houehold goods as defined by the Commission, commodities requiring special equipment and commodities in bulk),* between Jeffersonville, IN, New Albany, IN and Louisville, KY, and their respective commercial zones, on the one hand, and, on the other, points in the U.S., except AK and HI. Supporting shipper: There are 22 statements of support which may be examined at the I.C.C. Regional Office, Atlanta, GA.

MC 155373 (Sub-3–1TA), filed May 28, 1981. Applicant: WASTE DISPOSAL, INC., 888 Freewill Road, Cleveland, TN 37311. Representative: Benny J. Green (same as above). *Contract carrier;* irregular routes: *Hazardous waste,* from Chattanooga, TN to Columbia, SC, under a continuing contract with Velsicol Chemical Corporation. Supporting shipper: Velsicol Chemical Corporation, 4902 Central Avenue, Chattanooga, TN. 37410.

MC 145330 (Sub-3–1TA), filed June 5, 1981. Applicant: GILMER ALLISON, d.b.a. ALLISON TRUCKING, Rt. 3, Box 123A, Lawndale, NC 28090. Representative: W. G. Reese III, 315 W. Victoria, Gardena, CA 90248. *Foodstuffs and supplies used in the manufacture thereof exempting those which are are transported in bulk, or those requiring mechanical refrigeration.* Between points and places in continental U.S. restricted to traffic originating from or destined to the facilities of Carnation Company Statesville, NC. Supporting shipper: Carnation Company, P.O. Box 5336 Statesville, NC 28677.

The following applications were filed in region 4: send protests to: ICC, Complaint and Authority Branch, P.O. Box 2980, Chicago, IL 60604.

MC 156357 (Sub-4–1TA), filed June 3, 1981. Applicant: KIM OLSON, an individual, d.b.a. NORTH STAR SUPPLY CO., 2148 Bunker Lane Blvd., Anoka, MN 55303. Representative: James E. Ballenthin, 630 Osborn Building, St. Paul, MN 55102. *Dry*

cleaning and laundry materials, equipment and supplies, from points in MO, IN, IL, WI and OH to Minneapolis and Duluth, MN and Eau Claire, WI, and points in the commercial zones of these points. Supporting shipper: E. Weinberg Supply Co., Inc., 3119 Lynn Avenue, Minneapolis, MN 55416.

MC 144370 (Sub-4-4TA), filed June 5, 1981. Applicant: DON NASS TRUCKING, INC., 210 Front Street, Clinton, WI 53525. Representative: Richard A. Westley, Attorney, 4506 Regent Street, Suite 100, Madison, WI 53705. (1) *Carbonated beverages,* (a) from Hazelwood, MO to Chicago and Rockford, IL; Janesville, Madison and Milwaukee, WI; and points in their respective commercial zones; (b) from Janesville, WI to Northfield, Albert Lea, Minneapolis, St. Paul, and Duluth, MN; Chicago, Freeport and Rockford, IL; and points in their respective commercial zones; and (2) *Non-carbonated canned beverages,* (a) from Milwaukee, WI to Northfield, Albert Lea, Minneapolis, St. Paul, and Duluth, MN; and points in their respective commercial zones; and (3) *Empty containers* from Chicago, IL and points in its commercial zone, to Janesville, WI. An underlying ETA seeks 120 day authority. Supporting shipper, Daniel J. Schuette, d/b/a/ Independent Beverage Marketing, 5840 Winchester Avenue, Marshall, WI 53559.

MC 156359 (Sub-4-1TA), filed June 5, 1981. Applicant: HARBOR CARTAGE, INC., 312 W. End, Detroit, MI 48209. Representative: Alex J. Miller, 555 S. Woodward, Suite 512, Birmingham, MI 48011. *Contract irregular self contained room air-conditioners* between Hillsdale County, and Wayne County, MI. RESTRICTED to shipments having a prior or subsequent movement by rail. Under a continuing contract with the York Division, Borg Warner Corporation. Supporting shipper: York Division, Borg Warner Corporation, York, Penna. 17405.

MC 155992 (Sub-4-1TA), filed June 1, 1981. Applicant: B. J. LEBEL TRUCKING, P.O. Box 256, Val Therese, ONT. POM 3BO. Representative: Michael D. Combs, P.O. Box 473, Gaylord, MI 49735. *Lumber* from all points in USA/Canada border to all points in MI. Supporting shippers: Georgia-Pacific, Inc., P.O. Box 105040, Atlanta, GA 30348.

MC 156350 (Sub-4-1TA), filed June 5, 1981. Applicant: LOU'S DELIVERY SERVICE, INC., 190 W. Old Higgins Road, Des Plaines, IL 60018. Representative: Joel H. Steiner, 39 South LaSalle, Suite 600, Chicago, IL 60603. *General commodities (except classes A & B explosives),* between Chicago, IL and Milwaukee, WI and points in their respective commercial zones, over the following regular routes: From Chicago, IL over U.S. Hwy. 41 to junction U.S. Hwy. 41 and IL Hwy. 173, then over IL Hwy. 173 to the junction of IL Hwy. 173 and WI Hwy. 32, the over WI Hwy. 32 to Milwaukee, WI, and return over the same route; from Chicago, IL over I-94 to Milwaukee, WI and return over the same route. Service is authorized at all intermediate points on the above routes. Applicant seeks authority to interline freight at Chicago, IL and Milwaukee, WI. Supporting shippers: East West Shippers Association, 414 Plaza Drive, Westmont, IL 60659 and Oster-Division of Sunbeam Corporation, 505 N. Lydell Avenue, Milwaukee, WI 53217.

MC 156252 (Sub-4-1TA), filed June 5, 1981. Applicant: JERRY GREEN, d/b/a GREEN TRANSPORT, P.O. Box 4, Roanoke, IN 46783. Representative: Charles W. McNagny, P.O. Box 2263, Third Floor Lincoln Bank, Fort Wayne, IN 46801. Contract irregular *Food and related products, and pulp paper and related products* between points in the U.S., under a continuing contract or contracts, with supporting shipper Kraft, Inc., Dairy Group of Huntington, IN.

MC 156360 (Sub-4-1TA), filed June 5, 1981. Applicant: BIRKS TRANSPORTATION CO., 9 N Hickory St, Arlington Heights, IL 60004. Representative: Robert E. Birks (same address as applicant). (1) *Paper, Computer Print Outs,* from Des Plaines, IL. to Milwaukee, WI. (2) *Small appliance parts,* from Milwaukee, WI, to Chicago, IL. Supporting shippers: Financial Data Systems, 733 Lee St., Des Plaines, IL. 60016; Oster Corp., 5055 N. Lydell Ave., Milwaukee, WI. 53217.

MC 156347 (Sub-4-1TA), filed June 8, 1981. Applicant: TOOTSIE RILL EXPRESS, INC., 7401 South Cicero Ave., Chicago, IL 60629. Representative: Edward G. Bazelon, 39 South La Salle St., Chicago, IL 60603. *Contract:* irregular, *food and related products,* between Chicago, IL, on the one hand, and, on the other, all points in the U.S. under contract with Tootsie Roll Industries, Inc., for 270 days. An underlying ETA seeks 120-day authority. Supporting shipper: Tootsie Roll Industries, Inc., 7401 South Cicero Ave, Chicago, IL 60629.

MC 151181 (Sub-4-3TA), filed June 5, 1981. Applicant: DAKOTA TRANSPORT, INC., Box 115, Fort Pierre, S.D. 57532. Representative: Michael F. Morrone, 1150 17th St., N.W., Suite 1000, Washington, D.C. 20036. *Contract; Irregular, Beer, empty containers and related advertising and promotional materials* between points in S.D. on the one hand, and on the other, points in MN, MO, TX, WS, TN and CA, for the account of Ellwein Brothers Inc., Pierre, S.D. for 270 days. An underlying *ETA seeks 120 day authority.* Supporting shipper: Ellwein Bros. Inc., 401 West Dakota, Pierre, SD 57501.

MC 111496 (Sub-4-6TA), filed June 4, 1981. Applicant: TWIN CITY FREIGHT, INC., 2550 Long Lake Road, Roseville, MN 55113. Representative: Alan Foss, 502 First National Bank Bldg., Fargo, ND 58126. *Contract,* irregular: *General commodities* (except household goods as defined by the Commission and classes A and B explosives) between points in the U.S., under a continuing contract(s) with the Port of Seattle. Supporting shipper: Port of Seattle, P.O. Box 1209, Seattle, WA 98111.

MC 145505, filed June 5, 1981. Applicant: IRISH TRANSPORTATION, INC., 8007 South Meridian Street, Indianapolis, IN 46227. Representative: Warren C. Moberly, Harrison & Moberly, 777 Chamber of Commerce Building, 320 North Meridian Street, Indianapolis, IN 46204, (317) 639-4511. *Buses, bus parts and chassis, new and used,* in driveaway, truckaway or towaway movement, (1) between points in Faulkner County, AR, on the one hand, and, on the other, (2) all points in the U.S. (except AK & HI). Supporting shipper: American Transportation Corporation, Highway 65 South, Conway, AR 72032..

MC 153829 (Sub-4-22TA), filed June 5, 1981. Applicant: UNITED SHIPPING COMPANY, P.O. Box 21186, St. Paul, MN 55121. Representative: James E. Ballenthin, 630 Osborn Bldg., St. Paul, MN 55102. *Machinery and materials, equipment and supplies used in the manufacture thereof,* between the facilities of Dynamic Industries, Inc. at or near Barnesville, MN, on the one hand, and, on the other, points in the U.S. Supporting shipper: Dynamic Industries, Inc., P.O. Box 466, 201 West Main Avenue, Barnesville, MN 56513

MC 156344 (Sub-4-4TA), filed June 5, 1981. Applicant: Clyde Mills d.b.a. Mills Distributing, Box 265, Hurley, SD 57036. Representative: A. J. Swanson, Quaintance & Swanson, P.O. Box 1103, 226 North Phillips Avenue, Sioux Falls, SD 57101. Contract; irregular: *Salt, salt products, materials, and supplies* used in the manufacture, packaging and distributing of salt and salt products, between points in IA, KS, MN, NE, ND, SD, UT, and WI under a continuing contract or contracts with Cargill, Incorporated, Salt Division. Supporting shippers: Cargill, Incorporated, Salt Division, P.O. Box 5621, Minneapois, MN 55440.

MC 156345 (Sub-4–1TA), filed June 3, 1981. Applicant: ELK EXPRESS LINES, LTD., 5542 Angling Road, MI Portage, 49003. Representative: Ms. Vicki J. Elkins, 5542 Angling Road, Portage, MI 49003. *Gneral Commodities (except Commodities* Transported in Bulk, from, to, or between the following points or described area; Between points within a 500 Mile radius of the Corporate office of Elk Express Lines, LTD in Kalamazoo, MI From, To and Between the States of IN, IL, IA KY, MD, MI, MN, MO, NY, OH, PA, TN, WV, and WI. Supporting shipper: There are more than (6) Supporting shippers.

MC 156349 (Sub-4–1TA), filed June 5, 1981. Applicant: EFFECTIVE TRUCKING, INC., 2310 Jones Place, Bloomingtin, MN 55431. Representative: Stanley C. Olsen, Jr., 5200 Willson Road, Suite 307, Minneapolis, MN 55424. *Chemicals and related products, ores and minerals,* between points in Minneapolis, MN, Cleveland, OH, Dallas, TX, and San Francisco, CA, and points in their respective commercial zones, and points in WY, on the one hand, and, on the other, points in the U.S. under continuing contracts with Effective Building Products, Inc. Supporting shipper: Effective Building Products, Inc., 2950 Metro Drive, Bloomington, MN 55420.

MC 140615 (Sub-4–6TA), filed June 5, 1981. Applicant: DAIRYLAND TRANSPORT, INC., P.O. Box 1116, Wisconsin Rapids, WI 54494. Representative: Dennis C. Brown (same as applicant). *Rubber and Plastic Products, Metal Products and materials and supplies used in the manufacture and distribution of Rubber and Plastic Products, Metal Products* between points in the U.S. Supporting shipper: Mid West Plastics, Inc. North St. Pembine, WI 54156.

MC 128927 (Sub-4–4TA), Filed June 5, 1981. Applicant: MARTIN TRUCKING COMPANY, INC., Box 406, Toro Road, Tomah, WI 54660. Representative: James A. S piegel, Attorney, Olde Towne Office Park, 6333 Odana Road, Madison, WI 53719. *Malt beverages and related advertising materials, premiums, and dispensing equipment in mixed loads with malt beverages* from the facilities of the Joseph Schlitz Brewing company at Memphis, TN, to Hartland, La Crosse, and Sparata, WI. An underlying Eta seeks 120 days authority. Supporting shippers: Don Kerr, Inc., 550 Industrial Drive, Hartland, WI 53029; La Crosse Distributing Company, Inc., 2008 Oak Street, La Crosse, WI 54601; and Bottled Beverage, Inc., 204 Milwaukee Street, Sparta, WI 54656.

The following applications were filed in region 5. Send protests to: Consumer Assistance Center, Interstate Commerce Commission, Post Office Box 17150, Fort Worth, TX 76102.

MC 115669 (Sub-5–14TA, Filed June 8, 1981. Applicant: DAHLSTEN TRUCK LINE, INC., P.O. Box 95, Clay Center, NE 68933. Representative: Vayle Hayes (same address as applicant). *Food and Related products,* between pts in AR, CO, IA, KS, MO, NE, OK & SD. Supporting shipper: Cereal Food Processors, Inc., P.O. Box 11338, Kansas City, MO 64112.

MC 116077 (Sub-5–12TA), filed June 8, 1981. Applicant: DSI TRANSPORTS, INC., 5851 San Felipe, Suite 800, Houston, Texas 77057. Representative: J. C. Browder, Traffic Manager, DSI Transports, Inc., 5851 San Felipe, Suite 800, Houston, Texas 77057. *Propylene, in bulk, in tank vehicles, from Norco, Louisiana to Brunswick, Georgia.* Supporting shipper: Hercules, Incorporated, 3169 Holcomb Bridge Road, Suite 301, Norcross, Georgia 30071.

MC 116127 (Sub-5–1TA), filed June 8, 1981. Applicant: GEORGE D. CYRUS, INC., R.F.D. 1, Iola, KS 66749. Representative: Charles H. Apt, P.O. Box 328, Iola, KS 66749. Contract; Irregular. *Petroleum products in packages or containers,* from pts in KS and the KC-KS—KC-MO Commercial Zone as defined by the ICC to pts in MO on and East of a line beginning at the MO-IA State Boundary line near Lancaster, MO., and extending southerly along U.S. Hwy 63 to the junction with U.S. Hwy 60 near Cabool, MO., thence westerly along U.S. Hwy 60 to the junction with U.S. Hwy 65 near Galloway, MO., and thence southerly along U.S. Hwy 65 to the MO-AR State boundary line near Ridgedale, MO. Supporting shipper: Phillips Petroleum Company, 826 Adams Bulding, Bartlesville, OK 74004.

MC 135691 (Sub-5–21TA), filed June 8, 1981. Applicant: DALLAS CARRIERS CORP., P.O. Box 38528, Dallas, TX 75228. Representative: Robert L. Baker, Sixth Floor, United American Bank, Nashville, TN 37219. *Chemicals and related products* from points in NJ and Palmerton, PA, to points in the U.S. Supporting shipper: Gulf + Western Industries, Inc., One Commerce Place, Nashville, TN 37239.

MC 139973 (Sub-5-8TA), filed June 6, 1981. Applicant: J. H. WARE TRUCKING, INC., P.O. Box 398, Fulton, MO 65251. Representative: Larry D. Knox, Myers, Knox & Hart, 600 Hubbell Building, Des Moines, IA 50309. *(1) such commodities as are dealt in by manufacturers or distributors of electrical equipment, mechanical devices or telecommunications equipment, and (2) parts, materials and supplies used in the manufacture, sale or distribution of the commodities in (1) above,* between Lawrenceburg, KY, on the one hand, and, on the other, Dallas and Irving, TX; Merriam, KS; and Sacramento and Hayward, CA. Supporting shipper: Reliance Electric Company, Highway 127 North, Lawrenceburg, KY 40342.

MC 142508 (Sub-5–53TA), filed June 8, 1981. Applicant: NATIONAL TRANSPORTATION, INC., P.O. Box 37465, Omaha, NE 68137. Representative: Lanny N. Fauss, P.O. Box 37096, Omaha, NE. 68137. *Food and related commodities* between NY, PA and Pts in the U.S. Supporting shipper: P. J. Schmitt Company, 678 Bailey Ave., Buffalo, NY 14240.

MC 144117 (Sub-5–9TA), filed June 8, 1981. Applicant: TLC LINES, INC., P.O. Box 1090, Fenton, MO 63026. Representative: Bernard J. Kompare, 10 S. LaSalle St., Suite 1600, Chicago, IL 60603. *Such commodities as are dealt in by manufacturers of shelving storage systems,* from Pts in Morgan County, IL, to Pts in MN, IA, MO, AR, LA, ND, SD, NE, KS, OK, and TX. Supporting shipper: Lundia Meyers Industries, Inc. Jacksonville, IL.

MC 146457 (Sub-5–4TA), filed June 8, 1981. Applicant: PAISLEY TRUCKING, INC., P.O. Box 208, Durango, IA 52309. Representative: James M. Hodge, 1000 United Central Bank Bldg., Des Moines, IA 50309. *Malt beverages,* from the facilities of Joseph S. Pickett & Sons at Dubuque, IA to Pts in IL, IN, MI, MN, TN, and WI. Supporting shipper(s): Joseph S. Pickett & Sons, Inc., East Fourth Street Extension, Dubuque, IA 52001.

MC 149235 (Sub-5–7TA), filed June 8, 1981. Applicant: C. MAXWELL TRUCKING CO., INC., 9108 Reeds Drive, Overland Park, KS 66207. Representative: Alex M. Lewandowski, 1221 Baltimore Ave., Ste. 600, Kansas City, MO 64105. Contract Irregular *general commodities (except household goods as defined by the Commission, Classes A and B explosives and hazardous materials),* between Jackson County, MO, on the one hand, and, on the other, pts in WY, CO, KS, UT, CA, TX, OR, WA, NM, and AZ. Supporting shipper: Gordon Corporation, 1208 W. 12th Street, Kansas City, MO 64105.

MC 151753 (Sub-5–3TA), filed June 8, 1981. Applicant: M. W. CYCLE HAULER, INC., 11909 Santa Fe Drive, Lenexa, KS 66215. Representative: Clyde

N. Christey, Ks Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612. *Plastic food containers and lids,* between the Kansas City, KS-Kansas City, MO Commercial Zone on the one hand and the Commercial Zones of Baton Rouge, LA; Houston, TX; Atlanta, GA; Baltimore, MD; Detroit, MI and Los Angeles, CA and pts in SC on the other hand. Supporting shipper: Sunset Plastic Products, Inc., 11800 W. 85th St., Lenexa, KS 66215.

MC 151753 (Sub-5–4TA), filed June 8, 1981. Applicant: M. W. CYCLE HAULER, INC., 11909 Santa Fe Drive, Lenexa, KS 66215. Representative: Clyde N. Christey, Ks Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612. *Rubber and miscellaneous plastic products and raw plastics,* between the Kansas City, KS-Kansas City, MO Commercial Zone on the one hand and pts in the Houston, TX; Dallas, TX; Springfield, IL; Columbus, OH; Chicago, IL; Baton Rouge, LA; Corbin KY and Los Angeles CA Commercial Zones on the other hand. Supporting shipper: Mid-American Plastic Color, Inc., 14881 W. 99th St., Lenexa, KS 66214.

MC 156299 (Sub-5–1TA), filed June 8, 1981. Applicant: BILL HILL, d.b.a. HILL TRUCKING, 104 Castle Avenue, Paragould, AR 72450. Representative: James M. Duckett, 221 W. 2nd, Suite 411, Little Rock, AR 72201. *(1) Shock Absorbers and (2) Materials, Equipment and Supplies used in the manufacture of Shock Absorbers,* between Paragould, AR and points in CA, GA, NE, and VA. Supporting shipper: Monroe Auto Equipment Co., International Drive, Monroe, MI 48161.

MC 156346 (Sub-5–1TA), filed June 8, 1981. Applicant: MICHAEL J. BOYER, d.b.a. M. J. BOYER TRUCKING, 10016 W. 70th Terrace, Merriam, KS 66203. Representative: Alex M. Lewandowski, 1221 Baltimore Ave., Ste. 600, Kansas City, MO 64105. *Pulp, paper, printed materials and related products and waste and scrap materials (except hazardous materials),* between Jackson, Clay and Platte Counties, MO and Wyandotte and Johnson Counties, KS, on the one hand, and, on the other, pts in KS, NE, IA, OK, AR, MO, and TX. Supporting shipper: Western Container Co., Inc., 4323 Clary Blvd., Kansas City, MO 64130.

MC 156379 (Sub-5–1TA), filed June 8, 1981. Applicant: RONALD HAGEMAN, d.b.a. HAGEMAN ENTERPRISES, R.R. No. 1 Box 259–22, Keokuk, IA 52632. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501. *Mobile Homes, Modular Units, Modular Carriages and Sectional Units,* between pts in IA, IL, and MO. Supporting shippers: 7 shippers.

MC 156381 (Sub-5–1TA), filed June 8, 1981. Applicant: BIG O' TRUCKING, INC., P.O. Box 668, Van Buren, AR 72956. Representative: Don Garrison, Esq., P.O. Box 1065, Fayetteville, AR 72956. *Metal Pickup Tool Boxes and Materials, Equipment and Supplies* used in the manufacture thereof. Between the facilities of Storall Manufacturing Company, Inc., at or near Jonesboro, AR, on the one hand, and, on the other, points in and west of CO, NM, MT, and WY. Supporting shipper: Storall Manufacturing Company, Inc., P.O. Box 2337, Jonesboro, AR 72401.

MC 156387 (Sub-5–1TA), filed June 8, 1981. Applicant: JIM L. LANGENFELD, d.b.a. D & J ENTERPRISES, Rural Route No. 2, Dow City, IA 51528. Representative: James F. Crosby & Associates, 7363 Pacific Street, Suite 210B, Omaha, NE 68114. *Meats and packinghouse products,* from pts in Crawford County, IA to Chicago, Kankakee, Peoria, Rockford, and Springfield, IL; Kansas City and Wichita, KS; Minneapolis-St. Paul, MN; St. Joseph, St. Louis, and Springfield, MO; Lincoln, NE; and Appleton, Kenosha, Milwaukee and Superior, WI (and pts in their respective commercial zones). Supporting shipper: Dubuque Packing Co., P.O. Box 810, Denison, IA 51442.

James H. Bayne,

Acting Secretary.

[FR Doc. 81-17948 Filed 6-16-81, 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule 251 of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the applications later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Vol. No. OPY–3–094

Decided: June 11, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams (Fisher not participating).

MC 67485 (Sub-22), filed May 4, 1981. Applicant: TEXAS TEX-PACK EXPRESS, INC., P.O. Box 9325, San Antonio, TX 78204. Representative: Austin L. Hatchell, P.O. Box 2165, Austin, TX 78768, (512 476–6083. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 150754 (Sub-3), filed June 3, 1981. Applicant: A B C TRANSFER INC., 65 East Thomas Ave., Baltimore, MD 21225. Representative: Ronald W. Hebb, 3541 Newland Rd., Baltimore, MD 21218, (301) 760–1217. Transporting for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret material, and sensitive weapons or munitions) between points in the U.S.

MC 156244, filed May 18, 1981. Applicant: UNITED INTERMODE, INC., One United Drive, Fenton, MO 63026. Representative: B.W. LaTourette, Jr., 11 S. Meramec, Suite 1400, St. Louis, MO 63105, (314) 727–0777. As a *broker* of *general commodities* (except household goods), between points in the U.S.

MC 156305, filed June 2, 1981. Applicant: CLIFTON C. JAMISON, R.D. #2, Box 236, Jersey Swamp Rd., West Chazy, NY 12992. Representative: Richard D. Howe, 600 Hubbell Bldg., Des Moines, IA 50309, (515) 244–2329. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs). *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

Vol. No. OPY–4–193

Decided: June 11, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher,and Williams.

MC 147326 (Sub-2), filed June 1, 1981. Applicant: NEWPORT AIR FREIGHT INC., Airport Rd., Newport, VT 05855. Representative: Duane C. Wright (same address as applicant), (802) 334–2613. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

James H. Bayne,

Acting Secretary.

[FR Doc. 81–17827 Filed 6–16–81; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

James H. Bayne

Acting Secretary.

Note.—All applications are for authority to operate as as motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OPY–4–192

Decided: June 11, 1981.

MC 129328 (Sub-39), filed June 1, 1981. Applicant: CHEMICAL TANK LINES, INC., Bonnie Mine RD, P.O. Box 437, Mulberry, FL 33860. Representative: Charles A. Webb, Suite 1111, 1828 L St. N.W., Washington, DC 20036, (202) 296–2929. Transporting *commodities in bulk*, between points in the U.S. under continuing contract(s) with International Minerals and Chemical Corporation of Mundelein, IL.

MC 150816, filed May 29, 1981. Applicant: HUGHES TRANSIT, INC., P.O. Box 352, Owensboro, KY 42301. Representative: Maxwell A. Howell, 1100 Investment Bldg., 1511 K St., NW., Washington, DC 20005, (202) 783–7900. Transporting *passengers and their baggage*, in the same vehicle, in special and charter operations, beginning and ending at points in Daviess, Henderson, Hopkins, Hancock, McLean and Ohio Counties, KY and Spencer County, IN. and extending to points in the U.S., including AK but excluding HI.

MC 156246, filed June 1, 1981. Applicant: NORTH CENTRAL MOTOR CLUB, d.b.a. AAA WORLD WIDE TRAVEL AGENCY, 1 E. Sixth Ave., S. Williamsport, PA 17701. Representative: Neil K. Feerrar (same as applicant) (717) 323–8431. To engage in operations, in interstate or foreign commerce as a *broker*, at S. Williamsport, PA in arranging for the transportation, by motor vehicle, of *passengers and their baggage* in special or charter operations, between points in the U.S., including AK and HI.

Volume No. OPY–4–194

Decided: June 11, 1981.

MC 144606 (Sub-20), filed June 1, 1981. Applicant: DUNCAN & SON LINES, INC., 714 East Baseline Rd., Buckeye, AZ 85326. Representative: Donald W.

Powell, 4150 North 12th St., Phoenix, AZ 85014, (602) 241–0777. Transporting *rubber and plastic products*, between points in AZ, on the one hand, and, on the other, points in ID, MT, OK, OR, UT, WA, and WY.

MC 144906 (Sub-4), filed June 1, 1981. Applicant: NORTH OPERATING COMPANY, a Corporation, 39 Little Brook Rd., Springfield, NJ 07081. Representative: Roy A. Jacobs, 550 Mamaroneck Ave., Harrison, NY 10582, (914) 835–4411. Transporting *such commodities* as are dealt in or used by grocery or department stores, between points in the U.S., under continuing contract(s) with Grand Union, of Elmwood Park, NJ.

MC 144986 (Sub-4), filed June 1, 1981. Applicant: STAHLER TRUCKING & LEASING, INC., 208 E. Harrison St., Wapakoneta, OH 45895. Representative: John L. Alden, 1396 W. 5th Ave., Columbus, OH 43212, (614) 481–8821. Transporting *animal feed, and animal feed ingredients*, between Auglaize County, OH, on the one hand, and, on the other, points in the U.S.

MC 146756 (Sub-6), filed June 2, 1981. Applicant: WAGNER TRUCKING, INC., 6585 Dawn Way, Inver Grove Heights, MN 55075. Representative: Stanley C. Olsen, Jr., 5200 Wilson Rd., Suite 307, Minneapolis, MN 55424, (612) 927–8855. Transporting *metal products*, between points in MN, IA, WI, IL, IN, MI, and OH.

MC 147196 (Sub-15), filed June 1, 1981. Applicant: ECONOMY TRANSPORT, INC., P.O. Box 50262, New Orleans, LA 70150. Representative: Fletcher W. Cochran, P.O. Box 741, Slidell, LA 70459, (504) 641–7630. Transporting *metal products*, between points in the U.S., under continuing contract(s) with Shamrock Tubular Products, Inc., of Houston, TX, and Gulf Coast Wire Rope, Inc., of Pasadena, TX

MC 147536 (Sub-34), filed June 2, 1981. Applicant: D. L. SITTON MOTOR LINES, INC., P.O. Box 1567, Joplin, MO 64801. Representative: David L. Sitton (same address as applicant) (417) 782–2600. Transporting *charcoal and charcoal products*, between points in Dent Count, MO, on the one hand, and, on the other, points in the U.S.

MC 147746 (Sub-2), filed June 2, 1981. Applicant: TRI-UNION EXPRESS, INC., 3680 179th St., Hammond, IN 46323. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501, (515) 682–8154. Transporting *metal products*, between points in the U.S.

MC 148366, filed June 1, 1981. Applicant: STRAIN'S BUS CO., INC., 2450 30th Ave., SE., Rochester, MN 55901. Representative: James Robert Evans, 145 W. Wisconsin Ave., Neenah, WI 54956. Transporting *passengers and their baggage* in special and charter operations, beginning and ending at points in Anoka, Carver, Dakota, Dodge, Fillmore, Goodhue, Hennepin, Houston, Olmsted, Ramsey, Scott, Wabasha and Washington, Counties, MN, and extending to points in the U.S., including AK, but excluding HI.

MC 150546 (Sub-2), filed June 2, 1981. Applicant: S-J TRANSPORTATION CO., E. Millbrooke Ave., P.O. Box 91, Woodstown, NJ 08098. Representative: S. H. Jones, Jr. (same address as applicant), (609) 769–2741. Transporting (1) *waste materials*, between points in AZ, CA, CO, ID, IA, KS, MN, MT, NE, NV, NM, ND, OK, OR, SD, UT, WA, and WY; (2) *soap products*, between points in Camden County, NJ, on the one hand, and, on the other, points in NY, PA, MD, VA, TN, and IL, and (3) *commodities in bulk*, between points in Salem County, NJ, on the one hand, and, on the other, points in NY, CT, PA, MD, DE, NC, VA, WV, TN, OH, and IL.

Volume No. OPY–4–195

Decided: June 11, 1981.

MC 29886 (Sub-386), filed May 6, 1981, and published in the **Federal Register** issue of May 29, 1981, and republished this issue. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4314 39th Ave., Kenosha, WI 53142. Representative: Paul F. Sullivan, 711 Washington Bldg., Washington, DC 20005, (202) 347–3987. Transporting *machinery and metal products*, between the facilities of Clark Equipment Company or its customers or suppliers at points in the U.S., on the one hand, and, on the other, points in the U.S.

Note.—The purpose of this republication is to correctly reflect the territorial description.

MC 154206, filed June 1, 1981. Applicant: DELMAR DONLEY, INC., R.R. #1, Sherman, IL 62702. Representative: Edward D. McNamara, Jr., 907 S. Fourth St., Springfield, IL 62703, (217) 528–8476. Transporting *coal*, between points in Macon County, IL, on the one hand, and, on the other, points in IN.

MC 154756, filed June 2, 1981. Applicant: THE GATEWAY DELIVERY, INC., 1 Saratoga Ct., Nanuet, NY 10954. Representative: Roy A. Jacobs, 550 Mamaroneck Ave., Harrison, NY 10528, (914) 835–4411. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with H. Muehlstein & Co., Inc. of Greenwich, CT, BSR (USA) Ltd. of Blauvelt, NY and Nepera Chemical Co., Inc. of Harriman, NY.

MC 155266 (Sub-1), filed June 3, 1981. Applicant: JOHN J. VETERI, P.O. Box 624, West Paterson, NJ 07424. Representative: John J. Veteri (same address as applicant) (201) 785–8775. Transporting *chemicals and related products*, between points in Hudson and Middlesex Counties, NJ, on the one hand, and, on the other, points in the U.S.

MC 155916, filed June 1, 1981. Applicant: ARDMORE FARMS, INC., P.O. Box 183, De Land, FL 32720. Representative: William P. Jackson Jr., P.O. Box 1240, Arlington, VA 22210, (703) 525–4050. Transporting *food and related products*, between points in Bergen County, NJ on the one hand, and, on the other, points in the U.S. in and east of WI, IL, MO, AR and LA.

MC 156136, filed June 1, 1981. Applicant: RAY KING TRANSPORATION, 229 Cadwell Rd., Pittsfield, MA 01201. Representative: Jack L. Schiller, 502 Flatbush Ave., Brooklyn, NY 11225, (212) 941–9291. Transporting (1) *such commodities* as are dealt in by toy and hobby stores, and (2) *paper and paper products*, between points in the U.S., under continuing contract(s) with Kay Bee Toy & Hobby Shops, Inc. of Lee, MA and Boyd Converting Company, Inc. of Richmond, MA.

MC 156276, filed June 1, 1981. Applicant: TOTRAN TRANSPORT, INC., P.O. Box 217, Mills, NY 82644. Representative: Irene Warr, 311 S. State Street, Suite 280, Salt Lake City, UT 84111, (801) 531–1300. Transporting (1) *lumber and wood products*, (2) *building materials*, (3) *metal products*, (4) *Mercer commodities* and (5) *those commodities* which because of their size or weight require the use of special handling or equipment, between points in and west of ND, SD, NE, KS, OK and TX.

Volume OPY–4–196

Decided: June 11, 1981.

MC 61016 (Sub-61), filed June 1, 1981. Applicant: PETER PAN BUS LINES, INC., 1776 Main St., Boston, MA 01103. Representative: Ronald W. Malin, Bankers Trust Bldg., 4th Fl., Jamestown, NY 14701, (716) 664–5210. To engage in operation, in interstate or foreign commerce for the transportation of *passengers and their baggage*, in charter operations, between points in the U.S., under continuing contract(s) with Peter Pan World Travel, Inc., of Springfield, MA.

MC 76266 (Sub-148), filed June 3, 1981. Applicant: ADMIRAL-MERCHANTS MOTOR FREIGHT, INC., 215 S. 11th St., Minneapolis, MN 55403. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118, (612) 457–6889. Transporting *machinery*, between the facilities of The King Company and King National, Inc., at points in Steele County, MN, on the one hand, and, on the other, points in the U.S.

MC 117786 (Sub-136), filed June 1, 1981. Applicant: RILEY WHITTLE, INC., P.O. Box 19038, Phoenix, AZ 85005. Representative: A. Michael Bernstein, 1441 E. Thomas Rd., Phoenix, AZ 85014, (602) 247–5992. Transporting *such commodities* as are dealt in or used in welding and the manufacture of welding equipment and supplies, between points in Miami County, OH, on the one hand, and, on the other, points in the U.S.

MC 123476 (Sub-65), filed June 1, 1981. Applicant: CURTIS TRANSPORT, INC., 23 Grandview Industrial Ct., Arnold, MO 63010. Representative: David G. Dimit (same address as applicant), (314) 464–1300. Transporting *paper products*, between Richmond, VA, and points in St. Clair County, IL and Kalamazoo County, MI, on the one hand, and, on the other, those points in the U.S. on and east of U.S. Hwy 85.

MC 117786 (Sub-137), filed June 1, 1981. Applicant: RILEY WHITTLE, INC., P.O. Box 19038, Phoenix, AZ 85005. Representative: A. Michael Bernstein, 1441 E. Thomas Rd., Phoenix, AZ 85014, (602) 264–4891. Transporting *plastic articles*, between the facilities of Thompson Industries Co., at points in VA, CA, IL, TX, MO, NH, OH, AZ, WA, LA, GA, NJ, and FL., on the one hand, and, on the other, points in the U.S.

MC 134156 (Sub-3), filed June 1, 1981. Applicant: AL SALEM, d.b.a. AL SALEM PRODUCE, 5136 Cherokee Hill Dr., Salem, VA 24153. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168, (703) 629–2616. Transporting (1) *chemicals and related products*, between the facilities of Pecora Corporation, at or near Atlanta, GA, Dallas, TX, and Philadelphia, PA, on the one hand, and, on the other, points in the U.S., (2) (a) *leather and leather products*, and (b) *rubber and plastic products*, between the facilities of Dentex Shoe Corporation, at points in Webb County, TX, on the one hand, and, on the other, those points in the U.S. in and east of WI, IL, KY, TN, and MS, and (3) *food and related products*, between the facilities of Frankford Candy and Chocolate Company, at Philadelphia, PA, on the one hand, and, on the other, points in the U.S.

MC 135936 (Sub-35), filed June 1, 1981. Applicant: C & K TRANSPORT, INC., Box 205, Webster City, IA 50595. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309, (515) 245–4300. Transporting *food and related products*, between points in Fremont, Webster, Polk, Hamilton, Dallas, Tama, Marshall, Linn, Woodbury, and Hardin Counties, IA, on the one hand, and, on the other, points in AR, CO, CT, DE, IL, IN, KS, KY, ME, MD, MA, MI, MN, MO, NE, NH, NJ, NY, ND, OH, PA, RI, TN, VT, VA, WV, WI, and DC.

MC 142976 (Sub-9), filed June 1, 1981. Applicant: JOHN D. PERFETTI, R.D. #4, Box 2 5C, Blairsville, PA 15717. Representative: Eugene A. Waszkiewicz, P.O. Box 8315, Pittsburgh, PA 15218, (412) 469–0333. Transporting (1) *iron and steel articles*, and (2) *machinery*, between points in the U.S., under continuing contract(s) with Scott Forge Inc., Co., of Springrove, IL.

MC 143066 (Sub-2), filed May 28, 1981. Applicant: B.G.M. TRUCKING, INC., 12634 E. Freeway, Houston, TX 77015. Representative: Timothy Mashburn, 1806 Rio Grande, Austin, TX 78768, (512) 476–6391. Transporting *general commodities* (except Classes A and B explosives), between points in the U.S., under continuing contract(s) with Mims Meat Company, Inc.

MC 156306, filed June 3, 1981. Applicant: SHIPPER'S CHOICE CORPORATION, Pittsburgh National Bank Bldg., Pittsburgh, PA 15222. Representative: Ben Cotten, 1899 L. Street, NW., Washington, DC 20036, (202) 659–9505. Transporting *general commodities* (except classes A and B explosives), between those points in the U.S. in and east of ND, SD, CO, NE, OK, and TX.

[FR Doc. 81–17928 Filed 6–16–81; 8:45 am]

BILLING CODE 7035–01–M

[Volume No. OPI-174]

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Decided: June 10, 1981.

The following applications, filed on or after February 9, 1981, are governed by Special Rule 251 of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation arrive or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we fine, preliminarily, that each appliant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority the duplication shall be

construed as conferring only a single operating right.

By the Commission, Review Board No. 1, Members Parker, Chandler and Fortier.

James H. Bayne,

Acting Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

MC 156340, filed June 5, 1981. Applicant: VALLEY GRAIN CO., TRKG., P.O. Box 299, Browns Valley, MN 56219. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440 (612) 542–1121. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 156351, filed June 1, 1981. Applicant: WILSON TRUCKING, 3412 9th Avenue, Council Bluffs, IA 51501. Representative: James F. Crosby, 7363 Pacific St., Oak Park Office Bldg., Suite 210B, Omaha, NE 68114, (402) 397–9900. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle, in such vehicle, between points in the U.S.

[FR Doc. 81-18023 Filed 6-16-81, 8:45 am]

BILLING CODE 7035-01-M

[Volume No. OPI–173]

Motor Carrier; Permanent Authority Decisions; Decision-Notice

Decided: June 10, 1981.

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed sevice warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requiements of Title 49, subtitle VI, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No.1, Members Parker, Chandler and Fortier.

James H. Bayne,

Acting Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

MC 82841 (Sub–316), filed June 4, 1981. Applicant: HUNT TRANSPORTATION, INC., 10770 "I" Street, Omaha, NE 68127. Representative: William E. Christensen (same address as applicant), (402) 339–3003. Transporting *building materials*, between the facilities of Delta Steel Buildings Company and its subsidiaries, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 87451 (Sub-6), filed June 5, 1981. Applicant: CARGO TRANSPORT, INC., 91 Mountain Rd., Burlington, MA 08103. Representative: Sumuel A. Bithoney, Jr. (same address as applicant), (617) 628–1600. Transporting *lumber and wood products*, between points in the U.S., under continuing contract(s) with (a) L. R. McCoy & Co., Inc., of Worcester, MA, (b) Shepard & Morse Lumber Co., of Weston, MA, and (c) Furman Lumber, Inc., of Boston, MA.

MC 107110 (Sub-8), filed June 4, 1981. Applicant: B & D TRANSFER, INC., P.O Box 133, Liberty, PA 16930. Representative: David A. Sutherland, 1150 Connecticut Ave., NW, Suite 400, Washington, DC 20036, (200) 452–6800. Transporting *general commodities* (except classes A and B explosives), between points in MD, NY, OH and PA, on the one hand, and, on the other, points in CT, DE, NH, NJ, NY, MD, MA, OH, PA, RI, VT, VA, WV and DC.

MC 117201 (Sub-55), filed June 1, 1981. Applicant: INTERSTATE DISTRIBUTOR CO., a corporation, 8311 Durango S.W., Tacoma, WA 98499. Representative: George R. LaBissoniere, 15 S. Grady Way, Suite 233, Renton, WA 98055 (206) 228–3807. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with American Salt Company, of Kansas City, MO.

MC 117370 (Sub-45), filed June 4, 1981. Applicant: STAFFORD TRUCKING, INC., 2155 Hollyhock Lane, Elm Grove, WI 53122. Representative: Richard A. Westley, 4506 Regent St., Suite 100, Madison, WI 53705, (608) 238–3119. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Peck Meat Packing Corporation of Milwaukee, WI.

MC 134790 (Sub-8), filed June 3, 1981. Applicant: DANIEL C. HAFFNER, d.b.a. HAFFNER TRUCKING SERVICE, R.R. #1 Farmington, IA 52626. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309 (515) 244–2329. Transporting *metal products*, between points in Des Moines County, IA, on the one hand, and, on the other, points in the U.S.

MC 135640 (Sub-17), filed June 1, 1981. Applicant: STALEY EXPRESS, INC., 2501 North Brush College Road, Decatur, IL 62526. Representative: Charles Carnahan, Jr. (same address as applicant) (217) 422–2111. Transporting *general commodities* (except classes A and B explosives), between those points in the U.S. in and east of U.S. Hwy 85.

MC 138000 (Sub-91), filed May 29, 1981. Applicant: ARTHUR H. FULTON, INC., PO Box 99, Stephens City, VA 22655. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., PO Box 1417, Hagerstown, MD 21740. (301) 797–6060. Transporting *lighting products, and materials, equipment and supplies* used in the manufacture or distribution of lighting products, between those points in the U.S. in and east of MN, IA, KS, OK and TX.

MC 146021 (Sub-7), filed June 1, 1981. Applicant: RALPH OWENS TRUCKING CO., INC., P.O. Box 711, Hereford, TX 79045. Representative: Richard Hubbert, P.O. Box 10236, Lubbock, TX (806) 763–9555. Transporting *pulp, paper and related products,* between points in TX, OK, LA, KS, MS, TN, AL, AR, and CO.

MC 151471 (Sub-9), filed June 1, 1981. Applicant: STEINBECKER BROS., INC., P.O. Box 852, Greeley, CO 80632. Representative: Jack B. Wolfe, 1600 Sherman St., No. 665, Denver, CO 80203 (303) 352–1170. Transporting *pulp, paper and related products,* between points in Los Angeles County, CA, on the one hand, and, on the other, points in CO, OR, and WA.

MC 153460 (Sub-1), filed June 4, 1981. Applicant: BRUCE TRANSPORTATION CO., INC., 32 Barry Drive, Rockaway Twsp., NJ 07866. Representative: William H. Cover, III, 141 N. Beverwyck Road, Lake Hiawatha, NJ 07034, (201) 334–8362. Transporting *general commodities* (except classes A and B explosives), between points in NJ, NY, CT, DE, MD, VA, MA, OH, PA, and MI, on the one hand, and, on the other, those points in the U.S. in and east of MN, NE, KS, OK, and TX.

MC 154190 (Sub–1), filed May 29 1981. Applicant: N. J. BART CORPORATION, 561 Bay Ave., Elizabeth, NJ 07201. Representative: George A. Olsen, PO Box 357, Gladstone, NJ 07934. Transporting *general commodities* (except classes A and B explosives), between the facilities used by Warner-Lambert Company, its subsidiaries, divisions, and vendors, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 154800, filed June 3,1981. Applicant: LYNN E. ADAMS d.b.a. TRANSPORT SPECIALTIES UNLIMITED, 2859 S. Orange Ave., Fresno, CA 93725. Representative: John Adams (same address as applicant) (209) 233–6149. Transporting (1) *textile mill products,* and (2) *food and related products,* between points in the U.S., under continuing contract(s) in (1) with Berven Carpets Corporation of Fresno, CA, and in (2) with Seneca Foods Corporation of Prosser, WA.

MC 155070, filed May 21, 1981. Applicant: AMERICAN PACIFIC EXPRESS, INC., 817 McDonald Street, Green Bay, WI 54303. Representative: Patrick J. Fleming (Same address as applicant) (414) 435–2400. Transporting (1) *pulp, paper and related products,* (2) *rubber and plastic products,* and (3) *food and related products,* between points in WI, on the one hand, and, on the other, points in El Paso and Houston, TX, and those in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA, and WY.

MC 155221, filed June 5, 1981. Applicant: ALL SERVICE TRANSPORTATION, INC., 237 Ironwood, Hereford, TX 79045. Representative: Timothy Mashburn, 1806 Rio Grande, Austin, TX 78768 (512) 476–6391. Transporting *food and related products,* between points in Hale, Parmer, Potter, Randall, Lubbock, Deaf Smith and Moore Counties, TX, and Ford County, KS, on the one hand, and, on the other, points in AZ, CA, ID, NV, OR, UT, and WA.

[FR Doc. 81–18024 Filed 6–16–81; 8:45 am]
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[Volume No. 102]

Motor Carries; Permanent Authority Decisions; Restriction Removals, Decision-Notice

Decided: June 11, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Alspaugh, and Shaffer.

James H. Bayne,

Acting Secretary.

MC 8922 (Sub-8)X, filed May 20, 1981. Applicant: THE WAHL MOVING & TRANSFER CO., 16100 S. Waterloo Rd., Cleveland, OH 44110. Representative: William Hachtel (same as applicant). Applicant seeks to remove restrictions from its Sub-No. 6 certificate to (1) remove "originating at or destined to"restriction.

MC 27580 (Sub-8)X, filed March 5, 1981, published in the **Federal Register** of March 20, 1981, republished as follows: Applicant: JOSEPH CORY DELIVERY SERVICE, INC., 114 Liberty Street, Suite 204, New York, MY 10006. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048. Applicant seeks to remove restrictions in its lead and Sub-Nos. 4, 5 and 7 certificates. By certificate served May 6, 1981, applicant was granted most of the restriction removal requested by it with respect to commodity, territory and service. However, it was not granted expansion of points within a 50 mile radius of New York, NY, commerical zone in New York and New Jersey to points in New Jersey in and North of Atlantic and Gloucaster Counties, NJ, and points in Nassau, Suffolk, Sullivan, Orange, Rockland, Ulster, Dutchess, Putnam and Westchester Counties, NY, and New York, NY. Because of a recent change in policy allowing such expansion, this Board has decided to renotice this application only with respect to this one issue. Notice is hereby given that applicant seeks to expand the territory in Sub-No. 4 as stated above.

MC 35320 (Sub-659)X, filed May 26, 1981. Applicant: T.I.M.E.-DC, INC., 2598 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same as applicant). Applicant seeks to remove restrictions in its Sub-No. 77 certificate to (1) broaden its commodity descriptions from general commodities (except commodities of unusual value, in bulk, requiring special equipment, livestock, requiring mechanical refrigeration or temperature control other than those moving on government bills of lading, automobiles, trucks, and buses other than those moving on government bills of lading), to "general commodities; (2) authorize all intermediate points on the regular routes, and (3) remove the restriction on

sheet 3 against service between any two points both of which lie east of CA Hwy. 39.

MC 44783 (Sub-12)X, filed June 4, 1981. Applicant: THE MAHONING EXPRESS COMPANY, P.O. Box 557, Union Street, Mineral Ridge, OH 44440. Representative: Earl N. Merwin, 85 East Gay St., Columbus, OH 43215. Applicant seeks to remove restrictions in its Sub-No. 11 certificate to (1) broaden its commodity description from iron and steel articles, to "metal products"; and (2) eliminate the commodities in bulk expection.

MC 102567 (Sub-255)X, filed June 2, 1981. Applicant: McNAIR TRANSPORT, INC., 13403 Northwest Freeway, #130, Houston, TX 77040. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, NW, Washington, DC 20001. Applicant seeks to remove restrictions in its Sub-No. 254F part (2), certificate by (1) broadening the territorial description from one-way authority to radial authority between AL, MS, TN, OK, and NM, on the one hand, and, on the other, points in the United States, and (2) combining the above base territory with AR, LA, and TX base territory in its Sub-No. 254F, part (1) certificate, to form a single territory.

MC 104430 (Sub-67)X, filed May 27, 1981. Applicant: CAPITAL TRANSPORT COMPANY, INC., P.O. Box 408, McComb, MS 39648. Representative: Donald B. Morrison, P.O. Box 22628, Jackson, MS 39205. Applicant seeks to remove restrictions in its Sub-Nos. 62F and 63X certificates to (1) broaden its commodity description to "commodities in bulk", for chemicals in bulk, in tank vehicles; and (2) replace cities with county-wide authority: in Sub-Nos. 62F and 63X, Baton Rouge, LA, with Ascension, East Baton Rouge, Iberville, Livingston, and West Baton Rouge Parishes, LA; in Sub-No. 63X, Gretna, LA, with Orleans, Plaquemines, St. Bernard, and St. John the Baptist Parishes, LA; Gulfport, MS, with Harrison County, MS; New Orleans, LA, with Plaquemines, St. Bernard, St. Charles, and St. Tammany Parishes, LA; Montgomery, AL, with Autauga, Elmore, and Montgomery Counties, AL; and Pascagoula, MS, and points within ten miles thereof, with Jackson County, MS and Mobile County, AL.

MC 111401 (Sub-622)X, filed May 18, 1981. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Blvd., P.O. Box 632, Enid, OK 73701. Representative: Alvin J. Meiklejohn, Jr., 1600 Lincoln Center, 1600 Lincoln Street, Denver, CO 80264. Applicant seeks to remove restrictions in its Sub-Nos. E7, E17, E19, E28, E29, E35, E51, E53, E54, E55, E59, E60, E62, E64, E77, E81, and E96, letter notices to (A) expand commodity descriptions to (1) "commodities in bulk" from chemicals, liquid chemicals, and/or petro chemicals in Subs E7, E17, E19, E29, E35, E51, E53, E54, E59, E77, E81 and E96; dry synthetic plastics in E17 and E29; anhydrous ammonia and acrylonitrile in Sub E28; lubricating oil in Sub E62 and petroleum products in E55, E60 and E64; (B) remove one way authority and replace with round-trip (radial) authority between points located throughout the U.S.; in all Subs listed above; (C) remove named point authority and replace with county-wide authority as follows: Avondale, LA to Jefferson Parish, LA in Sub-No. E28; Kingsport, TN to Sullivan County, TN in Sub–Nos. E51, E53 and E54; Ringwood, IL to McHenry County, IL and Demopolis, AL to Marengo County, AL in Sub-No E59; Taft, LA to St. Charles Parish, LA in Sub–Nos. E81 and E96; (D) remove exceptions of "in bulk, in tank vehicles", in all Sub-Nos. (E) remove plantsite restriction(s) in Sub-Nos. E81 and E96; and (F) remove exceptions on certain commodities to points in MS.

MC 115654 (Sub-198)X, filed June 2, 1981. Applicant: TENNESSEE CARTAGE CO., INC., P.O. Box 23193, Nashville, TN 37202. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th St., N.W. Washington, DC 20004. Applicant seeks to remove restrictions in its Sub-No. 196F certificate to eliminate the commodities in bulk exceptions to its authority to transport such commodities as dealt in grocery and food business houses, etc., and materials, equipment and supplies

MC 115826 (Sub-602)X, filed May 21, 1981. Applicant: W. J. DIGBY, INC., 6015 E. 58th Ave., Commerce City, CO 80022. Representative: Jack B. Wolfe, 1600 Sherman St., 665 Capitol Life Center, Denver, CO 80203. Applicant seeks to remove restrictions in its Sub-Nos. 270, 274, 282, 284, 287, 295F, 299F, 316F, 319F, 336F, 338F, 339F, 340F, 343F, 348F, 354F, 359F, 363F, 368F, 369F, 374F, 399F, 405F, 424, 433, 435, 437F, 446F, 448F, 451, 452F, 453F, 463F, 474F, 477F, 483F, 490F, 492F, 508F, 517F, 519F, 529F, 532F, 534F, 535, 538F, 544F, 550F, 558, 559F, 564F, 568F, 574F, 577F, 578F, 581, 589F, 590F, 591F, 593F, and 596F certificates to (1) broaden its commodity descriptions to (a) "textile mill products, rubber and plastic products, lumber and wood products and miscellaneous products of manufacturing" from specified commodities such as carpeting, carpets, rugs, floor coverings, article grass carpets, textile, mattress cover, and textile mattress padding, carpet pad, floor tile and floor coverings in Sub-Nos. 270, 274, 299F, 363F, 369F, 433, 508F, 564F, and 568F; (b) "furniture and fixtures, machinery and clay, concrete, glass or stone products", from specified commodities such as new furniture, new furniture parts, lamps, lamp shades, lighting fixtures and light bulbs in Sub-Nos. 282, 295F, and 590F; (c) "clay, concrete, glass or stone products", from insulating materials in Sub-No. 284; (d) "chemicals and related products", from specified commodities such as chemicals and adhesive cement, sodium bicarbonate, sodium carbonate and cleaning, scouring and washing compounds in Sub-Nos. 287, 519F, 550F(2), 568(b), and 574F; (e) "machinery" from specified commodities such as mechanical refrigeration units, evaporators and compressors, and materials and accessories and electrical instruments in Sub-Nos. 316F and 354F; (f) "chemicals and related products, metal products and machinery", from chemicals and chemical products, high pressure units and materials, equipment and supplies used in the manufacture, distribution and installation of high pressure water units in Sub-No. 319F; (g) "clay, concrete, glass or stone products and rubber and plastic products", from beads and pulverized glass in Sub-No. 336; (h) "rubber and plastic products, pulp, paper and related products", from specifed commodities such as plastic products, commodities dealt in by manufacturers and convertors of paper and paper products, and materials, equipment and supplies, and plastic beads in containers in Sub-Nos. 338F, 339F, 340F and 424; (i) "general commodities (except classes A and B explosives)", from safety clothing and equipment for the protection of workers and materials, equipment and supplies used in the manufacture and distribution of those commodities, abrasives and abrasive products, drilling, coring and mining bits, sealants, power tools and parts for power tools and materials, equipment and supplies used in the manufacture and distribution of industrial ceramics, plastic and synthetic articles, chemical process, mining and petroleum products, and commodities dealt in by manufacturers of such commodities, in Sub-No. 348F; (j) "rubber and plastic products" from rubber tires and tubes and accessories for rubber tires and tubes in Sub-No. 368F; (k) "such commodities as are dealt in by manufacturers of trunks, and travelling bags" from materials and supplies used in the manufacture of trunks and travelling bags, and trunks and travelling bags in Sub-No. 374; (l)

"pulp, paper and related products, and metal products", from honeycomb cellular boards, honeycomb cellular blocks or honeycomb cellular panels, fiberboard, paper and metal in Sub-No. 405F; (m) "clay, concrete, glass or stone products, metal products and lumber and wood products", from boards, blocks and panels in Sub-No. 435; (n) "chemicals and related products, rubber and plastic products, and food and related products" from drug and toilet preparations, health and beauty care products, cleaning compounds, plastic articles, dietetic foods, infant foods and dessert preparations, chemicals, foodstuffs, cleaning compounds, equipment and appliances used in health and beauty care in Sub-Nos. 437F, 446F; (o) "such commodities as are dealt in by manufacturers of suitcases, travel bags, briefcases and carrying cases", from suitcases, travel bags, briefcases and carrying cases, and materials and supplies used in the manufacture, repair, display and distribution of those commodities in Sub-No. 451; (p) "chemicals and related products and petroleum and natural gas and their products", from cleaning, washing, buffing and polishing compounds, textile softeners, lubricants, hypochlorite solutions, deodorants, disinfectants and paints in Sub-No. 452F; (q) "petroleum, natural gas and their products, chemicals and related products and machinery", from petroleum, petroleum products, vehicle body sealer, and sound deadener compounds and filters and materials, supplies and equipment used in the manufacture, sale and distribution of the commodities named Sub-No. 453; (r) "machinery, clay, concrete, glass or stone products, metal products, and rubber and plastic products" from specified commodities such as electrical household appliances and equipment, hydrotherapy equipment, sink and shower fixtures, smoke alarms, water filters and materials, equipment and supplies used in the manufacture and distribution of the commodities named in Sub-Nos. 474F and 519F; (s) "such commodities as are dealt in by manufacturers of shampoo, toilet preparation, hair mist, soap and cosmetics", from specified commodities such as shampoo, toilet preparation, hair mist, soap, cosmetics and materials, equipment and supplies used in the manufacture of the commodities named in Sub-Nos. 490F and 578F; (t) "chemicals and related products, rubber and plastic products, and machinery", from chemicals, plastic liquid, plastic sheeting, ink, lacquer, varnish, paint thinner and machinery and machinery parts, in Sub-No. 492F; (u) "such commodities as are dealt in by manufacturers of hospital supplies and accessories", from hospital supplies and accessories in Sub-No. 517F; (v) "petroleum, natural gas and their product", from petroleum and petroleum products in Sub-No. 532F; (w) "such commodities as are dealt in by manufacturers of drugs, chemicals and toilet preparations", from drugs, chemicals and toilet preparations in Sub-No. 534F; (x) "petroleum and natural gas and their products and chemicals and related products", from petroleum, and petroleum products and vehicle body sealer and sound deadeners in Sub-No. 535; (y) "furniture and fixtures", from wooden cabinets and cabinet parts in Sub-No. 538F; (z) "chemicals and related products and such commodities as are dealt in by manufacturers or distributors of drugs, toilet preparations and health care products", from drugs, toilet preparations, health care products, magnesium hydroxide and alumina calcined in Sub-No. 558; (aa) "rubber and plastic products and such commodities as are dealt in by manufactures by fiberglass materials and products", from fiberglass, fiberglass products, plastic materials, plastic products and materials, equipment and supplies used in the manufacture of packing or installation of those commodities in Sub-No. 577F; (bb) "clay, concrete, glass or stone products and non-metallic minerals", from diatomaceous earth in Sub-No. 589F; (cc) "clay, concrete, glass or stone products and machinery" from light bulbs and lighting fixtures and materials, equipment and supplies used in the manufacture, distribution and sale of those commodities in Sub-No. 590F; (dd) "food and related products" from feed and feed ingredients in Sub-No. 550F(1) and (ee) "general commodities (except classes A and B explosives)" from toilet preparations, health and beauty aid products, buffing and polishing compounds, and equipment and appliances used in health and beauty care and commodities used in the manufacture of these commodities in Sub-No. 446F; (2) replace its cities and facilities with countrywide or city-wide authority: in Sub-No. 270, Anaheim, CA, with Orange County, CA; in Sub-No. 284, facilities at Fruita, CO, and Grambling, LA, with Mesa County, CO, and Lincoln County, LA; in Sub-No. 316F, Louisville, GA, with Jefferson County, GA; in Sub-No. 336F, facility at Brownwood, TX, with Brown County, TX; in Sub-Nos. 338F, and 424, facilities at Shelbyville, IL, with Shelby County, IL; in Sub-No. 340F, facilities at San Pedro, La Mirada, CA, and Saginaw, TX, with Los Angeles County, CA and Tarrant County, TX; in Sub-No. 343F, facilities at Chicago Heights, IL, with Cook County, IL; in Sub-No. 354F, Loveland, CO, and Ames, IA, with Larimer County, CO, and Story County, IA; in Sub-No. 359F, Cockeysville, MD, and Holyoke, MA with Baltimore County, MD, and Hampden County, MA; in Sub-No. 363F, Madison, IN, and Lancaster and East Hempfield, PA, with Jefferson County, IN, and Lancaster County, PA; in Sub-No. 368F, Huntsville, AL, Buffulo, NY, Dayton, OH, Conshohocken, PA, and Carson, CA, with Madison County, AL, Erie County, NY, Montgomery County, OH, Montgomery County, PA, and Los Angeles County, CA; in Sub-No. 369F, Rabun Gap, Dalton and Chatsworth, GA, McGehee, AR, Chattanooga, TN, Glasgow, VA, Elk Grove Village, IL, Willow Grove, Fogelsville, Lancaster and East Hempfield, PA, with Whitfield, Murray and Rabun Counties, GA, Desha County, AR, Hamilton County, TN, Rockbridge County, VA, Cook County, IL, and Montgomery, Lancaster and Lehigh Counties, PA; in Sub-No. 374F, Riverside and Waterbury, CT, Mishawaka and Port Clinton, IN, Canton and Lowell, MA, Columbus, MS, Garfield, Ridgefield and West Caldwell, NJ, Glen Cove, NY, Pottstown, PA, Providence and West Warwick, RI, Stuart, VA, and Tucson and Nogales, AZ, with Fairfield and New Haven Counties, CT, St. Joseph County, IN, Norfolk and Middlesex Counties, MA, Lowndes County, MS, Bergen and Essex Counties, NJ, Nassau County, NY, Montgomery County, PA, Providence and Kent counties, RI, Patrick County, VA, and Pima and Santa Cruz Counties, AZ; in Sub-No. 399F, Worcester, MA, Seattle, WA, Phoenix, AZ, and Charlotte, NC with Worcester County, MA, King County, WA, Maricopa County, AZ and Mecklenburg County, NC; in Sub-No. 405F, facility at Casa Grande, AZ, with Pinal County, AZ, and Pascagoula, MS, with Jackson County, MS; in Sub-No. 435, La Mirada, CA, Casa Grande and Nogales, AZ, with Los Angeles County, CA, and Pinal and Santa Cruz Counties, AZ; in Sub-No. 437F, La Mirada, CA, Spokane and Seattle, WA, with Los Angeles County, CA and Spokane and King Counties, WA; in Sub-No. 446F, Sparks, NV, Seattle, WA, and Piscataway, NJ, with Washoe County, NV, King County, WA and Middlesex County, NJ; in Sub-No. 448F, facilities at Waxdale and Racine, WI, with Racine County, WI; in Sub-No. 452F, Joilet, IL, Avenel, NJ and Garland,

TX, with Will County, IL, Middlesex County, NJ, and Dallas County, TX; in Sub-No. 463F, facilities at Denver, CO, with Denver, CO, and Florence, KY with Boone County, KY; in Sub-No. 483F, facility at Cheswick, PA, with Allegheny County, PA; in Sub-No. 492F, Terre Haute, IN, Elmhurst, IL, Herndon, VA, Charlotte and Matthews, NC, Moss Point, MS, Kearney, NJ, Farmingdale, NY, and Woburn and South Hadley Falls, MA, with Vigo County, IN, Du Page County, IL, Fairfax County, VA, Mecklenburg County, NC, Jackson County, MS, Hudson County, NJ, Nassau County, NY, Middlesex, and Hampshire Counties, MA; in Sub-No. 508F, facilities in Kankakee, IL, with Kankakee County, IL, Southgate, CA with Los Angeles County, CA; in Sub-No. 517F, Irvine, CA, with Orange County, CA; in Sub-No. 534F, Elkhart, IN, and New Haven, CT, with Elkhart County, IN and New Haven County, CT; in Sub-No. 535, Congo and St. Marys, WV, Emlenton, Farmers Valley and North Warren, PA, and Buffalo and North Tonawanda, NY, with Pleasants and Hancock Counties, WV, Venango, McKean, and Warren Counties, PA, and Erie and Niagara Counties, NY; in Sub-No. 544F, Hampstead and Easton, MD, Tarboro and Fayetteville, NC, and Lancaster, PA, with Carroll and Talbot Counties, MD, Edgecombe and Cumberland Counties, NC, and Lancaster County, PA; in Sub-No. 550F, facilities in Sweetwater, WY, with Sweetwater County, WY; in Sub-No. 558, Lakewood, NJ, Lewes, DE, Reno, NV, and San Leandro, CA, with Ocean County, NJ, Sussex County, DE, Washoe County, NV, and Alameda County, CA; in Sub-No. 559F, facilities at Camphill and Mechanicsburg, PA, with Cumberland County, PA; in Sub-No. 564F, East Hempfield Township and Lancaster, PA, with Lancaster County, PA; in Sub-No. 568F, Ames, IA, and Pennsauken, NJ, with Story County, IA, and Camden County, NJ; in Sub-No. 574F, facilities in Old Fort, OH, and Syracuse, NY, with Seneca County, OH and Onondaga County, NY; in Sub-No. 577F, facilities at Amarillo, TX, with Potter County, TX; in Sub-No. 578F, Friendship, NC, with Guilford County, NC; in Sub-No. 581, facilities at Hartford, CT, with Hartford County, CT; in Sub-No. 589F, Maricopa, CA, with Kern County, CA; in Sub-No. 590F, Compton, CA, with Los Angeles, CA; in Sub-No. 593F, East Greenwood, SC, with Greenwood County, SC; and in Sub-No. 596F, facilities at Chatsworth, CA, with Los Angeles County, CA; (3) change its one-way authority to radial authority between the above named cities and counties, and several States throughout the U.S.; (4) remove various commodity restrictions including except in bulk, in tank vehicles, except those of unusual value, household goods as defined by the Commission, and those requiring special equipment, in vehicles equipped with mechanical refrigeration, except foodstuffs, in bags, etc. in Sub-Nos. 284, 287, 319F, 340F, 343F, 348F, 359F, 399F, 424, 446F, 448F, 451, 452F, 453F, 463F, 477F, 483F, 519F, 529F, 535, 544F, 550F, 568F, 589F, etc.; (5) eliminate the originating at and/or destined to restrictions in Sub-Nos. 270, 338F, 343F, 359F, 363F, 399F, 424, 433, 435, 446F, 448F, 452F, 453F, 463F, 477F, 544F, 558F, 581F, 589F and 593F; and (6) eliminate the AK and HI exceptions in Sub-Nos. 284, 316F, 348F, 359F, 446F, 448F, 451, 474F, 490F, 532F, 538F, 544F, 564F, 574F, 577F, 591F, 593F, and 596F.

MC 116519 (Sub–102)X, filed May 27, 1981. Applicant: FREDERICK TRANSPORT LIMITED, R. R. 6, Chatham, Ontario, Canada. Representative: Jeremy Kahn, Attorney-at-Law, Suite 733 Investment Building, 1511 K Street NW., Washington, DC 20015. Applicant seeks to remove restrictions in its Sub-No. 71 certificate, which authorizes the transportation of refractories, and materials and supplies used in the manufacture and installation of refractories, from points in 13 states to ports of entry on the U.S.-Canada boundary line in Michigan and New York, to replace one way with radial authority between those points.

MC 117954 (Sub–30)X, filed May 27, 1981. Applicant: H. L. HERRIN, JR., d.b.a. H. L. HERRIN TRUCKING CO., P.O. Box 1106, Metairie, LA 70004. Representative: Billy R. Reid, 1721 Carl Street, Fort Worth, TX 76103. Applicant seeks to remove restrictions in its lead certificate and Sub-Nos. 3, 5, 8, 10, 19, 22, 25 and 27F: (1) to broaden commodities descriptions in all the above authorities to "food and related products", from bananas, agricultural commodities, frozen potatoes and frozen potato products, and foodstuffs; (2) to expand territorial authority from points or cities, to county-wide service: in the lead, Orleans and Jefferson Parishes for New Orleans, LA; Los Angeles County for Los Angeles, CA; Fulton County, GA, for Atlanta, GA; Cook County for Chicago, IL; Sedgwick County for Wichita, KS; Jefferson County for Louisville, KY; Douglas County for Omaha, NE; Osage and Tulsa Counties for Tulsa, OK; Marion and Vigo Counties for Indianapolis and Terre Haute, IN; Polk and Woodbury Counties for Des Moines and Sioux City, IA; Clay, Greene and Jasper Counties, MO, for Kansas City, Springfield and Joplin, MO; Shelby County for Memphis, TN; in Sub-No. 3, Harrison County, MS, for Gulfport, MS; in Sub-No. 5, Orleans and Jefferson Parishes for New Orleans, LA; in Sub-No. 8, Harris County, TX, for Houston, TX; in Sub-No. 10, Polk, St. Louis, Hennepen, Freeborn & Blue Earth Counties, MN, for Crookston, Duluth, Minneapolis, Albert Lea, and Mankato, MN; Cass County, ND, for Fargo, ND; Woodbury County for Sioux City, IA; in Sub-No. 19, Brazoria County for Freeport, TX; in Sub-No. 22, Mobile and Baldwin Counties, AL, for Mobile, AL; in Sub-No. 25, Wyandotte County, KS, and Jackson County, MO, for Kansas City, KS; in Sub-No. 27, Portage County, WI, for Plover, WI; (3) authorize radial authority in place of existing one-way authority between the counties named above and numerous points throughout the U.S. in all authorities; (4) in Sub-No. 22, delete the mixed loads language and the restriction limiting transportation to traffic having a prior movement by water; (5) in Sub-No. 25, remove the except in bulk restriction, the equipment and facilities restriction; (6) in Sub-No 27, remove the in bulk restriction; (7) in Sub-No. 3, remove the exceptions of service to Montgomery, AL, and Atlanta, GA and 15 miles thereof; (8) eliminate the "originating at and destined to" restrictions wherever they appear.

MC 119632 (Sub–125)X, filed May 28, 1981. Applicant: REED LINES, INC., 634 Ralston Ave., Defiance, OH 43512. Representative: Owen B. Katzman, 1828 L Street NW., Washington, DC 20036. Applicant seeks to remove restrictions in its Sub-No. 123 certificate to broaden the commodity description by removing exceptions to general commodities (except classes A and B explosives) in its authority between points in the eastern U.S.

MC 120737 (Sub-85)X filed March 23, 1981, published in the **Federal Register** of April 6, 1981, republished as follows: Applicant: STAR DELIVERY & TRANSFER, INC., P.O. Box 39, Canton, IL 61520. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602. Applicant seeks to remove restrictions in its Sub-Nos. 6, 9, 42 and 43 certificates. By a certificate served May 26, 1981, applicant was granted relief to broaden the above authorities with respect to commodity, territory and service. However, a request to expand points within a 50 mile radius of Pottstown, IL, to points in Warren, McDonough, Mason, Logan, Tazewell, McLean, Livingston, Woodford, Marshall, Putnam, Bureau, Knox, Henry, Stark, Menard, DeWitt and LaSalle Counties, IL, was denied as an

unreasonable broadening of authority. Because of a recent decision declaring such a broadening reasonable, this Board has decided to republished this application with respect to this broadening. Notice is hereby given that the above noted county-wide expansion is requested.

MC 124170 (Sub-169)X, filed June 2, 1981. Applicant: FROSTWAYS, INC., 3000 Chrysler Service Drive, Detroit, MI 48207. Representative: William J. Boyd, P.C., 2021 Midwest Road, Suit 205, Oak Brook, IL 60521. Applicant seeks to remove restrictions in its Sub-No. 93F certificate to: (1) broaden the commodity description from foodstuffs to "food and related products"; (2) remove the "in bulk" restriction; (3) remove the vehicle restriction "in temperature controlled vehicles"; (4) eliminate the facilities limitation at Baltimore, MD and replace with the city of Baltimore, MD; (5) replace one-way with radial authority between Baltimore, MD, and points in Anne Arundel, Baltimore, Howard, and Prince Georges Counties MD; and points in CT, DE, DC, IL, IN, KY, ME, MA, MI, MO, NJ, NY, OH, PA, RI, VT, VA, WV, and WI; and (6) eliminate " orginating at and destined to" restriction.

MC 125694 (Sub-7)X, filed May 14, 1931. Applicant: OTTO FELDT, INC., P.O. Box 75, Dover Plains, NY 12522. Representative: T. A. Zima, V.P.—Traffic, Kentile Floors, Inc., 58 Second Avenue, Brooklyn, NY 11215. Applicant seeks removal of restrictions in its lead and Sub-No. 4 permits to broaden the territorial authority to "between points in the United States", under continuing contract(s) with a named shipper.

MC 140370 (Sub-7)X, filed June 4, 1981. Applicant: V.G.H. TRUCKING, INC., P.O.,Box 183, Audubon, MN 56511. Representative: Robert N. Maxwell, P.O. Box 2471, Fargo, ND 58108. Applicant seeks to remove restrictions in its lead and Sub-Nos. 3 and 6F permits to (1) broaden its commodity descriptions to "food and related products", from foodstuffs, in the lead and Sub-No. 6F; and to "machinery and rubber and plastic products", from records, 8-track tapes and plastic articles, in Sub-No. 3; and (2) broaden its territorial description to between points in the U.S., under continuing contract(s) with named shippers.

MC 141758 (Sub-9)X, filed June 4, 1981. Applicant: LYDALL EXPRESS, INC., 615 Parker Street, Manchester, CT 06040. Representative: Hugh M. Joseloff, 410 Asylum Street, Hartford, CT 06103. Applicant seeks to remove restrictions from its lead and Sub-Nos. 1, 2F, 3F, 5F, 6F, 7F, and 8F permits to: (1) broaden the commodity descriptions from (a) paper and paper products to "pulp, paper and related products" in its lead and Sub-Nos. 2, 6 and 7; (b) liquid alum to "chemicals and related products" in its lead; (c) metal and plastic balls to "metal products, and rubber and plastic products" in Sub-Nos. 1 and 6; (d) protective packaging and "containers, carriers and devices" in Sub-Nos. 3 and 6; (e) equipment, materials and supplies used in the manufacture of metal and plastic balls to "such commodities as are used by or dealt in by manufacturers and distributors of metal products and rubber and plastic products" in Sub-No. 5; (f) synthetic rubber, and rubber products to "rubber and plastic products" in Sub-No. 6; (g) dry goods and fabrics to "textile mill products" in Sub-Nos. 6 and 8; and synthetic leather and leather products to "leather and leather products", in Sub-No. 8; and (2) broaden the territorial descriptions to "between points in the United States under continuing contract(s) with named shippers, in the lead permit and Sub-Nos. 1, 2F, 3F, and 5F.

MC 142225 (Sub-2)X, filed May 28, 1981. Applicant: GYPSUM TRUCKING COMPANY, Route 4, Tifton, GA 31794. Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P.O. Box 1240, Arlington, VA 22210. Applicant seeks to remove restrictions from its Sub-No. 1 permit to; (1) broaden the commodity description from wet gypsum, in bulk, to "commodities in bulk"; (2) eliminate the "in dump vehicles" restriction; and (3) broaden the territorial description to "between points in the U.S. under a continuing contract(s) with a named shipper."

MC 143417 (Sub-11)X, filed June 5, 1981. Applicant: FLASH INTERSTATE DELIVERY SYSTEM, INC., 4711 West 16th Street, Cicero, IL 60650. Representative: Barry Roberts, 888 17th Street, NW., Washington, D.C. 20006. Applicant seeks to remove restrictions from its lead and Sub-Nos. 2, 4, and 10 certificates to: (1) eliminate the "prior or subsequent TOFC service" restriction in each of the above-numbered certificates; (2) eliminate all exceptions from its general commodities authority "except classes A and B explosives" in its lead and Sub-Nos. 4 and 10; (3) eliminate the "vehicles with mechanical refrigeration restriction" in the lead; (4) broaden the commodity description from automotive parts, engine driving gear, assemblies, internal combustion engines and transmission, to "machinery and transportation equipment" in Sub-No. 2; and (5) replace existing one-way authority with radial authority between Chicago, IL, and, points in several eastern and midwestern States.

MC 143443 (Sub-6)X, filed February 17, 1981, published in the **Federal Register** of March 3, 1981, republished as follows: Applicant: D. J. KIRBY, INC., Box 195, Gilberts, IL 60136. Representative: Lavern R. Holdeman, P.O. Box 81849, Lincoln, NE 68501. Applicant seeks to remove restrictions in its lead and Sub-Nos. 2F and 4F certificates (1) to broaden the commodities from steel to "metal products" in the lead, from chemicals, paint and slay to "such commodities as are dealt in or used by manufacturers and distributors of chemicals and paints products in Sub-No. 2, from construction materials to "such commodities as are dealt in or used by manufacturers and distributions of construction materials" in Sub-No. 4; (2) to remove facilities restrictions in all subs, except in bulk and interlining restrictions in Sub-Nos. 2 and 4; (3) expand from city-wide to county-wide authority as follows: Houston, TX, to Fort Bend, Brazoria, Galveston, Montgomery, Harris and Chambers Counties, TX, Hialeah, FL, to Dade and Broward Counties, FL, Itasca, IL, to Cook and Du Page Counties, IL, and Los Angeles, CA to Los Angeles, and Orange Counties, CA in its lead; Valparaiso, IN, to Porter County, IN, and Elk Grove, IL, to Cook and Du Page Counties, IL, in Sub-No. 2; and Elgin and Hampshire, IL, to Kane, Cook and Du Page Counties, IL in Sub-No. 4; (4) to expand one-way to two-way authority in Sub-No. 4. The purpose of this republication is to show the expansion of Sub-No. 2, the authorization of counties in all subs, and the expansion of the commodities in Sub-Nos. 2 and 4.

NC 144071 (Sub-1)X, filed May 27, 1981. Applicant: J. A. FRATE, INC., 6207 Factory Rd., Crystal Lake, IL 60014. Representative: William H. Towle, 180 N. LaSalle St., Chicago, IL 60601. Applicant seeks to remove restrictions in its lead certificate to (1) broaden the territorial description by replacing the facility limitation (O'Hare International Airport) at or near Chicago, IL with Chicago, IL, (2) broaden the commodity description by deleting all restrictions in its general commodity authority except classes A and B explosives, and (3) remove the restriction against the transportation of traffic having a prior or subsequent movement by air.

MC 145252 (Sub-7)X, filed May 29, 1981. Applicant: HENRY ANDERSEN, INC., P.O. Box 75, King George, VA 22485. Representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth St. NW., Washington, DC 20005. Applicant seeks to remove restrictions in its Sub-No. 9F permit to

(1) broaden the commodity descriptions to "chemicals and related products, food and related products, rubber or miscellaneous plastic products, and machinery" from cellulose film, cellulose edible flour, plastic film, strapping, salt cake and strapping machines; and (2) change its territorial descriptions to between points in the U.S., under continuing contract(s) with named shippers.

MC 145252 (Sub-8)X, filed May 29, 1981. Applicant: HENRY ANDERSEN, INC., P.O. Box 75, King George, VA 22485. Representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth St., NW., Washington, DC 20005. Applicant seeks to remove restrictions from its No. MC-135553 (Sub-No. 14F) permit to (1) change the commodity description from plastic film to "metal products and rubber and Plastic products"; and (2) expand territorial description to "between points in the U.S. under contract(s) with a named shipper".

MC 146145 (Sub-6)X, filed June 8, 1981. Applicant: TOWER TRANSPORT, INC., 2933 South Cicero Avenue, Chicago, IL 60650. Representative: Edward G. Bazelon, 39 South LaSalle Street, Chicago, IL 60603. Applicant seeks to remove restrictions in its Sub-Nos. 3 and 4 certificates to (1) broaden the commodity description from containers and closures to "lumber and wood products, pulp, paper and related products, rubber and plastic products, clay, concrete, glass or stone products and metal products", in Sub-No. 4 and (2) broaden the territorial description by substituting county-wide authority of McHenry County, IL for Huntley, IL, in Sub-No. 3.

MC 148598 (Sub-7)X, filed June 8, 1981. Applicant: BATROCK, INC., U.S. Highway 127 North, P.O. Box 220, Lawrenceburg, KY 40342. Representative: Robert H. Kinker, 314 West Main Street, P.O. Box 464, Frankfort, KY 40602. Applicant seeks to remove restrictions in its Sub-Nos. 1F, 4F, 5F, and 6F certificates to (1) remove facilities restrictions in Sub-Nos. 1F and 4F; (2) remove all exceptions other that classes A and B explosives from its general commodity authority in Sub-No. 5F; (3) expand city to county-wide service or to larger contiguous city service: Boyle County (Danville), KY in Sub-No. 1F and Sub-No. 6F, and Atlanta, GA for Forrest Park, GA, in Sub-No. 4F; and (4) broaden commodity description from "plastic and rubber articles and materials, and film or sheeting" to "rubber or miscellaneous plastic products" in Sub-No. 1F.

[FR Doc. 81-18025 Filed 6-16-81; 8:45 am]

BILLING CODE 7035-01-M

INTERNATIONAL TRADE COMMISSION

[332-127]

Capers Imported in Bulk: Competitive Status Under Section 504(d) of the Trade Act of 1974

AGENCY: International Trade Commission.

ACTION: In accordance with the provisions of section 332(g) of the Tariff Act of 1930 (19 U.S.C. 1332(g)), the Commission has instituted investigation No. 332-124 for the purpose of providing advice to the U.S. Trade Representative (USTR) on whether any article like or directly competitive with capers imported in bulk was produced in the United States on the date of enactment of the Trade Act of 1974 (hereinafter referred to as "the Act"). This advice is sought in connection with section 504(d) of the Act (19 U.S.C. 2464(d)).

EFFECTIVE DATE: June 9, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. John Reeder, Agriculture, Fisheries, and Forest Products Division, U.S. International Trade Commission, Washington, D.C. 20436 (Telephone 202-724-1754).

SUPPLEMENTARY INFORMATION: On May 22, 1981, pursuant to the authority of the President delegated to the USTR by Executive Order 11846, as amended by Executive Order 11947, the USTR requested certain advice on capers imported in bulk.

All capers, whether crude or processed and whether in bulk or packaged for retail sale, are covered by item 161.07 of the Tariff Schedules of the United States (TSUS). In advice provided to the President in investigation Nos. TA-131(b)-5, TA-503(a)-7, and 332-113 in February 1981, the Commission indicated that articles covered by TSUS item 161.07 are like or directly competitive with articles produced in the United States on the date of enactment of the Act (January 3, 1975). Therefore if the entire TSUS item 161.07 were designated as an eligible article under the U.S. Generalized System of Preferences, imports from any GSP-eligible country supplying 50 percent or more of the value of total caper imports would generally not receive duty-free treatment because of the "competitive-need" provisions of sectin 504(c)(1)(B) of the Act.

Section 504(d) of the Act exempts from section 504(c)(1)(B) articles for which no like or directly competitive article was being produced on January 3, 1975. The USTR has requested that the Commission determine whether any article like or directly competitive with capers imported in bulk, considered separately from all other forms of capers, was produced in the United States on January 3, 1975. If the Commission were to find that there were no such like or directly competitive products, then the competitive need limits of section 504(c)(1)(B) would generally not apply to any GSP-eligible country supplying 50 percent or more of the value of capers imported in bulk and such country would receive duty-free treatment.

WRITTEN SUBMISSIONS: While there is no public hearing scheduled for this study, written submissions from interested parties are invited. Commercial or financial information which a party desires the Commission to treat as confidential must be submitted on separate sheets of paper, each clearly marked "Confidential Business Information" at the top. All submissions requesting confidential treatment must conform with the requirements of § 201.6 of the Commission's *Rules of Practice and Procedure* (19 CFR 201.6). All written submissions, except for confidential business information, will be made available for inspection by interested persons. To be ensured of consideration by the Commission in this study, written statements should be submitted at the earliest practicable date, but no later than July 10, 1981. All submissions should be addressed to the Secretary, United States International Trade Commission, 701 E Street NW., Washington, D.C. 20436.

By order of the Commission.

Issued: June 10, 1981.

Kenneth R. Mason,

Secretary

[FR Doc. 81-17930 Filed 6-16-81; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-90]

Certain Airless Paint Spray Pumps and Components Thereof

Commission Order

On November 17, 1980, the Commission instituted the above-referenced investigation to determine whether there is a violation of section 337(a) of the Tariff Act of 1930 (19 U.S.C. 1337(a)) in the importation into the United States of certain airless paint spray pumps and components thereof, or

in their sale, by reason of the alleged infringement of U.S. Letters Patents 3,254,845 and 3,367, 270 and U.S. Reissue Patent 29,055, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States. Notice of the Commission's investigation was published in the **Federal Register** of November 21, 1980. (45 FR 77190.)

During a hearing before the Administrative Law Judge (held on March 31, 1981, through April 2, 1981), complainant Wagner Spray Tech Corp., presented testimony indicating that one Italian and four Japanese companies may be about to import allegedly infringing pumps into the United States in the near future. These and similarly situated companies may be vitally concerned with the outcome of this investigation and may wish to submit comments to the Commission on the issues of public interest and remedy. One or more of the parties to this investigation may be in a good position to identify interested nonparties so that the Commission may invite their comments at the appropriate time.

Accordingly, it is hereby Ordered that—

1. The parties shall submit to the Commission by June 19, 1981, a list containing the names and addresses of companies and/or persons not a party to this investigation who may have relevant information to present to the Commission concerning the issues of violation, public interest and remedy, particularly those nonparties which may be on the verge of involvement in the importation of pumps alleged to infringe the patents in issue in this investigation; and

2. The Secretary shall serve a copy of this Order upon each party of record in this investigation.

By order of the Commission.

Issued: June 12, 1981.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-17941 Filed 6-16-81; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-76]

Certain Food Slicers and Components Thereof; Termination of Taiwan Timing Trading Co. As Party Respondent

AGENCY: International Trade Commission.

ACTION: Termination of Taiwan Timing Trading Co. as a party respondent in the above-captioned investigation.

SUMMARY: Having determined that this matter is properly before the Commission and having reviewed the record in this investigation, the Commission on June 8, 1981, terminated Taiwan Timing Trading Co. as a party respondent in Investigation No. 337-TA-76.

SUPPLEMENTARY INFORMATION: This investigation, under section 337 of the Tariff Act of 1930 (19 U.S.C. § 1337) concerns alleged infringement of U.S. Letters Patent 3,766,817 by respondents E. Mishan & Sons, Albert E. Price, Inc., Crest Industries Corp., and Taiwan Timing Trading Co. The Commission instituted the investigation on December 4, 1979, and published notice thereof in the **Federal Register** of December 21, 1979 (44 FR 75733).

On December 22, 1980, the Commission denied a joint motion (Motion No. 76-12) for summary determination, on the grounds that genuine issues of material fact remained with respect to both Taiwan Timing and Mishan. Price and Crest were subsequently terminated as parties respondent to the investigation on the basis of a settlement agreement and a licensing agreement, respectively (46 FR 16159, 46 FR 18632).

On February 23, 1981, complainant Prodyne moved to dismiss Taiwan Timing as a party respondent (Motion No. 76-15). On March 26, 1981, the presiding officer recommended that the Commission grant the motion (Second Recommended Determination).

The Commission published notice in the **Federal Register** seeking comments from the public regarding the recommended determination (46 FR 25375) and in addition requested comments from certain Government agencies pursuant to 19 CFR § 210.14(a)(2). No comments adverse to termination were received.

Any party wishing to petition for reconsideration of the Commission's action must do so within fourteen (14) days of service of the Commission Action and Order. Such petitions must be in accord with Commission Rule 210.56 (19 CFR § 210.56).

Copies of the Commission Action and Order in this matter and any other public documents in this investigation are available to the public during official working hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202-523-0161.

FOR FURTHER INFORMATION CONTACT: Warrent H. Maruyama, Esq., Office of the General Counsel, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202-523-0143.

By order of the Commission.

Issued June 10, 1981.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-17931 Filed 6-16-81; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-104]

Certain Card Data Imprinters and Components Thereof; Order

Pursuant to my authority as Chief Administrative Law Judge of this Commission, I hereby designate Administrative Law Judge Janet D. Saxon as Presiding Officer in this investigation.

The Secretary shall serve a copy of this order upon all parties of record and shall publish it in the **Federal Register**.

Issued: June 10, 1981.

Donald K. Duvall,

Chief Administrative Law Judge.

[FR Doc. 81-17936 Filed 6-16-81; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-103]

Certain Stabilized Hull Units and Components Thereof and Sonar Units Utilizing Said Stabilized Hull Units; Order

Pursuant to my authority as Chief Administrative Law Judge of this Commission, I hereby designate Administrative Law Judge Janet D. Saxon as Presiding Office in this investigation.

The Secretary shall serve a copy of this order upon all parties of record and shall publish it in the **Federal Register.**

Issued: June 10, 1981.

Donald K. Duvall,

Chief Administrative Law Judge.

[FR Doc. 81-17939 Filed 6-16-81; 8:45 am]

BILLING CODE 7020-02-M

[731-TA-43 (Preliminary)]

Fresh Cut Roses From Colombia, Institution of a Preliminary Antidumping Investigation and Scheduling of Conference

AGENCY: United States International Trade Commission.

ACTION: Institution of a preliminary antidumping investigation.

SUMMARY: The U.S. International Trade Commission hereby gives notice of the institution of a preliminary antidumping investigation to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with

material injury, or the establishment of an industry is materially retarded by reason of imports of fresh cut roses from Colombia, provided for in item 192.18 of the Tariff Schedules of the United States, allegedly sold at less than fair value.

EFFECTIVE DATE: June 4, 1981.

FOR FURTHER INFORMATION CONTACT: John MacHatton, Supervisory Investigator, telephone (202–523–0439), U.S. International Trade Commission, Room 342, 701 E Street, NW., Washington, D.C. 20436.

SUPPLEMENTARY INFORMATION:

Background. On June 4, 1981, the Commission received a petition on behalf of Roses Incorporated, a trade association. Accordingly, on June 8, 1981, the Commission, pursuant to section 733(a) of the Tariff Act of 1930, 19 U.S.C. 1673b(a) (Supp. III 1979), instituted preliminary antidumping investigation No. 731–TA–43 (Preliminary).

Authority. Section 733(a) of the Tariff Act of 1930 requires the Commission to make a determination of whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports allegedly sold in the United States at less than fair value. Such a determination must be made within 45 days after the date a petition is received. This investigation will be subject to the provisions of the Commission's Rules of Practice and Procedure and, particularly, to part 19 CFR 207.

Written submissions. Any person may submit to the Commission on or before July 6, 1981, a written statement of information pertinent to the subject matter of this investigation. A signed original and nineteen copies of such statements must be submitted.

Any business information which a submitter desires the Commission to treat as confidential shall be submitted separately, and each sheet must be clearly marked at the top "Confidential Business Data." Confidential submissions must conform with requirements of section 201.6 of the Commission's Rules and Practice of Procedures, 19 CFR 201.6. All written submissions, except for confidential business data, will be available for public inspection.

Conference. The Director of Operations of the Commission has scheduled a conference in connection with this investigation for 10 a.m., e.d.t., on June 30, 1981, at the U.S. International Trade Commission Building, 701 E Street, NW., Washington, D.C. Persons wishing to participate in the conference should contact the supervisory investigator for the investigation, Mr. John MacHatton (202–523–0439) by the close of business (5:15 p.m. e.d.t.) June 26, 1981. It is anticipated that persons in support of the imposition of antidumping duties and persons opposed to such duties will each be collectively allocated 1 hour within which to make an oral presentation at the conference. Further details concerning the conduct of the conference will be provided by the supervisory investigator.

Inspection of petition. The petition filed in this case is available for public inspection at the Office of the Secretary, U.S. International Trade Commission.

Issued: June 9, 1981.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-17937 Filed 6-16-81; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 731-TA-28 (Final)]

Menthol From the People's Republic of China

Determination

On the basis of the record [1] developed in Investigation No. 731–TA–28 (Final), the Commission unanimously determines, pursuant to section 735(b)(i) of the Tariff Act of 1930 (19 U.S.C. 1673d(b)(i)), that an industry in the United States is not materially injured or threatened with material injury, and the establishment of an industry in the United States is not materially retarded by reason of imports of natural menthol from the People's Republic of China, provided for in item 437.64 of the Tariff Schedules of the United States, which the Department of Commerce has found to be sold in the United States at less than fair value.

Background

The Commission instituted this investigation effective January 23, 1981, following a preliminary determination by the Department of Commerce that menthol from the People's Republic of China is being, or is likely to be, sold in the United States at less than fair value. Notice of the institution of the Commission's investigation and of the public hearing to be held in connection therewith and of the change of date of the public hearing was duly given by posting copies of the notices in the Office of the Secretary, U.S. International Trade Commission, Washington, D.C., and by publishing the notice in the **Federal Register** of January 28, 1981 (46 FR 9264) and of March 18, 1981 (46 FR 17314). The hearing was held in Washington, D.C. on May 5, 1981, and all persons who requested the opportunity were permitted to appear in person or by counsel.

Views of Chairman Bill Alberger, Vice Chairman Michael J. Calhoun, and Commissioners Catherine Bedell and Paula Stern

Determination

On the basis of the record [2] developed in investigation No. 731–TA–28 (Final), the Commission unanimously determines, pursuant to section 735(b) of the Tariff Act of 1930, that an industry in the United States is not materially injured, or threatened with material injury and that the establishment of such industry in the United States is not materially retarded by reason of imports of natural menthol from the People's Republic of China, which the Department of Commerce has found to be sold in the United States at less than fair value.

The Domestic Industry

In general, the domestic industry is defined as consisting of all domestic producers of a like product or those producers whose collective output of the like product constitutes a major proportion of the like product.[3] A like product is a product which is like, or in the absence of like, most similar in characteristics and uses with, the imported article which is the subject of the investigation.[4]

The imported product which is the subject of this investigation is natural *l*-menthol from the People's Republic of China (China).[5] Natural *l*-menthol is derived from peppermint oil and is used as an additive by the flavor and fragrance industries.[6] China does not export synthetic *l*-menthol to the United States.[7] Brazil and Paraguay also export natural *l*-menthol to the United States.[8]

Four varieties of menthol are produced for commerical use in the United States: *l*-menthol, *d*-menthol, racemic menthol, and liquid menthol. *d*-

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[1] The record is defined in sec. 207.2(j) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(j)).

[2] The record is defined in sec. 207.2(j) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(j)).

[3] Section 771(4)(A) of the Tariff Act of 1930.

[4] Section 771(10).

[5] 46 F.R. 24614 (May 1, 1981).

[6] Staff Report at A–5 and A–13.

[7] Staff Report at A–37.

[8] Id. at A–36.

Menthol, racemic menthol, and liquid menthol are chemically distinguishable from *l*-menthol and do not have the same characteristics or uses. All *l*-menthol produced in the United States is synthetic. It is manufactured from either *m*-cresol (available either from coal tar or petroleum) or a derivative of turpentine.[9] Synthetic and natural *l*-menthol are chemically identical. The staff conducted a survey of major end users which revealed that, with the exception of those who use *l*-menthol as a flavoring (these account for only a small percentage of total consumption), the vast majority of end users consider synthetic and natural *l*-menthol to be interchangeable.[10] We therefore find the like product in this investigation is synthetic *l*-menthol.[11]

There are two companies in the United States which produce synthetic *l*-menthol—Haarmann & Reimer Corp. (H&R) and SCM Corp. (SCM). H&R, the petitioner, is the largest domestic producer. It is a wholly-owned subsidiary of Rhinechem Corp., which is the American holding company for Bayer, AG. of West Germany. Although its plant in Bushy Park, South Carolina did not offically open until 1978, H&R has produced *l*-menthol since 1977. The plant is dedicated exclusively to the production of menthol and employs production technology based on Bayer AG.'s West German menthol production in which *l*-menthol is synthesized from *m*-cresol.

SCM, which also supports the petition, is a diversified corporation. Menthol is produced by its Terpene and Aromatic Division in a plant which produces a variety of chemicals from turpentine. SCM began to produce menthol in 1961 but dropped out of the market in 1963 when prices were declining rapidly. SCM resumed production in 1975.

For these reasons, it is our view that the industry is comprised of H & R and SCM.

No Material Injury by Reason of LTFV Import

We have determined on the basis of the record that the domestic industry is not being materially injured or threatened with material injury and that the establishment of such industry is not being materially retarded by reason of the LTFV imports. Material injury is defined as harm which is not inconsequential, immaterial or unimportant.[12] In determining material are directed to consider, among other things, the volume of these imports, the effect of the imports on prices, and the impact of the imports on the domestic industry.[13] The Commission is directed to assess the effect of dumped imports in relation to the U.S. production of a like product if available data permit the separate identification of production in terms of such criteria as the production process or the producer's profits.[14] If the domestic production of the like product has no separate identity, then the Commission must examine the production ot the narrowest group or range of products containing the like product for which the necessary identifying information is available.[15]

In this case two domestic firms, SCM and H & R, account for the total domestic production of synthetic *l*-menthol.[16] Both firms provided profit-and-loss information for both their total menthol production and for their production of *l* menthol alone.[17] We are of the opinion that the allocation of the profit-and-loss information for *l*-menthol is reasonable. Therefore, we will assess the impact of imports from China in relation to the domestic production of *l*-menthol.

I. Volume of LTFV Imports

China was a major supplier of natural *l*-menthol to the United States menthol market in the 1940's. It reentered the market in 1975 after Brazil had become the principal source of U.S. imports. Total U.S. imports of *l*-menthol increased significantly in 1978 but have declined since.[18] The decline is the result of a decline in the penetration of imports from Brazil and other sources. In contrast, imports of *l*-menthol from China have increased dramatically since 1977. This increase in imports from China seems to be replacing the decline in imports from Brazil and other sources.

The ratio of imports of natural *l*-menthol from China to apparent U.S. consumption has increased significantly, since the level of domestic consumption has increased at a slower rate than the volume of imports of the subject merchandise. However, this increase in the market share enjoyed by imports from China occurred concurrently with declines in imports from other countries.

II. Effect of LTFV Imports on Domestic Prices

Our analysis of the pricing information obtained in this investigation revealed that LTFV imports from China did not have a significant effect on domestic prices. Although the report presents pricing information in a variety of ways, we relied on the comparisons made in table 20 as being the most relevant to our considerations. Table 20 is the only table which contains comparisons of similar contracts, i.e., the prices shown reflect contract prices negotiated at approximately the same time for a comparable quantity of material, covering a similar length of time. The comparisons in table 20 result in margins of underselling during only two periods—one in early 1977 before H & R began producing menthol and a slight margin early in 1978. However, in this last instance the importer had negotiated for a significantly larger volume of material that the U.S. producer.

Data on contract prices of U.S. producers and importers were compared by date of delivery in tables 17 and 18. Although these comparisons resulted in occasionsl margins of underselling, they do not reflect the various factors which directly affect price, such as the date of contract negotiation, duration of the contract, and the volume of material contracted for. The data obtained on spot-market prices were incomplete and the comparisons involved widely descrepant quantities. These comparisons were therefore deemed inconclusive.

We conclude, therefore, that there is no clear pattern of LTFV imports significantly underselling domestic merchandise. Nor do we find that the declining market price for menthol was precipitated by imports from China.

III. Impact of LTFV Imports on the Domestic Industry

Our analysis of the economic data in this investigation indicates that the domestic industry is not being adversely affected by LTFV imports. From 1977 to 1980, U.S. production, capacity, and commercial shipments of *l*-menthol increased steadily.[19] Employment and wages in the industry also rose during the same period.[20] Although domestic inventories increased from 1977 to 1979, they declined significantly in 1980.[21] The decline in capacity utilization from 1978 to 1980 is accounted for by the increase

[9] Id. at A–4.
[10] Id. at A–5.
[11] See additional views of Vice Chairman Calhoun for a discussion of like product.
[12] Section 771(7)(A).
[13] Section 771(7)(B).
[14] Section 771(4)(D).
[15] Section 771(4)(D).
[16] Staff Report at A–13 and A–30.
[17] Id. at A–31.
[18] Staff Report at A–35. The specific data regarding volume of imports is confidential as are most of the data for the economic indicators on which the Commission based its determination.
[19] Staff Report at A–12 and A–18.
[20] Id. at A–29–30.
[21] Id. at A–21.

in U.S. capacity with the opening of the new H & R plant in Bushy Park, South Carolina.[22]

While the overall profitability of the domestic industry declined from 1978 to 1980, we have not found a causal link between the decline and the LTFV imports. The declining profitability of the domestic industry may be explained by a number of factors other than LTFV imports. First, domestic menthol prices have declined along with world menthol prices due to the problem of oversupply in a commodity market in which prices are controlled by supply. The increase in the capacity of domestic producers exceeded the percentage, in both absolute and relative terms, by which total imports declined during 1978 to 1980, therefore creating a situation of oversupply.[23] This problem was exacerbated by the apparent volatility of domestic consumption which is due to purchasers' stockpiling during periods of low prices and oversupply, such as occurred in 1978. Second, the decline in profitability is due in part to the fact that a majority of H & R's *l*-menthol, which accounts for a significant percentage of domestic production, is exported to affiliated companies and sold at prices which are lower than domestic prices.[24] Third, the overall profitability figures were lowered as a result of losses suffered by SCM during a six-month strike in 1980.[25] The fourth factor is the increase in both U.S producers' raw material costs at a time when world market prices were apparently declining.[26]

The petitioner alledged eight instances in which sales were lost to imports of menthol from China. The lost sales analysis was complicated by several factors. First, imports from China began prior to 1977 and H & R did not begin to solicit sales in the U.S. until 1977. Other factors include the apparent consumer resistance to a synthetic product and the start up problems H & R had in connection with bringing the Bushy Park plant on stream.[27] Despite these problems and the existence of the LTFV imports, the producers' share of the domestic market increased from 1978 to 1980.[28] In light of these factors, there is no indication of significant lost sales.

For the reasons outlined in the preceding paragraphs, we find no evidence of material injury by reason of the LTFV imports.

No threat of Material Injury by Reason of LTFV Imports

There is no clear evidence on the record that U.S. producers' share of the domestic market will be prevented from continuing to increase. Although imports from China have continued to increase in January–March of 1981,[29] these imports appear to be taking over a portion of the domestic market traditionally supplied by imports of *l*-menthol from other sources. In light of the absence of a clear pattern of underselling of the LTFV imports, we have no evidence that the domestic producers have been or will be precluded from sharing in any future market growth or gaining the share of the U.S. market formerly held by imports from Brazil and other sources.

Further, there is no convincing evidence contained in the record that China intends to increase its production capacity. During 1980, its production was reduced due to flooding.[30] Additionally, both home-market demand and exports increased, thereby reducing apparent inventories in China.[31] Currently, the United States is China's fourth largest export market, and there is no evidence on the record which would indicate that the CNEC (the state-trading organization that handles the export of menthol) intends to divert larger volumes of menthol to the United States.[32]

Counsel for H & R argued that Inventories of Chinese menthol currently held in bonded warehouses in the United States pose a threat of material injury. An analysis of the current inventory levels of menthol from China in bonded warehouses in the United States does not indicate clearly that the domestic industry is threatened with matieral injury. A ceratain percentage of these inventories is destined for transshipment.[33] Additionally, some of the inventories are held by end users who typically store menthol for long periods of time before withdrawing it for use.[34] Finally, is held by dealers who have purchased it against committed fixed price contracts.[35] As to importers' inventories of material that has already cleared customs, it is reasonable to assume that the majority are already committed under fixed price contracts, since no new contracts have been negotiated since July of 1980.[36]

In sum, we find no indication that the domestic industry is faced with a threat of material injury by LTFV imports.
3Establishment of the Domestic Industry Is Not Materially Retarded

We have determined that the industry in this investigation is established for the purposes of section 735(b). We base our conclusion on the economic data which show that the industry is a viable competitor in the marketplace. It has gained a consistently increasing and substantial share of apparent domestic consumption. Additionally, other economic indicators, such as increasing levels of production, capacity, and employment, point to the fact that this industry has established itself.

Additional Views of Vice Chairman Michael J. Calhoun

While it is clear that the importance of the like product and industry analysis to the outcome of our material injury determination varies from case to case, the need for detailed delineation of how and why we reach our findings is nevertheless required in each case. First, the statutory scheme under which our material injury analysis in dumping and subsidy cases is conducted is a tight latticework of discrete but interrelated parts. Thus, before our ultimate conclusion can be reached several intervening conclusions are required. This makes the integrity of our ultimate determination no better than that of each intervening finding.

Second, because of the interrelated and cumulative character of the statute our obligation to provide consistent and understandable analysis can only be met through systematic, if not at times seemingly mechanical, treatment in our determinations of the various intervening factors the statutory scheme has imposed upon us. This obligation is best met if we address in each case a rather detailed consideration of them.

Such an exercise can be tedious in cases where the outcome is unaffected by a close analysis of the various factors the law compels us to address in reaching an ultimate determination. But, this kind of case by case attention to the

[22] Id. at A–17.
[23] Id. at A–17 and A–36.
[24] We note that the producer accounting for the largest percentage of domestic production (H & R) offered profit and loss information restricted to domestic sales. The figures given for the profitability of H & R's sales in the United States are greater than profitability for total domestic production, thus suggesting that lower-priced export sales could be a source of losses. While we did not base our injury analysis on these profitagility data for domestic sales alone, we did compare the figures to the level of profits for total domestic production. Staff report at A–33.
[25] Staff report at A–10.
[26] Id. at A–31–33.
[27] Id. at A–10 and A–52.
[28] Id. at A–40–41.
[29] Id. at A–37.
[30] Staff Report at A–15.
[31] Id.
[32] Id.
[33] Id. at A–24.
[34] Id.
[35] Id.
[36] Respondnet's Post-Hearing Memorandum at A–6.

detail of the statute allows for a ready perception in the community and in the courts that our decisionmaking is thorough and well considered. In this investigation I have concurred with my colleagues in result, but I wish to express my industry analysis separately.

The Domestic Industry

In general, the domestic industry is defined as all domestic producers of a like product of those producers whose total output of the like product constitutes a major portion of domestic production of that product.[37] A like product is a product which is like, or in the absence of like, most similar in characteristics and uses with the imported article which is the subject of the investigation.[38]

The article subject to the investigation under this title is natural *l*-menthol from China. Natural menthol appears as fine, white crystatls and is obtained primarily from the peppermint plant which, after harvest, is subjected to steam distillation. The steam carries off the peppermint oil, which is collected and cooled to produce large crystals of *l*-menthol. The flavor and fragrance of natural menthol varies slightly with the type of peppermint from which it was obtained.[39]

Natural *l*-menthol is used primarily in cigarettes, confections, dentifrices, analgesic balms, mouthwashes, flavorings and perfumes. The natural *l*-menthol is preferred by some purchasers, mostly makers of confections and coughdrops, who find a distinction between the taste and aroma of natural and that of synthetic *l*-menthol.[40] These users account for a small percent of menthol consumption.

No natural *l*-menthol is produced in the United States. There is production of synthetic *l*-menthol which is produced from stereospecific or nonstereospecific feedstocks.[41] The primary nonstereospecific feedstock is *m*-cresol, a phenol obtained from tall oil, coal tar or petroleum. Synthesizing menthol from these more available, but sometimes more costly, feedstocks automatically produces a mixture of the eight optical isomers of menthol. Sophisticated technology such as that employed by Haarman & Reimer is required to resolve the mixture into *l*- and *d*-menthol.

Natural and synthetic *l*-menthol have the same molecular structure and are chemically equivalent. However, synthetic monthol undergoes a chemical processing which natural menthol does not undergo and natural menthol has certain trace elements which synthetic menthol does not have. Evidence on the record indicates that natural and synthetic *l*-menthol are readily substitutable for the vast majority of uses without compromise in quality of the end product. But, as mentioned above, some customers believe the natural product is more desirable for some uses. Essentially natural and synthetic menthol compete for the same customers, users which value the properties of clean teaste and fragrance and a cooling sensation. Because of the combination of these unique features, *l*-menthol has no simple substitute.

In addition to synthetic *l*-menthol, three other forms of menthol produced in the United States are commercially significant: *d*-menthol, racemic menthol, and liquid menthol. All of these types of menthol have a molecular structure different from *l*-menthol. Neither of these three products has significantly the same uses as *l*-menthol. *d*-Menthol, and isomer of *l*-menthol, is primarily used as a feedstock in the synthesis of *l*-menthol and, sometimes, as a dilutant in perfume formulae. Racemic menthol is a mixture of equal amounts of *d*-menthol and *l*-menthol. It has some cooling effect but much less than *l*-menthol. Racemic menthol is used primarily in analgesic balms, shaving creams and toothpastes. Both racemic menthol and *l*-menthol, are certified to be sare for use in foods, beverages and pharmaceuticals under the United States Pharmacopoeia (USP) and Food Chemicals Codex (FCC) specifications. Liquied menthol, a mixture of vaious isomers, is used in al limited number of industrial applications.

There are two companies in the United States whcih produce synthetic *l*-menthol, Haaram & Reimer and SCM, as described in the majority opinion, the substance of which I incorporate here by reference.

For these rasons, it is my view that the like product in this investigation is synthetic *l*-menthol and the domestic industry is comprised of Haarman & Reimer and SCM.

Additional Views of Commissioner Paula Stern

In Menthol from the People's Republic of China, Investigation No. 731–TA–28 (Preliminary), I cast the lone dissenting vote, having found at that time that there was no reasonable indication of material injury or threatened material injury due to alleged less than fair value (LTFV) imports of menthol from the People's Republic of China (China). Now that case has returned for a final determination, I am glad to be part of a unanimous Commission finding that LTFV imports of natural menthol from China are not a cause of material injury to the domestic industry and do not threaten to become so. The logic I have followed in the final case closely follows that found in my views in the preliminary one.[43] I have joined the unanimous views of the Commission in the present case because the analysis of my fellow Commissioners at this stage is now compatible with my own. Although I remain firm in my belief that both the statute and the public interest would have best been served by terminating this case at the preliminary stage, there have been further developments and I have fully examined *de novo* the entire record as augmented by the final investigation.

The domestic industry and the imported product. An end-user survey conducted by the Commission's staff has verified that synthetic and natural *l*-menthol, are considered interchangeable for the vast majority of end-users.[43] Total U.S. production of the domestic like product, synthetic *l*-menthol, is accounted for by two firms, SCM Corp. and Haarmann & Reimer Corp. (H&R). Both were able to identify separetely the production of *l*-menthol. Thus, it has become possible to assess the impact of the imports on a precise product-like basis rather than on domestic production of all menthol as was done in the preliminary investigation. Also, subsequent to the preliminary investigation, SCM has come out in support of the petition of H&R[44]

Condition of the domestic industry. The data provided in the final investigation on *l*-menthol cover the full year of 1980 instead of only the first quarter (on all menthol) as in the preliminary investigation. However, the overall picture, albeit with certain new wrinkles, is quite similar to the one observed in July 1980. U.S. production more than quadrupled, and capacity nearly quintupled during the 1977–1980 period. Capacity utilization declined slightly from exceptionally high levels reached in 1978, but remains quite good. Employment in 1980 was higher than in 1977.[45] The significant increases over the

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[37] Section 771(4)(A) of the Tariff Act of 1930 (Act).

[38] Section 771(10) of the Act.

[39] Report, A–5–6.

[40] Report, A–7–8.

[41] With regard to *l*-menthol, stereospecific means having the specific spatial orientation of atoms required to produce *l*-menthol upon reaction.

[42] *See* "Views of Commissioner Paula Stern," Menthol from Japan and the People's Republic of China Inv. Nos. 731–TA–27 and 28 (Preliminary), USITC Publication 1087, July 1980 at 21–31.

[43] *See* Staff Report at A–8.

[44] Letter of May 13, 1981, to Secretary of the Commission.

[45] Data on U.S. employment were the only data not separately available for *l*-menthol rather than all menthol.

by all production and related workers are notable because they occurred in spite of the facts that the chemical industry is capital- rather than labor-intensive and that the efficiency of H&R's new plant was increased steadily during the period.

U.S. producer's inventories declined significantly in 1980 despite an increase in imports. This factor seems compatible with H&R's large exports to related companies in the face of a plant design adapted to operate on a seven days per week, twenty-four hours per day schedule.

The only truly negative development was a rapid decline in overall profitability in 1980. However, further analysis has not been able to link the imports from China in any credible fashion to this decline in profitability. Rather, other factors explain this phenomenon. The market price of *l*-menthol continued to decline in the face of ongoing abundant world supply. Because of the most-favored nation and escape clauses found in H&R's contracts, the incidence of this supply situation on the corporation's profits was rapid.[46] Furthermore, export sales at prices lower than those of the domestic market to firms affiliated to petitioner continued. H&R's data on the profitablility of its domestic sales show that home-market sales were consistently and significantly more lucrative than its total *l*-menthol operations. While net operating profit of domestic sales declined from 1978 to 1980, the decline was far less precipitous that that experienced on all *l*-menthol sales.

In my prelinimary views, I observed that H&R's performance should be judged in light of its entry into a new, unfamiliar market. This view has received further support with the confirmation that the corporation, in its 1975 decision to build a U.S. facility, did not factor in China as a possible re-entrant to the market.[47]

Causality. The decline in profitability constitutes the only sign of injury to the domestic industry. I have already observed that factors which explain that decline do not include LTFV imports from China. Pricing and lost sales information further support this conclusion.

Margins of underselling of domestic production by *l*-menthol from China were found during 1980 and from the last quarter of 1977 through the third quarter of 1978.[48] However, U.S. negotiated at later dates than domestic ones (during a period of declining prices), and often involved larger volumes and were of longer duration than those offered by domestic producers. The last two factors are certainly reasonable grounds for price discounts. When further comparisons were made on the basis of contract negotiation periods, only two periods of underselling were found—the most recent being the fourth quarter of 1978, when H&R was still establishing itself in the market.[49] And the margins of underselling were small. The extended staff analysis of pricing information provided no support for linking the decline in the profitability of the domestic industry in 1980 to the imports from China.

Lost sales information also failed to provide any link to the imports in question. Only a relatively small volume in one or two transactions was confirmed as having been lost to the Chinese imports. Because some lost sales should be found in any competitive market, a few insignificant, isolated incidences do not indicate a trend or recurrent problem.

Threat. I found no persuasive evidence that a threat of material injury by reason of the imports from China has emerged since the preliminary case. While U.S. importers inventories increased during 980, they are largely committed, *i.e.*, already sold under contract. This conclusion is supported by the fact that imports from China continued to increase despite the fact that U.S. importers negotiated no new contracts since June 1980. Committed inventories can neither affect the market price of new sales nor capture sales from U.S. producers.

Conclusion. The current picture of the domestic *l*-menthol industry exhibits no credible causal nexus between any of its problems and LTFV imports from China. Indeed, the domestic industry's recent decline in profitability seems wholly related to the business practices of H&R, the petitioner in this case.

In conclusion, I believe that this case illuminates the rationale underlying the two-stage investigatory process. Preliminary investigations are designed to weed out those cases for which, in the short 45-day time frame, a sufficiently adequate record exists to conclude that there is no reasonable indication of injury remediable under the statute. Congress in no way intended that the Commission pay short shrift to preliminary cases. The legislative history provides clear guidance:

> While the (Senate Finance) committee recognizes that the ITC cannot conduct a full-scale investigation in 45 days, it expects the Commission to make every effort to conduct a thorough inquiry during that period. [50]

The only cognizable difference in standards for a preliminary determination is that the Commission, to reach an affirmative finding, must look for a "reasonable indication" of material injury due to the imports in question. A "reasonable indication" requires more than a mere showing at the preliminary stage that the petitioner's case is not frivolous. My *de novo*-examination of the entire record has yielded no new information which might indicate that the initial record was not sufficiently adequate to terminate this case at the preliminary stage.

By order of the Commission.

Issued: June 5, 1981.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-17938 Filed 6-16-81; 8:45 am]

BILLING CODE 7020-02-M

[46] *See* Staff Report at A-13.

[47] *See* transcript at 94–95 and confidential market study by Arthur D. Little, Inc.

[48] See Staff Report at A-64 and tables 17 and 18.

[49] *Ibid.* table 19.

[50] Senate Finance Committee, Trade Agreements Act of 1979, 96th Cong., 1st. Sess., S. Rept. No. 96-249 at 66.

DEPARTMENT OF JUSTICE

Antitrust Division

Proposed Consent Judgment In Action To Enjoin Discharge of Air Pollutants

In accordance with Departmental Policy, 28 CFR § 50.7, 38 FR 19029, notice is here by given that a proposed consent decree in *United States* v. *Sharon Steel Corporation*, Civil Action Nos. 79–1201 and 80–869 has been lodged with the District Court for the Western District of Pennsylvania. The proposed decree requires the defendant to comply with the terms of the Pennsylvania Implementation Plan.

The Department of Justice will receive written comments relating to the proposed judgment for thirty days from the date of publication of this notice. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530 and refer to "*United States* v. *Sharon Steel Company*", D.J. Ref. No. 90–5–2–3–1088.

The proposed decree may be examined at the Office of the United States Attorney, United States Post Office and Courthouse, Pittsburgh, Pennsylvania at the Region III Office of the Environmental Protection Agency, Enforcement Division, Curtis Building, 6th and Walnut Streets, Philadelphia,

Pennsylvania, 19106 and at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1254, Washington, D.C. 20530. A copy of the proposed consent decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice.

Carol E. Dinkins,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 81-17899 Filed 6-16-81; 8:45 am]

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Drug Enforcement Administration

Importation of Controlled Substances; Application

Pursuant to Section 1008 of the Controlled Substance Import and Export Act (21 U.S.C. 958(h)), the Attorney General shall, prior to issuing a registration under this section to a bulk manufacturer of a controlled substance in schedule I or II, and prior to issuing a regulation under section 1002(a) authorizing the importation of such a substance, provide manufacturers holding registrations for the bulk manufacture of the substance an opportunity for a hearing.

Therefore in accordance with § 1311.42 of Title 21, Code of Federal Regulations (CFR), notice is hereby given that on January 20, 1981, Sigma Chemical Company, 3500 Dekala Street, St. Louis, Missouri 63118, made application to the Drug Enforcement Administration to be registered as an importer of the basic class of controlled substances listed below:

Drug and Schedule

Tetrahydrocannabinols (7370)—I
Mescaline (7381)—I
Morphine-3-Gluronide (9329)—II

As to the basic classes of controlled substances listed above for which application for registration has been made, any other applicant therefor, and any existing bulk manufacturer registered therefor, may file written comments on or objections to the issuance of such registration and may, at the same time, file a written request for a hearing on such application in accordance with 21 CFR 1301.54 in such form as prescribed by 21 CFR 1316.47.

Any such comments, objections or requests for a hearing may be addressed to the Administrator, Drug Enforcement Administration, United States Department of Justice, 1405 I Street, N.W., Washington, D.C. 20537, Attention: DEA Federal Register Representative (Room 1203), and must be filed no later than July 15, 1981.

This procedure is to be conducted simultaneously with and independent of the procedures described in 21 CFR 1311.42 (b), (c), (d), (e) and (f). As noted in a previous notice at 40 FR 43745–46 (September 23, 1975), all applicants for registration to import a basic class of any controlled substance in schedule I or II are and will continue to be required to demonstrate to the Administrator of the Drug Enforcement Administration that the requirements for such registration pursuant to 21 U.S.C. 958(a), 21 U.S.C. 823(a), and 21 CFR 1311.42 (a), (b), (c), (d), (e) and (f) are satisfied.

Dated: June 10, 1981.

Peter B. Bensinger,

Administrator, Drug Enforcement Administration.

[FR Doc. 81-17925 Filed 6-16-81; 8:45 am]

BILLING CODE 4410-09-M

Manufacturer of Controlled Substances; Registration

By Notice dated April 17, 1981, and published in the Federal Register on April 24, 1981; (46 FR 23337), Ganes Chemicals, Inc., Industrial Park Road, Pennsville, New Jersey 08070, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of the basic class of controlled substances listed below:

Drug and Schedule

Amobarbital (2125)—II
Pentobarbital (2270)—II
Secobarbital (2315)—II

No comments or objections having been received, and pursuant to Section 303 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and Title 21, Code of Federal Regulations § 1301.54(e), the Administrator hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basic class of controlled substances listed above is granted.

Dated: June 10, 1981.

Peter B. Bensinger,

Administrator, Drug Enforcement Administration.

[FR Doc. 81-17924 Filed 6-16-81; 8:45 am]

BILLING CODE 4410-09-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Proposed Meetings

In order to provide advance information regarding proposed meetings of the ACRS Subcommittees and Working Groups, and of the full Committee, the following preliminary schedule reflects the current situation, taking into account additional meetings which have been scheduled and meetings which have been postponed or cancelled since the last list of proposed meetings published May 19, 1981 (46 FR 27424). Those meetings which are definitely scheduled have had, or will have, an individual notice published in the **Federal Register** approximately 15 days (or more) prior to the meeting. Those Subcommittee and Working Group meetings for which it is anticipated that there will be a portion or all of the meeting open to the public are indicated by an asterik (*). It is expected that the sessions of the full Committee meeting designated by an asterik (*) will be open in whole or in part to the public. ACRS full Committee meetings begin at 8:30 a.m. and Subcommittee and Working Group meetings usually begin at 8:30 a.m. The time when items listed on the agenda will be discussed during full Committee meetings and when Subcommittee and Working Group meetings will start will be published prior to each meeting. Information as to whether a meeting has been firmly scheduled, cancelled, or rescheduled, or whether changes have been made in the agenda for the July 1981 ACRS full Committee meeting can be obtained by a prepaid telephone call to the Office of the Executive Director of the Committee (telephone 202/634–3267, Attn: Barbara Jo White) between 8:15 a.m. and 5:00 p.m., Eastern Time.

ACRS Subcommittee Meetings

**Advanced Reactors*, June 22–23, 1981, Park Ridge, IL. The Subcommittee will discuss matters relating to the development of LMFBR safety design criteria. Notice of this meeting was published June 5.

**Waste Management/Reactor Radiological Effects*, June 22–23, 1981, Washington, D.C. The Subcommittee will review Technical Criteria for Geologic Disposal and Research needs.

**Emergency Core Cooling Systems*, June 23–24, 1981, Idaho Falls, ID. The Subcommittee will review the NRC Programs on Loss-of-Coolant-Accident (LOCA) and Transient Research, the LOFT Facility Research Program (Loss of Fluid Test), and will also discuss the NRC's FY 1983 Reactor Safety Research Program Budget. Notice of this meeting was published June 8.

**Class–9 Accidents*, June 24, 1981, Washington, D.C. The Subcommittee will review the research budget associated with the Severe Accident

Research Program. Notice of this meeting was published June 8.

Three Mile Island Unit 1, June 25–26, 1981, Washington, D.C. The Subcommittee will review the restart modifications required as a result of the TMI–2 accident. Notice of this meeting was published June 8.

Comanche Peak Steam Electric Station Units 1 and 2, June 29, 1981, Dallas/Ft. Worth, TX. The Subcommittee will review the application of Texas Utilities Generating Company for an Operating License. Notice of this meeting was published May 19

Metal Components, June 30, 1981, Richland, WA. The Subcommittee will review NRC's FY 1983 Reactor Safety Research Program Budget concerning Inservice Inspection and Steam Generator programs.

Class–9 Accidents, June 30, 1981, Albuquerque, NM. The Subcommittee will review the program to determine the feasibility of the use of filtered-vented containment system. Notice of this meeting was published May 19.

Structural Engineering, July 1, 1981, Albuquerque, NM. The Subcommittee will discuss the containment research being conducted by Los Alamos Scientific Laboratory and Sandia Laboratories.

Decay Heat Removal System, July 6, 1981, Washington, D.C. The Subcommittee will review Task A–45, "Shutdown Decay Heat Removal Requirements."

Reactor Fuel, July 7, 1981, Washington, D.C. The Subcommittee will discuss NRC Fuel Behavior Research Programs.

Advanced Reactors, July 7, 1981, Washington, D.C. The Subcommittee will discuss the Advanced Reactor Research Program for FY 1983.

Electrical Systems, July 7, 1981, Washington, D.C. The Subcommittee will review a proposed rule on Qualification of Electrical Equipment.

NRC Safety Research Program, July 8, 1981, Washington, D.C. The Subcommittee will discuss the ACRS Report to the Commission on the NRC FY–83 Research Program and Budget. Notice of this meeting was published May 19.

Pilgrim Station Unit 2, July 8, 1981, Washington, D.C. The Subcommittee will review implementation of Three Mile Island Unit 2 Action Plan.

Advanced Reactors, July 14–15, 1981, Park Ridge, IL. The Subcommittee will continue discussion of LMFBR design criteria.

Shoreham Nuclear Power Station Unit 1, July 21, 1981, Washington, D.C. The Subcommittee will discuss the application of the Long Island Lighting Company's request for an Operating License. The meeting has been relocated to Washington, D.C. Notice of this meeting was published May 19.

Comanche Peak Steam Electric Station Units 1 and 2, July 22, 1981, Washington, D.C. The Subcommittee will continue the review of the application of the Texas Utilities Generating Company for an Operating License.

Susquehanna Steam Electric Station Units 1 and 2, July 23, 1981, Washington, DC. The Subcommittee will discuss the Pennsylvania Power & Light Company's request for an Operating License. The meeting has been relocated to Washington, DC. Notice of this meeting was published May 19.

Enrico Fermi Atomic Power Plant Unit 2, July 24, 1981, Washington, DC. The Subcommittee will review the application of Detroit Edison Company for an Operating License.

Reliability and Probabilistic Assessment, July 28, 29 and 30, 1981, Los Angeles, CA. The Subcommittee will review some of the strengths and weaknesses of risk assessments and their potential for use in the design and licensing processes. Notice of this meeting was published May 19.

Regulatory Activities, August 3, 1981, Washington, DC. The Subcommittee will will review Proposed Regulatory Guides.

Program Management and Plan, August 4, 1981, Washington, DC. The Subcommittee will make comments on implementation of PL 96–567, Nuclear Safety Research, Development, and Demonstration Act of 1980, by Department of Energy.

Waterford Steam Electric Station Unit No. 3, August 4, 1981, Washington, DC. The Subcommittee will continue review of the application by Louisiana Power and Light Company for an Operating License.

Emergency Core Cooling Systems, August 27–28, 1981, Monterey, CA. The Subcommittee will discuss various topics related to the NRC Nuclear Reactor Regulation's Emergency Core Cooling Systems, licensing matters and General Electric's proposed revisions to their Emergency Core Cooling System model.

ACRS Full Committee Meetings

July 9–11, 1981—Items are *tentatively* scheduled.

A. *Three Mile Island Nuclear Station Unit 1*—resumption of opertions.

B. *Pilgrim Station Unit 2*—application of Three Mile Island Unit 2 Lessons Learned.

C. *NRC Safety Research Program*—completes ACRS report to NRC regarding the proposed Safety Research Program Budget for FY 1983.

D. *Requirement for Future Nuclear Plants*—discuss proposed ACRS report to NRC regarding revised design requirements for future nuclear power plants.

E. *Improved Safety Features*—discuss NRC staff evaluation of improved safety features for the Zion Nuclear Station and the Indian Point Nuclear Power Station.

F. *Decay Heat Removal Systems*—discuss proposed NRC Task Action Plan to improve the performance and reliability of decay heat removal systems in nuclear power plants.

August 5–8, 1981: Agenda to be announced.

September 10–12, 1981: Agenda to be announced.

Dated: June 12, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81–18020 Filed 6–16–81, 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. 50–237, 50–249, EA 81–02]

Commonwealth Edison Co. (Dresden Nuclear Power Facility, Units 2 & 3); Settlement of Proceeding on Order Imposing Civil Monetary Penalty

I

Commonwealth Edison Company (the "licensee") holds Operating License Nos. DPR–19 and DPR–25, which authorize the operation of Units 2 and 3 of the Dresden Nuclear Power Facility in Grundy County, Illinois. These licenses were issued respectively on December 22, 1969, and January 13, 1971. Units 2 and 3 are boiling water reactors, each of which is authorized to operate at power levels not in excess of 2527 megawatts thermal (rated power).

II

During an inspection of the licensee's activities at the Dresden facility on August 8, 1980, an apparent item of noncompliance was identified with the requirements of 10 CFR Part 50. A written Notice of Violation and Proposed Imposition of civil penalty was served on the licensee on October 20, 1980, in accordance with section 234 of the Atomic Energy Act, as amended (42 U.S.C. 2282, Pub. L. No. 96–195), 10 CFR 2.201, and 10 CFR 2.205 of the Commission's regulations. The Notice proposed a civil penalty in the amount of $40,000. The licensee answered the Notice on November 24, 1980. Upon consideration of the licensee's answer, the Director of the Office of Inspection

and Enforcement determined to impose the penalty proposed in the Notice for the particular item of noncompliance. Accordingly, the Director ordered the licensee on February 23, 1981, to pay a civil penalty in the amount of $40,000. In a letter of March 19, 1981, the licensee requested a hearing in accordance with the terms of the Director's February 23rd Order and 10 CFR 2.205.

III

On the basis of their reconsideration of the aplicable evidence, regulatory requirements, and policy, the Office of Inspection and Enforcement and Commonwealth Edison Company have reached agreement with respect to the following matters:

1. While the operators may not have been sleeping when the NRC inspector observed them at about 6:00 a.m. on August 8, 1980, the operators appeared to be asleep in that they were resting their heads on their arms on their desks. The operators later indicated that they were drowsy and were fighting sleep. As such, the operators lacked the degree of alertness required by the licensee and the NRC in performance of operational duties in the control room of a nuclear power reactor.

2. The operators were physically present in the control room as required by 10 CFR 50.54(k) and Dresden Station Technical Specifications, Chapter 6.1 & Table 6.1.1. However, under criterion V of 10 CFR Part 50, App. B, the licensee must have and implement procedures to ensure that activities affecting quality, including operation of the facility, are satisfactorily accomplished. The Dresden Station Technical Specifications, Chapter 6.2.A.1., require that the licensee have and adhere to procedures covering normal operation of the facility. On August 8, 1980, the licensee had in effect Procedure DAP 7–2 (Rev. 6), which requires that operators "be in a position to monitor plant parameters" during normal plant operation. The licensee also had in effect Nuclear Stations Division Manager's Directive No. 013 (Rev. August 8, 1979), "Conduct of Shift Operations," which required that "control room operators shall be attentive to their panels and execute their duties in a professional manner." As described in paragraph 1, the operators on duty did not maintain the degree of alertness that is required under the licensee's procedure and directive to enable the operators to execute their duties.

3. The licensee took corrective action upon learning of the incident. The licensee gave the operators a formal oral warning concerning the seriousness of the incident. The licensee also sent a memorandum on August 22, 1980, to all operating shift supervisors and nuclear station operations on the subject of sleeping and operator alertness. The memorandum reemphasizes the requirement that operators be alert and capable of performing their duties. The memorandum also prescribes procedures to provide prompt relief of operators from their duty stations to combat drowsiness or inattentiveness. The licensee issued revised versions of Procedure DAP 7–2 (Rev. 7, Oct. 31, 1980) and Directive No. 013 (Rev. Nov. 1, 1980) which underscore the requirement for operator alertness and indicate specifically "sleeping" and "habitual" or chronic lack of attentiveness" as examples of conduct which will be subject to severe disciplinary action, including possible discharge from the company.

4. The severity level of the violation was considered by NRC to be Severity Level III. On the basis of the available evidence, arguments can be made as to whether the operators' lack of attentiveness should be categorized as a Severity Level III or Severity Level IV violation.

In consideration of the foregoing matters and in the interest of concluding this proceeding, the Office of Inspection and Enforcement and Commonwealth Edison Company have agreed to settle this proceeding under the following terms:

(1) The Director of the Office of Inspection and Enforcement will mitigate the civil penalty imposed by the Order of February 23, 1981, from $40,000 to $18,000; and

(2) Commonwealth Edison Company will pay a civil penalty in the amount of $18,000, and will withdraw its request for a hearing of March 19, 1981.

IV

In view of the foregoing agreement and settlement, and pursuant to section 234 of the Atomic Energy Act, as amended, and 10 CFR 2.205, it is hereby ordered that the Order of February 23, 1981, is modified to require the licensee to pay a civil penalty in the total amount of Eighteen Thousand Dollars ($18,000) in the manner prescribed in the Order of February 23, 1981.

The proceedings on the Order of February 23, 1981, are hereby terminated.

Dated at Bethesda, Maryland this 10th day of June, 1981.

For the Nuclear Regulatory Commission.

Richard C. DeYoung,

Acting Director, Office of Inspection and Enforcement.

[FR Doc. 81-18021 Filed 6-16-81; 8:45 am]

BILLING CODE 7590-01-M

DEPARTMENT OF STATE

[Public Notice CM-8/417]

Advisory Committee on International Investment, Technology, and Development; Meeting

The Department of State will hold a meeting on July 9, 1981, of the Working Group on Preparations for the UN Conference on New and Renewable Sources of Energy scheduled for Nairobi, Kenya, in August, 1981, of the Advisory Committee on International Investment, Technology, and Development. The Working Group will meet from 9:30 a.m. to 1:00 p.m. The meeting will be held in Room 1107 of the State Department, 2201 C Street, NW., Washington, D.C. 20520. The meeting will be open to the public.

The purpose of the meeting will be to review the status of preparations for the UN Conference and to consider the role the U.S. private sector can play in a program of action for the UN Conference.

Requests for further information on the meeting should be directed to Philip T. Lincoln, Jr., Department of State, Office of Investment Affairs, Bureau of Economic and Business Affairs, Washington, D.C. 20520. He may be reached by telephone on (area code 202) 632–2728.

Members of the public wishing to attend the meeting must contact Mr. Lincoln's office in order to arrange entrance to the State Department building.

The Chairman of the Working Group, will as time permits, entertain oral comments from members of the public attending the meeting.

Dated: June 4, 1981.

Philip T. Lincoln, Jr.,

Executive Secretary.

[FR Doc. 81-17999 Filed 6-16-81; 8:45 am]

BILLING CODE 4710-07-M

[Public Notice CM-8/416]

Study Group A of the U.S. Organization for the International Telegraph & Telephone Consultative Committee (CCITT); Meeting

The Department of States announces that Study Group A of the U.S. Organization for the International

Telegraph and Telephone Consultative Committee (CCITT) will meet on June 30, 1981 at 10 a.m. in Room A–110, of the Federal Communications Commission, 1225 20th Street NW., Washington, D.C. This Study Group will deal with U.S. Government aspects of international telegram and telephone operations and tariffs.

The Study Group will discuss international telecommunications questions relating to telegraph, telex, new record services, data transmission and leased channel services in order to develop U.S. positions to be taken at upcoming international CCITT meetings. In particular, this meeting of Study Group A will examine the questions and contributions relating to the upcoming September meeting of CCITT Study Group III.

Members of the general public may attend the meeting and join in the discussion subject to instructions of the Chairman. Admittance of public members will be limited to the seating available.

Requests for further information should be directed to Earl S. Barbely, Federal Communications Commission, Washington, D.C., telephone (202) 632–3214.

Dated: June 8, 1981

Richard H. Howarth,

Chairman, U.S. CCITT National Committee.

[FR Doc. 81–17970 Filed 6–16–81; 8:45 am]

BILLING CODE 4710–07–M

DEPARTMENT OF THE TREASURY

Fiscal Service

Treasury Current Value of Funds Rate

AGENCY: Bureau of Government Financial Operations.

ACTION: Notice of rate for use in Federal cash management operations.

SUMMARY: This notice publicizes the percentage rate based on the current value of funds to the Treasury. This rate (updated quarterly) is required by the Treasury Fiscal Requirements Manual (I TFRM 6–8000) to be used in Federal billing, collection, and disbursement operations, and is provided here as public notice to assist agencies in their negotiations with affected contractors, organizations, and individuals. The applicable rate is 16.19%.

DATES: The rate will be in effect for the period beginning on July 1, 1981 and ending on September 30, 1981.

FOR FURTHER INFORMATION CONTACT: Inquiries should be directed to the Cash Management Regulations and Compliance Staff, Bureau of Government Financial Operations, Department of the Treasury, Treasury Annex No. 1, Washington, D.C. 20226 (Telephone: 202/566–8251).

SUPPLEMENTARY INFORMATION: Revisions to I TFRM 6–8000 in June 1980 provided that the current value of funds rate would be used in assessing charges for all late payments to the Government (except where prohibited by law or where a different rule is prescribed by statute), and in determining whether it is cost effective for the Government to avail itself of prompt payment discounts. This rate reflects the short-term value of funds to the Treasury and is based on rates set for purposes of Pub. L. 95–147, 91 Stat. 1227. It should be noted that the Federal Claims Collection Standards (4 CFR 102.1) also require that interest be charged on delinquent debts and debts being paid in installments in accordance with I TFRM 6–8000.

Dated: June 11, 1981

W. E. Douglas,

Commissioner.

[FR Doc. 81–17971 Filed 6–16–81; 8:45 am]

BILLING CODE 4810–35–M

Office of the Secretary

[Department Circular Public Debt Series No. 17–81]

Treasury Notes of June 30, 1983, Series S–1983; Invitation for Tenders

Washington, June 11, 1981.

1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of the Second Liberty Bond Act, as amended, invites tenders for approximately $4,250,000,000 of United States securities, designated Treasury Notes of June 30, 1983, Series S–1983 (CUSIP No. 912827 LZ 3). The securities will be sold at auction, with bidding on the basis of yield. Payment will be required at the price equivalent of the bid yield of each accepted tender. The interest rate on the securities and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of these securities may be issued to Government accounts and Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts of the new securities may also be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities, to the extent that the aggregate amount of tenders for such accounts exceeds the aggregate amount of maturing securities held by them.

2. Description of Securities

2.1. The securities will be dated June 30, 1981, and will bear interest from that date, payable on a semiannual basis on December 31, 1981, and each subsequent 6 months on June 30 and December 31 until the principal becomes payable. They will mature June 30, 1983, and will not be subject to call for redemption prior to maturity. In the event an interest payment date or the maturity date is a Saturday, Sunday, or other nonbusiness day, the interest or principal is payable on the next-succeeding business day.

2.2. The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are subject to estate, inheritance, gift, or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, any possession of the United States, or any local taxing authority.

2.3. The securities will be acceptable to secure deposits of public monies. They will not be acceptable in payment of taxes.

2.4. Bearer securities with interest coupons attached, and securities registered as to principal and interest, will be issued in denominations of $5,000, $10,000, $100,000, and $1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of coupon, registered, and book-entry securities, and the transfer of registered securities will be permitted.

2.5. The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., Eastern Daylight Saving time, Thursday, June 18, 1981. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Wednesday, June 17, 1981.

3.2. Each tender must state the face amount of securities bid for. The minimum bid is $5,000, and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.11%. Common fractions may not be

used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield. No bidder may submit more than one noncompetitive tender and the amount may not exceed $1,000,000.

3.3. All bidders must certify that they have not made and will not make any agreements for the sale or purchase of any securities of this issue prior to the deadline established in Section 3.1. for receipt of tenders. Those authorized to submit tenders for the account of customers will be required to certify that such tenders are submitted under the same conditions, agreements, and certifications as tenders submitted directly by bidders for their own account.

3.4. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are only permitted to submit tenders for their own account.

3.5. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by full payment for the amount of securities applied for (in the form of cash, maturing Treasury securities, or readily collectible checks), or by a payment guarantee of 5 percent of the face amount applied for, from a commercial bank or a primary dealer.

3.6. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, a coupon rate will be established, on the basis of a ⅛ of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 99.500. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.7. Competitive bidders will be advised to the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will only be notified if the tender is not accepted in full, or when the price is over par.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5.1. Settlement for allotted securities must be made at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, whenever the tender was submitted. Settlement on securities allotted to institutional investors and to others whose tenders are accompanied by a payment guarantee as provided in Section 3.5., must be made or completed on or before Tuesday, June 30, 1981. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes, or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institutions to which the tender was submitted, which must be received from institutional investors no later than Friday, June 26, 1981. When payment has been submitted with the tender and the purchase price of allotted securities is over par, settlement for the premium must be completed timely, as specified in the preceding sentence. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered securities tendered in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." If new securities in coupon form are desired, the assignment should be to "The Secretary of the Treasury for coupon (securities offered by this circular) to be delivered to (name and address)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5.4. If bearer securities are not ready for delivery on the settlement date,

purchasers may elect to receive interim certificates. These certificates shall be issued in bearer form and shall be exchangeable for definitive securities of this issue, when such securities are available, at any Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. The interim certificates must be returned at the risk and expense of the holder.

5.5. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of securities on full-paid allotments, and to issue interim certificates pending delivery of the definitive securities.

6.2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public anouncement of such changes will be promptly provided.

Paul H. Taylor,

Fiscal Assistant Secretary.

Supplementary statement

The announcement set forth above does not meet the Department's criteria for significant regulations and, accordingly, may be published without compliance with the departmental procedures applicable to such regulations.

[FR Doc. 81-18084 Filed 6-15-81; 2:15 pm]

BILLING CODE 4810-40-M

V 46 6 J E 1 7 8 1 UMI

Sunsh

This section contains noti under the "G Act" (Pub. L 552b(e)(3).

CONTENTS

Federal Depo tion ..... Federal Home Federal Rese Governors) Nuclear Regu Postal Service

1

FEDERAL DE CORPORATIO

Pursuant t "Governmen U.S.C. 552b), at 2:30 p.m. Federal Dep Board of Dir session, by v Directors pu 552b(c)(2), (c (c)(9)(B), and States Code, matters:

Applicatio branch:

The Howard S Jersey, for c the southwe Lacey Road Jersey.

Applicatio establish five main office l subordinate addition to c consent to re notes:

Continental B Township (B Jersey, an in for consent title, with T New Jersey; five offices branches of to redesigna the resultan main office consent to i capital note structure of advance co

Sunshine Act Meetings

Federal Register
Vol. 46, No. 116
Wednesday, June 17, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

	Items
Federal Deposit Insurance Corporation	1, 2
Federal Home Loan Bank Board	3
Federal Reserve System (Board of Governors)	4
Nuclear Regulatory Commission	5
Postal Service (Board of Governors)	6

1

FEDERAL DEPOSIT INSURANCE CORPORATION.

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:30 p.m. Monday, June 22, 1981, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by vote of the Board of Directors pursuant to sections 552b(c)(2), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10) of Title 5, United States Code, to consider the following matters:

Application for consent to establish a branch:

The Howard Savings Bank, Newark, New Jersey, for consent to establish a branch at the southwest corner of Cherry Street and Lacey Road, Manchester Township, New Jersey.

Applications for consent to merge, establish five branches, redesignate main office location, issue convertible subordinated capital notes as an addition to capital, and for advance consent to retire or convert capital notes:

Continental Bank of New Jersey, Gloucester Township (P.O. Laurel Springs), New Jersey, an insured State nonmember bank, for consent to merge, under its charter and title, with The Mainland Bank, Linwood, New Jersey; for consent to establish the five offices of The Mainland Bank as branches of the resultant bank; for consent to redesignate the main office location of the resultant bank to the present site of the main office of The Mainland Bank; for consent to issue convertible subordinated capital notes as an addition to the capital structure of the resultant bank; and for advance consent to their retirement at maturity or for their conversion into new common stock of the resultant bank.

Request for relief from adjustment for violations of Regulation Z:

Name and location of bank authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(8) and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(8) and (c)(9)(A)(ii)).

Recommendation regarding the liquidation of a bank's assets acquired by the corporation in its capacity, as receiver, liquidator, or liquidating agent of those assets:

Memorandum and resolution re: Tri-City Bank, Warren, Mich.

Recommendations with respect to the initiation, termination, or conduct of administrative enforcement proceedings (cease-and-desist proceedings, termination-of-insurance proceedings, suspension or removal proceedings, or assessment of civil money penalties) against certain insured banks or officers, directors, employees, agents, or other persons participating in the conduct of the affairs thereof:

Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii)).

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to the provisions of the subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2) and (c)(6)).

Reports of committees and officers:

Report of Director, Division of Liquidation: Memorandum re: Reports Required Under Delegated Authority; Sale of Lots.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, N.W., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389-4425.

Dated: June 15, 1981.

Federal Deposit Insurance Corporation.
Hoyle L. Robinson,
Executive Secretary.
[S-939-81 Filed 6-15-81; 11:49 am]
BILLING CODE 6714-01-M

2

FEDERAL DEPOSIT INSURANCE CORPORATION.

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 2:00 p.m. on Monday, June 22, 1981, to consider the following matters:

Disposition of minutes of previous meetings.

Recommendations with respect to payment for legal services rendered and expenses incurred in connection with receivership and liquidation activities:

Bronson, Bronson & McKinnon, San Francisco, California, in connection with the receivership of United States National Bank, San Diego, California.
Morrison, Hecker, Curtis, Kuder & Parrish, Kansas City, Missouri, in connection with the liquidation of The Mission State Bank and Trust Company, Mission, Kansas.

Recommendations regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 44,802-CP—The First State Bank of Westmont, Westmont, Illinois.
Case No. 44,827-SR—Citizens State Bank, Carrizo Springs, Texas.

Reports of committees and officers:

Minutes of the actions approved by the Committee on Liquidations, Loans and Purchases of Assets pursuant to authority delegated by the Board of Directors.
Reports of the Director of the Division of Bank Supervision with respect to applications or requests approved by him and the various Regional Directors pursuant to authority delegated by the Board of Directors.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550—17th Street, N.W., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389-4425.

Dated: June 15, 1981.

Hoyle L. Robinson,

Executive Secretary.

[S-938-81 Filed 6-15-81; 11:48 a.m.]

BILLING CODE 6714-01-M

3

FEDERAL HOME LOAN BANK BOARD.

TIME AND DATE: 10 a.m., Monday, June 22, 1981.

PLACE: 1700 G Street NW., Board Room, 6th Floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202-377-6679).

MATTERS TO BE CONSIDERED: The following items will be on the Bank Board meeting for Monday, June 22, 1981.

Application for Bank Membership—Coastal Savings Bank (Mutual), Portland, Maine.
Recommendation for Designation of Robert S. Warwick as a Supervisory Agent—Federal Home Loan Bank of Atlanta.
Application for Bank Membership and Insurance of Accounts—Sentinel Savings and Loan Association, Sonora, California.
Bank Membership and Insurance of Accounts—City Savings Association (Stock), League City, Texas.
Request for a Commitment to Insure Accounts—Emory W. Bitzer, et al. (Allstate S&LA in Organization) Ocala, Florida (New State Charter-Stock).
Amendment to Resolution Conversion of—Redwood Pacific Savings and Loan Association, Rohnert Park, California, and merger with Bay View Federal Savings and Loan Association, San Mateo, California.
Request for a Commitment to Insure Accounts—Andrew Oravec, Jr., *et al.* (Liberty S&L, in Organization) Port Richey, Florida (New-State Charter Stock).
Concurrent Branch Office Applications from—1. Biscayne Federal Savings and Loan Association (Stock), Miami, Florida, and 2. Biscayne Federal Savings and Loan Association (Stock), Miami, Florida.

Open Meeting Continue:

Merger: Increase of Accounts of an Insurable Type—Fidelity Building and Loan Company (Mutual), Chillicothe, Ohio *and* Hub Federal Savings and Loan Association (Mutual), Columbus, Ohio *and* Central Ohio Federal Savings and Loan Association (Mutual), Columbus, Ohio *into* Ohio State Federal Savings and Loan Association (Mutual), Columbus, Ohio.
Branch Office Application—Windom Federal Savings and Loan Association, Windom, Minnesota (Mountain Lake Location).
Branch Office Application—Windom Federal Savings and Loan Association, Windom, Minnesota (Windom Location).
Proposed Merger and Increase in Accounts of an Insurable Type—Citizens Savings (Mutual) Belleville, Illinois *and* Quincy-Peoples Savings and Loan Association (Mutual), Quincy, Illinois *into* American Savings and Loan Association of Springfield (Mutual) Springfield, Illinois.
Proposed Merger—Orange Belt Federal Savings and Loan Association, Colton, California, *into* Redlands Federal Savings and Loan Association, Redlands, California.
Bank Membership and Insurance of Accounts—Placentia Linda Savings and Loan Association, Placentia, California.
Preliminary Application for Merger; Maintenance of Branch Offices; Cancellation of Membership and Insurance; and Transfer of Stock—United Savings and Loan Association (Mutual), Oceanside, New York *into* Beacon Federal Savings and Loan Association (Mutual), Baldwin, New York.

No. 502, June 15, 1981.

[S-936-81 Filed 6-15-81; 10:07 am]

BILLING CODE 6720-01-M

4

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.

TIME AND DATE: 10 a.m., Monday, June 22, 1981.

PLACE: 20th Street and Constitution Avenue, NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Request by the General Accounting Office for Board comment on a draft report concerning reporting requirements of the Bank Secrecy Act of 1970.
2. Request by the General Accounting Office for Board comment on a draft report concerning Federal credit programs.
3. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
4. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204.

Dated: June 12, 1981.

James McAfee,

Assistant Secretary of the Board.

[S-934-81 Filed 6-12-81; 4:19 pm]

BILLING CODE 6210-01-M

5

NUCLEAR REGULATORY COMMISSION.

DATE: Week of June 15, 1981 (Revised).

PLACE: Commissioners' Conference Room, 1717 H Street, N.W., Washington, D.C.

STATUS: Open/Close.

MATTERS TO BE CONSIDERED:

Tuesday, June 16

10 a.m.—1. Discussion and Possible Vote on 10 CFR 60, Disposal of High-Level Radioactive Wastes in Geologic Repositories: Technical Criteria (public meeting) (continued from June 11).

2 p.m.—1. Discussion of Anticipated Transients Without Scram (public meeting) (previously announced for June 17).

Wednesday, June 17

10 a.m.—1. Briefing on Criterion I in Export Licensing (closed meeting) (previously announced for June 16).
2:30 p.m.—1. Discussion and Possible Vote on Operating License for Sequoyah-2 (public meeting) (continued from June 9).

Thursday, June 18

2 p.m.
1.—Discussion of Revisions to Reactor Operator Qualifications (approximately 1½ hours) (public meeting).
2.—Affirmation/Discussion Session (public meeting). Items to be affirmed and/or discussed:
a. CESG's Motion to Permit Appeal of Atomic Safety and Licensing Board's Memorandum and Order
b. 10 CFR Part 61, "Licensing Requirements for Land Disposal of Radioactive Waste"
c. Significant Changes Decision in Summer Antitrust Matter (delayed from June 11)
d. Pub. of Guidelines for Mgmt. of Agreement State Radiation Control Programs (delayed from June 11)
e. Review of ALAB-639 (In the matter of Houston Lighting and Power Co.)

Friday, June 19

10 a.m.—1. Discussion and Possible Vote on Operating License for McGuire (closed meeting).

ADDITIONAL INFORMATION: By a vote of 3-0 (Chairman Hendrie abstaining) on June 10, 1981, the Commission determined pursuant to 5 U.S.C. 552b(e)(1) and § 9.107(a) of the Commission's Rules, that Commission business required that Discussion and Vote on Motion for a Stay of Certain Aspects of Final Rule on Fire Protection for Operating Nuclear Power Plants (closed meeting), held that day, be held on less than one week's notice to the public.

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR SCHEDULE UPDATE: (202) 634-1498. Those planning to attend a meeting should reverify the status on the day of the meeting.

CONTACT PERSON FOR MORE INFORMATION: Gary Gilbert (202) 634-1410.

Gary M. Gilbert,

Office of the Secretary.

June 11, 1981.

[S-935-81 Filed 6-12-81; 4:32 pm]

BILLING CODE 7590-01-M

6

POSTAL SERVICE (BOARD OF GOVERNORS)

The Board of Governors of the United States Postal Service, pursuant to its Bylaws (39 CFR 7.5) and the

Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice that it intends to hold a special meeting at 8 a.m. on Monday, June 22, in the Benjamin Franklin Room, 11th Floor, Postal Service Headquarters, 475 L'Enfant Plaza SW., Washington, D.C. 20260. The meeting is open to the public. Requests for information about the meeting should be addressed to the Secretary of the Board, Louis A. Cox, at (202) 245–4632. The only agenda item to be considered at this meeting is for the Board to consider the June 4, 1981, Opinion and Recommended Decision Upon Reconsideration of the Postal Rate Commission encaptioned Postal Rate and Fee Changes, 1980 (Commission Docket R80–1).

It is noted that the Government in the Sunshine Act provides that an agency may close a portion of a meeting to the public, following public announcement of the time, place, and subject matter of the meeting, under certain circumstances. It is possible that the Board may determine on June 22 that the nature of its discussion requires closure of a portion of this meeting, having in mind that the instant rate proceeding is in litigation.

Louis A. Cox,

Secretary.

[S–937–81 Filed 6–15–81; 8:45 am]

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federal register

Wednesday
June 17, 1981

Part II

Department of the Interior

Fish and Wildlife Service

Alaska National Wildlife Refuges; Interim Management Regulations

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 36

Alaska National Wildlife Refuges; Inferim Management Regulations

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: This final rule provides interim management regulations for the sixteen Alaska National Wildlife Refuges. The rule: (1) Relieves those restrictions imposed by the general National Wildlife Refuge System regulations that are generally inappropriate in Alaska, (2) implements and clarifies a number of provisions of the Alaska Lands Act that are of immediate importance to Alaskans and the general public, and (3) clarifies what public activities are authorized in Alaska National Wildlife Refuges. These regulations are the minimum necessary for interim administration of the Alaska refuges.

EFFECTIVE DATE: June 17, 1981.

FOR FURTHER INFORMATION CONTACT: Keith Schreiner, Alaska Regional Director, U.S. Fish and Wildlife Service, 1011 E. Tudor Road, Anchorage, Alaska 99507 (907–276–3800).

SUPPLEMENTARY INFORMATION:

Background

The Alaska National Interest Lands Conservation Act, 94 Stat. 237, Pub. L. 96–487 (December 2, 1980) established, redesignated, or expanded sixteen National Wildlife Refuges in Alaska: Alaska Maritime, Alaska Peninsula, Arctic, Becharof, Innoko, Izembek, Kanuti, Kenai, Kodiak, Koyukuk, Nowitna Selawik, Tetlin, Togiak, Yukon Delta and Yukon Flats. Each of these areas is to be managed pursuant to applicable Alaska National Wildlife Refuge statutory law, most notably the National Wildlife Refuge System Administration Act, 16 U.S.C. 688dd *et seq.* and the provisions of the Alaska Lands Act.

On January 19, 1981, the Fish and Wildlife Service proposed rules to provide interim management guidelines for the Alaska National Wildlife Refuges (46 FR 5668 *et seq.*). The proposed rules addressed a limited number of items, many of which had undergone extensive public comment in other rulemakings or proceedings. (*See*, for example, 43 FR 60255 (December 26, 1978); 44 FR 11247 (February 28, 1979); 44 FR 15500 (March 14, 1979); 44 FR 37754 (June 28, 1979); 45 FR 2616 (January 11, 1980); 45 FR 14192 (March 4, 1980).) The Fish and Wildlife Service has carefully considered comments made during the course of these proceedings, and promulgates today final rules which generally are in accord with the public comments received. The public comment has proved invaluable in helping the Fish and Wildlife Service develop regulations that are workable yet flexible enough to deal with the exigencies of terrain, climate, resources and lifestyles encountered within the Alaska National Wildlife Refuges.

Need for Expeditious Rulemaking

Under the Administrative Procedure Act an agency is authorized to make a final regulation immediately effective when it relieves restrictions, is an interpretive rule, or when good cause exists for expeditious rulemaking. *See* 5 U.S.C. 553(d). The rules published today are immediately effective for the following reasons:

First, many of the provisions of these regulations relieve restrictions imposed by the general National Wildlife Refuge System regulations that are generally inappropriate in the unique Alaska setting. For example, standard restrictions on access, firearms and abandoned property are relieved by these regulations.

Second, certain portions of these regulations constitute interpretive rules giving the Department's view on existing legal duties. These interpretive rules are found in § 36.23(c).

Third, the Department has found that good cause exists for immediately effective rules. This good cause finding is based on many factors, including: (1) The need to provide definitive public guidance on permissible activities during the peak use season, (2) the need to alleviate confusion arising from directives in the Alaska Lands Act which are (or appear) inconsistent with existing regulations, (3) the need to have in place administrative procedures for obtaining statutory benefits created under the Alaska Lands Act (*e.g.* access to inholdings, temporary access, cabins) and (4) the substantial public comment received on past rules addressing the same issues, as well as public participation in legislation culminating in enactment of the Alaska Lands Act.

Summary of Comments

The January 19, 1981 proposed rules solicited comments for 45 days on the issues addressed therein (46 FR 5668). The comment period was subsequently extended until March 16, 1981 (46 FR 14021). During this period the Fish and Wildlife Service received 145 written comments on the proposed rule. Written comments were received from 97 individuals, from 33 states, 2 corporations and businesses, 24 organizations, 17 local government entities, the State of Alaska, the Alaska Congressional Delegation, the Environmental Protection Agency, the Air Force, and the Heritage Conservation and Recreation Service.

Analysis of Comments

Subpart A—Introduction and General Provisions

Applicability and Scope

Several commenters argued that the management regime created by the Alaska Lands Act and these regulations should have no effect on refuges, such as the Kenai Range, established prior to December 2, 1980. Specifically, they argued that neither the Act nor these regulations should be interpreted as amending existing special regulations in effect for these areas. The provisions of the Alaska Lands Act apply to all Alaska refuges; a generic distinction between old and new refuges is not legally supportable. The Service, however, does retain the discretion to adopt special regulations for individual refuges consistent with the provisions of the Alaska Lands Act and other statutory law. Existing special regulations remain in force and effect except as amended by the Alaska Lands Act and/or these regulations.

Several commenters suggested that the rules should apply only to "public lands" rather than "federally owned lands or interests." The Service has not accepted these comments. Sections 103(c) and 906(o) of the Alaska Lands Act generally restrict the applicability of Fish and Wildlife Service regulations to federally owned lands and interests within the boundaries of Alaska National Wildlife Refuges. Consistent with the Act and the explanatory legislative history (126 Cong. Rec. H11115 (daily ed. Nov. 21, 1980) and 126 Cong. Rec. S15150–51 (daily ed Dec. 1, 1980)). § 36.1(b) restricts the applicability of these regulations to "federally owned" lands, which is defined to include all interest held by the Federal government. With the legislative conveyance of 98 million acres of State selections in section 906 of the Act, no unconveyed State selections remain within the Alaskan refuges. Therefore, generally no State selected and conveyed lands within the boundaries of the Alaska National Wildlife Refuges will be subject to the provisions of these rules. Similarly, land interests interimly conveyed or patented to natives under the Alaska Native

Claims Settlement Act, where such interests are located within the boundaries of areas initially added to the National Wildlife Refuge System by the Alaska Lands Act, would not be affected by these regulations. Other private, patented inholdings within the Alaska National Wildlife Refuges would also generally not be subject to these rules.

Definitions

Many comments objected to the definition of "adequate and feasible access" which appeared in the proposed rule on the grounds that it would authorize the Fish and Wildlife Service to determine what is a "reasonable use or development" for an inholding. The definition has been revised to clarify that the inholder determines the desired land use or development of his property, and the Service provides reasonable access to meet the desired land use.

Section 1110(a) of the Alaska Lands Act authorizes the use of snowmachines for traditional activities and travel to and from villages and homesites during periods of adequate snow cover or frozen river conditions. In response to a number of comments, the Service has defined "adequate snow cover" as snow of sufficient depth to protect the underlying vegetation and soil.

Several comments suggested that the definition of "fish and wildlife" should specifically exclude domestic and exotic animals. Although the definition remains unchanged consistent with the specific language of the Alaska Lands Act (Section 102 (17)), the Service recognizes the clearly expressed congressional intent that the term does not include those animals the Service determines to be exotic or domestic (126 Cong. Rec. H10543 (daily ed. Nov. 12, 1980)). *See also* 46 FR 5669.

A few commenters suggested that the regulations should use and define the term "snowmachine", a term appearing in section 1110(a) of the Alaska Lands Act. The Service has adopted this suggestion by defining "snowmachine" in terms parallel to "snowmobile."

Subpart B—Subsistence Uses

General Comments

The Alaskan Congressional Delegation, the State of Alaska, and a number of sportsmen's groups opposed promulgation of any rules addressing subsistence, especially in the one year period provided by section 805(d) of the Alaska Lands Act for the State to establish an adequate subsistence program. Each commenter expressed concern that federal regulations could foreclose the State in development of its program.

The Fish and Wildlife Service is sensitive to these concerns and therefore, has retained the narrow approach articulated in the proposed rules, one that addresses only issues of immediate importance or those definitively treated by the Alaska Lands Act. While the National Park Service is compelled by the Alaska Lands Act to distinguish subsistence users who are permitted to hunt within parks from others who are not, the Fish and Wildlife Service is under no such legal obligation. Accordingly, these regulations do not define "local rural resident" or establish an administrative procedure to distinguish such persons from other members of the public. Similarly, the regulations do not create an administrative framework to implement the subsistence priority required by section 804 of the Act. The regulations treat those subsistence issues of immediate importance in a manner calculated not to foreclose the State of Alaska's discretion in implementing its subsistence program. This restrained approach is consistent with the Fish and Wildlife Service's view that the subsistence issue is one best treated by the State. The Service looks forward to Secretarial approval of a State subsistence program implementing the requirements of the Alaska Lands Act.

Several native organizations urged the Fish and Wildlife Service to adopt regulations implementing Alaska Lands Act section 806 on "Federal Monitoring," section 807 on "Judicial Enforcement," and section 812 on "Research." Although the Service appreciates the importance of these statutory provisions, it determined during preparation of the proposed rules that these provisions do not lend themselves to expeditious implementation since they have not previously been the subject of notice and comment. The Alaska Congressional Delegation commented that proposed § 36.37 implementing section 810 of the Alaska Lands Act should be deleted for the same reason; they also pointed out that the proposed regulation did nothing more than repeat section 810 of the Act verbatim. For these reasons, today's final regulations do not contain provisions implementing sections 806, 807, 810 and 812 of the Act. It should be emphasized, however, that all parties must comply with these statutory provisions as long as they remain in effect.

Purpose and Policy

The Fish and Wildlife Service received various recommendations for acknowledgement in the regulations of the State of Alaska's role in regulation of fish and wildlife for subsistence uses within Alaska refuges. In response, the Service is promulgating § 36.11(d) which recognizes State regulation of the taking of fish and wildlife in Alaska refuges consistent with applicable Federal law, including the Alaska Lands Act. For example, the Service expects the State to continue to regulate seasons and bag limits in refuge areas. Furthermore, as mentioned above, the Fish and Wildlife Service anticipates that a State subsistence program implementing the Alaska Lands Act's various substantive mandates will be approved.

One commenter requested that the Fish and Wildlife Service define the term "healthy populations" used in several instances in this section. The Service has not accepted this suggestion in the context of these interim rules. Guidance as to the meaning of this term is found in the Alaska Lands Act legislative history, which is quoted in relevant portion in the section-by-section analysis.

Definitions

Most comments on the definition of "subsistence uses" concerned the Fish and Wildlife Service's proposed definition of "customary trade." In general, the comments indicated strong support for the Service's inclusion of fur trading within the term. Three commenters objected, however, that the definition was too limited. For example, one commenter wrote that

> [c]ustomary trade in Alaska is involved in more than the exchange of furs for cash. Quite often there is trade for specific items or merchandise including food and fuel.

The definition of "subsistence uses" adequately covers these concerns in its provision for "barter". The "barter" definition, taken verbatim from Section 803 of the Alaska Lands Act, allows local rural residents to trade furs for fish, game, food, or nonedible items other than money for personal or family consumption. The Fish and Wildlife Service's definition of "customary trade" serves to expand the permissible exchange to include, in addition, furs for cash. One rural group, however, pointed out a customary trade practice that the proposed definition of "subsistence uses" did not cover: The customary and traditional making and selling of certain handicraft articles out of plant materials. In response to the comment, the Service specifically defines "customary trade" to include the exchange of furs for cash and authorizes Refuge Managers to specify in special

regulations other activities, if any, that fall within the scope of that term.

Use of Snowmobiles, Motorboats and Other Means of Surface Transportation Traditionally Employed by Local Rural Residents Engaged in Subsistence Uses

Several commenters argued that subsistence access modes should not be limited to those "traditionally employed" by local rural residents. The Service has retained this term, since it parallels the language of the subsistence access section (811(b)) of the Alaska Lands Act.

A number of commenters suggested that the regulations should specify that the use of dogsleds is authorized within Alaska refuges for subsistence uses. This suggestion comports with relevant legislative history and has been adopted.

The allowed use of motorized surface transportation in accordance with the provisions of § 36.12 evoked two objections. One organization commented that "the use of snowmobiles, motorboats and off-road vehicle is * * * abhorrent to the notion of subsistence hunting * * *." Section 811(b) of the Alaska Lands Act, however, mandates the Secretary to allow "appropriate use for subsistence purposes of snowmobiles, motorboats, and other means of surface transportation traditionally employed for such purposes by local residents, subject to reasonable regulation." Section 36.12 implements this statutory mandate, highlights its limitations and provides for appropriate restrictions, closures, and regulation. Another organization recommended that the Fish and Wildlife Service prohibit motorized surface transportation other than snowmachines and motorboats (*e.g.*, ATV's) except by permit upon a demonstration of "traditional use" by the local rural resident. The Service has decided against this recommendation for this rulemaking exercise since (1) the Service wants to avoid another permit requirement, if possible, (2) the restrictions, closure, and other regulatory provisions of § 36.12 should adequately protect refuge values, at least for this interim period, and (3) the Service would not adopt such a new proposal without additional notice and comment.

Subsistence use of Timber and Plant Material

Many comments suggested that the cutting of live standing timber for subsistence uses should require a prior issuance of a permit by the Refuge Manager in the manner proposed by the National Park Service. The Service agrees that a permit requirement is necessary in some cases to protect refuge resources. However, the cutting of small timber for casual uses does not present a resource problem, and imposition of such a requirement would be onerous to users. Accordingly, the regulations require a permit only for the cutting of live standing timber of diameter greater than three inches at ground height.

Closure

In response to comments asking for increased notice, local consultation, and hearings the Fish and Wildlife Service has made minor changes in § 36.16 that underscore the Service's intent to provide effective and meaningful notice and hearing in the affected vicinity "and other locations as appropriate."

One group objected to the "public safety" standard for closure on the grounds that "normally occurring accidents" should not be the reason for closure. The Service has not deleted this standard. The Alaska Lands Act establishes it as one of three closure standards for subsistence uses of fish and wildlife. In its experience, moreover, the Fish and Wildlife Service has found "public safety" to be a very important reason for closure. For example, in the case of subsistence hunting, allowing hunting in the immediate vicinity of a well-used hiking trail or camping site at certain times of the year might unnecessarily endanger lives. Or, in the case of snowmobiles, allowing snowmobiling in an area endangered by earthquake or avalanche would similarly risk lives. The closure provisions have many procedural and substantive provisions intended to insure that the closure is sufficiently justified and well discussed.

Subpart C—Use of Motorized Vehicles and Access

Snowmachines

Many commenters objected to the use of snowmachines within Alaskan refuges, or suggested that snowmachine use be restricted to that specifically mandated by the Alaska Lands Act. The Service is without legal authority to adopt the restrictive approach suggested by the former comments, since section 1110(a) of the Alaska Lands Act authorizes snowmachine use in all Alaska refuges for "traditional activities" and "travel to and from villages and homesites". The Service has adopted the latter suggestion—that of tracking the section language quoted above. For those activities not within the scope of section 1110(a), the Service must comply with other applicable law, notably Executive Order 11644. The Service has determined that the findings required by the Executive Order for the general opening of areas to snowmachines use (as proposed in the January 19, 1981 regulations) cannot factually be made at this time. Consequently, as a legal matter snowmachine use may be authorized only during periods of adequate snowcover or frozen river conditions for traditional activities which are still permitted in refuge areas (snowmachine use to locate new mining claims would not be authorized, since that land use is prohibited by section 304 of the Alaska Lands Act) and travel to and from villages and homesites.

Motorboats

A few commenters recommended that the Service require a permit for the use of motorboats on Alaska National Wildlife Refuges. The Service has not adopted that suggestion at this time. If motorboat use problems arise in the future, they may be dealt with on a case-by-case basis through the issuance of a refuge special regulation.

Nonmotorized Surface Transportation

A number of commenters suggested that § 36.21 be expanded to specifically authorize the use of nonmotorized surface transportation on Alaska refuges. This suggestion, which parallels the requirements of section 1110(a) of the Alaska Lands Act, was adopted.

Aircraft

The Fish and Wildlife Service received a large number of comments recommending that helicopter use be authorized only after issuance of a permit by the Refuge Manager. This recommendation has been adopted for helicopter use other than at designated areas because of the direct and indirect effects of that activity on wildlife. The Service will solicit only that information from helicopter users that is necessary to insure the conservation of refuge resources.

One commenter suggested that the downed aircraft subsection should be modified to require only that such aircraft "may be required to be removed." The Service is not adopting this recommendation since it would eviscerate the waiver requirement of the subsection—the Refuge Manager may waive the requirements of the section upon a determination that the removal of downed aircraft would constitute an unacceptable risk to human life, result in extensive resource damage, or is otherwise impractical or impossible.

Off-Road Vehicles

Several organizations recommended that the regulations authorize ORV use on existing trails. The Service is without legal authority to authorize such uses across the board because of a number of statutory and executive requirements, such as Executive Order 11644 (Use of Off-Road Vehicles on Public Lands) and the Wilderness Act. However, the Service has adopted an ORV permit procedure which offers the maximum ORV use allowable under current law. Under this procedure, individuals can obtain permits for ORV use on existing trails in nonwilderness refuge areas after the Refuge Manager's finding of compatibility with refuge purposes. The Service also notes that persons desiring the opening of specific ORV trails may petition the Department to initiate this process under 43 CFR 14.6. Until such trail and/or area openings occur, off-road use is prohibited except by permit or pursuant to § 36.27.

Many commenters recommended that this section be modified to authorize the Service to designate only "routes" for ORV use, and not "areas." Several expressed concern that the inclusion of the latter term would leave the Refuge Manager vulnerable to suggestions that vast portions of Alaska refuges be open to ORV use. The Service has not adopted this suggestion; the designation of "areas" tracks the language of Executive Order 11644.

Access to Inholdings

Several comments indicated confusion over the scope of this section. The section has been revised to make clear that an access permit is required only when the inholder desires an access method that is not authorized by other provisions of these regulations. Consequently, the modes of access authorized by §§ 36.21 and 36.22 should greatly reduce the number of access permits that are required.

One commenter suggested the deletion of the reference in section 36.23(a) to alienating Federal property. This suggestion has been adopted solely for editorial reasons since it is unnecessary.

Many commenters argued that the proposed access permit information requirements were unduly onerous. The Service, in response to these comments, has significantly pared down the amount of information to be solicited from applicants. The application requirements published today are geared to obtaining information on whether the applicant has a valid property or occupancy interest as required by Alaska Lands Act section 1110(b), the location of that interest, the applicant's desired route and method of access and, when deemed necessary by the Refuge Manager, information on access alternatives and environmental impacts.

Several commenters objected to the requirement that the access permit be renewed in cases where no change in circumstances had occurred. This suggestion has been effectively accepted. Permit holders are required, however, to notify the Refuge Manager of any significant change in the method or level of access from that occurring at the time of issuance. The Service may modify the terms and conditions of the access permit in these cases, subject to the requirement that the modified permit must also assure "adequate feasible access."

A number of comments objected to the special information requirements for mineral assessment or development that appeared in the proposed rules.

This comment has been accepted. The information requirements of § 36.23(b) are sufficiently flexible to permit the Service to solicit that information relevant to authorize adequate and feasible access.

Many commenters argued that the distinction made in the proposed rules between ordinary access to inholdings and permanent access is not supported by applicable law. The revised § 36.23(c) responds to these comments, addresses access requiring permanent improvements on refuge lands (*e.g.* road or bridge construction) and is an interpretive rule on the relationship between Alaska Lands Act section 1110(b) access to inholdings and section 1101–1107 "transportation or utility system". The proposed rules had intimated that permanent improvements could not be a part of the Alaska Lands Act section 1110(b) access guarantee and had inappropriately referenced 50 CFR Chapter I, Subchapter C, Part 29 as the controlling rules for applying for permanent rights-of-way. The revised section also requires that an application for a "transportation or utility system" (a term defined in section 1102 of the Alaska Lands Act, the legislative history, and this subsection) be submitted on a consolidated application form, as required by section 1104 of the Alaska Lands Act. If a permanent improvement is required for adequate and feasible access to an inholding (*e.g.* a landing strip or road construction) within the meaning of Alaska Lands Act section 1110(b), then the recovery rights for the permanent improvement will be granted following *procedural* compliance with Alaska Lands Act section 1104—a relatively simple form must be completed and submitted. Conversely, if this permanent improvement is not necessary for section 1110(b) access to inholdings (*e.g.* requests for powerlines and pipelines, or a request for a 4 lane highway to a recreational cabin), then both the procedural and substantive elements of Alaska Lands Act section 1104–1107 will be applicable in determining whether to authorize the permanent improvement.

Temporary Access

Many commenters favored reducing the application information requirements for temporary access. As in the case of § 36.23, this suggestion has been accepted, and no special information is requested from mineral exploration and development applicants.

Several commenters questioned the definition of "temporary access" in the proposed rules. The final rules respond to these comments by defining temporary access as limited, short term (up to one year) access, which does not require permanent facilities for access to undeveloped non-federal lands. Unlike access to inholdings under § 36.23, temporary access can be denied or conditioned where there would be permanent harm to refuge resources.

Subpart D—Other Refuge Uses

Recreational Activities

Several commenters suggested that this section should be modified to specifically authorize gold panning. The final rules adopt the substance of this suggestion by authorizing recreational gold panning that does not involve surface disturbance. Accordingly, the use of hand held gold pans is authorized; the use of sluice boxes, shovels, pick axes and dredges is prohibited.

Cabins and Other Structures

A few commenters objected to the prohibition on the construction of new cabins on federally owned land within Alaska refuges except as authorized pursuant to a non-tranferable, five year special use permit. This requirement has not been changed since it is mandated by section 1303 of the Alaska Lands Act.

Several commenters objected to the § 36.33(b)(1) requirement of listing immediate family members residing in the cabin. This requirement has been retained since the Service believes this information is essential for accurate permit renewals to family members, and is necessary to protect the occupying interest of the immediate family. As individuals are added to the immediate family, they will be added to this listing.

Unattended Property

Comments on this issue addressed the length of time one should generally be authorized to leave unattended property within Alaska refuges, suggestions ranging from 7 days to 24 months. The Service has retained the 1 year standard of the proposed rules. The Service notes that it has authority to close areas to this use in appropriate circumstances.

Subsistence and Land Use Decision

Several comments suggested that this provision be deleted since it merely restates the requirements of section 810 of the Alaska Lands Act; other comments suggested that the provision be moved to subpart A to clarify its legislatively intended scope. The Service has decided to delete this section for reasons addressed in the subsistence section above, but recognizes its application to Service activities.

Subpart E—Permits and Public Participation and Closure Procedures

Permits

A number of comments requested that permit decisions be made as expeditiously as possible. In response to the sentiment expressed by these comments, the final rules require the Refuge Manager to approve or deny the permit, or request additional information within 45 days unless good cause exists for not meeting this target date.

Several commenters suggested that the Refuge Manager's decision should be supported by a written document setting forth the basis of his decision in order to facilitate later review. This comment has been accepted. The Service has also established a requirement that if a permit application is denied, the Refuge Manager is to notify the applicant in writing of the reasons for this denial.

A few comments recommended that the rules authorize appeals from the Refuge Manager's decision within 180 days of permit denial rather than the 60 day period established in the proposed regulations. This recommendation has been accepted since the shorter appeal time benefits neither the applicant or the government.

Several commenters argued that applicants should be afforded an informal meeting with the Regional Directors as a matter of right. The proposed rules authorized such a meeting only if certain standards were met. The Service has accepted the recommendation in an effort to allow the applicant another forum to present whatever information is available that is relevant to the decision.

Public Participation and Closure Procedures

Several commenters suggested that the Service be more specific in delineating closure criteria. The Service cannot forecast the complete range of criteria that would be applicable to protect Alaska refuges. Accordingly, while the Service expects the vast majority of closure decisions to be based on delineated factors like public safety and resource protection, the Service does not believe it prudent to specify a binding limited list of criteria.

The Fish and Wildlife Service received many comments arguing that the proposed rule limiting the public hearings requirements to the affected vicinity precluded, in some cases, public participation by urban uses who would also be affected. In response to this comment, the Service has adopted regulatory language that mandates such hearings in other locations, if appropriate.

Several commenters suggested that the Service adopt a temporary closure procedure similar to that proposed by the Park Service. This recommendation has been adopted. The temporary closure procedure allows the Service improved flexibility in responding to management problems. Although temporary closures may extend up to 12 months in appropriate cases, they need not if the problem requiring temporary closure is alleviated in less time.

Many commenters suggested that permanent closures be accompanied with a **Federal Register** notice. This suggestion has been adopted to more fully inform the general public of Service actions.

Many commenters suggested that areas be opened to uses previously prohibited only after prior notice in the **Federal Register.** This suggestion has also been accepted, again to more fully inform the general public of Service actions.

Section-by-Section Analysis

Subpart A—Introduction and General Provisions

Applicability and Scope—Section 36.1

The regulations published today establish interim management rules for the Alaska National Wildlife Refuges. The Alaska refuges are also subject to the general National Wildlife Refuge System regulations (*see* 50 CFR Chapter I, Subchapter C), as supplemented and modified by these rules. Existing special regulations now in force and effect will also apply to applicable Alaska National Wildlife Refuge lands, except where inconsistent with these rules or the provisions of the Alaska Lands Act. These regulations generally apply only to "federally-owned" land within the Alaska National Wildlife Refuges. *See* the discussion of federally-owned land in the Analysis of Comments section above.

Definitions—Section 36.2

This section sets out the definitions of keys terms used in these regulations. The definitions specified in these rules generally follow the language of the Alaska Lands Act where available or adopt generally accepted definitions used in prior regulations promulgated by the Fish and Wildlife Service for fish and wildlife conservation areas. The term "fish and wildlife," for instance, tracks the language of the statute although as noted above the Fish and Wildlife Service recognizes the clearly expressed Congressional intent that this term does not include those animals the Service determines to be exotic or domestic. Other definitions, such as those for "adequate and feasible access" and "subsistence uses", are discussed in connection with the substantive access and subsistence provisions and are not repeated here.

Subpart B—Subsistence Uses

Subpart B of these regulations implements the policies and procedures governing subsistence uses contained in Title III and VIII of the Alaska Lands Act.

The regulations for subsistence are necessary for several reasons. First, they relieve restrictions in the otherwise applicable general National Wildlife Refuge System regulations for uses and activities integral to the subsistence lifestyle. In certain cases, the Alaska Lands Act does not specifically relieve these restrictions; in other cases, the Act allows the uses, but the general refuge regulations appear to prohibit them under threat of criminal penalty. Second, the regulations implement certain critical provisions of the Alaska Lands Act concerning subsistence (*e.g.*, the closure standards and procedures for subsistence uses of fish and wildlife), and extend the approach of certain of these provisions to subjects not specifically mentioned by the Act (e.g., closure standards and procedures for subsistence use of plants).

The subsistence regulations are not comprehensive. They do not provide for implementing certain provisions of Title VIII of the Alaska Lands Act that, in the Service's judgment, do not lend themselves to expeditious promulgation since they have not previously been the subject of notice and comment. Notable

among these statutory provisions are the State regulation opportunity of section 805(d), the Federal monitoring requirement of section 806, the judicial enforcement mechanism of section 807, the subsistence and land use procedure of section 810, and the subsistence research provision of section 812. It should be emphasized that all parties must comply with these statutory provisions as long as they remain in effect.

Purpose and Policy—Section 36.11

Section 36.11(a) provides that, consistent with proper management of fish and wildlife and the purposes for which the Alaska National Wildlife Refuges were established, the purpose of Subpart B of the regulations is to provide the opportunity for local rural residents engaged in a subsistence way of life to do so pursuant to applicable State and Federal law.

Alaska Lands Act, sections 101(c) and 802(l). The Subpart B regulations are designed to accommodate and protect the unique subsistence relationship of certain local rural people in Alaska with their natural environment.

Alaska Native people have been living a subsistence way of life for thousands of years, and certain non-Native rural residents have developed a subsistence way of life in more recent times. Many of these local rural residents have customarily and traditionally taken the renewable resources which are now within the boundaries of refuge areas.

The resources satisfy both the physical needs of these local rural residents for food, shelter, fuel, clothing, tools, and transportation and their societal needs for cultural identity through skills, lore, and traditions. In light of the cultural and societal importance of the subsistence lifestyle in rural Alaska and its dependence on the renewable resources, therefore, Subpart B implements the Congressional directive to continue the opportunity for subsistence uses within Alaska National Wildlife Refuges by local rural residents.

Section 36.11(b)–(c) sets forth basic policies which the Alaska Lands Act adopted to guide the activities of the administering agencies. Alaska Lands Act, sections 802 (1), (2) and 804. First, consistent with sound resource management principles and the conservation of healthy population of fish and wildlife, the utilization of refuge areas is to cause the least adverse impact possible on local rural residents who depend upon subsistence uses of the resources of the public lands in Alaska for their economic and physical well-being and cultural vitality. This statutory policy is implemented throughout the regulations, particularly in the subsistence priority recognized by § 36.11(c), and the limitations on closure, §§ 36.12, 36.15, and 36.16.

Section 36.11(c), establishes the nonwasteful subsistence uses of fish, wildlife, and other renewable resources by local rural residents as the priority consumptive use over any other consumptive uses permitted within refuge areas. The Fish and Wildlife Service anticipates State regulations implementing the subsistence priority.

Section 36.11(d) authorizes the State of Alaska to regulate the taking of fish and wildlife for subsistence uses within Alaska National Wildlife Refuges to the extent such regulation is consistent with applicable Federal law, including but not limited to the Alaska Lands Act.

In addition to establishing the purpose and policies of the Subpart B regulations, § 36.11(e) also establishes the limitations of the purpose and policies. According to § 36.11(a), the subsistence opportunity may only be provided in a manner and degree consistent with the management of fish and wildlife in accordance with recognized scientific principles and with the purposes for which each refuge area was established, designated, or expanded by the Alaska Lands Act. According to § 36.11(b), the utilization of the public lands is to cause the least adverse impact possible on local rural residents, but this policy is limited by the requirements that it be consistent with sound management principles and the conservation of healthy populations of fish and wildlife. Section 36.11(c) establishes the basic limitations of all the provisions of the Subpart B regulations: subsistence uses of fish and wildlife populations must be appropriately regulated so as to assure conservation of healthy populations within Alaska National Wildlife Refuges. Congress provided the following guidelines on the implementation of this concept:

> The Committee intends the phrase "the conservation of healthy populations of fish and wildlife" to mean the maintenance of fish and wildlife resources and their habitats in a condition which assures stable and continuing natural populations and species mix of plants and animals in relation to their ecosystems, including recognition that local rural residents engaged in subsistence uses may be a natural part of that ecosystem; minimizes the likelihood of irreversible or long-term adverse effects upon such populations and species; and ensures maximum practicable diversity of options for the future.
>
> The greater the ignorance of the resource parameters, particularly of the ability and capacity of a population or species to respond to changes in its ecosystem, the greater the safety factor must be. Thus, in order to insure that subsistence uses are compatible with the maintenance of healthy populations of fish and wildlife, it must be recognized that the likelihood of irreversible or long-term adverse effects to a population or species must be proportional to the magnitude of the risks caused by a proposed use of such population or species.
>
> The Committee recognizes that the management policies and legal authorities of the National Park System and the National Wildlife Refuge System may require different interpretations and application of the "healthy population" concept consistent with the management objectives of each system. Accordingly, the Committee recognizes that the policies and legal authorities of the managing agencies will determine the nature and degree of management programs affecting ecological relationships, population dynamics, and the manipulation of the components of the ecosystem. S. Rep. No. 96–413, 96th Cong. 1st Sess., 233 (April 16, 1979).

Subsistence Definitions

Local Rural Resident. Throughout the regulations the Fish and Wildlife Service categorizes those people who may engage in subsistence uses as "local rural residents." This term derives from the term "local residents" in Title III of the Alaska Lands Act and the term "rural Alaska residents" in the definition of "subsistence uses" in Title VIII. Title III authorizes the opportunity for continued subsistence uses by local residents. Alaska Lands Act, sections 302 and 303. The definition of "subsistence uses" refers to "rural Alaska residents" Alaska Lands Act, Section 803. The relationship between this language in Title III and Title VIII was described as follows in the Congressional Record:

> Since the definition of "subsistence uses" in section 803 limit such uses to "rural Alaska residents," a reading of Title VIII and Title III * * * together make it clear that the policy throughout is that only local rural residents are by statute provided the opportunity to engage in subsistence uses in areas of the * * * National Wildlife Refuge System. 126 Cong. Rec. S15129 (daily ed. Dec. 1, 1980).

Subsistence Uses. The definition of "subsistence uses" found in § 36.2 tracks the language of section 803 of the Alaska Lands Act with one modification: Today's definition offers some guidance on the meaning of the term "customary trade," which the statute leaves undefined.

The term "subsistence uses" means the customary and traditional uses by rural Alaska residents of fish, wildlife, and other wild, renewable resources for direct personal or family consumption as food, shelter, fuel, clothing, tools, or transportation; for the making and

selling of handicraft articles from the nonedible byproducts of fish and wildlife resources taken for personal or family consumption; for barter, or sharing for personal or family consumption; and for customary trade. The definition uses several terms which require further explanation. To begin with, the definition uses the phrase "customary and traditional" to modify the term "uses" in order to emphasize that Native and non-Native subsistence uses "have played a long established and important role in the economy and culture of the community and * * * (that) such uses incorporate beliefs and customs which have been handed down by word of mouth or example from generation to generation." S. Rep. No. 96–413, supra, 269; H. Rep. No. 96–97, 96th Congress, 1st Sess. 280 (1979).

Next, the definition limits subsistence uses to those "by rural Alaska residents." Clearly, this limitation excludes residents of Ketchikan, Juneau, Anchorage, and Fairbanks from engaging in authorized "subsistence uses." *See* S. Rep. No. 96–413, *supra*, 233. Residents of "rural" Alaska—including communities such as Dillingham, Bethel, Nome, Kotzebue, Barrow, and other villages throughout the State (as long as such communities remain rural)—may engage in "subsistence uses." It is important to emphasize, however, that in refuge areas only local "rural residents" are accorded the subsistence priority. Thus, while the statutory definition of "subsistence uses" focuses more broadly on "rural Alaska residents" wherever they may live, the legislative history to Titles III and VIII clearly shows that it is only for the category of rural residents who are also local to the vicinity of a particular wildlife refuge that the subsistence priority is intended to apply. *See* 126 Cong. Rec. S15129 (daily ed., Dec. 1, 1960).

The term "family" is defined to include any person living within a local rural resident's household on a permanent basis as well as those persons living outside the household who are related by blood, marriage, or adoption (legal or equitable). The definition of "family" recognizes extended family patterns common in the subsistence culture of Alaska.

The definition of "subsistence uses" includes the making and selling of handicraft articles from the nonedible byproducts only of fish and wildlife resources taken for personal or family consumption. Accordingly, the definition covers such commercial activities only if the edible portions of the resource have been used for personal or family consumption. The "subsistence uses" definition also includes "barter" for personal or family consumption in recognition that a genuine subsistence lifestyle includes certain foodstuffs and other items which may not be available through a non-cash exchange. Thus, barter of subsistence resources of a limited and noncommercial nature falls within the meaning of "subsistence uses."

Finally, the definition of "customary trade" recognizes that a subsistence lifestyle may also include limited involvement in the cash economy. Trapping of furbearers, for instance, is an integral and longstanding part of the subsistence lifestyle in many regions in Alaska. While some of the furs are utilized for personal or family use, it is recognized that a portion of the furs utilimately become items for sale on the commercial market. The cash remuneration, in turn, helps to provide the basic tools and supplies associated with trapping and the subsistence lifestyle of which trapping is a part. For example, local rural residents may engage in trapping to obtain the cash required for necessary store-bought supplies such as gasoline and ammunition. The allowance of cash interchange related to trappings is intended to provide continuity to the traditional and customary harvest of furbearers by those who engage in subsistence uses within refuge areas. Because the Service may find that other forms of customary trade for subsistence purpose may have occurred, the rules also provide the Refuge Manager the authority to designate these activities in refuge special rules.

It should be recognized, however that the definition of "customary trade" was intended to be narrow:

> "The Committee, does not intend "customary trade" to be construed to permit the establishment of significant commercial enterprise under the guise of "subsistence uses." The Committee expects the Secretary and the State to closely monitor the "customary trade" component of the definition and promulgate regulations consistent with the intent of the subsistence title." S. Rep. No. 96–413, supra, 234.

Access for Subsistence Purposes—Section 36.12

In furtherance of Section 811 of the Alaska Lands Act, this section provides local rural residents engaged in subsistence uses reasonable access to the subsistence resources on which they depend. This section liberalizes the provisions of subpart C on snowmobiles, motorboats, and certain off-road vehicles in the case of local rural residents who are engaged in subsistence hunting, fishing, and gathering activities within the refuge areas. All routes and areas are open to use of these vehicles for subsistence purposes except as specifically restricted or closed. The Refuge Manager will implement such closures or restrictions on the basis of criteria which are more limited than the criteria for closure to general recreation use. Basically, in order to impose a restriction, the Refuge Manager must determine that the use in question is causing or is likely to cause an adverse impact on public health and safety, resource protection, protection of historic or scientific values, subsistence uses, conservation of endangered or threatened species or the purposes and values for which the refuge area was established. The Refuge Manager will arrange notice and public participation concerning closure proposals in order to involve those affected to the fullest extent possible in the decision making. It should be noted that the types of access vehicles covered by § 36.12 include "other means of surface transportation traditionally employed by local rural residents engaged in subsistence uses." The regulations define this term to include use of dog teams. The limitations of the quoted phase, if any, will be addressed as appropriate in future rulemaking efforts.

Under the regulations any person operating motorboats, snowmobiles, and other means of surface transportation must comply with applicable State and Federal laws governing such operation and must avoid causing waste or damage to fish, wildlife, terrain, or other values of the refuge area. In addition, consistent with State law, the vehicle operator may not use a motorized vehicle so as to herd, harass, haze, or drive wildlife for hunting or any other purpose.

At all times when not engaged in subsistence uses, local rural residents would be able to use snowmobiles, motorboats, and other means of surface transportation in accordance with the appropriate Subpart C regulations.

For example, local rural residents engaged in recreational uses of snowmobiles, motorboats, and other means of surface transportation would comply with the provisions of §§ 36.21 and 36.22 and local rural residents seeking otherwise closed access to inholdings or temporary access would comply with the provisions of §§ 36.23 and 36.24 respectively.

Subsistence Fishing—Section 36.13

This section authorizes local rural residents to engage in fishing in Alaska National Wildlife Refuges in compliance with applicable State and Federal law. Section 36.16, explained below, governs closures to fishing for subsistence purposes.

Subsistence Hunting and Trapping—Section 36.14

This section authorizes local rural residents to hunt or trap wildlife for subsistence uses in compliance with applicable State and Federal law. Closure of areas to subsistence hunting and trapping is treated in § 36.16.

Subsistence use of Timber and Plant Material—Section 36.15

This section addresses subsistence uses of timber and plant material. Section 36.15(a) authorizes subject to the terms of a permit the noncommerical cutting of live standing timber of diameter greater than 3 inches by local rural residents for appropriate subsistence uses. The cutting of smaller timber, as well as the noncommercial gathering of fruits, berries, mushrooms and other plant material by local rural residents for subsistence uses, is allowed unless otherwise restricted by the Refuge Manager.

Section 36.15(b) sets forth the standards and procedures for closing a refuge area to the subsistence uses of a particular plant population. Although not expressly required by the Alaska Lands Act, today's regulations apply similar closure provisions for subsistence uses of plants as the Act requires for subsistence uses of fish and wildlife. As discussed below in the latter context, the closure standards are narrow, and the closure procedures involve significant public participation in order to protect the affected local rural residents who depend on the resources.

Closure to Subsistence Use of Fish and Wildlife—Section 36.16

Pursuant to Section 816 of the Alaska Lands Act and this section, the Refuge Manager has the authority to close or restrict any part or all of an Alaska National Wildlife Refuge to subsistence uses of a particular fish or wildlife population only temporarily and only if necessary "for reasons of public safety, administration, or to assure the continued viability of such population." To implement Congress' intent, section 36.16 provides protection standards, time limitations, and notice requirements for closures to subsistence taking of fish and wildlife.

With respect to the standards for closure, the Act lists only three: Public safety, administration, and for assurance of the continued viability of a fish and wildlife population. No closure for purposes of administration, moreover, may be made prior to notice and hearing in the vicinity of the closure. The public safety standard clearly allows the Refuge Manager to act in situations which threaten public health and welfare. For example, the Refuge Manager may prohibit subsistence hunting and trapping for reasons of public safety in specified areas surrounding a public campground, roadway or hiking trail. The "fish or wildlife viability" standard allows the Refuge Manager to act for purposes of maintaining resource populations upon which local rural residents rely at levels adequately above the threatened level. As Congress stated, "it is not the intent that actual depletion of a population or an emergency exist before a closure under this section may be justified." S. Rep. No. 96-413, *supra*, 278; H. Rep. No. 96-97, *supra*, 289.

Moreover, as stated in Section 815 of the Alaska Lands Act and § 36.11(d) of these regulations and explained previously, the subsistence provisions are not to be construed as permitting a level of subsistence use of fish and wildlife within Alaska National Wildlife Refuges determined to be inconsistent with the conservation of healthy populations of fish and wildlife. The "administration" standard is potentially the broadest of the three closure standards, though "recognition of the importance of subsistence activities to most (local) rural residents requires that this authority be utilized narrowly and with consistent restraint." S. Rep. No. 96-413, *supra*, 278; H. Rep. No. 96-97, *supra*, 289. Guided by this intent, the Refuge Manager can invoke the administration standard to protect the purposes and values of the refuge areas and to otherwise manage the refuge prudently. The limitation of Section 815 of the Act and § 36.11(d) of the regulations would also be relevant to this closure standard.

Closures shall last only so long as reasonably necessary to achieve the purposes of the closures. In the case of closing an area around a hiking trail for reasons of public safety, for example, the closure "should remain in effect only so long as reasonably necessary to provide for the public safety during normal periods of consistent public use, and only apply to the minimum portion of the public lands reasonably necessary to achieve this purpose." S. Rep. No. 96-413, *supra*, 277-78; H. Rep. No. 96-97, *supra*, 289. Thus, closures may be seasonal in nature, for example, if warranted by the situation.

In the normal case, a closure would be preceded by consultation with the State and adequate notice and informal public hearing in the vicinity of the closure. In an emergency situation, the Refuge Manager would immediately close the area for a period not to exceed sixty days. The Refuge Manager may extend an emergency closure only if he establishes, after notice and in formal public hearings in the vicinity, that the extension is justified under the applicable closure standards.

Finally, § 36.16(c) is designed to inform as many local rural residents as possible about any closures which may affect them.

Subpart C—Use of Motorized Vehicles and Access

Sections 36.21-36.24 of these regulations implement sections 1110 and 1111 of the Alaska Lands Act concerning access by the public across Alaska National Wildlife Refuges for nonsubsistence purposes. These proposed regulations generally relax restrictions on access that are applicable to National Wildlife Refuge units outside of Alaska, consistent with the requirements of the Alaska Lands Act. These sections are designed to and are presented in an order which will funnel the vast majority of access needs away from a system of individual access permits. Section 36.21 opens all refuges to access by snowmobile, aircraft, motorboat, and nonmotorized surface transportation for most purposes. (Additional access for subsistence uses is set forth in § 36.12). Section 36.22 provides a mechanism for establishing common corridors and areas for off-road vehicle use. In the less common situation where §§ 36.11 and 36.22 do not accommodate a refuge "inholder's" need for access, § 36.23 provides for individual permits that insure adequate and feasible access while minimizing damage to refuge resources. Finally, where §§ 36.21-36.23 do not otherwise provide temporary access, § 36.24 creates another means for obtaining desired access.

Snowmachines, Motorboats, Aircraft, and Nonmotorized Surface Transportation—Section 36.21

This section treats the use of snowmachines, motorboats, aircraft and nonmotorized surface transportation for other than subsistence purposes. Motorboat, fixed wing aircraft and nonmotorized surface transportation use for all purposes are authorized on

Alaska Refuges. Snowmachine use on Alaska refuges is open to the maximum extent possible consistent with existing law. *See* the analysis of comments discussion above. Helicopter use is also authorized subject to the terms and conditions of a special use permit issued by the Refuge Manager.

This section also sets out procedures for removal of aircraft downed after December 2, 1980 on Alaska National Wildlife Refuges. The regulations require that downed aircraft must be removed pursuant to the terms of a special use permit unless the Refuge Manager determines, on a case-by-case basis, that the removal of the aircraft would constitute an unacceptable risk to human life, would result in extensive resource damage, or would otherwise be impracticable or impossible. In evaluating this final criterion, the Service would not require removal of a downed aircraft in any situations when the removal of the aircraft would cause such a severe and significant hardship to the owner as to be economically prohibitive.

Off-Road Vehicles—Section 36.22

This section authorizes the use of off-road vehicles on roads and routes and areas designated by the Refuge Manager, and establishes a procedure for further designation of such routes and areas. Today's rules open refuges to ORV use in a manner designed to authorize such access to the extent possible consistent with refuge values.

Access to Inholdings—Section 36.23

This section provides further procedures to insure "adequate and feasible access" to inholdings. As noted above in the Analysis of Comments, this term is defined to make clear that the inholder determines the desired land use or development, and the Service provides reasonable access to meet the desired land use. In addition, instead of defining the term circularly in terms of access, the § 36.2 definition provides that only "personal and vehicular travel" (*e.g.*, routes, trails, and landing strips, but not transmission lines and pipelines) fits within the statutory access guarantee, in accordance with the legislative history of section 1110(b) appearing in *S. Rep. No. 96–413*, 96th Cong. 1st Sess., 246 (Nov. 14, 1979) and in *H. Rep. No. 96–97*, Part I, 96th Cong., 1st Sess., 239–240 (April 18, 1979). Finally, the definition makes it clear that the access permitted must be economically practicable, but not necessarily the least costly access alternative.

Consistent with the statutory obligation (section 1110(b) of the Alaska Lands Act) to provide adequate and feasible access, § 36.23(b) of the regulations strives to give the applicant his preferred access, unless there would be significant resource conflicts and alternative adequate and feasible access exists. This regulatory provision also attempts to fulfill the congressional directive in a manner calculated to ease public reporting burdens while insuring the conservation of refuge values.

Section 36.23(c) is an interpretive rule designed to clarify the relationship of sections 1101–1107 and 1110 of the Alaska Lands Act. *See* the discussion in the Analysis of Comments.

Temporary Access—Section 36.24

This section implements section 1111 of the Alaska Lands Act by establishing a permit mechanism for obtaining temporary access across an Alaska National Wildlife Refuge for purposes of survey, geophysical, exploratory, or other temporary uses of non-Federal lands located outside refuge boundaries. Section 36.24 requires an access permit only where §§ 36.21 and 36.22 do not provide the desired access, and where § 36.23 is not applicable (*e.g.*, if a refuge "inholder" or a person effectively surrounded by Federal lands requires temporary access across a refuge, section 1110(b) of the Alaska Lands Act and § 36.23 of these regulations grant greater access privileges).

Subpart D—Other Refuge Uses

Recreational Activities—Section 36.31

This section authorizes public recreational activities such as boating, camping, hiking, and picnicking within an Alaska National Wildlife Refuge as long as these activities are conducted in a manner compatible with the purpose of the particular refuge. In reaching this regulatory decision, the Service has reviewed the extensive data accumulated through studies, environmental analyses and hearings preceding enactment of the Alaska Lands Act, as well as other information arising from the Federal Land Policy and Management Act, sections 204(c) and 204(e) withdrawals studies. On the basis of this extensive record, the historic use of these areas, and its professional expertise, the Service presently believes that all such activities are compatible with the purpose for which the refuges were established. The Refuge Manager retains authority to close or restrict these uses of refuge lands when he determines they are incompatible with refuge purposes.

Taking of Fish and Wildlife—Section 36.32

This section authorizes the taking of fish and wildlife on Alaska National Wildlife Refuges in accordance with applicable State and Federal law. (Additional provisions on subsistence hunting, trapping, and fishing are provided in §§ 36.13 and 36.14). A permit for these activities need not be obtained from the Refuge Manager, except that the presently existing requirement to obtain a permit before trapping on the Kenai, Izembek and Kodiak Refuges and the Aleutian Island's unit of Alaska Maritime Refuge is retained. The taking of fish and wildlife may be prohibited or restricted only in conjunction with notice and hearing pursuant to the requirements of § 36.42.

This section also treats commercial fishing in a manner that tracks the language of section 304 of the Alaska Lands Act. As expressly recognized by section 304, the Secretary retains the discretion to regulate commercial fishing activities in appropriate cases.

Cabins and other Structures—Section 36.33

This section provides procedures and guidance for those occupying and using existing cabins and those wishing to construct new cabins within Alaska National Wildlife Refuges. The regulations implement section 1303 of the Alaska Lands Act by addressing construction of new cabins, use of existing cabins by occupants who may not have a legal interest in them, and use of existing cabins by those with valid existing rights in cabins as of December 2, 1980.

Under the Alaska Lands Act new cabins are authorized in Alaska National Wildlife Refuges only pursuant to a non-transferable, five-year special use permit issued by the Refuge Manager. Section 36.33, tracking the language of the statute, authorizes issuance of such a permit only upon a determination that (1) the proposed use, construction, and maintenance of a cabin is compatible with the purposes for which the refuge was established and (2) that the use of the cabin is either directly related to the administration of the refuge or is necessary to provide for a continuation of an ongoing activity or use otherwise allowed within the refuge where the permit applicant has no reasonable alternative site for constructing a cabin outside the refuge. As prescribed by the Act, no special use permit may be issued to authorize the

construction of a cabin for private recreational use.

Subsection (b)(1) addresses the use of existing cabins by occupants who may not have a legal right to the cabin. The traditional and customary use of these existing cabins within an Alaska National Wildlife Refuge is authorized in accordance with a five-year, special use permit issued upon a determination by the Refuge Manager that the traditional and customary uses are compatible with the purposes of the refuge. As with new cabins, special use permits may not be issued to authorize the use of an existing cabin for private recreational uses.

Subsection (b)(2) addresses use of existing cabins by occupants who have a valid permit or lease in effect on December 2, 1980 for those structures. Such an occupant is entitled, as a matter of right, to continuation of such permit or lease unless the Refuge Manager determines, following notice and an opportunity for response, that such a continuation would directly threaten or significantly impair the purposes for which the refuge was established.

All permits authorized under this section must be renewed every five years until the death of the last immediate member of the claimant residing in the cabin. Permits need not be renewed, however, if the Refuge Manager determines, after a formal adjudicatory hearing, that the use of the cabin under the permit is causing or may cause significant detriment to the principal purposes for which the refuge was established.

Firearms—Section 36.34

This section authorizes, in accordance with State and Federal law, the possession, use and transporting of firearms on Alaska National Wildlife Refuges for purposes of hunting or personal protection. Such uses may be prohibited or restricted only in accordance with the public participation provision of § 36.42.

Unattended Property—Section 36.35

The general National Wildlife Refuge System regulations authorize the leaving of unattended personal property on a refuge for only short periods of time. Recognizing unique Alaska circumstances, such as the need to allow for trapping caches, this section generally extends the period to 12 months. In order to assure protection of refuge resources, the Refuge Manager may (1) designate areas where personal property may not be left unattended for any time period, (2) establish limits on the amount and type of personal property that may be left unattended, (3) prescribe the manner in which personal property may be left unattended, and (4) establish limits on the length of time personal property may be left unattended.

Sled Dogs and House Pets—Section 36.36

This section relaxes the general trespass provisions of the general National Wildlife Refuge system regulations (50 CFR 26.11) for household pets and sled or pack dogs under the direct control of their owners or handlers.

Subpart E—Permits and Public Participation and Closure Procedures

Permits—Section 36.41

This section provides consolidated procedures regarding the issuance and denial of permits required by the general National Wildlife Refuge System regulations and these regulations. The procedures specify to whom an application for a permit must be submitted, and direct the Refuge Manager to approve or deny an application, or request additional information, within 45 days of receipt of the request unless good cause is shown. This section also adopts an appeal procedure for applicants aggrieved by a decision of the Refuge Manager. Aggrieved parties must appeal within 180 days of the Refuge Manager's decision. Appellants are also guaranteed the opportunity for an informal meeting with the Regional Director to present their cases.

Public Participation and Closure Procedures—Section 36.42

Section 36.42 authorizes the Refuge Manager to close an area or restrict an activity on an emergency, temporary or permanent basis. A determination to close an area or restrict an activity will be based on factors such as public health and safety, resource protection, and subsistence uses. No closures are provided for by this regulation. The section provides for notice and hearing for temporary and permanent closure, and also includes a provision for notice and informal hearing prior to all closure for snowmobile, aircraft or motorboat use, consistent with section 1110(b) of the Act. This rule establishes time limits for emergency closures (30 days) and temporary closures (12 months) which cannot be extended. This section also provides that areas may be opened to a public activity or use otherwise prohibited only after notice in the **Federal Register** and providing an opportunity for an informal public hearing.

Compliance with Other Laws

The Service has prepared an Environmental Assessment on this rulemaking and has made a Finding of No Significant Impact pursuant to regulations implementing the National Environmental Policy Act (42 U.S.C. 4332). Copies of the Environmental Assessment and the finding of No Significant Impact are available for public review in the Service's Alaska Regional Office.

The Service has also determined that this rulemaking is not a "major rule" within the meaning of Executive Order 12291 (46 FR 13193, Feb. 19, 1981) and that the rulemaking would not have a "significant economic effect on a substantial number of small entities" within the meaning of the Regulatory Flexibility Act (Pub. L. 96-354) and 43 CFR Part 14 (45 FR 85376, Dec. 24, 1980). Finally, the Service has received approval from the Office of Management and Budget for the information collection requirements of these regulations pursuant to the Paperwork Reduction Act (Pub. L. 96-511).

Drafting Information

The primary authors of these regulations are Lou Swenson and Owen Vivion, Fish and Wildlife Service Alaska Regional Office and Ronald Fowler, Division of Refuge Management, Washington, D.C.

Dated: May 27, 1981.

G. Ray Arnett,

Assistant Secretary, Fish and Wildlife and Parks.

In consideration of the foregoing, Title 50 of the Code of Federal Regulations is amended by establishment of a new Part 36 in Chapter I, Subchapter C, as follows:

PART 36—ALASKA NATIONAL WILDLIFE REFUGES

Subpart A—Introduction and General Provisions

Sec.

36.1 Applicability and scope.
36.2 Definitions.
36.3 Information collection.

Subpart B—Subsistence Uses

36.11 Purpose and policy.
36.12 Use of snowmobiles, motorboats, dog teams and other means of surface transportation traditionally employed by local rural residents engaged in subsistence uses.
36.13 Subsistence fishing.
36.14 Subsistence hunting and trapping.
36.15 Subsistence uses of timber and plant material.
36.16 Closure to subsistence uses.

Subpart C—Use of Motorized Vehicles and Access

Sec.
36.21 Use of snowmachines, motorboats, aircraft, and nonmotorized surface transportation.
36.22 Use of off-road vehicles.
36.23 Access to inholdings.
36.24 Temporary access.

Subpart D—Other Refuge Uses

36.31 Recreational activities.
36.32 Taking of fish and wildlife.
36.33 Cabins and other structures.
36.34 Firearms.
36.35 Unattended property.
36.36 Sled dogs and household pets

Subpart E—Permits and Public Participation and Closure Procedures

36.41 Permits.
36.42 Public participation and closure procedures.
Table I—Summary Listing the National Wildlife Refuges in Alaska as Established by the Alaska Lands Act

Authority: The Alaska National Interest Lands Conservation Act, Pub. L. No. 96-487 (December 2, 1980); the National Wildlife Refuge System Administration Act, as amended, 16 U.S.C. 668dd *et seq.*, Fish and Wildlife Act of 1956, 16 U.S.C. 742(a) *et seq.*; Refuge Recreation Act, 16 U.S.C. 460k *et seq.*; Paperwork Reduction Act of 1980, 94 Stat. 2812, Pub. L. 96-511.

Subpart A—Introduction and General Provisions

§ 36.1 Applicability and scope.

(a) The regulations contained in this part are prescribed for the proper use and management of all Alaska National Wildlife Refuges and supplement the general National Wildlife Refuge System regulations found in Title 50, Code of Federal Regulations, Chapter I, Subchapter C. The general National Wildlife Refuge System regulations are automatically applicable in their entirety to the Alaska National Wildlife Refuges except as supplemented or modified by these regulations or amended by ANILCA.

(b) The regulations contained in this part are applicable only on federally owned lands within the boundaries of any Alaska National Wildlife Refuge. For purposes of this part "federally owned lands" means land interests held or retained by the United States, but does not include those land interests: (1) Tentatively approved, legislatively conveyed, or patented to the State of Alaska, or (2) interim conveyed or patented to a Native Corporation or person.

§ 36.2 Definitions.

The following definitions shall apply to the regulations contained in this part.

(a) "Adequate and feasible access" means a reasonable method and route of pedestrian or vehicular transportation which is economically practicable for achieving the use or development desired by the applicant on his/her non-federal land or occupancy interest, but does not necessarily mean the least costly alternative.

(b) "Adequate snow cover" means snow of sufficient depth to protect the underlying vegetation and soil.

(c) "ANILCA" means the Alaska National Interest Lands Conservation Act, 94 Stat 237, Pub. L. 96-487 (December 2, 1980).

(d) "Aircraft" means a machine or device that is used or intended to be used to carry persons or objects in flight through the air, including but not limited to, airplanes, helicopters and gliders.

(e) "Alaska National Wildlife Refuges" means all lands, waters and interests therein administered by the United States Fish and Wildlife Service within the following National Wildlife Refuges in Alaska: Alaska Maritime, Arctic, Alaska Peninsula, Becharof, Innoko, Kanuti, Kenai, Kodiak, Koyukuk, Nowitna, Selawik, Tetlin, Izembek, Togiak, Yukon Delta and Yukon Flats.

(f) "Downed aircraft" means an aircraft that as a result of mechanical failure or accident cannot take off.

(g) "Fish and wildlife" means any member of the animal kingdom, including without limitation any mammal, fish, bird (including any migratory, non-migratory, or endangered bird for which protection is also afforded by treaty or other international agreement), amphibian, reptile, mollusk, crustacean, arthropod, or other invertebrate, and includes any part, product, egg, or offspring thereof, or dead body or part thereof.

(h) "Off-road vehicle" means any motor vehicle designed for or capable of cross-country travel on or immediately over land, water, sand, snow, ice, marsh, wetland, or other natural terrain, except snowmobiles as defined in this section.

(i) "Person" means any individual, firm, corporation, society, association, partnership, or other private or public body.

(j) "Public lands" means lands situated in Alaska which are federally owned lands, except:

(1) Land selections of the State of Alaska which have been tentatively approved or validly selected under the Alaska Statehood Act (72 Stat. 339) and lands which have been confirmed to, validly selected by, or granted to the Territory of Alaska or the State under any other provision of Federal law;

(2) Land selections of a Native Corporation made under the Alaska Native Claims Settlement Act (85 Stat. 688) which have not been conveyed to a Native Corporation, unless any such selection is determined to be invalid or is relinquished; and

(3) Lands referred to in section 19(b) of the Alaska Native Claims Settlement Act.

(k) "Refuge Manager" means any Fish and Wildlife Service official in charge of an Alaska National Wildlife Refuge, the Alaska Regional Director of the Fish and Wildlife Service, or an authorized representative of either.

(l) "Snowmachine" or "snowmobile" means a self-propelled vehicle intended for off-road travel primarily on snow having a curb weight of not more than 1,000 pounds (450 kg), driven by track or tracks in contact with the snow and steered by a ski or skis in contact with the snow.

(m) "Subsistence uses" means the customary and traditional uses by rural Alaska residents of wild, renewable resources for direct personal or family consumption as food, shelter, fuel, clothing, tools, or transportation; for the making and selling of handicraft articles out of nonedible byproducts of fish and wildlife resources taken for personal or family consumption; for barter or sharing for personal or family consumption; and, for customary trade. For purpose of this paragraph, the term—

(1) "Family" means all persons related by blood, marriage, or adoption, or any person living within the household on a permanent basis; and

(2) "Barter" means the exchange of fish or wildlife or their parts taken for subsistence uses—

(i) For other fish or game of their parts; or

(ii) For other food or for nonedible items other than money if the exchange is of a limited and noncommercial nature; and

(3) "Customary trade" shall be limited to the exchange of furs for cash, and such other activities, if any, as may be designated in special rules for Alaska National Wildlife Refuges.

(n) "Take" or "taking", as used with respect to fish and wildlife, means to pursue, hunt, shoot, trap, net, capture, collect, kill, harm or attempt to engage in any such conduct.

(o) "Temporary" means a continuous period of time not to exceed 12 months, except as specifically provided otherwise.

§ 36.3 Information collection.

The information collection requirements contained in §§ 36.15, 36.21, 36.22, 36.23, 36.24, 36.33 and 36.41 of these regulations have been approved by the Office of Management and

Budget under 44 U.S.C. 3507 and assigned clearance number 1018–0035. The information is being collected to solicit information necessary for the Refuge Manager to issue permits and other benefits. The information will be used to grant statutory or administrative benefits. In all sections except § 36.21(f), the obligation to respond is required to obtain a benefit. In § 36.21(f), the obligation to respond is mandatory.

Subpart B—Subsistence uses

§ 36.11 Purpose and policy.

(a) Consistent with the management of fish and wildlife in accordance with recognized scientific principles and the purposes for which each Alaska National Wildlife refuge was established, designated, or expanded by ANILCA, the purpose of this subpart is to provide the opportunity for local rural residents engaged in a subsistence way of life to do so pursuant to applicable State and Federal law.

(b) Consistent with sound management principles and the conservation of healthy populations of fish and wildlife, the utilization of Alaska National Wildlife Refuges is to cause the least adverse impact possible on local rural residents who depend upon subsistence uses of the resources of the public lands in Alaska.

(c) Nonwasteful subsistence uses of fish, wildlife and other renewable resources by local rural residents shall be the priority consumptive uses of such resources over any other consumptive uses permitted within Alaska National Wildlife Refuge areas.

(d) The State of Alaska is authorized to regulate the taking of fish and wildlife for subsistence uses within Alaska National Wildlife Refuges to the extent such regulation is consistent with applicable Federal Law, including but not limited to ANILCA.

(e) Nothing in this subpart shall be construed as permitting the level of subsistence uses of fish and wildlife within Alaska National Wildlife Refuges to be inconsistent with the conservation of healthy populations of fish and wildlife.

§ 36.12 Use of snowmobiles, motorboats, dog teams and other means of surface transportation traditionally employed by local rural residents engaged in subsistence uses.

(a) Notwithstanding any other provision of Subchapter C of Title 50, Code of Federal Regulations, the use of snowmobiles, motorboats, dog teams and other means of surface transportation traditionally employed by local rural residents engaged in subsistence uses is permitted within Alaska National Wildlife Refuges except at those times and in those areas restricted or closed by the Refuge Manager.

(b) The Refuge Manager may restrict or close a route or area to the use of snowmobiles, motorboats, dog teams or other means of surface transportation traditionally employed by local rural residents engaged in subsistence uses if the Refuge Manager determines that such use is causing or is likely to cause an adverse impact on public health and safety, resource protection, protection of historic or scientific values, subsistence uses, conservation of endangered or threatened species, or other purposes and values for which the refuge was established.

(c) No restrictions or closures shall be imposed without notice and a public hearing in the affected vicinity and other locations as appropriate. In the case of emergency situations, restrictions or closures shall not exceed sixty (60) days and shall not be extended unless the Refuge Manager establishes, after notice and public hearing in the affected vicinity and other locations as appropriate, that such extension is justified according to the factors set forth in paragraph (b) of this section. Notice of the proposed or emergency restrictions or closures and the reasons therefor shall be published in at least one newspaper of general circulation within the State and in at least one local newspaper if available, and information about such proposed or emergency actions shall also be made available for broadcast on local radio stations in a manner reasonably calculated to inform local rural residents in the affected vicinity. All restrictions and closures shall be designated on a map which shall be available for public inspection at the office of the Refuge Manager of the affected refuge and the post office or postal authority of every affected community within or near the refuge area, or by the posting of signs in the vicinity of the restrictions or closures, or both.

(d) Snowmobiles, motorboats, dog teams and other means of surface transportation traditionally employed by local rural residents engaged in subsistence uses shall be operated (1) in compliance with applicable State and Federal law, (2) in such a manner as to prevent waste or damage to the refuge, and (3) in such a manner as to prevent the herding, harassment, hazing or driving of wildlife for hunting or other purposes.

(e) At all times when not engaged in subsistence uses, local rural residents may use snowmobiles, motorboats, dog teams and other means of surface transportation in accordance with Subpart C of this part.

§ 36.13 Subsistence fishing.

Fish may be taken by local rural residents for subsistence uses in compliance with applicable State and Federal law. To the extent consistent with the provisions of this part and other Federal law, applicable State laws and regulations governing the taking of fish which are now or will hereafter be in effect are hereby incorporated by reference as a part of these regulations.

§ 36.14 Subsistence hunting and trapping.

Local rural residents may hunt and trap wildlife for subsistence uses in Alaska National Wildlife Refuges in compliance with applicable State and Federal laws. To the extent consistent with the provisions of this part and other Federal law, applicable State laws and regulations governing the taking of wildlife which are now or will hereafter be in effect are hereby incorporated by reference as a part of these regulations.

§ 36.15 Subsistence uses of timber and plant material.

(a) Notwithstanding any other provision of this part, the noncommercial cutting of live standing timber by local rural residents for appropriate subsistence uses, such as firewood or house logs, may be permitted in Alaska National Wildlife Refuges as follows:

(1) For live standing timber of diameter greater than three inches at ground height, the Refuge Manager may permit cutting in accordance with the specifications of a permit if such cutting is determined to be compatible with the purposes for which the refuge was established;

(2) For live standing timber of diameter less than three inches at ground height, cutting is permitted unless restricted by the Refuge Manager.

(b) The noncommercial gathering by local rural residents of fruits, berries, mushrooms, and other plant materials for subsistence uses, and the noncommercial gathering of dead or downed timber for firewood, shall be allowed without a permit.

(c)(1) Notwithstanding any other provision of this part, the Refuge Manager, after notice and public hearing in the affected vicinity and other locations as appropriate, may temporarily close all or any portion of an Alaska National Wildlife Refuge to subsistence uses of a particular plant population only if necessary for reasons of public safety, administration, or to assure the continued viability of such

population. For purposes of this section, the term "temporary" shall mean only as long as reasonably necessary to achieve the purpose of the closure.

(2) If the Refuge Manager determines that an emergency situation exists and that extraordinary measures must be taken for public safety or to assure the continued viability of a particular plant population, the Refuge Manager may immediately close all or any portion of an Alaska National Wildlife Refuge to the subsistence uses of such population. Such emergency closure shall be effective when made, shall be for a period not to exceed sixty (60) days, and may not subsequently be extended unless the Refuge Manager establishes, after notice and public hearing in the affected vicinity and other locations as appropriate, that such closure should be extended.

(3) Notice of administrative actions taken pursuant to this section, and the reasons justifying such actions, shall be published in at least one newspaper of general circulation within the State and in at least one local newspaper if available, and information about such actions and reasons therefor also shall be made available for broadcast on local radio stations in a manner reasonably calculated to inform local rural residents in the affected vicinity. All closures shall be designated on a map which shall be available for public inspection at the office of the Refuge Manager of the affected refuge and the post office or postal authority of every affected community within or near the refuge, or by the posting of signs in the vicinity of the restrictions, or both.

§ 36.16 Closure to subsistence uses of fish and wildlife.

(a) Notwithstanding any other provision of this part, the Refuge Manager, after consultation with the State and adequate notice and public hearing in the affected vicinity and other locations as appropriate, may temporarily close all or any portion of an Alaska National Wildlife Refuge to subsistence uses of a particular fish or wildlife population only if necessary for reasons of public safety, administration, or to assure the continued viability of such population. For the purposes of this section, the term "temporarily" shall means only so long as reasonably necessary to achieve the purpose of the closure.

(b) If the Refuge Manager determines that an emergency situation exists and that extraordinary measures must be taken for public safety or to assure the continued viability of a particular fish or wildlife population, he may immediately close all or any portion of a refuge to the subsistence uses of such population. Such emergency closure shall be effective when made, shall not exceed sixty (60) days, and may not subsequently be extended unless the Refuge Manager establishes, after notice and public hearing in the affected vicinity and other locations as appropriate, that such closure should be extended.

(c) Notice of administrative actions taken pursuant to this section and the reasons justifying such actions shall be published in at least one newspaper of general circulation within the State and in at least one local newspaper if available, and information about such actions and justifying reasons shall be made available for broadcast on local radio stations in a manner reasonably calculated to inform local rural residents in the affected vicinity. All closures shall be designated on a map which shall be available for public inspection at the office of the Refuge Manager of the affected refuge area and the post office or postal authority of every affected community within or near the refuge area, or by the posting of signs in the vicinity of the closures, or both.

Subpart C—Use of Motorized Vehicles and Access

§ 36.21 Use of snowmachines, motorboats, aircraft, and non-motorized surface transportation.

(a) The use of snowmachines (during periods of adequate snow cover or frozen river conditions) for traditional activities (where such activities are permitted by ANILCA or other law) and for travel to and from villages and homesites, is authorized within Alaska National Wildlife Refuges, except where such use is prohibited or otherwise restricted by the Refuge Manager in accordance with the provisions of § 36.42. Nothing in this section affects the use of snowmobiles by local rural residents engaged in subsistence uses as authorized by § 36.12.

(b) The use of motorboats, fixed-wing aircraft, and non-motorized surface transportation methods such as domestic dogs, horses and other pack or saddle animals is authorized in Alaska National Wildlife Refuges except where such use is prohibited or otherwise restricted by the Refuge Manager in accordance with the provisions of § 36.42. Nothing in this section affects the use by local rural residents engaged in subsistence uses of those modes of transportation authorized by § 36.12.

(c) The use of helicoptors in Alaska National Wildlife Refuges, other than at landing areas designated in special regulations or pursuant to the terms and conditions of a permit issued by the Refuge Manager, is prohibited.

(d) In imposing any prohibitions or restrictions on fixed-wing aircraft use the Refuge Manager shall: (1) Comply with the procedures set forth in § 36.42; (2) publish notice of prohibitions or restrictions as "Notices to Airmen" issued by the Department of Transportation; and (3) publish permanent prohibitions or restrictions as a regulatory notice in the United States Government Flight Information Service "Supplement Alaska".

(e) The operation of aircraft, at altitudes and in flight paths resulting in the herding, harassment, hazing, or driving of wildlife is prohibited.

(f) Except as provided in paragraph (g) of this section, the owners of any aircraft downed after December 2, 1980, shall remove the aircraft and all component parts thereof in accordance with procedures established by the Refuge Manager. In establishing a removal procedure, the Refuge Manager is authorized to: (1) Establish a reasonable date by which aircraft removal operations must be complete; and (2) determine times and means of access to and from the downed aircraft.

(g) The Refuge Manager may waive the requirements of § 36.21(f) when it is determined that: (1) The removal of downed aircraft would constitute an unacceptable risk to human life; or (2) the removal of a downed aircraft would result in extensive resource damage; or (3) the removal of a downed aircraft is otherwise impracticable or impossible.

(h) Salvaging, removing, possessing or attemping to salvage, remove or possess any downed aircraft or component parts thereof is prohibited, except in accordance with a removal procedure established under paragraph (f) of this section; *Provided, however,* That the owner or an authorized representative thereof may remove valuable component parts from a downed aircraft at the time of rescue without a permit.

§ 36.22 Use of off-road vehicles.

(a) The use of off-road vehicles in locations other than established roads and parking areas is prohibited, except on routes or in areas designated by the Refuge Manager or pursuant to a valid permit as prescribed in paragraph (b) or in §§ 36.23 and 36.24. Such designations shall be made in accordance with the procedures of this section. Nothing in this section affects the use of off-road vehicles by local rural residents engaged in subsistence uses as authorized by § 36.12.

(1) The Refuge Manager's determination of whether to designate a

route or area for off-road vehicle use shall be governed by Executive Order 11644, as amended.

(2) Route or area designations shall be published in the **Federal Register**.

(3) Notice of routes or areas on which off-road travel is permitted shall be in accordance with the provisions of § 36.42(d).

(4) The closure or restrictions on use of designated routes or areas to off-road vehicles use shall be in accordance with the provisions of § 36.42.

(b) The Refuge Manager is authorized to issue permits for the use of off-road vehicles in existing off-road vehicle trails located in refuge areas (other than areas designated as part of the National Wilderness Preservation System) upon a finding that such off-road vehicles use would be compatible with refuge purposes and values. The Refuge Manager shall include in any permit such stipulations and conditions as are necessary for the protection of refuge resources and values.

§ 36.23 Access to inholdings.

(a) *Purpose.* A permit for access to inholdings pursuant to this section is required only where adequate and feasible access is not affirmatively provided without a permit under §§ 36.21 and 36.22 of these regulations. Thus, it is the purpose of this section to ensure adequate and feasible access across refuge areas for any person who has a valid property or occupancy interest in lands within or effectively surrounded by a refuge area or other lands listed in section 1110(b) of ANILCA.

(b) *Application and administration.* (1) Applications for a permit designating methods and routes of access across any Alaska National Wildlife Refuge not affirmatively provided for in this part shall be submitted to the Refuge Manager having jurisdiction over the affected refuge area as specified under § 36.41.

(2) Except as provided in pararaph (c) of this section, the access permit application shall contain the name and address of the applicant, documentation of the relevant property or occupancy interest held by the applicant (including for 1872 Mining Law claimants a copy of the location notice and recordations required under the 1872 Mining Law and 43 U.S.C. 1744), a map or physical description of the relevant property or occupancy interest sufficiently clear to locate the interest on the ground, a map or physical description of the desired route of access, a description of the desired method of access, and any other information necessary to determine the adequacy and feasibility of the route or method of access and its impact on the natural and other values of the refuge area.

(3) The Refuge Manager shall specify in a nontransferable permit adequate and feasible routes and methods of access across refuge lands for any person who meets the criteria of paragraph (a) of this section. The Refuge Manager shall designate the routes and methods desired by the applicant unless it is determined that:

(i) The route or method of access would cause significant adverse impacts on natural or other values of the refuge, and adequate and feasible access otherwise exists; or

(ii) The route or method of access would jeopardize public health and safety, and adequate and feasible access otherwise exists.

(4) If the Refuge Manager makes one of the findings described in paragraph (b)(3) of this section, he shall specify such other alternate methods and routes of access as will provide the applicant adequate and feasible access, while minimizing damage to natural and other values of the refuge.

(5) Any person holding an access permit shall notify the refuge manager of any significant change in the method or level of access from that occurring at the time of issuance. In such cases, the Refuge Manager may modify the terms and conditions of the permit, provided that the modified permit also assures adequate and feasible access under the standards of paragraph (b)(3) of this section.

(6) Routes and methods of access permitted pursuant to this section shall be available for use by guests and invitees of the permittee.

(c) *Access requiring permanent improvements.* (1) Application form and procedure. Any application for access under this section which proposes the construction or modification of an improved road (*e.g.* construction or modification of a permanent, year-round nature and which involves substantial alteration of the terrain or vegetation, such as grading, gravelling of surfaces, concrete bridges, or other such construction or modification), or any other permanent improvement on refuge lands qualifying as a "transportation or utility system" under section 1102 of ANILCA, shall be submitted on the consolidated application form specified in section 1194(b) of ANILCA and processed in accordance with the procedures of Title XI of ANILCA.

(2) Decisionmaking standard:

(i) If a permanent improvement is required for adequate and feasible access under this section (*e.g.* improved right of way or landing strip), the permit granting standards of paragraph (b) of this section shall apply.

(ii) If the permanent improvement is not required as part of the applicant's right to adequate and feasible access to an inholding (*e.g.* pipeline, transmission line the permit granting standards of sections 1104–1107 of ANILCA shall apply.

§ 36.24 Temporary access.

(a) *Applicability.* This section is applicable to State and private landowners who desire temporary access across an Alaska National Wildlife Refuge for the purposes of survey, geophysical, exploratory and other temporary uses of nonfederal lands, and where such temporary access is not affirmatively provided for an §§ 36.21–36.23. State and private landowners meeting the criteria of § 36.23(a) are directed to utilize the procedures of § 36.23 to obtain temporary access.

(b) *Application.* A landowner requiring temporary access across a refuge area for mineral survey, geophysical, exploratory or similar temporary activities shall apply to the Refuge Manager for an access permit and shall provide the relevant information described in § 36.23(b)(2) concerning the proposed access.

(c) *Permit Standards, Stipulations and Conditions.* The Refuge Manager shall grant the desired temporary access whenever he determines that such access will not result in permanent harm to refuge area resources. The Refuge Manager shall include in any permit granted such stipulations and conditions on temporary access as are necessary to ensure that the access granted would not be inconsistent with the purpose for which the refuge was established and to ensure that no permanent harm will result in refuge resources.

(d) *Definition.* For the purposes of this section, "temporary access" shall mean limited, short-term, *(i.e.* up to one year from issuance of the permit) access, which does not require permanent facilities for access to undeveloped State or private lands.

Subpart D—Other Refuge Uses

§ 36.31 Recreational activities.

(a) Public recreational activities within the Alaska National Wildlife Refuges are authorized as long as such activities are conducted in a manner compatible with the purposes for which the areas were established. Such recreational activities include, but are not limited to, sightseeing, nature observation and photography, sport

hunting, sport fishing, boating, camping, hiking, picnicking and other related activities. Any existing special regulations now in force and effect shall continue to apply to the applicable refuge lands in Alaska National Wildlife Refuges.

(b) Surface collection, by hand (including handheld gold pans) and for personal recreational use only, of rocks and minerals is authorized: *Provided however,* That (1) collection of silver, platinum, gemstones and fossils is prohibited, and (2) collection methods which may result in disturbance of ground surface, such as the use of shovels, pickaxes, sluice boxes and dredges, are prohibited. The recreation activities specified in paragraphs (a) and (b) of this section may be prohibited or otherwise restricted in accordance with the provisions of § 36.42.

§ 36.32 Taking of fish and wildlife.

(a) The taking of fish and wildlife for sport hunting, trapping and sport fishing is authorized in accordance with applicable State and Federal law and such laws are hereby adopted and made a part of these regulations: *Provided however,* That the Refuge Manager, pursuant to § 36.42, may designate areas where, and establish periods when, no taking of a particular population of fish or wildlife shall be permitted.

(b) The exercise of valid commercial fishing rights or privileges obtained pursuant to existing law, including any use of refuge areas for campsites, cabins, motorized vehicles and aircraft landing directly incident to the exercise of such rights or privileges, is authorized; *Provided, however,* That the Refuge Manager may restrict or prohibit the exercise of these rights or privileges or uses of federally owned lands directly incident to such exercise if he determines, after conducting a public hearing in the affected locality, that they are inconsistent with the purposes of the refuge and that they constitute a significant expansion of commercial fishing activities within such refuge beyond the level of such activities in 1979.

(c) The following provisions shall apply to any person while engaged in the taking of fish and wildlife within an Alaska National Wildlife Refuge:

(1) Trapping and Sport Hunting

(i) Each person shall secure and possess all required State licenses and shall comply with the applicable provisions of State law unless further restricted by Federal law;

(ii) Each person shall comply with the applicable provisions of Federal law;

(iii) In addition to the requirements of paragraphs (a) and (b) of this section, each person shall continue to secure a trapping permit from the appropriate Refuge Manager prior to trapping on the Kenai, Izembek and Kodiak Refuges and the Aleutian Islands Unit of the Alaska Maritime Refuge.

(2) Sport and Commercial Fishing

(i) Each person shall secure and possess all required State licenses and shall comply with the applicable provisions of State law unless further restricted by Federal law;

(ii) Each person shall comply with the applicable provisions of Federal law.

(d) Nothing in this section shall apply to the taking of fish and wildlife for subsistence uses.

(e) Nothing in these rules shall be interpreted as waiving the requirements of other fish and wildlife conservation statutes such as the Airborne Hunting Act or those provisions of Subchapter C of Title 50, Code of Federal Regulations, regarding the taking of depredating wildlife. Animal control programs shall only be conducted in accordance with a special use permit issued by the Refuge Manager.

§ 36.33 Cabins and other structures.

(a) *New Cabins.* (1) The construction of new cabins on federally owned lands within an Alaska National Wildlife Refuge is prohibited except as may be authorized pursuant to a nontransferable, five-year special use permit issued by the Refuge Manager.

(2) Such special use permit shall only be issued upon a determination that the proposed use, construction, and maintenance of a cabin is compatible with the purposes for which the refuge was established and that the use of the cabin is either directly related to the administration of the refuge or is necessary to provide for a continuation of an ongoing activity or use otherwise allowed within the refuge where the permit applicant has no reasonable alternative site for constructing a cabin outside of the Refuge. In determining whether to permit the use, occupancy, construction, reconstruction or maintenance of cabins or other structures, the Refuge Manager shall be guided by factors such as other public uses, public health and safety, environmental and resource protection, research activities, protection of historic or scientific values, subsistence uses, endangered or threatened species conservation and other management considerations necessary to ensure that the activities authorized pursuant to this section are compatible with the purpose for which the refuge was established. No special use permit shall be issued to authorize the construction of a cabin for private recreational use.

(b) *Existing Cabins.* (1) Traditional and customary uses of existing cabins and related structures on federally owned lands within a refuge may be allowed to continue in accordance with a nontransferable, renewable five-year special use permit issued by the Refuge Manager. Such special use permit shall be issued only upon a determination that the traditional and customary uses are compatible with the purposes for which the refuge was established. No special use permits shall be issued to authorize the use of an existing cabin for private recreational use.

(2) Where a valid permit or lease was in effect on December 2, 1980, for cabins, homesites or similar structures on federally owned lands within a refuge, the Refuge Manager shall provide for the continuation of the permit or lease, unless a finding is made, following notice and an opportunity for the leaseholder or permittee to respond, that the continuation of the lease or permit will directly threaten or significantly impair the purposes for which the refuge was established.

(c) No special use permit shall be issued under paragraphs (a) or (b)(1) of this section unless the permit applicant:

(1) In the case of existing cabins or structures, reasonably demonstrates by affidavit, bill of sale or other documentation, proof of possessory interests or right of occupancy in the cabin or structure;

(2) Submits an accurate sketch or photograph of the existing or proposed cabin or structure and a map showing its geographic location;

(3) Agrees to vacate the cabin or structure and remove all personal property from it upon nonrenewal or revocation of the permit;

(4) Acknowledges in the permit application that the applicant has no interest in the real property on which the cabin or structure is located or will be constructed; and

(5) Submits a list of the names of all immediate family members residing in the cabin or structure.

(d) Permits authorized under the provisions of this section shall be renewed every five years until the death of the last immediate family member of the claimant residing in the cabin or structure under permit. Renewal will occur unless the Refuge Manager determines after notice and hearing, on the basis of substantial evidence in the administrative record as a whole, that the use under the permit has caused or may cause significant detriment to the principal purposes for which the refuge area was established. The Refuge Manager's decision may be appealed

pursuant to the provisions of 43 CFR 4.700.

§ 36.34 Firearms.

The possession, use and transporting of firearms is authorized for hunting and personal protection in accordance with State and Federal laws unless prohibited or otherwise restricted by the Refuge Manager in accordance with the provisions of § 36.42.

§ 36.35 Unattended Property.

(a) Leaving any snowmachine, vessel, off-road vehicle or other personal property unattended for longer than 12 months without the prior permission of the Refuge Manager is prohibited, and any property so left may be impounded by the Refuge Manager.

(b) The Refuge Manager may (1) designate areas where personal property may not be left unattended for any time period, (2) establish limits on the amount and type of personal property that may be left unattended, (3) prescribed the manner in which personal property may be left unattended or (4) establish limits on the length of time personal property may be left unattended.

(c) Such designations and restrictions arising under paragraph (b) of this section shall be (1) published in at least one newspaper of general circulation within the State, posted at community post offices within the affected vicinity, made available for broadcast on local radio stations in a manner reasonably calculated to inform residents in the affected community, and designated in a map which shall be available for public inspection at the office of the Refuge Manager, or (2) designated by the posting of appropriate signs or (3) both.

(d) In the event unattended property interferes with the safe and orderly management of a refuge area or causes damage to refuge resources, it may be impounded by the Refuge Manager at any time.

§ 36.36 Sled dogs and Household pets

The general trespass provisions of 50 CFR 26.21 shall not apply to household pets and sled, work or pack dogs under the direct control of their owners or handlers, but such activities may be prohibited or otherwise restrict pursuant to the provisions of § 36.42. Refuge Manager has the right to have the application reconsidered by the Regional Director by contacting him within 180 days of the issuance of the denial. For purposes of reconsideration, the permit applicant shall present the following information:

(a) Any statement of documentation, in addition to that included in the initial application, which demonstrates that the applicant satisfies the criteria set forth in the section under which the permit application is made;

(b) The basis for the permit applicant's disagreement with the prior findings and conclusions; and

(c) Whether or not the permit applicant requests an informal hearing before the Regional Director.

(d) The Regional Director shall provide a hearing if requested by the applicant. After consideration of the written materials and oral hearing, if any, and within a reasonable period of time, the Regional Director shall affirm, reverse or modify the denial of the Refuge Manager and shall set forth in writing the basis for the decision. A copy of the decision shall be forwarded promptly to the applicant and shall constitute final agency action.

§ 36.42 Public participation and closure procedures.

(a) *Authority.* The Refuge Manager may close an area or restrict an activity on an emergency, temporary, or permanent basis.

(b) *Criteria.* In determining whether to close an area or restrrict an activity otherwise allowed, the Refuge Manager shall be guided by factors such as public health and safety, resource protection, protection of cultural or scientific values, subsistence uses, endangered or threatened species conservation, and other management considerations necessary to ensure that the activity or area is being managed in a manner campatible with the purposes for which the Alaska National Wildlife Refuge area was established.

(c) *Emergency closures or restrictions.* (1) Emergency closures or restrictions relating to the use of aircraft, snowmachines, motorboats, or nonmotorized surface transportation shall be made after notice and hearing; (2) ememgency closures or restrictions relating to the taking of fish and wildlife shall be accompanied by notice with a subsequent hearing; (3) other emergency closures or restrictions shall become effective upon notice as prescribed in § 36.42(f); and (4) no emergency closure or restriction shall be for a period exceeding 30 days.

(d) *Temporary closures or restrictions.* (1) Temporary closures or restrictions relating to the use of aircraft, snowmachines, motorboats or nonmotorized surface transportation, or to the taking of fish and wildlife, shall not be effective prior to notice and hearing in the vicinity of the area(s) affected by such closures or restriction, and other locations as appropriate; (2) Other temporary closures shall be effective upon notice as prescribed in § 36.42(f); (3) temporary closures or restrictions shall extend only for so long as necessary to achieve their purposes, and in no case may exceed 12 months or be extended beyond that time.

(e) *Permanent closures or restrictions.* Permanent closures or restrictions shall be made only after notice and public hearings in the affected vicinity and other locations as appropriate, and after publication in the **Federal Register**.

(f) *Notice.* Emergency, temporary or permanent closures or restrictions shall be (1) published in at least one newspaper of general circulation in the State and in at least one local newspaper if available, posted at community post offices within the vicinity affected, made available for broadcast on local radio stations in a manner reasonably calculated to inform residents in the affected vicinity, and designated on a map which shall be available for public inspection at the office of the Refuge Manager and other places convenient to the public; or (2) designated by the posting of appropriate signs; or (3) both.

(g) *Openings.* In determining whether to open an area to public use or activity otherwise prohibited, the Refuge Manager shall provide notice in the **Federal Register** and shall, upon request, hold a hearing in the affected vicinity and other location, as appropriate prior to making a final determination.

(h) Except as otherwise specifically permitted under the provision of this part, entry into closed areas or failure to abide by restrictions established under this section is prohibited.

Table I—Summary Listing of the National Wildlife Refuges in Alaska as established by the Alaska Lands Act, Pub. L. 96–487, December 2, 1980

1. Alaska Maritime, including:
   Aleutian Island*
   Bering Sea*
   Bogoslof*
   Chamisso*
   Forrester Island*
   Hazy Islands*
   Pribilof*
   Saint Lazaria*
   Semidi*
   Simeonof*
   Tuxedni*
2. Alaska Peninsula
3. Arctic, including: William O. Douglas*
4. Becharof**
5. Innoko
6. Izembek*
7. Kanuti
8. Kenai*
9. Kodiak*
10. Koyukuk
11. Nowitna
12. Selawik
13. Tetlin
14. Togiak, including: Cape Newenham*
15. Yokon Delta, including:
   Clarence Rhode*
   Hazen Bay*
   Nunivak*
16. Yokon Flats**

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*These indicated units were previously existing refuges before the Alaska Lands Act of December 2, 1980, and are now part of the 16 National Wildlife Refuges established by the Alaska Lands Act.

federal register

Wednesday
June 17, 1981

Part III

Department of the Interior

Fish and Wildlife Service

National Park System Units in Alaska; Public Uses

DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Part 13

National Park System Units in Alaska

AGENCY: National Park Service, Interior.

ACTION: Final rule.

SUMMARY: These final rules provide interim guidance on public uses of National Park System units in Alaska, including units established by the Alaska National Interest Lands Conservation Act (ANILCA) (Pub. L. 96–487 (December 2, 1980)). This rulemaking has a three-fold purpose. First, it relieves otherwise applicable regulatory provisions of 36 CFR Parts 1–9 which are generally inappropriate in the unique Alaska setting (e.g., restrictions on firearms, camping, picnicking, access, use of natural features). Second, it establishes administrative procedures necessary to implement or clarify various provisions of ANILCA (*e.g.*, access, use of cabins). Third, with the new management direction provided by ANILCA, this rulemaking seeks to remove public confusion on what public use activities are now authorized for National Park System units in Alaska. This final interim rulemaking adopts many suggestions offered in the public comment period on the January 19, 1981, proposed rules (*see* 46 FR 5642). These regulations are being made immediately effective to provide public guidance in time for peak park use seasons. These regulations are the minimum necessary for interim administration of Alaska park areas.

EFFECTIVE DATE: June 17, 1981.

FOR FURTHER INFORMATION CONTACT: John Cook, Alaska Regional Director, National Park Service, 540 West 5th Avenue, Anchorage, Alaska 99501, Telephone: (907) 271–4196.

SUPPLEMENTARY INFORMATION:

Background

The Alaska National Interest Lands Conservation Act (ANILCA) is a broad-ranging act which established new National Park System units in Alaska and provided special management direction for Federal park areas in Alaska. The areas administered by the National Park Service in Alaska consist of the following 16 units: Alagnak National Wild River, Aniakchak National Monument and Preserve, Bering Land Bridge National Preserve, Cape Krusenstern National Monument, Denali National Park and Preserve, Gates of the Arctic National Park and Preserve, Glacier Bay National Park and Preserve, Katmai National Park and Preserve, Kenai Fjords National Park, Klondike Gold Rush National Historical Park, Kobuk Valley National Park, Lake Clark National Park and Preserve, Noatak National Preserve, Sitka National Historical Park, Wrangell-St. Elias National Park and Preserve, and Yukon-Charley Rivers National Preserve.

On January 19, 1981, the National Park Service proposed rules (46 FR 5642) to provide interim guidance on public uses of these park areas. The proposed rules addressed limited items which had been covered for the most part by prior public notice and comment and which were necessary to provide public guidance. The items addressed in this rulemaking include access, use of cabins, camping and picnicking, carrying of firearms, preservation of natural features, subsistence and application procedures. Further rulemaking efforts will involve more expansive public guidance on the implementation and interpretation of ANILCA.

Need for Expeditious Rulemaking and Immediately Effective Date

Under 5 U.S.C. 553(d), an agency is authorized to make final regulations immediately effective when the regulation relieves restrictions, is an interpretive rule, or when good cause exists for expeditious rulemaking. The National Park Service (NPS) desires to utilize the immediately effective date for the following reasons.

First, many of the provisions relieve the otherwise applicable restrictions of 36 CFR Parts 1–9, which are inappropriate in the unique Alaska setting. For example, standard restrictions on access, firearms, preservation of natural features, abandoned property and camping and picnicking are relieved by these regulations.

Second, certain portions of these regulations constitute interpretive rules giving the Department's views on existing legal duties. These interpretive rules are found in § 13.15 (c) and (d).

Third, and most importantly, the Department has found that good cause exists for immediately effective regulations. This good cause finding is based on many factors, including: (1) The need to provide definitive public guidance on allowed activities for the peak park use seasons, (2) the need to alleviate public fears and confusion arising from directives in ANILCA which are inconsistent with existing NPS regulations (*e.g.*, aircraft and snowmobile access), and (3) the need to have in place administrative procedures for obtaining statutory benefits under ANILCA (*e.g.*, access to inholdings, temporary access, cabins, subsistence). Additionally, the substantial public comments received on past proposed rules (*see* 44 FR 11242, February 28, 1979, and 44 FR 37732, June 28, 1979) covering the same topics, as well as public participation in the Alaska Lands legislative effort, support the good cause finding for expeditious rulemaking.

Summary of Comments

These rules were published in proposed form for public comment on January 19, 1981 (*see* 46 FR 5642), with the comment period extended to March 16, 1981. *See* 46 FR 14021 (February 25, 1981). The National Park Service received 391 timely written comments regarding the proposed interim regulations. Comments were received from 340 individuals, 13 corporations and businesses, 27 organizations, four community governments, the State of Alaska, the Environmental Protection Agency, and the Alaska Congressional Delegation. In addition, four petitions with a total of 622 signatures were received.

Analysis of Comments

Subpart A—Public Use and Recreation.

Definitions—The definition of "adequate and feasible access" in § 13.1(a) has been revised in response to public comments and to clarify what forms of access are entitled to the statutory benefits of § 1110(b) of the Alaska Lands Act. Several commenters objected to the intimation that the National Park Service would determine what is a "reasonable use or development" of an inholding. The § 13.1(a) definition has been revised to clarify that the inholder determines the desired land use or development, and the Service provides reasonable access to meet the desired land use.

Two commenters suggested that the definition of "fish and wildlife" should specifically exclude domestic and exotic animals. The term "fish and wildlife" tracks the language of the statute.

A few individuals expressed confusion over the use of the term "park areas." The term park areas is defined as lands and waters administered by the National Park Service within the State of Alaska and includes parks, preserves, monuments, historical parks and wild and scenic rivers.

Several commenters suggested the use and a definition for the Alaska Lands Act section 1110(a) term "snowmachine." Section 13.1(q) adopts this suggestion by defining a

"snowmachine" in parallel terms to a "snowmobile."

Applicability and Scope

A substantial number of comments (203) objected to making these regulations applicable to all park areas in Alaska (*see* §§ 13.1(m), 13.2), including pre-ANILCA areas like the former Mt. McKinley National Park and Katmai and Glacier Bay National Monuments. The proposed regulations were viewed by these commenters as an unwarranted lessening of protective measure for these "old" park areas.

On some issues such as access, the ANILCA definition of "conservation system units" compels equal treatment for old and new park areas (*see* sections 102(4), 1102(4), 1110, 1111 of ANILCA), and these regulations carry out that statutory mandate. However, for other topics, where NPS possesses policy discretion (*e.g.*, firearms, use of natural features), the Service has taken into account public desires to continue the preexisting management scheme for old park areas. The applicability of these regulations to specific park areas is discussed below.

Snowmachines—A few commenters registered opposition to the use of snowmachines within park areas, or suggested their use be restricted only to subsistence purposes or to new park areas. The National Park Service is mandated to comply with the provisions of section 1110(a) of ANILCA which authorizes snowmachine use in park areas for "traditional activities" and "travel to and from villages and homesites." These final regulations track that statutory language, as suggested by many individuals.

A definition of adequate snow cover as snow of sufficient depth to protect underlying vegetation and soil from damage was added in response to public comments.

Motorboats—One commenter objected to § 13.11's retention of the 36 CFR § 7.23(c) cruise ship provisions for Glacier Bay on the basis that section 1307 of ANILCA precluded such regulation. The purpose of § 13.11 is to implement section 1110(a) of ANILCA concerning small motorboats. The retention of 36 CFR 7.23(c) merely preserves the status quo until the Department completes its regulatory review of this provision and does not violate the provisions of section 1307 of ANILCA. For these reasons, the Service did not adopt the suggestion to delete 36 CFR 7.23(c).

Nonmotorized Surface Transportation—In response to public comment, § 13.12 was added to authorize the general use of nonmotorized surface transportation (*e.g.*, dog sleds, horses) in park areas. This addition also reflects the mandate in section 1110(a) of ANILCA.

Aircraft—Many comments (103) were received on the issue of fixed-wing aircraft vis-a-vis helicopters. In response to comments, the National Park Service, in these final regulations, has differentiated between fixed-wing aircraft and helicopters. Helicopter use, other than at designated landing areas, shall be in accordance with the reasonable terms and conditions of a permit issued by the Superintendent.

One commenter suggested that in the subsection on removal of downed aircraft the phase "shall remove" should be changed to "may be required to remove." The Service is not adopting this recommendation because this subsection further provides that this requirement may be waived by the Superintendent upon a determination that the removal of downed aircraft would constitute an unacceptable risk to human life; result in extensive resource damage; or is otherwise impracticable or impossible.

The public comment on § 13.13(d) focused primarily on the economic test for salvage operations. The Service intends to be reasonable in applying the significant economic hardship test for waiving removal requirements.

Off-Road Vehicles—Several commenters suggested that NPS allow ORV use along established trails and routes that have been subject to significant ORV use in the past. The National Park Service has partly responded to this recommendation in this final rulemaking. The Park Service was not able to respond completely, however, because the designation of ORV trails in wilderness areas is prohibited by Executive Order 11644 (Use of Off-Road Vehicles on Public Lands) and the Wilderness Act. The Service has opted to provide the Superintendent with general authority to issue ORV use permits for existing trails in non-wilderness park areas where such use would not be detrimental to park resources. It should be noted that there is no statutory directive to provide for general ORV use in park areas. This rewritten rule will enable ORV use by permit as appropriate.

Many individuals suggested that NPS designate only "routes" for ORV use, and not "areas." The Service has not deleted the word "areas" from this regulation because the phrase "routes or areas" tracks the language of E.O. 11644 and 36 CFR 4.19 (general NPS regulations on ORVs).

Access to Inholdings—Section 13.15 of these regulations, which emplements the ANILCA section 1110(b) guarantee of adequate and feasible access to inholdings, has been revised to make clear that an access permit is required only when the inholder desires an access method that is not authorized by other provisions of these regulations. Also, in response to public comment, the revised § 13.15(a) deletes as unnecessary a reference to alienating Federal property that was contained in proposed regulations.

Section 13.15(b) has been revised to state uniform, minimally burdensome information requirements for obtaining access permits. Several commenters had objected to the special information requirements for mineral access in the proposed regulations. These have been deleted in the final regulations.

Several commenters suggested an access notification system instead of a permit system. These suggestions were not adopted because a permit system was contemplated by Congress in section 1110(b) of ANILCA and because a permit system appears to be required to minimize park resource damage in accordance with 16 U.S.C. 1, 1a-1.

Many comments were received stating that the implied distinction between ordinary access to inholdings and permanent access is not supported by statute. The revised section 13.15(c) responds to these comments on access requiring permanent improvements on park area lands (*e.g.*, road or bridge construction). Section 13.15(c) is an interpretive rule on the relationship between ANILCA section 1110(b) access to inholdings and sections 1101–1107 "transportation or utility systems."

Temporary Access—Many commenters favored reducing the application information burdens for temporary access. This change has been made here, as it has in the above provision on access to inholdings. Mineral and non-mineral temporary access have been combined into one provision, in response to public comment. The final regulation also responds to comments by defining temporary access as limited, short term (up to one year) access, which does not require permanent facilities for access, to undeveloped non-federal lands.

Cabins and Other Structures—The regulation on use of cabins is largely unchanged from the proposed regulations. While some commenters objected to the § 13.17(b)(2)(v) requirement of listing immediate family members residing in the cabin, the Service believes this information is essential for accurate permit renewals to family members, and is necessary to protect the occupancy interest of the

immediate family. ANILCA, section 1303(c). This is a dynamic, and not a one-time process. As individuals are added to the immediate family, they can be added to this listing.

A few commenters expressed concern that the ultimate intention of the NPS was to phase out cabin use within park areas in Alaska. It is neither the Service's intent, nor is it allowed by ANILCA, that such use be eliminated.

Camping and Picnicking—The public comments on § 13.18 primarily favored the general opening of Alaska park areas to camping and picnicking. Though some public concerns were expressed over consequences for subsistence uses or sensitive areas, the Service feels it can adequately protect these interests through the closure authority of § 13.30.

Weapons, Traps and Nets—The public comment on this section was varied, with some commenters supporting the carrying of firearms for self-protection and some commenters raising concerns over wildlife protection. The revised § 13.19 distinguishes between the pre-ANILCA park areas (where the carrying of weapons is still generally banned by 36 CFR 2.11) and the park areas established by ANILCA (where § 13.19 is controlling). Although the potential for harm from wildlife exists throughout Alaska, the Service feels that it can make this distinction. The "old park" areas have the staffs and materials necessary to provide individuals with information on personal safety. That capacity does not exist in the recently established areas.

Preservation of Natural Features—Section 13.20, on protection of natural resources, has been revised in two ways in response to public comment. First, in response to commenters suggesting a higher standard of protection for pre-ANILCA park areas, § 13.20(a) retains the 36 CFR 2.20 standards (*e.g.*, no cutting of dead standing trees, restrictions on collecting rocks and minerals) for non-subsistence uses in Klondike Gold Rush National Historical Park, and the former Mt. McKinley National Park, Glacier Bay National Monument and Katmai National Monument areas. Second, for all other Alaska park areas, § 13.20(c) adopts commenter suggestions to authorize recreational gold panning not involving surface disturbance (*e.g.*, the use of hand-held gold pans is authorized, but the use of sluice boxes, shovels, pickaxes, or dredges is prohibited).

A few individuals objected to allowing any collection of natural features or suggested that such collection only be allowed by permit. At this time, the Service does not believe that the liberalized collection of natural features will result in adverse environmental consequences, due to protection against surface disturbance, low visitation rates and, ultimately, closure authority.

Taking of Fish and Wildlife—Many public comments suggested either allowing sport hunting in all park areas, or conversely, not allowing sport hunting in preserves. These comments were not adopted due to the legislative direction of sections 1313 and 1314 of ANILCA.

In response to public comment, § 13.21 deletes a reference to trapping as an "agent" of another person, in order to authorize family or other trapping arrangements not involving payment within national preserves.

Unattended and Abandoned Property—The public comment generally was in favor of liberalizing the general NPS regulations' time periods for leaving unattended property as a means of implementing a good neighbor policy in Alaska. Suggested times ranged from 7 days to 3 years, and the Service opted to retain the proposed 1 year period. This period of time is not inflexible—it can be less, and with the permission of the Superintendent, it could be more.

Some commenters objected to the impoundment authority of § 13.22(d). However, the Service believes that this problem can be avoided by checking with the Superintendent prior to leaving unattended property.

Other individuals and organizations suggested that unattended property be sheltered from public view or that the Service was allowing the inappropriate use of park areas for private profit. The Service has not adopted the suggested restrictions. Shielding unattended property from public view is difficult to do in tundra areas and may have more visual impact than the property itself. Finally, the Superintendent does have impoundment authority.

Closures—Some commenters suggested that the Service be more specific in delineating the range of the § 13.30(b) closure criteria, such as by eliminating "other management considerations." However, the NPS cannot forecast in advance the complete range of criteria that would be applied to closure decisions to meet the park protection standard of 16 U.S.C. 1, 1a–1. Thus, while the Service expects that the vast majority of closure decisions will be based on delineated factors like public safety and resource protection, the Service does not feel it appropriate to specify a definitive list of criteria.

A few individuals also objected to "public health and safety" as a criteria for closure since many "bush" activities are inherently unsafe. The Service recognizes that many activities conducted within park areas are inherently dangerous. In this instance, however, the NPS is focusing on significant public health and safety (i.e. polluted water supply, a large fire where speed and direction of burning is unpredictable).

In response to a public comment the Service has added the generic term "cultural values" for "historic values" for determining criteria for closures. This term "cultural" is used by the NPS and includes "historic" values.

Several commenters recommended that hearings be held in the area affected by a permanent closure. The Service has adopted this recommendation. In response to comments the NPS has also limited emergency closures to a maximum of 30 days.

The NPS has not adopted two suggestions. The first is that temporary closures be restricted to a maximum of 6–9 months. The Service believes that it needs the flexibility to temporarily close for periods up to 12 months (*i.e.*, fire hazard). This does not mean that all temporary closures will be for this length of time: They could be shorter. The other suggestion was a recommendation that the public comment period be 90 days for permanent closure. This is already included in the regulation as written. The public comment period on permanent closures must be a *minimum* of 60 days; it could be longer.

Permits—Section 13.31 consolidates procedures regarding the issuance and denial of permits. The Superintendent is directed to acknowledge the application promptly, and to approve the permit, deny the permit, or request additional information within 45 days unless he/she notifies the applicant of a good cause extension. The normal 45-day response time and a statement of reasons for any permit denial were added in response to public comments. Additionally, in response to comments, the Service has incorporated into this section a provision which allows an applicant to submit his or her application orally.

Any person whose permit application has been denied by the Superintendent has a right to appeal that denial to the Regional Director within 180 days of permit denial. The longer appeal time (from 60 days in proposed regulations) reflects public comments that a shorter appeal time could be detrimental to the

applicant, whereas a longer appeal time will not hurt the government. Section 13.31(b)(2) has been revised to grant the applicant the opportunity for a hearing upon request, as suggested in public comments.

Subpart B—Subsistence

General Comments. The issue of subsistence continues to be the most difficult of all the issues affecting the new National Park Service areas in Alaska.

The State of Alaska, the State Congressional Delegation, and certain sportsmen's groups opposed any federal regulation of subsistence, especially in the one year period provided by section 805(d) of ANILCA for the State to establish an adequate subsistence program. The National Park Service is sensitive to the State's concerns and looks forward to a State subsistence program implementing ANILCA's requirements. In the meantime, the Service has pared its program to the minimum required by ANILCA. For example, the Service has deleted the system of resident zones and subsistence permits for park preserves. Nevertheless, the one-year "grace" period for the State does not relieve the Park Service of certain basic responsibilities under Titles II and VIII of ANILCA. Unlike the other conservation system units in Alaska, parks and monuments are closed to hunting except for subsistence hunting by "local rural residents" where specifically authorized by ANILCA. ANILCA, sections 201–203, 816(a), 1313, 1314. Consequently, the Park Service must immediately implement a system for identifying "local rural residents" in order to allow them, but not others, to engage in subsistence hunting in national parks and monuments. In addition, section 808(c) of ANILCA specifically requires the Secretary to permit subsistence uses by local rural residents pending implementation of park and park monument subsistence resource commissions. The Park Service has tried to adopt the type of identification system that Congress intended. *See* S. Rep. No. 96–413, 96th Cong., 1st Sess. 168–171 (1979); 126 Cong. Rec. H 10540–41 (daily ed. Nov. 12, 1980). It bears repeating, however, that the Park Service is anxious to incorporate a State program which implements the various subsistence mandates. By December 2, 1981, the Secretary of the Interior must review the State program to determine whether it meets ANILCA's requirements for the subsistence definition, priority, and participation (sections 803, 804, 805). The Secretary has not yet undertaken this review. In the meantime, and until such time as a State program is determined to supersede the various aspects of the federal program, the Park Service regulations seek to carry out the subsistence duties which ANILCA imposes on the Secretary.

Commenters from rural Alaska stressed the need for consultation with local rural residents as part of any decisionmaking that could affect subsistence uses. The National Park Service believes such consultation is prudent and essential. Several provisions of the regulations institutionalize public hearings in the local vicinity affected by an action. *See* sections 13.43(b), 13.45(b)(ii) and (iii), 13.46(c), 13.49(c), 13.50(a) and (b). Pending creation and operation of the local advisory committees and regional advisory councils of section 805 of ANILCA and the park and park monument commissions of section 808, the Park Service will try to involve local rural residents in decisionmaking that may affect them to the fullest extent possible.

Several native organizations urged the National Park Service to adopt regulations implementing section 806 of ANILCA on "Federal Monitoring," section 807 on "Judicial Enforcement," and section 812 on "Research." Although the Park Service appreciates the importance of these statutory provisions, it determined when it published the proposed regulations that these provisions do not lend themselves to expeditious implementation since they have not previously been the subject of notice and comment. The Alaska State Congressional Delegation commented that proposed regulation § 13.22 implementing section 810 of ANILCA should be deleted according to the same logic; furthermore, they pointed out, the proposed regulation did nothing more than repeat section 810 of the Act verbatim. For these reasons, today's final, regulations do not contain provisions implementing sections 806, 807, 810, and 812. It should be emphasized, however, that all parties must comply with these statutory provisions as long as they remain in effect.

Purpose and Policy. Some commenters requested the Park Service to expand by regulation the purposes for which the park areas were established to include "subsistence uses by local residents" or "the protection and enhancement of subsistence hunting and fishing by local rural residents." Congress clearly authorized subsistence uses by local rural residents in all park preserves and in specifically designated parks and monuments. ANILCA, sections 201–203. Congress did not, however, make subsistence a "purpose" of these units. Consequently, the National Park Service believes it would be inappropriate, especially in the context of this interim rulemaking exercise, to expand the Congressionally designated purposes of the park areas to include subsistence uses. Moreover, the Park Service does not have the authority to expand the authorization for subsistence hunting beyond the specific Congressional authorization. *See, e.g.,* section 816(a) of ANILCA. Nevertheless, consistent with its policy throughout the legislative process and during the national monument period, the National Park Service fully supports the continuation of the opportunity for subsistence uses by local rural residents where authorized. The Park Service believes that subsistence uses are an important value of these new park areas, and the Service intends to protect these uses through regulations and policies.

One group requested that the Park Service amplify the "least adverse impact" policy statement to require consideration of "potential and actual deleterious impacts of visitation upon local rural residents". The Park Service has decided not to amplify this policy statement or modify its statutory language to cover one of many possible conflict situations in legitimate park uses, especially in the context of this interim rulemaking. For the present, the Park Service will consider such conflict situations on a case-by-case basis.

Some commenters requested the Park Service to include "national monuments and preserves" in addition to "park areas" in the subsistence priority provisions of § 13.40 (c) and (d) and other regulations. These commenters have misunderstood the phrase "park areas". By definition in § 13.1(m), the term "park areas" means "lands and waters administered by the National Park Service within the State of Alaska"; accordingly, the term "park areas" includes parks, monuments, and preserves. A regulation will specify "national parks and monuments" or "preserves" whenever its applicability is more specific than "park areas". The subsistence priority set forth in § 13.40 (c) and (d) clearly applies to all park areas.

The Alaska Federation of Natives (AFN), NANA Regional Corporation (NANA), and Alaska Legal Services (ALS) on behalf of the residents on Anaktuvuk Pass, suggested a technical rewrite of § 13.40(d) which the Park Service has in large part adopted in the

final regulations. The rewrite clarifies that the three criteria of the subsistence priority system apply only to persons already engaged in subsistence uses. Consequently, if consumptive uses of a fish or wildlife population must be restricted, § 13.40(c) assures that consumptive uses would first be limited to local rural residents engaged in subsistence uses. Then, if further restrictions become necessary, § 13.40(d) establishes the criteria for allocation among the local rural residents.

The Park Service received various recommendations for acknowledgement in the regulations of the State of Alaska's role in regulation of fish and wildlife for subsistence uses within park areas. *See* ANILCA, section 1314. In response, the Park Service is promulgating § 13.40(e) which recognizes State regulation of the taking of fish and wildlife in park areas consistent with applicable Federal law, including ANILCA. For example, the Park Service expects the State to continue to regulate seasons and bag limits in the park areas. Furthermore, as mentioned previously, the Park Service anticipates that a State subsistence program, implementing ANILCA's various subsistence mandates, will eventually supersede most federal regulation of subsistence.

ALS requested that the Park Service define the terms "healthy" and "healthy and natural" now in § 13.40(f) of the regulations. The Service has not defined these new terms in the context of this interim rulemaking. However, the Service has quoted at length from Congress' explanation of these concepts in the Section-by-Section Analysis of this preamble in order to guide park officials in their implementation of them.

Applicability. Two organizations recommended that the National Park Service authorize subsistence fishing—*i.e.*, fishing with a net, seine, trap or spear for subsistence uses—in all national parks and monuments. The Park Service has decided against this recommendation for the following reasons. As mentioned above, ANILCA is specific as to where subsistence uses, including fishing, are authorized in national parks or monuments. *See ANILCA*, sections 203, 1314(c). Expansion of this specific authorization, particularly in the context of this interim rulemaking, would be inappropriate. Furthermore, expansion without consideration of impacts could jeopardize park values. Section 2.13 of the Park Service's general regulations constitutes the Service's determination that fishing methods should be restricted in most cases to protect park values. This general regulation prohibits the use of any fishing method other than hook or line with the rod or line being held in the hand. 36 CFR 2.13(j)(2).

With respect to ANILCA's mandate incorporated in § 13.41(c), Mauneluk Association commented that historic harvest levels, patterns, and methods should be examined to determine where subsistence uses are "traditional" in Aniakchak National Monument, Gates of the Arctic National Park, Lake Clark National Park, Wrangell-St. Elias National Park, and the Denali National Park addition. ALS, on behalf of the residents of Anaktuvuk Pass, cited studies to support its belief that subsistence uses are traditional in the entire area of Gates of the Arctic Park. Since local input like the above is essential to developing the "subsistence hunting zones" for the five park areas, the Park Service has not designated these zones in this rulemaking exercise. The local committees, regional councils, and park and monument commissions should facilitate such local input into these designations.

Definitions. Certain Native organizations recommended that additional evidence be required to determine an individual's qualification as a "local rural resident". Their recommendations included a one-year residency requirement, recognition by the local government, and affidavits.

> The [Anaktuvuk Pass] village people are worried about possible abuses of outside people quickly establishing addresses for mail and other matters within the village, when their primary goal is to obtain the benefits of being included within the "resident zone" for hunting within the area.

To some extent, proper implementation of the definition of "local rural resident" in § 13.42(a) should prevent most such abuses. An individual's address is only one of many evidentiary factors which should be used to determine an individuals "primary, permanent home". Nevertheless, the rural people's concern and their recommendations for further evidence of local rural residency deserve thoughtful consideration. Their recommendations have intuitive appeal, but also present legal and equitable problems. The Park Service believes that the local committees, regional councils, and park and monument commissions are more appropriate forums than this interim rulemaking for deciding whether and how to implement such recommendations.

The State of Alaska strongly opposed the creation of "resident zones" for park preserves. In response, for purposes of this interim rulemaking, the National Park Service has decided to eliminate the system of resident zones and subsistence permits for identifying "local rural residents" in park preserves. The Park Service agrees that the need to identify "local rural residents" in preserves is not as pressing as in parks and monuments since sport hunting is allowed in preserves. The Park Service believes that the remaining reasons for identifying "local rural residents" in preserves—namely, to control subsistence fishing and log cutting—can be handled through other regulatory mechanisms, such as enforcement of State subsistence law with regard to fishing and retention of the permit requirement for cutting of live standing timber.

Most comments on the definition of "subsistence uses" concerned the Park Service's definition of "customary trade". In general, the comments indicated strong support for the Service's inclusion of fur trading within the term. Three commenters objected, however, that the definition was too limited. For example, one commenter wrote that

> [C]ustomary trade in Alaska is involved in more than the exchange of furs for cash. Quite often there is trade for specific items or merchandise including food and fuel.

The definition of "subsistence uses" adequately covers these concerns in its provision for "barter". The "barter" definition, taken verbatim from section 803 of ANILCA, allows local rural residents to trade furs for fish, game, food, or nonedible items other than money for personal or family consumption. The Park Service's definition of "customary trade" serves to expand the permissible exchange to include, in addition, furs for cash. One rural group, however, pointed out a customary trade practice that the proposed definition of "subsistence uses" did not cover: the customary and traditional making and selling of certain handicraft articles out of plant materials. The Park Service has included special provisions in the final regulations to allow for these activities (*e.g.*, the making and selling of birch bark baskets) in the two park areas where they are known to occur, Kobuk Valley National Park and the southwestern preserve area of Gates of the Arctic National Park and Preserve.

Determination of Resident Zones. The National Park Service received diverse comments on resident zones. As already discussed, the State and State Congressional Delegation opposed federal designation at this time of any

resident zones, and particularly resident zones for park preserves. In response, the Park Service has deleted from these final interim regulations resident zones for preserves, but the Service has interpreted ANILCA and other authorities as requiring resident zones for parks and monuments. The Alaska Center for the Environment suggested eventual replacement of resident zones with subsistence permits. According to ANILCA's legislative history, however, Congress intended the Park Service (1) to devise a system of resident zones as the primary mechanism for identifying local rural residents in park areas, and (2) to avoid a subsistence permit system to the extent possible. *See* S. Rep. No. 96–413, *supra*, 170–71; 126 Cong. Rec. at H 10541. Congress recognized that subsistence permits may be necessary in certain situations as an adjunct to the system of resident zones. *Id.* The Park Service agrees, however, with the Center for the Environment's underlying thought that implementation of the subsistence program will benefit from experience and, in all likelihood, undergo changes in the future.

In response to most comments on the subject, the Park Service has already made a significant change in the final regulations from the proposed regulations by adopting a more liberal designation of communities for inclusion in resident zones. *See* Subpart C regulations. This liberal designation is consistent with the intent of Congress described above. It should be noted, however, that the Park Service has retained other regulatory mechanisms to prevent abuse of the subsistence program, such as the general prohibition of aircraft use for subsistence purposes and the possibility of removing a community from a resident zone if the character of the community changes.

The policy of more liberally designating resident zones is reflected in certain technical changes in the language of § 13.43. As the State, AFN, and others suggested, the Park Service has deleted the phrase "available information and research" from the regulation in order to clarify that the Service will consider all relevant evidence concerning a community's qualification, including expert opinion from reliable local and State sources. The Park Service has also substituted the word "significant" for the word "preponderant" in the phrase "communities and areas * * * which contain significant concentrations of rural residents who, without using aircraft * * * have customarily and traditionally engaged in subsistence uses within a national park and monument". The word "preponderant" implied more numerical precision than is possible without an extensive standardized study of rural villages in Alaska, certainly an impossible task in the context of this interim rulemaking. The Park Service adopted the word "significant" to clarify that the subsistence experts must exercise some discretion in examining the nature and needs of each community. Of course, the availability of subsistence permits assures that subsistence users whose communities are not included in a resident zone for whatever reason may nevertheless have the opportunity to engage in subsistence uses in a national park or monument.

Finally, in response to a suggestion from AFN, the Park Service has modified § 13.43 to assure that children of local rural residents living in the family household on a permanent basis will be considered in determining whether a community has the necessary "significant concentrations".

Subsistence Permits. The Alaska State Congressional Delegation objected to "any actions regarding federal permits under these regulations," pointing out that "[t]here is no authorization for a federal hunting permit". The National Park Service has no intention of instituting a federal hunting permit. The subsistence permit described in § 13.44 of the regulations is not a federal hunting permit; rather, it is part of the system contemplated by ANILCA for identifying the "local rural residents" who are authorized to engage in subsistence uses in national parks and monuments. The subsistence permit system is necessary to ensure the fairness of a regulatory system which seeks primarily—by means of resident zones—to avoid the necessity of permits in allowing subsistence uses by local rural residents. Thus, the subsistence permit system is an integral part of the resident zone system. As a corollary, the Park Service's decision to retain the resident zone system but limit it to national parks and monuments necessitated a similar change in the scope of the subsistence permit system: the system of resident zones and subsistence permits no longer applies to park preserves. As another corollary, the Service's decision to expand resident zone designations, thereby encompassing more subsistence users within the zones, should reduce the number of subsistence users who must apply for a permit.

Some commenters expressed concern over the Park Service's ability to institute a permit system on an expedited basis. The Park Service has changed the effective date for the permit requirement from July 15, 1981 to August 1, 1981. The Service believes this date is reasonable because (1) the permit application process is relatively simple and straightforward and (2) the number of permit applicants should be fewer as a result of the liberalization of resident zones. Of course, persons who will need a subsistence permit should begin the application process immediately.

One group commented that the regulations should define the terms "customarily and traditionally". The Service has decided not to define these terms for purposes of this interim rulemaking, since their definition requires extensive prior comment and research as well as the advice of the local committees, regional councils, and park and monument commissions. Nevertheless, the Section-by-Section Analysis provides explanation of the legislative and regulatory intent behind the terms and the provisions in which they are used.

The final regulation on subsistence permits contains two technical changes. At the suggestion of AFN, NANA, and the State, the Park Service has deleted the phrase "available information and research" in § 13.44(a)(2) to allow the applicant greater flexibility in the type of evidence that may be presented. In addition, at AFN's and NANA's suggestion, the Park Service changed the tone of § 13.44(a) from negative to positive, i.e., "the Superintendent *shall* grant the permit *if* * * *" (emphasis added); this change of tone, however, does not reduce the applicant's burden of proof to make the demonstration required by § 13.44(a).

Prohibition of Aircraft Use. The aircraft prohibition of § 13.45(a) is a key provision for protecting park values, including subsistence. Two groups had very strong, but diametrically opposed, views on the subsistence aircraft regulation. Residents of Glennallen, Slana, and Tok submitted several comments that argued for allowance of aircraft as "the most feasible and ecologically sound access means in many cases". Friends of Animals, on the other hand, opposed *any* allowance of aircraft for subsistence uses as a "total perversion of the concept of subsistence hunting, trapping, and fishing * * *." The National Park Service has retained the subsistence aircraft regulation as proposed without change. It implements the intent of Congress that aircraft use for subsistence purposes is the rare exception, not the rule. S. Rep. No. 96–413, *supra*, 169; 126 Cong Rec. H. 10541. It nevertheless provides for exceptions to the aircraft prohibition in individual

hardship situations. A local rural resident who believes he/she meets the exception criteria of § 13.45(b)(2) should pursue the simple application procedures of § 13.51.

The subsistence aircraft regulation also provides for exceptions for entire communities in special cases. Anaktuvuk Pass and Yukutat are the only "exempted communities" listed in this interim rulemaking. The comments received on these provisions supported them. North Slope Borough, for example, supported the inclusion of Anaktuvuk Pass, pointing out that

> [T]his exemption would not have to flow to all members of the North Slope community * * *. Others accessing the Gates of the Arctic area from North Slope villages tend to rely upon modes of transportation such as snowmobiles or gain access by foot.

North Slope Borough asked for clarification of whether every resident of an exempted community like Anaktuvuk Pass must apply for an individual permit pursuant to the procedures of § 13.51 before using aircraft. The answer is no. Each individual must obtain a permit from the Superintendent, however, which shows his/her signature and any special terms or conditions applicable to the individual. The Park Service will attempt to streamline this permit process by devising a relatively standard permit for the entire community, subject only to special individual terms, conditions, and signature. Finally, two rural groups sought assurance that local consultation would precede additions or deletions of exempted communities. Sec. 13.45(b)(ii) and (iii) requires such consultation.

Use of Snowmobiles, Etc. Several commenters suggested that § 13.46 specifically reference dog teams as a mode of transportation traditionally employed by local rural residents engaged in subsistence uses. The Park Service has included this reference in the final regulations. Tanana Chiefs Conference further pointed out the traditional use of pack and work dogs. The phrase "other modes of surface transportation" in § 13.46 allows for traditional use of pack and work animals (*e.g.*, dogs and horses) by local rural residents engaged in subsistence uses. Tanana Chiefs Conference and an individual added that dogs should be kept under the immediate control of users. The Park Service's general regulations require that dogs be kept "under physical restrictive control at all times". 36 CFR § 2.8(a).

The allowed use of motorized surface transportation in accordance with the provisions of § 13.46 evoked two objections. One environmental organization commented that "the use of snowmobiles, motorboats and off-road vehicles is * * * abhorrent to the notion of subsistence hunting * * *" Section 811(b) of ANILCA, however, mandates the Secretary to allow "appropriate use for subsistence purposes of snowmobiles, motorboats, and other means of surface transportation traditionally employed for such purposes by local residents, subject to reasonable regulation". Section 13.46 implements this statutory mandate (§ 13.46(a)), highlights its limitations (§ 13.46(e)), and provides for appropriate restrictions, closures, and regulation (§ 13.46(b)–(d)). Another environmental organization recommended that the Park Service prohibit motorized surface transportation other than snowmachines and motorboats (*e.g.*, ATV's) except by permit upon a demonstration of "traditional use" by the local rural resident. The Park Service has decided against this recommendation in this rulemaking exercise since (1) the Service wants to avoid another permit requirement, if possible, (2) the restriction, closure, and other regulatory provisions of § 13.46 should adequately protect park values, at least for this interim period, (3) the Service would not adopt such a new proposal without additional notice and comment.

Comments on the closure criteria of § 13.46(b) suggested both tightening and expansion of the criteria. The Park Service has retained the proposed closure criteria with only minor, technical changes. In the Service's judgment, the closure and restriction provisions represent the proper balance between protection of park values and allowance of subsistence activities. The Park Service has incorporated minor changes in § 13.46 that underscore the Park Service's intent to provide effective and meaningful notice and hearing in the affected vicinity "and other locations as appropriate."

Subsistence Fishing, Hunting, and Trapping. The Park Service received very few comments on §§ 13.47 and 13.48. AFN and NANA recommended a modification in both sections to clarify that only State laws and regulations consistent with applicable Federal law are incorporated by reference. The Park Service considered this modification unnecessary since the Supremacy Clause of the Constitution (Art. VI) requires consistency with Federal law, and §§ 13.47 and 13.48 require consistency with the provisions of the National Park Service regulations, including Part 13 on National Park System Units in Alaska.

One Alaskan family commented that no new fish camps should be allowed in park areas. This family was concerned, in particular, with the destruction of "a beautiful little bay * * * being destroyed by a type of drift fishing that uses stationary nets * * * (which are set) * * * in front of spawning creeks." The Park Service needs to know more about these situations in order to protect park resources. If subsistence fishing is involved, for example, the Park Service can invoke the closure provisions of § 13.50 in appropriate situations. If recreational fishing is involved, the provisions of §§ 13.21 and 13.30 are applicable.

One Eagle, Alaska resident requested the National Park Service to develop a management system for traplines to freeze "ownership" according to pre-1978 or present patterns. He said that the old trapline system—"where a person live[d] on and look[ed] after his own little pocket of fur"—worked well, but he fears that the Park Service regulations will encourage people beyond park boundaries to enter, take, and leave. For the interim period, the Park Service is hopeful that such factors as the local rural residency test, the prohibition on aircraft use, the applicability of state law, and the pressure of local socio-economic realities will adequately prevent or discourage the rush of opportunistic trappers which this resident fears. For the longer term, if the problem materializes, the local committees, regional councils, park and monument commissions, and State will be able to consider solutions.

Subsistence Use of Timber and Plant Material. One environmental organization commented that the National Park Service should prohibit all cutting of live standing timber in park areas. The Park Service, however, recognizes the cutting of live standing timber for appropriate subsistence uses as part of the subsistence lifestyle which ANILCA protects. *See, e.g.*, ANILCA, section 803. In addition, the Park Service considers subsistence uses by local rural residents an important value of the new park areas. Finally, § 13.49 of the regulations, which provides for the cutting of live standing timber for appropriate subsistence uses, also contains provisions which assure the protection of park purposes.

One such provision is the permit requirement of § 13.49(a)(1). The final regulation makes clear that this permit requirement applies only to cutting of live standing timber of diameter greater than three inches at ground height. For smaller diameter timber, no permit is

required. § 13.49(a)(2). The Park Service made this distinction to allow for customary use of alder and willow, for example, in construction and repair of baskets and fish traps without the necessity of a permit. Several organizations objected to the inclusion of the compatibility test in the permit provision of § 13.49(a)(1). The Park Service has decided to retain the compatibility test, however, in order to protect park area purposes, particulary in areas of intense use, fragile timber resources, or other special circumstances, where the impact can be significant. ANILCA does not prohibit the application of the compatibility test to the cutting of live standing timber. Indeed, the listing of park area purposes in sections 201 and 202 of ANILCA substantiates that the park areas were established for several reasons, and subsistence uses are but one of the values of certain of them. Nevertheless, the Park Service is sensitive to the needs of local rural residents for house logs and firewood. For example, although ANILCA does not specifically limit the closure standards which may be applied to subsistence harvest of plants, the Park Service has decided to apply the same limited closure standards to plant harvest as ANILCA requires for subsistence taking of fish and wildlife (i.e., public safety, administration, continued viability of the resource). *See* ANILCA, section 816(b).

In answer to a question raised by Tanana Chiefs Conference, the word "noncommercial" in § 13.49(b) should not prohibit elderly or ill residents from paying another local rural resident to gather the listed subsistence items for use by such incapacitated persons. Such gathering would be for permissible personal or family use, not for sale or "commercial" use prohibited by § 13.49(b).

One group objected to the definition of "temporarily" contained in § 13.49(c)(1). This definition, which also appears in § 13.50(a), is derived directly from the legislative history on closure to subsistence uses of fish and wildlife. *See*, S. Rep. No. 96–413, *supra*, 277–78; H. Rep. No. 96–97, *supra*, 269. The purpose of the definition is to restrict the length of closures by prohibiting closures of arbitrary duration.

Closure. In response to comments asking for increased notice, local consultation, and hearings elsewhere, the National Park Service has made minor changes in § 13.50 that underscore the Park Service's intent to provide effective and meaningful notice and hearing in the affected vicinity "and other locations as appropriate."

One rural group objected to the "public safety" standard for closure in this section as well as in §§ 13.46 and 13.49 on the grounds that "normally occurring accidents" should not be the reason for closure. The Park Service has not deleted this standard. ANILCA establishes it as one of three closure standards for subsistence uses of fish and wildlife. In its experience, moreover, the Park Service has found "public safety" to be a very important reason for closure. For example, in the case of subsistence hunting, allowing hunting in the immediate vicinity of a well-used hiking trail or camping site at certain times of the year might unnecessarily endanger lives. Or, in the case of snowmobiles, allowing snowmobiling in an area endangered by earthquake or avalanche would similarly risk lives. The closure provisions of §§ 13.46, 13.49, and 13.50 have many procedural and substantive protections intended to insure that the closure is sufficiently justified and well discussed. Local input into these decisions will be further facilitated with the creation and operation of the local committees, regional councils, and park and monument commissions.

Application Procedures. The changes which the National Park Service has made in § 13.51 are similar to the changes made in § 13.31. The Superintendent shall act on an application in most cases within 45 days rather than 60 days as proposed. In response to comments from native organizations, the Park Service extended the time for appealing a denial from 60 to 180 days. Finally, the Park Service has decided to grant a hearing at the Regional Director's level if the applicant requests one.

Section-by-Section Analysis

Subpart A—Public Use and Recreation

Applicability and Scope

The regulations set forth herein apply to all persons using, entering or visiting within the boundaries of park areas in Alaska. These regulations supplement the regulations of Parts 1 through 9 of Title 36 of the Code of Federal Regulations. These Part 1–9 regulations remain applicable except as they are modified herein.

These regulations are divided into three parts as described in § 13.2. Subpart A, Public Use and Recreation, contains regulations that govern activities such as use of aircraft, snowmobiles, and motorboats, carrying of weapons camping, cabin occupancy and other activities related to access or general public use and recreation. These regulations apply to all of the park areas in Alaska, except as indicated in the regulations. They amend the provisions of the general regulations found in 36 CFR, Parts 1 through 9, and are necessary to implement or clarify various provisions of ANILCA.

Subpart B contains regulations that govern subsistence activities within the park areas in Alaska. These regulations apply to all park areas except Kenai Fjords National Park, Katmai National Park, Glacier Bay National Park, Klondike Gold Rush National Historical Park, Sitka National Historical Park, and parts of Denali National Park (the former Mt. McKinley National Park area). The regulations in Subpart B amend the regulations contained in Parts 2 through 9 of 36 CFR and Subpart A of Part 13.

Subpart C contains regulations for individual park areas. These regulations apply to a specific area and may amend the provisions of the general regulations found in 36 CFR, Parts 2 through 9, or Subpart A or B of this Part.

Sections 103(c) and 906(o) of ANILCA generally restrict the applicability of National Park Service regulations to federally owned lands within park area boundaries. Consistent with the statute and the explanatory legislative history, 126 Cong. Rec. H11115 (November 21, 1980) and S15130–15131 (December 1, 1980), § 13.2(e) restricts the applicability of these regulations to "federally owned" lands (defined to mean all land interests held by the Federal government including unconveyed Native selections) within park area boundaries. With the legislative conveyance of 98 million acres of State selections in section 906 of the Act, no unconveyed State selections remain within park areas. These regulations would not apply to activities occurring on State lands. Similarly, these regulations would not apply to activities occurring on Native or any other non-federally owned land interests located inside park area boundaries.

A new § 13.4 has been added stating the approval of information collection requests pursuant to the Paperwork Reduction Act (Pub. L. 96–511; 94 Stat. 2812).

Access Related Provisions

Definitions—The definition of "adequate and feasible access" in § 13.1(a) has been revised to clarify that the inholder determines the desired land use or development (removing the suggestion that the Service determines "reasonable" land uses), and the Service approves reasonable access to meet the desired land use. In addition, instead of defining "adequate and feasible access"

circularly in terms of "access," the § 13.1(a) definition provides that only "personal and vehicular travel" (e.g., roads, trails and landing strips, but not transmission lines and pipelines) fits within the statutory access guarantee, in accordance with the legislative history of § 1110(b). S. Rep. No. *96–413, supra* 248 (1979); H.R. Rep. No. *96–97, Part I,* 96th Cong., 1st Sess. 239–240 (1979). Finally, the § 13.1(a) definition makes it clear that the access provided must be economically practicable, but not necessarily the least costly access alternative.

The term "snowmachine" used in section 1110(a) of ANILCA and § 13.10 of these regulations has been defined in parallel terms to a "snowmobile." No separate definition for the § 13.11 term "motorboat" is included here, since the 36 CFR 3.1 definition is already applicable and comports with legislative intent.

Snowmachines—Section 13.10 of these regulations tracks the ANILCA section 1110(a) language authorizing snowmachine use in park areas for "traditional activities" and "travel to and from villages and homesites," as suggested by several commenters. Upon review, it was determined that the findings required under Executive Order 11644 for the general opening to snowmachine use proposed in draft regulations could not be made at this stage. Consequently, snowmachine use is authorized during periods of adequate snow cover or frozen river conditions only for traditional activities which are still permitted in park areas (e.g., snowmachine use to locate new mining claims or for sport hunting in national parks would not be authorized, because the land use is not permitted), travel to and from villages and homesites, pursuant to an access permit, and as authorized by § 13.46. A definition of adequate snow cover as snow of sufficient depth to protect underlying vegetation and soil from damage has been added.

The Service may broaden snowmachine use privileges in a future rulemaking in compliance with E.O. 11644. Prospective snowmachine users should note that the legislative history of section 1110(a) defines a traditional activity in terms of a use generally occurring in a park area prior to its designation. *See S. Rep. No. 96–413, supra* at 248; *H. Rep. No. 96–97, Part 1, supra* at 239. The Service may attempt to define area-specific traditional activities in subsequent rulemakings.

Motorboats—No changes have been made in § 13.11, which authorizes general motorboat use in park areas. This motorboat section, as well as § 13.12 and § 13.13, expand on the access provided by section 1110(a) of ANILCA.

Nonmotorized surface transportation—In response to public comment, § 13.12 was added to authorize the general use of nonmotorized surface transportation (*e.g.*, dog sleds, horses) in park areas.

Aircraft—Section 13.13 authorizes general fixed wing aircraft use in park areas. Public comments urging that helicopter use be by permit only were adopted.

Off-road vehicles—Section 13.14 establishes the procedures for designating routes and areas for off-road vehicle (ORV) use. While several commenters had urged NPS to open existing ORV trails to ORV use, the Service does not have the resource impact information needed for the ORV determinations under Executive Order 11644. In recognition of public desires for the use of ORVs on existing trails, § 13.14(c) adds a permit procedure for such use in non-wilderness park areas. ORVs by permit are exempted from E.O. 11644 and, thus, this procedure offers the maximum ORV use allowable under current law. *Cf.*, E.O. 11644, (16 U.S.C. § 1131 *et seq.*), 16 U.S.C. 1, 1a–1. Under this procedure, individuals could apply for and receive permits for ORV use on existing trails in non-wilderness park areas after the Superintendent's finding of compatibility with park purposes. Persons desiring the opening of specific ORV trails may petition the Department to initiate rulemaking under 43 CFR 14.6. Until such trail and area openings occur, off-road vehicle use is prohibited except by permit or pursuant to § 13.46.

Access to inholdings—Section 13.15 of these regulations, which implements the ANILCA section 1110(b) guarantee of adequate and feasible access to inholdings, has been revised to make clear that an access permit is required only when the inholder desires an access method that is not authorized by other provisions of these regulations (*e.g.*, an access permit is not required for airplane, motorboat or snowmachine access unless an area has been closed to such uses). The access openings of §§ 13.10–13.13 of these regulations should greatly reduce the number of people requiring access permits.

Section 13.15(b) has been revised to state uniform, minimally burdensome requirements geared to obtaining information on whether the applicant has a valid property or occupancy interest, the location of that interest, the applicant's desired route and method of access, and, as deemed necessary by the Superintendent, information on access alternatives and environmental impacts. Section 13.15(b) continues to guarantee adequate and feasible access, and strives to give the applicant his desired access, unless there would be significant resource conflicts and alternative adequate and feasible access exists. Section 13.15(b) has also been revised to minimize the need for permit renewals in response to public comments.

Section 13.15(c) responds to comments on access requiring permanent improvements on park area lands (*e.g.*, road or bridge construction). It is an interpretive rule on the relationship between ANILCA section 1110(b) access to inholdings and sections 1101–1107 "transportation or utility systems." The revised § 13.15(c) requires that any application for a "transportation or utility system," a term defined in § 1102 of ANILCA, be submitted on a consolidated application form, as required by section 1104 of ANILCA. If the permanent improvement is required for adequate and feasible access to an inholding (*e.g.*, a landing strip or road construction) within the meaning of ANILCA section 1110(b), then the necessary rights for the permanent improvement will be granted following *procedural* compliance with ANILCA section 1104. This procedure requires completion and submission of a relatively simple form.

Following submission, the permanent improvement shall be approved. Conversely, if the permanent improvement is not necessary for section 1110(b) access to inholdings (*e.g.*, requests for powerlines and pipelines, or a request for a four lane highway to a recreational cabin), then both the procedural and substantive provisions of ANILCA sections 1104–1107 will be applicable in determining whether to authorize the permanent improvement.

Section 13.15(d) of these regulations is another interpretive rule to inform the public of the Department's views on the applicability of existing regulations concerning mineral development in park areas. Section 13.15(d)(1) concerns the applicability of 36 CFR Part 9A regulations on 1872 Mining Law Claims, which regulations were promulgated under the Mining in the Parks Act (16 U.S.C. 1901 *et seq.*). The guarantee of adequate and feasible access to valid mining claims under section 1110(b) of ANILCA notwithstanding any other law appears to preempt the 36 CFR 9.3 prerequisite of an approved plan of mining operations prior to receiving access. Consequently, the Department is of the view that 36 CFR 9.3 is no longer applicable in Alaska park areas. However, where the holder of a valid

patented or unpatented mining claim under the 1872 Mining Law within a park area proposes to undertake mining operations, the independent requirements of 36 CFR 9.9, 9.10 still require that a plan of operations be approved before undertaking any operations on the claim, as in all other National Park System units (except for patented mining claims where there is no access across federally owned parklands). Thus, prior to undertaking any mining operations within the meaning of 36 CFR 9.2, 1872 Mining Law claimants must obtain an approved plan of operations.

Section 13.15(d)(2) is an interpretive rule stating the Department's view that the regulations of 36 CFR Part 9B are no longer applicable in Alaska park areas. These regulations concerning the development of non-federal oil and gas rights in parks were premised on the land manager's discretion to restrict access. Section 1110(b) of ANILCA effectively removes this discretion from the land manager. Therefore, 36 CFR Part 9B does not apply to Alaska park areas.

Temporary access—Section 13.16 implements section 1111 of ANILCA on temporary access. The revised § 13.16 adopts commenter suggestions to reduce application information burdens: the final § 13.16 requires the same minimal information required by § 13.15(b). In addition, the revised § 13.16 adopts commenter suggestions to collapse mineral and non-mineral temporary access into one provision. Temporary access is defined as limited, short-term (up to one year) access, which does not require permanent facilities for access, to undeveloped non-federal lands for the purposes of survey, geophysical, exploratory and other temporary uses. Unlike access to inholdings under § 13.15, temporary access can be denied where there would be permanent harm to park area resources.

Cabins and Other Structures—Section 13.17 provides procedures and guidance for those occupying and using existing cabins and those wishing to construct new cabins within park areas in Alaska. Section 1303 of ANILCA provides the National Park Service with the authority to permit the continued use of cabins in Alaska even though the occupants may not hold legal title to these cabins and the lands on which they are located. The degree of privilege afforded an occupant is determined by the date of cabin occupancy.

The first category is comprised of those persons who built or occupied cabins or other structures on unpatented Federal lands prior to December 18, 1973. The occupants may apply for a five (5) year renewable permit pursuant to § 13.17(e)(i). These permits shall be renewed every five (5) years until the death of the last immediate family member of the claimant residing in the cabin or structure under permit. Renewal will occur unless the Superintendent determines, after notice and hearing and on the basis of substantial evidence, that the use under the permit is causing or may cause significant deteriment to the principal purposes for which the park area was established. The Superintendent's decision may be appealed to the Director of the National Park Service, and ultimately to the Director, Office of Hearings and Appeals in the Department of the Interior.

The second category consists of those persons who built or occupied cabins or other structures between December 18, 1973, and December 1, 1978. These occupants may apply for a nontransferable, nonrenewable permit. The permit would be issued for a maximum term of one year. Permits issued under this provision may be extended by the Superintendent for periods up to 1 year when required for equitable and just reason, *i.e.*, where extraordinary circumstances prevent vacating the cabin or structure and removal of all personal property within the original term of the permit.

Section 13.17(d) authorizes the Superintendent to issue a permit for the construction, reconstruction, temporary use, occupancy, and maintenance of new cabins or other structures when it is determined that the use is necessary to reasonably accommodate subsistence uses, or is otherwise authorized by law. This determination will be based on factors such as other public uses, public health and safety, and environmental and resource protection. The provision would implement sections 1315(d) (public use cabins in wilderness areas) and 1316 (*e.g.*, temporary shelters for sport hunting in preserves) of ANILCA as well as providing for the reconstruction of cabins permitted under section 1303 of the Act.

The final provision of this regulation provides for the renewal or continuation of valid leases or permits in effect as of December 2, 1980, for cabins, homesites, or similar structures on federally owned lands. These permits or leases shall be renewed unless a direct threat or a significant impairment to park values will occur. Any such findings must be issued by the Superintendent, following notice and an opportunity for the leaseholder or permittee to respond.

Camping and Picnicking—Section 13.18 allows camping and picnicking within park areas except at those times or locations temporarily or permanently closed or otherwise restricted by the Superintendent. The National Park Service would close an area to camping or picnicking when the Superintendent determines that use of the area has resulted in resource damage or that other management considerations require closure as set forth in Section 13.30.

Weapons, Traps and Nets—Section 13.19 permits the carrying of firearms within park areas in Alaska (except Klondike Gold Rush National Historical Park, Sitka National Historical Park and the former Mt. McKinley National Park, Glacier Bay National Monument and Katmai National Monument, where 36 CFR 2.11 is controlling), except as restricted by the Superintendent pursuant to Section 13.30. The Superintendent would retain the authority to prohibit or restrict the carrying of firearms in those areas and at those times when the potential for injury or loss of life inflicted by dangerous animals is negligible or where necessary to insure public safety. For example, the Superintendent may prohibit the carrying of loaded firearms in areas of concentrated public use.

The regulations distinguish between the carrying of firearms for purposes of personal protection and the carrying of other weapons. Only firearms may be carried by recreational users in park areas. The carrying of nets, traps and other weapons such as spear guns, slingshots and other implements designed to discharge missiles would be prohibited. However, local rural residents authorized to engage in subsistence uses would be permitted to use, possess and carry weapons, traps and nets in accordance with applicable State and Federal law.

In order to provide transient relief for persons crossing park areas, the possession of weapons, traps and nets within or upon a device or animal used for transportation is permitted provided such implements are unloaded and cased or otherwise packed in such a way as to prevent their ready use while in park areas.

Preservation of Natural Features—As revised for the new Alaska park areas, § 13.20 authorizes the use of dead and downed wood for fires within identified park areas, and the personal recreational collection of rocks and minerals (including gold; but not including silver, platinum, gemstones and fossils) by hand methods which do not involve surface disturbance.

Taking of Fish and Wildlife—ANILCA provides for the continuation of sport fishing on all lands

administered by the National Park Service and for the continuation of sport hunting within the national preserves. Consistent with the Act, § 13.21 permits the taking of fish and wildlife in accordance with applicable State and Federal laws, including 36 CFR 2.13, 7.23, 7.44(c) and 7.46(a). (Additional provisions on subsistence hunting, trapping, and fishing are provided in §§ 13.47 and 13.48.) By assimilating State law the National Park Service applies the same approach towards enforcement of fish and game laws that it uses everywhere else in the National Park System where sport hunting is allowed.

Congress was specific in its concern that "[t]he intent is to allow individual Alaskans to continue to operate their own traplines within the preserves * * * [I]t is clearly not the intent of this Act that preserves would be a place where more extensive forms of commercial trapping would be allowed where, for example, the trapping itself becomes a business with employees paid to support the trapping operation." 126 Cong. Rec. H10542 (November 12, 1980). Section 13.21 satisfies that intent by prohibiting trapping operations in which trappers are employees of a commercial trapping enterprise, while allowing individual Alaskans to continue to operate their traplines within national preserves.

Section 13.21(b) also complies with Section 205 of ANILCA which allows the continuation of valid commercial fishing rights and privileges within Cape Krusenstern National Monument, the Malaspina Glacier Forelands area of Wrangell-St. Elias National Preserve, and the Dry Bay area of Glacier Bay National Preserve.

Unattended and Abandoned Property—Section 13.22 allows personal property to be left unattended up to 12 months before it would be deemed abandoned and subject to impoundment. In effect, this accords personal property within park areas a 12-month presumption that it is only temporarily unattended. Personal property may be left for periods of time in excess of twelve months with the prior permission of the Superintendent.

The section provides that the Superintendent may establish limits on the amount and type of personal property that may be left unattended. In addition, the Superintendent is authorized to designate locations where personal property may be left unattended for periods of time to be designated by the posting of appropriate signs or by designating on a map which shall be available for public inspection at the office of the Superintendent.

Additionally, § 13.13 provides that aircraft downed after December 2, 1980, must be removed pursuant to the conditions of a permit issued by the Superintendent unless he/she specifically waives this requirement. This regulation is necessary to provide relief from 36 CFR 2.1, which prohibits leaving any vehicle or other property unattended for longer than 24 hours, and to preserve the values and experience of the park areas.

The National Park Service intends that each instance of a downed aircraft be treated on a case-by-case basis. Where the removal operation would present a significant risk to human life, result in extensive resource damage, or is otherwise impractical or impossible (including any situation in which removal of the aircraft would cause such a severe and significant hardship to the owner as to be economically prohibitive), waiver of removal requirements is appropriate. Factors such as the condition and size of the downed aircraft as well as the relief, elevation and vegetation of the surrounding terrain will be controlling in this analysis. In determining the times and means of removal to be specified in a permit when removal is required, these factors will be equally controlling.

Finally, this section would prohibit an attempt to salvage, remove, or possess a downed aircraft without a permit from the Superintendent. The intent here is to protect the aircraft and, most importantly its valuable and easily removed component parts, from being appropriated without authorization by the owner.

Closure Procedures—Section 13.30 authorizes the Superintendent to close an area or restrict an activity on an emergency, temporary or permanent basis. A determination to close an area or restrict an activity will be based on factors such as public health and safety, resource protection, and subsistence uses.

No closures are provided for by this regulation. It provides for notice and hearing for temporary and permanent closure, and also includes a provision for notice and hearing prior to all closures for snowmobile, aircraft or motorboat use, consistent with section 1110(a) of the Act.

This rulemaking establishes time limits for emergency closures (30 days) and temporary closures (12 months) which cannot be extended.

A final provision of this regulation requires the Superintendent to provide public notice prior to determining whether to open an area to a public use or activity. Upon request, a hearing in the affected vicinity will also be held. Section 13.30(e) adopts commenter suggestions for a hearing in the area affected by a permanent closure. This may include hearings in urban areas in situations in which closures (such as closures to sport hunting) may affect urban residents.

Permits—Section 13.31 consolidates procedures regarding the issuance and denial of permits. The procedures specify to whom an application for a permit must be submitted. The Superintendent is directed to acknowledge the application promptly, and to approve the permit, deny the permit, or request additional information within 45 days unless the Superintendent notifies the applicant of a good cause extension.

The regulations further establish and set forth an administrative appeals system to the NPS Alaska Regional Director. The appeals system was established with a view toward minimizing the requirements imposed upon the applicant during the appeal process, yet establishing a procedure that would fairly meet the concerns of the applicant. Any person whose permit application has been denied by the Superintendent has a right to appeal that denial to the Regional Director within 180 days of permit denial. Section 13.31(b)(2) has been revised to guarantee an applicant the opportunity for a hearing, as suggested in public comments.

Section-by-Section Analysis: Subpart B—Subsistence

Subpart B of the final interim regulations implements the authorization for subsistence uses in specified park areas contained in Title II of ANILCA and the policies and procedures governing subsistence uses contained in Title VIII of the Act.

These final interim regulations for subsistence are necessary for several reasons. First, they relieve restrictions in the otherwise applicable general park regulations for uses and activities integral to the subsistence lifestyle. In certain cases, ANILCA does not specifically relieve these restrictions (*e.g.*, use of nets, seines, traps, and spears in subsistence fishing; cutting of live standing timber for firewood and house logs; carrying of firearms); in other cases, ANILCA allows the uses, but the Park Service's general regulations appear to prohibit them on pain of criminal penalty. Second, the final interim regulations implement certain critical provisions of ANILCA concerning subsistence (*e.g.*, the closure standards and procedures for subsistence uses of fish and wildlife).

and extend the principle of certain of these provisions to subjects not specifically mentioned by ANILCA (*e.g.*, closure standards and procedures for subsistence use of plants). In several cases, these final interim regulations set up the administrative mechanisms for implementing the statutory provisions (*e.g.*, notice provision for closures). Third, the final interim regulations are necessary in order to establish methods for identifying subsistence users (known as "local rural residents" in the regulations) who are authorized to hunt and trap in specified national parks and monuments, and for separating them from sport users who are prohibited from hunting and trapping in all parks and monuments. Section 816 of ANILCA prohibits the taking of wildlife in parks and monuments except as specifically authorized. In ANILCA, the authorization is limited to local residents engaged in subsistence uses in certain park areas. The Act does not, by its terms, prescribe the methods that the Park Service is to use to distinguish subsistence from sport users, though the legislative history for Title II of the Act indicates Congress' intent that methods like those in these final interim regulations be established. S. Rep. No. 96–413, *supra*, 168–171; 126 Cong. Rec. H10540–41 (daily ed. Nov. 12, 1980). As described in detail below, the National Park Service has adopted the following two methods suggested by Congress to ensure that only "local rural residents" engage in subsistence uses in parks and monuments: (1) A system of "resident zones" and "subsistence permits" to identify local rural residents, and (2) a general prohibition on aircraft use for subsistence hunting, trapping, and fishing to separate the sport user from the subsistence user.

The final interim regulations on subsistence are not comprehensive. They do not provide for implementing certain provisions of Title VIII of ANILCA that, in the Park Service's judgment, do not lend themselves to expeditious promulgation. In most cases, these provisions have not previously been the subject of notice and comment. Notable among these statutory provisions are the State regulation opportunity of section 805(d), the Federal monitoring requirement of section 806, the judicial enforcement mechanism of section 807, the subsistence and land use procedures of section 810, and the subsistence research provision of § 812. The National Park Service will consider specific regulations and policies as appropriate for implementing these provisions in the future. It should be emphasized, however, that all parties must comply with these statutory provisions as long as they remain in effect.

Purpose and Policy

Purpose: Section 13.40(a) establishes that, consistent with proper management of fish and wildlife and the purposes for which the park areas were established, the purpose of Subpart B of the regulations is to provide the opportunity for local rural residents engaged in a subsistence way of life to do so pursuant to applicable State and Federal law. ANILCA, sections 101(c); 802(1). The Subpart B regulations are designed to accommodate and protect the unique subsistence relationship of certain local rural people in Alaska with their natural environment. Alaska Native people have been living a subsistence way of life for thousands of years, and certain non-Native rural residents have developed a subsistence way of life in more recent times. Many of these local rural residents have customariiy and traditionally taken the renewable resources which are now within the boundaries of park areas. The resources satisfy both the physical needs of these local rural residents for food, shelter, fuel, clothing, tools, and transportation and their societal needs for cultural identity through skills, lore, and traditions. In light for the cultural and societal importance of the subsistence lifestyle in rural Alaska and its dependence on the renewable resources, therefore, Subpart B implements the Congressional directive to continue the opportunity for subsistence uses within all national preserves and certain national parks and monuments by local rural residents who have (or are a member of a family which has) an established or historical pattern of subsistence uses within such units. As noted in both the Senate and House of Representatives, "[L]ocal rural residents who maintain their primary, permanent residence within such units should have the opportunity to decide for themselves the course, pace, and extent, if any, of their own lifestyle and community evolution." S. Rep. No. 96–413, 96th Cong., 1st Sess. 169 (1979); 126 Cong. Rec. H 10,541 (daily ed. November 12, 1980).

Section 13.40 (b)–(d) sets forth basic policies which ANILCA adopted to guide the activities of the administering agencies. ANILCA, sections 802 (1), (2); 804. First, consistent with sound management principles and the conservation of healthy populations of fish and wildlife, the utilization of park areas is to cause the least adverse impact possible on local rural residents who depend upon subsistence uses of the resources of the public lands in Alaska for their economic and physical well-being and cultural vitality. This statutory policy is implemented throughout the regulations, particularly in the subsistence priority established by § 13.40 (c)–(d) and the limitations on closure of §§ 13.46, 13.49, and 13.50.

Subsistence Priority. The second policy, articulated in § 13.40 (c) and (d), establishes the subsistence priority. Section 13.40(c) makes clear that nonwasteful subsistence uses of fish, wildlife, and other renewable resources by local rural residents are the priority consumptive uses over any other consumptive uses permitted within park areas. ANILCA, section 802(2). If consumptive uses of a fish and wildlife population must be restricted, § 13.40(c) assures that consumptive uses must first be limited to local rural residents engaged in subsistence uses. Section 13.40(d) establishes the three criteria for implementing the subsistence priority among persons already engaged in subsistence uses. *Id.* Section 804. Thus, if restrictions of consumptive uses among local rural residents becomes necessary, § 13.40(d) sets forth the allocation criteria: Customary and direct dependence upon the resource as the mainstay of one's livelihood, local residency, and availability of alternative resources.

Accordingly, the subsistence priority system dictates the following scenario in situations in which a park area's fish and wildlife resources are not sufficiently plentiful for taking by all consumptive users. If consumptive uses must be restricted to assure the continued viability of the resource populations (including the conservation of healthy populations in preserves, and healthy and natural populations in parks and monuments), for example, or to assure local rural residents the continued opportunity to engage in subsistence uses, consumptive uses must first be restricted to local rural residents engaged in subsistence uses. Then, if further restrictions become necessary, the resources must be allocated among the local rural residents. Ultimately, subsistence uses must be limited to local rural residents who have the most customary and direct dependence on the resources as the mainstay of their livelihoods and who have the lease access to alternative resources.

For several reasons, today's final interim regulations merely repeat the three criteria of the subsistence priority set forth in § 804 of ANILCA. The National Park Service anticipates State

regulation implementing the subsistence priority criteria and looks forward to local input on the criteria from the local advisory committees and regional advisory councils of section 805 of ANILCA and the park and park monument commissions of Section 808.

State Regulation. Section 13.40(e) of the regulations recognizes the State of Alaska's authority to regulate the taking of fish and wildlife in park areas as long as such regulation is consistent with applicable Federal law, including the provisions of ANILCA. For example, the Park Service expects the State to continue to regulate seasons and bag limits in the park area. Furthermore, the Park Service anticipates that a State subsistence program, implementing ANILCA's various subsistence mandates, will eventually supersede most Federal regulation of subsistence.

Limitations. In addition to establishing the purpose and policies of the Subpart B regulations, § 13.40 also establishes the limitations of the purpose and policies. According to § 13.40(a), the subsistence opportunity may only be provided in a manner and degree consistent with the management of fish and wildlife in accordance with recognized scientific principles and with the purposes for which each park area was established, designated, or expanded by ANILCA. According to § 13.40(b), the utilization of the public lands is to cause the least adverse impact possible on local rural residents, but this policy is limited by the requirement that it be consistent with sound management principles and the conservation of healthy populations of fish and wildlife. And § 13.40(c) establishes the basic limitation of all the provisions of the Subpart B regulations: Subsistence uses of fish and wildlife populations must be appropriately regulated so as to assure conservation of healthy populations within national preserves, and conservation of natural and healthy populations within national parks and monuments. Congress provided the following guidelines on the implementation of this concept:

> The Committee intends the phrase "the conservation of healthy populations of fish and wildlife" to mean the maintenance of fish and wildlife resources and their habitats in a condition which assures stable and continuing natural populations and species mix of plants and animals in relation to their ecosystems, including recognition that local rural residents engaged in subsistence uses may be a natural part of that ecosystem; minimize the likelihood of irreversible or long-term adverse effects upon such populations and species; and ensures maximum practicable diversity of options for the future. The greater the ignorance of the resource parameters, particularly of the ability and capacity a population or species to respond to changes in its ecosystem, the greater the safety factor must be. Thus, in order to insure that subsistence uses are compatible with the maintenance of healthy populations of fish and wildlife, it must be recognized that the likelihood of irreversible or long-term adverse effects to a population or species must be proportional to the magnitude of the risks caused by a proposed use of such population or species.
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> The Committee recongizes that the management policies and legal authorities of the National Park System and the National Wildlife Refuge System may require different interpretations and application of the "healthy population" concept consistent with the management objectives of each system. Accordingly, the Committee recognizes that the policies and legal authorities of the managing agencies will determine the nature and degree of management programs affecting ecological relationships, population dynamics, and the manipulation of the components of the ecosystem.
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> The reference to "natural and healthy populations" with respect to national parks and monuments recognizes that the management policies of those units may entail methods of resource and habitat protection different from methods appropriate for other types of conservation system units. S. Rep. No. 96-413, *supra*, 233, 235.
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> In authorizing subsistence uses within National Parks, Monuments, Preserves, and National Recreational Areas, it is the intent of the Committee that certain traditional National Park Service management values be maintained. It is contrary to the National Park Service concept to manipulate habitat or populations to achieve maximum utilization of natural resources. Rather, the National Park System concept requires implementation of management policies which strive to maintain the natural abundance, behavior, diversity, and ecological integrity of native animals as part of their ecosystem, and the Committee intends that that concept be maintained. The National Park Service recognizes, and the Committee agrees, that subsistence uses by local rural residents have been, and are now, a natural part of the ecosystem serving as a primary consumer in the natural food chain. The Committee expects the National Park Service to take appropriate steps when necessary to insure that consumptive uses of fish and wildlife populations within National Park Service units not be allowed to adversely disrupt the natural balance which has been maintained for thousands of years. Accordingly, the Committee does not expect the National Park Service to engage in habitat manipulation or control of other species for the purpose of maintaining subsistence uses within National Park System units. *Id.* at 171.

Applicability

ANILCA mandates that subsistence uses by local rural residents be allowed in all national preserves in Alaska and, where permitted by ANILCA, in national parks and monuments in Alaska. ANILCA, § 203. Accordingly, § 13.41, the applicability section, states that local rural residents may engage in subsistence uses pursuant to the regulations in Subpart B (1) in national preserves (ANILCA, section 203); (2) throughout Cape Krusenstern National Monument and Kobuk Valley National Park (*id.*, section 201(3) and (6)), and (3) where such uses are traditional (as may be further designated for each park or monument in Subpart C) in Aniakchak National Monument, Gates of the Arctic National Park, Lake Clark National Park, Wrangell-St. Elias National Park, and the December 2, 1980, addition to the newly named Denali National Park (*id.*, sections 201 (1), (4), (7), (9); 202(3)).

With respect to the last category of park areas—Aniakchak, Gates of the Arctic, Lake Clark, Wrangell-St. Elias, and the Denali addition—the statute offers no further specifics as to the geographical areas where subsistence uses are traditional. The legislative history offers some guidance. For Gates of the Arctic, for example, the Senate report states as follows:

> * * * [S]ubsistence uses of some areas of the park may be essential periodically or continuously for the continued survival of the local people. The Committee * * * feels * * * that the subsistence patterns of the park are well known and can be identified. The Committee noted that the following drainages within the park have apparently been used for subsistence hunting: Etivluk River, Outwash Creek, Kurupa River, Oolamnagavik River, Killik River (and all its tributaries), Okpikruat River, Alapah Creek, Kayak Creek, Erratic Creek, Naushuk River, Kuhsuman Creek, Anaktuvuk River, Ernie Creek and the Itkillik River. It is not the intent of the committee that these drainages be considered the only places where subsistence can occur. But it is the Committee's intent to restrict subsistence hunting in the park to traditional use areas * * * S. Rep. No. 96-413, *supra*, 147; *see also*, 126 Cong. Rec. H10535 (daily ed. Nov. 12, 1980).

For the other specified areas, the legislative history indicates, at most, that subsistence uses may occur "where such uses have been traditional," "to the extent they (*sic*) now take place," "where they now occur," "at their present level." 126 Cong. Rec. H 10533, 10538, 10540. Since the legislative guidance on where subsistence uses are traditional in the five specified areas is incomplete, the National Park Service had decided not to designate traditional "subsistence hunting zones" for these five areas in this interim rulemaking. Rather, the Park Service looks forward to developing additional information and to receiving public comment on this

issue through research, further rulemaking endeavors, and, most importantly, advice from the local committees and regional councils of section 805 of ANILCA and from the park and monument commissions of section 808. In the meantime, the National Park Service believes that local rural residents should comply with the Congressional intent of § 13.41(c) of the proposed regulations by not hunting in any areas of Aniakchak National Monument, Gates of the Arctic National Park, Lake Clark National Park, Wrangell-St. Elias National Park, or the Denali Park addition where subsistence hunting has not, in recent history, occurred.

Definitions

Local rural resident and resident zones. Throughout the regulations, the National Park Service identifies those people who may engage in subsistence uses where authorized in park areas as "local rural residents." This term derives from the term "local residents" in Title II of ANILCA and the term "rural Alaska residents" in the definition of "subsistence uses" in Title VIII. Title II authorizes the opportunity for continued "subsistence uses by *local residents* * * * in national preserves and, where specifically permitted by this Act, in national monuments and parks." ANILCA, section 203 (emphasis added); *see also*, section 201 (1), (3), (4), (6), (7), (9); 202(3). The relationship between this language in Title II and Title VIII was described as follows in the Congressional Record:

> Since the definition of "subsistence uses" in § 803 limits such uses to "rural Alaska residents," a reading of Title VIII and Title II * * * together make it clear that the policy throughout is that only local rural residents are by statute provided the opportunity to engage in subsistence uses in areas of the National Park System * * * 126 Cong. Rec. S15129 (daily ed. December 1, 1980).

Section 13.42(a) defines "local rural residents" with respect to national parks and monuments as persons who either live in designated "resident zones" (*see* § 13.43 and its explanation, below) or hold a "subsistence permit" (*see* § 13.44 and its explanation, below). In brief, "resident zones" are designated, and "subsistence permits" will be issued, on the basis of customary and traditional utilization of park or monument lands for subsistence uses without use of aircraft as a means of access. In the case of "resident zones," the National Park Service applies this criterion to "significant concentrations" of people; in the case of "subsistence permits" for people who live outside resident zones, the Superintendent will apply this criterion to individual applicants.

The definition of "local rural resident" makes clear that, for a person to qualify by virtue of residence in a resident zone, that person must have his or her primary, permanent home within the resident zone, and whenever absent from this home, have the intention of returning to it. The National Park Service will examine factors such as tax returns, hunting, fishing, and driver's licenses, voter registration, and any other evidence appropriate to establish the location of a person's primary, permanent home. In practice, this residence concept should not exclude a person from qualifying as a local rural resident merely because of a temporary absence for military duty or limited-term employment, for example. This concept does not impose a durational residency requirement.

Subsistence uses. The definition of "subsistence uses" tracks the language of section 803 of ANILCA with one modification: as explained below, the regulatory definition offers some guidance on the meaning of the term "customary trade," which the statute leaves undefined.

The term "subsistence uses" means the customary and traditional uses by rural Alaska residents of fish, wildlife, and other wild, renewable resources for direct personal or family consumption as food, shelter, fuel, clothing, tools, or transportation; for the making and selling of handicraft articles from the nonedible byproducts of fish and wildlife resources taken for personal or family consumption; for barter, or sharing for personal or family consumption; and for customary trade. This definition uses several terms which require further explanation.

To begin with, the definition uses the phrase "customary and traditional" to modify the term "uses" in order to emphasize that Native and non-Native subsistence uses

> have played a long established and important role in the economy and culture of the community and * * * (that) such uses incorporate beliefs and customs which have been handed down by word of mouth or example from generation to generation. S. Rep. No. 96-413, *supra*, 269; H. Rep. No. 96-97, 96th Cong., 1st Sess. 280 (1979).

Next, the definition limits subsistence uses to uses "by rural Alaska residents." Clearly, this limitation excludes residents of Ketchikan, Juneau, Anchorage, and Fairbanks from engaging in authorized "subsistence uses." *See* S. Rep. No. 96-413, *supra*, 233. On the other hand, if they are included within a "resident zone" or obtain a "subsistence permit," residents of "rural" Alaska—including communities such as Dillingham, Bethel, Nome, Kotzebue, Barrow, and other villages throughout the State (as long as such communities remain "rural")—may engage in "subsistence uses." *Id.* It is important to emphasize that, in national park or monument areas, only "local rural residents" who permanently reside in a resident zone or have a subsistence permit may engage in subsistence uses. *See* 126 Cong. Rec. S15129 (daily ed. December 1, 1980).

The term "family" is defined to include any person living within a local rural resident's household on a permanent basis as well as those persons living outside the household who are related by blood, marriage, or adoption (legal or equitable). The definition of "family" recognizes extended family patterns common in the subsistence culture of Alaska. This definition of "family" is to be distinguished from the more limited definition used in § 13.43 on determination of resident zones and in § 13.44 on subsistence permits.

The definition of "subsistence uses" includes the making and selling of handicraft articles from the nonedible byproducts only of fish and wildlife resources taken for personal or family consumption. Accordingly, the definition covers such commercial activities only if the edible portions of the resource have been used for personal or family consumption. The "subsistence uses" definition also includes "barter" for personal or family consumption in recognition that a genuine subsistence lifestyle includes certain foodstuffs and other items which may be available through a non-cash exchange. Thus, barter of subsistence resources of a limited and noncommercial nature falls within the meaning of "subsistence uses."

Finally, the definition of "customary trade" adopted today recognizes that the subsistence lifestyle may also include limited involvement in the cash economy through the exchange of furs and, in specified circumstances, other items not covered by the statutory language of the subsistence uses definition. With respect to the exchange of furs for cash, trapping furbearers is an integral and longstanding part of the subsistence lifestyle in many regions of Alaska. While some of the furs are utilized for personal or family use, it is recognized that a portion of the furs ultimately become items for sale on the commercial market. The cash remuneration, in turn, helps to provide the basic tools and supplies associated with trapping and the subsistence

lifestyle of which trapping is a part. For example, local rural residents may engage in trapping to obtain the cash required for necessary store-bought supplies such as gasoline and ammunition. The allowance of cash interchange related to fur trading is intended to provide continuity to the traditional and customary harvest of furbearers by those who are authorized to engage in subsistence uses within parks and monuments.

As with fur trading, so, too, the making and selling of handicraft articles out of plant material is a customary and traditional part of the subsistence lifestyle in certain places. Comments on the proposed interim regulations pointed out that the statutory definition of "subsistence uses" as well as the proposed regulatory definition failed to authorize this trade. Consequently, today's final interim regulations include special provisions in Subpart C to allow for these activities where they are known to occur. At this time, the definition of "customary trade" includes, in addition to the exchange of furs for cash, the selling of handicraft articles made from plant materials (e.g., birch bark baskets) taken by local rural residents in Kobuk Valley National Park and in the southwestern preserve unit of Gates of the Arctic National Park and Preserve. *See* §§ 13.64(a)(3), 13.69(a)(2).

It should be recognized, that the definition of "customary trade" was intended by Congress to be narrow:

> The Committee does not intend that "customary trade" be construed to permit the establishment of significant commercial enterprises under the guise of "subsistence uses." The Committee expects the Secretary and the State to closely monitor the "customary trade" component of the definition and promulgate regulations consistent with the intent of the subsistence title. S. Rep. No. 96-413, *supra*, 234.

Accordingly, this provision is not intended to allow trapping or any other customary trade practice within parks and monuments to be or become a solely or predominantly commercial enterprise beyond its traditional role as part of the subsistence regimen.

Determination of Resident Zones: By definition, the "resident zone" for each national park or monument encompasses the area and communities within the park or monument boundaries as well as certain areas and communities just outside the boundaries where, in the judgment of the National Park Service, significant concentrations of subsistence users of the park or monumnent reside. Section 13.43(a). This definition reflects a change from the proposed definition insofar as it eliminates resident zones for park preserves. The Park Service believes that the need to identify local rural residents in preserves is not as pressing as in parks and monuments since sport hunting is allowed in preserves. For the interim regulations period, moreover, the Service believes that its other tools for regulating subsistence fishing and use of timber in preserves—such as enforcement of State subsistence fishing law and retention of the permit requirement for cutting timber—will be adequate to protect park resources and values.

The areas and communities outside the boundaries for the new national parks and monuments listed in Subpart C of the regulations are as follows:

(a) Aniachak National Monument: Chignik, Chignik Lagoon, Chignik Lake, Meshik, Port Heiden (§ 13.60(a)(1));

(b) Cape Krusenstern National Monument: Kivalina, Kotzebue, Noatak (§ 13.62(a)(1));

(c) Denali National Park: Cantwell, Minchumina, Nikolai, Telida (§ 13.63(a)(1));

(d) Gates of the Arctic National Park: Alatna, Allakaket, Ambler, Anaktuvuk Pass, Bettles/Evansville, Hughes, Kobuk, Nuiqsut Shungnak, Wiseman (§ 13.64(a)(1));

(e) Kobuk Valley National Park: Ambler, Kiana, Kobuk, Kotzebue, Noorvik, Selawik, Shungnak (§ 13.69(a)(1));

(f) Lake Clark National Park: Iliamna, Lime Village, Nondalton, Pedro Bay, Port Alsworth, Newhalen (§ 13.70(a)(1));

(g) Wrangell-St. Elias National Park: Chisana, Chistochina, Chitina, Copper Center, Gakona, Gakona Junction, Glennallen, Gulkana, Kenny Lake, Lower Tonsina, McCarthy, Mentasta Lake, Nabesna, Slana, Tazlina, Tok, Tonsina, Yakutat (§ 13.73(a)(1)).

Under the final interim regulations, anyone who permanently resides within the national park or monument boundaries or in one of the communities listed above may engage in subsistence uses in the appropriate national park or monument. In other words, persons who live in the resident zone for Kobuk Valley National Park, for example, may engage in subsistence uses in that national park, but in no other national park or monument without a permit (unless such person's community is also listed in the resident zone for another national park or monument—*e.g.*, Shungnak is listed for both Kobuk Valley National Park and Gates of the Arctic National Park).

As the above list of communities reveals, the National Park Service has adopted a more liberal designation of resident zones in these final interim regulations than in the proposed regulations. This liberal designation complies with Congress' intent that the Park Service (1) devise a system of resident zones as the primary mechanism for identifying local rural residents, and (2) avoid a subsistence permit system to the extent possible. *See* S. Rep. No. 96-413, *supra*, 170-71; 126 Cong. Rec. at H10541. The Park Service has retained other regulatory mechanisms, such as the prohibition on aircraft use for subsistence purposes, to prevent abuse of the subsistence program.

In determining the list of communities outside the boundaries for each national park or monument, the National Park Service reviewed several documents, including the studies of subsistence communities prepared for the Park Service, the 1974 Environmental Impact Statement on the Alaska National Interest Lands, and the 1978 Environmental Supplement on Alternative Administrative Actions. The National Park Service also reviewed information from several of its employees who have studied the subsistence lifestyle throughout the State and, in some cases, have lived "in the bush" for years. In addition, the Park Service reviewed comments submitted by State and local people knowledgeable about the subsistence lifestyle. The communities listed in Subpart C derive from the subsistence field research conducted by independent, qualified investigators on contract to the Park Service, from observations by NPS planning and field personnel, and from the comments and suggestions of State authorities and knowledgeable local sources. The resultant list is meant to include communities where "significant concentrations" of the inhabitants qualify as local rural residents who, without using aircraft as a means of access for purposes of taking fish and wildlife for subsistence uses, have customarily and traditionally engaged in subsistence within the park area. The concentrations may be "significant" in relative quantity (*e.g.*, predominant numbers) or quality (*e.g.*, cultural vitality, community leadership and influence).

It should be noted that a community or area may be added to a resident zone, or deleted from a resident zone, as circumstances change or information is developed that indicates that such community does or does not have the concentrations of local rural residents necessary for inclusion in the resident zone. Section 13.43(b). The Park Service recognizes that additional information for more precise designation of resident zones will probably be developed in the future by NPS, the State Department of Fish and Game Subsistence Division, local committees, regional councils, and

park and monument commissions (ANILCA, sections 805 and 808).

The National Park Service recognizes that certain communities outside the resident zones contain persons who can qualify as local rural residents. For any communities or areas not included in a resident zone, the National Park Service encourages the residents who have customarily and traditionally used national park area resources without using an aircraft for access to apply for a "subsistence permit."

Subsistence Permits and Application Procedures for Subsistence Permits: Under the final interim regulations, any person who permanently resides outside a resident zone must obtain a "subsistence permit" in order to engage in subsistence uses of national park or monument resources. The availability of subsistence permits assures that subsistence users whose communities are not included in a resident zone for whatever reason may nevertheless have the opportunity to engage in subsistence uses in national park or monument areas. Section 13.44.

The availability of subsistence permits is part of the system contemplated by ANILCA for identifying "local rural residents" who are authorized to engage in subsistence uses in national parks and monuments. The subsistence permit is system necessary to ensure the fairness of a regulatory system which seeks primarily—by means of resident zones—to avoid the necessity of permits in allowing subsistence uses by local rural residents. Thus, the subsistence permit system is an integral part of the resident zone system. As a corollary, it should be noted that the Park Service's decision to limit the applicability of the resident zone system to national parks and monuments (*i.e.*, not preserves) necessitated a similar limitation of the applicability of the subsistence permit system. As another corollary, the Service's decision to expand the resident zone designations, thereby encompassing more subsistence users within the zones, should reduce the number of subsistence users who must apply for a permit.

The National Park Service has made efforts to eliminate all unnecessary burdens from the application process while still providing procedural protections to assure fair and reasonable decisionmaking on the permit applications. Section 13.51. Under the regulations, the application process at the Superintendent's level is simple. The applicant must demonstrate to the Superintendent, preferably on a written form but otherwise by oral presentation, either of the following:

(1) He or she has (or is a member of a family which has) customarily and traditionally engaged in subsistence uses within a national park or monument without using aircraft as a means of access for purposes of taking fish or wildlife (§ 13.44(a)(1)); or (2) he or she qualifies as a "local rural resident" who may engage in subsistence uses in another national park or monument, and his or her subsistence lifestyle involves a pattern of subsistence uses between the other national park or monument and the park or monument for which the applicant now seeks a permit (§ 13.44(a)(2)).

Section 13.44(c) makes clear that, for purposes of § 13.44(a)(1), the term "family" is limited to persons living within a rural resident's household on a permanent basis. *See, also,* § 13.43(c). Unlike the definition of "family" in § 13.42(c) ("subsistence uses" definition), family members who live in cities or far from the park area would not qualify for the benefits of § 13.44. The intent of this definition is to allow children of subsistence users, who may not have a personal history of engaging in subsistence uses, to qualify for a permit.

The National Park Service believes that the Superintendent will be able to issue subsistence permits quickly and routinely in cases of genuine subsistence users. Section 13.51(a) requires the Superintendent to grant or deny the application in a timely manner not to exceed forty-five days from receipt of the completed application unless, in extraordinarly cases, the Superintendent can show good cause for failing to meet the time deadline. The Superintendent shall explain any denial in writing and promptly forward a copy to the applicant.

Should the Superintendent deny the permit, the applicant who wishes to have his or her application reconsidered must so inform the Alaska Regional Director by letter, telephone, or any other means of communication within 180 days (except for good cause shown) of the Superintendent's issuing the denial. The permit applicant shall present the Alaska Regional Director with (1) any additional information demonstrating that the applicant qualifies for a permit, (2) the basis for the applicant's disagreement with the Superintendent's decision, and (3) a statement as to whether or not the applicant requests an informal hearing before the Regional Director. The Alaska Regional Director shall grant a hearing if the applicant requests it.

To accommodate the permit applicants who would be inconvenienced by travelling to Anchorage for a hearing, the Alaska Regional Director will periodically "ride circuit," scheduling hearings throughout the State.

The Alaska Regional Director shall decide to affirm, reverse or modify the Superintendent's denial within a reasonable period of time, shall explain his decision in writing, and shall promptly forward a copy to the applicant. This decision shall constitute final action by the Department of the Interior. In accordance with applicable law, the permit applicant may, of course, seek judicial review of a denial on reconsideration.

The regulations published today recognize that subsistence users who do not live in resident zones but nevertheless depend on national park or monument resources must be able to engage in subsistence uses in national park or monument areas immediately. Consequently, § 13.44(b) allows such persons who would otherwise qualify for a subsistence permit (*see* § 13.44(a)) to engage in subsistence uses in a national park or monument without a permit until August 1, 1981. However, it should be emphasized that such persons should begin the application process for a subsistence permit as soon as possible since a subsistence permit will be required as of August 1, 1981. The Park Service encourages those who are able to submit their application in writing.

Prohibition of Aircraft Use: Section 13.45 of the Subpart B regulations generally prohibits the use of aircraft for access to or from lands and waters within a national park or monument for purposes of taking fish or wildlife for subsistence uses within the national park or monument.
The Subpart B regulations do not prohibit use of aircraft for subsistence uses in national preserves.

It is the National Park Service's determination, supported by numerous comments, by available research on the subsistence lifestyle, and by the legislative history of Title II of ANILCA, that local rural residents who have customarily and traditionally engaged in subsistence uses of park and monument resources do not, in most cases, use aircraft for access for subsistence hunting, trapping, and fishing. What cash these local rural residents acquire is used to purchase necessities not otherwise supplied by subsistence uses. Certainly, as a general rule, the expense of aircraft use greatly exceeds the ability of the local rural resident to pay for it. On the other hand, aircraft is commonly used by sport hunters who are now prohibited from hunting in park and monument areas. In this respect, the prohibition of aircraft use for subsistence activities reinforces the ban

on sport hunting in park and monument areas and assists the National Park Service in distinguishing sport from subsistence hunters.

The Subpart C regulations for individual park areas, however, afford the Park Service flexibility to make exceptions to the general prohibition. For any park or monument, the Park Service may designate "exempted communities" whose local rural residents may obtain individual permits to use aircraft for subsistence hunting, trapping, and fishing (§ 13.45(b)). The Superintendent will attempt to develop a relatively standard permit for the entire community, subject to special individual terms, conditions, and signature for each community resident who wishes to use aircraft. At this time, the National Park Service is designating two communities as "exempted communities," Anaktuvuk Pass in Gates of the Arctic National Park and Yakutat in Wrangell-St. Elias National Park (for access to Malaspina Forelands Area only), whose local rural residents presently rely on aircraft for access to their customary and traditional areas of harvest in the park. The people of Anaktuvuk Pass, isolated, remote, surrounded by difficult terrain, are far removed from the wildlife populations whose harvest sustains them; moreover, they do not have adequate and available alternative resources populations for sustenance. Similarly, residents of Yakutat have customarily used aircraft for access to the Malaspina Forelands in the Wrangell-St. Elias area for subsistence purposes, since traveling by boat, the only other possible means of transportation, can be extremely dangerous due to the violent storms that frequent the Gulf of Alaska. S. Rep. 96-413, *supra*, 169; 126 Cong. Rec. H10541 (daily ed. Nov. 12, 1980). As Congress noted,

> Although there may be similar situations in other areas of Alaska in which aircraft use for subsistence hunting may be appropriate and should be permitted to continue, the Committee believes that these types of situations are the exception rather than the rule and that only rarely should aircraft use for subsistence hunting purposes be permitted within national parks and monuments. It is not the intent of the Committee to invite additional aircraft use. S. Rep. No. 96-413, *supra*, 169; *see, also*, 126 Cong. Rec. H10541 ("It is not the intent to invite additional aircraft use, or new or expanded uses in parks and monuments where such uses have not traditionally and regularly occurred.")

The National Park Service has also included in today's regulations the opportunity for any local rural resident aggrieved by the aircraft prohibition to seek an individual exception to the prohibition on aircraft pursuant to the procedures of § 13.51. Section 13.45(b)(2). It bears noting that this opportunity is available only to local rural residents, *i.e.*, persons who live in a resident zone or have a subsistence permit. The Superintendent may grant the exception if he or she determines that the applicant has demonstrated an extraordinary situation where no reasonable alternative to aircraft use exists because of the location of the subsistence resources depended upon and the difficulty of surface transportation to these resources, or other emergency situation (*e.g.*, unusual and unforeseeable acts of nature).

The permits issued pursuant to § 13.45(b) (1) and (2) may contain terms and conditions which limit the aircraft use as to area, time of operation, type of aircraft, duration of the permit, and any other factor necessary to restrict the permit to the limited and exceptional purposes it is meant to fulfill.

Section 13.45(c) makes clear that the prohibition on aircraft use is limited. It does not extend to any legal activity other than access for purposes of subsistence hunting, trapping, and fishing. Thus, a local rural resident may, for example, use aircraft in parks and monuments to carry supplies to a cabin, to visit another village, or even to gather berries. Although the National Park Service believes that such use of aircraft in the subsistence culture is rare for the reasons stated above, the Park Service does not have the same enforcement concerns for these activities as it does for the taking of fish and wildlife.

Use of Snowmobiles, Motorboats, Dog Teams, and Other Means of Surface Transportation: In furtherance of section 811 of ANILCA, § 13.46 provides local rural residents engaged in subsistence uses reasonable access to the subsistence resources on which they depend. With respect to local rural residents who are engaged in subsistence hunting, fishing, and gathering activities within the park areas, this regulation liberalizes the provisions of Subpart A on snowmobiles, motorboats, dog teams and other nonmotorized surface transportation (*e.g.*, saddle horses), and certain off-road vehicles. All routes and areas are open to subsistence use of these vehicles except as specifically restricted or closed. The Superintendent will implement such closures or restrictions on the basis of criteria which are more limited than the criteria for closure to general recreational use. Basically, in order to impose a restriction, the Superintendent must determine that the use in question is causing or is likely to cause an adverse impact on public health or safety, resource protection, protection of historic or scientific values, subsistence uses, conservation of endangered or threatened species, or the purposes for which the park area was established. The Superintendent will arrange notice and public participation concerning closure proposals in order to involve those affected to the fullest extent possible in the decisionmaking.

It should be noted that the types of access vehicles covered by § 13.46 include "means of surface transportation traditionally employed by local rural residents engaged in subsistence uses." The limitations of this phrase, if any, will be addressed as appropriate in future rulemaking efforts.

Under § 13.46, any person operating motorboats, dog teams, snowmobiles, and other means of surface transportation must comply with applicable State and Federal laws governing such operation and must avoid causing waste or damage to fish, wildlife, terrain, or other values of the park area. In addition, consistent with State law, the vehicle operator may not use a motorized vehicle so as to herd, harass, haze, or drive wildlife for hunting or any other purpose.

At all times when not engaged in subsistence uses, local rural residents may use snowmobiles, motorboats, and other means of surface transportation in accordance with the appropriate Subpart A regulations. For example, local rural residents engaged in recreational uses of snowmobiles, motorboats, dog teams, and other means of surface transportation must comply with the provisions of §§ 13.10, 13.11, 13.12, and 13.14, respectively, and local rural residents seeking otherwise-closed access to inholdings or temporary access must comply with the provisions of §§ 13.15 and 13.16, respectively.

Subsistence Fishing: Local rural residents may, of course, engage in fishing in park areas in compliance with applicable State and Federal law. In addition, in § 13.47 of the regulations, the National Park Service has relaxed its general public regulations to allow, in park areas where subsistence uses are authorized, the customary and traditional use of nets, seines, traps, or spears by local rural residents to the extent permitted by State law. *See* § 13.41 (Applicability). Section 13.50, explained below, governs closures to fishing for subsistence purposes.

Subsistence Hunting and Trapping: Although all national parks and monuments in Alaska are closed to sport hunting and to trapping, many are

open, in whole or part, to hunting and trapping by local rural residents engaged in subsistence uses. ANILCA, sections 816; 201 (1), (3), (4), (6), (7), (9); 202(3); *see also*, § 13.41 (Applicability). Therefore, only local rural residents may engage in hunting and trapping where authorized in national parks and monuments. Of course, national preserves are open to both sport and subsistence hunting as well as trapping, unless the Superintendent has closed a preserve area to sport taking pursuant to § 13.30 of Subpart A or to subsistence taking pursuant to § 13.50 of Subpart B. As with sport users, local rural residents engaged in subsistence hunting or trapping must comply with applicable State law governing hunting and trapping, *e.g.*, bag limits, safety requirements, seasons and hours (§ 13.48). With respect to trapline cabins, § 13.17(c) provides for their construction, reconstruction, temporary use, occupancy, and maintenance pursuant to a permit. In addition, § 13.17 (b) and (d) provides for existing cabin use and occupancy by persons with a possessory interest or right of occupancy in the cabin.

Subsistence Use of Timber and Plant Material: Section 13.49(a) relaxes the general public use regulations by allowing local rural residents in park areas where subsistence uses are allowed to obtain a permit to cut standing live timber of greater than three inches diameter at ground height for subsistence needs such as shelter or fuel. *See* § 13.41 (Applicability). Before issuing a permit, the Superintendent must determine that the proposed cutting is compatible with the purposes for which the park area was established. Furthermore, the Superintendent will include in the permit any stipulations deemed necessary to protect the resources of the park area. No permit is required for cutting live standing timber smaller than three inches diameter for subsistence uses. Thus, for example, local rural residents need not obtain a permit to cut small alder or willow branches to make baskets or fish traps.

Section 13.49(b) makes clear that local rural residents do not need a permit to gather plant materials for subsistence uses, or to gather dead or downed timber for firewood for personal, not commercial, use.

Section 13.49(c) sets forth the standards and procedures for closing a park area to the subsistence uses of a particular plant population. Although not required by ANILCA, the National Park Service has decided to apply similar closure provisions for subsistence uses of plants as the Act requires for subsistence uses of fish and wildlife.

As discussed below in the latter context, the closure standards are limited, and the closure procedures involve significant public participation, in order to protect the affected local rural residents who depend on the resources.

Closure to Subsistence Uses of Fish and Wildlife: According to section 816 of ANILCA and § 13.50 of the Subpart B regulations, the Superintendent of each park area has the power to close or restrict any part or all of a park area to subsistence uses of a particular fish or wildlife population only temporarily and only if necessary "for reasons of public safety, administration, or to assure the continued viability of such population." To implement Congress' intent, § 13.50 provides protective standards, time limitations, and notice requirements for closures to subsistence taking of fish and wildlife.

With respect to the standards for closure, the Act lists only three: Public safety, administration, and for assurance of the continued viability of a fish and wildlife population. No closure for purposes of administration, moreover, may be made prior to notice and hearing in the vicinity of the closure. The public safety standard clearly allows the Superintendent to act in situations which threaten public health and welfare. For example, the Superintendent may prohibit subsistence hunting and trapping for reasons of public safety in specified areas surrounding a public campground, roadway, or hiking trail. The fish or wildlife viability standard allows the Superintendent to act for purposes of maintaining resource populations upon which local rural residents rely at levels adequately above the threatened level. As Congress stated, "it is not the intent * * * that actual depletion of a population or an emergency exist before a closure under this section may be justified." S. Rep. 96–413, *supra*, 278; H. Rep. No. 96–97, *supra*, 289. Moreover, as stated in section 815 of ANILCA and § 13.40(e) of the regulations and explained previously, the subsistence provisions are not to be construed as permitting a level of subsistence use of fish and wildlife within national preserves to be inconsistent with the conservation of healthy populations, and within national parks and monuments to be inconsistent with the conservation of natural and healthy populations, of fish and wildlife. The administration standard is potentially the broadest of the three closure standards, though "recognition of the importance of subsistence activities to most (local) rural residents requires that this authority be utilized narrowly and with consistent restraint." *Id.* Guided by this intent, the Superintendent can invoke the administration standard to protect the purposes and values of the park areas and otherwise to manage the park areas prudently. The limitation of section 815 of the Act and § 13.40(e) of the regulations are also relevant to this closure standard.

Closures shall last only so long as reasonably necessary to achieve the purposes of the closure. In the case of closing an area around a hiking trail for reasons of public safety, for example, the closure

> should remain in effect only so long as reasonably necessary to provide for the public safety during normal periods of consistent public use, and only apply to the minimum portion of the public lands reasonably necessary to achieve this purpose. S. Rep. No. 96–413, *supra*, 277–78; H. Rep. No. 96–97, *supra*, 289.

Thus, closures may be seasonal in nature, for example, if warranted by the situation.

In the normal case, a closure must be preceded by consultation with the State and adequate notice and informal public hearing in the vicinity of the closure and other locations as appropriate. In an emergency situation, the Superintendent may immediately close the area for a period not to exceed sixty days. The Superintendent may extend an emergency closure only if he or she establishes, after notice and informal public hearing in the vicinity and other locations as appropriate, that the extension is justified under the applicable closure standards.

Finally, § 13.50(c) provides thorough notice procedures designed to inform as many local rural residents as possible about any closures which may affect them.

Summary of 36 CFR Parts 1–9 Provisions Superseded by or Still Applicable After This Rulemaking

Several commenters had requested that the Service provide an unofficial listing of the 36 CFR Parts 1–9 regulations (ordinarily applicable to all National Park System Units) which have either been superseded by or are still effective after this Alaska park rulemaking. In general, the superseded regulations for Alaska park areas include 36 CFR 2.1 (superseded by § 13.22 except for Klondike Gold Rush National Historical Park and Sitka National Historical Park); 2.2(a) (superseded by § 13.13); 2.5(a), (b), (j) (superseded by §§ 13.18, 13.20, 13.63(b),

13.68(a), 13.72(a); 2.11 (superseded by § 13.19 except for park areas enumerated in § 13.19(a)), 2.18 (superseded by § 13.18); 2.20(a)(2) and (b) superseded by § 13.20 except for park areas enumerated in § 13.20(a); 2.23(a)–(d) (superseded by §§ 13.12 and 13.46); 2.34(a)–(c) (superseded by § 13.10); 2.36 (superseded by § 13.13); 3.2 (superseded by § 13.11); 4.19(a)–(b) superseded by § 13.14); 7.23(a) (superseded by § 13.13); 7.44(f) and (h) (superseded by §§ 13.11, 13.13); 7.46(b)–(c) (superseded by §§ 13.11, 13.13); 7.87 (superseded by numerous provisions); 9.3 (superseded by § 13.15); 9.7 (superseded by § 13.15); and Part 9B.

The remaining provisions of 36 CFR Parts 1–9 generally remain applicable in Alaska park areas, though minor modifications may have resulted from this rulemaking. Persons desiring more detailed and official information on the applicability of the National Park System general regulations in Alaska may contact the Alaska Regional Director's Office.

Compliance with Other Laws

The Service has prepared an Environmental Assessment on this rulemaking and has made a Finding of No Significant Impact pursuant to regulations implementing the National Environmental Policy Act (42 U.S.C. 4332). Copies of the Environmental Assessment and Finding of No Significant Impact are available for public review in the Service's Alaska Regional Office.

The Service has also determined that this rulemaking is not a "major rule" within the meaning of Executive Order 12291 (46 FR 13193, February 19, 1981) and that this rulemaking would not have a "significant economic effect on a substantial number of small entities" within the meaning of the Regulatory Flexibility Act (Pub. L. 96–354) and 43 CFR Part 14 (45 FR 85376, December 24, 1980). Finally, the Service has received approval from the Office of Management and Budget for the information collection requirements of these regulations (*e.g.*, applications for permits under §§ 13.13, 13.15, 13.16, 13.17, 13.31, 13.44, 13.45 and 13.51) pursuant to the Paperwork Reduction Act (Pub. L. 96–511).

Drafting Information

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Authority

Section 3 of the Act of August 15, 1916 (39 Stat. 535, as amended; 16 U.S.C. 3); 16 U.S.C. 1, 1a–1, 1c, 462, 1281; the Alaska National Interest Lands Conservation Act (ANILCA), 94 Stat. 2371, Pub. L. 96–487 (December 2, 1980); and the Paperwork Reduction Act of 1980, 94 Stat. 2812, Pub. L. 96–511.

G. Ray Arnett,

Assistant Secretary, Fish and Wildlife and Parks.

Title 36 Code of Federal Regulations is amended by adding new Part 13 to read as follows:

PART 13—NATIONAL PARK SYSTEM UNITS IN ALASKA

Subpart A—Public Use and Recreation

Sec.
13.1 Definitions.
13.2 Applicability and scope.
13.3 Penalties.
13.4 Information collection.
13.10 Snowmachines.
13.11 Motorboats.
13.12 Nonmotorized surface transportation.
13.13 Aircraft.
13.14 Off-road vehicles.
13.15 Access to inholdings.
13.16 Temporary access.
13.17 Cabins and other structures.
13.18 Camping and picnicking.
13.19 Weapons, traps and nets.
13.20 Preservation of natural features.
13.21 Taking of fish and wildlife.
13.22 Unattended or abandoned property.
13.30 Closure procedures.
13.31 Permits.

Subpart B—Subsistence

13.40 Purpose and policy.
13.41 Applicability.
13.42 Definitions.
13.43 Determination of resident zones.
13.44 Subsistence permits for persons who permanently reside outside a resident zone.
13.45 Prohibition on aircraft use.
13.46 Use of snowmobiles, motorboats, dog teams, and other means of surface transportation traditionally employed by local rural residents engaged in subsistence uses.
13.47 Subsistence fishing.
13.48 Subsistence hunting and trapping.
13.49 Subsistence use of timber and plant material.
13.50 Closure to subsistence uses.
13.51 Application procedures for subsistence permits and aircraft exceptions.

Subpart C—Special Regulations—Specific Park Areas in Alaska

13.60 Aniakchak National Monument and Preserve.
13.61 Bering Land Bridge National Preserve.
13.62 Cape Krusenstern National Monument.
13.63 Denali National Park and Preserve.
13.64 Gates of the Arctic National Park and Preserve.
13.65 Glacier Bay National Park and Preserve.
13.66 Katmai National Park and Preserve.
13.67 Kenai Fjords National Park.
13.68 Klondike Gold Rush National Historical Park.
13.69 Kobuk Valley National Park.
13.70 Lake Clark National Park and Preserve.
13.71 Noatak National Preserve.
13.72 Sitka National Historical Park.
13.73 Wrangell-St. Elias National Park and Preserve.
13.74 Yukon-Charley Rivers National Preserve.

Authority: Sec. 3 of the Act of August 15, 1916 (39 Stat. 535, as amended (16 U.S.C. 3); 16 U.S.C. 1, 1a–1, 1c, 462); Alaska National Interest Lands Conservation Act (ANILCA), 94 Stat. 2371 and 1281; Pub. L. No. 96–487 (December 2, 1980); and the Paperwork Reduction Act of 1980, 94 Stat. 2812, Pub. L. No. 96–511.

Subpart A—Public Use and Recreation

§ 13.1 Definitions.

The following definitions shall apply to all regulations contained in this part:

(a) The term "adequate and feasible access" means a reasonable method and route of pedestrian or vehicular transportation which is economically practicable for achieving the use or development desired by the applicant on his/her non-federal land or occupancy interest, but does not necessarily mean the least costly alternative.

(b) The term "aircraft" means a machine or device that is used or intended to be used to carry persons or objects in flight through the air, including, but not limited to airplanes, helicopters and gliders.

(c) The term "ANILCA" means the Alaska National Interest Lands Conservation Act (94 Stat. 2371; Pub. L. 96–487 (December 2, 1980)).

(d) The term "carry" means to wear, bear or carry on or about the person and additionally, in the case of firearms, within or upon a device or animal used for transportation.

(e) The term "downed aircraft" means an aircraft that as a result of mechanical failure or accident cannot take off.

(f) The term "firearm" means any loaded or unloaded pistol, revolver, rifle, shotgun or other weapon which will or is designated to or may readily be converted to expel a projectile by the action of expanded gases, except that it does not include a pistol or rifle powered by compressed gas. The term "firearm" also includes irritant gas devices.

(g) The term "fish and wildlife" means any member of the animal kingdom,

including without limitation any mammal, fish, bird (including any migratory, nonmigratory or endangered bird for which protection is also afforded by treaty or other international agreement), amphibian, reptile, mollusk, crustacean, arthropod, or other invertebrate, and includes any part, produce, egg, or offspring thereof, or the dead body or part thereof.

(h) The term "fossil" means any remains, impression, or trace of any animal or plant of past geological ages that has been preserved, by natural processes, in the earth's crust.

(i) The term "gemstone" means a silica or igneous mineral including, but not limited to (1) geodes, (2) petrified wood, and (3) jade, agate, opal, garnet, or other mineral that when cut and polished is customarily used as jewelry or other ornament.

(j) The term "National Preserve" shall include the following areas of the National Park System:

Alagnak National Wild and Scenic River, Aniakchak National Preserve, Bering Land Bridge National Preserve, Denali National Preserve, Gates of the Arctic National Preserve, Glacier Bay National Preserve, Katmai National Preserve, Lake Clark National Preserve, Noatak National Preserve, Wrangell-St. Elias National Preserve, and Yukon-Charley National Preserve.

(k) The term "net" means a seine, weir, net wire, fish trap, or other implement designed to entrap fish, except a landing net.

(l) The term "off-road vehicle" means any motor vehicle designed for or capable of crosscountry travel on or immediately over land, water, sand, snow, ice, marsh, wetland or other natural terrain, except snowmachines or snowmobiles as defined in this chapter.

(m) The term "park areas" means lands and waters administered by the National Park Service within the State of Alaska.

(n) The term "person" means any individual, firm, corporation, society, association, partnership, or any private or public body.

(o) The term "possession" means exercising dominion or control, with or without ownership, over weapons, traps, nets or other property.

(p) The term "public lands" means lands situated in Alaska which are federally owned lands, except—

(1) land selections of the State of Alaska which have been tentatively approved or validly selected under the Alaska Statehood Act (72 Stat. 339) and lands which have been confirmed to, validly selected by, or granted to the Territory of Alaska or the State under any other provision of Federal law;

(2) land selections of a Native Corporation made under the Alaska Native Claims Settlement Act (85 Stat. 688) which have not been conveyed to a Native Corporation, unless any such selection is determined to be invalid or is relinquished; and

(3) lands referred to in section 19(b) of the Alaska Native Claims Settlement Act.

(q) The term "snowmachine" or "snowmobile" means a self-propelled vehicle intended for off-road travel primarily on snow having a curb weight of not more than 1,000 pounds (450 kg), driven by a track or tracks in contact with the snow and steered by a ski or skis on contact with the snow.

(r) The term "Superintendent" means any National Park Service official in charge of a park area, the Alaska Regional Director of the National Park Service, or an authorized representative of either.

(s) The term "take" or "taking" as used with respect to fish and wildlife, means to pursue, hunt, shoot, trap, net, capture, collect, kill, harm, or attempt to engage in any such conduct.

(t) The term "temporary" means a continuous period of time not to exceed 12 months, except as specifically provided otherwise.

(u) The term "trap" means a snare, trap, mesh, or other implement designed to entrap animals other than fish.

(v) The term "unload" means there is no unexpended shell or cartridge in the chamber or magazine of a firearm; bows, crossbows and spearguns are stored in such a manner as to prevent their ready use; muzzle-loading weapons do not contain a powder charge; and any other implement capable of discharging a missile into the air or under the water does not contain a missile or similar device within the loading or discharging mechanism.

(w) The term "weapon" means a firearm, compressed gas or spring powered pistol or rifle, bow and arrow, crossbow, blow gun, speargun, hand thrown spear, slingshot, explosive device, or any other implement designed to discharge missiles into the air or under the water.

§ 13.2 Applicability and scope.

(a) The regulations contained in this Part 13 are prescribed for the proper use and management of park areas in Alaska and supplement the general regulations of this chapter. The general regulations contained in this chapter are applicable except as modified by this Part 13.

(b) Subpart A of this Part 13 contains regulations applicable to park areas. Such regulations amend in part the general regulations contained in this chapter. The regulations in Subpart A govern use and management, including subsistence activities, within the park areas, except as modified by Subparts B or C.

(c) Subpart B of this Part 13 contains regulations applicable to subsistence activities. Such regulations apply to park areas except Kenai Fjords National Park, Katmai National Park, Glacier Bay National Park, Klondike Gold Rush National Historical Park, Sitka National Historical Park, and parts of Denali National Park. The regulations in Subpart B amend in part the general regulations contained in this chapter and the regulations contained in Subpart A of this Part 13.

(d) Subpart C of this Part 13 contains special regulations for specific park areas. Such regulations amend in part the general regulations contained in this chapter and the regulations contained in Subparts A and B of this Part 13.

(e) The regulations contained in this Part 13 are applicable only on federally owned lands within the boundaries of any park area. For purposes of this part, "federally owned lands" means land interests held or retained by the United States, but does not include those land interests: (1) Tentatively approved, legislatively conveyed, or patented to the State of Alaska; or (2) interim conveyed or patented to a Native Corporation or person.

§ 13.3 Penalties.

Any person convicted of violating any provision of the regulations contained in this Part 13, or as the same may be amended or supplemented, may be punished by a fine not exceeding $500 or by imprisonment not exceeding 6 months, or both, and may be adjudged to pay all costs of the proceedings (16 U.S.C. 3).

§ 13.4 Information collection.

The information collection requirements contained in §§ 13.13, 13.14, 13.15, 13.16, 13.17, 13.31, 13.44, 13.45, 13.49, and 13.51 have been approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned clearance number 1024–0015. The information is being collected to solicit information necessary for the Superintendent to issue permits and other benefits. This information will be used to grant statutory or administrative benefits. In all sections except 13.13, the obligation to respond is required to obtain a benefit. In § 13.13, the obligation to respond is mandatory.

§ 13.10 Snowmachines.

(a) The use of snowmachines (during periods of adequate snow cover or frozen river conditions) for traditional activities (where such activities are permitted by ANILCA or other law) and for travel to and from villages and homesites, is permitted within park areas, except where such use is prohibited or otherwise restricted by the Superintendent in accordance with the provisions of § 13.30. Nothing in this section affects the use of snowmobiles by local rural residents engaged in subsistence uses as authorized by § 13.46.

(b) For the purposes of this section "adequate snow cover" shall mean snow of sufficient depth to protect the underlying vegetation and soil.

§ 13.11 Motorboats.

Motorboats may be operated on all park area waters, except where such use is prohibited or otherwise restricted by the Superintendent in accordance with the provisions of § 13.30, or § 7.23(b)–(f) of this chapter. Nothing in this section affects the use of motorboats by local rural residents engaged in subsistence uses as authorized by § 13.46.

§ 13.12 Nonmotorized surface transportation.

The use of nonmotorized surface transportation such as domestic dogs, horses and other pack or saddle animals is permitted in park areas except where such use is prohibited or otherwise restricted by the Superintendent in accordance with the provisions of § 13.30. Nothing in this section affects the use of nonmotorized surface transportation by local rural residents engaged in subsistence uses as authorized by § 13.46.

§ 13.13 Aircraft.

(a) Fixed-wing aircraft may be landed and operated on lands and waters within park areas, except where such use is prohibited or otherwise restricted by the Superintendent in accordance with this section. The use of aircraft for access to or from lands and waters within a national park or monument for purposes of taking fish and wildlife for subsistence uses therein is prohibited as set forth in §13.45.

(b) In imposing any prohibitions or restrictions on fixed-wing aircraft use the Superintendent shall: (1) Comply with the procedures set forth in § 13.30; (2) publish notice of prohibitions or restrictions as "Notices to Airmen" issued by the Department of Transportation; and (3) publish permanent prohibitions or restrictions as a regulatory notice in the United States Government Flight Information Service "Supplement Alaska."

(c) Except as provided in paragraph (d) of this section, the owners of any aircraft downed after December 2, 1980, shall remove the aircraft and all component parts thereof in accordance with procedures established by the Superintendent. In establishing a removal procedure, the Superintendent is authorized to: (1) Establish a reasonable date by which aircraft removal operations must be complete; and (2) determine times and means of access to and from the downed aircraft.

(d) The Superintendent may waive the requirements of § 13.12(c) upon a determination that: (1) The removal of downed aircraft would constitute an unacceptable risk to human life; or (2) the removal of a downed aircraft would result in extensive resource damage; or (3) the removal of a downed aircraft is otherwise impracticable or impossible.

(e) Salvaging, removing, posessing, or attempting to salvage, remove or possess any downed aircraft or component parts thereof is prohibited, except in accordance with a removal procedure established under paragraph (c) of this section. *Provided, however,* That the owner or an authorized representative thereof may remove valuable component parts from a downed aircraft at the time of rescue without a permit.

(f) The use of a helicopter in any park area, other than at designated landing areas (*see* Subpart C regulations for each park area) pursuant to the terms and conditions of a permit issued by the Superintendent, is prohibited.

§ 13.14 Off-road vehicles.

(a) The use of off-road vehicles in locations other than established roads and parking areas is prohibited, except on routes or in areas designated by the Superintendent or pursuant to a valid permit as prescribed in paragraph (c) of this section or in § 13.15 or § 13.16. Such designations shall be made in accordance with procedures in this section. Nothing in this section affects the use of off-road vehicles by local rural residents engaged in subsistence as authorized by § 13.46.

(b)(1) The Superintendent's determination of whether to designate a route or area for off-road vehicle use shall be governed by Executive Order 11644, as amended.

(2) Route or area designations shall be published in the "Federal Register."

(3) Notice of routes or areas on which off-road travel is permitted shall be in accordance with the provisions of § 13.30(f).

(4) The closure or restrictions on use of designated routes or areas to off-road vehicles use shall be in accordance with the provisions of § 13.30.

(c) The Superintendent is authorized to issue permits for the use of off-road vehicles on existing off-road vehicle trails located in park areas (other than areas designated as part of the National Wilderness Preservation System) upon a finding that such off-road vehicle use would be compatible with park purposes and values. The Superintendent shall include in any permit such stipulations and conditions as are necessary for the protection of park purposes and values.

§ 13.15 Access to inholdings.

(a) *Purpose.* A permit for access to inholdings pursuant to this section is required only where adequate and feasible access is not affirmatively provided without a permit under §§ 13.10–13.14 of these regulations. Thus, it is the purpose of this section to ensure adequate and feasible access across a park area for any person who has a valid property or occupancy interest in lands within or effectively surrounded by a park area or other lands listed in section 1110(b) of ANILCA.

(b) *Application and Administration.* (1) Applications for a permit designating methods and routes of access across park areas not affirmatively provided for in this part shall be submitted to the Superintendent having jurisdiction over the affected park area as specified under § 13.31.

(2) Except as provided in paragraph (c) of this section, the access permit application shall contain the name and address of the applicant, documentation of the relevant property or occupancy interest held by the applicant (including for 1872 Mining Law claimants a copy of the location notice and recordations required under the 1872 Mining Law and 43 U.S.C. 1744), a map or physical description of the relevant property or occupancy interest, a map or physical description of the desired route of access, a description of the desired method of access, and any other information necessary to determine the adequacy and feasibility of the route or method of access and its impact on the natural or other values of the park area.

(3) The Superintendent shall specify in a nontransferable permit, adequate and feasible routes and methods of access across park areas for any person who meets the criteria of paragraph (a) of this section. The Superintendent shall designate the routes and methods desired by the applicant unless it is determined that:

(i) The route or method of access would cause significant adverse impacts on natural or other values of the park area, and adequate and feasible access otherwise exists; or

(ii) The route or method of access would jeopardize public health and safety, and adequate and feasible access otherwise exists.

(4) If the Superintendent makes one of the findings described in paragraph (b)(3) of this section, he/she shall specify such other alternate methods and routes of access as will provide the applicant adequate and feasible access, while minimizing damage to natural and other values of the park area.

(5) Any person holding an access permit shall notify the Superintendent of any significant change in the method or level of access from that occurring at the time of permit issuance. In such cases, the Superintendent may modify the terms and conditions of the permit, provided that the modified permit also assures adequate and feasible access under the standards of paragraph (b)(3) of this section.

(6) Routes and methods of access permitted pursuant to this section shall be available for use by guests and invitees of the permittee.

(c) *Access requiring permanent improvements.* (1) Application form and procedure. Any application for access to an inholding which proposes the construction or modification of an improved road (*e.g.*, construction or modification of a permanent, year-round nature, and which involves substantial alteration of the terrain or vegetation, such as grading, gravelling of surfaces, concrete bridges, or other such construction or modification), or any other permanent improvement on park area lands qualifying as a "transportation or utility system" under Section 1102 of ANILCA, shall be submitted on the consolidated application form specified in Section 1104(h) of ANILCA, and processed in accordance with the procedures of Title XI of ANILCA.

(2) Decision-making standard. (i) If the permanent improvement is required for adequate and feasible access to the inholding (*e.g.*, improved right-of-way or landing strip), the permit granting standards of paragraph (b) of this section shall apply.

(ii) If the permanent improvement is not required as part of the applicant's right to adequate and feasible access to an inholding (*e.g.*, pipeline, transmission line), the permit granting standards of Sections 1104–1107 of ANILCA shall apply.

(d) *Clarification of the Applicability of 36 CFR Part 9.* (1) 1872 Mining Law Claims and 36 CFR Subpart 9A. Since section 1110(b) of ANILCA guarantees adequate and feasible access to valid mining claims within park areas notwithstanding any other law, and since the 36 CFR 9.3 requirement for an approved plan of operations prior to the issuance of an access permit may interfere with needed access, 36 CFR 9.3 is no longer applicable in Alaska park areas. However, holders of patented or unpatented mining claims under the 1872 Mining Law (30 U.S.C. 22 *et seq.*) should be aware that 36 CFR 9.9, 9.10 independently require an approved plan of operations prior to conducting mining operations within a park area (except that no plan of operations is required for patented claims where access is not across federally-owned parklands).

(2) Non-Federal Oil and Gas Rights and 36 CFR Subpart 9B. Since section 1110(b) of ANILCA guarantees adequate and feasible access to park area inholdings notwithstanding any other law, and since 36 CFR Subpart 9B was predicated on the park area Superintendent's discretion to restrict and condition such access, 36 CFR Subpart 9B is no longer applicable in Alaska park areas.

§ 13.16 Temporary access.

(a) *Applicability.* This section is applicable to State and private landowners who desire temporary access across a park area for the purposes of survey, geophysical, exploratory and other temporary uses of such nonfederal lands, and where such temporary access is not affirmatively provided for in §§ 13.10–13.15. State and private landowners meeting the criteria of § 13.15(a) are directed to utilize the procedures of § 13.15 to obtain temporary access.

(b) *Application.* A landowner requiring temporary access across a park area for survey, geophysical, exploratory or similar temporary activities shall apply to the Superintendent for an access permit and shall provide the relevant information described in section 13.15(b)(2), concerning the proposed access.

(c) *Permit standards, stipulations and conditions.* The Superintendent shall grant the desired temporary access whenever he/she determines that such access will not result in permanent harm to park area resources. The Superintendent shall include in any permit granted such stipulations and conditions on temporary access as are necessary to ensure that the access granted would not be inconsistent with the purposes for which the park area was reserved and to ensure that no permanent harm will result to park area resources.

(d) *Definition.* For the purposes of this section, "temporary access" shall mean limited, short-term (*i.e.*, up to on year from issuance of the permit) access, which does not require permanent facilities for access, to undeveloped State or private lands.

§ 13.17 Cabins and other structures.

(a) *Purpose.* It is the purpose of this section to provide procedures and guidance for those occupying and using existing cabins and those wishing to construct new cabins within park areas.

(b) *Existing cabins or other structures.* (1) This subsection applies to all park areas in Alaska except Klondike Gold Rush National Historical Park, Sitka National Historical Park and the former Mt. McKinley National Park, Glacier Bay National Monument and Katmai National Monument.

(2) Cabins or other structures existing prior to December 18, 1973, may be occupied and used by the claimants to these structures pursuant to a nontransferable, renewable permit. This use and occupancy shall be for terms of five years. *Provided, however,* That the claimant to the structure, by application:

(i) Reasonably demonstrates by affidavit, bill of sale or other documentation proof of possessory interest or right of occupancy in the cabin or structure;

(ii) Submits an acceptable photograph or sketch which accurately depicts the cabin or structure and a map showing its geographic location;

(iii) Agrees to vacate and remove all personal property from the cabin or structure upon expiration of the permit;

(iv) Acknowledges in the permit that he/she has no interest in the real property on which the cabin or structure is located; and

(v) Submits a listing of the names of all immediate family members residing in the cabin or structure.

Permits issued under the provisions of this paragraph shall be renewed every five years until the death of the last immediate family member of the claimant residing in the cabin or structure under permit. Renewal will occur unless the Superintendent determines after notice and hearing, and on the basis of substantial evidence in the administrative record as a whole, that the use under the permit is causing or may cause significant detriment to the principal purposes for which the park area was established. The Superintendent's decision may be appealed pursuant to the provisions of 43 CFR 4.700.

(3) Cabins or other structures, the occupancy or use of which began between December 18, 1973, and December 1, 1978, may be used and occupied by the claimant to these structures pursuant to a nontransferable, nonrenewable permit. This use and occupancy shall be for a maximum term of 1 year: *Provided, however,* That the claimant, by application, complies with § 13.17(c)(1) (i) through (iv) above. Permits issued under the provisions of this paragraph may be extended by the Superintendent, subject to reasonable regulations, for a period not to exceed one year for such reasons as the Superintendent deems equitable and just.

(4) Cabins or other structures, construction of which began after December 1, 1978, shall not be available for use and occupancy, unless authorized under the provisions of paragraph (d) of this section.

(5) Cabins or other structures, not under permit, shall be used only for official government business: *Provided, however,* That during emergencies involving the safety of human life, or where designated for public use by the Superintendent through the posting of signs, these cabins may be used by the general public.

(c) *New Cabins or Other Structures Necessary for Subsistence Uses or Otherwise Authorized by Law.* The Superintendent may issue a permit under such conditions as he/she may prescribe for the construction, reconstruction, temporary use, occupancy, and maintenance of new cabins or other structures when he/she determines that the use is necessary to accommodate reasonably subsistence uses or is otherwise authorized by law. In determining whether to permit the use, occupancy, construction, reconstruction or maintenance of cabins or other structures, the Superintendent shall be guided by factors such as other public uses, public health and safety environmental and resource protection, research activities, protection of cultural or scientific values, subsistence uses, endangered or threatened species conservation and other management considerations necessary to ensure that the activities authorized pursuant to this section are compatible with the purposes for which the park area was established.

(d) *Existing Cabin Leases or Permits* Nothing in this section shall preclude the renewal or continuation of valid leases or permits in effect as of December 2, 1980, for cabins, homesites, or similar structures on federally owned lands. Unless the Superintendent issues specific findings, following notice and an opportunity for the leaseholder or permittee to respond, that renewal or continuation of such valid permit or lease constitutes a direct threat or a significant impairment to the purposes for which the park area was established, he/she shall renew such valid leases or permits upon their expiration in accordance with the provisions of the original lease or permit subject to such reasonable regulations as he/she prescribe in keeping with the management objectives of the park area. Subject to the provisions of the original lease or permit, nothing in this paragraph shall necessarily preclude the Superintendent from transferring such a lease or permit to another person at the election or death of the original permittee or leasee.

§ 13.18 Camping and picnicking.

(a) *Camping.* Camping is permitted in park areas except where such use is prohibited or otherwise restricted by the Superintendent in accordance with the provisions of § 13.30, or as set forth for specific park areas in Subpart C of this part.

(b) *Picnicking.* Picnicking is permitted in park areas except where such activity is prohibited by the posting of appropriate signs.

§ 13.19 Weapons, traps and nets.

(a) This section applies to all park areas in Alaska except Klondike Gold Rush National Historical Park, Sitka National Historical Park and the former Mt. McKinley National Park, Glacier Bay National Monument and Katmai National Monument.

(b) Firearms may be carried within park areas in accordance with applicable Federal and State laws, except where such carrying is prohibited or otherwise restricted pursuant to § 13.30.

(c) Traps, bows and other implements authorized by State and Federal law for the taking of fish and wildlife may be carried within National Preserves only during those times when the taking of fish and wildlife is authorized by applicable law or regulation.

(d) In addition to the authorities provided in paragraphs (b) and (c) of this section, weapons (other than firearms) traps and nets may be possessed within park areas provided such weapons, traps or nets are within or upon a device or animal used for transportation and are unloaded and cased or otherwise packed in such a manner as to prevent their ready use while in a park area.

(e) Notwithstanding the provisions of this section, local rural residents who are authorized to engage in subsistence uses, including the taking of wildlife pursuant to § 13.48, may use, possess, or carry traps, nets and other weapons in accordance with applicable State and Federal laws.

§ 13.20 Preservation of natural features.

(a) This section applies to all park areas in Alaska except Klondike Gold Rush National Historical Park, Sitka National Historical Park, the former Mt. McKinley National Park, Glacier Bay National Monument, and Katmai National Monument.

(b) *Renewable Resources.* The gathering or collecting, by hand and for personal use only, of the following renewable resources is permitted:

(1) Natural plant food items, including fruits, berries and mushrooms, but not including threatened or endangered species;

(2) Driftwood and uninhabited seashells;

(3) Such plant materials and minerals as are essential to the conduct of traditional ceremonies by Native Americans; and

(4) Dead or downed wood for use in fires within park areas.

(c) *Rocks and Minerals.* Surface collection, by hand (including hand-held gold pans) and for personal recreational use only, of rocks and minerals is permitted: *Provided, however,* That (1) collection of silver, platinum, gemstones and fossils is prohibited, and (2) collection methods which may result in disturbance of the ground surface, such as the use of shovels, pickaxes, sluice boxes, and dredges, are prohibited.

(d) *Closure and Notice.* Under conditions where it is found that significant adverse impact on park resources, wildlife populations, subsistence uses, or visitor enjoyment of resources will result, the Superintendent shall prohibit the gathering or otherwise restrict the collecting of these items. Portions of a park area in which closures or restrictions apply shall be (1) published in at least one newspaper of general circulation in the State and designated on a map which shall be available for public inspection in the office of the Superintendent, or (2) designated by the posting of appropriate signs, or (3) both.

(e) *Subsistence.* Nothing in this section shall apply to local rural residents authorized to take renewable resources.

§ 13.21 Taking of fish and wildlife.

(a) *Subsistence.* Nothing in this section shall apply to the taking of fish and wildlife for subsistence uses.

(b) *Fishing.* Fishing is permitted in all park areas in accordance with applicable State and Federal law, and such laws are hereby adopted and made a part of these regulations to the extent they are not inconsistent with § 2.13 of this chapter. With respect to the Cape Krusenstern National Monument, the Malaspina Glacier Forelands area of the Wrangell-St. Elias National Preserve, and the Dry Bay area of Glacier Bay National Preserve, the exercise of valid commercial fishing rights or privileges obtained pursuant to existing law—including any use of park area lands for campsites, cabins, motorized vehicles, and aircraft landings on existing airstrips which is directly incident to the exercise of such rights or privileges—may continue: *Provided, however,* That the Superintendent may restrict the use of park area lands directly incident to the exercise of these rights or privileges if he/she determines, after conducting a public hearing in the affected locality, that such use of park area lands constitutes a significant expansion of the use of park area lands beyond the level of such use during 1979.

(c) *Hunting and Trapping.* Hunting and trapping are permitted in all National Preserves in accordance with applicable State and Federal law, and such laws are hereby adopted and made a part of these regulations: *Provided, however,* That engaging in trapping activities, as the employee of another person is prohibited.

(d) *Closures and Restrictions.* The Superintendent may prohibit or restrict the taking of fish or wildlife in accordance with the provisions of § 13.30. Except in emergency conditions, such restrictions shall take effect only after consultation with the appropriate State agency having responsibility over fishing, hunting, or trapping and representatives of affected users.

§ 13.22 Unattended or abandoned property.

(a) This section applies to all park areas in Alaska except Klondike Gold Rush National Historical Park and Sitka National Historical Park, or as further restricted for specific park areas in Subpart C of this part.

(b) Leaving any snowmachine, vessel, off-road vehicle or other personal property unattended for longer than 12 months without prior permission of the Superintendent is prohibited, and any property so left may be impounded by the Superintendent.

(c) The Superintendent may (1) designate areas where personal property may not be left unattended for any time period, (2) establish limits on the amount, and type of personal property that may be left unattended, (3) prescribe the manner in which personal property may be left unattended, or (4) establish limits on the length of time personal property may be left unattended. Such designations and restrictions shall be (i) published in at least one newspaper of general circulation within the State, posted at community post offices within the vicinity affected, made available for broadcast on local radio stations in a manner reasonably calculated to inform residents in the affected community, and designated on a map which shall be available for public inspection at the office of the Superintendent, or (ii) designated by the posting of appropriate signs or (iii) both.

(d) In the event unattended property interferes with the safe and orderly management of a park area or is causing damage to the resources of the area, it may be impounded by the Superintendent at any time.

§ 13.30 Closure procedures.

(a) *Authority.* The Superintendent may close an area or restrict an activity on an emergency, temporary, or permanent basis.

(b) *Criteria.* In determining whether to close an area or restrict an activity on an emergency basis, the Superintendent shall be guided by factors such as public health and safety, resource protection, protection of cultural or scientific values, subsistence uses, endangered or threatened species conservation, and other management considerations necessary to ensure that the activity or area is being managed in a manner compatible with the purposes for which the park area was established.

(c) *Emergency Closures.* (1) Emergency closures or restrictions relating to the use of aircraft, snowmachines, motorboats, or nonmotorized surface transportation shall be made after notice and hearing; (2) emergency closures or restrictions relating to the taking of fish and wildlife shall be accompanied by notice and hearing; (3) other emergency closures shall become effective upon notice as prescribed in § 13.30(f); and (4) no emergency closure or restriction shall extend for a period exceeding 30 days, nor may it be extended.

(d) *Temporary closures or restrictions.* (1) Temporary closures or restrictions relating to the use of aircraft, snowmachines, motorboats, or nonmotorized surface transportation or to the taking of fish and wildlife, shall not be effective prior to notice and hearing in the vicinity of the area(s) directly affected by such closures or restrictions, and other locations as appropriate; (2) other temporary closures shall be effective upon notice as prescribed in § 13.30(f); (3) temporary closures or restrictions shall not extend for a period exceeding 12 months and may not be extended.

(e) *Permanent closures or restrictions.* Permanent closures or restrictions shall be published as rulemaking in the **Federal Register** with a minimum public comment period of 60 days and shall be accompanied by public hearings in the area affected and other locations as appropriate.

(f) *Notice.* Emergency, temporary and permanent closures or restrictions shall be (1) published in at least one newspaper of general circulation in the State and in at least one local newspaper if available, posted at community post offices within the vicinity affected, made available for broadcast on local radio stations in a manner reasonably calculated to inform residents in the affected vicinity, and designated on a map which shall be available for public inspection at the office of the Superintendent and other places convenient to the public; or (2) designated by the posting of appropriate signs; or (3) both.

(g) *Openings.* In determining whether to open an area to public use or activity otherwise prohibited, the Superintendent shall provide notice in the **Federal Register** and shall, upon request, hold a hearing in the affected vicinity and other locations as appropriate prior to making a final determination.

(h) Except as otherwise specifically permitted under the provisions of this part, entry into closed areas or failure to abide by restrictions established under this section is prohibited.

§ 13.31 Permits.

(a) *Application.* (1) Application for a permit required by any section of this part shall be submitted to the Superintendent having jurisdiction over the affected park area, or in the absence of the Superintendent, the Regional Director. If the applicant is unable or does not wish to submit the application in written form, the Superintendent shall provide the applicant an opportunity to present the application orally and shall keep a record of such oral application.

(2) The Superintendent shall grant or deny the application in writing within 45 days. If this deadline cannot be met for good cause, the Superintendent shall so notify the applicant in writing. If the permit application is denied, the Superintendent shall specify in writing the reasons for the denial.

(b) *Denial and appeal procedures.* (1) An applicant whose application for a permit, required pursuant to this part, has been denied by the Superintendent has the right to have the application reconsidered by the Regional Director by contacting him/her within 180 days of the issuance of the denial. For purposes of reconsideration, the permit applicant shall present the following information:

(i) Any statement or documentation, in addition to that included in the initial application, which demonstrates that the applicant satisfies the criteria set forth in the section under which the permit application is made.

(ii) The basis for the permit applicant's disagreement with the Superintendent's findings and conclusions; and

(iii) Whether or not the permit applicant requests an informal hearing before the Regional Director.

(2) The Regional Director shall provide a hearing if requested by the applicant. After consideration of the written materials and oral hearing, if any, and within a reasonable period of time, the Regional Director shall affirm, reverse, or modify the denial of the Superintendent and shall set forth in writing the basis for the decision. A copy of the decision shall be forwarded promptly to the applicant and shall constitute final agency action.

Subpart B—Subsistence

§ 13.40 Purpose and policy.

(a) Consistent with the management of fish and wildlife in accordance with recognized scientific principles and the purposes for which each park area was established, designated, or expanded by ANILCA, the purpose of this subpart is to provide the opportunity for local rural residents engaged in a subsistence way of life to do so pursuant to applicable State and Federal law.

(b) Consistent with sound management principles, and the conservation of healthy populations of fish and wildlife, the utilization of park areas is to cause the least adverse impact possible on local rural residents who depend upon subsistence uses of the resources of the public lands in Alaska.

(c) Nonwasteful subsistence uses of fish, wildlife and other renewable resources by local rural residents shall be the priority consumptive uses of such resources over any other consumptive uses permitted within park areas pursuant to applicable State and Federal law.

(d) Whenever it is necessary to restrict the taking of a fish or wildlife population within a park area for subsistence uses in order to assure the continued viability of such population or to continue subsistence uses of such population, the population shall be allocated among local rural residents engaged in subsistence uses in accordance with a subsistence priority system based on the following criteria:

(1) Customary and direct dependence upon the resource as the mainstay of one's livelihood;

(2) Local residency; and

(3) Availability of alternative resources.

(e) The State of Alaska is authorized to regulate the taking of fish and wildlife for subsistence uses within park areas to the extent such regulation is consistent with applicable Federal law, including but not limited to ANILCA.

(f) Nothing in this subpart shall be construed as permitting a level of subsistence use of fish and wildlife within park areas to be inconsistent with the conservation of healthy populations, and within a national park or monument to be inconsistent with the conservation of natural and healthy populations, of fish and wildlife.

§ 13.41 Applicability.

Subsistence uses by local rural residents are allowed pursuant to the regulations of this Subpart in the following park areas:

(a) In national preserves;

(b) In Cape Krusenstern National Monument and Kobuk Valley National Park;

(c) Where such uses are traditional (as may be further designated for each park or monument in Subpart C of this part) in Aniakchak National Monument, Gates of the Arctic National Park, Lake Clark National Park, Wrangell-St. Elias National Park, and the Denali National Park addition.

§ 13.42 Definitions.

(a) *Local rural resident.* (1) As used in this part with respect to national parks and monuments, the term "local rural resident" shall mean either of the following:

(i) Any person who has his/her primary, permanent home within the resident zone as defined by this section, and whenever absent from this primary, permanent home, has the intention of returning to it. Factors demonstrating the location of a person's primary, permanent home may include, but are not limited to, the permanent address indicated on licenses issued by the State of Alaska Department of Fish and Game, driver's license, and tax returns, and the location of registration to vote.

(ii) Any person authorized to engage in subsistence uses in a national park or monument by a subsistence permit issued pursuant to § 13.44.

(b) *Resident zone.* As used in this part, the term "resident zone" shall mean the area within, and the communities and areas near, a national park or monument in which persons who have customarily and traditionally engaged in subsistence uses within the national park or monument permanently reside. The communities and areas near a national park or monument included as a part of its resident zone shall be determined pursuant to § 13.43 and listed for each national park or monument in Subpart C of this part.

(c) *Subsistence uses.* As used in this part, the term "subsistence uses" shall mean the customary and traditional uses by rural Alaska residents of wild, renewable resources for direct personal or family consumption as food, shelter, fuel, clothing, tools or transportation; for the making and selling of handicraft articles out of nonedible byproducts of fish and wildlife resources taken for personal or family consumption; for barter or sharing for personal or family consumption; and for customary trade. For the purposes of this paragraph, the term—

(1) "Family" shall mean all persons related by blood, marriage, or adoption, or any person living within the household on a permanent basis; and

(2) "Barter" shall mean the exchange of fish or wildlife or their parts taken for subsistence uses—

(i) For other fish or game or their parts; or

(ii) For other food or for nonedible items other than money if the exchange is of a limited and noncommercial nature; and

(3) "Customary trade" shall be limited to the exchange of furs for cash (and such other activities as may be designated for a specific park area in Subpart C of this part).

§ 13.43 Determination of resident zones.

(a) A resident zone shall include—

(1) the area within a national park or monument, and

(2) the communities and areas near a national park or monument which contain significant concentrations of rural residents who, without using aircraft as a means of access for purposes of taking fish or wildlife for subsistence uses (except in extraordinary cases where no reasonable alternative existed), have customarily and traditionally engaged in subsistence uses within a national park or monument. For purposes of

determining "significant" concentrations, family members shall also be included.

(b) After notice and comment, including public hearing in the affected local vicinity, a community or area near a national park or monument may be—

(1) Added to a resident zone, or

(2) Deleted from a resident zone, when such community or area does or does not meet the criteria set forth in paragraph (a) of this section, as appropriate.

(c) For purposes of this section, the term "family" shall mean all persons living within a rural resident's household on a permanent basis.

§ 13.44 Subsistence permits for persons whose primary, permanent home is outside a resident zone.

(a) Any rural resident whose primary, permanent home is outside the boundaries of a resident zone of a national park or monument may apply to the appropriate Superintendent pursuant to the procedures set forth in § 13.51 for a subsistence permit authorizing the permit applicant to engage in subsistence uses within the national park or monument. The Superintendent shall grant the permit if the permit applicant demonstrates that,

(1) Without using aircraft as a means of access for purposes of taking fish and wildlife for subsistence uses, the applicant has (or is a member of a family which has) customarily and traditionally engaged in subsistence uses within a national park or monument; or

(2) The applicant is a local rural resident within a resident zone for another national park or monument, or meets the requirements of paragraph (1) of this section for another national park or monument, and there exists a pattern of subsistence uses (without use of an aircraft as a means of access for purposes of taking fish and wildlife for subsistence uses) between the national park or monument previously utilized by the permit applicant and the national park or monument for which the permit applicant seeks a subsistence permit.

(b) In order to provide for subsistence uses pending application for and receipt of a subsistence permit, until August 1, 1981, any rural resident whose primary permanent home is outside the boundaries of a resident zone of a national park or monument and who meets the criteria for a subsistence permit set forth in paragraph (a) of this section may engage in subsistence uses in the national park or monument without a permit in accordance with applicable State and Federal law. Effective August 1, 1981, however, such rural resident must have a subsistence permit as required by paragraph (a) of this section in order to engage in subsistence uses in the national park or monument.

(c) For purposes of this section, the term "family" shall mean all persons living within a rural resident's household on a permanent basis.

§ 13.45 Prohibition of aircraft use.

(a) Notwithstanding the provisions of § 13.12 the use of aircraft for access to or from lands and waters within a national park or monument for purposes of taking fish or wildlife for subsistence uses within the national park or monument is prohibited except as provided in this section.

(b) *Exceptions.* (1) In extraordinary cases where no reasonable alternative exists, the Superintendent shall permit, pursuant to specified terms and conditions, a local rural resident of an "exempted community" to use aircraft for access to or from lands and water within a national park or monument for purposes of taking fish or wildlife for subsistence uses.

(i) A community shall quality as an "exempted community" if, because of the location of the subsistence resources upon which it depends and the extraordinary difficulty of surface access to these subsistence resources, the local rural residents who permanently reside in the community have no reasonable alternative to aircraft use for access to these subsistence resources.

(ii) A community which is determined, after notice and comment (including public hearing in the affected local vicinity), to meet the description of an "exempted community" set forth in paragraph (b)(1) of this section shall be included in the appropriate special regulations for each park and monument set forth in Subpart C of this part.

(iii) A community included as an "exempted community" in Subpart C of this part may be deleted therefrom upon a determination, after notice and comment (including public hearing in the affected local vicinity), that it does not meet the description of an "exempted community" set forth in paragraph (b)(1) of this section.

(2) Any local rural resident aggrieved by the prohibition on aircraft use set forth in this section may apply for an exception to the prohibition pursuant to the procedures set forth in § 13.51. In extraordinary cases where no reasonable alternative exists, the Superintendent may grant the exception upon a determination that the location of the subsistence resources depended upon and the difficulty of surface access to these resources, or other emergency situation, requires such relief.

(c) Nothing in this section shall prohibit the use of aircraft for access to lands and waters within a national park or monument for purposes of engaging in any activity allowed by law other than the taking of fish and wildlife. Such activities include, but are not limited to, transportating supplies.

§ 13.46 Use of snowmobiles, motorboats, dog teams, and other means of surface transportation traditionally employed by local rural residents engaged in subsistence uses.

(a) Notwithstanding any other provision of this chapter, the use of snowmobiles, motorboats, dog teams, and other means of surface transportation traditionally employed by local rural residents engaged in subsistence uses is permitted within park areas except at those times and in those areas restricted or closed by the Superintendent.

(b) The Superintendent may restrict or close a route or area to use of snowmobiles, motorboats, dog teams, or other means of surface transportation traditionally employed by local rural residents engaged in subsistence uses if the Superintendent determines that such use is causing or is likely to cause an adverse impact on public health and safety, resource protection, protection of historic or scientific values, subsistence uses, conservation of endangered or threatened species, or the purposes for which the park area was established.

(c) No restrictions or closures shall be imposed without notice and a public hearing in the affected vicinity and other locations as appropriate. In the case of emergency situations, restrictions or closures shall not exceed sixty (60) days and shall not be extended unless the Superintendent establishes, after notice and public hearing in the affected vicinity and other locations as appropriate, that such extension is justified according to the factors set forth in paragraph (b) of this section. Notice of the proposed or emergency restrictions or closures and the reasons therefor shall be published in at least one newspaper of general circulation within the State and in at least one local newspaper if appropriate, and information about such proposed or emergency actions shall also be made available for broadcast on local radio stations in a manner reasonably calculated to inform local rural residents in the affected vicinity. All restrictions and closures shall be designated on a map which shall be available for public inspection at the office of the

Superintendent of the affected park area and the post office or postal authority of every affected community within or near the park area, or by the posting of signs in the vicinity of the restrictions or closures, or both.

(d) Motorboats, snowmobiles, dog teams, and other means of surface transportation traditionally employed by local rural residents engaged in subsistence uses shall be operated (1) in compliance with applicable State and Federal law, (2) in such a manner as to prevent waste or damage to the park areas, and (3) in such a manner as to prevent the herding, harassment, hazing or driving of wildlife for hunting or other purposes.

(e) At all times when not engaged in subsistence uses, local rural residents may use snowmobiles, motorboats, dog teams, and other means of surface transportation in accordance with §§ 13.10, 13.11, 13.12, and 13.14, respectively.

§ 13.47 Subsistence fishing.

Fish may be taken by local rural residents for subsistence uses in park areas where subsistence uses are allowed in compliance with applicable State and Federal law, including the provisions of §§ 2.13 and 13.21 of this chapter: *Provided, however,* That local rural residents in park areas where subsistence uses are allowed may fish with a net, seine, trap, or spear where permitted by State law. To the extent consistent with the provisions of this chapter, applicable State laws and regulations governing the taking of fish which are now or will hereafter be in effect are hereby incorporated by reference as a part of these regulations.

§ 13.48 Subsistence hunting and trapping

Local rural residents may hunt and trap wildlife for subsistence uses in park areas where subsistence uses are allowed in compliance with applicable State and Federal law. To the extent consistent with the provisions of this chapter, applicable State laws and regulations governing the taking of wildlife which are now or will hereafter be in effect are hereby incorporated by reference as a part of these regulations.

§ 13.49 Subsistence use of timber and plant material.

(a) Notwithstanding any other provision of this part, the non-commercial cutting of live standing timber by local rural residents for appropriate subsistence uses, such as firewood or house logs, may be permitted in park areas where subsistence uses are allowed as follows:

(1) For live standing timber of diameter greater than three inches at ground height, the Superintendent may permit cutting in accordance with the specifications of a permit if such cutting is determined to be compatible with the purposes for which the park area was established;

(2) For live standing timber of diameter less than three inches at ground height, cutting is permitted unless restricted by the Superintendent.

(b) The noncommerical gathering by local rural residents of fruits, berries, mushrooms, and other plant materials for subsistence uses, and the noncommerical gathering of dead or downed timber for firewood, shall be allowed without a permit in park areas where subsistence uses are allowed.

(c)(1) Nothwithstanding any other provision of this part, the Superintendent, after notice and public hearing in the affected vicinity and other locations as appropriate, may temporarily close all or any portion of a park area to subsistence uses of a particular plant population only if necessary for reasons of public safety, administration, or to assure the continued viability of such population. For the purposes of this section, the term "temporarily" shall mean only so long as reasonably necessary to achieve the purposes of the closure.

(2) If the Superintendent determines that an emergency situation exists and that extraordinary measures must be taken for public safety or to assure the continued viability of a particular plant population, the Superintendent may immediately close all or any portion of a park area to the subsistence uses of such population. Such emergency closure shall be effective when made, shall be for a period not to exceed sixty (60) days, and may not subsequently be extended unless the Superintendent establishes, after notice and public hearing in the affected vicinity and other locations as appropriate, that such closure should be extended.

(3) Notice of administrative actions taken pursuant to this section, and the reasons justifying such actions, shall be published in at least one newspaper of general circulation within the State and at least one local newspaper if available, and information about such actions and reasons also shall be made available for broadcast on local radio stations in a manner reasonably calculated to inform local rural residents in the affected vicinity. All closures shall be designated on a map which shall be available for public inspection at the office of the Superintendent of the affected park area and the post office or postal authority of every affected community within or near the park area, or by the posting of signs in the vicinity of the restrictions, or both.

§ 13.50 Closure to subsistence uses of fish and wildlife.

(a) Notwithstanding any other provision of this part, the Superintendent, after consultation with the State and adequate notice and public hearing in the affected vicinity and other locations as appropriate, may temporarily close all or any portion of a park area to subsistence uses of a particular fish or wildlife population only if necessary for reasons of public safety, administration, or to assure the continued viability of such population. For purposes of this section, the term "temporarily" shall mean only so long as reasonably necessary to achieve the purposes of the closure.

(b) If the Superintendent determines that an emergency situation exists and that extraordinary measures must be taken for public safety or to assure the continued viability of a particular fish or wildlife population, the Superintendent may immediately close all or any portion of a park area to the subsistence uses of such population. Such emergency closure shall be effective when made, shall be for a period not to exceed sixty (60) days, and may not subsequently be extended unless the Superintendent establishes, after notice and public hearing in the affected vicinity and other locations as appropriate, that such closure should be extended.

(c) Notice of administrative actions taken pursuant to this section, and the reasons justifying such actions, shall be published in at least one newspaper of general circulation within the State and in at least one local newspaper if available, and information about such actions and reasons also shall be made available for broadcast on local radio stations in a manner reasonably calculated to inform local rural residents in the affected vicinity. All closures shall be designated on a map which shall be available for public inspection at the office of the Superintendent of the affected park area and the post office or postal authority of every affected community within or near the park area, or by the posting of signs in the vicinity of the restrictions, or both.

§ 13.51 Application procedures for subsistence permits and aircraft exceptions.

(a) Any person applying for the subsistence permit required by § 13.44(a), or the exception to the prohibition on aircraft use provided by

§ 13.45(b)(2), shall submit his/her application to the Superintendent of the appropriate national park or monument. If the applicant is unable or does not wish to submit the application in written form, the Superintendent shall provide the applicant an opportunity to present the application orally and shall keep a record of such oral application. Each application must include (1) a statement which acknowledges that providing false information in support of the application is a violation of Section 1001 of Title 18 of the United States Code, and (2) additional statements or documentation which demonstrates that the applicant satisfies the criteria set forth in § 13.44(a) for a subsistence permit or § 13.45(b)(2) for the aircraft exception, as appropriate. Except in extraordinary cases for good cause shown, the Superintendent shall decide whether to grant or deny the application in a timely manner not to exceed forty-five (45) days following the receipt of the completed application. Should the Superintendent deny the application, he/she shall include in the decision a statement of the reasons for the denial and shall promptly forward a copy to the applicant.

(b) An applicant whose application has been denied by the Superintendent has the right to have his/her application reconsidered by the Alaska Regional Director by contacting the Regional Director within 180 days of the issuance of the denial. The Regional Director may extend the 180-day time limit to initiate a reconsideration for good cause shown by the applicant. For purposes of reconsideration, the applicant shall present the following information:

(1) Any statement or documentation, in addition to that included in the initial application, which demonstrates that the applicant satisfies the criteria set forth in paragraph (a) of this section;

(2) The basis for the applicant's disagreement with the Superintendent's findings and conclusions; and

(3) Whether or not the applicant requests an informal hearing before the Regional Director.

(c) The Regional Director shall provide a hearing if requested by the applicant. After consideration of the written materials and oral hearing, if any, and within a reasonable period of time, the Regional Director shall affirm, reverse, or modify the denial of the Superintendent and shall set forth in writing the basis for the decision. A copy of the decision shall be forwarded promptly to the applicant and shall constitute final agency action.

Subpart C—Special Regulations—Specific Park Areas in Alaska

§ 13.60 Aniakchak National Monument and Preserve.

(a) *Subsistence.*—(1) *Resident Zone.* The following communities and areas are included within the resident zone for Aniakchak National Monument:

Chignik
Chignik Lagoon
Chignik Lake
Meshik
Port Heiden

§ 13.61 Bering Land Bridge National Preserve.

(a) *Off-Road Vehicles.* The use of off-road vehicles for purposes of reindeer grazing may be permitted in accordance with a permit issued by the Superintendent.

§ 13.62 Cape Krusenstern National Monument.

(a) *Subsistence.*—(1) *Resident Zone.* The following communities and areas are included within the resident zone for Cape Krusenstern National Monument:

Kivalina
Kotzebue
Noatak

§ 13.63 Denali National Park and Preserve.

(a) *Subsistence.*—(1) *Resident Zone.* The following communities and areas are included within the resident zone for Denali National Park addition:

Cantwell
Minchumina
Nikolai
Telida

(b) *Camping.* Camping is prohibited along the road corridor and at Wonder Lake, except at designated areas. Camping is allowed in other areas in accordance with the backcountry management plan.

(c) *Unattended or Abandoned Property.* Leaving unattended and abandoned property along the road corridor, at Wonder Lake, and in the areas included in the backcountry management plan, is prohibited.

§ 13.64 Gates of the Arctic National Park and Preserve.

(a) *Subsistence.*—(1) *Resident Zone.* The following communities and areas are included within the resident zone for Gates of the Arctic National Park:

Alatna
Allakaket
Ambler
Anaktuvuk Pass
Bettles/Evansville
Hughes
Kobuk
Nuiqsut
Shungnak
Wiseman

(2) *Aircraft Use.* In extraordinary cases where no reasonable alternative exists, local rural residents who permanently reside in the following exempted community(ies) may use aircraft for access to lands and waters within the park for subsistence purposes in accordance with a permit issued by the Superintendent:

Anaktuvuk Pass

(2) *Customary Trade.* In The Gates of the Arctic National Preserve unit which contains the Kobuk River and its tributaries, "customary trade" shall include—in addition to the exchange of furs for cash—the selling of handicraft articles made from plant material taken by local rural residents of the park area.

§ 13.65 Glacier Bay National Park and Preserve [Reserved].

§ 13.66 Katmai National Park and Preserve [Reserved].

§ 13.67 Kenai Fjords National Park.

(a) *Subsistence.* Subsistence uses are prohibited in, and the provisions of Subpart B of this part shall not apply to, Kenai Fjords National Park.

§ 13.68 Klondike Gold Rush National Historical Park.

(a) *Camping.* Camping is permitted only in designated areas.

§ 13.69 Kobuk Valley National Park.

(a) *Subsistence.*—(1) *Resident Zone.* The following communities and areas are included within the resident zone for Kobuk Valley National Park:

Ambler
Kiana
Kobuk
Kotzebue
Noorvik
Selawik
Shungnak

(2) *Customary Trade.* In addition to the exchange of furs for cash, "customary trade" in Kobuk Valley National Park shall include the selling of handicraft articles made from plant material taken by local rural residents of the park area.

§ 13.70 Lake Clark National Park and Preserve.

(a) *Subsistence.*—(1) *Resident Zone.* The following communities and areas are included within the resident zone for Lake Clark National Park:

Iliamna
Lime Village
Newhalen
Nondalton

Pedro Bay
Port Alsworth

§ 13.71 Noatak National Preserve [Reserved].

§ 13.72 Sitka National Historical Park.

(a) *Camping.* Overnight camping is prohibited.

§ 13.73 Wrangell-St. Elias National Park and Preserve.

(a) *Subsistence.*—(1) *Resident Zone.* The following communities and areas are included within the resident zone for Wrangell-St. Elias National Park:

Chisana
Chistochina
Chitina
Copper Center
Gakona
Gakona Junction
Glennallen
Gulkana
Kenny Lake
Lower Tonsina
McCarthy
Mentasta Lake
Nabesna
Slana
Tazlina
Tok
Tonsina
Yakutat

(2) *Aircraft Use.* In extraordinary cases where no reasonable alternative exists local rural residents who permanently reside in the following exempted community(ies) may use aircraft for access to lands and waters within the park for subsistence purposes in accordance with a permit issued by the Superintendent:

Yakutat (for access to the Malaspina Forelands Area only)

§ 13.74 Yukon Charley Rivers National Preserve [Reserved].

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Wednesday
June 17, 1981

Part IV

Department of Education

College Library Resources Program (Title II-A HEA); Final Rule

DEPARTMENT OF EDUCATION

34 CFR Part 773

College Library Resources Program (Title II-A HEA)

AGENCY: Department of Education.

ACTION: Final regulations.

SUMMARY: The Secretary of Education is issuing final regulations for the College Library Resources Program to implement the statutory changes contained in the Education Amendments of 1980 (Pub. L. 96-374). These regulations govern resource development grants awarded to institutions of higher education and other eligible library institutions to improve their library holdings and networking capabilities.

EFFECTIVE DATE: Unless the Congress takes certain adjournments, these regulations will take effect August 3, 1981. If you want to know if there has been a change in the effective date of these regulations, call or write the Department of Education contact person. At a future date, the Secretary will publish a notice in the **Federal Register** stating the effective date of these regulations.

FOR FURTHER INFORMATION CONTACT: Frank A. Stevens, Telephone (202) 245-9530.

SUPPLEMENTARY INFORMATION:

A. Background

The College Library Resources Program provides funds to institutions of higher education and public and nonprofit private library institutions to assist them in the development of their library collections. Since the inception of the program in 1966, approximately 2,300 institutions of higher education and other library institutions have participated annually, and over 39,000 awards have been issued.

B. Public Comments on the NPRM

A notice of proposed rulemaking (NPRM) for the College Library Resources Program was published in the **Federal Register** on December 23, 1980 (45 FR 84950).

While the provisions of these final regulations are substantially the same as those of the NPRM, changes include:

- In subpart C, § 773.22 "Application for waiver of maintenance of effort" replaces § 773.41 of the NPRM, and § 773.23 "Application from a combination of institutions" replaces § 773.42(c) of the NPRM.
- In § 773.5(b), the definition of "School or department of divinity" is removed. (See EDGAR, 34 CFR 75.532.)
- In § 773.10(b)(2), the sentence which prohibits the use of funds for religious purposes is revised.

Awards under this program are made on the basis of applicant eligibility and compliance with the maintenance of effort requirement. Therefore, the sections of the EDGAR which concern selection criteria (34 CFR 75.202-206), do not apply to this part.

The following public comments were received in response to the NPRM. (The NPRM section designation is shown in parentheses following the current section designation if it is changed.)

§ 773.5 *Definitions* and § 773.40 *Maintenance of effort requirement.* (§ 773.40 *Fiscal requirements.*)

Comment. Two commenters objected to the EDGAR definition of "fiscal year" as applied to the maintenance of effort requirement. They suggested that applicants be permitted to safisfy maintenance of effort requirements on the basis of an applicant's own fiscal year rather than on the Federal fiscal year as defined in EDGAR. The commenters asserted that, by basing the maintenance of effort on the applicant's fiscal year instead of the Federal fiscal year, the time and cost to prepare an application would be reduced.

Response. No change has been made. The statute requires that grantees compute maintenance of effort expenditures on the basis of the Federal fiscal year.

§ 773.40 *Maintenance of effort requirement.* (§ 773.40 *Fiscal requirements.*)

Comment. One commenter urged that "operational support expenditures" be included in those expenditures considered for purposes of the maintenance of effort requirement. The commenter asserted that library personnel costs now exceed the cost of acquiring materials.

Response. No change has been made. Section 211(b)(2) of the statute specifically establishes library material expenditures as the sole basis for satisfying the maintenance of effort requirement.

§ 773.22 *Application for waiver of maintenance of effort.* (§ 773.41 *Waiver of the maintenance effort.*)

Comment. Two commenters objected to the requirement that waivers be restricted to "very unusual circumstances." Constrained budgets, they assert, would prevent some applicants from meeting the maintenance of effort requirement under that strict requirement.

Response. No change has been made. The statute specifically limits to "very unusual circumstances" those circumstances that would qualify an applicant for a waiver.

To assist the Department in complying with the specific requirements of Executive Order 12291 and its overall requirement of reducing regulatory burden, public comment is invited on whether there may be further opportunities to reduce any regulatory burdens found in these regulations.

Citation of Legal Authority

A citation of statutory or other legal authority has been placed in parentheses on the line following each provision.

Dated: June 11, 1981.

T. H. Bell,

Secretary of Education.

(Catalog of Federal Domestic Assistance Number 84.005, College Library Resources Program)

The Secretary revises Part 773 of Title 34 of the Code of Federal Regulations to read as follows:

PART 773—COLLEGE LIBRARY RESOURCES PROGRAM

Subpart A—General

Sec.

773.1 College library resources program.
773.2 Eligible applicants.
773.3 Eligibility limitations.
773.4 Regulations that apply to the college library resources program.
773.5 Definitions that apply to the college library resources program.

Subpart B—Kinds of Projects the Secretary Assists Under This Program

773.10 Authorized activities.

Subpart C—How To Apply for a Grant

773.20 Limitations on number of applications.
773.21 Application requirements.
773.22 Application for waiver of maintenance of effort.
773.23 Application from a combination of institutions.

Subpart D—How the Secretary Makes a Grant

773.30 How the Secretary judges applications.
773.31 Amount of grant.

Subpart E—Conditions That Must Be Met by Grantee

773.40 Maintenance of effort requirement
773.41 Coordination with other groups.

Authority: Part A of Title II of the Higher Education Act of 1965, as amended by the Education Amendments of 1980 (Pub. L. 96-374), 96 Stat. 1383 (20 U.S.C. 1021, *et seq.*)

Subpart A—General

§ 773.1 College library resources program.

The College Library Resources Program assists institutions of higher education and other public and nonprofit private library institutions to—

(a) Improve the quality of their library resources, including law library resources; and

(b) Share their library resources through the establishment and maintenance of networks.

(Sec. 201, 211 of the Act; 20 U.S.C. 1021, 1029)

§ 773.2 Eligible applicants.

The following are eligible to apply for a grant under the College Library Resources Program:

(a) An institution of higher education.

(b) A branch of an institution of higher education.

(c) A combination of institutions of higher education.

(d) A public or nonprofit private library institution.

(Sec. 211 of the Act; 20 U.S.C. 1029)

§ 773.3 Eligibility limitations.

(a) A department library or a professional school within an institution of higher education may not apply separately as a branch.

(b) A grantee under Section 231 of the Act, Part C of Title II (Strengthening Research Library Resources), is ineligible to receive a grant under this part for the same fiscal year.

(Sec. 211, 231 of the Act; 20 U.S.C. 1029, 1041)

§ 773.4 Regulations that apply to the college library resources program.

The following regulations apply to the College Library Resources Program:

(a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR Part 75 (Direct Grant Programs) and 34 Part CFR 77 (Definitions); and

(b) The regulations in this Part 773.

(20 U.S.C. 3474)

§ 773.5 Definitions that apply to the college library resources program.

(a) *Definitions in EDGAR.* The following terms used in this Part are defined in 34 CFR Part 77:

Acquisition	Grant
Applicant	Grant Period
Application	Nonprofit
Award	Private
Department	Public
EDGAR	Secretary
Fiscal Year	

(b) *Definitions that apply to this part.* The following definitions apply to this part:

"Acquisition" means the term as defined in EDGAR, 34 Part 77. For the purposes of this program it also includes cataloging and necessary first binding.

"Act" means the Higher Education Act of 1965, as amended.

"Branch" means a campus of an institution of higher education if that campus is—

(1) Located in a community in the United States different from that of the parent institution;

(2) Not within a reasonable commuting distance from the main campus; and

(3) Offering college level programs for which library facilities, services, and materials are necessary.

"Combination of institutions of higher education" means—

(1) Institutions of higher education that have entered into a cooperative arrangement for the purpose of carrying out a common objective; or

(2) A public or nonprofit private agency, organization, or institution designated or created by a group of institutions of higher education for the purpose of carrying out a common objective on their behalf.

"Expenditures for total library purposes" means expenditures for the maintenance and operation of libraries, including salaries, wages, supplies, materials, and equipment.

"Institution of higher education" means, in any State, an educational institution that—

(1) Admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of that type of certificate;

(2) Is legally authorized within the State to provide a program of education beyond secondary education;

(3) Provides an educational program for which it awards a bachelor's degree or provides not less than a two-year program that is acceptable for full credit toward a bachelor's degree;

(4) Is a public or nonprofit private institution; and

(5) Is accredited by a nationally recognized accrediting agency or association or, if not so accredited—

(i) Is an institution with respect to which the Secretary has determined that there is satisfactory assurance—considering the resources available to the institution, the period of time, if any, during which it has operated, the effort it is making to meet accreditation standards and the purpose for which this determination is being made—that the institution will meet the accreditation standards of a nationally recognized accrediting agency or association within a reasonable time; or

(ii) Is an institution whose credits are accepted, on transfer, by not fewer than three institutions that are so accredited for credit on the same basis as if transferred from an institution so accredited.

(6)(i) The term also includes any school that provides not less than a one-year program of training to prepare students for gainful employment in a recognized occupation and that meets the provisions of paragraphs (1), (2), (4), and (5) of this definition.

(ii) For purposes of this definition, the Secretary publishes a list of nationally recognized accrediting agencies or associations that the Secretary determines to be reliable authority as to the quality of training offered.

(7) The term also includes, in any State, a public or nonprofit private educational institution that, in lieu of the requirement in paragraph (1) of this definition, admits as regular students persons who are beyond the age of compulsory school attendance in the State in which the institution is located and who have the ability to benefit from the training offered by the institution.

"Library institution" means an institution that is not part of an institution of higher education and whose primary function is to provide library and information services to institutions of higher education on a formal cooperative basis. An institution meets this requirement if—

(1) It demonstrates that it provides more than 50 percent of its library and information services to students, faculty, or other researchers at an institution of higher education; and

(2) It provides these services on a cooperative basis under a formal written agreement with one or more institutions of higher education.

"Library material expenditures" means—

(1) Expenditures for books, periodicals, documents, magnetic tapes, phonograph records, audio-visual materials, cataloging materials, and other printed and published materials that—

(i) Are suitable for inclusion in the library resources and law library resources of institutions of higher education and other eligible library institutions; and

(ii) With the exception of periodicals and newspapers, with reasonable care

and use may be expected to last for more than one year; and

(2) Expenditures for the necessary first binding of these printed and published materials, but not the acquisition of equipment or supplies, or the cost of construction.

"Network" means a cooperative organization formed to share library resources and to provide services—such as computer services and telecommunications—to its members. Its members may include institutions of higher education and public or nonprofit private library institutions.

"Resource Development Grant" means a grant made under Section 211 of the Act.

"State Agency" means the State agency designated under Section 1203 of the Act.

(20 U.S.C. 3474)

Subpart B—Kinds of Projects the Secretary Assists Under This Program

§ 773.10 Authorized activities.

(a) Funds awarded under this program may be used only—

(1) For the acquisition of books and other library materials; and

(2) To support the activities of a network, including, but not limited to, computer time, network membership; and user fees.

(b) Funds awarded under this program may not be used for—

(1) The acquisition of books and other library materials to be used primarily in connection with any medical library or similar facility that receives assistance in the same fiscal year for expanding or improving medical library resources under the Medical Library Assistance Act of 1965, as amended (42 U.S.C. 280b–7).

(2) Religious purposes. (See EDGAR, 34 CFR 75.532—"Use of funds for religion prohibited".)

(Sec. 211 of the Act; 20 U.S.C. 1029)

Subpart C—How To Apply for a Grant

§ 773.20 Limitations on number of applications.

An applicant may submit no more than one application in a fiscal year.

(Sec. 211 of the Act; 20 U.S.C. 1029)

§ 773.21 Application requirements.

In its application, an applicant shall:

(a) Provide information about itself and its library resources, and

(b)(1) Include an assurance that if it receives a grant under this program, it will meet the maintenance of effort requirement of § 773.40; or

(2) Request a waiver of the maintenance of effort requirement under § 773.22.

(20 U.S.C. 3474)

§ 773.22 Application for waiver of maintenance of effort.

(a) If an applicant requests a waiver of the maintenance of effort requirement in § 773.40, it shall provide in its application a detailed description of the circumstances that it believes justifies the request.

(b) If the Secretary determines that there are very unusual circumstances that prevent the applicant from making the assurance required in § 773.21(b), the Secretary may waive the maintenance of effort requirement.

(c) The Secretary may waive the maintenance of effort requirement because of very unusual circumstances that either—

(1) Temporarily reduce the level of library material expenditures and expenditures for total library purposes; or

(2) Result in unusually high library material expenditures and expenditures for total library purposes.

(d) Very unusual circumstances include:

(1) Theft, vandalism, fire, flood, earthquake, or other exceptional and unforeseen occurrences;

(2) The establishment of a basic program of library service in the first five years of institutional operation;

(3) Sudden and substantial increases in enrollment; or

(4) Sudden and substantial increases in activities (e.g., library materials expenditures) due to an unusual, one-time receipt of funds.

(Sec. 211 of the Act; 20 U.S.C. 1029)

§ 773.23 Application from a combination of institutions.

In the case of an application from a combination of institutions of higher education, the combination may apply for:

(a) Its own grant; and

(b) If its members do not apply on their own behalf, of each of its members.

For example, combination A is composed of three institutions of higher education, X, Y, and Z. The combination A may apply for one resource development grant for itself, and it may also apply for separate grants on behalf of X, Y, and Z. However, X, Y, and Z may not apply separately if the combination A applies on their behalf.

(Sec. 211 of the Act; 20 U.S.C. 1029)

Subpart D—How the Secretary Makes a Grant

§ 773.30 How the Secretary judges applications.

The Secretary awards a grant to each eligible applicant that demonstrates its compliance with the Act and these regulations.

(Sec. 211 of the Act; 20 U.S.C. 1029)

§ 773.31 Amount of grant.

(a) The amount of a resource development grant may not exceed $10,000 for any fiscal year.

(b) The Secretary determines the amount of a resource development grant annually by dividing the amount of available funds by the number of eligible applicants that demonstrate compliance with the Act and these regulations.

(Sec. 211 of the Act; 20 U.S.C. 1029)

Subpart E—Conditions That Must Be Met by Grantee

§ 773.40 Maintenance of effort requirement.

During the fiscal year for which it has requested a grant, a grantee shall expend for all library material expenditures an amount—from funds other than funds received under this program—that equals or exceeds either—

(a) The average annual aggregate amount it expended for those materials during the two fiscal years preceding the fiscal year for which it is seeking assistance; or

(b)(1) The average amount per full-time equivalent student it expended for those purposes during the two fiscal years preceding the fiscal year for which it is seeking assistance.

(2) For the purposes of this section, the number of full-time equivalent students means—

(i) The sum of the number of students enrolled full-time at an institution; plus

(ii) The full-time equivalent of the number of students enrolled part time at this institution. This is determined by dividing the sum of the credit hours of all part-time students by twelve.

(Sec. 211 of the Act; 20 U.S.C. 1029)

§ 773.41 Coordination with other groups.

A grantee under this part shall annually inform the State agency designated under section 1203 of the Act of its project activities.

(Sec. 202 of the Act; 20 U.S.C. 1022)

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Reader Aids

Federal Register

Vol. 46, No. 116

Wednesday, June 17, 1981

INFORMATION AND ASSISTANCE

PUBLICATIONS

Code of Federal Regulations	
CFR Unit	202-523-3419 523-3517
General information, index, and finding aids	523-5227
Incorporation by reference	523-4534
Printing schedules and pricing information	523-3419
Federal Register	
Corrections	523-5237
Daily Issue Unit	523-5237
General information, index, and finding aids	523-5227
Public Inspection Desk	633-6930
Scheduling of documents	523-3187
Laws	
Indexes	523-5282
Law numbers and dates	523-5282 523-5266
Slip law orders (GPO)	275-3030
Presidential Documents	
Executive orders and proclamations	523-5233
Public Papers of the President	523-5235
Weekly Compilation of Presidential Documents	523-5235
Privacy Act Compilation	523-3517
United States Government Manual	523-5230

SERVICES

Agency services	523-3408
Automation	523-3408
Dial-a-Reg	
Chicago, Ill.	312-663-0884
Los Angeles, Calif.	213-688-6694
Washington, D.C.	202-523-5022
Magnetic tapes of FR issues and CFR volumes (GPO)	275-2867
Public briefings: "The Federal Register—What It Is and How To Use It"	523-5235
Public Inspection Desk	633-6930
Regulations Writing Seminar	523-5240
Special Projects	523-4534
Subscription orders (GPO)	783-3238
Subscription problems (GPO)	275-3054
TTY for the deaf	523-5239

FEDERAL REGISTER PAGES AND DATES, JUNE

29239-29452.....1
29453-29690.....2
29691-29920.....3
29921-30072.....4
30073-30326.....5
30327-30480.....8
30481-30622.....9
30623-30796.....10
30797-30996.....11
30997-31248.....12
31249-31402.....15
31403-31634.....16
31635-31868.....17

CFR PARTS AFFECTED DURING JUNE

At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Executive Orders:
May 9, 1898 (Revoked by PLO 5949).....29939
February 6, 1926 (Revoked by PLO 5948).....29938
April 17, 1926 (Revoked in part by PLO 5950).....29939
February 14, 1933 (Revoked by PLO 5944).....29710
5451 (Revoked by PLO 5947).....29938
11478 (Amended by EO 12306).....29693
11835 (See EO 12306).....29693
12018 (See EO 2306).....29693
12196 (Amended by EO 12306).....29693
12233 (See EO 12306).....29693
12285 (Amended by EO 12307).....30481
12296 (Amended by EO 12309).....30997
12306.....29693
12307.....30483
12308.....30485
12309 (Amends EO 12296).....30997

Proclamations:
4846.....29691
4847.....30483
4848.....31403

Administrative Orders:

Presidential Determinations:
No. 81-8 of June 2, 1981.....30797
No. 81-9 of June 2, 1981.....29921
No. 81-10 of June 9, 1981.....31635

5 CFR

Ch. XIV.....30327
213.....31405
930.....31405
1200.....30999

Proposed Rules:
Ch. I.....31018

7 CFR

28.....30073
700.....29453
800.....30322
907.....29923, 30799
910.....30012, 31249
917.....30075, 30077
953.....29454, 30487
979.....29693
984.....31637
991.....29693
1425.....30327
1944.....29239

Proposed Rules:
102.....30620
201.....30780, 31424
989.....30645
993.....29271
1125.....31424
1133.....31424

8 CFR

204.....29923, 30078
214.....29456

9 CFR

78.....30487
82.....29456, 30488, 31249
92.....29239, 29240

10 CFR

2.....30328
51.....29457
376.....29680
390.....29680
440.....29242
1008.....31637
1500.....29924
1502.....29924
1534.....29924

Proposed Rules:
2.....30349
30.....29712
40.....29712
70.....29712
73.....31267
500.....31216
501.....31216
503.....31216
504.....31216
505.....31216

12 CFR

Ch. II.....31406
220.....31250
303.....30079
552.....30488
570.....30079

Proposed Rules:
213.....29245
226.....29246
332.....31018
337.....31018
526.....30113
545.....30114
569a.....29246
701.....29247, 29482, 31651, 31654, 31660

720.....29248

13 CFR

124.....29251

Proposed Rules:

124.....29276

14 CFR

39.....29252, 29253, 29924–29926, 30332–30334, 30799, 30800, 31250, 31251

71.....29254–29256, 29927, 30335, 30801–30806, 31250–31252

73.....29256, 30806

75.....31253

97.....29257, 30807

135.....30968

152.....30808

207.....31000

208.....31000

212.....31000

302.....31001

Proposed Rules:

Ch. I.....30352

39.....31268

71.....29278–29281, 29947–29951, 30353, 30354, 30833, 31269

73.....30833

75.....29280, 29281, 31278

323.....29282

302.....29718

399.....29285, 29719, 29727

15 CFR

370.....29457

376.....31001, 31407

385.....31407

399.....31407

806.....30336

Proposed Rules:

330.....29662

331.....29662

332.....29662

340.....29662

341.....29662

342.....29662

343.....29662

350.....29662

351.....29662

352.....29662

353.....29662

354.....29662

373.....30623

16 CFR

13.....29458, 29928, 30337

460.....29256

1031.....29928

1032.....29928

1212.....29696

Proposed Rules:

Ch. II.....29951, 30115

13.....30646

453.....31662

17 CFR

15.....29931

16.....29931

17.....29931

18.....29931

21.....29931

Proposed Rules:

Ch. I.....29952

18 CFR

141.....29459

271.....29697, 29699, 30489–30491, 31253–31256

284.....30491

375.....29700

1301.....31002

1309.....30811

Proposed Rules:

157.....30505

271.....30833

292.....31663

375.....30505

19 CFR

101.....29462

134.....30338

Proposed Rules:

Ch. I.....29953

200.....29729

20 CFR

Proposed Rules:

404.....29953

21 CFR

5.....31003

74.....31004

101.....31004

135.....31004

166.....31004

172.....30080

173.....30492, 30493

178.....31005–31007

193.....30338, 30494, 31008

444.....31009

520.....29464, 31010

561.....30339, 31637

573.....30081

Proposed Rules:

161.....30505

180.....31020

182.....31020

430.....30115

436.....30115

440.....30115

444.....30115

448.....30115

452.....30115

1308.....29484

22 CFR

41.....30082

Proposed Rules:

171.....30649

24 CFR

235.....29256, 31257

570.....29908

26 CFR

1.....29465, 31409

7a.....30495

11.....29465

35.....30495

Proposed Rules:

31.....31278

27 CFR

4.....29260

19.....29261

70.....29261

240.....29261

245.....29261

250.....29261

270.....29261

275.....29261

Proposed Rules:

9.....31020

28 CFR

0.....29704, 29931

16.....30495

301.....31204

Proposed Rules:

31.....29438

522.....31210

527.....31210

544.....31210

545.....31210

29 CFR

1910.....31010

2610.....31257

Proposed Rules:

530.....29485

30 CFR

250.....29932

700.....31258

716.....31258

785.....31258

931.....31638

31 CFR

51.....29261, 31409

535.....30340, 31630

32 CFR

199.....29704

294.....29705

Proposed Rules:

41.....31663

298a.....29486

33 CFR

25.....29933

165.....29933

204.....29934

Proposed Rules:

100.....29288

110.....31278

117.....30354, 30834

160.....30835

162.....29954

402.....30838

34 CFR

773.....31866

36 CFR

13.....31836

Proposed Rules:

1190.....30839

272.....31021

37 CFR

Proposed Rules:

201.....30649

202.....30651

38 CFR

3.....31011

21.....29474

Proposed Rules:

21.....31022

39 CFR

601.....30623

Proposed Rules:

10.....30505

40 CFR

30.....31259

35.....31642

40.....31259

52.....29707, 30082, 30496, 31011, 31012, 31258–31261

60.....29262

61.....29262

62.....30496

81.....31013

86.....30497, 31411

122.....29708, 30624

123.....29935

162.....29708

180.....30342, 30499, 30624, 31014, 31015, 31642

228.....31412, 31413

260.....29708

261.....29708

264.....29708, 30624

265.....29708, 30624

413.....30625

Proposed Rules:

52.....29289, 29488, 30116, 30355–30366, 30653–30655, 31023, 31024, 31446, 31675

60.....29955

62.....31026

81.....29281, 30368, 30655, 31027

86.....31677

123.....29292, 31028, 31279

180.....30506, 30662, 31279

408.....30663

430.....31028

431.....31028

773.....30300

41 CFR

Ch. 12.....30816

7-1.....31566

8-14.....31262

8-74.....31262

15-1.....29709

15-3.....31643

51-4.....30084

51-5.....30084

Proposed Rules:

Ch. 1.....30369

1-4.....30369

101-11.....30369

101-37.....30369

104-4.....29955

43 CFR

5420.....29262

Public Land Orders:

1281 (Revoked by 5883).....29263

5169 (Amended by PLO 5396 and 5951).....29937

5179 (Amended by PLO 5250 and 5951).....29937

5180 (Amended by PLO 5418 and 5951).....29937

5250 (Amended by PLO 5951)..... 29937
5396 (Amended by PLO 5951)..... 29937
5418 (Amended by PLO 5951)..... 29937
5865..... 30500
5866..... 30500
5883..... 29263
5943..... 29710
5944..... 29710
5945..... 29939
5946..... 29939
5947..... 29938
5948..... 29938
5949..... 29939
5950..... 29939
5951..... 29937
5952..... 30086
5953..... 30817

Proposed Rules:

35..... 29955

44 CFR

64..... 29940, 29942, 30626, 31643
67..... 30500, 30628, 31263, 31645, 31646

Proposed Rules:

55..... 29292
61..... 29292
67..... 29729–29732, 29956, 30116, 30124, 30507, 30663, 30665, 31281–31285, 31680, 31686, 31692
300..... 29264

45 CFR

3..... 30343
46..... 29883
74..... 30500
235..... 29264

Proposed Rules:

71..... 29732
301..... 30372
304..... 29964
1300..... 31029

46 CFR

Proposed Rules:

310..... 30507
502..... 30666
547..... 30667

47 CFR

1..... 30818
2..... 31414, 31415
22..... 31417
61..... 29264, 30818
63..... 31418
64..... 29474
73..... 30086–30091, 30343, 30344, 31264, 31265, 31421, 31422
74..... 31265
81..... 31015
83..... 31015
90..... 31422, 31647
97..... 31415

Proposed Rules:

Ch. I..... 30516, 30668, 31286
2..... 30124, 31290, 31693
22..... 31292
23..... 30124
31..... 30150, 30152
63..... 31693
73..... 29488, 30153, 30154, 30372, 30516–30518, 31029, 31290, 31695
94..... 30124

49 CFR

Ch. X..... 30092
1..... 29269
172..... 29392
387..... 30974
531..... 29944
575..... 29269
1000..... 30502
1003..... 31016
1033..... 29480, 30502, 30632
1056..... 29711, 29945
1100..... 30832
1137..... 30832

Proposed Rules:

171..... 29967
172..... 29968, 29973
173..... 29967, 29968, 29973, 31294
175..... 29968
178..... 29973
571..... 31294
1047..... 30668
1048..... 31450
1127..... 30156
1201..... 30839
1241..... 30839
1248..... 30839

50 CFR

17..... 29481
36..... 31818
91..... 30633
219..... 31648
301..... 30345
651..... 30348
661..... 29733, 30633

Proposed Rules:

17..... 29490
20..... 31030
653..... 30674
682..... 30674

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday)

This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/FSQS		DOT/FAA	USDA/FSQS
DOT/FHWA	USDA/REA		DOT/FHWA	USDA/REA
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/NHTSA	LABOR		DOT/NHTSA	LABOR
DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday
Comments on this program are still invited
Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408

REMINDERS

The "reminders" below identify documents that appeared in issues of the **Federal Register** 15 days or more ago. Inclusion or exclusion from this list has no legal significance

Deadlines for Comments on Proposed Rules for the Week of June 21 through June 27, 1981

AGRICULTURE DEPARTMENT

Animal and Plant Health Inspection Service—

23264 4-24-81 / Bird importation; handling procedures; comments by 6-24-81

CIVIL AERONAUTICS BOARD

20563 4-6-81 / Liberalization of rules for indirect cargo air carriers; reply comments by 6-25-81

COMMERCE DEPARTMENT

Maritime Administration—

30507 6-9-81 / Merchant Marine training standards for State maritime academics and colleges; comments by 6-24-81

National Oceanic and Atmospheric Administration—

30674 6-10-81 / Coastal Mirgratory Pelagics (Mackerel) Fishery Management Plan; comments by 6-26-81

COMMODITY FUTURES TRADING COMMISSION

23469 4-27-81 / Grant, offer and sale of options on physical commodities; comments by 6-26-81

DEFENSE DEPARTMENT

Army Department—

28446 5-27-81 / Personal privacy and rights of individuals regarding personal records; comments by 6-26-81

ENVIRONMENTAL PROTECTION AGENCY

27972 5-22-81 / Approval and promulgation of state implementation plans; Kansas; comments by 6-22-81

27973 5-22-81 / 2-Chloroallyldiethyldithiocarbamate; proposed tolerance; comments by 6-22-81

26796 5-15-81 / Oklahoma Corporation Commission; underground injection control; primacy application; comments by 6-22-81

28179 5-26-81 / Promulgation of Michigan State Implementation plan; comments by 6-24-81

27974 5-22-81 / S-Propyl Dipropylthiocarbamate; proposed tolerance; comments by 6-22-81

27975 5-22-81 / Trifluralin; proposed tolerance; comments by 6-22-81

27132 5-18-81 / Virginia application for Interim Authorization. Phase I; Hazardous Waste Management Program; comments by 6-24-81

FEDERAL COMMUNICATIONS COMMISSION

27729 5-21-81 / Amendment of the Commission's rules to expand the use of Digital Voice Modulation generally to the Private Land Mobile Radio Services; comments by 6-22-81

26509 5-13-81 / FM broadcast station in Ansley, Ala., change in table of assignments; reply comments extended to 6-24-81

[*See also* 46 FR 17809, 3-20-81]

22006 4-15-81 / FM broadcast station in Bay City, Tex., proposed changes in table of assignments; reply comments by 6-22-81

22088 6-1-81 / FM broadcast stations in Beaumont, Lake Jackson and Port Lavaca, Tex., proposed changes in table of assignments; reply comments by 6-22-81

25662 5-8-81 / FM broadcast stations in Christiansted, and Fredericksted, Virgin Islands; changes in table of assignments; comments by 6-22-81

25488 5-7-81 / FM broadcast station in Deer Park, Wash.; proposed changes in table of assignments; comments by 6-22-81

22769 4-21-81 / FM broadcast station in Freeport, Texas; changes in table of assignments; reply comments by 6-22-81

22770 4-21-81 / FM broadcast station in Lockhart, Texas; changes in table of assignments; reply comments by 6-22-81

22400 4-17-81 / FM broadcast stations in Montpelier, Stowe, Vergennes, and Waterbury, Vermont, and Marich and Port Henry, N.Y.; changes in table of assignments; reply comments by 6-22-81

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25489 5-7-81 / FM broadcast station in Sonora, Calif.; proposed changes in table of assignments; comments by 6-22-81

28457 5-27-81 / Pleading cycle on Computer and Business Equipment Manufacturers Association (CBEMA) petition for policy ruling on AT&T offering of new CPE (customer-premises equipment); filed under Federal tariff filed after second computer inquiry final decision; comments by 6-26-81

22624 4-20-81 / Talk-around in Private Land Mobile Radio Services on shared conventional channels above specific frequency band; reply comments by 6-24-81

[Corrected at 46 FR 23275, 4-24-81]

25487 5-7-81 / TV Broadcast station in Roanoke, Va.; proposed changes in table of assignments; comments by 6-22-81

FEDERAL TRADE COMMISSION

29256 6-1-81 / Trade regulation rule; labeling and advertising of home insulation; comments by 6-22-81

HEALTH AND HUMAN SERVICES DEPARTMENT

Food and Drug Administration—

18992 3-27-81 / Irradiated foods; procedures for regulation in foods for human consumption; comments by 6-25-81

Office of the Secretary—

29732 6-3-81 / Child Day Care Services; Postponement of regulations and requirement that applicable State and local standards be met for Federal funding; comments by 6-24-81

23273 4-24-81 / Public and medical assistance; time limits for States to file claims; comments by 6-23-81

INTERIOR DEPARTMENT

National Park Service—

27970 5-22-81 / Everglades National Park; use of air boats; comments by 6-22-81

INTERSTATE COMMERCE COMMISSION

28457 5-27-81 / Rail carrier informational State tariff filings; comments by 6-26-81

POSTAL SERVICE

27970 5-22-81 / Facing identification marks on official mail; comments by 6-22-81

TRANSPORTATION DEPARTMENT

Coast Guard—

29288 6-1-81 / Lake Washington, Wash.; establishment of area of controlled navigation; comments by 6-22-81

Deadlines for Comments on Proposed Rules for the Week of June 28 through July 4, 1981

AGRICULTURE DEPARTMENT

Agricultural Marketing Service—

30645 6-10-81 / Classification of dipped seedless, and oleate and related seedless, raisins as separate varietal types; comments by 6-30-81

Animal and Plant Health Inspection Service—

23914 4-29-81 / Gypsy moth regulated areas; comments by 6-29-81

24930 5-4-81 / Procedures for importation of a single shipment of water buffalo from Trinidad into the U.S. through the Harry S. Truman Animal Import Center; (final rule); comments by 7-1-81

23754 4-28-81 / Texas (splenetic) fever in cattle; comments by 6-29-81

Food and Nutrition Service—

64068 9-26-81 / School lunch program and State administrative expense funds; assessment, improvement, and monitoring system; comments by 6-30-81

Food Safety and Quality Service—

23751 4-28-81 / Standards for grades of Gladiolus Corms (bulbs); comments by 6-29-81

[Corrected at 46 FR 26787, 5-15-81]

CIVIL AERONAUTICS BOARD

21185 4-9-81 / Air carriers; amendment of fuel cost and consumption reporting provisions; reply comments by 6-29-81

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration—

27501 5-28-81 / Availability of draft technical support document for environmental requirements for licensing ocean thermal energy conversion facilities and plantships; comments by 6-30-81

23924 4-29-81 / Channel Islands and Point Reyes-Farallon Islands National Marine Sanctuaries; partial suspension of regulations; comments by 6-30-81

COMMODITY FUTURES TRADING COMMISSION

23941 4-29-81 / Proposed definitions of "small entities" for purposes of the Regulatory Flexibility Act; comments by 6-29-81

DEFENSE DEPARTMENT

Defense Investigative Service—

29486 6-2-81 / Privacy Act; implementation; comments by 7-2-81

ENVIRONMENTAL PROTECTION AGENCY

29289 6-1-81 / Approval and promulgation of implementation plans; Mass.; comments by 7-1-81

29291 6-1-81 / Designation of areas for air quality planning purposes; attainment status designations; Wisc.; comments by 7-1-81

27314 5-18-81 / Grants for construction of treatment works; comments by 7-2-81

28871 5-29-81 / Proposed revision of the Maryland State Implementation Plan; comments by 6-29-81

28872 5-29-81 / State of Texas; ozone attainment designation for McLennan County; comments by 6-29-81

FEDERAL COMMUNICATIONS COMMISSION

27506 5-20-81 / Digital communications protocols; reply comments period extended to 7-1-81

[*See also* 45 FR 84140, 12-8-80]

30372 6-8-81 / FM broadcast stations in Beaumont, Lake Jackson and Port Lavaca, Texas; reply comments extended to 7-1-81

[*See also* 46 FR 22008, 4-15-80]

23498 4-27-81 / FM broadcast station in Brownsville, Edinburg, Harlingen, Raymondville, Rio Grande City, Texas; changes in table of assignments; reply comments by 6-29-81

26513 5-13-81 / FM broadcast station in Coxsackie, N.Y., proposed changes in table of assignments; comments by 6-30-81

26509 5-13-81 / FM broadcast station in Delta, Colo., proposed changes in table of assignments; comments by 6-30-81

23496 4-27-81 / FM broadcast station in Gurdon, Arkansas; changes in table of assignments; reply comments by 6-29-81

31029 6-12-81 / FM broadcast station in Lockhart, Tex.; reply comments extended to 7-1-81

[Originally published at 46 FR 22770, 4-21-81]

23497 4-27-81 / FM broadcast station in Milan, Georgia; changes in table of assignments; reply comments by 6-29-81

26514 5-13-81 / FM broadcast station in Minot, N. Dak.; proposed changes in table of assignments; comments by 6-30-81

26511 5-13-81 / FM broadcast station in Sandpoint, Idaho, proposed changes in table of assignments; comments by 6-30-81

23774 4-28-81 / FM broadcast station; Weed, Co.; proposed change in table of assignments; reply comments by 6-29-81

30124 6-5-81 / Inquiry into the development of regulatory policy in regard to Interim Direct Broadcast Satellite Service; comments by 7-1-81

23956 4-29-81 / Inquiry relating to preparations for 1983 Region 2 Administrative Radio Conference on Broadcasting—Satellite Service and inquiry into the development of regulatory policy with regard to direct broadcast satellites; reply comments by 6-30-81

21397 4-10-81 / Radio service; sharing of certain frequencies by The Forest Products Radio Service; reply comments by 6-29-81

FEDERAL DEPOSIT INSURANCE CORPORATION

28660 5-28-81 / NOW account eligibility; comments by 6-29-81

GENERAL ACCOUNTING OFFICE

23939 4-29-81 / Collecting debts by offset; comments by 6-29-81

HEALTH AND HUMAN SERVICES DEPARTMENT

Food and Drug Administration—

23766 4-28-81 / Menstrual tampons; user labeling; comments by 6-29-81

[Originally published at 45 FR 69840, 10-21-80]

INTERIOR DEPARTMENT

Fish and Wildlife Service—

24607 5-1-81 / American alligators in Louisiana; change in legal status as an endangered or threatened species; comments by 6-30-81

28881 5-29-81 / Deletion of the permit requirement to import or export migratory birds; comments by 6-29-81

28192 5-26-81 / Export of American alligator and American ginseng taken in 1981-82 season; comments by 7-1-81

14652 2-27-81 / Wildlife classified as endangered or threatened in 1975 and 1976; review; comments by 6-29-81

Geological Survey—

26661 5-14-81 / Proposed revision and updating of provisions for formation and operation of Federal oil and gas units; comments by 6-29-81

National Park Service—

28846 5-29-81 / Glacier Bay small boat entry level; effective date; comments by 6-30-81

INTERSTATE COMMERCE COMMISSION

30156 6-5-81 / Standards for determining commuter rail service; continuation subsidies; comments by 7-3-81

JUSTICE DEPARTMENT

23939 4-29-81 / Collecting debts by offset; comments by 6-29-81

Drug Enforcement Administration—

23953 4-29-81 / Schedules of controlled substances; proposed placement of halazepam, alprazolam and triazolam into Schedule IV; comments by 6-29-81

LABOR DEPARTMENT

Employment Standards Administration—

29485 6-2-81 / Employment of homeworkers in certain industries; comments extended to 7-4-81

[Originally published at 46 FR 25108; 5-5-81]

12213 2-13-81 / Labor standards for Registration of Apprenticeship program; list of occupations meeting criteria; comments by 6-30-81

[Originally published at 45 FR 15571, 3-11-80]

Occupational Safety and Health Administration—

21368 4-10-81 / Conveyor standards comment period extended to 6-30-81

[*See also* 39 FR 19507, 6-3-74; 45 FR 75238, 11-14-80; 46 FR 39116, 1-16-81; and 46 FR 25653, 5-8-81]

NATIONAL CREDIT UNION ADMINISTRATION

29248 6-1-81 / Regulatory development; policy statement; comments by 7-1-81

NUCLEAR REGULATORY COMMISSION

30349 6-8-81 / Rules of practice for domestic licensing proceedings; modifications to the NRC hearing process; comments by 6-29-81

POSTAL SERVICE

35 1-2-81 / Third-class carrier route presort; comments extended to 7-1-81

[Originally published at 45 FR 79804, 12-2-80; corrected at 45 FR 81563, 12-11-80]

SECURITIES AND EXCHANGE COMMISSION

23942 4-29-81 / Regulatory flexibility agenda for purposes of the Regulatory Flexibility Act; comments by 6-30-81

TRANSPORTATION DEPARTMENT

Coast Guard—

26661 5-14-81 / Amendment of inland navigation rules on certificates of alternative compliance; comments by 6-29-81

27128 5-18-81 / Exemption from barge lighting requirements; Cumberland River; comments by 7-2-81

Office of the Secretary—

23500 4-27-81 / Relocation of boundary between eastern and central time in State of Indiana in order to move Starke County from central to eastern time; comments by 6-30-81

TREASURY DEPARTMENT

Customs Service—

23952 4-29-81 / Illegal discharge of oil and the pollution of coastal waters; comments by 6-29-81

Internal Revenue Service—

24595 5-1-81 / Employment taxes; sick pay, voluntary withholding; comments by 6-30-81

24595 5-1-81 / Excise taxes, windfall profit tax on domestic crude oil; changes in application of Energy Department regulations; comments by 6-30-81

New Week's Meetings:

AGRICULTURE DEPARTMENT

Agricultural Marketing Service—

29296 6-1-81 / Flue-Cured Tobacco Advisory Committee, Raleigh, N.C. (open), 6-26-81

Forest Service—

24219 4-30-81 / Pacific Crest National Scenic Trail Advisory Council, Mt. Shasta, Calif. (open), 6-25-81

CIVIL RIGHTS COMMISSION

31040 6-12-81 / Ohio Advisory Committee, Cincinnati, Ohio (open), 6-27-81

30841 6-11-81 / Texas Advisory Committee, San Antonio, Tex. (open), 6-26-81

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration—

30679 6-10-81 / New England Fishery Management Council, Danvers, Mass. (open), 6-30 and 7-1-81

29739 6-3-81 / New England Fishery Management Council, Scientific and Statistical Committee, Boothbay Harbor, Maine (open), 6-24-81

28693 5-28-81 / Regional Fishery Management Councils; Chairpersons and Executive Directors; Hommer, Alaska (open), 6-21-81 through 6-24-81

DEFENSE DEPARTMENT

Air Force Department—

27747 5-21-81 / USAF Scientific Advisory Board, Woods Hole, Mass. (closed), 6-22 through 7-2-81

Navy Department—

30382 6-8-81 / Chief of Naval Operations Executive Panel Advisory Committee, Science and Technology Subpanel, Alexandria Va. (closed), 6-23 and 6-24-81

Office of the Secretary—

26521 5-13-81 / DOD Advisory Group on Election Devices Advisory Committee, Toteta, Calif. (closed), 6-25-81

22025 4-15-81 / Defense Intelligence Agency Advisory Committee, Soviet naval trends, Rosslyn, Va. (closed), 6-23 and 6-24-81

27747 5-21-81 / Defense Science Board Review on MX Missile Basing, Washington, D.C. (closed), 6-25 through 6-27-81

22923 4-22-81 / Wage Committee, Washington, D.C. (closed), 6-23-81

EDUCATION DEPARTMENT

30383 6-8-81 / Ethnic Heritage Studies National Advisory Council, Washington, D.C. (open), 6-24-81 through 6-26-81

FEDERAL COMMUNICATIONS COMMISSION

28010 5-22-81 / Procedures and Practices on Mobile Services Division, Washington, D.C. (open), 6-22-81

FEDERAL RESERVE SYSTEM

29333 6-1-81 / Federal Reserve Board, Midland Bank, bank holding company application, San Francisco, Calif., 6-22-81

GENERAL SERVICES ADMINISTRATION

Office of the Federal Register—

30701 6-10-81 / Basic Building Code, Hartford, Conn. (open), 6-22 through 6-26-81

HEALTH AND HUMAN SERVICES DEPARTMENT

Alcohol, Drug Abuse, and Mental Health Administration—

26695 5-14-81 / Advisory Committees, Washington, D.C. and various cities in Maryland (partially open), 6-22 through 6-27-81

28011 5-22-81 / Interagency Committee on Federal Activities for Alcohol Abuse and Alcoholism, Washington, D.C. (open), 6-23-81

30702 6-10-81 / Disease Control Centers—health and safety effects of cold stress, Cincinnati, Ohio (open), 6-26-81

Food and Drug Administration—

30567 6-9-81 / Consumer Exchange Meeting, Philadelphia, Pa. (open) 6-25-81

26869 5-15-81 / Oncologic Drugs Advisory Committee, Rockville, Md. (open), 6-25-81

National Institutes of Health—

24300 4-30-81 / Aging Review Committee, Bethesda, Md. (open), 6-25 and 6-26-81

28016 5-22-81 / Board of Scientific Counselors, National Institute of Child Health and Human Development, Bethesda, Md. (partially open), 6-24-81

28016 5-22-81 / Cancer Clinical Investigation Review Committee, National Cancer Institute, Bethesda, Md. (partially open), 6-22 and 6-23-81

28017 5-22-81 / Clinical Trials Review Committee, National Heart, Lung, and Blood Institute, Washington, D.C. (partially open), 6-21 and 6-22-81

28017 5-22-81 / General Research Support Review Committee, Division of Research Resources, Bethesda, Md. (partially open), 6-25 and 6-26-81

18069 3-23-81 / Mandatory retirement age for commercial airline pilots; report; meeting, Bethesda, Md. (open), 6-22 and 6-23-81

28018 5-22-81 / Maternal and Child Health Research Committee, National Institute of Child Health and Human Development, Bethesda, Md. (partially open), 6-23 and 6-24-81

28016 5-22-81 / Mental Retardation Research Committee, National Institute of Child Health and Human Development, Bethesda, Md. (partially open), 6-25 and 6-26-81

29336 6-1-81 / National Institute of Dental Research Special Grants Review Committee, Bethesda, Md. (partially open), 6-23-81

28019 5-22-81 / Population Research Committee, National Institute of Child Health and Human Development, Bethesda, Md. (partially open), 6-25 and 6-26-81

24712 5-1-81 / Research Grants Division, Behavioral & Neurosciences C Study Section, Bethesda, Md. (partially open) 6-23-81

24712 5-1-81 / Research Grants Division, Bio-Organic & Natural Products Chemistry Study Section, Bethesda, Md. (partially open), 6-25 through 6-27-81

24712 5-1-81 / Research Grants Division, Cardiovascular & Pulmonary Study Section, Gaithersburg, Md. (partially open), 6-24 through 6-26-81

24712 5-1-81 / Research Grants Division, General Medicine B Study Section, Georgetown, Washington, D.C. (partially open), 6-24- through 6-27-81

24712 5-1-81 / Research Grants Division, Metallobiochemistry Study Section, Rosslyn, Va. (partially open), 6-25 through 6-27-81

24712 5-1-81 / Research Grants Division, Neurology B Study Section, Washington, D.C. (partially open), 6-24 through 6-27-81

24712 5-1-51 / Research Grants Division, Physiological Chemistry Study Section, Rosslyn, Va. (partially open), 6-25 through 6-27-81

24712 5-1-81 / Research Grants Division, Radiation Study Section, Chevy Chase, Md. (partially open), 6-22 through 6-24-81

24712 5-1-81 / Research Grants Division, Toxicology Study Section, Washington, D.C. (partially open), 6-22 through 6-24-81

31076 6-12-81 / Research Manpower Review Committee, Bethesda, Md. (partially open), 6-22-81

28020 5-22-81 / Vision Research Program Committee, National Eye Institute, Bethesda, Md. (partially open), 6-25-81

Public Health Service—

26873 5-15-81 / National Toxicology Program Board of Scientific Counselors, Research Triangle Park, N.C. (open), 6-23-81

INTERIOR DEPARTMENT

Land Management Bureau—

28022 5-22-81 / California; Willow Creek Grazing Management Plan; intent to prepare an environmental impact statement, Susanville, Calif. (open), 6-24-81

27771 5-21-81 / Cedar City District Multiple Use Advisory Council, Cedar City, Utah (open), 6-22-81

30707 6-10-81 / Cuyahoga Valley National Recreation Area Advisory Commission, Peninsula, Ohio (open), 6-25-81

27563 5-20-81 / Intergovernmental Planning Program, South Atlantic Regional Technical Working Group, New Orleans, La. (open), 6-25-81

27770 5-21-81 / Lakeview District Advisory Council, Lakeview, Oreg. (open), 6-23-81

27773 5-21-81 / Montrose District Advisory Council, Cortez, Colo. (open), 6-23 and 6-24-81

28959 5-29-81 / Outer Continental Shelf Advisory Board, Alaska Regional Technical Working Group, Anchorage, Alaska (open), 6-24 and 6-25-81

27774 5-21-81 / Socorro District Advisory Council, Socorro, N. Mex. (open), 6-24-81

National Park Service—

29339 6-1-81 / Lewis and Clark National Historic Advisory Council, Omaha, Nebr. (open), 6-17-81 and Portland, Oreg., 6-24-81

29771 6-3-81 / Upper Delaware Citizens Advisory Council, Narrowsburg, N.Y. (open), 6-26-81

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development—

30735 6-10-81 / International Food and Agricultural Development Board, Washington, D.C. (open), 6-25-81

INTERSTATE COMMERCE COMMISSION

30215 6-5-81 / Tongue River Railroad Line Construction, Ashland, Mt., (open), 6-23-81 and Broadus, Mt., (open), 6-23-81

NATIONAL SCIENCE FOUNDATION

28052 5-22-81 / Special Research Equipment Advisory Committee, Chemistry Subcommittee, Washington, D.C. (closed), 6-24 and 6-25-81

NUCLEAR REGULATORY COMMISSION

30434 6-8-81 / Reactor Safeguards Advisory Committee, Washington, D.C. (Open), 6-25 and 6-26-81

25576 5-7-81 / Reactor Safeguards Advisory Committee, Advanced Reactors Subcommittee, Des Plaines, Ill. (open), rescheduled from 5-14 and 5-15-81 to 6-22 and 6-23-81

[*See also* 46 FR 24046, 4-29-81]

30222 6-5-81 / Reactor Safeguards Advisory Committee, Advanced Reactors Subcommittee, Park Ridge, Ill. (partially open), 6-22 and 6-23-81

30433 6-8-81 / Reactor Safeguards Advisory Committee, Class-9 Accidents Subcommittee, Washington, D.C. (open), 6-24-81

30434 6-8-81 / Reactor Safeguards Advisory Committee, Emergency Core Cooling Systems Subcommittee, Idaho Falls, Idaho (partially open), 6-23 and 6-24-81

22508 4-17-81 / Reactor Safeguards Advisory Committee, Three Mile Island Unit 1 Subcommittee, Washington, D.C. (open), 6-25 and 6-26-81

[*See also* 46 FR 20810, 4-7-81]

30222 6-5-81 / Reactor Safeguards Advisory Committee, Waste Management and Reactor Radiological Effects Joint Subcommittee, Washington, D.C. (partially open), 6-22 and 6-23-81

STATE DEPARTMENT

28779 5-28-81 / Shipping Coordinating Committee, Subcommittee on Safety of Life at Sea, Washington, D.C. (open) 6-23-81

TRANSPORTATION DEPARTMENT

Coast Guard—

29370 6-8-81 / New York Vessel Traffic Service Advisory Committee, New York, N.Y. (open), 6-24-81

National Highway Traffic Safety Administration—

7123 1-22-81 / Safety Standards International Harmonization; Construction of Vehicle, Group of Experts on Sixty-four session; Geneva, Switzerland, 6-22 through 6-26-81

VETERANS ADMINISTRATION

29581 6-2-81 / Special Medical Advisory Group, Washington, D.C. (open), 6-24 and 6-25-81

16174 3-11-81 / Wage Committee, Washington, D.C. (closed), 6-25-81

Next Week's Public Hearings

COMMERCE DEPARTMENT

Foreign-Trade Zones Board—

27980 5-22-81 / Baltimore/Washington International Airport, Baltimore/Washington Airport, 6-25-81

National Oceanic and Atmospheric Administration—

29733 6-3-81 / Gulf of Mexico Fishery Management Council; Amendment No. 1 to the fishery management plan (FMP) for the shrimp fishery of the Gulf of Mexico, Corpus Christi, Texas; 6-22-81 and Fort Myers, Fla., 6-23-81

30674 South Atlantic Fishery Management Council, Greenville, N.C., 6-24; Savannah, Ga., 6-24; Charleston, S.C., 6-25 and Palm Beach Gardens, Fla., 6-25-81

DEFENSE DEPARTMENT

Navy Department—

19969 4-2-81 / Naval Discharge Review Board, San Diego, Calif. 6-21 through 6-27-81

HEALTH AND HUMAN SERVICES DEPARTMENT

Food and Drug Administration—

22809 4-21-81 / GRAS review of activated carbon (charcoal), bioflavonoids, shellac and shellac wax, and smoke flavoring solutions and smoked yeast flavoring, Bethesda, Md., 6-22-81

INTERNATIONAL TRADE COMMISSION

16162 3-11-81 / Certain tobacco, Washington, D.C., 6-24-81

[Changed at 46 FR 24035, 4-29-81]

POSTAL RATE COMMISSION

27210 Attached Mail Proceeding, Washington, D.C., 6-25-81

TREASURY DEPARTMENT

Internal Revenue Service—

18998 3-27-81 / Investment credit for single purpose agricultural or horticultural structures, Washington, D.C., 6-25-81

[*See also* 46 FR 7397, 1-23-81]

VETERANS ADMINISTRATION

27224 5-18-81 / Station Committee on Education Allowances, Montgomery, Ala., 6-22-81

List of Public Laws

Last Listing June 10, 1981

This is a continuing list of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the Federal Register but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (telephone 202-275-3030).

S.J. Res. 50 / Pub. L. 97-13 Designating July 17, 1981, as "National P.O.W.-M.I.A. Recognition Day". (Jun. 12, 1981; 95 Stat. 97) Price $1.50.

Documents Relating to Federal Grant Programs

This is a list of documents relating to Federal grant programs which were published in the Federal Register during the previous week.

APPLICATIONS DEADLINES

30843 6-11-81 / Commerce/MBDA—Financial assistance application announcement; apply by 7-17-81

31043 6-12-81 / ED—Law School Clinical Experience Program; apply by 7-24-81

30695 6-11-81 / HHS/SSA—Income maintenance research and demonstrations; community work experience projects; availability of grants; apply by 7-31-81

30593 6-9-81 / Justice/NIJ—Fellowships for research and writing of doctoral dissertation in the area of criminal justice; apply by 10-31-81 for first cycle; apply between 10-31-81 and 3-2-82 for second cycle

MEETINGS

31076 6-12-81 / HHS/NIH—Cellular and Molecular Basis of Disease Review Committee, Chevy Chase, Md. (partially open), 6-29 and 6-30-81

31076 6-12-81 / HHS/NIH—Research Manpower Review Committee, Bethesda, Md. (partially open), 6-22-81

OTHER ITEMS OF INTEREST

30476 6-8-81 / EPA—Protest of grantee procurement actions under grants for construction of publicly owned treatment works; Subject index list of Regional Administrator protest determinations issued during 1980

30702 6-10-81 / HHS/ADAMHA—Cooperative agreement to support a Uniform Health Program Reporting System for Comprehensive Public Health Services; availability of FY 1981 funds

30500 6-9-81 / HHS/Sec'y—Administration of grants; implementation of cost principles for nonprofit organizations and amendments to property rules, effective 7-9-81

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6-18-81
Vol. 46 | No. 117
Pages 31869-31998

federal register

Thursday
June 18, 1981

Highlights

31869 **President's Commission on Housing** Executive order

31871 **Credit Unions** NCUA permits Federal credit unions to offer retail repurchase agreements.

31996 **Education of Handicapped** ED publishes grant and contract regulations for research in education of the handicapped. (Part II of this issue)

31899 **Small Businesses** SBA proposes regulations on approving and denying requests for advance payments on Section 8 subcontracts.

31880 **Securities** SEC expands class of qualified issuers to include certain mining companies.

31882 Treasury/Sec'y announces auction on Treasury Notes of June 30, 1985, Series H-1985.

31901 **Communications Equipment** CPSC extends development period until 7-31-81 of a consumer product safety standard for electric shock hazards associated with Citizens band base station antennas.

31904 **Environmental Protection** EPA proposes test method for determining total reduced sulfur emissions from Kraft pulp mills.

CONTINUED INSIDE

Highlights

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

31981 **Grant Programs—Mass Transportation** DOT/UMTA solicits proposals for Section 10 Managerial Training grant short courses and publishes procedures for submitting proposals.

31890 **Procurement** GSA increases minimum annual amounts of gasoline, burner fuel oil, diesel oil, and kerosene agencies must procure from Defense Fuel Supply Center.

31902 **Regulatory Flexibility Agenda** DOE/FERC

31903 **Regulatory Agenda** VA; cancellation

31985 **Sunshine Act Meetings**

Separate Part of This Issue

31996 **Part II, ED**

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Contents

Federal Register
Vol. 46, No. 117
Thursday, June 18, 1981

The President
EXECUTIVE ORDERS
31869 President's Commission on Housing (EO 12310)

Executive Agencies

Agency for International Development
RULES
Procurement:
31886 Administrative and editorial revisions

Agriculture Department
RULES
Authority delegations by Secretary and General Officers:
31871 General Counsel; determinations regarding mistakes in bids disclosed before and after procurement contract awards

Air Force Department
NOTICES
Meetings:
31916 Scientific Advisory Board

Army Department
See Engineers Corps.

Arts and Humanities, National Foundation
NOTICES
Meetings:
31949, 31950 Humanities Panel (2 documents)

Civil Aeronautics Board
NOTICES
31910 Certificates of public convenience and necessity and foreign air carrier permits
Hearings, etc.:
31910 Wein Air Alaska Mainline et al.
31910 Westair Jet Inc.; fitness investigation

Coast Guard
NOTICES
31977 Vessel construction, new; plan approval and inspection activities; memorandum of understanding with American Bureau of Shipping

Commerce Department
See also International Trade Administration; National Bureau of Standards; National Technical Information Service.
NOTICES
Committees; establishment, renewals, terminations, etc.:
31916 Travel Advisory Board

Commodity Futures Trading Commission
NOTICES
31985 Meetings; Sunshine Act

Consumer Product Safety Commission
PROPOSED RULES
31901 Citizens band base station antennas, omnidirectional; safety standard; extension of development period

Defense Department
See also Air Force Department; Engineers Corps.
NOTICES
Meetings:
31917, 31918 Wage Committee (2 documents)

Economic Regulatory Administration
NOTICES
Powerplant and industrial fuel use; prohibition orders, exemption requests, etc.:
31919 Detroit, Mich., et al.
31918 Imperial Irrigation District
31922 Montana-Dakota Utilities Co. et al.
31921 Southern California Edison Co.

Education Department
RULES
Special education and rehabilitative services:
31996 Handicapped education research; eligibility, etc.

Energy Department
See Economic Regulatory Administration; Federal Energy Regulatory Commission.

Engineers Corps
NOTICES
Environmental statements; availability, etc.:
31916 Upper Cumberland River, Knox County, Ky.; water resources development

Environmental Protection Agency
RULES
Air quality implementation plans; approval and promulgation; various States, etc.:
31881 Ohio; final rule and correction
Air quality planning purposes; designation of areas:
31886 New Mexico
PROPOSED RULES
Air pollution; standards of performance for new stationary sources:
31904 Kraft pulp mills, reduced sulfur emissions
Air quality implementation plans; approval and promulgation; various States, etc.:
31903 Ohio
NOTICES
31942 Pesticide registration; pending litigation; possible effects
Toxic and hazardous substances control:
31939, 31941 Premanufacture notices receipts (2 documents)
31938 Premanufacture notification requirements; test marketing exemption applications

Federal Aviation Administration
RULES
Airworthiness directives:
31873 Boeing
31874 Costruzioni Aeronautiche Giovanni Agusta
31876 Hamilton Standard
31877 Hiller
31878 McDonnell Douglas
31879 Societe Nationale Industrielle Aerospatiale
PROPOSED RULES
Airworthiness directives:
31899 Avions Marcel Dassault
31900 Lockheed-California Co.
NOTICES
31978 Airplanes, turbopropeller-powered air carrier/air taxi; deteriorated power
31979 Exemption petitions; summary and disposition

Federal Communications Commission
RULES
Radio stations; table of assignments:
31895 Wisconsin
PROPOSED RULES
Radio stations; table of assignments:
31909 Texas; extension of time
NOTICES
31985 Meetings; Sunshine Act (2 documents)
31943 Television broadcast applications accepted for filing and notification of cut-off date; correction

Federal Energy Regulatory Commission
PROPOSED RULES
31902 Regulatory flexibility agenda
NOTICES
Hearings, etc.:
31924 Bear Creek Storage Co.
31924 Big Wood Canal Co. et al.
31925 Cheswick Borough, Pa., et al.
31927 Columbia Gas Transmission Corp.
31925 Cuba, Wis., et al.
31928 Detroit Edison Co.
31929 East Tennessee Natural Gas Co.
31929 El Paso Natural Gas Co.
31930 Honeoye Storage Corp.
31931 Houston Pipe Line Co.
31932 Louisiana Intrastate Gas Corp.
31932 Northern Natural Gas Co.
31933 Northwest Pipeline Corp.
31933 Oasis Pipe Line Co.
31934 Panhandle Eastern Pipe Line Co.
31926 Paris, Ky.
31927 Pueblo, Colo.
31930 Sun Gas Co.
31934, 31935 Tennessee Gas Pipeline Co. (2 documents)
31936 Texas Gas Transmission Corp.
31937 Transcontinental Gas Pipe Line Corp. et al.
31937 Western Slope Gas Co.
Natural gas companies:
31935 Certificates of public convenience and necessity; applications, abandonment of service and petitions to amend

Federal Home Loan Bank Board
NOTICES
31985 Meetings; Sunshine Act

Federal Maritime Commission
NOTICES
Energy and environmental statements; availability, etc.:
31943 Indiana Port Commission and Mapco Land Corp.; lease agreement for construction of storage and shipping facilities for soft coal
31943 Tampa Port Authority and Uiterwyk Cold Storage Corp.; supplemental facilities lease for construction of additional warehouse space
Freight forwarder licenses:
31943 L. E. Ball Forwarding Corp.
31985 Meetings; Sunshine Act

Federal Reserve System
NOTICES
Applications, etc.:
31944 Arlington Bancorp, Inc.
31944 Citizens Holding Corp.
31944 Commercial Bancshares, Inc.
31944 East-Tex Bancorp, Inc.
31944 Mauston Bancorp, Inc.

Fiscal Service
NOTICES
Surety companies acceptable on Federal bonds:
31981 Globe Indemnity Co.
31982 Northern Assurance Co. of America
31982 Royal Indemnity Co.

Fish and Wildlife Service
NOTICES
31948 Endangered and threatened species permit applications (3 documents)
31948 Marine mammal permit applications

General Services Administration
RULES
Property management:
31890 Gasoline, burner and diesel fuel oil, kerosene, and solvents procurement; increased minimum annual amount and extension of time; temporary
31891 Waiver requests; specific dollar value threshold establishment for determining approval; temporary

Health and Human Services Department
See Health Care Financing Administration.

Health Care Financing Administration
NOTICES
Meetings:
31945 Supplemental Health Insurance Panel

Indian Affairs Bureau
RULES
Tribal government:
31880 Indian tribe reorganization under Federal statute; deferral of effective date

Interior Department
See Fish and Wildlife Service; Indian Affairs Bureau; Land Management Bureau; Water Power Resources Service.

Internal Revenue Service
RULES
Income taxes:
31881 Small business stock; treatment of losses; correction

International Development Cooperation Agency
See Agency for International Development.

International Trade Administration
NOTICES
Organization, functions, and authority delegations:
31911 Trade Administration, Assistant Secretary

International Trade Commission
NOTICES
31985 Meetings; Sunshine Act

Interstate Commerce Commission
RULES
Practice and procedure:
31898 Motor carrier applications and restriction removal applications; submission of pleadings and other documents; correction

Land Management Bureau
RULES
Public land orders:
31892 Arizona
31892 New Mexico
31892–31895 Oregon (7 documents)

NOTICES
Boundary descriptions, classification, and management plans:
31945 Big Horn County, Mont.
Classification of lands:
31947 New Mexico (3 documents)
31947 Wyoming
Coal leases, exploration licenses, etc.:
31946 Alabama; correction
Exchange of public lands for private land:
31946 Montana
Meetings:
31946 Salem District Advisory Council
Outer Continental Shelf; protraction diagrams; availability, etc.:
31945 Alaska

Management and Budget Office
NOTICES
31953 Agency forms under review

National Aeronautics and Space Administration
NOTICES
Senior Executive Service:
31949 Bonus award schedule

National Bureau of Standards
NOTICES
Information processing standards, Federal:
31911 Fixed block rotating mass storage subsystems; operational specifications
31913 Optical character recognition (OCR); character sets

National Credit Union Administration
RULES
Federal credit unions:
31871 Borrowed funds from natural persons; authorization of retail repurchase agreements

National Technical Information Service
NOTICES
Patent licenses, exclusive:
31916 Bio-Rad Laboratories

National Transportation Safety Board
NOTICES
31950 Accident reports, safety recommendations and responses, etc.; availability

Nuclear Regulatory Commission
NOTICES
Applications, etc.:
31952 Consumers Power Co.
31952 McGuire Nuclear Station
31953 Southern California Edison Co. et al.
Meetings:
31951 Reactor Safeguards Advisory Committee (2 documents)

Occupational Safety and Health Review Commission
NOTICES
31986 Meetings; Sunshine Act

Securities and Exchange Commission
RULES
31880 Mining companies; securities offers and sales; availability of Rule 242 sales registration exemption
NOTICES
Hearings, etc.:
31961 American Agronomics Corp.
31962 Dreyfus Cash Reserves, Inc.
31963 Eastern Air Lines, Inc.
31964 Equitable Life Assurance Society of the United States et al.
31967 Heizer Corp.
31968 Middle South Utilities, Inc., et al.
31971 Ohio National Life Insurance Co. et al.
31974 Precious Metals Holdings, Inc., et al.
31975 National securities exchanges; regulation of specialists; proposed order
Self-regulatory organizations; proposed rule changes:
31962 American Stock Exchange, Inc.
31969, 31970 Municipal Securities Rulemaking Board (2 documents)
Self-regulatory organizations; unlisted trading privileges:
31968 Midwest Stock Exchange, Inc.

Small Business Administration
PROPOSED RULES
Minority small business and capital ownership development assistance:
31899 Advance payments on section 8(a) subcontracts; authority of Regional Administrators regarding approval or denial of requests

Transportation Department
See Coast Guard; Federal Aviation Administration; Urban Mass Transportation Administration.

Treasury Department
See also Fiscal Service; Internal Revenue Service.
NOTICES
Notes, Treasury:
31982 H–1985 series

Urban Mass Transportation Administration
NOTICES
Grants; availability, etc.:
31981 Managerial training grant short courses

Veterans Administration
PROPOSED RULES
31903 Regulatory agenda; change in publication dates

Water and Power Resources Service
NOTICES
Contract negotiations:
31949 Southwest Region, interim water service contracts

MEETINGS ANNOUNCED IN THIS ISSUE

ARTS AND HUMANITIES, NATIONAL FOUNDATION
31949 Humanities Panel, Washington, D.C. (closed), 7–8, 7–9 and 7–10–81
31950 Humanities Panel, Washington, D.C. (closed), 7–16 and 7–17–81

DEFENSE DEPARTMENT
Office of the Secretary—
31917 Department of Defense Wage Committee, Washington, D.C. (closed), 7–7, 7–14, 7–21 and 7–28–81
31918 Department of Defense Wage Committee, Washington, D.C. (closed), 8–4, 8–11, 8–18 and 8–25–81

HEALTH AND HUMAN SERVICES DEPARTMENT
Health Care Financing Administration—
31945 Supplemental Health Insurance Panel, Baltimore, Md., 6–26–81

INTERIOR DEPARTMENT
Land Management Bureau—
31946 Salem District Advisory Council, Salem, Oreg. (open), 7–15–81

NUCLEAR REGULATORY COMMISSION
31951 Reactor Safeguards Advisory Committee, Decay Heat Removal System Subcommittee, Washington, D.C. (open), 7–6–81
31951 Reactor Safeguards Advisory Committee, Reactor Fuel Subcommittee, Washington, D.C. (partially open), 7–7–81

V 46 JE 18 81 UMI

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

3 CFR

Executive Orders:

February 25, 1919
(Revoked in part by PLO 5959)..... 31894
April 4, 1922
(Revoked in part by PLO 5961)..... 31894
June 13, 1925
(Revoked in part by PLO 5957)..... 31893
5907 (Revoked in part by PLO 5960)..... 31894
6618 (Revoked in part by PLO 5958)..... 31893
12310..... 31869

7 CFR

2..... 31871

12 CFR

701..... 31871

13 CFR

Proposed Rules:

124..... 31899

14 CFR

39 (6 documents)..... 31873–31879

Proposed Rules:

39 (2 documents)..... 31899, 31900

16 CFR

Proposed Rules:

Ch. II..... 31901

17 CFR

230..... 31880

18 CFR

Proposed Rules:

Ch. I..... 31902

25 CFR

52..... 31880

26 CFR

1..... 31881

34 CFR

324..... 31996

38 CFR

Proposed Rules:

1..... 31903

40 CFR

52..... 31881
81..... 31886

Proposed Rules:

52..... 31903
60..... 31904

41 CFR

Ch. 101 (2 documents)..... 31890, 31891
7–1..... 31886
7–3..... 31886
7–6..... 31886
7–7..... 31886
7–10..... 31886
7–15..... 31886
7–30..... 31886

43 CFR

Public Land Orders:

1933 (Revoked by PLO 5956)..... 31892
5954..... 31892
5955..... 31892
5956..... 31892
5957..... 31893
5958..... 31893
5959..... 31894
5960..... 31894
5961..... 31894
5962..... 31895

47 CFR

73..... 31895

Proposed Rules:

73..... 31909

49 CFR

1100..... 31898
1137..... 31898

V
4
6

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E
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8
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Vol. 4
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Title

The

Federal Register
Vol. 46, No. 117
Thursday, June 18, 1981

Presidential Documents

Title 3—

The President

Executive Order 12310 of June 16, 1981

President's Commission on Housing

By the authority vested in me as President of the United States, and in order to establish, in accordance with the provisions of the Federal Advisory Committee Act, as amended (5 U.S.C. App. I), a Presidential advisory committee on national housing policies and Federal programs in furtherance thereof, it is hereby ordered as follows:

Section 1. *Establishment.* (a) There is established the President's Commission on Housing. The Commission shall be composed of not more than twenty-two (22) members from private life and from State and local governments who shall be appointed by the President.

(b) The President shall designate a Chairman and Vice-Chairman from among the members of the Commission.

Sec. 2. *Functions.* The Commission shall advise the President and the Secretary of Housing and Urban Development with respect to options for the development of a national housing policy consistent with the President's Economic Recovery Program and the role and objectives of the government in future housing availability. Consistent with these general functions, the Commission shall:

a. Analyze the relationship of homeownership to political, social, and economic stability within the nation;

b. review all existing federal housing policies and programs;

c. assess those factors which contribute to the cost of housing as well as the current housing finance structure and practices in the country;

d. seek to develop housing and mortgage finance options which strengthen the ability of the private sector to maximize opportunities for homeownership and provide adequate shelter for all Americans;

e. detail program options for basic reform of federally-subsidized housing; and,

f. utilize such private and public sector expertise available in the housing field as the Commission, in its discretion, deems appropriate.

The Commission shall provide information and advice to the President or to the Secretary of Housing and Urban Development whenever requested and shall provide the President and the Secretary of Housing and Urban Development with an interim report not later than October 30, 1981 and a final report not later than April 30, 1982.

Sec. 3. *Administration.* (a) Members of the Commission shall serve without compensation. However, they shall be entitled to travel expenses, including per diem in lieu of subsistence, as authorized by law for persons serving intermittently in the government service (5 U.S.C. 5701–5707), to the extent funds are available therefor.

(b) The Heads of the Executive agencies shall, to the extent permitted by law, provide the Commission such information as it may require for the purpose of carrying out its functions.

(c) Any expenses of the Commission shall be paid from funds available to the Secretary of Housing and Urban Development.

Sec. 4. *General.* (a) Notwithstanding any other Executive Order, the responsibilities of the President under the Federal Advisory Committee Act, as amended, except that of reporting annually to the Congress, which are applicable to the advisory committee established by this Order, shall be performed by the Secretary of Housing and Urban Development in accordance with guidelines and procedures established by the Administrator of General Services.

(b) The Commission shall terminate upon presenting its final report and recommendations to the President and the Secretary of Housing and Urban Development.

Ronald Reagan

THE WHITE HOUSE,
June 16, 1981.

[FR Doc. 81-18338
Filed 6-17-81; 12:15 pm]
Billing code 3195-01-M

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Rules and Regulations

Federal Register
Vol. 46, No. 117
Thursday, June 18, 1981

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Part 2

Revision of Delegations of Authority

AGENCY: Department of Agriculture.

ACTION: Final rule.

SUMMARY: This document revises the delegation of authority from the Secretary of Agriculture to the General Counsel concerning the making of determinations relating to claims of mistakes in bids disclosed before and after award of procurement contracts. The revision is being made to reflect that under the provisions of the Contract Disputes Act of 1978 (41 U.S.C. 601 *et. seq.*) it is within the authority of contracting officers to determine whether or not to rescind or reform contracts on the basis of a mistake alleged or disclosed after award.

EFFECTIVE DATE: June 18, 1981.

FOR FURTHER INFORMATION CONTACT: Gary W. Butler, Deputy Assistant General Counsel, Office of the General Counsel, United States Department of Agriculture, Washington, D.C. 202–447–2577.

SUPPLEMENTARY INFORMATION: Under the provisions of the Contract Disputes Act of 1978 (41 U.S.C. 601 *et. seq.*) all claims by a contractor against the government relating to a contract, including claims for reformation or rescission of a contract based on a mistake in bid alleged or disclosed after award, are within the decision-making authority of the contracting officer. The current delegation from the Secretary to the General Counsel provides for such determinations to be made by the General Counsel, as well as, determinations regarding the withdrawal or correction of bids based on mistakes in bids alleged or disclosed prior to award. The revised delegation reflects the provisions of the Contract Disputes Act of 1978 by removing claims of mistakes arising after award from the decision-making authority of the General Counsel.

This rule relates to internal agency management. Therefore, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and other public procedures with respect thereto are impractical and contrary to the public interest, and good cause is found for making this rule effective less than 30 days after publication in the **Federal Register**. Further, since this rule relates to internal agency management, it is exempt from the provisions of Executive Order 12291. Lastly, this action is not a rule as defined in Pub. L. 96–354, the Regulatory Flexibility Act, and thus, it is exempt from the provisions of that Act.

Accordingly, Part 2, Subtitle A, Title 7, Code of Federal Regulations is amended as follows:

Subpart D—Delegation of Authority to Other General Officers and Agency Heads

Section 2.31(e) is revised to read as follows:

§ 2.31 Delegations of authority to the General Counsel.

* * * * *

(e) Make determinations under 41 CFR 1–2.406–3 relating to mistakes in bids disclosed before award of procurement contracts.

* * * * *

(5 U.S.C. 301 and Reorganization Plan No. 2 of 1953)

Dated: June 12, 1981.

John R. Block,

Secretary of Agriculture.

[FR Doc. 81–18069 Filed 6–17–81; 8:45 am]
BILLING CODE 3410–01–M

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 701

Organization and Operations of Federal Credit Unions; Borrowed Funds From Natural Persons

AGENCY: National Credit Union Administration.

ACTION: Final rule.

SUMMARY: Recent rulings of the Federal Home Loan Bank Board and the Office of the Comptroller of the Currency have authorized retail repurchase agreement programs for their respective institutions. In order to maintain the competitive position of Federal credit unions vis-a-vis other depository institutions, the NCUA Board has amended § 701.38 of the NCUA Rules and Regulations to permit Federal credit unions to offer retail repurchase agreements similar to those authorized for the other institutions.

EFFECTIVE DATE: June 11, 1981.

ADDRESS: National Credit Union Administration, 1776 G St., NW., Washington, D.C. 20456.

FOR FURTHER INFORMATION CONTACT: Randall J. Miller, Acting Director, Office of Policy Analysis at the above address; telephone (202) 357–1091.

SUPPLEMENTARY INFORMATION: At an open meeting on May 20, 1981, the NCUA Board discussed recent developments in the depository institution marketplace and the deregulation strategies which would be appropriate responses to the developments. The Board specifically addressed the recent rulings of the Federal Home Loan Bank Board and the Comptroller of the Currency which authorized their respective institutions to offer retail repurchase agreement programs.

Generally, retail repurchase agreements are uninsured borrowed funds. They involve the transfer of an interest in a U.S. government or agency security to a customer in a denomination of less than $100,000 for a term of less than 90 days, and subject to an agreement by the institution to "repurchase" the interest. The interest rate on these uninsured borrowed funds is determined by the institution. In addition, it is stipulated that (1) the obligation cannot be automatically renewed or extended; (2) the obligation bears on its face, in a prominent place, a statement that the obligation is not insured; and (3) all terms and conditions of the agreement be fully and accurately disclosed.

Generally, retail repurchase agreements provide institutions an instrument which can compete with other short-term money market instruments such as Treasury bills or money market mutual funds. To enable

Federal credit unions to meet the competition from other depository and nondepository institutions, the NCUA Board has authorized retail repurchase agreements for Federal credit unions by amending § 701.38 of the NCUA Rules and Regulations to permit such agreements. Under the terms of the amendment, Federal credit unions are permitted to offer, in amounts less than $100,000, obligations evidencing an indebtedness arising from the transfer of direct obligations of, or obligations fully guaranteed by, the United States government or an agency thereof provided that:

1. The maturity of the obligation is less than 90 days;

2. The obligation cannot be automatically renewed or extended;

3. The obligation and any advertisement for such funds contains conspicuous language indicating that the obligation represents money borrowed by the credit union and that the agreement does not represent shares and, therefore, is not insured by the National Credit Union Share Insurance Fund;

4. The obligation is evidenced by a signed agreement which sets forth all material facts concerning the transaction including the terms and conditions regarding maturity, prepayment, interest rate, method of computation, method of payment, and the purchaser's security interest; and

5. The market value of the underlying security at the time of any purchase of a retail repurchase agreement must at least equal the aggregate purchase price paid by retail repurchase purchasers secured by that security.

Maturity and Interest Rate Gaps

Retail repurchase agreements often attract volatile funds from individuals who may follow high yields as they become available elsewhere. In order to retain retail repurchase funds, a credit union must offer competitive rates. If the funds are used to purchase fixed rate assets (e.g., securities) with maturities longer than the retail repurchase agreements, a credit union may be caught paying higher rates than it is earning on the assets purchased. Moreover, the underlying securities may, in fact, depreciate significantly as rates rise so that a credit union may be unable to liquidate the collateral and unwind the program without incurring significant losses. Such exposure places severe strains on earnings, liquidity, and reserves. Therefore, to help guard against such risks, the maturity of securities underlying a retail repurchase agreement or any investment or deposit made with the borrowed funds should correspond to the maturity of the agreement so that the FCU may be assured of available funds to repay the borrowing at maturity. Section 703.3(b)(6) of the NCUA Rules and Regulations places such a restriction on reverse repurchase transactions, and that restriction is carried over to this regulation.

Security Interest

Credit unions should be especially careful to ensure that an individual's security interest in the underlying collateral is perfected under applicable state law. Credit unions may wish to use an independent custodian or trustee to hold title to government securities in which customers have security interests.

Disclosure and Advertising

In order to limit potential liability under the securities laws, credit unions should fully disclose all material information regarding the retail repurchase offering. Disclosure should include, at a minimum, appropriate background information regarding the credit union and its financial condition, and the nature and terms of the Retail Repurchase agreement (including minimum investment denominations, interest rates, maturities and any prepayment fees). The lender should be given a detailed explanation of the transaction. The security underlying the transaction should be specifically and accurately identified. The lender should be advised (1) that the retail repurchase agreement is an obligation of the issuing credit union and that the underlying security serves as collateral; (2) that the credit union will pay a fixed amount, including interest on the purchase price, regardless of any fluctuation in the market price of the underlying security; (3) that the interest rate paid is not that of the underlying security; and (4) that general credit union assets will most likely be used to satisfy the credit union's obligation under the retail repurchase agreement rather than proceeds from the sale of the underlying security. In addition, the lender should be advised at the time of purchase of the actual or approximate market value of the underlying security interest and he/she should be clearly warned that the retail repurchase agreement is not a share, is not insured, and is not guaranteed in any way by the U.S. Government or any agency thereof. Language generally associated with shares must be avoided to prevent creating the impression that insured shares are being offered. The lender must be informed that he/she may become an unsecured creditor of the credit union to the extent the market value of the security interest falls below the amount of the funds invested.

Procedures should be implemented to guide credit union employees in offering retail repurchase agreements. Credit unions may wish to circulate an internal memo to all involved personnel as a means of informing them appropriately with respect to retail repurchase agreements and the necessary disclosure procedures. Such a memorandum might include general responses to questions likely to be asked by potential purchasers. These responses should conform in substance to the disclosure made in the offering materials. Credit union personnel should be instructed to deliver a copy of the offering materials to each purchaser prior to the time of purchase.

The Board finds that this ruling clarifies the borrowing authority already provided to credit unions under § 701.38. Furthermore, the change is a liberalization of the current borrowing regulation necessitated by the substantial outflows of shares being experienced by some credit unions who cannot compete equitably with other depository institutions which possess this authority. These outflows are threatening the continued safe and sound operation of these credit unions, and the interests of their members. For these reasons, the NCUA Board has determined that public comment on the rule is unnecessary and contrary to the public interest as provided under 5 U.S.C. 553(b)(B). The procedures set forth in NCUA's Policy Statement (IRPS 81–4) have been waived for the same reasons. Further, this rule is being made effective in less than 30 days since it relieves a restriction. 5 U.S.C. 553(d)(1).

Beatrix Fields,

Acting Secretary of the Board, National Credit Union Administration.

June 12, 1981.

(12 U.S.C. 1757(9) and 1766(a))

§ 701.38 [Amended]

Section 701.38 is amended to include a new paragraph (b) which reads as follows:

* * * * *

(b) Notwithstanding any provisions of subsection (a) of this section, and without regard to the provisions of § 703.3, except 703.3(b)(6), and subject to the borrowing limitations of 12 U.S.C. 1757(9), Federal credit unions may offer in amounts less than $100,000, obligations evidencing an indebtedness arising from the transfer of direct obligations of, or obligations fully guaranteed by, the United States government or an agency thereof provided:

(1) the maturity of the obligation is less than 90 days;

(2) the obligation cannot be automatically renewed or extended;

(3) the obligation and any advertisement for such funds contains conspicuous language indicating that the obligation represents money borrowed by the credit union, and that the obligation does not represent shares and, therefore, is not insured by the National Credit Union Share Insurance Fund;

(4) the obligation is evidenced by a signed agreement which sets forth the terms and conditions regarding maturity, prepayment, interest rate, method of computation, method of payment, and the purchaser's security interest; and

(5) the market value of the underlying security at the time of any purchase of a retail repurchase agreement must at least equal the aggregate purchase price paid by retail repurchase purchasers secured by that security.

[FR Doc. 81-18053 Filed 6-17-81; 8:45 am]
BILLING CODE 7535-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 81-NW-28-AD; Amdt. 39-4138]

Airworthiness Directives: Boeing Model 747 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This Amendment supersedes Airworthiness Directives 78-04-04 and 78-09-08 which require visual inspections of the floor beams and the main deck pressure web inside the landing gear wheel wells on Boeing Model 747 series airplanes.

The amount and extent of floor beam cracking which has been reported since these ADs were issued indicates that these inspections should be conducted more often to detect and prevent crack development which could result in rapid decompression in the cabin. This AD, therefore, reduces the repetitive inspection intervals and requires more stringent inspections.

DATES: Effective date July 1, 1981. Compliance schedule as prescribed in the body of the AD, unless already accomplished.

ADDRESSES: The applicable service information may be obtained from Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington, 98124. These documents may also be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington, 98108.

FOR FURTHER INFORMATION CONTACT: Mr. J. W. Hart, Jr., Airframe Branch, ANW-120S, Seattle Area Aircraft Certification Office, FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108, telephone (206) 767-2516.

SUPPLEMENTARY INFORMATION: AD 78-04-04 (Amdt. No. 39-3144 (43 FR 7424) as amended by 39-3160, (43 FR 11569) and 78-09-08 (Amdt. No. 39-3209 (43 FR 19644), as amended by Amdt. 39-3246 (43 FR 27510) and Amdt. No. 39-3739 (43 FR 24449)) were issued as results of reports of floorbeam cracking and pressure deck cracking.

Because of more than 200 cases of floor beam cracking and the discovery by an operator on April 17, 1981, of 3 adjacent floor beams failed, it is apparent that the repetitive intervals should be reduced and the inspection methods upgraded to prevent rapid decompression. Accordingly, this new AD is being issued to require more frequent inspections of the floor beams using non destructive testing (NDT) methods, as well as visual methods. ADs 78-04-04 and 78-09-08 are hereby superseded.

Since this condition is likely to exist or develop on other 747 airplanes of the same type design, this AD requires an improved inspection program. Further, since a situation exists for the 747 that requires immediate adoption of this regulation, it is found that notice and public procedure for that portion of the regulation are impracticable.

Adoption of Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new Airworthiness Directive:

Boeing: Applies to Model 747 series airplanes certificated in all categories with more than 5,000 landings listed in S/B 747-53-2176 Revision 4, or S/B 747-53-2183, Revision 2, and Special Freighter Airplanes, upon accumulation of 5,000 landings after conversion to the Special Freighter configuration.

To prevent crack growth development which could result in rapid cabin decompression, inspect in accordance with either paragraph A or B (NOTE: Changing inspection programs is permitted with prior approval of the Chief, Seattle Area Aircraft Certification Office, FAA Northwest Region.)

A. Inspect the floor beams and main deck pressure web for cracks, in the area noted, using the methods indicated. If cracks are found, prior to further flight repair in accordance with paragraph C or D as appropriate.

(1) Within 175 landings after the effective date of this AD, unless accomplished within the last 175 landings, inspect in accordance with subparagraphs (a), (b), and (f), or (c), (d), and (f) of Table I.

(2) Within 1,000 landings after the effective date of this AD, unless accomplished within the last 1,000 landings or in accordance with AD 78-09-08, paragraph B, inspect the floor beams in accordance with subparagraph (e) of Table I.

(3) Repeat the inspections at intervals not to exceed those noted in Table I.

Table I

Floor beams	Area	Method	Repetitive interval (landings)	Reference (S.B.)
(a) 11, 33, 57, 75	B.S. 1265-1300, Web Only	Visual Means	175	747-53-2183, Rev. 2.
(b) 33, 57, 75	B.S. 1420-1460, Web Only	Visual Means	175	747-53-2176, Rev. 4.
(c) 11, 33, 57, 75	B.S. 1265-1300, Web Only	Eddy Current	350	747-53-2183, Rev. 2.
(d) 33, 57, 75	B.S. 1420-1460, Web Only	Eddy Current	350	747-53-2176, Rev. 4.
(e) All	B.S. 1265-1480, Web & Chord	Eddy Current	2,000	747-53-2183, Rev. 2.

(f) Throughly clean the exposed portion of the main deck pressure web inside the main landing gear wheel wells from fuselage station 1265 to 1480 and visually inspect the pressure web for cracks as described in Boeing Service Bulletin 747-53-2183 Rev. 2 or later FAA approved revisions at intervals not to exceed 350 landings. If cracks are found in the pressure web, before further flight visually inspect all floor beams for cracks in accordance with Boeing Service Bulletin 747-53-2183, Revision 2, or later FAA approved revisions from fuselage station 1265 to 1480.

B. Inspect the floor beams and main deck pressure web for cracks in the areas noted using the methods indicated. If cracks are found, prior to further flight, repair in

accordance with paragraph C or D as appropriate.

(1) Within 250 landings after the effective date of this AD, unless accomplished within the last 250 landings, inspect in accordance with subparagraph (a) of Table II.

(2) Within 250 landings after the effective date of this AD, unless accomplished within the last 750 landings or in accordance with AD 78-09-08, paragraph B, inspect in accordance with subparagraph (b) of Table II.

(3) Within the next 90 landings after the effective date of this AD unless accomplished within the last 85 landings inspect in accordance with subparagraph (c) of Table II.

(4) Repeat inspections at intervals not to exceed those noted in Table II.

Table II

Floor beams	Area	Inspection method	Reinspect interval (landings)	Service bulletin reference
(a) 33, 57, 75	B.S. 1420-1460, Web Only	Visual Means	500	747-53-2176, Rev. 4.
(b) All	B.S. 1265-1480, Web and Chord	Eddy Current	1,000	747-53-2183, Rev. 2.

(c) Thoroughly clean the exposed portion of the main deck pressure web inside the main landing gear wheel well from body station 1265-1480 and visually inspect the pressure web for cracks as described in Boeing S/B 747-53-2183, Rev. 2, or later FAA approved revisions, at intervals not to exceed 175 landings. If cracks are found in the pressure web, visually inspect all floor beams before further flight for cracks in accordance with Boeing Service Bulletin 747-53-2183, Revision 2, or later FAA approved revisions from fuselage station 1265-1480.

C. The airplane may be returned to service, prior to repair, provided all of the following are met:

1. There must be no more than one crack on each side of BL O.

2. No crack may exceed 3 inches in length; and

3. All such cracks must be in the floor beam web and confined to fastener lines, and must show no evidence of turning away from fastener lines.

Aircraft returned to service under this paragraph must be reinspected at intervals not to exceed 50 landings for evidence of crack progression, and must be repaired in accordance with paragraph D within 1,000 landings after cracks are first discovered.

D. If cracks exceed the limits of paragraph C, remove all corrosion and repair all cracks in the floor beams and pressure webs in accordance with the Structural Repair Manual, Boeing S/B 747-53-2176, Rev. 4, or later FAA approved revisions or Boeing S/B 747-53-2183, Rev. 2, or in a manner approved by the Chief, Seattle Area Aircraft Certification Office, ANW-100S, FAA Northwest Region. Spray the floor beams and pressure webs with BMS 3-23 moisture inhibitor or equivalent.

E. Modification of the floor beams in accordance with the terminating action procedures described in Boeing Service Bulletin 747-53-2183, Rev. 1, or later FAA approved revisions and S/B 747-53-2176, Revision 3, or later FAA approved revisions, or procedures approved by the Chief, Seattle Area Aircraft Certification Office, FAA Northwest Region, constitutes full terminating action under the provisions of this AD.

Modification of floor beam webs in accordance with terminating action procedures described in Boeing Service Bulletin 53-2176, Rev. 3, or later FAA approved revisions constitutes terminating action for paragraphs (b) and (d) of Table I and (a) of Table II.

Modification of floor beam webs in accordance with terminating action procedures described in Boeing S/B 53-2176, Rev. 3, and 53-2183, Rev. 1, or later approved revisions, or incorporation of equivalent changes during production constitutes terminating action for paragraphs (a), (b), (c), (d), of Table I and (a) of Table II.

F. For purposes of complying with this AD, subject to acceptance by the assigned FAA Maintenance Inspector, the number of landings may be determined by dividing each airplane's hours time-in-service by the operator's fleet average from takeoff to landing for the airplane type. Only pressurized flights need be considered when establishing number of landings on the airplane.

G. Upon request of the operator, an FAA Maintenance Inspector, subject to prior approval by the Chief, Seattle Area Aircraft Certification Office, FAA Northwest Region, may adjust the inspection interval, if the request contains substantiating data to justify the increase for that operator.

H. Aircraft may be ferried to a base for maintenance in accordance with Section 21.197 and 21.199 of the Federal Aviation Regulations.

I. Boeing S/B 747-53-2224 to be issued in July 1981 will replace S/B 747-53-2176 and 747-53-2183. The guidance information and terminating action contained in S/B 747-53-2224 and later FAA approved revisions may be used in lieu of that contained in 747-53-2176 and 747-53-2183 when complying with this AD.

J. Alternate means of compliance or other actions which provide an equivalent level of safety may be used when approved by the Chief, Seattle Area Aircraft Certification Office, FAA Northwest Region.

Note.—Eddy current inspection procedures referred to herein are contained in Boeing Document D6-7170 "NDT Manual" Part 6, Section 51-00-00 Figure 6.

ADs 78-04-04 and 78-09-08 are superseded.

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to the Boeing Company, P.O. Box 3707, Seattle, Washington 98124. These documents also may be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108.

This amendment becomes effective July 1, 1981.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89)

Note.—The FAA has determined that this document involves a regulation which is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979), and will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act, since it involves few, if any, small entities. A final regulatory evaluation has been prepared for this regulation, and has been placed in the regulatory docket. A copy of it may be obtained by contacting the person identified above under the caption "FOR FURTHER INFORMATION CONTACT."

This regulation is a final order of the Administrator as defined by Section 1005 of the Federal Aviation Act of 1958, as amended. As such it is subject to review only by the courts of appeals of the United States or the United States Court of Appeals for the District of Columbia.

Issued in Seattle, Washington, on June 5, 1981.

Jonathan Howe,

Acting Director, Northwest Region.

[FR Doc. 81-17766 Filed 6-17-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 18069; Amdt. 39-4142]

Airworthiness Directives; Costruzioni Aeronautiche Giovanni Agusta Model A109A Series Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that

requires an inspection of the main rotor blades on Costruzioni Aeronautiche Giovanni Agusta Model A109A series helicopters for corrosion and proper sealing, blade replacement or repair as necessary, the application of a protective tape, and repetitive visual inspections of the tape condition. The AD is necessary to prevent excessive corrosion which could result in an in-flight rotor blade failure.

DATES: Effective July 20, 1981. Compliance schedule—as prescribed in the body of the AD.

ADDRESSES: The applicable service bulletin may be obtained from: Costruzioni Aeronautiche Giovanni Agusta, Cascina Costa (Gallarate), Italy.

A copy of the service bulletin [1] is contained in the Rules Docket, Room 916, 800 Independence Avenue, SW., Washington, DC 20591.

FOR FURTHER INFORMATION CONTACT: C. Christie, Chief, Aircraft Certification Staff, AEU–100, Europe, Africa, and Middle East Office, FAA, c/o American Embassy, Brussels, Belgium: Telephone: 513.38.30, or C. Chapman, Chief, Technical Standards Branch, AWS–110, FAA, 800 Independence Avenue, SW., Washington, DC 20591, Telephone: (202) 426–8374.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring an inspection of the main rotor blades for corrosion, and replacement or repair as necessary, on certain Costruzioni Aeronautiche Giovanni Agusta Model A109A series helicopters was published in the **Federal Register** at 43 FR 27555. The proposal was prompted by a determination that the scarf joint area on the main rotor blade of the Agusta Model A109A helicopters is subject to corrosion which could result in an in-flight rotor blade failure. Since this condition is likely to exist or develop on other helicopters of the same type design, an AD is being issued which requires inspection of the main rotor blades on certain Costruzioni Aeronautiche Giovanni Agusta Model A109A series helicopters for corrosion and proper sealing, blade replacement or repair as necessary, the application of a protective tape, and repetitive visual inspection of the tape condition.

Interested persons have been afforded an opportuntiy to participate in the making of the amendment. One comment was received stating that, based on service experience and operator compliance with recommended daily and 25 hour inspections, the AD was not needed. The FAA considers the inspection of vital corrosion prevention features mandatory for maintaining continued airworthiness. The AD is being published as proposed, except that editorial changes have been made for ease of reading and a new paragraph has been added concerning an FAA-approved equivalent to the manufacturer's service bulletins.

[1] Service Bulletin filed as a part of original document.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

Costruzioni Aeronautiche Giovanni Agusta. Applies to Model A109A series helicopters, certificated in all categories, that have main rotor blades, P/N 1090–0103–01–07, installed.

Compliance required as indicated, unless already accomplished.

To detect and prevent corrosion which could result in an in-flight rotor blade failure, accomplish the following:

(a) Within the next 25 hours time in service after the effective date of this AD:

(1) Inspect the main rotor blade leading edge abrasion strip inner end and scarf joint for filler erosion, filler release, and corrosion, in accordance with Part I of the "Accomplishment" paragraph of Agusta Bollettino Tecnico No. 109–7, dated February 6, 1978, or an FAA-approved equivalent.

(2) If no filler erosion or release is found during the inspection specified in paragraph (a)(1) of this AD, apply a polyurethane tape to the blade and comply with paragraph (b) of this AD.

(3) If filler erosion or release is found during the inspection specified in paragraph (a)(1) of this AD, clean the area and inspect for corrosion and bond separation.

(4) If corrosion or bond separation is not found during the inspection in paragraph (a)(3) of this AD, fill with urethane adhesive, apply a polyurethane tape to the blade, and comply with paragraph (b) of this AD.

(5) If corrosion is not found during the inspection required by paragraph (a)(3) of this AD but marginal bonding separation not deeper than 5 mm. (0.2 in.) is found, clean and flush the area, fill with urethane adhesive, apply a polyurethane tape to the blade, and comply with paragraph (b) of this AD.

(6) If corrosion or bond separation deeper than 5 mm. (0.2 in.) is found during the inspection required by paragraph (a)(3) of this AD, replace the blade with a serviceable blade of the same part number, or an FAA-approved equivalent, return the helicopter to service and comply with paragraph (b) of this AD.

(b) After the last flight of each day in which the helicopter is operated after compliance with paragraph (a) of this AD, check the main rotor blade polyurethane tapes for condition and adhesion in accordance with Part II of the "Accomplishment" paragraph of Agusta Bollettino Tecnico No. 109–7, dated February 6, 1978, or an FAA-approved equivalent. The check required by this paragraph may be accomplished by the pilot.

(c) If during the check required by paragraph (b) of this AD, a tape defect or abnormal condition including bond separation is found, comply with paragraph (a) of this Ad before further flight, except that the helicopter may be flown in accordance with §§ FAR 21.197 and 21.199 to a base where the work can be performed.

(d) If an equivalent means of compliance is used in complying with this AD, that equivalent must be approved by the Chief, Aircraft Certification Staff, AEU–100, FAA, Europe, Africa and Middle East Office, c/o American Embassy, Brussels, Belgium.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Costruzioni Aeronautiche Giovanni Agusta, Cascina Costa (Gallarate), Italy. These documents may be examined at FAA Headquarters, Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591.

This amendment becomes effective July 20, 1981.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89)

Note.—The FAA has determined that this document involves a regulation which is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979) and will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act since it involves inspections and repairs on only a few aircraft owned by small entities. A final regulatory evaluation has been prepared for this regulation and has been placed in the regulatory docket. A copy of it may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the courts of appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Washington, D.C. on June 11, 1981.

M. C. Beard,

Director of Airworthiness.

[FR Doc. 81–18036 Filed 6–17–81; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 39

[Docket No. 80-GL-21-AD; Amdt. 39-4133]

Airworthiness Directives; Hamilton Standard Hydromatic Propellers

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD) that requires repetitive visual inspections of aluminum blades for corrosion on Hamilton Standard Hydromatic Propellers. The AD is needed to detect corrosion in the aluminum blade and shank area, particularly under the blade seal. Corrosion in the blade fillet and shank area may lead to fatigue cracking and resultant blade loss. There have been three recent incidents where blades have separated at the butt end of the blade due to corrosion and resultant fatigue. The resulting imbalance may tear the engine from the aircraft. Also, there have been seven recent reports of blade butt corrosion found during propeller overhaul.

DATE: Effective—June 19, 1981. Compliance schedule—As prescribed in body of AD.

ADDRESSES: The applicable technical manuals may be obtained from: Hamilton Standard, Division of United Technologies Corporation, Windsor Locks, Connecticut 06096.

A copy of the applicable technical manuals is contained in the FAA Great Lakes Region, Room 240, 2300 E. Devon Ave., Des Plaines, IL 60018.

FOR FURTHER INFORMATION CONTACT: Bob Alpiser, Flight Standards Division, Engineering and Manufacturing Branch, AGL-214, FAA, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone 312/694-7130.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an AD requiring inspections of Hamilton Standard Hydromatic propellers was published in the **Federal Register** at 46 FR 10163, February 2, 1981. The proposal was prompted by National Transportation Safety Board (NTSB) Safety Recommendation A-80-111 which cited six recent instances of corrosion related damage to the shank or fillet of Hamilton Standard Hydromatic propellers and one instance of a complete blade separation at the butt end. This condition is likely to exist in other propellers of the same type design.

Interested persons have been afforded the opportunity to participate in the making of the amendment, and only one comment was received. That comment was from the NTSB, who concurred with the proposed AD. Accordingly, the AD is adopted as proposed.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new AD:

Hamilton Standard: Applies to Hamilton Standard aluminum propeller blades installed on propeller types 23D40, 23E50, 33D50, 33E60, 22D30, 22D40, 34D50, 34D51, 43D50, 43E60, 34E60, 23260, 24260, and 43H60, as installed on but not limited to Beech D17 and D18 series, Boeing C-97 and 377 series, Canadair Model 4 and CL-215, DeHavilland DHC-2, DHC-3 and DHC-4, Fairchild C-119 series, General Dynamics (Convair) 240, 340 and 440 series, Gulfstream American (Grumman) G-12A, G-111, G-164, S-2F and W-2F Series, Lockheed L-10, L-12, 049, 749, 1049 and 1649 series, Martin 202 and 404 series, McDonnell Douglas B-26, DC-3, DC-4, DC-6 and DC-7 series, North American AT-6, T-6, T-28 and P-51.

Compliance is required as indicated, unless already accomplished.

To prevent propeller blade failure due to corrosion and fatigue, accomplish the following repetitive actions:

(a) Propeller blades in service. Within the next 12 months after the effective date of this AD or within 18 months since last inspection, whichever occurs later, remove blades and visually inspect for evidence of corrosion in the blade fillet and shank area, particularly under the blade seal, in accordance with Hamilton Standard Aluminum Blade Maintenance Instructions No. P5072 dated October 15, 1978, or Hamilton Standard Aluminum Blade Overhaul Manual No. 130B dated March 1, 1980, as revised by Temporary Revision No. 2 dated June 15, 1980, or FAA approved equivalent. Reinspect blades every 18 months thereafter.

(b) Assembled propellers in storage. Remove blades and visually inspect for evidence of corrosion in the blade fillet and shank area, particularly under the blade seal, in accordance with Hamilton Standard Aluminum Blade Maintenance Instructions No. P5072 dated October 15, 1978, or Hamilton Standard Blade Overhaul Manual No. 130B dated March 1, 1980, as revised by Temporary Revision No. 2 dated June 15, 1980, or FAA approved equivalent, prior to installation or prior to exceeding 18 months combined storage plus time installed.

(c) Disassembled propeller blades in storage. Visually inspect blades for evidence of corrosion in the fillet and shank area prior to assembling to a propeller being prepared for return to service.

(d) Blades showing evidence of corrosion in the fillet or shank area must be replaced with an airworthy blade or given a normal blade overhaul in accordance with Hamilton Standard Aluminum Blade Overhaul Manual No. 130B dated March 1, 1980, as revised by Temporary Revision No. 2 dated June 15, 1980, or FAA approved equivalent.

Upon request of an operator, the Chief, Engineering and Manufacturing Branch, AGL-210, Federal Aviation Administration, Great Lakes Region, may adjust the compliance time specified in paragraph (a) of this AD provided such requests are made through an FAA maintenance inspector and the request contains substantiating data to justify the request for that operator.

For purposes of this AD, an FAA-approved equivalent must be approved by the Chief, Engineering and Manufacturing Branch, AGL-210, Federal Aviation Administration, Great Lakes Region.

This amendment becomes effective June 19, 1981.

(Secs. 313(a), 601 and 603, Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89)

Note.—The FAA has determined that this document involves a final regulation which is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A final regulatory evaluation has been prepared for this document and has been placed in the docket. A copy of it may be obtained by contacting the person identified under the caption "For Further Information Contact." It has also been determined under the criteria of the Regulatory Flexibility Act that this rule, at promulgation, will not have a significant economic impact on a substantial number of small entities. The aforesaid determinations under the Regulatory Flexibility Act and Executive Order 12291 are based upon the small number of aircraft and entities which will be affected by this AD, and upon the minimal cost which these entities will incur in complying with this AD.

The manufacturer's specifications and procedures identified in this directive are incorporated herein and made part hereof pursuant to 5 U.S.C 552(a)(1). All persons affected by the directive who have not already received these documents from the manufacturer may obtain copies upon request to Hamilton Standards, Division of United Technologies Corporation, Windsor Locks, Connecticut 06096. These documents may also be examined at the Great Lakes Regional Office, FAA, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the courts of appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Des Plaines, Illinois on June 2, 1981.

Frederick M. Isaac,

Acting Director, Great Lakes Region.

[FR Doc. 81-17704 Filed 6-17-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 81-WE-6-AD; Amdt. 39-4137]

Airworthiness Directives; Hiller Aviation Model UH-12 Series Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action publishes in the **Federal Register** and makes effective to all persons an amendment adopting a new Airworthiness Directive (AD) which was previously made effective on certain Hiller Aviation Model UH-12 Series Helicopter. All known United States operators were notified by priority mail AD 81-09-08, issued April 27, 1981. The AD requires inspection of the main rotor blade skin for bond separation at the tip prior to further flight. The AD is prompted by reports of main rotor blade skin delamination which could result in blade failure and loss of helicopter control.

DATES: Effective June 25, 1981, and was effective upon receipt for recipients by priority mail AD 81-09-08, issued April 27, 1981.

Compliance schedule—As prescribed in the body of the AD, unless already accomplished.

ADDRESSES: The applicable service information may be obtained from: Hiller Aviation, 2075 West Scranton Avenue, Porterville, California 93275.

Also, a copy of the service information may be reviewed at, or a copy obtained from:

FAA Headquarters, Rules Docket, Room 916, 800 Independence Avenue SW., Washington, D.C. 20591.

or

FAA Western Region Office, Rules Docket, Room 6W14, 15000 Aviation Boulevard, Hawthorne, California 90261.

FOR FURTHER INFORMATION CONTACT: Robert T. Razzeto, Executive Secretary, Airworthiness Directive Review Board, Federal Aviation Administration, Western Region, P.O. Box 92007, World Way Postal Center, Los Angeles, California 90009. Telephone: (213) 536-6351.

SUPPLEMENTARY INFORMATION: An emergency AD was issued on April 27, 1981 by priority mail AD 81-09-08, and made effective immediately upon receipt to all known United States operators of Hiller Aviation Model UH-12 Series Helicopters equipped with main rotor blades Part No. 53200-03. Earlier, AD 80-18-01 required inspection of the same part number main rotor blades for skin delamination and was effective September 2, 1980, but was effective only on specific serial numbered blades. Since AD 80-18-01 was issued, two Hiller Aviation UH-12 main rotor blades have experienced skin delamination. In one accident, the skin from the lower surface of the blade, Serial No. 209, totally delaminated during flight with no fatalities. The second blade, Serial No. 219, shows evidence of blisters indicating that the delamination had become severe enough to cause total delamination if continued in service. Blade Serial No. 209 was included as a blade to be inspected in AD 80-18-01, whereas, blade Serial No. 219 was not. In those instances, moisture had penetrated the blade interior and degraded the bond joints. An inspection of these blades indicated that moisture had entered the blades through the tip cap screw holes and/or bond joints. All Hiller main rotor blades, Part No. 53200-03, can be affected by this phenomenon. Since this condition is likely to exist or develop in other helicopters of the same type design, an Airworthiness Directive is being issued which requires repetitive inspection of the main rotor blade for skin delamination and replacement if necessary on the Hiller UH-12 Series Helicopters.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impracticable and contrary to the public interest, and good cause existed to make the AD effective immediately. These conditions still exist and the AD is hereby published in the **Federal Register** as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended, by adding the following new Airworthiness Directive:

Hiller Aviation: Applies to Models UH-12D, UH-12E, UH-12E4 Series Helicopters, including military Models H-23F, OH-23G, and all models converted by STC SH178WE and STC SH177WE, equipped with main rotor blades Part No. 53200-03, certified in all categories.

Compliance required as indicated, unless already accomplished.

To prevent possible main rotor blade failure due to the delamination of the skin at the blade tip, accomplish the following:

(a) Prior to further flight, after the effective date of this AD or receipt of the priority mail AD 81-09-08, issued April 27, 1981, whichever occurs first:

(1) Remove blade tip cap and visually inspect for skin bond separation in the tip cap area, in accordance with Para. II.D of Hiller Aviation Service Bulletin No. 51-8, dated March 25, 1981.

(2) If the skin bond separation is detected, replace blade with like serviceable item or repair in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Western Region. Submit data defining exact areas of delamination when requesting repair approval.

(3) If no skin bond separation is detected, replace the tip cap and seal, in accordance with Para. II.F of Hiller Aviation Service Bulletin No. 51-8, dated March 25, 1981.

(b) Upon the effective date or upon receipt of the priority mail AD 81-09-08, issued April 27, 1981, whichever occurs first, whenever the rotor blade tip cap is removed for whatever reason, comply with the inspection requirements and tip cap reinstallation requirements of Para. (a) of this AD prior to return to service.

Special flight permits may be issued in accordance with FARs 21.197 and 21.199 to operate helicopters to a base for the accomplishment of inspections or modifications required by this AD.

Alternative inspections, modifications, or other actions which provide an equivalent level of safety may be used when approved by the Chief, Engineering and Manufacturing Branch, FAA Western Region.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein, and made a part hereof pursuant to 5 U.S.C. 553(a)(1). All persons affected by this directive, who have not already received these documents from the manufacturer, may obtain copies upon request to: Hiller Aviation, 2075 West Scranton Avenue, Porterville, California 93275.

These documents may also be examined at:

FAA Western Region Office, Rules Docket, Room 6W14, 15000 Aviation Boulevard, Hawthorne, California 90261.

and at:

FAA Headquarters, Rules Docket, Room 916, 800 Independence Avenue SW., Washington, D.C. 20591.

A historical file on this AD, which includes the incorporated material in full, is maintained by the FAA Headquarters in Washington, D.C. and the FAA Western Region Office.

This amendment becomes effective June 25, 1981 to all persons, except those to whom it was made immediately effective by priority mail AD 81-09-08, issued April 27, 1981.

(Sections 313(a), 601, and 603 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Section 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89)

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule, since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in a regulatory document (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified under the caption "For Further Information Contact."

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the courts of appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Los Angeles, California on June 8, 1981.

John D. Mattson,

Director FAA Western Region.

[FR Doc. 81-17914 Filed 6-17-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 81-NW-30-AD; Amdt. 39-4136]

Airworthiness Directives: McDonnell Douglas Model DC-9, -10 thru -50 Series and Military C-9 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adds a new Airworthiness Directive (AD) which requires inspection and repair, as necessary, of wing rear spar lower "tee" caps located near the inboard flap hinge fitting station X_{RS} 164.00. This AD is needed to prevent crack growth which could compromise the structural integrity of the wing spar and spar cap in the McDonnell Douglas Model DC-9, -10 thru -50 Series and Military C-9 series airplanes.

DATE: Effective date June 25, 1981. Compliance schedule as prescribed in the body of the AD.

ADDRESSES: The applicable service information may be obtained from: McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director, Publications and Training, C1-750 (54-60). This information also may be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108, or 4344 Donald Douglas Drive, Long Beach, California 90808, telephone (213) 548-2826.

FOR FURTHER INFORMATION CONTACT: Harry Irwin, Aerospace Engineer, Airframe Branch, ANW-120L, Federal Aviation Administration, Northwest Region, Los Angeles Area Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California 90808, telephone (213) 548-2826.

SUPPLEMENTARY INFORMATION: One operator recently reported seven aircraft with cracks in the wing rear spar lower "tee" cap at No. 2 flap hinge attach bracket, wing station X_{RS} 164.00. The affected aircraft had approximately 49,000 to 62,000 landings at the time of detection. The cracks, which were discovered as a result of fuel leaks are fatigue related caused by a combination of wing bending and flap loads. If not corrected, this condition could compromise the structural integrity of the spar lower "tee" cap which ultimately could result in a reduction is spar strength. Accomplishment of the required inspections and repairs will ensure the structural integrity of the spar lower "tee" cap.

Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued which requires initial and repetitive inspections of the wing rear spar lower "tee" cap at wing station X_{RS} 164.00, and repair or replacement of this structure, as necessary.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable, and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new Airworthiness Directive:

McDonnell Douglas: Applies to McDonnell Douglas Model DC-9, -10 thru -50 series and military C-9 series airplanes, certificated in all categories. Compliance required as prescribed herein.

A. To prevent fatigue cracking and possible structural failure of the wing rear spar lower "tee" cap (P/N 5911301), accomplish the following:

1. For aircraft with 60,000 or more landings on the effective date of this AD, within the next 300 landings, unless already accomplished within the last 2,000 landings, inspect the right hand and left hand wing rear spar lower caps in the area of the No. 2 flap hinge attachment bracket at wing station X_{RS} 164.00 in accordance with Paragraph B herein.

2. For aircraft with less than 60,000 landings and more than 34,999 landings on the effective date of this AD, unless already accomplished within the last 2,000 landings inspect per Paragraph B in accordance with the following initial inspection schedule:

Accumulated landings [1]	Initial inspection [2]
35,000-44,999	2,000 landings.
45,000-54,999	1,000 landings.
55,000-59,999	500 landings.

[1] On effective date of this AD.
[2] From effective date of this AD.

3. For airplanes with less than 35,000 landings on the effective date of this AD, inspect in accordance with Paragraph B before the accumulation of 37,000 landings.

4. Repeat the inspections in Paragraph B herein every 4,000 landings since last inspected until repaired per Paragraph C. When repaired, the repetitive inspections may be discontinued until the aircraft has accumulated an additional 35,000 landings, at which time the repetitive inspection requirements are reinstituted.

B. Perform inspections in accordance with the instructions specified in Douglas Aircraft Company Alert (telex) Service Bulletin A57-146 dated May 20, 1981, or later revisions approved by the Chief, Los Angeles Area Aircraft Certification Office, FAA Northwest Region.

C. If a crack is found in the spar lower "tee" cap, repair the cap before further flight in accordance with Douglas Drawing No. 1060165 listed in Douglas Aircraft Company Alert (telex) Service Bulletin A57-146 dated May 20, 1981, or later revisions approved by the Chief, Los Angeles Area Aircraft Certification Office, FAA Northwest Region.

D. Special flight permits may be issued in accordance with FARs 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

E. Upon request of the operator, and FAA maintenance inspector, subject to prior approval by the Chief, Los Angeles Area Aircraft Certification Office, FAA Northwest Region, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the change for that operator.

F. For the purposes of complying with this AD, subject to the acceptance by the assigned FAA maintenance inspector, the number of landings may be determined by dividing each airplane's hours time in service by the operator's fleet average time from takeoff to landing.

G. Alternative inspections, repairs, or other action to be accomplished on or after the effective date of this AD, which provide an

equivalent level of safety, may be used when approved by the Chief, Los Angeles Area Aircraft Certification Office, FAA Northwest Region.

Note.—Equivalent repairs approved by the Chief, Los Angeles Area Aircraft Certification Office, FAA Northwest Region, may be obtained from the McDonnell Douglas Corporation, Long Beach, California.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to the McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846. Attention: Director, Publications and Training, CL-750 (54-60). These documents may also be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108, or 4344 Donald Douglas Drive, Long Beach, California 90808.

This amendment becomes effective June 25, 1981.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a)), 1421, and 1423; Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89)

Note.—The Federal Aviation Administration has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the courts of appeals of the United States or the United States Court of Appeals for the District of Columbia.

Issued in Seattle, Washington on June 5, 1981.

Jonathan Howe,

Acting Director, Northwest Region.

[FR Doc. 81-17767 Filed 6-17-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 21825; Amdt. 39-4143]

Airworthiness Directives; Societe Nationale Industrielle Aerospatiale Model SA-330 Series Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action publishes in the **Federal Register** and makes effective as to all persons an amendment adopting a new airworthiness directive (AD) which was previously made effective as to all known U.S. owners and operators of Societe Nationale Industrielle Aerospatiale Model SA-330 series helicopters by individual telegrams. The AD requires an inspection of the electrical wires and hydraulic lines between fuselage stations 5295 and 5600 for chafing, and separation and securing of electrical wires and hydraulic lines as necessary to prevent chafing, and replacement of any chafed electrical wires or hydraulic lines prior to further flight. The AD is necessary to prevent friction between the electrical wires and hydraulic lines, which could result in leakage of hydraulic fluid and possible fire.

DATES: Effective June 18, 1981, as to all persons except those persons to whom it was made immediately effective by telegraphic AD T80-18-51, issued August 29, 1980, which contained this amendment.

Compliance schedule—as prescribed in the body of the AD.

FOR FURTHER INFORMATION CONTACT: C. Christie, Chief, Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Office, FAA, c/o American Embassy, Brussels, Belgium: Telephone: 513.38.30, or C. Chapman, Chief, Technical Standards Branch, AWS-110, FAA, 800 Independence Avenue, SW., Washington, D.C. 20591, Telephone: (202) 426-8374.

SUPPLEMENTARY INFORMATION: On August 29, 1980, telegraphic AD T80-18-51 was issued and made effective immediately as to all known U.S. owners and operators of Societe Nationale Industrielle Aerospatiale Model SA-330 series helicopters. The AD was issued following a National Transportation Safety Board (NTSB) determination, based on the findings of an incident investigation, that friction between electrical wires and hydraulic lines on the Aerospatiale Model SA-330 helicopters may cause leakage of hydraulic fluid and possible fire. The AD required an inspection of the electrical wires and hydraulic lines between fuselage stations 5295 and 5600 for chafing and separation and securing of electrical wires and hydraulic lines as necessary to prevent chafing, and replacement of any chafed electrical wires or hydraulic lines prior to further flight. AD action was necessary to prevent friction between the electrical wires and hydraulic lines, which could result in leakage of hydraulic fluid and possible fire.

Since if was found that immediate corrective action was required, notice and public procedure thereon were impracticable and contrary to the public interest and good cause existed for making the AD effective immediately as to all known U.S. owners and operators of Societe Nationale Industrielle Aerospatiale Model SA-330 series helicopters by telegraphic means. These conditions still exist and the AD is hereby published in the **Federal Register** as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

Societe Nationale Industrielle Aerospatiale.
Applies to Model SA-330 series helicopters, certificated in all categories.
Compliance required as indicated.

To prevent friction between the electrical wires and hydraulic lines, which could result in leakage of hydraulic fluid and possible fire, accomplish the following:

Prior to further flight, unless already accomplished within the last 50 hours time in service, inspect the electrical wires and hydraulic lines between fuselage stations 5295 and 5600 for chafing against each other and the airframe, and separate and secure electrical wires and hydraulic lines as necessary to prevent chafing. Any chafed electrical wires or hydraulic lines must be replaced before further flight. Report defects found to the Chief, Aircraft Certification Staff, AEU-100 Europe, Africa, and Middle East Office, FAA, c/o American Embassy, Brussels, Belgium. (Reporting approved by the Office of Management and Budget under OMB No. 04-R0174).

This amendment becomes effective June 18, 1981, as to all persons except those persons to whom it was made immediately effective by telegraphic AD T80-18-51, issued August 29, 1980, which contained this amendment.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89)

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule was previously issued in telegraphic form to known owners and operators to correct an unsafe condition in aircraft. The present action codifies the rule and makes it effective as to all persons. It has been further determined that this rule involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified above under the caption "For Further Information Contact".

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the courts of appeal of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Washington, D.C. on June 11, 1981.

M. C. Beard,

Director of Airworthiness.

[FR Doc. 81-18035 Filed 6-17-81; 8:45 am]

BILLING CODE 4910-13-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 230

[Release No. 33-6321]

Availability of Rule 242 To Certain Mining Companies; Definition of "Qualified Issuer"

AGENCY: Securities and Exchange Commission.

ACTION: Final rule.

SUMMARY: The Commission is amending Rule 242, a small issue exemptive rule under Section 3(b) of the Securities Act of 1933, to allow certain issuers engaged in the mining business to utilize that rule in the offer and sale of their securities. The present exclusion of such companies is removed from the definition of a "qualified issuer," thereby extending to them the advantages of raising limited amounts of capital through unregistered offerings of securities.

EFFECTIVE DATE: July 20, 1981.

FOR FURTHER INFORMATION CONTACT: Daniel Abdun-Nabi, Office of Small Business Policy, Division of Corporation Finance, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, (202) 272-2644.

SUPPLEMENTARY INFORMATION: On March 25, 1981, there was published in the **Federal Register** [46 FR 18559] a notice of proposed rulemaking proposing to expand the availability of Rule 242 to certain issuers engaged in mining operations. The proposed amendment would change the definition of "qualified issuer" by deleting the exclusion presently appearing in Rule 242(a)(5)(iii) and Note thereto, thereby permitting certain mining companies to utilize that rule in the offer and sale of their securities. Interested parties were given the opportunity to submit, not later than May 15, 1981, their views and recommendations regarding the proposal.

Only one comment has been received regarding the proposed amendment. The Commission, after considering the issues raised by the commentator, has determined to adopt the amendment as proposed with one minor technical revision. Therefore, Part 230 of 17 CFR Chapter II is hereby amended by removing paragraph (a)(5)(iii) of § 230.242, by revising paragraph (a)(5)(iv) and redesignating it as new paragraph (a)(5)(iii), by redesignating paragraph (a)(5)(v) as paragraph (a)(5)(iv), and by amending the cross reference appearing in the proviso paragraph following paragraph (a)(5)(v)(B) to read paragraph (a)(5)(iv).

Summary of Final Regulatory Flexibility Analysis

The Commission has prepared a final regulatory flexibility analysis in accordance with 5 U.S.C. 604 regarding the amendments to Rule 242 adopted herein.

The analysis notes that Rule 242 was adopted to provide small business with an alternative exemption from registration which overcomes certain problems encountered in utilizing other available exemptive rules. The objective of the amendment to Rule 242 adopted herein is to expand the class of qualified issuers to include certain mining companies. There were no adverse public comments received concerning the initial regulatory flexibility analysis published by the Commission. A copy of the final regulatory flexibility analysis may be obtained by contacting the Office of Small Business Policy, Division of Corporation Finance, U.S. Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, (202) 272-2644.

Statutory Authority

The Commission hereby adopts the amendments to Rule 242 pursuant to the Securities Act of 1933, particularly sections 3(b), (4)(1) and 19(a).

(Secs. 2(b), 4(1), 19(a), 48 Stat. 75, 77, 85; sec. 209, 48 Stat. 908; 59 Stat. 167 sec. 6, 68 Stat. 684; sec. 12, 78 Stat. 580; 84 Stat. 1480; sec 308(a)(1), (2), (3), 90 Stat. 56, 57; sec. 18, 92 Stat. 275; sec. 2, 92 Stat. 962 (15 U.S.C. 77c(b), 77d(l), 77s(a)))

By the Commission.

George A. Fitzsimmons,

Secretary.

June 11, 1981.

PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

§ 230.242 Exemption of limited offers and sales by qualified issuers.

* * * * *

(a) * * *

(5) * * *

(iii) is not a majority-owned subsidiary of an issuer which does not meet the qualifications for use of this rule as specified in paragraph (a)(5) (i) or (ii) of this rule.

(iv) * * *

(A) * * *

(B) * * *

Provided, further, That paragraph (a)(5)(iv) of this section shall not apply to any issuer if the Commission determines, upon a showing of good cause, that it is not necessary under the circumstances that the exemption under this section be denied. Any such determination by the Commission shall be without prejudice to any other action by the Commission in any other proceeding or matter with respect to the issuer or any other person.

* * * * *

[FR Doc. 81-18118 Filed 6-17-81; 8:45 am]

BILLING CODE 6610-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

25 CFR Part 52

Tribal Reorganization Under a Federal Statute; Extension of Effective Date

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Extension of effective date for final rule.

SUMMARY: At the request of the Office of Management and Budget, the Bureau of Indian Affairs is delaying the effective date of a revision of 25 CFR Part 52 regarding tribal reorganization under a

Federal Statute. Part 52 was published as a final rule in the January 7, 1981, issue of the **Federal Register** (46 FR 1668). The effective date is being extended so that the Office of Management and Budget will have time to review and approve any information collection requirements that may be contained in such regulations.

DATES: 25 CFR Part 52, as revised, shall become effective on September 1, 1981, unless clearance is granted earlier by the Office of Management and Budget, in which case the regulations shall become effective upon publication of a further notice in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT: Mr. Robert M. Farring, Division of Tribal Government Services, Branch of Tribal Relations, Bureau of Indian Affairs, 202–343–4045.

SUPPLEMENTARY INFORMATION: On January 7, 1981, 25 CFR Part 52 was published in the **Federal Register** as a final rule to become effective on February 6, 1981 (46 FR 1668). In accordance with the President's January 29, 1981, memorandum, a notice published in the February 4, 1981, issue of the **Federal Register** (46 FR 10707), extended the effective date until March 30, 1981. In order to permit reconsideration of the rule under Executive Order 12291, a notice appeared in the March 30, 1981, issue of the **Federal Register** (46 FR 19233) further extending the effective date until April 30, 1981.

The Office of Management and Budget reviewed 25 CFR Part 52 and determined that the information collection requirements contained in revised §§ 52.8, 52.10, 52.11, 52.12, 52.19 and 52.23 must be approved by that office as required by the Paperwork Reduction Act of 1980. In order to comply with the Act, the effective date of 25 CFR Part 52 was extended to June 15, 1981, by a notice in the April 30, 1981, issue of the **Federal Register** (46 FR 24177).

By a May 19, 1981, memorandum, the Bureau of Indian Affairs transmitted a request for the Office of Management and Budget to review and approve the information collection feature of the rule. That memorandum clarified the unwarranted impression that election boards fall within the definition of "persons" as stated in the Paperwork Reduction Act of 1980. Correcting this mistaken impression would mean that completion of the voter registration form cited in revised § 52.11 is the only provision for collecting information from "persons" contained in Part 52.

In that the Office of Management and Budget has not yet approved the information collection requirement of 25 CFR Part 52, as revised, the effective date is deferred until September 1, 1981. If such approval is granted earlier, 25 CFR Part 52 shall become effective upon publication of an appropriate notice in the **Federal Register.**

June 15, 1981.

Kenneth Smith,

Assistant Secretary—Indian Affairs.

[FR Doc. 81-18117 Filed 6-17-81; 8:45 am]

BILLING CODE 4310-02-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[T.D. 7779]

Income Tax; Treatment of Losses on Small Business Stock

Correction

In FR Doc. 81–15453 appearing on page 29465 in the issue of Tuesday, June 2, 1981; on page 29474, first column, under § 1.1563–3, paragraphs (B) and (C) were inadvertently inserted in that section incorrectly. Those paragraphs, (B) and (C), should have been inserted in § 1.1244(e)–1 above directly after paragraph (A).

BILLING CODE 1505-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-5-FRL 1831-2]

Approval and Promulgation of Implementation Plans: Ohio; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final Rule and Correction of Final Rule.

SUMMARY: On November 7, 1980 (45 FR 73972) EPA proposed conditional approval of the vehicle inspection and maintenance (I/M) program developed for the urbanized area of Cleveland and the Ohio portion of the Cincinnati metropolitan area. This I/M program was submitted by the State to Satisfy the conditions of the Clean Air Act. A thirty-day public comment period was provided in the **Federal Register**. During that time, EPA received comments from the State and a local environmental group. Based on EPA's review of the these comments EPA is today conditionally approving this I/M program.

EPA is also correcting a clerical error in a rulemaking which was published in the **Federal Register** on May 1, 1981, 46 FR 24526. That rulemaking concerned EPA's decision with regard to the approval or disapproval of the deadlines by which the State of Ohio committed itself to remedy the conditionally approved items in the ozone and carbon monoxide portions of the State Implementation Plan (SIP).

EFFECTIVE DATE: This final rulemaking is effective June 12, 1981.

ADDRESSES: Copies of these revisions to the Ohio State Implementation Plan (SIP) are available for inspection at the following addresses:

U.S. Environmental Protection Agency, Air Programs Branch, Region V, 230 South Dearborn Street, Chicago, Illinois, 60604;

U.S. Environmental Protection Agency, Public Information Reference Unit, 401 M Street, S.W., Washington, D.C. 20460;

The Office of the Federal Register, 1100 L Street, N.W., Room 8401, Washington, D.C.;

Ohio Environmental Protection Agency, Office of Air Pollution Control, 361 East Broad Street, P.O. Box 1049, Columbus, Ohio 43216.

FOR FURTHER INFORMATION CONTACT: Richard Clarizio, Regulatory Analysis Section, Air Programs Branch, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604 (312) 886–6035.

SUPPLEMENTARY INFORMATION: On March 3, 1978, (43 FR 9362) and October 5, 1978 (43 FR 45933), pursuant to the requirements of section 107 of the Clean Air Act (Act) as amended, USEPA designated certain areas in each state as not meeting the National Ambient Air Quality Standards (NAAQS) for carbon monoxide and ozone. Part D of the Act, which was added by the 1977 Amendments, requires each state to revise its State Implementation Plan (SIP) to meet specific requirements for areas designated as nonattainment. These SIP revisions must demonstrate attainment of the primary standard as expeditiously as practicable, but not later than December 31, 1982. Under certain conditions, that date may be extended to no later than December 31, 1987, for ozone and/or carbon monoxide.

The requirements for an approvable SIP are described in a **Federal Register** notice published on April 4, 1979 (44 FR 20372). Supplements to the April 4, 1979 notice were published on July 2, 1979 (44 FR 38583), August 23, 1979 (44 FR 50371),

September 17, 1979 (44 FR 53781) and November 23, 1979 (44 FR 67182).

Despite the implementation of all reasonable emission control measures, the State of Ohio has demonstrated that attainment of the National Ambient Air Quality Standards (NAAQS) for carbon monoxide and ozone in the Cleveland urbanized area and the Ohio portion of the Cincinnati metropolitan area is not possible by December 31, 1982. Therefore, the State requested an extension to demonstrate attainment of the NAAQS in these areas.

For areas granted such an extension, section 172(b)(11) of the Act requires a vehicle emission inspection and maintenance (I/M) program.

On September 17, 1980, the State of Ohio submitted to EPA a plan for the implementation of an I/M program in the Ohio portion of the Cincinnati metropolitan area and in the urbanized area of Cleveland. This plan consists of Amended Substitute Senate Bill 240 (S.B. 240) and a schedule for the implementation of the I/M program. S.B. 240 enacts section 3704.14 of the Ohio Revised Code (ORC). Section 3704.14 requires the Director of the Ohio EPA to study vehicle I/M programs, design and prepare alternate programs, report to the General Assembly on the study and the programs, and adopt rules for the implementation and enforcement of an I/M program which is consistent with such study, program and report. In the November 7, 1980 **Federal Register** (45 FR 73792), EPA proposed to approve the Ohio I/M program provided the State corrected or committed to correct certain deficiencies by a specified date. On December 5, 1980, the State responded to EPA's proposed conditional approval. EPA also received comments from a local environmental group.

EPA's final determination may take one of three forms: approval, conditional approval, or disapproval. A discussion of conditional approval and its practical effects appears in the July 2, 1979 **Federal Register** (44 FR 38583) and in the November 23, 1979 **Federal Register** (44 FR 67182). A conditional approval requires a state to submit additional materials by specified deadlines which have been agreed upon by the state and the EPA. EPA will follow the procedures described below when determining if the requirements of conditional approval have been met:

1. If the state submits the required additional documentation according to schedule, EPA will publish a notice of final rulemaking on the additional documentation if it has determined that the public has had adequate opportunity to know and comment on the contents of the documentation. Otherwise, EPA will publish a notice in the **Federal Register** announcing receipt and availability of the material for public comment. The notice will also announce that the conditional approval is continuing pending EPA's final action on the submission.

2. EPA will evaluate the state's submission and public comment on the submission to determine if noted deficiences have been fully corrected. After review is complete, a **Federal Register** notice will be published proposing or taking final action either to fully approve the plan if all conditions have been met, or to withdraw the conditional approval and disapprove the plan if all conditions have not been met. If the plan is disapproved, the Section 110(a)(2)(I) restrictions on construction will be in effect.

3. If the state fails to submit the required materials according to the agreed upon schedule, EPA will publish a **Federal Register** notice shortly after the expiration of the time limit for submission. The notice will announce that the conditional approval is withdrawn, the SIP is disapproved, and Section 110(a)(2)(I) restrictions on growth are in effect.

Presented below is a synopsis of the concerns raised by the commentors, EPA's response to these concerns and EPA's final rulemaking action on the Ohio I/M program.

Comment

According to section 172(b)(10), a state must have adopted the necessary statutes, regulations, ordinances, or other legally enforceable requirements to implement and enforce an I/M program. To be acceptable, I/M legal authority must be adequate to implement and effectively enforce the program and must not be conditioned upon further legislative approval or any other substantial contingency.

As part of the Ohio I/M program, the State submitted a copy of Amended Substitute Senate Bill 240 (S.B. 240) as evidence that the State has the necessary legal authority to adopt and implement an I/M program. S.B. 240 enacts ORC 3704.14 which grants the Director of the Ohio EPA the authority to adopt rules for the implementation and enforcement of an I/M program in those parts of the State which are required to implement the program. In the November 7, 1980 **Federal Register**, EPA proposed to approve Ohio's legal authority.

One commentor, a local environmental group, does not believe that ORC 3704.14 provides adequate legal authority to implement and enforce an I/M program. It is the commentor's position that the I/M program is dependent on the recommendations of the I/M Study Board. The commentor contends that this significantly limits the legal authority and thus makes it insufficient to meet the requirements of Part D of the Act.

EPA Response

EPA believes that ORC 3704.14 provides the Director of the Ohio EPA with adequate legal authority to implement and enforce an I/M program. In particular, ORC 3704.14(1)(G) provides the Director of Ohio EPA with the authority to adopt rules for the implementation and enforcement of an I/M program. Although the Director must adopt rules which are consistent with the recommendations of the I/M Study Board, EPA does not believe that the legal authority to implement and enforce an I/M program is compromised by this provision of 3704.14. The purpose of the I/M Study Board is to determine and recommend the most effective program which can be implemented in the area. 3704.14(1)(C) states that the I/M Study Board shall develop and prepare a vehicle I/M program which complies with the requirements of the Clean Air Act Amendments of 1977. Based on the Study Board's recommendations, the Director of Ohio EPA will adopt the regulations necessary to implement and enforce the I/M program. EPA believes that ORC 3704.14 provides the legal authority necessary to implement and enforce an I/M program. As stated in the November 7, 1980 **Federal Register**, however, if the legal authority is subsequently withdrawn or found to be inadequate to authorize implementation or enforcement of the required program, the I/M portion of the SIP would no longer satisfy the requirements of Part D of the Clean Air Act.

Comment

Section 172(b)(10) of the Clean Air Act requires the appropriate governmental body to commit itself to implement and enforce the I/M program. In the November 7, 1980, **Federal Register**, EPA stated that it considers ORC 3704.14 and the I/M implementation schedule to be adequate commitments from the State to implement an I/M program.

One commentor contends that Ohio EPA's commitment to implement and enforce an I/M program is inadequate. The commentor believes that Ohio EPA has only committed itself to implement the recommendations of the I/M Study Board and not necessarily to implement an I/M program.

EPA Response

EPA believes that ORC 3704.14 and the I/M schedule submitted by the Governor represent adequate commitments on the part of the State to implement an I/M program. ORC 3704.14(1)(G) requires the Director of Ohio EPA to adopt rules for implementation and enforcement of an I/M program which is consistent with the I/M Study Board's report. EPA considers this legislative mandate as a sufficient commitment since the Ohio EPA is required to adhere to the provisions of Ohio law.

The I/M schedule submitted on September 17, 1980 represents further evidence of the State's commitment to implement an I/M program. Although the schedule does not contain all the incremental dates necessary for EPA approval it does contain dates for commencement and completion of certain milestones critical to implementing the program.

Comments

Section 172(b)(7) of the Act requires the identification and commitment of the necessary finances and resources to carry out the I/M program. The September 17, 1980 I/M submittal states that the appropriate staff and financial commitments will occur as are necessary to comply with Ohio's I/M legal authority. EPA recognized that until completion of the Study Board's report the State could not be more specific in the identification and commitment of the resources necessary to carry out and enforce the I/M program. Therefore, in the November 7, 1980 **Federal Register**, EPA proposed to approve this portion of the I/M program on the condition that the State, by a specified date, submit an identification of the manpower and financial resources necessary to carry out and enforce the program and a commitment to obtain those resources.

During the public comment period, EPA received two comments on this portion of the Ohio I/M program. One comment was from Ohio EPA and the other was from a local environmental group. The commentor from the local environmental group believes that until the I/M Study Board's report is completed, EPA cannot determine whether the necessary resources will be available.

Ohio EPA responded to EPA's proposed action in a letter dated December 5, 1980. In that letter Ohio EPA stated that since Senate Bill 240 requires it to perform certain tasks, the necessary staff and financial resources will be provided so that Ohio EPA may comply with Ohio law. Ohio EPA agreed to submit by January 8, 1982 an identification of the staff and financial resources necessary to carry out and enforce the I/M program and a more specific commitment to obtain those resources.

EPA Response

In response to the commentor from the local environmental group, EPA believes that since the I/M program is mandated by Ohio law, the financial and manpower resources necessary to implement the plan will be available. Ohio EPA has indicated that although the precise resources cannot be identified until after completion of the Study Board's report, the program will probably be funded from either the General Revenue Fund, other state sources, or grant funds available through the Clean Air Act. EPA realizes that after the Study Board's report is completed and the type of I/M program is chosen, Ohio EPA will be able to better identify and commit the specific resources that will be necessary to carry out and enforce the I/M program.

As stated earlier, the State has committed itself to submit by January 8, 1982, an identification of the staff and financial resources necessary to carry out and enforce the program as well as a more specific commitment to obtain those resources. EPA believes that this date is acceptable and that Ohio EPA has adequately committed itself to correct the deficiency noted in this portion of the I/M program. Therefore, EPA approves this portion of the Ohio I/M program on the condition that Ohio EPA submits by January 8, 1982 the items previously specified. A separate notice which solicits comments on the acceptability of the January 8, 1982 date is published elsewhere in today's **Federal Register**.

Comment

Section 172(b)(11)(B) of the Act requires that an I/M program must contain a legally enforceable schedule for the implementation of the plan and a commitment to the schedule by the State. The schedule must include the milestones listed in the July 17, 1978 I/M Policy Memorandum. The September 17, 1980 submittal contained a schedule which did not contain all the milestones outlined in the I/M Policy Memorandum. The State did commit itself to submit a more detailed schedule after the I/M Study Board's report was completed.

In the November 7, 1980 **Federal Register**, EPA proposed to approve this portion of the Ohio I/M program on the condition that the State submit, by a specified date negotiated between EPA and the State, a schedule which includes all the milestones prescribed in the July 17, 1978 I/M Policy Memorandum.

During the public comment period EPA received two comments on this portion of the Ohio I/M program, one comment from Ohio EPA and one comment from a local environmental group. The commentor from the local environmental group believes that EPA cannot determine whether the I/M program will be implemented by December 31, 1982, until after the I/M Board completes its report.

In the December 5, 1980 letter, Ohio EPA committed itself to submit by January 8, 1982 an I/M schedule which includes all the milestones prescribed in the I/M Policy Memorandum.

EPA Response

Based on the schedule submitted on September 17, 1980, EPA believes that the I/M program developed for the Cincinnati and Cleveland areas will be implemented by December 31, 1982. Although this schedule does not show all the necessary incremental dates, it does show that full implementation of the I/M program will be achieved by no later than December 31, 1982. EPA recognizes that a more specific schedule, which is consistent with the requirements of the I/M Policy Memorandum, cannot be submitted until after the I/M Study Board has completed its report. As stated previously, Ohio EPA has committed itself to submit by January 8, 1982, a more detailed schedule which satisfies the July 17, 1978 I/M Policy Memorandum requirements.

EPA believes that the January 8, 1982, date is acceptable and that the State has adequately committed itself to correct the deficiency noted in this portion of the Ohio I/M program. Therefore, EPA approves this portion of the Ohio I/M program on the condition that Ohio EPA submits by January 8, 1982, a detailed schedule which satisfies the requirements of the July 17, 1978, I/M Policy Memorandum. A separate notice which solicits comments on the acceptability of the January 8, 1982, date is published elsewhere in today's **Federal Register**.

Comment

Although the State committed itself in the September 17, 1980 submittal to a percent reduction goal which is consistent with current EPA guidance for both hydrocarbon and carbon monoxide exhaust emissions from light duty vehicles, it did not include the specific programmatic details necessary to verify the percent reduction. EPA

proposed to approve this portion of the I/M program if the State submitted, or committed itself to submit on a negotiated date, detailed programmatic information relating to the specific geographic coverage of the program, enforcement mechanisms and procedures to be used, those vehicle categories to be included in the inspection program, and other factors which aid in determining the effectiveness of an I/M program.

During the public comment period, EPA received two comments on this portion of the Ohio I/M program; one comment from Ohio EPA and one comment from a local environmental group. The commentor from the local environmental group believes that until the Study Board completes its report EPA cannot determine whether the I/M program will meet the minimum level of effectiveness. Ohio EPA in its December 5, 1980 letter, committed itself to submit by January 8, 1982 the detailed programmatic information specified above.

EPA Response

EPA believes that the State has adequately committed itself to achieve the percent reduction goal consistent with current EPA guidance. The percent reduction goal will depend on the computer model and program data the State utilizes to assess the effectiveness of the program. The difference in the percent reduction goal does not represent the need for a more stringent I/M program. If EPA's Mobile 1 model is used, the emission reduction goal will be 25%, if EPA's Mobile 2 model is used, the emission reduction goal will be 35%. To verify that the I/M program will meet the percent reduction goal, Ohio EPA has agreed to submit to EPA by January 8, 1982, detailed programmatic information relating to the specific geographic coverage of the program, the enforcement mechanisms and the procedures to be used, those vehicle categories to be included in the inspection program, and other factors which aid in determining the effectiveness of an I/M program. EPA believes that the January 8, 1982, date is acceptable and that Ohio EPA has adequately committed itself to correct the deficiency noted in this portion of the Ohio I/M program. Therefore, EPA approves this portion of the Ohio I/M program on the condition that Ohio EPA submits by January 8, 1982 the items specified above. A separate notice which solicits comments on the acceptability of the January 8, 1982 date is published elsewhere in today's **Federal Register**.

Final Determination

After reviewing the comments received on EPA's proposed conditional approval of the Ohio I/M program EPA approves the State's I/M program provided the State submit by January 8, 1982, the following items:

1. an identification of the staff and financial resources necessary to carry out and enforce the program and a more specific commitment to obtain those resources;
2. a detailed schedule which satisfies the requirements of the July 17, 1978 I/M Policy Memorandum; and
3. detailed programmatic information relating to the specific geographic coverage of the program, the enforcement mechanisms and procedures to be used, those vehicle categories to be included in the inspection program, and other factors which aid in determining the effectiveness of an I/M program.

A separate notice soliciting comments on the acceptability of the January 8, 1982 date is published elsewhere in today's **Federal Register.**

The conditional approval granted through this notice will remain in effect as long as the State meets its commitments according to the agreed upon schedule. Failure to submit the necessary material by the scheduled dates or inadequate submittals will result in SIP disapproval by EPA (44 FR 67182, November 23, 1979). This will result in the imposition of the growth restrictions of section 110(a)(2)(I) of the Act in counties with a disapproved plan.

Under Executive Order 12291 (Order), EPA must judge whether a regulation is "major" and, therefore subject to the requirements of a regulatory impact analysis. Today's action does not constitute a major regulation because it conditionally approves an inspection and maintenance (I/M) program which was developed by the State for the Cincinnati and Cleveland urban areas. EPA today is only conditionally approving the State's program and is not promulgating any regulation above that which is required by the State. This action was submitted to the Office of Management and Budget (OMB) for review as required by the Order.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this SIP action is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by USEPA to enforce these requirements.

Incorporation by reference of the Ohio SIP was approved by the Director of the Federal Register on July 1, 1980.

Dated: June 12, 1981.

Anne M. Gorsuch,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Subpart KK—Ohio

Title 40 of the Code of Federal Regulations, Chapter 1, Part 52 is amended as follows:

(1) Section 52.1870(c) is amended by adding subparagraph (29) to read as follows:

§ 52.1870 Identification of Plan.

* * * * *

(c) * * *

(29) On September 17, 1980 the State of Ohio submitted a vehicle inspection and maintenance (I/M) program developed for the urbanized area of Cleveland and the Ohio portion of the Cincinnati metropolitan area. On December 5, 1980 the State submitted comments on, and commitments for correcting, the deficiencies cited in the November 7, 1980 Supplemental Notice of Proposed Rulemaking.

(2) Section 52.1875 is amended to remove paragraph (b) and revise paragraph (a) as follows:

§ 52.1875 Attainment Dates for National Standards.

(a) The following table presents the latest date by which the national standards are to be attained. These dates reflect the information presented in Ohio's plan, except where noted.

Air quality control region	Pollutant						
	Particulate matter		Sulfur oxides		Nitrogen dioxide	Carbon monoxide	Ozone
	Primary	Secondary	Primary	Secondary			
Greater Metropolitan Cleveland Interstate (AQCR 174).							
a. Primary/Secondary Nonattainment Areas	h	h	/	/	b	e	c.
b. Remainder of AQCR	b	b	b	b.	b	b	b.

Air quality control region	Pollutant						
	Particulate matter		Sulfur oxides		Nitrogen dioxide	Carbon monoxide	Ozone
	Primary	Secondary	Primary	Secondary			
Huntington (West Virginia)—Ashland (Kentucky)—Portsmouth-Ironton (Ohio) Intrastate (AQCR 103).							
a Primary/Secondary Nonattainment Areas	h	h	f	f	b	b	d.
b Remainder of AQCR	b.	b.	b.	b.	b.	b.	b.
Mansfield-Marion-Intrastate (AQCR 175):							
a Primary/Secondary Nonattainment Areas	h	h	f	f	b	b	d.
b Remainder of AQCR	b.	b.	b.	b.	b.	b.	b.
Metropolitan Cincinnati Interstate (AQCR 079)							
a Primary/Secondary Nonattainment Areas	j	h	f	f	b	i	i.
b Remainder of AQCR	b.	b.	b.	b.	b.	b.	b.
Metropolitan Columbus Intrastate (AQCR 176).							
a Primary/Secondary Nonattainment Areas	h	h	f	f	b	d	d.
b Remainder of AQCR	b.	b.	b.	b.	b.	b.	b.
Metropolitan Dayton Intrastate (AQCR 173).							
a Primary/Secondary Nonattainment Areas	h	h	f	f	b	d.	d.
b Remainder of AQCR	b.	b.	b.	b.	b.	b.	b.
Metropolitan Toledo Interstate (AQCR 124):							
a Primary/Secondary Nonattainment Areas	h	h	f	f	b	g	d.
b Remainder of AQCR	b.	b.	b.	b.	b.	b.	b.
Northwest Ohio Interstate (AQCR 177)							
a Primary/Secondary Nonattainment Areas	h	h	f	f	b	b	d.
b Remainder of AQCR	b.	b.	b.	b.	b.	b.	b.
Northwest Pennsylvania Youngstown Interstate (AQCR 178)							
a Primary/Secondary Nonattainment Areas	h	h	f	f	b	b.	d.
b Remainder of AQCR	b.	b.	b.	b.	b.	b.	b.
Parkersburg (West Virginia)-Marietta (Ohio) Interstate							
a Primary/Secondary Nonattainment Areas	h	h	f	f	b	b	b.
b Remainder of AQCR	b.	b.	b.	b.	b.	b.	b.
Sandusky Intrastate (AQCR 180):							
a Primary/Secondary Nonattainment Areas	h	h	f	f	b	b	d.
b Remainder of AQCR	b.	b.	b.	b.	b.	b.	b.
Steubenville-Wierton-Wheeling Interstate (AQCR 181):							
a Primary/Secondary Nonattainment Areas	h	h	f	f	b	d	d.
b Remainder of AQCR	b.	b.	b.	b.	b.	b.	b.
Wilmington-Chillicothe-Logan Intrastate (AQCR 182)							
a Primary/Secondary Nonattainment Areas	h	h	b	b	b	b	d.
b Remainder of AQCR	b.	b.	b.	b.	b.	b.	b.
Zanesville-Cambridge Intrastate (AQCR 183)							
a Primary/Secondary Nonattainment Areas	h	h	f	f	b	b	d.
b Remainder of AQCR	b.	b.	b.	b.	b.	b.	b.

NOTE.—Sources subject to the plan requirements and attainment dates established under section 110(a)(2)(A) prior to the 1977 Clean Air Act Amendments remain obligated to comply with these requirements by the earlier deadlines. The earlier attainment dates are set out at 40 CFR 52.1875 published July 1, 1979.

NOTE.—For actual nonattainment designations refer to 40 CFR Part 81.

NOTE.—Dates or footnotes which are *italicized* are prescribed by the Administrator because the plan did not provide a specific date or the date provided was not acceptable.

a. Air quality levels presently below primary standards or is unclassifiable.
b. Air quality levels presently below secondary standards or is unclassifiable
c. For Stark, and Portage Counties attainment is to be achieved by December 31, 1982. For the remaining counties attainment is to be achieved by December 31, 1987.
d. December 31, 1982
e. For Summit County attainment is to be achieved by December 31, 1982. For Cuyahoga County the attainment date is to be achieved by December 31, 1987.
f. August 27, 1979 except for the companies listed in (1) which are subject to an attainment date of June 17, 1980, the Ashland Oil Company in Stark County which is subject to an attainment date of September 14, 1982, the companies in Summit County listed in (2) which are subject to an attainment date of January 4, 1983, and the PPG Industries, Inc. (boilers only) in Summit County, Ohio which is subject to an attainment date of August 25, 1983.
g. Attainment date will be specified in the future
h. April 15, 1977.
i. December 31, 1987
j. For the primary nonattainment area of Middletown, Ohio, located in Butler County, Ohio, attainment of the primary standard is to be achieved by December 31, 1982. For all other nonattainment areas within this AQCR the previously specified attainment date of April 15, 1977 is still applicable.

(1) Youngstown Sheet & Tube Co.; PPG Industries, Inc.; Wheeling-Pittsburgh Steel Corp.; Pittsburgh-Canfield Corporation; The Timken Company; The Sun Oil Co.; Sheller-Globe Corp.; The B.F. Goodrich Company; Phillips Petroleum Co.; Shell Oil Co.; Federal Paper Board Co.; The Firestone Tire & Rubber Co.; Republic Steel Corp.; Chase Bag Co.; White-Westinghouse Corp.; U.S. Steel Corp.; Interlake, Inc.; Austin Power Co.; Diamond Crystal Salt Co.; The Goodyear Tire & Rubber Co.; The Gulf Oil Co.; The Standard Oil Co.; Champion International Corp.; Koppers Co., Inc.; General Motors Corp.; E.I. duPont de Nemours and Co.; Coulton Chemcial Corp.; Allied chemical Corp.; Specialty Chemicals Division; the Hoover Co.; Aluminum Co. of America; Ohio Greenhouse Assoc.; Armco Steel Corp.; Buckeye Power, Inc.; Cincinnati Gas and Electric; Cleveland Electric Illuminating Co.; Columbus and Southern Ohio Electric; Dayton Power and Light Co.; Duquesne Light Co.; Ohio Edison Co.; Ohio Electric Co.; Pennsylvania Power Co.; Toledo Edison Co.; Ohio Edison Co.; RCA Rubber Co.

(2) In Summit County; Diamond Crystal Salt; Firestone Tire & Rubber Co.; General Tire & Rubber; B.F. Goodrich, Co.; Goodyear Aerospace Corp.; Goodyear Tire & Rubber Co.; Chrysler Corp.; PPG Industries, Inc.; Seiberling Tire & Rubber; Terex Division of General Motors Corp.; Midwest Rubber Reclaiming; Kittinger Supply Co.

(3) Section 52.1878 is amended by adding new paragraph (h) to read as follows:

§ 52.1878 Inspection and maintenance program.

* * * * *

(h) Part D—Conditional Approval—The Ohio vehicle inspection and maintenance program for the urbanized area of Cleveland and the Ohio portion of the Cincinnati metropolitan area is approved provided that the following conditions are met.

(1) An identification of the staff and financial resources necessary to carry out and enforce the vehicle inspection and maintenance (I/M) program and a more specific commitment to obtain those resources.

(2) Detailed schedule which contains dates for all the milestones specified in July 17, 1978 I/M policy memorandum.

(3) Detailed programmatic information relating to the specific geographic coverage of the program, enforcement mechanisms and procedures to be used, those vehicle categories to be included in the inspection program, and other

factors which aid in determining the effectiveness of an I/M program.

(4) In FR Doc. 81-13196, appearing at page 24563 in the May 1, 1981 issue of the **Federal Register**, in the middle column, item No. 1, change the amendatory language and the paragraph designation in § 52.1870 to read as follows:

"(1) Section 52.1870(c) is amended by adding subparagraph (28) to read as follows:

§ 52.1870 Identification of plan.

* * * * *

(c) * * *

(28) * * *".

[FR Doc. 81-18161 Filed 6-17-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 81

[A-6-FRL 1842-7]

State of New Mexico Designation of Areas for Air Quality Planning Purposes

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This notice approves the New Mexico Environmental Improvement Division (NMEID) redesignation request to change the existing nonattainment designation for carbon monoxide (CO) for the Farmington area to attainment.

EFFECTIVE DATE: June 18, 1981.

ADDRESSES: Incorporation by reference material is available for inspection during normal business hours at the following locations:

The Office of the Federal Register, 1100 L Street NW., Washington, D.C. Rm. 8401

Environmental Protection Agency, Public Information Reference Unit, EPA Library, 401 "M" Street SW., Washington, D.C. Rm. 2922.

FOR FURTHER INFORMATION CONTACT:

Estela Wackerbarth, Chief, Implementation Plan Section, Air and Hazardous Materials Division, Environmental Portection Agency, Region 6, Dallas, Texas 75270, (214) 767-1518.

SUPPLEMENTARY INFORMATION: The New Mexico Environmental Improvement Division (NMEID) submitted to EPA on November 15, 1979, their redesignation request to change the existing nonattainment designation for carbon monoxide (CO) for the Farmington area to attainment.

EPA has reviewed the redesignation request and finds it to be approvable. On July 23, 1980 at 45 FR 49117, EPA published a notice of proposed rulemaking and solicited public comment. No comments were received. Therefore, EPA is redesignating the Farmington area from nonattainment to attainment.

EPA finds that good cause exists for making this action immediately effective. The redesignation of an area from nonattainment to attainment relieves the state of the necessity to develop, submit and obtain EPA approval of an implementation plan designed to demonstrate attainment of the standard. Relief from this requirement is a benefit which should be made available to the State and its citizens as soon as possible.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not Major because it is merely approving a State action. It will impose no new regulatory action.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this final rulemaking is available *only* by filing of a petition for review in the United States Court of Appeals for the appropriate circuit on or before August 17, 1981. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may *not* be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Incorporation by reference of the State Implementation Plan for the State of New Mexico was approved by the Director of the Federal Register on July 1, 1980. This notice of final rulemaking is issued under the authority of Section 107(d) of the Clean Air Act, as amended 42 U.S.C. 7407(d).

Dated: June 12, 1981.

Anne M. Gorsuch,

Administrator.

Subpart C of Part 81 of Chapter 1, Title 40 of the Code of Federal Regulations is amended as follows:

§ 81.332 [Amended]

1. In § 81.332—New Mexico, the attainment status designation table for carbon monoxide is amended by revising the designation for Central Farmington from "does not meet primary standards" to "cannot be classified or better than national standards." The amended portion of the CO table for § 81.332 reads as set forth below:

New Mexico—CO

Designated area	Does not meet primary standard	Cannot be classified or better than national standard
* * * * *		
AQCR 014:		
Central Farmington.	X.	
Remainder of AQCR.	X.	
* * * * *		

[FR Doc. 81-18000 Filed 6-17-81; 8:45 am]

BILLING CODE 6560-38-M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

41 CFR Parts 7-1, 7-3, 7-6, 7-7, 7-10, 7-15, 7-30

[AIDPR Notice 81-5]

Miscellaneous Revisions to the AID Procurement Regulations

AGENCY: Agency for International Development (AID).

ACTION: Final rule.

SUMMARY: This AIDPR Notice makes administrative and editorial revisions throughout the AID Procurement Regulations (AIDPR), to conform the AIDPR to the Federal Procurement Regulations, and to formally incorporate into the AIDPR material previously issued within AID as Contract Information Bulletins or other forms of internal procedural instructions. This AIDPR Notice is a procurement regulation, and has been exempted from the requirements of Executive Order 12291 of February 17, 1981, pursuant to Sec. 8(b) of the Order, by a letter dated April 8, 1981, from the Director, OMB.

EFFECTIVE DATE: This AIDPR Notice is effective on the date it is signed (June 10, 1981)

FOR FURTHER INFORMATION CONTACT:

Mr. James M. Kelly, CM/SD/POL, Agency for International Development, Washington, D.C. 20523, (703) 235-9107.

SUPPLEMENTARY INFORMATION: For the convenience of the reader significant revisions made by this AIDPR Notice are summarized below:

—Section 7-1.451-2 is revised to establish a requirement that an AID Contracting Officer be a U.S. citizen employee of the U.S. Government.

—Section 7-1.704 is revised to clarify the definition of a small business—nonprofit organizations are *not* small businesses.

—Section 7-1.704-2 and 7-1.704-6 are revised to reduce the threshold for

requiring SDB review of proposed procurements from $5,000 to $2,500.

—Section 7–3.103–51 is established to provide guidance on leadtimes for negotiated procurements.

—Section 7–6.1603 is established to provide guidance on applicability of the Trade Agreement Act of 1979, and the new FPR Subpart 1–6.16 concerning purchases under the Act.

—Subpart 7–6.51 (Source, Origin, and Nationality) is amended to conform to Handbook 1, Supplement B, as revised through TM 1B:31.

—Contract clauses in Part 7–7 are revised to reflect new and amended cost principles (Amended FPR 1–15.3, new FPR 1–15.6); and to revise reference to "AG" to "IG".

—Section 7–10.402 is revised to insert the most recent list of countries for which DBA waivers are in effect.

—Part 7–15 is revised to conform to the current FPR cost principles, and to provide AID implementation of the new cost principles in FPR 1–15.6 (Cost Principles for Contracts with Nonprofit Organizations).

PART 7–1—GENERAL

Subpart 7–1.4—Procurement Responsibility and Authority

1. Section 7–1.451–2 *Designation of Contracting Officers*, is amended by designating the current text as paragraph (a), and by adding the following new paragraph (b):

§ 7–1.451–2 Designation of Contracting Officers.

(a) * * *

(b) A Contracting Officer represents the U.S. Government through the exercise of his/her delegated authority to negotiate, sign, and administer contracts on behalf of the U.S. Government. The Contracting Officer's duties are sensitive, specialized, and responsible. In order to insure proper accountability, and to preclude possible security, conflict of interest, or jurisdiction problems, it is AID policy that AID Contracting Officers must be U.S. citizen employees of the U.S. Government.

Subpart 7–1.7—Small Business Concerns

2. Section 7–1.704–1 *General*, is revised as follows:

§ 7–1.704–1 General.

The purpose of this section is to prescribe responsibilities and procedures for carrying out the small business program policy set forth in FPR 1–1.702 and § 7–1.702 of this Subpart. Small business concerns are defined in the Notice in FPR 1–1.706–5(d); in addition, small business concerns are concerns organized for profit. Nonprofit organizations are not considered small business concerns. Small minority business enterprises are defined in FPR 1–1.1310–2. Small minority business enterprises are included in the term "small business" when used in this subpart; specific reference to minority business enterprises is for added emphasis.

§ 7–1.704–2 [Amended]

3. Paragraph (b)(8) of § 7–1.704–2 entitled "The AID Office of Small and Disadvantaged Business Utilization" is amended by removing the figure "$5,000," and in its place inserting "$2,500."

§ 7–1.704–6 [Amended]

4. Paragraph (a) of § 7–1.704–6 entitled "Small business screening procedure" is amended by removing the figure "$5,000", and in its place inserting "$2,500."

PART 7–3—PROCUREMENT BY NEGOTIATION

Subpart 7–3.1—Use of Negotiation

5. A new § 7–3.103–51 is added as follows:

§ 7–3.103–51 Lead-time for preparation and submission of bids or proposals.

(a) Prospective offerors should be allowed sufficient lead-time to adequately prepare their bids or proposals. The following suggested lead-times are established as the normal minimum lead-times for the procurements described. If the contracting officer determines that circumstances require lead-times shorter than those specified below, he or she must prepare a written statement explaining the circumstances and the basis for his/her determination. This statement must be included in the contract file.

(b) Suggested minimum lead times. (Note: the suggested lead times which follow cover the period from the estimated date the announcement will be published in the *Commerce Business Daily*, or when responses are solicited directly, from the estimated date the offerors will receive the request for proposal, to the time when responses are due to the contracting officer.)

(1) Not less than 20 calendar days when procuring standard commercial (off the shelf) items or services;

(2) Not less then 30 calendar days when procuring other than standard commercial items or services;

(3) Not less than 45 days when procuring other than standard commercial items or services from U.S. sources that involve any overseas performance or use; and

(4) Not less than 60 days when procuring services of an educational institution or international research center under the selection procedures established in AIDPR 7–4.57 and 7–4.58.

PART 7–6—FOREIGN PURCHASES

6. The table of contents of Part 7–6 is amended by adding the following:

* * * * *

Subpart 7–6.16—Purchases Under the Trade Agreement Act of 1979

7–6.1603 Applicability.

* * * * *

7. A new Subpart 7–6.16 is added as follows:

Subpart 7–6.16—Purchases Under the Trade Agreement Act of 1979

§ 7–6.1603 Applicability.

Subpart 1–6.16 of the Federal Procurement Regulations establishes procedures for purchases under the Trade Agreement Act of 1979. FPR 1–6.1603(e) lists 11 exemptions to the requirements of Subpart 1–6.16; FPR 1–6.1603(e)(10) exempts "Tied-aid procurements under AID foreign assistance programs . . .". Under this exemption, AID is not required to follow the procedures in Subpart 1–6.16 for any contract implementing a foreign assistance project. The procurement of goods or services for the direct benefit and use of AID, rather than for implementation of an assistance project, would be subject to the procedures in Subpart 1–6.16, unless otherwise exempted by one of the exceptions specified in FPR 1–6.1603(e).

Subpart 7–6.51—Source, Origin, and Nationality

8. Section 7–6.5103 *Contract clause—source and nationality requirements*, is amended by revising the introductory statement, inserting a clause title and date, and by revising paragraphs (b)(3)(ii), (c)(2) and (h) as follows:

§ 7–6.5103 Contract clause—source and nationality requirements.

The following clause shall be included in all AID-direct contracts:

Source and Nationality Requirements for Procurement of Goods and Services (May 1981)

(a) * * *
(b) * * *
(3) * * *

(ii) Unless otherwise specified by the contracting officer, components from the U.S., the Cooperating Country, and any other countries included in Geographic Code 941 may always be utilized in unlimited amounts regardless of the geographic code authorized.

* * * * *

(c) * * *

(2) *Ocean and Air Transportation*

(i) Except as otherwise approved in writing by the contracting officer, AID will finance only those ocean transportation costs:

(A) Incurred on vessels under U.S. flag registry, when Geographic Code 000 is authorized for procurement of goods or services;

(B) Incurred on vessels under U.S., Cooperating Country, or other countries included in Geographic Code 941 flag registry, when Geographic Code 941 is authorized for procurement of goods or services; or

(C) Incurred on vessels under flag registry of any free world country, if the costs are part of the total cost on a through bill of lading paid to a carrier for initial carriage on a vessel which is authorized in accordance with paragraphs (c)(2)(i) (A) and (B), above.

(ii) Any ocean or air charter, covering full or part cargo, for the transportation of goods purchased under this contract must be approved by the AID Transportation Support Division, Office of Commodity Management, prior to shipment.

(iii) When use of non-U.S. flag vessels has been authorized, the following requirements still apply:

(A) At least 50 percent of the gross tonnage of all goods purchased under this contract and transported to the Cooperating Country on ocean vessels shall be transported on privately-owned U.S. flag commercial vessels, to the extent such vessels are available at fair and reasonable rates for such vessels; and

(B) At least 50 percent of the gross freight revenue generated by shipments of goods purchased under this contract and transported to the Cooperating Country on dry cargo liners shall be paid to or for the benefit of privately-owned U.S. flag commercial vessels to the extent such vessels are available at fair and reasonable rates for such vessels.

(iv) When U.S. flag vessels are not available, or their use would result in a significant delay, the contractor may request a certificate of nonavailability from the AID Transportation Support Division, Office of Commodity Management, giving the basis for the request. Such a determination of nonavailability will relieve the contractor of the requirement to use U.S. flag vessels for the tonnage of goods included in the determination.

(v) Vouchers submitted for reimbursement which include ocean shipment costs shall contain a certification essentially as follows: "I hereby certify that a copy of each ocean bill of lading concerned has been submitted to the Maritime Administration, Cargo Preference Control Center, Commerce Building, Washington, D.C. 20235 and that such bills of lading state all of the carrier's charges including the basis for calculation such as weight or cubic measurement."

(vi) For use of U.S. flag air carriers, see the General Provision entitled "Preference for U.S. Flag Air Carriers."

* * * * *

(h) * * *

(6) Used equipment;

(7) U.S. Government-owned excess property; or

(8) Fertilizer.

* * * * *

9. Section 7-6.5104 *Contract clause—authorization of local cost financing with U.S. dollars*, is amended by revising paragraphs (b)(2) (vi), (vii), and (viii) and (d)(2)(ii) of the contract clause specified in paragraph (b) of § 7-6.5104 as follows:

§ 7-6.5104 Contract clause—authorization of local cost financing with U.S. dollars.

(a) * * *

(b) * * *

* * * * *

Local Cost Financing With U.S. Dollars (May 1981)

(b) * * *

(2) * * *

(vi) used equipment;

(vii) U.S. Government-owned excess property; or

(viii) fertilizer.

* * * * *

(d) * * *

(2) * * *

(ii) Shelf items having their origin in any country included in Code 899 but not in Code 941 are eligible if the price of one unit does not exceed $5,000. For goods sold by units of quantity; e.g., tons, barrels, etc., the unit to which the local currency equivalent of $5,000 is applied is that which is customarily used in quoting prices. The total amount of imported shelf item purchases from countries included in Code 899 but not in Code 941 may not exceed $25,000 or 10% of the total local costs financed by AID for the project whichever is higher; however, *in no case* may the total amount of such purchases exceed $250,000 without first obtaining a specific geographic source waiver.

* * * * *

PART 7-7—CONTRACT CLAUSES

Subpart 7-7.50—Clauses for Cost Reimbursement Contracts

10. Section 7-7.5000, *Scope of subpart*, is revised as follows:

§ 7-7.5000 Scope of subpart.

This subpart sets forth contract clauses for use in cost reimbursement contracts with commercial organizations, or with nonprofit organizations. Contract clauses for use with educational institutions are set forth in Subpart 7-7.55.

11. Section 7-7.5001, *Required clauses*, is revised as follows:

§ 7-7.5001 Required clauses.

The following clauses are mandatory for cost reimbursement contracts with commercial organizations. For cost reimbursement contracts with nonprofit organizations, delete all reference to "Subpart 1-15.2 (Contracts with Commercial Organizations) of the Federal Procurement Regulations"; in its place insert reference to "Subpart 1-15.6 (Contracts with Nonprofit Organizations) of the Federal Procurement Regulations."

12. Section 7-7.5001-10, *Negotiated overhead rates*, is amended by changing the clause date from "* * * (Sept. 1975)" to "* * * (May 1981)", and by amending paragraph (b) by removing the reference to "* * * the AID Auditor General * * *", in its place inserting "* * * the AID Inspector General * * *".

13. Section 7-7.5001-42, Reserved, is revised as follows:

§ 7-7.5001-42 Personnel compensation.

Personnel Compensation (May 1981)

Direct compensation of the Contractor's personnel will be in accordance with the Contractor's established policies, procedures, and practices, and the cost principles applicable to this Contract. Compensation (the employee's base salary plus overseas recruitment incentive, if any) which exceeds the maximum daily or annual level for Foreign Service Class I (FSR-1), as set forth in the payment schedule of the Uniform State/AID/USIA Regulation, as from time to time amended, must be specifically approved in writing by the Contracting officer in order to be reimbursed under this Contract.

14. Section 7-7.5003-9, *Health and accident coverage for AID participant trainees*, is amended to change the clause date from "February 1980" to "May 1981", and to revise paragraph (d)(1) as follows:

§ 7-7.5003-9 Health and accident coverage for AID participant trainees.

Health and Accident Coverage for AID Participant Trainees (May 1981)

* * * * *

(d) * * *

(1) Within thirty (30) days after enrollment, the Contractor shall send an enrollment fee computed on the basis of the fixed rate per participant per month* (the minimum period for calculation of fee is one month—that is, one participant month, 30 days, not one calendar month—premiums may not be prorated for fractional periods of less than 30 days), to: Agency for International Development, Office of Financial Management, Program Accounting Division, Non Project Assistance, Washington, D.C. 20523.

The enrollment fee should cover a minimum period of up to one year or the current training period for which funds are obligated under this Contract, whichever is less. As applicable, payments for additional periods of enrollment shall be made 30 days prior to the beginning of each new enrollment period or new period of funding of this Contract (the monthly enrollment fee for succeeding fiscal years may be obtained by calling the AID Office of International Training). All such fee payments shall be made by check, payable to the "Agency for International Development (HAC)." If payments are not made within 30 days, a late payment charge shall apply at a percentage rate based on the current value of funds to the Treasury for each 30 day period; the full charge shall also be applicable to periods of less than 30 days. The percentage rate will be calculated by the Treasury as an average of the current value of funds to the Treasury for a recent three month period and will be transmitted to AID in TFRM Bulletins.

The late payment charge shall be applied to any portion of the fees in arrears and be remitted together with the fees as a separately identified item on the covering memorandum.

* * * * *

Subpart 7-7.55—Clauses for Cost Reimbursement Contracts With Educational Institutions

15. Section 7-7.5500, *Scope of subpart*, is revised as follows:

§ 7-7.5500 Scope of subpart.

This subpart sets forth clauses for use in cost reimbursement contracts with educational institutions. For clauses to be used in cost reimbursement contracts with commercial organizations or nonprofit organizations other than educational institutions, see Subpart 7-7.50 of this Part.

16. Section 7-7.5501-8, *Allowable cost and payment*, is amended by changing the clause date from "* * * (Sept. 1975)" to "* * * (May 1981)", and by amending paragraph (a)(1) to remove the reference "* * * Grants and Contracts with Educational Institutions * * *", in its place inserting "* * * Contracts with Educational Institutions * * *".

17. Section 7-7.5501-9, *Negotiated overhead rates-post determined*, is amended to change the clause date from "* * * (Sept. 1975)" to "* * * (May 1981)"; to delete the reference to "* * * the AID Auditor General * * *"; appearing in paragraph (b), in its place inserting "* * * the AID Inspector General * * *"; and to remove the reference to "* * * (Grants and Contracts with Educational Institutions) * * *" appearing in paragraph (c), in its place inserting "* * * (Contracts with Educational Institutions) * * *".

18. Section 7-7.5503-4, *Negotiated overhead rates—predetermined*, is amended to change the clause date from "* * * (Sept. 1975)" to "* * * (May 1981)"; to remove the reference to "* * * the AID Auditor General * * *" appearing in paragraph (b), in its place inserting "* * * the AID Inspector General * * *"; and to delete the reference to "* * * (Grants and Contracts with Educational Institutions) * * *" appearing in paragraph (c), in its place inserting "* * * (Contracts with Educational Institutions) * * *".

PART 7-10—BONDS AND INSURANCE

Subpart 7-10.4—Insurance Under Fixed Price Contracts

19. Section 7-10.402, *Workmen's compensation insurance overseas*, is amended by removing the list of countries for which Defense Base Act insurance waivers are in effect set forth in § 7-10.402(b)(2), in its place inserting the following list.

§ 7-10.402 Workmen's compensation insurance overseas.

* * * * *

(b) * * *

(2) * * *

1. Afghanistan
2. Bahamas
3. Bangladesh
4. Barbados
5. Benin (formerly Dahomey)
6. Bolivia
7. Botswana
8. Brazil
9. Burundi
10. Cameroon
11. Chad
12. Chile
13. Colombia
14. Costa Rica
15. Djibouti
16. Dominican Republic
17. Ecuador
18. Egypt
19. El Salvador
20. Ethiopia
21. Fiji
22. Gambia
23. Ghana
24. Guatemala
25. Guinea
26. Guinea-Bissau
27. Guyana
28. Haiti
29. Honduras
30. Indonesia
31. Israel
32. Italy
33. Ivory Coast
34. Jamaica
35. Jordan
36. Kenya
37. Korea
38. Lebanon
39. Lesotho
40. Liberia
41. Madagascar
42. Malawi
43. Mali
44. Mauritania
45. Mauritius
46. Mexico
47. Morocco
48. Nepal
49. Nicaragua
50. Niger
51. Nigeria
52. Panama
53. Paraguay
54. Peru
55. Philippines
56. Portugal
57. Rwanda
58. Senegal
59. Seychelles
60. Sierra Leone
61. Sinai Support Mission
62. Somalia
63. Sudan
64. Swaziland
65. Syria
66. Tanzania
67. Thailand
68. Togo
69. Tunisia
70. Uganda
71. Upper Volta
72. Uruguay
73. Yemen Arab Republic
74. Zaire
75. Zambia
76. Zimbabwe

PART 7-15—CONTRACT COST PRINCIPLES AND PROCEDURES

20. The table of contents of Part 7-15 is amended by adding the following:

* * * * *

Subpart 7-15.6—Contracts with Nonprofit Organizations

Sec.

7-15.603-50 OMB Circular A-122; AID implementation.

7-15.603-2.50 Compensation for personal services.

* * * * *

Subpart 7-15.1—Applicability

§ 7-15.103 [Removed]

21. Section 7-15.103, *Contracts with educational institutions*, is removed in its entirety.

22. Subpart 7-15.3 is retitled as follows:

Subpart 7-15.3—Contracts with Educational Institutions

§§ 7-15.301, 7-15.302 [Removed]

23. Sections 7-15.301, *General*, and 7-15.302, *Definitions*, are removed in their entirety.

§ 7-15.307-4 [Redesignated as § 7-15.303-50]

24. Section 7-15.307-4, *Predetermined fixed rates for indirect costs*, is redesignated as § 7-15.303-50.

§ 7-15.309-7 [Redesignated as § 7-15.303-51]

25. Section 7-15.309-7, *Compensation for personal services,* is redesignated as § 7-15.303-51.

26. A new Subpart 7-15.6 is added as follows:

Subpart 7-15.6—Contracts with Nonprofit Organizations

§ 7-15.603-50 OMB Circular A-122; AID implementation.

(a) The transmittal letter for OMB Circular A-122 is set forth in FPR 1-15.603. Paragraph 6 of the transmittal letter specifies that "Agencies shall designate a liaison official to serve as the agency representative on matters relating to the implementation of this Circular." The Director, Office of Contract Management, Bureau for Program and Management Services, has been so designated. The Overhead and Special Cost Branch (SER/CM/SOD/OSC) in the Office of Contract Management provides staff assistance to the Director concerning OMB Circular A-122. SER/CM/SOD/OSC is also responsible for obtaining cognizance under the criteria in the transmittal letter for OMB Circular A-122; for liaison with other cognizant agencies; for authorizing exclusion of OMB Circular A-122 coverage for a particular nonprofit organization pursuant to paragraph 5 of the OMB Circular A-122 transmittal letter; and for advice and assistance in applying OMB Circular A-122 cost principles.

(b) Paragraph 4b of the OMB Circular A-122 transmittal letter contains a definition of "prior approval" as follows:

"Prior approval means securing the awarding agency's permission in advance to incur costs for those items that are designated as requiring prior approval by OMB Circular A-122. Generally, this permission will be in writing. Where an item of cost requiring prior approval is specified in the budget of an award, approval of the budget constitutes approval of that cost."

Consequently, an award containing a budget constitutes prior approval of the direct cost item in the budget, unless otherwise annotated. Accordingly, award budgets should be appropriately annotated substantially as follows:

"Inclusion of any cost in the line item budget of this award does not obviate the requirement for prior approval of cost items designated as requiring prior approval by OMB Circular A-122;"

or

"In accordance with the requirements of OMB Circular No. A-122, approval is granted to incur costs for (name specific item or items) which are included in the budget of this award."

§ 7-15.603-2.50 Compensation for personal services.

AID is frequently required to report and justify reimbursement of salaries for contractor employees which exceed the maximum level of Foreign Service Class I (FSR-1). In order to be able to meet this requirement, it is AID policy to require prior approval by the contracting officer before reimbursing a contractor for employee compensation which exceeds the FSR-1 rate (daily or annual), as set forth in the payment schedule of the Uniform State/AID/USIA Regulations. The contracting officers approval will be obtained as specified in AIDPR 7-15.205-6(b)(2).

PART 7-30—CONTRACT FINANCING

Subpart 7-30.50—Federal Reserve Letter of Credit Method of Disbursing Advances to Nonprofit Institutions

27. Paragraph (c) of § 7-30.5000, *Scope and applicability,* is amended by removing the reference to "* * * (TUS 5401) * * *", in its place inserting "* * * (TFS 5401) * * *".

28. Section 7-30.5002, *Contract Clause,* Federal Reserve Letter of Credit is amended by changing the clause date from "* * * (April 1975) * * *" to "* * * (May 1981) * * *"; and by removing reference to Form TUS 5401 as it appears in paragraph (d)(4) (i) and (iii) and lines A2 and A2b and c of the Report set forth in paragraph (d)(8) of the clause, in its place inserting reference to Form TFS 5401.

Determination: As required by paragraph 4a of OFPP Policy Letter 80-5, I hereby determine that this AIDPR Notice has been reviewed against the policies set forth in paragraphs (1) through (8) of Section 2 of the Office of Federal Procurement Policy Act (Pub. L. 93-400 as amended by Pub. L. 96-83, hereinafter referred to as the Act), and policy directives issued by OFPP under Section 6(h) of the Act. Based on this review, I hereby determine that this AIDPR Notice is not inconsistent with the policies set forth in paragraphs (1) through (8) of Section 2 of the Act, and policy directives issued by OFPP under Section 6(h) of the Act.

This AIDPR Notice is issued pursuant to 41 CFR 7-1.104-4.

Dated: June 10, 1981.

John F. Owens,

Deputy Assistant Administrator, Bureau for Program and Management Services.

[FR Doc. 81-18056 Filed 6-17-81; 8:45 am]

BILLING CODE 4710-02-M

GENERAL SERVICES ADMINISTRATION

41 CFR Ch. 101

[FPMR Temp. Reg. E-71, Supp. 1]

Procurement of Gasoline, Fuel Oil (Diesel and Burner), Kerosene, and Solvents

AGENCY: General Services Administration.

ACTION: Temporary regulation.

SUMMARY: This supplement extends to December 31, 1981, the expiration date of FPMR Temporary Regulation E-71 and increases the minimum annual amounts of gasoline, burner fuel oil, diesel oil, and kerosene agencies must procure from the Defense Fuel Supply Center. The minimum annual requirements for gasoline, burner fuel oil, and diesel oil increases from 2,000 gallons to 10,000 gallons. Kerosene minimum annual requirements increases from 500 gallons to 10,000 gallons. This change will permit agencies to procure more bulk petroleum products from local sources through small purchase procedures, thereby making fuel more readily available where needed.

DATES: Effective date: June 18, 1981.

Expiration date: December 31, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert F. Welsh, Acting Director, Regulations Management Division (703-557-7970).

SUPPLEMENTARY INFORMATION: The General Services Administration has determined that this rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of $100 million or more; a major increase in costs to consumers or others; or significant adverse effects. The General Services Administration has based all administrative decisions underlying this rule on adequate information concerning the need for, and consequences of, this rule; has determined that the potential benefits to society from this rule outweigh the potential costs and has maximized the net benefits; and has chosen the alternative approach involving the least net cost to society.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

In 41 CFR Chapter 101, this temporary regulation is listed in the appendix at the end of Subchapter E:

Federal Property Management Regulations, Temporary Regulations E-71, Supplement 1

May 26, 1981.

To: Heads of Federal agencies

Subject: Procurement of gasoline, fuel oil (diesel and burner), kerosene, and solvents

1. *Purpose.* This supplement extends the expiration date of FPMR Temporary Regulation E–71 and increases the minimum annual requirement for gasoline and diesel oil as stated in FPMR 101–26.602–3(a)(1) from 2,000 gallons to 10,000 gallons. Minimum annual requirements for kerosene increases from 500 gallons to 10,000 gallons.

2. *Effective date.* This regulation is effective June 18, 1981.

3. *Expiration date.* This supplement expires on December 31, 1981.

4. *Explanation of changes.*

a. The expiration date in paragraph 3 of FPMR Temporary Regulation E–71 is revised to December 31, 1981.

b. Paragraphs 4 and 5 of FPMR Temporary Regulation E–71 are revised to read as follows:

4. *Background.* Section 101–26.602–3(a)(1) now provides that estimated minimum annual requirements of less than 2,000 gallons for gasoline, burner fuel oil, and diesel oil, and less than 500 gallons for kerosene shall not be submitted to the Defense Fuel Supply Center of the Defense Logistics Agency (DLA) unless the requiring activity does not have authority or capability to procure locally. By increasing the minimum annual requirements for gasoline, burner fuel oil, and diesel oil from 2,000 gallons to 10,000 gallons, and kerosene from 500 gallons to 10,000 gallons, GSA and other agencies can take advantage of local sources through small purchase procedures. This action should make fuel more readily available where needed and allow DLA to devote its time and effort to larger quantity and dollar volume procurements.

5. *Effect on other directives.* This temporary regulation amends 101–26.602–3(a)(1) by increasing the minimum annual requirements for gasoline, burner fuel oil, and diesel oil from 2,000 gallons to 10,000 gallons. The minimum annual requirement for kerosene is increased from 500 gallons to 10,000 gallons.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 81–18066 Filed 6–17–81; 8:45 am]

BILLING CODE 6820–26–M

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41 CFR Ch. 101

[FPMR Temp. Reg. E–73]

Federal Property Management; Request for Waivers

AGENCY: General Services Administration.

ACTION: Temporary regulation.

SUMMARY: This regulation establishes a specific dollar value threshold that will determine whether a waiver request shall be approved by the agency or by GSA. This change is necessary to reduce the costs associated with waivers by requiring that agencies control low dollar value waivers while allowing GSA to evaluate high dollar value waiver requests and monitor agencies' compliance with FPMR guidelines. The result will be a more cost-effective method for approval of waiver requests.

DATES: Effective date: March 1, 1981.

Expiration date: February 28, 1982.

Comments due on or before: June 30, 1981.

ADDRESS: Comments should be addressed to the General Services Administration (FRR), Washington, D.C. 20406.

FOR FURTHER INFORMATION CONTACT: Mr. Clyde H. Mathews, Acting Director, Office of Requirements (703–557–7580).

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

In 41 CFR Chapter 101, the following temporary regulation is added to the appendix at the end of Subchapter E to read as follows:

Federal Property Management Regulations Temporary Regulation E–73

April 21, 1981.

To: Heads of Federal agencies

Subject: Request for waivers

1. *Purpose.* This regulation establishes a dollar value threshold that will determine whether a waiver request will be approved by the agency or by GSA.

2. *Effective date.* This regulation is effective on March 1, 1981.

3. *Expiration date.* This regulation expires on February 28, 1982.

4. *Applicability.* The provisions of this regulation apply to all executive agencies.

5. *Background.* Federal Property Management Regulation 101–26.100–2 requires that Federal civilian and military agencies submit requests to waive GSA as a supply source when goods or services supplied by GSA will not serve the required functional end-use purpose. Existing waiver policy has been of limited value because of low participation by Federal agencies. In the past, 60 percent of the requests for waiver received by GSA have had dollar values less than $1,000. Thus, the cost of evaluating requests for waiver often exceeded the value of the items and resulted in an inefficient use of Government resources. Setting a dollar value threshold on waiver submissions will significantly reduce the workload imposed on GSA. At the same time, GSA will continue to monitor participation by requiring that agencies submit to GSA copies of purchase orders issued for agency-approved requests for waiver.

6. *Waiver requests.* When items or services available from GSA stock or Federal Supply Schedule will not serve the required functional end-use purpose, requests to waive the requirement for use of GSA sources shall be submitted to GSA for consideration when the purchases are valued at $1,000 or more. Requests for waiver for items or services with a total value (quantity multiplied by price) of less than $1,000 shall be evaluated and approved by a designated agency official. A copy of each purchase order issued for agency-approved requests for waiver shall be submitted to the Commissioner, Federal Supply Service, General Services Administration, Washington, DC 20406. Each purchase order copy shall be annotated to indicate that it has been issued as a result of an approved request for waiver. Waivers are not required for (a) items or services procured in accordance with policy set forth in FPMR 101–26.100–1 nor (b) the purchase of identical products from noncontract sources at delivered prices that are lower than the prices quoted in Federal Supply Schedules. In (b), above, agencies are required to submit copies of purchase orders issued in accordance with FPMR 101–26.401–4(f)(3).

7. *Waiver requests requiring GSA approval.*

a. Requests for waiver on purchases whose total value is $1,000 or greater shall be submitted to the Commissioner, Federal Supply Service, General Services Administration, Washington, DC 20406, and, if considered justified, will be approved. If disapproved, the requesting office will be so notified. Such requests shall contain:

(1) Complete description of the item requested. (Descriptive literature such as cuts, illustrations, drawings, and brochures which show the characteristics or construction should be furnished wherever possible in satisfaction of this requirement.)

(2) Comparison of price and pertinent technical differences between the item requested and the GSA item:

(a) Inadequacies of the GSA item in performing required functions.

(b) Advantages of the item requested, such as technical, economic, or other.

(3) Quantity required. (If demand is recurrent (estimate annual usage), nonrecurrent, or unpredictable, so state.)

(4) Other pertinent data when applicable.

b. Agencies shall not initiate action to procure similar items from non-GSA sources until a request for waiver has been requested from and approved by GSA. The fact that action to procure a similar item has been initiated will not influence GSA action on a request for waiver.

8. *Agency comments.* Comments concerning the effect or impact of this regulation on agency operations should be submitted to the General Services Administration (FRR), Washington, DC 20406, no later than June 30, 1981, for consideration and possible incorporation into a permanent regulation.

9. *Effect on other directives.* This temporary regulation supersedes the provisions of FPMR 101–26.100–2.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 81–18067 Filed 6–17–81; 8:45 am]

BILLING CODE 6820–26–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 5954

[A-12162 and A-12163]

Arizona; Partial Revocation of Reclamation Withdrawals; Withdrawal for U.S. Border Patrol Area Station and Headquarters Office

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order partially revokes four reclamation withdrawals affecting 20 acres of public lands withdrawn by the Bureau of Reclamation in connection with the Colorado River Survey, Yuma Project, and Colorado River Storage Project. This action concurrently withdraws the same lands and reserves them for construction, operation, and maintenance of a U.S. Border Patrol area station and headquarters office for a period of 20 years. The lands remain closed to settlement, sale, location, or entry under the general land laws, including the mining laws, but not the mineral leasing laws.

EFFECTIVE DATE: June 16, 1981.

FOR FURTHER INFORMATION CONTACT: Mario L. Lopez, Arizona State Office, 602–261–4774.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Secretarial Orders of July 2, 1902, January 31, 1903, September 30, 1904, and March 14, 1929, which withdrew public lands for reclamation purposes for the Bureau of Reclamation, in connection with the Colorado River Survey, Yuma Project, and Colorado River Storage Project, are hereby revoked so far as they relate to the following described lands:

Gila and Salt River Meridian

T. 9 S., R. 23 W.,
Section 17, E½NE¼SE¼NE¼.

The area described contains 20 acres in Yuma County.

2. Subject to valid existing rights, the lands described in paragraph 1 are hereby withdrawn from settlement, sale, location, or entry under the general land laws, including the mining laws, 30 U.S.C. Ch. 2, but not the mineral leasing laws, and reserved for use as an area station and headquarters office for the Border Patrol, Immigration and Naturalization Service, U.S. Department of Justice.

3. The withdrawal made by this order does not alter the applicability of the public lands laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

4. This withdrawal shall remain in effect for a period of 20 years from the date of this order.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

June 11, 1981.

[FR Doc. 81-18057 Filed 6-17-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5955

[NM-21834]

New Mexico; Partial Revocation of Reclamation Withdrawal

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order partially revokes a Secretarial Order of August 5, 1944, which withdrew lands for the proposed Tucumcari Project. This action will restore 77.70 acres of public land to operation of the public land laws, including the mining laws.

EFFECTIVE DATE: July 17, 1981.

FOR FURTHER INFORMATION CONTACT: Stella V. Gonzales, New Mexico State Office 505–988–6211.

By virtue of the authority contained in Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Secretarial Order of August 5, 1944, withdrawing lands for the Tucumcari Project, is hereby revoked insofar as it affects the following described lands:

New Mexico Principal Meridian

T. 12 N., R. 29 E.,
Sec. 15, lot 1;
Sec. 22, lots 1 and 2.

Excepting 6.5 acres, more or less, for a 300′ strip reserved for the Conchas Canal right-of-way across lot 2 in section 22 more particularly described as follows:

One hundred and seventy five (175) feet left (northerly side) and one hundred and twenty five (125) feet right (southerly side) of the centerline of the Conchas Canal;

Beginning at a point eight hundred and seventy nine (879.4) and four tenths feet N74°57′E of the east quarter corner of sec. 21, T. 12 N., R. 29 E., N.M.P.M., at Conchas Canal Station 2058+50.4, a point on the county line between San Miguel County and Quay County. The centerline described as follows:

Backing upstream along the Conchas Canal from the above-described point, S56°42′00″E to the PI Station 2056+24.7 of a six hundred (600) foot radius curve of 2°31′30″L with curve length of 26.4 feet, then S54°10′30″E of the tangent to the PI Station 2051+13.0 of a two hundred (200) foot radius curve of 51°30′00″L with a curve length of 179.8 feet then N77°26′00″E of the tangent to the PI Station 2049+27.0 of a two hundred (200) foot radius curve of 48°23′30″R to the section line between sections 21 and 22, consisting of 6.5 acres more or less.

The area aggregates approximately 77.70 acres in Quay County.

2. At 10 a.m. on July 17, 1981 the lands described shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable laws. All valid applications received at or prior to 10 a.m. on July 17, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in order of filing.

3. The lands will open to location under the United States mining laws at 10 a.m. on July 17, 1981. They have been open and continue to be open to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, P. O. Box 1449, Santa Fe, New Mexico 87501.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

June 11, 1981.

[FR Doc. 81-18063 Filed 6-17-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5956

[ORE 05952]

Oregon; Revocation of Public Land Order No. 1933

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes a public land order which withdrew 139.81 acres of land for use by the U.S. Air Force. This action will restore 110.99 acres of land to operation of the public land laws generally, including the mining and mineral leasing laws. The 28.82-acre balance is excess property and will not be restored to operation of the public land laws, including the mining and mineral leasing laws.

EFFECTIVE DATE: July 17, 1981.

FOR FURTHER INFORMATION CONTACT: Champ C. Vaughan, Jr., Oregon State Office, 503–231–6903

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Public Land Order No. 1933 of July 31, 1959, which withdrew the following described land for use by the U.S. Air Force, is hereby revoked:

Willamette Meridian

Keno Air Force Station

T. 40 S., R. 7 E.,
Sec. 22, lot 1.
Revested Oregon and California Railroad Grant Land.
T. 40 S., R. 7 E.,
Sec. 23, SW¼SW¼, W½SE¼SW¼;
Sec. 27, NE¼NE¼.
The area described contains 139.81 acres in Klamath County.

2. The following described lands have been reported to the General Services Administration for disposition as excess property and will not be restored to operation of the public land laws generally, including the mining and mineral leasing laws:

Willamette Meridian

T. 40 S., R. 7 E.,
Sec. 22, that portion of lot 1 containing 8.46 acres, more or less, described as follows:
Beginning at a point lying 42°08'51" W., a distance of 274.38 feet from the southeast corner of said section 22; thence N. 39°00' W., 257 feet; thence S. 78°00' W., 281 feet; thence N. 9°00' W., 168 feet; thence N. 29°00' E., 436 feet; thence N. 64°00' E., 200 feet; thence S. 56°00' E., 330 feet, more or less, to the point of intersection with the east line of said section 22; thence southerly along said east line a distance of 725 feet, more or less, to a point on a line bearing S. 56°00' E. from the point of beginning; thence N. 56°00' W., 239 feet, more or less, along said line to the point of beginning.
Sec. 23, S½SW¼SW¼ and that portion of the N½SW¼SW¼ containing 0.36 acre, more or less, described as follows:
Beginning at a point lying northerly along the west line of said section 23, a distance of 800 feet, more or less, from the southwest corner of said section 23; thence S. 56°00' E., more or less, to a point on the south line of said N½SW¼SW¼; thence westerly along said south line, 223 feet, more or less, to a point on the west line of said section 23; thence northerly along said west line, 140 feet, more or less, to the point of beginning.
The area described contains approximately 28.82 acres in Klamath County.

3. At 10 a.m. on July 17, 1981, the lands described in paragraph 1, except as provided in paragraph 2, shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on July 17, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. At 10 a.m. on July 17, 1981, the lands described in paragraph 1, except as provided in paragraph 2, will be open to location and entry under the United States mining laws and to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Garrey E. Carruthers,
Assistant Secretary of the Interior.
June 11, 1981.

[FR Doc. 81-18081 Filed 6-17-81; 8:45 am]
BILLING CODE 4310-84-M

43 CFR Public Land Order 5957

[OR 20236-A]

Oregon; Partial Revocation of Public Water Reserve No. 91

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes an Executive order in part as to 40 acres of public land withdrawn as a public water reserve. This action will restore the land to operation of the public land laws generally, including the mining laws.

EFFECTIVE DATE: July 17, 1981.

FOR FURTHER INFORMATION CONTACT: Champ C. Vaughan, Jr., Oregon State Office, 503-231-6905.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Executive Order of June 13, 1925, which withdrew certain lands for public water reserve purposes, is hereby revoked insofar as it affects the following described land:

Willamette Meridian

Public Water Reserve No. 91

T. 21 S., R. 29 E.,
Sec. 17, SW¼SE¼.
The area described contains 40 acres in Harney County.

2. At 10 a.m. on July 17, 1981, the land shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on July 17, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. At 10 a.m. on July 17, 1981, the land will be open to nonmetalliferous mineral location under the United States mining laws. The land has been and continues to be open to metalliferous mineral location under the United States mining laws and to applications and offers under the mineral leasing laws.

Inquiries concerning the land should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Garrey E. Carruthers,
Assistant Secretary of the Interior.
June 11, 1981.

[FR Doc. 81-18082 Filed 6-17-81; 8:45 am]
BILLING CODE 4310-84-M

43 CFR Public Land Order 5958

[OR 19005]

Oregon; Partial Revocation of Public Water Reserve No. 154

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes an Executive order in part as to 120 acres of public land withdrawn as a public water reserve. This action will restore the land to operation of the public land laws generally, including the mining laws.

EFFECTIVE DATE: July 17, 1981.

FOR FURTHER INFORMATION CONTACT: Champ C. Vaughan, Jr., Oregon State Office, 503-231-6905.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Executive Order No. 6618 of February 26, 1934, which withdrew certain lands for public water reserve purposes is hereby revoked so far as it affects the following described lands:

Willamette Meridian

Public Water Reserve No. 154

T. 7 S., R. 42 E.,
Sec. 25, NE¼NW¼.
T. 9 S., R. 43 E.,
Sec. 1, S½NW¼.
The areas described aggregate 120 acres in Baker County, Oregon.

2. At 10 a.m. on July 17, 1981, the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on July 17,

1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. At 10 a.m. on July 17, 1981, the lands will be open to non-metalliferous mineral location under the United States mining laws. The lands have been and continue to be open to metalliferous mineral location under the United States mining laws and to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

June 11, 1981.

[FR Doc. 81-18085 Filed 6-17-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5959

[OR 20221-C]

Oregon; Partial Revocation of Public Water Reserve No. 61

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes an Executive order in part as to 60 acres of public land withdrawn as a public water reserve. This action will restore the lands to operation of the public land laws generally, including the mining laws.

EFFECTIVE DATE: July 17, 1981.

FOR FURTHER INFORMATION CONTACT: Champ C. Vaughan, Jr., Oregon State Office 503-231-6905.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Executive Order of February 25, 1919, which withdrew certain lands for public water reserve purposes, is hereby revoked so far as it affects the following described pubic lands:

Willamette Meridian

Public Water Reserve No. 61

T. 40 S., R. 22 E.,
Sec. 10, SW¼SW¼, W½SE¼SW¼
The area described contains 60 acres in Lake County.

2. At 10 a.m. on July 17, 1981, the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on July 17, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. At 10 a.m. on July 17, 1981, the lands will be open to non-metalliferous mineral location under the United States mining laws. The lands have been and continue to be open to metalliferous mineral location under the United States mining laws and to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

June 11, 1981.

[FR Doc. 81-18060 Filed 6-17-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5960

[OR 19001]

Oregon; Partial Revocation of Public Water Reserve No. 146

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes an Executive order in part as to 236.54 acres of public land withdrawn as a public water reserve. This action will restore the lands to operation of the public land laws generally, including the mining laws.

EFFECTIVE DATE: July 17, 1981.

FOR FURTHER INFORMATION CONTACT: Champ C. Vaughan, Jr., Oregon State Office, 503-231-6905.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Executive Order No. 5907 of August 18, 1932, which withdrew certain lands for public water reserve purposes, is hereby revoked insofar as it affects the following described lands:

Willamette Meridian

Public Water Reserve No. 146

T. 39 S., R. 13 E.
Sec. 3, lots 1, 2, 3, and 4.
T. 38 S., R. 26 E.
Sec. 10, N½SE¼.
The area described aggregates 236.54 acres in Lake and Klamath Counties.

2. At 10 a.m. on July 17, 1981, the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on July 17, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. At 10 a.m. on July 17, 1981, the lands will be open to nonmetalliferous mineral location under the United States mining laws. The lands have been and continue to be open to metalliferous mineral location under the United States mining laws and to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

June 11, 1981.

[FR Doc. 81-18064 Filed 6-17-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order No. 5961

[OR 20229]

Oregon; Partial Revocation of Public Water Reserve No. 82

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes an Executive order in part as to 240 acres of land withdrawn as a public water reserve subject to a prior right, a stockraising homestead entry which was subsequently patented. This action will clear the records of a withdrawal which never attached. The lands remain open to the mining and mineral leasing laws.

EFFECTIVE DATE: June 18, 1981.

FOR FURTHER INFORMATION CONTACT: Champ C. Vaughan, Jr., Oregon State Office 503-231-6905.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Executive Order of April 4, 1922, which withdrew certain lands for public water reserve purposes is hereby revoked so far as it affects the following described lands:

Willamette Meridian

Public Water Reserve No. 82

T. 21 S., R. 29 E.,
Sec. 19, S½NE¼ and SE¼.
The area described contains 240 acres in Harney County, Oregon.

2. The described lands have been conveyed from Federal ownership with

a reservation of all minerals to the United States. Therefore, the lands will not be open to operation of the public land laws generally. The lands have been and remain open to location under the United States mining laws and to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

June 11, 1981.

[FR Doc. 81-18058 Filed 6-17-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5962

[OR-20374]

Oregon; Revocation of Recreational Withdrawal No. 19

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes a Secretarial order which withdrew 1,500 acres of land for protection of recreational values. This action permits restoration of the lands to operation of the mining laws provided appropriate rules and regulations are issued to allow mineral location on lands conveyed pursuant to the Recreation and Public Purposes Act.

EFFECTIVE DATE: June 18, 1981.

FOR FURTHER INFORMATION CONTACT: Champ C. Vaughan, Jr., Oregon State Office, 503-231-6905.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of October 21, 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Secretarial Order of March 21, 1929, which withdrew the following described lands for recreational purposes is hereby revoked in its entirety.

Willamette Meridian

Recreational Withdrawal No. 19

T. 37 S., R. 1 W.,
Sec. 11, NE¼, E½NW¼, SW¼NW¼, S½;
Sec. 13, W½NW¼NE¼, S½NE¼, NW¼;
Sec. 14, NE¼, NE¼NW¼, S½NW¼, NW¼SW¼, N½SE¼;
Sec. 15, NE¼, NW¼SE¼, SE¼SE¼.

The area described contains 1,500 acres in Jackson County.

2. The surface estate of the above described lands have been conveyed from United States ownership pursuant to the Recreation and Public Purposes Act of June 14, 1926, as amended (43 U.S.C. 869, 869-4); therefore, unless and until appropriate rules and regulations are issued, the lands will not be open to location under the United States mining laws. The lands have been and continue to be open to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97028.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

June 11, 1981.

[FR Doc. 81-18062 Filed 6-17-81; 8:45 am]

BILLING CODE 4310-84-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 78-92; RM-2979 & RM-3086]

FM Broadcast Station in Rhinelander, Tomahawk, Washburn, and Wausau, Wis.; Changes made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action reassigns FM Channel 300 from Rhinelander, Wisconsin, to Wausau, Wisconsin, as that community's third FM assignment, at the request of Seehafer and Johnson Broadcasting Corporation. This action also substitutes Channel 224A for Channel 261A at Tomahawk, Wisconsin; substitutes Channel 262 for Channel 300 at Rhinelander, Wisconsin; and modifies the license of Station WRHN, Rinelander, to specify operation on Channel 262.

EFFECTIVE DATE: August 7, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Michael A. McGregor, Broadcast Bureau (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Second Report and Order

(Proceeding Terminated)

Adopted: June 2, 1981.
Released: June 12, 1981.

In the matter of amendment of § 73.202(b), Table of Assignment, FM Broadcast Stations. (Rhinelander, Tomahawk, Washburn, and Wausau, Wisconsin), BC Docket No. 78-92, RM-2979, RM-3086.

By the Chief, Policy and Rules Division:

1. Before the Commission is the *Further Notice of Proposed Rule Making and Order to Show Cause*, 45 FR 16216, published March 13, 1980, and the *Request for Supplemental Information*, 45 FR 49625, published July 5, 1980, in which the Commission proposed to substitute Channel 262 for Channel 300 at Rinelander, Wisconsin; substitute Channel 224A for Channel 261A at Tomahawk, Wisconsin; and reassign Channel 300 from Rinelander, Wisconsin, to Wausau, Wisconsin. The *Notice* also proposed to modify the license of the current occupant of Channel 300, Station WRHN, Rhinelander, to specify operation on Channel 262, and asked the licensee of Station WRHN, Oneida Broadcasting Co. ("Oneida"), to show cause why its license should not be so modified.

History of the Proceeding

2. This proceeding was initiated by Seehafer & Johnson Broadcasting Corporation ("Seehafer"), which requested that Channel 300 be reassigned from Rhinelander to Wausau as that community's third FM assignment and that Station WRHN (Channel 300) be required to modify its license to specify Channel 248, which at that time was assigned to Rhinelander and unoccupied. Rhinelander Broadcasting Corporation ("RBC") opposed the assignment on the grounds that it was in the process of preparing an application for Channel 248 at Rhinelander. The Commission therefore proposed to add Channel 291 to Rhinelander in order to accommodate the interest of RBC.[1] A counterproposal was then filed by Silver Birch Broadcasting Company seeking the assignment of Channel 290 to Washburn, Wisconsin. This counterproposal was mutually exclusive with the Commission's proposal to assign Channel 291 to Rhinelander.

3. At this point in the proceeding, we looked into the possibility of having RBC amend its application for Channel 248 to specify Channel 291 instead. However, RBC's specified transmitter site did not comply with the site restriction necessary for assigning Channel 291 to Rhinelander. Thereafter, we pursued the option of modifying the license of Station WRHN on Channel 300 to specify Channel 291.[2] Oneida responded that because of the Channel

[1] *Notice of Proposed Rule Making and Order to Show Cause*, 43 Fed. Reg. 10944, published March 16, 1978.

[2] *Order to Show Cause*, 44 FR 21029, published May 30, 1979.

291 site restrictions its station would have to move from its existing transmitter site if it were required to operate on Channel 291. Therefore, we dismissed that option and assigned Channel 290 to Washburn, Wisconsin, as requested in Silver Birch's counterproposal. [3]

4. Acting on Oneida's stated desire to retain its present site, Commission staff analysis indicated that Oneida could operate from its present site on Channel 262. Channel 262 can be assigned to Rhinelander if Channel 224A is substituted for Channel 261A at Tomahawk, Wisconsin. Accordingly, we issued the *Further Notice* under discussion here which proposes to substitute Channel 262 for Channel 300 at Rhinelander and amend WRHN's license to specify operation on Channel 262. In response to the *Further Notice*, Oneida opposes modification of its license to Channel 262 because it now desires to move from its present site and the available sites for Channel 262 would not permit a move to an existing television tower. Oneida states that it is considering such a move in order to upgrade its facilities in compliance with the rules contemplated in Docket No. 80–90. [4] Oneida suggests that if the Commission proceeds with the proposed assignments, that it be permitted to operate on Channel 248 and that RBC be required to amend its application to specify Channel 262 instead of Channel 248.

5. The Commission considered this alternative proposal and determined that RBC should be given the opportunity to respond to the plan. We therefore issued a *Request for Supplemental Information*, which sought RBC's position with respect to amending its application to specify Channel 262. We also asked Oneida to give a more definite indication of its intention to upgrade its facilities and an explanation of why the constraints imposed by modification to Channel 262 would make any upgrading impossible at its present site or at other sites available on Channel 262. In response to the Commission's request, RBC stated that Channel 262 is "... substantially less attractive to it than Channel 248" and that it must respectfully decline to amend its application. Oneida responds that the equities of the situation favor its being allowed to modify its facilities to operate on Channel 248. Oneida reasons that as an existing licensee, it deserves preference over RBC in the choice of channel assignments. Oneida further states that RBC had notice that the Commission was proposing to modify Oneida's license to Channel 248 at the time it filed its application. In a supplemental pleading, Oneida estimates that its expenses in changing operating frequencies will be approximately $28,000. Oneida did not respond to the Commission's questions concerning specifics on its anticipated transmitter relocation.

Analysis

6. Although much of the time and effort spent on this proceeding thus far has concerned the channel substitutions in Rhinelander, the primary issue to be considered is whether a third FM channel should be assigned to Wausau, as proposed by Seehafer. Only if we determine that Wausau deserves another assignment do we then have to confront the channel substitution problem in Rhinelander. Thus, we shall begin by analyzing the propriety of assigning a third FM channel to Wausau.

7. Several objections have been raised about the assignment of Channel 300 to Wausau during the course of this proceeding, [6] but the only issue that remains concerns the application of the Commission's population guidelines. According to these guidelines, cities the size of Wausau are routinely allotted no more than two FM channels. However, the Commission has consistently stated that its population criteria are flexible benchmarks and not immutable standards. The trend in recent years has been to focus not on the numerical distribution of channels, but on the preclusive impact of a proposed assignment. *See, e.g., Waycross, Georgia*, 47 R.R. 2d 319 (Broadcast Bureau, 1980); *Tallahassee, Florida*, 43 R.R. 2d 639 (Broadcast Bureau, 1978). In the instant case, the assignment of Channel 300 to Wausau will cause no additional preclusion. We also note that a station operating on Channel 300 in Wausau will provide a first nighttime aural service to 312 persons in an area of 130 kilometers (49 square miles) and a second nighttime aural service to 2,808 persons in an area of 850 square kilometers (323 square miles). Given this showing of first and second service, the finding that the assignment will cause no additional preclusion, and the fact that an interest in the assignment has been expressed, we conclude that the assignment of Channel 300 to Wausau serves the public interest. As stated at the outset of this proceeding, the assignment requires a site restriction of 18.5 kilometers (11.5 miles) east northeast of Wausau.

8. The assignment of Channel 300 in Wausau requires channel substitutions at Tomahawk and Rhinelander. As proposed, we are substituting Channel 262 for Channel 300 at Rhinelander. Also, we are substituting Channel 224A for Channel 261A at Tomahawk. Channel 261A is currently occupied by a translator which may continue to operate on Channel 224A. We must now decide whether to modify the license of Station WRHN to specify Channel 262 as proposed in the *Further Notice*, or modify the license to specify Channel 248 and thereby force RBC, the current applicant for Channel 248, to amend its application to specify Channel 262.

9. To reiterate the pleadings of the parties, both Oneida, the licensees of Station WRHN, and RBC, the applicant for Channel 248, desire to operate on Channel 248. Oneida states that the limited site availability for Channel 262 would foreclose it from moving its transmitter to a location where it could increase its facilities. Oneida states that it is considering upgrading its facilities pursuant to the rules proposed in Docket 80–90 (see footnote 4, *supra*). RBC likewise wishes to operate on Channel 248, ostensibly due to the site limitations inherent in the Channel 262 assignment. While Channel 248 could accommodate WRHN's present site, its anticipated new site, and RBC's application site, Channel 262 can accommodate only WRHN's present site.

10. After carefully considering the competing arguments and interests expressed on this issue, as well as the public interest ramifications of the options before the Commission, we have determined that the license of Station WRHN should be modified to specify operation on Channel 262. We have come to this conclusion based on several important considerations. Initially we note that Channel 262 was proposed in the first place because of Oneida's stated opposition to relocating its present transmitter site. Station WRHN may continue operating from its present site on Channel 262; thus, no relocation is necessary. Oneida's stated reasons for opposing the switch to Channel 262—the necessity to relocate its transmitter in order to upgrade its facilities—is unconvincing for a number

[3] *First Report and Order*, 45 FR 16192, published March 13, 1980.

[4] *Modification of FM Broadcast Station Rules to Increase the Availability of Commerical FM Broadcast Assignment*, 78 F.C.C. 2d 1235 (1980). The Commission has proposed in this rule making, *inter alia*, that licensees operating minimum facilities on Class C channels upgrade their facilities or forfeit their Class C classifications. Station WRHN is currently operating with minimum Class C facilities, 91 meters (300 feet) HAAT antenna height, at 25 kW. Oneida states that height restrictions foreclose upgrading its facilities at its present site.

[6] For a discussion and resolution of these issues, see paragraphs 3 and 4 of the *Further Notice*, *supra*.

of reasons. First, Oneida has made no showing that the site being considered for its relocation is in fact the only site available at which it could upgrade its facilities. Furthermore, other than its assertions in this proceeding, Oneida has presented no evidence that it actually intends to relocate its transmitter in the near future. The sole reason Oneida gives for wanting to upgrade its facilities is its fear of losing its Class C status if the rules as proposed in Docket 80–90 are adopted. However, at this point in time, the Commission will not speculate on the extent to which the proposals in Docket 80–90 may indeed be adopted. In the interim, we will not make important assignment decisions on the basis of what might happen if Docket 80–90 is adopted as proposed. We must make our decisions on the basis of the regulatory scheme as it exists today; at this time, there is no Commission requirement or policy which would force Oneida to upgrade its facilities. Finally, in the event that Docket 80–90 is adopted and Oneida is confronted with the possibility of moving in order to upgrade its facilities, we note that Channel 262 could be used at the specific site mentioned by Oneida if Channel 261A in Marquette, Wisconsin, is deleted. In this regard, Channels 232A, 272A, and 288A are available as substitutes for the Marquette assignment.[7] Thus, the modification of Oneida's license does not necessarily, as Oneida suggests in its pleadings, unfairly restrict Station WRHN's ability to improve its facilities. In any event, additional areas seem to be available for a site relocation on Channel 262, which could permit upgrading.

11. Oneida argues that its position as an established licensee should give it preference over RBC and that it should therefore be modified to operate on the more desirable Channel 248. We disagree with two aspects of Oneida's assertion. First Oneida has cited no authority, and we can find none, for its statement that an existing licensee should be given preference over an applicant in its choice of channel assignments. Channels are assigned by the Commission based on benefits to the public interest, not the desires of established broadcasters. In this instance, the public interest clearly favors Station WRHN operating on Channel 262. The assignment accommodates the station's existing site but does not accommodate the site proposed by RBC. Thus, if RBC were forced to amend its application at this time, it could substantially delay the provision of a new aural service to the public in Rhinelander and the surrounding areas. Second, we disagree with Oneida's contention that Channel 262 is a less desirable channel. As stated in the previous paragraph, should the subject proposal in Docket 80–90 be adopted, Oneida could either pursue a change in the Table of Assignments, or move to other sites to enable a relocation of its transmitter. In sum, we can find no persuasive reason to accede to the wishes of Oneida, and thereby disrupt the provision of a new aural service in Rhinelander, based solely on Oneida's status as an existing broadcast licensee.

12. Having determined that the license of Station WRHN should be modified to specify operation on Channel 262, two interrelated issues are left for resolution: the reimbursement of Oneida for the required change in operating frequencies, and the timing of Station WRHN's frequency change. Regarding the reimbursement issue, it is settled Commission policy that the ultimate party deriving a benefit from the required frequency shift should bear the responsibility for reimbursement. Here, the party deriving the benefit from the change in Station WRHN's operating frequency will be the permittee for Chanel 300 in Wausau. Seehafter recognizes this fact and has agreed to reimburse Oneida for its reasonable expenses incurred in the channel substitution. The Commission does not routinely become involved in the question of what constitutes reasonable reimbursement, but instead expects the parties to negotiate in good faith to determine the proper amount of reimbursement based on established Commission guidelines. *See Circleville, Ohio*, 8 F.C.C. 2d 159 (1967).

13. We stated in the original *Notice* in this proceeding that Oneida would not be required to change its frequency until a construction permit is granted to a Wausau applicant for Channel 300. That statement was made on the assumption that Oneida would not object to modification of its license. In those instances when a licensee agrees to modification of its license, we see no reason why that licensee should be forced to change operating frequencies prior to a permit being granted which would conflict with the licensee's continued operations. Allowing the licensee to wait until a permit is granted also assures the licensee that a specific party (the permittee) will provide reimbursement for the frequency change. However, up to this point in this proceeding, Oneida has refused to consent to the proposed modifications in its license and has asked for a hearing on the modification proposal. However, as is our policy in these cases, if Oneida continues its refusal to consent, we shall make the substitution of Channel 262 for Channel 300 at Rhinelander effective upon the license expiration of Station WRHN, December 1, 1982, at 3:00 a.m. local time.[8] *See Transcontinental Television Corp. v. F.C.C.*, 308 F.2d 339 (D.C. Cir. 1962); *Mitchell, South Dakota*, 62 F.C.C. 2d 70 (1976); *Knoxville, Tennessee*, et al., 78 F.C.C. 2d 1208 (1980). We shall give Oneida a period as set forth in paragraph 16 to consent to the proposed license modifications made herein, in which case it will be entitled to continue operation on Channel 300 until a permit is granted for that channel at Wausau. If Oneida refuses its consent, the changes in the Table of Assignments will become effective at the expiration of Oneida's current license period, at which time Oneida will be permitted to submit its renewal application for Channel 262.[9]

14. Canadian concurrence in the assignments has been obtained.

15. In view of the foregoing, and pursuant to authority contained in §§ 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules, it is ordered, that effective August 7, 1981, the FM Table of Assignments, § 73.202(b) of the Commission's Rules, is amended as follows:

City	Channel No.
Rhinelander, Wis	248, 262
Tomahawk, Wis	224A
Wausau, Wis	238, 270, 300

Effective 3:00 a.m. local time December 1, 1982, (concurrently with the expiration of the outstanding license for FM Station WRHN on Channel 300 at Rhinelander, Wisconsin) or such earlier date as FM Station WRHN may consent to operate on Channel 262.

16. It is further ordered, That the licensee of Station WRHN, Rhinelander, Wisconsin, shall inform the Commission in writing by no later than August 7, 1981, of its acceptance of the modification of its license to specify Channel 262 instead of Channel 300. If such an acceptance is made, the following conditions shall apply:

[7] Use of Channel 262 at the television tower site would also involve a possible short-spacing to the site specified in an application for Channel 261A at Sturgeon Bay, Wisconsin. (File No. BPH–800428AH)

[8] *See* Section 73.1020 of the Commission's Rules.

[9] Oneida has requested a hearing on the proposed modification of its license. In view of our action (assuming Oneida does not consent to the modification) delaying the deletion of Channel 300 until Oneida's license expiration date, a hearing will not be necessary. See *Transcontinent Television Corp.* v. *F.C.C.*, *supra*.

(a) At least 30 days before operation on Channel 262, the licensee of FM Station WRHN shall submit to the Commission the technical information normally required of an applicant for a construction permit;

(b) At least 10 days prior to commencing operation on Channel 262, the licensee of FM Station WRHN shall submit the measurement data required of an applicant for an FM broadcast station license; and

(c) The licensee of FM Station WRHN shall not commence operation on Channel 262 without prior Commission authorization.

17. It is further ordered, That effective August 7, 1981, in the event that the licensee of Station WRHN, Rhinelander, Wisconsin, does not accept the modification of its license to specify Channel 262 instead of Channel 300, the licensee of Station WRHN, Rhinelander, Wisconsin, may specify operation on Channel 262 in its renewal application for the license period commencing December 1, 1982. The station may continue to operate on Channel 300 until December 1, 1982.

18. It is further ordered, That the request of Oneida Broadcasting Company for a hearing under § 1.87 of the Commission's Rules is denied.

19. It is further ordered, That the Secretary of the Commission shall send a copy of this *Order* by Certified Mail, Return Receipt Requested, to Oneida Broadcasting Company, Post Office Box 738, Rhinelander, WI 54504, the party affected by this *Order*.

20. It is further ordered, That this proceeding is terminated.

21. For further information concerning this proceeding, contact Michael A. McGregor, Broadcast Bureau, (202) 632-7792.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-18051 Filed 6-17-81; 8:45 am]

BILLING CODE 6712-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Parts 1100 and 1137

Submission of Pleadings and Other Documents in Motor Carrier Applications and Restriction Removal Applications

Correction

In FR Doc. 81-17399, published in the issue of Thursday, June 11, 1981, on page 30832, in the third column, second paragraph, eighth line, insert the word "not" after the word "should". As corrected, the paragraph reads as follows:

All pleadings and documents in motor carrier applications proceedings and restriction removal applications, which must be filed in Washington, D.C., should be addressed to Secretary, Interstate Commerce Commission, Washington, D.C. 20423. Such pleadings should not be addressed to an applications Evaluation and Authorities Team or an individual on a Team.

BILLING CODE 1505-05-M

Proposed Rules

Federal Register
Vol. 46, No. 117
Thursday, June 18, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

SMALL BUSINESS ADMINISTRATION

13 CFR Part 124

Minority Small Business and Capital Ownership; Development Assistance

AGENCY: Small Business Administration.

ACTION: Proposed rule.

SUMMARY: The proposed rule is a revision of 124.1–2(c)(2) of the current regulations of the Minority Small Business and Capital Ownership Development Assistance program dealing with the authority of the Regional Administrators to approve and deny requests for advance payments on a particular section 8(a) subcontract.

DATE: Comments should be received no later than July 18, 1981.

ADDRESS: Interested parties may submit comments on this proposed revision of the regulations to the Office of General Law, Small Business Administration, 1441 L Street, N.W. Washington, D.C. 20416.

FOR FURTHER INFORMATION CONTACT: Charlie L. Dean, Chief Counsel for Special Programs (202) 653–6699.

SUPPLEMENTARY INFORMATION: Advance payments are disbursements of money made by SBA to a section 8(a) business concern prior to the completion of performance of a specific section 8(a) subcontract.

Advance payments are made for the purpose of assisting the section 8(a) business concern in meeting financial requirements pertinent to the performance of the subcontract.

SBA's experience indicates the need for flexibility in delegating authority to SBA officials in approving, or denying requests for advance payments by section 8(a) business concerns. The present rule places all authority regarding advance payment with the Regional Administrators.

The proposed rule amends 13 CFR 124.1–2(c)(2) by deleting the present first two sentences and replacing the deleted sentences with two new sentences. The effect is to place the authority of approving, or denying advance payments with the Administrator, who in turn may delegate the authority, or any part thereof, to other SBA officials.

For the purpose of Executive order 12291, effective February 17, 1981, SBA hereby determines that this proposed rule, if finalized, would not constitute a major rule. In addition, it is hereby certified that, for the purposes of the applicability of the requirements of section 603 and 604 of the Regulatory Flexibility Act (Pub. L. 96–354, September 19, 1980, 5 U.S.C. 603 and 604), this proposed rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. This rule governs only those firms which have been or will be admitted to participate in SBA's section 8(a) program. This number is not substantial relative to all small business firms in the United States.

Dated: May 27, 1981.

Michael Cardenas,

Administrator.

Therefore, pursuant to the authority of section 5(b)(6) of the Small Business Act (15 U.S.C. 634(b)(6)), the Small Business Administration purposes to amend Part 124 of its Regulations (13 CFR Part 124) by revising Section 124.1–2(c)(2) to read as follows:

§ 124.1–2 Advance Payments.

* * * * *

(c) * * *

(2) Based upon a review of all circumstances and evidence, SBA shall decide whether to approve or deny a request for advance payments. The approval or denial authority may be delegated by the Administrator, in whole or part, to designated SBA officials. The section 8(a) business concern, the bank selected pursuant to paragraph (c)(1)(ii) of this section, and SBA shall execute an Advance Payment Agreement which shall set forth the term and conditions governing advance payments.

[FR Doc. 81–18197 Filed 6–17–81; 8:45 am]

BILLING CODE 8025–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 21823]

Airworthiness Directive; Avions Marcel Dassault-Breguet Aviation Model Falcon 10 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to adopt a new airworthiness directive (AD) that would require reinforcement of the pilot and co-pilot seats and restraint systems on Avions Marcel Dassault-Breguet Aviation Model Falcon 10 airplanes. The AD is needed to prevent loosening of seat belt screws, jamming of movement locking spigots, rupture of the movement actuator coupling endfitting, and rupture of the backrest housings in the pilot and co-pilot seats, which could result in loss of control of the airplane.

DATE: Comments must be received on or before August 17, 1981.

ADDRESSES: Comments on this proposal may be mailed in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC–24) Docket No. 21823, 800 Independence Avenue, SW., Washington, D.C. 20591, or delivered in duplicate to: Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591.

Comments delivered must be marked: Docket No. 21823. Comments may be inspected at Room 916 between 8:30 am and 5:00 pm. The applicable service bulletins may be obtained from: Falcon Jet Corporation, 90 Moonachie Avenue, Moonachie, New Jersey 07074.

A copy of each service bulletin [1] is contained in the Rules Docket, Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: C. Christie, Chief, Aircraft Certification Staff, AEU–100, Europe, Africa, and Middle East Office, FAA, c/o American Embassy, Brussels, Belgium, Telephone: 513.38.30, or C. Chapman, Chief, Technical Standards Branch, AWS–110, FAA, 800 Independence Avenue, SW.,

[1] Service Bulletin filed as a part of original document.

Washington, D.C. 20591, Telephone: 202-426-8374.

SUPPLEMENTARY INFORMATION:

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact, concerned with the substance of the proposed AD, will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit those comments and a self-addressed, stamped post card on which the following statement is made: "Comments to Docket Number 21823." The post card will be dated, time stamped and returned to the commenter.

The FAA has determined that with normal use and adjustment of the pilot and co-pilot seats, the seat belt attachment screws may be loosened, the fore and aft movement locking spigots may be jammed in the disengaged position or may not obtain sufficient engagement when in the engaged position, the up and down movement actuator coupling endlifting may bind and rupture, and the backrest housings may rupture so that the backrest of the seat becomes loose on certain Avions Marcel Dassault-Breguet Aviation Model Falcon 10 series airplanes, which could result in loss of control of the airplane.

Since these conditions are likely to exist or develop on other airplanes of the same type design, the proposed AD would require installation of protective spacers on, and additional securing of, the seat belt attachment screws, modification of the fore and aft movement locking mechanism, installation of a grease fitting for the up and down movememt actuator endfitting, and reinforcement of the backrest housings, on the pilot and co-pilot seats on certain Avions Marcel Dassault-Breguet Aviation Model Falcon 10 series airplanes.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new airworthiness directive:

Avions Marcel Dassault-Breguet Aviation: Applies to Model Falcon 10 series airplanes, certificated in all categories.

Compliance is required as indicated, unless already accomplished.

To prevent loosening of seat belt screws, jamming of movement locking spigots, rupture of movement actuator coupling endfitting, and rupture of backrest housings in pilot and co-pilot seats, accomplish the following:

(a) Within the next 300 hours time in service after the effective date of this AD, on Falcon 10 airplanes serial numbers 1 through 20, 22 through 31, 33 through 38, 41 and 42, modify the pilot and co-pilot seat belt attachments in accordance with paragraph 2, "ACCOMPLISHMENT INSTRUCTIONS," of Avions Marcel Dassault-Breguet Aviation Service Bulletin No. F10 0085, Revision 1, dated November 30, 1979, or an FAA-approved equivalent.

(b) Within the next 300 hours time in service after the effective date of this AD, on Falcon 10 airplanes serial numbers 1 through 49, 51 through 90, 92, 94 through 97, 99, 100, 102 and 104, modify the pilot and co-pilot seat fore and aft movement locking control in accordance with paragraph 2, "ACCOMPLISHMENT INSTRUCTIONS," of Avions Marcel Dassault-Breguet Aviation Service Bulletin No. F10 0143, Revision 1, dated November 30, 1979, and SICMA AERO-SEAT Service Bulletin No. 376/F10/BS02, Revision 1, dated November 30, 1979, or an FAA-approved equivalent.

(c) Within the next 600 hours time in service after the effective date of this AD, or before the accumulation of 1600 hours time in service, whichever occurs later, modify and improve greasing of the actuator endfitting on the following pilot and co-pilot seats in accordance with the instructions in paragraph 2, "ACCOMPLISHMENT INSTRUCTIONS," of Avions Marcel Dassault-Breguet Aviation Service Bulletin No. F10 0148, Revision 2, dated February 1, 1980, and SICMA AERO-SEAT Service Bulletin No. 376/F10/BS03, Revision 1, dated November 30, 1979, or an FAA-approved equivalent:

	Part No	Seat serial Nos.
Pilot seat	376-2R1	1 through 52
	376-211	53 through 117
	376-22	118 through 122
Co pilot seat	376-3R1	1 through 52
	376-311	53 through 83 and 85 through 117
	376-32	118 through 122

(d) Within the next 600 hours time in service after the effective date of this AD or before the accumulation of 1600 hours time in service, whichever occurs later, on Falcon 10 airplanes serial numbers 1 through 102, 104 through 123, 125 through 128, and 133, modify the pilot and co-pilot seat backrest housings in accordance with the instructions in paragraph 2, "ACCOMPLISHMENT INSTRUCTIONS," of Avions Marcel Dassault-Breguet Aviation Service Bulletin No. F10 0193, Revision 1, dated November 30, 1979, and SICMA AERO-SEAT Service Bulletin No. 376-0017, Revision 2, dated November 30, 1979, or an FAA-approved equivalent.

(e) If an equivalent means of compliance is used in complying with this AD, that equivalent means must be approved by the Chief, Aircraft Certification Staff, AEU-100, FAA, Europe, Africa, and Middle East Office, c/o American Embassy, Brussels, Belgium.

(Secs. 313(a), 601, and 603 Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.85)

Note.—The FAA has determined that this proposed regulation involves a regulation which is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979) and will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act since there are only a few of these aircraft owned by small entities. A draft evaluation has been prepared for this proposed regulation and has been placed in the docket. A copy of it may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

Issued in Washington, D.C., on June 11, 1981.

M. C. Beard,

Director of Airworthiness.

[FR Doc. 81-18037 Filed 6-17-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 81-NW-26-AD]

Airworthiness Directives: Lockheed-California Co. Model 188A and 188C Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This Notice proposes adoption of a new Airworthiness Directive (AD) which requires a revision of the FAA-Approved Airplane Flight Manual Limitations Section to require that takeoffs and approaches be accomplished with the propeller synchronizer control (sync master or synchronizer) in the off position of Lockheed Model 188 Series airplanes. This AD is needed to prevent a reduction in available performance below levels currently substantiated in the FAA-Approved Airplane Flight Manual.

DATES: Comments must be received on or before July 31, 1981. Compliance

schedule as prescribed in the body of the AD.

ADDRESSES: Send comments on the proposal to: Department of Transportation, Federal Aviation Administration, Northwest Region, Los Angeles Area Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California 90808; or, Department of Transportation, Federal Aviation Administration, Northwest Region, Attention: Regional Counsel, Airworthiness Rules Docket, 9010 East, Marginal Way South, Seattle, Washington 98108.

The applicable service information may be obtained from: Lockheed-California Company, Attention: Commercial Support Contracts, Dept. 63–11, U–33, B–1, P.O. Box 551, Burbank, California 91520.

FOR FURTHER INFORMATION CONTACT:

Samuel K. Frick, Supervisory Aerospace Engineer, Propulsion Branch, ANW–140L, Federal Aviation Administration, Northwest Region, Los Angeles Area Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California 90808, telephone (213) 548–2837.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire, including comments on the economic, environmental, and energy impact that might result because of adoption of the proposed rule. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Availability of NPRM's

Any persons may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Northwest Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket No. 81–NW–26–AD, 9010 East Marginal Way South, Seattle, Washington 98108.

Discussion

This proposed amendment is prompted by an incident which occurred to a Lockheed 188 during takeoff. Subsequent investigations revealed multiple malfunctioning of the synchronization system due to overheating, corrosion, and a ground pin connector. These discrepancies were corrected and the airplane returned to service prior to the establishment of causal factors for the malfunction. However, in the course of this investigation, and an evaluation of the FAA-approved flight manual, it was revealed that the sychronization system authority can affect engine RPM a nominal two percent. In addition, the FAA-approved flight manual limitations or the normal procedures section do not specify a required position for the synchronizer control switch for takeoff and approach. Thus, in the normal operating mode with this switch on, and irrespective of the events in this incident, the synchronizing system tolerance bank could permit the three "slave" engines to each reduce RPM up to two percent; a performance reduction which is not accounted for in the FAA-Approved Airplane Flight Manual Performance Section. The reduced performance in combination with one-engine-inoperative performance could reult in a hazardous condition during takeof, go-around, and landing phases of airplane operation on Lockheed 188 Series airplanes.

The expected impact from this airworthines directive is so minimal that this action does not warrant preparation of a regulatory evaluation.

Since this condition is likely to exist or develop on other airplanes of the same type design, the proposed AD would require revision of the FAA-Approved Airplane Flight Manual Limitations Section to require that takeoffs and approaches be accomplished with the synchronizer control switch in the off position.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend § 39.13. of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new Airworthiness Directive:

Lockheed-California Company.—Applies to Model 188A and 188C Series airplanes certificated in all categories.

Compliance required within 30 days after the effective date of this AD, unless already accomplished.

To prevent a reduction in performance which could result in a hazardous condition, incorporate in the Limitations Section of the FAA-approved Airplane Flight Manual a revision which specifies that all takeoffs and approaches must be performed with the synchronization control in the following position:

For Hamilton Standard Propellers—
SYNC MASTER switch—OFF.
For Aeroproducts Propellers—
Synchronizer switch—SYNCH OFF.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.85)

Note.—The FAA has determined that this document involves a proposed regulation that is not major under the provisions of Executive Order 12291 for the reasons stated earlier. It has been further determined that this proposed regulation is not significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). In addition, it has been determined under the criteria of the Flexibility Act that this proposed rule, at promulgation, will not have a significant impact on a substantial number of small entities.

Issued in Seattle, Wash., on June 5, 1981.

Jonathan Howe,

Acting Director, Northwest Region.

[FR Doc. 81–17765 Filed 6–17–81; 8:45 am]

BILLING CODE 4910–13–M

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Ch. II

Omnidirectional Citizens Band Base Station Antennas; Extension of Development Period

AGENCY: Consumer Product Safety Commission.

ACTION: Extension of time.

SUMMARY: The Consumer Product Safety Commission extends the development period for its proceeding to develop a consumer product safety standard addressing electric shock hazards associated with omnidirectional Citizens Band base station antennas by three months, until July 31, 1981. The development period is the time the Commission allots to develop the provisions of a proposed standard and to prepare the standard for publication as a proposed standard. The development period is extended in order to allow for comments from other agencies concerned with communications antennas.

DATE: The period for development of a consumer product safety standard for electric shock hazard associated with

Citizens Band base station antennas is extended until July 31, 1981.

ADDRESS: All material which the Commission has that is relevant to this proceeding may be seen in, or copies obtained from, the Office of the Secretary, 3rd Floor, 1111 18th Street N.W. Washington, D.C. 20207.

FOR FURTHER INFORMATION CONTACT: Carl Blechschmidt, Office of Program Management, Consumer Product Safety Commission, Washington, D C. 20207, phone (301) 492–6557.

SUPPLEMENTARY INFORMATION: The Commission estimates that for the period from 1975 through 1980, approximately 575 persons were electrocuted while putting up or taking down omnidirectional Citizens Band (CB) base station antennas when the antennas contacted power lines. The number of fatalities appears to have leveled off at about 50 per year. As a result of these deaths and other injuries associated with electric shock caused by contact of these antennas with power lines, the Commission instituted a proceeding to develop a consumer product safety rule that would help ensure that such antennas would not conduct a harmful amount of electricity to the installer if the antenna did contact a power line (44 FR 53676; September 14, 1979). The Commission also provided for participation in the standard development proceeding by interested persons outside the Commission.

Section 7(b)(1) of the Consumer Product Safety Act, 15 U.S.C. 2056(b)(1), provides that a proceeding to develop a consumer product safety standard shall be commenced by the publication in the **Federal Register** of a notice that, among other things, specifies the period of time in which the Commission will develop a proposed standard. Section 7(f) states that if the Commission does not publish a proposed consumer product safety standard within 45 days after the expiration of the period stated in the notice commencing the proceeding, the Commission shall either terminate the proceeding or publish in the **Federal Register** the reasons for not publishing the proposed standard, specifying the time period within which either the standard will be published or the proceeding terminated. The period originally specified by the Commission for the development of a standard for omnidirectional CB base station antennas expires April 30, 1981.

The Commission's staff has drafted a recommended standard for consideration by the Commission. However, the Commission believes that it is desirable to submit the draft standard to the Federal Communications Commission to ensure that the standard would not have any unintended effect on areas within the responsibility of that Commission.

The Commission estimates that up to 90 additional days could be needed to obtain and evaluate any comments that may be submitted. This period can also be utilized to complete a draft **Federal Register** notice, that if approved by the Commission, would propose the standard for comment by the public.

Therefore, the commission hereby extends until July 31, 1981, the period within which it will either publish a proposed standard addressing the hazard of electric shock associated with omnidirectional CB base station antennas or terminate its proceeding to develop such a standard. For good cause, the Commision may further extend this period.

Dated: June 12, 1981.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 81-18040 Filed 6-16-81, 8:45 am]

BILLING CODE 6355-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Ch. I

Regulatory Flexibility Agenda

June 12, 1981.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Publication of regulatory flexibility agenda.

SUMMARY: The Commission is required under section 602 of the Regulatory Flexibility Act to publish in the **Federal Register** in April and October of each year an agenda of rules the Commission expects to propose that are likely to have a significant impact on a substantial number of small entities. In accordance with section 602, the Commission publishes the following agenda.

FOR FURTHER INFORMATION CONTACT: Teresa Ponder, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, (202) 357–8151.

Kenneth F. Plumb,

Secretary.

Regulatory Flexibility Agenda

Rulemakings Relating to Hydroelectric Power Projects

The Federal Energy Regulatory Commission has jurisdiction pursuant to part I of the Federal Power Act to license and regulate hydroelectric power projects. All of the rulemakings listed in this agenda propose to reduce the regulatory burdens of certain persons who must comply with the Commission's regulations that relate to hydroelectric power projects.

Title: Application for License for Minor Water Power Projects and Major Water Power Projects 5 Megawatts or Less, Docket No. RM81–10. (18 CFR Parts 4, 16, 131, 375)
Objective: The Commission proposed to adopt regulations permitting an abbreviated application procedure for license for minor water power projects and major water power projects with an installed generating capacity of 5 megawatts or less. These proposed regulations are designed to expedite the application procedure for the above-described class of projects.
Legal Basis: Part I of the Federal Power Act, 16 U.S.C. 799, *et seq.*; section 405 of the Public Utility Regulatory Policies Act of 1978.
Schedule: Notice of Proposed Rulemaking—issued January 1, 1981; Final Rule—schedule summer, 1981.
Contact Person: James Hoecker, 357–9342.

Title: Regulations Governing Applications for License for Major Unconstructed Projects and Major Modified Projects; Applications for License for Transmission Line Only; and Applications for Amendment to License; Docket No. RM80–39. (18 CFR Parts 2, 4, 5, 16, and 131)
Objective: This rulemaking proposes to ease the application procedures for hydroelectric projects greater than 5 megawatts that plan to utilize an unconstructed dam or modify an existing dam. This proposal reduces and reorganizes the required information and consolidates exhibits in order to make the application procedure less burdensome.
Legal Basis: Part I of the Federal Power Act, 16 U.S.C. 799, *et seq.*
Schedule: Notice of Proposed Rulemaking—issued January 23, 1981; Final Rule—scheduled—summer, 1981.

Contact Person: James Hoecker, 357–9342.

Title: Annual Charges to Licensees for Use of Government Dams; undocketed. (18 CFR Part 11)
Objective: All licensees of hydroelectric facilities who use government dams must pay the Federal Government a charge for the use of the dam. Currently the Commission uses a "sharing of a net benefit" analysis and computes the charge on a case by case basis. The charge is fixed for the term of the license, subject to periodic readjustment. The Commission proposes to establish a generic charge based on the concept of sharing of net benefits and to update the charges more frequently.
Legal Basis: Section 10(e) of the Federal Power Act, 16 U.S.C. 803(e).
Schedule: Notice of Proposed Rulemaking—scheduled July, 1981; Final Rule—fall, 1981.
Contact Person: Paul Hartley, 357–8608.

Title: Rulemaking to Revise Form No. 80, Licensed Projects Recreation Report; undocketed. (18 CFR Part 141)
Objective: Form No. 80 collects information about recreational facilities and recreational opportunities at developments within hydroelectric projects which are licensed by the Commission. This proposal would significantly consolidate and simplify Form No. 80 in an effort to reduce reporting burdens.
Legal Basis: Section 304 of the Federal Power Act, 16 U.S.C. 825c.
Schedule: Notice of Proposed Rulemaking—scheduled June 10, 1981; Final Rule—scheduled fall, 1981.
Contact Person: Cathy Ciaglo, 357–8526.

[FR Doc. 81-18018 Filed 6-17-81; 8:45 am]
BILLING CODE 6450-85-M

VETERANS ADMINISTRATION

38 CFR Part 1

Cancellation of Publication of Semi-Annual Agenda of Regulations

AGENCY: Veterans Administration.

ACTION: Notice of Cancellation of Publication of Semi-Annual Agenda of Regulations.

SUMMARY: The Veterans Administration announced that it would publish its Semi-Annual Agenda of Regulations, as required by Executive Order 12044, on June 18 and December 18 of each year. Executive Order 12291 rescinded E. O. 12044 and requires each agency to publish a regulatory agenda in April and October of each year. The Regulatory Flexibility Act (Pub. L. 96–354) also requires publication of a regulatory agenda in those same months. The VA has chosen to publish its agendas on April 23, 1981 (46 FR 23081) and October 22, 1981. The purpose of this notice is to inform those who may expect our Semi-Annual Agenda to be printed on June 18, 1981 that it will now appear in the **Federal Register** of October 22, 1981 as required by E. O. 12291.

FOR FURTHER INFORMATION CONTACT: Celia Fasone, Office of Management Services (61), Veterans Administration, 810 Vermont Avenue, NW., Washington, DC 20420, (202–389–2340).

Dated: June 16, 1981.

Donald L. Custis,
Acting Administrator.

[FR Doc. 81-18247 Filed 6-17-81; 8:45 am]
BILLING CODE 8320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-5-FRL 1831-3]

Approval and Promulgation of Implementation Plans; Ohio

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rulemaking.

SUMMARY: The United States Environmental Protection Agency (EPA) announced in today's **Federal Register** final rulemaking on a revision to the Ohio State Implementation Plan (SIP). The revision consisted of a vehicle inspection and maintenance (I/M) program and was to satisfy the requirements of Part D of the Clean Air Act, as amended in 1977. In its final rulemaking, EPA conditionally approved certain portions of that SIP revision. A discussion of conditional approval and its practical effect appears in the July 2, 1979 **Federal Register** (44 FR 38583) and the November 23, 1978 **Federal Register** (44 FR 6718). A conditional approval requires the State to remedy identified deficiencies by specified deadlines. This notice solicits public comment on the deadlines by which the State of Ohio has committed itself to remedy the conditionally approved portions of the I/M program. Although public comment is solicited on the deadlines, the State remains bound by its commitments unless the schedules are disapproved by EPA in its Final Rulemaking Action. A conditional approval means that the restriction on new source construction in designated nonattainment areas will not apply unless the State fails to submit the corrections by the specific date, or unless the corrections are ultimately determined to be inadequate.

DATES: Comments must be received on or before July 20, 1981.

ADDRESSES: Comments should be sent to the following Address: Mr. Gary Gulezian, Chief, Air Programs Branch, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604.

Copies of the materials submitted by the State and by the public during the comment period announced in this notice of proposed rulemaking are available for review during normal business hours at the following address: USEPA—Region V, Air Programs Branch, 230 South Dearborn Street, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Clarizio, Regulatory Analysis Section, Air Programs Branch, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886–6035.

SUPPLEMENTARY INFORMATION: In final rulemaking action published in today's **Federal Register**, EPA identified the actions taken by the State of Ohio to remedy deficiencies in the I/M program submitted on September 17, 1980. These deficiencies were noted in EPA's November 7, 1980 Notice of Proposed Rulemaking (45 FR 73972). In today's final rulemaking, EPA also identified the conditions which must be satisfied by the State of Ohio to correct the specified deficiencies in the I/M program. The State of Ohio has provided assurances that it will satisfy these conditions on a specified date.

EPA proposes to approve the following schedule for the State of Ohio's correction of deficiencies in the I/M program submitted on September 17, 1980.

Schedule

The State of Ohio has committed itself to submit by January 8, 1982, the following:

(1) An identification of the staff and financial resources necessary to carry out and enforce the vehicle inspection and maintenance (I/M) program and a more specific commitment to obtain those resources.

(2) A detailed schedule which contains dates for all the milestones specified in July 17, 1978, I/M policy memorandum.

(3) Detailed programmatic information relating to the specific geographic coverage of the program, enforcement mechanisms and procedures to be used,

those vehicle categories to be included in the inspection program, and other factors which aid in determining the effectiveness of an I/M program.

Pursuant to the provisions of 5 U.S.C. 605(b) the Administrator has certified that SIP approvals under Sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. 46 FR 8709 (January 27, 1981). The attached rule, if promulgated, constitutes a SIP approval under Sections 110 and 172 within the terms of the January 27 certification. This only proposes to approve state actions. It imposes no new requirements. Moreover, due to the nature of the federal-state relationship, federal inquiry into the economic reasonableness of the state actions would serve no practical purpose and could well be improper.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This proposed SIP schedule approval is not Major because it will impose no new regulatory requirements. It only propose to approve actions the state has agreed to implement.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

This notice of proposed rulemaking is issued under authority of Section 110 of the Clean Air Act, as amended.

Dated: April 10, 1981.

Valdas V. Adamkus,

Acting Regional Administrator.

[FR Doc. 81-18182 Filed 6-17-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 60

[AD-FRL 1718-5]

Standards of Performance for New Stationary Sources; Appendix A—Reference Methods

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The purpose of this action is to propose a test method for determining total reduced sulfur from kraft pulp mills to be added to Appendix A of 40 CFR Part 60. On February 23, 1978, the Environmental Protection Agency promulgated Method 16 for total reduced sulfur compounds. Method 16 utilizes costly and complex sampling and analytical equipment. Method 16A, "Determination of Total Reduced Sulfur Emissions from Stationary Sources (Impinger Technique)," is being proposed because the procedure is simple, much cheaper to operate than Method 16, and involves fewer and less complicated components that reduces chances of measurement error. An amendment to § 60.285 of Subpart BB referencing Method 16A is also being proposed.

DATES: *Comments.* Comments must be received on or before August 17, 1981.

Public Hearing. A public hearing will be held, if requested. Persons wishing to request a public hearing must contact EPA by August 31, 1981. If a hearing is requested, an announcement of the date and place will appear in a separate Federal Register notice.

ADDRESSES: *Comments.* Comments should be submitted (in duplicate if possible) to: Central Docket Section (A-130), Attention: Docket Number A-80-38, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460.

Public Hearing. Persons wishing to present oral testimony should notify Mrs. Naomi Durkee, Office of the Director, Emission Standards and Engineering Division (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number (919) 541-5571.

Docket. Docket Number A-80-38, containing materials relevant to this rulemaking, is available for public inspection and copying between 8:00 a.m. and 4:00 p.m., Monday through Friday, at EPA's Central Docket Section, West Tower Lobby, Gallery 1, Waterside Mall, 401 M Street S.W., Washington, D.C. 20460. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Mr. Roger Shigehara, Emission Measurement Branch (MD-19), Emission Standards and Engineering Division, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone (919) 541-2237.

SUPPLEMENTARY INFORMATION: This proposed method for kraft pulp mills utilizes the impinger collection method and barium-thorin titration producer outlined in Method 6 of Appendix A. In the sample, SO_2 is first removed by a scrubber system; then the reduced sulfur compounds are oxidized to SO_2 which is subsequently collected and analyzed by Method 6. This procedure offers the following advantages over Method 16:

1. Needed testing equipment is much cheaper.

2. The method is simpler. The Method 6 collection and titration eliminates the need of instrumentation. No gas dilution system is needed.

3. Sampling can be performed on the stack.

4. Samples need not be analyzed in the field.

5. The method has few interferences.

These advantages, plus satisfactory performance during laboratory and field testing, have prompted the proposal of the procedure as an alternative method. This means that this method may be used at the discretion of the owner or operator of the affected facility to determine compliance with the standards. The owner or operator, however, should understand that Method 16A measures all reduced sulfur in contrast to the four reduced sulfur compounds specified in Method 16. Therefore, Method 16A may give higher results than Method 16. EPA, however, feels that any difference is expected to be insignificant.

When the kraft pulp mill standard was developed and originally adopted, the intent was to include all reduced sulfur compounds. But, during the emission testing program, EPA found that the four compounds—hydrogen sulfide, methyl mercaptan, dimethyl sulfide, and dimethyl disulfide—were the only significant compounds being emitted. Comments from the industry confirmed this finding. Therefore, as a practical matter, Method 16 was written to require that only the four major reduced sulfur compounds be measured. If EPA determines that other compounds are now being emitted as a result, for example, of different process conditions, EPA would consider this as an indication of the need to investigate and possibly revise the standard.

The Administrator certifies that a regulatory flexibility analysis under 5 U.S.C 601 *et seq.* is not required for this rulemaking, because the rulemaking would not have a significant impact on a substantial number of small entities. The rulemaking would not impose any new requirements; on the contrary, it would reduce the cost of demonstrating compliance with the NSPS. The Administrator has considered Executive Order 12291 and concluded that since Method 16A allows industry a less expensive alternative to the existing reference method, the costs of implementing this method do not outweigh the benefits obtained.

(Sections 114 and 301(a) of the Clean Air Act as amended [42 U.S.C. 7414, and 7601(a)])

Dated: June 12, 1981.

Anne M. Gorsuch,

Administrator.

It is proposed that in 40 CFR Part 60, § 60.285 and Appendix A be amended as follows:

1. By revising paragraph (d)(1) of § 60.285 to read as follows:

§ 60.285 Test methods and procedures.

* * * * *

(d) * * *

(1) Method 16 or, at the discretion of the owner or operator, Method 16A for the concentration of TRS.

* * * * *

2. By amending Appendix A by adding a new method as follows:

Appendix A—Reference Methods

* * * * *

Method 16A. Determination of Total Reduced Sulfur Emissions From Stationary Sources

(Impinger Technique)

1. *Applicability and Principle*—1.1 Applicability. This is an alternative method to Method 16 for determining total reduced sulfur (TRS) compounds from recovery furnaces, lime kilns, and smelt dissolving tanks at kraft pulp mills. The TRS compounds include hydrogen sulfide, methyl mercaptan, dimethyl sulfide, dimethyl disulfide, and other reduced sulfur compounds (e.g., cabonyl sulfide, if present). Therefore, Method 16A might yield higher TRS concentrations than Method 16.

The minimum detectable limit of the method has been determined to be 0.04 ppm TRS (compounds with single sulfur atom) when sampling at 2 liters/min for 60 minutes. For an analytical accuracy of at least ±5 percent, a minimum sulfur dioxide (SO_2) mass of 500 μg should be collected. The upper concentration limit of the method generally exceeds all encountered TRS levels from kraft pulp mills.

1.2 Principle. A gas sample is extracted from the sampling point in the stack. SO_2 is selectively removed from the sample using a citrate buffer solution. Then reduced sulfur compounds are oxidized and analyzed as SO_2 using the barium-thorin titration procedure of Method 6.

2. *Apparatus*—2.1 Sampling. The sampling train is shown in Figure 16A–1. The apparatus is the same as listed in Method 6, except as listed below. Other designs are acceptable provided that the sampling system meets the performance check of Section 5.

2.1.1 SO_2 Scrubber. Two midget impingers in series packed with glass wool to eliminate entrained mist and charged with potassium citrate-citric acid buffer.

2.1.2 Combustion Tube. Quartz glass with an expanded combustion chamber of 22 to 25 mm and at least 30.5 cm long. The tube ends shall have an outside diameter of about 6 mm to accept Teflon tubing or Swagelok fittings

2.1.3 Combustion Tube Furnace. A furnace of sufficient size to enclose the combustion chamber of the combustion tube with a temperature regulator capable of maintaining the temperature at 815 ± 15°C.

2.1.4 Rate Meters. Rotameters, or equivalent, capable of measuring flow rate to within 2 percent of the selected flow rate.

2.1.5 Probe Brush. Nylon bristle brush with stainless steel wire handle. The brush shall be properly sized and shaped and of sufficient length to brush out the entire length of the probe.

2.2 Sample Recovery. Same as in Method 6, Section 2.2.

2.3 Analysis. Same as in Method 6, Section 2.3, except a 10-ml buret with 0.1 ml graduations is required and the spectrophotometer is not needed.

3. *Reagents*—Unless otherwise indicated, all reagents must conform to the specifications established by the Committee on Analytical Reagents of the American Chemical Society. Where such specifications are not available, use the best available grade.

3.1 Sampling. The following reagents are needed:

3.1.1 Water. Same as Method 6, Section 3.1.1.

3.1.2 Hydrogen Peroxide, 3 percent. Same as Method 6, Section 3.1.3 (40 Ml is needed per sample).

3.1.3 Citrate Buffer. Dissolve 300 g of potassium citrate (or 284 g of sodium citrate) and 41 g of anhydrou citric acid in 1 liter of deionized distilled water.

3.1.4 Calibration Gas. Hydrogen sulfide in nitrogen (30 to 50 ppm) stored in aluminum cylinders. Verify the concentration by Method 11.

3.1.5 Combustion Gas. Air or oxygen containing less than 50 ppb total sulfur compounds and less than 10 ppm total hydrocarbons.

3.2 Sample Recovery and Analysis. Deionized distilled water (as in 3.1.1) and the same reagents as in Method 6, Section 3.3, are required.

4. *Procedure*—4.1 Sampling.

4.1.1 Preparation of Collection Train. For the SO_2 scrubber, measure 20 ml citrate buffer solution into each of two midget impingers with glass wool packed in top. For the Method 6 part of the train, measure 20 ml of 3 percent hydrogen peroxide into each of the first two midget impingers. Leave the final midget impinger dry. Assemble the train as shown in figure 16A–1. Place the SO_2 scrubber as close to the stack wall as practical. Adjust the probe heater to a temperature sufficient to prevent water condensation. Maintain the oxidation furnace at 815°C. Place crushed ice and water around the impingers.

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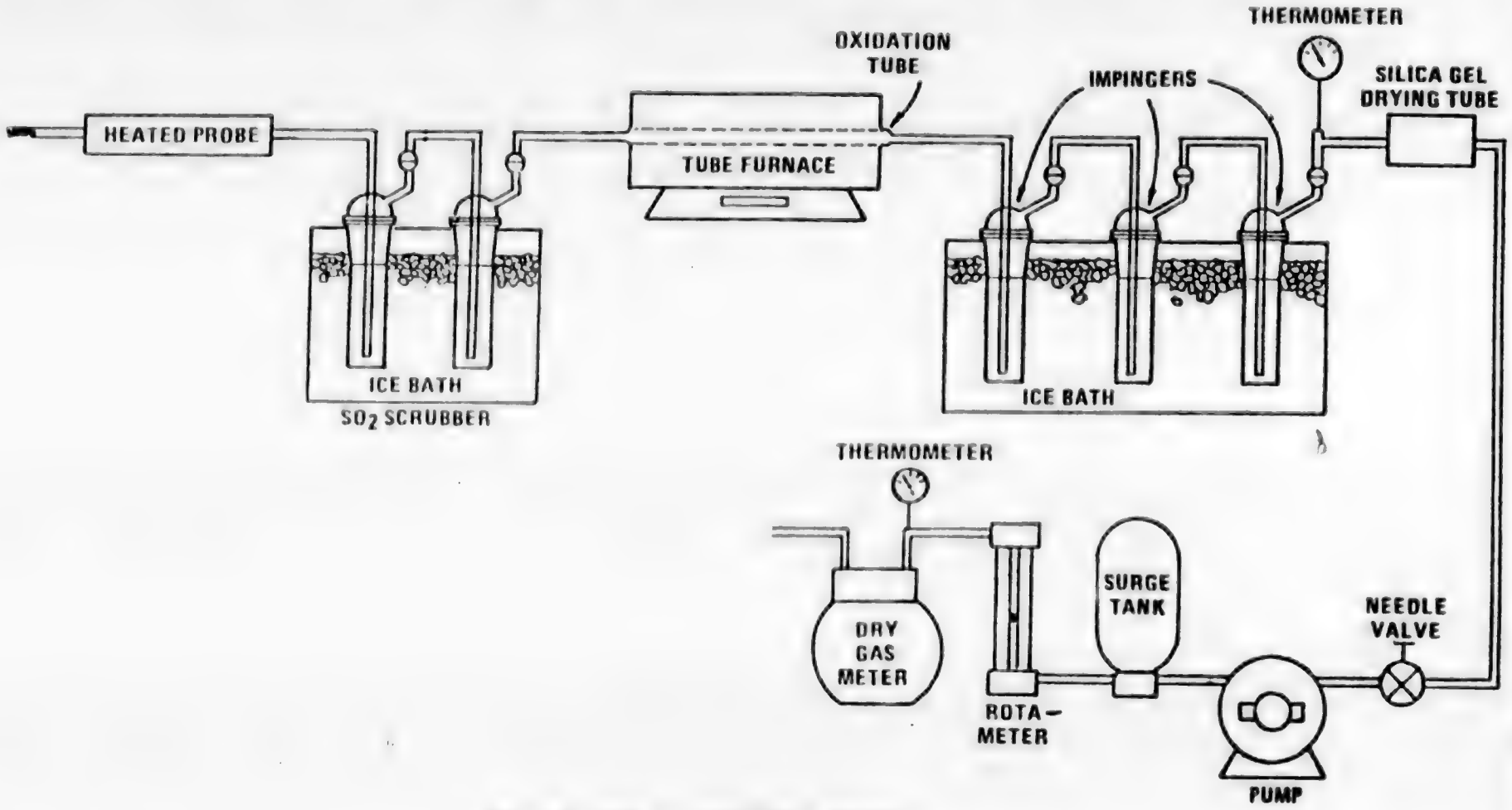

Figure 16A-1. Sampling train

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4.1.2 Leak-Check Procedure. Same as Method 6, Section 4.1.2.

4.1.3 Sample Collection. Same as Method 6, Section 4.1.3, except for the following: Adjust the sample flow to a constant rate of approximately 2.0 liters/min (±10 percent) as indicated by the rotameter. Other constant flow rates may also be used provided its acceptability is checked as in Section 5. Collect the sample for 60 minutes. The 15-minute purge of the train following collection need not be performed.

In Method 16, a sample run is composed of 16 individual analyses (injects) performed over a period of not less than 3 hours or more than 6 hours. For Method 16A to be consistent with Method 16, the following may be used to obtain a sample run: (1) collect three 60-minute samples or (2) collect one 3-hour sample with a total gas sample volume of 120 liters either intermittently (equal samples, equally spaced) or continuously over 3 hours.

After collecting the sample, disconnect the probe and tubing from the SO_2 scrubber and allow to cool. Before conducting the next run, do the following. Clean the inside surface of the probe using a nylon brush and deionized distilled water from a wash bottle until the rinse shows no visible particles. Replace the probe filter. Thoroughly rinse the sample line connecting the probe to the scrubber until all visible particles are removed.

4.2 Sample Recovery. Disconnect the impingers. Replace the SO_2 scrubber contents and the glass wool if saturated with solution for subsequent runs. Pour the contents of the midget impingers of the Method 6 part of the train into a leak-free polyethylene bottle for shipment. Rinse the three midget impingers, the connecting tubes, and the sample line between the furnace and the first impinger with deionized distilled water, and add the washings to the same storage container. Mark the fluid level. Seal and identify the sample container.

4.3 Sample Analysis. Note level of liquid in container, and confirm whether any sample was lost during shipment; note this on analytical data sheet. If a noticeable amount of leakage has occurred, either void the sample or use methods, subject to the approval of the Administrator, to correct the final results.

Transfer the contents of the storage container to a 100-ml graduated cylinder. Rinse the container with deionized distilled water and add to the cylinder. Measure the volume, and pour into a 250-ml Erlenmeyer flask. Using the cylinder, add sufficient 100 percent isopropanol to give a final sample concentration of 80 percent (v/v) isopropanol. Add four to six drops of thorin indicator and titrate to a pink end point using 0.0100N barium perchlorate. Run a blank with each series of samples.

Note.—Protect the 0.0100 N barium perchlorate solution from evaporation at all times.

5. *Calibration*—5.1 Metering System, Thermometers, Rotameters, Barometer, and Barium Perchlorate Solution. Follow the same calibration procedure as in Method 6, Sections 5.1 to 5.5, respectively.

5.2 System Performance Check. Using H_2S cylinder gas and combustion gas (as specified in Sections 3.1.4 and 3.1.5), generate a series of samples in the suspected concentration range of TRS in the stack. Using the set-up shown in Figure 16A–2, take at least two 30-minute samples to determine system performance efficiency. Use the cylinder regulator to set the combustion gas rotameter flow rate to the desired level. Adjust the H_2S regulator to a slightly higher than desired flow rate to ensure excess gas for the system. With the pump valve completely closed, turn on the pump and open the valve slowly until a 2 liter/min flow rate (or other selected flow rate) is obtained. Observe the pressure control vessel while opening the valve and during the sampling run to maintain an excess flow. The samples must be transported through the entire sampling system in the normal manner. Compare the resulting measured concentration to the known concentration by subtracting the corrected volume of combustion gas from the corrected total sample volume and treating as in Section 6.3. The sampling system is considered acceptable when two consecutive samples of calibration gas produce results which do not vary by more than ±5 percent from their mean, and this mean value is within ±15 percent of the known value.

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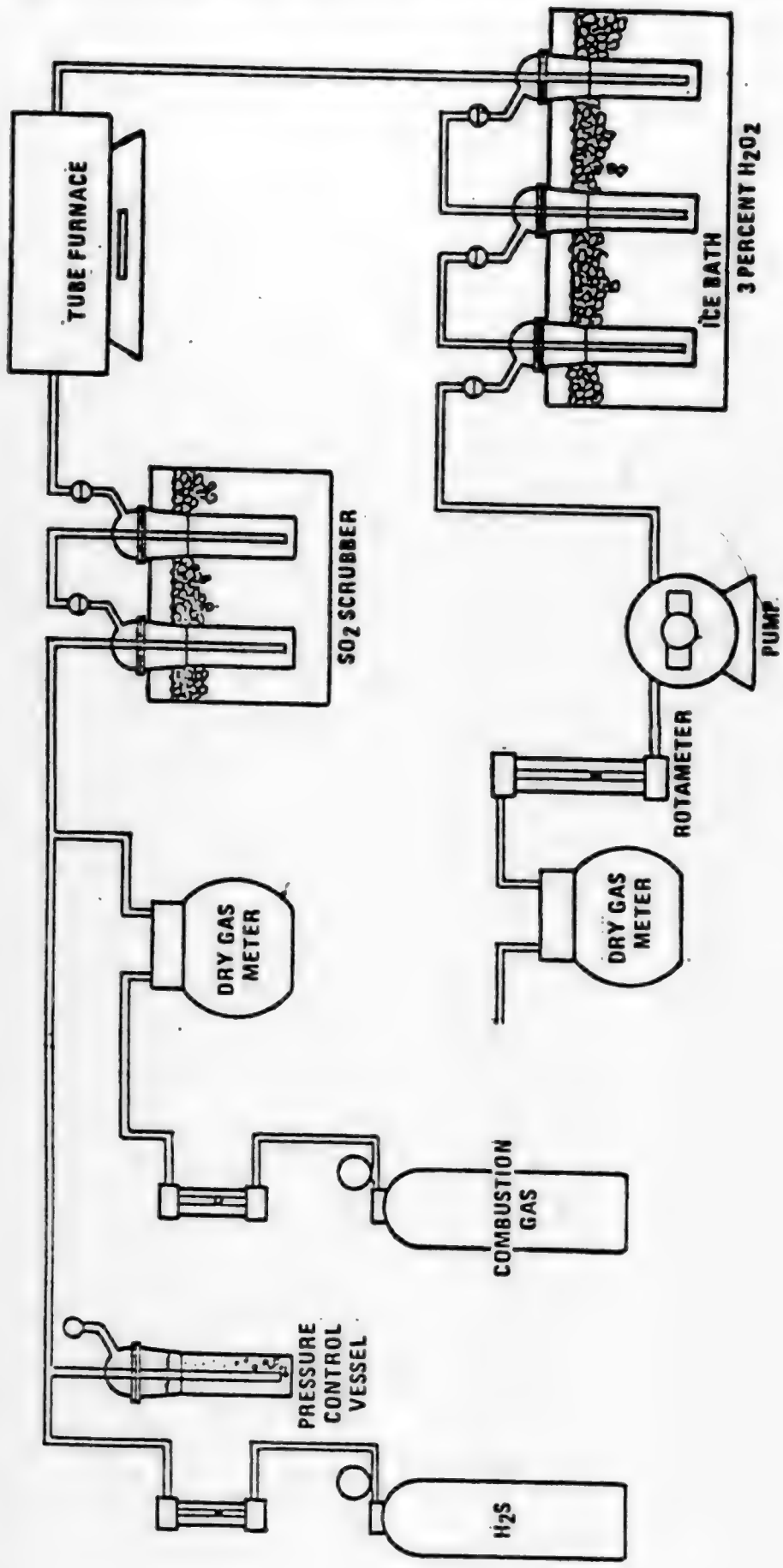

Figure 16A-2. Calibration System

BILLING CODE 6560-26-C

Conduct this performance check before the test to validate the test procedure, sampling system and tester. In addition, field validation samples shall be taken to monitor losses in the probe due to absorption by stack components. Perform this test by collecting a known H_2S sample (in the applicable concentration range) after each third field sample and before cleaning the probe. Introduce the gas into the probe and collect in the usual manner. The obtained concentration shall be within ±15 percent of the known value. Otherwise, void the previous three samples or make corrections by dividing the sample concentration by the fraction of recovery if the losses are between 0–20 percent. Substitute a field audit sample for one known sample during the collection period if available. Such audit samples are usually available from the Quality Assurance Division, Environmental Monitoring Systems Laboratory, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711.

6. *Calculations*—Carry out calculations, retaining at least one extra decimal figure beyond that of the acquired data. Round off figures after final calculation.

6.1 Standard Dry Sample Gas Volume. Using Equation 6–1 of Method 6, calculate the dry sample gas volume $V_{m(std)}$ at standard conditions.

6.2 TRS Concentration as SO_2. Calculate the TRS concentration in ppm as SO_2 by using Equation 6–2 of Method 6, except use $KSO_2 = 12.020\mu/meq$.

7. *Bibliography*—7.1 Curtis, F. and G.D. McAlister. Development and Evaluation of an Oxidation/Method 6 TRS Emission Sampling Procedure. Emission Measurement Branch, Emission Standards and Engineering Division, OAQPS, Environmental Protection Agency, Research Triangle Park, North Carolina 27711. February 1980.

7.2 Blosser, R.O., H.S. Oglesby, and A.K. Jain. A Study of Alternate SO_2 Scrubber Designs Used for TRS Monitoring. A Special Report by the National Council of the Paper Industry for Air and Stream Improvement, Inc., New York, N.Y. July 1977.

7.3 Gellma, I. A Laboratory and Field Study of Reduced Sulfur Sampling and Monitoring Systems. Atmospheric Quality Improvement Technical Bulletin No. 81. National Council of the Paper Industry for Air and Stream Improvement, Inc., New York, N.Y. October 1975.

7.4 Annual Book of ASTM Standards. Part 31; Water, Atmospheric Analysis. American Society for Testing and Materials. Philadelphia, Pennsylvania, 1974. pp. 40–42.

[FR Doc. 81-18086 Filed 6-17-81; 8:45 am]
BILLING CODE 6560-26-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[Docket No. 21513; RM-2882]

FM Broadcast Station in Freeport, Tex.; Order Extending Time for Filing Comments and Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Request for Supplemental Information; Extension of comment and reply comment period.

SUMMARY: Action taken herein extends the time for filing comments and reply comments in a proceeding on reconsideration concerning the assignment of an FM channel to Freeport, Texas. Amaturo Group, Inc. states that additional time is required to submit requested engineering showings.

DATES: Comments must be filed on or before June 10, 1981, and reply comments on or before July 1, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632–7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), table of assignments, FM broadcast stations (Freeport, Tex.); order extending time for filing comments and reply comments.

Adopted: June 5, 1981.
Released: June 11, 1981.

By the Chief, Policy and Rules Division:

1. On April 1, 1981, the Commission adopted a *Request for Supplemental Information*, 46 FR 22769, published April 21, 1981, in the above-entitled proceeding. The dates for filing comments and reply comments are presently June 1 and June 22, 1981, respectively.

2. On June 1, 1981, Counsel for Amaturo Group, Inc. ("AGI"), licensee of Station KMJQ, Clear Lake City, Texas, filed a letter requesting an extension of time for filing comments to and including June 10, 1981. Counsel states that additional time is necessary to coordinate the preparation of its material with other area stations in order to provide the Commission with the fullest possible response to the request for additional information.

3. Section 1.46 of the Commission's Rules states that extension requests must be filed seven days in advance of the filing deadline and we were not informed as to the reason for the late request. In addition, Counsel has not indicated the consent of other parties to the instant request. However, since this proceeding is one of several rule making proceedings relating to pending applications by various FM stations in Houston, Texas, proposing to relocate their facilities to a common transmitter site, and for which similarly requested extensions were granted in those cases, we shall likewise grant this request. Other parties to this proceeding should not be adversely affected because the information which we seek is expected to come from AGI.

4. Accordingly, it is ordered, that the request for extension of time, filed by AGI, is granted, and the dates for filing comments and reply comments in Docket No. 21513, are extended to and including June 10 and July 1, 1981, respectively.

5. This action is taken pursuant to authority contained in §§ 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-18089 Filed 6-17-81; 8:45 am]
BILLING CODE 6712-01-M

Notices

Federal Register
Vol. 46, No. 117
Thursday, June 18, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section

CIVIL AERONAUTICS BOARD

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q of the Board's Procedural Regulations

Week Ended: June 12, 1981

Subpart Q Applications

The due date for answers, conforming application, or motions to modify scope are set forth below for each application. Following the answer period the Board may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Date Filed, Docket No., and Description

6-9-81 39696 Southeast Alaska Airlines, Inc., 1515 Tongass Avenue, Ketchikan, Alaska 99901. Application of Southeast Alaska Airlines, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests a certificate of public convenience and necessity for an indefinite term to perform scheduled interstate air transportation of persons, property and mail within the State of Alaska between the terminal point Gustavus, the intermediate points: Juneau; Ketchikan; Petersburg; Sitka and the terminal point Wrangell. Conforming Applications, motions to modify scope, and Answers may be filed by July 7, 1981.

6-12-81 39706 Transwestern Airlines of Utah, Inc. d.b.a. Transwestern Airlines, Inc. P.O. Box 3228, Logan, Utah 84321 Application of Transwestern Airlines Of Utah, Inc. d.b.a. Trans Western Airlines, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests a subsidy ineligible certificate of convenience and necessity for the transport of persons, property and mail from the terminal point of Salt Lake City to and among the terminal points of Logan, Utah; Sun Valley, Idaho, Vernal, Utah, Rock Springs, Wyoming, and Grand Junction, Colorado. Conforming Applications, motions to modify scope, and Answers may be filed by July 10, 1981.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 81-18129 Filed 6-17-81; 8:45 am]
BILLING CODE 6320-01-M

[Order 81-6-87; Docket 39705]

Application of WestAir Jet Inc. For a Certificate of Public Convenience and Necessity

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Fitness Investigtion of WestAir Jet Inc., Order 81-6-87, Docket 39705.

SUMMARY: The Board is issuing an order instituting an investigation to determine whether WestAir Jet is fit, willing and able to perform the transportation which it proposes. Its application (Docket 39587) requests certificate authority to carry persons, property and mail between Seattle, Washington, the intermediate points Pasco-Richland, Kennewick, Washington; Portland, Eugene, Medford, Oregon; Boise, Idaho; Salt Lake City, Utah; Reno, Nevada; Lake Tahoe, Chico, Redding-Red Bluff, Eureka, Arcata, Sacramento, San Francisco-Oakland-San Jose and Fresno, California; Las Vegas, Nevada; Los Angeles-Burbank-Long Beach-Ontario-Orange County and San Diego, California; Phoenix, Arizona and the termianl point, Tucson, Arizona.

DATE: Persons wishing to file petitions to intervene in the WestAir Jet Inc. Fitness Investigation shall file their petitions in Docket 39705 prior to the prehearing conference and serve such filings on all persons listed below. Notice of the prehearing conference shall be published in the **Federal Register**.

ADDRESSES: Petitions to intervene should be served on the civil officials and airport managers at Seattle , Pasco, Richland, and Kennewick, Washington; Portland, Eugene and Medford, Oregon; Boise, Idaho; Fresono, Los Angeles, Ontario, Long Beach, San Diego, Oakland, South Lake Tahoe, Chico, Redding, Red Bluff, Eureka, Arcata, Sacramento, San Francisco, San Jose and Orange County, California; Reno and Las Vegas, Nevada; Phoenix and Tucson, Arizona; and Salt Lake City, Utah; the Governors of Arizona, California, Nevada, Idaho, Oregon, Utah and Washington; the California Department of Transportation; the California Public Utilization Commission; the Nevada Department of Transportation; the Arizona Department of Transportation; the Idaho Division of Aeronautics and Public Transportation; the Oregon Public Utility Commission, the Utah Department of Transportation and the Washington Aeronautics Commission, the Burbank-Glendale-Pasadena Airport Authority and the California Tahoe Regional Planning Agency.

FOR FURTHER INFORMATION CONTACT: Peter M. Bloch, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428; (202) 673-5345.

By the Civil Aeronautics Board: June 12, 1981.

Phyllis T. Kaylor,
Secretary

[FR Doc. 81-18130 Filed 6-17-81; 8:45 am]
BILLING CODE 6320-01-M

[Docket Nos. 38019, 38961; Order 81-6-91]

Wien Air Alaska Mainline and Bush Mail Rates Investigation and Intra-Alaska Class Service Mail Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 15th day of June 1981.

Order Denying Petition for Reconsideration

By Order 81-6-4, issued June 1, 1981, the Assistant Director, Fares, Rates and Tariffs, acting under the authority delegated in Order 80-9-150 in the above-entitled proceedings, established an informal conference of the parties to be held on June 17, 1981. The Assistant Director concluded that the conference would help to clarify the issues, form the possible basis for rate agreements in the four general areas listed in the order [1] and consider factual matters related to the Postal Service's policy on the interlining of mail at bush destination hubs.

[1] The four areas are: (1) The cost weighting of nonpriority mail over mainline segments; (2) the appropriate directionality and circuity standards for rate-making purposes; (3) the treatment of future rate adjustments; and (4) the proper rate of return on investment for the carriage of intra-Alaska mail.

The Postal Service has filed a petition which, although styled as a petition for reconsideration, is actually a request for review of staff action. The Postal Service does not oppose in principle the idea of rate discussions, but requests that any such conference be delayed until after the parties have filed reply comments. It believes that a conference at this point will be "rambling, confusing and nondecisive" because not all parties to the case have filed comments stating their position with respect to the four items on the agenda. It also requests that the Board order a reporter to be present to record the conference proceedings should its request for reply comments be denied.

Wien Air Alaska and Alaska Airlines have filed answers that support the Postal Service's request.

We have decided to deny the Postal Service's petition and affirm the action of the staff. Order 81–6–4 reflects the viewpoint of our staff that a conference held at this stage of the proceeding will assist in clarifying the data and serve as the possible mechanism for reaching agreement on the more significant issues. While we appreciate the desire of the Postal Service for an additional comment period, as discussed below, we do not believe that this is a sufficiently strong reason for interfering with the staff's judgment in deciding to convene at this time.

We must weigh the consequences of waiting for replies versus going ahead with the conference without replies. The risk of waiting for replies is that if the desired position statements are not forthcoming, the progress of the case will have been delayed without achieving any benefits in the process. This does not seem to be a desirable risk given the general lack of interest in the original comment period, which drew complete sets of comments from only Wien and the Postal Service. On the other hand, the only consequences of holding a conference now are that it will have to begin without the benefit of complete statements of position from each party on each issue. Nevertheless, as the staff's order points out, this problem can be handled at the conference by simply having the parties state their positions. Recording the conference, as the Postal Service requests, should be very helpful in this respect and we will direct the staff to arrange for the presence of a reporter.

Accordingly,

1. We deny the petition of the Postal Service for reconsideration of Order 81–6–4;

2. We direct the staff to arrange for a reporter at the conference of June 17, 1981; and

3. We will serve a copy of this order on Alaska Airlines, Alaska International Air, Kodiak-Western Alaska Airlines, Munz Northern Airlines, Reeve Aleutian Airways, Peninsula Airways, Sea Airmotive, Wein Air Alaska and the Postmaster General.

This order will be published in the **Federal Register**.

By the Civil Aeronautics Board:

Phyllis T. Kaylor,[2]

Secretary.

[FR Doc. 18131 Filed 6–17–81, 8:45 am]

BILLING CODE 6320–01–M

DEPARTMENT OF COMMERCE

International Trade Administration

[Order No. 41–4 (Amendment 1)]

Assistant Secretary for Trade Administration; Organization and Function Order

Effective Date: May 22, 1981.

This order amends ITA Organization and Function Order 41–4 of August 26, 1980 (45 FR 65003), as follows:

Part V, Section 2.06 is renumbered as Section 2.07.

A new Part V, Section 2.06 is added to read:

.06 In addition to the above delegations, any Director of a District Office of the U.S. Commercial Service, upon request by the Compliance Division of the Office of Export Administration and in connection with any proceeding necessary or appropriate to the enforcement of the delegated authority, is authorized, with the power of successive redelegation, to require any person to permit the inspection of books, records, and other writings, premises, or property; to serve subpoenas requiring any person to appear and testify or appear and produce books, records and other writings, or both, to any designated place; to administer oaths and affirmations for the purpose of procuring or receiving from any person sworn statements or other sworn testimony; and to take the sworn testimony of any person.

[2] All Members concurred.

Approved:

Lionel H. Olmer,

Under Secretary for International Trade.

B. W. Partridge,

Acting Assistant Secretary for Trade Administration.

William V. Skidmore,

Acting Deputy Assistant Secretary for Export Adminstration.

[FR Doc. 81–18120 Filed 6–17–81, 8:45 am]

BILLING CODE 3510–25–M

National Bureau of Standards

Operational Specifications for Fixed Block Rotating Mass Storage Subsystems; Proposed Federal Information Processing Standard

Under the provisions of Pub. L. 89–306 (79 Stat. 1127; 40 U.S.C. 759(f)) and Executive Order 11717 (38 FR 12315, dated May 11, 1973), the Secretary of Commerce (Secretary) is authorized to establish uniform automatic data processing standards. A single standard is proposed for Federal use which encompasses two distinct classes of fixed block rotating mass storage subsystems. One of these classes provides only for a block size of 512 bytes, while the other is user formattable to any block size from 32 to 65,536 bits.

This standard for fixed block rotating mass storage subsystems will be used with four existing Federal Information Processing Standards (FIPS). On February 16, 1979, notice was given in the **Federal Register** (44 FR 10098–10101) announcing that the Secretary had approved three input/output (I/O) Federal Information Processing Standards (FIPS): (1) I/O Channel Interface, (2) Channel Level Power Control Interface, and (3) Operational Specifications for Magnetic Tape Subsystems, designated Federal Information Processing Standards Publication (FIPS PUB) 60 (which has been redesignated 60–1), FIPS PUB 61, and FIPS PUB 62, respectively. On August 27, 1979, notice was given in the **Federal Register** (44 FR 50078–50079) announcing that the Secretary had approved a forth I/O channel level interface standard, Operational Specifications for Rotating Mass Storage Subsystems, designated FIPS PUB 63.

These standards were the subject of corrections and revisions announced in the **Federal Register** on August 27, 1979 (44 FR 50079–50080), August 31, 1979 (44

FR 51294) and on December 3, 1979 (44 FR 69317).

These standards were also the subject of a notice in the **Federal Register** on April 30, 1980 (45 FR 28789–28792) in which the National Bureau of Standards (NBS) announced that it was considering a related operational standard for Fixed Block Rotating Mass Storage Subsystems.

A notice published in the **Federal Register** on December 22, 1980 (45 FR 84115) announced the availability of a preliminary draft Operational Specifications for Fixed Block Rotating Mass Storage Subsystems for informal technical review. That review has been completed and a revised Operational Specifications for Fixed Block Rotating Mass Storage Subsystems has been prepared. This notice now proposes to issue a Federal Information Processing Standard, Operational Specifications for Fixed Block Rotating Mass Storage Subsystems.

Prior to submission of this proposed standard to the Secretary for approval as a Federal Information Processing Standard, it is essential to assure that proper consideration is given to the needs and views of the public, State and local governments, and manufacturers. It is appropriate at this time to solicit such views.

The proposed Federal Information Processing Standard may be considered an alternative to FIPS 63, Operational Specifications for Rotating Mass Storage Subsystems; that is, it may be used in lieu of FIPS 63 where the use of FIPS 63 would otherwise be required.

The proposed Federal Information Processing Standard contains two basic sections: (1) An announcement section which provides information concerning the applicability and implementation of the standard, and (2) a specification section which defines the technical parameters of the standard. Only the announcement section is provided in this notice.

Interested parties may obtain a copy of the specifications section of this standard from the Director, Institute for Computer Sciences and Technology, National Bureau of Standard, ATTN: FBRMS, Washington, D.C. 20234.

Written comments on this proposed standard should be submitted to the Director, Institute for Computer Sciences and Technology at the above address. Comments to be considered must be received on or before September 16, 1981.

Persons desiring further information about this standard may contact Mr. William E. Burr, System Components Division, Center for Computer Systems Engineering, Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C. 20234, (301) 921–3723.

Dated: June 12, 1981

Ernest Ambler,

Director.

Federal Information Processing Standards Publication——

(Date)——

Announcing the Standard for Operational Specifications for Fixed Block Rotating Mass Storage Subsystems

Federal Information Processing Standards Publications are issued by the National Bureau of Standards pursuant to section 111(f)(2) of the Federal Property and Administrative Services Act of 1949, as amended, Public Law 89–306 (79 Stat. 1127), Executive Order 11717 (38 FR 12315, dated May 11, 1973) and Part 6 of Title 15 Code of Federal Regulations (CFR).

Name of Standard. Operational Specifications for Fixed Block Rotating Mass Storage Subsystems (FIPS PUB ——).

Category of Standard. Hardware Standard, Interface.

Explanation. This standard defines the peripheral device dependent operational interface specifications for connecting fixed block rotating mass storage equipment as a part of automatic data processing (ADP) systems. It is to be used together with FIPS PUB 60–1, I/O Channel Interface, and FIPS PUB 61, Channel Level Power Control Interface. This standard, together with these two referenced standards provides for full plug-to-plug interchangeability of fixed block rotating mass storage equipment as a part of ADP systems. FIPS PUB 63, Operational Specifications for Rotating Mass Storage Subsystems, provides, together with FIPS PUB 60–1 and FIPS PUB 61 for plug-to-plug interchangeability of variable block rotating mass storage equipment as a part of ADP systems. This standard may be applied in lieu of FIPS PUB 63, whenever FIPS PUB 63 would otherwise be required, at the discretion of procuring agencies.

The Government's intent in employing this standard for Fixed Block Operational Specifications for Rotating Mass Storage Subsystems is to reduce the cost of satisfying its data processing requirements through increasing its available alternative sources of supply for computer systems components at the time of initial system acquisition, as well as in system augmentation and in system component replacement. This standard is also expected to lead to improved reutilization of system components.

When acquiring ADP systems and system components, Federal agencies shall cite this standard in specifying the interface for connecting fixed block rotating mass storage peripheral equipment as a part of ADP systems.

Approving Authority. Secretary of Commerce.

Maintenance Agency. Department of Commerce, National Bureau of Standards (Institute for Computer Sciences and Technology).

Cross Index. Not applicable.

Applicability. Either this standard or FIPS PUB 63, or both, is applicable to the acquisition of rotating mass storage equipment whenever the use of Federal Information Processing Standard I/O Channel Interface (NBS FIPS PUB 60–1) is required.

Verification of the correct operation of all interfaces that are required to conform to this standard shall, through demonstration or other means acceptable to the Government, be provided prior to the acceptance of all applicable ADP equipment.

Specifications. This standard incorporates by reference the technical specifications of the following NBS document: Operational Specifications for Fixed Block Rotating Mass Storage Subsystems, Rev. 2.

Implementation. The provisions of this standard are effective January 1, 1982.

All applicable equipment ordered on or after the effective date, or procurement actions for which solicitation documents have not been issued by that date, must conform to the provisions of this standard or FIPS PUB 63 unless a waiver has been granted in accordance with the procedure described elsewhere in this publication.

This standard shall be reviewed by NBS within three years after its effective date, taking into account technological trends and other factors, to determine whether the standard should be affirmed, revised, or withdrawn.

Waivers. Heads of agencies desiring a waiver from the requirements stated in this publication, so as to acquire ADP equipment that does not conform to this standard, shall submit a request for such a waiver to the Secretary of Commerce for review and approval. Approval will be granted if, in the judgment of the Secretary based on all available information, including that provided in the waiver request, a major adverse economic or operational impact would occur through conformance with this standard.

A request for waiver shall include: (1) a description of the existing or planned ADP system for which the waiver is being requested, (2) a description of the system configuration, identifying those items for which the waiver is being requested, and including a description of planned expansion of the system configuration at any time during its life cycle, and (3) a justification for the waiver, including a description and discussion of the major adverse economic or operational impact that would result through conformance to this standard as compared to the alternative for which the waiver is requested.

The request for waiver shall be submitted to the Secretary of Commerce, Washington, D.C. 20230, and labeled as a Request for Waiver to a Federal Information Processing Standard. Waiver requests will normally be processed within 45 days of receipt by the Secretary. No action shall be taken to issue solicitation documents or to order equipment for which this standard is applicable and which does not conform to this standard prior to receipt of a waiver approval response from the Secretary.

Where to Obtain Copies. Either paper or microfiche copies of this Federal Information Processing Standard, including the technical specifications, may be purchased from the National Technical Information Service

(NTIS) by ordering Federal Information Processing Standard Publication —— (NBS-FIPS-PUB——), Operational Specifications for Fixed Block Rotating Mass Storage Subsystems. Ordering information, including prices and delivery alternatives, may be obtained by contacting the National Technical Information Service (NTIS), U.S. Department of Commerce, Springfield, Virginia 22161, telephone: (703) 557–4650.

[FR Doc. 81-18082 Filed 6-17-81; 8:45 am]

BILLING CODE 3510-13-M

Proposed Revision to Federal Information Processing Standard, Character Sets for Optical Character Recognition (OCR)

Under the provisions of Pub. L. 89–306 (79 Stat. 1127; 40 U.S.C. 759(f)) and Executive Order 11717 (38 FR 12315, dated May 11, 1973), the Secretary of Commerce (Secretary) is authorized to establish uniform Federal Automatic Data Processing standards. A revision to the Federal Information Processing Standards Publication (FIPS PUB) 32, Optical Character Recognition Character Sets, is being proposed for Federal use. It is based on the Federal adoption of three voluntary industry standards as they were developed and approved by the American National Standards Institute.

Prior to the submission of this proposal to the Secretary for review and approval, it is essential to assure that consideration is given to the views of manufacturers, the public, and State and local governments. The purpose of this notice is to solicit such views.

FIPS 32, specifying the shapes of characters to be recognized by automated techniques, is being revised to bring it up-to-date and in conformance with recent changes made in corresponding American National Standards (ANS X3.2–1970 (R1970), BSR X3.17–1981, and X3.49–1975), and to include the reading of characters printed in magnetic ink by optical means. The optical character recognition sets have been revised by including 11 special characters in OCR–A and the inclusion of three monetary shapes and deletion of four punctuation characters in OCR–B.

The proposed revised Federal Information Processing Standard contains two sections: (1) an announcement section, which provides information concerning the applicability, implementation, and maintenance of the standard and (2) a specifications section, which deals with the technical requirements of the standard. Only the announcement section of the proposal is provided in this notice.

Interested parties may obtain a copy of the technical specifications from and submit comments in writing to the Standards Administration Office, Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C. 20234. To be considered, comments on this proposed standard must be received on or before September 16, 1981.

Written comments received in response to this notice plus written comments obtained from Federal departments and independent agencies will be made part of the public record and will be made available for inspection and copying in the Central Reference and Records Inspection Facility, Room 5317, Main Commerce Building, 14th Street between Constitution Avenue and E Street, N.W., Washington, D.C. 20230.

Persons desiring further information about this standard or the proposed revisions as set out herein may contact Mr. Thomas C. Bagg, System Components Division, Center for Computer Systems Engineering, Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C. 20234, (301) 921–3723.

Dated: June 12, 1981.

Ernest Ambler,

Director.

Federal Information Processing Standards Publication 32–1

(Date)

Announcing the Standard for Character Sets for Optical Character Recognition (OCR)

Federal Information Processing Standards Publications are issued by the National Bureau of Standards pursuant to section 111(f)(2) of the Federal Property and Administrative Services Act of 1949, as amended, Public Law 89–306 (79 Stat. 1127), Executive Order 11717 (38 FR 12315, dated May 11, 1973) and Part 6 of Title 15 Code of Federal Regulations (CFR).

Name of Standard. Character Sets for Optical Character Recognition (OCR) (FIPS PUB 32–1).

Category of Standard. Hardware Standard, Character Recognition.

Explanation. This standard prescribes standard sets of printed graphic shapes and sizes to be used in Optical Character Recognition (OCR) systems employed by Federal agencies.

Approving Authority. Secretary of Commerce.

Maintenance Agency. U.S. Department of Commerce, National Bureau of Standards (Institute for Computer Sciences and Technology).

Cross Index. Standards required to implement this FIPS PUB:

a. ANS X3.2–1970(R1976), *American National Standard for Print Specifications for Magnetic Ink Character Recognition (MICR E–13B).*

b. ANS BSR X3.17–1981, *American National Standard for Character Set for Optical Character Recognition (OCR–A).*

c. ANS X3.49–1975, *American National Standard Character Set for Optical Character Recognition (OCR–B).*

Related Documents. a. Federal Information Processing Standards Publication (FIPS PUB)—,[1] *Optical Character Recognition (OCR) Character Positioning.*

b. Federal Information Processing Standards Publication (FIPS PUB) 85, *Optical Character Recognition (OCR) Inks.*

c. Federal Information Processing Standards Publication (FIPS PUB) 40, *Guideline for Optical Character Recognition Forms.*

d. Federal Information Processing Standards Publication (FIPS PUB) 1–1, *Code for Information Interchange.*

e. Federal Information Processing Standards Publication (FIPS PUB) 15, *Subsets of the Standard Code for Information Interchange.*

f. American National Standard BSR X3.93M–1981, *American National Standard for Optical Character Recognition (OCR) Character Positioning.*

g. ANS X3.86–1980, *American National Standard for Optical Character Recognition (OCR) Inks.*

h. ANS X3.4–1977, *American National Standard for Code for Information Interchange (ASCII).*

Applicability. This standard is applicable to Optical Character Recognition (OCR) systems utilizing any part or all of the character sets contained herein when used in data entry systems. However, when data or information is being prepared using OCR techniques for the purposes of the interchanging information, the appropriate graphic or control characters of FIPS PUB 1–1, *Code for Information Interchange,* or an appropriate subset as defined in FIPS PUB 15, *Subsets of the Standard Code for Information Interchange,* shall be used for such interchange.

Specifications. This standard specifies the shapes and sizes of printed characters designed to be automatically recognized by optical means. These characters are contained in three sets, designated as OCR–A, OCR–B, and MICR Read Optically. MICR E–13B is intended for automated recognition by magnetic means. Optical recognition techniques applied to E–13B characters under certain conditions can achieve higher recognition rates and can tolerate greater character skew. The number of characters to be employed and the sets from which they are selected shall be determined by the requirements of each application.

This standard adopts in whole, or that part indicated, ANS proposed BSR X3.17–1981, *Character Set for Optical Character Recognition (OCR–A),* ANS X3.49–1975, *Character Set for Optical Character Recognition (OCR–B)* (with the additional requirements as explained in the Applicability section), and ANS X3.2–1970 (R1976), *Print Specifications for Magnetic Ink Character Recognition (MICR)* (except Sections 5, 11, the Appendix, and related illustrations of X3.2–1970 (R1976)) by

[1] Since this FIPS PUB is in process, a number has not yet been assigned.

incorporating them into this standard by reference.

In addition, the following specifications apply to MICR Read Optically:

1. Character Skew—The maximum allowable character skew for MICR E-13B read optically is ±3.0 degrees, measured from a line which is perpendicular to the average bottom edge of characters, excluding special symbols 3 and 4. Note that the American National Standard X3.2-1970 (R1976), *Print Specifications for Magnetic Ink Characters*, limits the maximum character skew to ±1.5 degrees for magnetic ink character recognition applications (see Figure 18 of X3.2-1970 (R1976)). This difference is applicable only to optical character recognition of characters which are rejected by magnetic ink recognition devices.

2. Relationship to the American Standard Code for Information Interchange (ASCII) Code Table—The encoding of the MICR numerals and their placement is in accordance with the ASCII Code Table. The placement of these and of the four special symbols is shown in Table 1.

Qualifications. A family of related standards is requied in order to describe the full set of character shapes, sizes, and performance characteristics necessary for a complete operational OCR system. This standard is a member of such a family. Other standards in the family cover OCR Forms, OCR Inks, OCR Character Positioning, and OCR Print Quality (see Related Documents section).

Special Information. This Federal Information Processing Standards Publication (FIPS PUB) 32-1, Character Sets for Optical Character Recognition (OCR), is issued to reflect revisions in the two American National Standards for OCR upon which it is based, and to include a MICR character set to meet unique needs of certain Federal agencies which process large volumes of MICR encoded financial documents.

Specific differences between the original FIPS PUB 32 and this revision are:

a. The inclusion of graphic shapes for 11 special character of OCR-A, which extends the character set to accommodate the full code table of the ASCII (American Standard Code for Information Interchange), as provided in FIPS PUB 1-1 which adopts American National Standard X3.4-1977 except for two diacritic marks and the underline which are not used in OCR-A systems as stand-alone symbols.

b. The addition of three monetary shapes and the deletion of four punctuation characters of OCR-B, as reflected in American National Standard X3.49-1975.

c. The inclusion of a special character set, E-13-B MICR (read optically), based on the specifications of American National Standard X3.2-1970 (R1976). This is a special set normally used in conjunction with MICR installations.

Implementation. The earlier version of this standard (FIPS PUB 32) became effective on December 1, 1974. This revised version becomes effective on the date of the announcement of its approval, by the Secretary of Commerce, in the Federal Register.

All applicable equipment or services ordered on or after the date of this FIPS PUB must be in conformance with this standard unless a waiver has been obtained in accordance with the procedure described below.

Exceptions to this standard are made in the following cases:

a. For equipment installed or on order prior to the effective date of this standard.

b. Where procecurement actions are in the solicitation phase (i.e., Requests for Proposals or Invitations for Bids have been issued) prior to the effective date of this standard.

Waivers. Heads of agencies may waive the provisions of the implementation schedule. Proposed waivers relating to procurement of non-conforming equipment or the use of non-conforming character sets will be coordinated in advance with the National Bureau of Standards. Letters should be addressed to the Standards Administration Office, Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C. 20234. They should describe the nature of the waiver and set forth the reasons therefor.

Sixty days should be allowed for review and response by the National Bureau of Standards. The waiver is not to be effective until a reply is received from the National Bureau of Standards; however, the final decision for the granting of a waiver is a responsibility of the agency head.

Where to Obtain Copies. Either paper or microfiche copies of this Federal Information Processing Standard, including the technical specifications, may be purchased from the National Technical Information Service by ordering Federal Information Processing Standard 32-1 (NBS-FIPS-PUB-32-1), Character Sets for Optical Character Recognition (OCR). (Sale of the included technical specifications document is by arrangment with the American National Standards Institute.) Ordering information, including prices and delivery alternatives, may be obtained by contacting the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22161, telephone: 703-557-4650.

BILLING CODE 3510-13-M

b_7	0	0	0	0	1	1	1	1
b_6	0	0	1	1	0	0	1	1
b_5	0	1	0	1	0	1	0	1
	0	1	2	3	4	5	6	7

b_4	b_3	b_2	b_1								
0	0	0	0	0				0			
0	0	0	1	1				1			
0	0	1	0	2				2			
0	0	1	1	3				3			
0	1	0	0	4				4			
0	1	0	1	5				5			
0	1	1	0	6				6			
0	1	1	1	7				7			
1	0	0	0	8				8			
1	0	0	1	9				9			
1	0	1	0	10				:			
1	0	1	1	11				;			
1	1	0	0	12				<			
1	1	0	1	13				=			
1	1	1	0	14							
1	1	1	1	15							

Table 1

[FR Doc. 81-18083 Filed 6-17-81; 8:45 am]
BILLING CODE 3510-13-C

National Technical Information Service

Intent To Grant Limited Exclusive Patent License

The National Technical Information Service (NTIS), U.S. Department of Commerce, intends to grant to Bio-Rad Laboratories a limited exclusive right in the United States and certain Foreign countries to manufacture, use and sell products embodied in the invention, "Silver Stains for Protein in Gels."

The invention is protected by U.S. Patent Application No. 240,577 (dated March 4, 1981). Copies of the application may be purchased from NTIS, Springfield, VA 22161 at five dollars per copy. The patent rights in this invention have been assigned to the United States of America, as represented by the Secretary of Health and Human Services. Custody of the right to license this invention has been transferred to the Secretary of Commerce.

The availability of this invention for licensing was announced in the **Federal Register** (46 FR 25500, May 7, 1981) and in *Government Inventions for Licensing* (May 26, 1981). To date, these and other promotional efforts have not resulted in any applications for nonexclusive licenses under this patent application. The proposed limited exclusive license will be royalty-bearing and will expire five years from the date of first commercial sale. The terms and conditions of the license will comply with 35 U.S.C. 209 (Pub. L. 96-517) and 41 CFR 101-4.1.

The proposed license may be granted unless, within sixty days from the date of publication of this Notice, NTIS receives (1) an application for a nonexclusive license from a responsible applicant intending to practice the invention in the United States and NTIS determines that such applicant is likely to bring the invention to the point of practical application within a reasonable period of time; or (2) written evidence and argument which establishes that the grant of the proposed limited exclusive license would not serve the public interest.

Inquiries, comments and other materials relating to the proposed limited exclusive license must be submitted to the Office of Government Inventions and Patents, NTIS, Springfield, VA 22161. NTIS will maintain and make available for public inspection a file containing all inquiries, comments and other written materials received in response to this Notice and a record of all decisions made in this matter (including the basis therefor).

Dated: June 9, 1981.

Douglas J. Campion,

Liaison Officer.

[FR Doc. 81-18121 Filed 6-17-81; 8:45 am]

BILLING CODE 3510-04-M

Office of the Secretary

Travel Advisory Board; Reestablishment

In accordance with the provisions of the Federal Advisory Committee Act (5 U.S.C. App. (1976) and the Office of Management and Budget Circular A-63 (revised), and after consultation with the General Services Administration, it has been determined that the reestablishment of the Travel Advisory Board is in the public interest.

The Travel Advisory Board was first established by the Secretary of Commerce on July 18, 1968. Its charter expired on April 12, 1981. The Committee's purpose is to advise the Secretary of Commerce on policies and programs designed to accomplish the purposes of the International Travel Act of 1961, as amended (22 U.S.C. 2121 et seq.), which are to strengthen the domestic and foreign commerce of the United States and promote friendly understanding and appreciation of the United States by encouraging foreign residents to visit the United States and by facilitating international travel generally.

The Travel Advisory Board will have a balanced representation of approximately 15 members appointed by the Secretary who provide industry-wide and consumer expertise.

The Committee will function solely as an advisory body, and in compliance with the provisions of the Federal Advisory Committee Act. Its charter will be filed under the Act, on July 6, 1981.

Interested persons are invited to submit comments regarding the reestablishment of the Travel Advisory Board. Such comments as well as any inquiries, may be addressed to the Committee Control Officer, Ms. Sue Barbour, Office of the Assistant Secretary of Commerce for Tourism, Room 1858, U.S. Department of Commerce, Washington, D.C. 20230, telephone: (202) 377-4752, or the Department's Committee Management Analyst, Mrs. Yvonne Barnes, U.S. Department of Commerce (202) 377-4217.

Dated: June 12, 1981

Hugh L. Brennan,

Director, Office of Organization and Management Systems.

[FR Doc. 18096 Filed 6-17-81; 8:45 am]

BILLING CODE 3510-17-M

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF Scientific Advisory Board; Meeting

June 8, 1981.

The USAF Scientific Advisory Board Operational Test and Evaluation Advisory Group will hold a meeting at Kirtland Air Force Base, New Mexico on July 21 and 22, 1981. The meeting will convene at 9:00 a.m. with no scheduled adjournment time on July 21, and will convene at 9:00 a.m. and adjourn at 2:00 p.m. on July 22.

The Group will receive classified briefings on AFTEC's OT&E Approach on the Prototype Miniature Air Launched Segment (PMALS) of the Miniature Anti-Satellite System. An additional topic will be the Effects of Dormancy on the Reliability of Systems. The meetings will be closed to the public in accordance with Section 552b(c) of Title 5, United States Code, specifically subparagraph (1) thereof.

For further information contact the Scientific Advisory Board Secretariat at (202) 697-4811.

Carol M. Rose,

Air Force Federal Register Liaison Officer.

[FR Doc. 81-18044 Filed 6-17-81; 8:45 am]

BILLING CODE 3910-01-M

Engineers Corps; Department of the Army

Upper Cumberland River at Barbourville, Knox County, Ky; Intent To Prepare a Draft Environmental Impact Statement for Water Resource Development

AGENCY: U.S. Army Corps of Engineers, Nashville District.

ACTION: Notice of Intent to Prepare a Draft Environmental Impact Statement (DEIS) for Water Resources Development of the Upper Cumberland River at Barbourville, Knox County, Kentucky.

SUMMARY: Section 202 of the Energy and Water Development Appropriation Act of 1981, 1 October 1980, authorized and

directed the Secretary of the Army, acting through the Chief of Engineers, to design and construct flood control measures at and in the vicinity of Pineville, Kentucky, and other flood damaged localities and their environs on the Cumberland River.

Alternative flood control measures to be evaluated in the DEIS are: (1) raise the height of the present levee; (2) a downstream high-flow cutoff; and (3) a combination of these two measures. Associated nonstructural measures will also be addressed.

Alternative 1—The SPF levee system would average 25 feet in height (including freeboard) which is 10 feet higher than the existing levee system. The length of the new levee would be approximately 3.75 miles, compared with the existing length of about 3.40 miles. The upstream limit would be extended to approximately River Mile 636.1, near the City Cemetery and the downstream limit (i.e., along Richland Creek to the vicinity of the Heidrick Suburb) would be extended only as far as required to provide the new topographic "tie-in" at U.S. 25E.

Alternative 2—The downstream high-flow channel cutoff would be located through a bend in the river channel from River Mile 628.5 to 633.4, a distance of 4,300 feet. Normal flows would still utilize the existing channel and only high flows would be diverted through the cutoff. No further improvements to the existing channel are proposed. The cutoff cut width would be between 100–150 feet with expected flood level reductions at Barbourville between 3.5–5.0 feet. The cut dimensions, invert elevation above streambed, flood level reductions, costs, and environmental-social considerations will be optimized in the study. An alternative alignment (in the same general location) is being investigated. Although it would require a much greater cut volume, it may be more socially acceptable due to its relative location to nearby homes. The investigation of this alternate alignment will continue in conjunction with the original alignment, but it is expected that economics would make it the least desirable of the two. The cutoff would offer significant protection to the presently unprotected areas, as well as increasing the level of protection within the protected area. (This alternative alone, however, would not provide SPF protection to the City of Barbourville.)

Alternative 3—A combination of the above measures would provide SPF protection to Barbourville and significant protection to the currently unprotected areas. Under this plan, the height of the SPF levee system would be lowered by the benefit offered by the cutoff flood level reduction.

Scoping Process: The public is invited to submit written comments within 30 days of this notice to aid in determining the issues to be covered in the Draft Environmental Impact Statement (DEIS). Input from concerned Federal, State and local agencies will be solicited by letter. The Corps of Engineers has a biological inventory prepared under contract of the surrounding project area to provide baseline data for the DEIS. The following is a list of significant issues which will be analyzed and addressed in the DEIS:

1. Effects on water quality.
2. Effects on recreation.
3. Social, economic impacts.
4. Effects on cultural resources.
5. Effects on aquatic habitats (including changes in substrate composition, bottom geometry, loss of canopy cover and sedimentation).
6. Effects on benthic and vital plankton populations.
7. Effects on floodplain management.
8. Effects on prime and unique farmlands.
9. Effects on terrestrial habitat.
10. Effects on fish and wildlife.
11. Effects on endangered species.
12. Effects of discharge of fill material below ordinary high water under Section 404 of Clean Water Act of 1977.

Inquiry will be made by the Corps of Engineers of the United States Fish and Wildlife Service (USFWS) concerning the presence of Federally-proposed or listed threatened or endangered species. If the presence of such species is possible, consultation procedures will be initiated in compliance with Section 7 of the Endangered Species Act of 1973 as amended in 1978. Further coordination will be conducted with USFWS and the Kentucky Department of Fish and Wildlife Resources under the Fish and Wildlife Coordination Act (48 Stat. 401 as amended; 15 U.S.C. 661 et seq.) The Soil Conservation Service will be requested to determine the presence of any prime and unique farmland within the proposed project area. Under provisions of Section 5(a) of the Wild and Scenic Rivers Act, coordination with the Heritage Conservation and Recreation Service will be conducted. The Service will identify any river segment having sectional potential for designation as a Wild and Scenic River.

Copies of the DEIS will be transmitted to State and area-wide clearinghouses for comments in accordance with ER 200–2–2 and 33 CFR 209.120(i)(1)(iv). Also in accordance with ER 200–2–2 the draft and final EIS will be filed with the Environmental Protection Agency.

Upon completion of the cultural resources reconnaissance, two copies of the report will be forwarded to the Director, Office of Archeology and Historic Preservation, HCRS, with a request for review and comment in accordance with 33 CFR 305 (ER 1105–2–406). Two copies also will be furnished to the Kentucky State Historic Preservation Officer, State Archeologist, and State Historian for review and comment.

Scoping Meeting: No scoping meeting will be conducted unless comments indicate that one is needed to obtain adequate input from the public and from other agencies. Scoping will be undertaken by mail.

Estimated Completion: The DEIS should be made available to the public in November 1981.

Questions: The District point of contact for questions concerning the proposed action or DEIS is Ms. Vechere M. Vaughn, (615) 251–50.28 or FTS 852–5028. All correspondence should be sent to the following address: U.S. Army Engineer District, Nashville, Environmental Analysis Section, P.O. Box 1070, Nashville TN 37202.

Dated: June 10, 1981.

Lee W. Tucker,

Colonel, Corps of Engineers, Commander.

[FR Doc. 81–18042 Filed 6–17–81; 8:45 am]

BILLING CODE 3710–GF–M

Office of the Secretary

Department of Defense Wage Committee; Closed Meetings

Pursuant to the provisions of section 10 of Pub. L. 92–463, the Federal Advisory Committee Act, effective January 5, 1973, notice is hereby given that a meeting of the Department of Defense Wage Committee will be held on Tuesday, July 7, 1981; Tuesday, July 14, 1981; Tuesday, July 21, 1981; and Tuesday, July 28, 1981 at 10:00 a.m. in Room 3D–321, The Pentagon, Washington, D.C.

The Committee's primary responsibility is to consider and submit recommendations to the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics) concerning all matters involved in the development and authorization of wage schedules for Federal prevailing rate employees pursuant to Pub. L. 92–392. At this meeting, the Committee will consider wage survey specifications, wage survey data, local wage survey committee reports and recommendations, and wage schedules derived therefrom.

Under the provisions of section 10(d) of Pub. L. 92–463, the Federal Advisory Committee Act, meetings may be closed to the public when they are "concerned with matters listed in section 552b. of Title 5, United States Code." Two of the matters so listed are those "related

solely to the internal personnel rules and practices of an agency," (5 U.S.C. 552b. (c)(2)), and those involving "trade secrets and commercial or financial information obtained from a person and privileged or confidential" (5 U.S.C. 552b. (c)(4)).

Accordingly, the Deputy Assistant Secretary of Defense (Civilian Personnel Policy) hereby determines that all portions of the meeting will be closed to the public because the matters considered are related to the internal rules and practices of the Department of Defense (5 U.S.C. 552b. (c)(2)), and the detailed wage data considered by the Committee during its meetings have been obtained from officials of private establishments with a guarantee that the data will be held in confidence (5 U.S.C. 552b. (c)(4)).

However, members of the public who may wish to do so are invited to submit material in writing to the Chairman concerning matters believed to be deserving of the Committee's attention. Additional information concerning this meeting may be obtained by writing the Chairman, Department of Defense Wage Committee, Room 3D–264, The Pentagon, Washington, D.C.

M S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

June 15, 1981.

[FR Doc. 81–18086 Filed 6–17–81 8:45 am]

BILLING CODE 3810–70–M

Department of Defense Wage Committee; Closed Meetings

Pursuant to the provisions of section 10 of Pub. L. 92–463, the Federal Advisory Committee Act, effective January 5, 1973, notice is hereby given that a meeting of the Department of Defense Wage Committee will be held on Tuesday, August 4, 1981; Tuesday, August 11, 1981; Tuesday, August 18, 1981; and Tuesday, August 25, 1981 at 10:00 a.m. in Room 3D–321, The Pentagon, Washington, D.C.

The Committee's primary responsibility is to consider and submit recommendations to the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics) concerning all matters involved in the development and authorization of wage schedules for Federal prevailing rate employees pursuant to Pub. L. 92–392. At this meeting, the Committee will consider wage survey specifications, wage survey data, local wage survey committee reports and recommendations, and wage schedules derived therefrom.

Under the provisions of section 10(d) of Pub. L. 92–463, the Federal Advisory Committee Act, meetings may be closed to the public when they are "concerned with matters listed in section 552b. of Title 5, United States Code." Two of the matters so listed are those "related solely to the internal personnel rules and practices of an agency," (5 U.S.C. 552b. (c)(2)), and those involving "trade secrets and commercial or financial information obtained from a person and privileged or confidential" (5 U.S.C. 552b. (c)(4)).

Accordingly, the Deputy Assistant Secretary of Defense (Civilian Personnel Policy) hereby determines that all portions of the meeting will be closed to the public because the matters considered are related to the internal rules and practices of the Department of Defense (5 U.S.C. 552b. (c)(2)), and the detailed wage data considered by the Committee during its meetings have been obtained from officials of private establishments with a guarantee that the data will be held in confidence (5 U.S.C. 552b. (c)(4)).

However, members of the public who may wish to do so are invited to submit material in writing to the Chairman concerning matters believed to be deserving of the Committee's attention. Additional information concerning this meeting may be obtained by writing the Chairman, Department of Defense Wage Committee, Room 3D–264, The Pentagon, Washington, D.C.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

June 15, 1981.

[FR Doc. 81–18087 Filed 6–17–81 8:45 am]

BILLING CODE 3810–70–M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[Docket No. ERA –FC–80–041; ERA Case No. 51358–9006–22–22]

Imperial Irrigation District, Rockwood Unit No. 2; Decision and Order Granting Exemption From the Prohibitions of the Powerplant and Industrial Fuel Use Act of 1978

The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby issues this Decision and Order to Imperial Irrigation District (IID) granting a permanent peakload exemption from the prohibitions against (1) the use of petroleum or natural gas as a primary energy source by new powerplants and (2) the construction of new powerplants without the capability to use an alternate fuel as a primary energy source, which are contained in section 201 of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.* (FUA or the Act).

Background

On December 10, 1979, IID filed a petition with ERA for a permanent peakload powerplant exemption to enable it to use oil or natural gas as a primary energy source in a 25,000 KW oil or natural gas-fired combustion turbine powerplant to be known as Rockwood Unit No. 2 and which is to be located in Imperial County, California. ERA accepted the petition on December 29, 1980, and published a notice of acceptance, together with a statement of the reasons set forth in the petition for requesting the exemption, in the **Federal Register** on January 5, 1981 (46 FR 1015).

Publication of the notice of acceptance commenced a 45-day public comment period pursuant to section 701 of FUA. During this period, which ended on February 19, 1981, interested parties were also afforded an opportunity to request a public hearing. No comments or requests for a public hearing were received.

ERA's staff reviewed the information contained in the record of the proceeding. A tentative Staff Analysis (TSA) recommended that ERA issue an order granting IID a permanent peakload powerplant exemption to use oil or natural gas in Rockwood Unit No. 2, subject to certain terms and conditions. A notice of availability of the TSA was published in the **Federal Register** on May 8, 1981 (46 FR 25683). The publication of the notice of availability opened a 14-day public comment period which ended May 22, 1981, during which no comments were received.

On the basis of ERA's review of the entire record of this proceeding, ERA has determined to grant the exemption requested by IID to use oil or natural gas in Rockwood Unit No. 2, subject to the terms and conditions enumerated below.

On August 11, 1980, DOE published in the **Federal Register** (45 FR 53199) a notice of proposed amendments to the guidelines for compliance with the National Environmental Policy Act of 1969 (NEPA). Pursuant to the guidelines, the grant or denial of certain FUA permanent exemptions, including the permanent exemption by certification for a peakload powerplant, was identified as an action which normally does not require an Environmental Impact Statement or an Environmental Assessment pursuant to NEPA (categorical exclusion).

This classification raises a rebuttable presumption that the grant or denial of the exemption will not significantly affect the quality of the human environment. IID has certified that it will secure all applicable permits and approvals prior to commencement of operation of the new unit under exemption. The Environmental checklist completed and certified to by IID pursuant to 10 CFR 503.15(b) has been reviewed by DOE's Office of Environment, in consultation with the Office of the General Counsel. IID's responses to the questions contained therein indicate that the operation of the peakload powerplant will have no impact on those areas regulated by specified laws that impose consultation requirements on DOE, and otherwise affirm the applicability of the categorical exclusion to this FUA action. ERA has not received any public comments relating to this action which raise a substantial question regarding the categorical exclusion status in this case. Therefore, no additional environmental review is deemed to be required.

DATE: This order will take effect on August 17, 1981.

ADDRESSES: *For Further Information Contact:*

Jack C. Vandenberg, Office of Public Information, Economic Regulatory Administration, Department of Energy, 2000 M Street, N.W., Room B-110, Washington, D.C. 20461, Phone (202) 653-4055

Louis T. Krezanosky, Office of Fuels Conversion, Economic Regulatory Administration, Department of Energy, 2000 M Street, N.W., Room 3012 B, Washington, D.C. 20461, Phone (202) 653-4208

Christina Simmons, Office of General Counsel, Department of Energy, 1000 Independence Ave., S.W., Room 6B-178, Washington, D.C. 20585, Phone (202) 252-2967

SUPPLEMENTARY INFORMATION: The Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.* (FUA or the Act), prohibits the use of natural gas or petroleum in certain new major fuel burning installations and powerplants unless an exemption for such use has been granted by ERA.

Imperial Irrigation District (IID) plans to install a 25,000 KW natural gas or oil-fired combustion turbine unit to be called Rockwood Unit No. 2 located in Imperial County, California. Based upon estimates by IID, the proposed unit is expected to consume approximately 68,182 barrels of No. 2 fuel oil per year. The unit is scheduled for commercial operation in May 1982.

IID submitted a sworn statement with the petition signed by Mr. R. Ogilvie, Manager, Power Department of IID, as required by 10 CFR 503.41(b)(1). In his statement, Mr. Ogilvie certified that Rockwood Unit No. 2 will be operated solely as a peakload powerplant only to meet peakload demand for the life of the plant. He also certified that the maximum design capacity of the unit is 25,000 KW and that the maximum generation that the unit will be allowed during any 12-month period is the design capacity times 1,500 hours or 37,500,000 Kwh.

Order

ERA hereby grants to IID a permanent exemption from the prohibitions of FUA with respect to the use of oil or natural gas in Rockwood Unit No. 2 provided that the powerplant is operated solely as a peakload powerplant and to meet peakload demand subject to the following terms and conditions imposed pursuant to the authority granted to ERA by Section 214(a) of the Act:

Terms and Conditions

A. IID shall not produce more than 37,500,000 Kwh during any 12-month period with the proposed unit. IID shall provide annual estimates of the expected periods (hours during specific months) of operation of Rockwood Unit No. 2 for peakload purposes (e.g., 8:00-10:00 a.m. and 3:00-6:00 p.m. during the June-September period, etc.). Estimates of the hours during which IID expects to operate Unit No. 2 during the first 12-month period shall be furnished within 30 days from the date of this order.

B. IID shall comply with the reporting requirements set forth in 10 CFR 503.41(d).

C. The quality of any petroleum to be burned in this unit will be the lowest grade available which is technically feasible and capable of being burned consistent with applicable environmental requirements.

D. This order shall take effect on August 17, 1981.

Issued in Washington, D.C. on June 11, 1981.

Robert L. Davies,

Director, Office of Fuels Conservsion, Economic Regulatory Administration.

[FR Doc. 81-16077 Filed 6-17-81; 8:45 am]

BILLING CODE 6450-01-M

Powerplant and Industrial Fuel Use Act Issuance of an Order Granting Temporary Public Interest Exemptions

The Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice that on June 11, 1981, it extended the durations of previously issued orders granting temporary public interest exemptions pursuant to the authorities granted it by section 311(e) of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 et seq. (FUA or the Act) and the implementing regulations (10 CFR 501.68 and 10 CFR Part 508) from the prohibitions of section 301(a)(2) and (3) of the Act to the following powerplants in order to displace high sulfur residual fuel oil:

Docket No.	Petitioner	Generating station	Powerplant identification No.
50781-1822-05-41	City of Detroit Public Lighting Department	Mistersky	5
50781-1822-06-41	do.	do.	6
50791-1822-07-41	do.	do.	7
51006-6246-51-41	Florida Power and Light Company	Putnam	CC 1
51006-6246-52-41	do.	do.	CC 2
51434-0667-01-41	Jacksonville Electric Authority	Northside	1
51434-0667-02-41	do.	do.	2
51434-0667-03-41	do.	do.	3
53146-3809-03-41	Virginia Electric and Power Company	Yorktown	3
51887-3054-01-41	Mississippi Power & Light Company	Gerald Andrus	1

These exemptions would have expired on December 7, 1981, if ERA had not taken this action.

The Order is set forth following this Notice and has been sent by certified mail to the Petitioners.

Petitions were received and filed with ERA, pursuant to 10 CFR Part 508 (Exemptions for Use of Natural Gas by Existing Powerplants Under the Powerplant and Industrial Fuel Use Act of 1978, April 9, 1979, 44 FR 21230) for temporary public interest exemptions for the use of natural gas as a primary energy source. ERA published Orders in the **Federal Register** granting temporary public interest exemptions to Putnam CC 1 & 2, Northside #1, 2 & 3, and Yorktown #3 on October 16, 1980 (45 FR 68714); to Mistersky #5, 6 & 7 on October 17, 1980 (45 FR 69006) and to Gerald Andrus #1 on March 17, 1981 (46 FR 18336).

ERA was informed that none of the above listed powerplants have been able to utilize natural gas pursuant to the granted temporary exemption because there are no natural gas

interconnections at these powerplants. Therefore, ERA issued and published proposed orders extending the duration of these temporary exemptions in the March 19, and March 25, 1981, **Federal Register** (46 FR 17582) and (46 FR 18586). The extended order would cover the period of time necessary to construct the natural gas pipelines interconnection, a payback period, plus an additional 18 months. This presented an opportunity for public comments and for interested persons to request a hearing relating to extending the duration of these exemptions. Two comments were received and there were no requests for a hearing. The Midwest Fuel Oil Council submitted comments specifically related to the City of Detroit's Mistersky Powerplant, stating that extensions of this exemption "will exacerbate the disruptions which already have taken place and will further weaken the viability of the independent refining and marketing sectors of the petroleum industry." The comments do not, however, identify any refinery or broker that would be hurt by the granting of this extension. ERA has contacted Enterprise Oil, the broker supplying Mistersky, and was told that the loss of Mistersky as a customer is not expected to threaten its solvency.

The second comment from Florida Power and Light Company requested that ERA not count pipeline construction as part of the five year exemption's duration and also allow the utility to change its payback period, if necessary. A Special Temporary Public Interest exemption's duration begins when the petition is received at ERA. Therefore, an exception cannot be made to temporarily halt the clock while a utility constructs a pipeline. A utility does have the option of withdrawing the exemption and re-applying at a later date. ERA will consider changing the payback period should this be necessary.

These temporary exemption extensions will allow the above-named units to burn natural gas to displace fuel oil, notwithstanding the prohibitions of section 301(a)(2) and (3) of FUA.

Supplementary Information: On April 9, 1979, ERA issued a final rule implementing the authority granted to DOE by section 311(e) of FUA. This final rule, set forth in 10 CFR Part 508, establishes the policy ERA has adopted in implementing its authority under section 311(e) of FUA. Pursuant to section 311(e) of FUA and 10 CFR Part 508, the above listed petitioners filed for temporary public interest exemptions. The previously issued temporary exemptions allowed the above-listed electric powerplants to use natural gas as a primary energy source in excess of the amounts which are permitted by section 301(a) (2) and (3) of FUA until December 7, 1981, with a provision for extension at the discretion of ERA. The natural gas use permitted by these temporary exemptions is displacing high sulfur residual fuel.

Without this extension, the issued Order will have no practical effect in promoting ERA's policy set forth in 10 CFR Part 508 (Exemption for Use of Natural Gas by Existing Powerplants Under the Powerplant and Industrial Fuel Use Act of 1978, April 9, 1979, 44 FR 21230, hereafter referred to as the Special Rule). In the Special Rule, ERA determined that to the extent that the near-term choice for certain existing powerplants is limited to petroleum or natural gas, generally the use of natural gas is preferred. The increased use of natural gas helps to reduce the Nation's short-term oil consumption and the demand for imported oil. This decreased consumption of imported oil helps the Nation's balance of payments and domestic inflation rate.

There are presently surplus quantities of natural gas available for short-term contracts to displace fuel oil. The general natural gas supply and demand picture also looks more encouraging for the near future than it has in the recent past. ERA believes this additional displacement of fuel oil will have minimal impact on refineries serving the regions wherein these powerplants are located.

To the extent that increased use of natural gas will accomplish these goals, it will reduce the importation of petroleum and further the goal of national energy self-sufficiency. This is in keeping with purposes of FUA and is in the public interest.

Since the increased use of natural gas for oil displacement is in keeping with the purposes of FUA and is in the public interest, and since ERA has determined that surplus gas is available and the use of gas in these units will have minimal impact on refineries, ERA has extended the durations of these exemptions as cited in the Decision and Order.

ERA's grant of these temporary public interest exemptions does not relieve an existing powerplant from compliance with any rules or regulations concerning the acquisition or the distribution of natural gas that are administered by the Federal Energy Regulatory Commission or any State regulatory agency or from any obligations the utility may have to its customers.

Any questions regarding these temporary exemptions should be directed to Mr. James W. Workman, Director, Powerplants Conversion Division, Office of Fuels Conversion, Economic Regulatory Administration, Department of Energy, Room 3112, 2000 M Street, N.W., Washington, D.C. 20461, (202) 653–4268.

Decision and Order

The Economic Regulatory Administration (ERA) of the Department of Energy hereby issues this Decision and Order extending the duration of previously issued temporary public interest exemptions from the prohibitions of section 301(a) (2) and (3) of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. § 8301 et seq. (FUA or the Act), pursuant to section 311(e) of FUA, and the implementing regulations (10 CFR 501.68 and 10 CFR Part 508) to the following powerplants to the dates as noted:

Docket No.	Petitioner	Generating station	Powerplant identification No.	As extended
50781-1822-05-41	City of Detroit Public Lighting Department	Mistersky	5	Oct. 1983
50781-1822-06-41	do	do	6	Do.
50781-1822-07-41	do	do	7	Do.
51006-6246-51-41	Florida Power and Light Company	Putnam	CC 1	June 1984
51006-6246-52-41	do	do	CC 2	Do
51434-0667-01-41	Jacksonville Electric Authority	Northside	1	Feb 1985 [1]
51434-0667-02-41	do	do	2	Do.
51434-0667-03-41	do	do	3	Do.
55146-3809-03-41	Virginia Electric and Power Company	Yorktown	3	Mar 1984.
51887-8054-01-41	Mississippi Power & Light Company	Gerald Andrus	1	Dec 1983

[1] Maximum date without exceeding five-year statutory limitation

Duration of Temporary Exemptions

ERA extends the duration of these temporary public interest exemptions as cited in the Decision and Order; however, the temporary exemptions are subject to termination upon six months written notice, if ERA determines such termination to be in the public interest. With the exception of Jacksonville's Northside units, all the exemptions may be extended further at some future time to the full five years permitted by the statute.

Effective Date of Decision and Order

This Decision and Order shall become effective on August 17, 1981 in accordance with section 702(a) of FUA.

Terms and Conditions

Pursuant to the authority of section 314 of FUA and 10 CFR 508.6, the temporary exemptions extended under this Decision and Order are conditioned upon, and shall remain in effect so long as each petitioner, its successors and assigns, complies with the following terms and conditions:

(1) Petitioners will report to ERA for each six-month period during which the exemption is in effect the acutal monthly volumes of natural gas consumed in each exempted powerplant, and an estimate of the number of barrels of each type of fuel oil displaced.

(2) Petitioners, with the exception of Mississippi Power & Light Company (MP&L), will submit annually to ERA, commencing with the calendar year ending December 31, 1981, a report on progress achieved in implementing the pertinent fuel conservation plan. The progress report for MP&L will be due December 31, 1982.

ERA's grant of extensions to these temporary public interest exemptions does not relieve an existing powerplant from compliance with any rules or regulations concerning the acquisition or the distribution of natural gas that are administered by the Federal Energy Regulatory Commission or any State regulatory agency or from any obligations the utility may have to its customers.

Issued in Washington, D.C. on June 11, 1981.

Robert L. Davies,

Director, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 81-18078 Filed 6-17-81; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ERA-FC-80-035; ERA Case No. 52721-6135-1 through 20-22]

Southern California Edison Co., Lucerne Valley Project; Decision and Order Granting Exemption From the Prohibitions of the Powerplant and Industrial Fuel Use Act of 1978

The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby issues this Decision and Order to Southern California Edison Company (Edison) granting twenty permanent peakload exemptions from the prohibitions against (1) the use of petroleum as a primary energy source by new powerplants and (2) the construction of new powerplants without the capability to use an alternate fuel as a primary energy source, which are contained in section 201 of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.* (FUA or the Act).

Background

On April 29, 1980, Edison filed twenty petitions with ERA for twenty permanent peakload powerplant exemptions to enable it to use oil as a primary energy source in twenty 64,500 kilowatt oil-fired simple cycle combustion turbine powerplants to be known as Units CT-1 through CT-20 (Units) and located at its Lucerne Valley Project.

ERA required the submission of additional information which was subsequently received from Edison on September 25, 1980. ERA accepted the petition on November 12, 1980, and published notice of its acceptance in the **Federal Register** on November 19, 1980 (45 FR 76513). Publication of the notice of acceptance commenced a 45-day public comment period pursuant to section 701 of FUA. Interested persons were also afforded an opportunity to request a public hearing. The comment period ended January 5, 1981. No comments or requests for a public hearing were received.

ERA's staff reviewed the information contained in the record of the proceeding. A Tentative Staff Analysis (TSA) was prepared which recommended that ERA issue an order granting Edison twenty permanent peakload powerplant exemptions to use oil in the Units subject to certain terms and conditions. A notice of availability of the TSA was published in the **Federal Register** on April 29, 1981 (46 FR 23971). The publication of the notice of availability opened a 14-day public comment period which ended May 13, 1981, during which no comments were received.

On the basis of ERA's review of the entire record of this proceeding, ERA has determined to grant the exemptions requested by Edison to use oil in the Units subject to the terms and conditions enumerated below.

Section 763(3) of the FUA provides that the grant or denial of an exemption is not a major Federal action for purposes of section 102(2)(C) of the National Environmental Policy Act of 1969 (NEPA) where "* * * the Secretary finds, in consultation with the appropriate Federal agency, and publishes such finding that an environmental impact statement is required in connection with another Federal action and such statement will be prepared by such agency and will reflect the exemption adequately."

DOE's Office of Environment has determined, after consultion with the Bureau of Land Management of the U.S. Department of Interior (BLM), that an environmental impact statement (EIS) is required to analyze the cumulative effect of operating twenty peakload units, as well as impacts from the construction of transmission lines and water and fuel pipelines.

In order to determine the environmental soundness of the Lucerne Valley Project, BLM will supervise the preparation of an EIS for the Lucerne Valley Project in cooperation with DOE in accordance with section 1501.5 of the Council on Environmental Quality Regulations which provides for agency cooperation in the NEPA process. BLM has agreed to act as lead agency and prepare the EIS in a manner which adequately reflects the petitioner's requested peakload powerplant exemptions. Accordingly, under the authority of Section 763(3), ERA's decision on Edison's petition is not a major Federal action for purposes of NEPA and a separate EIS is not required to be prepared by DOE.

DATES: This order will take effect on August 17, 1981.

ADDRESSES: For further information contact:

Jack C. Vandenberg, Office of Public Information, Economic Regulatory Administration, Department of Energy, 2000 M Street NW., Room B-110, Washington, D.C. 20461, Phone (202) 653-4055

Louis T. Krezanosky, Office of Fuels Conversion, Economic Regulatory Administration, Department of Energy, 2000 M Street NW., Room 3012 B, Washington, D.C. 20461, Phone (202) 653-4208

Henry K. Garson, Office of the General Counsel, Department of Energy, 1000 Independence Avenue SW., Room 6B-178, Washington, D.C. 20585, Phone (202) 252-2967.

SUPPLEMENTARY INFORMATION: Title II of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.* (FUA or the Act), prohibits the use of natural gas or petroleum in certain new powerplants unless an exemption for such use has been granted by ERA. Final rules applicable to new facilities issued by ERA on May 30, 1980, were published in the **Federal Register** on June 6, 1980 (45 FR 38276) and became effective August 5, 1980.

Southern California Edison Company (Edison) plans to install twenty 64,500 KW distillate oil-fired simple cycle

combustion turbine units at its Lucerne Valley Project (Units CT-1 through CT-20). Six of these units are scheduled for commercial operation in June 1985, six in 1986, and eight in 1987. Based upon estimates by Edison, each proposed unit is expected to consume the energy equivalent of approximately 176,000 barrels of distillate fuel oil per year (482 bbl/day).

Edison submitted a sworn statement with the petition signed by Mr. A. Arenal, Vice President of Southern California Edison Company, as required by 10 CFR 503.41(b)(1). In his statement, Mr. Arenal certified that Units CT-1 through CT-20 will be operated solely as peakload powerplants and will be operated only to meet peakload demand for the life of each unit. He also certified that the maximum design capacity of each unit is 64,500 KW and that the maximum generation that each unit will be allowed during any 12-month period is the design capacity times 1,500 hours or 96,750,000 Kwh.

Order

ERA hereby grants to Edison twenty permanent peakload exemptions from the prohibitions of FUA with respect to the use of oil in Units CT-1 through CT-20 at its Lucerne Valley Project, provided that each powerplant is operated solely as a peakload powerplant and to meet peakload demand subject to the following terms and conditions stated below:

Terms and Conditions

A. Edison shall not produce more than 96,750,000 Kwh during any 12-month period with each unit. Edison shall provide annual estimates of the expected periods (hours during specific months) of operation of Units CT-1 through CT-20 for peakload purposes (e.g., 8:00-10:00 am and 3:00-6:00 pm during the June-September period, etc.). Estimates of the hours in which Edison expects to operate Units CT-1 through CT-20 during the first 12-month period shall be furnished within 30 days from the date of this order.

B. Edison shall comply with the reporting requirements set forth at 10 CFR 503.41(d).

C. The quality of any petroleum to be burned in each unit will be the lowest grade available which is technically feasible and capable of being burned consistent with applicable environmental requirements.

D. Edison shall comply with any terms and conditions which may be imposed pursuant to the environmental requirements set forth at 10 CFR 503.15(b).

Issued in Washington, D.C. on June 11, 1981.

Robert L. Davies,

Director, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 81-18078 Filed 6-17-81; 8:45 am]
BILLING CODE 6450-01-M

Montana Dakota Utilities Co. et al; Receipt of Petitions for Temporary Public Interest Exemptions for Use of Natural Gas by Existing Powerplants Under the Powerplant and Industrial Fuel Use Act of 1978 and Proposed Order Granting Special Temporary Public Interest Exemptions

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of petitions for and proposed order granting special temporary public interest exemptions.

SUMMARY: A number of petitions have been received and filed with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) for temporary public interest exemptions for the use of natural gas as a primary energy source. Such exemptions are authorized by section 311(e) of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 et seq. (FUA or the Act). The owners/operators of the powerplants have provided the following information:

Petitioner/generating station	Unit identification No.	Maximum quantity of oil to be displaced [1]	Type of oil to be displaced	Coal or alternate fuel to be displaced
Montana-Dakota Utilities Company (Glendive)	CT1	58	Distillate	No.
Rochester Gas & Electric Corporation (Beebee)	7	395	Residual	No.
	8	455	Residual	No.
City of Coffeyville (Coffeyville)	3	14	Residual [2]	No.
	4	26	Residual [2]	No.

[1] Barrels per day.
[2] High sulfur residual oil (sulfur greater than 0.5%).

FUA became effective on May 8, 1979. The Act prohibits the use of natural gas as a primary energy source in certain existing powerplants and also authorizes exemptions under certain conditions.

SUPPLEMENTARY INFORMATION: On April 9, 1979, ERA issued a final rule implementing section 311(e) of FUA. This final rule, 10 CFR Part 508 (44 FR 21230, April 9, 1979), sets forth the policy ERA has adopted in implementing section 311(e) of FUA, and the eligibility standards which petitioners for the temporary exemption must meet.

The grant of these temporary exemptions will allow these existing electric powerplants to use natural gas as a primary energy source in excess of the amounts which are permitted by section 301(a)(2) and (3) of FUA. The use of natural gas, permitted under these temporary exemptions, will result in displacing distillate and residual fuel oils in existing electric powerplants.

The above listed owners/operators have filed petitions with ERA for temporary public interest exemptions for certain existing electric powerplants. ERA has reviewed these petitions and has determined that the powerplants meet the eligibility criteria established in 10 CFR 508.2.

ERA is proposing to issue orders which would grant temporary public interest exemptions to all of the powerplants listed above, pursuant to the authority of section 311(e) of FUA and 10 CFR Part 508. These proposed orders, when finalized, would grant a temporary exemption to the subject powerplants from the prohibition against natural gas use, contained in section 301(a)(2) and (3) of FUA.

Additionally, special temporary public interest exemptions do not relieve existing powerplants from compliance with any pertinent rules or regulations concerning the acquisition or the distribution of natural gas that are administered by the Federal Energy Regulatory Commission or any pertinent State regulatory agency or from any public utility obligation to pertinent categories of customers.

Proposed Order Granting Special Temporary Public Interest Exemptions

The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby sets forth its Order proposing to grant special temporary public interest exemptions

from the prohibitions of section 301(a)(2) and (3) of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 et seq. (FUA or the Act) pursuant to section 311(e) of FUA, 10 CFR 501.68, and 10 CFR Part 506, to the following powerplants:

Case control No.	Petitioner	Generating station	Unit identification	Location
51913-2176-21-41	Montana-Dakota Utilities Company	Glendive	CT 1	Glendive, Mont.
52501-9204-07-41	Rochester Gas & Electric Corporation	Beebee	7	Rochester, N.Y.
52501-9204-08-41	do	do	8	Do.
50610-1271-03-41	City of Coffeyville	Coffeyville	3	Coffeyville, Kansas.
50610-1271-04-41	do	do	4	Do.

I. Statutory Prohibitions

The above listed powerplants are prohibited by section 301(a)(2) of FUA from using natural gas as a primary energy source, or are prohibited from using natural gas as a primary energy source in excess of the average base year proportions allowed in section 301(a)(3) of the Act.

II. Eligibility for Exemption

The existing powerplants listed above have submitted petitions to ERA for a special temporary public interest exemption and have asserted that:

a. Each existing powerplant is:

1. Prohibited on May 8, 1979, from using natural gas as a primary energy source by section 301(a)(2) of FUA, or

2. Prohibited from using natural gas in excess of the average base year proportions allowed in section 301(a)(3) of FUA.

b. The proposed use of natural gas as a primary energy source, to the extent that such use would be prohibited by section 301(a) (2) or (3) of FUA:

1. Will displace consumption of middle distillate or residual fuel oil, and

2. Will not displace the use of coal or any other alternate fuel in any facility of the owner/operator utility system, including the powerplant for which the exemption petition was submitted.

III. Rationale

To the extent that the *near-term* choice of fuels for existing powerplants is limited to petroleum or natural gas, the use of natural gas is preferred. The expanded use of natural gas in these powerplants will be a significant step toward reducing the Nation's oil consumption in the short term. This increased use of natural gas will help the United States meet its international commitments to reduce its demand for imported petroleum products, protect the Nation from the effects of oil shortages, and cushion the impact of increasing world oil prices, which have had a detrimental effect on the Nation's balance of payments and domestic inflation rate.

To the extent that this increased use of natural gas will accomplish these goals, it will reduce the importation of petroleum and further the goal of national energy self-sufficiency. This is in keeping with purposes of FUA and is in the public interest.

Since the increased use of natural gas for oil displacement is in keeping with the purposes of FUA and is in the public interest, and since the petitioners have demonstrated that they have met the eligibility criteria established in 10 CFR 508.2, 44 FR 21230, ERA proposes to grant the exemptions.

IV. Duration

ERA proposes to grant these temporary public interest exemptions generally as follows:

1. In no case will any exemption granted extend beyond June 30, 1985, or exceed a maximum of 5 years (including the period of time during which the petition was pending), whichever occurs first.

2. To those facilities that will displace middle distillate fuel oil, grant exemptions until June 30, 1985, subject to the limitations described in paragraph 1, above.

3. To those facilities that will displace residual oil with a sulfur content of 0.5 percent or less, grant exemptions for an initial period of two years, with an automatic extension of up to three years, subject to the limitations described in paragraph 1, above, and upon ERA's written acceptance of a system-wide fuel conservation plan filed by the petitioner consistent with the terms and conditions set forth below.

4. To those facilities that will displace residual oil with a sulfur content greater than 0.5 percent, grant exemptions for an initial period ending December 7, 1981, with provision for an extension, subject to the limitations described in paragraph 1, above, and at ERA's option based on an appropriate request filed by the petitioner.

These proposed temporary exemptions are subject to termination by ERA upon six months written notice, if ERA determines such termination to be in the public interest.

V. Terms and Conditions

Pursuant to the authority of section 314 of FUA and 10 CFR 508.6, ERA will require the recipient of a final order to: (1) Report the actual monthly volumes of natural gas used in each exempted powerplant and the estimated number of barrels of each type of fuel oil displaced during the exemption period; (2) submit a system-wide fuel conservation plan to include the period covered by the temporary exemption; and (3) submit to ERA a report on progress achieved in implementing the system-wide fuel conservation plan. The first progress report is due within thirty days following the end of the calendar year in which the system-wide fuel conservation plan is required and annually thereafter.

Comments

ERA is publishing this notice of petitions filed and its proposed order granting these exemptions, to invite interested persons to submit written comments pursuant to the requirements of FUA. In addition, any interested person may request that a public hearing be convened in regard to these petitions under the provisions of section 701(d) of FUA.

DATES: Written comments relating to these petitions and the proposed order are due on or before August 3, 1981. Requests for a public hearing are also due on or before August 3, 1981.

ADDRESS: Requests for a public hearing and/or 10 copies of written comments shall be submitted to: Department of Energy, Case Control Unit, Box 4629, Room 3214, 2000 M Street, NW., Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT:

Jack C. Vandenberg (Office of Public Information), Economic Regulatory Administration, Department of Energy, Room B-110, 2000 M Street, NW., Washington, D.C. 20461, (202) 653-4055

James W. Workman (Office of Fuels Conversion), Economic Regulatory Administration, Department of Energy, Room 3112-E, 2000 M Street, NW., Washington, D.C. 20461, (202) 653-4268.

Christina Simmons (Office of General Counsel), Department of Energy, Room 6B-178, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252-2967

This is not the final notice of petitions and proposed orders under the final rule. ERA will continue to comply with

the requirements of section 701(c) of FUA and will publish further notices as petitions are received and accepted.

Additionally, special temporary public interest exemptions do not relieve existing powerplants from compliance with any pertinent rules or regulations concerning the acquisition or the distribution of natural gas that are administered by the Federal Energy Regulatory Commission or any pertinent State regulatory agency or from any public utility obligation to pertinent categories of customers.

Issued in Washington, D.C., on June 11, 1981.

Robert L. Davies,

Director, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 81-18122 Filed 6-17-81; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. CP78-266]

Bear Creek Storage Company; Tariff Filing

June 12, 1981.

Take notice that on June 3, 1981, Bear Creek Storage Company (Bear Creek), P.O. Box 82, Bienville, Louisiana 71008 filed its FERC Gas Tariff, Original Volume No. 1 together with its executed Service Agreements with Southern Natural Gas Company (Southern) and Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee) in order to commence storage service on July 1, 1981, all as more fully set forth in the tariff filing which is on file with the Commission and open to public inspection.

Bear Creek states that such an effective date is necessary to enable Bear Creek to receive working storage volumes from Southern and Tennessee and thereby be ready to have storage gas available for Southern and Tennessee in the forthcoming 1981–82 winter heating season. Bear Creek is concomitantly seeking waiver of §§ 154.22 and 154.51 of the Commission's regulations to permit concurrent consideration by the Commission of its tariff and service agreements in order to meet the proposed date of July 1, 1981.

As more fully explained in the instant tariff filing, the proposed service has been authorized previously by the Commission by order issued April 3, 1979, in Docket No. CP78-266. Bear Creek's proposed initial rate is predicated on the procedures established in a Stipulation and Agreement dated March 8, 1979 which was approved by the Commission's order of April 3, 1979, in the subject docket.

Copies of Bear Creek's filing were served on the Company's jurisdictional customers and on all parties to the proceeding in Docket No. CP78-266.

Any person desiring to be heard or to make any protest with reference to said tariff filing should on or before June 22, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as party in any hearing therein must filed a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-18145 Filed 6-17-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4488-000]

Big Wood Canal Company and American Falls Reservoir District No. 2; Application for Preliminary Permit

June 15, 1981.

Take notice that Big Wood Canal Company and American Falls Reservior District No. 2 (Applicant) filed on April 6, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 4488 to be known as the Magic Power Project located on Big Wood River in Blaine and Camas Counties, Idaho. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Big Wood Canal Company and American Falls Reservior District No. 2, 112 South Apple Street, Box C, Shoshone, Idaho 83352. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) the existing 191,500 acre-foot Magic Reservoir; (2) the existing 3,100-foot long, 128-foot high Magic Dam; (3) an existing conduit; (4) a powerhouse to contain four generating units with a total rated capacity of 9.5 MW and (5) a 2-mile long transmission line.

The Applicant estimates that the average annual energy output would be 30 million KwH.

Purpose of Project—Several markets exist for the power generated by the proposed project including the Bonneville Power Administration, other utilities in the area, and the Applicant.

Proposed Scope and Cost of Studies Under Permit—The Applicant seeks issuance of a preliminary permit for a period of 24 months, during which it would review foundation requirements; perform hydrological studies, survey the project area; prepare a feasibility study; assess the environmental impact; develop a schedule for project implementation; and consult with appropriate agencies. The cost of these studies is estimated by the Applicant to be $100,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to Cook Electric Company Project No. 3407 filed on November 3, 1980, under 18 CFR 4.33 (1980), and therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the

Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate acton to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before July 17, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4488. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-18146 Filed 6-17-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4474]

Borough of Cheswick and the Allegheny Valley North Council of Governments, Pennsylvania; Application for Preliminary Permit

June 15, 1981.

Take notice that Borough of Cheswick and the Allegheny Valley North Council of Governments, Pennsylvania (Applicant) filed on April 3, 1981 and application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for Project No. 4474 known as the Allegheny L/D #3 & 4 Hydro Project located on the Allegheny River in Allegheny & Westmoreland Counties, Pennsylvania. The application is on file with the Commisson and is available for public inspection. Correspondence wtih the Applicant should be directed to: Mr. William B. Payne, Councilman, Borough of Cheswick, 1410 Spruce Street, Cheswick, Pennsylvania 15024.

Project Description—The proposed project would utilize the existing U.S. Army Engineers' Allegheny Locks and Dams No. 3 and 4 and would consist of: (1) new penstocks near the right dam abutment (L/D #3) and near the left dam abutment (L/D #4); (2) new powerhouses containing generating units having a total rated capacity of 30,000 kW (L/D #3) and 24,000 kW (L/D #4); (3) tailraces; (4) new transmission lines, approximately 400 feet and 500 feet long, respectively; and (5) appurtenant facilities. The applicant estimates that the average annual energy output would be 125,000 kWh (L/D #3) and 96,000,000 kWh (L/D #4).

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction.

Applicant seeks issuance of a preliminary permit for a period of two years, during which time it would prepare studies of the hydraulic, construction, economic, environmental, historic and recreational aspects of the project. Depending on the outcome of the studies, Applicant would prepare an application for an FERC license. Applicant estimates the cost of the studies under the permit would be $300,000.

Competing Applicatons—This application was filed as a competing application to Atlantic Power Development Corporation's application for Project No. 3456 filed on September 9, 1980 and Noah Corporation's application for Project No. 3494 filed on September 23, 1980 under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies only directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determing the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to itervene must be received on or before July 14, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTESTS", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-18147 Filed 6-17-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4433-000]

City of Cuba, Wisconsin and the Wisconsin Public Power Incorporated System; Application for Preliminary Permit

June 15, 1981.

Take notice that the City of Cuba, Wisconsin, and the Wisconsin Public Power Incorporated System (Applicant) filed on March 27, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4433 known as the Mississippi Lock and Dam No. 11 located on Mississippi River in Dubuque, Iowa and Grant Counties, Wisconsin. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Michael P. May, Boardman, Suhr, Curry, and Field, 1 South Pinckney Street, P.O. Box 927, Madison, Wisconsin 53701.

Project Description—The proposed project would utilize a U.S. Army Corps of Engineers' Dam and would consist of: (1) a proposed powerhouse with an installed generating capacity of 10,644 kW; (2) a proposed transmission line which is estimated to be less than two miles long; and (3) appurtenant facilities.

The proposed project would be located on Federal land.

The Applicant estimates that the average annual energy output would be 72,647 MWh.

Purpose of Project—The Applicant proposes to market the power generated by the project to the municipal members of this system.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months. Within the 36-month time frame, the Applicant proposes to conduct engineering, environmental, and legal investigations. The Applicant estimates the cost of the proposed investigations to be $50,000.

Competing Applications—This application was filed as a competing application to Mitchell Energy Company, Inc., Project No. 3668 filed on November 4, 1980, under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before July 16, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-18148 Filed 6-17-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4452-001]

City of Paris; Application for Preliminary Permit

June 15, 1981.

Take notice that the City of Paris (Applicant) filed on May 14, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4452 to be known as the Kentucky River Lock and Dam No. 11 located on Kentucky River in Madison and Estill Counties, Kentucky. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Kerby Burton, W. M. Lewis and Associates, Inc., 740 Fifth Street, P.O. Box 1383, Portsmouth, Ohio 45662.

Project Description—The proposed project would consist of: (1) a proposed powerhouse, located at the north or south end of the existing dam, containing two generating units rated at 10.1 MW each for a total installed capacity of 20.2 MW; (2) a proposed 69 kV transmission line; and (3) appurtenant facilities. Applicant would utilize an existing dam owned by the U.S. Army Corps of Engineers, and the Applicant's facilities would be located mostly on U.S. lands. Applicant estimates that the average energy output for the project would be 46.3 GWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 24 months. During this time studies would be made to determine the engineering, economic, and environmental feasibility of the project, along with consulting Federal, State, and local government agencies concerning the environmental effects of the project. Applicant estimates the cost of the studies would be $75,000.

Competing Applications—This application was filed as a competing application to the Kentucky River Lock and Dam No. 11 Project Nos. 3659 and 3974 filed on November 4, 1980, and January 12, 1981, by Continental Hydro Corporation and ENERGENICS SYSTEMS, INC., respectively, under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing application or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies only directly from the Applicapt.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate acton to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before July 17, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4452. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commssion's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-18149 Filed 6-17-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4502-000]

City of Pueblo, Colorado; Application for Preliminary Permit

June 15, 1981.

Take notice that the City of Pueblo (Applicant) filed on April 9, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 4502 to be known as the Pueblo Hydro Project located on the Arkansas River in Pueblo County, Colorado. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Fred E. Weisbrod, City Manager, City Hall, 1 City Hall Place, Pueblo, Colorado 81003. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the United States Water and Power Resources Service's Pueblo Dam and would consist of: (1) a new powerhouse with an installed capacity of about 12.3 MW utilizing one of the existing diversion and bypass conduits as the penstock; and (2) other appurtenances.

The Applicant estimates that the average annual energy output would be 37,210,000 kWh. Project energy would be sold to the Public Service Company of Colorado.

Proposed Scope and Cost of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 24 months, during which time it would perform hydraulic, construction planning, economic, environmental, historic, and recreational studies, and if the proposed project is determined feasible, prepare an application for a FERC license. Applicant estimates cost of studies under the permit would be $60,000.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to FERC Project No. 3711 filed on November 10, 1980, under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file applications will be accepted for filing.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before July 14, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4502. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-18150 Filed 6-17-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-350-000]

Columbia Gas Transmission Corp.; Notice of Application

June 16, 1981.

Take notice that on May 29, 1981, Columbia Gas Transmission Corporation (Applicant), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, filed in Docket No. CP81-350-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant submits that it has undertaken a gas development program in northwestern Pennsylvania and western New York known as Project Penny. It is further submitted that as part of such program various independent producers are conducting drilling operations in Erie and Crawford Counties, Pennsylvania, on lease tracts dedicated to Applicant.

Applicant specifically proposes to construct and operate 1.3 miles of 4-inch, 12.5 miles of 6-inch, 12.9 miles of 8-inch and 27.5 miles of 12-inch transmission pipeline in Erie and Crawford Counties, Pennsylvania. Applicant asserts that the proposed pipeline construction would give it access to approximately 52,300 acres of which approximately 33,000 acres are under lease to Applicant and have been farmed-out to various independent producers and approximately 19,300 acres which are controlled by independent producers. Applicant further asserts that currently 54 successful wells having estimated recoverable reserves of 10,800,000 Mcf have been drilled on the acreage. Applicant estimates that an additional 445 wells having estimated recoverable reserves of 88,000,000 Mcf would ultimately be drilled.

Applicant further proposes to construct and operate a 1,440 horsepower compressor station, the meadville compressor station, in East Fairfield Township, Crawford County, Pennsylvania. It is stated that the

proposed compressor station would be comprised of three reciprocating compressor units two driven by 540 horsepower natural gas-fueled engines and one driven by a 360 horsepower natural gas-fueled engine.

Applicant asserts that the proposed facilities are necessary in order to attach available reserves and transport up to 15,000 dekatherms equivalent of natural gas per day to a new point of exchange with Consolidated Gas Supply Corporation (Consolidated) in Crawford County, Pennsylvania, pursuant to a March 3, 1981, exchange agreement between Applicant and Consolidated.

Applicant estimates the cost of the proposed facilities to be approximately $10,527,000 which would be financed from the sale of securities.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 6, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-18151 Filed 6-17-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. ER81-368-000 and ER80-592, et al.]

Detroit Edison Co.; Order Accepting for Filing and Suspending in Part Proposed Rates, Granting Waiver of Notice in Part, Consolidating Dockets, and Establishing Procedures

Issued June 12, 1981.

Pursuant to the Commission's Order No. 84,[1] Detroit Edison Company (Edison) submitted for filing on March 31, 1981, an amendment to the Operating Agreement between Edison, Consumers Power Company (Consumers) and Indiana & Michigan Electric Company (I&M).[2] Certificates of concurrence were filed by Consumers and I&M on April 13, 1981. With regard to the third party resale of electric power, Order No. 84 requires utilities to cap percentage adders in their rates as applied to purchased power costs (1) at one mill per kWh or less without providing cost support, or (2) at more than one mill per kWh with appropriate cost support. Edison's submittal relative to the third party resale of emergency power provides for (1) a limitation of 1 mill per kWh on the ten percent adder to the purchased cost of emergency power, and (2) the establishment of a 2 mills per kWh demand charge, in addition to the energy charge as revised for emergency service provided among the parties. The filing does not propose to change the charge for self-generated emergency energy.[3]

Notice of the filing was issued on April 10, 1981, with comments, protests, or petitions to intervene due on or before May 1, 1981. No responses were received.

Discussion

Our analysis indicates that the charges proposed are supportable as applied to Edison and Consumers. Therefore, we shall accept the instant submittal for filing with respect to Edison and Consumers without suspension. However, our review further indicates that the charges as proposed for I&M for third party emergency power have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful. Therefore, with respect to I&M, we shall accept the third party emergency rates for filing and suspend those rates as directed below.

In a number of suspension orders,[4] we have addressed the considerations underlying the Commission's policy regarding rate suspensions. For the reasons given there, we have concluded that rate filings should generally be suspended for the maximum period permitted by statute where preliminary study leads the Commission to believe that the filing may be unjust and unreasonable or that it may run afoul of other statutory standards. We have acknowledged, however, that shorter suspensions may be warranted in circumstances where suspension for the maximum period may lead to harsh and inequitable results. Such circumstances are presented here. In view of the nature of the treatment interchange services at issue, and consistent with our of other Order No. 84 compliance filings, we shall suspend I&M's proposed third party emergency rates for only one day. A nominal suspension and a refund obligation should adequately protect affected ratepayers while facilitating the availability of third party emergency power.

Edison has requested waiver of the notice requirements so as to permit the currently proposed rates and charges for third party emergency service to become effective on September 1, 1980. We note that Order No. 84 anticipated that limitations on percentage adders which are based on third party purchased power costs would become effective as of September, 1980. Accordingly, we find that good cause exists to waive the notice requirements and we shall permit these rates for Edison and Consumers to become effective on September 1, 1980. As to I&M, we shall suspend the third party emergency rates for one day from September 1, 1980, to become effective on September 2, 1980, subject to refund, pending the outcome of a hearing.

Edison also has requested waiver of the notice requirements and a January 13, 1981 effective date for that portion of the instant submittal regarding the rate for emergency service provided from Edison's system. Waiver of the notice requirements and the earlier effective date are unnecessary since the present rates for emergency service provided by Edison or Consumers from their own

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[1] *See* Order No. 84, Limits for Percentage Adders in Electric Rates Transmission Service, Docket No. RM79-29 issued May 7, 1980. *See also* Order Nos. 84-A and 84-B issued July 3, 1980, and August 11, 1980, respectively.

[2] *See* Attachment A for rate schedule designations.

[3] Self-generated emergency energy is priced at the higher of (1) 110 percent of out-of-pocket cost, or (2) 30 mills per kWh if I&M is the supplying party and 110 percent of out-of-pocket cost plus a demand charge of 5 mills per kWh if either Consumers or Edison is the supplying party.

[4] *E.g., Boston Edison Co.*, Docket No. ER80-508 (August 29, 1980) (five-month suspension); *Alabama Power Co.*, Docket Nos. ER80-506, *et al.* (August 29, 1980) (one-day suspension); *Cleveland Electric Illuminating Co.*, Docket No. ER80-488 (August 22, 1980) (one-day suspension).

systems were accepted for filing effective January 13, 1981, by Commission letter order dated January 12, 1981, in Docket No. ER79–341. Furthermore, the present rate for emergency service provided by I&M from its system was accepted for filing effective April 15, 1977, by letter dated May 9, 1977, in Docket No. ER77–242. Since those rates are unchanged by the present filing, the portions of the instant submittal regarding the rates for emergency service provided from a supplier's own system will be accepted for filing to become effective June 13, 1981, sixty days after filing. Such effective date will permit the rates for emergency service provided from the supplier's system to remain effective from the previously designated effective dates through June 12, 1981, under the rate schedules filed in Docket Nos. ER77–242 and ER79–341, and after June 12, 1981, under the instant submittal

We further find that common questions of law and fact exist in this docket and in the consolidated proceeding in *Allegheny Power Systems, et al.*, Docket Nos. ER80–592, *et al.* As a result, we shall consolidate Docket No. ER81–368–000 with the ongoing proceeding for purposes of hearing and decision.

The Commission orders

(A) Edison's request for waiver of the notice requirements is hereby granted in part.

(B) With respect to Edison and Consumers, the submittal of March 31, 1981, is hereby accepted for filing, to become effective as of September 1, 1980, without suspension, with the exception of the rates for emergency service provided from the suppliers' own systems which shall become effective on June 13, 1981, without suspension.

(C) With respect to I&M, the submittal of March 31, 1981, is hereby accepted for filing and suspended for one day, to become effective as of September 2, 1980, subject to refund, pending the outcome of a hearing, with the excedption of the rate for emergency service provided from I&M's own system which shall become effective on June 13, 1981, without suspension.

(D) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the Department of Energy Act, and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act [18 CFR, Chapter I (1980)], a public hearing shall be held concerning the justness and reasonableness of I&M's rates and charges for third party resale of emergency power.

(E) Docket No. ER81–368–000 is hereby consolidated with Docket Nos. ER80–592, *et al.*, for purposes of hearing and decision.

(F) The administrative law judge designated to preside in Docket Nos. ER80–592, *et al.*, shall determine the appropriate procedures necessary to accommodate consolidation of Docket No. ER81–368–000 with the existing proceeding.

(G) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

Attachment A

Docket No. ER81–368–000 Rate Schedule Designations

Designation and Description

Detroit Edison Co.

(1) Supplement No. 19 to Rate Schedule FPC No. 12—Amendment >No. 19

Consumer Power Co.

(2) Supplement No. 19 to Rate Schedule FPC No. 23 (Concurs in (1) above)—Certificate of Concurrence

Indiana & Michigan Electric Co.

(3) Supplement No. 17 to Rate Schedule FPC No. 68 (Concurs in (1) above)—Certificate of Concurrence

[FR Doc. 81–18135 Filed 6–17–81; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. CP81–219–001]

East Tennessee Natural Gas Co; Amendment to Application

June 16, 1981.

Take notice that on June 1, 1981, East Tennessee Natural Gas Company (Applicant), P.O. Box 10245, Knoxville, Tennessee 37919, file in Docket No. CP81–219–001 an amendment to its pending application in the instant docket filed pursuant to Section 7(c) of the Natural Gas Act so as to delete the requested sales to Orange and Rockland Utilities, Inc. (Orange and Rockland) and to certain unnamed purchasers, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Applicant states that in its application it requested authorization to sell on an interruptible basis up to 50,000 Mcf of natural gas per day to Orange and Rockland and 50,000 Mcf per day to Public Service Electric and Gas Company of Newark, New Jersey (Public Service). It is submitted that such sales would occur during the period June 1, 1981, through October 31, 1981, and during the period April 1, 1982, through October 31, 1982. Applicant further states that it also requested authorization to sell to customers other than Orange and Rockland and Public Service any portion of the 50,000 Mcf of natural gas per day that Orange and Rockland and Public Service were unable to purchase or which transporting pipelines were unable to deliver.

Applicant proposes that its application be amended so as to delete such proposed sales to Orange and Rockland and to certain unnamed purchasers. Applicant asserts that the proposed sale to Public Service would be made pursuant to the same terms and conditions set forth in its application.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before July 7 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–18136 Filed 6–17–81; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. TC81–54–000]

El Paso Natural Gas Co.; Tariff Filing

June 16, 1981.

Take notice that on June 8, 1981, El Paso Natural Gas Company ("El Paso") tendered for filing, pursuant to Part 154 of the Commission's Regulations under the Natural Gas Act, Fourth Revised Sheet No. 101 to its FERC Gas Tariff, Original Volume No. 1. It is indicated that the tendered tariff sheets, when accepted for filing and permitted to become effective would provide for the combining of the monthly average day

end use profiles for the ASARCO Incorporated ("ASARCO") delivery points in El Paso, Texas, and Hayden, Arizona, to be used in implementing El Paso's Permanent Allocation Plan.

El Paso states that the instant filing combines the monthly average day end use profile for ASARCO's delivery points located in El Paso, Texas, and Hayden, Arizona, so as to provide ASARCO with flexibility in the operations of its smelting works. El Paso asserts that the combining of the end use profiles was the intent of the Gas Sales Agreement dated as of November 1, 1979 and a Letter Agreement dated as of January 1, 1980 between El Paso and ASARCO. El Paso further submits that the Gas Sales Agreement serves to cancel the Gas Sales Contract dated as of October 12, 1962 and the Gas Sales Agreement dated as of January 1, 1968, between the parties, in order to consolidate said documents into one (1) agreement which provides for the sale and delivery of natural gas by El Paso to ASARCO for use in ASARCO's smelting works located in El Paso, Texas, and Hayden, Arizona.

Any person desiring to be heard or to make any protest with reference to said tariff filing should, on or before July 8, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). Protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make any protestants parties to the proceeding. Any person wishing to become a party to a proceeding must file a petition to intervene in accordance with the Commission's Rules. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-18137 Filed 6-17-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. SA81-37-000]

Sun Gas Co.; Application for Staff Adjustment Pursuant to 502(c) of the NGPA

June 16, 1981.

Take notice that on May 7, 1981, Sun Gas Company (Sun) filed with the Federal Energy Regulatory Commission (Commission) an application for an adjustment pursuant to section 502(c) of the Natural Gas Policy Act of 1978 (NGPA) and § 1.41 of the Commission's Rules of Practice and Procedure. Sun seeks a waiver of § 271.805(a) of the Commission's Regulations.

Specifically, Sun states that it filed on July 31, 1979, an application for an NGPA section 108 stripper well natural gas determination for the S.J. Neal Well No. 1 (Well No. 1), located in the Carthage Field, Panola County, Texas. The determination became final on March 2, 1981. Sun recently discovered that during three 90-day production periods between April 1979 and June 1980, the Well No. 1 produced over an average of 60 Mcf per production day, which would disqualify the well from stripper well status. Sun states that it has filed a notice of disqualification with the appropriate parties.

Sun further states that on February 17, 1981, a new compressor was installed as an enhanced recovery technique. Sun's application states that Sun is filing a new qualifying 90-day production period for an NGPA section 108 determination with the Texas Railroad Commission (RRC) in order to protect its application for an enhanced recovery technique.

In addition to its filing with the RRC for requalification of its stripper well, Sun requests an adjustment from § 271.805(a) of the Commission's regulations so as to allow it to receive continuous qualification as a stripper well from July 31, 1979 to April 29, 1981, despite the three disqualifying 90-day periods. Section 271.805(a) requires notice of disqualification by the operator and any purchaser and terminates the right of any seller to continue to collect the NGPA section 108 maximum lawful price. Sun states in support of its application that the increases in production were only temporary and were due to certain engineering and state-required tests performed on the well.

In particular, Sun states that the Well No. 1 is connected to a single compression along with two other wells. With respect to the April 1979 increase in production, Sun states that it resulted from engineering tests performed in order to evaluate the benefits to be gained by adding additional compression. With respect to the April 1980 increase in production, Sun states that it resulted from the performance of a state-required test (Form G-10 Report of the RRC) which required the shut-in of the other two wells connected to the compressor. The additional compression applied to Well No. 1 as a result of the shut-in of the other two wells resulted, according to Sun, in the increase in production. Sun believes the increases in production constitute temporary disqualification and subsequent requalification of a legitimate stripper well. Sun therefore requests a waiver of § 271.805(a) of the Commission's regulation in order to relieve it from what Sun considers the existing inequity of requiring the disqualification of the Well No. 1 from stripper well status.

The procedures applicable to the conduct of this adjustment proceeding are found in § 1.41 of the Commission's Rules of Practice and Procedure (44 Fed. Reg. 18961, March 30, 1979) as amended.

Any person desiring to participate in this adjustment proceeding shall file a petition to intervene in accordance with the provisions of § 1.41. All petitions to intervene must be filed on or before July 6, 1981.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-18136 Filed 6-17-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. CP81-347-000 and CP74-208-001]

Honeoye Storage Corp.; Notice of Application and Petition To Amend

June 16, 1981.

Take notice that on May 22, 1981, Honeoye Storage Corporation (Applicant), c/o Energy Storage Ventures, 110 Tremont Street, Boston, Massachusetts 02108, filed in Docket No. CP81-347-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of a maximum of 75,000 Mcf of natural gas annually on behalf of National Fuel Gas Distribution Corporation (National) and in Docket No. CP74-208-001 a petition to amend the order issued February 7, 1975,[1] respecting the interim provisions of natural gas service for the benefit of certain farm-residential and commerical consumers, all as more fully set forth in the application and petition to amend which are on file with the Commission and open to public inspection.

Applicant proposes to transport up to 75,000 Mcf of natural gas annually for National from Applicant's existing interconnection with Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), adjacent to Tennessee's existing 24-inch pipeline in Ontario County, New York, to eleven existing National meter and regulating stations located in the area of the Honeoye gas field, Honeoye, New York. It is stated that these National meter and regulating stations serve various

[1] This proceeding was commenced before the FPC. By joinit regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the Commission.

customer distribution lines in existence at the time of the field conversion to a gas storage facility and that these distribution lines now owned by National are not interconnected with any other supply sources nor are they within economic pipeline distance of other National distribution lines in the area. Applicant states that gas delivered to National under the transportation agreement would meet existing service requirements of National's customers which, prior to assumption of gas service responsibility by National and prior to conversion of the Honeoye gas field for National gas storage service, purchased natural gas under gas lease provisions from the former operator of the Honeoye gas field. Moreover, it is stated that limited expansion of natural gas service by National to new customers in the area of the Honeoye gas field would be permitted.

Applicant states that by order issued February 7, 1975, it was authorized to purchase and construct necessary facilities to operate an underground gas storage facility. It was stated that the Honeoye gas field was nearly depleted and that gas from the field was being used to supply 32 farm-residential customers and six commercial customers near the towns of Honeoye and Bristol, New York. The application stated that the service to these customers would probably be phased out due to uneconomic production conditions if field conversion did not occur and that gas service to existing customers would be phased out over a two-year period as customers converted to other fuels or found another gas supplier. Applicant states that on October 7, 1974, it signed an agreement with National under which National agreed to assume all responsibility for service to the existing customers upon completion of field conversion to storage service and on November 1, 1975, gas production from the field was terminated. Applicant asserts that when National assumed the gas service responsibility Applicant advanced gas to National to meet gas service requirements of the existing field customers in anticipation of identifying a long-term method by which National could make available from its system supply sufficient quantities of natural gas to meet the requirements. Applicant states that through March 31, 1980, Applicant advanced 208,649 Mcf of gas.

Applicant asserts that National has now agreed to purchase from Applicant for $200,000 quantities of natural gas sufficient to repay gas advanced by Applicant during the period November 19, 1975, through March 31, 1980, and that the February 7, 1975, order should reflect this gas purchase arrangement. Applicant asserts that it would not charge National for transportation of the first 55,000 Mcf per year and that National would contract with Tennessee for it to deliver up to 75,000 Mcf of natural gas per year to Applicant. Applicant asserts it would reimburse National for transportation charges paid to Tennessee for up to 55,000 Mcf annually transported by Tennessee for National.

Any person desiring to be heard or to make any protest with reference to said application and petition should on or before July 6, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-18152 Filed 6-17-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ST79-39-001]

Houston Pipe Line Co.; Filing of Extension Report

June 16, 1981.

Take notice that on May 11, 1981, Houston Pipe Line Company (Applicant), P.O. Box 1188, Houston, Texas 77001, filed in Docket No. ST79-39-001 an extension report pursuant to § 284.126(c) of the Commission's Regulations giving notice of Applicant's intention to extend its transportation agreement with El Paso Natural Gas Company (El Paso) for an additional two-year period, all as more fully set forth in the extension report which is on file with the Commission and open to public inspection.

Applicant states that it entered into a gas transportation agreement with El Paso and that service commenced on August 14, 1979. Applicant now proposes to extend such agreement for a term of two years commencing August 14, 1981.

Applicant asserts that under the terms of its agreement with El Paso, Applicant would transport natural gas on behalf of El Paso from a point or points located on Applicant's pipeline facilities in Live Oak County, Texas, to a point of delivery on the pipeline facilities of Oasis Pipe Line Company located near Katy, Waller County, Texas.

Applicant estimates that the total and maximum daily quantities of natural gas to be transported under such agreement would be up to 73 trillion Btu and up to 50 billion Btu, respectively.

Applicant states that the rates to be charged for such services would be 6.0 cents per million Btu on deliveries at the receipt point plus 10.0 cents per million Btu on deliveries at the delivery point.

Any person desiring to be heard or to make any protest with reference to said extension report should on or before July 6, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition

to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-18153 Filed 6-17-81, 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ST79-22-001]

Louisiana Intrastate Gas Corp.; Filing of Extension Report

June 16, 1981.

Take notice that on May 12, 1981, Louisiana Intrastate Gas Corporation (Applicant), P.O. Box 1352, Alexandria, Louisiana 71301, filed in Docket No. ST79-22-001 an extension report pursuant to § 284.148(c) of the Commission's Regulations giving notice of Applicant's intention to extend its sale of natural gas to Texas Gas Transmission Corporation (Texas Gas) for an additional two-year period, all as more fully set forth in the extension report which is on file with the Commission and open to public inspection.

Applicant states that it entered into a contract for the sale and purchase of gas with Texas Gas and commenced selling gas to Texas Gas on August 12, 1979, for a primary term of two years. Applicant now proposes to extend such sale for a term of two years.

Applicant asserts that the total and average daily quantities of gas to be sold during the term of the gas sale agreement is estimated to be 36.5 trillion Btu and 50 billion Btu, respectively.

Applicant states that the rate to be charged Texas Gas for such sale would be equal to the sum of:

(a) Applicant's actual weighted average acquisition cost of natural gas calculated at least five days before the first day of the billing period for which the weighted average acquisition cost would be charged for deliveries made during that billing period.

(b) An adjustment to reflect any difference between Applicant's weighted average acquisition cost of natural gas used for billing purposes for the most recent billing period and the actual weighted average acquisition cost experienced during that same billing period for which actual data becomes available and for which the actual weighted average acquisition costs of natural gas have not yet been recovered.

(c) 20 cents per million Btu being an amount to recover Applicant's costs of gathering, treating, processing, transporting, and delivering the natural gas including an opportunity to earn a reasonable profit thereon.

(d) An amount sufficient to offset any increase in Applicant's weighted average acquisition cost of natural gas caused by the acquisition of gas under existing contracts for purposes of this sale which is in excess of the quantities Applicant would otherwise have acquired and at a price which exceeds Applicant's weighted average acquisition cost of gas.

(e) Reimbursement of the cost per million Btu paid by Applicant to any third party for transportation to and delivery of the gas sold to Texas Gas.

Any person desiring to be heard or to make any protest with reference to said extension report should on or before July 6, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-18154 Filed 6-17-81, 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-349-000]

Northern Natural Gas Co., Division of InterNorth, Inc.; Application

June 16, 1981.

Take notice that on May 28, 1981, Northern Natural Gas Company, Division of InterNorth, Inc. (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP81-349-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale on a limited term and best-efforts basis of natural gas to United Gas Pipe Line Company (United) for resale, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell to United on a limited term and best-efforts basis up to 100,000 Mcf of natural gas per day for a term ending October 31, 1983, pursuant to a gas sales agreement dated April 30, 1981.

It is stated that Applicant would deliver or cause to be delivered natural gas to United at any one or any combination of the following delivery points: (1) the existing points of interconnection between Trunkline Gas Company (Trunkline) and United at Allo and Gasalle Parish, Louisiana, and Centerville in St. Mary Parish, Louisiana, and (2) the existing point of interconnection between Michigan Wisconsin Pipe Line Company (Mich Wis) and United at Patterson in St. Mary Parish, Louisiana.

It is stated that United would pay Applicant for gas delivered at a price which would be the higher of the currently effective Section 102 price of the Natural Gas Policy Act of 1978 or Applicant's effective Zone 1, commodity rate under Rate Schedule CD-1 of its FERC Gas Tariff, Third Revised Volume No. 1. Applicant states that the proposed sale would be contingent upon Applicant's ability to meet its existing general system volume requirements. In instances when Applicant cannot provide total requested deliveries to its off system sales customers due to the volume demand of its general system requirements then Applicant would apply any excess volumes in a *pro-rata* manner subject to pipeline operational consideration to those off-system customers.

Applicant states that its customers would receive direct benefits from refunds attributable to off-system sales revenues accomplished by the revenue treatment proposed herein.

Applicant asserts that its currently effective rates are the result of a settlement agreement in Docket No. RP80-88 which provides for a Sales Refund Obligation (SRO) in the event the actual sales volumes experienced while the settlement rates are in effect exceed the sales level upon which the settlement rates were designed. It is submitted that Section III of the Stipulation and Agreement in Docket No. RP80-88 requires that Applicant refund to its customers the fixed cost component of its commodity rate of any actual sales volumes in excess of the settlement sales volume level to the extent such revenues are not needed to cover any increase in the actual SRO cost of service over the settlement SRO cost of service. It is further asserted that under the proposed revenue treatment, Applicant would refund, by direct credit to Account No. 191 of the Uniform System of Accounts Prescribed for Natural Gas Companies, all off-system sales revenues attributable to that portion of the sales rate in excess of the currently effective Zone 1 commodity rate.

Applicant states that it has made significant investments in the facilities which connect new supplies to its system since its rate settlement in

Docket No. RP80–88 which new supplies make it possible for Applicant to make the sales as proposed herein. It is asserted that the proposed revenue treatment would provide Applicant, if necessary, the opportunity to recover the cost of service related to those facilities through the revenues generated from those sales.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 6, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-18155 Filed 6-17-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP78-380-002]

Northwest Pipeline Corp.; Petition To Amend

June 16, 1981.

Take notice that on May 21, 1981, Northwest Pipeline Corporation (Petitioner), 315 East Second South, Salt Lake City, Utah 84111, filed in Docket No. CP78–380–002 a petition to amend the order issued December 21, 1978, in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to authorize the transportation of up to 2,000 Mcf of natural gas per day by Petitioner for the account of Southwest Gas Corporation (Southwest) from wells connected to Petitioner's San Juan gathering system, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that by order issued December 21, 1978, it was authorized to transport up to 2,000 Mcf of natural gas per day for the account of Southwest. It is further stated that at the present time after gathering such volumes, Petitioner redelivers thermally equivalent volumes to Southwest at a point of interconnection between El Paso Natural Gas Company and Petitioner in LaPlata County, Colorado. Petitioner submits that for providing such service it charges Southwest its San Juan Area gathering rate as set forth on Sheet No. 2 of Petitioner's FERC Gas Tariff, Original Volume No. 2.

It is asserted that on September 29, 1980, Petitioner and Southwest amended their transportation agreement so as to add additional acreage to the area covered by the agreement. Petitioner further submits that Southwest expects to acquire gas from wells located on this specific acreage and possibly on other as yet undefined acreage in the San Juan Field.

The blanket authority requested herein would, it is stated, permit the timely connection of volumes of natural gas which become available to Southwest in the San Juan field.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before July 6, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determning the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-18156 Filed 6-17-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ST79-37-001]

Oasis Pipe Line Co.; Filing of Extension Report

June 16, 1981.

Take notice that on May 11, 1981, Oasis Pipe Line Company (Applicant), P.O. Box 1188, Houston, Texas 77001, filed in Docket No. ST79–37–001 and extension report pursuant to Section 284.126(c) of the Commission's Regulations giving notice of Applicant's intention to extend its transportation agreement with El Paso Natural Gas Company (El Paso) for an additional two-year period, all as more fully set forth in the extension report which is on file with the Commission and open to public inspection.

Applicant states that it entered into a gas transportation agreement with El Paso and that service commenced on August 14, 1979. Applicant now proposes to extend such agreement for a term of two years commencing August 14, 1981.

Applicant asserts that under the terms of its agreement with El Paso Applicant would transport volumes of natural gas for El Paso from a point located on the pipeline facilities of Applicant near Katy, Waller County, Texas, to a point located at the interconnect of the pipeline facilities of Applicant and El Paso near the Mobil Waha Plant, Pecos County, Texas.

Applicant estimates that the total and maximum daily quantities of natural gas to be transported under such agreement would be up to 73 trillion Btu and up to 50 billion Btu, respectively.

Applicant states that the rate to be charged El Paso for such transportation service would be 12.39 cents per million Btu.

Any person desiring to be heard or to make any protest with reference to said extension report should on or before July 6, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Any person wishing to become a party to a

proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-18157 Filed 6-17-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-342-000]

Panhandle Eastern Pipe Line Co.; Application

June 16, 1981.

Take notice that on May 19, 1981, Panhandle Eastern Pipe Line Company (Applicant), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP81-342-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing a change in service to its existing customers, Missouri Power and Light Company (Missouri Power) and Missouri Edison Company (Missouri Edison), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it has been informed of Missouri Power's desire to have its contract demand reduced by 2,000 Mcf per day from May through September. Applicant further states that Missouri Edison has indicated its desire to have its contract demand increased by 2,000 Mcf per day from May through September. It is submitted that Applicant has entered into separate gas sales contracts with Missouri Power and Missouri Edison both dated May 1, 1981, replacing the existing September 15, 1970, contracts with Missouri Power and Missouri Edison. It is further submitted that other than the aforementioned changes in contract demand the May 1, 1981, contracts make no additional changes to the September 15, 1970, contracts. Applicant proposes to transfer 2,000 Mcf of contract demand between Missouri Power and Missouri Edison.

Applicant asserts that the requested change in service would result in a more even matching of the contract demand and present and future market requirements of Missouri Power and Missouri Edison. Applicant further asserts that the requested change would not result in any increase in peak day or annual entitlement nor adversely affect its ability to meet the requirements of its other customers.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 6, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-18158 Filed 6-17-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-388-005]

Tennessee Gas Pipeline Co., a Division of Tenneco Inc.; Amendment to Application

June 16, 1981.

Take notice that on May 29, 1981, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Applicant), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP80-388-005 an amendment to its application in the instant docket filed pursuant to Section 7(c) of the Natural Gas Act as amended so as to reflect its intention to continue transporting natural gas for Orange and Rockland Utilities, Inc. (Orange and Rockland) throughout the period ending on the 90th day following the effective date in the final rule in Docket No. RM81-19, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Applicant states that in its application it requested authorization to transport up to 50,000 Mcf of natural gas per day for Orange and Rockland. It is further stated that such gas was purchased from East Tennessee Natural Gas Company (East Tennessee) by Orange and Rockland for use in its electric generating stations to displace fuel oil.

It is submitted that Orange and Rockland has arranged to continue purchasing up to 50,000 Mcf of gas per day from East Tennessee for the periods June 1, 1981, through October 31, 1982. It is further submitted that on May 28, 1981, Applicant, East Tennessee and Orange and Rockland amended their agreement so as to extent the term of the transportation service to include the period ending on the 90th day following the effective date in the final rule in Docket No. RM81-19.

Applicant asserts that pursuant to such agreement if transportation service could commence on June 1, 1981, it would transport a peak day volume of up to 50,000 Mcf.

Applicant states that the gas to be transported would be surplus to its customer market requirements during the extended term of the proposed service.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before July 7, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-18139 Filed 6-17-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-343-000]

Tennessee Gas Pipeline Co., a Division of Tenneco Inc.; Application

June 16, 1981.

Take notice that on May 19, 1981, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Applicant), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP81-343-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain pipeline facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate approximately 7.5 miles of 16-inch and 3.9 miles of 12-inch line originating in the South Timbalier area, offshore Louisiana, and extending to an existing sub-sea valve on the jointly-owned Project 37 line in South Timbalier Block 37, offshore Louisiana.

Applicant asserts that the proposed facilities would make available approximately 109,000,000 Mcf of reserves having a maximum day deliverability of 76,800 Mcf per day.

Applicant states that it has entered into gas purchase and sales agreements with Mobile Oil Exploration and Producing Southeast, Inc. (Mobil) and Union Oil Company of California for their respective 50 percent interests in South Tambalier Block 53 and with Kerr-McGee Corporation for its 50-percent interest in South Timbalier Block 50. Applicant further states that it has tendered a gas purchase and sales agreement to Mobile regarding its interest in South Timbalier Block 50 but it has not yet been executed.

Applicant estimates the cost of the proposed facilities to be approximately $13,200,000 which would be financed initially with funds on hand, funds generated internally, borrowings under revolving credit agreements or short-term financing.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 6, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-18140 Filed 6-17-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. CI81-352-000, et al.]

Terra Resources, Inc. et al.; Applications for Certificates, Abandonment of Service and Petitions to Amend Certificates[1]

June 16, 1981.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before June 30, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft.[3]	Pressure base
CI81-352-000 (CI62-152), B, May 21, 1981	Terra Resources, Inc., P.O. Box 2329, Tulsa, Oklahoma 74101.	Florida Gas Transmission Company, Jones Creek Field, Wharton County, Texas	[1]	
CI81-353-000, A, May 21, 1981	Cabes Service Company, P.O. Box 300, Tulsa, Oklahoma 74102.	Sea Robin Pipeline Company, Blocks 112 and 113, South Marsh Island Area, Offshore Louisiana.	[2]	15.025
CI81-354-000 (CI66-1366), B, May 26, 1981.	Terra Resources, Inc., P.O. Box 2329, Tulsa, Oklahoma 74101.	United Gas Pipe Line Company Maxie-Pistol Ridge Field, Pearl River Co., MS.	[3]	
CI81-355-000, A, May 22, 1981	Phillips Petroleum Company, 336 HS&L Building, Bartlesville, Oklahoma 74004.	Transcontinental Gas Pipe Line Corporation, Ship Shoal Block 28 Field, Offshore Louisiana.	[4]	15.025

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft.(3)	Pressure base
CI81-356-000, A, May 22, 1981	Amnoil Development Inc., 2800 North Loop West, P.O. Box 94193, Houston, Texas 77018.	Michigan Wisconsin Pipeline Company, Block A-273, East Addition, High Island Area, South Extension, Offshore Texas.	(1)	14.65
CI81-357-000, A, May 26, 1981	Mesa Petroleum Co., One Mesa Square, P.O. Box 2009, Amarillo, Texas 79189	Columbia Gas Transmission Corporation, South Pass Area, Blocks 57/58, Offshore Louisiana.	(2)	15.025
CI81-358-000, A, May 26, 1981	General American Oil Company of Texas, Meadows Building, Dallas, Texas 75206	Tennessee Gas Pipeline Company, South Marsh Island Block 266, Offshore Louisiana.	(4)	15.025
CI81-359-000, B, May 26, 1981	Apollo Oil Company, Box 1737, Hobbs, N.M. 88240	Phillips Petroleum Company, Eumont Yates 7-Rivers Queen, NE/4 section 32-30S-36E, Lea County, New Mexico.	(5)	
CI81-360-000 (CI61-1535), B, May 26, 1981.	Conoco Inc., P.O. Box 2197, Houston, Texas 77001	Cities Service Gas Company, S. E. Eureka Field, Grant and Alfalfa Counties, Oklahoma	(6)	
CI81-361-360-000, A, May 27, 1981	Amnoil USA, Inc., Golden Center One, 2800 North Loop West, P.O. Box 94193, Houston, Texas 77018.	Texas Eastern Transmission Corporation, Block 294, East Cameron Area, South Addition, Offshore Louisiana.	(7)	15.025
CI81-362-000, A, May 26, 1981	Chevron U.S.A., Inc., P.O. Box 7309, San Francisco, CA 94120.	Natural Gas Pipeline Company of America, Brazos Block A-17, Offshore Texas.	(8)	14.65
CI81-363-000, A, May 26, 1981	Kerr-McGee Corporation, P.O. Box 25861, Oklahoma City, Oklahoma 73125.	Tennessee Gas Pipeline Company, South Timbalier, Block 50 Offshore Louisiana.	(10)	15.025
CI81-364-000, A, June 1, 1981	Shell Oil Company, One Shell Plaza, P.O. Box 2463, Houston, Texas 77001.	Southern Natural Gas Company, East Cameron Block 240 Field, Offshore Louisiana	(9)	15.025
CI81-365-000, A, June 1, 1981	McMoRan-Freeport Oil Company, P.O. Box 6800, Metairie, Louisiana 70009	El Paso Natural Gas Company, Brown-Basset Field, Terrell County, Texas.	(10)	14.65
CI81-366-000, A, June 1, 1981	Louisiana Land Offshore Exploration Company, Inc., 225 Barrone Street, P.O. Box 60350, New Orleans, Louisiana 70160	United Gas Pipe Line Company, Block A-351, High Island Area, Offshore Texas.	(9)	14.65
CI81-367-000, A, June, 1, 1981	Amnoil USA, Inc., Golden Center One, 2800 North Loop West, P.O. Box 94193, Houston, Texas 77018.	Texas Eastern Transmission Corporation, Block 522, West Cameron Area, South Addition, Offshore Louisiana.	(9)	15.025
CI81-368-000, E, May 29, 1981 [13]	Getty Oil Company (Succ. in Interest to Getty Reserve Oil, Inc.), P.O. Box 1404, Houston, Texas 77001	Northern Natural Gas Company, Hansford Area Ochiltree County, Texas.	(14)	14.65
CI81-369-000, A, June 1, 1981	Tenneco Oil Company, P.O. Box 77001 Houston, Texas 77001.	Tennessee Gas Pipeline Company, Main Pass Area, South Addition, Blocks 311 and 312, Offshore Louisiana	(15)	15.025
CI81-3 70-000 (CI80-124), B, June 2, 1981.	Mobil Oil Exploration & Producing Southeast Inc., Nine Greenway Plaza, Suite 2700, Houston, Texas 77046	Trunkline Gas Company, South Timbalier, Blocks 179 and 187, Offshore Louisiana.	(16)	

[1] Zimmerman-Nohavitza gas Unit No. 1, well ceased producing in November, 1979. A final recompletion attempt was made in May, 1980, to restore the well to production, which attempt was unsuccessful. Well was then sold for salvage. [2] Applicant is filing under Gas Purchase Contract dated April 6, 1981. [3] Subject well was plugged and abandoned 12-20-78, the lease being held by communitization for an extended term, lapsing in October, 1978. Terra Resources, Inc. no longer owns this lease. [4] Applicant is filing under Gas Purchase Agreement dated November 14, 1958 as amended. [5] Applicant agrees to accept a certificate for the sale proposed herein conditioned upon the maximum lawful price under Section 104 of the Natural Gas Policy Act. [6] Applicant is filing under Gas Purchase and Sales Agreement dated March 1, 1981. [7] Purchaser is currently receiving gas from gas well without a contract. The contract that they have in their possession is a Casinghead Contract which is null and void. We contend we have the right to seek another purchaser and Phillips Petroleum Company should abandon this well and meter run for this property. [8] There were no gas deliveries under Contract No. 4652 during the 12-month period prior to February 21, 1977. All leases previously dedicated by Conoco had either been sold or released to the landowners. There were no known physically recoverable reserves underlying those leases released to the landowners. No further exploration or development of any of the properties is contemplated by Conoco. [9] Applicant is filing under Gas Purchase Contract dated April 10, 1981. [10] Applicant is willing to accept the applicable price and the escalations thereto and is concurrently filing herewith an initial billing statement (Schedule 0507) to cover collection of the price provided by Section 102(b)[of the NGPA. [11] Not used. [12] Applicant is filing under Gas Purchase Contract dated May 16, 1981. [13] Effective August 1, 1980, Getty Reserve Oil, Inc. assigned all of its oil, gas and mineral properties, assets and rights to Getty Oil Company. [14] Applicant is filing under Gas Purchase Contract dated July 1, 1980. [15] Applicant is filing under Gas Purchase and Sales Agreement dated May 21, 1981. [16] Production from the leases dedicated under the Certificate in Docket No. CI80-124 has ceased because of depletion of the reservoir, and the leases have subsequently expired.

Filing code: A—Initial Service; B—Abandonment; C—Amendment to add acreage, D—Amendment to delete acreage, E—Total Succession, F—Partial Succession

[FR Doc. 81-18141 Filed 6-17-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket ST79-82-001]

Texas Gas Transmission Corp.; Filing of Extension Report

June 15, 1981.

Take notice that on May 13, 1981, Texas Gas Transmission Corporation (Applicant), P.O. Box 1160, Owensboro, Kentucky 42301, filed in Docket No. ST79-82-001 an extension report pursuant to § 284.106(c) of the Commission's Regulations giving notice of Applicant's intention to extend its transportation agreement with Louisiana Intrastate Gas Corporation (LIG) for an additional two-year period, all as more fully set forth in the extension report which is on file with the Commission and open to public inspection.

Applicant states that it entered into a gas transportation agreement with LIG dated May 16, 1979, and now proposes to extend such agreement for a term of two years.

Applicant asserts that under the terms of its agreement with LIG, LIG would deliver or cause to be delivered up to 300,000 Mcf of natural gas per day at 15.025 psia to Applicant. It is submitted that annually a total of 109,500,000 Mcf of natural gas could be delivered and redelivered between Applicant and LIG.

Applicant states that no rate is being charged by either party except for those volumes of natural gas received by Applicant at the receipt point located in Section 9, Township 13 South, Range 3 West, Cameron Parish, Louisiana, and redelivered to LIG at the LIG delivery points. Applicant also states that LIG would pay Applicant the presently legal effective rates for such service which is set forth in Applicant's Rate Schedule T/SL, such rate being 7.65 cents per Mcf of gas transported.

Any person desiring to be heard or to make any protest with reference to said extension report should on or before July 6, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-18142 Filed 6-17-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-292-000]

Transcontinental Gas Pipe Line Corp., Gasdel Pipeline System Incorporated; Application

June 16, 1981.

Take notice that on April 16, 1981, Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas 77001, and Gasdel Pipeline System Incorporated (Gasdel), 80 Park Plaza, Newark, New Jersey 07101, filed in docket No. CP81-292-000 a joint application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain pipline and appurtenant facilities in the offshore Louisiana area, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants state that they or their affiliates have the right to purchase gas to be produced from reserves in Block 235, South Marsh Island area, offshore Louisiana (SMI 235). In order to attach this new source of gas supply, Applicants propose to construct jointly, as co-owners, a pipeline lateral consisting of approximately 8.16 miles of 16-inch pipeline which would connect Transco Exploration Company's planned production platform in SMI 235 to Transco's Central Louisiana Gathering System at a subsea tie-in in Block 71, Vermilion area, offshore Louisiana. Applicants further propose to construct metering, regulating and other appurtenant facilities at the SMI 235 production platform.

Applicants submit that Gasdel is a recently organized company engaged in the ownership, construction, and operation of pipeline laterals and apurtenant facilities which would connect producing properties of its parent company, Energy Development Corporation (EDC), with delivery points on the transmission systems of other interstate pipeline companies. Applicants also submit that Gasdel would also be engaged in the transportation in interstate commerce of natural gas through these facilities on behalf of an affiliated company, Public Service and Electric Gas Company (PSE&G), which would be purchasing the natural gas from EDC. Applicants state that Gasdel intends to soon file with the Commission an application requesting authority to transport PSE&G's gas through the subject facilities. It is furhter submitted that PSE&G is a distribution-company customer of Transco, EDC is a wholly-owned subsidiary of PSE&G, and Gasdel is a wholly-owned subsidiary of EDC.

It is asserted that Transco would own 85 percent and Gasdel would own 15 percent of the proposed facilities based on their or their affiliates' rights to purchase the subject gas. It is also asserted that Gasdel would not purchase any gas.

Applicants state that the proposed facilities would be constructed by Transco and would have a maximum capability of 140,000 Mcf of natural gas per day. It is further stated that employees of Transco would operate and manage the proposed facilities.

Applicants estimate the cost of such facilities to be $8,236,000 which would be financed initially through revolving credit arrangements, short-term loans or available funds with permanent financing to be undertaken as a part of Applicants' respective overall long-term financing programs at later dates.

SMI, it is asserted, has estimated proven reserves of 12,700,000 Mcf.

Applicants state that Gasdel has not yet been found by the Commission to be a "natural-gas company" within the meaning of the Natural Gas Act. Applicants request, therefore, that the Commission find that Gasdel is such a "natural-gas company" in connection with issuing a certificate hereunder.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 6, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the mattter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR. Doc. 81-18143 Filed 6-17-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-345-000]

Western Slope Gas Co.; Application

June 16, 1981.

Take notice that on May 14, 1981, Western Slope Gas Company (Applicant), P.O. Box 840, Denver, Colorado 80201, filed in Docket No. CP81-345-000 an application pursuant to Section 7(c) of the Natural Gas Act and § 284.222 of the Commission's Regulations for a certificate of public convenience and necessity for blanket authorization to transport, sell, and assign natural gas in interstate commerce as if Applicant were an intrastate pipeline as defined in Subparts C, D, and E of Part 284 of the Commission's Regulations under the NGPA as well as § 284.203 thereof, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it received 53,485,636 Mcf of natural gas within or at the boundary of Colorado from Colorado Interstate Gas Company and Northwest Pipeline Corporation during the 12-month period ending June 1980. It is asserted that during the same period Applicant received 70,807,953 Mcf of natural gas from all souurces during the same period. It is also submitted that all of Applicant's existing operations are conducted in Colorado and that Applicant currently holds an exemption pursuant to Section 1(c) of the Natural Gas Act.

Applicant asserts that it would comply with the conditions set forth in § 284.222(e) of the Commission's Regulations.

Applicant elects to base its rates upon the methodology described in § 284.123(b)(1)(i)(A) of the Commission's Regulations. It is asserted that there are four component charges of Applicant's proposed rate structure: demand charge, commodity charge, customer charge and facility charge.

Any person desiring to be heard or to make any protest with reference to said

application should on or before July 6, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-18744 Filed 6-17-81; 8:45 am]

BILLING CODE 6450-85-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-59052; TSH-FRL-1855-6]

Certain Chemicals; Premanufacture Exemption Applications

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1)(A) of the Toxic Substances Control Act (TSCA) requires any person intending to manufacture or import a new chemical substance for a commerical purpose in the United States to submit a premanufacture notice (PMN) to EPA at least 90 days before he commences such manufacture or import. Under section 5(h) the Agency may, upon application, exempt any person from any requirement of section 5 to permit such person to manufacture or process a chemical for test marketing purposes. Section 5(h)(6) requires EPA to issue a notice of receipt of any such application for publication in the **Federal Register**. This notice announces receipt of applications for an exemption from the premanufacture reporting requirements for test marketing purposes and requests comments on the appropriateness of granting the exemption.

DATE: The Agency must either approve or deny these applications by July 10, 1981. Persons should submit written comments on the applications no later than July 6, 1981.

ADDRESS: Written comments to: Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-401, 401 M Street SW., Washington, DC 20460, (202-426-2610).

FOR FURTHER INFORMATION CONTACT: Kathleen Ehrensberger, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-335, 401 M Street SW., Washington, DC 20460, (202-755-1150).

SUPPLEMENTARY INFORMATION: Under section 5 of TSCA (90 Stat. 2012 (15 U.S.C. 2604)), any person who intends to manufacture or import a new chemical substance for commercial purposes in the United States must submit a notice to EPA before the manufacture or import begins. A "new" chemical substance is any chemical substance that is not on the Inventory of existing chemical substances compiled by EPA under section 8(b) of TSCA. EPA first published the initial Inventory on June 1, 1979. Notices of availability of the Inventory were published in the **Federal Register** on May 15, 1979 (44 FR 28558-Initial) and July 29, 1980 (45 FR 50544-Revised). The requirement to submit a PMN for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979.

Section 5(a)(1) requires each PMN to be submitted in accordance with section 5(d) and any applicable requirement of chemical substances that are subject to testing rules under section 4. Section 5(b)(2) requires additional information in PMN's for substances which EPA, by rules under section 5(b)(4), has determined may present unreasonable risks of injury to health or the environment.

Section 5(h), "Exemptions," contains several provisions for exemptions from some or all of the requirements of section 5. In particular, section 5(h)(1) authorized EPA, upon application, to exempt persons from any requirement of section 5(a) or section 5(b) to permit the persons to manufacture or process a chemical substance for test marketing purposes. To grant such an exemption, the Agency must find that the test marketing activities will not present any unreasonable risk of injury to health or the environment. EPA must either approve or deny the application within 45 days of its receipt, and the Agency must publish a notice of its disposition in the **Federal Register**. If EPA grants a test marketing exemption, it may impose restrictions on the test marketing activities.

Under section 5(h)(6), EPA must publish in the **Federal Register** a notice of receipt of an application under section 5(h)(1) immediately after the Agency receives the application. The notice identifies and briefly describes the application (subject to section 14 confidentiality restrictions) and gives interested persons an opportunity to comment on it and whether EPA should grant the exemption. Because the Agency must act on the application within 45 days, interested persons should provide comments within 15 days after the notice appears in the **Federal Register**.

EPA has proposed Premanufacture Notification Requirements and Review Procedures published in the **Federal Register** of January 10, 1979 (44 FR 2242) and October 16, 1979 (44 FR 59764) containing proposed premanufacture rules and notice forms. Proposed 40 CFR 720.15 (44 FR 2268) would implement section 5(h)(1) concerning exemptions for test marketing and includes proposed 40 CFR 720.15(c) concerning the section 5(h)(6) **Federal Register** notice. However, these requirements are not yet in effect. In the meantime, EPA has published a statement of Interim Policy published in the **Federal Register** of May 15, 1979 (44 FR 28564) which applies to PMN's submitted prior to the promulgation of the rules and notice forms.

Interested persons may, on or before July 6, 1981, submit to the Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Rm. E-401, 401 M St., SW., Washington, DC 20460, written comments regarding these notices. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[OPTS-59052]". Comments received may be

seen at the above address between 8:00 a.m. and 4:00 p.m., Monday through Friday excluding legal holidays.

(Sec. 5, 90 Stat. 2012 (15 U.S.C. 2604))

Dated: June 12, 1981.

Edward A. Klein,

Director, Chemical Control Division.

TM-81-13

The following summary is taken from data submitted by the manufacturer in the test marketing exemption application.

Close of Review Period. July 10, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: polymeric sulfonated azo dye.

Use. Claimed confidential business information. Generic use: the submitter states that the new substance will be used as a dye.

Production Estimates. The manufacturer states that 100 grams of the new substance will be manufactured for test marketing purposes to continue through December 1981.

Physical/Chemical Properties

Appearance—Solid, magenta color
Melting point—Undetermined

Toxicity Data. No data were submitted. The manufacturer claims that although no toxicological hazards are anticipated, toxicological tests have been requested and results will be submitted to EPA.

Exposure. The submitter states that one worker will be exposed to the new substance while dissolving the 100 grams in water at less than 1 percent concentration. Protective gloves and goggles will be worn to protect against exposure.

The manufacturer claims that the new substance will compose less 0.01 percent of the final article, that ultimate article user cannot be exposed to the dye.

Environmental Release/Disposal. No data were submitted. The submitter states that the only quantity of the dye which will reach the environment will come from rinsing out laboratory flasks used for mixing and containers used for shipping.

(TM-81-14)

The following summary is taken from data submitted by the manufacturer in the test marketing exemption application.

Close of Review Period. July 10, 1981.

Manufacturer's identify. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: polymeric sulfonated azo dye.

Use. Claimed confidential business information. Generic use: the submitter states the new substance will be used as a dye.

Production Estimates. The manufacturer states that 100 grams of the new substance will be manufactured for test marketing purposes to continue through December 1981.

Physical/Chemical Properties

Appearance—Solid, yellow color
melting point—Undetermined

Toxicity Data. No data were submitted. The manufacturer claims that although no toxicological hazards are anticipated, toxicological tests have been requested and results will be submitted to EPA.

Exposure. The submitter states that one worker will be exposed to the new substance while disolving the 100 grams in water at less than 1 percent concerntration. Protective gloves and goggles will be worn to protect against exposure.

The manufacturer claims that the new substance will compose less than 0.01 percent of the final article, that ultimate article user cannot be exposed to the dye.

Environmental Release/Disposal. No data were submitted. The submitter states that the only quantity of the dye which will reach the environment will come from rinsing out laboratory flasks used for mixing and containers used for shipping.

[FR Doc. 81-18060 Filed 6-17-81; 8:45 am]

BILLING CODE 6560-31-M

[OPTS-51267; TSH-FRL-1855-7]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA's statements of interim policy published in the **Federal Register** of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). Section 5(d)(2) requires EPA to publish in the **Federal Register** certain information about each PMN within 5 working days after receipt. This notice announces receipt of five PMN's and provides a summary of each.

DATE: Written comments by July 7, 1981.

ADDRESS: Written comments, identified by the document control number "[OPTS-51267] and the specific PMN number, should be sent to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-401, 401 M Street SW., Washington, DC 20460, (202-436-2610)

FOR FURTHER INFORMATION CONTACT:

For PMN No.	Notice manager	Telephone	Room No.
81-223	Carrie Berlin	(202-426-8816)	E-223
81-225, 81-226.	Kathleen Ehrensberger.	(202-755-1150)	E-335
81-227, 81-228.	Junie Thompson.	(202-755-8660)	E-529C.

Mail address of notice managers: Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, 401 M Street SW., Washington, DC 20460.

SUPPLEMENTARY INFORMATION: The following are summaries of information provided by the manufacturer on PMN's received by the EPA:

PMN 81-223

Close of Review Period. August 6, 1981.

Importer's Identity. Union Carbide Corporation, Carbon Products Division, P.O. Box 849, Greenville, SC 29602.

Specific Chemical Identity. Butanenitrile, 3-hydroxy-2methylene.

Use. The importer states that the new substance will be used as a copolymer in the production of polyacrylonitrile.

Import Estimates

	(kg/yr)
1st year	300
2d year	960
3d year	1,500

Physical/Chemical Properties

Flash point, °F—211
Specific gravity at 25°C—.980
Solubility in water at 25°C—Miscible
Boiling point, °C, 3 mm Hg—83-87
Vapor pressure, °C, mm Hg:
88°—10
105°—20
145°—100
205—760
Octanol water partition coefficient (log P_{oct}) estimated——0.72

Toxicity Data

Oral toxicity, LD_{50} (rat)—0.467 ml/kg.

Skin toxicity, LD_{50} (rabbit)—0.504 mg/kg.
Uncovered skin irritation (rabbit)—Nonirritating.
Eye irritation (rabbit)—Severely irritating, undiluted; moderately irritating, diluted.
Inhalation (rat), substantially saturated vapor at 25°C, 6 hr—Killed 0 of 6
In-vitro mutagenicity:
Sister chromatid exchange test—Negative.
Unscheduled DNA synthesis—Positive.
Chinese hamster ovary—Negative.
Ames test—Positive.

Exposure. The importer states that an average of four workers processing and disposing of the new substances could have periodic inhalation, skin, and eye exposure, 20 to 25 da/yr, during processing, quality control, and materials handling. There will be no exposure to consumers.

Environmental Release/Disposal. The importer states that none of the new chemical will be released into the air, land, and water during processing operations. Disposal of any contaminated clothing, cans, off-specification material, and waste materials used to contain spills will be by incineration.

PMN 81-225

Close of Review Period. August 6, 1981.

Manufacturer's Identity. Morton Chemical, Division of Morton Norwich Products, 2 North Riverside Plaza, Chicago, IL 60606.

Specific Chemical Identity. Polymer of acrylic acid, butyl acrylate, glycidyl methacrylate, 2-hydroxyethyl acrylate, and vinylidene chloride.

Use. The manufacturer states that the PMN substance will be used in an industrial use as laminating adhesive.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	100,000	300,000
2d year	200,000	700,000
3d year	450,000	1,400,000

Physical/Chemical Properties

Solids content—46%.
pH—2
Viscosity at 25°C—50 cps.
Density (water = 1)—1.20
Residual monomer—0.1% maximum.
Odor—Slight, characteristic.
Appearance—Off-white, opaque liquid.

Toxicity Data. No data were submitted on the polymer.

Exposure. The manufacturer states that six manufacturing workers will have skin exposure to the new chemical for 0.1 hr/da, 120 da/yr, during sampling, quality control, and filtering. At two sites not controlled by the submitter, 152 workers processing and disposing of the chemical could have skin exposure for 1 hr/da, 20 to 35 da/yr. Exposure levels for manufacturing and processing workers will average 0 to 1 mg/m^3 and peak at 1 to 10 mg/m^3.

Environmental Release/Disposal. The manufacturer states that at the three sites, less than 60 kg/yr of the new substance will be released into the air and water and from 2,100 to 21,000 kg/yr into the land by approved landfilling operations after pH adjustment.

PMN 81-226

Close of Review Period. August 6, 1981.

Manufacturer's Identity. Morton Chemical, Division of Morton Norwich Products, 2 North Riverside Plaza, Chicago, IL 60606.

Specific Chemical Identity. Poymer of acrylic acid, acrylonitrile, butylacrylate, 2-hydroxyethel acrylate, and vinylidene chloride.

Use. The manufacturer states that the PMN substance will be used in an industrial use as laminating adhesive.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	20,000	70,000
2d year	100,000	350,000
3d year	200,000	700,000

Physical/Chemical Properties

Solids content—46%.
pH—2
Viscosity at 25°C—50 cps.
Density (water=1)—1.27
Residual monomer—0.1% maximum.
Odor—Slight, characteristic.
Appearance—Off-white, opaque liquid.

Toxicity Data. No data were submitted on the polymer.

Exposure. The manufacturer states that six manufacturing workers will have skin exposure to the new chemical for 0.1 hr/da, 120 da/yr, during sampling, quality control, and filtering. At two sites not controlled by the submitter, 32 workers manufacturing and disposing of the new substance could have skin exposure for 1 hr/da, 20 to 100 da/yr. Exposure levels for manufacturing workers will average 0 to 1 mg/m^3 and peak at 1 to 10 mg/m^3.

Environmental Release/Disposal. The manufacturer states that at the three sites less than 60 kg/yr of the new substance will be released into the air and water and from 2,100 to 21,000 kg/yr into the land by approved landfilling operations after pH adjustment.

PMN 81-227

Close of Review Period. August 6, 1981.

Importer's Identify. American Hoechst Corporation, 202-206 North, Somerville, NJ 08876.

Specific Chemical Identity. 1,1,2,2-Tetrahydroperfluoro alkyl (C_8-C_{14}) acrylate.

Use. The importer states that the PMN substance will be used in an industrial use as a textile soil and oil repellent.

Import Estimates. Claimed confidential business information.

Physical/Chemical Properties. No data were submitted.

Environmental Test Data.

Chemial oxygen demand (COD) (dichromate method)—1,110 mgO_2/g.
Fish toxicity LC_{50} (gold fish)—>100 mg/l.
Bacteria toxicity in treatment plant—2,500 mg/1.

Toxicity Data

Oral toxicity LD_{50}(rats)—>5,000 mg/kg.

Exposure. The importer states that at a site not controlled by the importer, one processing worker will have skin exposure to the new chemical for less than 1 hr/da during the transfer of the liquid substance from drums to vats.

Environmental Release/Disposal. The importer states that 20 to 200 kg/yr of the new substance will be released into the land and water; only residue from drums will require disposal.

PMN 81-228

Close of Review Period. August 6, 1981.

Importer's Identity. American Hoechst Corporation, 202-206 North, Somerville, NJ 08876.

Specific Chemcial Identity. Ethylthiosulfuric acid, 2-[[(1,1,2,2-tetrahydroperfluorooctyl)oxy)carbonyl) amino-, sodium salt.

Use. Claimed confidential business information.

Import Estimates

	Kilograms per year	
	Minimum	Maximum
1981	600	1,000
1982	1,500	3,000
1983	2,000	4,000

Physical/Chemical Properties. No data were submitted.

Environmental Test Data

COD (dichromate method)—1,110 MgO_2g.

Fish toxicity LC_{50} (gold fish)—>100 mg/l.

Bacteria toxicity in treatment plant—2,500 mg/l.

Toxicity Data

Oral toxicity LD_{50} (rats)—>5,000 mg/kg.

Exposure. The importer states that a site controlled by others one processing worker will have skin exposure to the new chemical for less than 1 hr/da during the transfer of the liquid substance from drums into vats.

Environmental Release/Disposal. The importer states that less than 20 kg/yr of the new substance will be released into the land and water; only residue from drums will require disposal.

Dated: June 12, 1981.

Edward A. Klein,

Director, Chemical Control Division.

[FR Doc. 81-18079 Filed 6-17-81; 8:45 am]

BILLING CODE 6560-31-M

[OPTS-51269; TSH-FRL-1855-5]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of interim policy published in the **Federal Register** of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). Section 5(d)(2) requires EPA to publish in the **Federal Register** certain information about each PMN within 5 working days after receipt. This notice announces receipt of six PMN's and provides a summary of each.

DATES: Written comments by:

PMN 81-240—July 12, 1981.

PMN 81-242, 81-245, 81-246—July 17, 1981.

PMN 81-247, 81-248—July 18, 1981.

ADDRESS: Written comments, identified by the document control number [OPTS-51269] and the specific PMN number should be sent to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-401, 401 M St., SW., Washington, DC 20460, (202-426-2610).

FOR FURTHER INFORMATION CONTACT:

For PMN No.	Notice manager	Telephone	Room No.
81-240	Carrie Berlin	(202-426-8816)	E-221
81-242,81-248	Mary Cushmac	(202-382-2277)	E-229
81-245, 81-247	Robert Jones	(202-426-2601)	E-208
81-246	George Bagley	(202-426-2601)	E-210

Mail address of notice managers: Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, 401 M Street SW., Washington, DC 20460.

SUPPLEMENTARY INFORMATION: The following are summaries of information provided by the manufacturer on the PMN's received by EPA:

PMN 81-240

Close of Review Period. August 11, 1981.

Manufacturer's Identity. Givaudan Corporation, 125 Delawanna Avenue, Clifton, NJ 07014.

Specific Chemical Identity. N,N'-Bis(2-ethylhexyloxycarbonylphenyl)formamidine.

Use. The manufacturer states that the PMN substance will be used as industrial ultraviolet absorber.

Production Estimates.

	Kilograms per year	
	Minimum	Maximum
1st year	500	5,000
2d year	3,000	8,000
3d year	3,000	10,000

Physical/Chemical Properties.

Appearance—Off-white solid.

Molecular weight—508.7

Melting point—82-83° C.

Purity—98% minimum.

Solubilities:

Toluene—>30 percent.

Xylene—>30 percent.

Toxicity Data. Claimed confidential business information.

Exposure. The manufacturer states that two processing workers will have skin exposure for 8 hr/da, 20 da/yr, at a peak concentration greater than 100 ppm during the recrystallization of the new substance from methanol and during sampling for quality-assurance analyses.

Environmental Release/Disposal. The manufacturer states that less than 30 kg/yr of the new substance will be released into the environment. Waste disposal will be by incineration or to a publicly owned treatment works (POTW).

PMN 81-242

Close of Review Period. August 16, 1981.

Importer's Identity. Sumitomo Corporation of America, 345 Park Avenue, New York, NY 10022.

Specific Chemical Identity. Sodium 2,2,3,3-tetrafluoropropionate.

Use. The importer states that the PMN substance will be used in a site-limited, industrial use as a captive intermediate.

Import Estimates. Claimed confidential business information.

Physical/Chemical Properties.

Molecular weight—weight 168.

Appearance—White crystalline.

Solubility—Soluble in water; hardly soluble in nonpolar organic solvents.

Environmental Test Data. Fish toxicity in young carp (48-hr TLM) is greater than 100 ppm. Additional data on other aquatic species, plants, animals, and environmental fate are available for inspection at the agency.

Toxicity Data.

Acute oral toxicity LD_{50}:

(male mice)—9,200 mg/kg.

(female mice)—9,800 mg/kg.

(male rats)—10,100 mg/kg.

(female rats)—8,500 mg/kg.

Semi/chronic oral toxicity, noneffect level (female rats)—100 ppm at dietary level.

Acute dermal toxicity, noneffect level (male rabbits)—>2,000 mg/kg.

Exposure. No data were submitted.

Environmental Release/Disposal. No data were submitted.

PMN 81-245

Close of Review Period. August 16, 1981.

Manufacturer's Identity. Celanese Plastics & Specialties Company, 26 Main Street, Chatham, NJ 07928.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: carbocylic sulfonic acid salt.

Use. Claimed confidential business information. Generic use information provided: industrial use as a component.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties.

Percent nonvolatile—37

Viscosity (Gardner-Holdt)—A_4

Color (Gardner)—3 maximum.

Acid value—228-238

Density—.894

Solubilities at 25°C:

Water—Soluble.

Acetone—Insoluble.

Xylene—Insoluble.

Butanol—Soluble.

Isopropanol—Soluble.
Butyl acetate—Insoluble.
Ethylene glycol monomethyl ether—Soluble.

Toxicity Data. No data were submitted.

Exposure. The submitter states that at 2 sites, 12 manufacturing and processing workers will have skin exposure to the new substance for 4 to 8 hr/da, 75 to 96 da/yr, during pail or drum filling, cleaning, and transferring operations. At a site not controlled by the submitter, nine workers using the chemical could have accidental or incidental skin exposure for 8 hr/da, 75 da/yr, during transferring, sampling, and cleaning operations.

Environmental Release/Disposal. The manufacuturer states that at two sites, less than 20 kg/yr of the new substance will be released into the land. At a site not controlled by the submitter, disposal of up to 1,000 kg/yr of waste material will be by landfill or incineration.

PMN 81-246

Close of Review Period. August 16, 1981.

Manufacturer's Identity. Spencer Kellogg Division of Textron Inc., 120 Delaware Avenue, Buffalo, NY 14240.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: hydroxyl terminated saturated polyester.

Use. Claimed confidential business information. Generic use information provided: Dispersive use that will release more than 50 but less than 5,000 kg/yr into the environment with potential skin exposure to chemical industry employees.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties.
Flash point (Seta C.C.)—129°F.
Weight per gallon—9.01 lbs.
Specific gravity 25/25°C—1.08
Viscosity at 25°C (Gardner-Holdt)—Z5 +1
Acid value (solids)—7.35
Nonvolatile—85%.
Solvent—Methyl amyl ketone.

Toxicity Data. No data were submitted.

Exposure. The submitter states that four manufacturing workers could have skin exposure to the new chemical for 8 hr/da, 38 da/yr, during sampling, analyzing, and filling containers with the product.

Environmental Release/Disposal. No data were submitted. The manufacturer states that there will be release of the new chemical substance to the environment as an industrial loss to a permitted secure landfill or an incineration facility.

PMN 81-247

Close of Review Period. August 17, 1981.

Manufacturer's Identity. Thiokol Corporation, Specialty Chemicals Division, P.O. Box 8296, Trenton, NJ 08650.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: polyurethane-acrylate blocked.

Use. Claimed confidential business information. Generic use information provided: Abrasion-resistant industrial coating.

Production Estimates.

	Kilograms per year	
	Minimum	Maximum
1st year	0	230,000
2d year	0	450,000
3d year	0	700,000

Physical/Chemical Properties.
Appearance—Clear, yellow viscous liquid.
Vapor pressure at room temperature—Nil.
Density at 25°C—1.10
Solubilities:
Water—Insoluble.
Toluene—Partially soluble.
Acetone—Very soluble.
Methylene Chloride—Very soluble.

Toxicity Data.
Acute oral toxicity LD_{50} (rat)—> 5.0 gm/kg.
Primary skin irritation (albino rabbits)—Not a primary irritant (Index = .08).
Primary eye irritation (albino rabbits)—Not a primary eye irritant.

Exposure. The manufacturer states that at 2 sites, 14 workers manufacturing, processing, and disposing of the new substance will have skin exposure for 0.1 to 3 hr/da, 10 to 100 da/yr, with an average level of concentration of 0 to 1 ppm for processing workers. Exposure could occur during sampling, cleaning, blending, and packaging operations.

Environmental Release/Disposal. The submitter states that 1,000 to 10,000 kg/yr of the chemical will be released into the land. Disposal will be by on-site deep well injection for liquids, on-site landfill for nonhazardous solids, and off-site contract hauler and contract landfill for hazardous solids. At a site not controlled by the submitter, less than 10 kg/yr will be released into the land of a landfill after incineration or polymerization.

PMN 81-248

Close of Review Period. August 17, 1981.

Manufacturer's Identity. 3M, Office of Product Performance, 3M Center, Building 220-3W, St. Paul, MN 55144.

Specific Chemical Identity. Poly (methyl vinyl ether/mono methyl maleate).

Use. Coatings.

Production Estimates.

	Kilograms per year	
	Minimum	Maximum
1st year	100	150
2d year	150	200
3d year	200	250

Physical/Chemical Properties.
Molecular weight—63,000.

Toxicity Data.
Acute oral LD_{50} (albino rats)—>5,000 mg/kg.
Acute eye irritation (albino rabbits)—Moderately irritating.
Primary skin irritation (female albino rabbits)—Mildly irritating.
Ames *Salmonella* miscrosome assay, with and without metabolic activation—Nonmutagenic.

Exposure. The submitter states that six workers manufacturing processing, and disposing of the new substance could have skin exposure for 1 to 8 hr/da, 8 da/yr, at average and peak concentrations of 1 to 10 ppm.

Environmental Release/Disposal. The manufacturer states that at two sites, less than 60 kg/yr of the new substance will be released into the air, land, and water. Solutions, recovered spills, unused raw materials, and waste final product will be incinerated; scraps, waste substrate, and empty raw material containers will be sanitary landfilled.

Dated: June 12, 1981.

Edward A. Klein,

Director, Chemical Control Division.

[FR Doc. 81-18081 Filed 6-17-81; 8:45 am]

BILLING CODE 6560-31-M

[PH-FRL 1857-5; OPP-30053]

Pesticide Registration; Notice of the Possible Effects of Pending Litigation

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice explains how companies receiving registration for certain pesticide products may be affected by pending litigation against EPA.

FOR FURTHER INFORMATION CONTACT: Marcia E. Mulkey, Environmental Protection Agency, Pesticides Division, Office of General Counsel (A-132), Rm.

W535B, 401 M St., S.W., Washington, D.C. 20460, (202–426–9448).

SUPPLEMENTARY INFORMATION: On June 10, 1981, the U.S. District Court for the Southern District of New York issued an order vacating the preliminary injunction in the case entitled *Union Carbide Agricultural Products Co., Inc.*, v. *Gorsuch*, 76 Civ. 2913 (S.D.N.Y.); *See* 632 F. 2d 1014 (2d Cir. 1980) *rev'g* 461 F. Supp. 195 (S.D.N.Y. 1979).

The result of the Court's June 10 order is that EPA is now able to issue certain registrations of pesticide products based in part on EPA's consideration of the data submitted by any plaintiffs in the litigation, without the plaintiff's consent, as authorized by section 3 of the Federal Insecticide, Fungicide, and Rodenticide Act, (FIFRA), 7 U.S.C. 136a. The injunction had barred EPA's consideration of this data unless the data submitter had consented. The injunction had also barred disclosure of the data to members of the public as provided for in section 10 of FIFRA.

The plaintiffs in the litigation are:

Abbott Laboratories
Ciba-Geigy Corporation
E.I. du pont de Nemours & Co.
FMC Corporation
Rhone-Poulenc, Inc.
Rohm and Haas Company
Sandoz, Inc.
Stauffer Chemical Company
Union Carbide Agricultural Products Company, Inc.
Uniroyal, Inc.
The Upjohn Company
Velsicol Chemical Corporation

The plaintiffs have informed EPA that they will continue to contend that the statute is unconstitutional, and therefore that EPA's use of the data in making registration decisions is unlawful unless they have consented to such use. They have further informed EPA that if they ultimately prevail on this point in the litigation they will seek cancellation of registrations EPA has issued on that basis, and perhaps other relief. Anyone who obtains a registration based on any of the plaintiffs' data while this litigation is pending should take these facts into account.

Dated: June 15, 1981.

James M. Conlon,

Acting Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 81-18288 Filed 6-17-81; 8:45 am]

BILLING CODE 6560-32-M

FEDERAL COMMUNICATIONS COMMISSION

TV Broadcast Applications Accepted for Filing and Notification of Cut-Off Date; Correction to TV Cut-Off List A-29

Released: June 11, 1981.

On the Public Notice released June 4, 1981, captioned *TV Broadcast Applications Accepted for Filing and Notification of Cut-Off Date* (Mimeo No. 001274, Report No. A–29), the application of Thomas Television, Inc. to modify the facilities of WATR–TV, Waterbury, Connecticut, Channel 20 (EMPCT–810519KE) was incorrectly described as an application to reduce ERP Vis. to 239 kW. Notice is hereby given that the purpose of that application is to Increase ERP Vis. to 2388 kW.

Federal Communication Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81-18286 Filed 6-17-81; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL MARITIME COMMISSION

[Agreements Nos. T-3954 and T-3954-1]

Lease Agreement Between the Indiana Port Commission and Mapco Land Corp.; Availability of Finding of No Significant Impact

Upon completion of an environmental assessment, the Federal Maritime Commission's Office of Energy and Environmental Impact has determined that the Commission's decision on Agreements Nos. T–3954 and T–3954–1 will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*, and that preparation of an environmental impact statement is not required. These agreements involve a lease between the Indiana Port Commission and Mapco Land Corporation providing for the construction of storage and shipping facilities for soft coal on approximately 63.55 acres at the Southwind Maritime Centre on the Ohio River near Mt. Vernon, Indiana.

This Finding of No Significant Impact (FONSI) will become final on or before July 7, 1981, unless a petition for review is filed pursuant to 46 CFR 547.6(b).

The FONSI and related environmental assessment are available for inspection on request from the Office of the Secretary, Room 11101, Federal Maritime Commission, Washington, D.C. 20573, telephone (202) 523–5725.

Joseph C. Polking,

Acting Secretary.

[FR Doc. 81-8054 Filed 6-17-81; 8:45 am]

BILLING CODE 6730-01-M

[Agreement No. T-2810-A]

Supplemental Facilities Lease Between Tampa Port Authority and Uiterwyk Cold Storage Corp.; Availability of Finding of No Significant Impact

Upon completion of an environmental assessment, the Federal Maritime Commission's office of Energy and Environmental Impact has determined that the Commission's decision on Agreement No. T–2810–A will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq., and that preparation of an environmental impact statement is not required. The agreement is a supplemental facilities lease between Tampa Port Authority (Tampa) and Uiterwyk Cold Storage Corp. (UCS). The lease provides that Tampa will construct 28,000 square feet of additional warehouse space to accommodate increased shipments of fresh fruit and vegetables by UCS.*

This Finding of No Significant Impact (FONSI) will become final on or before June 29, 1981, unless a petition for review is filed pursuant to 46 CFR 547.6(b).

The FONSI and related environmental assessment are available for inspection on request from the Office of the Secretary, Room 11101, Federal Maritime Commission, Washington, D.C. 20573, telephone (202) 523–5725.

Joseph C. Polking,

Acting Secretary.

[FR Doc. 81-8055 Filed 6-17-81; 8:45 am]

BILLING CODE 6730-01-M

[Independent Ocean Freight Forwarder License No. 1697–R]

L. E. Ball Forwarding Corp.; Order of Revocation

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4 further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

The bond issued in favor of L. E. Ball Forwarding Corporation, 88 New Dorp Plaza, Rm. 200, Staten Island, NY 10300 was cancelled effective May 27, 1981.

By letter dated May 12, 1981, L. E. Ball Forwarding Corporation was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder No. 1697–R would be automatically revoked or suspended unless a valid surety bond was filed with the Commission.

L. E. Ball Forwarding Corporation has failed to furnish a valid bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised), § 5.01(d) dated August 8, 1977;

Notice is hereby given, that Independent Ocean Freight Forwarder License No. 1697–R be and is hereby revoked effective May 27, 1981.

It is ordered, that Independent Ocean Freight Forwarder License No. 1697–R issued to L. E. Ball Forwarding Corporation be returned to the Commission for cancellation.

It is further ordered, that a copy of this Order be published in the **Federal Register** and served upon L. E. Ball Forwarding Corporation.

Albert J. Klingel, Jr.,

Director, Bureau of Certification and Licensing.

[FR Doc. 81–18119 Filed 6–17–81; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Arlington Bancorp, Inc.; Formation of Bank Holding Company

Arlington Bancorp, Inc., Arlington Heights, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of Suburban National Bank of Arlington Heights, Arlington Heights, Illinois, a *de novo* bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than July 3, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 11, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81–18070 Filed 6–17–81; 8:45 am]

BILLING CODE 6210–01–M

Citizens Holding Corp.; Formation of Bank Holding Company

Citizens Holding Corporation, Genoa City, Wisconsin, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1) to become a bank holding company by acquiring 81.88 percent of the voting shares of Citizens State Bank, Genoa City, Wisconsin. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than July 10, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 11, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81–18071 Filed 6–17–81; 8:45 am]

BILLING CODE 6210–01–M

Commercial Bancshares, Inc.; Formation of Bank Holding Company

Commercial Bancshares, Inc., Tulsa, Oklahoma, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1) to become a bank holding company by acquiring 80 percent or more of the voting shares of Commercial Bank, Tulsa, Oklahoma. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than July 11, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 12, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81–18072 Filed 6–17–81; 8:45 am]

BILLING CODE 6210–01–M

East-Tex Bancorp, Inc.; Formation of Bank Holding Company

East-Tex Bancorp, Inc., Trinity, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares, less directors' qualifying shares, of The First National Bank of Trinity, Trinity, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The Application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than July 11, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 12, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81–18073 Filed 6–17–81; 8:45 am]

BILLING CODE 6210–01–M

Mauston Bancorp, Inc.; Formation of Bank Holding Company

Mauston Bancorp, Inc., Mauston, Wisconsin, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1) to become a bank holding company by acquiring 80 per cent or more of the voting shares of Bank of Mauston Mauston, Wisconsin. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than July 10, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 11, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-18074 Filed 6-17-81; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

Medicare Program; Supplemental Health Insurance Panel—Meeting

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Notice of meeting.

SUMMARY: This notice announces a meeting of the Supplemental Health Insurance Panel and sets forth the tentative agenda for that meeting. Interested members of the public may attend.

DATE: June 26, 1981; 11:00 a.m. to 1:00 p.m.

ADDRESS: Health Care Financing Administration, Room 1–M–2 East Low Rise, 6325 Security Boulevard, Baltimore, Maryland 21207.

FOR FURTHER INFORMATION, CONTACT: Robert A. Silva, Director, Medigap Operations Staff, Bureau of Program Operations, Health Care Financing Administration, Department of Health and Human Services, Room 555 East High Rise, 6325 Security Boulevard, Baltimore, Maryland 21207, 301–594–9412.

SUPPLEMENTARY INFORMATION: The Supplemental Health Insurance Panel consists of the Secretary of HHS (or designee) who chairs the Panel and four State Commissioners or Superintendents of Insurance. The Secretary's authority to chair the Panel has been delegated to the Director, Bureau of Program Operations, Health Care Financing Administration. The Panel is provided for under section 1882 of the Social Security Act (42 U.S.C. 1395ss), and reviews State programs for regulating Medicare supplemental insurance policies to determine whether or not those programs meet or exceed standards specified in Federal statute.

The tentative agenda of the meeting of the Panel on June 26, 1981 is a review of State programs. Among the States which, at the time of preparation of this notice, have submitted laws or regulations for the Panel's review are Alaska, Florida, Georgia, Illinois, New Hampshire, Oregon, and Vermont.

(Sec. 1882 of the Social Security Act (42 U.S.C. 1395ss))

(Catalog of Federal Domestic Assistance Program No. 13.773, Medicare—Hospital Insurance; Program No. 13.774, Medicare—Supplementary Medical Insurance)

Dated: June 9, 1981.

Tera S. Younger,

Chairperson, Supplemental Health Insurance Panel.

[FR Doc. 81-18123 Filed 6-17-81; 8:45 am]

BILLING CODE 4110-35-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Approval of Outer Continental Shelf Official Protraction Diagrams

1. Notice is hereby given that, effective with this publication, the following OCS Official Protraction Diagrams, approved on the dates indicated, are available for information in the Alaska Outer Continental Shelf Office, Bureau of Land Managment, Anchorage, Alaska. In accordance with Title 43, Code of Federal Regulations, these protraction diagrams are the basic record for the description of mineral and oil and gas lease offers in the geographic area represented.

Outer Continental Shelf Protraction Diagrams

Description	Approval date
NO 1-1	Dec. 17, 1980.
NP 1-3	Feb. 25, 1981.
NP 1-4	Feb. 25, 1981.
NP 1-5	Feb. 25, 1981.
NP 1-6	Apr. 30, 1981.
NP 1-7	Feb. 25, 1981.

2. Copies of these diagrams are for sale at two dollars ($2.00) per sheet by the Manager, Alaska Outer Continental Shelf Office, Bureau of Land Management, P.O. Box 1159, Anchorage, Alaska 99510. The street address is 620 East 10th Avenue, Anchorage, Alaska. Checks or Money Orders should be made payable to the Bureau of Land Management.

Robert J. Brock,

Acting Manager, Alaska Outer Contninetal Shelf Office.

[FR Doc. 81-18041 Filed 6-17-81; 8:45 am]

BILLING CODE 4310-84-M

Montana; Proposed Modification of District Office Boundaries

AGENCY: U.S. Department of Interior, Bureau of Land Management.

ACTION: Notice of Proposed Boundary Change.

SUMMARY: Notice is hereby given that the Bureau of Land Management is proposing a partial realignment of the boundary between the Lewistown and Miles City Districts involving part of the Northern Cheyenne Indian Reservation and adjacent to the Crow Indian Reservation in Big Horn County, Montana.

The following described lands are proposed for transfer from the Lewistown District to the Miles City District:

Principal Meridian

T. 1 N., R. 38 E.,
Secs. 1 to 4, inclusive, Secs. 9 to 16, inclusive, Secs. 21 to 28, inclusive, and Secs. 33 to 36, inclusive.
T. 1 S., R. 38 E.,
Secs. 1 and 2, Secs. 11 to 14, inclusive, Secs. 23 to 26, inclusive, and Secs. 35 and 36.
T. 2 S., R. 38 E.,
Secs. 1 and 2, Secs. 11 to 14, inclusive, Secs. 23 to 26, inclusive, and Secs. 35 and 36.
T. 3 S., R. 38 E.,
Secs. 1 to 2, Secs. 11 to 14, inclusive, Secs. 23 to 26, inclusive, and Secs. 35 and 36.
T. 4 S., R. 38 E.,
Secs. 1 and 2, Secs. 11 to 14, inclusive, Secs. 23 to 26, inclusive, and Secs. 35 and 36.
T. 5 S., R. 38 E.,
Secs. 1 and 2, Secs. 11 to 14, inclusive, Secs. 23 to 26, inclusive, and Secs. 35 and 36.
T. 1 N., R. 39 E.,
Secs. 19 to 21, inclusive, and Secs. 28 to 33, inclusive.
T. 1 S., R. 39 E.,
Secs. 4 to 9, inclusive, Secs. 16 to 21, inclusive, and Secs. 28 to 33, inclusive.
T. 2 S., R. 39 E.
Secs. 4 to 36, inclusive.
T. 3 S., R. 39 E.
Secs. 1 to 36, inclusive.
T. 4 S., R. 39 E.
Secs. 1 to 36, inclusive.
T. 5 S., R. 39 E.
Secs. 1 to 36, inclusive.
T. 2 S., R. 40 E.
Secs. 7 to 36, inclusive.
T. 3 S., R. 40 E.
Secs. 1 to 36, inclusive.
T. 4 S., R. 40 E.
Secs. 1 to 36, inclusive.
T. 5 S., R. 40 E.
Secs. 1 to 36, inclusive.

The reasons for the proposed boundary adjustment are as follows:

1. The management of federally owned coal in Montana's portion of the Powder River Coal Region will be with one district, the Miles City District.

2. There will be better coordination with the Northern Cheyenne Indian Reservation. The proposed change would place the entire reservation in the Miles City District and facilitate BLM's efforts to fulfill the consistency requirements of the Planning Regulations, 43 CFR 1601.5–4(a)(5) in the case of the Northern Cheyenne Indians.

3. Grazing Management of the 1,280 acres of federal surface estate involved within the boundary of the Lewistown District is already being administered by the Miles City District.

4. The placement of the above-described area into the Miles City District will consolidate BLM's management as intended by the 1976 District realignment for Montana.

The proposed boundary adjustment should enable the Bureau to better coordinate the management of the public lands with Big Horn County and the Northern Cheyenne Indian Reservation and provide improved service to the general public. Additional public involvement on this action will consist of letters to the tribal officials of both tribes and to the county governments involved; a News Release to appropriate contacts in the area and a specific copy of this Notice to the Montana Department of State Lands.

DATE: Comments must be received on or before August 19, 1981.

ADDRESS: Comments should be addressed to Michael J. Penfold, State Director, Bureau of Land Management, P.O. Box 30157, Billings, Montana 59107.

FOR FURTHER INFORMATION CONTACT: Ernest L. Kemmis, Chief, Division of Planning and Environmental Coordination, (406) 657–6632, FTS 8–585–6632.

Dated: June 9, 1981.

Michael J. Penfold,

State Director.

[FR Doc. 81–18045 Filed 6–17–81; 8:45 am]

BILLING CODE 4310–84–M

Salem District Advisory Council; Meeting

Notice is hereby given, in accordance with Pub. L. 94–597 and 43 CFR Part 1780, that a meeting of the Bureau of Land Management's Salem District Advisory Council will be held on July 15, 1981, at 9:00 a.m. at Bureau of Land Management, Salem District Office, 1717 Fabry Road S.E., Salem, Oregon.

The agenda will include:

A review of public comments and recommendations regarding issues and alternatives to be considered in the preparation of the draft Eastside Planning Area Timber Management Environmental Impact Statement.

Providing advice to the Salem District Manager to be considered in preparation of the draft EIS.

The meeting is open to the public. Interested persons may make oral statements for the Council's consideration. Anyone wishing to make an oral statement must notify the District Manager at P.O. Box 3227, Salem, Oregon 97302, prior to July 10, 1981. Depending upon the number of persons wishing to make an oral statement, a per person time limit may be established.

Summary minutes of the meeting will be maintained in the District Office and will be available for public inspection and reproduction during regular business hours within 30 days following the meeting.

Kenneth W. Jensen,

Acting District Manager.

June 10, 1981.

[FR Doc. 81–18046 Filed 6–17–81; 8:45 am]

BILLING CODE 4310–84–M

Alabama; Amendment of Notice of Coal Lease Offering by Sealed Bid, Southern Appalachian Federal Coal Production Region

June 10, 1981.

This amends the Notice which appeared on page 28956 of the **Federal Register**, Vol. 46, No. 103, on Friday, May 29, 1981. Coal Offered: Rock Springs Church Tract, ES 27072.

The legal description is amended to include T. 17 S., R. 9 W., Sec. 36, E½NW¼. The acreage shown in the Notice is correct.

Roger L. Hildebeidel,

Eastern States Director.

[FR Doc. 81–18115 Filed 6–17–81; 8:45 am]

BILLING CODE 4310–84–M

Exchange of Public Lands in Beaverhead County, Montana

This Notice of Realty Action involves an exchange of Bureau of Land Management-administered lands in Montana (M–45179).

Certain public lands in Beaverhead County have been examined and found suitable for exchange with Carol Raffety of Glen, Montana. This exchange is authorized under authority of Section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716.

The private lands to be exchanged are as follows:

Principal Meridian Montana—Beaverhead County

T5S. R8W

Section 3: That portion of the SW¼NE¼ south of the Big Hole River (approximately 8 acres)—8 acres
SW¼, W½SE¼, SE¼SE¼—280 acres
Section 4: SE¼SE¼—40 acres
Section 10: NE¼, SE¼NW¼, N½SE¼—280 acres

The Above described private lands comprise approximately 608 acres.

An equal value portion of public lands will be exchanged for the private lands. The public lands are described as follows:

Principal Meridian Montana—Beaverhead County

T5S. R8W.

Section 1: E½SW¼, S½SE¼—160 acres
Section 2: SW¼NE¼, SE¼—200 acres
Section 11: N½NE¼, SW¼NE¼, SW¼SW¼, NE¼SW¼—200 acres
Section 14: NW¼NW¼—40 acres

The above described lands comprise approximately 600 acres.

Through the proposed exchange, the BLM would acquire about one-half mile of shoreline on the Big Hole River and several parcels just south of the river which have high recreation values. In return, several parcels of public land which are difficult to manage and have high agriculture potential would be transferred to private ownership. The proposed exchange constitutes a land tenure adjustment which will improve the manageability of public lands and make lands available for agricultural production.

The terms and conditions applicable to the exchange are:

1. The patent will include a reservation of a right-of-way for ditches and canals constructed by the authority of the United States in accordance with 43 U.S.C. 945.

2. All mineral rights will be transferred.

3. The transfer of the lands will be subject to valid, existing rights.

4. Oil and gas lease #M–32486 remains in effect until terminated by operation of existing laws.

This exchange is consistent with the Bureau's planning and has been discussed with local officials.

Detailed information concerning the exchange, including the land report and environmental assessment, is available for review at the Dillon Resource Area Office, Dillon, Montana, and the Butte District Office, 106 N. Parkmont, Industrial Park, Butte, Montana.

For a period of 45 days from the date of the last publication of this notice, interested parties may submit comments to the Secretary of the Interior, LLM (320), Washington, D.C. 20240. Any adverse comments will be evaluated by the Secretary of the Interior, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the Secretary of the Interior, this realty action will become the final determination of the Department of the Interior.

Dated: June 12, 1981.

Gerald L. Quinn,

Acting District Manager, Butte District.

[FR Doc. 81-18111 Filed 6-17-81; 8:45 am]

BILLING CODE 4310-84-M

[NM 7633]

New Mexico; Termination of Classification of Public Lands for Multiple Use Management

June 10, 1981.

1. On December 27, 1968 (FR, Vol. 33, No. 251, page 19855), the public lands described in the notice, aggregating approximately 5,516.52 acres, were classified for multiple-use management and segregated from all forms of appropriation including the general mining but not the mineral leasing laws.

2. Pursuant to the regulations set forth in 43 CFR 2461.5(c)(2), the classification referred to under paragraph 1 is hereby terminated. The lands described as the Rio Grande Gorge Recreation Area—Santa Fe Planning Unit (1–72) are now within the designation of the Rio Grande Gorge Wild and Scenic River pursuant to Public Law 90–542 and remain withdrawn for that designated area.

3. At 8:00 a.m. on July 13, 1981, the public lands described under La Cienega Planning Unit 1–33 of said notice shall be open to operation of the public land laws including location under the general mining laws, subject to valid existing rights and the requirements of applicable law. The lands affected are:

New Mexico Principal Meridian

T. 16 N., R. 8 E.,
Sec. 17, lots 2 and 3.
The area described contains 63.52 acres.

Inquiries concerning these lands should be addressed to the Chief, Division of Technical Services, Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87501.

Leroy C. Montoya,

Chief, Division of Technical Services.

[FR Doc. 81-18114 Filed 6-17-81; 8:45 am]

BILLING CODE 4310-84-M

[NM 7333]

New Mexico; Notice of Termination of Classification of Public Lands for Multiple Use Management

June 11, 1981.

1. On January 1, 1969 (FR, Vol. 34, No. 1, page 18) the public lands described in the notice, aggregating approximately 31,841.69 acres in Rio Arriba County, New Mexico, were classified for multiple use management under the Act of September 19, 1964 and segregated from appropriation under the agricultural land laws (43 U.S.C. Parts 7 and 9, and 25 U.S.C. sec. 334). The lands remained open to all other applicable forms of appropriation, including the mining and mineral leasing laws.

2. Pursuant to the regulations set forth in 43 CFR 2461.5(c)(2), the classifications referred to under paragraph 1 above are hereby terminated. At 8:00 a.m., on July 13, 1981, the lands described in said notice of January 1, 1969 will be open to operation of the public land laws generally, subject to valid existing rights and the requirements of applicable law. The lands have been open continually to the mining laws and to applications and offers under the mineral leasing laws.

Inquiries concerning these lands should be addressed to the Chief, Division of Technical Services, Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87501.

Leroy C. Montoya,

Chief, Division of Technical Services.

[FR Doc. 81-18113 Filed 6-17-81; 8:45 am]

BILLING CODE 4310-84-M

[NM 7333-A]

New Mexico; Termination of Classification of Public Lands for Transfer Out of Federal Ownership

June 11, 1981.

1. Notice of Classification for New Mexico 7333–A, published at pages 18–19 of the **Federal Register** on January 1, 1969 (Vol. 34, No.1) classified certain lands pursuant to the Act of September 19, 1964 (43 U.S.C. 1411–18) for transfer out of Federal ownership by State grants and indemnity selections (43 U.S.C. 851, 852), exchanges under section 8 of the Taylor Grazing Act (43 U.S.C. 315g) and/or public sales under section 2455 of Revised Statutes (43 U.S.C. 1171). The publication segregated the lands from all forms of disposal under the public land laws, including the mining laws, except the form or forms of disposal for which the lands are classified.

The classification has been reviewed under section 204(1), Federal Land Policy and Management Act of 1976 (90 Stat. 2754). It has been determined that the intent of the classification is no longer necessary. The classification, therefore, is hereby terminated. The lands affected are:

New Mexico Principal Meridian

T. 27 N., R. 3 E.,
Sec. 23, N½SE¼.
T. 26 N., R. 4 E.,
Sec. 10, NW¼ and N½SW¼.
T. 27 N., R. 4 E.,
Sec. 15 NW¼SW¼;
Sec. 19, lot 2 and SE¼NW¼;
Sec. 20, SE¼SW¼;
Sec. 21, SW¼SE¼;
Sec. 28 NW¼NE¼, N½NW¼ and NW¼SW¼;
Sec. 29, NE¼NE¼.

2. At 8:00 a.m., on July 13, 1981, the public lands affected by this order shall be open to operation of the public land laws including location under the general mining laws, subject to valid existing rights and the requirements of applicable law.

Inquiries concerning these lands should be addressed to the Chief, Division of Technical Services, Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87501.

Leroy C. Montoya,

Chief, Division of Technical Services.

[FR Doc. 81-18112 Filed 6-17-81; 8:45 am]

BILLING CODE 4310-84-M

[W-0220465]

Wyoming; Termination of Classification

June 9, 1981.

Wyoming Classification Order, Recreation and Public Purposes No. 8 dated September 7, 1962 classified Lot 39 in Section 18, T. 52 N., R. 104 W. 6th P.M., Wyoming for Recreation and Public Purposes and segregated the land from all appropriations under the public land laws, including locations under the mining laws. Because of an inadvertent trespass Lot 39 was resurveyed and is now Lots 49 and 50. In order to dispose of Lot 49 and clear the trespass, the Recreation and Public Purposes classification is hereby removed from the following described land, pursuant to 43 CFR Part 2400:

Sixth Principal Meridian, Wyoming

T. 52 N., R. 104 W.
Sec. 18, Lot 49.
The area described contains 0.4 of an acre in Park County, Wyoming.

Effective 10 a.m. June 30, 1981 the segregative effect imposed by the classification will be lifted on the above described land and the land restored to the operation of the public land laws

generally, including location under the mining laws.

Maxwell T. Lieurance,

State Director.

[FR Doc. 81-18116 Filed 6-17-81; 8:45 am]

BILLING CODE 4310-84-M

Fish and Wildlife Service

Endangered Species Permits Issued for the Month of March and April

Notice is hereby given that the U.S. Fish and Wildlife Service has taken the following action with regard to permit applications duly received according to Section 10 of the Endangered Species Act of 1973 as amended, 16 U.S.C. 1539. Each permit listed as issued was granted only after it was determined that it was applied for in good faith, that by granting the permit it will not be to the disadvantage of the endangered species; and that it will be consistent with the purposes and policy set forth in the Endangered Species Act of 1973 as amended.

Additional information on these permit actions may be requested by contacting the Federal Wildlife Permit Office, Box 3654, Arlington, VA 22203, telephone (703/235-1903) or by appearing in person at the Federal Wildlife Permit Office, 1000 N. Glebe Road, Room 605, Arlington, VA, between the hours of 9:00 a.m. and 3:00 p.m. weekdays.

Patuxent Wildlife Res	0310	03-27-81
Cornell U./Peregrine	0395	03-03-81
Nichols, Holly A	0506	03-04-81
Tollesrup, Kristine	0597	03-05-81
National Park Service	0700	03-26-81
Reg. Dir. 1	1229	03-09-81
Regional Director #4	1412	03-24-81
Lippolt, Earl	3340	03-13-81
Oregon State Univ	3549	03-27-81
U. of Michigan	3576	03-09-81
Kans City Zool Grdns	4807	03-04-81
Nichols Cactus Nurser	7141	03-23-81
Moore, David Lee	7169	03-02-81
San Antonio Zoo	7176	03-20-81
George Carden Inc. Cir	7214	03-02-81
Rivers, David W	7254	03-11-81
Vinecky, Jan	7273	03-11-81
Abbey Garden/Clemens	7301	03-24-81
Zool. Soc. of Cin	7369	03-12-81
Finch Kingdom Jr. Avic	7382	03-04-81
New York Zool Park	7402	03-01-81
Schmitt, Roman Peter	7466	03-20-81
Schmitt, Roman Peter	7466	03-20-81
Nichols, Thomas D	7515	03-01-81
LSU/Zwank-Forestry	7526	03-25-81
Milwaukee County Zoo	7561	03-26-81
Washington Park Zoo	7572	03-26-81
Dallas Zoo & Aquarium	7613	03-26-81
Nugent, Charles C	7619	03-25-81
Minot Pk. Dist	7657	03-03-81
San Antonio Zool. Grdn.	7677	03-27-81
Patuxent Wildlife Res	7680	03-30-81
Jackson Zool. Pk	7680	03-27-81
Central Fl Zool. Pk	7693	03-31-81
Temple Univ	7706	03-11-81
Denver Wildlife Res	3818	03-30-81
Alaska Area Dir	4046	03-17-81
Mo. Coop. WRU	4106	03-02-81
Southwest Fisheries	4481	03-08-81
Smithsonian Inst	4749	03-22-81
Philbosian, Richard	6562	03-22-81
New York Univ	7118	03-17-81
Moore, David Lee	7169	03-07-81
Connell Metcalf&Eddy	7190	03-01-81
Reg. Dir. #6	7263	03-01-81
New York Zool. Soc	7279	03-16-81
San Diego Zool. Grdn	7330	03-01-81
Jardin Zool. Puerto R	7336	03-24-81
Rare Feline Breeding St	7491	03-17-81
Everglades Nat. Pk	7565	03-03-81
Oklahoma City Zoo	7617	03-02-81
San Diego Zoo. Garden	7644	03-02-81
The Peregrine Fund	7777	03-10-81
Kansas City Zool Grdn	7789	03-30-81
TN Wildlife Resources	7678	03-09-81
United Peregrine Soc	7690	03-26-81
Memphis Zoo & Aquariu	7691	03-09-81
Samford Univ	7696	03-02-81
Brolin, Mrs. Jan	7699	03-30-81

Dated: June 12, 1981.

Larry LaRochelle,

Acting Chief, Branch of Permits, Federal Wildlife Permit Office.

[FR Doc. 81-18091 Filed 6-17-81; 8:45 am]

BILLING CODE 4310-55-M

Endangered Species Permit; Receipt of Application

Applicant: Dr. Peter Robinson, University of Colorado Museum, Boulder, CO.

The applicant requests a permit to import unfertile or hatched eggs and eggshells of tuatara (*Shpenodon punctatum*) from New Zealand and Galapagos tortoise (*Geochelone elephantopus*) unfertile or hatched eggs or eggshells from the Charles Darwin Research Station, Galapago Islands, for scientific research.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the U.S. Fish and Wildlife Service, Federal Wildlife Permit Office, P.O. Box 3654, Arlington, VA 22203.

This application has been assigned file number PRT 2-8028. Interested persons may comment on this application on or before July 20, 1981 by submitting written data, views, or arguments to the Director at the above address. Please refer to the file number when submitting comments.

Dated: June 10, 1981.

Larry LaRochelle,

Acting Chief, Branch of Permits, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc. 81-18093 Filed 6-17-81; 8:45 am]

BILLING CODE 4310-55-M

Endangered Species Permit; Receipt of Application

Applicant: Virgin Islands National Park, St. Thomas, Virgin Islands.

The applicant requests a permit to relocate leatherback sea turtle (*Dermochelys coriacea*) nests which might otherwise be washed away on St. John Island, for the purpose of enhancement of survival.

Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the U.S. Fish and Wildlife Service, Federal Wildlife Permit Office, P.O. Box 3654, Arlington, VA 22203.

This application has been assigned file number PRT 2-8074. Interested persons may comment on this application on or before July 20, 1981 by submitting written data, views, or arguments to the Director at the above address. Please refer to the file number when submitting comments.

Dated: June 11, 1981.

Larry LaRochelle,

Acting Chief, Branch of Permits, Federal Wildlife Permit Office, Fish and Wildlife Service.

[FR Doc. 81-18094 Filed 6-17-81; 8:45 am]

BILLING CODE 4310-55-M

Issuance of Permit for Marine Mammals

On April 8, 1981 a notice was published in the **Federal Register** (46 FR 21095), that an application had been filed with the Fish and Wildlife Service by Point Defiance Zoo and Aquarium for a permit to take four sea otters (*Enhydra lutris*) for the purpose of public display.

Notice is hereby given that on June 11, 1981, as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the Fish and Wildlife Service issued permit PRT 2-7607, to the Point Defiance Zoo and Aquarium to take four sea otters subject to certain conditions set forth therein.

The permit is available for public inspection during normal business hours at the Fish and Wildlife Service's office in Room 601, 1000 N. Glebe Road, Arlington, Virginia.

Dated: June 12, 1981.

Larry LaRochelle

Acting Chief, Branch of Permits, Federal Wildlife Permit Office.

[FR Doc. 81-18092 Filed 6-17-81; 8:45 am]

BILLING CODE 4310-55-M

Water and Power Resources Service

Interim Water Service Contracts; Intent to Enter Into Interim Water Service Contracts

The Regional Director of the Southwest Region, Water and Power Resources Service (Water and Power), Department of the Interior, intends to enter into an interim irrigation water service contract with the New Mexico Interstate Stream Commission and possibly with other contracting entities when such water is termed surplus to the needs of the San Juan-Chama Project, Colorado-New Mexico. Contracts of this type can be entered into upon short notice to meet emergency or temporary demands for water. They are written under the authority of the Reclamation Project Act of August 4, 1939 (53 Stat. 1187), and permit deliveries for irrigation, for municipal and industrial (M&I) water service, and other miscellaneous uses. However, they may not exceed 1 year in duration and are limited to not more than 10,000 acre-feet per irrigation contract or 500 acre-feet per M&I contract unless additional approval is received from the Commissioner of Water and Power Resources and the Department of the Interior. All interim contracts will specify quantities, rates, and other conditions in compliance with Reclamation law and Water and Power policy.

The Regional Director, Amarillo, Texas, is delegated the authority to execute such contracts. For the water year 1981, it appears that the San Juan-Chama Project, Colorado-New Mexico, will have water surplus to its contract demand; therefore, additional water will be available for eligible contracting entities.

The New Mexico Interstate Stream Commission has expressed the desire to contract for up to 2,000 acre-feet of project water to be used for an emergency irrigation water supply to prevent crop losses in New Mexico. In recent years, the charge for such irrigation water has been $4.70 to $6 per acre-foot while the M&I charge is approximately $30 per acre-foot. These charges represent both a share of the capital cost and a share of the operation, maintenance, and replacement (OM&R) costs prorated per acre-foot of water received.

All meetings scheduled by Water and Power with potential contractors for the purpose of discussing terms and conditions of the proposed contracts shall be open to the general public as observers. Advance notice of the meetings shall be furnished to those parties having previously furnished a written request for such notice at least 1 week prior to the meeting.

The public is invited to submit written comments on the form of the proposed contracts not later than 30 days after the completed contract drafts are declared to be available to the public. The opportunity for the public to observe or participate in the contract negotiations depends upon the response to this notice. Unless significant interest is evidenced in the negotiations, the availability of the contract for public review and comment and other related events will not be publicized through the Federal Register or other media.

Written comments and requests for information should be directed to Mr. William E. Berg, Jr., Repayment and Economics Branch, Water and Power Resources Service, 714 South Tyler, Suite 201, Amarillo, Texas 79101, telephone (806) 378-5430. All written correspondence made available in response to public requests will be governed by the Freedom of Information Act, as amended.

Dated: May 15, 1981.

Clifford I. Barrett,

Assistant Commissioner of Water and Power Resources.

[FR Doc. 81-18314 Filed 6-17-81; 10:15 am]
BILLING CODE 4310-09-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[81-58]

Intent To Pay Senior Executive Service Performance Awards

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of intent to pay Senior Executive Service performance awards.

SUMMARY: The National Aeronautics and Space Administration will give performance awards to career members of the Senior Executive Service (SES) as authorized under 5 U.S.C. 5384. The awards will be paid no earlier than July 2, 1981.

ADDRESS: Executive Personnel Management Program, NPD-32, NASA Headquarters, Washington, D.C. 20546.

FOR FURTHER INFORMATION CONTACT: Mr. Philip D. Waller, telephone 202-755-8825.

A. M. Lovelace,

Acting Administrator.

[FR Doc. 81-18048 Filed 6-17-81; 8:45 am]
BILLING CODE 7510-01-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Humanities Panel; Meeting

AGENCY: National Endowment for the Humanities, NFAH.

ACTION: Notice of meetings.

SUMMARY: Pursuant to the provision of the Federal Advisory Committee Act (Pub. L. 92-463), as amended), notice is hereby given that the following meeting of the Humanities panel will be held at 806 15th Street, NW., Washington, DC 20506:

Date: July 8, 1981.
Time: 1:00 p.m. to 5:30 p.m.
Room: 1134
Program: This meeting will review preliminary proposals for NEH Professions Seminars directorships submitted to the Division of Fellowships and Seminars beginning after January 2, 1982.

Date: July 9-10, 1981.
Time: 9:00 a.m. to 5:30 p.m.
Room: 807
Program: This meeting will review applications submitted for Research Materials Programs: Publications projects Division of Research Programs, for projects beginning after September 1, 1981.

Date: July 10, 1981.
Time: 1:00 p.m. to 5:30 p.m.
Room: 1134
Program: This meeting will review preliminary proposals for NEH Professions Seminars directorships submitted to the Division of Fellowships and Seminars from persons in the filed of Law for programs beginning after January 2, 1982.

The proposed meetings are for the purpose of Panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended including discussion of information given in confidence to the agency by grant applicants. Because the proposed meetings will consider information that is likely to disclose:

(1) Trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(2) Information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; and

(3) Information the disclosure of which would significantly frustrate implementation of proposed agency action;

pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated January 15, 1978, I have determined that these meetings will be closed to the public pursuant to subsections (c)(4), (6) and (9)(B) of

section 552b of Title 5, United States Code.

Further information about these meetings can be obtained from Mr. Stephen J. McCleary, Advisory Committee Management Officer, National Endowment for the Humanities, Washington, DC 20506, or call (202) 724–0367.

Stephen J. McCleary,

Advisory Committee Management Officer.

[FR Doc. 81-18133 Filed 6-17-81, 8:45 am]

BILLING CODE 7536-01-M

Humanities Panel: Meetings

AGENCY: National Endowment for the Humanities.

ACTION: Notice of meetings.

SUMMARY: Pursuant to the Provision of the Federal Advisory Committee Act (Pub. L. 92–463, as amended), notice is hereby given that the following meeting of the Humanities Panel will be held at 806 15th Street, NW., Washington, DC 20506:

Date: July 16, 1981
Time: 9:00 a.m. to 5:30 p.m.
Room: 1023
Program: This meeting will review the applications submitted for the Planning and Assessment Studies Program, Office of Planning and Policy Assessment, for renewal of funding for the Doctorate Record File

Date: July 17, 1981
Time 9:00 a.m. to 5:30 p.m.
Room: 1023
Program: This meeting will review the applications submitted for the Planning and Assessment Studies Program, Office of Planning and Policy Assessment, for renewal of funding for the Higher Education Panel.

The proposed meetings are for the purpose of Panel review, discussion, evaluation and recommendation on the application for financial assistance under the National Foundation on the Arts and the Humanties Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. Because the proposed meetings will consider information that is likely to disclose,

(1) Trade secrets and commercial and financial information obtained from a person and privileged or confidential;

(2) Information of personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; and

(3) Information the disclosure of which would significantly frustrate implementation of proposed agency acton;

pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated January 15, 1978, I have determined that these meetings will be closed to the public pursuant to subsection (c)(4), (6) and (9)(B) of section 552b of Title 5, United States Code.

Further information about these meetings can be obtained from Mr. Stephen J. McCleary, Advisory Committee Management Officer, National Endowment for the Humanities, Washington, DC 20506, or call (202) 724–0367

Stephen J. McCleary,

Advisory Committee Management Officer.

[FR Doc. 81-18134 Filed 6-17-81, 8:45 am]

BILLING CODE 7536-01-M

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 81-25]

Reports, Recommendations, Responses; Availability

• *Aircraft Accident/Incident Reports—Brief Format-Supplemental Issue 1979 (NTSB–BA–81–4).*

• *Railroad Accident Report—Head-end Collision of Amtrak Passenger Train No. 74 and Conrail Train OPSE–7, Dobbs Ferry, New York, November 7, 1980 (NTSB–RAR–81–4).*—As a result of its investigation, the Board on May 18 issued the following "Class II, Priority Action" recommendations to

Federal Railroad Administration: Conduct a safety review of the Metropolitan Region to determine why the actual operation of trains was not in compliance with Conrail rules, and provide the Safety Board a report of the findings. (R–81–52)

Amend 49 CFR 217.9 to require sufficient monitoring to insure that each operating employee is evaluated for compliance with operating rules on a regular basis. (R–81–53)

Consolidated Rail Corporation (Conrail): Establish better procedures for the training and followup by supervisors of operators and dispatchers to insure compliance with the rules. Provide formal training. (R–81–54)

Require that all trains operating on the main line monitor the same channel as designated in the timetable. (R–81–55)

Provide the operators on the Metropolitan Region with the ability to display a train order signal at train order stations as required by the operating rules. (R–81–56)

National Railroad Passenger Corporation (Amtrak): Establish a retrofit schedule to provide skirts at the bottom of seats to prevent leg injuries because of leg entrapment. (R–81–57)

Install an adequate locking device on rotating seats which will prevent undesired rotation in accidents. (R–81–58)

Revise turbotrains to improve cab crashworthiness in a collision. (R–81–59)

Promptly provide for passengers' identification of emergency exists which includes instructions for proper use. (R–81–60)

• *Class II Safety Recommendations to the Federal Aviation Administration, June 3:*

Issue an airworthiness directive which requires a visual inspection for arc burns before and after each rework operation on titanium alloy fan blades from Pratt & Whitney Aircraft JT9D turbofan engines and requires replacement of arc burn-affected blades. We further recommend that a description of arc burn in titanium be included in the airworthiness directive. (A–81–63)

Issue an air carrier maintenance bulletin urging operators and maintenance personnel to use extreme caution with any electrical equipment in the vicinity of titanium alloy fan blades to minimize the possibility of arc burn. This bulletin should also describe the appearance of arc burn in titanium and point out the nature of damage caused by such burns and the possible consequences of this damage. (A–81–64)

• *Responses from the Federal Aviation Administration:*

A–78–84 through –89 (May 29).—Status of recommendations referenced at 44 FR 12785, Mar. 8, 1979:

A–78–84: A public technical review may be set for late 1981 to solicit comments on operational and certification rule changes to takeoff and accelerate-stop distance requirements for transport category airplanes; review will consider wet runway accountability and mandatory requirements for antiskid systems and factors such as line-up distance, decision speeds, automatic braking systems, reduced thrust, reverse thrust, and screen height.

A–78–85: It is not appropriate to consider the British Civil Aviation Authority's wet runway takeoff requirements for applicability as a U.S. standard.

A–78–86: Advisory Circular (AC) 121–14, Aircraft Simulator and Visual System Evaluation and Approach, was amended Oct. 16, 1978, paragraph 13.b(13) specifying that air carriers program their simulators to include effects of runway contaminants as they affect directional control and stopping distance, including the rejected takeoff phase. Further specific requirements were established in AC 121–14C, Appendix 1, Aug. 29, 1980.

A–78–87: Telegraphic Notice 8430.306, Maximum Deceleration Rejected Takeoffs, was issued Oct. 28, 1978; the recommended maneuver was required to be conducted in a simulator training program on critical runways under the most adverse condtions.

A–78–88: Notice 8430.318, Balanced Field Rejected Takeoffs, was issued July 30, 1979.

A–78–89: Development of data, to be programmed into a simulator and accurately reflect failed tire and contaminated runway effects on aircraft, has taken longer than anticipated. Air Transport Association has completed data evaluation and will discuss conclusions with FAA on June 23, 1981.

A–81–19 and –20 (May 26).—FAA intends to publish an air carrier operations bulletin to

reemphasize provisions and intent of 14 CFR 121.360(c)(1)(ii) and to include unambiguous procedural guidance (A–81–19). FAA concurs in part with A–81–20: whenever a GPWS alarm occurs, the flightcrews' response should be evaluated and debriefed for procedural adequacy, and this training function will be emphasized in the above noted bulletin. FAA does not advocate altering existing air carrier simulator curricula in accord witn A–81–20. (Ref. 46 FR 16366, Mar. 12, 1981.)

A–81–21 and –22 (May 26).—FAA will expedite issuance of an airworthiness directive (AD) to require more frequent inspections and replacement whenever any crack or stress craze is found (A–81–21). Supplementary information concerning hazards associated with cracked or crazed cast acrylic windows will be addressed in a follow-on AD (A–81–22). (Ref. 46 FR 18823, Mar. 26, 1981.)

• *Other Recommendation Responses:*

H–80–14, from the National Highway Traffic Safety Administration (May 28).—A 1978 contract with the American Assocation of Motor Vehicle Administrators included a requirement to develop a problem statement on multiple licensing. In late 1979 some 3,500 interstate truck drivers were randomly selected for a records check in all States and Canadian Provinces; a report will be available in July 1981. A study of multiple licensing among the general driving population is underway, scheduled for completion in October. Serious implementation difficulties exist since State officials are bound by their own State law: it is not now possible for them to conform fully to the one license/one record concept. To assist States in improving their laws, NHTSA has developed a Traffic Laws Commentary, "Driver Licensing Laws Rated." The Council of State Governments' study of State participation in the Driver License Compact is pending publication, and a third publication, "Classified Driver Licensing in the United States," has been distributed to all licensing jurisdictions. (Ref. 45 FR 16363, Mar. 13, 1980.)

H–80–28, from the Secretary of Transportation (April 30).—In reviewing existing and proposed regulations, every effort is being made to ensure that the operating administrations classify and evaluate regulations accurately and fully. (Ref. 45 FR 57608, Aug. 28, 1980.)

M–74–3 and M–74–9, from the U.S. Coast Guard (May 28).—Specific information relating to educational and training means to better inform towboat operators is not under USCG's purview. Training schools and texts lists were provided as a guide for evaluating an alternative resonse to the recommendations. The Secretary approved (**Federal Register**, Mar. 16, 1981) the charter for the Towing Safety Advisory Committee, to which M–74–3 and –9 and spporting data will be forwarded for appropriate action. (Ref. 45 FR 27849, Apr. 24, 1980.)

R–78–36 and R–79–21, from the Federal Railroad Administration (June 3).—The Systems Safety Plan is under final review; upon clearance by the Office of Management and Budget for submission to the Congress, FRA will provide the Board with a copy. FRA will soon issue a proposed rule for revising the State Participation Regulations (49 CFR Part 212). (Ref. 45 FR 83357, Dec. 18, 1980.)

R–80–21, from the Federal Railroad Administration (May 27).—The substantial cost of either replacing maintenance-of-way cars which do not comply with Freight Car Safety Standards or restricting their movement to work trains cannot be justified. Railroads impose restrictions on use of these cars to assure safe operation. Maintenance-of-way cars are limited to slow speeds and local trains. There is not intent to allow maintenace-of-way cars to be used as revenue cars which operate at timetable speeds in free interchange service. (Ref. 45 FR 73832, Nov. 6, 1980.)

R–80–49, from the Association of American Railroads (May 29).—First aid training must not be mandated. With availability of doctors, hospitals and emergency repsonse personnel, the need for employees to apply first aid measures would be extremely limited; a compulsory program covering all employees would not be costbeneficial. (Ref. 46 FR 182, Jan. 2, 1981.)

Note.—Single copies of Board reports are available without charge as long as limited supplies last. Copies of recommendation letters, responses and related correspondence are also free of charge. All requests must be in writing, identified by recommendation or report number. Address requests to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

Multiple copies of Board reports may be purchased from the National Technical Information Service, U.S. Department of Commerce, Springfield, VA 22161.

(49 U.S.C. 1903(a)(2), 1906)

Margaret L. Fisher,

Federal Register Liaison Officer.

June 12, 1981.

[FR Doc. 81-18075 Filed 6-17-81; 8:45 am]

BILLING CODE 4910-58-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards, Subcommittee on Decay Heat Removal System; Meeting

The ACRS Subcommittee on Decay Heat Removal Systems will hold a meeting on July 6, 1981 in Room 1046, 1717 H Street, NW., Washington, DC to review Task A–45, "Shutdown Decay Heat Removal Requirements." Notice of this meeting was published June 19.

In accordance with the procedures outlined in the **Federal Register** on October 7, 1980, (45 FR 66535), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommitee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practiable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance.

The agenda for subject meeting shall be as follows:

Monday, July 6, 1981

1:00 p.m. until the conclusion of business

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Dr. Richard Savio (telephone 202/634–3267) between 8:15 a.m. and 5:00 p.m., EST.

Dated: June 15, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81-18124 Filed 6-17-81; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards, Subcommittee on Reactor Fuel; Meeting

The ACRS Subcommittee on Reactor Fuel will hold a meeting on July 7, 1981 in Room 1046 at 1717 H Street, NW., Washington, DC to discuss NRC Fuel Behavior Research Programs. Notice of this meeting was published June 19.

In accordance with the procedures outlined in the **Federal Register** on October 7, 1980 (45 FR 66535), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance except for those sessions which will be closed to protect proprietary information (Sunshine Act Exemption 4). One or more closed sessions may be necessary to discuss such information. To the extent practicable, these closed sessions will be held so as to minimize inconvenience to members of the public in attendance.

The agenda for subject meeting shall be as follows:

Tuesday, July 7, 1981

8:30 a.m. until the conclusion of business

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Paul Boehnert (telephone 202/634-3267) between 8:15 a.m. and 5:00 p.m., EDT.

I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act, that it may be necessary to close portions of this meeting to public attendance to protect proprietary information. The authority for such closure is Exemption (4) to the Sunshine Act, 5 U.S.C. 552b(c)(4).

Dated: June 15, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81-18125 Filed 6-17-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-255]

Consumer Power Co.; Issuance of Amendment to Provisional Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 66 to Provisional Operating License No. DPR-20, issued to Consumers Power Company (the licensee), which revised the Technical Specifications for operation of the Palisades Plant (the facility) located in Covert Township, Van Buren County, Michigan. The amendment is effective as of its date of issuance.

The amendment extends the surveillance interval for seven surveillance tests for varying periods up to 63 days. The maximum extension represents an increase of less than 15% in the period between surveillance tests.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Ch. I, which are set forth in the license amendment. Prior public notice of this action was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated May 26, 1981, (2) Amendment No. 66 to License No. DPR-20, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room 1717 H Street, NW., Washington, D.C. 20555, and at the Kalamazoo Public Library, 315 South Rose Street, Kalamazoo, Michigan 49006. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C., 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Md., this 12th day of June, 1981.

For the Nuclear Regulatory Commission.

Richard P. Snaider,

Acting Chief, Operating Reactors Branch No. 5, Division of Licensing.

[FR Doc. 81-18126 Filed 6-17-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-369]

McGuire Nuclear Station, Unit 1; Issuance of Facility Operating License NPF-9

Notice if hereby given that the U.S. Nuclear Regulatory Commission (the Commission), pursuant to the Initial Decision dated April 18, 1979, and the Supplemental Initial Decision dated May 26, 1981, respectively, of the Atomic Safety and Licensing Board, and pursuant to Commission Order dated June 11, 1981, has issued Facility Operating License No. NPF-9 to the Duke Power Company for its McGuire Nuclear Station, Unit 1. The license authorizes low power testing and operation at reactor core power levels not in excess of 5 percent of power (170 megawatts thermal) in accordance with the provisions of the license, the Technical Specifications and the Environmental Protection Plan. The McGuire Nuclear Station, Unit 1, is a pressurized water reactor located near Charlotte in Mecklenburg County, North Carolina.

The Initial Decision and the Supplemental Initial Decision are subject to review by the Atomic Safety and Licensing Appeal Board prior to their becoming final. Any decision or action taken by the Atomic Safety and Licensing Appeal Board in connection with the Initial Decision and the Supplemental Initial Decision may be reviewed by the Commission.

The Commission has made appropriate findings as required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations in 10 CFR Ch. I, which are set forth in the license. The application for the license complies with the standards and requirements of the Act and the Commission's regulations.

The license is effective as of its date of issuance.

For further details in respect to this action, see (1) Facility Operating License NPF-9 together with Technical Specifications and Environmental Protection Plan; (2) License NPF-9 for Fuel Loading and Zero Power Testing complete with Technical Specifications (NUREG-0759) dated January 23, 1981; (3) Amendment No. 1 to License NPF-9 for Fuel Loading and Zero Power Testing, dated January 28, 1981; (4) Amendment No. 2 to License NPF-9 for Fuel Loading and Zero Power Testing, dated April 2, 1981; (5) the report to the Advisory Committee on Reactor Safeguards, dated April 12, 1978; (6) the Office of Nuclear Reactor Regulation's Safety Evaluation Report, dated March 1978 (NUREG-0422) and Supplements 1 through 5; (7) the Final Safety Analysis Report and Amendments thereto; (8) the Final Environmental Statement, dated May 30, 1974 and supplements thereto; (10) the Floodplain Aspects of the McGuire Nuclear Plant Site, dated September 3, 1980; (11) the Initial Decision, dated April 18, 1979; and the Supplemental Initial Decision, dated May 26, 1981.

Items 1, 2, 3, 4 and 10 are available upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing. Copies of items 6 and 8 may be purchased at current rates from the National Technical Information Service, Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161. All items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555 and at the Atkins Library, University of North Carolina, Charlotte (UNCC Station), North Carolina 28223.

Dated at Bethesda, Md., this 12th day of June 1981.

For the Nuclear Regulatory Commission.

Elinor Adensam,

Acting Chief, Licensing Branch No. 4, Division of Licensing.

[FR Doc. 81-18127 Filed 6-17-81 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-206]

Southern California Edison Co. and San Diego Gas & Electric Co.; Issuance of Amendment to Provisional Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 56 to Provisional Operating License No. DPR-13, issued to Southern California Edison Company and San Diego Gas and Electric Company (the licensees), which revised the Technical Specifications for Operation of the San Onofre Nuclear Generating Station, Unit No. 1 (the facility), located in San Diego County, California. This amendment is effective as of its date of issuance. However, the Technical Specification provisions related to Proposed Change No. 89 are to be implemented within 60 days after the date of issuance of the amendment. The Technical Specification pages associated with Proposed Change No. 89 are identified in the amendment.

The amendment revises the Appendix A Technical Specifications and Bases to reflect (1) revised requirements for the service test of an uninterruptible power supply battery; (2) revised requirements relating to the Control Rod Position Indication System; (3) revised surveillance for the offsite power systems; (4) revision of the definition of the term "Operable" to make it consistent with the Standard Technical Specifications; and (5) addition of the definition of modes of operation to conform closely to the Standard Technical Specifications.

The applications for amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Ch. I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the applications for amendment dated October 20, 1978, March 31, 1980, April 4, 1980, June 30, 1980, and December 1, 1980, as supported by information submitted by letters dated December 19, 1979, January 9, February 14, and May 16, 1980, in addition to an undated letter received by the Commission on October 9, 1980, (2) Amendment No. 56 to License No. DPR-13, and (3) the Commission's related Safety Evaluation. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. and the Mission Viejo Branch Labrary, 24851 Christanta Drive, Mission Viejo, California. A single copy of items (2) and (3) may be obtained by request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Md., this 11th day of June, 1981.

For the Nuclear Regulatory Commission.

Richard P. Snaider,

Acting Chief, Operating Reactors Branch No. 5, Division of Licensing.

[FR Doc. 81-18128 Filed 6-17-81, 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

Background

June 15, 1981.

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Paperwork Reduction Act (44 U.S.C. Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the Act also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions (burden change), extensions (no change), or reinstatements. The agency clearance officer can tell you the nature of any particular revision you are interested in. Each entry contains the following information:

The name and telephone number of the agency clearance officer (from whom a copy of the form and supporting documents is available);
The office of the agency issuing this form;
The title of the form;
The agency form number, if applicable;
How often the form must be filled out;
Who will be required or asked to report;
The Standard Industrial Classification (SIC) codes, referring to specific respondent groups that are affected;
Whether small businesses or organizations are affected;
A description of the Federal budget functional category that covers the information collection;
An estimate of the number of responses;
An estimate of the total number of hours needed to fill out the form;
An estimate of the cost to the Federal Government;
An estimate of the cost to the public;
The number of forms in the request for approval;
An indication of whether Section 3504(h) of Pub. L. 96-511 applies;
The name and telephone number of the person or office responsible for OMB review; and
An abstract describing the need for and uses of the information collection.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. Our usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the **Federal Register**, but occasionally the public interest requires more rapid action.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review. If you experience difficulty in obtaining the information you need in reasonable time, please advise the OMB reviewer to whom the report is assigned. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Jim J. Tozzi, Deputy Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

DEPARTMENT OF AGRICULTURE

Agency Clearance Officer—Richard J. Schrimper—202–447–6201

Revisions

• Economics and Statistics Service
Aquaculture Survey
Annually
Farms
Catfish and Trout Producers
Small businesses or organizations
Agricultural research and services: 3,600 responses; 1,284 hours; $275,000 Federal cost; 3 Forms; not applicable under 3504 (H)
Off. of Federal Statistical policy and Standard, 202–673–7974

Provides data to estimate catfish and trout inventory, marketing, production and water area in 18 major producing States. Survey results will be USDA's input into the national aquaculture plan. This plan will determine action Federal Government should undertake to further aquaculture development. Estimates also use catfish and trout producers in production and marketing decisions.

Extensions (Burden Change)

• Animal and Plant Health Inspection Service
9 CFR 73—Scabies in Cattle
VS 1–27, 2–24D, 5–2, 5–5, 5–14
On occasion
Farms/businesses or other Institutions
Herd owners and owners of treatment facilities
Small businesses or organizations
Agricultural research and services: 13,295 responses; 4,139 hours; $216,000 Federal cost; 5 forms; not applicable under 3504 (H)
Charles A. Ellett, 202–395–7340

Regs. setting forth quarantine procedures, means of moving cattle interstate, standards and agreements for specifically approved treatment facilities, and reports. Data used to evaluate the effectiveness and efficiency of the cattle scabies eradication program.

• Animal and Plant Health Inspection Service
Application for Inspection and Certification of Animal Byproducts
VS 16–24
On occasion
Businesses or other institutions
Meat packing establishments
Small businesses or organizations
Agricultural research and services: 15 responses; 8 hours; $882 Federal cost; 1 form; not applicable under 3504 (H)
Charles A. Ellett, 202–395–7340

VA provides export cetification service to the U.S. processors desiring to qualify shipments of certain animal byproducts for export to foreign countries. VS 16–24 Documents requests for certification service and also includes the processor's agreement to reimburse USDA for the service.

DEPARTMENT OF COMMERCE

Agency Clearance Officer—Edward Michals—202–377–3627

New

• General Administration
Proposed Louisiana World Expositon (1984) Environmental
Impact statement
Nonrecurring
Businesses or other institutions
Industries/busines. loc. within the proposed expo boundaries
SIC: Multiple
Small businessess or organizations
Other advancement and regulation of commerce: 75 responses; 38 hours; $7,500 Federal cost; 1 form; not applicable under 3504 (H)
William T. Adams, 202–395–4814

Results from this survey of potential business dislocations will provide data to estimate the potential economic impacts associated with the proposed Louisiana World Exposition (1984) for inclusion in the environmental impact statement.

• Bureau of the Census
Housing Unit Coverage Studies/ Duplicate Check 1980, Decennial Census Evaluation
D–8101
Nonrecurring
Individuals or households
Occupants of homes inden. as poss. duplicates in 1980 census
Other advancement and regulation of commerce: 2,000 responses; 340 hours; 1 form; not applicable under 3504 (H)
Off. of Federal Statistical Policy & Standard, 202–673–7974.

The duplicate check followup study will provide national and regional estimates of the rate at which occupied housing units were overenumerated in the 1980 census.

• Bureau of the Census
Permit Availability (Retention Status of Permits for Residential New Construction)
S–143
Nonrecurring
State or Local Governments
300 building permit issuing offices in PSU'S
Other advancement and regulation of commerce: 300 responses; 25 hours; $2,500 Federal cost; 1 form; not applicable under 3540 (H)
Off. of Federal Statistical Policy and Standard, 202–673–7974

The S–143 will obtain permit availability data from 300 permit offices identified as potential causes of a significant loss in sample in PSU'S and SMSA'S if permits are not available.

• Economic and Statistical Analysis
Form: BE–21P Identification Questionnaire Rulemaking: Survey of Foreign Direct Investiment in U.S. Business Enterprises Engaged in the Processing, Packaging or BE–21P
Nonrecurring
Businesses or Other Institutions
Business Enterprises Engaged in the Processing, Packaging.
SIC: 209 514
Small businesses or organizations
Other advancement and regulation of commerce: 4,000 responses; 1,000 hours; $100,000 Federal cost; 1 form; NPRM under 3504(h)
Off. of Federal Statistical Policy & Standard, 202–673–7974

The purpose of this questionnaire is to determine which U.S. business enterprises engaged in the processing or

wholesale distribution of fish or seafoods was foreign owned at the end of 1980. Those that were foreign owned will be required to complete a statistical questionnaire, to be mailed at a later date, relating to their operations in 1978, 1979, and 1980.

• National Oceanic and Atmospheric Administration
High Seas Salmon Fishery off Alaska
Nonrecurring
Individuals or households
U.S. fishermen who fish for sal. off Alaska & sell outside
Small businesses or organizations
Other natural resources: 30 responses; 3 hours; $768,076 Federal cost; 1 form; NPRM under 3504(h)
William T. Adams, 202–395–4814

Season management for protection and conservation of chinook salmon off Alaska. Public harm will occur if information is not collected while OMB conducts review.

Revisions

• Bureau of the Census
Annual Survey of Manufacturers
MA–100 (MU) MA–100 (SU) MA–100 (S) MA–100 (B)
Annually
Businesses or other institutions
Probability sample of domestic manufacturers
Small businesses or organizations
Other advancement and regulation of commerce: 79,000 responses; 206,060 hours; $2,226,000 Federal cost; 1 form; not applicable under 3504(h)
Off. of Federal Statistical Policy & Standard, 202–673–7974

This survey is firmly established as an integral part of the Government's statistical program. Its results provide a factual background for decision making by both the executive and legislative branches of the Federal Government. The annual survey's production and input data are widely used as benchmarks for other Federal statistical programs.

• Bureau of the Census
Sheets, Pillowcases, and Towels (Production, Shipments, Inventories, and Unfilled Sales Orders)
MQ–23X
Quarterly, annually
Businesses or other institutions
Companies producing sheets, pillowcases, and towels
Small businesses or organizations
Other advancement and regulation of commerce: 115 responses; 230 hours; $3,315,000 Federal cost; 1 form; not applicable under 3504(h)
Off. of Federal Statistical Policy & Standard, 202–673–7974

These data are used extensively by the companies included in the panel, the American Textile Manufacturers Institute, and the Office of Textiles and Apparel, Department of Commerce, to measure import penetration, determine market share, and analyze and forecast long-term economic growth in the industry.

Extensions (Burden Change)

• International Trade Administration
Past Participation Statement
ITA 669P
On occasion
Businesses or other institutions
Commercial exporters
SIC: Multiple
Other advancement and regulation of commerce: 1 response; 1 hour; 1 form; not applicable under 3504(h)
William T. Adams, 202–395–4814

This form will be used to establish export quotas so that a fair and equitable export quota licensing system can be established based on past participation in exports licensing.

Extensions (No Change)

• Bureau of the Census
March 12 Payperiod Employment for Tax Exempt Organizations
Pension and annuities only
IRS 941 E
Annually
Businesses or other institutions
Tax exempt organizations and pension and annuities
SIC: All
Small businesses or organizations
Other advancement and regulation of commerce: 100,000 responses; 10,000 hours; $736,000 Federal cost; 1 form; not applicable under 3504(h)
Off. of Federal Statistical Policy & Standard, 202–673–7974

Tax exempt organizations and pension and annuities. To expand data coverage for tax exempt entities, State and local governments, and to clarify the status of certain payers of pensions and annuities to properly measure the business universe.

• National Oceanic and Atmospheric Administration
Certificate of Exemption Renewal
Other—see SF83
Individuals or households/businesses or other institutions retail stores, i.e. jewelry and handicrafts through the U.S.
SIC: 594
Small businesses or organizations
Other advancement and regulation of commerce: 58 responses; 58 hours; $536 Federal costs; 1 form; not applicable under 3504(h)
William T. Adams, 202–395–4814

The information collected is for the purpose of granting to certain identifiable members of the public a license, permit or other privilege to which they would not otherwise be entitled under the Endangered Species Act.

• International Trade Administration
New Product Information Service
ITA–4063P
On occasion
Businesses or other institutions
U.S. manufacturers of new products
SIC: all
Small businesses or organizations
Other advancement and regulation of commerce: 2,100 responses; 525 hours; $20,000 Federal cost; 1 form; not applicable under 3504(h)
William T. Adams, 202–395–4814

Application is used to enable U.S. companies to voluntarily participate in new product information service. Information is used, first, to determine whether applicants meet program participation criteria. In addition, the form provides vital data on new products which is used to prepare "new products USA" listings in commercial news USA magazine and VOA broadcasts. Also used for program evaluation purposes.

DEPARTMENT OF DEFENSE

Agency Clearance Officer—John V. Wenderoth—703–697–1195

New

• Department of the Air Force
Community response to Air Force Noise
Nonrecurring
Individuals or households
Individual households
Department of Defense–Military: 650 responses; 435 hours; $82,000 Federal cost; 1 form; not applicable under 3504(h)
Edward C. Springer, 202–395–4814
(Air installation compatability use zones) testing ability of air installation compatability use zones predicted noise exposure contours. Present noise indexes (LDN) are based on best available judgements. Noise contours are used in land acquisition and operations planning. Present indexes will be tested and new methods for combining noise exposures and community reactions could result.

Extensions (Burden Change)

• Departmental and Others
Services and/or Supplies Provided by Civilian Hospitals (INPT.)
DA 1863–1
On occasion
Businesses or other institutions

Hospitals/other institutional providers of medical care
Small businesses or organizations
Department of Defense–Military: 700,000 responses; 350,000 hours; $5,400,000 Federal costs; 1 form; not applicable under 3504(h)
Kenneth B. Allen, 202–395–3785

Necessary to collect information to evaluate for civilian health benefits authorized by 10 USC 1071–1086 and to issue checks upon establishment of eligibility and determination that health care received is authorized by statute. Used in compiling statistical information on inpatient and outpatient claims.

Extensions (No Change)

• Department of the Air Force
Military Affiliate Rado System (MARS) Member Station
Questionnaire Transcript
AFCS132
On occasion
Individuals or households
Citizen amateur radio operators in 50 States and overseas
Multiple functions; 3,000 responses; 1,500 hours; $40,527 Federal costs; 1 form; not applicable under 3504(h)
Edward C. Springer, 202–395–4814

This form is used to provide system managers with sufficient information necessary to make a valid determination regarding individual's application and assignment within the USAF MARS program. Form format is further designed to facilitate data input for computer storage and information retrival.

Reinstatements

• Departmental and Others
Research and Development Capability Index Scientific and Technological Fields of Interest
DD–1630
On occasion
Businesses or other institutions
Businesses desiring to be on DOD's bidder's mailing list
Small businesses or organizations
Department of Defense–Military: 1,200 responses; 600 hours; $11,664 Federal cost; 1 form; not applicable under 3504(h)
Kenneth B. Allen, 202–395–3785

Data from business desiring to be on bidder's mailing list of Dept of Defense activities which procure R&D products & services. Aids in determining if a firm has necessary capability to satisfy R&D requirement if such firm should be requested to submit a proposal.

DEPARTMENT OF EDUCATION

Agency Clearance Officer—Wallace McPherson—202–426–5030

New

• Office of Educational Research and Improvement
General Operating Support Performance Report Form
ED 865
Nonrecurring
Businesses or other institutions
Recipients of IMS general operating support awards
SIC: 841
Small businesses or organizations
Research and general education aids: 366 responses; 640 hours; $5,000 Federal cost; 1 form; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

The date will be used by the staff or IMS and the national museum services board to determine how the funds were spent and to make administrative policy decisions that will assist IMS in serving its constituency and adhering to its legislative mandate.
• Office of Postsecondary Education
Guarantee agency request for reimbursement for claims paid
ED 1189
Weekly, monthly
Businesses or other institutions
Guarantee agencies
SIC: 822
Higher education: 3,200 responses; 5,600 hours; $18,000 Federal cost; 4 forms; not applicable under 3504(h)
Federal education data acquistion council, 202–426–5030

This form is used by the guarantee agency to request reimbursement on claims paid. The ED 1189 is submitted following completion of the ED 1189–1 and 1189–3

• Office of Postsecondary Education
Guarantee agency report of recoveries on claims paid under Federal reinsurance
ED 1189–2
Monthly
Businesses or other institutions
Guarantee agencies
SIC: 822
Higher education: 600 responses; 1,200 hours; $72,500 Federal cost; 1 form; not applicable under 3504(h)
Federal education data acquistion council, 202–426–5030

The guarantee agency completes this form indicating recoveries on claims paid and forwards it with the check to the claims and collections section.
• Office of Postsecondary Education
Financial status and performance reporting for educational opportunity centers
ED 366, ED 366–1
Annually
Businesses or other institutions
Postsecondary instit., public & private agen. & organ.
SIC: 822 821 824
Higher education: 32 responses; 128 hours; $1,795 Federal cost; 2 forms; not applicable under 3504(h)
Federal education data acquisition council, 202–426–5030

Data collection instrument is needed to comply with Edgar regulations 34 CFR Part 75. The information will be used (A) to assess and monitor project effectiveness, and (B) to determine if the program is meeting the needs of the target populations.
• Office of Postsecondary Education
Guarantee agency request for reimbursement under agreement for Federal reinsurance
ED 1189–1
Monthly, weekly
Businesses or other institutions
Guarantee agencies
SIC: 822
Higher education: 3,200 responses; 5,600 hours; $20,200 federal cost; 1 form; not applicable under 3504(h)
Federal education data acquisition council, 202–426–5030

This form is used by the guarantee agency for reimbursement on death and disability claims prior to December 15, 1968 and for all defaulted and bankruptcy claims.
• Office of Postsecondary Education
Guarantee agency request for reimbursement on death and disability
ED 1189–3
Weekly, monthly
Businesses or other institutions
Guarantee agencies
SIC: 822
Higher education: 3,200 responses; 5,600 hours; $20,000 Federal cost; 1 form not applicable under 3504(h)
Federal education data acquistion council, 202–426–5030

The guarantee agency uses this form to request reimbursement of death and disability claims after and including December 15, 1968.

DEPARTMENT OF ENERGY

Agency Clearance Officer—Irene Montie—202–633–9464

New

• Energy Information Administration

Terminal, pipeline, tanker and barge operators, and producer's lease storage identification surveys
EIA-747 A-D
Nonrecurring
Businesses or other institutions
Crude oil/petroleum producers, and other storage facilities
SIC: Multiple
Small businesses or organizations
Energy information, policy, and regulation: 4,550 responses; 847 hours; $216,000 Federal cost; 4 forms; not applicable under 3504(h)
Jefferson B. Hill, 202-395-7340

The forms will be used to collect information for identifying companies to be included in the respondent frame for forms EIA-88, 89, 90 and 170.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency Clearance Officer—Joseph Strnad—202-245-7488

New

- Office of Assistant Secretary for Health

1982 National Health Interview Survey (NHIS)
Nonrecurring
Individuals or households
Civilian noninstit. pop. in York, PA and total U.S. pop.
Health: 42,700 responses; 24,578 hours; $6,325,000 Federal cost; 1 form; not applicable under 3504(h)
Gwendolyn Pla, 202-395-6880

The 1982 NHIS will obtain data on the utilization of health services, the magnitude and distribution of illness and the effects in the U.S. population. This will be accomplished using a set of revised health related questions including supplements on "Health Insurance" and "preventive care."

- National Institutes of Health

Studies of environmental transplacental carcinogenesis (formerly maternal smoking questionnaire)
Nonrecurring
Individuals or households
Cancer patients, parents or older siblings of patients
Administration of justice: 2,400 responses; 900 hours; $18,000 Federal cost; 4 forms; not applicable under 3504(h)
Gwendolyn Pla, 202-395-6880

Research subjects will be questioned regarding exposure of their parents to possibly-harmful substances. Parents of respondents will then be questioned to evaluate the accuracy of information provided by research subjects. The starting date will be accuracy of information provided by research subjects. The starting date will be approximately four weeks after OMB approval. Data collection will end six months later.

- Health Care Financing Administration

Medicaid Quality Control Disposition List
HCFA-321
Monthly
State or local governments
State medicaid agencies
SIC: 919
Health: 636 responses; 4,834 hours; $102,396 Federal cost; 1 form; not applicable under 3504(h)
Richard Eisinger, 202-395-6880

The MQC disposition list is management tool used to monitor eligibility reviews, negative case action report, and payment reviews. This report aids in state and Federal review completions. The information collected provides completion rates and status reports on a monthly basis.

- Health Care Financing Administration

Study of unentitled ESRD population
HCFA-291
Nonrecuuring
Businesses or other institutions
ESRD treatment facilities
SIC: 808
Health: 300 responses; 75 hours; $20,000 Federal cost; 1 form; not applicable under 3504(h)
Richard Eisinger, 202-395-6880

This study is to determine the current size of ESRD patient population not eligible for benefits, their method of treatment and the economic impact on noneligibility on the individual, also data on the cost to the Federal Government if coverage was extended to this population.

Revisions

- Health Care Financing Administration

Request for medicare payment by organizations which qualify to receive payment for paid bills
HCFA-1500 1490-S 1490-U
On occasion
Businesses or other institutions/ individuals or households
Medicare beneficiaries
Health: 121,000,000 responses; 15,266,667 hours; $155,560,000 Federal cost; 2 forms; not applicable under 3504(h)
Richard Eisinger, 202-395-6880

DEPARTMENT OF TRANSPORTATION

Agency Clearance Officer—John Windsor—202-426-1887

New

- National Highway Traffic Safety Administration

Vehicle Selection Matrix
Annually
State or local governments
Manufacturers of motor vehicle and motor vehicle equipment
Sic: 371
Ground transportation: 67 responses; 134 hours; $32,195 Federal cost; 1 form; not applicable under 3504(h)
Corrinne Hayward, 202-395-7340

15 U.S.C. 1395, 1397 and 1401 states that research, testing, development, and training necessary to develop and aid in the selection of motor vehicles for compliance tests.

- Federal Highway Administration

R&D studies and programs
F 1700.7
On occasion
State or local governments: State highway agencies
Sic: 962
Ground transportation: 46 responses; 11,710 hours; $990,000 Federal cost; 1 form; not applicable under 3504(h)
Terry Grindstaff, 202-395-7340

This rulemaking revises the regulations needed to implement the section of the law which pertains to Federal-aid funding for Highway R&D (23 USC 307(C)). It also implements the information collection requirements of OMB circular A-102, attachments I and N.

- National Highway Traffic Safety Administration

Statewide Inventory of Pedestrian of Motor Vehicle
Accidents
On occasion
State or local governments
State and local governments
Sic: 371
Ground transportation: 200,000 responses; 400,000 hours; 1 form; not applicable under 3504(h)
Corrinne Hayward, 202-395-7340

The standard recommends that all States have a statewide inventory of pedestrian-motor vehicle accidents for use in community planning to insure improved safety.

- National Highway Traffic Safety Administration

Accident Investigation and Reporting
On occasion
State or local governments
State and local governments
Sic: 371
Ground transportation: 18,300 responses; 35,600 hours; 1 form; not applicable under 3504(h)
Corrinne Hayward, 202-395-7340

The standard recommends that all States have a uniform, comprehensive motor vehicle traffic accident investigation program for gathering information on accidents, and each

State maintain a records system by which this information is available for planning, evaluating and furthering highway safety program goals.

• Research and Special Programs Administration
Special Instructions for Cryogenic Liquids
Other—See SP83
Businesses or other institutions
Motor carriers of cryogenic liquids
Sic: 421
Small businesses or organizations
Other transportation: 260 responses; 200 hours; cost; 1 form; not applicable under 3504(h)
Terry Grindstaff, 202–395–7340

To ascertain that drivers know emergency procedures and who to notify in case of accident or container failure. (49 CFR 177.818)

• Research and Special Programs Administration
Flammable cryogenic liquid training records
Biennially
Businesses or other institutions
Mot. car. transpt. flam. cryogenic liq. in cargo tanks
Sic: 421
Small businesses or organizations
Other transportation: 50 responses; 1,000 hours; 1 form; not applicable under 3504(h)
Terry Grindstaff, 202–395–7340

To ascertain that drivers of vehicles transporting cryogenic liquids are educated in the regulations pertaining to cryogenic liquids, driver requirements of the motor carrier safety regulations, hazards of cryogenics and emergency procedures. (49 CFR 177.816)

Revisions

• Coast Guard
Application for vessel number CG 3876
On occasion
Individuals or households
Recreational boat owners and certain U.S. territories
Water transportation: 80,000 responses; 142,000 hours; $20,000 Federal cost; >1 form; not applicable under 3504(h)
Terry Grindstaff, 202–395–7340

46 U.S.C. 1467 and implementing regulations require the establishment of a standard recreational boat numbering system. The Coast Guard is required to provide for numbering for those States which do not have an approved system, including application and display requirements.

DEPARTMENT OF THE TREASURY

Agency Clearance Officer—Ms. Joy Tucker—202–634–5394

New

• Internal Revenue Service
Tax Forms Simplification Project Testing
TIR 79–108
Nonrecurring
Individuals or households
Individual taxpayers not reporting income or loss from central fiscal operations: 20,000 responses; 17,986 hours; $2,000,000 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Pretesting and actual use testing of proposed simplified individual income tax return forms and instructions, among samples of taxpayers, is necessary in order to decide whether to adopt such proposed forms and instructions for nationwide use. Actual use testing will begin in January 1982.

ENVIRONMENTAL PROTECTION AGENCY

Agency Clearance Officer—Mr. Phillip Ross—202–287–0747

New

• Reporting Requirements for Importers of Toxic Chemicals [1]
On occasion
Businesses or other institutions
Chem. mfrs., formulators, distrbs., wholesalers, and retailer
SIC: Multiple
Small businesses or organizations
Pollution control and abatement: 0 responses; 0 hours; $244,640 Federal cost; 1 form; not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

Industry will notify agency when it imports chemicals or mixtures of chemicals. Required to determine if entry or chemical or mixture of chemicals is in violation of section 5 or 6, a rule or order under section 5 or 6 or an order issued in a civil action under section 5 or 7.

• Reporting Requirements for Exporters of Toxic Chemicals.[1]
On occasion
Businesses or other institutions
Chemical manufacturers, distributors, formulators etc.
SIC: Multiple
Small businesses or organizations
Pollution control and abatement: 0 responses; 0 hours; $20,800 Federal cost; 1 form; not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

Section 12(B) of TSCA requires that an exporter notify the administrator if he intends to export to a foreign country a chemcial substance or mixture for which data is required under section 4 or 5 (B).

• Publication of Notice of Emergency Permits [1]
On occasion
State or local governments
Director of a State UIC program or R.A.
Pollution control and abatement: 46 responses; 92 hours; 1 form; not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

Since an emergency permit is issued without the normal part 124 permit issuance procedures and public comment period, there is a need for at least notice of such a permit to be published.

• Notification of New Well [1]
Nonrecurring
Businesses or other institutions
Permittees that completed construction of a new well
SIC: Multiple
Small businesses or organizations
Pollution control and abatement: 25 responses; 13 hours; 25 forms; not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

The permittee must notify the director of completion of construction of a new well. Since permits are issued piror to construction and contain certain requirements which govern the construction of the well, the director can inspect to determine compliance with the requirements before injection begins.

• Permittee Monitoring and Reporting [1]
Quarterly
Businesses or other institutions
Class I, II, III, and IV permittees of underground inj. wells
Small businesses or organizations
Pollution control and abatement: 5,200 responses; 36,000 hours; 1 form; not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

The monitoring and reporting requirement will allow the periodic assessment of the efficiency of the program in terms of whether the permits are being issued on schedule, rate of permit violations, and whether the

[1] Over the next several weeks, the Environmental Protection Agency will be requesting clearance for several hundred reporting and recordkeeping requirements that were administered previously without OMB approval. In order to provide a thorough review without unnecessarily disrupting EPA programs, OMB may grant interim approvals for many of these requests, after an initial screening. Interim approvals would be followed by full reviews and final approval or disapproval decisions which would be announced in future editions of the Federal Register.

programs are performing adequately and protecting underground sources of drinking water.

• Permittee Abandonment Plan [1]
Nonrecurring
Businesses or other institutions Class I, II, III and V permittees of underground inj. Wells
Small businesses or organizations
Pollution control and abatement: 1,300 responses; 5,200 hours; 1 form; not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

An abandonment plan is to ensure that plugging and abandonment will not allow the movement of fluids either into an underground source of drinking water or from one underground source of drinking water to another.

• Preparation of Fact Sheet for Reduced Requirements [1]
On occasion
State or local governments
Director of a State UIC program or the R.A.
Pollution control and abatement: 114 responses; 456 hours; 1 form; not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

The fact sheet is to provide a description setting forth the principal facts and the significant legal, methodological and policy questions considered by the director in his determination to reduce requirements.

• Identification of Other Wells [1]
Other—see SF83
Businesses or other institutions
Permittees of underground injection wells
Small businesses or organizations
Pollution control and abatement: 100 responses; 800 hours; 1 form; not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

Before issuing a permit it is necessary for the director to know the location of all known wells within the injection well's area of review which penetrate the injection zone, especially wells which are improperly sealed, completed, or abandoned.

• State Progress Reports [1]
Nonrecurring
State or local governments
Directors of State UIC program
Pollution control and abatement: 114 responses; 456 hours; 1 form; not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

In conjunction with EPA's statutory duty to oversee State UIC programs the States are required to submit to EPA a progress report describing the States progress in developing a UIC program.

• Public Hearings on Request for Approval [1]
Nonrecurring
State or local governments
States applying for primary under the safe drinking water
Pollution control and abatement: 46 responses; 1,840 hours; 1 form; not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

This holds the State UIC program open to public scrutiny and the public will have a voice in determining the State's submission to EPA for approval.

• State Response to Alledged Noncompliance. [1]
Nonrecurring
State or local governments
States with an approved UIC program in which the administ-
Pollution control and abatement: 1 response; 20 hours; 1 form; not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

If EPA determines that an approved State UIC program is no longer in compliance with the Federal program the State will be informed of such. The State may respond to the alleged noncompliance and show it is in compliance, and thus stop the withdrawal process.

• Declaration of TSCA Confidential Business Information [1]
On occasion
Businesses or other institutions
Co. Reg. Under Toxics Subs. Control Act subj. to S. II, TSCA
SIC: multiple
Small businesses or organizations
Pollution control and abatement: 210 responses; 210 hours; $15,204 Federal cost; 1 form; not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

Used by companies to declare information collected during TSCA inspections as confidential business information under section 14(C) of the Toxics Substances Control Act (TSCA).

• Recordkeeping Requirements for Establishments Registered [1]
Under FIFRA
On occasion annually
Businesses or other institutions
Pesticide manufacturers and formulators
SIC: 287
Small businesses or organizations
Pollution control and abatement: 2,500 responses; 5,000 hours; 1 form; not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

Producer required to maintain records with respect to types and amounts of pesticides or devices produced and types and amounts distributed.

• Application for Registration of Pesticide—Producing [1]
Establishments
Nonrecurring
Businesses or other institutions
Pesticide and active ingredient manufacturing businesses
SIC: 281, 287
Small businesses or organizations
Pollution control and abatement: 500 responses; 250 hours; $40,000 Federal cost; 1 form; not applicable under 3504 (b)
Edward H. Clarke, 202–395–7340

FIFRA section 7 requires registration of all pesticide and device producing establishments. Form used to register establishments and data used to develop inspection schedules.

• Pesticide Applicator Certification Form [1]
8500–17
Biennialllly, other—see SFI3
Individuals or households
Individual purchasers and users of restricted pesticides.
Small businesses or organizations
Pollution control and abatement: 65,000 responses; 16,250 hours; $63,913 Federal cost; 1 form; not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

This form is used to collect information required to certify commercial and private applicators in Colorado and Nebraska and requires information such as home and address, physical description, etc. of the applicant.

• RCRA Interim Status Inspection Check List [1]
Annually
Businesses or other institutions
RCRA permittees under section 3007(a)
SIC: All
Small businesses or organizations
Pollution control and abatement; 2,000 responses; 4,000 hours; $84,090 Federal cost; 1 form; not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

Inspection by agency personnel to ensure interim status regulatory compliance.

• Notification of Assistance Award Action, Non Construction [1]
5700–1A
Annually
State or local governments
State governmental agencies.
SIC: 951, 919
Pollution control and abatement: 57 responses; 43 hours; $8,865 Federal cost; 1 form; not applicable under 3504(h)

Edward H. Clarke, 202–395–7340

This information collection activity includes such information as the name of the project director, recipient of the grant, the project period, the amount of the former award and the particular action award requested. Purpose of the form is to continue assistance to a State in developing a comprehensive enforcement program.

• Reporting Requirements for Manufacturer's and Processors of Fully Halogenated Chlorofluoroalkanes[1]
Annually
Businesses or other institutions
Manufacturers and processors of halogenated chlorofluora
ISC: Multiple
Small businesses or organizations
Pollution control and abatement; 300 responses; 600 hours; $2,200 Federal cost; 1 form; not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

The reporting requirement is intended to monitor compliance and direct inspections to those facilities which are most likely to be in violation of the chlorofluorocarbon ban rule.

• Identification and Preliminary Assessment forms[1]
T2070–2
Nonrecurring
Businesses or other institutions
State and regional EPA personnel
Pollution control and abatement; 3,600 responses; 3,600 hours; $57,810 Federal cost; 1 form; not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

Forms are part of EPA's site tracking system. Used to identify potentially hazardous waste sites and to inventory and assess their contents to determine the potential hazard.

• RCRA Quarterly Non-compliance Reports[1]
Quarterly
State or local governments
State EPA's responsible for RCRA subtitle C compliance
Pollution control and abatement; 2,480 responses; 1,240 hours; 1 form; not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

40 CFR 123.7(122.18) requires States to prepare quarterly narrative reports for major permittees listing the name, location, permit number and brief description of each instance of non-compliance for the permittee. Additionally, an annual statistical report is required for non-major permittees.
Site Inspection Report [1]
T2070–3
Nonrecurring
Businesses or other institutions
State and regional EPA personnel
Pollution control and abatement: 1,800 responses; 14,400 hours; $230,676 Federal cost; 1 form; not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

Form is part of EPA's site tracking system. Used to inspect potentially hazardous waste sites to determine degree of hazard.

• Total Exposure Assessment Methodology (Team) Study [1]
Nonrecurring
Individuals or households
Individuals in New Jersey and North Carolina
Pollution control and abatement: 650 responses; 1,300 hours; $1,587 Federal cost; 1 form; not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

This ICA will provide measurements of individual exposure and body for many toxic substances in air and drinking water. The information will be used by EPA's program offices (air, water and toxic substances) to determine priorities for regulatory action, to correct models on emission estimates, and to relate exposures to sources.

FEDERAL RESERVE SYSTEM

(Agency Clearance Officer—Carolyn B. Doying—202–452–3512

Revisions

• Report on Selected Deposits in Foreign Branches Held by U.S. Residents
FR 2050
Weekly
Businesses or other institutions
Foreign branches of member banks and edge act corporations
SIC: 602,605
General government: 2,184 responses; 4,914 hours; $22,997 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Information is used to monitor the growth of overnight Eurodollar deposits, which form a component of the monetary aggregates.

Extensions (No Change)

• Quarterly Report on Foreign Branch Assets and Liabilities
FR 2502S
Quarterly
Businesses or other institutions fgn br. of mbr banks, edge act corp., & nonmbr. banks, etc.
SIC: 602,605
General government: 1,280 responses; 4,480 hours; $30,225 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Report collects information on the geographical distribution of assets and liabilities from the same respondents that file the FR 2502 report. These data provide information on branch activities, including their lending to less-developed countries. This report, which is a supplement to the FR 2502 report is used for supervisory, regulatory, and monetary policy purposes.

INTERNATIONAL COMMUNICATION AGENCY

Agency Clearance Officer—Mary Jane Winnett—202–523–4308

New

• Voice of America English-Teaching Broadcasts to the PRC
IAP–16
Nonrecurring
Individuals or households
Professional teachers of English as a foreign language, with foreign information and exchange activities: 0 responses; 0 hours; $9,500 Federal cost; 1 form; not applicable under 3504(h)
Phillip T. Balazs, 202–395–4814

Study will assess the appropriateness of VOA English-teaching (ET) broadcasts to the PRC in the context of China's modernizing educational system. Findings from a survey of 64 English-teaching experts with PRC experience will be analyzed with the intention of providing conclusions and recommendations for current and planned VOA ET programs.

NATIONAL SCIENCE FOUNDATION

Agency Clearance Officer—Herman Fleming—202–357–7811

New

• Indicators of Scientific Research Instrumentation in Academic Institutions—a Feasibility Study
NSF 0006
Nonrecurring
Businesses or other institutions
College personnel, science & Eng. dpt. chair. & researchers
SIC: 822
General science and basic research: 840 responses; 1,620 hours; $248,220 Federal cost; 3 forms; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

This study will assess the feasibility of developing measures of the current stock, utilization and requirements for scientific research instrumentation in

doctorate-granting institutions and independent medical schools. The development of such indicators is requisite to assess in the status of and need for equipment in science and engineering fields.

OFFICE OF PERSONNEL MANAGEMENT

Agency Clearance Officer—John P. Weld—202–632–7737

Revisions

• Annuitant's Report of Income
BRI 49–160
Annually biennially
Individuals or households
Disability annuitants below the age of 60
Federal employee retirement and disability: 78,300 responses; 6,525 hours; $23,740 Federal cost; 1 form; not applicable under 3504(H)
Robert Veeder, 202–395–4814

Title 5, U.S.C., section 8337(D) requires that a disability annuitant restored to earning capacity before reaching age 60 loses his/her annuity. This form is used by disability annuitants under age 60 to report their income annually to the Office of Personnel Management. This is both a reminder and a means for them to comply.

SECURITIES AND EXCHANGE COMMISSION

Agency Clearance Officer—George G. Kundahl—202–272–2142

Extensions (No Change)

• Report of Offering Made in Reliance Upon Rule 146
On Occasion
Businesses or other institutions
Issuers of securities in exempt transactions
Other advancement and regulation of commerce; 5,000 responses; 2,500 hours; 1 form; not applicable under 3504(H)
Robert Veeder, 202–395–4814

Form is to gather basic, empirical information on the use of certain transactions from the registration provisions of the provisions of the Securities Act. It is also used as an aid in the detection of possible abuses of the rule.

VETERANS ADMINISTRATION

Agency Clearance Officer—R. C. Whitt—202–389–2146

NEW

• Affidavit of Layalty
21–4133
On occasion
Individuals or households
Claimant's who apply for burial allowance or for accrued Income security for veterans; 100 responses; 8 hours; $32 Federal cost; 1 form; not applicable under 3504(H)
Robert Neal, 202–395–6880

This form is for use by claimants residing in a foreign country who in the territory of or under the military control of an enemy of the United States or of its allies. The form is necessary for those claimants who file an application for burial allowance or for accrued amounts due a beneficiary at time of death of veteran.

• Water and Sanitary Assessment Information
FL 26–617
On occasion
State or local governments
County or city authorities
SIC: 494 495
Veterans housing: 1,300 responses; 216 hours; $5,488 Federal cost; 1 form; not applicable under 3504(H)
Robert Neal, 202–395–6880

This form letter is used by the VA regional office in Atlanta to request data from county or city Authorities in order to obtain balances due for water or sewer services or sanitary assessments against VA owned properties. It enables VA realty specialists to authorize payment for any outstanding bills prior to a property being sold. (38 U.S.C. 1820)

• Agreement for Paying Delinquent Loan Payments
26–6392
On occasion
Individuals or Households
Obligor
Veterans housing: 960 responses; 80 hours; $2,006 Federal cost; 1 form; not applicable under 3504(H)
Robert Neal, 202–395–6880

This form is used in servicing VA portfolio home loans which are in arrears. It is an effective servicing method since it requires the obligor to express his or her plans for bringing the mortgate loan current and to sign a copy of the statement which if approved by VA, is then returned to the obligor (38 U.S.C. 1820(A)(2)).

• Request For Identifying Information Re: Veteran's Loan Records
FL 26–626
On occasion
Individuals or households
Correspondents
Veterans Housing: 2,400 responses; 200 hours; $2,928 Federal cost; 1 form; not applicable under 3504(H)
Robert Neal, 202–395–6880

This form letter is used to notify a correspondent that additional information is needed in order to identify and associate their previous correspondence with the correct veteran's loan application or records (38 U.S.C. 3003)

C. Louis Kincannon,
Assistant Administrator for Reports Management.

[FR Doc. 81-18166 Filed 6-17-81; 8:45 am]
BILLING CODE 3110-01-M

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-6442]

American Agronomics Corp.; Application To Withdraw From Listing and Registration

June 11, 1981.

The above named issuer has filed an application with the Securities and Exchange Commission pursuant to Section 12(d) of the Securities Exchange Act of 1934 (the "Act") and Rule 12d2–2(d) promulgated thereunder, to withdraw the specified security from listing and registration on the American Stock Exchange, Inc. ("Amex") and the Pacific Stock Exchange, Incorporated ("PSE").

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

1. The common stock of American Agronomics Corporation (the "Company") is listed and registered on the Amex and the PSE. Pursuant to a Registration Statement on Form 8–A which became effective on March 10, 1981, the Company is also listed and registered on the New York Stock Exchange ("NYSE"). The Company has determined that the direct and indirect costs and expenses do not justify maintaining the multiple listing of the common stock on Amex, PSE and the NYSE, and believes that the multiple listing would fragment the market for its common stock.

2. This application relates solely to withdrawal of the common stock from listing and registration on the Amex and the PSE and shall have no effect upon the continued listing of such stock on the NYSE. The Amex and the PSE have posed no objection to this matter.

Any interested person may, on or before July 2, 1981, submit by letter to the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. The

Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-18098 Filed 6-17-81; 8:45 am]

BILLING CODE 8010-01-M

[File No. SR-Amex-81-7; Release No. 17854]

American Stock Exchange, Inc.; Filing of Amendment To Proposed Rule Change

June 10, 1981.

The American Stock Exchange, Inc. ("Amex") submitted on June 8, 1981, an amendment to a proposed rule change under Rule 19b–4. The proposed rule change would amend Article V, Section 1(b)(1) of its Constitution and Disciplinary Rule 1, 2, and 3 to permit disciplinary panel hearing officers to quality as panel chairmen in appropriate cases, and to authorize all exchange members to serve as disciplinary panel members and panel chairmen.[1] The amendment to the proposed rule change indicates that the Amex membership has approved the Constitutional amendment and that no further action by the Board of Governors or the membership is required.

In order to assist the Commission to determine whether to approve the proposed rule change or institute proceedings to determine whether the proposed rule change should be disapproved, interested persons are invited to submit written data, views and arguments concerning the submission on or before July 9, 1981. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to File No. SR–Amex–81–7.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and of all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld form the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of the filing and of any subsequent amendments will also be available at the principal office of the above-mentioned self-regulatory organization.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-18099 Filed 6-17-81; 8:45 am]

BILLING CODE 8010-01-M

[812-4865]

Dreyfus Cash Reserves, Inc.; Filing of Application for an Order Granting Exemption

Notice is hereby given that Dreyfus Cash Reserves, Inc. ("Applicant"), 600 Madison Avenue, New York, New York 10022, an open-end, diversified management investment company registered under the Investment Company Act of 1940 ("Act"), filed an application on April 17, 1981, requesting an order of the Commission, pursuant to Section 6(c) of the Act, exempting Applicant from the provisions of Section 2(a)(41) of the Act and Rules 2a–4 and 22c–1 thereunder, to the extent necessary to permit Applicant to value its portfolio securities using the amortized cost method of valuation. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that it filed a registration statement on form N–1 under the Securities Act of 1933 with the Commission on April 1, 1981. Applicant represents that it is a "money market" fund designed as an investment vehicle for investors who desire to place assets in money market instruments where the primary considerations are safety, liquidity and, to the extent consistent with the foregoing, a high income return.

According to the application, Applicant's portfolio may be invested in a variety of the following instruments: securities issued or guaranteed by the United States government or any of its agencies or instrumentalities; certificates of deposit, including those issued by domestic banks; bankers' acceptances; and commercial paper. Applicant states that all its investments will consist of obligations maturing within one year from the date of acquisition and the average weighted maturity of all its investments on a dollar-weighted basis will be 120 days or less.

As here pertinent, Section 2(a)(41) of the Act defines value to mean: (1) With respect to securities for which market quotations are readily available, the market value of such securities, and (2) with respect to other securities and assets, fair value as determined in good faith by the board of directors. Rule 22c–1 adopted under the Act provides, in part, that no registered investment company or principal underwriter therefor issuing any redeemable security shall sell, redeem or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or to sell such security. Rule 2a–4 adopted under the Act provides, as here relevant, that the "current net asset value" of a redeemable security issued by a registered investment company used in computing its price for the purposes of distribution and redemption shall be an amount which reflects calculations made substantially in accordance with the provisions of that rule, with estimates used where necessary or appropriate. Rule 2a–4 further states that portfolio securities with respect to which market quotations are readily available shall be valued at current market value, and that other securities and assets shall be valued at fair value as determined in good faith by the board of directors of the registered company. Prior to the filing of the application, the Commission expressed its view that, among other things: (1) Rule 2a–4 under the Act requires that portfolio instruments of "money market" funds be valued with reference to market factors, and (2) it would be inconsistent, generally, with the provisions of Rule 2a–4 for a "money market" fund to value its portfolio instruments on an amortized cost basis (Investment Company Act Release No. 9786, May 31, 1977).

Applicant states that experience indicates that two qualities are helpful in attracting investment: (1) Stability of principal and (2) steady flow of investment income. Applicant maintains that by utilizing high quality money market instruments of short maturities combined with a stable net asset value, it can provide these features to investors. The Applicant states that its board of directors has determined in good faith in light of the characteristics of Applicant, that the amortized cost method of valuing portfolio securities is

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[1] Notice of the proposed rule change was given by publication of a Commission release (Securities Exchange Act Release No. 17729, April 17, 1981) and by publication in the **Federal Register** (46 FR 23360, April 24, 1981). At the time of such publication, the proposed rule change had not yet been voted upon by the regular members of the Amex.

appropriate and preferable for the Applicant and reflects fair value of such securities. Accordingly, Applicant requests exemptions from Section 2(a)(41) of the Act and Rules 2a–4 and 22c–1 thereunder to the extent necessary to permit Applicant to value its portfolio by means of the amortized cost method of valuation.

Section 6(c) of the Act provides, in pertinent part, that the Commission by order upon application, may conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities or transactions, from any provision under the Act or any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant expressly consents to the imposition of the following conditions in any order granting the relief it requests:

1. In supervising the Applicant's operations and delegating special responsibilities involving portfolio management to the Applicant's investment adviser, the Applicant's board of directors undertakes—as a particular responsibility within the overall duty of care owed to its shareholders—to establish procedures reasonably designed, taking into account current market conditions and the Applicant's investment objectives, to stabilize the net asset value per share of the Applicant, as computed for the purpose of distribution, redemption and repurchase, at $1.00 per share.

2. Included within the procedures to be adopted by the board of directors shall be the following:

(a) Review by the board of directors, as it deems appropriate and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, of the net asset value per share as determined by using available market quotations from the amortized cost price per share, and maintenance of records of such review. [1]

(b) In the event such deviation from the $1.00 amortized cost price per share exceeds ½ of 1 percent, the board of directors will promptly consider what action, if any, should be initiated.

(c) Where the board of directors believes the extent of any deviation from the $1.00 amortized cost price per share may result in material dilution or other unfair results to investors or exisitng shareholders, it shall take such action as it deems appropriate to eliminate or to reduce to the extent reasonably practicable such dilution or unfair results, which action may include: Redemption of shares in kind; the sale of portfolio securities prior to maturity to realize capital gains or losses, or to shorten the average portfolio maturity; withholding dividends; or utilizing a net asset value per share as determined by using available market quotations.

3. Applicant will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable net asset value per share; provided, however, that Applicant will not (a) purchase any instrument with a remaining maturity of greater than one year, or (b) maintain a dollar-weighted average portfolio maturity in excess of 120 days.[2]

4. Applicant will record, maintain and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in condition 1 above, and Applicant will record, maintain and preserve for a period of not less than six years (the first two years in an easily accessible place) a written record of the board of directors' considerations and actions taken in connection with the discharge of its responsibilities, as set forth above, to be included in the minutes of the borad of directors' meetings. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31(b) of the Act as though such documents were records required to be maintained pursuant to rules adopted under Section 31(a) of the Act.

5. Applicant will limit its portfolio investments, including repurchase agreements if any, to those United States dollar-denominated instruments which the board of directors determines present minimal credit risk and which are of high quality as determined by any major rating service or, in the case of any instrument that is not rated, of comparable quality as determined by the borad of directors.

6. Applicant will include in each quarterly report, as an attachment to Form N–1Q, a statement as to whether any action pursuant to condition 2(c) was taken during the preceding fiscal quarter, and, if any action was taken, will describe the nature and circumstances of such action.

Notice is further given that any interested person may, not later than July 6, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–18100 Filed 6–17–81; 8:45 a.m.]

BILLING CODE 8010–01–M

[1] To fulfill this condition, the Applicant will use actual quotations or estimate of market value reflecting current market conditions selected by its board of directors in the exercise of its discretion to be appropriate indicators of value. The quotations or estimates utilized may include, *inter alia*, (i) quotations or estimates of market value for individual portfolio instruments, or (ii) values obtained from yield data relating to classes of money market instruments furnished by reputable sources.

[2] In fulfilling this condition, if the disposition of a portfolio instrument results in a dollar-weighted average portfolio maturity in excess of 120 days, Applicant will invest its available cash in such a manner as to reduce its dollar-weighted average portfolio maturity to 120 days or less as soon as reasonably practicable.

[File Nos. 22–10620, 2–69606]

Eastern Air Lines, Inc.; Application and Opportunity for Hearing

June 11, 1981.

Notice is hereby given that Eastern Air Lines, Inc. (the "Company") has filed an application under clause (ii) of section 310(b)(1) of the Trust Indenture Act of 1939 (the "Act") for a finding by

the Commission that the trusteeship of Chemical Bank (the "Bank") under two indentures which are to be qualified under the Act, is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify the Bank from acting as trustee under one of the two indentures.

Section 310(b) of the Act provides, in part, that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest (as defined in the section), it shall within ninety days after ascertaining that it has such conflicting interest either eliminate such conflicting interest or resign. Subsection (1) of this section provides, with certain exceptions, that a trustee is deemed to have a conflicting interest if it is acting as trustee under another indenture of the same obligor. However, pursuant to clause (ii) of subsection (1), there may be excluded from the operation of this provision another indenture or indentures under which other securities of such obligor are outstanding, if the issuer shall have sustained the burden of proving on application to the Commission, and after opportunity for hearing, thereon, that trusteeship under the qualified indenture and such other indenture is not likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under any of such indentures.

The Company alleges that:

1. It filed a Registration Statement on June 4, 1981 concerning $42,500,000 principal amount of ——% Second Equipment Certificates Series A, due January 1, 1998 and $47,500,000 principal amount of ——% Secured Equipment Certificates, Series B, due July 1, 1997 (collectively the "Secured Equipment Certificates").

2. Each series of Secured Equipment Certificates will be issued pursuant to a separate trust indenture to be qualified under the Act between the Company and a trustee. The Company desires to appoint the "Bank" as Trustee under each of the proposed indentures.

3. The proceeds from the sale of the two series of Secured Equipment Certificates will be used to provide financing for between 60% and 65% of the purchase price of eight aircraft to be purchased by Chemical Bank as trustee and leased to the Company. The balance of the purchase price will be provided by the Company or independent equity investors. The principal of, premium (if any) and interest on each series will be payable out of rentals owed by the Company on the related aircraft.

4. Pending delivery of each aircraft, the Bank will hold the proceeds (and any permitted investments thereof) in segregated accounts as security for the series of Secured Equipment Certificates issued with respect to such aircraft. In addition, each series of Secured Equipment Certificates will be secured by a security interest in the related aircraft and the right of the Bank to receive rentals on the aircraft payable by the Company. Should the Bank have occasion to proceed against the security under one of the indentures, such action would not affect the security, or the use of any security, under the other indenture.

5. The differences in the provisions of the indentures are not likely to involve the Bank in a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify the Bank from acting as trustee under one of the two indentures.

The Company waives notice of hearing and waives hearing and waives any and all rights to specify procedures under Rule 8(b) of the Commission's Rules and Practice with respect to the application.

For a more detailed account of the matters of fact and law asserted, all persons are referred to said application which is a public document on file in the offices of the Comission at the Public Reference Room, 1100 L Street, N.W., Washington, D.C.

Notice is further given that any interested person may, not later than July 6, 1981, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of law or fact raised by such application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. At any time after said date, the Commission may issue an order granting the application upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest or in the interest of investors, unless a hearing is ordered by the Commission.

For the Commission by the Division of Corporation Finance, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-18101 Filed 6-17-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 11812; 812-4744]

Equitable Life Assurance Society of the United States and Separte Account A of The Equitable Life Assurance Society of the United States; Filing of Application for an Order Approving Certain Offers of Exchange

June 11, 1981.

Notice is hereby given that The Equitable Life Assurance society of the United States ("Equitable"), a mutual life insurance company established under the laws of the State of New York, and Separate Account A of The Equitable Life Assurance Society of the United States ("Separate Account A"), 1285 Avenue of the Americas, New York, N.Y. 10019, a separate account registered under the Investment Company Act of 1940 ("Act") as an open-end management investment company (collectively "Applicants"), filed an application on October 6, 1980, and an amendment thereto on May 12, 1981, pursuant to Section 6(c) of the Act for an order of exemption from Sections 2(a) (32), 2(a) (35), 22(c), 27(c)(1) and 27(d) of the Act and Rule 22c-1 under the Act, to the extent necessary, to permit the transactions described below, and pursuant to Section 11 of the Act, for an order approving certain offers of exchange. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below.

Introduction

The Applicants intend to issue a new series of group deferred variable annuity contracts ("new Contracts") that provide for a contingent deferred withdrawal charge ("withdrawal charge") to be imposed against the participant's contract value in the event of certain surrenders. The new Contracts are designed exclusively to fund certain types of tax-favored retirement plans. Under the tems of the new Contracts, a participant may allocate all or a portion of his or her contributions to either Separate Account A or Equitable's general account. Allocations to Separate Account A will be invested primarily in equity securities and allocations to Equitable's general account will be credited with interest at rates determined by Equitable and guaranteed never to decline below a certain minimum.

The new Contracts will be available to new participants as well as to those who are already participants under certain presently outstanding deferred annuity contracts offered by Equitable ("old Contracts"). The old Contracts that

are outstanding will continue in effect, and Equitable will continue to receive periodic contributions thereunder. Once the new Contracts are offered, however, participants under the old Contracts will be permitted to convert to the new Contracts.

A participant to whom the exchange privilege will be made available has several choices: (a) Forego the new Contract and remain under the outstanding Contract; (b) continue under the outstanding Contract and participate under the new Contract, making future contributions under both; (c) discontinue contributions under the outstanding Contract (which will remain in effect as a paid-up deferred annuity) and become a participant under the new Contract with respect to future contributions; or (d) exercise the exchange privilege and apply all or a portion of the current values under the outstanding Contracts to the new Contract.

Equitable has begun marketing a new fixed account contract funded only through Equitable's general account ("fixed-only Contract"). These fixed-only Contracts are substantially the same as the new Contracts, except that there are currently no Separate Account A accumulation or annuity benefit provisions included and the withdrawal provisions of the fixed-only Contracts are more restrictive than those proposed for the new Contracts. Once Equitable is able to market the new Contracts, the fixed-only Contracts will no longer be offered and those then outstanding will be amended by endorsement or otherwise as permitted by state law to conform in all respects to the new Contracts.

Withdrawal Charge

All participants under the new Contracts will be subject to all provisions of the new Contracts, including the withdrawal charge which will be assessed as follows:

(1) Withdrawals of converted monies are subject to a charge equal to 2 percent of the amount withdrawn, with a maximum limitation on all such charges of $200;

(2) Withdrawals of contributions made and appreciation thereon under new Contracts purchased by persons other than converting participants will be subject to a charge of 6 percent of the amount withdrawn;

(3) Withdrawal of new contributions made under new Contracts purchased by converting participants, but not appreciation thereon or appreciation on amounts converted, will be subject to a charge of 6 percent of the amount withdrawn;

(4) The aggregate of charges shall not exceed the sum of 2% of the first $10,000 of monies converted to the new Contract during the current Participation Year and the nine completed Participation Years immediately preceding withdrawal, plus 8% of contributions made under the new Contract during the current Participation Year and the nine completed Participation Years immediately preceding the withdrawal; and

(5) For purposes of calculating the withdrawel charge on partial withdrawals, it is assumed that a participant first withdraws amounts which were converted to the new Contract, secondly, withdraws new contributions and thridly withdraws other amounts held under the new Contract.

Any portion of the withdrawal charge imposed with respect to converted monies is to cover expenses which Equitable will incur in connection with the exchange offer. All other amounts derived from the withdrawal charge will be used to cover sales expenses. No withdrawal charge will be assessed in the event of a withdrawal used by certain participants for certain purposes enumerated in the new Contracts.

Applicants foresee that, under the foregoing circumstances and based on actuarial assumptions and models, the withdrawal charge will fall short of covering sales and conversion expenses. However, Applicants do not believe that any portion of the asset charge can be properly deemed to be a "sales load" within the meaning of the Act. Applicants emphasize, in this connection, that each individual participant will be able to avoid any withdrawal charge whatsoever by persisting under a new Contract until annuitization or until the occurrence of one of the other waiver circumstances enumerated in the Contracts. Consequently, whether or not a withdrawal charge will be imposed on a given participant will be the result of a decision made not by Applicants but by that participant and that participant alone. Applicants state that, notwithstanding the foregoing, since the language of rule 12b-1 under the Act applies to "any" registered open-end management investment company, Applicants have decided to follow the procedures set forth in Rule 12b-1, giving cognizance to the insurance nature of the new Contracts and pending further clarification of the legal questions involved.

Further, Equitable will impose an annual administrative charge with respect to the new Contracts equal to the lesser of 2% of a participant's contract value or $30. Equitable will also impose an annual asset charge on the Account equal to 1.75% (.15% investment advisory fee, .35% financial accounting, .35% mortality risk for minimum death benefit and annuity rate guarantee, and .90% expenses and expense risk).

Applicants represent that the administrative charges under the new Contracts are reasonable, in amounts not exceeding anticipated administrative expenses, and not properly chargeable to sales or promotional activities within the meaning ot the Act.

Section 2(a)(35)

Section 2(a)(35) defines "sales load" as the difference between the price of a security to the public and that portion of the proceeds from its sale which is received and invested or held for investment by the issuer, less any portion of such difference deducted for trustee's or custodian's fees, insurance premiums, issue taxes, or administrative expenses or fees which are not properly chargeable to sales or promotional activities. Applicants state that because of the timing of the proposed withdrawal charge, that charge may not be encompassed by the definition of sales load in Section 2(a)(35). Applicants maintain, however, that, like a traditional front-end sales load, the withdrawal charge is designed to cover only expenses associated with the offer and sale of units, including commissions paid to sales personnel, promotional expenses and sales administration expenses. Applicants assert that altering the timing of the charge for sales expenses provides participants under the new Contracts with certain benefits that would not be available if a traditional front-end sales load were imposed. Therefore, because the withdrawal charge is the functional equivalent of a sales load and provides participants under the new Contracts with certain benefits, Applicants request an exemption from Section 2(a)(35), to the extent deemed necessary, to permit the imposition of the proposed withdrawal charge.

Sections 2(a)(32) and 27(c)(1)

Section 2(a)(32) defines a "redeemable security" as any security under the terms of which the holder, upon its presentation to the issuer, is entitled to receive "approximately his proportionate share" of the issuer's current net assets, or the cash equivalent thereof. Section 27(c)(1) provides that no issuer of a periodic payment plan certificate shall sell such certificate unless the certificate is a

"redeemable security." Applicants assert that although Section 2(a)(32) does not specifically contemplate the imposition of a sales charge at the time of redemption, such a charge is not necessarily inconsistent with the definition of a redeemable security. Applicants further assert that Congress did not intend that such a charge should be viewed as inconsistent with the concept of "proportionate share" under Sections 2(a)(32) and 27(c)(1). Applicants also submit that, since a participant would incur no withdrawal charge if he or she continued with the new Contract for retirement purposes, the withdrawal charge would be consistent with the maintenance of retirement plans in accordance with Congressionally declared national policy. On these grounds, Applicants request an exemption from Sections 2(a)(32) and 27(c)(1), to the extent deemed necessary, to permit the imposition of a withdrawal charge under the new Contracts that provide for a withdrawal right.

Section 22(c) and Rule 22c–1

Rule 22c–1, in relevant part, prohibits a registered investment company which issues a redeemable security from redeeming such security except at a price based on the current net asset value of such security which is next computed after receipt of the tender of such security. Applicants state that, for the reasons set forth above in connection with Sections 2(a)(32) and 27(c)(1), the imposition of the withdrawal charge is not inconsistent with that aspect of Rule 22c–1 which requires redemption to be at a price based on the current net asset value. Regarding the timing requirement of Rule 22c–1, Applicants state that, consistent with their current procedures, they will determine the value of any units redeemed on behalf of a participant on the basis of current net asset value which is next computed after receipt of the withdrawal request. Applicants believe that the withdrawal charge is wholly consistent with the policy and purposes of Rule 22c–1. However, in order to avoid any question regarding complete compliance with the Act, Applicants request an exemption from Section 22(c) and Rule 22c–1, to the extent deemed necessary, to permit the deduction of the withdrawal charge from the value of a participant's individual account upon withdrawal.

Section 27(d)

Section 27(d) of the Act requires that a holder of a periodic payment plan certificate who redeems the certificate within eighteen months of issuance receive (1) the value of his or her account and (2) an amount equal to the excess paid for sales expenses which is over 15% of the purchase payments made by the certificate holder. Applicants state that the first requirement under Section 27(d) is addressed above in connection with Sections 2(a)(32) and 27(c)(1). As to the second requirement under Section 27(d), Applicants assert that, during the eighteen-month period addressed in Section 27(d), the maximum rate for the withdrawal charge for sales expenses would be 8% of purchase payments as compared with the maximum rate of 15% of purchase payments under the Section. Further, Applicants state that the withdrawal charge is consistent with the purpose of Section 27(d) as evidenced in the legislative history of that Section. Therefore, Applicants request an exemption from Section 27(d), to the extent deemed necessary, to permit imposition of the proposed withdrawal charge

Recovery of Conversion Expenses

As indicated above, a portion of Applicants' proposed withdrawal charge is designed to cover conversion expenses rather than sales expenses. Applicants believe that the portion of the withdrawal charge which covers conversion expenses may raise some of the same questions under the Act as are raised by that portion of the withdrawal charge which is designed to recover sales expenses. Therefore, to the extent applicable, Applicants request exemptions from Sections 2(a)(32), 2(a)(35), 22(c), 27(c)(1) and 27(d) of the Act and Rule 22c–1 thereunder, for the reasons set forth above in connection with those Sections to the extent necessary to permit the imposition of the withdrawal charge on monies converted from certain of Equitable's outstanding contracts to cover conversion expenses.

Section 11

Section 11 of the Act provides, in relevant part, that the terms of any offer made to an interestholder in an open-end investment company to exchange his or her interests in the same or another open-end investment company must be approved by the Commission if the exchange is to be made on a basis other than the relative net asset value of the interests to be exchanged. Applicants assert that if a participant under Equitable's outstanding contracts exercises the exchange privilege described above, the exchange will be on the basis of the relative net asset value, since no deduction will be made upon conversion of monies to the new Contracts. However, Applicants believe that the imposition of the charge on amounts converted from a separate account, albeit on a deferred and contingent basis, may cause the exchange offer to be deemed to be on a basis other than "relative net asset value." Therefore, Applicants request approval, to the extent deemed necessary, pursuant to Section 11, of any conversion to Separate Account A under the new Contracts of monies held in a separate account under an old Contract. Further, Applicants point out that, as described above, a participant under an old Contract can convert monies held thereunder to a fixed-only Contract which is funded solely through Equitable's general account. Where this occurs and the fixed-only Contract becomes a new Contract by endorsement, monies which were initially held in a separate account under the old Contract may be allocated to Separate Account A under the new Contract. Applicants believe that the applicability of Section 11 in this unique set of facts is uncertain. Therefore, Applicants also request approval of this aspect of the exchange offer to the extent that Section 11 may be deemed applicable.

Section 6(c)

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any persons, security or transaction, or any class or classes of persons, securities or transactions from any provision of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than July 6, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his/her interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he/she may request that he/she be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the rules and

regulations promulgated under the Act, an order disposing of the application will be issued as of course following July 6, 1981, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) any any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-18102 Filed 6-17-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 11813; 812-4811]

Heizer Corp.; Filing of Application for an Order Permitting Certain Proposed Transactions

June 12, 1981.

Notice is hereby given that Heizer Corporation ("Applicant"), 20 North Wacker Drive, Chicago, Illinois 60606, filed an application on January 16, 1981, for an order pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act") to permit Applicant under Section 57(a)(4) of the Act and Rule 17d–1 thereunder, to provide for its officers and employees a Simplified Employee Pension Plan qualified under Section 408(k) of the Internal Revenue Code of 1954 ("Code"). All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

According to the application, applicant is a business development company within the meaning of Section 2(a) (48) (A) and (B) of the Act, and has elected to become subject to the provisions of Section 55 through 65 of the Act.

Applicant represents that on April 11, 1980, it established a Simplified Employee Pension Plan ("Plan"), under Section 408(k) of the Code. Applicant states that the Plan is a Model Plan set forth on Internal Revenue Service Form 5305–SEP (August 1979) ("IRS Form"). Applicant states that under the terms of Section 408(k) of the Code and the instructions to the IRS Form, Applicant is permitted to make discretionary contributions to the Individual Retirement Accounts of Individual Retirement Annuities ("IRA's) selected and established by each eligible employee so long as the IRA chosen by the employee is either a model IRA executed on a IRS form or a master or prototype IRA upon which a favorable opinion letter has been issued by the Internal Revenue Service ("IRS").

Applicant further represents that for purposes of the Plan, all its employees who are at least 25 years of age and who have worked for Applicant in no less than three of the immediately preceding five calendar years must be eligible to participate. As permitted by Section 408(k) (3) (B) of the Code, Applicant's employees covered under certain collective bargaining agreements are excluded from the Plan. Applicant, however, presently has no such employees. Applicant states that while it is not required to make any contributions pursuant to the Plan in any given year, if contributions are made, they must be made on behalf of all eligible employees whether or not such employees are still employed by Applicant at the time the contributions are made.

Applicant also represents that Applicant's Board of Directors determines, in its sole discretion, whether contributions are to be made pursuant to the Plan for any given calendar year, and if so, the percentage of compensation to be contributed. Applicant states that, as provided by Section 408(k) of the Code, cotrubutions to any eligible employee's IRA may not exceed the lesser of $7,500 or 15 percent of such employee's total compensation for the calendar year for which the contribution is made, and all such contributions must represent the same percentage of each eligible employee's total compensation (excluding compensation in excess of $100,000 and any contribution made to the Plan). Applicant further states that in no case may contributions discriminate in favor of any officer of Applicant, ten percent shareholder of Applicant, self-employed individual or highly compensated employee of Applicant. Applicant also states that once Applicant's Board of Directors has determined to make a contribution, each eligible employee is notified in writing of the determination and the contribution is sent to the fiduciary chosen by the employee. Once made, contributions vest immediately, and Applicant has no control over or rights to the employee's IRA or the funds which Applicant has contributed thereto. Appliant represents that for 1979 and 1980, it contributed the maximum deductible amounts permitted by the Code to each eligible employee's IRA and expects to do likewise in future years, although there is no assurance that such contributions, if any, will be made.

Applicant represents that the Plan is subject to the fiduciary duty requirements and self-dealing prohibitions of the Employee Retirement Income Security Act of 1974 ("ERISA") and to simplified reporting and disclosure requirements under both ERISA and the Code. Applicant also represents that the Plan is the only pension plan currently maintained by it for its employees.

Section 57(a)(4) of the Act and Rule 17d–1 thereunder provide that it shall be unlawful for any officer or employee of a business development company, acting as principal, knowingly to participate in or to effect any transaction in which such business development company, or a company controlled by such business development company is a joint and several participant unless an application regarding such arrangement has been filed with the Commission and an order permitting such arrangement has been granted by the Commission. In passing upon such application, the Commission is to consider whether the participation of such registered investment company is consistent with the provisions, policies and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of the other participants. Applicant states that its maintenance of the Plan and the participation in the Plan by its employees could be deemed to constitute a joint enterprise or other joint arrangement. Accordingly, Applicant requests exemption under Section 57(a)(4) and rule 17d–1 thereunder to permit Applicant to maintain its Plan and continue making contributions to it.

In support of the Plan, Applicant states that Rule 17d–1(d)(2) provides an exemption for pension plans qualified under Section 401 of the Code. Applicant submits that the same legal, factual and policy considerations underlying the Commission's decision to exempt by rule all plans qualified under Section 401 of the Code are equally applicable to plans established under Section 408(k) of the Code, which was enacted in 1978 after Rule 17d–1(d)(2) was adopted by the Commission. Applicant states that Section 408(k) of the Code was enacted to provide small businesses, such as Applicant, with a less burdensome and expensive alternative to the establishment of a plan qualified under Section 401 of the Code.

Applicant further submits that the Plan is consistent with the provisions, policies and purposes of the Act insofar as (1) the amounts which may be

contributed to an eligible employee's IRA for any calendar year are limited by Section 408(k) of the Code and the terms of the Plan to the lesser of $7,500 or 15 percent of each eligible employee's total compensation; (2) all employees must be treated on a non-discriminatory basis; (3) contributions become fully vested immediately; (4) neither the IRA's of the participating employees nor Applicant's contributions thereto, once made, are under Applicant's control; and (5) the Plan is subject to the reporting and disclosure requirements of the Code and ERISA and to the fiduciary requirements and self-dealing prohibitions of ERISA. Applicant also submits that its maintenance of, and participation in, the Plan are not less advantageous to Applicant and its shareholders than to any of its participating employees because the Plan enables Applicant to provide tax deductible pension benefits to employees which enhance Applicant's ability to attract and retain qualified employees.

Section 6(c) provides that the Commission, buy order upon application, may exempt any transaction from the provisions of the Act if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policies and provisions of the Act.

Notice is further given that any interested person may, not later than July 7, 1981 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reason for his request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon Applicant at its address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) should be filed contemporaneously with the request. As provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

George A. Fitzsimmons,

Secretary

[FR Doc. 81-18100 Filed 6-17-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 22085; 70–6611]

Middle South Utilities, Inc. and Middle South Services, Inc.; Proposal To Increase Authorized Level of Service Company Bank Borrowings, Extend Maturities of Such Borrowings and Change the Uses of Such Borrowings

June 11, 1981.

Middle South Utilities, Inc. ("Middle South"), a registered holding company, and Middle South Services, Inc. ("Services"), 225 Baronne Street, New Orleans, Louisiana 70112, a subsidiary service company of Middle South, have filed a declaration with this Commission pursuant to Sections 6(a), 7, and 12(b) of the Public Utility Holding Company Act of 1935 ("Act") and Rules 45 and 50(a)(2) promulgated thereunder.

By an order dated March 14, 1980 (HCAR No. 21477) Services was authorized to enter into a line of credit with First National Bank of Commerce of New Orleans ("Bank") under which Services may borrow up to $30,000,000 outstanding at any one time through December 31, 1981. All borrowings pursuant to such authorization have been for the purpose of repaying outstanding short-term borrowings and financing development of a standard design for future coal-fired electric generating stations for the Middle South system. Services now proposes to amend its line of credit arrangement to increase the maximum amount of borrowings to $50,000,000, to extend the maturity of the borrowings through December 31, 1982 and to expand the permitted purposes for which borrowings may be made. The new uses for bank borrowings are to provide interim financing for renovation and expansion of Services' computer center and to retire outstanding long-term loans from Middle South aggregating $6,628,000.

The borrowings will be evidenced by a master promissory note which will bear interest, payable quarterly, at a rate of 102 percent of the prime rate of The Chase Manhattan Bank (N.A.) in effect from time to time. Services will pay a commitment fee of ½ of 1 percent per annum on the average daily unused portion of the line of credit. Based on a prime rate of 20 percent, the effective cost of the proposed borrowings would be 20.40 percent. Services' obligations under the amended line of credit will be guaranteed by Middle South.

The declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by July 6, 1981, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the declarants at the address specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date the declaration, as filed or as it may be amended, may be permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-18104 Filed 6-17-81; 8:45 am]

BILLING CODE 8010-01-M

Midwest Stock Exchange, Inc.; Applications for Unlisted Trading Privileges and of Opportunity for Hearing

June 11, 1981.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the following stocks:

Enterra Corporation
Common Stock, $1 Par Value (File No. 7–5946)
Mexico Fund Incorporated
Common Stock, $1 Par Value (File No. 7–5947)

These securities are listed and registered on one or more other national securities exchanges and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before July 2, 1981 written

data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-18106 Filed 6-17-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-17852; File No. SR-MSRB-81-8]

Municipal Securities Rulemaking Board; Self-Regulatory Organizations; Proposed Rule Changes

Proposed rule changes by Municipal Securities Rulemaking Board, relating to pricing to call. Comments requested on or before July 9, 1981.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on May 23, 1981, the Municipal Securities Rulemaking Board filed with the Securities and Exchange Commission the proposed rule changes as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule changes from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Changes

The Municipal Securities Rulemaking Board (the "Board") is filing herewith an interpretation (hereafter referred to as the "proposed rule change") setting forth the general criteria to be used in selecting the appropriate call feature for yield or dollar price computations pursuant to certain of the requirements of Board rules G-12 and G-15. The text of the proposed rule change is contained in the "Notice Concerning Pricing to Call" on file at the offices of the Commission and the Board; the details of the Notice are summarized below.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Changes

A. Self-Regulatory Organization's statement of the Purpose of, and Statutory Basis for, the Proposed Rule Changes

(a) Board rules G-12, concerning uniform practice, and G-15, concerning customer confirmations, both require that, in the case of a transaction in callable securities effected on the basis of a yield price, the dollar price of such transaction must be calculated to the lowest of price to premium call, price to par option, or price to maturity. Further, as of October 1, 1981, rule G-15 will require that, in the case of a transaction in callable securities effected on the basis of a dollar price, the confirmation of such transaction must set forth, in addition to such dollar price, the lowest of the yield to premium call, yield to par option, or yield to maturity. The Board adopted these provisions because it believes that customers should be provided with information concerning the minimum assured yield which they can reasonably expect to realize on their investments. Since municipal securities have a number of different call features, there may be confusion about which call feature should be used for purposes of these comparative calculations. The proposed rule change is intended to provide guidance concerning the selection of the particular call feature which should be used.

The proposed rule change sets forth the following guidelines for the selection of the appropriate call feature for calculation purposes:

(1) "Catastrophe" call features should not be used. These calls, which are usually exercised only in the event of destruction of the financed project, are extremely unlikely to occur, and are beyond the control of the issuer.*

(2) "Sinking fund" or other "in part" call features should not be used. These call features empower the issuer (or, in some cases, require the issuer) to call portions of the issue at specified times. The specific securities to be redeemed are typically chosen at random, with certificate numbers selected by lot. While these calls are more likely to be exercised than "catastrophe" calls, their random nature and the limited number of securities called at a given time under these provisions make it inappropriate, in the Board's view, to use these call features for calculation purposes.

(3) "In whole" call features should be used, except if there is a restriction on the funds which may be used to call securities. An "in whole" call, under which an issuer may elect to redeem an entire issue or an entire issue or an intire maturity of an issue, is the call feature most likely to affect an investor's holding of municipal securities. For example, in the event that an issue of securities were advance refunded to a call date, the "in whole" call feature would be that used for purposes of the refunding. The Board believes that, since the "in whole" call feature is the one most likely to affect an investor's holding, it should be used for price calculation purposes.

Certain bond indentures place some restriction on the source of the funds to be used (typically a provision that the call feature may not be exercised from the proceeds of a refunding issue), such that the call feature would operate, in practical effect, as an "in part" call. An "in whole" call feature of this type should not be used for price calculation purposes.

(4) In circumstances in which a premium "in whole" call date and price other than the first premium call date and price produces the lowest dollar price or yield, the former call date should be used for calculation purposes. "In whole" call features frequently permit the issuer to exercise the call option on a series of call dates at steadily-declining premiums. In almost all cases the first of the premium call dates and prices should be used, since it would produce the lowest result; in those rare circumstances in which one of the intermediate call dates and prices produces the lowest result, however, the Board believes that the intermediate date and price should be used.

(b) The Board has adopted the proposed rule changes pursuant to section 15B(b)(2)(C) of the Securities Exchange Act of 1934, as amended, which authorizes and directs the Board to adopt rules which are

> designed * * * to foster cooperation and coordination with persons engaged in * * * clearing, settling, processing information with respect to, and facilitating transactions in municipal securities, * * * and, in general, to protect investors and the public interest * * *.

The Board believes that the proposed rule change promotes uniformity in compliance with the pricing to call requirements of rules G-12 and G-15. Coordination and cooperation between persons clearing, settling, and facilitating transactions in municipal securities are significantly enhanced by clarifying which of the many call

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* This interpretation was previously issued by the Board in a notice dated November 28, 1977.

provisions applicable to municipal securities are appropriate for use in the computation of dollar price. In addition, the Board believes that the proposed rule change promotes investor protection by clarifying the manner in which the yield on customer transactions is to be derived.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Board believes that the proposed rule change will not have any impact on competition, inasmuch as the proposed rule change merely clarifies the manner in which municipal securities brokers and municipal securities dealers are to comply with an existing requirement of Board rules, and applies equally to all such municipal securities brokers and dealers.

The Board notes that upon adoption of the provisions of rules G–12 and G–15 to which this interpretation relates the Board considered whether any burden on competition might result. The Board concluded that insofar as the proposed rule changes would be applicable to all municipal securities brokers and municipal securities dealers equally, no significant burden on competition would result.

C. Self-Regulatory Organization's Statement of Comments on the Proposed Rule Change Received from Members, Participants or Others

The Board neither solicited nor received comments on the proposed rule change from members, participants, or others. The Board has from time to time received inquiries from industry members concerning the application of the "pricing to call" requirements of rules G–12 and G–15 to particular issues of municipal securities.

III. Date of Effectiveness of the Proposed Rule Changes and Timing for Commission Action

The foregoing rule changes have become effective pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (e) of Securities Exchange Act rule 19b–4. At any time within 60 days of the filing of such proposed rule changes, the Commission may summarily abrogate such rule changes if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule changes that are filed with the Commission, and all written communications relating to the proposed rule changes between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before July 9, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: June 10, 1981.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-18100 Filed 6-17-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-17853; File No. SR-MSRB-81-10]

Municipal Securities Rulemaking Board; Self-Regulatory Organizations; Proposed Rule Change

Proposed rule change by Municipal Securities Rulemaking Board relating to uniform practice. Comments requested on or before July 9, 1981.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on June 2, 1981, the Municipal Securities Rulemaking Board filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

(a) The Municipal Securities Rulemaking Board ("Board") is filing herewith amendments to rule G–12 relating to uniform practices (hereafter referred to as the "proposed rule change") as follows:*

G–12 Uniform Practice

(a) Scope and Notice

(i) All transactions in municipal securities between any broker, dealer or municipal securities dealer and any other broker, dealer, or municipal securities dealer shall be subject to the provisions of this rule, [except to the extent that such transactions are compared, cleared and settled through the facilities of a clearing agency registered with the Commission, in which event the rules of such clearing agency shall apply.] *provided, however, that a transaction submitted to a registered clearing agency for comparison shall be exempt from the provisions of section (c) and, to the extent such transaction is compared by the clearing agency, section (d) of this rule, and a transaction which is settled or cleared through the facilities of a registered clearing agency by a means which does not involve the physical delivery of securities shall be exempt from the provisions of section (e) of this rule.*

(ii) through (iii) No change.

(b) through (c) No change.

(d) Comparison and Verification of Confirmations; Unrecognized Transactions.

(i) through (vi) No change.

(vii) *In the event a party has submitted a transaction for comparison through the facilities of a registered clearing agency but such transaction fails to compare, the submitting party shall, within one business day after final notification of the failure to compare is received from the clearing agency, initiate the procedures required by paragraph (iii) of this section.*

[(vii)] through [(viii)] renumbered as *(viii)* through *(ix)*. No substantive change.

(e) Delivery of Securities. The following provisions shall, unless otherwise agreed upon by the parties, govern the delivery of securities:

(i) Place and Time of Delivery. Delivery shall be made at the office of the purchaser, or its designated agent, between the hours established by rule or practice in the community in which such office is located. If the parties so agree, book entry *or other* delivery through *the facilities of* a registered clearing agency [or delivery by other means which do not involve the physical delivery of securities] will constitute good delivery for purposes of this rule.

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*Italics indicate new language; [brackets] indicate deletions.

(ii) No change.

(iii) Partial Delivery. The purchaser shall not be required to accept a partial delivery with respect to a single trade in a single security. For purposes of this paragraph, a "single security" shall mean a security of the same issuer having the same maturity date, coupon rate and price. *The provisions of this paragraph shall not apply to deliveries mode pursuant to balance orders or other similar instructions issued by a registered clearing agency.*

II. Self-Regulatory Organization's Statement on the Purpose of, and Statutory Basis for, the Proposed Rule Change

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(1) Rule G–12 sets forth uniform practices to be followed by all municipal securities brokers and municipal securities dealers including procedures relating to the clearance and settlement of municipal securities transactions. Presently, rule G–12 excludes from its application transactions which are "compared, cleared and settled through the facilities of a clearing agency registered with the Commission." The Board has concluded that, as clearing agencies become active in the processing of municipal securities transactions, certain amendments to rule G–12 are appropriate. Accordingly, the proposed rule change, first, revises the language of rule G–12(a)(i) to clarify that the exclusion from the rule for trades processed through a registered clearing agency applies only to those functions actually performed by the clearing agency. Second, the proposed rule change adds a new paragraph to rule G–12(d) to provide a verification procedure in the event of a failure by the clearing agency to compare the transaction. Third, the proposed rule change amends paragraphs (e)(i) and (e)(iii) of the rule to clarify that use of current envelope delivery services constitutes good delivery and, since dealers may elect whether to use netting procedures, to exempt deliveries on balance orders resulting from use of a netting system from the prohibition against partial deliveries.

(2) The Board has adopted the proposed rule change pursuant to Section 15B(b)(2)(C) of the Act which establishes the Board's general authority.

to foster cooperation and coordination with persons engaged in regulating, clearing, settling an processing information with respect to, and facilitating transactions in municipal securities * * *.

The proposed rule change also will facilitate implementation of automated clearing systems consistent with the objectives of Section 17A of the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Board believes that the proposed rule change will not impose any burden on competition since the amendments provide technical adjustments to coordinate the standards and requirements of the Board's settlement and clearance rules with procedures normally used by registered clearing agencies.

C. Self-Regulatory Organization's Statement of Comments on the Proposed Rule Change Received From Members, Participants or Others

The Board neither solicited nor received comments on the proposed rule change. Certain aspects of the proposed rule change were discussed previously with members of the Commission staff and representatives of the National Securities Clearing Corporation.

III. Date of Effectiveness of the Proposed Rule Changes and Timing for Commission Action

On or before July 23, 1981, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before July 9, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: June 10, 1981.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–16107 Filed 6–17–81; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 11811; 812–4700]

Ohio National Life Insurance Co., et al.; Filing of Application for an Order Granting Exemptions

June 10, 1981.

Notice is hereby given that The Ohio National Life Insurance Company ("Ohio National"), a mutual life insurance company organized under the laws of Ohio, Ohio National Variable Interest Account ("VIA"), a separate account of Ohio National registered as a unit investment trust under the Investment Company Act of 1940 ("Act"), and The O.N. Equity Sales Company ("Sales Company"), 237 William Howard Taft Road, Cincinnati, Ohio 45219, a wholly-owned subsidiary of Ohio National registered as a broker-dealer under the Securities Exchange Act of 1934 (hereinafter referred to as "Applicants"), filed an application on July 11, 1980 and an amendment thereto on May 14, 1981 pursuant to Section 6(c) of the Act for an order of the Commission granting exemptions from the provisions of Sections 2(a)(32), 2(a)(35), 22(c), 26(a), 27(c)(1), 27(c)(2), and 27(d) of the Act and Rule 22c–1 thereunder to the extent set forth below. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Background

Ohio National writes life, accident and health insurance and annuities in 39 states and the District of Columbia. On April 24, 1980 Ohio National established VIA as a separate account pursuant to Section 3907.15 of the Ohio Revised Code for the purpose of funding variable interest annuity contracts ("Contracts"). The assets of VIA are invested in shares of O.N. Market Yield Fund, Inc.("Fund"), a non-diversified open-end management

investment company registered under the Act. The Fund's investment objective is to obtain maximum current income consistent with liquidity and the preservation of capital by investing in high quality money market instruments.

The Contracts funded through VIA are flexible purchase payment variable interest annuity contracts designed to be sold to individuals for use in retirement plans which may or may not qualify for special tax treatment under the Internal Revenue Code. They provide for the accumulation of the contract value on a variable basis and the payment of annuity benefits on a variable or fixed basis. The contracts will be sold by Ohio National life insurance agents who are also registered representatives of Sales Company or other registered broker-dealers.

Although purchase payments may be made from time to time at the discretion of the purchasers, each purchase payment must be at least $25, and no more than $10,000 may be paid within any contract year without the consent of Ohio National. Each purchase payment, less an amount for any applicable premium or similar tax and a charge of $1 per payment to defray the custodial and administrative services connected with receipt of purchase payments and crediting of accumulation units is allocated to VIA for investment in shares of the Fund.

No sales charge deduction is made from contract purchase payments. However, a contingent deferred sales charege is assessed when a Contract is surrendered or a partial withdrawal of the accumulation value is made to cover expenses relating to the sale of the Contracts, including compensation to sales personnel, costs of sales literature and prospectuses, and other expenses related to sales activity. Such charge equals 5% of the amount being surrendered and will not exceed the lesser of (a) 5% of the total purchase payments made during the 96 months immediately preceding the surrender or partial withdrawal, or (b) 5% of the accumulation value of the Contract being surrendered or withdrawn. After the first contract anniversary, a partial withdrawal of not more than 7% of the accumulation value of the Contract may be made once each contract year without the imposition of the contingent deferred sales charge.

Prior to the annuity commencement date, Ohio National will deduct an annual contract administration charge of $25 to reimburse it for administrative expenses relating to the maintenance of the Contract. Such charge will be deducted from the accumulation value of the Contract on each contract anniversary and upon surrender on any other date. In addition, prior to the annuity commencement date, Ohio National guarantees that the accumulation value of a contract (1) will never diminish because of the investment performance of the fund and (2) will not be affected by any excess of sales and administrative expenses over the deductions provided therefor. Ohio National also guarantees to pay a death benefit in event of the annuitant's death prior to the annuity commencement date. After the annuity commencement date, Ohio National guarantees that annuity payments will not be affected by adverse mortality experience or excess expenses and that annuity payments after the first such payment will never diminish because of a reduction in the value of Fund shares.

For assuming these risks, Ohio National, in determining the accumulation unit value and the annuity unit value, makes a deduction at the end of each valuation period equal to 1.5% of the contract value on an annual basis. Such deduction may be decreased by Ohio National at any time and may be increased not more frequently than annually to not more than 2% on an annual basis. If the deduction is insufficient to cover the actual risk undertakings, the loss will fall on Ohio National; conversely, if the deduction proves more than sufficient, the excess will be a gain to Ohio National. further, Ohio National has undertaken to establish a reserve relating to its investment guarantee. The minimum amount of such reserve is equal to the "2% Maximum Reserve Class" of the "Mandatory Securities Valuation Reserve" prescribed by the National Association of Insurance Commissioners established over a period of time by allocating the 0.2% risk charge to such reserve.

Ohio National has executed an agreement with Hartford National Bank and Trust Company, Hartford, Connecticut ("Custodian"), pursuant to which the Fund shares and other assets credited to VIA will be held in the latter's custody. The Custodian will be responsible for maintaining appropriate records with respect to all transactions in Fund shares relative to VIA. The agreement also requires the Custodian to have at all times an aggregate capital surplus and undivided profit of not less than $2 million and prohibits resignation by the Custodian until (a) a successor custodian bank having the qualifications enumerated in Section 26(a) of the Act shall have agreed to serve as custodian, or (b) VIA has been completely liquidated and the proceeds of such liquidation properly distributed. Subject to these conditions the agreement of custodianship may be terminated by either party upon sixty days' written notice.

Section 2(a)(35)

Section 2(a)(35) of the Act defines "sales load" as the difference between the price of a security to the public and that portion of the proceeds from its sale which is received and invested, less any portion of such difference deducted for trustee's or custodian's fees, insurance premiums, issued taxes, or "administrative expenses or fees which are not properly chargeable to sales or promotional activities." Applicants submit that the proposed contingent deferred sales charge is consistent with the intent of the definition of "sales load" contained in the Act.

The contingent deferred sales charge would be paid to Sales Company to reimburse it solely for expenses related to the sale of the Contracts, which Applicants maintain fit squarely within the Section 2(a)(35) definition of "sales load," but for the timing of the impostion of the charge. Applicants assert that deferring such sales charge and making it contingent upon the occurrence of an event which might never happen permits the contract owner to have the benefit of that part of his purchase payment which would otherwise have been deducted as a sales load, and, possibly, to escape imposition of the charge completely and accordingly the requested exemption from the provisions of Section 2(a)(35) should be granted.

Sections 2(a)(32) and 27(d)

Section 2(a)(32) of the Act, in pertinent part, defines a redeemable security as any security under the terms of which the holder is entitled to receive approximately his proportionate share of the issuer's current net assets, or the cash equivalent thereof. Section 27(d) of the Act requires that the holder of a periodic payment plan certificate be able to surrender the certificate under certain circumstances and recover certain front-end sales charges. Applicants submit that the imposition of the contingent deferred sales charge does not violate Section 2(a)(32) or Section 27(d).

Applicants assert that both Sections 2(a)(32) and 27(d) contemplate the assessment of a front-end sales load to be deducted from gross purchase payments. Applicants maintain that with a contingent deferred sales charge, the net amount invested equals the gross purchase payments (less the $1 charge and any applicable premium tax) and

that deferring the imposition of the sales charge does not prevent the contract owner from receiving as his proportionate share or the value of his account the amount he would otherwise receive on surrender or redemption. The contingent deferred sales charge, Applicants contend, is merely deducted at the time of redemption in determining the proportionate share or account value, rather than being deducted from purchase payments. Applicants maintain that the contingent deferred sales charge alters the timing of the imposition of the sales charge and makes it contingent on the occurrence of an event which might never occur. Notwithstanding, Applicants have requested an exemption from the provisions of Sections 2(a)(32) and 27(d) to the extent necessary to implement the proposed transactions.

Section 22(c) and Rule 22c–1

Section 22(c) and Rule 22c–1 thereunder prohibit a registered investment company issuing a redeemable security from selling, redeeming or repurchasing any such security except at a price based on the current net asset value of such security. Applicants submit that the contingent deferred sales charge is not violative of Section 22(c) or Rule 22c–1 thereunder. Applicants assert that the value at which a surrender or partial withdrawal is effected will be based on the current net asset value and that the contingent deferred sales charge will merely be deducted at such time in arriving at the amount to be paid to the contract owner upon surrender or in determining the remaining accumulated value under the Contract in the case of a partial withdrawal. However, Applicants have requested an exemption from the provisions of Section 22(c) and Rule 22c–1 to the extent necessary to permit Applicants to offer the proposed Contracts with a contingent deferred sales charge.

Section 27(c)(1)

Section 27(c)(1) of the Act, for purposes here relevant, prohibits restrictions on the redemption of periodic payment plan certificates. Applicants believe that the assessment on a contingent deferred sales charge upon certain surrenders or withdrawals, which will be fully disclosed in the prospectus, should not be construed as such a restriction on redemption. The Contracts, Applicants assert, are clearly redeemable securities, whether the sales charge is imposed on purchase payments at the time of purchase, or whether such charge is deferred and made contingent upon an event which may or may not materialize. However, Applicants have requested an exemption from the provisions of Section 27(c)(1) to the extent necessary or appropriate to permit Applicants to offer the Contracts on the terms proposed.

Sections 26(a) and 27(c)(2)

Sections 26(a) and 27(c)(2), as here pertinent, provide that a registered unit investment trust and any depositor and underwriter for the trust are prohibited from selling periodic payment plan certificates unless the proceeds of all payments other than the sales load are deposited with a qualified bank as trustee or custodian and held under an indenture or agreement containing provisions specified in Section 26(a) of the Act. Applicants submit that the proposed contingent deferred sales load is consistent with the limitations contained in Section 27(c)(2) and 26(a).

Applicants contend that Section 27(c)(2) excepts deductions for sales load from the requirement that the proceeds be deposited with a custodian and that offering such charge and making it contingent upon an event which may never occur does not change the basic nature of the charge as a sales charge to which the Section 27(c)(2) exception should apply. However, Applicants have requested an exemption from the operation of the provisions of Sections 27(c)(2) and 26(a) to the extent necessary or appropriate to permit Applicants to offer the Contracts on the terms proposed.

In addition, exemptions are also requested from such Sections because of the nature of the custodianship arrangements. As noted above, the agreement of custodianship requires the Custodian to assume certain duties. The agreement, however, does not create a trust with respect to the assets of VIA because Ohio National, as a life insurance company, must retain ownership and control of the disposition of its property. Accordingly, an exemption is requested from the foregoing provisions to the extent necessary to make the requirement of a trust inapplicable.

Although a trust will not be created with respect to the assets of VIA, Applicants assert that under the agreement of custodianship, such assets will be in the possession of the Custodian, will be deposited for safekeeping in a vault or other depository maintained by the Custodian, and will be physically segregated and held separate from the property of any other person until distribution.

Applicants maintain that in all its dealings with persons having rights under the Contracts participating in VIA, Ohio National will operate as a regulated insurance company subject to the extensive authority and jurisdiction of the various state regulators, insurance laws and regulations of the jurisdictions in which it is licensed to operate. Finally, Applicants assert that the assets and surplus of Ohio National provide ample assurance of its financial ability to meet its obligations under such Contracts.

Applicants consent to the requested foregoing exemptions being made subject to the following conditions: (1) That the charges to contract owners for administrative services and the payment out of the assets of VIA with respect to Ohio National's investment guarantee shall not exceed such reasonable amounts as the Commission shall prescribe, jurisdiction being reserved for such purpose, and (2) that the payment of other sums and charges out of the assets of VIA shall not be deemed to be exempted from regulation by the Commission by reason of the requested order, provided that Applicants' consent to this condition shall not be deemed to be a concession to the Commission of authority to regulate the payment of such other sums and charges out of such assets (other than charges for sales load, administrative services, and Ohio National's investment guarantee), and Applicants reserve the right in any proceeding before the Commission or in any suit or action in any court to assert that the Commission has no authority to regulate the payment of such other sums or charges.

Section 6(c)

Section 6(c) of the Act provides, in pertinent part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes thereof, from any provision of the Act or any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

For the reasons and upon the facts set forth above, Applicants assert that the exemptions requested in the application are necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than July 6, 1981, at 5:30 p.m., submit to the

Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his/her interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he/she may request that he/she be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the rules and regulations promulgated under the act, an order disposing of the application will be issued as of course following July 6, 1981, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–18106 Filed 6–17–81; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 11816; 812–4873]

Precious Metals Holdings, Inc., et al; Filing of Application for an Order

June 12, 1981.

Notice is hereby given that Precious Metals Holdings, Inc. (the "Fund"), registered under the Investment Company Act of 1940 ("Act") as a closed-end, diversified, management investment Company; Harbor Capital Management company, Inc., the investment adviser to the Fund ("Harbor"); and Frederick G. P. Thorne, Jack M. Barbour, Frans J. C. Cronje, Theodore C. Haffenreffer, Jr., John E. Lawrence, Georges J. Muller, Joseph W. Powell, Jr. and A. R. O. Williams, 60 State Street, Boston, Massachusetts 02109, directors of the fund who are defendants in a shareholder derivative action ("Defendant Fund Directors"), filed an application on May 8, 1981, pursuant to Section 17(d) of the Act and Rule 17d–1 promulgated thereunder for an Order of the Commission permitting participation in the settlement of the pending shareholder derivative action described below by the fund; the Defendant Fund Directors; Harbor; Alan S. Fields, Lawrence J. Marks, Malcolm Pirnie, III, Richard a. Spindler; and Cyrus A. Ansary, Joseph L. Castle, George F. Ellis, Jr., Stewart A. Gardner, Stephen Hartwell, Omer L. Hirst, James R. Kleeblatt, Peter J. Knop, Merle Thorpe, Jr., Wentz Corporation and Development Planning Corporation (collectively, the "Shareholders Group"). All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicants state that the Fund is a Delaware corporation and has its principal place of business at 60 State Street, Boston, Massachusetts. Applicants state that the principal investment objective of the Fund is to seek long-term capital appreciation and protection of the purchasing power of the shareholders' capital. The generation of current income is only a secondary objective.

Applicants state that pursuant to such objective it is the Fund's policy to invest not less than 80% of its net assets in securities of companies engaged in (or receiving at least 50% of their revenues from other companies engaged in) mining, processing or dealing in gold or other precious metals and minerals. Applicants state that the Fund also has a subsidiary which is authorized to invest directly in gold bullion and other precious metals. The By-Laws of the Fund provide for the indemnification of its directors under certain circumstances. The Fund's shares are traded on the over-the-counter market and are listed on the American and Pacific Stock Exchanges.

Applicants state that, prior to November 9, 1979, the Fund's investment adviser was Phoenix Investment Counsel of Boston, Inc. ("Phoenix"). In 1979 Phoenix sold certain of its assets and business relating to the provision of investment advice and certain management services on behalf of private accounts and the Fund to Harbor. The purchase and sale to Harbor was effected only after approval by the shareholders of the Fund of an investment advisory contract with Harbor.

Applicants state that Harbor was incorporated in Massachusetts on August 9, 1979, with offices at 60 State Street, Boston, Massachusetts, 02109; and is registered as an investment adviser under Federal and certain state laws. Applicants state that the directors of Harbor are Alan S. Fields, Lawrence J. Marks, Malcolm Pirnie, III, Richard A. Spindler, E. William Hansen and Frederick G. P. Thorne, President and principal executive officer.

Applicants state that the prospectus, dated February 19, 1974, for the Fund's initial offering of its stock stated that the Fund intended to submit to its shareholders within six months a proposal that it become an open-end investment company. Said prospectus also stated that if that proposal was not approved by the Fund's shareholders at said meeting, the proposal would be resubmitted at each subsequent annual meeting of the shareholders until approved. The proposal that the Fund become an open-end investment company has been submitted to the shareholders each year but has never been approved.

Applicants state that on April 25, 1980, certain shareholders formed The Precious Metals Holdings, Inc. Shareholders Group and designated representatives to act on the Group's behalf to take whatever course of action was deemed necessary to achieve a change in the subclassification of the Fund to an open-end investment company, including nominating a slate of candidates for election as directors of the Fund and soliciting proxies with respect to such slate and with respect to the open-end proposal. On July 8, 1980, the Board of Directors of the Fund announced that it would recommend to the Fund's shareholders that they vote against the proposal to open-end the Fund. On September 8, 1980, three shareholders, individually and on behalf of the Shareholders Group, filed a shareholder derivative action in United States District Court for the District of Columbia against the officers and certain directors of the Fund entitled *Stephen Hartwell, et al.* v. *Frederick G. P. Thorne, et al.* In this action (hereinafter referred to as the "Litigation") the plaintiffs seek to enjoin the effect of the vote of the Fund's shareholders at the annual meeting held on October 10, 1980, and further seek, among other relief, (1) an order declaring that the 1980 proxy statement and letters to shareholders disseminated by the defendants to Fund shareholders violates Section 20(a) of the Act, Section 14(a) of the Securities Exchange Act of 1934, and the rules and regulations of the Commission thereunder, and (2) reimbursement from each non-Fund defendant for alleged waste of corporate assets.

Applicants state that the parties to the Litigation have entered into a settlement agreement. As part of that settlement agreement, the Fund will pay $100,000 to the Shareholders Group to defray a portion of their expenses of bringing the shareholder derivative action described above, and Harbor will pay to the Fund

$50,000. The reasonable attorneys' fees incurred by those directors and officers of the Fund who were named as defendants in the Litigation will be paid by the Fund, provided that independent legal counsel gives a written opinion that indemnification for such expenses is proper in the circumstances because each of the directors and officers has met the applicable standards of conduct required by the Fund's By-Laws, and required by Federal and State law. Applicants state that the present directors of the Fund have agreed to vote to increase the number of directors from nine to eleven, to elect Messrs. Stephen Hartwell and James R. Kleeblatt, members of the Shareholders Group, as directors of the Fund, and to exercise their best efforts to cause the election of each of Messrs. Hartwell and Kleeblatt, as a director at the 1981 annual meeting, and thereafter as long as each shall desire to serve in such capacity and satisfactorily carry out his duites as a director. Among other provisions of the settlement agreement, the Fund will provide its shareholders in connection with the Fund's 1981 meeting of shareholders material prepared by the Shareholders Group concerning whether the subclassification of the Fund should be changed to that of an open-end investment company. In addition, the Shareholders Group has agreed not to oppose any effort of the Fund directors to change the frequency with which the question of whether the Fund should become an open-end investment company is presented to shareholders, provided that such presentation is made not less frequently than biennially.

Section 17(d) of the Act and Rule 17d–1 thereunder, taken together provide, among other things, that it shall be unlawful for any affiliated person of or principal underwriter for any registered investment company or any affiliated person of such a person or principal underwriter, acting as principal, to participate in, or effect any transaction in connection with any joint enterprise or other joint arrangement or profit sharing plan in which any such registered company, or a company controlled by such registered company, is a participant unless an application regarding such joint enterprise, joint arrangement or profit sharing plan has been granted by an Order of the Commission. In passing upon such an application, the Commission will consider whether the participation of such registered or controlled company in such joint enterprise, joint arrangement or profit sharing plan on the basis proposed is consistent with the provisions, policies and purposes of the Act, and the extent to which such participation is on a basis different from, or less advantageous than, that of other participants.

Applicants submit that the Fund's participation in the settlement of the Litigation under the terms outlined above is consistent with the provisions, policies and purposes of the Act. Applicants argue that consummation of the proposed settlement will be advantageous to the Fund because it will free its management from having to devote a substantial amount of time and effort to defending protracted litigation. Insofar as the financial payments are concerned, Applicants state that the Fund will be paying an amount substantially less than the legal fees which would be incurred by the Fund if the Litigation were to proceed through discovery proceedings, let alone a trial and appeals thereafter. The amount being paid to the Shareholders Group represents only a portion of the Shareholders Group's legal fees to date. As a result of Harbor's payment of $50,000 to the Fund, the Fund's contribution to the settlement, exclusive of indemnification of the Defendant Fund Directors' legal fees, will be no greater than that of Harbor, which is not a defendant in the Litigation. Applicants note that the legal fees of the Defendant Fund Directors will be paid by the Fund only upon receipt of a written opinion of independent legal counsel that indemnification of such expenses is proper in the circumstances present here.

Furthermore, Applicants submit that the terms of the settlement agreement outlined above are appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicants state that, as a result of the quantity of material to be sent to them, the shareholders and other interested members of the public, will receive an extraordinarily thorough presentation of all facets of the issue which precipitated the Litigation, i.e. whether the subclassification of the Fund should be changed from closed-end to open-end. Applicants have agreed that any Commission order entered on this application may be conditioned upon the District Court's approval of the settlement agreement. Accordingly, Applicants argue that all the criteria of Rule 17d–1 for granting their application are met.

Notice is further given that any interested person may, not later than July 8, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–18109 Filed 6–17–81; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–17855; File No. S7–886]

Regulation of Specialists

AGENCY: Securities and Exchange Commission.

ACTION: Proposed order.

SUMMARY: The Commission proposes to issue an order which would modify the current exemptions from a Commission rule requiring national securities exchanges to have rules regulating their specialists. Under the proposed order, the Boston, Cincinnati, Midwest, Pacific, and Philadelphia Stock Exchanges, on and after October 1, 1981, would be subject to the provisions of that rule with respect to any security which is listed on any such exchange and which is not listed on either the American or New York Stock Exchange.

DATE: Comments should be submitted by August 1, 1981.

ADDRESSES: Persons wishing to submit written views, data and arguments should file six copies thereof with

George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Room 892, 500 North Capitol Street, Washington, D.C. 20549. All submissions should refer to File No. S7-886 and will be available for public inspection at the Commission's Public Reference Room, Room 6101, 1100 L Street, Washington, D.C. 20549.

FOR FURTHER INFORMATION CONTACT: Michael A. Cline, Division of Market Regulation, Securities and Exchange Commission, Room 358, 500 North Capitol Street, Washington, D.C. 20549 (202) 272-2402.

SUPPLEMENTARY INFORMATION: Rule 11b-1 [17 CFR 240.11b-1], adopted by the Commission in November 1964,[1] pursuant to Section 11(b) of the Securities Exchange Act of 1934 ("Act"),[2] is the Commission's primary rule governing specialists on national securities exchanges. Rule 11b1 generally provides that a national securities exchange may permit a member to register as a specialist and act as a dealer if the rules of the exchange include: (i) adequate minimum capital requirements; (ii) an "affirmative" obligation that a specialist engage in a course of dealings for his own account to assist in the maintenance, insofar as practicable, of a fair and orderly market;[3] (iii) a "negative" obligation that restricts a specialist's dealings so far as practicable to those reasonably necessary to maintain a fair and orderly market; (iv) provisions stating the responsibilities of a specialist acting as broker in securities in which he is registered; and (v) procedures to provide for effective and systematic surveillance of specialists' trading activities.

Paragraph (b) of the rule authorizes the Commission, after appropriate notice and opportunity for a hearing and upon finding that a specialist has effected dealer transactions in one or more of his specialty securities which were not part of a course of dealings necessary to permit such specialist to maintain a fair and orderly market and which were not effected in a manner consistent with his negative obligations under the exchange's rules, to order the exchange to cancel or suspend a specialist's registration in such securities.[4]

Background

Rule 11b-1 was adopted in 1964 after a thorough study of the specialist systems of the New York Stock Exchange, Inc. ("NYSE") and the American Stock Exchange, Inc. ("Amex") by the Commission's *Special Study of Securities Markets*.[5] As noted in the release proposing Rule 11b-1,[6] while the Special Study did not indicate a need "for any broad and drastic change in the [specialist] system," it found that there was need for "a number of important, specific improvements in specialist practices and in regulatory concepts and methods * * *."[7] The Special Study determined that the rules and policies of the NYSE and Amex with respect to the dealer and brokerage functions of specialists and the combination of these functions, and their specialist surveillance systems, were inadequate and made specific recommendations designed to address these problems.[8] As a result, the Commission adopted Rule 11b-1 requiring national securities exchanges, as a precondition of permitting their members to register as specialists, to have in place certain rules regarding specialist conduct and financial responsibility. Following the adoption of Rule 11b-1, the NYSE and Amex modified and expanded their rules and policies regarding the conduct of specialists. These initiatives were designed to form an integrated regulatory program governing specialists.

In adopting Rule 11b-1, the Commission specifically exempted certain exchanges (and their specialists) from its operation,[9] based on the limited volume of transactions on those exchanges and the fact that the Commission had not made any studies of the structure of their specialist systems.[10]

Discussion

Since the adoption of Rule 11b-1 in 1964, the Commission, through its review of exchange rule proposals and its regular exchange inspections, has acquired considerably more experience with and knowledge of the regional exchanges' structure and operations. Accordingly, the Commission believes that it is appropriate at this time to reconsider the regional exchanges' exemption from Rule 11b-1. In this connection, the Commission is considering whether to issue an order to modify the current regional exchange exemption to provide that the regional exchanges, on and after October 1, 1981, would be subject to the provisions of Rule 11b-1 with respect to any security listed on one or more regional exchanges and which is not listed also either on the Amex or NYSE ("regional listing").

The proposed order is based upon the Commission's preliminary belief that, because regional exchanges provide the primary exchange markets for their regional listings, they are in a position analogous to that of the NYSE or Amex with respect to securities listed on those exchanges. Since the quality of the markets in these regional listings is affected significantly by the performance of the specialists on the regional exchanges, it appears appropriate that the regional exchanges have in place obligations and procedures which are designed to assure fair and orderly markets in those securities. Accordingly, the Commission hereby is proposing that Rule 11b-1 apply to the regional exchanges with respect to trading in regional listings.

The Commission notes that, for the most part, the rules of the regional exchanges regarding the regulation of specialists already comply with the provisions of Rule 11b-1. However, in order to permit any regional exchange whose rules do not include the provisions required by Rule 11b-1 sufficient time to take any action necessary to comply with the rule, the Commission proposes to delay the effective date of the order until October 1, 1981.

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[1] Securities Exchange Act Release No. 7465 (November 23, 1964), 29 FR 15682. The Commission recently adopted certain technical amendments to the rule. These amendments deleted certain duplicative filing requirements and clarified that the rule was applicable to options specialists on all national securities exchanges. Securities Exchange Act Release No. 17574 (February 25, 1981), 46 FR 15134.

[2] 15 U.S.C. 78k(b), as amended by Pub. L. No. 94-29 (June 4, 1975).

[3] Exchange rules also must provide that a finding by the exchange of any substantial or continued failure by a specialist to engage in such a course of dealings will result in the suspension or cancellation of the specialist's registration in one or more securities.

[4] If, however, the exchange has suspended or cancelled a specialist's registration, the Commission may not impose a further sanction under this rule unless it finds substantial or continued misconduct by the specialist.

[5] Securities and Exchange Commission, *Report of Special Study of Securities Markets*, H.R. Doc. No. 95, 88th Cong., 1st Sess., (1963) ("Special Study"), Part 2, at pp. 57-171.

[6] Securities Exchange Act Release No. 7432 (October 6, 1964), 29 FR 13777.

[7] *See* Special Study, Part 2, at p. 167.

[8] These problems and recommendations are summarized in the Special Study, Part 2, at pp. 167-71.

[9] Paragraph (d) of the rule provides a procedure whereby any national securities exchange may apply for an exemption from the provisions of the rule pursuant to Section 11(c) of the Act.

[10] Exchanges exempted from the rule which are currently registered with the Commission as national securities exchanges are the Boston, Cincinnati, Midwest, Pacific and Philadelphia Stock Exchanges (the "regional exchanges"). These exemptions do not, however, cover the options programs of the Pacific and Philadelphia Stock Exchanges. *See* note 1 *supra*.

The Securities and Exchange Commission proposes to issue the proposed order pursuant to its authority under the Securities Exchange Act of 1934 [15 U.S.C. 78a *et seq.*, as amended by Pub. L. No. 94–29 (June 4, 1975)] and particularly Sections 2, 3, 6, 10, 11, 11A, 15, and 23 thereof [15 U.S.C. §§ 78b, 78c, 78f, 78j, 78k, 78k–1, 78*o*, 78w].

Interested persons are invited to submit written presentations of views, data and arguments concerning the proposed order. Persons wishing to make such submissions should file six copies thereof with George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Room 892, 500 North Capitol Street, Washington, D.C. 20549, by August 1, 1981. All submissions should refer to File No. S7–886, and will be available for public inspection at the Commission's Public Reference Room, Room 6101, 1100 L Street, NW., Washington, D.C. 20549.

By the Commission.

George A. Fitzsimmons,

Secretary.

June 11, 1981.

[FR Doc. 81-18097 Filed 6-17-81; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD–81–049]

Memorandum of Understanding Between the United States Coast Guard and the American Bureau of Shipping Concerning Plan Approval and Inspection Activities for New Vessel Construction

On June 9, 1981, the Coast Guard and the American Bureau of Shipping signed a Memorandum of Understanding providing for Coast Guard acceptance of ABS plan review and inspection of certain item on vessels under construction which are to be classed by ABS and certificated by the Coast Guard. The MOU becomes effective August 1, 1981, and the agreement in full reads as follows:

A. D. Utara,

Commander, U.S. Coast Guard, Executive Secretary, Marine Safety Council.

Dated: June 15, 1981.

I. Purpose

The purpose of this memorandum is to set forth basic guidelines for cooperation in plan review and inspection of vessels under construction which will be classed by the American Bureau of Shipping and certificated by the Coast Guard. The provisions of this memorandum are not intended to alter existing delegations or arrangements not addressed herein. Navigation and Inspection Circulars 2–72 and 4–73 will be superseded by another Circular implementing this memorandum.

II. United States Coast Guard

The United States Coast Guard has statutory authority, under the laws governing marine inspection, to regulate in order to promote the safety of life and property at sea and to protect the marine environment.

III. American Bureau of Shipping

The American Bureau of Shipping is a classification society which provides voluntary classification services for ships and other marine vehicles and structures, and which is authorized by law to perform various functions in cooperation with, and on behalf of, the United States Coast Guard.

IV. USCG Acceptance of ABS Approvals and Inspections

A. General

Plan review and inspection functions detailed in Attachment (1) and performed by full time employees of the American Bureau of Shipping may be accepted by the Officer in Charge, Marine Inspection, as part of the Coast Guard vessel certification process without review or attendance by Coast Guard personnel. Attachment (2) indicates plan approval, vessel inspection, and oversight responsibilities retained by the Coast Guard.

B. Approval and inspection standards

The standards to be applied by the American Bureau of Shipping in approvals and inspections for the Coast Guard in order of precedence are:

1. The requirements of SOLAS or other international conventions to which the United States is a party, implementing statutes, and Coast Guard regulations, including specific industry standards incorporated therein.
2. Rules and standards of the American Bureau of Shipping.

C. Verification

Unless specified elsewhere, copies of the usual ABS approval letters, stamped plans, class certificates, and other ABS documents provided to the Officer in Charge, Marine Inspection, will be deemed sufficient for verification of compliance with Coast Guard requirements. ABS acceptances beyond the scope of classification will be noted by specific letters of verification as indicated on Attachment (1). The procedures contained in this memorandum are applicable only to vessels which are classed by the American Bureau of Shipping.

V. Appeals

Acceptance by the Officer in Charge, Marine Inspection, of any action of the American Bureau of Shipping performed under this memorandum may be appealed according to existing appeals procedures in Coast Guard regulations. In the event of an appeal resulting from any such action, the American Bureau of Shipping, upon request, will provide the Officer in Charge, Marine Inspection, with a statement concerning the status of the matter with respect to class, if applicable.

VI. Long Term Objectives

The Coast Guard and the American Bureau of Shipping will review areas for future cooperation. Discussions will address procedures for cooperation, types of liaison, methods to communicate difficulties which may arise, and provisions for amendments to this memorandum.

VII. Savings Provision

The Coast Guard will perform services as requested in accordance with regulations and law. Nothing in this memorandum shall be deemed to alter in any way the statutory or regulatory authority of the Coast Guard or the classification responsibilities of the American Bureau of Shipping.

VIII. Effective Date

This memorandum shall apply to vessels for which plan approval and construction begins after 1 August 1981. For vessels under construction or plan review on 1 August 1981, this memorandum will become effective as mutually agreed upon by the Coast Guard and the American Bureau of Shipping.

IX. Termination

This memorandum may be terminated by one party after written notice to the other party.

Signed at New York, N.Y., this 9th day of June 1981.

J. B. Hayes,

Commandant, United States Coast Guard.

William N. Johnston,

President and Chairman, American Bureau of Shipping.

Attachment (1)

Areas of Coast Guard Acceptance of ABS Approvals and Inspections

1. Hull structure plan review of conventional steel ships and barges according to ABS Rules for classifiction.

Copies of ABS approval letters and approved plans will be forwarded by ABS directly to the cognizant Officer in Charge, Marine Inspection.

2. Hull structure inspections including welding procedures and welder qualifications, visual inspections, non-destructive tests, and compartment tightness tests.

3. Material affidavits for hull structural steel.

4. Anchors and mooring equipment.

5. Verification of draft marks.

6. Inert gas systems. A letter certifying specific compliance with Coast Guard requirements for inert gas systems will be sent to the Officer in Charge, Marine Inspection.

7. Crude oil washing systems. A letter certifying specific compliance with Coast Guard requirements for crude oil washing systems will be sent to the Officer in Charge, Marine Inspection. The Coast Guard will issue the appropriate acceptance letters.

8. Pipe welding procedures, qualifications, and standard joints.

9. Piping systems inspections and plan approval including thermal and dynamic analyses. Copies of ABS approval letters and approved plans for the following piping systems will be forwarded by ABS directly to the Officer in Charge, Marine Inspection.

a. Ballast
b. Lube oil
c. Sanitary and drains
d. Potable water
e. Saltwater tank cleaning
f. Condenser circulating
g. Vent, sounding, and overflow
h. Internal combustion engine exhaust
i. Hot water heating
j. Cargo refrigeration and air conditioning
k. Piping and ventilation systems on barges

10. The Coast Guard recognizes that the above services which are in addition to classification requirements may be subject to additional fee assessments by the American Bureau of Shipping.

Attachment (2)

Areas of Coast Guard Approvals and Inspections

1. Structural plan review and inspection of vessels other than conventional steel ships and barges.
2. Intact and damage stability.
3. Approval of vessel specifications.
4. General arrangements.
5. Emergency and safety equipment.
6. Sea trials (jointly with ABS).
7. Life saving systems.
8. Fire protection systems including structural fire protection.
9. Pollution prevention systems and arrangements.
10. Admeasurement.
11. Boilers and pressure vessels.
12. Nuclear systems.
13. Marine sanitation devices.
14. Industrial systems.
15. Marine portable tanks.
16. Automation systems and components.
17. Approvals under 46 CFR Subchapter Q.
18. Piping systems except as noted in item 9 of Attachment (1).
19. Electrical equipment and systems.
20. The Coast Guard will maintain oversight of areas listed in Attachment (1) to the degree necessary to fulfill its statutory mandates.

[FR Doc. 81-18132 Filed 6-17-81; 8:45 am]

BILLING CODE 4910-14-M

Federal Aviation Administration

[Order 8000.47]

Deteriorated Power, Turbopropeller-Powered Air Carriers/Air Taxi Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of issuance of Order 8000.47, deteriorated power, turbopropeller-powered air carrier/air taxi airplanes.

SUMMARY: The Federal Aviation Administration (FAA) announces, the issuance of Order 8000.47, Deteriorated Power, Turbopropeller-Powered Air Carrier/Air Taxi Airplanes. This Order is intended to explain procedures to permit continued operation of air carrier/air taxi operations with deteriorated power turbopropeller-powered airplanes.

FOR FURTHER INFORMATION CONTACT: Mr. David W. Ostrowski, FAA Office of Airworthiness, Aircraft Engineering Division, Flight Test Branch, Area Code 202, 426-8323. The text of the Order 8000.47 is as follows:

Deteriorated Power, Turbopropeller-Powered Air Carrier/Air Taxi—Subject—Airplanes

1. *Purpose.* The purpose of this order is to provide guidance relative to certification, operation, and maintenance of turbopropeller-powered air carrier/air taxi airplanes with engines which cannot develop maximum certificated power because of performance deterioration. Procedures already approved via Airplane Flight Manual (AFM) change for the Lockheed L-188 remain in effect. Prior Federal Aviation Administration (FAA) approvals for operation of Convair CV-580 airplanes, with deteriorated power, will also remain in effect pending review of these procedures.

2. *Distribution.* This order is distributed to branch level in the Offices of Aviation Standards, Flight Operations, Airworthiness, and Aviation Safety; to section level in Flight Standards Divisions in the regions; to all General Aviation, Air Carrier, Engineering and Manufacturing, and Flight Standards District Offices; all International Field Offices and Aircraft and Avionic Maintenance Bases; to all Aeronautical Quality Assurance and International Aviation Field Offices; and to branch level in the Flight Standards National Field Office and the Aircraft Certification Division in the Northwest Region.

3. *Background.* a. Recent discussion and correspondence regarding power deterioration and related factors make it necessary to outline pertinent guidance relative to turbopropeller-powered air carrier airplanes. This guidance should not be confused with that pertaining to reduced thrust takeoffs which is addressed in other directives. Reduced thrust takeoffs can be utilized only if engines are capable of attaining the maximum takeoff power specified in the AFM; whereas deteriorated power refers to a situation in which engines are incapable of attaining the AFM specified maximum takeoff power, but are still airworthy. This guidance is based on requirements contained in the Federal Aviation Regulations (FAR).

b. The operating rules (FAR's 91.31, 135.399, 135.397(b), 121.189, and 121.191) require that no person may operate a civil aircraft without compliance with the operating limitations for that aircraft. The certification rules (FAR 23 plus certain special conditions, SFAR 23, FAR 135, Appendix A, Sections 19(b), 20(a), SR 422, and FAR 25.105) set forth the performance requirements which define takeoff weight limitations for aircraft required to comply with those certification requirements. FAR 23 plus certain special conditions, SFAR 23, FAR 135 Appendix A Section 4(b), SR 422, and FAR 25.101(c) state that the performance must correspond to the propulsive thrust available under both the particular ambient atmospheric conditions and the flight condition. If the propulsive power or thrust available does not correspond to that contained in the Airplane Flight Manual (AFM) operating limitations, compliance with FAR's 91.31, 135.399, 135.397(b), 121.189, and 121.191 cannot be shown.

4. *Deteriorated Power Guidance.* In view of the background and applicable FAR's, the following guidance is provided.

a. Operation at less than the minimum AFM specified torque or horsepower ratings for given ambient atmospheric and flight conditions is not legal. This applies to operation at deteriorated power levels as well as the original type certificated level.

b. A holder of an air carrier operating certificate that requests deteriorated power authorization for a specific aircraft must submit a program to its principal airworthiness inspector for approval.

c. Operation at deteriorated power ratings can only be approved if:

(1) Approved performance data (weight, altitude, temperature, power, takeoff distance, accelerate-slow or stop distance, approach climb, landing climb, takeoff climb, and enroute climb) are available in the AFM which permit compliance with the takeoff and climb requirements of the airplane's certification basis. One engine inoperative and all engines operating data should be presented. Performance must be presented as a function of engine power available and must be based on the engine with the lowest indicated power; an average of the installed engines should not be used. Turbopropeller-powered air carrier/air taxi airplanes certified to CAR 3, CAR 4, FAR 23 plus applicable special conditions, SFAR 23, FAR 135 Appendix A, SFAR 41, SR 422, or FAR 25 are eligible for consideration under this order.

(2) The airworthiness of the engines in a condition corresponding to the lowest approved deteriorated power level is established by the engine type certificating region. Deteriorated engines are engines that have experienced gradual performance degradation due to normal wear and are considered to be airworthy but not capable of producing maximum certificated takeoff power. Power degradation due to other causes such as foreign object damage or mechanical or structural failures is not acceptable. No specific guidance is provided on how to establish airworthiness of engines at deteriorated power. This is the responsibility of the engine certifying regions in coordination with the engine lead region. In addition, an approved method of monitoring engine performance must be implemented to provide timely deteriorated power level information to flight crews and to preclude operation with unairworthy engines. Approval of this method must be at the regional level and concurrence must be obtained from the certificating region.

(3) The lowest power level below which power is not permitted to deteriorate for the airplane is established by the airplane certificating region. The lowest power level shall not be less than that approved for the engine by the engine certificating and engine lead regions.

(4) Use of deteriorated power does not result in loss or unsafe degradation of systems or functions that are normally operative for takeoff, such as propellers, automatic spoilers, engine failure warning, configuration warning or any other safety related system dependent on a minimum takeoff power setting or power level position.

(5) Use of deteriorated power does not adversely affect airplane handling qualities or engine response characteristics and does not increase the risk of exceeding any engine operating limits during normal operations.

(6) The antiskid system (if installed and performance credit is given with deteriorated power) is operative.

(7) Approved operating procedures and training are implemented by the operator for the use of deteriorated power.

(8) An evaluation of noise is made for an acoustic change per FAR 21.93(b) to determine that applicable noise requirements are met.

(9) An evaluation of emissions is made for compliance with SFAR–27.

d. An operator cannot use wet ratings to recover dry power lost through deterioration, unless approved deteriorated power performance information is available in the AFM and deteriorated power operation has been approved in accordance with paragraph 4.c. of this order.

e. If it is known that an engine does not reach dry power ratings, wet operation cannot be substituted for takeoff operation, unless approved deteriorated power performance information is available in the AFM and deteriorated power operation has been approved in accordance with paragraph 4.c. of this order. Maintenance procedures must be adopted and FAA approved for periodic dry power checks if engines are only operated wet at takeoff.

f. Operations at deteriorated power may not be conducted simultaneously with any other kind of reduced thrust operation.

5. *Implementation.* In relation to the above guidance, the following specific actions should be taken with regard to turbopropeller-powered air carrier/air taxi airplanes.

a. Each type certificate holding region should review AFM's and make changes if necessary to specify that the airplane performance shown will only be achieved if the required power is achieved, that performance charts clearly show the required power, and that the power be checked as early as possible in the takeoff roll but prior to attaining 80 kts or V_1 as applicable. Information should be provided so that a determination can be made that the specified power is available without exceeding engine limitations (temperature, RPM, etc.). The AFM should clearly indicate that takeoff is not permitted unless the specified power is available without exceeding the engine limitations (temperature, RPM, etc.).

b. The regions, in conjunction with the air carriers, should establish procedures, and implement a program to monitor engine power. Where power below AFM acceptable levels is detected, corrective maintenance action should be taken or a deteriorated power program implemented in accordance with paragraph 4.c. of this order.

c. The regions should take enforcement action:

(1) Where unapproved adjustments are made to engine power or temperature indicating systems; or

(2) For flight operation with an engine which is not capable of developing the power required and specified by the AFM for the applicable performance condition.

d. The regions should review air carrier/air taxi engine continuous maintenance programs, i.e., (time-between-overhaul, on-condition, reliability, etc.), and revise as necessary.

e. Implementation of the above guidance and action should be coordinated among the responsible lead, certifying, and operating certificate-holding regions. The New England and Central Regions should be the focal points for coordinating the engine and aircraft matters, respectively.

f. Air carrier/air taxi operators desiring to operate with deteriorated power engines should be given a reasonable period of time, not to exceed 60 days from the date of this order, to comply with the terms of the order.

M. C. Beard,

Director of Airworthiness.

[FR Doc. 81–17786 Filed 6–17–81; 8:45 am]

BILLING CODE 4910–13–M

[Summary Notice No. PE–81–16]

Petitions for Exemption; Summary of Petitions Received and Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemptions received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I) and of dispositions of certain petitions previously received. The purpose of this notice is to improve the public awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before July 13, 1981.

ADDRESSES: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC–204), Petition Docket No. ———, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: The petition, any comments received and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC–204), Room 916, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW, Washington, D.C. 20591; telephone (202) 426–3644.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C., on June 11, 1981.

Edward P. Faberman,

Assistant Chief Counsel, Regulations and Enforcement Division.

Petitions for Exemptions

Docket No.	Petitioner	Regulations affected	Description of relief sought
12639	Air Transport Association of America	14 CFR 121.351(a)	Amendment to Exemption No. 2081D. The present exemption allows the operation of aircraft on specified over water routes with only one operational High Frequency (HF) radio. The amendment would allow operation on an additional route.
21757	Scheduled Skyways, Inc.	14 CFR 135.261(b)	To permit assignment of a flight crewmember and for flight crewmembers to accept flight duty time without having had at least 10 consecutive hours of rest during the 24-hour period preceding the planned completion of the flight assignment.
21758	Great Western Airlines, Inc.	14 CFR 121.623(c)	To permit petitioner to file Instrument Flight Rule flight plans without complying with destination and alternate airport fuel requirements.
21755	Experimental Aircraft Association	14 CFR 91.27(a)(1) and (a)(2)	To permit certain Australian aircraft to operate in the U.S. without valid airworthiness certificates and registration certificates.
21666	Mr. J. E. Jewzian	14 CFR 61.151(a)	To permit petitioner to obtain an airline transport pilot certificate prior to becoming 23 years of age.
421610	Acme Aircraft Co.	14 CFR 145.35(f) and (h) and 145.37(a) and (b)	To permit petitioner to acquire a repair station rating for Convair series aircraft although they are unable to completely house the aircraft being worked on.
21737	Mr. Alan Kappmeier	14 CFR 141.33(b)	To permit petitioner to be designated to serve as chief flight instructor for more than one pilot school.
21790	James E. Lockridge	14 CFR 91.90(b)(2)(i)	To permit petitioner to operate in Honolulu TCA, without an operable VOR or TACAN and transponder.
21800	Charles Curtis Harmon	14 CFR 91.90(b)(2)(i) and (iii)	To permit petitioner to operate in Honolulu TCA, without an operable VOR or TACAN and transponder.

Dispositions of Petitions for Exemptions

Docket No.	Petitioner	Regulations affected	Description of relief sought, disposition
20575	Western Airlines, Inc.	14 CFR 121.411(a)(3) & Appendix F to Part 121	To delete the inflight maneuvers required by Appendix F for their professional simulator check airmen. *Denied 6/4/81*
20699	United Air Lines, Inc.	14 CFR 121.311(f)	To permit certain of their required flight attendants on B-727 and DC-8 aircraft to occupy passenger seats which are not in compliance with § 25.785(h) of the FAR. *Denied 6/5/81.*
20472	Air Transport Association of America	14 CFR 121.351(a)	To permit dispatch of aircraft with only one operative HF radio instead of two on certain routes and under specific conditions. *Denied 6/4/81.*
21560	United Air Carriers	14 CFR Parts 21 & 91	To permit the petitioner to operate B-707 aircraft using an FAA-approved master minimum equipment list. *Granted 6/4/81.*
15194	Compania Mexicana de Aviacion, S.A.	14 CFR Parts 21, 61, 63, and 91	To extend the termination date of Exemption No. 3247 to June 10, 1983. The present exemption permits certain of petitioner's airmen to obtain U.S. airman certificates so that they may serve as flight crewmembers on U.S.-registered B-727-2J7 aircraft. In addition, it permits petitioner to use the B-727 master minimum equipment list (MMEL) and a maintenance program which was developed by the petitioner and approved by the Federal Aviation Administration (FAA). *Granted 6/4/81.*
20413	Royal Hawaiian Air Service	14 CFR 135.103(c)	To permit limited single-pilot IFR approaches into forecasted weather for a period not to exceed 15 minutes flying at normal cruise speed. *Denied 6/5/81*
21785	United Air Carriers, Inc.	14 CFR 121.291(a) and (b)	To permit petitioner to introduce its DC-8-55 series airplane into passenger-carrying service in a 189-seat configuration using 4 flight attendants without first conducting a full-seating-capacity emergency evacuation and ditching demonstration. *Granted 6/9/81*
20252	Air Haiti, S.A.	14 CFR 21.181, 91.27(a)(1), 91.29, and 91.165	To extend the coverage of Exemption No. 2953A to include one additional airplane and to extend the expiration date of the exemption. The present exemption allows petitioner to operate leased U.S.-registered B-707-331C freighter aircraft N15711 using the FAA-approved master minimum equipment list and to maintain the aircraft under Trans World Airlines' continuous airworthiness maintenance program. *Granted 6/10/81.*
20195	Douglas Aircraft Co.	14 CFR 61.57 (c) and (d)	To permit petitioner's pilots to use an airplane simulator that is approved for the landing maneuver in lieu of an airplane to meet the pilot in command recent flight experience requirements of § 135.181. *Petition Withdrawn.*
21275	Air Florida	14 CFR 91.307	To allow operation in the United States under a service to small communities exemption specified two-engine airplanes identified by registration and serial number, that have not been shown to comply with the applicable operating noise limits as follows. Until not later than January 1, 1985—4—B-737-100; 7—B-737-222 and until not later than January 1, 1988 5—DC-9-15F. *Granted 1/22/81*
21224	United Air Lines, Inc.	14 CFR 91.307	To allow operation in the United States under a service to small communities exemption specified two-engine airplanes identified by registration and serial number, that have not been shown to comply with the applicable operating noise limits as follows: Until not later than January 1, 1985—49—B-737-222. *Granted 12/24/80*
21779	Air California	14 CFR 91.307	To allow operation in the United States under a service to small communities exemption specified two-engine airplanes identified by registration and serial number, that have not been shown to comply with the applicable operating noise limits as follows. Until not later than January 1, 1985—17—B-737-200 and 2—737-100. *Granted 5/27/81*
21348	Great American Airways	14 CFR 91.307	To allow operation in the United States under a service to small communities exemption specified two-engine airplanes identified by registration and serial number, that have not been shown to comply with the applicable operating noise limits as follows. Until not later than January 1, 1988—1 DC-9-15. *Granted 3/2/81*
21174	Texas International Airlines	14 CFR 91.307	To allow operation in the United States under a service to small communities exemption specified two-engine airplanes identified by registration and serial number, that have not been shown to comply with the applicable operating noise limits as follows: Until not later than January 1, 1988—4 DC-9-32. *Granted 2/19/81*

[FR Doc. 81-17869 Filed 6-17-81; 8:45 am]

BILLING CODE 4910-13-M

Urban Mass Transportation Administration

Proposal Solicitation for Section 10 Managerial Training Grant Short Courses

AGENCY: Urban Mass Transportation Administration, DOT.

ACTION: Solicitation of Proposals for Section 10 Managerial Training Grant Short Courses.

SUMMARY: The Urban Mass Transportation Administration (UMTA) announces that it will accept proposals for Section 10 Managerial Training Grant Short Courses. This notice sets forth the procedures for submitting proposals and details the information that should be included in a proposal.

DATE: Proposals are due to UMTA by July 15, 1981.

ADDRESS: All proposals must be sent to: Office of Transportation Management, Urban Mass Transportation Administration, 400 7th Street SW., Washington, D.C. 20590, Attention: UPM–40.

FOR FURTHER INFORMATION CONTACT: Charles T. Morison, Jr., at the above address; telephone: (202) 426–9274.

SUPPLEMENTARY INFORMATION:

Background

Under Section 10 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1607b), UMTA is authorized to make grants to States, local public bodies, and agencies thereof, and operators of public transportation services, for training of personnel employed in managerial, technical, and professional positions in the public transportation field.

As part of its activity pursuant to this authority, henceforth UMTA intends to solicit proposals periodically from interested training institutions to conduct "short courses", intensive training activities conducted for a period of between three (3) and four (4) days at a minimum, and four (4) to six (6) weeks at a maximum. These courses would be offered by colleges, universities, and other public and private organizations whose principal business is the conduct of educational or training programs. Normally "short courses" would be conducted at a residential facility where students can devote their full time and attention to the course.

UMTA will review the proposals submitted pursuant to this announcement and issue to selected institutions a letter indicating that it has approved the proposal and will support the course by providing Section 10 grants to eligible transit agencies having employees enrolled in the course. UMTA does not plan to enter into any contractual relationship with the institution offering the course. Courses will usually be endorsed by UMTA for a period of up to three years.

Prospective students are expected to apply for admission to an UMTA-approved "short course" directly to the offering institution. Once that application has been accepted, the institution will provide eligible students with a Section 10 grant application which the student's employer is to complete and send to UMTA. UMTA will review the grant applications and make grants based on the availability of funds. Each Section 10 Short Course Training Grant will provide up to 75%, not to exceed $5,000 per student, of the sum of the following expenses: tuition and other educational expenses; the employee's salary while in training; and transportation expenses to and from the course.

Solicitation of Proposals

UMTA is, at this time, soliciting proposals for "short courses" from colleges, universities, and other public and private organizations whose principal business is the conduct of educational or training programs. Proposals should contain the following information:

(1) Description of the course proposed;

(2) The number of UMTA Section 10 supported students required;

(3) Discussion of the relevance of the proposed course to the managerial, professional, and technical needs of persons in the mass transit industry;

(4) A full description of facilities to be used for both residential and educational components of the course;

(5) Methods and procedures to be used for the recruitment and selection of students; and

(6) Endorsements by appropriate officials of the agency proposing to offer the course. Proposals received after July 15, 1981, will be considered in 1982.

Proposals will be evaluated by a panel according to the following criteria:

(1) Overall course content, including curriculum, faculty, course materials, and facilities;

(2) Responsiveness of the course to the training needs of the mass transit industry;

(3) Standards for selection of students;

(4) A review of the offering organization's equal employment opportunity goals; and

(5) A financial evaluation.

UMTA will acknowledge the receipt of all proposals received for this program. UMTA expects to complete its review process by July 30, 1981, and shortly after will publish a list of approved courses in the Federal Register.

The provisions of OMB Circular A–95 do not apply to this solicitation. The solicitation covers the following program listed in the Catalog of Federal Domestic Assistance (CFDA):

20.503 Urban Mass Transportation Managerial Training Grants.

Issued in Washington, D.C., on June 11, 1981.

Arthur E. Teele, Jr.,

Administrator.

[FR Doc. 81-17957 Filed 6-17-81; 8:45 am]

BILLING CODE 4910-57-M

DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Circ. 570, 1980 Rev., Supp No. 29]

Surety Companies Acceptable on Federal Bonds: Change in State of Incorporation

On March 31, 1980, the Globe Indemnity Company, New York, New York changed its State of incorporation from New York to Delaware. The company was last listed as an acceptable surety on Federal bonds at 45 FR 44505, July 1, 1980.

A certificate of authority as an acceptable surety on Federal bonds is hereby issued under Sections 6 to 13 of Title 6 of the United States Code, to the Globe Indemnity Company, incorporated in the State of Delaware. This new certificate replaces the company's former Treasury certificate, retroactive to April 1, 1980. An underwriting limitation of $11,353,000 has been established for the company. The underwriting limitation is the same as was established as of July 1, 1980, under the certificate issued to the company in its previous State of incorporation.

Certificate of authority expire on June 30 each year, unless renewed prior to that date or sooner revoked. The certificates are subject to subsequent annual renewal so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of July 1 in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact surety business, and other information. Federal bond-approval officers should annotate their reference copies of the Treasury

Circular 570, 1980 Revision, at page 44505 to reflect this change. Copies of the circular, when issued, may be obtained from the Audit Staff, Bureau of Government Financial Operations, Department of the Treasury, Washington, D.C. 20226.

Dated: June 15, 1981.

W. E. Douglas,

Commissioner, Bureau of Government Financial Operations.

[FR Doc. 81-18159 Filed 6-17-81; 8:45 am]

BILLING CODE 4810-35-M

[Dept. Circ. 570, 1980 Rev., Supp No. 31]

Surety Companies Acceptable on Federal Bonds: Change in State of Incorporation

On December 31, 1980, the Northern Assurance Company of America, Boston, Massachusetts changed its State of incorporation from Massachusetts to Vermont. The company was last listed as an acceptable surety on Federal bonds at 45 FR 44509, July 1, 1980.

A certificate of authority as an acceptable surety on Federal bonds is hereby issued under Sections 6 to 13 of Title 6 of the United States Code, to The Northern Assurance Company of America, incorporated in the State of Vermont. This new certificate replaces the company's former Treasury certificate, retroactive to January 1, 1981. An underwriting limitation of $1,487,000 has been established for the company. The underwriting limitation is the same as was established as of July 1, 1980, under the certificate issued to the company in its previous State of incorporation.

Certificates of authority expire on June 30 each year, unless renewed prior to that date or sooner revoked. The certificates are subject to subsequent annual renewal so long as the companies remain qualified (31 CFR Part 223). A list of quaified companies is published annually as of July 1 in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact surety business, and other information. Federal bond-approving officers should annotate their reference copies of the Treasury Circular 570, 1980 Revision, at page 44509 to reflect this change. Copies of the circular, when issued, may be obtained from the Audit Staff, Bureau of Government Financial Operations, Department of the Treasury, Washington, D.C. 20226.

Dated: June 15, 1981.

W. E. Douglas,

Commissioner, Bureau of Government Financial Operations.

[FR Doc. 81-18160 Filed 6-17-81; 8:45 am]

BILLING CODE 4810-35-M

[Dept. Circ. 570, 1980 Rev., Supp No. 30]

Surety Companies Acceptable on Federal Bonds: Change in State of Incorporation

On March 31, 1980, the Royal Indemnity Company, New York, New York changed its State of incorporation from New York to Delaware. The company was last listed as an acceptable surety on Federal bonds at 45 FR 44511, July 1, 1980.

A certificate of authority as an acceptable surety on Federal bonds is hereby issued under Sections 6 to 13 of Title 6 of the United States Code, to Royal Indemnity Company, incorporated in the State of Delaware. This new certificate replaces the company's former Treasury certificate, retroactive to April 1, 1980. An underwriting limitation of $8,183,000 has been established for the company. The underwriting limitation is the same as was established as of July 1, 1980, under the certificate issued to the company in its previous State of incorporation.

Certificates of authority expire on June 30 each year, unless renewed prior to that date or sooner revoked. The certificates are subject to subsequent annual renewal so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of July 1 in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact surety business, and other information. Federal bond-approving officers should annotate their reference copies of the Treasury Circular 570, 1980 Revision, at page 44511 to reflect this change. Copies of the circular, when issued, may be obtained from the Audit Staff, Bureau of Government Financial Operations, Department of the Treasury, Washington, D.C. 20226.

Dated: June 15, 1981.

W. E. Douglas,

Commissioner, Bureau of Government Financial Operations.

[FR Doc. 81-18161 Filed 6-17-81; 8:45 am]

BILLING CODE 4810-35-M

Office of the Secretary

[Department Circular Public Debt Series—No. 18-81]

Treasury Notes of June 30, 1985, Series H-1985; Auction

June 11, 1981.

1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of the Second Liberty Bond Act, as amended, invites tenders for approximately $3,250,000,000 of United States securities, designated Treasury Notes of June 30, 1985, Series H-1985 (CUSIP No. 912827 MA 7). The securities will be sold at auction, with bidding on the basis of yield. Payment will be required at the price equivalent of the bid yield of each accepted tender. The interest rate on the securities and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of these securities may be issued to Government accounts and Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts of the new securities may also be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities, to the extent that the aggregate amount of tenders for such accounts exceeds the aggregate amount of maturing securities held by them.

2. Description of Securities

2.1. The securities will be dated June 30, 1981, and will bear interest from that date, payable on a semiannual basis on December 31, 1981, and each subsequent 6 months on June 30 and December 31 until the principal becomes payable. They will mature June 30, 1985, and will not be subject to call for redemption prior to maturity. In the event an interest payment date or the maturity date is a Saturday, Sunday, or other nonbusiness day, the interest or principal is payable on the next-succeeding business day.

2.2. The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are subject to estate, inheritance, gift, or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, any possession of the United States, or any local taxing authority.

2.3. The securities will be acceptable to secure deposits of public monies. They will not be acceptable in payment of taxes.

2.4. Bearer securities with interest coupons attached, and securities registered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000, $100,000, and $1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of coupon, registered, and book-entry securities, and the transfer of registered securities will be permitted.

2.5. The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., Eastern Daylight Saving time, Tuesday, June 23, 1981. Noncompetitive tender as defined below will be considered timely if postmarked no later than Monday, June 22, 1981.

3.2. Each tender must state the face amount of securities bid for. The minimum bid is $1,000, and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.11%. Common fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield. No bidder may submit more than one noncompetitive tender and the amount may not exceed $1,000,000.

3.3. All bidders must certify that they have not made and will not make any agreements for the sale or purchase of any securities of this issue prior to the deadline established in Section 3.1. for receipt of tenders. Those authorized to submit tenders for the account of customers will be required to certify that such tenders are submitted under the same conditions, agreements, and certfications as tenders submitted directly by bidders for their own account.

3.4. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this prupose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are only permitted to submit tenders for their own account.

3.5. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by full payment for the amount of securities applied for (in the form of cash, maturing Treasury securities, or readily collectible checks), or by a payment guarantee of 5 percent of the force amount applied for, from a commercial bank or a primary dealer.

3.6. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, a coupon rate will be established, on the basis of a ⅛ of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 99.000. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.7. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will only be notified if the tender is not accepted in full, or when the price is over par.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5.1. Settlement for allotted securities must be made at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Settlement on securities allotted to institutional investors and to others whose tenders are accompanied by a payment guarantee as provided in Section 3.5., must be made or completed on or before Tuesday, June 30, 1981. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes, or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Friday, June 26, 1981. When payment has been submitted with the tender and the purchase price of allotted securities is over par, settlement for the premium must be completed timely, as specified in the preceding sentence. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered securities tendered in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." If new securities in coupon form are desired, the assignment should be to "The Secretary of the Treasury for coupon (securities offered by this circular) to be delivered to (name and address)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5.4. If bearer securities are not ready for delivery on the settlement date, purchasers may elect to receive interim certificates. These certificates shall be issued in bearer form and shall be exchangeable for definitive securities of this issue, when such securities are available, at any Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. The interim certificates must be returned at the risk and expense of the holder.

5.5. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

6. General Provision

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of securities on full-paid allotments, and to issue interim certificates pending delivery of the definitive securities.

6.2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

Paul H. Taylor,

Fiscal Assistant Secretary.

Supplementary Statement

The announcement set forth above does not meet the Department's criteria for significant regulations and, accordingly, may be published without compliance with the departmental procedures applicable to such regulations.

[FR Doc. 81-18085 Filed 6-15-81; 2:28 pm]

BILLING CODE 4810-40-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 117
Thursday, June 18, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

CONTENTS

	Items
Commodity Futures Trading Commission	1
Federal Communications Commission	2, 3
Federal Home Loan Bank Board	4
Federal Maritime Commission	5
International Trade Commission	6
Occupational Safety and Health Review Commission	7

1

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 11a.m., Friday, June 26, 1981

PLACE: 2033 K Street, N.W., Washington, D.C., eighth floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED:
Surveillance Briefing.

COTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254–6374.

[S–945–81 Filed 6–16–81; 2:14 pm]

BILLING CODE 6351–01–M

2

FEDERAL COMMUNICATIONS COMMISSION.

Deletion of agenda item from June 16th open meeting

The following item has been deleted at the request of the Broadcast Bureau from the list of agenda items scheduled for consideration at the June 16, 1981, Open Meeting, and previously listed in the Commission's Notice of June 9, 1881.

Agenda, Item No., and Subject

Broadcast — 7 — *Title:* Amendment of Sections 73.661 and 73.682 (a) of the Commissions Rules to authorize teletext transmissions be television stations. *Summary:* The FCC will consider whether to adopt a combined Notice of Proposed Rule Making and Notice of Inquiry to consider the possible authorization of teletext service. The action will also consider Petitions for Rule Making submitted by CBS, Inc. (RM–3727) and the United Kingdom Industry Group (RM–3876) that request the FCC to adopt standards for teletext.

Additional information concerning this meeting may be obtained from Maureen Peratino, FCC Public Affairs Office, telephone number (202) 254–7674.

Issued: June 12, 1981.

William J. Tricarico,

Secretary, Federal Communications Commission.

[S–940–81 Filed 6–16–81; 9:56 am]

BILLING CODE 6712–01–M

3

FEDERAL COMMUNICATIONS COMMISSION.

Deletion of agenda items from June 16, 1981 open meeting

The following item has been deleted at the request of the Office of Chairman Fowler from the list of agenda items scheduled for consideration at the June 16, 1981 Open Meeting, and previously listed in the Commission's Notice of June 9, 1981.

Agenda, Item No. and Subject

Broadcast—8—*Title:* Processing of noncommercial, educational FM station applications. *Summary:* The Commission will consider five alternatives in the processing of noncommercial, educational FM station applications pending the resolution of the FM–to–TV Channel 6 interference problem in Docket 20735

Additional information concerning this meeting may be obtained from Maureen Peratino, FCC Public Affairs Office, telephone number (202) 254–7674.

Issued: June 16, 1981

William J. Tricarico,

Secretary, Federal Communications Commission.

[S–944–81 Filed 6–16–81; 1:50 pm]

BILLING CODE 6712–01–M

4

FEDERAL HOME LOAN BANK BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT:

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., Monday, June 22, 1981.

PLACE: 1700 G Street N.W., board room, sixth floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202–377–6679).

CHANGES IN THE MEETING: The following item has been added to the open portion of the Bank Board meeting scheduled Monday, June 22, 1981.

Application for Bank Membership—Stoneham Co-operative Bank, Stoneham, Massachusetts.

No. 503, June 16, 1981.

[S–943–81 Filed 6–16–81; 12:28 pm]

BILLING CODE 6720–01–M

5

FEDERAL MARITIME COMMISSION.

TIME AND DATE: 9 a.m., June 24, 1981.

PLACE: Hearing Room One, 1100 L Street, N.W., Washington, D.C. 20573.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Petition of Sea-Land for Rulemaking to Promulgate Filing Requirements for Publication of Per-Container Rates in the U.S. Foreign Commerce.
2. Agreement No. 8210–43: Modification of the Continental North Atlantic Westbound Freight Conference—Regarding Payment of Tariff Rates and Charges.
3. Agreement No. 10411: U.S. Atlantic/Brazil Discussion Agreement.
4. Proposed Rule Outlining Procedures for Implementing the Energy Policy and Conservation Act of 1975.

CONTACT PERSON FOR MORE INFORMATION: Joseph C. Polking, Acting Secretary (202) 523–5725.

[S–946–81 Filed 6–16–81; 3:02 pm]

BILLING CODE 6730–01–M

6

[USITC SE–81–18]

INTERNATIONAL TRADE COMMISSION.

TIME AND DATE: 11 a.m., Thursday, July 2, 1981.

PLACE: Room 117, 701 E Street, N.W., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and complaints, if necessary:
   a. Ultrafiltration membranes (Docket No. 722).
5. Investigation 104–TAA–2 (Optic Liquid-Level Sensing Systems from Canada)—briefing and vote.
6. Investigation 104–TAA–3 (Spirits from Ireland)—briefing and vote.
7. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION: Kenneth K. Mason, Secretary (202) 523–0161.

[S–942–81 Filed 6–16–81; 11:31 am]

BILLING CODE 7020–02–M

7

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46 FR 28553, May 22, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m. on June 18, 1981.

CHANGES IN THE MEETING: This meeting has been *rescheduled for 10 a.m. on June 23, 1981.*

Dated: June 16, 1981.

[S–941–81 Filed 6–16–81; 10:14 am]

BILLING CODE 7600–01–M

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federal register

Thursday
June 18, 1981

Part II

Department of Education

Research in Education of the Handicapped Program; Final Regulations

DEPARTMENT OF EDUCATION

34 CFR Part 324

Research in Education of the Handicapped

AGENCY: Department of Education.

ACTION: Final regulations.

SUMMARY: The Secretary issues regulations for Research in Education of the Handicapped. These regulations make explicit that both nonprofit and profit making organizations are eligible to participate in the program. They also provide a means for the Secretary to direct portions of available funds to particular types of research and model program activities through the establishment of priorities for major program activities.

EFFECTIVE DATE: Unless the Congress takes certain adjournments, these regulations will take effect August 3, 1981. If you want to know if there has been a change in the effective date of these regulations, call or write the Department of Education contact person. At a future date, the Secretary will publish a notice in the **Federal Register** stating the effective date of these regulations.

FOR FURTHER INFORMATION CONTACT: Jane Case Williams, Department of Education, Office of Special Education (Room 3117, Donohoe Building), 400 Maryland Avenue, S.W., Washington, D.C. 20202, Telephone: (202) 245–9722.

SUPPLEMENTARY INFORMATION: On October 20, 1980, the Secretary of Education published a Notice of Proposed Rulemaking to amend the regulations concerning the Research in Education of the Handicapped Program. The regulations proposed to clarify the definition of eligible applicants and establish a means for the Secretary to establish annual funding priorities.

This program sponsors both research and model projects through grants and contracts. Research projects are designed to identify and solve critical problems involved in educating handicapped individuals and to translate those solutions into the development of practical techniques and materials. Model projects develop and implement innovative approaches to the education of the handicapped.

Please note that on November 21, 1980, the Secretary of Education redesignated the applicable program regulations, the former 45 CFR Part 121h, as the new 34 CFR Part 324.

In addition, final regulations establishing the selection criteria for research and model programs, 34 CFR 324.7 and 324.8, were published on January 19, 1981 (46 FR 5380–5381). Those final regulations govern awards under this program beginning fiscal year 1981. Those final regulations became effective on March 30, 1981.

The Secretary of Education requested comments on the proposed regulation. Seventeen comments were received. These final regulations are substantially the same as the proposed regulations, except for the inclusion of several additional priorities. Changes have been made in response to comments. The paragraphs below summarize the comments and the Secretary's response to them. The comments and responses are presented in the order of the sections to which they pertain. As each section number has been redesignated since the proposed regulation, the section numbers of this final regulation are followed in parentheses by the section number of the proposed regulation.

§ 324.4 (formerly § 121h.4) *Research and Model Programs.*

Comment. One commenter suggested revision of this section to confine supportable activities under the program to "the most pressing issues affecting the quality of services to handicapped children as they arise in the implementation of Part B of the Education of the Handicapped Act."

Response. No change has been made in § 324.4. However, §324.10(a) (formerly § 121h.10(a)) has been revised to state that the Secretary selects a priority based on current needs in the education of the handicapped. This change is necessary because the Administration has proposed legislation that would consolidate Part B with certain other education programs. Since this legislation could take effect as early as fiscal year 1982, it is desirable to have a more general reference to the need for research in the education of handicapped children that would be correct under both existing law and Administration's proposal.

§ 324.5 (formerly § 121h.5) *Categories of Priorities.*

Comment. Several commenters suggested that a section be added indicating the parameters around which priorities might be established in the future.

Response. No change has been made. The list of priorities is designed to be exclusive. If future needs change new criteria will be published. It is not possible to predict the exact dimensions along which future priorities might change.

§ 324.9 (formerly § 121h.9) *Priorities for Research and Model Programs.*

Comment. Some commenters noted additional issues, problems, or populations which merit priority consideration: gifted-handicapped, rural and urban special education, post-secondary education for the handicapped, and handicapped migrant children, handicapped children from diverse linguistic and cultural backgrounds, handicapped children who are not a resident in their natural homes, handicapped children who have not been identified, children denied education in excess of 180 days, handicapped children who are suspended or expelled from school, handicapped children who are segregated, children who are misclassified, handicapped children on waiting lists, and economically disadvantaged handicapped students.

Response. The following priority areas have been added: Post-Secondary Projects, Special Settings Projects, and Parent Projects. In addition, the proposed priority area of Ethnic or Racial Group/Handicapped Research Projects has been changed to Special Population/Handicapped Projects. This change was made to broaden the priority area to include membership in a special population other than, or in addition to, racial or ethnic group population.

Each of the commenters' other suggested priority areas are already covered under one of the broader priority areas as amended in this final regulation. For example, a project application concerning handicapped migrant children could be submitted under the priority of Special Population/Handicapped Projects; a project application concerning handicapped children in a rural setting could be submitted under the priority of Special Settings Projects.

The Secretary has chosen to retain the broader categories for each priority area in order to generate a greater variety of research or model program applications under each priority area.

Comment. Several commenters suggested that all priorities should be expressed as issues subject to selection for attention under either research or model programs.

Response. Section 324.9 has been modified to reflect the suggestion that issues be available for selection either as research or model program priorities.

Comment. One commenter suggested that priorities be based exclusively on recommendations provided by the final report to the Secretary of the Task Force on Equal Educational Opportunity for Handicapped Children.

Response. While the recommendations of this task force played a major role in formulation of

priorities for research and model programs, we do not agree that this should be the only basis for establishing priorities. The task force report is specific to "compliance" with Part B of the Education of the Handicapped Act, as amended by Pub. L. 94-142 which does not cover all research and demonstration possibilities related to education of the handicapped. Further, a number of the compliance issues raised by this report do not appear to be especially amenable to consideration through research or demonstration activities.

Other changes. Several of the priorities have been stated in more general terms to be consistent with the Administration's proposed consolidation legislation, as well as with existing laws.

§ 324.10 (formerly § 121h.10) *How the Secretary selects and announces a priority.*

Comment. One commenter suggested revised language to limit the range of priorities to issues relating to implementation of Part B of the Education of the Handicapped Act.

Response. A change has been made. As noted in connection with § 324.4, § 324.10(a) has been revised to provide a more general statement of purpose, rather than the narrower one suggested by the commenter.

Comments. One commenter requested that program applications be made available to requesting agencies with a lead time of at least 90 days.

Response. No change has been made. As the Education Department provides adequate lead time to respond to announcements, it is not necessary to establish a minimum by regulation. In the event application forms are not available sufficiently in advance of a closing date, the Secretary of Education has the authority to extend the closing date.

Comment. One commenter noted that research and model program activities should provide for special transportation of participating handicapped individuals.

Response. No change has been made. This is allowable under current grant terms and conditions. Thus, no change is necessary.

Citation of Legal Authority

A citation of statutory or other legal authority is placed in parentheses on the line following each substantive provision of these regulations.

(20 U.S.C. 1441-1444)

(Catalog of Federal Domestic Assistance No. 84.023, Research in Education of the Handicapped)

(Section 641-644, Education of the Handicapped Act, as amended 84 Stat. 185 (20 U.S.C. 1441-1444), unless otherwise noted.)

Dated: June 12, 1981.

T. H. Bell,

Secretary of Education.

The Secretary amends Title 34 of the Code of Federal Regulations as follows:

PART 324—RESEARCH IN EDUCATION OF THE HANDICAPPED

1. Section 324.3 is revised as follows:

§ 324.3 Eligible parties.

The Secretary may make grants to or contracts with States, State or local educational agencies, institutions of higher education and other public or nonprofit private educational or research agencies and organizations. In addition the Secretary may award contracts to profitmaking organizations.

(20 U.S.C. 1441-1442)

2. Section 324.4 is revised as follows:

§ 324.4 Research and model projects.

(a) Research projects supported under this part are designed to generate knowledge about the education of handicapped children and to translate such knowledge into practical techniques and materials.

(b) Model projects supported under this part develop and implement innovative educational programs that serve handicapped children either directly or indirectly. These projects are designed to—

(1) Improve significantly an aspect of the education of the handicapped population;

(2) Continue beyond the award period; and

(3) Provide for the dissemination and replication of a successful program.

(20 U.S.C. 1441-1442)

§ 324.5 [Removed]

3. Section 324.5 is removed.

4. Sections 324.9 and 324.10 are revised as follows:

§ 324.9 Priorities for research and model programs.

The Secretary may select annually one or more priorities from the following:

(a) *Research Integration Projects.* This priority supports projects that examine the state of the art in areas related to education of the handicapped and that analyze and interpret future research needs in those areas.

(b) *Technology Projects.* This priority supports projects on the use of technological devices and systems in schools and by handicapped students.

(c) *Assessment Projects.* This priority supports projects on assessment instruments and systems related to education of the handicapped.

(d) *Youth Employment Projects.* This priority supports projects on the role of the school in increasing the employability of handicapped individuals, and on any option open to the handicapped providing for the transition from school to work.

(e) *Special Population/Handicapped Projects.* This priority supports projects dealing with the unique educational problems resulting from a combination of membership in a particular special population and handicapping condition(s).

(f) *Non-vocal Communication Projects.* This priority supports projects related to non-vocal, severely handicapped individuals.

(g) *School Based Research Projects.* This priority supports research based upon data available from school records focusing on issues related to the education of handicapped children.

(h) *Student Initiated Research Projects.* This priority provides support to post-secondary students to initiate and direct a broad range of research and research-related projects focusing on the education of handicapped children. The Secretary limits eligible applicants to post-secondary students to assist in the implementation of Statewide personnel development.

(i) *Related Services Projects.* This priority supports projects focusing on the provision of related services for handicapped children as defined by the Education of the Handicapped Act, and other facilitative services or activities which complement the implementation of that Act.

(j) *Secondary Age Level Projects.* This priority supports projects related to educational services to handicapped children who are of post-elementary age or grade level.

(k) *Specific Handicapping Conditions Projects.* Priority consideration may be given to projects relating to any specific handicapping condition, including appropriate subpopulations.

(l) *Post-Secondary Projects.* This priority supports projects related to post-secondary and continuing education for the handicapped.

(m) *Special Settings Projects.* This priority supports projects relating to special education problems which are unique to a particular setting.

(n) *Parent Projects.* This priority supports projects relating to the role of parents and the family in the education of the handicapped.

(20 U.S.C. 1441-1442)

§ 324.10 How the Secretary selects and announces a priority.

(a) The Secretary selects a priority based upon current needs in the education of handicapped children.

(b) The Secretary announces the priority areas selected from § 324.9 for each fiscal year in the Application Notice for that year.

(20 U.S.C. 1441–1442)

5. New §§ 324.11 and 324.12 are added as follows:

§ 324.11 How the Secretary uses a priority.

(a) The Secretary establishes a separate competition for each selected priority area. An application which does not address a priority area will not be considered in the competition for that area.

(b) If an application addresses both a priority area and a non-priority area, the Secretary may consider that part which addresses the priority area separately from that which does not.

(20 U.S.C. 1441–1442)

§ 324.12 Separate competition for all authorized Research and Model Programs Activities.

In addition to the use of any priority area selected under § 324.9, the Secretary establishes separate competitions, under both the Research and Model Programs, for any activity authorized under Part E of the Education of the Handicapped Act.

(20 U.S.C. 1441–1442)

[FR Doc. 81-18110 Filed 6-17-81; 8:45 am]

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FEDERAL

29239-2945
29453-2969
29691-2992
29921-3007
30073-3032
30327-3048
30481-3062
30623-3079
30797-3099
30997-3124
31249-3140
31403-3163
31635-3186
31869-3199

Reader Aids

Federal Register

Vol. 46, No. 117

Thursday, June 18, 1981

INFORMATION AND ASSISTANCE

PUBLICATIONS

Code of Federal Regulations

CFR Unit	202-523-3419 523-3517
General information, index, and finding aids	523-5227
Incorporation by reference	523-4534
Printing schedules and pricing information	523-3419

Federal Register

Corrections	523-5237
Daily Issue Unit	523-5237
General information, index, and finding aids	523-5227
Public Inspection Desk	633-6930
Scheduling of documents	523-3187

Laws

Indexes	523-5282
Law numbers and dates	523-5282 523-5266
Slip law orders (GPO)	275-3030

Presidential Documents

Executive orders and proclamations	523-5233
Public Papers of the President	523-5235
Weekly Compilation of Presidential Documents	523-5235
Privacy Act Compilation	523-3517
United States Government Manual	523-5230

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Regulations Writing Seminar	523-5240
Special Projects	523-4534
Subscription orders (GPO)	783-3238
Subscription problems (GPO)	275-3054
TTY for the deaf	523-5239

FEDERAL REGISTER PAGES AND DATES, JUNE

29239-29452.....1
29453-29690.....2
29691-29920.....3
29921-30072.....4
30073-30326.....5
30327-30480.....8
30481-30622.....9
30623-30796.....10
30797-30996.....11
30997-31248.....12
31249-31402.....15
31403-31634.....16
31635-31868.....17
31869-31998.....18

CFR PARTS AFFECTED DURING JUNE

At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Executive Orders:
May 9, 1898 (Revoked by PLO 5949).....29939
February 25, 1919 (Revoked in part by PLO 5959).....31894
April 4, 1922 (Revoked in part by PLO 5961).....31894
June 13, 1925 (Revoked in part by PLO 5957).....31893
February 6, 1926 (Revoked by PLO 5948).....29938
April 17, 1926 (Revoked in part by PLO 5950).....29939
February 14, 1933 (Revoked by PLO 5944).....29710
5451 (Revoked by PLO 5947).....29938
5907 (Revoked in part by PLO 5960).....31894
6618 (Revoked in part by PLO 5958).....31893
11476 (Amended by EO 12306).....29693
11835 (See EO 12306).....29693
12018 (See EO 2306).....29693
12198 (Amended by EO 12306).....29693
12233 (See EO 12306).....29693
12285 (Amended by EO 12307).....30481
12296 (Amended by EO 12309).....30997
12306.....29693
12307.....30483
12308.....30485
12309 (Amends EO 12296).....30997
12310.....31869

Proclamations:
4846.....29691
4847.....30483
4848.....31403

Administrative Orders:

Presidential Determinations:
No. 81-8 of June 2, 1961.....30797
No. 81-9 of June 2, 1961.....29921
No. 81-10 of June 9, 1961.....31635

5 CFR

Ch. XIV.....30327
213.....31405
930.....31405
1200.....30999

Proposed Rules:
Ch. I.....31018

7 CFR

2.....31871
28.....30073
700.....29453
800.....30322
907.....29923, 30799
910.....30012, 31249
917.....30075, 30077
953.....29454, 30487
979.....29693
984.....31637
991.....29693
1425.....30327
1944.....29239

Proposed Rules:
102.....30620
201.....30780, 31424
989.....30645
993.....29271
1125.....31424
1133.....31424

8 CFR

204.....29923, 30078
214.....29456

9 CFR

78.....30487
82.....29456, 30488, 31249
92.....29239, 29240

10 CFR

2.....30328
51.....29457
376.....29680
390.....29680
440.....29242
1008.....31637
1500.....29924
1502.....29924
1534.....29924

Proposed Rules:
2.....30349
30.....29712
40.....29712
70.....29712
73.....31267
500.....31216
501.....31216
503.....31216
504.....31216
505.....31216

12 CFR

Ch. II 31406
220 31250
303 30079
552 30488
570 30079
701 31871

Proposed Rules:

213 29245
226 29246
332 31018
337 31018
526 30113
545 30114
569a 29246
701 ..... 29247, 29482, 31651, 31654, 31660
720 29248

13 CFR

124 29251

Proposed Rules:

124 ..... 29276, 31899

14 CFR

39 ..... 29252, 29253, 29924–29926, 30332–30334, 30799, 30800, 31250, 31251, 31873–31879
71 ..... 29254–29256, 29927, 30335, 30801–30806, 31250–31252
73 ..... 29256, 30806
75 31253
97 ..... 29257, 30807
135 30968
152 30808
207 31000
208 31000
212 31000
302 31001

Proposed Rules:

Ch. I 30352
39 ..... 31268, 31899, 31900
71 ..... 29278–29281, 29947–29951, 30353, 30354, 30833, 31269
73 30833
75 ..... 29280, 29281, 31278
323 29282
302 29718
399 ..... 29285, 29719, 29727

15 CFR

370 29457
376 ..... 31001, 31407
385 31407
399 31407
806 30336

Proposed Rules:

330 29662
331 29662
332 29662
340 29662
341 29662
342 29662
343 29662
350 29662
351 29662
352 29662
353 29662
354 29662
373 30623

16 CFR

13 ..... 29458, 29928, 30337
460 29256
1031 29928
1032 29928
1212 29696

Proposed Rules:

Ch. II 29951, 30115, 31901
13 30646
453 31662

17 CFR

15 29931
16 29931
17 29931
18 29931
21 29931
230 31880

Proposed Rules:

Ch. I 29952

18 CFR

141 29459
271 ..... 29697, 29699, 30489–30491, 31253–31256
284 30491
375 29700
1301 31002
1309 30811

Proposed Rules:

Ch. I 31902
157 30505
271 30833
292 31663
375 30505

19 CFR

101 29462
134 30338

Proposed Rules:

Ch. I 29953
200 29729

20 CFR

Proposed Rules:

404 29953

21 CFR

5 31003
74 31004
101 31004
135 31004
166 31004
172 30080
173 ..... 30492, 30493
178 31005–31007
193 ..... 30338, 30494, 31008
444 31009
520 ..... 29464, 31010
561 ..... 30339, 31637
573 30081

Proposed Rules:

161 30505
180 31020
182 31020
430 30115
436 30115
440 30115
444 30115
448 30115
452 30115
1308 29484

22 CFR

41 30082

Proposed Rules:

171 30649

24 CFR

235 ..... 29256, 31257
570 29908

25 CFR

52 31880

26 CFR

1 ..... 29465, 31409, 31881
7a 30495
11 29465
35 30495

Proposed Rules:

31 31278

27 CFR

4 29260
19 29261
70 29261
240 29261
245 29261
250 29261
270 29261
275 29261

Proposed Rules:

9 31020

28 CFR

0 ..... 29704, 29931
16 30495
301 31204

Proposed Rules:

31 29438
522 31210
527 31210
544 31210
545 31210

29 CFR

1910 31010
2610 31257

Proposed Rules:

530 29485

30 CFR

250 29932
700 31258
716 31258
785 31258
931 31638

31 CFR

51 ..... 29261, 31409
535 ..... 30340, 31630

32 CFR

199 29704
294 29705

Proposed Rules:

41 31663
298a 29486

33 CFR

25 29933
165 29933
204 29934

Proposed Rules:

100 29288
110 31278
117 ..... 30354, 30834
160 30835
162 29954
402 30838

34 CFR

324 31996
773 31866

36 CFR

13 31836

Proposed Rules:

1190 30839
272 31021

37 CFR

Proposed Rules:

201 30649
202 30651

38 CFR

3 31011
21 29474

Proposed Rules:

1 31903
21 31022

39 CFR

801 30623

Proposed Rules:

10 30505

40 CFR

30 31259
35 31642
40 31259
52 ..... 29707, 30082, 30496, 31011, 31012, 31258–31261, 31881
60 29262
61 29262
62 30496
81 ..... 31013, 31886
86 ..... 30497, 31411
122 ..... 29708, 30624
123 29935
162 29708
180 ..... 30342, 30499, 30624, 31014, 31015, 31642
228 ..... 31412, 31413
260 29708
261 29708
264 ..... 29708, 30624
265 ..... 29708, 30624
413 30625

Proposed Rules:

52 ..... 29289, 29488, 30116, 30355–30366, 30653–30655, 31023, 31024, 31446, 31675, 31903
60 ..... 29955, 31904
62 31026
81 ..... 29281, 30368, 30655, 31027
86 31677
123 ..... 29292, 31028, 31279
180 ..... 30506, 30662, 31279
408 30663
430 31028
431 31028
773 30300

41 CFR

Ch. 12 30816
Ch. 101 ..... 31890, 31891
7-1 ..... 31566, 31886
7-3 31886
7-6 31886
7-7 31886
7-10 31886

7-15 .....
7-30 .....
8-14 .....
8-74 .....
15-1 .....
15-3 .....
51-4 .....
51-5 .....

Proposed Ru

Ch. 1 .....
1-4 .....
101-11 .....
101-37 .....
104-4 .....

43 CFR

5420 .....

Public Land

1281 (Revo
by 5883)
1933 (Revo
by 5956)
5169 (Amer
PLO 5396
and 5951
5179 (Amer
PLO 5250
and 5951
5180 (Amer
PLO 5418
and 5951
5250 (Amer
PLO 595
5396 (Amer
PLO 595
5418 (Amer
PLO 595
5865 .....
5866 .....
5883 .....
5943 .....
5944 .....
5945 .....
5946 .....
5947 .....
5948 .....
5949 .....
5950 .....
5951 .....
5952 .....
5953 .....
5954 .....
5955 .....
5956 .....
5957 .....
5958 .....
5959 .....
5960 .....
5961 .....
5962 .....

Proposed Ru

35 .....

44 CFR

64 2

67 3

Proposed Ru

55 .....
61 .....
67 2
30116, 3
30665, 3

7-15 31886
7-30 31886
8-14 31262
8-74 31262
15-1 29709
15-3 31643
51-4 30084
51-5 30084

Proposed Rules:
Ch. 1 30369
1-4 30369
101-11 30369
101-37 30369
104-4 29955

43 CFR

5420 29262

Public Land Orders:
1281 (Revoked by 5883) 29263
1933 (Revoked by 5956) 31892
5169 (Amended by PLO 5396 and 5951) 29937
5179 (Amended by PLO 5250 and 5951) 29937
5180 (Amended by PLO 5418 and 5951) 29937
5250 (Amended by PLO 5951) 29937
5396 (Amended by PLO 5951) 29937
5418 (Amended by PLO 5951) 29937
5865 30500
5866 30500
5883 29263
5943 29710
5944 29710
5945 29939
5946 29939
5947 29938
5948 29938
5949 29939
5950 29939
5951 29937
5952 30086
5953 30817
5954 31892
5955 31892
5956 31892
5957 31893
5958 31893
5959 31894
5960 31894
5961 31894
5962 31895

Proposed Rules:
35 29955

44 CFR

64 ..... 29940, 29942, 30626, 31643
67 ..... 30500, 30628, 31263, 31645, 31646

Proposed Rules:
55 29292
61 29292
67 ..... 29729-29732, 29956, 30116, 30124, 30507, 30663, 30665, 31281-31285, 31680, 31686, 31692
300 29264

45 CFR

3 30343
46 29883
74 30500
235 29264

Proposed Rules:
71 29732
301 30372
304 29964
1300 31029

46 CFR

Proposed Rules:
310 30507
502 30666
547 30667

47 CFR

1 30818
2 ..... 31414, 31415
22 31417
61 ..... 29264, 30818
63 31418
64 29474
73 ..... 30086-30091, 30343, 30344, 31264, 31265, 31421, 31422, 31895
74 31265
81 31015
83 31015
90 ..... 31422, 31647
97 31415

Proposed Rules:
Ch. I 30516, 30668, 31288
2 ..... 30124, 31290, 31693
22 31292
23 30124
31 ..... 30150, 30152
63 31693
73 ..... 29488, 30153, 30154, 30372, 30516-30518, 31029, 31290, 31695, 31909
94 30124

49 CFR

Ch. X 30092
1 29269
172 29392
387 30974
531 29944
575 29269
1000 30502
1003 31016
1033 ..... 29480, 30502, 30632
1056 ..... 29711, 29945
1100 30832
1137 30832

Proposed Rules:
171 29967
172 ..... 29968, 29973
173 ..... 29967, 29968, 29973, 31294
175 29968
178 29973
571 31294
1047 30668
1048 31450
1127 30156
1201 30839
1241 30839
1248 30839

50 CFR

17 29481
36 31818
91 30633
219 31648
301 30345
651 30348
661 ..... 29733, 30633

Proposed Rules:
17 29490
20 31030
653 30674
682 30674

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/FSQS		DOT/FAA	USDA/FSQS
DOT/FHWA	USDA/REA		DOT/FHWA	USDA/REA
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/NHTSA	LABOR		DOT/NHTSA	LABOR
DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
Comments should be submitted to the

Day-of-the-Week Program Coordinator,
Office of the Federal Register,
National Archives and Records Service,
General Services Administration,
Washington, D.C. 20408.

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

Last Listing June 17, 1981

V 46
JE 18 81
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V 46 J E 1 8 8 1 UMI

6-19-81
Vol. 46 No. 118
Pages 31999-32226

federal register

Friday
June 19, 1981

Highlights

32220 **Grant Programs** HHS/Office of Child Support Enforcement announces availability of FY 1981 funds for Child Support Enforcement Research Demonstration Grants. (Part V of this issue)

32026 **Child Care Food Program** USDA/FNS proposes to extend program eligibility to include Proprietary Title XX centers.

32023 **Veterans** VA jointly with Defense Department issues rules on payment of benefits under the Veterans Educational Assistance Program.

32036 VA proposes to again accept service records as evidence of service and character of discharge for processing of claims.

32057 **Emergency Air Transportation Requirements** CAB gives notice of intent to issue order authorizing priority for movement of persons, property and U.S. mail during strike.

32066 **Natural Gas DOE/EIA** publishes alternative fuel price ceilings and incremental price threshold for high cost natural gas.

32021 **Occupational Safety and Health** Labor/OSHA removes standards for occupational exposure to benzene and to cotton dust in cotton gins.

CONTINUED INSIDE

Highlights

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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There are no restrictions on the republication of material appearing in the **Federal Register**.

Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

32013 **Federal Home Loan Banks** FHLBB allows Regulation D reserves to satisfy liquidity requirements.

32030 **Radio** FCC issues tentative decision and proposes rule on shared use of radio facilities in the private services.

32224 **Distilled Spirits** Treasury/ATF authorizes use of 100 milliliter containers for bottling distilled spirits at distilled spirits plants. (Part VI of this issue)

32060 **Imports** CITA establishes controls on certain cotton apparel products from the People's Republic of China.

32033 **Federal Reserve System** FRS proposes to amend regulation T to provide a separate margin requirement for options on exempted debt securities.

32063 **Waste Treatment and Disposal** DOE makes available site performance criteria for mined geologic disposal of nuclear waste.

32111 **Postal Service** PS announces proposed telecommunications connections arrangements for U.S. Postal Service electronic computor originated mail service (E–COM).

32156 **Minimum Wages** Labor/ESA publishes minimum wages for Federal and federally assisted construction. (Part II of this issue)

32194, 32210 **Outer Continental Shelf** Interior/BLM gives notice of oil and gas lease sale and leasing systems for No. A66. (Part III of this issue) (2 documents)

32124 **Sunshine Act Meetings**

Separate Parts of This Issue

32156 **Part II, Labor/ESA**
32194 **Part III, Interior/BLM**
32214 **Part IV, Labor**
32220 **Part V, HHS/Office of Child Support Enforcement**
32224 **Part VI, Treasury/ATF**

Contents

Federal Register
Vol. 46, No. 118
Friday, June 19, 1981

Agricultural Marketing Service
RULES
32008 Cherries (sweet) grown in Wash.; interim
32012 Filberts grown in Oreg. and Wash.
32008 Lemons grown in Ariz. and Calif.
32007 Oranges (Valencia) grown in Ariz. and Calif.
32010 Potatoes (Irish) grown in Idaho and Oreg.
PROPOSED RULES
32031 Apricots grown in Wash.
32030 Oranges (navel) grown in Ariz. and Calif.; hearing
32031 Potatoes (Irish) grown in Colo.

Agriculture Department
See Agricultural Marketing Service; Animal and Plant Health Inspection Service; Food and Nutrition Service; Forest Service; Rural Electrification Administration.

Alcohol, Tobacco and Firearms Bureau
RULES
Alcoholic beverages:
32224 Distilled spirits plants; 100 milliliter distilled spirits container use authorization; temporary

Animal and Plant Health Inspection Service
RULES
Overtime services relating to imports and exports:
32006 Commuted traveltime allowances
Plant quarantine, domestic:
31999 Witchweed

Blind and Other Severely Handicapped, Committee for Purchase from
NOTICES
32061 Procurement list, 1981; additions and deletions (3 documents)

Child Support Enforcement Office
NOTICES
32220 Research demonstration grants; 1981 FY

Civil Aeronautics Board
NOTICES
32057 Air transportation requirements, emergency; proposed authorization for providing priority air service in event of strike or job action by air traffic controllers
Hearings, etc.:
32056 Trans World Airlines, Inc.

Commerce Department
See International Trade Administration; National Oceanic and Atmospheric Administration.

Defense Department
See also Navy Department.
RULES
Vocational rehabilitation and education:
32023 Educational assistance allowance; payment to participants in veterans educational assistance program on active duty

Drug Enforcement Administration
RULES
Schedules of controlled substances:
32019 Exempt chemical preparations

Economic Regulatory Administration
NOTICES
Consent orders:
32064 Lockheed Air Terminal, Inc.
Powerplant and industrial fuel use; prohibition orders, exemption requests, etc.:
32065 Hoffman-La Roche, Inc.; tentative staff analysis availability

Education Department
NOTICES
Meetings:
32062 Indian Education National Advisory Council

Employment and Training Administration
NOTICES
Comprehensive Employment and Training Act programs:
32102 Reallocation of funds; prime sponsors
Unemployment compensation; extended benefit periods:
32100 Indiana
32101 Pennsylvania
32101 Vermont

Employment Standards Administration
NOTICES
32156 Minimum wages for Federal and federally-assisted construction; general wage determination decisions, modifications, and supersedeas decisions (Ariz., Ark., Del., Fla., Idaho, Ill., Ind., La., Maine, Mich., Minn., Nev., N. Mex., N.Y., N.C., Ohio, Pa., S. Dak., Tenn., Tex. and Wis.)

Energy Department
See also Economic Regulatory Administration; Energy Information Administration; Western Area Power Administration.
NOTICES
Meetings:
32064 International Energy Agency Industry Advisory Board
32063 National Petroleum Council
32063 Radioactive wastes; National Waste Terminal Storage (NWTS) Program criteria for mined geologic disposal; site performance criteria availability

Energy Information Administration
NOTICES
32066 Natural gas, high cost; alternative fuel price ceilings and incremental price threshold

Environmental Protection Agency
PROPOSED RULES
Air quality implementation plans; approval and promulgation; various States, etc.:
32036 Wisconsin

Pesticide chemicals in or on raw agricultural commodities; tolerances and exemptions, etc.:
32038 Butyl benzyl phthalate
NOTICES
Air quality; new source review (NSR):
32071 Permit approvals; Berry Holding Co.
Air quality; prevention of significant deterioration (PSD):
32070, 32071 Permit approvals (4 documents)
Environmental statements; availability, etc.:
32073 Agency statements; weekly receipts
32074 Anchorage, Alaska; wastewater interceptors and treatment system, design and construction
Meetings:
32074 State FIFRA Issues Research and Evaluation Group
Pesticides; tolerances in animal feeds and human food:
32072 Ciba-Geigy Corp.
32071 Zoecon Corp. et al.
Toxic and hazardous substances control:
32073 Premanufacture notices receipts; correction
32072 Premanufacture notification requirements; test marketing exemption approvals; substituted diphenylsulfone
Water pollution; discharge of pollutants (NPDES):
32069 Iowa et al.

Equal Employment Opportunity Commission
NOTICES
32124 Meetings; Sunshine Act

Federal Bureau of Investigation
RULES
Authority delegations:
32021 Chief, Freedom of Information-Privacy Acts Section, Records Management Division; denial of Freedom of Information Act on Privacy Act requests

Federal Communications Commission
PROPOSED RULES
Common carrier services:
32039 AT&T; second computer inquiry proceeding (telephone deregulation); structural separation requirements waiver; extension of time
Radio services, special:
32039 Land mobile and personal radio services; cooperative use and multiple licensing
Radio stations; table of assignments:
32039 Texas; extension of time
NOTICES
32074 AM broadcast applications accepted for filing and notification of cut-off date; correction
Hearings, etc.:
32075 Christian Center, Inc., et al.

Federal Election Commission
NOTICES
32124 Meetings; Sunshine Act (2 documents)

Federal Home Loan Bank Board
RULES
Federal home loan bank system:
32013 Liquidity requirements; Monetary Control Act reserves

Federal Maritime Commission
NOTICES
32078 Agreements filed, etc.

Federal Reserve System
PROPOSED RULES
Credit by brokers and dealers (Regulation T):
32033 Exempted debt securities; margin requirements for options
NOTICES
Applications, etc.:
32080 Cary-Grove Bancorp, Inc., et al.
32081 Detroitbank Corp.
32080 Michigan National Corp.
32080 Union Planters International Bank
32080 United Bank Corp. of New York; correction
Bank holding companies; proposed de novo nonbank activities:
32079 Industrial National Corp. et al.
32078 NCNB Corp. et al.
32079 State First National Bank & Commercial Investment Co.

Federal Trade Commission
NOTICES
Premerger notification waiting periods; early terminations:
32081 Warner, Marvin L.

Food and Drug Administration
RULES
Animal drugs, feeds, and related products:
32019 Decoquinate
32017 Fenbendazole
32018 Hygromycin B
Food additives:
32014 Calcium hypochlorite
32015 Resinous and polymeric coatings; 2,4,7,9-tetramethyl-5-decyn-4,7-diol
Human drugs:
32016 New drug applications; change in distribution; elimination of requirement for supplemental applications
NOTICES
Animal drugs, feeds, and related products:
32082 Estradiol benzoate, etc.; reopening of administrative record; extension of time
Medical devices:
32082 BIOSTATOR glucose controller; premarket approval
Meetings:
32081, 32082 Consumer information exchange (4 documents)

Food and Nutrition Service
PROPOSED RULES
Child nutrition programs:
32026 Child care food program; eligibility of proprietary centers providing nonresidential day care services under Title XX of the Social Security Act

Forest Service
NOTICES
Meetings:
32056 Routt National Forest Grazing Advisory Board

V 46 J E 19 81 1 UMI

Geological Survey
NOTICES
Outer Continental Shelf; oil, gas and sulphur operations; development and production plans:
32084 Diamond Shamrock Corp.

Health and Human Services Department
See Child Support Enforcement Office; Food and Drug Administration; Health Resources Administration; Public Health Service.

Health Resources Administration
NOTICES
Organization, functions, and authority delegations:
32083 Regional Health Administrators et al.; authority for national health planning and development

Interior Department
See Geological Survey; Land Management Bureau; Reclamation Bureau.

International Trade Administration
NOTICES
Meetings:
32059 Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee

Interstate Commerce Commission
RULES
Rail carriers:
32025 Citrus pomace; general exemption authority
NOTICES
Motor carriers:
32088 Agricultural cooperative transportation; filing notices
32089 Finance applications
32088 Intercorporate hauling operations; intent to engage in
32100 Operating rights applications
32091, 32093, 32095, 32099 Permanent authority applications (4 documents)
32100 Permanent authority applications; correction
32096 Permanent authority applications; restriction removals
Rail carriers:
32092 Pittsburgh & Lake Erie Railroad Co.; exemption for contract tariff

Justice Department
See Drug Enforcement Administration; Federal Bureau of Investigation.

Labor Department
See also Employment and Training Administration; Employment Standards Administration; Mine Safety and Health Administration; Occupational Safety and Health Administration; Pension and Welfare Benefit Programs Office.
RULES
32214 Redwood employee protection program; benefits based on layoffs occurring after September 30, 1980; clarification of criteria for applicant eligibility
NOTICES
Adjustment assistance:
32106 AMF/Harley-Davidson Motor Co., Inc.
32107 AMI Medical Electronics, Inc., et al.
32108 Arrow Co.
32108 Top of All Manufacturing Co., Inc.
Meetings:
32100 Trade Negotiations and Trade Policy Labor Advisory Committee

Land Management Bureau
NOTICES
Environmental concerns; designation of critical areas:
32084 Arroyo del Tajo Pictograph site, N. Mex.
Leasing of public lands:
32086 Alaska
Meetings:
32085 Rock Springs District Advisory Council
32085 South Atlantic Regional Technical Working Group
32085 Spokane District Advisory Council; postponed
Outer Continental Shelf; oil and gas lease sales:
32194, 32210 Gulf of Mexico (2 documents)
Survey plat filings:
32086 Colorado
Wilderness areas; characteristics, inventories:
32086 Utah

Mine Safety and Health Administration
NOTICES
Petitions for mandatory safety standard modifications:
32102 Alabama By-Products Corp.
32102 Scolite International Corp.

National Oceanic and Atmospheric Administration
RULES
Marine sanctuaries:
32014 Channel Islands and Point Reyes-Farallon Islands National Marine Sanctuaries, Calif.; deferral of effective date and request for comments; extension of time
NOTICES
Marine mammal permit applications, etc.:
32059 Maine Department of Marine Resources
Meetings:
32059 Inter-Council Swordfish Steering Committee; changed meeting

National Science Foundation
NOTICES
Meetings:
32108 Engineering and Applied Science Advisory Committee
32109 Social and Economic Science Advisory Committee

National Transportation Safety Board
NOTICES
32124 Meetings; Sunshine Act

Navy Department
RULES
Navigation; COLREGS compliance exemptions:
32023 USNS Sioux
NOTICES
Patent licenses, exclusive:
32062 PBI/Gordon Corp.

Nuclear Regulatory Commission
NOTICES
Applications, etc.:
32109 Alabama Power Co.
32110 Boston Edison Co. et al.
Meetings:
32109 Reactor Safeguards Advisory Committee

Occupational Safety and Health Administration
RULES
Health and safety standards:
32021 Occupational exposure to benzene and cotton dust in cotton gins; deletion from CFR
State plans; development, enforcement, etc.:
32022 Arizona; correction
NOTICES
Variance applications, etc.:
32103 Texas Commerce Bank, N.A.

Parole Commission
32124 Meetings; Sunshine Act

Pension and Welfare Benefit Programs Office
NOTICES
Employee benefit plans; prohibited transaction exemptions:
32104 Radiology Associates Profit Sharing Plan & Trust

Pension Benefit Guaranty Corporation
RULES
Plan benefits valuation:
32022 Non-multiemployer plans; final rule; correction

Postal Rate Commission
NOTICES
Mail classification schedules:
32110 Express mail insurance claims; eligibility requirements

Postal Service
NOTICES
32111 Electronic computer originated mail system; proposed telecommunications connection arrangements; inquiry

Public Health Service
NOTICES
32084 Advisory committees; annual reports; availability

Reclamation Bureau
NOTICES
Contract negotiations:
32087 Almena Irrigation District, Kans.
32088 Kirwin Irrigation District, Kans.
Environmental statements; availability, etc.:
32087 Grand Coulee Dam, Wash.; proposed downstream riverbank stabilization program; hearing

Rural Electrification Administration
PROPOSED RULES
Telephone borrowers:
32033 Member services, working capital and switched facilities loans (Bulletins 300–7, 320–3, 320–13); rescission

Securities and Exchange Commission
NOTICES
32115 Consolidated quotation system ("CQS"); joint industry plan; proposed amendment; inquiry
Hearings, etc.:
32121 Scudder Managed Reserves, Inc.
Self-regulatory organizations; proposed rule changes:
32115, 32116 American Stock Exchange, Inc. (2 documents)
32119 Chicago Board Options Exchange, Inc.
32114 Depository Trust Co.
32120 Pacific Stock Exchange, Inc.
Self-regulatory organizations; unlisted trading privileges:
32114 Midwest Stock Exchange, Inc.
32114 Pacific Stock Exchange, Inc.

Small Business Administration
NOTICES
Applications, etc.:
32122 Faulkner Investment Co.
32122 Lailai Capital Corp.
32123 Metropolitan Venture Co., Inc.
Authority delegations:
32121 Minority Small Business and Capital Ownership Development, Associate Administrator; contracting authority
Disaster areas:
32123 Texas

Textile Agreements Implementation Committee
NOTICES
Cotton textiles:
32060 China

Treasury Department
See Alcohol, Tobacco and Firearms Bureau.

Veterans Administration
RULES
Vocational rehabilitation and education:
32023 Educational assistance allowance; payment to participants in veterans educational assistance program on active duty
PROPOSED RULES
Adjudication; pensions, compensation, dependency, etc.:
32036 Service records as evidence of service and character of discharge

Water and Power Resources Service
See Reclamation Bureau.

Western Area Power Administration
NOTICES
Environmental statements; availability, etc.:
32068 Cottonwood-Elverta #3 230–KV transsmission line rehabilitation, Shasta, Tehama, and Butte Counties, Calif.
Floodplain and wetlands protection; environmental review determinations; availability:
32067 Bijou Creek-Beaver Creek 115–KV transmission line rebuild proposal, Morgan County, Colo.

MEETINGS ANNOUNCED IN THIS ISSUE

AGRICULTURE DEPARTMENT
Forest Service—
32084 Routt National Forest Grazing Advisory Board, Steamboat Springs, Colo. (open), 7–23–81

COMMERCE DEPARTMENT
International Trade Administration—
32059 Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee, Washington, D.C. (partially open), 7–22–81
National Oceanic and Atmospheric Administration—
32059 Inter-Council Swordfish Steering Committee, San Juan, Puerto Rico (open), 7–20 and 7–21–81; time changes

EDUCATION DEPARTMENT
32062 Indian Education National Advisory Council, Government Program Study Committee, Washington, D.C. (open), 7–10 through 7–12–81

ENERGY DEPARTMENT
32064 International Energy Agency, Subcommittee A of the Industry Advisory Board, Paris, France, (closed), 6–29–81
32063 National Petroleum Council, Environmental Conservation Subcommittee, Washington, D.C., (open), 7–8–81

ENVIRONMENTAL PROTECTION AGENCY
32074 State FIFRA issues Research and Evaluation Group, Washington, D.C., (open), 7–8 and 7–9–81

HEALTH AND HUMAN SERVICES DEPARTMENT
Food and Drug Administration—
32081, 32082 Consumer participation, Boston, Mass. (open), 6–25 and 6–30–81; Brighton, Ala., (open), 6–19–81 and Orlando, Fla. (open), 7–1–81

LABOR DEPARTMENT
32100 Labor Advisory Committee for Trade Negotiations and Trade Policy, Washington, D.C. (closed), 7–14–81
32108 Engineering and Applied Science Advisory Committee, Washington, D.C. (open), 7–9 and 7–10–81
32109 Social and Economic Science Advisory Committee, Economics Subcommittee, Washington, D.C. (partially open), 7–9 and 7–10–81

NUCLEAR REGULATORY COMMISSION
32109 Reactor Safeguards Advisory Committee, Subcommittee on Advanced Reactor Subcommittee, Washington, D.C. (partially open), 7–7–81

HEARING

AGRICULTURE DEPARTMENT
Agricultural Marketing Service—
32030 California-Arizona naval orange crop, 1980–81; Exeter, Calif., 7–20–81

INTERIOR DEPARTMENT
Reclamation Bureau—
32087 Proposed Downstream River Stabilization Program for Grand Coulee Dam, Washington; draft, 7–21–81

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

7 CFR
301.....31999
354.....32006
908.....32007
910.....32008
923.....32008
945.....32010
982.....32012
Proposed Rules:
226.....32026
907.....32030
922.....32031
948.....32031
1701.....32033

12 CFR
523.....32013
Proposed Rules:
220.....32033

15 CFR
935.....32014
936.....32014

21 CFR
172.....32014
175.....32015
314.....32016
520.....32017
558 (2 documents).....32018, 32019
1308.....32019

27 CFR
19.....32224

28 CFR
16.....32021

29 CFR
92.....32214
1910.....32021
1928.....32021
1952.....32022
2610.....32022

32 CFR
706.....32023

38 CFR
21.....32023
Proposed Rules:
3.....32036

40 CFR
Proposed Rules:
52.....32036
180.....32038

47 CFR
Proposed Rules:
64.....32039
73.....32039
90.....32039
95.....32039

49 CFR
1039.....32025

V 46 JE 19 81 UMI

Rules and Regulations

Federal Register
Vol. 46, No. 118
Friday, June 19, 1981

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

Witchweed Regulated Areas

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This document amends the list of suppressive areas under the witchweed quarantine and regulations be adding areas in 9 counties and extending areas in 1 county in North Carolina and 1 county in South Carolina to the list of suppressive areas; by deleting areas in 12 counties in North Carolina and South Carolina from the list of suppressive areas; and by deleting 2 entire counties in North Carolina from the list of suppressive areas. These amendments are necessary as emergency measures in order to prevent the artificial spread of witchweed and to delete unnecessary restrictions on the movement of certain articles.

DATES: Effective date of this final rule June 19, 1981. Written comments concerning this final rule must be received on or before August 21, 1981.

ADDRESS: Written comments concerning this final rule should be submitted to E. E. Crooks, Regulatory Support Staff, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Federal Building, Room 634, 6505 Belcrest Road, Hyattsville, MD 20782.

FOR FURTHER INFORMATION CONTACT: E. E. Crooks, Acting Chief Staff Officer, Regulatory Support Staff, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Federal Building, Room 634, 6505 Belcrest Road, Hyattsville, MD 20782, 301–436–8247.

SUPPLEMENTARY INFORMATION:

Executive Order 12291 and Emergency Action

This final rule is issued in conformance with Executive Order 12291, and has been determined to be not a "major rule." Based on information compiled by the Department, it has been determined that this rule will have an annual effect on the economy of approximateley $300; that this rule will not cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; and that this rule will not have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. Also, the emergency nature of this action makes it impracticable for the agency to follow the procedures of Exective Order 12291 with respect to this final rule.

Harvey L. Ford, Deputy Administrator of the Animal and Plant Health Inspection Service for Plant Protection and Quarantine, has determined that an emergency situation exists which warrants publication without opportunity for a public comment period on this final action. Due to the possiblility that witchweed could be artificially spread interstate to noninfested areas of the United States, a situation exists requiring immediate action to better control the spread of this pest. Also, with respect to restrictions concerning the movement of regulated articles for which there is no longer a basis for the imposition thereof, a situation exists requiring immediate action to delete such unnecessary restrictions.

Further, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this emergency final action are impracticable and contrary to the public interest; and good cause is found for making this emergency final action effective less than 30 days after publication of this document in the **Federal Register.** Comments have been solicited for 60 days after publication of this document, and a final document discussing comments received and any amendments required will be published in the **Federal Register** as soon as possible.

Certification under the Regulatory Flexibility Act

Dr. Mussman, Administrator of the Animal and Plant Health Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small businesses and should not have a significant economic impact on any small organizations or small governmental jurisdictions. This action affects the interstate movement of regulated articles from specified areas in North Carolina and South Carolina. Based on information compiled by the Department, it has been determined that there are approximately 290,000 small entities that move regulated articles interstate from such States and many hundreds of thousands of small entities that move regulated articles interstate from other States. However, based on such information, it has been determined that only approximately 25 entities move regulated articles interstate from the specified areas affected by this action. Further, the overall economic impact from this action is estimated to be only about $300.

Written Comments

Interested persons are invited to submit written comments concerning the final rule. Comments should bear a reference to the date and page numbers of this issue of the **Federal Register.** All written comments made pursuant to this document; will be made available for public inspection at the Federal Building, Room 634, 6505 Belcrest Road, Hyattsville, MD 20782, during regular hours of business, 8 a.m. to 4:30 p.m., Monday through Friday, except holidays, in a manner convenient to the public business (7 CFR 1.27(b)).

Background

Witchweed is a parasitic plant which causes the degeneration of Corn, Sorghum, and other grassy crops. It has been found in the United States only in parts of North Carolina and South Carolina. The Witchweed Quarantine and Regulations (7 CFR 301.80 through 301.80–10) quarantine the States of

North Carolina and South Carolina and restrict the interstate movement of certain witchweed hosts from regulated areas in the quarantined States for the purpose of preventing the artificial spread of witchweed.

Regulated areas are divided into suppressive areas and generally infested areas. Suppressive areas are regulated areas where eradication of witchweed is undertaken as an objective. Generally infested areas are regulated areas not designated as suppressive areas. Restrictions are imposed on the interstate movement of regulated articles from generally infested areas and suppressive areas in order to prevent the artificial movement of witchweed to noninfested areas and to prevent the reinfestation of suppressive areas where the witchweed no longer occurs.

Surveys conducted by the United States Department of Agriculture and State agencies of North Carolina and South Carolina establish that witchweed has spread or is likely to spread to certain areas beyond the outer perimeter of areas previously designated as suppressive areas. These additional areas are areas where eradication of witchweed is undertaken as an objective. Therefore, as an emergency measure, it is necessary to add to the list of suppressive areas portions of Columbus, Craven, Duplin, Lenoir, Moore, Onslow, Pender, Pitt, and Wayne Counties in North Carolina; and a portion of Marlboro County in South Carolina; and to extend the suppressive area in Wayne County in North Carolina. These actions are necessary in order to prevent the spread of witchweed and to facilitate its ultimate eradication.

The surveys also establish that witchweed no longer occurs in portions of Brunswick, Columbus, Duplin, Harnett, Lenoir, Moore, Pender, Richmond, Scotland, and Wayne Counties in North Carolina and Florence and Horry Counties in South Carolina; and the entire counties of Jones and Wilson in North Carolina. There is no basis to continue listing Jones and Wilson Counties in North Carolina and portions of the above listed counties in North Carolina and South Carolina as regulated areas for the purpose of preventing the artificial spread of witchweed. Therefore, as an emergency measure, parts of all of such counties are deleted from the list of suppressive areas in order to delete unnecessary restrictions on the movement of witchweed regulated articles.

Accordingly, the list of regulated areas in the States of North Carolina and South Carolina is amended as set forth below:

1. In § 301.80-2a relating to the State of North Carolina, the regulated areas are redescribed to read as follows:

§ 301.80-2a Regulated areas; suppressive and generally infested areas.

. . . . . .

North Carolina

(1) *Generally infested area.*

Robeson County. The entire county.

(2) *Suppressive areas.*

Beaufort County. The Jefferson, Russell M., farm located on the southwest side of State Secondary Road 1609 and 0.6 mile southeast of the junction of said road and State Highway 32

The Osborne, H. R., farm located on both sides of State Secondary Road 1609 and 0.5 mile southeast of the junction of said road and State Highway 32.

Bladen County. The entire county.

Brunswick County. The Bryant, Ottice, farm No. 1 located at the end of a farm road 1.0 mile west of State Secondary Road 1342, 2.5 miles northwest of said State Secondary Road and its junction with State Highway 211.

The Bryant, Ottice, farm No. 2 located on both sides of State Secondary Road 1342, 2.3 miles northwest of said road and its junction with State Highway 211.

The Hewett, Jr., R. B., farm located at the end of a farm road on the northeast side of State Secondary Road 1132, 0.4 mile northeast of said road and its intersection with N.C. Highway 130.

The Meares, Hobson, farm located on both sides of State Secondary Road 1165 and 2.0 miles south of the junction of said road with U.S. Highway 17.

The Register, W. C., farm located on the south side of State Secondary Road 1147 and 0.3 mile east of the junction of said road and State Secondary Road 1143.

The Sanders, Albert C., farm located on the east side of State Secondary Road 1143 at the end of a dirt road located 0.5 mile south of the junction of State Secondary Roads 1143 and 1147.

The Smith, Wallace, farm located on the west side of State Secondary Road 1151 and 0.4 mile south of its junction of State Secondary Road 1147.

The Todd, Lester, farm located on the east side of State Secondary Road 1143 at the end of a dirt road located 0.5 mile south of the junction of State Secondary Roads 1143 and 1147.

Columbus County. That part of the county lying north and west of a line beginning at a point where State Highway 211 intersects the Bladen-Columbus County line, thence south along said Highway 211 to its intersection with State Secondary Road 1740, thence southwest and south along said State Secondary Road 1740 to its junction with U.S. Highways 74 and 76, thence west along said highways to its intersection with White March Swamp, thence south along said swamp to its junction with Cypress Creek, thence southwest along said creek to its intersection with State Highway 130, thence northwest along said highway to its junction with State Secondary Road 1166, thence southwest along said road to its junction with State Secondary Road 1157, thence southwest along said road to its junction with U.S. Highway 701, thence south and west along said highway to its intersection with State Secondary Road 1314, thence west along said road to its junction with State Secondary Road 1346, thence southwest along said road to its junction with the North Carolina-South Carolina State line.

The Brown, Annie, farm located on the west side of State Highway 11 and 0.6 mile south of the junction of said road with State Highway 87.

The Jacobs, Thomas, farm located 0.2 mile north of State Secondary Road 1847 and 1 mile northwest of the junction of said Road 1847 with State Secondary Road 1740.

The Long, J. M., farm located on the southwest side of State Secondary Road 1113 and 0.4 mile northwest of its junction with State Secondary Road 1108.

The McLamb, H. M., farm located on the southwest side of State Secondary Road 1113 and 0.5 mile northwest of its junction with State Secondary Road 1108.

The Owen, J. A., farm located on the southwest side of State Highway 87 and 0.3 mile southeast of the intersection of said Highway 87 with the Bladen-Columbus County line.

The Shaw, Charles H., farm located 0.1 mile north of State Secondary Road 1847 and 0.9 mile northeast of the junction of said Road 1847 with State Secondary Road 1908.

The Shipman, C. S., farm located on the east side of State Secondary Road 1909 and 0.6 mile southeast of the junction of said Road 1909 with State Secondary Road 1908.

The Spivey, D. M., farm located in the northeast corner of the intersection of U.S. Highway 701 and Gum Swamp.

The Suggs, Lacy, farm located at the end of a dirt road 0.5 mile southeast of the junction of said road with State Secondary Road 1108, said junction being 0.7 mile northeast of the junction of State Secondary Road 1108 and State Secondary Road 1118.

The Young, Grace, farm located on the west side of N.C. State Secondary Road 1914 and 0.2 mile south of the junction of said road with N.C. State Secondary Road 1904.

Craven County. The Chapman, Idel M., farm located on the west side of State Secondary Road 1459 and 0.1 mile north of junction of State Secondary Road 1463 with said Road 1459 and 0.3 mile off west side of State Secondary Road 1459.

The Goodman, W. D., farm located on both sides of State Secondary Road 1263 and 2.6 miles east of its southern junction with State Secondary Road 1262.

The Hawkins, Annie A., farm located on both sides of State Secondary Road 1263 and 1 mile east of the junction of said Road 1263 with State Secondary Road 1262.

The Hawkins, Mattie, farm located on the west side of State Secondary Road 1263 and 1.2 miles east and north of its southern junction with State Secondary Road 1262.

The Hodges, Mary K., farm located on both sides of State Secondary Road 1263 and 2.2 miles east of its southern junction with State Secondary Road 1262.

The Jones, Vann, farm located on the west side of State Secondary Road 1459 and 0.1 mile north of junction of State Secondary Road 1463 with said road and 0.4 mile off of west side of State Secondary Road 1459.

The Nelson Estate, Joseph, located on both sides of State Secondary Road 1450 and located 0.1 mile northeast of intersection of State Secondary Road 1454.

The Nobles, Jr., Jack, farm located on both sides of State Secondary Road 1262 and located 0.7 mile south of the junction of State Secondary Road 1258 and State Secondary Road 1262.

The Register, Keith, farm located 0.3 mile west of the junction of State Secondary Road 1251 with Highway 55 and on the north side of Highway 55.

The West, Gladys W., farm located on both sides of State Secondary Road 1263 and 1.4 miles east of its southern junction with State Secondary Road 1262.

The White, Raymond E., farm located on both sides of State Secondary Road 1263 and 0.2 mile east of its northern junction with State Secondary Road 1262.

Cumberland County. All of Cumberland County excluding the Fort Bragg Military Reservation, the area within the corporate limits of the city of Fayetteville, and the unincorporated communities of East Fayetteville and Bonnie Doone.

Duplin County. That area bounded by a line beginning at a point where State Secondary Road 1337 intersects the Duplin-Sampson County line, thence northeast along said road to its intersection with State Secondary Road 1301, thence southeast along said road to its intersection with State Highway 50, thence northwest along said highway to its junction with State Secondary Road 1355, thence northeast along said road to its junction with State Secondary Road 1332, thence northeast along said road to its junction with State Secondary Road 1304, thence southeast along said road to its intersection with Bear Swamp, thence east along said swamp to its junction with Goshen Swamp, thence southeast along said swamp to its intersection with State Secondary Road 1004, thence southeast along said road to its intersection with Nahunga Creek, thence southwest along said creek to its intersection with State Secondary Road 1301, thence northwest along said road to its junction with State Secondary Road 1346, thence southwest along said road to its junction with State Secondary Road 1385, thence west along said road to its junction with State Highway 50, thence southeast along said highway to its junction with State Secondary Road 1900, thence southeast along said road to its junction with State Secondary Road 1003, thence east along said road to its junction with State Highway 11, thence south along said highway to its junction with State Secondary Road 1922, thence southwest along said road to its junction with State Secondary Road 1909, thence south along said road to its junction with State Secondary Road 1912, thence west along said road to its intersection with the Magnolia city limits, thence south, west, and north along said city limits to its intersection with State Secondary Road 1003, thence southwest along said road to its junction with State Secondary Road 1101, thence southeast along said road to its intersection with State Secondary Road 1102, thence southwest along said road to its junction with State Secondary Road 1128, thence west along said road to its intersection with State Secondary Road 1100, thence southeast along said road to its intersection with State Secondary Road 1102, thence south along said road to its junction with State Secondary Road 1129, thence southwest along said road to its intersection with State Secondary Road 1128, thence northwest along said road to its intersection with Duplin-Sampson County, thence north along said county line to the point of beginning.

The Alphin, Clara, farm located in the north junction of State Secondary Road 1004 and State Secondary Road 1505.

The Beard, Mary Lou, farm located on both sides of State Secondary Road 1961 and 0.6 mile west of the intersection of said road and the Northeast Cape Fear River.

The Bostic, Jake, farm located on both sides of State Secondary Road 1961 and 0.5 mile west of the intersection of said road and the Northeast Cape Fear River.

The Bradshaw, Gene A., farm located on the south side of State Secondary Road 1321 and 0.8 mile west of the junction of said road with State Secondary Road 1302.

The Bradshaw, Milton J., farm located at the northwest end of State Secondary Road 1980.

The Britt, Ben, farm located on the north side of State Secondary Road 1306 and 0.1 mile east of its junction with State Secondary Road 1361.

The Britt, Cornia, farm located on both sides of State Secondary Road 1545 and 0.5 mile east of the junction of said road and State Secondary Road 1564.

The Brock, Jack, farm located on both sides of State Secondary Road 1700 and 0.8 mile west of the intersection of said road and the Northeast Cape Fear River.

The Brown, George, farm located on the west side of State Secondary Road 1004 and 0.8 mile north of its junction with State Secondary Road 1504.

The Chambers, D. F., farm located on the south side of State Secondary Road 1700 and 0.6 mile west of its intersection with the Northeast Cape Fear River.

The Davis, Jimmie, farm located on the east side of State Highway 111 and the south side of State Secondary Road 1546.

The English, James Earl, farm located on the north side of State Secondary Road 1980 and 0.3 mile southwest of the junction of said road and State Secondary Road 1979.

The Georgia Pacific Corporation, farm located on the west side of the Seaboard Coast Line Railroad and 0.1 mile north of its intersection with State Secondary Road 1301.

The Goodson, Emma, farm located on the south side of State Secondary Road 1501 and 0.3 mile west of the junction of said road and State Secondary Road 1505.

The Grady, E. C., farm located on both sides of State Secondary Road 1700 and 0.7 mile west of the intersection of said road and the Northeast Cape Fear River.

The Grady, S. Leland, farm located on both sides of State Secondary Road 1700 and 0.6 mile west of the intersection of said road and the Northeast Cape Fear River.

The Green, Willie, farm located on both sides of State Secondary Road 1971, and 0.6 mile southwest of the junction of said road and State Highway 50.

The Hollingsworth, Denver, farm located 0.1 mile east of State Secondary Road 1831 and 1.0 mile south of its junction with State Secondary Road 1827.

The Horne, Harry, farm located on the south side of State Secondary Road 1961 and 0.8 mile west of the intersection of said road and State Secondary Road 1962.

The Howard, Henry, farm located on the north side of State Secondary Road 1700 and 0.8 mile west of the intersection of said road and the Northeast Cape Fear River.

The Hussey Estate, M. W., farm located on the east side of State Secondary Road 1560 and 0.2 mile south of the junction of said road and State Secondary Road 1537.

The Ivey, Foy, No. 2, farm located on both sides of State Secondary Road 1004 and 0.1 mile south of its junction with State Secondary Road 1561.

The Jernigan, Cornelia, farm located on the west side of State Secondary Road 1360 and 0.4 mile south of its junction with State Secondary Road 1004.

The Johnson, Eldora, farm located on both sides of State Secondary Road 1123 and 1.2 miles west of the junction of said road and State Secondary Road 1103.

The Jones, Billy, farm located on both sides of State Secondary Road 1700 and 0.7 mile west of the intersection of said road and the Northeast Cape Fear River.

The Jones, H. A., farm located on the south side of State Secondary Road 1700 and 0.7 mile west of the intersection of said road and the Northeast Cape Fear River.

The Jones, H. A., No. 2, farm located on both sides of State Secondary Road 1700 and 0.6 mile west of its intersection with the Northeast Cape Fear River.

The Jones, Nora, farm located on the west side of State Secondary Road 1004 and 0.3 mile south of its junction with State Secondary Road 1365.

The Kalmar, J. N., farm located on the south side of State Highway 403 and 0.5 mile west of its junction with State Secondary Road 1304.

The Kennedy, Sidney J., farm located on the east side of State Secondary Road 1718 and 0.2 mile south of the junction of said road and State Highway 41.

The King, W. R., farm located on the east side of State Secondary Road 1302 and 0.1 mile south of the junction of said road and State Secondary Road 1308.

The Kornegay, Byrus, farm located on the east side of State Highway 403 and 0.1 mile north of its junction with State Secondary Road 1369.

The Kornegay, Cecil, farm located on the northwest side of State Secondary Road 1306 and 1 mile southwest of its intersection with State Secondary Road 1500.

The Kornegay Estate, Issac, located on the southwest side of State Secondary Road 1306 and 0.7 mile northwest of the junction of said road and State Secondary Road 1305.

The Lane, David, farm located 0.1 mile east of State Secondary Road 1369 and 0.1 mile south of its junction with State Highway 403.

The Lewis, Merle S., farm located on the east side of State Secondary Road 1004 and both sides of State Secondary Road 1508.

The Marshburn, Freeman J., farm located on both sides of State Secondary Road 1128 and 0.7 mile southeast of the intersection of said road and State Secondary Road 1129.

The McCullen, Larry, farm located on the northeast side of State highway 24 and 0.2 mile northwest of the junction of said highway and State Secondary Road 1904.

The McGowan, Woodell, farm located on the south side of State Secondary Road 1961 and 1.1 miles west of the intersection of said road and State Secondary Road 1962.

The Mercer, Cathleen, farm located on the south side of State Secondary Road 1703 and 1.1 miles east of the intersection of said road and State Secondary Road 1704.

The Miller, O'Berry, farm located on the north side of State Secondary Road 1700, and 0.1 mile east of its junction with State Highway 11.

The Outlaw, Emma, farm located on the south side of State Secondary Road 1509 and 0.5 mile southwest of the junction of said road and State Secondary Road 1510.

The Parrott, Jr., Mrs. Frank, farm located on the south side of State Secondary Road 1703 and 0.3 mile east of the intersection of said road and State Secondary Road 1704.

The Pate, Robert Lee, farm located on both sides of State Secondary Road 1357 and 0.9 mile southwest of the junction of said road and State Secondary Road 1306.

The Precythe, Harold, farm located on the east side of U.S. Highway 117 and 0.1 mile south of the junction of said highway and State Secondary Road 1354.

The Rivenbark, George W., farm located on the northwest side of State Secondary Road 1131 and 0.4 mile southwest of the junction of said road and State Secondary Road 1128.

The Rouse, Beatrice S., farm located on both sides of state Secondary Road 1980 and at the west end of said road.

The Rouse, Rouke, farm located on the north side of State Secondary Road 1537 and the west side of State Secondary Road 1538.

The Shepard, J. T., farm located on both sides of State Secondary Road 1732 and 0.2 mile north of the junction of said road and State Secondary Road 1703.

The Smith, Sallie P., farm located on the northeast side of State Highway 111 and 0.8 mile southeast of the Duplin-Wayne County line.

The Stokes, Fred, farm located on the south side of State Secondary Road 1980 and 2.4 miles west of the junction of said road and State Secondary Road 1979.

The Stokes, William C., farm located at the southwest end of State Secondary Road 1980.

The Summerlin, Lannie, farm located on both sides of State Secondary Road 1359 and 0.3 mile southwest of its junction with State Secondary Road 1306.

The Sumner, India, farm located on the southwest side of State Highway 111 and 1.2 miles south of the intersection of said highway and State Secondary Road 1700.

The Sutton, Effie O, farm located on the northeast side of State Secondary Road 1004 and 0.7 mile northwest of its junction with State Secondary Road 1504.

The Turner, Lumas, farm located on the south side of State Secondary Road 1703 and 0.6 mile west of the junction of said road and State Secondary Road 1732.

The Walker, C. P., Estate, farm located on the west side of State Secondary Road 1368 and 1.2 miles north of its junction with State Secondary Road 1364.

The Whaley, Bennie, farm located on the southeast side of State Secondary Road 1961 and 0.3 mile northeast of the junction of said road and State Secondary Road 1800.

The Whitman, Herman E., farm located on the south side of State Secondary Road 1300 and 0.1 mile west of the junction of said road and State Road 1381.

The Whitman, Herman E., farm located on the north side of State Secondary Road 1300 and 0.8 mile east of the intersection of said road and State Secondary Road 1301.

The Williams, Jasper, farm located on the east side of State Secondary Road 1323 and 0.2 mile south of its junction with State Highway 403.

The Williams, McArthur, farm located on the south side of State Secondary Road 1961 and 1 mile west of the intersection of said road and State Secondary Road 1962.

The Wilson, Mammie, farm located on the east side of State Highway 111 and 1.0 mile south of the intersection of said highway and State Secondary Road 1700.

Green County. That area bounded by a line beginning at a point where State Highway 102 intersects State Highway 123 and extending south along State Highway 123 to its intersection with Contentnea Creek, thence northwest along said creek to its junction with Panther Swamp, thence northerly along said Panther Swamp to its intersection with U.S. Highway 13–258, thence easterly along said highway to the point of beginning.

The Carmon, James E., farm located on the east side of State Secondary Road 1004 and 0.4 mile south of its junction with North Carolina Highway 102.

The Dixon, John, farm located on the east side of State Secondary Road 1004 at the junction on State Secondary Road 1405.

The Dixon, Sudie, farm located on the west side of State Secondary Road 1004 and 0.2 mile south of its junction of State Secondary Road 1405.

The Murphrey, Edward, farm located on the east side of State Secondary Road 1004 and 0.3 mile south of its junction with State Highway 102.

The Whitaker, J. H., farm located on the east side of State Secondary Road 1004 and 0.6 mile south of its junction with State Highway 102.

Harnett County. That area bounded by a line beginning at a point on the Harnett-Lee County line due west of the head of Barbecue Swamp and extending east to the head of said swamp, thence south and east along Barbecue Swamp to its intersection on State Secondary Road 1201, thence south and southeast along said road to its junction with State Highway 27, thence southeast along said highway to its junction with State Highway 24, thence southeast along said highway to its junction with State Secondary Road 1111, thence southwest along said road to its intersection with Harnett-Moore County line, thence northwest along the Harnett-Moore County line to its junction with the Moore-Harnett-Lee County line, thence northeast along the Harnett-Lee County line to the point of beginning.

That area bounded by a line beginning at a point where the Harnett-Cumberland County line and McLeod Creek intersect and extending northwest along said creek to its intersection with State Secondary Road 1117, thence northeast, northwest and north along said road to its intersection with Anderson Creek, thence southeast along said creek to its intersection with the State Highway 210, thence northeast along said highway to its junction with State Secondary Road 2030, thence southeast along said road to its junction with State Secondary Road 2031, thence southwest along said road to its intersection with the Harnett-Cumberland County line, thence southwest and west along said county line to the point of beginning.

The Cook, A. L., farm located on the east side of State Secondary Road 1201 and 1.5 miles southeast of the junction of said road with State Secondary Road 1203.

The Gilchrist, Leonard W., farm located on the southeast side of State Secondary Road 1111, 0.4 mile north of the junction of said road with State Secondary Road 1110.

The Johnson, Sr., Jonah C., farm located at the junction of State Secondary Roads 1553 and 1555. The farm lies in the northeast portion of this junction.

The McAden, J. L., farm located on southeast side of State Highway 27 and 0.6 mile southwest of the intersection of said highway with State Highway 87.

The Proctor, T. G., farm located on the northeast side of State Highway 27 at that point where said highway forms an overpass over State Highway 87.

The Thomas, Floyd E., farm located on the northeast side of State Secondary Road 1146 and 0.2 mile north of the junction of said road with State Secondary Road 1117.

The Womack, E. H., farm located on east side of State Highway 27, and 1.0 mile north of the junction of said highway with State Highway 24.

Hoke County. The entire county excluding Fort Bragg Military Reservation.

Johnston County. The Blackman, Dewey, farm located on the south side of State Secondary Road 1146, and 0.4 mile east of the junction of said road with State Secondary Road 1145.

The Braswell, J. G., farm located on the east side of State Secondary Road 2519 and 0.4 mile north of the junction of State Secondary Roads 2519 and 2520.

The Everett, Betty, farm located on the west side of State Secondary Road 2541 and 0.5 mile south of the junction of said road with State Secondary Road 1007.

The Everett, Betty, farm located on a farm road and 0.6 mile west of its junction with State Secondary Road 2541, said junction being 1.9 miles south of the junction of State Secondary Roads 2541 and 1007.

The Holt, Dorothy C., farm located on the west side of State secondary Road 2542 and 0.1 mile south of its junction with State Secondary Road 1007.

The Hudson, Price, Estate farm located on a farm road and 0.4 mile north of its junction

with State Secondary Road 1008, said junction being 0.8 mile northeast of the intersection of State Secondary Road 1008 with U.S. Highway 701.

The Johnson, Wade, farm located on both sides of State Secondary Road 1144 and 0.2 mile west of the junction of said road with State Secondary Road 1138.

The Martin, Emitt, farm located on the east side of State Secondary Road 2519 and 0.3 mile north of the junction of State Secondary Roads 2519 and 2520.

The Martin, John L., farm located on the west side of State Secondary Road 1201 and 0.3 mile north of the junction of said road with State Secondary Road 1200.

The Massengill, R. T., farm located on the south side of State Secondary Road 1145 and 0.2 mile west of its junction with State Secondary Road 1144.

The Summerlin, Everett L., farm located on the north side of State Secondary Road 1008, and 0.6 mile west of the junction of said road with State Secondary Road 1199.

The Tart, Allen, farm located on the southwest corner of the junction of State Highway 96 and State Secondary Road 1120.

Lee County. The McGilvary, Aquilla, farm located north of State Secondary Road 1188 and 0.6 mile east of the junction of said road with State Secondary Road 1001.

The Barwick, Charles H. and Evelyn Sutton, farm located on the north side of State Secondary Road 1324 and 0.1 mile east of its junction with State Secondary Road 1308.

Lenoir County. The Braxton, Clyde, Estate located on both sides of State Secondary Road 1802 and 0.9 mile northeast of the junction of State Secondary Road 1802 and State Highway 11.

The Brown, Nannie H., farm located in the southwest junction of State Secondary Roads 1152 and 1309.

The Carey, Jack, farm located on both sides of State Secondary Road 1906 and 1.0 mile east of its junction with U.S. Highway 285.

The Carr, Lillian, farm located on the southwest side of State Secondary Road 1524 and 0.1 mile south of its junction with State Secondary Road 1526.

The Carter, Ephrom, farm located on the south side of State Secondary Road 1116 and 1.5 miles east of its junction with State Highway 11.

The Faulkner, Isabelle, farm located on both sides of State Secondary Road 1809 and 0.5 mile east of its junction with State Secondary Road 1720.

The Foss, Reginal D., farm located on the north side of State Secondary Road 1316 and 0.6 mile northwest of its junction with State Secondary Road 1318.

The Hamilton, C. W., farm located on the southeast side of State Secondary Road 1802 and 1.2 miles northeast of its junction with State Highway 11.

The Herring, Ben D., No. 1, farm located on both sides of State Secondary Road 1330 and 0.2 mile west of the junction of State Secondary Roads 1330 and 1331.

The Herring, Ben D., No. 2, farm located on the west side of State Secondary Road 1310 and 0.3 mile south of its junction with State Secondary Road 1311.

The Herring, Frances F., farm located on the west side of State Secondary Road 1310 and 0.6 mile south of its junction with State Secondry Road 1311.

The Herring, Jack A., farm located on both sides of State Secondary Road 1310 and 0.4 mile south of its junction with State Secondary Road 1311.

The Herring, Lewis R., No. 1, farm located on the south side of State Secondary Road 1324 and 0.3 mile west of its junction with State Secondary Road 1333.

The Howard, Clarence, farm located on the south side of State Secondary Road 1105 and 0.1 mile east of its intersection with State Secondary Road 1118.

The Jarman, F. R., farm located on the southeast side of State Secondary Road 1311 and 0.7 mile southwest of its junction with State Secondary Road 1318.

The Jones, Edward S., farm located on the west side of U.S. Highway 258 and 0.3 mile north of its junction with State Secondary Road 1116.

The Joyner Farms, Inc., farm located on both sides of State Secondary Road 1324 and 0.5 mile east of its junction with State Secondary Road 1335.

The Moye, Lenton G., farm located on the west side of State Secondary Road 1335 and 0.3 mile north of its junction with State Secondary Road 1324.

The Parrott Farms, Inc., farm located on the northwest side of State Secondary Road 1157 and 0.7 mile northwest of its intersection with State Highway 55.

The Rouse, Forrest, farm located on the northeast side of State Secondary Road 1143 and 2.9 miles northwest of its intersection with State Secondary Road 1154.

The Rouse, Jim W., farm located on the northeast side of State Secondary Road 1143 and 2.8 miles northwest of its intersection with State Secondary Road 1154.

The Singleton, Ruby S., farm located on east side of State Secondary Road 1802 and 0.6 mile south of its junction with State Secondary Road 1801.

The Sutton, Curtis, Estate located on the west side of State Secondary Road 1324 and 0.5 mile north of its junction with State Secondary Road 1309.

The Sutton, Harvey, farm located on the west side of State Secondary Road 1331 and 0.2 mile south of its junction with State Secondary Road 1330.

The Sutton, Iris, farm located on the east side of State Secondary Road 1152 and 0.6 mile south of its junction with State Secondary Road 1324.

The Sutton, John W., farm located in the southwest junction of State Secondary Road 1333 and State Secondary Road 1330.

The Sutton, M. L., farm located on the southeast side of State Secondary Road 1311 and 0.8 mile southwest of its junction with State Secondary Road 1318.

The Sutton, Nancy, farm located on the south side of State Secondary Road 1330 and 0.5 mile east of its junction with State Secondary Road 1331.

The Sutton, Nathan, farm located on the southeast side of State Secondary Road 1311 and 0.6 mile southwest of its junction with State Secondary Road 1318.

The Sutton, Prentice, farm located on the south side of State Secondary Road 1503 and 0.3 mile southeast of its intersection with State Secondary Road 1327.

The Sutton, Robert H., farm located on the south side of State Secondary Road 1324 and 0.2 mile east of its junction with State Secondary Road 1327.

The Sutton, Woodrow W., farm located on the north side of State Secondary Road 1331 and 0.5 mile west of its junction with State Secondary Road 1333.

The Taylor, Heber, farm located on the north side of State Secondary Road 1161 and 0.3 mile east of its junction with State Highway 55.

The Walters, H. F., farm located on both sides of State Secondary Road 1335 and 0.4 mile north of its junction with State Secondary Road 1324.

The Waters, Thomas, Estate located on both sides of State Secondary Road 1316 and 0.3 mile north of its junction with State Secondary Road 1317.

The Wood, C. W., farm located the on northwest side of State Secondary Road 1311 and 0.7 mile southwest of its junction with State Secondary Road 1318.

Moore County. The Burwell, Sam, farm located on the south side of State Secondary Road 2023 and 0.4 mile southwest of the junction of said road and State Secondary Road 1853.

The Marks, E. M., farm located on the south side of State Secondary Road 2019 and 2.5 miles east of the junction of said road and State Secondary Road 2018.

Onslow County. The Cox, Robert B., farm located on the southeast of State Secondary Road 1224, and 0.7 mile from the junction of said road and State Secondary Road 1222.

The Hancock, Sally, farm located on a dirt road 0.2 mile northeast of junction of State Secondary Road 1206 and State Secondary Road 1001.

The Henderson, Charlie, farm located on the east side of State Secondary Road 1528, and 0.2 mile north of the junction of said road with State Secondary Road 1518.

The Lanier, Larry, farm located on the north side of State Secondary Road 1223, 0.5 mile from the junction of said road and State Secondary Road 1222. Said junction being located 1.2 miles north of junction of State Secondary Roads 1222 and 1001.

The Lewis, L. Bryan, farm located on the southeast side of State Secondary Road 1224, and 0.9 mile from the junction of said road and State Secondary Road 1222.

The Marshburn, James B., farm located on the southeast side of State Secondary Road 1224, and 0.8 mile from the junction of said road and State Secondary Road 1222.

The McAllister, Henry, farm located on both sides of State Secondary Road 1316 and 1 mile southwest of said road and its junction with State Secondary Road 1308.

Pender County. That area bounded by a line beginning at a point where State Secondary Road 1104 intersects the Pender-Bladen County line, and extending northeast along said county line to its junction with Black River, thence southeast along said river to its intersection with State Highway 210, thence southwest along said highway to its junction with State Secondary Road 1103, thence southeast along said road to its junction with State Secondary Road 1104.

thence southwest and northwest along said road to the point of beginning.

That area bounded by a line beginning at a point where Moores Creek intersects State Highway 53, and extending east along said highway to its intersection with State Secondary Road 1121, thence south along said road to its intersection with State Secondary Road 1125, thence west along said road to its intersection with Moores Creek, thence northeast along said creek to the point of beginning

That area bounded by a line beginning at a point where State Secondary Road 1517, junctions with U.S. Highway 117, and extending northwest along said highway to its intersection with Walker Swamp, thence northeast along said swamp to its junction with Pike Creek, thence southeast along said creek to its junction with the Northeast Cape Fear River, thence south along said river to its intersection with State Highway 210, thence southwest along said highway to its junction with State Secondary Road 1518, thence southeast along said road to its junction with State Secondary Road 1517, thence westerly along said road to the point of beginning.

The Alderman, Bessie, farm located on the north side of State Highway 53 and 0.1 mile west of its intersection with State Secondary Road 1121.

The Anderson, Julian W., farm located on both sides of State Secondary Road 1106 and 0.9 mile northwest of the junction of said road and State Secondary Road 1107.

The Armstrong, Willie, farm located 0.5 mile west of State Secondary Road 1408 and 0.3 mile south of the junction of said road with State Highway 210.

The Batson, Arthur, farm located on the east side of State Secondary Road 1411 and 1.5 miles east of its intersection with U.S. Highway 117

The Colvin, Alex, farm located on the northwest side of State Secondary Road 1120 and 1.4 miles southwest of the intersection of said road and U.S. Highway 421.

The Corbett, W. M., farm located on both sides of State Secondary Road 1201 at its junction with State Secondary Road 1200.

The Dees, Betty B., farm located 0.6 mile east of State Secondary Road 1411 and 1.5 miles east of its intersection with U.S Highway 117.

The Fensel, F. P., farm located on the north side of State Secondary Road 1103 and 0.6 mile west of its junction with State Secondary Road 1133.

The Kea, Leo, farm located 0.5 mile east of State Secondary Road 1105 and 1 mile southwest of the junction of said road and State Secondary Road 1104.

The Kea, Nora, farm located 0.1 mile west of the end of State Secondary Road 1108.

The Lanier, Admah, farm located on the southeast side of State Secondary Road 1411 and 1.4 miles east of its intersection with U.S. Highway 117.

The Marshall, Crawford, farm located on the north side of State Secondary Road 1103 and 0.6 mile west of its junction with State Secondary Road 1133.

The Marshall, Milvin, farm located on the north side of State Secondary Road 1103 and 0.6 mile east of the southern junction of said road and State Secondary Road 1104.

The McCallister, Mary K., farm located 0.2 mile east of State Secondary Road 1105 and 1 mile southwest of the junction of said road and State Secondary Road 1104.

The McLendon, Evander, farm located 0.4 mile north of State Secondary Road 1411 and 0.3 mile east of its intersection with Pike Creek.

The Murphy, Henry, farm located 0.1 mile west of State Secondary Road 1121 and 0.4 mile north of its intersection with State Highway 53.

The Stringfield Estate, John, located on the southwest side of State Secondary Road 1517 and 1.4 miles east of the junction of said road and U.S. Highway 117.

The Terrell, Nancy, farm located on a field road 2.8 miles east of U.S. Highway 117 and 0.3 mile south of its intersection with State Secondary Road 1411.

The Thomas, Kenneth, farm located on the west side of State Secondary Road 1125 and 0.2 mile north of its junction with State Secondary Road 1121.

The Ward, Mary Alice, farm located on a field road 0.9 mile east of State Secondary Road 1411 and 1.5 miles east of its intersection with U.S. Highway 117.

The Williams, John H., and Heirs, farm located on the east side of State Secondary Road 1520 and 2.7 miles north of the junction of said road and State Highway 210.

Pitt County. That area bounded by a line beginning at a point where State Secondary Road 1919 intersects the Pitt-Craven County Line, thence southwest along said county line to its intersection with State Highway 118, thence westward along said highway to its intersection with State Secondary Road 1753, thence northward along said road to its junction with State Secondary Road 1919, thence eastward to the point of beginning.

The Gardner, Charlie D., farm located on both sides of State Secondary Road 1910 at junction of said road and State Highway 118.

The Garris, Bruce E., farm located in the south junction of State Highway 118 and State Secondary Road 1916.

The Hodges, M. B., farm located on the east side of State Secondary Road 1907 and 1.1 miles north of State Highway 118.

Richmond County. The Autry, J. H., farm located on the north side of State Secondary Road 1803 and 0.7 mile east of Osborne.

The Beck, Lacy A., farm located on both sides of State Secondary Road 1607 and 0.4 mile southeast of the intersection of said road and State Secondary Road 1608.

The Bethea, Queen, farm located on the northeast side of State Secondary Road 1803 and 0.4 mile southeast of the intersection of said road and State Secondary Road 1825.

The Davis, Climon, farm located on the northwest side of N.C. Highway 38 and 0.5 mile northeast of the intersection of said road and State Secondary Road 1803.

The Dial, Dormic, farm located on the north side of State Secondary Road 1607 and 0.8 mile west of the intersection of said road and State Secondary Road 1608.

The Dumas, Reba, farm located on the northeast side of State Secondary Road 1803 and 0.3 mile northwest of said intersection of N.C. Highway 38.

The Elizhbugar, Charity, farm located on the northeast side of State Secondary Road 1003 and 2 miles northwest of its junction with State Secondary Road 1475.

The Godfrey, J. R., farm located on the northwest side of State Secondary Road 1318 and 0.2 mile north of its junction with State Secondary Road 1310.

The Hailey, Annie, farm located on the north side of State Secondary Road 1475 and 1.7 miles west of its junction with U.S. Highway 1.

The Hailey, Maria, farm located on the southwest side of State Secondary Road 1440 and 0.3 mile southeast of its junction with State Secondary Road 1433.

The Hamlet Gin & Supply Co., farm located on both sides of State Secondary Road 1803 and on the east side of the intersection of said road and State Secondary Road 1825.

The Ingram, Rome, farm located on the southwest side of State Secondary Road 1003 and 1.8 miles northwest of its junction with State Secondary Road 1475.

The McLaurin, Meta, farm located on the southwest side of State Secondary Road 1803 and 0.3 mile southeast of the intersection of said road and State Secondary Road 1825.

The McNeill, Dalton, farm located on the southwest side of State Secondary Road 1003 and 1.9 miles northwest of its junction with State Secondary Road 1475.

The Poe, William, farm located 0.6 mile on unnumbered road off State Road 1475, 0.2 mile southeast of its junction with State Road 1486.

The Quick, Julius, farm located on the northeast side of State Secondary Road 1992 and 0.6 mile northeast of its junction with State Secondary Road 1994.

The Rush, James, farm located on the southeast side of State Secondary Road 1442 and 0.7 mile northeast of its junction with State Secondary Road 1489.

The Sorenzen, Gladys, farm located on the southwest side of State Secondary Road 1803 and 0.4 mile northwest of the intersection of said road and N.C. Highway 38.

The Steele, Thomas, farm located on the northwest side of State Road 1442 and 0.4 mile southwest of its junction with State Road 1489.

The Terry, Ruth, farm located on both sides of State Secondary Road 1442 and 0.2 mile northeast of its junction with State Secondary Road 1477.

The Terry, W. C., farm located on the west side of State Secondary Road 1424 at its junction with State Secondary Road 1507 at Roberdel, N.C.

The Thomas, Walter, farm located on both sides of U.S. Highway 220 and 0.4 mile northeast of its junction with State Secondary Road 1433.

The Wall, Ben, farm located on the northeast side of the State Secondary Road 1440 and 0.4 mile southeast of its junction with State Secondary Road 1433.

The Waters, Will, farm located on both sides of State Secondary Road 1623 and 0.4 mile southwest of its junction with State Secondary Road 1607.

The Watkins, Aaron, farm located on the southeast side of State Road 1442 and 0.8 mile northeast of its junction with State Road 1489.

The Watkins, John Q., farm located on the southeast side of State Secondary Road 1476 and 0.3 mile northeast of its junction with State Secondary Road 1442.

The Watkins, Mosby, farm located on both sides of State Secondary Road 1476 and 0.2 mile northeast of its junction with State Secondary Road 1442.

The York, Will, farm located on the northeast side of State Secondary Road 1803 and 0.4 mile northwest of the intersection of said road and N.C. Highway 38.

Sampson County. The entire county.

Scotland County. That area bounded by a line beginning at a point where U.S. Highway 15–401 intersects the North Carolina-South Carolina State line and extending northeast along said highway to its junction wth U.S. Highways 15A-401A, thence north along said highway to its junction with U.S. Highway 501, thence north along said highway to its intersection with U.S. Highway 15–401, thence southwest along said highway to its intersection with State Secondary Road 1300, thence northwest along said road to its junction with State Secondary Road 1116, thence northwest along said road to its junction with State Secondary Road 1324, thence north along said road to its junction with State Secondary Road 1345, thence northwest along said road to its intersection with State Secondary Road 1341, thence northeast along said road to its junction with State Secondary Road 1328, thence north along said road to its intersection with the southern boundary of the Sandhills Game Management Area, thence east along said boundary to its intersection wth U.S. Highway 15–501, thence north along said highway to its intersection with the Scotland-Hoke County line, thence southeast along said county line to the Scotland-Robeson County line, thence south and southwest along said county line to the North Carolina-South Carolina State line, thence northwest along said State line to the point of beginning, excluding the area within the corporate limits of the city of Laurinburg and the town of East Laurinburg.

The Butler, Luther, farm located on the south side of State Secondary Road 1154 and 0.2 mile east of the junction of said road with State Secondary Road 1155.

The Gibson, H. P., Estate farm located on the north side of State Highway 79 and 0.4 mile west of its junction of State Secondary Road 1118.

McCoy, R. F., farm located on the east side of State Secondary Road 1346 and 0.4 mile north of its junction with State Secondary Road 1343.

The Morgan, J. D., farm located on the east side of State Secondary Road 1346 and 0.5 mile north of the junction of said road with State Secondary Road 1343.

The Morgan, J. D., farm located on both sides of State Secondary Road 1345 and 0.1 mile northwest of its junction with State Secondary Road 1342.

The Newton, Peter F., farm located at the intersection of State Secondary Roads 1334, 1336, and 1345.

The Sharpe, Preston, farm located on the south side of U.S. Highway 74 and 0.2 mile west of the junction of said highway with State Secondary Road 1153.

The Steele, J. D., farm located on both sides of State Secondary Road 1351 and 0.9 mile northwest of the junction of said road with State Secondary Road 1346.

Wayne County. That area bounded by a line beginning at a point where the State Highway 111 and State Secondary Road 1745 intersect, thence west and southwest along State Secondary Road 1745 to its intersection with State Secondary Road 1932, thence northerly along said road to its intersection with State Secondary Road 1744, thence west along said road to its intersection with State Secondary Road 1937, thence northerly on said road to its junction with State Secondary Road 1932, thence north on said road to its intersection with State Secondary Road 1120, thence easterly along said road to its junction with State Secondary Road 1915, thence east along a line projected from a point at the junction of State Secondary Roads 1120 and 1915 to the junction of said line with a point located at the junction of Sleepy Creek and Neuse River, thence east along said river to its intersection with State Highway 111, thence south along said highway to the point of beginning.

The Baucom, Howard, farm located on the east side of State Secondary Road 1932 and 0.2 mile north of its junction with State Secondary Road 1927.

The Bowden, B. J., farm located on the west side of State Secondary Road 1931 and 0.2 mile south of intersection of said road and State Secondary Road 1120.

The Brock, Odell, farm located on the north side of State Secondary Road 1210 and 0.3 mile east of its junction with State Secondary Road 1209.

The Carraway, Ethel, farm located on the east side of State Secondary Road 1915 and 0.1 mile north of the junction of said road and State Secondary Road 1120.

The Coor, O. S., farm located on both sides of State Secondary Road 1730 and 0.6 mile east of its junction with State Highway 111.

The Crawford, William P., farm located on the south side of State Secondary Road 1330 and 0.9 mile west of State Highway 581.

The Dawson, L. A., farm located on the west side of State Highway 111 and 0.5 mile south of the junction of said highway and State Secondary Road 1730.

The Flowers, Willie, farm located on the north side of U.S. Highway 13 and 0.4 mile east of its junction with State Secondary Road 1207.

The Grady, Gertrude W., farm located on the south side of State Secondary Road 1741 and 0.7 mile east of its junction with State Secondary Road 1740.

The Grant, Charlie, farm located on the south side of State Secondary Road 1745 and 0.4 mile west of its junction with State Secondary Road 1952.

The Grant, Maggie, Estate located on the west side of N.C. Highway 111 and 1.9 miles south of the junction of State Secondary Road 1730 with said highway.

The Grantham, Barfield, farm located on the west side of State Secondary Road 1931 and 0.4 mile north of its intersection with State Secondary Road 1120.

The Green, Bessey, farm located at the southern end of the State Secondary Road 1741 and 1.3 miles east of its junction with State Secondary Road 1740.

The Haggin, Joe, No. 1, farm located on the east side of State Secondary Road 1931 and 0.7 mile north of its intersection with State Secondary Road 1120.

The Haggin, Joe, No. 2, farm located on the east side of State Secondary Road 1931 and 1.1 miles northeast of its intersection with State Secondary Road 1120.

The Herring, Charles F., farm located on the south side of State Secondary Road 1741 and 0.3 mile east of its junction with State Secondary Road 1740.

The Herring, Harmon, farm located on the south side of State Secondary Road 1734 and 0.4 mile east of its junction with State Secondary Road 1731.

The Herring, Thel, farm located on the west side of State Secondary Road 1711 and 0.4 mile north of its junction with U.S. Highway 70A.

The Hines, Alice, farm No. 2 located on the south side of State Secondary Road 1744 and 0.8 mile west of intersection of said road and State Secondary Road 1932.

The Humphrey, Josephine, farm located on east side of State Secondary Road 1932 and 0.2 mile north of its intersection with State Secondary Road 1120.

The Ivey, W. H., farm located on the south side of State Secondary Road 1734 and 0.3 mile east of its junction with State Secondary Road 1731.

The Jackson, Major, farm located on the east side of State Secondary Road 1731 and 0.6 mile north of the Neuse River.

The Jones, Mary, farm located on both sides of State Secondary Road 1730 and its junction with State Secondary Road 1731.

The Lane, Alfred, farm located on the south side of State Secondary Road 1730 and 0.4 mile east of its junction with State Highway 111.

The Lofton, Burt & Davis, King, farm located on the east side of State Secondary Road 1739 and 0.3 mile south of its junction with State Highway 55.

The Lofton, Mary F., farm located on the south side of State Secondary Road 1745 and 0.1 mile west of its junction with State Secondary Road 1952.

The McClenny, G. A., farm located on the south side of State Secondary Road 1007 and 0.1 mile west of the junction of said road with State Highway 581.

The McClenny, G. A., No. 2, farm located on both sides of State Secondary Road 1332 and 0.1 mile north of junction of said road and State Secondary Road 1330.

The Oliver, H. H., farm located on the south side of State Secondary Road 1219 and 0.4 mile east of its junction with State Secondary Road 1218.

The Parks, Robert, farm located on the southeast side of State Secondary Road 1932 and 0.5 mile northeast of its intersection with State Secondary Road 1120.

The Perkins, Joe D., farm located on the northwest side of State Secondary Road 1711 and 0.2 mile southwest of the intersection of said road with U.S. Highway 70 Bypass.

The Price, James, farm located in the southeastern intersection of State Highway 111 and State Secondary Road 1745.

The Ray, Cora Pate, farm located on both sides of State Secondary Road 1730 and 0.8

mile west of its junction of State Secondary Road 1731.

The Raynor, A. B., farm located on the south side of U.S. Highway 13 and 0.1 mile east of its junction with State Secondary Road 1207.

The Raynor, Early, No. 1, farm located on the south side of U.S. Highway 13 and 0.3 mile east of its junction with State Secondary Road 1207

The Raynor, Early, No. 2, farm located on the north side of State Secondary Road 1101 and 0.7 mile east of its intersection with State Secondary Road 1105.

The Raynor, Elester, farm located on the east side of State Secondary Road 1105 and 0.8 mile south of its intersection with U.S. Highway 13.

The Sasser, Johnny, farm located on the west side of State Secondary Road 1931 and 0.3 mile south of its junction with State Secondary Road 1930.

The Sasser, Rosa, farm located on both sides of State Highway 111 and 0.1 mile south of its junction with State Secondary Road 1912.

The Smith, Alfred, farm located on the north side of State Secondary Road 1330 and 0.9 mile west of the junction of said road and North Carolina Highway 581.

The Smith, Arnold, farm located on the southeast side of State Secondary Road 1932 and 0.5 mile northeast of its intersection with State Secondary Road 1120.

The Smith, M. G., farm located on the west side of State Secondary Road 1952 and 0.3 mile south of its junction with State Secondary Road 1745.

The Sutton, D. M., farm located on the east side of State Secondary Road 1731 and 0.9 mile north of the Neuse River.

The Sutton, Gordon, farm located on the south side of State Secondary Road 1730 and 1.6 miles east of its junction with State Highway 111.

The Talton, Lillian D., farm located on the south side of State Secondary Road 1730 and 0.6 mile east of its junction with State Highway 111.

The Thornton, S. E., farm located on the southeast junction of State Secondary Roads 1210 and 1209.

The Turnage, W. H., farm located on the northwest side of State Secondary Road 1932 and 0.3 mile northeast of its junction with State Secondary Road 1927.

The Whitfield, Herman, farm located at the end of State Secondary Road 1729.

The Williams, Eddie, farm located on the north side of State Highway 581 and the east side of State Secondary Road 1236 at the junction of said roads.

The Williams, Robert, farm located on the west side of State Secondary Road 1745 and 0.1 mile northeast of junction of said road and State Highway 55.

2. In § 301.80–2a relating to the State of South Carolina, the description for suppressive areas in Marlboro County is amended to add a property in alphabetical order to read as follows:

South Carolina

(1) *Generally infested area.* None.

(2) *Suppressive areas.*

* * * * *

Marlboro County.

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The Quick, B. F., farm located on the south side of a dirt road 1 mile southwest of its junction with State Secondary Highway 257, and said junction being 1.75 miles northeast of the intersection of said highway and State Secondary Highway 165.

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3. In § 301.80–2a relating to the State of South Carolina, the following descriptions for suppressive areas in Florence and Horry Counties are removed:

Florence County.

The Drayfus Development Corp., farm located on the west side of State Secondary Highway 64 and 0.2 mile north of its intersection with Black Creek.

The Poston, Mrs. J. J., farm located on the west side of State Secondary Highway 164 and 0.8 mile northwest of its junction with State Secondary Highway 86.

Horry County.

The Atkinson, John A., farm located on the east side of a dirt road and being 1 mile north of the junction of said dirt road with U.S. Highway 378 and State Secondary Highway 63.

The Brown, Billy Joe, farm located on the west side of a dirt road and 2.2 miles southwest of its junction with State Secondary Highway 99, said junction being 0.5 mile northwest of said highway and State Highway 100.

The Cooper, James E., farm located on the south side of a dirt road and 0.5 mile east of its junction with State Secondary Highway 78, said junction being 1.25 miles northwest of the junction of said highway and U.S. Highway 378.

The Fowler, Jennie Bell, farm located at the end of a farm road which junctions with a county road said junction being 0.5 mile east of the Oakdale Baptist Church.

The Graham, Bud Neals, farm located at the end of a dirt road and 0.6 mile east of its junction with a second dirt road, said junction 0.75 mile south of the junction of the second dirt road and State Secondary Highway 78, said second junction being 0.75 mile southeast of Juniper Bay Church.

The Johnson, Mayberry, farm located on the south side of State Primary Highway 917 at its junction with State Secondary Highway 59.

The Johnson, Sam, farm located on the north side of a dirt road and 1 mile east of its junction with State Secondary Highway 78, said junction being 1.9 miles northwest of the junction of said highway and U.S. Highway 378.

The Reynolds, Dick, farm located on the south side of a dirt road and 0.4 mile west of its intersection with U.S. Highway 501, said intersection being 1.8 miles south of the junction of said highway and State Secondary Highway 129.

The Shelley, O. R., farm located on the east side of a dirt road and 0.8 mile northeast of the junction of said dirt road and State Secondary Highway 306, said junction being 1.1 miles west of the intersection of State Secondary Highway 306 and the South Carolina-North Carolina State line.

(Secs. 8, 9, 37 Stat. 318, as amended, sec. 106, 71 Stat. 33; (7 U.S.C. 161, 162, 150ee; 37 FR 28464, 28477); 38 FR 19141; 7 CFR 301.80)

Done at Washington, D.C., this 12th day of June 1981.

H. F. Ford,

Deputy Administrator, Plant Protection and Quarantine, Animal and Plant Health Inspection Service.

[FR Doc. 81-18237 Filed 6-18-81; 8:45 am]

BILLING CODE 3410-34-M

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7 CFR Part 354

Overtime Services Relating to Imports and Exports; Commuted Traveltime Allowances

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This document amends administrative instructions prescribing commuted traveltime. These amendments establish commuted traveltime periods as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which an employee of Plant Protection and Quarantine performs overtime or holiday duty when such travel is performed solely on account of such overtime or holiday duty. Such establishment depends upon facts within the knowledge of the Animal and Plant Health Inspection Service.

EFFECTIVE DATE: June 19, 1981.

FOR FURTHER INFORMATION CONTACT:
T. J. Lanier, Regulatory Support Staff, Animal and Plant Health Inspection Service, Plant Protection and Quarantine, U.S. Department of Agriculture, Hyattsville, MD 20782 (301–436–8247).

SUPPLEMENTARY INFORMATION: This final action has been reviewed under Executive Order 12291, and has been determined to be exempt from those requirements. Nicholas E. Bedessem, Special Assistant to the Administrator, made this determination because commuted traveltime allowances are strictly a function of where the APHIS employee lives in relation to the place oyertime or holiday duty is performed. As employees are transferred or change their residence or as the place of inspection changes, the number of hours of commuted traveltime allowed may change. These amendments merely reflect such changes and serve to notify the public of the new allowed hours.

It is to the benefit of the public that these instructions be made effective at the earliest practicable date. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Therefore, pursuant to the authority conferred upon the Deputy Administrator, Plant Protection and Quarantine, by 7 CFR 354.1 of the regulations concerning overtime services relating to imports and exports, the administrative instructions appearing at 7 CFR 354.2, as amended, January 5, September 28, December 18, 1979; March 21, July 11, October 10, 1980; January 7, 1981 and April 17, 1981 (44 FR 1364, 55791, 74791; 45 FR 18387, 46785, 67288; 46 FR 1661 and 22354) prescribing the commuted traveltime that shall be included in each period of overtime or holiday duty are further amended by adding (in appropriate alphabetical sequence) the information as shown below:

§ 354.2 Administrative instructions prescribing commuted traveltime.

* * * * *

Commuted Traveltime Allowances (In Hours)

Location covered	Served from	Metropolitan area	
		Within	Outside
Add			
California:			
Sacramento	San Francisco		5
Travis AFB	San Francisco		4
Hawaii:			
Kailua, Kona	Hilo		5
Virginia:			
Hopewell	Norfolk		5
Richmond	Norfolk		5

(64 Stat. 561; (7 U.S.C. 2260))

Therefore, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this final rule are impracticable and contrary to the public interest and good cause is found for making this final rule effective less than 30 days after publication of this document in the **Federal Register**.

Done at Washington, D.C., this 16th day of June 1981.

William F. Helms,

Acting Deputy Administrator, Plant Protection and Quarantine, Animal and Plant Health Inspection Service.

[FR Doc. 81-18294 Filed 6-18-81; 8:45 am]

BILLING CODE 3410-34-M

Agricultural Marketing Service

7 CFR Part 908

[Valencia Orange Reg. 667, Amdt. 1]

Valencia Oranges Grown in Arizona and Designated Part of California; Minimum Size Requirement

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This amendment continues through January 31, 1982, the current minimum size requirement of 2.32 inches in diameter for fresh shipments of Valencia oranges grown in Arizona and designated part of California. This requirement is necessary to promote orderly marketing in the interest of producers and consumers.

EFFECTIVE DATES: June 26, 1981 through January 31, 1982.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Room 2532 South Building, Washington, D.C. 20250, telephone (202) 447-5975.

SUPPLEMENTARY INFORMATION: This rule has been reviewed under USDA procedures and Executive Order 12291 and has been classified "not significant" and not a major rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would not measurably affect costs for the directly regulated handlers. This document is issued under marketing agreement and Order No. 908, both as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and a designated part of California. The marketing agreement and order are effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). This action is based upon the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the marketing agreement and order, and upon other information.

The committee indicates that volume and size composition of the crop of Valencia oranges are such that more than ample supplies of the more desirable larger sizes will be available to satisfy the demand in regulated channels. The committee reports that when more than ample supplies of larger sizes are available for shipment, disposition of the sizes which would be eliminated by this regulation can be accomplished only at a substantial price discount and this tends to depress the market for all sizes of fruit. In the circumstances, elimination of sizes smaller than 2.32 inches in diameter is in the interest of growers and consumers. Valencia oranges failing to meet such requirements could be shipped to fresh export markets, left on the trees to attain further growth, or utilized in processing.

Regulation 667 was published in the **Federal Register** issue of April 17, 1981 (46 FR 22557) as an interim rule effective for the period April 17, 1981, through June 25, 1981. This rule allowed interested persons to submit comments relative to the rule through May 18, 1981. No comments were submitted.

It is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553). It is necessary to effectuate the declared policy of the act to make this regulatory provision effective as specified. Shipments of Valencia oranges from the production area are in progress and handlers have been notified of the effective date of this provision. It is found that the regulation of shipments of Valencia oranges, as hereafter provided, will tend to effectuate the declared policy of the act.

Information collection requirements (reporting or record keeping) under these parts are subject to clearance by the Office of Management and Budget (OMB) and are in the process of review. These information requirements shall not become effective until such time as clearance by the OMB has been obtained.

Therefore, § 908.967 Valencia Orange Regulation 667 (46 FR 22557) is revised to read as follows (§ 908.967 expires January 31, 1982, and will not be published in the annual Code of Federal Regulations).

§ 908.967 Valencia Orange Regulation 667.

During the period June 26, 1981, through January 31, 1982, no handler shall handle any Valencia oranges grown in Districts 1, 2 and 3 which are of a size smaller than 2.32 inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit: *Provided*, That not to exceed 5 percent, by count, of the Valencia oranges contained in any type of container may measure smaller than 2.32 inches in diameter.

(Secs. 1-19, 48 Stat. 31, as amended; (7 U.S.C. 601-674))

Dated: June 15, 1981.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 81-18221 Filed 6-18-81; 8:45 am]

BILLING CODE 3410-02-M

7 CFR Part 910

[Lemon Reg. 310; Lemon Reg. 309, Amdt. 1]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action establishes the quantity of California-Arizona lemons that may be shipped to the fresh market during the period June 21–27, 1981, and increases the quantity of lemons that may be shipped during the period June 14–20, 1981. Such action is needed to provide for orderly marketing of fresh lemons for the periods specified due to the marketing situation confronting the lemon industry.

DATES: The regulation becomes effective June 21, 1981 and the amendment is effective for the period June 14–20, 1981.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, 202–447–5975.

SUPPLEMENTARY INFORMATION: *Findings.* This rule has been reviewed under USDA procedures and Executive Order 12291 and has been classified "not significant," and not a major rule. This regulation and amendment are issued under the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommendations and information submitted by the Lemon Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1980–81. The marketing policy was recommended by the committee following discussion at a public meeting on July 8, 1980. A regulatory impact analysis on the marketing policy is available from William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

The committee met again publicly on June 16, 1981, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of lemons deemed advisable to be handled during the specified weeks. The committee reports the demand for lemons is active.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation and amendment are based and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting, and the amendment relieves restrictions on the handling of lemons. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective times.

Information collection requirements (reporting or record keeping) under this part are subject to clearance by the Office of Management and Budget and are in the process of review. These information requirements shall not become effective until such time as clearance by the OMB has been obtained.

1. Section 910.610 is added as follows:

§ 910.610 Lemon regulation 310.

The quantity of lemons grown in California and Arizona which may be handled during the period June 21, 1981, through June 27, 1981, is established at 350,000 cartons.

2. Section 910.609 Lemon Regulation 309 (46 FR 31249) is revised to read as follows:

§ 910.609 Lemon regulation 309.

The quantity of lemons grown in California and Arizona which may be handled during the period June 14, 1981, through June 20, 1981, is established at 355,000 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 17, 1981.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 81-18162 Filed 6-18-81; 11:24 am]

BILLING CODE 3410-02-M

7 CFR Part 923

[Cherry Reg. 20]

Sweet Cherries Grown in Designated Counties in Washington; Grade, Size, Container, and Pack Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim rule.

SUMMARY: This regulation sets minimum grade, size, container, and pack requirements on the handling of sweet cherries, other than Rainier, Royal Anne, and other light sweet cherries, grown in designated counties in the State of Washington. Such action is necessary to promote orderly marketing of suitable quality and sizes of fresh Washington cherries in the interest of producers and consumers.

DATES: July 1, 1981, through September 14, 1981; comments which are received by July 20, 1981, will be considered prior to issuance of a final rule to become effective September 15, 1981.

ADDRESS: Send two copies of comments to the Hearing Clerk, U.S. Department of Agriculture, Room 1077, South Building, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Wiliam J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

SUPPLEMENTARY INFORMATION: This rule has been reviewed under USDA procedures and Executive Order 12291 and has been classified "not significant" and not a major rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would not measurably affect costs for the directly regulated handlers.

The Washington cherry regulation would be issued under the marketing agreement and Order No. 923 (7 CFR Part 923), regulating the handling of sweet cherries grown in designated counties in Washington. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The grade, size, container, and pack requirements were recommended by the Washington Cherry Marketing Committee, which locally administers the order program.

Under the regulation, shipments of cherries, except those of the Rainier, Royal Anne and similar varieties commonly referred to as "light sweet cherries," would be required to be grade Washington No. 1, except for a small

increase in the tolerance for defects. The cherries would also be required to be 4⁵⁄₆₄ inch in diameter or larger in all containers, except for those in face-packed containers, 20-pound containers or larger, or experimental containers, for which the minimum size is 5⁵⁄₆₄ inch. The container requirements would specify the minimum amount of cherries, by weight, required in the various types of containers. The pack requirements would establish minimum diameter requirements for cherries packed in containers marked with row count/row size or minimum diameter designations. Individual shipments of cherries up to 100 pounds sold for home use and not for resale would be exempted from the grade, size, container, and pack requirements, if certain conditions are met to prevent their movement into commercial markets.

The grade and size requirements are necessary to prevent the shipment of Washington cherries of a lower grade or smaller size than specified and are designed to provide ample supplies of good quality fruit in the interest of producers and consumers. The container and pack requirements are designed to prevent deceptive packaging practices and to promote buyer confidence. These requirements are in the interest of producers and consumers pursuant to the declared policy of the act.

For the 1981 season, the Washington Cherry Marketing Committee estimates that fresh shipments from the production area will be 27,000 tons, with 13,000 tons accounted for by Wenatchee District and 14,000 tons by Yakima District. If realized, this would be 21 percent less than the 34,286 tons shipped fresh from the production area during the 1980 season. Total fresh shipments for the entire State of Washington have been projected at 32,600 tons, 12 percent less than last year's shipments of 37,200 tons. The sharp reduction in projected fresh shipments this season is due to considerable frost damage in major fruit growing areas in mid-April.

It is found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date of this regulation until 30 days after publication in the **Federal Register** (5 U.S.C. 553), and good cause exists for making these regulatory provisions effective as specified in that (1) the sweet cherry regulation was recommended by the committee following discussion at a public meeting on May 13, 1981; (2) Washington sweet cherry handlers have been apprised of these requirements and the effective date; and (3) the requirements for Washington sweet cherries are the same as those currently in effect.

Information collection requirements (reporting or record keeping) under this part are subject to clearance by the Office of Management and Budget and are in the process of review. These information requirements shall not become effective until such time as clearance by the OMB has been obtained.

Therefore, new § 923.320 is added to read as follows (§ 923.320 expires September 14, 1981, and will not be published in the annual Code of Federal Regulations):

§ 923.320 Cherry Regulation 20.

(a) *Order*—(1) *Grade and sizes.* During the period July 1,1981, through September 14, 1981, no handler shall handle, except as otherwise provided in paragraphs (b), (c), and (d) of this section, any lot of cherries, except cherries of the Rainier, Royal Anne, and similar varieties commonly referred to as "light sweet cherries," unless such cherries meet each of the following applicable requirements:

(2) Washington No. 1 grade except that the following tolerances, by count, of the cherries in the lot shall apply in lieu of the tolerances for defects provided in the Washington State Standards for Grades of Sweet Cherries:

(i) A total of 10 percent for defects including in this amount not more than 5 percent, by count, of the cherries in the lot, for serious damage, and including in this latter amount not more than one percent, by count, of the cherries in the lot, for cherries affected by decay: *Provided,* That the contents of individual packages in the lot are not limited as to the percentage of defects but the total of the defects of the entire lot shall be within the tolerances specified.

(3) At least 95 percent, by count, of the cherries in the lot shall measure not less than 4⁵⁄₆₄ inch in diameter, except as hereinafter provided in paragraph (b)(2)(ii) and subparagraph (4) of this paragraph.

(4) At least 90 percent, by count, of the cherries in any lot of face packed containers or any containers of 20 pounds, net weight, or more shall measure not less than 5⁵⁄₆₄ inch in diameter and not more than 5 percent, by count, of such cherries may be less than 4⁵⁄₆₄ inch in diameter.

(b) *Containers.* During the period July 1, 1981 through September 14, 1981, no handler shall handle any lot of cherries, except cherries of the Rainier, Royal Anne, and similar varieties commonly referred to as "light sweet cherries," unless such cherries are in containers which meet each of the following applicable requirements:

(1) The net weight of the cherries in any container having a capacity greater than that of a container with inside dimensions of 15⅛ by 10½ by 4 inches shall not be less than 20 pounds; and all containers of cherries shall contain at least 12 pounds, net weight, of cherries.

(2) Subject to the provisions of subdivisions (i) and (ii) of this subparagraph, shipments of cherries may be handled in such experimental containers as have been approved by the Washington Cherry Marketing Committee.

(i) All shipments handled in such containers shall be under the supervision of the committee; and

(ii) At least 90 percent, by count, of the cherries in any lot of such containers shall measure not less than 5⁵⁄₆₄ inch in diameter, and not more than 5 percent, by count, of such cherries may be less than 4⁵⁄₆₄ inch in diameter.

(c) *Pack.* (1) When containers of cherries are marked with one of the row count/row size designations shown in Column 1 of the following table, at least 90 percent, by count, of the cherries in any lot shall be not smaller than the corresponding diameter shown in Column 2 of such table: *Provided,* That of the 10 percent smaller cherries permitted not more than 5 percent, by count, may be smaller than 5⁵⁄₆₄ inch in diameter.

Table

Column 1 Row Count/Row Size	Column 2 Diameter (inches)
9	73/64
10	65/64
11	59/64

(2) When containers of cherries are marked with a minimum diameter of 5⁵⁄₆₄ inch, at least 90 percent, by count, of the cherries in any lot shall be not smaller than such minimum diameter: *Provided,* That of the 10 percent smaller cherries permitted not more than 5 percent, by count, may be smaller than 4⁵⁄₆₄ inch in diameter.

(3) When containers of cherries are marked with a minimum diameter larger than 5⁵⁄₆₄ inch, at least 90 percent, by count, of the cherries in any lot shall be not smaller than the diameter so marked: *Provided,* That of the 10 percent smaller cherries permitted not more than 5 percent, by count, may be smaller than 5⁵⁄₆₄ inch in diameter.

(d) *Exceptions.* Any individual shipment of cherries which meets each of the following requirements may be handled without regard to the provisions

of paragraphs (a), (b), and (c) of this section, and of §§ 923.41 and 923.55 of this part:

(1) The shipment consists of cherries sold for home use and not for resale;

(2) The shipment does not, in the aggregate, exceed 100 pounds, net weight, of cherries; and

(3) Each container is stamped or marked with the words "not for resale" in letters at least one-half inch in height.

(e) *Definitions.* When used herein, "Washington No. 1" and "diameter" shall have the same meaning as when used in the Washington State Standards for Grades of Sweet Cherries (Order 1550 effective April 29, 1978, WAC 16–414–050); "face-packed" means that cherries in the top layer in any container are so placed that the stem ends are pointing downward toward the bottom of the container; "row count/row size" means the number of cherries of a uniform size necessary to pack row-faced across a 10½-inch inside width container or comparable number of cherries when packed loose in a container; and all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended (7 U.S.C. 601–674))

Dated: June 15, 1981.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 81-18225 Filed 6-18-81; 8:45 am]

BILLING CODE 3410-02-M

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7 CFR Part 945

Irish Potatoes Grown in Certain Designated Counties in Idaho and Malheur County, Oregon; Handling Regulation

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation requires fresh market shipments of potatoes grown in certain counties in Idaho and Malheur County, Oregon, to be inspected and meet minimum grade, size, cleanness, maturity and pack requirements. The regulation should promote orderly marketing of such potatoes and keep less desirable sizes and qualities from being shipped to consumers.

EFFECTIVE DATE: August 1, 1981.

FOR FURTHER INFORMATION CONTACT: Charles W. Porter, Chief, Vegetable Branch, F&V, AMS, USDA, Washington, D.C. 20250 (202) 447–2615. The Final Impact Analysis relating to this final rule is available on request from Mr. Porter.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under USDA procedures and Executive Order 12291 and has been classified "not significant" and not a major rule.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would not measurably affect costs for the directly regulated 106 handlers.

Marketing Agreement No. 98 and Order No. 945, both as amended (7 CFR Part 945), regulate the handling of potatoes grown in designated counties in Idaho and Malheur County, Oregon. It is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The Idaho-Eastern Oregon Potato Committee, established under the order, is responsible for its local administration.

Notice of rulemaking was published in the April 23, 1981, **Federal Register** (46 FR 23058). The notice afforded interested persons through May 24, 1981, to file written comments on the proposal. None was filed.

This regulation is based upon recommendations made by the committee at its public meeting in Pocatello, Idaho, on March 3, 1981.

The regulation is similar to those issued during past seasons. The grade, size, cleanness, maturity, pack and inspection requirements recommended herein are necessary to prevent potatoes of low quality or undesirable sizes from being distributed to fresh market outlets. The specific requirements will benefit consumers and producers by standardizing and improving the quality of the potatoes shipped from the production area, thereby promoting orderly marketing, and will tend to effectuate the declared policy of the act.

Exceptions are provided to certain of these requirements to recognize special situations in which such requirements would be inappropriate or unreasonable.

A specified quantity of potatoes are exempt from maturity requirements in order to (1) permit growers to make test diggings without loss of the potatoes so harvested or (2) to allow a lot to be shipped which after regrading, meets the grade and size requirements but then fails to meet the maturity requirements, possibly due to further "skinning" as a result of running the potatoes over the grader again.

Shipments are permitted to certain special purpose outlets without regard to minimum grade, size, cleanness, maturity and pack requirements, provided that safeguards are met to prevent such potatoes from reaching unauthorized outlets. Since no purpose would be served by regulating potatoes used for charity purposes, such shipments are also exempt. Certified seed and seed pieces cut from stock eligible for certification are exempt, because requirements for this outlet differ greatly from those for fresh market.

Potatoes used for experimentation have special requirements and do not normally enter commercial channels of trade. Potatoes for most processing uses are exempt under the legislative authority for this part.

Requirements for export shipments differ from those for domestic markets. While the standard quality requirements are desired in foreign markets, smaller sizes are more acceptable. In commercial prepeeling, operators can use potatoes with surface defects which would be undesirable for the tablestock market, and smaller sizes are acceptable. Therefore, different requirements are necessary for export and prepeeling shipments.

Findings. After consideration of all relevant matters, including the proposal in the notice, it is found that the following handling regulation will tend to effectuate the declared policy of the act.

§ 945.339 [Removed]

Section 945.339 (45 FR 50547) is hereby removed and § 945.340 is added to read as follows:

§ 945.340 Handling regulation.

During the period August 1, 1981, through August 15, 1982, no person shall handle any lot of potatoes unless such potatoes meet the requirements of paragraphs (a) through (d) of this section, or unless such potatoes are handled in accordance with paragraphs (e) and (f), or (g) of this section.

(a) *Minimum quality requirements.*—(1) *Grade. All varieties*—U.S. No. 2 or better grade.

(2) *Size.* (i) *Round red varieties*—1⅞ inches minimum diameter.

(ii) *All other varieties*—2 inches minimum diameter, or 4 ounces minimum weight.

(iii) *All varieties*—Size B if U.S. No. 1 grade.

(3) *Cleanness. All varieties*—"fairly clean."

(b) *Minimum maturity requirements.*—(1) *White Rose and red skin varieties:* Each year from August 1 through December 31, "moderately

skinned"; during other periods no maturity requirements.

(2) *Norgold varieties:* Each year from August 1 through August 15, "moderately skinned"; during other periods "slightly skinned."

(3) *All other varieties:* "Slightly skinned."

(4) *Exceptions.* (i) Subject to compliance with paragraph (b)(4)(iii) of this section, any lot of potatoes not exceeding a total of 50 hundredweight of each variety may be handled for any producer without regard to the foregoing maturity requirements.

(ii) If an officially inspected lot of potatoes meets the foregoing maturity requirements, but fails to meet the grade and size requirements, the lot may be regraded. If, after regrading, such lot then meets the grade and size requirements but fails to meet the maturity requirements, as indicated by the applicable Federal-State inspection certificate, such lot if not exceeding 100 hundredweight shall be exempt from the foregoing maturity requirements if the handler complies with paragraph (b)(4)(iii) of this section.

(iii) Prior to each shipment of potatoes exempt from the foregoing maturity requirements, the handler thereof shall report to the committee the name and address of the producer of such potatoes, and each such shipment shall be handled as an identifiable entity.

(c) *Pack.* (1) When 50-pound containers (except master containers) of long varieties of potatoes are marked with a count, size or similar designation they must meet the count, average count and weight ranges for the count designation listed below.

	Range		
	Count	Average count[1]	Weight
Larger than 50 size	(2)	(2)	(2)
50 size	45–55	48–53	12–19
60 size	54–66	57–63	10–16
70 size	63–77	67–74	9–15
80 size	72–88	76–84	8–13
90 size	81–99	8–95	7–12
100 size	90–110	95–105	6–10
110 size	99–121	105–116	5–8
120 size	108–132	114–126	4–8
130 size	117–143	124–137	4–8
140 size	126–154	133–147	4–8
Smaller than 140	(3)	(3)	4–8

[1] Applicable to lots.
[2] 10 percent over or under.
[3] 5 percent over or under.
[4] 15 oz or larger.

The following tolerances by weight, are provided for potatoes in any lot which fails to meet the weight range for the designated count:

(i) Not to exceed 5 percent for undersize; and

(ii) Not to exceed 10 percent for oversize.

(2) Potatoes packed in 50-pound cartons shall be U.S. No. 1 or better grade. However, potatoes of U.S. Extra No. 1 grade shall be no smaller that 110 size nor larger than 60 size.

(d) *Inspection.* (1) No handler shall handle potatoes unless such potatoes are inspected by either the Idaho Federal-State Inspection Service or Oregon Federal-State Inspection Service and are covered by a valid inspection certificate except when relieved of such requirement pursuant to paragraph (e) and (f), or (g) of this section.

(2) Each lot moving by truck shall be accompanied by a copy of a valid inspection certificate.

(e) *Special purpose shipments.* (1) The minimum grade, size, cleanness, maturity and pack requirements set forth in paragraphs (a), (b) and (c) of this section shall not be applicable to shipments of potatoes for any of the following purposes:

(i) Charity;

(ii) Certified seed;

(iii) Seed pieces cut from stock eligible for certification as certified seed;

(iv) Experimentation; and

(v) Canning, freezing and "other processing" as hereinafter defined. Also, shipments of potatoes for the purpose specified in this subdivision (v) shall be exempt from inspection requirements specified in § 945.65 and paragraph (d) of this section and from assessment requirements specified in § 945.42.

(2) The minimum grade, size, cleanness, maturity and pack requirements set forth in paragraphs (a), (b) and (c) of this section shall be applicable to shipments of potatoes for each of the following purposes:

(i) *Exports:* Except potatoes of a size not smaller that 1⅛ inches in diameter may be shipped if the potatoes grade not less than U.S. No. 2; and

(ii) *Prepeeling:* Except potatoes of a size not smaller that 1⅛ inches in diameter may be shipped if the potatoes grade not less than Idaho Utility or Oregon Utility grade.

(f) *Safeguards.* (1) Each handler making shipments of potatoes for charity, seed pieces cut from stock eligible for certification, experimentation, export, or for prepeeling pursuant to paragraph (e) of this section shall:

(i) First, apply to the committee for and obtain a Certificate of Privilege to make shipments for each purpose;

(ii) Upon request by the committee, furnish reports of each shipment pursuant to the applicable Certificate of Privilege;

(iii) At the time of applying to the committee for a Certificate of Privilege, or promptly thereafter furnish the committee with a receiver's or buyer's certification that the potatoes so handled are to be used only for the purpose stated in the application and that such receiver will complete and return to the committee such periodic receiver's reports that the committee may require.

(iv) Mail to the office of the committee a copy of the bill of lading for each Certificate of Privilege shipment promptly after the date of shipment;

(v) Bill each shipment directly to the applicable receiver.

(2) Each handler making shipments of potatoes for canning, freezing, or "other processing" pursuant to paragraph (e) of this section shall:

(i) First apply to the committee for and obtain a Certificate of Privilege to make shipments for processing;

(ii) Make shipments only to those firms whose names appear on the committee's current list of manufacturers of potato products;

(iii) Upon request by the committee, furnish reports of each shipment pursuant to the applicable Certificate of Privilege;

(iv) Mail to the committee's office a copy of the bill of lading for each Certificate of Privilege shipment promptly after the date of shipment;

(v) Bill each shipment directly to the applicable processor.

(3) Each receiver of potatoes for processing pursuant to paragraph (e) of this section shall:

(i) Complete and return an application form for listing as a manufacturer of potato products;

(ii) Certify to the committee and to the Secretary that potatoes received from the production area for processing will be used for such purposes and will not be placed in fresh market channels;

(iii) Report on shipments received as the committee may require and the Secretary approve.

(g) *Minimum quantity exemption.* Each handler may ship up to, but not to exceed, five hundredweight of potatoes any day without regard to the inspection and assessment requirements of this part, but this exception shall not apply to any shipment that exceeds five hundredweight of potatoes.

(h) *Definitions.* The terms "U.S. Extra No. 1," "U.S. No. 1," "U.S. No. 2," "Size B," "fairly clean," "moderately skinned," and "slightly skinned," shall have the same meaning as when used in the United States Standards for Potatoes (7 CFR 2851.1540–2851.1566), including the tolerances set forth therein. The term "prepeeling" means the commercial preparation in a prepeeling plant of clean, sound, fresh potatoes by washing, peeling or otherwise removing the outer skin, trimming, sorting, and properly treating to prevent discoloration preparatory to sale in one or more of the styles of peeled potatoes described in § 2852.2422 of the United States Standards for Peeled Potatoes (7 CFR 2852.2421–2852.2433). The term "other processing" has the same meaning as the term appearing in the act and includes, but is not restricted to, potatoes for dehydration, chips, shoestrings, starch, and flour. It includes only that preparation of potatoes for market which involves the application of heat or cold to such an extent that the natural form or stability of the commodity undergoes a substantial change. The act of peeling, cooling, slicing, dicing, or applying material to prevent oxidation does not constitute "other processing." The terms "Idaho Utility" grade and "Oregon Utility" grade shall have the same meaning as when used in the standards for potatoes for the respective State. Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 98 and Order No. 945, both as amended.

(i) *Applicability to imports.* Pursuant to § 8e of the act and § 980.1 "Import regulations" (7 CFR 980.1), Irish potatoes of the long varieties imported during the effective period of this section shall meet the grade, size, quality and maturity requirements specified in paragraphs (a) and (b) of this section.

(j) *Forms.* Information collection requirements (reporting or record keeping) under this part are subject to clearance by the Office of Management and Budget and are in the process of review. These information requirements shall not become effective until such time as clearance by the OMB has been obtained.

(Secs. 1–19, 48 Stat. 31, as amended (7 U.S.C. 601–674))

Dated: June 15, 1981 to become effective August 1, 1981.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 81-18227 Filed 6-18-81; 8:45 am]

BILLING CODE 3410-02-M

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7 CFR Part 982

Handling of Filberts Grown in Oregon and Washington; Expenses of the Filbert/Hazelnut Marketing Board and Rate of Assessment for the 1981–82 Marketing Year

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation authorizes expenses and a rate of assessment for the 1981–82 marketing year, to be collected from handlers to support activities of the Filbert/Hazelnut Marketing Board which locally administers the Federal marketing order covering filberts grown in Oregon and Washington.

DATES: Effective May 1, 1981, through April 30, 1982.

FOR FURTHER INFORMATION CONTACT: J. S. Miller, Chief, Specialty Crops Branch, Fruit and Vegetable Division, AMS, USDA, Washington, D.C. 20250, (202) 447–5697.

SUPPLEMENTARY INFORMATION: This final action has been reviewed under USDA procedures established to implement Executive Order 12291 and has been classified "not significant" and, therefore, it is not a major rule.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would result in only minimal costs being incurred by the regulated handlers.

Information collection (reporting or recordkeeping) under this part are subject to clearance by the Office of Management and Budget and are in the process of review. These information requirements shall not become effective until such time as clearance by the OMB has been obtained.

Pursuant to Marketing Order No. 982, as amended (7 CFR Part 982; 46 FR 26037), regulating the handling of filberts grown in Oregon and Washington, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674) and upon the basis of the recommendation and information submitted by the Board established under this marketing order, and upon other information, it is found that the expenses and rate of assessment, as hereinafter provided, will tend to effectuate the declared policy of the act.

A recent amendment of the marketing order changed the term "fiscal year" to "marketing year." That necessitates conforming changes because the former term appears in § 982.300 of Subpart—Operating Reserve Fund; Budget of Expenses and Rate of Assessment. Section 982.300 approves the establishment and maintenance of a monetary operating reserve for approved Board expenses. The reserve provides funds for operating expenses at the beginning of a season and before income from current year's assessments is received.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice and engage in public rulemaking, and that good cause exists for not postponing the effective time until 30 days after publication in the **Federal Register** (5 U.S.C. 553), as the order requires that the rate of assessment for a particular marketing year shall apply to all assessable filberts handled from the beginning of such year which began May 1, 1981. To enable the Board to meet marketing year obligations, approval of the expenses and assessment rate is necessary without delay. Handlers and other interested persons were given an opportunity to submit information and views on the expenses and assessment rate at an open meeting of the Board. To effectuate the declared purposes of the act, it is necessary to establish the expenses and assessment rate for the 1981–82 marketing year.

Therefore, Subpart—Operating Reserve Fund; Budget of Expenses and Rate of Assessment is changed by amending § 982.300 and adding a new § 982.326 to read as follows:

§ 982.300 [Amended]

1. Section 982.300 is amended by changing the term "fiscal year," wherever it appears in the section, to "marketing year."

2. A new § 982.326 establishing the expenses and assessment rate for the 1981–82 marketing year is added as follows:

§ 982.326 Expenses and rate of assessment.

(a) Expenses that are reasonable and likely to be incurred by the Filbert/Hazelnut Marketing Board during the 1981–82 marketing year, will amount to $45,034.

(b) The rate of assessment for said marketing year payable by each handler in accordance with § 982.61 is fixed at 0.20 cent per pound of filberts.

(Secs. 1–19, 48 Stat. 31, as amended (7 U.S.C. 601–674))

Dated: June 15, 1981.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 81-18224 Filed 6-18-81; 8:45 am]

BILLING CODE 3410-02-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Part 523

[No. 81-326]

Monetary Control Act Reserves Counting Toward Liquidity Requirements

June 11, 1981.

AGENCY: Federal Home Loan Bank Board.

ACTION: Final rule.

SUMMARY: These amendments implement Title I of the Depository Institutions Deregulation and Monetary Control Act of 1980 ("Act") by authorizing Federal Home Loan Bank member institutions to count toward liquidity certain reserves required by Title I to be maintained by member institutions, whether deposited directly or indirectly with a Federal Reserve Bank. The Board also is amending its liquidity regulations regarding the status of vault cash when it is maintained to satisfy the requirements of Title I of the Act. Finally, these amendments allow investments in obligations issued by the Student Loan Marketing Association to count toward liquidity.

EFFECTIVE DATE: June 11, 1981.

FOR FURTHER INFORMATION CONTACT: David J. Bristol, Office of General Counsel, (202) 377–6461, or Richard Pickering, Office of Policy and economic Research, (202) 377–6750, Federal Home Loan Bank Board, 1700 G Street, N.W., Washington, D.C. 20552.

SUPPLEMENTARY INFORMATION: On March 12, 1981, the Federal Home Loan Bank Board, by Resolution No. 81–134 (46 FR 19500, published March 31, 1981), proposed amendments to 12 CFR 523.10 implementing Title I of the Act (also cited as the "Monetary Control Act of 1980") (Pub. L. 96–221, 94 Stat. 132 (1980)). The Act requires that Federal Home Loan Bank member institutions maintain certain reserves against transaction accounts and nonpersonal time deposits, and it provides that such reserves may be in the form of balances maintained directly in a Federal Reserve Bank, or indirectly in such a Bank by means of a pass through account at a Federal Home Loan Bank or other depository institution. The Act also provides that vault cash may be used to satisfy the newly imposed reserve requirements. Section 104 of the Act further provides that required reserves held in the form of balances at a Federal Reserve Bank or in a pass through account may be used to satisfy the liquidity requirements imposed under other provisions of Federal law, including section 5A of the Federal Home Loan Bank Act ("Bank Act") (12 U.S.C. 1425a). The Board of Governors of the Federal Reserve System has adopted Regulation D (12 CFR Part 204) implementing the reserve requirements of Title I of the Act. Regulation D does not implement the liquidity provisions of the Act. Hence, the present Board action is necessary.

In its proposal, the Board sought to reconcile section 104 of the Act, which provides that Regulation D reserves in the form of Federal Reserve Bank balances or pass through accounts may be used to satisfy liquidity requirements, and section 5A of the Bank Act, which charges the Board with responsibility for regulating the flow of mortgage credit by adjusting the liquidity requirements set forth in 12 CFR Part 523. Pursuant to its charge under section 5A, the Board has encouraged the formation of liquidity portfolios that could be disposed of quickly in the market to meet changes in the need for mortgage credit. Consequently, the Board has approved as eligible liquid assets only those investments which mature quickly and, with respect to investments other than Bank deposits, for which there exists an active trading market. In addition, the Board has required that a portion of the overall liquidity requirement be maintained as short-term liquid assets. Since the reserve required to be maintained under Title I (as implemented by Regulation D), including vault cash so maintained, may not be liquidated pursuant to an exercise of the Board's credit-regulating authority under section 5A of the Bank Act, the Board expressed the view in the proposal that allowing the use of such Regulation D reserves to satisfy short-term liquidity requirements would inhibit the Board's ability to exercise its credit-regulating function under section 5A. Accordingly, to preserve its flexibility of action under section 5A, the Board proposed to exclude from short-term liquid assets eligibility the reserve required by Regulation D, whether maintained as vault cash, in pass through accounts, or as direct deposits with a Federal Reserve Bank. The proposal incorporated the definition of "vault cash" and "pass through account" contained in Regulation D.

The Board has received 13 comments on its proposal. Three of the commenters, including two national trade organizations representing the thrift industry and a large Federal association, expressed support for the regulation as proposed, and urged its prompt adoption.

Ten commenters expressed disapproval of the proposal. Several of these commenters noted that the maintenance of additional reserves pursuant to Regulation D and the records required for such maintenance represented additional burdens for the thrift industry which could impede profitability at the present time. While the Board recognizes that the maintenance of Regulation D reserves may be a burden to many member institutions, the Board has no statutory power to affect these requirements. Further, since member institutions will have to maintain records to assure compliance with Regulation D reserve requirements, the Board does not believe that its adoption of provisions allowing such reserves to be counted as liquid assets will saddle institutions with any additional recordkeeping requirements beyond those presently required.

Opposing commenters also found the proposal to exclude from short-term liquidity vault cash used to satisfy Regulation D requirements especially irksome. One commenter pointed out that section 104 of the Act provides that Regulation D reserves may be "used to satisfy liquidity requirements which may be imposed under other provisions of Federal or State law," and suggested that the quoted language justifies counting all Regulation D reserves as short-term liquidity. The Board notes that it did not propose to declare vault cash or other reserves illiquid but, instead, to provide that such reserves, to the extent they are set aside to satisfy the requirements of Regulation D, should not be counted toward short-term liquidity. The Board believes that this provision is necessary to reconcile Regulation D with section 5A of the Bank Act.

The Board recognizes that the diversion of funds from income-yielding investments required by Regulation D will be burdensome to many institutions. The Board believes, however, that the amendments proposed in Resolution No. 81–134 minimize these burdens by allowing Regulation D reserves to count

toward liquidity while preserving the Board's ability to respond to its obligation under section 5A of the Bank Act, and it is, therefore, adopting the amendments as proposed.

In addition, the Board is taking this opportunity to amend subparagraph (g)(3) of § 523.10 to allow investment, for liquidity purposes, in obligations issued by the Student Loan Marketing Association ("SLMA") subject to applicable maturity limitations. Since 1973, the Board has authorized Federal associations to invest, without limitation, in such obligations pursuant to the provision of Section 5(c) of the Home Owners' Loan Act regarding "Other Government Securities," which refers specifically to SLMA as a government agency.

The Board finds that a 30-day delay of effective date pursuant to 12 CFR 508.14 and 5 U.S.C. 553(d) is unnecessary as the amendments implement statutory changes and relieve current regulatory restrictions. Accordingly, the Board hereby amends Part 523 of Subchapter B, Chapter V of Title 12, *Code of Federal Regulations*, as set forth below.

SUBCHAPTER B—REGULATIONS FOR THE FEDERAL HOME LOAN BANK SYSTEM

Part 523—Members of Banks

Liquidity

Amend § 523.10 by (1) adding new paragraph (g)(3)(xi); (2) deleting the word "and" at the end of paragraph (g)(7); (3) deleting the period at the end of paragraph (g)(8) and replacing it with a semi-colon and the word "and"; (4) adding a new paragraph (g)(9); and (5) amending the introductory clause of paragraph (h); to read as follows:

§ 523.10 Definitions for purposes of this section and §§ 523.11 and 523.12.

* * * * *

(g) *Liquid assets.* * * *

(3) * * *

(xi) The Student Loan Marketing Association;

* * * * *

(9) Reserves required to be maintained pursuant to Title I of the Depository Institutions Deregulation and Monetary Control Act of 1980 and established pursuant to 12 CFR Part 204, whether in the form of (i) vault cash, (ii) balances maintained directly with the Federal Reserve Bank in the district in which the member is located, or (iii) a pass through account: *Provided*, That vault cash shall be included only once in calculating the aggregate amount of liquid assets. As used herein, the terms "vault cash" and "pass through account" are as defined in 12 CFR 204(2).

(h) *Short-term liquid assets.* The total of cash other than vault cash used to satisfy the reserve requirements of 12 CFR Part 204, accrued interest on unpledged assets which qualify as liquid assets under paragraph (g) of this section, or would so qualify except for their maturities, and the book value of the following unpledged assets (including such assets held subject to repurchase agreement):

* * * * *

(94 Stat. 132, Pub. L. 96-221; 12 U.S.C. 1437, Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1947 Supp.)

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 81-18258 Filed 6-18-81; 8:45 am]

BILLING CODE 6720-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

15 CFR Parts 935 and 936

Channel Islands and Point Reyes-Farallon Islands National Marine Sanctuaries; Extension of Comment Period on Partial Suspension of Regulations

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Suspension of final rules; extension of comment period.

SUMMARY: The Office of Coastal Zone Management within NOAA has suspended until September 30, 1981, those provisions of the regulations issued pursuant to the designations of the Channel Islands and Point Reyes-Farallon Islands National Marine Sanctuaries which would directly prohibit or have the effect of prohibiting hydrocarbon development within each Sanctuary (but only insofar as these regulations affect hydrocarbon activities). During this period, NOAA will reconsider the regulations in accordance with Executive Order 12291. This reconsideration will involve an analysis of the costs and benefits to the Nation which would result from imposing additional prohibitions on hydrocarbon activities to the controls imposed under the Outer Continental Shelf Lands Act and other Federal statutes. The period for comments from interested parties is being extended from June 30 to August 1, 1981.

DATES: The provisions in §§ 935.6, 935.7 and 936.6 which would directly prohibit or have the effect of prohibiting hydrocarbon development are suspended until September 30, 1981. The comment period has been extended from June 30, 1981 until August 1, 1981.

ADDRESS: Send comments to: Director, Sanctuary Programs Office, Office of Coastal Zone Management, 3300 Whitehaven Street, N.W., Washington, D.C. 20235.

FOR FURTHER INFORMATION CONTACT: John Epting, telephone (202) 634-4236.

SUPPLEMENTARY INFORMATION: The majority of the regulations issued pursuant to the designation of the Channel Islands and Point Reyes-Farallon Islands National Marine Sanctuaries became effective on March 30, 1981, and April 5, 1981, respectively.

In response to Presidential Executive Order 12291 (46 FR 13193, February 19, 1981), on March 30, 1981 (46 FR 19227) NOAA suspended those portions of the regulations which would directly prohibit or have the effect of prohibiting hydrocarbon development within each Sanctuary for a period of 30 days during which it considered whether to suspend them for an additional period of up to 6 months while it reconsidered their substantive impact in accordance with Executive Order 12291. A 15-day comment period on this initial decision was provided. On April 29, 1981 (46 FR 23924), NOAA continued the suspension until September 30, 1981.

Because of the significance and complexity of these issues, the comment period is extended from June 30, 1981 until August 1, 1981.

Dated: June 15, 1981.

William Matuszeski,

Acting Assistant Administrator, Office of Coastal Zone Management.

[FR Doc. 81-18193 Filed 6-18-81; 8:45 am]

BILLING CODE 3510-08-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 172

[Docket No. 80F-0282]

Food Additives Permitted for Direct Addition to Food for Human Consumption; Food Starch-Modified

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the food additive regulations to provide for the safe use of calcium hypochlorite as a modifying agent for food starch. This

action is based on a petition from Markel, Hill and Byerley on behalf of Anheuser-Busch Companies, Inc.

DATES: Effective June 19, 1981; objections by July 20, 1981.

ADDRESS: Written objections to the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA–305), Food and Drug Administration, Rm 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Richard C. Kraska, Bureau of Foods (HFF–334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–472–5690.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of September 2, 1980 (45 FR 58205), FDA announced that a food additive petition (FAP 8A3402) had been filed by Markel, Hill and Byerley, 1625 K St. NW., Washington, DC 20006, on behalf of Anheuser-Busch Companies, Inc., 721 Pestalozzi St., St. Louis, MO 63118, proposing that § 172.892 (21 CFR 172.892) be amended to provide for the safe use of calcium hypochlorite as a modifying agent for food starch.

FDA has evaluated data in the petition and other relevant material and concludes that the proposed use of calcium hypochlorite as a modifying agent for food starch is safe and § 172.892 should be amended as set forth below.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 21 CFR 5.1; see 46 FR 26052; May 11, 1981)), Part 172 is amended in § 172.892(b) by inserting alphabetically a new item in the list of substances, to read as follows:

§ 172.892 Food starch-modified.

* * * * * * *

(b) * * *

	Limitations
* * * * *	
Chlorine, as calcium hypochlorite, not to exceed 0.036 percent of dry starch	The finished food starch-modified is limited to use only as a component of batter for commercially processed foods
* * * * *	

Any person who will be adversely affected by the foregoing regulation may at any time on or before July 20, 1981, submit to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Four copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this regulation. Received objections may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation shall become effective June 19, 1981.

(Secs. 201(s), 409, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348))

Dated: June 12, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81–18198 Filed 6–19–81; 8:45 am]

BILLING CODE 4110–03–M

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21 CFR Part 175

[Docket No. 80F–0061]

Indirect Food Additives: Adhesive Coatings and Components; Resinous and Polymeric Coatings

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the food additive regulations to provide for the safe use of 2,4,7,9-tetramethyl-5-decyn-4,7-diol as a surface active agent in resinous and polymeric coatings of cans for food-contact use. This action is based on a food additive petition filed by Air Products & Chemicals, Inc.

DATES: Effective June 19,1981; objections by July 20, 1981.

ADDRESS: Written objections to the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Marvin D. Mack, Bureau of Foods (HFF–334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–472–5740.

SUPPLEMENTARY INFORMATION: A notice published in the **Federal Register** of March 28, 1980 (45 FR 20558) announced that a food additive petition (FAP 9B3467) had been filed by Air Products & Chemicals, Inc., P.O. Box 538, Allentown, PA 18105, proposing to amend § 175.300 *Resinous and polymeric coatings* (21 CFR 175.300) to provide for the safe use of 2,4,7,9,-tetremethyl-5-decyn-4,7-diol as a surface active agent for resinous and polymeric coatings in articles intended for food-contact use.

FDA has evaluated data in the petition and other relevant material and finds that 2,4,7,9-tetramethyl-5-decyn-4,7-diol is safe for its intended use and that § 175.300 should be amended as set forth below to include the petitioned additive

The agency has carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement, therefore, is not required. The agency's finding of no significant impact and the evidence supporting this finding, including a statement of exemption pursuant to 21 CFR 25.1(f)(1)(v) may be seen in the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA–305), Food and drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857 from 9 a.m. to 4 p.m., Monday through Friday.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348)) and under authority delegated to the Commissioner (21 CFR 5.10), Part 175 is amended in § 175.300(b)(3)(xxix) by alphabetically adding a new item in the list of surface active agents to read as follows:

§ 175.300 Resinous and polymeric coatings.

* * * * *

(b) * * *

(3) * * *

(xxix) Surface active agents: * * *

2,4,7,9-Tetramethyl-5-decyn-4,7-diol (C.A.S. Reg. No. 126-86-3), for use only in can coatings which are subsequently dried and cured at temperatures of at least 193° C (380° F) for 4 minutes.

* * * * *

Any person who will be adversely affected by the foregoing regulation may at any time on or before July 20, 1981, submit to the Dockets Management

Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Four copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this regulation. Received objections may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation shall become effective June 19, 1981.

(Secs. 201(s), 409, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 348))

Dated: June 12, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-18199 Filed 6-18-81; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 314

[Docket No. 81N-0039]

New Drug Applications; Elimination of Requirement for Submitting a Supplemental Application for Change in Distributor

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is eliminating the requirement for supplements to new drug applications (NDA's), including abbreviated new drug applications (ANDA's), to provide for new distributors. Information concerning changes in distributors will instead be included in the periodic reports. This action will improve the processing of supplemental applications by reducing the number of supplements required to be submitted by the drug industry and reviewed by FDA.

DATES: Effective June 19, 1981. Comments by July 20, 1981.

ADDRESS: Written comments to the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Ed Farha, Bureau of Drugs (HFD-30), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-6490.

SUPPLEMENTARY INFORMATION: FDA is revising its regulations governing supplements to new drug applications to allow for a more efficient use of its resources and to reduce the number of supplements required to be submitted by the drug industry to report changes in approved new drug applications. Although this limited revision is part of an overall plan to rewrite comprehensively FDA's Investigational New Drug (IND) and NDA regulations to improve the efficiency of FDA's review and approval process, it is being handled separately in this rulemaking action to reduce unnecessary burdens on FDA and the regulated industry. When the comprehensive IND/NDA rewrite is proposed in the future, this limited revision may be recodified in another section of the regulations to correspond with the revisions made at that time.

Current regulations in § 314.8 (21 CFR 314.8) require the holder of an approved new drug application to submit a supplemental application to provide for certain changes in the conditions of the approved new drug application, such as new manufacturing methods, new indications, and new distribution arrangements. The submission of supplemental applications enables FDA to maintain surveillance over changes made in approved new drug applications which may affect the drug product's conditions of use, labeling, safety, effectiveness, or identity, strength, quality, and purity.

Under the current regulations some supplements require approval by the agency before the changes may be made, while other changes may be put into effect when the supplement is filed with the agency, but before its approval. Further, the regulations exempt certain changes entirely from the requirement of supplemental applications, provided that the changes are described in the next periodic report required by § 310.300 or § 310.302 (21 CFR 310.300, 310.302).

Currently, under § 314.8(a)(6) (21 CFR 314.8(a)(6)), the addition of a distributor of an approved new drug is a type of change which may be made without the prior approval of a supplemental application, provided certain conditions are met. The removal of a distributor does not require the submission at any time of a supplemental application. The word "distributor", as used in § 314.8(a)(6) refers to the person or firm whose name appears on the label of the drug product as distributing the drug, but does not include a person or firm who distributes as well as repackages or relabels the drug product. In order for a person or firm to distribute an approved drug product without the prior approval of a supplemental application, the following conditions must be met, in addition to the NDA holder's submission of a supplemental application: (1) There must be no changes from the conditions of the approved application except for a different and suitable proprietary name of the drug and the name and address of the distributor as used on the label and labeling; (2) a distributor's statement must be submitted to FDA; and (3) 12 copies of the printed labels and labeling to be used by the distributor must also be submitted.

In FDA's experience, virtually all distributor supplements have been approved without any significant problems. The distributor's labeling is almost always identical to the approved labeling of the NDA holder, except for the trade name of the product and the distributor's name. Because of this, and the fact that the current regulations already allow a distributor to market the product with its labeling in advance of approval, FDA has determined that it is both unnecessary and a waste of resources to require a supplemental application to be submitted for the addition of a distributor.

Accordingly, FDA is amending its supplemental application procedures by eliminating this requirement. Instead, information relating to a new distributor is required in the next periodic report submitted by the NDA holder. This action will reduce the number of supplemental applications that are submitted by holders of approved new drug applications and reviewed by the agency. In keeping with existing policy, notification of the removal of a distributor is not required.

To implement this change FDA is (1) deleting § 314.8(a)(6) which currently requires a supplemental application to be submitted for a new distributor and (2) amending § 314.8(a)(5), so that addition of a new distributor is among the types of changes to approved new

drug applications that may be placed in effect without the approval or submission of a supplemental application if the changes are fully described in the next periodic report. To make it clear that the amendment would affect only those supplements that are now required for persons or firms whose operation is limited to distributing the drug product, and not for persons or firms who repackage or relabel as well as distribute the drug product, the existing definition of distributor is included in the revised section.

FDA is amending § 314.8(a)(5) to specify the information that must be included in the next periodic report, that is, the name of each person or firm that has been added as a distributor since the last periodic report and two copies of the new distributor's label showing the drug product's trade and established names, and its strength and dosage form. If a drug product is distributed in a strength other than the one shown on the submitted label, the report must also specify the additional strength.

FDA has determined that it is unnecessary for the periodic report to contain the distributor's commitment to distribute the drug only under the labeling provided for in the approved new drug application, information that has been required to be contained in distributor supplements. FDA recommends, however, that NDA holders inform distributors that their products will be subject to regulatory action if their labeling is different from the approved labeling in the NDA (except for differences in a drug product's trade name or in distributors' names). In addition, to make distributors aware of their responsibility under § 310.300 for maintaining records and submitting reports if they are not submitted by another person responsible for reporting, FDA recommends that the NDA holder inform distributors of this responsibility.

FDA advises that those supplemental applications to provide for a change in distributors which are on file by FDA on the effective date of this regulation, but which have not been acted on by that date, will be returned to the applicants who submitted them. The applicants will be required to include the information about these distributors in their next periodic report.

FDA also advises that a new distributor is required under §§ 207.20 and 207.21 (21 CFR 207.20, 207.21) to list its product either at the time of marketing or no later than the reporting dates as specified in these sections.

The agency has determined pursuant to 21 CFR 25.24(b)(12) and (16) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 301, 502, 505, 701(a), 52 Stat. 1042–1043 as amended, 1049–1053 as amended, 1055 (21 U.S.C. 331, 352, 355, 371(a))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), § 314.8 is amended by revising paragraph (a)(5)(xiv) to read as follows and by removing paragraph (a)(6):

§ 314.8 Supplemental applications.

(a) * * *

(5) * * *

(xiv) Change in distributor. The report or written communication shall contain the names of all new distributors that have been added since the last periodic report. Each copy of the report shall contain two copies of the new distributor's printed label showing the drug product's trade and established name, and its strength and dosage form. If a drug product is also distributed in a strength other than the one shown on the submitted label the report shall specify the additional strength. This section applies only if the new distributor's labeling is the same as the labeling provided for in the approved new drug application, except for the trade name of the drug product and the distributor's name. If there are further deviations from the labeling provided for in the approved new drug application, the provisions of paragraph (a)(1) through (4) of this section apply. "Distributor", as used in this section, means the person or firm whose name appears on the label of the drug product as its distributor, but does not include a person or firm who, in addition to distributing the drug product, also repackages or relabels it. For purposes of maintaining records and submitting reports under the requirements of § 310.300 or § 310.302 of this chapter, a distributor as used in this section shall be considered an "applicant" within the meaning of § 310.300(g) of this chapter.

* * * * *

This amendment relaxes an unnecessary burden in the new drug application approval process, eliminates the requirement for drug firms to submit distributor supplements, and imposes no new significant burden on any individual. At the same time, this amendment will not affect FDA's surveillance of new distributors' labeling, because information concerning changes in distributors will be submitted in the periodic reports. For these reason FDA finds that there is good cause for publishing this regulation without notice and public procedure, and for making the amendment effective on June 19, 1981. However, interested persons may, on or before July 20, 1981, submit written comments on the final rule to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857. The comments will be considered in determining whether amendment of the final rule is warranted. Four copies of all comments are to be submitted except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

In accordance with Executive Order 12291, the economic effects of this final rule have been carefully analyzed, and it has been determined that the rule is not a major rule under the criteria in the Executive Order. A copy of the regulatory impact analysis assessment supporting this determination is on file with the Dockets Management Branch, Food and Drug Administration.

Effective date. This regulation shall become effective June 19, 1981.

(Secs. 301, 502, 505, 701(a), 52 Stat. 1042–1043 as amended, 1049–1053 as amended, 1055 (21 U.S.C. 331, 352, 355, 371(a)))

Dated: May 28, 1981.

Arthur Hull Hayes, Jr.,

Commissioner of Food and Drugs.

[FR Doc. 81-17923 Filed 6-18-81; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 520

Fenbendazole; Animal Drug Application

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by Hoechst-Roussel Pharmaceuticals, Inc., providing for safe and effective use of a fenbendazole paste as an equine anthelmintic.

EFFECTIVE DATE: June 19, 1981.

FOR FURTHER INFORMATION CONTACT: Sandra K. Woods, Bureau of Veterinary Medicine (HFV–114), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3420.

SUPPLEMENTARY INFORMATION: Hoechst-Roussel Pharmaceuticals, Inc., Rte. 202–206 N., Somerville, NJ 08876, filed an NADA (120–648) providing for safe and effective use of a 10 percent fenbendazole paste as an equine anthelmintic for the control of large strongyles, small strongyles, pinworms, and ascarids. The product is for oral, over-the-counter use for the treatment of adult horses, foals, and weanlings. The NADA is approved and the regulations are amended to reflect the approval.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The agency has determined pursuant to 21 CFR 25.24(d)(1)(i) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This action is governed by the provisions of 5 U.S.C. 556 and 557 and is therefore excluded from Executive Order 12291 by section 1(a)(1) of the Order.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 520 is amended by adding new § 520.905c, to read as follows:

PART 520--ORAL DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

§ 520.905c Fenbendazole paste.

(a) *Specifications.* The product is an aqueous paste containing 10 percent fenbendazole.

(b) *Sponsor.* See No. 000039 in § 510.600(c) of this chapter.

(c) *Conditions of use*—(1) *Amount.* 2.3 milligrams per pound of body weight (one 2.5-gram fenbendazole syringe for a 1,100-pound horse). For foals and weanlings (less than 18 months of age), one syringe for each 550 pounds of body weight.

(2) *Indications for use.* For control of large strongyles *(Strongylus edentatus, S. equinus, S. vulgaris),* small strongyles, pinworms *(Oxyuris equi),* and ascarids *(Parascaris equorum)* in horses.

(3) *Limitations.* Retreatment at intervals of 6 to 8 weeks may be required. Do not use in horses intended for food. Consult your veterinarian for assistance in the diagnosis, treatment, and control of parasitism.

Effective date. June 19, 1981.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: June 12, 1981.

Gerald B. Guest,

Acting Director, Bureau of Veterinary Medicine.

[FR Doc. 81-18047 Filed 6-18-81; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 558

Hygromycin B; Animal Drug Application

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the animal drug regulations to reflect approval of a new animal drug application (NADA) filed for Quali-Tech Products, Inc., providing for use of 1.2- and 2.4-gram-per-pound hygromycin B premix levels for making complete swine feeds for control of large roundworm, nodular worm, and whipworm infections.

EFFECTIVE DATE: June 19, 1981.

FOR FURTHER INFORMATION CONTACT: Jack C. Taylor, Bureau of Veterinary Medicine (HFV–136), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–5247.

SUPPLEMENTARY INFORMATION: Quali-Tech Products, Inc., 318 Lake Hazeltine Dr., Chaska, MN 55318, is the sponsor of NADA (110–440) providing for use of 1.2- and 2.4-gram-per-pound hygromycin B premix levels for making complete swine feeds. The complete feed is used as an aid in the control of large roundworm, nodular worm, and whipworm infections. The NADA, filed by Elanco Products Co. in behalf of the sponsor, is based on safety and effectiveness data contained in Elanco's approved NADA 10–918. Use of the data in NADA 10–918 to support this application has been authorized by Elanco. This approval does not change the approved use of the drug. Consequently, approval of the NADA poses no increased human risk from exposure to residues of the animal drug, nor does it change the conditions of the drug's safe use in the target animal species. Accordingly, under the Bureau of Veterinary Medicine's supplemental approval policy (December 23, 1977; 42 FR 64367), approval of NADA 110–440 does not require reevaluation of the safety and effectiveness data in NADA 10–918. NADA 110–440 is approved, and the regulations are amended to reflect the approval.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The agency has determined pursuant to 21 CFR 25.24(d)(1)(i) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This action is governed by the provisions of 5 U.S.C. 556 and 557 and is therefore excluded from Executive Order 12291 by section 1(a)(1) of the Order.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 21 CFR 5.1; see 46 FR 26052; May 11, 1981)) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), § 558.274 is amended by revising paragraph (a)(2), adding new paragraph (a)(3) and revising paragraph (e)(1)(ii), to read as follows:

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

§ 558.274 Hygromycin B.

(a) * * *

(2) Premix levels of 2.4 grams per pound granted to sponsors 043733, 011490, and 016968 in § 510.600(c) of this chapter for use in swine as in paragraph (e)(1)(ii) of this section.

(3) Premix level of 1.2 grams per pound granted to sponsor 016968 in § 510.600(c) of this chapter for use in swine as in paragraph (e)(1)(ii) of this section.

* * * * *

(e) * * *

(1) * * *

Hygromycin B in grams per ton	Combination in grams per ton	Indications for use	Limitations	Sponsor
(e) 12		Swine: Control of infestation of large roundworms (*Ascaris suis*), nodular worms (*Oesophagostomum dentatum*), and whipworms (*Trichuris suis*)	Withdraw 15 days before slaughter	000986, 043733, 011490, 016958

Effective date. This amendment is effective June 19, 1981.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: June 12, 1981.

Gerald B. Guest,

Acting Director, Bureau of Veterinary Medicine.

[FR Doc. 81-18048 Filed 6-18-81; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Part 558

New Animal Drugs for use in Animal Feeds; Decoquinate

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed by Hess & Clark, Inc., providing for deletion of the present requirements that complete cattle feeds containing decoquinate be consumed within 7 days of manufacture and that cattle supplements containing decoquinate be consumed within 2 months of manufacture.

EFFECTIVE DATE: June 19, 1981.

FOR FURTHER INFORMATION CONTACT: Adriano R. Gabuten, Bureau of Veterinary Medicine (HFV-149), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4913.

SUPPLEMENTARY INFORMATION: Hess and Clark, Inc., Seventh and Orange Sts., Ashland, OH 44805, filed a supplemental NADA (39-417) providing for deletion of the present stability requirement concerning complete feeds and feed supplements containing decoquinate for use in cattle. The requirement provides that such complete feeds should be consumed within 7 days of manufacture and that such supplements should be consumed within 2 months of manufacture. The firm has submitted new stability data that justify deletion of time restrictions. The supplemental application is approved and the regulations are amended to delete the present subject restrictions.

This approval does not change the approved dosage and remaining conditions of use of the drug and does not increase the human risk of exposure to residues of the drug in edible tissue. Consequently, approval of this application does not require reevaluation of the safety and effectiveness under the Bureau of Veterinary Medicine's supplemental approval policy (42 FR 64367, December 23, 1977).

A summary of safety and effectiveness data and information submitted to support approval of this application is not, in the agency's opinion, required to accompany the publication of this approval.

The agency has determined pursuant to 21 CFR 25.24(d)(1)(i) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This action is governed by the provisions of 5 U.S.C. 556 and 557 and is therefore excluded from Executive Order 12291 by section (1)(a)(1) of the Order.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))), and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), § 558.195 *Decoquinate* is amended in paragraph (g)(2) by removing from the table under the "Limitations" column the last sentence "Complete feed should be consumed within 7 days of manufacture, supplements within 2 months."

Effective date. This amendment is effective June 19, 1981.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: June 12, 1981.

Robert A. Baldwin,

Associate Director for Scientific Evaluation.

[FR Doc. 81-18049 Filed 6-18-81; 8:45 am]

BILLING CODE 4110-03-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1308

Exempt Chemical Preparations

AGENCY: Drug Enforcement Administration.

ACTION: Final rule.

SUMMARY: By this rule, the below listed chemical preparations and mixtures which contain controlled substances have, as indicated, either been added to or deleted from the list of exempt chemical preparations set forth in Title 21, Code of Federal Regulations, § 1308.24. Those which are included in the list are exempted from the application of various provisions of the Comprehensive Drug Abuse Prevention and Control Act of 1970, and from certain Drug Enforcement Administration regulations. This action is in response to DEA's periodic review of the exempt chemical preparation list and of applications for exemptions filed with DEA, and is consistent with the needs of researchers, chemical analysts, and suppliers of these products.

DATES: This rule is effective August 18, 1981, subject to being suspended, reinstated, revoked or amended by the Administrator upon consideration of any comments or objections timely filed on or before August 18, 1981, which raise significant issues on any finding of fact or conclusion of law supporting this rule.

FOR FURTHER INFORMATION CONTACT: Howard McClain, Jr., Chief, Regulatory Control Division; telephone (202) 633-1366.

SUPPLEMENTARY INFORMATION: The Administrator of the Drug Enforcement Administration has received applications pursuant to § 1308.23 of Title 21 of the Code of Federal Regulations (CFR) which ask that several chemical preparations containing controlled substances be granted the exemptions provided for in 21 CFR 1308.24.

The Administrator hereby finds that each of the following chemical preparations and mixtures is intended for laboratory, industrial, educational, or special research purposes, is not intended for general administration to man or animal, and either (a) contains no narcotic controlled substances and is packaged in such a form or concentration that the packaged quantity does not present any significant potential for abuse, (b) contains either a narcotic or non-narcotic controlled

substance and one or more adulterating or denaturing agents in such a manner, combination, quantity, proportion, or concentration, that the preparation or mixture does not present any potential for abuse, or (c) the formulation of such preparation or mixture incorporates methods of denaturing or other means so that the controlled substance cannot in practice be removed, and therefore the preparation or mixture does not present any significant potential for abuse. The Administrator further finds that exemption of the following chemical preparations and mixtures is consistent with the public health and safety as well as the needs of researchers, chemical analysts and suppliers of these products.

Pursuant to Sections 3(c)(3) and 3(e)(2)(B) of Executive Order 12991, the Director of the Office of Management and Budget has been consulted with respect to these proceedings.

The Administrator hereby certifies that this matter will have no significant negative impact upon small entities within the meaning and intent of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* The addition of preparations to the list of exempt chemical preparations has the effect of exempting them from sections of the Controlled Substances Act of 1970 and regulations. Those preparations deleted from the list are no longer marketed.

Therefore, pursuant to the Act, the regulations of the Department of Justice and the Drug Enforcement Administration, the Administrator of the Drug Enforcement Administration hereby orders that Part 1308 of Title 21 of the Code of Federal Regulations be amended as hereinafter appears.

(Secs. 201, 202, 501(b), Controlled Substances Act, 21 U.S.C. 811, 812, 871(b))

Dated: June 15, 1981.

Peter B. Bensinger,

Administrator.

PART 1308—SCHEDULES OF CONTROLLED SUBSTANCES

a. Section 1308.24(i) is amended by removing the following portion of the table:

§ 1308.24 [Amended]

(i) * * *

Manufacturer or supplier	Product name and supplier's catalog No	Form of product	Date of application
General Diagnostics, Division of Warner-Lambert	Owren's Veronal Buffer	Glass bottle 37 ml	May 17, 1980
Research Triangle Institute	Kit for Radioimmunoassay of delta-9 THC	Kit containing 20 1-ml vials; 2 20-ml vials, 2 250-ml vials.	June 27, 1980
Sigma Chemical Co	Buffer Diluent Stock No 880-3	Vial 20 ml	July 11, 1980
Technicon	TQC T D M Control A, No T13-115	Glass vial 15ml	Jan 31, 1980
Technicon	TQC T D M Calibrator I	do	Do
Technicon	Control I, No T13-1115	do	Do
Technicon	Calibrator I, No T13-1150	do	Do

b. Section 1308.24(i) is amended by amending the table in paragraph (i) by adding the following:

Manufacturer or supplier	Product name and supplier's catalog No.	Form of product	Date of application
American Hospital Supply Corp (Dade Division)	Interlab QAP Chemistry Control Level I	Vial 10 ml—50 vials/kit	Jan 7, 1981
American Hospital Supply Corp (Dade Division)	Interlab QAP Chemistry Control Level II	do	Do
Analytical Systems, Inc.	Toxi-Grams C	Bottle containing 50 Strips	Sept 24, 1980
Beckman Instruments, Inc (Diagnostic Operations)	RIAphase T_3Uptake	Kit 250 tubes, 100 tubes, 50 tubes	Aug 26, 1980
Beckman Instruments, Inc (Diagnostic Operations)	T_3 Uptake	Vial 125 ml 25 ml	Do.
Beckman Instruments, Inc (Diagnostic Operations)	T_3 Uptake Adsorbent	do	Do
Beckman Instruments, Inc. Clinical Instruments Division	Beckman ICS Drug Control Sera	Kit containing 6-1 ml bottles	Nov 11, 1980
General Diagnostics Division of Warner-Lambert	Owren's Veronal Buffer for FIBRIQUIK	Glass bottle 37 ml	May 7, 1980
General Diagnostics Division of Warner-Lambert	PROFILE Anticonvulsant Level I	Vial 10 ml	Nov 26, 1980
General Diagnostics Division of Warner-Lambert	PROFILE Anticonvulsant Level II	do	Do
Miles Labs, Inc.	Clinistat Calibrator Nos. 1 and 2	Vial 1 ml	Dec 19 1980
Miles Labs, Inc.	Clinistat Control B, C, D and E	do	Do
Millipore Corp	Immunozyme T4 Reagent Set DR0083100	Kit 50 Tests	Oct 8, 1980
Research Tnangle Institute	Tritium Kit for Radioimmunoassay of delta-9 THC	Kit containing 20 1 ml vials, 2 20 ml vials, 2 250 ml vials.	June 27, 1980
Research Tnangle Institute	Iodine Kit for Radioimmunoassay of delta-9 THC	Kit containing 20 1 ml vials, 2 20 ml vials; 2 250 ml vials	Oct. 20, 1980
Sigma Chemical Co.	Barbital Buffer with Albumin Stock No 880-3	Vial 20 ml	July 11, 1980
E R Squibb & Sons, Inc	Estriol Premix	Plastic bottle 125 ml	Sept. 10, 1980
E R Squibb & Sons, Inc	Estriol Antiserum (Rabbit)	Plastic bottle 65 ml	Do.
E R Squibb & Sons, Inc	T3 Antiserum List No G8220	Vial 16 ml	Dec 23, 1980
E R Squibb & Sons, Inc	^{125}I Triiodothyronine list No G8220	do	Do
Syva Co.	Emit-st Opiate Assay	Vial 3 ml 80 vials/kit	Oct. 3, 1980
Syva Co.	Emit-st Urine Calibrator	Vial 1 ml 3 vials/kit	Do
Syva Co.	Emit-st Urine Controls	Vial 1 ml 6 vials/kit	Do
Syva Co.	Emit-st Amphetamine Assay	Vial 3 ml 80 vials/kit	Do.
Syva Co.	Emit-st Barbiturate Assay	Vial 3 ml 80 vials/kit	Do.
Syva Co.	Emit-st Benzodiazepine Assay	Vial 3 ml 80 vials/kit	Do
Syva Co.	Emit-st Phencyclidine Assay	Vial 3 ml 40 vials/kit	Jan. 7, 1981
Technicon	TQC T D M Control A, No T13-1115	Glass Vial 15 ml	Jan. 31, 1980
Technicon	TQC T D M Calibrator 1, No T13-1150	do	Do.
THETA Corp	FP 207	Vial 2 ml	Sept 4, 1980

[FR Doc. 81-18219 Filed 6-18-81; 8:45 am]

BILLING CODE 4410-09-M

Federal Bureau of Investigation

28 CFR Part 16

Production or Disclosure of Material or Information

AGENCY: Department of Justice, Federal Bureau of Investigation.

ACTION: Final rule.

SUMMARY: This directive changes the delegation of authority to deny requests under the Freedom of Information Act and the Privacy Act of 1974 from the occupant of the position of Chief, Freedom of Information-Privacy Acts Branch, Records Management Division, Federal Bureau of Investigation, to the occupant of the position of Chief, Freedom of Information-Privacy Acts Section, Records Management Division, Federal Bureau of Investigation.

EFFECTIVE DATE: June 9, 1981.

FOR FURTHER INFORMATION CONTACT: James K. Hall, Chief, Freedom of Information-Privacy Acts Section, Records Management Divison, Federal Bureau of Investigation, J. Edgar Hoover Building, Washington, D.C. 20535 (202-324-5520).

Part 16, Title 28 of the Code of Federal Regulations is amended by revising the Appendix to Subpart A to read as follows:

Appendix to Subpart A—Delegation of Authority

1. By virtue of the authority vested in me by Section 16.5(b) of Title 28 of the Code of Federal Regulations, the authority to deny requests under the Freedom of Information Act is delegated to the occupant of the position of Chief, Freedom of Information-Privacy Acts Section, Records Management Division, Federal Bureau of Investigation. This same authority is delegated to the occupant of the position of Special Agent in Charge of each of the field offices of the Federal Bureau on Investigation for records in their custody and control.

2. This directive is effectice June 9, 1981.

Dated: June 9, 1981.

William H. Webster,

Director, Federal Bureau of Investigation.

[FR Doc. 81-18052 Filed 6-17-81; 8:45 am]

BILLING CODE 4410-02-M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Parts 1910 and 1928

Occupational Exposure to Benzene; Occupational Exposure to Cotton Dust in Cotton Gins

AGENCY: Occupational Safety and Health Administration, Labor.

ACTION: Deletion of rules vacated by court decision.

SUMMARY: The final standards for occupational exposure to benzene, § 1910.1028, and occupational exposure to cotton dust in cotton gins, § 1910.1046 and § 1928.113 were vacated by the Court of Appeals for the Fifth Circuit. In accordance with the Court's decisions, the standards are being removed from Title 29 of the Code of Federal Regulations.

EFFECTIVE DATE: The deletions are effective on June 19, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. James Foster, Room N3641, Office of Public Affairs, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210; Telephone (202) 523-8151.

SUPPLEMENTARY INFORMATION:

I. Benzene

The Occupational Safety and Health Administration (OSHA) published a final occupational health standard for exposure to benzene, 29 CFR 1910.1028, on February 10, 1978 at 43 FR 5963, as amended at 43 FR 27971 on June 27, 1978, and at 45 FR 35283 on May 23, 1980. The new regulation, if effective, would have replaced the existing permissible exposure level of 10 ppm as found in 29 CFR 1910.1000, Table Z-2. Within the 60-day period provided by section 6(f) of the Act, petitions for review were filed in the United States Court of Appeals for the Fifth Circuit challenging the validity of the new benzene standard. That Court, in *American Petroleum Institute* v. *OSHA*, 581 F. 2d 493 (5th Cir. 1978), held the regulation invalid.

The Secretary of Labor and the Industrial Union Department, AFL-CIO petitioned for, and the Supreme Court granted certiorari. On July 2, 1980, the Supreme Court in *Industrial Union Department, AFL-CIO* v. *American Petroleum Institute, et al.*, 100 S. Ct. Rep. 2844 (1980), affirmed the judgment of the Court of Appeals for the Fifth Circuit invalidating the new benzene standard.

In accordance with the decisions of the Supreme Court and the U.S. Court of Appeals for the Fifth Circuit, the benzene standard codified at § 1910.1028 is deleted. In addition, § 1910.19(d), and footnote 1 to § 1910.1000 Table Z-2, which were added to the Code of Federal Regulations as part of the promulgation of § 1910.1028, are also deleted. The purpose of § 1910.19(d) was to make clear that the new benzene standard, § 1910.1028, applied to the construction and maritime industries. The footnote that was added to Table Z-2 of § 1910.1000 provided that benzene exposures exempted from coverage under § 1910.1028 would still be covered by the exposure and other requirements of § 1910.1000.

It is noted that the permissible exposure limits for benzene contained in Table Z-2 of § 1910.1000 and the other relevant requirements of that section continue in effect. As discussed in the preamble to the final benzene standard, 29 CFR 1910.1000, Table Z-2 was intended to continue to apply until § 1910.1028 took effect. Since § 1910.1028 has been vacated, § 1910.1000 is the applicable occupational health standard for exposure to benzene.

II. Cotton Dust in Cotton Gins

OSHA published a final occupational health standard for exposure to cotton dust in cotton gins, codified both at 29 CFR 1910.1046 and 29 CFR 1928.113, on June 23 (43 FR 27434) and on June 30, 1978 (43 FR 28474). The standard was amended on May 23, 1980 at 45 FR 35283. Within the 60-day period provided by section 6(f) of the Act, a petition for review was filed in the United States Court of Appeals for the Fifth Circuit challenging the validity of the standard. That Court, in *Texas Independent Ginners Ass'n.* v. *Marshall*, 630 F. 2d 398 (5th Cir. 1980), vacated the standard.

In accordance with the decision of the U.S. Court of Appeals for the Fifth Circuit, § 1910.1046 and § 1928.113 are deleted in their entirety.

Accordingly, pursuant to sections 6 and 8(g) of the Occupational Safety and Health Act of 1970 (84 Stat. 1593, 1600, 29 U.S.C. 655, 657), Secretary of Labor's Order No. 8-76 (41 FR 25059), and 29 CFR Part 1911, Parts 1910 and 1928 of Title 29, Code of Federal Regulations are amended as follows:

§ 1910.19 [Amended]

1. Paragraph (d) of § 1910.19 is removed.

§ 1910.1000 [Amended]

2. Footnote 1 to Table Z-2, § 1910.1000 is removed.

§ 1910.1028 [Removed]

3. Section 1910.1028 is removed.

§ 1910.1046 [Removed]

4. Section 1910.1046 is removed.

§ 1928.113 [Removed]

5. Section 1928.113 is removed.

Signed at Washington, D.C. this 11th day of June 1981.

Thorne G. Auchter,

Assistant Secretary of Labor.

[FR Doc. 81-18295 Filed 6-18-81; 8:45 am]

BILLING CODE 4510-26-M

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29 CFR Part 1952

Approval of Supplements to Arizona State Plan; Correction

AGENCY: Occupational Safety and Health Administration, Labor.

ACTION: Final rule; correction.

SUMMARY: This document corrects a technical error which appeared in FR Doc. 80-36464 published at 45 FR 77000 on Friday, November 21, 1980. That document incorrectly codified two supplements under the wrong section. This document deletes paragraphs (i) and (j) of § 1952.350, "Description of plan" of Part 1952 of this chapter and adds them to § 1952.354, "Completed developmental steps."

EFFECTIVE DATE: June 19, 1981.

FOR FURTHER INFORMATION CONTACT: Marjorie N. Sauber, Telephone 202 523-6021.

Part 1952 of Title 29, Code of Federal Regulations is amended as follows:

§ 1952.350 [Amended]

1. Paragraphs (i) and (j) of § 1952.350 are removed.

2. Section 1952.354 is amended by adding paragraphs (i) and (j) as follows:

§ 1952.354 Completed developmental steps.

* * * * *

(i) Regulations concerning variances were promulgated on November 16, 1977, and were approved by the Assistant Secretary on November 13, 1980.

(j) Regulations concerning discrimination complaints were promulgated on September 22, 1977, and were approved by the Assistant Secretary on November 13, 1980.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at Washington, D.C. this 15th day of June 1981.

Thorne G. Auchter,

Assistant Secretary of Labor.

[FR Doc. 81-18313 Filed 6-18-81; 8:45 am]

BILLING CODE 4510-26-M

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Part 2610

Valuation of Plan Benefits in Non-Multiemployer Plans; Correction

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule; correction.

SUMMARY: This document corrects the final rule on the valuation of benefits in non-multiemployer pension plans which appeared on page 9492 of the **Federal Register** of January 28, 1981 (46 FR 9492). This action is necessary to correct the actuarial formula for an annuity certain and joint and survivor (contingent basis) thereafter, set forth in § 2610.44(l), the actuarial equation for a death benefit in the form of term insurance decreasing annually set forth in § 2610.47(d), and the actuarial expression for a death benefit in the form of term insurance decreasing periodically set forth in § 2610.47(e).

EFFECTIVE DATE: June 19, 1981.

FOR FURTHER INFORMATION CONTACT: Nina R. Hawes, Staff Attorney, Office of the General Counsel, Suite 7200, 2020 K Street, N.W., Washington, D.C. 20006, (202) 254-3010.

Robert E. Nagle,

Executive Director, Pension Benefit Guaranty Corporation.

The following corrections are made in FR Doc. 81-2983 appearing at 9492 in the issue of January 28, 1981:

1. On page 9502, column two, § 2610.44(l) is corrected to read as follows:

§ 2610.44 Immediate Annuities.

* * * * *

(l) *Annuity certain and joint and survivor (contingent basis) thereafter.* An annuity certain and joint and survivor (contingent basis) thereafter is an annuity that is payable in a certain amount until the later of (1) the death of the participant, or (2) the passage of a specified period of time, and payments continue in an equal or reduced amount for the life of the beneficiary. The plan administrator shall compute the value of this annuity using the following actuarial expression:

$$\ddot{a}^{(m)}_{\overline{n}|} + \frac{N^{(m)}_{x+n}}{D_x} + P\left(\frac{N^{(m)}_{y+n}}{D_y} - \frac{N^{(m)}_{x+n,\,y+n}}{D_{x\cdot y}}\right)$$

* * * * *

2. On page 9503, column three, §§ 2610.47(d) and 2610.47(e) are corrected to read as follows:

§ 2610.47 Death benefits.

* * * * *

(d) *Death benefit in the form of term insurance decreasing annually.* A death benefit in the form of term insurance decreasing annually is a benefit which is payable at death, if death occurs within a stated period of time. It is based upon an initial amount, n, if death occurs at the beginning of the covered period. The amount, n, decreases each year during the covered period. The plan administrator shall compute the value of this benefit using the following actuarial equation:

$$\left(D\bar{A}\right)^{1}_{x\,:\,\overline{n}|} = \frac{n\bar{M}_x - \bar{R}_{x+1} + \bar{R}_{x+n+1}}{D_x}$$

(e) *Death benefit in the form of term insurance decreasing periodically.* A death benefit in the form of term insurance decreasing periodically is a benefit in an initial amount of $n-1/m$, which is payable at death, if death occurs within a stated period of time. This amount decreases by 1/m, m times each year during the covered period. The plan administrator shall compute the value of this benefit by using the following actuarial expression:

$$\frac{n\bar{M}_x - \bar{R}_{x+1} + \bar{R}_{x+n+1} - \frac{m+1}{2m}\left(\bar{M}_x - \bar{M}_{x+n}\right)}{D_x}$$

* * * * *

(Secs. 4002(b)(3), 4041, 4044, and 4062(b)(1)(A), Pub. L. 93-406, 88 Stat. 1004, 1020, 1025-27, 1029, (1974), as amended by Secs. 403(l), 403(d), and 402(a)(7), Pub. L. 96-364, 94 Stat. 1302, 1301, 1299 (1980) (29 U.S.C. 1302, 1341, 1344, and 1362))

[FR Doc. 81-18264 Filed 6-18-81; 8:45 am]

BILLING CODE 7708-01-M

DEPARTMENT OF DEFENSE

Department of the Navy

32 CFR Part 706

Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea,1972

AGENCY: Department of the Navy, DOD.

ACTION: Final rule.

SUMMARY: The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS) to reflect that the Secretary of the Navy: (1) Has determined that USNS SIOUX (T–ATF 171) is a vessel of the Navy which, due to its special construction and purpose, connot comply fully with Annex I, section 2(f) of the 72 COLREGS without interfering with its special function as a Naval fleet tug, and (2) has found that USNS SIOUX (T–ATF 171) is a member of the T–ATF 166 Class of ships, certain exemptions for which have been previously granted under 72 COLREGS Rules 38(a), 38(b), and 38(d)(i). The intended effect of this rule is to warn mariners in waters where the 72 COLREGS apply.

EFFECTIVE DATE: May 14, 1981.

FOR FURTHER INFORMATION CONTACT: Captain Richard J. McCarthy, JAGC, USN, Admiralty Division, Office of the Judge Adovcate General, Navy Department, 200 Stovall Street, Alexandria, Virginia 22332, Telephone number: (202) 325–9744.

SUPPLEMENTARY INFORMATION: Pursuant to the authority granted in 33 U.S.C. 1605 and Executive Order 11964, the Department of the Navy amends 32 CFR Part 706. This amendment provides notice that the Secretary of the Navy has certified that USNS SIOUX (T–ATF 171) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with 72 COLREGS Annex I, section 2(f), in that, during those situations when the USNS SIOUX must simultaneously display masthead lights used for towing as required by Rule 24 and the task lights of a vessel restricted in its ability to maneuver as required by Rule 27, the masthead lights used for towing will not be located above and clear of the task lights. Full compliance with this provision would interfere with the special function of the ship. The Secretary of the Navy has also certified that the aforementioned masthead lights are located in closest possible compliance with the applicable 72 COLREGS requirement.

Notice is also provided to the effect that the Secretary of the Navy has previously authorized the use by T–ATF 166 Class of vessels of certain exemptions permitted by 72 COLREGS Rule 38. Specifically, the use of the exemptions has been authorized as allowed in Rule 38(a), pertaining to lights with ranges and intensities prescribed in Rule 22, Rule 38(b), pertaining to lights with color specifications prescribed in Annex I, section 7; and Rule 38(d)(i), pertaining to the repositioning of masthead lights on vessels less than 150 meters in length required by Annex I, Section 3(a).

The Secretary of the Navy has determined that USNS SIOUX is a member of the T–ATF 166 Class, is in compliance with the 1960 Rules of the Road, and the keel of the T–ATF 166 Class lead ship was laid prior to July 15, 1977.

Moreover, it has been determined, in accordance with 32 CFR Parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary and contrary to the public interest since it is based on technical findings that the placement of lights on this ship in a manner different from that prescribed herein will adversely affect the ship's ability to perform its military function. Accordingly, 32 CFR Part 706 is amended as follows:

§ 706.2 [Amended]

1. Table Four of § 706.2 is amended by revising the present two notes numbered 14 and adding the following notes numbered 15 and 16, which reflects the certifications issued by the Secretary of the Navy:

* * * * *

14. On USS BIDDLE the arc of visibility of the forward masthead light may be observed through 1.4 degree of arcs of visibility at 017 and 343 degrees relative to ship's head.

15. On USNS MOHAWK (T–ATF 170), the masthead lights used for towing required by Rule 24 will be displayed approximately 4.1 meters below the lowest of the lights required to be displayed by Rule 27 when a vessel is not under command or is restricted in its ability to maneuver.

16. On USNS SIOUX (T–ATF 171), the masthead lights used for towing required by Rule 24 will be displayed approximately 4.1 meters below the lowest of the lights required to be displayed by Rule 27 when a vessel is not under command or is restricted in its ability to maneuver.

* * * * *

Dated: May 14, 1981.

John Lehman,

Secretary of the Navy.

[FR Doc. 81–18257 Filed 6–18–81; 8:45 am]

BILLING CODE 3810–70–M

VETERANS ADMINISTRATION

DEPARTMENT OF DEFENSE

38 CFR Part 21

Veterans Education; Payment of Educational Assistance Allowance To Participate in the Veterans' Educational Assistance Program on Active Duty

AGENCY: Veterans Administration and Department of Defense.

ACTION: Final regulations.

SUMMARY: These regulations, issued jointly by the Veterans Administration and the Department of Defense, make clear that the regulation requiring GI Bill benefits to be paid to servicepersons in lump sums covering entire enrollment periods does not generally apply to servicepersons receiving benefits under the Post-Vietnam Era Veterans' Educational Assistance Program. They also set forth the procedures which apply to making advance payments to recipients of benefits under that program. Recently, the fact that the regulations were not clear has caused confusion among recipients of benefits. These regulations eliminate this confusion.

EFFECTIVE DATE: May 27, 1981.

FOR FURTHER INFORMATION CONTACT: June C. Schaeffer (225), Assistant Director for Policy and Program Administration, Education Service, Department of Veterans Benefits, Veterans Administration, Washington DC 20420 (202–389–2092).

SUPPLEMENTARY INFORMATION: On December 9, 1980 proposed amendments to 38 CFR 21.5130, 21.5135 and 21.5138 were published on pages 81068 and 81069 of the **Federal Register.**

Interested persons were given 30 days to submit comments, suggestions or objections. We received no comments or objections.

However, § 21.5135(c) as originally proposed contained a reference to PREP (Predischarge Education Program). PREP was recently canceled by law. Accordingly, we have rewritten § 21.5135(c) to eliminate the reference.

The Agency has determined that this proposed regulation is non-major in accordance with the requirements of Executive Order 12291, Federal Regulation. It has also been determined as required by the Regulatory Flexibility Act (Pub. L. 96–354) that it poses no compliance costs or reporting burdens upon the public and has no effect on businesses or State and local governments.

The proposed amendments to §§ 21.5130, 21.5135 and 21.5138 are deemed proper and are hereby adopted.

Approved: April 8, 1981.

Rufus H. Wilson,

Acting Administrator, Veterans Administration.

Approved: May 27, 1981.

Douglas Farbrother,

Acting Deputy Assistant Secretary of Defense (Program Management).

1. In § 21.5130, paragraphs (c) and (e) are revised to read as follows:

§ 21.5130 Payments—educational assistance allowance.

In administering benefits payable under chapter 32, title 38, United States Code, the Veterans Administration will apply the following sections in the same manner as they are applied in the administration of chapters 34 and 36.

* * * * *

(c) Section 21.4134—Suspension and discontinuance.

* * * * *

(e) Section 21.4138 (except paragraphs (a), (b), and (c)—Certifications and release of payments. (38 U.S.C 1641)

* * * * *

2. Section 21.5135 is added to read as follows:

§ 21.5135 Advance payments.

The Veterans Administration shall make advance payments of educational assistance allowance at the rates determined by § 21.5138 as provided by this section.

(a) *Eligibility.* An individual is eligible for an advance payment only if—

(1) The individual will be a student in residence training on a half-time or greater basis during the period for which the advance payment is made;

(2) The individual specifically requests an advance payment; and

(3) The educational institution at which the individual is accepted or enrolled agrees to, and can satisfactorily carry out, the provisions of 38 U.S.C. 1780(d)(5) (B) and (C) and (6), pertaining to—

(i) Receipt, delivery or return of advance checks, and

(ii) Certification of delivery and enrollment. (38 U.S.C. 1641, 1780(d))

(b) *Application.* The Veterans Administration will authorize an advance payment upon receipt of an application from an individual which in the case of an eligible serviceperson is endorsed by the educational institution. The application will contain a certification showing the following information:

(1) The individual is eligible for educational benefits;

(2) He or she has been accepted by the institution or is eligible to continue his or her training there;

(3) He or she has notified the institution of his or her intention to attend that institution;

(4) The number of credit, clock or Carnegie hours to be pursued by the individual; and

(5) The beginning and ending dates of the enrollment period. (38 U.S.C. 1641, 1780(d))

(c) *Secondary school certification.* In addition to the information required in paragraph (b) of this section, an enrollment certificate for an individual on active duty in a course, courses, or program of education leading to a secondary school diploma or an equivalence certificate shall specify—

(1) The program to be pursued is approved;

(2) The anticipated cost; and

(3) If the program to be pursued is other than a high school credit course, the need of the individual to pursue the course or courses. (38 U.S.C. 1641, 1780(d))

(d) *Amount of payment.* The amount of an advance payment shall not exceed the allowance for the month or fraction of a month in which the course will begin plus the allowance for the following month. (38 U.S.C. 1641, 1780(d))

(e) *Method of payment.* The Veterans Administration shall make the advance payment check payable to the individual. The Veterans Administration shall mail the advance payment check to the individual's educational institution for delivery to the individual upon registration. The educational institution shall not deliver the advance payment check to the individual more than 30 days in advance of the commencement or resumption of his or her program. If the educational institution does not deliver the advance payment check to the individual within 30 days after he or she commences or resumes the program, the institution shall return the check to the Veterans Administration. (38 U.S.C. 1641, 1780(d))

(f) *Time of payment.* The Veterans Administration will authorize all advance payment only for—

(1) The beginning of an ordinary school year; or

(2) The beginning of any other enrollment period which begins after a break in enrollment of 1 full calendar month or longer. (38 U.S.C. 1641, 1780(d))

(g) *Effect of advance payment on subsequent payments.* The Veterans Administration shall make all other payments only at the end of the month in which the training for which payment is made shall have occurred. (38 U.S.C. 1641, 1780(d))

(h) *Limitations on making advance payments.* Notwithstanding any other provision of this section, the Director of the field station of jurisdiction may direct that no advance payment be made to an individual, if the Director determines that the educational institution he or she is attending—

(1) Demonstrates an inability to comply with the provisions of paragraph (e) of this section;

(2) Fails to provide adequately for the safekeeping of advance payment checks prior to delivery to the student or return to the Veterans Administration; or

(3) Demonstrates an inability to discharge its responsibilities under the advance payment program. (38 U.S.C. 1641, 1780(d))

3. In § 21.5138(b), a new subparagraph (8) is added and the former subparagraphs (8), (9), (10) and (11) are redesignated (9), (10), (11) and (12) and paragraph (c) is revised so that the added and revised material reads as follows:

§ 21.5138 Computation of benefit payments and monthly rates.

* * * * *

(b) *Computation of benefit payment.* The Veterans Administration will compute benefit payments for all training except the Predischarge Education Program as follows:

* * * * *

(8) Multiply line f by line j. Enter the result—(k)————

(9) Enter the individual's remaining months of entitlement—(l)————

(10) Divide line k by line l. Enter the quotient—(13)————

(This is the Department of Defense's portion.)

(11) Total (add lines 11, 12 and 13)—(14)————

(12) The benefit payment is either—

(i) The amount shown on line 14 or

(ii) The total amount of the remaining contributions in the fund made by the individual and the Veterans Administration and Secretary of Defense on behalf of the individual, whichever is less. (38 U.S.C. 1631)

(c) *Monthly rates.* The Veterans Administration will compute the monthly rates of payment for individuals in residence training by repeating the calculations in paragraph (b)(1) through(1?) of this section except that instead of entering the entitlement factor on line f, paragraph (b)(1), the Veterans Administration will enter 1 for a full-time student, .75 for a three-quarter time student, .5 for a half-time student, or .25

for a one-quarter time student. (38 U.S.C. 1631)

[FR Doc. 81-18259 Filed 6-18-81; 8:45 am]
BILLING CODE 8320-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1039

[Ex Parte No. 346 (Sub-No. 6)]

Rail General Exemption Authority; Citrus Pomace

AGENCY: Interstate Commerce Commission.

ACTION: Final rules; notice of exemption.

SUMMARY: In response to a petition filed by Family Lines Rail System, the Commission has decided to exercise its authority under 49 U.S.C. § 10505 and exempt citrus pomace (STCC No. 20–421–27) from regulation. The exemption will permit rail carriers to compete more effectively for this traffic.

DATES: Effective date: August 3, 1981.
Comment date: July 9, 1981.

ADDRESS: An original and 15 copies of comments should be sent to: Room 5340, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Richard B. Felder or Jane F. Mackall, (202) 275–7656.

SUPPLEMENTARY INFORMATION: Family Lines Rail System (FLRS) on April 14, 1981 filed a petition [1] requesting that the Commission exercise its authority under 49 U.S.C. 10505 and exempt interstate rail transportation of citrus pomace (STCC No. 20–421–27) [2] from regulation.

FLRS' petition discusses rail movements of this commodity from Florida. The evidence shows that, from October 1979 through September 1980, citrus pomace traffic originating in Florida was handled almost entirely by motor and rail carriers. (A minimal amount moved in truck/barge combination.) Of the tonnage handled, approximately two-thirds moved by motor carrier (729,920 tons) and about one-third by rail (359,579 tons). These proportions represent the culmination of a recent trend. Since 1976, rail tonnages have decreased almost 40 percent while motor carrier tonnages have increased nearly 95 percent.

FLRS contends that the existing rates on citrus pomace originating in Florida do not promote competition with motor carriers for at least two reasons. First, the involved transportation to the ports for export traffic (about 73 pecent of total shipments) is over short distances.[3] Second, the rates charged by rail carriers for this traffic exceed by over 50 percent those rates charged by motor carriers.[4] Consequently, the lower rates charged for short distance movements by motor carriers give them a competitive advantage over rail carriers.

Although the petition is not restricted in scope, the evidence presented addresses only Florida traffic. We have undertaken our own analysis of nationwide movement of citrus pomace. The 1979 DOT 1% waybill study shows the following:

Year	Carloads	Number of waybills	Tons	Description
1979.....	35	25	2789	All moves from FL to FL.
1978.....	59	56	4336	All moves from FL; 56 moves to FL, one move each to TN, VT, NY.
1977.....	75	72	5088	74 moves from FL, one move from TX; 72 moves to FL, 1 move each to GA, SC, TX.

The production of citrus fruits (and, thus, this by-product) is limited by climate. The evidence of Florida movements is representative as the waybill study shows that movements from Florida are clearly predominant.

49 U.S.C. 10505, as amended by the Staggers Rail Act of 1980 (Pub. L. 96–448) authorizes the Commission to exempt certain traffic from regulation when it determines that regulation is (1) not necessary to carry out the transportation policy enumerated in 49 U.S.C. 10101a and (2) either the service is of limited scope, or abuses of market power are unlikely to occur.

It does not appear that regulation is needed to protect rail shippers of citrus pomace from market power abuse or to carry out the transportation policy of section 10101(a). As previously noted, rail carriers presently handle only one-third of citrus pomace movements originating in Florida. Motor carriers transport about twice that amount. Rail traffic is declining each year, due to the railroads' inability to compete effectively. Regulation in this competitive environment is not necessary. Increased intermodal competition through deregulation of rail citrus pomace movements would inure to the benefit of shippers through reduced rail rates and service improvements. The exemption also is clearly of limited scope. Of all carloads sampled in the 1979 waybill study (219,576), citrus pomace movements represented .16 percent.

The Staggers Act amended 49 U.S.C. 10505 to eliminate the requirement for a proceeding prior to granting exemptions in appropriate cases. This proposal, affecting an insignificant amount of rail traffic, is such a case and we are exercising our authority to make this exemption effective without further proceedings. However, we reiterate our willingness to review problems, if any, that develop, and reconsider the exemption. This procedure comports with Congress' intention in the legislative history of the Staggers Act that particular abuses of market power under an exemption will be reviewed by us and, if necessary, corrected after the fact.

§ 1039.10 [Amended]

49 CFR 1039.10 is amended by adding "Citrus pomace, 20–421–27" to the list of exempt commodities.

This action does not significantly affect either the quality of the human environment, conservation of energy resources, or small business.

(49 U.S.C. 10505, 5 U.S.C. 553.)

Dated: June 8, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam.

James H. Bayne,
Acting Secretary.

[FR Doc. 81-18312 Filed 6-18-81; 8:45 am]
BILLING CODE 7035-01-M

[1] FLRS is authorized to bring this petition pursuant to 49 U.S.C. 10505(b). We encouraged such petitions in Ex Parte No. 346 (Sub-No. 5), Rail General Exemption Authority—Miscellaneous Commodities, 46 FR 134, January 2, 1981.

[2] Citrus pomace is the residue remaining after the juice is extracted from the fruit. In some instances, liquid is then added and the pomace is pelletized. This produce is used primarily as an ingredient in animal feeds. Some citrus pomace is not pelletized.

[3] The longest distance is 150.1 miles; the shortest is 21.9 miles.

[4] Rail rates charged for citrus pomace are the same as those applicable to other types of feed or feed ingredients.

Proposed Rules

Federal Register
Vol. 46, No. 116
Friday, June 19, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Part 226

Child Care Food Program; Eligibility of Proprietary Title XX Centers

AGENCY: Food and Nutrition Service, USDA.

ACTION: Proposed rule.

SUMMARY: The Omnibus Reconciliation Act of 1980 expands institution eligibility for participation in the Child Care Food Program (CCFP) to include any private, for-profit organization "providing nonresidential day care services for which it receives compensation from amounts granted to the States under Title XX of the Social Security Act." This proposed rule implements the legislative provision, which affects approximately 1,860 proprietary centers currently providing nonresidential day care services under Title XX. The Department anticipates that this action will promote moderate Program expansion.

DATE: Comments must be received on or before August 17, 1981, to be assured of consideration in the final rulemaking.

ADDRESS: Written comments should be sent to Beverly Walstrom, Branch Chief, Policy and Program Development Branch, Child Care and Summer Programs Division, Food and Nutrition Service, U.S. Department of Agriculture, Washington, D.C.20250.

FOR FURTHER INFORMATION CONTACT: Ms. Beverly Walstrom at the above address or by telephone at (202) 447-6509. A Draft Impact Analysis Statement concerning this proposed rule and copies of all comments received will be available for inspection by the public during normal business hours in Room 644, 500 12th Street, SW, Washington, D.C. 20250. A copy of the Draft Impact Analysis Statement can be obtained from Ms. Walstrom.

SUPPLEMENTARY INFORMATION: This proposed rule has been reviewed under USDA procedures established in Secretary's Memorandum 1955 and has been classified "not significant." G. William Hoagland, Administrator of the Food and Nutrition Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because its effect is simply to extend Program eligibility to encompass a limited number of proprietary Title XX centers. The Department does not consider this to be a "major rule" under the definition established in Executive Order 12291. The rule is expected to entail a Federal outlay of less than $20 million in Fiscal Year 1982. It will not cause a major increase in costs or prices for any sector of the domestic economy, nor will it negatively affect the ability of United States-based enterprises to compete with foreign-based enterprises. A request for approval of the information collection included in this proposed rule has been submitted to the Director of the Office of Management and Budget (OMB).

Eligibility for Program Participation

Section 207 of Pub. L. 96-499 (The Omnibus Reconciliation Act of 1980) expanded the definition of "institution" to include any private for-profit organization "providing nonresidential day care services for which it receives compensation from amounts granted to the States under Title XX of the Social Security Act."

In this proposed rule, such organizations are referred to as "proprietary Title XX centers." A proprietary Title XX center is eligible to participate in the Program if, during the calendar month preceding the calendar month in which its initial Program application or annual reapplication is submitted, not less than 10 percent of the total meals served to children were served to Title XX beneficiaries. Upon application and annual reapplication, each such center is required (1) to provide documentation that it currently receives Title XX funds for providing nonresidential day care services, and (2) to certify that it met the 10 percent standard during the immediately preceding calendar month. Even though proprietary Title XX centers operate for profit, they, and sponsoring organizations in their behalf, are required by the National School Lunch Act and Program regulations to operate nonprofit food service programs.

The 10-percent criterion extends Program eligibility only to those properietary centers which are significantly involved in the provision of nonresidential Title XX day care services. This criterion discourages the redistribution of Title XX placements to make eligible for the Program a significant number of proprietary centers that do not presently provide Title XX care. Such a redistribution could expand eligibility and, consequently, Federal Program outlays considerably beyond the bounds assumed in the legislation. A correspondingly excessive increase in State agencies' workloads would also result.

Reimbursement and Recordkeeping Requirements

Each proprietary Title XX center is eligible for reimbursement under the proposed rule only for calendar months during which not less than 10 percent of the meals served to children are served to Title XX beneficiaries. The center will be reimbursed for meals served to all enrolled children in months when it meets the 10-percent criterion; reimbursement will not be payable for other months. In order to support claims for reimbursement, each center will be required to maintain daily records showing the number of meals of each type served to each individual child. These records, which can be readily maintained by entering daily meal counts on attendance sheets, provide the data base for the 10-percent test. The center will examine these records at the end of each month to determine whether it is eligible for reimbursement. The independent center will certify that each claim it submits covers a month during which the center met the 10-percent criterion. Sponsoring organizations of such centers will certify that all centers covered by the claim met the 10-percent requirement during the month. Meal count records may be examined during administrative reviews and audits to substantiate a center's eligibility to receive Program payments during any given month for which a claim has been submitted. This recordkeeping requirement can be easily met by entering meal counts on attendance record forms.

Sponsorship of Proprietary Title XX Centers

The Department is aware that many proprietary Title XX centers operate within multi-unit organizations rather than independently. A corporate entity frequently owns and operates several such centers. An organization consisting of more than two units is classified under the Program as a sponsoring organization with facilities under its jurisdiction. In order to accommodate existent structures of proprietary Title XX day care, this proposed rule permits a for-profit organization to sponsor the Program in proprietary Title XX centers which share its legal identity.

The Department believes, however, that it is in the best interest of the Program to maintain a separation between participating proprietary organizations, whose eligibility is based on receipt of Title XX funds, and public and private nonprofit institutions. In Section 17(a) of the National School Lunch Act, the definition of "institution" includes "public or nonprofit private organizations that sponsor family or group day care homes." Thus proprietary Title XX centers, and sponsoring organizations of such centers, are not eligible under the law to sponsor day care homes. This proposed rule also prohibits proprietary Title XX organizations from sponsoring public or private nonprofit centers under the Program.

State Agency Reporting

The proposed rule amends Section 226.6 to require that data on the participation of proprietary Title XX centers be included in the State Plan of Child Care Food Program Operations. Such data would enable the Department to track growth and other trends in this important new arena of Program operations. Instead of, or in addition to, using the State Plan, this information could be (1) reported as a separate line item (rather than mixed in with data on public and private nonprofit centers) on the Program operations report (FNS–44), or (2) collected through the Management Evaluation process. The Department solicits comments concerning which of these approaches would be most efficient and effective.

Effective Date

The Department is proposing that proprietary Title XX centers become eligible to participate in the Program effective the date of publication of the final rule. Beginning with this date, State agencies will furnish application materials to newly eligible centers upon request.

Current regulations require that State agencies notify applicants of approval or disapproval within 30 days of their filing a complete and correct application. If an institution submits an incomplete application, the State agency is required to notify the institution within 15 days of receipt of the application and to provide technical assistance, if necessary, to the institution for the purpose of completing the application.

These timeframes will facilitate timely entry of proprietary Title XX centers into the Child Care Food Program.

Accordingly, 7 CFR Part 226, Child Care Food Program, is proposed to be amended as follows:

1. Section 226.2 is amended by revising paragraphs (f), (hh), and (oo), and adding a new paragraph (kk–1), to read as follows:

§ 226.2 Definitions.

* * * * *

(f) "Child care center" means any public or private nonprofit organization, or any proprietary Title XX center, licensed or approved to provide non-residential child care services to enrolled children, primarily of preschool age, including but not limited to day care centers, settlement houses, neighborhood centers, Head Start centers, and organizations providing day care services for handicapped children. Child care centers may participate in the Program as independent centers or under the auspices of a sponsoring organization.

* * * * *

(hh) "Outside-school-hours care center" means a public or private nonprofit organization, or a proprietary Title XX center, licensed or approved to provide organized nonresidential child care services to enrolled children, primarily of school age, outside of school hours. Outside-school-hours care centers may participate in the Program as independent centers or under the auspices of a sponsoring organization.

* * * * *

(kk–1) "Proprietary Title XX center" means any private, for-profit center (1) providing nonresidential day care services for which it receives compensation from amounts granted to the States under Title XX of the Social Security Act, and (2) in which Title XX beneficiaries were served not less than 10 percent of all meals served to children during the calendar month preceding initial application or annual reapplication for Program participation.

* * * * *

(oo) "Sponsoring organization" means a public or nonprofit private organization which is entirely responsible for the administration of the food program in: (1) One or more day care homes; (2) a child care center or outside-school-hours care center which is a legally distinct entity from the sponsoring organization; (3) two or more child care centers or outside-school-hours care centers; or (4) any combination of child care centers, day care homes, and outside-school-hours care centers. The term "sponsoring organization" also includes a for-profit organization which is entirely responsible for administration of the Program in any combination of two or more child care centers outside-school-hours care centers which are part of the same legal entity as the sponsoring organization, and which are proprietary Title XX centers.

2. Section 226.6 is amended by revising paragraphs (b)(2) and (b)(3) to read as follows:

§ 226.6 State plan of child care food program operations.

* * * * *

(b) * * *

(2) The number of participating public or private nonprofit sponsoring organizations, and the number of child care centers, outside-school-hours care centers, and day care homes under their jurisdiction, together with the average daily attendance for each type of facility; and the number of for-profit sponsoring organizations and the number of proprietary Title XX centers participating under their jurisdiction as child care centers or outside-school-hours care centers, together with the average daily attendance for each type of facility.

(3) The number of participating independent public or private nonprofit child care centers and outside-school-hours care centers, the number of participating independent proprietary Title XX centers operating under the Program as child care centers and outside-school-hours care centers, and the average daily attendance for each category.

* * * * *

3. Section 226.7 is amended by revising paragraph (b) and adding a new paragraph (c)(11), to read as follows:

§ 226.7 State agency administrative responsibilities.

* * * * *

(b) *Application approval.* Each State agency shall establish an application procedure to determine the eligibility under this part of applicant institutions, and facilities for which applications are submitted by sponsoring organizations. State agencies, by written consent of the

State agency and the institutions, shall renew agreements with institutions not less frequently than annually. A State agency may not execute an agreement to be effective during two fical years, but may nevertheless establish an ongoing reapplication process for the purpose of reviewing and approving applications from participating institutions throughout the fiscal year. As a minimum, such application approval process shall include: (1) Renewal of the Program agreement; (2) except for sponsoring organizations of day care homes, submission of current family size and income information on enrolled children; (3) for sponsoring organizations of day care homes, submission of the current total number of children enrolled; (4) issuance of a nondiscrimination policy statement and media release; (5) for sponoring organizations, submission of a management plan; (6) submission of an administrative budget; (7) submission of documentation that all child care centers, outside-school-hours care centers, and day care homes for which application is made are in compliance with Program licensing/approval provisions; (8) for proprietary Title XX centers, submission of documentation that they are currently providing nonresidential day care services for which they receive compensation under Title XX, and certification that not less than 10 percent of the meals served to enrolled children in each such center during the most recent calendar month were served to Title XX beneficiaries; (9) statement of institutional preference to receive commodities or cash in lieu of commodities; (10) except for sponsoring organizations of day care homes, institutional choice to receive reimbursement on the basis of either the tiering method or the alternative method offered by the State agency; and (11) institutional choice to receive all, part, or none of advance payment. Any institution applying for participation in the Program shall be notified of approval or disapproval by the State agency in writing within 30 calendar days of filing a complete and correct application. If an institution submits an incomplete application, the State agency shall notify the institution within 15 calendar days of receipt of the application and shall provide technical assistance, if necessary, to the institution for the purpose of completing its application. Any disapproved applicant shall be notified of its right to appeal under paragraph (j) of this section.

(c) *Denial of applications and termination of institutions.* * * *

(11) The claiming of Program payments for meals served by a proprietary Title XX center during a calendar month when less than 10 percent of all meals served to enrolled children were served to Title XX beneficiaries.

* * * * *

4. Section 226.11 is amended by revising paragraph (c) to read as follows:

§ 226.11 Program payment procedures.

* * * * *

(c) Claims for reimbursement shall be filed with the State agency by the 10th day of the month following the month covered by the claim. Not more than 10 days of the beginning or ending month of Program operations in a fiscal year may be combined on a claim with the operations of the month immediately following the beginning month or preceding the ending month. Claims for reimbursement may not combine the last month of a fical year with the first month of the next fiscal year. Claims for reimbursement shall report information in accordance with the financial management system established by the State agency, and in sufficient detail to justify the reimbursement claimed. In submitting a claim for reimbursement, each institution shall certify that the claim is correct and that records are available to support the claim. Independent proprietary Title XX centers shall certify that each claim submitted covers a month during which not less than 10 percent of all meals served to children were served to Title XX beneficiaries. Sponsoring organizations of such centers shall certify for each claim submitted that not less than 10 percent of the meals served to children in each individual center covered by the claim were served to Title XX beneficiaries. Records in support of claims shall be retained for a period of three years after the date of submission of the final claim for the fiscal year to which they pertain, except that if audit findings have not been resolved, the records shall be retained beyond the end of the three-year period as long as required for the resolution of the issues raised by the audit. All accounts and records pertaining to the Program shall be made available, upon request, to representatives of the State agency, of the Department, and of the U.S. General Accounting Office for audit or review, at a reasonable time and place.

* * * * *

5. Section 226.12 is amended by revising paragraphs (b) and (c), to read as follows:

§ 226.12 Program payments for child care centers and outside-school-hours care centers.

* * * * *

(b) Each institution shall report each month to the State agency the total number of meals, by type (breakfast, lunch, supper, supplements), served to children, except that such reports shall be made for a proprietary Title XX center only for calendar months during which not less than 10 percent of the meals served to children were served to Title XX beneficiaries.

(c) Each State agency shall base reimbursement to each institution on the number of meals, by type, served to children multiplied by the assigned rates of reimbursement, except that reimbursement shall be payable for proprietary Title XX centers only for calendar months during which not less than 10 percent of the meals served to children were served by each such center to Title XX beneficiaries. All meals served to children in proprietary Title XX centers during such months shall be reimbursable under the Program. For institutions which have elected to receive reimbursement on the basis of the eligibility of each enrolled child for free, reduced-price, or paid meals, the State agency shall either: (1) Base reimbursement to institutions on actual daily counts of meals served, and multiply the number of meals, by type, served to children from families meeting the State's family-size income standards for free meals, served to children from families meeting the State's family-size income standards for reduced-price meals, and served to children from families not meeting such standards by the applicable national average payment rate, or (2) apply the applicable claiming percentage or percentages to the total number of meals, by type, served to children and multiply the product or products by the assigned rate of reimbursement for each meal type, or (3) multiply the assigned blended per-meal rate of reimbursement by the total number of meals, by type, served to children.

* * * * *

6. Section 226.16 is amended by revising paragraphs (a), (b)(1), (b)(4), (b)(5), and (e)(4), and by adding a new paragraph (b)(6), to read as follows:

§ 226.16 Institution provisions.

(a) *Tax-exempt status.* Except for proprietary Title XX centers, and sponsoring organizations of such centers, institutions shall be public, or have tax-exempt status under the Internal Revenue Code of 1954, or be moving toward compliance with the

requirements for tax-exempt status, or be currently operating another Federal program requiring nonprofit status. An institution which has applied to the Internal Revenue Service (IRS) for tax-exempt status may participate in the Program while its application is pending review by IRS. If IRS denies the application for tax-exempt status, the institution shall immediately notify the State agency of such denial. The State agency shall then terminate the participation of the institution. If IRS certification of tax-exempt status has not been received within 12 months of filing the application with IRS and IRS indicates that the institution has failed to provide all required information, the State agency shall terminate the participation of the institution until such time as IRS tax-exempt status is obtained.

(b) *Applications.* * * *

(1) Except for proprietary Title XX centers and sponsoring organizations of proprietary Title XX centers, evidence of nonprofit status, in accordance with § 226.16(a);

* * * * *

(4) If an independent child care center or independent outside-school-hours care center, documentation that it meets the licensing/approval requirements of § 226.7(d)(1);

(5) A nondiscrimination and free and reduced-price policy statement, and information regarding a public release, in accordance with § 226.24; and

(6) For each proprietary Title XX center, documentation that it provides nonresidental day care services for which it receives compensation under Title XX, and certification that not less than 10 percent of the meals served to children during the most recent calendar month were served to Title XX beneficiaries. Sponsoring organizations shall provide this documentation and certification for each proprietary Title XX center under their jurisdiction.

* * * * *

(e) *Recordkeeping.* * * *

(4) Daily records indicating the number of children in attendance and the number of meals, by type (breakfast, lunch, supper, supplements), served to enrolled children, except that the meal count records of each proprietary Title XX center shall indicate the number of meals of each type served each day to each individual enrolled child;

7. Section 226.17 is amended by adding a new paragraph (k), to read as follows:

§ 226.17 Sponsoring organizations provisions.

* * * * *

(k) A for-profit organization shall be eligible to serve as a sponsoring organization for proprietary Title XX centers which have the same legal identity as the organization, but shall not be eligible to sponsor proprietary Title XX centers which are legally distinct from the organization, day care homes, or public or private nonprofit centers.

8. Section 226.18 is amended by revising paragraphs (a), (b)(2), (b)(4), and (b)(8), to read as follows:

§ 226.18 Child care center provisions.

(a) Child care centers may participate in the Program either as independent centers or under the auspices of a sponsoring organization: *Provided, however,* That public and private nonprofit centers shall not be eligible to participate in the Program under the auspices of a for-profit sponsoring organization. Child care centers participating as independent centers shall comply with the provisions of § 226.16.

(b) * * *

(2) Except for proprietary Title XX centers, child care centers shall be public, or have tax-exempt status under the Internal Revenue Code of 1954, or be moving toward compliance with the requirements for tax-exempt status, or be currently operating another Federal program requiring nonprofit status. A child care center which has applied to the Internal Revenue Service (IRS) for tax-exempt status may participate in the Program while its application is pending review by IRS. If IRS denies the application for tax-exempt status, the child care center shall immediately notify the State agency of such denial and the State agency shall terminate the participation of the child care center. If IRS certification of nonprofit status has not been received within 12 months of filing the application with IRS and IRS indicates that the child care center has failed to provide all required information, the State agency shall terminate the participation of the child care center until such time as IRS tax-exempt status is obtained.

* * * * *

(4) Each child care center participating in the Program shall claim only the meal types specified in its approved application and served in compliance with the meal pattern requirements of § 226.21. Reimbursement shall not be claimed for meals served to children who are not enrolled, for meals served to children at any one time in excess of the center's authorized capacity, or for any meal served at a proprietary Title XX center during a calendar month when less than 10 percent of all meals served to children were served to Title XX beneficiaries. Menus and any other nutritional records required by the State agency shall be maintained to document compliance with meal pattern requirements.

* * * * *

(8) Each child care center shall maintain daily records of the number of meals, by type (breakfast, lunch, supper, supplements), served to enrolled children and to adults performing labor necessary to the food service: *Provided, however,* That the meal count records of each proprietary Title XX center shall indicate the number of meals of each type served daily to each individual enrolled child.

9. Section 226.19 is amended by revising paragraph (b) to read as follows:

§ 226.19 Day care home provisions.

* * * * *

(b) Day care homes participating in the Program shall operate under the auspices of a public or private nonprofit sponsoring organization. Sponsoring organizations shall enter into a written agreement, developed by the State agency, with each sponsored day care home to specify the rights and responsibilities of both parties. At a minimum, the agreement shall embody: * * *

* * * * *

10. Section 226.20 is amended by revising paragraphs (a), (b)(2), (b)(6), and (b)(9)(iv), to read as follows:

§ 226.20 Outside-school-hours care center provisions

(a) Outside-school-hours care centers may participate in the Program either as independent centers or under the auspices of a sponsoring organization, *Provided, however,* That public and private nonprofit centers shall not be eligible to participate in the Program under the auspices of a for-profit sponsoring organization. Outside-school-hours care centers participating as independent centers shall comply with the provisions of § 226.16.

(b) * * *

(2) Except for proprietary Title XX centers, outside-school-hours care centers shall be public, or have tax-exempt status undere the Internal Revenue Code of 1954, or be moving toward compliance with the requirements for tax-exempt status, or be currently participating in another Federal program requiring nonprofit status. Centers which have applied to IRS for tax-exempt status may

participate in the Program while their application is pending review by IRS. If IRS denies the application, the center shall immediately notify the State agency of such denial and the State agency shall terminate the participation of the center. If IRS certification of nonprofit status has not been received within 12 months of filing the application with IRS and IRS indicates that the center has failed to provide all required information, the State agency shall terminate the participation of the center in the Program until such time as IRS tax-exempt status is obtained.

* * * * *

(6) Each outside-school-hours care center participating in the Program shall claim only the meal types specified in its approved application and served in compliance with the meal pattern requirements of § 226.21. Reimbursement shall not be claimed for meals served to children who are not enrolled, for meals served to children at any one time in excess of authorized capacity, or for any meal served at a proprietary Title XX center during a calendar month when less than 10 percent of all meals served to children were served to Title XX beneficiaries.

* * * * *

(9) * * *

(iv) number of meals served to enrolled children at each meal service, and the number of meals served to each individual child at each meal service in a proprietary Title XX center;

* * * * *

(Catalog of Domestic Assistance Programs Number 10.558)

(The Child Care Food Program is subject to Part III of Attachment A of OMB Circular A-95 (revised). Part III requires that Governors or their designated Plan review agency be given the opportunity to review the State Plans required by Program regulations)

(Omnibus Reconciliation Act of 1980, sec. 207, Pub. L. 96-499, 94 Stat. 2599)

Dated: June 15, 1981.

G. William Hoagland,

Administrator, Food and Nutrition Service.

[FR Doc. 81-18228 Filed 6-18-81; 8:45 am]

BILLING CODE 3410-30-M

Agricultural Marketing Service

7 CFR Part 907

Public Hearing

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Public hearing.

SUMMARY: This hearing is to provide an opportunity for interested persons to submit written and/or oral comments with respect to the marketing of the 1980-81 California-Arizona naval orange crop.

DATES: The hearing will start at 9:00 a.m., Monday July 20, 1981.

ADDRESS: Exeter Memorial Building, 324 North Kaweah (Rt. 65), Exeter, California.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Room 2532, South Building, Washington, D.C. 20250, telephone (202) 447-5975.

SUPPLEMENTARY INFORMATION: Notice is given that the Department will hold a public hearing to receive views from interested persons on factors having a bearing on the marketing of the 1980-81 crop of California-Arizona navel oranges. These oranges are regulated under the marketing agreement and marketing Order 907 (7 CFR Part 907).

The navel orange marketing order is one of 48 such federal programs that aid growers and shippers of fruits, vegetables, nuts and related specialty crops in marketing their commodities. The program are requested and voted on by the agricultural industries that ask for this means of coping with their marketing problems. Marketing agreements and orders are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

Under the navel orange program, unlike most other marketing orders, regulations are issued weekly during the marketing season. These regulations establish the quantities of fresh fruit that can be shipped to U.S. and Canadian markets. Oranges can be "stored" on the trees, and the weekly regulations are intended to spread the total supply over a longer period to curb market gluts and shortages and to stablize prices. The western navel orange crop this season is expected to be 37 million 75-pound boxes. This is ten precent above the record crop harvested in the 1979-80 season.

The marketing of the 1980-81 crop of California navel oranges has been accompanied by a great deal of controversy over crop utilization under the federal marketing order. Media attention has been substantial. The Department has received numerous letters and other communcations from producers, handlers, private and public organizations, and other individuals expressing their widely divergent views.

The hearing is intended to provide an opportunity for all interested persons to comment. The scope of the hearing is limited to the marketing of the 1980.81 California-Arizona navel oranges crop.

A verbatim record of the hearing will be made and, along with all submitted statements, will be available to the public.

The Presiding Officer at this hearing will be a USDA Administrative Law Judge. The Presiding Officer will establish appropriate procedures and, as necessary, time limitations for the presentation of statements and the questioning of witnesses. All rulings by the Presiding Officer will be final.

Persons who wish to testify at the hearing should submit four copies of their testimony and indicate their interest in appearing to: William J. Dolye, Acting Chief, Fruit Branch, F&V, AMS, USDA, Room 2532 South Building, Washington, D.C. 20250. Testimony and requests to testify should be received by July 10, 1981. It is recommended that additional copies of statements be made available for distribution at the hearing.

Persons who indicate an interest in testifying will be notified of the tentative schedule for the presentation of testimony. Such persons should provide an address and telephone number where they can be contacted. The tentative schedule of testimony will also be available from William J. Doyle, at the above address and telephone number.

All persons testifying at the hearing will be expected to respond to questions. Those questioning witnesses should avoid being repetitious or argumentative. The Presiding Officer will establish appropriate procedures and time limitations for questioning of witnesses.

Person interested in expressing views but who are unable to attend the hearing may submit written comments to the Fruit Branch at the above Washington, D.C. address. Four copies of comments should be submitted. Copies of such comments must be received by July 10, 1981. All such comments received will be made a part of the record of the hearing.

Copies of the testimony and written comments will be available to the public for review prior to the hearing at the above address in Washington, D.C. and also at Suite 540, 845 South Figueroa Street, Los Angeles, California 90017.

Additional information relative to the procedures to be followed at the hearing will be announced by the Presiding Officer at the beginning of the hearing.

Dated: June 15, 1981.

Mildred Thymian,

Administrator, Agricultural Marketing Service.

[FR Doc. 81-18218 Filed 6-18-81; 8:45 am]

BILLING CODE 3410-02-M

7 CFR Part 922

Apricots Grown in Designated Counties in Washington; Proposed Grade and Size Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This notice proposes grade and size requirements on the handling of apricots grown in designated counties in Washington. These requirements are designed to provide for orderly marketing in the interest of producers and consumers.

DATES: Written comments must be received by July 6, 1981. Proposed effective date: August 1, 1981.

ADDRESS: Send two copies of comments to the Hearing Clerk, United States Department of Agriculture, Room 1077, South Building, Washington, D.C. 20250, where they will be made available for public inspection during regular business hours (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

SUPPLEMENTARY INFORMATION: This proposed rule has been reviewed under USDA procedures and Executive Order 12291 and has been classified "not significant" and not a major rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would not measurably affect costs for the directly regulated handlers.

This proposed regulation is to be issued under the marketing agreement, as amended, and Order No. 922 as amended (7 CFR Part 922), regulating the handling of apricots grown in designated counties in Washington. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommendation and information submitted by the Washington Apricot Marketing Committee and upon other information. Under the terms of the proposed regulation the grade and size requirements would be effective on and after August 1, 1981. Although the regulation would be effective for an indefinite period the committee would continue to meet prior to each season and consider recommendation for continuation, modification, suspension or termination of the regulation. Prior to making any such recommendations the committee would submit to the Secretary a marketing policy for the season including an analysis of supply and demand factors having a bearing on the marketing of the crop. Committee meetings are open to the public and interested persons may express their views at these meetings. The Department will annually evaluate committee recommendations and information submitted by the committee and other available information and determine whether continuation, modification, suspension, or termination of regulation of shipments of apricots would tend to effectuate the declared policy of the act.

For the 1981 season, the committee estimates that 900 tons of apricots will be available for fresh shipment. Actual shipments in 1980 were 1,993 tons. The sharp reduction in fresh shipments is due to considerable frost damage in major growing areas in mid-April. The grade and size requirements are designed to prevent the shipment of Washington apricots of a lower grade and smaller size than specified. These requirements are designed to provide for the shipment of good quality apricots consistent with the volume and size composition of the crop in the interest of producers and consumers.

Information collection requirements (reporting or record keeping) under this part are subject to clearance by the Office of Management and Budget and are in the process of review. These information requirements shall not become effective until such time as clearance by the OMB has been obtained.

The proposal is that a new § 922.321 Apricot Regulation 21 be added to read as follows:

§ 922.321 Apricot Regulation 21.

(a) On and after August 1, 1981, no handler shall handle any container of apricots unless such apricots meet the following applicable requirements, or are handled in accordance with subparagraph (3) of this paragraph:

(1) *Minimum grade and maturity requirements.* Such apricots grade not less than Washington No. 1 and are at least reasonably uniform in color: *Provided,* That such apricots of the Moorpark variety in open containers shall be generally well matured; and

(2) *Minimum size requirements.* Such apricots measure not less than 1⅝ inches in diameter except that apricots of the Blenheim, Blenril, and Tilton varieties may measure not less than 1¼ inches: *Provided,* That not more than 10 percent, by count, of such apricots may fail to meet the applicable minimum diameter requirements.

(3) Notwithstanding any other provision of this section, any individual shipment of apricots which meets each of the following requirements may be handled without regard to the provisions of this paragraph, of § 922.41 (Assessments), and of § 922.55 (Inspection and Certification):

(i) The shipment consists of apricots sold for home use and not for resale;

(ii) The shipment does not, in the aggregate, exceed 500 pounds, net weight, of apricots; and

(iii) Each container is stamped or marked with the words "not for resale" in letters at least one-half inch in height.

(c) The terms "diameter" and "Washington No. 1" shall have the same meaning as when used in the State of Washington Department of Agriculture Standards for Apricots, effective May 31, 1966; "reasonably uniform in color" means that the apricots in the individual container do not show sufficient variation in color to materially affect the general appearance of the apricots; and "generally well matured" means that with respect to not less than 90 percent, by count, of the apricots in any lot of containers, and not less than 85 percent, by count, of such apricots in any container in such lot, at least 40 percent of the surface area of the fruit is at least as yellow as Shade 3 on U.S. Department of Agriculture Standard Ground Color Chart of Apples and Pears in Western States.

Dated: June 15, 1981.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 81–18222 Filed 6–18–81; 8:45 am]

BILLING CODE 3410–02–M

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7 CFR Part 948

Irish Potatoes Grown in Colorado—Area No. 3; Proposed Handling Regulation

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposal would require fresh market shipments of potatoes grown in Colorado—Area No. 3 to be inspected and meet minimum grade, size and maturity requirements. The regulation should promote orderly marketing of such potatoes and keep less desirable qualities and sizes from being shipped to consumers.

DATE: Comments due July 20, 1981.

ADDRESS: Comments should be sent to: Hearing Clerk, Room 1077–S, U.S. Department of Agriculture, Washington, D.C. 20250. Two copies of all written comments shall be submitted, and they will be made available for public inspection at the office of the Hearing Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: Charles W. Porter, Chief, Vegetable Branch, F&V, AMS, USDA, Washington, D.C. 20250 (202) 447–2615.

SUPPLEMENTARY INFORMATION: This proposed rule has been reviewed under USDA procedures and Executive Order 12291 and has been classified "not significant" and not a major rule.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would not measurably affect costs for the directly regulated handlers.

Marketing Agreement No. 97 and Order No. 948, both as amended, regulate the handling of potatoes grown in designated counties of Colorado Area No. 3. It is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The Colorado Area No. 3 Potato Committee, established under the order, is responsible for its local administration.

This notice is based upon recommendations made by the committee at its public meeting in Greeley, Colorado, on May 27, 1981.

The grade, size, maturity and inspection requirements recommended herein are similar to those which have been issued during past seasons. They are necessary to prevent potatoes of poor quality or undesirable sizes from being distributed to fresh market outlets. The specific proposals, hereinafter set forth, would benefit consumers and producers by standardizing and improving the quality of the potatoes shipped from the production area.

Exceptions would be provided to certain of these requirements to recognize special situations in which such requirements would be inappropriate or unreasonable.

Shipments would be permitted to certain special purpose outlets without regard to the grade, size, maturity and inspection requirements: *Provided*, That safeguards were met to prevent such potatoes from reaching unauthorized outlets. Certified seed would be exempt because requirements for this outlet differ greatly from those for fresh market. Shipments for use as livestock feed would likewise be exempt. Since no purpose would be served by regulating potatoes used for charity purposes, such shipments would be exempt. Also potatoes for most processing uses are exempt under the legislative authority for this part.

Potatoes for prepeeling would be handled without regard to maturity requirements since skinning of such potatoes would be of no consequence. Also, the maturity requirements terminate on December 31 because at that stage of the marketing season potatoes are generally mature with skins firmly set.

It is proposed that § 948.383 (45 FR 51182, August 1, 1980) be removed and a new § 948.385 be added as follows:

§ 948.385 Handling regulation.

During the period August 1, 1981, through July 31, 1982, no person shall handle any lot of potatoes grown in Area No. 3 unless such potatoes meet the requirements of paragraphs (a), (b) and (c) of this section, or unless such potatoes are handled in accordance with paragraphs (d) and (e), or (f) of this section.

(a) *Grade and size requirements—All varieties.* U.S. No. 2 or better grade, 1⅞ inches minimum diameter or 4 ounces minimum weight. However, Size B may be handled if U.S. No. 1 grade.

(b) *Maturity (skinning) requirements—All varieties.* Through December 31, 1981, for U.S. No. 2 grade, not more than "moderately skinned," and for all other grades, not more than "slightly skinned"; thereafter no maturity requirements.

(c) *Inspection.* (1) No handler shall handle any potatoes for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto and the certificate is valid at the time of shipment. For purpose of operation under this part it is hereby determined pursuant to paragraph (d) of § 948.40, that each inspection certificate shall be valid for a period not to exceed five days following the date of inspection as shown on the inspection certificate.

(2) No handler may transport or cause the transportation by motor vehicle of any shipment of potatoes for which an inspection certificate is required unless each shipment is accompanied by a copy of the inspection certificate applicable thereto and the copy is made available for examination at any time upon request.

(d) *Special purpose shipments.* (1) The grade, size, maturity and inspection requirements of paragraphs (a), (b), and (c) of this section shall not be applicable to shipments of potatoes for:

(i) livestock feed;

(ii) Charity;

(iii) Canning, freezing, and "other processing" as hereinafter defined, and

(iv) Certified seed potatoes (§ 948.6).

(2) The maturity requirements set forth in paragraph (b) of this section shall not be applicable to shipments of potatoes for prepeeling.

(e) *Safeguards.* Each handler making shipments of potatoes pursuant to paragraph (d) of this section shall:

(1) Prior to shipment, apply for and obtain a Certificate of Privilege from the committee;

(2) Furnish the committee such reports and documents as required, including certification by the buyer or receiver on the use of such potatoes; and

(3) Bill each shipment directly to the applicable buyer or receiver.

(f) *Minimum quantity.* For purpose of regulation under this part, each person may handle up to but not to exceed 1,000 pounds of potatoes per shipment without regard to the requirements of paragraphs (a) and (b) of this section, but this exception shall not apply to any shipment of over 1,000 pounds of potatoes.

(g) *Definitions.* The terms "U.S. No. 1," "U.S. No. 2," "Size B," "moderately skinned" and "slightly skinned" shall have the same meaning as when used in the United States Standards for Grades of Potatoes (7 CFR 2851.1540–2851.1566) including the tolerances set forth therein. The term "prepeeling" means the commercial preparation in a prepeeling plant of clean, sound, fresh potatoes by washing, peeling or otherwise removing the outer skin, trimming, sorting, and properly treating to prevent discoloration preparatory to sale in one or more of the styles of peeled potatoes described in § 2852.2422 United States Standards for Grades of Peeled Potatoes (7 CFR 2852.2421–2852.2433). The term "other processing" has the same meaning as the term appearing in the act and includes, but is not restricted to, potatoes for dehydration, chips, shoestrings, starch, and flour. It includes only that preparation of potatoes for market which involves the application of heat or cold to such an extent that the natural form or stability of the commodity undergoes a substantial change. The act of peeling, cooling, slicing, dicing, or applying material to prevent oxidation does not constitute "other processing." All other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97, as amended, and this part.

(h) *Applicability to imports.* Pursuant to section 8e of the act and § 980.1, "Import regulations" (7 CFR 980.1),

round white varieties of Irish potatoes, except certified seed potatoes, imported into the United States during the period August 1, 1981, through June 4, 1982, shall meet the minimum grade, size, quality, and maturity requirements specified in paragraphs (a) and (b) of this section.

(i) *Forms.* Information collection requirements (reporting or record keeping) under this part are subject to clearance by the Office of Management and Budget and are in the process of review. These information requirements shall not become effective until such time as clearance by the OMB has been obtained.

Dated: June 15, 1981.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 81-18226 Filed 6-18-81; 8:45 am]

BILLING CODE 3410-02-M

Rural Electrification Administration

7 CFR Part 1701

Proposed Rescission of REA Bulletins: 300-7 "Member Service Program—Telephone," 320-3 "Working Capital in Loans to Telephone Borrowers," and 320-13 "Loans for Switched Facilities"

AGENCY: Rural Electrification Administration, USDA.

ACTION: Proposed rule.

SUMMARY: REA hereby proposes to amend Appendix A—REA Bulletins to rescind Bulletins 300-7, 320-3 and 320-13. Rescission of these bulletins affects regulation of REA telephone borrowers in the areas of member services, working capital and loans for switched facilities.

DATE: Public comments must be received by REA no later than: August 18, 1981.

ADDRESS: Persons interested in the proposed rescissions may submit written comments to John Rose, Director, Telecommunications Management Division, Rural Electrification Administration, Room 2913, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: John Rose, Director, Telecommunications Management Division, above address, telephone number (202) 447-5252. The Draft Impact Analysis describing the options considered in the decision to rescind the three Bulletins and the impact of implementing each option is available on request from the above office.

SUPPLEMENTARY INFORMATION: Pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 *et seq.*), REA hereby proposes to amend Appendix A—REA Bulletins to rescind REA Bulletins 300-7, 320-3 and 320-13. This proposed action has been issued in conformance with Executive Order 12291, Federal Regulation, and has been determined to be "not major."

REA Bulletin 300-7 "Member Service Program—Telephone" is proposed for rescission because the policy it sets forth is well understood and followed by the rural telephone cooperatives to which it is directed. The need for a formalized document explaining this policy no longer exists.

REA Bulletin 320-3 "Working Capital in Loans to Telephone Borrowers" is proposed for rescission because loans for working capital have not been made in several years. REA still retains the authority to review requests for such loans on a case by case basis. However, the broad policy statement concerning the availability of funds for this purpose contained in the Bulletin does not further program objectives or conserve scarce loan funds.

REA Bulletin 320-13 "Loans for Switched Facilities" is proposed for rescission because changes in technology have made the provision of switched facilities obsolete.

All written submissions made pursuant to this action will be made available for public inspection during regular business hours, above address. This program is listed in the Catalog of Federal Domestic Assistance as 10.851—Rural Telephone Loans and Loan Guarantees.

Dated: June 11, 1981.

Joe S. Zoller,

Acting Administrator.

[FR Doc. 81-18229 Filed 6-18-81; 8:45 am]

BILLING CODE 3410-15-M

FEDERAL RESERVE SYSTEM

12 CFR Part 220

[Docket No. R-0082]

Proposal to Amend Regulation T to Establish Margin Requirements for Options on Exempted Debt Securities

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Proposed rulemaking.

SUMMARY: The Board proposes to amend Regulation T (12 CFR Part 220) to provide a separate margin requirement for options on debt securities issued or guaranteed by government entities (exempted debt securities). The Board's existing margin requirement for options was adopted to cover options written on corporate equity securities. Absent an amendment to Regulation T, it will be automatically applicable to a new type of option on exempted debt securities for which filings have been made with the Securities and Exchange Commission (SEC) by the Chicago Board Options Exchange (CBOE), the American Stock Exchange (AMEX) and the New York Stock Exchange (NYSE). It is the Board's view that the existing margin requirements would not be appropriate for this type of option contract.

Two alternative amendments are being considered by the Board. One, which will be identified herein as the "good faith proposal," would require a broker or dealer to obtain from a customer writing uncovered options on exempted debt securities the amount of margin determined by the broker or dealer "in good faith" to be adequate. This presumes that, at a minimum, the margin required would be that specified as maintenance margin in the rules of the self-regulatory organization (SRO) to which the creditor belongs. The Board's present rules for certain corporate bonds and industry practice for exempted securities use the "good faith" margin concept. The "good faith proposal" would also permit the creditor to assign good faith loan value to this new type of exchange-traded option. The second proposed amendment, identified as the "premium-based proposal," would require an initial margin deposit of 130 percent of the option premium plus $1000 for the writing of uncovered options. It would continue the Board's present policy of not granting loan value to a long position in an option.

DATE: Comments should be received on or before August 3, 1981.

ADDRESS: Comments, which should refer to Docket No. R-0082, may be mailed to the Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551, or delivered to Room B-2223 between 8:45 a.m. and 5:15 p.m. Comments received may also be inspected at Room B-1122 between 8:45 a.m. and 5:15 p.m., except as provided in § 261.6(a) of the Board's Rules Regarding Availability of Information (12 CFR 261.6(a)).

FOR FURTHER INFORMATION CONTACT: Laura Homer, Securities Credit Officer, or Bruce Brett, Securities Regulation Analyst, Division of Banking Supervision and Regulation, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 (202-452-2781).

SUPPLEMENTARY INFORMATION: The Board of Governors proposes to amend its Regulation T to provide a separate margin for options on exempted debt securities. Public comment is requested by August 3, 1981, on two alternative proposals, particularly with respect to issues identified in this notice.

An option contract on mortgage pass-through certificates guaranteed by the Government National Mortgage Association (GNMA options) was recently approved by the SEC for trading on the CBOE (Securities Exchange Act Release No. 17577, February 26, 1981,) and option contracts on Treasury bills, notes and bonds that have been proposed by the NYSE, Amex and CBOE are currently being considered by the SEC (Securities Exchange Act Release No. 17995, May 11, 1981). One of the SEC's requirements for the approval of trading of the GNMA option contract was that CBOE margin rules conform with the Board's margin requirements.

There are several reasons why the Board is considering a "good faith" margin for these new options. One is that the Board does not set margins for the government securities underlying the options because they are defined in section 3(a)(12) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(12)) as "exempted securities" and are, therefore, not subject to the Board's regulation. The margin which is required by rules of the self-regulatory organizations (SRO's) or industry practice for the purchase of government securities in the cash market is regarded as a "good faith" margin. In general, this "good faith" margin approximates five percent. The "good faith proposal" would permit an option margin for the derivative security comparable to that used in the cash market. This proposal would minimize constraints on market activity and appear to involve the least regulatory burden. However, the SEC has indicated its concern that having different methods of calculating margins on similar options "may constitute an inappropriate burden on market participants." The NYSE has pointed out that if different requirements for different exchanges are approved, problems will be created for brokers belonging to more than one exchange. Commenters are asked to express their views on the potential seriousness of these difficulties.

The "good faith proposal" would also allow a broker to extend "good faith" loan value on an exchange-traded option on exempted debt securities. The Board denied loan value to options in 1973 when the exchange-trading of these contracts was first started. At that time the Board noted that, unlike the underlying security, an option is a disappearing asset. The public is asked to comment separately on this part of the "good faith proposal."

The "premium based proposal" for uncovered writing of options follows the general format proposed by the three exchanges for maintenance margin for uncovered option contracts, that is, a percentage of the premium plus a fixed sum. Each exchange, however, proposed different values for each component. The percentage of premium set forth by the exchanges range from 100 percent to 130 percent; the fixed sum ranges from $1500 to $3500. Most have some additional adjustments to provide for deviations from the basic format when options are deep in or out of the money. The Board's "premium based proposal" is 130 percent of the premium plus $1000, and adjustments to the format have been avoided in order to keep the regulation as simple as possible. In addition, the Board's proposal does not take into account the maturity of the underlying securities, a component of some of the exchange proposals. Comments are requested on the absence of these specific features. If the Board's proposed rule is thought to be inappropriate for certain classes of options or in certain situations, commenters are invited to suggest the least complicated way to accomplish the desired results. The "premium based proposal" does not contemplate according loan value to long positions in options.

Under either proposal, no margin would be required where the option is covered; that is, where the security that can be delivered upon exercise of the option or an offsetting option position is held in the option writer's account. The proposed amendments specify what the Board regards as adequate cover.

Accordingly, pursuant to sections 7 and 23 of the Securities Exchange Act of 1934, as amended (15 U.S.C. 78g, 78w) the Board proposes to adopt either of the following amendments to § 220.4 and § 220.8 of Regulation T (12 CFR Part 220):

Good Faith Proposal

The Board proposes the following amendments to § 220.4(i) and § 220.8(b) and (j) of Regulation T (12 CFR Part 220):

1. To revise § 220.4(i) to read as follows:

§ 220.4 Special accounts.

* * * * *

(i) *Special bond accounts.* (1) In a special bond account a creditor may extend and maintain credit on any exempted security, registered non-equity security, or OTC margin bond. The maximum loan value of securities held in this account shall be as prescribed from time to time in § 220.8 (the Supplement to Regulation T). Call options may be issued, endorsed, or guaranteed in this account on any underlying equity security which is held in this account because it is an exempted security.

(2) Put and call options on exempted non-equity securities may be issued, endorsed, or guaranteed in this account provided the amount of margin for such options as prescribed by the Board from time to time in § 220.8 (the Supplement to Regulation T) is included in the adjusted debit balance of this account. The amount of margin need not be included in the adjusted debit balance where there is held in the account any of the following:

(i) The underlying security in the case of a call or a short position in the underlying security in the case of a put;

(ii) An agreement under which a bank, which is holding the underlying security or the required cash, is obligated to deliver, in the case of a call, or accept, in the case of a put, the underlying security against payment of the exercise price upon exercise of the option;

(iii) A long position in a call for the same nominal principal amount of the same underlying security which does not expire before the expiration date of the call issued, endorsed, or guaranteed: *Provided,* That there is also added to the adjusted debit balance the amount, if any, by which the exercise price of such long position exceeds the exercise price of the call issued, endorsed, or guaranteed or, in the case of GNMA options, such additional amount as required by exchange rules.

(iv) A long position in a put on the same nominal principal amount of the same underlying security which does not expire before the expiration date of the put issued, endorsed, or guaranteed: *Provided,* That there is also added to the adjusted debit balance the amount, if any, by which the exercise price of the put issued, endorsed, or guaranteed exceeds the exercise price of such long position or, in the case of GNMA options, such additional amount as required by exchange rules.

(3) When a security held in the account serves in lieu of the margin required for a call, such security shall be valued at no greater than the exercise price of the call.

(4) A short position may be held in this account to serve in lieu of the margin required for a put. The amount to be added to the adjusted debit balance

in respect of such short sale shall be increased by any unrealized loss on the position.

(5) When both a put and a call are issued, endorsed or guaranteed in this account on the same nominal principal amount of the same underlying security, the amount of margin required shall be the margin on either the put or the call, whichever is greater, plus any unrealized loss on the other option.

(6) Any security position held in the account which serves in lieu of the margin required for a put or a call shall be unavailable to support any other option transaction in the account.

(7) The customer may either designate at the time the option order is entered which security position held in the account is to serve in lieu of the margin required or have a standing agreement with the creditor as to the method to be used for making the determination on any given day as to which security position will be used in lieu of the margin to support an option transaction.

(8) For the purposes of this paragraph a security shall be deemed to be an "underlying security" if it may be delivered in satisfaction of an exercise notice.

2. To revise § 220.8(b) and (j) to read as follows:

§ 220.8 Supplement.

* * * * *

(b) *Maximum loan value for a special bond account.* The maximum loan value of an exempted security, a put or call on a non-equity exempted security, an OTC margin bond, or a registered non-equity security shall be determined by the creditor in good faith.

* * * * *

(j) *Margin required for the writing of options.* (1) The amount to be included in the adjusted debit balance of a general account, special bond account, or special convertible debt security account pursuant to paragraphs (d)(5) and (i) of § 220.3, as the margin required for the issuance, endorsement, or guarantee of any put or call on an equity security shall be 30 pre cent of the current market value of the underlying security with an adjustment for any applicable increase or reduction.

(2) The amount to be included in the adjusted debit balance of an account pursuant to § 220.4(i) as the margin required for the issuance, endorsement, or guarantee of any put or call on an exempted debt secuity shall be as determined by the creditor in good faith.

Premium-Based Proposal

The Board proposes the following amendments to § 220.4(i) and § 220.8(b) and (j) of Regulation T (12 CFR Part 220):

1. To revise § 220.4(i) to read as follows:

§ 220.4 Special accounts.

* * * * *

(i) *Special Bond Accounts.* (1) In a special bond account a creditor may extend and maintain credit on any exempted security, registered non-equity security, or OTC margin bond. The Maximum loan value of Securities held in this account shall be as prescribed from time to time in § 220.8 (the Supplement to Regulation T). Call options may be issued, endorsed, or guaranteed in this account on any underlying equity security which is held in this account because it is an exempted security.

(2) Put and call options on exempted non-equity securities may be issued, endorsed, or guaranteed in this account provided the amount of margin for such options as prescribed by the Board from time to time in § 220.8 (the Supplement to Regulation T) is included in the adjusted debit balance of this account. The amount of margin need not be included in the adjusted debit balance where there is held in the account any of the following:

(i) The underlying security in the case of a call or a short position in the underlying security in the case of a put;

(ii) An agreement under which a bank, which is holding the underlying security or the required cash, is obligated to deliver, in the case of a call, or accept, in the case of a put, the underlying security against payment of the exercise price upon exercise of the option;

(iii) A long position in a call for the same nominal principal amount of the same underlying security which does not expire before the expiration date of the call issued, endorsed, or guaranteed: *Provided,* That there is also added to the adjusted debit balance the amount, if any, by which the exercise price of such long position exceeds the exercise price of the call issued, endorsed, or guaranteed or, in the case of GNMA options, such additional amount as required by exchange rules.

(iv) A long position in a put on the same nominal principal amount of the same underlying security which does not expire before the expiration date of the put issued, endorsed, or guaranteed: *Provided,* That there is also added to the adjusted debit balance the amount, if any, by which the exercise price of the put issued, endorsed, or guaranteed exceeds the exercise price of such long position or, in the case of GNMA options, such additional amount as required by exchange rules.

(3) When a security held in the account serves in lieu of the margin required for a call, such security shall be valued at no greater than the exercise price of the call.

(4) A short position may be held in this account to serve in lieu of the margin required for a put. The amount to be added to the adjusted debit balance in respect of such short sale shall be increased by any unrealized loss on the position.

(5) When both a put and a call are issued, endorsed or guaranteed in this account on the same nominal principal amount of the same underlying security, the amount of margin required shall be the margin on either the put or the call, whichever is greater, plus any unrealized loss on the other option.

(6) Any security position held in the account which serves in lieu of the margin required for a put or a call shall be unavailable to support any other option transaction in the account.

(7) The customer may either designate at the time the option order is entered which security position held in the account is to serve in lieu of the margin required or have a standing agreement with the creditor as to the method to be used for making the determination on any given day as to which security position will be used in lieu of the margin to support an option transaction.

(8) For the purposes of this paragraph a security shall be deemed to be an "underlying security" if it may be delivered in satisfaction of an exercise notice.

2. To revise § 220.8(b) and (j) to read as follows:

§ 220.8 Supplement.

* * * * *

(b) *Maximum loan value for a special bond account.* The maximum loan value of an exempted security, an OTC margin bond, or a registered non-equity security which is not a put, call or combination thereof shall be as determined by the creditor in good faith.

* * * * *

(j) *Margin required for the writing of options.* (1) The amount to be included in the adjusted debit balance of a general account, special bond account, or special convertible debt security account pursuant to paragraphs (d)(5) and (i) of § 220.3, as the margin required for the issuance, endorsement, or guarantee of any put or call on an equity security shall be 30 per cent of the current market value of the underlying security with an adjustment for any applicable increase or reduction.

(2) The amount to be included in the adjusted debit balance of an account pursuant to § 220.4(i) as the margin

required for the issuance, endorsement, or guarantee of any put or call on an exempted debt security shall be 130 percent of the premium plus $1000.

By the order of the Board of Governors of the Federal Reserve System, June 10, 1981.

James McAfee,

Assistant Secretary of Board.

[FR Doc. 81-18238 Filed 6-18-81; 8:45 am]

BILLING CODE 6210-01-M

VETERANS ADMINISTRATION

38 CFR Part 3

Veterans Benefits; Service Records as Evidence of Service and Character of Discharge

AGENCY: Veterans Administration.

ACTION: Proposed regulation amendment.

SUMMARY: The Veterans Administration is proposing to amend its regulation governing evidence of service to again accept a copy of a discharge document certified as a true and exact copy by a public custodian of records. The need for this action results from the lengthy delays in claims processing we are experiencing as a result of having to request evidence of service from the service departments.

DATES: Comments must be received on or before July 20, 1981. The Veterans Administration proposes to make this change effective date of final approval.

ADDRESSES: Send written comments to: Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, N.W., Washington, D.C. 20420.

Comments will be available for inspection at the address shown above during normal business hours until July 30, 1981.

FOR FURTHER INFORMATION CONTACT: T. H. Spindle, Jr. (202-389-3005)

SUPPLEMENTARY INFORMATION: On October 28, 1980 we amended 38 CFR 3.203. See 45 FR 72654 (1980). This amendment was made as a consequence of the use by the service departments of a revised DD Form 214, Certificate of Release or Discharge From Active Duty. However, we also rewrote § 3.203 to preclude the use of a copy of a DD Form 214 or the Certificate of Discharge certified as being a correct copy by a public custodian of records such as a county clerk. It now appears that failure to use certified copies of discharge documents is causing lengthy delays in claims processing because verification of service must be obtained from the service departments in many more cases than we originally believed. Since the process of obtaining verification is lengthy, the volume of requests is rapidly increasing. Consequently, we are proposing to amend § 3.203 so as to again accept a certified copy of a DD Form 214 or the Certificate of Discharge issued by a public custodian of records.

The agency has determined that this regulation is nonmajor in accordance with Executive Order 12291, Federal Regulation. The agency has also determined, as required by Pub. L. 96-354, the Regulatory Flexibility Act, that it imposes no compliance costs or reporting burdens on the public and has no effect on businesses or State and local governments.

Additional Comment Information

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans' Affairs (271A), Veterans Administration, 810 Vermont Avenue, NW., Washington, DC 20420. All written comments received will be available for public inspection at the above address only between the hours of 8 am and 4:30 pm Monday through Friday (except holidays) until July 30, 1981. Any person visiting the Veterans Administration Central Office in Washington, DC for the purpose of inspecting any such comments will be received by the Central Office Veterans Services Unit in room 132. Such visitors to any VA field station will be informed that the records are available for inspection only in Central Office and furnished the address and the above room number.

Approved: June 3, 1981.

D. Custis,

Acting Administrator.

In § 3.203, paragraph (a)(1) is revised as follows:

§ 3.203 Service records as evidence of service and character of discharge.

(a) *Evidence submitted by a claimant.* For the purpose of establishing entitlement to pension, compensation, dependency and indemnity compensation or burial benefits the Veterans Administration may accept evidence of service submitted by a claimant (or sent directly to the Veterans Administration by the service department), such as a DD Form 214, Certificate of Release or Discharge From Active Duty, or original Certificate of Discharge, without verification from the appropriate service department if the evidence meets the following conditions:

(1) The evidence is a document issued by the service department. A copy of an original document is acceptable if the copy was issued by the service department or if the copy was issued by a public custodian of records who certifies that it is a true and exact copy of the document in the custodian's custody; and

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[FR Doc. 81-18280 Filed 6-18-81; 8:45 am]

BILLING CODE 6320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-5-FRL-1840-7]

Approval and Promulgation of Implementation Plans; Wisconsin

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The U.S. Environmental Protection Agency (EPA) proposes to approve the Wisconsin Department of Natural Resources (DNR) request for a revision to the Wisconsin State Implementation Plan (SIP). The proposed revision is in the form of a variance for a bulk gasoline terminal operated by the Union Oil Company of California.

The variance is for an exemption from the requirements of section NR 154.13(3)(a) Wisconsin Adminstrative Code, for the terminal located in Superior, Douglas County, Wisconsin. Any source specific revision must be approved by EPA before it becomes effective as a SIP revision under the Clean Air Act. The purpose of this notice is to invite public comment on EPA's proposed approval of the variance as a SIP revision.

DATE: Written comments must be submitted on or before July 20, 1981.

ADDRESSES: Copies of the SIP revision, supporting data, and EPA's evaluation are available for inspection during normal business hours at the following addresses:

United States Environmental Protection Agency, Air Programs Branch, Region V, 230 South Dearborn Street, Chicago, Illinois 60604

United States Environmental Protection Agency, Public Information Reference Unit, 401 M Street, S.W., Washington, D.C. 20460

Wisconsin Department of Natural Resources, Bureau of Air Management, 101 S. Webster Street, Madison, Wisconsin 53707

Comments on this proposed rule should be address to: Gary Gulezian,

Chief, Regulatory Analysis Section, Air Programs Branch, United States Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Sharon Kraft, Regulatory Analysis Section, United States Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604 (312) 886–6036.

SUPPLEMENTARY INFORMATION: On March 3, 1978 (43 FR 8962), and October 5, 1978 (43 FR 45993), pursuant to the requirements of Section 107 of the Clean Air Act (Act), EPA designated certain areas of the State of Wisconsin as not attaining the 0.08 part per million National Ambient Air Quality Standard (NAAQS) for total photochemical oxidants. On Feburary 8, 1979 (44 FR 8220), EPA revised the NAAQS for ozone from 0.08 ppm to 0.12 ppm, not to be exceeded on the average of more than one time per year.

Part D of the Act requires the State to revise its SIP for all areas that have not attained the NAAQS. These SIP revisions must demonstrate attainment of the primary NAAQS as expeditiously as practicable, but not later than December 31, 1982. Under certain conditions, the date may be extended to December 31, 1987 for ozone and/or carbon monoxide. An adequate SIP for ozone is one which provides for sufficient control of volatile organic compounds (VOCs) from stationary and mobile sources to provide for attainment of the NAAQS.

For stationary sources, the Act requires that application of reasonably available control technology (RACT) to those sources of VOCs for which EPA had published a control techniques guideline (CTG) prior to January, 1978.

On June 4, 1979 the State of Wisconsin submitted section NR 154.01 and NR 154.13 as a revision to the SIP. These revisions set forth new or additional controls for 15 categories of stationary sources which emit VOCs. These controls are a part of Wisconsin's strategy to attain the ozone standard. In EPA's January 11, 1980, (45 FR 2319) final rulemaking, EPA approved these revisions as part of the Wisconsin SIP related to VOC source control.

The Wisconsin DNR has the authority to grant source specific variances from the SIP under section NR 154.02(3). On May 6, 1980 the Wisconsin DNR received from Union Oil of California a request for a variance from section NR 154.13(3)(a). Section 154.13(3)(a) requires vapor control equipment to capture and recover or destroy gasoline vapors displaced during gasoline transfer operations at bulk terminals.

Union Oil Company of California operates a bulk gasoline terminal in Superior, Douglas County, Wisconsin, an ozone nonattainment area. The Wisconsin DNR has demonstrated that although Douglas County has recorded violations of the 0.08 ppm standard, no violation of the 0.12 ppm standard has been recorded in this County. Wisconsin has recommended that EPA revise its designation accordingly. Thus on June 17, 1980 (45 FR 41024) EPA proposed rulemaking to redesignate Douglas County from "Does Not Meet the Primary Standards" for oxidants to "Cannot Be Classified or Better than National Standards" for ozone. EPA will take action to finally approve this redesignation in the near future.

Union Oil Company is subject to the requirements of section NR 154.13(3)(a). Union Oil has demonstrated, however, that compliance with the section is not economically feasible because of the cost of retrofit for this facility in combination with the small amount of incremental emission reductions resulting from the installation of a vapor control system. The terminal presently employs submerged loading and all of its storage tanks are equipped with floating roofs. This is a small bulk gasoline terminal with daily throughput of about 39,000 gallons. Finally, this terminal is shared by Union Oil and Texaco. Texaco has recently withdrawn its five million gallon annual throughput thereby reducing the annual throughput at the facility to approximately 14 million gallons.

Wisconsin DNR's review considered the feasibility of installing controls, the air quality impact and the requirements of NR 154.02(3)(a). The Wisconsin DNR determined that the installation of control equipment is technically feasible. The DNR, however, believes that it is economically unreasonable because of the high cost of retrofit and conversion to bottom loading from submerged fill, in combination with the small amount of emission reductions. Wisconsin DNR's air quality showed that granting the variance would not interfere with attainment or maintenance of the ozone NAAQS. The Wisconsin DNR determined that Union Oil Company's other two terminals and its company-owned dispensing facilities are presently on schedules for compliance with section NR 154.13(3)(a), Wisconsin Administrative Code.

The Wisconsin DNR has determined that Union Oil Company has met all the necessary criteria for the variance. Therefore, the Wisconsin DNR granted Union Oil the requested variance for an exemption from the requirements of section 154.13(3)(a). However, Wisconsin regulations state that a variance will not become effective until submitted to and approved by USEPA.

On October 29, 1980 the State of Wisconsin formally submitted the Union Oil Company variance request to EPA as a revision to the ozone SIP. EPA has reviewed the variance and has determined that all procedural requirements were met. EPA's analysis of the technical support submitted on behalf of the proposed revision indicates that the operation of the Union Oil Company terminal without the VOC control equipment specified in section NR 154.13(3)(a) will not cause or contribute to a violation of the NAAQS.

EPA agrees that it would not be economically feasible to install a bottom-loading and VOC recovery or destruction system at this terminal. Therefore, EPA proposes to approve the revision to the Wisconsin ozone SIP based upon Wisconsin's commitment to the following conditions:

1. That the annual gasoline throughput for the facility not exceed 15 million gallons after December 31, 1980, and

2. That the Union Oil Company continue to use a submerged filling method when loading tank trucks or trailers at this facility.

All interested persons are invited to comment on this revision to the Wisconsin SIP and on EPA's proposed action. Comments should be submitted to the address listed at the beginning of this notice. Public comments received on or before July 20, 1981 will be considered in EPA's final rulemaking.

Pursuant to the provisions of 5 U.S.C. section 605(b), the Administrator has certified (46 FR 8709) that the attached rule will not if promulgated have a significant economic impact on a substantial number of small entities. This action only approves State actions. It imposes no new requirements. In addition, this action only applies to one facility.

Under Executive Order 12291, EPA must determine whether a proposed regulation is a major rule and therefore subject to the requirement of a regulatory impact analysis. I have reviewed this proposed rulemaking and determined that it is not a major rule because EPA is proposing to approve a rule adopted by the State and not imposing new requirements. Moreover, this proposed rulemaking is an exemption which should decrease cost of compliance with the Act for the source. This action was submitted to the Office of Management and Budget

(OMB) for review as required by Executive Order 12291.

This proposed rulemaking is issued under authority of Sections 110, 172 and 301(a) of the Act as amended.

Dated: May 4, 1981.

Valdas V. Adamkus,

Acting Regional Administrator.

[FR Doc. 81-18253 Filed 6-18-81; 8:45 am]

BILLING CODE 6560-25-M

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40 CFR Part 180

[OPP-300052; PH-FRL-1857-2]

Butyl Benzyl Phthalate; Proposed Exemption From the Requirement of a Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This notice proposes that butyl benzyl phthalate be exempted from the requirement of a tolerance when the inert (or occasionally active) ingredient is applied to cotton when dispensing gossyplure to disrupt the mating of the pink bollworm. This proposal was requested by Herculite Products, Inc.

DATE: Comments must be received by July 20, 1981.

ADDRESS: Written comments to: John A. Shaughnessy, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW, Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: John A. Shaughnessy (703-557-7110).

SUPPLEMENTARY INFORMATION: At the request of Herculite Products, Inc., the Administrator proposes to amend 40 CFR Part 180 by establishing an exemption from the requirement of a tolerance for butyl benzyl phthalate, when used as an inert ingredient in laminated dispensers, when dispensing gossyplure (a synthetic pheromone) on cotton only, to disrupt the mating of the pink bollworm.

Inert ingredients are all ingredients which are not active ingredients as defined in 40 CFR 162.3(c), and include, but are not limited to, the following types of ingredients (except when they have pesticidal efficacy of their own): solvents such as water; baits such as sugar, starches, and meat scraps; dust carriers such as talc and clay; fillers; wetting and spreading agents; propellants in aerosol dispensers; and emulsifiers. The term inert is not intended to imply nontoxicity; the ingredient may or may not be chemically active.

Preambles to proposed rulemaking documents of this nature include the common or chemical name of the substance under consideration, the name and address of the firm making the request for the exemption, and toxicological and other scientific bases used in arriving at a conclusion of safety in support of the exemption.

Name of Inert Ingredients. Butyl benzyl phthalate.

Name and Address of Requestor. Herculite Products, Inc., 1107 Broadway, New York, NY 10010.

Basis for Approval. Butyl benzyl phthalate is presently cleared by the Food and Drug Administration for several indirect food additive uses. They are:

21 CFR 175.105—Adhesives in contact with food
21 CFR 176.170—Paper and paperboard in contact with aqueous and fatty food
21 CFR 176.180—Ditto with dry food
21 CFR 177.2420—Adjuvant in cross-linked polyester resins in articles in contact with food
21 CFR 178.3740—Plasticizers in polymeric substances used in manufacture of articles that may contact food

Toxicity data in the published literature support the proposed exemption. A 90-day dog feeding study gives the no-observable-effect-level (NOEL) as 2 percent dietary based on systemic effects.[1] A 90-day rat feeding study gave the NOEL as 2 percent dietary based on systemic effect.[1]

Residues in cottonseed are estimated to be less than 1 part per million (ppm) butyl benzyl phthalate, from the proposed use. From the two 90-day feeding studies; the limited use (in pheromone dispensers, applied to growing cotton); and the estimated residue level of less than 1 ppm; it is concluded that the proposed exemption would be without significant hazard.

Based on the above information, and review of its use, it has been found that, when used in accordance with good agricultural pratice, this ingredient is useful and does not pose a hazard to the environment. It is concluded, therefore, that the proposed amendment to 40 CFR Part 180 will protect the public health, and it is proposed that the regulation be established as set forth below.

Any person who has registered or submitted an application for the registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act, which contains this inert ingredient may request, on or before July 20, 1981, that this rulemaking proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. The comments must bear a notation indicating both the subject and the petition and document control number "[OPP-300052]". All written comments filed in response to this notice of proposed rulemaking will be available for public inspection in the Process Coordination Branch (TS-767C), Rm. 514D, CM#2, 1921 Jefferson Davis Highway, Arlington, VA from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

As required by Executive Order 12291, EPA has determined that this proposed rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this regulation from the OMB review requirement of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346a(e)))

Dated: June 12, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

Therefore, it is proposed that Subpart D of 40 CFR Part 180 be amended by adding § 180.1062 to read as follows:

§ 180.1062 Butyl benzyl phthalate exemption from requirement of tolerance.

Butyl benzyl phthalate is exempt from the requirement of a tolerance for residues in or on cottonseed, when used as an inert plasticizer in the formulation of controlled-release laminated dispensers of the attractant gossyplure [(Z,Z-) and (Z,E-) 7,11-hexadecadien-1-ol acetate], to disrupt the mating of the pink bollworm.

[FR Doc. 81-18301 Filed 6-18-81; 8:45 am]

BILLING CODE 6560-32-M

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[1] Krausdof, L. G.; Studies on the Toxicity of Phthalates via Ingestion; *Envir. Hlth. Persps.*, Jan. 1973.

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 64

American Telephone and Telegraph Co.; Order Extending Time for Filing Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Public Notice regarding Petition for Waiver; Order extending time for filing reply comments.

SUMMARY: The Commission through the Acting Chief, Common Carrier Bureau, has enlarged the time period for reply comments in the matter of American Telephone and Telegraph Company Petition for waiver of § 64.702 of the Commission's Rules and Regulations. This action is taken because of the complexity, novelty and importance of the issues raised in the comments filed in the proceeding.

DATE: Reply comments on the AT&T petition for waiver must be filed on or before July 2, 1981.

ADDRESS: Reply comments should be submitted to the Secretary, Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Kathleen B. Levitz, Common Carrier Bureau, Federal Communications Commission, Washington, D.C. Telephone No. (202) 653–6187.

SUPPLEMENTARY INFORMATION:

In the matter of American Telephone and Telegraph Company, petition for waiver of § 64.702 of the Commission's Rules and Regulations.

Adopted: June 8, 1981.

Released: June 9, 1981.

By the Acting Chief, Common Carrier Bureau:

1. The American Telephone and Telegraph Company (AT&T) has filed with this Commission a motion to extend the time for filing replies to comments on the Petition for Waiver filed by AT&T on March 20, 1981. (46 FR 19852; 4–1–81) [1] In that petition AT&T had requested a waiver of the structural separation requirements imposed by § 64.702 of the Commission's Rules and Regulations, 47 CFR 64.702, to the extent required to permit the offering by Bell System operating companies of Custom Calling Services II, a package of enhanced services. Interested parties filed their comments on the petition on May 26, 1981. AT&T requests that the time by which reply comments must be filed, now set as June 12, 1981, be extended to July 2, 1981.

2. Fifteen parties have filed comments which, with attachments, total several hundred pages. The comments raise many complex, novel and important issues. For these reasons an extension of time to reply appears both reasonable and in the public interest. In order to allow interested parties ample time to file replies which adequately address these issues, the time by which reply comments in this proceeding must be filed shall be extended to July 2, 1981.

3. Accordingly, it is ordered, pursuant to § 0.291 of the Commission's Rules, 47 CFR 0.291, That the motion for extension of time for filing reply comments is granted. Interested parties shall file their reply comments on or before July 2, 1981.

Joseph A. Marino,

Acting Chief, Common Carrier Bureau.

[FR Doc. 81–18177 Filed 6–18–81; 8:45 am]

BILLING CODE 6712–01–M

[1] Editorial Note: The petition for waiver appeared in the notices section of the April 1, 1981 Federal Register.

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47 CFR Part 73

[BC Docket No. 81–233; RM–3702]

FM Broadcast Station in Bay City, Tex.; Order Extending Time for Filing Comments and Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; extension of comment and reply comment period.

SUMMARY: Action taken herein extends the time for filing comments and reply comments in a proceeding concerning the proposed assignment of an FM channel to Bay City, Texas. Harte-Hanks Radio, Inc., states that additional time is needed to submit the requested engineering showings.

DATES: Comments must be filed on or before June 10, 1981, and reply comments on or before July 1, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632–7792.

SUPPLEMENTARY INFORMATION:

Order Extending Time for Filing Comments and Reply Comments

Adopted: June 9, 1981.

Released: June 12, 1981.

By the Chief, Policy and Rules Division.

1. On April 1, 1981, the Commission adopted a *Notice of Proposed Rule Making*, 46 FR 22006, published April 15, 1981, in the above-entitled proceeding. The dates for filing comments and reply comments were June 1, and June 22, 1981, respectively.

2. On May 28, 1981, counsel for Harte-Hanks Radio, Inc. (formerly Southern Broadcast Co.) filed a request seeking an extension of time for filing comments to and including June 10, 1981. Counsel states that additional time is necessary to submit the requested engineering showings Harte-Hanks Radio, Inc. notes that this proceeding is one of several rule making proceedings relating to pending applications by various FM stations in Houston, Texas, proposing to relocate their facilities to a common transmitter site, and that similar extensions were requested in those cases. Counsel states further that none of the parties herein has interposed an objection to the instant request.

3. Accordingly, it is ordered, that the time for filing comments and reply comments in BC Docket No. 81–233, are extended to and including June 10, and July 1, 1981, respectively.

4. This action is taken pursuant to authority contained in Sections 4(i), 5(d)(l) and 303(r) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81–18249 Filed 6–18–81; 8:45 am]

BILLING CODE 6712–01–M

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47 CFR Parts 90 and 95

[Docket No. 19921; RM–1197; RM–1218; RM–1330; FCC 81–263]

Adoption of New Practices and Procedures for Cooperative Use and Multiple Licensing of Stations in the Private Land Mobile Radio Services

AGENCY: Federal Communications Commission.

ACTION: Tentative decision and further notice of proposed rulemaking.

SUMMARY: The document sets out tentative rulings on both legal and policy issues underlying cooperative use and mutiple licensing arrangements authorized in the private land mobile radio services and, further, a proposed plan for the regulation of sharing plans of these types. Specific issues are announced under which interested persons may address all aspects of this rulemaking; and a statement under the Regulatory Flexibility Act of 1980 is included to permit small business enterprises to address potential impacts on their operations. This action is taken as an intermediate step in reaching a

decision as to shared use of radio facilities in the Private Services. The intended effect of this action is to better define and simplify the rules governing the shared use of radio facilities in the Private Services.

DATES: Comments are due on or before July 21 1981 and replies on or before August 10, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

John B. Letterman, Private Radio Bureau (202) 634–2443.

SUPPLEMENTARY INFORMATION: In the matter of Amendment of Parts 89, 91, 93 and 95 of the Commission's Rules to Adopt New Practices and Procedures for Cooperative Use and Multiple Licensing of Stations in the Private Land Mobile Radio Services.[1] Docket No. 18921, RM–1197, RM–1218, RM–1330. FCC 81–263. Tentative decision and further inquiry and notice of proposed rulemaking.

Adopted: June 4, 1981

Released: June 11, 1981.

By the Commission: Chairman Fowler not participating; Commissioners Quello and Washburn concurring in the result.

Table of Contents

	Paragraphs
I. Background:	
A. Preliminary Matters	1–3
B. Development of System Sharing Arrangements in PLMRS	4–11
C. Regulatory Plan Proposed	12–16
D. Response of the Parties	17–18
II. Tentative Decision:	
A. Legal Issue	19–28
B. Competition	29–40
C. Benefits	
1. Position of Parties	41–42
2. Spectrum Efficiency	43–45
3. Effective Spectrum Utilization	46–50
4. Economic Considerations	51–53
5. Availability of Service	54–57
D. Conclusions as to Proposed Rules and Policies:	
1. Position of Parties	58
2. Interim Packaging Policy	59–61
3. Cooperative Use Arrangements:	
(a) Prior Approval by Commission	62
(b) Nonprofit Corporations and Associations	63
(c) Control Station and Control Point Authorizations	64
(d) Annual Reports	65
(e) Addition of Participants	66
(f) Mobile Stations in Third-Party Vehicles	67
4. Multiple Licensing Arrangements:	
(a) Unrestricted Transmitter Access	68
(b) Joint and Several Operating Responsibility	69
(c) Prior Consent for Participation	70
(d) Payments Between Participants	71
(e) System Designator	72
(f) Termination of Use	73
E. Miscellaneous Matters:	
1. Sharing Between Parent and Subsidiary Corporations	74
2. Sharing Between Joint Venturers	75
3. Identification of Persons Providing Dispatching Services	76
4. Public Notice Proposal	77–79
5. Rule Consolidation	80
III. Further Inquiry and Notice of Proposed Rulemaking:	
A. Scope of Purpose	81
B. Matters and Issues to be Addressed	82
IV. Statement in Compliance With Regulatory Flexibility Act	83–89
V. Summary and Conclusion	90–97
Appendix A Parties to the Proceeding	
Appendix B Proposed Rules	

I

Background

A. Preliminary Matters

1. In our earlier opinion in this Docket No. 18921, we considered the petitions for rule making filed by Chalfont Communications (RM–1197), the National Association of Radiotelephone Systems (RM–1218), and jointly by American Radio-Telephone Service, Inc., Caprock Radio Dispatch, Fresno Mobile Radio, Inc., Radiofone, and Rogers Radio Communications Services, Inc. (RM–1330); and we granted, in part, the relief asked, initiating this rule making. *Multiple Licensing—Safety and Special Radio Services,* 24 FCC 2d 510 (1970). In addition, in that same opinion, we ruled on certain key legal and policy questions which had been raised by the parties. As to these questions, we held that neither cooperative use nor multiple licensing were unlawful, and that neither conflicted with public policy nor with the public interest standard which is the keystone of our decisions.

2. Nevertheless, we did initiate this rule making to explore certain regulatory and administrative matters. For this purpose, we developed a comprehensive plan to govern all sharing arrangements in the private land mobile radio services (PLMRS), setting out its details in our *Notice of Proposed Rule Making. Multiple Licensing—Safety and Special Radio Services, supra.* Following the issuance of our notice, comments and replies were filed.[2] We considered them, but we delayed disposing of the rule making due to a series of developments which we thought might change our regulatory approach to licensing shared systems in the PLMRS.[3]

3. Because of this delay, we feel we should afford the parties a further opportunity to address the issues and to comment on our regulatory plan, especially since it has been revised.[4]

B. Development of System Sharing Arrangements in the PLMRS

4. As background for our *Tentative Decision,* it will be helpful to describe the various sharing arrangements employed in the private services. Such arrangements have existed for many years.[5] The first of the plans were cooperatives.[6] They were designed primarily to permit licensees and persons eligible for licensing in the same radio service to avoid needless duplication of transmitting equipment and associated gear.

5. Generally, these early sharing plans involved some division of capital and operating expenses among the participants. The licensee, as the owner or lessee of the equipment, was allowed to recover these costs, but not to profit. As an example, a physician, eligible in the Special Emergency Radio Service, assignment with other doctors, but all had to be eligible in the Special Emergency Radio Service. The

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[1] Parts 89, 91, and 93 have been consolidated under New Part 90, 47 CFR Part 90. Part 95 retained its prior designation. In view of this, reference to the rule parts herein will be to the pertinent provisions under New Part 90 or to Part 95. See *Report and Order,* Docket No. 21348, 43 FR 54788 (November 22, 1978).

[2] The parties filing comments and reply comments are identified at *Appendix A* to this *Tentative Decision.*

[3] See particularly the rule making in Docket No. 18262, referenced *infra* at *fn.* 9. It was in that proceeding that we created a new class of eligible in the PLMRS, the Specialized Mobile Radio System (SMRS) licensee. See also *Frequency Band 806–960 MHz* case, cited *infra* at *fn.* 9.

[4] *Appendix B* to this *Tentative Decision* sets forth the plan as revised. Compare *Appendix, Multiple Licensing—Safety and Special Radio Services, supra,* at p. 522 *et seq.*

[5] This is illustrated by the early rules adopted for this purpose. See Part 10, Public Safety Radio Services, Section 10.7; Part 11, Industrial Radio Services, Section 11.6. Part 16, Land Transportation Radio Services, Section 16.3. *General Mobile Radio Service, Report and Order,* 14 FR 8284 (May 6, 1949). In general, these provisions authorized cooperative use of facilities in the several private services. It should be understood, however, that the practice had been sanctioned for many years prior to 1949. For example, there were numerous shared systems in the Police and Fire Radio Services before then. The best known of the early cooperatives, perhaps, was that authorized by the Federal Radio Commission in 1929 to provide radio communication services to aircraft of certain classes. This function is carried out today, as it was at that time, by Aeronautical Radio, Inc., on a non-profit basis, and, as the date indicates, the arrangement is one which has been in existence for over 50 years, predating the establishment of this Commission.

[6] Generally, there is cooperative use of a facility when a single licensee of a base station shares it with other eligible users with the expectation of being reimbursed, either in whole or in part, for the use made of the station by those users. However, the licensee may elect to be paid nothing at all, or the total expense of the system may be channeled to a third party, not the licensee. In either of these cases, no cost-sharing records are required and, thus, there are no reports as to cost sharing to file. See 47 CFR §§ 90.179, 90.181 and 90.183. See also 47 CFR § 90.185.

participant-doctors could contribute to the costs of operation and those associated with the transmitting gear itself, but there was an absolute bar against the licensee profiting from the arrangement.[7] As long as there was no profit and the channel assigned was used specifically by doctors for medical emergencies, the Commission approved such sharing plans even when challenged.

6. Over time, features of the sharing arrangements changed. One factor which helped to bring about such changes was the adoption of what, at the time, were new marketing techniques. Initially, equipment companies sold or leased base station transmitters and associated control and mobile units to individual licensees, charging whatever the established price of the equipment was or its reasonable rental value. That was accepted and customary practice. But these equipment companies discovered that some eligibles in the PLMRS could not afford to purchase the radio facilities they needed or pay the full rental value. To accommodate this class of eligible, manufacturers and suppliers undertook to advance the required risk capital to construct a system. They would then split the rental charges among several licensees or users.[8]

7. These marketing techniques led to variations in cooperative arrangements and eventually to multiple licensing. Roughly, there were four stages in this development. In the first stage, as noted above, the licensee either owned or leased the equipment and shared its costs among the participants based upon some formula agreed to by all. In the second stage, the licensee still owned or leased the equipment, making it available either at no charge or at less than cost, but providing participants some other service, e.g., equipment maintenance. Arrangements of this type were permitted, but only in a limited number of instances, because it was felt that licensees should not profit from provision of services associated with base station facilities. In the third stage, an eligible in one of the service categories, such as a physician or a hospital in the Special Emergency Radio Service, would agree with eligibles in the same radio service to assume the responsibilities as licensee and arrange for the needed physical radio gear and maintenance services. Under that variation, licensees were paid nothing at all; rather, all consideration flowed directly to the third-party equipment companies for goods and services, with the licensees and all qualified users paying the third-party suppliers individually for any equipment or services provided to them.

8. In none of the above arrangements was any person other than the licensee authorized to "control" the shared base station transmitter; i.e., the participant-users were not permitted to have control stations or control points of their own. This impeded effective use of the channel assignment because users had to employ direct wire line circuits between their offices or places of business, through the licensee's control point, and the transmitter being shared. This difficulty was corrected through multiple licensing. Under multiple licensing all participants were licensed to use the base station transmitter in common, i.e., each user was allowed to operate directly any shared base station transmitter and, as licensee, each could have a control station or control point of his or her own. This can be described as a fourth stage in the development of shared use in the PLMRS.[9]

9. In addition to the new marketing techniques mentioned, there were other factors bringing about changes in sharing arrangements for mobile systems. One was site availability. Good sites, i.e., ones from which an area or region could be effectively covered, were difficult to find and few in number. And once established, the demand for their use often exceeded the capacity of the sites. To meet the requirements of these licensees, the site owners encouraged sharing and this enabled five to ten licensees or users, and sometimes more, to be accommodated over a single shared base station facility at a particular site.

10. Further, during this same period of time, there emerged a series of new communication services; and there were also advances in equipment design. This was accompanied by the contemporaneous growth of telephone answering and paging services; and new techniques were introduced for the interconnection of private radio systems with the facilities of wire line telephone companies. These new services and techniques attracted still more persons to use radio in their businesses and in the conduct of professional and governmental activities. They also led licensees in the private services to rely on third parties to disptach for them, particularly during those times when their offices were closed, that is, at night, over weekends, and on holidays.

11. These and other related advances in the art combined in ways to encourage an even more rapid expansion of the use of shared facilities by licensees in the PLMRS, and there was a corresponding increase in the scope of the activities of third-party equipment companies. This intensified the controversy between the carriers and licensees of private systems, leading ultimately to the filing of the subject rule-making petitions and to the initiation of these proceedings.

C. Regulatory Plan Proposed

12. As stated, above, we ruled earlier in this proceeding on the key legal and policy questions advanced by the petitioners, holding that neither cooperative use nor multiple licensing was unlawful; that neither conflicted with public policy; rather we concluded that such arrangements were consistent with the statutory norm—the public interest, convenience and necessity. However, as noted, we did decide to explore through rule making a

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[7] See *Special Emergency Radio Service*, 24 FCC 2d 310 (1970); *Multiple Licensing—Safety and Special Radio Services, supra;* and *Medical Society Services, Inc., et al.* 28 FCC 2d 617 (1970). See also *Aeronautical Radio, Inc.* v. *A.T.&T. Co.*, 4 FCC 155 (1931). The prohibition against profiting by the licensee is implicit in the provisions of Section 90.415(b). See 47 CFR § 90.415(b).

[8] We emphasize that licensees in the PLMRS have not, and do not now, provide their own equipment or maintain it, at least as a general rule. Instead, they rely heavily on third-party equipment companies to provide them with the necessary communications gear, to install it, and to service and maintain it. There has never been any restriction on arrangements of those types. Further, licensees have not been limited in the manner in which they obtain the site for their transmitters. They could purchase it, or rent it, or they could lease it. They have also been free to contract with third persons for telephone answering and dispatching services, just as long as they maintained control over the radio facilities authorized for their use. *Multiple Licensing—Safety and Special Radio Services, supra*, at p. 519, *fn.* 2.

[9] There were other variations, too. For example, provision was made for licensing of nonprofit corporations or associations of users. There, the corporation or association would serve as licensee; and service was provided to members, all of whom had to be eligible in the same radio service. Also, eligibility in the Special Emergency and Business Radio Service was provided for medical societies and hospital associations; and they were permitted to provide shared service to their respective memberships. These are forms of cooperatives. Finally, and we could call this the fifth stage in the development of shared use of common transmission facilities in the PLMRS, the Commission in the proceedings in Docket No. 18262 created the Specialized Mobile Radio System licensee, licensing the base station operator and allowing this licensee to offer service to eligibles in the PLMRS on a commercial basis. See *Land Mobile Radio Service*, 46 FCC 2d 752 (1974); *Land Mobile Service*, 51 FCC 2d 945 (1975); and *Frequency Band 806–960 MHz*, 55 FCC 2d 771 (1975). On appeal *sub nom. National Association of Regulatory Utility Commissioners* v. *Federal Communications Commission*, 173 U.S. App. D.C. 413, 525 F. 2d 630 (1976), *Cert. denied*, 425 U.S. 992 (1976).

comprehensive plan for the regulation of these sharing arrangements.

13. The central feature of our plan was the packaging doctrine. *Multiple Licensing—Safety and Special Radio Services, supra,* at p. 519. Through it we sought to separate dispatching ("transmitter control") functions from the provision of radio equipment and associated services (e.g., maintenance and site management) where they were offered by or through a third party, not the licensee.[10]

14. Next, we sought to better define those sharing arrangements in which licensees were to be compensated (reimbursed) for the use of their systems from those in which they were to be paid no consideration at all, and we developed a series of rules to govern cooperative use and multiple licensing, using the mechanics of those licensing formats to make this distinction.[11]

15. Further, we proposed a series of subsidiary measures for cooperative use and multiple licensing. These were designed to strengthen our administrative processes to give us better control over sharing arrangements of these types. Thus, for cooperative use we formulated uniform provisions requiring prior Commission approval of such sharing plans;[12] and we included new and rather extensive record keeping requirements, making mandatory the filing of annual reports on cost sharing.[13] Also, we sought to bring sharing through nonprofit corporations or associations under our rules governing cooperative use;[14] while, at the same time, distinguishing situations involving the shared use of common facilities which were not cooperatives in a technical sense.[15] Finally, we added a new provision to allow participants to "control" the base station shared, permitting them to become licensees of any associated control points or control stations.[16]

16. Our new regulatory plan for multiple licensing included an outright prohibition against any participant paying anything to any other participant to the same sharing plan, i.e., we barred the flow of consideration between participants sharing common equipment.[17] Next we proposed to impose joint and several responsibility on participants sharing a common transmitting facility, so that all would be accountable for the proper operation and use of the joint system of communication.[18] We added an express requirement that all participants (multiple licensees) must have "unlimited and unconditional" access to the transmission facilities shared.[19] We provided that before new licensees could be added to a jointly licensed system, the consent of all presently sharing the system would have to be obtained.[20] Also, we included a provision requiring multiple licensees to notify us when they ceased to participate in a particular sharing plan and "submit their licenses for cancellation" when that occurred.[21] Finally, as an added control measure, all multiple licensed transmission facilities "were to be identified" through assigning a "system designator" when such systems were first established. In this connection, we imposed rather extensive reporting requirements on applicants desiring to share radio facilities under this multiple licensing concept.[22]

D. Response of the Parties

17. The proposed regulatory plan was addressed by eighteen parties.[23] while the views expressed varied greatly, they did fall basically into two categories, namely, those of the PLMRS group and those of the common carrier interests.[24] The PLMRS group thought the regulatory plan arbitrary and capricious, i.e., without foundation in fact or law. In contrast, the carriers said we had not gone nearly far enough. They thought the restrictions and limitations proposed were "useless" and "unenforceable." "Besides, they did not reach the central and controlling issue as to the legality of the sharing arrangements or as to their propriety in the face of the public policy objections lodged by the carrier industry." In short, the plan pleased no one; and few had confidence that it would achieve its stated regulatory purposes or goals.

18. With the exception of comments and replies directed to the proposed plan itself, the arguments of the parties remained essentially the same as those advanced by them in their earlier filed petitions for rule making and in the comments and replies filed in support of or in opposition to thoe petitions. As to the legal and policy issues, our review of our July 1970 *Memorandum Opinion and Order* in this Docket No. 18921 in the light of the further presentations reveals no reason for reversal on any substantive point. Accordingly, without more, we would affirm that decision and the conclusions reached in it. *See Multiple Licensing—Safety and Special Radio Services, supra.* Nonetheless, for present purposes we will address all matters *de novo,* and, additionally, we will afford all interested persons a further opportunity to respond to our rule-making and other decisional orders.[25]

II

Tentative Decision

A. Legal Issue

19. Essentially, the carrier interests argue that the third-party equipment companies which furnish services and equipment to PLMRS licensees on a shared basis are common carrier within the meaning of Section 3(h) of the Communications Act of 1934, as amended, because such services and equipment are similar, and in some cases identical, to those available from radio common carriers. The charges or "rates" parallel those of the carriers, and costs are not prorated "as would be the case if the sharing arrangements were *bona fide* ones," the carriers argue.

20. Further, they say these third parties "hold themselves out" "to the public" as providers of

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[10] *Appendix, NPRM,* Docket No. 18921, Proposed Rule Sections 89.13(a)(4) and 89.15(a)(3), and parallel provisions under Part's 91, 93 and 95.

[11] *Appendix, NPRM,* Docket No. 18921, Proposed Rule Sections 89.13, 91.9, 93.10, and 95.88 contrasted to Proposed Rule Sections 89.15, 91.11, 93.12, and 95.89. The former provisions were to apply to cooperative use arrangements and the latter to multiple licensing sharing plans.

[12] *Appendix, NPRM,* Docket No. 18921, Proposed Rule Sections 89.13(b) *et seq.,* and parallel provisions under Parts 91, 93 and 95.

[13] *Appendix, NPRM,* Docket No. 18921, Proposed Rule Sections 89.13(a)(3) and 89.13(e), and parallel provisions under Parts 91, 93 and 95.

[14] *Appendix, NPRM,* Docket No. 18921, Proposed Rule Sections 91.251, 91.301, 91.351, 91.401, and 91.451, and parallel provisions under Part 93.

[15] *Appendix, NPRM,* Docket No. 18921, Proposed Rule Sections 91.12 and 93.13.

[16] *Appendix, NPRM,* Docket No. 18921, Proposed Rule Sections 89.13(a)(5), 91.9(a)(5), 93.10(a)(5), and 95.88(a)(4).

[17] *Appendix, NPRM,* Docket No. 18921, Proposed Rule Sections 89.15(a)(2), 91.11(a)(2), 93.12(a)(2), and 95.89(a)(1).

[18] *Appendix, NPRM,* Docket No. 18921, Proposed Rule Sections 89.15(a)(4), 91.11(a)(4), 93.12(a)(4), and 95.89(a)(3).

[19] *Appendix, NPRM,* Docket No. 18921, Proposed Rule Sections 89.15(a)(6), 91.11(a)(6), 93.12(a)(6), and 95.89(a)(5).

[20] *Appendix, NPRM,* Docket No. 18921, Proposed Rule Sections 89.15(a)(5), 91.11(a)(5), 93.11(a)(5), and 95.89(a)(4).

[21] *Appendix, NPRM,* Docket No. 18921, Proposed Rule Sections 89.15(c), 91.11(c), 93.12(c), and 95.89(c).

[22] *Appendix, NPRM,* Docket No. 18921, Proposed Rule Sections 89.15(b), 91.11(b), 93.12(b), and 95.98(b).

[23] The parties filing comments and reply comments are identified at Appendix *A* to this *Tentative Decision.*

[24] Under the PLMRS group we would include AAR, API, EIA, NABER, SIRSA, and other parties with like interests. Under the carrier interests are Chalfont Communications and NARS (now Telocator Network of America) and other representatives of the common carrier industry.

[25] As the scope of the *Further Notice of Proposed Rule Making* see discussion at paras. 81 through 82 of this *Tenative Decision, infra.*

"communications services;" that the "offering" is on a "for hire" or "for profit" basis without "discrimination;" and that this being so, there is no *de facto* or *de jure* distinction between a communications common carrier and such third-party enterprises. The Commission cannot, they claim, transform such arrangements into non-common carriage simply by saying it is not common carriage.

21. In this regard, we have looked at some length at the cases referenced in the carriers' comments and replies and at others as well, and we do not reach their conclusion. Those cases hold a business enterprise is a common carrier depending not on what it purports to be and not on what the parties concerned characterize it as being, but on what it does. *United States* v. *California*, 297 U.S. 175 (1936); and *United States et al.* v. *Drum et al.*, 368 U.S. 370 (1961).[26] We agree that to be a common carrier one need not serve all the world. *Terminal Taxicab Co.* v. *District of Columbia*, 241 U.S. 252 (1916); and *Anderson* v. *Fidelity and Casualty Co.*, 228 N.Y. 475, 127 N.E. 584 (Ct. App., N.Y., 1920). And we accept the proposition that the courts have uniformly rejected schemes and devices designed to avoid statutory requirements relating to the control and regulation of public carriers or "utilities." *State ex rel. Board of Railroad Commissioners* v. *Rosenstein et al.*, 217 Iowa 985, 252 N.W. 251 (Sup. Ct., Iowa, 1934); *Restivo* v. *West et al.*, 149 Md. 30, 129 Atl. 884 (Ct. App. Md., 1925); *Affiliated Service Corp.* v. *Public Utilities Commission*, 127 Ohio St. 47, 186 N.E. 703 (Sup. Ct., Ohio, 1933); and *Gornish et al.* v. *Pennsylvania Public Utility Commission*, 134 Pa. Super. 565, 4 A.2d 589 (Super. Ct., Pa., 1939).

22. Additionally, we concur, the fact that an association or corporation is to be "nonprofit" or that a "cooperative arrangement" is to be available on a "cost shared" basis does not necessarily means that such entities or arrangement are not be be classified and regulated as common carriage. *Celina & Mercer County Telephone Co.* v. *Union Center Mutual Telephone Association*, 120 Ohio St. 487, 133 N.W. 540 (Ohio Sup. Ct., 1921); *State Public Utilities Commission* v. *Noble Mutual Telephone Co.* 268 Ill. 411, 109 N.E. 298 (Sup. Ct., Ill., 1915); and *Peoples Telephone Exch.* v. *Public Service Commission*, 239 Mo. App. 166, 186 S.W. 2d 531 (Kan. Cty. App., 1945). See also *North Shore Fish and Freight Co., et al.* v. *North Shore Businessmen's Trucking Association*, 195 Minn. 336, 263 N.W. 98 (Sup. Ct. Minn., 1935); *State ex rel. Board of Railroad Commissioners* v. *Rosenstein et al., supra; Affiliated Service Corp.* v. *Public Utilities Commission, supra;* and *Surface Transportation Corporation* v. *Reservoir Bus Lines*, 67 N.Y.S. 2d 135, 271 App. Div. 556 (Sup. Ct. N.Y., App. Div., 1943).

23. Finally, we understand, the operation of non-regulated, utility or common-carrier-type enterprises in a regulated field gives rise to "special problems" and requires "careful analysis" in terms of public benefits and possible public detriment. *Industrial Gas Co* v. *Public Utilities Commission of Ohio*, 135 Ohio St. 408, 21 N.E. 2d 166 (Sup. Ct. Ohio, 1939); and *United States et al.* v. *Drum et al., supra.*

24. While there may be no question as to the applicability of these precedents to the subject matter to which they are addressed or as to the soundness of the decisions themselves, we do not find them controlling here. This is so because the issues of law to be decided in this rule making and the controlling facts are different in essential respects. Further, we question whether one can logically superimpose a scheme of regulation which addresses state or federal control of common carriers by rail or motor vehicles or of telephone and telegraph companies or as to other utility-type enterprises on a field of federal regulation where different principles or philosophies apply. The arguments, to the extent they have validity at all, are by way of analogy only.

25. Moreover, the question of what is and what is not common carriage is presented in a variety of ways, and while the courts may find "similarities" between an activity questioned and common carriage, the decisions do not rest on "similarities" alone. *Ciaccio* v. *New Orleans Public Belt Railroad, et al.*, 283 F. Supp. 373 (D.C.E.D. La., 1968); and *Tilson* v. *Ford Motor Co.*, 130 F. Supp. 676 (D.C. Mich., 1955). See also *Arrow Aviation, Inc.* v. *Moore*, 266 F. 2d 488 (8th Cir., 1959). Compare *Semon* v. *Royal Indemnity Company*, 179 F. Supp. 403 (D.C.W.D. La., 1959); and *Morrisey* v. *S.S.A. & J. Faith*, 252 F. Supp. 54 (D.C.M.D. Ohio E.D., 1965).

26. Nor do we think the "holding out" by equipment companies to provide radio gear and related services on a for profit basis transforms these business enterprises into common carriers. All vendors of goods hold their products out, and the offering of combination services including equipment rental, site access, maintenance, or even dispatching services to someone who has been authorized to use the radio spectrum by the Commission does not result in common carriage whether or not these services are shared. The equipment supplier has no right to use the radio spectrum and without this right there can be no offering of a communications service. We reach this conclusion notwithstanding the Court of Appeals decision in *NARUC I.*[27] There, we think the regulatory plan challenged was different in several important respects. Additionally, it seems to us that the court defined our authority somewhat narrowly. Further, we do not believe the key elements of common carriage described by the Court apply here. Thus, we see no quasi-public character, as such, in what the equipment companies offer within the framework of the competitive marketplace in which they do business. Moreover, we do not believe the equipment companies do, or can as a matter of law, "undertake to carry for all people indifferently," since they have no spectrum assignment. *NARUC I, supra,* at p. 667. Further, they have no obligation to carry public correspondence and, in the nature of things, none could be imposed under the allocation and assignment plan followed in licensing private systems of communications in the bands below 512 MHz. Besides, we are the one that determines to whom they may provide service. Equipment companies have no voice in that decision. While the Court seems to negate in some measure our powers under Title III of the Communications Act of 1934, as amended (*NARUC I, at p. 670 et seq.*), we do not read the opinion to preclude us from allowing licensees in the PLMRS from sharing equipment furnished by third parties, under competitive market conditions, at penalty of having those enterprises classified as common carriers. This would deprive licensees of the ability to negotiate the most favorable terms for securing the equipment they need to use their frequency assignments, and in a competitive equipment market there is no need for the Commission to regulate the supplier of this equipment, certainly not through a tariff process like that applicable to carriers.

27. We are reinforced in this view that equipment suppliers are not common carriers by the fact that we have structured our rules so licensees and users have no exclusive channel assignments as is ordinarily the case for common carriers; rather, the frequencies

[26] In this regard, the Commission is currently examining the definition of common carriage in CC Docket No. 79-252, *Deregulation of Communications Services*, 84 FCC 2d 445 (1981).

[27] *NARUC I*, cited *supra, fn.* 9, *sub nom. National Association of Regulatory Utility Commissioners* v. *Federal Communications Commission.* But see *Deregulation of Telecommunications Services, supar,* at pp. 463-470.

have been allocated and are available to eligibles on a "shared basis only." 47 CFR 90.173(a). Further, there are no protected contours for these systems (no franchise rights involved). Instead, licensees causing or suffering interference must resolve the problem by mutually satisfactory arrangements. 47 CFR 90.173(b). And the duty and responsibility for the proper operation of equipment and of the use of the radio spectrum assigned is upon the licensee, the end user, not upon the unlicensed equipment company. Significantly too, the licensee or end user may employ this spectrum only under terms and conditions included in the rules under which the station is authorized. The equipment company is not involved in this at all. See 47 CFR § 90.403 and § 90.405 *et seq.*, and 47 CFR Part 90, generally. Thus, below 512 MHz it is the end user (our licensee) that is granted the authority to use the radio spectrum, not the equipment company, as would be the case in common carriage. Importantly, should the licensee decide to abandon the use of a supplier's radio gear (and this has happened), the assigned spectrum follows the licensee and the equipment company has no residual rights—nothing at all but the physical gear and associated equipment which is useless without the right to employ radio frequencies in conjunction with it. *Frequency Band 806–960 MHz et al.*, 55 FCC 2d 771 (1975), at p. 772. In such circumstances, we think, there is no "quasi-public trust" in the hands of the equipment company. There is no "benefit" as such that might give rise to the application of common carrier definitions. The fact that the entrepreneur may make his equipment available to those that need it (i.e., those licensed to operate it) is not a signal factor, certainly not one that makes the equipment company a common carrier.

28. In every case, whether it involves an arrangement in the private services or a common carrier operation, there must be some third party to manufacture and supply and, at times, to maintain the physical radio gear used in systems of radiocommunication. And this is so regardless of whether or not the generator (transmitter) of electromagnetic waves is shared. *Frequency Band 806–960 MHz et al., supra*, at p. 772, *fn.* 4. In our opinion—based upon the nature of the radio spectrum and the relationship of radio equipment to the allocation and assignment policies followed by us in the management of this public resource—equipment companies engaged in providing radio gear and related services to our licensees (whether these licensees are common carriers or simply persons eligible in one or more of the private radio services) do not become common carriers, *de facto* or *de jure*, merely as the result of such an activity. This is so, we think, regardless of whether or not the equipment is shared. Clearly, we believe, something more is needed to constitute common carriage for hire—some right bestowed or conferred by public authority, or some duty imposed by public policy, elements we find missing here in terms of the activities of equipment suppliers. Thus, we would conclude, as we have before, that no common carrier service is involved when equipment companies rent or lease radio facilities, and that equipment companies do not become common carriers simply because they rent or lease facilities to a group for joint usage. *Multiple Licensing—Safety and Special Radio Services, supra*, at p. 518. Accordingly, we would reject these contentions on the part of the carrier interests, and we would affirm our decision on this aspect of the controversy.

B. Competition

29. The carriers argue that third-party suppliers compete with them directly and unfairly; that this competition is destructive; and that it subjects them to significant economic harm, impeding their ability to bring service to the public. They stress that as regulated businesses they have complex and costly burdens and responsibilities not imposed on the unregulated equipment companies. Further, they suggest, they cannot readily adjust their rates to meet the "unlawful" competition; whereas the equipment companies can provide their services at whatever charges seem propitious at the moment. And these unregulated suppliers have an inherent advantage in terms of those charges, because their (the carriers') tax structure is different and their costs of dealing with regulatory agencies are higher. Therefore, the third-party entrepreneurs can always undercut carrier tariffs.

30. Further, the carriers assert they operate under greater restrictions on power and antenna height than those imposed on licensees in the private services. This places them at a disadvantage. Additionally, they do not have the same flexibility in the location of their facilities as in the private services, since they must accord protection to other carriers in compliance with rigid technical standards. Also, carriers have greater administrative burdens, e.g., logs to keep and reports that must be filed with the Commission. According to them, these duties and obligations, not shared by licensees of shared systems or equipment suppliers, place them at a distinct competitive disadvantage. Overall, they feel our toleration of the disparities and differences that obtain between the offering of equipment and services by unregulated third parties and the regulated carriers is an anomaly which we should correct. It is one thing, they conclude, for the Commission to encourage or permit competition between carrier enterprises, regulated alike, but quite another to condone competition between themselves and what they describe as "pseudo common carriers," operating on radio channels allocated to the private services and not regulated at all.

31. In contrast, the PLMRS group contend that there was never any promise that carriers would be free from competition from private communication systems; and that there is no distinction, except possibly in degree, between a licensee electing not to share equipment in providing service to himself through the use of radio channels allocated in the private services and licensees electing to do essentially the same thing, but opting to share transmitting facilities. They reflect that this basic choice flows out of the allocation made to the private services and not out of how licensees may elect to secure the physical equipment and gear they need to use the spectrum (radio frequencies) available to them. Further, they suggest that the difficulties the carriers say they experience in licensing and in securing additional facilities are one inherent in common carriage and in the common carrier approach to regulation, and the cure for such deficiencies is not placing greater limitations and burdens on licensees in the private services, but in deregulating the common carrier industry.

32. Moreover, also in opposition to the assertions of the carriers, the PLMRS group believes the carriers do have advantages over equipment companies in that they generally operate on clear channels; normally have protection from interference within assigned contours; and have a degree of economic protection too, since they may, at least in certain instances, "protest" the entry of other carriers both at state and federal levels. Further, they feel carriers have the opportunity to offer more sophisticated equipment and types of service—better grades of service, particularly compared to private system operation in the bands below 512 MHz. They also point out that carrier customers are not limited or restricted in the messages they may transmit or as to

the persons with whom they may communicate.

33. In addition, while acknowledging equipment companies are not regulated, the PLMRS interests feel this is as it should be, since in the private services it is the end-user-licensee who is regulated. Besides, "it is not at all correct to say private systems of communication are not regulated." They are, but in ways different than common carriers—ways that are consistent with the purposes and objectives of the Commission in creating the private services in the first instance. This regulation is not less than that applicable to common carriers. In some respects it is greater, e.g., in the restrictions on use and as to the persons qualified to be licensees. Whatever the degree of regulation, it is present, not absent. These are the views of the PLMRS licensees.

34. As in the case of the legal issue, discussed above, we considered previously all of the carriers' arguments, and we tentatively hold they are not valid, essentially for reasons previously given. See *Multiple Licensing—Safety and Special Radio Services, supra,* at p. 516 *et seq.* Thus, we cannot find in this rule-making record, nor can we conclude based upon our own experience, that such competition as does exist between equipment companies furnishing physical facilities and associated services to licensees in the PLMRS and "regulated" common carriers is either unjust or unfair. It is not unjust, because it arises essentially out of our decision to make radio spectrum available to certain classes of users to enable these users (as licensees) to conduct their affairs through the use of radio and, in this way, to promote ultimately the public interest. It should be remembered that the allocation to the private services is made not to produce or create a "private" benefit, but rather to enhance the "public" benefit which accrues from the use of radio by licensees in the private services, be they doctors serving their patients or businesses providing their wares and services to their customers. And, in our view of things, the fact that there may be some residual or incidental "private" benefit to licensees is not a material consideration in our decision to dedicate a part of the public domain for use in the PLMRS.

35. Furthermore, in our rule-making determination to allocate radio spectrum to the private services is the inherent conclusion that certain classes of eligibles should not be required to take service from common carriers. Nor does the fact that we also allocate spectrum to the common carriers to permit them to offer radiotelephone and dispatch services to the public carry with it any reasonable implication or expectation that licensees in the PLMRS are to be limited or restricted in the arrangements they are to be allowed to make in the marketplace to secure the radio gear which will enable them to use the radio spectrum in their systems of communication.[28]

36. Significantly, sharing was allowed even before the advent of the radio common carrier. See *General Mobile Radio Service, et al.*, 13 FCC 1190 (1949). We have affirmed that concept, in terms of the public interest, on more than a few occasions, and this in the face of strong carrier opposition. See *Cooperative Sharing of Operational Fixed Stations*, 4 FCC 2d 406 (1966); and *In the Matter of Allocation of Frequencies Above 890 MHz*, 27 FCC 359 (1959). See also *Aeronautical Radio, Inc.* v *A.T.& T. Co.*, 4 FCC 155 (1937); and *Preston Trucking Company, Inc.*, 31 FCC 2d 766 (1971). In light of all the foregoing, we would conclude that the sharing arrangements we have allowed are not unjust.

37. Neither do we think competition from these sharing plans unfair.[29] We have found no case where such competition has resulted in the failure of any carrier; nor has it been shown that either multiple licensing or cooperative use has adversely affected the development of the radio common carrier industry as a whole. To the contrary, as we found previously,[30] the public communications industry has grown, not only in the number or composite size of miscellaneous common carriers authorized to provide public radio communication services, but also in the types and variety of services they offer. This growth has continued in times of expanded sharing of private facilities, both in the mobile and the fixed services.

38. Furthermore, contrary to the views of the carriers on this point, we do not see the "regulated" carriers operating under such restraint as would place them in disadvantageous positions to compete with the competitive marketplace equipment companies. The marketplace itself is a regulating mechanism. Besides, the regulatory burdens mentioned by the carriers are not so great as to produce the inequities complained of, and the continuing demand by carriers for additional spectrum to serve increasing numbers of customers belies their contentions that they are at a competitive disadvantage. Additionally, we are actively attempting to deregulate the common carrier industry and to lessen administrative burdens on carriers. We feel this is the proper alternative, not that of imposing greater regulatory burdens on the private user sector.[31] Moreover, with the allocations made for cellular service in Docket No. 18262, and with the plans for implementation of that service being developed through the proceedings in Docket No. 79–318,[32] their argument loses persuasiveness.

39. Absent demonstrated public detriment, even if there are differences

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[28] See *Special Emergency Radio Service*, 24 FCC 2d 310 (1970). We there stated, ". . . the Commission's allocation of frequencies for common carriers and for private systems is premised on the basic philosophy that potential radio users, subject to certain limitations, should have the freedom to choose between meeting their needs through private facilities or taking service from carriers." *Op. cit.*, at p. 312. That is fundamental; and that has been the predicate, in philosophical terms, for our continuation of the private services and for expanding the methods available to licensees to obtain the needed physical plant to enable them to conduct lawful, licensee activities (those designated by this Commission) through the use of radio. To same effect, *Multiple Licensing—Safety and Special Radio Services, supra,* at p. 517.

[29] *Multiple Licensing—Safety and Special Radio Services, supra,* at p. 516 *et seq.*

[30] *Op. cit., supra fn. 29* at p. 516, para. 26.

[31] See particularly, *Further Notice of Proposed Rule Making, In the Matter of Policy and Rules Concerning Rates for Competitive Common Carrier Services and Facilities Authorization Therefor*, CC Docket No. 79–252 (FCC 80–742), 84 FCC 2d 445 (1981), Pamphlet No. 4. *Notice of Inquiry and Proposed Rule Making*, 77 FCC 2d 308 (1979). See also *In the Matter of Regulatory Policies and Procedures for the Domestic Public Land Mobile Radio Service*, CC Docket No. 20670, 61 FCC 2d 286 (1976); 69 FCC 2d 396 (1978), *reconsideration denied*, FCC 80–451, Mimeo No. 27852, 80 FCC 2d (1980); *Further Notice of Proposed Rule Making*, FCC 81–30, —— FCC 2d (1981); *In the Matter of Elimination of Financial Requirements in the Domestic Public Mobile Radio Services*, CC Docket No. 80–55, *Report and Order*, 82 FCC 2d 152 (1980); *Inquiry Into the Use of the Bands 825–845 MHz for Cellular Communication Systems and Amendment of Parts 2 and 22 of the Commission's Rules Relative to Cellular Communications Systems*, CC Docket No. 79–318, *Notice of Inquiry and Notice of Proposed Rule Making*, 78 FCC 2d 984 (1980); *Second Computer Inquiry*, Docket No. 20828, 77 FCC 2d 384 (1980); *In the Matter of Regulatory Policies Concerning Resale and Shared Use of Common Carrier Domestic Public Switched Network Services*, CC Docket No. 80–54 *(Report and Order)*, FCC 80–607, October 21, 1980, 77 FCC 2d 274 (1980); *In the Matter of MTS and Watts Market Structure*, CC Docket No. 78–72, 73 FCC 2d 222 (1978); 75 FCC 2d 644 (1980); 77 FCC 2d 224 (1980); and 81 FCC 2d 177 (1980). See also *In the Matter of Regulatory Policies Governing Resale and Shared Use of Common Carrier Facilities*, Docket No. 20097, 60 FCC 2d 588 (1976); 60 FCC 2d 261 (1976); 61 FCC 2d 70 (1976); 62 FCC 2d 122 (1977); 62 FCC 2d 588 (1977); 66 FCC 2d 466 (1977); and 66 FCC 2d 470 (1977).

[32] CC Docket No. 79–318 cited *supra*, at *fn* 31 sub nom. *Inquiry Into the Use of the Bands 825–845 MHz for Cellular Communication Systems and Amendment of Parts 2 and 22 of the Commission's Rules Relative to Cellular Communications Systems.*

in the terms under which marketplace offerings of equipment and services are made to licensees in the PLMRS and common carrier offerings, and even if the end users are found to have advantages in price for the radio facilities contracted for, we would not intentionally deprive PLMRS licensees of such benefits because, *inter alia*, in the PLMRS the radio assignments have a different purpose than they do in the public services. In the PLMRS, radio is a "tool" to enable particular classes of persons (designated by ourselves through rule making) to carry out particular activities and functions (also designated by us in rule making) that have particular public purposes—better fire or police protection, better consumer services, and better utility services, all for the ultimate benefit of the public. That radio spectrum should be made available for such purposes is a public policy that can hardly be questioned. It has as least as much validity as that underlying the allocation of spectrum to the carriers for public communications. And in this context, it is not our function to make it more difficult or more expensive, or even to make it more inconvenient, for eligibles in the PLMRS to obtain the radio equipment and associated services they may need to enable them to use the radio spectrum assigned. That would be counter-productive and inconsistent totally with the marketplace approach that they must rely upon for that purpose.[33]

40. Perhaps, if there were more to show that our actions approving cooperative use and multiple licensing were either unjust or unfair, we might reach a different conclusion. But we can find not a scintilla of evidence that there is such unjustness or unfairness to the carriers in our assignment practices for the PLMRS. Accordingly, on the issue of competition, we do tentatively affirm our prior orders approving cooperative sharing plans of the types discussed; and we conclude tentatively that there is a proper predicate in the public interest for proceeding with the sharing plans as modified herein.

C. Benefits

1. Position of the Parties

41. The carriers question the public interest benefits to be found in authorizing sharing in the private services. They feel shared service can be provided more efficiently by them, claiming they can meet any demands and all requirements of the private users, including the provision of facilities on a priority basis to serve doctors in times of emergency. And some feel shared service (i.e., service to two or more users) is *per se* the rightful province of the common carriers, that is, theirs as matter of law.

42. In contrast, the PLMRS licensees say carrier service is not always available where needed, or that when it is available, it is too expensive or not well suited to the particular requirements of private users. Besides, some suggest, it is important to have parallel systems of communication, so one can serve to back up the other in times of emergencies or national disasters. In general though, the controversy on benefits centers around four topics: spectrum efficiency, effective spectrum utilization, economic considerations, and the availability of service. These are discussed *seriatim*, *infra*.

2. Spectrum Efficiency

43. Sharing promotes spectrum efficiency. There is better frequency utilization, less congestion, and operating conflicts are minimized and in some instances eliminated. All parties seem to agree with this. Further, coordinated control is possible, i.e., the shared transmitter is accessed at a common point, so that when in use by one licensee its use by others sharing the facility is blocked automatically. Additionally, compatible grouping of users is possible, so that the channel assignment may be employed harmoniously by all; and when costs are shared, as they are in the arrangements under review, then each participant is understandably more responsive to the day-to-day operating requirements of the others. Finally, sharing permits the use of "better" equipment, e.g., mobile relay facilities, and "better" sites—ones from which "better" coverage is possible, and this allows licensees and users to make more efficient (better) use of the radio channels assigned to them. PLMRS licensees feel this way. The carriers generally agree, but they say such objectives are better achieved through the common carrier regulatory approach which is predicated upon the shared use of the spectrum and which, through the regulatory mechanisms applicable to the carriers, maximizes the potential of the radio spectrum to serve the greatest number of users.

44. We agree that many circumstances sharing does promote spectrum efficiency, but this is not universally so, because efficiency can be measured in a number of ways and with different results. Thus, if reuse (mileage separation) standards are employed, as in most common carrier operations, then the number of individual systems in a given area employing a common channel may be significantly less than is possible where there are no reuse standards, as in the 460–470 MHz Business band where the majority of the shared community repeaters have been established. Admittedly, this approach (followed generally in assignments in the bands below 512 MHz in the PLMRS) does not look towards the maintenance of a particular grade of service, as would be the case in most common carrier operations. And if grade of service is important as an element of efficiency, then we have no way to compare efficiency of common carrier operations with efficiency achieved through our assignment plans for the private services. Besides, the two schemes of regulations are totally different—different goals and different objectives—and for this reason they cannot always be reconciled, one with the other, nor should they be.

45. Nevertheless, we concur, in certain instances sharing transmitting equipment can and does lead to the kinds of efficiencies the private user groups mention. If this allows them to meet their requirements as they see them, and if it permits them to curtail congestion and to eliminate operating conflicts, then it is an option we feel they should have, just as long as the underlying integrity of the frequency assignments is guarded and maintained—as long as Police channels are used by Police eligibles for Police communications; Business channels for Business communications by Business eligibles; and Power assignments are employed by eligibles in the Power Radio Services for those purposes established by us as proper through our rule-making processes for communcations in the Power Radio Service. Where this is so, we see no reason to eliminate useful options for obtaining the radio equipment and related services licensees require to permit them to carry out those activities and functions related reasonably to the radio service in which their stations are authorized. Thus, we reject tentatively

[33] As stated by us earlier, "The alternative would be to compel the base station licensee and participants to purchase the equipment outright and answer their own telephones, else forego use of private facilities. Such restrictive measures might well preclude the use of shared private paging systems at least among some doctors. We do not view this result as one in the public interest. We see our responsiblities otherwise. We think it important to encourage the development of this use of radio, since the public is the ultimate beneficiary of such systems, for it is the public which has the requirement to reach the physician. *Thus, it is to the advantage of the public that such means of communication exist, and, consequently, that we should not make them difficult, expensive, or impossible to establish.*" *Multiple Licensing—Safety and Special Radio Services, supra*, at p. 518. [Italics supplied.]

the notion advanced by the carrier interests that all sharing should be their province alone. That conclusion follows neither practical considerations nor legal grounds, nor do we see any equity in it.

3. Effective Spectrum Utilization

46. Private users argue that sharing, from the point of view of spectrum allocation and management, permits more effective use of the radio channels allocated in the PLMRS. Sharing is consistent with the allocation and assignment plans followed in the private services, they say, especially in the bands below 512 MHz, because there all licensees *must share*, i.e., channels *are not* normally assigned on an exclusive basis. In these circumstances, they reason, licensees should be encouraged to group together to share common transmitting facilities wherever possible. Also, sharing cuts down on the number of separate transmitter installations (sites) and on "equipment clutter." And there is more assurance of compliance with Commission technical requirements, since there are fewer transmitters to maintain and inspect. Additionally, sharing permits greater flexibility in locating transmission facilities because sites not available to an individual licensee (because of cost considerations, perhaps) may be available to those who share (because site costs can be spread over a broader economic base). Overall then, the private users feel there is no reason to bar sharing but many public interest considerations to support it—considerations that are consistent with fostering the effective use of the radio spectrum allocated to the private services.

47. The carriers disagree. They feel the more effective use of the spectrum can best be promoted by abolishing cooperative use and multiple licensing arrangements. Their position is, allow sharing but only when conducted by common carriers. They argue that the carrier assignment processes are more orderly. Thus, channels are not assigned until "need" is demonstrated, and additional radio frequencies are not authorized unless a carrier-licensee demonstrates that the capacity of its authorized facility is exhausted. Further, carriers can provide the management services needed by persons sharing common facilities, they say, and such management services cannot be furnished by equipment companies except in derogation of law.

48. We see merit in these views. Carrier managed radio facilities may indeed be superior to those available to licensees in the private services, but it would seem not always. Here, the rule-making record manifests the distinct dissatisfaction of some parties with certain carrier services that were available to them. We do acknowledge the "care given" in assigning frequencies to carriers, but there are reasons for this, reasons rooted in the nature of common carriage and in the regulatory approach that seems best suited to that type of service. There, frequencies are assigned to business concerns to enable them to provide public communication services, and there the licensee-carriers become "Spectrum trustees" to utilize the spectrum *on behalf of the public* i.e., in providing communications services to the public. In such circumstances, there may be "a regulatory requirement" to examine "need" in terms of the service to be offered, or "need" in terms of assigning additional channels to permit expanded service to the public.

49. In contrast, in the private services we determine "need" in terms of a particular class of eligible. That determination is made through our rule-making processes, with radio frequencies allocated for use by that class of eligible based upon what the record demonstrates the "need" to be. After rule making, individual assignments are made within the allocation based upon application to us for permission to operate in a particular radio service. We do not reexamine "need" at that point. There is no reason to do so. Besides, we would defeat our goal of meeting a previously established particularized "need" quickly, with minimum delay, through licensing processes that generally carry no right to protest on economic or technical grounds. Thus, we do not delay licensing a Police or Power or Petroleum user, as examples, while we investigate "need" through either the rule-making or adjudicatory process. Nor do we resolve individual claims as to objectionable interference. Our assignment plan normally does not contemplate this; rather, it anticipates and eliminates the need for such considerations. This is unlike the common carrier regulatory processes, where the right to protest does exist both on economic grounds and as to interference potentials. However, this is understandable in terms of the differences that obtain between the regulatory approaches applicable to each.

50. Accordingly, we conclude tentatively, consistent with the regulatory plan adopted by us for the private services, that sharing arrangements, in certain situations, do promote the effective use of the spectrum, just as the private users say. Further, we see no reason to bar such sharing. Licensees, we think, should have full freedom to select those arrangements available *in the marketplace* that best meet their requirements; and if those requirements can be met best (or better) by use of common transmitting equipment, then we believe they should have the right to share equipment just as has been done in the past.

4. Economic Considerations

51. PLMRS licensees point out that shared facilities are often cheaper than individual systems, that is, the cost to the individual licensee or user is far less; and that in some cases sharing provides the only means for obtaining needed, facilities (facilities that licensees would be precluded from using because of economic considerations). Also, they say radio is at times necessary to the economic survival of a business, and that small business enterprises often cannot afford the types of radio facilities needed to serve their areas of operation except through sharing. But even in cases where the cost of a shared facility is initially as great as that of an individual system, it may still be more cost effective to share because of long-term advantages. On economic grounds, then, the private users believe sharing options should be retained.

52. The carriers respond, that while it may be true that shared private systems are less expensive, that is due to the fact that the equipment companies providing them do not have the same expenses as carriers. Their (the carriers') "regulatory" expenses are higher. They are taxed differently; and they cannot always secure the equipment they need on the same terms as the third-party equipment companies. Therefore, they feel cost comparisons are inappropriate and should not be made the basis for our decision.

53. We agree that in some instances the underlying costs of the carriers are greater, basically for the reasons they give, but we are working to deregulate them and in this way to cut down on the kinds of expenses they mention, e.g., regulatory expenses.[34] We would note too, that at times the expenses incurred by carriers are self-imposed, that is, incurred by them in efforts to bar competition through the exercise of protest rights or to contest proposals based upon interference considerations. Equipment companies in the private service context have no such rights.[35] They provide equipment to licensees

[34] See references at *fn.* 31, *supra*.

[35] See discussion of this point, *Frequency Band 806–960 MHz*, *supra* at *fn.* 9.

and eligible users only. As to those activities our function is not to make it more difficult or more costly for our licensees to obtain the physical radio gear they need to carry out lawful activities as licensees of this Commission. Just the opposite. Thus, if, through sharing, equipment is less expensive, then we would conclude that licensees and users should have this option.

5. Availability of Service

54. The private users suggest that carrier facilities are not always available to serve their needs or, if available, that they are not suited to the individual and peculiar requirements of licensees in the PLMRS. Further, they say that at times the cost of carrier service is high, so that practical considerations make it *de facto* unavailable. Also, they feel the autonomy they have as licensees in the private services is important, for if one sharing arrangement is not acceptable to them, then they have the option of turning to another or of simply establishing the needed facility themselves. Finally, they point out, in times of disasters or public emergencies, it is important for there to be parallel systems of communication, so that should those of the carriers fail, communication would still be possible to assist in securing help where it is needed

55. The carriers seem to acknowledge that their facilities are not available everywhere or always; but they say when they are available, they should be used in lieu of the sharing plans now permitted. Further, they allege, they can meet the specific needs of individual licensees and provide service on a priority basis. They suggest allowing licensees in the private services to share only in those areas in which common carrier service is not available or where for some reason carrier facilities are shown to be inadequate.

56. Upon review, we do not believe the resolution of this controversy should turn on the availability or non-availability of carrier service. More fundamentally, we think the question goes to basic allocation matters: should radio spectum be made available to classes of users to permit them to establish radio facilities of their own and to arrange freely in the marketplace for such equipment and services as they need to enable them to use effectively the radio spectrum allocated to them for the conduct of their affairs? We have answered this inquiry in the affirmative on a number of occasions;[36] and we believe we should adhere to this position, at least for the present time. Nothing thus far has demonstrated to us that sharing, as a valuable option for service, should be denied to those persons classified by us at eligibles in the established private services. Again, it is not a question of whether or not common carrier service is available. It is possible that sufficient spectrum could be allocated to provide a nation-wide radiotelephone and dispatch capability sufficient to meet the needs of most licensees in the private services and the public as well,[37] but it would not necessarily follow that the option for service created by us for qualified users in the private services should be eliminated or at all curtailed. We find little to support such a hypothesis. Certainly, the record in this proceeding does not support it now.

57. On this point then, we conclude tentatively that the allocations in the private services have their own bases in terms of the public interest, convenience, and necessity standard followed by us in making such allocations in the first instance, i.e., they have a *raison d'etre* of their own that justifies their existence. And this *raison d'etre*, in our view, is quite separate and distinct from that which supports the allocations made to systems for public communications for public use. Those allocations have a *raison d'etre* that is quite different and distinct from that underlying the private services.We have stated this on a number of occasions but the point seems missed or misconstrued. Once more though, in the private services radio frequencies are allocated by the Commission to permit these classes of persons to use radio as a tool to allow them to carry out selected activities and functions in ways that promote the public good. The end or fundamental goal of such allocations is not the provision of communication facilities and services for public use; rather, it is to permit certain classes of persons identified and licensed by us as end users to employ radio in furtherance of activities and functions which we, through our rule-making processes, have declared to be proper ones within the context of the radio service in which their radio facilities are authorized—all in furtherance of the public weal. Therefore, we have allocated radio spectrum dedicated to serving the public and allocated other spectrum to serve private users. That one of these communication capabilities might duplicate the other we have no dubt; but that where this is so the one (the private radio system) should give way to the other (the public system of communication) we reject, for a predicate proper for such a decision does not exist.

D. Conclusions As to Proposed Rules and Policies

1. Position of Parties

58. As discussed above,[38] our proposed regulatory plan was questioned strongly by both the carrier and the PLMRS groups. The carriers characterized our "packaging" policy as useless and "prone to abuse." PLMRS interests challenged it as arbitrary and capricious—having no legitimate regulatory purpose. As to the other rule proposals, the carriers said they "do not go nearly far enough." In contrast, the PLMRS group felt the restrictions and limitations were not practical; could not and should not be enforced; and imposed impediments on the use of the radio channels allocated to the private services which were burdensome and entirely unjustified. We have reviewed the plan in the light of these comments, and we rule tentatively on the points raised by the parties.

2. Interim Packaging Policy

59. The packaging policy was derived out of the controversy in *Coleman Petroleum Engineering Co., et al., supra.* Very briefly, in the *Coleman* case, Caprock Radio Dispatch, an RCC, had complained that Mrs. Nellie Woodruff, a third party, had combined her telephone answering functions with dispatching and equipment rental such that the arrangement was *de facto* and *de jure* common carriage. We rejected that notion, but we stated our intention to look into arrangements of this type in rule making. *Coleman* case, *supra*, at pp.381–382.

60. In this Docket No. 18921, we put into issue—through adoption of our packaging policy as an interim measure and through proposed permanent rules—whether or not licensees of private systems of communication should be permitted to obtain both equipment and dispatching (meaning transmitter control) services from the

[36] Commissioner Jones, in his dissent in the *General Mobile Radio Service* case, cited *supra*, expressed the opinion that it was a mistake to permit the growth and development of non-broadcast radio services on a private and unintegrated basis; but that view was rejected then, and we have since allowed the PLMRS to develop on a free market basis. See *Op. cit.*, at P. 1238 *et seq.*

[37] See the *Cellular* rule making in CC Docket No 79-318, referenced at *fn.* 32 *supra.*

[38] See discussion, *supra*, at paras. 17–18 and 41–42 of this *Tentative Decision.*

same third party. Our concern was that in such situations licensees might lose that degree of control commensurate with their status as licensees. The carriers were not bothered so much about this. Rather, they felt such arrangements so closely paralleled common carrier offerings as to be common carriage, and they demanded that all such arrangements be barred as illegal or, at the very least, contravening public policy.

61. For the reasons given at the time (*Coleman case, supra,* at pp. 381–382) and enlarged upon herein, we hold such arrangements are not *per se* illegal, nor do we find that they contravene public policy. Licenses of private systems use authorized radio facilities as a tool to carry out their primary activities and functions. They often contract for the equipment they need to enable them to operate on their channel assignments and, at times, for dispatch services. Equipment and dispatching may now be provided separately. Combining them, we feel, will not necessarily deprive licensees of control of their systems or lead to use of the assigned channels for unauthorized purposes. The private users express this view, and upon our review of the matter, we tend to agree. The remaining question is whether or not the packaging policy serves some valid purpose in our regulatory scheme. The comments of the parties indicate that it does not. PLMRS licensees stress that licensee control, to the extent that it might be an issue, can be cured by properly worded agreements between the licensee and the persons providing the needed equipment and dispatch services. Our rules now provide express guidelines for the safeguards needed, and we feel our policies are sufficiently clear to give instruction as to what is required in such agreements to ensure licensee control and to permit enforcement. See 47 CFR §§ 90.403(a) and (b); § 90.429; and § 90.463. These matters considered, we will discontinue our "packaging" policy unless, in this further rule making, we are persuaded otherwise.

3. Cooperative Use Arrangements

(a) Prior Approval by Commission

62. The rules proposed would have required licensees to submit their plans for sharing costs and for system control to the Commission for prior approval. Instead of prior submission and approval of these plans, the rule we are proposing sets out the parameters for cost sharing. Records reflecting the nature of the arrangement must be maintained, and these records must be held available for inspection and audit. These measures, we feel, are sufficient for our administrative purposes; and in the circumstances we believe the prior approval requirement can be eliminated.[39]

(b) Nonprofit Corporations and Associations

63. We proposed requiring nonprofit corporations and associations of users eligible for licensing in several of the private land mobile radio services (see 47 CFR 90.61 and 90.87) to comply with the new rules governing cooperative use. We continue to believe this is an appropriate policy, and the rules proposed herein required it.[40]

(c) Control Station and Control Point Authorizations

64. We have mentioned that neither our prior nor our present practice permits participants to cooperative use arrangements to "control" the licensee's base station facility. We proposed separate licensing of participants for control points or stations of their own, located on or at their premises, should they so select. However, we felt it necessary to retain with the licensee the ultimate power to oversee the operation of the facility. For this purpose, the plan was to use certain isolation circuits through which the licensee of the base station could deactivate the base station or disconnect any associated control point in the event of malfunction or improper use by any participant. One party thought this measure "too complicated," "too stringent," but we are not persuaded that the requirement can be eliminated totally. However, we believe it can be made more generic, thereby permitting licensees greater flexibility in the design of their systems, and the rules have been modified to accomplish this.[41]

(d) Annual Reports

65. We proposed rather detailed record keeping requirements and the filing of detailed annual reports where (under cooperative use) costs are shared, with the licensee reimbursed either in full or in part for his or her capital or operating expenses.[42] PLMRS licensees opposed the new requirements. Some thought them burdensome, and others said they were not at all justified, suggesting that the licensees could keep adequate records at their stations and could make these reports available upon reasonable request for inspection or audit by Commission personnel. Further, it was pointed out, the Commission could always require the licensees to furnish any needed information as to their cost-sharing arrangements; that this was a statutory right of the Commission; and that, in these circumstances, some more flexible standard could be devised and still serve the Commission's purpose. We think this position reasonable. Moreover, it is consistent with our goal to deregulate wherever possible. Accordingly, we plan to adopt a simpler, more flexible rule as to record keeping and not require the filing of annual reports.[43]

(e) Addition of Participants

66. We also proposed elaborate notification procedures when users were added to cooperative use sharing arrangements as our prior discussion of the proposed plan indicates. Again, we are looking for ways to simplify administrative procedures and we find we can do so here with no adverse effect. Thus, our modified rule embodies a simplified plan for adding sharers.[44]

(f) Mobile Stations in Third-Party Vehicles

67. We had planned to clarify our rules by separating out those arrangements involving cost sharing from those in which none was involved, e.g., where a subsidiary corporation provided radio service to its parent or to another subsidiary of the same parent and were radio service was provided by a licensee to a third party furnishing, under a contract, "non-radio services" to the licensee.[45] In the interim, we developed a new rule structure in consolidating Parts 89, 91, and 93 under the new Part 90. In doing so, we took care of most of the situations mentioned. See 47 CFR 90.61; 90.87; and 90.421. But inadvertently we left certain duplicate provisions under §§ 90.181 and 90.183. However, the modified rules correct this and avoid the duplication.[46]

4. Multiple Licensing Arrangements

(a) Unrestricted Transmitter Access

68. Under multiple licensing and in some cooperative use arrangements, persons sharing a particular transmitting facility do not own the equipment. At times, this equipment is located on buildings or at mountain sites where the

[39] *Appendix B*, Proposed Rule §§ 90.179 and 95.65(b).

[40] *Appendix B*, Proposed Rule §§ 90.35(c)(2); 90.61; and 90.87.

[41] *Appenddix B*, Proposed Rule §§ 90.179(a) and 95.65(b)(6).

[42] See reference at *fn.* 13, *supra.*

[43] *Appendix B*, Proposed Rule §§ 90.179(b) and 95.65(b)(6).

[44] *Appendix B*, Proposed Rule §§ 90.179(d) and 95.95.65(b)(6).

[45] See references at *fn.* 15, *supra.*

[46] *Appendix B*, Proposed Rule § 90.179. However, the rule structure for the Personal Radio Services is different; and there we retain the provision under the general rule governing shared use of stations. See *Appendix B*, Proposed Rule § 95.65(b)(6).

security of the property for all using it is necessarily under the control or supervision of some third party, not necessarily the licensees. In such circumstances, we sought to find some way in which each licensee sharing a facility could retain a right of access to the site and thus to the transmitter, and our proposed rule included such a requirement. While we can visualize circumstances in which unlimited or unresticted access may not be feasible, we feel the generic requirement should be kept, especially in multiple licensing situations. Our modified rules would do so.[47]

(b) Joint and Several Operating Responsibility

69. Our plan was to require all persons jointly licensed to use and operate a common facility to be both jointly and severally responsible for the transmitter shared. The parties pointed out that this was an impractical and unfair requirement; that more properly each licensee should be held accountable for his or her individual use and operation of the shared system; and that in the circumstances the rule should not be adopted. We agree. Under multiple licensing each licensee can be held accountable for his or her use and operation of the shared facility; and we think it more equitable that such responsibility be limited as suggested.

(c) Prior Consent for Participation

70. In our original plan, we proposed a rule which would have required all persons sharing a particular facility to consent to the addition of any new participant. The parties thought this unreasonable, since any one participant for any reason could refuse to consent to new users being added. The consequence might well be to drive the costs up to a point at which sharing would not be beneficial. Moreover, the need for the rule was questionable, since any dissatisfied user, as a licensee, could move off the shared facility and establish his or her own station, either at the same site or at some site nearby. We agree with these views. Under multiple licensing, licensees nomally have freedom to change facilities or to construct ones of their own using the same frequency assignments. This seems a sufficient safeguard and, accordingly, we plan to drop this proposal in the bands below 512 MHz.

(d) Payments Among Participants

71. We also planned to forbid payments between persons sharing common transmitting facilities under multiple licensing. This we had thought desirable to distinguish multiple licensed sharing arrangements from cooperative use, thereby drawing an absolute and very definitive line between the two. However, a number of parties resisted this approach, pointing out that in many instances persons furnishing service, e.g., equipment companies, have legitimate communication requirements of their own. In such circumstances, the option would be for such equipment companies to build a second facility for their needs, keeping separate ones for use by their customers. Upon review, we are persuaded to drop the requirement. However, in those instances in which an equipment company shares a particular facility, that company must have independent communication requirements, and it must use the shared facility to meet those requirements, not for other purposes. If these guidelines are followed, we feel our regulatory purpose will be served. However, we are inviting specific comment on this feature of the modified plan.

(e) System Designator

72. To better identify multiple licensed facilities and to account for the number of persons being accommodated through them, we proposed assigning a "system designator" to each shared repeater or shared base/mobile system. Since that time, we have found other ways to identify such facilities, including the licensees sharing them and the number of mobile units served. One method is through our modern computer resources. In these circumstances, we no longer have a need for the "system designator," and the rules relating to it are eliminated.

(f) Termination of Use

73. It had been our plan to require licensees to notify us of termination of use of a particular facility, and to submit their licenses for cancellation within a specified time. This proposal was far too restrictive, we think. Also, we did not take into account those situations in which licensees might want to continue to use their assigned channels, perhaps at different sites; and we did not consider the status of the licenses in terms of their expiration dates. Overall, we now feel the requirements would result in confusion and greater burdens on the licensees than are warranted. Accordingly, this proposal is being dropped.

E. Miscellaneous Matters

1. Sharing Between Parent and Subsidiary Corporations

74. A number of parties expressed concern that the proposed rules would require the subsidiaries of a common parent corporation to follow cost-sharing procedures, e.g., in terms of the records to be kept and the reports to be filed with the Commission. We did not intend this. Where a communication service is provided by a subsidiary to its parent or to a sister subsidiary, cost sharing, as such, is not involved. The revised rules set out at *Appendix B* to this *Tentative Decision* should be so construed.

2. Sharing Among Joint Venturers

75. A similar concern was voiced by TAPS Communication Association, but its focus was on the application of the cooperative use rules to joint ventures. We feel the same policy would apply as in the case of parent and subsidiary, i.e., if the communication service is provided essentially to the same entity or party-in-interest, then cooperative use is not involved. There may be special circumstances where we would not reach this conclusion, but as a general rule this is the policy we will follow.

3. Identification of Persons Providing Dispatch Services

76. As a means of assuring compliance with our packaging policy, we had planned to require the filing of an annual report as to all cooperative use arrangements. In this report, the licensee was to furnish the name of any person employed to perform dispatch services for participants. See Proposed Rule Section 89.13(e)(2), *Appendix, NPRM,* Docket No. 18921. As to multiple licensing, there was a similar requirement. See Proposed Rule Section 89.15(b)(3), *Appendix, NPRM,* Docket No. 18921. There was confusion as to whether or not we intended the requirement to apply to "employees" of a licensee. While we plan to drop the packaging policy, we will clarify our purpose by stating that we did not expect any report or information as to "direct employees" of the licensee-only as to persons normally classified as third parties, that is persons not on the regular payroll of the licensee.

4. Public Notice Proposal

77. The radio common carriers requested that public notice be given for all applications proposing cooperative use or multiple licensing and that interested persons be afforded an opportunity to protest. See Section 309 of the Communications Act of 1934, as amended, as implemented at Section

[47] *Appendix B,* Proposed Rules §§ 90.181 and 95.181.

1.962 of the Rules. This was not an area in which we requested comments. We had concluded earlier that such procedures were not necessary. *See Multiple Licensing—Saftey and Special Radio Services, supra,* at p. 515

78. Nevertheless, NARS (TNA) and others again requested such procedures, arguing that the dangers of non-compliance with the rules by applicants for cooperative use and multiple licensed facilities were such as to require the services of "private attorney generals," i.e., carriers who would review pending applications and where appropriate file petitions to deny.

79. Except for the reassertion that such a need exists, NARS (TNA) and others with this view presented no new information to support their conclusion. Further, it is apparent that such petitions could be used by carriers as a dilatory tactic to postpone commencement of private service. This would not be in the public interest, we believe. Policy issues as to licensing that are raised repetitively are appropriate subjects for rule making and should be handled as such rather than on an ad hoc basis. Further, we have administered cooperative use and multiple licensing arrangements for many years, and we have found no evidence to support the contention that there is a need for "private attorney generals" to review applications for such arrangements. Our rules will define the types of sharing we will allow and the conditions under which these arrangements will be authorized, and they provide ample processing safeguards. Eligibility standards formulated through rule making, as stated earlier in this proceeding, are preferable to case-by-case determinations. Moreover, as we also noted earlier, the procedures sought by the carriers would have an adverse impact on our ability to process the large volume of land mobile applications which we receive each day. See *Multiple Licensing—Safety and Special Radio Services, supra,* at p. 515. In our estimation, based on our experience, this disruptive effect would not be offset by any benefit to be gained from these procedures. Therefore, we affirm tentatively our earlier decision not to extend the Section 309 notice procedures to land mobile applications, except to the extent presently allowed.[48]

5. Rule Consolidation

80. As we noted earlier, Parts 89, 91, and 93 of our rules have been consolidated into a single Part 90. We therefore propose to consolidate our rules governing multiple licensing and cooperative use into the rule provisions under this New Part 90. See *Appendix B* to this *Tentative Decision*. Part 95 provisions, however, will continue under that part.

III

Further Notice of Inquiry and Proposed Rulemaking

A. Scope and Purpose

81. As indicated earlier, we feel we have reached a stage in our deliberations where we can tentatively adopt certain policies and conclusions on the points discussed above under Section II. We have set out the bases for these policies and conclusions, and we have given our reasons for rejecting tentatively the arguments opposing our views. We recognize, however, that many of the factors underlying our 1970 *Notice*, on which the comments were based, have evolved in the intervening eleven years. For example, our views on the appropriate regulatory structure for common carrier communications have evolved substantially and are still in a state of flux.[49] There have been innovations in the Commission's licensing approach in the private services, such as the advent of the Specialized Mobile Radio entrepreneur.[50] The Commission has introduced competition not only within given services, but also between and among services, in order to increase consumer choices.[51] And not the least, there has been dramatic growth in the use of both private and common carrier mobile communications. In order to consider what, if any, forms of regulation are necessary, appropriate, and desirable for communications needs now served by cooperatively used and multiple licensed private radio systems, we believe it proper to let interested parties restate or update their positions, and accordingly we have tied our *Tentative Decision* here to a *Further Notice of Inquiry and Proposed Rulemaking*. Parties are invited to address any of the issues discussed above concerning the *Tentative Decision* as well as the points below. Separate analyses of (a) the applicable current law; and (b) desirable future policies, together with changes needed in statutes or regulations to accomplish those policies, would be helpful.

B. Matters and Issues to be Addressed

82. In addition to general comments, we ask for specific views, data, and briefs of law on the following subjects:

(a) *Characteristics of Common Carriage.* Do such characteristics as (1) provision of equipment and related services by profitmaking third-party entrepreneurs, (2) particular advertising practices, (3) interconnection to the telephone network, (4) failure to observe strict cost sharing, (5) profit making by one or more members directly from cooperative radio activities, or (6) lack of proprietary interest (e.g., lease or ownership) in facilities make it necessary or desirable, as a matter of law or policy, that some multiple licensed or cooperatively shared private radio systems be classified as common carriers?

(b) *Forbearance.* Assuming arguendo that at least some cooperative or multiple licensed private radio systems might be or should be classified as common carriers, may the Commission forbear, as a matter of law, from exercising its Title II powers?[52] Is such forbearance desirable as a matter of policy, particularly in terms of its effects on the actual users of cooperative and multiple licensed radio communications systems?[53] If so, what changes in statutes or regulation might be necessary or desirable to achieve such

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[48] See 47 CFR § 1.962.

[49] For example, the *Specialized Carrier* proceeding, which opened up the common carrier private line field to competition, was initiated by the adoption of a Notice of Proposed Rule Making in this proceeding. *Specialized Carriers* (Docket 18920), 24 FCC 2d 318 (1970). In 1971 a policy of open entry was adopted. 29 FCC 2d 870 (1971), *aff'd sub nom. Washington Utilities and Transportation Commission* v. *FCC*, 523 F. 2d 1142 (9th Cir.), *cert. denied* 423 U.S. 836 (1975). For other major common carrier regulatory policy changes, see *American Telephone & Telegraph Co.* v. *FCC*, 572 F. 2d 17 (2nd Cir.), *cert. denied*, 439 U.S. 875 (1978) (resale and shared use of private lines); *MCI Telecommunications Corp.* v. *FCC*, 561 F. 2d 365 (D.C. Cir. 1977), *cert. denied*, 434 U.S. 1040 (1978) (authorization of Execunet service); *Docket No. 19528*, 56 FCC 2d 593 (1975), 58 FCC 2d 736 (1976), *aff'd sub nom. North Carolina Utilities Commission* v. *FCC*, 522 F. 2d 1036 (4th Cir. 1977) (terminal equipment). *See also Second Computer Inquiry, Final Decision*, 77 FCC 2d 384 *Memorandum Opinion and Order*, 84 FCC 2d 50 (1980), *recon. pending, rev. pending sub nom. Computer and Communications Industry Association* v. *FCC*, D.C. Cir. No. 80-1471; *Further Notice of Proposed Rulemaking* in Docket No. 79-252, 84 FCC 2d 445 (1981).

[50] *See Second Report and Order* (Docket 18262), 46 FCC 2d 752 (1974), *recon. in part*, 51 FCC 2d 945, *clarified*, 55 FCC 2d 771 (1975), *aff'd sub nom. National Association of Regulatory Utility Commissioners* v. *FCC*, 525 F. 2d 630 (D.C. Cir.), *cert. denied* 425 U.S. 992 (1976).

[51] *See, e.g., Specialized Carriers, supra* note 49 (competition between and among private line carriers), *New York Telephone Co.*, 47 FCC 2d 488, *recon. denied*, 49 FCC 2d 264 (1974), *aff'd sub nom. Pocket Phone Broadcast Service, Inc.* v. *FCC*, 538 F. 2d 447 (D.C. Cir. 1976) (competition between mobile carriers); *Above 890*, 27 FCC 359 (1959) (competition between private and common carrier microwave users).

[52] See *NARUC* v. *FCC*, 525 F. 2d 630, 640 n. 48 (1976).

[53] On the policy of forbearance, *see generally Deregulation of Telecommunications Service*, 84 FCC 2d 445 (1981), at 471 *et seq.*

forbearance for cooperative and multiple licensed systems?

(c) *Third Party Licensing.* Would direct licensing of any entrepreneurs now providing equipment or services to cooperative and multiply licensed private radio systems be permissible as a matter of law?[34] Is either mandatory or voluntary licensing of such entrepreneurs a policy that would benefit either the users of these systems or the public interest? What would be the advantages and disadvantages of allowing or requiring the provision of radio communications services to current users of cooperative and multiply licensed systems in a manner analogous to the rules applied now to the Specialized Mobile Radio Service above 800 MHz?

(d) *Interservice Competition between Private Radio and Common Carriers.* To what extent is competition permissible or desirable between at least some cooperative/multiply licensed private radio systems and common carrier systems in the provision of land mobile radio communications? Should cooperative or multiply licensed systems be differentiated from other private systems in this regard? Should and how may the Commission assess the effects of interservice competition differentially as it affects (1) common carriers, (2) third-party profit making radio entrepreneurs not classified as common carriers; (3) the ultimate users of cooperatively shared or multiply licensed private radio systems, and the public at large?[35]

(e) *Benefits.* What are the relative benefits of common carrier service contrasted to that provided by equipment companies to eligibles in the private services under competitive marketplace conditions? In this connection, consideration should be given to such factors as spectrum efficiency, effective spectrum utilization, availability of service, economics of the several service offerings, and the ability of system operation to satisfy the needs and desires of the users.

(f) *Proposed Rules.* Are the regulations proposed needed and reasonable? Are they sufficient to assure compliance with the underlying policies governing cooperative use and multiple licensing in the private services; and what, if any, additional limitations or restrictions should be imposed?

(g) *Packaging Policy.* Should the packaging policy be retained?

(h) *Cooperative use.* Should licensees be required to submit their plans for sharing radio equipment for approval by the Commission prior to providing service to participants? Should annual reports be required? What records should the licensees keep? Should the line of demarcation between cooperative use and multiple licensing be drawn as rigidly as contemplated under the original proposal or should the more flexible approach now proposed be followed?

(i) *Multiple Licensing.* Should the Commission prohibit payments among persons sharing radio facilities under multiple licensing? Would such a limitation be useful in maintaining a distinction between multiple licensing and cooperative use arrangements? What records should persons sharing facilities under multiple licensing be required to keep? What reports should the licensees make to the Commission?

IV

Statement in Compliance with Regulatory Flexibility Act

83. The proposed regulatory plan is designed to clarify the types of sharing arrangements to be allowed in the private land mobile radio services and to define the duties and responsibilities of licensees and users under each. Such new regulations appear to be needed to clarify current Commission practices. Such uncertainties as exist have given rise to controversies both in the courts and before this agency, and these are costly and time consuming and impact adversely on the parties affected.

84. The proposed plan of regulation is formulated under the provisions of the Communications Act of 1934, as amended. However, its legal bases has been questioned, principally by radio common carriers licensed under Part 22 of the Commission's Rules. 47 CFR Part 22. This matter is under review, and the Commission expects to resolve it in a final report and order in this docket. While the objective is to clarify and simplify the Commission's practices as they relate to the sharing of equipment in the private services, this may not be possible. More stringent regulations may have to be adopted, and resolution of the legal issues may even require restructuring of the private land mobile industry

85. This industry is a complex one. On the supply side, the small businesses most likely affected will be equipment companies and certain manufacturers furnishing radio equipment to licensees and users, site owners, site management companies, maintenance enterprises, and sales and service organizations. On the user side, we estimate there are about 100,000 licensees, that depend upon radio communication capabilities furnished through the suppliers. These licensees share approximately 20,000 jointly licensed radio systems spread throughout the United States. We further estimate there are as many as 750,000 mobiles owned or controlled by the licensees sharing such radio systems.

86. Depending upon what final decisions are made and upon the rules adopted, the radio common carrier industry could be affected too. Not all, but a significant number of the carriers are small business enterprises. These concerns offer radiotelephone, paging, and dispatch services to their customers in many areas of the United States. These carriers have alleged economic harm, unfair and unjust competition, and other adverse consquences as a result of the sharing arrangements mentioned. This matter is to be decided in this proceeding, and, depending upon the decision made, the impact on the carriers may be great. While we can give no firm estimate of either the number of carriers, suppliers, or licensees of private radio systems that may be affected by our decision, we can say that overall the number of persons directly involved by actions taken in this rule making are in the 100,000-to-200,000 range, taking into account all private and carrier licensees, the related supply organizations, associated distribution and sales concerns, maintenance organizations, site owners and managers, and like small-business support enterprises.

87. As to reporting and record keeping functions that might flow out of the rule making, that is not definite. If the rules proposed are adopted, reporting and record keeping requirements would be minimal. But should persuasive arguments be made for more stringent requirements, their complexity could be grerat and the costs of compliance heavy, giving consideration to the economic size of the entities involved. Further, if the marketing structure of the industry has to be adjusted to meet the new regulatory format, the cost impact on the small businesses could be very large. As to duplication of other Federal rules, none appears to be involved; and there would not appear to be any overlap or conflict between the rules proposed or those that may be adopted and other Federal regulations pertaining to the subjects under consideration.

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[34] Cf. 525 F. 2d 630, at 639-645

[35] Economic injury to a licensee has not *per se* been considered a valid ground for objections to competition. *New York Telephone Co.*, supra n. 51 at 495. "That an existing carrier might be affected adversely * * * is not our chief concern. Injury to the overall public interest and the public's ability to receive adequate communications services are the circumstances to be avoided." *Commonwealth Telephone Co.*, 61 FCC 2d 246 (1976), at 253

88. At this time, it is not possible to determine whether or not the small business concerns potentially impacted by the rule requirements or by potential legal limitations could be accommodated through "performance" as a standard for compliance as opposed to "program design." Considerations of those types do not seem to be particularly applicable to the issues and programs that are the subject of this proceeding. Nonetheless, this matter will be decided in our final regulatory flexibility analysis, and adjustments of the types mentioned will be made where we find them to be legal and feasible. Further, we will look to possible total exemption from the new rules and policies if that appears to be necessary and if applicable law will permit this. Additionally, while we believe that the plan of regulation proposed reduces to a minimum the impact potential on the small business concerns involved, consistent with the requirements of law and the duty of the Commission to regulate sharing plans of the types described, and while we feel that any alternative plan would increase potential burdens on small enterprises, the Commission is willing to consider any alternative to further simplify compliance and reporting requirements, and the issues framed contemplate showings of this type.

89. Accordingly, these matters considered, notice is given that the actions taken in this rule-making proceeding may have a significant economic impact on small business entities. All such business concerns are thus encouraged to participate, and the Commission will entertain suggestions from businesses in this class as to how their views can best be presented for consideration.

V

Summary and Conclusion

90. Based on the above considerations, we have reached tentative conclusions as to the matters in issue. However, these conclusions are not final decisions; final determinations will be made ultimately in our report and order in this proceeding and the rights of all parties will be preserved in the interim.

91. For purposes of this non-restricted notice and comment inquiry and rule making, members of the public are advised that *ex parte* contacts are permitted from the time the Commission adopts a notice of inquiry and proposed rule making until the time a public notice is issued stating that a substantive disposition of the matter is to be considered at a forthcoming meeting or until a final order disposing of the matter is adopted by the Commission, whichever is earlier. In general, an *ex parte* presentation is any written or oral communication (other than formal written comments/pleadings and formal oral arguments) between a person outside the Commission and a Commissioner or a member of the Commission's staff which addresses the merits of the proceeding. Any person who submits a written *ex parte* presentation must serve a copy of the presentation on the Commission's Secretary for inclusion in the public file. Any person who makes an oral *ex parte* presentation addressing matters not fully covered in any previously filed written comments for the proceeding must prepare a written summary of that presentation; on the day of oral presentation, that written summary must be served on the Commission's Secretary for inclusion in the public file, with a copy to the Commission official receiving the oral presentation. Each *ex parte* presentation described above must state on its face that the Secretary has been served, and must also state by docket number the proceeding to which it relates. See generally, Section 1.1231 of the Commission's Rules, 47 CFR § 1.1231.

92. Accordingly, *it is ordered*, pursuant to Sections 4(i), 4(j), 303(r) and 403 of the Communications Act of 1934, as amended, 47 U.S.C. 154 (i) and (j), and 303(r) and 403, that the policies and conclusions set forth in Section II of this document are adopted as a *Tentative Decision* in this Docket No. 18921, subject to further review herein. In accordance with Section III of this document, further rule making is hereby commenced and notice thereof is hereby given. Interested persons may file comments on both aspects on or before July 21, 1981 and reply comments on or before August 10, 1981.

All relevant and timely comments filed in accordance with Sections 1.415 and 1.419 of our Rules and Regulations (47 CFR §§ 1.415 and 1.419) will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may taken into consideration information and ideas not contained in the comments, provided that such information or a writing indicating the nature and source of such information is placed in the public file, and provided that the fact of the Commission's reliance on such information is noted in its final decision.

93. In accordance with the provisions of Section 1.419 of the Rules and Regulations, 47 CFR § 1.419, formal participants shall file an original and 5 copies of their comments and other materials. Participants wishing each Commissioner to have a personal copy of their comments should file an original and 11 copies. Members of the general public who wish to express their interest by participating informally may do so by submitting one copy. All documents will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C.

94. *It is further ordered*, That this proceeding shall be subject to further order by the Commission.

95. *It is further ordered*, That the Secretary shall cause a copy of this decision to be published in the Federal Register.

96. *It is further ordered*, That the Secretary shall cause a copy of this *Tentative Decision*, and this *Further Inquiry and Notice of Proposed Rule Making* to be served upon the Chief Counsel for Advocacy of the Small Business Administration.

97. For further information concerning this rule making contact John B. Letterman, Mobile and Fixed Radio Branch, Private Radio Bureau, Federal Communications Commission, Washington, D.C. 20554, (202) 634–2443.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix A—Parties to the Proceeding

Parties Filing Comments

A–1 Safety Supply Company, Inc.
Association of American Railroads (AAR)
C&C Equipment Company
California Citizens Band Assn., Inc.
Central Committee on Communication Facilities of the American Petroleum Institute (API)
Chalfont Communications
Communications Engineering, Inc.
Graham 2-Way Radio, Inc.
Industrial Communications Systems, Inc.
Land Mobile Section, Industrial Electronics Division, Electronic Industries Association (EIA)
National Association of Business and Educational Radio, Inc. (NABER)
National Association of Radiotelephone Systems (NARS)
Orleans Parish Medical Society
Radio Communications, Inc.
Radio Systems, Inc.
Special Industrial Radio Service Association, Inc. (SIRSA)
TAPS Communications Association

Utilities Telecommunications Council (UTC)

Parties Filing Reply Comments

Chalfont Communications
National Association of Radiotelephone Systems (NARS)

Appendix B—Proposed Rules

Parts 90 and 95 of the Commission's Rules are amended as set forth below.

1. Section 90.179 is revised to read as follows:

§ 90.179 Cooperative use of radio stations in the mobile radio service.

Arrangements may be made between two or more persons for the cooperative use of radio facilities provided all persons sharing the use of a station are eligible to hold licenses to operate the facility shared.

(a) *Agreements relating to control.* (1) A group of persons eligible for licensing on the frequency or frequencies to be cooperatively used may share base station(s) and associated mobile stations, control stations, or control points licensed to one member of the group, provided there is maintained with the records of the station a copy of the agreement under which such shared use is to take place. Such agreement shall provide that the licensee of the shared station(s) shall be responsible for, and be in control of, all of the shared radio facilities.

(2) Participants to cooperative use arrangements may either obtain a separate license to cover the mobile transmitters, control points or control stations which they use; or the mobiles, control points, or control stations may be included in the license for the base station(s) from which service is rendered. In the latter case, the cooperative use agreement shall specifically cover use of the mobile units and control points or control stations and verify that the licensee will be responsible for, and in control of, these facilities. If associated control points or control stations are separately licensed for use in conjunction with the shared base station(s), such additional equipment or devices as may be necessary to permit the licensee to exercise primary control over the station(s) must be included in the design of the system.

(b) *Contributions to costs.* Cooperative use may be offered without cost to the participants, or contributions to capital and operating expenses may be accepted by the licensee. If contributions are accepted by the licensee, this must be on a cost-sharing basis with all such contributions prorated equitably among all persons who are parties to the cooperative use arrangement. Records which reflect the participant's eligibility to use the system and, where appropriate, the cost of the service and its nonprofit, cost-sharing nature shall be maintained by the base station licensee with the records of the station(s). Upon reasonable request, these records shall be made available for audit or inspection by the Commission.

(c) *Letter to accompany application.* Each applicant for a mobile station or for control points or control stations proposing to receive service under a cooperative use agreement shall file with the application(s) for the station(s) a letter from the licensee of the associated base station(s) indicating that the proposed cooperative use has been agreed to.

(d) *Addition of sharers.* The licensee may add participants to the system at any time and permit them to use mobile stations and control points or control stations included in his authorization. However, any increase in mobile stations or changes in the number or location of control points or control stations must comply with the requirements of Section 90.135.

2. Section 90.181 is removed and the following rule is substituted.

§ 90.181 Multiple licensing of radio transmitting equipment in the mobile radio service.

Two or more persons eligible for licensing on radio frequencies on which a jointly licensed system operates may be separately authorized to share the use of the same transmitting equipment, provided:

(1) The frequency or frequencies upon which the shared radio equipment operates shall be available for assignment, on an individual basis, to each of the participants.

(2) Each licensee shall be accorded unlimited and unconditional access to all shared transmitting equipment for inspection and maintenance or such other purposes as are consistent with his or her status as licensee.

3. Section 90.61 is revised to read as follows:

§ 90.61 General eligibility.

In addition to the eligibility shown in each Industrial Radio Service, eligibility is also provided for any corporation proposing to furnish nonprofit radiocommunication service to its parent corporation, to another subsidiary of the same parent, or to its own subsidiary engaged in any of the eligible activities set forth in the particular service involved. Eligibility is also provided, except in the Business and Special Industrial Radio Services, for a non-profit corporation or association that is organized for the purpose of furnishing a radiocommunication service to persons eligible in the same radio service and actually engaged in permissible activities in the particular service involved; *provided, however,* the provision of service to such eligible persons shall be subject to the requirements of Section 90.179 of this rule Part; and, *provided further,* that the limitations as to Business and Special Industrial Licensees shall not apply to radio systems licensed under Part 90 in the 806–821 MHz and 851–866 MHz bands.

4. Section 90.87 is revised to read as follows:

§ 90.87 General eligibility.

In addition to the eligibility shown in each Land Transportation Radio Service, eligibility is also provided for any corporation proposing to furnish nonprofit radiocommunication service to its parent corporation, to another subsidiary of the same parent, or to its own subsidiary engaged in any of the eligibility activities set forth in the particular service involved. Eligibility is also provided for a non-profit corporation or association that is organized for the purpose of furnishing a radiocommunication service to persons eligible in the same radio service and actually engaged in permissible activities in the particular service involved; *provided, however,* the provison of service to such eligible persons shall be subject to the requirements of Section 90.179 of this rule Part.

§ 90.183 [Removed]

5. Section 90.183 is removed *in toto.*

6. Section 95.65 (b) (6) and (c) are revised to read as follows:

§ 95.65 Operation by, or on behalf of, persons other than the licensee.

* * * * *

(b) * * *

* * * * *

(6) Other persons, under the following circumstances:

(i) Licensee is a corporation and proposes to provide private radiocommunication facilities for the transmission of messages or signals by or on behalf of its parent corporation, another subsidiary of the parent corporation, or its own subsidiary.

(ii) Licensee proposes the cooperative use of a station with one or more other licensees in the service for the purpose of communicating on a regular basis

with units of their respective stations, or with units of other stations if the communications transmitted are otherwise permissible. The use of these private radiocommunication facilities shall be conducted pursuant to an agreement acknowledging that the licensee shall have full control over the shared facilities; and where contributions to capital and operating expenses are made by participants to the licensee, the agreement shall require all such contributions to be on a nonprofit, cost-sharing basis, the costs to be divided equitably among all parties to the agreement. Records which show the nonprofit, cost-sharing basis of the arrangement shall be maintained by the licensee and, upon reasonable request, these records shall be available for audit or inspection by the Commission.

(iii) Other cases, where there is a need for other persons to operate a unit of licensee's radio station. Requests for authority may be made either at the time of the filing of the application for station license or thereafter by letter. In either case, the licensee must show the nature of the proposed use and that it relates to an activity of the licensee and how he proposes to maintain control over the transmitters. Such arrangements may be implemented by the licensee unless within 30 days of the date of filing the request, the Commission directs otherwise.

(c) An individual who was formally a station licensee shall not be permitted to operate any station of the same class licensed to another person until such time as he again has been issued a valid radio station license, when his license has been:

(1) Revoked by the Commission.

(2) Surrendered for cancellation after the institution of revocation proceedings by the Commission.

(3) Surrendered for cancellation after a notice of apparent liability to forfeiture has been served by the Commission.

7. Section 95.66 is added to read as follows:

§ 95.66 Multiple licensing of radio transmitting equipment in the mobile radio service.

Two or more persons eligible for licensing in this service may be separately authorized to share the use of the same transmitting equipment, provided:

(a) The frequency upon which the radio equipment operates shall be available for assignment, on an individual basis, to each of the participants.

(b) Each licensee shall be accorded unlimited and unconditional access to all shared transmitting equipment for inspection and maintenance or for such other purposes as are consistent with his or her status as licensee.

§ 95.67 [Removed]

8. Section 95.67 is removed *in toto.*

[FR Doc. 81-18256 Filed 6-18-81; 8:45 am]

BILLING CODE 6712-01-M

Notices

Federal Register
Vol. 46, No. 118
Friday, June 19, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Routt National Forest Grazing Advisory Board; Meeting

The Routt National Forest Grazing Advisory Board will meet July 23, 1981 at the Routt National Forest Supervisor's Office, Hunt Building, 137 10th Street, Steamboat Springs, Colorado. The board will leave at 9:15 a.m. to review the California Park Cattle Allotment.

Other business will include: 1) a short business meeting: 2) review proposed plant control and reseeding projects: 3) recommendations concerning the development of allotment management plans.

The meeting will be open to the public. Persons who wish to attend and participate should notify Les Clark or Jim Webb, Routt National Forest (303–879–1722) prior to the meeting. Public members may participate in discussions during the meeting at any time or may file a written statement following the meeting.

Jack Weissling,

Forest Supervisor.

June 12, 1981.

[FR Doc. 81-18251 Filed 6-18-81, 8:45 am]

BILLING CODE 3410-11-M

CIVIL AERONAUTICS BOARD

[Docket 39072]

Trans World Airlines, Inc.; Complaint Requesting Relief From Unfair and Discriminatory Pricing Practices in Germany; Order Terminating Proceeding

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 15th day of June, 1981.

On December 17, 1980, Trans World Airlines, Inc. (TWA) filed a complaint with the Board under section 23 of the International Air Transportation Act of 1979 (IATCA) against the Federal Republic of Germany and its national flag carrier, Lufthansa German Airlines (Lufthansa). The complaint stated that the German authorities have violated the Protocol to the United States-Federal Republic of Germany Air Transport Services Agreement (Agreement) by unreasonably and unjustifiably restricting TWA's ability to offer competitive fares in the United States-Germany market, ex-Germany, and have unjustly discriminated against TWA in favor of Lufthansa. TWA requested the Board to take remedial action under sections 9 and 23 of the International Air Transportation Competition Act of 1979 (IATCA).

On June 15, 1981 TWA filed a motion requesting the termination of this proceeding. In support of its motion, TWA states that it has reached a satisfactory compromise resolution with Lufthansa on the issues contained in its complaint; that no further United States governmental action is necessary; and that in light of these facts this proceeding should be terminated without prejudice. The carrier asks that this be done immediately without waiting for answers to the motion, since the 180 days allowed for remedial action by section 23 of IATCA is about to expire.

We have decided to grant TWA's motion.

By Order 81–2–68, February 13, 1981, we found that by refusing to allow TWA to match the promotional fares of Lufthansa, the Federal Republic of Germany has, over the objections of the U.S. Government, "impaired, limited or denied" the operating rights of a U.S. air carrier under the U.S.-Federal Republic of Germany Agreement and has engaged in "unfair, discriminatory or restrictive practices with a substantial adverse competitive impact upon" a U.S. air carrier (§ 402(f)(2)). We also found that the Federal Republic of Germany's disapproval of TWA's fares constitutes "unjustifiable or unreasonable discriminatory, predatory or anticompetitive practices against a U.S. air carrier," and "unjustifiable or unreasonable restrictions on access of a United States air carrier" to a foreign market [section 2 of the International Air Transportation Fair Competitive Practices Act of 1974, as amended (FCPA)]. We further found that in the absence of a satisfactory resolution of these disapprovals at future consultations, the public interet requires the board to invoke sanctions in accordance with the provisions of section 2 of the FCPA. The Departments of State and Transportation concurred in our findings and conclusions. We decided, however, to defer imposing any specific sanctions pending negotiations with the Federal Republic of Germany on the issues raised by TWA's complaint.

Discussions between the Government of the United States and Germany did not produce an immediate resolution of the problem. However, the Governments contemplated that TWA and Lufthansa would meet to discuss interline arrangements for the Holiday fare. Based on information provided by TWA, the FRG Government has agreed to permit TWA to match the discount fares at issue in this proceeding on a connecting basis via Frankfurt from two off-line German cities of TWA's choice. These points may be changed on thirty days notice. The discussions between the carriers led to an agreement whereby Lufthansa would accept a 90 percent pro rate of the local published fare for the intra-Germany segment of the service.

In light of the above, we will terminate this proceeding without prejudice. Our action here does not reflect a change in our statutory findings in Order 81–2–68. We continue to hold that by refusing to allow U.S. carriers to match Lufthansa without limitation, the FRG has effectively denied TWA rights to which it is entitled under the Protocol. Furthermore, notwithstanding the fact that TWA instituted this proceeding by filing a complaint against the FRG Government and Lufthansa, this is not purely a private action. There is a broader governmental and public interest which must be satisfied before we can dispose of IATCA proceedings. In this particular case, we have determined that TWA's request is consistent with our broader responsibilities, and therefore that it would not be in the public interest to impose any sanctions. On the other hand, we plan to continue intergovernmental discussions on the serious issue raised in this proceeding. In addition, we are of course prepared to reopen the issue—by application or on our own initiative—should the actual

implementation of the agreement not match our current expectations. We have consulted with the U.S. Departments of State and Transportation in reaching this decision.

Our action does not allow time for a response by interested parties to TWA's motion. Section 2 of the FCPA imposes a deadline within which we must take remedial action. To insure that complaints filed under section 2 receive prompt attention, the section provides that the Board shall approve, deny, dismiss or set a complaint for hearing, or institute other proceedings proposing remedial action, within 60 days after receipt of the complaint. We may extend the period for taking action in increments of 30 days if we conclude that it is likely that the complaint can be satisfactorily resolved through negotiations during the additional time. However, in no event may the aggregate period for taking action exceed 180 days from the receipt of the complaint. The complaint was filed on December 17, 1980, 180 days from which is June 15, 1981. To meet the statutory deadline, therefore, we must act immediately and cannot wait for any answers to TWA's motion to be filed.

Accordingly:

1. We terminate the investigation in Docket 39072 without prejudice;

2. We shall serve this order upon Trans World Airlines, Inc., Lufthansa German Airlines, Pan American World Airways, Inc., KLM Royal Dutch Airlines, the Ambassador of the Federal Republic of Germany in Washington, D.C., and the Departments of State and Transportation; and

3. We may amend, modify or revoke this order at our discretion without hearing.

We shall publish this order in the **Federal Register**.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-[illegible] Filed 6-18-81; 8:45 am]

BILLING CODE 6320-01-M

[Docket 39722]

Proposed Authorization for Providing Priority Air Service; Emergency Air Transportation Requirements

It appears that the members of the Professional Air Traffic Controllers Organization (PATCO) may be contemplating a nationwide strike or job action against the Federal Aviation Administration (FAA) on or about June 22, 1981, if the issues involved in their contract negotiations are not resolved by that date. In anticipation of such a possibility, the FAA published a National Air Trafffic Control Contingency Plan for Potential Strikes and other Job Actions by Air Traffic Controllers. (45 FR 75100, November 13, 1980) A nationwide strike by the PATCO would severely limit the number of airline flights that are normally scheduled to provide air transportation to the travelling and shipping public. Under the FAA plan, a certain number of airline flights are planned to be permitted to operate within certain rigid constraints to maintain safety of flight.

Under these stringent limitations, the reduced number of airline flights that may be available to serve the public will necessitate the imposition of controls to assure the air transportation of persons and property designated to be essential to the nation's security, health and safety.

Under the provisions of the Defense Production Act of 1950, as amended (DPA), the Secretary of Transportation is delegated authority to establish priorities of movement of persons and property to deal with disruptions to normal transportation services. Implementation of this authority requires a finding by the Secretary that a transportation emergency exists which necessitates the immediate exercise of powers under the DPA to accomplish the transportation of persons, property and U.S. mail essential to national needs. The Secretary, in turn, may delegate these powers to Federal agencies concerned with regulating the transportation mode(s) affected. Thus, in the event of a finding of a civil air transportation emergency, the Secretary could delegate the priorities authority of the DPA to the Chairman, Civil Aeronautics Board. Such a delegation to the Chairman would indicate the nature of persons and property to be given priority in air transportation by U.S. air carriers.

So that the airline industry and the public may know in advance of the emergency measures we intend to take regarding the priority movement of persons and property on the airlines during the anticipated PATCO strike, we are giving this notice to indicate our intention to issue an order, substantially in the form attached, if and when a delegation to the Chairman of the Board on this matter has been executed by the Secretary of Transportation.

We expect that any further orders on this subject would be issued by the Director of our Bureau of Domestic Aviation under authority that we hereby delegate to her.

Dated at Washington, D.C., June 17, 1981.

Phyllis T. Kaylor,

Secretary.

Attachment

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the ————. Emergency Air Transportation Requirements, Docket 39722; order authorizing priority for movement of persons, property and U.S. mail during strike emergency.

The Professional Air Traffic Controllers Organization (PATCO) has announced that on ———— its members will strike. Such action will have a significant adverse effect on the normal operating capability of the U.S. Air Route Traffic Control (ARTC) system. To minimize the impact on the air transportation system which is dependent upon ARTC services, the Federal Aviation Administration (FAA) has implemented a priorities system for flight movements under its Contingency Plan for Potential Strikes or other Job Actions by Air Traffic Controllers.[1] The imposition of ARTC priorities for flight movement and the reduced operating capability of the ARTC system have disrupted flight operations of the air transportation industry. Under the FAA plan, a reduced number of normally scheduled air carrier flights are tentatively identified to be allowed to operate under the ARTC flight priorities shown in the plan and within certain rigid constraints to maintain air safety. The Department of Transportation (DOT) and the Federal Emergency Management Agency (FEMA) have also established a separate list of categories of persons and property that would be entitled to priority transportation on those flights that would be operating. It is this second list which is the subject of this order, under a delegation of authority described below.

As a result of the strike and its impact on the provision of air transportation services, the Secretary of Transportation has found that a civil air transportation emergency now exists. Therefore, acting under the authority of the Defense Production Act of 1950 as amended,[2] the Secretary has delegated the priorities and allocations authority assigned to him by the Director, Federal Emergency

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[1] Published in the **Federal Register** (see 45 FR 75100, November 13, 1980). The FAA order of flight priority, in general terms, is (1) air traffic movements required for national defense; (2) medical emergency flights; (3) long-range flights for which no reasonable alternative means of transportation exists, and (4) shorter-range flights capable of serving the most people or national needs.

[2] 50 U.S.C. (App. 2061–2069).

Management Agency [3] to the Chairman, Civil Aeronautics Board, by letter dated ————. In the delegation to the Chairman, the Secretary requested that the necessary steps be taken to assure the prompt and efficient movement of an enclosed list of priority persons and property categories. Therefore, under the authority contained in the Federal Aviation Act of 1958, as amended, and the authority contained in Title I of the Defense Production Act of 1950, and Sections 101(b)(4) and 201(a) of Executive Order 10480, the Board will require all U.S. certificated air carriers and all commuter air carriers providing essential air service to give priority in interstate air transportation to the transportation of persons and property in the categories shown in the list attached to this order. There is no significance to the sequence in which the priority persons and property categories are listed. All such categories on the priority list are of equal status. Persons and property not included in the list may be transported after all priority traffic has been accommodated. However, nonpriority traffic, once loaded, should not be displaced by priority movements, nor should baggage accompanying passengers be displaced by priority property.

In order to facilitate the operations of certificated air carriers and commuter air carriers providing essential air service under the FAA contingency plan and our air priorities list, we will grant for interstate air transportation operations exemptions from the duty-to-carry in section 404(a) of the Act, the requirement to carry the mail upon request of the Postal Service, the requirement to observe tariff rules, and the requirement to pay denied boarding compensation to the extent these provisions would hinder a carrier's ability to operate under the FAA contingency plan and our priority list.[4] We will also exempt these carriers from the provisions of sections 419 and 401(j) to the extent necessary to operate under the FAA contingency plan.

Finally, in this emergency situation, under the FAA's ARTC flight priority plan charter flights may not be able to transport charter passengers to their return destination. In order to avert hardships that may befall these passengers we will grant an exemption to all U.S. certificated air carriers and all foreign air carriers from the provisions of section 403 of the Act to permit them to provide alternate transportation to stranded charter passengers on their scheduled service at the charter rate. While we urge carriers to try to accommodate these hardship situations, charter passengers and their baggage may not displace priority persons or property shown on the attached priority list.

Accordingly,

1. Certificated air carriers and all commuter air carriers designated by the Board to provide essential air service are directed during the pendency of the PATCO strike to insure that priority of movement is accorded the categories of persons and property named in the appendix to this order for operations in interstate air transportation;

2. We exempt all certificated air carriers and all commuter air carriers designated by the Board to provide essential air service from the following provisions of Title IV of the Federal Aviation Act to the extent necessary to establish transportation priorities for operations in interstate air transportation in accordance with the appendix;

(a) The duty in section 404(a) to transport persons upon reasonable request;

(b) The requirement of section 401(1) and in all certificates issued pursuant to section 401(d)(1) to carry mail upon request of the Postal Service where such requirement conflicts with the carrier's ability to establish transportation priorities in accordance with the appendix;

(c) The requirement to observe tariff rules where any such rules prohibit or otherwise prevent the carrier from establishing transportation priorities in accordance with the appendix;

3. We withdraw the exemption provided in § 291.31(a)(2) of our Economic Regulations from the requirements of Section 404(a) to carry property upon reasonable request, to the extent that this exemption conflicts with requests for transportation of property in the categories contained in the appendix;

4. We exempt all certificated air carriers and all commuter air carriers designated by the Board to provide essential air service from the appropriate provisions of sections 419 and 401(j) of the Act and appropriate Board orders to the extent that they would (a) prohibit flight reductions, terminations or suspensions of service required to comply with flight schedule plans established by the FAA for implementation by these carriers during the pendency of the PATCO strike and (b) require 60-day or 90-day notices of such terminations, reductions, or suspensions;

5. We exempt all certificated air carriers and all commuter air carriers designated by the Board to provide essential air service from the requirements to pay denied boarding compensation and to provide the notices required in Part 250 of our Regulations for interstate air transportation operations to passengers who are denied boarding because of priority given to persons and property listed in the appendix;

6. We exempt all scheduled U.S. certificated air carriers and foreign air carriers from the provisions of Section 403 of the Act and Part 221 of the Board's Economic Regulations, insofar as the enforcement of Section 403 and Part 221 would prevent them from providing emergency transportation to charter passengers at the charter rate on a nonpriority basis;

7. The exemptions provided by this order shall expire upon notification from the Secretary of Transportation that a civil air transportation emergency no longer exists; and

8. This order is effective immediately.

This order shall be served on all U.S. certificated air carriers, all commuter air carriers designated by the Board to provide essential air service, foreign air carriers, the Department of Transportation, the Federal Emergency Management Agency, the Federal Aviation Administration, the Professional Air Traffic Controllers Organization, the Postmaster General and the Department of Defense.

This order shall be published in the **Federal Register.**

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

Appendix—Air Transportation Priority List

There is no significance in the order of listing.

This listing establishes those categories of persons and things that are to be given movement preference over all other persons and things in order to assure the movement of essential traffic during the PATCO strike or job action. The list remains in effect until modified or rescinded.

Hospital and sick room supplies and equipment, including diagnostic devices and essential support utilities.
Pharmaceutical, biologicals, radiology material, whole blood and blood products, surgical textiles and instruments.
Medical laboratory supplies and equipment.
Professional dental supplies and equipment.
Professional veterinary supplies and equipment for support of animal and poultry production.
Electrical power and communication systems repair materials and equipment required

[3] 44 CFR Part 322, as amended. (45 FR 53479, August 12, 1980.)

[4] We will also withdraw the exemption from the section 404 duty to carry granted to All-Cargo air carriers by Part 291 to the extent that this exemption conflicts with our air priorities list.

for the continued supply of essential electric power and communications.
Essential supplies and materials directly related to exploration, development and construction of energy producing systems.
Material moving on government or commercial bills of lading specifically certified as essential by the uniformed services of the Departments of Defense and Transportation, Department of Energy or General Services Administration contract administrators.
All material moving on government bills of lading issued by transportation officers.
U.S. mail in accordance with emergency orders issued by the U.S. Postal Service.
Water and sewage processing and handling supplies and equipment, including chlorine, alum, lime, sulphate of iron, soda ash, and similar chemicals and equipment, essential to the continuity of operation of water and sewage installations.
Items necessary to the continued smooth functioning of the financial system, e.g., movement of checks, currency and coins.
Government employees, military personnel and other persons traveling on official letter or travel orders, or military orders.[1]
Carrier personnel designated to travel for the management, operation, control and coordination of company emergency service activities.

[FR Doc. 81-18178 Filed 6-18-81; 8:45 am]
BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee; Partially Closed Meeting

AGENCY: International Trade Administration, Commerce.

SUMMARY: The Computer Peripherals, Components, and Related Test Equipment Technical Advisory Committee was initally established on January 3, 1973, and rechartered on August 29, 1980 in accordance with the Export Administration Act of 1979 and the Federal Advisory Committee Act.

The Committee advises the Office of Export Administration with respect to questions involving (A) technical specifications and policy issues relating to those specifications which are of concern to the Department, (B) worldwide availability of products and systems, including quantity and quality, and actual utilization of production technology, (C) licensing procedures which affect the level of export controls applicable to computer peripherals, components and related test equipment, or technology, and (D) exports of the aforementioned commodities subject to the unilateral and multilateral controls which the United States establishes or in which it participates including proposed revisions of any such controls.

TIME AND PLACE: July 22, 1981, at 9:30 a.m. The meeting will take place at the Main Commerce Building Room 3708, 14th Street and Constitution Avenue, N.W., Washington, D.C. The meeting will conclude on July 23, in Room 5611 Main Commerce Building.

AGENDA: General Session—

(1) Opening remarks by the Chairman.

(2) Presentation of papers or comments by the public.

(3) A review of subcommittee activities:

a. Memory and Media,
b. Foreign Availability,
c. Display and Terminals, and
d. Export Regulations.

(4) New Business.

Executive Session

(5) Discussion of matters properly classified under Executive Order 12065, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

PUBLIC PARTICIPATION: The General Session of the meeting will be open to the public and a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on September 16, 1980, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government In The Sunshine Act, Pub. L. 94-409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1) and are properly classified under Executive Order 12065.

A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 5317, U.S. Department of Commerce, telephone: 202-377-4217.

FOR FURTHER INFORMATION OR COPIES OF THE MINUTES CONTACT: Mrs. Margaret Cornejo, Office of the Director of Licensing, Office of Export Administration, Room 1609, U.S. Department of Commerce, Washington, D.C. 20230. Telephone: 202-377-2583.

Dated: June 12, 1981.

Saul Padwo,

Director of Licensing.

[FR Doc. 81-18176 Filed 6-18-81; 8:45 am]
BILLING CODE 3510-25-M

[1] Includes travel documents issued by a Federal, state, municipal, local, U.S. territory or U.S. possession agency.

National Oceanic and Atmospheric Administration

Notice of Issuance of Permit

On April 3, 1981, Notice was published in the **Federal Register** (46 FR 20255), that an application had been filed with the National Marine Fisheries Service by Maine Department of Marine Resources, State House—Station 21, Augusta, Maine 04333, to accidentally take up to 20 harbor seals in the course of fisheries research.

Notice is hereby given that on June 10, 1981, the National Marine Fisheries Service issued a Scientific Research Permit, as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407) to Maine Department of Marine Resources subject to certain conditions set forth therein.

The Permit is available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C.; and
Regional Director, Northeast Region, National Marine Fisheries Service, 14 Elm Street, Federal Building, Gloucester, Massachusetts 01930.

Dated: June 10, 1981.

Richard B. Roe,

Acting Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.

[FR Doc. 81-18164 Filed 6-18-81; 8:45 am]
BILLING CODE 3510-22-M

Inter-Council Swordfish Steering Committee; Meeting Admendment

AGENCY: National Marine Fisheries Service, NOAA.

ACTION: Notice of Change in Meeting Times and Meeting Location.

SUMMARY: The scheduled meeting of the Inter-Council Swordfish Steering Committee as published in the **Federal Register**, June 10, 1981 (46 FR 30679) has been changed as follows:

From: Convening on Monday July 20, 1981, at approximately 9 a.m., adjourning on Tuesday, July 21, 1981, at approximately noon, at the Caribbean Hilton International Hotel, San Juan, Puerto Rico.

To: Convening on Monday, July 20, 1981, at approximately 1 p.m., adjourning at approximately 5 p.m.; reconvening on Tuesday, July 21, 1981, at approximately 8:30 a.m., adjourning at approximately 4 p.m., at the Holiday Inn Airport North, 1380 Virginia Avenue, Atlanta, Georgia. All other information remains unchanged.

FOR FURTHER INFORMATION CONTACT: South Atlantic Fishery Management Council, One Southpark Circle, Suite 306, Charleston, South Carolina 29407. Telephone: (803) 571–4366.

Dated: June 16, 1981.

[FR Doc. 81-18240 Filed 6-16-81, 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Import Controls on Certain Cotton Apparel Products From the People's Republic of China

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Establishing import controls for Categories 334 (men's and boys' other cotton coats), 335 (women's, girls' and infants' cotton coats) and 338 (men's and boys' cotton knit shirts) produced or manufactured in the People's Republic of China and exported during (1) the ninety-day period which began on February 24, 1981 and extended through May 24, 1981 and (2) the twelve-month period which began on May 25, 1981 and extends through May 24, 1982.

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506), December 24, 1980 (45 FR 85142) and May 5, 1981 (46 FR 25121)).

SUMMARY: Pursuant to the terms of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of September 17, 1980, between the Governments of the United States and the People's Republic of China, consultations were requested on February 23, 1981 concerning imports into the United States of cotton apparel products in Categories 334, 335 and 338 from the People's Republic of China. Notice of the intention to hold these consultations was published in the **Federal Register** on February 26, 1981 (46 FR 14152). Under the terms of the bilateral agreement, the People's Republic of China is obligated to limit its exports to the United States of these products during the ninety-day consultation period which began on February 24, 1981 and extended through May 24, 1981 to the following levels, in the event that no mutually satisfactory solution is reached during consultations:

Category	90-d level of restraint (dozen)
334	45,722
336	64,250
338	145,98[illegible]

Under the terms of the bilateral agreement, the People's Republic of China is obligated to limit its exports to the United States of these products during the twelve-month period which began on May 25, 1981 and extends through May 24, 1982 to the following levels:

Category	12 mo level of restraint (dozen)
334	148,604
335	201,956
338	482,124

Inasmuch as consultations with the Government of the People's Republic of China have not yet reached a mutually satisfactory solution, the United States Government has decided, in carrying out its responsibilities in implementing the aforementioned provisions of the bilateral agreement, to prohibit entry of imports of cotton textile products in Categories 334, 335 and 338, in excess of the ninety-day and twelve-month levels of restraint defined in the agreement. Should a satisfactory solution be reached in further consultations with the Government of the People's Republic of China, which are not now scheduled, notice will be published in the **Federal Register**.

EFFECTIVE DATE: June 19, 1981.

FOR FURTHER INFORMATION CONTACT: Carl Ruths, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377–4212).

SUPPLEMENTARY INFORMATION: On December 4, 1980, there was published in the **Federal Register** (45 FR 80324) a letter dated November 28, 1980 to the Commissioner fo Customs from the Chairman of the Committee for the Implementation of Textile Agreements which established levels of restraint for certain categories of cotton and man-made fiber textile products, produced or manufactured in the People's Republic of China and exported during the twelve-month period which began on January 1, 1981. The notice document which preceded this letter described the consultation mechanism which applies to categories of textile products under the bilateral agreement, such as Categories 334, 335 and 338, which are not subject to specific ceilings and for which levels may be established during the year. In the letter published below, pursuant to the bilateral agreement, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to prohibit entry into the United States for consumption, or withdrawal from warehouse for consumption, of cotton textile products in Categories 334, 335, and 338, produced or manufactured in the People's Republic of China and exported during both the ninety-day period which began on February 24, 1981 and extended through May 24, 1981 and during the subsequent twelve-month period which began on May 25, 1981 and extends through May 24, 1982, in excess of the designated levels of restraint.

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

June 16, 1981.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury,
Washington, D.C.

Dear Mr. Commissioner: Under the terms of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of September 17, 1980, between the Governments of the United States and the People's Republic of China, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977; you are directed to prohibit, effective on June 19, 1981 and for the ninety-day period which began on February 24, 1981 and extended through May 24, 1981, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Categories 334, 335 and 338, produced or manufactured in the People's Republic of China and exported on and after February 24, 1981, in excess of the following levels of restraint:

Category	90-day level of restraint[1] (dozen)
334	45,722
335	64,250
338	145,981

[1] The levels of restraint have not been adjusted to reflect any imports after February 23, 1981.

You are also directed to prohibit, effective on June —, 1981, and for the twelve-month period which began on May 25, 1981 and extends through May 24, 1982, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Categories 334, 335, and 338, produced or manufactured in the People's Republic of China and exported

on and after May 25, 1981, in excess of the following levels of restraint:

Category	12-mo level of restraint[1] (dozen)
334	148,894
335	201,956
338	482,124

[1] The twelve-month levels of restraint have not been adjusted to reflect any imports after May 24, 1981.

Cotton textile products in Category 334, 335 and 338 which have been exported to the United States prior to February 24, 1981 shall not be subject to this directive.

Cotton textile products in Category 334, 335, and 338 which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1)(A) prior to the effective date of this directive shall not be denied entry under this directive.

In carrying out this directive, entries of textile products in Categories 334, 335 and 338 which have been exported to the United States on and after February 24, 1981 and extending through May 24, 1981, shall, to the extent of any unfilled balances be charged against the levels of restraint established for such goods during that period. In the event that the levels of restraint established for the period which began on February 24, 1981 and extended through May 24, 1981 have been exhausted by previous entries, such goods shall be subject to the levels established for the twelve-month period which began on May 25, 1981.

A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506), December 24, 1980 (45 FR 85142) and May 5, 1981 (46 FR 25121).

In carrying out the above directions, the commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the People's Republic of China and with respect to imports of cotton textile products from China have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisons of 5 U.S.C. 553. This letter will be published in the **Federal Register**.

Sincerely,

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 81-18282 Filed 6-18-81; 8:45 am]

BILLING CODE 3510-25-M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List 1981; Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Additions to Procurement List.

SUMMARY: This action adds to Procurement List 1981 a military resale commodity to be produced by and a service to be provided by workshops for the blind and other severely handicapped.

EFFECTIVE DATE: June 19, 1981.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher, (703) 557-1145.

SUPPLEMENTARY INFORMATION: On February 27, 1981 and January 30, 1981, the Committee for Purchase from the Blind and Other Severely Handicapped published notices (46 FR 14373 and 46 FR 9982) of proposed additions to Procurement list 1981, November 12, 1980 (45 FR 74836).

After consideration of the relevant matter presented, the Committee has determined that the military resale commodity and service listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46-48c, 85 Stat. 77.

Accordingly, the following military resale commodity and service are hereby added to Procurement List 1981:

Military Resale Item No. and Name

No. 808, Broom, Plastic Filament, Angle Tilt

SIC 0782

Grounds Maintenance, Babe Ruth Field, Fort Ord, California

C. W. Fletcher,

Executive Director.

[FR Doc. 81-18213 Filed 6-18-81; 8:45 am]

BILLING CODE 6820-33-M

Procurement List 1981; Deletion

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Deletion from Procurement List.

SUMMARY: This action deletes from Procurement List 1981 a commodity produced by workshops for the blind or other severely handicapped.

EFFECTIVE DATE: June 19, 1981.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher, (703) 557-1145.

SUPPLEMENTARY INFORMATION: On April 24, 1981, the Committee for Purchase from the Blind and Other Severely Handicapped published a notice (46 FR 23282) of proposed deletion from Procurement List 1981, November 12, 1980 (45 FR 74836).

After consideration of the relevant matter presented, the Committee has determined that the commodity listed below is no longer suitable for procurement by the Federal Government under 41 U.S.C. 46-48c, 85 Stat. 77.

Accordingly, the following commodity is hereby deleted from Procurement List 1981:

Class 1430

Circuit Card Assembly, 1430-00-099-9251

C. W. Fletcher,

Executive Director.

[FR Doc. 81-18214 Filed 6-18-81; 8:45 am]

BILLING CODE 6820-33-M

Procurement List 1981; Proposed Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed additions to procurement list.

SUMMARY: The Committee has received proposals to add to Procurement List 1981 commodities to be produced and a service to be provided by workshops for the blind and other severely handicapped.

COMMENTS MUST BE RECEIVED ON OR BEFORE: July 22, 1981.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher, (703) 557-1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed action.

If the Committee approves the proposed additions, all entities of the Federal Government will be required to procure the commodities and service listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following commodities and service to Procurement List 1981, November 12, 1980 (45 FR 74836):

Class 3990

Pallet, Material Handling, 3990-00-NSH-0008 (62" x 48")

Class 7920

Kit, Aircraft Cleaning, 7920-00-490-6046

SIC 7349

Janitorial Service, OSHA Training Center, 1555 Times Drive, Des Plaines, Illinois

C. W. Fletcher,

Executive Director.

[FR Doc. 81-18215 Filed 6-18-81, 8:45 am]

BILLING CODE 6820-33-M

DEPARTMENT OF DEFENSE

Department of the Navy

PBI/Gordon Corp.; Intent To Grant Limited Exclusive Patent License

Pursuant to the provisions of Part 746 of title 32, *Code of Federal Regulations* (41 FR 55711-55714, December 22, 1976), the Department of the Navy announces its intention to grant to PBI/Gordon Corporation, a corporation of the State of Missiouri, a revocable, nonassignable, limited exclusive license for a period of ten years under Government-owned United States Patent Number 4,012,321 issued March 15, 1977, entitled "Oxidation of Refractory Organics in Aqueous Waste Streams by Hydrogen Peroxide and Ultraviolet Light, inventor, Edward Koubek.

This license will be granted unless within 60 days from the publication of this notice an application for a nonexclusive license from a responsible applicant is received by the Office of Naval Research (Code 302), Arlington, VA 22217, and the Chief of Naval Research or his designee determines that such applicant has established that he has already brought or is likely to bring the invention to the point of practical application within a reasonable period under a nonexclusive license; or the Chief of Naval Research or his designee determines that a third party has presented to the Office of Naval Research (Code 302) evidence and argument which have established that it would not be in the public interest to grant the limited exclusive license.

Any objection thereto, together with a request for an opportunity to be heard, if desired, should be directed to the Office of Naval Research (Code 302), Arlington, VA 22217, within 60 days of the publication of this notice. Also, copies of the patent may be obtained for fifty cents ($.50) from the Commissioner of Patents and Trademarks, Washington, D.C. 20231.

For further information concerning this notice, contact: Dr. A. C. Williams, Staff Patent Adviser, Office of Naval Research (Code 305), Ballston Tower No. 1, 800 North Quincy Street, Arlington, Virginia 22217, Telephone number (202) 696-4005.

Dated: June 12, 1981.

J. J. Walsh,

Commander, JAGC, U.S. Navy, Alternate Federal Register Liaison Officer.

[FR Doc. 81-18252 Filed 6-18-81, 8:45 am]

BILLING CODE 3810-71-M

DEPARTMENT OF EDUCATION

National Advisory Council on Indian Education; Meeting

AGENCY: National Advisory Council on Indian Education.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the scheduled and proposed agenda of a forthcoming meeting of the Government Program Study Committee of the National Advisory Council on Indian Education concerning a review of the Definition of Indian Study Draft and an update report on the Administrative and Programmatic Study of the Office of Indian Education. Notice of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the general public of their opportunity to attend.

DATE: Government Program Study Committee Meeting: July 10, 1981, 9:00 a.m. to 5:00 p.m., July 11, 1981, 9:00 a.m. to 5:00 p.m., and July 12, 1981, 9:00 a.m. to 5:00 p.m.

ADDRESS: Office of Indian Education, U.S. Department of Education, 400 Maryland Avenue, SW., Room 2177, Washington, D.C. 20202 for the July 10, 1981, meeting. National Advisory Council on Indian Education, Pennsylvania Building, Suite 326, 425 13th Street, NW., Washington, D.C. 20004 (202/376-8882) for the July 11-12, 1981, meeting.

FOR FURTHER INFORMATION CONTACT: Dr. Michael P. Doss, Executive Director, National Advisory Council on Indian Education, 425 13th Street, NW., Suite 326, Washington, D.C. 20004 (202/376-8882).

SUPPLEMENTARY INFORMATION: The National Advisory Council on Indian Education is etablished under Section 442 of the Indian Education Act, Title IV of P.L. 92-318, (20 U.S.C. 1221g). The Council is established to:

(1) submit to the Secretary of Education a list of nominees for the position of Deputy Assistant Secretary for Indian Education;

(2) advise the Secretary of Education with respect to the administration (including the development of regulations and of administrative practices and policies) of any program in which Indian children or adults participate from which they can benefit, including Title III of the Act of September 30, 1950 (P.L. 81-874) and Section 810, Title VIII of the Elementary and Secondary Education Act of 1965 (as added by Title IV of P.L. 92-318 and amended by P.L. 93-380), and with respect to adequate funding thereof;

(3) review applications for assistance under Title III of the Act of September 30, 1950 (P.L. 81-874), Section 810 of Title VIII of the Elementary and Secondary Education Act of 1965 as amended and Section 314 of the Adult Education Act (as added by Title IV of P.L. 92-318), and make recommendations to the Secretary with respect to their approval;

(4) evaluate programs and projects carried out under any program of the Department of Education in which Indian children or adults can participate or from which they can benefit and, disseminate the results of such evaluations;

(5) provide technical assistance to local educational agencies and to Indian educational agencies, institutions and organizations to assist them in improving the education of Indian children;

(6) assist the Secretary of Education in developing criteria and regulations for the administration and evaluation of grants made under Section 303(b) of the Act of September 30, 1950 (P.L. 81-874) as added by Title IV, Part A, of P.L. 92-318;

(7) submit to the Congress not later than June 30 of each year a report of its activities, which shall include any recommendation it may deem necessary for the improvement of Federal education programs in which Indian children and adults participate, or from which they can benefit, which report shall include a statement of the Council's recommendations to the Secretary with respect to the funding of any such programs; and,

(8) be consulted by the Secretary of Education regarding the definition of term "Indian," as follows:

Sec. 453 [Title IV, P.L. 92-318]. For the purpose of this title, the term "Indian" means any individual who (1) is a member of a tribe, band or other organized group of Indians, including those tribes, bands or groups terminated since 1940 and those recognized now or in the future by the State in which they reside or, who is a descendant, in the first or second degree, of any such member; or, (2) is considered by the Secretary of the

Interior to be an Indian for any purpose; or, (3) is an Eskimo or aleut or other Alaska Native; or, (4) is determined to be an Indian under regulations promulgated by the Secretary, after consultation with the National Advisory Council on Indian Education which regulations shall further define the term "Indian."

The meeting will be open to the public. The proposed agenda includes: Reviewing the Definition of Indian Study Draft and doing an updated report on the Administrative and Programmatic Study of the Office of Indian Education.

Records shall be kept of all Council proceedings and shall be available for public inspection at the office of the National Advisory Council on Indian Education located at 425 13th Street NW., Suite 326, Washington, D.C. 20004.

Date: June 15, 1981. Signed at Washington, D.C.

Dr. Michael P. Does,

Exective Director National Advisory Council on Indian Education.

[FR Doc. 81-18186 Filed 6-18-81; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

National Waste Terminal Storage (NWTS) Program: Criteria for Mined Geologic Disposal of Nuclear Waste; Site Performance Criteria; Availability

AGENCY: Department of Energy.

ACTION: Notice of availability.

SUMMARY: The principal objective of the National Waste Terminal Storage (NWTS) Program is to provide the technology and sites for the disposal of radioactive wastes. Mined geologic disposal in repositories well beneath the earth's surface is the most readily available of the various disposal methods and, thus, is being emphasized for near-term development.

Sites should provide for safe, permanent isolation of waste in a manner that is environmentally and institutionally acceptable. Site performance criteria have been evolved over the past three years to guide the siting process and as standards for determining suitability of sites. The Department has formulated such criteria to guide the NWTS Program siting efforts until final regulatory guidelines are available from the U.S. Nuclear Regulatory Commission (NRC). Preliminary NRC criteria have been considered in formulating this final set of the Department's criteria. The criteria are written in general terms to provide for analysis of the total consequence of the many factors which may interact at particular sites. The site performance criteria encompass all factors considered important to containment and isolation capability, safety, and environmental and social acceptability of candidate sites.

The **Federal Register** published on May 13, 1980 (45 FR 31393) and advance notice of proposed rulemaking on the technical criteria the NRC intends to include in 10 CFR Part 60, the regulations for geologic disposal of high-level radioactive waste. The purpose of the advance notice was to inform the public and interested parties of the status of efforts related to the development of technical regulatory criteria, and to solicit comments for consideration in the preparation of a proposed rule. The preliminary NRC criteria may not fully represent the final regulatory requirements that will be applicable during the formal review of an application for licensing, but they provide an insight to the present thinking of the regulatory staff on what may constitute favorable or adverse site characteristics.

As particular locations favorable for waste isolation are identified the Department will discuss specific siting issues with officials of the affected state and local government, and the involved scientific community. Comment will also be sought from the general public. This may help the Department establish specific requirements for site development that improve the safety of the repository, minimize the impact it may have on the environment, and work to enhance the quality of community life.

AVAILABILITY: Copies are available from the Office of Nuclear Waste Isolation Library, 505 King Avenue, Columbus, Ohio 43201. Telephone (614) 424-7697.

FOR FURTHER INFORMATION CONTACT: Dr. Colin A. Heath, Director, Office of Waste Isolation, NE-330 (GTN), U.S. Department of Energy, Washington, D.C. 20545. Telephone: (301) 353-4068.

Dated: June 9, 1981.

For the U.S. Department of Energy:

John W. Crawford,

Acting Assistant Secretary for Nuclear Energy.

[FR Doc. 81-18196 Filed 6-18-81; 8:45 am]

BILLING CODE 6450-01-M

National Petroleum Council Subcommittee on Environmental Conservation; Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given of the following advisory committee meeting:

Name: Subcommittee on Environmental Conservation of the National Petroleum Council

Date and time: Wednesday, July 8, 1981—10:00 a.m.

Place: The Madison Hotel, Mount Vernon Room, 15th and M Streets, N.W., Washington, D.C.

Contact: Georgia Hildreth, Chief, Advisory Committee Management Branch, Department of Energy, 1000 Independence Avenue, S.W., Forrestal Building—Room 4B222, Washington, D.C. 20585. Telephone: 202-252-5187.

Purpose of parent committee: To provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and gas or the oil and gas industries.

Tentative agenda:

- Review the scope of the study being conducted in response to the Secretary of Energy's request for an analysis of issues bearing on environmental conservation and the petroleum industry
- Review the progress of the five task groups: Air Quality, Water Quality, Land Use, Hazardous Wastes, and Synthetic Fuels
- Discuss the environmental issues felt to be the most important in the time frame of the 1980's
- Discuss a timetable for completion of the study
- Discuss any other matters pertinent to the overall assignment from the Secretary
- Public Comment (10 minute rule)

Public participation: The meeting is open to the public. The Chairperson of the Subcommittee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Subcommittee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact the Advisory Committee Management Branch at the address or telephone number listed above. Requests must be received at least 5 days prior to the meeting and reasonable provision will be made to include the presentation on the agenda.

Transcripts: Available for public review and copying at the Public Reading Room, Room 1E190, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C., between 8:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C. on June 16, 1981

William S. Heffelfinger,

Assistant Secretary, Management and Administration.

[FR Doc. 81-18262 Filed 6-18-81; 8:45 am]

BILLING CODE 6450-01-M

Voluntary Agreement and Plan of Action To Implement the International Energy Program; Meetings

In accordance with section 252(c)(1)(A)(i) of the Energy Policy and Conservation Act (42 U.S.C. 6272), notice is hereby provided that a meeting of Subcommittee A of the Industry Advisory Board (IAB) to the International Energy Agency (IEA) will be held on June 29, 1981, at the offices of the IEA, 2 rue Andre Pascal, Paris, France, beginning at 10:00 a.m. The purpose of this meeting is to permit attendance by representatives of Subcommittee A at a meeting of an IEA Standing Group on Emergency Questions (SEQ) *AD Hoc* Group on the SEQ Data System, which is being held in Paris on that date.

The agenda for the meeting is under the control of the SEQ *Ad Hoc* Group. It is expected that the following subjects will be discussed.

1. Resolution of trade discrepancies.
2. Supply and demand information system for use in non-emergency circumstances.
3. The replacement of Quarterly Oil Statistics by monthly reports.
4. Statistical treatment of backflows to refineries.
5. IAB survey of national oil reporting systems.
6. Survey of national reporting procedures for non-oil hydrocarbons.
7. Other business.

As provided in section 252(c)(1)(A)(ii) of the Energy Policy and Conservation Act, this meeting will not be open to the public.

Issued in Washington, D.C., June 12, 1981.

Craig S. Bamberger,

Assistant General Counsel, International Trade and Emergency Preparedness.

[FR Doc. 81-18195 Filed 6-18-81; 8:45 am]
BILLING CODE 6450-01-M

Economic Regulatory Administration

Lockheed Air Terminal, Inc.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Energy.

ACTION: Notice of action taken and opportunity for comment on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces action taken to execute a Consent Order and provides an opportunity for public comment on the Consent Order and on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

DATES: Effective date: May 11, 1981. Comments by: July 20, 1981.

ADDRESS: Send comments to: U.S. Department of Energy, Lon W. Smith, District Manager, Western District Enforcement, 333 Market Street, San Francisco, California 94105.

FOR FURTHER INFORMATION CONTACT: U.S. Department of Energy, Lon W. Smith, District Manager, Western District Enforcement, 333 Market Street, San Francisco, California 94105, telephone (415) 764-7038.

SUPPLEMENTARY INFORMATION: On May 11, 1981, the Office of Enforcement of the ERA executed a Consent Order with Lockheed Air Terminal, Inc. ("LAT") of Burbank, California. Under 10 CFR 205.199J(b), a Consent Order which involves a sum of less than $500,000 in the aggregate, excluding penalties and interest, becomes effective upon its execution.

I. The Consent Order

LAT, with its home office located in Burbank, California, is a firm engaged in the reselling and retailing of refined petroleum products, and is subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR Parts 210, 211, 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of LAT, the Office of Enforcement, ERA, and LAT entered into a Consent Order, the significant terms of which are as follows:

1. The Consent Order settles allegations brought by the Office of Enforcement regarding LAT's operations as a reseller and retailer of refined petroleum products during the period January 1, 1974 through December 31, 1975 (the "audit period").

2. The Office of Enforcement alleged that LAT violated the petroleum price regulations, specifically those found at 10 CFR Part 212, Subpart F (and their predecessors) during the audit period, with regard to aviation fuels.

3. LAT denies the Office of Enforcement's allegations.

4. The terms of the Consent Order require that LAT refund $328,064.71, which includes the principal amount plus interest through February 28, 1981. After February 28, 1981, interest shall accrue on any unpaid portions of the refund sum, at the rate of 14.03% per annum. The refund shall be made in 12 monthly payments of $29,444.92, with the first payment due the first day of the month following the month in which the Consent Order is signed. The refund is to be paid to the Assistant Administrator for Enforcement, Economic Regulatory Administration for distribution in a just and equitable manner in accordance with applicable laws and regulations.

5. The provisions of 10 CFR 205.199J, including the publication of this Notice, are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

In this Consent Order, LAT agrees to refund, in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the transactions specified in I.1 above, the sum of $328,064.71 plus interest thereon. This amount will be paid by certified check to the United States Department of Energy and will be delivered to the Assistant Administrator for Enforcement, ERA. This amount will remain in a suitable account pending the determination of its proper disposition.

The DOE intends to distribute this refund amount in a just and equitable manner in accordance with applicable laws and regulations. Because of the petroleum industry's complex marketing system, it is likely that overcharges have either been passed through as higher prices to subsequent purchasers or offset through devices such as the Old Oil Allocation (Entitlements) Program, 10 CFR 211.67. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199I(a).

III. Submission of Written Comments

A. *Potential Claimants:* Interested persons who believe that they have a claim to all or a portion of the refund amount should provide written notification of the claim to the ERA at this time. Proof of claims is not now being required. Written notification to the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

B. *Other Comments:* The ERA invites interested persons to comment on the

terms, conditions, or procedural aspects of this Consent Order.

You should send your comments or written notification of a claim to U.S. Department of Energy, Lon W. Smith, District Manager, Western District Enforcement, 333 Market Street, San Francisco, California 94105. You may obtain a free copy of this Consent Order by writing to the same address or by calling (415) 764–7038.

You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation, "Comments on Lockheed Air Terminal Consert Order." We will consider all comments we receive by 4:30 p.m., local time, on July 20, 1981. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in San Francisco on the 29th day of May, 1981.

Lon W. Smith,

District Manager, Office of Enforcement, Western District, Economic Regulatory Administration.

[FR Doc. 81-18194 Filed 6-18-81; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ERA-FC-80-026; OFC Case No. 63007-9183-01-12]

Availability of Tentative Staff Analysis

AGENCY: Economic Regulatory Administration.

ACTION: Notice of availability of tentative staff analysis.

SUMMARY: On July 14, 1980, Hoffman-La Roche, Incorporated (HLR) of Nutley, New Jersey, filed a petition with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) for an order granting a permanent cogeneration exemption for a new major fuel burning installation (MFBI) from the prohibitions of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8301 *et seq.*), (FUA or the Act), which prohibits the use of petroleum and natural gas as a primary energy source in new MFBI's. Pertinent procedures for petitioning for an exemption for a new facility are contained in 10 CFR Parts 500 and 501, published June 6, 1980, at 45 FR 38276 (Final Rule). Eligibility criteria for this cogeneration exemption are contained in the interim rule found at 44 FR 29014 (May 17, 1979). A final rule for permanent cogeneration exemptions has not been issued.

The MFBI for which the petition is filed is a slow-speed, two stroke 23,000 kW diesel engine burning residual oil, and a supplementary oil fired waste heat field-erected boiler producing 160,000 pounds of steam per hour (which together will comprise the cogeneration system) to be installed at HLR's Belvidere plant located at Belvidere, New Jersey.

ERA accepted the petition on August 14, 1980, and published notice of its acceptance, together with a statement of the reasons set forth in the petition for requesting the exemption, in the **Federal Register** on September 12, 1980 (45 FR 60469). Publication of the notice of acceptance commenced a 45-day public comment period pursuant to section 701 of FUA. During this period, interested persons were afforded the opportunity to request a public hearing. The period expired October 27, 1980. Comments were submitted by the Elizabethtown Gas Company, Elizabeth, New Jersey, in support of HLR's petition for a permanent cogeneration exemption. No hearing was requested.

Based upon ERA's review and analysis of the information presently contained in the record of this proceeding, a Tentative Staff Analysis has been made recommending that ERA issue an order which would grant a permanent cogeneration exemption for the new MFBI from the prohibitions of FUA.

The public file containing a copy of the Tentative Staff Analysis and other documents and supporting materials on this proceeding is available upon request at: ERA, 2000 M Street, NW., Room B–110, Washington, D.C., Monday through Friday, 8:00 a.m.–4:30 p.m.

ERA will issue a final order granting or denying the petition for permanent exemption from the prohibitions of the Act within six months after the end of the public comment period provided for in this notice, unless ERA extends such period. Notice of any extension, together with a statement of reasons for such extension, will be published in the **Federal Register**.

DATES: Written comments on the Tentative Staff Analysis are due on or before 14 days from the date of publication. A request for public hearing must also be made within the same 14-day comment period.

ADDRESSES: Sixteen copies of written comments shall be submitted to the Department of Energy, DOE Case Control Unit, Box 4629, Room 3214, 2000 M Street, NW, Washington, DC, 20461. Docket Number ERA-FC–80–026 should be imprinted clearly on the outside of the envelope and the document contained therein.

FOR FURTHER INFORMATION CONTACT:

Jack Vandenberg (Office of Public Information), Economic Regulatory Administration, Department of Energy, 2000 M Street, NW, Room B–110, Washington, D.C. 20461, (202) 653–4055

Edward J. Peters, Jr., Acting Chief, New MFBI Branch, Office of Fuels Conversion, Economic regulatory Administration, 2000 M Street, NW, Room 3128, Washington, D.C. 20461, (202) 653–3934

Christina Simmons, Office of the General Counsel, Department of Energy, Forestal Building, Room 6B–178, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252–2967

Willian H. Freeman, New MFBI Branch, Office of Fuels Conversion, Economic Regulatory Administration, 2000 M Street, NW, Room 3126, Washington, D.C. 20461, (202) 653–4496

SUPPLEMENTARY INFORMATION:

Hoffman-La Roche, Incorporated (HLR) proposes to install a cogeneration system at its Belvidere, New Jersey facility. The proposed unit will consist of a slow-speed, two stroke 23,000 kW diesel engine burning residual oil, and a supplementary oil fired waste heat field-erected boiler producing 160,000 pounds of steam per hour at 225 psig (which together will comprise the generation system). HLR is in the process of expanding its plant capacity, and steam requirements are expected to increase from the present 322,000 pounds per hour to 430,000 pound per hour. Present electrical demand averages 18,000 kW and is expected to increase to 23,000 kW after expansion. The proposed cogeneration system will provide all the power and process steam requirements and the excess (300 kW) will be sold to the Jersey Central Power and Light Company.

ERA's staff has reviewed the information contained in the record of this proceeding to date and made a Tentative Staff Analysis recommending that an order be issued granting HLR a permanent cogeneration exemption for the cogeneration system to be installed at its Belvidere, New Jersey plant.

RECOMMENDED TERMS AND CONDITIONS:

Pursuant ot section 214 of the Act, ERA staff has tentatively determined and hereby recommends that any order granting the exemption described above, should be issued subject to certain terms and conditiond including:

1. The quality of any petroleum to be burned in the unit will be the lowest grade available, which is technically feasible and capable of being burned consistent with applicable requirements.

2. The amount of net electricity sold or exchanged will be less than 50 percent of the total electricity produced.

The Tentative Staff Analysis does not constitute a decision by ERA to grant the exemption requested. Such a decision will be made in accordance with 10 CFR 501.66 of the final rule on the basis of the entire record of this proceeding, including any comments received on the Tentative Staff Analysis.

Issued in Washington, DC on June 15, 1981.

Robert L. Davies,

Director, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 81-18263 Filed 6-18-81; 8:45 am]

BILLING CODE 6450-01-M

Energy Information Administration

Alternative Fuel Price Ceilings and Incremental Price Threshold for High Cost Natural Gas

The Natural Gas Policy Act of 1978 (NGPA) (Pub. L. 95-621) signed into law on November 9, 1978, mandated a new framework for the regulation of most facets of the natural gas industry. In general, under Title II of the NGPA, interstate natural gas pipeline companies are required to pass through certain portions of their acquisition costs for natural gas to industrial users in the form of a surcharge. The statute requires that the ultimate cost of gas to the industrial facility does not exceed the cost of the fuel oil which the facility could use as an alternative.

Pursuant to Title II of the NGPA of 1978, Section 204 (e), the Energy Information Administration (EIA) herewith publishes for the Federal Energy Regulatory Commission (FERC) computed natural gas ceiling prices and a high cost gas incremental pricing threshold which are to be effective July 1, 1981. These prices are based on the prices of alternative fuels.

For further information contact: Leroy Brown, Jr., Energy Information Administration, Federal Building, 12th & Pa. Avenue NW., Rm. 4121, Washington, D.C. 20461, (202) 633-9710.

Section I. Alternative Fuel Price Ceilings

As required by FERC Order No. 50, computed prices are shown for the 48 contiguous States. The District of Columbia's ceiling is included with the ceiling for the State of Maryland. FERC, by an Interim Rule issued on March 2, 1981, in Docket No. RM 79-21, revised the methodology for calculating the monthly alternative fuel price ceilings for State regions. Under the revised methodology, the applicabel alternative fuel price ceiling published for each of the contiguous States shall be the lower of the alternative fuel price celing for the State or the alternative fuel price ceiling for the multistate region in which the State is located.

The price ceiling is expressed in dollars per million British Thermal Units (BTU's). The method used to determine the price ceilings is described in Section III.

(In dollars per million BTU's)

State	
Alabama	$3.96
Arizona [1]	3.17
Arkansas	3.69
California	3.11
Colorado [1]	3.25
Connecticut [1]	4.52
Delaware [1]	4.02
Florida	3.96
Georgia [1]	4.15
Idaho [1]	3.25
Illinois	3.02
Indiana [1]	3.67
Iowa [1]	3.77
Kansas	3.59
Kentucky [1]	3.67
Louisiana	3.71
Maine	4.47
Maryland [1]	4.02
Massachusetts	4.48
Michigan [1]	3.67
Minnesota [1]	3.77
Mississippi [1]	4.15
Missouri [1]	3.77
Montana	3.21
Nebraska [1]	3.77
Nevada [1]	3.17
New Hampshire [1]	4.52
New Jersey [1]	4.02
New Mexico [1]	3.72
New York	3.95
North Carolina [1]	4.15
North Dakota [1]	3.77
Ohio [1]	3.67
Oklahoma	3.58
Oregon [1]	3.17
Pennsylvania [1]	4.02
Rhode Island [1]	4.52
South Carolina [1]	4.15
South Dakota	3.65
Tennessee	3.75
Texas [1]	3.72
Utah [1]	3.25
Vermont [1]	4.52
Virginia [1]	4.15
Washington [1]	3.17
West Virginia [1]	3.67
Wisconsin	3.66
Wyoming	2.58

[1] Region based price as required by FERC Interim Rule, issued on March 2, 1981, in Docket No. RM79-21.

Section II. Incremental Pricing Threshold for High Cost Natural Gas

The EIA has determined that the volume-weighted average price for No. 2 distillate fuel oil landed in the greater New York City Metropolitan area during April 1981 was $41.74 per barrel. In order to establish the incremental pricing threshold for high cost natural gas, as identified in the NGPA, Title II, Section 203 (a)(7), this price was multiplied by 1.3 and converted to its equivalent in millions of BTU's by dividing by 5.8. Therefore, the incremental pricing threshold for high cost natural gas, effective July 1, 1981, is $9.36 per million BTU's.

Section III. Method Used to Compute Price Ceilings

The FERC, by Order No. 50, issued on September 28, 1979, in Docket No. RM79-21, established the basis for determining the price ceilings required by the NGPA. FERC also, by Order No. 81, issued in the same docket on May 7, 1980, established that only the price paid for No. 6 high sulfur content residual fuel oil would be used to determine the price ceilings until November 1, 1981.

A. Data Collected

The following data were required from all companies identified by the EIA as sellers of No. 6 high sulfur content (greater than 1 percent sulfur content by weight) residual fuel oil: for each selling price, the number of gallons sold to large industrial users in the months of February 1981, March 1981, and April 1981.[2] All reports of volume sold and price were identified by the State into which the oil was sold.

B. Method Used to Determine Alternative Price Ceilings

(1) *Calculation of Volume-Weighted Average Price.* The prices which will become effective July, 1981, (shown in Section I) are based on the reported price of No. 6 high sulfur content residual fuel oil, for each of the 48 contiguous States, for each of the 3 months, February 1981, March 1981, April 1981. Reported prices for sales in February 1981 were adjusted by the percent change in the nationwide volume-weighted average price from February 1981 to April 1981. Prices for March 1981 were similarly adjusted by the percent change in the nationwide volume-weighted average price from February 1981 to April 1981. The volume-weighted 3-month average of the adjusted February 1981 and March 1981, and the reported April 1981 prices was then computed for each State.

(2) *Adjustment for Price Variation.* States were grouped into the regions identified by the FERC (see Section III.C). Using the adjusted prices and associated volumes reported in a region during the 3-month period, the volume-weighted standard deviation of prices was calculated for each region. The volume-weighted 3-month average price (as calculated in Section III.B (1) above) for each State was adjusted downward by two times this standard deviation for

[2] Large Industrial User—A person/firm which purchases No. 6 fuel oil in quantities of 4,000 gallons or greater for consumption in a business, including the space heating of the business premises. Electric utilities, governmental bodies (Federal, State or Local) and the military are excluded.

the region to form the adjusted weighted average price for the State.

(3) *Calculation of Ceiling Prices.* The lowest selling price within the State was determined for each month of the 3-month period (after adjusting up or down by the percent change in oil prices at the national level as discussed in Section III.B. (1) above). The products of the adjusted low price for each month times the State's total reported sales volume for each month were summed over the 3-month period for each State and divided by the State's total sales volume during the 3 months to determine the State's average low price. The adjusted weighted average price (as calculated in Section III.B. (2)) was compared to this average low price, and the higher of the values was selected as the base for determining the alternative fuel price ceiling for each State. For those States which had no reported sales during one or more months of the 3-month period, the appropriate regional volume-weighted alternative fuel price was computed and used in combination with the available State data to calculate the State's alternative fuel price ceiling base. The State's alternative fuel price ceiling base was compared to the alternative fuel price ceiling base for the multistate region in which the State is located and the lower of these two prices was selected as the final alternative fuel price ceiling base for the State. The appropriate lag adjustment factor (as discussed in Section III.B.4.) was then applied to the alternative fuel price ceiling base. The alternative fuel price (expressed in dollars per gallon) was multiplied by 42 and divided by 6.3 to estimate the alternative fuel price ceiling for the State (expressed in dollars per million BTU's).

(4) *Lag Adjustment.* The EIA has implemented a procedure to partially compensate for the two-month lag between the end of the month for which data are collected and the beginning of the month for which ceiling prices become effective. It was determined that *Platt's Oilgram Price Report* publication provides timely information relative to the subject. The prices found in *Platt's Oilgram Price Report* publication are given for each trading day in the form of high and low prices for No. 6 residual oil in 21 cities throughout the United States. The low posted prices for No. 6 residual oil in these cities were used to calculate a national and a regional lag adjustment factor. The national lag adjustment factor was obtained by calculating a weighted average price for No. 6 high sulfur residual fuel oil for the ten trading days ending June 12, 1981, and dividing that price by the corresponding weighted average price computed from prices published by Platt's for the month of April 1981. A regional lag adjustment factor was similarly calculated for four regions. These are: one for FERC Regions A and B combined; one for FERC Region C; one for FERC Regions D, E, and G combined and one for FERC Regions F and H combined. The lower of the national or regional lag factor was then applied to the alternative fuel price ceiling for each State in a given region as calculated in Section III.B.(3).

C. Listing of States by Region

States were grouped by the FERC to form eight distinct regions as follows:

Region A

Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.

Region B

Delaware, Maryland, New Jersey, New York, and Pennsylvania.

Region C

Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia.

Region D

Illinois, Indiana, Kentucky, Michigan, Ohio, West Virginia, and Wisconsin.

Region E

Iowa, Kansas, Missiouri, Minnesota, Nebraska, North Dakota, and South Dakota.

Region F

Arkansas, Louisana, New Mexico, Oklahoma, and Texas.

Region G

Colorado, Idaho, Montana, Utah, and Wyoming.

Region H

Arizona, California, Nevada, Oregon, and Washington.

Issued in Washington, D.C., on June 17, 1981.

Albert H. Linden, Jr.,

Acting Administrator, Energy Information Administration.

[FR Doc. 81-18450 Filed 6-18-81; 11:40 am]
BILLING CODE 6450-01-M

Western Area Power Administration

Floodplain/Wetlands Involvement Determination for the Bijou Creek-Beaver Creek 115-Kilovolt Transmission Line Rebuild Proposal in Morgan County, Colorado

AGENCY: Western Area Power Administration, U.S. Department of Energy.

ACTION: Floodplain/wetlands involvement and opportunity for comment.

SUMMARY: The Western Area Power Administration (Western) proposes to rebuild 17.5 miles of the 115-kV electrical transmission line from Bijou Creek east to Beaver Creek in Morgan County, Colorado. Western is proposing to replace deteriorated existing wood-pole structures with single wood-pole structures, where right-of-way width is constrained, and wood-pole H-frame structures for much of the remainder of the line. Approximately 8.6 miles of the rebuilt line would be on new right-of-way.

Relocation of the electric transmission line crossing Bijou Creek would require construction of steel structures to accommodate the span of 1,800–1,900 feet. Concrete foundations would be required for each structure.

Pursuant to the requirements of the U.S. Department of Energy's procedures for compliance with Floodplain/Wetlands Environmental Review Requirements, Part 1022 of Chapter X of Title 10 of the Code of Federal Regulations, Western has determined that the rebuild proposal would involve some activities within a floodplain/wetlands area near Fort Morgan, Colorado. Based on the examination of the Flood Insurance Administration's (Federal Emergency Management Agency) Flood Hazard Boundary Maps for the area, floodplain/wetlands would be encountered at the South Platte River, Bijou Creek, Badger Creek, and Beaver Creek. Maps and further information are available from Western at the addresses given below. Public comments or suggestions on Western's activities in these particular floodplain/wetlands areas are invited.

DATE: Any comments are due on or before July 6, 1981.

ADDRESS: Send comments or suggestions to: Peter Ungerman, Area Manager, Loveland-Fort Collins Area Office, Western Area Power Administration, P.O. Box 2650, Fort Collins, CO 80522.

FOR FURTHER INFORMATION CONTACT: Mr. Gary W. Frey, Environmental Manager, Western Area Power Administration, P.O. Box 3402, Golden, CO 80401, Telephone: (303) 231–1527

Issued at Golden, Colorado, June 12, 1981.

Robert L. McPhail,

Administrator.

[FR Doc. 81-18178 Filed 6-18-81; 8:45 am]
BILLING CODE 6450-01-M

Finding of No Significant Impact for the Cottonwood-Elverta No. 3 230-Kilovolt Transmission Line Rehabilitation, Shasta, Tehama, and Butte Counties, Calif.

AGENCY: Western Area Power Administration, U.S. Department of Energy.

ACTION: Finding of No Significant Impact for the Cottonwood-Elverta No. 3 230-Kilovolt Transmission Line Rehabilitation, Shasta, Tehama, and Butte Counties, California.

SUMMARY: The Western Area Power Administration (Western), Department of Energy has prepared an environmental assessment (EA) on the proposed rehabilitation of 68 miles of the Cottonwood-Elverta No. 3 230-kilovolt (kV) transmission line in Shasta, Tehama, and Butte Counties, California. Based on the findings in the EA, which is available to the public on request, the Department has determined that the proposed action dose not constitute a major Federal action significantly affecting the quality of the human environment as defined in the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*, and therefore, no environmental impact statement is required.

The existing Cottonwood-Elverta No. 3 230 kV transmission line was constructed in 1944. The proposed project would involve rehabilitating 68 miles of the line by replacing 420 aging and damaged wood-pole structures with 43 steel tubular towers at the northern end of the route and with 237 steel lattice towers for the remainder of the route. The portions of the line to be rehabilitated lie in segments between existing steel lattice structures. Therefore, the line is being rehabilitated in segments and not in a continuous stretch. The conductor would be upgraded from 795 thousand circular mils (MCM) to 1272 (MCM) along the 68 mile segment. The voltage would remain at 230-kV.

The majority of the land traversed by the existing transmission line is privately owned except for public parcels in Chico at Bidwell Park, at Iron Canyon, and the Sacramento River-Paynes Creek Recreation Area. The Iron Canyon area and Sacramento River-Paynes Creek Recreation Area are managed by the U.S. Department of the Interior, Bureau of Land Management. The proposal would not need significant new transmission right-of-way; however, Western proposes to acquire existing access roads now used for operation and maintenance. The proposal would not involve the construction of new access roads or the conversion of any existing land uses. Benefits to be derived from the proposed rehabilitation would include increased electrical service reliability, reduced maintenance costs, and reduced energy loss.

Western is also considering the no action alternative. Similar activities to those proposed would be required for the no action alternative in that the wood-pole structures would be replaced as needed. Some wood-pole structures have been replaced along the transmission line because of past failures. Western also considered the construction of a new line in a different corridor and undergrounding. Construction of a new line in a different corridor would have greater impacts than the rehabilitation since it would entail new disturbances in a new area. Undergrounding would not be feasible because of economic and engineering constraints and would result in greater impacts.

Overall impacts from the proposed rehabilitation would be minimal and significant environmental impacts associated with the construction and operation of the line are not expected. About 40 acres would be disturbed due to tower pad clearing, footing and foundation exacation, and tower erection and assembly. An additional 80 acres would be used for travel on existing travel ways along portions of the existing right-of-way. No clearing of any woodland communities would be required; most clearing would occur in the grassland community.

Once construction is completed, disturbed areas would be fine graded and reseeded where needed to prevent soil erosion and minimize long term damage. The proposal would not increase the electrocution or collision hazard to birds nor induce major new population growth with its attendant impacts on biological communities.

Western conducted a cultural resource assessment along the existing transmission line and access roads. Eight historic sites and seven archaeological sites were discovered within the defined right-of-way. The historic sites are trash areas, wells and trail locations. The historic features are not considered significant, nor are they likely to yield significant historical information. Four of the archaeological sites are not considered significant; one of the sites is significant. The transmission line will not affect any of these five sites. Another site is in the location of a proposed tower. This site will be tested to determine its significance and mitigate any adverse impact prior to tower construction. One site is in the Mud Creek Archaeological District which is in the National Register of Historic Places. In accordance with section 106 of the National Historic Preservation Act, the Advisory Council on Historic Preservation will be provided the opportunity to review the proposed undertaking in the Archaeological District. All actions in the vicinity of the historic and archaeological sites will be coordinated with the California State Historic Preservation Office. Measures will be taken to ensure that adverse actions are not undertaken, in accordance with the Advisory Council on Historic Preservation Procedures (36 CFR Part-800). If any cultural resources are encountered during construction or maintenance procedures all activity will cease and an appropriate Western representative will be notified of the nature and location of the finding.

The proposed transmission rehabilitation is located in the range of two endangered species: the bald eagle (*Haliaeetus leucocephalus*) and the American peregrine falcon (*Falco peregrinus anatum*). A biological assessment in accordance with section 7(c) of the Endangered Species Act of 1973, as amended, has been completed. The results of the assessment indicate that the bald eagle winters along the transmission line and the American peregrine falcon nests greater than 10 miles from the transmission corridor. Due to the lack of peregrine falcon habitat in the vicinity of the transmision line, an effect on the peregrine falcon is not expected. Western will be schedule activities such that no construction activities will take place during the bald eagles' wintering period, and thus ensure the bald eagles are not disturbed on their wintering range. The U.S. Fish and Wildlife Service has concurred with Western that the proposed action will not jeopardize the continued existence of the bald eagle or peregrine falcon, nor destroy or adversely modify their critical habitats.

The meadowfoam (*Limnanthes floccosa*), a tentative candidate for endangered status, and its suitable habitat are found within the corridor of the Cottonwood-Elverta No. 3 transmission line. Western will delineate areas of the meadowfoam's occurrence and these areas will be avoided during construction, operation and maintenance of the transmission line. The proposed action will not impact the meadowfoam.

Fifteen existing wood-pole structues would be removed from the floodplains of Cottonwood, Little Antelope, Campbell, Rock, Mud, Sycamore, Butte,

Nance, Hamlin Slough, and Clear Creeks, and the Butte Creek Diversion Channel. The removal of the existing poles would have minimal impact on floodplains.

Fourteen new steel tower structures would be constructed in the above floodplains except Campbell Creek. The construction of new steel towers would disturb about 2500 square feet at each site due to footing excavation, tower assembly and erection, and reconductoring.

The installation of new insulator assemblies and reconductoring would occur at the existing steel towers in the floodplains of Cottonwood, Deer, and Big Chico creeks. Such activities would involve the movement of light trucks. Minimal truck movement across the floodplains of Little Dry Creek and Fallagher Creek would occur when moving construction equipment from one tower site to another. Construction activities would not occur in the floodplains of the Sacramento River, and Dry Creek. In addition to the wetlands in floodplains, the proposal spans one wetland, a vernal pool, about a mile south of Wildcat Creek. Western will avoid this wetland during the rehabilitation of the existing line and operation and maintenance activities.

Because the creeks and the Sacramento River traversed by the Cotton-Elverta No. 3 line are between the source of power (Shasta Dam) and load areas, there is no other practical alternative to the proposed alignment and locating some structures within floodplains. There are now 15 wood-pole structures located in floodplains. The no action alternative would involve activities in a floodplain if an existing structure failed, requiring replacement. Undergrounding would not be feasible for economic and engineering reasons and would result in greater adverse impacts to floodplains than the proposal. Construction of a new line in a different corridor would have greater impacts on floodplains and wetlands since it would entail new disturbance in a new area.

Western would design all structures located in floodplains to withstand any flooding, and to conform to all applicable State and local floodplain/wetland standards. Western would implement steps to minimize harm to floodplain/wetlands including erosion control measures near creeks, wetlands and floodplains; clearing limits for tower placements; and avoidance of riparian vegetation.

FOR FURTHER INFORMATION CONTACT:
Area Manager, Sacramento Area Office, Western Area Power Administration, 2800 Cottage Way, Sacramento, CA 95825, (916) 484-4251.

Gary W. Frey (A1600), Environmental Manager, Western Area Power Administration, P.O. Box 3402, Golden, CO 80401, (303) 231-1527.

Copies of the EA are available for review at the above addresses. A limited number of copies are available for distribution.

Issued at Golden, Colo., June 12, 1981.

Robert L. McPhail,
Administrator.

[FR Doc. 81-18179 Filed 6-18-81; 8:45 am]
BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[EN-FRL 1832-6]

Iowa, Missouri, and Connecticut Pretreatment Program Approvals

AGENCY: EPA.

ACTION: Notice of Approval of the National Pollutant Discharge Elimination System Pretreatment Program of the States of Iowa, Missouri, and Connecticut.

SUMMARY: On June 3, 1981, the Environmental Protection Agency approved the National Pollutant Discharge Elimination System State Pretreatment Programs of the States of Iowa, Missouri, and Connecticut. These actions authorize the States of Iowa, Missouri, and Connecticut to administer the National Pretreatment Program as it applies to municipalities and industries within the State.

FOR FURTHER INFORMATION CONTACT:
George E. Young, Permits Division (EN-336), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, 202-755-0750.

SUPPLEMENTARY INFORMATION:

Background

The Pretreatment Program, required by the Clean Water Act of 1977, governs the control of industrial wastes introduced into publicly Owned Treatment Works (POTWs). The objectives of the Pretreatment Program are to: (1) prevent introduction of pollutants into POTWs which will interfere with the operation of a POTW, including interference with its use or disposal of municipal sludge; (2) prevent the introduction of pollutants into POTWs which will pass through treatment works or otherwise be incompatible with such works; (3) improve opportunities to recycle and reclaim municipal and industrial wastewaters and sludges. Local pretreatment programs will be the primary vehicle for administering, applying and enforcing pretreatment standards for industrial users of POTWs. To receive pretreatment program approval a State must submit to the EPA a modification to its NPDES program pursuant to the requirements and procedures of the General Pretreatment Regulation (40 CFR Part 403).

Federal Register Notice of Approval of State NPDES Programs or Modifications

Under the Consolidated Permit Regulations (45 FR 33290, May 19, 1980), EPA will provide **Federal Register** notice of any action by the Agency approving or modifying a State NPDES program. Each notice will include a table similar to the following one, setting forth the current status of program approval. This table will provide the public with an up-to-date list of the status of NPDES permitting authority throughout the country.

	Approved State NPDES permit program	Approved to regulate Federal facilities	Approved State pretreatment program
Alabama	10/19/79	10/19/79	10/19/79
California	05/14/73	05/05/78	.....
Colorado	03/27/75	.....	.....
Connecticut	09/26/73	.....	06/03/81
Delaware	04/01/74	.....	.....
Georgia	06/28/74	12/06/80	03/12/81
Hawaii	11/28/74	06/01/79	.....
Illinois	10/23/77	09/20/79	.....
Indiana	01/01/75	12/09/78	.....
Iowa	06/10/78	06/10/78	06/03/81
Kansas	06/28/74	.....	.....
Maryland	09/05/74	.....	.....
Michigan	10/17/73	12/09/78	.....
Minnesota	06/30/74	12/09/78	07/16/79
Mississippi	05/01/74	.....	.....
Missouri	10/30/74	06/26/79	06/03/81
Montana	06/10/74	.....	.....
Nebraska	06/12/74	11/02/79	.....
Nevada	09/19/75	08/31/78	.....
New York	10/28/75	06/13/80	.....
North Carolina	10/19/75	.....	.....
North Dakota	06/13/75	.....	.....
Ohio	03/11/74	.....	.....
Oregon	09/26/73	03/02/79	03/12/81
Pennsylvania	06/30/78	06/30/78	.....
South Carolina	05/10/75	09/26/80	.....
Tennessee	12/28/77	.....	.....
Vermont	03/11/74	.....	.....
Virgin Islands	06/30/74	.....	.....
Virginia	03/31/75	.....	.....
Washington	11/14/73	.....	.....
Wisconsin	02/04/74	11/26/79	12/24/80
Wyoming	01/30/75	.....	.....

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. These State Pretreatment Program Approvals are not major because they will not have an annual effect upon the economy exceeding $100 million, will not result in a major increase in costs or prices for consumers, individual industries, governmental bodies, or geographic

regions; and will have no significant adverse impact on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. Approval of State Pretreatment Programs merely authorizes the States to carry out some of the responsibilities of the National Pretreatment Program currently exercised by EPA. Therefore, no additional obligations are expected to be imposed on industry as a result of program approvals.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

These State Pretreatment Program Approvals are not subject to the requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) because notice of proposed rulemaking was published prior to January 1, 1981. Even if the rules had been proposed after January 1, 1981, preparation of a regulatory flexibility analysis would not be required because these actions will not have a significant economic impact on a substantial number of small entities (5 U.S.C. 605(b)). These actions merely authorize the States to carry out some of the responsibilities of the National Pretreatment Program currently exercised by EPA. No additional substantive requirements will be imposed on small entities as a result of program approval.

Dated: June 12, 1981.

Anne M. Gorsuch,

Administrator.

[FR Doc. 81-18241 Filed 6-18-81, 8:45 am]

BILLING CODE 6560-33-M

[EN-9-FRL-1856-2]

Issuance of PSD Permit to Guardian Industries

AGENCY: Environmental Protection Agency (EPA), Region IX.

ACTION: Notice.

SUMMARY: Notice of Approval of Prevention of Significant Air Quality Deterioration (PSD) permit to: Guardian Industries, Kingsburg, Fresno County, California, EPA project number SJ 78-86.

SUPPLEMENTAL INFORMATION: Notice is hereby given that on January 15, 1981 the Environmental Protection Agency issued a PSD permit to the applicant named above for approval to construct a float glass melting furnace (oil fired) at their glass manufacturing plant in Kingsburg, California.

This permit has been issued under EPA's Prevention of Significant Air Quality Deterioration (40 CFR 52.21) regulations and is subject to certain conditions including allowable emissions of 340 pounds/hour nitrogen oxides and 189 pounds/hour sulfur dioxide.

Best Available Control Technology (BACT) requirements for sulfur dioxide emissions include chemical pretreatment of flue gas with soda ash coupled with an electrostatic precipitator.

Air Quality Modeling is required for NO_x and SO_2. Continuous monitoring will also be required for these pollutants. The source is subject to New Source Performance Standards.

DATE: The PSD permit is reviewable under Section 307(b)(1) of the Clean Air Act only in the Ninth Circuit Court of Appeals. A petition for review must be filed by August 18, 1981.

FOR FURTHER INFORMATION CONTACT: Copies of the permit are available for public inspection upon request; address requests to: Cecilia Dougherty, Environmental Protection Assistant, E-4-1, U.S. Environmental Protection Agency, Region IX, 215 Fremont Street, San Francisco, California 94105.

Dated: April 6, 1981.

Carl C. Kohnert, Jr.,

Acting Director, Enforcement Division, Region IX.

[FR Doc. 81-18242 Filed 6-18-81, 8:45 am]

BILLING CODE 6560-38-M

[EN-9-FRL-1856-3]

Issuance of PSD Permit to Martin Marietta Corp.

AGENCY: Environmental Protection Agency (EPA), Region IX.

ACTION: Notice.

SUMMARY: Notice of Approval of Prevention of Significant Air Quality Deterioration (PSD) permit to Martin Marietta Corporation, Wilmington, Los Angeles County, California, EPA project number LA 80-03.

SUPPLEMENTAL INFORMATION: Notice is hereby given that on December 11, 1980 the Environmental Protection Agency issued a PSD permit to the applicant named above for approval to construct a petroleum coke calcining facility at 2404 E. Anaheim Street, Wilmington, California.

This permit has been issued under EPA's Prevention of Significant Air Quality Deteriortion (40 CFR 52.21) regulations and is subject to certain conditions including allowable emissions of 131 pounds/hour (2.55 pounds/ton feed) SO_x.

Best Available Control Technology (BACT) for SO_2 includes a sodium alkali scrubbing system without regeneration.

Air Quality Impact Modeling is required for SO_x and continuous monitoring is also required for SO_x. The source is not subject to New Source Performance Standards.

DATE: The PSD permit is reviewable under Section 307(b) (1) of the Clean Air Act only in the Ninth Circuit Court of Appeals. A petition for review must be filed by August 18, 1981.

FOR FURTHER INFORMATION CONTACT: Copies of the permit are available for public inspection upon request; address requests to: Cecilia Dougherty, Environmental Protection Assistant, E-4-1, U.S. Environmental Protection Agency, Region IX, 215 Fremont Street, San Francisco, California 94105, (415) 556-3450.

Dated: April 6, 1981.

Carl C. Kohnert, Jr.,

Acting Director, Enforcement Division, Region IX.

[FR Doc. 81-18243 Filed 6-18-81; 8:45 am]

BILLING CODE 6560-38-M

[EN-9-FRL-1856-4]

Issuance of PSD Permit to Kernridge Oil Co.

AGENCY: Environmental Protection Agency (EPA), Region IX.

ACTION: Notice.

SUMMARY: Notice of Approval of Prevention of Significant Air Quality Deterioration (PDS) permit to: Kernridge Oil Company, Belridge Field, Kern County, California, EPA project number SJ 80-06.

SUPPLEMENTARY INFORMATION: Notice is hereby given that on December 29, 1980 the Environmental Protection Agency issued a PSD permit to the applicant named above for approval to construct four (4) 50 x 10^6 Btu/hr steam generators and two (2) 12.6 x 10^6 Btu/hr steam generators to be located in the South Belridge Oil Field, Section 28 and 34, T28S, R21E, Kern County, California.

This permit has been issued under EPA's Prevention of Significant Air Quality Deterioration (40 CFR 52.21) regulations and is subject to certain conditions including allowable emissions for NO_x of 0.2 lbs./million Btu for each steam generator and 0.4 lbs./million Btu for each heater-treater.

Best Available Control Technology (BACT) requirements for NO_x emmissions include low NO_x burners

and excess oxygen control equipment. Air Quality Impact Modeling is required for NO_x. Continuous monitoring is not required and the source is not subject to New Source Performance Standards.

DATE: The PSD permit is reviewable under Section 307(b)(1) of the Clean Air Act only in the Ninth Circuit Court of Appeals. A petition for review must be filed by August 18, 1981.

FOR FURTHER INFORMATION CONTACT: Copies of the permit are available for public inspection upon request; address requests to: Cecilia Dougherty, Environmental Protection Assistant, E-4-1, U.S. Environmental Protection Agency, Region IX, 215 Fremont Street, San Francisco, California 94105.

Dated: April 6, 1981.

Carl C. Kohnert, Jr.,

Acting Director, Enforcement Division, Region IX.

[FR Doc. 81-18244 Filed 6-18-81; 8:45 am]

BILLING CODE 6560-38-M

[EN-9-FRL-1856-5]

Issuance of NSR Permit to Berry Holding Co.

AGENCY: Environmental Protection Agency (EPA), Region IX.

ACTION: Notice.

SUMMARY: Notice of Approval of New Source Review (NSR) permit to: Berry Holding Company, Kern County, California, EPA project number SJ 79-17.

SUPPLEMENTAL INFORMATION: Notice is hereby given that on February 19, 1981 the Environmental Protection Agency issued a NSR permit to the applicant named above for approval to construct a facility for heavy oil recovery by means of insitu combustion to be located in Kern County, California.

This permit has been issued under EPA's New Source Review (40 CFR 51.18) regulations and is subject to certain conditions including allowable emissions for Volatile Organic Compounds of 10.5 lbs./hr and 690 ppm and for hydrogen sulfide emissions of 4.73 lbs./hr.

Control equipment for Volatile Organic Compounds emissions consists of collecting well casing gases to be burned in a 22 mmBtu/hr steam generator. Control equipment for hydrogen sulfide emissions includes an H_2S scrubber and well vent bad gas gathering system.

DATE: The NSR permit is reviewable under Section 307(b)(1) of the Clean Air Act only in the Ninth Circuit Court of Appeals. A petition for review must be filed by August 18, 1981.

FOR FURTHER INFORMATION CONTACT: Copies of the permit are available for public inspection upon request; address requests to: Cecilia Dougherty, Environmental Protection Assistant, E-4-1, U.S. Environmental Protection Agency, Region IX, 215 Fremont Street, San Francisco, California 94105.

Dated: April 6, 1981.

Carl C. Kohnert, Jr.,

Acting Director, Enforcement Division.

[FR Doc. 81-18245 Filed 6-18-81; 8:45 am]

BILLING CODE 6560-38-M

[EN-9-FRL-1856-6]

Issuance of PSD Permit To Rockwell International, Rocketdyne Division

AGENCY: Environmental Protection Agency (EPA), Region IX.

ACTION: Notice.

SUMMARY: Notice of Approval of Prevention of Significant Air Quality Deterioration (PSD) permit to: Rockwell International, Rocketdyne Division, EPA project number LA 80-05.

SUPPLEMENTAL INFORMATION: Notice is hereby given that on February 2, 1981 the Environmental Protection Agency issued a PSD permit to the applicant named above for approval to modify the existing thrust mounting systems, propellant systems, control and performance measurement systems, and Hyperflow steam generators. These modifications will allow performance of a test program on axial and altitude control engines for Stage IV of the Missile X System. Location of the project is at Systems Test Lab #4 (STL-4) at the Santa Susana Field Laboratory in Ventura County, California.

This permit has been issued under EPA's Prevention of Significant Air Quality Deterioration (40 CFR 52.21) regulations and is subject to certain conditions including allowable emissions of: carbon monoxide (CO) not to exceed 9 percent by weight as measured by performance tests during Hyperflow operation.

Best Available Control Technology (BACT) requirements consist of optimization of Hyperflow operating parameters: control of the oxidizer-to-fuel ratio in conjunction with control of the supply of injected water. The oxidizer-to-fuel mixture ratio is defined as the weight of liquid oxygen divided by the weight of isopropyl alcohol mixture. The injected water fraction is defined as the weight of injected water, divided by the sum of the mass of alcohol mixture, oxidizer and water injected to the Hyperflow. Optimization of Hyperflow operating parameters minimizes CO emissions from the project. This BACT requirement is more stringent than the control technology previously public noticed.

Air Quality Impact Modeling is required for CO. Periodic source tests for CO are also required. The determination announced in the previous public notice of the project had not adequately considered the background ambient air quality in review of the impact of the project on air quality when firing rocket engines in Cells 29 and 37. The following table takes into account ambient air quality in reflecting the impact of the project on air quality under worst case conditions:

Pollutant	Averaging time	Ambient air quality values (ppm)	Maximum impact (ppm)			Net air quality (ppm)			Federal AAQS (ppm)	Proposed AAQS (ppm)
			Cell 29	Cell 37	Cells 29 and 37 1 h apart	29	37	29 and 37		
Carbon Monoxide	1 h	16.1	4.42	7.26		20.5	23.4		35	25
	8 h	6.9			1.5			8.4	9	

DATE: The PSD permit is reviewable under Section 307(b)(1) of the Clean Air Act only in the Ninth Circuit Court of Appeals. A petition for review must be filed by August 18, 1981.

FOR FURTHER INFORMATION CONTACT: Copies of the permit are available for public inspection upon request; address requests to: Cecilia Dougherty, Permits Clerk, E-4-1, U.S. Environmental Protection Agency, Region IX, Permits Branch, 215 Fremont Street, San Francisco, California 94105, (415) 556-3450.

Dated: April 6, 1981.

Carl C. Kohnert, Jr.,

Acting Director, Enforcement Division, Region IX.

[FR Doc. 81-18246 Filed 6-18-81; 8:45 am]

BILLING CODE 6560-38-M

[PF-230; PH FRL-1857-4]

Certain Pesticide Chemicals; Notice of Filing of Pesticide Petitions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces that certain companies have submitted pesticide petitions to the EPA proposing that tolerances be established for certain chemicals in or on certain raw agricultural commodities.

ADDRESS: Written comments to the product manager cited in each specific petition at the address below: Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

Written comments may be submitted while the petitions are pending before the agency. The comments are to be identified by the document control number "[PF–230]" and the specific petition number. All written comments filed pursuant to this notice will be available for public inspection in the product manager's office from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: The product manager cited in each petition at the telephone number provided.

SUPPLEMENTARY INFORMATION: EPA gives notice that the following companies have filed pesticide petitions with the EPA proposing that tolerances be established for certain pesticide chemicals in or on certain raw agricultural commodities, in accordance with the Federal Food, Drug, and Cosmetic Act. The analytical method for determining residues, were required, is given in each specific petition.

PP 1F2496. Zoecon Corporation, 975 California Ave., Palo Alto, CA 94304, proposes amending 40 CFR 180.359 by establishing tolerances for the insect growth regulator methoprene (isopropyl (*E,E*-11-methoxy-3,7,11-trimethyl-2,4-dodecadienoate) in or on peanuts at 1.0 part per million (ppm) and peanut hulls at 20 ppm. The proposed analytical method for determining residues is by gas chromatography. (PM 17, Franklin >D. R. Gee, 703–557–7028.)

PP 1F2506. Ciba Geigy Corp., PO Box 11422, Greensboro, NC 27409, proposes amending 40 CFR 180.368 by establishing a tolerance for the combined residues of the herbicide metolachlor [2-chloro-*N*-(2-ethyl-6-methylphenyl)-*N*-(2-methoxy-1-methylethyl)acetamide] and its metabolites determined as 2-[(2-ethyl-6-methylphenyl)-amino]-1-propanol and 4-(2-ethyl-6-methylphenyl)-2-hydroxy-5-methyl-3-morpholinone each expressed as the parent compound in or on cottonseed at 0.1 ppm. The proposed analytical method for determining residues is gas chromatography. (PM 23, Richard F. Mountfort, 703–557–7070.)

PP 1F2513. E. I. duPont de Nemours and Co., Wilmington, DE 19898, proposes amending 40 CFR 180.396 by establishing tolerances for residues of the herbicide hexazinone [3-cyclohexyl-6-(dimethylamino)-1-methyl-1,3,5-triazine-2,4(1*H*,3*H*)dione] and its metabolites (calculated as hexazinone) in or on range grasses at 10 ppm. The proposed analytical method for determining residues is by nitrogen-selective gas chromatography. (PM 23, Richard F. Mountfort, 703–557–7070.)

(Sec. 408(d)(1), 68 Stat. 512 (7 U.S.C. 136))

Dated: June 9, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81–18299 Filed 6–18–81; 8:45 am]

BILLING CODE 6560–32–M

[PW–25; PH–FRL–1857–3]

Ciba-Geigy Corp.; Withdrawal of Feed Additive Petition

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Ciba-Geigy Corp., has submitted a withdrawal of a feed additive petition for the combined residues of the insecticide profenofos [*O*-(4-bromo-2-chlorophenyl)-*O*-ethyl-*S*-propyl phosphorothioate] and its metabolite converted to 4-bromo-2-chlorophenyl and calculated as *O*-(4-bromo-2-chlorophenyl-*O*-ethyl *S*-propyl phosphorothioate in or on soybean meal and hulls.

ADDRESS: Written comments to: William H. Miller, Product Manager (PM) 16, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: William H. Miller (703–557–7040).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the **Federal Register** of August 24, 1979 (44 FR 49789) that Ciba-Geigy Corp., P.O. Box 11422, Greensboro, NC 27409, has submitted a request to the EPA proposing that 21 CFR 561.53 be amended by permitting the combined residues of the insecticide profenofos [*O*-(4-bromo-2-chorophenyl)-*O*-ethyl-*S*-propyl phosphorothioate] and its metabolite converted to 4-bromo-2-chlorophenyl and calculated as *O*-(4-bromo-2-chlorophenyl)-*O*-ethyl *S*-propyl phosphorothioate in or on soybean meal and hulls with a tolerance limitation of 2 parts per million.

Ciba-Geigy Corp. has withdrawn this petition without prejudice to further filing in accordance with the regulations (40 CFR 121.52) pertaining to section 409 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(d)).

Dated: June 4, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81–18300 Filed 6–18–81; 8:45 am]

BILLING CODE 6560–32–M

[OPTS–59047A; TSH–FRL–1855–1]

Substituted Diphenylsulfone; Approval of Test Marketing Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: On March 27, 1981, EPA received an application to manufacture a new chemical substance for test marketing purposes. The manufacturer's identity, chemical identity, and use were claimed confidential business information. The test marketing exemption (TME) number assigned to the substance is TM–81–8. The substance is identified generically as substituted diphenylsulfone. The notice of receipt of the exemption application was published in the **Federal Register** of April 17, 1981 (45 FR 22458). EPA has determined that the test marketing of the chemical substance will not present any unreasonable risk of injury to health or the environment. Therefore, the Agency has granted the submitter an exemption from the TSCA premanufacture reporting requirements for the test marketing activity described in the application and this notice of approval.

EFFECTIVE DATE: This exemption is effective on June 15, 1981.

FOR FURTHER INFORMATION CONTACT: George Bagley, Chemical Control Division (TS–794), Office of Toxic Substances, Environmental Protection Agency, Rm. E–210, 401 M St., SW., Washington, DC 20460, (202–426–2601).

SUPPLEMENTARY INFORMATION: Under section 5 of TSCA, anyone who intends to manufacture in, or import into, the United States a new chemical substance for commercial purposes must submit a notice to EPA before manufacture or import begins. A "new" chemical substance is any chemical substance that is not on the Inventory of existing substances compiled by EPA under section 8(b) of TSCA. Section 5(a)(1) requires each premanufacture notice (PMN) to be submitted in accordance with section 5(d) and any applicable requirements of section 5(b). Section 5(d)(1) defines the contents of a PMN

and section 5(b) contains additional reporting requirement of certain new chemical substances.

Section 5(h), "Exemptions", contains several provisions for exemptions from some or all of the requirements of section 5. In particular, section 5(h)(1) authorizes EPA, upon application, to exempt persons from any requirements of section 5(a) or section 5(b), and to permit them to manufacture or process chemical substances for test marketing purposes. To grant an exemption, the Agency must find that the test marketing activities will not present any unreasonable risk of injury to health or the environment. EPA must either approve or deny the application within 45 days of its receipt, and under section 5(h)(6) the Agency must publish a notice of this disposition in the **Federal Register**. If EPA grants a test marketing exemption, it may impose restrictions on the test marketing activities.

On March 27, 1981, EPA received an application for an exemption from the requirements of section 5(a) and 5(b) of TSCA to manufacture a substance for test marketing purposes. A **Federal Register** notice published on April 17, 1981 (45 FR 22458) announced receipt of the exemption application (TM-81-8) and requested comments on the appropriateness of granting the exemption. The Agency received no comments concerning the application. The substance for which the exemption application was submitted is identified generically as substituted diphenylsulfone.

In the application, the submitter stated its intention to test market for a six-month period less than 15 kilograms (kg) of the substance. The application also states that the substance produced under the exemption application would be provided to five customers in a final product at a concentration of less than 1 percent which is virtually inaccessible to the users. Some toxicological and worker exposure data were submitted to the Agency following submission of the test marketing application. These data indicate that no more than four employees will be exposed to the new chemical for periods of less than two hours when handling the laboratory-scale production.

Vented hoods are used in production and all personnel involved use protective gloves, goggles, and garments. Storage of the substance is in DOT-approved drums. The Agency, therefore, has assumed for purposes of deciding whether or not to grant this exemption that potential exposure during the production and use of this substance for test marketing will be minimal, if any, but no greater than that described in the application.

Data provided by the manufacturer following the application also indicate that the substance has a low degree of acute toxicity. The oral LD_{50} (rats) was greater than 5 g/kg. The data also indicate that the chemical is minimally irritating to the skin and practically nonirritating to the eye. The Ames test conducted on the substance showed no mutagenic activity; therefore the Agency's concern for potential carcinogenic activity is reduced. No data were available to assess other potential chronic effects such as reproductive, estrogenic, or neurological effects. With regard to ecological effects, the Agency has no reason to anticipate any unreasonable risk since no environmental release is likely.

Because of the limited amount of the substance to be produced along with minimal, if any, human exposure and environmental release during test marketing, EPA has determined that the substance will not present any unreasonable risk of injury to health or the environment as a result of test marketing the substituted diphenbylsulfone in the manner described in the exemption application. This test market exemption is granted based on the facts and information obtained and reviewed, but is subject to all conditions set out in the exemption application, and in particular those enumerated below:

1. This exemption is granted solely to this manufacturer.
2. The applicant must maintain records of the date(s) of shipment(s) to its customers and the quantities shipped in each shipment, and must make these records available to EPA upon request.
3. Each bill of lading that accompanies a shipment of the substance during the test marketing period must state that the use of the substance is restricted to that described to EPA in the test marketing exemption application.
4. The production volume of the new substance may not exceed the quantity of 15 kg described to EPA in the test marketing exemption application.
5. The test marketing activity approved in this notice is limited to a period of six months.
6. The number of workers should not exceed that specified in the application and the exposure levels and duration of exposure should not exceed that specified.
7. The Agency reserves the right to rescind its decision to grant this exemption should any new information come to its attention which casts significant doubt on the Agency's conclusion that the substance will not present an unreasonable risk of injury to health or the environment.

Dated: June 15, 1981.

Anne M. Gorsuch

Administrator.

[FR Doc. 81-18297 Filed 6-18-81; 8:45 am]

BILLING CODE 6560-31-M

[OPTS-51266; TS-H-FRL-1850-4]

Certain Chemicals; Premanufacture Notices

Correction

In FR Doc. 81-17274, published at page 30884, on Thursday, June 11, 1981, on page 30885, in the third column, the heading "PMN 81-223" should be corrected to read "PMN 81-233".

BILLING CODE 1505-01-M

[ER-FRL-1856-7]

Availability of Environmental Impact Statements

AGENCY: Office of Federal Activities (A-104) US Environmental Protection Agency.

PURPOSE: This notice lists the Environmental Impact Statements (EIS) which have been officially filed with the EPA and distributed to federal agencies and interested groups, organizations and individuals for review pursuant to the Council on Environmental Quality's regulations (40 CFR Part 1506.9) during the week of June 8, 1981 to June 12, 1981.

REVIEW PERIODS: The 45-day review period for Draft EISs' listed in this notice is calculated from June 19, 1981 and will end on August 3, 1981. The 30-day review period for Final EISs' as calculated from June 19, 1981 will end on July 20, 1981.

EIS AVAILABILITY: To obtain a copy of an EIS listed in this notice you should contact the federal agency which prepared the EIS. If a federal agency does not have the EIS available upon request you may contact the Office of Federal Activities, EPA, for further information. Copies of EIS's previously filed with EPA or CEQ which are no longer available from the originating agency are available with charge from the following source: Information Resources Press, 1700 North Moore Street, Arlington, Virginia 22209, (703) 558-8270.

FOR FURTHER INFORMATION CONTACT: Kathi L. Wilson, Office of Federal Activities, Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, (202) 245-3006.

Dated: June 16, 1981.

William N. Hedeman,

Director, Office of Federal Activities (A-104).

Department of Agriculture

FS: Draft—Blue Gouge Mine Operating Plan, Eldorado National Forest, El Dorado County, California (EIS Order #810465)
FS: Final—Competing Vegetation Management Methods, Washington, Oregon and California (EIS Order #810485)
SCS: Draft—Lower Gunnison/Uintah Basin Units, Water Quality Improvement, Colorado and Utah (EIS Order #810459)
SCS: Final—Bell City Watershed Protection, Calcasieu and Cameron Counties, Louisiana (EIS Order #810455)
SCS: Final—Swan Creek Watershed Plan, Saline and Jefferson Counties, Nebraska (EIS Order #810458)

Army Corps of Engineers

Draft—Richmond Harbor Deep-Draft Navigation Improvements, Contra Costa County, California; the review period for this EIS has been extended until August 14, 1981 (EIS Order #810464)
Final—Hocking River Flood Control Improvements, Athens County, Ohio (EIS Order #810471)
Final—Cabin Creek Demonstration Reclamation Project, Kanawha County, West Virginia (EIS Order #810454)
Retraction: Final—Grand Haven Harbor Modification, Ottawa County, Michigan, published FR June 12, 1981; has been officially retracted due to noncompletion of distribution (EIS Order #810445)

Department of Commerce

NOAA: Draft—Tijuana River Estuarine Sanctuary, Grant, San Diego County, California (EIS Order #810468)

Department of Housing and Urban Development

Draft—Battlement Mesa Development, Mortgage Insurance, Garfield County, Colorado (EIS Order #810462)
Draft—Booth Creek Subdivision, Mortgage Insurance, Denton County, Texas (EIS Order #810460)

Department of the Interior

FWS Draft—Redhead Waterfowl Production Wetlands Preservation, Idaho (EIS Order #810466)
FWS Draft—Reeves Bottom Hardwood Habitat Preservation, Dunklin County, Missouri; the review period for this EIS has been extended until August 17, 1981 (EIS Order #810453—
NPS Final—Blue Ridge Parkway, Transmission Right-of-Way, Virginia (EIS Order #810472)

Department of Transportation

FHWA Draft—Bogue Sound Bridge Construction, US 70 to NC-58, Carteret County, North Carolina (EIS Order #810452)
FHWA Draft—Beaverton-Tigard Highway Interchange, US 26/OR-217, Washington County, Oregon (EIS Order #810463)
FHWA Final—Kolb Corridor Highway Improvements, Tucson, Pima County, Arizona (EIS Order #810467)
FHWA Final—CTH A, WI-184 to Janesville Road, Reconstruction, Rock County, Wisconsin (EIS Order #810469)
FHWA Final—US 31 Relocation, Matthew Road to I-94/I-96, Berrien County, Michigan (EIS Order #810470)

Environmental Protection Agency

EPAH: Draft—Vieques Dredge Material Disposal Site, Puerto Rico (EIS Order #810457)

US Water Resources Council

Draft—Yadkin-Pee Dee River Basin Water Resources Study, North Carolina and South Carolina (EIS Order #810461)

[FR Doc. 81-18335 Filed 6-18-81; 8:45 am]

BILLING CODE 6560-37-M

[ER-FRL-1857-6]

Intent To Prepare an Environmental Impact Statement for the City of Anchorage, Alaska

AGENCY: U.S. Environmental Protection Agency (EPA).

ACTION: Notice of intent.

PURPOSE: In accordance with Section 102(2)(C) of the National Environmental Policy Act, EPA has identified a need to prepare an Environmental Impact Statement (EIS) and publishes this Notice of Intent in accordance with 40 CFR 1501.7.

FOR FURTHER INFORMATION ON DATE AND TIME, CONTACT:
Clark Smith, Project Monitor, Environmental Evaluation Branch (M/S 443), Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101, Telephone: (206) 442-1285.

SUMMARY: The EPA Region X has distributed to the public a detailed Notice of Intent on the proposed EPA approval of grant monies to upgrade and extend the sewer facilities to conform with the requirements of Section 201 of the Clean Water Act (P.L.95-217) for the design and construction of wastewater interceptors and treatment system for the City of Anchorage, Alaska. Copies of the detailed notice are available from the Project Monitor identified above.

SCOPING: EPA will hold a meeting to determine the scope of the Draft EIS, at the Hill Building, 632 West Sixth Avenue, Anchorage, Alaska on July 10, 1981 at 1:30 p.m.

EXPECTED RELEASE OF THE DRAFT EIS: EPA estimates the Draft EIS will be available for public review in approximately 10 (ten) months.

William N. Hedeman, Jr.,

Director, Office of Federal Activities.

June 16, 1981.

[FR Doc. 81-18334 Filed 6-19-81; 8:45 am]

BILLING CODE 6560-37-M

[OPP-00143; PH-FRL-1858-4]

State FIFRA Issues Research and Evaluation Group (SFIREG); Open Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: There will be a two-day meeting of the State FIFRA Issues Research and Evaluation Group (SFIREG). The meeting will be open to the public.

DATE: Wednesday and Thursday, July 8 and 9, 1981, beginning at 8:30 a.m. on July 8 and ending prior to 12 noon on July 9.

ADDRESS: The meeting will be held in: Rm. 3906-3908, Waterside Mall, Environmental Protection Agency, 401 M St. SW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT:
P. H. Gray, Jr., Office of Pesticide Programs (TS-766C), Environmental Protection Agency, Rm. 915, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703-557-0825).

SUPPLEMENTARY INFORMATION: This will be the ninth meeting of the full Group. The tentative agenda thus far includes the following topics:

1. Action items from the March, 1981, meeting of the full Group.
2. Regional reports.
3. Working Committee reports.
4. Other topics which may arise.

Dated: June 10, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 81-18353 Filed 6-18-81; 8:45 am]

BILLING CODE 6560-32-M

FEDERAL COMMUNICATIONS COMMISSION

AM Broadcast Applications Accepted for Filing and Notification of Cut-Off Date; Correction

Released: June 15, 1981.

AM cut-off list B-19, released June 12, 1981 (46 FR 31764, June 17, 1981), inadvertently specified a cut-off date of July 19 and in the body of the list it specified a date of July 10.

That list is hereby corrected to specify the date of July 20, 1981, for all filing with regard to applications appearing on that list.

Federal Communications Commission.
William J. Tricarico,
Secretary.
[FR Doc. 81-18200 Filed 6-18-81; 8:45 am]
BILLING CODE 6712-01-M

[BC Docket No. 81-380; File No. BPCT-7909 28 KK etc.]

Christian Center, Inc., et al; Designating Applications for Consolidated Hearing on Stated Issues; Hearing Designaion

Adopted: May 26, 1981.
Released: June 12, 1981.

By the Chief, Broadcast Bureau:

In re Applications of Christian Center, Inc., North Little Rock, Arkansas, BC Docket No. 81-380, File No. BPCT-790928KK; Gemini Broadcasting Company, Little Rock, Arkansas, BC Docket No. 81-381, File No. BPCT-791218KF; Teleco Arkansas Inc., Little Rock, Arkansas, BC Docket No. 81-382, File No. BPCT-800505KE; Little Rock TV 16, Inc., Little Rock, Arkansas, BC Docket No. 81-383, File No. BPCT-800515; LRTV Limited Partnership (MMT Sales, Inc., General Partner) Little Rock, Arkansas, BC Docket No. 81-384, File No. BPCT-800516KF; Central Arkansas Television, Inc., Little Rock, Arkansas, BC Docket No. 81-385, File No. BPCT-800516KG; May Broadcasting Company of Arkansas, Inc., Little Rock, Arkansas, BC Docket No. 81-386, File No. BPCT-800516KH; Grant Broadcasting Corporation of Little Rock, Little Rock, Arkansas, BC Docket No. 81-387, File No. BPCT-800516KI; For a Television Construction Permit; Designating applications for, consolidated hearing on stated issues, Hearing designation order.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has before it: (a) the above-captioned mutually exclusive applications of Christian Center, Inc. (Christian Center), Gemini Broadcasting Company (Gemini), Teleco Arkansas, Inc. (Teleco Arkansas), Little Rock TV 16, Inc. (TV 16), LRTV Limited Partnership, Central Arkansas Television, Inc. (Central), May Broadcasting Company of Arkansas, Inc., (May), and Grant Broadcasting Corporation of Little Rock (Grant Broadcasting) for a new commercial Television station to operate on Channel 16, Little Rock, Arkansas;[1] (b) Central's December 8, 1980, petition for leave to amend its application; (c) Teleco Arkansas' opposition to the petition, and (d) Central's reply.

2. One applicant specifies North Little Rock as its community of license, while the others specify Little Rock. Consequently, it will be necessary to determine, pursuant to Section 307(b) of the Communications Act of 1934, as amended, whether a new station in North Little Rock or Little Rock would best provide a fair, efficient, and equitable distribution of radio service. If the Section 307(b) issue is not determinative (the applicants would serve substantial areas in common), all the applicants can be considered under the comparative issue.

3. On December 8, 1980, Central filed a petition for leave to amend its application in order to report the withdrawal of Daniel H. Garner, Jr., the president and 30% shareholder of the applicant. His shares were distributed among the other five shareholders in proportion to their respective ownership of the remaining shares. In opposition to Central's petition, Teleco Arkansas argues that the amended distribution of shares would increase Black ownership from 33% to 47.1% and female ownership from 21% to 30%[2] and that this attempt to improve its comparative position came after the time for amendment as of right had passed on August 11, 1980. Teleco Arkansas also charges that Central was attempting to avoid the comparative impact of Garner's 45% interest in Metroplex Television, Inc., applicant for Channel 23 in Richardson, Texas (BPCT-800814KG); however, since the Richardson application was dismissed at the applicant's request on November 25, 1980, the question is moot.

4. Section 1.65 of the Rules requires applicants to maintain the substantial accuracy and completeness of their applications; however, applicants may not change their comparative status after the cut-off date. Although Central properly reported Garner's withdrawal, the applicant cannot rely on any comparative advantage that it may have incidentally received. Consequently, for the comparative aspect of this proceeding, Black and female participation in Central shall be considered as at 33% and 7%, respectively. Consequently, Central's petition for leave to amend will be granted subject to the comparative restrictions set out above.

Christian Center, Inc.

5. Christian Center estimates that at least $99,266 will be required to construct its proposed station and to operate it for three months, itemized as follows:

Equipment	[1] $29,500
Auxiliary generators	[2] $30,000
Land and building	[3]
Tower rent (five months)	4,166
Legal, engineering, installation and other miscellaneous costs	12,000
Operating costs, (three months)	23,600
Total	[3] 99,266

[1] The applicant has been given additional equipment worth approximately $280,000.
[2] At least.
[3] On hand.

The applicant proposes an unknown number of auxiliary generators at a cost of $15,000 to $20,000 each. Since we are unable to determine the number and cost of generators, an appropriate issue will be specified. Further, the applicant proposes only $2,500 for legal expenses, but that amount would appear to be unrealistically low, since the cost of prosecuting the application through hearing must be included, and an appropriate financial issue will be specified.

6. To meet its expenses, Christian Center intends to rely on $43,528 in existing capital and on a $25,000 loan from an unstated source. We cannot determine the net liquid assets available to the applicant, since its balance sheet was outdated upon the initial filing of its application. See FCC Form 301, Section III, Question 2a. Further, we are unable to determine the availability of the $25,000 loan. Consequently, we are unable to determine the availability of any funds to Christian Center, and an appropriate financial issue will be specified.

Gemini Broadcasting Company

7. Gemini estimates that $961,534 will be required to construct its proposed station and to operate it for three months, itemized as follows:

Equipment (downpayment)	$447,750
(Three months)	117,534
Land	(1)
Building	100,000
Legal, engineering, and installation and other miscellaneous costs	32,500
Operating costs (three months)	263,750
Total	961,534

[1] Lease.

In its proposed operating budget, Gemini does not allow for the cost of leasing the land. Accordingly an appropriate issue will be specified to determine the cost of leasing the land for five months (two months for

[1] Pursuant to Section 73.607(b) of the Commission's Rules, Christian Center proposes North Little Rock, Arkansas, as its principal community

[2] Teleco Arkansas has apparently erroneously assumed that Periesta Hollingsworth is female, consequently, female ownership would increase from 7% to 10%.

construction and three months while in operation).

8. To meet its expenses, Gemini intends to rely on $250,000 in stock subscriptions and another $950,000 in loans from its stockholders. Anthony Kupris and his six children. The children have not submitted balance sheets, and Kupris' balance sheet indicates net liquid assets of $1,043,400; however, Kupris and his children have already committed $1,200,000 to Daytona Broadcasting Company, Inc. for the construction and operation of a new commercial television station to operate on Channel 26 in Daytona Beach, Florida (BPCT-800811KE). Because Kurpris' commitment exceeds the capital available, it cannot be determined that Kupris has the net liquid assets to provide any capital for the proposed Little Rock station. Accordingly, an appropriate financial issue will be specified.

9. Gemini fails to indicate when it conducted both its community leader and general public surveys, as required by Question and Answer 15 of the *Primer on Ascertainment of Community Problems by Broadcast Applicants*, 27 F.C.C. 2d 650 (1971). Accordingly, an appropriate ascertainment issue will be specified.

Teleco Arkansas, Inc.[3]

10. Teleco, Inc. is the 75% stockholder of the applicant. Two of Teleco, Inc.'s six directors (Stanley R. Shenkman and Seymour Epstein) are Canadian citizens. Section 310(b)(4) of the Communications Act of 1934, as amended, provides that broadcast station licenses shall not be granted to or held by:

> Any corporation directly or indirectly controlled by any other corporation of which * * * more than one-fourth of the directors are aliens,* * * if the Commission finds that the public interest will be served by the refusal or revocation of such liense.

While a literal reading of this language would seem to establish the Commission's finding as a condition subsequent, this approach would compel a corporation which controls a corporate applicant to elect aliens as corporate directors at its peril and at the risk of having its subsidiary's application dismissed. The Commission has long held that a better approach—and one that would recognize the changing composition of modern corporate structures—would be to make a public interest determination on the basis of undisputed facts presented by the applicant, which determination would have continuous validity in the absence of new or changed circumstances of substantial materiality. *Request for a Declaratory Ruling Concerning Section 310(A)(5)*, 23 F.C.C. 2d 659 (1970). More than one-fourth of Teleco, Inc.'s directors are aliens; however, the applicant has provided no showing whereby we can make the requisite public interest determination. Accordingly, appropriate issues will be specified.

11. Teleco Arkansas estimates that $1,883,404 will be required to construct its proposed station and to operate it for three months, itemized as follows:

Equipment by deferred credit [1]	
(Downpayment)	$535,459
(Three months)	140,558
Equipment by cash	250,116
Building	250,000
Legal, engineering, installation, and other miscellaneous costs	245,000
Operating costs, including transmitter site and studio lease	462,271
Total	1,883,404

[1] Although under its terms, the RCA letter extending deferred credit for the purchase of equipment expired on November 28, 1980 it is reasonable to assume that the applicant would still be able to obtain the same or similar credit arrangement from RCA or another equipment supplier should it receive a grant in the proceeding *Contemporary Television Broadcasting, Inc.*, Mimeo No 05812 (released Jan 16, 1981).

To meet this requirement, Teleco Arkansas intends to rely on a $2,000,000 loan from Teleco, Inc., $100,000 in stock subscriptions by Teleco, Inc., Felix Pierre, and John Washington, and $10,154 in existing capital. Although Teleco, Inc. has a $2,000,000 line of credit from Manufacturers Hanover Trust Company, it is not earmarked for Teleco Arkansas' construction and operating costs. Without Teleco, Inc.'s balance sheet we cannot determine how much of that amount would be available. See *Contemporary Television Broadcasting, Inc., supra*. In addition, we cannot determine that Pierre and Washington have the net liquid assets to meet their stock subscriptions, since they have not submitted their balance sheets.[4] Finally, although the applicant not demonstrated the availability of any net liquid assets, so we cannot credit Teleco Arkansas with any existing capital. Consequently, we cannot determine the availability of any funds to Teleco Arkansas, and an appropriate financial issue will be specified.

Little Rock TV 16, Inc.

12. Since we have not received a determination from the Federal Aviation Administration that TV 16's proposed tower height and location would not constitute a hazard to air navigation an issue regarding this matter is required.

Centeral Arkansas Television, Inc.

13. Central estimates that $546,668 will be required to construct it proposed station and to operate it for three months, itemized as follows:

Equipment rental (five months)	$157,510
Studio rental (five months)	82,500
Legal, engineering, installation, and other miscellaneous costs	36,500
Operating costs (three months)	310,158
Total	546,668

The applicant does not indicate the costs it will incur in purchasing or leasing a transmitter site and transmitter building. Accordingly, an appropriate financial issue will be specified.

14. To meet its expenses, Central intends to rely on $350,700 in stock subscriptions.[5] None of five remaining subscribers have demonstrated the net liquid assets to meet their proportionate subscriptions.[6] Consequently, Central would require an additional $417,028 plus the cost of purchasing or leasing a transmitter site and transmitter building, and an appropriate financial issue will be specified.

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[2] Teleco Arkansas proposes to operate from a tower 1161 feet above ground. Section 1.1305(a)(2) of the Rules considers an application proposing a tower in excess of 300 feet in height to be a major action within the meaning of the National Environmental Policy Act, and Section 1.1311 requires the submission of an environmental narrative statement from applicants proposing such major actions. Teleco Arkansas argues that it is exempt from this requirement, since its proposed site is 600 feet from an existing tower that is approximately 50 feet higher than the proposed tower; however, one existing tower cannot be classified as a *de facto* antenna farm. Consequently, Teleco Arkansas will be required to submit an environmental narrative statement within 30 days of the mailing of this Order.

[4] The applicant states that to the extent any of the other shareholders are unable to meet their stock subscriptions, Ben Allen and Jerald Barnett will supply the necessary capital; however, we cannot determine their net liquid assets, since they have also not submitted balance sheets.

[5] This amount reflects the withdrawal from the applicant of Daniel H. Garner, Jr. (see paragraphs 3 and 4, *supra*).

[6] Neither James Tucker nor Maria Haley has demonstrated the availability of any net liquid assets. Thedford Collins has demonstrated net liquid assets of only $2,500. Richard Mays has shown net liquid assets of only $50,000 to meet his $70,140 stock subscription; however, we will credit him with the full amount since he has submitted a realtor's appraisal of commercial property valued at $170,000 and a statement that he is prepared to sell that property in order to meet the terms of his stock subscription. Perlesta Hollingsworth has shown net liquid assets of only $16,000 to meet his $70,140 stock subscription; however, we will credit him with $57,000 since he has submitted a realtor's appraisal of his house valued at $80,000 (less a $39,000 mortgage) and a statement that he is prepared to sell that property in order to meet the terms of his stock subscription. Accordingly, the stock subscribers have demonstrated the availability of only $129,640.

Grant Broadcasting Corporation of Little Rock

15. Grant Broadcasting estimates that $1,710,003 will be required to construct its proposed station and to operate it for three months, itemized as follows:

Equipment (downpayment)	$619,250
(Three months)	162,553
Land	(1)
Building	185,000
Legal, engineering, installation, and other miscellaneous costs	177,500
Operating costs (three months)	565,700
Total	1,710,003

(1) Lease

To meet this requirement, Grant Broadcasting intends to rely on a $3,000,000 (net $2,888,500) loan from the Equitable Trust Company, Baltimore, Maryland, and on $100,000 in stock subscriptions; however, subscription agreements representing only $80,000 have been submitted. With the exception of Milton Grant, none of the subscribers have demonstrated the availability of any net liquid assets. Grant has shown the availability of only $43,100. Consequently, the applicant will be credited with the availability of $2,931,600. At no place in its application does Grant Broadcasting set out the cost of the land lease; however, in view of the fact that it would be improbable that Grant Broadcasting's costs to lease the land would exceed $1,221,597 (the amount available to the applicant after it meets its other expenses), we will not specify an issue as to Grant Broadcastings' availability of funds.

16. Grant Broadcasting fails to indicate when its general public survey was conducted, as required by Question and Answer 15 of the *Primer, supra.* Accordingly, an appropriate ascertainment issue will be specified.

Conclusion and order

17. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. Since the applications are mutually exclusive, the Commission is unable to make the statutory finding that their grant will serve the public interest, convenience, and necessity. Therefore, the applications must be designated for hearing in a consolidated proceeding on the issues set out below.

18. Accordingly, it is ordered, That, pursuant to Section 309(e) of the Commission Action of 1934, as amended, the above-captioned applications are designated for hearing in a consolidated proceeding to be held before an Administrative Law Judge at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine, with respect to Christian Center, Inc.:

(a) The number of and cost of auxiliary generators;

(b) Whether $2500 will be adequate to meet the applicant's legal expenses, and if not, the legal costs that will be required;

(c) In light of the evidence adduced pursuant to (a) and (b) above, Christian Center's total construction and three month operating costs;

(d) The availability of financial resources to meet the applicant's construction and three month operating costs;

(e) Whether, in light of the evidence adduced pursuant to (a)—(d) above, the applicant is financially qualified to construct and operate as proposed;

2. To determine, with respect to Gemini Broadcasting Company:

(a) The cost of leasing the land for five months;

(b) In light of the evidence adduced pursuant to (a) above, Gemini's total construction and three month operating costs;

(c) The availability of financial resources to meet the applicant's construction and three month operating costs;

(d) Whether, in light of the evidence adduced pursuant to (a)—(c) above, the applicant is financially qualified to construct and operate as proposed;

(e) Whether, the applicant has complied with the provisions of Question and Answer 15 of the *Primer;* and

(f) Whether, in light of the evidence adduced pursuant to (e) above, the applicant is qualified.

3. To determine, with respect to Teleco Arkansas, Inc.:

(a) The nature and extent of alien control of Teleco, Inc;

(b) The nature and extent of control by Teleco, Inc. of Teleco Arkansas;

(c) Whether, in light of the evidence adduced pursuant to (a) and (b) above, grant of Teleco Arkansas' application would be in the public interest and, if not, the effect thereof on the applicant's basic qualifications;

(d) Whether the applicant has $1,883,404 available for its construction and three month operating costs; and

(e) Whether, in light of the evidence adduced pursuant to (d) above, the applicant is financially qualified to construct and operate as proposed.

4. To determine whether there is a reasonable possibility that the tower height and location proposed by Little Rock TV 16, Inc. would constitute a hazard to air navigation and, if so, whether the applicant is qualified.

5. To determine, with respect to Central Arkansas Television, Inc.:

(a) The cost of purchasing or of leasing the transmitter site and transmitter building for five months;

(b) In light of the evidence aduced pursuant to (a) above, Central's total construction and three month operating costs;

(c) The availability of financial resources in addition to the $129,640 in stock subscriptions to meet the applicant's construction and three month operating costs; and

(d) Whether, in light of the evidence adduced pursuant to (a)–(c) above, the applicant is financially qualified to construct and operate as proposed.

6. To determine whether Grant Broadcasting Corporation of Little Rock has complied with the provisions of Question and Answer 15 of the *Primer* and, if not, whether the applicant is qualified.

7. To determine, in light Section 307(b) of the Communications Act of 1934, as amended, which of the proposals would provide a fair, efficient, and equitable distribution of television service.

8. In the event it is concluded from Issue 7 above that a choice among applications should not be based solely on consideration relating to Section 307(b), to determine which of the proposals would, on a comparative basis, best serve the public interest.

9. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

19. It is further ordered, That within 30 days of the mailing of this Order, Teleco Arkansas, Inc. shall submit its environmental narrative statement as a supplement to its application.

20. It is further ordered, That Central's petition for leave to amend is granted; however, for the comparative aspect of this proceeding, Black and female participation in Central shall be considered as 33% and 7%, respectively.

21. It is further ordered, That the Federal Aviation Administration is Made a party respondent with the respect to Issue 4 above.

22. It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein and the Federal Aviation Administration shall, pursuant to Section 1.221(c) of the Commission's Rules, in person or by attorney within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for hearing and to present evidence on the issues specified in this Order.

23. It is further ordered, That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act and Section 73.3594 of the Commission's Rules, give notice of the hearing within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by Section 73.3594(g) of the Rules.

Federal Communications Commission.

Richard J. Shiben,

Chief, Broadcast Bureau.

By Larry D. Eads,

Acting Chief, Broadcast Facilities Division, Broadcast Bureau.

[FR Doc. 81-18201 Filed 6-18-81; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL MARITIME COMMISSION

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for review and approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement and the justification offered therefor at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10427; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, Chicago, Illinois, and San Juan, Puerto Rico. Interested parties may submit comments on the agreement, including request for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before June 29, 1981, in which this notice appears. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreement and the statement should indicate that this has been done.

Agreement No.: T-2810-A.

Filing Party: T. Terrell Sessums, General Counsel, Tampa Port Authority, 811 Wynkoop Road, P.O. Box 2192, Tampa, Florida 33601.

Summary: Agreement No. T-2810-A modifies the basic agreement between the Tampa Port Authority (Authority) and Edward-Stephen of Tampa, Inc., subleased to Uiterwyk Cold Storage Corp. (Uiterwyk) under FMC Agreement No. T-2811. Agreement No. T-2810 provides for Uiterwyk's lease of land along with preferential berthing rights to an adjacent dock and apron, at the Holland Terminal Area, East Bay, Hookers Point, Tampa, Florida.

Agreement No. T-2810-A is a Supplemental Facilities Lease whereby the Authority agrees to purchase from Uiterwyk an existing 20,000 sq. ft. warehouse, and to enlarge it by an additional 28,000 sq. ft. to accommodate increased shipments. The Authority will arrange to finance the cost of the project, with the total price of the transactions not to exceed $417,000. Uiterwyk will rent both buildings from the Authority according to a schedule of rental fees as set forth in the agreement. The agreement will become effective upon securing Commission approval and will expire on April 30, 2013.

By Order of the Federal Maritime Commission.

Dated: June 16, 1981.

Joseph C. Polking,

Acting Secretary.

[FR Doc. 81-18281 Filed 6-18-81; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Bank Holding Companies; Proposed De Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking

With respect to each application, interested persons may express their views on the question whether consumation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that request a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifing specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank indicated for that application., Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and, except as noted, received by the appropriate Federal Reserve Bank not later than July 11, 1981.

A. *Federal Reserve Bank of Richmond* (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

NCNB Corporation, Charlotte, North Carolina (factoring and commerical finance activities; Atlanta, Georgia): to engage, through its subsidiary, NCNB Financial Services, Inc., in making or acquiring loans or other extensions of credit such as would be made by a factoring and commercial finance company, including commercial loans secured by a borrower's inventory, accounts receivable or other accounts, and servicing such loans for others in accordance with the Board's Regulation Y. These activities would be conducted from an office at 2150 Parklake Drive, N.E., Suite 180, Atlanta, Georgia 30345, serving the States of Georgia, Tennesee, Alabama and Mississippi.

B. *Federal Reserve Bank of San Francisco* (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

Correction

This notice corrects a previous Federal Register notice (F.R. Doc. 81-17311) published at page 30890 of the issue for Thursday, June 11, 1981. The location of the proposed service areas has been corrected.

BankAmerica Corporation, San Francisco, California (financing, servicing, and insurance activities; Missouri and Illinois): to engage through its indirect subsidiaries, FinanceAmerica Corporation of Missouri, a Missouri corporation, and FinanceAmerica Credit Corporation, a Delware corporation, in the activities of making or acquiring for their own accounts loans and other extensions of credit such as would be made or acquired by a finance company; servicing such loans and other extensions of credit; and offering credit-related life, credit-related accident and health and credit-related property

insurance. The activities of FinanceAmerica Corporation of Missouri will include, but not be limited to, making consumer installment loans, purchasing installment sales finance contracts, making loans and other extensions of credit to small businesses, and making loans secured by real and personal property. The activities of FinanceAmerica Corporation will include, but not be limited to, making first mortgage residential real estate loans in excess of $2,500. Both corporations will offer credit-related life, accident, and health and property insurance directly related to extensions of credit made or acquired by FinanceAmerica Corporation of Missouri and FinanceAmerica Credit Corporation.

These activities will be conducted from a *de novo* office located in Florissant, Missouri, serving the entire states of Missiouri and Illinois. Comments on this application must be received not later than July 1, 1981.

C. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, June 12, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-18229 Filed 6-18-81: 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Proposed De Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8) and §225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than July 9, 1981.

A. *Federal Reserve Bank of St. Louis* (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

The State First National Bank and Commercial Investment Company, both of Texarkana, Arkansas (leasing; Arkansas, Louisiana, Oklahoma and Texas): to engage, through Commercial Investment Company, in leasing personal property in accordance with the Board's Regulation Y. This activity will be conducted from an office in Texarkana, Arkansas, serving the area within a 75 mile radius of Texarkana.

B. *Federal Reserve Bank of Kansas City* (Thomas M. Hoenig, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

Patrons Bancorporation, Inc., Olathe, Kansas (consumer and commercial lending, and insurance activities; Kansas): to engage, through its *de novo* subsidiary, Patrons Loan Company, in: consumer and commercial lending activities, including the extension of direct loans to consumers, the discount of retail and installment notes or contracts, the origination of SBA guaranteed loans, the origination of guaranteed student loans, the extension of direct loans to dealers for the financing of inventory (floor planning) and working capital purposes; and acting as agent for the sale of credit life and accident and health insurance directly related to its extensions of credit. These activities will be conducted from offices in Olathe, Kansas, principally serving Olathe and the surrounding community.

C. *Federal Reserve Bank of San Francisco* (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

Security Pacific Corporation, Los Angeles, California (financing activities; Florida): to engage, through its subsidiary, Security Pacific Finance Corp., in making or acquiring for its own account or for the accounts of others, loans and extensions of credit, including making consumer installment personal loans, purchasing consumer installment sales finance contracts, making loans to small business and other extensions of credit such as would be made by a factoring company or a consumer finance company. These activities would be conducted from an office of Security Pacific Finance Corp. located in St. Petersburg, Florida, serving the State of Florida.

D. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, June 10, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-18231 Filed 6-18-81: 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Proposed De Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and section 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a heaing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application.

Comments and requests for hearings should identify clearly the specific application to which they relate, and should submitted in writing and received by the appropriate Federal Reserve Bank not later than July 11, 1981.

A. *Federal Reserve Bank of Boston* (Richard E. Randall, Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02106:

Industrial National Corporation, Providence, Rhode Island (mortgage banking and insurance activities; Connecticut, Maine, Massachusetts, New Hampshire, and Vermont): to engage through its subsidiary, Mortgage Associates, Inc., in the activities of making, selling, and servicing residential mortgage loans, and acting as agent for the sale of credit life, accident and health insurance. These activities would be conducted from an office in Bedford, New Hampshire, doing business as Atlantic Mortgage Associates, serving the States of Connecticut, Maine, Massachusetts, New hampshire and Vermont.

B. *Federal Reserve Bank of New York* (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

The Chase Manhattan Corporation, New York, New York, (financing and leasing activities; Ohio, Kentucky, Tennessee, West Virginia and Indiana): to engage through its wholly-owned subsidiary, CCC Holding Inc., in the making or acquiring, for its own account or for the account of others, loans and other extensions of credit such as would be made by a commercial finance, equipment finance or factoring company, including factoring accounts receivable, making advances over-advances on receivables and inventory and business installment lending as well as unsecured of credit; leasing on a full payout basis personal property or acting as agent, broker or adviser in leasing such property, including the leasing of motor vehicles.

These activities will be conducted by a wholly-owned subsidiary of CCC Holding Inc., Chase Commercial Corporation, A Delaware Corporation with its principal office located at 105 E. Fourth Street, Cincinnati, Ohio.

The served market for this Office comprises the States of Ohio, Kentucky, Tennessee, West Virginia and Indiana.

Other Federal Reserve Banks: None.

Board of Governors of the Federal Reserve Systems, June 12, 1981.

D. Michael Manies,

Assistant Secretary of the Board

[FR Doc. 81-18232 Filed 6-18-81; 8:45 am]

BILLING CODE 6210-01-M

Cary-Grove Bancorp, Inc., et al.; Acquisition of Bank

Cary-Grove Bancorp, Inc., Cary, Elk Grove Bancorp, Inc., Elk Grove Village, Hoffman Bancorp, Inc., Hoffman Estates, Meadows Bankcorp, Inc., Rolling Meadows, Suburban Bancorp, Inc., Palatine, Subpal Bancorp, Inc., Palatine, Woodfield Bancorp, Inc., Schaumburg, all of Illinois, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) each to acquire between 11 and 14 percent of the voting shares of Arlington Bancorp, Inc., Arlington Heights, Illinois, and thereby indirectly its subsidiary, Suburban National Bank of Arlington Heights, Arlington Heights, Illinois, a *de novo* bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than July 3, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 11, 1981

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-18210 Filed 6-18-81; 8:45 am]

BILLING CODE 6210-01-M

Michigan National Corp.; Acquisition of Bank

Michigan National Corporation, Bloomfield Hills, Michigan, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares of the successor by merger to The Midwest Bank, Jackson, Michigan. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than July 14, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 15, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-18234 Filed 6-18-81; 8:45 am]

BILLING CODE 6210-01-M

Union Planters International Bank; Corporation To Do Business Under Section 25(a) of the Federal Reserve Act; Establishment of U.S. Branch of a Corporation Organized Under Section 25(a)

An application has been submitted for the Board's approval of the organization of a corporation to do business under section 25(a) of the Federal Reserve Act ("Edge Corporation"), to be known as Union Planters International Bank, Memphis, Tennessee. Union Planters International bank would operate as a subsidiary of Union Planters National Bank of Memphis, Memphis, Tennessee. The proposed corporation has also applied for the Board's approval under section 211.4(c)(1)) to establish a branch in New York, New York. The factors that are considered in acting on the applications are set forth in section 211.4(a) of the Board's Regulation K (12 CFR 211.4(a)).

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the applications should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than July 11, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identify specifically any questions of fact that are in dispute and summarize the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 12, 1981.

D. Michael Maines,

Assistant Secretary of the Board.

[FR Doc. 81-18235 Filed 6-18-81; 8:45 am]

BILLING CODE 6210-01-M

United Bank Corporation of New York; Correction

This notice corrects a previous **Federal Register** document (FR Doc. 81-17319) published at page 30894 of the issue for Thursday, June 11, 1981. The applicant's name was incorrectly listed as United Bank Corporation, and applicant's location was omitted. United

Bank Corporation of New York is located in Albany, New York.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-18236 Filed 6-18-81; 8:45 am]

BILLING CODE 6210-01-M

Detroitbank Corp.; Acquisition of Bank

Detroitbank Corporation, Detroit, Michigan, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares of the successor by consolidation of SNB Bank and Trust, Battle Creek, Michigan. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than July 1, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 16, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-18307 Filed 6-18-81; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL TRADE COMMISSION

Transmittal Rules; Early Termination of the Waiting Period of the Premerger Notification Rules

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: Marvin L. Warner is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of all voting securities of Western Savings Association. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by both parties. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: June 9, 1981.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580, (202) 523-3894.

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register.**

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 81-18220 Filed 6-18-81; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Consumer Participation; Open Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming consumer exchange meeting to be chaired by Frederick R. Carlson, District Director, Boston District Office, Boston, MA.

DATE: The meeting will be held from 10 a.m. to 12:30 p.m., Tuesday, June 30, 1981.

ADDRESS: The meeting will be held at the Post Office and Courthouse Bldg., 2d Floor Conference Rm., Springfield, MA 01101.

FOR FURTHER INFORMATION CONTACT: Yolan L. Harsanyi, Consumer Affairs Officer, Food and Drug Administration, 585 Commercial St., Boston, MA 02109, 617-223-5857.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to encourage dialogue between consumers and FDA officials, to identify and set priorities for current and future health concerns, to enhance understanding and exchange information between local consumers and FDA's Boston District Office, and contribute to the agency's policymaking decisions on vital issues.

Dated: June 12, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-18039 Filed 6-18-81; 8:45 am]

BILLING CODE 4110-03-M

Consumer Participation; Open Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming consumer exchange meeting to be chaired by Frederick R. Carlson, District Director, Boston District Office, Boston, MA.

DATE: The meeting will be held from 10 a.m. to 12:30 p.m., Thursday, June 25, 1981.

ADDRESS: The meeting will be held at the Food and Drug Administration, 585 Commercial St., 2d Floor Conference, Rm., Boston, MA 02109

FOR FURTHER INFORMATION CONTACT: Yolan L. Harsanyi, Consumer Affairs Officer, Food and Drug Administration, 585 Commercial St., Boston, MA 02109, 617-223-5857.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to encourage dialogue between consumers and FDA officials, to identify and set priorities for current and future health concerns, to enhance understanding and exchange information between local consumers and FDA's Boston District Office, and contribute to the agency's policymaking decisions on vital issues.

Dated: June 12, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-18038 Filed 6-18-81; 8:45 am]

BILLING CODE 4110-03-M

Consumer Participation; Open Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming consumer exchange meeting to be chaired by Adam J. Trujillo, District Director, Orlando District Office, Orlando, FL.

DATE: The meeting will be held from 1:30 to 4 p.m., Wednesday, July 1, 1981.

ADDRESS: The meeting will be held at the FDA Orlando District Office, 7200

Lake Ellenor Dr., Rm. 120, Orlando, FL 32809.

FOR FURTHER INFORMATION CONTACT: Lynne C. Isaacs, Consumer Affairs Officer, Food and Drug Administration, P.O. Box 118, Orlando, FL 32802, 305–855–0900.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to encourage dialogue between consumers and FDA officials, to identify and set priorities for current and future health concerns, to enhance understanding and exchange information between local consumers and FDA's Orlando District Office, and to contribute to the agency's policymaking decisions on vital issues.

Dated: June 10, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-17916 Filed 6-18-81; 8:45 am]

BILLING CODE 4110-03-M

Consumer Participation; Open Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming consumer exchange meeting to be chaired by George R. White, District Director, Atlanta District Office, Atlanta, GA.

DATE: The meeting will be held at 10:30 a.m., June 19, 1981.

ADDRESS: The meeting will be held at the Brighton Multipurpose Center, 4100 Main St., Brighton, AL 35020.

FOR FURTHER INFORMATION CONTACT: Janice Moton, Consumer Affairs Officer, Food and Drug Administration, 1182 W. Peachtree St. NW., Atlanta, GA 30309, 404–881–7355.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to encourage dialogue between consumers and FDA officials, to identify and set priorities for current and future health concerns, to enhance understanding and exchange information between local consumers and FDA's Atlanta District Office, and contribute to the agency's policymaking decisions on vital issues.

Dated: June 10, 1981

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-17917 Filed 6-18-81; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 81M-0186]

Miles Laboratories, Inc.; Premarket Approval of BIOSTATOR ® Glucose Controller

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces its approval of the application for premarket approval under the Medical Device Amendments of 1976 of the BIOSTATOR ® Glucose Controller sponsored by Miles Laboratories, Inc., Elkhart, IN. After reviewing the recommendation of the General Hospital and Personal Use Device Section of the General Medical Devices Panel, FDA notified the sponsor that the application was approved because the device has been shown to be safe and effective for use as recommended in the submitted labeling.

DATE: Petitions for administrative review by July 20, 1981.

ADDRESS: Requests for copies of the summary of safety and effectiveness data and petitions for administrative review may be sent to the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Henry Goldstein, Bureau of Medical Devices (HFK–402), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7445.

SUPPLEMENTARY INFORMATION: On October 6, 1981, Miles Laboratories, Elkhart, IN 46515, submitted to FDA an application for premarket approval of the BIOSTATOR ® Glucose Controller, a closed loop, feedback controlled device for the achievement and maintenance of selected blood glucose levels. The application was reviewed by the General Hospital and Personal Use Device Section of the General Medical Devices Panel, an FDA advisory committee, which recommended approval of the application. On May 28, 1981, FDA approved the application by a letter to the sponsor from the Acting Director of the Bureau of Medical Devices.

A summary of the safety and effectiveness data on which FDA's approval is based is on file in the Dockets Managements Branch (address above) and is available upon request from that office. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

Opportunity for Administrative Review

Section 515(d)(3) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360e(d)(3) authorizes any interested person to petition under section 515(g) of the act (21 U.S.C. 360e(g)) for administrative review of FDA's decision to approve this application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the application and of FDA's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration of FDA action under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the Federal Register. If FDA grants the petition, the notice will state the issues to be reviewed, the form of review to be used, the persons who may paticipate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before July 20, 1981, file with the Dockets Management Branch (address above), four copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: June 10, 1981

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-17915 Filed 6-18-81; 8:45 am]

BILLING CODE 4110-01-M

[Docket Nos. 78N-0434, 78N-0436]

Ivy-Reed Co., Inc., Syntex Laboratories, Inc., and Mattox & Moore, Inc.; Estradiol Benzoate; Steer-Oid, Synovex-S, Synovex-H, and Esmopal; Reopening of Administrative Record; Extension of Comment Period

AGENCY: Food and Drug Administration.

ACTION: Notice; Extension of comment period.

SUMMARY: The Food and Drug Administration (FDA) is extending the period for submitting comments on the issues set forth in a notice published in the **Federal Register** of May 1, 1981 (46 FR 24694).

DATE: Comments are to be submitted by August 18, 1981.

ADDRESS: Written comments to the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Neal Castagnoli, Special Assistant to the Commissioner (HF–4), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4970.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of May 1, 1981 (46 FR 24694), FDA announced the reopening of the administrative record concerning the notices of opportunity for hearing issued by the Bureau of Veterinary Medicine proposing to refuse approval of a new animal drug application (NADA) and to withdraw approval of NADA's on the grounds that the products are not shown to be safe. All the applications concerned the use of products containing estradiol benzoate in combination with progesterone, testosterone propionate, and estradiol monopalmitate for use in food-producing animals. FDA requested comments by all participants and interested persons on the issues set forth in that notice. Written comments were to be submitted by June 30, 1981.

FDA has received a request to extend the comment period to allow time for comment on additional material being placed at this time in the administrative file.

After carefully evaluating the request, FDA has concluded that an extension is appropriate to provide adequate time to prepare responses to the notice. FDA recognizes the significance of the issues involved in this matter and wishes to ensure that all interested parties have a fair amount of time for comment. Therefore, FDA has concluded that the comment period should be extended to August 18, 1981.

Interested persons may, on or before August 18, 1981 submit to the Dockets Management Branch (address above), written comments regarding this notice. Four copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: June 12, 1981.

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-18175 Filed 6-18-81; 8:45 am]

BILLING CODE 4110-03-M

Health Resources Administration

Title XV of the Public Health Service Act, National Health Planning and Development; Delegations of Authority

Notice is hereby given that in furtherance of the delegation of March 19, 1981, by the Acting Assistant Secretary for Health to the Administrator, Health Resource Administration (46 FR 19324), of the authorities under Title XV of the Public Health Service Act (42 U.S.C. 300k *et seq.),* as amended, pertaining to national health planning and development, the Acting Administrator, Health Resources Administration, has made the following delegations of authority under Title XV of the Public Health Service Act, as amended:

1. Delegation from the Acting Administrator, Health Resources Administration, to the Regional Health Administrators of:

a. Authority under Section 1514 to provide technical assistance to entities desiring to be designated as health systems agencies.

b. Authority under Section 1516(a) to make grants to designated health systems agencies to assist in the performance of the functions of the agencies.

c. Authority under Section 1516(c)(2) to reduce the amount of grants to designated health systems agencies after reviewing the agency budget and after consulting with the State Agency.

d. Authority under Section 1516(d)(2) to issue discretionary funding grants to health systems agencies.

e. Authority under Section 1521(b)(4)(A) to provide health systems agencies with an opportunity to comment on the performance of State Agencies and on whether State Agency agreements should be renewed.

f. Authority under Section 1522(c) to approve State administrative programs and any modifications to such State programs, and the authority to conduct the review for compliance of each approved State program.

g. Authority under Section 1523(b)(1) to approve requests by the State Governors to enter into agreements for performance of functions by another agency of the State government.

h. Authority under Section 1525(a) and Section 1525(b) to make grants to State Agencies to assist in meeting the costs of their operations.

i. Authority under Section 1532(a) to approve exceptions to review procedures and to approve use of criteria by health systems agencies in their reviews under subsections (e), (f), and (g) of Section 1513, and by State Agencies in their reviews under Section 1532.

j. Authority under Section 1533(a)(1) and Section 1533(a)(3) to provide technical assistance to designated health systems agencies and State Agencies in developing health plans, and the authority to provide technical assistance concerning the performance of functions of designated health systems agencies and State Agencies. This does not include the authority to develop or publish the materials specified under Section 1533(b).

k. Authority under Section 1534(a) to provide technical and consulting assistance to designated health systems agencies and State Agencies to conduct research studies and analyses of health planning and resources development, and the authority to assist entities in developing new centers and operating existing and new centers for multidisciplinary health planning development and assistance. This does not include the authority to make grants or contracts under Section 1534(a).

l. Authority under Section 1535(a) to review and approve or disapprove the annual budget of each designated health systems agency and State agency.

m. Authority under Section 1535(c) and Section 1535(d) to review the structure, operation, and performance of the functions of designated health systems agencies and State Agencies.

These delegated authorities may be redelegated to officials within the Regional Offices, with further redelegation prohibited.

2. Delegation from the Acting Administrator, Health Resources Administration, to the Director, Bureau of Health Planning, Health Resources Administration, of the authority which was delegated to the Administrator, Health Resources Administration, under Title XV of the Public Health Service Act, as amended, excluding the authority delegated to the Regional Health Administrators, as specified in item 1 above, and the following authorities which the Administrator, Health Resources Administration, retains:

a. Authority under Section 1501(a) through Section 1501(d) concerning national guidelines for health planning.

b. Authority under Section 1502 concerning national health priorities.

c. Authority under Section 1511(b)(3)(B) and Section 1511(b)(4) concerning revisions of health services area boundaries.

d. Authority under Section 1513(e)(2) to make Federal funds available for proposed uses, notwithstanding the disapproval of the health systems agency, as such funds pertain to the administration of programs and functions assigned to the Health Resources Administration.

e. Authority under Section 1521(d)(2) to take the necessary action to reduce the amount of Federal funds to a State once the Secretary has determined that a State Agency for a State is ineligible for designation under Section 1521(b)(3) as such funds pertain to the administration of programs and functions assigned to the Health Resources Administration.

f. Authority under Section 1524(c)(6) to make Federal funds available for proposed uses, notwithstanding a recommendation of a Statewide Health Coordinating Council to disapprove a State plan or application, as such funds pertain to the administration of programs and functions assigned to the Health Resources Administration.

g. Authority to review annually the Federal regulations promulgated under Section 1532, and the authority to provide opportunity for submission of comments from and to consult with health systems agencies, State Agencies, and Statewide Health Coordinating Councils on the need to revise such regulations.

These authorities may be redelegated, with further redelegation prohibited.

Provision has been made that the following authorities under Title XV of the Public Health Service Act, as amended, are to be coordinated among the following officials:

a. Authority under Section 1501(e)(1) to collect data to determine whether the health care delivery systems meet or are changing to meet the goals included in health systems plans and State health plans is to be coordinated by the Director, Bureau of Health Planning, with the Associate Administrator for Planning, Evaluation, and Legislation, Health Resources Administration.

b. The authority to provide technical assistance, technical materials and the methodologies, policies, and standards necessary to carry out Section 1514, Section 1533(a), and Section 1534(a) is to be coordinated by the Director, Bureau of Health Planning, Health Resources Administration, with the Regional Health Administrators.

c. Provisions set forth under Title XV pertaining to the development and implementation of the health facilities portion of the State health plans and related health systems plans, and Annual Implementation Plans are to be coordinated by the Director, Bureau of Health Planning, Health Resources Administration, with the Director, Bureau of Health Facilities, Health Resources Administration.

d. Provisions set forth under Title XV which link the health facilities portion of the state health plan to mandatory sanctions which apply to the State health plans are to be coordinated by the Director, Bureau of Health Planning, Health Resources Administration, with the Director, Bureau of Health Facilities, Health Resources Administration.

The April 20, 1979, delegation (44 FR 25930–25931), from the Acting Administrator, Health Resources Administration, to the Regional Health Administrators and to the Director, Bureau of Health Planning, Health Resources Administration, has been superseded.

These delegations became effective on June 9, 1981.

Robert Graham, M.D.,

Acting Administrator, Health Resources Administration.

[FR Doc. 81-18254 Filed 6-18-81; 8:45 am]

BILLING CODE 4110-83-M

Public Health Service

National Center for Health Care Technology; Filing of Annual Report of Federal Advisory Committee

Notice is hereby given that pursuant to section 13 of the Federal Advisory Committee Act (Pub. L. 92–463), the FY 80 Annual Report for the National Council on Health Care Technology has been filed with the Library of Congress.

Copies are available to the public for inspection at the Library of Congress, Special Forms Reading Room, Main Building, or weekdays between 9:00 a.m. and 4:30 p.m. at the Department of Health and Human Services, Department Library, North Building, Room 1436, 330 Independence Avenue, S.W., Washington, D.C. 20201, Telephone (202) 245–6791. Copies may be obtained from Mrs. Hilda Stofko, Executive Secretary, National Council on Health Care Technology, Room 17A–29, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone (301) 443–4097.

Dated: June 11, 1981.

Wayne C. Richey, Jr.,

Acting Executive Secretary Office of Health Research, Statistics, and Technology.

[FR Doc. 81-18174 Filed 6-18-81; 8:45 am]

BILLING CODE 4110-85-M

DEPARTMENT OF THE INTERIOR

Geological Survey

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: U.S. Geological Survey, Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that Diamond Shamrock Corporation has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS–G 3419, Block 116, Main Pass Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: June 11, 1981.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region

[FR Doc. 81-18172 Filed 6-18-81; 8:45 am]

BILLING CODE 4310-31-M

Bureau of Land Management

New Mexico; Designation of an Area of Critical Environmental Concern

June 5, 1981.

The Bureau of Land Management (BLM), Socorro District Office, New Mexico, has recently completed a study of the Arroyo del Tajo Pictograph Site for potential designation as an Area of

Critical Environmental Concern (ACEC). The study involved amending the Stallion Management Framework Plan, including environmental analysis as an integral part of the planning process.

The Arroyo del Tago Pictograph Site is located east of Socorro in an area of rugged granitic ridges and steep-walled arroyos characterized by natural sink holes called "tinajas." The study area encompasses approximately 1280 acres of BLM-administered surface and mineral estate in central Socorro County.

The Arroyo del Tajo Pictograph Site is the only known pictograph location related to the Piro Indian culture which dissolved after the Pueblo Revolt of 1680 A.D. The site is being considered for nomination to the National Register of Historic Places. The box canyon above the site is highly scenic.

Study of the potential designation and alternatives revealed no significant social, economic, environmental or institutional impacts from designation. However, management as an ACEC would involve closure of the area to off-road vehicle (ORV) use and segregation from mineral entry of 200 acres immediately surrounding the pictograph site.

After thorough consideration of recommendations from the Socorro District BLM staff, environmental assessment, and comments of support from the general public received in response to the February 20, 1981 **Federal Register** notice of intent, the Socorro District Manager has decided to amend the Management Framework Plan to designate 1280 acres in the Jornada Resource Area as the "Tinajas Area of Critical Environmental Concern" to protect the important cultural resource known as the Arroyo del Tajo Pictograph Site. This decision has received the concurrence of the New Mexico State Director of the BLM.

If you wish to protest this decision you have 30 days from the date of publication of this notice to file your protest in writing. The protest must include:

1. Your name, mailing address, telephone number and your interest in filing the protest;
2. A statement of the issue or issues being protested;
3. A statement of the part or parts of the plan amendment being protested;
4. A copy of all documents addressing the issue or issues that were submitted during the planning process, or an indication of the date the issue or issues were discussed for the record; and
5. A short, concise statement explaining why the District Manager's decision is wrong.

The protest should be sent to the State Director (921), U.S. Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87501.

The State Director will promptly render a decision on each valid protest. Each protesting party will be informed of the decision and the reasons for the decision on his or her protest.

Documents pertaining to the analysis and conclusions reached by the District Manager may be reviewed at the Socorro District Office, 198 Neel Avenue NW., P.O. Box 1217, Socorro, New Mexico 87801.

Arlen P. Kennedy,

Socorro District Manager.

[FR Doc. 81-18169 Filed 6-18-81; 8:45 am]

BILLING CODE 4310-84-M

Outer Continental Shelf Advisory Board; South Atlantic Regional Technical Working Group; Meeting

The Outer Continental Shelf Advisory Board's South Atlantic Regional Technical Working Group meeting scheduled for June 25, 1981, in New Orleans, Louisiana, will not be held. The meeting was announced in the **Federal Register** on May 20, 1981 (Vol. 46, No. 97).

H. P. Sieverding,

Acting Manager, New Orleans, Outer Continental Shelf Office.

June 12, 1981.

[FR Doc. 81-18170 Filed 6-18-81; 8:45 am]

BILLING CODE 4310-84-M

Rock Springs Advisory Council; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of meeting of the Rock Springs Advisory Council.

SUMMARY: This notice sets forth the schedule and proposed agenda of a meeting of the Rock Springs District Advisory Council. Notice of this meeting is required under 43 CFR, Part 1780.

DATES: Field Trip July 9, 1981, 9:30 a.m. until 4:00 p.m. Meeting July 10, 1981, 9:30 a.m. until 4:00 p.m.

ADDRESSES: Field Trip July 9, 1981: meet at BLM Kemmerer Resource Area Office, Diamondville, Wyoming, 9:30 a.m. Meeting July 10, 1981: Grade School, 1401 Lincoln Hts. Drive, Kemmerer, Wyoming, 9:30 a.m.

FOR FURTHER INFORMATION CONTACT: Donald H. Sweep, District Manager, Rock Springs District, Bureau of Land Management, P.O. Box 1869, Rock Springs, Wyoming 82901 (307-382-5350).

SUPPLEMENTARY INFORMATION: The agenda for the meeting will include:

1. Review of minutes from May 14, 1981, meeting.
2. Discussion of July 9, 1981 field trip.
3. Public comment period (between 1:30 and 2:30 p.m.).
4. Discussion of items of interest for future meetings.
5. Arrangements for the next meeting.

The meeting and field trip are open to the public. Individuals wishing to go on the field trip will be expected to provide their own vehicle suitable for travel over rough, unpaved roads and surfaces. The field trip will examine a variety of impacts associated with increased development in the Overthrust Belt area.

Anyone interested in addressing the council may either make an oral statement during the public comment period or file a written statement prior to the July 10, 1981 meeting. Depending on the number of persons wishing to make oral statements, a per person time limit may be established by the District Manager.

Summary minutes of the meeting will be maintained in the District Office and be available for public inspection and reproduction during regular business hours.

Jerry K. Ostrom,

Assistant District Manager.

[FR Doc. 81-18168 Filed 6-18-81; 8:45 am]

BILLING CODE 4310-84-M

Spokane District Advisory Council; Meeting Postponement

Notice is hereby given in accordance with Pub. L. 95-579 and 43 CFR Part 1780 that a meeting of the Spokane District Advisory Council scheduled for June 11, 1981, has been postponed.

The date had to be changed in order to avoid conflicts in the personal schedules of several council members and also because the resignation of the council chairman has been presented to and accepted by the District Manager.

The council meeting will be held Tuesday, June 23, 1981, at 9:00 a.m., in Room 752 of the U.S. Court House, West 920 Riverside, Spokane, WA.

The agenda for the meeting is:

1. Discussion of the Oregon State Office Program Priority Guides.
2. District Manager's Draft Decisions for Step 3 of the Management Framework Plan for Benton and Franklin Counties.
3. Discussion of the Pasco, Washington, public meeting held April 30.
4. General discussion of unfinished and new business.

5. Next meeting's agenda.

The meeting is open to the public and news media. Interested persons may may oral statements to the council between 3:00 and 4:00 p.m., or file written statements for the council's consideration with the Spokane District Office of the BLM. Anyone wishing to make oral statements should notify the District Manager, Bureau of Land Management, Room 551, U.S. Court House, Spokane, WA 99201, telephone (509) 456–2570, by close of business, 4:30 p.m., June 19. Depending on the number of persons wishing to make oral statements, a per person time limit may be established by the District Manager.

A report of the council meeting will be maintained at the District Office and made available for public inspection and reproduction at the cost of duplication.

Roger W. Burwell,

District Manager.

June 5, 1981.

[FR Doc. 81-18171 Filed 6-18-81; 8:45 am]

BILLING CODE 4310-84-M

Utah; Intensive Wilderness Inventory Decision in Effect

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: On May 29, 1981 the Interior Board of Land Appeals (IBLA) dismissed the appeals on Wilderness Inventory units UT–040–255—Upper Kanab Creek and UT–060–194—Harmony Flat. The appellant failed to file a Statement of Reasons for their appeal. Therefore, the Utah State Director's decision as originally published in the November 14, 1980 **Federal Register** (vol. 45, No. 222) is now in effect. In the decision, the two inventory units were found to lack wilderness characteristics and are no longer subject to management restrictions imposed by section 603 of Pub. L. 94–579. The two inventory units are dropped from further wilderness consideration.

Also, on May 29, 1981 the Interior Board of Land Appeals (IBLA) dismissed an appeal on wilderness inventory units UT–040–075—Horse Spring Canyon, UT–060–205A—Arch Canyon, and UT–060–205B—Mule Canyon. The appellant failed to file a Statement of Reasons for their appeals on these units. The units will, however, remain under management restrictions imposed by section 603 of Pub. L. 94–579 pending the resolution of a separate appeal to IBLA covering the same inventory units.

FOR FURTHER INFORMATION CONTACT: Kent Biddulph, Utah BLM Wilderness Coordinator, (801) 524–5326.

Dated: June 10, 1981.

Gerald Magnuson,

Acting State Director.

[FR Doc. 81-18167 Filed 6-18-81; 8:45 am]

BILLING CODE 4310-84-M

[Survey group 701]

Colorado; Filing of Plat of Survey

June 12, 1981.

Plat of survey of the following described lands accepted May 28, 1981 will be officially filed in the Colorado State Office, Bureau of Land Management, Denver, Colorado, effective August 7, 1981.

Sixth Principal Meridian

T. 7 S., R. 101 W.

Plat of Survey, in three sheets, representing the dependent resurvey of the south boundary, and the east and west boundaries; survey of the Sectional Correction Line, an independent resurvey of the subdivisional lines and the metes-and-bounds survey of Tract Nos. 37 through 43.

This survey was executed to meet certain administrative needs of the Bureau.

All inquiries about this land should be sent to the Colorado State Office, Bureau of Land Management, 2000 Arapahoe Street, Denver, Colorado 80205.

George C. Hinton,

Chief, Public Affairs.

[FR Doc. 81-18253 Filed 6-18-81; 8:45 am]

BILLING CODE 4310-84-M

Realty Action Leasing of Public Lands in the Utility Corridor Alaska

This Notice of Realty Action involves long term leases on public lands administered by the Bureau of Land Management in Alaska. The leases are intended to authorize construction and operation of public service facilities along the James Dalton Highway north of the Yukon River. The highway was opened by the State of Alaska to public travel as far north as Dietrich Camp on June 1, 1981, and seasonally will close again on September 1, 1981.

The sites examined and found suitable for leasing under provisions of Section 302 of the Federal Land Policy and Management Act (FLPMA), of 1976, and 43 CFR Part 2920, are at the Yukon Crossing and the Coldfoot Camp areas. The general legal descriptions of the sites are within the areas described as follows:

Yukon Crossing

Township 12 North, Range 11 West, Sections 1 and 2, Fairbanks Meridian, Alaska.

Coldfoot camp

Township 28 North, Range 12 West, Section 15, Fairbanks Meridian, Alaska.

More detailed description of the authorized tracts will be provided at the time of lease issuance. The sites will be leased on a competitive basis, and applications will only be accepted at the Fairbanks Bureau of Land Management District Office at Fort Wainwright from June 22 to August 21, 1981. Applications may be hand carried to the office or mailed to the BLM Yukon Area Manager, P.O. Box 1150, Fairbanks, Alaska 99707. The appraised rental on the sits is $20.25 per acre per year at the Yukon Crossing site, and $25.75 per acre per year at the Coldfoot Camp site. Applications must include the intended acreage (maximum of 20 acres at each site) as part of the overall proposal. No application will be accepted for less than the appraised price per acre. In addition, the selected leassee(s) shall reimburse the United States for resonable administrative and other costs incurred by the United States in processing the lease(s) and for monitoring construction, operation, maintenance, and rehabilitation of the facilities authorized. The reimbursement of costs shall be in accordance with the provisions of 43 CFR 2803.1–1.

All applications must include a reference to this notice and a complete description of the proposed facilities and services to be offered. Such development plan must be in sufficient detail to allow evaluation of the feasibility of the proposed land use, impacts on the environment, public benefits from the land use, and the appromiate cost of the proposal. this can be accomplished by providing details of the proposed use and activities; a description of all facilities and access needs; a map of sufficient scale to be legiable; a legal description of proposed project location (acreage); schedule of facilitiy construction; and any other information that may aid in evaluating the proposal. Applicants may be required to furnish evidence satisfactory to the Bureau that they have, or prior to commencement of construction, will have the technical and financial capability to construct, operate, maintain and terminate the project for which authorization is requested.

For more details of application content, refer to 43 CFR 2920, copies of which are available at the BLM

Fairbanks District Office, Yukon Resource Area. Also, available is information on what minmum and maximum services are planned, terms and conditions that will apply to the lease(s), location maps, evaluation criteria, etc. The Environmental Assessment concerning facilities along the road is also available for review.

For a period of 30 days from the date of last public review of this notice, interested parties may submit comments to the District Manager, Bureau of Land Management, P.O. Box 1150, Fairbanks, Alaska 99701. Any adverse comments will be evaluated by the District Manager who may vacate or modify this Realty Action and issue a final determination. In the absence of any action by the District Manager, this Realty Action will become the final determination of the Bureau.

Carl D. Johnson,

District Manager.

[FR Doc. 81-18250 Filed 6-18-81; 8:45 am]

BILLING CODE 4310-84-M

Bureau of Reclamation

Proposed Downstream Riverbank Stabilization Program, Grand Coulee Dam, Wash.; Public Hearing on a Draft Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement for the Proposed Downstream Riverbank Stabilization, Grand Coulee Dam, Washington. This statement (INT DES 81-21, dated May 29, 1981) was made available to the public on that date.

This statement analyzes the environmental consequences of a proposal by the Bureau of Reclamation to utilize a combination of stabilizaton methods to reduce the possibility of historic landslides below Grand Coulee Dam being aggravated by river fluctuations resulting from the full operation of the new Third Powerplant. The banks of the Columbia River for approximately six miles downstream from Grand Coulee Dam are included in the proposal.

Stabilization methods proposed include reshaping and armoring riverbanks in some areas, and use of pumped wells, drainage shafts or tunnels. Relocation of people will be kept to a minimum. A mobile home park in the Coulee Dam East area will be relocated. Several alternatives are also presented with varying amounts of relocation.

A wildlife mitigation plan will compensate for the loss of wildlife habitat and annual losses to the upland game bird population associated with stabilization program activities. The program is scheduled to begin in 1982 with completion of most of the construction in about four years.

Principal environmental consequences of the program would be the long-term changes of the land form from reshaping and armoring the riverbanks, quarrying from local quarry sites, stockpiling of rip-rap, and the placing of excess material north of the community of Seaton's Grove. Over 100 pumped wells will be developed and an equal number of monitor wells will be required. Groundwater conditions would be altered in the short term, but necessary water supplies would be replaced in the long term. The affected environment is described, and the nature and impacts of alternative courses of action are also presented.

The public hearing will be held in the Coulee Dam City Hall, Coulee Dam, Washington, Tuesday, July 21, 1981, at 7:30 p.m. The hearing is provided to receive views and comments from interested organizations and individuals relating to the environmental impacts of the proposed action. Oral statements at the hearing will be limited to a 10-minute period for each individual. Speakers will be encouraged not to trade their time to obtain a longer oral presentation; however, the person authorized to conduct the hearing may allow any speaker to provide additional oral comments after all persons desiring to comment have been heard. The speaking order at the hearing will be determined by the order in which the letter requests are received by the Bureau. Requests for scheduled presentation will be accepted up until 5:00 p.m., on July 17, 1981. Requests to make oral statements will also be accepted at the hearing, and persons making those requests will be permitted to speak for 10 minutes on a first-come-first-served basis after each person who submitted a letter request has been permitted to make an initial presentation.

Organizations or individuals desiring to present their statements at the hearing should write to the Regional Director, Attention: Code 150, Pacific Northwest Region, Bureau of Reclamation, Department of the Interior, Box 043, 550 West Fort Street, Boise, Idaho 83724, or telephone (208) 334-1208 and announce their intention to participate. Written comments for the hearing record from those unable to attend and those wishing to supplement their oral presentation at the hearing should be received by July 28, 1981.

Dated: June 12, 1981.

Aldon D. Nielsen,

Acting Assistant Commissioner, Bureau of Reclamation.

[FR Doc. 81-18183 Filed 6-18-81; 8:45 am]

BILLING CODE 4310-09-M

Contract Negotiations With Almena Irrigation District No. 5; Intent To Begin Contract Amendment Negotiations for Deferment of the 1981 Construction Charge and its Subsequent Repayment

The Department of the Interior, through the Regional Director of the Lower Missouri Region, Bureau of Reclamation (Bureau), intends to begin negotiations with the Almens Irrigation District for deferment of the 1981 construction charge and its subsequent repayment. The district is located in northcentral kansas with its headquarters located in Almena, Kansas.

The extremely low storage condition of Keith Sebelius Lake (Norton Reservoir) in 1979 and again in 1980, and the subsequent delivery of only 1,126 acre-feet of water during the 1980 irrigation season has imposed an undue burden upon the irrigators of the Almena Irrigation District. The Almena Irrigation District is, therefore, seeking a deferment of the $15,570 annual construction charge due in 1981 and proposing to repay the deferment in equal annual payments of $432.50 over the remaining 36 years of the existing contract. The deferment is being negotiated in compliance with the Act of September 21, 1959 (73 Stat. 584), Pub. L. 86-308.

All meetings scheduled by the Bureau with the district for the purpose of discussing terms and conditions of the propsed contract shall be open to the general public as observers. Advance notice of the meetings shall be furnished to those parties having previously furnished a written request for such notice at least 1 week prior to the meeting.

The public is invited to submit written comments on the form of the proposed contract not later than 30 days after the completed contract draft is delared to be available to the public. In the event little or no public interest is evidenced in the negotiations, as gauged by response to this notice or local publicity, the availability of the proposed contract for public review and comment will not be publicized further through the **Federal Register** or other media.

Written comments and requests for information should be directed to Mr. Robert D. Kutz, project Manager, Bureau of Reclamation, P.O. Box 1607, Grand Island, Nebraska 68801, telephone (308) 382-3660. All written correspondence made available in response to public request will be governed by the Freedom of Information Act, as amended.

Dated: June 12, 1981.

Aldon D. Nielsen,

Acting Assistant Commissioner, Bureau of Reclamation.

[FR Doc. 81-18315 Filed 6-18-81; 8:45 am]

BILLING CODE 4310-09-M

Contract Negotiations With Kirwin Irrigation District No. 1; Intent To Begin Contract Amendment Negotiations for Deferment of the 1981 Construction Charge and Its Subsequent Repayment

The Department of the Interior, through the Regional Director of the Lower Missouri Region, Bureau of Reclamation (Bureau), intends to begin negotiations with the Kirwin Irrigation District (district) for deferment of the 1981 construction charge and its subsequent repayment. The district is located in northcentral Kansas with its headquarters in Gaylord, Kansas.

The low inflow and storage condition of Kirwin Reservoir for 1978, 1979, and again in 1980, and the subsequent delivery of only 7,234 acre-feet of water during the 1980 irrigation season, has imposed undue burden upon the irrigators of the district. The district is, therefore, seeking a deferment of its $29,758 annual construction charge due in 1981 and proposing to repay the deferment in equal annual payments of about $1,594 over the remaining 23 years of the existing contract. The deferment is being negotiated in compliance with the Act of September 21, 1959 (73 Stat. 584), Pub. L. 86-308.

All meetings scheduled by the Bureau with the district for the purpose of discussing terms and conditions of the proposed contract shall be open to the general public as observers. Advance notice of the meetings shall be furnished to those parties having previously furnished a written request for such notice at least 1 week prior to the meeting.

The public is invited to submit written comments on the form of the proposed contract not later than 30 days after the complete draft contract is declared to be available to the public. In the event little or no public interest is evidenced in the negotiations, as gauged by the response to this and other public notification of the availability of the proposed contract for public review and comment, further notice will not be publicized through the **Federal Register** or other media.

Written comments and requests for information should be directed to Mr. Robert D. Kutz, Project Manager, Bureau of Reclamation, P.O. Box 1607, Grand Island, Nebraska 68801, telephone (308) 382-3660. All written correspondence made available in response to public requests will be governed by the Freedom of Information Act, as amended.

Dated: June 12, 1981.

Aldon D. Nielsen,

Acting Assistant Commissioner, Bureau of Reclamation.

[FR Doc. 81-18316 Filed 6-18-81; 8:45 am]

BILLING CODE 4310-09-M

INTERSTATE COMMERCE COMMISSION

Agricultural Cooperative; Intent To Perform Interstate Transportation for Certain Nonmembers

Dated: June 10, 1981.

The following Notices were filed in accordance with section 10526(a)(5) of the Interstate Commerce Act. These rules provide that agricultural cooperatives intended to perform nonmember, non-exempt, interstate transportation must file the Notice, form BOP-102, with the Commission within 30 days of its annual meeting each year. Any subsequent change concerning officers, directors, and location of transportation records shall require the filing of a supplemental Notice within 30 days of such change. The name and address of the agricultural cooperative, the location of the records, and the name and address of the person to whom inquiries and correspondence should be addressed, are published here for interested persons. Submission of information that could have bearing upon the propriety of a filing should be directed to the Commission's Office of Consumer Protection, Washington, D.C. 20423. The Notices are filed in Ex Parte No. MC-75 (Sub No. 1) and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

Complete Legal Name of Cooperative Association or Federation of Cooperative Associations: Clover Growers, Inc.
Principal Mailing Address (Street No., City, State, and Zip Code): Rt. 2, Box 614, Clover, SC 29710.
Where Are Records of Your Motor Transportation Maintained (Street No., City, State and Zip Code): Rt. 2, Box 614, Clover, SC 29710.
Person To Whom Inquiries and Correspondence Should Be Addressed (Name and Mailing Address): C. Barrett Stone, Rt. 2, Box 614, Clover, SC 29710.
Complete Legal Name of Cooperative Association or Federation of Cooperative Associations: Fur Breeders Agricultural Cooperative.
Principal Mailing Address (Street No., City, State, and Zip Code): P.O. Box 295, Midvale, UT 84047.
Where Are Records of Your Motor Transportation Maintained (Street No., City, State and Zip Code): P.O. Box 295, 8400 South 800 West, Midvale, UT 84047.
Person To Whom Inquiries and Correspondence Should Be Addressed (Name and Mailing Address): Irene Warr, Suite 280, 311 South State St., Salt Lake City, UT 84111.
Complete Legal Name of Cooperative Association or Federation of Cooperative Associations: Gold Kist Inc.
Principal Mailing Address (Street No., City, State, and Zip Code): P.O. Box 2210, Atlanta, GA 30301.
Where Are Records of Your Motor Transportation Maintained (Street No., City, State and Zip Code): 500 West Washington St., Thomasville, GA 31792.
Person To Whom Inquiries and Correspondence Should Be Addressed (Name and Mailing Address): Thomas L. Melton, P.O. Box 2210, Atlanta, GA 30301.
Complete Legal Name of Cooperative Association or Federation of Cooperative Associations: Neillsville Co-Op Transport.
Principal Mailing Address (Street No., City, State, and Zip Code): Box 30, Neillsville, WI 54456.
Where Are Records of Your Motor Transportation Maintained (Street No., City, State and Zip Code): P.O. Box 30, Neillsville, WI 54456.
Person To Whom Inquiries and Correspondence Should Be Addressed (Name and Mailing Address): L. H. Fankhauser, Box 30, Neillsville, WI 54456.

James H. Bayne,

Acting Secretary.

[FR Doc. 81-18290 Filed 6-18-81; 8:45 am]

BILLING CODE 7035-01-M

Intent To Engage in Compensated Intercorporate Hauling Operations

This is to provide notice as required by 49 U.S.C. 10524(b)(1) that the named corporations intend to provide or use compensated intercorporate hauling operations as authorized in 49 U.S.C. 10524(b).

1. Parent corporation and address of principal office: Carlile and Howell, Inc., 2615 East End Blvd., S., P.O. Box 1689, Marshall, Texas 75670.

2. Wholly-owned subsidiaries which will participate in the operations, and States of incorporation:

(i) Marshall Exploration, Inc., a Texas corporation

(ii) Martex Drilling Company, a Texas corporation
(iii) H & C Well Service, Inc., a Texas corporation
(iv) Carlile and Howell Properties, Inc., a Texas corporation

1. Parent corporation and address of principal office: Creative Foam Corporation, P.O. Box 228, 511 Beach Street, Fenton, Michigan 48430.

2. Wholly-owned subsidiaries which will participate in the operations, and State(s) of incorporation:

(i) Upward Manufacturing, 1560 East Grand Boulevard, Detroit, Michigan 48211

(ii) C.F.C. Pattern & Plastics, Inc., 3125 Thompson Road, Fenton, Michigan 48430

1. Parent organization and address of principal office: Thomas and Katherine Friday, husband and wife, c/o Spruce River Lumber Company, Inc., P.O. Box 2673, Thunder Bay, Ontario P7B 5G2 Canada.

2. Wholly-owned subsidiaries which will participate in the operations, and States of incorporation:

(i) Spruce River Lumber Company, Inc., a corporation organized under the laws of the Province of Ontario, Canada
(ii) Spruce River Transport, Inc., a corporation organized under the laws of the Province of Ontario, Canada

1. Parent corporation and address of principal office: Gulf & Western Industries, Inc., 1 Gulf & Western Plaza, New York, New York 10023.

2. Wholly-owned subsidiaries which will participate in the operations, and address of their respective principal offices:

(a) Simmons U.S.A. Corporation, 6 Executive Park Drive, Atlanta, Georgia 30329
(b) Simmons Manufacturing Co., 6 Executive Park Drive, Atlanta, Georgia 30329
(c) Simmons Universal Corporation, 15 Columbus Circle, New York, New York 10023
(d) Gulf & Western Casket Corporation, 372 Washington Street, Wellesley Hills, Mass. 02181
(e) Greeff Fabrics, Inc., 150 Midland Avenue, Port Chester, New York 10573
(f) Artisan House, Inc., 1755 Glendale Blvd., Los Angeles, California 90026
(g) Bloomcraft, Inc., 295 Fifth Avenue, New York, New York 10016
(h) Katzenbach & Warren, Inc., 950 Third Avenue, New York, New York 10022
(i) Raymor/Moreddi, Inc., 734 Grand Avenue, Ridgefield, New Jersey 07657
(j) Albert Van Luit & Co., 4000 Chevy Chase Drive, Los Angeles, California 90039
(k) Birmingham Ornamental Iron Co., Inc., Highway 79 North, Pinson Valley Parkway, Birmingham, Ala. 35201
(l) Debu/Flair, Inc., 20100 South Alameda, Compton, Cal. 90220
(m) Ronkonkoma Wallpaper Corp., 934 Easton Street, Ronkonkoma, New York 11779
(n) Old Stone Mill Corp., 1 Grove Street, Adams, Mass. 01220
(o) Gulf & Western Healthcare, Inc., 927 Lake Road, Medina, Ohio 44526
(p) Selig Manufacturing Co., 54 Green Street, Leominster, Mass. 01453
(q) Simmons Juvenile Products, Co., Inc., 613 East Beacon Avenue, New London, Wisc. 54961
(r) Thonet Industries, Inc., 491 Princess Street, York, Penn. 17405
(s) Kayser-Roth Hosiery, Inc., 2303 W. Meadowview Road, Greensboro, North Carolina
(i) No Nonsense Fashions Division
(ii) Interwoven Division
(iii) Kayser-Roth Socks Division
(iv) KR Branded Products Division
(v) McLaurin Corp. Division
(t) Rolane Corporation, 1006 Howard Street, Greensboro, North Carolina
(u) Colonial Corporation, 507 Adams, Woodbury, Tennessee
(v) A.J. Schneierson & Son, Inc., 261 Madison Avenue, New York, New York

1. Parent corporation and address of principal office: Tumac Lumber Co., Inc., 806 S.W. Broadway, Portland, Oregon 97205.

2. Wholly-owned subsidiaries which will participate in the operations, and addresses of their respective principal offices:

(a) Tumac Export Sales Co., 806 S.W. Broadway, Portland, Oregon 97205
(b) Al Disdero Lumber Co., P.O. Box 42247, 1504 S.E. Woodward Street, Portland, Oregon 97242
(c) Disdero Structural, Inc., P.O. Box 42549, 2020 S.E. Bush St., Portland, Oregon 97242
(d) K/D Cedar Supply Co., Inc., 22008 Meekland Avenue, Hayward, California 94541.

The State of Oregon,
County of Multnomah,ss:

James H. Bayne,

Acting Secretary.

[FR Doc. 81-18292 Filed 6-18-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Finance Applications; Decision-Notice

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find:

Each transaction is exempt from section 11343 (formerly section 5) of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsiderations; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1132.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will indicate that consummation of the transfer will be presumed to occur on the 20th day following service of the notice, unless either applicant has advised the Commission that the transfer will not be consummated or that an extension of time for consummation is needed. The notice will also recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 30 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

By the Commission, Review Board Number 3, Members Krock, Joyce, and Dowell.

MC-FC-77706. By decision of May 15, 1981, Review Board Number 3 repoened this proceeding and approved the transfer of Certificate No. MC-119557 (Sub-No. 8) from Howard Kaylor and Kenneth L. Stuart, a partnership, d.b.a. K&S Tankline, of Copperhill, TN, to Kenneth L. Stuart, d.b.a. K&S Tankline (same address). Rights transferred: *Sulfer dioxide,* in bulk, in tank vehicles, from Copperhill, TN, to points in Oklahoma and Wisconsin. Applicant's representative: Paul M. Daniell, P.O. Box 872, Atlanta, GA 30301.

MC-FC-79038. By decision of May 26, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132, Review Board Number 3 approved the transfer to Frontier Express, Incorporated of Certificate No. MC-121428 (Sub-No. 2) issued June 25, 1970

to Enid Freight Lines, Inc., authorizing the regular route transportation of *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission and commodities injurious or contaminating to other lading) between Enid, OK and Alur, OK. Applicant's representative is: Timothy Armstrong, Esq., 200 N. Choctaw, P.O. Box 1124, El Reno, OK 73036.

MC-FC-79132. By decision of June 3, 1981 issued under 49 U.S.C 10926 and the transfer rules at 49 C.F.R. 1132, Review Baord Number 3 approved the transfer to Big K of Utah, Inc. of Kanosh, UT a portion of Certificate No. MC-148087 (Sub-No. 1F) issued to Big K Corporation, d.b.a. Diamond Transport of Kanosh, UT, insofar as it authorizes the transportation of transporting drilling fluids used in the development and production of petroleum products, geo-thermal energy and minerals, between points in Utah, on the one hand, and, on the other points in Arizona, restricted against the transportation of petroleum and petroleum products. Applicant's representative: Miss Irene Warr, 430 Judge Bldg., Salt Lake City, UT 84111. TA lease is not sought. Transferee is not a carrier. Condition: Upon consummation of the transaction, transferor shall submit for cancellation, the portion of certificate No. MC-148087 (Sub-No. 1F), not transferred, thus avoiding an improper split with respect to traffic moving between Utah points, on the one hand, and Arizona points, on the other.

MC-FC-79137. By decision of June 3, 1981 issued under 49 U.S.C § 10926 and the transfer rules at 49 C.F.R. 1132, Review Baord Number 3 approved the transfer to North West Transport, Inc., of Fontana, CA, of Permit Nos. MC-143058 and MC-143058 (Sub-Nos. 1, 2, 4, 7, and 8), issued to Trans West Carriers, Inc., of Fontana, CA, authorizing the transportation of (1) *plumbing supplies*, from the facilities used by Norris Indsutries, Plumbing Fixture Division, located at or near city of Industry, CA, to points in California, Oregon, and Washington under continuing contracts with Norris Industries; (2) *expanded plastic articles*, from Wenatchee, WA, to points in CA, under continuing contracts with Dolco Packaging Corp.; (3)(a) *paper products*, from the plant site of Concel, Inc., at or near La Palma, CA, to points in Arizona, Nevada, Oregon, and Washiington, and (b) *tissue paper*, from St. Helens, OR, to the plant site named above, under continuing contracts with Concel, Inc; (4) *paper and paper products*, from the facilities of Kimberly-Clark Corporation, at or near Fullerton, CA, to points in Arizona, California, Oregon, and Washington, under continuing contracts with Kimberly-Clark Corporation; (5) *paper and paper products*, (except commodities in bulk), from Oregon City, and Newberg, OR, to points in California, under continuing contracts with Publishers Paper Co., and Treasure Chest Advertising Company, Inc.; and (6) *such commodities* as are dealt in by manufacturers of toilet articles and cosmetics (except commodities in bulk), from Monrovia and Pasadena, CA, to points in Arizona, New Mexico, Texas, Utah, Nevada, California, Idaho, Oregon, and Washington, under continuing contracts with Avonand of Certificate No. MC-146771 (Sub-No. 1F), issued to Trans West Carriers, Inc., authorizing the retail, chain grocery and food business houses and agricultural feed business houses; soy products; paste flour products and dairy based products (except commodities in bulk), and *materials, equipment and supplies* used in he manufacture, distribution, and sale of the products above, (except commodities in bulk), between points in the United States in and west of MT, WY, CO, OK, and TX (restricted to the transportation of traffic moving to or from the facilities of Ralston Purina Company). Applicant's representative is: Richard C. Celio, 2300 Camino Del Sol, Fullerton,, CA 92633.

Notes.—Transferee is a non-carrier. Application for TA has been filed.

MC-FC-79161. By decision of June 3, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132, Review Board Number 3 approved the transfer to ROBERT M. YEAGER AND JOHN O. MILLS d.b.a. BIG VALLEY EXPRESS of 2455 Walton, P.O. Box 1554, Central Valley, CA 96019, a portion of Certificate No. MC-98327 (Sub-Nos. 4 and 50) issued to SYSTEM 99 of 8201 Edgewater Drive, Oakland, CA 94621, authorizing REGULAR ROUTES: *General commodities*, except those of unusual value, household goods as defined by the Commission, classes A and B explosives, commodities in bulk, motor vehicles, livestock, and commodities requiring special equipment, between points in California serving all intermediate points, as follows: from Alturas over U.S. Highway 299 to Redding, and return over the same route. From Bartle over California Highway 89 to junction U.S. Highway 299, north of Burney, and return over the same route. Service is authorized at off-route points in the described portions of the following Counties: *Modoc*, except those (a) on U.S. Highway 395 north of Davis Creek, and (b) those on unnumbered highway north of Lake City; *Shasta*, except those on and west of Interstate Highway 5. Applicant's representative: Allan N. Robison, 8201 Edgewater Drive, Oakland, CA 94621. TA lease is sought. Transferee is not a carrier. .

MC-FC-79162. By decision of May 26, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132, Review Board Number 3 approved the transfer to SPERA TRUCKING, INC. of Canton, OH of Certificate No. MC-148070 issued December 12, 1980 to A-1 AM, Inc. of Canton, OH, authorizing the transportation by irregular routes of *such commodities as are dealt in or used by manufacturers or distributors of cheese products* (except commodities in bulk), between Wapakoneta, OH, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). Restricted to traffic originating at or destined to the facilities of the Fisher Cheese Company, at or near Wapakoneta, OH. Applicant's representative is: Boyd B. Ferris, Muldoon, Pemberton & Ferris 50 West Broad Street, Columbus, OH 43215.

MC-FC-79165. By decision of May 27, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132, Review Board Number 3 approved the transfer to Quinn Truck Lines, Inc., of Taft, FL, of Certificate No. MC-115322 and all subs thereunder issued June 8, 1965 and dated subsequent to Redwing Refrigerated, Inc., of Taft, FL, authorizing the transportation of generally foodstuffs between points in the US east of Rocky Mountains; general commodities between points Florida and Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New York, Pennsylvania, Rhode Island, Virginia, and Vermont subject to restrictions as to prior or subsequent mode of transportation and to moving on a freight forewarder bill of lading; and certain specified non-foodstuff authority between specified points in specified States east of the Mississippi River over irregular routes. Applicants' representative: James E. Wharton, Suite 811, Metcalf Building, 100 South Orange Avenue, Orlando, FL 32801, 305-425-2213.

MC-FC-79167. By decision of May 27, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132, Review Board Number 3 approved the transfer to Earl E. King, doing business as King's Service, of Geddes, SD, of Certificate No. MC-95664 issued July 23, 1956 to Leonard Teply, of Geddes, SD, authorizing the transportation of (1)

livestock, between Geddes, SD, and points within 20 miles of Geddes, on the one hand, and, on the other, Sioux City, IA, and Butte, NE, (2) *used farm machinery*, between Geddes, SD, and points within 20 miles of Geddes, on the one hand, and, on the other, Sioux City, IA, and (3) *feed, farm machinery parts, seeds, lumber, shingles, roofing, structural steel* (not requiring special equipment), *prefabricated metal farm buildings* (knocked down), *cement, lime, stucco, concrete tile and blocks*, and *clay building materials*, from Sioux City, IA, to points within 15 miles of Geddes, SD, not including Geddes. Subject to the following conditions: If any. Applicants' representative: Harold R. Warner, Security State Bank, Geddes, SD 57342, 605–337–3333.

MC–FC–79174. By decision of June 1, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132 Review Board Number 3 approved the transfer to Robert E. Ragon, of Greenup, IL, of Permit No. MC–141954 issued March 4, 1981, to Rayford N. Bohannon and Robert E. Ragon, of Greenup, IL (Mr. Bohannon withdraws from the partnership without payment) authorizing transportation of (1) *waste oil sludges*, in bulk, from points in AR, IN, IA, KY, MI, MO, TN, and WI to Calhoun, Crossville, Greenup, and Olney, IL; and (2) *reprocessed process oil*, in bulk, from Calhoun, Crossville, Greenup, and Olney, IL, to points in AR, IN, IA, KY, MI, MO, TN, and WI, under continuing contract(s) with A & F Materials Company, a Division of Cumberland Laboratories, Inc., of Hazel Dell, IL. Applicant's representative is: Robert T. Lawley, 300 Reisch Building, Springfield, IL 62701.

MC–FC–79177. By decision of May 27, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to James A. Thorne, Sr., and Herb E. Sherell, d.b.a. S/T Enterprises, of Memphis, TN of Certificate No. MC–140606 issued to James Jermigen, d.b.a. San-Mor Wrecker Service, of Memphis, TN authorizing *wrecked or disabled motor vehicles* or trailers (except house trailers designed to be drawn by passenger automobiles), and *replacement vehicles*, using wrecker equipment only, Between Memphis, Tenn., on the one hand, and, on the other, points in Alabama, Arkansas, Kentucky, Louisiana, Missouri, Mississippi, Oklahoma, and Texas. Applicant's representative: John G. McCleery, Jr., 5900 Poplar Ave., Suite 216, Memphis, TN 38119. TA lease is sought. Transferee is not a carrier.

MC–FC–79189. By decision of June 1, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to Sauder Industries Limited of Vancouver, B.C., Canada of Permit No. MC–144887 (Sub-No. 1) issued February 5, 1980 to Bill Bremer authorizing the transportation of *lumber products, wood products, and plastic moldings* from ports of entry on the international boundary line between the United States and Canada at or near Blaine, Lynden and Oroville, WA to points in OR and WA, under continuing contracts with several shippers. Applicants' representative: Jim Pitzer, 15 South Grady Way, Suite 321, Renton, WA 98055. Transferee presently holds no authority from the Commission.

MC–FC–79190. By decision of May 27, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to C&C Trucking, Inc. of Certificate No. MC–141441 (sub-No. 2) issued September 9, 1977 to Crocker Truck Lines, Inc. authorizing the transportation over irregular routes transporting *Trusses, beams*, and *girders* (metal, concrete, or combinations thereof), and *concrete slabs*, From points in Spokane County, Wash., to those points in Idaho north of the southern boundary of Idaho County, Morrow, Umatilla, Union, Wallowa, and Baker Counties, Oreg., and those in Montana on and west of a line beginning at the United States-Canada Boundary line, near Simpson, Mont., and extending along Montana Highway 232 to Havre, Mont., thence along U.S. Highway 87 to Armington, Mont., and thence over U.S. Highway 89 to the Wyoming-Montana State line, with no transportation for compensation on return except as otherwise authorized. From Missoula and Great Falls, Mont., to those points in Idaho north of the northern boundary of Idaho County, Idaho, with no transportation for compensation on return except as otherwise authorized. Applicants' representative: Jack R. Davis, 1100 IBM Building, Seattle, WA 98101.

James H. Bayne,

Acting Secretary.

[FR Doc. 81–18298 Filed 6–18–81; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule 251 of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings:

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Vol. No. OPY–3–097

Decided: June 6, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams. (Fisher not participating.)

MC 14045 (Sub-2), filed June 5, 1981. Applicant: LOS ANGELES–YUMA FREIGHT LINES, INC., P.O. Box 4849, Kofa Station, Yuma, AZ 85364. Representative: Mel P. Booker, Jr., 110 S. Columbus St., P.O. Box 1281, Alexandria, VA 22313. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 142935 (Sub-23), filed June 4, 1981. Applicant: PLASTIC EXPRESS, a corporation, 2301 E. Francis St., Ontario, CA 91761. Representative: Richard C. Celio, 2300 Camino Del Sol Fullerton, CA 92633, (714) 738–3889. Transporting, for or on behalf of the U.S. Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 143924 (Sub-6), filed June 8, 1981. Applicant: FUGATE TRUCKING, INC., P.O. Box 14, Danville, VA 24541. Representative: Theodore Polydoroff, 1307 Dolley Madison Blvd., Suite 301, McLean, VA 22101, (703) 893–4924. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 156354, filed June 5, 1981. Applicant: FICEL SALES, INC., P.O. Box 1984, Blasdell, NY 14219. Representative: Michael A. Wargula, 2550 Main Place Tower, Buffalo, NY 14202, (716) 845–6066. Transporting, (1) for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S., (2) *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S., and (3) as a *broker of general commodities* (except household goods), between points in the U.S.

MC 156364, filed June 8, 1981. Applicant: JACK VOLLAND, P.O. Box 720, North Bend, WA 98045. Representative: Jack Volland (same address as applicant) (206) 888–2400. Transporting *food and other edible products and by-products intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 156385, filed June 8, 1981. Applicant: TRI-COUNTY PETROLEUM CORPORATION, 508 South John St., Crawfordsville, IN 47933. Representative: Richard D. Smith (same address as applicant) (317) 362–1800. Transporting (1) for or on behalf of the U.S. Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), (2) *shipments weighing 100 pounds* or less if transported in a motor vehicle in which no one package exceeds 100 pounds, and (3) *Food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

Vol. No. OPY–4–200

Decided: June 12, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams. (Williams not participating.)

MC 154857 (Sub-1), filed June 1, 1981. Applicant: ROGERS LEASING INCORPORATED, 2098 W. Broad St., Scotch Plains, NJ 07076. Representative: Charles J. Williams, P.O. Box 186, Scotch Plains, NJ 07076 (201) 322–5030. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 156217, filed May 29, 1981. Applicant: ARCHIE DARWIN BETHEA, 3301 Lemontree Lane, Plano, TX 75074. Representative: Robert K. Frisch, 2711 Valley View Lane, Suite 101, Dallas, TX 75234 (214) 247–0994. As a broker of *general commodities* (except household goods), between points in the U.S.

James H. Bayne,
Acting Secretary.

[FR Doc. 81–18268 Filed 6–18–81; 8:45 am]
BILLING CODE 7035–01–M

[Ex Parte No. 387 (Sub-35)]

Pittsburgh & Lake Erie Railroad Co. Exemption for Contract Tariff ICC–PLE–C–0002; Provisional Exemption

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Provisional Exemption.

SUMMARY: Petitioner is granted a provisional exemption under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e). Its previously filed contract tariff will become effective on one day's notice. This exemption may be revoked if protest are filed within 15 days of publication in the **Federal Register.**

FOR FURTHER INFORMATION CONTRACT: Richard B. Felder or Jane F. Mackall (202) 275–7656.

SUPPLEMENTARY INFORMATION: Pittsburgh and Lake Erie Railroad Company (P&LE) filed a petition of June 10, 1981, seeking an exemption under 49 U.S.C. 10505 from the statutory notice provisions of 49 U.S.C. 10713(e). It requests that we advance the effective date of its contemporaneously filed contact tariff ICC–PLE–C–0002 so that the effective date would be on one day's notice.

The contract provides for an allowance to be paid to Jones and Laughlin Steel Corporation (J&L) when J&L performs switching service at its connections with P&LE at its Youngstown and Struthers, OH, facilities. Such payment is to be made in lieu of switching service previously performed by P&LE. Petitioner states that an exemption from the provisions of 49 U.S.C. 10713(e) is required to allow a smooth transition in responsibility for switching operations at Youngstown. It was notified on May 29, 1981, that J&L will be prepared to assume the switching service on or about June 11, 1981, when installation of certain connecting tracks will be completed. Crew qualifications and other operational arrangements involved in the change were scheduled to be in place on or about June 10, 1981. P&LE points out that the standard 30-day notice period for contract rates would substantially delay the changeover,

which was requested by J&L and is of significant benefit to both parties.

Under 49 U.S.C. 10713(e), contracts must be filed to become effective on not less than 30 nor more than 60 days' notice. There is no provision for waiving this requirement. Cf. former section 10762(d)(1). However, we may address the same relief under our section 10505 exemption authority and we do so here.

The involved contract embodies a working arrangement requested by the shipper and only involves responsibility for switching. We believe it will enhance carrier service by encouraging efficient use of transportation facilities and should not impair the carrier's obligation to provide service to other shippers. P&LE states that it does not expect protests. We thus conclude that authorization of a provisional exemption is warranted.

P&LE has already indicated in its petition a willingness to be bound by the following conditions which have been imposed in similar exemption proceedings:

> If the Commission permits the contract to become effective on one day's notice, this fact neither shall be construed to mean that this is a Commission approved contract for purposes of 49 U.S.C. 10713(g) nor shall it serve to deprive the Commission of jurisdiction to institute a proceeding, on its own initiative or on complaint, to review this contract and to disapprove it during the periods specified in 49 U.S.C. 10713.

Subject to compliance with these conditions, under 49 U.S.C. 10505(a) we find that the 30 day notice requirement in this instance is not necessary to carry out the transportation policy of 49 U.S.C. 10101a and is not needed to protect shippers from abuse of market power. The contract tariff will become effective on one day's notice. Further, we will consider revoking this exemption under 49 U.S.C. 10505(c) if protests are filed within 15 days of publication in the **Federal Register**.

This action will not significantly affect the quality of the human environment or the conservation of energy resources.

(49 U.S.C. 10505.)

Dated: June 12, 1981.

By the Commission, Division 1, Commissioners Clapp, Alexis, and Gilliam. Commissioner Alexis was absent and did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-18289 Filed 6-18-81, 8:45 am]

BILLING CODE 7035-01-M

[Volume No. Opy-3-096]

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Decided: June 12, 1981.

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 2. Members Carleton, Fisher, and Williams. Member Fisher not participating.

James H. Bayne,

Acting Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

MC 53965 (Sub-195), filed June 8, 1981. Applicant: GRAVES TRUCK LINE, INC., P.O. Box 1387, Salina, KS 67401. Representative: Bruce A. Bullock, One Woodward Avenue, 26th Floor, Detroit, MI 48226, (313) 965-2577. (A) Over regular routes, transporting *general commodities* (except classes A and B explosives), (1) between Baton Rouge, LA and junction Interstate Hwy 10 and Interstate Hwy 12 near Alton, LA, over Interstate Hwy 12, (2) between Baton Rouge, LA and Jacksonville, FL, over Interstate Hwy 10, (3) between junction Interstate Hwy 10 and Interstate Hwy 59 and Chattanooga, TN over Interstate Hwy 59, (4) between Tampa, FL and Knoxville, TN over Interstate Hwy 75, (5) between Mobile, AL and Nashville, TN over Interstate Hwy 65, (6) between Montgomery, AL and Durham, SC over Interstate Hwy 85, (7) between junction Interstate Hwy 95 and U.S. Hwy 70 near Smithfield, NC and Miami, FL, over Interstate Hwy 95, (8) between Tampa, FL and Miami, FL, over U.S. Hwy 41, (9) between Tampa, FL and Daytona Beach, FL, over Interstate Hwy 4, (10) between Jackson, MS and Macon, GA, over U.S. Hwy 80, (11) between Brookhaven, MS and Brunswick, GA, over U.S. Hwy 84, (12) between Memphis, TN and Birmingham, AL, over U.S. Hwy 78, (13) between Birmingham, AL and Florence, SC, over Interstate Hwy 20, (14) between Durham, SC and New Bern, NC, over U.S. Hwy 70, (15) between Savannah, GA and New Bern, NC, over U.S. Hwy 17, (16) between Memphis, TN and Greensboro, NC, over Interstate Hwy 40, (17) between Savannah, GA and Macon, GA, over Interstate Hwy 16, (18) between Waycross, GA and Greenville, MS, over U.S. Hwy 82, (19) between Charleston, SC and Ashville,

NC, over Interstate Hwy 26, (20) between Chattanooga, TN and Memphis, TN over U.S. Hwy 72, and (21) between Nashville, TN and Chattanooga, TN over Interstate Hwy 24; and (B) over irregular routes, between points in TN, NC, SC, MS, GA, AL, and FL.

MC 57434 (Sub-2), filed June 4, 1981. Applicant: TRANS-STAR TRUCKING CO., INC., 25 Industrial Rd., Walpole, MA 02081. Representative: Jack L. Schiller, 502 Flatbush Ave., Brooklyn, NY 11225, (212) 941-9291. Transporting *general commodities* (except classes A and B explosives), between points in CT, MA, ME, NH, NJ, NY, RI and VT.

MC 83835 (Sub-173), filed June 8, 1981. Applicant: WALES TRANSPORTATION, INC., P.O. Box 226186, Dallas, TX 75266. Representative: J. Michael Alexander, First Continental Bank Bldg., Suite 301, 5801 Marvin D. Love Freeway, Dallas, TX 75237, (214) 339-4108. Transporting (1) *Mercer commodities;* (2) *earth drilling machinery;* (3) *those commodities which because of their size or weight require the use of special handling or equipment;* (4) *machinery;* (5) *metal products;* and (6) *transportation equipment,* between points in the U.S.

MC 107104 (Sub-15), filed June 4, 1981. Applicant: LODI TRUCK SERVICE, INC., P.O. Box 111, Lodi, CA 95240. Representative: Ronald C. Chauvel, 100 Pine St. No. 2550, San Franciso, CA 94111, (415) 986-1414. Transporting *general commodities* (except classes A and B explosives), between CA, AZ, NV, UT, and CO.

MC 108194 (Sub-16), filed June 5, 1981. Applicant: WILLIAM B. MEYER, INCORPORATED, P.O. Box 4206, Bridgeport, CT 06607. Representative: Michael A. Wargula, 2550 Main Place Tower, Buffalo, NY 14202, (716) 845-6066. Transporting *such commodities* as are dealt in or used by insurance businesses, between points in the U.S., under continuing contract(s) with Equitable Life Assurance Society of the United States, of Milford, CT.

MC 116005 (Sub-6), filed June 5, 1981. Applicant: ONONDAGA COACH CORP., 37 Aurelius Ave., Auburn, NY 13021. Representative: James H. Gilroy, Jr., 185 Genesee St., Utica, NY 13501, (315) 724-4166. Transporting *passengers and their baggage,* in round-trip special and charter operations, beginning and ending at Geneva, NY, and points in Onondaga, Cayuga, Seneca and Wayne Counties, NY, and extending to points in the U.S.

MC 120364 (Sub-37), filed June 5, 1981. Applicant: A & B FREIGHT LINE, INC., 4805 Sandy Hollow Rd., Rockford, IL 61109. Representative: Michael J. Wyngaard, 150 East Gilman St. Madison, WI 53703, (608) 256-7444. Transporting *water treatment equipment and materials,* between points in the U.S., under continuing contract(s) with Illinois Water Treatment Company, a division of Sunbeam Corporation, of Rockford, IL.

MC 134105 (Sub-103), filed June 4, 1981. Applicant: CELERYVALE TRANSPORT, INC., 3420 New Cummings Road, Chattanooga, TN 37419. Representative: James E. Elgin (same address as applicant), (615) 756-4066. Transporting *meat, meat products, meat byproducts, and articles distributed by meat packinghouses,* between points in Bell County, KY, on the one hand, and, on the other, points in the U.S.

MC 135924 (Sub-27), filed June 8, 1981. Applicant: SIMONS TRUCKING CO., INC., 3851 River Rd., Grand Rapids, MN 55744. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440, (612) 542-1121. Transporting *rubber and plastic products,* between points in Guilford County, NC, on the one hand, and, on the other, points in AL, AR, CT, DE, FL, GA, IL, IN, KY, LA, ME, MD, MA, MI, MS, MO, NH, NY, NC, OH, OK, PA, RI, SC, TN, TX, VT, VA, WV and WI.

MC 138184 (Sub-2), filed June 8, 1981. Applicant: WALLACE TRUCKING COMPANY, Route 4, Box A-71, Laurinburg, NC 28352. Representative: F. Kent Burns, P.O. Box 2479, Raleigh, NC 27602, (919) 828-2421. Transporting *medical and health care products,* between the facilities of Abbott Laboratories, at or near Laurinburg, NC, on the one hand, and, on the other, points in FL, GA, and SC.

MC 140464 (Sub-13), filed June 8, 1981. Applicant: D-X TRUCKING, INC., 5660 Southwyck Blvd., Ste. P, Toledo, OH 43614. Representative: Michael M. Briley, P.O. Box 2088, Toledo, OH 43603. Transporting *clay, concrete, glass or stone products,* between Chicago, IL, Detroit, Mi, and points in Fresno and Los Angeles Counties, CA, Broward County, FL, Huntington County, IN, Worcester County, MA, Monroe and Calhoun Counties, MI, Wood and Wyandot Counties, OH, and Navarro County, TX, on the one hand, and, on the other, points in the U.S.

MC 141175 (Sub-7), filed June 5, 1981. Applicant: GARLEPIED TRANSFER, INC., 319 Butterworth St., Jefferson, LA 70181. Representative: G. H. Knapp, Jr. (same address as applicant), (504) 733-2091. Transporting *hazardous waste,* between the facilities of Ciba-Geigy Corporation located at points in the U.S.

Note.—The certificate granted in this proceeding shall expire 5 years from the date of issuance.

MC 142364 (Sub-50), filed June 4, 1981. Applicant: KENNETH SAGELY TRUCKING COMPANY, P.O. Box 368, Van Buren, AR 72956. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72701, (501) 521-8121. Transporting *food and related products,* between points in Benton, Crawford, Sebastian, and Washington Counties, AR, Sunflower County, MS, and Adair County, OK, on the one hand, and, on the other, points in the U.S.

MC 142754 (Sub-2), filed June 4, 1981. Applicant: PIROLLO TRANSPORT CO., INC., 6312 Hooker St. Pittsburgh, PA 15206. Representative: Arthur J. Diskin, 806 Frick Bldg., Pittsburgh, PA 15219, (412) 281-9494. Transporting (1) *petroleum and petroleum products,* between points in the U.S., under continuing contract(s) with Ross Oil Corporation, of Miami, FL, Pennzoil Products Company, and Quaker State Refining Corporation, both of Oil City, PA, and Witco Chemical Corporation, of Bradford, PA, and (2) *food and related products,* between points in the U.S., under continuing contract(s) with Heinz USA, Division of H. J. Heinz Company, of Pittsburgh, PA.

MC 145994 (Sub-5), filed June 6, 1981. Applicant: PENGUIN POINT ENTERPRISES, INC., P.O. Box 975, Warsaw, IN 46580. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240, (317) 846-6655. Transporting (1) *metal products,* between points in Kosciusko County, IN, on the one hand, and, on the other, points in NC, AL, MS, TX, and OH, and (2) *building materials,* between points in Lauderdale and Smith Counties, MS, on the one hand, and, on the other, points in PA, FL, TX, GA, OH, MI, KS, and IL.

MC 151715, filed June 4, 1981. Applicant: ARROW TRANSPORTATION, INC., d.b.a. TEXAS WAREHOUSE AND MACHINERY MOVERS, 3201 Longhorn Blvd. Suite 117, Austin, TX 78759. Representative: J. T. Fields (same address as applicant) (512) 836-2561. Transporting *general commodities* (except classes A and B explosives), between points in Bastrop, Bell Blanco, Brazos, Burleson, Burnet, Caldwell, Colorado, Comal, Fayette, Gillespie, Gonzales, Grimes, Guadalupe, Hays, Kendall, Kerr, Lampasas, Lavaca, Lee,

Llano, Milam, Robertson, Travis, Washington, Williamson Counties, TX.

MC 151785 (Sub-2), filed June 4, 1981. Applicant: CONTRACT CARTAGE CORPORATION, 1104 Merridale Blvd. Mount Airy, MD 21771. Representative: Alvin K. Quittner (same address as applicant), (301) 829–1249. Transporting *machinery*, between points in the U.S., under continuing contract(s) with JCB, Inc., of White Marsh, MD.

MC 152104 (Sub-2), filed June 1, 1981. Applicant: HOME RUN, INC., 1299 Lavelle Drive, Xenia, OH 45385. Representative: Boyd B. Ferris, 50 W. Broad St., Columbus, OH 43215, (614) 464–4103. Transporting *general commodities* (except classes A and B explosives), between Peterborough, NH, Brea, CA, Corbin and Louisville, KY, Humboldt, Morristown and Knoville, TN, Mt. Joy, PA, Kankakee, IL, Arlington, Houston and Dallas, TX, Thurmont and Columbia, MD, Viroqua and West Salem, WI, Greenville, Grand Rapids and Detroit, MI, Jacksonville, FL, Ft. Wayne, Muncie, Indianapolis and Whiteland, IN, Hernshaw, WV, and points in OH, on the one hand, and, on the other, points in the U.S.

MC 152135, filed June 3, 1981. Applicant: THE TRIDENT CORPORATION, d.b.a. TRIDENT TOURS, 3531 Halfmoon Circle, Falls Church, VA 22044. Representative: Robert J. Brooks, 1818 L Street NW., Suite 1115, Washington, DC 20036, (202) 466–3892. Transporting *passengers and their baggage*, in special and charter operations, between points in VA, MD, WV, PA, DE, and DC.

MC 155105, filed June 5, 1981. Applicant: DOUBLE EAGLE CARRIERS, INC., P.O. Box 128, Moxee City, WA 98936. Representative: James M. Hodge, 1000 United Central Bank Bldg., Des Moines, IA 50309, (515) 243–7911. Transporting *food and related products*, between Los Angeles, CA, and points in Umatilla and Morrow Counties, OR, and Walla Walla County, WA, on the one hand, and, on the other, points in the U.S.

MC 155105 (Sub-1), filed June 5, 1981. Applicant: DOUBLE EAGLE CARRIERS, INC., P.O. Box 128, Moxee City, WA 98936. Representative: James M. Hodge, 1000 United Central Bank Bldg., Des Moines, IA 50309, (515) 243–7911. Transporting *general commodities* (except classes A and B explosives), between the facilities of Terminal Freight Cooperative Association, located at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 156005, filed June 5, 1981. Applicant: GLORY BOUND EXPRESS, INC., Rt. 3, Box 87, Verndale, MN 56481. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118, (612) 457–6889. Transporting (1) *lumber and wood products;* and (2) *metal products*, between points in the U.S., under continuing contract(s) with Continental Custom Bridge Company, of Alexandria, MN.

MC 156334, filed June 4, 1981. Applicant: TRAVEL BITS, PAT HUNT, 3535 Summie Dr., Lilburn, GA 30247. Representative: Pat Hunt (same address as applicant), (404) 972–0391. As a *broker*, in arranging for the transportation, by motor vehicle, of *passengers and their baggage*, in special and charter operations, beginning and ending at points in Gwinnett County, GA, and extending to points in NC, SC, VA, AL, TN, MS, MD, WV, PA, NY, VT, NH, CT, GA, and DC.

[FR Doc. 81-18286 Filed 6-18-81; 8:45 am]

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[Volume No. OP1-175]

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Decided: June 11, 1981.

The following applications, filed on or after March 1, 1979, are governed by Special Rule 247 of the Commission's *Rules of Practice* (49 CFR 1100.247). These rules provide, among other things, that a petition for intervention, either in support of or in opposition to the granting of an application, must be filed with the Commission within 30 days after the date notice of the application is published in the **Federal Register**. Protests (such as were allowed to filings prior to March 1, 1979) *will be rejected.* A petition for intervention without leave must comply with Rule 247(k) which requires petitioner to demonstrate that it (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or, (b) where the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points.

Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 247(l) setting forth the specific grounds upon which it is made, including a detailed statement of petitioner's interest, the particular facts, matters, and things relied upon, including the extent, if any, to which petitioner (a) has solicited the traffic or business of those supporting the application, or, (b) where the identity of those supporting the application is not included in the published application notice, has solicited traffic or business identical to any part of that sought by applicant within the affected marketplace. The Commission will also consider (a) the nature and extent of the property, financial, of other interest of the petitioner, (b) the effect of the decision which may be rendered upon petitioner's interest, (c) the availability of other means by which the petitioner's interest might be protected, (d) the extent to which petitioner's interest will be represented by other parties, (e) the extent to which petitioner's participation may reasonably be expected to assist in the development of a sound record, and (f) the extent to which participation by the petitioner would broaden the issues or delay the proceeding.

Petitions not in reasonable compliance with the requirements of the rule may be rejected. An original and one copy of the petition to intervene shall be filed with the Commission indicating the specific rule under which the petition to intervene is being filed, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named.

Section 247(f) provides, in part, that an applicant which does not intend to timely prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

If an applicant has introduced rates as an issue it is noted. Upon request, an applicant must provide a copy of the tentative rate schedule to any protestant.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication.*

Any authority granted may reflect administratively acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each common carrier

applicant has demonstrated that its proposed service is required by the present and future public convenience and necessity, and that each contract carrier applicant qualifies as a contract carrier and its proposed contract carrier service will be consistent with the public interest and the transportation policy of 49 U.S.C. § 10101. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a petitioner, that the proposed dual operations are consistent with the public interest and the transportation policy of 49 U.S.C. 10101 subject to the right of the Commission, which is expressly reserved, to impose such terms, conditions or limitations as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930(a) [formerly section 210 of the Interstate Commerce Act].

In the absence of legally sufficient petitions for intervention, filed within 30 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of the decision-notice. To the extent that the authority sought below may duplicate an applicant's other authority, such duplication shall be construed as conferring only a single operating right.

Applicants must comply with all specific conditions set forth in the following decision-notices within 30 days after publication or the application shall stand denied.

By the Commission, Review Board Number 1, Members Parker, Chandler and Fortier.

James H. Bayne,

Acting Secretary.

Note.—All applications are for authority to operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, except as otherwise noted.

MC 144630 (Sub-48F), filed June 26, 1980, and previously noticed in **Federal Register** issue of April 14, 1981. Applicant: STOOPS EXPRESS, INC., 2239 Malibu Court, Anderson, IN 46011. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Transporting *alcoholic beverages* (except commodities in bulk), from points in the U.S. to points in GA and FL.

Note.—This republication includes FL as a destination State.

[FR Doc. 81-18291 Filed 6-18-81, 8:45 am]

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[Volume No. 103]

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: June 12, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Alspaugh, and Shaffer.

James H. Bayne,

Acting Secretary

MC 2229 (Sub-274)X, filed May 15, 1981. Applicant: SPECTOR RED BALL, INC., 3177 Irving Boulevard, Dallas, TX 75247. Representative: Joseph S. Ruscetta (same as applicant). Applicant seeks to remove restrictions in its Sub-No. 268 certificate to: (1) remove all exceptions other than class A and B explosives from its general commodities authority (2) broaden the territorial description to allow service at all intermediate points in connection with its numerous regular routes, through CT, DE, GA, IL, IN, KY, MA, MD, MI, NC, NJ, NY, OH, PA, RI, SC, TN, VA, and WV and (3) remove the restriction limiting service on all routes in KY, WV, TN, MD, DE, PA (with exceptions) and NY (with exceptions) for purpose of joinder only.

MC 83850 (Sub-17)X, filed May 18, 1981. Applicant: JOHNSON'S TRANSFER, INC., 6951 Norwitch Drive, Philadelphia, PA 19153. Representative: James W. Patterson, 1200 Western Saving Bank Bldg., Philadelphia, PA 19107. Applicant seeks to remove restrictions in its lead and Sub-Nos. 7, 8, 9, 10, and 15F certificates to (1) broaden commodity descriptions (a) from lumber, lath and shingles to "lumber and wood products" and from scrap metal and rages to "waste or scrap materials" in the regular route portion of the lead certificate; (b) from building materials and gypsum products to "building materials, clay concrete, glass or stone products and pulp, paper and related products" in the irregular portion of the lead Certificate, and in Sub-No. 7; (c) from gypsum and gypsum products and materials and supplies used in the manufacture, installation, and application of gypsum products to "clay, concrete, glass or stone products and pulp, paper and related products" in Sub-Nos. 8 and 9; (d) from building materials, gypsum and gypsum products, paint and paint products, mineral fiber and mineral fiber products, and adhesives to "building materials, clay, concrete, glass or stone products, pulp, paper and related products, and chemicals and related products" in Sub-No. 10; and (e) from plastic articles and polystyrene products, and materials, equipment and supplies used in the manufacture, installation or distribution of the above-named commodities to "rubber and plastic products" in Sub-No. 15F; (2) replace the facilities limitations or specific point authority with city or county-wide authority as follows: (a) Charlottesville, VA, with Albermarle County, VA and York, PA with York County, PA, in the lead certificate, (b) facilities at Baltimore, MD, with Baltimore, MD, in the lead and Sub-Nos. 7, 8, 9, and 10, (c) facilities at Norfolk, VA, with Norfolk, VA, in Sub-No. 9, (d) facilities at Oakfield and Stony Point, NY, with Genesee and Rockland Counties, NY and Woodbridge Township, NJ, with Middlesex County, NJ, in Sub-No. 10 and (e) facilities at

Talmadge, OH and Rockford, IL, with Summit County, OH and Winnebago County, IL, in Sub-No. 15F; (3) expand (a) one-way to two-way authority between Baltimore, MD, and, DC, in the regular route portion of the lead; (b) one-way to radial in the irregular route portions between (1) Baltimore, MD, and points in DC, and points in MD, PA, WV, and VA; York County, PA, and DC and points in MD and VA within 50 miles of DC; Petersburg and Albermarle County, VA, and DC, and points in MD within 50 miles of DC; points in VA within 75 miles of DC, and, DC and points in MD within 50 miles of DC; Baltimore, MD, and, points in DE, in the lead; (2) Baltimore, MD, and, points in NJ, in Sub-No. 7; (3) points in DE and NJ, and, Baltimore, MD, in Sub-No. 8; (4) Baltimore, MD, and, points in VA and WV (with exceptions); and Norfolk, VA, and, Baltimore, MD, in Sub-No. 9; and (5) Baltimore, MD, Genesee and Rockland Counties, NY, and Middlesex County, NJ, and, points in 16 named States in Sub-No. 10; (6) authorize service to all intermediate points in connection with the regular routes in its lead certificate; (7) remove in bulk, in tank or hopper vehicle restrictions in the lead certificate and in Sub-Nos. 7, 8, 9, and 10; (8) remove "sand, gravel, and slag" restriction in Sub-No. 8; and (9) remove "except fly ash and asphalt" restriction in the lead and Sub-No. 7.

MC 99656 (Sub-6)X, filed June 2, 1981. Applicant: IDDINGS TRUCKING, INC., State Route 60, P.O. Box 388, Lowell, OH 45744. Representative: Michael Spurlock, 275 E. State St., Columbus, OH 43215. Applicant seeks to remove restrictions in its Sub-Nos. 2, 3F, and 4F certificates to (1) broaden the commodity description from commodities in bulk, in dump vehicles (except cement and salt), coke, in bulk, and ferroalloys, in bulk, in dump vehicles to "commodities in bulk," in Sub-Nos. 2, 3F and 4F; (2) remove the facilities limitation at Washington County, OH in Sub-Nos. 3F and 4F; and (3) replace one-way with radial authority between Gary, IN, and, Washington County, OH in Sub-No. 3F and between Washington County, OH, and, IN, IL, KY, MD, MI, MO, NY, PA and WV in Sub-No. 4F.

MC 110012 (Sub-91)X, filed June 3, 1981. Applicant: ROY WIDENER MOTOR LINES, INC., 707 North Liberty Road, Morristown, TN 37814. Representative: Robert B. Walker, 915 Pennsylvania Bldg., 425 13th Street NW., Washington, DC 20004. Applicant seeks to remove restrictions in its Sub-No. 75 certificate to broaden the commodity description from general commodities with exceptions, to general commodities (except Classes A and B explosives); and to broaden the territorial scope by replacing one-way with radial authority to between points in KY, TN, VA, NC, SC, GA, AL and MS and points in the U.S.

MC 118292 (Sub-44)X, filed June 5, 1981. Applicant: BALLENTINE PRODUCE, INC., P.O. Box 454, Alma, AR 72921. Representative: Barry Roberts, 888 17th Street NW., Washington, DC 20006. Applicant seeks to remove restrictions in its lead and Sub-Nos. 2, 5, 7, 9, 11, 13, 14, 15, 17, 18, 19, 20, 21, 22, 23, 26, 28, 30, 31, 34, 35, 37, 38, 40 and 41 certificates to (1) broaden the commodity descriptions from (a) frozen vegetables and frozen berries, in the lead, frozen vegetables and vegetable products, cooked and uncooked, in Sub-No. 2, canned goods in mixed loads with frozen foods and agricultural commodities, in Sub-No. 5, frozen foods in Sub-No. 7, baby foods and baby supplies, in Sub-No. 9, canned goods and preserves, canned goods, canned vegetables and canned vegetable products and cans, in Sub-No. 11, frozen foods and canned goods, in Sub-No. 13, baby foods and baby supplies in Sub-No. 14, frozen poultry products and poultry in Sub-No. 15, frozen poultry products and poultry in Sub-No. 17, baby foods and baby supplies in Sub-No. 18, poultry and poultry products in Sub-No. 19, baby foods and baby supplies in Sub-No. 20, poultry and frozen poultry products in Sub-No. 21, frozen foods in Sub-No. 22, cooked and prepared poultry and poultry products and fresh and frozen poultry and poultry products in Sub-No. 23, foodstuffs in Sub-No. 26, foodstuffs, not frozen, in containers, in Sub-No. 28, non-frozen foodstuffs in the Sub-No. 30, canned goods in Sub-No. 31, canned foods and canned dog food in Sub-No. 34, prepared foodstuffs, in containers, in the Sub-No. 35, frozen foods, in Sub-No. 37, frozen foods in Sub-No. 38, frozen foods in Sub-No. 40 to "food and related products"; and (b) folding cartons in Sub-No. 41 to "pulp, paper and related products"; (2) change one-way to radial authorities between a combination of points throughout the U.S. in the above certificates; (3) eliminate plantsite restrictions in Sub-Nos. 11, 13, 14, 15, 17, 18, 19, 20, 21, 22, 23, 26, 28, 30, 34, and 35; (4) eliminate the restriction to the transportation of shipments originating at or destined to Little Rock, AR in Sub-No. 38; (5) remove the "commodities in bulk" restrictions in Sub-Nos. 11, 26 and 30, and the "except AK and HI" restrictions in Sub-Nos. 11, 26, 30 and 41; and (6) replace city-wide with county-wide authority as follows: Ft. Smith, AR with Sebastian County, in the lead and Sub-Nos. 2, 7, 9, 14, 15, 17, 18, 20, 23, 35, and 41; Monroe and Shreveport, LA with Ouachita and Caddo Counties, Kansas City, KS with Wyandotte County, Detroit, MI with Wayne County, Omaha, NE with Douglas County, Hattiesburg, MS with Forrest County, Memphis, TN with Shelby County, Tampa and Jacksonville, FL with Hillsborough and Duval Counties, and Mobile, Birmingham and Montgomery, AL with Mobile, Jefferson and Montgomery Counties, in the lead and Sub-No. 2; Kansas City, MO with Clay and Jackson Counties, Houston, TX with Harris and Ft. Bend Counties, and Dallas, TX with Dallas County, in the lead and Sub-Nos. 2 and 11; Little Rock, AR with Pulaski County, in the lead and Sub-Nos. 2, 7, 37 and 38; Alma and Van Buren, AR with Crawford County, in Sub-Nos. 11 and 34; San Jose and Thornton, CA with Santa Clara and San Joaquin Counties, Denver, CO with Denver County, Atlanta, GA with De Kalb and Fulton Counties, Hoopeston, Maywood, Belleville, Kansas, and Peoria, IL with Vermilion, Cook, St. Clair, Edgar, and Peoria Counties, Elgin, IA with Fayette County, Lowell, MI with Kent County, Athens, Ft. Worth, Pasadena, Freeport, Mineola, Grand Saline, McAllen, and San Antonio, TX with Henderson, Tarrant, Johnson, Harris, Brazoria, Wood, Van Zandt, Hidalgo and Bexar Counties, Storm Lake, IA with Buena Vista County, Chicago and Streator, IL with Cook, Livingstone and La Salle Counties, Hollister and Antioch, CA with San Benito, and Contra Costa Counties, Mt. Vernon, MO with Lawrence County, Sanford and Immokalee, FL with Seminole and Collier Counties, Fosston and Mankato with Polk and Blue Earth Counties, and Milwaukee, WI with Milwaukee County, in Sub-No. 11; St. James and Madelia, MN with Watonwan County, in Sub-Nos. 13 and 26; Alton, Cairo, Carbondale, East St. Louis, Eldorado, Granite City, Marion, Mt. Vernon, Murphysboro, Staunton, Litchfield, Quincy and Scott Air Force Base, IL with Madison, Alexander, Jackson, St. Clair, Saline, Williamson, Jefferson, Macoupin, Montgomery, and Adams Counties, in Sub-Nos. 14 and 35; Centralia, IL with Marion and Clinton Counties; Heavener, OK with Le Flore County, in Sub-Nos. 19 and 23; Clarksville and Bloomer, AR with Johnson and Sebastian Counties, and Muskogee, OK with Muskogee County, in Sub-No. 21; Russellville, AR with Pope County, in Sub-No. 22; Butterfield, MN with Watonwan County and Estherville, IA with Emmet County, in

Sub-No. 26; Fullerton, Hayward, Davies, and Oakdale, CA with Orange, Alameda, Yolo, and Stanislaus Counties, in Sub-No. 28; Ortonville and Arlington, MN with Lac qui Parle, Big Stone, and Sibley Counties in Sub-No. 30; Proctor and Kansas, OK with Cherokee and Delaware Counties in Sub-No. 34; and Minneapolic, MN with Hennepin County, in Sub. No. 40.

MC 123074 (Sub-20)X, filed May 29, 1981. Applicant: M. L. ASBURY, INC., 141 South Main St., Romeo, MI 48065. Representative: Robert E. McFarland, 2855 Coolidge, Ste. 201A, Troy, MI 48084. Applicant seeks to remove restrictions in its lead and Sub-Nos. 7, 10, 13F, 14F, 16F, and 18 certificates to (1) broaden its commodity description from asphalt and asphaltic products, bituminous products, gasoline, kerosene, petroleum fuel oils, liquid petroleum, asphalt, sulphuric sludge acids, lubricating oil, heavy fuel oil, bunker oil, and petroleum and petroleum products, in bulk, in tank vehicles, in its lead and Sub-Nos. 7, 10, 13, 14, 16, and 18 to "commodities in bulk"; (2) replace facilities limitations and cities with county-wide authority by substituting Licking County, OH, for Heath, OH; Venango County, PA for Emlenton, PA; McKean County, PA for Farmers Valley, PA; and Bay County, MI for Bay City, MI in the lead; (3) remove the restriction excluding service at Grand Rapids, MI, in lead; replace city-wide (Detroit, MI) authority for facility limitation at or near Detroit, MI in Sub-Nos. 13F and 14F; (4) replace one way with radial authority in the lead and all Sub-Nos.; (5) replace specific ports of entry in MI in Sub-No. 7 and in Sub-No. 10, with all ports of entry in MI; (6) remove the restriction limiting transportation to traffic originating at named facilities in Sub-No. 7; and (7) remove the restriction limiting transportation to traffic having a prior movement in foreign commerce in Sub-No. 10.

MC 125375 (Sub-23)X, filed June 8, 1981. Applicant: F.B.G. TRANSPORT, INC., Route 5, Box 298, Covington, GA 30209. Representative: Ralph B. Matthews, Ste. 1200, Atlanta Gaslight Tower, 235 Peachtree St. NE., Atlanta, GA 30303. Applicant seeks to remove restriction in its Sub-Nos. 16 and 21F permits to (1) broaden the commodity descriptions to "food and related products" from dairy products, materials, equipment, and supplies used in the distribution of dairy products, in Sub-No. 16 and frozen citrus concentrates, fruit sections, and chilled salads, in Sub-No. 21F; and (2) broaden the territorial description to between points in the U.S., under continuing contract(s) with named shippers.

MC 133405 (Sub-17)X, filed May 29, 1981. Applicant: BOWIE HALL TRUCKING, INC., P.O. Box 1470, LaPlata, MD 20646. Representative: Daniel B. Johnson, 4304 East-West Highway, Washington, DC 20014. Applicant seeks to remove restrictions in its Sub-Nos. 1, 3, 5F, 7F, 10F, 12F and 13F certificates to (1) broaden the commodity descriptions in (a) Sub-No. 1, from lumber, tunnel lagging, equipment mats and wood piling to "lumber and wood products and metal products", (b) Sub-Nos. 3, 5F, 7F, 10F, 12F and 13F, from malt beverages to "food and related products", (c) Sub-Nos. 7F and 12F, from containers, dunnage and pallets and materials and supplies used or useful in the manufacture of malt beverages to "pulp, paper and related products, lumber and wood products, rubber and plastic products, and metal products and materials and supplies used or useful in the manufacture of malt beverages"; (2) remove the "except commodities in bulk" restriction in Sub-No. 12F; (3) authorize county-wide authority to replace existing point service in (a) Sub-No. 3, from Waldorf, MD to Charles County, MD, (b) Sub-No. 5F, from Eden, NC to Rockingham County, NC, (c) Sub-No. 13F, from Trenton, NJ to Mercer County, NJ, and (d) Sub-No. 10F, from Merrimack, NH to Hillsboro County, NH; and (4) authorize radial authority to replace existing one-way service between points in various combinations of eastern States.

MC 136181 (Sub-3)X, filed June 1, 1981. Applicant: MARINE TRANSPORT, INC., 7737 Hampton Boulevard, Norfolk, VA 23505. Representative: Jeffrey A. Vogelman, Suite 400, Overlook Building, 6121 Lincolnia Road, Alexandria, VA 22312. Applicant seeks to remove restrictions in its Sub-No. 2F certificate by removing the restriction limiting service to traffic having a prior or subsequent movement by water, on its radial general commodity authority between Norfolk, VA, and named points in several States.

MC 144964 (Sub-11)X, filed June 2, 1981. Applicant: ESSEX EXPRESS, INCORPORATED, 1200 Hammondville Road, Pompano Beach, FL 33060. Representative: Don A. Allen, 2550 M Street NW., Washington, DC 20037. Applicant seeks to remove restrictions in its MC–144442 (Sub-Nos. 2F, 11F and 12) permits and MC–144442 (Sub-No. 9F) certificate to: (1) broaden the commodity descriptions: in Sub-No. 12 from frozen citrus concentrate; in Sub-No. 11 from frozen berries; in Sub-No. 2F from wafers, cookies, breadsticks and biscuits, in cartons, and in Sub-No. 9F from alcoholic beverages to "food and related products"; (2) broaden the territorial scope in its Sub-Nos. 2F, 11F and 12 permits to between points in the U.S., under continuing contract(s) with named shippers; and in Sub-No. 9F, replace city-wide with county-wide authority: Brooklyn with Kings County, NY; Miami, Jacksonville, Tampa and Orlando with Dade, Duval, Hillsborough and Orange Counties, FL; and authorize radial authority in Sub-No. 9F.

MC 145018 (Sub-27)X, filed June 3, 1981. Applicant: NORTHEAST DELIVERY, INC., P.O. Box 127, Taylor, PA 18517. Representative: Daniel W. Krane, Box 626, 2207 Old Gettysburg Rd., Camp Hill, PA 17011. Applicant seeks to remove restrictions in its Sub-Nos. 1, 4F, 7F, 15F, 16F, 17F, and 18F certificates to (1) broaden its commodity descriptions: in Sub-No. 1 to "food and related products", from foodstuffs (except in bulk); in Sub-Nos. 4F and 7F, to "such commodities as are dealt in or used by food processing houses", from such commodities as are dealt in or used by food processing houses (except commodities in bulk); in Sub-No. 17F, to "food and related products, and rubber and plastic products", from milk preparations, soybean milk compounds, and plastic articles (in bulk); in Sub-Nos. 17F, and 18F to "general commodities (except classes A and B explosives)", from general commodities (with exceptions); (2) replace cities and facilities with county-wide authority: in Sub-Nos. 1, and 7F, North East, PA, and Westfield, NY with Erie County, PA and Chautauqua County, NY; in Sub-No. 4F, facilities at North East, PA and Westfield, NY with Erie County, PA and Chautauqua County, NY; in Sub-No. 15F, facilities at or near Altavista, VA with Campbell County, VA; in Sub-No. 16F, North East and Erie, PA, and Westfield, NY with Erie County, PA, and Chautauqua County, NY; and in Sub-No. 17F, Binghamton, Johnson City, and Vestal, NY, Linden, NJ, and Calvert City, KY with Broome County, NY, Union County, NJ, and Marshall County, KY, change one-way to radial authority between the above named counties, and specified points in the U.S., in Sub-Nos. 1, 4F, and 15F.

MC 146213 (Sub-11)X, filed May 15, 1981. Applicant: JAMES P. DOYLE, d.b.a. J. DOYLE TRUCKING, Wisconsin Dells, WI 53965. Representative: Stanley C. Olsen, Jr., 5200 Willson Road, Ste. 307, Edina, MN 55424. Applicant seeks to remove restrictions from its Sub 3F, 4F, 5F, 7F, 9F, and 10F certificates to (1) broaden the commodity description from

foodstuffs to "food and related products" in Sub-Nos. 3F and 10F; to "rubber and plastic products, chemicals and related products and clay, concrete, glass or stone products," from plastic articles, vinyl rolls, and fiberglass in Sub-No. 4F; to "pulp, paper, and related products, chemicals and related products, rubber and plastic products, and machinery", from paper, paper products, cleaning compounds, and plastic containers and dispensers for compounds in Sub-Nos. 5F & 7F; to "chemicals and related products" from vinyl products and materials, equipment and supplies used in the manufacture and distribution of vinyl products in Sub 9F; (2) change city to county-wide authority in Sub-No. 4F from Stratford, CT, Burlington and Butler, NJ, Deer Park, NY and Jeanette, PA to Fairfield County, CT, Burlington and Morris Counties, NJ, Suffolk County, NY, and Westmoreland County, PA, (3) remove facilities limitations in (a) Sub-No. 3F and replace Cameron, Eau Claire, Menomonie, Vesper and Wisconsin Rapids, WI, with Barron, Chippewa, Eau Claire, Dunn and Wood Counties, WI, (b) in Sub-No. 4F and replace Burlington, WI, with Racine County, WI, (c) in Sub-Nos. 5F and 7F and replace Green Bay, WI, with Brown County, WI, (d) in Sub-No. 10, (4) to delete restrictions against the transportation of commodities in bulk in Sub 3F, 4F, 5F, 7F, and Sub 10F; (5) delete "originating at and destined to" restriction in Sub 4F, (6) change one-way to radial authority between (a) 5 WI counties, and, 13 States in Sub-No. 3F, (b) Fairfield County CT, Burlington and Morris Counties, NJ, Suffolk County, NY, Cleveland and Toledo OH, and Westmoreland County, PA and, Racine County, WI in Sub-No. 4F; (c) Brown County, WI, and 11 States in Sub-No. 5F and (d) Brown County, WI and OK and TX in Sub-No. 7F.

MC 146329 (Sub-12)X, filed June 8, 1981. Applicant: W-H TRANSPORTATION CO., INC., P.O. Box 1222, Wausau, WI 54401. Representative: Wayne W. Wilson, 150 E. Gilman St., Madison, WI 53703. Applicant seeks to remove restrictions in its Sub-Nos. 1F, 3F, 5F, 8F, and 9F certificates to (1) broaden the commodity descriptions to (a) "machinery and materials, equipment and supplies used in the manufacture, and distribution of machinery" from animal and poultry feeding equipment and materials equipment and supplies, in Sub-No. 5F, and (b) "buildings and building materials" from buildings, knocked down, or in sections, and building parts, wood products and composition wood products, and parts and accessories, in Sub-No. 8F; (2) remove the "except commodities in bulk" restriction, in Sub-Nos. 1F and 3F; and "except AK and HI" restriction, in Sub-Nos. 5F and 9F; (3) eliminate the restriction against the transportation of iron and steel from points in OH and PA to the facilities of Klein Manufacturing Corp. at Burlington, IA, in Sub-No. 5F; (4) remove the plantsite limitations, in Sub-Nos. 1F and 5F; (5) replace city-wide with county-wide authority as follows: Racine and Burlington with Racine and Des Moines Counties, IA, in Sub-Nos. 1F and 3F; Burlington with Des Moines County, IA, in Sub-No. 5F; Fond du Lac with Fond du Lac County, WI, in Sub-No. 8F; and, Rothschild with Marathon County, WI, in Sub-No. 9F; and (6) change its one-way to radial authority between points in the U.S., in Sub-Nos. 1F, 3F, and 8F.

MC 151352 (Sub-11)X, filed June 3, 1981. Applicant: E.L.M. TRUCKING, INC., P.O. Box 4048, Opelika, AL 36801. Representative: Terry P. Wilson, 428 So. Lawrence Street, Montgomery, AL 36104. Applicant seeks to remove restrictions in its Sub-Nos. 4, 5 and 6 certificates to (1) broaden the commodity description from (a) charcoal, gas grills, and accessories for gas grills to "lumber and wood products, chemicals and related products, coal and coal products, waste or scrap materials not identified by industry producing, and machinery" in Sub-No. 4; (b) beverages to "food and related products" in Sub-No. 5; and (c) paper and paper products to "pulp, paper and related products" in Sub-No. 6; (2) eliminate the facilities limitations in Sub-Nos. 4 and 6; (3) replace city with county-wide authority from (a) Columbus to Muscogee County, GA, in Sub-Nos. 4 and 5; (b) Albany, Augusta, and Brunswick to Dougherty, Richmond and Glynn Counties, GA, Dothan to Houston County, AL, and Chattanooga to Hamilton County, TN, in Sub-No. 5; and (c) Cottonton to Russell County, AL, in Sub-No. 6; and (4) expand one-way to radial authority between (a) Muscogee County, GA, and, points in the U.S. in Sub-No. 4; and (b) Russell County, AL, and, points in the U.S. in Sub-No. 6.

[FR Doc. 81-18287 Filed 6-18-81; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. OP3-238]

Motor Carriers; Permanent Authority; Republications of Grants of Operating Rights Authority Prior to Certification

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the **Federal Register**.

An original and one copy of opposing verified statements must be filed with the Commission within 45 days after the date of this **Federal Register** notice. Applicant may file a verified statement in rebuttal within 60 days. Such pleadings shall comply with 49 CFR 1100.247 (renumbered 1100.251) addressing specifically the issue(s) indicated as the purpose for republication. Special Rule 247 (renumbered 251) was published in the **Federal Register** of July 3, 1980, at 45 FR 45539.

Mc 121424 (Sub-5) (rebublication) filed December 8, 1980, published in the **Federal Register** issues of January 6, 1981, February 25, 1981 and republished this issue. Applicant: DAL-HAR DISTRIBUTING COMPANY, INC., 400 West Main St., Dallas, TX 75208. Representative: Clayte Binion, 1108 Continental Life Bldg., Fort Worth, TX 76102. A Decision of the Commission, Review Board Number 1, decided May 5, 1981, and served May 20, 1981, finds that the performance by applicant of the service will serve a useful public purpose, responsive to a public demand or need to operate as a *common carrier*, by motor vehicle, in interstate or foreign comerce, over irregular, routes, transporting(1) *machinery, construction equipment, and construction materials*, between points in AR, KS, LA, MO, NM, OK, and TX, and (2) *scrap metal and metal products*, between points in TX, on the one hand, and, on the other, points in AR, KS, LA, MO, NM, OK, and TX. CONDITION: Issuance of a certificate in this proceeding is subject to the coincidental cancellation, at applicant's written request, of applicant's Certificate of Registration No. MC 121424 Sub 3 and it Certificate of Public Convenience and Necessity No. MC 121424 Sub 4; that applicant is fit, willing, and able properly to perform such service and to conform to statutory and administrative requirements. The purpose of this republication is to reflect applicant's actual grant of authority.

MC 134105 (Sub-91) (republication) filed January 6, 1981, published in the **Federal Register** issue of February 5, 1981 and republished this issue. Applicant: CELERYVALE TRANSPORT, INC., 1706 Rossville Ave., Chattanooga, TN 37408. Representative; James E. Elgin (same address as applicant). A Decision of the Commission, Review Board Number 3, decided May 7, 1981, and served June 3, 1981, finds that the performance by applicant of the service will serve a useful public purpose,

responsive to a public demand or need to operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such merchandise* as is dealt in or use by food business houses, between Cleveland, OH, and points in Cherokee County, SC, on the one hand, and, on the other, points in DE, AL, CT, FL, GA, KY, LA, MA, MD, ME, MS, NC, NH, NJ, OH, PA, RI, SC, TN, VA, VT, WV, and the District of Columbia; that applicant is fit, willing and able properly to perform the granted service and to conform to statutory and administrative requirements. The purpose of this republication is to reflect applicant's actual grant of authority.

MC 148035 (Sub-8) (republication) filed January 27, 1981, published in the **Federal Register** issue of February 25, 1981, and republished this issue Applicant: QUANDT TRANSPORT SERVICE, INC., 2606 North 11st St., Omaha, NE 68110. Representative Arlyn L. Westergren, 9202 West Dodge Rd., Suite 201 Omaha, NE 68114. A Decision of the Commission, Review Board Number 2, decided May 1, 1981, and served May 18, 1981, finds that the performance by applicant of the service will serve a useful public purpose, responsive to a public demand or need to operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *chemicals and related products*, between points, in NE, on the one hand, and, on the other, points in IA, MN, SD, and KS; that applicant is fit, willing, and able properly to perform the granted service and to conform to statutory and administrative requirements. The purpose of this republication is to reflect applicant's actual grant of authority.

By the Commission

James H. Bayne,

Acting Secretary.

[FR Doc. 81-18285 Filed 6-18-81; 8:45 am]

BILLING CODE 7035-01-M

[Decision Volume No. 427]

Motor Carriers; Republications of Grants of Operating Rights Authority Prior to Certification

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the **Federal Register.**

An original and one copy of a petition for leave to intervene in the proceeding must be filed with the Commission within 30 days after the date of this **Federal Register** notice. Such pleading shall comply with Special Rule 247(e) of the Commission's *General Rules of Practice* (49 CFR 1100.247) addressing specifically the issue(s) indicated as the purpose for republication, and including copies of intervenor's conflicting authorities and a concise statement of intervenor's interest in the proceeding setting forth in detail the precise manner in which it has been prejudiced by lack of notice of the authority granted. A copy of the pleading shall be served concurrently upon the carrier's representative, or carrier if no representative is named.

MC 140094 (Sub-3) (republication), filed February 21, 1980, published in the **Federal Register** issue of June 26, 1980, and republished this issue. Applicant: LATIN EXPRESS SERVICE, INC., 4 N.W. 19th Ave., Miami, FL 33125. Representative: Kim G. Meyer, 200 Gas Light Tower, 235 Peachtree Street NE, Atlanta, GA 30303. A Decision of the Commission, Administrative Law Judge, decided March 5, 1981, and served March 3, 1981, finds that the performance by applicant of the service will serve a useful public purpose, responsive to a public demand and need to operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *passengers and their baggage and express in the same vehicle with passengers*, between Miami Beach, FL and Union City, NJ: From Miami Beach over McArthur Causeway to Miami, then over the Florida Sunshine State Parkway to Fort Pierce, FL, then over Interstate Highway 95 to the Delaware Memorial Bridge, then over the Delaware Memorial Bridge to the New Jersey Turnpike, then over the New Jersey Turnpike to Interchange 16–E and then over Interstate Highway 495 to Union City, and return over the same route, serving the intermediate points of Miami, FL and Elizabeth, NJ, for a term limited to 18 months. Any duplication in this authority and that held by applicant in lead docket No. MC 140094 does not confer more than one operating right; that applicant is fit, willing and able properly to properly perform the granted service and to conform to statutory and administrative requirements. The purpose of this republication is to reflect applicant's actual grant of authority.

By the Commission.

James H. Bayne,

Acting Secretary.

[FR Doc. 81-18283 Filed 6-18-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Correction

In FR Doc. 81-16350, appearing at page 29547 in the issue for Tuesday, June 2, 1981 (see page 29547, third column) the heading should be corrected to read as set forth above.

BILLING CODE 1505-01-M

DEPARTMENT OF LABOR

Labor Advisory Committee for Trade Negotiations and Trade Policy; Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463 as amended), notice is hereby given of a meeting of the Labor Advisory Committee for Trade Negotiations and Trade policy.

Date, time and place: July 14, 1981, 10:00 a.m., Room N-5437, A-B-C-D, Frances Perkins Department of Labor Building, 200 Constitution Avenue, NW., Washington, D.C. 20210.

Purpose: To discuss trade negotiations and trade policy of the United States.

This meeting will be closed under the authority of Section 10(d) of the Federal Advisory Committee Act. The Committee will hear and discuss sensitive and confidential matters concerning U.S. trade negotiations and trade policy.

For further information, contact: Meyer Bernstein, Executive Secretary, Labor Advisory Committee, Phone: (202) 523-6565, June 10, 1981.

Signed at Washington, D.C. this 15th day of June 1981.

Robert W. Searby,

Deputy Under Secretary, International Affairs.

[FR Doc. 81-18276 Filed 6-18-81; 8:45 am]

BILLING CODE 4510-28-M

Employment and Training Administration

Federal-State Unemployment Compensation Program; Ending of Extended Benefit Period in the State Of Indiana

This notice announces the ending of the Extended Benefit Period in the State of Indiana, effective on June 13, 1981.

Background

The Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) established the Extended Benefit Program as a part of the Federal-State Unemployment Compensation Program. The Extended Benefit Program takes effect during periods of high unemployment in a

State, or in the nation as a whole, to furnish up to 13 weeks of extended unemployment benefits to eligible individuals who have exhausted their rights to regular unemployment benefits under permanent State and Federal unemployment compensation laws. The Act is implemented by State unemployment compensation laws and by Part 615 of Title 20 of the Code of Federal Regulations (20 CFR Part 615).

Extended Benefits are payable in a State during an Extended Benefit Period, which is triggered "on" when the rate of insured unemployment in the State or in all States collectively reaches the State or National trigger rates set in the Act and the State law. 20 CFR 615.12. During an Extended Benefit Period individuals are eligible for a maximum of up to 13 weeks of benefits, but the total of Extended Benefits and regular benefits together may not exceed 39 weeks.

The Act and the State unemployment compensation laws also provide that an Extended Benefit Period in a State will trigger "off" when the rate of insured unemployment in the State is no longer at the trigger rates set in the law. A benefit period actually terminates at the end of the third week after the week for which there is an off indicator, but not less than 13 weeks after the benefit period began.

An Extended Benefit Period commenced in the State of Indiana on March 23, 1980, and has now triggered off.

Determination of "off" Indicator

The head of the employment security agency of the State of Indiana has determined, in accordance with the State law and 20 CFR 615.12(e), that the rate of insured unemployment in the State for the period consisting of the week ending on May 23, 1981, and the immediately preceding twelve weeks, fell below the State trigger rate, so that for that week there was an "off" indicator in that State.

Therefore, the Extended Benefit Period in that State terminated with the week ending on June 13, 1981.

Information for Claimants

The State employment security agency will furnish a written notice to each individual who is filing claims for Extended Benefits of the end of the EXtended Benefit Period and its effect on the individual's right to Extended Benefits. 20 CFR 615.13(d)(3).

Persons who wish information about their rights to Extended Benefits in the State of Indiana should contact the nearest State Board in their locality.

Signed at Washington, D.C., on June 11, 1981.

Albert Angrisani,

Assistant Secretary of Labor.

[FR Doc. 81-18266 Filed 6-18-81; 8:45 am]

BILLING CODE 4510-30-M

Federal-State Unemployment Compensation Program; Ending of Extended Benefit Period in the State of Vermont

This notice announces the ending of the Extended Benefit Period in the State of Vermont, effective on June 3, 1981.

Background

The Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) established the Extended Benefit Program as a part of the Federal-State Unemployment Compensation Program. The Extended Benefit Program takes effect during periods of high unemployment in a State, or in the nation as a whole, to furnish up to 13 weeks of extended unemployment benefits to eligible individuals who have exhausted their rights to regular unemployment benefits under permanent State and Federal unemployment compensation laws. The Act is implemented by State unemployment compensation laws and by Part 615 of Title 20 of the Code of Federal Regulations (20 CFR Part 615).

Extended Benefits are payable in a State during an Extended Benefit Period, which is triggered "on" when the rate of insured unemployment in the State or in all States collectively reaches the State or National trigger rates set in the Act and the State law. 20 CFR 615.12. During an Extended Benefit Period individuals are eligible for a maximum of up to 13 weeks of benefits, but the total of Extended Benefits and regular benefits together may not exceed 39 weeks.

The Act and the State unemployment compensation laws also provide that an Extended Benefit Period in a State will trigger "off" when the rate of insured unemployment in the State is no longer at the trigger rates set in the law. A benefit period actually terminates at the end of the third week after the week for which there is an off indicator, but not less than 13 weeks after the benefit period began.

An Extended Benefit Period commenced in the State of Vermont on July 20, 1980, and has now triggered off.

Determination of "off" Indicator

The head of the employment security agency of the State of Vermont has determined, in accordance with the State law and 20 CFR 615.12(e), that the rate of insured unemployment in the State for the period consisting of the week ending on May 23, 1981, and the immediately preceding twelve weeks, fell below the State trigger rate, so that for that week there was an "off" indicator in that State.

Therefore, the Extended Benefit Period in that State terminated with the week ending on June 13, 1981.

Information for Claimants

The State employment security agency will furnish a written notice to each individual who is filing claims for Extended Benefits of the end of the Extended Benefit Period and its effect on the individual's right to Extended Benefits. 20 CFR 615.13(d)(3).

Persons who wish information about their rights to Extended Benefits in the State of Vermont should contact the nearest State Employment Office of the Vermont Department of Employment Security in their locality.

Signed at Washington, D.C., on June 11, 1981.

Albert Angrisani,

Assistant Secretary of Labor.

[FR Doc. 81-18267 Filed 6-18-81; 8:45 am]

BILLING CODE 4510-30-M

Federal-State Unemployment Compensation Program; Ending of Extended Benefit Period in the State of Pennsylvania

This notice announces the ending of the Extended Benefit Period in the State of Pennsylvania, effective on June 13, 1981.

Background

The Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) established the Extended Benefit Program as a part of the Federal-State Unemployment Compensation Program. The Extended Benefit Program takes effect during periods of high unemployment in a State, or in the nation as a whole, to furnish up to 13 weeks of extended unemployment benefits to eligible individuals who have exhausted their rights to regular unemployment benefits under permanent State and Federal unemployment compensation laws. The Act is implemented by State unemployment compensation laws and by Part 615 of Title 20 of the Code of Federal Regulations (20 CFR Part 615).

Extended Benefits are payable in a State during an Extended Benefit Period, which is triggered "on" when the rate of insured unemployment in the State or in all States collectively reaches the State

or National trigger rates set in the Act and the State law. 20 CFR 615.12. During an Extended Benefit Period individuals are eligible for a maximum of up to 13 weeks of benefits, but the total of Extended Benefits and regular benefits together may not exceed 39 weeks.

The Act and the State unemployment compensation laws also provide that an Extended Benefit Period in a State will trigger "off" when the rate of insured unemployment in the State is no longer at the trigger rates set in the law. A benefit period actually terminates at the end of the third week after the week for which there is an off indicator, but not less than 13 weeks after the benefit period began.

An Extended Benefit Period commenced in the State of Pennsylvania on February 24, 1980, and has now triggered off.

Determination of "off" Indicator

The head of the employment security agency of the State of Pennsylvania has determined, in accordance with the State law and 20 CFR 615.12(e), that the rate of insured unemployment in the State for the period consisting of the week ending on May 23, 1981, and the immediately preceding twelve weeks, fell below the State trigger rate, so that for that week there was an "off" indicator in that State.

Therefore, the Extended Benefit period in that State terminated with the week ending on June 13, 1981.

Information for Claimants

The State employment security agency will furnish a written notice to each individual who is filing claims for Extended Benefits of the end of the Extended Benefit Period and its effect on the individual's right to Extended Benefits. 20 CFR 615.13(d)(3).

Persons who wish information about their rights to Extended Benefits in the State of Pennsylvania should contact the nearest State Employment Office of the Pennsylvania Department of Labor and Industry in their locality.

Signed at Washington, D.C., on June 11, 1981.

Albert Angrisani,

Assistant Secretary of Labor.

[FR Doc. 81-18269 Filed 6-18-81; 8:45 am]

BILLING CODE 4510-30-M

Voluntary Reallocation of Funds Under Comprehensive Employment and Training Act Program

AGENCY: Employment and Training Administration, Labor.

ACTION: Final Notice of the Voluntary Reallocation of Funds Under Title VII of the Comprehensive Employment and Training Act (CETA).

SUMMARY: Pursuant to 20 CFR 676.47, the Department of Labor announces the voluntary reallocation of Title VII funds in the amounts and from the prime sponsors indicated below.

FOR FURTHER INFORMATION CONTACT: Jess Ramaker, Acting Administrator, Office of Comprehensive Employment Development, 601 D Street, N.W., Room 5014, Washington, D.C. 20213. Telephone: 202-376-6366.

SUPPLEMENTARY INFORMATION: The Trust Territory of the Pacific Islands and the Commonwealth of the Northern Marianas advised the Department of Labor that they will not be able to utilize their Fiscal Year 1981 Title VII funds in the amounts of $6,483 and $49,895, respectively, for the following reasons:

1. Both prime sponsor areas have a shortage of private enterprises that could provide employment and training opportunities.

2. These prime sponsors lack many of the resource people required by a Private Industry Council.

3. Both prime sponsors are understaffed. They further advised that they were agreeable to voluntary reallocation of these funds.

Based on comments received, the Department of Labor has decided to reallocate these Title VII funds totaling $56,378 to Guam. The Department of Labor reviewed the operations of Guam and determined that Guam needed and will be able to effectively utilize the additional Title VII funds by the end of Fiscal Year 1981.

Signed at Washington, D.C., this 5th day of June 1981.

Albert Angrisani,

Assistant Secretary of Labor.

[FR Doc. 81-18285 Filed 6-18-81; 8:45 am]

BILLING CODE 4510-30-M

Mine Safety and Health Administration

[Docket No. M-81-115-C]

Alabama By-Products Corp.; Petition for Modification of Application of Mandatory Safety Standard

Alabama By-Products Corporation, P.O. Box 127, Goodsprings, Alabama 35560 has filed a petition to modify the application of 30 CFR 75.1719 (illumination) to its Segco Mine No. 1 located in Walker County, Alabama. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that the mine's Lee-Norse continuous miners be equipped with illumination devices.

2. The coal seam varies in height from 28 to 70 inches with soft and often undulating bottom conditions; water is a problem in this mine.

3. The petitioner states that application of the standard would result in a diminution of safety for the miners because:

a. There are no practical locations for the lighting equipment and placement of lights on the equipment would result in constant glare to the equipment operator and miners nearby;

b. Placement of the lighting fixtures would impair the cutting range or limits of the equipment and it would be difficult to maintain the lights and prevent them from striking the rib.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that offices on or before July 20, 1981. Copies of the petition are available for inspection at that address.

Dated: June 11, 1981.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-18272 Filed 6-18-81; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-81-16-M]

Scolite International Corp.; Petition for Modification of Application of Mandatory Safety Standard

Scolite Intrernational Corporation, P.O. Box 1, Troy, New York 12181 has filed a petition to modify the application of 30 CFR 56.9-88 (roll-over protective structures) to its Troy Plant located in Rensselaer County, New York. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that a tractor loader be equipped with roll-over protective structures (ROPS).

2. Petitioner is operating a 1969 Ford tractor loader equipped with seat belts and fitted with a completely enclosed, windowed cab with a metal roof. The

cab would have to be removed to install ROPS.

3. The loader is operated on level concrete floors in the buildings and on a level roadway connecting the buildings. The loader is operated by two skilled operators trained in its safe use.

4. The loader's maximum use is 1200 pounds; its capacity rating is 2440 pounds. The bucket is only raised approximately one-half of its designed use.

5. Petitioner states that it would be impossible for the loader to roll over under its present operating conditions and states that removal of the cab to install ROPS would expose the operator to severe winter weather conditions.

6. For this reason, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before July 20, 1981. Copies of the petition are available for inspection at that address.

Dated; June 11, 1981.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-18271 Filed 6-18-81; 8:45 am]

BILLING CODE 4510-43-M

Occupational Safety and Health Administration

[V-81-1]

Texas Commerce Bank, N.A.; Grant of Variance

AGENCY: Occupational Safety and Health Administration, Department of Labor.

ACTION: Grant of Variance.

SUMMARY: This notice announces the grant of a permanent variance to Texas Commerce Bank, N.A., from the standards prescribed in 29 CFR 1910.66(b)(3) concerning the design requirements for powered platforms for exterior building maintenance.

DATES: The effective date of this grant of variance is June 19, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. James J. Concannon, Director, Office of Variance Determination, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, N.W., Room N-3662, Washington, D.C. 20210, Telephone: (202) 523-7144 or the following Regional and Area Offices:

U.S. Department of Labor, Occupational Safety and Health Administration, 555 Griffin Square Building, Room 602, Dallas, Texas 75202

U.S. Department of Labor, Occupational Safety and Health Administration, 1100 No. 505 NASA Road I, Houston, Texas 77058

I. Background

In February of 1981, Texas Commerce Bank, N.A., made application, pursuant to section 6(d) of the Occupational Safety and Health Act [29 U.S.C. 655 (d)] and 29 CFR 1905.11, for a permanent variance from portions of the safety and health standards prescribed in 29 CFR 1910.66(b)(3). This provision refers to and incorporates parts II and III of the American National Standard Safety Requirements for Powered Platforms for Exterior Building Maintenance, ANSI A120-1970. Section 21 of Part III of this standard requires that the design of the building or structure face in conjunction with the design of the building contact member on the working platform shall provide continuous contact of the working platform with the building or structure in order to absorb wind forces and horizontal components of live and dead loads on the working platform. Further, the face of the building shall be provided with T-rails, indented mullions, or equivalent guides which will positively engage building contact members on the working platform.

The address of the place of employment affected by the variance application is as follows: Texas Commerce Center, 601 Travis, Houston, Texas 7702.

Notice of the Texas Commerce Bank, N.A., application for variance was published on March 20, 1981, in the Federal Register [46 FR 17930-31]. The notice invited interested persons to submit written data, views, and arguments regarding the grant or denial of the variance requested. In addition, affected employers and employees were notified of their right to request a hearing on the application for variance.

One comment was received concerning the request for variance. The writer took exception to the proposed alternative method from two aspects and recommended that the variance not be granted, although no request was made for a hearing. The objections were to the lack of restraint of the platform over a 40 foot distance endangering the workmen from wind action on a tall structure, and to no mention being made of a method of enforcing the attachment of tie-backs at each cable restraint device.

With regard to the initial assertion, OSHA has determined that engineering data submitted by the applicant demonstrated that workmen were not in any danger from even a relatively high wind.

Regarding the second assertion, OSHA has determined that it will be necessary for operators of the powered platform to have knowledge of and training in the operation of the intermittent stabilization system. The employer is also aware of his responsibility in assuring compliance of the operators with the terms of the variance.

II. Facts

The applicant is the owner of the above noted building which has a rise of approximately 208 feet. He will purchase a powered platform to be used for exterior maintenance of this building.

The applicant will provide a system of intermittent stabilization of his powered platform to prevent horizontal translation with respect to the face of the building. The system will consist of threaded stainless steel insert anchors, secured to the face of the building and projecting beyond the face of the building. These anchors will be located in vertical rows at every third floor (approximately 40 feet) and spaced horizontally to allow a stabilization attachment for each of the two platform suspension wire ropes. The stabilization attachment, a quick connect-quick disconnect tie containing an adjustable lanyard to allow positioning of each suspension wire rope vertically parallel to the face of the building, will be attached to each anchor as each elevation of tie-in anchorage is reached during the descent of the working platform. The process will be reversed as the platform ascends. The removal will be assured in that the platform will be provided with electrical interlocks to interrupt power to its hoist(s) in the event either interlock contacts a stabilizer during the ascent of the platform. The platform will also be equipped with building face rollers.

The applicant contends that its alternative method of securing the powered platform, as described above, is as safe and healthful as the requirements of the standard from which a variance is sought.

III. Decision

On the basis of engineering data submitted to OSHA and discussions between the parties, an order was prepared which OSHA feels confident provides an environment as safe and

healthful as that provided by the standard.

Included among the requirements are the following:

(a) A requirement for suspension rope angulation in order to exert a specified minimum pressure of the powered platform against the face of the building;

(b) A positive means of assuring knowledge of the wind velocity at the highest point on the building;

(c) Use of a full-body harness including leg straps which, together with a short lanyard and an automatic locking rope grab, is designed to prevent injury to an employee in the event of a fall; and

(d) Specific requirements for strength and other safety aspects of the powered platform and its appurtenances.

The applicant will be required to comply not only with the requirements contained in the Order, but with all other applicable provisions of 29 CFR 1910.66.

IV. Order

Pursuant to authority in section 6(d) of the Occupational Safety and Health Act of 1970, and in Secretary of Labor's Order No. 8–76 (41 FR 29059), it is ordered that Texas Commerce Bank, N.A. be, and is hereby, authorized to comply with the requirements of this Order set out below in lieu of complying with that portion of § 1910.66(b)(3) of the Occupational Safety and Health Standards that requires the building to be provided with T rails, indented mullions, or equivalent guides which will positively engage building contact members on the working platform.

All other provisions of the standard are unaffected by this variance order, and Texas Commerce Bank, N.A., must continue to comply with them in conjunction with the terms of this Order.

1. The employer shall assure that all procedures required for the proper functioning of the intermittent stabilization system are carried out, in particular the requirement for connecting the lanyards attached to the suspension ropes to the building anchors during the descent of the platform.

2. The platform shall be no greater than 32 feet in length nor 3 feet in width.

3. The weight of the platform (no load) shall be no less than 1500 pounds.

4. The platform shall have openings or gaps to facilitate upward air flow.

5. The suspension rope angulation shall be designed into the suspension system and the tie-in lanyard so that the platform shall exert a minimum pressure of approximately 8 pounds against the face of the building.

6. The anchors in the face of the building shall be spaced vertically a maximum distance of 43 feet apart. The minimum tensile strength of the anchor bolt shall be 600 pounds.

7. The powered platform shall not be operated when the wind velocity is 25 miles per hour or greater. At the very least, an instrument which will accurately measure wind velocity shall be located on the roof of the building.

8. Operators shall be provided with full-body harnesses, which include leg straps, connected to a lanyard of no greater than 3 feet in length. This lanyard shall, in turn, be connected by means of an automatic locking rope grab to a horizontal wire rope fastened in a taut manner across the rear of the platform. The ends of this wire rope shall be secured to structural members of the platform, and the mid-point of the rope secured to the rear guardrail. This system, consisting of the harness, the lanyard, the anchorage points, and any additional hardware involved, shall at a minimum be capable of withstanding a static load of 5,000 pounds.

9. The platform shall be provided with a sensing device that will interrupt its power supply in the event that the platform contacts the tie-in lanyard assembly, to prevent further ascent and ensure that the lanyard assembly can be disengaged from the building anchor.

10. The intermittent stabilization system including its building anchor, shall have a factor or safety of 4 against failure.

11. Operators shall have knowledge of and training in the operation of the intermittent stabilization system.

12. The employer shall comply with all provisions in this order and, in addition, shall not be relieved from compliance with all other applicable provisions of 29 CFR 1910.66.

As soon as possible, Texas Commerce Bank, N.A., shall give notice to affected employees of the terms of this order by the same means required to be used to inform them of the application for variance.

Effective Date: This order shall become effective on June 19, 1981 and shall remain in effect until modified or revoked in accordance with section 6(d) of the Occupational Safety and Health Act of 1970.

Signed at Washington, D.C., this 16th day of June, 1981.

Thorne G. Auchter,

Assistant Secretary of Labor

[FR Doc. 81-18270 Filed 6-18-81; 8:45 am]

BILLING CODE 4510-26-M

Office of Pension and Welfare Benefit Programs

Proposed Exemption for Certain Transactions Involving the Radiology Associates Profit Sharing Plan and Trust Located in Vienna, Va. (Application No. D–2354)

AGENCY: Department of Labor.

ACTION: Notice of proposed exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt the proposed loan of funds (the Loan) by the Radiology Associates Profit Sharing Plan and Trust (the Plan) to VIP Associates (VIP), a party in interest with respect to the Plan, and other transactions, as described herein, to be executed in accordance with the terms of the Loan. The proposed exemption, if granted, would affect the Plan and its participants and beneficiaries, VIP, and any other persons participating in the proposed transaction.

DATE: Written comments and requests for a public hearing must be received by the Department on or before July 29, 1981.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216. Attention: Application No. D–2354. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N–4677, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Mr. David Stander of the Department, telephone (202) 523–8881. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code. The proposed exemption was requested in

an application filed on behalf of the Plan and VIP, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975).

Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. The Plan is a money purchase plan which, as of December 15, 1980, had net assets of $746,837 and approximately 21 participants. Messrs. Louis P. Kirschner (Kirschner), James H. Mero and Morton L. Moss are the trustees (the Trustees) of the Plan and exercise investment discretion with respect to Plan investments.

2. Kirschner, Chung and Mero Radiology Associates, Ltd. (the Employer) is the Plan sponsor. The Employer is engaged in the practice of medicine in the metropolitan Washington, D.C. area. VIP is a Virginia general partnership of which 51 percent of its capital and profit interest is held by Kirschner, a Trustee of the Plan. VIP is comprised of eleven partners who together maintain an aggregate personal net worth in excess of four (4) million dollars.

3. VIP, pursuant to a sales contract executed on January 7, 1981, has contracted to purchase from an unrelated seller an office condominium unit located at 5203A–5205A Lyngate Court, Burke, Virginia (the Property). VIP intends to lease the Property to the Employer. Pursuant to the terms of the sales contract VIP seeks an exemption whereby the Plan would be able to loan up to 80 percent of the purchase price of the Property ($252,500) to VIP.

4. The applicant proposes that the Plan enter into the Loan for the sum of $198,750 receiving in return a first trust deed on the Property. The Loan would constitute approximately 26 percent of the Plan's assets. The Loan would be for a term of ten years and would be amortized on a twenty year schedule. The Loan would bear an interest rate of 15¼ percent for the initial three years and thereafter, throughout the remainder of the term, the interest rate would be readjusted annually to the greater of 15¼ percent or ¼ of one percent above the prevailing interest rate for comparable mortgages in the metropolitan Washington, D.C. area. Principal and interest will be payable monthly throughout the term of the Loan. The applicant represents that the interest paid to the Plan in excess of fair market interest rates will not cause the annual additions to participants' accounts to exceed the limitations of section 415 of the Code.

5. Mr. John M. Hamman, an independent appraiser, determined that the Property, as of March 4, 1981, had a fair market value of $265,000. Because the applicant represents that the Property will at all times have a value not less than 150 percent of the outstanding Loan balance, the Plan will initially disburse to VIP $176,500, an amount less than two-thirds of the currently appraised value of the Property. The remaining $22,250 (bringing the total amount loaned to $198,750) would be disbursed only after anticipated improvements (such as special wiring and walls) to the Property are completed and a complete appraisal performed determining that the Property has a fair market value not less than 150 percent of the proposed Loan amount ($198,750). Throughout the term of the Loan, VIP will insure, at its own expense, the Property against fire and other hazards for an amount not less than the original Loan amount and will execute a loss-payee clause providing for payment to the Plan.

6. A full recourse note against all of the eleven partners of VIP will be executed rendering each partner personally liable to the Plan in the event VIP, as obligor, defaults on the Loan. Additionally, VIP intends to assign rents due under the lease to be entered into with the Employer to the Plan enabling the Plan to receive rental payments directly in the event of default. The Employer intends to execute a written commitment to purchase the first trust note securing the Loan from the Plan for the note's outstanding principal balance plus accrued interest in the event of any default by VIP which is not cured by VIP within 90 days. The Employer, as of October 15, 1980, had a net worth of approximately $155,715.

7. Mr. Josh Loren Nordan (Nordan), an attorney in Washington, D.C. familiar with real estate investments has agreed to serve as the fiduciary for the Plan with respect to the proposed Loan. Nordan is independent of VIP and/or the Employer. Nordan has determined that the terms of the proposed Loan are fair and reasonable and has determined that the Loan is appropriate, suitable and in the best interests of the Plan. The applicant represents that the Loan will not be executed unless immediately prior to consummation Nordan determines that the transaction remains appropriate, suitable and in the best interests of the Plan. Nordan will enforce the terms of the Loan and the first trust deed and will be empowered to make demand upon VIP for timely payment; call any portion or all of the Loan if the Plan's liquidity needs so require; bring suit or other appropriate process against VIP in the event of default; report at least annually to the Plan on the Performance of the Loan; determine the specific interest rate which the Loan will bear after the initial three years of the Loan's term; and will ensure that throughout the term of the Loan the Property or other collateral will have a value not less than 150 percent of the outstanding Loan balance.

8. In summary, the applicant represents that the proposed transaction meets the statutory criteria for an exemption under section 408(a) of the Act because: (a) the Trustees of the Plan represent that the Loan is in the best interests of the Plan; (b) the Loan will enable the Plan to realize a high rate of return which at all times will not be less than 15¼ per annum; (c) the Loan represents approximately 26 percent of the Plan's assets as valued in December, 1980; (d) the Plan will have a first mortgage in the insured Property having a value throughout the term of the Loan not less than 150 percent of the outstanding Loan balance; (e) an independent party, Nordan, has determined that the terms of the Loan are fair and reasonable and that the Loan is appropriate for the Plan and in the best interests of its participants and beneficiaries; and (f) such independent fiduciary will be empowered to completely monitor and enforce the repayment of the Loan.

Tax Consequences of Transaction

The Department of the Treasury has determined that if a transaction between a qualified employee benefit plan and its sponsoring employer (or affiliate thereof) results in the plan either paying less than or receiving more than fair market value such excess may be considered to be a contribution by the sponsoring employer to the plan and therefore must be examined under applicable provisions of the Code, including sections 401(a)(4), 404 and 415.

Notice to Interested Persons

Within ten days after its publication in the **Federal Register** notice of this proposed exemption will be hand delivered or mailed to every participant in the Plan. Such notice will include a copy of this Notice of Proposed Exemption as published in the **Federal Register** together with a statement informing such interested persons of their right to comment and/or request a hearing regarding the requested exemption.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedures 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code shall not apply to (1) the Loan of $198,750 by the Plan to VIP; and (2) other transactions to be executed in accordance with the terms of the Loan, including: a) the execution of a full recourse note by all of the partners of VIP thereby personally guaranteeing each partner's obligations pursuant to the Loan; and b) the agreement by the Employer to purchase the Loan and first trust deed from the Plan in the event of any default by VIP which is not cured within 90 days; provided that the Loan and other transactions to be consummated pursuant to the terms of the Loan are not less favorable to the Plan than those obtainable in an arm's length transaction with an unrelated third party at the time of consummation of the transaction.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 12th day of June 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs Labor-Management Services Administration Department of Labor

[FR Doc. 81-18246 Filed 6-18-81; 8:45 am]

BILLING CODE 4510-29-M

Office of the Secretary

[TA-W-10,324; 11,285 & 11,285a]

AMF/Harley Davidson Motor Co., Inc.; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met. It is determined in this case that all of the requirements have been met.

The investigation with regard to TA-W-10,324 was initiated on August 25, 1980 in response to a petition which was filed on behalf of workers at the Milwaukee, Wisconsin plant of AMF/Harley-Davidson Motor Company, Inc. The investigation with regard to TA-W-11,285 was initiated on October 14, 1980 in response to a petition which was filed by the Allied Industrial Workers of America on behalf of workers at the Wauwatosa, Wisconsin plant of AMF/Harley-Davidson. That petition was expanded to include workers at the Tomahawk, Wisconsin plant of AMF/Harley-Davidson (TA-W-11,285a). The workers at all three plants produce golf carts and motorcycles.

Imports of motocycles over 790 cc increased both absolutely and relative to domestic production in 1979 compared to 1978 and increased absolutely in 1980 compared to 1979.

AMF/Harley-Dividson Motor Company, Incorporated markets its motorcycles through franchised dealers who sell them to the general public; thus the ratio of imports to domestic production of motorcycles serves as an indicator of import impact on AMF/Harley-Davidson. The ratio of imports to domestic production of motorcyles over 790 cc exceeded 100 percent in 1979 and 1980.

Workers at AMF/Harley-Davidson Motor Company, Incorporated are not

separately identifiable by product line. Golf carts account for a relatively small percentage of total company production. Any import influence in this product line could not have contributed importantly to overall employment declines at the firm.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with motorcycles produced at the Milwaukee, Wisconsin; Wauwatosa, Wisconsin and Tomahawk, Wisconsin plants of AMF/Harley-Davidson Motor Company, Inc. contributed importantly to the decline in sales or production and to the total or partial separtion of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of the Milwaukee, Wisconsin; Wauwatosa, Wisconsin and Tomahawk, Wisconsin plants of AMF/Harley-Davidson Motor Company, Inc. who became totally or partially separated from employment on or after April 1, 1980 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C., this 12th day of June, 1981.

C. Michael Aho,

Director, Office of Foreign Economic Research.

[FR Doc. 81-18275 Filed 6-18-81; 8:45 am]

BILLING CODE 4510-28-M

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to Section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm of subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than June 29, 1981.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than June 29, 1981.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 15th day of June 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 81-18274 Filed 6-18-81; 8:45 am]

BILLING CODE 4510-28-M

Apendix

Petitioner, Union workers or former workers of—	Location	Date received	Date of Petition	petition No.	Articles produced
AMI Medical Electronics, Inc. (company)	Ronkonkoma, N.YD6/9/81	6/3/81	TA-W-12,750	Moisture and moisture light meters for horticultural use.	
Apeco Corp. (company)	Des Plaines, Ill	6/8/81	6/4/81	TA-W-12,751	Distributing convenience office copiers.
Apeco Corp., Domestic Business Systems Group (company)	Elk Grove Village, Ill	6/8/81	6/4/81	TA-W-12,752	Distributing convenience office copiers.
Blue Bird Food Products Co. (workers)	Philadelphia, Pa	6/8/81	5/27/81	TA-W-12,753	Pork products.
C-E Power System—Combustion Engineering, Inc. (Boiler Makers)	Chattanooga, Tenn	6/5/81	6/2/81	TA-W-12,754	Steam generator equipment.
Florsheim Shoe Co. (workers)	Cape Girardeau, MO	6/8/81	5/12/81	TA-W-12,755	Cut bottom soles for shoes.
J. F. McElwain (workers)	Athol, Mass	6/5/81	6/2/81	TA-W-12,756	Men's injected footwear.
Port Huron Machine Products (workers)	Port Huron Mich	6/8/81	6/4/81	TA-W-12,757	Mfg. welding fixtures.
S & M Leather Coat Co. (ACTWU)	Trenton, N.J	6/8/81	5/29/81	TA-W-12,758	Men's and children's leather outerwear.
Wayne Production Broaching (UAW)	Morenci Mich	6/9/81	6/1/81	TA-W-12,759	Component parts for auto industry.
Allis Chalmers Corp. (workers)	Appleton Wis	6/9/81	6/5/81	TA-W-12,760	Crushing and screening equipment.
Century Glove, Inc. (workers)	Newark, N.J	6/9/81	6/4/81	TA-W-12,761	Work gloves.
Couresty Auto Sales, Inc. (company)	Wilmington Del	5/5/81	5/5/81	TA-W-12,762	Ford dealership.
Grocery Store Products Company (RWDSU)	Kennett Square, Pa	6/10/81	6/5/81	TA-W-12,763	Canning of mushrooms.
Lambertville Ceramic & Mfg. Co., Inc. (workers)	Lumbertville, N.J	6/10/81	6/8/81	TA-W-12,764	Ceramic replacement parts for textile machinery, thread guides.
Nomwock Shoe Co. (company)	Skowhegan, Maine	6/9/81	6/2/81	TA-W-12,765	Men's, women's and children's shoes.
Nomwock Shoe Co. (company)	Norridgewock Maine	6/9/81	6/2/81	TA-W-12,766	Men's, women's and children's shoes.
Park Silk Co., Inc. (company)	New York, N.Y	6/10/81	5/22/81	TA-W-12,767	Weavers; drapery and tie goods.
Standard Forgings Inc. (USWA)	East Chicago, Ill	6/9/81	6/5/81	TA-W-12,768	Freight and locomotive railroad axles.
Tauton Silversmiths, Ltd. (workers)	Taunton, Mass	6/8/81	5/13/81	TA-W-12,769	Silverplated holloware.
Canton Textile Mills, Inc. (ACTWU)	Canton, Ga	6/11/81	6/8/81	TA-W-12,770	Denim cloth.
Russ-Wear Undergarment Company (company)	New York, N.Y	6/11/81	6/9/81	TA-W-12,771	Ladies' panties.

[FR Doc. 81-18274 Filed 6-18-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-11,234]

Top of All Manufacturing Co., Inc.; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met. It is determined in this case that all of the requirements have been met.

The investigation was initiated on October 6, 1980 in response to a petition which was filed by the International Ladies' Garment Workers' Union on behalf of workers at Top of All Manufacturing Company, Incorporated, Cumberland, Maryland. The workers produce ladies' sportswear including primarily ladies' blazers.

U.S. imports of women's, misses' and children's coats and jackets increased absolutely from 1979 to 1980 and in the first quarter of 1981 compared to the first quarter in 1980.

The Department conducted a survey with those manufacturers for whom Top of All performed contract work during the fiscal years ending April 1979, 1980 and 1981. The survey revealed that major customers which decreased purchases of ladies' blazers from Top of All, also increased contract work for ladies' blazers with foreign sources and decreased contracts with other domestic sources in the fiscal year ending April 1980 compared to the fiscal year ending April 1979. In addition, major customers increased purchases of imported ladies' blazers in the fiscal years ending April 1980 and 1981 as compared to the proceeding fiscal year.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with ladies' blazers produced at Top of All Manufacturing Company, Incorporated, Cumberland, Maryland contributed importantly to the decline in sales or production and to the total of partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of Top of All Manufacturing Company, Incorporated, Cumberland, Maryland who became totally or partially separated from employment on or after September 15, 1979 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C. this 9th day of June 1981.

Gloria Pratt,

Director, Office of International Economic Policy and Programs.

[FR Doc. 81-18277 Filed 6-18-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-8055, 8056, 8057, 8058, 9173, 9174, 9237 & 9238]

Arrow Co.; Revised Determination on Reconsideration

On April 24, 1981, the Department made an Affirmative Determination Regarding Application for Reconsideration for workers and former workers of The Arrow Company, Atlanta, Georgia; Bremen, Georgia; Buchanan, Georgia; Cedartown, Georgia; Albertville, Alabama; Jasper, Alabama; Elysburg, Pennsylvania; and Lewistown, Pennsylvania. This determination was published in the Federal Register on May 1, 1981 (46 FR 24755).

The applicant for reconsideration (the ACTWU) claimed that imports of like and competitive shirts increased both absolutely and relative to domestic production during the relevant time period, and that all men's and boys' shirts are economically definable substitutes for one another, whether dress or sport, and whether knit or woven.

The Department's review of the case file showed that labor turnover data for the plants reflected turnover consistent with the overall industry trend. Data for the plants for the first half of 1980 revealed that "Quits" generally accounted for the declines in employment in that period.

In its reconsideration investigation, it was detemined that workers who had been placed in the "Quits"category were in fact employees who had been on layoff status for a year of longer and were terminated. Their placement in the "Quits"category, thus proportionally decreased the number of workers who would be listed as "laid off". Based on additional information provided by the company, the Department also found that employment at most of the subject plants decreased substantially in the last quarter of 1980 compared to the same quarter in 1979 and decreased in the first quarter of 1981 compared to the first quarter in 1980.

The Department in its reconsideration found that imports of men's and boys' dress shirts increased absolutely in 1979 compared to 1978, and that imports of men's and boys' woven sport shirts increased absolutely and relatively in 1979 compared to 1978 and increased absolutely in 1980. In addition, company imports of both men's dress shirts and sport shirts increased significantly in 1979 compared to 1978 and in the first half of 1980 compared to the same period in 1979.

Conclusion

After careful review of the facts obtained on reconsideration, it is concluded that increased imports of men's and boys' shirts contributed importantly to the total or partial separation of workers and former workers at the following Arrow Company plants: Atlanta, Georgia; Bremen, Georgia; Buchanan, Georgia; Cedartown, Georgia; Albertville, Alabama; Jasper, Alabama; Elysburg, Pennsylvania; and Lewistown, Pennsylvania. In accordance with the provisions of the Trade Act of 1974, I make the following revised determination:

All workers at The Arrow Company plants in Atlanta, Georgia; Bremen, Georgia; Buchanan, Georgia; Cedartown, Georgia; Jasper, Alabama; Elysburg, Pennsylvania; and Lewistown, Pennsylvania who became totally or partially separated from employment on or after February 1, 1980, and all workers at the Albertville, Alabama plant who became totally or partially separated on or after April 20, 1980, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 10th day of June 1981.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 81-18273 Filed 6-18-81; 8:45 am]

BILLING CODE 4510-28-M

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Engineering and Applied Science

Open Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Committee for Engineering and Applied Science
Date and time: July 9-10, 1981; 9 am-5 pm 7/9; 9 am-3:30 pm 7/10
Place: National Science Foundation, 1800 G Street NW., Room 540, Washington, D.C. 20550
Type of meeting: Open
Contact person: Mrs. Mary Poats, Executive Secretary, Advisory Committee for

Engineering and Applied Science, Room 537, National Science Foundation, Washington, D.C. 20550, Telephone: (202) 357–9571

Summary minutes: Contact Mrs. Mary Poats at the above address

Purpose of advisory meeting: To provide advice, recommendations, and counsel on major goals and policies pertaining to Engineering programs and activities.

Agenda

Thursday, July 9

9:00 am—Welcoming remarks, Dr. Slaughter; Welcoming remarks and selection of Chairperson, Dr. Sanderson
9:30 am—Committee discussion of organization functions and work agenda
10:00 am—Coffee break
10:15 am—Presentation on national trends in engineering and studies of engineering research and education activities
10:45 am—Overview of NSF Engineering programs: ECSE, Dr. Kahne; CPE, Dr. Lih; MEAM, Dr. Strauss; CEE, Dr. Butcher
Noon—Lunch
1:30 pm—Task group assignments and discussion of priorities
2:00 pm—Individual task group meetings
5:00 pm—Adjournment

Friday, July 10

9:00 am—General discussion
9:45 am—Individual task group meetings
Noon—Lunch
1:00 pm—Preliminary reports of task groups and plans for action
2:30 pm—Long-range plans
3:30 pm—Adjournment.

M. Rebecca Winkler,
Committee Management Coordinator.

[FR Doc. 81-18216 Filed 6-18-81; 8:45 am]
BILLING CODE 7555-01-M

Subcommittee for Economics of the Advisory Committee for Social and Economic Science

Meeting

In accordance with the Federal Advisory Committee, as amended, the National Science Foundation announces the following meeting:

Name: Subcommittee for Economics of the Advisory Committee for Social and Economic Science.
Date and Time: July 9, 1981: 9:00 a.m. to 5:00 p.m.; and July 10, 1981: 9:00 a.m. to 5:00 p.m.
Place: Room 628, National Science Foundation, 1800 G Street, NW., Washington, D.C.
Type of Meeting: Part Open—July 10, 1981: 1:00 p.m. to 5:00 p.m. Closed—July 9, 1981: 9:00 a.m. to 5:00 p.m. and July 10, 1981: 9:00 a.m. to 1:00 p.m.
Contact person: Dr. Daniel H. Newlon, Program Director, Economics, Room 312, National Science Foundation, Washington, D.C. 20550; telephone (202) 357–9674.
Purpose of subcommittee: To provide advice and recommendations concerning support for research in and research-related projects in Economics
Agenda: Open: 1:00 p.m. to 5:00 p.m., July 10, 1981—Discussion of program policy toward budget cuts.
Closed: 9:00 a.m. to 5:00 p.m., July 9, and 9:00 a.m. to 1:00 p.m., July 10, 1981—To review and evaluate research proposals as part of the selection process for awards.
Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.
Authority to Close Meeting: This determinations was made by the Committee Management Officer pursuant to provisions of Section 10(d) of P.L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

M. Rebecca Winkler,
Committee Management Coordinator.

[FR Doc. 81-18217 Filed 6-18-81; 8:45 am]
BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards

Subcommittee on Advanced Reactors; Meeting

The ACRS Subcommittee on Advanced Reactors will hold a meeting on July 7, 1981, Room 1167, 1717 H Street NW., Washington, DC to discuss Advanced Reactor Research Program for FY 1983. Notice of this meeting was published June 19.

In accordance with the procedures outlined in the **Federal Register** on October 7, 1980 (45 FR 66535), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance except for those sessions during which the Subcommittee finds it necessary to discuss proprietary information. One or more closed sessions may be necessary to discuss such information. (Sunshine Act exemption 4). To the extent practicable, these closed sessions will be held so as to minimize inconvenience to members of the public in attendance.

The agenda for subject meeting shall be as follows: *Tuesday, July 7, 1981, 8:30 a.m. until the conclusion of business.*

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives, the NRC Staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Elpidio Igne (telephone 202/634–1414) between 8:15 a.m. and 5:00 p.m., EDT.

I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act, that it may be necessary to close some portions of this meeting to protect proprietary information. The authority for such closure is Exemption (4) to the Sunshine Act, 5 U.S.C. 552b(c)(4).

Dated: June 15, 1981.

John C. Hoyle,
Advisory Committee Management Officer.

[FR Doc. 81-18279 Filed 6-18-81; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50-364]

Alabama Power Company; Notice of Issuance of Amendment to Facility Operating License No. NPF-8

The U.S. Nuclear Regulatory Commissibn (the Commission) has issued Amendment No. 1 to Facility Operating License No. NPF-8. This amendment was issued to Alabama Power Company for the Joseph M. Farley Nuclear Plant, Unit 2 to correct typographical errors in the Technical Specifications and to allow a 24 second delay in energizing one emergency bus for one diesel generator.

The Joseph M. Farley Nuclear Plant is located in Houston County, Alabama. This amendment was effective on May 6, 1981.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act

of 1954, as amended (the Act), and the Commission's requirements. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendent does not involve a significant hazards considerations.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an Environmental Impact Statement, or Negative Declaration and Environmental Impact Appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment, dated May 5, 1981; (2) Amendment No. 1 to Facility Operating License NPF-8; and (3) the Commission's related Safety Evaluation. All of these documents are available for public inspecton at the Commission's Public Document Room, located at 1717 H Street, N.W., Washington, D.C. 20555 and at the G. S. Houston Memorial Library, 212 W. Burdeshaw Street, Dothan, Alabama 36303 or may be requested by writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 Attention: Director, Technical Information and Document Control.

Dated at Bethesda, Maryland, this 15th day of June, 1981.

For the Nuclear Regulatory Commission.

B. J. Youngblood,

Chief, Licensing Branch No. 1, Division of Licensing.

[FR Doc. 81-18279 Filed 6-18-81, 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-471]

Boston Edison Company, et al., (Pilgrim Nuclear Generating Station, Unit 2); Order Setting Prehearing Conference

June 15, 1981.

A prehearing conference will be held in this matter commencing at 1:00 p.m., on July 1, 1981, at Room 304, Suffolk County Courthouse, Government Center, Boston, Massachusetts. The purpose of this conference is to set a schedule for settling with finality the contentions in issue, to schedule discovery, to set dates for the filing of testimony and hearings dates and such other matters as may be brought before the Board.

It is so ordered.

Dated at Bethesda, Maryland this 15th day of June 1981.

For the Atomic Safety and Licensing Board.

Andrew C. Goodhope,

Chairman, Administrative Judge.

[FR Doc. 81-18280 Filed 6-18-81, 8:45 am]

BILLING CODE 7590-01-M

POSTAL RATE COMMISSION

[Docket No. MC81-4]

Mail Classification Schedule, 1981 Express Mail Insurance Claims Eligibility Requirements; United States Postal Service's Filing of a Request for a Recommended Decision on Changes in the Express Mail Insurance Claims Eligibility Requirements

June 15, 1981.

Notice is hereby given that on June 8, 1981, the United States Postal Service ("Postal Service"), pursuant to Chapter 36 of Title 39, United States Code, filed a request with the Postal Rate Commission for a recommended decision on proposed revisions in the eligibility requirements and processing procedures for Express Mail insurance claims. This filing has been assigned Docket No. MC81-4.

The Postal Service states that its request contains such information and data which explain the nature, scope, significance and impact of the proposed changes.[1] The Postal Service offers two alternative proposal. The first proposal would revise sections 500.41 and 500.44 of the Domestic Mail Classification Schedule ("DMCS"). This proposal retains the maximum liability for document reconstruction and merchandise that is presently in effect, under section 500.41, and also identifies the actual indemnity of $15 for mailings valued at $15 or less, or for negotiable items, or currency or bullion. The specific terms and conditions for processing insurance claims and postage refunds would be set forth only in the Postal Service regulations. The Postal Service supports this proposal by noting that only the maximum insurance liability bears significantly on the intrinsic costs and value of the service, and that permitting the Postal Service flexibility in the specific provisions for processing insurance claims would relieve the Service, and others, of unnecessary administrative hardships.

The Postal Service urges the Commission to recommend the first proposal but also presents an alternative. This second proposal would revise sections 500.041b and 500.044 of the DMCS. Section 500.041b, regarding merchandise insurance, would be changed by eliminating the need for the mailer to declare the value of an item at the time of mailing. As a result, customers would be able to recover the actual cash value of the item up to the present maximum of $500, except for mailings with a value of $15 or less, or for negotiable items, currency, or bullion where the indemnity is limited to $15.00. Section 500.044 would be changed by permitting the addressee, as well as the mailer, to file an insurance claim in certain circumstances. The Postal Service states that this proposal will ease the processing of Express Mail insurance claims and will permit more equitable adjudications of such claims. The Service also states that neither proposal will have an appreciable effect on Express Mail costs. Using FY 1979 data, it estimates an increase of approximately 15/100 of one cent per piece which, it states, "is an insignificant increase, which the Postal Service is willing to accept to remove a limitation which our customers believe unfair."

Hearings will be held on the proposal submitted by the Postal Service in Docket No. MC81-4. Any person desiring to be heard with reference thereto and to become a party to the proceeding, or to participate as a party in any hearing thereon, should file a petition for leave to intervene. Petitions for leave to intervene must be filed with the Secretary, Postal Rate Commission, Washington, D.C. 20268 on or before June 30, 1981, and must be in accordance with § 20 of the Commission's rules of practice (39 CFR 3001.20). We direct specific attention to § 20(b) which provides that petitions for leave to intervene shall affirmatively state whether or not the petitioner requests a hearing or, in lieu thereof, a conference; and further, whether or not the petitioner intends to participate actively in the hearing.[2] Alternatively, persons seeking limited participation, but who do not wish to become parties may, on or before June 30, 1981, file a written request for leave to be heard as a "limited participator," pursuant to § 19a of the Commission's rule of practice (39 CFR 3001.19a). In addition, persons wishing to express their views informally, and not desiring to become a party or limited participant, may file

[1] The specific changes in the Domestic Mail Classification Schedule are set out in legislative format in Attachment I of the Postal Service's Request.

[2] In this regard, parties who intend to participate actively in this proceeding are encouraged to inform the Postal Service informally and promptly of desired preliminary clarification of the Postal Service's presentation wherever the participant believes such clarification will expedite this proceeding.

comments pursuant to § 19b of the Commission's rules, 39 CFR 3001.19b.

At the same time as it filed its Proposal, the Postal Service, pursuant to Commission rules 22 and 64(h)(3), filed a motion for waiver of rule 64(d), rule 64(b)(3), rule 64(c)(2), rule 64(e) and rule 64(h), except for rule 64(h)(2)(i) insofar as it requests the statement required by rule 54(q).

The Postal Service requests waiver of 64(h), to the extent described above, because the proposed changes do not significantly change the cost revenue relationships referred to in 64(h)(1)(i)–(iv). It states that the effect of an increase of approximately 15/100 of one cent per piece "would not appreciably or measurably increase the attributable/assignable costs of Express Mail" and that the effect on total attributable/assignable costs would be minuscule. The Postal Service requests that 64(d) be waived to the extent it requires development of costs and revenues in accordance with 54(h), 54(f), and 54(j). The Postal Service supports its request for waiver of the cost data required by 54(h) and (f), by stating that it is not requesting any changes in rates or fees, and that the effect of the changes on attributable/assignable costs is insignificant. With respect to 54(j), the Service refers to witness Ganley's testimony that the volume of Express Mail and the number of claims filed will not be effected by the proposed changes and also states that "it is impossible to produce any volumes or demand data in this proceeding." The Postal Service states that 64(b)(3) should be waived because the proposed changes will have no effect upon the economic substitutability between Express Mail or any class or subclass of mail. It states that shape, weight, and distance of Express Mail are of no relevance to Express Mail insurance claims eligibility requirements and procedures and therefore requests a waiver of 64(c)(2). The Postal Service says that 64(e) should be waived because the proposed revisions do not entail any interclass changes.

Parties who wish to address the Postal Service's motion should file their answers by June 30, 1981.

The request of the Postal Service for a recommended decision on changes in Express Mail insurance claims eligibility requirements and the motion for waiver of certain filing provisions of the Commission's rules of practice and procedure are on file with the Commission and are available for public inspection during regular business hours.

By Order of the Commission.

David F. Harris,

Secretary.

[FR Doc. 81-18173 6-18-81; 8:45 am]

BILLING CODE 7715-01-M

POSTAL SERVICE

Proposed Telecommunications Connections Arrangements for U.S. Postal Service Electronic Computer Originated Mail (E-COM) Service

AGENCY: Postal Service.

ACTION: Notice of proposed telecommunications connection arrangments for E-COM service.

SUMMARY: This notice describes the proposed arrangments for telecommunications common carriers to connect with E-COM service serving post offices (SPOs). These proposed arrangements are presented at this time to enable interested parties to plan and provide for their means of telecommunications access to the SPO facilities. The Postal Service invites comments on these proposed arrangements to assist it in providing telecommunications arrangements that will accommodate the diverse needs of the wide range of parties to be served by E-COM service.

DATES: Comments must be received on or before July 23, 1981. Questions and oral comments concerning this notice may be presented at a conference to be held at 1:30 p.m. in the Benjamin Franklin Room, U.S. Postal Service, 475 L'Enfant Plaza West, S.W., Washington, D.C. 20260, on June 29, 1981.

ADDRESS: Written comments should be addressed to the Director, Office of Electronic Mail Systems Development, Postal Service Research and Development Laboratories, 11711 Parklawn Drive, Rockville, MD 20852. Copies of written comments will be available for inspection and copying by calling (301) 443-6255 for an appointment.

FOR FURTHER INFORMATION CONTACT: Charles S. Shaw, (301) 443-6255.

SUPPLEMENTARY INFORMATION:

E-COM Service

The USPS E-COM service, beginnning in January, 1982, will enable mailers to receive consistent delivery of messages by the second business day throughout the United States. In E-COM service, mailers will transmit messages via telecommunications common carriers to telecommunications receiving facilities at Serving Post Offices (SPOs) located in the following 25 cities:

Phoenix, AZ
Los Angeles, CA
San Francisco, CA
Denver, CO
Washington, DC
Orlando, FL
Atlanta, GA
Chicago, IL
New Orleans, LA
Boston, MA
Detroit, MI
Kansas City, MO
St. Louis, MO
Minneapolis, MN
Charlotte, NC
New York, NY
Cincinnati, OH
Philadelphia, PA
Pittsburgh, PA
Nashville, TN
Dallas, TX
San Antonio, TX
Richmond, VA
Seattle, WA
Milwaukee, WI

Each transmission to a given SPO must convey at least 200 messages. At the SPO, the USPS will print the messages on paper and insert them into envelopes. Messages will then be delivered to addressees as regular First-Class Mail. Appendix A delineates the ZIP Code areas served by each SPO.

Proposed E-COM Telecommunications Connection Arrangements

The proposed arrangements for connection to the telecommunications-receiving facilities in the 25 SPOs are presented at this time to enable interested parties to plan and provide for their respective means of telecommunications access to the SPO facilities. The Postal Service invites comments from interested parties concerning these proposed arrangements. Such comments will assist the Postal Service in providing telecommunications arrangements that accommodate the diverse needs of the wide range of parties to be served by E-COM facilities.

Mailers who use E-COM service can submit messages through telecommunications carriers in two days: direct and indirect. In the direct method, users send messages directly to the appropriate SPOs using only the transmission services of telecommunications carriers. Such carriers are here termed *common carriers*. In the indirect method, users transmit messages to the facilities of a company that performs message-processing functions in addition to transmitting the messages to the appropriate SPOs. Such companies are termed *processing companies*.

The proposed E-COM telecommunications arrangements will

provide two broad classes of access facilities at each SPO: public and private. The public access facilities will permit customers to connect to any SPO by means of the nation-wide public switched telephone network, using whichever telecommunications common carriers the customers may choose. The public access telecommunications facilities at each SPO may be used either by mailers sending messages directly via common carriers or by processing companies sending their customers' messages from the companies' processing facilities. The private access facilities at each SPO are available only to telecommunications common carriers.

Public Access Facilities

In the initial E–COM configuration proposed for service beginning in January 1982, each SPO will be equipped with public access telecommunications facilities.

The Postal Service will provide all of the telecommunications equipment and services needed at each SPO to permit dial-up access, including protocol hardware and software, modems, and public telephone network connections. Parties sending E–COM messages to the SPOs will be provided with the telephone numbers and transmission characteristics for each telecommunications port at each SPO.

Two telecommunications arrangements compatible with message transmission equipment that is in relatively wide use today will be available for public access at each SPO. These arrangements are:

(a) *Binary synchronous*, compatible with the IBM 2780 and 3780 terminals, using EBCDIC character code sets, operating at 2400 bits per second with Bell System 201 modems and at 4800 bits per second with Bell System 208 modems, and,

(b) *Asynchronous*, compatible with Teletype KSR/ASR 33 or 35, used in a wide variety of currently used message and data terminals, using the ASCII character structure, operating at 300 or 1200 bits per second with Bell System 212 modems.

An X.25 packet protocol will also be provided for public access when warranted by demand and commercially available equipment.

The Postal Service intends to provide sufficient public access ports of each type at each SPO to assure that, during the busiest hour of a typical business day, no more than 5 percent of the incoming calls will find all ports of that type busy. The Postal Service may not, however, be able to meet this standard when service commences.

The Postal Service may, at user request, schedule the use of specific ports on specific occasions so that users can be assured that ports will be available if needed.

Private Access Facilities

While the public access facilities provided by the Postal Service at each SPO are available to all E–COM senders (both mailers and carriers alike), some senders may choose to obtain and use private access facilities at the SPOs. These senders may seek a variety of benefits from such private access facilities, including exclusive and certain access at all times, resale or control over the shared use of access facilities, or transmission efficiency through use of speeds, protocols, character structures, or telecommunications interface design characteristics not available in the public access facilities. In sum, such private access facilities afford senders a measure of control over essential facilities that is not available to users who rely exclusively on the public access facilities provided by the Postal Service.

The E–COM facilities may not be able to accommodate immediately all requests for private access. If necessary, the Postal Service will adopt criteria for permitting private access that will ensure the most fair and efficient allocation of resources which, for a time, will be scarce. At the same time, every reasonable effort will be made to accommodate all who desire private access.

As indicated previously, under the Domestic Mail Classification Schedule E–COM privisions now in effect, only telecommunications common carriers are permitted at this time to obtain and use private access facilities. Accordingly, the Postal Service proposes initially to provide private access facilities at the SPOs only to common carriers. Such carriers may obtain direct access to the message-receiving telecommunications controllers at the SPOs under the following conditions:

(a) Carriers must provide their own telecommunication interface circuit boards and modems,

(b) The equipment used for this purpose by the carrier must be approved by the Postal Service so that the equipment meets the compatibility and performance requirements defined by the Postal Service, and,

(c) The carriers must guarantee a minimum volume of paid messages for each access facility granted to the carriers by the Postal Service.

The carriers will determine the line protocols, speeds, and numbers of ports for this private interface equipment, subject to Postal Service approval. Each carrier will choose the SPOs at which that carrier provides private interface equipment.

The Postal Service will provide routine maintenance service for the carrier-provided interface equipment to maintain overall E–COM system integrity. The carrier, however, will be responsible for the repair or replacement of malfunctioning equipment.

The Postal Service will require that the carrier guarantee a specified minimum volume of message-traffic as a condition for the carrier's private access to the Postal Service E–COM facilities.

When the number of carriers wanting slots at any SPO exceeds the number of slots immediately available, the Postal Service will use competitive bidding based on guaranteed traffic volumes to award the circuit board slots that may be available at that time. Additional slots will be provided as soon as practicable to accommodate all carriers which meet the specified minimum. No carrier will be permitted to have more than one slot at any SPO until all carriers which want private access to that SPO have been assigned a slot.

Carriers may sell to mailers or to other carriers or share with them the use of the carrier's private access equipment and facilities, provided that such sale or shared use does not adversely affect the Postal Service's equipment or other users of E–COM service.

Description of SPO Telecommunications Facilities

The Postal Service E–COM facilities at each SPO include telecommunications control equipment for receiving messages from senders. The particular device that will be used for this purpose at each SPO when E–COM operations begin in January 1982 is the Plessey Micro-1/23L sub-system, which employs the Digital Equipment Corporation (DEC) PDP–11/23 microprocessor.

This SPO telecommunications receiving equipment in turn accommodates several telecommunications interface units, each of which can include a microprocessor and associated circuitry. The interface units are implemented on circuit boards that can be plugged into the SPO telecommunications receiver equipment. The line protocols, speeds, and numbers of ports associated with each interface unit are a function of the circuit board design and programming. Each SPO can accommodate multiple circuit boards, that is, each SPO has multiple circuit board slots. Some

currently used line protocols (including the asynchronous or the binary synchronous protocols used for the SPO public ports) can be accommodated on a single circuit board, and circuit boards are commercially available that provide two ports each operating at up to 9600 bits per second, while others require two circuit boards to provide one port for private access up to 9600 bits per second using an X.25 line protocol or up to 56 kilobits per second using a DEC DDCMP protocol.

Interface circuit boards for the following protocols are commercially available: bisynchronous 2780 and 3780, X.25 LAP B bisynchronous, and DEC DDCMP. Interface circuit boards for the asynchronous KSR/ASR protocol are expected to be commercially available in the future. Appendix B presents the available data on interfacing with Postal Service telecommunications receiving equipment. Additional information will be made public as soon after it is available to the Postal Service as practicable.

W. Allen Sanders,

Associate General Counsel, Office of General Law and Administration.

Appendix—SPO Locations and Service Area (States and ZIP Codes) Northeast Region

1. Boston, MA—Massachusetts (010–027), Rhode Island (028–029), New Hampshire (030–039), Maine (040–049), Vermont (050–059), Connecticut (060–067)
2. New York, NY—Connecticut (068–069), New Jersey (070–079, 088–089), New York (090–098, 100–129)
3. Philadelphia, PA—New Jersey (080–087), Pennsylvania (169–196), Delaware (197–199)
4. Washington, DC—Washington, DC (200–205), Maryland (206–219), Virginia (220–223, 226–227), West Virginia (254, 267–268)
5. Pittsburgh, PA—New York (130–149), Ohio (439), Pennsylvania (150–168), West Virginia (246–253, 255–266)
6. Richmond, VA—Virginia (224–225, 228–245)

SPO Locations and Service Area (States and Zip Codes) Southern Region

7. Charlotte, NC—North Carolina (270–289), South Carolina (290–297)
8. Atlanta, GA—South Carolina (298–299), Georgia (300–306,308–319), Alabama (350–355, 359–364, 367–368)
9. Nashville, TN—Georgia (307), Alabama (356–358), Tennessee (370–386), Mississippi (388), Kentucky (420–422), Arkansas (723–724)
10. Orlando, FL—Florida (320–340)
11. Dallas, TX—Arkansas (716–722, 725–729), Oklahoma (730–738, 740–749), Texas (750–767, 790–794)
12. San Antonio, TX—Texas (768–789, 795–799)
13. New Orleans, LA—Alabama (365–366, 369), Mississippi (387, 389–397), Louisiana (700–714)

SPO Locations and Service Area (States and ZIP Codes) Central Region

14. Cincinnati OH—Kentucky (400–416, 423, 425–427), Ohio (430–433, 437–438, 440–458), Indiana (470, 471)
15. Chicago, IL—Kentucky (424), Indiana (460–469, 472–479) Iowa (520, 526–528), Illinois (600–619)
16. Detroit, MI—Ohio (434–436), Michigan (480,497)
17. Milwaukee, WI—Michigan (496–499), Wisconsin (530–539, 541–546, 549)
18. Minneapolis, MN—Wisconsin (540, 547–548), Minnesota (550–567), South Dakota (570–577), North Dakota (580–588)
19. Kansas City, Mo—Iowa (500–516, 521–525), Missouri (640–647, 653), Kansas (660–679), Nebraska (680–693), Oklahoma (736)
20. St. Louis, MO—Illinois (620–629), Missouri (630–639, 648, 650–652, 654–658)

SPO Locations and Service Area (States and ZIP Codes) Western Region

21. Denver, CO—Montana (590, 591, 593), Colorado (800–816), Wyoming (820–831), Utah (840–847), Arizona (865), New Mexico (870–884), Nevada (893, 898)
22. Phoenix, AZ—Arizona (850–864), Nevada (890–891)
23. Seattle, WA—Idaho (832–838), Montana (592, 594–599), Oregon (970–979), Washington (980–994)
24. San Francisco, CA—Nevada (894, 895, 897), California (936–966)
25. Los Angeles, CA—California (900–935)

Appendix B–E–COM Telecommunications Data and Interface Requirements

Introduction

The E–COM (Electronic Computer Originated Mail) system being developed by the United States Postal Service and scheduled for operation in January, 1982, will accept mail submitted by authorized customers by electrical transmission over communications lines. Initially, the Postal Service will support a set of four standardized data communications protocols. These protocols are supplemented by standard data format requirement to assure data integrity and standard transmission procedures to assure economical, accountable and secure entry of large mail batches.

A brief description of these procedures is provided in this appendix. Implementation level details will be provided to interested users as needed.

User Data Formats and Data Submission Requirements

A group of messages may be submitted via telecommunications. A given transmission may be in either ASCII code or EBCDIC code but must be entirely in one or the other.

The order of blocks in submission must be:

- E–COM Group Label
- Message Blocks

(Any number of messages, in any mix of message types each message consisting of the combination of header, text control, text and address blocks.)

- E–COM End Block

The E–COM Group Label provide the following information:

- Type of character code
- Customer ID
- Transmission group ID
- Postage estimate
- Common carrier ID
- Return address

The Message Blocks provides the data necessary to print the complete letters. The exact format varies by letter type. The following data blocks are used as appropriate:

- E–COM Message Header—SAM (Single Address Message)
- E–COM Message Header—TIM (Text Insertion Message)
- E–COM Message Header—COT (Common Text Message, Using prestored text)
- E–COM Message Header—PTX (Prestored Text)
- Text Control Block
- Text Block
- Address Block

The E–COM End Block consists of four bytes of data (SEND) to establish the end point of the submission.

A byte level description of these formats is available for interested potential users.

Transmission Control Procedures

To provide increased accountability for customer submissions, E–COM requires that additional procedures be followed independent of a particular data communications protocol. Accordingly, once a physical connection and data link are established with E–COM, the customer must initiate a transmission session by entering a predetermined character sequence. E–COM will then prompt for a logon sequence which, when entered and successfully verified, results in an E–COM, identification and go ahead message being returned. Messages formatted according to E–COM standards may now be entered. When the submission is complete, the customer must terminate the session by entering a predetermined character sequence. E–COM will then return a message indicating that the submission has been accepted and filed for subsequent processing. The data link and connection can now be terminated.

Byte level descriptions of these control procedures will be availabe for interested potential users at a later date.

Transmission Protocols

E–COM offers support for the following protocols: (1) X.25, (2) IBM 2780/3780, (3) asynchronous, and (4) DEC DDCMP.

X.25 protocol support allows customer and E–COM equipment to be interconnected by networks using X.25 standards. On the E–COM side of the network, the electrical interface standard (level 1) is RS–232C and the data link protocol (level 2) is LAPB with BISYNC framing. Line characteristics include full-duplex mode, ACSII and EBCDIC code, and 2400, 4800, or 9600 BPS.

IBM 2780/3780 protocol support allows dial-up connections with IBM 2780, 3780, and compatible terminals using EBCDIC line code. The operating mode is half-duplex transmission at either 2400 BPS with Bell 201C modem or 4800 BPS with Bell 208B modem.

Asynchronous protocol support allows dial-up connections with terminals possessing characteristics compatible with a TTY KSR or ASR Model 33 or 35, and capable of properly responding to XON/XOFF control characters. Line characteristics include full-duplex mode, ASCII code, and 300 or 1200 BPS with Bell 212A modem. The devices above must transmit from an on-line storage medium (i.e. Tape) rather then from its keyboard.

DEC (Digital Equipment Corporation) DDCMP protocol support allows dedicated line connections with compatible devices using ASCII code and operating in full duplex mode at 56000 BPS.

Multiple Mailer Submissions

Letters from several mailers can be merged into a single transmission provided that the combined group:

- Has a single group header
- Uses a single character code
- Is billed to a single user
- Has a single End of Group Block
- And that message identification numbers are arranged in increasing order without duplication

Description of USPS Termination Equipment

E-COM line termination equipment consists of one or more Protocol Device Units (PDU) unique to each supported protocol. It is designed to be compatible with Bell modems and with a DEC PDP 11/23 UNIBUS. The plug-in cards are of two types. The first is the standard DEC DMC-11 for the DDCMP protocol. The second type of card is for the remaining three protocols and has the following characteristics:

- Zilog Z80 based product with 4MHZ clock
- 4K bytes of static RAM
- 16K bytes of user PROM
- IK byte system maintenance ROM
- Memory expansion to IM byte
- Two full duplex serial I/O port with modem control and choice of electrical interface
- Three DMA channels
- Z80 bus for memory and I/O expansion
- Unibus compatible 1 Unit load—mounts in HEX SPC unibus slot
- Unibus DMA (NPR) operation
- Unibus addressable control/status/data registers
- Software controller interrupt vector
- Down-line loadable from host PDP-11
- Mechnical Characteristics
  1 double height HEX board
  1 HEX SPC slot in Unibus PDP-11 backplane
  Power consumption
  6 amps @ 5V
  .35 amps @ +15V
  .25 amps @ −15V
  Temp. +5 to +50°C—10 to 95%RH

The HEX card connectors A through F are compatible with DEC standards as described in the PDP-11 BUS handbook for connectors A and B and the DEC PDP-11/44 system technical manual for connectors C, D, E, and F. The exact pin allocations will be provided at a later date.

The user proms contain X.25, 3780/2780, or asynchronos code compatible with the 11/23 host driver and applications code. In the case of X.25, a memory expansion card is required. Additional details of this interface will be made public as soon as practicable after it is available to the Postal Service.

Certification

Prior to initial entry into the E-COM system the customer interface equipment and procedures must be certified by successfully passing valid telecommunications traffic to the USPS Test and Development facility. This facility is equipped to provide an analysis of the test submission to assure trouble free use of the E-COM system after certification is obtained.

[FR Doc. 81-18413 Filed 6-18-81 8:45 am]

BILLING CODE 7710-12-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 17866; (SR-DTC-81-2)]

The Depository Trust Co. ("DTC"); Order Approving Proposed Rule Change

June 15, 1981.

On March 25, 1981, the Depository Trust Company ("DTC") filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 789(s)(b)(1) (the "Act") and Rule 19b-4 thereunder, copies of a proposed rule change to eliminate DTC's call on the continuous Net Settlement Fund Portion of the Clearing Fund of National Securities Clearing Corporation ("NSCC").

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 34-17670, March 30, 1981) and by publication in the **Federal Register** (46 FR 20354, April 8, 1981). All written statements with respect to the proposed rule change which were filed with the Commission and all written communications relating to the proposed rule change between the Commission and any person were considered and (with the exception of those statements or communications which may be withheld from the public in accordance with the provisions of 5 U.S.C. § 552) were made available to the public at the Commission's Public Reference Room.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to clearing agencies and in particular, the requirements of Section 17A and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-18309 Filed 6-18-81; 8:45 am]

BILLING CODE 8010-01-M

Midwest Stock Exchange, Inc.; Application for Unlisted Trading Privileges and of Opportunity for Hearing

June 15, 1981.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of: Kenai Corporation, Common Stock, $.05 Par Value (File No. 7-5949).

This security is listed and registered on one or more other national securities exchanges and is reported on the consolidated transaction reporting system.

Interested persons are invited to submit on or before July 7, 1981 written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extension of unlisted trading privileges pursuant to such application is consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-18310 Filed 6-18-81; 8:45 am]

BILLING CODE 8010-01-M

Pacific Stock Exchange, Inc.; Application for Unlisted Trading Privileges and of Opportunity for Hearing

June 15, 1981.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to Section

12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the common stock of: Texas Oil & Gas Corporation, Common Stock, $.50 Par Value (File No. 7–5948).

This security is listed and registered on one or more other national securities exchanges and is reported on the consolidated transaction reporting system.

Interested persons are invited to submit on or before July 7, 1981 written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extension of unlisted trading privileges pursuant to such application is consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–18311 Filed 6–18–81; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 17755; File No. 4–281]

Receipt of Amendment to CQS Plan Filed Pursuant to Section 11A(a)(3)(B) of the Securities Exchange Act of 1934

April 24, 1981.

On April 1, 1981, the participants in the consolidated quotation system ("CQS") submitted to the Commission an amendment to the joint industry plan implementing and governing the operation of the CQS (the "Plan") authorized pursuant to Section 11A(a)(3)(B) of the Securities Exchange Act of 1934 ("Act").

I. Description of Amendment

The Plan participants have proposed amending Sections I(z) and VI(d) of the Plan and adding a new Section (b–1) to Section I(b) of the Plan. The purpose of this amendment is to provide in the Plan for the selection and dissemination by the Securities Industry Automation Corporation, ("SIAC"), the Plan processor, of a "best" bid and offer ("BBO") with respect to each Eligible Security. The amendment was filed in response to the Commission's suggestion [1] that the creation of a central processor who would make available a BBO for each Eligible Security to quotation information vendors might facilitate compliance by those vendors with the requirement in Rule 11Ac1–2 (c)(2)(1) under the Act that they display either a BBO or a quotation montage for all subject securities for which they provide quotation information.[2]

The amendment defines the BBO as the highest bid and lowest offer for an Eligible Security furnished to the Plan processor for public dissemination by any Plan participant. In this connection, the amendment states that if two or more bids or offers at the same price are received, the BBO shall be determined on the basis of size, and, as between bids or offers at the same price and size, on the basis of time received.

II. Request for Comment

In order to assist the Commission in determining whether to approve the proposed amendment, interested persons are invited to submit their views and comments on the proposal to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549, on or before July 10, 1981. The amendment to the Plan will be available for public inspection in the Commission's public reference room. All communications should refer to File No. 4–281.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–18306 Filed 6–18–81; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–17862; File No. SR-Amex–81–9]

Self-Regulatory Organizations; Proposed Rule Change by American Stock Exchange, Inc.; Relating to Membership and Association With Members and Member Organizations

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1), notice is hereby given that on April 27, 1981, the American Stock Exchange filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change consists of amendments to several provisons of the Exchange Constitution and rules to delete the requirement that a member be "actively engaged" in the business of his member organization and the requirement that a majority of directors of a member corporation be members or allied members. Amendments are also proposed to the Constitution and rules which would establish standards providing that Exchange determinations regarding membership and member organization financial matters shall be based upon the requirements of federal securities laws, the Exchange Constitution and rules, and the member organization's financial and operational capacity.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B) and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The proposed rule change is intended to ease or eliminate a number of restrictions on membership and association with members and member organizations in order to conform Exchange membership rules to the competitive and other standards established by the Securities Acts Amendments of 1975.

The proposed rule change is consistent with Section 6(b) of the Act in general and furthers the objectives of

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[1] *See* Securities Exchange Release No. 16924 (July 24, 1980) 45 FR 44922.

[2] The Commission deferred the effective date of the provisions of Rule 11Ac1–2 applicable to quotation information vendors from October 5, 1980 to January 3, 1981 and again from January 3, 1980 to September 1, 1981, "to permit the CQ Plan participants and the Securities Industry Automation Corporation ("SIAC"), as CQ Plan processor, the time necessary to complete development and implementation of a BBO Central Processor." Securities Exchange Release No. 17368 (December 11, 1980), 45 FR 83477.

Sections 6(b)(2), 6(b)(5) and 6(b)(8) of the Act in particular in that the amendments are designed to broaden opportunities for qualified persons to become members or associated with members and member organizations, remove impediments to membership and thus to free and open market, and remove burdens on competition.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange has determined that the proposed rule change will impose no burden on competition. On the contrary, the Exchange believes that the proposed rule change will enhance competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

The Exchange has neither solicitated nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange consents to an extension of the time period for Commission consideration of the proposed amendments, as specified in Section 19(b)(2) of the Act, until thirty-five days after it files an amendment to this Form specifically notifying the Commission that the regular members of the Exchange have voted on and approved the Constitutional amendment.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552 will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before July 20, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

June 15, 1981.

[FR Doc. 81-18203 Filed 6-18-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-17862; File No. SR-Amex-77-5]

Self-Regulatory Organizations; Proposed Rule Change by American Stock Exchange, Inc.; Relating to Membership and Association With Members and Member Organizations

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1), notice is hereby given that on June 1, 1981, the American Stock Exchange filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change consists of amendments to the Exchange Constitution and Rules relating to membership and association with members and member organizations.[1]

A provision of the Exchange Constitution is proposed to be amended to delete the requirement that a member be "actively engaged" in the business of his member organization.

All member organizations would be required to maintain a domestic principal place of business by the elimination of the proposed "grandfather" provision for previously admitted Canadian member organizations. Special requirements for Canadian member organizations would therefore no longer be necessary and would be deleted.

One existing Canadian domiciled Exchange member organization—Transatlantic Securities Company—would be affected by the proposed amendments. Compliance with the new provisions would require Transatlantic to substantially alter the manner in which their business is conducted. The Exchange would grant Transatlantic a "grandfather" exemption to allow them to retain Canada as their place of domicile.

The proposed definition of "engaged in a securities or kindred business" in the Rules of the Exchange would be amended to delete the reference to investment advisors. Thus, investment advisory affiliates of member organizations would no longer be required to be "approved persons" of the Exchange.

Several rule provisions would be redesignated and amended to provide that Exchange determinations regarding membership and approval of a member organization's financial matters shall be based upon the requirements of federal securities laws, the Exchange Constitution and rules, and the member organization's financial and operational capability.

Commentary would be added to Rule 310 to provide an alternate means for compliance by foreign-situated approved persons with the Exchange's examination of books and records requirement (proposed Rule 310(c)) by permitting on-site inspection of books and records for foreign-situated approved persons to be conducted by independent professionals where on-site inspection by the Exchange would be contrary to local law or custom. An appropriate governmental official or an enrolled attorney or counsellor at law of the country of domicile of the approved person would have to provide an attestation that such inspection would be contrary to law or generally accepted business practice before the alternate examination procedure would be permitted to be utilized.

Proposed Rule 312(c) would be redesignated Rule 310(c) and revised to clarify that submission of lists of certain stockholders and control persons are required only in connection with an application for membership.

Proposed amendments and commentary to Rule 365 regarding participation in specialist and registered trader joint-accounts would be withdrawn.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in

[1] The full text of the amendment is contained in Exhibit A.

Sections (A), (B) and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The proposed rule change is intended to ease or eliminate a number of long-standing restrictions on membership and association with members and member organizations in order to conform Exchange membership rules to the competitive and other standards established by the Securities Acts Amendments of 1975.

The proposed rule change is consistent with Section 6(b) of the Act in general and furthers the objectives of Sections 6(b)(2), 6(b)(5), and 6(b)(8) of the Act in particular in that the amendments are designed to broaden opportunities for qualified persons to become members or associated with members and member organizations, remove impediments to membership and thus to a free and open market, and remove burdens on competition. The proposed alternate procedure for on-site examination of the books and records of foreign-situated approved persons is consistent with Section 6(b)(1) of the Act and will permit the Exchange to fulfill its responsibility to enforce compliance by persons associated with members with the Act, the rules and regulations thereunder and the rules of the Exchange.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange has determined that the proposed rule change will impose no burden on competition. On the contrary, the Exchange believes that the proposed rule change will enhance competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange consents to an extension of the time period for Commission consideration of the proposed amendments, as specified in Section 19(b)(2) of the Act, until thirty-five days after it files an amendment to this Form specifically notifying the Commission that the regular members of the Exchange have voted on and approved the Constitutional amendments.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submission should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552 will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before July 20, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: June 15, 1981.

George A. Fitzsimmons,
Secretary.

Exhibit A—American Stock Exchange, Inc.

*Amendments to the Exchange Constitution and Rules**

1. Article I, Section 3(c) is amended to read as follows: Allied member.

(c) The term "allied member" means:

(1) a general partner in a regular, options principal or associate member firm *or an employee who controls such member firm* who is not a regular, options principal or associate member of the Exchange; or

(2) an employee of a regular, options principal or associate member corporation who is [actively engaged in its business and devotes the major portion of his time thereto (unless he is in active government service or his health does not permit)] who is not a regular, options principal or associate member of the Exchange, and who is either:

[(i) a director and a holder of record and beneficial owner of voting stock of such corporation, or]

[(ii)] (*i*) a principal executive officer [and a holder of record and beneficial owner of voting stock] of such corporation, or

[(iii)] (*ii*) a [holder of record and beneficial owner of 5% or more of the outstanding voting stock of] *person who controls* such corporation; [or]

[(3) an employee of an associate member corporation who is a director or principal executive officer of such associate member corporation and is not an associate member of the Exchange;] and who in each case has become an allied member as provided in Article IV.

2. Article I, Section 3(g) is amended to read as follows: Approved Person.

(g) The term "approved person" means a [party] *person* who is [neither an employee of] *not* a regular, options principal, [or] associate [member organization] *or allied member* [N] or *an* [regular, options principal, associate or allied] *employee of a* member [of the Exchange, but who is either a director of a regular, options principal or associate member corporation or who, directly or indirectly, controls, is controlled by or is under common control with, a regular, options principal or associate member corporation, and has become an approved person as provided in Article IV.] *organization who has become an approved person as provided in the rules of the Exchange and who is:*

(1) *a person who controls a member, member firm or member corporation,*

(2) *a person engaged in a securities or kindred business who is controlled by or under common control with a member, member firm or member corporation. The terms "control", "person" and "engaged in a securities or kindred business" as used herein shall be defined in the rules of the Exchange, or*

(3) *a person who is the owner of a membership held subject to a special transfer agreement.*

3. Article IV, Sections 2(l) and (m) are redesignated as Sections (j) and (k), and Section (k) as so redesignated is amended to read as follows: Location.

[m] (k) Every member firm shall be a partnership and every member corporation shall be a corporation created or organized under the laws of, and shall maintain its principal place of business in, the United States [or Canada,] or any State [or Province] thereof.

4. A new paragraph 16 of "Definitions" is added as follows: *"Engaged in a Securities or Kindred Business".*

16. The term "engaged in a securities or kindred business" shall mean transacting business generally as a

* Note.—Italics indicate material to be added and [brackets] indicate material to be removed.

broker or dealer in securities, including but not limited to, servicing customer accounts or introducing them to another person.

5. Rules 310(c), (d) and (e) are redesignated as Rules 310(a), (b) and (d) respectively and, as redesignated, Rules 310(a) and 310(d) are amended to read as follows: Notice to Exchange.

[(c)] (*a*) [A regular, options principal or associate member] *Any person* who [intends] *proposes* to [organize] *form* a member organization, or who [intends] *proposes* to become a [stockholder or partner] *member or allied member* in an [member] organization [or a director or executive officer of an associate member corporation or in a corporation or firm for which application is made for approval as a member organization, or who intends to admit any party in a member organization as a member or an approved person or a limited partner or any other party approval of whom is required by paragraph (a) or (b) of this Rule], *and any member organization which proposes to admit therein any member, allied member or approved person* shall notify the Exchange in writing before any such [action is taken,] *formation or admission,* and shall submit such information [in connection therewith] as may be required by the *rules of the* Exchange.

Procedure for approval of [non-member directors and] approved person[s].

[(e)] (*d*) Any person who [is a director of a member corporation but not a member, and any party who owns beneficially 5% or more of the outstanding voting stock of a member corporation] *controls a member or member organization, or who engages in a securities or kindred business and is controlled by or under common control with a member or member organization* but is not [a] *an employee of a member organization or a member or allied* member shall apply for approval by the Exchange as an approved person [of such member corporation] by furnishing the Exchange with such information with respect to such applicant, its [or his] history and business, its stockholders, officers, *partners and* directors, any [parent of] *person controlling* of such applicant, and such other information as the *rules of the* Exchange may [from time to time] require. Each applicant shall agree [in writing with the Exchange]:

(i) to supply the Exchange with information with respect to such applicant's relationship and dealings with the member or member organization with which it is associated as the Exchange may reasonably require to ascertain whether the applicant is in compliance with applicable provisions of Federal Securities Laws, the rules and regulations thereunder, and the rules of the Exchange; and

(ii) to supply the Exchnage with information relating to the existence of any statutory disqualification to which the applicant or any person associated with the applicant may be subject, as defined in the Securities Exchange Act of 1934; and

(iii) to abide by such provisions of the Constitution and rules of the Exchange relating to approved persons as shall from time to time be in effect; and

(iv) to permit examinations by the Exchange, or any person designated by it, at any time or from time to time, of its books and records to verify the accuracy of the information required to be supplied herein and by the rules of the Exchange.

6. A new Rule 310(c) is added as follows: *Lists to be submitted to the Exchange.*

(c) In the case of existing corporations making application to become member corporations, there shall be submitted to the Exchange:

(1) A certified list of all holders of record of each class of stock, giving the name and address of the holder and the number of shares of each class of such stock held;

(2) A certified list of all persons who are to become members, directors or approved persons; and

(3) A certified list of all persons designated as principal executive officers of the corporation.

In case of corporations proposed to be organized, similar information shall be submitted to the Exchange.

7. Rule 310 is further amended by adding Commentary .01 as follows: . . .Commentary.

(.01) Notwithstanding the provisions of Rule 310(d) (iv), no applicant to become an approved person (the "applicant") or approved person which is domiciled outside the United States shall be required to permit examination by the Exchange, or any person designated by it, of the applicant's or approved person's books and records, at its place of domicile, to verify the accuracy of information required to be supplied by the rules of the Exchange whenever such examination would, in the opinion of the independent person or government official (as hereinafter specified,) be contrary to the law to which the applicant or approved person is subject in its place of domicile or contrary to generally accepted custom or business practice of such place. Whenever an applicant or an approved person chooses to invoke the provisions of the preceding sentence of this paragraph, the applicant or approved person shall, at its expense, submit to the Exchange a written certification acceptable to the Exchange by a person deemed independent of the applicant or approved person and of its associated member organization, which person is recognized as an enrolled attorney or counselor at law in such place of domicile (the "independent person") or an appropriate governmental official of the place of domicile stating that the examination of the books and records of the applicant or approved person by the Exchange or any person designated by it at its place of domicile would be contrary to the law to which the applicant or approved person is subject in its place of domicile or contrary to generally accepted custom or business practice of such place. Whenever and so long as an approved person chooses to invoke the provisions of the first sentence of this paragraph, the approved person shall, at its expense, submit to the Exchange, not less frequently than annually and upon specific request by the Exchange, a written certification acceptable to the Exchange by an independent person or a person deemed independent of the applicant or approved person and its associated member organization which person is recognized in the place of domicile of the applicant or approved person as an auditor stating that upon reasonable examination conducted by the said person in accordance with generally accepted practices and principles prevalent in the approved person's place of domicile,

(i) in respect of any appropriately designated omnibus account carried by the associated member organization for the account of the approved person but not for its benefit, said independent person has no reason to believe that any of the persons on whose behalf and for whose benefit any transaction was effected therein was a person associated with the approved person or its associated member organization within the meaning of the Securities Exchange Act of 1934 as amended (the "Act"), or the rules therunder, and (ii) in respect of any account carried by the associated member organization in the name and for the account and benefit of the approved person, which account reflects transactions effected in reliance on Section 11(a)(1)(G) of the Act, the rules thereunder and, in particular, Rule 11a1–2 thereunder, the approved person, during its preceding fiscal year, derived more than fifty percent of its gross revenues from one or more of the

sources specified in Section 11(a)(a)(G)(i) of the Act.

8. Rule 312(c) is deleted in its entirety as follows: [Solicitation of proxies.

(c) Each member corporation which has any freely transferable security outstanding shall, prior to each annual or other meeting of the holders of such securities, solicit proxies, consents or authorizations in respect thereof, and in connection with such solicitaton shall transmit to the Exchange and to all holders of record of such securities information substantially equivalent to the information required to be transmitted pursuant to a solicitation of proxies subject to Section 14(a) of the Securities Exchange Act of 1934, as amended, and the rules thereunder.]

9. Rule 312(h) is redesignated 312(e), and amended to read as follows: Issuance of stock or bonds.

[(h)] *(e)* A member corporation shall not issue any [shares of any class of its] stock [without the prior written approval of the Exchange, or transfer any such shares (other than any share which is a freely transferable security) without such approval. A member corporation shall not issue any bonds, notes or other instruments evidencing funded indebtednes of the corporation without the prior written approval of the Exchange] *except for cash or such other consideration which the Exchange determines will not impair the financial responsibility or operational capability of such corporation.*

(ii) A member corporation shall not issue any bonds, notes or instruments evidencing funded indebtedness of the corporation except pursuant to the terms and provisions of such security or of any agreement between the member corporation and the holder of the security, which agreement has been previously filed with, and approved by, the Exchange. The Exchange will approve any such agreement unless it determines that such action will impair the financial responsibility or operational capability of the member corporation.

10. Commentary .20(3)–(5) to Rule 319 is removed as follows: [.20 Special requirements for Canadian member organizations.

* * * * *

(3) The following must be held in the United States:

(a) All securities carried for the accounts of U.S. customers;

(b) Sufficient other assets to equal at least 105% of all other liabilities to U.S. customers and non-customer creditors. In determining the amount of additional assets required to be held in the U.S., consideration must be given to the percentage allowance, if any, accorded such assets under Rule 470.

(4) The member organization must enter into an agreement with the Exchange providing that Section 3(e) of the United States Securities Exchange Act of 1934, as amended, and the rules thereunder, shall be deemed applicable to any hypothecation of securities carried for the account of any customer, whether or not a U.S. customer, and that the member organization will comply therewith in connection with any such hypothecation.

(5) If the member organization does not register with the Securities and Exchange Commission, it must execute a "consent to service" in a form acceptable to the Exchange, designating an acceptable U.S. corporation engaged in such business to be its agent for accepting service of legal documents. See Exhibit VI.]

11. Rule 365 is amended to read as follows: Rule 365. No member [firm] or member [corporation] *organization* may participate in the profits or losses of a specialist joint account, the transactions of which the [firm or corporation] *organization* clears, unless a general partner of the firm or voting stockholder of the corporation is registered and active at the post as a specialist in such joint account.

[FR Doc. 81-18284 Filed 6-18-81; 8:45am]
BILLING CODE 8010-01-M

[Release No. 34-17860; File No. SR-CBOE-81-9]

Self-Regulatory Organizations; Proposed Rule Change by Chicago Board Options Exchange, Inc. Relating to Petitions for Special Meetings

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on June 3, 1981, the Chicago Board Options Exchange, Incorporated filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Text of the Proposed Rule Change

The addition to the Exchange's constitution is italicized.

Article III

Section 3.4. Special meetings of members, for any purpose or purposes, unless otherwise prescribed by statute or by the Certificate of Incorporation, may be called by the Chairman of the Board, the Chairman of the Executive Committee, or the Board of Directors and shall be called by the Secretary at the request in writing of 150 *voting* members, provided that such request shall state the purpose or purposes of the proposed meeting and the day and hour at which such meeting shall be held.

II.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The proposed change in the CBOE's constitution provides that only voting members can sign a petition to call a special meeting of the membership. At present any member, even if he cannot vote, can sign such a petition. Members who cannot vote fall into the following categories: (1) a lessor or a lessee whose lease agreement provides that the other party (either lessor or lessee) has the vote and (2) member organizations with effective nominees. Requiring that a member be able to vote at a special meeting before he can participate in calling such a meeting is a fair procedure that will contribute to the efficient administration of the Exchange. Therefore, the proposed rule change is consistent with section 6(b)(5) of the Securities Exchange Act of 1934 (the Act), its statutory basis.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe the proposed rule change will impose any burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Comments from members, participants or others were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3) of Securities Exchange Act of 1934 and subparagraph (e) of the Securities Exchange Act Rule 19b–4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before July 10, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

June 12, 1981.

[FR Doc. 81-18202 Filed 6-18-81 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-17861; File No. SR-PSE-81-10]

Self-Regulatory Organization; Proposed Rule Change by the Pacific Stock Exchange Inc. Relating to Resolution of Uncompared Options Transactions

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on May 19, 1981, The Pacific Stock Exchange Incorporated filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change modifies Rule VI, Section 27, to delete language which requires both parties to an uncompared options transaction to effect new transactions in order to file claims and establish damages. Rule VI, Section 27, as amended, is set forth below. Italics indicate additions; brackets indicate deletions.

Sec. 27. When a disagreement between member organizations or between member organizations and Order Book Officials, arising from an uncompared Exchange options transaction cannot be resolved by mutual agreement prior to [7:00 a.m.] *6:45 a.m.* on the first business day following the trade date, [the parties] *any party with a claim* shall promptly, but not later than 12:30 p.m. on such day (unless otherwise excused by an Options Floor Official) *enter into a new* [close out the] transaction *to establish a claim for damages.* [in the following manner. The Order Book Official or member organization representing the purchaser in the uncompared Exchange option transaction shall promptly arrange for the entry into a new Exchange option transaction on the Floor of the Exchange to purchase the option contract that was the subject of the uncompared Exchange options transaction. The Order Book Official or member organization representing the writer in the uncompared Exchange options transaction shall promptly arrange for the entry into a new Exchange option transaction on the Options Trading Floor of the Exchange to sell (write) the option contract that was the subject of the uncompared option transaction.] Any claims [for damages] resulting from such transactions must be made promptly against or for the accounts of the Order Book Official or member organization(s) involved and not for the accounts of their respective customers. [Nothwithstanding the foregoing, if either member organization is acting for a firm account in an uncompared Exchange option transaction and not for the account of a customer, such member organization need not enter into a new transaction, in which event money differences will be based solely on the closing transaction of the other party to the uncompared transaction.]

In the event an uncompared transaction involves an option contract of a series in which trading has been terminated or suspended before a new Exchange option transaction can be effected to establish the amount of any loss, the Order Book Official or member organization not at fault may claim damages against the other party involved in the transaction based on the terms of such transaction. All such claims [for damages] shall be made promptly but in no event shall such claim be made after the close of trading on the first business day following the uncompared transaction in question.

Commentary

.01 In order to ensure that trades can be resolved by 6:45 a.m. on the first business day following the trade date, member organizations are required to have an authorized representative of such organization available to resolve uncompared trades no later than 6:15 a.m. on said business day following the trade date.

.02 The Exchange may, at its discretion, remove from record any transactions that have, in error, been matched but which are actually uncompared transactions.

II

(A) *Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change.*

The proposed rule change deletes language which requires both parties to an uncompared options transaction to effect new transactions in order to file claims and establish damages. As a result of the deletion, only the party who intends to file a claim is required to enter into a new transaction. A party who does not intend to file a claim is relieved of the obligation to enter into a new transaction. The proposed rule change incorporates two new Commentaries which provide that member organizations must have an authorized representative of such organization available to resolve uncompared trades at 6:15 a.m. on the business day following the trade date on which the uncompared trade took place. The Exchange is also authorized to remove from its permanent record any transactions that have, in error, been matched but which are actually uncompared trades.

The proposed rule change is consistent with Section 6(b) of the Securities Exchange Act of 1934, in general, and furthers the objectives of Section 6(b)(5) of the Act, in particular, in that it fosters cooperation and coordination with persons engaged in settling and processing information with respect to transactions in securities.

(B) *Self-Regulatory Organization's Statement on Burden on Competition.*

The proposed rule change imposes no burden on competition.

(C) *Self-Regulatory Organization's Statement on Comments on the Proposed Rule Received from Members, Participants, or Others.*

Comments on the proposed rule change were neither solicited nor received.

III Date of Effectiveness of the Proposed Rule change and Timing for Commission Action

On or before July 24, 1981 or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding; or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change; or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, NW., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned, self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before July 10, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

June 12, 1981.

[FR Doc. 81-18206 Filed 6-18-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 11817; (811-2489)]

Scudder Managed Reserves, Inc.; Filing of Application Pursuant to Section 8(f) of the Act for an Order Declaring Applicant Has Ceased To Be an Investment Company

June 12, 1981.

Notice is hereby given that Scudder Managed Reserves, Inc. ("Applicant"), 175 Federal Street, Boston, Massachusetts 02110, a Maryland corporation registered under the Investment Company Act of 1940 ("Act") as an open-end diversified management investment company, filed an application on April 29, 1981, for an order of the Commission, pursuant to Section 8(f) of the Act, declaring that Applicant has ceased to be an investment company as defined by the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

The application states that on December 9, 1980, at a meeting of shareholders, holders of more than two-thirds of the issued and outstanding shares of common stock of Applicant approved an Agreement and Plan of Reorganization, which provided that Applicant would transfer all of its assets, subject to liabilities, to Scudder Cash Investment Trust ("SCIT") in exchange for shares of beneficial interest in SCIT. The application further states that on December 12, 1980, pursuant to this Agreement, Applicant received 389,206,907.850 shares of SCIT, each share having a net asset value of $1, had a net value of $389,206,980.79. Applicant states that the discrepancy of $72.94 between the aggregate net asset value of the SCIT shares and the net value of the assets of the Applicant, which Applicant deems immaterial, results from "breakage" in the calculation process.

The application states that the SCIT shares received by Applicant have been distributed to the Applicant's shareholders in proportion to their ownership of Applicant's shares. No shareholders who held shares in the Applicant in certificated form will receive certificates, dividends or other distributions with respect to their SCIT shares (although such dividends and distributions shall be credited to the accounts of such shareholders) or be permitted to pledge or redeem their SCIT shares until the certificates for the Applicant's shares have been surrendered.

The application states that on December 31, 1980, Applicant filed Articles of Dissolution with the State of Maryland and that, under Maryland law, the existence of the corporation has ceased except for such proposes as are necessary to close its affairs. Finally, it is asserted that Applicant is not now engaged, and does not propose to engage, in any business activities other than those necessary for the winding up of its affairs.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and that, upon the effectiveness of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than July 7, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As proivded by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-18205 Filed 6-18-81; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 16, Amendment 1]

Delegation of Authority to the Associate Administrator for Minority Small Business and Capital Ownership Development

Delegations of Authority No. 16 (44 FR 20530) and No. 16-A (44 FR 23145) as amended (44 FR 29188, 44 FR 67004), are hereby amended to extend the Section 8(a)(1)(B) Contracting Authority contained therein and additionally to correct the title of Delegation of Authority No. 16.

Accordingly, Delegations of Authority No. 16 and No. 16–A are amended as follows:

1. Corrected Delegation of Authority No. 16 title is: Delegation of Authority to the Associate Administrator for Minority Small Business and Capital Ownership Development

2. I. * * *

B. *8(a)(1)(B) Contracting Authority (This is a pilot program and the authority therefor expires on September 30, 1981)*

* * * * *

Effective Date: October 21, 1980.

Dated: June 15, 1981.

Michael Cardenas,

Administrator.

[FR Doc. 81-18302 Filed 6-18-81; 8:45 am]

BILLING CODE 8025-01-M

[License No. 02/02-0434]

Faulkner Investment Co.; Application for a License To Operate as a Small Business Investment Company

Notice is hereby given of the filing of an application with the Small Business Administration (SBA) pursuant to § 107.102 of the regulations governing small business investment companies (13 CFR 107.102 (1980)), by Faulkner Investment Company (Applicant), 870 Seventh Avenue, New York, New York 10019, for a license to operate as a limited partnership small business investment company (SBIC) under the provisions of the Small Business Investment Act of 1958, as amended (the Act) (15 U.S.C. 661 *et seq.*), and the Rules and Regulations promulgated thereunder.

The formation and licensing of a limited partnership SBIC is subject to the provisions of § 107.4 of the Regulations. The application provides for two individual general partners. There will be one limited partner.

The initial investors and their percent of ownership of the Applicant are as follows:

Theodore L. Cross, 233 Carter Road, Princeton, New Jersey 08540 (Individual General Partner), $310,000

Mary S. Cross, 233 Carter Road, Princeton, New Jersey 08540 (Individual General Partner), $75,000

Theodore L. Cross and Kent M. Hertzfield 43 Sunset Avenue, Amherst, Massachusetts 01002 as Trustees for Amanda B. Cross, Wauwinet Road, Nantucket, Massachusetts 02554 and Lisa W. Cross, 240 E. 76th Street, New York, New York 10021 (Limited Partner), $125,000

The Applicant proposes to commence operations with a partnership capital of $510,000. The Applicant anticipates it will primarily provide equity capital and long term loans. The Applicant will have an investment adviser.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed officers, directors, and shareholders of the corporate general partner, as well as the limited partners of the Applicant, and the probability of successful operation of the Applicant, in accordance with the Act and Regulations.

Notice is further given that any person may, not later than 15 days from the date of publication of this notice, submit to SBA, in writing, comments on the proposed licensing of this company. Any such communication should be addressed to: Acting Associate Administrator for Investment, Small Business Administration, 1441 L Street, N.W., Washington, D.C. 20416.

A copy of this notice shall be published by the Applicant in a newspaper of general circulation in New York, New York.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: June 9, 1981.

Peter F. McNeish,

Acting Associate Administrator for Investment.

[FR Doc. 81-18303 Filed 6-18-81; 8:45 am]

BILLING CODE 8025-01-M

[Proposed License No. 09/09/-5285]

LaiLai Capital Corp.; Application for License To Operate as a Small Business Investment Company

An Application for a license to operate as a small business investment company under the provisions of Section 301(d) of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 *et seq.*), has been filed by the LaiLai Capital Corporation (Applicant) with the Small Business Administration (SBA), pursuant to 13 CFR 107.102 (1981).

The officers, directors and stockholders of the Applicant are as follows:

Hsing-Jong (Gerald) Duan, 2239 South Langspur Drive, Hacienda Heights, California 91745, President, Director, General Manager, 28.5% Stockholder

May-Mung (May) Hung Duan, 2239 South Langspur Drive, Hacienda Heights, California 91745, Vice President, Assistant Treasurer, Director

Trang-Ming (Timothy) Hung, 2223 South Langspur Drive, Hacienda Heights, California 91745, Secretary, Director, 14.3% Stockholder

Trang-Chong (Charles) Hung, 2227 South Langspur Drive, Hacienda Heights, California 91745, Treasurer, Chief Finanicial Officer, 28.5% Stockholder

Tzong-Nan (Thomas) Lin, 4492 Leatherwood Court, Concord, California 94521, Director, 7.2% Stockholder

Seven additional stockholders none owning 10% or more, 21.5% Stockholder

The Applicant, a California corporation, with its principal place of business at 400 South Atlantic Boulevard, Suite 308, Monterey Park, California 91754, will begin operations with $700,000 of paid-in capital and paid-in surplus from the sale of 7,100 shares of common stock.

The Applicant will conduct its activities principally in the State of California.

Applicant intends to provide assistance to all qualified socially or economically disadvantaged small business concerns as the opportunity to profitably assist such concerns is presented.

As a small business investment company under Section 301(d) of the Act, the Applicant has been organized and chartered solely for the purpose of performing the functions and conducting the activities contemplated under the Small Business Investment Act of 1958, as amended, from time to time, and will provide assistance solely to small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the Applicant include the general business reputation and character of the proposed owners and management, and the probability of successful operations of the Applicant under this management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act and the Rules and Regulations.

Notice is hereby given that any person may, not later than 15 days from the date of publication of this notice, submit to SBA written comments on the proposed Applicant. Any such communication should be addressed to the Acting Associate Administrator for Investment, 1441 L Street, N.W., Washington, D.C. 20416.

A copy of this notice shall be published in the newspaper of general circulation in Monterey Park, California.

(Catalog of Federal Domestic Assistance Program No. 59.011 Small Business Investment Companies).

Dated: April 8, 1981.

Peter F. McNeish,

Acting Associate Administrator for Investment.

[FR Doc. 81-18304 Filed 6-18-81; 8:45 am]

BILLING CODE 8025-01-M

Metropolitan Venture Co., Inc.; Application for a License To Operate as a Small Business Investment Company

[Proposed License No. 09/09-0293]

Notice is hereby given that an application has been filed with the Small Business Administration pursuant to § 107.102 of the Regulations governing small business investment companies (13 CFR 107.102(1981)), under the name of Metropolitan Venture Company, Inc., 8200 Wilshire Boulevard, Suite 314, Beverly Hills, California 90211, for a license to operate as a small business investment company under the provisions of the Small Business Investment Act of 1958, as amended (Act) (15 U.S.C. 611 *et seq.*), and the Rules and Regulations promulgated thereunder.

The proposed officers, directors and principal Stockholders are:

Name, Title and Ownership

Alan E. Rosenberg, 42 Seventh Avenue, San Francisco, Ca. 94118, President, and Director—

Randolph J. Lowy, 401 S. McCadden Place, Los Angeles, Ca. 90020, Chairman, Executive Vice President, Secretary and Treasurer, [1]31.87 percent

Don Sarno, 9800 S. Sepulveda Blvd., Los Angeles, Ca. 90045, Vice President, Assistant Secretary and Director

John Goeglin, 9800 S. Sepulveda Blvd., Los Angeles, Ca. 90045, Vice President, Assistant Secretary and Director

Marcus L. Lowy, 141 S. Mansfield Avenue, Los Angeles, Ca. 90036, Vice President, Assistant Secretary and Director, [1]12.5 percent

Allan N. Lowy, 150 South June Street, Los Angeles, Ca. 90004, Vice President, Assistant Secretary and Director, [1]5.62 percent

MVC Management Company, 8200 Wilshire Boulevard, Suite 400, Beverly Hills, Ca. 90211, Investment Advisor/Manager

Metropolitan Venture Associates, 8200 Wilshire Boulevard, Suite 400, Beverly Hills, Ca. 90211, 100 percent

Lesny Financial Corporation, 8200 Wilshire Boulevard, Suite 400, Beverly Hills, Ca. 90211, [1]50 percent

Lesny Development Co., 8200 Wilshire Boulevard, Suite 400, Beverly Hills, Ca. 90211, [1]33 percent

UFC Capital Corporation, 700 Market Street, San Francisco, Ca. 94102, [1]50 percent

United Financial Corporation, 700 Market Street, San Francisco, Ca. 94102, [1]50 percent

NHC Corporation, 2800 Grant Building, Pittsburgh, Pa. 15219, [1]50 percent

National Steel Company, 2800 Grant Building, Pittsburgh, Pa. 15219.

Matters involved in SBA's consideration of the application include the general business reputation of the owner and management, and the probability of successful operations of the new company, in accordance with the Act and Regulations.

Notice is hereby given that any person may, not later than July 6, 1981, submit to SBA, in writing, relevant comments on the proposed licensing of this company. Any such communications should be addressed to: Acting Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, N.W., Washington, D.C. 20416.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: June 11, 1981.

Peter F. McNeish,

Acting Associate Administrator for Investment.

[FR Doc. 81-18305 Filed 6-18-81; 8:45 am]

BILLING CODE 8025-01-M

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[1] Such ownership is indirect. All of the shares to be issued by the applicant are to be held of record by the general partnership, Metropolitan Venture Associates, in which Lesny Financial Corporation, a California corporation, owns a 50 percent interest. Of the outstanding capital stock of Lesny Financial Corporation, 50 percent is owned by Rudolph J. Lowy and 50 percent by Lesny Development Co., a California corporation. In Lesny Development Co., Rudolph J. Lowy owns 55 percent of the common stock, Allan N. Lowy owns 45 percent of the common stock and Marcus Lowy owns 100 percent of the preferred stock with slightly more than 50 percent of the voting power of the stock of the corporation. UFC Capital Corporation, a California corporation, owns the other 50 percent interest in Metropolitan Venture Associates. UFC Capital Corporaton is wholly owned by United Financial Corporation, a California corporation, which in turn is wholly owned by NHC Corporation, a Delaware corporation. NHC Corporation is wholly owned by National Steel Company, large publicly held corporation organized in Delaware. There are no owners of ten percent or more of the voting securities of National Steel Company. Metropolitan Venture Associates is a California General Partnership organized solely to organize and capitalize the applicant of which will begin operations with an initial capitalization of $1,200,000. No concentration in any particular industry is planned. The Applicant intends to conduct its operations principally in the State of California.

[Declaration of Disaster Loan Area No. 1991]

Texas; Declaration of Disaster Loan Area

Lamar County and adjacent counties within the State of Texas constitute a disaster areas as a result of damage caused by a tornado which occurred on May 13, 1981. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on August 14, 1981, and for economic injury until the close of business on March 12, 1982, at:

SMALL BUSINESS ADMINISTRATION, District Office, 1100 Commerce Street, Room 3C 36, Dallas, Texas 75242

or other locally announced locations.

For recent changes in disaster loan eligibility see 46 FR 18526 (March 25, 1981).

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: June 12, 1981.

Michael Cardenas,

Administrator.

[FR Doc. 81-18306 Filed 6-18-81; 8:45 am]

BILLING CODE 8025-01-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 118
Friday, June 19, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

	Items
Equal Employment Opportunity Commission	1
Federal Election Commission	2, 3
National Transportation Safety Board	4
Parole Commission	5

1

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

DATE AND TIME: 9:30 a.m. (eastern time), Tuesday, June 23, 1981.

PLACE: Commission Conference Room, 5240, fifth floor, Columbia Plaza Office Building, 2401 E Street NW., Washington, D.C. 20506.

STATUS: Part will be open to the public and part will be closed to the public.

MATTERS TO BE CONSIDERED: Open to the public:

1. Freedom of Information Appeal No. 81-4-FOIA-20-In, concerning a request for information for two closed Title VII Files.
2. State and Local Program: Mid-Year Modifications to FY-80 Backlog and FY-81 New Charge Resolution Contracts
3. A report on Commission Operations by the Executive Director.

Closed to the public:

1. Litigation Authorization; General Counsel Recommendations.

Note—Any matter not discussed or concluded may be carried over to a later meeting.

CONTACT PERSON FOR MORE INFORMATION: Treva I. McCall, Executive Officer, Executive Secretariat, at (202)634-6748.

This Notice Issued June 16, 1981.

[S-939-81 Filed 6-17-81; 3:00 pm]

BILLING CODE 6570-06-M

2

FEDERAL ELECTION COMMISSION.

DATE AND TIME: Tuesday, June 23, 1981 at 10 a.m.

PLACE: 1325 K Street, N.W., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Personnel. Compliance. Litigation. Audits.

* * * * *

DATE AND TIME: Thursday, June 25, 1981 at 10 a.m.

PLACE: 1325 K Street, N.W., Washington, D.C. (fifth floor).

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Setting of dates for future meetings
Correction and approval of minutes
Certifications
Advisory opinions:
  Draft AO 1981-25—William E. Dannemeyer, Member of Congress
  Draft AO 1981-26—Charles E. Bennett, Member of Congress
Pending legislation
Appropriations and budget
Classification actions
Routine administrative matters

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Public Information Officer; Telephone: 202-523-4065.

Marjorie W. Emmons,
Secretary of the Commission.

[S-947-81 Filed 6-18-81; 4:38 p.m.]

BILLING CODE 6715-01-M

3

FEDERAL ELECTION COMMISSION.

[FR No. 908]

PREVIOUSLY ANNOUNCED DATE AND TIME: Thursday, June 18, 1981 at 10 a.m.

CHANGE IN MEETING: It is has been decided that an Executive Session will be held immediately following the open meeting for the purpose of discussing Litigation matters.

PERSON TO CONTACT FOR INFORMATION: Mr. Fred S. Eiland, Public Information Officer; Telephone: 202-523-4065.

Marjorie W. Emmons,
Secretary of the Commission.

[S-951-81 Filed 6-17-81; 3:55 pm]

BILLING CODE 6715-01-M

4

NATIONAL TRANSPORTATION SAFETY BOARD.

[NM-81-22]

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46 FR 31549, June 16, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9 a.m., Tuesday, June 23, 1981.

CHANGE IN MEETING: A majority of the Board has determined by recorded vote that the business of the Board requires revising the agenda of this meeting and that no earlier announcement was possible. The agenda as now revised is set forth below.

STATUS: Open

MATTERS TO BE CONSIDERED:

1. *Marine Accident Report:* Disappearance of U.S. Freighter SS *Poet* in the North Atlantic Ocean about October 25, 1980, and *Recommendations* to the Federal Communications Commission; the U.S. Coast Guard; the U.S. Maritime Administration; the American Bureau of Shipping; the Hawaiian Eugenia Corp., and International Ship Management and Agency Services; the Radio Officers Union; the National Aeronautics and Space Administration; and the National Cargo Bureau, Inc.
2. *Marine Accident Report:* U.S. Tug *Sentinel*, Loss of Tow and Resultant Grounding of Barges *Kona* and *Agottu*, Gulf of Farralones, Pacific Ocean, December 31, 1979, and *Recommendations* to the National Oceanic and Atmospheric Administration and to the National Weather Service.
3. *Recommendation* to the Federal Aviation Administration regarding takeoff and landing minimums and associated visibility observations.

CONTACT PERSON FOR MORE INFORMATION: Sharon Flemming 202-382-6525.

June 17, 1981.

[S-950-81 Filed 6-17-81; 3:40 pm]

BILLING CODE 4910-58-M

5

PAROLE COMMISSION.

National Commissioners (the Commissioners presently maintaining offices at Bethesda, Maryland, Headquarters)

[1P0401]

TIME AND DATE: 9:30 a.m., Wednesday, June 24, 1981.

PLACE: Room 420–F, One North Park Building, 5550 Friendship Boulevard, Bethesda, Maryland 20015.

STATUS: Closed pursuant to a vote to be taken at the beginning of the meeting.

MATTERS TO BE CONSIDERED: Referrals from Regional Commissioners of approximately 12 cases in which inmates of federal prisons have applied for parole or are contesting revocation of parole or mandatory release.

CONTACT PERSON FOR MORE INFORMATION: Linda Wines Marble, Chief Case Analyst, National Appeals Board, United States Parole Commission, (301) 492–5926.

[S-946-81 Filed 6-17-81; 11:51 am]

BILLING CODE 4410-01-M

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federal register

Friday
June 19, 1981

Part II

Department of Labor

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because they necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and Supersedeas Decisions to General Wage Determination Decisions

Modifications and supersedeas decisions to general wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedeas decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Office of Government Contract Wage Standards, Division of Government Contract Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Determination Decision.

New General Wage Determination Decisions

None

Modifications to General Wage Determination Decisions

The numbers of the decision being modified and their dates of publication in the **Federal Register** are listed with each State.

Arizona: AZ81-5124	June 29, 1981.
Delaware: DE81-3028	May 8, 1981.
Idaho: ID81-5125	June 5, 1981.
Illinois:	
IL79-2062	July 6, 1979.
IL81-2003	Feb. 27, 1981.
Indiana: IL79-2062	July 6, 1979.
Louisiana:	
LA81-4002	Jan. 6, 1981.
LA81-4024	May 1, 1981.
LA81-4027	May 1, 1981.
Maine: ME80-2069	Aug. 15, 1980.
Michigan: IL79-2062	July 6, 1979.
Minnesota: IL79-2062	July 6, 1979.
Nevada:	
NV81-5104	Feb. 20, 1981.
NV81-5111	May 1, 1981.
New Mexico:	
NM81-4023	Apr. 10, 1981.
NM80-4101	Dec. 19, 1980.
New York:	
IL79-2062	July 6, 1979.
NY81-3030	May 1, 1981.
Ohio: IL79-2062	July 6, 1979.
Pennsylvania:	
IL79-2062	July 6, 1979.
PA80-3029	Apr. 25, 1980.
PA80-3025	Apr. 11, 1980.
PA80-3038	May 23, 1980.
PA80-3043	July 17, 1980.
PA80-3056	Sept. 12, 1980.
PA80-3074	Dec. 12, 1980
South Dakota: SD81-5121	May 22, 1981.
Tennessee:	
TN79-1146	Nov. 16, 1979.
TN80-1063	Mar. 21, 1980.
TN81-1202	May 1, 1981.
TN81-1203	May 1, 1981.
TN81-1204	May 8, 1981.
Texas:	
TX81-4005	Jan. 6, 1981.
TX81-4006	Jan. 6, 1981.
TX81-4032	May 8, 1981.
TX81-4038	June 5, 1981.
Wisconsin: IL79-2062	July 6, 1979.

Supersedeas Decisions to General Wage Determination Decisions

The numbers of the decisions being superseded and their dates of publication in the Federal Register are listed with each State. Supersedeas decision numbers are in parentheses following the numbers of the decisions being superseded.

Arkansas:	
AR80-4079 (AR81-4041)	Nov. 7, 1980.
AR80-4080 (AR81-4043)	Oct. 31, 1980.
AR80-4081 (AR81-4039)	Nov. 7, 1980.
AR80-4082 (AR81-4040)	Nov. 7, 1980.
AR80-4083 (AR81-4042)	Oct. 31, 1980.
Florida: FL76-1108 (FL81-12500)	Oct. 1, 1976.
Illinois:	
IL79-2052 (IL81-2027)	Aug. 24, 1979.
IL79-2072 (IL81-2028)	Sept. 7, 1979.
Minnesota: MN78-2060 (MN81-2029)	May 26, 1978.
North Carolina: NC79-1154 (NC81-1249)	Nov. 30, 1979.

Cancellation of General Wage Determination Decisions

None

Signed at Washignton, D.C, this 12th day of June 1981.

Dorothy P. Come,

Assistant Administrator, Wage and Hour Division.

BILLING CODE 4510-27-M

Modification Page 1

DECISION NUMBER AZ81-5124 Mod. # 2
(46 FR 29160 - June 29, 1981)

STATEWIDE, ARIZONA	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
OMIT:					
Lathers					
Area 2					
Zone A	$13.78	1.00			.06
Zone B	14.28	1.00			.06
Zone C	14.53	1.00			.06
Zone D	15.28	1.00			.06
Lathers					
Area 2 (Jurisdictional Area)					
Area A: Area within 30 mile radius of the City Hall in Tucson					
Area B: Area within 30-40 mile radius of the City Hall in Tucson.					
Area C: Area within 40-50 mile radius of the City Hall in Tucson.					
Area D: Area outside of Zone C.					
ADD:					
Lathers					
Area 2	13.75	1.00			.06
Marble, Tile, Terrazzo Finishers	11.02	1.19	.30		.10
Painters					
Area 3					
Zone A					
Paperhanger	10.90	.87	.50		.10
CHANGE:					
Painters					
Area 3					
Zone B					
Paperhanger	11.65	.87	.50		.10

Modification Page 2

DECISION NO. DE-81-3028 MOD. NO. 2 (46 FR 25909 - May 8, 1981) State of Delaware	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
CHANGE:					
Bricklayers	$13.40	.95	1.10		
Marble Setters	13.13	.95	1.10		
Millwrights:					
Kent & New Castle Counties:	15.07	1.10	2.50		.02
Plumbers & Steamfitters:					
Sussex & Kent (Remainder of Counties	14.30	1.50	1.00	g	.05
POWER EQUIPMENT OPERATORS:					
Building & Heavy Construction:					
Group 1	14.27	10%	10.3%	h	1.3%
Group 2	13.98	10%	10.3%	h	1.3%
Group 3	13.11	10%	10.3%	h	1.3%
Group 4	12.34	10%	10.3%	h	1.3%
Group 5	11.87	10%	10.3%	h	1.3%
Group 6	10.96	10%	10.3%	h	1.3%
Group 7					
100' & Over	14.52	10%	10.3%	h	1.3%
150' & Over	14.77	10%	10.3%	h	1.3%
200' & Over	15.01	10%	10.3%	h	1.3%
Stonemasons	13.40	.95	1.10		
Terrazzo Workers & Tile Setters	13.13	.95	1.10		
Sprinkler Fitters	15.56	.95	1.40		.08
Truck Drivers:					
Building Construction:					
Group 1	10.035	1.0675	1.225	f	
Group 2	9.935	1.0675	1.225	f	
Group 3	9.785	1.0675	1.225	f	
Heavy Construction:					
Group 1	9.185	1.0675	1.225	f	
Group 2	9.085	1.0675	1.225	f	
Group 3	8.935	1.0675	1.225	f	

Modification Page 3

Modification Page 4

DECISION NO. ID81-5125 (Cont'd)

DECISION NO. ID81-5125 - Mod. #1
(46 FR-30250 -June 5, 1981)
Statewide, Idaho

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
Change:					
Carpenters:					
Area 1:					
Carpenters	$15.66	.96	$1.20		.10
Carpenters working burned, charred, creosoted or similarly treated materials; Boom Man	15.91	.96	1.20		.10
Millwrights and Machine Erectors	16.16	.96	1.20		.10
Piledriver (creosoted material)	16.06	.96	1.20		.10
Laborers:					
Area 2 - Zones 1 thru 3 See Attached					
Line Construction:					
Area 2:					
Apprenticeship Training ONLY					½ of 1%
Sheet Metal Workers:					
Area 1	17.41	3%+.83	1.70		.20
Area 3	14.58	1.48	1.21		.16
Omit:					
Carpenters:					
Area 1:					
Floor Finisher; Floor Layer; Floor Sander Operator; Sawfiler; Shinglers; Stationary Power Saw Operators, and Operators of other stationary power woodworking tools; Piledrivermen	14.19	.96	1.20		.10
Add:					
Carpenters:					
Area 1:					
Sawfiler; Stationary Power woodworking tool Operator; Piledriver	15.81	.96	1.20		.10

DECISION NO. ID81-5125 (Cont'd)

LABORERS (Area 2)

GROUPS	ZONE 1	ZONE 2	ZONE 3
1	$10.16	$11.66	$11.91
2	10.26	11.76	12.01
3	10.36	11.86	12.11
4	10.46	11.96	12.21
5	10.51	12.01	12.26
6	10.76	12.26	12.51
7	11.01	12.51	12.76
8	10.31	11.81	12.06
9	10.46	11.96	12.21
10	10.76	12.26	12.51

Fringe benefits:
Health and Welfare $1.025
Pensions 1.69
Vacation .70
Apprenticeship Training .175

DECISION NO. IL79-2062 - MOD #4
(44 FR 39904 - July 6, 1979)
Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania and Wisconsin

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Chief Engineer	$17.97	.73	.70	a	
Operator	17.83	.73	.70	a	
Assistant Engineers	17.22	.73	.70	a	
Cranemen & Welder, Dipper & Hydraulic Dredging, Spill Barge Operator	17.08	.73	.70	a	

Modification Page 5

DECISION NO. IL81-2003 - MOD #1
(46 FR 14632 - February 27, 1981)
Cook County, Illinois

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
Change:					
Asbestos Workers	$17.00	1.145	1.645		.06
Electricians	17.05	7.62%	7.28%	.80	.53%
Ironworkers:					
Structural and Reinforcing	16.80	2.14	1.47		.10
Ornamental	13.95	.85	1.105		.05
Riggers and Machinery Movers	11.85	.75	2.225	1.50	.15
Metal Fence Erectors	10.57	.85	1.105		.05
Line Construction:					
Linemen; Equipment Operators	17.05	4.4%	6.50%	5.6%	.25%
Pipefitters; Steamfitters	17.00	1.07	1.70		.05
Sprinkler Fitters	17.00	1.30	1.40		.15
Tile Setters' Finishers	12.10	.81	.77		
Add:					
Line Construction:					
Groundmen	12.10	4.4%	6.50%	5.6%	.25%
Marble Setters' Finishers	13.10				

Modification Page 6

DECISION NO. LA81-4002 - MOD. #5
(46 FR 1520 - January 6, 1981)
Allen, Beauregard, Bossier, Caddo, Calcasieu, Cameron, Jefferson, Jefferson Davis, Orleans, Plaquemines, St. Bernard & St. Charles Parishes, Louisiana

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
CHANGE:					
Bricklayers & stonemasons:					
Zone 3	$11.80	.70	.65		
Painters:					
Zone 2 - Group 1	10.875	.875	.70		.10
Group 2	11.25	.875	.70		.10
Group 3	12.475	.875	.70		.10
Plumbers & pipefitters:					
Zone 3	15.48	.92	1.00		.08

DECISION NO. LA81-4024 - MOD. #2
(46 FR 24820 - May 1, 1981)
Statewide Louisiana

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
CHANGE:					
Bricklayers & stonemasons:					
Zone 6	11.80	.70	.65		
Painters:					
Zone 3 - Group 1	10.875	.875	.70		.10
Group 2	11.25	.875	.70		.10
Group 3	12.475	.875	.70		.10
Marble, tile & terrazzo workers & finishers:					
Zone 5:					
Marble, tile & terrazzo workers	10.45	.70			
Plumbers & pipefitters:					
Zone 5	15.48	.92	1.00		.08

Modification Page 7

Modification Page 8

Modification Page 7

DECISION NO. LA81-4027 - MOD. #1 (46 FR 24834 - May 1, 1981) Bossier, Caddo & Calcasieu Parishes, Louisiana	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
CHANGE:					
Bricklayers & stonemasons: Bossier & Caddo Pars.	$11.80	.70	.65		
Marble setters: Bossier & Caddo Pars.	10.45	.70			
Plumbers & pipefitters: Calcasieu Parish	15.48	.92	1.00		.08
Terrazzo workers: Bossier & Caddo Pars.	10.45	.70			
Tile setters: Bossier & Caddo Pars.	10.45	.70			

DECISION NO. ME80-2069 - MOD. #3 (45 FR 54614 - August 15, 1980) Cumberland County, Maine						
CHANGE:						
LABORERS	5.43					

Modification Page 8

DECISION NO. NV81-5104 - Mod. #3 (46 FR 13482-February 20, 1981) Washoe County, Nevada	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
Change:					
Cement Masons:					
Lake Tahoe Area:					
Cement Masons	$14.30	$1.25	$1.10	$2.00	.10
Mastic, Magnesite and and all composition Masons	14.55	1.25	1.10	2.00	.10
Troweling Machine; Grinder Operator and Kelly Float	14.80	1.25	1.10	2.00	.10
Remainder of Washoe County:					
Cement Masons	12.55	1.25	1.10	2.00	.10
Mastic, Magnesite and all composition Masons	12.80	1.25	1.10	2.00	.10
Troweling Machine, Grinder Operator and Kelly Float	13.05	1.25	1.10	2.00	.10

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DECISION NO. NV81-5111 - Mod. #3
(46 FR 24837 - May 1, 1981)
Statewide (does not include the Nevada Test Site and Tonopah Test Range, and Highway Construction in Douglas County), Nevada

Change:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
Cement Masons:					
Area 2:					
Cement Masons	$12.55	$1.25	$1.10	$2.00	.10
Mastic, Magnesite and all Composition Masons	12.80	1.25	1.10	2.00	.10
Troweling Machine; Grinder Operator and Kelly Float	13.05	1.25	1.10	2.00	.10
Area 3:					
Cement Masons	14.30	1.25	1.10	2.00	.10
Mastic, Magnesite and all Composition Masons	14.55	1.25	1.10	2.00	.10
Troweling Machine; Grinder Operator and Kelly Float'	14.80	1.25	1.10	2.00	.10

DECISION NO. NM81-4023 MOD. #3
46 FR 21572 - April 10, 1981
Statewide, New Mexico

CHANGE:

ELECTRICIANS-CABLE SPLICERS ZONE DEFINITIONS

ZONE 1
Area 1 - Bernalillo, Santa Fe, Torrance, DeBaca, Guadalupe, Quay, San Miguel, Mora, Harding, Union, Colfax, Taos, Rio Arriba, Grant, Sandoval, Valencia, Socorro, Catron, McKinley, Sierra, San Juan, Chaves, Curry, Lincoln and Roosevelt Counties

Area 1-A - From nearest basing point cities, towns and mileage from main post office in the following towns:
Albuquerque - 15 miles from main post office
Santa Fe - 10 miles from main post office
Las Vegas - 8 miles from main post office
Farmington - 6 miles from main post office
Raton - 6 miles from main post office
Tucumari - 6 miles from main post office
Aztec - 6 miles from main post office
Roswell - 12 miles from main post office
Ruidoso - 12 miles from main post office
Portales - 12 miles from main post office
Carrizozo - 12 miles from main post office
Clovis - 12 miles from main post office
Gallup - 10 miles from main post office
*Pojoaque - 2 miles from main post office
*All areas adjacent to Pojoaque that are over two (2) miles distant from the main post office in that town will be zoned out of Santa Fe.

CHANGE:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELEVATOR CONSTRUCTORS: Bernalillo, Catron, Colfax, Curry, DeBaca, Guadalupe, Harding, Lincoln, Los Alamos, McKinley, Mora, Quay, Rio Arriba, Roosevelt, Sandoval, San Juan, San Miguel, Santa Fe, Socorro, Taos, Torrance, Union and Valencia Cos.:					
Elevator constructors	$13.645	1.345	.95	b+c	.035
Elevator constructors helpers	70%JR	1.345	.95	b+c	.035

DECISION No. NM81-4023 - Mod. # 3 (Cont'd)

DECISION NO. NM81-4023 MOD. # 3 (Cont'd)

DECISION No. NM81-4023 - Mod. # 3 (Cont'd)

COMMERCIAL LINE WORK

CHANGE:

Bernalillo, Colfax, Catron, Chaves, Curry, DeBaca, Grant, Guadalupe, Harding, Lincoln, Los Alamos, McKinley, Mora, Quay, Rio Arriba, Roosevelt, Sandoval, San Juan, San Miguel, Santa Fe, Sierra, Socorro, Taos, Torrance, Union, Valencia and White Sands Missile Range and that portion of Fort Bliss in New Mexico.

ZONE I

Cities and Towns Basing Points - Miles from Main Post Offices

Albuquerque 15 miles
Santa Fe - 10 miles
Las Vegas - 8 miles
Farmington - 6 miles
Raton - 6 miles
Tucumcari - 6 miles
Aztec - 6 miles
Roswell - 12 miles
Ruidoso - 12 miles
Portales - 12 miles
Carrisoso - 12 miles
Clovis - 12 miles
Gallup - 12 miles
*Pojoaque - 2 miles

*All areas adjacent to Pojoaque that are over two miles distant from the main post office in that town will be zoned out of Santa Fe.

ZONE II - Extending up to 20 miles beyond zone 1

ZONE III - Extending up to 30 miles beyond zone 1

ZONE IV - Anything beyond 30 miles from zone 1

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
COMMERCIAL LINE WORK					
ZONE I					
Linemen - technicians	$14.85	.60	3%+.70		½%
Cable splicers	16.34	.60	3%+.70		½%
Equipment Operator (includes helicopter op.)	14.11	.60	3%+.70		½%
Equipment mechanic (includes Helicopter mechanic	12.92	.60	3%+.70		½%
Powderman	12.92	.60	3%+.70		½%
Groundman & Jackhammer Oprs.	10.54	.60	3%+.70		½%

DECISION NO. NM81-4023 MOD. # 3 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
COMMERCIAL LINEWORK Contd.					
ZONE II					
Linemen - technicians	$16.04	.60	3%+.70		½%
Cable splicers	17.53	.60	3%+.70		½%
Equipment Opr. (includes helicopter op.)	15.30	.60	3%+.70		½%
Equipment mechanic (includes Helicopter mechanic	14.11	.60	3%+.70		½%
Powderman	14.11	.60	3%+.70		½%
Groundman & Jackhammer Oprs.	11.73	.60	3%+.70		½%
ZONE III					
Linemen - technicians	16.93	.60	3%+.70		½%
Cable splicers	18.42	.60	3%+.70		½%
Equipment Opr. (includes helicopter op.)	16.19	.60	3%+.70		½%
Equipment mechanic (includes helicopter mechanic	15.00	.60	3%+.70		½%
Powderman	15.00	.60	3%+.70		½%
Groundman & Jackhammer Oprs.	12.62	.60	3%+.70		½%
ZONE IV					
Linemen - technicians	18.56	.60	3%+.70		½%
Cable splicers	20.05	.60	3%+.70		½%
Equipment Opr. (includes helicopter op.)	17.82	.60	3%+.70		½%
Equipment Mechanic (includes helicopter mechanic)	16.63	.60	3%+.70		½%
Powderman	16.63	.60	3%+.70		½%
Groundman & Jackhammer Oprs.	14.25	.60	3%+.70		½%

COMMERCIAL LINE WORK

Applies to switching stations adjacent to power plants in Eddy and Lea Counties; the following zones listed shall be designated from main Post Office of Artesia, Carlsbad, Hobbs, & Lovington,

Zone A - 0 - 12 miles
Zone B - 12 - 22 miles
Zone C - 22 to 40 miles
Zone D - 40 miles and beyond

DECISION NO. NM81-4023 MOD #3 (Cont'd)

COMMERCIAL LINE WORK CONTD:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE A					
Linemen - technician	$13.45	.60	3%		4%
Cable splicers	13.80	.60	3%		4%
Equipment Opr. (includes helicopter opr.)	12.11	.60	3%		4%
Equipment mechanic (includes helicopter mechanic)	12.11	.60	3%		4%
Powderman	11.70	.60	3%		4%
Groundman & Jackhammer Oprs.	9.54	.60	3%		4%
ZONE B					
Linemen - technician	13.90	.60	3%		4%
Cable splicers	14.25	.60	3%		4%
Equipment opr. (includes helicopter opr.)	12.56	.60	3%		4%
Equipment mechanic (includes helicopter mechanic)	12.56	.60	3%		4%
Powderman	12.15	.60	3%		4%
Groundman & Jackhammer Oprs.	9.99	.60	3%		4%
ZONE C					
Linemen - technician	14.05	.60	3%		4%
Cable splicers	14.40	.60	3%		4%
Equipment opr. (includes helicopter opr.)	12.71	.60	3%		4%
Equipment mechanic (includes helicopter mechanic)	12.71	.60	3%		4%
Powderman	12.30	.60	3%		4%
Groundman & Jackhammer Oprs.	10.14	.60	3%		4%
ZONE D					
Linemen - technician	14.30	.60	3%		4%
Cable splicers	14.65	.60	3%		4%
Equipment Opr. (includes helicopter opr.)	12.96	.60	3%		4%
Equipment mechanic (includes helicopter mechanic)	12.96	.60	3%		4%
Powderman	12.55	.60	3%		4%
Groundman & Jackhammer Oprs.	10.39	.60	3%		4%

DECISION NO. NM80-4101 - Mod. #2
45 FR 83811 - December 19, 1980
Statewide, New Mexico

LINE CONSTRUCTION AREA & ZONE DEFINITIONS

Bernalillo, Colfax, Catron, Chaves, Curry, DeBaca, Grant, Guadalupe, Harding, Lincoln, Los Alamos, McKinley, Mora, Quay, Rio Arriba, Roosevelt, Sandoval, San Juan, San Miguel, Santa Fe, Sierra, Socorro, Taos, Torrance, Union, Valencia, and White Sands Missile Range that portion of Fort Bliss in New Mexico

ZONE I - Cities and Towns Basing Points - Miles from Main Post Offices

Albuquerque-15 miles
Santa Fe - 10 miles
Las Vegas - 8 miles
Farmington - 6 miles
Raton - 6 miles
Tucumcari - 6 miles
Aztec - 6 miles
Roswell - 12 miles
Ruidoso - 12 miles
Portales - 12 miles
Carrisoso - 12 miles
Clovis - 12 miles
Gallup - 12 miles
*Pojoaque - 2 miles

*All areas adjacent to Pojoaque that are over two miles distant from the main post office in that town will be zoned out of Santa Fe.

ZONE II - Extending up to 20 miles beyond zone 1

ZONE III - Extending up to 30 miles beyond zone 1

ZONE IV - Anything beyond 30 miles from zone 1

CHANGE:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION:					
ZONE I					
Linemen - Technicians	$14.85	.60	3%+.70		4%
Cable splicers	16.34	.60	3%+.70		4%
Equipment Operator (includes Helicopter op.)	14.11	.60	3%+.70		4%
Equipment mechanic (includes Helicopter mechanic	12.92	.60	3%+.70		4%
Powderman	12.92	.60	3%+.70		4%
Groundman & Jackhammer oprs	10.54	.60	3%+.70		4%

DECISION NO. NM80-4101 - Mod. #2 (Cont'd)

DECISION NO. NM80-4101 - MOD. #2 (Cont'd)

DECISION NO. NM80-4101 - Mod. #2 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE II					
Linemen - Technicians	$16.04	.60	3%+.70		½%
Cable splicers	17.53	.60	3%+.70		½%
Equipment operator (includes Helicopter op.)	15.30	.60	3%+.70		½%
Equipment operator (includes Helicopter mechanic	14.11	.60	3%+.70		½%
Powderman	14.11	.60	3%+.70		½%
Groundman & jackhammer oprs	11.73	.60	3%+.70		½%
ZONE III					
Linemen - Technicians	16.93	.60	3%+.70		½%
Cable splicers	18.42	.60	3%+.70		½%
Equipment Operator (includes Helicopter opr.)	16.19	.60	3%+.70		½%
Equipment mechanic (includes Helicopter mechanic	15.00	.60	3%+.70		½%
Powderman	15.00	.60	3%+.70		½%
Groundman & Jackhammer op.	12.62	.60	3%+.70		½%
ZONE IV					
Linemen - Technicians	18.56	.60	3%+.70		½%
Cable splicers	20.05	.60	3%+.70		½%
Equipment operator (includes Helicopter opr.)	17.82	.60	3%+.70		½%
Equipment mechanic (includes Helicopter mechanic	16.63	.60	3%+.70		½%
Powderman	16.63	.60	3%+.70		½%
Groundman & Jackhammer op.	14.25	.60	3%+.70		½%
Los Alamos County-Use Zone III Rates.					

LINE CONSTRUCTION AREA AND ZONE DEFINITION

Applies to switching stations adjacent to power plants in Eddy and Lea Counties; the following zones listed shall be designated from main post office in Artesia, Carlsbad, Hobbs and Lovington

ZONE A - 0 - 12 miles
ZONE B - 12 - 22 miles
ZONE C -22 - 40 miles
ZONE D - 40 miles and beyond

DECISION NO. NM80-4101 - MOD. #2 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION (Cont.)					
ZONE A					
Linemen-technician	$13.45	.60	3%		½%
Cable splicers	13.80	.60	3%		½%
Equipment op. (includes Helicopter operator)	12.11	.60	3%		½%
Equipment mechanic (includes helicopter mechanic)	12.11	.60	3%		½%
Powderman	11.70	.60	3%		½%
Groundman & Jackhammer op.	9.54	.60	3%		½%
ZONE B					
Linemen-technician	13.90	.60	3%		½%
Cable splicers	14.25	.60	3%		½%
Equipment Op. (includes helicopter operator)	12.56	.60	3%		½%
Equipment mechanic (includes helicopter mechanic)	12.56	.60	3%		½%
Powderman	12.15	.60	3%		½%
Groundman & jackhammer op.	9.99	.60	3%		½%
ZONE C					
Linemen-technician	14.05	.60	3%		½%
Cable splicers	14.40	.60	3%		½%
Equipment op. (includes helicopter operator)	12.71	.60	3%		½%
Equipment mechanic (includes helicopter mechanic	12.71	.60	3%		½%
Powderman	12.30	.60	3%		½%
Groundman & Jackhammer op.	10.14	.60	3%		½%
ZONE D					
Linemen-technician	14.30	.60	3%		½%
Cable splicers	14.65	.60	3%		½%
Equipment op. (includes helicopter operator)	12.96	.60	3%		½%
Eqipment mechanic (includes helicopter mechanic)	12.96	.60	3%		½%
Powderman	12.55	.60	3%		½%
Groundman & Jackhammer op.	10.39	.60	3%		½%

Modification Page 17

DECISION NO. NM80-4101 - MOD. #2 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION (Cont'd)					
LINE CONSTRUCTION-UTILITY LINE WORK FOR ELECTRIC AND TELEPHONE UTILITIES REA CO-OPS, RAILROADS AND MUNICIPALITIES:					
Linemen-technician	$13.90	.60	3%+.70		1/2%
Cable splicer	14.87	.60	3%+.70		1/2%
Equipment op. (includes helicopter operator)	12.10	.60	3%+.70		1/2%
Equipment mechanic (includes helicopter mechanic)	12.10	.60	3%+.70		1/2%
Powderman	11.68	.60	3%+.70		1/2%
Groundman & Jackhammer operator	9.50	.60	3%+.70		1/2%

Modification Page 18

DECISION NO. NY81-3030 - Mod. #1
(46 FR 24850 - May 1, 1981)
Cattaraugus, Chautauqua, &
Erie Counties, New York

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
BOILERMAKERS	14.80	1.275	1.975		.03
BRICKLAYERS					
Erie County, & Cattaraugus County (the township of Perrysburg and the town of Gowanda)					
Bricklayers, Tuck Pointers, Cleaners, Caulkers, & Stone Masons	14.93	1.00	2.25		
Marble Mason	14.645	1.00	2.25		
Terrazzo Workers & Tile Setters	14.55	1.00	2.25		
CARPENTERS					
Erie County & Cattaraugus County (the township of Perrysburg and the Village of Gowanda in the Township of Persia)					
Carpenters, Millwrights & Piledrivermen (Building)	14.03	1.95	2.05		
CEMENT MASONS					
Erie County					
Cement Masons	15.53		2.30		
Swing Scaffold	15.80		2.30		
ELECTRICIANS					
Erie County & Cattaraugus County (Remainder of County)					
Electricians	15.54	3%+1.10	2.10		.05
Cable Splicers	16.04	3%+1.10	2.10		.05
GLAZIERS	12.89	1.80	1.05		.30
IRONWORKERS					
Chautauqua County (Townships of Cherry Creek, Ellington, Sheridan, Pomfret, Charlotte, Arkwright, Hanover, Villenova & Brockton)					
Erie County (except the northern half of Grand Island)					
Cattaraugus County					
Structural, Ornamental, Rodman, Reinforcing, Riggers, & Fence Erectors	13.92	1.47	2.00		
Sheeter Bucker-ups	14.17	1.47	2.00		
Sheeter	14.42	1.47	2.00		

DECISION NO. NY81-3030 - Mod. #1 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
IRONWORKERS (Cont'd)					
Erie County (Northern half of Grand Island)					
Structural, Ornamental, Reinforcing, Riggers, Rodman, & Fence Erectors	12.96	1.07	1.02		
Sheeter	14.27	1.07	1.02		
Chautauqua County (Remainder of County)					
Structural, Ornamental, Rodman, Reinforcing, Welders, Riggers, Machinery Movers & Fence Erectors	15.40	1.86	1.01		.15
Sheeter	16.94	1.86	1.01		.15
SPRINKLER FITTERS					
Chautauqua County & Cattaraugua County	15.55	.95	1.40		.08
LABORERS					
Heavy & Highway Construction					
Erie County					
CLASS A	10.995	1.75	1.56		.15
CLASS B	11.195	1.75	1.56		.15
CLASS C	11.395	1.75	1.56		.15
CLASS D	11.595	1.75	1.56		.15
POWER EQUIPMENT OPERATORS					
Building Construction					
GROUP I	15.16	1.70	2.05	a	.21
GROUP II	14.075	1.70	2.05	a	.21
GROUP III	13.92	1.70	2.05	a	.21
GROUP IV	13.88	1.70	2.05	a	.21
GROUP V	13.795	1.70	2.05	a	.21
GROUP VI	10.99	1.70	2.05	a	.21
GROUP VII	13.485	1.70	2.05	a	.21
GROUP VIII	11.075	1.70	2.05	a	.21
GROUP IX	10.92	1.70	1.65	a	.21
GROUP X	13.025	1.70	2.05	a	.21
GROUP XI	13.64	1.70	2.05	a	.21
GROUP XII	11.145	1.70	2.05	a	.21
GROUP XIII	13.88	1.70	2.05	a	.21
GROUP XIV	10.775	1.70	1.65	a	.21
GROUP XV	14.757	1.70	2.05	a	.21
GROUP XVI	15.075	1.70	2.05	a	.21
GROUP XVII	15.575	1.70	2.05	a	.21

DECISION NO. PA80-3029 MOD. NO. 9 (45 FR 28069 - April 25, 1980) Lebanon County, Pennsylvania	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
BUILDING, HEAVY & HIGHWAY CONSTRUCTION:					
Bricklayers & Stonemasons	$11.53	.95	.72		.02
Carpenters, Building	12.72	.70	.90		.05
Electricians:					
That portion of Lebanon County that is North and West of Interstate Route 81, including all of the Fort Indiantown Gap Military Reservation	13.56	.65	3%+.67		1/4%
That portion of Lebanon County which extends South and East of Interstate Route 81	13.09	.65	3%+.67		1/4%
Glaziers:					
Remainder of County	11.71	.70	.65		.01
Lathers	12.72	.70	.90		.05
Laborers, Building					
General Laborers	8.80	.50	.50		
Operator of jackhammer, air fuel and electrical operators, pipelayers, power-buggy, precast slab placers and signalmen, brick, stone, plasterers and cement mason tenders, machine mixers, stockers, plaster pump and conveyors, blasters, scaffold builders, caisson workers, wagon air track and diamond point drill operators, burning torches, green cutting machine, steam jenny, laying of all clay, terra cotta, ironstone vitrified concrete or nonmetallic pipe and the making of joints for same	8.90	.50	.50		
Line Construction:					
Linemen & Cable Splicers	14.23	.60	3%		3/8%
Groundman	8.54	.60	3%		3/8%
Winch truck operator	9.96	.60	3%		3/8%
Millwrights	14.42	.70	.90		.05

PAGE 2

DECISION NO. PA80-3029
MOD. NO. 9 , CONT'D

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
Painters:					
West of Route 72					
Brush	$10.77	.55	.38		.02
Structural Steel	11.22	.55	.38		.02
Spray	11.52	.55	.38		.02
Plumbers & Steamfitters:					
East of Route 501	15.33	.85	1.40		.14
Soft Floor Layers	10.98	.70	.90		.05
Sprinkler Fitters	15.56	.95	1.40		.08
DECISION NO. PA80-3025					
MOD. NO. 9					
(45 FR 25015 - April 11, 1980)					
Adams & York Counties, Pennsylvania					
CHANGE:					
BUILDING, HEAVY & HIGHWAY CONSTRUCTION:					
Carpenters, Building					
Adams County	$12.72	.70	.90		.05
Electricians:					
Franklin, Carrol, Monsgham and Fairview Townships in York County	13.56	.65	3%+.67		1/4%
Remainder of York County, and Adams County in its entirety	13.95	.55	3%+.15		.01
Glaziers	11.71	.70	.65		
Lathers	12.72	.70	.90		.05
Line Construction:					
Linemen & Cable Splicers	14.23	.60	3%		3/8%
Winch truck operator	9.96	.60	3%		3/8%
Groundman	8.54	.60	3%		3/8%
Millwrights:					
Adams County	14.42	.70	.90		.05
Painters:					
Brush	9.60	.45	.15		
Steel	10.35	.45	.15		
Spray	10.45	.45	.15		
Soft Floor Layers:					
Adams County	10.98	.70	.90		.05
Sprinkler Fitters	15.56	.95	1.40		.08

DECISION NO. PA80-3038
MOD. NO. 7
(45 FR 35148 - May 23, 1980)
Lancaster County, Pennsylvania

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
BUILDING, HEAVY & HIGHWAY CONSTRUCTION					
Carpenters, Building	$12.72	.70	.90		.05
Electricians:					
That portion northwest of a line extending from the Susquehanna River to the intersection of State Highway 441 and 241 along 241 to the Borough of Elizabethtown around the limits of Elizabethtown on the west and north side, but including the Masonic Homes in Elizabethtown continuing along State Highway 241 to Lebanon County and that portion north of the Pennsylvania Turnpike, but including all building on the turnpike, from Lebanon County line West Cocalico Township	13.56	.65	3%+.67		1/4%
Glaziers	11.71	.70	.65		.01
Lathers	12.72	.70	.90		.05
Line Construction:					
Lineman	14.23	.60	3%		3/8%
Cable Splicers	14.23	.60	3%		3/8%
Groundman	8.54	.60	3%		3/8%
Winch truck operator	9.96	.60	3%		3/8%
Millwrights	14.42	.70	.90		.05
Painters:					
Elizabethtown & Dowetal Township					
Brush	10.77	.55	.38		.02
Steel	11.22	.55	.38		.02
Spray	11.52	.55	.38		.02
Soft Floor Layers	10.98	.70	.90		.05
Sprinkler Fitters	15.56	.95	1.40		.08

DECISION NO PA80-3043
MOD. NO. 8
(45 FR 45849 - July 17, 1980)
Cumberland, Dauphin, Perry, Juniata, New Cumberland Depot in York County, Pennsylvania

CHANGE:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Building, Heavy & Highway Construction:					
Carpenters, Building	$12.72	.70	.90		.05
Laborers, Building:					
Group 1	9.45	.60	.73		
Group 2	9.92	.60	.73		
Group 3	8.85	.60	.73		
Group 4	9.72	.60	.73		
Line Construction:					
Linemen	14.23	.60	3%		3/8%
Groundman	8.54	.60	3%		3/8%
Cable Splicers	14.23	.60	3%		3/8%
Winch truck operator	9.96	.60	3%		3/8%
Lathers	12.72	.70	.90		.05
Painters:					
Brush	10.77	.55	.38		.02
Structural Steel	11.22	.55	.38		.02
Spray	11.52	.55	.38		.02
Soft floor layers	10.98	.70	.90		.05
Sprinkler Fitters	15.56	.95	1.40		.08
Bricklayers & Blocklayers	11.52	.95	.72		.02
Electricians	13.56	.65	3%+.67		1/4%
Glaziers	11.71	.70	.65		.01
Millwrights	14.42	.70	.90		.05
Stone Masons	11.52	.95	.72		.02

DECISION NO. PA80-3056
MOD. NO. 5
(45 FR 60748 - September 12, 1980)
Lackawanna, Susquehanna, Wayne and Wyoming Counties, Pa.

CHANGE:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BUILDING, HEAVY & HIGHWAY CONSTRUCTION:					
Bricklayers & Stonemasons:					
Scranton in Lackawanna County	$13.25	.90	1.00		.01
Electricians:					
Lackawanna, Susquehanna, and Wayne County	12.95	.90	3%+.60	1.00	.10
LABORERS, Building					
Lackawanna, Wayne, Susquehanna and Northern part of Wyoming County:					
Unskilled and Window Cleaners	10.80	.97	1.00		
Semi skilled Laborers; jackhammer operators, (each man when two required for operation of jackhammer); Vibrator and buster men; wagon drill and all men handling dynamite; gas buggies; 2" pumps and concrete mixer (up to 2 bags) and all pneumatic tools	10.95	.97	1.00		
Plaster tenders and masons tenders and handling of all material to be used; masons and scaffold builders	11.20	.97	1.00		
Non-metallic pipe layers and making of joints, clay, terra cotta, ironstone, vitrified concrete handling of burning torches; asphalt or other material	10.95	.97	1.00		
Soft Floor Layers:					
Wyoming County	10.98	.70	.90		.05
Sprinkler Fitters	15.56	.95	1.40		.08

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
DECISION NO. PA80-3074					
MOD. NO. 4					
(45 FR 81981 - December 12, 1980)					
Clinton, Centre, Huntingdon, Fulton & Mifflin Counties, Pennsylvania					
CHANGE:					
Building, Heavy & Highway Construction					
Bricklayers & Stonemasons					
Zone 3	$11.55	1.15	.90		.015
Line Construction:					
Zone 2					
Lineman, dynamite man, heavy equipment operator	13.37	.55	3%		3/8%
Groundman	8.97	.55	3%		3/8%
Winch truck operator	9.38	.55	3%		3/8%
Zone 3					
Linemen	14.23	.60	3%		3/8%
Winch truck operator	9.96	.60	3%		3/8%
Groundman	8.54	.60	3%		3/8%
POWER EQUIPMENT OPERATORS:					
BUILDING CONSTRUCTION					
CLASS 1	14.625	1.05	1.15		.09
CLASS 1-A	14.875	1.05	1.15		.09
CLASS 1-B	15.125	1.05	1.15		.09
CLASS 1-C	15.375	1.05	1.15		.09
CLASS 2	14.475	1.05	1.15		.09
CLASS 3	12.60	1.05	1.15		.09
CLASS 3-A	13.10	1.05	1.15		.09
CLASS 4	11.95	1.05	1.15		.09
CLASS 5	10.90	1.05	1.15		.09
CLASS 6	11.20	1.05	1.15		.09
CLASS 6-A	11.30	1.05	1.15		.09
CLASS 6-B	11.45	1.05	1.15		.09
CLASS 6-C	12.20	1.05	1.15		.09
Sprinkler Fitters	15.56	.95	1.40		.08
DECISION NO. SD81-5121 - Mod. #1 (46 FR 28130 - May 22, 1981					
Minnehaha County, S.D.					
CHANGE					
Plumbers	$12.59	.55	.75	.82	.03

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #TN79-1146 Mod #5 (44 FR 66147 November 16,1979) Davidson County, Tennessee					
CHANGE:					
BOILERMAKERS	$12.75	1.275	1.10		.04
MILLWRIGHTS	13.55		.40		.11
SPRINKLERFITTERS	13.69	.95	1.40		.08
DECISION #TN80-1063 Mod #4 (45 FR 18655 March 21, 1980) Carter, Greene, Hawkins, Johnson, Sullivan, Unicoi and Washington Counties, Tennessee					
CHANGE:					
BRICKLAYERS	$10.80				
ELEVATOR CONSTRUCTORS:					
Mechanics	11.21	1.345	1.085	a+b	.035
Helper	7.85	1.345	1.085	a+b	.035
Probationary Helper	5.605	1.345	1.085	a+b	.035

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #TN81-1202 Mod #1 (46 FR 24886 May 1, 1981) Shelby County, Tennessee					
CHANGE:					
ASBESTOS WORKERS	$13.75	.75	1.25		.08
BOILERMAKERS	12.75	1.275	1.10		.04
IRONWORKERS	13.30	.73	1.00		.15
MILLWRIGHTS	13.50	1.00	.70		.35
PAINTERS:					
Commercial	12,375	.55	.50		.10
Industrial, Spray & Sandblasting	12.625	.55	.50		.10
ROOFERS	11.20		.35		.04
SPRINKLERFITTERS	13.69	.95	1.40		.08
ADD:					
MARBLE, TILE & TERRAZZO FINISHERS	5.80				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #TN81-1203 Mod #1 (46 FR 24887 May 1, 1981) Anderson, Knox, Monroe & Roane Counties, Tennessee					
CHANGE:					
ASBESTOS WORKERS	$13.69	.70	1.00		.06
BOILERMAKERS	12.75	1.275	1.10		.04
CARPENTERS & SOFT FLOOR LAYERS	10.56	.65	.63		.04
ELECTRICIANS:					
Anderson (Oak Ridge A.E.C. Area & Oak Ridge Townsite only) and Roane Counties:					
Wireman	11.86	.50	3% + .70		
Cable Splicer	12.36	.50	3% + .70		
ELEVATOR CONSTRUCTORS:					
Mechanics	11.21	1.345	1.085	a+b	.035
Helper	7.85	1.345	1.085	a+b	.035
Probationary Helper	5.605	1.345	1.085	a+b	.035
GLAZIERS	9.83		.25		
IRONWORKERS:					
Reinforcing	10.80	.80	.80		.02
Structural & Ornamental	10.94	.80	.80		.02
LINE CONSTRUCTION:					
Anderson (Oak Ridge A.E.C. Area & Oak Ridge Townsite only) & Roane Counties:					
Linemen & Equipment Operators	11.86	.50	3% + .70		of 1%
Cable Splicer	12.36	.50	3% + .70		of 1%
Groundman	10.78	.50	3% + .70		of 1%
MILLWRIGHTS	11.41	.65	.63		.04
PILEDRIVERMEN	10.81	.65	.63		.04
SPRINKLERFITTERS	13.69	.95	1.40		.08

Modification Page 29

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
DECISION #TN81-1204 Mod #1 (46 FR 25979 May 8, 1981) Hamilton (Building & Heavy Construction), Marion, Polk and Rhea (Building Only) Counties, Tennessee					
CHANGE:					
ASBESTOS WORKERS	$13.69	.70	1.00		.06
BOILERMAKERS	12.75	1.275	1.10		.04
CARPENTERS, CAPPET LAYERS & FLOOR LAYERS	11.78	.63	.65		.15
ELEVATOR CONSTRUCTORS:					
Mechanic	12.57	1.345	1.085	a+b	.035
Helper	8.80	1.345	1.085	a+b	.035
Probationary Helper	6.285	1.345	1.085	a+b	.035
LATHER	11.78	.63	.65		.15
PILEDRIVERMEN	11.905	.63	.65		.15
SPRINKLERFITTERS	13.69	.95	1.40		.08
LABORERS:					
Group A	8.10	.35	.40		
Group B	8.20	.35	.40		
Group C	8.30	.35	.40		
Group D	8.40	.35	.40		
Group E	8.45	.35	.40		
Group F	8.75	.35	.40		
Group G	8.80	.35	.40		
Group H	8.50	.35	.40		
Group I	8.65	.35	.40		
Group J	8.90	.35	.40		

Modification Page 30

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
DECISION NO. TX81-4005 - MOD. #7 (46 FR 1545 - January 6, 1981) Bexar County, Texas					
CHANGE:					
Bricklayers & stonemasons	$12.78	.67	.30	.25	.05
DECISION NO. TX81-4006 - MOD. #3 (46 FR 1547 - January 6, 1981) Brazos County, Texas					
CHANGE:					
Marble masons	13.67	.89	.50		.11
Terrazzo workers	13.67	.89	.50		.11
Tile setters	13.67	.89	.50		.11
DECISION NO. TX81-4032 - MOD. #3 (46 FR 25981 - May 8, 1981 Galveston & Harris Cos., Texas					
CHANGE:					
Marble masons-Harris Co.	13.67	.89	.50		.11
Marble masons' finishers	9.70	.80	.25		
Terrazzo workers-Harris	13.67	.89	.50		.11
Terrazzo workers' finishers:					
Terrazzo workers' finishers	9.70	.80	.25		
Terrazzo floor machineman	9.85	.80	.25		
Terrazzo base machineman	10.00	.80	.25		
Tile setters-Harris Co.	13.67	.89	.50		.11
Tile setters' finishers	9.70	.80	.25		

Modification Page 31

SUPERSEDEAS DECISION

STATE: Arkansas	COUNTY: Garland, Clark & Hot Springs
DECISION NO.: AR81-4041	DATE: Date of Publication

DECISION NO. TX81-4038 - MOD. #1
(46 FR 30287 - June 5, 1981)
Collin, Dallas, Denton, Ellis, Grayson, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Rockwall, Tarrant & Wise Cos., Texas

CHANGE:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Painters:					
Zone 2 - Group 1	$13.44		.30		.12
Group 2	13.69		.30		.12
Group 3	14.69		.30		.12

SUPERSEDEAS DECISION

STATE: Arkansas COUNTY: Garland, Clark & Hot Springs
DECISION NO.: AR81-4041 DATE: Date of Publication
SUPERSEDES DECISION #AR80-4079 dated November 7, 1980 in 45FR74344
DESCRIPTION OF WORK: Building Projects (excluding single family homes and apartments up to and including four stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$12.05	.55	1.00		.02
BOILERMAKERS	12.00	.975	1.00		.03
BRICKLAYERS-STONEMASONS:					
Clark & Garland Counties	11.50		.50		
Hot Springs County	11.75		.55		.04
CARPENTERS:					
Carpenters	10.85	.50	.50		.04
Millwrights-Piledrivermen	11.35	.50	.50		.04
CEMENT MASONS	11.40	.35			.03
ELECTRICIANS:					
Electricians	12.17	.60	3%+1.00		1/4%
Cable splicers	12.295	.60	3%+1.00		1/4%
ELEVATOR CONSTRUCTORS:					
Journeymen	10.81	1.195	.82	4%+a+b	.035
Helpers	70%JR	1.195	.82	4%+a+b	.035
IRONWORKERS	12.10	.80	1.05		.06
LINE CONSTRUCTION:					
Linemen	12.17	.60	3%+1.00		1/4%
Cable splicers	12.295	.60	3%+1.00		1/4%
Groundman	64%JR	.60	3%+1.00		1/4%
Truck drivers (with winch)	80%JR	.60	3%+1.00		1/4%
Truck driver (flat bed)	64%JR	.60	3%+1.00		1/4%
PAINTERS:					
Brush and roller	8.00				
Paperhanging	8.50				
Sheet rock (tape and float only), stage & steel	8.50				
Spray & sandblasting	11.25				
Painters operating any kind of taping or floating machine	11.75				
PLASTERERS	11.50		.35		.04
PLUMBERS-PIPEFITTERS:					
Zone A	12.85	.90	.60		.10
Zone B	13.80	.90	.60		.10

PLUMBERS AND PIPEFITTERS ZONE DEFINITIONS

ZONE A - within 10 miles of Garland County Courthouse
ZONE B - 10 miles and over from Garland County Courthouse

ROOFERS	11.26		.30		
SHEET METAL WORKERS	11.57	.55	3%+.72		.04
SPRINKLER FITTERS	13.40	.95	1.40		.08
TILE LAYERS (Garland and Clarke Counties)	11.50		.50		

BUILDING CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
LABORERS:					
Group I	$7.60	.38	.62		
Group II	7.85	.38	.62		
Group III	8.00	.38	.62		
Group IV	8.10	.38	.62		
Group V	8.20	.38	.62		
Group VI	8.50	.38	.62		
Group VII	8.40	.38	.62		

LABORERS CLASSIFICATION DEFINITIONS

GROUP I
Construction laborers, concrete labor, wrecking labor, mechanic's labor, excavating labor, plumber's labor, electricians labor, green cutter, blowpipe, and concrete pump hose placer

GROUP II
Semi-skilled laborer; pipelayer, concrete, clay and mechanical tool, Cement mixer, wet or dry finishers, creosote wood handlers, chuck tenders

GROUP III
Steel form setters, curb and gutters, grout and cement muckers

GROUP IV
Swinging scaffold, Barco, 90 lb. pavement breaker, and burners

GROUP V
Nozzleman, gunite, grout and sand blaster; concrete pump (nozzle placer)

GROUP VI
Powderman and blasters

Group VII
Wagon drill

BUILDING CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
Group I	$12.20	.45	.45		.05
Group II	11.07	.45	.45		.05
Group III	10.54	.45	.45		.05
Group IV	8.70	.45	.45		.05

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP I - Cranes, draglines, shovels and piledrivers with a lifting capacity of 50 tons or over, and operators of all towers, climbing cranes, and derricks required to work 25 feet or over from the ground, blacksmith, mechanics and/or welders

GROUP II - Hydraulic cranes, cherry pickers, backhoes and all derricks with a lifting capacity less than 50 tons, as specified by the manufacturers, all backhoes, tractor or truck type, all overhead and traveling cranes, or tractors with swinging boom attachments, gradalls, all above equipment irrespective of motive power, leverman (engineer), hydraulic or bucket dredges, irrespective of size

GROUP III - HEAVY EQUIPMENT OPERATORS: All bulldozers, all front end loaders, all sidebooms, skytracks, all push tractors, all pull scrapers, all motor graders, all trenching machines, regardless of size or motive power, all back fillers all central mixing plants, 10S and larger, finishing machines, all boiler firemen high or low pressure, all asphalt spreaders, hydro truck crane, multiple drum hoist, irrespective of motive power, all rotary, cable tool core drill or churn drill, water well and foundation drilling machines regardless of size, regardless of motive power and dredge tender operator

GROUP IV - LIGHT EQUIPMENT OPERATORS: Oiler driver motor crane, single drum hoists, winches and air tuggers, irrespective of motive power, winch or A-frame trucks, forklifts, rollers of all types and pull tractors, regardless of size, elevator operators inside and outside when used for carrying workmen from floor to floor & handling building material. Lad-A-Vator, conveyor, batch plant, and mortar or concrete mixers, below 10S, end dump Euclid, pumpcrete, spray machine & pressure grout machine, air compressors, regardless of size, all equipment, welding machines light plants, pumps, all well point system de-watering and portable pumps, space heater, irrespective of size, and motive power, equipment greaser, oiler, asphalt distributor, and like equipment, safety boat operator and deckhand.

32174 Federal Register / Vol. 46, No. 118 / Friday, June 19, 1981 / Notices

WELDERS--receive rate prescribed for craft performing operation

SUPERSEDEAS DECISION

STATE: Arkansas COUNTY: Jefferson

WELDERS--receive rate prescribed for craft performing operation to which welding is incidental.

FOOTNOTES:
a. 1st 6 mos. - none; 6 mos. to 5 yrs. 6%; over 5 years - 8% of basic hourly rate.
b. PAID HOLIDAYS - A through G
A-New Years Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Day after Thanksgiving; G-Christmas Day.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, (a)(1)(ii).

SUPERSEDEAS DECISION

STATE: Arkansas COUNTY: Jefferson
DECISION NO.: AR81-4041 DATE: Date of Publication
SUPERSEDES DECISION #AR80-4080 dated October 31, 1980 in 43FR72439
DESCRIPTION OF WORK: Building Projects (excluding single family homes and apartments up to and including four stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$12.05	.55	1.00		.02
BOILERMAKERS	12.00	.975	1.00		.03
BRICKLAYERS-STONEMASONS	11.80	.85	.55		.04
CARPENTERS:					
Carpenters	11.40	.50	.50		.06
Millwrights-Piledrivermen	11.90	.50	.50		.06
CEMENT MASONS	11.40	.35			.03
ELECTRICIANS:					
Electricians	13.05	.55	3%+1.35		1/4%
Cable splicers	13.175	.55	3%+1.35		1/4%
ELEVATOR CONSTRUCTORS:					
Journeymen	10.81	1.195	.82	4%+a+b	.035
Helpers	70%JR	1.195	.82	4%+a+b	.035
GLAZIERS	10.08		.25		
IRONWORKERS	12.10	.80	1.05		.06
LINE CONSTRUCTION:					
Linemen	13.75		3%		3/8%
Cable splicers	13.875		3%		3/8%
Groundmen	65%JR		3%		3/8%
Winch equipment	73%JR		3%		3/8%
MARBLE, TERRAZZO AND TILE WORKERS	10.50				
PAINTERS:					
Painters, paperhangers and steam cleaners, sheetrock finishers and wall cover hangers	9.85		.50		.03
Spray gun operators and sand blasters	10.45		.50		.03
All skeleton steel and all work on stages, structural steel over 30 feet high	10.10		.50		.03
PLASTERERS	11.50		.35		.04
PLUMBERS-PIPEFITTERS	13.80	.90	.60		.10
ROOFERS	11.26		.30		
SHEET METAL WORKERS	11.57	.55	3%+.72		.04
SPRINKLER FITTERS	13.40	.95	1.40		.08

FOOTNOTES:

a. 7 paid holidays - A through G.

b. Employer contributes 8% of regular hourly rate to Vacation Pay Credit for employee who had worked in business more than 5 years. Employer contributes 6% of regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.

PAID HOLIDAYS: FOR ELEVATOR CONSTRUCTORS ONLY
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Day after Thanksgiving; G-Christmas Day.

WELDERS -- receive rate prescribed for craft performing operation to which welding is incidental.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii).

BUILDING CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS:					
Group I	$7.60	.38	.62		
Group II	7.85	.38	.62		
Group III	8.00	.38	.62		
Group IV	8.10	.38	.62		
Group V	8.20	.38	.62		
Group VI	8.50	.38	.62		
Group VII	8.40	.38	.62		

LABORERS CLASSIFICATION DEFINITIONS

GROUP I
Construction laborers, concrete labor, wrecking labor, mechanic's labor, excavating labor, plumber's labor, electricians labor, green cutter, blowpipe, and concrete pump hose placer
GROUP II
Semi-skilled laborer; pipelayer, concrete, clay and mechanical tool, Cement mixer, wet or dry finishers, creosote wood handlers, chuck tenders
GROUP III
Steel form setters, curb and gutters, grout and cement muckers
GROUP IV
Swinging scaffold, Barco, 90 lb. pavement breaker, and burners
GROUP V
Nozzleman, gunite, grout and sand blaster; concrete pump (nozzle placer)
GROUP VI
Powderman and blasters
Group VII
Wagon drill

32178 Federal Register / Vol. 46, No. 118 / Friday, June 19, 1981 / Notices

SUPERSEDEAS DECISION

STATE: ARKANSAS COUNTY: Sebastian, Crawford and Washington

BUILDING CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
Group I	$12.20	.45	.45		.05
Group II	11.07	.45	.45		.05
Group III	10.54	.45	.45		.05
Group IV	8.70	.45	.45		.05

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP I - Cranes, draglines, shovels and piledrivers with a lifting capacity of 50 tons or over, and operators of all towers, climbing cranes, and derricks required to work 25 feet or over from the ground, blacksmith, mechanics and/or welders

GROUP II - Hydraulic cranes, cherry pickers, backhoes and all derricks with a lifting capacity less than 50 tons, as specified by the manufacturers, all backhoes, tractor or truck type, all overhead and traveling cranes, or tractors with swinging boom attachments, gradalls, all above equipment irrespective of motive power, leverman (engineer), hydraulic or bucket dredges, irrespective of size

GROUP III - HEAVY EQUIPMENT OPERATORS: All bulldozers, all front end loaders, all sidebooms, skytracks, all push tractors, all pull scrapers, all motor graders, all trenching machines, regardless of size or motive power, all back fillers all central mixing plants, 10S and larger, finishing machines, all boiler firemen high or low pressure, all asphalt spreaders, hydro truck crane, multiple drum hoist, irrespective of motive power, all rotary, cable tool core drill or churn drill, water well and foundation drilling machines regardless of size, regardless of motive power and dredge tender operator

GROUP IV - LIGHT EQUIPMENT OPERATORS: Oiler driver motor crane, single drum hoists, winches and air tuggers, irrespective of motive power, winch or A-frame trucks, forklifts, rollers of all types and pull tractors, regardless of size, elevator operators inside and outside when used for carrying workmen from floor to floor & handling building material. Lad-A-Vator, conveyor, batch plant, and mortar or concrete mixers, below 10S, end dump Euclid, pumpcrete, spray machine & pressure grout machine, air compressors, regardless of size, all equipment, welding machines light plants, pumps, all well point system de-watering and portable pumps, space heater, irrespective of size, and motive power, equipment greaser, oiler, asphalt distributor, and like equipment, safety boat operator and deckhand.

SUPERSEDEAS DECISION

STATE: ARKANSAS COUNTY: Sebastian, Crawford and Washington

DECISION NO.: AR81-4039 DATE: Date of Publication

SUPERSEDES DECISION #AR80-4081 dated November 7, 1980 in 45FR74342

DESCRIPTION OF WORK: Building Projects (excluding single family homes and apartments up to and including four stories).

SEBASTIAN & CRAWFORD COS.	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$12.60	.55	.85		.015
BOILERMAKERS	12.00	.80	1.00		.02
BRICKLAYERS-STONEMASONS	11.65	.85	.55		.14
CARPENTERS:					
Carpenters	9.54	.50	.60		.04
Millwrights-Piledrivermen	10.29	.50	.60		.04
CEMENT MASONS	11.40	.35			
ELECTRICIANS:					
Electricians	13.67	.60	3%+5.5%		1/4%
Cable splicers	13.92	.60	3%+5.5%		1/4%
ELEVATOR CONSTRUCTORS	10.81	1.195	.82	4%+a+b	.035
ELEVATOR CONSTRUCTORS HELPER	70%JR	1.195	.82	4%+a+b	.035
IRONWORKERS	12.10	.75	.95		.12
LINE CONSTRUCTION:					
Lineman; operator	11.92	.60	3%+.055		1/4%
Cable splicers	12.07	.60	3%+.055		1/4%
Powderman	90%JR	.60	3%+.055		1/4%
Truck driver	75%JR	.60	3%+.055		1/4%
Groundman	65%JR	.60	3%+.055		1/4%
PAINTERS:					
Roller work, sheetwork, finishing by machinery	8.25				
Brush	8.00				
Spray painting	9.00				
Swing stage work	8.25				
Sandblasting-steam cleaning	9.00				
All pipe and steel	8.75				
All mitten and glove painting	9.00				
PLASTERERS	11.50		.35		.04
PLUMBERS & STEAMFITTERS	12.56	.55	.55		.04
ROOFERS	11.26		.30		
SHEET METAL WORKERS	11.57	.55	3%+.72		.04
SPRINKLER FITTERS	13.40	.95	1.40		.08

FOOTNOTES:
a - 1st 6 mos. none; 6 mos. to 5 yrs. - 6%; over 5 yrs. - 8% of basic hourly rates
b - Paid Holidays - A through G

PAID HOLIDAYS:
A - New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Day after Thanksgiving; G-Christmas Day.

SEBASTIAN AND CRAWFORD COUNTIES - ONLY

BUILDING CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
Group I	$12.20	.45	.45		.05
Group II	11.07	.45	.45		.05
Group III	10.54	.45	.45		.05
Group IV	8.70	.45	.45		.05

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP I - Cranes, draglines, shovels and piledrivers with a lifting capacity of 50 tons or over, and operators of all towers, climbing cranes, and derricks required to work 25 feet or over from the ground, blacksmith, mechanics and/or welders

GROUP II - Hydraulic cranes, cherry pickers, backhoes and all derricks with a lifting capacity less than 50 tons, as specified by the manufacturers, all backhoes, tractor or truck type, all overhead and traveling cranes, or tractors with swinging boom attachments, gradalls, all above equipment irrespective of motive power, leverman (engineer), hydraulic or bucket dredges, irrespective of size

GROUP III - HEAVY EQUIPMENT OPERATORS: All bulldozers, all front end loaders, all sidebooms, skytracks, all push tractors, all pull scrapers, all motor graders, all trenching machines, regardless of size or motive power, all back fillers all central mixing plants, 10S and larger, finishing machines, all boiler firemen high or low pressure, all asphalt spreaders, hydro truck crane, multiple drum hoist, irrespective of motive power, all rotary, cable tool core drill or churn drill, water well and foundation drilling machines regardless of size, regardless of motive power and dredge tender operator

GROUP IV - LIGHT EQUIPMENT OPERATORS: Oiler driver motor crane, single drum hoists, winches and air tuggers, irrespective of motive power, winch or A-frame trucks, forklifts, rollers of all types and pull tractors, regardless of size, elevator operators inside and outside when used for carrying workmen from floor to floor & handling building material. Lad-A-Vator, conveyor, batch plant, and mortar or concrete mixers, below 10S, end dump Euclid, pumpcrete, spray machine & pressure grout machine, air compressors, regardless of size, all equipment, welding machines light plants, pumps, all well point system de-watering and portable pumps, space heater, irrespective of size, and motive power, equipment greaser, oiler, asphalt distributor, and like equipment, safety boat operator and deckhand.

SEBASTIAN AND CRAWFORD COUNTIES - ONLY

BUILDING CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
LABORERS:					
Group I	$7.60	.38	.62		
Group II	7.85	.38	.62		
Group III	8.00	.38	.62		
Group IV	8.10	.38	.62		
Group V	8.20	.38	.62		
Group VI	8.50	.38	.62		
Group VII	8.40	.38	.62		

LABORERS CLASSIFICATION DEFINITIONS

GROUP I
Construction laborers, concrete labor, wrecking labor, mechanic's labor, excavating labor, plumber's labor, electricians labor, green cutter, blowpipe, and concrete pump hose placer

GROUP II
Semi-skilled laborer; pipelayer, concrete, clay and mechanical tool, Cement mixer, wet or dry finishers, creosote wood handlers, chuck tenders

GROUP III
Steel form setters, curb and gutters, grout and cement muckers

GROUP IV
Swinging scaffold, Barco, 90 lb. pavement breaker, and burners

GROUP V
Nozzleman, gunite, grout and sand blaster; concrete pump (nozzle placer)

GROUP VI
Powderman and blasters

Group VII
Wagon drill

WELDERS -- receive rate prescribed for craft performing operation to which welding is incidental.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after aware only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
TRUCK DRIVERS:					
Group I	$8.00	.38	.62		
Group II	8.10	.38	.62		
Group III	8.20	.38	.62		
Group IV	8.30	.38	.62		

TRUCK DRIVERS CLASSIFICATION DEFINITIONS

GROUP I
Single axle trucks, 2 axle trucks hauling less than 9 tons, pickup trucks, station wagons, and similar vehicles

GROUP II
2 axle trucks hauling 9 tons or more, 3 axle trucks hauling less than 16 tons, and 2 axle ready mix trucks

GROUP III
3 axle trucks hauling 16 tons or more, 4 axle trucks hauling less than 25 tons, and 3 axle ready mix trucks

GROUP IV
4 axle trucks hauling 25 tons or more, and 5 axle trucks

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after aware only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii).

SUPERSEDEAS DECISION

STATE: Arkansas COUNTY: Union and Ouachita
DECISION NO.: AR81-4040 DATE: Date of Publication
SUPERSEDES DECISION #AR80-4082 dated November 7, 1980 in 45FR74145

WASHINGTON COUNTY, ARKANSAS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos workers	$11.97	.50	1.00		
Bricklayers	7.50				
Carpenters	6.79				
Cement masons	8.67	.25			
Electricians	11.86	.50	3%+5.5%		1/4%
Glaziers	6.60				
Ironworkers	8.95				
LABORERS:					
Unskilled	4.32				
Plaster tender	6.25				
Lathers	8.52				
Painters, brush	8.15				
Plasterers	9.70				.02
Plumbers-Pipefitters	10.26	.45	.55		.04
Roofers	7.39				
Sheet metal workers	11.57	.55	3%+.72		.04
Sprinkler fitters	11.69	.75	1.05		.08
Tile setters	6.50				
POWER EQUIPMENT OPERATORS					
Bulldozers	4.64				
Backhoe	5.25				
Cranes	6.24				
Rollers	4.50				
Motor patrol	5.90				
Tractors	4.47				

WELDERS--receive rate prescribed for craft performing operation to which welding is incidental.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii).

SUPERSEDEAS DECISION

STATE: Arkansas COUNTY: Union and Ouachita
DECISION NO.: AR81-4040 DATE: Date of Publication
SUPERSEDES DECISION #AR80-4082 dated November 7, 1980 in 45FR74345
DESCRIPTION OF WORK: Building Projects (excluding single family homes and apartments up to and including four stories).

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$12.05	.55	1.00		.02
BOILERMAKERS	12.00	.975	1.00		.03
BRICKLAYERS	11.50		.75		
CARPENTERS:					
Carpenters	10.85	.50	.50		.04
Millwrights-Piledrivermen	11.35	.50	.50		.04
CEMENT MASONS	11.40	.35			
ELECTRICIANS:					
Electrical contract $20,000 or less:					
Electricians	13.04		3%		1/4%
Cable splicers	13.34		3%		1/4%
Electrical contracts over $20,000:					
Electricians	13.83		3%		1/4%
Cable splicers	14.13		3%		1/4%
IRONWORKERS	13.25	.60	1.25		.06
LINE CONSTRUCTION:					
Electricial contracts $20,000. or less:					
Linemen	13.69		3%		1/4%
Cable splicers	13.99		3%		1/4%
Electrical contracts over $20,000.00:					
Linemen	14.48		3%		1/4%
Cable splicers	14.78		3%		1/4%
Electrical contracts $20,000 or less and over $20,000.00:					
Groundman	65%JR		3%		1/4%
Truck drivers	70%JR		3%		1/4%
Winch operator	80%JR		3%		1/4%
Heavy Equipment operator (on track or transmission equipment)	100%JR		3%		1/4%
PAINTERS:					
Brush, roller, sheet rock work & paperhanging	9.00				
Spray and sandblasting	9.875				
PLASTERERS	11.50		.35		.04
PLUMBERS-PIPEFITTERS	13.10	.60	.85		.10

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and or Appr. Tr.
ROOFERS	$11.26		.30		
SHEET METAL WORKERS	12.09	3%+.69	.50		.19
SPRINKLER FITTERS	13.40	.95	1.40		.08
75-AR-LAB-1					
LABORERS:					
Group I	7.60	.38	.62		
Group II	7.85	.38	.62		
Group III	8.00	.38	.62		
Group IV	8.10	.38	.62		
Group V	8.20	.38	.62		
Group VI	8.50	.38	.62		
Group VII	8.40	.38	.62		

LABORERS CLASSIFICATION DEFINITIONS

GROUP I
Construction laborers, concrete labor, wrecking labor, mechanic's labor, excavating labor, plumber's labor, electricians labor, green cutter, blowpipe, and concrete pump hose placer

GROUP II
Semi-skilled laborer; pipelayer, concrete, clay and mechanical tool, Cement mixer, wet or dry finishers, creosote wood handlers, chuck tenders

GROUP III
Steel form setters, curb and gutters, grout and cement muckers

GROUP IV
Swinging scaffold, Barco, 90 lb. pavement breaker, and burners

GROUP V
Nozzleman, gunite, grout and sand blaster; concrete pump (nozzle placer)

GROUP VI
Powderman and blasters

Group VII
Wagon drill

WELDERS--receive rate prescribed for craft performing operation to which welding is incidental.

unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii).

BUILDING CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
Group I	$12.20	.45	.45		.05
Group II	11.07	.45	.45		.05
Group III	10.54	.45	.45		.05
Group IV	8.70	.45	.45		.05

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP I - Cranes, draglines, shovels and piledrivers with a lifting capacity of 50 tons or over, and operators of all towers, climbing cranes, and derricks required to work 25 feet or over from the ground, blacksmith, mechanics and/or welders

GROUP II - Hydraulic cranes, cherry pickers, backhoes and all derricks with a lifting capacity less than 50 tons, as specified by the manufacturers, all backhoes, tractor or truck type, all overhead and traveling cranes, or tractors with swinging boom attachments, gradalls, all above equipment irrespective of motive power, leverman (engineer), hydraulic or bucket dredges, irrespective of size

GROUP III - HEAVY EQUIPMENT OPERATORS: All bulldozers, all front end loaders, all sidebooms, skytracks, all push tractors, all pull scrapers, all motor graders, all trenching machines, regardless of size or motive power, all back fillers all central mixing plants, 10S and larger, finishing machines, all boiler firemen high or low pressure, all asphalt spreaders, hydro truck crane, multiple drum hoist, irrespective of motive power, all rotary, cable tool core drill or churn drill, water well and foundation drilling machines regardless of size, regardless of motive power and dredge tender operator

GROUP IV - LIGHT EQUIPMENT OPERATORS: Oiler driver motor crane, single drum hoists, winches and air tuggers, irrespective of motive power, winch or A-frame trucks, forklifts, rollers of all types and pull tractors, regardless of size, elevator operators inside and outside when used for carrying workmen from floor to floor & handling building material. Lad-A-Vator, conveyor, batch plant, and mortar or concrete mixers, below 10S. end dump Euclid, pumpcrete, spray machine & pressure grout machine, air compressors, regardless of size, all equipment, welding machines light plants, pumps, all well point system de-watering and portable pumps, space heater, irrespective of size, and motive power, equipment greaser, oiler, asphalt distributor, and like equipment, safety boat operator and deckhand.

32180 Federal Register / Vol. 46, No. 118 / Friday, June 19, 1981 / Notices

SUPERSEDEAS DECISION

STATE: ARKANSAS COUNTY: PULASKI
DECISION NO.: AR81-4042 DATE: Date of Publication

SUPERSEDEAS DECISION

STATE: ARKANSAS COUNTY: PULASKI
DECISION NO.: AR81-4042 DATE: Date of Publication
Supersedes Decision No. AR80-4083 dated October 31, 1980 in 45FR72438
DESCRIPTION OF WORK: Building Projects (excluding single family homes and apartments up to and including four stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$12.05	.55	1.00		.02
BOILERMAKERS	12.00	.975	1.00		.03
BRICKLAYERS-STONEMASONS	11.80	.85	.55		.04
CARPENTERS:					
Carpenters	11.40	.50	.50		.06
Millwrights-Piledrivermen	11.90	.50	.50		.06
CEMENT MASONS	11.40	.35			.03
ELECTRICIANS:					
Electricians	13.05	.55	3%+1.35		1/4%
Cable splicers	13.175	.55	3%+1.35		1/4%
ELEVATOR CONSTRUCTORS:					
Journeymen	10.81	1.195	.82	4%+a+b	.035
Helpers	70%JR	1.195	.82	4%+a+b	.035
GLAZIERS	10.08				
IRONWORKERS	12.10	.80	1.05		.06
LINE CONSTRUCTION:					
Linemen-Operators	13.75		3%		3/8%
Cable splicers	13.875		3%		3/8%
Groundmen	65%JR		3%		3/8%
Winch equipment	73%JR		3%		3/8%
MARBLE, TILE & TERRAZZO WORKERS	10.50				
PAINTERS:					
Painters, paperhangers and steam cleaners, sheetrock finishers and wall cover hangers	9.85		.50		.03
Spray gun operators and sandblasterers	10.45		.50		.03
All skeleton steel and all work on stages, structural steel over 30 ft. high	10.10		.50		.03
PLASTERERS	11.50		.35		.04
PLUMBERS-PIPEFITTERS:					
Within 10 mile radius of Pulaski County Courthouse	13.85	.60	.75		.08
Over 10 miles from Pulaski County Courthouse	14.15	.60	.75		.08
ROOFERS	11.26		.30		
SHEET METAL WORKERS	11.57	.55	3%+.72		.04
SPRINKLER FITTERS	13.40	.95	1.40		.08

BUILDING CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS:					
Group I	$7.60	.38	.62		
Group II	7.85	.38	.62		
Group III	8.00	.38	.62		
Group IV	8.10	.38	.62		
Group V	8.20	.38	.62		
Group VI	8.50	.38	.62		
Group VII	8.40	.38	.62		

LABORERS CLASSIFICATION DEFINITIONS

GROUP I
Construction laborers, concrete labor, wrecking labor, mechanic's labor, excavating labor, plumber's labor, electricians labor, green cutter, blowpipe, and concrete pump hose placer

GROUP II
Semi-skilled laborer; pipelayer, concrete, clay and mechanical tool, Cement mixer, wet or dry finishers, creosote wood handlers, chuck tenders

GROUP III
Steel form setters, curb and gutters, grout and cement muckers

GROUP IV
Swinging scaffold, Barco, 90 lb. pavement breaker, and burners

GROUP V
Nozzleman, gunite, grout and sand blaster; concrete pump (nozzle placer)

GROUP VI
Powderman and blasters

Group VII
Wagon drill

BUILDING CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
Group I	$12.20	.45	.45		.05
Group II	11.07	.45	.45		.05
Group III	10.54	.45	.45		.05
Group IV	8.70	.45	.45		.05

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP I - Cranes, draglines, shovels and piledrivers with a lifting capacity of 50 tons or over, and operators of all towers, climbing cranes, and derricks required to work 25 feet or over from the ground, blacksmith, mechanics and/or welders

GROUP II - Hydraulic cranes, cherry pickers, backhoes and all derricks with a lifting capacity less than 50 tons, as specified by the manufacturers, all backhoes, tractor or truck type, all overhead and traveling cranes, or tractors with swinging boom attachments, gradalls, all above equipment irrespective of motive power, leverman (engineer), hydraulic or bucket dredges, irrespective of size

GROUP III - HEAVY EQUIPMENT OPERATORS: All bulldozers, all front end loaders, all sidebooms, skytracks, all push tractors, all pull scrapers, all motor graders, all trenching machines, regardless of size or motive power, all back fillers all central mixing plants, 10S and larger, finishing machines, all boiler firemen high or low pressure, all asphalt spreaders, hydro truck crane, multiple drum hoist, irrespective of motive power, all rotary, cable tool core drill or churn drill, water well and foundation drilling machines regardless of size, regardless of motive power and dredge tender operator

GROUP IV - LIGHT EQUIPMENT OPERATORS: Oiler driver motor crane, single drum hoists, winches and air tuggers, irrespective of motive power, winch or A-frame trucks, forklifts, rollers of all types and pull tractors, regardless of size, elevator operators inside and outside when used for carrying workmen from floor to floor & handling building material. Lad-A-Vator, conveyor, batch plant, and mortar or concrete mixers, below 10S. end dump Euclid, pumpcrete, spray machine & pressure grout machine, air compressors, regardless of size, all equipment, welding machines light plants, pumps, all well point system de-watering and portable pumps, space heater, irrespective of size, and motive power, equipment greaser, oiler, asphalt distributor, and like equipment, safety boat operator and deckhand.

FOOTNOTES:
a. 1st 6 mos. - none; 6 mos. to 5 yrs. - 6%; over 5 yrs. - 8% of basic hourly rate.
b. PAID HOLIDAYS - A through G.

PAID HOLIDAYS:
A-New Years Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Day after Thanksgiving; G-Christmas Day.

WELDERS -- receive rate prescribed for craft performing operation to which welding is incidental.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

32182 Federal Register / Vol. 46, No. 118 / Friday, June 19, 1981 / Notices

SUPERSEDEAS DECISION

STATE: Florida COUNTY: See Below

FL81-1250 cont.

SUPERSEDEAS DECISION

STATE: Florida COUNTY: See Below
DECISION NUMBER: FL81-1250 DATE: Date of Publication
Supersedes Decision No. FL76-1108 dated October 1, 1976 in 41 FR 43555
DESCRIPTION OF WORK: Building Construction (excludes single family homes and apartments up to and including 4 stories)

Brevard County (excludes Cape Canaveral Air Force Station, Patrick Air Force Base, Kennedy Space Flight Center and Melabar Radar Site)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Bricklayers	$8.70	.50	.40		.03
Carpenters	6.81				
Cement Masons	6.71				
Electricians	9.80	.55	3%		1%
Ironworkers	6.86				
Laborers	4.06				
Painters	7.84				
Plumbers	8.45				
Roofers	9.50	.35	.25		
Tile Setters	6.63				
Truck Drivers	4.25				
Welders - Rate for craft					
POWER EQUIPMENT OPERATORS					
Group A	7.33	.30	.25		.05
Group B	6.29	.30	.25		.05
Group C	5.48	.30	.25		.05
Group D	4.51	.30	.25		.05

Group A - Cranes, derricks, clam shells, draglines, piledriver (including auger & boring machine for drilling in piling), backhoes, hydra cranes, grade all, shovels, patrols, cableways, tug boat captain (150 H.P. or more), multi-bowl operator, similar to R.G. LaTourneau Model L-60-2 or three 20 cu. yd. scrapers), front end loaders (over 4 cu. yd.), side boom cats, multi-drum hoist (for rigging), heavy equipment mechanic, tower crane (stationary, climbing & traveling), gantry cranes, locomotive cranes, bridge cranes (over 20 ton cap.), concrete pump with boom (mobile), high lift or fork lift (second floor & higher), locomotive engineer, (jobs not covered by railroad unions)

FL81-1250 cont.

Group B - Bulldozers, bridge cranes (20 tons & under), high lift or fork lift (up to 2nd floor), straddle buggies, hoists (other than rigging) including winch truck not mobile & used as a hoist, front end loader (over 2 cy. and up to & incl. 4 cy. cap.,) trenching machine (ladder & wheel type), over 6' cut & over 24" width, concrete paver & scraper

Group C - Concrete Pumps, front end loader (2 cy. or less not used as a hoist), mobile winch trucks, self-propelled sub-grader, asphalt paving machine, concrete mixer, tractors, air compressor plant (2 or more compressors on a common manifold), lubricating engineer (mobile plant), pavement breakers, street sweeping machines

Group D - Tractor-operated sweeper, trenching machine (ladder & wheel type maximum cut 6' maximum width 24"), firemen, self-propelled rollers, wellpoint pump, asphalt distributor, water truck driver, motor boat op., oiler, mechanics'helpers, pumpman (other than wellpoint up to & including 5 pumps within 300 ft. radius), self-propelled sweepers, combination pump, compressor & combustion type welding machine

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii))

SUPERSEDEAS DECISION

STATE: ILLINOIS
DECISION NUMBER: IL81-2027
COUNTIES: *See Below
DATE: Date of Publication
Supersedes Decision No.: IL79-2052, dated August 24, 1979 in 44 FR 49829
DESCRIPTION OF WORK: Building Construction Projects (Including Residential Construction Projects)

*DuPage, Grundy, Kane, Kendall, Lake, McHenry & Will

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$17.00	1.145	1.645		.06
BOILERMAKERS	15.30	1.675	1.50	5%	.08
BRICKLAYERS; Stonemasons:					
DuPage (N. of Butterfield Road ((Argonne)) National Accl. Lab & AEC Plant) Co.	14.40	1.10	1.10		.08
DuPage (Rem. of Co.) Co.	14.40	1.10	1.10		.08
Grundy & Will Counties	14.62	1.00	1.00		.02
Kane (S. Part) & Kendall Cos.	14.40	1.10	1.10		.07
Kane (N. Part) & McHenry Cos.	14.40	1.10	1.10		.07
Lake Co.	13.00	.90	1.05		.07
CARPENTERS; Millwrights; Piledrivermen; & Soft Floor Layers:					
DuPage & Lake Cos.	14.00	1.23	1.08		.10
Grundy Co.:					
Commercial:					
Carpenters; Piledrivermen; & Soft Floor Layers	13.48	1.00	1.00		.03
Millwrights	13.73	1.00	1.00		.03
Residential	12.13	1.00	1.00		.03
Kane, Kendall, & McHenry Cos.:					
Carpenters; Soft Floor Layers	14.00	1.00	1.24		
Millwrights; Piledrivermen	14.00	1.00	1.24		
Will Co.:					
Commercial	13.80	1.10	1.25		
Residential	13.71				
CEMENT MASONS:					
DuPage Co.	12.80	1.13	1.00		.07
Grundy & Will Cos.	14.01	.95	1.66		.05
Kane (S. Part) & Kendall Cos.	14.50	1.00	1.06		
Kane (N. Part) & McHenry Cos.	14.85	.80	.91		
Lake Co.	13.80	1.28	1.43		.03
ELECTRICIANS:					
DuPage Co.	16.00	5%	9%	8%	4%
Grundy & Will Cos.:					
Commercial	16.11	.88	3%+.88		.3%
Residential	12.04	.88	3%+.60		.3%
Kane (N ½) & McHenry Cos.	16.55	5%	13%		.5%
Kane (S ½ & Kendall Cos.	16.54	6%	11%		4%
Lake Co.	16.24	.65	3%+1.10		1%

DECISION NO. IL81-2027

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELEVATOR CONSTRUCTORS:					
DuPage, Lake & Will Cos.:					
Elevator Constructors	$15.67	1.195	.82	a&b	.035
Helpers	70%JR	1.195	.82	a&b	.035
Helpers (Prob.)	50%JR				
GLAZIERS:					
DuPage, Kane, Kendall (Eastern part), Lake & Will Cos.	11.89	.48	.89		.01
Grundy & Kendall (Western part) Cos.	15.00	.60	.30	c	
McHenry Co.	10.93	.47	.50	.50	.02
IRONWORKERS:					
DuPage (Argonne & Vic.), Grundy, Kendall (S. part), & Will Cos.	13.40	3.115	1.31		.05
DuPage (Rem. of Co.), Kane, Kendall (N. part), & McHenry (SE ¼) Cos.	16.70	.90	.525		.08
Lake & McHenry (Hebron, Woodstock & E. thereof) Cos.:					
Reinforcing & Structural	16.80	2.14	1.47		.10
Ornamental	13.95	.85	1.103		.05
Metal Fence Erectors	10.57	.85	1.103		.05
McHenry (NW ¼) Co.	14.25	.90	2.375		.10
LATHERS:					
DuPage & Lake Cos.	13.82	.605	.645		.04
McHenry (W ½) Co.	12.05	.55	.85		
LINE CONSTRUCTION:					
DuPage Kane, Kendall, Lake, & McHenry Cos.:					
Linemen; Digger Op. & Crane Op. (15 Ton or above)	15.29	.60	3%	d	4%
Equipment Op.; Semi Truck Drivers	12.96	.60	3%	d	4%
Groundman Truck Drivers	10.30	.60	3%	d	4%
Groundmen	9.96	.60	3%	d	4%
Grundy & Will Cos.:					
Linemen; Equipment Ops.	17.05	4.4%	6.50%	5.6%	.25%
Groundmen	12.10	4.4%	6.50%	5.6%	.25%
MARBLE SETTERS:					
DuPage, Lake & Will Cos.	15.86	.90			
MARBLE SETTERS' FINISHERS:					
DuPage & Lake Cos.	13.10				

DECISION NO. IL81-2027

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
MARBLE SETTERS' HELPERS:					
DuPage & Lake Cos.	11.79				
MILLWRIGHTS:					
DuPage, Kane, Kendall, Lake & Will Cos.	14.00	1.23	1.08		.10
McHenry Co.	13.00	.90	1.05		.07
PAINTERS:					
DuPage & Lake Cos.	13.00	1.23	1.08		.10
Grundy Co.:					
Commercial:					
Painters; Paperhangers; & Taperers	13.48	1.00	1.00		.03
Residential	12.13	1.00	1.00		.03
Kane, Kendall, & McHenry Cos.:					
Painters; Paperhangers; & Taperers	14.00	1.00	1.24		
Will Co.:					
Commercial	13.80	1.10	1.25		
Residential	13.71				
PILEDRIVERMEN:					
DuPage & Lake Cos.	14.00	1.23	1.08		.10
Grundy Co.:					
Commercial:					
Carpenters; Piledrivermen; & Soft Floor Layers	13.48	1.00	1.00		.03
Millwrights	13.73	1.00	1.00		.03
Residential	12.13	1.00	1.00		.03
Kane, Kendall, & McHenry Cos.:					
Carpenters; Soft Floor Layers	14.00	1.00	1.24		
Millwrights; Piledrivermen	14.00	1.00	1.24		
Will Co.:					
Commercial	13.80	1.10	1.25		
Residential	13.71				
POWER EQUIPMENT OPERATORS:					
DuPage, Kane, Kendall, Lake & McHenry Cos.:					
Asphalt Plant Operator	13.00	.90	1.05		.07
Backhoe; Trenching Machine	13.00	.90	1.05		.07
Bobcat	13.00	.90	1.05		.07
Boom Cranes (Over 100 Tons)	15.00	.90	1.05		.07
Boom Cranes (100 Tons or Under)	14.00	.90	1.05		.07
Bulldozer; Scraper	13.00	.90	1.05		.07
Concrete Pump	13.00	.90	1.05		.07
Crane Operator (Hydraulic 80 Tons or Under)	13.00	.90	1.05		.07
Crane Operator (Hydraulic Over 80 Tons)	14.00	.90	1.05		.07
Crane Operator (Lattice Boom 80 Tons or Under)	13.00	.90	1.05		.07
Crane Operator (Lattice Boom Over 80 Tons)	14.00	.90	1.05		.07
Crane Operator (Tower)	13.00	.90	1.05		.07
Crane Operator (Tower Attendant)	12.00	.90	1.05		.07
Elevator Operator	11.00	.90	1.05		.07
Fireman; Oiler	12.00	.90	1.05		.07
Forklift	12.00	.90	1.05		.07
Grader; Motor Patrol	13.00	.90	1.05		.07
Hydraulic Backhoe	13.00	.90	1.05		.07
Hydraulic Backhoe (Extra Boom)	13.00	.90	1.05		.07
Loader (Front End)	13.00	.90	1.05		.07
Mechanic	13.00	.90	1.05		.07
Roller	12.00	.90	1.05		.07
Service Engineer	12.00	.90	1.05		.07
Shovel; Backhoe	13.00	.90	1.05		.07
Tractor	12.00	.90	1.05		.07
Trenching Machine	13.00	.90	1.05		.07
ROOFERS:					
DuPage & Lake Cos.	13.00	1.23	1.08		.10
Grundy Co.:					
Commercial:					
Carpenters; Piledrivermen; & Soft Floor Layers	13.48	1.00	1.00		.03
Millwrights	13.73	1.00	1.00		.03
Residential	12.13	1.00	1.00		.03
Kane, Kendall, & McHenry Cos.:					
Carpenters; Soft Floor Layers	14.00	1.00	1.24		
Millwrights; Piledrivermen	14.00	1.00	1.24		
Will Co.:					
Commercial	13.80	1.10	1.25		
Residential	13.71				
SHEETMETAL WORKERS:					
DuPage, Kane, Kendall, Lake & Will Cos.	15.00	1.23	1.08		.10
McHenry Co.	13.00	.90	1.05		.07
SPRINKLER FITTERS:					
DuPage, Kane, Kendall, Lake & Will Cos.	15.00	1.23	1.08		.10
McHenry Co.	13.00	.90	1.05		.07
TERRAZZO WORKERS:					
DuPage & Lake Cos.	13.82	.605	.645		.04
McHenry (W ½) Co.	12.05	.55	.85		
TILE SETTERS:					
DuPage & Lake Cos.	13.82	.605	.645		.04
McHenry (W ½) Co.	12.05	.55	.85		
TILE SETTERS' HELPERS:					
DuPage & Lake Cos.	11.79				
TRUCK DRIVERS:					
DuPage, Kane, Kendall, Lake & McHenry Cos.:					
Dump Truck	12.96	.60	3%	d	4%
Flatbed Truck	12.96	.60	3%	d	4%
Grundy & Will Cos.:					
Dump Truck	17.05	4.4%	6.50%	5.6%	.25%
Flatbed Truck	17.05	4.4%	6.50%	5.6%	.25%

a. 6 paid holidays: New Year's Day; Memorial Day; Fourth of July; Labor Day; Thanksgiving Day; Christmas Day.
b. Any employee who has been employed 30 days or more and who works on the last scheduled day before or the first scheduled day after a holiday receives holiday pay.
c. 5 paid holidays: New Year's Day; Memorial Day; Fourth of July; Labor Day; Christmas Day.
d. 6 paid holidays: New Year's Day; Memorial Day; Fourth of July; Labor Day; Thanksgiving Day; Christmas Day. Any employee who has been employed 30 days or more and who works on the last scheduled day before or the first scheduled day after a holiday receives holiday pay.

DECISION NO. IL81-2027

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:					
DuPage, Kane, Kendall, & McHenry Cos.:					
Brush; Drywall Tapers; Sandblasters; & Spray	$11.29	.75	.85		.06
Grundy & Will Cos.:					
Brush; Drywall Taping; Paperhanging; & Sign Painting	14.05	.80	1.00		.05
Spray	14.80	.80	1.00		.05
Lake Co.:					
Brush; Decorators; Paperhangers Tapers	11.50	.575	.75		.013
PLASTERERS:					
DuPage Co.	13.46	1.10	1.10		
Grundy & Will Cos.	12.87	.875	1.07		.07
Kane (S. part) & Kendall Cos.	14.50	1.00	1.06		
Kane (N. part) & McHenry Cos.	14.85	.80	.91		
Lake Co.	13.715	1.28	1.43		.03
PLUMBERS; Pipefitters; & Steamfitters:					
DuPage (Naperville & S.) Co.	14.68	1.15	1.22		.05
DuPage (Exclu. Naperville & S.), Grundy (W. of Rt. 47), Lake, McHenry, & Will (Except city limits of Joliet) Cos.:					
Pipefitters & Steamfitters	17.00	1.07	1.70		.05
DuPage (Exclu. Naperville & S.) Co.:					
Plumbers	15.00	.80	1.20		.10
Grundy (W. of Rt. 47) Co.:					
Plumbers	16.72	.66	.75		.09
Grundy (E. of Rt. 47) & Will (Joliet & Vic.) Cos.	15.75	1.05	1.37		.08
Kane (Elgin & Vic.) Co.	14.51	.90	.60	1.00	.08
Kane (Aurora & Vic.) & Kendall (Exclu. Yorkville) Cos.	15.91	.65	.50		.04
Kendall (Yorkville) Co.	16.72	.66	.75		.09
Lake Co.	14.60	1.10	1.15		.23
Will (Except City limits of Joliet) Co.	15.20	.80	1.00		.07

DECISION NO. IL81-2027

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS:					
DuPage & Lake Cos.	$14.50	1.45	1.06		.04
Grundy & Will Cos.	14.88	1.17	1.10		
Kane, Kendall, & McHenry (S. part incl. cities of McHenry, Woodstock, & Crystal Lake) Cos.	15.20	1.05	.80		.02
McHenry (Rem. of Co.) Co.	16.17	.90			.03
SHEET METAL WORKERS:					
DuPage Co.	14.42	.85	.98		.16
Grundy & Will Cos.	15.17	.95	1.03		.09
Kane, Kendall & McHenry Cos.	14.23	.55	.70	1.44	.14
Lake Co.	12.95	.90	.73	.50	.07
SPRINKLER FITTERS:					
DuPage & Lake (Within 30 mi. radius of Chicago City Hall) Cos.	17.00	1.30	1.40		.15
Grundy, Kane, Kendall, Lake (Rem. of Co.), McHenry, & Will Cos.	13.31	.95	1.40		.06
TILE SETTERS:					
DuPage, Grundy, Lake, & Will Cos.	13.65	.81	1.07		
TILE SETTERS' FINISHERS:					
DuPage, Lake, & Will Cos.	12.10	.81	.77		
TRUCK DRIVERS:					
2-3 Axles	12.25	29.00e	33.00e		
4 Axles	12.40	29.00e	33.00e		
5 Axles	12.60	29.00e	33.00e		
6 Axles	12.80	29.00e	33.00e		

WELDERS receive rate prescribed for craft performing operation to which welding is incidental.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Day after Thanksgiving Day; & G-Christmas Day

FOOTNOTES:
a. Employer contributes 8% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 6% of regular rate to vacation pay credit for employee who has worked in business less than 5 years.
b. 7 Paid Holidays: A through G
c. 7 Paid Holidays: A through G
d. 4 Paid Holidays: B, C, D, & E
e. Per Week Per Employee

DECISION NO. IL81-2027

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS: DuPage, Grundy & Will Cos.					
CLASS 1 - Common Laborers, Plasterer, Laborers, Pumps or Dewatering & other Unclassified Laborers	$ 11.10	.57	1.30		
CLASS 2 - Cement Gun Laborers	11.175	.57	1.30		
CLASS 3 - Scaffold Laborers & Chimney Laborers over 40'	11.20	.57	1.30		
CLASS 4 - Windlass & Cement Gun Nozzle Laborers Gunite	11.25	.57	1.30		
CLASS 5 - Stone Handler & Derrickmen	11.30	.57	1.30		
CLASS 6 - Jackhammermen	11.325	.57	1.30		
CLASS 7 - Concrete Vibrator, Plumbers' Labor & Chain Saw Operator	11.35	.57	1.30		
CLASS 8 - Firebrick & Boiler Setters' Laborers	11.425	.57	1.30		
CLASS 9 - Chimney Laborers on Firebrick, Caisson Diggers & Well Point System Men	11.45	.57	1.30		
CLASS 10 - Boiler Setters Plastic Laborers	11.55	.57	1.30		
CLASS 11 - Jackhammer on Firebrick Only	11.675	.57	1.30		

DECISION NO. IL81-2027

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS: Kane, Kendall & McHenry					
Class 1 - Laborers	$ 11.10	.57	1.30		
Class 2 - Power Vibrator	11.20	.57	1.30		
Class 3 - Mortar Men, Torchmen (on Demolition Only)	11.25	.57	1.30		
Class 4 - Power Tampers	11.30	.57	1.30		
Class 5 - Chain Saw Men, Swinging Stage & Boatswain Chairs, Cement Gun Nozzlemen, Hod Carriers, Plasterer Tenders, Tunnelmen, Tree Surgeons (Toppers)	11.35	.57	1.30		
Class 6 - Tile Layers & Bottom Men	11.45	.57	1.30		
Class 7 - Caisson Laborers & Dynamiters	11.60	.57	1.30		

DECISION NO. IL81-2027

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:					

DECISION NO. IL 81-2027

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.

DECISION NO. IL81-2027

LABORERS: LAKE COUNTY	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS 1 Building & Plasters Laborers; General Laborers (Wrecking & Demolition) Fireproofing & Fire Shop Laborers	$ 11.10	.57	1.30		
CLASS 2 Cement Gun Laborers & Hose	11.175	.57	1.30		
CLASS 3 Chimney Laborers (over 40'); Scaffold Laborers; Wall Men or Wreckers	11.20	.57	1.30		
CLASS 4 Stone Derrickmen & Handlers	11.30	.57	1.30		
CLASS 5 Jackhammer Men (Tampers & Vibrators) Power Driven Concrete Saws	11.325	.57	1.30		
CLASS 6 Caisson Diggers, Well Point System; Chimney Laborers (on Firebrick)	11.45	.57	1.30		
CLASS 7 Cement Gun Nozzle, Laborers (Gunnite)	11.25	.57	1.30		

DECISION NO. IL 81-2027

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS I	$ 13.95	1.20	1.20	.70	.05
CLASS II	11.65	1.20	1.20	.70	.05
CLASS III	11.50	1.20	1.20	.70	.05
CLASS IV	10.25	1.20	1.20	.70	.05

CLASS I - Asphalt Plant, Asphalt Spreader, Auto-Grad, Batch Plant, Benoto (Requires two engineers), Boiler & Throttle Valve, Caisson Rigs, Central Redi-Mix Plant, Combination Backhoe Front End Loader Machine Compressor & Throttle Valve, Concrete Breaker (Truck Mounted), Conveyor, Concrete Paver, Concrete Placer, Concrete Tower, Cranes (all), Derricks (all), Grader, Elevating, Grouting Machines, Highlift Shovels or Front End Loader 2¼ yd. & over, Hoists, One, Two & Three Drum Hoists, Two Tugger One Floor, Hydraulic Boom Truck, Locomotives (all), Motor Patrol, Pile Drivers & Skid Rig, Post-Hole Digger, Pre-Stress Machine, Pump Cretes Dual Ram (requiring frequent lubrication & water), Pumpcretes, Squeeze Cretes - Screw type Pumps, Gypsum Bulker & Pump, Rock Drill (Self-Propelled), Rock Drill (truck mounted), Scoops - Tractor Drawn, Slip Form Paver, Straddle Buggies, Tournapull, Tractor with Boom & Side Boom, Trenching Machines

CLASS II - Boilers, Bulldozers, Broom all Power Propelled, Concrete Mixer (2 bag & over), Conveyor Portable, Forklift Truck, Greaser Engineer, Highlift Shovels or Front End Loaders under 2¼ yd., Hoists, Automatic, Hoists, All Elevators, Hoists, Tugger Single Drum, Rollers, (All), Steam Generators, Stone Crushers, Tractors, (All), Winch Trucks with "A" Frame

CLASS III - Air Compressor - Small 125 & under (1 to 5 not exceed a total of 300 ft.), Air Compressor - large over 125, Combination - Small Equipment Opr., Generators under & over 50 KW, Heaters, Mechanical Pumps over 3" (1 to 3 not to exceed a total of 300 ft.), Pumps, Well Points, Welding Machine (2 through 5), Winches, 4 Small Electric Drill Winches

CLASS IV - Oilers

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR,5.5 (a) (1) (ii)).

SUPERSEDEAS DECISION

STATE: ILLINOIS COUNTIES: *See Below
DECISION NUMBER: IL81-2028 DATE: Date of Publication
Supersedes Decision No. IL79-2072 dated September 7, 1979 in 44 FR 52547
DESCRIPTION OF WORK: Heavy & Highway Construction Projects

*Boone, DeKalb, DuPage, Kane, Kendall, Lake, McHenry & Will

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS; Piledrivermen:					
Boone & DeKalb Cos.	$14.03	1.00	1.35		.02
DuPage & Lake Cos.	14.00	1.23	1.08		.10
Kane, Kendall, & McHenry Cos.	14.00	1.00	1.35		
Will Co.	15.88	1.10	1.25		
CEMENT MASONS:					
Boone Co.	11.78	.55	1.00		
DeKalb, Kane (S. Part), Kendall, & McHenry Cos.	14.50	1.00	1.06		
DuPage Co.	12.80	1.13	1.00		.07
Kane (N. Part) Co.	14.85	.80	.91		
Lake Co.	13.80	1.28	1.43		.03
Will Co.	14.01	.95	1.66		.05
ELECTRICIANS:					
Boone & DeKalb (Except Sandwich Twp.) Cos.	13.88	.75	3%+.80		4%
DeKalb (Sandwich Twp.), Kane (Aurora, Sugar Grove, Big Rock, Kaneville, Blackberry, Batavia, Geneva Twps, & City of St. Charles), & Kendall Cos.	16.54	6%	11%		4%
DuPage Co.	16.00	5%	9%	8%	4%
Kane (Rem. of Co.) & McHenry Cos.	16.55	5%	13%		.5%
Lake Co.	16.24	.65	3%+1.10		1%
Will Co.	16.11	.88	3%+.88		.3%
IRONWORKERS:					
Boone, DeKalb (Except S.E. 2/3 of Co.), & McHenry (N.W. ½ of Co.) Cos.	14.25	.90	2.375		.10
DeKalb (Rem. of Co.), DuPage (Except Argonne & Vic.), Kane, Kendall (N. Part), & McHenry (S.E. ½ of Co.) Cos.	16.70	.90	.525		.08
DuPage (Argonne & Vic.), Kendall (S. Part), & Will Cos.	13.40	3.115	1.31		.05
Lake & McHenry (Hebron, Woodstock & E. Thereof) Cos.	16.80	2.14	1.47		.10

DECISION NO. IL81-2028

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION:					
Boone, DeKalb, DuPage, Kane, Kendall, Lake, & McHenry Cos.:					
Linemen; Digger Op.; & Crane (15 Ton or above)	$15.29	.60	3%	a	4%
Equipment Op.; Semi-Truck Drivers	12.96	.60	3%	a	4%
Groundmen Truck Drivers	10.30	.60	3%	a	4%
Groundmen	9.96	.60	3%	a	4%
Will Co.:					
Linemen; Equipment Ops.	17.05	4.4%	6.50%	5.6%	.25%
Groundmen	12.10	4.4%	6.50%	5.6%	.25%
PAINTERS:					
Boone Co.:					
Brush; Roller	14.43	.90	.50		.02
Open Structural & Sandblasting	14.70	.90	.50		.02
Spray	15.00	.90	.50		.02
DeKalb, DuPage, Kane, Kendall, & McHenry Cos.:					
Brush; Spray	11.29	.75	.85		.06
Lake Co.:					
Brush	11.50	.575	.75		.013
Will Co.:					
Brush	14.05	.80	1.00		.05
Bridges with:					
Butt Plates & Handrails	14.05	.80	1.00		.05
W/Superstructures	15.05	.80	1.00		.05
WO/Superstructures	14.55	.80	1.00		.05
TRUCK DRIVERS:					
Boone Co.:					
2-3 Axles	12.00	.55	1.00		
4 Axles	12.15	.55	1.00		
5 Axles	12.35	.55	1.00		
6 Axles	12.55	.55	1.00		
Remainder of Counties:					
2-3 Axles	12.25	29.00b	33.00b		
4 Axles	12.40	29.00b	33.00b		
5 Axles	12.60	29.00b	33.00b		
6 Axles	12.80	29.00b	33.00b		

FOOTNOTES:
a. 4 Paid Holidays: Memorial Day; July 4th; Labor Day; & Thanksgiving Day
b. Per Week Per Employee

DECISION NO. IL81-2028

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS:					
Boone, DeKalb, DuPage, Kane, Kendall, Lake, & McHenry Cos.:					
Common	$11.50	.575	.75		.013
Mason Tenders	11.50	.575	.75		.013
Will Co.:					
Common	14.05	.80	1.00		.05
Mason Tenders	14.05	.80	1.00		.05
POWER EQUIPMENT OPERATORS:					
Boone, DeKalb, DuPage, Kane, Kendall, Lake, & McHenry Cos.:					
Asphalt Plant; Backhoe; Boom Truck; Bulldozer; Concrete Pump; Crane; Derrick; Grader; Hoist; Loader; Mechanic; Mixer; Oiler; Pile Driver; Roller; Scraper; Shovel; Tractor	14.43	.90	.50		.02
Will Co.:					
Asphalt Plant; Backhoe; Boom Truck; Bulldozer; Concrete Pump; Crane; Derrick; Grader; Hoist; Loader; Mechanic; Mixer; Oiler; Pile Driver; Roller; Scraper; Shovel; Tractor	14.05	.80	1.00		.05
TRAFFIC SAFETY:					
Boone, DeKalb, DuPage, Kane, Kendall, Lake, & McHenry Cos.:					
Laborers	11.50	.575	.75		.013
Will Co.:					
Laborers	14.05	.80	1.00		.05

DECISION NO. IL81-2028

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS:					
Boone, Kane, Kendall, & McHenry Cos.:					
Class 1: Common Laborers; Asphalt Laborers; Asphalt Plant Laborers; Stripping Laborers; Concrete Saw; Self-Propelled Saw; & Laser Beam	$11.10	.57	1.30		
Class 2: Air Tampers & Vibrators	11.15	.57	1.30		
Class 3: Morter Concrete Mixers	11.20	.57	1.30		
Class 4: Stringline & Form Setters; Torchmen; Sheeting & Cribbing Men; Black Top Rackers; Lutemen; & Machine Screwmen	11.25	.57	1.30		
Class 5: Chain Saw Men; Jackhammermen; Drillmen; Concrete Breakers; & Air Spade	11.35	.57	1.30		
Class 6: Tunnel Men; Tile Layers & Bottom Man	11.45	.57	1.30		
Class 7: Caisson Diggers; & Dynamiters	11.60	.57	1.30		

DECISION NO. IL81-2028

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS:					
DeKalb County:					
CLASS I	$11.40	.65	.80		.035
CLASS II	11.60	.65	.80		.035
CLASS III	11.70	.65	.80		.035

CLASS I: Common Laborers; Carpenters' Tenders; Tool, Cribmen, Firemen, or Salamander Tenders; Flagmen; Gravel Box Men; Dumpmen & Spotters; Form Handlers; Material Handlers; Fencing Laborers; Cleaning Lumber; Pit Men; Dispatchers; Landscapers; Unloading Explosives; Laying of Sod; Planting of Trees; Removal of Trees; Asphalt Plant Laborers; Wrecking Laborers; Fireproofing Laborers; Driving of Stakes; Stringlines for all Machinery; Rod & Chainmen with Technical Engineers, with Land Surveyors, and Surveyors; Asphalt Workers with Machines and Layers; Grade Checker; Signal Man on Crane; Coring Machine Operator; Concrete Workers (wet), on Concrete Paving; Placing, Cutting and Tying of Reinforcing Steel Form Setters-Street and Highway

CLASS II: Scaffold Workers; Handling of Materials Treated with any Foreign Matter Harmful to Skin or Clothing; Bulk Cement Handlers; Unloading of Re-Bars; Tunnel Tenders in Free Air; Batch Dumpers; Mason Tenders; Kettle and Tar Men; Tank Cleaners; Plastic Installers; Motorized Buggies or Motorized Unit Used for Wet Concrete or Handling of Building Materials; Vibrator Operators; Mortar Mixer Operators; Cement Silica; Clay Fly Ash; Lime and Plasters Handlers (Bulk or Bag); Deck Hand; Dredge Hand and Shore Laborers; Bankmen on Floating Plant; Power Tools; Material Selector (Firebrick or Castable Material); Chain Saw Operators; Air Tamping Hammerman; Concrete Saw Operator; Front End Man on Chip Spreader; Lutemen; Asphalt Raker

CLASS III: Jackhammer and Drill Operators; Laborers with De-Watering Systems; Bottom Sewer Workers Plus Depth; Cofferdam Workers Plus Depth; Caisson Workers Plus Depth; Gunnite Nozzle Men; Leadman on Sewer Work; Welders, Cutters, Burners, & Torchmen; Layout Man and/or Tile Layer; Screenman on Asphalt Pavers; Laborers Tending Masons with Hot Material; Multiple Concrete Duct-Leadman; Curb Asphalt Machine Operator; Ready-Mix Scalemen; Permanent, or Temporary Plant; Laser Beam Operator; Concrete Burning Machine Operators; Underpinning and Shoring of Building; Pump Men

DECISION NO. IL81-2028

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS:					
DuPage & Will Counties: Common; Plasterer Tenders; Pumps for DeWatering and other Unclassified Laborers	$11.10	.57	$1.30		
Cement Gun Laborers	11.175	.57	1.30		
Scaffold Laborers and Chimney Laborers over 40'	11.20	.57	1.30		
Windlass and Cement Gun Nozzle Laborers - Gunnite	11.25	.57	1.30		
Stone Handlers and Derrickmen	11.30	.57	1.30		
Jackhammermen	11.325	.57	1.30		
Concrete Vibrator; Plumbers' Tenders; and Chain Saw Operator	11.35	.57	1.30		
Firebrick and Boiler Setters' Tenders	11.425	.57	1.30		
Chimney Tenders on Firebrick; Caisson Diggers and Well Point System Men	11.45	.57	1.30		
Boiler Setter Plastic Tenders	11.55	.57	1.30		
Jackhammer on Firebrick ONLY	11.675	.57	1.30		

DECISION NO. IL81-2028

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS: LAKE COUNTY					
SEWER & WATER MAIN EXTENSIONS					
CLASS 1 General Laborers & Top Laborers & Flagmen	$ 8.55	.57	1.10		
CLASS 2 Second Bottom Men	8.775	.57	1.10		
CLASS 3 Well Point System-Jackhammer Men (Tampers & Vibrators) Bottom Men, Pipelayers on Drains & Pipelayer Men; All Tunnel Work	8.90	.57	1.10		
STREET PAVING & GRADE SEPARATION					
CLASS 1 General, Asphalt & Asphalt Plant Laborers; Flagmen	8.55	.57	1.10		
CLASS 2 Laborers on Apsco, Birch Overman & Similar Spreader Equipment, Machine Screwmen, Mitre B Spreaders	8.825	.57	1.10		
CLASS 3 Form Setters; Well Point; Jackhammer (Tampers & Vibrators); Bottom Men; Pipelayers on Drains; Catch Basin Diggers & Manhole; Power Driven Concrete Saw	8.90	.57	1.10		

DECISION NO. IL81-2028

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
Asphalt Plant Engineer	$11.10	.57	$1.30		
Asphalt Plant Fireman	11.175	.57	1.30		
Asphalt Plant Screedman	11.20	.57	1.30		
Asphalt Plant Weighman	11.25	.57	1.30		
Asphalt Plant Mixer Operator	11.30	.57	1.30		
Asphalt Spreader Operator	11.325	.57	1.30		
Asphalt Roller Operator	11.35	.57	1.30		
Backhoe Operator	11.425	.57	1.30		
Batch Plant Operator	11.45	.57	1.30		
Bituminous Distributor Operator	11.55	.57	1.30		
Boiler Operator	11.675	.57	1.30		

DECISION NO. IL81-2028

POWER EQUIPMENT OPERATORS (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Bulldozer Operator	$11.80	.57	$1.30		
Cableway Operator	11.925	.57	1.30		
Caisson Drill Operator	12.05	.57	1.30		
Compressor Operator	12.175	.57	1.30		
Concrete Batch Plant Operator	12.20	.57	1.30		
Concrete Breaker Operator	12.25	.57	1.30		
Concrete Mixer Operator	12.30	.57	1.30		
Concrete Pump Operator	12.325	.57	1.30		
Concrete Spreader Operator	12.35	.57	1.30		
Crane Operator	12.425	.57	1.30		
Crane Operator, Clamshell	12.45	.57	1.30		
Crane Operator, Derrick	12.55	.57	1.30		
Crane Operator, Dragline	12.675	.57	1.30		
Crane Operator, Pile Driver	12.80	.57	1.30		
Crane Operator, Tower	12.925	.57	1.30		
Crane Operator, Trenching Machine	13.05	.57	1.30		
Crane Operator, Truck	13.175	.57	1.30		
Crane Operator, Whirley	13.20	.57	1.30		
Curb Machine Operator	13.25	.57	1.30		
Drill Operator	13.30	.57	1.30		
Elevator Operator	13.325	.57	1.30		
Farm Tractor Operator	13.35	.57	1.30		
Finishing Machine Operator	13.425	.57	1.30		
Forklift Operator	13.45	.57	1.30		
Gradall Operator	13.55	.57	1.30		
Grout Machine Operator	13.675	.57	1.30		
Hoist Operator, Double Drum	13.80	.57	1.30		
Hoist Operator, Single Drum	13.925	.57	1.30		
Hydraulic Boom Truck Operator	14.05	.57	1.30		
Locomotive Operator	14.175	.57	1.30		
Mechanical Finisher Operator	14.20	.57	1.30		
Mechanical Grade Operator	14.25	.57	1.30		
Mechanical Trench Operator	14.30	.57	1.30		
Mixer Operator	14.325	.57	1.30		
Motor Grader Operator	14.35	.57	1.30		
Oiler	14.425	.57	1.30		
Pavement Breaker Operator	14.45	.57	1.30		
Pipelayer Operator	14.55	.57	1.30		
Power Shovel Operator	14.675	.57	1.30		
Push Cat Operator	14.80	.57	1.30		
Roller Operator	14.925	.57	1.30		
Scraper Operator	15.05	.57	1.30		
Shuttle Buggy Operator	15.175	.57	1.30		
Side Boom Operator	15.20	.57	1.30		
Slip Form Paver Operator	15.25	.57	1.30		
Spreader Box Operator	15.30	.57	1.30		
Tractor Operator	15.325	.57	1.30		
Trenching Machine Operator	15.35	.57	1.30		
Truck Driver, Dump	15.425	.57	1.30		
Truck Driver, Lowboy	15.45	.57	1.30		
Truck Driver, Mixer	15.55	.57	1.30		
Truck Driver, Pump Crete	15.675	.57	1.30		
Truck Driver, Snorkel	15.80	.57	1.30		
Truck Driver, Water	15.925	.57	1.30		
Vibrator Operator	16.05	.57	1.30		

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Class 1	$13.60	$1.20	$1.20	.70	.05
Class 2	13.05	1.20	1.20	.70	.05
Class 3	12.30	1.20	1.20	.70	.05
Class 4	11.20	1.20	1.20	.70	.05
Class 5	10.20	1.20	1.20	.70	.05

Class 1: Asphalt Plant; Asphalt Heater and Planer Combination; Asphalt Spreader; Autograde; Belt Loader; Caisson Rigs; Central Redimix Plant; Concrete Breaker (truck mounted); Concrete Conveyor; Concrete Paver over 27E cu. ft.; Concrete Placer; Concrete Tube Float; Cranes, all attachments; Cranes, Linden, Pecc and Machines of a like nature; Derricks, traveling; Dredges; Euclid Loader; Elevating type Gradall and Mechanics of a like nature; Derricks; All Derrick Boats; Derricks, traveling; Dredges; Euclid Loader; Elevating type Gradall and Mechanics of a like nature, 1 cu. yd. and over; Mucking Machine, under 1 cu. yd.; Piledrivers and Skid Rig; Pre-stress Machine; Pump Cretes, Dual Ram (requiring frequent lubrication and water); Rock Drill, Crane type; Slip Form Paver; Straddle Buggies; Tractor w/boom; Tractaire w/attachments; Trenching Machine; Underground Boring and/or Mining Machine, under 5 ft.; Wheel Excavator Widener (Apsco)

Class 2: Mechanic-welder; Batch Plant; Bituminous Mixer; Bulldozer; Combination Backhoe Front End Loader Machine; Concrete Breaker of Hydro-hammer; Concrete Grinding Machine; Concrete Mixer or Paver, 7S Series to and including 27 cu. ft.; Concrete Spreader; Concrete Curing Machine; Burlap Machine; Belting Machine and Sealing Machine; Finishing Machine; Concrete Grader; Motor Patrol; Auto Patrol; Form Grader; Pull Grader; Subgrader; Highlift Shovels or Front End Loader; Hydraulic Boom Trucks (all attachments); Locomotives, Dinky; Pump Cretes: Squeeze Cretes, Screw type Pumps; Cypsum Bulker and Pump; Rock Drill (self-propelled); Roto-tiller; Seaman, etc.; Self-propelled Scoops; Tractor drawn, self-propelled Compactor, Spreader, Chipstone, etc.; Scraper; Tank Car Heater; Tractor, push, pulling Sheeps Foot, disc.; Compactor, etc.; Tug Boats

POWER EQUIPMENT OPERATORS (Cont'd)

Class 3: Boilers; Boiler and Throttle Valve; Brooms, all power propelled; Cement Supply Tender; Compressor Throttle Valve; Concrete Mixer (2 bags and over); Conveyor, portable; Fireman on Boiler; Forklift Trucks; Greaser Engineer; Grouting Machine Hoists; Automatic Hoists; All Elevator Hoists; Tugger, single drum; Jeep Diggers; Pipe Power Saw, Concrete; Power-driven Pug Mills; Rollers, all; Steam Generators; Stone Crushers; Stump Machine; Winch Truck with "A" Frame; Work Boats; Tamper; Form Motor driven

Class 4: Air Compressors, all; Generators; Heaters; Mechanical Light Plants, all (1 through 5); Pumps, all; Pumps, well points; Tractaire; Welding Machines (2 through 6)

Class 5: Oilers

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

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SUPERSEDEAS DECISION

STATE: Minnesota
DECISION NUMBER: MN81-2029
Supersedes Decision No. MN78-2060, dated May 26, 1978 in 43 FR 22912
DESCRIPTION OF WORK: Heavy & Highway Construction

COUNTIES: See Below
DATE: Date of Publication

COUNTIES: Cottonwood, Lincoln, Lyon, Murray, Pipestone, Redwood & Yellow Medicine, Minnesota	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
CARPENTERS	$11.37				
CEMENT MASONS:					
Redwood, Lyon, Lincoln & Yellow Medicine Cos.	11.95		.25		
Pipestone, Murray & Cottonwood Cos.	11.70		.50		
ELECTRICIANS	8.10				
PLUMBERS & PIPEFITTERS	13.85	.70	.20	1.50	.05
LABORERS:					
Unskilled	6.62				
Asphalt Raker	6.91	.45	.30		
POWER EQUIPMENT OPERATORS:					
Asphalt Plant	7.37				
Asphalt Distributor Spreader	9.54	.46	.40		
Backhoe	8.93				
Bulldozer	9.00				
Concrete Saw	8.43				
Cranes, Derricks & Dragline	10.32	.75	.60		.05
Curb Setter	8.85	.50	.15		
Front End Loader	8.73				
Mechanic	8.20	.45	.30		
Motor Patrol	8.79				
Pugmill Operator	8.60	.45	.30		
Roller Operator	7.12	.45	.30		
Roller, Finish	8.32	.45	.30		
Turnapull	10.03	.75	.60		.05
TRUCK DRIVERS:					
Bituminous Distributor Driver	8.34	.45	.30		
Truck Driver, Tandem Axle	7.67	.45	.30		
Truck Driver, Five Axle	9.13	.46	.40		
Truck Driver, Lowboy	9.72	.65	.65		
Truck Driver, Over 16CY	9.72	.65	.65		
WELDERS-Rate for Craft					

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clause (29 CFR, 5.5 (a) (1) (ii)).

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BILLING CODE 4510-27-C

SUPERSEDEAS DECISION

STATE: NORTH CAROLINA
DECISION NUMBER: NC81-1249
Supersedes Decision No.: NC79-1154, November 30, 1979, 44 FR 69114
DESCRIPTION OF WORK: Residential Construction Projects (consisting of single family homes and apartments up to and including four stories)

COUNTIES: Alexander, Alleghany, Ashe, Caldwell, Watauga, & Wilkes
DATE: Date of Publication

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
AIR CONDITIONING MECHANCIS	$4.85				
BRICKLAYERS	5.50				
CARPENTERS	5.37				
CEMENT MASONS	4.50				
DRYWALL FINISHERS	5.00				
DRYWALL HANGERS	8.75				
ELECTRICIANS	5.11				
INSULATION INSTALLERS	6.00				
LABORERS:					
Pipelayers	5.00				
Unskilled	4.00				
PAINTERS:					
Brush	5.49				
Spray	6.00				
PLUMBERS AND PIPEFITTERS	5.50				
POWER EQUIPMENT OPERATORS:					
Backhoe	4.96				
Bulldozer	5.50				
Motor Grader	5.40				
Loader	6.00				
Pan-Scraper	5.25				
Roller	4.25				
Tractor	5.50				
ROOFERS	4.71				
SHEET METAL WORKERS	5.37				
SOFT FLOOR LAYERS & CARPET INSTALLERS	5.75				
TRUCK DRIVERS	4.00				
WELDERS - Rate for Craft					

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

federal register

Friday
June 19, 1981

Part III

Department of the Interior

Bureau of Land Management

Outer Continental Shelf, Gulf of Mexico; Sale No. A66; Notice of Sale and Notice of Leasing Systems

UNITED STATES
DEPARTMENT OF THE INTERIOR
Bureau of Land Management

Outer Continental Shelf
Gulf of Mexico

Oil and Gas Lease Sale No. A66

1. Authority. This notice is published pursuant to the Outer Continental Shelf Lands Act of 1953 (43 U.S.C. 1331-1343), as amended (92 Stat. 629), and the regulations issued thereunder (43 CFR Part 3300).

2. Filing of Bids. Sealed Bids will be received by the Manager, New Orleans Outer Continental Shelf (OCS) Office, Bureau of Land Management, Hale Boggs Federal Building, 500 Camp Street, Suite 841, New Orleans, Louisiana 70130. Bids may be delivered, either by mail or in person, to the above address until 4:15 p.m., c.s.t., July 20, 1981; or by personal delivery to the Louisiana Superdome, Gate "C", Hyatt Ramp, Level 200, Rooms 4 and 5, 1500 Poydras Street New Orleans, Louisiana between the hours of 8:30 a.m., c.s.t., and 9:30 a.m., c.s.t., July 21, 1981. Bids received by the Manager later than the times and dates specified above will be returned unopened to the bidders. Bids may not be modified or withdrawn unless written modification or withdrawal is received by the Manager prior to 9:30 a.m., c.s.t., July 21, 1981. All bids must be submitted and will be considered in accordance with applicable regulations, including 43 CFR Part 3300. The list of restricted joint bidders which applies to this sale was published in 46 FR 22270, April 16, 1981.

3. Method of Bidding. A separate bid in a sealed envelope, labeled "Sealed Bid for Oil and Gas Lease (insert number of tract), not to be opened until 10:00 a.m., c.s.t., July 21, 1981" must be submitted for each tract. A suggested form appears in 43 CFR Part 3300, Appendix A for bonus bid tracts. Bidders are advised that tract numbers are assigned solely for administrative purposes and are not the same as block numbers found on official protraction diagrams or leasing maps. All bids received shall be deemed submitted for a numbered tract. Bidders must submit with each bid one-fifth of the cash bonus in cash or by cashier's check, bank draft, or certified check payable to the order of the Bureau of Land Management. No bid for less than a full tract as described in the proposed notice will be considered. Bidders submitting joint bids must state on the bid form the proportionate interest of each participating bidder, in percent to a maximum of three decimal places after the decimal point, e.g., 50.125%, as well as submit a sworn statement that the bidder is not disqualified under 43 CFR Subpart 3316. The suggested form for this statement to be used in joint bids appears in 43 CFR Part 3300, Appendix B. Other documents may be required of bidders under 43 CFR 3316.4. Bidders are warned against violation of 18 U.S.C. 1860, prohibiting unlawful combination or intimidation of bidders.

4. Bidding Systems. The proposed notice of sale for Sale A66 included 28 tracts to be offered under net profit share bidding with a fixed cash bonus. Meanwhile the Supreme Court granted certiorari to review the decision in the U.S. Court of Appeals for the District of Columbia Circuit in Energy Action Educational Foundation v. Andrus, Civil No. 79-1633. On June 12, 1981, the Court of Appeals ruled that experimentation with the net profit share bid system is not required prior to a decision by the Supreme Court. As a result no tracts will be offered under net profit share bidding with a fixed cash bonus for sale A66.

All leases awarded for this sale will provide for a yearly rental payment of $3 per acre or fraction thereof. The following systems will be utilized:

(a) Bonus Bidding with a Fixed Net Profit Share: Bids on tracts A66-9, A66-10, A66-11, A66-12, A66-13, A66-17, A66-51, A66-58, A66-59, A66-60, A66-67, A66-68, A66-69, A66-70, A66-71, A66-175, A66-176, A66-197, A66-198, A66-199, A66-200, A66-201, A66-202, and A66-203 must be submitted on a cash bonus basis with a fixed net profit share rate of 50 percent. Tracts A66-197, A66-198, A66-199, A66-200, A66-201, A66-202, and A66-203 will have a capital recovery factor equal to 1.0 and tracts A66-175 and A66-176 will have a factor of 0.50. All of the remaining tracts listed above will have a capital recovery factor equal to 0.25. The net

8. Withdrawal of Tracts. The United States reserves the right to withdraw any tract from this sale prior to issuance of a written acceptance of a bid for the tract.

A06-200, A06-201, A06-202, and A06-203 will have a capital recovery factor equal to 1.0 and tracts A06-175 and A06-176 will have a factor of 0.50. All of the remaining tracts listed above will have a capital recovery factor equal to 0.25. The net profit share payment shall be calculated according to the Department of Energy regulations in 10 CFR 390 (45 FR 36784, May 30, 1980).

(b) Bonus Bidding with a 16-2/3 Percent Royalty. Bids on the remaining tracts to be offered at this sale must be submitted on a cash bonus basis with a fixed royalty of 16-2/3 percent. All leases awarded under this system will provide for a minimum annual royalty payment of $3 per acre or fraction thereof.

5. Equal Opportunity. Each bidder must have submitted by 9:30 a.m., c.s.t., July 21, 1981, the certification required by 41 CFR 60-1.7(b) and Executive Order No. 11246 of September 24, 1965, as amended by Executive Order No. 11375 of October 13, 1967, on the Compliance Report Certification Form, Form 1140-8 (November 1978), and the Affirmative Action Representation Form, Form 1140-7 (December 1971). See Item 14, "Information to Lessees."

6. Bid Opening. Bids will be opened on July 21, 1981, beginning at 10:00 a.m., c.s.t., at the Louisiana Superdome, at the address stated in paragraph 2. The opening of the bids is for the sole purpose of publicly announcing and recording bids received and no bids will be accepted or rejected at that time. If the Department is prohibited for any reason from opening any bid before midnight, July 21, 1981, that bid will be returned unopened to the bidder, as soon thereafter as possible.

7. Deposit of Payment. Any cash, cashier's checks, certified checks or bank drafts, submitted with a bid may be deposited in a suspense account in the Treasury during the period the bids are being considered. Such a deposit does not constitute and shall not be construed as acceptance of any bid on behalf of the United States.

8. Withdrawal of Tracts. The United States reserves the right to withdraw any tract from this sale prior to issuance of a written acceptance of a bid for the tract.

9. Acceptance or Rejection of Bids. The United States reserves the right to reject any and all bids for any tract. In any case, no bid for any tract will be accepted and no lease for any tract will be awarded to any bidder unless:

(a) The bidder has complied with all requirements of this notice and applicable regulations;

(b) The bid is the highest valid bid; and

(c) The amount of the bid has been determined to be adequate by the Secretary of the Interior.

No bonus bid will be considered for acceptance unless it provides for a cash bonus in the amount of $25 or more per acre or fraction thereof.

10. Successful Bidders. Each person who has submitted a bid accepted by the Secretary of the Interior will be required to execute copies of the lease specified below, pay the balance of the cash bonus together with the first year's annual rental and satisfy the bonding requirements of 43 CFR Subpart 3318 within the time provided in 43 CFR 3316.5.

11. Leasing Maps/Official Protraction Diagrams. Tracts offered for lease may be located on the following leasing maps/official protraction diagrams which are available from the Manager, New Orleans Outer Continental Shelf Office at the address stated in paragraph 2.

(a) Outer Continental Shelf Leasing Maps - Texas Nos. 1 through 8. These maps are arranged in two sets, Nos. 1 through 4 (7 maps), which sell for $5 per set; and Nos. 5 through 8 (9 maps), which sell for $7 per set.

[illegible] Continental Shelf [illegible] No. 1

[illegible] 11. [illegible] sale for $[illegible].

[illegible] Continental Shelf Official [illegible]:

[illegible] East Breaks

[illegible] Green Canyon

These sell for $2 each.

10. Tract Descriptions. The tracts offered for bids are as follows:

Note: There may be gaps in the numbers of the tracts listed. Some of the blocks identified in the final environmental statement may not be included in this notice. Some of the blocks are included in prior environmental statements rather than the environmental statement for this sale.

TRACT LIST

SALE A-66

OCS LEASING MAP, SOUTH PADRE ISLAND AREA, TEXAS MAP NO. 1
(Approved July 16, 19[illegible])

Tract	Block	Description	Acreage
A66-1	[illegible]	All	5760
A66-2	[illegible]	All	5760

OCS LEASING MAP, SOUTH PADRE ISLAND AREA, EAST ADDITION, TEXAS MAP NO. 1A
(Approved May 6, 1965)

Tract	Block	Description	Acreage
A66-3	1117	All	5760
A66-4	A-62	All	5760

OCS LEASING MAP, NORTH PADRE ISLAND AREA, TEXAS MAP NO. 2
(Approved July 16, 1954)

Tract	Block	Description	Acreage
A66-5	9[illegible]	All	5760
A66-6	965	1/	5728.30

OCS LEASING MAP, NORTH PADRE ISLAND AREA, EAST ADDITION, TEXAS MAP NO. 2A
(Approved May 6, 1965)

Tract	Block	Description	Acreage
A66-7	A-9	All	5760
A66-8	A-27	All	5760
A66-9	A-51	All	5760
A66-10	A-92	All	5760
A66-11	A-93	All	5760
A66-12	A-103	All	5760
A66-13	A-104	All	5760

OCS LEASING MAP, MUSTANG ISLAND AREA, TEXAS MAP NO. 3
(Approved July 16, 1954; Revised October [illegible], 1961)

Tract	Block	Description	Acreage
A66-14	844	All	5760

OCS LEASING MAP, MUSTANG ISLAND AREA, EAST ADDITION, TEXAS MAP NO. 3A
(Approved January 23, 1967)

Tract	Block	Description	Acreage
A66-15	760	All	5760
A66-16	A-83	All	5760
A66-17	A-107	All	5760
A66-18	A-113	All	5760
A66-19	A-117	All	5760
A66-20	A-118	All	5760
A66-21	A-120	All	5760
A66-22	A-121	All	5760

OCS LEASING MAP, MATAGORDA ISLAND AREA, TEXAS MAP NO. 4
(Approved July 16, 1954)

Tract	Block	Description	Acreage
A66-23	567	All	5760
A66-24	652	All	5760
A66-25	672	All	5760
A66-26	681	All	5760
A66-27	695	1/	892.63
A66-28	696	2/	5372.72
A66-29	697	All	5760
A66-30	702	All	5760
A66-31	704	All	5760
A66-32	705	All	5760
A66-33	710	All	5760
A66-34	711	All	5760
A66-35	716	All	5760
A66-36	717	All	5760

OCS LEASING MAP, BRAZOS AREA, TEXAS MAP NO. 5
(Approved July 16, 1954)

Tract	Block	Description	Acreage
A66-37	410	1/	1850
A66-38	452	All	5760
A66-39	453	All	5760
A66-40	500	All	5760
A66-41	A-3	All	5760
A66-42	A-10	All	5760
A66-43	A-30	All	5760
A66-44	A-33	All	5760
A66-45	A-34	All	5760
A66-46	A-42	All	5760

OCS LEASING MAP, GALVESTON AREA, TEXAS MAP NO. 6
(Approved July 16, 1954)

Tract	Block	Description	Acreage
A66-47	288	All	5760
A66-48	256	All	5760
A66-49	321	All	5760
A66-50	323	All	5760
A66-51	350	All	5760
A66-52	388	All	5760
A66-53	A-35	All	5760
A66-54	A-38	All	5760
A66-55	A-84	All	5760
A66-56	A-113	All	5760

OCS LEASING MAP, GALVESTON AREA, SOUTH ADDITION, TEXAS MAP NO. 6A
(Approved September 24, 1959)

Tract	Block	Description	Acreage
A66-57	A-127	All	5760
A66-58	A-210	All	5760
A66-59	A-224	All	5760
A66-60	A-227	All	5760

OCS LEASING MAP, HIGH ISLAND AREA, TEXAS MAP NO. 7
(Approved July 16, 1954; Revised August 1955)

Tract	Block	Description	Acreage
A66-61	19	3/	3075.32
A66-62	162	All	5760
A66-63	163	All	5760
A66-64	169	All	5760
A66-65	170	All	5760
A66-66	A-6	All	5760
A66-67	A-24	All	5760
A66-68	A-26	All	5760
A66-69	A-33	All	5760
A66-70	A-34	All	5760
A66-71	A-35	All	5760

OCS LEASING MAP, HIGH ISLAND AREA, EAST ADDITION, TEXAS MAP NO. 7A
(Approved January 23, 1967)

Tract	Block	Description	Acreage
A66-72	84	All	5760
A66-73	85	All	5760
A66-74	118	All	5760
A66-75	119	All	5760
A66-76	A-170	All	5760
A66-77	A-171	All	5760

OCS LEASING MAP, HIGH ISLAND AREA, EAST ADDITION, SOUTH EXTENSION, TEXAS MAP NO. 7B
(Approved September 24, 1959)

Tract	Block	Description	Acreage
A66-78	A-476	All	5760
A66-79	A-487	All	5760
A66-80	A-501	All	5760

OCS LEASING MAP, HIGH ISLAND AREA, EAST ADDITION, SOUTH EXTENSION, TEXAS MAP NO. 7C
(Approved September 24, 1959)

Tract	Block	Description	Acreage
A66-81	A-388	All	5760
A66-82	A-344	All	5760

OCS LEASING MAP, SABINE PASS AREA, TEXAS MAP NO. 8
(Approved March 7, 1977)

Tract	Block	Description	Acreage
A66-83	40	All	1071.55
A66-84	44	All	260.11

OCS LEASING MAP, SABINE PASS AREA, LOUISIANA MAP NO. 1
(Approved March 7, 1977)

Tract	Block	Description	Acreage
A66-85	15	All	5000
A66-86	16	All	2083.83

OCS LEASING MAP, WEST CAMERON AREA, LOUISIANA MAP NO. 1
(Approved June 8, 1954; Revised July 22, 1954)

Tract	Block	Description	Acreage
A66-87	63	All	5000
A66-88	94	All	5000
A66-89	95	All	5000
A66-90	111	W½; NE¼	3750
A66-91	128	All	5000
A66-92	131	All	5000
A66-93	132	N½	2500
A66-94	148	All	5000
A66-95	153	All	5000
A66-96	192	N½	2500
A66-97	212	All	5000
A66-98	233	All	5000
A66-99	244	All	5000
A66-100	246	All	5000
A66-101	247	All	5000
A66-102	277	All	5000

OCS LEASING MAP, WEST CAMERON AREA, WEST ADDITION, LOUISIANA MAP NO. 1A
(Approved November 15, 1956; Revised January 30, 1967)

Tract	Block	Description	Acreage
A66-103	267	All	5062.33
A66-104	296	All	4456.33
A66-105	305	All	5000
A66-106	311	All	5000
A66-107	320	All	5000
A66-108	364	All	5000
A66-109	369	All	5000
A66-110	386	All	5000
A66-111	392	All	5000
A66-112	413	All	5000
A66-113	425	All	5000
A66-114	432	All	5000

OCS LEASING MAP, WEST CAMERON AREA, SOUTH ADDITION, LOUISIANA MAP NO. 1B
(Approved September 8, 1959)

Tract	Block	Description	Acreage
A66-115	492	All	5000
A66-116	535	All	5000
A66-117	536	All	5000
A66-118*	574	All	5000
A66-119	622	All	5000
A66-120	623	All	5000
A66-121	641	All	5000
A66-122	644	All	5000

OCS LEASING MAP, EAST CAMERON AREA, LOUISIANA MAP NO. 2
(Approved June 8, 1954; Revised August 1, 1973)

Tract	Block	Description	Acreage
A66-123	32	All	5000
A66-124	40	All	5000
A66-125	106	All	5000
A66-126	125	All	5000
A66-127	213	All	5000

OCS LEASING MAP, EAST CAMERON AREA, SOUTH ADDITION, LOUISIANA MAP NO. 2A
(Approved September 8, 1959)

Tract	Block	Description	Acreage
A66-128	249	All	5000
A66-129	312	All	5000
A66-130	328	All	5000
A66-131	366	All	5000

OCS LEASING MAP, TERREBONNE AREA, LOUISIANA MAP NO. 1
(Approved June 8, 1954; Revised June 27, 1974; Revised July 22, 1954

Tract	Block	Description	Acreage

OCS LEASING MAP, SOUTH MARSH ISLAND AREA, SOUTH ADDITION, LOUISIANA MAP NO. 3C
(Approved September 8, 1959)

Tract	Block	Description	Acreage

OCS LEASING MAP, [illegible], LOUISIANA MAP NO. [illegible]
(Approved June 8, 1964; Revised June 27, 1974; Revised July 22, 1974)

Tract	Block	Description	Acreage
A66-132	26	4/	3380.24
A66-133	30	All	4661.38
A66-134	33	All	5000
A66-135	66	All	5000
A66-136	79	All	5000
A66-137	118	All	5000
A66-138	120	All	5000
A66-139	152	All	4814.57
A66-140	153	All	5000
A66-141	166	All	5000
A66-142	167	All	5000
A66-143	170	All	5000
A66-144	173	All	5000
A66-145	178	E½; E½NW¼; E½NW¼NW¼; E½SW¼; S½NW¼SW¼; SW¼SW¼	4375
A66-146	179	W½NE¼; W½SE¼NE¼; W½; W½E½SE¼; SE¼NE¼SE¼; W½SE¼; SE¼SE¼	4453.125
A66-147	181	All	4980.42
A66-148	197	All	5000
A66-149	206	All	5000
A66-150	222	All	5260.93

OCS LEASING MAP, VERMILION AREA, SOUTH ADDITION, LOUISIANA MAP NO. 3B
(Approved September 8, 1959)

Tract	Block	Description	Acreage
A66-151	257	All	5000
A66-152	271	All	4417.50
A66-153	292	All	4309.21
A66-154	295	All	5000
A66-155	296	All	5000
A66-156	297	All	5000
A66-157	303	All	5000
A66-158	312	All	4237.01

OCS LEASING MAP, SOUTH MARSH ISLAND AREA, LOUISIANA MAP NO. 3A
(Approved August 7, 1959)

Tract	Block	Description	Acreage
A66-159	12	All	5000
A66-160	11	All	5000
A66-161	15	All	5215.75
A66-162	67	All	5000

OCS LEASING MAP, SOUTH MARSH ISLAND AREA, SOUTH ADDITION, LOUISIANA MAP NO. 3C
(Approved September 8, 1959)

Tract	Block	Description	Acreage
A66-163	87	All	3076.71
A66-164	118	All	3185.01
A66-165	120	All	2500
A66-166	161	All	5000
A66-167	162	All	5000
A66-168	172	All	5000
A66-169	176	All	5000

OCS LEASING MAP, SOUTH MARSH ISLAND AREA, NORTH ADDITION, LOUISIANA MAP NO. 3D
(Approved April 16, 1971; Revised January 18, 1972)

Tract	Block	Description	Acreage
A66-170	230	5/	792.05
A66-171	233	All	4854.78
A66-172	245	All	5000
A66-173	246	All	4890.88
A66-174	266	All	5000

OCS OFFICIAL PROTRACTION DIAGRAM, EAST BREAKS NG 15-1
(Approved June 8, 1973; Revised January 27, 1976)

Tract	Block	Description	Acreage
A66-175	247	All	5760
A66-176	248	All	5760

OCS LEASING MAP, WEST CAMERON AREA, WEST ADDITION, LOUISIANA MAP NO. 1A
(Approved November 15, 1955; Revised January 30, 1957)

Tract	Block	Description	Acreage
A66-177	289	All	5000
A66-178	290	All	5000
A66-179	363	All	5000

OCS LEASING MAP, WEST CAMERON AREA, SOUTH ADDITION, LOUISIANA MAP NO. 1B
(Approved September 8, 1959)

Tract	Block	Description	Acreage
A66-180	489	All	5000
A66-181	490	All	5000

OCS LEASING MAP, MERYDITH AREA, LOUISIANA MAP NO. 3
(Approved June 8, 1954; Revised June 15, 1964; Revised July 22, 1954)

Tract	Block	Description	Acreage
A66-182	89	All	5000

OCS LEASING MAP, SOUTH MARSH ISLAND AREA, LOUISIANA MAP NO. 3A
(Approved August 7, 1959)

Tract	Block	Description	Acreage
A66-183	34	All	5000

OCS LEASING MAP, SOUTH MARSH ISLAND AREA, NORTH ADDITION, LOUISIANA MAP NO. 3D
(Approved April 16, 1971; Revised January 18, 1972)

Tract	Block	Description	Acreage
A66-184	274	All	5035.27

OCS LEASING MAP, EUGENE ISLAND AREA, LOUISIANA MAP NO. 4
(Approved June 8, 1954; Revised July 22, 1954)

Tract	Block	Description	Acreage
A66-185	76	All	5000
A66-186	90	$N\frac{1}{2}$; $SW\frac{1}{4}$	3750

OCS LEASING MAP, SHIP SHOAL AREA, LOUISIANA MAP NO. 5
(Approved June 8, 1954)

Tract	Block	Description	Acreage
A66-187	14	6/	3237.50

OCS LEASING MAP, SHIP SHOAL AREA, SOUTH ADDITION, LOUISIANA MAP NO. 5A
(Approved September 8, 1959)

Tract	Block	Description	Acreage
A66-188	332	All	5300.60

OCS LEASING MAP, SOUTH TIMBALIER AREA, LOUISIANA MAP NO. 6
(Approved June 8, 1954; Revised July 22, 1954; Revised December 6, 1954)

Tract	Block	Description	Acreage
A66-189	77	All	5000
A66-190	160	All	5000
A66-191	203	All	5000

OCS LEASING MAP, SOUTH TIMBALIER AREA, SOUTH ADDITION, LOUISIANA MAP NO. 6A
(Approved September 8, 1959; Revised July 22, 1968)

Tract	Block	Description	Acreage
A66-192	228	All	5000

OCS LEASING MAP, SOUTH PASS AREA, LOUISIANA MAP NO. 9
(Approved June 8, 1954; Revised July 22, 1954; Revised May 11, 1973)

Tract	Block	Description	Acreage
A66-193	56	7/	2999.64

OCS LEASING MAP, MAIN PASS AREA, LOUISIANA MAP NO. 10
(Approved June 8, 1954; Revised July 22, 1954)

Tract	Block	Description	Acreage
A66-194	108	All	4994.55
A66-195	126	All	4994.55

OCS LEASING MAP, MAIN PASS AREA, SOUTH AND EAST ADDITION, LOUISIANA MAP NO. 10A
(Approved September 8, 1959)

Tract	Block	Description	Acreage
A66-196	265	All	4994.55

OCS OFFICIAL PROTRACTION DIAGRAM, GREEN CANYON NG 15-3
(Approved February 15, 1973; Revised December 2, 1976)

Tract	Block	Description	Acreage
A66-197	133	All	5760
A66-198	135	All	5760
A66-199	139	All	5760
A66-200	140	All	5760
A66-201	180	All	5760
A66-202	181	All	5760
A66-203	182	All	5760

OCS LEASING MAP, SHIP SHOAL AREA, LOUISIANA MAP NO. 5
(Approved June 8, 1954;

Tract	Block	Description	Acreage

OCS LEASING MAP, MAIN PASS AREA, SOUTH ADDITION, TRACT MAP NO. 7B
(Approved September 24, 1959

Tract	Block	Description	Acreage

OCS LEASING MAP, [illegible] AREA, LOUISIANA MAP NO. 3
Approved June 8, 1954,

Tract	Block	Description	Acreage
A66-204	171	All	5000

OCS LEASING MAP, SOUTH TIMBALIER AREA, LOUISIANA MAP NO. 6
(Approved June 8, 1954; Revised July 22, 1954; Revised December 9, 1954)

Tract	Block	Description	Acreage
A66-205	34	All	3772.18

OCS LEASING MAP, WEST DELTA AREA, LOUISIANA MAP NO. 8
(Approved June 8, 1954)

Tract	Block	Description	Acreage
A66-206	78	All	5000

OCS LEASING MAP, WEST CAMERON AREA, SOUTH ADDITION, LOUISIANA MAP NO. 1B
(Approved September 8, 1959)

Tract	Block	Description	Acreage
A66-207	575	All	5000

OCS LEASING MAP, BRAZOS AREA, TEXAS MAP NO. 5
(Approved July 16, 1954)

Tract	Block	Description	Acreage
A66-208	(438 & (439	1/	5055

OCS LEASING MAP, GALVESTON AREA, TEXAS MAP NO. 6
(Approved July 16, 1954)

Tract	Block	Description	Acreage
A66-209	241	N½	2880
A66-210	272	All	5760
A66-211	426	All	5760

OCS LEASING MAP, [illegible] ISLAND AREA, SOUTH ADDITION, TEXAS MAP NO. 7B
(Approved September 28, 1959

Tract	Block	Description	Acreage
A66-212	A-543	All	5760

1/ That portion of the lease block seaward of the Three Marine League Line.

2/ That portion of the lease block seaward of the Three Marine League Line measured from the historic shoreline described in the United States vs. Louisiana, No. 9 Original (394 U.S. 836).

3/ That portion of the lease block seaward of the Three Marine League Line and/or that portion of the lease block seaward of the Three Marine League Line measured from the historic shoreline described in the United States vs. Louisiana, No. 9 Original (394 U.S. 836). The NE¼ of the lease block controlled by the historic shoreline and the NW¼ of the lease block controlled by the present day shoreline.

4/ That portion of the lease block which is more than three geographical miles seaward from the line described in the supplemental decree of the U.S. Supreme Court, June 16, 1975 (United States vs. Louisiana, 422 U.S. 13).

5/ A portion of Block 230, OCS Leasing Map, South Marsh Island Area, North Addition, Louisiana Map No. 3D, described as follows:

Beginning at the southwest corner of Block 230, the coordinates of which referred to the Louisiana (Lambert) Coordinate System (South Zone), are X=1,765,446.562 and Y=246,149.987;

From the initial corner,

East 12,103.438 ft. to X=1,777,550.00 Y=246,169.987
N. 64°35'31" W. 4,428.32 ft. to X=1,773,550.00 Y=248,045.00
N. 65°08'11" W. 4,518.85 ft. to X=1,769,450.00 Y=249,950.00
N. 64°36'41" W. 4,431.47 ft. to X=1,765,446.562 Y=251,850.00
South 5,700.013 Ft. to the point of beginning.

The position of the corners and direction of the lines are referred to the Louisiana (Lambert) Coordination System (South Zone).

6/ That portion of the lease block which is more than three geographical miles seaward from the line described in the supplemental decree of the U.S. Supreme Court, June 16, 1975 (United States vs. Louisiana, 422 U.S. 13) excluding the S½S½.

7/ That portion of the lease block located landward of a line which is three geographical miles seaward from the line described in the supplemental decree of the U.S. Supreme Court, December 13, 1965, United States vs. Louisiana No. 9 Original (382 U. S. 288).

Lease Term and Obligations. The leases issued as a result of this sale will be for an initial term of 5 years. Leases issued as a result of this sale will be on Form 3300-1 (September 1978), available from the Manager, New Orleans Outer Continental Shelf Office, at the address stated in paragraph 2.

(2) For leases resulting from this sale for tracts offered on a cash bonus basis with a fixed net profit share listed in paragraph 4 (a), Form 3300-1 will be amended as follows:

Sec. 4 Rentals. The phrase "which commences prior to a discovery in paying quantities of oil or gas on the leased area" is hereby deleted and replaced by "which commences prior to the date the first net profit share payment becomes due."

Sec. 5. Minimum Royalty. Hereby deleted.

Sec. 6. Royalty on Production. Hereby replaced by Net Profit Share. The lessee agrees to pay a net profit share rate of 50 percent with a _____ capital recovery factor, calculated pursuant to 10 CFR 390.

(b) Except as otherwise noted, the following stipulations will be included in each lease resulting from this sale. In the following stipulations the term DCM refers to the Deputy Conservation Manager for Field Operations, Gulf of Mexico OCS Region, U. S. Geological Survey and the term Manager refers to the Manager of the New Orleans OCS Office of the Bureau of Land Management.

Stipulation No. 1

If the DCM, having reason to believe that a site, structure or object of historical or archaeological significance hereinafter referred to as "cultural resource," may exist in the lease area, gives the lessee written notice that the lessor is invoking the provisions of this stipulation, the lessee shall upon receipt of such notice comply with the following requirements:

Prior to any drilling activity or the construction or placement of any structure for exploration or development on the lease, including, but not limited to, well drilling and pipeline and platform placement, hereinafter in this stipulation referred to as "operation," the lessee shall conduct remote sensing surveys to determine the potential existence of any cultural resource that may be affected by such operations. All data produced by such remote sensing surveys as well as other pertinent natural and cultural environmental data shall be examined by a qualified marine survey archaeologist to determine if indications are present suggesting the existance of a cultural resource that may be adversely affected by any lease operation. A report of this survey and assessment prepared by the marine survey archaeologist shall be submitted by the lessee to the DCM and to the Manager for review.

If such cultural resource indicators are present the lessee shall: (1) locate the site of such operation so as not to affect adversely the identified location; or (2) establish, to the satisfaction of the DCM, on the basis of further archaeological investigation conducted by a qualified marine survey archaeologist or underwater archaeologist using such survey equipment and techniques as deemed necessary by the DCM either that such operation will not adversely affect the location identified or that the potential cultural resource suggested by the occurrence of the indicators does not exist.

A report of this investigation prepared by the marine survey archaeologist or underwater archaeologist shall be submitted to the DCM and the Manager for review. Should the DCM determine that the existance of a cultural resource which may be adversely affected by such operation is sufficiently established to warrant protection, the lessee shall take no action that may result in an adverse effect on such cultural resource until the DCM has given directions as to its preservation..

The lessee agrees that if any site, structure or object of historical or archaeological significance should be discovered during the conduct of any operations on the leased area, he shall report immediately such findings to the DCM and make every reasonable effort to preserve and protect the cultural resource from damage until the DCM has given directions as to its preservation.

Stipulation No. 2

(To be included only in leases resulting from this sale for Tracts A66-19 and A66-20).

(a) No structures, drilling rigs, or pipelines will be allowed within the 70 m isobaths of Aransas Bank nor within 68 m isobath of North Hospital Bank as shown in Figure 2. (Attached to and made a part of this lease).

(b) All operations within the areas shown as "1 Mile Zone" in Figure 2 shall be restricted by shunting all drill cuttings and drilling fluids to the bottom through a downpipe that terminates an appropriate distance, but no more than six meters, from the bottom.

(c) Development and production operations within the areas shown as "3 Mile Zone" in Figure 2 shall be restricted by shunting all drill cuttings and drilling fluids to the bottom through a downpipe that terminates an appropriate distance, but no more than six meters, from the bottom.

Stipulation No. 3

(To be included only in the lease resulting from this sale for Tract A66-18).

(a) All drill cuttings and drilling fluids must be disposed of by shunting the material to the bottom through a downpipe that terminates an appropriate distance, but no more than ten meters, from the bottom.

Stipulation No. 3

(To be included only in the lease resulting from this sale for Tract A66-18).

Development and production operations within the area of South Baker Bank shown as "3 Mile Zone" in Figure 3 (attached to and made a part of this lease) shall be restricted by shunting all drill cuttings and drilling fluids to the bottom through a downpipe that terminates an appropriate distance, but no more than six meters, from the bottom.

Stipulation No. 4

(To be included only in leases resulting from this sale for Tracts A66-79 and A66-80).

Operations within the area of Stetson Bank shown as "3 Mile Zone" in Figure 4 (attached to and made a part of this lease), shall be restricted as specified in either (a) or (b) below at the option of the lessee.

(a) All drill cuttings and drilling fluids must be disposed of by shunting the material to the bottom through a downpipe that terminates an appropriate distance, but no more than six meters, from the bottom.

(b) The operator (lessee) shall submit a monitoring plan. The monitoring plan will be designed to assess the effects of oil and gas exploration and development operations on the biotic communities of the nearby banks.

The monitoring program shall indicate that the monitoring investigations will be conducted by qualified, independent scientific personnel and that these personnel and all required equipment will be available at the time of operations. The monitoring team will submit its findings to the DOM on a schedule established by the DOM, or immediately in case of imminent danger to the biota of the bank resulting directly from drilling or other operations. If it is decided that surface disposal of drilling fluids or cuttings presents no danger to the bank, no further monitoring of that particular well or platform will be required. If, however, the monitoring program indicates that the biota of the bank are being harmed, or if there is a great likelihood that operation of that particular well or platform may cause harm to the biota of the bank, the DOM shall require shunting as specified in (a) above or other appropriate operational restrictions.

Stipulation No. 5

(To be included only in leases resulting from this sale for Tracts A66-156 and A66-157).

Operations within the area of Sonnier Banks shown as "3 Mile Zone" in Figure 5 (attached to and made a part of this lease) shall be restricted as specified in either (a) or (b) below at the option of the lessee.

(a) All drill cuttings and drilling fluids must be disposed of by shunting the material to the bottom through a downpipe that terminates an appropriate distance, but no more than ten meters, from the bottom.

(b) The operator (lessee) shall submit a monitoring plan. The monitoring plan will be designed to assess the effects of oil and gas exploration and development operations on the biotic communities of the nearby banks.

The monitoring program shall indicate that the monitoring investigations will be conducted by qualified independent scientific personnel and that these personnel and all required equipment will be available at the time of operations. The monitoring team will submit its findings to the DOM on a schedule established by the DOM, or immediately in case of imminent danger to the biota of the bank resulting directly from drilling or other operations. If it is decided that surface disposal of drilling fluids or cuttings presents no danger to the bank, no further monitoring of that particular well or platform will be required. If, however, the monitoring program indicates that the biota of the bank are being harmed, or if there is a great likelihood that operation of that particular well or platform may cause harm to the biota of the bank, the DOM shall require shunting as specified in (a) above or other appropriate operational restrictions.

Stipulation No. 6

(To be included only in leases resulting from this sale for Tracts A66-166, A66-167, A66-168, and A66-169).

(a) Operations within the area of Alderdice Bank shown as "1 Mile Zone" in Figure 6 (attached to and made a part of this lease) shall be restricted by shunting all drill cuttings and drilling fluids to the bottom through a downpipe that terminates an appropriate distance, but no more than ten meters, from the bottom.

(b) Operations within the area shown as "3 Mile Zone" in Figure 6 shall be restricted as specified in either (1) or (2) below at the option of the lessee.

(1) All drill cuttings and drilling fluids must be disposed of by shunting the material to the bottom through a downpipe that terminates an appropriate distance, but no more than ten meters, from the bottom.

(2) The operator (lessee) shall submit a monitoring plan. The monitoring plan will be designed to assess the effects of oil and gas exploration and development operations on the biotic communities of the nearby banks.

The monitoring program shall indicate that the monitoring investigations will be conducted by qualified independent scientific personnel and that these personnel and all required equipment will be available at the time of operations. The monitoring team will submit its findings to the DCM on a schedule established by the DCM, or immediately in case of imminent danger to the biota of the bank resulting directly from drilling or other operations. If it is decided that surface disposal of drilling fluids or cuttings presents no danger to the bank, no further monitoring of that particular well or platform will be required. If, however, the monitoring program indicates that the biota of the bank are being harmed, or if there is a great likelihood that operation of that particular well or platform may cause harm to the biota of the bank, the DCM shall require shunting as specified in (1) above or other appropriate operational restrictions.

Stipulation No. 7

(To be included only in the lease resulting from this sale for Tract A66-188).

Operations within the area of Diaphus Bank shown as "3 Mile Zone" in Figure 7 (attached to and made a part of this lease) shall be restricted as specified in either (a) or (b) below at the option of the lessee.

(a) All drill cuttings and drilling fluids must be disposed of by shunting the material to the bottom through a downpipe that terminates an appropriate distance, but no more than ten meters, from the bottom.

(b) The operator (lessee) shall submit a monitoring plan. The monitoring plan will be designed to assess the effects of oil and gas exploration and development operations on the biotic communities of the nearby banks.

The monitoring program shall indicate that the monitoring investigations will be conducted by qualified independent scientific personnel and these personnel and all required equipment will be available at the time of operations. The monitoring team will submit its findings to the DCM on a schedule established by the DCM, or immediately in case of imminent danger to the biota of the bank resulting directly from drilling or other operations. If it is decided that surface disposal of drilling fluids or cuttings presents no danger to the bank, no further monitoring of that particular well or platform will be required. If, however, the monitoring program indicates that the biota of the bank is being harmed, or if there is a great likelihood that operation of that particular well or platform may cause harm to the biota of the bank, the DCM shall require shunting as specified in (a) above or other appropriate operational restrictions.

Stipulation No. 8

(To be included only in leases resulting from this sale for tracts A66-1 through A66-13, A66-15 through A66-22, and A66-26 through A66-36).

[illegible] of the lease form, the lessee assumes this risk whether such injury or damage is caused in whole or in part by any act or omission, regardless of negligence or fault, of the United States, its contractors or subcontractors, or any of their officers, agents, or employees. The lessee further agrees to indemnify and save harmless the United States against all claims for loss, damage, or injury sustained by the lessee, and to indemnify and save harmless the United States against all claims for loss, damage, or injury sustained by the employees, or invitees of the lessee, its agents, or any independent contractors or subcontractors doing business with the lessee in connection with the programs and activities of the aforementioned military installation, whether the same be caused in whole or in part by the negligence or fault of the United States, its contractors or subcontractors, or any of their officers, agents, or employees and whether such claims might be sustained under a theory of strict or absolute liability or otherwise.

The lessee agrees to control his own electromagnetic emissions and those of his agents, employees, invitees, independent contractors or subcontractors emanating from individual designated defense warning areas in accordance with requirements specified by the commander of the Naval Air Training Command, Naval Air Station, Corpus Christi, Texas, to the degree necessary to prevent damage to, or unacceptable interference with, Department of Defense flight, testing or operational activities, conducted within designated warning areas.

[illegible] necessary monitoring control, and coordination with the lessee, its agents, employees, invitees, independent contractors or subcontractors, will be effected by the commander of the appropriate onshore military installation conducting operations in the particular warning area, provided, however, that control of such electromagnetic emissions shall in no instance prohibit all manner of electromagnetic communication during any period of time between a lessee, its agents, employees, invitees, independent contractors or subcontractors and onshore facilities.

The lessee, when operating or causing to be operated on its behalf boat or aircraft traffic into the individual designated warning areas shall enter into an agreement with the commander of the Naval Air Training Command, Naval Air Station, Corpus Christi, Texas, on utilizing an individual designated warning area prior to commencing such traffic. Such agreement will provide for positive control of boats and aircraft operations in the warning areas at all times.

Stipulation No. 9

(To be included only in leases resulting from this sale for tracts A66-13, A66-170, A66-171, A66-191, and A66-197 through A66-208).

Stipulation No. 9

(To be included only in leases resulting from this sale for tracts A66-13, A66-170, A66-171, A66-191, and A66-197 through A66-203).

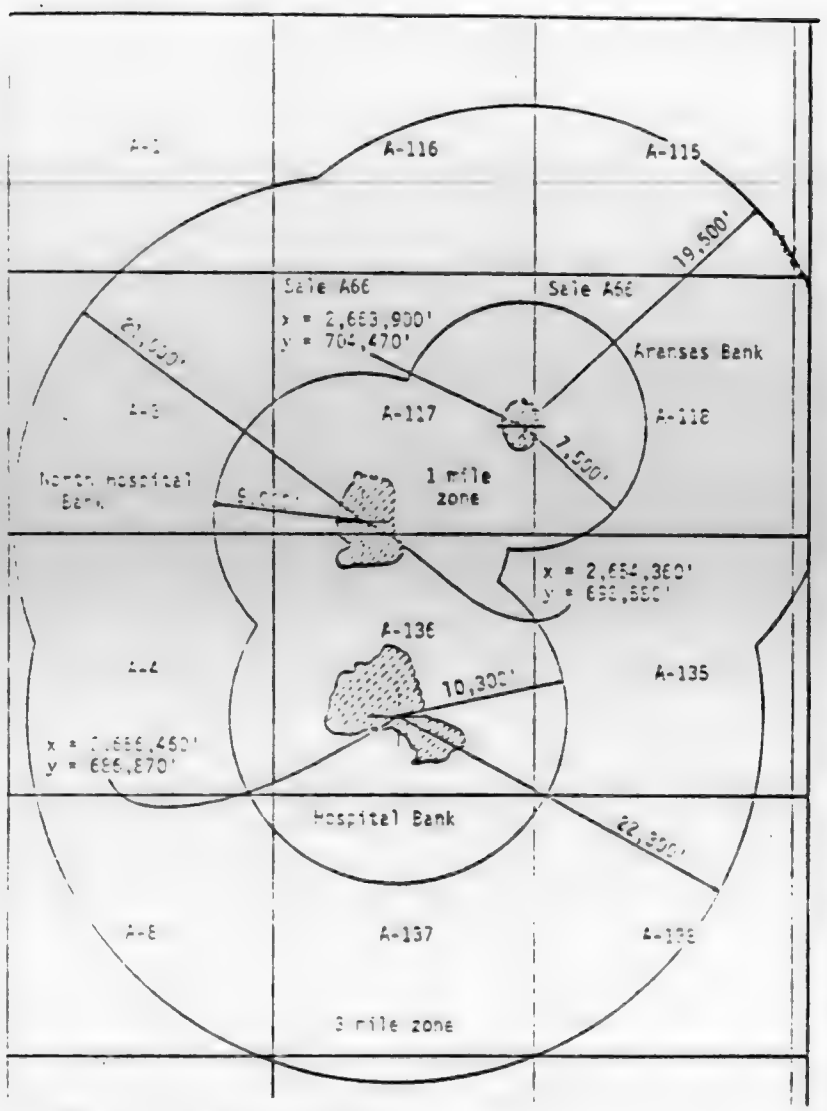
All or portions of this lease may be subject to mass movement of sediments, unstable slopes or shallow faults. Exploratory drilling operations, emplacement of structures (platforms) or seafloor wellheads for production or storage of oil or gas, and the emplacement of pipelines will not be allowed within the potentially unstable portions of this lease block unless or until the lessee has demonstrated to the DOI's satisfaction that mass movement of sediments is unlikely or that exploratory drilling operations, structures (platforms), casing, wellheads and pipelines can be safely designed to protect the environment in case such mass movement occurs at the proposed location. This may necessitate that all exploration for and development of oil or gas be performed from locations outside of the area of unstable sediments, either within or outside of this lease block.

If exploratory drilling operations are allowed, site-specific surveys shall be conducted to determine the potential for unstable bottom conditions. If emplacement of structures (platforms) or seafloor wellheads for production or storage of oil or gas are allowed, all such unstable areas must be mapped. The DOI may also require soil testing before exploration and production operations are allowed.

Stipulation No. 10

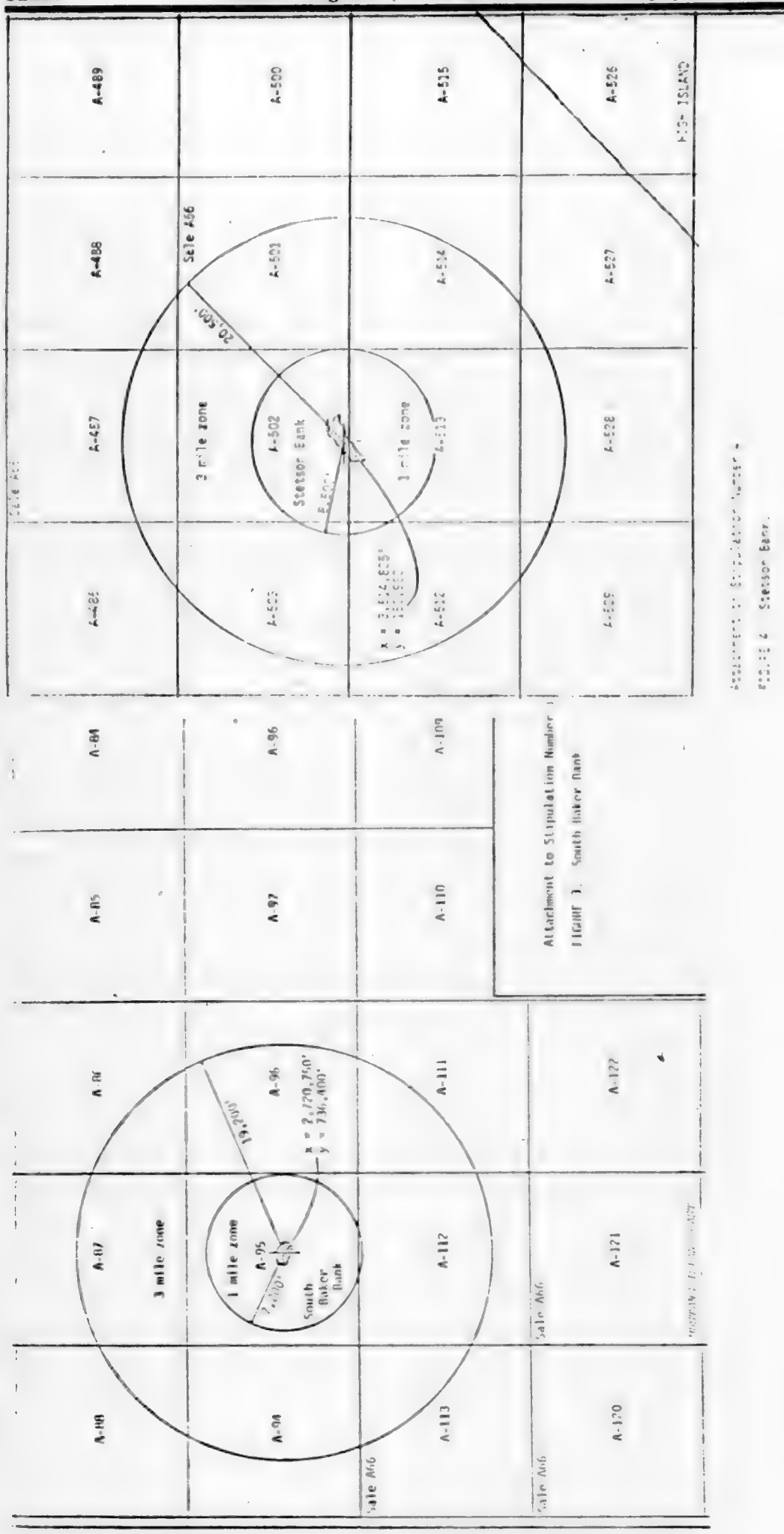
(To be included only in the leases resulting from this sale for the net profit share tracts listed in paragraph 4(a) of this notice).

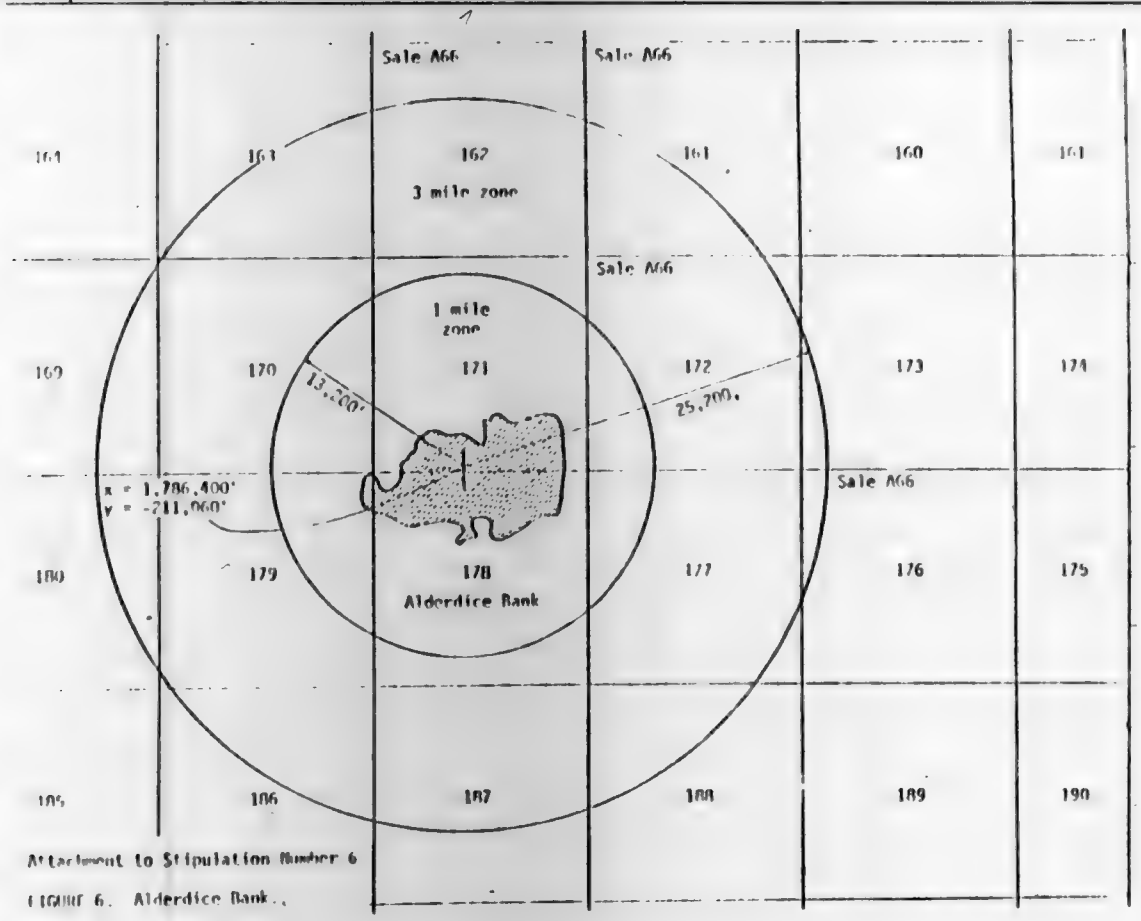
The net profit share payment specified in section 6 of this lease may be satisfied in whole or in part by the lessor taking production in amount rather than in value, however, not more than 16 2/3 percent of the production saved, removed or sold from the lease area may be taken as a net profit share payment in amount, except as provided in Sec. 15(d); additional net profit share payments shall be calculated to include the value of such production in excess of 16 2/3 percent.



Attachment to Stipulation Number 2

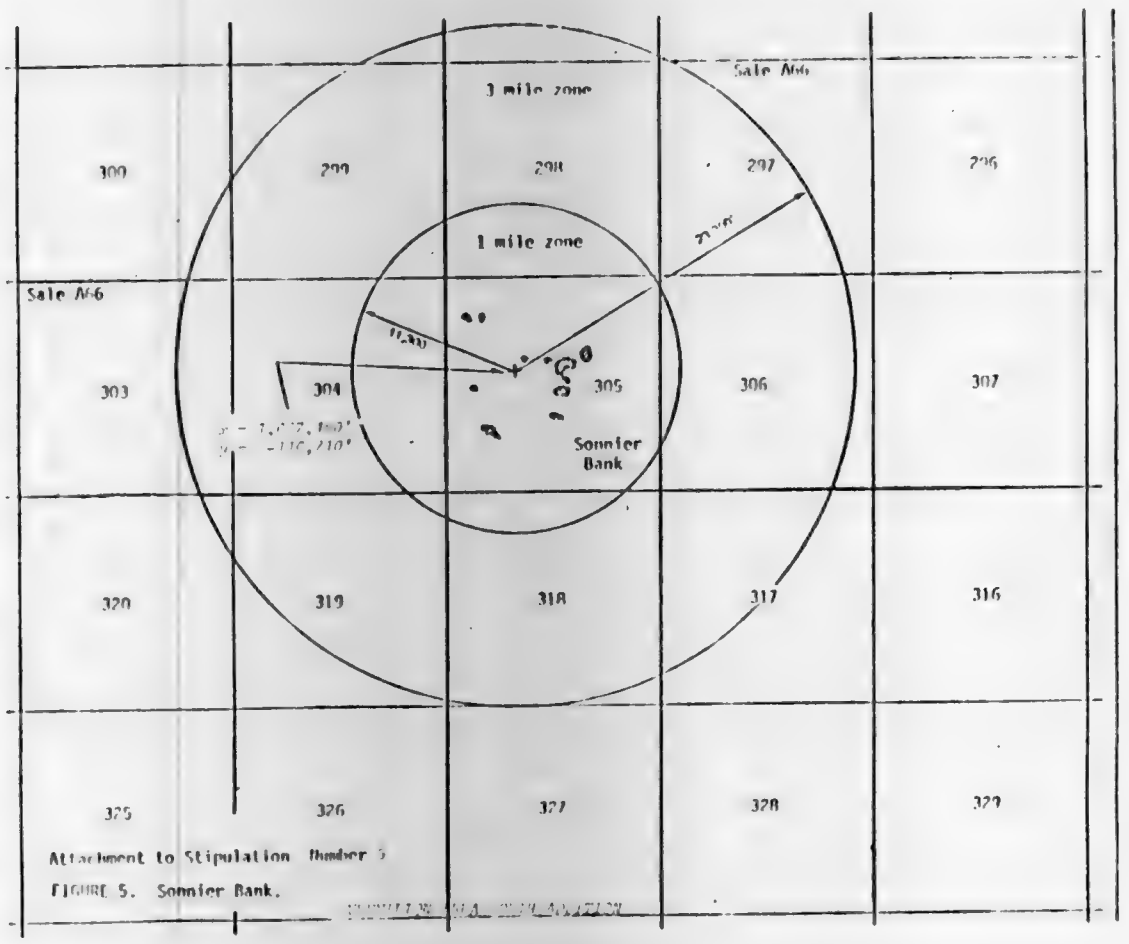
FIGURE 2. North Hospital and Aransas Banks.


A-489
A-500
A-515
A-526
A-488
Sale #86
A-501
A-514
A-527
A-487
3 mile zone
A-502
Stetson Bank
1 mile zone
A-515
A-528
A-484
A-503
A-512
A-529
A-84
A-96
A-109
A-85
A-97
A-110
Attachment to Stipulation Number
FIGURE 3. South Baker Bank
A-86
A-96
A-111
A-122
A-87
3 mile zone
1 mile zone
A-95
South Baker Bank
A-112
Sale #86
A-121
A-88
A-94
A-113
Sale #86
A-120
Sale #86



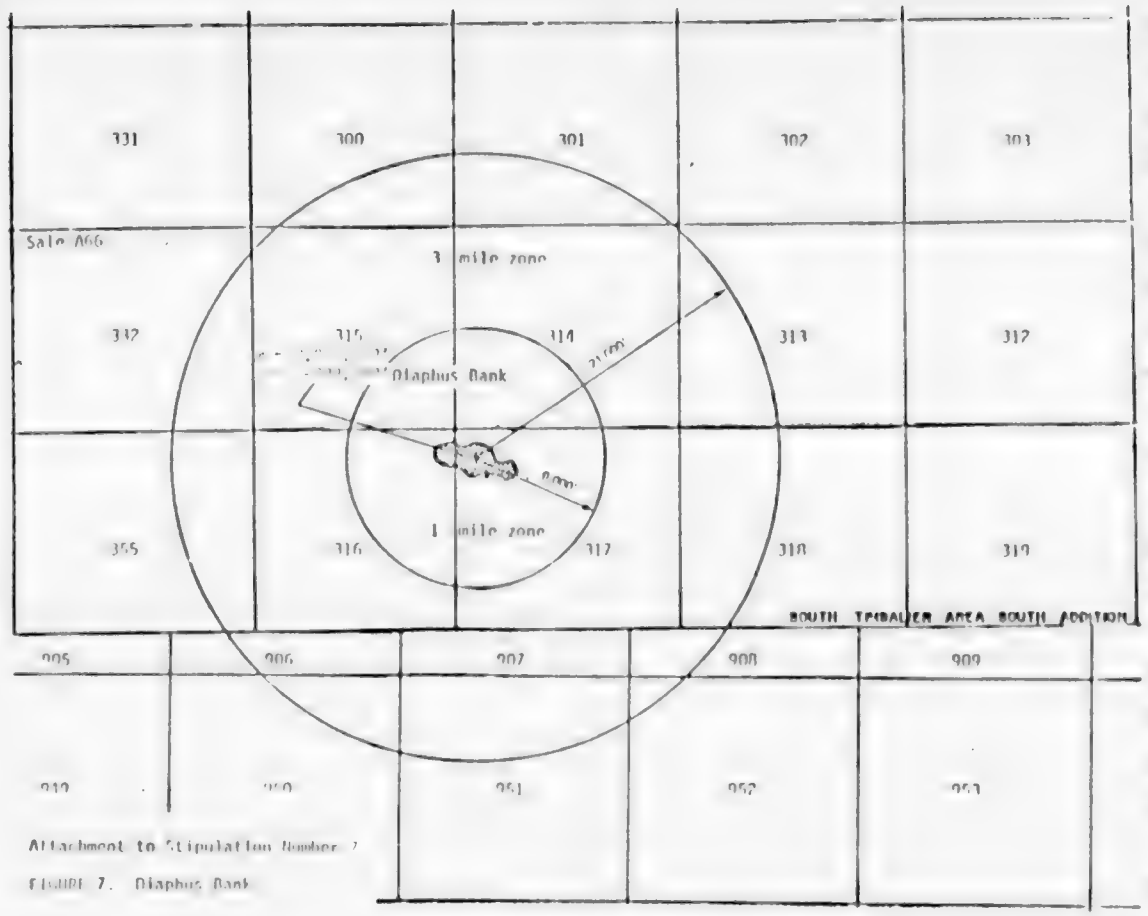
Attachment to Stipulation Number 6

FIGURE 6. Alderdice Bank.



Attachment to Stipulation Number 5

FIGURE 5. Sonnier Bank.



Attachment to Stipulation Number 7

FIGURE 7. Diaphus Bank

14. Live Bottom Areas. The Department of the Interior will keep the Office of the States of Texas, and Louisiana and other Federal agencies, to identify areas of special concern which might require appropriate protective measures for live bottom areas and areas which might contain cultural resources.

If it is determined that live bottom areas might be adversely affected by the proposed activities then the Deputy Conservation Manager for Field Operations, USGS, in consultation with the Regional Director, Fish and Wildlife Service (FWS), the Governor, State, the States, EPA, and other Federal agencies with jurisdiction and expertise to protect the environment will require the lessee, pursuant to Section 5(a) of the OCS Lands Act, as amended, to undertake any measures to protect live bottom areas.

Portions of some of the tracts offered for lease may be restricted by designation of fairways, precautionary zones, or traffic separation schemes established by the Coast Guard pursuant to the Ports and Waterways Safety Act (33 U.S.C. 1221 et seq.). Corps of Engineers permits are required for construction of any artificial islands, installations and other devices permanently or temporarily attached to the seabed located on the Outer Continental Shelf in accordance with section 4(e) of the Outer Continental Shelf Lands Act of 1953, as amended.

Bidders are advised that the Departments of the Interior and Transportation have entered into a Memorandum of Understanding dated May 6, 1976, concerning the design, installation, operation and maintenance of offshore pipelines. Bidders should consult both Departments for regulations applicable to offshore pipelines.

Bidders are advised that in accordance with Sec. 26 of each lease offered at this sale, the lessor may require a lessee to operate under a unit, pooling or drilling agreement, and that the lessor will give particular consideration to requiring unitization in instances where one or more reservoirs underlie two or more leases with either a different royalty rate or a net profit share payment.

15. OCS Orders. Operations on all leases resulting from this sale will be conducted in accordance with the provisions of all Gulf of Mexico Orders, as of their effective date, and any other applicable OCS Order as it becomes

particular consideration to requiring unitization in instances where one or more reservoirs underlie two or more leases with either a different royalty rate or a net profit share payment.

Bidders are advised that the Department of Energy is authorized, under Section 302(b) and (c) of the Department of Energy Organization Act, to establish production rates for all Federal oil and gas leases.

Revisions of Department of Labor regulations on Affirmative Action requirements for Government Contractors (including lessees) have been assigned a deferred effective date of June 29, 1981, pending review of those regulations (see Federal Register of April 28, 1981, at 46 F.R. 23742). Should those changes become effective at any time before the issuance of leases resulting from this sale, Section 18 of the lease form, Form 3300-1 (September 1978), would be deleted from leases resulting from this sale. In addition, existing stocks of the Affirmative Action Forms described in section 5 of this notice contain language that would be superseded by the revised regulations at 41 CFR 60-1.5(a)(1) and 60-1.7(a)(1) regarding the aggregate value of contracts over a 12-month period (see the Federal Register of December 30, 1980, at 45 F.R. 86231-86232).

Pending the issuance of revised versions of Forms 1140-7 and 1140-8 by the Bureau of Land Management, submission of Form 1140-7 (December 1971) and Form 1140-8 (November 1973) will not invalidate an otherwise acceptable bid, and the revised regulations' requirements will be deemed to be part of the existing Affirmative Action Forms.

[FR Doc. 81-18371 Filed 6-18-81; 8:45 am]
BILLING CODE 4310-84-C

15. OCS Orders. Operations on all leases resulting from this sale will be conducted in accordance with the provisions of all Gulf of Mexico Orders, as of their effective date, and any other applicable OCS Order as it becomes effective.

Ed Hastey
Associate Director, Bureau of Land Management
Ed Hastey

Approved: JUN 17 1981

Donald Paul Hodel
Under Secretary of the Interior
Donald Paul Hodel

UNITED STATES
DEPARTMENT OF THE INTERIOR
Bureau of Land Management

Outer Continental Shelf, Gulf of Mexico

Notice of Leasing Systems, Sale No. A66

Sec. 8(a)(8) (43 U.S.C. 1337 (a)(8)) of the Outer Continental Shelf (OCS) Lands Act, as amended, requires that, at least 30 days before any lease sale, a notice be submitted to the Congress and published in the Federal Register:

(A) identifying the bidding systems to be used and the reasons for such use; and

(B) designating the tracts to be offered under each bidding system and the reasons for such designation.

This notice is published pursuant to these requirements.

A. Bidding systems to be used. In OCS Sale No. A66, tracts will be offered under the following two bidding systems as authorized by Sec. 8(a)(1) (43 U.S.C. 1337 (a)(1)): (1) bonus bidding with a fixed net profit share on 24 tracts and (2) bonus bidding with a fixed 16-2/3 percent royalty on 188 tracts.

(1) Bonus Bidding with a Fixed Net Profit Share. This system is authorized by Sec. 8(a)(1)(D) of the OCS Lands Act, as amended. This system was established by Department of Energy (DOE) regulations effective May 14, 1980. OCS Sales A62, 55, and 62 included an offering of a total of 150 tracts under this system. The profit share system designed for this sale may increase competition by generating greater contingency payments to the Government and thereby reducing the initial cash bonus. It may also increase the volume of production, because certain allowable capital costs can be deducted prior to any liability for profit share payments. In addition, the profit share system may foster the development of marginal fields when compared to a royalty system since the Government shares more of the risk and the lessees' incremental costs are lower in the presence of a capital recovery.

A profit share system which uses cash bonus as the bid variable avoids percentage bids at high levels which would make future development either economically inefficient or simply uneconomic. In addition, it is easier to administer and unitize adjacent tracts with similar profit share rates. Furthermore, a fixed profit share better assures that firms who can produce at lower costs are more likely to obtain leases than would be the case if it were possible for less efficient firms to simply bid away higher percentages of lower profits.

For 15 tracts, firms will be permitted an additional recovery factor of 0.25 over their actual allowable costs before any profit share payments are due. Two tracts will have an additional recovery factor of 0.50 and seven tracts will have a 1.00 capital recovery factor. The profit share rate selected for this sale is 50 percent. These parameters were selected on the basis of DOE and DOI studies regarding the effect on bonuses, profit-share payments, government receipts, gross production, minimal economic tract sizes, and particularly on the incentive to alter the production profile.

(2) Bonus Bidding with a 16-2/3 Percent Royalty. This system is authorized by Sec. 8(a)(1)(A) of the OCS Lands Act, as amended. This relatively low royalty rate system has been used extensively since the passage of the OCS Lands Act in 1953 and imposes greater risks on the lessee, but may yield more rewards (i.e., lower contingency payments to the Government) if a commercial field is discovered. The relatively high front-end payments required may encourage rapid exploration. The use of this system will provide data to compare the performance of the alternative systems.

B. Designation of Tracts. The selection of tracts to be offered under the two systems was based on the following factors:

(1) Lease terms on adjacent tracts were considered in order to reduce administrative costs and barriers to unitization, and to enhance orderly development of each field.

(b) Bonus Bidding with 16-2/3 Percent Royalty—All remaining tracts.

(1) Lease terms on adjacent tracts were considered in order to reduce administrative costs and barriers to unitization, and to enhance orderly development of each field.

(2) A sufficient number of tracts was needed to permit valid statistical analysis while limiting the risks of losses caused by unforeseen problems which could arise in the use of any new bidding system. The number of tracts must also be consistent with the requirements of Sec. 8(a)(5)(B) of the OCS Lands Act, as amended.

(3) The range and distribution of the characteristics of tracts were to be comparable for statistical purposes. Such characteristics include estimated resources, water depth, structure depth, favorable vs. unfavorable location of tracts on structures, and the location of tracts across trends.

The specific tracts to be offered under each system are as follows.

(a) Bonus Bidding with a Fixed Net Profit Share: Bids on tracts A66-9, A66-10, A66-11, A66-12, A66-13, A66-17, A66-51, A66-58, A66-59, A66-60, A66-67, A66-68, A66-69, A66-70, A66-71, A66-175, A66-176, A66-197, A66-198, A66-199, A66-200, A66-201, A66-202, and A66-203 must be submitted on a cash bonus basis with a fixed net profit share rate of 50 percent. Tracts A66-197, A66-198, A66-199, A66-200, A66-201, A66-202, and A66-203 will have a capital recovery factor equal to 1.0 and tracts A66-175 and A66-176 will have factor of 0.50. All of the remaining tracts listed above will have a capital recovery factor equal to 0.25.

(b) Bonus Bidding with 16-2/3 Percent Royalty—All remaining tracts.

Ed Hastey
Associate Director, Bureau of Land Management
Ed Hastey

Approved: JUN 17 1981

Donald Paul Hodel
Under Secretary of the Interior
Donald Paul Hodel

[FR Doc. 81-18372 Filed 6-18-81, 8:45 am]
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federal register

Friday
June 19, 1981

Part IV

Department of Labor

Office of the Secretary

Redwood Employee Protection Program

DEPARTMENT OF LABOR

Office of the Secretary

29 CFR Part 92

Redwood Employee Protection Program

AGENCY: Department of Labor.

ACTION: Final rule.

SUMMARY: The Department of Labor is responsible for administering the Redwood Employee Protection Program established by Title II of the Redwood National Park Expansion Act of 1978 (Pub. L. 95-250). Under Title I of the Act, employees whose jobs were lost as a result of this Park expansion were designated to receive preference in hiring for both Federal civilian jobs and jobs with certain private employers. In addition, under Title II of the Act, these employees were provided with a program of income and benefit maintenance, and with retraining, job search, and job relocation allowances. Any layoff between May 31, 1977 and September 30, 1980, was conclusively presumed to be related to the expansion of the Redwood National Park.

The Department of Labor proposed to amend its regulations to establish criteria to be used in determining applicant eligibility for Redwood Employee Protection Program (REPP) benefits based on layoffs occurring subsequent to September 30, 1980. The proposed amendments to the regulations were issued in the **Federal Register** (46 FR 16827) on March 13, 1981. These regulations are similar to the proposed, but are modified in some respects as a result of comments.

EFFECTIVE DATE: June 19, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Johnson of the Department of Labor at (202) 523-6495. (This is not a toll-free number).

SUPPLEMENTARY INFORMATION: Proposed rulemaking was published on March 13, 1981, and invited comments for 30 days ending April 13, 1981. Comments were received from 8 sources including individuals, representatives of affected workers, regional, Federal and State agencies. The following summarizes the comments received and the actions taken.

Discussion of Major Comments

General

This final rule provides eligibility for REPP benefits to a covered employee who suffers a layoff between October 1, 1980 and September 30, 1984, provided the cause of the layoff is found to be related to the expansion of the Park.

One commenter sought clarification on whether or not the authority exists to extend the coverage of the REPP by more than one year at a time.

The authority to extend the qualifying period by no more than one year at a time, for good cause, is contained in section 203 on the Act. The Secretary is unaware of any evidence of good cause, required for an extension of the qualifying period and the conclusive presumption. However, the Department is aware that some separations occurring after September 30, 1980 may be related to the Park expansion. Therefore, the authority given to the Secretary in section 201(11) of the Act to determine a covered employee to be an affected employee is being exercised to establish the criteria contained in § 92.15(a) of this regulation.

Additionally, this commenter noted that if the rule extends the qualifying period, under circumstances determined to be related to the Park expansion, it should provide a similar extension of the obligation for a worker to repay a severance payment under the REPP if the worker returns to employment "in the industry" after September 30, 1980.

As this amendment to the final rule implements the Secretary's authority under section 201(11) of the Act and not under a general extension of the qualifying period contained in section 203 of the Act, the amendment does not affect the worker's repayment obligation under section 208(e) of the Act.

One commenter stated that the proposed rule was only recently available at the local California EDD office, in violation of section 213(e) of the Act.

Upon publication of the proposed rule in the **Federal Register**, the Department made reasonable efforts to assure that copies were available to the public during the comment period. This was accomplished by mailing copies to numerous individuals and worker representatives in the Eureka area, including distributions through the Department of Labor's regional office in San Francisco to the California Employment Development Department, and a regional press release announcing the publication of the proposed rule and the name of a contact person for information.

Legislative Intent

This final rule establishes eligibility criteria for use in determining qualifying separations occurring between October 1, 1980 and September 30, 1984. A worker who suffered a qualifying layoff during the "window period" beginning May 31, 1977 and ending September 30, 1980, was conclusively presumed to have been laid off due to the expansion of the Redwood National Park. However, if the worker returned to the original employer from whom he/she was laid off, in a job paying at least 90 percent of his/her REPP weekly benefit amount, then in accordance with section 92.15(a), the worker must suffer a subsequent layoff determined to be related to the Park expansion in order to establish eligibility for REPP benefits.

Several commenters objected to this interpretation by the Department and maintain that this is a basic change in the Act which in their opinion would require Congressional approval. It is felt by these commenters that this interpretation fundamentally alters the legislative intent, which was for workers affected by the Park expansion to be protected and to receive benefits during periods of layoff until 1984, regardless of whether they were able to obtain comparable employment for limited periods of time after their first layoff. Additionally, they feel this final rule will create an unstable situation for affected workers receiving REPP benefits and will create economic havoc in the local community.

The thrust of their interpretation is that the Secretary's authority concerning continued eligibility is wholly proscribed by section 205(b) of the Act. This section requires registration with the Employment Service, which incorporates the eligibility tests of the California UI Code, and requires that the period of protection for the worker not be exhausted. They maintain that section 205(b) and section 207(e)(1) of the Act, when read concurrently, show that Congress adopted the California UI Code as the sole standard for disqualifying REPP recipients following subsequent job separations in full contemplation of the fact that many of those jobs would be with affected employers.

Finally, these commenters argue that a reading of the language of the statute should make it clear that their interpretation is the only reasonable one, and even if the interpretation of the Department were reasonable, then Section 213(f) of the Act would specifically direct the Secretary to adopt that construction which is most favorable to employees.

Section 203 provides in pertinent part as follows:

> The total or partial layoff of a covered employee employed by an affected employer during the period beginning May 31, 1977, and ending September 30, 1980, * * * is conclusively presumed to be attributable to

the expansion of the Redwood National Park * * * Any covered employee laid off during that period by an affected employer shall be considered an affected employee at any time said employee is on such layoff within the period ending September 30, 1984 * * *

Based on this language it was widely assumed that a covered employee who was laid off during the "window period" (May 31, 1977 to September 30, 1980) automatically became eligible for REPP benefits during any subsequent layoff until September 30, 1984.

The Department has determined that the plain meaning of this section of the Act is that a covered employee laid off during the window period shall continue to be automatically eligible for REPP benefits only for as long as the employee remains *on such layoff*. The Department believes that any employee who has returned to work for his affected employer and who suffers a layoff again after September 30, 1980, can no longer be said to be on the layoff which initially qualified him or her for benefits ("such layoff"). There is no conclusive presumption that the subsequent layoff is attributable to the Park expansion because that presumption terminated September 30, 1980.

It is the Department's position that a layoff occurring after September 30, 1980 will not be qualifying for REPP benefits unless the cause of the layoff is attributable to the Park expansion.

When to Apply

Section 92.11(a) of the proposed rule permitted the filing of a claim for REPP benefits based on a layoff occurring before September 30, 1980 or in accordance with the new § 92.15.

Several commenters noted that the proposed amendment to § 92.11(a) deleted the provision that a layoff must occur on or after May 31, 1977. The Department has revised this section to reflect that a layoff must occur on or after May 31, 1977.

Layoffs After September 30, 1980

Section 92.15 of the proposed rule did not distinguish between a worker who was laid off during the "window period" (May 31, 1977 to September 30, 1980) and one who had not suffered a separation prior to October 1, 1980. A worker seeking to reestablish eligibility for REPP benefits or one seeking to establish initial eligibility based on a layoff subsequent to September 30, 1980, must have such layoff determined to be of a qualifying nature under § 92.15(a).

Several commenters indicated that there is a legitimate purpose for this final rule to establish criteria for determining initial eligibility for REPP benefits based on layoffs subsequent to September 30, 1980. However, these commenters maintained that it is totally inappropriate to require recipients who qualified during the "window period" to requalify under § 92.15(a).

Other commenters maintained that it was not the intent of the Act to permit individuals who did not suffer a layoff during the "window period" now to establish initial eligibility for REPP benefits based on a layoff after September 30, 1980.

Consistent with the language of section 203 of the Act, an employee who is no longer on "such layoff", because he/she has returned to work for the affected employer from whom the original qualifying layoff occurred, in a position paying at least 90 percent of the worker's REPP weekly benefit amount, must requalify by suffering a subsequent separation determined to be qualifying under § 92.15(a).

Pursuant to section 201(11) of the Act, the Department has determined that a worker who did not suffer a layoff during the "window period" should be provided the same opportunity, as previously affected employees, to qualify for REPP benefits based on a layoff after September 30, 1980, which is determined to be related to the Park expansion.

What is a Short-Term Recall?

Section 92.15(a)(1) of the proposed rule provided eligibility for REPP benefits to workers who are recalled for short-term employment with their original affected employer.

Many commenters indicated that a definition of short-term recall was required. Additionally, one commenter felt that the situation of a recall of a seasonal employee for part of a season, contained in § 92.15(a)(3) of the proposed rule, should be included in this section.

The Department acknowledges the comment concerning the definition of short-term recall. Unfortunately, the commenters did not provide examples of substitute language. The Department believes that to further define this term would be too restrictive and would lack the desired flexibility. Therefore, the Department has rejected this comment. The Department agrees with the comment that a definition of "part of a season" should be included in § 92.15(a)(1). The Department has revised this section to include the provision previously contained in § 92.15(a)(3) of the proposed rule whereby a seasonal employee, who is recalled to his/her original employer, should be considered to be recalled for part of a season if the length of employment is less than 50 percent of the seasonal worker's average season, as computed for REPP benefits.

The figure of 50 percent of the worker's average season represents a reasonable criterion for measuring the relationship of the Park expansion on the individual's future employment prospects. It is felt that employment lasting longer than 50 percent of the worker's average season may be adversely affected due to the Park expansion. However, as the length of employment approaches the worker's average season, other factors, such as adverse weather and general economic conditions, begin to play a more important role.

What is a Staggered Work Schedule?

Section 92.15(a)(2) of the proposed rule provided that a worker assigned to a staggered work schedule prior to September 30, 1980, who continues to work such schedule shall remain eligible for REPP benefits. Some commenters indicated a need for a definition of a staggered work schedule. The Department partially agrees with the commenters that examples of the types of work schedules which would or would not be qualifying under this section seem appropriate.

Unfortunately, it is difficult to perceive the full range of creative worksharing arrangements that employers may consider to maintain their workforce, therefore, to prescribe specific time limits is impossible. The Department, through this provision, seeks to recognize employer arrangements which attempt to spread a reduced amount of work among all employees to prevent total layoffs.

Section 92.15(a)(2) has been revised to include an example of an acceptable staggered work schedule as a week of work and a week of layoff, or any reasonable extension of such a principle. The 28 day work cycle, whereby the employee averages 40 hours per week, is a type of schedule which is not qualifying.

One commenter questioned whether a staggered work schedule, interrupted by a nonqualifying layoff precludes continued eligibility. Where the cause for a week of unemployment would be nonqualifying (such as a maintenance shutdown) under § 92.15(b), reestablished eligibility would be permitted if the worker returned to the affected employer on the same or a similar staggered work schedule immediately after the temporary interruption.

What is Part of a Season?

Section 92.15(a)(3) of the proposed rule provided eligibility for REPP benefits to a seasonal worker who is recalled for "part of a season."

Several commenters indicated a need for a definition of "part of a season." One commenter recommended the inclusion of this provision in § 92.15(a)(1). By combining the two provisions, the commenter noted that the new § 92.15(a)(1) would address the short-term recall of either a full-time or seasonal employee.

These recommendations were accepted and § 92.15(a)(1) has been revised to include the provision contained in § 92.15(a)(3) of the proposed rule. Additionally, a definition of "part of a season" has been provided.

Who Should Determine Other Causes Related to the Park Expansion?

Sections 92.15(a)(4) of the proposed rule provided that a covered employee laid off by an affected employer under any other circumstances found to be related to the Park expansion would be eligible for REPP benefits. Section 92.15(a)(5) of the proposed rule expressed the Secretary's final authority in these determinations.

Several commenters pointed out the difficulty in making determinations of this nature due to many factors contributing to the depression of the local economy and felt a definition was necessary. One commenter felt that this provision gave employers the arbitrary power to punish or reward discharged employees simply through labels (Park related or other reasons or firing). Several other commenters felt that if the circumstances contained in 92.15(a) (1) and (2) of this final rule were not evident, it was the responsiblity of the Secretary to determine the relationship of the Park expansion to the layoff. Additionally, if this responsibility were to be assigned to the California Employment Development Department (EDD) one commenter stated that the EDD should be assigned sole responsibility in making the decision as to whether or not a layoff was due to other circumstances related to the Park expansion. Another commenter pointed out that these two sections were redundant.

The Department recognizes the difficulty in determinations of this nature, however, it seems impossible to enumerate each and every circumstance which may be related to the Park expansion. This determination will require a judgment to be made on the facts of each particular case. The California EDD was assigned responsibility for issuing initial determinations regarding eligibility for REPP benefits and the Department sees no reason to make REPP eligibility determinations under this section an exception.

Further, the Department feels that to assign the California EDD sole responsibility for these determinations would only abrogate the appeal rights of employees. Likewise, to escalate the initial determination to the Secretary would deprive the workers of due process and would result in a final determination requiring the worker to seek judicial review for relief from an adverse initial determination. The administrative appeals procedure permits all parties an equal opportunity to present any evidence that the layoff was or was not related to the Park expansion. Finally, the Department accepts the comment that these items were redundant and has eliminated the role of the Secretary, as all initial determinations issued by the California EDD are subject to the appeals procedure which includes an employee's appeal to the Department of Labor, as the final level in the administrative review process.

Section 92.15(a)(4) of the proposed rule has been renumbered and is § 92.15(a)(3) in this final rule. Section 92.15(a)(5) of the proposed rule has been deleted for the reasons stated above.

Nonqualifying Separations

Section 92.15(b)(1) of the proposed rule enumerated the circumstances which are considered to be not related to the Park expansion and, therefore, not qualifying for the purposes of establishing REPP eligibility. One commenter suggested including market conditions and interest rates as additional causes. The Department has attempted to list those circumstances which are clearly not related to the Park expansion. The two causes suggested may certainly be considerations along with many other factors in any determinations under § 92.15(b)(2), but, would not be appropriately listed with those circumstances which are clearly not related to the Park expansion.

Who Should Determine Other Causes Not Related to the Park Expansion?

Section 92.15(b)(2) of the proposed rule provided for a determination of ineligibility for REPP benefits based on a layoff found to be not related to the Park expansion. Several commenters indicated a need for a definition of circumstances not related to the Park expansion. Another commenter suggested that this section should be modified to require the Secretary to make such an initial determination.

The Department feels it would be equally difficult to enumerate those circumstances which would not be related to the Park expansion as defining what is related to the Park expansion. Additionally, the Department feels it would be inappropriate for the Secretary to issue intitial determinations in this instance for the reasons stated in our comments above.

Redeterminations After the Effective Date

Section 92.15(c) of the proposed rule provided for a redetermination of a claim for REPP benefits based on a layoff occurring after September 30, 1980, after the effective date of this final rule. Only claims based on layoffs found to be qualifying under § 92.15(a) shall continue to be compensable.

In review of this rule the Department has discovered that a sentence was inadvertently omitted from the printed proposed rule. The omitted sentence establishes the fact that any worker who has remained on a layoff that occurred between May 31, 1977 and September 30, 1980 has continuing eligibility for REPP benefits. This sentence has been inserted as the first sentence of this section.

Several commenters stated that the redetermination of claims, upon the effective date of this section, clearly violates sections 205 and 206 of the Act. Another commenter indicated that these redeterminations will only result in another round of expensive, never-ending appeals.

The Department has determined that the redetermination of claims upon the effective date of this final rule is necessary and appropriate. It would be inequitable to apply the criteria in § 92.15 (a) and (b) only to layoffs occurring after the effective date, as disparate treatment of two workers laid off for the same reasons would result due to the absence of guidance during this interim period. The Department would note that the redetermination would only affect continued eligibility for REPP benefits.

Classification

This rule is not classified as a "major rule" under Executive Order 12291 on Federal Regulations, because it is not likely to result in (1) an annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) significant adverse effects on

competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. Therefore, no regulatory impact analysis is required.

Effective Date

This rule shall be effective June 19, 1981 instead of thirty days thereafter. I specifically find good cause for this action which will permit the implementation of the regulations without further delay. This amendment is a legal interpretation of the statute and to further delay implementing the rule would not be in the public interest because it would result in additional costs in the administration of the program.

Regulatory Flexibility Act Certification

I, Raymond J. Donovan, Secretary of Labor, hereby certify, pursuant to 5 U.S.C. 605(b), that the final regulation published hereinafter (29 CFR Part 92), Final Amendments to the Redwood Employee Protection Program Regulations, will not, if promulgated, have a significant economic impact on a substantial number of small entities. The reason for such certification is that this is an individual entitlement program and will only affect individuals applying for benefits under the Redwood Employee Protection Program. Thus, this amendment to the final regulation will not have a significant economic impact on any small entities.

Dated: June 7, 1981.

Raymond J. Donovan,

Secretary of Labor.

Accordingly, 29 CFR Part 92 is amended as set forth below:

1. The authority citation for Part 92 reads as follows: Authority: Section 202 and 213(d)(2), Pub. L. 95–250, dated March 27, 1978.

2. Section 92.11(a) is revised to read as follows:

§ 92.11 When to apply.

(a) Filing After Layoff. An initial application for REPP benefits by a covered employee may be filed with respect to a total or partial layoff by an affected employer which occurred on or after May 31, 1977 but before September 30, 1980 or as provided in § 92.15 of this Part.

* * * * *

3. A new § 92.15 is added to read as follows:

§ 92.15 Layoffs after September 30, 1980.

(a) Qualifying Layoffs. A covered employee laid off between October 1, 1980 and September 30, 1984 shall be deemed to be an affected employee if such layoff occurred under one of the following circumstances:

(1) The covered employee suffered a qualifying layoff from an affected employer and the employee returned to work for a known short-term recall from that employer or the length of employment is less than 50% of a seasonal worker's average season (as computed for REPP benefits) and the employee is again laid off; or

(2) The covered employee works for an affected employer on a staggered work schedule, designed to spread available work among employees to prevent total layoffs, during the period beginning May 31, 1977 and ending September 30, 1980 and has continued to work on such schedule beyond September 30, 1980. (An example of a staggered work schedule which is qualifying for this purpose is a week of work and a week of layoff or any reasonable extension of the principle. An example of a staggered work schedule which is not qualifying for this purpose is the 28 day work cycle as the employees average 40 hours per week.); or

(3) The covered employee was laid off by an affected employer under circumstances related to the Park expansion.

(b) Nonqualifying Layoffs. After the effective date of this section any covered employee laid off between October 1, 1980 and September 30, 1984 shall not be deemed an affected employee if such layoff occurred under one of the following circumstances:

(1) A strike, lockout, maintenance shutdown, vacation shutdown, flood, earthquake, fire, or temporary adverse weather condition; or

(2) Any other reason unrelated to the Park expansion.

(c) Eligibility Review After the Effective Date of This Section. Any covered employee who has remained on a layoff that occurred between May 31, 1977 and September 30, 1980, will continue to be qualified for REPP benefits as a result of that layoff.

Notwithstanding § 92.50 of this Part, after the effective date of this section, an affected employee receiving REPP benefits based on a layoff occurring after September 30, 1980 shall have the circumstances of that layoff redetermined on the basis of the above criteria. Only those employees whose layoffs are found to be qualifying, upon redetermination, shall continue to receive REPP benefits.

Signed at Wasington, D.C., on June 17, 1981.

Raymond J. Donovan,

Secretary of Labor.

[FR Doc. 81–18370 Filed 6–18–81; 8:45 am]

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federal register

Friday
June 19, 1981

Part V

Department of Health and Human Services

Office of Child Support Enforcment

Child Support Enforcement Research—Demonstration Grants; Notice of Availability of FY '81 Funds

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Child Support Enforcement

Child Support Enforcement Research Demonstration Grants; Notice of Availability of FY '81 Funds

The Director of the Office of Child Support Enforcement gives notice of the availability of fiscal year 1981 funds for child support enforcement research and demonstration (R&D) grants. Also, this provides advance notice of child support enforcement priority research and demonstration projects proposed for funding in Fiscal Year 1982. Funding for grants is authorized under Section 1110 of the Social Security Act.

Closing dates and times for submission requests for grants are presented in a separate section at the end of this notice.

Program Purpose

Grants funded by OCSE are for research or demonstration projects which will add to existing knowledge and improvements of new methods and techniques for the planning, management, coordination and delivery child support enforcement activities related to the eligible population.

Program Goals

In general, the Office of Child Support Enforcement (OCSE) intends to support the following types of projects:

(1) Those which develop and demonstrate new financing mechanisms, adminstrative procedures, and technological innovations for improving the effectiveness and efficiency of child support enforcement programs at the State and local levels.

(2) Those which develop more knowledge on the characteristics and financial needs of a target group.

(3) Those which develop and implement analytical models for comparing the relative merits of alternative methods for carrying out the child support enforcement programs.

Program Priorities for Research and Demonstration Funding

Research and demonstration projects will be directed toward priorities derived from State administration and program issues. OCSE has identified certain specific priority projects which reflect these administrative and program issues, and which are described in more detail in the Application Kit.

Applicants may also submit proposals for projects not specifically identified in this announcement but which are relevant to the SSA and OCSE program goals. These proposals will be designated as nonpriority but will also be subject to the panel review process. A limited number of projects may be approved pending available funds and will compete with other nonpriority projects.

Priority Projects

Fiscal Year 1981 Projects

Identification of Information and Methods to Enable the Establishment of Uniform Support Obligations—OCSE–81–1

States are required by Title IV–D of the Social Security Act to establish and to enforce child support obligations of absent parents of recipients of Aid to Families with Dependent Children (AFDC) and non-AFDC recipients. The amounts of the obligation that are being established, however, vary widely not only from jurisdiction to jurisdiction, but also within jurisdictions. Even when comparing cases with similar circumstances, these variations persist.

The purpose of this project is to identify and demonstrate the most effective and efficient method for States to obtain and verify information needed for the use in a standard formula for establishing child support obligation amounts, and to arrive at a recommendation for alternative obligation amounts for the consideration of judiciary or administrative hearings officers.'

The first year of this project will be to develop in one or more local child support enforcement agencies alternative methods for identifying, obtaining and verifying the required financial and case characteristics information. It will also develop best methods for using this information to recommend and establish obligation orders. Several methods must be compared with well defined criteria for measuring the effectiveness of information collection and the cost of each method. The study should compare optional methods within one or more jurisdictions. Rigorous research and statistical methods must by used to segregate and compare cases that are processed by the various methods. Prestudy planning must include a site selection process that insures a sufficient variation in methods to be observed.

The second year of the project will involve a demonstration of the method(s) identified as being the most effective and efficient for identifying, obtaining, and verifying the necessary information and presenting recommendations to arrive at an obligation amount or alternative amounts. This project should also be evaluated by an independent party to determine the effectiveness, desirability, cost and benefit, and ultimate success of various methods demonstrated. The successful methods will then be put into handbook format so that other jurisdictions can use the results.

It is anticipated that SSA will fund one grant for this project for 2 years. It is anticipated that up to $125,000 in Federal funds will be made available in both FY "81 and FY "82 to do this project.

Demonstration of Administrative Improvements in Child Support Enforcement —OCSE–81–2

The Child Support Enforcement program (Title IV–D of the Social Security Act) is a recently established program. There is considerable emphasis on enlarging the support payments and support obligations of AFDC absent fathers and non-AFDC absent fathers of low income families. Since this is a relatively new program, States have been requesting aid in trying out new pilot projects to improve administration techniques which will aid in improving the program.

This is a series of projects to allow States or localities to try out and test new administrative operational and management concepts that will increase collections and/or contain costs. Such projects can address any of the major Title IV–D functional areas. It is anticipated that eight projects will be funded for this priority up to $25,000 per project for one year.

Analysis of Child Support Data—OCSE–81–3

This study will examine factors affecting the receipt of child support payments from absent parents. Several data sources are available to study this issue. National data on the status and extent of child support obligations and receipt by AFDC and other mothers were obtained by the Bureau of Census in a supplement to the April 1979 Current Population Survey (CPS) and can be linked to income data which were collected for the March 1979 CPS. Also, The Social Security Administration, Office of Research and Statistics, coordinated an AFDC case record check by local AFDC caseworkers. This study, the 1979 AFDC Recipient Characteristics Study, has recently been released. Data tapes of these surveys are to be analyzed separately and not merged. The CPS surveys and the 1979 AFDC Survey will be used to examine the patterns of child support receipt in terms of demographic, economic and legal status of recipients.

The results of this research will assist the States' administrators in approving program effectiveness, forecasting, and targeting administrative efforts.

It is anticipated that SSA will fund one grant for this project for one year. It is anticipated that up to $80,000 will be made available in FY' 81.

State Study of Absent Parent's Ability to Pay Child Support—OCSE–81–4

The Child Support Enforcement program is designed to collect support payments from absent parents. At present, the collection process collects only a fraction of potential payments. For example, 1977 figures suggest that over half of the non-custodial parents with a support order did not contribute support, and that only about one fourth of all AFDC cases had a court order or agreement.

One of the important questions involving child support enforcement is whether the absent parent has the ability to pay. This project looks at the issue, focusing on AFDC cases handled by the IV–D agency. It will determine income levels, the number of dependents, and other readily available data concerning the absent parent. It will also compare the ability to pay of absent parents who regularly contribute support to the ability of those who pay sporadically or not at all. In addition, in at least one site, it will look at the availability of other income in the form of State income tax refunds. Controls for the nature of the support order will be used as well.

This project can be conducted in at least two manners. It is possible for the State IV–D agency to use the Internal Revenue's Project 419 in order to obtain information on income levels and dependents. Alternately, States may use their own completed income tax forms. In either case, income levels and dependents can be matched with the same variables in the case records and the extent to which data concerning income can be found will be recorded. At least one State should use the Federal (419) method for obtaining information.

It is anticipated that SSA will fund three grants to States for this project. It is anticipated that up to $50,000 per State will be made available in FY '81.

FY '82 Projects

The following project is anticipated to be a research priority for FY '82. The amount of funds in support of this project is contingent upon the availability of FY '82 appropriations. However, based on the proposed FY '82 budget it is anticipated that there will be sufficient funds to finance the project below.

Survey of Non-AFDC Cases Which Receive Child Support Enforcement Services—OCSE–82–1

Child Support Enforcement agencies are reimbursed for enforcement activities on behalf of non-AFDC as well as AFDC recipients. This project involves the study of a stratified sample of closed, new, and continuing non-AFDC Child Support Enforcement program clients involving the demographic, economic, and sociological characteristics of the population. One aspect of this study will be to indicate the extent to which program coverage of this population avoids welfare eligibility.

It is anticipated that the agency will fund one grant for this project for one year. It is anticipated that up to $400,000 in Federal funds will be made available in FY '82.

Eligible Applicants

Section 1110 Grants. Any State, public, or nonprofit organization or agency may apply for a grant under the Section 1110 authority.

Availability of Funds

It is anticipated that approximately 13 new grant awards will be made pursuant to this announcement in FY '81. Anticipated amounts are:

FY '81 Projects

OCSE–81–1 (Identification of Information and Methods to Enable the Establishment of Uniform Support Obligations). It is anticipated that a total of up to $125,000 will be available for this grant for one project.

OCSE–81–2 (Demonstration of Administrative Improvements in Child Support Enforcement). It is anticipated that eight grants will be awarded at up to $25,000 per project.

OCSE–81–3 (Analysis of Child Support Data). It is anticipated that one grant of up to $80,000 will be awarded.

OCSE–81–4 (State Study of Absent Parent's Ability to Pay Child Support). It is anticipated that three grants of up to $50,000 each will be awarded.

FY '82 Projects (Funds not yet appropriated)

It is anticipated that this project will be funded in FY '82.

OCSE–82–1 (Survey of Non–AFDC Cases Which Receive Child Support Enforcement Services). It is anticipated that one grant of up to $400,000 will be awarded.

Recipient Share of the Project Costs

Applicants for grants are expected to contribute some portion of the total cost of the activity in order to receive consideration for funding. Generally 5 percent is considered acceptable. No grant will be awarded which will cover 100 percent of project costs.

The Application Process

1. *Availability of application forms.* Application Kits which contain the prescribed application forms and supplemental descriptive information on the priority projects of the Office of Child Support Enforcement are available from: Social Security Administration, Division of Contracts and Grants Management, OMBP, Grants Management Branch, Room 1206, Annex, 6401 Security Boulevard, Baltimore, Maryland 21235, Telephone: (301) 594–0284, Lawrence H. Pullen, Chief, Grants Management Branch.

2. *Application submission.* To be considered for a grant award, all applications must be submitted on standard forms provided by the Division of Contracts and Grants Management. The application shall be executed by an individual authorized to act for the applicant agency or organization and to assume for the agency or organization the obligations imposed by the terms and conditions of the grant.

As part of the project title (page 1 of the application Form SSA–96, item 7) the applicant must clearly indicate whether the application submitted is in response to a priority project identified in this announcement and must reference the unique project identifier (OCSE–81–1, etc.) for which the application is to compete.

3. *Application consideration.* Applications are initially screened for relevance to the interests of OCSE. Irrelevant applications are returned to the applicant. Relevant applications are reviewed and evaluated by a review panel of not less than three experts. Written assessment of each application is made.

4. *Application approval.* Following approval of the applications selected for funding, financial assistance awards will be issued within limits of Federal funds available. The FY '81 grant awards will be issued in September 1981. The official award document is the Notice of Grant Award. It provides the amount of funds awarded, the purpose of the award, the terms and conditions of the award, the budget period for which support is given, the total project period for which support is

contemplated, and the total grantee participation.

Criteria for Review and Evaluation of Applications

Competing applications will be reviewed and evaluated against the folowing criteria.

1. *Research or Demonstration Design.* Understanding the scope of the work statement and the propsed technical approach to the requirement. This includes clarity of goals and objectives. (30 points)

2. *Knowledge.* Knowledge of the field, literature, and background presentation material. Assurance of timely and acceptable performance. (10 points)

3. *Reasonableness.* Reasonableness of the proposal. Does it make sense? Can it be done? Is the man-hour effort and propriety of types of manpower reasonable? (15 points)

4. *Experience.* Prior experience and/or new approaches or ideas in the branch of the technology or field involved. (10 points)

5. *Relevance.* Relevance of proposal to HHS priorities and goals; to OCSE Work Plan; and to grants advertised in the **Federal Register**. (25 points)

6. *Personnel, Budget, and Facilities.* Availability and competence of specific kinds and numbers of experienced personnel. (5 points)

Specificity and adequacy of the budget. Are costs reasonable considering the anticipated results?

Availability of necessary facilities, equipment, convenient location, etc.

7. *Utilization.* Provision of progress and final reports. Quality of evaluation effort. Probability of implementation possibilities (National, State, etc.) (5 points)

Closing Dates and Times

For fiscal year 1981 projects, the closing date will be Friday, July 31, 1981. For fiscal year 1982 projects the closing date will be Tuesday, December 1, 1981.

Applications may be mailed or hand delivered to: Social Security Administration, Division of Contracts and Grants Management, OMBP, Grants Management Branch, Room 1206, Annex, 6401 Security Boulevard, Baltimore, Maryland 21235.

Applications must be received by the Division of Contracts and Grants Management, Grants Management Branch, by the above closing date. Hand delivered applications are accepted during normal working hours of 8:30 a.m. to 5:00 p.m., Monday through Friday.

An application will be considered to be received, on time, if the applicatiorf is sent by registered or certified mail not later than the closing date, as evidenced by the U.S. Postal Service stamp.

A-95 Notification Process. This program is not covered by the requirements of OMB Circular A-95.

(Catalog of Federal Domestic Assistance Program No. 13.812—Assistance Payments—Research)

Dated: June 12, 1981.

John A. Svahn,

Director, Office of Child Support Enforcement.

[FR Doc. 81-18418 Filed 6-18-81; 8:45 am]

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federal register

Friday
June 19, 1981

Part VI

Department of the Treasury

Bureau of Alcohol, Tobacco and Firearms

Distilled Spirits Plants; Authorization of Use of 100 Milliliter Distilled Spirits Container

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 19

[T.D. ATF-86]

Distilled Spirits Plants; Authorization of Use of 100 Milliliter Distilled Spirits Container

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Treasury.

ACTION: Temporary rule, Treasury decision.

SUMMARY: This temporary rule amends regulations in 27 CFR Part 19 authorizing permissible sizes of containers used for bottling distilled spirits at distilled spirits plants. Under this amendment, a 100 milliliter (3.4 fluid ounce) container is authorized as a replacement for the 4 fluid ounce container for bottling distilled spirits. Since this rule does not amend 27 CFR Part 5, the 100 ml may not be sold or shipped in interstate commerce. This amendment is necessary to enable small distilled spirits plants which rely heavily on bottling the 4 ounce container to remain in business. ATF will issue a final regulation regarding the 100 ml after careful consideration of comments received on this temporary rule.

DATES: The effective date of this temporary rule is June 19, 1981.

Written comments to this temporary rule must be received by September 17, 1981.

ADDRESS: Send written comments to: Chief, Regulations and Procedures Division, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, DC 20044, Attention: T.D. ATF-86.

FOR FURTHER INFORMATION CONTACT: Charles N. Bacon, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, Washington, DC 20226, Telephone: 202-566-7626.

SUPPLEMENTARY INFORMATION:

Background

Both the Federal Alcohol Administration Act (FAA Act), 27 U.S.C. 205(e), and the Internal Revenue Code (IRC) 26 U.S.C. 5301, give ATF the authority to regulate bottle sizes for distilled spirits. The FAA Act governs bottle sizes which may be shipped and sold in interstate commerce, and the standards of fill found in 27 CFR Part 5 are designed to prevent unfair competition and deception of the consumer. The IRC governs bottle sizes which may be removed from distilled spirits plants, and the sizes authorized in 27 CFR Part 19 (formerly Part 201) are designed to protect the revenue.

Traditionally, ATF has adopted the standards of fill used in interstate commerce as sizes which may be filled and removed from distilled spirits plants, for sizes larger than ½ pint. Prior to 1968, any size smaller than ½ pint could be used at a distilled spirits plant, but these sizes could not be shipped in interstate commerce unless they also complied with the standards of fill in Part 5 (such as ⅛, 1/10, 1/16 pint). In 1968, ATF issued regulations under the IRC which adopted the sizes authorized as standards of fill in Part 5 as sizes which could be removed from distilled spirits plants. These regulations revoked the former exception allowing use of any size smaller than ½ pint, but permitted a single exception of ¼ pint (4 fluid ounces). Because this size was not authorized by Part 5, it could not be sold or shipped in interstate commerce.

With the adoption of metric standards of fill in 1976 (T.D. AFT-25, March 10, 1976, 41 FR 11497), Part 5 was amended to allow only six metric sizes for use in interstate commerce. These metric standards of fill became effective on January 1, 1980.

ATF proposed elimination of the intrastate exemption for the 4 ounce size as part of a notice proposing conforming metric changes in distilled spirits plant regulations in Part 201. The notice stated elimination of the 4 ounce would reduce the number of bottle sizes and simplify the production and inventorying of distilled spirits. The proposal drew only two comments, both favorable, and the exemption for the 4 ounce size was deleted effective January 1, 1980 [T.D. ATF-34, October 26, 1976, 41 FR 46859].

Petition

ATF has recently received a petition from the Overbrook Egg Nog Corporation, a distilled spirits bottler located within the State of Maryland, to authorize the use of a 100 ml bottle for bottling distilled spirits. Overbrook states that the 100 ml would replace the 4 fluid ounce size formerly authorized under Part 201. The petitioner also states that there is a great demand for the 4 ounce size with 7.6 million units having been sold in fiscal year 1979 in Maryland, and 7.2 million in fiscal year 1980. Moreover, the petitioner indicates that the size fills a large gap existing between the 200 ml and the 50 ml standards of fill. Additionally, this small size enables the production of an economically priced package within reach of a large number of consumers. The petitioner notes that bottling in a 4 ounce size has been permitted by Federal regulations since 1934, and that their company has produced this size for sale within Maryland since 1950. They state that their business is highly dependent upon production of this size, and the authorization of a 4 ounce container, or a suitable metric replacement such as 100 ml, is necessary for them to remain in business. They contend that enforcement of current 27 CFR 19.632 (formerly 27 CFR 201.540b) would force them out of business since it does not provide for production of a 4 ounce or a 100 ml bottle size for domestic use.

Authorization of the 100 Milliliter

ATF believes that in order to adequately protect the revenue it is necessary to limit the number of bottle sizes to a relatively few distinguishable sizes. Since the tax is determined on distilled spirits after bottling and at the time of removal from distilled spirits plants, this will protect against errors in determining the tax. However, because of the importance of a 100 ml bottle to the State of Maryland, and distilled spirits plants in that state, ATF believes that the 100 ml size may be authorized without adversely affecting our responsibility to protect the revenue. The 100 ml is an even metric size which is easily distinguishable from surrounding sizes of 50 ml and 200 ml. This size has gained widespread

acceptance among consumers in markets where it is available. ATF is therefore, amending Part 19 to allow bottling of 100 ml containers at distilled spirits plants. However, ATF is not amending Part 5, and these 100 ml containers are not authorized for sale or shipment of distilled spirits in interstate commerce. ATF intends to issue a notice of proposed rulemaking examining whether the 100 ml should be authorized as a standard of fill in Part 5 for use in interstate commerce.

Public Participation

Comments on this temporary rule should address the authorization of the 100 ml as a permanent size. ATF notes that the 100 ml, if authorized, would be $^{1}/_{10}$ of an ounce or 15% smaller than the 4 ounce size it would replace. Because of this size difference, ATF also seeks comments on whether another size, such as 125 ml should instead be authorized. On the basis of all public comments to this temporary rule, ATF may issue a final rule authorizing permanent use of the 100 ml size.

All comments received before the closing date will be carefully considered. Comments received after the closing date and too late for consideration will be treated as possible suggestions for future ATF action.

ATF will not recognize any material and comments as confidential. Comments may be disclosed to the public. Any material which the respondent considers to be confidential or inappropriate for disclosure to the public should not be included in the comment. The name of any person submitting comments is not exempt from disclosure.

Written comments are available for inspection or copying during normal business hours at: ATF Reading Room, Room 4407, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C.

Compliance with Executive Order 12291

This temporary rule is not classified as a "major rule" under Executive Order 12291. This rule will not result in an annual effect on the economy of 100 million dollars or more; will not result in a major increased cost to consumers, industries or governments; and will not create a significant adverse effect on competition.

Drafting Information

The principal author of this temporary rule is Charles N. Bacon, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms.

Effective Date

Because compliance with existing regulatory provisions with regard to bottle sizes would immediately cause the termination of a small business entity resulting in irreparable economic harm, it is found that it is impracticable and contrary to the public interest to issue this Treasury decision with notice and public procedure under 5 U.S.C. 553(b) or subject to the effective date limitation in 5 U.S.C. 553(d). Therefore, this Treasury decision is effective on its date of publication in the **Federal Register**.

Authority and Issuance

This regulation is issued under the authority of 26 U.S.C. 7805 (68A Stat. 917, as amended).

Accordingly, 27 CFR 19.632 is revised to read as follows:

§ 19.632 Bottles authorized.

Liquor bottles shall conform to the applicable standards of fill provided in Subpart E of Part 5 of this chapter, including those for liquor bottles of less than 200 ml capacity. The use of any bottle size other than as authorized in Subpart E of Part 5 of this chapter is prohibited for the packaging of distilled spirits for domestic purposes, except that 100 ml bottles may be used for packaging distilled spirits for sale in intrastate commerce only. Bottles bearing the indicia required under Part 173 of this chapter may be used, but need not be used, in bottling spirits for export.

(Sec. 201, Pub. L. 85–859, 72 Stat. 1374, as amended (26 U.S.C. 5301))

Signed: June 16, 1981.

G. R. Dickerson,

Director.

Approved: June 16, 1981.

John P. Simpson,

Acting Assistant Secretary (Enforcement and Operations).

[FR Doc. 81-18437 Filed 6-18-81; 10:15 am]

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Public Ins
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FEDERAL

29239-294
29453-296
29691-299
29921-300
30073-303
30327-304
30481-306
30623-307
30797-309
30997-312
31249-314
31403-316
31635-318
31869-319
31999-322

Reader Aids

Federal Register

Vol. 46, No. 118

Friday, June 19, 1981

INFORMATION AND ASSISTANCE

PUBLICATIONS

Code of Federal Regulations

CFR Unit	202-523-3419 523-3517
General information, index, and finding aids	523-5227
Incorporation by reference	523-4534
Printing schedules and pricing information	523-3419

Federal Register

Corrections	523-5237
Daily Issue Unit	523-5237
General information, index, and finding aids	523-5227
Public Inspection Desk	633-6930
Scheduling of documents	523-3187

Laws

Indexes	523-5282
Law numbers and dates	523-5282 523-5266
Slip law orders (GPO)	275-3030

Presidential Documents

Executive orders and proclamations	523-5233
Public Papers of the President	523-5235
Weekly Compilation of Presidential Documents	523-5235

Privacy Act Compilation	523-3517
United States Government Manual	523-5230

SERVICES

Agency services	523-3408
Automation	523-3408
Dial-a-Reg	
Chicago, Ill.	312-663-0884
Los Angeles, Calif.	213-688-6694
Washington, D.C.	202-523-5022
Magnetic tapes of FR issues and CFR volumes (GPO)	275-2867
Public briefings: "The Federal Register—What It Is and How To Use It"	523-5235
Public Inspection Desk	633-6930
Regulations Writing Seminar	523-5240
Special Projects	523-4534
Subscription orders (GPO)	783-3238
Subscription problems (GPO)	275-3054
TTY for the deaf	523-5239

FEDERAL REGISTER PAGES AND DATES, JUNE

29239-29452.....1
29453-29690.....2
29691-29920.....3
29921-30072.....4
30073-30326.....5
30327-30480.....8
30481-30622.....9
30623-30796.....10
30797-30996.....11
30997-31248.....12
31249-31402.....15
31403-31634.....16
31635-31868.....17
31869-31998.....18
31999-32226.....19

CFR PARTS AFFECTED DURING JUNE

At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Executive Orders:
May 9, 1896 (Revoked by PLO 5949).....29939
February 25, 1919 (Revoked in part by PLO 5959).....31894
April 4, 1922 (Revoked in part by PLO 5961).....31894
June 13, 1925 (Revoked in part by PLO 5957).....31893
February 6, 1926 (Revoked by PLO 5948).....29938
April 17, 1926 (Revoked in part by PLO 5950).....29939
February 14, 1933 (Revoked by PLO 5944).....29710
5451 (Revoked by PLO 5947).....29938
5907 (Revoked in part by PLO 5960).....31894
6618 (Revoked in part by PLO 5958).....31893
11476 (Amended by EO 12306).....29693
11835 (See EO 12306).....29693
12018 (See EO 2306).....29693
12198 (Amended by EO 12306).....29693
12233 (See EO 12306).....29693
12285 (Amended by EO 12307).....30481
12296 (Amended by EO 12309).....30997
12306.....29693
12307.....30483
12308.....30485
12309 (Amends EO 12296).....30997
12310.....31869

Proclamations:
4846.....29691
4847.....30483
4848.....31403

Administrative Orders:
Presidential Determinations:
No. 81-8 of June 2, 1981.....30797
No. 81-9 of June 2, 1981.....29921
No. 81-10 of June 9, 1981.....31635

5 CFR

Ch. XIV.....30327
213.....31405
930.....31405
1200.....30999

Proposed Rules:
Ch. I.....31018

7 CFR

2.....31871
28.....30073
301.....31999
354.....32006
700.....29453
800.....30322
907.....29923, 30799
908.....32007
910.....30012, 31249, 32008
917.....30075, 30077
923.....32008
945.....32010
953.....29454, 30487
979.....29693
982.....32012
984.....31637
991.....29693
1425.....30327
1944.....29239

Proposed Rules:
102.....30620
201.....30780, 31424
226.....32026
907.....32030
922.....32031
948.....32031
989.....30645
993.....29271
1125.....31424
1133.....31424
1701.....32033

8 CFR

204.....29923, 30078
214.....29456

9 CFR

78.....30487
82.....29456, 30488, 31249
92.....29239, 29240

10 CFR

2.....30328
51.....29457
376.....29680
390.....29680
440.....29242
1008.....31637
1500.....29924
1502.....29924
1534.....29924

Proposed Rules:
2.....30349

30 29712
40 29712
70 29712
73 31267
500 31216
501 31216
503 31216
504 31216
505 31216

12 CFR

Ch. II 31406
220 31250
303 30079
523 32013
552 30488
570 30079
701 31871

Proposed Rules:

213 29245
220 32033
226 29246
332 31018
337 31018
526 30113
545 30114
569a 29246
701 ..... 29247, 29482, 31651, 31654, 31660
720 29248

13 CFR

124 29251

Proposed Rules:

124 ..... 29276, 31899

14 CFR

39 ..... 29252, 29253, 29924–29926, 30332–30334, 30799, 30800, 31250, 31251, 31873–31879
71 ..... 29254–29256, 29927, 30335, 30801–30806, 31250–31252
73 ..... 29256, 30806
75 31253
97 ..... 29257, 30807
135 30968
152 30808
207 31000
208 31000
212 31000
302 31001

Proposed Rules:

Ch. I 30352
39 ..... 31268, 31899, 31900
71 ..... 29278–29281, 29947–29951, 30353, 30354, 30833, 31269
73 30833
75 ..... 29280, 29281, 31278
323 29282
302 29718
399 ..... 29285, 29719, 29727

15 CFR

370 29457
376 ..... 31001, 31407
385 31407
399 31407
806 30336
935 32014
936 32014

Proposed Rules:

330 29662
331 29662
332 29662
340 29662
341 29662
342 29662
343 29662
350 29662
351 29662
352 29662
353 29662
354 29662
373 30623

16 CFR

13 ..... 29458, 29928, 30337
460 29256
1031 29928
1032 29928
1212 29696

Proposed Rules:

Ch. II 29951, 30115, 31901
13 30646
453 31662

17 CFR

15 29931
16 29931
17 29931
18 29931
21 29931
230 31880

Proposed Rules:

Ch. I 29952

18 CFR

141 29459
271 ..... 29697, 29699, 30489–30491, 31253–31256
284 30491
375 29700
1301 31002
1309 30811

Proposed Rules:

Ch. I 31902
157 30505
271 30833
292 31663
375 30505

19 CFR

101 29462
134 30338

Proposed Rules:

Ch. I 29953
200 29729

20 CFR

Proposed Rules:

404 29953

21 CFR

5 31003
74 31004
101 31004
135 31004
166 31004
172 ..... 30080, 32015
173 ..... 30492, 30493
175 32015
178 31005–31007
193 ..... 30338, 30494, 31008
444 31009
314 32016
520 ..... 29464, 31010, 32017
561 ..... 30339, 31637
573 30081
558 ..... 32018, 32019
1308 32019

Proposed Rules:

161 30505
180 31020
182 31020
430 30115
436 30115
440 30115
444 30115
448 30115
452 30115
1308 29484

22 CFR

41 30082

Proposed Rules:

171 30649

24 CFR

235 ..... 29256, 31257
570 29908

25 CFR

52 31880

26 CFR

1 ..... 29465, 31409, 31881
7a 30495
11 29465
35 30495

Proposed Rules:

31 31278

27 CFR

4 29260
19 ..... 29261, 32224
70 29261
240 29261
245 29261
250 29261
270 29261
275 29261

Proposed Rules:

9 31020

28 CFR

0 ..... 29704, 29931
16 ..... 30495, 32021
301 31204

Proposed Rules:

31 29438
522 31210
527 31210
544 31210
545 31210

29 CFR

92 32214
1910 ..... 31010, 32021
1928 32021
1952 32022
2610 ..... 31257, 32022

Proposed Rules:

530 29485

30 CFR

250 29932
700 31258
716 31258
785 31258
931 31638

31 CFR

51 ..... 29261, 31409
535 ..... 30340, 31630

32 CFR

199 29704
294 29705
706 32023

Proposed Rules:

41 31663
298a 29486

33 CFR

25 29933
165 29933
204 29934

Proposed Rules:

100 29288
110 31278
117 ..... 30354, 30834
160 30835
162 29954
402 30838

34 CFR

324 31996
773 31866

36 CFR

13 31836

Proposed Rules:

1190 30839
272 31021

37 CFR

Proposed Rules:

201 30649
202 30651

38 CFR

3 31011
21 ..... 29474, 32023

Proposed Rules:

1 31903
3 32036
21 31022

39 CFR

601 30623

Proposed Rules:

10 30505

40 CFR

30 31259
35 31642
40 31259
52 ..... 29707, 30082, 30496, 31011, 31012, 31258–31261, 31881
60 29262
61 29262
62 30496
81 ..... 31013, 31886
86 ..... 30497, 31411
122 ..... 29708, 30624
123 29935
162 29708
180 ..... 30342, 30499, 30624, 31014, 31015, 31642
228 ..... 31412, 31413
260 29708
261 29708
264 ..... 29708, 30624
265 ..... 29708, 30624

V 46 JE 19 81 UMI

413.....30625

Proposed Rules:

52.....29289, 29488, 30116, 30355–30366, 30653–30655, 31023, 31024, 31446, 31675, 31903, 32036
60.....29955, 31904
62.....31026
81.....29281, 30368, 30655, 31027
86.....31677
123.....29292, 31028, 31279
180.....30506, 30662, 31279, 32038
408.....30663
430.....31028
431.....31028
773.....30300

41 CFR

Ch. 12.....30816
Ch. 101.....31890, 31891
7-1.....31566, 31886
7-3.....31886
7-6.....31886
7-7.....31886
7-10.....31886
7-15.....31886
7-30.....31886
8-14.....31262
8-74.....31262
15-1.....29709
15-3.....31643
51-4.....30084
51-5.....30084

Proposed Rules:

Ch. 1.....30369
1-4.....30369
101-11.....30369
101-37.....30369
104-4.....29955

43 CFR

5420.....29262

Public Land Orders:

1281 (Revoked by 5883).....29263
1933 (Revoked by 5956).....31892
5169 (Amended by PLO 5396 and 5951).....29937
5179 (Amended by PLO 5250 and 5951).....29937
5180 (Amended by PLO 5418 and 5951).....29937
5250 (Amended by PLO 5951).....29937
5396 (Amended by PLO 5951).....29937
5418 (Amended by PLO 5951).....29937
5865.....30500
5866.....30500
5883.....29263
5943.....29710
5944.....29710
5945.....29939
5946.....29939
5947.....29938
5948.....29938
5949.....29939
5950.....29939
5951.....29937
5952.....30086
5953.....30817
5954.....31892
5955.....31892
5956.....31892
5957.....31893
5958.....31893
5959.....31894
5960.....31894
5961.....31894
5962.....31895

Proposed Rules:

35.....29955

44 CFR

64.....29940, 29942, 30626, 31643
67.....30500, 30628, 31263, 31645, 31646

Proposed Rules:

55.....29292
61.....29292
67.....29729–29732, 29956, 30116, 30124, 30507, 30663, 30665, 31281–31285, 31680, 31686, 31692
300.....29264

45 CFR

3.....30343
46.....29883
74.....30500
235.....29264

Proposed Rules:

71.....29732
301.....30372
304.....29964
1300.....31029

46 CFR

Proposed Rules:

310.....30507
502.....30666
547.....30667

47 CFR

1.....30818
2.....31414, 31415
22.....31417
61.....29264, 30818
63.....31418
64.....29474, 32039
73.....30086–30091, 30343, 30344, 31264, 31265, 31421, 31422, 31895, 32039
74.....31265
81.....31015
83.....31015
90.....31422, 31647, 32039
95.....32039
97.....31415

Proposed Rules:

Ch. I.....30516, 30668, 31286
2.....30124, 31290, 31693
22.....31292
23.....30124
31.....30150, 30152
63.....31693
73.....29488, 30153, 30154, 30372, 30516–30518, 31029, 31290, 31695, 31909
94.....30124

49 CFR

Ch. X.....30092
1.....29269
172.....29392
387.....30974
531.....29944
575.....29269
1000.....30502
1003.....31016
1033.....29480, 30502, 30632
1039.....32025
1056.....29711, 29945
1100.....30832
1137.....30832

Proposed Rules:

171.....29967
172.....29968, 29973
173.....29967, 29968, 29973, 31294
175.....29968
178.....29973
571.....31294
1047.....30668
1048.....31450
1127.....30156
1201.....30839
1241.....30839
1248.....30839

50 CFR

17.....29481
36.....31818
91.....30633
219.....31648
301.....30345
651.....30348
661.....29733, 30633

Proposed Rules:

17.....29490
20.....31030
653.....30674
682.....30674

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

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DOT/FAA	USDA/FSQS		DOT/FAA	USDA/FSQS
DOT/FHWA	USDA/REA		DOT/FHWA	USDA/REA
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/NHTSA	LABOR		DOT/NHTSA	LABOR
DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
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Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
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List of Public Laws

This is a continuing list of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the Federal Register but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (telephone 202–275–3030).

Last Listing June 17, 1981

S. 1070 / Pub. L. 97–14 Youth Employment Demonstration Amendments of 1981 (June 16, 1981; 95 Stat. 98) Price: $1.50.

H.R 2156 / Pub. L. 97–15 To amend title 38, United States Code, to extend by twelve months the period during which funds appropriated for grants by the Veterans Administration for the establishment and support of new State medical schools may be expended (June 17, 1981; 95 Stat. 99) Price: $1.50.

V 46 J E 19 81 1 UMI

V
4
6

J
E

1
9

8
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V
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6-22-81
Vol. 46 | No. 119
Pages 32227-32424

federal register

Monday
June 22, 1981

Highlights

32413 **Flight Crewmembers** DOT/FAA withdraws proposed rule on flight and duty time limitations and rest requirements. (Part III of this issue)

32409 DOT/FAA terminates rulemaking on flammability standards for air carrier uniforms. (Part II of this issue)

32251 **Motor Vehicle Safety** DOT/NHTSA modifies theft protection requirements.

32254 DOT/NHTSA revokes standard on fields of direct view for passenger cars.

32287 **Natural Gas—Pipeline Safety** DOT/RSPA/MTB invites comments on installation and size of line markers at underwater pipeline crossings of navigable waters.

32372 **Mobile Home Loan Program** VA announces availability of program evaluation report.

32416 **Radio** FCC rewrites Radio Control (R/C) Radio Service Rules into plain language. (Part IV of this issue)

CONTINUED INSIDE

Highlights

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32374 **Sunshine Act Meetings**

Separate Parts of This Issue

32409 **Part II, DOT/FAA**
32413 **Part III, DOT/FAA**
32416 **Part IV, FCC**

V 4 6 J E 2 2 8 1 UMI

Con

32296

32227

32299

32299
32300
32300
32300
32300

32304

32374

32311

32307,
32308

32304

32305
32306
32309

Contents

Federal Register
Vol. 46, No. 119
Monday, June 22, 1981

Administrative Office of United States Courts
NOTICES
32296 Judicial Branch; pay rates for certain officers and employees

Agriculture Department
See also Foreign Agricultural Service.
RULES
Authority delegations by Secretary and General Officers:
32227 Forest Service, Chief; deletion of authority to approve use of pesticides and herbicides

Army Department
See Engineers Corps.

Civil Aeronautics Board
NOTICES
Hearings, etc.:
32299 Compagnie Nationale Air France

Civil Rights Commission
NOTICES
Meetings; State advisory committees:
32299 Connecticut
32300 Illinois
32300 Kentucky
32300 Minnesota
32300 Oklahoma

Commerce Department
See National Oceanic and Atmospheric Administration.

Defense Department
See also Engineers Corps.
NOTICES
Meetings:
32304 DIA Advisory Committee

Depository Institutions Deregulation Committee
NOTICES
32374 Meetings; Sunshine Act.

Economic Regulatory Administration
NOTICES
Consent orders:
32311 Truckstops Corporation of America; inquiry
Natural gas; fuel oil displacement certification applications:
32307, 32308 Public Service Electric & Gas Co. (2 documents)
Powerplant and industrial fuel use; prohibition orders, exemption requests, etc.:
32304 Air Products and Chemicals, Inc., extension of time
32305 General Motors Corp.
32306 Georgia Kraft Co.
32309 Transamerica Delaval, Inc.

Education Department
NOTICES
Meetings:
32304 Ethnic Heritage Studies National Advisory Council; cancelled

Energy Department
See also Economic Regulatory Administration; Federal Energy Regulatory Commission.
NOTICES
Meetings:
32312 National Petroleum Council

Engineers Corps
NOTICES
Environmental statements; availability, etc.:
32302 Deep Draft Port, Kodiak, Alaska
32303 Kaulana Bay, South Point, Hawaii; navigation improvement project
Meetings:
32302 Environmental Advisory Board
32303 National Hydropower Study
32303 Water resource development projects; recreation use fees

Environmental Protection Agency
RULES
Pesticides; tolerances in food:
32239 Glyphosate
PROPOSED RULES
Air quality implementation plans; approval and promulgation; various States, etc.:
32271 Virgin Islands
Air quality planning purposes; designation of areas:
32272 Virginia
32272 West Virginia
Pesticide chemicals in or on raw agricultural commodities; tolerances and exemptions, etc.:
32273 Dimethylformamide
Water pollution; effluent guidelines for point source categories:
32274 Iron and steel manufacturing; best practicable, available, or conventional technology; pretreatment and new source performance standards; meetings
NOTICES
Air programs; fuel and fuel additives:
32313 Atlantic Richfield Co.; waiver application
Pesticides; temporary tolerances:
32314 Glyphosate
Pesticides; tolerances in animal feeds and human food:
32313 Thompson-Hayward Chemical Co. et al.

Ethical Problems in Medicine and Biomedical and Behavioral Research, President's Commission for the Study of
NOTICES
32362 Meetings

Federal Aviation Administration
RULES
Airworthiness directives:
32228 Boeing
32230 Gates Learjet
32229 Government Aircraft Factories
32231, 32232 Control zones (2 documents)
32232, 32233 Transition areas (2 documents)
PROPOSED RULES
Air carriers certification and operations:
32413 Air taxi and commercial operators; flight crewmember flight and duty time limitations and rest requirements; withdrawn
32409 Crewmember clothing; flamability standards; advance notice; withdrawn
Airworthiness directives:
32265 Bell
32266 Boeing
32267 Terminal control areas
32269 Transition areas
NOTICES
Aircraft certification status, etc.:
32362 Beech Aircraft Corp.
Meetings:
32363 Aviation; human factors workshop (2 documents)

Federal Communications Commission
RULES
Radio services, special:
32416 Radio control (R/C) radio service rules; revision into plain language
PROPOSED RULES
Common carrier services:
32281 Federal-State Joint Board; jurisdictional separations; issues under consideration
Radio services, special:
32280 Aviation, domestic public radio and private land mobile radio services; frequency allocations and treaty matters; digital termination systems (DTS) petitions for reconsideration; extension of time for filing oppositions
NOTICES
32314 AM broadcast applications accepted for filing and notification of cut-off date

Federal Emergency Management Agency
RULES
Flood insurance; communities eligible for sale:
32241 Alabama et al.
32240 California et al.
Flood insurance; special hazard areas:
32247 Connecticut et al.
32243 Wisconsin et al.
PROPOSED RULES
Flood elevation determinations:
32275 California
32275 Florida et al.

Federal Energy Regulatory Commission
RULES
Natural Gas Policy Act of 1978:
32237 Ceiling prices; "new, onshore production well," definition clarification; correction
Natural Gas Policy Act of 1978; ceiling prices for high cost natural gas produced from tight formations; various States:
32235 Colorado; rehearing denied
32237, 32238 Louisiana (2 documents)
Public Utility Regulatory Policies Act of 1978:
32238 Geothermal small power production facilities; eligibility, rates, and exemptions; correction
PROPOSED RULES
Natural Gas Policy Act of 1978; ceiling prices for high cost natural gas produced from tight formations; various States:
32270 Wyoming
NOTICES
Hearings, etc.:
32312 Consolidated Edison Co.
32374 Meetings; Sunshine Act

Federal Maritime Commission
PROPOSED RULES
32279 Independent ocean freight forwarders, licensing; publication of applications in the Federal Register; elimination of requirement; withdrawn
NOTICES
32315 Agreements filed, etc.

Federal Railroad Administration
NOTICES
32364 Metal hooks used to open coupler knuckles; safety inquiry, termination

Federal Trade Commission
RULES
Prohibited trade practices:
32233 American Hospital Supply Corp.
32234 Shaklee Corp.

Foreign Agricultural Service
RULES
Export sales reporting requirements:
32227 Peanuts

Health and Human Services Department
See National Institutes of Health.

Interior Department
See Land Management Bureau; National Park Service.

Internal Revenue Service
RULES
Income tax:
32239 Class life asset depreciation range system (CLADR); application of conventions; correction

Interstate Commerce Commission
RULES
Intermodal transportation:
32257 Trailer on flatcar and container on flatcar service improvement
PROPOSED RULES
Accounts, uniform system:
32269 Railroad track structures, accounting; alternative methods
NOTICES
Motor carriers:
32319, 32320, 32322, 32338 Permanent authority applications (4 documents)

32320 Long and short haul applications for relief
32320 Permanent authority applications; operating rights authority; republication
32326 Permanent authority applications; restriction removals
32340 Temporary authority applications
Organization, functions, and authority delegations:
32352 Restriction Removal Employee Board, Special; reappointment of members
Railroad operation, acquisition, construction, etc.:
32350 Chelatchie Prairie Railroad, Inc.

Justice Department
NOTICES
Pollution control; consent judgments:
32352 National Steel Corp.

Land Management Bureau
RULES
Public land orders:
32240 Colorado; correction
NOTICES
Alaska native claims selections; applications, etc.:
32317 Unalakleet Native Corp.
Exchange of public lands for private land:
32319 Nevada; correction
Management framework plans, review and supplement, etc.:
32318 Wyoming

Management and Budget Office
NOTICES
32356 Agency forms under review

Metric Board
NOTICES
32375, 32376 Meetings; Sunshine Act (6 documents)

National Credit Union Administration
NOTICES
32376 Meetings; Sunshine Act

National Highway Traffic Safety Administration
RULES
Motor vehicle safety standards:
32251 Theft protection; light trucks and vans
32254 Windshields; fields of direct view in passenger cars

National Institutes of Health
NOTICES
Meetings:
32316 Cancer Institute, National; Clinical Trials Committee
32317 General Research Support Review Committee; change in date
32317 Microbiology and Infectious Diseases Advisory Committee; correction

National Oceanic and Atmospheric Administration
RULES
32233 Weather modification activities; records and reports
NOTICES
Coastal zone management programs:
32300 Alaska
Fishery conservation and management:
32301 Atlantic groundfish; receipt of rulemaking petition

National Park Service
NOTICES
Meetings:
32319 Chesapeake and Ohio Canal National Historical Park Commission

Nuclear Regulatory Commission
NOTICES
Applications, etc.:
32353 Duke Power Co.
32353 Pennsylvania Power & Light Co. et al.
32353, 32354 Tennessee Valley Authority (2 documents)
32354 Yankee Atomic Electric Co.
Meetings:
32354 Medical Uses of Isotopes Advisory Committee
32355 Reactor Safeguards Advisory Committee

Research and Special Programs Administration, Transportation Department
RULES
Hazardous materials:
32250 United Nations shipping descriptions, use; optional table; correction
PROPOSED RULES
Pipeline safety:
32287 Navigable waterways; line markers, advance notice
NOTICES
Hazardous materials:
32364, 32366 Applications; exemptions, renewals, etc. (2 documents)

Securities and Exchange Commission
NOTICES
Hearings, etc.:
32362 Southern Co.
32377 Meetings; Sunshine Act

Small Business Administration
PROPOSED RULES
32259 Conduct standards; employee ethics, position titles, etc.

Trade Representative, Office of United States
NOTICES
Import quotas:
32361 Multi-ply headboxes and papermaking machine forming sections for continuous production of paper and components

Transportation Department
See Federal Aviation Administration; Federal Railroad Administration; National Highway Traffic Safety Administration; Research and Special Programs Administration, Transportation Department.

Treasury Department
See also Internal Revenue Service.
NOTICES
Meetings:
32372 Debt Management Advisory Committees

Veterans Administration
NOTICES
Floodplain and wetlands protection; environmental review determinations; availability, etc.:
32372 New Orleans, La.; clinical, outpatient, and education space expansion to medical center; inquiry
32372 Mobile home loan program evaluation report; availability

MEETINGS ANNOUNCED IN THIS ISSUE

CIVIL RIGHTS COMMISSION
32299 Connecticut Advisory Committee, Cromwell, Conn. (open), 7–28–81
32300 Illinois Advisory Committee, Chicago, Ill. (open), 7–14–81
32300 Kentucky Advisory Committee, Louisville, Ky. (open), 7–14–81
32300 Minnesota Advisory Committee, Minneapolis, Minn. (open), 7–9–81
32300 Oklahoma Advisory Committee, Oklahoma City, Okla. (open), 7–10 and 7–11–81

DEFENSE DEPARTMENT
Corps of Engineers, Department of the Army—
32303 Kaulana Bay Navigation Improvement Project, Naalehu, Hawaii (open), 7–14–81
32302 Chief of Engineers Environmental Advisory Board, San Francisco, Calif. (open), 7–14 through 7–17–81
32303 National Hydropower Study, Fort Belvoir, Va. (open), 7–1 through 8–26–81
Office of the Secretary—
32304 Defense Intelligence Agency Advisory Committee, Rosslyn, Va. (closed), 8–4 and 8–5–81

ENERGY DEPARTMENT
32312 National Petroleum Council, Arctic Oil and Gas Resources Committee, Economic Task Group, Denver, Colo. (open), 6–30–81

HEALTH AND HUMAN SERVICES DEPARTMENT
National Institutes of Health—
32316 Clinical Trials Committee, National Cancer Institute, Bethesda, Md. (partially open), 7–9–81

INTERIOR DEPARTMENT
National Park Service—
32319 Chesapeake and Ohio Canal National Historical Park Commission, Harpers Ferry, W. Va. (open), 7–15–81

NUCLEAR REGULATORY COMMISSION
32354 Medical Uses of Isotopes Advisory Committee, Chicago, Ill. (open), 8–31–81

TRANSPORTATION DEPARTMENT
Federal Aviation Administration—
32363 Fifth Human Factors Workshop on Aviation: Biomedical and Behavioral Factors, Oklahoma, Okla. (open), 7–7 through 7–9–81
32363 Sixth Human Factors Workshop on Aviation: Maintenance and the Interrelationships in Design, Operations, and Training, Oklahoma, Okla. (open), 7–7 through 7–9–81

CANCELLED MEETING

EDUCATION DEPARTMENT
32304 Ethnic Heritage Studies National Advisory Council, Washington, D.C. (open), 6–24 through 6–26–81

CHANGED MEETINGS

HEALTH AND HUMAN SERVICES DEPARTMENT
National Institutes of Health—
32317 Microbiology and Infectious Diseases Advisory Committee, Bethesda, Md. (partially open), 7–9 and 7–10–81 (open and closed times are changed)

RESCHEDULED MEETINGS

HEALTH AND HUMAN SERVICES DEPARTMENT
National Institutes of Health—
32317 General Research Support Review Committee, Bethesda, Md. (partially open), 6–25 and 6–26–81 rescheduled to 7–30 and 7–31–81
NUCLEAR REGULATORY COMMISSION
32355 Reactor Safeguards Advisory Committee, Emergency Core Cooling Systems Subcommittee, Idaho Falls, Idaho (open), rescheduled from 6–23 and 6–24–81 to 7–7–81

CFR PA
A cumulat
the Reade
7 CFR
2
20
13 CFR
Proposed
105
14 CFR
39 (3 docu
71 (4 docu
Proposed
39 (2 docu
71 (2 docu
121 (2 doc
123
127
135 (2 doc
15 CFR
908
16 CFR
13 (2 docu
18 CFR
271 (4 doc
292
Proposed
271
21 CFR
193
26 CFR
1
40 CFR
Proposed
52
81 (2 docu
180
420
43 CFR
Public Land
5867
44 CFR
64 (2 docu
65 (2 docu
Proposed
67 (2 docu
46 CFR
Proposed
510
47 CFR
95
Proposed
2
21
67
87
90

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

7 CFR
2 32227
20 32227

13 CFR
Proposed Rules:
105 32259

14 CFR
39 (3 documents) 32228–32230
71 (4 documents) 32231–32233

Proposed Rules:
39 (2 documents) 32265, 32266
71 (2 documents) 32267, 32269
121 (2 documents) 32409, 32413
123 32409
127 32409
135 (2 documents) 32409, 32413

15 CFR
908 32233

16 CFR
13 (2 documents) 32233, 32234

18 CFR
271 (4 documents) 32235–32238
292 32238

Proposed Rules:
271 32270

21 CFR
193 32239

26 CFR
1 32239

40 CFR
Proposed Rules:
52 32271
81 (2 documents) 32272
180 32273
420 32274

43 CFR
Public Land Orders:
5867 32240

44 CFR
64 (2 documents) 32240, 32241
65 (2 documents) 32243, 32247

Proposed Rules:
67 (2 documents) 32275

46 CFR
Proposed Rules:
510 32279

47 CFR
95 32416

Proposed Rules:
2 32280
21 32280
67 32281
87 32280
90 32280

49 CFR
172 32250
571 (2 documents) 32251, 32254
1039 32257
1090 32257
1300 32257

Proposed Rules:
192 32287
195 32287
1201 32289

V
4
6
J
E
2
2
8
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Rule

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Rules and Regulations

Federal Register
Vol. 46, No. 119
Monday, June 22, 1981

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Part 2

Delegation of Authority; Revisions

AGENCY: Department of Agriculture.

ACTION: Final rule.

SUMMARY: This document revises the delegations of authority to the Chief, Forest Service, by rescinding the reservation to the Assistant Secretary for Natural Resources and Environment to approve the use of pesticides for insect and disease control in designated Wilderness Areas and the use of 2,4,5-T and other TCDD-containing herbicides on National Forests.

EFFECTIVE DATE: June 22, 1981.

FOR FURTHER INFORMATION CONTACT:
Mr. James L. Stewart, Director, Forest Pest Management Staff, Forest Service, USDA, P.O. Box 2417, Washington, DC 20013, (703) 235–1560.

SUPPLEMENTARY INFORMATION: This rule relates to internal agency management. Therefore, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and other public procedures with respect thereto are impractical and contrary to the public interest, and good cause is found for making this rule effective less than 30 days after publication in the **Federal Register**. Further, since this rule relates to internal agency management, it is exempt from the provisions of Executive Order 12291. Further, this action is not a rule as defined by Pub. L. 96–354, the Regulatory Flexibility Act, and thus is exempt from the provisions of that Act.

Accordingly, Part 2, Subtitle A, Title 7, Code of Federal Regulations is amended as follows:

Section 2.60 is amended by removing paragraph (b)(9) and by revising paragraph (a)(5) to read as follows:

§ 2.60 Chief, Forest Service.

(a) *Delegations.* * * *

(5) Administer forest insect, disease, and other pest control and eradication programs (16 U.S.C. 2104).

* * * * *

(b) Reservations. * * *

(9) [Removed]

(5 U.S.C. 301 and Reorganization Plan No. 2 of 1953)

Dated: June 13, 1981.

John B. Crowell, Jr.,
Assistant Secretary for Natural Resources and Environment.

[FR Doc. 81-18337 Filed 6-19-81; 8:45 am]
BILLING CODE 3410-11-M

Foreign Agricultural Service

7 CFR Part 20

Deletion of Requirement for Export Sales Reporting of Peanuts

AGENCY: Foreign Agricultural Service, USDA.

ACTION: Final rule.

SUMMARY: On December 18, 1980, an interim rule adding certain peanuts to the list of commodities subject to reporting under the Export Sales Reporting regulations (7 CFR Part 20) was published in the **Federal Register** at 45 FR 83191. Because of the emergency situation resulting from the 1980 peanut crop shortfall, the reporting requirement was made effective on January 9, 1981 with sixty days provided to receive public comment. Based on careful consideration of the public comments and review of the current peanut situation, it has been determined that the interim rule adding certain peanuts to the list of commodities subject to the reporting requirements of 7 CFR Part 20 should be terminated.

EFFECTIVE DATE: June 26, 1981.

FOR FURTHER INFORMATION CONTACT:
Richard J. Finkbeiner, Director, Export Sales Reporting Division, FAS, Room 4919–South Agriculture Building, Washington, D.C. 20250, telephone (202) 447–5651.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under USDA procedures required by Executive Order 12291 and has been classified "not major". It has been determined that these program provisions will not result in (1) an annual effect on the economy of $100 million or more; (2) major increases in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity innovation, or on the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Public comments were received from four organizations and one individual firm. There was strong opposition to the required weekly publication of export sales information on peanuts on the ground that public availability of such export contracting data under the present market structure tends to put U.S. sellers at a competitive disadvantage.

The Department recognizes that peanuts are unique from other reportable commodities since the Department's peanut price support program, in effect, requires mandatory exportation of a certain percentage of each crop. Although this percentage figure is not published, it may be easily derived from knowledge of crop production and domestic utilization figures. Therefore, towards the end of the marketing year (July 30), information concerning the volume of export sales could enable foreign buyers to exert a downward pressure on export prices.

A primary reason for implementing the reporting requirement was the severe 1980 peanut crop shortfall. The peanut supply situation has improved because of the relaxation of import limitations and, since a new marketing year for peanuts begins August 1, it is believed that a continuation of the reporting requirement is no longer required.

An adequate opportunity for public comment was provided following publication of the interim rule. Therefore, it is determined that compliance with the public rulemaking requirements of Secretary's Memorandum 1955 and 5 U.S.C. 553 in unnecessary and contrary to the public interest.

Final Rule

Accordingly, Part 20 of Subtitle A of Title 7 of the Code of Federal Regulations is amended by removing in Appendix 1, under the indicated column headings, the following:

Appendix 1.—*Commodities Subject to Reports, Units To Be Used in Reporting and Beginning and Ending Dates of Marketing Years*

Commodity to be reported	Unit of measure to be used in reporting	Beginning of marketing year	End of marketing year
. . .	. . .	. . .	. . .
Peanuts, Shelled (not blanched, roasted, or otherwise prepared or preserved)			
For use as oil stock	Metric tons	Aug. 1	July 31
Other	do	do	do

(Sec. 812, Pub. L. 91-524, as added by Pub. L. 93-86 (§ 1(27)(B), 87 Stat. 238 (7 U.S.C. 612c-3))

Issued at Washington, D.C. this 5th day of June 1981

D. J. Novotny,

Acting Administrator.

[FR Doc. 81-18394 Filed 6-19-81; 8:45 am]

BILLING CODE 3410-10-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 81-NW-25-AD; Amdt. No. 39-4141]

Airworthiness Directives; Boeing Model 737 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adds a new Airworthiness Directive (AD) which requires an inspection for cracks in the forward cargo compartment sidewall frames and skins on Boeing Model 737 series airplanes with 29,000 or more landings. Repair and rework procedures are specified along with continued inspection requirements which are required until the specified rework can be accomplished. This action is necessary because severe damage to several body frames was discovered during replacement of damaged lining panels in the lower forward cargo compartment. Integrity of the frames is necessary for maintaining the body pressurization in case of skin damage. Continued operation with a severed frame may lead to skin damage and subsequent loss of body pressurization.

DATES: Effective date July 1, 1981.

ADDRESSES: The service bulletins and documents specified in this Airworthiness Directive may be obtained upon request to Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124, or may be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108.

FOR FURTHER INFORMATION CONTACT: Mr. Rodger Anderson, Airframe Branch, ANW-120S, Seattle Area Aircraft Certification Office, FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108, telephone (206) 767-2516.

SUPPLEMENTARY INFORMATION: In May 1981, during a scheduled maintenance check of a 737-200 airplane, an operator discovered severe damage to several body frames while replacing damaged lining panels in the lower forward cargo compartment. Three adjacent frames on the left side, at body stations 460, 480, and 500 were completely cracked through just above or below stringer S-22, including total fracture of the fail safe chord on two of these frames. In addition, the inboard flanges of the body station 420 frame, just above stringer S-25, and the body station 440 frame between stringers S-21 and S-23 on the left side were also cracked. On the right side, the inboard flange of the body station 500 frame was cracked above stringer S-26 and the frame at body station 500A had completely separated between stringers S-23 and S-24. All of these cracks progressed through sidewall lining panel attachment screw holes in the frame inboard flanges. The operator conducted a fleet check and found cracked frames in the same areas on six additional 737 airplanes with 21,552 to 32,639 flight hours and 34,081 to 50,345 landings. Three additional operators have reported similar frame cracking on three airplanes with 21,757 to 29,542 flight hours and 29,335 to 47,314 landings. Mandatory inspection and repair/rework is now required, since continued operation of an airplane with undetected cracked frames will result in cracked skins and potential loss of body pressurization.

Since this condition is likely to exist or develop on other airplanes of the same type design, an airworthiness directive is being issued which requires inspection and replacement or repair, as necessary, of lower forward cargo compartment sidewall frames and skins on certain Boeing Model 737 Series airplanes prior to production line number 232. A design change equivalent to Boeing Service Bulletin 737-53-1027 is incorporated in production on applicable airplanes beyond production line number 232.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new Airworthiness Directive:

Boeing: Applies to Boeing Model 737 series airplanes, certificated in all categories, prior to production line number 232 except production line numbers 72, 84, 102, 139, 157, 173, 199, 208, 215, 223, and 230.

Upon accumulation of 29,000 landings or within the next 100 landings after the effective date of this AD, whichever is later, accomplish the inspections of either paragraph A, or B, or C:

A. (1) Conduct a close external visual inspection of the fuselage skins for cracks in the region of the frames specified by Figure 1 of Boeing Service Bulletin 737-53-1027, or later FAA approved revisions unless accomplished within the last 200 landings. If no cracks are found, reinspect at intervals not to exceed 300 landings until inspected in accordance with paragraph A.(2). If cracks are found, repair fuselage skin prior to further flight in accordance with an FAA approved method and visually inspect the fuselage frames specified by Figure 1 of Boeing Service Bulletin 737-53-1027 or later FAA approved revisions for cracks. Frames found cracked are to be replaced or repaired in accordance with paragraph D or modified in accordance with paragraph E; and

(2) Within 2,400 landings visually inspect the fuselage frames specified in A.(1) for cracks. If no cracks are found, reinspect at intervals not to exceed 9,000 landings. If cracks are found, replace or repair prior to further flight per paragraph D or modify per paragraph E.

B. X-ray inspect for cracks in accordance with procedures described in the 737 Nondestructive Test Manual D6–7170, subject 53–10–37, figure 12, the fuselage frames specified in paragraph A.(1), unless accomplished within the last 900 landings. If no cracks are found, reinspect at intervals not to exceed 2,000 landings. If cracks are found, replace or repair fuselage frames prior to further flight in accordance with paragraph D or modify per paragraph E.

C. Visually inspect the fuselage frames specified in paragraph A.(1) for cracks, unless accomplished within the last 4,900 landings. If no cracks are found reinspect at intervals not to exceed 9,000 landings. If cracks are found, replace or repair fuselage frames prior to further flight in accordance with paragraph D or modify per paragraph E.

D. Cracked fuselage frames are to be reworked in accordance with the 737 Structural Repair Manual or in a manner approved by the Chief, Seattle Area Aircraft Certification Office, FAA Northwest Region. These repairs do not constitute terminating action and are subject to repeat inspections of this AD until modification per paragraph E is accomplished.

E. The inspections of this AD may be terminated upon completion of the modification of frames in the forward cargo compartment area in accordance with paragraph III of Boeing S/B 737–53–1027, or later FAA approved revision, or in a manner approved by the Chief, Seattle Area Aircraft Certification Office, FAA Northwest Region.

F. For purposes of complying with this AD, subject to acceptance by the assigned FAA Maintenance Inspector, the number of landings may be determined by dividing each airplane's hours time-in-service by the operator's fleet average from takeoff to landing for the airplane type. Only pressurized flights need be considered when establishing number of landings on the airplane.

G. Upon request of the operator, an FAA Maintenance Inspector, subject to prior approval by the Chief, Seattle Area Aircraft Certification Office, FAA Northwest Region, may adjust the inspection interval if the request contains substantiating data to justify the increase for that operator.

H. Aircraft may be ferried to a base for maintenance in accordance with Sections 21.197 and 21.199 of the Federal Aviation Regulations.

I. Alternate means of compliance or other actions which provide an equivalent level of safety may be used when approved by the Chief, Seattle Area Aircraft Certification Office, FAA Northwest Region.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

All persons affected by this directive who have not already received the above specified alert service bulletin from the manufacturer may obtain copies upon request to Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124, or it may also be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108.

This amendment becomes effective July 1, 1981.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89)

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Executive Order 12291. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified above under the caption "FOR FURTHER INFORMATION, CONTACT."

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the courts of appeals of the United States or the United States Court of Appeals for the District of Columbia.

Issued in Seattle, Washington, on June 11, 1981.

Charles R. Foster,

Director, Northwest Region.

[FR Doc. 81–18180 Filed 6–19–81; 8:45 am]

BILLING CODE 6310–13–M

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14 CFR Part 39

[Docket No. 21830; Amdt. 39–4147]

Airworthiness Directives; Government Aircraft Factories Nomad Model N22B and N24A Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action publishes in the **Federal Register** and makes effective as to all persons an amendment to an existing airworthiness directive (AD) that was previously made effective as to all known U.S. owners and operators of Government Aircraft Factories Nomad Model N22B and N24A series airplanes by individual telegrams. The AD adjusts the compliance time for replacement of repaired cable sleeves on the fuel tank selector valve due to unavailability of the replacement cables in the U.S.A.

DATES: Effective June 22, 1981, as to all persons except those persons to whom it was made immediately effective by telegraphic AD T81–01–02 R1, issued January 16, 1981, which contained this amendment. Compliance schedule—as prescribed in body of AD.

ADDRESSES: The manufacturer's applicable service bulletins may be obtained from Government Aircraft Factories, 226 Lorimer Street, Port Melbourne 3207 Vic., Australia. The document may also be examined at the FAA, Pacific-Asia Region, Airworthiness District Office, 300 Ala Moana Blvd., Room 7321, Honolulu, Hawaii 96850, and Rules Docket, Room 916, FAA, 800 Independence Avenue, SW., Washington, DC 20591.

FOR FURTHER INFORMATION CONTACT:

Gary K. Nakagawa, Chief, Airworthiness District Office, APC–210, FAA, Pacific-Asia Region, P.O. Box 50109, Honolulu, Hawaii 96850, telephone: (808) 546–8650/8658, or C. Chapman, Chief, Technical Standards Branch, AWS–110, FAA, 800 Independence Avenue, SW., Washington, DC 20591, telephone (202) 426–8374.

SUPPLEMENTARY INFORMATION: This amendment amends Amendment 39–3999 (45 FR 84017), AD 81–01–02, which currently requires a one-time inspection for, and repair or replacement of, incorrectly crimped sleeves on push-pull cables of the fuel tank selector and fuel shut-off valves on Government Aircraft Factories Nomad Model N22B and N24A series airplanes. After issuing Amendment 39–3999, the FAA determined that some relief should be provided from the 50 hour compliance time due to the unavailability of the replacement cables in the U.S.A. resulting from shipment delays to these domestic sources. Based on service experience, and by requiring an additional visual inspection prior to the first flight of each day, it was determined that an extended compliance period would not have an adverse effect on safety, and AD 81–01–02 was amended by telegraphic AD T81–01–02 R1, issued January 16, 1981, to extend the compliance time period to 200 hours.

Since the action relieved a restriction and imposed no additional burden on any person, notice and public procedure

thereon was considered unnecessary and good cause existed for making the AD effective immediately as to all known U.S. owners and operators of Government Aircraft Factories Nomad Model N22B and N24A series airplanes by individual telegrams. These conditions still exist and the AD is hereby published in the **Federal Register** as an amendment to § 39.13 of Part 39 of the Federal Aviations Regulations to make it effective as to all persons.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations is amended by amending Amendent 39-3999 (45 FR 84017), AD 81-01-02, as follows:

(1) By revising paragraph (b) to read: "Cable sleeves on the fuel tank selector cable which have been repaired in accordance with GAF Nomad Alert Service Bulletin No. ANMD-28-11,[1] dated August 21, 1980, or an FAA-approved equivalent, must be visually inspected prior to the first flight of each day in accordance with paragraph 4 of the service bulletin, and replaced prior to the accumulation of 200 hours time in service from the time of repair.

This amendment becomes effective June 22, 1981, as to all persons except those persons to whom it was made immediately effective by telegraphic AD T81-01-02 R1, issued January 16, 1981, which contained this amendment.

This amendment amends Amendment 39-3999 (45 FR 84017), AD 81-01-02.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Government Aircraft Factories, 226 Lorimer Street, Port Melbourne 3207 Vic., Australia. These documents may be examined at the FAA, Pacific-Asia Region, Airworthiness District Office, 300 Ala Moana Blvd., Room 7321, Honolulu, Hawaii 96850, and at FAA Headquarters, Room 916, 800 Independence Avenue, SW., Washington, DC 20591.

(Secs. 313(a), 601 and 603, Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89)

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule was previously issued in telegraphic form to known owners and operators to correct an unsafe condition in aircraft. The present action codifies the rule and makes it effective as to all persons. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified above under the caption "For Further Information Contact."

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the courts of appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Washington, D.C., on June 15, 1981.

Jerold M. Chavkin,

Acting Director of Airworthiness.

[FR Doc. 81-18346 Filed 6-19-81; 8:45 am]

BILLING CODE 4910-13-M

[1] Filed as part of the original document.

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14 CFR Part 39

[Docket No. 81-CE-10-AD; Amdt. 39-4139]

Airworthiness Directives; Gates Learjet Models 23, 24, 25, 28, 29, 35 and 36 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adds a new Airworthiness Directive (AD) applicable to certain Gates Learjet Models 23, 24, 25, 28, 29, 35 and 36 series airplanes. It requires changes to the Airplane Flight Manual by the incorporation of fuel quantity limitations and revised warnings. This action is necessary to provide minimum fuel quantity information for takeoff, climb, and go-around/balked landing. Operation of the airplane with prolonged nose up attitude of 10 degrees or more with fuel quantities lower than those specified by these limitations and warnings may result in fuel starvation.

EFFECTIVE DATE: June 25, 1981.

Compliance: Within the next 50 hours time-in-service after the effective date of this AD.

FOR FURTHER INFORMATION CONTACT:

Jack Pearson, Aerospace Engineer, Aircraft Certification Program, Room 238, Terminal Building 2299, Mid-Continent Airport, Wichita, Kansas 67209; Telephone (316) 942-7927.

SUPPLEMENTARY INFORMATION: A flight test conducted during a Supplemental Type Certificate evaluation of a Learjet Model 24 airplane evidenced that engine fuel starvation could occur with as much as 500-600 pounds indicated fuel quantity in each wing tank during a prolonged climb. Subsequent flight testing demonstrated that with 600 pounds of fuel in the wing tank, the airplane can climb to 17,500 feet and accelerate without evidence of fuel starvation.

As a result of these tests, Gates Learjet issued temporary flight manual changes for all 20 and 30 series models which advised the pilot of the hazards of a prolonged climb in a nose high attitude with fuel quantities of 600 pounds or less. These changes include after takeoff and go-around/balked landing warnings in the Normal Procedures Section of the Airplane Flight Manual that advise the pilot that engine flameout may occur during prolonged nose up attitudes of 10 degrees or more with 600 pounds or less fuel remaining in either wing tank. Incorporation of takeoff and go-around limitations and the revised warnings in all Learjet Models 23, 24, 25, 28, 29, 35 and 36 series Airplane Flight Manuals is necessary to assure that compliance can be achieved.

Since the conditions described herein are likely to exist in other airplanes of the same type design, the FAA is issuing a new AD which is applicable to certain Gates Learjet Models 23, 24, 25, 28, 29, 35 and 36 series airplanes. The new AD requires installation of the aforementioned Flight Manual limitations and revised warnings within the next 50 hours time-in-service after the effective date of the AD.

The FAA has determined that there is an immediate need for this regulation to assure safe operation of the affected airplanes. Therefore, notice and public procedure under 5 U.S.C. 553(b) is impracticable and contrary to the public interest, and good cause exists for making this amendment effective in less than thirty (30) days after the date of publication in the **Federal Register.**

Adoption of the Amendment

Accordingly, and pursuant to the authority delegated to me by the Administrator, Sec. 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new Airworthiness Directive:

Gates Learjet: Applies to Model 23 (Serial

Numbers 003 through 099), Model 24 Series (Serial Numbers 003 through 357), Model 25 Series (Serial Numbers 003 through 341 except 337), Model 28 (Serial Numbers 001 through 005), Model 29 (Serial Numbers 001 through 003), Model 35 Series (Serial Numbers 001 through 415) and Model 36 Series (Serial Numbers 001 through 047) airplanes.

Compliance: Required as indicated unless already accomplished.

To ensure operation without fuel starvation, within the next 50 hours time-in-service after the effective date of this AD, accomplish the following:

(A) Insert in the Airplane Flight Manual the FAA Approved temporary changes shown hereinafter as Figures I, II, and III or the FAA Approved Flight Manual changes (temporary or permanent) supplied by the manufacturer and containing the same information as the above figures.

(B) Operate the airplane in accordance with instructions in the Airplane Flight Manual changes specified in Paragraph A of this AD.

(C) Any equivalent method of compliance with this AD must be approved by the Chief, Aircraft Certification Program office, Room 238, Terminal Building 2299, Mid-Continent Airport, Wichita, Kansas 67209; Telephone (316) 942-4285.

This Amendment becomes effective on June 25, 1981.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421 and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.89 of the Federal Aviation Regulations (14 CFR Sec. 11.89))

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in the aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified under the caption "For Further Information Contact."

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the courts of appeals of the United States, or the United States Court of Appeals of the District of Columbia.

Issued in Kansas City, Missouri, on June 9, 1981.

John E. Shaw,

Acting Director, Central Region.

Figure I—Temporary Flight Manual Change

Description of Change: Add Limitation to Section I of the Airplane Flight Manual.

Filing Instructions: Insert this page adjacent to the "Takeoff and Landing Operational Limits" in Section I—Limitations in your Airplane Flight Manual:

Amend Section I—*Takeoff and Landing Operational Limits* by adding the following Limitation:

Fuel Load—Minimum 600 Pounds in Each Wing Required for Takeoff and International Go-Around.

Figure II—Temporary Flight Manual Change

Description of Change: Add Minimum Fuel Quantity Warning to Section II of the Airplane Flight Manual.

Filing Instructions: Insert this page adjacent to the "After Takeoff" checklist of Section II—Normal Procedures in your Airplane Flight Manual. Add the following warning:

After Takeoff: *Warning:* When the fuel quantity gage indicates 600 pounds or less remaining in either wing tank, prolonged nose up attitude of 10° or more may cause fuel to be trapped in the aft area of the wing tank outboard of the wheel well. Fuel starvation and engine flameout may occur. Reducing pitch attitude and thrust to minimum required will prevent this situation.

Figure III—Temporary Flight Manual Change

Description of Change: Add Minimum Fuel Quantity Warning to Section II of the Airplane Flight Manual.

Filing Instructions: Insert this page adjacent to the "Go-Around/Balked Landing" checklist of Section II—Normal Procedures in your Airplane Flight Manual. Add the following warning:

Go-Around/Balked Landing (One or Two Engine):

Warning: When the fuel quantity gage indicates 600 pounds or less remaining in either wing tank, prolonged nose up attitude of 10° or more may cause fuel to be trapped in the aft area of the wing tank outboard of the wheel well. Fuel starvation and engine flameout may occur.

For go-around conditions with low fuel, on first steady indication by the Low Fuel warning light, reduce climb attitude and thrust to minimum required.

[FR Doc. 81-18345 Filed 6-19-81; 8:45 am]
BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-EA-16]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Alteration of Control Zone, Roanoke, Va.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule alters the description of the Roanoke, Va., Control Zone by authorizing the changing of the effective times of the zone by publication in the Notices to Airmen. This results from present and anticipated staffing shortages at the National Weather Service Office in Roanoke which will curtail the daily observational reports required for the zone. Such curtailment will vary at times and, therefore, requires a flexible method of publication of the changing of effective times.

EFFECTIVE DATE: June 22, 1981.

FOR FURTHER INFORMATION CONTACT:
Al Reale, Airspace and Procedures Branch, AEA-530, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430, Telephone (212) 995-3391.

SUPPLEMENTARY INFORMATION: The rule is editorial which permits reduction of controlled airspace and does not impose any additional burden on any person. In view of the foregoing, notice and public procedure hereon are unnecessary, and the rule may be made effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart F of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective upon publication of the **Federal Register** as follows:

1. Amend Section 71.171 of Part 71 of the Federal Aviation Regulations by adding the following sentence:

§ 71.1 [Amended]

This control zone is effective during specific times established in advance by Notices to Airmen. The effective times will thereafter be published continuously in the Airport/Facility Directory.

(Sections 307(a) and 313(a), Federal Aviation Act of 1958 [49 U.S.C. 1348(a) and 1354(c)]; Sec. 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)]; and 14 CFR 11.69)

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Jamaica, New York on June 2, 1981.

Murray E. Smith,

Director, Eastern Region.

[FR Doc. 81-18165 Filed 6-19-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-EA-9]

Designation of Federal Airways; Area Low Routes, Controlled Airspace, and Reporting Points; Alteration of Control Zone; Oceana, Va.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule alters the Oceana, Va., Control Zone by changing the geographical coordinates of the Naval Air Station (NAS). This results from a recomputation of the air station's geographical reference point.

EFFECTIVE DATE: June 22, 1981.

FOR FURTHER INFORMATION CONTACT: Al Reale, Airspace and Procedures Branch, AEA-530, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430, Telephone (212) 995-3391.

SUPPLEMENTARY INFORMATION: The rule is minor in nature and does not impose any additional burden on any person. In view of the foregoing, notice and public procedure hereon are unnecessary, and the rule may be made effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective June 22, 1981 as follows:

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to alter the Oceana, Virginia Naval Air Station (NAS) Control Zone as follows:

Oceana, Va.

Within a 5-mile radius of the center, 36°49'14" N., 76°02'02" W., of NAS Oceana (SOUCEK FIELD), within 2 miles each side of the Navy Oceana TACAN 219° radial, extending from the 5-mile radius zone of 9.2 miles southwest of the TACAN, within a 3-mile radius of the center, 36°41'31" N., 76°08'06" W., of ALF Fentress.

(Sec. 307(a), and 313(a), Federal Aviation Act of 1958 [49 U.S.C. 1348(a) and 1354(c)]; Sec. 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)]; and 14 CFR 11.69)

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Jamaica, New York on June 2, 1981.

Murray E. Smith,

Director, Eastern Region.

[FR Doc. 81-18167 Filed 6-19-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 80-EA-39]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Alteration of Transition Area; Skaneateles, N.Y.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule designates a Skaneateles, N.Y., Transition Area over Lake Pines Aviation Airport, Skaneateles, N.Y. This alteration will provide protection to aircraft executing a new VOR-A instrument approach which has been developed for the airport. An instrument approach procedure requires the designation of controlled airspace to protect instrument aircraft utilizing the instrument approach.

EFFECTIVE DATE: 0901 GMT, August 6, 1981.

FOR FURTHER INFORMATION CONTACT: Al Reale, Airspace and Procedures Branch, AEA-530, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430, Telephone (212) 995-3391.

SUPPLEMENTARY INFORMATION: On page 54076 of the **Federal Register** for August 14, 1980, the FAA published an NPRM proposing the subject rule. Interested parties were given 60 days in which to submit comments. No objections were received. The airport will be overlaid by a 700-foot area with a radius of 5 miles around the airport and an extension to the northeast approximately 5 miles wide and 2 miles in length.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective 0901 GMT August 6, 1981, as proposed.

Skaneateles, N.Y.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center 42°54'50"N., 76°26'20"W., of Lake Pines Aviation Airport, Skaneateles, New York within 2.5 miles each side of the Syracuse VORTAC 215° radial extending from the 5-mile radius area to 14.5 miles southwest of the Syracuse VORTAC.

(Sec. 307(a), and 313(a), Federal Aviation Act of 1958 [49 U.S.C. 1348(a) and 1354(c)]; Sec. 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)]; and 14 CFR 11.69)

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Jamaica, New York on June 3, 1981.

Murray F. Smith,

Director, Eastern Region.

[FR Doc. 81-18169 Filed 6-19-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 80-EA-71]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Alteration of Transition Area; Winchester, Va.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule alters the Winchester, Va., Transition Area over Winchester Municipal Airport, Winchester, Va. The Front Royal, Virginia VORTAC has been relocated and requires revising instrument approach procedures to Winchester Municipal Airport. This alteration will provide protection to aircraft executing the revised approaches which have been developed for the airport. An instrument approach procedure requires the designation of controlled airspace to protect instrument aircraft utilizing the instrument approach.

EFFECTIVE DATE: 0901 GMT, August 6, 1981.

FOR FURTHER INFORMATION CONTACT: Al Reale, Airspace and Procedures Branch, AEA-530, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430, Telephone (212) 995-3391.

SUPPLEMENTARY INFORMATION: On page 16902 of the Federal Register for March 16, 1981, the FAA published an NPRM proposing the subject rule. Interested parties were given 60 days in which to submit comments. No objections were received. The airport is at present overlaid by a 700-foot area which is altered by deleting the present southwest extension and adding an area of approximately 14 miles wide and 18 miles long to the northeast of the airport.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective 0901 GMT August 6, 1981, as published.

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by altering the Winchester, Virginia, 700-Foot Floor Transition Area as follows:

Delete "within 3.5 miles each side of the Front Royal, Virginia, VORTAC 223° radial extending from the VORTAC to 11.5 miles southwest of the VORTAC" and substitute the following: "Within 9.5 miles southeast and 4.5 miles northwest of the Shawnee VORTAC 042 radial extending from the VORTAC to a point 18.5 miles northeast."

(Sec. 307(a), and 313(a), Federal Aviation Act of 1958 [49 U.S.C. 1348(a) and 1354(c)]; Sec. 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)]; and 14 CFR 11.69)

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Jamaica, New York on June 2, 1981.

Murray E. Smith,

Director, Eastern Region.

[FR Doc. 81-18188 Filed 6-19-81; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

15 CFR Part 908

Maintaining Records and Submitting Reports on Weather Modification Activities

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Department of Commerce.

ACTION: Revision to final rule.

SUMMARY: NOAA revises the regulation regarding maintaining records and submitting reports on weather modification activities to eliminate the requirement for considering each day's activities as a separate modification mission. Experience has demonstrated that adequate records and reports need not include this specific item which has been misinterpreted by many users. The revision will simplify maintenance of records and reporting and not affect the quality of the data.

DATE: NOAA has determined that this is not a major change in the regulation and that it will not require public comment. The change is effective on June 22, 1981.

FOR FURTHER INFORMATION CONTACT: Mason T. Charak, Atmospheric Programs Office, NOAA, Rockville, MD 20852, telephone 301-443-8108.

SUPPLEMENTARY INFORMATION: NOAA revises 15 CFR, Pt. 908 "Maintaining Records and Submitting Reports on Weather Modification Activities." Specifically, NOAA removes from the regulation the definition of "Modification Mission," § 908.1(g) and the requirements for inclusion of each separate modification mission in interim reports, § 908.5(b)(3) and in final reports, § 908.6(d). Sections 908.1(g), 908.5(b)(3) and 908.6(d) are removed from the regulation and subsequent paragraphs of each subpart are appropriately renumbered.

Dated: June 11, 1981.

Francis J. Balint,

Acting Director, Office of Information and Management Services.

Part 908 of Title 15 of the Code of Federal Regulations is amended as follows:

1. The authority citation for Part 908 reads as follows:

Authority: Pub. L. 92-305, 85 Stat. 735, December 18, 1971.

§ 908.1 [Amended]

2. Section 908.1 is amended by removing paragraph (g) and by redesignating paragraphs (h) through (l) as paragraphs (g) through (k) respectively.

§ 908.5 [Amended]

3. Section 908.5 is amended by removing paragraph (b)(3) and by redesignating paragraphs (b) (4) and (5) as paragraphs (b) (3) and (4), respectively.

§ 908.6 [Amended]

4. Section 908.6 is amended by removing paragraph (d) and by redesignating paragraphs (e) through (g) as paragraphs (d) through (f), respectively.

[FR Doc. 81-18336 Filed 6-19-81; 8:45 am]

BILLING CODE 3510-12-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket No. C-3067]

American Hospital Supply Corporation; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Final order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order requires among other things, American Hospital Supply Corporation ("AHSC"), an Evanston, Illinois

manufacturer and distributor of health care products, to timely divest, in accordance with the terms of the order, either 100 percent of the stock of American Latex Corporation ("ALC") or, all assets and properties constituting ALC together with all the assets of American Cytoscope Makers, Inc. The order further requires respondents to maintain ALC as a viable business entity pending divestiture; offer to purchase for a period of one year all urological catheters from the acquirer of ALC; and refrain for five years from acquiring more than 1 percent of stock or any interest in an entity engaged in the manufacture and distribution of urological catheters.

DATE: Complaint and order issued June 2, 1981 [1]

FOR FURTHER INFORMATION CONTACT: FTC/C, E. Perry Johnson, Washington, D.C. 20580 (202) 523–3601.

SUPPLEMENTARY INFORMATION: On Thursday, March 26, 1981, there was published in the **Federal Register**, 46 FR 18723, a proposed consent agreement with analysis In the Matter of American Hospital Supply Corporation, a corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart—Acquiring Corporate Stocks or Assets: § 13.5 Acquiring corporate stocks or assets, 13.5–20 F.T.C. Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 45, 18)

Carol M. Thomas,

Secretary.

[FR Doc. 81-18392 Filed 6-19-81; 8:45 am]

BILLING CODE 6750-01-M

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16 CFR Part 13

[Docket No. C-2790]

Shaklee Corporation; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Modifying order.

SUMMARY: This order, among other things, reopens the proceeding and modifies the order issued by the Commission on February 18, 1976, 87 FTC 239, 41 FR 11480, by modifying Paragraph I of the Order so as to eliminate the provisions prohibiting the firm from restricting retail store sales or cross-group sales, except when related to resale price maintenance; and by providing certain protections for existing distributors.

DATES: Decision issued February 18, 1976. Modifying order issued June 1, 1981.

FOR FURTHER INFORMATION CONTACT: FTC/C, E. Perry Johnson, Washington, D.C. 20580. (202) 523–3601.

SUPPLEMENTARY INFORMATION: In the Matter of Shaklee Corporation, a corporation. The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, and appearing at 41 FR 11480, remain unchanged.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

The Order is as follows:

The Commission on May 8, 1981, having issued an order against respondent to show cause why the proceeding herein should not be reopened for the purpose of modifying Paragraph I of the consent order to cease and desist entered on February 18, 1976; and Respondent having answered that it has no objection to the reopening of the proceeding and the modification of the consent order, as set forth in the order to show cause.

Accordingly, it is ordered That the matter is reopened and that Paragraph I of the order herein is modified so that it will read:

I

It is ordered That respondent Shaklee Corporation, a corporation, its successor and assigns, and respondent's officers, agents, representatives and employees, directly or indirectly, or through any corporation, subsidiary, division or other device, in connection with the offering for sale, sale or distribution of goods or commodities in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, shall forthwith cease and desist from:

1. Fixing, establishing, maintaining or otherwise controlling, or attempting to fix, establish, maintain or otherwise control, directly or indirectly, the prices and to the extent, if at all, they relate to the pricing of merchandise for resale, discounts, rebates, overrides, commissions, fees or bonuses or other terms or conditions of sale; provided, that from the date this Order becomes final:

(a) If respondent suggests to its distributors prices for resale of its merchandise, it must state clearly and conspicuously in conjunction therewith the following statement:

> The prices quoted herein are suggested only. You are free to determine for yourself the prices you charge.

(b) If respondent suggests to its distributors discounts, rebates, overrides, commissions, fees or bonuses or other terms or conditions of sale to the extent, if at all, they relate to pricing of merchandise for resale, it must state clearly and conspicuously in conjunction therewith the following statement:

> The (e.g.) discounts quoted herein are suggested only. You are free to determine for yourself the discount you grant.

2. Requiring, coercing, threatening or otherwise exerting pressure on any distributor, directly or indirectly, to observe, maintain or advertise established or suggested retail prices.

3. Requiring or requesting any distributor, directly or indirectly, to report any person or firm who does not observe the retail prices established or suggested by respondent, or acting upon reports so obtained by refusing or threatening to refuse sales to the distributor so reported.

4. Engaging in any of the following for the purpose of fixing or maintaining any resale price or in connection with the fixing or maintaining of any resale price:

(a) Requiring, contracting with, or coercing, directly or indirectly, any distributor to refrain from selling any merchandise in any quantity to or through any specified person, class of persons, business or class of businesses.

(b) Requiring, contracting with, or coercing, directly or indirectly, any distributor to refrain from establishing a fixed retail location for the sale or distribution of any merchandise in any quantity.

(c) Requiring or requesting any distributor, directly or indirectly, to report to respondent or to any person it designates, any person or firm who sells any of respondent's merchandise to a retail store or from a fixed retail location, or acting upon reports so obtained by refusing or threatening to refuse sales to the distributor so reported.

5. Preventing or discouraging, or attempting to prevent or discourage any distributor from selling or offering for sale products to retail customers on the

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[1] Copies of the Complaint and the Decision and Order filed with the original document.

grounds that such customer is the customer of another distributor.

6. Until March 1, 1986, restricting, prohibiting, taking any action against, threatening or otherwise interfering with a distributor's operation of a retail store owned or, if leased by a distributor, during the remaining term of the lease (but no later than March 1, 1986), provided that:

(a) For distributors as of July 1, 1980 the store was acquired or the lease was executed prior to July 1, 1980 and for those becoming distributors after July 1, 1980 the store was acquired or the lease was executed prior to notice of the May 8, 1981 Order to Show Cause in this matter;

(b) Shaklee products accounts for more than 35 percent of the store's retail sales;

(c) The distributor provides to the respondent, within 60 days of actual notice of this order, evidence of ownership or a copy of the lease and evidence that Shaklee products accounted for more than 35 percent of the facility's retail sales, during the six month period prior to notice of the May 8, 1981 Order to Show Cause in this matter.

Provided, however, that nothing contained in this paragraph shall prohibit respondent and a distributor from entering an agreement pursuant to which the distributor voluntarily agrees to discontinune such retail sales through an owned or leased facility. Provided further that this paragraph shall not prohibit respondent from requiring a distributor to discontinue such retail sales through an owned or leased facility upon reimbursement by respondent for financial loss incurred by the distributor and attributable to the discontinuance of such retail sales. Such reimbursement shall consist of payment for (1) the cost of the portion of inventory in saleable condition (distributor net price less any bonuses paid by Shaklee) which was purchased prior to notice of the May 8, 1981 Order to Show Cause in this matter and exceeds $50.00 at distributor's cost (2) losses from subleasing or any lease termination penalty, and (3) the costs of conversion of a store to non-Shaklee uses. Any irreconcilable disagreement between respondent and a distributor with respect to the amount owed to a distributor under this paragraph shall be resolved by binding arbitration (arbitrator's fees to be paid by Shaklee).

7. Until March 1, 1986, restricting, prohibiting, taking any action against, threatening or otherwise interfering with a distributor's sales to a retail store from any property owned or, if leased by the distributor, during the remaining term of the lease (but no later than March 1, 1986), and principally used for sales to retail stores, provided that:

(a) The property was acquired or the lease was executed after February 18, 1976 and prior to July 1, 1980;

(b) The inventory exceeds $200.00 in value and was acquired prior to notice of the May 8, 1981 Order To Show Cause in this matter;

(c) Skaklee products account for more than 35% of the gross dollar volume of sales from the distributor's property;

(d) More than 50 percent of the distributor's gross dollar volume of sales of Shaklee products were to retail stores;

(e) The distributor provides respondent within sixty days of actual notice of this order, evidence of ownership or a copy of the lease and evidence that more than 50 percent of the distributor's sales of Shaklee products were to retail stores during the six months prior to notice of the May 8, 1981 Order To Show Cause in this matter.

Provided, however, that nothing contained in this paragraph shall prohibit respondent and a distributor from entering an agreement pursuant to which the distributor voluntarily agrees to discontinue sales to retail stores. Provided further that this paragraph shall not prohibit respondent from requiring a distributor to discontinue sales to retail stores upon reimbursement by respondent for the financial loss incurred by the distributor and attributable to the discontinuance of such sales to retail stores. Such reimbursement shall consist of payment for (1) the cost of the portion of inventory in saleable condition (distributor net price less any bonuses paid by Shaklee) which was purchased prior to notice of the May 8, 1981 Order To Show Cause in this matter and exceeds $50.00 at distributor's cost, (2) losses from subleasing or any lease termination penalty, and (3) the cost of conversion of such property to non-Shaklee uses. Any irreconcilable disagreement between respondent and a distributor with respect to the amount owed to a distributor under this paragraph shall be resolved by binding arbitration (arbitrator's fees to be paid by Shaklee).

By the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 81-18693 Filed 6-19-81; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 271

[Docket No. RM79-76 (Colorado—3)]

Labeling Order for the Niobrara Formation

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rule; order denying application for rehearing.

SUMMARY: This order denies an application for rehearing of the Commission's Order No. 137, issued in Docket No. RM79-76 (Colorado—3), on March 30, 1981 (46 FR 20669, April 7, 1981). Order No. 137 adopted in part a recommendation submitted by the Colorado Oil and Gas Conservation Commission that the Niobrara Formation be designated as a tight formation, enabling natural gas produced therefrom to be eligible for incentive pricing. In designating the Niobrara Formation as a tight formation in Order No. 137, the Commission excluded three fields which had been included in the recommendation on the ground that these fields had been subject to infill drilling orders and that the fields had been substantially developed prior to the issuance of these orders. Exclusion of these fields on this ground is provided for in § 271.703(c)(2)(i)(D) of the Commission's regulations.

The application for rehearing is denied pursuant to the operation of § 271.703(c)(2)(i)(D), and because no economic data was submitted, as was requested in Order No. 137, which would demonstrate that all or part of the excluded formation cannot be further developed without the tight formation incentive price.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357-8307, or Victor Zabel, (202) 357-8616.

SUPPLEMENTARY INFORMATION:

In the matter of High-Cost Gas produced from tight formations; Docket No. RM79-76 (Colorado—3).

Order No. 137-A

Issued June 17, 1981.

On March 30, 1981, the Commission issued a final rule in Docket No. RM79-76 (Colorado—3), Order No. 137, (46 FR 20669, April 7, 1981) which generally adopted a recommendation submitted by the Colorado Oil and Gas Conservation Commission (Colorado)

that the Niobrara Formation be designated as a tight formation. The Commission, in designating the Niobrara as a tight formation, excluded from the designation three fields which had been part of Colorado's recommendation. These fields, the Waverly, Beecher Island, [1] and Mildred Fields, were excluded. The Commission found that information in Colorado's submittal indicated that the excluded areas had been substantially developed at the time that infill drilling orders for those fields were issued. The Commission's regulations at § 271.703(c)(2)(i)(D) provide that such areas be deleted from tight formation designations where information exists to indicate portions of the formation can be developed absent the incentive price provided through section 107(c)(5). Because the excluded areas had been substantially developed and Colorado had made findings of an economic nature in its infill drilling orders for these fields, that one well can economically drain an area of not more than 160 acres, the Commission found that the incentive price was not necessary to encourage development in these fields. *See,* NGPA section 107(b). In sum, substantial development prior to the issuance of infill drilling orders *and* economic information concerning the viability of the wells, created the basis upon which the Commission deleted the three fields from the designation in the final rule.

On April 29, 1981, Mountain Petroleum Corporation, along with J–W Operating Company and H. G. Westerman (hereinafter "Mountain"), filed an application for rehearing of Order No. 137 on the ground that the Waverly, Beecher Island and Mildred Fields were erroneously excluded from the Niobrara Formation's designation as a tight formation by the Commission. Although Mountain did not file comments to the Commission's Notice of Proposed Rulemaking in this docket issued on September 23, 1981, Mountain originally filed a petition with Colorado which led the Colorado's recommendation of the Niobrara as a tight formation.

In its application for rehearing, Mountain presents several arguments which allegedly support inclusion of the excluded areas in the designated tight formation. The first case wherein the Commission excluded areas from a recommended formation was in Order No. 124, Docket No. RM79–76 (Colorado—1), issued January 23, 1981, (46 FR 9921, January 30, 1981), pertaining to the Wattenberg J Sand Formation. Mountain contends that the Wattenberg J Sand case is different than the Niobrara case because the Wattenberg J Sand Formation was substantially developed after its infill drilling order was issued, to a much greater extent than the Niobrara was or is developed. Accordingly, Mountain argues that reliance on the Wattenberg case is misplaced in this situation. While Order No. 137 did not rely on the Wattenberg case, it is consistent with its facts and result. In both the Wattenberg J Sand case and the instant one, the portions of the formations that were excluded were those portions that were substantially developed at the time the infill drilling orders were issued. Subsequent development is not considered because the key to the Commission's review is to first determine if an area has been developed in the primary stage. The Commission believes that where an infill drilling order follows substantial development of a field, the request for an infill drilling order establishes that secondary drilling is both planned and is economically feasible. The requirement that substantial development precede the infill drilling order is a check on the exclusion process by avoiding the exclusion of areas which may have received infill drilling orders for reasons other than carrying out planned secondary drilling, and this would be obvious where substantial development had not occurred prior to the infill drilling order. In the instant case, at the time of the issuance of the infill drilling order, two of the three fields had been 100% developed on existing spacing, and the third field had been 78% developed.

Mountain compares the excluded fields to the Eckley Field, one which was included in the designation. Mountain asserts that the Eckley Field wells produce gas at much higher rates than, for example, wells in the Beecher Island Field. Since Colorado found that the stabilized production rate for the wells in the formation would not exceed the guideline established in § 271.703(c)(2)(i)(B), the fact that certain wells produce more than others (and Mountain did not state that production in the Eckley wells was exceeding the guideline), is not relevant to the designation.

Finally, Mountain contends that the areas which the Commission has excluded in Order No. 137 are similar in both physical and economic characteristics to the areas which were designated as tight. Although Mountain on the one hand states that the excluded areas are similar to the included areas, elsewhere in its application it makes a contrary statement. Mountain asserts that when it initially received its 640-acre unit spacing from Colorado, all the units were considered by the operators to be gas-productive. Other areas, which were included in the tight formation designation, such as the Vernon field, had included units in their spaced area units which at the time did not appear to have gas-bearing potential. This difference between the fields is significant for the reason that under section 107(c)(5) of the NGPA, the Commission extends the incentive price to areas where drilling presents extraordinary *risks* or costs. Clearly the operators in the excluded areas do not incur the same risks as the operators in the included areas described above, as evidenced by Mountain's statement that all of the units in the excluded areas were, to the best of their knowledge, gas-productive.The included areas obviously present greater risks, from a geological perspective, and therefore should be eligible for an incentive price. If the excluded areas should get the incentive price, it would have to be based on the fact that drilling therein involves extraordinary costs. There has not as yet been any economic data presented by the applicants to support a conclusion that extraordianary costs are involved, although this was specifically requested in Order No. 137.

In Order No. 137, the Commission stated that exclusion of the Mildred, Waverly and Beecher Island Fields in that order did not "preclude them from future designation *if economic data should demonstrate that all or part of the excluded area cannot be further developed without the tight formation incentive price.*" [Italics added.] Mountain's application for rehearing seeking inclusion of the three fields in the designated Niobrara Formation does not contain economic data addressing the issue of whether the excluded area can be further developed without the tight formation incentive price.[2] Mountain rests its case on arguments, not economic facts.

In order for Mountain to obtain reconsideration of the excluded Waverly, Beecher Island and Mildred Fields as tight formations, it must present to the Commission, by proper administrative channels through the jurisdictional agency, appropriate economic data. This data should address factors such as the actual

[1] Twenty-eight sections of the Beecher Island Field were excluded from the designation. Staff had counted forty sections in all as comprising the Beecher Island Field.

[2] Mountain does state that since issuance of the infill drilling order in August, 1978, a total of five wells have been drilled in the excluded areas. However, Mountain fails to show that further drilling was not undertaken because of economic factors.

impact that the incentive price would have on encouraging production from the excluded areas and why currently available prices [3] are not adequate to provide economic incentives to produce from these fields. In addition, if there are any identifiable factors which made drilling economical prior to the infill drilling order (as evidenced by the fact that most 640-acre units in the excluded areas contained one well at the issuance of the infill order), but failed to make further drilling on the 160-acre units economical, these would be relevant to the case.

The Commission orders

Based upon the foregoing discussion, the application for rehearing filed by Mountain in this docket is denied.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-18340 Filed 6-19-81; 8:45 am]

BILLING CODE 6450-85-M

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18 CFR Part 271

[Docket No. RM81-31; Order No. 149]

Clarification of Regulations Regarding New, Onshore Production Wells; Correction

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rule; correction.

SUMMARY: This document corrects a final rule which clarified the definition of "new, onshore production well" that appeared in the **Federal Register** of Wednesday, June 3, 1981, (46 FR 29697).

FOR FURTHER INFORMATION CONTACT:

Craig Ellis, Office of General Counsel, Room 4008E, 825 North Capitol Street, N.E., Washington, D.C. 20426 (202) 357-8316

Howard Kilchrist, Office of Pipeline and Producer Regulations, Room 6112, 825 North Capitol Street, N.E., Washington, D.C. 20426 (202) 357-8585

SUPPLEMENTARY INFORMATION: On page 29698, column two, the second sentence after the heading *"II. Clarification"* is deleted in its entirety so that the paragraph reads as follows:

II. Clarification

The Commission did not intend that a section 103 eligibility determination cover gas produced from the same well from proration units not considered during the determination. The Commission intended that such a determination apply only to gas produced from the proration unit(s) on the basis of which the determination was obtained. In light of the above, we are clarifying the definition of "new, onshore production well" in § 271.303 by expressly providing that a determination that a well qualifies under section 103 applies only to gas produced from the proration unit (or units) on which the determination was based.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-18341 Filed 6-19-81; 8:45 am]

BILLING CODE 6450-85-M

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[3] In order for new tight formation gas to receive the tight formation incentive price, the well must also, *inter alia*, qualify as a section 102 or section 103 well, and so these prices would be available to the much of gas in question, even if the section 107 price was not.

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18 CFR Part 271

[Docket No. RM79-76 (Louisiana—4) (Order No. 159)]

High-Cost Gas Produced From Tight Formations; Final Rule

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This final order adopts the recommendation of the State of Louisiana Office of Conservation that the Gray Sand, Reservoir A be designated as a tight formation under § 271.703(d).

EFFECTIVE DATE: This rule is effective June 17, 1981.

FOR FURTHER INFORMATION CONTACT:

Leslie Lawner, (202) 357-8307, or Walter Lawson, (202) 357-8556.

SUPPLEMENTARY INFORMATION:

Order No. 159

Issued June 17, 1981.

In the matter of high-cost gas produced from tight formations; Docket No. RM79-76 (Louisiana—4).

The Commission hereby amends § 271.703(d) of its regulations to include the Gray Sand, Reservoir A in Louisiana as a designated tight formation eligible for incentive pricing under § 271.703. The amendment was proposed in a Notice of Proposed Rulemaking by Director, OPPR, issued April 1, 1981 (46 FR 20686, April 7, 1981) [1] based on a recommendation by the State of Louisiana Office of Conservation (Louisiana), in accordance with § 271.703(c), that the Gray Sand, Reservoir A be designated as a tight formation.

Evidence submitted by Louisiana supports its assertion that the Gray Sand, Reservoir A meets the guidelines contained in § 271.703(c)(2). The Commission adopts the Louisiana recommendation.

This amendment shall become effective immediately. The Commission has found that the public interest dictates that new natural gas supplies be developed on an expedited basis, and therefore, incentive prices be made available immediately. The need to make incentive prices immediately available establishes good cause to waive the thirty-day publication period.

(Department of Energy Organization Act, 42 U.S.C. 7101 *et seq.*; Natural Gas Policy Act of 1978, 15 U.S.C. 3301-3342; Administrative Procedure Act, 5 U.S.C. 553)

For the reasons stated herein, Part 271 of Subchapter I, Title 18, *Code of Federal Regulations*, is amended as set forth below, effective June 17, 1981.

By the Commission.

Kenneth F. Plumb,

Secretary.

Section 271.703(d) is amended by adding new subparagraph (38) to read as follows:

§ 271.703 Tight formations.

* * * * * *

(d) *Designated tight formations.* The following formations are designated as tight formations. A more detailed description of the geographical extent and geological parameters of the designated tight formations is located in the Commission's official file for Docket No. RM79-76, subindexed as indicated, and is also located in the official files of the jurisdictional agency that submitted the recommendation.

* * * * * *

(38) *Gray Sand, Reservoir A in Louisiana.* RM79-76 (Louisiana—4).

(i) *Delineation of formation.* The Gray Sand, Reservoir A, consists of interbedded sandstone, limestone and

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[1] Comments were invited and none were received. No party requested a public hearing and no hearing was held.

shale, and is found in the following portions of Lincoln and Claiborne Parishes, north Louisiana: T18N–R4W, Sections 3–6; T18N–R5W, Section 1; T19N–R4W, Sections 3–10, 15–23, 26–34; T19N–R5W, all Sections; T19N–R6W, Sections 1, 12, 13, 24, 25, 36.

(ii) *Depth.* The Gray Sand, Reservoir A, is defined as that sand occurring between the measured depths of 12,840 feet, and 13,350 feet on the induction log of the IMC Exploration Company—Eugene Tinsley *et al.* No. 1 Well located in Section 33, Township 19 North, Range 4 West, Lincoln Parish.

[FR Doc. 81-18342 Filed 6-19-81; 8:45 am]

BILLING CODE 6450-85-M

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18 CFR Part 271

[Docket No. RM79-76 (Louisiana—3) (Order No. 158)]

High-Cost Gas Produced From Tight Formations; Final Rule

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR § 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This final order adopts the recommendation of the Louisiana Office of Conservation that the Cotton Valley Formation be designated as a tight formation under § 271.703(d).

EFFECTIVE DATE: This rule is effective June 17, 1981.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357–8307, or Walter Lawson, (202) 357–8556.

SUPPLEMENTARY INFORMATION:

Order No. 158

Issued June 17, 1981.

In the matter of high-cost gas produced from tight formations; Docket No. RM 79–76 (Louisiana—3).

The Commission hereby amends § 271.703(d) of its regulations to include the Cotton Valley Formation in Louisiana as a designated tight formation eligible for incentive pricing under § 271.703. The amendment was proposed in a Notice of Proposed Rulemaking by Director, OPPR, February 11, 1981 (46 FR 12760, February 18, 1981)[1] based on a recommendation by the State of Louisiana Office of Conservation (Louisiana) in accordance with § 271.703(c), that the Cotton Valley Formation be designated as a tight formation.

Evidence submitted by Louisiana supports its assertion that the Cotton Valley Formation meets the guidelines contained in § 271.703(c)(2). The Commission adopts the Louisiana recommendation.

This amendment shall become effective immediately. The Commission has found that the public interest dictates that new natural gas supplies be developed on an expedited basis, and therefore, incentive prices should be made available as soon as possible. The need to make incentive prices available immediately establishes good cause to waive the thirty-day publication period.

(Department of Energy Organization Act, 42 U.S.C. 7101 *et seq.*; Natural Gas Policy Act of 1978, 15 U.S.C. 3301–3342; Administrative Procedure Act, 15 U.S.C. 553)

For the reasons stated herein, Part 271 of Subchapter I, Title 18, Code of Federal Regulations, is amended as set forth below, effective June 17, 1981.

By the Commission.

Kenneth F. Plumb,

Secretary.

Section 271.703(d) is amended by adding new subparagraph (37) to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.* The following formations are designated as tight formations. A more detailed description of the geographical extent and geological parameters of the designated tight formations is located in the Commission's official file for Docket No. RM79–76, subindexed as indicated, and is also located in the official files of the jurisdictional agency that submitted the recommendation.

* * * * *

(37) *Cotton Valley Formation in Louisiana.* RM 79–76 (Louisiana—3).

(i) *Delineation of formation.* The Cotton Valley Formation is basically a marine formation with alternating sands and shales, and is located in Caddo and Bossier Parishes in north Louisiana. The Cotton Valley Formation consists of the following:

Township 16 North, Range 13 West, Sections 1, 2, 3, 10 through 15; 22 through 27, 34, 35, and 36.

Township 16 North, Range 12 West, Sections 6, 7, 18, 19, 30, 31, West ½ of Sections 5, 8, 17, 20, 29, and 32.

Township 15 North, Range 13 West, Sections 1, 2, and 3.

Township 15 North, Range 12 West, Section 6, West ½ of Section 5.

(ii) *Depth.* The Cotton Valley Formation is defined as that formation occurring between the measured depths of 8590 feet and 9360 feet on the induction electrical log of the Northeast Resources, Inc.—Frierson No. 1 Well located in Section 21, Township 16 North, Range 12 West, Caddo Parish.

[FR Doc. 81-18343 Filed 6-19-81; 8:45 am]

BILLING CODE 6450-85-M

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18 CFR Part 292

[Docket No. RM81-2]

Small Power Production and Cogeneration; Correction

June 16, 1981.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rule; correction.

SUMMARY: This document corrects a final rule regarding Eligibility, Rates and Exemptions for Qualifying and Utility-Owned Geothermal Small Power Production Facilities that appeared at page 19229 in the **Federal Register** of Monday, March 30, 1981, (46 FR 19229).

This document is necessary to correct errata contained in the preamble and the final rule.

FOR FURTHER INFORMATION CONTACT: Glenn Berger or Michael Kessler, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426 (202) 357–8033.

SUPPLEMENTARY INFORMATION: The following corrections are made in the final rule appearing on page 19229 in the issue of March 30, 1981:

(1) On page 19229, column one, first paragraph, the last sentence, "of which a utility owns less than 50 percent" is corrected to read, "of which a utility owns 50 percent or less."

(2) On page 19230, column two, second full paragraph, "(1) by an electric utility, electric utility holding company or any combination thereof" is corrected to read, "(1) by an electric utility or utilities, electric utility holding company

[1] Comments were invited and none were received. No party requested a public hearing and no hearing was held.

or companies, or any combination thereof."

(3) On page 19231, § 292.202(o), "(1) By an electric utility, electric utility holding company or any combination thereof" is corrected to read, "(1) By an electric utility or utilities, electric utility holding company or companies, or any combination thereof."

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-18344 Filed 6-19-81; 8:45 am]

BILLING CODE 6450-85-M

ENVIRONMENTAL PROTECTION AGENCY

21 CFR Part 193

[PH-FRL-1858-3; FAP 6H5106/T66]

Glyphosate; Tolerances for Pesticides in Food Administered by the Environmental Protection Agency

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule renews a food additive regulation related to the experimental use of the herbicide glyphosate in potable water. The renewal was requested by Monsanto Co. This rule renews the maximum permissible level for residues of glyphosate in potable water while further data are collected on glyphosate.

EFFECTIVE DATE: Effective on June 22, 1981.

ADDRESS: Written objections may be submitted to the: Hearing Clerk, Environmental Protection Agency, Rm. M-3708, (A-110), 401 M St., SW, Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Robert J. Taylor, Product Manager (PM) 25, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 412E, CM No. 2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-7066).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the **Federal Register** of January 7, 1980 (45 FR 1418) that Monsanto Co., 800 N. Lindbergh Blvd., St. Louis, MO 63166, had submitted a request to the EPA proposing that a temporary food additive regulation be established permitting the combined residues of the herbicide glyphosate [*N*-(phosphonomethyl)glycine] and its metabolite aminomethylphosphonic acid in potable water resulting from application of glyphosate to banks of small water impoundments, irrigation ditch banks, and drainage ditch banks in a proposed experimental use program with a tolerance limitation of 0.1 part per million (ppm) be renewed.

This renewal expired January 1, 1981. Monsanto Co. has requested an additonal two-year renewal of this temporaty tolerance to permit continued testing to obtain additional data.

The scientific data reported and other relevant material have been evaluated and it has been determined that the pesticide may be safely used in accordance with the provisions of the experimental use permit which is being renewed under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended, 92 Stat. 819; 7 U.S.C. 136. It has further been determined that since residues of the pesticide may result in potable water from the agriculatural use provided for in the experimental use permit, the food additive regulation should be renewed along with the tolerance limitation. A related document (PP 6G1679/T301) concerning the renewal of temporary tolerances for residues of glyphosate in or on cucurbits, forage legumes, fruiting vegetables, small fruits, hops, and fish appears elsewhere in this issue of the **Federal Register**.

Any person adversely affected by this regulation may on or before July 22, 1981, file written objections with the Hearing Clerk, Environmental Protection Agency, Rm. M-3708, (A-110), 401 M St., SW, Washington, DC 20460. Such objections must be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

As required by Executive Order 12291, EPA has determined that this rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this regulation from the OMB review requirement of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that the regulations establishing new food and feed additive levels, or conditions for safe use of additives, or raising such food and feed additive levels do not have a significant economic impact on a substantial number of small entites. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24945).

Effective on: June 22, 1981.

(Sec. 409(c)(1), 72 Stat. 1786, 21 U.S.C. 348(c)(1))

Dated: June 10, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

Therefore, 21 CFR 193.235(a) is revised to read as follows:

§ 193.235 Glyphosate.

(a) A tolerance of 0.1 part per million is established for the combined residues of the herbicide glyphosate[*N*-(phosphonomethly)glycine] and its metabolites aminomethylphosphonic acid in potable water resulting from the application of the herbicide in accordance with the provisions of an experimental use permit that expires January 1, 1983. This temporary food additive regulation also expires January 1, 1983.

* * * * *

[FR Doc. 81-18230 Filed 6-19-81; 8:45 am]

BILLING CODE 6560-32-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[T.D. 7763]

Income Tax; Taxable Years Beginning After Dec. 31, 1953; Application of Conventions Under Class Life Asset Depreciation Range System

Corrections

In FR Doc. 81-2304 appearing on page 6909 in the issue of Thursday, January 22, 1981, make the following changes:

(1) On page 6910, second column, below the second line of the amendment numbered 2, add the following: "These added provisions read as follows:"

(2) On page 6910, third column, beginning with the third line from the top, delete the following sentence: "For purposes of the preceding sentence, expenditures were paid or incurred prior to November 15, 1979."

BILLING CODE 1505-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 5867

[C-23349]

Colorado; Partial Revocation of Reclamation Project Withdrawal Wagon Wheel Gap

In FR Doc. 81-15544, at page 28163, in the issue of Tuesday, May 26, 1981, on page 28164, in the first column, make the following corrections:

(1) Line 5 is corrected to read as follows: "W½SW¼SE¼, E½SE¼SE¼, E½SW¼"

(2) Line 6 is corrected by removing the last "SE¼".

(3) Line 18 is corrected by the insertion of a comma after "W½".

(4) Line 4 from the bottom of the page, correct "21,939.30" to read "21,993.30".

BILLING CODE 1505-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA 6081]

List of Communities Eligible for the Sale of Insurance Under the National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: This rule lists communities participating in the National Flood Insurance Program (NFIP). These communities have applied to the program and have agreed to enact certain flood plain management measures. The communities' participation in the program authorizes the sale of flood insurance to owners of property located in the communities listed.

EFFECTIVE DATE: The date listed in the fifth column of the table.

ADDRESS: Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Phone: (800) 638-8620.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 755-5585 or EDS Toll Free Line 800-638-8620 for Continental U.S. (except Maryland); 800-638-6831 for Alaska, Hawaii, Puerto Rico, and the Virgin Islands; and 800-492-6605 for Maryland, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Since the communities on the attached list have recently entered the NFIP, subsidized flood insurance is now available for property in the community.

In addition, the Federal Insurance Administrator has identified the special flood hazard areas in some of these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the sixth column of the table. In the communities listed where a flood map has been published, Section 102 of the Flood Disaster Protection Act of 1973, as amended, requires the purchase of flood insurance as a condition of Federal or federally related financial assistance for acquisition or construction of buildings in the special flood hazard area shown on the map.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

The Catalog of Domestic Assistance Number for this program is 83.100 "Flood Insurance." This program is subject to procedures set out in OMB Circular A-95

In each entry, a complete chronology of effective dates appears for each listed community. The entry reads as follows:

Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

§ 64.6 List of eligible communities.

State and county	Location	Community No.	Effective date of authorization of sale of flood insurance for area [1]	Hazard area identified
California				
Solano County	Dixon, city of	060369	750916 emergency, 810519 regular	740315
Contra Costa County	Moraga, town of	060637	760303 emergency, 810519 regular	761119
Solano County	Rio Vista, city of	060371	750613 emergency, 810519 regular	740517
Iowa Humboldt County	Humboldt, city of	190155	750128 emergency, 810519 regular	740405
Illinois				
Cook County	Hoffman Estates, village of	170107	721110 emergency, 810519 regular	740920
Cook County	Justice village of	170112	750320 emergency, 810519 regular	740322
Lake County	Long Grove, village of	170380	750203 emergency, 810519 regular	740405
Cook County	Roselle, village of	170216	730302 emergency, 810519 regular	730907
Indiana				
Hamilton County	Carmel, city of	180081	750807 emergency, 810519 regular	740809
Madison County	Ellwood, city of	180152	750319 emergency, 810519 regular	731228
Louisiana				
Assumption Parish	Assumption parish [2]	220017	730420 emergency, 810519 regular	750124
Terrebonne Parish	Houma, city of	220220	730430 emergency, 810519 regular	731128
Massachusetts Hampden County	Ludlow, town of	250144	741017 emergency, 810519 regular	740726
Maine				
Cumberland County	Cumberland, town of	230162	780517 emergency, 810519 regular	770830
Franklin County	Farmington, town of	230057	750507 emergency, 810519 regular	740906
Oxford County	Otisfield, town of	230203	760129 emergency, 810519 regular	750131
Cumberland County	Standish, town of	230207	751001 emergency, 810519 regular	750416
Minnesota				
Clay County	Dilworth, city of	270080	740320 emergency, 810519 regular	740517
Isanti County	Isanti County [2]	270197	720404 emergency, 810519 regular	0
Stearns County	Melrose, city of	270450	740311 emergency, 810519 regular	740412
Hennepin County	Minnetonka, city of	270173	750409 emergency, 810519 regular	740823
Olmsted County	Olmsted County [2]	270626	740417 emergency, 810519 regular	0
Stearns County	Sauk Centre, city of	270459	740416 emergency, 810519 regular	740308
Missouri				
St. Louis County	Moline Acres, city of	290370	740917 emergency, 810519 regular	740614
St. Louis County	Wellston, city of	290395	750502 emergency, 810519 regular	731217

State and county	Location	Community No.	Effective date of authorization of sale of flood insurance for area [1]	Hazard area identified
Howell County	West Plains, city of	290166	731219 emergency, 810519 regular	740215
Montana:				
Carbon County	Joliet, town of	300006	780426 emergency, 810519 regular	741227
Carbon County	Red Lodge, city of	300007	750630 emergency, 810519 regular	740524
New Hampshire:				
Hillsborough County	Greenville, town of	330088	750728 emergency, 810519 regular	740726
Hillsborough County	New Boston, town of	330098	751110 emergency, 810519 regular	740628
New Jersey:				
Ocean County	Berkeley, township of	340369	710702 emergency, 810519 regular	740802
Morris County	Boonton, town of	340306	750407 emergency, 810519 regular	740528
Morris County	Morristown, town of	340352	750627 emergency, 810519 regular	740201
Ocean County	Ocean Gate, borough of	340384	750516 emergency, 810519 regular	740531
Monmouth County	Red Bank, borough of	340321	750724 emergency, 810519 regular	740308
Ohio: Lucas County	Whitehouse, village of	390639	750827 emergency, 810519 regular	740329
Oklahoma: Oklahoma County	Midwest City, city of	400405	750116 emergency, 810519 regular	770603
Pennsylvania:				
Northampton County	Allen, township of	421928	770301 emergency, 810519 regular	740906
Lancaster County	Caernarvon, township of	421763	750428 emergency, 810519 regular	761029
Lancaster County	Ephrata, township of	421208	740520 emergency, 810519 regular	740920
Luzerne County	Franklin, township of	421829	750428 emergency, 810519 regular	741108
Perry County	Greenwood, township of	421950	750812 emergency, 810519 regular	750131
Erie County	Mill Village, borough of	422417	760218 emergency, 810519 regular	750411
Perry County	Millerstown, borough of	420752	751117 emergency, 810519 regular	740116
Erie County	North East, township of	421368	741029 emergency, 810519 regular	740920
Lancaster County	Paradise, township of	421777	750113 emergency, 810519 regular	740906
Allegheny County	Rosslyn Farms, borough of	420069	750207 emergency, 810519 regular	740116
Lehigh County	Upper Milford, township of	421815	741010 emergency, 810519 regular	741101
Erie County	Washington, township of	421372	750605 emergency, 810519 regular	741016
Erie County	Wattsburg, borough of	420455	751111 emergency, 810519 regular	740816
Lancaster County	West Earl, township of	420959	731102 emergency, 810519 regular	740412
Tennessee: Cheatham County	Cheatham County [2]	470026	740927 emergency, 810519 regular	770909
Texas				
Cass County	Atlanta, city of	480117	740620 emergency, 810519 regular	740628
Brazos County	Bryan, city of	480082	740502 emergency, 810519 regular	740315
Guadalupe County	Cibolo, city of	480267	741101 emergency, 810519 regular	740201
Gillespie County	Fredericksburg, city of	480252	740622 emergency, 810519 regular	740412
Fno County	Pearsall, city of	480238	750610 emergency, 810519 regular	740517
Utah				
Weber County	Plain City, city of	490217	780207 emergency, 810519 regular	770603
Weber County	Uintah, town of	490192	740430 emergency, 810519 regular	761029
Virginia: Franklin County	Franklin County [2]	510061	740523 emergency, 810519 regular	750425
Washington: Clark County	Ridgfield, town of	530298	760121 emergency, 810519 regular	750124
Wisconsin: Brown County	Wrightstown, village of	500025	760929 emergency, 810519 regular	750822
North Dakota: Burke County	Portal, city of	380195	760107 emergency, 810526 regular	750207
Washington: Whitman County	Saint John, town of	530214	750806 emergency, 810526 regular	0
Arkansas: Crawford County	Mulberry, city of	050354	810527 emergency, 810527 regular	761126

Total is 65.

[1] Key for reading 5th column (effective dates): First two digits designate the year; middle two digits designate the month, and last two digits designate the date.
[2] Unincorporated areas.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: June 9, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-18209 Filed 6-19-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 64

[Docket No. FEMA 6088]

Suspension of Community Eligibility Under the National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: This rule lists communities where the sale of flood insurance, as authorized under the National Flood Insurance Program (NFIP), will be suspended because of noncompliance with the flood plain management requirements of the program.

EFFECTIVE DATE: The third date ("Susp.") listed in the fifth column.

FOR FURTHER INFORMATION CONTACT: Mr. Gary Johnson, National Flood Insurance Program, (202) 755–5581 or EDS Toll Free Line 800–638–6620 for the Continental U.S. (except Maryland); 800–638–6831 for Alaska, Hawaii, Puerto Rico, and the Virgin Islands; and 800–492–6605 for Maryland, Room 5270, 451 Seventh Street, SW., Washington, DC 20410.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP) enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4022) prohibits flood insurance coverage as authorized under the National Flood Insurance Program (42 U.S.C. 4001–4128) unless an appropriate public body shall have adopted adequate flood plain management measures with effective enforcement measures. The communities listed in this notice no longer meet that statutory requirement for compliance with program regulations (44 CFR Part 59 et seq.). Accordingly, the communities are suspended on the effective date in the fifth column, so that as of that date subsidized flood insurance is no longer available in the community.

In addition, the Federal Insurance Administrator has identified the special flood hazard areas in these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the sixth column of the table. Section 202(a) of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), as amended, provides that no direct Federal financial assistance (except assistance pursuant to the Disaster Relief Act of 1974 not in connection with a flood) may legally be provided for construction or acquisition of buildings in the identified special flood hazard area of communities not participating in the NFIP, with respect to which a year has elapsed since identification of the community as having flood prone areas, as shown on the Office of Federal Insurance and Hazard Mitigation's initial flood insurance map of the community. This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

The Catalog of Domestic Assistance Number for this program is 83.100, "Flood Insurance." This program is subject to procedures set out in OMB Circular A–95.

In each entry, a complete chronology of effective dates appears for each listed community.

Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

§ 64.6 List of eligible communities.

State and county	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified	Date[1] assistance no longer available in special flood hazard area
Alabama:					
Mobile	Mobile, city of	015007D	Sept. 11, 1970, emergency, Sept. 15, 1972, regular, July 2, 1981, suspended.	May 7, 1976, Oct. 20, 1978, Apr. 15, 1980, Apr. 1, 1981.	July 2, 1981.
Madison	Unincorporated areas	010151B	Aug. 26, 1974, emergency, July 2, 1981, regular, July 2, 1981, suspended.	July 1, 1977	Do.
Florida:					
Bay	Unincorporated areas	120004B	May 12, 1975, emergency, July 2, 1981, regular, July 2, 1981, suspended.	Jan. 17, 1975, Aug. 12, 1977	Do.
Clay	Unincorporated areas	120064B	Feb. 26, 1975, emergency, July 2, 1981, regular, July 2, 1981, suspended.	Jan. 17, 1975, Dec. 24, 1976	Do.
St. Johns	Hastings, town of	120282A	Sept. 25, 1970, emergency, July 2, 1981, regular, July 2, 1981, suspended.	July 19, 1974	Do.
Osceola	Kissimee, city of	120190B	Dec. 13, 1974, emergency, July 2, 1981, regular, July 2, 1981, suspended.	Apr. 30, 1976	Do.
Georgia:					
Chattam	Bloomingdale, city of	130452A	Oct. 6, 1975 emergency, July 2, 1981, regular, July 2, 1981, suspended.	Oct. 15, 1976	Do.
McIntosch	Darien, city of	130131B	Apr. 24, 1975 emergency, July 2, 1981, regular, July 2, 1981, suspended.	May 10, 1974, Feb. 13, 1976	Do.
Illinois:					
Lake	Lake Villa, village of	170375B	Oct. 16, 1974, emergency, July 2, 1981, regular, July 2, 1981, suspended.	May 3, 1974, Sept. 19, 1975	Do.
St. Clair	Lebanon, city of	170629B	Sept. 8, 1975, emergency, July 2, 1981, regular, July 2, 1981, suspended.	Nov. 16, 1973, Feb. 27, 1976	Do.
Lake	Mundelein, village of	170382B	Mar. 30, 1973, emergency, July 2, 1981, regular, July 2, 1981, suspended.	June 28, 1974, Sept. 12, 1975	Do.
Indiana: Adams	Decatur, city of	180001C	Apr. 3, 1975, emergency, July 2, 1981, regular, July 2, 1981, suspended.	Nov. 23, 1973, Aug. 13, 1976, Feb. 16, 1979.	Do.
Iowa:					
Des Moines	Burlington, city of	190114C	Apr. 15, 1975, emergency, July 2, 1981, regular, July 2, 1981, suspended.	May 16, 1974, Feb. 27, 1976, Oct. 18, 1977.	Do.
Page	Clarinda, city of	190219B	Apr. 14, 1975, emergency, July 2, 1981, regular, July 2, 1981, suspended.	June 28, 1974, Jan. 2, 1976	Do.
Kentucky:					
Franklin	Frankford, city of	210075B	Apr. 23, 1974, emergency, July 2, 1981, regular, July 2, 1981, suspended	June 7, 1974, Aug. 20, 1976	Do.
Kenton	Unincorporated areas	210128B	Dec. 26, 1974, emergency, July 2, 1981, regular, July 2, 1981, suspended.	Oct. 18, 1974, July 1, 1977	Do.
Bell	Middlesboro, city of	215190B	Dec. 4, 1970, emergency, May 28, 1971, regular, July 2, 1981, suspended.	May 27, 1971, July 1, 1974, Nov. 14, 1975.	Do.
Louisiana: Assumption Parish.	Unincorporated areas	220017B	Apr. 20, 1973, emergency, May 16, 1981, regular, July 2, 1981, suspended.	Apr. 8, 1977	Do.
Massachusetts:					
Plymouth	East Bridgewater, town of	250264B	July 23, 1975, emergency, July 2, 1981, regular, July 2, 1981, suspended.	Sept. 6, 1974, Oct. 22, 1976	Do.
Worcester	Gardner, city of	250305B	Sept. 4, 1975, emergency, July 2, 1981, regular, July 2, 1981, suspended.	Sept. 6, 1974, Mar. 12, 1976	Do.
Berkshire	Hinsdale, town of	250026B	July 8, 1975, emergency, July 2, 1981, regular, July 2, 1981, suspended.	Aug. 20, 1974, Aug. 6, 1976	Do.
Do	New Marlboro, town of	250033B	July 28, 1975, emergency, July 2, 1981, regular, July 2, 1981, suspended	June 28, 1974, Aug. 27, 1976	Do.
Do	North Adams, city of	250034B	Mar. 20, 1975, emergency, July 2, 1981, regular, July 2, 1981, suspended.	Mar. 8, 1974, Sept. 6, 1977	Do.
Norfolk	Plainville, town of	250249B	Oct. 20, 1974, emergency, July 2, 1981, regular, July 2, 1981, suspended.	Aug. 16, 1974, July 30, 1976	Do.
Worcester	Princeton, town of	250329B	Oct. 15, 1975, emergency, July 2, 1981, regular, July 2, 1981, suspended.	Aug. 30, 1974, Dec. 17, 1976	Do
Middlesex	Reading, town of	250211B	July 11, 1975, emergency, July 2, 1981, regular, July 2, 1981, suspended.	June 21, 1977	Do.
Worcester	Spencer, town of	250335B	Nov. 5, 1975, emergency, July 2, 1981, regular, July 2, 1981, suspended.	Sept. 13, 1974, Oct. 22, 1976	Do.
Middlesex	Tewksbury, town of	250218B	Dec. 10, 1971, emergency, July 18, 1977, regular, July 2, 1981, suspended.	Aug. 2, 1974, July 18, 1977	Do.
Hampden	Wales, town of	250152B	Aug. 11, 1975, emergency, July 2, 1981, regular, July 2, 1981, suspended.	Nov. 19, 1976	Do.
Worcester	West Boylston, town of	250345B	Nov. 24, 1975, emergency, July 2, 1981, regular, July 2, 1981, suspended.	July 26, 1974, Apr. 8, 1977	Do.

State and county	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified	Date [1] assistance no longer available in special flood hazard area
Plymouth	Whitman, town of	250285B	Mar. 12, 1975, emergency, July 2, 1981, regular, July 2, 1981, suspended.	Oct. 18, 1974, June 11, 1976	Do.
Michigan:					
Kent	Caledonia, township of	260693B	June 1, 1976, emergency, July 2, 1981, regular, July 2, 1981, suspended.	Mar. 24, 1978	Do.
Eaton	Charlotte, city of	260065B	May 16, 1975, emergency, July 2, 1981, regular, July 2, 1981, suspended.	May 24, 1974, June 11, 1976	Do.
Wayne	Detroit, city of	260222B	Feb. 2, 1973, emergency, July 2, 1981, regular, July 2, 1981, suspended.	July 26, 1974, Feb. 7, 1975	Do.
Minnesota:					
Ramsey	Arden Hills, city of	270375B	Jan. 21, 1975, emergency, July 2, 1981, regular, July 2, 1981, suspended.	Apr. 5, 1974, June 4, 1976	Do.
Leseur	Waterville, city of	270251C	Apr. 23, 1974, emergency, July 2, 1981, regular, July 2, 1981, suspended.	May 17, 1974, Oct. 22, 1976, Sept. 9, 1977.	Do.
New Jersey:					
Bergen	Fairlawn, borough of	340033B	Apr. 4, 1974, emergency, July 2, 1981, regular, July 2, 1981, suspended.	Dec. 28, 1973, Feb. 6, 1976	Do.
Do	Glenn Rock, borough of	340038B	Feb. 12, 1975, emergency, July 2, 1981, regular, July 2, 1981, suspended.	June 28, 1974, Jan 30, 1976	Do.
Passaic	North Haledon, borough of	340402B	Jan. 29, 1975, emergency, July 2, 1981, regular, July 2, 1981, suspended.	May 31, 1974, Apr 2, 1976	Do
North Dakota:					
Pembia	Cavalier, city of	380081B	June 18, 1975, emergency, July 2, 1981, regular, July 2, 1981, suspended.	May 24, 1974, Apr. 23, 1976	Do.
Cass	Horace, city of	380022A	Nov. 28, 1975, emergency, July 2, 1981, regular, July 2, 1981, suspended.	Nov 29, 1974	Do
Do	Mapleton, city of	380023B	June 26, 1974, emergency, July 2, 1981, regular, July 2, 1981, suspended.	Nov. 1, 1974, Jan. 16, 1976	Do.
Ohio: Montgomery	Germantown, village of	390411B	Jan. 16, 1975, emergency, July 2, 1981, regular, July 2, 1981, suspended.	June 28, 1974, May 28, 1976	Do.
Oklahoma Tulsa	Owasso, city of	400210C	Apr. 26, 1974, emergency, July 2, 1981, regular, July 2, 1981, suspended.	Jan. 16, 1974, Jan. 4, 1977, Aug. 9, 1977.	Do
Texas:					
Brazos	College Station, city of	480083B	Aug 16, 1974, emergency, July 2, 1981, regular, July 2, 1981, suspended.	May 31, 1974, Sept. 12, 1975	Do.
Smith	Unincorporated areas	481165B	Jan. 5, 1979, emergency, July 2, 1981, regular, July 2, 1981, suspended.	Jan. 3, 1978	Do.
Washington:					
Klickitat	Unincorporated areas	530099B	Sept. 6, 1974, emergency, July 2, 1981, regular, July 2, 1981, suspended.	Sept. 6, 1974, Oct. 25, 1977	Do
King	Skykomish, town of	530236A	Dec. 20, 1976, emergency, July 2, 1981, regular, July 2, 1981, suspended.	Feb. 14, 1975	Do.
Wisconsin:					
Brown	Depere, city of	550021C	June 12, 1975, emergency, July 2, 1981, regular, July 2, 1981, suspended.	Dec. 28, 1973, June 4, 1976, Feb. 23, 1979.	Do.
Outagamie	Hortonville, village of	550529A	Apr. 17, 1975, emergency, July 2, 1981, regular, July 2, 1981, suspended.	Nov. 29, 1974	Do.

[1] Certain Federal assistance no longer available in special flood hazard area.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: June 10, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-18212 Filed 6-19-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 65

[Docket No. FEMA 6082]

List of Communities With Special Hazard Areas Under the National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: This rule identifies communities with areas of special flood, mudslide, or erosion hazards as authorized by the National Flood Insurance Program. The identification of such areas is to provide guidance to communities on the reduction of property losses by the adoption of appropriate flood plain management or other measures to minimize damage. It will enable communities to guide future construction, where practicable, away from locations which are threatened by flood or other hazards.

EFFECTIVE DATE: The effective date shown at the top right of the table or 30 days after the date of this **Federal Register** publication, whichever is later.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 755–5585 or EDS Toll Free Line 800–638–6620 for Continental U.S. (except Maryland); 800–638–6831 for Alaska, Hawaii, Puerto Rico, and the Virgin Islands; and 800–492–6605 for Maryland. Room 5150, 451 Seventh Street, SW., Washington, DC 20410.

SUPPLEMENTARY INFORMATION: The Flood Disaster Protection Act of 1973 (Pub. L. 93–234) requires the purchase of flood insurance on and after March 2, 1974, as a condition of receiving any form of Federal or federally related financial assistance for acquisition or construction purposes in an identified flood plain area having special flood hazards that is located within any community participating in the National Flood Insurance Program.

One year after the identification of the community as flood prone, the requirement applies to all identified special flood hazard areas within the United States, so that, after that date, no

such financial assistance can legally be provided for acquisition and construction in these areas unless the community has entered the program. The prohibition, however, does not apply in respect to conventional mortgage loans by federally regulated, insured, supervised, or approved lending institutions.

This 30 day period does not supersede the statutory requirement that a community, whether or not participating in the program, be given the opportunity for a period of six months to establish that it is not seriously flood prone or that such flood hazards as may have existed have been corrected by floodworks or other flood control methods. The six months period shall be considered to begin 30 days after the date of publication in the **Federal Register** or the effective date of the Flood Hazard Boundary Map, whichever is later. Similarly, the one year period a community has to enter the program under section 201(d) of the Flood Disaster Protection Act of 1973 shall be considered to begin 30 days after publication in the **Federal Register** or the effective date of the Flood Hazard Boundary Map, whichever is later.

This identification is made in accordance with Part 64 or Title 44 of the Code of Federal Regulations as authorized by the National Flood Insurance Program (42 U.S.C. 4001–4128).

Section 65.3 is amended by adding in alphabetical sequence a new entry to the table:

BILLING CODE 6718-03-M

§ 65.3 List of communities with special hazard areas (FHBMs in effect).

EFFECTIVE DATE May 19, 1981

1	2	3	4	5	6	7	8	9
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§ 65.3 List of communities with special hazard areas (FHBMs in effect).

EFFECTIVE DATE May 18, 1981

1 STATE	2 IDENT. NUMBER	3 COMMUNITY NAME & COUNTY NAME	4 PANELS PRINTED (# AND SUFFIX)	5 INLAND/ COASTAL	6 HAZARD	7 60 3 CODE	8 PROGRAM STATUS	9 STATUS OF FHBM	9 STATUS OF FIRM	10 PREVIOUS MAP DATES FHBM	10 PREVIOUS MAP DATES FIRM	11 REVISION CODE(S)	12 RESCISSION	13 FLOODWAYS PANELS PRINTED	14 LOCATION OF MAP REPOSITORY
WI	550330	City of River Falls, Pierce & St. Croix Cos.	0001B 0003B	I	FL	B	1	3	1	10/12/73	N/A	13	N/A	N/A	City Hall 123 Elm Street River Falls, WI 54022
													EFFECTIVE DATE July 3, 1981		
OH	390269	City of Hillsboro Highland Co.	0001C	I	FL	B	1	3	1	5/17/74 5/21/76 12/24/76	N/A	9 10 16	N/A	N/A	Mrs. Betty Bishop, Mayor 108 Governor Trimble Place Hillsboro, OH 45133 Phone: 513-393-3447
													EFFECTIVE DATE July 10, 1981		
IL	171008	City of Bridgeport Lawrence County	0001A	I	FL	B	4	2	1	N/A	N/A	N/A	N/A	N/A	Arista Peneton, Jr. Mayor City Hall 111 E. Olive St. Bridgeport, IL 62417 (618) 945-2351
OH	390158	Fairfield County Unincorporated Areas	0001B 0002B 0003B 0004C 0005C 0006B 0007B 0008B	I	FL	B	1	3	1	2/10/78 6/20/80	N/A	9 10 16	N/A	N/A	Charles Deeds, President Co. Bd. of Commissioners Fairfield Co. Courthouse Lancaster, OH 43130 (614) 654-6530
													EFFECTIVE DATE July 14, 1981		
OR	410205	City of Adams Umatilla County	0001C	I	FL	B	1	3	1	8/30/74 12/26/75 5/8/79	N/A	N/A	8 9 10	N/A	Cecil Rand, Mayor City Hall Adams, OR 97810 (503)566-2677

EFFECTIVE DATE 7-17-81

1 STATE	2 IDENT NUMBER	3 COMMUNITY NAME & COUNTY NAME	4 PANELS PRINTED (# AND SUFFIX)	5 INLAND/ COASTAL	6 HAZARD	7 60.3 CODE	8 PROGRAM STATUS	9 STATUS OF FHBM	9 STATUS OF FIRM	10 PREVIOUS MAP DATES FHBM	10 PREVIOUS MAP DATES FIRM	11 REVISION CODE(S)	12 RESCISSION	13 FLOODWAYS PANELS PRINTED	14 LOCATION OF MAP REPOSITORY
NC	370063	Clay County	0025A 0050A 0075A	I	FL	B	1	2	I	N/A	N/A	N/A	N/A	N/A	Mr. B. Howard Wimpey, County Commissioner P.O. Box 118 Hayesville, North Carolina 28904
NC	370105	Graham County	0025A 0050A 0075A 0100A	I	FL	B	1	2	I	N/A	N/A	N/A	N/A	N/A	Mr. Daryl Crisp, County Manager Box 575 Robbinsville, North Carolina 28771
OH	390272	Hocking Co. (Uninc. Area)	Index 0001B 0002B 0003B 0004B 0005B 0006B 0007B 0008B	I	FL	B	1	3	1	12/30/77	N/A	9 10 16	N/A	N/A	John Bumgardner County Administrator Hocking County Courthouse Main Street Logan, OH 43138 Phone: 614-385-5195
WV	540057	Town of Lost Creek (Harrison Co.)	0001B	I	FL	B	1	3	1	5/31/74 3/26/76	N/A	9 10 16	N/A	N/A	Mr. Homer Lohr, Mayor P.O. Box 216 Lost Creek, WV 26385 Home Phone: 304-745-4113 Work Phone: 304-623-9531
EFFECTIVE DATE July 21, 1981															
OR	410215	City of Weston Umatilla Co.	0001B	I	FL	B	1	3	1	5/17/74 12/5/75	N/A	8 9	N/A	N/A	Lyn Delph, Mayor P. O. Box 427 Weston, OR (503) 566-3313
EFFECTIVE DATE July 28, 1981															
OR	410206	City of Athena Umatilla County	0001B	I	FL	B	1	3	1	11/2/73 4/16/76	N/A	8 9	N/A	N/A	Robert Frink, Mayor P. O. Box 497 Athena, OR 97813 (503) 566-3662

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E=FI
8. Progra
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4=Not
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Community Map Actions

(Codes: Where no entry is necessary use N/A)

Column Code:

1. Two-letter state designator.
2. FIA Community 6-digit identity number.
3. Community name, County(ies) name.
4. Four-digit number and suffix of each FIRM or FHBM panel printed.
5. INL/Coast:
   I = Inland
   C = Coastal
6. Hazard:
   FL = Flood
   MS = Mudslide
   ER = Erosion
   NF = Non-Flood Prone
   MF = Minimally Flood Prone
7. 60.3 Code:
   A = Special Hazard not defined, no elevation data (No FHBM)
   B = Special Hazard Designated, no elevation data (FHBM)
   C = FIRM, No Floodway or Coastal High Hazard
   *D = FIRM, Regulatory Floodway Designated
   *E = FIRM, Coastal High Hazard
8. Program Status:
   1 = Emergency
   2 = Regular
   3 = Not Participating, No Map
   4 = Not Participating, With Map
   5 = Withdrew
   6 = Suspended
9. FHBM Status:
   1 = Never Mapped
   2 = Original
   3 = Revised
   4 = Rescinded
   5 = Superseded by Firm
9. FIRM Status:
   1 = Never Mapped
   2 = Original
   3 = Revised
   4 = Rescinded
   5 = All Zone C—No Published Firm
   6 = All Zones A and C—No Elevations Determined
10. Dates of All Previous Maps.
11. Revision Codes:
   1. 1916 BFE (Base Flood Elevation) Decrease
   2. 1916 BFE Increase
   3. 1916 SFHA (Special Flood Hazard Area) Change
   4. Change of Zone Designation: revised FIRM
   5. Curvilinear
   6. 1914 Incorporation
   7. 1914 Discorporation
   8. 1914 Annexation
   9. SFHA Reduction
   10. Non-1916 SFHA Increase Without Numbered Zones
   11. Non-1916 SFHA Increase With Numbered Zones
   12. Drafting Correction; Printing Errors
   13. Suffix Change ONLY
   14. Change to Uniform Zone Designations (7/1/74)
   15. Revisions Withdrawn
   16. Refunds Possible
   17. Letter of Map Amendment (1916)
   18. Letter of Map Amendment (1916 without Federal Register publication)
   19. Federal Register Omission
   20. Attention. A previous map (or maps) has been rescinded or withdrawn for this community. This may have affected the sequence of suffixes.
   21. Miscellaneous
13. List of Numbered Floodway Panels Printed
14. Address of Community Map Repository

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: June 9, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-18210 Filed 6-19-81; 8:45 am]

BILLING CODE 6718-03-M

*Dual entry is available.

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44 CFR Part 65

[Docket No. FEMA 6087]

Identification and Mapping of Special Flood Hazard Areas; Changes in Special Flood Hazard Areas Under the National Flood Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Interim rule.

SUMMARY: This rule lists those communities where modification of the base (100-year) flood elevations is appropriate because of new scientific or technical data. New flood insurance premium rates will be calculated from the modified base (100-year) elevations for new buildings and their contents and for second layer insurance on existing buildings and their contents.

DATES: These modified elevations are currently in effect and amend the Flood Insurance Rate Map (FIRM) in effect prior to this determination.

From the date of the second publication of notice of these changes in a prominent local newspaper, any person has ninety (90) days in which he can request through the community that the Federal Insurance Administrator reconsider the changes. These modified elevations may be changed during the 90-day period.

ADDRESSES: The modified base (100-year) flood elevation determinations are available for inspection at the office of the Chief Executive Officer of the community, listed in the fifth column of the table. Send comments to that address also.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation and Engineering Office, 451 Seventh Street, SW., Washington, D.C. 20410, (202) 755–6570.

SUPPLEMENTARY INFORMATION: The numerous changes made in the base (100-year) flood elevations of the Flood Insurance Rate Map(s) make it administratively infeasible to publish in this notice all of the modified base (100-year) flood elevations contained on the map. However, this rule includes the address of the Chief Executive Officer of the community where the modified base (100-year) flood elevation determinations are available for inspection. Any request for reconsideration must be based on knowledge of changed conditions, or new scientific or technical data.

These modifications are made pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234) and are in accordance with the National Flood Insurance Act of 1968, as amended, (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR Part 65.4 (Presently appearing at its former Section 24 CFR 1915).

For rating purposes, the revised community number is listed and must be used for all new policies and renewals.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These elevations, together with the flood plain management measures required by 60.3 (presently appearing at its former Section 1910.3) of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The

community may at any time, enact stricter requirements on its own, or pursuant to policies established by other Federal, State or regional entities.

The changes in the base (100-year) flood elevations listed below are in accordance with 44 CFR 65.4. (Presently appearing at its former Section 24 CFR Part 1915.4):

§ 65.4 [Amended]

State and county	Location	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modified flood insurance rate map	New community No
Connecticut: Fairfield	Town of Stratford	*The Bridgeport Post*, July 25, 1980, Aug. 1, 1980	Mr. Michael Brown, Town Manager, Town of Stratford, 2725 Main Street, Stratford, Connecticut 06497	Aug. 1, 1980	090016, 0001B, 0002B
Florida: Seminole	City of Altamonte Springs	*Evening Herald* Aug. 29, 1980, Sept. 5, 1980	Honorable N. C. Floyd, Sr., Mayor City of Altamonte Springs, 225 Newburyport Avenue, Altamonte Springs, Florida 32701	Aug. 22, 1980 (66B)	120290A
Maryland: Frederick	Unincorporated areas	*Frederick News Post*, Nov. 30, 1979, Dec. 7, 1979, Jan. 2, 1980	Mrs. Mary G. Williams, President, Board of Commissioners, Winchester Hall, East Church Street, Frederick, Maryland 21701	Aug. 8, 1980	240027, 0175B, 0195B, 0250B
Massachusetts: Hampden	City of Holyoke	*The Holyoke Transcript*, Aug. 1, 1980, Aug. 8, 1980	Honorable Ernest E. Proulx, Mayor City of Holyoke, Holyoke, Massachusetts 01040	do	250142, 0006C.
Minnesota: Blue Earth	City of Mankato	*Free Press*, Sept. 19, 1980, Sept. 26, 1980	Honorable Herbert Macal, City of Mankato, 202 East Jackson Street, Mankato, Minnesota 56001	Aug. 26, 1980	275242B.
Ohio: Trumbull	Village of McDonald	*Niles Daily News* Aug. 1, 1980, Aug. 8, 1980.	Honorable Thomas Leskovac, Village of McDonald, Village Hall, Ohio and Fifth, McDonald, Ohio 44437	Aug. 8, 1980	3905538, 0001B.
Texas: Hunt	City of Greenville	*Herald Banner* Aug. 25, 1980, Aug. 26, 1980	Honorable William F. Elkins, Mayor, City of Greenville, 2821 Washington Street, P.O. Box 1049, Greenville, Texas	Aug. 26, 1980	485473, 0005C, 0010C
Vermont: Rutland	Town of Pawlet	*Rutland Herald*, July 25, 1980, Aug. 1, 1980	Mr. H. Ashley Waite, Chairman, Board of Selectmen, Town Hall, Town of Pawlet, Pawlet, Vermont 05761	Aug. 1, 1980	500097, 0005C, 0010C, 0015C, 0020C.
Washington: King	City of Normandy Park	*Highline Times*, Nov. 28, 1979, Dec. 5, 1979	Honorable John T. Dawson, Mayor, City of Normandy Park, 240 S.W. 200th, Normandy Park, Washington 98166	Aug. 5, 1980	530084, 0001C, 0002C.
Delaware: Sussex	City of Lewes	*The Whale*, Mar. 26, 1980, Apr. 2, 1980	Mr. Ronald Donovan, City Manager, City of Lewes, P.O. Box 227, Lewes, Delaware 19958.	Nov. 7, 1980	100041C
Florida: Dade	Unincorporated area	*The Miami Herald*, Nov. 7, 1980, Nov. 14, 1980	Mr. Merritt Stierheim, County Executive, Dade County, Dade County Courthouse, Room 911, 73 West Flagler Street, Miami, Florida 33131	Nov. 14, 1980	125098D
Kentucky: Henderson	City of Henderson	*Gleaner Journal*, Mar. 18, 1980, Mar. 25, 1980	Honorable William J. Newman, Mayor City of Henderson, P.O. Box 716, Henderson, Kentucky 42420.	Nov. 21, 1980	210109C
Minnesota: Washington	City of Stillwater	*Stillwater Gazette*, Nov. 7, 1980, Nov. 14, 1980	Honorable David Junker, City of Stillwater, 216 North Fourth Street, Stillwater, Minnesota 55082	Nov. 14, 1980	275249B.
Missouri: Cape Girardeau	City of Jackson	*Cash Book Journal*, Mar. 19, 1980, Mar. 26, 1980	Honorable Carlton G. Meyer, Mayor, City of Jackson, City Hall, 225 South High Street, Jackson, Missouri 63755	Nov. 18, 1980	295265B.
New York: Broome	Town of Union	*The Binghamton Press*, Nov. 14, 1980, Nov. 21, 1980	Mr. Richard Miller, Town Supervisor, Town of Union, Town Hall, 3111 East Main Street, Endwell, New York 13760	Nov. 21, 1980	360056B.
Texas: Guadalupe	Unincorporated areas	*Seguin Gazette Enterprise*, Apr. 3, 1980, Apr. 10, 1980	Honorable Joe B. Fleming, County Judge, Guadalupe County Courthouse, Seguin, Texas 78155	Nov. 25, 1980	480266, 0175C
Colorado: Arapahoe	Town of Columbine Valley	*Little Independent*, Dec. 2, 1980, Dec. 4, 1980	Honorable William Graham, Mayor, Town of Columbine Valley, 17A Fairway Lane, Little, Colorado 80123	Dec. 2, 1980	080014C.
Do	City of Greenwood Valley	*Southeast Suburban Country Squire*, Dec. 10, 1980, Dec. 17, 1980	Honorable Samuel Jenkins, Mayor City of Greenwood Village, 6060 South Quebec St., Englewood, Colorado 80111	Dec. 16, 1980	080195B
Massachusetts: Plymouth	City of Brockton	*The Brockton Enterprise*, Dec. 19, 1980, Dec. 26, 1980	Honorable David E. Crosby, Mayor City of Brockton, City Hall, Brockton, Massachusetts 02401	Dec. 26, 1980	250161C.
Missouri: Clay	Village of Claycomo	*Kansas City Star*, Dec. 1, 1980, Dec. 2, 1980	Stow Winter, Chairman, Village of Claycomo, City Hall, 115 East 69 Highway, Claycomo, Missouri 64119	Dec. 2, 1980	290089C.
Greene	City of Springfield	*The Springfield Leader and Press*, Dec. 29, 1980, Dec. 30, 1980	Honorable Paul L. Redfearn, Jr., Mayor City of Springfield, 830 Boonville, Springfield, Missouri 65802	Dec. 19, 1980 (66B)	290149A
New Jersey: Camden	Borough of Collingswood	*The Retrospect*, Nov. 27, 1980, Dec. 4, 1980	Honorable Michael Brennan, Mayor Borough of Collingswood, 400 Virginia Avenue, Collingswood, New Jersey 08108	Dec. 5, 1980	340131C
Do	Borough of Laurel Springs	*The Record Breeze*, Dec. 3, 1980, Dec. 10, 1980	Honorable Jack H. Hagen, Mayor Borough of Laurel Springs, 135 Broadway, Box 475, Laurel Springs, New Jersey 08021	Dec. 12, 1980	340547B
Essex	Town of West Orange	*The West Orange Chronicle*, Dec. 4, 1980, Dec. 11, 1980	Honorable Samuel A. Spina, Mayor, Town of West Orange, 60 Main Street, West Orange, New Jersey 07052	Dec. 12, 1980	340197B

State and county	Location	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modified flood insurance rate map	New community No.
Oregon: Tillamook	City of Tillamook	*Headlight Herald*, Dec. 17, 1980, Dec. 24, 1980.	Honorable Donald C. Hurd, Mayor, City of Tillamook, 1902 Third Street, Tillamook, Oregon 97141	Dec. 23, 1980	410202C.
Texas:					
Collin	City of Plano	*Plano Daily Star-Courier*, Jan. 19, 1981, Jan. 20, 1980	Honorable James W. Edwards, Mayor, City of Plano, 1117 15th Street, P.O Box 358, Plano, Texas 75074.	Dec. 26, 1981 (66B)	480140A.
Guadalupe	City of Seguin	*Seguin Gazette Enterprise*, May 14, 1980, May 15, 1980.	Honorable Alfred Koebig, Mayor, City of Seguin, 205 North River Street, P.O Box 591, Seguin, Texas 78155	Dec 12, 1980	485508C.
Utah, Utah	City of Provo	*The Daily Herald*, Apr. 22, 1980, Apr 23, 1980.	Honorable James E. Ferguson, Mayor, City of Provo, 359 West Center Street, P.O. Box 1849, Provo, Utah 84601.	Dec. 2, 1980	490159C.
Florida: Indian River	Indian River County	*Vero Beach Press Journal*, Feb 22, 1980, Feb. 29, 1980.	Mr. Jack G. Jennings, Administrator, Indian River County, 2145 14th Avenue, Vero Beach, Florida 32960.	Jan 23, 1981	120119B
Illinois: Cook County	Village of Schaumburg	*The Daily Herald*, Jan. 9, 1981, Jan. 16, 1981.	Honorable Raymond Kessel, Village of Schaumburg, 101 Schaumburg Court, Schaumburg, Illinois 60193.	Jan. 16, 1981	170158C.
Pennsylvania: Chester County	Village of East Vincent	*The Mercury*, Jan. 1, 1981, Jan. 16, 1981.	Mr. Everett H. Wilson, Chairman of Supervisors, Township of East Vincent, Wilson Road, R.D. 2, Phoenixville, Pennsylvania 19475.	do	420278B.
North Carolina: Dare County	Town of Southern Shores	*Coastline Times*, Dec. 30, 1980, Jan. 8, 1981.	Honorable Kern P. Pitts, Mayor, Town of Southern Shores, P.O. Box 272, Kitty Hawk, North Carolina 27949	Jan. 9, 1981	370430A.
South Carolina: Charleston County	Town of Mount Pleasant	*Moultrie News*, Jan 21, 1981, Jan. 29, 1981.	Mr. Ted Shogry, Town Administrator, Town of Mount Pleasant, P.O. Box 745, Mount Pleasant, South Carolina 29464.	Jan. 9, 1981	455417
Tennessee: Hamblem County.	City of Morristown	*Citizens Tribune*, Apr. 18, 1980, Apr. 25, 1980.	Honorable John R. Johnson, Mayor, City of Morristown, P.O. Box 1499, Morristown, Tennessee 27814	Jan. 2, 1981	470070C.
Utah: Utah County	City of Payson	*The Payson Chronicle*, Dec. 31, 1980, Jan. 7, 1981.	Honorable Gary S. Hansen, Mayor, City of Payson, 439 West Utah Avenue, P.O. Box 118, Payson, Utah 84651.	Jan 6, 1981	490157C.
Wisconsin: Marathon	City of Wausau	*Wausau Daily Herald*, Mar. 6, 1981, Mar 13, 1981.	Honorable John L. Kannenberg, City of Wausau, 407 Grant Street, Wausau, Wisconsin 54401.	Jan 5, 1981	550511C.
Colorado:					
Arapahoe and Douglas Counties.	City of Littleton	*The Littleton Independent*, June 19, 1980, June 26, 1980.	Honorable James Collins, Mayor, City of Littleton, 2255 West Berry Avenue, Littleton, Colorado 80165.	Feb. 3, 1981	080017C.
Boulder	City of Boulder	*The Boulder Daily Camera*, June 30, 1980, July 1, 1980.	Honorable Ruth Correll, Mayor, City of Boulder, 1777 Broadway, P.O Box 791, Boulder, Colorado 80306.	Feb 24, 1981	080024C.
Do	do	*Daily Camera*, Mar. 3, 1981, Mar. 4, 1981.	do	Feb 20, 1981 (66-B)	080024B.
Illinois: Cook	Village of La Grange	*Suburban Light*, Feb. 14, 1981, Feb. 21, 1981.	Mr. William H. Garhart, Village of La Grange, 53 South La Grange Road, La Grange, Illinois 60525.	Feb 13, 1981	170114B.
Minnesota: Ramsey	City of Saint Paul	*Saint Paul Dispatch*, July 11, 1980, July 18, 1980	Honorable George Latimer, City of Saint Paul, 347 City Hall, Saint Paul, Minnesota.	Feb 20, 1981	275248B.
Ohio					
Hamilton	City of Madeira	*Northeast Suburban Life*, July 9, 1980, July 16, 1980.	Mr. Harry Price, City Manager, City of Madeira, 7141 Miami Avenue, Madeira, Ohio 45243.	do	390225B
Richland	Village of Lexington	*Mansfield News Journal*, July 25, 1980, Aug 1, 1980.	Mr. Charles Pscholka, Village Administrator, Director—Village of Lexington, 44 West Main Street, Lexington, Ohio 44904.	Feb 22, 1981	390618D.
Washington: Okanogan	Okanogan County	*Omak Chronicle*, July 3, 1980, July 10, 1980	Mr. Melvin Kuhlmann, County Commissioner's Office, Okanogan County Courthouse, P.O. Box 791, Okanogan, Washington 98840	Feb 10, 1981	530117B.
Wisconsin:					
Buffalo	City of Alma	*The Buffalo County*, July 10, 1980, July 17, 1980.	Honorable Alan Kirchner, City of Alma, Alma, Wisconsin 54610.	Feb 20, 1981	555540C
Winnebago	City of Oshkosh, Northwestern	*Oshkosh Northwestern*, July 11, 1981, July 17, 1981.	Mr. William Frueh, City Manager, P.O Box 103, Oshkosh, Wisconsin 54902	do	550511C.
Alabama: Tuscaloosa	City of Newport	*Tuscaloosa News*, June 5, 1981, June 12, 1981.	Honorable J. Frank Manderson, Mayor, City of Newport, P.O. Drawer L, Northport, Alabama 35476.	Mar. 27, 1981	010202C.
Colorado: Adams	City of Northglenn	*Dispatch Sentinel*, Aug. 14, 1980, Aug. 21, 1980.	Honorable Odell Barry, Mayor, City of Northglenn, 10701 Melody Drive, Suite 305, Northglenn, Colorado 80525.	Mar. 31, 1981	080257B.
Connecticut: Hartford	Town of Simsbury	*Farmington Valley Herald*, Mar. 19, 1981, Mar 26, 1981	Mrs. Margaret Shanks, First Selectman, Board of Selectmen, Town of Simsbury, Town Hall, P.O Box 495, Simsbury, Connecticut 06070.	Mar 27, 1981	090035B.
New Mexico: McKinley	City of Gallup	*Gallup Independent*, Aug. 11, 1980, Aug. 12, 1980.	Honorable F. Wayne Lewis, Mayor, City of Gallup, P.O. Box 1270, Gallup, New Mexico 87301.	Mar 17, 1981	350042C.
North Dakota: Pembina	City of Drayton	*Drayton Express*, Mar. 19, 1981, Mar. 26, 1981.	Honorable Donald M. Brown, Mayor, City of Drayton, P.O. Box 285, Drayton, North Dakota 58225.	Mar. 24, 1981	380150D.

State and county	Location	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modified flood insurance rate map	New community No.
Oregon: Clatsop	City of Cannon Beach	*Daily Astorian*, Mar. 26, 1981, Mar. 27, 1981.	Honorable John Williams, Mayor, City of Cannon Beach, P.O. Box 368, Cannon Beach, Oregon 97110.	Mar. 3, 1981 (66-B)	410029B.
Tennessee Williamson	City of Franklin	*Review-Appeal*, Mar. 20, 1981, Mar. 27, 1981.	Honorable Dr. Jeffrey Bethurm, Mayor, City of Franklin, P.O. Box 305, Franklin, Tennessee 37060.	Mar. 16, 1981	4702068.
Texas:					
Aransas	City of Rockport	*Rockport Pilot*, Mar. 26, 1981, Apr. 2, 1981.	Honorable Walter S. Falk, Jr., Mayor, City of Rockport, 319 North Broadway Rockport, Texas 78382	Mar. 3, 1981 (66-B)	485504C.
Brazoria	City of Alvin	*Alvin Sun*, Aug. 13, 1980, Aug. 14, 1980.	Honorable Allen Gray, Mayor, City of Alvin, 216 West Sealy Street, Alvin, Texas 77511.	Mar. 24, 1981	485451E.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: June 4, 1981.

Robert G. Chappell, P.E.,

Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81-18211 Filed 6-19-81, 8:45 am]

BILLING CODE 6718-03-M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Part 172

[Docket No. HM-171; Amdt. No. 68]

Use of United Nations Shipping Descriptions; Correction

AGENCY: Materials Transportation Bureau (MTB), Research and Special Programs Administration, DOT.

ACTION: Final rule; correction.

SUMMARY: This document corrects a final rule issued under Docket HM-171, Use of United Nations Shipping Descriptions, which was published in the **Federal Register** on Monday, June 1, 1981 (46 FR 29392). This action is necessary to correct certain errors in the Optional Hazardous Materials Table published in that rule. Since use of the Optional Hazardous Materials Table is not mandatory, this rule will not impose an undue burden on persons affected by the regulations.

EFFECTIVE DATE: June 22, 1981.

FOR FURTHER INFORMATION CONTACT: Edward A. Altemos (202-426-0656), Office of Hazardous Materials Regulation, Materials Transportation Bureau, Department of Transportation, 400 Seventh Street, SW, Washington, D.C. 20590. Office hours are from 8:00 a.m. to 4:30 p.m., Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION: As indicated in the final rule published June 1, 1981, the Optional Hazardous Materials Table was amended to reflect changes published in Amendments 17-79 and 18-79 to the Inter-Governmental Maritime Consultative Organization's International Maritime Dangerous Goods Code (IMCO Code). Since the publication of the final rule, several errors have been noted. The primary purpose of this amendment is to correct these errors in order to maintain consistency between the Optional Table and the IMCO Code.

Specific changes to entries are as follows:

(1) In two instances proper shipping names were revised but cross references to the proper shipping names were not correspondingly amended. These cross-references are appropriately corrected by this document.

(2) The entries "Solvents, *(toxic)*, n.o.s." and "Solvents, *(non-toxic)*, n.o.s.," and the entry "Cleaning compounds, *liquid, corrosive*" were deleted from the IMCO Code by Amendments 17-79 and 18-79 respectively but were inadvertently retained in the Optional Table. Since these entries are no longer acceptable descriptions in the IMCO Code, they are being deleted from the Optional Table.

(3) The series of symbols "< — &" was inadvertently printed in nine entries in the Optional Table. This series of symbols is being deleted wherever it appears.

When the Optional Table was republished, asterisks (*) were inserted in Column (1) of the table to assist the reader in identifying new or amended entries. Since these asterisks were intended as guidance material only and are not to appear in the next reprint of the Optional Table in the Code of Federal Regulations this amendment also deletes all asterisks which appear in Column (1) of the Optional Table.

Since this rule does not impose mandatory additional requirements, notice and procedure thereon are considered unnecessary.

In consideration of the foregoing, the Optional Hazardous Materials Table in § 172.102, page 29392, is corrected as follows:

§ 172.102 [Corrected]

(a) On page 29402, the entry "Butyl phosphoric acid. *See* Acid butyl phosphate" is corrected to read "Butyl phosphoric acid. *See* Butyl acid phosphate"

(b) On page 29425, the entry "Phenylacetonitrile. *See* Benzyl cyanide, *liquid*" is removed.

(c) On page 29431, the entry "Solvents, *(non-toxic)*, n.o.s." is removed.

(d) On page 29431, the entry "Solvents, *(toxic)*, n.o.s." is removed.

(e) On page 29405, the entry "Cleaning compounds, *liquid, corrosive*" is removed.

(f) The symbol "*" is deleted wherever it appears in Column (1).

(g) The series of symbols "< — &" is deleted wherever it appears in Column (2).

Note.—The Materials Transportation Bureau has determined that since this rule does not impose additional requirements and should have the net result of reducing costs and duplicative regulatory burdens, this document will not result in a "major rule" under the terms of Executive Order 12291, nor is it a "significant regulation" under DOT's regulatory policy and procedures (44 FR 11034). Furthermore, this rule does not require an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321 et seq.). A regulatory evaluation and an environmental assessment are available for review in the docket.

Issued in Washington, D.C., on June 15, 1981.

L. D. Santman,

Director, Materials Transportation Bureau.

[FR Doc. 81-18208 Filed 6-19-81; 8:45 am]

BILLING CODE 4910-60-M

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 1-21; Notice 6]

Federal Motor Vehicle Safety Standards; Theft Protection

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Final rule; response to petitions for reconsideration.

SUMMARY: This notice responds to ten petitions for reconsideration concerning Safety Standard No. 114, *Theft Protection.* In response to the petitions, the agency is (1) exempting walk-in vans from the requirements of the standard; (2) exempting open-body type vehicles with readily removable or no doors from the key-in-ignition warning requirement; (3) clarifying the provision which requires a manufacturer to have 1,000 different key combinations for each type of vehicle; and (4) deleting the provision, adopted in the last notice, that is designed to prevent the driver from inadvertently locking the steering column while his or her vehicle is in motion. This notice also makes a technical amendment to the standard.

DATES: The amendment deleting the inadvertent activation requirements for passenger cars is effective on September 1, 1982. The remaining amendments become effective on September 1, 1983. This is the effective date previously established for Standard No. 114 to become applicable to trucks and multipurpose passenger vehicles (MPV's) having a gross vehicle weight rating of 10,000 pounds or less.

FOR FURTHER INFORMATION CONTACT: Mr. Nelson Erickson, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, D.C. 20590 (202-426-2720).

SUPPLEMENTARY INFORMATION: On December 29, 1980, NHTSA published in the **Federal Register** (45 FR 85450) a final rule making certain amendments to Safety Standard No. 114, *Theft Protection* (49 CFR 571.114). These amendments extended the applicability of the standard to trucks and multipurpose passenger vehicles (MPV's) with a gross vehicle weight rating (GVWR) of 10,000 pounds or less. The amendments also upgraded the performance requirements of the standard to prevent the driver from inadvertently locking the steering wheel while his or her vehicle is in motion.

Petitions for reconsideration were subsequently filed within the prescribed time limits by the Motor Vehicle Manufacturers Association (MVMA), BMW of North America, Inc. (BMW), American Motors Corporation (AMC), Alfa Romeo, General Motors Corporation (GM), Volkswagen of America, Inc. (VW), Fiat Motors of North America, Inc. (Fiat), Chrysler Corporation (Chrysler), Automobile Importers of America, Inc. (AIA), and Mercedes-Benz of North America, Inc. (Mercedes). In addition, Renault U.S.A., Inc., filed a comment with the agency in which it concurred in the petitions filed by VW and AIA. After evaluating these petitions, the agency has decided to modify, as fully detailed below, some of the requirements of the standard. The agency is also making a technical amendment to the standard in this notice. To the extent set forth below, the petitions are granted. Otherwise, they are denied.

Exemption for Walk-In Vans and Open-Body Type Vehicles

In general, the reaction of the petitioners to the amendments extending the standard to light trucks and vans was positive. Chrysler stated that Standard No. 114 has been effective in deterring motor vehicle theft by amateur thieves and joyriders and thus it approves of the extension. However, several petitioners asked for an exemption from all or parts of the rule for specific types of vehicles.

GM requested that walk-in vans be exempted from all of the standard's requirements. (A walk-in van is a "step-van" city delivery type of vehicle that permits a driver to enter the vehicle without stooping. Such vans are typically used to deliver lightweight, bulky merchandise such as bakery products or dry cleaning. GM describes a walk-in van as a forward control chassis which it designates as a "P truck.") GM argues that such vehicles should be exempted from the standard because there are no data to indicate a significant theft problem with these vans. Walk-in vans are exempted from the requirements of Safety Standards Nos. 203, 204, 212, and 219 because compliance with these standards "would not accomplish the safety benefits projected for passenger cars" and because these vehicles are used for low-speed city delivery service and thus are not exposed to the risk of high-speed accidents. According to GM, the lack of data indicating a theft problem provides a similar reason for exempting walk-in vans from Standard No. 114. GM notes that without the exemption, a new steering column might have to be designed, tested, tooled and manufactured for this vehicle. The petitioner suggests that the cost of such a column to purchasers could be "significant" since a low number of walk-in vans are produced.

The fact that GM might have to redesign the steering column used in these vehicles if it is forced to comply with the rule is not dispositive by itself. Compliance with any new standard or amendment to an existing rule typically requires a vehicle or equipment manufacturer to make design or tooling changes. This fact is considered by the agency in deciding whether to adopt a proposed rule or amendment.

However, the agency has decided to exempt walk-in vans from the requirements of Standard No. 114. Walk-in vans are generally commercial vehicles that have minimal capacity to accelerate and thus are not attractive to the youthful joyrider. NHTSA expects that as a result the theft rate of these vehicles is considerably less than the theft rate of other light trucks and vans. The theft rate of walk-in vans manufactured by Chevrolet and GMC supports this. The 1979 nationwide theft rate of all registered model years 1972-1980 walk-in vans manufactured by Chevrolet and GMC was one-third of the 1979 nationwide theft rate of all registered model years 1972-1980 light trucks that were built by these companies. NHTSA derived this statistic from information supplied by R. L. Polk, Inc. and National Automobile Theft Bureau. Thus NHTSA has decided to grant GM's petition and exempt walk-in vans from the requirements of the standard. However, the agency will continue to monitor the theft and accident rates of these vehicles, and will initiate rulemaking should the data indicate that application of the standard's requirements would yield a significant safety benefit.

AMC and MVMA requested that open-body type vehicles which lack a driver's door or have one that can be readily removed be exempted from the standard's key-warning requirements (paragraph S4.7 of the December 1980 final rule, renumbered S4.5 in today's rule). (An open-body type vehicle is a vehicle that has no occupant compartment top or one that can be installed or removed by the user at his or her convenience.) The petitioners argued that it is impracticable and

unreasonable to require a key-warning system that is activated when the driver's door is open on a vehicle whose driver's door has been removed or on a vehicle which was produced without a driver's door. NHTSA agrees with this argument and so is amending the standard to exempt open-body type vehicles from the warning requirements. Only vehicles without doors or with readily removable ones are so exempted.

The agency notes that a seat sensor could be used to signal the presence of the key in the ignition after the driver has left the vehicle. A requirement for such a system was not within the scope of the proposal and thus could not be adopted here. NHTSA encourages manufacturers of open-body type vehicles that are exempted from the standard's warning requirements to voluntarily employ a system such as this.

Number of Key Combinations

Paragraph S4.6 of Standard No. 114 as amended in the December 1980 notice (paragraph S4.4 in today's rule) specifies the minimum number of different combinations of the key-locking systems required of a manufacturer for each vehicle type. The provision requires that manufacturers have 1,000 combinations for a type of vehicle or a number equal to the number of vehicles of that type, whichever is less. The purpose of the requirement is to ensure that each manufacturer has a sufficiently large number of key combinations so that thieves are not readily able to unlock and start vehicles through the use of master keys.

VW in its petition requested that this provision be modified. Although the petitioner does not state its position directly, it appears that VW has misinterpreted the requirement. VW implies that the provision requires a manufacturer to have, for each vehicle type, 1,000 key combinations that are not only different from each other, but also different from the key combinations used for other types of vehicles built by that manufacturer. This is not the case. Paragraph S4.6 of the standard as amended in the last notice only requires that a manufacturer who builds 1,000 or more vehicles of a particular type have at least 1,000 different key combinations. If a manufacturer builds more than one type of vehicle, it is free to use the same key combinations for two or more types of vehicles. Thus a manufacturer who builds 2,000 passenger cars and 1,100 trucks need only have 1,000 key combinations, which may be used for both the trucks and the passenger cars. The standard has been amended to clarify this point.

It is not necessary for a manufacturer to have more than 1,000 key combinations in order to achieve the objectives of the requirement. The agency finds that 1,000 different key combinations is a sufficiently high number to discourage thieves. Speed in entering and starting a vehicle is critical to successful vehicle theft. The agency finds that the key-combinations requirement will do much to slow down the efforts of thieves using master keys.

In its petition, VW complains that the phrases "for a type of vehicle" and "vehicles of that type" as they are used in paragraph S4.6 are unclear. "Vehicle type" and similar phrases have long been used by the agency typically to refer to groups of vehicles such as passenger cars and trucks. To ensure that there is no confusion in the future as to the meaning of "vehicle type," the agency is defining this phrase in the definitions paragraph (S3) of today's rule.

Inadvertent Activation

The amendments regarding inadvertent activation of the steering column lock were the most controversial of all the amendments adopted in the December 1980 final rule. These provisions (S4.3 and S4.5 of the standard as amended by that rule) were intended to prevent the driver from accidentally locking the steering system while the vehicle is in motion. For example, a panicked driver might accidently lock the steering column in an emergency situation in which he or she turns off the engine in an attempt to stop the vehicle (such as when the vehicle suddenly accelerates due to a stuck throttle cable). The inadvertent activation provisions were intended to prevent the driver from locking the steering column in a situation such as this by requiring him or her to perform a series of separate and distinct acts in order to activate the locking system.

In the preamble to the December 1980 final rule, the agency described two currently used locking systems that meet the agency's objectives. In one system, found in many vehicles equipped with an automatic transmission and a column-mounted transmission shifter, the shifter must be moved into "park" or "reverse" before the steering lock is engaged. The other system requires the driver to push a key release lever or button and move the key into the "lock" position in order to activate the lock. This system is effective only if the button is located in a position such that the driver must use both hands to operate the system (henceforth referred to as the two-hand button system.) The system does not comply with the agency's intent if the button or lever is positioned such that the driver can push the key-release mechanism and simultaneously turn the key to "lock" using only one hand (henceforth referred to as the one-hand button system).

Mercedes, VW and Chrysler agreed that there is a need to prevent drivers from accidentally locking up the steering column of a moving vehicle. However, these and many other petitioners objected to the particular provisions regarding inadvertent activation that were finally adopted by the agency. The petitioners saw various problems with the amendments.

One basic problem raised by many petitioners was an inconsistency between S4.5 and the intent of the agency as expressed in the preamble to the December 1980 final rule. In the preamble, NHTSA rejected the Economic Commission for Europe (ECE) anti-theft regulation. The agency thereby implicitly rejected those locking systems which are activated by the removal of the key and which permit the key to be removed without the driver's first having to operate a button or lever (henceforth referred to as buttonless systems). However, paragraph S4.5 of the final rule can be interpreted to permit the use of these systems.

Virtually all the petitioners complained that the agency failed to demonstrate a safety need for the inadvertent activation requirements as described in the December 1980 preamble. Alfa Romeo, BMW, VW, and Mercedes all stated that they have employed locking systems that comply with the ECE regulation for many years and have never received any report of an accident of fatality resulting from the inadvertent activation of a lock on a moving vehicle. GM similarly stated that it knows of only five incidents of accidental lock-up among the more than five million vehicles sold in the past ten years that are equipped with a one-hand button system.

Many petitioners argued that even if there were a safety need for the new requirements, these requirements as proposed in the preamble to the final rule may fail to achieve the benefits anticipated by the agency. They suggested that some people might find a two-hand button system (the cheapest available alternative that complies with the new requirements) so inconvenient that they will leave their keys in the vehicle when making short stops and thus leave their cars more vulnerable to theft. A two-hand button system may be difficult, painful, or impossible for

handicapped or arthritis-ridden people to use. These individuals might be similarly inclined to leave their keys in the ignition. Finally, some drivers might develop a reflex action with a two-hand button system, just as they have done so with buttonless and one-hand button systems.

Several manufacturers alleged that compliance with the inadvertent activation requirements as described in the December 1980 preamble will necessitate major design and tooling changes. Mercedes and VW stated that they will have to modify not only the steering column but also the instrument panel if they are forced to comply with the new provisions. Three foreign manufacturers suggested that the agency's rejection of the ECE regulation is not in line with current attempts to harmonize Federal motor vehicle safety standards with automotive standards of other countries.

AMC and AIA complained of lack of notice. They argued that although the general issue of inadvertent activation of the steering column lock was discussed in the NPRM, the notice did not mention the idea of requiring drivers to perform an additional mechanical action in order to activate the steering column lock.

After careful consideration of all arguments raised by the petitioners and further study of the consumer complaints received about inadvertent activation of the steering column lock in moving vehicles, NHTSA has decided to delete the amendments regarding inadvertent activation that were adopted in the December 1980 notice. The agency disagrees with those petitioners who contend that inadvertent activation is not a safety problem in those vehicles equipped with buttonless or one-hand button systems. Consumer complaints received by NHTSA illustrate that drivers may accidentally lock the steering column in attempting to stop the vehicle in an emergency situation. These complaints have been placed in the public docket and are available for public inspection. However, upon further study the agency has determined that the problem of inadvertent activation is not significant enough to require vehicles to be equipped with key-locking systems that provide better protection against inadvertent activation. As a result, NHTSA has decided to delete paragraphs S4.3 and S4.5 from the final rule as amended in the last notice.

The agency will continue to monitor complaints on inadvertent activation of the steering column lock while the vehicle is in motion and will initiate rulemaking should the data so warrant. NHTSA encourages manufacturers to voluntarily install key-locking systems that provide improved protection against inadvertent activation on their vehicles.

All the petitioners who expressed dissatisfaction with the new requirements regarding inadvertent activation requested that the effective date be delayed for one year or more. Since the provisions on inadvertent activation were the only new requirements for passenger cars, this issue is now moot. BMW also requested that manufacturers of trucks and MPV's be given an additional year of leadtime to comply not only with the new provisions on inadvertent activation but also with the rest of the standard's requirements. BMW never stated that it could not comply with the earlier effective date. More importantly, BMW's request was premised on the assumption that the agency would not rescind the new requirements on inadvertent activation. As noted above, NHTSA has decided to delete those requirements. Accordingly, BMW's request is denied.

Technical Amendment

In the preamble to the final rule, NHTSA stated that it was limiting the extension of Standard No. 114 to MPV's having a GVWR of 10,000 pounds or less. MVMA pointed out in its petition that the application section, S2, of the rule does not make this limitation clear. The agency agrees and is modifying the section accordingly.

Cost and Benefits

NHTSA has considered the economic and other impacts of these amendments and has determined that the rule is not a major rule within the meaning of Executive Order No. 12291. The agency has further determined that the amendments are not significant within the meaning of the Department of Transportation regulatory procedures. In issuing the final rule of December 29, 1980, NHTSA prepared a final regulatory evaluation, which contains the agency's assessment of the benefits and economic consequences of that rule. Copies of the evaluation can be obtained by writing NHTSA's Docket Section at the address given at the beginning of this notice.

The agency believes that additional analysis of the costs and benefits of today's amendments is not necessary in light of the estimates made in the December 1980 regulatory evaluation. In that evaluation, NHTSA estimated that compliance with Standard No. 114 would add $2.06 to the cost of a truck or MPV. The aggregate consumer cost would be approximately $6.57 million each year. These figures assumed that truck and MPV manufacturers would use a two-hand button system to comply with the new provisions on inadvertent activation.

The agency anticipated that such a system would be the cheapest way for manufacturers to comply with the standard. The new provisions regarding inadvertent activation are rescinded in today's amendments. However, the agency believes that these figures are still a reasonable estimate of the cost of extending Standard No. 114 to light trucks and vans. This is because NHTSA anticipates that some trucks and MPV manufacturers will choose to comply with the locking provisions by installing a two- or one-hand button system, even though a buttonless system would suffice and would appear to be cheaper. A manufacturer that already uses one- or two-hand button systems in its passenger cars and can easily install the same systems in its light trucks and vans might find this alternative to be the cheapest way to comply with Standard No. 114. Thus NHTSA estimates that extension of Standard No. 114 to light trucks and vans will cost the consumer $2.06 per vehicle. The cost to the consumer will be less to the extent that truck and MPV manufacturers comply with the rule's requirements by using buttonless systems.

The agency has also analyzed these amendments for purposes of the National Environmental Policy Act and has determined that it will not have a significant effect on the human environment.

Although NHTSA has considered the effects of these amendments on small businesses, the agency has not prepared a regulatory flexibility analysis. Such an analysis is not necessary in this case, since the Regulatory Flexibility Act applies only to rules for which an NPRM is issued on or after January 1, 1981. The notice proposing the changes in Standard No. 114 that culminated in the amendments adopted today was issued on April 26, 1978 (43 FR 18577, May 1, 1978).

The program officials primarily responsible for this notice are Nelson Erickson, Office of Vehicle Safety Standards, and Joan M. Griffin, Office of the Chief Counsel.

In consideration of the foregoing, 49 CFR 571.114 is revised to read as follows:

§ 571.114 Standard No. 114; theft protection.

S1. *Purpose and Scope.* This standard specifies requirements for theft protection to reduce the incidence of

accidents resulting from unauthorized use.

S2. *Application.* This standard applies to passenger cars, and to trucks and multipurpose passenger vehicles having a GVWR of 10,000 pounds or less. However, it does not apply to walk-in van-type vehicles.

S3. *Definitions.*

"Combination" means one of the specifically planned and constructed variations of a locking system which, when properly actuated, permits operation of the locking system.

"Key" includes any other device designed and constructed to provide a method for operating a locking system which is designed and constructed to be operated by that device.

"Vehicle type" refers to "passenger car," "truck," or "multipurpose passenger vehicle," as those terms are defined in 49 CFR 571.3.

S4. *Requirements.*

S4.1. Each truck and multipurpose passenger vehicle having a GVWR of 10,000 pounds or less manufactured on or after September 1, 1983 and each passenger car shall meet the requirements of S4.2, S4.3, S4.4, and S4.5. However, open-body type vehicles that are manufactured for operation without doors and that either have no doors or have doors that are designed to be easily attached to and removed from the vehicle by the vehicle owner are not required to comply with S4.5.

S4.2. Each vehicle shall have a key-locking system that, whenever the key is removed, will prevent—

(a) Normal activation of the vehicle's engine or other main source of motive power; and

(b) Either steering or forward self-mobility of the vehicle, or both.

S4.3. The prime means for deactivating the vehicle's engine or other main source of motive power shall not activate the deterrent required by S4.2(b).

S4.4. For each vehicle type manufactured by a manufacturer, the number of different combinations of the key-locking systems required by S4.2 shall be at least 1,000, or a number equal to the number of vehicles of that type manufactured by such manufacturer, whichever is less. The same combinations may be used for more than one vehicle type.

S4.5. A warning to the driver shall be activated whenever the key required by S4.2 has been left in the locking system and the driver's door is opened. The warning to the driver need not operate—

(a) After the key has been manually withdrawn to a position from which it may not be turned;

(b) When the key-locking system is in the "on" or "start" position; or

(c) After the key has been inserted in the locking system and before it has been turned.

(Secs. 103, 113, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1401, 1407); delegation of authority at 49 CFR 1.50)

Issued on June 17, 1981.

Raymond A. Peck, Jr.,

Administrator.

[FR Doc. 81-18360 Filed 6-17-81; 2:02 pm]

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49 CFR Part 571

[Docket 70-7; Notice 9]

Federal Motor Vehicle Safety Standards; Fields of Direct View

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Response to petitions for reconsideration; revocation of standard.

SUMMARY: This notice responds to nine petitions for reconsideration of Standard No. 128, *Fields of Direct View*. The standard, which applies to passenger cars, sets requirements on maximum permissible obstructions in the driver's field of view, minimum size of the field of view through the windshield, and light transmittance of the vehicle's windshield. In response to the petitions, the agency has decided to revoke the standard. In issuing the rule the agency recognized that the benefits, although unquantifiable, would be minor. The agency also believed that the costs associated with the rule would be minor. Based on the information submitted by the petitioners, the agency has determined that the minor safety benefits associated with the standard are substantially outweighed by the costs imposed by the standard. Revoking the standard will reduce manufacturers' capital investments by more than $160 million and provide substantial consumer savings.

DATES: The effective date of the revocation is June 22, 1981.

FOR FURTHER INFORMATION CONTACT: Charles Kaehn, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590 (202-426-1351).

SUPPLEMENTARY INFORMATION: On January 2, 1981, (46 FR 40) the agency issued Standard No. 128, *Fields of Direct View*. The standard, which applies to passenger cars, sets requirements on maximum permissible obstructions in the driver's field of view, minimum size of the field of view through the windshield, and light transmittance of the vehicle's windshield. The notice set an effective date of September 1, 1984, for the standard.

In response to a petition filed by General Motors Corp., the agency on February 5, 1981 (46 FR 10969), extended the period to file petitions for reconsideration of Standard No. 128 and several other standards. Timely petitions for reconsideration of Standard No. 128 eventually were filed by American Motors Corp., Chrysler Corp., Ferrari S.p.A., Fiat Auto S.p.A., Ford Motor Co., General Motors Corp., Jaguar Cars Ltd., Mercedes-Benz of North America, Inc. and Volkwagen of America, Inc. After reviewing the data and arguments contained in the petitions, the agency has decided, as explained below, to revoke the standard.

Obstruction Limits

Standard No. 128 establishes detailed procedures for measuring obstructions in the driver's field of view and sets limits on the maximum size of the obstructions. The standard permits only one obstruction, measured by means of a binocular test (i.e., a test that simulates the ability of a person's eyes to "look around" narrow objects), in each half of the driver's forward view. The standard limits the width of that one binocular obstruction to six degrees. The standard also has a monocular test (i.e., a test simulating the obstruction that would be presented to one eye) and limits the total amount of the monocular obstruction in the left and right forward quarters of the car (termed Zone I and Zone II, respectively) to not more than 11 degrees. In addition, the sum of the monocular obstructions in the right rear quarter of the car (Zone IV) must not exceed 25 degrees and no single obstruction in that zone can exceed 17 degrees.

The purpose of the requirements is to prevent obstructions to the driver's field of view caused by such vehicle components as overly large "A" and "C" pillars (respectively, the forwardmost and rearmost roof supports in a car) and overly low inside rearview mirrors. The monocular requirements check for obstructions posed for both tall and short drivers, while the binocular requirement only checks for obstructions posed for medium size drivers.

Forward Obstructions

One major argument raised by the petitioners challenging the obstruction limits set for the forward half of the car is that the limits do not take into

account normal production line variations between different cars of the same model. For example, Chrysler argued that its production tolerances for "A" pillars, weatherstripping, door frames and interior and exterior trim could vary the obstruction angle by as much as one degree from car to car. Chrysler said that the problem is particularly acute on vehicles with steeply sloped windshields used to reduce aerodynamic drag and improve fuel economy. Chrysler said that although the agency had evaluated the obstructions in its 4 door Plymouth Horizon, an evaluation of the 2 door version of the same model would have shown the difficulty of meeting the standard in vehicles with more aerodynamic windshields.

Chrysler also said that the steeper, more aerodynamic, windshield angles also require the use of larger "A" pillars to provide the necessary level of roof crush protection.

Ford argued that the obstruction limits are particularly stringent for the new, small, fuel-efficient cars. Ford said that because the driver is positioned closer to the "A" pillar in a smaller car, the amount of angular obstruction created by the pillar is greater than in a larger car. Thus, an "A" pillar whose width would pass the obstruction limits in a large car could fail to meet the limits in a small car. The use of more steeply mounted windshields and "A" pillar also exacerbates the problem. Ford said that the cost of redesigning two of its models to meet the forward and rearward obstruction limits could be a total of $40 million.

Ford also said that the increased use of framed window structure for the front doors in smaller cars, rather than frameless door glass used on older hardtop designs, also increases the difficulty of meeting the obstruction limits. The additional width of the door frame and its weatherstripping increases the amount of obstruction. Ford said that the framed window structure is needed since it helps reduce vehicle weight by allowing the use of lighter glass and window mechanisms and is used for installing automatic belt systems in the car.

GM raised similar arguments concerning the difficulty of meeting the obstruction limits because of production variances and the use of steeper, more aerodynamic windshield and "A" pillar angles. GM submitted information showing that it could cost approximately $100 million to redesign its cars to meet the forward obstruction limits.

The purpose of the obstruction requirements was to eliminate large obstructions by limiting obstructions to the size found in most current cars. As explained in the regulatory evaluation for the final rule, the obstruction limits set in the standard were based on surveys, conducted in 1971, 1974 and 1978, of existing vehicle designs. Based on the agency's analysis of those surveys, the agency believed that most current models, both large and small, would meet the rule without redesign.

In addition, the agency believed that it had provided sufficient lead time so that noncomplying models could be modified during the normal course of model redesign. Based on those beliefs, the agency concluded that although the benefits of the obstruction limits would be minor, since most vehicles met them, the costs of the rule would be minimal.

The comments and data filed by the petitioners indicate that the agency's conclusions about the current level of compliance and the cost of the standard were invalid. The potential costs of the forward obstruction limits of the rule are substantial. According to manufacturer estimates, they total at least $140 million for Ford and GM alone. In addition, the effect of the obstruction limits are particularly severe on smaller, aerodynamically designed cars. As vehicle size decreases, design obstructions such as the "A" pillars are located closer to the driver's eyes, thus increasing the angle of the obstructed view. Slanting the "A" pillar back at a more aerodynamic angle also increases the apparent width of the obstruction. Designing cars so that production line variations are within the obstruction limits could significantly hamper a manufacturer's ability to design and produce more fuel-efficient, small cars.

Based on information obtained from the domestic manufacturers, it appears that the manufacturers are currently designing or intending to design their passenger cars in general compliance with the limits on forward obstructions set by the standard. In most cases, the manufacturers are using, or intend to use, a design criterion of 6 degrees as the maximum obstruction limit for the "A" pillar.

The differences from the standard are due to production line variations. To require the manufacturers to modify their current designs and future design plans to achieve complete compliance would involve substantial capital and other costs. As mentioned previously, in issuing the standard, the agency believed that it would have real, although minor, safety benefits. Although the anticipated benefits were small, so were the expected costs of the standard. The information submitted by the petitioners indicates that the agency substantially underestimated the problem of production variations and the effects of the standard on new small car designs. Now that it appears that the costs substantially outweigh the anticipated safety benefits, the agency has decided to revoke the forward obstruction limits.

Rearward Obstructions

American Motors, Chrysler, Ford, GM and Volkswagen criticized the requirements limiting the amount of obstruction created by the "C" pillars. American Motors repeated its original request that the agency follow the Economic Commission for Europe draft regulation and limit the requirements to the forward 180° viewing area. Chrysler argued that, as with the forward obstruction limits, the rearward limits do not take into account its production line variations. Ford argued that sufficient research has not been conducted to relate "C" pillar size to accident causation. Ford said that the forward and rearward obstruction limits would cause it to modify two of its models at a cost of $40 million.

GM argued, among other things, that the driver's field of view needs toward the rear of the vehicle could be adequately met by the use of convex mirrors on the right side of the vehicle. GM said that the obstruction limits would force it to retool two of its vehicle lines. Volkswagen said that the obstruction limits would necessitate costly modifications to its convertible model. VW did not quantify those costs.

In establishing the rearward obstruction limits, the agency knew that a few vehicles would have to be redesigned in order to comply. The agency provided a long lead time to comply with the standard so that manufacturers would not have to alter their production plans and would be able to make the necessary changes during the normal course of model redesign. The agency expected that the long lead time would minimize the costs associated with the rule.

It now appears that the rule will require much more redesign, and thus costs, than originally anticipated. Both Ford and GM indicate that two of their models would have to be redesigned to meet the requirement.

The agency is still concerned about the need to provide drivers with adequate visual information to the rear of their cars. To accomplish that goal, while imposing less costs on consumers and manufacturers, the agency has decided to address the problem during its consideration of proposed changes to Standard No. 111, *Rearview Mirrors* (43 FR 51657, November 6, 1978). It appears

that the use of convex mirrors on the right side of the car, proposed in the 1978 notice on Standard No. 111, can produce many of the same benefits as the proposed "C" pillar obstruction limits. Accordingly, the agency has decided to revoke the rearward obstruction limits.

Viewing Area A

The standard requires that a specified area of the windshield (Viewing Area A) must be free of any major obstructions. The specifications defining Viewing Area A were based on research done by Ford to determine the minimum obstruction-free area on the windshield necessary to see pedestrians, intersecting vehicles, and road signals.

Based on an apparent misreading of the standard, Ford claimed that the requirement would force it to spend $30 million to redesign its windshield wipers so that they are outside of Viewing Area A. Such a redesign would not have been necessary, since the standard specifically provided that the wipers are not considered an obstruction.

Most manufacturers are apparently complying with the Viewing Area A requirement. This is confirmed by testing performed for the agency. The most notable exception involves the inside rearview mirrors in some foreign cars. The manufacturers of these cars have placed the rearview mirrors within Viewing Area A. This practice could block the driver's view of vehicles and pedestrians approaching from the right of the car. The agency has decided to address this problem during its consideration of proposed modifications to the rearview mirror location requirements of Standard No. 111, *Rearview Mirrors*. Such action will also centralize all mirror-related requirements in Standard No. 111.

Luminous Transmittance

The standard requires windshields to have a luminous transmittance of 70 percent when measured by an in-vehicle test. The purpose of the luminous transmittance requirement is to increase the amount of light transmitted through the vehicle's windshield so that the driver can see objects on the roadway ahead.

Virtually all the petitioners challenged the luminous transmittance requirements set by the standard. They argued that the reduction in seeing distances associated with current tinted windshields does not pose an unreasonable risk of accident. To support this argument, the petitioners said that accident studies do not show that cars with tinted windshields have more nighttime accidents than cars with untinted windshields. Ford and GM said that if, as stated in the preamble to the final rule, the agency believes that those studies have methodological limitation, then the agency should conduct its own studies to determine the effect of tinted windshields on accident rates.

In addition to arguing that there is no safety need for the new luminous transmittance requirement, the petitioners also argued that the new requirement would not have any substantial safety benefit. GM, for example, said that new requirements would only bring about a slight increase in nighttime seeing distances. GM also presented additional information about tests of drivers' nighttime vision needs. According to one set of data GM provided, tests of drivers under nighttime driving conditions found that the average driver was "looking at about one-half of the threshold distance." (The threshold distance is the maximum distance at which drivers first detect objects on the roadway ahead.) Since many drivers are looking at far less than the threshold distance, GM argued that the small difference in light transmittance between current tinted windshields and tinted windshields meeting Standard No. 128 would not aid drivers in spotting dangers earlier.

Several petitioners also argued that the new requirement would limit their ability to use new, aerodynamic, fuel-efficient designs. They pointed out that as a windshield is mounted at a steeper, more aerodynamic angle, the amount of light transmitted through the windshield decreases. Ford said, for example, that a fuel economy gain may be achieved with such aerodynamic improvements as increasing the windshield mounting angle.

In addition, they argued that the standard will require them to use less tint in cars with more sloped windshields. They said that less windshield tint will increase the temperature and solar radiation within the vehicle and cause driver and passenger discomfort. Thus, people will use their air conditioners more, causing the engine to use more fuel.

The new data submitted by the petitioners raise questions about the magnitude of the safety benefits of the luminous transmittance requirement and whether those requirements affect potential benefits related to improved fuel economy. The petitioners have shown that the requirements may unnecessarily hinder their ability to make aerodynamic improvements to increase fuel economy. Additional research will be necessary to resolve questions about the safety benefits. Finally, several manufacturers stated that they voluntarily plan to use windshield designs in many cars that come close to meeting the performance requirements of the standard. In light of these considerations, the agency has decided to withdraw the luminous transmittance requirement.

Costs and Benefits

NHTSA has considered the economic and other impacts of this revocation and has determined that the rule is not a major rule within the meaning of Executive Order No. 12291. The agency has further determined that the revocation is not significant within the meaning of the Department of Transportation's regulatory procedures. Although the rule apparently would have a total cost of approximately $160 million to manufacturers, those costs would be spread over the time between issuance of the rule and its effective date, a period of approximately 3½ years.

Although NHTSA has considered the effects of this revocation on small businesses, the agency has not prepared a regulatory flexibility analysis. Such an analysis is not necessary in this case, since the Regulatory Flexibility Act applies only to a rule for which an NPRM is issued on or after January 1, 1981. The notice proposing the requirements of Standard No. 128 that are being revoked today was issued on October 31, 1978 (43 FR 51677, November 6, 1978).

The agency finds, for good cause shown, that an immediate effective date for this revocation is in the public interest since it will avoid the unnecessary expenditure of funds by manufacturers.

As previously discussed, when the agency issued the final rule on Standard No. 128, it believed that the standard would have a real, but relatively small, effect on safety. The agency also believed that the costs associated with the standard would be small. New information provided by the manufacturers in their petitions for reconsideration indicates that the agency's beliefs were incorrect.

The information provided by the manufacturers indicates that the costs imposed by the forward and rearward obstruction limits appear substantial. Ford estimated the cost of redesigning its vehicles to be $40 million, GM estimated $117 million and AMC estimated $4 million. The agency's evaluation of these cost estimates indicates that they appear to be reasonable estimates of the costs involved in such redesigning. Several of the manufacturers indicated that their

current and future vehicles are designed to comply with the forward obstruction limits set in the standard. Because of production variations, however, the vehicles as produced can exceed the limits adopted in the standard. The agency believes that the small benefits of requiring all cars to meet the standard are far outweighed by substantial costs of redesigning some vehicles.

In the case of the requirements limiting rearward obstructions and the obstruction posed by the inside rearview mirror, the agency believes that most of these benefits can be achieved by addressing those problems in the proposed changes to Standard No. 111, *Rearview Mirror Systems*. In the case of the rearward obstructions, it appears that the use of a right hand side convex mirror can provide the driver with sufficient visual information about the roadway behind the car. Likewise, the problem of low inside rearview mirrors can be corrected in the Standard No. 111 rulemaking by requiring new mounting locations for those mirrors.

The new data submitted by the manufacturers, particularly by GM, raise questions about the cost and effectiveness of the luminous transmittance requirements. The data also indicate that the requirements may also substantially hamper manufacturers in utilizing new aerodynamic, fuel-efficient designs. In light of those considerations, the agency has decided to withdraw the luminous transmittance requirements.

§ 571.128 [Removed]

In consideration of the foregoing, Chapter V of Title 49 of the Code of Federal Regulations is amended by removing § 571.128, *Fields of Direct View*.

(Secs. 103, 119, Pub. L. 89–563, 80 Stat. (15 U.S.C. 1392, 1407); delegation of authority at 49 CFR 1.50)

Issued on June 17, 1981.

Raymond A. Peck, Jr.,

Administrator.

[FR Doc. 81-18359 Filed 6-17-81: 2:02 pm]

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INTERSTATE COMMERCE COMMISSION

49 CFR Parts 1039, 1090 and 1300

[Ex Parte No. 230 (Sub-No. 5)]

Carriers Involved in the Intermodal Movement of Containerized Freight; Freight Tariffs: Railroads, Water Carriers, and Pipeline Companies

AGENCY: Interstate Commerce Commission.

ACTION: Clarification of Notice of Final Rule [Exemption].

SUMMARY: In the prior decision decided February 19, 1981 (published at 46 FR 14348, February 27, 1981), the Commission exercised its authority under 49 U.S.C. 10505 and generally exempted rail and truck service provided by rail carriers in connection with trailer on flatcar (TOFC) and container on flatcar (COFC) service from Title 49, Subchapter IV of the U.S. Code. The Commission wishes to make it clear that in accordance with 49 U.S.C. 10505(e), this exemption does not and could not relieve rail carriers from the provisions of 49 U.S.C. 11707, concerning their liability for loss and damage.

DATES: This notice will be effective June 22, 1981.

FOR FURTHER INFORMATION CONTACT: Richard B. Felder or Jane F. Mackall, (202) 275–7656..

SUPPLEMENTARY INFORMATION: The Shippers National Freight Claim Council, Inc., filed on March 23, 1980, a petition for clarification of our February 19, 1981, decision, which generally exempted TOFC and COFC service from Title 49, Subchapter IV of the U.S. Code. The Council also filed on April 7, 1981, a petition for declaratory order essentially raising the same issues. Both petitions, in effect, would have us clarify our February 19, 1981, decision to indicate that it does not relieve the railroads from the provisions of 49 U.S.C. 11707, concerning their liability for loss and damage.

We exempted the TOFC/COFC traffic pursuant to 49 U.S.C. 10505. Subsection (e) of 49 U.S.C. 10505 specifically states that "[n]o exemption order * * * shall operate to relieve any rail carrier from an obligation to provide contractual terms for liability and claims which are consistent with (49 U.S.C. 11707)." 49 U.S.C. 11707 imposes, on the carrier, liability for actual loss or injury to property shipped unless released rates under 49 U.S.C. 10730 are involved. Released rates under 49 U.S.C. 10730 are at the election of the shipper as an alternative to otherwise applicable full liability rates. From this it follows that our prior exemption could not enable carriers to disclaim their general loss and damage obligations. Hence, a railroad solely offering released rates not agreed to by the shipper which essentially nullify the liability requirements of 49 U.S.C. 11707 would be acting outside of the scope of the exemption. We thus must emphasize that our exemption does not relieve the railroads from the provisions of 49 U.S.C. 11707, concerning their liability for loss and damage. Indeed, we note that in our notice of proposed rulemaking, printed at 364 ICC 391 (45 FR 79123, November 28, 1981) we specifically pointed out that 49 U.S.C. 10505(e) provides the standards for liability which the railroads must continue to apply to exempt services, and that it requires full value rates unless the shipper consents to limited liability rates. *Id* at 396. (We did not reiterate this point in our February 19, 1981, decision, since 49 U.S.C. 10505(e) is clear on its face.)

Petitioner also alleges several problems with certain carrier circulars concerning liability for loss and damage. These allegations, however, are not sufficient to warrant any specific response on our part at this time. To the extent railroad tariffs or contractual items on TOFC/COFC service are in violation of 49 U.S.C. 11707, they are unenforceable as a matter of law. However, to the extent tariff or contractual terms are otherwise construed as offers limiting liability open to negotiation, they may be pursued. In this regard, we note that 49 U.S.C. 10505(e) permits carriers to *offer* alternative terms, such as limited liability provisions. Moreover, 49 U.S.C. 11707 permits a carrier to limit its liability under 49 U.S.C. 10730, which allows carrier and shipper negotiation of limited liability provisions. Thus, reduced liability on the part of the carrier may be entirely acceptable to shippers in the context of reduced rates. Petitioner neither identified any individual shipper who is objecting nor complained in the context of specific rates. To this extent, petitioner has presented, in effect, only examples of carrier offers limiting liability, which the carriers may pursue as discussed above.

If concrete problems arise with respect to carrier loss and damage practices, we would, of course, accept petitions to amend in an appropriate manner the exemption given TOFC/COFC traffic. Because 49 U.S.C. 10505(d) explicitly also grants us the authority to revoke an exemption in whole or in part, we can and will protect the legitimate interests of shippers, carriers, and the public in general. We plan to monitor closely the carriers' use of the exemption.

In view of this clarification, the petition for declaratory order is denied as moot. Moreover, since 49 U.S.C. 10505(e) is clear concerning the applicability of 49 U.S.C. 11707 as it relates to carrier liability for loss and damage, modification of the prior decision is unnecessary.

This action does not significantly affect the quality of the human environment, conservation of energy resources, or small business.

Authority: 49 U.S.C. 10101, 10321, and 10505.

Dated: June 10, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam.

James H. Bayne,

Acting Secretary.

[FR Doc. 81-18417 Filed 6-19-81; 8:45 am]

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Proposed Rules

Federal Register
Vol. 46, No. 119
Monday, June 22, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

SMALL BUSINESS ADMINISTRATION

13 CFR Part 105

Standards of Conduct

AGENCY: Small Business Administration.

ACTION: Proposed rule.

SUMMARY: The proposed amendments to Part 105 of SBA's Standards of Conduct Regulations constitute an extensive revision of these rules. There are five general purposes for these proposed amendments:

First, they reflect the experience of SBA in the general field of employee ethical conduct since the last major revision of these regulations in 1976 (41 FR 29656, July 19, 1976: correction, 41 FR 33547, August 10, 1976). Second, changes in language are made in order to clarify meaning. Many of the interpretative problems that arose since 1976 essentially reflected unanticipated ambiguities in language. Third, changes in position titles are made in accordance with various SBA organizational changes. Fourth, significant new amendments are included in order to reflect major statutory provisions in the Ethics in Government Act of 1978 (Pub. L. 95–521, October 26, 1978; amended by Pub. L. 96–19 and Pub. L 96–28). Fifth, interpretations of Agency regulations by the Agency Standards of Conduct Committee (13 CFR 105.801 in both the current regulations and the proposed regulations) have been incorporated into the body of the proposed regulations. This will provide additional guidance to Agency employees and management officials in the standards of conduct area. This should also diminish the number of requests to the Standards of Conduct Committee from agency employees, former employees, management officials and other interested parties requesting guidance in applying the regulations to specific situations.

DATE: Comments should be received no later than July 22, 1981.

ADDRESSES: Interested parties may submit comments on these proposed regulations to the Office of General Law, Small Business Administration, 1441 L Street, N.W., Washington, D.C. 20416.

FOR FURTHER INFORMATION CONTACT: Donald W. Farrell, Associate General Counsel (202) 653–6660 or Robert Peterson (202) 653–6477.

SUPPLEMENTARY INFORMATION: Executive Order 12291, effective February 17, 1981, would not apply to these proposed rules, if finalized. (See Section 1(a)(3) of the Executive Order.) In addition, it is hereby certified that, for the purposes of the applicability of the requirements of sections 603 and 604 of the Regulatory Flexibility Act (Pub. L. 96–354, September 19, 1980, U.S.C. 603 and 604), these proposed rules will not, if promulgated, have a significant economic impact on a substantial number of small entities. These rules primarily affect the standards of conduct for SBA employees and former SBA employees.

Particular areas covered in the proposed amendments include:

1. Section 105.101, the general purpose clause of the Standards of Conduct Regulations, is amended by adding clarifying language.

2. Section 105.201, "Definitions," is amended in subsection (i) by adding new language making it clear that eligibility determinations under SBA's Section 8(a) Program constitute "SBA Assistance" for the purpose of the Standards of Conduct Regulations; and by adding a new subsection (1) defining "Senior Employee" for the purposes of other amendments in Part 105 derived from the Ethics in Government Act of 1978.

3. Section 105.401, dealing with former SBA employees appearing in a representational capacity in connection with an SBA matter, is amended by adding general clarifying language and by increasing the proscribed time period under the regulation from one year to two years in order to bring the regulation into conformity with the comparable statutory provision amended by the Ethics in Government Act of 1978.

4. Section 105.402, also generally dealing with former employees acting in a representational capacity in connection with an SBA matter, is amended by adding clarifying language.

5. Section 105.403, dealing with employment of former SBA personnel by recipients of SBA assistance, is amended by deleting a provision in the current regulation that extends the proscription of the regulation to persons providing significant legal, accounting and similar services to the SBA aid recipient. As amended, the regulatory proscription would apply only to the SBA aid recipient itself. SBA's experience has been that this extended limitation in the current regulation is unnecessary and difficult to apply equitably and uniformly to all situations.

6. Section 105.404, dealing with SBA assistance to a concern employing a former SBA employee, is amended to correct minor typographical errors in the current regulation.

7. The current § 105.405 is redesignated as § 105.408 and a new § 105.405, dealing with personal appearances in an SBA matter by a former SBA "Senior Employee," is substituted therefor. This new regulatory provision, though somewhat broader in scope, basically tracks the provisions of 18 U.S.C. 207(b)(ii), enacted as part of the Ethics in Government Act of 1978.

8. Section 105.406, dealing with the involvement by a former SBA "Senior Employee" in SBA decisional matters, is a new regulation which generally tracks the companion statutory provision in 18 U.S.C. Section 207(c) which was enacted as part of the Ethics in Government Act of 1978.

9. Section 105.407, dealing with debarment of persons in appearances before SBA for violations of the post employment restrictions of 18 U.S.C. Section 207, as amended, is a new regulation in accord with the directive of 18 U.S.C. Section 207(j), adopted as part of the Ethics in Government Act of 1978. This provision sets forth detailed procedures for these debarment proceedings.

10. Section 105.408, dealing with statutory cross references, is the repositioning, without substantive change, of § 105.405 in the current regulation.

11. Section 105.505, dealing with situations creating an "appearance" of a conflict of interest, is significantly expanded by adding new language to clarify the application of this "appearance" rule and to emphasize its

importance as part of the employee's official Standards of Conduct.

12. Section 105.510, dealing with outside employment and activities, is amended by adding clarifying language and by redesignating the respective responsibilities of SBA's field offices and Central office in considering applications for outside employment/activity approval.

13. Sections 105.511 and 105.512 deal with financial disclosure statements required from SBA employees. Section 105.511, dealing with financial disclosure statements, required under E.O. 11222 basically adds clarifying language and language distinguishing between required filings under E.O. 11222 and filings under the Ethics in Government Act of 1978. Section 105.512 is a new provision dealing with financial disclosure statements required under the Ethics in Government Act of 1978 from designated SBA employees and the procedures for effecting these required filings.

14. Current §§ 105.512, 105.513, 105.514, 105.515, 105.516, 105.517, 105.518, 105.519, are respectively redesignated as §§ 105.513, 105.514, 105.515, 105.516, 105.517, 105.518, 105.519, and 105.520.

15. Section 105.513 (currently § 105.512), dealing with political activity of employees, adds the position of Chief Counsel for Advocacy to those SBA positions excepted from the restrictions of subsection (c) against active participation in political management or political campaigning.

16. Section 105.516 (currently § 105.515), dealing with the duty of SBA employees to report official irregularities, changes the SBA official to whom such reports must be made from the "Director, Investigations and Security Division" to the "SBA Inspector General."

17. Section 105.518 (currently § 105.517) dealing with gambling, changes the SBA official from whom an exception to the proscription may be obtained, from the "Director of Personnel" to the "Associate Administrator for Personnel Management."

18. Section 105.520 (currently § 105.519), dealing with employee recommendations of private persons, is amended to clarify that the regulation would not prohibit assisting small concerns by providing, without official recommendation, lists of available private financial institutions or others participating with SBA in its various programs.

19. Section 105.601, dealing with assistance to employees of Government organizations, is amended by adding the new subsection (b) that would emphasize the general rule of Government procurement that, except in special circumstances, SBA will not enter into a contract with a Government employee or a concern significantly connected with a Government employee. The former subsection (b) is redesignated as subsection (c) to accommodate this new provision.

20. Section 105.801, dealing with the composition and functions of the Standards of Conduct Committee is amended to clarify that the Committee will provide guidance in connection with a request from any agency management official and to change position titles in order to reflect Agency reorganizations.

21. Section 105.802, dealing with the designation of Standards of Conduct Counselors and their functions, is amended by changing position titles therein to reflect SBA reorganizations and to clarify the responsibilities of Standards of Conduct Counselors in administering the program.

22. Section 105.803, dealing with SBA Designated Ethics Officials and their functions, is an new provision implementing that section of the Ethics in Government Act of 1978, requiring the designation of agency officials to administer that Act.

23. Section 105.901, which cites relevant statutory and regulatory provisions in the Standards of Conduct area, is revised and updated to reflect changes in the law.

Dated: April 6, 1981.

Michael Cardenas,

Administrator.

Therefore, pursuant to the authority of Section 5(b)(6) of the Small Business Act (15 U.S.C. 634), the Small Business Administration proposes to amend Part 105 of its Regulations (13 CFR Part 105), as follows:

The table of contents at the beginning of Part 105 is revised to read as follows:

PART 105—STANDARDS OF CONDUCT

* * * * *

Sec.

105.101 Purpose and scope.
105.201 Definitions.
105.301 General requirements.

Restrictions Relating to Former SBA Employees

105.401 Acting as representative in matter previously under the official responsibility of former employee
105.402 Acting as representative in matter in which former employee personally participated.
105.403 Employment of former employee by person previously the recipient of SBA assistance.
105.404 SBA assistance to person employing former SBA employee.
105.405 Personal appearance by former Senior Employee in matter in which he personally participated.
105.406 Involvement by former Senior Employee in SBA decisional matter.
105.407 Proceedings for debarment from appearances before SBA for violations of post employment restrictions contained in 18 USC 207 (a), (b) and (c).
105.408 Cross references.

Restrictions Relating to Present SBA Employees

105.501 Involvement in matters in which Government has substantial interest.
105.502 Compensation relating to official duties from nongovernment source.
105.503 Gratuities from persons dealing with SBA.
105.504 Other gifts and gratuities.
105.505 Situations creating a conflict of interest or the appearance thereof.
105.506 Personal interests in firms or matters having SBA involvement.
105.507 Use of Government property and supplies.
105.508 Conversion of public and other property.
105.509 Distortion of records; false statements.
105.510 Outside employment and activities.
105.511 Financial disclosure statements under Executive Order 11222.
105.512 Financial disclosure statements under the Ethics in Government Act of 1978.
105.513 Political activity of employees.
105.514 Striking against Government.
105.515 Disclosure of official information.
105.516 Duty to report irregularities.
105.517 Applicable rules and directions.
105.518 Gambling.
105.519 Payment of financial obligations.
105.520 Recommendations of private person.

Restrictions Relating to Officers or Employees of Other Government or Quasi-Government Organizations

105.601 Assistance to officers or employees of other Government organizations.
105.602 Assistance to employees or members of quasi-Government organization.

Administrative Provision

105.701 Penalties.
105.801 Standards of Conduct Committee.
105.802 Standards of Conduct Counselors.
105.803 Designated Agency Ethics Officials.
105.901 Statutory and other regulatory provisions.

Authority: Sec. 5, 72 Stat. 385 (15 USC 634); E.O. 11222, 3 CFR 1964–65; Comp. 5 CFR 735.104, unless otherwise noted.

1. Section 105.101, dealing with the purpose and scope of the regulation, is revised to read as follows:

§ 105.101 Purpose and scope.

(a) This part prescribes standards of conduct for current SBA employees and former SBA employees, relating to possible conflicts between their official

duties of the public interest and their private interests.

(b) Except as otherwise noted, this part deals with SBA administrative standards and does not purport to be interpretative of requirements imposed by analogous criminal statutes or regulations or directions of other proper authorities. For example, interpretations with respect to criminal statutes normally should be obtained from the Department of Justice.

§ 105.201 [Amended]

2. Section 105.201, *Definitions*, is amended as follows:

a. Paragraph (i) is revised to read as follows:

(a) * * *

(1) * * *

(i) "SBA Assistance" means financial, contractual, grant, managerial or other aid, including size, Section 8(a) or other eligibility determinations granted by SBA under applicable law. For the purposes of this part, this term shall also include an express decision to compromise or defer possible litigation or other adverse action.

* * * * *

b. A new paragraph (l) is added to read as follows:

* * * * *

(l) "Senior Employee" means an SBA employee paid at the Executive Level pursuant to subchapter 11 of Chapter 53 of Title 5, U.S.C. and any other employee, GS–17 or above or a member of the Senior Executive Service, who has significant decisionmaking or policy responsibilities and is so designated by the Director, Office of Government Ethics pursuant to 18 U.S.C. 207(d).

3. Section 105.401, dealing with representational activities of former employees before SBA, is revised to read as follows:

§ 105.401 Acting as representative in matter previously under the official responsibility of former employee.

No former employee may, within two years after his employment with SBA has ceased, appear before SBA or in any proceeding conducted by or on behalf of SBA, or in which SBA has an interest, as agent, attorney or representative, or make any oral or written communications to SBA with intent to influence, in connection with any claim, determination of other specific matter which was under his official responsibility within one year prior to the termination of his employment.

4. Section 105.402, also dealing with representational activities of former employees before SBA is revised to read as follows:

§ 105.402 Acting as representative in matter in which former employee personally participated.

No former employee may ever, after his employment with SBA has ceased, appear as agent, attorney or representative before SBA or in any proceeding conducted by or on behalf of SBA, or in which SBA has an interest, or make any oral or written communication to SBA with intent to influence, in connection with any claim, determination or other specific matter in which he participated personally and substantially while an employee through decision, approval, disapproval, recommendation, the rendering of advice, investigation or otherwise.

§ 105.403 [Amended]

5. Section 105.403, dealing with employment of former SBA personnel by recipients of SBA assistance, is amended by deleting from the introductory paragraph the words "or with a person who provides significant legal, accounting or other services to the concern," and also deleting the comma prior to this clause.

§ 105.404 [Amended]

6. Section 105.404, dealing with SBA assistance to concerns employing a former SBA employee, is amended by substituting the word "or" for the word "of" following the word "creditor" in paragraph (a) of this section.

§ 105.405 Redesignated as § 105.408.

7. Section 105.405, dealing with cross references to statutory provisions, is renumbered as § 105.408.

8. A new § 105.405, dealing with appearances before the Agency by a former SBA Senior Employee, is added to read as follows:

§ 105.405 Personal appearance by former Senior Employee in matter in which he personally participated.

No former SBA Senior Employee may, within two years after his employment has ceased, assist by personal presence, another person in representations in any formal or informal appearance before SBA or in any formal or informal proceeding conducted by or on behalf of SBA, or in which SBA has an interest, in connection with any claim, determination or other specific matter in which he participated personally and substantially while an SBA Senior Employee through decision, approval, disapproval, recommendation, the rendering of advice or otherwise.

9. A new § 105.406, dealing with involvement in SBA decisional matters by a former SBA Senior Employee, reads as follows:

§ 105.406 Involvement by former Senior Employee in SBA decisional matters.

No former SBA Senior Employee may, within one year after his employment has ceased, make any formal or informal appearance before SBA or in any proceeding conducted by or on behalf of SBA as agent, attorney or representative or make any oral or written communication to SBA with intent to influence, in connection with any matter, whether or not dealing with a particular person or particular persons, which involves a decision, ruling, approval, disapproval, investigation, rulemaking or similar determination by SBA.

10. A new § 105.407, setting forth the detailed procedures for debarment proceedings for violations of 18 U.S.C. 207, is added to read as follows:

§ 105.407 Proceedings for debarment from appearances before SBA for violations of post employment restrictions contained in 18 U.S.C. § 207 (a), (b), and (c).

(a) SBA may, in accordance with section 207(j) of 18 U.S.C. (included in the Ethics in Government Act of 1978, Public Law 95–521, as amended), as an administrative penalty for violation of 18 U.S.C. 207 (a), (b), or (c), prohibit a former SBA employee from making, on behalf of any other person, any informal or formal appearance before or, with intent to influence, any oral or written communication to SBA on a pending matter for a period not to exceed five years, or take other appropriate disciplinary action.

(b) The Standards of Conduct Committee (established pursuant to § 105.801), after reviewing all available information, may determine that there is reasonable cause to believe that a former employee (referred to in this section as Respondent) has violated 18 U.S.C. 207 (a), (b), or (c). This determination shall be set forth in a Report (Report) containing the relevant facts and inferences therefrom, and a recommendation for sanctions and/or disciplinary action, within the limitations of paragraph (a) of this section.

(c)(1) A copy of this Report and any appropriate comments will be provided to the Director of the Office of Government Ethics and, in coordination with the SBA Inspector General, to the Criminal Division of the Department of Justice. SBA administrative proceedings will be coordinated with the Department of Justice unless the Department advises SBA that it does not intend to initiate criminal prosecution.

(2) Copies of this Report and all other notices, pleadings, motions and other

official documents relative to a proceeding under this section shall be provided by the Standards of Conduct Committee, by the SBA General Counsel, by the Respondent and by any other parties to the SBA Office of Hearings and Appeals. This office will serve as the Docket Office for these proceedings and the documents filed with it will constitute the official files for the proceedings.

(d)(1) *Service upon Respondent.* Notice of Intent to Impose Administrative Sanctions (Notice) on Respondent for violation of post-employment restrictions, signed by the Chairman of the Standards of Conduct Committee, and subsequent papers for such proceeding shall be served upon the Respondent in the following manner:

(i) By delivering it to the Respondent personally; or

(ii) By registered mail; or

(iii) If a Respondent has signed and filed with the Director of the SBA Office of Hearings and Appeals written consent to be served in some other practicable manner, by that other manner.

Where service is by registered mail, evidence of such mailing by SBA shall affirm proper service.

(2) *Service upon SBA.* Papers shall be served upon SBA as follows:

(i) By delivering them to the General Counsel of SBA; or

(ii) By registered mail addressed to the General Counsel of the Small Business Administration, Washington, D.C. 20416.

See paragraph (c)(2) of this section regarding the delivery of copies of all documents in a proceeding to the SBA Office of Hearings and Appeals.

(e) The Notice of Intent to Impose Administrative Sanctions shall contain:

(1) A copy of the Report of the Standards of Conduct Committee, referenced in paragraph (b) of this section. The basis for the proposed administrative action shall be the facts and charges set forth in this Report.

(2) A copy of this § 105.407.

(f)(1) In the event a Respondent, who has been served a Notice, fails to file an Answer within the time limits set forth in this section, SBA may base its decision solely on information contained in the Standards of Conduct Committee Report.

(2) A recommended decision, based solely on the Notice and Report, shall be made by an attorney-examiner authorized by the Director of SBA's Office of Hearings and Appeals. No person, who has significantly participated in other aspects of a proceeding or who is directly under the organizational jurisdiction of the General Counsel, may serve as an examiner in that proceeding.

(g) Within thirty (30) days of service of the Notice, the Respondent may file a written Answer to the allegations contained in said Notice. Answers should be filed in accordance with paragraph (d)(2) of this section and copies provided in accordance with paragraph (c)(2) of this section. This Answer shall include Respondent's determination whether the allegations set forth in the Notice should be decided solely on the basis of the Notice and the Answer, or only after a Hearing, as described in paragraph (h) of this section. Upon the failure of such a determination by Respondent in the Answer, the matter will be decided solely on the basis of the Notice and Answer. A recommended decision made solely on the Notice and Answer shall be made by an attorney-examiner authorized as set forth in paragraph (f)(2) of this section.

(h) A Hearing, if requested, shall be informal and held before an attorney-examiner duly authorized as set forth in paragraph (f)(2) of this section. The Attorney-examiner shall determine the time, place, and manner for the Hearing and the form in which evidence shall be received; he may establish the format for prehearing conferences and the narrowing of issues, and rules of evidence, including rules and determinations concerning relevancy and repetition, as required for the orderly disposition of the case. A transcript of the Hearing will be made. Respondent shall have the right of self-representation, the right to counsel, the right to introduce and examine witnesses, the right to confront and cross-examine adverse witnesses, the right to submit physical evidence, and the right to present oral argument. Except as noted herein, Respondent shall have sole responsibility for obtaining witnesses and evidence for his case and for the cost thereof. Respondent may request the examiner to provide SBA employees as witnesses. The examiner may direct the presence of SBA employees as witnesses, whose appearance shall thereupon constitute the performance of an official function. A recommended decision will be made, based upon the full record, including the Hearing, by the attorney-examiner.

(i) The attorney-examiner shall base his determinations exclusively on matters of record in the proceedings, either limited to the Notice, or to the Notice and Answer, or to the Notice, Answer and record of the Hearing, including ancillary evidentiary material produced as part of the Hearing (depending upon the type of proceeding used); and he shall make a written recommended decision setting forth all findings of fact and conclusions of law, relevant to the matters at issue. In the event the attorney-examiner determines that Respondent has violated any of the post-employment provisions of 18 U.S.C. 207(a)(b), or (c), this decision shall also include a recommended penalty, within the limits set forth in paragraph (a) of this section. A copy of the attorney-examiner's recommended decision shall be served on Respondent and SBA as provided in paragraph (d) of this section. In the absence of a timely appeal by either the Respondent or by the SBA General Counsel, on behalf of the Agency, the attorney-examiner's recommended decision will be adopted by the Administrator as the Agency's final decision, including recommendations regarding administrative sanctions or disciplinary actions against Respondent.

(j)(1) Within twenty (20) business days from the date of service of the attorney-examiner's recommended decision, either party may appeal the recommended decision to the Administrator by serving a written appeal on the Administrator, personally or by registered mail. A written copy of the appeal must also be served on the other party in accordance with paragraph (d) of this section. The other party will be allowed ten (10) business days after being served with notice of an appeal to submit any desired response. In evaluating an appeal under this subsection, the Administrator may utilize the advice and assistance of the SBA Office of Hearings and Appeals, provided, that neither the attorney-examiner who made the recommended decision in this case nor any other person who significantly participated in the recommended decision may provide such advice or assistance. Neither designation of an attorney-examiner to a case nor general supervision of the office will preclude the Director of the Office of hearings & Appeals from providing advice and assistance to the Administrator under this paragraph.

(2) The appeal shall state in detail how the recommended decision of the attorney-examiner is erroneous and/or should be changed or modified.

(3) The Administrator shall base his decision on the complete record of the proceedings, including the appeal and response thereto. The Administrator's decision may adopt, modify or change the recommended decision of the attorney-examiner, including recommended sanctions or disciplinary

actions against Respondent. In such a decision upon appeal, the Administrator is not precluded from changing or modifying any finding of fact or conclusion of law nor from increasing any sanction or disciplinary action against Respondent.

(4) The decision of the Administrator shall be the final administrative determination of the Small Business Administration.

§ 105.505 [Amended]

11. Section 105.505, dealing with conflicts situations and the appearances thereof, is amended by adding a new paragraph (b) which reads as follows:

* * * * *

(b) Employees should be aware that the appearances of a conflict of interest, even absent the existence of any actual conflict, are matters of significant concern in the administration of employee standards of conduct. "Appearances" problems could arise, for example, where an employee is involved in the consideration of SBA assistance to a personal friend, a former supervisor or a similarly situated person, or where an employee is considering a business or commercial transaction with a known applicant for or recipient of SBA assistance, or where an employee is involved, in a personal capacity, in business negotiations with a known applicant for or recipient of SBA assistance. Special care should be taken by each employee to guard against the occurrence of any "appearance" violation of these regulations. Violations may be the basis for SBA disciplinary action. Where there is any question relating to the application of these rules to a particular situation, the employee is required to disqualify himself from any official action which might create such an "appearance" of a conflict of interest until he has received written approval from the appropriate SBA Standards of Conduct Counselor or from the SBA Standards of Conduct Committee.

§ 105.510 [Amended]

12. Section 105.510, dealing with outside employment and activities, is amended as follows:

a. Paragraph (a) of this section is revised to read as follows:

(a) Except with the written approval of the appropriate agency official as noted in paragraph (b) of this section, no employee shall engage in any outside business, employment, occupation or activity. This limitation applies regardless of whether a fee, gift, salary or other compensation is received for the activity.

b. Existing paragraph (b) is redesignated as (c) and the introductory paragraph thereof will be revised to read as follows:

* * * * *

(c) In reviewing applications for approval under this section, all relevant factors will be considered, including:

c. A new paragraph (b) is added to read as follows:

* * * * *

(b) Requests for approval under this section shall be submitted as follows:

(1) For employees of SBA offices, other than the Central Office, all submittals shall initially be made to the Regional Standards of Conduct counselors, noted in § 105.802.

(i) Requests by employees below the level of GS–13 and relating to outside activities of a noncontroversial, low visibility nature having no apparent connection with SBA activities, having no significant "appearances" problems, and involving no apparent interference with the performance of official duties or official time shall be resolved by the Regional Standards of Conduct Counselor. Copies of these written decisions will be forwarded to the Agency Standards of Conduct Counselor noted in § 105.802.

(ii) All other SBA field office requests shall be reviewed by the Regional Standards of Conduct Counselor and forwarded with his written recommendations to the Agency Standards of Conduct Counselor for preparation and submittal for decision to the SBA Standards of Conduct Committee pursuant to § 105.801.

(2) For employees of SBA's Central Office, all submittals shall initially be made to the Agency Standards of Conduct Counselor.

(i) Requests by employees below the level of GS–15 and relating to outside activities of a noncontroversial, low visibility nature, having no apparent connection with SBA activities, having no significant "appearances" problems, and involving no apparent interference with the performance of official duties or official time shall be resolved by the Agency Standards of Conduct Counselor.

(ii) All other SBA Central Office requests shall be prepared by the Agency Standards of Conduct Counselor for submittal to and decision by the Standards of Conduct Committee pursuant to § 105.801.

(3) It is contemplated that the Committee will decide all requests for outside activity approval that involve a significant appearances issue (see § 105.505), situations of a controversial nature, situations having a high public visibility, activities that would involve a significant interaction with SBA or other governmental units, activities involving interference with the official functions of the employee and situations involving high-ranking Agency officials who have wide discretionary authority with respect to the granting and administration of SBA assistance.

* * * * *

d. Existing paragraph (d)(1) of the current regulation will be removed in its entirety and paragraph (d)(2) will be redesignated (d) and the introductory clause revised to read as follows:

***This section does not preclude an employee from:

* * * * *

§ 105.511 [Amended]

13. Section 105.511, dealing with financial disclosure statements required from employees, is amended as follows:

a. The title of this section is revised to read as follows:

Financial disclosure statements under Executive Order 11222.

b. The introductory phrase of paragraph (a) is revised to read as follows:

(a) Financial disclosure statements under Executive Order 11222 (May 8, 1965) are required from the following SBA employees:

* * * * *

c. Paragraph (a)(1) of the current regulations is removed.

d. Paragraph (a)(2) of the current regulations is removed.

e. Paragraph (a)(3) of the current regulations is redesignated (a)(1) and is revised to read as follows:

(a) * * *

(1) All Regional Administrators, District Directors, and Branch Managers, except those who file a Financial Disclosure Report under § 105.512.

* * * * *

f. Paragraph (a)(4) of the current regulations is redesignated (a)(2) and is amended by adding at the end thereof the following new paragraph:

(a) * * *

(2) * * * All employees in the Senior Executive Service and those paid at GS–16 or above level are required to file a Financial Disclosure Report under § 105.512 pursuant to the Ethics in Government Act of 1978. These employees and any others who file under that Act are not required to file under this paragraph (a)(2).

g. Paragraph (d)(1) is amended by substituting reference to "paragraph (a)(2)" for "paragraph (a)(4)" wherever it appears; substituting the title "Regional Administrator" for "Regional Director" wherever it appears; and inserting after the title "Assistant Administrator," a

comma and the title "the Inspector General."

h. Paragraph (d)(2) is revised to read as follows:

* * * * *

(d) * * *

(2) Any employee who contends that he is improperly required to file a Financial Disclosure Statement under this section may request a review of his complaint under an SBA grievance procedure. Advice concerning SBA grievance procedures may be obtained from the SBA Office of Personnel.

* * * * *

i. Paragraph (g) is amended by substituting therein the title "Office of Government Ethics" for the title "Civil Service Commission."

§ 105.512 Redesignated as § 105.513.

14. Existing § 105.512, dealing with political activity of employees, is redesignated § 105.513 and is amended by adding in paragraph (c), after the word "Administrator," the words "or the Chief Counsel for Advocacy."

15. A new § 105.512, dealing with Financial Disclosure Statements of employees required under the Ethics in Government Act of 1978, is added to read as follows:

§ 105.512 Financial disclosure statements under the Ethics in Government Act of 1978

(a) Financial Disclosure Statements under the Ethics in Government Act of 1958 (P.L. 95–521 as amended) are required from the following SBA employees. Those who file under this provision are not required to file under § 105.511:

(1) The Administrator, the Inspector General, and the Chief Counsel for Advocacy.

(2) All SBA employees in the Executive Schedule.

(3) All SBA employees paid at the GS–16 or above in the General Schedule or at an equivalent rate for other pay schedules. This will include all members of the Senior Executive Service.

(4) Administrative Law Judges, regardless of grade.

(5) Employees in the excepted service in positions which are of a confidential or policymaking character, regardless of grade (except that the Director of the Office of Government Ethics may exclude individuals or groups of individuals where the Director determines such exclusion would not adversely affect the integrity of the Government nor the confidence of the public in that integrity).

(6) The Designated Agency Ethics Officials described in Section 105.803.

(b) These statements shall be filed on the form prescribed by the Office of Government Ethics. Forms are available from SBA's Designated Agency Ethics Officials.

(c) These statements shall be filed with SBA's Designated Agency Ethics Officials within time frames specified by him.

(d) The general policies, special provisions, requirements for reporting by trusts, procedures and other matters relating to these statements and their filing by SBA employees are set forth in 5 CFR Part 734. These are regulations promulgated by and, from time to time, amended by the Office of Government Ethics. Employees should be cognizant of these regulations in assessing their obligations regarding these Financial Disclosure statements.

§ 105.513 Redesignated as § 105.514.

16. Existing § 105.513, dealing with strikes against the Government, is redesignated § 105.514.

§ 105.514 Redesignated as § 105.515.

17. Existing § 105.514, dealing with disclosure of official information, is redesignated § 105.515.

§ 105.515 Redesignated as § 105.516 and amended.

18. Existing § 105.515, dealing with the duty of employees to report official irregularities, is redesignated § 105.516 and the reference therein to "Director, Security and Investigations Division" is deleted and substituted therefor is the title "SBA Inspector General."

§ 105.516 Redesignated as § 105.517.

19. Existing § 105.516, dealing with other rules and directives applicable to SBA employees, is redesignated § 105.517.

§ 105.517 Redesignated as § 105.518 and amended.

20. Existing § 105.517, "Gambling," is redesignated § 105.518 and reference therein to "Director of Personnel" is deleted and the title "Associate Administrator for Personnel Management" is substituted therefor.

§ 105.518 Redesignated as § 105.519.

21. Existing § 105.518, dealing with payment of financial obligations, is redesignated § 105.519.

§ 105.519 Redesignated as § 105.520 and amended.

22. Existing § 105.519, is redesignated § 105.520 and is amended by deleting at the end thereof the words "or any other Government department" and adding the following:

This regulation does not preclude an employee from providing a list of nongovernmental entities which participate or evince an interest in participating in SBA assistance programs where the purpose is solely to assist current or potential applicants or recipients of SBA assistance and where it is made clear that no recommendations or certification as to quality of service, ability or other attributes is involved.

§ 105.601 [Amended]

23. Section 105.601 is amended as follows:

a. Paragraph (a) is amended by inserting at the beginning the words "Except as noted in paragraph (b) of this section."

b. Existing paragraph "(b)" is redesignated "(c)" and a new (b) is added to read as follows:

* * * * *

(b) Except in special circumstances approved by the Standards of Conduct Committee, SBA will not enter into a contract with a person when its sole proprietor, partner, officer, director or stockholder with a 10 or more percent interest, or a member of his household, is an employee of a Government agency. In this connection, also see 41 C.F.R. Section 1–1.302.3

* * * * *

§ 105.801 [Amended]

24. Section 105.801, "Standards of Conduct Committee," is amended as follows:

a. Paragraph (a)(2) is amended by deleting the words "the Director of Personnel and from others" and inserting therefor the words "Agency management officials."

b. Paragraph (b)(2) is amended by substituting the title "Assistant Administrator for Support Services" for the title "Associate Deputy Administrator for Support Services," and the title "Associate Administrator for Personnel Management" for the title "Assistant Administrator for Personnel Management."

c. Paragraph (b)(3) is amended by substituting the title "Assistant Administrator for Programs" for the title "Associate Deputy Administrator for Programs," and the title "Associate Administrator for Field Services" for the title "Director, Office of Field Management."

§ 105.802 [Amended]

25. Section 105.802, "Standards of Conduct Counselors," is amended as follows:

a. By deleting the title "Associate General Counsel for Interagency Affairs," wherever it appears, and

substituting therefor the title "Associate General Counsel for General Law;"

b. By revising paragraph (b)(2) to read as follows:

* * * * *

(b) * * *

(2) "Monitor the Standards of Conduct Program within their respective areas and provide required reports thereon; and"

* * * * *

c. By adding a new paragraph (b)(4) to read as follows:

* * * * *

(b) * * *

(4) "Provide Outside Employment and Activities decisions pursuant to Section 105.510 of this regulation"

* * * * *

d. By revising paragraph (c) to read as follows:

* * * * *

(d) "Where a specific ruling regarding a particular situation is required, the request should be directed through the Standards of Conduct Counselor to the Standards of Conduct Committee.

* * * * *

26. A new § 105.803, "Designated Agency Ethics Officials," is added to read as follows:

§ 105.803 Designated Agency Ethics Officials.

(a) The Designated Agency Ethics Official, appointed by the Administrator pursuant to the Ethics in Government Act of 1978, shall be the Associate General Counsel for General Law. He shall be assisted by an Alternate Designated Agency Ethics Official, who will be an attorney in the Office of General Law. The Alternate Official will assist the Designated Agency Ethics Official and shall act for him, in his absence, in the performance of his official functions.

(b) The Designated Agency Ethics Officials shall administer the program for Financial Disclosure Statements under § 105.512, receive and evaluate these statements and provide advice and counsel regarding matters relating to the Ethics in Government Act of 1978 and its implementing regulations. The duties and responsibilities of the Designated Agency Ethics Officials are set forth in more detail in 5 C.F.R. Part 738 which is promulgated by and, from time to time, amended by the Office of Government Ethics.

27. Section 105.901, dealing with other statutory and regulatory provisions in the area of Standards of Conduct is amended by adding new paragraphs (r), (s), (t), (u), (v), and (w) as follows:

§ 105.901 [Amended]

* * * * *

(r) The provisions relating to post Government employment restrictions (18 U.S.C. 207).

(s) The prohibition against official acts affecting employees' personal financial interest (18 U.S.C. 208).

(t) The prohibition against the payment of Government employees' salary by other than the United States (18 U.S.C. 209).

(u) The prohibition against Government employees receiving basic pay from more than one Federal Government job for more than 40 hours per week (5 U.S.C. 5533).

(v) The prohibitions against accepting honorariums beyond designated amounts (2 U.S.C. 441(i)).

(w) Code of Ethics for Government Service (Pub. L. 96-303; July 3, 1980).

[FR Doc. 81-18383 Filed 6-19-81; 8:45 am]
BILLING CODE 6325-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Airworthiness Docket No., 81-ASW-27]

Bell Models 206A, 206B, 206A-1, 206B-1, 206L, and 206L-1 Helicopters

AGENCY: Federal Aviation Administration (FFA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to adopt an airworthiness directive (AD) that would impose a finite retirement life on the main rotor trunnions installed on Bell Models 206A, 206B, 206A-1, 206B-1, 206L, and 206L-1 Helicopters. The proposed AD is needed to prevent inflight failure of the main rotor trunnion which could result in loss of the helicopter.

DATE: Comments must be received on or before July 22, 1981.

ADDRESSES: Send comments on the proposal in triplicate to: Regional Counsel, Attention: Docket No. 81-ASW-27, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101.

Bell Service Information may be obtained from Product Support Department, Bell Helicopter Textron, P.O. Box 482, Fort Worth, Texas 76101.

FOR FURTHER INFORMATION CONTACT: Tom Dragset, Airframe Section, Engineering and Manufacturing Branch, ASW-212, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, telephone (817) 624-4911, ext. 516

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Director before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Office of the Regional Counsel, Federal Aviation Administration, Southwest Region, 4400 Blue Mound Road, Fort Worth, Texas, for examination by interested persons. A report summarizing each FAA-public contract, concerned with the substance of the proposed AD, will be filed in the docket.

Amendment 39-3884 (45 FR 55707) AD 80-18-04, amended by Amendment 39-3954 (45 FR 70849) requires repetitive inspection of main rotor trunnions, P/N 206-010-104-3 and P/N 206-011-113-001, installed on Bell Models 206A, 206B, 206A-1, and 206B-1, helicopters or main rotor trunnion, P/N 206-011-120-001, installed on Bell Models 206L, 206L-1 helicopters. The AD was issued as a result of inflight failures of the main rotor trunnions.

The Federal Aviation Administration has determined, based on additional fatigue testing and analysis, that a retirement life should be imposed on the main rotor trunnions. Therefore, the FAA is proposing further mandatory action for all Bell Models 206A, 206B, 206A-1, 206B-1, 206L, and 206L-1 helicopters. The proposed AD would require a 1,200-hour retirement life for main rotor trunnion, P/N 206-011-120-001, a 2,400-hour retirement life for P/N 206-010-104-3, 206-011-113-001, and 206-011-120-103, and a 4,800-hour retirement life for P/N 206-011-113-103.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend Section 39.13 of part 39 of the Federal Aviation Regulations (14 CFR 29.13) by adding the following new airworthiness directive:

BELL: Applies to Models 206A, 206B, 206A-1, 206B-1, 206L, and 206L-1 helicopters, equipped with main rotor trunnions, P/N 206-010-104-3, 206-011-113-001, 206-011-120-001, 206-011-113-103, and 206-011-120-103 certificated in

all categories (Airworthiness Docket No. 81-ASW-27).

Compliance required as indicated.

To prevent possible failure of the main rotor trunnion, P/N's 206-010-104-3, 206-011-113-001, 206-011-120-001, 206-011-113-103, and 206-011-120-103, due to fatigue cracks, accomplish the following, unless already accomplished:

a. Main rotor trunnions, P/N's 206-011-120-001, with 1,100 or more hours' time in service on the effective date of this AD must be removed from service within the next 100 hour's time in service.

b. Main rotor trunnions, P/N's 206-011-120-001, with less than 1,100 hours' time in service on the effective date of this AD must be removed from service prior to or on attaining 1, 200 hours' time in service.

c. Main rotor trunnions, P/N 206-010-104-3, 206-011-113-001, and 206-011-120-103, with 2,300 or more hours' time in service on the effective date of this AD must be removed from service within the next 100 hours' time in service.

d. Main rotor trunnions, P/N 206-010-104-3, 206-011-113-001, and 206-011-120-103, with less than 2,300 hours' time in service on the effective date of this AD must be removed from service prior to or on attaining 2,400 hours' time in service.

e. Main rotor trunnions, P/N 206-011-113-103, with 4,700 or more hours' time in service on the effective date of this AD must be removed from service within the next 100 hours' time in service.

f. Main rotor trunnions, P/N 206-011-113-103, with less than 4,700 hours' time in service on the effective date of this AD must be removed from service prior to or on attaining 4,800 hours' time in service.

g. The helicopter may be flown in accordance with FAR 21.197 to a base where compliance with this AD can be performed.

h. The retirement times, for the main rotor trunnions, established by this AD, are as follows:

Part No.	Service life-hours
206-011-120-001	1,200
206-010-104-3	2,400
206-011-113-001	2,400
206-011-120-103	2,400
206-011-113-103	4,800

(Bell Helicopter Textron Alert Service Bulletins 206-80-7, Rev. B, dated October 15, 1980, and 206L-80-9, Rev. B, dated October 15, 1980, pertain to this subject.)

(Sections 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.85)

The FAA has determined that this proposed regulation involves a regulation which is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979,) and will not have a significant economic effect on a substantial number of small entities under the criteria of the Regulatory Flexibility Act since it involves a relatively low cost per aircraft. A draft evaluation has been prepared for this proposed regulation and has been placed in the docket. A copy of it may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

Issued in Fort Worth, Texas, on June 5, 1981.

C. R. Melugin, Jr.,

Director, Southwest Region.

[FR Doc. 81-18191 Filed 6-19-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 81-NW-23-AD]

Airwothiness Directive: Boeing Model 727

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking (NPRM).

SUMMARY: This document proposes an Airworthiness Directive (AD) which would require modification of the ground spoiler hydraulic lines, so as to eliminate the possiblilty of cross-connecting them. Cross-connection of these lines will cause inadvertent, asymmetric extension of the ground spoilers, resulting in a hazardous flight condition if takeoff is attempted with spoilers extended.

DATES: Comments must be received on or before July 22, 1981. Compliance schedule is prescribed in the body of the AD.

ADDRESSES: Send comments on the proposed rule in duplicate to: Federal Aviation Administration, Northwest Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket, Docket No. 81-NW-23-AD, 9010 East Marginal Way South, Seattle, Washington 98108. The applicable service bulletin may be obtained from The Boeing Company, P.O. Box 3707, Seattle, Washington 98124.

FOR FURTHER INFORMATION CONTACT: Mr. Gary D. Lium, Systems and Equipment Branch, ANW-130S, Seattle Area Aircraft Certification Office, FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108, telephone (206) 767-2500.

SUPPLEMENTARY INFORMATION: The ground spoiler up and down lines run parallel to each other and in close proximity for most of the distance between the wheel well and the wings. The connections in each of these lines are arranged so that it is possible to cross-connect them. Three operators have reported inadvertently cross-connecting a ground spoiler-up hydraulic line with a ground spoiler-down hydraulic line during routine maintenance, which resulted in asymmetric ground spoiler extension when the hydraulic system was pressurized. In two of the instances, the discrepancy was detected and corrected prior to flight. In one instance, the airplane took off with the right wing ground spoiler panels extended. The airplane experienced a No. 3 engine compressor stall and required lateral and directional control to maintain level flight. The airplane subsequently returned and made a safe landing.

This potentially unsafe condition can be corrected by staggering the hydraulic connections where they are now in close proximity. This Notice of Proposed Rulemaking proposes to reuire this change on all Boeing 727 airplanes.

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available both before and after the closing date for coments inthe rules docket for examination by interested persons. A report summarizing each FAA/ public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Availability of NPRMS

Any person may obtain a copy of this Notice of Propsed Rulemaking (NPRM) by submitting a request to the Fedral Aviation Administration, Northwest Region, Office of the Regional Counsel, Attention: Airworthiness Directive Rules Docket, Docket No. 81–NW–23–AD, 9010 East Marginal Way South, Seattle, Washington 98108.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend Section 39.13 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new Airworthiness Directive: BOEING: Applies to all Model 727 airplanes certificated in all categories. Compliance required as indicated. Accomplish the following, unless already accomplished:

Within the next 2500 hours time-in-service from the effective date of this AD, modify the ground spoiler hydraulic lines in accordance with Boeing Service Bulletin No. 727–27–202, dated April 24, 1981, or later FAA approved revisions, or in a manner approved by the Chief, Seatle Area Aircraft Certification Office.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.85).

Note.—The FAA has determined that this document involves a proposed regulation that is not major under the provisions of Executive Order 12291 for the reasons stated earlier. It has been further determined that this proposed regulation is not significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the draft regulatory evaluation for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the person identified above under the caption "FOR FURTHER INFORMATION, CONTACT."

In addition, it has been determined under the criteria of the Regulatory Flexibility Act that this proposed rule, at promulgation, will not have a significant impact on a substantial number of small entities.

Issued in Stattle, Washington on June 10, 1981.

Charles R. Foster,

Director, Northwest Region.

[FR Doc. 81–18192 Filed 6–19–81; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 71

[Airspace Docket No. 18605/79–ASO–66]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Proposed Group II Terminal Control Area; Tampa, Fla.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Withdrawal of notice of proposed rulemaking.

SUMMARY: This notice withdraws the Notice of Proposed Rulemaking (NPRM) concerning Airspace Docket No. 18605/79–ASO–66, which was published in the Federal Register on February 4, 1980 (45 FR 7559). That notice proposed to establish a Group II Terminal Control Area (TCA) at Tampa, Fla. FAA's review of public comments, as well as its own further analysis of other factors such as safety, cost, and traffic complexity indicated that the specific proposal in the notice may not be the most effective means of reducing collision risk in the Tampa area

In conjunction with this withdrawal, the FAA intends to continue to examine alternative approaches to reducing collision risk. Efforts on the part of the FAA will be directed toward increased enforcement, pilot education, improving operating procedures and, where appropriate, regulatory solutions.

DATE: Comments must be received on or before July 22, 1981.

ADDRESSES: Persons wishing to comment on this withdrawal may submit their comments to Federal Aviation Administration, Attn: Airspace and Air Traffic Rules Division (ATT–200), Air Traffic Service, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: B. Keith Potts, Airspace and Air Traffic Rules Division (ATT–200), Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426–3731.

SUPPLEMENTARY INFORMATION:

The Scope of the Withdrawal

This withdrawal does not affect FAA's case-by-case review of the need for TCA's. Other candidate sites will continue to be processed according to the following steps:

1. Prior to rulemaking action, informal airspace meetings will be held at each proposed site to seek public input on the TCA being considered. This input will be analyzed and used in the FAA's decisionmaking process to determine any further action taken regarding the TCA. This decisionmaking process will also include other items such as safety, cost, and traffic complexity.

2. If it is determined that a proposed site merits a TCA, then a NPRM will be issued. Here again, the public will have the opportunity to comment on the proposed action. Those comments will be analyzed in conjunction with stated requirements for the TCA.

3. If at any point in the process it is determined that a TCA is not required, the proposed site will be withdrawn.

The Proposed Rule

As part of a comprehensive program announced on December 27, 1978, in the FAA Administrator's Plan for Enhanced Safety of Flight Operations in the National Airspace System, the FAA proposed to establish a Group II TCA at Tampa, Fla. Operations in the proposed TCA would have been subject to the operating and equipment rules for operation in Group II TCA's specified in § 91.90(b) of Part 91 of the Federal Aviation Regulations. Those include, among other rules, the requirement to have an operable VOR, TACAN receiver, two-way radio, and a transponder to operate in the TCA. An altitude encoder was not required. That action was intended to increase the capability of the Air Traffic Control (ATC) system to separate all aircraft in the terminal airspace around the Tampa International Airport, Tampa, Fla. It was based on data indicating that a high percentage of near midair collisions reported to the FAA in terminal areas involves visual flight rules (VFR) aircraft that are not required to be under ATC control. The objective of the proposal was to substantially increase safety while accommodating the legitimate concerns of airspace users.

Summary of Comments

Prior to the issuance of the NPRM for the Tampa TCA, the FAA had the benefit of recommendations derived from numerous meetings with various user groups and individuals. In response to the NPRM for the Tampa TCA, the FAA received 74 written comments and recommendations from individuals, pilots and aircraft owners, State and Federal governmental agencies, aviation trade and industry associations. Some of the responses had multiple signatures, while others purported to represent the views of a large number of organizational members. The remaining responses were from individuals.

Most of the comments received as a result of the NPRM came from pilots and owners of general aviation aircraft who stated their objection to the TCA

concept and its application in the Tampa area. Other comments were received which stated opposition to the TCA concept, e.g., that more rules are not needed, but that a better understanding and application of existing ones is needed along with reemphasis of the see-and-avoid concept. Some comments recommended corridors of airspace which would be reserved for high-performance aircraft only. Some commenters felt that the statistics used by FAA to justify the need for more control were not valid but that in any case they would not apply to this part of the country nor to Florida in particular.

IFR type service provided to VFR pilots was described as unnecessary, unsafe, a cause of delay with a resulting waste of fuel, and a contributor to the mix of low and high performance aircraft rather than providing a relief from that mix. Some commenters stated that a TCA is not warranted or justifiable at this time and that there is no evidence that a TCA would enhance or increase safety or provide local benefit. Those commenters suggested that the present Terminal Radar Service Area is adequate and that it would be better to place more emphasis on voluntary acceptance of the present Stage III service. One commenter recommended that altitude encoders should be required for all aircraft that operate in a TCA while others strongly objected to any transponder requirement whatsoever. Several recommendations pointed out the need for a method for nontransponder equipped aircraft to transition east and west through the surface area of the TCA without a requirement for advance notification. One recommendation was received to expand the Tampa control zone, airport traffic area, and transition areas as an alternative to a TCA. A few people expressed the opinion that the TCA program is self-serving to the FAA and would in fact increase the number of controllers required with the associated increase in cost.

A great deal of sensitivity to increased governmental control was expressed. One commenter stated his objection to including MacDill Air Force Base in the surface area since it is not served by air carrier traffic. He also stated that the airport traffic area would serve the same purpose as a TCA. Another commenter recommended that the airspace within 2 miles and east of Peter O'Knight not be included in the TCA since VFR uncontrolled operations to and from this airport during marginal weather could be subjected to an increased likelihood of collision with the 1,549-foot television towers located near Riverview, Fla.

An objection was received which stated that if all planned TCA's for Florida are implemented along with all of the currently designated special use military airspace that there would be little room left for VFR pilots to operate. Another commenter believed that flight path mile stretching would be required during air carrier departures to gain enough altitude to reach the 4,000-foot floor areas while another made recommendations to contain all air carrier operations in a 10-mile wide corridor while operating below 12,500 feet. Some commenters felt that buffer zones should be provided below the lowest altitude used by air carrier traffic.

The majority of commenters offered alternatives to the proposed size and shape of the TCA. That group of commenters strongly objected because the proposed TCA was "too big" both laterally and vertically, stating that those factors would create an unacceptable compression of traffic below the various floor levels which would tend to decrease safety in those areas. They viewed the proposed TCA as too complex which would discourage tourism by VFR general aviation aircraft. In addition, they felt that it would be very difficult, if not impossible, to apply while in flight and that it would prompt many inadvertent violations of the TCA boundaries. One commenter felt that many pilots would merely "keep a close eye out and press on" disregarding the requirements of the TCA.

Many commenters expressed the view that the "corridor concept" was far superior to the traditional "upside down wedding cake" concept. One suggestion advocated a part-time TCA during the busiest periods. Concern was also expressed that the proposed TCA would contain most of one of the commonly used practice areas and that the area would no longer be usable for the practice of flight maneuvers.

Conclusion

The primary concern in any proposed TCA action is providing the highest degree of safety while preserving the most efficient use of the available terminal airspace. With this in mind, each TCA candidate site must be evaluated on its own merit before a final decision is made to proceed with rulemaking or to withdraw a proposal. FAA evaluation, based on user comments and in conjunction with all other stated requirements for the Tampa TCA, produced the following:

1. Traffic activity for the last 16 months in the Tampa terminal area indicates an 11 percent decrease in airport operations (10 percent decrease in air carrier operations), and a 9 percent increase in instrument operations. Passenger enplanements at Tampa International Airport for CY-1980 were 3,850,290, which is a 4 percent increase over enplanements for CY-1979.

2. Utilization of Stage III radar services by aircraft landing and departing Tampa International Airport is nearly 100 percent. Participation by pilots flying through the Terminal Radar Service Area (TRSA) is extremely high. Tampa ATC Tower has been very successful in educating local pilots about Stage III and provides that service in a manner which is clearly beneficial to the user. Discussions between key general aviation pilots in the Tampa area and Air Traffic Division personnel show a great deal of confidence in the job Tampa ATC Tower is doing, with favorable comments for continued TRSA participation.

3. There are no weaknesses in the existing Tampa TRSA. Adequate levels of safety are achieved as a result of the Stage III service provided by Tampa ATC Tower. There are 1,185 aircraft based at 17 airports within 20 NM of Tampa International Airport. A considerable amount of VFR flight activity between airports east and west of Tampa International Airport is generated by these aircraft. For the most part, those aircraft are provided Stage III service directly over the east/west runway at Tampa International Airport at altitudes of 2,100 feet to 3,500 feet.

4. There are no procedural deficiencies as a result of air traffic demand. More than one million operations occur at the 5 tower controlled airports within the Tampa terminal area annually creating a complex air traffic environment. The Air Force expects to base two additional squadrons of F-16 aircraft at MacDill Air Force Base by August of this year, which will have some effect on complexity. Air traffic procedures are designed to include all aspects of this dynamic operation and to allow all user needs to be met safely and efficiently.

5. Four near midair collisions have occurred in the Tampa terminal area during the last 6 months. Each incident involved a military aircraft and a general aviation aircraft. Air carrier aircraft were not involved in any near midair collisions during the same period.

Even though traffic activity in the Tampa terminal area has increased and is projected to continue increasing, the

existing Tampa TRSA provides an adequate level of safety for the user. FAA expects the highly successful TRSA program at Tampa to meet future traffic demands and user needs through continued pilot education and involvement of Tampa ATC Tower personnel in the aviation community. Therefore, FAA is withdrawing the proposal for a Group II TCA at Tampa, Fla. FAA will continue to evaluate Tampa as a TCA candidate site and make necessary recommendations as needed.

The Withdrawal

Accordingly, pursuant to the authority delegated to me, the Notice of Proposed Rulemaking concerning Airspace Docket No. 18605/79-ASO-66, as published in the **Federal Register** on February 4, 1980, (45 FR 7559), is hereby withdrawn.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65)

The FAA has determined that this notice of withdrawal involves a rulemaking action which rescinds a proposed rulemaking action and will not have any impact. The FAA, therefore, concluded that this action: (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal.

Issued in Washington, D.C., on June 15, 1981.

R. J. Van Vuren,

Director, Air Traffic Service.

[FR Doc. 81-18190 Filed 6-19-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-EA-13]

Proposed Designation of Transition Area; Ravenwood, W. Va.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rule Making.

SUMMARY: This notice proposed to designate a Ravenwood, West Virginia, Transition Area over Jackson County Airport, Ravenwood, West Virginia. A new instrument approach procedure has been developed for Jackson County Airport, and will require protection for aircraft executing the new approach. An instrument approach procedure requires the designation of controlled airspace to protect instrument aircraft utilizing the instrument approach.

DATES: Comments must be received on or before August 13, 1981.

ADDRESSES: Send comments on the proposal in triplicate to: Chief, Airspace & Procedures Branch, AEA-530, Eastern Region, Federal Aviation Administration, Federal Building, Jamaica, New York 11430. The docket may be examined at the following location: FAA, Office of Regional Counsel, AEA-7, Federal Building, J.F.K. International Airport, Jamaica, New York 11430.

FOR FURTHER INFORMATION CONTACT: Al Reale, Airspace and Procedures Branch, AEA-530, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430, Telephone (212) 995-3391.

Comments Invited

Interested parties may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430.

All communications received on or before August 13, 1981, will be considered before action is taken on the proposed amendment. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Chief, Airspace and Procedures Branch, AEA-530, Eastern Region, Federal Aviation Administration, Federal Building, Jamaica, New York 11430, or by calling (212) 995-3391.

Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to designate a Ravenwood, West Virginia, Transition Area. The 700-foot transition area will be designated within an 8 mile radius of the airport and with an extension to the southwest 11 miles wide and 5 miles long.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposed to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by designating a Ravenwood, West Virginia, 700 foot floor transition area as follows:

Ravenwood, W. Va.

That airspace extending upward from 700 feet above the surface within an 8 mile radius of the Jackson County Airport, Ravenwood, West Virginia, 38°55'47" N., 81°49'11" W., within 5.5 miles each side of the 230° bearing from the Jackson County Airport extending from the 8 mile radius area to 13 miles southwest of the airport.

(Sec. 307(a) of the Federal Aviation Act of 1958 [72 Stat. 749; 49 U.S.C. 1348(a)] and of Section 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)]; and 14 CFR 11.65)

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 45 days; and (5) at promulgation, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Jamaica, New York, on June 2, 1981.

Murray E. Smith,

Director, Eastern Region.

[FR Doc. 81-18186 Filed 6-19-81; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 271

[Docket No. RM79-76 (Wyoming—5)]

High-Cost Gas Produced from Tight Formations; Notice of Proposed Rulemaking

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 C.F.R. § 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This notice of proposed rulemaking by the Director of the Office of Pipeline and Producer Regulation contains the recommendation of the State of Wyoming that the Frontier Formation be designated as a tight formation under § 271.703(d).

DATE: Comments on the proposed rule are due on July 16, 1981.

PUBLIC HEARING: No public hearing is scheduled in this docket as yet. Written requests for a public hearing are due on July 1, 1981.

ADDRESS: Comments and requests for hearing must be filed with the Office of the Secretary, 825 North Capitol Street, N.E., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357-8307, or Victor Zabel, (202) 357-8616.

Issued June 16, 1981.

In the matter of high-cost gas produced from tight formations; Docket No. RM79-76 (Wyoming—5).

I. Background

On June 8, 1981, the State of Wyoming Oil and Gas Conservation Commission (Wyoming) submitted to the Commission a recommendation, in accordance with § 271.703 of the Commission's regulations (45 FR 56034, August 22, 1980), that the Frontier Formation located in Carbon County, Wyoming, be designated as a tight formation. Pursuant to § 271.703(c)(4) of the regulations, this Notice of Proposed Rulemaking is hereby issued to determine whether Wyoming's recommendation that the Frontier Formation be designated a tight formation should be adopted. The United States Geological Survey concurs with Wyoming's recommendation. Wyoming's recommendation and supporting data are on file with the Commission and are available for public inspection.

II. Description of Recommendation

The recommended formation underlies portions of Carbon County, Wyoming. The proposed area contains 55,040 acres and is located generally within Townships 14 through 16 North, Ranges 89 through 91 West, approximately 30 miles south of the town of Rawlins, Wyoming. The depth to the top of the Frontier Formation ranges from approximately 5500 feet on the eastern edge of the area to approximately 7500 feet on the western edge, and is expected to average 6000 feet. The Frontier Formation averages 250 feet in thickness.

III. Discussion of Recommendation

Wyoming claims in its submission that evidence gathered through information and testimony presented at a public hearing in Docket No. 193-80 convened by Wyoming on this matter demonstrates that:

(1) The average *in situ* gas permeability throughout the pay section of the proposed area is not expected to exceed 0.1 millidarcy;

(2) The stabilized production rate, against atmospheric pressure, of wells completed for production from the recommended formation, without stimulation, is not expected to exceed the maximum allowable production rate set out in § 271.703(c)(2)(i)(B); and

(3) No well drilled into the recommended formation is expected to produce more than five (5) barrels of oil per day.

Wyoming further asserts the existing State and Federal Regulations assure that development of this formation will not adversely affect any fresh water aquifers.

Accordingly, pursuant to the authority delegated to the Director of the Office of Pipeline and Producer Regulation by Commission Order No. 97, issued in Docket No. RM80-68 (45 FR 53456, August 12, 1980), notice is hereby given of the proposal submitted by Wyoming that the Frontier Formation, as described and delineated in Wyoming's recommendation as filed with the Commission, be designated as a tight formation pursuant to § 271.703.

IV. Public Comment Procedures

Interested persons may comment on this proposed rulemaking by submitting written data, views or arguments to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before July 16, 1981. Each person submitting a comment should indicate that the comment is being submitted in Docket No. RM79-76 (Wyoming—5), and should give reasons including supporting data for any recommendations. Comments should include the name, title, mailing address, and telephone number of one person to whom communications concerning the proposal may be addressed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Written comments will be available for public inspection at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C., during business hours.

Any person wishing to present testimony, views, data, or otherwise participate at a public hearing should notify the Commission in writing that they wish to make an oral presentation and therefore request a public hearing. Such request shall specify the amount of time requested at the hearing. Requests should be filed with the Secretary of the Commission no later than July 1, 1981.

(Natural Gas Policy Act of 1978, 15 U.S.C. §§ 3301-3342)

Accordingly, the Commission proposes to amend the regulations in Part 271, Chapter I Title 18, Code of Federal Regulations, as set forth below, in the event Wyoming's recommendation is adopted.

Kenneth A. Williams,

Director, Office of Pipeline and Producer Regulation.

Section 271.703(d) is amended by adding new subparagraph (54) to read as follows:

§ 271.703 Tight formations.

* * * * * * *

(d) *Designated tight formations.* The following formations are designated as tight formations. A more detailed description of the geographical extent and geological parameters of the designated tight formations is located in the Commission's official file for Docket No. RM79-76, subindexed as indicated, and is also located in the official files of the jurisdictional agency that submitted the recommendation. * * *

(40) through (53) [RESERVED]

(54) *Frontier Formation in Wyoming* RM79–76 (Wyoming—5)

(i) *Delineation of formation.* The Frontier Formation is located in Carbon County, Wyoming, in Township 14 North, Range 89 West, Sections 5 through 8, 17 through 20, 29 and 30; Township 14 North, Range 90 West, Sections 1 through 5, 8 through 17, and 21 through 28; Township 15 North, Range 89 West, Sections 18 through 20 and 29 through 32; all of Township 15 North, Range 90 West, excluding Sections 1 and 31; Township 15 North, Range 91 West, Sections 1 and 12; Township 16 North, Range 90 West, Sections 19, 20, and 28 through 34; and Township 16 North, Range 91 West, Sections 24, 25, and 36.

(ii) *Depth.* The top of the Frontier Formation is found at depths ranging from 5,500 feet in the east to 7,500 feet in the west, and averaging 6,000 feet. The Frontier Formation is defined as that formation found immediately beneath the Carlile Shale and immediately above the Mowry Shale.

[FR Doc. 81-18339 Filed 6-19-81; 8:45 am]
BILLING CODE 6450-85-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-2-FRL 1850-1]

Approval and Promulgation of State Implementation Plans; Revision to the Virgin Island Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: This proposal announces receipt of a request from the Virgin Islands to revise its implementation plan. If approved by the Environmental Protection Agency (EPA), this revision will have the effect of allowing Martin Marietta Alumina and Hess Oil Virgin Islands Corporation located on the Island of Saint Croix, to continue using fuel oil with a sulfur content of 1.5 percent, by weight. The current sulfur content regulatory limitation is 0.50 percent, by weight. Under the provisions of the Virgin Island's submittal, the use of the higher sulfur content fuel oil would be permitted for a maximum period of one year from the date of EPA's final approval.

DATES: Comments must be received on or before July 22, 1981.

ADDRESSES: All comments should be addressed to: Richard T. Dewling, Ph. D., Acting Regional Administrator, Environmental Protection Agency, Region II Office, 26 Federal Plaza, New York, New York 10278.

Copies of the proposal are available for public inspection during business hours at:

Environmental Protection Agency, Air Programs Branch, Room 1005, Region II Office, 26 Federal Plaza, New York, New York 10278

Environmental Protection Agency, Public Information Reference Unit, 401 M Street, SW., Washington, D.C. 20460

Government of the Virgin Islands of the United States, Department of Conservation and Cultural Affairs, Office of the Commissioner, Charlotte Amalie, St. Thomas 00801.

FOR FURTHER INFORMATION CONTACT: William S. Baker, Chief, Air Programs Branch, Environmental Protection Agency, Region II Office, 26 Federal Plaza, Room 1005, New York, N.Y. 10278, (212) 264–2517.

SUPPLEMENTARY INFORMATION: On April 9, 1981 the Commissioner of the Department of Conservation and Cultural Affairs of the Government of the Virgin Islands of the United States submitted to the Environmental Protection Agency (EPA) a proposed revision to its impementation plan for attaining and maintaining national ambient air quality standards. The proposed revision deals with and "administrative order" which, if approved by EPA, would allow Martin Marietta Alumina and Hess Oil Virgin Islands Corporation to continue using fuel oil with a sulfur content of 1.5 percent, by weight at certain of their fuel burning sources. Martin Marietta Alumina (MMA) and Hess Oil Virgin Islands Corporation (HOVIC), both located in the Southern Industrial Complex on the Island of Saint Croix currently are required by regulation to burn fuel oil with a maximum sulfur content of 0.50 percent, by weight. The administrative order does not affect MMA's Expansion E unit, whose sulfur emission limit is regulated by a Prevention of Significant Deterioration (PSD) permit. The administrative order issued by the Virgin Islands (authorized under Title 12 V.I.C. § 211 and Title 12 V.I.R. & R. §§ 204–26(d)) allows the use of 1.5 percent maximum sulfur content oil for a maximum period of one year from the date of EPA's final approval.

The submittal by the Virgin Islands consists of an administrative order promulgated and signed by the Commissioner of the Virgin Islands Department of Conservation and Cultural Affairs, proof of publication of a public hearing notice and a technical document prepared by MMA.

The Virgin Islands Implementation Plan revision was submitted in accordance with all EPA requirements under 40 CFR Part 51. These include the need for a public hearing, which was held by the Virgin Islands Government on April 23, 1981.

EPA has reviewed the technical material submitted by the MMA and the Virgin Islands Government. Based on this review, EPA concurs with the Virgin Islands Government that no violations of national ambient air quality standards or PSD increments will occur and proposes to approve the Virgin Islands Implementation Plan revision submittal.

It should be noted, however, that EPA's proposed approval is predicated on the fact that any increase in sulfur dioxide emissions from any source recently issued or having applied for a PSD permit for sulfur dioxide will not occur during the one-year duration of this SIP revision. This assumption is based on the long lead times involved in the construction of a major source. Consequently, EPA concludes that approval of this revision will not inhibit the issuance of a permit to any PSD affected source. Any extension of EPA's proposed approval of this action will have to be initiated by a new plan revision request from the Government of the Virgin Islands. EPA would be required to evaluate this new request on the basis of the amount of the PSD increment which remains available at the time of the request, considering the emissions growth which had occurred on a "first-come, first-served" basis in the intervening period.

This notice is issued as required by Section 110 of the Clean Air Act, as amended, to advise the public that comments may be submitted on or before July 22, 1981 on whether the proposed SIP revision should be approved or disapproved. The Administrator's decision regarding approval or disapproval of this proposed SIP revision will be based on whether it meets the requirements of Section 110 of the Clean Air Act and EPA regulations in 40 CFR 51.

Pursuant to the provisions of 5 U.S.C. 605(b) the Administrator has certified that SIP approvals under Sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. 46 FR 8709 (January 27, 1981). The attached rule, if promulgated, constitutes a SIP approval under Sections 110 and 172 within the terms of the January 27 certification. This action only approves

State actions. It imposes no new requirements.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not Major because, generally, it only proposes to approve a regulation that presently applies under Virgin Islands law.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

Dated: June 19, 1981.

Richard Dewling,

Acting Regional Administrator.

(Sections 110 and 301 of the Clean Air Act, as amended (42 U.S.C. 7410 and 7601))

[FR Doc. 81-18376 Filed 6-19-81, 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 81

[A-3-FRL-1851-2]

Commonwealth of Virginia; Section 107—Attainment Status Designations

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The Commonwealth of Virginia has submitted a revision subdividing the existing air quality control regions with respect to the attainment status for sulfur oxides and particulate matter under Section 107(d) of the Clean Air Act. The areas designated as "remainder of AQCR" are to be subdivided into county-by-county designations. The Commonwealth requested the change to provide more effective management of its air quality resources. This revision will not change the air quality classification of any air quality control region in the Commonwealth.

EPA proposes to approve this change submitted by the Commonwealth of Virginia. The purpose of this notice is to solicit public comment on this proposed action. All other Section 107 designations for the Commonwealth of Virginia not discussed in this notice remain intact (43 FR 40502, 1978, 45 FR 43412, 1980).

DATE: Comments on the proposed change must be submitted on or before July 22, 1981.

ADDRESSES: Copies of the associated support material are available for public inspection during normal business hours at the following locations:

U.S. Environmental Protection Agency, Region III, Curtis Building, Tenth Floor, 6th & Walnut Streets, Philadelphia, Pennsylvania 19106, Attn: Carol D. Peters (3AH13), Telephone: (215) 597-9139

Virginia State Air Pollution Control Board, Room 1106, Ninth Street Office Building, Richmond, Virginia 23219, Attn: Mr. John M. Daniel Jr.

Public Information Reference Unit, Room 2922, EPA Library, U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460

All comments should be addressed to: Mr. James E. Sydnor, Chief (3AH13), WVA, VA Section, U.S. Environmental Protection Agency, Region III, Curtis Building, Tenth Floor, 6th & Walnut Streets, Philadelphia, PA 19106, Attn: 107VA-2.

FOR FURTHER INFORMATION CONTACT: Carol D. Peters at (215) 597-9139.

SUPPLEMENTARY INFORMATION:

Background

On December 30, 1980, the Commonwealth of Virginia submitted to EPA, a revision of its air quality control areas. This revision consists of a subdivision of existing areas designated as "remainder of AQCR" in Virginia, with respect to the attainment of sulfur dioxide (SO_2) and total suspended particulates (TSP).

Virginia requested the change in air quality control area designations as a result of the new Prevention of Significant Deterioration (PSD) regulations published in the **Federal Register** on August 7, 1980 (45 FR 52676, 52715). All of Virginia's air quality control areas for TSP and SO_2 are presently classified as attainment or unclassifiable.

Proposed Redesignation

The air quality control areas for TSP and SO_2 in Virginia are defined as counties or "remainder of AQCR" (43 Fed. Reg. 40502, September 12, 1978). Those areas designated as "remainder of AQCR" were judged by Virginia to be too large to manage efficiently. Therefore, Virginia requested that the "remainder of AQCR" areas be redefined on a county-by-county basis as are the other areas. The air quality classification of any area (attainment or unclassifiable) will not be changed. All other Section 107 designations for the Commonwealth of Virginia not discussed in this notice remain intact, as per 43 Fed. Reg. 40502, 1978, and 45 Fed. Reg. 43412, 1980. EPA proposes to approve this revision of the air quality control areas for TSP and SO_2 under Section 107(d) of the Clean Air Act.

Submittal of Public Comments

The public is invited to comment on whether or not the areas designated as "remainder of AQCR" should be subdivided into county designations, and to comment on EPA's proposed approval of the changes. All comments received on or before July 22, 1981 will be considered. All comments should be submitted to the address stated above.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because this action, if promulgated, only approves State actions and imposes no new requirements.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

Pursuant to the provisions of U.S.C. Section 605(b) the Administrator has certified that SIP approvals under Sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. See 46 Fed. Reg. 8709 (January 27, 1981). This action, if promulgated, constitutes a SIP approval under Sections 110 and 172 within the terms of the January 27 certification. This action only approves State actions. It imposes no new requirements.

(Authority: Sections 107(d), 301(a) of the Clean Air Act as amended (42 U.S.C. 7407(d), 7501(2), 7601(a))

Dated: June 2, 1981.

Jack J. Schramm,

Regional Administrator.

[FR Doc. 81-18395 Filed 6-19-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 81

[A-3-FRL 1805-2]

Status for West Virginia; Proposed Redesignation of Attainment

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: On November 25, 1980, West Virginia requested that EPA approve a change in the designation of the Kanawha Valley Intrastate Air Quality Control Region (AQCR) from nonattainment of the ozone (O_3) standard to attainment. In this notice EPA is proposing approval of this redesignation.

DATE: Comments must be submitted on or before July 22, 1981.

ADDRESSES: Copies of West Virginia's request for redesignation of the AQCR are available for public inspection during normal business hours at the following locations:

U.S. Environmental Protection Agency, Region III, Curtis Building, Tenth

Floor, Sixth and Walnut Streets, Philadelphia, PA 19106, Attn: Mr. Raymond Chalmers

West Virginia Air Pollution Control Board, 1558 Washington Street, East, Charleston, West Virginia 25311, Attn: Mr. Carl Beard

Public Information Reference Unit, Room 2922, EPA Library, U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460

All comments on the proposed revision submitted on or before 30 days of publication of this notice will be considered and should be directed to: Mr. W. Ray Cunningham, Chief, Air Media and Energy Branch, Air, Toxics and Hazardous Materials Division, U.S. Environmental Protection Agency, Region III, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106.

FOR FURTHER INFORMATION CONTACT:

Raymond D. Chalmers (3AH13), U.S. Environmental Protection Agency, Region III, 6th & Walnut Streets, Philadelphia, PA 19106, telephone number 215/597-8309.

SUPPLEMENTARY INFORMATION:

Background

Section 107(d)(1) of the Clean Air Act (Act) requires the States to submit to the Administrator a list identifying all air quality control areas, or portions thereof, that have not attained the National Ambient Air Quality Standards. The Act further requires that the Administrator promulgate this list, with such modifications as he deems necessary, as required by Section 107(d)(2) of the Act. On March 3, 1978, the Administrator promulgated nonattainment designations for the State of West Virginia for Ozone (O_3), 44 Fed. Reg. 8962. These designations were effective immediately and public comment was solicited. On September 12, 1978, in response to the comments received, the Administrator revised and amended some of the original designations, 43 Fed. Reg. 40502. The Act also provides that a State may from time to time review and revise its designations and submit these revisions to the Administrator for promulgation (Section 107(d)(5) of the Act). The criteria and policy guidelines governing these revisions and the Administrator's review of them are the same that were used in the original designations. These were summarized in the **Federal Register** on March 3, 1978, 43 Fed. Reg. 8962, September 11, 1978, 43 FR 40412; and September 12, 1978, 43 Fed. Reg. 40502.

Proposed Redesignation

On November 25, 1980, the State of West Virginia requested EPA to approve a change in the designation of the Kanawha Valley Intrastate AQCR from nonattainment of the O_3 standard standard to attainment.

EPA considers the ozone standard of 235 ug/m³ to be attained when the expected number of days per calendar year with maximum hourly avarage concentrations above 235 ug/m³ is equal to or less than 1. The procedures for calculating the expected number of days per calendar year with exceedances are given in 40 C.F.R. 50 Appendix H.

West Virginia's O_3 data for the Kanawha Valley Intrastate AQCR shows that only one exceedance of the O_3 standard has occured during the years 1978 through 1980. Following the procedures specified in Appendix H. West Virginia estimated the number of exceedances for each year as 1.1 for 1978, 0.0 for 1979, and 0.0 for 1980. Averaging these values together as required by Appendix H, West Virginia showed that less than one exceedance of the O_3 standard can be expected per year.

EPA believes that West Virginia has shown that the Kanawha Valley Intrastate AQCR has attained the O_3 standards. Therefore, EPA is proposing approval of West Virginia's request that this AQCR be redesignated from nonattainment for O_3 to attainment.

Submittal of Public Comments

The public is invited to comment on whether or not the Kanawha Valley Interastate AQCR, currently a nonattainment area for the O_3 standards, should be redesignated as an attainment area.

All comments received on or before July 22, 1981 will be considered. Comments should be sent to the address given above.

Pursuant to the provisions of 5 U.S.C. 505(b), the Administrator has certified that attainment status redesignations under Section 107(d) of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. 46 FR 8709 (January 27, 1981). The attached rule if promulgated would constitute an attainment status redesignation under Section 107(d) within the terms of the January 27 certification. Under Executive Order 12291, EPA also must judge whether a regulation is "major" and therefore subject to the requirement of a regulatory impact analysis. This regulation is not "major" for the same reasons that it has no significant economic impact: This action imposes no regulatory requirements but only changes an area air quality designation. Any regulatory requirements which may become necessary as a result of this action will be dealt with in a separate action.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

(Sections 107(d), 171(2), 301(a) of the Clean Air Act as amended (42 U.S.C. 7407(d), 7501(2), 7601(a))

Dated: May 12, 1981.

Jack J. Schramm,

Regional Administrator.

[FR Doc. 81-18396 Filed 6-19-81, 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 180

[OPP-300053; PH-FRL-1858-1]

Dimethylformamide; Proposed Exemption From the Requirement of a Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This notice proposes that the inert (or occasionally active) ingredient dimethylformamide, as part of the U.S. Department of Agriculture (USDA) witchweed quarantine program, be exempted from tolerance requirements when applied postemergent to field corn.

DATE: Comments must be received by July 2, 1981.

ADDRESS: Written comments to: John A. Shaughnessy, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

John A. Shaughnessy (703-557-7110).

SUPPLEMENTARY INFORMATION: The Administrator proposes to broaden the present exemption [(§ 180.1001(d))] for dimethylformamide to include, as part of the USDA witchweed quarantine program, postemergent application to field corn, after silking and tasseling of the corn.

Inert ingredients are all ingredients which are not active ingredients as defined in 40 CFR 162.3(c), and include, but are not limited to, the following types of ingredients (except when they have pesticidal efficacy of their own): solvents such as water; baits such as sugar, starches, and meat scraps; dust carriers such as talc and clay; fillers; wetting and spreading agents; propellants in aerosol dispensers; and emulsifiers. The term inert is not

intended to imply nontoxicity; the ingredient may or may not be chemically active.

Preambles to proposed rulemaking documents of this nature include the common or chemical name of the substance under consideration, the name and address of the firm making the request for the exemption, and toxicological and other scientific bases used in arriving at a conclusion of safety in support of the exemption.

Name of Inert Ingredient. Dimethylformamide.

Name and Address of Requestor. Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Washington, DC 20250.

Basis for Approval. The maximum theoretical residue level from the proposed use is calculated to be 3.6 parts per million (ppm) in corn grain. (In actual practice, residues will be much lower due to weathering, growth dilution, and use as a directed spray to base of plants.)

Based on available toxicity data, it has been determined that these residue levels will pose no additional health hazard via the human dietary route. Previous data indicate that the no-observable-effect level (NOEL) from a mouse feeding study was 540 ppm; and the NOEL from a rat feeding study was 750 ppm.

The proposed broadened use is limited to official applications by the U.S. Department of Agriculture in North and South Carolina only.

Based on the above information, and review of its use, it has been found that, when used in accordance with good agricultural practice, this ingredient is useful and does not pose a hazard to the environment. It is concluded, therefore, that the proposed amendment to 40 CFR Part 180 will protect the public health, and it is proposed that the regulation be established as set forth below.

Any person who has registered or submitted an application for the registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act, which contains this inert ingredient may request, July 2, 1981, that this rulemaking proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act. The agency has published this rulemaking proposal with a 10-day comment period rather than the normal thirty day comment period in an effort to expedite the tolerance setting process because of the urgency for dimethylformamide in the USDA's program.

Interested persons are invited to submit written comments on the proposed regulation. The comments must bear a notation indicating both the subject and the petition and document control number "[PP–300053]". All written comments filed in response to this notice of proposed rulemaking will be available for public inspection in the Process Coordination Branch (TS–767C), Rm. 514D, CM#2, 1921 Jefferson Davis Highway, Arlington, VA from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

As required by Executive Order 12291, EPA has determined that this proposed rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this proposal from the OMB review requirement of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–534, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that regulations establishing new tolerance or raising tolerance levels or establishing exemptions from tolerances requirements do not have significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

(Sec. 408(e) 68 Stat. 514 (21 U.S.C. 346a(e)))

Dated: June 9, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR 180.1001(d) is amended by revising the entry "Dimethylformamide" to read as follows:

§ 180.1001 Exemptions from the requirement of a tolerance.

* * * * *

(d) * * *

Inert ingredient	Limits	Uses
.	.	.
Dimethylformamide (see also § 180.1046)	For use only in preemergence application, application prior to formation of edible parts of food plants, and seed and transplant treatment. Also, as part of the USDA witchweed quarantine program, postemergent application in field corn, after silking and tasseling of the corn	Solvent, cosolvent
.	.	.

[FR Doc. 81-18384 Filed 6-19-81; 8:45 am]

BILLING CODE 6560-32-M

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40 CFR Part 420

[FRL 1856–1]

Iron and Steel Point Source Category

AGENCY: Environmental Protection Agency.

ACTION: Notice announcing meeting and availability of summaries of meetings.

SUMMARY: The Environmental Protection Agency announces that it will conduct meetings regarding the proposed effluent guidelines limitations for the iron and steel industry. EPA will make memoranda summarizing the issues discussed at the meetings available to the public.

ADDRESS: Memoranda will be made available in the Public Information Reference Unit, Room 2404 (Rear) PM–213 (EPA Library), 401 M St., SW, Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Ernst P. Hall, Effluent Guidelines Division, (WH–552), Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460, (202) 426–2586.

SUPPLEMENTARY INFORMATION: The Agency published the proposed effluent limitation guidelines for the iron and steel manufacturing point source category on January 7, 1981 (46 FR 1858). The proposed regulation would limit effluent discharges to waters of the United States and the introduction of pollutants into publicly owned treatment works from facilities engaged in manufacturing steel. The comment period on the proposed regulation closed on May 8, 1981.

The Agency expects to hold meetings with steel industry representatives and other interested persons concerning issues related to the proposed regulation. The Agency will prepare memoranda summarizing the issues discussed at each meeting as well as all significant information which was brought to the Agency's attention. The memoranda will be made available to the public by being placed promptly in the docket for the proposed regulation. The docket is available for inspection and copying at the EPA Public Information Refernece Unit, Room 2404 (Rear) PM–213 (EPA Library). The Agency invites all interested persons to

review the memoranda and present any appropriate responses

Dated: June 15, 1981.

James H. Smith,

Acting Assistant Administrator for Water and Waste Management.

[FR Doc. 81-18412 Filed 6-19-81; 8:45 am]

BILLING CODE 6560-25-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA-6090]

National Flood Insurance Program Proposed Base Flood Elevations and Zone Designations for the City of El Cajon, San Diego County, Calif.

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations and zone designations as described below.

The proposed base flood elevations and zone designations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations and zone designations are available for review at the Office of the Department of Planning, 200 East Main Street, El Cajon, California.

Send comments to: The Honorable John Reber, Mayor, City of El Cajon, 200 East Main Street, El Cajon, California 92020.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street SW., Washington, D.C. 20410, (202) 755-6570 (in Alaska and Hawaii call toll free (800) 424-9080).

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed base flood elevations and zone designations for the City of El Cajon, California, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Public Law 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Public Law 90-448), 42 U.S.C. 4001-4128, and 44 CFR Part 67.

These base flood elevations and zone designations, together with the flood plain management measures required by Section 60.3 of the program regulations, are the minimum that are required. It should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. The proposed base flood elevations and zone designations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base flood elevations and zone designations are as follows:

Source of flooding	Location	Elevation (in feet) (NGVD)	Zone designation
Forster Creek.	Approximately 600 feet downstream of Cuyamaca St.	349	Zone A7.
	At Cuyamaca St	352	Zone A9.
	At Billy Mitchell Dr	372	Zone A9.
	Approximately 250 feet downstream of Bradley Ave.	379	Zone A8.
Broadway Creek.	Approximately 250 feet downstream of Johnson Ave.	378	Zone A8.
	At Joe Cassel Dr	384	Zone A4.
	At Bradley Ave	389	Zone A4.
	Approximately 300 feet downstream of Vernon Way.	395	Zone A4.
	Approximately 75 feet downstream of Victor St.	425	Zone A4.

Also, Washington Creek and portions of Forster Creek have been channelized to contain the 100-year flood. In addition, the Special Flood Hazard Areas have been deleted along Fanita Drive Tributary, Valley Lake Drive Tributary, Canyonback Tributary, and Petree Street Tributary.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367;-and delegation of authority to Federal Insurance Administrator)

Issued: June 9, 1981.

Robert G. Chappell, P.E.,

Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81-18207 Filed 6-19-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA-6089]

National Flood Insurance Program; Flood Elevation Determinations

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the nation. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., National Flood Insurance Program, (202) 755-5585, Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for selected locations in the nation, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR 67.4(a).

These elevations, together with the flood plain management measures required by Section 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricker requirement on its own, or pursuant to policies established by other Federal, State, or Regional entities.

These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for a new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the proposed flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the floodplain area. The elevation determinations impose no restriction unless and until the local community voluntarily adopts floodplain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with federal standards, the elevation prescribes how high to build in the floodplain and does not prescribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirements; of itself it has no economic impact.

The proposed base (100-year) flood elevations for selected locations are:

Proposed Base (100-Year) Flood Elevations

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
Florida	Unincorporated areas of Lake County	Lake Akron	Entire shoreline	*49
		Lake Amos	Entire shoreline	*65
		Lake Apopka	Entire shoreline	*69
		Bass Lake	Entire shoreline	*51
		Bear Pond	Entire shoreline	*60
		Lake Beauclair	Entire shoreline	*66
		Blue Lake	Entire shoreline	*135
		Lake Bracy	Entire shoreline	*70
		Lake Burns	Entire shoreline	*75
		Lake Carlton	Entire shoreline	*68
		Cherry Lake	Entire shoreline	*90
		Cook Lake	Entire shoreline	*70
		Lake Cooley	Entire shoreline	*71
		Crescent Lake	Entire shoreline	*70
		Lake Dora	Entire shoreline	*66
		East Lake	Entire shoreline	*60
		Lake Edwards	Entire shoreline	*60
		Lake Eldorado	Entire shoreline	*68
		Lake Elsie	Entire shoreline	*75
		Lake Etowah	Entire shoreline	*74
		Lake Franklin	Entire shoreline	*105
		Lake Gertrude	Entire shoreline	*73
		Lake Gibson	Entire shoreline	*76
		Lake Grace	Entire shoreline	*49
		Lake Hermosa	Entire shoreline	*74
		Island Lake	Entire shoreline	*75
		Lake Jewel	Entire shoreline	*50
		Lake Joanna	Entire shoreline	*155
		Johns Lake	Entire shoreline	*101
		Lake Kathryn	Entire shoreline	*45
		Lake Lincoln	Entire shoreline	*75
		Lake Louisa	Entire shoreline	*100
		Lake Lourse	Entire shoreline	*80
		Lake Lulu	Entire shoreline	*49
		Lake Minnehaha	Entire shoreline	*100
		Lake Minneola	Entire shoreline	*99
		Mirror Lake	Entire shoreline	*50
		Mount Plymouth Lake	Entire shoreline	*65
		Lake Nettie	Entire shoreline	*65
		Lake Owen	Entire shoreline	*70
		Lake Pearl	Entire shoreline	*80
		Perch Lake	Entire shoreline	*51
		Ponding area 1	Entire shoreline	*169
		Ponding area 2	Entire shoreline	*115
		Ponding area B10B	Entire shoreline	*66
		Ponding area B10C	Entire shoreline	*66
		Ponding area B10D	Entire shoreline	*64
		Ponding area B10E	Entire shoreline	*80
		Ponding area B10F	Entire shoreline	*70
		Ponding area B10G	Entire shoreline	*65
		Ponding area B10H	Entire shoreline	*70
		Ponding area B10I	Entire shoreline	*90
		Ponding area B10J	Entire shoreline	*100
		Ponding area B10K	Entire shoreline	*66
		Ponding area B10M	Entire shoreline	*65
		Ponding area B10N	Entire shoreline	*65
		Ponding area B10O	Entire shoreline	*65
		Ponding area B21D	Entire shoreline	*60
		Ponding area B21E	Entire shoreline	*58
		Ponding area B21F	Entire shoreline	*60
		Ponding area B30A	Entire shoreline	*60
		Ponding area B30C	Entire shoreline	*62
		Ponding area B30D	Entire shoreline	*60
		Ponding area F1A	Entire shoreline	*75
		Ponding area F1C	Entire shoreline	*74
		Ponding area F1D	Entire shoreline	*75
		Ponding area F1E	Entire shoreline	*75
		Ponding area F1F	Entire shoreline	*72

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD).
		Ponding area F1G	Entire shoreline	*71
		Ponding area F1H	Entire shoreline	*70
		Ponding area F3C	Entire shoreline	*70
		Ponding area F3D	Entire shoreline	*70
		Ponding area F3F	Entire shoreline	*75
		Ponding area F3G	Entire shoreline	*65
		Ponding area F3H	Entire shoreline	*70
		Ponding area F3I	Entire shoreline	*70
		Ponding area F4C	Entire shoreline	*65
		Ponding area F5B	Entire shoreline	*80
		Ponding area F6A	Entire shoreline	*75
		Ponding area F6B	Entire shoreline	*75
		Ponding area F6C	Entire shoreline	*75
		Ponding area F6D	Entire shoreline	*75
		Ponding area G7B	Entire shoreline	*69
		Ponding area G7C	Entire shoreline	*64
		Ponding area G7D	Entire shoreline	*70
		Ponding area G7E	Entire shoreline	*70
		Ponding area G7F	Entire shoreline	*70
		Ponding area G7H	Entire shoreline	*69
		Ponding area G7I	Entire shoreline	*70
		Ponding area G7J	Entire shoreline	*70
		Ponding area G7HA	Entire shoreline	*65
		Ponding area G8B	Entire shoreline	*70
		Ponding area H1B	Entire shoreline	*70
		Ponding area H1C	Entire shoreline	*70
		Ponding area H1D	Entire shoreline	*75
		Ponding area H1E	Entire shoreline	*71
		Ponding area H1H	Entire shoreline	*70
		Ponding area H1I	Entire shoreline	*70
		Ponding area H5A	Entire shoreline	*71
		Ponding area H5B	Entire shoreline	*71
		Ponding area H5C	Entire shoreline	*71
		Ponding area H5E	Entire shoreline	*75
		Ponding area H5F	Entire shoreline	*75
		Ponding area H5G	Entire shoreline	*82
		Ponding area H6E	Entire shoreline	*85
		Ponding area H6F	Entire shoreline	*80
		Ponding area H6K	Entire shoreline	*80
		Ponding area K1A	Entire shoreline	*75
		Ponding area K1B	Entire shoreline	*65
		Ponding area K5A	Entire shoreline	*80
		Ponding area K5B	Entire shoreline	*75
		Ponding area K5C	Entire shoreline	*70
		Ponding area K5E	Entire shoreline	*80
		Ponding area K5F	Entire shoreline	*78
		Ponding area K5H	Entire shoreline	*74
		Ponding area L1A	Entire shoreline	*83
		Ponding area L1B	Entire shoreline	*83
		Ponding area L1C	Entire shoreline	*85
		Ponding area L1D	Entire shoreline	*85
		Ponding area L1E	Entire shoreline	*80
		Ponding area L1F	Entire shoreline	*80
		Sap Pond	Entire shoreline	*84
		Lake Saunders	Entire shoreline	*75
		Lake Schimmerhorn	Entire shoreline	*51
		Lake Sidney	Entire shoreline	*49
		Silver Lake	Entire shoreline	*70
		Lake Smith	Entire shoreline	*70
		Smith Pond	Entire shoreline	*85
		South Lake	Entire shoreline	*51
		Sunset Valley	Entire shoreline	*80
		Lake Swatara	Entire shoreline	*73
		Lake Tavares	Entire shoreline	*64
		Trout Lake	Entire shoreline	*49
		North Twin Lake	Entire shoreline	*65
		South Twin Lake	Entire shoreline	*65
		Unnamed pond south of Lake Eldorado.	Entire shoreline	*70
		Unnamed pond southwest of Lake Eldorado.	Entire Shroeline	*74
		Unnamed lake east of Lake Joanna.	Entire shoreline	*85
		Unnamed lake north of Lake Nettie.	Entire shoreline	*105
		Unnamed lake northeast of Lake Swatara.	Entire shoreline	*75
		West Crooked Lake System	Entire shoreline	*74
		Lake Woodward	Entire shoreline	*75
		Lake Yale	Entire shoreline	*81
		St. John's River	Just upstream of State Highway 40	*7
			Just downstream of the confluence of Snake Creek	*8
		Wekiva River	Approximately 500 feet upstream of State Highway 46	*11
			Approximately 500 feet downstream of Seaboard Coast Line Railroad.	*12

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD).
Maps available for inspection at Planning Department, Lake County Courthouse, 2nd Floor, 315 West Main Street, Tavares, Florida 32778.				
Send comments to Mr. Glenn Burhams or Mr. Jerry Gres, Land Development Manager, Lake County Courthouse, 315 West Main Street, Tavares, Florida 32778.				
Illinois	(C), Johnston City, Williamson County	Lake Creek	About 600 feet downstream of Grand Avenue	*404
			At confluence with Shakerag tributary	*411
		Shakerag tributary	Just upstream of 9th Street	*413
			About 550 feet upstream of East 14th Street	*431
Maps available for inspection at the Clerk's Office, City Hall, 500 South Washington, Johnston City, Illinois.				
Send comments to Honorable Bill Stevens, Mayor, City of Johnston City, City Hall, 500 South Washington, Johnston City, Illinois 62951.				
Illinois	(C), Tuscola, Douglas County	Scattering Fork	About 1,300 feet downstream of Egyption Trail Road	*648
			About 200 feet downstream of Egyption Trail Road	*650
			At upstream corporate limits (upstream of Washington Street)	*652
		Hayes branch	Just upstream of Prairie Street	*650
			About 0.5 mile upstream of North Line Road	*652
Maps available for inspection at the Clerk's Office, City Hall, 204 North Parke, Tuscola, Illinois.				
Send comments to Honorable Chris Hill, Mayor, City of Tuscola, City Hall, 204 North Parke, Tuscola, Illinois 61953.				
Indiana	(C), Columbus, Bartholomew County	East Fork White River	About 2.9 miles downstream of Third Street	*611
			Just upstream of Third Street	*621
			About 2,900 feet upstream of Third Street	*623
		Driftwood River	At confluence with East Fork White River	*623
			About 2.7 miles upstream of Third Street	*625
		Flatrock River	At mouth	*623
			Just upstream of U.S. Highway 31	*630
			Just downstream of North Road	*637
		Haw Creek	At mouth	*616
			About 1,050 feet downstream of State Street	*618
			Just upstream of Tenth Street	*626
			Just upstream of Highway 31	*634
			Just upstream of Ford Road	*641
			About 0.6 mile upstream of Ford Road	*643
		Clifty Creek	About 1.6 miles downstream of State Street	*610
			About 1,500 feet upstream of State Street	*620
			About 250 feet upstream of U.S. Highway 31	*626
			About 1.35 miles upstream of U.S. Highway 31	*632
Maps available for inspection at the City Hall, 5th and Franklin, Columbus, Indiana.				
Send comments to Honorable Nancy Ann Brown, Mayor, City of Columbus, City Hall, 5th and Franklin, Columbus, Indiana 47201.				
Massachusetts	Merrimac, town, Essex County	Lake Attitash	Entire shoreline within community	*98
		Merrimack River	Downstream corporate limits	*13
			Upstream corporate limits	*16
		Tributary to Neal Pond	Birch Meadow Road No. 1	*102
			At most upstream crossing of Birch Meadow Road No. 2.	*107
Maps available for inspection at the Conservation Commission, Town Hall, School Street, Merrimac, Massachusetts.				
Send all comments to the Honorable George Waterhouse, Chairman of the Merrimac Board of Selectmen, Town Hall, School Street, Merrimac, Massachusetts 01860.				
Michigan	(C), Marshall, Calhoun County	Kalamazoo River	About 1,200 feet upstream of Interstate 69	*880
			Just downstream of dam (about 400 feet upstream of South Marshall Avenue).	*890
			Just upstream of dam (about 400 feet upstream of South Marshall Avenue).	*901
			About 4,400 feet upstream of South Marshall Avenue	*901
		Rice Creek	Just downstream of Monroe Street	*890
			About 4,300 feet upstream of South Marshall Avenue	*897
		Mill Race	Mouth at Rice Creek	*893
			Just upstream of dam (about 100 feet upstream of mouth).	*897
			About 2,800 feet above mouth	*898
Maps available for inspection at the City Hall, 323 W. Michigan Avenue, Marshall, Michigan.				
Send comments to Honorable George P. Brown, Mayor, City of Marshall, City Hall, 323 W. Michigan Avenue, Marshall, Michigan 49068.				
Minnesota	(C), Appleton, Swift County	Pomme de Terre River	At downstream corporate limits	*982
			Just upstream of State Highways 7 and 119	*993
			At upstream corporate limits	*999
Maps available for inspection at the Appleton Civic Center, 323 West Schlieman Avenue, Appleton, Minnesota.				
Send comments to Honorable James Loher, Mayor, City of Appleton, Appleton Civic Center, 323 West Schlieman Avenue, Appleton, Minnesota 56206.				
Missouri	(C), Bethany, Harrison County	Big Creek	About 1,500 feet downstream of abandoned Burlington Northern Railroad.	*847
			At confluence of West Fork Big Creek	*851
		East Fork Big Creek	About 5,000 feet upstream of 12th Street	*860
Maps available for inspection at the City Hall, P.O. Box 344, Bethany, Missouri.				
Send comments to Honorable Dale Barnes, Mayor, City of Bethany, City Hall, P.O. Box 344, Bethany, Missouri 64424.				
Ohio	(V), Elmore, Ottawa County	Portage River	About 3,500 feet downstream of Toledo Street	*598
			About 2,600 feet upstream of Conrail	*600

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Maps available for inspection at the Mayor's Office, Town Hall, 344 Rice Street, Elmore, Ohio.				
Send comments to Honorable Leland Rutherford, Mayor, Village of Elmore, Town Hall, 344 Rice Street, Elmore, Ohio 43416.				
Ohio	(V), Genoa, Ottawa County	Packer Creek	About 950 feet downstream of Washington Street	*619
			About 690 feet upstream of Wilson Street	*625
Maps available for inspection at the Mayor's Office, Town Hall, 509 Main Street, Genoa, Ohio.				
Send comments to Honorable Hope L. Niehausmyer, Mayor, Village of Genoa, Town Hall, 509 Main Street, Genoa, Ohio 43430.				
Ohio	(V), Oak Harbor, Ottawa County	Portage River	About 1.5 miles downstream of Locust Street	*579
			About 1,300 feet upstream of Norfolk and Western Railway.	*580
Maps available for inspection at the Mayor's Office, Municipal Building, 146 Church Street, Oak Harbor, Ohio.				
Send comments to Honorable Willard Bloom, Mayor, Village of Oak Harbor, Municipal Building, 146 Church Street, Oak Harbor, Ohio 43449.				
West Virginia	Belle, town, Kanawha County	Kanawha River	Downstream corporate limits	*602
			Upstream corporate limits	*603
Maps available for inspection at the Town Offices, Dupont and 11th Street, Belle, West Virginia.				
Send comments to Honorable Rudy Seacrist, Mayor of Belle, 1100 Dupont Avenue, Belle, West Virginia 25015.				
West Virginia	Nitro, city, Kanawha and Putnam Counties	Kanawha River	Downstream corporate limits	*586
			East Nitro Bridge (upstream)	*588
			Upstream corporate limits	*589
		Armour Creek	Downstream corporate limits	*585
			Escoe Drive (upstream)	*589
			Interstate 64 (upstream)	*592
			3rd private road (upstream)	*604
			Upstream corporate limits	*624
		Blakes Creek	Confluence with Armour Creek	*586
			Third Avenue (upstream)	*590
			South 21st Street (upstream)	*598
			Private road (upstream)	*604
Maps available for inspection at the City Hall, 20th Street and Second Avenue, Nitro, West Virginia.				
Send comments to Honorable Art Ashley, Mayor of Nitro, City Hall, 20th Street and Second Avenue, Nitro, West Virginia 25143.				

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: June 10, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-18208 Filed 6-19-81; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL MARITIME COMMISSION

46 CFR Part 510

[Docket No. 80-44]

Licensing of Independent Ocean Freight Forwarders Publication of Applications

AGENCY: Federal Maritime Commission.

ACTION: Discontinuance of proposed rulemaking.

SUMMARY: On July 7, 1980, the Federal Maritime Commission published a notice of proposed rulemaking (45 FR 45599) to eliminate the requirement of publishing in the **Federal Register** notice of the filing of applications for independent ocean freight forwarder licenses. After full consideration of the issues and comments from interested parties, the Commission has decided not to adopt the proposed rule.

DATE: June 22, 1981.

FOR FURTHER INFORMATION CONTACT: Jeremiah D. Hospital, Chief, Office of Freight Forwarders, Federal Maritime Commission, Room 10105, 1100 L Street NW., Washington, D.C. 20573, (202) 523–5843.

SUPPLEMENTARY INFORMATION: This proceeding was instituted by Notice of Proposed Rulemaking, published on July 7, 1980, to eliminate from section 510.6 of the Commission's General Order 4 (46 CFR 510) the requirement of publishing in the **Federal Register** notice of the filing of applications for independent ocean freight forwarder licenses. Section 510.6 currently reads as follows:

510.6 Publication of applications.

After application has been filed, the Commission shall cause to be published in the **Federal Register** a notice of the filing of each application, stating the name and address of the applicant and if the applicant is a corporation, association, or partnership, the names of the officers or members thereof. Parts 1 and 2 of the application shall be public information and available for inspection at the office of the Commission in Washington, D.C.

In its Notice of Proposed Rulemaking, the Commission stated that there is no statutory requirement for such publication in the **Federal Register** and that the rule requiring such publication had been adopted to allow interested parties to comment on the eligibility of applicants for independent ocean freight forwarder licenses. The Commission also stated that, since interested parties seldom commented on such applications and in an effort to eliminate an apparently unnecessary regulation and to improve cost-effectiveness, it was proposed to delete the **Federal Register** notice requirement.

The proposed rulemaking generated four comments. Two individual forwarders and one forwarder association (I.C. Harris & Company, Arthur J. Fritz & Co., and the Customs Brokers and Forwarders Association of

Miami, Inc.) oppose deletion of the **Federal Register** notice of applications.

In general, those commentators believe that application notices in the **Federal Register** constitute an important source of information which enables the freight forwarder industry to monitor prospective entrants into the industry. Those commentators point out that the notice requirement serves to protect the integrity of the ocean freight forwarder profession by enabling knowledgeable individuals to inform the Commission of facts concerning the eligibility of particular applicants, which facts may not otherwise come to light, but which would be of value to the Commission in processing applications for licenses.

As to the issue that few comments have been received as a result of the notice requirement, one of the commentators explained that most applicants have established themselves through years of experience while in the employ of other freight forwarders and may be worthy of entrance into the profession under their own licenses. Such applicants naturally would not generate comment. It is only in the case of the odd applicant who, perhaps unknown to the Commission, should not be granted a license that the notice requirement serves its intended purpose. The commentator also points out that it is important just to have the opportunity to inform the Commission concerning applicants for licenses.

The fourth and final commentator, the National Customs Brokers & Forwarders Association of America, Inc., did not object to the proposal *per se*. However, it recommended that the same information currently published under the notice requirement be made available to it so that it has an opportunity to furnish information, when available, that may be helpful in the processing of applications.

After thorough consideration of the comments received, it is the Commission's belief that the proposal to eliminate the publication of applicants in the **Federal Register** should not be adopted and that any alternate method of making this information available to the public would place a greater burden upon the staff. Accordingly, this proposed rulemaking proceeding will be discontinued.

Therefore, it is ordered, That the proposed rulemaking in Docket No. 80-44 (45 FR 45599, July 7, 1980) is hereby discontinued; and

It is further ordered, That notice of this Order be published in the **Federal Register.**

By the Commission [1].

Joseph C. Polking,

Acting Secretary.

[FR Doc. 81-18421 Filed 6-19-81; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR—Parts 2, 21, 87, and 90

[Gen. Docket No. 79-188; RM-3247]

Allocation of Spectrum for the Use of Radio in Digital Termination Systems

AGENCY: Federal Communications Commission.

ACTION: Extension of time for filing oppositions to petitions for reconsideration of Final Rule.

In the matter of Amendment of the Commission's Rules to Allocate Spectrum for, and to Establish Other Rules and Policies Pertaining to, the Use of Radio in Digital Termination Systems for the Provision of digital communications services; Order extending time for filing oppositions to Petitions for Reconsideration.

SUMMARY: The Commission extends the dates for filing oppositions to three of the petitions for reconsideration of the First Report and Order in Docket 79-188 allocating spectrum for Digital Termination Systems and establishing the Digital Electronic Message Service using DTS. The three petitions of interest were filed by the National Academy of Sciences, the People of the State of California and the Public Utilities Commission of the State of California and the Contemporary Communications Corporation.

DATE: The filing date for oppositions to the three petitions for reconsideration has been extended 11 days. Oppositions to these petitions shall be filed on or before 23 June 1981.

ADDRESS: Federal Communications Commission, 1919 M St., NW., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: J. Bertron Withers, Jr., Policy and Management Staff, Office of Science and Technology (202) 653-8100, Room 7002.

Order Extending Time for Filing Oppositions to Petitions for Reconsideration

Adopted: June 10, 1981.

Released: June 11, 1981.

By the Commission:

In the Matter of Amendment of Parts 2, 21, 87, and 90 of the Commission's Rules to Allocate Spectrum for, and to Establish Other Rules and Policies Pertaining to, the Use of Radio in Digital Termination Systems for the Provision of digital communications services; General Docket No. 79-188 RM-3247.

1. The Chief Scientist notes that five petitions for reconsideration of the First Report and Order in the above-captioned matter have been filed with the Commission. The Public Notice of the filing of three of these petitions—by the National Academy of Sciences, the People of the State of California and the Public Utilities Commission of the State of California (California), and Contemporary Communications Corporation—was published in the Federal Register on 28 May 1981 (46 FR at 28742).[1] The other two petitions for reconsideration were filed by Local Digital Distribution Company and Satellite Business Systems, and the Public Notice thereof was published in the **Federal Register** on 8 June 1981 (46 FR at 30391).[1]

2. Pursuant to Section 1.429(f) of the Commission's Rules and Regulations, 47 CFR Section 1.429(f), oppositions to these petitions must be filed within 15 days after notice of their filing has been published in the **Federal Register.** At present, oppositions to the above petitions must be filed by 12 June 1981 for the first three petitions, and by 23 June 1981 for the latter two. It would be desirable in terms of administrative efficiency and public convenience that parties submit their oppositions as part of a single filing. However, as the deadlines for filing are presently set, a party filing a single opposition addressing itself to issues raised both by a party whose petition was among the first three published in the **Federal Register** and by a party whose petition was one of the second two published in the **Federal Register** would be allowed only until the 12 June 1981 deadline. The Commission desires to gather as thorough and meaningful a record on the contested issues as is practicable. At the same time, we wish to do so in a most administratively efficient and convenient manner. We believe that having a single deadline for filing

[1] *Commissioner Dashboch dissents.* I would delete the requirement that filing of applications for independent ocean freight forwarders licenses be published in the **Federal Register** and would instead adopt the proposal of the National Customs Brokers and Forwarders Association of America, Inc. that a monthly list of such applications be furnished to interested parties by the Commission on a subscription basis.

[1] **Editorial Note:** The petitions for reconsideration appeared in the Notices section of the **Federal Register.**

oppositions to the five petitions for reconsideration would accomplish these twin goals.

3. Although we extend the filing deadline for the first three petitions to make it coincide with the deadline for the second two, our commitment to expedite our response to these petitions for reconsideration remains undisturbed. Further, we perceive no harm to any party and, in fact, believe it in the public interest to establish a single date by which all oppositions to the five petitions must be filed.

4. Therefore, it is ordered, pursuant to 0.241(d) of the Commission's Rules and Regulations, That the date for filing oppositions to the petitions for reconsideration filed in this proceeding by the National Academy of Sciences, California, and Contemporary Communications Corporation is extended for a period of 11 days from 12 June 1981. Therefore, oppositions to all petitions for reconsideration of the First Report and Order in the above-captioned proceeding must now be filed on or before 23 June 1981.

Federal Communications Commission.

Elliot E. Maxwell,

Deputy, Chief Scientist for Policy.

[FR Doc. 81-18357 Filed 6-19-81; 8:45 am]
BILLING CODE 67-01-M

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47 CFR Part 67

[CC Docket No. 80-286; FCC 81-264]

Federal-State Joint Board; Order Inviting Comments and Suggested Information Requests

AGENCY: Federal Communications Commission—Federal-State Joint Board.

ACTION: Requests by the Joint Board for comments and proposed information requests in proceeding concerning jurisdictional separations.

SUMMARY: Last year the Commission established a Federal-State Joint Board to develop proposed revisions to Part 67 of the Commission's Rules concerning jurisdictional separations. The Joint Board is requesting comments from interested parties concerning a proposed list of specific issues to be considered in this proceeding. The Joint Board is also seeking comments concerning proposed changes designed to phase customer premises equipment out of jurisdictional separations. The telephone companies participating in this proceeding are also directed to provide information concerning the economic impact of this proposal. Interested parties may also submit proposed information requests to the Joint Board.

DATES: Comments in response to the questions set out in Appendix A to this order are to be filed with the Commission by August 11, 1981. Interested persons may also submit suggested information requests on or before August 11, 1981. Replies to the Comments due August 11, 1981 are to be filed by August 26, 1981. Comments on the desirability of considering modifications to the Separations Manual dealing with customer premises equipment as an initial phase of this proceeding and on the plan proposed in Appendix B are to be filed on or before July 6, 1981. All telephone companies filing comments on the plan set out in Appendix B shall address the economic impact of the plan to the extent that they have relevant information. Replies to the comments due July 6, 1981 may be filed by July 20, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Claudia Pabo, Policy and Program Planning Division, Common Carrier Bureau (202-632-9342).

Adopted: June 10, 1981.

Released: June 12, 1981.

By the Federal State Joint Board.

Commissioner Lee concurring; Commissioner Fogarty concurring and issuing a statement.

In the matter of an amendment of Part 67 of the Commission's Rules, CC Docket No. 80-286, order inviting comments and suggested information requests.

1. In order to provide a clearer focus for this proceeding, we are inviting interested persons to submit preliminary views with respect to a list of specific questions we have tentatively decided to address in this proceeding, to suggest additional substantive questions for our consideration, to suggest factual questions for inclusion in subsequent data requests to selected parties, and to submit views with respect to certain procedural questions that must be resolved in order to structure this proceeding. [1]

2. All interested persons will be afforded an opportunity in the future to present more comprehensive substantive comments with respect to particular possible changes in the Separations Manual and to submit replies to such comprehensive comments of other parties. The comments in response to this *Order* need not be designed to make a case for or against a particular change in the Separations Manual provisions. We are soliciting comments at this time in order to assist us in identifying possible changes that do or do not warrant consideration and in formulating procedures for the resolution of such questions. In view of the nature of the comments, we have decided to allow a relatively brief period for filing comments.

3. Persons who submit initial comments are encouraged to submit brief responses to each of the questions listed in Appendix A to this Order. In addition to responding to the questions in Appendix A, persons are encouraged to submit views with respect to the role this Joint Board could or should perform with respect to the coordination of *Separations Manual* revisions with the implementation of customer premises equipment deregulation prusuant to the Commission's *Second Computer Inquiry* decision and the development of rules for the separation of investment and expenses that will be attributable to unregulated activities from regulated activity investment and expenses that will be allocated between the federal and state jurisdictions pursuant to the Separations Manual. A suggested addedum to the February, 1971, edition of the Separations Manual is attached in Appendix B.

4. We would also like to obtain the suggestions of interested persons with respect to substantive questions that should be considered in this proceeding that may not be encompassed within the questions and proposal listed in the Appendices. Persons who submit such additional questions should include a brief explanation of the reasons for including a particular question. If the relationship between the question and an area of inquiry described in the Commission's *Notice of Proposed Rulemaking* (78 F.C.C. 2d 837 (1980)) is not self-evident, such persons should also explain their reasons for concluding that this Joint Board has been authorized to address that question in this proceeding.

5. Persons who submit comments are also encouraged to comment upon some procedural questions we will be obliged to address in order to structure this proceeding. We could receive comments upon all substantive questions at the same time and attempt to achieve a simultaneous solution of all problems that will be addressed in this proceeding. It would also be possible to divide this proceeding into two or more phases and to address different questions or clusters of questions in

[1] Interested persons who did not file a timely notice of intention to participate may file comments in response to this order or any subsequent invitation for comments and their comments will receive full consideration. However, persons who file comments will not be required to serve copies upon persons who did not file a timely notice of intention to participate.

different phases. Persons who submit comments in response to this order may wish to discuss the advantages and disadvantages of such alternative approaches. Comments should also address the desirability of addressing customer premises equipment before other changes to the Separations Manual through a plan such as that contained in Appendix B or some other plan.

6. If we adopt a phased approach, some questions in addition to the issues surrounding customer premises equipment might be designated for priority consideration. Persons who submit comments are encouraged to express their views with respect to relative priorities and to indicate which questions they believe could or could not be examined separately if we do choose to adopt a phased approach.

7. Interested persons may also wish to comment upon the feasibility or desirability of conducting evidentiary hearings with respect to particular questions. Although we have concluded that we need not and should not conduct full-scale evidentiary hearings with respect to all questions that will be resolved in this proceeding, it might be possible to conduct limited hearings with respect to one or more discrete questions. Persons who believe that such hearings would be desirable should indicate questions that they believe warrant hearings. Such persons may also wish to suggest methods that would enable us to use such procedures without producing an inordinate delay in the resolution of the question or creating excessive costs for participants or governmental bodies.

8. It would also be possible to provide a limited form of discovery within the context of this proceeding. Some parties have indicated in the past that they will need to obtain information from other parties in order to prepare comprehensive substantive comments. The Joint Board staff has served data requests upon selected parties in prior Joint Board proceedings in order to supplement information that is provided through the filing of comments. We will be following the same practice in this proceeding. The staff served an initial set of data requests that are directed primarily at AT&T on May 16, 1981. It should be possible to accommodate any legitimate need for additional information by permitting parties to submit suggested questions to the Joint Board staff for inclusion in the next set of data requests. This invitation should not be interpreted as creating any right to discovery within the context of a rulemaking proceeding or as limiting the staff's discretion to omit any suggested information requests that may be repetitive, inappropriate or unduly burdensome. Parties who choose to submit suggested questions for inclusion in the next set of data requests should indicate the party or parties to whom such questions should be addressed.

9. The petition for further reconsideration, dated February 20, 1981, filed by AT&T in Docket No. 20828 proposes a substantial change in the method of implementing deregulation and detariffing of terminal equipment. The FCC plan of December 31, 1980 provides that only new and federally tariffed terminal equipment will be deregulated; other existing equipment furnished to customers would be retained as tariffed offerings subject to regulation. The FCC order would start with the existing level of terminal equipment in the plant accounts after March 1, 1982. No new additions would be made to the plant accounts, and the balance in the plant accounts would be diminished as plant is retired. A final termination date has not been established. However, there could be a number of years during which costs associated with terminal equipment would be allocated to interstate under the Separations Manual. Such a slow decline would minimize the need for state commissions to make abrupt upward adjustments in local rates to offset loss of separations support. The new proposal by AT&T could cause an abrupt termination of terminal equipment plant accounts and a corresponding abrupt termination of the separations support for local service.

10. The effect of an abrupt elimination of teminal equipment from the separations formula would be to reduce interstate revenue requirements by a substantial amount. Based upon 1979 data, the reduction in revenue requirements for the Bell System alone would be approximately $1.3 billion. The total industry revenue requirement would be reduced by $1.5 billion or more. Appendix A sets forth a summarization of the revenue requirement transfer by states.[2] Generally speaking, the reduction in interstate revenue requirements will be matched by a corresponding loss in the amount of contribution to intrastate revenue requirements. The exact effect on intrastate revenue requirement by state may vary somewhat due to differences in rate of return or due to variations in terminal equipment. The Joint Board believes that generally terminal equipment rates are established by the various state commissions at or near the full costs of providing such equipment. For instance, see California Public Utilities Commission Decision No. 90642-dated July 31, 1979, at mimeo page 131, wherein that commission specifically denied requests of intervenors to reflect separations effects in terminal equipment rates. Thus, deregulation will result in a reduction in intrastate revenues closely related to the reduction in total revenue requirements. In addition, there may be costs transferred to the exchange operation from the state toll operation where terminal equipment costs are allocated to state toll. States differ in how they have treated this allocation, but independent telephone company settlements may be affected.

11. The amounts set forth in Attachment A to Appendix B for the change in revenue requirements have been growing at approximately 16 percent per year. It is estimated that, on a flash cut basis, interstate revenue requirement reduction for the year 1982 would be in excess of $2.5 billion, taking the independent telephone companies into account. Such an increase in revenue requirements for intrastate service would place a heavy burden upon intrastate users in addition to the other burdens arising from recent depreciation changes, station connections expensing and extreme inflationary pressures. The Joint Board staff now invites comment on a proposed plan to phase out separations of terminal equipment in an orderly manner.

12. Even if existing terminal equipment is not deregulated under a flash cut, there may be severe dislocations if an orderly plan of separations phase out or some other appropriate plan is not adopted. The removal of existing terminal equipment from regulation may vary widely among companies. Some independent companies are moving in the direction of rapid detariffing of terminal equipment through sale of existing equipment to customers and by not offering new equipment under tariff to customers. Likewise, state regulatory agencies, in some cases, are taking steps to deregulate terminal equipment in advance of the effectiveness of the FCC orders. Thus, even if full deregulation is delayed, many segments of the industry may still be deregulated at an early date. With the terminal equipment plant balance reduction occurring at varying rates among companies, a distortion in

[2] Appendix A is based on material furnished by AT&T to NARUC on March 23, 1981 pursuant to request of John W. Kissel, Chairman, NARUC Staff Subcommittee on Cost Allocations, made at February, 1981 meeting in Washington, D.C

the separations and settlements process will result. The utilities with the low balances will have lesser costs assigned to settlements while those with large balances will have larger amounts assigned to settlements. If all companies reduce terminal equipment plant balances at a uniform rate they will tend to share equally in the residual settlements which remain after all expenses are removed.

13. The Joint Board staff has prepared a proposal which would ameliorate the revenue requirement impact resulting from deregulation of terminal equipment by providing for a five year phase out and termination of the allocation to interstate of customer premises equipment in Accounts 231 and 324. No new customer premises equipment investment which may be added to those after December 31, 1981, would be allocated to the interstate operation. Under this plan, the net balances attributable to customer premises equipment on the books as of December 31, 1981 would constitute a base amount for allocation between state and interstate operations during the phase out period. Starting with January, 1982, the base amount would be reduced by one sixtieth each month, and all amounts attributable to customer premises equipment subject to allocation between state and interstate operations would terminate after 60 months. A consistent treatment would be afforded the expenses associated with customer premises equipment.

14. The staff has also examined the effects of this plan on the state and interstate revenue requirements under the current separations manual. Attachment B to Appendix B of this order prepared by the Joint Board staff illustrates the growth in assignment of non-traffic sensitive subscriber plant revenue requirements to interstate. Characteristically, there has been an 18% annual growth in the dollar amounts assigned to interstate. Because of this growth, a five year phase out of terminal equipment separations will result in a reduction in relative interstate revenue requirements but not an absolute dollar reduction. State regulators and carriers will be able to reflect such a change in intrastate rates without producing the effects upon users that would result from an abrupt shift. It should be noted that the chart on Appendix B also shows the growth in interstate assignment of Account 232, Station Connections, without the effect of expensing station connections. The FCC's recent order on expensing station connections will, of course, alter the trend. In the future, there may be other changes in the separations of non-traffic—sensitive plant, and the proposal herein is not intended to limit such other changes. The possibility of other changes in no way detracts from the desirability of providing for a gradual phase out of customer premises equipment for separations purposes.

15. Parties to this proceeding are also invited to file comments on the proposal set forth in Appendix B and the specific implementation of that proposal as delineated in the draft addendum to the Separations Manual. In addition, to comments on the merits of this proposed plan, the Joint Board seeks information on the effects of the proposed plan on:

A. Interstate revenue requirements;

B. Intrastate revenue requirements; and

C. Independent telephone company revenues.[3]

16. Although we hope that the procedure we have described will be sufficient to meet any party's need for additional information, interested persons may suggest other procedures for developing information in their comments.

17. Accordingly, it is ordered, That interested persons may file comments in response to the questions set forth in Appendix A on or before August 11, 1981. An original and four copies shall be filed with the Secretary of the Federal Communications Commission. One copy shall be filed with each State Commission Joint Board member and each designated state staff member. Replies to these comments may be filed on or before August 26, 1981.

18. It is further ordered, That all parties to this proceeding may file comments on the desirability of considering specific modifications to the Separations Manual dealing with customer premises equipment as an initial phase of this proceeding and on the plan proposed in Appendix B on or before July 3, 1981.

19. It is further ordered, That all telephone industry participants filing comments on the plan set forth in Appendix B SHALL ADDRESS the questions of economic impact set forth in paragraph 15 to the extent that such participants have information thereon. The parties MAY FILE replies to the comments due July 3, 1981 on or before July 17, 1981.

[3] On June 2, 1981, AT&T and the Associated Bell System Companies filed a Proposal for Revision to the Jurisdictional Separations Process in this Docket. Parties wishing to do so may comment on the AT&T plan in the context of their response to this Order. We will consider that filing as a partial response to this order. AT&T may file supplemental material in response to this order if it desires within the timetable established herein.

20. It is further ordered, That interested persons MAY SUBMIT suggested information requests for inclusion in the second set of staff data requests on or before August 11, 1981. An original shall be filed with the Secretary of the Federal Communications Commission. Three copies shall be filed with the Chief of the Common Carrier Bureau and one copy shall be filed with each designated state staff member.

Federal Communications Commission.

William J. Tricarico,

Secretary.

APPENDIX A

I. Questions Relating to Nontraffic Sensitive Exchange Plant

1. Should different rules be substituted for the allocation of non-traffic sensitive exchange plant that is presently allocated in accordance with the subscriber plant factor described in paragraph 23.444 of the Separations Manual?

2. If so, what formula should be used to assign or allocate such investment that falls within each of the following categories:

(a) Terminal equipment;

(b) Inside wiring;

(c) Drop lines and protective blocks;

(d) Subscriber lines that are used for both interstate and intrastate services;

(e) WATS lines;

(f) The non-traffic sensitive portion of Central Office Equipment Category 6.

3. Should separate designation and treatment be established for certain types of terminal equipment such as special equipment for the handicapped, other customer premises terminal equipment, coin telephones and terminal equipment used by telephone companies?

4. If different rules are substituted for the allocation of SPFed NTS plant:

(a) Should such allocation be based in whole or in part upon relative usage?

(b) What factors, if any, should be considered in addition to or in lieu of relative usage?

(c) Should such rules be designed to reflect different costs, if any, resulting from interexchange use of such NTS plant?

(d) If so, how should the magnitude of such interexchange costs be ascertained?

(e) Should some portion of such plant in addition to amounts assigned interstate by unweighted relative use and/or cost causational factors be assigned to interstate service in order to ameliorate the effects upon residential subscribers or users of other local services?

(f) What adjustments, if any, should be made in the allocation of NTS plant other than customer premises terminal equipment in order to offset direct or indirect effects of the removal of customer premises equipment costs from the interstate service costs upon residential subscribers or users of other local services?

(g) If inside wiring costs are removed from interstate service costs, what further adjustments, if any, should be made in the

allocation of NTS plant other than inside wiring to offset direct or indirect effects of such removal upon residential subscribers or users of other local services?

(h) Should any usage adjustments or weighting factors be used to compensate for differences in rate structures applied to different telecommunications services (e.g., as if local and toll services were all priced either as usage sensitive or all priced as flat rate)?

(i) If so, how should the service categories be described and weighted or discounted in order to achieve that result?

5. What formula should be used to assign or allocate any station connection costs that are expensed?

6. Should any investment in non-traffic sensitive exchange plant that is directly assigned under the present Manual be allocated in some manner other than direct assignment?

7. If so, what formula should be used to assign or allocate such investment that falls within each of the following categories?

(a) Program transmission equipment and facilities;

(b) Other dedicated customer premises terminal equipment;

(c) Dedictated inside wiring;

(d) Dedicated drop lines and protective blocks;

(e) Dedicated lines or trunks between an end user premises and a Class 5 office.

8. If any non-traffic sensitive exchange plant investment is allocated upon the basis of usage (including weighted or discounted usage), should the Separations Manual be revised to provide more explicit instructions for the measurement of usage (e.g., specify 5 day or 7 day or other traffic studies)?

9. If so, what should those instructions be?

10. If the SPF factor is retained, should new instructions be included for the computation and revision of the components of that factor?

11. What instructions, if any, should be provided with respect to the measurement of usage for telephone company or OCC services other than MTS, WATS, and local exchange?

II. Questions Relating to Central Office Equipment Category 6

1. Should the Manual specify factors, or the means of developing factors, for determining the traffic sensitive and non-traffic sensitive portions of Central Office Equipment Category 6?

2. If the precise factors are specified, should the factors that are presently used for settlements purposes be specified?

3. If other factors are to be specified, how should such factors be derived?

4. Should any equipment that is presently included within Central Office Equipment Category 6 be segregated from the traffic sensitive and non-traffic sensitive portions of Category 6?

5. If so, what equipment should be segregated?

6. What rules should be adopted to assign or allocate any such segregated equipment?

7. Should a different allocation formula or formulae be substituted for the assignment or allocation of traffic sensitive Central Office Equipment Category 6 investment?

8. If so, what formula or formulae should be used for that purpose?

9. If such investment is allocated upon the basis of usage (including weighted or discounted usage) should usage by telephone company or OCC services other than MTS, WATS, and local exchange be reflected in the usage allocation?

10. If other services are reflected, should usage for any or all of those services be weighted or discounted?

11. If toll weighting factors are applied to MTS and WATS usage for purposes of allocating traffic sensitive COE Category 6 investment, should the factors be specified in the Manual?

12. If the precise factors are to be specified, should the factors that are presently used for settlements purposes be specified?

13. If other factors are to be specified, how should such factors be derived?

III. Other Questions

1. What revisions should be incorporated into the Manual in order to allocate revenues, investment and expenses attributable to open end access service for interstate FX and CCSA and similar interstate services to the interstate jurisdiction?

2. What provisions, if any, should be adopted to avoid or to adjust for the miscounting of usage when a call from an interstate private line is switched through a PBX to a line that is used for local exhange calls?

3. Should the Manual be revised to identify and assign or allocate central office equipment attributable to Centrex, ESSX, and other non-basic, non-toll central office services?

4. If so, what procedure should be used to segregate such investment?

5. What formula should be used to assign or allocate such investment?

6. What changes, if any, are required in the allocation of lines or trunks between Class 5 offices or between Class 5 and tandem offices in order to reflect changes in services or equipment that have occured since the present assignment and allocation rules were adopted?

7. What changes will be required in the Separations Manual language when all customer premises equipment is removed from the rate base?

8. What changes will be required in the Separations Manual language if all inside wiring is removed from the rate base and expenses?

9. What changes, if any, will be required in rules for the assignment or allocation of investment described in Parts 2, 6, 7, 8 and 9 of Section 2 of the Manual in order to reflect suggested changes in the allocation of exchange plant investment?

10. What changes, if any, will be required in rules for the assignment or allocation of expenses in order to reflect suggested changes in the allocation of investment?

11. Should interstate costs of various interexchange services (such as MTS, WATS, FX, ENFIA, etc.) be developed as a ratio of total costs or should those costs be developed on a per minute of use or some other traffic sensitive basis?

12. What other subjects should be addressed by the Joint Board in this proceeding.

APPENDIX B

Joint-Board Staff Proposed 1981 Addendum to the Separations Manual

General

This addendum to the February, 1971 edition of the Separations Manual provides for the phase out and terminaton of the allocation to interstate of customer premises equipment in Accounts 231 and 234. No customer premises equipment investment which may be added to those accounts after December 31, 1981 shall be allocated to the interstate operation. The plant net balances attributable to customer premises equipment on the books as of December 31, 1981 shall constitute a base amount for allocation between state and interstate operations during a phase out period of 60 months. Starting with January, 1982, the base amount shall be reduced by one sixtieth each month, and all customer premises equipment subject to allocation between state and interstate operations shall terminate after 60 months. A consistent treatment is afforded the expenses associated with customer premises equipment. The following revisions to the manual are made:

Section 1, Part 1

A new paragraph 11.25 shall be added as follows:

11.25 The procedures set forth herein provide for the exclusion from interstate allocation of all investments and associated reserves and expenses incurred in connection with customer premises equipment after December 31, 1981. Investments in customer premises equipment on the books as of December 31, 1981 will be phased-out over a 60-month period for allocation to interstate operations. Consistent treatment is afforded the reserves and expenses associated with phase out of the investment in customer premises equipment.

Section 2, Part 5

A new Section 25.3 shall be added as follows:

25.3 Phase-Out and Termination of Interstate Apportionment of Customer Premises Equipment in Accounts 231 and 234.

25.31 New Customer Premises Equipment—No portion of any investment in customer premises equipment in Accounts 231 and 234 which may be entered on the books of the company after December 31, 1981 shall be apportioned to interstate operations.

25.32 Phase-Out of Customer Premises Equipment Recorded as of December 31, 1981—The recorded investments of customer premises equipment in Accounts 231 and 234 which are on the books as of December 31, 1981 shall be assigned to the five categories set forth under Section 25.2. The amount of plant investment so determined, reduced by one-sixtieth, shall be apportioned between state and interstate operations in accord with the procedures prescribed for each category under Section 25.2 for the month of January, 1982. Each month thereafter, the base

December 31, 1981 amount shall be reduced by one-sixtieth of the base amount in each category, and the apportionment between state and interstate operations shall be made in a similar manner. After sixty months the amounts in each category will be reduced to zero, and no apportionment of any customer premises equipment to interstate operations shall thereafter be made.

Section 2, Part 9

The following sentence shall be added to Paragraph 29.11:

Starting with January 1, 1982 any amounts included in Account 122 associated with Customer premises equipment shall be excluded from the amounts which are allocated to the interstate operation.

Section 4, Part 2

A new Section 42.55 shall be added as follows:

42.55 Phase out and termination Provision.

42.551 No portion of any maintenance expense in Account 605 associated with repairs of customer premises equipment in Accounts 231 and 234 incured after December 31, 1981 shall be apportioned to interstate operations.

42.552 The recorded maintenance expense in Account 605 associated with repairs of customer premises equipment in Accounts 231 and 234 for the month of December, 1981 shall be used as a base in connection with the phase out of interstate allocation of customer premises equipment. For the month of January, 1982 such base amount shall be reduced by one-sixtieth and apportioned among the operations in accordance with the procedures set forth above in paragraphs 42.521 through 42.542, as applicable. Each month thereafter, the base amount shall be reduced by one-sixtieth of the base amount, and the apportionment of such reduced amount among the operations shall be made in a similar manner. After sixty months the base amount will be reduced to zero, and no apportionment of customer premises equipment maintenance expense to interstate operations shall thereafter be made.

Section 4, Part 3

A new Section 43.112 shall be added as follows:

43.112 Depreciation expense associated with customer premises equipment in Accounts 231 and 234 for the month of December, 1981 shall be expressed as a ratio to the plant in these accounts as recorded for December 31, 1981, and such ratio shall be applied to the phase-out of plant in these accounts as described in Paragraph 25.32 in accord with the procedure in Paragraph 43.12.

Section 4, Part 7

The following sentence shall be added to Paragraph 47.211:

The wage portion of maintenance expense related to maintenance of customer premises equipment shall be determined in a manner consistent with the phase-out of maintenance expense provided in Section 42.55.

Section 5, Part 1

A new paragraph 51.22 shall be added as follows:

51.22 The depreciation reserve associated with customer premises equipment in Accounts 231 and 234 shall be determined as of December 31, 1981 as a base for the phase out of customer premises equipment in those accounts. Starting with January, 1982 such base amount shall be reduced by one-sixtieth each month.

Glossary

The following definition shall be added:

Customer Premises Equipment—Items of telecommunications terminal equipment in Accounts 231 and 234, such as telephone instruments, data sets, dialers and other supplemental equipment, and PBX's, which are located on customer premises. Excluded from this classification are similar items of equipment located on telephone company premises and used by the company in the normal course of business as well as public telephones and related equipment.

Estimated Effect of Removal of Customer Premises Equipment [1] From Separations

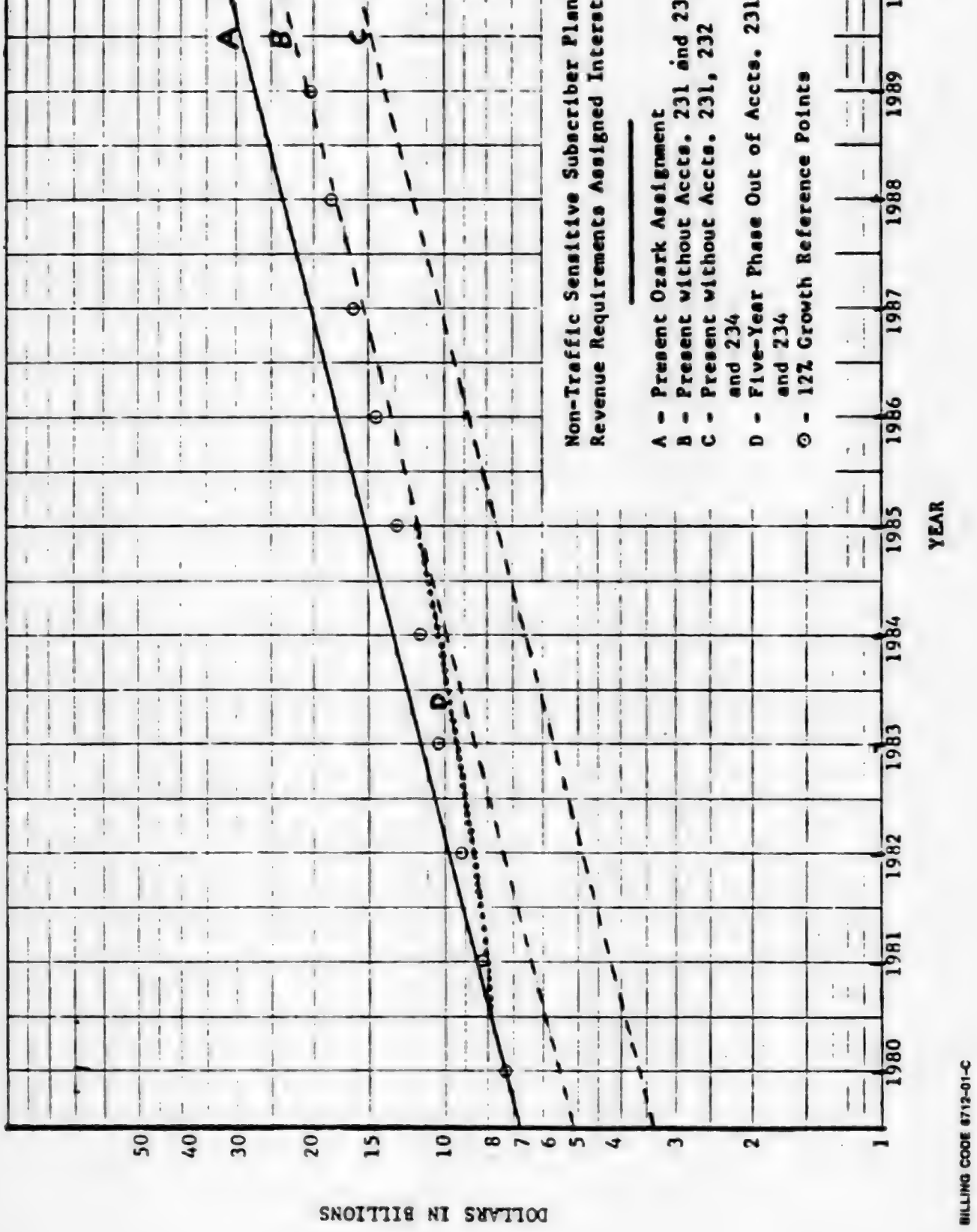
Bell System, year 1979 (in millions)

State	Change in revenue requirements	
	Interstate	Theoretical State toll
Alabama	($14,340)	($7,220)
Arizona	(30,310)	(6,730)
Arkansas	(8,770)	(5,950)
California	(141,690)	(191,280)
Colorado	(38,050)	(11,650)
Connecticut	(24,710)	(12,260)
Delaware	(5,530)	(720)
Florida	(68,120)	(27,540)
Georgia	(35,000)	(13,220)
Idaho	(6,420)	(3,720)
Illinois	(72,600)	(21,700)
Indiana	(17,630)	(8,040)
Iowa	(13,220)	(9,030)
Kansas	(13,920)	(9,020)
Kentucky	(9,950)	(4,920)
Louisiana	(18,990)	(12,000)
Maine	(6,000)	(4,750)
Maryland	(23,480)	(5,950)
Massachusetts	(45,820)	(27,880)
Michigan	(30,880)	(30,880)
Minnesota	(20,830)	(8,950)
Mississippi	(12,340)	(7,440)
Missouri	(30,390)	(12,050)
Montana	(6,070)	(4,740)
Nebraska	(8,950)	(5,280)
Nevada	(8,310)	(1,270)
New Hampshire	(6,980)	(3,450)
New Jersey	(67,950)	(58,060)
New Mexico	(8,190)	(3,350)
New York	(135,680)	(42,280)
North Carolina	(15,480)	(11,310)
North Dakota	(3,740)	(2,520)
Ohio	(36,430)	(19,660)
Oklahoma	(20,230)	(11,970)
Oregon	(15,240)	(9,790)
Pennsylvania	(44,790)	(25,040)
Rhode Island	(6,500)	(1,710)
South Carolina	(10,400)	(5,180)
South Dakota	(4,200)	(2,690)
Tennessee	(16,020)	(7,750)
Texas	(76,210)	(67,800)
Utah	(8,820)	(3,790)
Vermont	(4,400)	(1,930)
Virginia	(27,090)	(11,030)
Washington	(21,940)	(12,500)
West Virginia	(6,770)	(3,990)
Wisconsin	(13,870)	(8,870)
Wyoming	(6,780)	(3,160)
District of Columbia	(21,900)	0
Total Bell System	(1,296,020)	(769,860)

[1] Message portion of accounts 231 and 234.

BILLING CODE 6712-01-M

ATTACHMENT B to Appendix B



BILLING CODE 6712-01-C

Statement of Commissioner Joseph R. Fogarty

In Re: Amendment of Part 67 of the Commission's Rules

I strongly endorse the order of the Joint Board in which we seek comment on questions developed by the Joint Board staff as well as comment on the staff proposal for a five-year phase-out of customer premises equipment (CPE) and AT&T's plan for the revision of the separations process. By obtaining comment on the broad range of issues contained in both the staff and AT&T proposals, the Joint Board should be able to proceed much more expeditiously and with greater direction than it has been able to do thus far.

Unfortunately, this rapid progress may be hampered by the Federal Communications Commission's failure to recognize the infeasibility of the March 1, 1982 CPE deregulation date established in the *Second Computer Inquiry*, 77 FCC 2d 384 (1980). I agree with Commissioners Edward Larkin and Edward Burke that the time has come for the Commission to realize the impracticality of the March 1982 deadline and to take appropriate action to begin to plan for the orderly deregulation of CPE. It was to this end that on March 11, 1981, in a Memorandum to Chairman Lee, I proposed the formation of a task force whose task would be to develop proposals for a uniform strategy regarding the implementation of the *Computer II* decisions and other recent FCC orders. This task force would operate under the auspices of the FCC Office of Plans and Policy and the Common Carrier Bureau and be aided by an experienced consultant with the broad historical perspective so lacking in many of our deliberations.

So far, no action has been taken on my proposal. Our policy is still in disarray. I again urge the Commission to promptly form a planning task force. The quandary faced by the Joint Board in this proceeding demonstrates the urgent need for this group to develop a coherent policy. Both the Joint Board and the states have the right to receive the direction that such a policy would give. The Commission cannot afford to delay any longer.

[FR Doc. 81-18513 Filed 6-19-81; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 192 and 195

[Docket No. PS-69; Notice 1]

Transportation of Natural and Other Gas and Hazardous Liquids by Pipeline; Line Markers at Navigable Waterways

AGENCY: Materials Transportation Bureau (MTB).

ACTION: Advance Notice of Proposed Rulemaking.

SUMMARY: This notice invites comments on the problem of interference with underwater pipeline crossings of navigable waterways, the benefits of installing line markers at these crossings, and the size of markers to be used. Comments received may result in publication of another notice proposing specific changes to existing line marking rules, with further opportunity for public comment.

EFFECTIVE DATE: Interested persons are invited to submit written comments on this notice before August 6, 1981. Late filed comments will be considered so far as practicable. All interested persons must sumit as part of their written comments all the material that they consider relevant to any statement of fact made by them.

ADDRESS: Communications should be sent to the Dockets Branch, U.S. Department of Transportation, 400 7th Street, S.W., Washington, D.C. 20590. All comments and docket materials may be reviewed in the Dockets Branch, Room 8426, between the hours of 8:30 a.m. to 5:00 p.m. each working day.

FOR FURTHER INFORMATION CONTACT: Ralph T. Simmons, 202-426-2392 regarding the content of this notice, or the Dockets Branch, 202-426-3148, regarding copies of this notice or other information in the docket.

SUPPLEMENTARY INFORMATION:

Background

MTB is reviewing the requirements of §§ 192.707 and 195.410 that line markers be installed at underwater pipeline crossings of navigable waterways. The review is being conducted in accordance with Executive Order 12291 as part of MTB's program to review existing regulations and revoke or revise those that are not achieving their intended purpose.

Markers historically have been installed by pipeline companies at the shorelines of underwater crossings of navigable waterways, and this practice became mandatory for gas pipeline under § 192.707 and for interstate liquid pipelines under § 195.410. The waterway crossings are marked to notify persons conducting marine activities (e.g., pile driving, anchoring, or dredging from a barge or land-based equipment) of the presence of an underwater pipeline, and, thus, to reduce th likelihood of interference with the pipeline. For this reason, markers are required to bear the words "Do Not Anchor or Dredge."

Two problems are apparent with the current rules. First, the term "navigable waterway" is not defined in the rules, and while MTB has applied the Coast Guard's interpretation of this term (33 CFR Part 2), this interpretation may be broader than in reasonably necessary to assure safe pipeline crossings. As a result, the current rules may require markers where there is little or no susceptibility to damage from marine activities, for example, at minor stream crossings which have no vessel traffic and where dredging is unlikely to occur.

The second problem involves the size of line marking signs that must be installed. The rules for gas pipelines require that signs be visible and legible from vessels that could interfere with the pipeline. At wide crossings of lakes or rivers, extremely large signs must be used to ensure visibility (not to mention legibility) from any channel that lies far from shore. Of course, as the crossings get wider, so must the signs be larger, until a point of impracticality or strong environmental objection is reached. While the rules for liquid pipelines are not as definite, similar compliance problems obviously exist. At the same time, if large signs are not installed at wide crossings, then portions of these crossings that may be the ones most susceptible to damage would go unprotected by warning signs.

The Technical Pipeline Safety Standards Committee has on two occasions considered the need for line markers at navigable waterway crossings. At a meeting on December 5, 1978, the Committee recommended that the term "navigable waterway" be narrowly defined to avoid having to install markers where they would be of little benefit. Although the Committee did not propose a definition, it believes that current standards now require markers at water crossings where there may be little or no likelihood of damage to pipelines.

The Technical Committee also recommended that markers not be required at waterways where channel boundaries are marked by aids to navigation and the Corps of Engineers maintains charts which show utility crossings. The U.S. Coast Guard requires pilots of vessels to have available, on the vessel, current copies of these charts, and the Committee reasoned that markers are not needed to prevent pipeline damage where channels are well marked and charts showing utility crossings are available to pilots and dredging contractors. Further, the proposal was intended to practically eliminate the burden of having to install billboard-size signs that are large enough to be seen and read from river channels that are long distances from shore.

In a later meeting on June 17, 1980, the Committee again informally discussed the need for line markers at navigable waterway crossings. Although no

recommendations were made, many members doubted whether significant safety benefits are derived from markers at waterway crossings in view of the apparently low potential for accidents and quationable effectiveness of markers in preventing accidents. One member of the Committee pointed out that signs are useless in times of fog and other times when they can't be seen (e.g., at night), and, thus, they are only a part-time solution to the problem.

MTB has received waiver petitions from Tennessee Gas Pipeline Company (79–3W), East Tennessee Natural Gas (79–5W), Midwestern Gas Transmission (79–4W), and the Northern Natural Gas Company (80–1W). The petitioners requested that MTB grant them a waiver from compliance with the provisions of § 192.707(a) for all of their pipeline crossings of rivers, streams, and inland waters which do not have either of the following characteristics: (1) U.S. Coast Guard aids to navigation; or (2) regularly scheduled commercial traffic.

The petitioners stated that since MTB's regulations do not define the meaning of navigable waters, and since new laws and Court rulings have extended the meaning of "navigable waterways" to "any head waters capable to floating a canoe, bateaux, or log," markers are required on thousands of pipeline crossings of streams and tributaries where there is no possibility of damage from anchors or dredging. (It should be noted that a permit for dredging in navigable waterways must be obtained from the Corps of engineers, and obstructions to dredging (such as pipelines) are noted on the permit.)

Tennessee Gas Pipeline Company stated that it would cost them in excess of $8,000,000 to install signs at all navigable water crossings on their system. East Tennessee estimated their cost as at least $600,000.

Because these petitions for waiver do not relate to unique circumstances and they raise issues germane to all regulated pipeline companis, MTB is considering them as part of this rulemaking.

Another petitioner (P–10), the Interstate Natural Gas Association of America, has requested that MTB amend Part 192 to establish a definition of "navigable waterways" that would limit the installation of markers to waterways that have either Coast Guard aids to navigation or vessel traffic that could damage the pipeline. This request is consistent with the waiver petitions discussed above, in that markers would be required only where there is potential for anchor damage. However, it is somewhat at odds with the Technical Committee's view that marking would be of little benefit where channels are marked and Corps of Engineers' charts showing utility crossings are available. Also, the proposal seemingly disregards the potential problem of damage from dredging or other sources not connected with an existing main channel.

The petitioner goes on to recommend that a maximum letter size of 12 inches be adopted to limit the size of signs that must now be installed to ensure visibility from channels on wide river crossings. While these markers might guard against near-shore activities, no steps were recommended to guard against damage from faraway vessels on wide crossings.

Review Determination

So far, MTB's review had determined the following: First, although markers have been traditionally, and now mandatorily, placed at waterway crossings to warn persons of the presence of underwater pipelines, there is no empirical information available to demonstrate whether and under what conditions markers are effective in reducing the frequency of accidents. Indeed, such information would be extremely difficult and costly to obtain. Also, considering that (1) markers are visible only part of the time, and (2) markers of reasonable size are not readily distinguishable from distant channels (as on lakes), markers may be expected to have only limited effectiveness at best.

Secondly, although the frequency of accidents is unknown, the consequences of accidents that have occurred have not been severe in terms of deaths and injuries. From 1970 through 1979, there were 26 accidents reported on gas pipeline crossings caused by marine activities, resulting in no deaths and 3 injuries (occurring in one incident). Between 1968 and 1977, there were only 16 marine-activity related accidents on liquid pipelines, and no deaths or injuries were reported. [MTB's statistics do not tell whether these accidents occurred in spite of line markers, or how many, if any, accidents were avoided due to properly marked crossings.]

Finally, even in the absence of a complete cost study, the information supplied by Tennessee Gas shows that compliance with the existing requirements for water crossings that might be classed as navigable is very costly for the industry.

Given this combination of high costs to achieve potentially minor benefits and regulations that may be unreasonable to apply in every instance and probably have only limited effectiveness, clearly some rule change is in order. MTB is considering either deletion of the requirements to mark waterway crossings or revision so that only those crossings are marked where there is a reasonable relation between cost and potential benefit.

Alternatives

MTB has identified the following alternatives to consider in deciding what, if any, rulemaking action is to be taken.

1. Continue the present rules that line markers be placed at all crossings of waterways capable of floating a canoe, bateaux, or log, in a size large enough to be discerned from vessels in a channel.

2. Require line markers only at crossings of rivers or other bodies of water which carry potentially damaging vessels or where channel dredging and commercial dredging (such as oyster shell dredging) is commonly performed, but place a reasonable limit on the size of signs. This alternative might exempt waterways where channels are marked by aids to navigation and the Corps of Engineers maintains utility crossing maps from the requirement that markers be noticeable from channels.

3. Require all future underwater pipelines and the replacement of any existing underwater pipelines to be placed deep enough underneath the waterway bed to avoid foreseeable potential damage (rather than being dredged or bridged and layed on or near the existing bed of the waterway). In this case, existing pipeline crossings would be marked according to alternative 1,2, 4, or 5.

4. Revoke the present requirements for line markers at navigable waterways. In this case, safety would be regulated by other existing DOT requirements, such as depth of burial, by "one-call" damage prevention programs, or by Coast Guard and Corps of Engineer requirements discussed above.

5. Use lights or buoys for line markers in place of signs; or use a combination of lights, buoys, and signs.

Cost/Benefits

Where MTB does not have sufficient information about the first alternative to make a firm estimate of the cost to industry of installing line markers at all navigable waterway crossings not now marked, using the information contained in the petitions of Tennessee Gas Pipeline Company and East Tennessee. MTB estimates that it would cost industry approximately $100,000,000 if the first alternative is adopted.

Even though the majority of reported accidents involving underwater pipelines has occurred in areas where line markers are required, it cannot be

concluded from this information whether or to what extent markers are effective in preventing accidents. It seems reasonable, however, that little, if any, benefits would be achieved by continuing to require line markers in areas where there is little possibility of pipelines being damaged by marine activities.

The second alternative would essentially amount to maintaining the stutus quo from a compliance standpoint, since, at present, most line markers are placed at such locations. Therefore, there would be little, if any, cost impact to industry if markers were required only in areas of identifiable potential damage. MTB does not have any information that indicates that there would be any decrease in benefits from so restricting the present requirements. More significant, however, MTB lacks information to demonstrate the potential benefits of marking, and speculative benefits may not justify even the restricted marking requirement proposed by alternative number two.

As for the third alterntive, MTB expects the cost of installing pipelines deeper under river beds than currently required would far exceed the cost of installing and maintaining line markers. While this alternative would have the benefit of a higher level of protection against damage, it is speculative whether a higher level is needed as a general rule or, moreover, whether even the protection afforded by markers is needed.

The fourth alternative would delete the present requirements for line markers at waterways, and, depending on the reaction of industry, could eliminate the cost of installing and maintaining line markers at waterway crossings or have no effect on the current costs of marking. The benefit of this alternative cannot be accurately assessed since the benefits of the current rule are unknown or speculative. If it is assumed that some markers are beneficial, their removal would have a negative impact, perhaps greater than the savings in cost. If it is assumed, however, that in the absence of a Federal rule, most pipeline companies would voluntarily maintain line markers in critical areas where most benefits may exist, revocation of the current rule would have little, if any, negative impact on current benefits. On the other hand if markers have little or no benefits, their removal would not cause a decrease in benefits while saving maintenance and replacement costs.

As for the fifth alternative, MTB does not have any information about the effectiveness, cost, or benefit of marking a crossing by means other than shore-side signs.

Request for information

To help MTB decide which alternative to choose, interested persons are invited to participate in this rulemaking by answering the following questions and submitting any substantiating information:

1. Under what circumstances, if any, does the potential for interference with underwater gas or liquid pipeline crossings constitute a threat to public safety?

2. If there is a threat to public safety—

(a) How should the crossings where a threat exists be defined? (e.g., crossings might be defined as all pipelines at all waterways, or only highly volatile liquid pipelines at crossings subject to commercial vessel traffic.)

(b) Considering the several types of activities that cause damages, are shore-side line marking signs an effective way to protect crossings against the threat of interference? If so, what evidence is there to demonstrate their effectiveness (or non-effectiveness)? If signs are not effective, would the alternative of buoys or lights be effective?

(c) Should line markers (signs, buoys, or lights) be required even though any one or a combination of protective measures other than markers are in effect; specifically, deeper burial, operator participation in a "one-call" or similar type of damage prevention program, regulation of dredging by the Corps of Engineers, or pilots' use of Corps of Engineers' charts? What would be the impact if existing markers were removed?

(d) Assuming that the largeness of a line marking sign sets a practical limit on its usefulness—

(i) How far from shore should a sign be recognizable by shape and color?

(ii) How far from shore should a sign be legible?

(iii) Should the recognition and legibility distances be based on the naked eye or the use of binoculars?

(e) If a threat to public safety exists on a portion of a crossing that lies beyond the practical limits of sign recognition, how should this portion of the crossing be protected? If this threat were the only one on the crossing, should shore-side signs be installed, nonetheless? If so, what size signs should be used and what benefits would they have?

(f) What would be the cost of installing individual signs of different sizes and their maintenance cost, if alternative one is adopted? If alternative two is adopted?

3. In the absence of a regulation, would line markers be voluntarily installed or maintained? If so, where and why?

4. Which of the alternatives suggested by MTB would have potential benefits to society that outweigh the potential costs? Are there other alternatives not suggested by MTB? If so, what are they and what would be their costs and benefits?

5. What would be a reasonable estimate of cost for a typical incident of damage to an underwater pipeline, including any costs that might occur from pollution or environmental damage?

(49 U.S.C. 1672; Sec. 203, Pub. L. 96–129, 93 Stat. 1004 (49 U.S.C. 2002); 49 CFR 1.53, Appendix A of Part 1 and Appendix A of Part 106)

Issued in Washington, D.C., on June 17, 1981.

Melvin A. Judah,

Acting Associate Director for Pipeline Safety Regulation, Materials Transportation Bureau.

[FR Doc. 81–18452 Filed 6–19–81; 8:45 am]

BILLING CODE 4910–60–M

INTERSTATE COMMERCE COMMISSION

49 CFR 1201

[Docket No. 36988]

Alternative Methods of Accounting for Railroad Track Structures

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Interstate Commerce Commission proposes to change its method of accounting for track structure from Retirement-Replacement-Betterment (RRB) to ratable depreciation accounting. The objectives in changing methods of accounting for track are to improve reporting of the loss in service potential resulting from the use of track assets, to improve the quality of reported earnings through better matching of revenues and expenses and to make financial reports comparable with other industries.

DATE: Written responses and accompanying data should be filed with the Commission on or before August 6, 1981.

ADDRESS: An original and 10 copies, if possible, of any comments should be sent to: Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Bryan Brown, Jr. (202) 275–7448.

SUPPLEMENTARY INFORMATION:

Background

The Commission is reexamining the current use of Retirement-Replacement-Betterment accounting (RRB or betterment accounting) in light of (1) the 4/30/76 petition by the Department of Transportation (DOT) to consider revision of the accounting for existing railroad track structure, and (2) the adoption of depreciation accounting to track structures by five railroads in reports to the Securities and Exchange Commission (SEC) and to the public.

RRB accounting for railroad track assets has been used by railroads since prior to the adoption of the first Uniform System of Accounts. Under RRB, the initial track installation cost is capitalized. This investment is not depreciated and remains in the property investment account until the track is abandoned under the theory that the track structure is maintained in a constant condition and depreciation expense would equal track maintenance costs. Instead of depreciation, track replacements are accounted for as track maintenance expenses, except if through the application of superior component parts (such as replacing 110-lb. rail with 132-lb. rail) a betterment occurs. In that instance, the excess cost of new parts over the current cost of new parts of the kind replace is capitalized.

RRB accounting is used solely by the railroad industry. Consequently, the Commission has been consistently criticized for not using depreciation accounting similar to other industries. No pronouncement of either the former Accounting Principles Board or Financial Accounting Standards Board has ever proclaimed RRB accounting as a generally accepted accounting principle (GAAP), although it received some support from the American Institute of Certified Public Accountants' Committee on Relations with the Interstate Commerce Commission. This has created a long standing debate on whether RRB accounting is consistent with GAAP. If ratable depreciation accounting were adopted, this would eliminate a major alleged difference between ICC and GAAP accounting which has been a goal of the Commission for some time.

The Bureau of Accounts conducted an informal conference on 2/15/78 and 2/16/78 in Docket No. 36557, as an initial step in reopening the subject of depreciation vs. betterment accounting for railroad track structures. In our Notice of Study served 10/26/78, and published in the **Federal Register** (43 FR 50717) 10/31/78, we announced the beginning of a general study to consider the adoption of ratable depreciation accounting to replace RRB in accounting for railroad track. In 1977, the Bureau of Accounts studied the track depreciation methodologies of three railroads (Chicago & North Western Transportation Company, Consolidated Rail Corporation and Illinois Central Gulf Railroad Company) which followed depreciation accounting in their annual reports to stockholders. The 1977 study of methodologies used by the railroads raised questions on the conceptual soundness of ratable depreciation accounting and implementation problems associated with adopting it. The Notice of Study sought to provide alternatives which could be used to develop an appropriate depreciation methodology for Commission financial reporting purposes. A track depreciation methodology was developed by the Bureau of Accounts and a pilot study was performed on two railroads.

The conclusions of the pilot study which are discussed below form the basis for our proposal to replace RRB with track ratable depreciation accounting.

Objections to RRB Accounting

The Commission believes that RRB misstates railroad reported earnings for railroads which defer track replacements by not recognizing the loss in service potential resulting from the use of railroad track assets. In addition, RRB misstates railroad track investment by failure to recognize in the property accounts the cost of track replacements other than betterments after the initial track investment and fails to provide accounting recognition for track assets which have lost their economic usefulness.

Under RRB, expenditures on railroad track are only recognized when track components are replaced. However, railroads can defer the cost of track replacement almost indefinitely by one means or another. The track maintenance policy generally reflects availability of funds to perform track maintenance. It may also reflect the amount of economic activity—profitable traffic—over certain lines. RRB accounting fails to reflect such maintenance decisions. Ratable depreciation accounting requires that a firm account annually for the consumption of assets regardless of maintenance policy. Ratable depreciation accounting, when service lives conform to the use of the asset, better reflects asset utilization and provides a better measure of the economic consumption of the track asset. This improves the measurement of the cost of transportation service.

Under RRB, if two railroads maintained their track at the same weight of rail, but one maintained the track more often to keep it in better operating condition, they would report the same investment in track (Although one would report greater maintenance expenditures than the other). No change in track investment occurs unless superior parts such as increased weight of rail are added to the track structure and then only the increment of cost at current prices between the two weights of rail. Consequently, the investment in track does not reflect the cost of that property to date because no cost at replacement, other than betterments, is reflected in track investment. Ratable depreciation accounting reflects the cost of programmed track replacements in track investment and thus more accurately states railroad track investment.

Under RRB, track investment is maintained at original cost plus the cost of betterments until track is retired. Consequently, no expense recognition is made for these costs until retirement. Many railroads have extensive track properties which are subject to abandonment. Betterment accounting by its nature ignores this fact in the financial statements. Ratable depreciation accounting allows these properties subject to abandonment to be written off over their estimated remaining economic life. Again, under ratable depreciation accounting, track investment is more accurately stated.

Reasons for Delaying Consideration of Ratable Depreciation Accounting

The Commission has been reluctant to consider adoption of ratable depreciation for tracks because of (1) anticipated adverse impact on cash railroad flow because of increased Federal income taxes and (2) problems associated with depreciation based on historical cost during periods of inflation.

One of the primary arguments against adoption of ratable depreciation accounting is its adverse effect on the railroad Federal tax liability. RRB is accepted as the primary method of computing railroad track tax depreciation allowances. Opponents of ratable depreciation accounting have argued that the continued use of RRB would be denied for tax purposes if depreciation accounting for track assets were adopted by the Commission. By deducting the current track replacement cost in the year of replacement, railroads enjoy a substantial tax

advantage over ratable depreciation accounting. On December 13, 1980, Congress passed legislation (Public Law 96-613) that would permit railroads to continue to use RRB for tax purposes even if we adopt depreciation accounting for our purposes. We can now consider whether ratable depreciation accounting should be adopted for financial reporting purposes without concerning ourselves with the tax consequences of the proposed change.

Historical cost depreciation accounting is a reliable method of matching cost with revenue. However, we must still consider the objection that depreciation based on historical cost would not adequately measure railroad earnings during periods of high inflation. A major limitation of depreciation accounting is that it compares revenues in current dollars with expenses in terms of dollars spent in the past. While the revenues and earnings of a company often increase during periods of inflation, the increases may not be real. In years that railroads maintain their track, RRB generally reflects a higher charge to operating expense for track maintenance than the ratable depreciation expenses for the same track. This results in a higher reported earnings for ratable depreciation. Generally, financial analysts judge methods which reflect the costs of inflation currently to be superior in quality of earnings to those which defer the inflationary impact of costs.

Critics of ratable depreciation accounting point to this as a reason not to change methods. We disagree. We recognize the need to provide disclosure of the current cost of operations in the financial statements and accept that RRB is closest to accomplishing that goal. However, RRB recognizes the current cost only when replacements are made so it would only coincidentally reflect the cost of operations at current prices. The Financial Accounting Standards Board (FASB) recently issued Statement No. 33, "Financial Reporting and Changing Prices," which requires companies to provide supplemental information to the historical cost financial statements on the impact of inflation. The Commission is currently studying whether to adopt similiar disclosures. We plan to consider this issue along with the use of replacement cost data in revenue adequacy determinations and in rail costing in a separate proceeding. If adopted, we believe these disclosures will provide the Commission and other financial statement users with improved information over the present RRB system relative to the impact of inflation on the earnings of a firm.

Reasons for Rejecting Existing Depreciation Methodologies

The ratable depreciation methodologies used by some railroads in their reports to stockholders have some common characteristics. In the railroads we have studied, a depreciation rate is determined and applied on a systemwide basis to each of the depreciable track property accounts, except "track laying and surfacing" (direct labor) which is allocated to the other track accounts. Each track component is assumed to have its own service life, independent of the track structure of which it is a part. Depreciation rates used for track components are based on the life cycle of track components experienced in the past. Physical wear and tear are the only factors considered in estimating track component lives.

In our opinion, the depreciation accounting methodology we propose is superior to the other ratable depreciation methods we have studied because:

(1) It depreciates the complete track structure rather than the track components.

We believe the track structure as a whole is the economic entity upon which railroads generate their revenues. Until assembled a track structure has no economic use. Consequently, we believe the entire track structure rather than its component parts should be depreciated.

(2) It differentiates between track density categories.

Separate track density categories such as main-line, branch and yard which are broken down by gross ton miles per mile are important indicators of track service life. Main-line track generally has a rather short life due to heavy business volumes, weight and speed of trains. Branch lines have a longer life since traffic is less dense. Yard tracks have yet a longer life since traffic density and speed are not important factors in deterioration of these tracks.

(3) It recognizes economic obsolescence in determining depreciation rates.

We believe the determination of depreciation rates should be based not just on projections about track structure physical life but also its continued economic usefulness. Railroads are required to identify those railroad line segments which are potentially subject to abandonment. Consequently, it is possible to analyze and change depreciation rates to reflect track line seqments which have become economically obsolete.

The Proposed Depreciation Accounting System

In testing our proposed depreciation accounting system, the Bureau of Accounts found that the data needed to establish the system was readily available or could be developed with minimum effort.

Major features of the proposal include:

(1) The track structure in the aggregate will be depreciated on a straight-line basis by line segments included in defined traffic density categories.

(2) A separate depreciation rate will apply to each traffic density category. The service life of each category will be based on two factors: lives based on physical wear and tear and future economic usefulness of individual line segments of track.

(3) The physical life will reflect the composite lives of the track components (weighted by investment) considering both the use of track components (such as rail and other track material) measured in gross ton-miles and the physical life in years of ties. Railroads will decide what life to apply to each segment and a composite rate would apply to investment within each track traffic density category. The Commission would continue to exercise its approval of track depreciation rates.

(4) Track additions and labor and material associated with programmed track replacement programs will be capitalized. Overhead costs will be capitalized consistent with existing accounting rules in Instruction 2-6. Spot maintenance such as sporadic tie replacement, routine repairs of rail and tightening of other track material will be expensed. Surfacing (ballast installation) will be expensed as maintenance.

(5) Retirements, for track properties which are either replaced or abandoned, will be handled as follows:

(a) The cost of rail and other track material (OTM) replaced will be written out of the property accounts at the unit average cost of year installed.

(b) Ties replaced will be written out at the moving average cost of all ties.

A separate issue, from the problem of depreciation of historical costs during periods of inflation, is the problem of restating track property investment to a level of the last track programmed replacement. As we indicated earlier, track investment accounts are valued at original installation cost plus any subsequent betterments. This understates track investment.

Because inflation is such a significant factor today, depreciation charges based on existing track book value will be so low as not to allow maintenance of the railroads' track assets. The serious underdepreciation that would occur if no adjustment in existing track investment accounts were made would effect the ratemaking process in several ways. First, there would be a miscalculation of revenue to variable cost ratios done in connection with market dominance and rate compensation findings. Second, the calculation of the cost recovery percentage would be incorrect. Third, revenue adequacy determinations would be incorrect.

Accounting Principles Board (APB) Opinion No. 20 "Accounting Changes", requires that the "cumulative effect" of changing to a new accounting principle be included in net income of the period of the change. The "cumulative effect" is obtained by applying the new accounting principle retroactively for all prior periods. This will require that track property investment accounts be restated and accumulated depreciation accounts be established to a basis as if the newly adopted accounting principle had been applied during all periods affected. This would be a one time adjustment. It would not require a complete reaccounting but would require identification of the cost of the last track replacement. We have performed pilot studies on two railroads. We do not believe the cost would be prohibitive.

As an alternative to restating track investment, the existing investment cost could be depreciated over the estimated remaining life of the properties. When new replacements are made, the cost would be capitalized and a rate reflecting estimated service life would be applied to this investment. One serious problem with this alternative is that no accumulated depreciation account is established for retirements. When retirements occur they will be charged to an accumulated depreciation account with no balance. Consequently, the accumulated depreciation account will have a debit balance.

We prefer restatement of the track accounts as required under APB Opinion No. 20. If replacement cost data is required in revenue adequacy determinations, then restatement of track accounts will be necessary to develop a proper replacement cost dollar restated track investment cost no matter whether restatement is required in this proceeding.

If restatement is necessary, then one method of restatement is to:

(1) estimate tie installation year by using a First-in, First-out (FIFO) assumption and counting back programmed tie installations until all ties would have been replaced. By pricing ties at the unit cost for each installation in each year, tie material cost can be determined. Tie labor cost can be developed by applying a unit cost to install a tie for each installation year. When the current unit labor cost to install a tie is determined then this unit cost could be indexed back to the earliest installation year.

(2) Rail and OTM can be restated by means of identifying dates of installation from rail charts or other engineering records. From Authority for Expenditure (AFE) records, track unit cost per foot can be developed and applied to current track in place to arrive at the restated cost. Rail and OTM installation labor unit cost can be developed for the current year and indexed back to the earliest year similar to tie costs.

During restatement, all railroad lines subject to potential abandonment would be restated only to the extent of the lesser of cost or net liquidation value (salvage less cost of removal) on a particular line segment. This would likely include lines in Categories 1 and 3, of a railroad's system diagram map.

We are currently studying development of a restated track investment from the use of annual report data only. This would require certain underlying assumptions about track investment. We solicit public comments on whether an adequate investment base can be developed through this method and/or other alternatives.

By whichever means we adopt, we will be, to some extent, taking care of the problem of inflation by allowing for maintenance of track, as well as the problem discussed above related to distortion of costs for ratemaking purposes. If restatement is required, we plan to audit the restated track investment base.

Comments are specifically requested on (1) whether restatement is necessary, and, if not, whether depreciation on existing track book value will provide adequate means for railroads to maintain track property, (2) whether the method of property restatement presented in this NPR is appropriate and estimates of restatement cost, or (3) whether another method may be more appropriate.

We also solicit comments on the associated subjects of the accounting for salvage and the valuation of relay rail.

1. Should track salvage be accounted for as

(a) Gross salvage (expensing cost of removal).

(b) Net salvage (net of cost of removal).

(c) A credit to an income account.

2. Should relay rail be valued at

(a) Average cost.

(b) Recorded cost.

(c) Some other basis.

We also request comments on what additional financial disclosures might be beneficial to financial statement users. We found in the February 1978 Informal Conference, for example, that security analysts use various ratios including the maintenance ratio (ratio of maintenance cost to operating revenues) in rating debt and equity securities. We plan to continue the reporting of information for the maintenance ratio in a footnote to the financial statements as well as other disclosures which would be deemed to be necessary.

This proposed rule will not significantly affect the quality of the human environment, energy consumption or small businesses.

We propose to amend Part 1201 Subpart A of the Code of Federal Regulations as outlined in Appendix A.

This revision is issued under the authority of 49 U.S.C. 10321 and 5 U.S.C. 553.

Decided: June 10, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam.

James H. Bayne,

Acting Secretary.

Appendix A

PART 1201—RAILROAD COMPANIES

Amend Part 1201, Subpart A, Uniform System of Accounts for Railroad Companies.

List of Instructions and Accounts

Under "Instructions for property accounts" the following changes are proposed:

1. Renumber as follows: 2–10 becomes 2–11; 2–11 becomes 2–12.

2. Add instruction 2–10, "Additions to and retirements of track", immediately after item 2–9, "Addition and retirements of other than units of property."

3. Revised instruction 2–13 to become "Changes in line of road and relocation of yard tracks"

Under "property accounts" the following changes are proposed:

1. Revise item 3, "Grading" to read 3 "Grading and ballast," 2. Revise item 8 "ties" to read 8 "Track-Materials and labor." 3. Delete items 9, 10, 11, and 12.

Under "regulations prescribed" the following change is proposed:

Under (ii) Definitions the following definitions are added:

(ii) Definitions * * *

33. "Programmed track replacements" are costs incurred as part of a track replacement program or planned expenditures. Programmed track replacements are performed by relatively large work gangs which, on the basis of programmed, and authorized work orders, use heavy mechanized equipment to replace rail ties and other track material. For guidance on what not to capitalize, see Note C to the text of Account 8, Track—Materials and labor.

34. Spot maintenance are material and labor costs of routine track repairs such as sporadic tie replacement, repair of broken rails, tightening track bolts and track spikes. A more complete list of maintenance items are included in Note C to the text of Account 8, Track—Material and labor.

Under "instructions for property accounts," the following changes are proposed:

1. Instruction 2–7 "Additions to and retirements of property—General is amended by revising paragraph (a) and adding paragraph (e):

2–7 Additions to and retirement of property—General. (a) In accounting for additions to and retirements and replacements of road and equipment property (excluding land) used in transportation operations, such property changes shall be considered as consisting of (1) units of property, (2) other than units of property (minor Items) and (3) track. A list of units of property is prescribed in Instruction 2–19. Track property changes will not be distinguished by units of property.

(e) The acccounting for track additions and retirements (with and without replacement) shall be guided by instruction 2–10.

2. Instruction 2–10, Expenses in connection with additions and betterments, is renumbered Instruction 2–11 and a new instruction 2–10 is added:

2–10 Additions to and retirements of track.

(a) When track or its components are added to the plant, the cost shall be included in the track primary account. When track components other than those contained in Accounts 3 Grading and ballast, 4 Other right-of-way expenditures, 5 Tunnels and Subways and 39 Public improvements—Construction are replaced as part of a track replacement program the replacement cost shall be accounted for as an addition to the track property account. The cost of track components included in account 8 Track—Material and Labor, which are retired with or without replacement, shall be written out of the track property account at the time of retirement.

(b) When track is retired the service value shall be charged to account 735, "Accumulated depreciation; Road and equipment property."

(c) All repairs and replacements of yard tracks shall be accounted for as operating expenses.

(d) Surfacing (ballast installation) shall be treated as maintenance. When an increase cross section of ballast is added, this cost should be added to the property investment account.

3. Instruction 2–11 "Units of property rebuilt or converted" is renumbered Instruction 2–12.

4. Existing Instruction 2–12 "Changes in line of road" and Instruction 2–13, "Relocation of yard tracks," are deleted and a new Instruction 2–13, "Changes in line of road and relocation of yard tracks" is added:

2–13 Changes in line of road and relocation of yard tracks:

(a) When changes are made in a line of road for the purpose of reducing curves or grades, or to eliminate bridges, tunnels, tracks in the installation of a centralized traffic control system, or other physical features, the part of the line so changed shall be considered property retired and its ledger value credited to the property accounts. The new line of road, including land, grading, ballast, track elements, and other transportation facilities serving the road shall be considered an addition and the cost thereof to the carrier charged to the property accounts. The cost of such track changes which do not involve change in the existing roadbed shall be charged to operating expenses, even though the tracks may be dismantled in the process, but the resulting track extensions or reductions shall be accounted for as additions or retirements, as appropriate.

(b) The cost of shifting or rearranging tracks within a yard shall be charged to operating expenses, even though the tracks may be dismantled in the process, but resulting increases or decreases in grading, ballast, or track length shall be accounted for as additions or retirements, as appropriate. Where tracks in whole or in part within a yard are determined to be no longer permanently used the ledger value of such tracks shall be eliminated from the property account. In case yard tracks and facilities are constructed in another location to take the place of tracks retired, such tracks and facilities shall be accounted for as additions and the cost thereof shall be included in the property account.

Under "Instruction for depreciation accounts", the following changes are proposed:

1. In Instruction 4–1(c) Road Account 3 is revised and 8 is added:

4–1 Method * * *

Road accounts:

3. Grading and ballast.

* * * * *

8. Track—Material and labor.

2. Instruction 4–2 is revised by adding Paragraph (d):

4–2 Rates of depreciation

* * * * *

(d) A separate track depreciation rate shall apply to each track density category as provided in Instruction 4–3(d). Track depreciation rates shall be developed by estimating the physical life of rail and other track material in terms of gross ton-miles per mile of track. The portion of total life which has expired in the current year as measured in gross ton-miles must be converted to a life based in years. Tie life shall be developed on the basis of years. A composite depreciation rate shall be developed from these lives by weighting the investment in ties, rails and OTM. If the economic life of a track line segment is estimated to be less than the physical life, then the economic life will be used in establishing the depreciation rate. In the absence of an established depreciable life for accounts 3, 4, 5 and 39, carriers shall use an economic life.

3. Instruction 4–3 is revised by adding paragraphs (d) and (e)

4–3 Depreciation records to be kept.

* * * * *

(d) Carriers shall be prepared to justify all track depreciation rates by keeping appropriate backup material on the lives and salvage rates of track components which went into the life and salvage of the aggregate track structure for each density category.

(e) Accounts 3, 4, 5, 8, and 39 must be maintained by distinct traffic density categories.

Each line segment shall be identified on January 1 of each year as belonging to one of the following traffic density classes, based on the total traffic density in the preceding year:

Density

Class and Description

I—Lines carrying 20 million or more gross ton-miles per mile on an annual basis and not designated as belonging to Density Class V

II—Lines carrying at least 5 million but less than 20 million gross ton-miles per mile on an annual basis and not

designated as belonging to Density Class V
III—Lines carrying at least 1 million but less than 5 million gross ton-miles per mile on an annual basis and not designated as belonging to Density Class V
IV—Lines carrying less than 1 million gross ton-miles per mile on an annual basis and not designed as belonging to Density Class V
V—Lines identified as potentially subject to abandonment pursuant to Section 10904 of the Interstate Commerce Act
VI—Yard and way switching tracks
VII—Electronic yards

Note A.—For purposes of designating line segments as belonging to one of the density classes, the carrier shall consider all traffic carried over the segment whether in the carrier's trains or in the trains of other carriers.

Note B.—When a carrier operates systems of parallel tracks on a single roadbed, the density associated with the related segment of a rail route shall be the aggregate gross ton-miles on all individual tracks. The associated miles shall be the route miles, not the miles of track.

Under "Property accounts" the following changes are proposed:

1. The title and text of Account 3, Grading, is revised as follows:

3 Grading and ballast.

(a) This account shall include:

(1) The cost of clearing and grading the roadway, and of constructing protection for the roadway, tracks, embankments and cuts.

(2) The cost of gravel, stone, slag, cinders, sand, and like material used in ballasting tracks (including tracks in shops, fuel stations, supply yards, etc.) not previously ballasted, including cost of worktrain service and of unloading; cost of ballast applied in excess of ballast required to restore to its maximum height and width the ballast previously put on the roadbed; and the excess cost of improved ballast used in renewals over the cost to replace in kind to the original height and width of the ballast removed.

(b) When a part of a bridge or trestle, or the entire structure, is converted by filling into an earth embankment, and the bridge or trestle is used in lieu of a temporary trestle which would otherwise be required for the filling, the estimated cost of such temporary trestle shall be included in the cost of the filling, and charged to this account. (See Note A, under account 6, "Bridges, trestles, and culverts").

(c) When a tunnel is converted into an open cut, the cost of clearing, grubbing, and excavating shall be included in this account. (Also see Instruction 2–12).

(d) When a carrier applies additional ballast to raise the height of track and leaves the old ballast in the roadbed as part of the subgrade, the cost of the excess quantity in the subgrade over the former established standard shown by the carrier's records, shall be charged to this account based on the cost of the old ballast or current grading prices, whichever is lower.

(e) The instructions prescribed for gravel and sand pits and quarries applies to the accounting for pits from which ballast material is obtained either for construction work or for maintenance or for both.

Details of Roadbed and Items of Expense

Advertising for contractors' bids
Berm ditches
Blasting
Breakwaters
Bulkheading
Clearing land
Cribbing
Dikes (including those of earthen construction which are intended to function indefinitely)
Ditches (not required by right-of-way agreement)
Dressing slopes
Excavation for conversion of tunnels into open cuts
Filling bridges, trestles, and culverts
Grading outfits
Grubbing land
Material taken from borrow pits
New channels for streams
Operations of steam shovels
Payments for privilege of wasting material on the property of others
Payments for waste banks off the right-of-way
Retaining walls
Revetments
Riprap
Spoil banks
Temporary trestles for fills
Tools for grading
Wing dams

Note A.—The cost of ballast used in the construction of temporary tracks, such as gravel-pit and quarry tracks, shall be included in the appropriate clearing accounts.

Note B.—Earth placed to form a crown in the middle of the track is not to be considered as ballast.

Note C.—The cost of ballast material placed on the decking of bridges solely for fire-protected purposes shall be included in account 6, "Bridges, trestles and culverts."

Note D.—See Note C under property account 8, Track-Material and labor.

2. The text of Note C to Account 5 Tunnels and Subways is revised as follows:

5 Tunnels and subways.

. . . . . .

Note C.—When a tunnel is converted into an open cut, the ledger value of the tunnel shall be credited to this account. The service value of the tunnel shall be charged to account 735, "Accumulated depreciation: Road and equipment property."

3. The numbers, titles and texts of accounts 8, Ties 9, Rails, 10, Other track material and 11, Ballast and 12, Track laying and surfacing are deleted.

4. The text of Account 8 Track-Materials and labor is added to read:

8 Track-Materials and labor.

(a) Included in this account are the cost of (1) cross, switch bridge and other track ties, (2) rails, (3) other track material and (4) labor used in the construction of tracks for the movement or storage of locomotives and cars (including tracks in shops, fuel stations, supply yards, etc.); the cost of additional ties subsequently laid in such tracks; and the cost of welding two or more lengths of rail into continuous lengths for use in construction of tracks).

(b) This account shall be subdivided into two categories (1) Tie material costs and associated labor to install and (2) Rail, other track material and the associated labor to install.

(c) The cost of handling ties, rails and "other track materials" in general supply and storage yards shall be included as store expenses and apportioned to this account when they are used for construction purposes.

Items of Other Track Material

Angle bars
Anticreepers
Bumping posts
Compromise joints
Connecting rods
Crossings, including foundations or bases
Details
Frog blocking
Frogs
Guard-rail blocking
Guard-rail clamps
Guard-rail fasteners
Guard-rail, switch and other
Main rods
Nut locks
Nuts
Offset bars
Rail Braces
Rail Chairs
Rail clips
Rail joints
Rail rests
Rail shims
Rail splices
Splice bars
Step chairs
Switch chairs
Switch crossings
Switch lamps

Switch locks and keys
Switch points
Switch stands
Switch targets
Switches
Tie plates
Tie plugs
Tie rods
Track bolts
Track insulators
Track spikes

Note A.—The cost of ties, rail, other track material, and labor incurred in the construction of car floats shall be included in the cost of such floating equipment, and the cost of ties, rails, other track material and labor incurred in the construction of temporary tracks, such as gravel-pit and quarry tracks, shall be included in the appropriate clearing accounts.

Note B.—The accounting for grading and ballast shall be reflected in account 3, Grading and ballast.

Note C.—The labor costs incurred for the following activities shall not be capitalized in this property account, or account 3—Grading and ballast, but instead expensed to the appropriate operating expense accounts. Property accounts 3 and 8 should contain charges directly related to the installation and/or replacement of track, and not labor activities related to the repair and maintenance functions. This guideline should also be followed in determining the qualifying investment base for computing the investment tax credit. Therefore, the following activities, and others similar in nature, shall not be capitalized:

- Cost of removing existing track material
- Rail flaw detection
- Track inspection
- Shifting of existing track
- Removing weeds in track
- Transposing rail
- Restoring chipped and battered rail ends by welding and/or by rail grinding train or other such equipment
- Guaging track
- Loading scrap track materials
- Lubricating rail in curved track
- Worktrain service picking up track materials
- Slotting rail at joints
- Respacing crossties
- Tightening bolts
- Resetting spikes and rail anchors in existing track
- Any other maintenance work not involving the placement of track material
- Surfacing (ballast installation up to former established standard)
- All repairs and replacement in yard tracks
- Costs of track changes which do not involve change of existing roadbed, although tracks may be dismantled in process.

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Notices

Federal Register
Vol. 46, No. 119
Monday, June 22, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ADMINISTRATION OFFICE OF THE UNITED STATES COURTS

[Pay Order 81-3]

Rates of Pay for Certain Officers and Employees of the Judicial Branch

Pursuant to the authority which the laws of the United States of American vest in me as Director of the Administrative Office of the United States Courts, I hereby ascertain, adjust, fix, and/or provide notice of pay rates for certain officers and employees of the Judicial Branch as follows:

1-1. Rates of Pay

1-101. *Pay Rates Adjustment by Operation of Law.*

(a) The per annum pay rates for officials whose rates the Executive Salary Cost-of-Living Adjustment Act adjusts are set forth in Table 1.

(b) The per annum pay rates for officials whose rates are linked to rates which the Executive Salary Cost-of-Living Adjustment Act adjusts are set forth in Table 2.

1-102. *Pay Rates Fixed Administrative Action.*

(a) The maximum per annum pay rates for officials whose maximum rates the Executive Salary Cost-of-Living Adjustment Act adjusts are set forth in Table 3.

(b) The maximum per annum pay rates for officials whose maximum rates are linked to rates which the Executive Salary Cost-of-Living Adjustment Act adjusts are set forth in Table 4.

(c) The maximum pay rates for officials whose maximum rates may be adjusted pursuant to section 5307 of title 5, United States Code, are set forth in Table 5.

(d) The maximum per annum pay rates for officials whose maximum rates are linked to rates which may be adjusted pursuant to section 5307 of title 5, United States Code, are set forth in Table 6.

(e) The maximum pay rates for officials whose maximum rates are linked to rates which are adjusted pursuant to section 5305 of title 5, United States Code, are set forth in Table 7.

(f) The per annum pay rates for officials whose rates the Judicial Conference of the United States fixes are set forth in Table 8.

(g) The per annum pay rates for officials whose rates are fixed in accordance with the Judicial Salary Plan are set forth in Table 9.

(h) The hourly pay rates for certain employees whose rates the Director of the Administrative Office of the United States Courts fixes in accordance with section 5349 of title 5, United States Code, are set forth in Table 10.

1-2. General Provisions

1-201. *Incorporation of Tables.*

Each of the tables referenced above is attached hereto and made a part hereof.

1-202. *Effective Dates.*

(a) Except as otherwise provided, all adjustments of pay rates in the attached tables are effective as of the beginning of the first applicable pay period commencing on or after October 1, 1980. Implementing adjustments as a consequence of adjustments to maximum rates in the attached tables shall be effective in accordance with the action of the entity possessing pay-fixing responsibility.

(b) The adjustments of pay rates in Parts A and B of Table 10 are effective as of October 31, 1980, except that the adjustments shall be retroactive to October 6, 1980, for each employee who satisfies the criteria of section 5344(b) of title 5, United States Code.

(c) The adjustments of pay rates in Part C of Table 10 are effective as of November 28, 1980, except that the adjustments shall be retroactive to October 6, 1980, for each employee who satisfies the criteria of section 5344(b) of title 5, United States Code.

1-203. *Determination of Adjustments.*

Certain adjustments in sections 1-101 and 1-102 depend on the overall percentage of the adjustment in the rates of pay under the General Schedule. According to the President's November 18, 1980, report to the Congress of the United States, that figure is 9.11 percent. 16 Weekly Comp of Pres. Doc. 2729, 2730 (Nov. 24, 1980).

1-204. *"Formula Rates."*

The difference between a rate of pay (or maximum rate) and a "formula rate," whenever a "formula rate" appears in the attached tables, is attributable to H.R.J. Res. 610, Pub. L. No. 96-369, § 101(c), 94 Stat. 1351, 1352 (Oct. 1, 1980); H.R.J. Res., Pub., L. No. 96-536, § 101(c), 94 Stat. 3166, 3167 (Dec. 15, 1980); and the Act of June 5, 1981, Pub. L. No. 97-12, § 401, 95 Stat.——.

1-205. *Superseded Orders.*

This pay order supersedes Pay Order 81-1 of October 31, 1980, and Pay Order 81-2 of November 28, 1980.

Done at Washington, D.C., this 15th day of June, 1981.

William E. Foley,

Director, Administrative Office of the United States Court.

Table 1.—*Per Annum Pay Rates for Officials Whose Rates the Executive Salary Cost-of-Living Adjustment Act Adjusts*

Official	Rate	Formula [1]	Basic authority	Adjustment authority
Chief Justice of the United States	$92,400.00		28 U.S.C. § 5	28 U.S.C. § 461
Associate Justices of the Supreme Court of the United States	88,700.00		28 U.S.C. § 5	Do.
Judges, United States Courts of Appeals	70,900.00		28 U.S.C. § 44(d)	Do
Judges, United States Court of Claims	70,900.00		28 U.S.C. § 173	Do
Judges, United States Court of Customs and Patent Appeals	70,900.00		28 U.S.C. § 213	Do
Judges, United States District Courts	67,100.00		28 U.S.C. § 135	Do
Judges, United States Court of International Trade	67,100.00		28 U.S.C. § 252	Do
Bankruptcy judges (formerly referees in bankruptcy) (full time)	53,500.00	58,400	Act of Nov. 6, 1978, Pub. L. No. 95-598, title IV, §§ 404(d), 411, 92 Stat. 2549, 2684, 2688	Do
Commissioners (trial judges), United States Court of Claims	51,167.50	59,800	28 U.S.C. § 792(b)	Do

[1] The "formula rates" in this column are provided for convenience of reference only. They provide the basis for future cost-of-living adjustment calculations and the determination of actual pay rates in the absence of legislation to the contrary. Whenever this column is blank for a particular position, the "formula rate" currently equals the pay rate for that position.

Table 2.—*Per Annum Pay Rates for Officials Whose Rates Are Linked to Rates Which the Executive Salary Cost-of-Living Adjustment Act Adjusts*

Official	Rate	Formula [1]	Authority
District Judge, United States District Court for the District of the Canal Zone	$67,100.00	.....	3 P.C.C. § 5(b)
Judges, District Court of the Virgin Islands	67,100.00	.....	48 U.S.C. § 1614(a)
Judge, District Court of Guam	67,100.00	.....	48 U.S.C. § 1424(a)
Judge, District Court for the Northern Mariana Islands	67,100.00	.....	48 U.S.C. § 1694(b)(1)
Director, Administrative Office of the United States Courts Courts	67,100.00	.....	28 U.S.C. § 603
Director, Federal Judicial Center	67,100.00	.....	28 U.S.C § 626
Deputy Director, Administrative Office of the United States Courts	50,112.50	$58,500	28 U.S.C. § 603

[1] See n. 1 on table 1.

Table 3.—*Pay Fixed by Administrative Action; Maximum Per Annum Pay Rates for Officials Whose Maximum Rates the Executive Cost-of-Living Adjustment Act Adjusts*

Official	Maximum rate	Formula [2]	Authority	Adjustment authority
Rates Which the Judicial Conference Fixes [1]				
Bankruptcy judges (formerly referees in bankruptcy) (part-time)	$29,200	.....	Act of Nov. 6, 1978, Pub. L. No. 95-598, title IV, § 404(d), 411, 92 Stat. 2549, 2684, 2688.	28 U.S.C. § 461 (1976).

[1] In accordance with the September 1974 resolution of the Judicial Conference of the United States concerning cost-of-living adjustments for part-time bankruptcy judges and 5 U.S.C. § 5307 (1976), the per annum pay rate for each part-time bankruptcy judge is adjusted as follows: Level 1, $29,200; Level 2, $26,400; Level 3, $24,000; and Level 4, $4,300. These adjustments are effective October 1, 1980.

[2] The "formula rates" in this column are provided for convenience of reference only. They provide the basis for future cost-of-living adjustment calculations and the determination of maximum pay rates in the absence of legislation to the contrary. Whenever this column is blank for a particular position, the "formula rate" currently equals the maximum pay rate for that position.

Table 4.—*Pay fixed by Administrative Action;[1] Maximum Per Annum Pay Rates for Officials Whose Maximum Rates Are Linked to Rates Which the Executive Salary Cost-of-Living Adjustment Act Adjusts*

Official	Maximum rate	Formula [2]	Authority
Rates Which the Chief Justice Fixes			
Administrative Assistant to the Chief Justice of the United States	$67,100.00	.....	28 U.S.C. § 677(a)(1976).
Rates Which the Judicial Conference Fixes [3]			
Magistrates (full-time)	[3] $53,500.00	$58,400	28 U.S.C. § 634(a) (1976) [4]
Magistrates (full-time)	[3] 26,750.00	29,200	28 U.S.C. § 634(a) (1976) [4]
Rates Which the Judicial Councils Fix			
Circuit executives	$50,112.50	$58,500	28 U.S.C. § 332(f) (1976).
Federal Public Defender for the Central District of California	([5])	.....	18 U.S.C. § 3006A(h)(2)(A) (1976); 5 U.S.C. § 5315 (Supp. III 1979).
Rates Which the Director of the Federal Judicial Center Fixes			
Professional Personnel, Federal judicial center	$50,112.50	$58,500	28 U.S.C. § 625(b) (1976).

[1] The actual pay rates of officials included in this table are not subject to automatic adjustment. The entity possessing pay-fixing responsibility must act to adjust actual pay rates. The adjustments may be retroactive to the beginning of the first pay period commencing on or after October 1, 1980, when such adjustments are made pursuant to 5 U.S.C. § 5307 (1976).

[2] See n. 2 on table 3.

[3] In accordance with the March 1980 resolution of the Judicial Conference of the United States concerning cost-of-living adjustments for magistrates, the per annum pay rates for magistrates, effective as of the beginning of the first pay period commencing on or after October 1, 1979, are as follows: Level I (full-time), $61,900; Level II (full-time), $45,500; Yosemite National Park (full-time), $34,250; Level 1 (part-time), $25,950; Level 2 (part-time), $23,100; Level 3 (part-time), $20,300; Level 4 (part-time), $17,900; Level 5 (part-time), $15,500; Level 6 (part-time), $13,600; Level 7 (part-time), $11,800; Level 8 (part-time), $10,000; Level 9 (part-time), $8,200; Level 10 (part-time), $6,400; Level 11 (part-time), $4,500; Level 12 (part-time), $3,600; Level 13 (part-time), $2,700; Level 14 (part-time), $1,800; and Level 15 (part-time), $900.

During its March 1981 session, the Judicial Conference of the United States adjusted the per annum pay rate for level I magistrates, effective as of the beginning of the first pay period commencing on or after April 1, 1981, subject to the availability of appropriated funds, as follows: Level I (full-time); $53,500. No appropriated funds are available to implement this resolution during fiscal year 1981.

[4] Section 232 of the Act of Nov. 6, 1978, Pub. L. No. 95-598, title II, 92 Stat. 2549, 2665, which amends 28 U.S.C § 634(a) (1976), will become effective until April 1, 1984, in accordance with section 402(b) of the Act.

[5] [C]ompensation received by the U.S. attorney for the district where representation is furnished.

Table 5.—*Pay Fixed by Administrative action;*[1] *Maximum Pay Rates for Officials Whose Maximum Rates May Be Adjusted Pursuant to 5 U.S.C. § 5307 (1976)*

[Rates which the District Courts fix]

Official	Maximum rate (per day)	Basic authority	Adjustment authority
Jury commissioner	$72.64	28 U.S.C. § 1863(b)(1) (1976)	5 U.S.C. § 5307 (1976)

[1] See n. 1 on Table 4

Table 6.—*Pay Fixed by Administrative Action;*[1] *Maximum Per Annum Pay Rates for Official Whose Maximum Rates Are Linked to Rates Which May Be Adjusted Pursuant to 5 U.S.C. § 5307 (1976)*

[Rates which the Judicial Councils fix]

Official	Maximum rate	Authority
Federal public defenders (except as provided in Table 4).	"Compensation received by the United States attorney for the district where representation is furnished."	18 U.S.C. § 3006A(h)(2)(a) (1976) 28 U.S.C. § 548 (1976)

[1] See n. 1 on Table 4

Table 7.—*Pay Fixed by Administrative Action; Maximum Pay Rates for Officials Whose Maximum Rates Are Linked to Rates Which Are Adjusted Pursuant to 5 U.S.C. § 5305 (1976)*

[Rates which the Director of the Administrative Office of the United States Courts Fixes [1]]

Official	Maximum rate (per day)	Authority
Land Commissioners	$192.72	5 U.S.C. § 3109 (1976), 28 U.S.C. § 604(a)(5) (1976), H.R.J. Res 644, Pub. L. No. 96-536, § 101(n), 94 Stat. 3166, 3169 (Dec. 16, 1980), H.R. 7584, title IV, "Fees of Jurors and Commissioners" 35 (Nov. 17, 1980)

[1] The Director has delegated authority to district courts to fix the pay rates of officials included in this table, subject to the limitations that: (a) The hourly rate cannot exceed $40.00 and (b) notwithstanding the hourly rate, pay for any calendar day cannot exceed the maximum rate above. The district court must act to adjust actual pay rates.

Table 8.—*Pay Fixed by Administrative Action; Per Annum Pay Rates Which the Judicial Conference of the United States Fixes* [1]

Official	Rate	Authority
Court reporters, District Courts of the United States		28 U.S.C. § 753(e) (1976)
Level I	$31,615	
Level II	30,178	
Level III	28,741	

[1] In accordance with the March 1971 resolution of the Judicial Conference of the United States concerning the General Plan of Qualification and Compensation for Court Reporters, the Director of the Administrative Office of the United States Courts makes the adjustments reflected in this table.

Table 9.—*The Judicial Salary Plan* [1]

[Per annum rates]

Steps	1	2	3	4	5	6	7	8	9	10
Judicial Salary Plan										
1	$7,960	$8,225	$8,490	$8,755	$9,020	$9,175	$9,437	$9,699	$9,712	$9,954
2	8,951	9,163	9,459	9,712	9,820	10,109	10,398	10,687	10,976	11,265
3	9,766	10,092	10,418	10,744	11,070	11,396	11,722	12,048	12,374	12,700
4	10,963	11,328	11,693	12,058	12,423	12,788	13,153	13,518	13,883	14,248
5	12,266	12,675	13,084	13,493	13,902	14,311	14,720	15,129	15,538	15,947
6	13,672	14,128	14,584	15,040	15,496	15,952	16,408	16,864	17,320	17,776
7	15,193	15,699	16,205	16,711	17,217	17,723	18,229	18,735	19,241	19,747
8	16,826	17,387	17,948	18,509	19,070	19,631	20,192	20,753	21,314	21,875
9	18,585	19,205	19,825	20,445	21,065	21,685	22,305	22,925	23,545	24,165
10	20,467	21,149	21,831	22,513	23,195	23,877	24,559	25,241	25,923	26,605
11	22,486	23,236	23,986	24,736	25,486	26,236	26,986	27,736	28,486	29,236
12	26,951	27,849	28,747	29,645	30,543	31,441	32,339	33,237	34,135	35,033
13	32,048	33,116	34,184	35,252	36,320	37,388	38,456	39,524	40,592	41,660
14	37,871	39,133	40,395	41,657	42,919	44,181	45,443	46,705	47,967	49,229
15	44,547	46,032	47,517	49,002	50,487	51,972	53,457	54,942	56,427	57,912
16	[2]52,247	53,989	55,731	57,473	58,500	58,500	[2]58,500	[2]58,500	58,500	
17	[2]58,500	58,500	[2]58,500	[2]58,500	[2]58,500					
18	[2]58,500									

[1] Notwithstanding the rates in this table, the basic pay of clerks of court and of probation officers is limited to a rate which is $2,000 less than the maximum rate for circuit executives for the period beginning with the effective date of this table and ending March 22, 1981.

[2] These rates are "formula rates" which provide the basis for future cost-of-living adjustment calculations and the determination of actual pay rates in the absence of legislation to the contrary. Currently, the rate for each of these is $50,112.50.

Table 10.—*Pay Fixed by Administrative Action; Hourly Pay Rates for Certain Employees Whose Rates the Director of the Administrative Office of the United States Courts Fixes Pursuant to 5 U.S.C. § 5349 (1976)*

[Administrative Office Wage System]

	Steps				
	1	2	3	4	5
Part A. Graded Tradesmen and Craftsmen (Excluding Lithographers and Printers)					
JG:					
1	$4.97	$5.18	$5.39	$5.59	$5.80
2	5.40	5.62	5.84	6.07	6.29
3	5.82	6.06	6.30	6.54	6.79
4	6.34	6.60	6.86	7.13	7.39
5	6.84	7.13	7.42	7.70	7.99
6	7.36	7.67	7.98	8.28	8.59
7	7.87	8.20	8.53	8.85	9.18
8	8.35	8.70	9.05	9.40	9.74
9	8.80	9.17	9.54	9.90	10.27
10	9.26	9.65	10.04	10.42	10.81
11	9.72	10.13	10.54	10.94	11.35
12	10.19	10.61	11.03	11.46	11.88
13	10.63	11.07	11.51	11.96	12.40
14	11.09	11.55	12.01	12.47	12.94
15	11.55	12.03	12.51	12.99	13.47
Part B. Supervisors of Tradesmen and Craftsmen					
JT:					
1	$7.80	$8.12	$8.44	$8.77	$9.09
2	8.22	8.56	8.90	9.24	9.58
3	8.64	9.00	9.36	9.72	10.08
4	9.16	9.54	9.92	10.30	10.68
5	9.67	10.07	10.47	10.88	11.28
6	10.19	10.61	11.03	11.46	11.88
7	10.68	11.12	11.56	12.01	12.45
8	11.14	11.60	12.06	12.53	12.99
9	11.59	12.07	12.55	13.04	13.52
10	12.04	12.54	13.04	13.54	14.04
11	12.31	12.82	13.33	13.85	14.36
12	12.66	13.19	13.72	14.25	14.77
13	13.10	13.65	14.20	14.74	15.29
14	13.61	14.18	14.75	15.31	15.88
15	14.23	14.82	15.41	16.01	16.60
Part C. Graded Lithographers and Printers					
JP					
1	$5.57	$5.86	$6.15		
2	5.85	6.16	6.47		
3	6.15	6.47	6.79		
4	6.43	6.77	7.11		
5	6.72	7.07	7.42		
6	7.01	7.38	7.75		
7	7.30	7.68	8.06		
8	7.58	7.98	8.38		
9	7.88	8.29	8.70		
10	8.16	8.59	9.02		
11	8.45	8.89	9.33		
12	8.74	9.20	9.66		
13	9.03	9.50	9.98		
14	9.32	9.81	10.30		
15	9.60	10.11	10.62		
16	9.89	10.41	10.93		
17	10.18	10.72	11.26		
18	10.47	11.02	11.57		
19	10.75	11.32	11.89		
20	11.05	11.63	12.21		
21	11.33	11.93	12.53		
22	11.62	12.23	12.84		
23	11.91	12.54	13.17		
24	12.20	12.84	13.48		
25	12.48	13.14	13.80		

[FR Doc. 81-18329 Filed 6-19-81; 8:45 am]

BILLING CODE 2210-01-M

CIVIL AERONAUTICS BOARD

[Order 81-6-95; Docket 39689]

Compagnie Nationale Air France; United States-France Vacances Fares Proposed; Order of Suspension and Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 4th day of June 1981.

On February 20, 1981, Campagnie Nationale Air France (Air France) filed tariff revisions proposing an increase of about nine percent in Vacances fares between the United States and France, for effectiveness June 16, 1981.

We have decided to suspend this filing. While the Board, for its part, generally eschews regulation of discount fares, recent actions of the French Government denying fare filings of U.S. carriers have severely hampered their ability to compete in the French market, and require us to scrutinize Air France fare proposals more closely than we would otherwise prefer.The actions of the French Government, effectively thwarting low-fare entry by U.S. carriers, severely restrict the price/quality options available to U.S.-France passengers. Therefore, we are not inclined to give sympathetic consideration to Air France's discount fare increase proposals at this time.

Although we continue to hope for an acceptable resolution of U.S.-French pricing difficulties through negotiation, under present circumstances we find that it is the public interest to suspend Air France's filing.

Accordingly, pursuant to sections 102, 204(a), 403, 801 and 1002(j) of the Federal Aviation Act of 1958, as amended:

1. We shall institute an investigation to determine whether the fares and provisions set forth in the attached Appendix, and rules and regulations or practices affecting such fares and provisions, are or will be unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial or otherwise unlawful or contrary to the public interest; and if we find them to be unlawful or contrary to the public interest, to act appropriately to prevent the use of such fares, provisions or rules, regulations, or practices;

2. Pending hearing and decision by the Board, we suspend and defer the use of the tariff provisions in the attached Appendix from June 16 1981, to and including June 15, 1982, unless otherwise ordered by the Board, and shall permit no changes to be made therein during the period of suspension except by order or special permission of the Board;

3. We shall submit this order to the President [1] and, unless disapproved by the President within ten days, it shall become effective June 16, 1981; and

4. We shall file copies of this order in the aforesaid tariff and serve them on Compagnie Nationale Air France and the Ambassador of France in Washington, D.C.

We shall publish this order in the **Federal Register**.

By the Civil Aeronautics Board.

Phyllis T. Kaylor, [2]

Secretary.

Appendix—Tariff CAB No. 71, Issued by Air Tariffs Corporation, Agent

On 50th and 51st Revised Pages 473; 56th, 57th, 59th and 60th Revised Pages 474, the YHE60 class fare of $634 between New York, New York and Paris, France.

[FR Doc. 81-18400 Filed 6-19-81; 8:45 am]

BILLING CODE 6320-01-M

COMMISSION ON CIVIL RIGHTS

Connecticut Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Connecticut Advisory Committee to the Commission will convene at 7:30 p.m. and will end at 9:30 p.m., on July 28, 1981, at the Cromwell Inn, Route 72, Cromwell, Connecticut 06416. The purpose of this meeting is to discuss program planning for Fiscal Year 1981–82.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Mr. John Rose, Jr., P.O. Box 3216, Hartford, Connecticut 06103, (203) 242–2877; or the New England Regional Office, 55 Summer Street, 8th Floor, Boston, MA 02110, (617) 223–4671.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., June 17, 1981.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 81-18376 Filed 6-19-81; 8:45 am]

BILLING CODE 6335-01-M

[1] We submitted this order to the President on June 4, 1981.

[2] All Members concurred.

Illinois Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Illinois Advisory Committee to the Commission will convene at 9:00 a.m. and will end at 12 Noon, on July 14, 1981, at 230 South Dearborn Street, Room 3280, Chicago, Illinois 60604. The purpose of this meeting is to meet with Dr. Ruth Love, Chicago Public School Superintendent, to discuss school desegregation and to discuss the housing and special education projects of the Committee.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Miss Theresa F. Cummings, 2636 West Lawrence Avenue, Springfield, Illinois 62704, (217) 546–8647; or the Midwestern Regional Office, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois 60604, (312) 353–7371.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., June 17, 1981.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 81-18379 Filed 6-19-81; 8:45 am]

BILLING CODE 6335-01-M

Kentucky Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Kentucky Advisory Committee to the Commission will convene at 12:30 p.m. and will end at 4:30 p m., on July 14, 1981, at the Executive Inn, 978 Phillips Lane, Louisville, Kentucky 40213. The purpose of this meeting is to follow up on State police project; plan for FY 1982, and review draft report of the Community Development Block Grant Study.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Mr. James M. Rosenblum, 33 Ten Broeck Way, Louisville, Kentucky 40222, (502) 426–6000; or the Southern Regional Office, Citizens Trust Bank Building, Room 362, 75 Piedmont Avenue NE., Atlanta, Georgia 30303, (404) 242–4391.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., June 17, 1981.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 81-18380 Filed 6-19-81; 8:45 am]

BILLING CODE 6335-01-M

Minnesota Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Minnesota Advisory Committee to the Commission will convene at 10:00 a.m. and will end at 12 Noon, on July 9, 1981, at the Minnesota Press Club (2nd Floor), 45 South Seventh Street, Minneapolis, Minnesota. The purpose of this meeting is to have a briefing session for the press conference to release the Twin Cities Police Report.

Persons desiring aditional information or planning a presentation to the Committee, should contact the Chairperson, Mrs. Lupe Lopez, 2105 Stillwater, White Bear Lake, Minnesota 55101, (612) 436–1146; or the Midwestern Regional Office, 230 South Dearborn Street, 32nd Floor, Chicago, IL 60604, (312) 353–7371.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., June 17, 1981.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 81-18381 Filed 6-19-81; 8:45 am]

BILLING CODE 6335-01-M

Oklahoma Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Oklahoma Advisory Committee will convene at 10:00 a.m. and will end at 6:00 p.m., on July 10–11, 1981, at the Hilton Inn West, West Interstate 40 and Meridian, Oklahoma City, Oklahoma 73108. The purpose of this meeting is to orient new members and have a planning session.

Persons desiring additional information or planning a presentation to the Committee should contact the Chairperson, Dr. Earl D. Mitchell, 3 Summit Circle, Stillwater, OK 74074, (405) 372–6873; or the Southwestern Regional Office, Heritage Plaza, 418 South Main, San Antonio, TX 78204, (512) 730–5570.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., June 17, 1981.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 81-18382 Filed 6-19-81; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Office of Coastal Zone Management; approval of Amendment to the Alaska Coastal Management Program

Notice is hereby given that on June, 1981, the Assistant Administrator for Coastal Zone Management in the National Oceanic and Atmospheric Administration (NOAA) approved the District Coastal Management Program of the Municipality of Anchorage as an amendment to the Federally approved Alaska Coastal Management Program (ACMP). This approval took place pursuant to Section 306 of the Coastal Zone Management Act of 1972 (CZMA), as amended (16 U.S.C. 1451 *et. seq.*), and NOAA regulations on Amendments to Approved State Management Programs, 15 CFR 923.80 (March 28, 1979).

Notice of the Assistant Administratior's preliminary decision to approve the amendment was published on April 2, 1981 in the **Federal Register**. A 30–day comment period was provided. Two responses were received that favored approval of the amendment. After evaluating the comments received, the Assistant Administrator determined that the Anchorage Program could be incorporated into the ACMP in conformance with the requirements of the CZMA and NOAA regulations. A copy of the findings made by the Assistant Administrator that this amendment meets the requirements of the CZMA may be obtained from the Office of Costal Zone Management. Inquiries regarding the Anchorage Program and the findings should be addressed to: Peter McAvoy, Pacific Regional Manager, Office of Coastal Zone Management, Page Building #1, 3300 Whiteheaven Street NW., Washington, DC. 20235, (202) 254–7100.

In accordance with Section 307 of the CZMA, Federal agencies are required to conduct their activities in the coastal zone consistent to the maximum extent practicable with the ACMP and the Anchorage Program. The Federal consistency requirements are fully explained at 15 CFR Part 930 (June 25, 1979). To determine how these requirements are applied in Alaska,

Federal agencies should contact Fran Ulmer, Director, Office of the Governor, Division of Policy Development and planning, Pouch AD, Juneau, Alaska, 99811, (907) 465–3571.

Dated: June 12, 1981.

Robert W. Knecht,

Acting Assistant Administrator.

Federal Domestic Assistance Catalog No. 11.419 Coastal Zone Management Program Administration

[FR Doc. 81-18382 Filed 6-19-81; 8:45 am]

BILLING CODE 3510-08-M

Atlantic Groundfish (Cod, Haddock, and Yellowtail Flounder); Receipt of Petition

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of Receipt of a Petition to Promulgate Emergency Regulations on Atlantic Groundfish

SUMMARY: The National Marine Fisheries Service (NMFS) NOAA, acknowledges receipt of the May 8, 1981, petition of the McCormack Trawling Corporation and the Old Colony Trawling Corporation to the Secretary of Commerce. The petition requests that the Secretary use his emergency authority under Section 305(e) of the Magnuson Fishery Conservation and Management Act to implement emergency regulations addressing alleged inequities and economic burdens of the vessel class system and the system of catch limitations by vessel class established by the Fishery Management Plan for Atlantic Groundfish and implementing regulations (50 CFR 651). The purpose of this notice is to acknowledge receipt of the petition and to provide to the public a summary of the petitioners' request.

DATE: The petition was received by the Secretary on May 13, 1981.

ADDRESS: Copies of the petition are available from the Office of Resource Conservation and Management, NMFS, NOAA, Washington, D.C. 20235.

FOR FURTHER INFORMATION CONTACT: William G. Gordon, Office of Resource Conservation and Management, NMFS, NOAA, Washington, D.C. 20235. Phone (202) 634–7218.

SUPPLEMENTARY INFORMATION: On May 8, 1981, the Old Colony Trawling Corporation and the McCormack Trawling Corporation (petitioners) of Boston, Massachusetts, filed a petition with the Secretary of Commerce (Secretary) for the amendment of a rule as authorized by 5 U.S.C. 553(e). The petitioners described themselves as having been engaged continuously in the fishing industry and operating from the Boston Fish Pier since 1913. Petitioner Old Colony Trawling Corporation is the owner of the fishing trawler F/V Old Colony and McCormack Trawling Corporation is the owner of the trawler F/V Tremont. The petitioners claim that their vessels are the largest operating in the grownfish fishery of the Northwestern Atlantic conducted within the U.S. fishery conservation zone (FCZ). Each vessel is approximately 311 gross registered tons, with a hold capacity of 400,000 pounds, and has a captain and a crew of eight fishermen. These vessels fish exclusively in the FCZ. Cod and haddock comprise 80 percent of the total value of their catch. These vessels are subject to the restrictions and requirements of the regulations in 50 CFR 651 which implement the Fishery Management Plan for Atlantic Groundfish (Haddock, Cod, and Yellowtail Flounder) (FMP).

The petitioners' concerns center on alleged inequities and economic burdens of the FMP and regulations which are claimed to adversely affect the operation of their vessels. They assert that the vessel classes and catch limitations established by the FMP and in 50 CFR, sections 651.22 and 651.23: (1) discriminate against the petitioners vessels; (2) deprive the petitioners of a fair return on their investment; (3) threaten the petitioners' financial viability; and (4) subject the petitioner to burdensome fines, penalties, and forfeitures. The petitioners' contend that unless relief is provided before the beginning of summer, the present regulatory system may force the petitioners from the fishing industry.

The petitioners request that the Secretary find and declare that an emergency involving Atlantic groundfish resources exists, and that the Secretary use his authority under Section 305(e) of the Magnuson Fishery Conservation and Management Act (Magnuson Act) to issue emergency regulations (modifying the FMP and final implementing regulations) addressing their concerns. The proposed emergency regulations would (1) create a new vessel class consisting of vessels over 300 gross registered tons, and (2) establish separate catch limitations of 30,000 pounds per week of cod and 40,000 pounds per week of haddock for this class. The petitioners request that these regulations be implemented as soon as practicable. Emergency regulations can be effective for a maximum period of 90 days.

The vessel class system and associated quarterly and annual allocations (quotas) were proposed by the New England Fishery Management Council in 1978 and approved and implemented by the Secretary in that year. The intent of these management measures is to distribute the allowable domestic commercial catch among the four commercial vessel classes (three trawler classes and all fixed gear vessels) in proportion to their historical annual harvest, so that no one group will be adversely affected because of unusually high catches by the other groups. The several commercial vessel classes each receive an annual allocation or quota of regulated species (cod, haddock, and yellowtail flounder) which is divided into quarterly quota guidelines. All vessels in each class compete for a portion of the specified class allocation with other vessels of that class. The FMP and regulations also establish catch limitations (pounds per week or trip) of regulated species for the separate commercial vessel classes. The Assistant Administrator for Fisheries, NOAA, may adjust catch limitations during the fishing season for any species and any vessel class within limits established by the FMP. These adjustments are based on monitoring landings of each species and vessel class and are made to: (1) spread the fishing effort over the year; (2) reduce the need for fishery closures; and (3) allow each vessel class to harvest its historical share of the catch. The catch limits for cod for all vessel classes fishing in the Gulf of Maine and the Georges Bank & South management areas were last adjusted on April 5, 1981; haddock limits were last established on October 1, 1980.

The petitioners argue that the FMP and regulations impose an unfair economic burden on their vessels. They argue that the unique operating characteristics of their vessels are not recognized since these vessels are subject to the same catch limitations for cod and haddock that apply to other vessels less than half their gross registered tonnage (all within the large vessel class of over 125 gross registered tons). The petitioners' vessels are said to have much higher operating expenses (e.g., fuel, maintenance, personnel) than the other smaller vessels in the large vessel class, and that their financial well-being is dependent upon catching a greater amount of cod and haddock per week than is allowed by present catch limits. Documentation is provided to support their statements about operating costs, revenues, and income losses. The petitioners indicate that financial problems of operating the Old Colony and the Tremont are most acute in the

summer when exvessel prices for cod and haddock are lower. They provide evidence that their vessels are the only ones operating under current regulations which are not able to achieve a profit or provide a fair return on the owners' investment. The petitioners claim that it is not feasible for their vessels to fish for species other than the regulated groundfish (cod and haddock).

In support of the proposed new vessel class and associated catch limitations for cod and haddock, the petitioners contend that these emergency measures: (1) will not deplete fishery resources nor discriminate against other vessels or fishermen; (2) are consistent with the terms and spirit of the Magnuson Act; (3) correct secondary adverse effects of the current plan; and (4) represent the only alternative open to the petitioners' vessels for making fishing an economically viable endeavor. The petitioners indicate that they have presented their request for changing the FMP and regulations to the New England Fishery Management Council without attaining their desired results. In its review and consideration of the petition, the NMFS will seek the views and recommendations of the New England and Mid-Atlantic Fishery Management Councils.

Signed at Washington, D.C., this 16th day of June, 1981.

Dated: June 16, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-18419 Filed 6-19-81; 8:45 am]

BILLING CODE 3510-22-M

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

Chief of Engineers Environmental Advisory Board Meeting

ACTION: Notice of open meeting.

SUMMARY: Under Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), this notice sets forth the schedule and proposed agenda of the forthcoming meeting of the Chief of Engineers Environmental Advisory Board (EAB) meeting. The meeting is to be jointly chaired by Dean Gerald J. McLindon, Chairman, EAB, and Lieutenant General J. K. Bratton, Chief of Engineers, U.S. Army. The meeting is open to the public.

DATE: The meeting will be held from 1300 Tuesday, July 14, 1981 to 0930 Friday, July 17, 1981.

ADDRESS: The meeting will be held at the Marines' Memorial Club, 609 Sutter Street, San Francisco, California 94102.

FOR FURTHER INFORMATION CONTACT: Lieutenant Colonel George F. Boone, or Major Kenneth J. Dunn, Assistant Director of Civil Works for Environmental Programs, Office of the Chief of Engineers, Washington, D.C. 20314 (202) 272-0103.

SUPPLEMENTARY INFORMATION: The schedule and proposed agenda of the Environmental Advisory Board meeting have a general theme of the Corps public involvement program to include public affairs and social impact analyses is:

14 July—Tuesday—P.M. Session

1300—Meeting convened.
1300-1650—Review of previous EAB reports.
1650-1700—Public comments.
1700—Meeting recesses.

15 July—Wednesday—A.M. Session

0800—Meeting convened.
0800-1200—The Corps public involvement program.
1200-1315—Lunch.

P.M. Session

1315-1745—The Corps public involvement program.
1745-1815—Public comments.
1815—Meeting recessed.

16 July—Thursday—A.M. Session

0800—Meeting convened.
0800-1200—The Corps public involvement program.
1200-1315—Lunch.

P.M. Session

1315-1745—The Corps public involvement program.
1745-1800—Public comments.
1800—Meeting recessed.

17 July—Friday—A.M. Session

0800—Meeting convened.
0800-0915—EAB provides oral report to Chief of Engineers.
0915-0930—Public comments.
0930—Meeting adjourned.

Meeting room has limited seating capacity. Written statements, to be made part of the minutes, may be submitted prior or up to 10 days following the meeting.

John O. Roach, II,

Army Liaison Officer With the Federal Register.

[FR Doc. 81-18363 Filed 6-19-81; 8:45 am]

BILLING CODE 3710-92-M

Draft Environmental Impact Statement (DEIS) for a Proposed Deep Draft Port at Kodiak, Alaska

AGENCY: Army Corps of Engineers, DOD.

ACTION: Notice of Intent to Prepare a Draft Environmental Impact Statement (DEIS).

SUMMARY: 1. Four alternative locations are being considered in detail to provide additional deep draft port capabilities at Kodiak, Alaska.

a. Monashka Bay is located approximately 6 miles north of the city of Kodiak on the existing road system. Development would require the construction of at least one offshore rubble mound breakwater. The depth of the bay may obviate any dredging activities.

b. Womens Bay is located 6 miles Southwest of the city, across the bay from the U.S. Coast Guard Base. This alternative may require a small rubble mound breakwater and dredging in the area of the proposed dock.

c. Dog Bay is located between Near Island and the city of Kodiak and is near the site for a proposed small boat harbor. Development of this site would require a rubble mound breakwater and dredging an entrance channel.

d. Expansion of the existing city dock in St. Paul Harbor may meet the needs for present and future deep draft utilization. This alternative may require intertidal and subtidal fill for ancillary facilities.

e. Other navigational improvements being considered are an offshore breakwater in the Puffin Island area which would protect the St. Paul Harbor area and the removal of rock pinnacles near the Discovery Rocks to provide a safe entrance into St. Paul Harbor.

2. Public and scoping meetings were held in Kodiak on 19 March 1981 to gather preliminary information and request information to determine the scope of issues to be addressed in the impact statement. Coordination has been initiated with concerned State and Federal agencies.

ADDRESS: Questions about the proposed action and DEIS can be answered by: William D. Lloyd, Chief, Environmental Section, Alaska District, Corps of Engineers, P.O. Box 7002, Anchorage, Alaska 99510, Tel: (907) 428-0382.

John O. Roach, II,

Army Liaison Officer with the Federal Register.

[FR Doc. 81-18365 Filed 6-19-81; 8:45 am]

BILLING CODE 3710-NL-M

Draft Environmental Impact Statement (DEIS) for the Kaulana Bay Navigation Improvement Project, South Point, Island of Hawaii

May 27, 1981.

AGENCY: Army Corps of Engineers, DoD, Honolulu District.

AGENCY: Notice of Intent to Prepare a DEIS.

SUMMARY:

1. The proposed action is a navigation improvement project, the major objectives of which are to reduce navigational hazard to the entrance channel and basin area and to reduce wave action at the launch ramp.

2. Preliminary alternative plans are based on input from the public as well as oceanographic information obtained from computer wave refraction analysis, theoretical wave diffraction analysis, an underwater reconnaissance and geotechnical investigations. The Kaulana Bay Study was approved for detailed project studies in June 1980 by the Chief of Engineers. Three alternative plans are currently under consideration. Plan 1 consists of dredging a 8.5-foot deep, 245-foot long entrance channel; constructing a 160-foot long main breakwater with a +11.5-foot crest elevation and a 100-foot wide, 6.5-foot deep turning basin. This plan provides protection for the existing ramp and utilizes the existing basalt flats as the entrance channel. Alternative Plans 2 and 3 will minimize dredging by utilizing the existing natural channel. Both plans involve relocating the existing ramp to assure adequate wave protection. Each plan consists of a 8.5-foot deep, 100-foot wide turning basin, and a main breakwater. Plans 2 and 3 have a similar layout except for a slightly longer main breakwater and narrower entrance channel in Plan 3.

3. The program involves coordination with the sponsoring agencies, other government agencies, community organizations and the general public. Activities include informal meetings, workshops, formal public meetings, issuance of public notices and letter responses. All pertinent agencies have been notified of study initiation. A public meeting is scheduled to be held with interested agencies and the public on 14 July 1981 at Naalehu Youth Center, Naalehu, Island of Hawaii, at 7:00 p.m.

a. *Significant Issues to be Analyzed:*

(1) Comparative environmental impacts of the proposed alternatives.

(2) Project impacts on cultural resources.

(3) Project impacts on water quality.

(4) Project impacts on marine resources.

(5) Assessment of community responses to alternative plans.

b. *Possible Assignments for Input into the EIS Among the Lead and Cooperating Agencies:*

(1) *US Fish and Wildlife Service.* Provision of a Fish and Wildlife Coordination Act Section 2b report to assist in assessment of ecological impacts.

(2) *State Historic Preservation Officer.* Identification and evaluation of previous cultural resource surveys.

(3) *State Department of Transportation.* Socio-economic data.

(4) *State Department of Health.* Water Quality data and Section 404 certification.

c. *Identification of Other Environmental Review and Consultation Requirements:*

(1) Section 106 of the National Historic Preservation Act of 1966 requires survey and coordination regarding potential impact on significant cultural resources.

(2) Section 404 of the Clean Water Act of 1977 requires evaluation of projects to assess impacts resulting from deposition of dredged or fill materials into waters of the US.

(3) Coastal Zone Management Act of 1972 requires that a project must comply with the federal law as well as be consistent with the Coastal Zone Management program for the State of Hawaii.

4. Because the study was initiated last year, a scoping meeting will not be held on the project. Significant agencies involved in the planning process are already informed of the proposed action. Those agencies include the sponsoring agency, State of Hawaii Department of Transportation, State Historic Preservation Officer, and the US Fish and Wildlife Service.

5. Under the present schedule, the DEIS will be made available to the public in June 1981.

ADDRESS: Questions about the proposed action and DEIS can be answered by: Mr. Timothy Young, Project Engineer, US Army Engineer District, Honolulu, Building 230, Ft Shafter, Hawaii 96858, Telephone: (808) 438–2240.

Dated: May 28, 1981.

Alfred J. Thiede,

Colonel, Corps of Engineers District Engineer.

[FR Doc. 81–18364 Filed 6–19–81; 8:45 am]

BILLING CODE 3710–NN–M

National Hydropower Study; Announcement of Open Meetings

AGENCY: Army Corps of Engineers, DOD

ACTION: Notice of Open Meetings.

SUMMARY: The Corps of Engineers, Institute for Water Resources will hold a series of weekly conference sessions on the National Hydropower Study draft report. The conference sessions are open to anyone who would like to obtain information about the study and to discuss: hydropower demand and potential; policies for future development; options for future hydropower development; recommendations for implementation of the study proposals; or other related topics, with members of the study staff.

DATES: Conference sessions will be held each Wednesday from 1 July 1981 to 26 August 1981, between the hours of 100 p.m. and 4:00 p.m.

ADDRESS: Institute for Water Resources, Kingman Building, Fort Belvoir, Virginia 22060.

CONTACT: Additional information may be obtained by calling the National Hydropower Study Staff Office at (202) 325–7023.

Dated: 8 June 1981.

Maximilian Imhoff,

Colonel, CE Commander/Director.

[FR Doc. 81–18366 Filed 6–19–81; 8:45 am]

BILLING CODE 3710–92–M

Recreation Use Fees

In accordance with the provisions of § 327.25 of the regulation governing public use of U.S. Army Corps of Engineers Water Resource Development Projects which appears at Title 36 Code of Federal Regulations, notice is hereby given of a change in recreation use fees for camping. The raise is part of a plan to charge a fair and equitable fee at all Federal Government recreation areas in compliance with the requirements set by Congress for fees to be comparable with other Federal and non-Federal public agencies. The fees for single user units will begin at $1.00 with the upper limit comparable to nearby public agencies as determined by the District Engineer, depending on services offered and facilities available. A maximum additional charge of $1.00 a day may be made for electrical hookups where available.

Group camp area fees will range from no charge for a primitive site, to a minimum of $3.00 and an upper limit comparable to nearby public agencies as determined by the District Engineer.

At each U.S. Army Corps of Engineers Water Resource Development Project where camping is permitted the District Engineer will provide at least one primitive campground, containing designated campsites, sanitary facilities.

and vehicle access, where no fees will be charged.

The specific application of the increased fees will be reflected in notices posted at each U.S. Army Corps of Engineers water resource development project where a use fee is to be charged.

Dated: June 16, 1981.

Approved:

Forrest T. Gay, III,

Colonel, Corps of Engineers, Executive Director, Engineer Staff.

[FR Doc. 81-18367 Filed 6-19-81, 8:45 am]

BILLING CODE 3710-92-M

Office of the Secretary

Defense Intelligence Agency Advisory Committee; Closed Meeting

Pursuant to the provisions of Subsection (d) of Section 10 of Pub. L. 92-463, as amended by Section 5 of Pub. L. 94-409, notice is hereby given that a closed meeting of a Panel of the DIA Advisory Committee will be held as follows:

Tuesday and Wednesday, August 4-5, 1981, Pomponio Plaza, Rosslyn, Virginia. The entire meeting, commencing at 0900 hours each day is devoted to the discussion of classified information as defined in Section 552b(c)(1), Title 5 of the U.S. Code and therefore will be closed to the public. Subject matter will be used in a study on Soviet naval trends.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

June 17, 1981.

[FR Doc. 81-18399 Filed 6-19-81, 8:45 am]

BILLING CODE 3810-70-M

DEPARTMENT OF EDUCATION

Ethnic Heritage Studies National Advisory Council; Meeting

AGENCY: National Advisory Council on Ethnic Heritage Studies.

ACTION: Cancellation of Meeting of the National Advisory Council on Ethnic Heritage Studies.

SUMMARY: This notice is to cancel the meeting of the Advisory Council on Ethnic Heritage Studies published on pg. 30383, Monday, June 8, 1981 (FR-Docket 81-16866).

DATE: June 24, through June 26, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Lawrence E. Koziarz, Director, Ethnic Heritage Studies Program, 400 Maryland Avenue SW., Room 1128, Donohoe Building, Washington, D.C. 20202, Telephone (202) 245-3471.

Signed in Washington, D.C., on June 17, 1981.

John H. Rodriguez,

Acting Assistant Secretary for Elementary and Secondary Education.

[FR Doc. 81-18411 Filed 6-19-81, 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[Docket No. ERA-FC-79-005 OFC Case No. 61004-9019-05-11]

Air Products and Chemicals, Inc.; Extension of Period to Issue Final Order on a Petition for Exemption

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of extension of period to issue final order on a Petition for exemption.

The Economic Regulatory Administration (ERA) hereby gives notice that, under section 701(c)(3) of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.* (FUA), it is extending the time period in which it must issue a final order on a petition for exemption filed by Air Products and Chemicals, Incorporated (Air Products). Pertinent criteria and procedures for petitioning for an exemption from the prohibitions of FUA are contained in 10 CFR Parts 500 and 501 and 10 CFR Part 503 published on June 6, 1980, at 45 FR 38276 and 38302 respectively.

Air Products' petition, filed with ERA on September 17, 1979, requests a temporary exemption from the prohibitions of Title II of FUA for a new major fuel burning installation (MFBI) at its Calvert City, Kentucky, chemical plant. The exemption request, based upon section 211(b) of FUA, asserts that, at the end of a 5-year exemption period, the MFBI will be able to comply with the applicable prohibitions through the use of a synthetic fuel derived from coal.

The comment and public hearing period under 10 CFR Part 501, Subpart C, on Air Products' petition closed on December 21, 1979. No written comments were received and no hearing was requested.

As required by section 701(c)(3) of FUA and 10 CFR 501.68, ERA must issue an order either granting or denying a petition for an exemption within 6 months after the end of the period for public comment and hearing. However, because Air Products was unable to satisfy the requirement that it produce evidence of a binding contract for the purchase of the synthetic fuel, ERA could not issue a final order on June 21, 1980, the date of expiration of the 6 month period.

Section 701(c)(3) of FUA and 10 CFR 501.68(a)(2) provides that the period for issuance of a final order may be extended to a specific date upon publication of notice of such extension in the **Federal Register**, together with a statement of the reasons therefor. Because of Air Products continuing inability to produce evidence of a binding contract for the purchase of the synthetic fuel, ERA has twice extended, in six-month increments, the period for issuance of the final order on Air Products' petition for exemption. Such extensions were noticed in the **Federal Register** at 45 FR 42004, June 23, 1980, and 45 FR 84119, December 22, 1980. The second extension period expires on June 22, 1981.

On June 1, 1981, Air Products advised ERA that its negotiations with the International Coal Refining Company (ICRC) for a supply of synthetic fuel were nearing conclusion and that a binding sale contract would be executed soon. As it was uncertain, however, that the evidentiary requirements of 10 CFR 503.24 and 503.12(b) providing for the filing of a compliance plan could be satisfied by June 22, 1981, Air Products requested that ERA again extend the time period for the issuance of the final order to permit it to continue the contract negotiations and ultimately to be able to file with ERA the required evidence of a binding contract for the purchase of the synthetic fuel.

Accordingly, ERA is granting Air Products' extension request, and pursuant to section 701(c)(3) of FUA, is extending the period for issuance of the final order from June 22, 1981, to December 21, 1981, or until Air Products files either evidence of a binding contract for the purchase of the synthetic fuel as part of a final compliance plan under 10 CFR 503.24(c) and 503.12(b) or, under 10 CFR 503.24(b)(4), a preliminary compliance plan, whichever occurs earlier.

FOR FURTHER INFORMATION CONTACT:

Edward J. Peters, Jr., Acting Chief, New MFBI Branch Office of Fuels Conversion, Economic Regulatory Administration, 2000 M Street NW., Room 3128, Washington, D.C. 20461, Phone (202) 653-3934.

Robert Goodie, Case Manager, New MFBI Branch, Office of Fuels Conversion, Economic Regulatory Administration, 2000 M Street, NW., Room 3128, Washington, D.C. 20461, Phone (202) 653-4257

Marya A. Rowan, Office of the General Counsel, Deparment of Energy,

Forrestal Building, Room 6B–178, 1000 Independence Avenue SW., Washington, D.C. 20585, Phone (202) 252–2967.

Issued in Washington, D.C. on June 15, 1981

Robert L. Davies,

Director, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 81–18322 Filed 6–19–81; 8:45 am]

BILLING CODE 6450–01–M

[OFC Case Nos. 55119–9193–01–12; 55119–9193–02–12; 55119–9193–03–12; Docket No. ERA–FC–81–005]

General Motors Corp.; Order Granting Exemptions From the Prohibitions of the Powerplant and Industrial Fuel Use Act of 1978

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Order granting exemptions from the prohibitions of the Powerplant and Industrial Fuel Use Act of 1978.

SUMMARY: On December 4, 1980, General Motors Corporation (GM) filed a petition with the Economic Regulatory Administration (ERA) for an order which would exempt three new major fuel burning installations (MFBI's) from the prohibitions of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.*, (FUA or the Act). Title II of FUA prohibits the use of petroleum or natural gas as a primary energy source in certain new MFBI's unless an exemption has been granted by ERA. Criteria for petitioning for exemption from the prohibitions of FUA are contained in 10 CFR Parts 500 and 501, and 10 CFR Part 503, published on June 6, 1980, at 45 FR 38276 and 38302 respectively.

Pursuant to the provisions of FUA and 10 CFR 503.38, ERA hereby grants to GM, subject to the terms and conditions specified herein, a permanent fuels mixture exemption as authorized by § 212(d) of the Act and 10 CFR 503.38(d) for each of three new field-erected boilers, (identified as boilers Nos. 1, 2, and 3) to be installed at GM's Assembly Division, Shreveport, Louisiana plant.

In accordance with section 702(a) of FUA, this order shall take effect on August 21, 1981.

FOR FURTHER INFORMATION CONTACT:

Edward J. Peters, Jr., Case Manager, Acting Chief, New MFBI Branch, Office of Fuels Conversion, Economic Regulatory Administration, 2000 M Street NW., Room 3128–M, Washington, D.C. 20461, Phone (202) 653–3934.

Allan J. Stein, Office of the General Counsel, Department of Energy, Forrestal Building, Room 6B–178, 1000 Independence Avenue SW., Washington, D.C. 20585, Phone (202) 252–2967.

The public file containing a copy of this order and other documents and supporting materials on this proceeding is available for inspection upon request at: ERA, Room B–110, 2000 M Street, NW., Washington, D.C. 20461, Monday through Friday, 8:00 a.m.–4:30 p.m.

SUPPLEMENTARY INFORMATION:

Eligibility and evidentiary requirements governing the permanent fuels mixture exemption, as authorized under section 212(d) of FUA, are set forth at 10 CFR 503.38. Under section 212(d), a certification alternative is available for MFBI's which will use a mixture containing less than 25 percent petroleum or natural gas, providing simplified evidentiary requirements for such facilities. GM has petitioned for a permanent exemption from the prohibitions of Title II of FUA for each of its boilers Nos. 1, 2 and 3, under 10 CFR 503.38(d), based upon use of a mixture of coal and natural gas containing less than 25 percent natural gas for each unit.

In accordance with 10 CFR 501.3(d) ERA published notice of its acceptance of GM's petition in the **Federal Register** on April 3, 1981, at 46 FR 20267. The Notice of Acceptance provided for a 45-day comment period during which interested persons could submit written comments and request a public hearing on the petition for exemption. That period expired on May 18, 1981. No comments were received nor was a public hearing requested. After the ERA staff reviewed and analyzed the information contained in the record of this proceeding to date, a Tentative Staff Analysis was prepared that recommended that ERA issue an order granting GM the requested exemption for each boiler. ERA published a Notice of Availability of the Tentative Staff Analysis in the **Federal Register** on May 29, 1981, at 46 FR 28898. The notice of availability provided for a 14-day comment period during which interested persons could submit written comments and request a public hearing on the petition for exemption or the Tentative Staff Analysis. The period expired on June 12, 1981. No comments were received nor was a public hearing requested.

As required by section 701 (f) and (g) of the Act, ERA provided a copy of GM's petition to the Environmental Protection Agency and the Federal Trade Commission for their comment. No comments have been received from either of these agencies.

Decision and Order

Based upon review of the entire record of this proceeding, ERA has determined that GM has satisfied the certification requirements of 10 CFR 503.38(d). Therefore, pursuant to section 212(d) of the Act, and subject to the terms and conditions stated below, ERA hereby grants GM a permanent fuels mixture exemption for each new boiler Nos. 1, 2, and 3 to permit the use of natural gas in a mixture with coal in those units. As specified in the terms and conditions below, the total amount of natural gas used in each exempted unit shall not exceed 25 percent of the total annual Btu heat input of the primary energy sources used in that unit. In granting this exemption, ERA has taken into account the purpose for which the minmum percentage of natural gas provided by a fuels mixture exemption is to be used, i.e., to maintain reliability of operations, consistent with maintaining a reasonable level of fuel efficiency. Accordingly, ERA will not exclude from the definition of primary energy source any fuel used in the boilers for the purposes of unit ignitition, startup, testing, flame stabilization and control uses.

Terms and Conditions

Section 214(a) of FUA gives ERA the authority to attach terms and conditions to any order granting an exemption which are appropriate and consistent with the purposes of the Act. By petitioning for an exemption under the provisions of 10 CFR 503.38(d), GM, in accordance with 10 CFR 503.38(e), agreed, upon grant of the exemption, to the standard terms and conditions specified in that subsection. Accordingly, such terms and conditions as enumerated below, are attached to this order granting the requested exemption.

(1) The amount of natural gas to be used in a mixture with alternate fuel in each of the boilers will not exceed 25 percent of the total annual Btu heat input of the primary energy sources of each unit.

(2) Prior to operation each of the boilers, GM will secure all applicable environmental permits and approvals pursuant to, but not limited to the following: Clean Air Act, Clean Water Act, Rivers and Harbors Act, Coastal Zone Managememt Act and the Resource Conservation and Recovery Act.

Reporting Requirements

In addition to the above terms and conditions, GM must, pursuant to 10 CFR 503.38(g), upon grant of this

exemption, certify to ERA the date each of the three boilers is first operated under the provisions of this order, and must, annually thereafter at not later than 30 days after each anniversary of that date, file with ERA a certification that the amount of natural gas used in each boiler during the preceding year did not exceed 25 percent of the total annual Btu heat input of the primary energy sources of that MFBI. Such certifications shall be executed by a duly authorized representative of GM.

On August 11, 1980, DOE published in the **Federal Register** (45 FR 53199) a notice of proposed amendments to guidelines for compliance with the National Environmental Policy Act of 1969 (NEPA). Pursuant to the guidelines, the granting or denial of certain FUA permanent exemptions, including the permanent fuels mixture exemption by certification in which the use of petroleum or natural gas in a mixture with an alternate fuel(s) will not exceed 25 percent of the exempted MFBI's total annual Btu heat input of its primary energy sources, were identified as classes of actions which normally do not require the preparation of an Environmental Impact Statement or an Environmental Asssessment.

The classification raises a rebuttable presumption that the granting or denial of these exemptions will not significantly affect the quality of the human environment. GM has certified that it will secure all applicable permits and approvals prior to commencement of operation of each new MFBI under exemption. The Environmental Checklist completed and certified to by GM pursuant to 10 CFR 503.15(b) has been reviewed by DOE's Office of Environment, with consultation from the Office of the General Counsel, and it has been determined that GM's responses to the questions therein indicate that the operation of each of the three boilers under this exemption will not have significant impact on those areas regulated by specified laws that impose consultation requirements on DOE, and otherwise affirms the applicability of the categorical exclusion to these FUA actions. No contrary information has come to the attention of ERA during the proceeding on GM's petition. Therefore, no additional environmental review is deemed to be required.

Effectiveness of Order

The exemptions granted by this order shall become effective on August 21, 1981.

Judicial Review

Pursuant to section 702(c) of the Act, any person aggrieved by this order may at any time before the 60th calendar day after the date of publication of this Order file a petition for judicial review thereof in accordance with the procedures outlined in 10 CFR 501.69

Issued in Washington, D.C. on June 15, 1981.

Robert L. Davies,

Director, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 81-18319 Filed 6-19-81; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ERA-FC-81-006 (OFC Case Number 55120-9200-01-12)]

Georgia Kraft Co.; Petition for Exemption

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Order Granting an Exemption from the Prohibitions of the Powerplant and Industrial Fuel Use Act of 1978.

SUMMARY: On April 1, 1981, Georgia Kraft Company (Georgia Kraft) filed a petition with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) seeking a permanent exemption for a major fuel burning installation (MFBI) from the prohibitions of the Powerplant and Industrial Fuel Use Act of 1978; 42 U.S.C. § 8301 *et seq.*, (FUA or the Act), which prohibit the use of petroleum and natural gas as a primary energy source in certain new MFBI's. Criteria and the procedure for petitioning for an exemption from the prohibitions of FUA are contained in 10 CFR Parts 500 and 501 and 10 CFR Part published on June 6, 1980, at 45 FR 38276 and 38302 respectively.

Georgia Kraft requested a permanent fuels mixture exemption in order to burn petroleum (No. 6 fuel oil) or natural gas in a mixture with bark and wood waste in its new field-erected boiler to be constructed at Georgia Kraft's Alabama Kraft Division in Cottonton, Alabama.

Pursuant to section 212(d) of the Act, and 10 CFR § 503.38, and subject to specified terms and conditions stated herein, ERA hereby issues this order granting a permanent fuels mixture exemption to Georgia Kraft to permit the use of petroleum (No. 6 fuel oil) or Natural gas in a mixture with bark and wood waste in the new MFBI. As specified in the terms and conditions, the amount of petroleum or natural gas used in the exempted unit shall not exceed 25 percent of the total annual Btu heat input of the primary energy sources used in the unit.

In accordance with section 702(a) of FUA, this order shall take effect on August 21, 1981.

FOR FURTHER INFORMATION CONTACT: Edward J. Peters, Jr., Acting Chief, New MFBI Branch, Office of Fuels Conversion, Economic Regulatory Administration, 2000 M Street, NW., Room 3128, Washington, D.C. 20461, Phone (202) 653-3934.

Robert Goodie, Case Manager, New MFBI Branch, Office of Fuels Conversion, Economic Regulatory Administration, 2000 M Street, NW., Room 3128, Washington, D.C. 20461, Phone (202) 653-4257.

L. Dow Davis, IV, Office of the General Counsel, Department of Energy, Forrestal Building, Room 6B-178, 1000 Independence Avenue, SW., Washington, D.C. 20585, Phone (202) 252-2967.

The public file containing a copy of this order and other documents and supporting materials on this proceeding is available for inspection upon request at ERA, Room B-110, 2000 M Street, NW., Washington, D.C., Monday-Friday, 8:00 a.m.-4:30 p.m.

SUPPLEMENTARY INFORMATION: Under the authority of section 212(d) of the Act, 10 CFR § 503.38 sets forth eligibility criteria and evidentiary requirements governing a permanent exemption for the use of petroleum or natural gas in a mixture with alternate fuels. Under 10 CFR § 503.38(d), a certification alternative is available for MFBI's which will not burn more than 25 percent petroleum or natural gas in a mixture with a alternate fuel. Georgia Kraft utilized the certification alternative in its permanent fuels mixture exemption petition.

In accordance with the procedural requirements of FUA and 10 CFR § 501.3(d), ERA published the notice of its acceptance of Georgia Kraft's petition in the **Federal Register** on April 22, 1981, at 46 FR 22927. Simultaneouly, pursuant to 10 CFR § 501.64, ERA published the notice of availability of the Tentative Staff Analysis after the ERA staff had reviewed and analyzed the information contained in the record of this proceeding to date. The analysis recommended that ERA issue an order which would grant Georgia Kraft a permanent fuels mixture exemption for its new boiler permitting the use of petroleum (No. 6 fuel oil) or natural gas in a mixture with bark and wood waste, with the proviso that the amount of petroleum and natural gas used in the unit will not exceed 25 percent of the total annual Btu heat input of the primary energy sources used in the unit. The combined notice provided a 45-day comment period during which interested persons could submit written comments on the petition for exemption or the

Tentative Staff Analysis and could request that a public hearing be convened. The period expired on June 8, 1981. No comments were received and no person requested a public hearing. As required by section 701(f) and (g) of the Act, ERA provided a copy of Georgia Kraft's petition to the Environmental Protection Agency and the Federal Trade Commission for their comment. No comments have been received from these agencies.

Decision and Order: Based upon review of the entire record of this proceeding, ERA has determined that Georgia Kraft has satisfied the certification requirements of 10 CFR § 503.38(d). Therefore, pursuant to section 212(d) of the Act, and subject to the terms and conditions stated below, ERA hereby grants Georgia Kraft a permanment fuels mixture exemption to permit the use of petroleum (No. 6 fuel oil) or natural gas in a mixture with bark and wood waste in the new bark and wood waste boiler. The total amount of petroleum and natural gas used in the exempted unit shall not exceed 25 percent of the total annual Btu heat input of the primary energy sources used in that unit. In granting this exemption, ERA has taken into account the purposes for which the minimum percentage of petroleum and natural gas provided by a fuels mixture exemption is to be used., i.e. to maintain reliability of operation, consistent with maintaining a reasonable level of fuel efficiency. Accordingly, ERA will not exclude from the definition of primary energy source any fuel used in the new bark and wood waste boiler for the purposes of unit ignition, startup, testing, flame stabilization and control uses.

Terms and Conditions: Section 214(a) of fua and 10 CFR § 503.38(e) provide ERA the authority to attached terms and conditions to any order granting an exemption which are appropriate and consistent with the purposes of the Act. Accordingly, such terms and conditions, as enumerated below, are attached to this order granting the requested exemption.

(1) The amount of petroleum (No. 6 fuel oil) or natural gas used in a mixture with an alternate fuel(s) in the new boiler will not exceed 25 percent of the total annual Btu heat input of the primary energy sources of that unit.

(2) The quality of any petroleum to be burned in the new bark and wood waste boiler will be the lowest grade available, which is technically feasible and capable of being burned consistent with applciable environmental requirements.

(3) Prior to operating the new bark and wood waste boiler, Georgia Kraft will secure all applicable environmental permits and approvals pursuant to, but not limited to, the following: Clean Air Act, Clean Water Act, Rivers and Harbors Act, Coastal Zone Management Act and the Resource Conservation and Recovery Act.

Reporting Requirements: In addition to the above standard terms and conditions, pursuant to 10 CFR § 503.38(g), Georgia Kraft will certify to ERA the date on which the new bark and wood waste boiler is first operated under the provisions of this order, and will file with ERA annually thereafter, within 30 days of that anniversary date, a certification that the amount of petroleum and natural gas used in the bark boiler during the preceding year did not exceed 25 percent of the total annual Btu heat input of the primary energy sources of that MFBI. Such certifications shall be executed by a duly authorized representative of Georgia Kraft. Cite OFC Case Number 55120–9200–01–12 on each certification and send to:

Economical Regulatory Administration,
Case Control Unit (Fuel Use Act),
Attn: OFC Case no. 55120–9200–01–12,
Box 4629, Room 3214, 2000 M Street,
NW., Washington, D.C. 20461.

NEPA Categorical Exclusion Guidelines: On August 11, 1980, DOE published in the **Federal Register** (45 FR 53199) a notice of proposed amendments to guidelines for compliance with the National Environmental Policy Act of 1969 (NEPA). Pursuant to the guidelines, the granting or denial of certain FUA permanent exemptions, including the permanent fuels mixture exemption by certification, was identified as an action which normally does not require the preparation of an Environmental Impact Statement or an Environmental Assessment pursuant to NEPA (categorical exclusion).

This classification raises a rebuttable presumption that the granting or denial of the exemption will not significantly affect the quality of the human environment. Georgia Kraft has certified that it will secure all applicable permits and approvals prior to commencement of operation of the new MFBI under exemption. The Environmental Checklist completed and certified to by Georgia Draft pursuant to 10 CFR § 503.15(b) has been reviewed by DOE's Office of Environment, in consultation with the Office of the General Counsel. Georgia Kraft's resposnes to the questions contained therein indicate that the operation of the new bark and wood waste boiler will have no significant impact on those areas regulated by specified laws that impose consultation requirements on DOE, and otherwise affirm the applicability of the categorical exclusion to this FUA action. ERA has not received any public comments during this proceeding which raise questions regarding the application of the categorical exclusion in this instance. Therefore, no additional environmental review is deemed to be required.

Effectiveness or Order: This order shall take effect on August 21, 1981.

Judicial Review: Pursuant to section 702(c) of the Act and 10 CFR § 501.69, any person aggrived by this order may petition for judicial review at any time before the 60th day after the date of publication of this order in the **Federal Register.**

Issued in Washington, D.C. on June 15, 1981.

Robert L. Davies,

Director, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 81–18323 Filed 6–19–81; 8:45 am]
BILLING CODE 6450–01–M

[ERA Docket No. 81–CERT–008]

Public Service Electric and Gas Co.; Application for Recertification of the Use of Natural Gas To Displace Fuel Oil

On June 25, 1980, Public Service Electric and Gas Company (Public Service), 80 Park Plaza, Newark, New Jersey 07101, was granted a certificate of an eligible use of natural gas to displace fuel oil by the Administrator of the Economic Regulatory Administration (ERA) (Docket No. 80–CERT–020). The certification involved the purchase of natural gas from National Gas and Oil Corporation and Equitable Gas Company for use by Public Service at its electric generating facilities in New Jersey. These purchases are being delivered pursuant to the ERA certification in Docket No. 80–CERT–020. The ERA certificate expires on June 24, 1981.

On June 5, 1981, Public Service filed an application for recertification for one year of an eligible use of natural gas to displace fuel oil at its electric generating stations located in New Jersey: Bergen in Ridgefield; Essex in Newark; Hudson in Jersey City; Kearney in Kearney; Linden in Linden; Sewaren in Sewaren; Edison in Edison; and Mercer in Trenton, pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). More detailed information is contained in the application on file and available for public inspection at the ERA, Division of Natural Gas Docket Room, Room 7108, RG–13, 2000 M Street, N.W.,

Washington, D.C. 20461, from 8:30 a.m.–4:30 p.m., Monday through Friday, except Federal holidays.

In its application, Public Service states that the volume of natural gas for which it requests recertification is up to 7.3 billion cubic feet per year. This volume is estimated to displace the use of approximately 1,102,000 barrels of No 6 fuel oil (0.3 percent sulfur) and approximately 30,000 barrels of No. 2 fuel oil (0.2 percent sulfur) or kerosene (0.1 percent sulfur) per year.

The quantities at each location are subject to considerable variation with changes in demand and availability of the various generating units, but estimated gas usage and resulting oil displacement volumes are listed below:

Location	Estimated volume (BCF)	Estimated Oil Displacement (000 BBL)	
		0.3 percent [1]	0.2 percent [2]
1 Bergen Generating Station, Ridgefield, N.J.	3.2	492	
2 Essex Generating Station, Newark, N.J.	0.1		15
3 Hudson Generating Station, Jersey City, N.J.	2.8	435	
4 Kearny Generating Station, Kearny, N.J.			
5 Linden Generating Station, Linden, N.J.			
6 Sewaren Generating Station, Sewaren, N.J.	1.1	175	
7 Edison Generating Station, Edison, N.J.	0.1		15
8 Mercer Generating Station, Trenton, N.J.			
Totals	7.3	1,102	30

[1] Sulfur No. 6 oil.
[2] Sulfur No. 2 oil or 0.1 percent sulfur Kerosene

The eligible seller is National Gas and Oil Corporation, 1500 Granville Road, Newark, Ohio 43055. The gas will be transported by Texas Eastern Transmission Corporation, P.O. Box 2521, Houston, Texas 77001; Tennessee Gas Pipeline Company, P.O. Box 2511, Houston, Texas 77001; and Transcontinental Gas Pipeline Corporation, P.O. Box 1396, Houston, Texas 77001, all of which are interstate natural gas pipelines.

Public Service has in effect certifications by the ERA for one year which authorize purchases of natural gas from various eligible sellers for use at the electric generating stations named in this certification as follows:

ERA Docket No.	Amount	Remarks
80-CERT-017	4 Bcf/yr	Effective June 25, 1980
80-CERT-020	17.5 Bcf/yr	Recertification of 79-CERT-020 and effective June 25, 1980
80-CERT-0028	1 Bcf/yr	Effective Sept. 17, 1980
80-CERT-044	8 Bcf/yr	Effective Dec. 22, 1980.
81-CERT-006	2 Bcf/yr	Effective Apr. 3, 1981.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Division of Natural Gas, Room 7108, RG–13, 2000 M Street, N.W., Washington, D.C. 20461, Attention: Mr. Albert F. Bass, on or before July 2, 1981

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's interest, and, if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary. If ERA determines that an oral presentation is necessary, further notice will be given to Pubic Service and any persons filing comments and will be published in the **Federal Register.**

Issued in Washington, D.C., June 16, 1981.

F. Scott Bush,

Acting Director, Office of Program Operations, Economic Regulatory Administration.

[FR Doc. 81-18317 Filed 6-19-81; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 81-CERT-009]

Public Service Electric & Gas Co.; Application for Recertification of the Use of Natural Gas To Displace Fuel Oil

On June 25, 1980, Public Service Electric and Gas Company (Public Service), 80 Park Plaza, Newark, New Jersey 07101, was granted a certificate of an eligible use of natural gas to displace fuel oil by the Administrator of the Economic Regulatory Administration (ERA) (Docket No. 80–CERT–017). The certification involved the purchase of natural gas from East Tennessee Gas Company for use by Public Service at its electric generating facilities in New Jersey. These purchases are being delivered pursuant to the ERA certification in Docket No. 80–CERT–017. The ERA certificate expires on June 24, 1981.

On June 8, 1981, Public Service filed an appliction for recertification for one year of an eligible use of natural gas to displace fuel oil at its electric generating stations located in New Jersey: Bergen in Ridgefield; Essex in Newark; Hudson in Jersey City; Kearney in Kearney; Linden in Linden; Sewaren in Sewaren; Edison in Edison; and Mercer in Trenton, pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). More detailed information is contained in the application of file and available for public inspection at the ERA, Division of Natural Gas Docket Room, Room 7108, RG–13, 2000 M Street, N.W., Washington, D.C. 20461, from 8:30 a.m.–4:30 p.m., Monday through Friday, except Federal holidays.

In its application, Public Service states that the volume of natural gas for which it requests recertification is up to 10.7 billion cubic feet per year. This volume is estimated to displace the use of approximately 1,616,000 barrels of No. 6 fuel oil (0.3 percent sulfur) and approximately 42,000 barrels of No. 2 fuel oil (0.2 percent sulfur) or kerosene (0.1 percent sulfur) per year.

The quantities at each location are subject to considerable varisation with changes in demand and availability of the various generating units, but estimated gas usage and resulting oil displacement volumes are listed below:

Location	Estimated volume (BCF)	Estimated Oil Displacement (000 BBL)	
		0.3 percent [1]	0.2 percent [2]
1 Bergen Generating Station, Ridgefield, New Jersey	4.6	721	
2 Essex Generating Station, Newark, New Jersey	0.1	-	21
3 Hudson Generating Station, Jersey City, New Jersey	4.2	638	
4 Kearny Generating Station, Kearny, New Jersey	-	-	
5 Linden Generating Station, Linden, New Jersey	-	-	
6 Sewaren Generating Station, Sewaren, New Jersey	1.7	257	
7 Edison Generating Station, Edison, New Jersey	0.1	-	21
8 Mercer Generating Station, Trenton, New Jersey	-	-	
Totals	10.7	1,616	42

[1] Sulfur No. 6 oil.
[2] Sulfur No. 2 oil or 0.1 percent sulfur kerosene

The eligible seller is East Tennessee Natural Gas Company, P.O. Box 10245, Knoxville, Tennessee 37919. The gas will be transported by Texas Eastern Transmission Corporation, P.O. Box 2521, Houston, Texas 77001; Tennessee Gas Pipeline Company, P.O. Box 2511, Houston, Texas 77001; and Transcontinental Gas Pipeline Corporation, P.O. Box 1396, Houston, Texas 77001, all of which are interstate natural gas pipelines.

Public Service has in effect certifications by the ERA for one year which authorize purchases of natural gas from various eligible sellers for use at the electric generating stations named in this certification as follows:

ERA Docket No.	Amount	Remarks
80-CERT-017	4 Bcf/yr	Effective June 25, 1980
80-CERT-020	17.5 Bcf/yr	Recertification of 79-CERT-020 and effective June 25, 1980
80-CERT-028	1 Bcf/yr	Effective Sept. 17, 1980.
80-CERT-044	6 Bcf/yr	Effective Dec. 22, 1980.
81-CERT-006	2 Bcf/yr	Effective Apr. 3, 1980.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Division of Natural Gas, Room 7108, RG-13, 2000 M Street, N.W., Washington, D.C. 20461. Attention: Mr. Albert F. Bass, on or before July 2, 1981.

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's interest, and, if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary. If ERA determines that an oral presentation is necessary, further notice will be given to Public Service and any persons filing comments and will be published in the Federal Register.

Issued in Washington, D.C., June 16, 1981.

F. Scott Bush,

Acting Director, Office of Program Operations, Economic Regulatory Administration.

[FR Doc. 81-18318 Filed 6-19-81; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ERA-FC-81-013; OFC Case Number 67017-9205-02-12]

Transamerica Delaval, Inc., Acceptance of Petition for Exemption From the Prohibitions of the Powerplant and Industrial Fuel Use Act of 1978 and Notice of Availability of Tentative Staff Analysis

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Acceptance petition for exemption from the prohibitions of the Powerplant and Industrial Fuel Use Act of 1978 and notice of availability of tentative staff analysis.

SUMMARY: On May 19, 1981, Transamerica Delaval, Inc. (Delaval) filed a petition with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) for an order which would exempt a new major fuel burning installation (MFBI) from the provisions of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.*, (FUA or the Act), which prohibits the use of petroleum and natural gas as a primary energy source in certain new MFBI's unless an exemption for such use has been granted by ERA. Pertinent criteria and procedures for petitioning for an exemption from the prohibitions of FUA are contained in 10 CFR Parts 500 and 501 and 10 CFR Part 503 published on June 6, 1980, at 45 FR 38276 and 38302 respectively.

Delaval is seeking a permanent exemption from the prohibitions of Title II of FUA for a new oil/gas-fired boiler (designated as boiler No. 2 by Delaval) to be installed at its Trenton, New Jersey, plant based upon a lack of an alternate fuel supply at a cost which does not substantially exceed the cost of using imported petroleum.

ERA has determined that Delaval's petition is complete and is accepted as filed in accordance with 10 CFR 501.3(d). Additionally, the ERA staff has reviewed and analyzed the information presently contained in the record of this proceeding, and has completed a Tentative Staff Analysis which recommends that ERA issue an order which would grant Delavel the requested exemption. In order to expedite the processing of the petition, and pursuant to 10 CFR 501.64, notice of availability of the Tentative Staff Analysis is hereby issued simultaneously with this notice of acceptance of Delaval's petition for exemption. A review of the petition and a summary of the Tentative Staff Analysis is provided in the SUPPLEMENTARY INFORMATION section below.

As provided for in section 701(c) and (d) of FUA and 10 CFR 501.63 and 501.34(b), interested persons are invited to submit written comments on Delaval's petition andd any interested person may submit a written request that ERA convene a public hearing on the exemption petition. As provided for in 10 CFR 501.64, interested persons may also submit written comments or request a public hearing on the Tentative Staff Analysis noticed herein. Any hearing requested must include a description of the interest in the issue or issues involved and an outline of the anticipated content of the presentations.

DATES: Written comments on the acceptance of Delaval's petition for exemption are due on or before August 6, 1981. Any request for public hearing must also be made within the same 45-day period.

The 14-day period to submit written comments or request a public hearing on the Tentative Staff Analysis, as prescribed in 10 CFR 501.64, is also included within and will run concurrently with the above 45-day comment period. Accordingly, any such written comments or requests for public hearing on the Tentative Staff Analysis must also be filed with ERA on or before the expiration of the 45-day period provided for acceptance of Delaval's petition.

ADDRESS: Fifteen copies of written comments or a request for a public hearing should be submitted to: Economic Regulatory Administration, Case Control Unit (Fuel Use Act), Box 4629, Room 3214, 2000 M Street, NW., Washington, D.C. 20461.

Docket Number ERA-FC-81-013 should be printed on the outside of the envelope and on the document contained therein.

FOR FURTHER INFORMATION CONTACT:
Edward J. Peters, Jr., Acting Chief, New MFBI Branch, Office of Fuels Conversion, Economic Regulatory Administration, 2000 M Street, NW., Room 3128, Washington, D.C. 20461, Phone (202) 653-3934

Robert Goodie, Case Manager, New MFBI Branch, Office of Fuels Conversion, Economic Regulatory Administration, 2000 M Street, NW., Room 3128, Washington, D.C. 20461, Phone (202) 653–4257
Allan J. Stein, Office of the General Counsel, Department of Energy, Forrestal Building, Room 6B–178, 1000 Independence Avenue, SW., Washington, D.C. 20585, Phone (202) 252–2967

SUPPLEMENTARY INFORMATION: The MFBI for which the petition for exemption has been filed is a oil/gas-fired boiler to be installed at Delaval's turbine and compressor manufacturing plant in Trenton, New Jersey. The new MFBI, designated as boiler No. 2 by Delaval, will be used to generate steam to test machinery manufactured at the plant, including turbines, large pumps and compressors. It will also be used to provide steam for space heating. Boiler No. 2 will have a design heat input rate of 203 million Btu's per hour and is capable of burning residual oil and natural gas.

Eligibility and evidentiary requirements governing the permanent exemption for lack of alternate fuel supply at a cost which does not substantially exceed the cost of using imported petroleum, authorized under section 212(a) of FUA, are set forth at 10 CFR 503.32. Under subsection (c) of 10 CFR 503.32, a certification alternative is avilable for MFBI's which will be operated less than 600 hours on an annual basis, providing simplified evidentiary requirements for such facilities. Delaval has utilized the certification alternative provided for in 10 CFR 503.32(c) and has included in its petition the following duly executed certifications:

(1) Boiler No. 2 will be operated annually less than 600 hours full load equivalent;

(2) The use of a mixture of petroleum or natural gas and an alternate fuel for which an exemption would be avilable is not economically or technically feasible;

(3) Pursuant to 10 CFR 503.15(b), Delaval will, prior to operating boiler No. 2 under the exemption, secure all applicable environmental permits and approvals pursuant to, but not limited to, the following: Clean Air Act, Clean Water Act, Rivers and Harbors Act, Coastal Zone Management Act and the Resource Conservation and Recovery Act; and

(4) Information required by the Environmental Checklist pursuant to 10 CFR 503.15(b).

Additionally, Delaval has stated in its petition that it agrees, upon grant of the requested exemption to the following terms and conditions specified in 10 CFR 503.32(d):

(1) Boiler No. 2 will be operated less than 600 hours full load equivalent annually;

(2) All steam pipes will be insulated and all steam traps properly maintained;

(3) The quality of any petroleum to be burned in the unit will be of the lowest grade available, technically feasible, and capable of being burned consistent with applicable environmental requirements;

(4) Delaval shall report annually the hours of use and the fuel consumption in the previous calendar year for boiler No. 2; and

(5) Delaval will comply with any terms or conditions which may be imposed pursuant to the environmental requirements of 10 CFR 503.15(b).

ERA hereby gives notice that Delaval's petition for a permanent exemption for boiler No. 2 has been determined to be complete as filed and is accepted. Pursuant to 10 CFR 501.3(d), acceptance of a petition and its supporting documents does not constitute an approval of an exemption, nor does it foreclose ERA from requesting further information during the course of the proceeding. Failure to provide any requested additional information could ultimately result in the denial of the request for an exemption.

Tentative Staff Analysis

The ERA staff has examined the aforementioned certifications made by Delaval in its petition, and other information contained therein, and has determined that the petition fulfills the requirements of 10 CFR 503.32(c). Accordingly, the ERA staff has completed a Tentative Staff Analysis which tentatively recommends that an order be issued, subject to the terms and conditions specified below, which would grant Delaval the requested permanent exemption for boiler No. 2.

Terms and Conditions

Section 214(a) of FUA authorizes ERA to attach terms and conditions to any order granting an exemption which are appropriate and consistent with the purposes of the Act. By petitioning for an exemption under the provisions of 10 CFR 503.32(c), Delaval, in accordance with 10 CFR 503.32(d), agreed, upon grant of the exemption, to the standard terms and conditions specified in that subsection. The terms and conditions enumerated below will accordingly be attached to any order which would grant the requested exemption.

(1) Boiler No. 2 will be operated less than 600 hours annually at its maximum design heat input rate or equivalent. Based upon the boiler's design fuel heat input rate of 203 million Btu's per hour x 600 hours, the amount of natural gas or petroleum consumed in boiler No. 2 under the provisions of this exemption shall not, in the aggregate, exceed 121,800,000,000 Btu's annually.

(2) The quality of any petroleum to be burned in boiler No. 2 will be the lowest grade available, technically feasible, and capable of being burned consistent with applicable environmental requirements.

(3) Delaval shall report annually the hours of use, the total amount of fuels consumed, and the total Btu value of such fuels, for boiler No. 2 in the previous calendar year. The report, to be executed by a duly authorized representative of Delaval, shall be filed with ERA at the address provided below not later than January 31 of each following year and shall be in the following format:

Annual Fuel Consumption

Hours of operation	Natural gas		Petroleum		
	Million cubic feet	British thermal unit value	Grade	Barrels	British thermal unit value

(4) Delaval will, prior to operating boiler No. 2 under the provisions of this exemption, secure all applicable environmental permits and approvals pursuant to, but not limited to, the following: Clean Air Act, Clean Water Act, Rivers and Harbors Act, Coastal

Zone Management Act and the Resource Conservation and Recovery Act.

REPORT ADDRESS: The annual report required by this order shall be sent to: Economic Regulatory Administration Case Control Unit (Fuel Use Act), Box 4629, Room 3214, 2000 M Street, NW., Washington, D.C. 20461.

OFC Case Number 67017–9205–02–12 shall be cited on each report.

On August 11, 1980, DOE published in the **Federal Register** (45 FR 53199) a notice of proposed amendments to the guidelines for compliance with the National Environmental Policy Act of 1969 (NEPA). Pursuant to the guidelines, the granting or denial of certain FUA permanent exemptions, including the permanent exemption by certification for lack of alternate fuel supply at a cost which does not substantially exceed the cost of using imported petroleum, for a MFBI that will be operated less than 600 hours on a annual basis, were identified as classes of actions which normally do not require the preparation of an Environmental Impact Statement or an Environmental Assessment.

This classificatin raises a rebuttable presumpton that the granting or denial of the exemption will not significantly affect the quality of the human environment. Delaval has certified that it will secure all applicable permits and approvals prior to commencement of operation of the new MFBI under exemption. The Environmental Checklist completed and certified to by Delaval pursuant to 10 CFR 503.15(b) has been reviewed by DOE's Office of Environment, with consultation from the Office of the General Counsel, and it has been determined that Delaval's responses to the questions therein indicate that the operation of boiler No. 2 under this exemption will have no impact on those areas regulated by specified laws that impose consultation requirements on DOE, and otherwise affirms the applicability of the categorical exclusion to this FUA action. Therefore, unless substantial questions regarding the categorical exclusion in this instance are raised during the proceeding on Delaval's petition which would indicate otherwise, no additional environmental review is deemed to be required.

The Tentative Staff Analysis does not constitute a decision by ERA to grant the requested exemption. Such a decision will be made in accordance with 10 CFR 501.68 on the basis of the entire record of this proceeding, including any comments received on the Tentative Staff Analysis.

The public file containing documents on this proceeding, supporting materials and the Tentative Staff Analysis is available for inspection upon request at ERA, Room B–110, 2000 M Street, NW., Washington, D.C., Monday–Friday, 8:00 a.m.–4:30 p.m.

Robert L. Davies,

Director, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 81-18324 Filed 6-19-81; 8:45 am]

BILLING CODE 6450-01-M

Truckstops Corp. of America; Action Taken and Opportunity for Comment on Consent Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Action taken and opportunity for comment on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces action taken to execute a Consent Order and provides an opportunity for public comment on the Consent Order and on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

DATE: Effective date July 22, 1981.

ADDRESS: Send written comments to: James C. Easterday, District Manager, Office of Enforcement, Southeast District, 1655 Peachtree Street NE., Atlanta, Georgia 30367.

FOR FURTHER INFORMATION CONTACT: James C. Easterday, District Manager of Enforcement, 1655 Peachtree Street, NE., Atlanta, Georgia 30367, Telephone (404) 881–2396.

SUPPLEMENTARY INFORMATION: On April 23, 1981 the Southeast District, Office of Enforcement of the ERA finalized a Consent Order with Truckstops Corporation of America, a retailer of petroleum products headquartered in Nashville, Tennessee. Under 10 CFR 205.199J(b), a Consent Order which involves a sum of less than $500,000 in the aggregate, excluding penalties and interest, becomes effective upon its execution. Because of the settlement negotiations involved in this case and the desire to conclude this matter expeditiously, the DOE has determined that it is in the public interest to make the Consent Order with Truckstops Corporation of America, effective the date it was finalized.

I. The Consent Order

Truckstops Corporation of America (Truckstops), headquartered in Nashville, Tennessee is a retailer, and is subject to the jurisdiction of the DOE with regard to prices charged in sales of covered products, pursuant to 10 CFR 212.93. To resolve certain civil actions which could be brought by the Office of Enforcement of the ERA as a result of its audit of Truckstops, the Office of Enforcement, ERA, and Truckstops entered into a Consent Order, the significant terms of which are as follows:

1. The Consent Order relates to the sales of gasoline by Truckstops during the period November 1, 1973 throught June 30, 1976.

2. From the audit conducted during the above period, the Office of Enforcement concluded that Truckstops improperly calculated maximum allowable selling prices, resulting in overcharges in sales of refined motor fuels.

3. Truckstops agrees that the settlement amount for alleged overcharges total $486,430. Truckstops further agrees to deliver $50,000 to the Department of Energy, Washington, D.C. upon execution of the Consent Order, additionally Truckstops agrees to deliver seven equal payments of $54,553.74 each to the DOE between June 30, 1981 and December 30, 1982. Truckstops agrees that the final payment totalling $54,553.82 will be made on March 31, 1983.

4. Truckstops agrees that all payments will be submitted to the Director, Office of Enforcement, ERA, Room 5302, 2000 M Street NW., Washington, D.C. 20461 or his duly authorized representative. The Director, Office of Enforcement shall direct that these payments by Truckstops be deposited in the DOE Special Refund escrow account with the U.S. Treasury to ensure just and equitable distribution in accordance with current DOE policies and procedures.

5. The provisions of 10 CFR 205.199J, including the publication of this Notice, are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

In the Consent Order, Truckstops agrees to refund, in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the transactions specified in I.1. and I.2. above, the sum of $486,430 by March 31, 1981. Refund methodology will be as specified in I.3. and I.4., above. The amounts submitted to the Director, Office of Enforcement will be in the form of certified checks made payable to the U.S. Department of Energy and will be delivered to the Director, Office of Enforcement. These funds will remain in a suitable account pending the determination of their proper dispostion.

The DOE intends to distribute the refund amounts in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "persons" (as defined at 10 CFR 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds.

The adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199I(a).

III. Submission of Written Comments

A. *Potential Claimants:* Interested persons who believe that they have a claim to all or a portion of the refund amount should provide written notification of the claim to the ERA at this time. Proof of claims is not now being required. Written notification to the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

B. *Other Comments:* The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order.

You should send your comments or written notification of a claim as specified in A and B above to Robert H. Burch, Management Analyst, Southeast District, Office of Enforcement, 1655 Peachtree Street NE., Atlanta, Georgia 30367. You may obtain a copy of this Consent Order with proprietary information deleted by writing to the same address.

You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation, "Comments on Truckstops Consent Order."

Comments received by 4:30 p.m., local time on July 22, 1981, will be considered. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Atlanta, Ga., on the 9th day of June 1981.

James C. Easterday,

District Manager of Enforcement.

Concurrence:

Leonard F. Bittner,

Chief Enforcement Counsel.

[FR Doc. 81-18320 Filed 6-19-81; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. ER81-527-000]

Consolidated Edison Co.; Filing

June 11, 1981.

Note.—The following document should have appeared in the issue for Wednesday, June 17, 1981. Instead, FR Doc. 81-17996, dealing with the Commonwealth Electric Co., was printed twice (see pages 31704 and 31705, June 17, 1981.

The filing Company submits the following:

Take notice that on June 8, 1981, Consolidated Edison Company of New York, Inc. (Con Edison) tendered for filing four successive changes (Supplement No. 1 through Supplement No. 4) to its Rate Schedule FPC No. 2, an agreement to provide substation service to Central Hudson Gas & Electric Corporation (Central Hudson). Supplement No. 1 increased annual revenues from jurisdictional sales and service by $173,894.52, effective December 7, 1973. Supplements No. 2 and No. 3 provided for relatively minor reductions in revenues Supplement No. 4 increased annual revenues from jurisdictional sales and service by $226,576.32 effective March 2, 1980.

The changes in rates under all four supplements reflect physical changes in the facilities at Con Edison's Pleasant Valley substation; changes in the allocation of substation facilities to Central Hudson and, in the case of Supplement No. 4, an increase in Con Edison's rate of return.

Supplement No. 1 consists of an agreement which has been executed by Con Edison and by Central Hudson. A copy of this filing has been served by mail upon Central Hudson.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 2, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17981 Filed 6-19-81; 8:45 am]

BILLING CODE 1505-01-M

National Petroleum Council, Economics Task Group of the Committee on Arctic Oil and Gas Resources; Meeting

Notice is hereby given that the Economics Task Group of the Committee on Arctic Oil and Gas Resources will meet in June 1981. The National Petroleum Council was established to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas or the oil and natural gas industries. The Committee on Arctic Oil and Gas Resources will analyze the various issues bearing on expeditious resource development of this promising frontier area. Its analysis and findings will be based on information and data to be gathered by the various task groups. The time, location and agenda of the Economics Task Group meeting follows:

The third meeting of the Economics Task Group will be held on Tuesday, June 30, 1981, starting at 9:00 a.m., in the 26th Floor Conference Room, Hamilton International Oil Company, 1600 Broadway, Denver, Colorado.

The tentative agenda for the meeting follows:

1. Introductory remarks by the Chairman and Government Cochairman.
2. Review of the initial computer runs on economics.
3. Discussion of the preparation of the Task Group's report.
4. Discussion of any other matters pertinent to the overall assignment from the Secretary.

The meeting is open to the public. The Chairman of the Economics Task Group is empowered to conduct the meeting in a fashion that will, in his judgement, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Economics Task Group will be permitted to do so, either before or after

the meeting. Members of the public who wish to make oral statements should inform G. J. Parker, Office of Oil and Natural Gas, Fossil Energy, 202/633–383, prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Summary minutes of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room 1E–190, DOE, Forrestal Building, 1000 Independence Avenue, SW, Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C. on June 10, 1981.

Roger W. A. LeGassie,

Acting Assistant Secretary for Fossil Energy.

June 10, 1981.

[FR Doc. 81-18321 Filed 6-19-81; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[PH-FRL-1858-2; PF-231]

Certain Pesticide Chemicals; Filing of Pesticide and Food Additive Petitions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces that certain companies have submitted pesticide petitions to establish tolerances and food additive regulations for certain pesticide chemicals.

ADDRESS: Written comments and inquiries to: Franklin D. R. Gee, Product Manager (PM) 12, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

Written comments may be submitted while a petition is pending before the agency. The comments are to be identified by the document control number "[PF–231]" and the specific petition number. All written comments filed pursuant to this notice will be available for public inspection in the product manager's office from 8:00 a.m. to 4:00 p.m., Monday through Friday except legal holidays.

FOR FURTHER INFORMATION CONTACT: Franklin D. R. Gee (703–557–7028).

SUPPLEMENTARY INFORMATION: The notice announces that the following pesticide and food additive petitions have been submitted to the EPA, in accordance with the Federal Food, Drug, and Cosmetic Act. The analytical method for determining residues, where required, is given in each specific petition.

PP 1F2507. Thompson-Hayward Chemical Co., 5200 Speaker Rd., Kansas City, KS 66106, proposes amending 40 CFR 180.377 by establishing tolerances for the residues of the insecticide N-[[(4-chlorophenyl)amino]carbony]-2,6-difluorobenzamide in or on the raw agricultural commodities: oranges, grapefruit, animal tissue, milk, and eggs at 0.50 part per million (ppm). The proposed analytical method for determining residues if gas chromatography.

FAP 1H5301. Thompson-Hayward Chemical Co., 5200 Speaker Rd., Kansas City, KS 66106, proposing amending 21 CFR Part 193 be amended by establishing a regulation permitting residues of the insecticide N[[(4-chlorophenyl)amino]carbonyl]-2,6-difluorobenzamide in or on dried citrus pulp (orange and grapefruit) at 0.30 ppm and citrus oil at 20.0 ppm.

PP 1F2505. Shell Oil Co., Suite 200, 1025 Connecticut Ave., NW, Washington, DC 20036, proposes amending 40 CFR 180.379 by establishing a tolerance for the residues of the insecticide pydrin (cyano(3-phenoxyphenyl)methyl-4-chloro-alpha-(1-methylethyl) benzeneacetate) in or on the raw agricultural commodity pecans at 0.2 part per million. The proposed analytical method for determining residues is by gas chromatography.

(Sec. 408(d)(1), 68 Stat. 512, (7 U.S.C. 136); 409(b)(5), 72 Stat. 1786, (21 U.S.C. 348))

Dated: June 10, 1981.

Douglas D. Campt;

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-18354 Filed 6-19-81; 8:45 am]

BILLING CODE 6560-32-M

[EN-FRL-1858-5]

Fuels and Fuel Additives; Waiver Application

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: On April 27, 1981, Atlantic Richfield Company (ARCO) submitted an application for a waiver of the section 211(f) prohibition on certain fuels and fuel additives set forth in the Clean Air Act (Act). This application is for a blend of unleaded gasoline with methanol and tertiary butyl alcohol, such that a maximum ratio by volume of one methanol to gasoline grade tertiary butyl alcohol is not exceeded and a maximum concentration of up to 3.5 weight percent oxygen in finished unleaded gasoline is observed. The Administrator of EPA has until October 25, 1981 to grant or deny a waiver.

DATE: Comments should be submitted on or before August 6, 1981.

ADDRESS: Copies of information relative to this application are available for inspection in public docket EN–81–10 at the Central Docket Section (A–130) of the EPA, Gallery I West Tower, 401 M St., SW, Washington, D.C. 20460. As provided in 40 CFR Part 2, a reasonable fee may be charged for copying services. Comments should be sent to the attention of Susan A. Finder, Attorney/Advisor, Field Operations and Support Division (EN–397) (NMS), Environmental Protection Agency, 401 M St., SW, Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Susan A. Finder, Attorney/Advisor, Field Operations and Support Division (EN–397), Environmental Protection Agency, 401 M St., SW, Washington, D.C. 20460, (202) 472–9367.

SUPPLEMENTARY INFORMATION: Section 211(f)(1) of the Act makes it unlawful effective March 31, 1977, for any manufacturer of a fuel or fuel additive to first introduce into commerce or to increase the concentration in use of any fuel or fuel additive for use in light duty motor vehicles manufactured after model year 1974 which is not substantially similar to any fuel or fuel additive utilized in the certification of any model year 1975 or subsequent model year vehicle or engine under section 206 of the Act. Section 211(f)(4) of the Act provides that the Administrator of the EPA may waive the prohibitions of section 211(f)(1) upon application of any fuel or fuel additive manufacturer if the Administrator determines that the applicant has established that such fuel or fuel additive will not cause or contribute to a failure of any emission control device or system (over the useful life of any vehicle in which such device or system is used) to achieve compliance by the vehicle with the emission standards to which it has been certified pursuant to section 206 of the Act. If the Administrator does not act to grant or deny a waiver within 180 days of receipt of the application, the waiver shall be treated as granted.

Richard D. Wilson,

Acting Assistant Administrator for Enforcement.

June 16, 1981.

[FR Doc. 81-18350 Filed 6-19-81; 8:45 am]

BILLING CODE 6560-33-M

[PP 6G1679/T301; PH-FRL-1857-8]

Glyphosate; Renewal of Temporary Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Temporary tolerances have been renewed for the combined residues of the herbicide glyphosate [*N*-(phosphonomethyl)glycine] and its metabolite aminomethylphosphonic acid in or on the crop groupings: cucurbits, forage legumes, fruiting vegetables, small fruits, and the individual raw agricultural commodity, hops at 0.1 part per million (ppm), and fish at 0.15 ppm.

DATE: These temporary tolerances expire January 1, 1983.

FOR FURTHER INFORMATION CONTACT: Robert J. Taylor, Product Manager (PM) 25, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 412E, CM NO. 2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703–557–7066).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the **Federal Register** of January 7, 1980 (45 FR 1453) that Monsanto Co., 800 N. Lindbergh Blvd., St. Louis, MO 63116, had requested one-year renewal for temporary tolerances for the combined residues of the herbicide glyphosate [*N*-(phosphonomethyl)glycine] and its metabolite aminomoethylphosphonic acid in or on the crop groupings: cucurbits, forage legumes, fruiting vegetables, small fruits, and the raw agricultural commodity, hops at 0.1 ppm, and fish 0.15 ppm.

Monsanto Co. has requested a renewal of the temporary tolerances to permit the continued marketing of the above raw agricultural commodities when treated in accordance with the experimental use permit (524–EUP–29) which is being renewed under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (92 Stat. 819; 7 U.S.C. 136).

A related document (FAP 6H5106/T66) renewing a food additive regulation for residues of glyphosate in potable water appears elsewhere in this issue of the **Federal Register.**

The scientific data reported and other relevant material has been evaluated and it has been determined that the temporary tolerances will protect the public health. Therefore, the temporary tolerances are renewed on the condition that the pesticide be used in accordance with the experimental use permit with the following provisions:

1. The amount of the pesticide to be used will not exceed the amount authorized in the experimental use permit.

2. Monsanto Co. will immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The company will also keep records of production, distribution, and performance, and on request make these records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

These temporary tolerances expire Janauary 1, 1983. Residues remaining in or on the raw agricultural commodities after the expiration date will not be considered actionable if the pesticide is legally applied during the term of and in accordance with the provisions of the experimental use permit and temporary tolerances. These temporary tolerances may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicates that such revocation is necessary to protect the public health.

As required by Executive Order 12291, EPA has determined that this temporary tolerance regulation is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this temporary tolerance from the OMB review requirement of Executive Order 12291, pursuant to secton 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–534, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

(Sec. 408(j), 68 Stat. 516, (21 U.S.C. 346a(j)))

Dated: June 10, 1981.

Douglas D. Campt,

Director, Registration Division, Office Pesticide Programs.

[FR Doc. 81-18356 Filed 6-19-81; 8:45 am]

BILLING CODE 6560-32-M

FEDERAL COMMUNICATIONS COMMISSION

[Report No. A-33]

AM Broadcast Applications Accepted for Filing and Notification of Cutoff Date

Released: June 15, 1981.

Cutoff Date: July 24, 1981.

Notice is hereby given that the applications listed in the attached appendix are hereby accepted for filing. They will be considered to be ready and available for processing after July 24, 1981. An application, in order to be considered with any application appearing on the attached list or with any other application on file by the close of business on July 24, 1981, which involves a conflict necessitating a hearing with any application on this list, must be substantially complete and tendered for filing at the close of business on July 24, 1981.

Petitions to deny any application on this list must be on file with the Commission no later than the close of business on July 24, 1981.

BP–800428AG (WUUV), Leone, American Samoa, Radio Samoa, Limited, Has: 1116 kHz, 10 kW, U, Req: 648 kHz, 10 kW, U

BP–800825AF (new), Pago Pago, American Samoa, Quality Media Corporation, Req: 585 kHz, 50 kW, U

BP–810219AC (WMTR), Morristown, New Jersey, Drexel-Hill Associates, Inc., Has: 1250 kHz, 5 kW, DA–D, Req: 1250 kHz, 1 kW, 5kW–LS, DA–2, U

BP–810312AD (new), Washington, Utah, Tri-State Broadcasting Co., Inc., Req: 1210 kHz, 0.25 kW, 10 kW–LS, U

BP–810330AE (WBLB), Pulaski, Virginia, Boyd Broadcasting Corporation, Has: 1510 kHz, 1 kW, D, Req: 1340 kHz, 250 W, 1 kW–LS, U

BP–810330AI (new), Clinton, Mississippi, Wood Broadcasting Co., Req: 1150 kHz, 500 W, D

BP–810403AH (new), Houston, Texas, Tri-Star Communications, Inc., Req: 1180 kHz, 5 kW, 10 kW–LS, DA–2, U

BP–810406AB (KGRL), Bend, Oregon, Capps Broadcasting Group, Inc., Has: 940 kHz, 1 kW, D, Req: 940 kHz, 10 kW, DA–D

BP–810408AD (KSOP), South Salt Lake City, Utah, KSOP, Inc., Has: 1370 kHz, 500 W, 1 kW–LS, DA–N, U, Req: 1370 kHz, 500 W, 5 kW–LS, DA–N, U

BP–810422AA (WSJP), Murry, Kentucky, Jackson Purchase Broadcasting Co., Has: 1130 kHz, 250 W, D, Req: 1130 kHz, 250 W, DA–N, U

BP–810427AO (new), Newport, Washington, Michael P. Fontaine, Req: 700 kHz, 1 kW, 10 kW–LS, DA–N, U

BP–810429AG (KTMS), Santa Barbara, California, News-Press Publishing Co. Has: 1250 kHz, 1 kW, DA–1 U, Req: 1250 kHz, 1 kW, 2.5 kW–LS, DA–2, U

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 81-18284 Filed 6-19-81; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL MARITIME COMMISSION

[Docket No. 81-39; Agreement Nos. 10333, 10333-1 and 10333-2]

Calcutta/Bangladesh/U.S.A. Pool Agreement; Order of Investigation and Hearing

Agreement No. 10333 was originally filed on May 15, 1978. It established the framework for a revenue pool in the inbound trade from Calcutta, India and ports in Bangladesh to the Atlantic and Gulf Coasts of the United States.[1] Agreement No. 10333-1, filed prior to approval of Agreement No. 10333, added Bangladesh Shipping Corporation, a Bangladesh-flag carrier, as a signatory and eliminated Cunard and Hellenic as participating carriers.[2]

The Agreement, as finally approved, established two pool sections, one for trade from Calcutta, India and one for trade from Bangladesh ports. Each section of the pool is managed by a separate committee. Overall management of the pool is handled by a governing committee. In addition to establishing the mechanics of the pool, the approved Agreement established revised flag pool shares to be implemented in place of those specified in the event that one or both of the nonparticipating members decided to participate.

Agreement Nos. 10333 and 10333-1 were approved for a period of 5 years on January 20, 1980.

Agreement No. 10333-2

Agreement No. 10333-2 has been filed for approval by the Commission. The proposed amendment names Marvin Lieberman, C.P.A., of New York, New York, "or other similar firms" as the pool accountants. The specification of Mr. Lieberman is described by the proponents of the Agreement as a correction of a previous drafting oversight.

The proposed amendment also increases from three weeks to four weeks the period of time following the sailing of a vessel within which pool data relating to that voyage is to be submitted. This provision is described by the proponents as a more realistic assessment of the time needed to collect and assemble pool data.

The third modification proposed in Agreement No. 10333-2 is the division of the percentages of flag interest shares among the individual carriers flying the flags in question. The Agreement also provides that, in the event that one or both of the inactive members chooses to participate in the pool, the flag shares will be readjusted.

According to the proponents, the individual carrier shares have been established because they "are necessary for the operation of the pool year." The proponents have not indicated the basis on which these subdivisions of flag shares are based.

The specification of the accountant to be in charge of pool calculations and the adjustment of the time in which pool data is to be submitted are essentially administrative changes and, in any event, appear justified. However, the proponents have made no attempt to justify the proposed division of flag shares or to relate the shares agreed upon to present, historical or future commitments to the trade. An investigation is therefore necessary to determine whether Agreement No. 10333-2 should be approved.

Agreement No. 10333

Information has come to the attention of the Commission which indicates that there are also a number of problems with the basic Agreement. Although the basic Agreement was approved on January 20, 1980, no attempt was made to implement the pool until June 1, 1980. Almost immediately, one of the members, Waterman, became a substantial overcarrier. This situation was apparently occasioned in part by shipper preferences and carrier nominations appearing in letters of credit and in part by the failure of other pool members to offer adequate sailings during the period. Apparently, certain ports were receiving inadequate coverage and shippers were submitting complaints. Subsequent discussions established that these difficulties arose from the following:

1. Demands by a preponderance of shippers/consignees that cargo be transported by Waterman;
2. A decline in the amount of cargo ordinarily available to all pool members;
3. Waterman's attempts to mitigate its overcarrier position by limiting its service;
4. The failure of other pool members to cover ports in the trade;
5. Poor planning by the Bangladesh Pool Section Committee; and
6. Farrell's inability to serve Chalna, Bangladesh due to its vessel characteristics.

By letter of August 14, 1980, Waterman submitted its resignation from the Agreement. In response to inquiry, Waterman stated that, while it favored a pool generally, it was withdrawing from the Agreement because the inefficient administration of the pool had forced it to become an overcarrier and the other pool members had not been cooperative in remedying the situation. Waterman withdrew its resignation following the establishment of an owners' oversight committee to oversee the pool committees, particularly the Bangladesh Pool Section committee. However, the Commission has continued to receive reports that Waterman is being prevented from providing needed services. Further, shippers have continued to submit complaints regarding inadequate service.

Article 5 of the basic Agreement states that "Each member shall be entitled to its 'Basic Entitlement' of the total earnings of the pool, irrespective of its actual earnings in said pool, subject to its (1) having duly provided cargo space in proportion to its basic entitlement of the total cargo estimated to be available for carriage in the trade; (2) having reasonably aimed at maintaining its earnings and liftings at the level represented by its basic entitlements; and (3) having not deliberately underlifted by failing to provide sailing and space in any agreed period as assessed by the appropriate committee." It appears, however, that the imposition of penalties for failure to meet these requirements is, in effect, totally within the discretion of the pertinent pool section and governing committees. While a certain amount of flexibility may be desirable, the discretionary element in this Agreement is so great that it may permit the use of the Agreement as a vehicle for discriminating against member lines.

In addition to the above, at the time that Agreements Nos. 10333 and 10333-1 were approved, contingent third flag-share entitlements were placed in the Agreement with provision for adjustments should either Hellenic or Cunard become active members of the pool. This arrangement was approved with the expectation that either or both would soon become participants. This has not yet occurred, and there is no indication that either carrier will soon become a participant. Thus, there appears to be no justification for the continued membership of these lines.

Accordingly, the Commission believes that Agreement No. 10333 and the amendments thereto should be set down for investigation and hearing. This investigation will include an examination of the present operating conditions in the trade, and the

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[1] Original signers of Agreement No. 10333 were Cunard-Brockebank, Ltd. (Cunard); Farrell Lines, Inc. (Farrell); Hellenic Lines, Ltd. (Hellenic); Scindia Steam Navigation Co., Ltd. (Scindia); Shipping Corporation of India Limited (S.C.I.); and Waterman Isthmian Line (Waterman).

[2] These carriers remain members of the pool but have no assigned shares.

transportation needs, public benefits and/or regulatory purposes that may be occasioned by Agreements Nos. 10333, 10333–1 and 10333–2.

Now, therefore, it is ordered, That pursuant to sections 15 and 22 of the Shipping Act, 1916, a proceeding is hereby instituted to determine whether or not Agreements Nos. 10333, 10333–1 and 10333–2 shall be approved, disapproved, or modified under the provisions of section 15;

It is further ordered, That the proponents of these Agreements and the parties to this proceeding shall address *inter alia* the following questions:

1. What is the basis for the individual carrier shares specified in Agreement 10333–2?

2. What are the intentions of Hellenic and Cunard in regard to the trades covered by Agreement No. 10333?

3. What criteria were used to determine the "Basic Entitlement" for each carrier?

4. What steps have been taken to ensure that carriers in the pool will not be undercarriers?

5. What criteria will be used to determine whether, under Article 5 of Agreement No. 10333, a carrier has reasonably attempted to maintain its earnings and liftings?

6. What criteria will be used to determine whether a carrier has deliberately underlifted by failing to provide sailings and space?

7. What is the justification for omitting the above criteria from Agreement No. 10333 and the amendments thereto?

8. What is the justification for the latitude regarding the imposition of penalties granted the general and governing committees of the Agreement?

9. Has Waterman been prevented by its membership in Agreement No. 10333 from offering service to shippers who have otherwise been unable to obtain adequate service?

10. Has Waterman been limited to carriage of a specific amount of cargo prior to the approval of individual carrier shares by the Commission?

11. Have the terms of Agreement No. 10333–2 been implemented in any way prior to approval of that Agreement by the Commission?

It is further ordered, That the carriers listed in the Appendix attached hereto are hereby made Proponents;

It is further ordered, That a public hearing be held in this proceeding and that the matter be assigned for hearing and decision by an Administrative Law Judge of the Commission's Office of Administrative Law Judges at a date and place to be hereafter determined by the Presiding Administrative Law Judge, but no later than 180 days after service of this order. The hearing shall include oral testimony and cross-examination in the discretion of the Presiding Officer only upon a proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions or other documents, or that the nature of the matters in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record;

It is further ordered, That in accordance with Rule 42 of the Commission's Rules of Practice and Procedure (46 CFR 502.42), the Bureau of Investigation and Enforcement shall be a party to this proceeding;

It is further ordered, That notice of this Order be published in the **Federal Register**, and a copy be served upon all parties of record;

It is further ordered, That any person other than parties of record having an interest and desiring to participate in this proceeding shall file a petition for leave to intervene in accordance with Rule 72 of the commission's Rules of Practice and Procedure (46 CFR 502.72);

It is further ordered, That all future notices, orders, and/or decisions issued by or on behalf of the Commission in this proceeding, including notice of the time and place of hearing or prehearing conference, shall be mailed directly to all parties of record;

It is further ordered, That all documents submitted by any party of record in this proceeding shall be filed in accordance with Rule 118 of the Commission's Rules of Practice and Procedure (46 CFR 502.118), as well as mailed directly to all parties of record.

By the Commission.

Joseph C. Polking,

Acting Secretary.

Appendix I—Proponents

Bangledesh Shipping Corporation

c/o Peralta Shipping Corp., Agents, 25 Broadway, New York, New York 10004. Attn: William B. Galvin, Vice President

Cunard–Brocklebank, Ltd

c/o TTT Ship Agencies, Inc., Agents, 71 Broadway, New York, New York 10006. Attn: R. F. Weiss, President

Farrell Lines, Inc.

One Whitehall Street, New York, New York 10004. Attn: Michael J. Esposito, Sr. Vice President

Hellenic Lines, Ltd.

39 Broadway, New York, New York 10006

Scindia Steam Navigation Co., Ltd.

c/o United States Navigation, Inc., Agents, 17 Battery Place, New York, New York 10004. Attn: T. M. Jacques, Vice President

Shipping Corporation of India Limited

c/o Norton, Lilly & Co., Inc., Agents, 90 West Street, New York, New York 10006. Attn: M. Edward Bilkey, President

Waterman Isthmian Line, Division of Waterman Steamship Corporation

120 Wall Street, New York, New York 10005. Attn: J. M. Farrell, Executive Vice President

[FR Doc. 81-18400 Filed 6-19-81; 8:45 am]

BILLING CODE 6730-01-M

DEPARTMENT HEALTH AND HUMAN SERVICES

National Institutes of Health

Clinical Trials Committee; Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Clinical Trials Committee, National Cancer Institute, July 9, 1981, Landow Building, Conference Room A, 7910 Woodmont Avenue, Bethesda, Maryland 20205. The meeting will be open to the public on July 9, from 1:00 p.m. to 1:30 p.m., to review administrative details. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Public Law 92–463, the meeting will be closed to the public on July 9, from 1:30 p.m. to adjournment, for the review, discussion and evaluation of an individual contract proposal. This proposal and the disccussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the proposal, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Winifred Lumsden, Committee Management Officer, National Cancer Institute, Building 31, 10A06, National Institutes of Health, Bethesda, Maryland 20205 (301/496–5708) will provide summaries of the meeting and rosters of committee members, upon request.

Dr. Gerald U. Liddel, Executive Secretary, National Cancer Institute, Westwood Building, Room 826, National Institutes of Health, Bethesda, Maryland 20205 (301/496–7575) will funish substantive program information.

Dated: June 12, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81-18426 Filed 6-19-81; 8:45 am]

BILLING CODE 4110-08-M

General Research Support Review Committee; Meeting Rescheduled

Notice is hereby given of a change in the date of the meeting which was to be held June 25–26, 1981, Conference Room 9, Bldg 31, National Institutes of Health, Bethesda, Maryland 20205, which was published in the **Federal Register** on May 22, 1981, 46 FR 28017. The meeting will be held on July 30–31, 1981, Conference Room 9, Bldg 31, National Institutes of Health, Bethesda, Maryland 20205, and will be open to the public from 9:00 a.m. to approximately 1:30 p.m. on July 30, 1981, to discuss policy matters relating to the Minority Biomedical Support Program. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Public Law 92–463, the meeting will be closed to the public on July 30, 1981, from approximately 1:30 p.m. to 5:00 p.m. and on July 31 form 8:30 a.m. to adjournment for the review, discussion and evaluation of individual grant applications submitted to the Minority Biomedical Support Program. These applications and discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(Catalog of Federal Domestic Assistance Programs No. 13.375, Minority Biomedical Support Program, National Institutes of Health)

NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b) (4) and (5) of that Circular.

Dated: June 9, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81–18325 Filed 6–19–81; 8:45 am]

BILLING CODE 4110–08–M

Microbiology and Infectious Diseases Advisory Committee; Meeting Changed

Notice is hereby given of changes in the "open" and "closed" portions of the Microbiology and Infectious Diseases Advisory Committee meeting which was published in the **Federal Register** on April 30, 1981 (46 FR 24302).

On July 9 the meeting was to have been open from 8:30 a.m. to 9:30 a.m. and on July 10 from 8:30 a.m. to 9:30 a.m. to discuss program policies and issues.

The Committee meeting was to have been closed to the public on July 9 from approximately 9:30 a.m. until adjournment and on July 10 from 9:30 a.m. until adjournment for the review, discussion, and evaluation of individual grant applications and contract proposals.

On July 9 the meeting will be open to the public from 8:30 a.m. to approximately 9:00 a.m. to discuss program policies and issues and from 1:30 p.m. to 3:30 p.m. for the review of the "Animal Models for Antivirals".

On July 9 the meeting will be closed from approximately 9:00 a.m. until 1:30 p.m. and from 3:30 p.m. until adjournment. On July 10 the meeting will be closed entirely for the review, discussion, and evaluation of individual grant application and contract proposals.

(Catalog of Federal Domestic Assistance Program No. 13.855, Pharmacological Sciences; 13.856, Microbiology and Infectious Diseases Research, NIH)

NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b) (4) and (5) of that Circular.

Dated: June 12, 1981

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81–18327 Filed 6–19–81; 8:45 am]

BILLING CODE 4110–08–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[F–14952–A]

Alaska; Alaska Native Claims Selection

On May 20, 1974, the Unalakleet Native Corporation, for the Native village of Unalakleet, filed selection application F–14952–A under the provisions of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1611 (1978)) (ANCSA), for the surface estate of certain lands in the vicinity of Unalakleet.

As to the lands described below, the application submitted by the Unalakleet Native Corporation, as amended, is properly filed, and meets the requirements of the Alaska Native Claims Settlement Act and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title.

In view of the foregoing, the surface estate of the following described lands, selected pursuant to Sec. 12(a), containing approximately 5 acres, is considered proper for acquisition by the Unalakleet Native Corporation and is hereby approved for conveyance pursuant to Sec. 14(a) of the Alaska Native Claims Settlement Act:

U.S. Survey No. 4394 situated on the easterly shore of Norton Sound at Unalakleet, Alaska, excluding ANCSA Sec. 3(e) application AA–18470.

Containing approximately 5 acres.

The conveyance issued for the surface estate of the lands described above shall contain the following reservation to the United States:

The subsurface estate therein, and all rights, privileges, immunities and appurtenances, of whatsoever nature, accruing unto said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1613(f)).

There are no easements to be reserved to the United States pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act.

The grant of lands shall be subject to:

1. Issuance of a patent confirming the boundary description of the lands hereinabove granted after approval and filing by the Bureau of Land Management of the official plat of survey covering such lands;

2. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under Sec. 6(g) of the Alaska Statehood Act of July 7, 1958 (48 U.S.C. Ch. 2, Sec. 6(g))), contract, permit, right-of-way, or easement, and the right of the lessee, contractee, permitee or grantee to the complete enjoyment of all rights, privileges and benefits thereby granted to him. Further, pursuant to Sec. 17(b)(2) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1616(b)(2)) (ANCSA), any valid existing right recognized by ANCSA shall continue to have whatever right of access as is now provided for under existing law; and

3. Requirements of Sec. 14(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1613(c)), that the grantee hereunder convey those portions, if any, of the lands hereinabove granted, as are prescribed in said section.

Unalakleet Native Corporation is entitled to conveyance of 161,280 acres of land selected pursuant to Sec. 12(a) of the Alaska Native Claims Settlement Act. To date, approximately 5 acres of this entitlement have been approved for conveyance; the remaining entitlement of approximately 161,275 acres will be conveyed at a later date.

Pursuant to Sec. 14(f) of the Alaska Native Claims Settlement Act,

conveyance of the subsurface estate of the lands described above shall be granted to Bering Straits Native Corporation when conveyance is granted to Unalakleet Native Corporation for the surface estate, and shall be subject to the same conditions as the surface conveyance.

There are no inland water bodies within the described lands considered to be navigable.

In accordance with Department regulation 43 CFR 2650.7(d), notice of this decision is being published once in the **Federal Register** and once a week, for four (4) consecutive weeks, in the ANCHORAGE TIMES.

Any party claiming property interest in lands affected by this decision, an agency of the Federal government, or regional corporation may appeal the decision to the Alaska Native Claims Appeal Board, provided, however, pursuant to Public Law 96–487, this decision constitutes the final administrative determination of the Department of the Interior concerning navigability of water bodies.

Appeals should be filed with the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510, with a copy served upon both the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513 and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501. The time limits for filing an appeal are:

1. Parties receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Unknown parties, any parties unable to be located after reasonable efforts have been expended to locate, and any parties who failed or refused to sign the return receipt shall have until July 22, 1981 to file an appeal.

Any party known or unknown who is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is to be taken, the adverse parties to be served are:

Unalakleet Native Corporation, P.O. Box 100, Unalakleet, Alaska 99684

Bering Straits Native Corporation, P.O. Box 1008, Nome, Alaska 99762

Sandra C. Thomas,

Acting Chief, Branch of Adjudication.

[FR Doc. 81-18358 Filed 6-19-81; 8:45 am]

BILLING CODE 4310-84-M

Wyoming; Management Framework Plans for the Big Sandy and Salt Wells Resource Areas

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Open House and Public Hearing on Proposed Coal Management Decisions.

SUMMARY: This notice sets forth the schedule and proposed agenda of the open house and public hearing on the proposed coal management decisions contained in the revised Management Framework Plans for the Big Sandy and Salt Wells Resource Areas.

DATES: Both the open house and public hearing are scheduled for July 8, 1981, in Rock Springs, Wyoming. Open House 8 a.m. to 4 p.m., Public Hearing 6 p.m. to conclusion.

The open house will be held at the BLM Big Sandy and Salt Wells Resource Area conference room on July 8, 1981, and will open at 8 a.m. and conclude 4 p.m. The BLM staff will be available to answer questions on the proposed coal management decisions. The proposed coal decisions affect the Rock Springs Known Recoverable Coal Resource Area (KRCRA) and have been summarized in the following brochures: "Coal, Wyoming Land Use Decisions, Big Sandy Resource Area, Management Framework Plan;" and "Coal, Wyoming Land Use Decisions, Salt Wells Resource Area, Management Framework Plan." These brochures are available at the BLM's Rock Springs District Office. Comments on the proposed decisions will be accepted during the 30-day public comment period beginning June 22, 1981.

The Rock Springs KRCRA covers portions of both the Big Sandy and Salt Wells Resource Areas. From the City of Rock Springs, the area extends north to Steamboat Mountain (approximately 30 miles) and south, nearly to Pine Mountain (approximately 30 miles). The coal recommendations contained in the Management Framework Plans (MFP) were revised to reflect current statutory requirements and policies, and to carry out the requirements of Section 522 of the Surface Mining Control and Reclamation Act of 1977. The standards and procedures for this MFP revision are contained in the **Federal Register** Vol. 44, No. 140, 42584–42652 of July 19, 1979; and Vol. 44, No. 153, 46386–46401 of August 7, 1979. The standards for this revision are also discussed in a final environmental statement describing the Secretary of the Interior's preferred coal program and alternatives, released in April 1979.

The public hearing will convene at 6 p.m. July 8, 1981, at the Holiday Inn and will conclude after all testimony has been offered for the official record. Oral and written testimony will be received. Any person having an interest that will or may be adversely affected by the proposed decisions, should they be adopted, will be afforded the opportunity to express their concerns at the hearing. The hearing will also allow other interested person to make their comments for the record with regard to the proposed decisions. Advance registration of those persons wishing to testify is required. Speakers will be heard in the order of registration. After the registered witnesses have been heard, the presiding officer will consider the requests of any other persons present and wishing to testify. Oral testimony is limited to ten minutes; however, oral testimony may be supplemented by filing a written text of any prepared comments offered at the hearing. Any single organization's viewpoint must be presented by a single representative. Other members of that organization may present their views or opinions as a private citizen.

Registration forms may be obtained at the Rock Springs District Office and will also be available at the hearing. Registration forms should identify the organization represented (if any) and should be signed by the prospective witness. Persons wishing to register in advance of the hearing may submit their registration request prior to close of business on July 6, 1981, to Steve Ellis, BLM, Rock Springs District Office, Highway 187 N., P.O. Box 1869, Rock Springs, Wyoming 82901. Anyone who is unable to attend the hearing may submit written comments to the above address within the 30-day public comment period ending July 21, 1981. All written comments received during this period will be included in the official record.

DATES: July 8, 1981 (Open House 8 a.m. to 4 p.m.; Public Hearing 6 p.m. to conclusion of testimony).

ADDRESSES:

Open House

BLM, Rock Springs District Office, Highway 187 N., P.O. Box 1869, Rock Springs, WY 82901.

Public Hearing

Holiday Inn, 1675 Sunset Drive, Switch Room, Rock Springs, WY 82901.

FOR FURTHER INFORMATION CONTACT:

Steve Ellis, Bureau of Land Management, Rock Springs District Office, Highway 187 N., P.O. Box 1869, Rock Springs, Wyoming 82901, phone (307) 382-5350.

Jerry K. Ostrom,

Assistant District Manager.

[FR Doc. 81-16361 Filed 6-19-81; 8:45 am]

BILLING CODE 4310-84-M

[Notice of Realty Action N-29324]

Nevada; Exchange of Public and Private Lands in Douglas and Clark Counties

Correction

In FR Doc. 81-16510, appearing in the issue of Wednesday, June 3, 1981, on page 29770, make the following changes:

1. In column one on page 29770 change the land description in the paragraph beginning "the following described lands", to read as follows:

T. 13 S., 71 E., Mount Diablo Meridian, Nevada
Section 9: Lot 2 (the east 300' north of the I-15 highway right-of-way),
Lot 3 (that portion north of the I-15 highway right-of-way),
S½ S½ SW¼ NE¼,
S½ SW¼ SE¼ NE¼,
SE¼ SE¼ SE¼ NW¼,
E½ E½ NE¼ SW¼,
W½ NE¼ SE¼ (that portion north of I-15 highway right-of-way),
NW¼ SE¼ (that portion north of I-15 highway right-of-way)
comprising 82.5 acres of public land.

2. In column one on page 29770 change the land description in the paragraph beginning "In exchange for", to read as follows:

T. 13N., R. 19 E., Mount Diablo Meridian, Nevada
Section 9: NW¼ NW¼
T. 14N., R. 19 E., Mount Diablo Meridian, Nevada
Section 28: SE¼ NE¼
comprising 80.0 acres of private land.

BILLING CODE 1505-01

National Park Service

Chesapeake and Ohio Canal National Historical Park Commission; Meeting

Notice is hereby given in accordance with Federal Advisory Committee Act that a meeting of the Chesapeake and Ohio Canal National Historical Park Commission will be held Wednesday, July 15, 1981, at 7:30 p.m. at the Mather Training Center, Harpers Ferry, West Virginia.

The Commission was established by Pub. L. 91-664 to meet and consult with the Secretary of the Interior on general policies and specific matters related to the administration and development of the Chesapeake and Ohio Canal National Historical Park.

The members of the Commission are as follows:

Mr. Donald R. Frush, Chairman, Hagerstown, Maryland
Mrs. Constance Morella, Bethesda, Maryland
Miss Nancy Long, Glen Echo, Maryland
Mrs. Constance Lieder, Baltimore, Maryland
Mr. James B. Coulter, Annapolis, Maryland
Mrs. Dorothy Grotos, Arlington, Virginia
Miss Margaret Dietz, Lovettsville, Virginia
Mr. William H. Ansel, Jr., Romney, West Virginia
Mr. Silas Starry, Shepherdstown, West Virginia
Mr. Donald H. Shannon, Washington, D.C.
Mr. Rockwood H. Foster, Washington, D.C.
Mr. Kenneth S. Rollins, Brookmont, Maryland
Mr. Edwin F. Wesely, Jr., Brookmont, Maryland
Mrs. Minny Pohlmann, Dickerson, Maryland
Dr. James H. Gilford, Frederick, Maryland
Mr. R. Lee Downey, Williamsport, Maryland
Mr. John D. Frye, Gapland, Maryland
Ms. Bonnie Troxell, Cumberland, Maryland
Mr. John D. Millar, Cumberland, Maryland

Matters to be discussed at this meeting include:

1. Cumberland/North Branch area plan
2. Williamsport area plan
3. Brunswick area plan
4. Great Falls area plan—Decision Document
5. William O. Douglas Memorial Fund
6. Policy Statement on Commercial Intrusions
7. Bicycle Safety policy

The meeting will be open to the public. Any member of the public may file with the Commission, a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting, or who wish to submit written statements, may contact Richard L. Stanton, Superintendent, C&O Canal National Historical Park, P.O. Box 4, Sharpsburg, Maryland 21782, telephone 301/739-4200.

Minutes of the meeting will be available for public inspection four (4) weeks after the meeting at Park Headquarters, Sharpsburg, Maryland.

Dated: June 11, 1981.

Stephen E. Lynch,

Acting, Regional Director, National Capital Region.

[FR Doc. 81-16385 Filed 6-19-81; 8:45 am]

BILLING CODE 4310-07-M

INTERSTATE COMMERCE COMMISSION

[Volume No. OP1-177]

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Decided: June 11, 1981.

The following applications, filed on or after February 9, 1981, are governed by Special Rule 251 of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the service proposed, and to conform to the requirements of Title 49, Subtitle IV,

United States Code, and the Commission's regulation. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 1, Members Parker, Chandler and Fortier (Fortier not participating).

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

MC 133200 (Sub-2), filed June 1, 1981. Applicant: McBROOM INDUSTRIES LTD., d.b.a. BENTON VAN LINES, 7300 Lomas Blvd., N.E., Albuquerque, NM 87110. Representative: Harold E. McBroom (same address as applicant), (505) 268–6701. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

[FR Doc. 81-18386 Filed 6-19-81; 8:45 am]

BILLING CODE 1035-01-M

[Volume No. OP2-66]

Motor Carriers; Permanent Authority; Republications of Grants of Operating Rights Authority Prior to Certification

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previous notice in the **Federal Register**.

An original and one copy of opposing verified statements must be filed with the Commission within 30 days after the date of this **Federal Register** notice. Applicant may file a verified statement in rebuttal within 60 days of publication. Such pleadings shall comply with 49 CFR 1100.247 addressing specifically the issue(s) indicated as the purpose for republication. Special Rule 247 was published in the **Federal Register** of July 3, 1980, at 45 FR 45539.

By the Commission.

Agatha L. Mergenovich,

Secretary.

MC 151832 (republication) filed September 12, 1980, published in the **Federal Register** issue of September 30, 1980, and republished this issue. Applicant: RODGERS CONSTRUCTION, INC., P.O. Box 17387, Nashville, TN 37217. Representative: Joe B. Enloe, 155 Park South Court, Nasvhille, TN 37210. A Decision of the Commission, *Review Board No. 3*, decided December 10, 1980, served January 13, 1981, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce, over irregular routes, as a *common carrier*, by motor vehicle, transporting *machinery and supplies*, as described in Items 35 and 36 of the Standard Transportation Commodity Code Tariff between points in Florida, Georgia, Texas, Louisiana, Missouri, Kentucky, Alabama, Arkansas, Iowa, Illinois, Tennessee, and Virginia, on the one hand, and, on the other, points in the United States; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of Title 49, Subtitle IV, U.S. Code and the Commission's regulations. The purpose of this republication is to specify the territorial scope of the authority granted.

[FR Doc. 81-18388 Filed 6-19-81; 8:45 am]

BILLING CODE 7035-01-M

Washington; Long-and-Short-Haul Application for Relief (Formerly Fourth Section Application)

June 17, 1981.

This application for long-and-short-haul relief has been filed with the I.C.C.

Protests are due at the I.C.C. within 15 days from the date of publication of the notice.

43918, Southwestern Freight Bureau, Agent's No. B–125, rates on sugar, invert, from Colorado and Kansas origins to Dallas and Ft. Worth, TX and returned shipments in the reverse direction. Proposed rates are published in tariff I.C.C. SWFB 4412, to become effective July 6, 1981. Grounds for relief—market competition.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-18387 Filed 6-19-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verfied statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated

operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 1, Members Parker, Chandler and Taylor.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OPY-2-104

Decided: June 11, 1981.

MC 682 (Sub-27T), filed June 2, 1981. Applicant: BURNHAM VAN SERVICE, INC., 5000 Burnham Blvd., Columbus, GA 31907. Representative: David Earl Tinker, 1000 Connecticut Ave., N.W., Suite 1112, Washington, D.C. 20036, (202) 887-5868. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. under continuing contract(s) with International Business Machines Corporation, of Princeton, NJ.

MC 47583, (Sub-147), filed June 1, 1981. Applicant: TOLLIE FREIGHTWAYS, INC., 1020 Sunshine Road, Kansas City, KS 66115. Representative: D. S. Hults, P.O. Box 225, Lawrence, KS 66044, (913) 843-0110. (1) *pulp, paper and related products,* and (2) *waste or scrap materials not identified by industry producing* between points in the U.S.

MC 52793 (Sub-76F), filed June 2, 1981. Applicant: BEKINS VAN LINES CO., 333 S. Center St., Hillside, IL 60162. Representative: David A. Gallagher (same address as applicant), (312) 547-2184. Transporting *general commodities* (except classes A and B explosives) between points in the U.S., under continuing contract(s) with Midwest Airfreight Shipper's Association, of Bloomington, MN.

MC 52793 (Sub-77F), filed June 2, 1981. Applicant: BEKINS VAN LINES CO., 333 S. Center St., Hillside, IL 60162. Representative: David A. Gallagher (same address as applicant). Transporting *household goods,* between points in the U.S., under continuing contract(s) with Heublein, Inc., of Hartford, CT.

MC 109533 (Sub-142), filed June 3, 1981. Applicant: OVERNITE TRANSPORTATION COMPANY, 1000 Semmes Ave., Richmond, VA 23224. Representative: John C. Burton, Jr., P.O. Box 1216, Richmond, VA 23209, 804-231-8281. Transporting *general commodities* (except classes A and B explosives), between those points in the U.S., in and east of MN, IA, KS, OK, and TX.

Note.—Issuance of this certificate is subject to coincidental cancellation of applicant's written request of Certificate No. MC-109533 and MC-109533 (Sub-Nos. 11, 22, 23, 36, 45, 48, 71, 74, 80, 94, 100, 120, 122, 127, and 132).

MC 116063 (Sub-169F), filed June 1, 1981. Applicant: WESTERN-COMMERCIAL TRANSPORT, INC., P.O. Box 270, Fort Worth, TX 76101. Representative: W. H. Cole (same address as applicant), (817) 335-4821. Transporting *food and related products,* between points in Hamilton County, TN, on the one hand, and, on the other, points in the U.S.

MC 118202 (Sub-177), filed June 5, 1981. Applicant: SCHULTZ TRANSIT, INC., 323 Bridge St., P.O. Box 408, Winona, MN 55987. Representative: Stanley C. Olsen, Jr., 5200 Willson Rd., Suite 307, Edina, MN 55424, 612-927-8855. Transporting *food and related products* (1) between Denver, CO, and points in Morgan County, CO, on the one hand, and, on the other, points in the U.S., and (2) between points in Logan County, CO, on the one hand, and, on the other, those points in the U.S., in and east of ND, SD, NE, KS, OK, and TX.

MC 139482 (Sub-192F), filed June 5, 1981. Applicant: NEW ULM FREIGHT LINES, INC., P.O. Box 877, New Ulm, MN 56073. Representative: Barry M. Bloedel (same address as applicant), (507) 354-8546. Transporting *paint, paint products, and commodities* used in their manufacture, between St. Louis, MO, on the one hand, and, on the other, points in the U.S.

MC 142672 (Sub-172), filed June 1, 1981. Applicant: DAVID BENEUX PRODUCE & TRUCKING, INC., P.O. Drawer F, Mulberry, AR 72947. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72701, 501-521-8121. Transporting *food and related products,* between points in Somerset County, MD, Camden County, NJ, Bucks County PA, and Philadelphia, PA, on the one hand, and, on the other, points in the U.S.

MC 143982 (Sub-3), filed June 2, 1981. Applicant: DONALD SCHIRR, R.R. 2, Iuka, IL 62849. Representative: Leslieann G. Maxey, 907 South 4th St., Springfield, IL 62703, 217-528-8476. Transporting *Mercer commodities,* between points in the U.S.

MC 144913 (Sub-7), filed June 1, 1981. Applicant: COMPTON TRUCKING, INC., 5300 Kennedy Rd., Forest Park, GA 30050. Representative: David L. Capps, P.O. Box 924, Douglasville, GA 30133, 404-949-7756. Transporting *general commodities* (except classes A and B explosives), between points in AL, FL, GA, MS, NC, SC, and TN.

MC 147712 (Sub-26F), filed June 1, 1981. Applicant: MID-WESTERN TRANSPORT, INC., 14625 Carmenita Rd., Norwalk, CA 90650. Representative: Joseph Fazio (same address as applicant). Transporting *cleaning, scouring, or washing compounds and rug cleaners,* between points in the U.S., under continuing contract(s) with Rug Doctor, Inc. of Fresno, CA.

MC 147712 (Sub-27F), filed June 1, 1981. Applicant: MID-WESTERN TRANSPORT, INC., 14625 Carmenita Rd., Norwalk, CA 90650. Representative: Joseph Fazio (same address as applicant). Transporting *general commodities,* between points in the U.S., under a continuing contract(s) with Ferro Corporation, of Cleveland, OH.

MC 150812 (Sub-2), filed May 29, 1981. Applicant: FROST TRANSPORTATION, INC., P.O. Box 3400, Shreveport, LA 71103. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517, (717) 344-8030. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Automotive Battery Products Co., of Los Angeles, CA.

MC 151392 (Sub-3F), filed June 4, 1981. Applicant: ALPHA MOTOR WAYS, INC., 25 County Ave., Secaucus, NJ 07094. Representative: Harold L. Reckson, 33-28 Halsey Rd., Fair Lawn, NJ 07410, (201) 791-2270. Transporting *machinery,* between points in the U.S., under continuing contract(s) with Keystone Lighting Corporation, of Bristol, PA.

MC 152942F, filed June 1, 1981. Applicant: TOGO TRUCKING CO., Route 3, St. Joseph, MO 64505. Representative: James H. Counts, 320 Robidoux Center, St. Joseph, MO 64501, (816) 232-8411. Transporting *food and related products,* between points in the

U.S., under continuing contract(s) with Krause Co., of Milwaukee, WI.

MC 153122 (Sub-1), filed June 1, 1981. Applicant: WESTERN WHOLESALE TRANSPORT DIVISION, INC., Rt. 9 Bx 107, Idaho Falls, ID 83401. Representative: Irene Warr, 311 S. State St., Ste. 280, Salt Lake City, UT 84111. *Chemicals and related products,* between points in the U.S., under contract(s) with Magna Corporation, of Bakersfield, CA.

MC 156222F, filed May 27, 1981. Applicant: DALE "A" BARNES, d.b.a. DALE BARNES TRUCKING, 301 Bartlett Ave., P.O. Box 35, Clifton, KS 66937. Representative: Dale "A" Barnes (same address as applicant), (913) 455–3561. Transporting *fertilizer and fertilizer products,* between points in Eddy and Lea Counties, NM, and Woodward County, OK, on the one hand, and, on the other, points in KS.

MC 156252F, filed June 2, 1981. Applicant: JERRY GREEN, d.b.a. GREEN TRANSPORT, P.O. Box 4, Roanoke, IN 46783. Representative: Charles W. McNagny, P.O. Box 2263, 395 Lincoln Bank Tower, Fort Wayne, IN 46801, (219) 423–9551. Transporting (1) *food and related products,* and (2) *pulp, paper and related products,* between points in the U.S., under continuing contract(s) with Kraft, Inc., Dairy Group, of Huntington, IN.

MC 156272F, filed June 2, 1981. Applicant: J. D. BRIGHT, d.b.a. J. D BRIGHT TRUCKING, 222 34th St., Lubbock, TX 79408. Representative: Richard Hubbert, P.O. Box 10236, Lubbock, TX 79408. Transporting *general commodities* (except classes A and B explosives) between points in the U.S., under continuing contract(s) with Florida-Texas Freight, Inc., of Miami, FL.

MC 156332F, filed June 4, 1981. Applicant: JULIAN MONTOYA, d.b.a. MONTOYA TRANSPORT COMPANY, 780 Grant Street, Denver, CO 80203. Representative: Julian Montoya (same address as applicant). Transporting *office machinery,* between points in the U.S., under continuing contract(s) with Pitney Bowes, Inc., of Denver, CO.

Volume No. OPY–2–105

Decided: June 11, 1981.

MC 127193 (Sub-5F), filed June 4, 1981. Applicant: LEONARD BROS. MOVING & STORAGE CO., 7060 West Fort Street, Detroit, MI 48209. Representative: Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, MI 48167, (313) 349–3980. (1) Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S., (2) Transportin, *used household goods for the account of the United States Government incident to the performance of a pack-and-crate service on behalf of the Department of Defense, between points in the U.S.*

MC 156153, filed May 27, 1981. Applicant: ALLEN STANECKI, d.b.a. IGLOO EXPRESS, 53 Jefferson Ave., Kearny, NJ 07032. Representative: Jack L. Schiller, 502 Flatbush Ave., Brooklyn, NY 11225, 212–941–9291. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners by the owner of the motor vehicle, in such vehicle, between points in the U.S.*

MC 156242F, filed May 29, 1981. Applicant: GERALD R. MALIN, 7697 Jensen Drive, Tucson, AZ 85704. Representative: Stephanie E. Malin (same as applicant) (602) 742–4472. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 156273, filed June 1, 1981. Applicant: BARRY ALAN KATZ, d.b.a. NEW BOSTON TRUCK BROKERAGE CO., 968 Massachusetts Avenue, Boston, MA 02118. Representative: Barry Alan Katz (same address as applicant) (617) 442–2828. As a broker of *general commodities* (except household goods), between points in the U.S.

MC 156343, filed June 5, 1981. Applicant: JOHN E. JESERSKI, 378 North West Street, Feeding Hills, MA 01030. Representative: Bonnie E. Marien, 95 State Street, Springfield, MA 01103, (413) 781–0750. As a broker of *general commodities* (except household goods) between points in the U.S.

[FR Doc 81–18589 Filed 6–19–81, 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority is issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications

for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OPY-2-102

Decided: June 9, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Member Chandler not participating.)

MC 8973 (Sub-81), filed June 4, 1981. Applicant: METROPOLITAN TRUCKING, INC., 75 Broad St., Fairview, NJ 07022. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048, (212) 466-0220. Transporting *such commodities* as are dealt in or used by manufacturers of plastic and plastic articles and chemicals, between the facilities of Arco Polymers, Inc., and Arco Chemical Company at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 107012 (Sub-722), filed June 2, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant), (219) 429-2110. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of electrical equipment, between points in Northumberland County, PA, on the one hand, and, on the other, points in WV, VA, MD, DE, NC, SC, GA, FL, and AL.

MC 107012 (Sub-723), filed June 2, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant), (219) 429-2110. Transporting *machinery*, between points in Freeborn County, MN, and Allendale County, SC, on the one hand, and, on the other, points in the U.S.

MC 107012 (Sub-724), filed June 2, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant), (219) 429-2110. Transporting *such commodities*, as are dealt in or used by manufacturers and distributors of carpet padding, between Norfolk, VA, on the one hand, and, on the other, points in CA, LA, and TX.

MC 115603 (Sub-23), filed May 27, 1981. Applicant: TURNER BROS. TRUCKING COMPANY, INC., P.O. Box 94626, Oklahoma City, OK 73143. Representative: J. Michael Alexander, First Continental Bank Bldg., Suite 301, 5801 Marvin D. Love Freeway, Dallas, TX 75237, (214) 339-4108. Transporting (1) *mercer commodities* and (2) *earth drilling machinery and equipment*, and *machinery, equipment, materials* and *supplies* and *pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites and (d) the injection or removal of commodities into or from holes or wells, between points in OR, WA, ID, NV, AZ, MT, WY, UT, CO, NM, ND, SD, NE, KS, OK, and TX.

MC 124673 (Sub-63), filed June 4, 1981. Applicant: FEED TRANSPORTS, INC., P.O. Box 2167, Amarillo, TX 79105. Representative: Thomas F. Sedberry, P.O. Box 2165, Austin, TX 78768, (512) 476-6083. Transporting *fertilizer, fertilizer ingredients and compounds* between points in the U.S., under continuing contract(s) with Ruffin, Inc., of Dodge City, KS.

MC 124673 (Sub-64), filed June 4, 1981. Applicant: FEED TRANSPORTS, INC., P.O. Box 2167, Amarillo, TX 79105. Representative: Thomas F. Sedberry, P.O. Box 2165, Austin, TX 78768, (512) 476-6083. Transporting *anhydrous ammonia, fertilizer, and feed ingredients* between points in the U.S., under continuing contract(s) with Cominco-American, of Beatrice, NE.

MC 124692 (Sub-367), filed May 21, 1981. Applicant: SAMMONS TRUCKING, P.O. Box 4347, Missoula, MT 59801. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240, 317-846-6655. Transporting *building materials* between those points in the U.S. in and west of MI, IN, IL, AR, MO, and TX.

MC 141143 (Sub-3), filed June 4, 1981. Applicant: WATKINS TRANSFER, INC., 116 Druid St., P.O. Box 6219, Jacksonville, FL 32205. Representative: George W. Watkins, Jr. (same as applicant), (904) 388-1591. Transporting *pulp, paper and related products* between Jacksonville, FL, on the one hand, and, on the other, points in GA.

MC 142703 (Sub-35), filed June 2 1981. Applicant: INTERMODAL TRANSPORTATION SERVICES, INC., P.O. Box 14072, Cincinnati, OH 45214. Representative: Michael Spurlock, 275 E. State St., Columbus, OH 43215, (614) 228-8575. Transporting *general commodities* except classes A and B explosives), between points in the U.S.

MC 143433 (Sub-16), filed May 27, 1981. Applicant: B. L. GILBERT, d.b.a. GILBERT TRUCKING COMPANY, 310 South First Avenue, Stroud, OK 74079. Representative: Grey E. Summy, P.O. Box 1540, Edmond, OK 73034. Transporting *food and related products* between Los Angeles and San Francisco, CA, Miami and Tampa, FL, New Orleans, LA, Oklahoma City, OK, and points in Harrison and Jackson Counties, MS, McCook County, SD, and NE, TX, and CO, on the one hand, and, on the other, points in AL, AR, CA, FL, IL, IN, KY, MI, MN, MS, MO, NE, NJ, NY, OH, OK, PA, TN, TX, and WI.

MC 147702 (Sub-2), filed May 13, 1981. Applicant: DOUBLE AA PARKING & TRUCKING, INC., 465 W Second St., Calexico, CA 92231. Representative: Arturo Rioseco (same address as applicant), 714-357-2244. Transporting *general commodities* (except classes A and B explosives), between points in Imperial County, CA, on the one hand, and, on the other, ports of entry on the international boundary line between the U.S. and the Republic of Mexico, at or near Calexico, CA.

MC 153632, filed May 15, 1981. Applicant: DISTRIBUTION TRUCKING, INC., 3800 S.E. 22nd Ave., Portland, OR 97202. Representative: Peter H. Glade, One SW Columbia, Suite 555, Portland, OR 97258. Transporting *general commodities* (except classes A and B explosives), between points in OR, WA, and ID.

MC 155482, filed June 1, 1981. Applicant: COMSTOCK TRUCKING, Industrial Park, Caledonia, MN 55921. Representative: Joseph E. Ludden, P.O. Box 1567, 2707 South Ave., La Crosse, WI 54601, (608) 788-2000. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of feed and fertilizer, between points in Houston, Fillmore, and Winona Counties, MN and La Crosse, Monroe, and Vernon Counties, WI.

MC 155492 (Sub-1), filed June 4, 1981. Applicant: L. DEAN WILSON, DELMER WILSON, BRENT WILSON & BARRY WILSON, d.b.a. D.B.D. TRUCKING, 10 W. Sandy Lane, Salina, UT 84654. Representative: Irene Warr, 311 S. State St., Ste. 280, Salt Lake City, UT 84111, (801) 531-1300. Transporting *coal and coal products*, between points in CA, ID, CO, NM, and UT.

MC 156302, filed June 3, 1981. Applicant: TODD TRANSPORT, INC., 2229 Edgewood Ave. South, Minneapolis, MN 55426. Representative: James E. Ballenthin, 630 Osborn Bldg., St. Paul, MN 55102, (612) 227-7731. Transporting *food and related products*, between points in the U.S.

MC 156322, filed June 4, 1981. Applicant: CERAMO TRUCKING COMPANY, INCORPORATED, P.O. Box

384, Jackson, MO 63755. Representative: Stone Manes (same address as applicant), (314) 243–3138. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Ceramo Company, Incorporated, of Jackson, MO.

Volume No. OPY–2–103

Decided: June 9, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 8933 (Sub-2), filed June 3, 1981. Applicant: ART KOHLER TRUCKING, INC., P.O. Box 68, Audubon, MN 56511. Representative: Robert N. Maxwell, P.O. Box 2471, Fargo, ND 58108, (701) 237–4223. Transporting *general commodities* (except classes A and B explosives), between points in IA, MN, ND, OH, SD, and WI, on the one hand, and, on the other, points in the U.S.

MC 115703 (Sub-24), filed June 2, 1981. Applicant: KREITZ MOTOR EXPRESS, INC., P.O. Box 6331, Wyomissing, PA 19610. Representative: Bernard L. Quaglia (same address as applicant), (215) 376–3801. Transporting *machinery*, between points in Guilford County, NC, on the one hand, and, on the other, points in AL, AZ, AR, CA, CO, DE, FL, GA, ID, IL, IN, IA, KS, KY, LA, ME, MD, MI, MN, MS, MO, MT, NE, NV, NH, NM, NC, ND, OH, OK, OR, PA, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY, and DC.

MC 142672 (Sub-173), filed June 4, 1981. Applicant: DAVID BENEUX PRODUCE & TRUCKING, INC., P.O. Drawer F, Mulberry, AR 72947. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72701. Transporting *food and related products*, between the facilities of Buitoni Foods, Inc., at points in the U.S., on the one hand, and, on the other, points in AL, AK, AZ, AR, CA, CO, CT, DE, FL, GA, ID, IL, IN, IA, KS, KY, LA, MD, MI, MN, MS, MO, NE, NV, NJ, NM, NY, NC, OH, OK, OR, PA, SC, TN, TX, UT, VA, WA, WV, WI, and DC.

MC 142672 (Sub-174), filed June 4, 1981. Applicant: DAVID BENEUX PRODUCE & TRUCKING, INC., P.O. Drawer F, Mulberry, AR 72947. Representative: Don Garrison, Esq., P.O. Box 1065, Fayetteville, AR 72701. Transporting *general commodities*, between the facilities of The Kroger Company, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 146853 (Sub-7), filed June 3, 1981. Applicant: FRANK F. SLOAN, d.b.a. HAWKEYE WOODSHAVINGS, Rte. 1, Runnells, IA 50327. Representative: Richard D. Howe, 600 Hubbell Bldg., Des Moines, IA 50309, (515) 244–2329. Transporting *food and related products*, between Denver, CO, Minneapolis, MN, St. Louis, MO, and points in Weber County, UT, Cass County, ND, Scotts Bluffs County, NE, and Marshall County, IA, on the one hand, and, on the other, points in IA, IL, IN, KS, MI, MN, MO, NE, ND, OH, SD, and WI.

MC 147452 (Sub-10), filed June 3, 1981. Applicant: W. D. W. TRUCKING, INC., 2620 S.W. 66th Terrace, Miramar, FL 33023. Representative: Bruce E. Mitchell, Fifth Floor, Lenox Towers South, 3390 Peachtree Rd. NE., Atlanta, GA 30326, (404) 262–7855. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of resin compounds, between Atlanta, GA, on the one hand, and, on the other, those points in the U.S. in and east of TX, OK, KS, NE, IA, and MN.

MC 150783 (Sub-17), filed May 27, 1981. Applicant: SCHEDULED TRUCKWAYS, INC., P.O. Box 757, Rogers, AR 72756. Representative: Ronnie Sleeth (same address as applicant), (501) 636–1979. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of metal office furniture and school furniture, between points in Faulkner County, AR, on the one hand, and, on the other, points in the U.S.

MC 151352 (Sub-9), filed June 3, 1981. Applicant: E. L. M. TRUCKING, INC., P.O. Box 4048, Opelika, AL 36801. Representative: Terry P. Wilson, 428 South Lawrence St., Montgomery, AL 36104. Transporting *(1) lumber and wood products, and (2) furniture or fixtures*, between points in Marion County, GA, on the one hand, and, on the other, points in the U.S.

MC 151352 (Sub-10), filed June 4, 1981. Applicant: E. L. M. TRUCKING, INC., P.O. Box 4048, Opelika, AL 36801. Representative: Terry P. Wilson, 428 So. Lawrence St., Montgomery, AL 36104. Transporting *metal products*, between points in Montgomery County, AL, on the one hand, and, on the other, points in the U.S.

MC 152953, filed June 3, 1981. Applicant: R-T-I, INC., 7019 S. Alameta St., Los Angeles, CA 90001. Representative: R. K. Davies (same address as applicant), (800) 372–6443, (213) 588–7258. Transporting *such commodities* as are dealt in by packing houses and retail and wholesale food stores, between Los Angeles, CA, on the one hand, and, on the other, points in AZ.

MC 154272, filed June 4, 1981. Applicant: WHITLOCK TRUCKING, d.b.a. WHITLOCK, INC., P.O. Box 4217, Casper, WY 82604. Representative: Jack R. Whitlock (same address as applicant), (307) 234–5103. Transporting *Mercer commodities* between points in the WY, on the one hand, and, on the other, points in UT, CO, ID, MT, ND, SD, NE, NM, NV, and AZ.

MC 155362 (Sub-2), filed May 29, 1981. Applicant: HOOSIER TRANSPORTATION SYSTEM, INC., 501 Sam Ralston Rd., Lebanon, IN 46052. Representative: James P. Beck, 717 17th St., Suite 2600, Denver CO 80202, (303) 892–6700. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with The Wickes Companies Inc., of San Diego, CA, and its subsidiaries.

MC 156292, filed June 2, 1981. Applicant: CENTRAL JERSEY TRANSFER, INC., P.O. Box 219, Lebanon, NJ 08833. Representative: Maxwell A. Howell, 1100 Investment Bldg., 1511 K St. NW., Washington, DC 20005, (202) 783–7900. Transporting *general commodities* (except classes A and B explosives), between points in CT, DE, MA, MD, ME, NC, NH, NJ, NY, OH, PA, RI, SC, VA, VT, WV, and DC.

MC 156313, filed June 4, 1981. Applicant: FALCON, INC., R.D. #1, Rte. 19, Harmony, PA 16037. Representative: Arthur J. Diskin, 806 Frick Bldg., Pittsburgh, PA 15219, (412) 281–9494. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Kardex Systems, Inc., of Marietta, OH, and J. S. McCormick Company and Western Mining Corporation, both of Pittsburgh, PA.

MC 156353, filed June 5, 1981. Applicant: BELL CREEK, INC., 720 W. Elkharn St., Arlington, NE 68002. Representative: James F. Crosby, 7363 Pacific St., Oak Park Office Bldg., Suite 210B, Omaha, NE 68114, (402) 397–0900. Transporting *food and related products*, between points in Finney County, KS, on the one hand, and, on the other, points in the U.S.

Volume No. OP1–176

Decided: June 11, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Member Fortier not participating.)

FF 500 (Sub-1), filed June 2, 1981. Applicant: SURF–AIR, INC., P.O. Box 6542, Atlanta, GA 30315. Representative: Fritz R. Kahn, 1660 L St., N.W., Suite 1100, Washington, D.C. 20036, (202) 452–7400. *As a freight forwarder* in connection with the transportation of

general commodities (except classes A and B explosives and household goods as defined by the Commission), between points in the U.S.

MC 15511 (Sub-32), filed June 1, 1981. Applicant: CARSTENSEN FREIGHT LINES, INC., Highway 30 West, P.O. Box 878, Clinton, IA 52832. Representative: Paul J. Maton, Ten South LaSalle St., Suite 1620, Chicago, IL 60603, (312) 332-0905. Transporting *general commodities* (except classes A and B explosives), between Beloit, WI, Vincennes, IN, St. Louis, Hannibal, and Canton, MO, points in IL, and those points in IA on and east of U.S. Hwy 169.

MC 52460 (Sub-332), filed June 5, 1981. Applicant: ELLEX TRANSPORTATION, INC., P.O. Box 9637, 1420 W. 35th St., Tulsa, OK 74107. Representative: Don E. Kruizinga (same address as applicant), (918) 446-4434. Transporting *food and related products*, between points in Finney and Lyon Counties, KS, and Potter County, TX, on the one hand, and, on the other, points in AZ, CA, CO, ID, MT, NV, NE, OR, UT, WA, and WY.

MC 60251 (Sub-15), filed June 3, 1981. Applicant: P & D TRANSPORTATION, INC., Connell Highway, Newport, RI 02840. Representative: Frederick T. O'Sullivan, P.O. Box 2184, Peabody, MA 01960, (617) 535-5430. Transporting *household goods*, between points in RI and CT, and those in Bristol and Plymouth Counties, MA, on the one hand, and, on the other, points in SC and OH.

MC 82841 (Sub-317), filed June 4, 1981. Applicant: HUNT TRANSPORTATION, INC., 10770 "T" Street, Omaha, NE 68127. Representative: William E. Christensen (same address as applicant), (402) 339-3003. Transporting *rubber and plastic products*, between points in Bibb County, GA, on the one hand, and, on the other, points in the U.S.

MC 95490 (Sub-56), filed June 1, 1981. Applicant: UNION CARTAGE COMPANY, INC., 37 Southwest Cutoff, Worcester, MA 01604. Representative: Edward J. Kiley, 1730 M St., N.W., Washington, DC 20036, (202) 296-2900. Transporting *general commodities* (except classes A and B explosives), between Syracuse, NY, on the one hand, and, on the other, points in Onondaga and Oswego Counties, NY.

MC 128750 (Sub-9), filed June 5, 1981. Applicant: RAMPLEY TRANSPORT, INC., P.O. Box 172, Augusta, IL 62311. Representative: Robert L. Cope, Suite 501, 1730 M St., N.W., Washington, DC 20036, (202) 296-2900. Transporting *commodities in bulk, food and related products, and farm products*, between points in IA, IL, KS, and MO, on the one hand, and, on the other, points in AR, IL, IN, IA, KS, KY, LA, MI, MN, MO, NE, OH, OK, TN, TX, and WI.

MC 134940 (Sub-10), filed June 5, 1981. Applicant: VERNON KUFAHL, d.b.a. KUFAHL TRUCKING, 4704 North 32nd Ave., Wausau, WI 54401. Representative: Michael J. Wyngaard, 150 East Gilman St., Madison, WI 53703, (608) 256-7444. Transporting *such commodities* as are dealt in or used by manufacturers, converters, printers and distributors of paper and paper products, between points in the U.S., under continuing contract(s) with Hennepin Paper Company, of Little Falls, MN.

MC 145311 (Sub-3), filed June 4, 1981. Applicant: ROADRUNNER TRANSPORTATION, INC., 8406 Mosley Road, Houston, TX 77075. Representative: William D. Lynch, 1003 West 6th Street, Austin, TX 78703. Transporting *those commodities which because of their size or weight require the use of special handling or equipment*, between points in TX, OK, NM, CO, LA, MS, AL, AR, AZ, KS, FL, GA, and TN.

MC 153820, filed June 8, 1981. Applicant: PURNELL BROTHERS TRANSPORT, LTD., 7631 Fullerton Rd., Springfield, VA 22153. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th St., N.W., Washington, DC 20004, (202) 737-1030. Transporting *furniture and fixtures*, between points in the U.S., under continuing contract(s) with (a) Bloomingdales of Kensington, MD, (b) The Bagby Furniture Company and G & S Fabricators, both of Baltimore, MD, (c) Custom Furnishing & Laminations, Inc., of Lorton, VA, (d) General Office Furniture Wholesalers of Arlington, VA, (e) M. S. Ginn Company of Hyattsville, MD, (f) Jim Jonah's Creative Woodcrafters, Ltd., of Rockville, MD, and (g) The Scandinavian Collection of Springfield, VA.

MC 155061 (Sub-1), filed June 1, 1981. Applicant: MARYVILLE-ALCOA TRANPORTATION SYSTEM, P.O. Box 378, Alcoa, TN 37801. Representative: Robert A. Abbott, Route 12, Box 203 Old Walland Highway, Maryville, TN 37801, (615) 983-4892. Transporting *general commodities* (except classes A and B explosives), between points in TN, on the one hand, and, on the other, points in AL, GA, FL, IA, KY, LA, MI, MO, NC, NY, OK, OH, PA, SC, TX, VA, and WI.

MC 156220, filed June 4, 1981. Applicant: G.T.S. TRANSPORT, INC., 1219 Cornwell Avenue, Cornwells Heights, PA 19020. Representative: Alan Kahn, 1430 Land Title Bldg., Philadelphia, PA 19110, (215) 561-1030. Transporting (1) *pulp, paper and related products*, and (2) *printed matter*, between those points in the U.S. in and east of WI, IL, KY, TN, and AL.

MC 156280, filed June 2, 1981. Applicant: SYLVIA TRUCK LINES, INC., 2006 N.W. 100th St., Miami, FL 33147. Representative: Gerard J. Donovan, 4791 S.W. 82nd Ave., Davie, FL 33328. Transporting *general commodities* (except classes A and B explosives), between Miami, West Palm Beach and Port Everglades, FL, on the one hand, and, on the other, points in FL.

Volume No. OPY-4-197

Decided: June 11, 1981.

By the Commission, Review Board No. 2. Members Carleton, Fisher, and Williams.

MC 143956 (Sub-28), filed June 4, 1981. Applicant: GARDNER TRUCKING CO., INC., P.O. Drawer 493, Walterboro, SC 29488. Representative: Steven W. Gardner, Suite 1631, 3400 Peachtree Rd., Atlanta, GA 30326, (404) 233-0001. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with the E. I. DuPont Nemours and Co, Inc., of Wilmington, DE.

MC 145646 (Sub-1), filed June 1, 1981. Applicant: NATHAN R. BEHNE, d.b.a. BEHNE TRUCK LINE, P.O. Box 307, Sherburn, MN 56171. Representative: John B. Van de North, Jr., 2200 First National Bank Bldg., St. Paul, MN 55101, (612) 291-1215. Transporting *metal and metal products, snowblowers, wood furnaces, wood splitters, plastic pipe, agricultural machinery and railway maintenance equipment*, between points in Martin, Faribault, Cottonwood and Blue Earth Counties, MN, on the one hand, and, on the other, points in the U.S.

MC 149026 (Sub-30), filed June 3, 1981. Applicant: TRANS-STATES LINES, INC., 6815 Jenny Lind, Fort Smith, AR 72903. Representative: Larry C. Price (same address as applicant), (501) 785-6177. Transporting *general commodities* (except classes A and B explosives), between points in Crawford County, AR, on the one hand, and, on the other, points in the U.S.

MC 151036 (Sub-3), filed June 4, 1981. Applicant: DECATUR TRANSIT, INC., 161 First Ave., NE, Decatur, AL 35601. Representative: Donald B. Sweeney, Jr., 512 Massey Bldg., Birmingham, AL 35203, (205) 254-3880. Transporting (1) *coal and coal products*, (2) *chemicals and related products*, and (3) *petroleum*, between points in Morgan and Jefferson Counties, AL.

MC 152566 (Sub-2), filed June 3, 1981. Applicant: ONEDIN LINE, INC., 6021 Bapst St., Toledo, OH 43615. Representative: Richard A. Eberlin, Jr. (same address as applicant), (419) 866-5950. Transporting (a) (1) *such commodities* as are dealt in or distributed by grocery and food business houses and home center stores, (2) *swimming pool, spa, and hot tub products*, (3) *cleaning and building maintenance materials and supplies*, and (4) *chemicals*, and (b) *food and related products*, between points in the U.S., (a) under continuing contract(s) with Purex Industries, Incorporated, of Carson, CA, and part (b) under continuing contract(s) with Hirzel Canning Company, Inc., of Northwood, OH.

MC 156336, filed June 5, 1981. Applicant: OSCEOLA WASTE MATERIALS, INC., P.O. Box 752 Industrial Dr., Osceola, AR 72370. Representative: Thomas B. Staley, 1550 Tower Bldg., Little Rock, AR 72201, (501) 375-9151. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. under continuing contract(s) with American Greetings Corporation, of Cleveland, OH.

Vol. No. OPY-4-198

Decided: June 11, 1981.

By the Commission, Review Board No. 2. Members Carleton, Fisher, and Williams.

MC 141086 (Sub-3), filed June 1, 1981. Applicant: BLUE LINE TRANSPORTATION COMPANY, INC., 10065 Alder St., Bloomington, CA 92316. Representative: Terry Michael (same address as applicant), (714) 877-5180. Transporting (1) *textile mill products*, (2) *paper and related products*, (3) *petroleum and related products*, (4) *clay, concrete, glass, plastic, and plumbing products*, and (5) *metal products*, between points in AZ, CA, NV, and UT.

MC 146616 (Sub-18), filed June 5, 1981. Applicant: B & H MOTOR FREIGHT, INC., 4724 W. 21st St., Tulsa, OK 74107. Representative: Fred Rahal, Jr., Suite 305, Reunion Center, 9 E. Fourth St., Tulsa, OK 74103, (918) 582-2842. Transporting *general commodities* (except classes A and B explosives) between points in the U.S., under continuing contract(s) with B & D Field Supply, Inc., of Bartlesville, OK and Del-Tex, Inc., of Claremore, OK.

MC 148576 (Sub-7), filed June 4, 1981. Applicant: DOTSON TRUCKING COMPANY, INC., 1220 Murphy Ave., SW., Atlanta, GA 30310. Representative: Brian S. Stern, North Springfield Professional Centre II, 5411-D Backlick Rd., Springfield, VA 22151, (903) 941-8200. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of (a) chemicals and related products, and (b) plastics and related products, between the facilities of DOW Chemical U.S.A., at points in the U.S., on the one hand, and, on the other points in the U.S.

MC 156216, filed May 29, 1981. Applicant: P & J ROBINSON & SON, 15190 Kendaville, Coral, MI 49322. Representative: Gregory G. Prasher, 700 Commerce Bldg., Grand Rapids, MI 49503, (616) 459-9487. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Indian Summer, Inc., of Belding, MI.

MC 156216 (Sub-1), filed May 29, 1981. Applicant: P & J ROBINSON & SON, 15190 Kendaville, Coral, MI 49322. Representative: Gregory G. Prasher, 700 Commerce Bldg., Grand Rapids, MI 49503, (616) 459-9487. Transporting *steel and related products*, between points in the U.S., under continuing contract(s) with R. J. Tower Corporation, of Greenville, MI.

Vol. No. OPY-4-202

Decided: June 12, 1981.

By the Commission, Review Board No. 2. Members Carleton, Fisher, and Williams.

MC 66886 (Sub-92), filed February 9, 1981, and previously noticed in the **Federal Register** issue of March 3, 1981, and republished this issue. Applicant: BELGER CARTAGE SERVICE, INC., 2100 Walnut St., Kansas City, MO 64108. Representative: Frank W. Taylor, Jr., 1221 Baltimore Ave., Suite 600, Kansas City, MO 64105, (816) 221-1464. Transporting *commodities* used by, in the development of, or in connection with energy systems, between points in the U.S.

Note.—The purpose of this republication is to correctly reflect the commodity description.

MC 99656 (Sub-5), filed February 10, 1981, and previously noticed in the **Federal Register** issue of March 9, 1981. Applicant: IDDINGS TRUCKING, INC., State Rt. 60, Box 388, Lowell, OH 45744. Representative: Michael Spurlock, 275 E. State St., Columbus, OH 43215, (614) 228-8575. Transporting (1)(a) *commodities in bulk*, (b) *pig iron* and (c) *scrap metal*, between points in Washington County, OH, on the one hand, and, on the other, points in OH, and (2) *general commodities* (except classes A and B explosives), between points in Noble, Morgan, Muskingum and Guernsey Counties, OH, on the one hand, and, on the other, points in OH.

Note.—The purpose of this republication is to correctly reflect the commodity description.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-18801 Filed 6-19-81, 8:45 am]

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[Volume No. 104]

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: June 17, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to applicant. Prior to beginning operations under the newly issued authority, compliance must be with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members, Sporn, Alspaugh, and Shaffer.

Agatha L. Mergenovich,

Secretary.

MC 2484 (Sub-59)X, filed May 21, 1981. Applicant: E & L TRANSPORT COMPANY, 23420 Ford Road, Dearborn Heights, MI 48127. Representative: Eugene C. Ewald, 100 West Long Lake Road, Suite 102, Bloomfield Hills, MI 48013. Applicant seeks to remove restrictions in its lead and Sub-Nos. 37, 40, 41, 45, 46, 50, 51, 52, 53, 54F and 55F certificates to (A) broaden the commodity descriptions to (1) "transportation equipment" from (a) automobiles, trucks, trailers bodies,

cabs, chassis, auto parts and accessories, new, used, damaged and rejected, unfinished, wrecked, buses, tires, tubes, flanges, automobile cushions, airplane parts, jigs, fixtures and layouts, used in the manufacture and assembly of airplanes and airplane parts and assemblies, automobile show equipment and paraphernalia, commercial automobile vehicles, in the lead and Sub-No. 40, (b) automobiles, in Sub-Nos. 45 and 46, (c) new motor vehicles, in Sub-No. 53, and (d) electric motor vehicles, in Sub-No. 55F, and (2) "machinery" from farm and garden tractors, parts accessories and equipment, in the lead and Sub-Nos. 37 and 41; (B) in its lead and Sub-Nos. 40, 45, 46, 50, 51, 52, 53, 54F, and 55F, remove the initial or secondary movement, truckaway and driveaway service restrictions; (C) in the lead and Sub-No. 50, 51, 52, and 54F, remove the restriction prohibiting the transportation of specified commodities; (D) remove the AK and HI restriction, in the lead at sheet Nos. 3, 5 and 10, and Sub-Nos. 50 51, 52, 54F and 55F; (E) remove tacking restriction, in the lead certificate at sheet No. 4; (F) remove the restriction limiting service to the transportation of traffic moving from or originating at named facilities, in Sub-Nos. 50, 51, 52, 53, and 54F; (G) replace facilities of city-wide authority with county-wide authority: (1) Louisville, KY, with Jefferson County, KY, Robertson, MO with St. Louis County, MO, Buffalo, NY with Erie County, NY, Dearborn, MI, with Wayne County, MI, Willow Run, MI, with Washtenaw County, MI and Highland Park, MI, with Wayne County, MI, in the lead certificate; (2) Glenfield, PA with Allegheny County, PA, in Sub-No. 37; (3) Louisville, KY, with Jefferson County, KY, Moffett, OK, Sequoyah County, OK, and Texarkana, TX, with Bowie County, TX, in Sub-No. 40; (4) Ionia, MI with Konia County, MI, in Sub-Nos. 45 and 46; (5) Wixom, MI, with Oakland County, MI, in Sub-No. 50; (6) Dearborn, MI, with Wayne County, MI, in Sub-No. 51; (7) Lorain, OH, with Lorain County, OH, in Sub-No 52; and (8) Buffalo, NY, with Erie County, NY, in Sub-No. 53; and (H) authorize radial authority to replace existing one-way service between various combinations of points throughout the U.S.

MC 73165 (Sub-547)X, filed May 15, 1981. Applicant: EAGLE MOTOR LINES, INC., 1945 So. Redwood Rd., Salt Lake City, UT 84104. Representative: Roger E. Crum (same as applicant). Applicant seeks to remove restrictions from its Sub-Nos. 102, 155, 167, 169, 170, 174, 180, 182, 183, 186, 187, 188, 193, 196, 199, 206, 207, 208, 214, 216, 217, 219, 221, 223, 224, 226, 228, 234, 235, 237, 239, 245, 246, 250, 252, 254, 255, 259, 261, 262, 263, 264, 265, 268, 269, 272, 273, 276, 278, 279, 280, 281, 282, 283, 284, 285, 289, 294, 295, 296, 299, 300, 301, 303, 304, 306, 307, 313, 317, 319, 320, 321, 322, 323, 324, 326, 328, 332, 335, 336, 338, 341, 342G, 345, 348, 349, 354, 355, 357, 358, 359, 360, 361, 362, 363, 364, 365, and 368 certificates as follows: In Sub-No. 102, Paragraph 1: broaden the commodity description from commodities, the transportation of which, because of size or weight, requires special equipment, iron and steel and iron and steel articles, to "commodities, the transportation of which, because of their size or weight, require the use of special equipment or handling, and metal products"; Paragraph 2: broaden the commodity description from cotton gin machinery and cotton gin machinery parts, to "machinery and supplies"; Paragraph 3: broaden the commodity description from Veneer mill lathes, to "machinery and supplies"; Paragraph 4: broaden the commodity description from clay products, to "clay, concrete, glass or stone products"; Paragraph 5: broaden the commodity description from lowboy trailers, in truckaway service, initial movements, to "transportation equipment"; Paragraph 6: broaden the commodity description from farm tractors and farm implements, to "self-propelled vehicles, and machinery and supplies"; Paragraph 7: broaden the commodity description from fresh vegetables, to "food and related products"; replace city-wide authority with county-wide authority as follows: Birmingham, AL, with Jefferson County wherever it appears in Sub-No. 102, Bonham and Denison with Fannin and Grayson Counties, TX, and Cordova with Walker County, AL; in Sub-No. 155: Paragraph 1: broaden the commodity description from cast iron pressure pipe and cast iron soil pipe, to "metal products"; Paragraph 2: broaden the commodity description from road building machinery and contractors' equipment which because of size or weight, requires the use of special equipment, to "machinery and supplies, contractors' equipment, and commodities, the transportation of which, because of their size or weight, require the use of special equipment or handling"; replace city-wide authority with county-wide authority as follows: Birmingham, Eolt, Gadsden, Anniston, and Talladega, AL, with Jefferson, Tuscaloosa, Etowah, Calhoun and Talladega Counties, AL; Peoria, Pekin, and Joliet, IL, with Peoria, Tazewell and Will Counties, IL; Detroit, MI, with Wayne County, MI; Marion, OH, with Waupaca County, OH; Milwaukee, WI with Milwaukee County, WI; Cedar Rapids and Waverly, IA, with Linn and Bremer Counties, IA; in its Sub-No. 167, regular route certificate, broaden the commodity description from general commodities, (with the usual exceptions) to "general commodities, (except Classes A and B explosives)"; and authorize service at all intermediate points on its regular route between Picayune, MS, and New Orleans, LA; in Sub-No. 169, broaden the commodity description from petroleum products, in containers, to "petroleum products"; remove the restriction against the transportation of petroleum products in collapsible C & S containers, such as sealdtanks and sealddrums; replace city-wide authority Good Hope, LA, with county-wide authority in St. Charles Parish, LA; in Sub-No. 170, broaden the commodity description from salt, except in bulk, and animal and poultry mineral feed mixtures and pepper, except in bulk, when moving in mixed shipments with salt, to "salt and food and related products, and animal and poultry mineral feed mixtures; remove (except in bulk); replace city-wide authority Hutchinson, KS, with county-wide authority in Reno County, KS; in Sub-No. 174, Paragraph 1: broaden the commodity description from self-propelled articles, each weighing 15,000 pounds or more, and related machinery, tools, parts and supplies, moving in connection therewith, to "self-propelled vehicles, machinery and supplies, and transportation equipment", Paragraph 2: broaden the commodity description from such self-propelled articles, each weighing 15,000 pounds or more, which may be included in road building machinery and contractors' equipment, and related machinery, tools, parts and supplies moving in connection therewith to "self-propelled vehicles, machinery and supplies, and transportation equipment"; Paragraph 3: broaden the commodity description from such self-propelled articles, each weighing 15,000 pounds or more, which may be included in mining, excavating, construction, roadbuilding, and contractors' machinery, and related machinery, tools, parts and supplies moving in connection therewith, to "self-Propelled vehicles, machinery and supplies, and transportation equipment"; in the three paragraphs above remove the restriction which restricts service to commodities which are transported on trailers; and replace city-wide authority with county-wide authority as follows: Birmingham, AL, with Jefferson County, AL; Joplin, MO, with Jasper County, MO, Stuttgart, AR, with Arkansas County,

AR; Dubuque, IA with Russell County, IA; Sikeston, MO, with Scott County, MO; Memphis, TN with Shelby County, TN; West Memphis, AR, with Crittenden County, AR; Peoria, Pekin, and Joliet, IL, with Peoria, Tazewell and Will Counties, IL, Detroit, MI, with Wayne County, MI, Marion, OH, with Marion County, OH, Milwaukee, WI, with Milwaukee County, WI, Cedar Rapids and Waverly, IA, with Linn and Bremer Counties, IA; in Sub-No. 180, broaden the commodity description from pipe, and pipe connections, pipe couplings and pipe

fittings, when moving in connection therewith (except pipe, pipe connections, pipe couplings and pipe fittings, used in or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum and their products and by-products), to "metal products and rubber and plastic products"; remove all exceptions to the above described commodities; and replace city-wide authority in Lonestar and Bond, TX, with county-wide authority in Morris County, TX; in Sub-No. 182, broaden the commodity description from urea, in bulk, to "chemicals and related products"; remove the (in bulk) restriction; replace city-wide authority in Memphis and Woodstock, TN, with county-wide authority in Shelby County, TN; in Sub-No. 183, broaden the commodity description from iron and steel and iron and steel articles, as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, to "metal products"; replace city-wide authority in Birmingham, AL, Atlanta, GA, and Brunswick, GA, with county-wide authority in Jefferson County, AL and Fulton and Brunswick Counties, GA; in Sub-No. 186, broaden the commodity description from iron and steel articles, as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, to "metal products"; remove the (except commodities which because of size or weight require special equipment) restriction; replace a plant-site in Boyd County, KY, with county-wide authority in Boyd County, KY; in Sub-No. 187, broaden the commodity description from cast iron pipe, pipe, pipe fittings, pipe valves, and fire hydrants, to "metal products" replace city-wide authority in Coshocton, OH, with county-wide authority in Coshocton County, OH; in Sub-No. 188, broaden the commodity description from tractors to "machinery and supplies, and transportation equipment"; remove the (except truck tractors) restriction; and remove the restriction against the transportation of commodities, which because of their size or weight, require the use of special equipment or handling; in Sub-No. 193, broaden the commodity description from cast iron pipe and fittings, to "metal products"; replace plantsite authority at Bensenville, IL with county-wide authority in DuPage County, IL; in Sub-No. 196, Paragraph 1: broaden the commodity description from pipe and pipe fittings, cast iron meter boxes, manhole frames, and manhole covers, to "metal products"; remove the restrictions (except those which because of size or weight, require the use of special equipment) and (except pipe and pipe fittings such as are included in the first findings of the Commission in *Mercer Extension-Oil Field Commodities*, 74 M.C.C. 459, 543); replace city-wide authority in Swan, TX, with county-wide authority in Smith County, TX; Paragraph 2: broaden the commodity description from wallboard, to "building materials and lumber and wood products" replace city-wide authority in Diboll, TX, with county-wide authority in Angelina County, TX; in Sub-No. 199, Paragraph 1: replace city-wide authority in Joplin, MO, Stuttgart, AR, and Dubuque, IA, with county-wide authority in Jasper County, MO, Arkansas County, AR, and Dubuque County, IA; Paragraph 2: broaden the commodity description from machinery, contractors' equipment other than oil field equipment, structural steel, and iron or steel pipe which because of size or weight require the use of special equipment, to "machinery and supplies, contractors' equipment, metal products and commodities, the transportation of which, because of their size or weight, require the use of special equipment or handling; and remove the restriction (other than oil field equipment); Paragraph 3: broaden the commodity description from asphalt, in barrels, to "petroleum products"; remove the (in barrels) restriction; and replace city-wide authority in Stroud, OK with county-wide authority in Lincoln County, OK; Paragraph 4: broaden the commodity description from concrete pipe, to "clay, concrete, glass or stone products"; and replace city-wide authority in Oklahoma County, OK; Paragraph 5: broaden the commodity description from reinforcing and structural steel, to "metal products"; replace city-wide authority in Sand Springs, OK, with county-wide authority in Tulsa County, OK; Paragraph 6: replace replace city-wide authority in McAlester and Oklahoma City, OK, with county-wide authority in Pittsburg and Oklahoma Counties, OK; Paragraph 7: broaden the commodity description from road and contractors' equipment and machinery, to "road and contractors' equipment, and machinery and supplies"; Paragraph 8: broaden the commodity description from commodities the transportation of which because of size or weight, require the use of special equipment, to "commodities, the transportation of which, because of their size or weight, require the use of special equipment or handling"; remove the (except pipe, pipeline materials, machinery, equipment, and supplies incidental to and used in connection with the construction, dismantling and repair of pipe lines) restriction; and replace city-wide authority in Sikeston, MO, with county-wide authority in Scott County, MO; Paragraph 9: broaden the commodity description from machinery to "machinery and supplies, and self-propelled vehicles"; replace city-wide authority in Peoria, IL, with county-wide authority in Peoria County, IL; Paragraph 10: broaden the commodity description from commodities (except pipe, pipeline material, machinery, equipment and supplies incidental to and used in connection with the construction, dismantling and repairing of pipelines) and (except buildings prefabricated or in sections), the transportation of which because of size or weight, require the use of special equipment, to "commodities, the transportation of which, because of their size or weight, require the use of special equipment or handling"; replace city-wide authority in Memphis, TN, and West Memphis, AR, with county-wide authority in Shelby County, TN, and Crittenden County, AR; Paragraph 11: broaden the commodity description from commodities, the transportation of which, by reason of size or weight, requires the use of special equipment to "commodities, the transportation of which, because of their size or weight, require the use of special equipment or handling"; remove the (except machinery, equipment, materials and supplies used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines) restriction; replace city-wide authority Sikeston, MO with county-wide authority in Scott County, MO; Paragraph 12: broaden the commodity description from road and bridge building machinery and materials, to "machinery and supplies, and self-propelled vehicles"; and replace city-wide authority Warren, AR, with county-wide authority in Bradley

County, AR; Paragraph 13: broaden the commodity description from tile and clay products, to "clay, concrete, glass or stone products"; replace city-wide authority Texarkana, TX, with county-wide authority in Bowie County, TX; Paragraph 14: broaden the commodity description from cresoted lumber, timber and poles, to "building materials, and lumber and wood products"; replace city-wide authority Texarkana, TX, with county-wide authority in Bowie County, TX; Paragraph 15: broaden the commodity description from farm machinery, to "machinery and supplies, and self-propelled vehicles"; replace city-wide authority Texarkana, TX, with county-wide authority in Bowie County, TX; Paragraph 16: replace ranches and farms with county-wide authority in Bowie and Cass Counties, TX; Paragraph 17: broaden the commodity description from lumber, timber, and poles, untreated, to "lumber and wood products"; replace city-wide authority Texarkana, TX, with county-wide authority in Bowie County, TX; Paragraph 18: replace city-wide authority with county-wide authority in Bowie County, TX; Paragraph 19: broaden the commodity description from mining, excavating, construction and road building, contractors' machinery, equipment and supplies, which by reason of size or weight require special equipment, to "machinery and supplies, and self-propelled vehicles"; in Sub-No. 206, Paragraph 1: broaden the commodity description from trailers, semi-trailers, and trailer chassis and semi-trailer chassis in initial or secondary movements, in truckaway service, to "transportation equipment and self-propelled vehicles"; remove (except those designed to be drawn by passenger automobiles); replace city-wide authority Birmingham and Haleyville, AL and Collins, MS, with county-wide authority in Jefferson and Winston Counties, AL and St. Clair County, MS; and remove "excluding HI"; Paragraph 2: broaden the commodity description from trailers, semi-trailers, and trailers chassis and semi-trailer chassis in secondary movements, in truckaway service, to "trailers, semi-trailers, and trailer chassis and semi-trailer chassis"; removing (except those designed to be drawn by passenger automobiles); and remove "excluding HI"; in Sub-No. 207, broaden the commodity description from iron and steel and iron and steel articles as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, "metal products"; remove (except those commodities the transportation of which because of size or weight require the use of special equipment); in Sub-No. 208, broaden the commodity description from iron and steel, and iron and steel articles to "metal products"; remove (except commodities which because of size or weight require the use of special equipment); in Sub-No. 214, broaden the commodity description from aluminum sheets, plates, coils and tubing, to "metal products and waste or scrap materials"; replace the plant-site at Scottsboro, AL, with county-wide authority in Jackson County, AL; in Sub-No. 216, broaden the commodity description from iron and steel articles, (except those the transportation of which, by reason of size or weight, require the use of special equipment), to "metal products"; replace the plant-site at Harriman, TN, with county-wide authority in Loane County, TN; in Sub-No. 217, broaden the commodity description from wallboard, to "building materials, and lumber and wood products"; replace city-wide authority Diboll, TX, and Jacksonville, FL, with county-wide authority in Angelina County, TX and Duvall County, FL; in Sub-No. 219, broaden the commodity description from building, wall or insulating boards, and materials and supplies used in the installation of buildings, wall or insulating boards, to "building materials, and lumber or wood products"; replace the plant-site at Macon, GA, with county-wide authority in Bibb County, GA; in Sub-No. 221, broaden the commodity description from pipe, conduit, tubing and fittings and connections to "building materials and metal products"; remove (except materials, equipment and supplies used in or in connection with the discovery, development, production, refining, manufacturing, processing, storage, transmission and distribution of natural gas and petroleum and their products and by-products); replace city-wide authority Fairbury, IL, with county-wide authority in Livingston County, IL; in Sub-No. 223, Paragraph 1: broaden the commodity description from plumbing materials and supplies, (except those requiring special equipment), to "building materials, metal products and lumber and wood products"; replace city-wide authority Swan, TX, with county-wide authority in Smith County, TX; Paragraph 2: broaden the commodity description from plumbing materials and supplies and scrap metal (except those requiring special equipment), to "commodities, the transportation of which, because of their size or weight, require the use of special handling or equipment"; replace city/wide authority Swan, TX, with county-wide authority in Smith County, TX; Paragraph 3: broaden the commodity description from iron and steel articles, as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, (except those requiring special equipment), to "metal products and commodities, the transportation of which, because of their size or weight, require the use of special equipment or handling"; in Sub-No. 224, broaden the commodity description from iron and steel articles, and materials, equipment and supplies used in manufacture and processing of iron and steel articles, to "metal products"; remove the plant-site at Putnam County, IL and replace with Putnam County, IL and remove the restriction against "commodities in bulk"; in Sub-No. 226, broaden the commodity description from pipe and pipe fittings, cast iron meter boxes, manhole frames and manhole covers, to "metal products"; remove (except those which because of size or weight require the use of special equipment) and (except pipe and pipe fittings such as are included in the first findings of the Commission in *Mercer-Extension-Oil Field Commodities*, 74 M.C.C. 459 and 543); replace city-wide authority Swan, TX, with county-wide authority in Smith County, TX; in Sub-No. 228 broaden the commodity description from lift trucks and lift truck attachments, to "machinery and supplies"; remove (except commodities, the transportation of which, because of size or weight, requires the use special equipment; replace the plant-site at West Memphis, AR, with county-wide authority in Crittenden County, AR; in Sub-No. 234, broaden the commodity description from glass containers, caps, covers, stoppers, and tops for glass containers, to "clay, concrete, glass or stone products"; remove plantsite restriction in Rankin County, MS; in Sub-No. 235, broaden the commodity description from petroleum products, to "petroleum products, and chemicals and related products"; replace city-wide authority Rogerslacy, MS, with county-wide authority in Jones County, MS; in Sub-No. 237, broaden the commodity description from wallboard, to "building materials, and lumber and wood products"; replace plantsite authority at Dioll, TX, with county-wide authority in Angelina County, TX; in Sub-No. 239, broaden the commodity description from (1) material handling equipment, winches, compaction and road-making equipment, rollers, mobile cranes and highway freight trailers, and (2) parts, attachments and accessories of the commodities described in (1) above, to "machinery and supplies, and

transportation equipment"; and replace the plantsite at Danville, Kewanee, and Peoria, IL, with county-wide authority in Vermilion, Henry and Peoria Counties, IL; in Sub-No. 245, broaden the commodity description from materials and supplies used in the manufacture and processing of paper and paper products to "lumber and wood products" remove the (except commodities in bulk) restriction; replace the plantsites at Wickliffe, KY, with county-wide authority in Ballard County, KY; in Sub-Nos. 246 and 250, broaden the commodity descriptions from iron and steel articles and, steel articles to "metal products"; remove (except such commodities described in *Mercer Extension—Oil Field Commodities*, 74 M.C.C. 459 and 543); and replace the plantsite at Tyler, TX, with county-wide authority in Smith County, TX; in Sub-No. 252, and 255, broaden the commodity description from materials and supplies used in the agricultural, water treatment, food processing, wholesale grocery, and institutional supply industries"; in mixed loads with salt and salt products (otherwise authorized), to "materials, equipment and supplies used in the agricultural, water treatment, food processing, wholesale grocery, and institutional supply industries"; remove "in mixed loads with salt and salt products (otherwise authorized)"; replace the plantsite at Weeks Island, LA, with Parish-wide authority in Iberia Parish, LA; in Sub-No. 254, broaden the commodity description from electrical conduit and fittings and attachments therefor; and conduit and pipe and fittings and attachments for conduit and pipe, to "metal products"; remove (except commodities which because of size or weight require the use of special equipment) from the commodity description; and replace city-wide authority Glendale, WV with county-wide authority in Fayette County, WV; in Sub-No. 259, broaden the commodity description from roofing and roofing materials, to "building materials, and lumber and wood products"; in Sub-No. 261, remove the (except commodities in bulk) restriction from the description fero-alloys, silicon and manganese metal, chrome and manganese ore, and lithium chemicals; replace the plantsite at New Johnsonville, TN with Humphreys County, TN and remove the "originating at or destined to" restriction; in Sub-No. 262, remove the "except commodities in bulk" restriction from the description wire crates and wire cases, and materials, supplies, and equipment; in Sub-No. 263, broaden the commodity description from pipe and pipe fittings, cast iron meter boxes, manhole frames, and manhole covers to "metal products"; remove (except those which because of size or weight require the use of special equipment) and (except pipe and pipe fittings such as are included in the first findings of the Commission in *Mercer Extension—Oilfield Commodities*, 74 M.C.C. 459 and 543); and replace the plantsite at Tyler, TX, with county-wide authority in Smith County, TX; in Sub-No. 264, broaden the commodity description from (1) material handling equipment, (2) machinery and equipment used in the wood products and forestry industries, and (3) parts, attachments and accessories for the commodities described in (1) and (2) above, to "machinery, equipment and supplies"; replace city-wide authority Talladega, AL, Springfield, IL, Brownwood and Pampa, TX, Milwaukee and Wausau, WI, Exeter and Lansdale, PA, Minneapolis, MN, Gardena and Pomona, CA, Delaware, Canton, and Akron, OH, Nashville, TN, Wayne, MI, Hialeah, FL, Birmingham, AL, with county-wide authority in Talladega Counties, AL, Sangamon County, IL, Orange and Gray Counties, TX, Milwaukee and Marathon Counties, WI, Philadelphia, Luzerne and Montgomery Counties, PA, Hennepin and Ramsey Counties, MN, Los Angeles County, CA, Delaware, Stark and Summit Counties, OH, Fulton County, GA, Davidson County, TN, Wayne County, MI, and Dade County, FL; in Sub-No. 265, broaden the commodity description from cement asbestos pipe and plastic pipe to "cement asbestos products, and rubber and plastic products"; replace the plantsite at Van Buren, AR with county-wide authority in Crawford County, AR; in Sub-No. 268, broaden the commodity description from glass or glass products to "clay, concrete, glass or stone products"; replace city-wide Mineral Wells, MS, and Memphis, TN, with county-wide authority in DeSoto County, MS and Shelby County, TN; in Sub-No. 269, broaden the commodity description from materials handling equipment and parts, attachments, accessories, and propelling vehicles for materials handling equipment, to "machinery and supplies, and self-propelled vehicles"; replace the plantsite at West Memphis, AR, with county-wide authority in Crittenden County, AR; and remove "AK and HI" exception; in Sub-No. 272, broaden the commodity description from iron and steel articles, as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, to "metal products" remove (except iron and steel buildings, complete, knocked down, or in sections); and replace city-wide authority Bridgeton, NJ, with county-wide authority in Cumberland County, NJ; in Sub-No. 273, broaden the commodity description from plastic pipe to "rubber and plastic products"; replace the plant site at Fort Smith, AR with county-wide authority in Sebastian County, AR; in Sub-No. 276, broaden the commodity description from cast iron and brass valves and components and cast iron fire hydrants, to "metal products"; replace city-wide Birmingham, AL, authority with county-wide authority in Jefferson County, AL; in Sub-No. 278, broaden the commodity description from iron and steel articles, valves, hydrants and gaskets, to "metal products" replace city-wide authority Birmingham and Gadsden, AL, with county-wide authority in Jefferson and Etowah Counties, AL; and remove "except commodities which because of size or weight require the use of special equipment"; in Sub-No. 279, broaden the commodity description from iron and steel articles to "metal products"; in Sub-No. 280, broaden the commodity description from cotton gin machinery, and parts and accessories for cotton gin machinery to "machinery and supplies"; remove the (except in bulk restriction); in Sub-No. 281, broaden the commodity description from iron and steel articles, and scrap iron and steel articles, to "metal products and waste or scrap materials"; remove the "AK and HI" exceptions; and replace the plant-site at Newport, AR, with county-wide authority in Jackson County, AR; in Sub-No. 282, broaden the commodity description from iron and steel articles, to "metal products"; replace the plant-site at Martins Ferry, OH, and Greenville, MS, with county-wide authority in Belmont County, OH, Washington County, MS, and Brooke, Cabell and Wayne Counties, WV; in Sub-No. 283, broaden the commodity description from pipe, pipe fittings, cast iron meter boxes, manhole frames, and manhole covers, to "metal products"; and replace the plant-site at Swan, TX with county-wide authority in Smith County, TX; in Sub-No. 284, remove the "except in bulk" restriction from the description machinery, equipment, materials, and supplies; replace the facilities limitation at Anniston, AL, Pelham, AL, Holt, AL, Tarrant, AL, Birmingham, Oneonta, Helena, and Winfield, AL, with county-wide authority in Calhoun, Tuscaloosa, Jefferson, Blount, Shelby and Marion Counties, AL; and remove the "AK and HI" exceptions; in Sub-No. 285, broaden the commodity description from wool, cotton, paper and synthetic fabric to

"textile mill products"; replace city-wide authority Florence, AL and Columbus, MS, with county-wide authority in Lauderdale County, AL and Lowndes County, MS; in Sub-No. 289, broaden the commodity description from (1) heat exchangers and equalizers for air, gas or liquids, (2) machinery and equipment for heating, cooling, conditioning, humidifying, dehumidifying and moving of air, gas or liquids, and (3) parts, attachments and accessories for use in the installation or operations of the above-named items, to "equipment for heating, cooling, humidifying, dehumidifying, or moving of air, gas or liquids"; replace a plant-site in Warren County, KY, with county-wide authority in Warren County, KY; and remove the "AK and HI" exceptions; in Sub-No. 294, broaden the commodity description from (1) conveyor idlers, (2) conveyor stands, (3) conveyor terminals, and (4) parts for the commodities described in (1), (2) and (3) above to "machinery and supplies"; replace the plant-site at Salyersville, KY with county-wide authority in Magoffin County, KY; remove the "AK and HI" exceptions; in Sub-No. 295 and 296, broaden the commodity description from particleboard and wallboard to "lumber and wood products and building materials"; replace a facilities limitation at Diboll, TX, and city/wide authority at Sibell, TX, with county-wide authority in Angelina County, TX; remove the "AK and HI" exceptions; in Sub-No. 299, broaden the commodity description from (1) fire hydrants, (2) valves, iron and brass, and (3) pipe to "metal products"; replace the facilities limitation at Oskabosa, IA, with county-wide authority in Mahaska County, IA; in Sub-No. 300, broaden the commodity description from aluminum articles, to "metal products"; replace the plant-site at Birmingham, AL, with county-wide authority in Jefferson County, AL; in Sub-No. 301, broaden the commodity description from (1) equipment, materials and supplies used in the manufacture of mobile homes, (2) material handling equipment, and equipment, materials and supplies used in the manufacture of material handling equipment, and (3) parts, attachments, and accessories used in connection with the commodities described in (1) and (2) above, the "(1) equipment, materials and supplies used in the manufacture of mobile homes, (2) machinery and supplies, and (3) parts, attachments and accessories used in connection with the commodities described in (1) and (2) above"; remove the "AK and HI" exception; remove the restriction against the transportation of commodities in bulk; and replace city-wide authority in Winfield, AL, with county-wide authority in Marion County, AL; in Sub-No. 303, broaden the commodity description from plastic pipe and plastic tubing, to "rubber and plastic products"; replace the plant-site at Houston, TX with city-wide authority in Houston, TX; in Sub-No. 304, broaden the commodity description from material handling equipment, and parts, attachments and accessories used in connection therewith, to "machinery and supplies"; replace city-wide Pelham, AL, and Dubuque, IA, authority with county-wide authority in Shelby County, AL and Dubuque County, IA; remove the "AK and HI" exception; in Sub-Nos. 306 and 307, broaden the commodity description from pipe, tubing and fittings, to "metal products"; replace city-wide Gilmer, TX, authority with county-wide authority in Upshur County, TX; remove the "AK and HI" exceptions; in Sub-No. 313, broaden the commodity description from plastic pipe and hydrants, valves, fittings, couplings, and materials and supplies used in the installation thereof, to "rubber and plastic products"; replace the facilities limitation at Buckhannon, WV, with county-wide authority in Upshur County, WV; in Sub-No. 317, broaden the commodity description from particleboard, to "lumber and wood products and building materials"; replace the facilities limitation at Thomson, GA, with county-wide authority in McDuffie County, GA; in Sub-No. 319, broaden the commodity description from clay and clay products to "clay, concrete, glass or stone products"; remove the (except commodities in bulk), restriction and the "AK and HI" exceptions; remove the restriction against the transportation of shipments destined to facilities at St. Louis, MO; in Sub-No. 320, broaden the commodity description from self-propelled construction equipment weighing 15,000 pounds or more, and parts and attachments for such commodities, to "self-propelled vehicles"; replace city-wide Chattanooga, TN, authority with county-wide authority in Hamilton County, TN; in Sub-No. 321, broaden the commodity description from (1) material handling equipment and compactors, (2) materials, machinery, equipment, parts, attachments, accessories and supplies, for material handling equipment and compactors, and (3) commodities used in the manufacture, installation and distribution of the commodities named in (1) and (2) above, to "machinery and supplies"; replace the plant-site at Enterprise, AL, Exeter, PA, and Minden, LA, with county-wide authority in Coffee County, AL, Luzerne County, PA and Webster Parish, LA; remove the (except commodities in bulk) restriction; and remove the "HI" exception; in Sub-No. 322, broaden the commodity description from the pipe, pipe fittings, meter boxes, manhole frames, and manhole covers, to "metal products"; replace the plant-site at Tyler, TX with county-wide authority in Smith County, TX; in Sub-No. 323, broaden the commodity description from (1) material handling equipment, winches, compaction and road making equipment, rollers, mobile cranes and highway freight trailers, and (2) parts, attachments and accessories for the commodities named in (1) above, to "machinery and supplies, and transportation equipment"; and replace the plant-site at Danville, Peoria, and Kewanee, IL, and Crawfordsville, IN, with county-wide authority in Vermilion, Peoria and Henry Counties, IL, and Montgomery County, IN; in Sub-No. 324, broaden the commodity description from (1) material handling equipment, compactors, and parts and accessories for the foregoing commodities, and (2) equipment, materials and supplies used in the manufacture of the commodities set forth in (1) above, to "machinery and supplies"; remove the (except forklifts), and (except commodities in bulk) restrictions; replace the city-wide Newark, OH, authority with county-wide authority in Licking County, OH; and remove the "HI" exceptions; in Sub-No. 326, broaden the commodity description from (1) aluminum, aluminum articles and aluminum products, and (2) materials, equipment and supplies used in the manufacture of the commodities described in (1) to "metal products"; and remove the (except commodities in bulk) restriction; in Sub-No. 328, broaden the commodity description from plastic conduit and iron fittings and connections, valves, hydrants, and gaskets to "rubber and plastic products, and metal products"; remove the (except Oil Field Commodities, as described in *Mercer Extension—Oil Field Commodities*, 74 M.C.C. 459) restriction; replace the facilities limitation at Columbia, MO, with county-wide authority in Boone County, MO; and remove the "AK and HI" exceptions; in Sub-No. 332, broaden the commodity description from iron and steel articles, to "metal products"; replace the plant-site at Lackawanna, NY, with county-wide authority in Erie County, NY; in Sub-No. 335, broaden the commodity description from prefabricated building materials, components and accessories, to

"building materials and supplies"; replace the facilities limitation at Jackson, MS, with county-wide authority in Hinds County, MS; and remove the "AK, HI, and MS" exceptions; in Sub-No. 336, Paragraph 1: broaden the commodity description from steel tubing, to "metal products"; Paragraph 2: broaden the commodity description from custom-fabricated stainless steel processing equipment which by reason of size or weight, require the use of special equipment, to "commodities, the transportation of which, because of their size or weight, require the use of special equipment or handling"; Paragraph 3: broaden the commodity description from structural steel and custom steel parts and machinery, to "metal products and machinery and supplies"; Paragraph 4: broaden the commodity description from steel forms, to "metal products"; and in each of the four paragraphs replace facilities limitations at Milwaukee, WI, with county-wide authority in Milwaukee County, WI; in Sub-No. 338, broaden the commodity description from (1) cast iron and brass valves, cast iron pressure pipe, fire hydrants and fire hydrant sections, and (2) components, parts, attachments, accessories and supplies used in connection with the commodities described in (1) above, to "metal products"; replace the facilities limitation at Albertville, AL, with county-wide authority in Marshall County, AL; and remove the "AL, AK, and HI" exceptions; in Sub-No. 341, broaden the commodity description from (1) electrical switches, electrical bus bar systems, and electrical iron and steel hardware, (2) electrical parts, attachments and accessories, and (3) materials, components and supplies used in connection with the commodities described in (1) and (2) above, to "electrical equipment and supplies"; remove the (except commodities in bulk) restriction; replace the plant-site at Selmer, TN, with county-wide authority in McNairy County, TN; and remove the "TN, AK and HI" exceptions; in Sub-No. 342G, (A) broaden the commodity description (1) from contractors' outfits equipment and road building machinery, which because of size or weight require the use of special equipment, or consisting of self-propelled articles each weighing 15,000 pounds or more, and related machinery, tools, parts and supplies moving in connection therewith, as may be included in material handling equipment and parts, and attachments and accessories for material handling equipment, to "commodities, the transportation of which, because of their size or weight, require the use of special equipment or handling, machinery and supplies, and self-propelled vehicles; in paragraphs 59, 66, and 48; (2) from machinery consisting of contractors' outfits and equipments, road and bridge building machinery, which by reason of size or weight require the use of special equipment, commodities the transportation of which, because of size or weight, require the use of special equipment (with exceptions), and self-propelled articles, each weighing 15,000 pounds or more and related machinery, tools, parts and supplies moving in connection therewith to "commodities, the transportation of which, because of their size or weight, require the use of special equipment or handling, and machinery and supplies", in paragraphs 18, 19, 21, 22, 23, 24, 35, 45, and 46; (3) from contractors' outfits and equipment, road and bridge building machinery, oil field equipment and supplies, material handling equipment, winches, compaction and road making equipment, rollers, mobile cranes and highway freight trailers and related products and self-propelled articles, each weighing 15,000 pounds or more, to "commodities, the transportation of which, because of their size or weight, require the use of special equipment or handling, machinery and supplies, self-propelled vehicles, and transportation equipment, in paragraphs 1, 2, 6, 10, 11, 14, 16, 20, 28, 29, 30, 31, 32, 34, 36, 38, 39, 40, 42, 43, 44, 52, 55, 56, 57, 63, 65, 68, 69, 70, 71, and 73; (4) from machinery, contractors' equipment, structural steel and pipe, the transportation of which, because of size or weight, requires the use of special equipment to "commodities, the transportation of which, because of their size or weight, requires the use of special equipment or handling, machinery and supplies, self-propelled vehicles, transportation equipment and metal products" in paragraphs 3, 8, and 17; (5) from machinery, contractors' equipment, structural steel, iron or steel pipe, which because of size or weight requires the use of special equipment, and machinery, supplies and equipment incidental to or used in the construction, development, operations, and maintenance of facilities for the discovery, mining and milling of lead, zinc, coal, and other minerals, and commodities, which because of size or weight, require the use of special equipment or special handling, to "commodities, the transportation of which, because of their size or weight, require the use of special equipment or handling, machinery and supplies, transportation equipment, and metal products" in paragraphs 4, 13, and 15; (6) from mining, excavating, construction, road and bridge building, contractors' machinery, equipment and supplies, and oil field equipment and supplies, which by reason of size or weight require special equipment, to "commodities, the transportation of which, because of their size or weight, require the use of special equipment or handling, machinery and supplies, and transportation equipment in paragraphs 5, 7, 9, 26, 27, 33, 37, 47, 50, 51, 53 and 54; and (7) contractors' equipment and contractors' outfits consisting of road and contractors' machinery which because of size or weight require the use of special equipment and material handling equipment and parts, attachments and accessories used in connection with material handling equipment to "commodities, the transportation of which, because of their size or weight, require the use of special equipment or handling, and machinery and supplies in paragraphs 12, 25, 41, 49, 58, 60, 61, 62, 64, 67, and 72; (B) replace city-wide authority and facilities limitation with county-wide authority as follows: Marion, OH with Marion County, OH in paragraphs (2) and 59(a), (b), and (c); Bessemer, AL with Jefferson County, AL in paragraphs (3), (6), (9)(a), (b), (c), (10)(a), (b), (c), (22), (37), (38), (60)(a); Peoria with Peoria County, IL in paragraphs (21), (22), (23), (24)(b), (25)(b), (26), (64), (69); Birminham, AL with Jefferson County, AL in paragraph (21), Sikeston, MO with Scott County, MO in paragraphs (33)(a), (34)(a), Dubuque with Dubuque County, IA in paragraphs (41)(a)(1), (3), (b), (42)(a)(1), (3), (4), (b), (43) (a), (b), (44) (a), (b), (45), (46), (47) (a), (b), (48) (a), (b), (49)(a), (1), (2), (b), (50)(a)(1), (2), (b), (67)(a), (b), (68)(a), (b); Texarkana, TX, with Bowie County, TX in paragraphs (51)(a), (b), (52)(a), (b); facilities at Danville, Kewanee, and Peoria, IL with Vermilion, Henry and Peoria Counties, IL in paragraph (57)(1); Memphis, TN with Shelby County, TN in paragraphs (27)(a)(4), (58)(a); Peoria, Pekin, and Joliet, IL with Peoria, Tazewell, and Will Counties, IL and Cedar Rapids and Waverly, IA with Linn and Bremer Counties IA and Milwaukee, WI with Milwaukee County, WI, in paragraphs (59)(a), (d); Milwaukee, West Allis, and Waukesha with Milwaukee and Waukesha Counties, WI in paragraphs (70), (71)(a); Milwaukee, WI with Milwaukee County, WI in paragraph (69); Decatur and Peoria, IL with Macon, and Peoria Counties, IL in paragraphs (70)(b) and (71)(b); Lake Charles and Reston, LA with Calcasieu and Lincoln Parishes, LA in paragraph (70)(a); Reserve, Lake Charles, and Reston, LA,

with St. John the Baptist, Calcasieu and Lincoln Parishes, LA in Paragraph (71)(b); in Sub-No. 345, broaden the commodity description from cooling towers, and accessories, materials and supplies for cooling towers to "equipment for heating, cooling, humidifying, dehumidifying or moving of air, gas or liquids; remove the (except commodities in bulk) restriction; remove the facilities limitation at Memphis, TN, and replace with Memphis, TN; remove the "AK and HI" exceptions; in Sub-No. 348, broaden the commodity description from aluminum and aluminum articles, copper and copper articles, brass and brass articles, and zinc and zinc articles, to "metal products"; remove the facilities limitation at Jefferson County, AL; and remove the restrictions against the transportation of the described commodities in mixed loads with iron and steel articles; in Sub-No. 349, broaden the commodity description from cement asbestos pipe, plastic pipe and fittings, materials and accessories for the commodities named above, to "cement asbestos pipe, and rubber and plastic products"; replace city-wide Van Buren, AR, and Ragland, AL, authority with county-wide authority in Crawford County, AR and St. Clair County, AL; remove the (except commodities in bulk) restriction; in Sub-No. 354, broaden the commodity description from (1) iron and steel articles and (2) steel bar joists, when moving in mixed loads with other iron and steel articles, to "metal products"; remove the (except steel bar joists) and the "AK and HI" exceptions; replace city-wide Hope, AR, authority with county-wide authority in Hempstead County, AR; in Sub-No. 355, broaden the commodity description from refined copper to "metal products"; remove the (except commodities in bulk) restriction; replace city-wide Amarillo, TX authority with county-wide authority in Potter County, TX; and remove the "AK and HI" exceptions; in Sub-No. 357, broaden the commodity description from (1) cast iron pressure pipe, valves, hydrants, and hydrant sections, and (2) parts attachments, accessories and supplies used in connection with the commodities as described in (1) above to "metal products"; replace the facilities limitation at Chattanooga, TN, and Albertville, AL, with county-wide authority in Hamilton County, TN and Marshall County, AL; remove the "AK and HI" exceptions; in Sub-No. 358, broaden the commodity description from self-propelled articles, each weighing 15,000 pounds or more and related machinery, tools parts and supplies moving in connection therewith, to "self-propelled vehicles"; replace the plant-site limitation at Lexington, KY, with county-wide authority in Fayette County, KY; in Sub-No. 359, broaden the commodity description from (1) tractors and (2) parts, attachments and accessories for the commodities named in (1) above, when moving in mixed loads with the commodities in (1) above, to "machinery and supplies, and transportation equipment"; remove the (except tractors used for pulling highway trailers), and (when moving in mixed loads with the commodities in (1) above); remove the ports of entry limitation; and remove the foreign commerce and ex-water restriction; in Sub-No. 360, remove the (except in bulk, in tank or dump vehicles) restriction from the commodity description waste or scrap materials and broaden the commodity description from reclaimed metals to "metal products"; and replace city-wide Huntsville, AL Knoxville and Chattanooga, TN, with county-wide authority in Madison County, AL, and Knox and Hamilton Counties, TN; in Sub-Nos. 361, 362, 363, and 368, from iron and steel articles, aluminum tanks, and parts, attachments and accessories therefor, metal poles, and steel and billets, bars and rods, to "metal products"; replace facilities limitations at Jewett, TX and Beaumont, TX, with Leon County, TX and Jefferson County, TX; replace city-wide Brenham, TX, authority, with county-wide authority in Washington County, TX; remove the "AK and HI" exceptions wherever they appear; and remove the "originating at" restriction in Sub-No. 361; in Sub-No. 364, broaden the commodity description from general commodities (with exceptions) to "general commodities (except classes A and B explosives)"; replace Yellow Creek Port Terminal and Industrial Area in Tishomingo County, MS with Tishomingo County, MS; in Sub-No. 365, broaden the commodity description from conveyors, bins, chip trailers, unassembled seed bed conditioners, and attachments for seed bed conditioners, to "machinery and supplies, and transportation equipment"; remove the "AK, AR and HI" exceptions; replace city-wide Paragould, AR, authority with county-wide authority in Green County, AR. In each of the above numbered certificates, replace existing one-way authority with radial authority over specified routes throughout the U.S.; remove the originating at and/or destined to restrictions wherever they appear in each of the above numbered certificates; and remove tacking restrictions in Sub-Nos. 169, 174, 199 (Paragraphs 10 and 12).

MC 80430 (Sub-188)X, 37 filed May 26, 1981. Applicant: GATEWAY TRANSPORTATION CO., INC., 7401 Newman Blvd., LaSalle, Quebec, CANADA H8N 1X4. Representative: Edward L. Nehez, 167 Fairfield Rd., P.O. Box 1409, Fairfield, NJ 07006. Applicant seeks to remove restrictions in its lead, and Sub-Nos. 100, 101, 102, 104, 105, 107, 108, 116, 117, 120, 126, 128, 129, 130, 133, 135, 136, 137, 141, 142, 144, 146, 148, 149, 150, 151, 152, 153, 154, 156, 160, 162, 163, 166, 167, 168, 169, 171, 172, 173, 176, 177, 178, 179, 181, 183 and 185 certificates to (A) remove all restrictions in its general commodities authority "except classes A and B explosives" wherever such authority appears in above-numbered certificates; and broaden its other commodity descriptions, as follows: to "food and related products" from frozen vegetables, feed, butter and eggs, poultry and eggs, and egg cases in the lead certificate (sheets 37 and 38), from canned tuna, canned mackerel, pet foods, canned vegetables and fresh fruits and vegetables in Sub-No. 135 (sheets 1 and 2), from meats and articles distributed by meat packing houses, frozen meats and by-products, unfit for human consumption, and frozen foodstuffs in Sub-Nos. 102, 142, 150, 160 and 183, and from foodstuffs in Sub-No. 154; to "metal products" from wire and wire articles, and iron and steel in the lead certificate (sheet 38), from iron and steel articles in Sub-Nos. 104 and 176, from tin or terne dross and skimmings in Sub-No. 120 (sheet 3), and from iron and steel pipe, and steel tubing in Sub-No. 144; to "rubber and plastic products" from liquid plastics in Sub-No. 108; to "furniture and fixtures" from furniture, new furniture, rugs, felts, bed springs, bed spring contructions, and materials and supplies used in the manufacture of mattresses and upholstery in the lead certificate (sheets 14 and 15); to "building materials" from window screens, door screens, patio screens, acoustical suspension system, weather stripping, channels, angles, screws, aluminum windows, wooden doors, and roof truss connector plates in Sub-No. 135 (sheets 2 and 3); to "pulp, paper and related products" from paper and paper products in Sub-No. 137, from paper bags and wrapping paper in Sub-No. 126 (sheet 2), and from woodpulp in Sub-No. 135 (sheet 2); to "machinery" from heat exchangers and heat equalizers and equipment in Sub-No. 169, and from agricultural implements in the lead certificate (sheet 38); to "electrical machinery, supplies and equipment" from fluorescent lighting fixtures; parts and supplies in Sub-No. 152 (sheet 17); to "such commodities as are dealt in by

wholesale and retail department and grocery stores and food business houses" from charcoal briquettes, hickory chips, and lighter fluid in Sub-No. 135 (sheet 2); to "textile mill products, and metal products" from twine and hardware; and to "chemicals and related products" from soap and soap products, lard substitutes, cooking oils, and merchandise premiums in the lead certificate (sheet 37); (B) eliminate "container" and "vehicle" restrictions, and eliminate exceptions of "commodities in bulk" and "those requiring special equipment" wherever they appear; (C) broaden the regular-route authority to authorize service at all intermediate points, and authorize two-way service in place of one-way authority; (D) remove restrictions against the transportation of traffic that originated at, is destined to, moving between, or interlined at various combinations of the following regular routes: lead certificate, Chicago, IL and St. Louis, MO: St. Louis, MO and Waukon and Keokuk, IA (sheet 5); Alton, IL and St. Louis, MO (sheet 32); Sub-No. 120, Pittsburgh, PA and Youngstown, OH; Sub-No. 126, specified points in FL, GA, KY, and TN; Sub-No. 129, Detroit, MI and the port of entry on the U.S.-Canada boundary line near Port Huron, MI; Sub-No. 152, Indianapolis, IN and Cincinnati, OH (sheet 3); St. Louis, MO and Vandalia, OH: Indianapolis, IN and Vandalia, OH (sheet 12); Little Rock, AR and Pine Bluff, AR (sheet 15); Sub-No. 185, Pine Bluff, AR and Ft. Worth, TX; Sub-No. 135, specified points in WI; Sub-No. 181, specified points in MO, IL, and IN; and Sub-No. 162, Atlanta, GA, and, Conyers, GA; (E) broaden the irregular-route portions of its authorities to authorize radial service in place of one-way service; and (F) substitute county-wide authority in place of the named towns and plantsites: lead certificate, Macomb County, MI (plantsite in Sterling Township, MI), Ogle County, IL (Stillman Valley, IL), Hamilton County, OH (plantsite near Fernald, OH), Cook County, IL (plantsite about 2 miles southwest of Lemont, IL), Washtenaw County, MI (plantsite near Rawsonville, MI), Oakland County, MI (plantsite in Novi Township, MI), Madison County, IL (East Alton and Wood River, IL), St. Louis County, MO (Olivette, MO), Dane County, WI (Cottage Grove, WI), Green County, WI (Albany, WI), Will County, IL (Joliett, IL), Summit County, OH (Twinsburg, OH), Lorain County, OH (plantsite in Brownheim Township, OH), Madison County, IL (Mitchell, IL), Hennepin County, MN (Robbinsdale, MN), Washington County, MN (Newport, MN), Dakota County, MN (West St. Paul, MN), Ramsey County, MN (North St. Paul, MN), Anoka County, MN (Columbia Heights, MN), Grant and Lafayette Counties, WI (Cuba City, WI), Rock County, WI (Avalon, WI), Walworth County, WI (Williams Bay, WI), Marion County, IA (Pella, IA), Buffalo County, WI (Alma, WI), Martin County, MN (Fairmont, MN), Stephenson County, IL (Freeport, IL), Warren County, IL (Monmouth, IL), Whiteside County, IL (Rock Falls, IL), Rock Island County, IL (Rock Island and Moline, IL), Jasper County, IA (Colfax, IA), Mahaska County, IA (Leighton and Oskaloosa, IA), Marion County, IA (Knoxville, IA); Sub-No. 100, Ogle County, IL (Plantsite at Rochelle, IL); Sub-No. 101, Sheboygan County, WI (plantsite near Plymouth, WI); Sub-No. 102, Kankakee County, IL (plantsite at Momence, IL); Sub-No. 106, Winnebago County, WI (Winneconne, WI); Sub-No. 104; Kankakee County, IL (plantsites in Kankakee, IL); Sub-No. 108, Niagra County, NY (plantsite at Tonawanda, NY), Winnebago County, IA (Lake Mills, IA), Washington and Milwaukee Counties, WI (Milwaukee, WI), and Dane County, WI (Middleton, WI); Sub-No. 117, Will County, IL (plantsite in DuPage Township, Will County, IL); Sub-No. 120, Allegheny and Westmoreland Counties, PA (McKesport, Clairton, Irwin, Oakmont, Sharpsburg, Allison Park, Carnegie, and Etna, PA), Mahoning and Trumbull Counties, OH (Struthers, Campbell, Lowellville, Columbia, Hubbard, Girard, Niles, and Warren, OH), and Washington County, PA (Atlasburg, PA); Sub-No. 126, Bulloch County, GA (plantsite at Statesboro, GA), Camden County, GA (plantsite at Woodbine, GA); Sub-No. 128, Winnebago County, IL (New Milford, IL), Ogle County, IL (Davis, IL), De Kalb County, IL (Fairdale, IL), Stephenson County, IL (Pearl City, IL), Carroll County, IL (Lanark, IL), Lee County, IL (Dixon, IL), Whiteside County, IL (Emerson, IL), and Oley County, IL (Chana, IL); Sub-No. 130, Jefferson County, KY (Plantsite near Louisville, KY); Sub-No. 135, Lake County, FL (Lake Jem, FL), Dade County, FL (Hialeah and Miami, FL), Orange County, FL (Orlando, FL), Broward County, FL (Pompano Beach, FL), and Duval County, FL (Jacksonville, FL); Sub-No. 137, Camden County, GA (plantsite near St. Marys, GA); Sub-No. 141, Jefferson County, IL (facilities near Mt. Vernon, IL); Sub-NO. 142, Freeborn County, MN (plantsite at Albert Lea, MN), Linn County, IA (Cedar Rapids, IA, and Polk County, IA (Des Moines, IA); Sub-No. 144, Mercer County, PA (Sharon and Wheatland, PA); Sub-No. 146, Webster County, KY (facilities at Sebree, KY); Sub-Nos. 150 and 163, Milwaukee and Washington Counties, WI (Milwaukee, WI); Sub-No. 151, Hennepin County, MN (facilities near Maple Grove, MN); Sub-No. 152, Peoria County, IL (plantsite near Mapleton, IL), Lee County, MS (Tupelo, MS), Warren County, OH (Lebanon, OH), Montgomery County, OH (Vandalia, OH), Madison County, MS (Cedar Hill, MS), Prentiss County, MS (Marietta, MS), Tishomingo County, MS (Golden, MS), Shelby County, TN (Memphis, TN), and Clay County, AR (Leonard, AR); Sub-NO. 153, Anderson County, KY (facilities near Lawrenceburg, KY); Sub-No. 156, Marion County, IA (facilities at Knoxville, IA); Sub-No. 162, Rockdale County, GA (facilities near Conyers, GA); Sub-No. 160, Clay and O'Brien Counties, IA (facilities at Spencer and Hartley, IA); Sub-No. 167, Eau Claire and Dunn Counties, WI (facilities near Eau Claire, WI); Sub-No. 168, Lonoke County, AR (facilities near Lonoke, AR); Sub-No. 169, La Crosse County, WI (facilities in La Crosse County, WI); Sub-No. 171, Goodhue County, MN (facilities at Kenyon, MN); Sub-No. 176, Washington County, MN (facilities at Newport, MN); Sub-No. 173, White County, AR (facilities at Searcy, AR); Sub-No. 177, Nassau County, FL (facilities at Yulee, FL); Sub-No. 178, Clarke County, IA (facilities at Osceola, IA); Sub-No. 179, Posey County, IN (Mt. Vernon, IN); Sub-No. 183, Waupaca County, WI (facilities at Manawa, WI); remove facility limitation at terminal points on its regular routes as follows: in the lead certificate, Ankeny IA (ordnance plant near Ankeny, IA) (sheet 6), and Ypsilanti, MI (plant about 4 miles east of Ypsilanti, MI) (sheet 27); and Sub-No. 152, Weldon Springs, MO (site of the Weldon Springs Ordnance plant) (sheets 6 and 7). Applicant also seeks to remove restrictions limiting service to that "originating at and destined to" the named origins and destinations in Sub-Nos. 100, 102, 104, 137, 142, 150, 152 (sheet 13), 160, 163, and 167.

MC 110325 (Sub-176)X, filed May 20, 1981. Applicant: TRANSCON LINES, P.O. Box 92220, Los Angeles, CA 90009. Representative: Jerome Biniasz (same address as above). Applicant seeks to remove restrictions in its Sub-Nos. 38, 42, 43, 49, 50, 53, 68, 71, 76, 81, 85, 87, 89, 90, 91, 92, 93, 94, 96, 97, 101, 103, 108, 117, 127, and 128 certificates which authorizes service in AL, AZ, CA, CT, GA, IL, IN, IA, KY, MD, MA, MI, MO, NV, NJ, NY, OH, OK, PA, TN, UT, VA, WV, WI and WY, to: In its regular-route authority (1) remove all exceptions from

its general commodities authority except "Class A and B explosives"; (2) remove territorial restrictions which limit service to some intermediate points, no intermediate points, exclude specific intermediate points, or which provide for service for joinder purposes only, to authorize service at all intermediate points; (3) remove territorial restrictions on specifically described regular-route authority in Sub-Nos. 42 and 103, involving the states of CA, DE, MD, NV, NY, PA and UT; (4) change facility limitations and service to named off-route points to provide city or county-wide authority as follows: in Sub-No. 38, Joliet, IL, with Will County, IL; Danville, IL, with Vermilion County, IL; Petersburg, IL, with Menard County, Il; Salisbury, IL, with Sangamon County, IL; Fairfield, IL, with Wayne County, IL; West Lebanon, IN, with Warren County, IN; Fernald, OH, with Hamilton County, OH; Rossford, OH, with Toledo, OH; Acton, IN, with Marion County, IN; Fairland, IN, with Shelby County, IN; Waldron, IN, with Shelby County, IN; St. Paul, IN with Decatur County, IN; Oldenburg, IN, with Franklin County, IN; Milan, IN, with Franklin County, IN; Avon Lake, OH, with Lorain County, OH; Elyria, OH, with Lorain County; Speedway, IN, with Marion County, IN; Pandora, OH, with Putnam County, OH; Brownhelm Township with Lorain County, OH; Twinsburg, OH, with Summit County, OH; Darrowville, OH, with Summit County, OH; Mossville, IL, with Peoria County, IL; Champaign, IL, with Champaign County, IL; Lake City, MO with Jackson County, MO in Sub-No. 42, Newark, DE, with Castle County, DE; Twinsburg, OH, with Summit County, OH; Darrowville, OH, with Summit County, OH; Grand Rapids, MI, with Ottawa County, MI; Jackson, MI, with Jackson County, MI; Vassar, MI, with Tuscola County, MI; Sterling Township, MI, with Macomb County, MI; Novi Township, MI, with Oakland County, MI; Rawsonville, MI, with Washtenaw County, MI; Utica, MI, with Macomb County, MI; plantsite north of Detroit, MI, with Wayne County, MI; Kalamazoo, MI, with Kalamazoo County, MI; Elm Wall, MI, with Gratiot County, MI; Entrican, MI, with Montcalm County, MI; the Chicago, IL, commercial zone as defined by the Commission and points within 8 miles of said zone with Cook, DuPage, Kane, Kankakee, Kendall, Lake, McHenry and Will Counties, IL, and Lake and Porter Counties, IN; Midland, Bay City, Averill, Edenville, Beanerton, Galwin, Oberlin, Skeels, Prudenville, Hope, Wingars, Hockaday, Houghton Lake, Houghton Heights and Michelson, MI, with Gladwin, Roscommon, Bay, and Midland Counties, MI; Ypsilanti, MI, with Washtenaw County, MI; plantsite near Detroit, MI, with Wayne County, MI; points in MI within 25 miles of Detroit with Livingston, MaComb, Monroe, Oakland, St. Clair, Washtenaw, and Wayne Counties, MI; points in PA within 25 miles of Pittsburgh with Allegheny, Armstrong, Beaver, Butter, Fayette, Washington, and Westmoreland, Counties, PA and Brooke and Hancock Counties, WV; the New York, NY commercial zone as defined by the Commission in 1 M.C.C. 665 and those in NJ within 30 miles of City Hall, New York City, and those in described territory in New York with Nassau, Suffolk and West Chester Counties, NY, and Middlesex, Monmouth, Morris, Passaic, and Somerset Counties, NJ; Aliquippa, PA with Beaver County, PA; in Sub-No. 49, Middletown, CT, with Middlesex County, CT; in Sub-No. 50, Agnew, Los Attos, Mountain View, New Almaden, Permanente, Alviso, Milpitas, Sunnyvale, Aldercroft, Campbell, Holy City, Redwood Estates with Santa Clara County, CA; Aromas with Monterey and San Benito Counties, CA; Atherton, Brisbane, Daly City, Foster City, Pacifica, Portola Valley, Woodside, with San Mateo County, CA; Belvedere, Corte Madera, Fairfax, Fort Cronkhite, Fort Barry, Fort Baker, Kentfield, Larkspur, Mill Valley, Ross, San Anselmo, San Quentin, Santa Venetia, Sausalito, Tiburon, with Marin County, CA; Gabilan, Santa Rita, Spreckels, Carmel Valley, Del Monte Naval Training Center, Fort Ord, Pebble Beach, Seaside Pajaro, Del Ray Oaks, Pacific Grove, Prunedale with Monterey County, CA; Alameda, Albany, Berkeley, Emeryville, Fremount, Laurel, Mt. Eden, Newark, San Leandro, San Lorenzo, Union City, Dublin, Pleasanton, Piedmont, Altamont, Livermore, Midway, Mountain House with Alameda County, CA; Ben Lomond, Felton, Lompico, Scotts Valley, Aptos, Capitola, Corralitos, Rio de Mar, Soquel, Freedom with Santa Cruz County, CA; El Cerrito, Richmond, San Pablo, Alamo, Concord, Danville, Diablo, Pleasant Hill, San Ramon, U.S. Naval Magazine Concord, Walnut Creek, Antioch, Avon, Clyde, Lafayette, Moraga, Orinda, Orinda Village, Pittsburg, Port Chicago, Rheem Valley, West Pittsburg, Bethel Island, Byron, Knightsen, Port Costa, Crokett, El Sobrante, Hercules, Oleum, Rodeo, Selby, Tormey with Contra, Costa County, CA; San Juan Bautista with San Benito County, CA; Walnut Grove, Elk Grove, Galt, Herald, Sheldon, Locke, Vorden, Freeport, with Sacramento County, CA; Clarksbury, Davis, El Macero with Yolo County, CA; Holt, Acampo, Bethany, Banta, French Camp, Lodi, Lathrop, Lyoth, Manteca, Sharpe Army Depot, Tracy Supply Depot, Turner Station, Victor, Woodbridge, Youngstown, with San Joaquin County, CA; Benicia, Cordelia, Dixon, Elmira, Fairfield, Mankas Corner, Mare Island, Mare Island Naval Shipyard, Rockville, Suisun City, Travis Air Force Base, Vacaville, Vallejo with Solano County, CA; in Sub-No. 68, points in Grundy County, IL, lying on and east of Illinois Hwy 47 and on and north of Illinois Hwy 113 with Grundy County, IL; in Sub-No. 71, sheet No. 9, Riverbank, CA, with Stanislaus County, CA; and remove the territorial limitations to serve portions of named counties as off-route points in order to authorize service to all points in the county as off-route points as follows: Amador, Butte, Calaveras, Colusa, Fresno, Glenn, Kern, Kings, Lake, Los Angeles, Madera, Mariposa, Mendocino, Merced, Montgomery, Napa, Orange, Riverside, Sacramento, San Benito, San Diego, San Joaquin, San Luis Obispo, Santa Barbara, Shasta, Sonoma, Stanislaus, Sutter, Tehama, Tulare, Tuolumne, Ventura, Yolo and Yuba Counties, CA; in Sub-No. 76, replace a described portion of Meigs County, OH, with Meigs County, OH; in Sub-No. 79, Newman, GA with Coweta County, GA; in Sub-No. 87, Allen Township, OH with Union County, OH; in Sub-No. 89, Stillwater, OK, with Payne County, OK; in Sub-No. 90, named point in Clinton County, PA, with Clinton County, PA; in Sub-No. 91, Wintersburg, AZ, with Maricopa County, AZ; in Sub-No. 92, Milan, MI with Monroe and Washtenaw Counties, MI; in Sub-No. 93, sheet No. 3, Mount Vernon, IL with Jefferson County, IL; in Sub-No. 96, San Manuel, AZ, with Pinal County, AZ; in Sub-No. 97, Three Rivers, MI, with St. Joseph County, MI; in Sub-No. 101, replace named facilities and mines located in Pima and Pinal Counties, AZ, with Pima and Pinal Counties, AZ; in Sub-No. 103, Tooele, UT, and Green River, WY, with Tooele County, UT and Sweetwater County, WY, and replace a described portion of Washoe County, NV, with Washoe County, NV; in Sub-No. 108, Muscatine, IA, with Muscatine County, IA; in Sub-No. 117, East Troy, WI, with Walworth County, WI; in Sub-No. 128, Clinton and Marryville, TN, with Anderson and Blount Counties, TN; Applicant also proposes to remove restrictions in its irregular-route authority in Sub-Nos. 43 and 53, which authorize service in AZ in MA to (1) remove all exceptions from its general commodities authority except "Classes A and B explosives"; and (2) in

Sub-No. 53, broaden the mileage radius points within 25 miles of City Hall, Boston, MA, to Bristol, Essex, Middlesex, Norfolk, Plymouth and Suffolk Counties, MA; and (3) in Sub-No. 38, under its regular route portion (1) broaden the commodity description from iron and steel articles, as described in Groups II and III of Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, to "metal products"; (2) expand its existing one-way authority to radial authority between Aurora, IN, and, points in IN; and (3) eliminate the ex-water restriction.

MC 124159 (Sub-15)X, filed May 29, 1981. Applicant: DAGGETT TRUCK LINE, INC., P.O. Box 158, Frazee, MN 56544. Representative: Gene P. Johnson, P.O. Box 2471, 700 Metropolitan Bldg., Fargo, ND 58108. Applicant seeks to remove restrictions from certificates in MC–124159, and MC–124159 Sub-Nos. 1, 4, 6, 7, 11F, 12F, 13F, and its permits in No. MC–134979 Sub-Nos. 1, 3, 8, 10, 13F, 14F, and 16F, (1) to broaden the commodity descriptions in MC–124159 from brick and tile to "construction materials"; in Sub-No. 1 from barn cleaners and attachments and parts thereof when moving therewith to "machinery"; in Sub-No. 4 from lumber to "lumber and wood products"; in No. MC–12459 Sub-Nos. 6, 7, 11F, 12F and 13F and MC–134979 Sub-Nos. 1, 10, 13F, 14F, and 16F, from mink and calf feed and mink and calf feed ingredients (except commodities in bulk), animal feed and animal feed ingredients, bananas, and agricultural commodities, when moving in mixed loads with bananas, prepared food products, materials and supplies used in the manufacture and distribution of prepared food products, meat, meat products, meat byproducts, and articles distributed by meat packinghouses, feed, feed ingredients and related materials, equipment and supplies; and salt, in bags, and agricultural commodities, when moving in mixed loads with last 2 commodities, pie crusts, flour and various other foodstuffs items, to "food and related products"; in No. MC–134979 Sub-No. 8, from factory built fireplaces, factory built chimneys, and aluminum used in the manufacture of ducts, pipe, duct and fittings to "metal products, clay, concrete, glass or stone products"; materials, parts, accessories, and supplies used in the manufacture of factory built fireplaces and factory built chimneys, to "rubber and plastic products"; automatic duct formers to "machinery"; (2) to replace territorial descriptions with "between points in the U.S." in all its above-numbered permits under continuing contract(s) with named shippers; (3) delete restrictions on commodities, such as "when moving therewith" or "in mixed loads" with other named commodities; "except commodities in bulk"; "in vehicles equipped with mechanical refrigeration", etc., wherever they appear in each certificate or permit; (4) authorize radial authority where only one-way exists in each certificate, between points located mainly throughout the central and western portions of the U.S.; (5) remove facilities limitations in No. MC–124159 (Sub-Nos. 4, 11F, and 12F); (6) delete "originating at or destined to" restrictions in No. MC–124159 (Sub-Nos. 7, and 12F); (7) eliminate the exceptions to "Moorehead, Fergus Falls, Crookston and East Grand Forks, MN" from specified MN Counties in No. MC–124159 (Sub-No. 4); (8) delete exceptions to AK and HI wherever they appear in each certificate or permit; (9) remove restriction against service to points in the Fargo and Grand Forks, ND commercial zones in No. MC–124159 (Sub-No. 4); (10) delete ex-water restriction in No. MC–124159 (Sub-No. 11F); and (11) replace city-wide authority with county-wide authority wherever the following appear in each certificate: Manawa with Waupaca County, WI; Thompson Falls with Sanders County, MT; Libby with Lincoln County, MT; Superior with Mineral County, MT; Columbia Falls with Flathead County, MT; New Holstein with Calumet County, WI; Hamilton with Allegan County, MI; Port Hueneme with Ventura County, CA; and Perham with Otter Tail County, MN.

MC 124170 (Sub-165)X, filed May 11, 1981, published in the **Federal Register** of May 29, 1981, republished as follows: Applicant: FROSTWAYS, INC., 3000 Chrysler Service Drive, Detroit, MI 48207. Representative: William J. Boyd, 2021 Midwest Road, Suite 205, Oak Brook, IL 60521. Applicant seeks in its Sub 139F certificate to (1) remove the restriction against transportation of commodities in bulk, in tank vehciles; (2) remove facilities limitations; (3) remove the restriction against service to AK and HI; and (4) authorize county-wide authority in place of named facilities as base points in its radial authority between these points and points in the U.S.: Knox County for Niobrara, NE; Custer County for Broken Bow, NE; Platte County for Columbus, NE; and Phelps County for Holdrege, NE; Litchfield County for North Canaan, CT; Sumter County for Sumter, SC; Lagrange County for Shipshewana, IN; Delaware County for Hancock, NY; Morris County for Parsippany, NJ; Essex County for Fairfield, NJ; and Hudson County for Jersey City, NJ; Coshocton County for Coshocton, OH; Knox County for Mount Vernon, OH; and Stark County for Canton, OH; Santa Clara County for Los Gatos, CA; Los Angeles County for Cerritos, CA; Ventura County for Oxnard, CA; and Solano County for Benicia, CA; Dallas County for Irving, TX; Claiborne Parish for Haynesville, LA; Marion County for Ocala, FL and Baltimore and Baltimore County for Cockeysville, MD. The purpose of this republication is to show the expansion of Cockeysville to Baltimore, MD.

MC 135953 (Sub-23)X, filed May 20, 1981. Applicant: CHEROKEE LINES, INC., P.O. Box 152, Cushing, OK 74023. Representative: Donald L. Stern, Suite 610, 7171 Mercy Road, Omaha, NE 68106. Applicant seeks to remove restrictions in Sub-Nos. 6F, 7F, 9F, 12F, 15F, 16F, and 17F certificates: (A) to broaden the commodity descriptions: in Sub-No. 7, from foodstuffs (except in bulk) to "food and related products"; in Sub-No. 9, from automotive specialties and supplies to "such commodities as are dealt in or used by manufacturers and distributors of automotive products and supplies"; in Sub-No. 12, from retail store fixtures, and equipment, materials, and supplies used in the manufacture of retail store fixtures" to "such commodities as are dealt in or used by manufacturers and disbributors of fixtures"; in Sub-No. 15, from pet foods (except in bulk), canned goods, and materials, equipment and supplies used in the manufacture of pet foods and canned goods to "food and related products"; in Sub-No. 16, from meats, meat products, meat by-products, and articles distributed by meat-packinghouses (except hides and commodities in bulk) as described in Section A and C of Appendix I to the Report in *Description in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 to "food and related products"; (B) to remove the restriction limiting transportation of traffic originating at or destined to named facilities in Sub-Nos. 6F and 16F; (C) to replace Cincinnati, OH and Melrose Park, IL for facilities at those points in Sub-Nos. 6 and 7; and (D) to replace named facilities limitations with county-wide authority as follows; in Sub-No. 12F, San Bernadino County, CA for Cucomonga, CA; Jackson County, AL for Scottsboro, AL; and Snyder County, PA for McClure, PA; in Sub-No. 15, Muscatine County, IA for Muscatine, IA; and Otter Tail County, MN for Perham, MN; in Sub-No. 16, Freeborn County, MN for Albert Lea, MN and Saline County, MO for

Marshall, MO; and in Sub-No. 17F, Essex County, MA for Andover, MA.

MC 138635 (Sub-130X), filed June 2, 1981. Applicant: CAROLINA WESTERN EXPRESS, INC., P.O. Box 3995, Gastonia, NC 28052. Representative: Eric Meierhoefer, Suite 1000, 1029 Vermont Avenue NW., Washington, DC 20005. Applicant seeks to remove restrictions from its Sub-Nos. 37, 51F, 94F, 95F, 104F, 105F, 108F, 110F, 111F, 114F, 117F, 121F, 122F, and 123F, certificates to: (A) In Sub-Nos. 37, 94F, 95F, 104F, 111F, and 117F, broaden the commodity descriptions from meats, meat products, meat by-products, and articles distributed by meat-packing houses as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk); foodstuffs (except commodities in bulk, in tank vehicles); citrus juicies (except in bulk); and (1) confectionery and (2) supplies, materials and equipment used in the manufacture, sale, and distribution of confectionery (except in bulk), to "food and related products; Sub-No. 51, from (1) automotive parts, and (2) equipment, supplies and material used in the manufacture of automotive parts, to "transportation equipment"; Sub-Nos. 105F and 122F, from general commodities (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), to "general commodities (except Classes A and B explosives)"; Sub-No. 108F, from (1) store furnishings, fixtures, furniture, shelfing, and (2) materials, equipment, and supplies used in the manufacture and distribution thereof, to "furniture and fixtures"; Sub-No. 110F, from (1) plastic articles, and (2) materials, equipment and supplies used in the manufacture and distribution of the commodities of (1) above, to "rubber and plastic products"; Sub-No. 114F, from electronic equipment, electronic components, parts and supplies used in the manufacture of electronic equipment and components, to "machinery"; Sub-No. 121F, from wooden door frames, wooden screens, wooden blinds, compressed fire logs, and wooden products, to "lumber and wood products, and furniture and fixtures"; (B) broaden the territorial description from facilities limitations and/or city-wide authority to county-wide authority: In Sub-No. 37, from Wallula, Wa, to Walla Walla County, WA; Sub-No. 94F, from Waco, TX, to McLennan County, TX; Sub-No. 110F, from Monroe, GA, to points in Walton County, GA; Sub-No. 111F, from Holcomb, KS, to points in Finney County, KS; and Sub-No. 121F, from Fort Worth and Mt. Pleasant, TX, to points in Tarrant and Titus Counties, TX; (C) remove the "originating at or destined to" restrictions in Sub-Nos. 37, 94F, 95F, 104F, 122F; (D) remove restrictions against service to AK and HI in its Sub Nos. 51F, 104F, and 108F; substitute radial authority in lieu of existing one-way authority in its Sub-Nos. 37, 94F, 95F, 104F, and 111F between named counties, and points in the U.S.; and remove a restriction limiting service to "vehicles equipped with mechanical refrigeration" in its Sub-No. 94F.

MC 142603 (Sub-48)X, filed May 29, 1981. Applicant: CONTRACT CARRIERS OF AMERICA INC., P.O. Box 179, Springfield, MA 01101. Representative: Susan E. Mitchell, P.O. Box 179, Springfield, MA 01101. Applicant seeks to remove restrictions in its Sub-Nos. 4F, 5F, 17F, 20F, 24F, 25F, 26F, 28F, 29F permits to: (1) broaden the commodity descriptions: in Sub-No. 4F, from paper and paper products (except commodities in bulk) to "pulp, paper and related products"; in Sub-No. 5F, from plastic granules and pellets in containers to "chemicals and related products"; in Sub-No. 17F, from general commodities with exceptions, to "general commodities (except Classes A and B explosives); in Sub No. 20F, part (1) from rubber compounds, adhesives, resin, oils and plastic materials and chemicals (except those above) to "chemicals and related products, and rubber and plastic products"; in Sub-No. 25F, from automotive parts, automotive accessories, automotive components, and automotive equipment to "transportation equipment"; in Sub-No. 26F, from paper, printed matter, plastic binders, and envelopes, to "pulp, paper and related products and rubber and plastic products"; in Sub-No. 28F, part (1), from metal Christmas tree stands and metal hardware articles, to "metal product", in Sub-No. 29F, from aluminum oxide (except in bulk) to "ores and minerals"; and (2) broaden the territorial scope in all Sub-Nos. to between points in the U.S. under continuing contract(s) with named shippers.

MC 143739 (Sub-53)X, filed May 20, 1981. Applicant: SHURSON TRUCKING CO., INC., P.O. Box 147, New Richland, MN 56072. Representative: Leonard K. Sackson (same as above). Applicant seeks to remove restrictions in its Sub-Nos. 1, 4F, 5F, 6F, 16F, 17F, 18F, 20F, 21F, 24F, 25F, 29F, 32F, 41F and 43F certificates to (1) broaden the commodity descriptions to "food and related products" from foodstuffs and nonedible food products, in vehicles equipped with mechanical refrigeration, in Sub-No. 1; frozen foods (except commodities in bulk), in Sub-No. 4F; frozen foodstuffs (except in bulk), in Sub-No. 5F; frozen foods and frozen foods not fit for human consumption, in Sub-No. 6F; foodstuffs (except in bulk), in Sub-Nos. 16F and 18F; canned and preserved foodstuffs, in Sub-No. 17F; meats, meat products, meat by-products, and articles distributed by meat packing houses as described in Sections A and C of Appendix I to M.C.C. 209 and 766 (except hides and commodities in bulk), in Sub-Nos. 20F and 24F; confectionery (except in bulk) in vehicles equipped with mechanical refrigeration, in Sub-No. 25F; and frozen potato products (except in bulk), in Sub-No. 41F; frozen foods, in Sub-No. 43F; to "pulp, paper and related products" from paper and paper products (except commodities in bulk), in Sub-No. 21F, (2) remove the originating at and/or destined to restrictions, in Sub-Nos. 1, 4F, 5F, 16F, 17F, 18F, 20F, 21F, 24F, 25F, 29F and 32F, (3) remove restriction against traffic destined to Memphis, TN, in Sub-No. 18F, (4) remove restrictions against traffic originating at Franklin, KY or Urbana, OH and destined to Dallas, Irving, and Lubbock, TX, Denver, CO, Salt Lake City, UT, and La Mirada, CA, in Sub-No. 32F, (5) replace one-way authority with radial authority in all Subs (except Sub-No. 43F), and (6) broaden the territorial description by substituting county-wide and city-wide authority for city-wide authority and facilities: from facilities at Bettendorf, IA to Scott County, IA, in Sub-No. 1; from facilities at Waseca, MN to Waseca County, MN from facilities at Albert Lea, MN to Freeborn County, MN, from facilities at Fairmont, MN to Martin County, MN and from facilities at Mankato, MN to Blue Earth County, MN, in Sub-No. 4F; from facilities at Plover, WI to Portage County, WI, in Sub-No. 5F; from facilities at Belvidere, IL to Boone County, IL, in Sub-No. 16F; from facilities at Muscatine and Iowa City, IA to Muscatine and Johnson Counties, IA, in Sub-No. 17F; from facilities at Jacksonville, IL to Morgan County, IL and from facilities at Sherman, TX to Grayson County, TX, in Sub-No. 18F; from facilities at Britt, IA to Hancock County, IA and from facilities at Mason City, IA to Cerro Gordo County, IA, in Sub-No. 20F; from facilities at Marinette, WI to Marinette County, WI, from facilities at Green Bay, WI to Brown County, WI, from facilities at Oconto Falls, WI to Oconto County, WI and from facilities at Fond du Lac, WI, to Fond du Lac County, WI in Sub-

No. 21F; facilities at Sioux City, IA to Woodburt County, IA from facilities at Omaha, NE to the Omaha, NE commercial zone and from facilities at Minneapolis, MN to Minneapolis-St. Paul, MN commercial zone, in Sub-No. 24F from facilities at Evansville, IN to Vanderburgh County, IN, from facilities at Lafayette, IN to Tippecanoe County, IN, and from facilities at Topeka, KS to Shawnee County, KS, in Sub-No. 29F; from facilities at Franklin, KY to Simpson County, KY, Dayton and Urbana, OH to Montgomery and Champaign Counties, OH, Nashville, TN to Davidson County, TN, in Sub-No. 32F; and from Grand Forks, ND to Grand Forks County, ND, in Sub-No. 41F.

[FR Doc. 81-18390 Filed 6-19-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 2, Members Carleton, Fisher, Williams. (Williams not participating.)

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OPY-4-199

Decided: June 11, 1981.

MC 17037 (Sub-1), filed June 4, 1981. Applicant: JOHN CURRY, INC., 2201 E. Butler St., Philadelphia, PA 19137. Representative: James H. Sweeney, P.O. Box 9023, Lester, PA 19113, (215) 365-5141. Transporting *pulp, paper and related products*, between Philadelphia, PA and New York, NY, on the one hand, and, on the other, points in CT, DE, MD, NJ, NY, NC, PA, SC, VA, and DC.

MC 50307 (Sub-104), filed June 3, 1981. Applicant: INTERSTATE DRESS CARRIERS, INC., 215 County Ave., Secaucus, NJ 07094. Representative: Arthur Liberstein, 888 Senenth Ave., New York, NY 10106, (212) 757-8025. Transporting *such commodities* as are dealt in by department stores, (1) between points in NY, NJ, PA, CT, RI, MA, VT, DE, MD, VA, WV, OH, KY, and DC, and (2) between points in (1) above, on the one hand, and, on the other, points in FL.

MC 107107 (Sub-496), filed June 4, 1981. Applicant: ALTERMAN TRANSPORT LINES, INC., 12805 N.W. 42nd Ave., Opa Locka, FL 33054. Representative: Donald L. Stern, Suite 610, 7171 Mercy Rd., Omaha, NE 68106, (402) 392-1220. Over regular routes, transporting *general commodities* (except classes A and B explosives), (1) between Atlanta, GA, and Pensacola, FL: (a) from Atlanta over Interstate Hwy 85 to Montgomery, AL, then over Interstate Hwy 65 to junction U.S. Hwy 31, then over U.S. Hwy 31 to the AL-FL state line, then over U.S. Hwy 29 to Pensacola, and (b) from Atlanta over Interstate Hwy 85 to Montgomery, AL, then over U.S. Hwy 331 to the FL-AL state line at Florala, AL, then over FL Hwy 85 to Crestview, FL, then over U.S. Hwy 90 to Pensacola, (2) between Atlanta, GA, and Tallahassee, FL: (a) from Atlanta over Interstate Hwy 75 to junction U.S. Hwy 319 to Tallahassee, and (b) from Atlanta over U.S. Hwy 41 to junction Interstate Hwy 75, then over Interstate Hwy 75 to junction U.S. Hwy 319, then over U.S. Hwy 319 to Tallahassee, and (3) between Atlanta, GA, and Jacksonville, FL: (a) from Atlanta over Interstate Hwy 75 to junction Interstate Hwy 10, then over Interstate Hwy 10 to Jacksonville, and (b) from Atlanta over U.S. Hwy 23 to Jacksonville, serving all intermediate points in routes (1) through (3), and the off-route points in Clayton, Cobb, De Kalb, Fulton, Gwinnett, and Henry Counties, GA.

MC 120257 (Sub-63), filed June 4, 1981. Applicant: K. L. BREEDEN & SONS, INC., P.O. Box 4287, Lone Star, TX 75668. Representative: Bernard H. English, 6270 Firth Rd., Fort Worth, TX 76116, (817) 731-8431. Transporting (1) *forest products*, and (2) *lumber and wood products*, between points in AZ, CA, CO, ID, KS, MT, NE, NV, ND, NM, OK, SD, TX, UT, and WY, on the one hand, and, on the other, points in the U.S.

MC 144927 (Sub-36), filed May 27, 1981. Applicant: REMINGTON FREIGHT LINES, INC., Box 315, U.S. 24 West, Remington, IN 47977. Representative: Jack Luck (same address as applicant), (219) 261-3461. Transporting *doors, door frames, and elevator cabs*, between the facilities of Williamsburg Steel Products Co., Inc., at Brooklyn, NY, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, MO, OK, and TX.

MC 148077 (Sub-2), filed May 26, 1981. Applicant: JAMES L. KAMPSTRA, d.b.a. KAMPSTRA TRUCKING, 1720 Ferry St., Albany, OR 97321. Representative: James L. Kampstra, P.O. Box 368,

Albany, OR 97321, (503) 928–0540. Over *regular routes*, transporting *general commodities* (except classes A and B explosives), between Portland and Eugene, OR, over Interstate Hwy 5, serving all intermediate points and off-route points Sweet Home and Stayton, OR.

MC 154907 (Sub-2), filed June 4, 1981. Applicant: THE BUCK COMPANY, 631 W. Cherry St., Wayland, MI 49348. Representative: Edward Malinzak, 900 Old Kent Bldg., Grand Rapids, MI 49503, (616) 459–6121. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Cherry Hill Orchards, Inc., of Bailey, MI.

MC 156277, filed June 2, 1981. Applicant: WEEK-ENDER'S INCORPORATED, 11 Fuller St., Naugatuck, CT 06770. Representative: Carolyn A. Welch (same address as applicant), (203) 729–0074. To engage in operations, in interstate or foreign commerce as *a broker*, at Naugatuck, CT, in arranging for the transportation, by motor vehicle, of *passengers and their baggage* in round trip charter, and special operations, beginning and ending at points in New Haven County, CT, and extending to points in the U.S., including AK and HI.

MC 156307, filed June 1, 1981. Applicant: ANTHONY M. BUTLER, d.b.a. PLEASURE RIDE, 16108 Ninean Ct., Upper Marlboro, MD 20870. Representative: Anthony M. Butler (same address as applicant), (301) 627–5587. Transporting *passengers and their baggage*, in special and charter operations, in round trip one way operations, between points in Prince Georges, Charles, Anne Arundel and Montgomery Counties, MD, on the one hand, and, on the other, points in NJ, PA, DE, MD, VA, WV and DC.

MC 156317, filed June 1, 1981. Applicant: FIDELITY TRUCKING CORP., 4556 W. 61st St., Chicago, IL 60629. Representative: Robert J. O'Hearn (same address as applicant), (312) 581–5617. Transporting *general commodities* (except classes A and B explosives), between the facilities of Rand McNally & Co., at points in the U.S., on the one hand, and, on the other, points in the U.S.

Volume No. OPY–4–201

Decided: June 12, 1981.

MC 6237 (Sub-5), filed June 1, 1981. Applicant: DONALD S. GRIMM, INC., Box 5, Maple Grove St., Lodi, OH 44254. Representative: John L. Alden, 1396 W. Fifth Ave., Columbus, OH 43212, (614) 481–8821. Transporting *salt and salt products*, between points in IL, KY, MI, OH and WV.

MC 67227 (Sub-3), filed June 1, 1981. Applicant: B & H TRUCKING CO., INC., 1441 Ferry Ave., Camden, NJ 08104. Representative: James Rutherford (same address as applicant), (609) 964–0112. Transporting (a) (1) *metal products*, (2) *food and related products*, (3) *chemicals and related products*, (4) *building materials*, and (5) *rubber and plastic products*, between those points in the U.S. east of ND, SD, NE, KS, OK, and TX, (b) *such commodities* as are dealt in or used by department stores, between the facilities of Lionel Leisure, Inc. at points in the U.S., on the one hand, and, on the other, points in the U.S., (c) *skylights*, between points in Montgomery County, PA, on the one hand, and, on the other, points in the U.S., and (d) (1) *metal products*, (2) *building materials*, (3) *clay, concrete, glass or stone products*, and (4) *coal and coal products*, between Camden, NJ and Philadelphia, PA, on the one hand, and, on the other, points in CT, DE, MA, MD, NC, NH, NJ, NY, OH, PA, RI, SC, VA, WV, and DC.

MC 98697 (Sub-11), filed June 1, 1981. Applicant: CITY FREIGHT LINES, 22560 Lucerne St., Carson, City 90745. Representative: R. Y. Schureman (same address as applicant), (213) 775–6711. Transporting *general commodities* (except classes A and B explosives), between points in CA.

MC 112627 (Sub-37), filed June 1, 1981. Applicant: OWENS BROS., INC., P.O. Box 247, Dansville, NY 14437. Representative: S. Michael Richards, P.O. Box 225, Webster, NY 14580, (716) 671–6200. Transporting *general commodities* (except classes A and B explosives), between points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, WV, WI, and DC.

MC 119767 (Sub-369), filed June 1, 1981. Applicant: BEAVER TRANSPORT CO., 100 Waukegan Rd., P.O. Box 1000, Lake Bluff, IL 60044. Representative: Michael V. Kaney (same address as applicant), (312) 295–5700. Transporting *such commodities* as are dealt in by foodstores, between Kansas City, MO, on the one hand, and, on the other, points in AR, CO., OK, TN, TX, and WY.

MC 119837 (Sub-24) filed June 1, 1981. Applicant: OZARK MOTOR LINES, INC., 27 W. Illinois Ave., Memphis, TN 38106. Representative: Thomas A. Stroud, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137, (901) 767–5600. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with ITT Outdoor Lighting (Fixture Division), of Southaven, MS.

MC 120257 (Sub-62) filed June 1, 1981. Applicant: K. L. BREEDEN & SONS, INC., P.O. Box 4267, Lone Star, TX 75668. Representative: Bernard H. English, 6270 Firth Rd., Forth Worth, TX 76116, (817) 731–8431. Transporting *chemicals, chemical additives, clay, lignite, petroleum pitch, foundry and sand additives, bentonite, drilling mud and drilling mud additives, lost circulation material*, between points in the U.S.

MC 121677 (Sub-4) filed June 1, 1981. Applicant: WARREN COUNTY FREIGHT LINES, INC., 601 Red Rd., McMinnville, TN 37110. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th St., N.W., Washington, DC 20004, (202) 347–8862. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Gould, Inc., of St. Louis, MO.

MC 129537 (Sub-55) filed June 1, 1981. Applicant: REEVES TRANSPORTATION CO., Route 5-Dew's Pond Rd., Calhoun, GA 30701. Representative: John C. Vogt, Jr., 406 N. Morgan St., Tampa, FL 33602, (813) 229–6165. Transporting (1) *textile mill products*, and (2) *rubber and plastic products*, between points in MS, on the one hand, and, on the other, points in AR, FL, GA, LA, NC, OK, SC, TN, and TX.

MC 136157 (Sub-278) filed June 1, 1981. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a. SOUTHWEST MOTOR FREIGHT, 2931 South Market St., Chattanooga, TN 37410. Representative: Patrick E. Quinn (same address as applicant), (615) 756–7511. Transporting *such commodities* as are dealt in by manfacturers of hollow micron balloons, between points in Hamilton County, TN, on the one hand, and, on the other, points in the U.S.

MC 139077 (Sub-5), filed June 2, 1981. Applicant: LOOP FLEET SERVICE, INC., 1818 N. Commerce St., Milwaukee, WI 53212. Representative: James L. Sternovitz (same address as applicant), (414) 372–5100. Transporting (1) *such commodities* as are dealt in by department stores, between points in WI and IL, (2) *alcoholic beverages*, between points in IL, WI, IA, MN, MI, IN, KY, OH, and MO, (3) *such commodities* as are sold in retail, chain, discount and department stores, between Milwaukee, WI, on the one hand, and, on the other, points in the U.S., (4) *drugs, medicines, toilet preparations, and items sold by wholesale drugs distributors*, between points in IL, MI, and WI, and (5) *general*

commodities (except classes A and B explosives), between the facilities of Abex Corporation, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 145227 (Sub-4), filed June 1, 1981. Applicant: ROGERS TRANSPORTATION COMPANY, INC., 1316 So. Blount St., Raleigh, NC 27602. Representative: David H. Permar, 327 Hillsborough St., P.O. Box 527, Raleigh, NC 27602, (919) 828–5952. Transporting (1) *petroleum and petroleum products*, and (2) *liquid fertilizer*, between points in NC, SC, and VA.

MC 146677 (Sub-6), filed June 1, 1981. Applicant: GRANNY'S EXPRESS, INC., 2101 Ross Ave., Norwood, OH 45212. Representative: E. H. van Duesen, P.O. Box 97, Dublin, OH 43017, (614) 889–2531. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Clopay Corporation and Milacron Marketing Company, both of Cincinnati, OH, Duro Paper Bag Mfg. Co., of Ludlow, KY, Cincinnati, and Puritan Churchill Chemical Company, of Atlanta, GA.

MC 150247 (Sub-5), filed June 1, 1981. Applicant: VAN EERDEN TRUCKING COMPANY, INC., 1150 Freeman, S.W., Grand Rapids, MI 49503. Representative: J. Michael Smith, 800 Calder Plaza Bldg., Grand Rapids, MI 49503, (616) 459–8311. Transporting *plastic boats*, between points in the U.S., under continuing contract(s) with Leisure Life Limited, of Grand Rapids, MI.

MC 150274 (Sub-6), filed June 1, 1981. Applicant: VAN EERDEN TRUCKING COMPANY, INC., 1150 Freeman, S.W., Grand Rapids, MI 49503. Representative: J. Michael Smith, 800 Calder Plaza Bldg., Grand Rapids, MI 49503, (616) 459–8311. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Mid-America Potato Company, of Grand Rapids, MI.

MC 152547 (Sub-1), filed June 1, 1981. Applicant: E&E TRUCK LINE, INC., 7th & Olive Sts., Charleston, IL 61920. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701. Transporting *food and related products*, between points in IN, MO and WI, on the one hand, and, on the other, points in IL.

MC 154047, filed June 1, 1981. Applicant: C & S EXPRESS, INC., 4907 State Rt. 39, Crestline, OH 44827. Representative: James Duvall, P.O. Box 97, Dublin, OH 43017, (614) 889–2531. Transporting *metal products*, between Baltimore, MD, Chicago, IL, and points in Richland County, OH and Starke County, IN, on the one hand, and, on the other, points in the U.S.

MC 156087, filed June 1, 1981. Applicant: GOLD BOND TRANSPORT, INC., 808 Packerland, Dr., Green Bay, WI 54303. Representative: Norman A. Cooper, 145 W. Wisconsin Ave., Neenah, WI 54956, (414) 722–2848. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Gold Bond Ice Cream, Inc., and Ace Baking Corporation, both of Green Bay, WI.

MC 156247, filed June 2, 1981. Applicant: ROBINSON CHARTER LINE, INC., 2266 Coleman St., La Canada, CA 91011. Representative: Donald R. Hedrick, P.O. Box 88, Norwalk, CA 90650, (213) 863–8883. Transporting *passengers and their baggage*, in the same vehicle with passengers, in special or charter operations, (1) in round-trip operations, beginning and ending at points in Los Angeles, Orange, Riverside, San Bernardino, San Diego, Kern, and Ventures Counties, CA and extending to points in AZ, NV, NM, NT, CO, OR, WA, ID, MT, and WY, and (2) between points in AZ and the points in those Counties named in (1) above.

[FR Doc. 81-18350 Filed 6-19-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier Temporary Authority Application

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register**. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be exmained at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. F–130

The following applications were filed in region I. Send protests to: Interstate Commerce Commission, regional Authority Center, 150 Causeway Street, Room 501, Boston, MA 02114.

MC 37918 (Sub-1–1TA), filed June 1, 1981. Applicant: DIRECT WINTERS TRANSPORT LIMITED, 890 Caledonia Rd., Toronto, Ontario, CD M6B 4B2. Representative: William J. Hirsch, 1125 Convention Tower, 43 Court St., Buffalo, NY 14202. *Common carrier:* Regular route: *General commodities (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment)*, between Detroit, MI and the boundary of the US and CD, at Port Huron, MI and return over Interstate Hwy. 94, serving no intermediate points. Supporting shipper(s): Can-Am Freight Services, 1 Eva Rd, Etobicoke, Ontario, CD M9C 4V5; Westway Forwarding International Limited, P.O. Box 630, Concord, Ontario, CD L4K 1E1; Chi-Can Freight Forwarding, Ltd., 29 Rangemore Rd, Toronto, Ontario, CD M82 5H8.

MC 138861 (Sub-1–24TA), filed June 4, 1981. Applicant: C-LINE, INC., 303 Jefferson Blvd., Warwick, RI 02888.Representative: Ronald N. Cobert, 1730 M Street, N.W., Suite 501, Washington, D.C. 20036. *Contract carrier:* irregular routes: *Plastic bags*, between Somerville, MA, on the one hand, and, on the other, Baltimore, MD, Washington, MO, Elkins, NC, Cleveland, OH, Oklahoma City, OK, and Neenah, WI, under continuing contract(s) with Linvure Company, Inc., of Somerville, MA.Supporting shipper: Linvure Company, Inc., 61 Clyde Street, Somerville, MA. 02145.

MC 156050 (Sub-1–1TA), filed June 4, 1981. Applicant: 4 B LINES, INC., 71 West Park Avenue, Vineland, NJ 08360. Representative: Robert L. Baker, Sixth Floor, United American Bank, Nashville, TN 37219. *Contract carrier:* Irregular Route: *such commodities as are dealt in*

by a catalogue showroom company between points in the U.S., under continuing contract(s) with Service Merchandise Company, Inc. of Nashville, TN. Supporting shipper: Service Merchandise Company, Inc., 2988 Foster Creighton Drive, Nashville, TN 37202.

MC 148893 (Sub-1–9TA), filed June 1, 1981. Applicant: WREN TRUCKING, INC., 1989 Harlem Rd., Buffalo, NY 14212. Representative: James E. Brown, 36 Brunswick Rd., Depew, NY 14043. *General commodities (except classes A and B explosives and commodities in bulk)* between points in CT, DE, DC, IL, IN, IA, KY, ME, MD, MA, MI, MN, MO, NE, NH, NJ, NY, OH, PA, RI, VT, WV and WI, restricted to traffic originating at or destined to the facilities of Twin Fair Distributors Corp. or its subsidiaries. Supporting shipper(s): Twin Fair Distributors Corp., 355 Harlem Rd, Buffalo, NY 14224.

MC 156103 (Sub-1–1TA), filed June 2, 1981. Applicant: MASS TRANSPORT, INC., 12 Mason Street, Worcester, MA 01609. Representative: James M. Burns, 1383 Main Street, Suite 413, Springfield, MA 01103. *Contract carrier:* Irregular routes: *Coin, currency and instruments and documents used in the business of banks and banking institutions in armored motor vehicles escorted by armed guards,* between points in MA, RI and NH, under a continuing contract(s) with the Federal Reserve Bank of Boston, MA. Supporting shipper(s): The Federal Reserve Bank of Boston, 600 Atlantic Ave., Boston, MA 02106.

MC 155962 (Sub-1–1TA), filed June 4, 1981. Applicant: SILVER STREAK TRANSPORT, INC., 222 Willow Street, Yonkers, NY 10701. Representative: Jack L. Schiller, 502 Flatbush Ave., Brooklyn, NY 11225. *Contract carrier:* Irregular routes: *Tile* from Laredo, TX to Ardsley, NY, under continuing contract(s) with Elon, Inc. of Elmsford, NY. Supporting shipper(s): Elon, Inc., 198 Saw Mill River Rd., Elmsford, NY 10523.

MC 156318 (Sub-1–1TA), filed June 4, 1981. Applicant: SUNRISE FREIGHT SERVICE, INC., 637 Central Avenue, Newark, NJ 07107. Representative: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, NJ 08904. *Contract carrier:* Irregular routes: *Advertising and store displays and materials and on return materials, equipment and supplies used in the manufacture and distribution thereof, except in bulk,* from Philadelphia, PA, and Newark, Trenton and Wallington, NJ to points in the U.S. except AK and HI, under continuing contract(s) with Butler Industries of Newark, NJ. Supporting shipper(s): Butler Industries, 637 Central Ave., Newark, NJ 07107.

MC 153933 (Sub-1–2TA), filed June 8, 1981. Applicant: BESTWAY ENTERPRISES, INC., P.O. Box M–A, Hoboken, NJ 07030. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168. *New Furniture,* between points in Guilford and Davidson Counties, NC, on the one hand, and, on the other, points in CT, FL, MA, MI, NJ, NY, RI, and TX. Supporting shipper: Thayer Coggin Inc., 427 South Road, High Point, NC 27262.

MC 149185 (Sub-1–2TA), filed June 4, 1981. Applicant: TRANSPORT E. J. BOURQUE, LIMITEE, P.O. Box 488, 1230 Industrial Boulevard, Mont Joli, Quebec, CD G5H 393. Representative: William H. Shawn, 1730 M Street, N.W., Suite 501, Washington, DC 20423. *Contract carrier:* Irregular routes: *Frozen foodstuffs* between points of entry on the International Boundary Line between the US and CD located in ME, on the one hand, and, on the other, points in AL, CT, DE, DC, FL, GA, ME, MD, MA, NH, NJ, NY, NC, OH, PA, RI, SC, TN, and VA, under continuing contract(s) with Cavendish Farms Ltd. of Prince Edward Island, CD. Supporting shipper(s): Cavendish Farms Ltd., P.O. Box 3500, Summerside, Prince Edward Island, CD CIN 5J5.

MC 125978 (Sub-1–1TA), filed June 5, 1981. Applicant: DEPENDABLE CAR TRAVEL SERVICE, INC., 130 W. 42nd Street, New York, NY 10036. Representative: Roy A. Jacobs, Esq., (Alfano & Alfano, P.C.), 550 Mamaroneck Ave., Harrison, NY 10528. *Used passenger automobiles, with or without baggage, personal effects and pets of owners of such vehicles, in driveaway service,* between points in CA on the one hand, and, on the other, points in the US (except AK, CT, FL, HI, NJ, NY and PA), restricted against the transportation of vehicles (1) moving on Government bills of lading, (2) having an immediately prior or subsequent movement by rail, and (3) moving for, from or on behalf of manufactures of new automobiles and station wagons (except licensed vehicles transported for use of personnel of manufacturers. Supporting shipper(s): Premium Rent-A-Car, 5616 Geary Blvd., Suite 208, San Francisco, CA 94127; Skyways Rent-A-Car System, 1516 Kettner Blvd., San Diego, CA 92101.

MC 29963 (Sub-1–1TA), filed June 5, 1981. Applicant: B. & E. TRANSPORTATION, INC., RFD No. 4, Putnam Pike, Esmond, RI 02917. Representative: Martin M. Temkin, Esq., and David J. Tracy, Esq., Temkin, Merolla & Zurier, Ltd., 40 Westminster St., 20th Flr., Providence, RI 02903. *General commodities (except Class A and B explosives and hazardous waste),* between points in CT, MA, and RI. Supporting shipper(s): L & R Warehouse Corp., 129 Morgan Drive, Norwood, MA 02062; Esmond Terminal Warehouse, 10 Hampden Rd., Mansfield, MA 02050; S & M Distributing Co., 11 Commerce St., Greenville, RI 02828.

MC 156236 (Sub-1–1TA), filed June 5, 1981. Applicant: G & L TRUCKING, INC., 165 Locke Rd., Locke, NY 13092. Representative: Roy D. Pinsky, Suite 1020—State Tower Building, Syracuse, NY 13202. *Contract carrier:* Irregular routes: *Fabricated metal products* between points in the US, under continuing contract(s) with Triangle Steel, Inc., of Ithaca, NY. Supporting shipper(s): Triangle Steel, Inc., 726 West Clinton St., Ithaca, NY 14850.

MC 127284 (Sub-1–1TA), filed June 8, 1981. Applicant: DOMINION-CONSOLIDATED TRUCK LINES LIMITED, 775 The Queensway, Toronto, Ontario, CD M8Z 1N2. Representative: Owen B. Katzman, 1828 L Street, N.W., Suite 1111, Washington, DC 20036. *General commodities (except classes A and B explosives and hazardous wastes),* between points in IL, IN, MI, MN, NJ, NY, OH, PA, and WI. Supporting shipper(s): There are 363 statements in support attached to this application which may be examined at the ICC Regional Office in Boston, MA.

MC 87451 (Sub-1–25TA); filed June 3, 1981. Applicant: CARGO TRANSPORT, INC., 91 Mountain Rd., Burlington, MA 01803. Representative: Samuel A. Bithoney, Jr. (same as above). *Contract carrier:* Irregular routes: *Insulating materials, insulators, isolators, plastic articles, roofing composition prepared, adhesives and adhesive paste and materials, equipment and supplies used in the manufacture, sale, and distribution thereof (except classes A & B explosives and household goods as defined by the Commission),* between the facilities of U.S. Mineral Products located in Netgong/Stanhope, NJ; Birmingham, AL; Huntington, IN and Fredricksburg, VA on the one hand, and points and places in the US on the other, under continuing contract(s) with U.S. Mineral Products of Stanhope, NJ. Supporting shipper(s) U.S. Mineral Products, Furnace St., Stanhope, NJ 07874.

MC 127610 (Sub-1–TA); filed June 5, 1981. Applicant: J.P. NOONAN TRANSPORTATION, INC., 436 West Street, West Bridgewater, MA 02379. Representative: Russell S. Callahan, P.O. Box 1806, Brockton, MA 02403. *Dry*

cement, in bulk, from Glens Falls, Cementon and Howes Caves, NY, and Railroad Yards at Cambridge and Framingham, MA to the facilities of A. Rotondo and Sons, Inc. at Rehoboth, MA. Supporting shipper(s): A. Rotondo and Sons, Inc., 41 Allen Avenue, Rehoboth, MA 02769.

MC 143385 (Sub-1-2 TA); filed June 5, 1981. Applicant: TRANSPORT ROBERT (1973) LTEE, 130 First Ave., P.O. Box 39, Rougemont, Quebec, CD JOL 1MO. Representative: Robert D. Schuler, 100 West Long Lake Rd. Suite 102, Bloomfield Hills, MI 48013. *Contract carrier:* Irregular Routes: *(1) Canned and dry pet food* from ports of entry on the International Boundary between the US and CD in MI and NY to CT, IL, IN, MA, ME, MI, NH, NY, OH, PA, RI, VT and WI, and *(2) materials, supplies and equipment used in the manufacture or distribution of canned and dry pet food* from CT, IL, IN, MA, ME, MI, NH, NY, OH, PA, RI, VT and WI to ports of entry on the International Boundary between the US and CD in MI and NY; under continuing contract(s) with Jean Demers, Inc. of Quebec, CD. Supporting shipper(s): Jean Demers, Inc., Ville De Becancour, Gentilly, Quebec, CD Gox 1GO.

MC 133841 (Sub-1-13TA); filed June 5, 1981. Applicant: DAN BARCLAY, INC., P.O. Box 426, 362 Main St., Lincoln Park, NJ 07035. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *(1) Filters and filtering equipment, and machinery, and (2) materials, equipment, and supplies used in the manufacture and sale of the commodities named in (1) above,* between Birmingham, AL, on the one hand, and, on the other, San Diego and San Francisco, CA; McIntyre, GA; Chicago, IL; Ashland, KY; Paulsboro, NJ; Philadelphia, PA; and Baytown, TX. Supporting shipper(s): Goslin-Birmingham, Inc., P.O. Box 398, Birmingham, AL 35201.

MC 144102 (Sub-1-1TA), filed June 8, 1981. Applicant: DEAKIN FINE ART TRANSPORT LIMITED, 291 Lakeshore Boulevard East, Toronto, Ontario, CD M5A 1B9. Representative: Robert D. Gunderman, P.C., Can-Am Building, 101 Niagara St., Buffalo, NY 14202. *Fine art objects and original works of art (except in armored vehicles),* between ports of entry on the International Boundary line between the US and CD located in NY and VT, on the one hand, and, on the other, points in Fairfield County, CT. Supporting shipper(s): The Greenwich Workshop, 30 Lindeman Drive, Trumbull, CT 06611.

MC 156428 (Sub-1-1TA), filed June 9, 1981. Applicant: MARSAN WAREHOUSING & TRANSPORTATION P.O. Box 70, Jamesburg, NJ 08831. Representative: Andrew S. Soldini, P.O. Box 70, Jamesburg, NJ 08831. *Contract carrier:* irregular routes: *Steel Doors, Steel Frames and Elevator Cabs,* from Brooklyn, NY to all points in the US except AK and HI, under continuing contract with Williamsburgh Steel Products Co., Inc., of Brooklyn, NY. Supporting shipper: Williamsburgh Steel Products Co., Inc., 73 Paidge Ave., Brooklyn, NY 11222.

MC 156423 (Sub-1-1TA), filed June 9, 1981. Applicant: J.R.J., INC., T/A RAIL HEAD TRANSFER, 203 Port Jersey Boulevard, Jersey City, NJ 07305. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. *General Commodities* having a prior or subsequent movement by water between New York, NY Commercial Zone, on the one hand, and, on the other, points in CT, PA, NJ, and NY. Supporting shipper(s): S.S.C., International, Inc., P.O. Box 825, Hackensack, NJ 07602 and Gerard Dente Trading Co., Inc., 1376 Pompton Ave, Cedar Grove, NJ 07009.

MC 156413 (Sub-1-1TA), filed June 9, 1981. Applicant: ARCTIC EXPRESS LIMITED, 1320 Graham Boulevard, Suite 110, Montreal, Quebec, Canada H3P 3C8. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108. *Food and related products,* between ports of entry on the US-CD Boundary Line in ME, NH, VT, NY, and MI, on the one hand, and, on the other, points in ME, NH, VT, MA, RI, CT, NY, NJ, PA, DE, MD, OH, and MI. Supporting shippers: Bar-Well Foods, Ltd., Trenton, Ontario, Canada; Arctic Gardens, Inc., Deseronto, Ontario, Canada; and Snyder & Sons, Inc., 16 Champognat Street, Bedford, Quebec, Canada.

MC 149114 (Sub-1-4TA), filed June 9, 1981. Applicant: NATIONAL TRANSPORT SERVICE CO., INC., 100 Industrial Ave., Edison, NJ 08837. Representative: Brian H. Siegel, Esq., 1101 Connecticut Ave. N.W., Suite 1000, Washington, DC 20036. *Contract carrier:* Irregular routes: *Frozen food products,* between the plant site of Gold Shield Foods Inc., at or near Monticello, NY (Sullivan County), on the one hand, and, on the other, all points in the states of GA, MA, IL, OH, NJ, FL, and PA, under continuing contract(s) with The Gold Shield Foods, Inc. of Monticello, NY. Supporting shipper(s): The Gold Shield Foods Inc., 12 Delton St., Monticello, NY 12701.

MC 133841 (Sub-1-14TA), filed June 9, 1981. Applicant: DAN BARCLAY, INC., P.O. Box 426, 362 Main Street, Lincoln Park, NJ 07035. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *(1) Generators and generating equipment, and (2) materials, equipment and supplies used in the manufacture and sale of the commodities named in (1) above,* between Waukesha, WI; Boston, MA; and Teterboro, NJ, on the one hand, and, on the other, Miami, FL; Chicago and Clinton, IL; New Orleans, LA; Baltimore, MD; St. Louis, MO; Charleston, SC; Nashville, TN; and Norfolk, VA. Supporting shipper(s): W. A. Kraft Corp., 10 Henry St., Teterboro, NJ 07600.

MC 146478 (Sub-1-1TA), filed June 9, 1981. Applicant: ULTIMATE DISTRIBUTION, INC., 50 Executive Ave., Edison, NJ 08817. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *Food and related products,* between the facilities used by Confectionery Consolidators, Inc. and their members, at points in the US, on the one hand, and, on the other, points in the US. Supporting shipper(s): Confectionery Consolidators, Inc., P.O. Box 708, 32 Mae Belle, Dr., Clark, NJ 07066.

MC 156390 (Sub-1-1TA), filed May 29, 1981. Applicant: PROGRESSIVE PIER DELIVERY, INC., 1 Freeman St., Newark, NJ 07105. Representative: Harold L. Reckson, 33-28 Halsey Rd., Fair Lawn, NJ 07410. *Plastic materials,* between Monaca, PA, on the one hand, and, on the other, points in CT and NJ, and that part of NY on and south of Hwy. I-90 and on and east Hwy. I-87. Supporting shipper(s): Arco Polymers, Inc., 1500 Market St., Philadelphia, PA 19101.

The following applications were filed in Region 3. Send protests to ICC, Regional Authority Center, P.O. Box 7600, Atlanta, GA 30357.

MC 156389 (Sub-3-1TA), filed June 8, 1981. Applicant: MALCOLM DAVIS, Route #4, Box 124C, Waynesboro, TN 38485. Representative: Paul B. Plant and B. E. Bryant, P.O. Box 399, 225 Mahr Ave., Lawrenceburg, TN 38464. *Contract carrier;* irregular routes; *A. Sandals, boots and handsewn shoes,* from Lawrenceburg, TN to Marlboro, MA, and, *B. Raw materials for manufacturing,* from Marlboro, MA to Lawrenceburg, TN. Supporting shipper: John A. Frye Shoes Co., 200 McDowell St., Lawrenceburg, TN 38464.

MC 111936 (Sub-3-8TA), filed June 8, 1981. Applicant: MURROW'S TRANSFER, INC., P.O. Box 4095, High Point, NC 27263. Representative: Wilmer B. Hill, 805 McLachlen Bank Building, 666 Eleventh Street, NW, Washington, DC 20001. *Furniture and fixtures,*

between points in Cook County, IL, on the one hand, and, on the other, points in AL, FL, GA, KY, NC, SC, TN, VA, and WV. Supporting shipper: Douglas Furniture Corp., 5020 W. 73rd St, Chicago, IL 60638.

MC 124835 (Sub-3–11TA), filed June 10, 1981. Applicant: PRODUCERS TRANSPORT CO., P.O. Box 4022, Chattanooga, TN 37405. Representative: David K. Fox (same address as applicant). *Petroleum and Petroleum Products,* from Wilmington, NC, to all points in AL, FL, GA, MD, and TN. Supporting shipper: Union Chemicals Division, Union Oil Co., of Calif., 17 Executive Park Drive, Suite 540, Atlanta, GA., 30329.

MC 156280 (Sub-3–1TA), filed June 8, 1981. Applicant: SYLVIA TRUCK LINES, INC., 2006 N.W. 100th St., Miami, FL 33147. Representative: Gerard J. Donovan, 4791 S.W. 82nd Ave., Davie, FL 33328. *General commodities, (except those in bulk, Class A & B explosives, those injurious to other commodities, hazardous materials, household goods as defined by the Commission),* between the Ports of Miami, West Palm Beach and Port Everglades, FL and points and places in the State of FL, having a prior or subsequent movement by water. Supporting shippers: Transport Specialists to Florida, Inc., 2138 Biscayne Blvd., Miami, FL 33137; Webster Enterprises, Inc., 2006 N.W. 100th St., Miami, FL; General Corporation of Coffee, Inc., 16000 N.W. 49th Ave., Miami, FL; and Central Commodity Corp., 2006 N.W. 100th St., Miami, FL 33166.

MC 144964 (Sub-3–8TA), filed June 9, 1981. Applicant: ESSEX EXPRESS, INCORPORATED, 1200 Hammondville Road, Pompano Beach, FL 33060. Representative: Don A. Allen, 2550 M Street, N.W., Washington, D.C. 20037. *Frozen foods from (1) Vineland, NJ to Buffalo, NY; Philadelphia, Belle Vernon, and Stroudsberg, PA; Baltimore and Landover, MD; Milford and Harrington, DE; Norfolk, VA; Bristol, CT; and points in NJ; and (2) from Plant City, FL to Vineland, NJ and New York, NY.* Supporting shippers: Southland Frozen Foods, 1 Linden Place, Great Neck, NY 11021; East Coast Refrigerator Services, 1 Linden Place, Great Neck, NY 11021.

MC 144027 (Sub-3–9TA), filed June 9, 1981. Applicant: WARD CARTAGE AND WAREHOUSING, INC., Route No. 4, Glasgow, KY 42141. Representative: Henry E. Seaton, 13th and Pennsylvania Ave., Washington, DC 20004. *General Commodities (except classes A & B Explosives)* between Barren County, KY on the one hand, and, on the other, points in KY. Supporting shipper: Georgia-Pacific Corporation, 320 Post Road, Darien, CT 06820. Applicant intends to interline at Glasgow, KY.

MC 146434 (Sub-3–1TA), filed June 9, 1981. Applicant: GENE L. HICKS, 240 Ridgecrest Drive, Madisonville, TN 37354. Representative: Mike Hicks, Route 5, Madisonville, TN 37354. *Contract carrier;* irregular; routes; *scrap metal,* from Rogersville, TN to points in AL. Supporting shipper: Holston Surplus Metals, Inc., Box 649, Rogersville, TN 37857.

MC 156039 (Sub-3–1TA), filed June 9, 1981. Applicant: D. B. WADDELL, d.b.a. WADDELL TRUCKING, 118 Yates Street, Dallas, NC 28034. Representative: William P. Farthing, Jr., 1100 Cameron-Brown Building, Charlotte, NC 28204. *Contract carrier;* irregular; *steel products,* between all points in the United States, under continuing contract with B & G Manufacturing, Inc. and Green Bay Supply Company, Inc. Supporting shipper: B & G Manufacturing, Inc. and Green Bay Supply Company, Inc., 3067 Unionville Pike, Hatfield, PA 19440.

MC 144688 (Sub-3–15TA), filed June 8, 1981. Applicant: READY TRUCKING, INC., 2717 Campbell Boulevard, Ellenwood, GA 30049. Representative: Lavern R. Holdeman, P.O. Box 81849, Lincoln, NE 68501. *Such commodities as are dealt in by grocery and food business houses (except in bulk),* between points in the U.S., in and east of ND, SD, NE, KS, OK, and TX, restricted to shipments originating at or destined to the facilities of or used by Hunt-Wesson Foods, Inc. Supporting Shipper: Hunt-Wesson Foods, Inc., P.O. Box 61770, New Orleans, LA 70161.

MC 117872 (Sub-3–1TA), filed June 8, 1981. Applicant: A. JOSEPH AND COMPANY, 352 E. Woodrow Wilson Ave., P.O. Box 4798, Jackson, MS 39216. Representative: John A. Crawford, 17th Floor Deposit Guaranty Plaza, P.O. Box 22567, Jackson, MS 39205. *Malt beverages and materials, equipment and supplies used in the sale and distribution thereof,* between points in Jefferson County, CO, on the one hand, and, on the other, points in MS. Supporting shippers: Coors Central Mississippi, Inc., 107 Duncan Ave., Jackson, MS 39202; Austin Distributing, Inc., 111 E. Michigan Ave., McComb, MS 39648; Johnson & Johnson Beverage Co., 2620 A St., Meridian, MS 39301.

MC 156376 (Sub-3–1TA), filed June 8, 1981. Applicant: ADW, INC., 120 Tiffany Drive, Brandon, MS 39042. Representative: Fred W. Johnson, Jr., P.O. Box 1291, Jackson, MS 39201. *Common carrier;* irregular routes; *building materials air conditioning and heating equipment and electrical appliances* between Ellis County, TX; Fulton County, GA; Wyandotte County, KS; Lauderdale County, MS; Mobile County, AL; on the one hand, and on the other, points in AL, FL, LA, MS, and TN. Supporting shipper: Climate Masters, Inc., P.O. Box 6254, Pearl, MS 39208.

MC 156378 (Sub-3–1TA), filed June 8, 1981. Applicant: CHARLES H. BAKER, JR./BUSINESS TRUST, 921 Great Oaks Dr., Horn Lake, MS 38637. Representative: Thomas A. Stroud, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137. (1) *Water pumps, component parts of water pumps, water pump accessories and materials, equipment and supplies used in the manufacture of water pumps, water pump components and accessories,* between the facilities of Layne & Bowler, Inc. at Memphis, TN on the one hand, and, on the other, points in AZ, CA, ID, NM, NV, OR, TX, UT, WA, New Orleans, LA; Kearney, NE; Garden City, KS and Alexandria, MN, and (2) *lumber or wood products,* from points on OR, WA, CA, and ID to points in MS, TN and AR. Supporting shippers: Layne & Bowler, Inc., 993 Chelsea Ave., Memphis, TN 38108 and Interstate Plywood—A Division of DeSoto Forrest Products, Inc., 2270 S. 3rd St., Memphis, TN 38109.

MC 144225 (Sub-3–6TA), filed June 8, 1981. Applicant: JADEEL TRUCKING, INC., 8333 W. McNab Road, Tamarac, FL 33321. Representative: Raymond P. Keigher, Esquire, 401 E. Jefferson St., Suite 102, Rockville, MD 20850. *Lumber,* from points in Hampden County, MA, to points in AL, CT, DE, FL, GA, IN, KY, ME, MD, MA, MS,NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, WV, and DC. Supporting shipper: Quaboag Transfer, Inc., Bridge & Water Streets, Palmer, MA 01069.

MC 146646 (Sub-3–44TA), filed June 8, 1981. Applicant: BRISTOW TRUCKING CO., INC., 750 Clow Road, Birmingham, AL 35217. Representative: John R. Frawley, Jr., Suite 200, 120 Summit Parkway, Birmingham, AL 35209. *General Commodities (except used household goods, hazardous or secret materials, and sensitive weapons and munitions)* between points in the US restricted to service for the account of Distribution Services of America of Boston, MA. Supporting shipper: Distribution Services of America, Inc., 666 Summer Street, Boston MA 02210.

MC 30446 (Sub-3–8TA), filed June 8, 1981. Applicant: BRUCE JOHNSON TRUCKING COMPANY, INC., P.O. Box 5647, 3408 North Graham Street, Charlotte, NC 28225. Representative:

Leon Thompson, P.O. Box 5647, 3408 North Graham Street, Charlotte, NC 28225. *Air conditioning equipment, furnaces and component parts and accessories thereof, and materials and supplies used in the manufacture, sale and distribution of said commodities (except commodities in bulk)* between Pulaski County, AR and Shelby, Davidson and Rutherford Counties, TN on the one hand, and, on the other hand, points in NC, SC and GA. Supporting shipper: Carrier Air Conditioning Group, Divisions of Carrier Corporation, P.O. Box 4808, Carrier Parkway, Syracuse, NY 13221.

MC 156051 (Sub-3–1TA), filed June 8, 1981. Applicant: CUMBERLAND TRANSPORT, INC., P.O. Box 492, Kingsland, GA 31548. Representative: John J. Ossick, Jr., P.O. Box 1087, Kingsland GA 31548. *Contact carrier:* irregular routes; *gypsum rock, in bulk, in dump vehicles,* between points in Camden County, GA, having a prior or subsequent movement by rail. Supporting shipper(s): Union Carbide Agricultural Products Company, Inc., 270 Park Ave., New York, NY 10017

MC 156388 (Sub-3–3TA), filed June 8, 1981. Applicant: G.D.I., Route 3, Box 128, Jackson Road, Fletcher, NC 28732. Representative: D. Samuel Neill, 222 Third Avenue West, Hendersonville, NC 28739. *Contract:* Irregular: *Blankets and materials, equipment and supplies used in the manufacture and distribution of blankets* between points in Buncombe County, NC, on the one hand, and, on the other, points in the US, including AK and the District of Columbia. Supporting shipper: C.D.Owen Mfg. Co., P.O. Box 457, Swannanoa, NC 28778.

MC 143061 (Sub-3–6TA), filed June 8, 1981. Applicant: ELECTRIC TRANSPORT, INC., P.O. Box 528, Eden, NC 27288. Representative: Archie W. Andrews (same as above). *Air conditioning equipment, furnaces and component parts and accessories thereof, and materials and supplies used in the manufacture, sale and distribution of said commodities (except commodities in bulk),* between Pulaski County, AR and Shelby, Davidson and Rutherford Counties, TN, on the one hand, and, on the other, points in NC, VA, SC, and GA. Supporting shipper: Carrier Air Conditioning Group, Divisions of Carrier Corporation, P.O. Box 4808, Carrier Parkway, Syracuse, NY 13221.

MC 56799 (Sub-3–4TA), filed May 27, 1981. Republication—originally published in **Federal Register** of June 8, 1981, page 30402, volume 46, No. 109. Applicant: CLAXON TRUCK LINE, INC., P.O. Box 878, Frankfort, KY 40602. Representative: George M. Catlett, 708 McClure Building, Frankfort, KY 40601. *Common carrier:* regular: *General commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment),* (1) between Louisville and Munfordville, KY, over U.S. Hwy. 31W serving all intermediate points, (2) between Elizabethtown and Cub Run, Ky, from Elizabethtown over Ky Hwy. 61 to junction U.S. Hwy. 31E, thence over U.S. Hwy 31E to junction KY Hwy. 88, thence over KY Hwy. 88 to Cub Run, KY, and return over same route serving all intermediate points and serving Buffalo, KY, as an off-route point, (3) between Sonora and Hodgenville, KY, over U.S. Hwy. 84 serving all intermediate points, (4) between the facilities of (a) USM Corporation, Parker-Kalon Division, (b) Union Underwear Company, Inc., and (c) Ingersoll-Rand Company, at or near Campbellsville, KY, and Louisville, KY: From Campbellsville, KY, over U.S. Hwy. 68 to junction KY Hwy. 61, thence over KY Hwy. 61 to junction Interstate Hwy. 65, thence over Interstate Hwy. 65 to Louisville, KY, and return over the same route serving no intermediate points, (5) between Elizabethtown and Lexington, KY, from Elizabethtown over Blue Grass Parkway to junction U.S. Hwy. 60, thence over U.S. Hwy. 60 to Lexington serving no intermediate points but serving the junction of Blue Grass Parkway and U.S. Hwy. 127 for joinder only, and (6) between Frankfort, KY, and the junction of U.S. 127 and Blue Grass Parkway serving no intermediate points but serving the junction of U.S. 127 and Blue Grass Parkway for joinder only. Applicant proposes to tack Routes 1 through 6 above with each other and with applicant's existing authority at Louisville, Frankfort, and Lexington, KY. Applicant intends to interline at Elizabethtown, Louisville, Frankfort and Lexington, KY and Cincinnati, OH. Supporting Shipper: 15 statements of support are attached to this application which may be examined at the ICC Regional Office, Atlanta, GA.

MC 17000 (Sub-3–3TA), filed May 22, 1981. Republication—originally published in **Federal Register** of June 8, 1981, page 30401 volume 46, No. 109. Applicant: HOHENWALD TRUCK LINES, INC., P.O. Box 196, Hohenwald, TN 37462. Representative: Robert L. Baker, Sixth Floor, United American Bank, Nashville, TN 37219. *Common:* Regular: *General commodities (except classes A and B explosives* between Chapel Hill, TN and Nashville, TN. From Chapel Hill over US Hwy 31A to Nashville and return over the same route, serving all intermediate points. Applicant proposes to interline at Nashville, TN, and to tack with all of applicant's existing regular and irregular route authority. Applicant proposes to serve the commercial zones of all service points. Supporting shippers: Genesco, In., P.O. Box 1090, Nashville, TN 37202.

MC 156388 (Sub-3–1TA), filed June 8, 1981. Applicant: G.D.I., Route 3, Box 128, Jackson Rd., Fletcher, NC 28732. Representative: D. Samuel Neill, 222 Third Ave. West, Hendersonville, NC 28739. *Contract carrier:* irregular routes: *malt beverages, wine and brandy,* between points in CA, Eden, NC and San Antonio, TX, on the one hand, and, on the other, points in Buncombe County, NC. Supporting shipper: Skyland Beer Distributing Co., 14 Weston Rd., P.O. Box 645, Arden, NC 28704.

MC 156388 (Sub-3–2TA), filed June 8, 1981. Applicant: G.D.I., Route 3, Box 128, Jackson Rd., Fletcher, NC 28732. Representative: D. Samuel Neill, 222 Third Ave. West, Hendersonville, NC 28739.*Contract carrier:* irregular routes: *malt beverages, wine and brandy,* between points in CA; Detroit, MI and Ft. Wayne, IN, on the one hand, and, on the other, points in Buncombe County, NC. Supporting shipper: Ideal of Asheville, Inc., P.O. Box 15449, Asheville, NC 28813.

MC 150986 (Sub-3–4TA), filed June 10, 1981. Applicant: A&B CARTAGE, INC., 2411 Robeson Street, Fayetteville, NC 28305. Representative: Eric Meierhoefer, Suite 1000, 1029 Vermont Avenue, NW, Washington, DC 20005 (202) 347–8332. *Pulp, paper, and related products,* between points in NC and Richmond, VA, and points in its commerical zone, on the one hand, and, on the other, points in FL, GA, NC, SC, TN, NJ, NY, WI, PA, OH, MI, CT, and NH. Supporting shipper(s): Reetree Company, 2100 Deepwater Terminal Road, Richmond, VA 23224; and Universal Packaging Corp., P.O. Box 32, Lumberton, NC 28358.

MC 148202 (Sub-3–4TA), filed June 10, 1981. Applicant: K & K ENTERPRISES, INC., 6223 Triport Ct., Greensboro, NC 32809. Representative: Kim G. Meyer, P.O. Box 872, Atlanta, GA 30301. *Contract: Irregular: Paint and paint products and cleaning compounds,* between the facilities of United Coatings, Inc. at or near Chicago, IL, Memphis, TN, Indianapolis, IN, Charlotte, MC and Los Angeles, CA, on the one hand, and on the other, points in

and east of ND, SD, NE, KS, OK and TX under a continuing contract(s) with United Coatings, Inc. Supporting shipper: United Coatings, Inc., 3050 N. Rockwell, Chicago, IL 60618.

MC 141187 (Sub-3–4TA), filed June 9, 1981. Applicant: BLUFF CITY TRANSPORTATION, INC., P.O. Box 18391, Memphis, TN 38118. Representative: Clarence R. Haar (same as above). *Contract carrier;* irregular routes; *General commodities (except household goods as defined by the Commission), which are at the time moving on bills of lading issued by United Forwarding, Inc., a freight forwarder as defined in Section 10102(8) of the Interstate Commerce Act,* between points in the US, under a continuing contract(s) with United Forwarding, Inc., of Omaha, NE. Supporting shipper(s): United Forwarding, Inc., 7000 Bldg., Suite 445, 7000 West Center Rd., Omaha, NE 68196.

MC 146402 (Sub-3–16TA), filed June 12, 1981. Applicant: CONALCO CONTRACT CARRIER, INC., P.O. Box 968, Jackson, TN 38301. Representative: Charles W. Teske (address same as applicant). *Canned and bottled foodstuffs and equipment, materials and supplies used in the manufacture and distribution thereof* between the facilities of LOU ANA Foods, Inc. at or near Opelousas, LA on the one hand and, on the other, points in the U.S. Supporting shipper: LOU ANA Foods Inc., 731 R.R. Avenue, Opelousas, LA 70570.

MC 99439 (Sub-3–1TA), filed June 12, 1981. Applicant: SUWANNEE TRANSFER, INC., 9800 Normandy Boulevard, P.O. Box 40764, Jacksonville, FL 32203. Representative: Martin Sack, Jr., 203 Marine National Bank Bldg., 311 W. Duval Street, Jacksonville, FL 32202. *General commodities (except Classes A & B explosives),* between points in FA, FL and AL. Supporting shipper: Metro Shippers, Inc., 540 Owens Avenue, Jacksonville, FL 32205.

MC 143956 (Sub-3–19TA), filed June 12, 1981. Applicant: GARDNER TRUCKING CO., INC., P.O. Box 493, Walterboro, SC 29488. Representative: Steven W. Gardner, Suite 1631, 3400 Peachtree Road, NE, Atlanta, GA 30326. *Contract Carrier:* Irregular: *General commodities (except class A and B explosives, household goods, commodities in bulk, in tank vehicles, and commodities requiring specialized equipment)* between points in the United States (except AK and HI) under continuing contract with the E. I. DuPont and Co., Inc. Supporting shipment: E. I. DuPont de Numerours and Company, Inc., 10th & Market Street, Wilmington, DE 19898.

The following applications were filed in region 6. Send Protests to: Interstate Commerce Commission, Region 6 Motor Carrier Board, P.O. Box 7413, San Francisco, CA 94120.

MC 154865 (Sub-II–1TA), filed April 1, 1981. Applicant: L. K. McKENZIE & SONS, INC., P.O. Box 567, 406 Grant St., Chambersburg, PA 17201. Representative: L. Arnold McKenzie, 2521 New Franklin Rd., Chambersburg, PA 17201. *Liquid Nitrogen,* in bulk, in tank vehicles, between Baltimore, MD and points in Franklin County, PA, for 270 days. Supporting shipper Lloyd R. Bricker Twine & Fertilizer, Marion, PA 17235. The purpose of this re-publication is to show the correct spelling of the commodity.

MC 151706 (Sub-II–3TA), filed April 30, 1981. Applicant: JAN–AL SALES, INC., 5321 Southwyck Blvd., Toledo, OH 43614. Representative: Joseph E. Ludden, 2707 South Ave., P.O. Box 1567, La Crosse, WI 54601. *General commodities* having a prior or subsequent movement in rail piggyback service between railroad piggyback facilities located in Chicago, IL on the one hand on, on the other, points in IL, IN, KY, MI and OH for the account of White Motor Corporation for 270 days. Supporting shipper: White Motor Corporation, 34500 Grand River Ave., Farmington Hills, MI 48025.

Originally appeared in **Federal Register** dated May 26, 1981.

MC 150954 (Sub-II–31TA), filed May 5, 1981. Applicant: TRAVIS TRANSPORTATION, INC., 123 Coulter Ave., Ardmore, PA 19003. Representative: William E. Collier, 8918 Tesoro Dr., Suite 215, San Antonio, TX 78217. *Plastic pipe,* from Siloam Springs, AR to points in AL, CO, GA, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, MT, NE, NM, NC, ND, OH, OK, SC, SD, TN, TX and WI, for 270 days. Supporting shipper(s): Jet Stream Plastics, Div. of Winrock Enterprises, P.O. Box 190, Siloam Springs, AR 72761. Purpose of this re-publication is to show the origin state to be AR instead of AK.

MC 72069 (Sub-II–14TA), filed June 8, 1981. Applicant: BLUE HEN LINES, INC., P.O. Box 280, Milford, DE 19963. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 15th St., N.W., Wash., DC 20005. *Foodstuffs and related products,* from Zolfa Springs, FL, to points in the U.S. in and east of MN, IA, MO, AR, and TX, for 270 days. Supporting shipper: Mancini Packing Co., Zolfa Springs, FL 33890.

MC 156310 (Sub-II–1–TA), filed June 4, 1981. Applicant: DS & L CHARTER SERVICE, INC., 3564 Marine Dr., Toledo, OH 43609. Representative: Michael M. Briley, P.O. Box 2088, Toledo, OH 43603. *Passengers and their baggage in the same vehicle in charter operations* beginning and ending in points in Defiance, Erie, Fulton, Hancock, Henry, Huron, Lorain, Lucas, Ottawa, Sandusky, Seneca, Williams and Wood Counties OH, and extending to points in AR, FL, GA, IL, IN, KY, LA, MI, MO, NY, PA, TN, VA, WV, and DC for 180 days. An underlying ETA seeks 120 days authority. Supporting shipper(s) Galloway Travel, Inc., 4151–53 Monroe St., Toledo, OH 43606; T.R.I., Inc., 129 W. Wayne, Maumee, OH 43537; Elite Travel, Inc., 2027 S. Byrne Rd., Toledo, OH 43614; Travel Horizons, Inc., 19 N. 3rd St., Waterville, OH 43566; Toledo Board of Education, 5800 Hill Ave., Toledo, OH 43615.

MC 111289 (Sub-II–1TA), filed June 11, 1981. Applicant: RICHARD D. FOLTZ, 613 Hillcroft Ave., Cressona, PA 17929. Representative: S. Berne Smith, P.O. Box 1166, Harrisburg, PA 17108. *Contract: Irregular: Food and related products* from the facilities of Peter Paul Cadbury, Inc., in the city of York, PA, to Philadelphia, PA, and its commercial zone, points in New Castle County, DE, and points in Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer, Monmouth, Ocean, and Salem Counties, NJ, under continuing contract with Peter Paul Cadbury, Inc. of Naugatuck, CT, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Peter Paul Cadbury, Inc., New Haven Rd., Naugatuck, CT 06770.

MC 65475 (Sub-II–16TA), filed June 11, 1981. Applicant: JETCO, INC., 4701 Eisenhower Ave., Alexandria, VA 22304. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101. *Oil country tubular goods and machinery; i.e., steel pipe and casing and fittings, sucker rods and pumps,* between Oil City, PA; Galion, OH; and Wausau, WI; on the one hand, and, on the other, points in OH, OK, CO, WV, MS, ID, WI, ND, WY, LA, MI, MT, TX, SD, NM, KY, IL, and CA for 270 days. Supporting shipper: United States Steel Corp., 600 Grant St., Pittsburgh, PA 15230.

MC 156375 (Sub-II–1TA), filed June 8, 1981. Applicant: THOMAS LOPATOFSKY, R.D. 1, Uniondale, PA 18470. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517. *Liquified petroleum gas, in bulk, in tank vehicles,* from Watkins Glen, NY to Montgomery, PA, for 270 days. An

underlying ETA seeks 120 days. Supporting shipper(s): Neyhart's, Inc., dba Rural Gas, 145 W. 3rd St., Williamsport, PA 17701.

MC 148859 (Sub-II-4TA), filed June 9, 1981. Applicant: MID-STATE TRADING CO., P.O. Box 3275, 2525 Trenton Ave., Williamsport, PA. Representative: Sander M. Bieber, Suite 920, 1100 Connecticut Ave. N.W., Washington, D.C. 20036. *Contract; irregular: Industrial chemical waste,* between the facilities of Bailey Controls Co., Williamsport, PA; Bowen-McLaughlin-York Co., York, PA; Ray-O-Vac Corp., South Williamsport, PA; and Corning Glass Works, Corning, NY, on the one hand, and, on the other, pts. in PA, MD, NJ, NY, OH and DE, under continuing contract(s) with the above shippers, for 270 days. An uderlying ETA seeks 120 days authority. Supporting shippers: Ray-O-Vac Corp., 110 Reynold St., South Williamsport, PA 17701; Bailey Controls Co., Reach Rd., Williamsport, PA 17701; Bowen-McLaughlin-York Co., P.O. Box 1512, York, PA 17405; Corning Glass Works, Corning, New York 14830.

MC 155776 (Sub-II-1TA), filed June 8, 1981. Applicant: NYLON CAPITAL LIMOUSINE SERVICE, R.D. 3, Box 302, Seaford, DE 19973. Representative: Richard A. O'Brier (same address as applicant). *Passengers and their baggage in the same vehicle with passengers, limited to the transportation of not more than 14 passengers in any one vehicle, in special and charter operations,* (1) between Dorchester County, MD, on the one hand, and, on the other, Wicomico County Airport, Salisbury, MD; Baltimore-Washington International Airport, Anne Arundel County, MD; Washington National Airport, Gravelly Point, VA; Dulles International Airport, Fairfax-Loudoun County, VA; Philadelphia International Airport, Phila., PA; J.F. Kennedy International Airport and LaGuardia Airport, New York, NY; and (2) between Sussex County, DE; Wicomico, Caroline, Dorchester and Talbot Counties, MD, on the one hand, and, on the other, points in the U.S., for 180 days. Supporting shipper(s): Sirman's World Travel Agency, 435 Race St., Cambridge, MD 21613; Bank of Delaware Travel, 300 High St., Seaford, DE 19973.

MC 1824 (Sub-2-15TA), filed June 11, 1981. Applicant: PRESTON TRUCKING COMPANY, INC., 151 Easton Blvd., Preston, MD 21655. Representative: Charles S. Perry, 151 Easton Blvd., Preston, MD 21655. *Common; regular: General commodities, except classes A & B explosives,* serving Newell, WV, as an off-route point in connection with applicant's regular route between Youngstown, OH, and Cleveland, OH. Applicant intends to tack authority sought with authority held under Docket No. MC 1824 and all subs thereunder. Applicant intends to interline with present connecting carriers at authorized points including but not limited to Cleveland, OH, Pittsburgh, PA, and Richmond, VA for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Ohio Brass Company, 380 N. Main St., Mansfield, OH 44902.

MC 112868 (Sub-II-1TA), filed June 9, 1981. Applicant: HARVEY R. SHIPLEY & SONS, INC., 2801 Emory Rd., P.O. Box 266, Finksburg, MD 21048. Representative: Theodore Polydoroff, 1307 Dolley Madison Blvd., Suite 301, McLean, VA 22101. *Lightweight aggregate,* from Cohoes, NY to the facilities of Flintkote Co. at Frederick, Rockville, Boyd and Baltimore, MD and pts. in the Baltimore, MD commercial zone, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Flintkote Stone Products Co., 11350 McCormick Rd., Hunt Valley, MD 21031.

MC 125076 (Sub-II-1TA), filed June 9, 1981. Applicant: SUPERIOR BUS SERVICE, INC., T/A TRAVELINES, INC., 11 Koger Executive Center, Suite 101, Norfolk, VA 23502. Representative: John B. Swain, P.O. Box 13211, Chesapeake, VA 23325. *Passengers and their baggage in the same vehicle with passengers in roundtrip charter and special operations,* beginning and ending at pts. in the cities of Norfolk, Chesapeake, Virginia Beach, Portsmouth, Hampton and Newport News, VA and Currituck County, NC and extending to pts. in the US, including AK, but excluding HI, for 180 days. An underlying ETA seeks 120 days authority. Supporting shippers: There are 17 supporting shippers. Their statements may be examined at the ICC Reg. Ofc., Phila., PA.

MC 106956 (Sub-II-1TA), filed June 11, 1981. Applicant: SYLVESTER TRUCKING CO., 7901 Sylvania Ave., Sylvania, OH 43560. Representative: Wilhelmina Boersma, 1600 First Federal Bldg., Detroit, MI 48226. *Lime, limestone and limestone products,* in bulk, from the facilities of Detroit Lime Company in Detroit, MI to points in OH for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Detroit Lime Company, 8800 Dix Ave., Detroit, MI 48209.

MC 148178 (Sub-6-2TA), filed May 21, 1981. Applicant: FORREST DALE BELVIN, d.b.a. DALE BELVIN TRUCKING, 277 West Sierra, Clovis, CA 93612. Representative: Dale Belvin (same as above). *Contract carrier,* Irregular routes: *air conditioners, heaters, and related parts and accessories,* between points in the U.S. for the account of Lux Aire, Inc. for 270 days. Supporting shipper: Lux Aire, Inc. Elyria, OH.

MC 145979 (Sub-6-1TA), filed May 21, 1981. Applicant: CALIFORNIA EXPRESS, LTD., P.O. Box 3637, Ontario, CA 91761. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. *Frozen foods,* from Monterey, Santa Cruz, and Stanislaus Counties, CA, to points in AL, FL, GA, IL, KS, LA, MA, MI, NJ, NC, OH, OR, TN, TX, and WA, for 270 days. Supporting shipper: Patterson Frozen Foods, Inc., P.O. Box 114, Patterson, CA 95363.

MC 42487 (Sub-6-62TA), filed May 20, 1981. Applicant: CONSOLIDATED FREIGHTWAYS, CORPORATION OF DELAWARE, 175 Linfield Dr., Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O. Box 3062, Portland, OR 97208. *Contract carrier,* irregular routes: *General commodities, (except Classes A and B explosives),* from the facilities of Esco Corp. at Portland, OR to the facilities of Esco Corp. at Danville, IL, for the account of Esco Corp for 270 days. (Transportation authorized will not include movement of hazardous wastes.) Supporting shipper(s): Esco Corporation, 2141 N. W. 25th Ave., Portland, OR 97210.

MC 151292 (Sub-6-2TA), filed May 20, 1981. Applicant: DALE'S ARABIAN HORSE TRANSPORTATION, INC., Rt. 1 Box 197A, Cottonwood, CA 96022. Representative: James R. Dale, Rt. 1, Box 197A, Cottonwood, CA 96022. *Horses, breeding, showhorses,* between points in the U.S. except AK and HI, for 270 days. Supporting shippers: Harmony Acres, P.O. Box 897, Santa Ynez, CA 93460; Dunn's Royal Arabians, 3233 English Road, Chico, CA 91710; Lasma West, 5050 Happy Canyon Rd., Santa Ynez, CA 93460.

MC 156077 (Sub-6-1TA), filed May 21, 1981. Applicant: MAXIE JAMES HUFFMAN, d.b.a. HUFFMAN TRUCKING, 11048 Roswell Ave., Pomona, CA 91766. Representative: Earl N. Miles, 3704 Candlewood Dr., Bakersfield, CA 93306. (1) *Steel plate and tinplate* from Los Angeles and Kaiser, CA and Plymouth and Provo, UT to points in AZ, CO, NV, OR, UT and WA, (2) *Tank steel* from San Luis Obispo, CA to points in AZ, CO, NV, OR, UT and WA, (3) *Steel plate* from Provo, UT to San Luis Obispo, CA, for 270 days. Supporting shippers: Paleon, Inc., 1543 W. Olympic Blvd., Su. 424, Los Angeles, CA 90015; Trusco Tank, Inc.,

3490 Broad St., San Luis Obispo, CA 93401; Robin Steel Corp., POB 4805, Irvine, CA 92716.

MC 139906 (Sub-6–73TA), filed May 19, 1981. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, P.O.B. 30303, Salt Lake City, UT 84127. Representative: Richard A. Peterson, P.O.B. 81849, Lincoln, NE 68501. *Parts, materials and supplies used in the installation of air-conditioning systems* (except in bulk) from the facilities of G.I. Industries Inc., at or near Los Angeles and Anaheim, CA to points in the U.S. for 270 days. Supporting shipper: G.I. Industries, 2045 S. State College Blvd., Anaheim, CA 92806.

MC 139906 (Sub-6–74TA), filed May 19, 1981. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, P.O.B. 30303, Salt Lake City, UT 84127. Representative: Richard A. Peterson, P.O.B. 81849, Lincoln, NE 68501. *Mint oil and peppermint oil* (except in bulk) from Sunnyside, WA; Talbot, OR; Madras, OR; Caldwell, ID, to Bremen, IN and Niles, MI for 270 days. Supporting shipper: Wm. Leman, Inc., 114 N. Center St., Bremen, IN 46506.

MC 107151 (Sub-6–2TA), filed May 21, 1981. Applicant: H. F. JOHNSON, INC., P.O. Box 1435, Billings, MT 59103. Representative: Donald L. Sand (same as applicant). *Turbo A Jet Fuel* between points in MT and points in UT limited to destinations of Continental Helicopter, Inc. for 270 days. An underlying ETA seeks 120 days. Supporting shipper: Continental Helicopters, Inc.; P.O. Box 1487; Provo, UT 84601.

MC 107151 (Sub-6–3TA), filed May 21, 1981. Applicant: H. F. JOHNSON, INC., P.O. Box 1435, Billings, MT 59103. Representative: Donald L. Sand (same address as applicant). *Crude oil* from points in ND to pipelines in MT for 270 days. An underlying ETA seeks 120 days. Supporting shipper: Conoco, Inc.; P.O. Box 2548; Billings, MT 59103.

MC 108380 (Sub-6–6TA), filed May 20, 1981. Applicant: JOHNSTON'S FUEL LINERS, INC., Box 100, Newcastle, WY 82701. Representative: James A. Beckwith, 1365 Logan St., Suite 100, Denver, CO 80203. *Petroleum and petroleum products,* between points in CO, ID, NV, UT and WY for 270 days. Supporting shipper(s): There are 7 shippers. Their statements may be examined at the Regional office listed.

MC 156032 (Sub-6–2TA), filed May 18, 1981. Applicant: LEROY LEATHAM, d.b.a. ROY LEATHAM TRANSPORT, INC., 5217 S.E. Aldercrest Rd., Milwaukie, OR 97222. Representative: John H. King, 50015 S.E. Coalman Rd., Sandy, OR 97055. *Contract Carrier,* Irregular Routes: (1) *Lumber and Wood Products,* and (2) *Building Materials,* and (3) *Materials, Equipment, and Supplies* used in manufacture and distribution of the commodities named in (1) and (2) above between points in the U.S., for the account of Workman's Forest Products, Inc., for 270 days. Supporting shipper: Workmans Forest Products, Inc., 9123 St. Helens St., Clackamas, OR 97015.

MC 144572 (Sub-6–16TA), filed May 22, 1981. Applicant: MONFORT TRANSPORTATION COMPANY, POB G, Greeley, CO 80632. Representative: John T. Wirth, 717 17th St., Ste. 2600, Denver, CO 80202. *Malt beverages,* from Buffalo, NY and Detroit, MI to points in CO, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Labatts Importers, Inc., 3980 Sheridan Dr., Amherst, NY 14226.

MC 117551 (Sub-6–1TA), filed May 20, 1981. Applicant: NEWS & FILM SERVICE, INC., 745 Lipan St., Denver, CO 80204. Representative: James A. Beckwith, 1365 Logan Street, Suite 100, Denver, CO 80203. *Printed materials,* including books of all kinds, magazines, periodicals and newspapers, between points in CO, NM and UT, for 270 days. An underlying ETA seeks 120 days authority. There are 5 shippers. Their statements may be examined at the office listed.

MC 145399 (Sub-6–1TA), filed May 18, 1981. Applicant: SHAY DISTRIBUTING CO., 10180 Beech Ave., Fontana, CA 92335. Representative: David P. Christianson, 707 Wilshire Blvd., Suite 1800, Los Angeles, CA 90017. *(1) Polyester body filler, polishing and cleaning compounds, tools, parts and accessories, buffing pads, cleaning cloths, putty and paint; and (2) Materials, supplies and equipment utilized in the production or manufacture of the items set out in (1) above,* between the facilities of U.S. Chemical & Plastics Co. in the U.S., on the one hand, and, on the other, points in the U.S. (except AK and HI), for 270 days. Supporting shipper: U.S. Chemical & Plastics Co. 1446 Tuscarawas W St., Canton, OH 44706.

MC 108461 (Sub-6–4TA), filed May 20, 1981. Applicant: SUNDANCE FREIGHT LINES, INC., d.b.a. SUNDANCE TRANSPORTATION, 3737 West Buckeye Rd., Phoenix, AZ 85009. Representative: William S. Richards, P.O. Box 2465, Salt Lake City, UT 84110. *Contract Carrier,* Irregular routes: *Meat, meat products, meat by-products and articles distributed by meat packing houses,* as described in Sections A and C of Appendix I to the *Report and Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of Southwest Beef, Inc. at Tolleson, AZ to points in OR, WA, UT, NV, CA and ID, for 270 days. Supporting shipper: Southwest Beef, Inc., P.O. Box 647, Tolleson, AZ 85353.

MC 156084TA (Sub-6–1TA), filed May 20, 1981. Applicant: TOMPKINS & WEEKS, INC., POB 1028, North Bend, OR 97459. Representative: David C. White, 2400 SW Fourth Ave., Portland, OR 97201. *Residual oils,* in bulk, from Coos Bay, OR to points in Del Norte, Siskiyou, Humboldt, Trinity, Shasta and Tehama Counties, CA, for 270 days. Supporting shipper: Chambers Fuel Oil, Inc., POB 1180, Coos Bay, OR 97420.

MC 123329 (Sub-6–12TA), filed May 21, 1981. Applicant: H.M. TRIMBLE & SONS LTD., P.O. Box 3500, Calgary Alberta, CD T2P 2P9. Representative: D.S. Vincent (same as above). *Bagged lime* (in bulk) from ports of entry on the U.S./Canada boundary line to points in WA., ID., MT. and N.D., for 270 days. Supporting shipper: Steel Brothers Canada, Ltd., 4836–6th St. N.E., Calgary, Alberta.

MC 156078 (Sub-6–1TA), filed May 21, 1981. Applicant: David Wesley Fessler, d.b.a. TV Facts Delivery, 10805 36th Ave., SW., Seattle, WA 98146. Representative: David Wesley Fessler (same as above). *Contract Carrier,* Irregular routes: Weekly magazines or periodicals, new, from Portland, OR to points in WA, including points on the International Boundary Line between the U.S. and Canada, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Aztec Productions, 3302 SE 20th Ave., Portland, OR 97202.

MC 117786 (Sub-6–25TA), filed May 21, 1981. Applicant: RILEY WHITTLE, INC., P.O. Box 19038, Phoenix, AZ 85005. Representative: A. Michael Bernstein, 1441 E. Thomas Rd., Phoenix, AZ 85014. *Rubber and rubber products,* from Lawton, OK to the facilities of Mitchell Rubber Products, Inc. at City of Industry, CA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Mitchell Rubber Products, Inc., 491 Wilson Way, City of Industry, CA 91744.

MC 152671 (Sub-6–9TA), filed June 5, 1981. Applicant: ALL FREIGHT TRANSPORTATION, INC., P.O.B. 6699, Boise, ID 83707. Representative: Timothy R. Stivers, P.O.B. 1576, Boise, ID 83701. *Contract carrier,* irregular routes, (1) *Sand,* from Ottawa, MN and Taylor, WI to Los Angeles, CA, (2) *Synthetic resins and materials, equipment and supplies*

used in the manufacture and distribution thereof, between the facilities of Pacific Resins & Chemicals, Inc. at Tacoma, WA; Eugene, OR; Richmond, CA; Newark, OH; and Peach Tree City, GA, on the one hand, and, on the other, points in the U.S., for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Pacific Resins & Chemicals, Inc., P.O.B. 2277, Tacoma, WA 98401.

MC 146723 (Sub-6–3TA), filed June 8, 1981. Applicant: J. C. BANGERTER & SONS, INC., 1265 N. Main St., Bountiful, UT 84010. Representative: Harry D. Pugsley, 940 Donner Way #370, Salt Lake City, UT 84108. Irregular routes: (1) *such commodities as are dealt in by retail and wholesale food stores* from Maricopa County, AZ and Los Angeles County, CA to ID and UT; (2) *building materials* from ID and UT to Maricopa, County, AZ and Los Angeles County, CA, for 270 days. An underlying ETA seeks 120 day authority. Supporting shipper: Old West Foods, Inc., Route 1, Box 26H, Honneyville, UT 84314.

MC 156407 (Sub-6–1TA), filed June 5, 1981. Applicant: JACOBSEN & COOPER, INC., d.b.a. BIG VALLEY TRUCKING, POB 2462, Stockton, CA 95201. Representative: Earl N. Miles, 3704 Candlewood Dr., Bakersfield, CA 93306. *Wooden poles and wooden piling* from Stockton, CA, to points in NV, for 270 days. Supporting shipper: McCormick & Baxter Creosoting Co., 300 Montgomery St, No. 421, San Francisco, CA 94104.

MC 52793 (Sub-6–14TA), filed June 4, 1981. Applicant: BEKINS VAN LINES CO., 3090 Via Mondo, Compton, CA 90221. Representative: Jeffrey R. Graves, 707 Wilshire Blvd., Suite 1800, Los Angeles, CA 90017. *Furniture and fixtures,* from the facilities of Steelcase located at Grand Rapids, MI to all points in TX, LA, MS, AR, GA, FL, SC, NC, TN, AL, OK, KY, WV, KS and MO, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Steelcase, Inc., Grand Rapids, MI 49501.

MC 155735 (Sub-6–1TA), filed June 4, 1981. Applicants: STEVE DANG, HUNG LY, CHING CHUAN CHU, a partnership, 461 Crow Ct., San Jose, CA 95123. Representative: Steve Dang (same as applicant). *Passengers and their baggage in charter and special operations,* between San Jose, CA, on the one hand and North Lake Tahoe and Reno, NV, on the other hand for 180 days. Supporting shipper(s): Phil and Steve's Lucky Tours, 633 Hermitage St., San Jose, CA 95134.

MC 155380 (Sub-6–1TA), filed June 5, 1981. Applicant: DIAMOND TRUCKING, INC., Rte. 2, Box 152, Rexburg, ID 83440. Representative: Timothy R. Stivers, P.O.B. 1576, Boise, ID 83701. *Lumber and lumber mill products,* from the facilities of Castle Mountain Corporation at or near White Sulphur Springs, MT to points in ID, NV, and UT, for 270 days. Supporting shipper: Castle Mountain Corporation, P.O.B. J, White Sulphur Springs, MT 59645.

MC 128685 (Sub-6–2TA), filed June 8, 1981. Applicant: DIXON BROS., INC., P.O.D. 8, Newcastle, WY 82701. Representative: Jerome Anderson, 100 Transwestern Bldg., Billings, MT 59101. *Liquefied petroleum gas,* between points in Dunn and Burke Counties, ND, on the one hand, and on the other points in Meade, Pennington, Butte, Lawrence, Perkins, Harding, Ziebach and Dewey Counties, SD, for 270 days. Supporting shipper: McPherson Propane, Inc., P.O.B. 126, Sturgis, SD 57785.

MC 148000 (Sub-6–2TA), filed June 5, 1981. Applicant: C. H. DREDGE & CO., INC., 918 S 2000 W, Syracuse, UT 84041. Representative: Bruce W. Shand, Ste. 280, 311 S. State St., Salt Lake City, UT 84111. *Contract carriage,* irregular routes, *meat, meat products, and meat by products, and articles distributed by meat packinghouses, as are described in Sections A and C to Appendix I, in Report of Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766* between San Angelo, TX on the one hand and on the other points in AZ, AR, CA, CO, LA, KS, NM, OK & UT, for the account of Evans Meat of Texas, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Evans Meat of Texas, Rt. 2, Box 516, San Angelo, TX 76901.

MC 145471 (Sub-6–3TA), filed June 4, 1981. Applicant: JOHN K. GRAY TRUCKING, 30 So. G St., Arcata, CA 95501. Representative: Phyllis Gray (same as applicant). (1) *Lumber, lumber mill products and wood products,* between the counties of Humboldt, Mendocino, and Sonoma, in CA, on the one hand and on the other points in CO, restricted to shipments moving for the account of Reid And Wright Inc., for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Reid And Wright Inc., M St. and the Foot of 14th St., Arcata, CA 95521.

MC 1515 (Sub-6–15TA), filed June 8, 1981. Applicant: GREYHOUND LINES, INC., Greyhound Tower, Phoenix, AZ 85077. Representative: R. L. Wilson (same as applicant). *Common carrier,* regular routes: *passengers and their baggage and express and newspapers, in the same vehicle with passengers,* between Kingman, AZ and Seligman, AZ: from Kingman over I–40 to Seligman and return over the same route, serving all intermediate points for 180 days. An underlying E.T.A. seeks 90 days authority. Applicant intends to tack this authority with authority it presently holds in MC–1515. Supporting shippers: Empire Machinery Co., 3140 Airway Ave., Kingman, AZ; Thrifty Rent A Car, 602 Mikes Pike, Flagstaff, AZ 86001; William K. Roach, P.O.B. 1365, Flagstaff, AZ; Janet M. Perry, 516 N James, Flagstaff, AZ 86001; Lorenzo Ruis, 321 S. Eldin, Flagstaff, AZ 86001.

MC 156363 (Sub 6–1 TA), filed June 5, 1981. Applicant: HALL MACHINE & WELDING CO., INC., 102–8 West Mermod, Carlsbad, NM 88220. Representitive: Joseph William Brininstool, 1010 S Country Club Circle, Carlsbad, NM 88220. *Contract Carrier,* Irregular routes: *Potasium Chloride (bagged)* from Carlsbad, NM to points in Flatonia, TX, for KCL Sales Inc., for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: KCL Sales Inc., P.O. Box 2017, Carlsbad, NM 88220.

MC 118318 (Sub-6–4 TA), filed June 3, 1981. Applicant: IDA-CAL FREIGHT LINES, INC., P.O. Drawer M, Nampa, ID 83651. Representative: Timothy R. Stivers, P.O. Box 1576, Boise, Idaho 83701. *Contract Carrier,* irregular routes: *Commodities delt in by retail department stores,* from Seattle, WA and points in its commercial zone to points in CO, ID and UT, for 270 days. Supporting shipper: The Bon, 17000 Southcenter Pkwy., Seattle, WA 98188.

MC 139906 (Sub-6–76 TA), filed June 3, 1981. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, P.O.B. 30303, Salt Lake City, UT 84127 Representative: Richard A. Peterson, P.O.B. 81849, Lincoln, NE 68501. *General commodities* (except classes A & B explosives, commodities in bulk, household goods, and commodities which because of size and weight require special equipment) between points in the U.S., restricted to traffic originating at or destined to the facilities of or used by ICI America, Inc., for 270 days. Supporting shipper: ICI America Inc., Wilmington, DE 19897.

MC 139906 (Sub-6–77 TA), filed June 4, 1981. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, P.O.B. 30303, Salt Lake City, UT 84127. Representative: Richard A. Peterson, P.O.B. 81849, Lincoln, NE 68501. *General commodities* (except classes A and B explosives) between Philadelphia, PA; Secaucus, NJ and Chicago, IL, and points in their commercial zones, on the one hand, and, on the other, points in the U.S., restricted to shipments moving under bills-of-lading issued to West Coast Shipper's Ass'n Inc. for 270 days.

Supporting shipper: West Coast Shippers Association, 2000 S. 71st St., Philadelphia, PA 19142.

MC 156065 (Sub-6–1 TA), filed June 4, 1981. Applicant: JAMES MORRIS, d.b.a. MORRIS TRUCKING, 71 Madrid Plaza, Mesa, AZ 85201. Representative: Floyd L. Farano, 2555 E. Chapman Ave., Suite 415, Fullerton, CA 92631. *Contract carrier,* Irregular routes: *Wood and lumber, clay, mica, drywall texturing compound, wall board and iron or steel channels or studding,* between points in CA and AZ, for 270 days. Applicant possesses a 120 day ETA. Supporting shippers: Hamilton Materials, Inc., 1221 Broadway, 7th Floor, Oakland, CA 94012.

MC 123115 (Sub-6–3TA), filed June 3, 1981. Applicant: PACKER TRANSPORTATION CO., 280 Parr Blvd., Reno, NV 89512. Representative: Robert G. Harrison, 4299 James Drive, Carson City, NV 89701. 1—*Food and Kindred Products;* 2—*Pulp, Paper and Allied Products;* 3—*Chemicals and Allied Products;* 4—*Rubber and Plastic Products;* and 5—*Animal and Pet Foods,* between points in AZ, CA, CO, ID, NV, NM, MT, OR, UT, WA and WY, for 270 days. Supporting shippers: There are fifteen (15) shippers. Their Statements may be examined at the Regional Office listed.

MC 148737 (Sub-6–14TA), filed June 5, 1981. Applicant: SUNSET EXPRESS CORP., P.O.B. 27043, Salt Lake City, UT 84125. Representative: Michael A. Clark (same as applicant). *General commodities* (except Class A & B explosives and hazardous materials) between points in the US, for 270 days. Restricted to traffic shipped from the members of Wasatch Shippers Association. Supporting shipper: Wasatch Shippers Association, P.O.B. 15021, Salt Lake City, UT, 84115.

MC 148281 (Sub-6–4TA), filed June 5, 1981. Applicant: SUSANA TRANSPORT SYSTEMS, INC., 2845 Workman Mill Rd., Whittier, CA 90601. Representative: Miles L. Kavaller, 315 So. Beverly Dr., Suite 315, Beverly Hills, CA 90212. *Alcoholic beverages,* from the facilities of Trojan Distributing Company in Los Angeles County, CA, to points in the U.S., for 270 days. Supporting shipper: Trojan Distributing Co., Inc., 5455 So. Boyle Ave., Los Angeles, CA 90058.

MC 156309 (Sub-6–1TA), filed June 1, 1981. Applicant: TIGER LINES, INC., 8413 Mason Drive, Stockton, CA 95209. Representative: Ronald C. Chauvel, 100 Pine St., #2550, San Francisco, CA 94111. *Contract Carrier,* Irregular routes: *General commodities, (except articles of unusual value, Class A and B explosives, household goods as defined by the Commission, and articles because of their size and weight require special equipment),* between points in the U.S. under continuing contract(s) with ITOFCA, Inc., for 270 days. Supporting shipper: ITOFCA, INC., P.O. Box 188, Clarendon Hills, IL 60514.

MC 156339 (Sub-6–1TA), filed June 4, 1981. Applicant: W C TRANSPORT, INC., 801 Rancho Dr., Suite 35 Las Vegas, NV 89106. Representative: Darwin Eugene Cass (same as applicant). *Contract Carrier,* Irregular Routes: *Cement, Concrete and Building Materials,* between Jean, NV, and points in AZ, CA, CO, ID, MT, NM, NV, OR, UT, WA and WY for the account of Las Vegas Portland Cement, Inc., for 270 days. Supporting shipper: Las Vegas Portland Cement, Inc., 801 Rancho Dr., Suite 3, Las Vegas, NV. 89106.

MC 155332 (Sub-6–1TA), filed June 8, 1981. Applicant: BELL LUXURY LIMOUSINE, 100 Sunshine Lane, Reno, NV 89502. Representative: Larry E. Bell (same address as applicant). *Passengers and their hand baggage,* in chauffeur driven limousine service, in vehicles of seven (7) passenger capacity, including driver, between points in Washoe, Douglas, and Storey Counties, and Carson City, NV, on the one hand, and, on the other, points in CA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are six (6) shippers. Their statements may be examined at the Regional Office listed.

MC 146666 (Sub-6–2TA), filed June 2, 1981. Applicant: EDWARD R. CORCORAN, d.b.a. CORCORAN TRUCKING, P.O. Box 1472, Billings, MT 59103. Representative: Edward R. Corcoran, (same as applicant). *Coal and Coal products,* except in bulk, and *Drilling Mud* and *other products* used by oilwell drilling companies, except bulk shipments, equipment and machinery from points in ND and WY to points in CA, for 270 days. An underlying ETA seeks authority for 120 days. Supporting shippers: B. L. Lambirth Drilling Materials, P.O. Box 487, Bakersfield, CA 93302; Northern Mud Sales and Service, Inc., 3400 Patten, Bakersfield, CA 93308.

MC 128685 (Sub-6–3TA), filed June 9, 1981. Applicant: DIXON BROS., INC., P.O. Drawer 8, Newcastle, WY 82701. Representative: Jerome Anderson, 100 Transwestern Bldg., Billings, MT 59101. *Metal products,* between points in Box Elder County, UT, on the one hand, and, on the other hand, points in AZ, CA, CO, ID, MT, NV, NM, OR, WA, and WY, for 270 days. Supporting shipper: Nucor Corp., 4425 Randolph Rd., Charlotte, NC 28211.

MC 151800 (Sub-6–2TA), filed June 8, 1981. Applicant: JAMES A. DAVIS, d.b.a. JADCO TRANSPORTATION, 2312 Bledsoe, Las Vegas, NV 89110. Representative: Alki E. Scopelitis, 1301 Merchants Plaza, Indianapolis, IN 46204. *Contract carrier;* Irregular routes: *Food and related products,* between points in CA and NV under contracts with De Luca Liquor & Wine, Ltd., Nevada Liquor & Wine, Ltd. and Eagle Vineyards, Ltd. for 270 days. Supporting shippers: De Luca Liquor & Wine, Ltd., Nevada Liquor & Wine, Ltd., Eagle Vineyards, Ltd., 2548 W. Desert Inne Rd., Las Vegas, NV 89109.

MC 155040 (Sub-6–2TA), filed June 8, 1981. Applicant: FRANK A. KAISER, III & LENA KAISER, a partnership, d.b.a. >L & D TRANSPORT. Representative: Dwight L. Koerber, Jr., 110 N. 2nd St., P.O. Box 1320, Clearfield, PA 16830. *Adhesives, in containers,* from New Philadelphia, OH to points in AZ, CA, CO, ID, KS, NB, NV, NM, OK, OR, TX, UT, and WA for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Miracle Adhesives, P.O. Box 770, New Philadelphia, OH 44663.

MC 144572 (Sub-6–21TA), filed June 8, 1981. Applicant: MONFORT TRANSPORTATION COMPANY, POB G, Greeley, CO 80632. Representative: John T. Wirth, 717 17th Street, Suite 2600, Denver, CO 80202. *Bananas,* from Galveston, TX and Gulfport, MS to Denver, CO, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Associated Grocers of Colorado, Inc., POB 5528 T.A. Denver, CO 80217.

MC 144572 (Sub-6–22TA), filed June 8, 1981. Applicant: MONFORT TRANSPORTATION COMPANY, P.O. Box G, Greeley, CO 80631. Representative: Steven K. Kuhlmann, 2600 Energy Center, 717 17th Street, Denver, CO 80202. *Contract carrier,* Irregular routes: *General Commodities (except Classes A and B explosives),* between points in the U.S. under contract(s) with George C. Brandt, Inc., for 270 days. Supporting shipper: George C. Brandt, Inc., 6500 Stapleton Dr. South, Denver, CO 80216.

MC 140193 (Sub-6–3TA), filed June 8, 1981. Applicant: RICH GRANT, INC., 910 W. 24th St., Ogden, UT 84401. Representative: Irene Warr, 311 S. State St., Ste. 280, Salt Lake City, UT 84111. *Animal feed,* between Ogden, UT on the one hand, and, on the other, points in WA, OR, CA, MT, AZ, CO, and WY for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper:

American Nutrition, Inc., 29th and Reeves, Ogden, UT 84404.

MC 156442 (Sub-6–1TA), filed June 10, 1981. Applicant: W. D. SAVAGE, d.b.a. W. D. SAVAGE TRUCKING, 2443 SW Pumice, Redmond, OR 97756. Representative: Raymond Lakey, 25–45 Pine Vista Dr., Bend, OR 97701. *Wine and malt beverage* from points in CA to points in OR for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: R & R Beverage, 63500 N. Hwy 97, Bend, OR 97701.

MC 155316 (Sub-6–1TA), filed June 9, 1981. Applicant: EARL EDWARD KLADSTRUP, JR., d.b.a. SEE TAHOE, P.O. Box 8092, Incline Village, NV 89450. Representative: Randall M. Faccinto, P.O.B. 2819, Truckee, CA 95734. *Passengers and their baggage* in charter and special operations sightseeing and pleasure tours between points in Washoe, Carson City, Douglas and Storey Counties, NV, and those in El Dorado, Placer and Nevada Counties, CA, for 180 days. Supporting shipper: There are six shippers. Their statements may be examined at the Regional office listed.

MC 134283 (Sub-6–1TA), filed June 8, 1981. Applicant: VEDDER TANSPORT (1974) LTD., 34416C Marshall Rd., Abbotsford, B.C., Canada V2S 5A5. Representative: Larry Wiebe (same as applicant). *Contract Carrier*, irregular routes: *Prefabricated homes and/or building materials pertaining to these home packages*, between ports of entry located on the International Boundary Line between the U.S. and Canada located in WA on the one hand, and, on the other, points in and West of Whatcom, Skagit, Snohomish, King and Pierce Counties, WA, for the account of National Homes Ltd., for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: National Homes Ltd., P.O. Box 245, Abbotsford, B.C., Canada.

MC 112989 (Sub-6–16TA), filed June 8, 1981. Applicant: WEST COAST TRUCK LINES, INC., 85647 Hwy. 99 So., Eugene, OR 97405. Representative: John T. Morgans (same as applicant). *Metal products*, between Box Elder County, UT, on the one hand, and, on the other, points in AZ, CA, CO, ID, MT, NV, NM, OR, WA, and WY, for 270 days. Supporting shipper: Nucor Corp., 4425 Randolph Rd., Charlotte, NC 2811.

MC 148445, (Sub-6–2TA), filed June 9, 1981. Applicant: WLD TRUCKING COMPANY, 4527 N. 16th St., P.O. B. 32458, Phoenix, AZ 85064. Representative: Phil B. Hammond, 3003 N. Central Ave., Suite 2201, Phoenix, AZ 85012. *Contract Carrier;* irregular routes: *Printed matter* between the facilities of Danner Press Corporation, Canton, OH, and points in the U.S. for the account of Danner Press Corporation for 270 days. An underlying ETA seeks authority for 120 days. Supporting shipper: Danner Press Corporation, 1250 Camden Ave. SW., Canton, OH 44711.

MC 143775 (Sub-6–32TA), filed June 8, 1981. Applicant: PAUL YATES, INC., P.O. Box 1059, Glendale, AZ 85301. Representative: O. Paul Yates (same address as applicant). *General commodities* (except classes A & B explosives) from the facilities of or used by Cooperative Shippers Association at points in NJ and PA, to Portland, OR, Seattle, WA, and points in TX, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Cooperative Shippers Association, 4219 Richmond, Philadelphia, PA 19137.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-18351 Filed 6-19-81; 8:45 am]
BILLING CODE 7035-01-M

[Finance Docket No. 29612]

Chelatchie Prairie Railroad, Inc.—Petition for Exemption Under 49 U.S.C. 10505 From 49 U.S.C. 10901 and 11301

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Interstate Commerce exempts from the requirement of its prior review and approval: (1) under 49 U.S.C. 10901, the acquisition by Chelatchie Prairie Railroad, Inc. (Chelatchie), a noncarrier, of 29.5 miles of track of the Longview, Portland and Northern Railway Company (LP&N) extending between Rye Junction and Chelatchie Prairie, WA; and (2) under 49 U.S.C. 11301, the issuance by Chelatchie of 300 shares of no par value common stock for $500,000 to finance the transaction and obtain start-up working capital.

DATES: These exemptions will be effective on July 22, 1981. Petitions for reconsideration of this action must be filed on or before July 13, 1981.

ADDRESSES: Send pleadings to: (1) Interstate Commerce Commission, Section of Finance, Room 5414, 12th and Constitution Avenue, NW, Washington, DC 20423
and (2) Petitioner's representatives:
John P. Dodge, 6000 Southport Drive, Bethesda, MD 20014
Earle V. White, White & Southwell, 2400 S.W. Fourth Avenue, Portland, OR 97201

All pleading s should refer to Finance Docket No. 29612

FOR FURTHER INFORMATION CONTACT: Ellen D. Hanson, (202) 275–7245.

SUPPLEMENTARY INFORMATION:

Exemption Request

Chelatchie is a newly-formed corporation not presently involved in any carrier business nor affiliated with any Commission-regulated carrier. It seeks to purchase the Chelatchie Division of the LP&N, a 29.5 mile track segment between Rye Junction (just north of Vancouver) and Chelatchie Prairie, WA. Facilities at Chelatchie Prairie formerly generated almost all of the traffic on the line. A sawmill, planing mill and plywood plant belonging to LP&N's corporate parent, International Paper Corp (IPC), generated this traffic. However, by 1979, available timber in the area had been harvested and IPC's rail traffic over the line ceased late that year. In 1980, the eruption of Mt. St. Helens followed by unusually heavy snow and ice accumulations destroyed IPC's remaining timber prospects and crushed the buildings still standing.

Despite the loss of the primary past source of traffic along the line, Chelatchie anticipates that future development of sites along the line could make the line profitable in the future. On September 10, 1981, it contracted to purchase the line with related improvements, structures and operating property for $450,000. Of this sum, $25,000 has been paid as a deposit, with the balance due at consummation.

To finance the proposed acquisition, Chelatchie will issue 300 shares of no par value common stock to five individuals for a total consideration of $500,000. Of this amount, $450,000 will finance the proposed acquisition transaction and the remaining $50,000 will be used as start-up working capital.

Procedural Issue

The Railway Labor Executives' Association (RLEA) and the Brotherhood of Locomotive Engineers (BLE) have filed protests against the proposed exemptions. They ask that the exemption petition be denied or, alternately, set for oral hearing. If the exemption petition is granted, they ask for specified employee protection. Chelatchie has filed motions to strike the protests, contending that they are inappropriate at this time and that the labor organizations lack standing because they have not indicated that they represent any of the four employees who work on the line.

Our exemption procedures [1] do not specifically provide for the submission of any protests prior to an initial Commission decision-notice on the merits of the petition. Under these procedures, parties concerned with a proposed exemption are invited to state their concerns in a petition for revocation filed within 30 days after notice of the Commission's action is published in the **Federal Register.** [2] Nonetheless, our rules do not specifically preclude the filing of comments before this period, and the RLEA and BLE "protests" will not delay this proceeding.

Nor is this an appropriate case to resolve the standing issue raised by petitioner. The protests do not indicate whether any affected employee is represented by RLEA or BLE, but they also fail to indicate whether RLEA and BLE might have cognizable interests even absent representation. Accordingly, we will deny the motions to strike and accept the protests into the record.

The Statute

The acquisition by a noncarrier of a line of railroad requires Commission approval under 49 U.S.C. 10901; see *Prairie Trunk Railway—Acquisition and Operation,* 348 I.C.C. 832, 850–851 (1977). Similarly, the issuance of securities by a corporation organized to provide rail transportation requires our approval under 49 U.S.C. 11301.

However, 49 U.S.C. 10505 (amended by section 213 of the Staggers Rail Act of 1980, Pub. L. No. 96–448, October 14, 1980) allows the Commission to exempt a transaction if it finds that (1) regulation is not necessary to carry out the rail transportation policy of 49 U.S.C. 10101a; and (2) either the transaction is limited in scope, or regulation is not needed to protect shippers from the abuse of market power.

Discussion and Conclusions

Rail Transportation Policy

Neither the proposed acquisition nor the related issuance of stock will have an impact on interstate commerce or the national rail industry. The proposed acquisition is purely local and merely involves a change in ownership of 29.5 miles of railroad. The change in ownership (financed by the related stock issuance) should increase the likelihood that rail service will continue over the involved line in the future. The issuance of stock is merely to facilitate the acquisition, and thus is an integral part of the acquisition. Our prior approval of the transaction is accordingly not necessary to carry out the goals of the rail transportation policy outlined in section 10101a. Indeed, exempting the transactions will facilitate at least one of the policy objectives of section 10101a—to minimize the need for regulatory control and to require expeditious decisions when regulation is necessary. The exemptions granted here should, in fact, enhance the possible benefits of the proposed transactions. The exemptions would eliminate filing fees, regulatory costs and legal costs which could be disproportionately expensive for such small transactions.

Limited Scope and Abuse of Market Power

Petitioner must demonstrate that its proposal is either of limited scope or that regulation is not necessary to protect shippers from the abuse of market power. The proposed transactions satisfy both of these criteria.

The proposed acquisition involves a 29.5 mile of line located in one County of Washington. The proposed acquisition (and related stock issuance) will merely maintain the *status quo* and enhanced the likelihood that future service will be provided along this line. There will be no evident adverse effect on energy consumption or on the environment. For these reasons, we conclude that the proposals are of limited scope.

For the same reasons, we also conclude that our regulation of the proposed acquisition is not necessary to protect shippers from the abuse of market power. The proposed acquisition should help retain the availability of rail service. The proposed stock issuance will implement the financing of this acquisition. There is no indication that the shipping public could be harmed by this action.,

Labor Protection

Only four LP&N employees work on the involved track, some on a part-time basis only. Chelatchie states that it would offer these employees continued employment and hence their status would not change. The protests of RLEA an BLE provide no contrary information.

Under the circumstances, we find no need to require employee protection as a condition to exempting the acquisition transaction. The imposition of labor protection in situations governed by 49 U.S.C. 10901 is discretionary. (See 49 U.S.C. 10901(e) as amended by Staggers Act). In the past, we have not found it necessary to impose employee protective conditions in most section 10901 transactions, and there is nothing in the petition to indicate a need for imposing such conditions here. The exemption of the proposed acquisition transaction from the requirements of section 10901, therefore, will not be subject to any employee protective provision.

We Find

(1) The application of the requirements of 49 U.S.C. 10901 and 11301 to the transaction described above is not necessary to carry out the rail transportation policy of 49 U.S.C. 10101a.

(2) Regulation of the transactions described is not necessary to protect shippers from the abuse of market power.

(3) The transactions are of limited scope.

(4) This decision will not relieve petitioner from obligations (a) to provide contractual terms for liability and claims which are consistent with 49 U.S.C. 11707 (See 49 U.S.C. 10505(e)) or (b) to protect the interest of employees.

(5) This action will not significantly affect either energy consumption or the quality of the human environment.

It is ordered:

(1) The motions to strike the protests are denied.

(2) Pursuant to 49 U.S.C. 10505, we exempt:

(A) from 49 U.S.C. 10901, the acquisition by Chelatchie Prairie Railroad, Inc. of the above described 29.5 miles of line owned by Longview, Portland and Northern Railway Company; and

(B) from 49 U.S.C. 11301, the issuance of 300 shares of no par value common stock of Chelatchie Prairie Railroad, Inc.

(3) If these transactions are consummated, Chelatchie Prairie Railroad, Inc. and Longview, Portland and Northern Railway Company shall, within 60 days of consummation, submit 3 copies of a sworn statement showing all journal entries required to record the transaction.

(4) Notice of our action here shall be given to the general public by delivery of the copy of this decision to the Director, **Federal Register** for publication.

(5) This exemption will continue in effect for one year from the effective date of this decision. The parties must consummate these transactions during

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[1] Ex Parte No. 400, *Modification of Procedure for Handling Exemptions filed under 49 U.S.C. 10505,* served December 29, 1980, 45 FR 85180 as clarified by a supplemental decision served January 21, 1981, 46 FR 7505.

[2] Where we believe it necessary, we publish a notice soliciting comment prior to taking any action. *Id.* at 3–4.

that time in order to take advantage of the exemptions we have granted.

(6) This decision shall be effective 30 days from its date of publication in the **Federal Register.**

(7) Petitions to stay the effective date of this decision must be filed no later than 10 days following the date of publication in the **Federal Register.**

(8) Petitions to reopen this proceeding must be filed no later than 20 days following the date of publication in the **Federal register.**

Dated: June 16, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum and Gilliam. Acting Chairman Alexis was absent and did not participate

James H. Bayne,

Acting Secretary.

[FR Doc. 81-18352 Filed 6-19-81; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. MC-142 (Sub-No. 1)]

Removal of Restrictions From Authorities of Motor Carriers of Property

AGENCY: Interstate Commerce Commission.

ACTION: Reappointment of Employment Board Members.

SUMMARY: On January 15, 1981 (46 FR 3532), the ICC published notice of establishment of a special Restriction Removal Employee Board. This Board has been delegated the functions set forth in 49 CFR 1011.6(1), which was added in that document. Under that section the Board decides applications seeking to remove operating restrictions or to broaden unduly narrow authority in outstanding certificates or permits filed under 49 CFR Part 1137.

On June 11, 1981, the ICC voted to reappoint the following employees to serve as members of the Restriction Removal Board for terms of six months each: Howell I. Sporn, Chairman, Jane Alspaugh, and Mark S. Shaffer.

EFFECTIVE DATE: Upon publication in the **Federal Register.**

COMMENTS: Since this is a final action taken to affect internal organization matters, provisions for formal comments are unnecessary under 5 U.S.C. 553(b)(A).

FOR FURTHER INFORMATION CONTACT:

Ombudsman's Office, (202) 275-7440, or

Edward E. Guthrie, (202) 275-7691.

This action is taken under the authority of 49 U.S.C. 10321 and 5 U.S.C. 553.

Dated: June 11, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam.

James H. Bayne,

Acting Secretary.

[FR Doc. 81-18349 Filed 6-19-81; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Notice of Proposed Consent Decree in Action To Enjoin Discharge of Air Pollutants by National Steel Corp. at its Weirton, W. Va. Plant

In accordance with Department policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that on June 8, 1981, a proposed consent decree in *United States v. National Steel Corporation, State of West Virginia, ex rel. West Virginia Air Pollution Control Commission, Intervenor* (No. 81-00005-W(H), N.D.W.Va.), was lodged with the United States District Court for the Northern District of West Virginia. The proposed consent decree covers National Steel Corporation's integrated steel making plant in Weirton, West Virginia. The decree is part of a nationwide settlement between the U.S. Environmental Protection Agency and National Steel at its plants in Michigan, Illinois, and West Virginia under the Clean Air Act and Clean Water Act. Decrees have already been entered in the District Courts of the Eastern District of Michigan and the Southern District of Illinois with respect to the Michigan and Illinois plants. The West Virginia decree requires National to bring its West Virginia Plant into compliance with the requirements for particulate matter and sulfur dioxide of the Clean Air Act and the West Virginia state implementation plan by installation of pollution control equipment at the coke oven batteries, basic oxygen furnaces, blast furnaces, and sinter plant by no later than December 31, 1982, and by shut down of several coke oven batteries and construction of a new battery. Mass and visible emission limits for particulate matter required under the decree are comparable in some cases and identical in other cases to the West Virginia implementation plan requirements and reflect that degree of emission reduction represented by installation of reasonably available control technology ("RACT"), as required by the Clean Air Act. In lieu of payment of civil penalties, National has agreed to the installation of control equipment at this and other plants for which decrees have been entered which exceed the requirements of law.

The decree is a modification of a decree previously approved by the Department of Justice, EPA and National which was lodged with the District Court for the Northern District of West Virginia on February 9, 1981, and notice of which was published in the Federal Register on February 23, 1981, 46 FR 13610. The modifications were made in response to comments submitted by the State of West Virginia to the Department of Justice and are the result of negotiations between the United States EPA, U.S. Department of Justice, National Steel Corporation and the State of West Virginia. The principal differences between the prior decree and the present decree are the following:

(a) West Virginia is a party to the decree;

(b) The visible emission limitations for the coke oven battery stacks; basic oxygen furnace main gas cleaning stack, roof monitor, secondary gas cleaning device(s) and hot metal transfer station; sinter plant main windbox, discharge end and cooler end stacks; blast furnace case house buildings and gas cleaning device, are changed, essentially by providing for an opacity cap during periods of exceptions from the emission requirements. Further, several emission points not previously controlled by a visible emission limit under the prior decree are required to meet visible emission limits under this proposed decree (for example, the sinter plant windbox and the coke battery stacks).

(c) West Virginia will be entitled to 5% of whatever stipulated payments National must make under the proposed decree for violations of emission limits or construction schedules; the U.S. is entitled to the other 95%.

(d) National has agreed to pay West Virginia a $100,000 civil penalty for violation of some of its prior administrative orders.

(e) The decree does not set forth specific LAER limits with respect to National's planned new coke battery; however National is required to meet all applicable limits required by law, including limits at least as stringent as those provided for the other coke batteries in the decree.

(f) There are some changes in the Appendices regarding test methods in order to conform these methods to the revised visible emission limits.

In all other respects the prior decree is unchanged.

The proposed consent decree may be examined at the Clerk's office, United States District Court for the Northern District of West Virginia, Room 207, Old Post Office Building, 12th and Chapline Streets, Wheeling, West Virginia 26003.

and at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1254, Ninth and Pennsylvania Avenue, N.W., Washington, D.C. 20530. A copy of the proposed decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. There is a copying charge of $5.50 reflecting a rate of $.10 per page for the 55-page decree and appendices. Checks should be made payable to the Treasurer of the United States.

The Department of Justice will receive written comments relating to the proposed consent decree for a period of fifteen (15) days from the date of this notice. Comments should be addressed to the Assistant Attorney General for the Land and Natural Resources Division of the Department of Justice, Ninth and Pennsylvania Avenue, N.W., Washington, D.C. 20530 and should refer to *United States* v. *National Steel Corporation et al.*, (No. 81-00005-W(H), N.D.W.Va.), D.J. Ref. 90-5-2-1-318.

Carol E. Dinkins,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 81-18402 Filed 6-19-81; 8:45 am]

BILLING CODE 4410-16-M

NUCLEAR REGULATORY COMMISSION

[Dockets Nos. 50-269, 50-270 and 50-287]

Duke Power Co.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments Nos. 98, 98 and 95 to Facility Operating Licenses Nos. DPR-38, DPR-47 and DPR-55, respectively, issued to Duke Power Company, which revised the licenses and Technical Specifications (TSs) for operation of the Oconee Nuclear Station, Units Nos. 1, 2 and 3, located in Oconee County, South Carolina. The amendments are effective as of the date of issuance.

These amendments revise License Condition 3.E. and the common TSs related to facility fire protection modifications. Clarification is also provided for the Fire Protection Safety Evaluation which was issued on August 11, 1978. These amendments and the clarification represent completion of previous NRC review effort related to fire protection features and do not involve any conflicts with the requirements of Appendix R to 10 CFR Part 50.

The applications for the amendments comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of these amendments.

For further details with respect to this action, see (1) the applications for amendments dated March 18, 1981, and May 15, 1981, (2) Amendments Nos. 98, 98, and 95 to Licenses Nos. DPR-38, DPR-47 and DPR-55, respectively, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Oconee County Library, 501 West Southbroad Street, Walhalla, South Carolina. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 9th day of June 1981.

For the Nuclear Regulatory Commission.

John F. Stolz,

Chief, Operating Reactors Branch No. 4, Division of Licensing.

[FR Doc. 81-18406 Filed 6-19-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-387 and 50-388]

Pennsylvania Power & Light Co. and Allegheny Electric Cooperative, Inc. (Susquehanna Steam Electric Station, Units 1 and 2); Order of Prehearing Conference

June 16, 1981.

The parties to this proceeding shall appear at a prehearing conference to be held at 9:00 a.m. on July 22, 1981, in courtroom #1 at the Federal Building and Courthouse, 197 South Main Street in Wilkes-Barre, Pennsylvania.

This conference, which will continue on July 23, if necessary, is required by the Commission's Rules, under 10 CFR 2.752, and will consider the following:

(1) Simplification, clarification and specification of the issues;

(2) The necessity or desirability of amending the pleadings;

(3) The obtaining of stipulation and admissions of fact and of the contents and authenticity of documents to avoid unnecessary proof;

(4) identification of witnesses and the limitation of the number of expert witnesses, and other steps to expedite the presentation of evidence;

(5) The setting of a hearing schedule; and

(6) Such other matters as may aid in the orderly disposition of the proceeding.

Dated at Bethesda, Md., this 16th day of June 1981.

For the Atomic Safety and Licensing Board.

James P. Gleason,

Chairman, Administrative Judge.

[FR Doc. 81-18407 Filed 6-19-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-260]

Tennessee Valley Authority; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 67 to Facility Operating License No. DPR-52 issued to Tennessee Valley Authority (the licensee), which revised the Technical Specifications for operation of the Browns Ferry Nuclear Plant, Unit No. 2 (the facility) located in Limestone County, Alabama. The amendment is effective as of the date of issuance.

This amendment changes the Technical Specifications to remove the power spiking panalty from the linear heat generation rate limites for 8x8, 8x8R and P8x8R fuel assemblies.

The application for this amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact

Statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated February 20, 1981, (2) Amendment No. 67 to License No. DPR-52, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Athens Public Library, South and Forrest, Athens, Alabama 35611. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Md., this 12th day of June 1981.

For the Nuclear Regulatory Commission

Thomas A. Ippolito,

Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 81-18408 Filed 6-19-81, 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-259, 50-260, and 50-296]

Tennessee Valley Authority; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 72 to Facility Operating License No. DPR-33, Amendment No. 69 to Facility Operating License No. DPR-52 and Amendment No. 44 to Facility Operating License No. DPR-68 issued to Tennessee Valley Authority (the licensee), which revised the licenses for operation of the Browns Ferry Nuclear Plant, Unit Nos. 1, 2 and 3, located in Limestone County, Alabama. The amendments are effective as of the date of issuance and are to be fully implemented within 60 days of Commission approval in accordance with the provisions of 10 CFR 73.55(b)(4).

These amendments add a condition to each of the Facility Operating Licenses to require the licensee to follow all provisions of the Commission approved Guard Training and Qualification Plan, including amendments and changes made pursuant to 10 CFR 50.54(p), within 60 days of the date of these amendments.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commisson has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

The licensee's filing dated August 17, 1979, as supplemented by letters dated February 20, 1980, June 2, 1980, October 24, 1980, and April 7, 1981 are being withheld from public disclosure pursuant to 10 CFR 2.790(d). The withheld information is subject to disclosure in accordance with the provisions of 10 CFR 9.12.

For further details with respect to this action, see (1) Amendment No. 72 to License No. DPR-33, Amendment No. 69 to License No. DPR-52, and Amendment No. 44 to License No. DPR-68 and (2) the Commission's letter to the licensed dated June 15, 1981. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Athens Public Library, South and Forrest, Athens, Alabama 35611. A copy of items (1) and (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Md., this 15th day of June 1981.

For the Nuclear Regulatory Commission.

Thomas A. Ippolito,

Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 81-18400 Filed 6-19-81, 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-29]

Yankee Atomic Electric Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 68 to Facility Operating License No. DPR-3, issued to Yankee Atomic Electric Company (the licensee), which revised the Technical Specifications for operation of the Yankee Nuclear Power Station (Yankee-Rowe) (the facility) located in Rowe, Franklin County, Massachusetts. The amendment is effective as of its date of issuance.

The amendment revises the Technical Specifications to defer certain Inservice Inspection and Testing requirements until the end of the scheduled 1981 refueling outage, and supplements our authorization for these changes given on January 12, 1981.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated October 22, 1980 (Proposed Change No. 172), (2) Amendment No. 68 to License No. DPR-3, (3) the Commission's related Safety Evaluation, and (4) the Commission's previously issued authorization dated January 12, 1981. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Greenfield Community College, 1 College Drive, Greenfield, Massachusetts 01301. A copy of items (2), (3) and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Md., this 8th day of June 1981.

For the Nuclear Regulatory Commission.

Dennis M. Crutchfield,

Chief, Operating Reactors Branch No. 5, Division of Licensing.

[FR Doc. 81-18410 Filed 6-19-81, 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on the Medical Uses of Isotopes; Public Meeting

The Nuclear Regulatory Commission's (NRC) Advisory Committee on the Medical Uses of Isotopes (ACMUI) will hold a public meeting at 9:00 a.m. on

Monday, August 31, 1981 at the Ramada Inn, O'Hare Airport, Chicago (Des Plaines), Illinois.

The following agenda is scheduled:

1. *Training and Experience Criteria for Physician-Users.* The Committee, which began discussion on this topic at the January 18, 1980 meeting, and subsequently discussed it during the August 18, 1980 meeting, will continue its review of NRC's current physician-user qualification program.

By way of background, NRC's objective is to ensure that authorized physician-users have sufficient training and experience to handle safely the radioactive material they request. The current criteria are stated in Appendix A, Regulatory Guide 10.8 (Revision 1), October 1980 for Groups I through VI (as listed in 10 CFR 35.100) and in NUREG–0339 for teletherapy. Copies of these guides may be obtained by contacting Mrs. Patricia Vacca, Medical and Academic Section, Material Licensing Branch at (301) 427–4232.

Evidence of adequate training and experience may be documented by using Supplements A and B of Form NRC–313M. In lieu of documenting training and experience by submitting Supplements A and B, Form NRC–313M, a physician may submit evidence of certification by certain medical specialty boards. The current acceptable specialty board and nuclear medicine/therapy procedures are referenced in Appendix A and in NUREG–0339.

Additional information concerning physician-user training and experience criteria and previous related ACMUI meetings is contained in 44 FR 73170 and 45 FR 42904.

In its continuing review of this matter, the Advisory Committee will consider:

a. Acceptance of proposed Appendix A, Regulatory Guide 10.8 which incorporates changes recommended by the Committee during its last meeting. These changes include the Federated Council of Nuclear Medicine Organizations' proposal that physicians using radioactive material in human subjects have a minimum of six months of special education, training and experience in these uses. Essentially, this change increases the minimum time for a physician applicant to obtain the necessary training and experience from the present three months to six months. The Committee agreed with this recommendation as applied to diagnostic nuclear medicine and nuclear cardiology.

This discussion will also focus on the training and experience criteria for individual physicians desiring limited licenses. Specifically, should physicians who request authorization only for one or two specific diagnostic procedures or for the therapeutic procedures in Groups IV and V be required to complete identical training and experience as physicians requesting authorization for diagnostic procedures (Groups I–III)?

b. Acceptance of osteopathic boards of certification as indicating evidence of adequate training and experience for NRC licensing purposes. The American Osteopathic College of Radiology and the American Osteopathic Board of Radiology are to present additional information concerning the nature and content of their board examinations.

c. Acceptance of certification by the American Board of Nuclear Medicine as evidence of adequate training and experience to perform the therapeutic procedures listed in Groups IV and V (as listed in 10 CFR 35.100). The American Board of Nuclear Medicine is to present additional information concerning the contents of their board examination as it applies to the uses of the therapeutic materials contained in these groups.

d. Future implementation of the new physician training and experience criteria. Considerations for an acceptable implementation date will include a discussion of the appropriate mechanism (e.g., Federal Register Notice) and related time requirements for gathering public comments as well as the time needed by various training facilities to modify their physician-training programs to accommodate the new criteria.

2. *Alternative Methods for Medical Licensing.* The Committee will discuss alternative methods for issuing byproduct material licenses for medical uses. Consideration of alternatives will focus on reducing the administrative burden to both licensees and the NRC licensing staff.

3. *Status Report on Issues of Interest.* The NRC staff will provide a report on the current status of various issues of interest (i.e., Taplin Petition (44 FR 26817) and Misadministration Rule).

Practical considerations may dictate alteration in the above agenda.

Mr. Richard Cunningham, Director, Division of Fuel Cycle and Material Safety, U.S. Nuclear Regulatory Commission, will serve as Chairperson of the Advisory Committee meeting. Mr. Cunningham is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business.

The following requirements shall apply to public participation in the agenda items listed above.

1. Person wishing to submit written statements on agenda items may do so by providing a readily reproducible copy at the beginning of the meeting. Persons wishing to mail written comments may do so by sending at least one readily reproducible copy (preferably 25 copies) to Mr. Cunningham in care of NRC, Washington, D.C. 20555. Comments postmarked no later than August 19, 1981, should be received in time for consideration at the meeting. The minutes of the meeting will be kept open for 30 days for the receipt of written statements for the record.

2. Persons desiring to make oral statements should make a request to do so prior to the beginning of the meeting and should identify the agenda items they wish to discuss. To the extent that the time available for the meeting permits, the Committee will receive oral statements. The Chairperson shall rule on requests to make oral statements and shall apportion the available time to make oral statements.

3. Questions may be asked only by Committee members, consultants, and staff.

4. Seating for the public will be on a first come—first served basis.

5. Rulings on requests to make oral statements and the time allotted may be obtained by prepaid telephone call to Mr. Cunningham at (301) 427–4485 between 9:00 a.m. and 5:00 p.m. EDT on August 27 or 28, 1981.

6. Other information regarding the meeting may be obtained by prepaid telephone call to Mrs. Patricia Vacca at (301) 427–4232 between 9:00 a.m. and 5:00 p.m. EDT.

7. A copy of the minutes of the meeting will be available for inspection at the NRC Public Document Room, 1717 H Street, NW., Washington, D.C. 20555 on or before October 10, 1981. Copies of the minutes may be obtained upon payment of required charges.

The meeting is held in accordance with the Atomic Energy Act of 1954, as amended (primarily Section 161a), Federal Advisory Committee Act (Pub. L. 92–45), Executive Order 11769, and the Commission's regulations in Title 10 Code of Federal Regulations, Part 7.

Dated at Washington, D.C., this 17th day of June, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81–18401 filed 6–19–81; 8:45 am]

BILLING CODE 7590–01–M

Advisory Committee on Reactor Safeguards Subcommittee on Emergency Core Cooling Systems; Meeting Rescheduled

The June 23 and 24, 1981 meeting of the ACRS Subcommittee on Emergency

Core Cooling Systems scheduled to be held in Idaho Falls, ID has been rescheduled to be held at 8:30 a.m. on July 7, 1981 in Room 148, 1717 H St., NW, Washington, DC 20555.

Notice of this meeting was published in the **Federal Register** on June 8, 1981 (46 FR 30434) and all items remain the same except for the change of time, date, and location indicated above.

Date June 19, 1981.

John C. Hoyle,

Advisory Committee Management Office.

[FR Doc. 81-18803 Filed 6-19-81, 12:32 p.m.]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

Background

June 17, 1981.

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Paperwork Reduction Act (44 USC, Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the Act also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions (burden change), extensions (no change), or reinstatements. The agency clearance officer can tell you the nature of any particular revision you are interested in. Each entry contains the following information:

The name and telephone number of the agency clearance officer (from whom a copy of the form and supporting documents is available);

The office of the agency issuing this form;

The title of the form;

The agency form number, if applicable;

How often the form must be filled out;

Who will be required or asked to report;

The Standard Industrial Classification (SIC) codes, referring to specific respondent groups that are affected;

Whether small businesses or organizations are affected;

A description of the Federal budget functional category that covers the information collection;

An estimate of the number of responses;

An estimate of the total number of hours needed to fill out the form;

An estimate of the cost to the Federal Government;

An estimate of the cost to the public;

The number of forms in the request for approval;

An indication of whether Section 3504(h) of Pub. L. 96-511 applies;

The name and telephone number of the person or office responsible for OMB review; and

An abstract describing the need for and uses of the information collection.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. Our usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the **Federal Register**, but occasionally the public interest requires more rapid action.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review. If you experience difficulty in obtaining the information you need in reasonable time, please advise the OMB reviewer to whom the report is assigned. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Jim J. Tozzi, Deputy Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

DEPARTMENT OF AGRICULTURE

Agency Clearance Officer—Richard J. Schrimper—202-447-6201

Revisions

- Animal and Plant Health Inspection Service

Federal Plant Pest and Noxious Weeds Regulations
PPQ 525 and 526
On occasion
Individuals or households/State or local governments/businesses or other ins
Univer., testing labs, collectors, businesses & state gov.
SIC: 739, 581, 495, 822
Small businesses or organizations
Agricultural Research and Services: 4,300 responses; 606 hours; $51,597 Federal cost; 2 forms; not applicable under 3504(h)
Charles A. Ellett, 202-395-7340

Regulations implementing the Federal Plant Pest Act, the Plant Quarantine Act, and the Federal Noxious Weed Act. Information furnished on application is used to determine if a permit can be issued to allow movement of plant pests, soil, or noxious weeds.

Extensions (Burden Change)

- Animal and Plant Health Inspection Service

Application and Agreement for Handling Restricted Imports or Animal Byproducts and Controlled Materials
VS 16-26 & VS 16-25
On occasion
Businesses or other institutions
Film collection of products or materials
Small businesses or organizations
Agricultural research and services: 500 responses; 250 hours; $37,070 Federal cost; 2 forms; not applicable under 3504(h)
Charles A. Ellett, 202-395-7340

Application and agreement for those establishments requesting approval to handle import animal byproducts and controlled material.

DEPARTMENT OF COMMERCE

Agency Clearance Officer—Edward Michals—202-377-3627

Extensions (burden change)

- National Oceanic and Atmospheric Administration

Volunteer Severe Weather Observer
86-512
On occasion
Individuals or households

Rural residents
Other natural resources: 400 responses: 53 hours; $1,050 Federal cost; 1 form; not applicable under 3504(h)
William T. Adams, 202–395–4814.

Purpose of forms is to supplement national severe storms laboratory's sensors (radars, surface stations, instrumented aircraft, etc.) with visual observations of residents in prime data collection regions. Data are used in basic and applied research on severe storms (mainly tornadoes and hail).

DEPARTMENT OF EDUCATION

Agency Clearance Officer—Wallace McPherson—202–426–5030

New

• Office of Postsecondary Education
National Direct (Defense) Student Loan Assignment Form
ED 553
On occasion
Businesses or other institutions
Postsecondary education corres. and vocational schools
SIC: 822, 824
Higher education: 247,500 responses; 111,375 hours; $300,000 Federal cost; 1 form; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

This form was designed to provide the maximum efficiency for full reporting of debtor information for both the institution and the Federal Government. The report will contain a complete statement of the facts and computations which are pertinent under laws and regulations on the basis of which the debt was administratively determined.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency Clearance Officer—Joseph Strnad—202–245–7488

New

• Health Resources Administration
Study of the Utilization and Effect of Temporary Nursing Services (TNSS)
Nonrecurring
Individuals or households/businesses or other institutions
Potential (TNSS) active TNSS emplys TNSS TNS clients
SIC: 801, 805, 806, 804
Health: 8,198 responses; 2,383 hours; $244,329 Federal cost; 4 forms; not applicable under 3504(h)
Gwendolyn Pla, 202–395–6880

This study will comprise a survey on a national scale of temporary nursing services, of nurses employed by the temporary nursing services, and of health care agencies which utilize temporary nurse staffing. The survey results will be used in policy making and planning with respect to nurse resources and the delivery of care.

Extensions (No Change)

• Centers for Disease Control
Nutrition Surveillance Validation Survey
Nonrecurring
Individuals or households•
Parents of children in nutrition catchment areas
Health: 1,500 responses; 750 hours; $160,200 Federal cost; 2 forms; not applicable under 3504(h)
Gwendolyn Pla, 202–395–6880

This survey will examine the sensitivity and specificity of the ongoing CDC coordinated nutritional surveillance system.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Agency Clearance Officer—Robert G. Masarsky—202–755–5184

Extensions (Burden Change)

• Housing Programs
Development Program of Indian Housing Authority & Indian Low Income Housing Program Development Cost Budget
HUD–53045/53045A
On Occasion
State or Local Governments
Ind. Hous. Auth. wanting to build under Ind. housing progm.
SIC: 953
Public Assistance and Other Income Supplements: 270 responses; 3,240 hours; $129,600 Federal cost; 2 forms; not applicable under 3504(h)
Richard Sheppard, 202–395–6880

The information contained in the development program and its insert, the development cost budget, are required prior to the approval of the formal legal commitment by HUD to assist in the development and management of an Indian housing project. Also see supporting Statement.

• Housing Programs
Requisition for Disbursement of Section 202 Loan Funds
HUD–92403–EH
On occasion
Business or other institutions
Nonprofit borrower corporations
SIC: 836
Small businesses or organizations
Mortgage credit and thrift insurance: 4,800 responses; 2,400 hours; $268,800 Federal cost; 1 form; not applicable under 3504(h)
Richard Sheppard, 202–395–6880

Subject form is used by the borrower entity to obtain disbursements on its HUD funded building loan under the Section 202 elderly housing program. Its use during the construction period enables the borrower to obtain funds so that he may settle his obligations or be reimbursed in a timely manner.

• Housing Programs
Application by Indian Housing Authority for Indian Low-Income Housing Program
HUD–52730
On occasion
State or local governments
In. hous. auth. wanting to build under the in. housing prgm.
SIC: 953
Public assistance and other income supplements: 160 responses; 1,280 hours; $15,360 Federal cost; 1 form; not applicable under 3504(h)
Richard Sheppard, 202–395–6880

Form required by 24 CFR 805.206 in order that an IHA may obtain housing assistance under US Housing Act of 1937, as amended PL 75–412, 42 USC 1437 et seq. Information contained in form provides HUD with initial statutory and programmatic requirements.

DEPARTMENT OF LABOR

Agency Clearance Officer—Paul E. Larson—202–523–6331

New

• Bureau of Labor Statistics
Validation
BLS 790–V
Annually
State or local governments
State employment security agencies
SIC: 944
Small businesses or organizations
Other labor services: 51 responses; 4,896 hours; $380,000 Federal cost; 1 form; not applicable under 3504(h)
Off. of Federal Statistical Policy & Standard, 202–673–7974

The validation package is the principal source of information concerning the quality and States' adherence to BLS prescribed performance in all aspects of the CES program. It is a dynamic vehicle to measure program performance in State.

DEPARTMENT OF TRANSPORTATION

Agency Clearance Officer—John Windsor—202–426–1887

New

• Research and Special Programs Administration
Shipper or Carrier Registration Statement
Biennially
Business, or other institutions

Shippers and carriers of cryogenic materials
SIC: 281, 401, 421, 442, 444, 443
Small businesses or organizations
Other transportation: 75 responses; 75 hours; $1,875 Federal cost; 1 form; not applicable under 3504(h)
Terry Grindstaff, 202–395–7340

To ascertain who is shipping cryogenic liquids, location of facilities warranting periodic inspections, the number and types of portable tanks, cargo tanks and tank cars used to transport cryogenic materials. (49 CFR 173.5(A), 177.825)

• Research and Special Programs Administration
Cargo Tank Pressure and Temperature Record
Other—see SF83
Businesses or other institutions
Drivers of cargo tanks
SIC: 421
Small businesses or organizations
Other transportation: 260 responses; 260 hours; 1 form; not applicable under 3504(h)
Terry Grindstaff, 202–395–7340

To ascertain that cargo tanks are not overfilled and that there is no malfunction during the trip which would allow the product to heat up and expand which could cause tank to explode, and to assure shipper and operator of motor carrier that the tank is safe to refill.

Extensions (No Change)

• National Highway Traffic Safety Administration
Fatal Accident Reporting System (FARS)
HS–214, 214A, & 214B
On occasion
State or local governments
State employees utilizing existing state records
Ground transportation: 45,000 responses; 96,750 hours; $3,000,000 Federal cost; 3 forms; not applicable under 3504(h)
Corrinne Hayward, 202–395–7340

The fatal accident reporting system (FARS) is a census all fatal motor vehicle accidents in the U.S. Data is extracted from existing State records and automated for the agency's use in highway and motor vehicle safety problem identification, trend analysis, and program evaluation.

DEPARTMENT OF THE TREASURY

Agency Clearance Officer—Ms. Joy Tucker—202–634–5394

• Internal Revenue Service
Statement To Correct Information Previously Reported Under the Federal Insurance Contributions Act
941C 941C PR
On occasion
Individuals or households/farms/ businesses or other institutions
All employers needed to correct FICA data prev. submitted.
SIC:
All Small businesses, or organizations
Central fiscal operations: 1,064,500 responses; 526,330 hours; $1,767,368 Federal cost; 2 forms; not applicable under 3504(H)
Kevin Broderick, 202–395–6880

This form is used by employers to correct previously reported FICA information on employees. It may be used to support a credit or adjustment claimed on a current return for an error in a prior return period. The information is used to reconcile wages and taxes previously reported or used to support any claim for refund, credit, or adjustment of FICA taxes.

Extensions (No Change)

• Comptroller of the Currency
Special Report of Trust Department Activities
N/A
Annually
Businesses or other institutions
National Bank Trust Dept. over $10 MM in assets.
Small businesses or organizations
Other advancement and regulation of commerce: 800 responses; 3,200 hours; $10,976 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Report on basic statistical data pertaining to fiduciary activities; used as basic input for NBSS Trust activities report prepared by OCC.

ENVIRONMENTAL PROTECTION AGENCY

Agency Clearance Officer—Mr. Phillip Ross—202–287–0747

New

• Pilot Household Survey of Ozone Perception Data in Washington, D.C.
Other—See SF83
Individuals or households
Members of household in Washington, D.C. MSA
Pollution control and abatement: 420 responses; 210 hours; $68,000 Federal cost; 1 form; not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

This is a study of public perceptions of air quality and mental and physical health. It is proposed to correlate these data with objective measures of ozone level. It is felt this information will make the air quality standard process more responsive to public need and will.

FEDERAL COMMUNICATIONS COMMISSION

Agency Clearance Officer—Richard D. Goodfriend—202–632–7513

Revisions

• Verification of Radio Operator License or Permit 759
Other—See SF83
Individuals or households
Persons having radio operator license
Other advancement and regulation of commerce: 14,200 responses; 1,420 hours; $550 Federal cost; 1 form; not applicable under 3504(h)
William T. Adams, 202–395–4814

This form is used to verify an operator's possession of a license for persons employed at more than one station. The original license is posted in one location, and this form is posted at each other site and States the location of the original license.

Extensions (Burden Change)

• Application for a new non Commercial Educational Broadcast Station License
341
On occasion
Businesses or other institutions
Licensees and permittees of Noncommercial Broadcast Station
SIC: 483
Small businesses or organizations
Other advancement and regulation of commerce: 148 responses; 3,700 hours; $11,867 Federal cost; 1 form; not applicable under 3504(h)
William T. Adams, 202–395–4814

Filing is required when applying for a license for a new noncommercial broadcast station, for authority to use a formerly licensed main antenna system as an auxiliary antenna, and when a major modification is made to the application. Data is extracted for inclusion on subsequent license.

Extensions (No Change)

• Cable Television Annual Financial Report
326
Annually
Businesses or other institutions
Cable television registrants
SIC: 489
Small businesses or organizations
Other advancement and regulation of commerce: 6,000 responses; 6,000 hours; $35,000 Federal cost; 1 form; not applicable under 3504(h)
William T. Adams, 202–395–4814

These data are necessary to enable the commission to keep abreast of cable television developments, fulfill its regulatory responsibilities and to assist

Congress in its consideration of legislative proposals, cases. In the aggregate, financial information is necessary to monitor the effect of commission rules on the industry.

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Clearance Officer—Panos Konstas—389–4251

Extensions (No Change)

• Annual Report of Trust Assets
FFIEC 001
Annually
Businesses or other institutions
Trust depts. of commercial banks, savings banks
SIC: 602
Small Businesses or organizations
Mortgage credit and thrift insurance: 2,548 responses; 8,576 hours; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Report is the only source of information regarding market values of assets held in bank trust departments available in the country. Report is available to the public, the three banking agencies, various banking groups, individual banks, and other government organizations make use of the informtion provided by the report.

• Application for Consent to Exercise Trust Powers
6200 096200 09A
Nonrecurring on occasion
Businesses or other institutions
Banks that wish to exercise trust powers
SIC: 602
Small businesses or organizations
Mortgage credit and thrift insurance: 67 responses; 1,052 hours; $17,100 Federal cost; 2 forms; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Part 333.2 of the FDIC rules and regulations states that all banks that wish to exercise trust powers must receive permission from the FDIC.

FEDERAL EMERGENCY MANAGEMENT AGENCY

Agency Clearance Officer—Linda Shiley—202–254–9515

New

• Survey Instrument—Testing Alerting and Notification Systems
Annually
Individuals or households/farms
Resi. with elec. meters serv. by util. in 10 mile cir., etc.
SIC: Multiple
Defense-related activities: 160,000 responses; 40,000 hours; $300,000 Federal cost; 1 form; not applicable under 3504(h)
Robert Veeder, 202–395–4814

FEMA and the Nuclear Regulatory Commission have issued joint criteria which requires use of a population survey instrument for the approval of alerting and notification systems around commercial nuclear power stations. Approval will be based on public responses to actual field test.

FEDERAL HOME LOAN BANK BOARD

Agency Clearance Officer—Frank J. Crowne—202–377–6025

Revisions

• Savings and Loan Holding Company Applications H(B)10, H(B)11, H(B)12, H(E)1, H(E)2, H(E)3, H(E)4, H(F)
On occasion
Businesses or other institutions appl. & owners of federally-insured savings & loan assoc.
SIC: All
Mortgage credit and thrift insurance: 100 responses; 13,208 hours; $100,000 Federal cost; 7 forms; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Determination as to adherence to statutes, rules and regulations governing savings in loan holding companies and whether or not any activity or transaction would be imperious to the operation of any subsidiary insured institution in the light of its financial condition and prospects. (12 U.S.C. 1730A & 12 CFR 584.2–1, 584.10)

GENERAL SERVICES ADMINISTRATION

Agency Clearance Officer—John F. Gilmore—202–566–1164

Revisions

• Contract Delivery Status Record
GSA 1678
Monthly
Businesses or other institutions
Government contractors (GSA stock program)
Small businesses or organizations
General property and records management: 33,600 responses; 16,800 hours; $30,000 Federal cost; 1 form; not applicable under 3504(h)
Franklin S. Reeder, 202–395–3785

GSA form 1678 provides the administrative contracting officer with information essential to the monitoring of the contractor's performance, and the taking of appropriate action in the event the contractor is in delinquent situation. The ultimate purpose is to ensure the availability of supplies under the GSA stock program.

Extensions (Burden Change)

• Bidders Mailing List Application Code Sheet
GSA 3038
On occasion
Businesses or other institutions
Firms wishing to receive copies of solicitations
Small businesses or organizations
General property and records management: 5,000 responses; 5,000 hours; $170,750 Federal cost; 1 form; not applicable under 3504(h)
Franklin S. Reeder, 202–395–3785

The GSA form 3038 is completed by contractors wishing to bid on Government contracts for commodities/services and is used to ensure that adequate competition is available for all procurements.

SECURITIES AND EXCHANGE COMMISSION

Agency Clearance Officer—George G. Kundahl—202–272–2142

New

• 45 Day Exemption From Registration for Certain Members of National Securities Exchanges, 17 CFR 240.15A–4
On occasion
Businesses or other institutions
Natural person members of national sec. exchanges
SIC: 621
Small businesses or organizations
Other advancement and regulation of commerce: 20 responses; 160 hours; $4,000 Federal cost; 1 form; not applicable under 3504(h)
Robert Veeder, 202–395–4814

Rule 15A–4, adopted on April 23, 1976, permits a natural person member of a securities exchange who terminates his association with a registered broker-dealer who succeeds to the business of an existing registered broker-dealer to continue to do business on the exchange while the Commission reviews his application for registration as a broker-dealer if the exchange files a statement indicating that there does not appear to be any grounds for disapproving the application.

• Registration of Successor to Registered Broker or Dealer
17 CFR 240.15B1–3
Nonrecurring
Businesses or other institutions
Securities brokers and dealers
SIC: 621
Small businesses or organizations
Other advancement and regulation of commerce: 100 responses; 500 hours; $20,000 Federal cost; 1 form; not applicable under 3504(h)
Robert Veeder, 202–395–4814

Rule 15B1–3, originally adopted October 7, 1936, permits an unregistered broker-dealer to continue the business

of its predecessor for 75 days if an application for registration is filed within 30 days of the date of succession. Without the rule, the successor could not continue the business of its predecessor until the successor's registration has been approved by the Commission.

- Application for Registration as a Broker or Dealer (17 CFR 240.15B1–1) Form BD (17 CFR 249.501)

1490
Nonrecurring
Businesses or other institutions
Securities brokers and dealers
SIC: 621
Small businesses or organizations
Other advancement and regulation of commerce: 1,075 responses; 5,375 hours; $215,000 Federal cost; 1 form; not applicable under 3504(h)
Robert Veeder, 202–395–4814

Rule 15B1–1, originally adpted on June 6, 1936, provides that an application for registration with the Commission as a broker or dealer must be filed on form BD. The information required to be disclosed on form BD, originally adopted on June 6, 1936, is necessary for the Commission to determine whether registration as a broker or dealer should be granted and to furnish information to public investors.

- Amendments to BD applications (17 CFR 240.15B3–1)

On occasion
Businesses or other institutions
Securities brokers and dealers
SIC: 621
Small businesses or organizations
Other advancement and regulation of commerce: 7,000 responses; 3,500 hours; $37,352 Federal cost; 1 form; not applicable under 3504(h)
Robert Veeder, 202–395–4814

Rule 15B3–1, first adopted in 1936, is needed in order to maintain the accuracy of broker-dealer registration applications that are filed with the Commission on form BD. Form BD provides general information about the broker-dealer that is useful to the Commission and public investors.

- Adoption of Broker-Dealer Application Filed by Predecessor (17 CFR 240.15B2–1)

Nonrecurring
Businesses or other institutions
Securities brokers and dealers
SIC: 621
Small businesses or organizations
Other advancement and regulation of commerce: 100 responses; 50 hours; $964 Federal cost; 1 form; not applicable under 3504(h)
Robert Veeder, 202–395–4814

Rule 15B1–2, adopted on July 15, 1936, permits an application for registration as a broker-dealer to be filed on behalf of a corporation or partnership (the "successor") by a predecessor and permits the successor to adopt that application as its own, thereby facilitating registration and reducing the paperwork associated with registering certain brokerage firms.

- Consent to service of Process by Non-Resident Brokers or Dealers

507, 508, 509, 510, 876, 877, 878, 879
Nonrecurring
Businesses or other institutions
Non-resident brokers and dealers
SIC: 621
Small businesses or organizations
Other advancement and regulation of commerce: 2 responses; 1 hour; $20 Federal cost; 1 form; not applicable under 3504(h)
Robert Veeder, 202–395–4814

Rule 15B1–5, originally adopted on May 2, 1953, requires non-resident broker-dealers to submit forms stating that they consent to service of process with respect to causes of action arising under the Federal securities laws. This consent to service of process is necessary to ensure that the Commission, the investing public, and members of the securities industry are able to obtain service of process for non-resident broker-dealers.

- Registration of Fiduciaries as Broker-Dealers, 17 CFR 240.15B1–4

Nonrecurring
Businesses or other institutions
Securities brokers and dealers and court appointed fiduciary
SIC: 621
Small businesses or organizations
Other advancement and regulation of commerce: 5 responses; 25 hours; $1,000 Federal cost; 1 form; not applicable under 3504(h)
Robert Veeder, 202–395–4814

Rule 15B1–4, originally adopted on October 7, 1937, permits a court appointed or qualified fiduciary who succeeds to the business of a registered broker-dealer to assume immediate responsibility for the operation of the broker-dealer's business if the fiduciary files a statement with the Commission within 30 days of the date he assumes his duties. Without the rule, the fiduciary could not assume responsibility for the broker-dealer until he registered with the Commission

- Application for Registration and Exemption of Exchanges—Rule 6A–1 and Forms 1 and 1A

1361 486
Nonrecurring
Businesses or other institutions
Organizations applying for registration as a Nat'l Sec Ex.
SIC: 623
Small businesses or organizations
Other Advancement and regulation of commerce: 1 response; 150 hours; $5,400 Federal cost; 2 forms; not applicable under 3504(h)
Robert Veeder, 202–395–4814

Under sections 6 and 19 of the Securities Exchange Act of 1934 (the "Act"), the commission must make certain specified findings before it can grant an application for registration or for exemption from registration as a national securities exchange. Rule 6A–1 and Forms 1 and 1A, adopted in 1950, are designed to provide the Commission with information which is necessary to enable it to make the required findings.

- Withdrawal From Broker-Dealer Registration

249,501A,122
Nonrecurring
Businesses or other institutions
Securities brokers and dealers
SIC: 621
Small businesses or organizations
Other advancement and regulation of commerce: 550 responses; 225 hours; $5,282 Federal cost; 1 form; not applicable under 3504(h)
Robert Veeder, 202–395–4814

Rule 15B6–(A), first adopted on April 1, 1966, provides that a notice of withdrawal from registration as a broker-dealer is to be filed on form BDW. Form BDW, first adopted on April 1, 1966, is needed by the commission to determine whether it is in the public interest to permit a broker-dealer to withdraw his registration and to provide certain information to the public.

- Form U–4, the Uniform Application for Securities Industry Registration

1525
On occasion
Businesses or other institutions
Broker-dealers not members of a registered national
SIC: 621
Small businesses or organizations
Other advancement and regulation of commerce: 1,500 responses; 750 hours; $7,737 Federal cost; 1 form; not applicable under 3504(h)
Robert Veeder, 202–395–4814

Form U–4 is the uniform personnel form which registered brokers and dealers file on behalf of associated persons. Form U–4 was adopted as a means of obtaining information regarding the integrity and education of associated persons. This information is necessary in order to uphold a high

standard in the industry and protect the public.

- Rule 15B1–2 Under Securities Exchange Act of 1934. Statement of Financial Condition for Application for Registration As a Broker or Dealer

15B1–2
Nonrecurring
Businesses or other institutions
Indv. & bus. applying to become regis. broker-dealers
SIC: 621
Small Businesses or organizations
Other advancement and regulation of commerce; 1,200 responses; 3,600 hours; $16,432 Federal cost; 1 form; not applicable under 3504(h)
Robert Veeder, 202–395–4814

The financial condition statement is used to determine whether the Registrant has made adequate arrangements with respect to personnel, facilities and financing. The need for this information arose after successive financial failures of broker-dealers who were poorly prepared to enter the business. Rule 15B1–2 was adopted on September 1, 1953.

UNITED STATES METRIC BOARD

Agency Clearance Officer—Eugene P. Visco—703–235–2583

New

Legal Impediments to Metrication
Nonrecurring
Businesses or other Institutions
Representatives of fortune 1000 companies
SIC: Multiple
Other advancement and regulation of commerce: 153 responses; 77 hours; $8,900 Federal cost; 1 form; not applicable under 3504(h)
William T. Adams, 202–395–4814

Data needed to assist the United States Metric Board to determine whether legal barriers to metrication exist and to understand the extent to which conversion problems are and are not statutory.

VETERANS ADMINISTRATION

Agency Clearance Officer—R.C. Whitt—202–389–2146

New

Joint HUD/VA Nondiscrimination Certification
26–8138
On occasion
Businesses or other institutions
Sales and management brokers
SIC: 653
Small businesses or organizations
Veterans housing: 2,520 responses; 210 hours; $2,646 Federal cost; 1 form; not applicable under 3504(h)
Robert Neal, 202–395–6880

Certification required of all management and sales brokers, as a requirement for participation in the management or sale of VA-owned properties. Requirement Implemented as part of a joint VA-HUD affirmative housing marketing program for acquired properties developed in responses to affirmative action required by section 808(D) of P.L. 90–284.

Revisions

- Application for Veterans Group Life Insurance (Veterans Separated 120 Days or Less)

29–8714 & 29–8714–1
On occasion
Individuals or households
Veterans separated 120 days or less
Income security for veterans: 75,000 responses; 15,000 hours; $73,308 Federal cost; 2 forms; not applicable under 3504(h)
Robert Neal, 202–395–6880

These forms are used by veterans to apply for veterans group life insurance. The information requested is required by law, 38 U.S.C. 777, and is used to determine eligibility for insurance coverage.

C. Louis Kincannon,
Assistant Administrator for Reports Management.

[FR Doc. 81–18420 Filed 6–19–81; 8:45 am]
BILLING CODE 3110–01–M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Presidential Disapproval of Determination of the U.S. International Trade Commission in Investigation No. 337–TA–82, Certain Multi-ply Headboxes

On June 8, 1981, the President notified the Chairman of the United States International Trade Commission of his disapproval of the Commission determination in Investigation No. 337–TA–82, Certain Multi-ply Headboxes and Papermaking Machine Forming Sections for the Continuous Production of Paper, and Components Thereof. Following is the text of the President's determination.

Donald deKieffer,
General Counsel.

Disapproval of the Determination of the United States International Trade Commission in the Matter of Certain Headboxes and Papermaking Machine Forming Sections for the Continuous Production of Paper, and Components Thereof, Investigation No. 337–TA–82.

The United States International Trade Commission (USITC), following a finding of a violation of Section 337 of the Tariff Act of 1930, as amended, has ordered excluded from entry into the United States imports of multi-ply headboxes and papermaking machine forming sections which infringe certain claims of U.S. Letters Patent Nos. RE 28,269 and 3,923,593.

The President is authorized by Section 337(g) to disapprove the USITC determination for policy reasons. I have notified the USITC today of my decision to disapprove the determination of the USITC in this case.

The USITC found that multi-ply headboxes of a single foreign papermaking machine manufacturer infringed a valid United States patent. No allegation or determination was made that any other manufacturer was manufacturing, selling or planning to manufacture and sell patent infringing multi-ply headboxes in the United States. The exclusion order as issued, however, applies prospectively to the products of all foreign manufacturers of multi-ply headboxes.

Future purchases of multi-ply headboxes by the U.S. paper making industry from foreign manufacturers who were never involved in this case will be dependent upon those manufacturers establishing that their products do not infringe the patents which were in question. If an order were already placed, the requirement for proving non-infringement before entry might cause delays in Custom's clearance and delivery. The potential for unnecessary disruption of the domestic production of paper might inhibit the paper making industry's choice in acquisition of machinery.

The papermaking machinery industry is relatively transparent and the manufacturers and importers are few. Technological and economic barriers to entry in the industry are substantial, making sudden new entrants to the market unlikely. The time period between the placement of an order and importation of the machinery exceeds twelve months. Only three or four multi-ply headboxes are sold each year in the United States. The need for a broad exclusion order, therefore, is unnecessary to protect the patent assignee from a high volume of imports from constantly shifting manufacturers and importers.

My decision does not mean that the patent holder in this case is not entitled to a remedy. However, I do not have the authority to revise the USITC's remedy. An exclusion order directed only to the respondent's products, or a narrowly drafted cease and desist order would appear to be entirely justified and

appropriate. I therefore, strongly urge the Commission to take such action expeditiously on its own motion.

[FR Doc. 81-18330 Filed 6-19-81; 8:45 am]
BILLING CODE 3190-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 22089; 70-6599]

Southern Co.; Proposed Creation of Consulting Subsidiary to Render services to Non-affiliates

The Southern Company, Perimeter Center East, P.O. Box 720071; Atlanta, Georgia 30346, a registered holding company, has filed an application-declaration and an amendment thereto with this Commission pursuant to Sections 9(a), 10, 12(b) and other applicable sections of the Public Utility Holding company Act of 1935 ("Act") and rules promulgated thereunder, including rules 45 and 87.

Southern proposes to form a new, wholly-owned subsidiary ("New Subsidiary") and to acquire its stock or make capital contributions of up to $1,000,000 for initial operations. New Subsidiary will sell management, technical and training services to non-affiliates. Prospective clients would include, unaffiliated domestic or foreign governmental agencies, public utilities, industrial concerns, or entities owning, operating or performing services for any of them. New Subsidiary will offer its services in the open market which is competitive.

Initially, New Subsidiary will rely on Southern System's management. Eventually, as significant business is developed, it intends to employ its own permanent management, marketing and administrative staff. It will employ Southern Company Services, Inc. ("Services") to perform all necessary financial, accounting and internal auditing. It will reimburse Services and any other associate company for the full costs of any services supplied or personnel used in its business, using a work order system as prescribed in the Uniform System of Accounts for Mutual and Subsidiary Service Companies. Southern believes that the accumulated skills and experience of the Southern System in planning, managing and operating all aspects of its utility business would be of great value to non-affiliate clients. It also states that such business will spread the fixed costs of Services and of the operating utility companies over a broader base and permit the retention of skilled personnel during off-peak construction periods. All profits or losses will accrue to New Subsidiary and, indirectly, to Southern, and no obligations or unreimbursed costs are to be incurred by any other associate company.

The application-declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by July 10, 1981, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicant-declarant at the address specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application-declaration, as amenmded or as it may be further amended, may be granted and permitted to become effective.

For the commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-18377 Filed 6-19-81; 8:45 am]
BILLING CODE 8010-01-M

PRESIDENT'S COMMISSION FOR THE STUDY OF ETHICAL PROBLEMS IN MEDICINE AND BIOMEDICAL AND BEHAVIORAL RESEARCH

Public Meeting

Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committees Act, that the eleventh meeting of the President's Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research will be held at Airlie House Conference Center, Airlie, Virginia from 9:00 a.m. to 9:00 p.m. on Thursday, July 9, 1981 and from 9:00 a.m. to 4:00 p.m. on Friday, July 10, 1981.

The meeting will be open to the public, subject to limitations of available space. The agenda for Thursday, July 9 will include, among other things: (1) action on a draft report on the "definition" of death including the recommendation of a uniform statute, (2) discussion of a draft report on the ethical and social implications of "genetic engineering," and (3) discussion of Commission studies of access to, and distribution of, medical care. The agenda for Friday, July 10, will include, among other things, discussion of Commission studies of patient-provider communication and of decisions to forego life-sustaining therapy.

During each afternoon, fifteen minutes will be devoted to comments from the floor on the subject of any of the agenda items, limited to three minutes per comment. Written suggestions and comments will be accepted for the record from those who are unable to speak because of the constraints of time and from those unable to attend the meeting.

Records shall be kept on all Commission proceedings and will be available for public inspection at the Commission's office, located in Suite 555, 2000 K Street, N.W., Washington, D.C. 20006.

For further information, contact Andrew Burness, Public Information Officer, at (202) 653-8051.

Alexander M. Capron,

Deputy Director.

[FR Doc. 81-18375 Filed 6-19-81; 8:45 am]
BILLING CODE 8820-AV-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Beech Aircraft Corp. Models B200, B200C, B200T and B200CT; Aircraft Certification and Availability of Documents

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Availability of Documentation.

SUMMARY: Based on a review of the certification process that was accomplished under Subpart J of FAR 21—Delegation Option Authorization Procedures, the Director of the FAA Central Region concurred with amending Type Certificate A24CE to include the above listed models as recommended by the Central Region Aircraft Certification Program office staff. Type Certificate A24CE was amended effective February 13, 1981.

A copy of the Decision Basis for Type Certification of Beech Models B200, B200C, B200T, and B200CT is on file in the FAA Rules Docket. The "Decision Basis" reviews the conduct and significant highlights of the certification program as conducted by the Beech Aircraft Corporation under their Delegation Option Authorization including the participation by FAA personnel. The text of the Decision Basis identifies changes to the type design which the manufacturer substantiated together with FAA Pre-Type Certification Findings of Compliance

that were made in conjunction with the Type Certification Program.

Detailed appendices and attachments in the Decision Basis include:

1. Type Certificate A24CE as revised February 13, 1981.
2. Type Certificate Data Sheet A24CE.
3. Type Inspection Authorization, FAA Form 8110–1.
4. Minutes of Type Certification Board Meetings.
5. Chapter 4 of Handbook 8110.4 Delegation Option Authorization Procedures.

The report is available for examination and copying at the Office of the Director, FAA Central Region, Federal Office Building, 601 East 12th Street, Kansas City, Missouri 64106.

Issued in Kansas City, Mo., on May 20, 1981.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 81–18333 Filed 6–19–81; 8:45 am]

BILLING CODE 4910–13–M

Fifth Human Factors Workshop on Aviation: Biomedical and Behavioral Factors

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of meeting.

SUMMARY: This notice announces a DOT/FAA Human Factors Workshop on aviation.

DATE: Registration begins July 7, 1981, at 8:00 a.m.; workshop sessions will be held July 7 from 8:45 a.m. to 5:30 p.m., and continue on July 8 from 8:15 a.m. to 5:00 p.m. A summary session and facility tour will be conducted on July 9 from 8:00 a.m. to 12:30 p.m.

ADDRESS: Headquarters Auditorium, Mike Monroney Aeronautical Center, Oklahoma City, Oklahoma 73125.

FOR FURTHER INFORMATION CONTACT: Dr. Henry Mertens, Civil Aeromedical Institute, Mike Monroney Aeronautical Center, Oklahoma City, Oklahoma 73125, (405) 686–4846.

SUPPLEMENTARY INFORMATION: The purpose of the workshop is to permit segments of the aviation community to present and discuss their views concerning human factors issues and priorities in the biomedical and behavioral areas.

This workshop is a continuation of the human factors information exchanges initiated at the Transportation Systems Center in November 1980, the second in Arlington, Virginia, in January 1981, the third at the Transportation Systems Center in March 1981, and the fourth in Atlantic City in May 1981. The first day of workshop will be devoted to presentations by the FAA and various representatives of the aviation community in a general sessions. The second day will consist of four parallel workshops to address the following topics: biomedical and behavioral factors in pilot operations; the performance of air traffic control specialists, cabin safety and the impact on flight operations; and medical aspects of aircraft accident investigation. Each working group will visit laboratories of the Civil Aeromedical Institute pertinent to the particular group's area. On the third morning, summaries of workshop discussions will be reported in a general session, and visits to laboratories and discussions with individual researchers of the Civil Aeromedical Institute will be arranged for interested participants upon request.

The workshops are expected to provide the agency with guidance on how best to proceed with expanded efforts in human factors. To support this objective, a report on the workshop proceedings and a summary of comments will be prepared for public distribution.

All workshop attendees are encouraged to provide verbal and/or written comments during the workshop sessions. Written comments regarding the workshop discussion topics will be accepted until August 10, 1981. The workshop report will be published within 60 days following the workshop.

The workshop is open to the public and there is a $10.00 registration fee.

Issued in Washington, D.C., on June 15, 1981.

John R. Harrison,

Director of Aviation Safety.

[FR Doc. 81–18332 Filed 6–19–81; 8:45 am]

BILLING CODE 4910–13–M

Sixth Human Factors Workshop on Aviation Maintenance and the Interrelationships in Design, Operations, and Training

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of meeting.

SUMMARY: This notice announces a DOT/FAA Human Factors Workshop on aviation.

DATE: Registration begins July 7, 1981, at 8:00 a.m.; workshop sessions will be held July 7 from 8:45 a.m. to 5:30 p.m., and continue on July 8 from 8:30 a.m. to 4:30 p.m. A summary session and facility tour will be conducted on July 9 from 8:00 a.m. to 12:30 p.m.

ADDRESS: Headquarters Auditorium, Mike Monroney Aeronautical Center, Oklahoma City, Oklahoma 73125.

FOR FURTHER INFORMATION CONTACT: Joe Pontecorvo, Chief, Aircraft Maintenance Division, AWS–300, Federal Aviation Administration, Washington, D.C. 20591, (202) 426–3546.

SUPPLEMENTARY INFORMATION: The purpose of the workshop is to permit segments of the aviation community to present and discuss their views concerning human factors issues and priorities in maintenance and the interrelationships in design, operations, and training. This workshop is a continuation in a series of information exchanges to discuss significant human factors safety issues.

The workshop will consist of presentations by the FAA and various representatives of the aviation community. On the third morning, visits to the FAA facilities will be arranged for interested participants upon request. Since this is the first workshop on this subject, the FAA is soliciting speakers and panel members from the industry. Persons interested in presenting a paper on the subject should submit their topics to Joe Pontecorvo, Chief, Aircraft Maintenance Division, AWS–300, Federal Aviation Administration, 800 Independence Ave. SW., Washington, D.C. 20591, (202) 426–3546.

The topical areas of interest are: human factors issues in maintenance training; human factors safety issues in the maintenance of equipment in air carrier operations; and human factors safety issues in the maintenance of equipment in general aviation use.

The workshop is expected to provide the agency with guidance on how best to proceed with expanded efforts in human factors. To support this objective, a report on the workshop proceedings and a summary of comments will be prepared for public distribution.

All workshop attendees are encouraged to provide verbal and/or written comments during the workshop sessions. Written comments regarding the workshop discussion topics will be accepted until August 10, 1981. The workshop report will be published within 60 days following the workshop.

The workshop is open to the public and there is a $10.00 registration fee.

Issued in Washington, D.C., on June 15, 1981.

John R. Harrison,

Director of Aviation Safety.

[FR Doc. 81–18331 Filed 6–19–81; 8:45 am]

BILLING CODE 4910–13–M

Federal Railroad Administration

[Docket No. RSSI-80-1; Notice No. 2]

Special Safety Inquiry; Use of Metal Hooks To Open Coupler Knuckles, Termination of Safety Inquiry

AGENCY: Federal Railroad Administration, DOT.

ACTION: Termination of Special Safety Inquiry.

SUMMARY: This document terminates the Federal Railroad Administration's (FRA) Special Safety Inquiry (Inquiry) into use of metal hooks by railroad employees during humping operations to ensure that coupler knuckles on freight cars fully open. The Inquiry was commenced to provide FRA with adequate information to determine whether regulatory action was required in this area. The FRA has concluded that the use of metal hooks for this purpose does not create an undue hazard to the employees involved, may reduce the safety hazards to certain other employees, and does not violate any federal safety law or regulation. Therefore, no further action by FRA is warranted at this time.

DATE: The Inquiry is terminated June 22, 1981.

FOR FURTHER INFORMATION CONTACT: Kenneth Gradia, Office of Chief Counsel, FRA, 202–426–8285.

SUPPLEMENTAL INFORMATION:

Background

On January 15, 1979, the Seaboard Coast Line Railroad Company (SCL) began requiring certain employees at its Rice Yard, Waycross, Georgia, to use metal hooks during humping operations to ensure that coupler knuckles fully opened. On March 12, 1979, the SCL began the practice at its Hamlet, North Carolina yard. On November 18, 1980, the Norfolk and Western Railway Company (N&W) commenced use of the metal hooks at its Bellevue, Ohio yard. The hooks are still being used for this purpose at each of these locations. The purpose of the procedure is to increase the number of automatic couplings in the bowl of the yard, thereby improving yard efficiency and lessening exposure to injury of the employees that are required to make couplings in the bowl.

On December 17, 1979, the United Transportation Union (UTU) formally requested that FRA prohibit use of metal hooks to open coupler knuckles during switching, contending that the practice created a serious risk of injury and death to affected employees and violated 45 U.S.C. § 2, a provision of the Safety Appliance Acts. After several investigations of the practice at Rice Yard by FRA safety inspectors, a full examination of the matter at which all interested parties could express their views was undertaken. Utilizing its authority under the Federal Railroad Safety Act of 1970, 45 U.S.C. § 421 *et seq.*, FRA commenced the Inquiry to examine the practice. 45 FR 67, 823, October 14, 1980. The stated purpose of the Inquiry was to provide FRA with adequate information to determine whether regulatory action was appropriate.

Public Hearing

On October 28, 1980, a public hearing was held in connection with the Inquiry at Waycross, Georgia, for the purpose of receiving public comment on use of the metal hooks. A total of 22 witnesses testified at the hearing, including SCL employees and representatives of the UTU and SCL. Written submissions were also received from several parties. An FRA Board of Inquiry (Board) addressed questions to the witnesses based on the testimony presented and the results of prior FRA investigations. Members of the Board also observed the procedure at Rice Yard.

According to the testimony presented at the hearing, a total of three SCL employees had suffered reportable (under FRA criteria, 49 C.F.R. § 225.19 (d)) injuries while using the hooks at Rice Yard from January 15, 1979, through October 28, 1980. None of the injuries was permanently disabling. There had been no injuries caused by use of the hooks at SCL's Hamlet yard from March 12, 1979, through October 28, 1980, and no fatalities at either location. A SCL witness testified that through September 30, 1980, approximately 2.5 million cars had been humped at Rice and Hamlet Yards while the hooks were being used. During the period subsequent to the hearing, FRA has not become aware of any further reportable injuries at either SCL yard. FRA is not aware of any reportable injuries at N&W's Bellevue yard that have been caused by use of the hooks. There is not a serious accident history associated with the practice. Moreover, each of the three reportable injuries that have occurred resulted from falls suffered by SCL employees when hooks broke while in use. SCL has corrected that problem by use of heavier metal for the hooks, improved fabrication procedures, and a design change that significantly strengthens the hook. More important, the procedure is not inherently unsafe and does not expose the affected employees to any greater risk than would be the case if uncoupling were performed soley by operation of the uncoupling lever. When using the hook the employee is fully braced, keeps both feet outside the rails, and pulls away from the equipment. Rather than creating a hazard, the procedure may actually improve safety because it materially reduces the number of manual couplings that must be made in the bowl of the yard.

At my direction, the Chief Counsel of FRA has examined this entire matter and has visited Rice Yard to observe the procedure. Based on his observations, examination of the record, and review of applicable case law and legislative history, the Chief Counsel has rendered a legal opinion that use of the hooks does not constitute a violation of 45 U.S.C. § 2 or any other federal safety law or regulation. In addition, the Chief Counsel concluded that no further action in this matter by FRA is warranted, and has recommended to me that the Inquiry be terminated.

For the reasons stated herein, I have concluded that use of metal hooks during humping operations to ensure that coupler knuckles fully open does not create an undue hazard to the employees involved, may contribute to employee safety by substantially reducing the number of manual couplings that must be made in the bowl, and does not violate 45 U.S.C. § 2 or any other federal safety law or regulation. In light of these conclusions, I have decided that no further action by FRA on this matter is warranted and that the Inquiry should be terminated.

(Section 202, 208 of the Federal Railroad Safety Act of 1970 (45 U.S.C. §§ 431, 437); section 1.49(n) of the regulations of the Office of the Secretary of Transportation (49 C.F.R. § 1.49(n)); 49 C.F.R. § 211.61)

Issued in Washington, D.C. on June 16, 1981.

Robert W. Blanchette,

Federal Railroad Administrator.

Research and Special Programs Administration

Grants and Denials of Applications for Exemptions

AGENCY: Materials Transportation Bureau, D.O.T.

ACTION: Notice of Grants and Denials of Applications for Exemptions.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given of the exemptions granted in May 1981. The modes of

transportation involved are identified by a number in the "Nature of Exemption Thereof" portion of the table below as follows 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo-only aircraft, 5—Passenger-carrying aircraft.

Application numbers prefixed by the letters EE represent applications for Emergency Exemptions.

Renewal and Party to Exemptions

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
3109-X	DOT-E 3109	Raytheon Co., Lowell, MA	49 CFR 173.301(e), 173.302(a)(1), 175.3	To authorize use of non-DOT pressure vessels for shipment of a nonflammable nonliquefied compressed gas. (Modes 1, 2, 3, and 4.)
3109-X	DOT-E 3109	U.S. Department of Defense, Washington, DC	49 CFR 173.301(e), 173.302(a)(1), 175.3	To authorize use of non-DOT pressure vessels for shipment of a non-flammable, nonliquefied compressed gas. (Modes 1, 2, 3, and 4.)
3569-X	DOT-E 3569	NL McCullough/NL Industries, Inc., Houston, TX	49 CFR 173.246, 172.101 column 4 175.3.	To authorize use of non-DOT specification cylinder for shipment of a liquid oxidizer. (Modes 1, 2, 4.)
4108-P	DOT-E 4108	Welding and Therapy Service, Inc., Louisville, KY	49 CFR 173.315(a)	To become a party to Exemption 4108 (Mode 1.)
4354-X	DOT-E 4354	PPG Industries, Inc., Pittsburgh, PA	49 CFR 173.119(m), 173.245, 173.288(d), 173.288(e)	To authorize shipment of chloroformates in DOT Specification 6D or 37M cylindrical steel overpack with an inside DOT Specification 2S, 2SL or 2T polyethylene container. (Modes 1, 2, and 3.)
4354-X	DOT-E 4354	Pennwalt Corp., Buffalo, NY	49 CFR 173.119(m), 173.245, 173.288(d), 173.288(e).	To authorize the shipment of chloroformates in DOT Specification 6D or 37M cylindrical steel overpack with an inside DOT Specification 2S, 2SL or 2T polyethylene container. (Modes 1, 2, and 3.)
4453-P	DOT-E 4453	Kentucky Powder Co., Lexington, KY	49 CFR 173.114a(h)(3)	To become a party to Exemption 4453. (Mode 1.)
4884-X	DOT-E 4884	Union Carbide Corp., Tarrytown, NY	49 CFR 173.302(a)(1), 175.3, 178.61	To authorize shipment of gas-calibration mixtures of compressed gases in stainless steel cylinders. (Modes 1, 2, 3, 4, and 5.)
5206-P	DOT-E 5206	Nelson Brothers, Inc., Parrish, AL	49 CFR 173.114a	To become a party to Exemption 5206. (Mode 1.)
5206-X	DOT-E 5206	Monsanto Co., St. Louis, MO	49 CFR 173.114a	To authorize shipment of an oxidizing material in privately operated bulk hopper-type units. (Mode 1.)
5206-X	DOT-E 5206	Austin Powder Co., Cleveland, OH	49 CFR 173.114a	To authorize shipment of an oxidizing material in privately operated bulk hopper-type units. (Mode 1.)
5206-X	DOT-E 5206	Gulf Oil Chemicals Co., Overland Park, KS.	49 CFR 173.114a	To authorize shipment of an oxidizing material in privately operated bulk hopper-type units. (Mode 1.)
6113-X	DOT-E 6113	Process Engineering, Inc., Plaistow, NH	49 CFR 172.101, 173.315(a)	To authorize use of a non-DOT specification cargo tank for certain flammable gases. (Mode 1.)
6586-X	DOT-E 6586	Chilton Metal Products Division, Chilton, WI	49 CFR 173.304, 178.65.	To authorize use of a modified DOT-39 steel cylinder for a certain flammable gas. (Modes 1 and 2.)
6958-X	DOT-E 6958	Dow Chemical Co., Findlay, OH	49 CFR 173.252(a)(5)	To authorize the shipment of elemental bromine in a portable tank not presently authorized in the regulations. (Modes 1 and 3.)
7010-X	DOT-E 7010	Great Lakes Chemical Corp., El Dorado, AR	49 CFR 173.252(a)(4)	To authorize the transportation of bromine in non-DOT specification portable tanks. (Modes 1, 2, and 3.)
7060-P	DOT-E 7060	Las Vegas Airlines Inc., Las Vegas, NV	49 CFR 175.702(b), 175.75(a)(3)(ii)	To become a party to Exemption 7060. (Mode 4.)
7249-X	DOT-E 7249	E. I. du Pont de Nemours & Co., Inc., Wilmington, DE	49 CFR 173.128(a)	To authorize the use of containers not otherwise permitted by the Hazardous Materials Regulations for certain flammable liquids. (Mode 1.)
7625-X	DOT-E 7625	Van Waters & Rogers, Saint Paul, MN	49 CFR 173.245, 173.249, 173.263, 173.268, 173.272.	To authorize the transport of certain corrosives in DOT Specification 56 portable tanks. (Mode 1.)
7735-X	DOT-E 7735	Rheem Manufacturing Co., Linden, NJ	49 CFR 173.119	To manufacture, mark, and sell DOT Specification 34 containers for use in the transportation of certain flammable liquids. (Modes 1, 2, and 3.)
7753-X	DOT-E 7753	Monsanto Co., St. Louis, MO	49 CFR 173.190(b)(2)	To authorize the shipment of yellow phosphorus in a tight-head 55 gallon DOT Specification 17C drum. (Modes 1, 2, and 3.)
7774-X	DOT-E 7774	Pipe Recovery Systems, Inc., Houston, TX	49 CFR 173.246, 175.3.	To authorize the shipment of bromine trifluoride in non-DOT specification cylinders. (Modes 1, 2, 4, and 5.)
7777-P	DOT-E 7777	Stubbex, Limited, Wellington W. Palm Beach, FL	49 CFR 173.248	To become a party to Exemption 7777. (Modes 1, 2, and 3.)
7862-X	DOT-E 7862	General Electric Co., Milwaukee, WI	49 CFR 173.302, 175.3	To authorize the use of non-DOT specification containers for the transportation of a nonflammable gas. (Modes 1, 4, and 5.)
8129-X	DOT-E 8129	RAD Service Inc., Laurel, MD	49 CFR Part 173, Subpart E, F & H	To authorize shipment of certain hazardous waste materials packed in bottles or containers surrounded by absorbent material. (Mode 1.)
8158-X	DOT-E 8158	Ford Aerospace & Communications Corp., Palo Alto, CA	49 CFR 173.260(a)(1), 175.3	To authorize the shipment of wet electric storage batteries in DOT Specification 15A or 15B wooden boxes. (Modes 1, 2, and 4.)
8220-X	DOT-E 8220	Applied Environments Corp., Van Nuys, CA	49 CFR 173.320(a), 175.3	To authorize the use of non-DOT specification small, high pressure cylinders of welded construction for aircraft use in the transportation of nonflammable compressed gases. (Modes 1, 2, and 4.)
8221-X	DOT-E 8221	Applied Environments Corp., Van Nuys, CA	49 CFR 173.302(a), 175.3	To authorize the use of non-DOT specification high pressure cylinders of welded construction for military missile systems use only. (Modes 1, 2, and 4.)
8489-X	DOT-E 8489	FMC Corp., Philadelphia, PA	49 CFR 173.154, 173.245b	To authorize the shipment of certain oxidizers and a corrosive material in collapsible polyethylene-lined, woven polypropylene bags having a capacity of approximately 2200 pounds each. (Modes 1 and 3.)
8572-P	DOT-E 8572	H.L. & A.G. Balsinger, Inc., Bridgeville, PA	49 CFR 172.101, 172.406, 172.504, 173.114a.	To become a party to Exemption 8572. (Mode 1.)

New Exemptions

8547-N	DOT-E 8547	NATICO, Inc., Chicago, IL	49 CFR 178.116, Part 173, Subpart D, Subpart E, Subpart F, Subpart H.	To manufacture, mark and sell a non-DOT specification 55 gallon steel, tight head drum incorporating a molded polyethylene top head, in lieu of a steel top head, for shipment of certain corrosive liquids. (Mode 2.)
8562-N	DOT-E 8562	Garrett Turbine Engine Co., Phoenix, AZ	49 CFR 173.302, 175.3	To manufacture, mark and sell toroidal pressure vessels similar to DOT Specification 39 for shipment of helium. (Modes 1 and 4.)

8563-N	DOT-E 8563	Ashland Chemical Co., Columbus, OH	49 CFR 173.266(e), 177.848(a)	To authorize the shipment of an oxidizer and a corrosive material in compartmented MC-307 or MC-312 cargo tanks with double heads and completely seperate loading and unloading systems. (Mode 1.)
8572-N	DOT-E 8572	Wayland Explosives & Supply, Inc., Jacksboro, TN.	49 CFR 172.101, 172.406, 172.504, 172.114a.	To authorize shipment of a limited number of packages of nitrocarbonitrate, after December 31, 1980, bearing the oxidizer label. (Mode 1.)
8588-N	DOT-E 8588	Sohio Alaska Petroleum Co., Anchorage, AK.	49 CFR 173.119	To authorize a DOT Specification 57 steel or stainless steel portable tank for shipment of flammable and combustible liquids by water. (Mode 3.)
8598-N	DOT-E 8598	Teledyne CAE, Toledo, OH	49 CFR 173.102(a)(2)	To authorize shipment of an explosive power device (turbojet engines) Class C, contained in non-DOT specification polyurethane containers within a fiberboard box. (Mode 1.)
8613-N	DOT-E 8613	Chemical Express Co., Dallas, TX	49 CFR 173.131(a)(2)	To transport road asphalt having a flash point not less than 50 degrees F. in non-DOT specification cargo tanks. (Mode 1.)

Emergency Exemptions

EE 8308-P	DOT-E8308	United States Priority Transport Corp., Huntington Station, NY.	49 CFR 177.842(a), 177.842(b)	To become a party to Exemption 8308. (Mode 1.)
EE 8635-N	DOT-E8635	University of California, Davis, CA	49 CFR 173.26(m), Part 173, Subpart F, H.	To authorize a one-time shipment of waste corrosive liquids and poisonous solids or liquids, class B in DOT-17H drums. (Mode 1.)
EE 8646-N	DOT-E8646	Marshall Hyde Inc., Port Huron, MI	49 CFR 172.101, 173.100, 173.66	To authorize the transport of an explosive pest repellant device in limited quantities in non-DOT specification inner fiberboard cartons. (Modes 1, and 2.)
EE 8648-N	DOT-E 8648	Global International Airways, Kansas City, MO.	49 CFR 172.101 column 6b, 175.30	To authorize the transport of rocket ammunition with explosive projectiles. (Mode 4.)

Withdrawals

Application No	Applicant	Regulation(s) affected	Nature of exemption thereof
7929-P	International Minerals and Chemical Corp., Allentown, PA.	49 CFR 173.65	To become a party to Exemption 7929. (Modes 1, and 2.)

Denials

7633-X Request by Sea Containers, Inc., New York, NY to authorize the shipment of tertiary-butyl hydroperoxide (TBHP) containing 30 percent water by weight denied May 20, 1981.

7671-X Request by Sea Containers, Inc., New York, NY to authorize the shipment of tertiary-butyl hydroperoxide (TBHP) containing 30 percent water by weight denied May 20, 1981.

7830-X Request by Sea Containers, Inc., New York, NY to authorize the shipment of tertiary-butyl hydroperoxide (TBHP) containing 30 percent water by weight denied May 20, 1981.

7897-X Request by Sea Containers, Inc., New York, NY to authorize the shipment of tertiary-butyl hydroperoxide (TBHP) containing 30 percent water by weight denied May 20, 1981.

7938-X Request by Sea Containers, Inc., New York, NY to authorize the shipment of tertiary-butyl hydroperoxide (TBHP) containing 30 percent water by weight denied May 20, 1981.

8171-X Request by Sea Containers, Inc., New York, NY to authorize the shipment of tertiary-butyl hydroperoxide (TBHP) containing 30 percent water by weight denied May 20, 1981.

8251-X Request by Sea Containers, Inc., New York, NY to authorize the shipment of tertiary-butyl hydroperoxide (TBHP) containing 30 percent water by weight denied May 20, 1981.

8374-X Request by Sea Container Atlantic Ltd., Hamilton, Bermuda to authorize the transport of tertiary-butyl hydroperoxide (TBHP) containing 30 percent water by weight denied May 20, 1981.

8462-N Request by M.A.N. Maschinenfabrik Augsburg-Nurnberg, Hamburg, West Germany to authorize the shipment of flammable, corrosive, and combustible liquids in portable tanks denied May 20, 1981.

8543-N Request by Waggonvermietung, AG, Brunnen, Switzerland to authorize shipment of ethyl chloride, classed as a flammable liquid in non- DOT specification IMCO Type 5 portable tanks denied May 13, 1981.

8636-N Request by Scientific Gas Products, Inc., South Plainfield, NJ to authorize shipment of flammable and nonflammable gases and gas mixtures at 120 psig and 70 degrees Fahrenheit in DOT Specification 2P inside nonrefillable metal containers denied May 20, 1981.

Issued in Washington, DC, on June 4, 1981.

J. R. Grothe,

Exemptions Branch, Office of Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 81-18183 Filed 6-19-81; 8:45 am]

BILLING CODE 4910-60-M

Grants and Denials of Applications for Exemptions

AGENCY: Materials Transportation Bureau, D.O.T.

ACTION: Notice of Grants and Denials of Applications for Exemptions

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given of the exemptions granted in March 1981. The modes of transportation involved are identified by a number in the "Nature of Exemption Thereof" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo-only aircraft, 5—Passenger-carrying aircraft. Application numbers prefixed by the letters EE represent applications for Emergency Exemptions.

Application No.

2000-X
3353-X
3498-X
4354-X
4932-X
5038-X
5413-X
5526-X
6016-X
6205-P
6218-P
6218-X
6296-X
6296-X
6296-X
6432-P
6500-X
6500-X
6543-X
6564-X
6571-P
6583-X
6762-X
6762-X
6793-X
6824-P
6824-P
6824-P
6834-X
6864-X
6874-X
6874-X
6994-X
7005-P
7005-X

Renewal and Party to Exemptions

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
2000-X	DOT-E 2000	Union Carbide Corp., Tarrytown, NY	49 CFR 172.101, 173.304(a), 173.316(a)(2).	To authorize shipment of flammable liquefied compressed gases in non-DOT specification portable tanks or DOT specification 4L cylinders. (Mode 1.)
3353-X	DOT-E 3353	Kerr-McGee Chemical Corp., Oklahoma City, OK.	49 CFR 173.163(a)(7), 173.239a(a)(2)	To authorize the shipment of certain oxidizing material in a non-DOT specification steel or aluminum portable tank. (Modes 1, 2.)
3498-X	DOT-E 3498	U.S. Department of Defense, Washington, DC.	49 CFR 174, 176, 177, Part 173	To authorize transport on open top vehicles military combat & tactical vehicles loaded w/their combat supply of accessory ammunition up to 6000 lbs. & not to exceed 18% of net weight of vehicle. (Modes 1, 2, and 3.)
4354-X	DOT-E 4354	PPG Industries, Inc., Pittsburgh, PA	49 CFR 173.119(m), 173.245, 173.288(d), 173.288(e).	To authorize the shipment of flammable liquids in DOT Specification 6D or 37M cylindrical steel overpack with an inside DOT Specification 2S, 2SL or 2T polyethylene drum. (Modes 1, 2, and 3.)
4932-X	DOT-E 4932	Federal Laboratories, Inc., Saltsburg, PA	49 CFR 172.101, 173.385(a), 175.3	To authorize shipment of tear gas devices in a telescopic type, cylindrical, wound-draft container fitted with metal ends overpacked in DOT Specification 12B fiberboard box. (Modes 1, 2, and 4.)
5038-X	DOT-E 5038	Airco Industrial Gases, Murray Hill, NJ	49 CFR 173.135(a)(6), 173.136(a)(5), 173.247(a)(1).	To authorize the shipment of dimethyldichlorosilane, trichlorosilane, and silicon tetrachloride in non-DOT specification type 304 stainless steel cylinders. (Modes 1, 2.)
5413-X	DOT-E 5413	Publicker Industries, Inc., Philadelphia, PA	49 CFR 172.101, 173.315(a)(1)	To authorize shipment of a flammable gas in non-DOT specification insulated cargo tanks. (Mode 1.)
5526-X	DOT-E 5526	MCB Manufacturing Chemists, Inc., Cincinnati, OH.	49 CFR 173.119	To authorize shipment of liquid organic peroxides, liquid oxidizers, flammable, corrosive or poison B liquids in DOT Specification 1D or 1K glass carboys overpacked in expandable polystyrene in wooden wirebound boxes. (Modes 1, 2.)
6016-X	DOT-E 6016	Welding & Cutting Supply Co., Cleveland, OH.	49 CFR 173.315(a)	To authorize shipment of liquid oxygen, nitrogen, and argon in non-DOT specification portable tanks designed and constructed in accordance with Section VIII of the ASME Code. (Mode 1.)
6205-P	DOT-E 6205	Chicago Bridge and Iron Company, Oak Brook, IL.	49 CFR 172.101, 173.315(a)(1)	To become a party to Exemption 6205. (Mode 1.)
6218-P	DOT-E 6218	MG Burdett Gas Products Company, Inc., Norristown, PA.	49 CFR 173.315(a)	To become a party to Exemption 6218. (Mode 1.)
6218-X	DOT-E 6218	Liquid Carbonic Corp., Chicago, IL	49 CFR 173.315(a)	To authorize shipment of argon or nitrogen pressurized liquid in insulated non-DOT specification cargo tanks. (Mode 1.)
6296-X	DOT-E 6296	American Cyanamid Co., Wayne, NJ	49 CFR 173.377(g)	To authorize the shipment of certain Class B poisons in DOT Specification 44D multiwall paper bags. (Modes 1, 2.)
6296-X	DOT-E 6296	Platte Chemical Co. Fremont, NV	49 CFR 173.377(g)	To authorize shipment of certain Class B poisons in DOT Specification 44D multiwall paper bags. (Modes 1, 2.)
6296-X	DOT-E 6296	Olin Chemicals Group Stamford, CT	49 CFR 173.377(g)	To authorize shipment of certain Class B poisons in DOT Specification 44D multiwall paper bags. (Modes 1, 2.)
6432-P	DOT-E 6432-P	MG Burdett Gas Products Co., Inc., Norristown, PA.	49 CFR 173.315(a)	To become a party to Exemption 6432. (Mode 1.)
6500-X	DOT-E 6500	East Asiatic Co., Inc., Copenhagen, Denmark.	49 CFR 173.125	To authorize use of a non-DOT specification stainless steel portable tank for shipment of a flammable liquid. (Modes 1, 3.)
6500-X	DOT-E 6500	Blue Star Line, Ltd., London, England	49 CFR 173.125	To authorize use of a non-DOT specification stainless steel portable tank for shipment of a flammable liquid. (Modes 1, 3.)
6543-X	DOT-E 6543	Airco, Inc., Murray Hill, NJ	49 CFR 173.135(a)(6), 173.136(a)(5), 173.247, 173.304, 175.3.	To authorize the shipment of certain corrosive and flammable liquids or gases in 16 gauge, 304 stainless steel cylinders and/or 14 gauge, 316 stainless steel cylinders. (Modes 1, 2, and 4.)
6564-X	DOT-E 6564	Castle & Cooke, Inc., San Francisco, CA	49 CFR 173.119, 173.128	To authorize shipment of certain flammable liquids in non-DOT specification dual compartment portable tanks. (Modes 1, 3.)
6571-P	DOT-E 6571	Chicago Bridge and Iron Co., Oak Brook, IL.	49 CFR 172.101, 173.315(a)	To become a party to Exemption 6571. (Mode 1.)
6583-X	DOT-E 6583	Phillips Petroleum Co., Bartlesville, OK	49 CFR 173.249(a)(7)	To authorize shipment of a corrosive material in a DOT Specification 51 portable tank. (Mode 1.)
6762-X	DOT-E 6762	DuBois Chemical Co., Cincinnati, OH	49 CFR 173.286(b)(2), 175.3	To authorize the transport of chemical kits in non-DOT specification plastic inside packaging and non-DOT specification fiberboard outside packaging. (Modes 1, 2, 3, and 4.)
6762-X	DOT-E 6762	Taylor Chemicals, Inc., Baltimore, MD	49 CFR 173.286(b)(2), 175.3	To authorize the transport of chemical kits in non-DOT specification plastic inside packaging and non-DOT specification fiberboard outside packaging. (Modes 1, 2, 3, and 4.)
6793-X	DOT-E 6793	Sea Containers, Inc., New York, NY	49 CFR 172.101, 173.119, 173.125, 173.154, 173.245, 173.247, 173.346, 173.347, 46 CFR 90.05-35, 46 CFR 98.35-3.	To authorize the use of non-DOT specification portable tanks, for shipment of various hazardous materials. (Modes 1, 2, and 3.)
6824-P	DOT-E 6824	Alstar Co., Saugus, CA	49 CFR 173.217(a)	To become a party to Exemption 6824. (Modes 1, 2, and 3.)
6824-P	DOT-E 6824	All Pure Chemical Co., Inc., Tracy, CA	49 CFR 173.217(a)	To become a party to Exemption 6824. (Modes 1, 2, and 3.)
6824-P	DOT-E 6824	Hasa Chemicals, Inc., Saugus, CA	49 CFR 173.217(a)	To become a party to Exemption 6824. (Modes 1, 2, and 3.)
6834-X	DOT-E 6834	FMC Corp., Philadelphia, PA	49 CFR 173.245(a)(4)	To authorize use of DOT Specification 5 drums for shipment of a certain corrosive liquid. (Mode 1.)
6864-X	DOT-E 6864	Contrans, Hamburg, West Germany	49 CFR 173.119(b), 173.125	To authorize the use of a non-DOT specification portable tank for the shipment of certain flammable liquids. (Modes 1, 2, and 3.)
6874-X	DOT-E 6874	ICI Americas, Inc., Wilmington, DE	49 CFR 172.101, 173.370(a)(13)	To authorize the transportation of sodium and potassium cyanides in non-DOT specification wooden boxes. (Modes 1, 3.)
6874-X	DOT-E 6874	ICI Americas, Inc., Wilmington, DE	49 CFR 172.101, 173.370(a)(13)	To authorize the transportation of sodium and potaseum cyanides in non-DOT specification wooden boxes. (Modes 1, 3.)
6994-X	DOT-E 6994	Apache Container Corp., Chicago, IL	49 CFR 178.33-7	To authorize shipment of certain compressed gases in non-refillable steel containers similar to DOT Specification 2P. (Modes 1, 2.)
7005-P	DOT-E 7005	Tankcargo Container Leasing, Geneva, Switzerland.	49 CFR 173.119, 173.141(a)(10), 173.245(a)(30), 173.346, 173.620, 173.630, 46 CFR 90.05-35.	To authorize the use of non-DOT specification intermodal portable tanks for certain flammable, corrosive, class B poisons, and combustible liquids and ORM-A materials. (Modes 1, 2, and 3.)
7005-X	DOT-E 7005	Bignier Schmid-Laurent, Paris, France	49 CFR 173.119, 173.141(a)(10), 173.245(a)(30), 173.346, 173.620, 173.630, 46 CFR 90.05-35.	To authorize the use of non-DOT specification intermodal portable tanks for certain flammable, corrosive, class B poisons, and combustible liquids and ORM-A materials. (Modes 1, 2, and 3.)

Renewal and Party to Exemptions—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
7005-P	DOT-E 7005	CATU Containers, S.A. Geneva, Switzerland.	49 CFR 173.119, 173.141(a)(10), 173.245(a)(30), 173.346, 173.620, 173.630, 46 CFR 90.05-35.	To become a party to Exemption 7005. (Modes 1, 2, and 3.)
7005-X	DOT-E 7005	Trafpak Limited, Aylesbury, England	49 CFR 173.119, 173.141(a)(10), 173.245(a)(30), 173.346, 173.620, 173.630, 46 CFR 90.05-35.	To authorize the use of non-DOT specification intermodal portable tanks for certain flammable, corrosive, class B poisons, and combustible liquids and ORM-A materials. (Modes 1, 2, and 3.)
7005-X	DOT-E 7005	Compagnie des Containers Reservoirs, Neuilly-sur-Seine, France.	49 CFR 173.119, 173.141(a)(10), 173.245(a)(30), 173.346, 173.620, 173.630, 46 CFR 90.05-35.	To authorize the use of non-DOT specification intermodal portable tanks for certain flammable, corrosive, class B poisons, and combustible liquids and ORM-A materials. (Modes 1, 2, and 3.)
7005-X	DOT-E 7005	Societe Anonyme por L'Industrie Chimique, Mulhouse Cedex, France	49 CFR 173.119, 173.141(a)(10), 173.245(a)(30), 173.346, 173.620, 173.630, 46 CFR 90.05-35.	To authorize the use of non-DOT specification intermodal portable tanks for certain flammable, corrosive, class B poisons, and combustible liquids and ORM-A materials. (Modes 1, 2, and 3.)
7005-X	DOT-E 7005	Sea Containers Pacific Ltd., Central, Hong Kong.	49 CFR 173.119, 173.141(a)(10), 173.245(a)(30), 173.346, 173.620, 173.630, 46 CFR 90.05-35.	To authorize the use of non-DOT specification intermodal portable tanks for certain flammable, corrosive, class B poisons, and combustible liquids and ORM-A materials. (Modes 1, 2, and 3.)
7005-X	DOT-E 7005	Eurotainer, Paris, France	49 CFR 173.119, 173.141(a)(10), 173.245(a)(30), 173.346, 173.620, 173.630, 46 CFR 90.05-35.	To authorize the use of non-DOT specification intermodal portable tanks for certain flammable, corrosive, class B poisons, and combustible liquids and ORM-A materials. (Modes 1, 2, and 3.)
7005-X	DOT-E 7005	Hoyer S.A.G.L., Chiasso, Switzerland.	49 CFR 173.119, 173.141(a)(10), 173.245(a)(30), 173.346, 173.620, 173.630, 46 CFR 90.05-35.	To authorize the use of non-DOT specification intermodal portable tanks for certain flammable, corrosive, class B poisons, and combustible liquids and ORM-A materials. (Modes 1, 2, and 3.)
7005-X	DOT-E 7005	Lowaco S.A. Geneva, Switzerland	49 CFR 173.119, 173.141(a)(10), 173.245(a)(30), 173.346, 173.620, 173.630, 46 CFR 90.05-35.	To authorize the use of non-DOT specification intermodal portable tanks for certain flammable, corrosive, class B poisons, and combustible liquids and ORM-A materials. (Modes 1, 2, and 3.)
7052-P	DOT-E 7052	Signode Corp., Glenview, IL	49 CFR 172.101, 175.3	To become a party to Exemption 7052. (Modes 1, 2, 3, and 4.)
7052-P	DOT-E 7052	Magnavox Government & Industrial Electronics Corp., Fort Wayne, IN.	49 CFR 172.101, 175.3.	To become a party to Exemption 7052. (Modes 1, 2, 3, and 4.)
7052-P	DOT-E 7052	United Space Boosters, Inc., Huntsville, AL.	49 CFR 172.101, 175.3.	To become a party to Exemption 7052. (Modes 1, 2, 3, and 4.)
7052-P	DOT-E 7052	Sparton Corp., Jackson, MI	49 CFR 172.101, 175.3.	To become a party to Exemption 7052. (Modes 1, 2, 3, and 4.)
7076-X	DOT-E 7076	LaMotte Chemical Products Co., Chestertown, MD	49 CFR 173.266(b)	To authorize packaging not authorized by the Hazardous Materials Regulations for shipment of a corrosive liquid. (Modes 1, 2, and 3.)
7235-X	DOT-E 7235	Luxfer U.S.A., Ltd. Riverside, CA	49 CFR 173.302(a)(1), 175.3	To manufacture, mark and sell non-DOT specification seamless aluminum cylinders for use in the transportation of certain compressed gases. (Modes 1, 2, 3, 4, and 5.)
7268-X	DOT-E 7268	Union Carbide Corp., Tarrytown, NY	49 CFR 173.304a(a)(1).	To authorize the use of a DOT Specification 39 nonrefillable cylinder for the shipment of a nonflammable compressed gas. (Modes 1, 2, and 3.)
7423-P	DOT-E 7423	Amax Specialty Metals Corp., Salt Lake City, UT	49 CFR 173.154, 173.220(b)(2), 176.76(g)(5)	To become a party to Exemption 7423. (Modes 1, 2, and 3.)
7493-X	DOT-E 7493	Hugonnet, S.A., Paris, France	49 CFR 173.119, 173.128(a), 173.129, 173.131(a)(1), 173.132(a)(1), 173.245(a), 46 CFR 90.05-35	To authorize use of non-DOT specification insulated portable tanks for the shipment of various hazardous materials. (Modes 1, 2, and 3.)
7505-X	DOT-E 7505	Platte Chemical Co. Greeley, CO	49 CFR 173.28(m), 173.346(a)(2), 173.358(a)(2), 173.359(a)(2), 173.359(b)(2)	To authorize the use of DOT Specification 17C drums previously used for shipment of class B poisons and subsequently reconditioned (decontaminated). (Mode 1.)
7549-X	DOT-E 7549	Stauffer Chemical Co., Westport, CT	49 CFR 173.245a(a)	To authorize use of a non-DOT specification 316L stainless steel portable tank for shipment of a certain corrosive material. (Modes 1, 2, and 3.)
7576-P	DOT-E 7576	Compagnie des Containers Reservoirs, Paris, France.	49 CFR 173.620(a), 173.630(b)	To become a party to Exemption 7576. (Mode 3.)
7650-X	DOT-E 7650	ICI Americas, Inc., Wilmington, DE	49 CFR 173.315	To authorize the use of non-DOT specification vacuum insulated steel portable tanks for shipment of certain nonflammable compressed gases. (Modes 1, 3.)
7694-X	DOT-E 7694	Borg Warner Corp., Van Nuys, CA	49 CFR 173.302(a)(4), 175.3	To authorize the use of non-DOT specification cylinders containing non-liquefied compressed gases. (Modes 1, 2, and 4.)
7714-P	DOT-E 7714	M1 Engineering, Ltd., Bradford, West Yorkshire	49 CFR 173.119, 173.125, 173.245, 173.346, 173.630, 46 CFR 90.05-35	To become a party to Exemption 7714. (Modes 1, 2, and 3.)
7819-P	DOT-E 7819	Lowaco, S.A. Geneva, Switzerland	49 CFR 173.119, 173.125, 173.131(a)(1), 173.135, 173.145, 173.147, 173.245(a), 173.247, 173.253, 173.255, 173.272, 173.294, 173.346, 173.347, 173.348, 46 CFR 90.05-3549	To become a party to Exemption 7819. (Modes 1, 2, and 3.)
7819-P	DOT-E 7819	Catu containers, S.A., Geneva, Switzerland	49 CFR 173.119, 173.125, 173.131(a)(1), 173.135, 173.145, 173.147, 173.245(a), 173.247, 173.253, 173.255, 173.272, 173.294, 173.346, 173.347, 173.348, 46 CFR 90.05-35.	To become a party to Exemption 7819. (Modes 1, 2, and 3.)
7820-X	DOT-E 7820	Liquor Control Board of Ontario	49 CFR 173.119, 173.125, 173.128(a), 173.131(a), 173.132(a), 173.245(a), 173.346(a), 46 CFR 90.05-35	To authorize the use of a non-DOT specification IMCO Type II insulated portable tank for shipment of certain corrosive, flammable, poison B, and combustible liquids. (Modes 1, 2, and 3.)
7820-X	DOT-E 7820	Compagnie des Containers Reservoirs, Paris, France	49 CFR 173.119, 173.125, 173.128(a), 173.131(a), 173.132(a), 173.245(a), 173.346(a), 46 CFR 90.05-35	To authorize the use of a non-DOT specification IMCO Type II insulated portable tank for shipment of certain corrosive, flammable, poison B, and combustible liquids. (Modes 1, 2, and 3.)
7823-X	DOT-E 7823	Air Products and Chemicals, Inc., Allentown, PA	49 CFR 173.246	To authorize the transportation of iodine pentafluoride in cylinders conforming to DOT Specification 4BW with certain exceptions. (Modes 1, 2, and 3.)
7830-X	DOT-E 7830	Sea Containers, Inc. New York, NY	49 CFR Part 173, Subpart D, E, F, H, 46 CFR 90.05-35.	To authorize shipment of certain hazardous materials in non-DOT specification IMCO Type 2 insulated stainless steel portable tanks. (Modes 1, 2, and 3.)
7879-X	DOT-E 7879	Gearhart Industries, Inc. Fort Worth, TX	49 CFR 173.246, 175.3, 178.42	To authorize the shipment of bromine trifluoride in non-DOT specification seamless cylinders. (Modes 1, 2, 3, and 4.)
7881-X	DOT-E 7881	FMC Corp., Philadelphia, PA	49 CFR 172.101 column 7(b)	To authorize the stowage of a corrosive solid, n.o.s. below deck when transported by passenger vessel. (Mode 3.)
7893-P	DOT-E 7893	Lowaco, S.A., Geneva, Switzerland	49 CFR 173.226	To become a party to Exemptions 7893. (Modes 1, 2, and 3.)
7893-X	DOT-E 7893	Orval Tank Containers, Paris, France	49 CFR 173.226	To authorize the use of a non-DOT specification stainless steel, containerized portable tank for the shipment of an oxidizer. (Modes 1, 2, and 3.)
7893-X	DOT-E 7893	L Air Liquide, Paris, France	49 CFR 173.226	To authorize the use of a non-DOT specification stainless steel, containerized portable tank for the shipment of an oxidizer. (Modes 1, 2, and 3.)

Renewal and Party to Exemptions—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
7893-P	DOT-E 7893	Catu Containers, S.A., Geneva, Switzerland.	49 CFR 173.226	To become a party to Exemption 7893. (Modes 1, 2, and 3.)
7925-X	DOT-E 7925	A/S Cheminova, Lemvig, Denmark	49 CFR 173.245	To authorize the use of non-DOT specification rubber lined portable tank for the shipment of certain corrosive liquids. (Modes 1, 2, and 3.)
7938-X	DOT-E 7938	Compagnie Generale Maritime, Paris, France.	49 CFR 173.118a, 173.119, 173.125, 173.126, 173.131, 173.132, 173.144, 173.245(a)(30), 173.346, 173.630.	To authorize shipment of flammable, corrosive, poison B, and combustible liquids in non-DOT specification portable tanks. (Modes 1, 2, and 3.)
7938-X	DOT-E 7938	ABC Containerline, Antwerp, Belgium	49 CFR 173.118a, 173.119, 173.125, 173.126, 173.131, 173.132, 173.144, 173.245(a)(30), 173.346, 173.630.	To authorize shipment of flammable, corrosive, poison B, and combustible liquids in non-DOT specification portable tanks. (Modes 1, 2, and 3.)
7938-X	DOT-E 7938	Eurotainer, Paris, France	49 CFR 173.118a 173.119, 173.125, 173.126, 173.131, 173.132, 173.144, 173.245(a)(30), 173.346, 173.630.	To authorize shipment of flammable, corrosive, poison B, and combustible liquids in non-DOT specification portable tanks. (Modes 1, 2, and 3.)
7938-X	DOT-E 7938	Sea Containers, Inc., New York, NY	49 CFR 173.118a 173.119, 173.125, 173.126, 173.131, 173.132, 173.144, 173.245(a)(30), 173.346, 173.630.	To authorize shipment of flammable, corrosive, poison B, and combustible liquids in non-DOT specification portable tanks. (Modes 1, 2, and 3.)
7938-X	DOT-E 7938	Bignier Schmid-Laurent, Paris, France	49 CFR 173.118a 173.119, 173.125, 173.126, 173.131, 173.132, 173.144, 173.245(a)(30), 173.346, 173.630.	To authorize shipment of flammable, corrosive, poison B, and combustible liquids in non-DOT specification portable tanks. (Modes 1, 2, and 3.)
7938-X	DOT-E 7938	Compagnie des Containers Reservoirs, Cedex, France.	49 CFR 173.118a, 173.119, 173.125, 173.126, 173.131, 173.132, 173.144, 173.245(a)(30), 173.346, 173.630.	To authorize shipment of flammable, corrosive, poison B, and combustible liquids in non-DOT specification portable tanks. (Modes 1, 2, and 3.)
7938-X	DOT-E 7938	Lowaco, S.A., Geneva, Switzerland	49 CFR 173.118a, 173.119, 173.125, 173.126, 173.131, 173.132, 173.144, 173.245(a)(30), 173.346, 173.630.	To authorize shipment of flammable, corrosive, poison B, and combustible liquids in non-DOT specification portable tanks. (Modes 1, 2, and 3.)
7942-X	DOT-E 7942	Chevron Chemical Co., San Francisco, CA.	49 CFR 173.28(m)	To authorize refilling of DOT Specification 17E drums with gasoline without full compliance with 173.28(m). (Mode 3.)
8002-X	DOT-E 8002	Compagnie des Containers Reservoirs, Paris, France.	49 CFR 173.119, 173.141(a)(10), 173.245(a)(30), 173.346, 173.620, 173.630, 46 CFR 90.05–35.	To authorize the use of non-DOT specification portable tanks for shipment of certain flammable, corrosive, Class B poisons, combustible liquids and ORM–A materials. (Modes 1, 2, and 3.)
8002-X	DOT-E 8002	Eurotainer, Paris, France	49 CFR 173.119, 173.141(a)(10), 173.245(a)(30), 173.346, 173.620, 173.630, 46 CFR 90.05–35.	To authorize the use of non-DOT specification portable tanks for shipment of certain flammable, corrosive, Class B poisons, combustible liquids and ORM–A materials. (Modes 1, 2, and 3.)
8002-P	DOT-E 8002	CATU Containers, S.A., Geneva, Switzerland.	49 CFR 173.119, 173.141(a)(10), 173.245(a)(30), 173.346, 173.620, 173.630, 46 CFR 90.05–35.	To become a party to Exemption 8002. (Modes 1, 2, and 3.)
8002-X	DOT-E 8002	Tankcargo Container Leasing, Geneva, Switzerland.	49 CFR 173.119, 173.141(a)(10), 173.245(a)(30), 173.346, 173.620, 173.630, 46 CFR 90.05–35.	To authorize the use of non-DOT specification portable tanks for shipment of certain flammable, corrosive, Class B poisons, combustible liquids and ORM–A materials. (Modes 1, 2, and 3.)
8002-X	DOT-E 8002	Bignier Schmid-Laurent, Paris, France	49 CFR 173.119, 173.141(a)(10), 173.245(a)(30), 173.346, 173.620, 173.630, 46 CFR 90.05–35.	To authorize the use of non-DOT specification portable tanks for shipment of certain flammable, corrosive, Class B poisons, combustible liquids and ORM–A materials. (Modes 1, 2, and 3.)
8002-X	DOT-E 8002	Lowaco, S.A., Geneva, Switzerland	49 CFR 173.119, 173.141(a)(10), 173.245(a)(30), 173.346, 173.620, 173.630, 46 CFR 90.05–35.	To authorize the use of non-DOT specification portable tanks for shipment of certain flammable, corrosive, Class B poisons, combustible liquids and ORM–A materials. (Modes 1, 2, and 3.)
8009-P	DOT-E 8009	FIBA Leasing Co., Inc., Westboro, MA	49 CFR 172.101, 173.301(d)(2), 173.302(a)(3).	To become a party to Exemption 8009. (Mode 1.)
8023-X	DOT-E 8023	Acurex Corp., Mountain View, CA	49 CFR 173.302(a)(1), 173.304(a)(1), 173.304(d)(3), 175.3.	To authorize the use of non-DOT specification hooped wrapped FRP cylinders for the shipment of certain compressed gases. (Modes 1, 2, 3, 4, and 5.)
8030-X	DOT-E 8030	Halliburton Services, Inc., Duncan, OK	49 CFR 173.60(b), 173.50(c)	To authorize the transport of charged oil well perforating guns with a detonating fuze attached to one end. (Mode 1.)
8056-X	DOT-E 8056	Hapag-Lloyd AG, Hamburg, Germany	49 CFR 173.119, 173.125, 173.245, 173.266, 173.346, 46 CFR 90.05–35.	To authorize the use of non-DOT specification portable tanks for the shipment of certain flammable, corrosive, Class B poisons combustible liquids and oxidizing materials. (Modes 1, 2, and 3.)
8057-X	DOT-E 8057	Hapag-Lloyd, Hamburg, Germany	49 CFR 173.119, 173.125, 173.245, 173.266, 173.346, 46 CFR 90.05–35.	To authorize the use of non-DOT specification portable tanks for the shipment of certain flammable, corrosive, Class B poisons combustible liquids and oxidizing materials. (Modes 1, 2, and 3.)
8080-X	DOT-E 8080	Diamond Shamrock Corp., Dallas TX	49 CFR 173.164	To authorize the transport of dry chromic acid in a DOT Specification 105A300W tank car which has been converted to DOT Specification 111A100W. (Mode 2.)
8086-X	DOT-E 8086	U.S. Department of Defense, Washington, DC.	49 CFR 172.101, 172.102, 173.118(a), 173.119, 173.206, 173.87.	To authorize the transport of a cruise missile containing hazardous materials. (Mode 1.)
8086-X	DOT-E 8086	Boeing Aerospace Co., Seattle, WA	49 CFR 172.101, 172.102, 173.118(a), 173.119,, 173.206, 173.87.	To authorize the transport of a cruise missile containing hazardous materials. (Mode 1.)
8087-X	DOT-E 8087	Union Carbide Corp., New York, NY	49 CFR 173.154	To authorize the shipment of an oxidizing material in DOT Specification 56 portable tanks. (Mode 1.)
8099-X	DOT-E 8099	Union Carbide Corp., New York, NY	49 CFR 173.365(a)(15)	To authorize the shipment of a non-DOT specification corrugated fiberboard box with an inner heat-sealed bag for the shipment of a Class B poisonous solid. (Modes 1, 2, and 3.)
8109-X	DOT-E 8109	CATU Containers, S.A., Geneva, Switzerland.	49 CFR 173.119, 173.125, 173.126, 173.135, 173.141, 173.145, 173.147, 173.224, 173.245, 173.276, 173.280, 173.346, 173.347, 173.349, 46 CFR 90.05–35.	To authorize the shipment of certain hazardous materials in non-DOT specification intermodal portable tanks. (Modes 1, 2, and 3.)
8109-X	DOT-E 8109	Lowaco, S.A., Geneva, Switzerland	49 CFR 173.119, 173.125, 173.126, 173.135, 173.141, 173.145, 173.147, 173.224, 173.245, 173.276, 173.280, 173.346, 173.347, 173.349, 46 CFR 90.05–35.	To authorize the shipment of certain hazardous materials in non-DOT specification intermodal portable tanks. (Modes 1, 2, and 3.)
8109-X	DOT-E8109	Transport International Containers, Paris, France.	49 CFR 173.119, 173.125, 173.126, 173.135, 173.141, 173.145, 173.147, 173.224, 173.245, 173.276, 173.280, 173.346, 173.347, 173.349, 46 CFR 90.05–35.	To authorize the shipment of certain hazardous materials in non-DOT specification intermodal portable tanks. (Modes 1, 2, and 3.)
8109-X	DOT-E8109	SLEMI, Paris, France	49 CFR 173.119, 173.125, 173.126, 173.135, 173.141, 173.145, 173.147, 173.224, 173.245, 173.276, 173.280, 173.346, 173.347, 173.349, 46 CFR 90.05–35.	To authorize the shipment of certain hazardous materials in non-DOT specification intermodal portable tanks. (Modes 1, 2, and 3.)

Renewal and Party to Exemptions—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
8109-X	DOT-E8109	Fauvet-Girel, Paris, France	49 CFR 173.119, 173.125, 173.126, 173.135, 173.141, 173.145, 173.147, 173.224, 173.245, 173.276, 173.280, 173.346, 173.347, 173.349, 46 CFR 90.05-35.	To authorize the shipment of certain hazardous materials in non-DOT specification intermodal portable tanks. (Modes 1, 2, and 3.)
8110-X	DOT-E8110	Fauvet-Girel, Paris France	49 CFR 173.119, 173.125, 173.126, 173.129, 173.131, 173.132, 173.245, 46 CFR 90.05-35.	To authorize use of non-DOT specification intermodal portable tanks with bottom outlet for the transportation of various hazardous materials. (Modes 1, 2, and 3.)
8110-X	DOT-E8110	CATU Containers, S.A., Geneva, Switzerland.	49 CFR 173.119, 173.125, 173.126, 173.129, 173.131, 173.132, 173.245, 46 CFR 90.05-35.	To authorize use of non-DOT specification intermodal portable tanks with bottom outlet for the transportation of various hazardous materials. (Modes 1, 2, and 3.)
8110-X	DOT-E8110	Lowaco, S.A., Geneva, Switzerland	49 CFR 173.119, 173.125, 173.126, 173.129, 173.131, 173.132, 173.245, 46 CFR 90.05-35.	To authorize use of non-DOT specification intermodal portable tanks with bottom outlet for the transportation of various hazardous materials. (Modes 1, 2, and 3.)
8110-X	DOT-E8110	Eurotainer, Paris, France	49 CFR 173.119, 173.125, 173.126, 173.129, 173.131, 173.132, 173.245, 46 CFR 90.05-35.	To authorize use of non-DOT specification intermodal portable tanks with bottom outlet for the transportation of various hazardous materials. (Modes 1, 2, and 3.)
8110-X	DOT-E8110	Transport International Containers, Paris, France.	49 CFR 173.119, 173.125, 173.126, 173.129, 173.131, 173.132, 173.245, 46 CFR 90.05-35.	To authorize use of non-DOT specification intermodal portable tanks with bottom outlet for the transportation of various hazardous materials. (Modes 1, 2, and 3.)
8110-X	DOT-E8110	SLEMI, Paris, France	49 CFR 173.119, 173.125, 173.126, 173.129, 173.131, 173.132, 173.245, 46 CFR 90.05-35.	To authorize use of non-DOT specification intermodal portable tanks with bottom outlet for the transportation of various hazardous materials. (Modes 1, 2, and 3.)
8115-X	DOT-E8115	Acurex Corp., Mountain View, CA	49 CFR 173.302(a)(1), 175.3	To authorize the use of a limited number of non-DOT specification FRP cylinders prescribed in DOT-E 8023 for underwater breathing. (Modes 1, 2, 3, 4, and 5.)
8125-X	DOT-E 8125	Fauvet-Girel, Paris, France	49 CFR 173.123, 173.315	To authorize the shipment of non-DOT specification non-insulated portable tanks for the shipment of certain flammable and nonflammable gases and flammable liquids. (Modes 1, 2, and 3.)
8125-X	DOT-E 8125	Transport International Containers, Paris, France.	49 CFR 173.123, 173.315	To authorize the shipment of non-DOT specification non-insulated portable tanks for the shipment of certain flammable and nonflammable gases and flammable liquids. (Modes 1, 2, and 3.)
8126-X	DOT-E 8126	Transport International Containers, Paris, France.	49 CFR 173.123, 173.315	To authorize the shipment of certain liquefied petroleum gases and other gases classed as flammable gases and a flammable liquid in non-DOT specification portable tanks. (Modes 1, 2, and 3.)
8126-X	DOT-E 8126	Fauvet-Girel, Paris, France	49 CFR 173.123, 173.315	To authorize the shipment of certain liquefied petroleum gases and other gases classed as flammable gases and a flammable liquid in non-DOT specification portable tanks. (Modes 1, 2, and 3.)
8126-X	DOT-E 8126	SLEMI, Paris, France	49 CFR 173.123, 173.315	To authorize the shipment of certain liquefied petroleum gases and other gases classed as flammable gases and a flammable liquid in non-DOT specification portable tanks. (Modes 1, 2, and 3.)
8127-P	DOT-E 8127	Hercules, Inc., Wilmington, DE	49 CFR 173.127, 173.184, 178.224	To become a party to Exemption 8127. (Modes 1, 2, and 3.)
8141-X	DOT-E 8141	GTE Products Corp., Needham, MA	49 CFR 172.101, 173.206, 173.247	To authorize the transport of individual cells and modules consisting of three cells containing lithium metal and thionyl chloride. (Mode 1.)
8144-X	DOT-E 8144	Atlas Powder Co., Dallas, TX	49 CFR 173.133	To authorize the transport of 10 percent of nitroglycerine in propylene glycol as "spirits of nitroglycerine." (Mode 1.)
8192-X	DOT-E 8192	Gnef Brothers Corp., Springfield, NJ	49 CFR 173.272(g), 173.346, 173.348	To manufacture, mark and sell DOT Specification 34 containers for shipment of class B poisonous liquids and sulfuric acid. (Modes 1, 2, and 3.)
8192-X	DOT-E 8192	Gnef Brothers Corp., Springfield, NJ	49 CFR 173.272(g), 173.346, 173.348	To manufacture, mark and sell DOT Specification 34 containers for shipment of class B poisonous liquids and sulfuric acid. (Modes 1, 2, and 3.)
8196-X	DOT-E 8196	ANF Industrie, Paris, France	49 CFR 173.315(a)	To authorize the use of a non-DOT specification portable tanks for the shipment of certain compressed gases. (Modes 1, 2, and 3.)
8228-P	DOT-E 8228	U.S. Department of Justice, Washington, DC.	49 CFR 173.100(bb), 173.113(a)(1), 173.86.	To become a party to Exemption 8228. (Mode 1.)
8237-X	DOT-E 8237	Sanders Associates, Inc., Nashua, NH	49 CFR 172.101, 173.302(a)(2), 175.3	To authorize the shipment of a device containing lithium batteries and a cylinder containing compressed nitrogen in a non-DOT specification wooden box. (Modes 1 and 4.)
8299-X	DOT-E 8299	HTL Industries, Inc., Duarte, CA	49 CFR 173.304(a)(1), 175.3, 178.44	To manufacture, mark and sell non-DOT specification pressure vessels for shipment of a compressed gas. (Modes 1, 2, 4, and 5.)
8354-X	DOT-E 8354	Fauvet-Girel; Paris, France	49 CFR 173.123, 173.315	To authorize the use of a non-DOT specification portable tank for the shipment of certain liquefied petroleum gases and other gases classed as flammable liquids and flammable gases (Modes 1, 2, and 3.)
8354-X	DOT-E 8354	Fauvet-Girel; Paris, France	49 CFR 173.123, 173.315	To authorize the use of a non-DOT specification portable tank for the shipment of certain liquefied petroleum gases and other gases classed as flammable liquids and flammable gases (Modes 1, 2, and 3.)
8376-P	DOT-E 8376	Compagnie General Maritime, Paris, France	49 CFR 173.119, 173.245, 173.346	To become a party to Exemption 8376. (Modes 1, 2, and 3.)
8388-X	DOT-E 8388	B W Norton Manufacturing Co., Oakland, CA.	49 CFR 173 Subpart D, 173 Subpart F, 178.19.	To authorize shipment of liquid hazardous materials in a five-gallon capacity non-DOT specification removable head polyethylene drum. (Modes 1, 2, and 3.)
8390-P	DOT-E 8390	Ashland Chemical Co., Dublin, OH	49 CFR 173.272, 178.210, 178.24a	To become a party to Exemption 8390. (Mode 1.)
8431-X	DOT-E 8431	Dow Chemical Co., Midland, MI	49 CFR 173.294(a)(2), 179.202-16	To authorize the shipment of monochloroacetic acid solution in DOT Specification 111A100W6 tank car fabricated from type 316 stainless steel with weld material equivalent to 316L stainless steel. (Mode 2.)
8434-P	DOT-E 8434	Elkem Metals Co., Pittsburgh, PA	49 CFR 173.154, 173.178	To become a party to Exemption 8434. (Modes 1, 2.)
8441-P	DOT-E 8441	Electrochem Industries, Inc., Clarence, NY	49 CFR 172.101	To become a party to Exemption 8441. (Mode 1.)
8445-X	DOT-E 8445	Dow Chemical Co., Midland, MI	49 CFR Part 173, Subpart D, E, F, H	To authorize shipment of various hazardous substances and wastes in various containers, not exceeding one gallon capacity, overpacked in DOT Specification containers for purposes of disposal. (Mode 1.)
8540-X	DOT-E 8540	U.S. Navy (Naval Sea Systems Command), Washington, DC.	49 CFR 176.83(b) Table II	To authorize the shipment of oxygen candles in non-DOT specification fiberboard boxes. (Mode 3.)

New Exemptions

Application No.	Exemption No.	Applicant	Regulations(s) affected	Nature of exemption thereof
8359-N	DOT-E 8359	Dow Chemical Co., Midland, MI	49 CFR 173.389-173.398, Part 172, Part 177.	To transport within plant over public highway via private carriage, radioactive materials (radioisotopes) as essentially non-regulated materials when contained in sealed source instruments for inhouse processing. (Mode 1.)
8440-N	DOT-E 8440	Hugonnet, S.A., Paris, France	49 CFR 173.245a, 173.252	To authorize shipment of bromine in non-DOT specification IMCO type I portable tanks, lined with polyvinylidene fluoride. (Modes 1, 2, and 3.)
8488-N	DOT-E 8488	Born Free Plastics, Inc., Gardena, CA	49 CFR 173.119, 173.346(a), Part 173 Subpart F.	To manufacture, mark and sell DOT Specification 34 polyethylene drums for shipment of Class B poisons, and flammable liquids. (Modes 1, 2, and 3.)
8520-N	DOT-E 8520	Atlas Powder Co. Dallas, TX	49 CFR 173.114a(b)(6)	To authorize the use of a "pipe in lieu of the required "fire test" for blasting agents packed in drums not to exceed 440 pounds. (Modes 1, 2, 3, and 4.)
8525-N	DOT-E 8525	Associated Container Transportation (U.S.A.), New York, NY.	49 CFR 173.389(o)(1), 173.392(c), 176.700(h)(1)(2).	To authorize shipment of monazite sand, classed as radioactive material, low specific activity, n.o.s. stowed under deck with other cargo. (Modes 1, 2, and 3.)
8535-N	DOT-E 8535	Advance Aviation Services, Inc., Mesa, AZ.	49 CFR 107 Appendix B, 172.101, 172.204(c)(3), 173.27, 175.30(a)(1), 175.320(b).	To authorize carriage of Class A, B, & C explosives not permitted for air shipment or in quantities greater than those prescribed for air shipment. (Mode 4.)
8536-N	DOT-E 8536	Pennwalt Corp. Buffalo, NY	49 CFR 173.157(a)(5)	To authorize an increase in the maximum allowable gross weight of a DOT Specification 12B corrugated fiberboard box for shipment of wet benzoyl peroxide. (Modes 1 and 3.)
8537-N	DOT-E 8537	Container Corp. of America, Wilmington, DE.	49 CFR 173.119	To manufacture, mark and sell DOT Specification 34 polyethylene containers for shipment of methanol and isopropanol, classed as flammable liquids. (Modes 1, 2, and 3.)
8539-N	DOT-E 8539	Aero Taxi-Rockford, Inc., Rockford, IL	49 CFR 107 Appendix B, 172.101, 172.204(c)(3), 173.27, 175.30(a)(1), 175.320(b).	To authorize the shipment of certain Class A, B, and C explosives not permitted for air shipment or in quantities greater than those prescribed for air shipment. (Mode 4.)
8551-N	DOT-E 8551	Huber Manufacturing, Inc. Gulfport, MS	49 CFR 173.119(a)(17), 173.245(a)(30), 173.346(a)(12), 178.340-7, 178.342-5, 178.343-5.	To manufacture, mark and sell non-DOT specification cargo tanks complying generally with DOT Specification MC-307/312 except for bottom outlet valve variations and certain other features for transportation of flammable, corrosive, or poisonous waste liquids or semi-solids. (Mode 1.)
8552-N	DOT-E 8552	Brenner Tank, Inc. Fond du Lac, WI	49 CFR 173.119(a)(17), 173.245(a)(30), 173.346(a)(12), 178.340-7, 178.342-5, 178.343-5.	To manufacture, mark and sell non-DOT specification cargo tanks complying generally with DOT Specification MC-307/312 except for bottom outlet valve variations for transportation of flammable or corrosive waste liquids or semi-solids. (Mode 1.)
8555-N	DOT-E 8555	Thiokol Corp. Brigham City, UT	49 CFR 173.92	To authorize shipment of large rocket motor segment on a special highway vehicle. (Modes 1 and 2.)

Emergency Exemptions

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
EE 6889-X	DOT-E 6889	McDonnell Douglas Corp., Tulsa, OK	49 CFR 173.304(a)(1)	To authorize the use of a non-DOT specification non-refillable steel tube for shipment of a nonflammable compressed gas. (Mode 1.)
EE 8581-N	DOT-E 8581	U.S. Environmental Protection Agency, Research Triangle Park, NC.	49 CFR Parts 100-199	To authorize shipment of small quantities (no greater than 100 milligrams) of various poison B liquids, flammable liquids, corrosive and ORM-A materials shipped as analytical standards when packed in specially designed packaging. (Modes 1, 2, 3, 4, and 5.)
EE 8593-N	DOT-E 8593	Dow Chemical Co., Midland, MI	49 CFR 173.252(a)(4)	To authorize the transportation of bromine in a tank motor vehicle loaded to less than 92% capacity. (Mode 1.)
EE 8594-N	DOT-E 8594	Airco, Murray Hill, NJ	49 CFR 173.314(c), Note 23, 179.105-3(c).	To authorize a one-time shipment of methylacetylene-propadiene, stabilized in a DOT-112A340W tank car not equipped with thermal protection and tank head puncture resistant system. (Mode 2.)

Withdrawals

Application No.	Applicant	Regulation(s) affected	Nature of exemption thereof
8153-P	Continental Vanguard, Inc., Bellmawr, NJ	49 CFR 173.119(a)(17), 173.245(a)(30), 173.245(a)(31), 178.340-7, 178.342-5, 178.343-5.	To become a party to Exemption 8153. (Mode 1.)
8306-X	FMC Corp., Philadelphia, PA	49 CFR 172.101, 173.245b.	To authorize shipment of sodium sulfide as a corrosive material in collapsible polyethylene-lined polypropylene bags having capacity of approximately 2200 pounds each. (Modes 1 and 3.)

Denials

6122-X Request by Pennwalt Corporation, Philadelphia, PA to authorize use of non-DOT specification packagings with handholes in side panels for shipment of certain dry oxidizing materials denied March 5, 1981.

7202-X Request by Waters Instruments, Inc., Rochester, MN to authorize the transportation of a compressed gas package in the cabin of a passenger-carrying aircraft denied March 3, 1981.

8424-N Request by Sporting Specialties, Ltd., Louisville, KY to ship calcium carbide in 1 kilogram size inside metal cans packed in a DOT Specification 12B fiberboard box not exceeding 50 pounds net weight, as a limited quantity denied March 12, 1981.

EE 8573-N Request by Shenango Enterprises, Incorporated, Fountain Valley, PA to manufacture, mark and sell non-DOT specification polyethylene bottles for shipment of certain oxidizers in four 15 pound bottles or two 20 pound bottles overpacked in a DOT Specification 12B fiberboard box denied March 13, 1981.

Issued in Washington, D.C., on June 4, 1981.

J. R. Grothe,

Chief, Exemptions Branch, Office of Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 81-18184 Filed 6-19-81; 8:45 am]

BILLING CODE 4910-60-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

Debt Management Advisory Committees; Meetings

Notice is hereby given, pursuant to Section 10 of Pub. L. 92-463, that a meeting will be held at the Federal Reserve Bank of New York on July 14, 1981, of the following debt management advisory committee: Public Securities Association, U.S. Government and Federal Agencies, Securities Committee.

The agenda for the Public Securities Association U.S. Government and Federal Agencies Securities Committee meeting provides for a working session and the preparation of a written report to the Secretary of the Treasury and the Treasury staff on July 14, 1981.

Pursuant to the authority placed in Heads of Departments by section 10(d) of Pub. L. 92-463, and vested in me by Treasury Department Order 101-5 (January 7, 1981), I hereby determine that this meeting is concerned with information exempt from disclosure under section 552b(c)(4) and (9)(A) of Title 5 of the United States Code, and that the public interest requires that such meetings be closed to the public.

My reasons for this determination are as follows. The Treasury Department requires frank and full advice from representatives of the financial community prior to making its final decision on major financing operations. Historically, this advice has been offered by debt management advisory committees established by the several major segments of the financial community, which committees are utilized by this Department at meetings called by representatives of the Office of the Secretary. When so utilized they are recognized to be advisory committees under Pub. L. 92-463. The advice provided consists of commercial and financial information given and received in confidence. As such debt management advisory committee activities concern matters which fall within the exemption covered by section 552b(c)(4) of Title 5 of the United States Code for matters which are "trade secrets and commercial or financial information obtained from a person and privileged or confidential."

Although the Treasury's final announcement of financing plans may or may not reflect the advice provided in reports of these committees, premature disclosure of these reports would lead to significant financial speculation in the securities market. Thus, these meetings also fall within the exemption covered by 552b(c)(9)(A) of Title 5 of the United States Code.

The Assistant Secretary (Domestic Finance) shall be responsible for maintaining records of the meeting of these committees and for providing annual reports setting forth a summary of their activities and such other matters as may be informative to the public consistent with the policy of 5 U.S.C. 552b.

Dated: June 16, 1981.

Roger W. Mehle,

Assistant Secretary (Domestic Finance).

[FR Doc. 81-18369 Filed 6-19-81; 8:45 am]

BILLING CODE 4810-25-M

VETERANS ADMINISTRATION

Availability of Report of 38 U.S.C. 219 Program Evaluation

Notice is hereby given that the program evaluation of the Veterans Administration's Mobile Home Loan Program has been completed.

Single copies of the Mobile Home Loan Program evaluation are available free. Reproduction of multiple copies can be arranged at the user's expense.

Direct inquiries, specifying the name of the program evaluation desired, to Mr. Errol D. Clark, Director, Program Evaluation and Appraisal Service, Veterans Administration (074), 810 Vermont Avenue, N.W., Washington, D.C. 20420.

Dated: June 16, 1981.

Donald L. Custis,

Acting Administrator.

[FR Doc. 81-18373 Filed 6-19-81; 8:45 am]

BILLING CODE 8320-01-M

Expansion of Clinical, Outpatient and Education Space, Veterans Administration Medical Center, New Orleans, La.; Planned Action

The Veterans Administration plans the construction of a clinical addition, service core, and renovations to building no. 1, for the expansion of clinical, outpatient and education space. The clinical addition will be an eight-storey structure (plus basement and mechanical penthouse) of approximately 200,000 gross square feet and will be located on a 1.1 acre site adjacent to the Veterans Administration Medical Center (VAMC), New Orleans, Louisiana.

The Veterans Administration (VA) has determined that the project is a "Critical Action" as defined by Executive Order 11988 and as such should avoid being sited within the 500 year floodplain. The Dallas Regional Office of the Federal Emergency Management Agency (FEMA) indicated that the New Orleans VAMC and the project site is within Zone B or the 500 year floodplain boundary. The floodplain is defined as having a 0.2 percent chance of flooding as a result of unusual and rapid accumulation of runoff of surface waters from any source. However, a determination has been made by the VA that the planned project will not adversely affect the floodplain. The potential for flooding will be considered in the design of the building.

Accepted floodproofing and other flood protection measures shall be applied to the new construction. Development will be in total conformance with existing floodplain management objectives. Project alternatives have been considered in the planning process. Due to the location of the existing hospital within the 500 year floodplain and the necessity of accessibility to the existing hospital, no sites outside of the floodplain were considered.

In view of the planned design incorporating flood protection measures, it is the determination of the VA that there will be no significant increase in the elevation of flood water due to this project.

The VA is soliciting comments from State and local levels. The comment period will be open for 30 days following the publication of this notice in the **Federal Register**. This Notice of Planned Action is in compliance with the announcement requirements of

Executive Order 11988, Floodplain Management Guidelines (February 1978). Comments on this action should be addressed to: Mr. William A. Salmond, Assistant Administrator for Construction (08), Veterans Administration, 810 Vermont Avenue NW., Washington, D.C. 20420.

Dated: June 15, 1981.

Donald L. Custis,

Acting Administrator.

[FR Doc. 81-18374 Filed 6-19-81, 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register

Vol. 46, No. 119

Monday, June 22, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

	Items
Depository Institutions Deregulation Committee	1
Federal Energy Regulatory Commission	2
Metric Board	3—8
National Credit Union Administration	9
Securities and Exchange Commission	10

1

DEPOSITORY INSTITUTIONS DEREGULATION COMMITTEE.

TIME AND DATE: 3:30 p.m., Thursday, June 25, 1981.

PLACE: North Entrance on Pennsylvania Avenue, Department of the Treasury, Washington, D.C. 20220.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Amendments to Rules of Organization and Procedure, Availability of Information and Public Observation of Meetings.
2. Election of Vice Chairman, General Counsel, and Executive Secretary.
3. Proposals to eliminate caps on 2½ year small saver certificates and phase out deposit rate ceilings by maturity.
4. Proposals for new short-term deposits.
5. Consideration of restoration of differential on 6-month money market certificates.
6. Deregulation of IRA and Keogh accounts.
7. Any agenda item carried forward from a previously announced meeting.

Note.—This meeting will be recorded for the benefit of those unable to attend. Cassettes will be available for listening at the Treasury Department in the office of the Executive Secretary of the Committee, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220, and copies may be ordered for $5 per cassette by calling (202) 566-5152 or by writing to: Executive Secretary, Depository Institutions Deregulation Committee, Room 1208, Department of the Treasury, Washington, D.C. 20220.

CONTACT PERSON FOR MORE INFORMATION: Robert D. Levine, (202) 566-5158.

Normand R. Bernard,

Assistant Secretary.

[S-960-81 Filed 6-11-81; 11:18 am]

BILLING CODE 6210-01-M

2

FEDERAL ENERGY REGULATORY COMMISSION.

June 17, 1981.

TIME AND DATE: 10 a.m., June 24, 1981.

PLACE: Room 9306, 825 North Capitol Street, N.E., Washington, D.C. 20426.

MATTERS TO BE CONSIDERED: Agenda.

Note.—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION: Kenneth F. Plumb, Secretary; Telephone (202) 357-8400.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers, relevant to the items on the agenda; however, all public documents may be examined in the division of Public Information.

The consent agendas, power and miscellaneous agendas will be considered on Wednesday, June 24, 1981. The gas agenda will be considered on Thursday, June 25, 1981.

Consent Power Agenda—494th Meeting, June 24, 1981, Regular Meeting (10 a.m.)

CAP-1. Project No. 2913 Alabama Electric Cooperative, Inc.; Project No. 2918, Municipal Electric Authority of Georgia Project No. 3016, City of Dothan, Ala.
CAP-2. Project No. 2809-001, Maine Hydro-Electric Development Corp.
CAP-3. Project No. 459, Union Electric Co.
CAP-4. Project No. 4111-000, North Kern Water Storage District
CAP-5. Project Nos. 67 and 2868, Southern California Edison Co.; Project No. 2904, Cities of Anaheim and Riverside, Calif.
CAP-6. Project No. 2934, New York State Electric & Gas Corp.;
CAP-7. Project No. 2985, Mead Paper Corp.
CAP-8. Project No. 3469, Pacific Northwest Generating Co., Oregon Public Power Agency and Grants Pass Irrigation District; Project No. 3989, Energenics Systems, Inc.
CAP-9. Docket Nos. ER81-443-000 and ER81-219-000, Boston Edison Co.
CAP-10. Docket No. ER81-438-000, Boston Edison Co., Docket No. ER81-439-000, New England Power Co.
CAP-11. Docket No. ER76-819, Central Illinois Light Co.
CAP-12. Docket No. E-8851, Alabama Power Co.
CAP-13. Docket No. ER77-578, Kansas Gas & Electric Co.
CAP-14. Docket No. ER77-347, Wisconsin Power & Light Co.
CAP-15. Docket No. ER81-81-000, Florida Power & Light Co.
CAP-16. Docket No. ES81-44-000, Gulf States Utilities Co.

Consent Miscellaneous Agenda

CAM-1. Docket No. RM80-42, Tax normalization for certain items reflecting timing differences in the recognition of expenses or revenues for ratemaking and income tax purposes
CAM-2. Docket No. RM80-33, final rules for Part 270, Subpart B, Section 270.201, 270.202 and 270.204
CAM-3. Docket No. GP79-88, South Texas Natural Gas Gathering Co.
CAM-4. Docket No. RA78-4, Bayou State Oil Corp.

Consent Gas Agenda

CAG-1. Docket No. RP81-69-000, South Georgia Natural Gas Co.
CAG-2. Docket No. RP81-70-000, Midwestern Gas Transmission Co.
CAG-3. Docket No. RP81-71-000, Montana-Dakota Utilities Co.
CAG-4. Docket No. RP81-73-000, Sea Robin Pipeline Co.
CAG-5. Docket No. RP80-63, El Paso Natural Gas Co.
CAG-6. Docket No. TA81-2-6-000 (PGA81-2, LFUT81-2, IPR81-2 and TT81-2), Sea Robin Pipeline Co.
CAG-7. Docket No. TA81-2-7-000 (PGA81-2, IPR81-2, DCA81-2, and LFUT81-2), Southern Natural Gas Co.
CAG-8. Docket No. TA81-2-8-000 (PGA81-2, IPR81-2, DCA81-2, R&D81-2 and LFUT81-2), Tennessee Gas Pipe Line Co.
CAG-9. Docket No. TA81-2-10-000 (PGA81-2 and IPR81-2), Tennessee Natural Gas Lines, Inc.
CAG-10. Docket No. TA81-2-11-000 (PGA81-2, IPR81-2 and LFUT81-2), United Gas Pipe Line Co.
CAG-11. Docket No. TA81-1-29-002 (PGA81-1, IPR81-1, DCA81-1 and LFUT81-1), Transcontinental Gas Pipe Line Corp.
CAG-12. Docket No. TA81-2-48-000 (PGA81-2, IPR81-2 and LFUT81-2), Michigan Wisconsin Pipe Line Co.
CAG-13. Docket Nos. RP81-74-000 and RP81-75-000, Arkansas Louisiana Gas Co.
CAG-14. Docket No. RP80-145, Columbia Gulf Transmission Co.
CAG-15. Docket No. RP81-47-000, Northwest Pipeline Corp.
CAG-16. Docket No. RP81-49-000, Natural Gas Pipeline Co. of America
CAG-17. Docket Nos. RP81-54, RP81-56 and RP80-97, Tennessee Gas Pipeline Co., a Division of Tenneco Inc.; Docket Nos. RP81-53 and RP81-55, East Tennessee

Natural Gas Co.; Docket Nos. RP81-57 and RP81-17, Midwestern Gas Transmission Co.
CAG-18. Docket No. RP80-94, Peoples Natural Gas Co., a Division of Internorth, Inc.
CAG-19. Docket No. Texas Eastern Transmission Corp.
CAG-20. FERC gas rate schedule No. 634, Exxon Corp.; Docket No. CI81-237, Conoco, Inc.; Docket No. CI81-314-000, Marathon Oil Co.; Docket No. CI81-239, Conoco, Inc.
CAG-21. FERC gas rate schedule No. 17, Oneok Exploration Co.; FERC gas rate schedule Nos. 402 and 450, Sun Oil Co.
CAG-22. Docket No. TC81-21-000, Arkansas Louisiana Gas Co.
CAG-23. Docket No. CP80-309, Michigan Wisconsin Pipe Line Co.
CAG-24. Docket No. CP81-40-000, Transcontinental Gas Pipe Line Corp.
CAG-25. Docket No. CP81-216-000, Columbia Gas Transmission Corp.
CAG-26. Docket No. CP78-286, Bear Creek Storage Co., Southern Natural Gas Co. and Tennessee Gas Pipeline Co.

Regular Power Agenda

I. Licensed Project Matters

P-1. Project Nos. 4307-000, 4305-000, 4321-000, and 4322-000, Northeastern Minnesota Municipal Power Agency: Mississippi Lock and Dam No. 5A Hydroelectric Project and Mississippi Lock and Dam No. 5 Hydrodelectric Project
P-2. Project No. 3238, Marsh Island Hydro Associates; Project No. 3223, Bangor Hydro-Electric Co.
P-3. Project No. 4064, Baker Valley Irrigation District Project No. 3459, Cascade Waterpower Development Corp.

II. Electric Rate Matters

ER-1. Docket No. ER81-450-000, Union Electric Co.
ER-2. Docket No. ER81-426-000, El Paso Electric Co.
ER-3. Docket No. ER81-428-000, Middle South Services, Inc.; Docket No. EL81-12-000, State of Arkansas v. Middle South Utilities, Inc.
ER-4. Docket No. ER81-398-000, New England Power Co.
ER-5. Docket No. ER81-392-000, Pennsylvania Power & Light Co.
ER-6. Docket Nos. ER77-485, ER77-551, and E-9606, Carolina Power & Light Co.
ER-7. Docket No. ER79-277, Middle South Services, Inc.
ER-8. Docket No. EF81- , Pacific Northwest Electric Power Planning and Conservation Act—rates for sales to Bonneville Power Administration
ER-9. Docket No. ER79-20, Buckeye Power, Inc. v. Cincinnati Gas & Electric Co.

Regular Miscellaneous Agenda

M-1. Docket No. RM79-3, Oklahoma Corporation Commission, Alternative filing plan under Section 274.207
M-2. Reserved
M-3. Reserved

Regular Gas Agenda

I. Pipeline Rate Matters

RP-1. Docket No. TA81-2-31, Arkansas Louisiana Gas Co., Docket No. TA81-2-21, Columbia Gas Transmission Corp.; Docket No. TA81-2-22, Consolidated Gas Supply Corp.; Docket No. TA81-2-33, El Paso Natural Gas Co.; Docket No. TA81-2-34, Florida Gas Transmission Co.; Docket No. TA81-2-48, Michigan Wisconsin Pipe Line Co.; Docket No. TA81-2-15, Mid Louisiana Gas Co.; Docket No. TA81-2-25, Mississippi River Transmission Co.; Docket No. TA81-2-16, National Fuel Gas Supply Corp.; Docket No. TA81-2-26, Natural Gas Pipeline Co. of America; Docket No. TA81-2-59, Northern Natural Gas Co.; Docket No. TA81-2-28, Panhandle Eastern Pipe Line Co.; Docket No. TA81-2-6, Sea Robin Pipeline Co.; Docket No. TA81-2-7, Southern Natural Gas Co.; Docket No. TA81-2-9, Tennessee Gas Pipeline Co.; Docket No. TA81-2-17, Texas Eastern Transmission Corp.; Docket No. TA81-2-18, Texas Gas Transmission Corp.; Docket No. TA81-2-30, Trunkline Gas Co.; Docket No. TA81-2-29, Transcontinental Gas Pipe Line Corp.; Docket No. TA81-2-11, United Gas Pipe Line Co.
RP-2. Docket No. TA81-2-48-000 (PGA81-2, IPR81-2 and LFUT81-2), Michigan Wisconsin Pipe Line Co.
RP-3. Docket No. RP78-78, Natural Gas Pipeline Co. of America
RP-4. Docket Nos. IS81-123-000, FS81-5-000 and FS81-6-000, Williams Pipe Line Co.

II. Producer Matters

CI-1. Docket No. SA80-3, M. H. Marr
CI-2. Docket No. G-3636, Allied Chemical Corp.

III. Pipeline Certificate Matters

CP-1. Docket Nos. CP76-285, et al., Mountain Fuel Resources, Inc. et al. (Clay Basin Long-term Storage Project); Docket No. CP76-388, Mountain Fuel Supply Co., Docket No. CP76-389, Northwest Pipeline Corp.
CP-2. Docket No. ST81-314-000, Channel Industries Gas Co.; Docket No. ST81-315-000, United Texas Transmission Co.

Kenneth F. Plumb,

Secretary.

[S-959-81 Filed 6-18-81; 11:02 am]
BILLING CODE 6450-03-M

3

METRIC BOARD.

TIME AND DATE: 8:30 a.m., Thursday, July 9, 1981; 9 a.m., Friday, July 10, 1981.

PLACE: Sheraton Center Hotel, Carolina Room, Salon D, 555 South McDowell Street, Charlotte, N.C. 28204.

STATUS: Thursday, July 9, 1981—open to the public from 8:30 a.m. to 4:45 p.m. closed to the public from 4:45 p.m. to 5:30 p.m. (Exemption 5 U.S.C. 552b(c)(2)). Friday, July 10, 1981—closed to the public (Exemption 5 U.S.C. 552b(c)(9)(B)).

MATTERS TO BE CONSIDERED: Thursday, July 9:

Approval of Agenda—approval of agenda for this meeting. Review/Approval of Minutes of the Board Meeting held in Annapolis, Maryland on May 6-7, 1981.
Presentation to the Board by Ruth Champagne, Metric Consultant, Research Department, AFL-CIO Appalachian Council, Inc.—a slide presentation describing the Appalachian Council program of metric education designed to assist the more than 5½ million union member workers within its jurisdiction.
National Metric Week—a presentation will be made to the Board reviewing the activities of the USMB involvement and support of National Metric Week 1981, and the Board will decide whether or not to support National Metric Week 1982, and at what budget level.
Report on Consumer Program—Ms. Nancy Chasen will make a presentation to the Board on her analysis of issues with potential consumer impact.
Report on Research Project—Mr. Joseph Pokorney of Middlesex Research Center, Inc., will present the results and recommendations of the Contractor of the Research Report entitled: "The Effects of Metric Change on Worker Tools and Training."
Agenda Items—discussion of agenda items for bimonthly meeting of the Board to be held in Baltimore, Maryland on September 9-10, 1981.
A report to the Board by the Search Committee on Executive Director vacancy (Closed Session).

Friday, July 10

Fiscal Year 1983 Budget Matters (Closed to the Public)

CONTACT PERSON FOR FURTHER INFORMATION: Lu Verne V. Hall, (703) 235-3058.

Louis F. Polk,

Chairman, United States Metric Board.

[S-952-81 Filed 6-18-81; 10:29 am]
BILLING CODE 8250-01-M

4

METRIC BOARD.

Administrative and Budget Committee

TIME AND DATE: 10:30 a.m., Wednesday, July 8, 1981.

PLACE: Sheraton Center Hotel, Conference Room 7, seventh floor, 555 South McDowell Street, Charlotte, N.C. 28204.

STATUS: Open to the Public, except that portion concerned with FY-83 budget matters, which is closed to the Public (Exemption 5 U.S.C. 552b(c)(9)(B)).

MATTERS TO BE CONSIDERED:

Briefing on role and jurisdictional authority of the Administrative and Budget Committee.
Review of current expenditures for FY-81.
Congressional relations update FY-82 Appropriation request.

Report on FY–83 Budget matters (Closed to the Public).

CONTACT PERSON FOR FURTHER INFORMATION: James Skinner, (703) 235–3051.

Louis F. Polk,

Chairman, United States Metric Board.

[S–965–81 Filed 6–18–81; 10:32 am]

BILLING CODE 8250–01–M

5

METRIC BOARD

Executive Committee

TIME AND DATE: 3 p.m., Wednesday, July 8, 1981.

PLACE: Sheraton Center Hotel, Conference Room 3, third floor, 555 South McDowell Street, Charlotte, N.C. 28204.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: The Committee has no specific subjects scheduled for consideration. There will be general discussions regarding future Committee tasks and methods of operation. New Committee Members will be briefed on their duties and responsibilities.

CONTACT PERSON FOR FURTHER INFORMATION: Lu Verne V. Hall, (703) 235–3058.

Louis F. Polk,

Chairman, United States Metric Board

[S–967–81 Filed 6–18–81; 10:35 am]

BILLING CODE 8250–01–M

6

METRIC BOARD.

Planning and Coordination Committee

TIME AND DATE: 1 p.m., Wednesday, July 8, 1981.

PLACE: Sheraton Center Hotel, Conference Room 7, seventh floor, 555 South McDowell Street, Charlotte, N.C. 28204

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

Approval of Minutes
Staff briefing on completed and in-process work of the Private Sector, and Planning and Coordination Committees as well as the Ad Hoc Committees on Standards and on State Government.
Staff reports on Industry Advisory Panels Projects and the second annual meeting of the National Council on State Metrication (NCSM).
Staff report on the NCSM Charter.
New business.

CONTACT PERSON FOR FURTHER INFORMATION: Alan Whelihan, (703) 235–2583.

Louis F. Polk,

Chairman, United States Metric Board.

[S–956–81 Filed 6–18–81; 10:34 am]

BILLING CODE 8250–01–M

7

METRIC BOARD.

Public Awareness and Education Committee

TIME AND PLACE: 9 a.m., Wednesday, July 8, 1981.

PLACE: Sheraton Center Hotel, Conference Room 5, fifth floor, 555 South McDowell Street, Charlotte, N.C. 28204.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

Approval of Minutes
Approval of Agenda
Report on Personnel
Review of Previous Month's Activity
Report on Next Public Forum
Discussion of Committee Objectives
Public Forum Recommendations
OMB Audiovisual Moratorium
Report on Kenney TV Public Service Announcement
Report on Metric Magazine
Status of "All About Metric" revision
Report on Hospital Training Seminar
Report on Tool Chest Conversion Card
Report on Suburban Press Contract

CONTACT PERSON FOR FURTHER INFORMATION: John Donnelly, (703) 235–2820.

Louis F. Polk,

Chairman, United States Metric Board.

[S053–81 Filed 6–18–81; 10:31 am]

BILLING CODE 8250–01–M

8

METRIC BOARD.

Research Committee

TIME AND DATE: 10 a.m. to 5 p.m., Wednesday, July 8, 1981.

PLACE: Sheraton Center Hotel, Conference Room 9, ninth floor, 555 South McDowell Street, Charlotte, North Carolina 28204.

STATUS: Portion of the Meeting will be Open to the Public and Portions of the Meeting will be Closed to the Public.

MATTERS TO BE CONSIDERED: Three briefings on Research activities: (1) A general status report of all research projects and activities. This portion of the meeting will be Open to the Public; (2) FY–83 Research Budget discussion. This portion of the meeting will be Closed, under exemption 5 U.S.C. 552b(c)(9)(B) because the Research Budget has not yet been transmitted by the President to the Congress; (3) detailed report and discussion of Committee recommendations to the Board of the research project entitled *The Effects of Metric Change on Worker Tools and Training.* This portion of the meeting will be Closed to the Public under exemption 5 U.S.C. 552b(c)(9)(B) because premature release of this information would have a significant adverse impact on the successful completion of the project.

CONTACT PERSON FOR FURTHER INFORMATION: G. Edward McEvoy, (703) 235–2918.

Louis F. Polk,

Chairman, United States Metric Board.

[S–954–81 Filed 6–18–81; 10:31 am]

BILLING CODE 8250–01–M

9

NATIONAL CREDIT UNION ADMINISTRATION.

TIME AND DATE: 9:30 a.m., Thursday, June 25, 1981.

PLACE: Seventh floor board room, 1776 G Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Review of Central Liquidity Facility Lending Rate.
2. Requests from three CDCUs for assistance under Section 705 of the NCUA Rules and Regulations—Community Development Credit Union Program.
3. Reports of actions taken under delegations of authority.
4. Applications for charters, amendments to charters, bylaw amendments, mergers as may be pending at that time.

RECESS: 10:15 a.m.

TIME AND DATE: 10:30 a.m., Thursday, June 25, 1981.

PLACE: Seventh floor board room, 1776 G Street N.W., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. State chartered credit union insurance application. Closed pursuant to exemptions (8) and (9)(A)(ii).
2. Proposed policy on special assistance under Section 208(a)(2) of the Federal Credit Union Act to facilitate mergers, sales of assets and assumptions of liabilities. Closed pursuant to exemptions (8) and (9)(A)(ii).
3. Administrative actions under Section 206 of the Federal Credit Union Act. Closed pursuant to exemptions (8) and (9)(A)(ii).
4. Requests from Federally insured credit unions for special assistance under Section 208 of the Federal Credit Union Act. Closed pursuant to exemptions (8) and (9)(A)(ii).
5. Requests for merger with special assistance under Section 208 of the Federal Credit Union Act. Closed pursuant to exemptions (8) and (9)(A)(ii).

8. Proposed change of station action. Closed pursuant to exemptions (2) and (6).

7. Personnel actions. Closed pursuant to exemptions (2) and (6).

FOR MORE INFORMATION CONTACT: Joan O'Neill, Program Assistant, telephone (202) 357–1100.

[S–961–81 Filed 6–18–81; 11:49 am]

BILLING CODE 7535–01–M

10

SECURITIES AND EXCHANGE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46 FR 31132, June 12, 1981.

STATUS: Open/closed meeting.

PLACE: Room 824, 500 North Capitol Street, Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: Tuesday, June 9, 1981.

CHANGES IN THE MEETING: Deletion/ additional items. The following item will not be considered at an open meeting scheduled for Thursday, June 18, 1981, at 2:30 p.m.

Consideration of whether to authorize transmittal to the Senate Committee on Banking, Housing, and Urban Affairs of a letter providing the Commission's comments on S. 610, the "State and local Government Accounting and Financial Reporting Standards Act of 1981." The issues to be considered will include whether to express support for S. 610 as a significant step in ensuring adequate disclosure by state and local governments; and whether to express the opinion that the bill leaves open important issues that the Committee may wish to consider further, either in the context of this bill or in the future. For further information, please contact Alan Rosenblat at (202) 272–2428.

The following item will not be considered at a closed meeting scheduled for Thursday, June 18, 1981, following the 2:30 p.m. open meeting.

Report of investigation.

The following additional items will be considered at a closed meeting scheduled for Thursday, June 18, 1981, following the 2:30 p.m. open meeting.

Consideration of amici participation.

Chairman Shad and Commissioners Loomis, Evans, and Thomas determined that Commission business required the above changes and that no earlier notice thereof was possible.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Marcia MacHarg at (202) 272–2468.

June 17, 1981.

[S–958–81 Filed 6–18–81; 10:55 am]

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Monday
June 22, 1981

Part II

Department of Transportation

Federal Aviation Administration

Flammability Standards for Air Carrier Crewmember Clothing

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 121, 123, 127, and 135

[Docket No. 14451; Ref. Notice No. 75–13]

Crewmember Clothing: Flammability Standards

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Withdrawal of notice of proposed rulemaking.

SUMMARY: This notice withdraws Advance Notice 75–13 published in the **Federal Register** March 13, 1975 (40 FR 11737). That advance notice considered the need to amend the Federal Aviation Regulations to include flammability standards for air carrier crewmember uniforms. This notice is being withdrawn in keeping with Executive Order 12291 because the record of this rulemaking fails to support further action on this subject.

FOR FURTHER INFORMATION CONTACT: William J. Sullivan, Chief, Safety Regulations Staff (AVS–20), Associate Administrator for Aviation Standards, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 775–8714.

SUPPLEMENTARY INFORMATION:

Background

In 1975, the FAA issued Advance Notice 75–13 (40 FR 11737; March 13, 1975). This advance notice of proposed rulemaking announced that the FAA was "considering the need to amend Part 121 of the Federal Aviation Regulations to require that the clothing worn by the flight attendants required to be aboard passenger-carrying aircraft meet certain standards and specifications with respect to flammability." The advance notice presented eight specific questions on which interested persons were asked to comment. Based on the comments received and on research conducted by the National Bureau of Standards, the FAA determined that several important questions still needed to be resolved before a decision could be made on whether to proceed with further rulemaking.

On April 18, 1980, the FAA issued Notice 75–13A (45 FR 27775; April 24, 1980). The notice expanded the area of consideration to all air carrier crewmember uniforms. The notice announced a public hearing May 28–29, 1980, and reopened the comment period until June 16, 1980. The preamble stated the purpose of this action was to invite interested persons to express their views "on the need for amending the Federal Aviation Regulations to include flammability standards for crewmember uniforms and the technical and economic factors that would be involved in implementing standards of this nature." Eight specific questions were presented and comments on them requested. Little concrete data were presented on these questions during the hearing. However, witnesses indicated that the June 16, 1980, date for submission of comments would not provide sufficient time to obtain the views of their constituents or to respond to the questions presented. After the hearing, the FAA received two written requests for extension of the comment period. On August 15, 1980, the FAA issued Notice 75–13B (45 FR 55760; August 21, 1980) reopening the comment period. Comments were due December 16, 1980.

Reasons for the Decision

The advance notice was issued more than 6 years ago. The comments received then did not form a basis for further rulemaking. The FAA sponsored research into crewmember uniform flammability which also failed to support rulemaking. The FAA held a public hearing, asked specific questions, and requested specific answers with data to support them. The FAA reopened the comment period for 8 months to allow interested persons to submit the information and data requested. There is no proof that aviation safety regulations are needed in this area. There remains no clear definition of the fire hazard to be met, no verifiable data on injuries or death due to flammable uniforms, no agreement among the affected parties as to which crewmember uniforms should be required to meet standards, and no consensus as to fabric durability, comfort, or adaptability to styling and tailoring. In addition, flight attendant unions who surveyed their members found that a majority of those responding are not willing to sacrifice style, comfort, or cleanability to obtain uniforms of higher flame resistance.

On February 17, 1981, the President issued Executive Order 12291 on "Federal Regulations" (46 FR 13193; February 19, 1981). Section 2 of the Executive Order specifies five general requirements for the rulemaking conducted by the Federal Government. These requirements will guide the Federal Aviation Administration rulemaking activity over the coming years.

The FAA lacks adequate information concerning the need for and consequences of this rulemaking. Based on the record of this proceeding and the requirements of Executive Order 12291, the rulemaking should be terminated.

The Decision and Withdrawal

Accordingly, I conclude that the FAA should not proceed with rulemaking based on the proposals contained in the advance notice of proposed rulemaking now pending. Therefore, Advance Notice 75–13 (40 FR 11737; March 13, 1975) is withdrawn. This action does not preclude the FAA from considering similar proposals in the future or commit it to any further or future course of action on this subject matter.

(Secs. 313(a), 601, 604, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 and 1424); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c))

Note.—The FAA has determined that this notice of withdrawal involves a rulemaking action which: (1) is not a "major rule" under Executive Order 12291; (2) is a "significant rule" under Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation because the anticipated impact is so minimal; and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C., on May 8, 1981.

J. Lynn Helms,

Administrator.

[FR Doc. 81–18348 Filed 6–19–81; 8:45 am]

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Monday
June 22, 1981

Part III

Department of Transportation

Federal Aviation Administration

Limitations and Rest Requirements for Flight Crewmember Flight and Duty Time

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DEPARTMENT OF TRANSPORTATION

[14 CFR Parts 121 and 135]

[Docket No. 17669; Ref. Notice No. 78-3B]

Operations Review Program Notice No. 7: Flight Crewmember Flight and Duty Time Limitations and Rest Requirements

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Withdrawal of notice of proposed rulemaking.

SUMMARY: This notice withdraws Supplemental Notice 78-3B published in the **Federal Register** on August 11, 1980 (45 FR 53316). That notice proposed to revise the flight and duty time limitations and rest requirements for flight crewmembers serving with domestic, flag, and supplemental air carriers, air taxi operators, and commercial operators. That notice is being withdrawn so the agency can develop a less complex proposal that complies with Executive Order 12291.

FOR FURTHER INFORMATION CONTACT: William J. Sullivan, Chief, Safety Regulations Staff (AVS-20), Associate Administrator for Aviation Standards, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 775-8714.

SUPPLEMENTARY INFORMATION:

Background

Over the past several years, the FAA has grappled with the difficult issues related to revising the rules in Parts 121 and 135 of the Federal Aviation Regulations dealing with flight and duty time limitations and rest requirements for flight crewmembers serving with air carriers, air taxi operators, and commercial operators.

In 1977, the FAA issued Notice 77-17 (42 FR 43490; August 29, 1977) proposing an overall revision of the Part 135 rules for commuter air carriers, other air taxi operators, and commercial operators. This proposed revision included substantial changes to the flight and duty time limitations for flight crewmembers serving this segment of aviation. In 1978, the FAA issued Notice 78-3 (43 FR 8070; February 27, 1978) proposing substantial changes to the flight and duty time limitations and rest requirements for flight crewmembers serving with domestic, flag, and supplemental air carriers, commercial operators of large aircraft, and air travel clubs using large aircraft. Later that year, the FAA adopted a major revision of Part 135 (43 FR 46742; October 10, 1978). At that time, the FAA announced that the proposed new Part 135 rules on flight and duty time limitations for commuter airlines, other air taxi operators, and commercial operators would be deferred until completion of the rulemaking proposed in Notice 78-3 for Part 121 air carriers and commercial operators. In 1980, the FAA issued Supplemental Notice 78-3B (45 FR 53316; August 11, 1980). This supplemental notice superseded the 1978 proposal (Notice 78-3) and proposed flight and duty time limitations for both Part 121 and Part 135 that would apply to domestic, flag, and supplemental air carriers, commuter airlines, other air taxi operators, and commercial operators. Initial comments were due December 10, 1980, and reply comments were due January 12, 1981.

The comments received on Notice 78-3B are extensive. Pilot unions argue that the proposals are too loosely drawn and would "require" them to work longer hours. Air carriers claim the proposals would be very expensive both in terms of initial and recurring costs and state the FAA has grossly underestimated those costs. Many operators charge the FAA has not and cannot identify any safety benefits that would result from the proposals. Commuter airlines object to being treated like the major airlines. Charter and on-demand carriers object to being treated like scheduled airlines. Helicopter operators claim the proposals ignore the unique operating characteristics of these aircraft. Alaskan operators claim the proposals ignore the character of operations in that state. Essentially, the proposals in Notice 78-3B are generally unacceptable to those interested persons who commented.

Reasons for the Decision

During my preparation to assume the responsibilities of Federal Aviation Administrator, I asked the FAA staff to brief me on these regulatory proposals. Three facts are significant: *First,* both the existing and proposed rules reflect a level of complexity and detail that calls into question whether or not they represent an appropriate exercise of the safety regulatory responsibility of the FAA. *Second,* the rulemaking is as controversial as any that the FAA has undertaken. *Third,* the rulemaking for both large and small air carriers would have a heavy cost impact on the air carrier industry which is already suffering serious financial burdens.

Section 601(a)(5) of the Federal Aviation Act of 1958 (49 U.S.C. 1421) requires me to issue "Reasonable rules and regulations governing, in the interest of *safety,* the maximum hours or periods of service of airmen, and other employees, of air carriers." This mandate has been the law of the land since 1938, when the Civil Aeronautics Act was passed. In the more than 40 years that have passed since then, the rules implementing that law have not changed in any fundamental way. The change in the aviation industry, on the other hand, has been vast and broad-based.

On February 17, 1981, the President issued Executive Order 12291 on "Federal Regulations" (46 FR 13193; February 19, 1981). Section 2 of the Executive Order specifies five general requirements for the rulemaking conducted by the Federal Government. These requirements will guide the Federal Aviation Administration rulemaking activity over the coming years.

Considering my statutory mandate and with Executive Order 12291 in mind, I have concluded that the pending rulemaking should be withdrawn. I have directed my staff to reassess the FAA safety role in this area. They are promptly to develop an alternative proposal which is both less complex and less burdensome. This alternative should properly execute the FAA responsibility for regulating safety in air transportation in this area and leave other issues to labor-management relations between flight crewmembers and air carriers.

The Decision and Withdrawal

Accordingly, I conclude that the FAA should not proceed with rulemaking based on the proposals contained in the notice of proposed rulemaking now pending. Therefore, Notice No. 78-3B (43 FR 53316; August 11, 1980) is withdrawn. This action does not preclude the FAA from considering similar proposals in the future or commit it to any further or future course of action on this subject matter.

(Secs. 313, 314, and 601 through 610, Federal Aviation Act of 1958 (49 U.S.C. 1354, 1355, and 1421 through 1430) and Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Note.—The FAA has determined that this notice of withdrawal involves a rulemaking action which: (1) is not a "major rule" under Executive Order 12291; (2) is a "significant rule" under Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation because the anticipated impact is so minimal; and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C., on May 8, 1981.

J. Lynn Helms,

Administrator.

[FR Doc. 81-18347 Filed 6-19-81; 8:45 am]

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Monday
June 22, 1981

Part IV

Federal Communications Commission

Revision of Radio Control (R/C) Radio Service Rules Into Plain Language

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 95

[PR Docket No. 80-8; FCC 81-252]

Personal Radio Service; Revision of the Radio Control (R/C) Radio Service Rules into Plain Language

AGENCY: Federal Communications Commission.

ACTION: Final rules.

SUMMARY: The Commission adopted final rules revising the Radio Control (R/C) Radio Service Rules, into plain language. The Commission took this action to provide the public with simple and easy to read rules.

EFFECTIVE DATE: July 20, 1981, except for § 95.233 (R/C Rule 33) which is effective on July 1, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR INFORMATION CONTACT: John B. Johnston, FCC, Private Radio Bureau, Rules Division, Washington, D.C. 20554 (202) 632-4964.

SUPPLEMENTARY INFORMATION:

Adopted: May 21, 1981.

Released: June 8, 1981.

Plain Language R/C Radio Service Rules

In the Matter of Revision of the Radio Control (R/C) Radio Service Rules into plain language.

1. The Commission is adopting a plain language version of the current Radio Control (R/C) Radio Service Rules.[1] This action is part of a continuing effort to write personal radio service rules that are easy to read and understand.

2. On February 11, 1980, the Commission released a Notice of Proposed Rulemaking in PR Docket 80-8 proposing a simplified version of the current R/C Radio Service Rules (45 FR 10606; February 15, 1980).[2] We did not propose in that Notice to make any substantive changes in the current R/C Rules. We closely followed the innovative question and answer format of the CB Radio Service Rules.

3. About seven months were extended for public comment on the proposed rules. Two comments were filed. Both comments expressed favorable remarks about the proposed rules and suggested additional revisions. We have incorporated many of the suggestions in the comments in the final version of the R/C Rules we adopt today. The Academy of Model Aeronautics (AMA), an organization whose members are users of the R/C Radio Service, submitted extensive comments. C. S. Hines of St. Albans, West Virginia, also filed comments on the proposed R/C Rules. We discuss below the significant changes (not minor editorial changes) that we have made in the R/C Rules we proposed.

4. We have made the following changes in the proposed version of the R/C Rules.

R/C Rule 1. We revised this rule so that it conforms with the descriptions in R/C Rule 20. We decline to use the phrase "for the *control* of" as suggested in the comments because we believe that the word "control" is of little value in defining a term which uses the same word.

R/C Rule 2. In subsection (a) of proposed R/C Rule 2, we added this sentence: "Every R/C station operating under a license (or other authorization) from the FCC must comply with these rules." This sentence provides a more logical response to the rule caption. We also defined the word "person" in subsection (c) and correspondingly deleted that definition from R/C Rule 41. We added subsection (d) to specify that the abbreviation "FCC" refers to the Federal Communications Commission.

R/C Rule 3. We added subsection (a) to the proposed rule. First, we state clearly that a user must have an R/C license before operating an R/C station. We then list those locations where you must have an R/C license to operate an R/C station.

R/C Rule 7. We added the words "If you have not sent your application to the FCC," to the last sentence in subsection (c) to make it clear that you may transmit without a new license *only* if you have sent in your renewal application. The proposed version was confusing on this point.

R/C Rule 9. We revised the proposed rule to clarify the distinction between "mailing address" and "station address." We replaced "United States" with the information in subsection (b) for clarity and accuracy.

R/C Rule 12. We revised subsection (b) to clarify that R/C operation from both a temporary (mobile) or fixed location is permissible even though the FCC licenses all R/C stations as mobile stations.

R/C Rule 13. We changed the format of the proposed rule so that it is easier to read. We changed the wording of subsection (a) to emphasize that the R/C license may have a form attached to it which the licensee should use for notifying the FCC of a name or address change.

R/C Rule 14. We organized this proposed rule into three subsections which correspond with the three distinct prohibitions it contains.

R/C Rule 15. The order of subsections in this rule was reversed because location of an R/C station on land controlled by the Department of Defense is the more common situation. We disagree with the AMA that R/C Rules governing fixed operation should be placed in a special section at the end of the rules. Although fixed operation is rare among those licenses who use R/C frequencies to control model devices, we emphasize that the R/C Service is designed for uses in addition to control of model devices.

R/C Rule 16. We also reversed the order of the uses and available frequencies for R/C stations to reflect the general uses first and the limited uses last. Furthermore, we added the words "when your operation would cause harmful interference to the operation of other R/C stations." As the AMA comments point out, we inadvertently omitted this qualifying statement in the proposed rule. Without this statement, the proposed rule was significantly more restrictive than the current rules.

R/C Rule 17. We added the definition of "antenna" to this rule and deleted it from R/C Rule 41. We also distinguished the situations when the rule applied to an R/C station's antenna and when it did not.

R/C Rule 18. The proposed version of this rule has been substantially clarified through reorganized into shorter sentences. We also expressly state that changing plug-in modules, a common practice to change R/C frequencies, is not an internal modification within the meaning of this rule.

R/C Rule 19. The AMA suggested that we eliminate this proposed rule because over power operation has been a problem only in the voice communications services. We have retained it, however, because we think R/C users should be aware of these power limitations.

R/C Rule 20. We revised the diagram to clarify its meaning. We also added the definition of "one-way communications" to subsection (a) and deleted it from R/C Rule 41.

R/C Rule 21. This rule was revised to include prohibited activities contained in other rule sections.

R/C Rule 23. We reworded subsection (a) to clarify the intent and to make the rule more precise.

R/C Rule 24. We re-organized the contents of this rule into two paragraphs to improve clarity.

R/C Rule 25. Subsection (e) was revised to acknowledge that an

[1] 47 CFR § 95.201 *et seq.* (1977).

[2] 45 FR 10606 (1980).

unlicensed user may operate an R/C station under the license of a seller of R/C equipment for demonstration purposes only. A customer who purchases R/C equipment may not operate an R/C station under the seller's license. The AMA comments suggested that the proposed version of this rule did not clearly communicate this intent.

R/C Rule 27. We reworded this rule to simply answer the question posed in the rule caption.

R/C Rule 28. This rule was revised to include more information in an effort to be as descriptive as possible in a confusing area of the rules. The information was up-dated to account for changes that have occurred since we proposed the rule.

R/C Rule 29. We added the definition of "remote control" in subsection (c) and deleted it from R/C Rule 41. To aid R/C operators unfamiliar with technical terms, we added a sentence indicating the difference between remote control and wire line control.

R/C Rule 34. We up-dated this rule to reflect amendment of the Communications Act. We deleted the reference to Title 18 in proposed Subsection (a) because the comments pointed out that these penalties for transmission of obscene, indecent or profane language were inapplicable to a non-voice service.

R/C Rule 37. In subsection (d) we expressly state that test signals may be used to tune a receiver, in accordance with the AMA's suggestion.

R/C Rule 38. Subsection (c) was added to this rule to refer specifically to modules. We clearly state that changing a plug-in module is not an illegal modification of an R/C transmitter.

R/C Rule 39. This rule was revised to include the statement that both an R/C station *and* R/C station *records* must be made available for inspection upon request by the FCC. The reference to station records had been in R/C Rule 40. It makes more sense to include it in R/C Rule 39.

R/C Rule 41. We deleted this proposed rule. We decided to define the key words where they appear in the rules.

R/C Rule 42 and 43. The information in these rules has been up-dated.

Amendment of Part 95, Subpart E, Technical Regulations

5. The current R/C Rules contain technical information in Rule Section 95.237(b) that is important for manufacturers of R/C equipment but has little meaning for users. In the Notice, we proposed to relocate the contents of § 95.237(b) relating to antenna limitations to the Technical Regulations, Part 95, Subpart E, Rule Section 95.618. We received no adverse comment on this proposal and we adopt it.

6. In view of the foregoing, it is ordered, That pursuant to Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, the plain language R/C Radio Service Rules, as they appear in Appendix I, and the Technical Regulations of Subpart E, Appendix II, are amended. This action terminates PR Docket 80-8. The plain language R/C Rules, except for R/C Rule 33, are effective July 20, 1981. Because R/C Rule 33 requires R/C licensees to have a copy of the Rules, it is necessary to allow time for printing and distribution. Therefore, R/C Rule 33 will become effective on July 1, 1982. For information, contact John B. Johnston, 2025 M Street, NW., Washington, DC 20554, (202) 632-4964.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix I

47 CFR Part 95 is amended as follows:

Subpart C is completely revised:

PART 95—PERSONAL RADIO SERVICES

. . . . .

Subpart C—Radio Control (R/C) Radio Service

General Information on the R/C Service

Sec.

95.201 (R/C Rule 1) What is the Radio Control (R/C) Radio Service?
95.202 (R/C Rule 2) How do I use these rules?
95.203 (R/C Rule 3) Do I need a license?
95.204 (R/C Rule 4) Am I eligible to get an R/C license?

How To Apply for Your R/C License

95.205 (R/C Rule 5) How do I apply for an R/C license?
95.206 (R/C Rule 6) May I operate my R/C station while my application is being processed?
95.207 (R/C Rule 7) How do I renew my R/C license?
95.208 (R/C Rule 8) How does a corporation holding an R/C license apply for consent to transfer control of the corporation?
95.209 (R/C Rule 9) What address do I put on my application?
95.210 (R/C Rule 10) How do I sign my R/C license application?
95.211 (R/C Rule 11) How long is my license term?
95.212 (R/C Rule 12) What kind of operation does my license allow?
95.213 (R/C Rule 13) What must I do if my name or address changes?
95.214 (R/C Rule 14) May I transfer my R/C license to another person?
95.215 (R/C Rule 15) Are there any special restrictions on the location of my R/C station?

How To Operate an R/C Station

95.216 (R/C Rule 16) On what channels may I operate?
95.217 (R/C Rule 17) How high may I put my antenna?
95.218 (R/C Rule 18) What equipment may I use at my R/C station?
95.219 (R/C Rule 19) How much power may I use?
95.220 (R/C Rule 20) What communications may I transmit?
95.221 (R/C Rule 21) What communications are prohibited?
95.222 (R/C Rule 22) May I be paid to use my R/C station?
95.223 (R/C Rule 23) Who may operate under my license?
95.224 (R/C Rule 24) Who is responsible for transmissions made under the authority of my license?
95.225 (R/C Rule 25) Who must not operate under my license?
95.226 (R/C Rule 26) Do I have to limit the length of my communications?
95.227 (R/C Rule 27) Do I identify my R/C communications with my FCC call sign?
95.228 (R/C Rule 28) Where may I operate my R/C station?
95.229 (R/C Rule 29) May I operate my R/C transmitter by remote control?

Other Things You Need to Know

95.230 (R/C Rule 30) How long must I keep my license?
95.231 (R/C Rule 31) Where must I keep my license?
95.232 (R/C Rule 32) What do I do if I lose my license?
95.233 (R/C Rule 33) Do I need to have a copy of the R/C Rules?
95.234 (R/C Rule 34) What are the penalties for violating these rules?
95.235 (R/C Rule 35) How do I answer discrepancy notices?
95.236 (R/C Rule 36) What must I do if the FCC tells me that my R/C station is causing interference?
95.237 (R/C Rule 37) How do I have my R/C transmitter serviced?
95.238 (R/C Rule 38) May I make any changes to my R/C transmitter?
95.239 (R/C Rule 39) Do I have to make my R/C station available for inspection?
95.240 (R/C Rule 40) What are my station records?
95.241 (R/C Rule 41) Where do I get FCC application forms?
95.242 (R/C Rule 42) How do I contact the FCC?
95.243 (R/C Rule 43) Where are the FCC Field Offices located?

General Information on the R/C Service

§ 95.201 (R/C Rule 1) What is the Radio Control (R/C) Radio Service?

The R/C Service is a private, one-way, short distance, non-voice

communications service for the operation of devices at remote locations.

§ 95.202 (R/C Rule 2) How do I use these rules?

(a) Read and obey these rules. Every R/C station operating under a license (or other authorization) from the FCC must comply with these rules. (See R/C Rule 34 for the penalties for violations of these rules.)

(b) Where the rules use the word "you", "you" means:

(1) An applicant;

(2) A licensee;

(3) An individual holding a valid STA (special temporary authority); *or*

(4) A person operating an R/C station.

(c) Where the rules use the word "person," the rules are concerned with any person, including an individual, a corporation, a partnership, association, joint stock company, or a trust.

(d) Where the Rules use the term FCC, that means the Federal Communications Commission.

§ 95.203 (R/C Rule 3) Do I need a license?

(a) You must get FCC R/C station authority before your station may transmit in the R/C Service from:

(1) Within or over the territorial limits of places where radio services are regulated by the FCC (see R/C Rule 28);

(2) Aboard any vessel or aircraft registered in the United States; *or*

(3) Aboard any unregistered vessel or aircraft owned or operated by a United States citizen or company.

(b) You must have authority from the FCC as follows:

An individual must:
Get an R/C license from the FCC; *or*
Operate an R/C transmitter under the authority of another person's license. (See R/C Rule 23)

An association, partnership, corporation, or governmental unit must:
Get an R/C license from the FCC; *or*
Request, receive, and comply with a special temporary authority or other special authorization from the FCC.

§ 95.204 (R/C Rule 4) Am I eligible to get an R/C license?

(a) You are eligible for an R/C license if—

You are	And you are not
An individual, and you are twelve years old or older;	
A partnership, and each partner is twelve years old or older;	
A corporation;	A foreign government
An association;	A representative of a foreign government or
A state, territorial or local governmental unit; or,	A federal government agency
Other legal entity	

(b) You may not have more than one R/C license at any one time.

(c) Any agency operating under the authority of an eligible governmental unit, including an authorized Civil Defense agency, is also eligible for an R/C license.

(d) A subsidiary or division of a corporation is not eligible for its own R/C license unless the subsidiary or division is separately incorporated.

How to Apply for Your R/C License

§ 95.205 (R/C Rule 5) How do I apply for an R/C license?

(a) You apply for an R/C license by filling out an application (FCC Form 505) and sending it to the FCC, Gettysburg, Pa. 17326.

(b) You can get applications from the FCC; Washington, D.C. 20554 or from any FCC field office. (A list of FCC field offices is contained in R/C Rule 44. R/C equipment dealers also have application forms.)

(c) If you have questions about your application, you should write to the FCC, Gettysburg, Pa. 17326.

(d) If your application is not completely filled out, if you do not make the necessary certifications, or if you do not include all necessary information with your application, the FCC may return your application.

§ 95.206 (R/C Rule 6) May I operate my R/C station while my application is being processed?

(a) You must not operate your R/C station until you have received your R/C license.

(b) If you are renewing your license, and you have sent your application before your R/C license expires, you may continue to operate under that license until the FCC acts on your application. You should keep a copy of the application you sent to the FCC.

§ 95.207 (R/C Rule 7) How do I renew my R/C license?

(a) You renew your R/C license in the same way that you apply for a new R/C license. You should allow at least sixty days for the FCC to act on your application.

(b) If you send your application before your license expires, you may continue to operate under that license until the FCC acts on your application. You should keep a copy of the application you sent to the FCC.

(c) You must stop transmitting as soon as your license expires, unless you have already sent your renewal application to the FCC. If you have not sent your renewal application to the FCC, you must not begin transmitting again until you have received a new license from the FCC.

§ 95.208 (R/C Rule 8) How does a corporation holding an R/C license apply for consent to transfer control of the corporation?

(a) If a corporation holds an R/C license, it must obtain written permission from the FCC before it transfers control of the corporation if it wishes the new corporation to be able to operate under its R/C license.

(b) A request for this consent must be made on FCC Form 703, and must be sent to FCC, Gettysburg, Pa. 17326.

(c) This authority must be kept in the station records (See R/C Rule 40).

§ 95.209 (R/C Rule 9) What address do I put on my application?

(a) You must include on your R/C license application:

(1) Your current mailing address (The place where you receive your mail); *and*

(2) Your R/C station address. (The place where you will most often operate your R/C station.

(b) Your mailing address and your station address must be places where land mobile radio services are regulated by the FCC (See R/C Rule 28).

§ 95.210 (R/C Rule 10) How do I sign my R/C license application?

(a) If you are an individual, you must sign your own application personally.

(b) If you are not an individual, you must sign your application as follows:

Applicant	Signature
Partnership	A partner.
Corporation	An officer or employee.
Association	An officer.
Governmental unit	An official.

(c) If the FCC requires you to submit additional information, you must sign it in the same way you signed your application.

(d) If you willfully make a false statement on your application, you may be punished by fine, imprisonment and revocation of your station license.

§ 95.211 (R/C Rule 11) How long is my license term?

Your R/C license term is usually five years. The expiration date is printed on the license.

§ 95.212 (R/C Rule 12) What kind of operation does my license allow?

(a) You must obey all the conditions and terms of your license.

(b) You may operate your R/C station at a temporary or fixed location. (The FCC licenses all R/C stations as mobile stations. Mobile station means an R/C station operated at a temporary location or in a moving vehicle.)

(c) Your R/C license allows you to operate with up to 25 transmitters. To use more than 25 transmitters, you must request and receive written permission from the FCC, Gettysburg, Pa. 17326. Attach a letter to your application explaining why you need more than 25 transmitters and how you will control the operation of the transmitters.

(d) You must keep a copy of the permission in your station records (See R/C Rule 40).

§ 95.213 (R/C Rule 13) What must I do if my name or address changes?

(a) If your name, station address, or mailing address changes, you must inform the FCC, Gettysburg, Pa. 17326. (Your R/C license may have a form attached to it which you can use for this notice. It may also be in letter form.) Your notice must include:

(1) The name and address as it appears on your license;

(2) The new name or new address; *and*

(3) Your call sign.

(b) You must keep a copy of this notice in your station records. (See R/C Rule 40.)

(c) If you hold an R/C license, and then incorporate, form a new partnership; or form a new association, you must apply for a new R/C license.

§ 95.214 (R/C Rule 14) May I transfer my R/C license to another person?

(a) You cannot transfer, assign, sell, or give your R/C license or its operating authority to another person. (Corporations see R/C Rule 8).

(b) If you sell or give your R/C transmitter to another person, you must not transfer your R/C license with the transmitter. The new owner of the R/C transmitter must obtain an R/C license, or other authority, from the FCC in his or her own name or qualify to operate under R/C Rule 23 before he or she can operate the transmitter.

(c) You must not let anyone who is not listed in R/C Rule 23 operate under your license.

§ 95.215 (R/C Rule 15) Are there any special restrictions on the location of my R/C station?

(a) If your R/C station is located on premises controlled by the Department of Defense, you may be required to comply with additional regulations imposed by the commanding officer of the installation.

(b) If your R/C station will be constructed on land of environmental or historical importance (such as a location significant in American history, architecture or culture), you may be required to provide additional information with your license application and to comply with § 1.1305–1.1319 of the FCC's Rules.

How To Operate an R/C Station

§ 95.216 (R/C Rule 16) On what channels may I operate?

(a) Your R/C station may transmit only on the following channels (frequencies):

Megahertz	To operate
26.995 27.045 27.095 27.145 27.195 27.255	Any kind of device (any object or apparatus, except an R/C transmitter.)
26.995 27.045 27.095 27.145 27.195 27.255	A model craft device (any small imitation of an aircraft, boat, car or any type of vehicle for carrying people or objects.)
72.16 72.32 72.96	
26.995 27.045 27.095 27.145 27.195 27.255	A model aircraft device (any small imitation of an aircraft.)
72.08 72.16 72.24 72.32 72.40 72.96 75.64	

(b) You must share the channels with other R/C stations. You must cooperate in the selection and use of the channels. You must share the channel 27.255 MHz with stations in other radio services. There is no protection from interference on any of these channels.

(c) Your R/C station may not transmit simultaneously on more than one channel in the 72–76 MHz band when your operation would cause harmful interference to the operation of other R/C stations.

(d) Your R/C station must stop transmitting if it interferes with:

(1) Remote control of industrial equipment operating on or adjacent to 72.16, 72.32 and 72.96 MHz, *or*

(2) The reception of television on TV channels 4 or 5.

§ 95.217 (R/C Rule 17) How high may I put my antenna?

(a) "Antenna" means the radiating system (for transmitting, receiving or both) and the structure holding it up (tower, pole or mast). It also means everything else attached to the radiating system and the structure.

(b) If your antenna is mounted on a hand-held portable unit, none of the following limitations apply.

(c) If your antenna is installed at a fixed location, it (whether receiving, transmitting or both) must comply with either one of the following:

(1) The highest point must not be more than 6.10 meters (20 feet) higher than the highest point of the building or tree on which it is mounted; or

(2) The highest point must not be more than 18.3 meters (60 feet) above the ground.

(d) If your R/C station is located near an airport, and if your antenna structure is more than 6.1 meters (20 feet) high, you may have to obey additional restrictions. The highest point of your antenna must not exceed one meter above the airport elevation for every hundred meters of distance from the nearest point of the nearest airport runway. Differences in ground elevation between your antenna and the airport runway may complicate this formula. If your R/C station is near an airport, you may contact the FCC for a worksheet to help you figure the maximum allowable height for your antenna. Consult Part 17 of the FCC's Rules for more information.

WARNING: INSTALLATION AND REMOVAL OF R/C STATION ANTENNAS NEAR POWERLINES IS DANGEROUS. FOR YOUR SAFETY, FOLLOW THE INSTALLATION DIRECTIONS INCLUDED WITH YOUR ANTENNA.

§ 95.218 (R/C Rule 18) What equipment may I use at my R/C station?

(a) Your R/C station may transmit only with

(1) An FCC type accepted (or type approved) R/C transmitter (Type accepted means the FCC has determined that certain radio equipment is capable of meeting recommended standards for operation); *or*

(2) a non-type accepted R/C transmitter on channels 26.995–27.255 MHz, *if:*

(i) It is "crystal controlled", *and*

(ii) It complies with the technical standards (See Part 95(c)).

(b) You may examine a list of type accepted transmitters at any FCC field office.

(c) Your R/C station may transmit with a transmitter assembled from a kit.

(d) You must not make, or have made, *any* internal modification to a type-accepted transmitter. Any internal modification to a type-accepted transmitter cancels the type-acceptance.

(e) Internal modification does not mean:

(1) Repair or servicing of an R/C station transmitter (See R/C Rule 37); *nor*

(2) Changing plug-in modules which were type accepted as part of your R/C transmitter.

§ 95.219 (R/C Rule 19) How much power may I use?

Your R/C transmitter power output must not exceed the following values under any conditions:

Channels	*Transmitter Power (carrier power)*
27.255 MHz	25 watts
26.995–27.195 MHz	4 watts
72.08–75.64 MHz	0.75 watts

§ 95.220 (R/C Rule 20) What communications may I transmit?

(a) You may only use your R/C station to transmit one-way communications. (One-way communications are transmissions which are not intended to establish communications with another station.)

(b) You may only use your R/C station for the following purposes:

(1) The operator turns on and/or off a device at a remote location. (Refer to diagram 1.);

(2) A sensor at a remote location turns on and/or off an indicating device for the operator. (Refer to Diagram 2.) Only channels 26.995 to 27.255 MHz (see R/C Rule 16) may be used for this purpose. (A remote location means a place distant from the operator).

(c) Your R/C station may only transmit:

(1) Amplitude tone modulated emissions (A9);

(2) Unmodulated on-off emissions (A9).

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RADIO SIGNALS

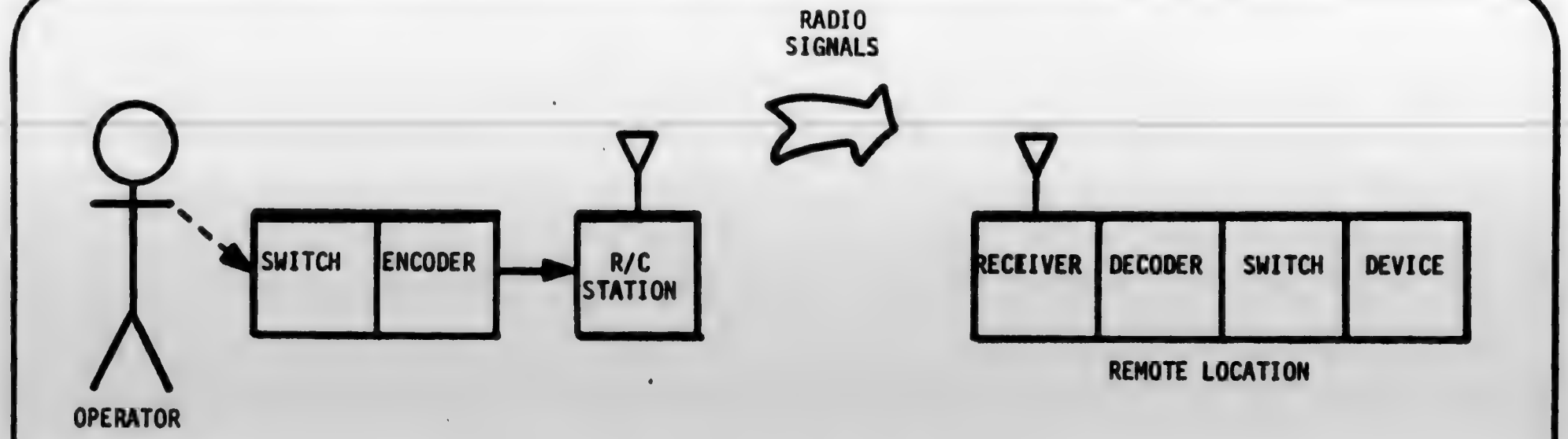

DIAGRAM 1. REFER TO R/C RULE 20(b)(1).

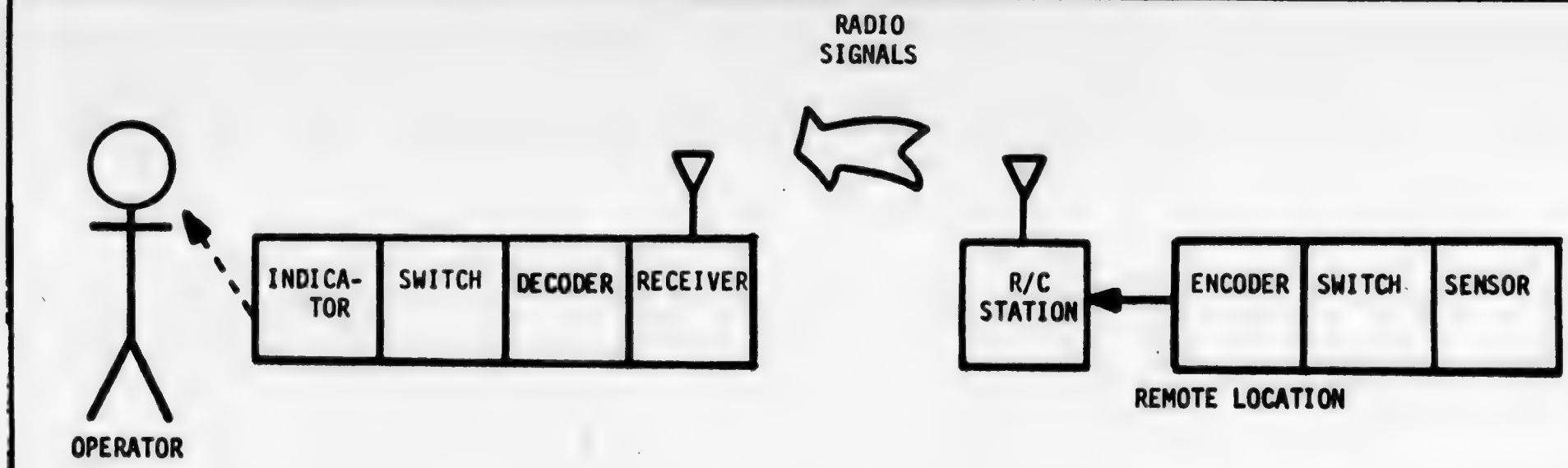

DIAGRAM 2. REFER TO R/C RULE 20(b)(2).

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§ 95.221 (R/C Rule 21) What communications are prohibited?

You must not use an R/C station—

(a) In connection with any activity which is against federal, state or local law;

(b) To transmit any message other than for operation of devices at remote locations (no voice, telegraphy, etc.); or

(c) To intentionally interfere with another station's transmissions.

(d) To operate another R/C transmitter by remote control (See R/C Rule 29).

(e) To transmit two-way communications.

§ 95.222 (R/C Rule 22) May I be paid to use my R/C station?

(a) You may not accept direct or indirect payment for transmitting with an R/C station.

(b) You may use an R/C station to help you provide a service, and be paid for that service, as long as you are paid only for the service and not for the actual use of the R/C station.

§ 95.223 (R/C Rule 23) Who may operate under my license?

(a) You may permit anyone to use your R/C station under your R/C license to operate model craft devices.

(b) You may permit only those persons listed below to use your R/C station under your R/C license to operate any device other than a model craft.

If you are	The authorized users are
Individual	Yourself Members of your immediate *Family* living in your household. Each of your *Employees* as long as his or her transmissions concern your business.
Partnership	Each *Partner* and *Employee* of the partnership, as long as his or her transmissions concern the business of the partnership.
Association	Each *Member* of the association as long as his or her transmissions concern the business of the association. Each *Employee* of the association, as long as his or her transmissions concern the business of the association.
Corporation	Each Officer, Director and Employee of the corporation, as long as his or her transmissions concern the business of the corporation.
Governmental unit	Each *Employee* of the governmental unit, as long as his or her transmissions concern the business of the governmental unit.

(c) Someone else may use your R/C station if you request, and the FCC grants, special authorization to allow operation under your license where he or she would not otherwise qualify to operate your R/C station.

(d) If you are a corporation, you may, upon request and FCC approval, permit your parent corporation or subsidiary to provide you with a private radiocommunications service under your license if the subsidiary or parent corporation provides the service on a non-profit or cost-sharing basis.

(e) You must keep a list of all authorized users as part of your station records. (See R/C Rule 40.)

§ 95.224 (R/C Rule 24) Who is responsible for transmissions made under the authority of my license?

(a) You are responsible for all transmissions which are made by you or others under the authority of your license, including transmissions which violate these rules.

(b) You should be certain that anyone operating under your license understands and obeys the rules.

§ 95.225 (R/C Rule 25) Who must not operate under my license?

(a) You must not permit anyone to operate under your license who is not listed in R/C Rule 23 except in an emergency.

(b) You must not permit anyone who no longer has an R/C license to operate under your license if—

(1) His or her license was revoked by the FCC; or

(2) His or her license was surrendered for cancellation after notice of apparent liability to forfeiture was served by the FCC; or

(3) His or her license was surrendered for cancellation after the FCC instituted revocation proceedings.

(c) You must not permit anyone to operate your R/C station if the FCC has issued a cease and desist order to that person, and the order is still in effect.

(d) You must not permit anyone to operate under your license if that person's most recent R/C license application was denied by the Commission or dismissed with prejudice.

(e) If you sell or demonstrate R/C transmitters, you may allow a customer to operate an R/C unit prior to sale only for demonstration purposes. A customer cannot operate under your license after a sale has been made.

§ 95.226 (R/C Rule 26) Do I have to limit the length of my communications?

(a) You must limit your R/C transmissions to the minimum practical time.

(b) The only time your R/C transmissions may be a continuous signal for more than 3 minutes is when operation of the device requires at least one or more changes during each minute of the transmissions.

(c) Your R/C station may transmit a continuous signal without modulation only if:

(1) you are using it to operate a model aircraft device; and

(2) the presence or absence of the signal operates the device.

(d) If you show that you need a continuous signal to insure the immediate safety of life or property, the FCC may make an exception to the limitations in this rule.

§ 95.227 (R/C Rule 27) Do I identify my R/C communications with my FCC call sign?

You need not identify your R/C communications.

§ 95.228 (R/C Rule 28) Where may I operate my R/C station?

(a) Your R/C station may transmit within or over any area of the world where the land mobile radio services are regulated by the FCC. Those areas are within the territorial limits of:

(1) The fifty United States
(2) The District of Columbia

Caribbean insular areas

(3) Commonwealth of Puerto Rico
(4) Navassa Island
(5) Quita Sueno Bank
(6) Roncador Bank
(7) Serrana Bank
(8) Serranilla Bank
(9) United States Virgin Islands (50 islands and cays)

Pacific insular areas

(10) American Samoa (seven islands)
(11) Baker Island
(12) Commonwealth of Northern Mariannas Islands
(13) Guam Island
(14) Howland Island
(15) Jarvis Island
(16) Johnston Island (inlets East, Johnston, North and Sand)
(17) Kingman Reef
(18) Midway Island (islets Eastern and Sand)
(19) Palmyra Island (more than 50 islets)
(20) Wake Island (islets Peale, Wake and Wilkes)

(b) Your R/C station may transmit in any other area of the world, except within the territorial limits of areas where radio services are regulated by—

(1) An agency of the United States other than the FCC. (You are subject to their rules.)

(2) Any foreign government. (You are subject to their rules.)

(c) Your R/C station may transmit on an aircraft or ship, with the permission of the captain, within or over any area of the world where radio services are regulated by the FCC or over international waters. You must operate your R/C station according to any applicable treaty to which the United States is a party.

§ 95.229 (R/C Rule 29) May I operate my R/C transmitter by remote control?

(a) You may not operate an R/C transmitter by radio remote control. (See R/C Rule 21.)

(b) You may operate an R/C transmitter by wireline remote control if you obtain specific approval in writing from the FCC. To obtain FCC approval, you must show why you need to operate your station by wireline remote control. Send your request and justification to FCC, Gettysburg, Pa. 17326. If you receive FCC approval, you must keep the approval as part of your station records. (See R/C Rule 40.)

(c) Remote Control means operation of an R/C transmitter from any place other than the location of the R/C transmitter. Direct mechanical control or direct electrical control by wire from some point on the same premises, craft or vehicle as the R/C transmitter is not considered remote control.

Other Things You Need To Know

§ 95.230 (R/C Rule 30) How long must I keep my license?

You must keep your license (or other authorization) until it expires or until it is terminated. If you no longer want it, you should send it to the FCC, Gettysburg, Pa. 17326. Include instructions to cancel it.

§ 95.231 (R/C Rule 31) Where must I keep my license?

(a) You must keep your license (or other authorization) in your station records (R/C Rule 40) or post it at your station.

(b) You may photocopy your license for any lawful purpose.

§ 95.232 (R/C Rule 32) What do I do if I lose my license?

If you lose your license, you must request a duplicate license from the FCC, Gettysburg, Pa. 17326. Your request must include your name, your current address and your station call sign. (Also include your old address if you moved after you were licensed.)

§ 95.233 (R/C Rule 33) Do I need to have a copy of the R/C Rules?

(a) You must keep a current copy of the R/C Rules in your station records (See R/C Rule 40). The R/C Rules are published periodically by the Government Printing Office.

(b) You must stay up to date with changes to the R/C Rules. Changes to the R/C Rules are found in the **Federal Register** and in other publications.

(c) Your R/C station must comply with technical rules found in Subpart E of Part 95, but you do not have to keep those rules in your station records.

§ 95.234 (R/C Rule 34) What are the penalties for violating these rules?

(a) If the FCC finds that you have willfully or repeatedly violated the Communications Act or the FCC Rules, you may have to pay as much as $2,000 for each violation, up to a total of $5,000. (See Section 503(b) of the Communications Act.)

(b) If the FCC finds that you have willfully or repeatedly violated the Communications Act or FCC Rules, it may revoke your R/C license. (Other grounds for revoking an R/C license are listed in Section 312(a) of the Communications Act.)

(c) If the FCC finds that you have violated any section of the Communications Act, or the FCC Rules, you may be ordered to stop whatever action caused the violation. (See Section 312(b) of the Communications Act.)

(d) If a federal court finds that you have willfully and knowingly violated any FCC Rule, you may be fined up to $500 for each day you committed the violation. (See Section 502 of the Communications Act.)

(e) If a federal court finds that you have willfully and knowingly violated any provision of the Communications Act, you may be fined up to $10,000, or you may be imprisoned for one year, or both. (See Section 501 of the Communications Act.)

§ 95.235 (R/C Rule 35) How do I answer discrepancy notices?

(a) If it appears to the FCC that you have violated the Communications Act or these rules, the FCC may send you a discrepancy notice.

(b) Within the time period stated in the notice, you must answer with:

(1) A complete written statement about the apparent discrepancy;

(2) A complete written statement about any action you have taken to correct the apparent violation and to prevent it from happening again; and

(3) The name and station call sign of the person operating at the time of the apparent violation.

(c) You must not shorten your answer by references to other communications or notices.

(d) You must send your answer to the office of the FCC which sent you the notice.

(e) You must keep a copy of your answer in your station records (See R/C Rule 40).

§ 95.236 (R/C Rule 36) What must I do if the FCC tells me that my R/C station is causing interference?

(a) If the FCC tells you that your R/C station is causing interference for technical reasons you must follow all instructions in the official FCC notice. (This notice may require you to have technical adjustments made to your equipment.)

(b) You must comply with any restricted hours of R/C station operation which may be included in the official FCC notice.

§ 95.237 (R/C Rule 37) How do I have my R/C transmitter serviced?

(a) You may adjust your own antenna to your R/C transmitter and you may make radio checks. (A radio check means a one way transmission for a short time in order to test the transmitter.)

(b) Each internal repair and each internal adjustment to your FCC type accepted R/C transmitter (See R/C Rule 18) must be made by, or under the direct supervision of, a person holding a first- or second-class commercial radiotelephone operator license.

(c) Except as provided in paragraph (d) of this section, each internal repair and each internal adjustment of an R/C transmitter in which signals are transmitted must be made using a nonradiating ("dummy") antenna.

(d) Brief test signals using a radiating antenna may be transmitted in order to:

(1) Adjust a transmitter to an antenna;

(2) Detect or measure radiation of energy other than the intended signal. (Not longer than one minute during any five minute period);

(3) Tune a receiver to your R/C transmitter.

§ 95.238 (R/C Rule 38) May I make any changes to my R/C transmitter?

(a) You must not make or have anyone else make any internal modification to your R/C transmitter. Internal modification does *not* mean repair or servicing of the R/C transmitter.

(b) You must not operate an R/C transmitter which has been modified by anyone in any way, including modification to operate on unauthorized frequencies or with illegal power.

(c) Removing and inserting a plug-in module that is part of a type accepted R/C transmitter is not a modification.

§ 95.239 (R/C Rule 39) Do I have to make my R/C station available for inspection?

(a) If an authorized FCC representative requests to inspect your R/C station, you must make your R/C station and records available for inspection.

(b) An R/C station includes all of the radio equipment you use.

§ 95.240 (R/C Rule 40) What are my station records?

Your station records include the following documents, as applicable:

(a) Your license. (See R/C Rule 31).

(b) A current copy of the R/C Rules. (See R/C Rule 33).

(c) A list of authorized users of your R/C station. (See R/C Rule 23).

(d) A copy of each notice telling the FCC of your name or address change. (See R/C Rule 13).

(e) A copy of each response to an FCC violation notice. (See R/C Rule 35).

(f) Each written permission received from the FCC. (See R/C Rules 8, 12, 29, 32).

§ 95.241 (R/C Rule 41) Where do I get FCC application forms?

You can get FCC application forms from any FCC field office or from the FCC, Washington, DC 20554. See R/C Rule 43 for a list of FCC field offices.

§ 95.242 (R/C Rule 42) How do I contact the FCC?

(a) Write to your nearest FCC Field Office listed in R/C Rule 43 if you:

(1) Need an R/C application form;

(2) Want to report an interference complaint;

(3) Want to know if the FCC has type-accepted a transmitter for R/C.

(b) Write to the FCC, Gettysburg, Pa., 17326 if you:

(1) Are filing an R/C application;

(2) Are notifying the FCC of your new name or address;

(3) Are requesting consent to transfer control of a corporation;

(4) Are requesting permission to use more than 25 transmitters;

(5) Are requesting a duplicate R/C license (See R/C Rule 32);

(6) Have questions about your R/C application or the R/C Rules.

§ 95.243 (R/C Rule 43) Where are the FCC field offices located?

Anchorage District Office, Engineer In Charge, Federal Communications Commission, 1011 E. Tudor Rd., Room 240, P.O. Box 2955, Anchorage, Alaska 99510 (907) 276–7455 (907) 276–5255 [1]

Atlanta District Office, Engineer In Charge, Federal Communications Commission, Room 440, Massell Building, 1365 Peachtree Street, NE, Atlanta, Georgia 30309 (404) 881–3084/5 (404) 881–7381 [1]

Baltimore District Office, Engineer In Charge, Federal Communications Commission, 1017 Federal Building, 31 Hopkins Plaza, Baltimore, Maryland 21201 (301) 962–2728/9 (301) 962–2727 [1]

Beaumont Office, Engineer In Charge, Federal Communications Commission, Jack Brooks Federal Building, Rm. 323, 300 Willow Street, Beaumont, Texas 77701 (713) 838–0271

Boston District Office, Engineer In Charge, Federal Communications Commission, 1600 Customhouse, 165 State Street, Boston, Massachusetts 02109 (617) 223–6609 (617) 223–0689 (617) 223–6607/8 [1]

Buffalo District Office, Engineer In Charge, Federal Communications Commission, 1307 Federal Building, 111 West Huron Street, Buffalo, New York 14202 (716) 846–4511/2 (716) 856–5950 [1]

Chicago District Office, Engineer In Charge, Federal Communications Commission, 230 S. Dearborn St., Room 3935, Chicago, Illinois (312) 353–0195/6 (312) 353–0197 [1]

Cincinnati Office, Engineer In Charge, Federal Communications Commission, 8620 Winton Road, Cincinnati, Ohio 45231 (513) 521–1790 (513) 521–1716 [1]

Dallas District Office, Engineer In Charge, Federal Communications Commission, Earle Cabell Federal Building, U.S. Courthouse, Room 13E7, 1100 Commerce Street, Dallas, Texas 75242 (214) 767–0761 (214) 767–0764 [1]

Denver District Office, Engineer In Charge, Federal Communications Commission, 12477 W. Cedar Drive, Denver, Colorado 80228 (303) 837–5137/8 (303) 837–4053 [1]

Detroit District Office, Engineer In Charge, Federal Communications Commission, 1054 Federal Building, 231 W. LaFayette Street, Detroit, Michigan 48226 (313) 226–6078/9 (313) 226–6077 [1]

Honolulu District Office, Engineer In Charge, Federal Communications Commission, Prince Kuhio Federal Bldg., 300 Ala Moana Blvd., Room 7304, P.O. Box 50023, Honolulu, Hawaii 96850 (808) 546–5640

Houston District Office, Engineer In Charge, Federal Communications Commission, New Federal Office Building, 515 Rusk Ave., Room 5636, Houston, Texas 77002 (713) 226–5624 (713) 226–4306 [1]

Kansas City District Office, Engineer In Charge, Federal Communications Commission, Brywood Office Tower, Room 320, 8800 East 63rd Street, Kansas City, Missouri 64133 (816) 926–5111 (816) 356–4050

Long Beach District Office, Engineer In Charge, Federal Communications Commission, 3711 Long Beach Blvd., Room 501, Long Beach, California 90807 (213) 426–4451 (213) 426–7886 [1] (213) 426–7955 [1]

Miami District Office, Engineer In Charge, Federal Communications Commission, 51 S.W. First Ave., Room 919, Miami, Florida 33130 (305) 350–5542 (305) 350–5541 [1]

New Orleans District Office, Engineer In Charge, Federal Communications Commission, 1007 F. Edward Hebert Federal Bldg., 600 South Street, New Orleans, Louisiana 70130 (504) 589–2095/6 (504) 589–2094 [1]

New York District Office, Engineer In Charge, Federal Communications Commission, 201 Varick Street, New York, New York 10014 (212) 620–3437/8 (212) 620–3435 [1] (212) 620–3436 [1]

Norfolk District Office, Engineer In Charge, Federal Communications Commission, Military Circle, 870 N. Military Highway, Norfolk, Virginia 23502 (804) 441–6472 (804) 461–4000 [1]

Philadelphia District Office, Engineer In Charge, Federal Communications Commission, 1 Oxford Valley Office Bldg., Rm. 404, 2300 E. Lincoln Highway, Langhorne, Pa. 19047 (215) 752–1324 (215) 752–1323 [1]

Pittsburgh Office, Engineer In Charge, Federal Communications Commission, 3755 William Penn Highway, Monroeville, Pennsylvania 15146 (412) 823–3380 (412) 823–3553 [1]

Portland District Office, Engineer In Charge, Federal Communications Commission, 1782 Federal Building, 1220 S.W. Third Avenue, Portland, Oregon 97204 (503) 221–4114 (503) 221–3097 [1]

St. Paul District Office, Engineer In Charge, Federal Communications Commission, 691 Federal Bldg. & U.S. Courthouse, 316 North Robert Street, St. Paul, Minnesota 55101 (612) 725–7810 (612) 725–7819 [1]

San Diego Office, Engineer In Charge, Federal Communications Commission, 7840 El Cajon Blvd., Room 405, La Mesa, California 92041 (714) 293–5478 (714) 293–5460 [1]

San Francisco District Office, Engineer In Charge, Federal Communications Commission, 423 Customhouse, 555 Battery Street, San Francisco, California 94111 (415) 556–7701/2 (415) 556–7700 [1]

San Juan District Office, Engineer In Charge, Federal Communications Commission, San Juan Field Office, 747 Federal Building, Hato Rey, Puerto Rico 00918 (809) 753–4008 (809) 753–4567

Savannah Office, Engineer In Charge, Federal Communications Commission, 238 Post Office Building and Courthouse, P.O. Box 8004, (125 Bull Street), Savannah, Georgia 31412 (912) 232–4321

Seattle District Office, Engineer In Charge, Federal Communications Commission, 3256 Federal Building, 915 Second Avenue, Seattle, Washington 98174 (206) 442–7653/4 (206) 442–7610 [1]

Tampa Office, Engineer In Charge, Federal Communications Commission, ADP Building, Room 601, 1211 N. Westshore Blvd., Tampa, Florida 33607 (813) 228–2872 (813) 228–2805 [1]

Washington District Office, Engineer In Charge, 6525 Belcrest Road, Room 830, P.O. Box 1789, Hyattsville, Maryland 20788 (301) 436–7591 (301) 436–7590 [1]

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Subpart E—Technical Regulations

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Subpart E is amended by adding new § 95.618 to read as follows:

§ 95.618 Antenna limitations.

R/C stations operated on frequencies in the 72–76 MHz band shall employ a transmitting antenna which complies with all of the following:

(a) The gain of the antenna shall not exceed that of a half-wave dipole;

(b) The antenna shall be immediately attached to, and integral part of, the transmitter; and

(c) Only vertical polarization shall be used.

* * * * *

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Reader Aids

Federal Register

Vol. 46, No. 119

Monday, June 22, 1981

INFORMATION AND ASSISTANCE

PUBLICATIONS

Code of Federal Regulations

CFR Unit	202-523-3419 523-3517
General information, index, and finding aids	523-5227
Incorporation by reference	523-4534
Printing schedules and pricing information	523-3419

Federal Register

Corrections	523-5237
Daily Issue Unit	523-5237
General information, index, and finding aids	523-5227
Public Inspection Desk	633-6930
Scheduling of documents	523-3187

Laws

Indexes	523-5282
Law numbers and dates	523-5282 523-5266
Slip law orders (GPO)	275-3030

Presidential Documents

Executive orders and proclamations	523-5233
Public Papers of the President	523-5235
Weekly Compilation of Presidential Documents	523-5235
Privacy Act Compilation	523-3517
United States Government Manual	523-5230

SERVICES

Agency services	523-3408
Automation	523-3408
Dial-a-Reg	
Chicago, Ill.	312-663-0884
Los Angeles, Calif.	213-688-6694
Washington, D.C.	202-523-5022
Magnetic tapes of FR issues and CFR volumes (GPO)	275-2867
Public briefings: "The Federal Register—What It Is and How To Use It"	523-5235
Public Inspection Desk	633-6930
Regulations Writing Seminar	523-5240
Special Projects	523-4534
Subscription orders (GPO)	783-3238
Subscription problems (GPO)	275-3054
TTY for the deaf	523-5239

FEDERAL REGISTER PAGES AND DATES, JUNE

29239-29452	1
29453-29690	2
29691-29920	3
29921-30072	4
30073-30326	5
30327-30480	8
30481-30622	9
30623-30796	10
30797-30996	11
30997-31248	12
31249-31402	15
31403-31634	16
31635-31868	17
31869-31998	18
31999-32226	19
32227-32424	22

CFR PARTS AFFECTED DURING JUNE

At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Executive Orders:

May 9, 1898 (Revoked by PLO 5949)	29939
February 25, 1919 (Revoked in part by PLO 5959)	31894
April 4, 1922 (Revoked in part by PLO 5961)	31894
June 13, 1925 (Revoked in part by PLO 5957)	31893
February 6, 1926 (Revoked by PLO 5948)	29938
April 17, 1926 (Revoked in part by PLO 5950)	29939
February 14, 1933 (Revoked by PLO 5944)	29710
5451 (Revoked by PLO 5947)	29938
5907 (Revoked in part by PLO 5960)	31894
6618 (Revoked in part by PLO 5958)	31893
11476 (Amended by EO 12306)	29693
11835 (See EO 12306)	29693
12018 (See EO 2306)	29693
12198 (Amended by EO 12306)	29693
12233 (See EO 12306)	29693
12285 (Amended by EO 12307)	30481
12296 (Amended by EO 12309)	30997
12306	29693
12307	30483
12308	30485
12309 (Amends EO 12296)	30997
12310	31869

Proclamations:

4846	29691
4847	30483
4848	31403

Administrative Orders:

Presidential Determinations:

No. 81-8 of June 2, 1981	30797
No. 81-9 of June 2, 1981	29921
No. 81-10 of June 9, 1981	31635

5 CFR

Ch. XIV	30327
213	31405
930	31405
1200	30999

Proposed Rules:

Ch. I	31018

7 CFR

2	31871, 32227
20	32227
26	30073
301	31999
354	32006
700	29453
800	30322
907	29923, 30799
908	32007
910	30012, 31249, 32008
917	30075, 30077
923	32008
945	32010
953	29454, 30487
979	29693
982	32012
984	31637
991	29693
1425	30327
1944	29239

Proposed Rules:

102	30620
201	30780, 31424
226	32026
907	32030
922	32031
948	32031
989	30645
993	29271
1125	31424
1133	31424
1701	32033

8 CFR

204	29923, 30078
214	29456

9 CFR

78	30487
82	29456, 30488, 31249
92	29239, 29240

10 CFR

2	30328
51	29457
376	29680
390	29680
440	29242
1008	31637
1500	29924
1502	29924
1534	29924

Proposed Rules:
2 30349
30 29712
40 29712
70 29712
73 31267
500 31216
501 31216
503 31216
504 31216
505 31216

12 CFR
Ch. II 31406
220 31250
303 30079
523 32013
552 30488
570 30079
701 31871

Proposed Rules:
213 29245
220 32033
226 29246
332 31018
337 31018
526 30113
545 30114
569a 29246
701 ..... 29247, 29482, 31651, 31654, 31660
720 29248

13 CFR
124 29251

Proposed Rules:
105 32259
124 ..... 29276, 31899

14 CFR
39 ..... 29252, 29253, 29924–29926, 30332–30334, 30799, 30800, 31250, 31251, 31873–31879, 32228–32230
71 ..... 29254–29256, 29927, 30335, 30801–30806, 31250–31252, 32231–32233
73 ..... 29256, 30806
75 31253
97 ..... 29257, 30807
135 30968
152 30808
207 31000
208 31000
212 31000
302 31001

Proposed Rules:
Ch. I 30352
39 ..... 31268, 31899, 31900, 32265, 32266
71 ..... 29278–29281, 29947–29951, 30353, 30354, 30833, 31269, 32267, 32269
73 30833
75 ..... 29280, 29281, 31278
121 ..... 32409, 32413
123 32409
127 32409
135 ..... 32409, 32413
323 29282
302 29718
399 ..... 29285, 29719, 29727

15 CFR
370 29457
376 ..... 31001, 31407
385 31407
399 31407
806 30336
908 32233
935 32014
936 32014

Proposed Rules:
330 29662
331 29662
332 29662
340 29662
341 29662
342 29662
343 29662
350 29662
351 29662
352 29662
353 29662
354 29662
373 30623

16 CFR
13 ..... 29458, 29928, 30337, 32233, 32234
460 29256
1031 29928
1032 29928
1212 29696

Proposed Rules:
Ch. II 29951, 30115, 31901
13 30646
453 31662

17 CFR
15 29931
16 29931
17 29931
18 29931
21 29931
230 31880

Proposed Rules:
Ch. I 29952

18 CFR
141 29459
271 ..... 29697, 29699, 30489–30491, 31253–31256, 32235–32238
284 30491
292 32238
375 29700
1301 31002
1309 30811

Proposed Rules:
Ch. I 31902
157 30505
271 ..... 30833, 32270
292 31663
375 30505

19 CFR
101 29462
134 30338

Proposed Rules:
Ch. I 29953
200 29729

20 CFR

Proposed Rules:
404 29953

21 CFR
5 31003
74 31004
101 31004
135 31004
166 31004
172 ..... 30080, 32015
173 ..... 30492, 30493
175 32015
178 31005–31007
193 ..... 30338, 30494, 31008, 32239
444 31009
314 32016
520 ..... 29464, 31010, 32017
561 ..... 30339, 31637
573 30081
558 ..... 32018, 32019
1308 32019

Proposed Rules:
161 30505
180 31020
182 31020
430 30115
436 30115
440 30115
444 30115
448 30115
452 30115
1308 29484

22 CFR
41 30082

Proposed Rules:
171 30649

24 CFR
235 ..... 29256, 31257
570 29908

25 CFR
52 31880

26 CFR
1 ..... 29465, 31409, 31881, 32239
7a 30495
11 29465
35 30495

Proposed Rules:
31 31278

27 CFR
4 29260
19 ..... 29261, 32224
70 29261
240 29261
245 29261
250 29261
270 29261
275 29261

Proposed Rules:
9 31020

28 CFR
0 ..... 29704, 29931
16 ..... 30495, 32021
301 31204

Proposed Rules:
31 29438
522 31210
527 31210
544 31210
545 31210

29 CFR
92 32214
1910 ..... 31010, 32021
1928 32021
1952 32022
2610 ..... 31257, 32022

Proposed Rules:
530 29485

30 CFR
250 29932
700 31258
716 31258
785 31258
931 31638

31 CFR
51 ..... 29261, 31409
535 ..... 30340, 31630

32 CFR
199 29704
294 29705
706 32023

Proposed Rules:
41 31663
298a 29486

33 CFR
25 29933
165 29933
204 29934

Proposed Rules:
100 29288
110 31278
117 ..... 30354, 30834
160 30835
162 29954
402 30838

34 CFR
324 31996
773 31866

35 CFR
13 31836

Proposed Rules:
1190 30839
272 31021

37 CFR

Proposed Rules:
201 30649
202 30651

38 CFR
3 31011
21 ..... 29474, 32023

Proposed Rules:
1 31903
3 32036
21 31022

39 CFR
601 30623

Proposed Rules:
10 30505

40 CFR
30 31259
35 31642
40 31259
52 ..... 29707, 30082, 30496, 31011, 31012, 31258–31261, 31881
60 29262

61 29262
62 30496
81 ..... 31013, 31886
86 ..... 30497, 31411
122 ..... 29708, 30624
123 29935
162 29708
180 ..... 30342, 30499, 30624, 31014, 31015, 31642
228 ..... 31412, 31413
260 29708
261 29708
264 ..... 29708, 30624
265 ..... 29708, 30624
413 30625

Proposed Rules:
52 ..... 29289, 29488, 30116, 30355–30366, 30653–30655, 31023, 31024, 31446, 31675, 31903, 32036, 32271
60 ..... 29955, 31904
62 31026
81 ..... 29281, 30368, 30655, 31027, 32272
86 31677
123 ..... 29292, 31028, 31279
180 ..... 30506, 30662, 31279, 32038, 32273
408 30663
420 32274
430 31026
431 31026
773 30300

41 CFR

Ch. 12 30816
Ch. 101 ..... 31890, 31891
7-1 ..... 31566, 31886
7-3 31886
7-6 31886
7-7 31886
7-10 31886
7-15 31886
7-30 31886
8-14 31262
8-74 31262
15-1 29709
15-3 31643
51-4 30084
51-5 30084

Proposed Rules:
Ch. 1 30369
1-4 30369
101-11 30369
101-37 30369
104-4 29955

43 CFR

5420 29262

Public Land Orders:
1281 (Revoked by 5883) 29263
1933 (Revoked by 5956) 31892
5169 (Amended by PLO 5396 and 5951) 29937
5179 (Amended by PLO 5250 and 5951) 29937
5180 (Amended by PLO 5418 and 5951) 29937
5250 (Amended by PLO 5951) 29937
5396 (Amended by PLO 5951) 29937
5418 (Amended by PLO 5951) 29937
5865 30500
5866 30500
5867 32240
5883 29263
5943 29710
5944 29710
5945 29939
5946 29939
5947 29938
5948 29938
5949 29939
5950 29939
5951 29937
5952 30086
5953 30817
5954 31892
5955 31892
5956 31892
5957 31893
5958 31893
5959 31894
5960 31894
5961 31894
5962 31895

Proposed Rules:
35 29955

44 CFR

64 ..... 29940, 29942, 30626, 31643, 32240, 32241
65 ..... 32243, 32247
67 ..... 30500, 30628, 31263, 31645, 31646

Proposed Rules:
55 29292
61 29292
67 ..... 29729–29732, 29956, 30116, 30124, 30507, 30663, 30665, 31281–31285, 31680, 31686, 31692, 32275
300 29264

45 CFR

3 30343
46 29883
74 30500
235 29264

Proposed Rules:
71 29732
301 30372
304 29964
1300 31029

46 CFR

Proposed Rules:
310 30507
502 30666
510 32279
547 30667

47 CFR

1 30818
2 ..... 31414, 31415
22 31417
61 ..... 29264, 30818
63 31418
64 ..... 29474, 32039
73 ..... 30086–30091, 30343, 30344, 31264, 31265, 31421, 31422, 31895, 32039
74 31265
81 31015
83 31015
90 ..... 31422, 31647, 32039
95 ..... 32039, 32416
97 31415

Proposed Rules:
Ch. I 30516, 30668, 31286
2 ..... 30124, 31290, 31693, 32280
21 32280
22 31292
23 30124
31 ..... 30150, 30152
63 31693
67 32281
73 ..... 29488, 30153, 30154, 30372, 30516–30518, 31029, 31290, 31695, 31909
87 32280
90 32280
94 30124

49 CFR

Ch. X 30092
1 29269
172 ..... 29392, 32250
387 30974
531 29944
571 ..... 32251, 32254
575 29269
1000 30502
1003 31016
1033 ..... 29480, 30502, 30632
1039 ..... 32025, 32257
1056 ..... 29711, 29945
1090 32257
1100 30832
1137 30832
1300 32257

Proposed Rules:
171 29967
172 ..... 29968, 29973
173 ..... 29967, 29968, 29973, 31294
175 29968
178 29973
192 32287
195 32287
571 31294
1047 30668
1048 31450
1127 30156
1201 ..... 30839, 32289
1241 30839
1248 30839

50 CFR

17 29481
36 31818
91 30633
219 31648
301 30345
651 30348
661 ..... 29733, 30633

Proposed Rules:
17 29490
20 31030
653 30674
682 30674

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/FSQS		DOT/FAA	USDA/FSQS
DOT/FHWA	USDA/REA		DOT/FHWA	USDA/REA
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/NHTSA	LABOR		DOT/NHTSA	LABOR
DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

Last Listing June 17, 1981

V 4 6 J E 2 2 8 1 UMI

V
4
6

J
E
2
2
8
1
UMI

Advance Orders are now Being Accepted for Delivery in About 6 Weeks

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Revised as of April 1, 1981

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A Cumulative checklist of CFR issuances for 1980 appears in the back of the first issue of the Federal Register each month in the Reader Aids section. In addition, a checklist of current CFR volumes, comprising a complete CFR set, appears each month in the LSA (List of CFR Sections Affected).

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6-23-81
Vol. 46 No. 120
Pages 32425-32550

federal register

Tuesday
June 23, 1981

Highlights

32453 **Caffeine** HHS/FDA announces availability of final report of the Caffeine Study Review Panel.

32431 **Petroleum—Exports** Commerce/ITA revises Petroleum Product Short Supply Export Control Regulations to increase efficiency controls and administration of exports.

32549 **Trade Agreements** Trade Representative requests comments on effects to the U.S. economy of the refusal by developed countries to allow Agreement on Government Procurement to cover certain entities of those governments which are principal purchasers of goods and equipment.

32454 **Oil and Gas** Interior/GS intends to reduce number of reports required for oil and gas drilling operations.

32498 **Banks and Banking** FFIEC requests comments on proposed definition of bank capital used in determining capital adequacy.

32426 FRS authorizes establishment in the United States of international banking facilities.

32471 **Grant Programs—Education** ED announces closing dates for submission of Student Eligibility Reports under verification procedures of the Pell Grant Program.

CONTINUED INSIDE

Highlights

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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There are no restrictions on the republication of material appearing in the **Federal Register**.

Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

32450 **Agriculture—Farm Credit** FCA requests comments on proposed change to rule on annual budgets and projects and adds approval requirements for various bank transactions.

32548 **Small Businesses** SBA announces quarterly optional "peg" interest rate of 13⅞ percent.

32443, 32444 **Government Procurement** NASA amends procurement regulations in areas including consulting services, options, termination of contracts and cost sharing. (2 documents)

32445 **Surface Mining** Interior/SMREO announces intent to repropose rules governing explosives.

32460 **Motor Carriers** ICC proposes regulations on interchange policies at international boundary lines.

32470 **Imports** CITA announces additional control on cotton trousers from the Republic of the Philippines.

32468 CITA announces establishment of export visa requirement and exempt certification for certain cotton, wool and man-made fiber textile products from Mexico.

Privacy Act Documents

32507 HHS/OHDS
32530 MSPB

32550 **Sunshine Act Meetings**

Contents

Federal Register
Vol. 46, No. 120
Tuesday, June 23, 1981

Agricultural Marketing Service
RULES
32425 Marketing orders; expenses and rates of assessment

Agriculture Department
See Agricultural Marketing Service; Forest Service; Rural Electrification Administration.

Blind and Other Severely Handicapped, Committee for Purchase from
NOTICES
32470 Procurement list, 1981; additions and deletions; correction

Civil Aeronautics Board
NOTICES
Hearings, etc.:
32466 Metro Airlines et al.; fitness determination

Commerce Department
See International Trade Administration; National Oceanic and Atmospheric Administration; National Technical Information Service.

Customs Service
RULES
Organization and functions; field organization; ports of entry:
32436 Austin, Tex.

Defense Department
See Engineers Corps.

Economic Regulatory Administration
NOTICES
Consent orders:
32475 Kirkpatrick Oil & Gas Co.
32476 Michaelson Producing Co. et al.
32476 Northeast Petroleum Industries, Inc.
32477 Quintana Petroleum Corp.
32475 Rollert-Waddell Co.
32477 William Gruenerwald & Associates, Inc.

Education Department
NOTICES
32471 Grant applications and proposals, closing dates: Pell grant program; student eligibility report

Employment and Training Administration
RULES
Alien temporary agricultural and logging employment in U.S.; labor certification:
32437 Adverse effect wage rate methodology for agricultural employment; withdrawal
NOTICES
Unemployment compensation; extended benefit periods:
32519 Ohio
32519 South Carolina

Energy Department
See also Economic Regulatory Administration; Energy Research Office; Federal Energy Regulatory Commission; Hearings and Appeals Office, Energy Department; Western Area Power Administration.
NOTICES
Contract awards, proposed:
32472 Procon, Inc.
International atomic energy agreements; civil uses; subsequent arrangements:
32473 Canada
32473 European Atomic Energy Community
32473 European Atomic Energy Community et al.
32474 Japan (2 documents)

Energy Research Office
NOTICES
Meetings:
32490 Energy Research Advisory Board

Engineers Corps
NOTICES
Environmental statements; availability, etc.:
32471 Odgensburg Harbor, N.Y.; channel improvements, etc.

Environmental Protection Agency
RULES
Air quality implementation plans; approval and promulgation; various States, etc.:
32440 Iowa; correction
Pesticide chemicals in or on raw agricultural commodities; tolerances and exemptions, etc.:
32441 Amiben
32440 Bentazon
32442 Oxamyl
PROPOSED RULES
Air quality implementation plans; approval and promulgation; various States, etc.:
32456 Virginia (2 documents)
Pesticide chemicals in or on raw agricultural commodities; tolerances and exemptions, etc.:
32457 Pyrethrins and synergist piperonyl butoxide
Uranium mill tailings standards:
32458 Cleanup standards for contaminated buildings and open lands; extension of time
NOTICES
Toxic and hazardous substances control:
32494 Premanufacture notices receipts
32497 Premanufacture notices review period terminations

Farm Credit Administration
PROPOSED RULES
32450 Funding and fiscal affairs, loan policies and operations, etc.; annual budgets and projections, and bank transaction approval requirements

Federal Communications Commission
NOTICES
32497 Direct broadcast satellite applications, interim

Federal Emergency Management Agency
NOTICES
Disaster and emergency areas:
32498 Pennsylvania

Federal Energy Regulatory Commission
NOTICES
Hearings, etc.:
32478, 32479 Ammon, Idaho (3 documents)
32481 Cleveland Electric Illuminating Co. (2 documents)
32481 Cliffs Electric Service Co.
32479 Cohoes, N.Y.
32481 Commonwealth Electric Co.
32482 Detroit Edison Co.
32482 Duke Power Co.
32482 Florida Power Corp.
32482 Frankfort Electric & Water Plant Board
32483 Interstate Power Co.
32483 Mayer, James T.
32483 Metropolitan District
32480 Montrose, Colo.
32484 Mosley, James R.
32484, 32485 North Valley Land Corp. (2 documents)
32485 Northwest Alaskan Pipeline Co.
32486 Ohio Power Co.
32486 Otter Tail Power Co.
32486, 32487 Puget Sound Power & Light Co. (2 documents)
32487 Rust Hydro Generation Co.
32488 Tampa Electric Co.
32489 Union Electric Co. (2 documents)
32488 United American Hydropower Group
32489 Vanceburg Electric, Light, Heat & Power Co.
32490 Wisconsin Public Service Corp. (3 documents)

Federal Financial Institutions Examination Council
NOTICES
32498 Capital adequacy determinations; definition of bank capital; inquiry

Federal Maritime Commission
PROPOSED RULES
32459 Equipment interchange agreements; exemptions
NOTICES
32500 Agreements filed, etc.
32501 Alaska Pipeline; certificates of financial responsibility; list
Freight forwarder licenses:
32503 Aeromarine Cargo System, Inc.
32503 Black & Geddes, Inc.
32503 D. L. Buchanan, Inc.
32503 Global Cargo Service, Inc.

Federal Reserve System
RULES
Reserve requirements of depository institution (Regulation D), and interest on deposit (Regulation Q):
32426 International banking facilities
NOTICES
Applications, etc.:
32504 American Republic Bancorp
32504 BonState Bancshares, Inc.
32504 Brannen Banks of Florida, Inc.
32504 Canadian Commercial & Industrial Bank (2 documents)
32505 CCB Bancorp, Inc.
32505 Culbertson Ban Corp.
32505 Kimball Bancshares, Inc.
32505 Midwest Bancorp
32506 Northwest Funding, Inc.
32506 SBT Bancorp, Inc.
32506 Texplaza Bancshares, Inc.
32550 Meetings; Sunshine Act

Federal Trade Commission
RULES
Procedures and practice rules:
32435 Adjudicative proceedings; ex parte communications
PROPOSED RULES
Prohibited trade practices:
32450 British Petroleum Co. Ltd. et al.
NOTICES
Premerger notification waiting periods; early terminations:
32506 Marriott Corp.
32506 Mellon, Timothy

Food and Drug Administration
RULES
Animal drugs, feeds, and related products:
32440 *N*-(mercaptomethyl) phthalimide *S*-(O, O-dimethyl phosphorodithioate); correction
32439 Oxytetracycline hydrochloride tablets
32438 Trimethoprim and sulfadiazine tablets
PROPOSED RULES
GRAS or prior-sanctioned ingredients:
32453 Caffeine; deletion of status and interim use; availability of further information
NOTICES
Animal drugs, feeds, and related products:
32507 Furacin suppositories; approval withdrawn
Committees; establishment, renewals, terminations, etc.:
32507 Radiological Health and Safety Advisory Committee; correction
Meetings:
32507 Advisory committees, panels, etc.; correction

Forest Service
NOTICES
Meetings:
32465 Medicine Bow National Forest Grazing Advisory Board

Geological Survey
PROPOSED RULES
32454 Oil and gas drilling operations; reporting requirements
NOTICES
Outer Continental Shelf; oil, gas, and sulphur operations; development and production plans:
32510 Tenneco Oil Exploration & Production

Health and Human Services Department
See also Food and Drug Administration; Human Development Services Office; Public Health Service; Social Security Administration.
NOTICES
Organization, functions, and authority delegations:
32509 Human Development Services Office

32509 National Institutes of Health

Hearings and Appeals Office, Energy Department
NOTICES
Applications for exception:
32491 Decisions and orders

Housing and Urban Development Department
NOTICES
Meetings:
32509 Housing, President's Commission

Human Development Services Office
NOTICES
32507 Privacy Act; systems of records

Interior Department
See Geological Survey; Land Management Bureau; National Park Service; Reclamation Bureau; Surface Mining Reclamation and Enforcement Office.

International Trade Administration
RULES
Export licensing:
32431 Petroleum product short supply export control regulations; interim rule and request for comments
NOTICES
Meetings:
32467 Telecommunications Equipment Technical Advisory Committee

Interstate Commerce Commission
RULES
Organization, functions, and authority delegations;
32449 Regulatory Flexibility Act; small business impact, authority delegation to Secretary
PROPOSED RULES
Motor carriers:
32460 Interchange policies at international boundary lines
NOTICES
Motor carriers:
32511 American Trucking Association; electronic transmission of freight bills by motor carriers; declaratory order
32518 Fuel cost recovery, expedited procedures
32512 Permanent authority applications; restriction removals

Labor Department
See also Employment and Training Administration; Occupational Safety and Health Administration; Wage and Hour Division.
NOTICES
Adjustment assistance:
32528 Dial Machine & Tool Co., Inc.; correction
32530 General Motors Corp.
32528 Michigan Plating & Stamping Co. et al.

Land Management Bureau
NOTICES
Conservation and recreation areas:
32510 California Desert Conservation Area Plan; semi-annual review
Environmental statements; availability, etc.:
32510 Ukiah District, livestock grazing program, Calif.; inquiry

Merit Systems Protection Board
NOTICES
32530 Privacy Act; systems of records

Metric Board
NOTICES
32544 Voluntary metric conversion; public forum

National Aeronautics and Space Administration
RULES
Procurement:
32443 Directive 81-1
32444 Directive 81-2

National Credit Union Administration
NOTICES
32550 Meetings; Sunshine Act

National Oceanic and Atmospheric Administration
NOTICES
Environmental statements; availability, etc.:
32468 Tijuana River Estuarine Sanctuary, Calif.; hearing

National Park Service
NOTICES
Historic Places National Register; pending nominations:
32510 Indiana et al.

National Technical Information Service
NOTICES
32467 Inventions, Government-owned; availability for licensing

Nuclear Regulatory Commission
NOTICES
Applications, etc.:
32546 Florida Power & Light Co.
32546 Houston Lighting & Power Co.
32547 Maine Yankee Atomic Power Co.
Meetings:
32544-32546 Reactor Safeguards Advisory Committee (3 documents)

Occupational Safety and Health Administration
NOTICES
Variance applications:
32520 Ford Motor Co.

Oceans and Atmosphere, National Advisory Committee
NOTICES
32544 Meetings; agenda change

Pension Benefit Guaranty Corporation
NOTICES
Multiemployer pension plans; bond/escrow exemption request:
32547 Chicago White Sox Baseball Club, Inc., et al.; inquiry

Personnel Management Office
RULES
32425 Agency personnel actions; standards and requirements; processing retraoctive actions

Public Health Service
NOTICES
Patent licenses, exclusive:
32509 Aerojet Strategic Propulsion Co.

Reclamation Bureau
PROPOSED RULES
32459 Arid lands; reclamation rules and regulations; water right applications

Rural Electrification Administration
NOTICES
Environmental statements; availability, etc.:
32465 Cajun Electric Power Cooperative, Inc.
32465 Mt. Wheeler Power, Inc.
32466 Plains Electric Generation & Transmission Cooperative, Inc.

Small Business Administration
RULES
Business loan policy:
32430 Operations of eligible participants; disclosure of relationships between lender and small business; correction
NOTICES
Applications, etc.:
32548 NIS Funding Corp.
32549 Rieder Investment Co.
32548 Optional peg rate

Social Security Administration
NOTICES
Grants; availability, etc.:
32509 Income maintenance research and demonstration; community work experience projects; correction

Surface Mining Reclamation and Enforcement Office
PROPOSED RULES
Permanent and interim regulatory programs:
32455 Explosives use; withdrawal and intent to repropose

Textile Agreements Implementation Committee
NOTICES
Cotton textiles:
32470 Philippines
Cotton, wool, and man-made textiles:
32468 Mexico; correction

Trade Representative, Office of United States
NOTICES
32549 Government Procurement Agreement; effect on U.S. economy; report to Congress

Treasury Department
See Customs Service.

Wage and Hour Division
RULES
32440 Overtime compensation; interpretative bulletin amendment; correction

Western Area Power Administration
NOTICES
32491 Fryingpan-Arkansas Project; power marketing plan

MEETINGS ANNOUNCED IN THIS ISSUE

AGRICULTURE DEPARTMENT
Forest Service—
32465 Medicine Bow National Forest Grazing Advisory Board, Laramie, Wyo. (open), 7–13–81

COMMERCE DEPARTMENT
International Trade Administration—
32467 Telecommunication Equipment Technical Advisory Committee, Washington, D.C. (open), 7–21–81

ENERGY DEPARTMENT
Energy Research Office—
32490 Energy Research Advisory Board, Washington, D.C. (open), 7–9 and 7–10–81

HOUSING AND URBAN DEVELOPMENT DEPARTMENT
32509 President's Commission on Housing, Washington, D.C. (open), 7–7–81

METRIC BOARD
32544 Public Forum, Charlotte, N.C. (open), 7–9–81

NUCLEAR REGULATORY COMMISSION
32545 Reactor Safeguards Advisory Committee, Nuclear Safety Research Program Subcommittee, Washington, D.C. (open), 7–8–81
32546 Reactor Safeguards Advisory Committee, Pilgrim Station Unit 2 Subcommittee, Washington, D.C. (open), 7–8–81
32544 Reactor Safeguards Advisory Committee, Washington, D.C. (partially open), 7–9 through 7–11–81

CHANGED MEETING

NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE
32544 Hydrology Panel, Washington, D.C.(open), 6–29 and 6–30–81; Harrisburg, Pa., 7–1–81

HEARING

COMMERCE DEPARTMENT
32468 National Oceanic and Atmospheric Administration—Tijuana River Estuarine Sanctuary, Imperial Beach, Calif., 7–23–81

CFR PAR
A cumulat
the Reade
5 CFR
230
7 CFR
907
908
911
915
917
918
925
12 CFR
204
217
Proposed
615
13 CFR
120
15 CFR
371
377
399
16 CFR
4
Proposed
13
19 CFR
101
20 CFR
655
21 CFR
520 (2 do
524
Proposed
180
182
29 CFR
778
30 CFR
Proposed
221
715
816
817
40 CFR
52
180 (3 do
Proposed
52 (2 docu
180
192
41 CFR
Ch. 18 (Pa
3, 8, 20
Ch. 18 (Pa
4, 13, 2
43 CFR
Proposed
230
46 CFR
Proposed
524
49 CFR
1011
Proposed
1004
1057

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

5 CFR
230 32425

7 CFR
907 32425
908 32425
911 32425
915 32425
917 32425
918 32425
925 32425

12 CFR
204 32426
217 32426

Proposed Rules:
615 32450

13 CFR
120 32430

15 CFR
371 32431
377 32431
399 32431

16 CFR
4 32435

Proposed Rules:
13 32450

19 CFR
101 32436

20 CFR
655 32437

21 CFR
520 (2 documents) 32438, 32439
524 32440

Proposed Rules:
180 32453
182 32453

29 CFR
778 32440

30 CFR

Proposed Rules:
221 32454
715 32455
816 32455
817 32455

40 CFR
52 32440
180 (3 documents) 324411, 32442

Proposed Rules:
52 (2 documents) 32456
180 32457
192 32458

41 CFR
Ch. 18 (Parts, 1, 2, 3, 8, 20, App. M) 32443
Ch. 18 (Parts, 1, 3, 4, 13, 21) 32444

43 CFR

Proposed Rules:
230 32459

46 CFR

Proposed Rules:
524 32460

49 CFR
1011 32449

Proposed Rules:
1004 32460
1057 32460

V
4
6
J
E
2
3
8
1
UMI

Rule

This sec
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U.S.C. 1
The Cod
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OFFICE
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5 CFR P

Standar
Agency

AGENCY:
Manage

ACTION:

SUMMAR
Manage
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actions
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Courts,
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Rules and Regulations

Federal Register
Vol. 46, No. 120
Tuesday, June 23, 1981

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 230

Standards and Requirements for Agency Personnel Actions

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: The Office of Personnel Management is revising the regulation on standards and requirements for agency personnel actions to add a reference to Federal Personnel Manual instructions on processing retroactive actions which result from settlement agreements and decisions and orders of Courts, the Merit Systems Protection Board, the Equal Employment Opportunity Commission, the Federal Labor Relations Authority, and the Office of Personnel Management. This revision results from agency questions about the instructions to be followed and the authority under which these actions are to be processed.

EFFECTIVE DATE: July 23, 1981.

FOR FURTHER INFORMATION CONTACT: Carol Porter, 202–254–9793/9899.

SUPPLEMENTARY INFORMATION: Agencies are being called upon with increasing frequency to cancel personnel actions and to process retroactive actions in order to implement Court Orders, settlement agreements, and decisions and orders. In order to comply with the Privacy Act (Section 552a of title 5 of United States Code) requirements of "* * * accuracy, relevance, timeliness, and completeness * * *" for personnel records, special care must be taken in documenting these actions to avoid references to the grievance, complaint or appeal which prompted the action, as well as to the decision, order or agreement by which it was resolved. The present regulations do not specifically address the manner in which these actions are to be handled; the revised regulation directs agencies to follow the instructions in FPM Chapter 296.

Waiver of Notice of Proposed Rulemaking

Pursuant to section 553(b)(3)(B) of Title 5 of the United States Code, the Director finds that good cause exists for waiving the general notice of proposed rulemaking. The notice is being waived because the revised regulation simply incorporates into the CFR a reference to instructions previously published for agencies in the form of Federal Personnel Manual System issuances.

E.O. 12291, Federal Regulation

OPM has determined that this is not a major rule for the purposes of E.O. 12291, Federal Regulation, because it will not result in:

(1) An annual effect on the economy of $100 million or more;

(2) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

(3) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Regulatory Flexibility Act

The Director, Office of Personnel Management, certifies that this regulation will not have a significant economic impact on a substantial number of small entities, including small business, small organizational units and small governmental jurisdictions.

Office of Personnel Management.

Beverly McCain Jones,

Issuance System Manager.

Accordingly, § 230.201 of Title 5 of this Code of Federal Regulations is revised to read as follows:

§ 230.201 Standards and requirements for agency personnel actions.

In taking a personnel action authorized by this chapter, each agency shall comply with the qualification standards and regulations issued by the Office of Personnel Management, the instructions published by the Office of Personnel Management in the Federal Personnel Manual, and the provisions of any agreement developed between the Office and the agency in connection with delegation of a specific authority. When a personnel action is being taken as a result of (a) an order of a Court or a settlement agreement, or (b) a decision or order of or a settlement agreement or an arbitral award reached under the rules and regulations of the Merit Systems Protection Board, the Equal Employment Opportunity Commission, the Federal Labor Relations Authority, or the Office of Personnel Management, the agency shall follow the instructions in Federal Personnel Manual Chapter 296.

(5 U.S.C. 1104; Pub. L. 95–454; 92 Stat. 1120 and sec. 3(5) of the Civil Service Reform Act of 1978, Pub. L. 95–454; 92 Stat. 1112)

[FR Doc. 81–18475 Filed 6–22–81; 8:45 am]
BILLING CODE 6325–01–M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Parts 907, 908, 911, 915, 917, 918, and 925

Expenses and Rates of Assessment for Specified Marketing Orders

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation authorizes expenses of the committees functioning under Marketing Orders 907, 908, 911, 915, 918, and 925, and increases expenses of the Pear Commodity Committee functioning under Marketing Order 917. Funds to administer these programs are derived from assessments on handlers of the fruit regulated under the orders.

EFFECTIVE DATES: November 1, 1980–October 31, 1981 (§ 907.218, § 908.220). March 1, 1980–February 28, 1981 (§ 917.226). December 1, 1980–November 30, 1981 (§ 925.200). March 1, 1981–February 28, 1982 (§ 918.218). April 1, 1981–March 31, 1982 (§ 911.220, § 915.220).

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Room 2532 South Building, Washington, D.C. 20250, telephone 202–447–5975.

SUPPLEMENTARY INFORMATION: This rule has been reviewed under USDA

procedures and Executive Order 12291 and has been classified "not significant" and not a major rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would not measurably affect costs for the directly regulated handlers.

These marketing orders are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). These actions are based upon the recommendations and information submitted by the committee, established under the respective marketing order, and upon other information. It is found that the expenses and rates of assessment, as hereinafter provided, will tend to effectuate the declared policy of the act.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice and engage in public rulemaking, and good cause exists for not postponing the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553). Each order requires that the rate of assessment for a particular fiscal period shall apply to all assessable fruit handled from the beginning of such period. To enable the committees to meet current fiscal obligations, approval of the expenses is necessary without delay. It is necessary to effectuate the declared policy of the act to make these provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

Information collection requirements (reporting and recordkeeping) under these parts are subject to clearance by the Office of Management and Budget and are in the process of review. These information requirements shall not become effective until such time as clearance by the OMB has been obtained.

Therefore, new §§ 907.218 (M.O. 907), 908.220 (M.O. 908), 911.220 (M.O. 911), 915.220 (M.O. 915), 918.218 (M.O. 918), and 925.200 (M.O. 925) are added, and § 917.226, 45 F.R. 53450 (M.O. 917) is revised to read as follows: (The following sections prescribe annual expenses and assessment rates and will not be published in the Code of Federal Regulations).

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

§ 907.218 Expenses and Assessment Rate.

Expenses of $757,470 by the Navel Orange Administrative Committee are authorized, and an assessment rate of $0.020 per carton of navel oranges is established for the fiscal year ending October 31, 1981; and unexpended funds from the fiscal year ended October 31, 1980, shall be carried over as a reserve in accordance with § 907.42.

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

§ 908.220 Expenses and Assessment Rate.

Expenses of $436,030 by the Valencia Orange Administrative Committee are authorized, and an assessment rate of $0.022 per carton is established for the fiscal year ending October 31, 1981; and unexpended funds from the fiscal year ended October 31, 1980, shall be carried over as a reserve in accordance with § 908.42.

PART 911—LIMES GROWN IN FLORIDA

§ 911.220 Expenses and Assessment Rate.

Expenses of $385,000 by the Florida Lime Administrative Committee are authorized, and an assessment rate of $0.35 per bushel of limes is established for the fiscal year ending March 31, 1982.

PART 915—AVOCADOS GROWN IN SOUTH FLORIDA

§ 915.220 Expenses and Assessment Rate.

Expenses of $387,785 by the Avocado Administrative Committee are authorized, and an assessemnt rate of $0.30 per bushel of avocados is established for the fiscal year ending March 31, 1982; and unexpended funds from the fiscal year ended March 31, 1981, shall be carried over as a reserve in accordance with § 915.42.

PART 917—FRESH PEARS, PLUMS, AND PEACHES GROWN IN CALIFORNIA

§ 917.226 Expenses and Assessment Rate.

Expenses of $535,000 by the Pear Commodity Committee are authorized, and an assessment rate of $0.135 per No. 29B special lug box is established for the fiscal year ended Febraury 28, 1981; and unexpended funds from the fiscal year ended Febrary 28, 1980, shall be carried over as a reserve in accordance with § 917.38.

PART 918—FRESH PEACHES GROWN IN GEORGIA

§ 918.218 Expenses and Assessment Rate.

Expenses of $18,395 by the Industry Committee are authorized, and an assessment rate of $0.0125 per bushel of peaches is established for the fiscal period ending February 28, 1982.

PART 925—GRAPES GROWN IN A DESIGNATED AREA OF SOUTHEASTERN CALIFORNIA

§ 925.200 Expenses and Assessment Rate.

Expenses of $28,000 by the California Desert Grape Administrative Committee are authorized, and an assessment rate of $0.007 per 22-pound lug of grapes is established for the fiscal period ending November 30, 1981.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 18, 1981.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 81-18539 Filed 6-22-81; 8:45 am]

BILLING CODE 3410-02-M

FEDERAL RESERVE SYSTEM

12 CFR Parts 204, 217

[Docket No. R-0214; Regulations D and Q]

International Banking Facilities; Reserve Requirements of Depository Institutions and Interest on Deposits

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rules.

SUMMARY: The Board of Governors has amended Regulation D—Reserve Requirements of Depository Institutions (12 CFR Part 204) and Regulation Q—Interest on Deposits (12 CFR Part 217) to authorize beginning December 3, 1981, the establishment in the United States of international banking facilities ("IBFs") by U.S. depository institutions, Edge and Agreement Corporations, and branches and agencies of foreign banks located in the United States. Under the rules adopted by the Board, an IBF may accept deposits from foreign residents (including banks) or from other IBFs. Such funds will be exempt from reserve requirements of Regulation D and from interest rate limitations of Regulation Q. IBFs will be permitted to offer to foreign nonbank residents large denomination time deposits with a minimum maturity or required notice period prior to withdrawal of at least two business days. In addition, IBFs will be permitted to offer overnight time deposits to foreign offices of U.S. depository institutions or foreign banks, to other IBFs, foreign control banks, or to the institution establishing the IBF. Funds raised by an IBF could be used only to extend credit to foreign residents, to other IBFs, or to the institution establishing the IBF. Funds derived by

an institution from its own IBF would be subject to Eurocurrency reserve requirements. The Board believes that the establishment of IBFs at U.S. banking offices will enhance the international competitive position of banking institutions located in the United States.

EFFECTIVE DATE: December 3, 1981.

FOR FURTHER INFORMATION CONTACT: Gilbert T. Schwartz, Associate General Counsel (202/452–3625), Paul S. Pilecki, Senior Attorney (202/452–3281), or Paige Winebarger, Attorney (202/452–3285), Legal Division; or Allen B. Frankel, Senior Economist (202/452–3578), or Sydney J. Key, Economist (202/452–3522), Division of International Finance, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION: On December 16, 1980, the Board requested public comment (45 FR 84070) on a proposal to amend Regulation D—Reserve Requirements of Depository Institutions (12 CFR Part 204) and Regulation Q—Interest on Deposits (12 CFR Part 217) that would facilitate the establishment in the United States of international banking facilities ("IBFs") by depository and other institutions to promote international banking activity in the United States.

Under the proposal, IBFs at all U.S. depository institutions, Edge and Agreement Corporations, and U.S. branches and agencies of foreign banks would be permitted to accept time deposits from foreign residents and to borrow from foreign banks or other IBFs. Such funds would be exempt from reserve requirements of Regulation D and from interest rate limitations of Regulation Q.[1] Funds raised by an IBF could be used only to extend credit to foreign residents, to other IBFs, or to the institution establishing the IBF. Funds obtained by an institution from its own IBF would be subject to Eurocurrency reserve requirements.

The period for public comment on the IBF proposal ended on March 16, 1981. Comments were received from 79 respondents, primarily banking institutions and trade associations. In general, commentators were in favor of the concept of IBFs. However, many suggested a number of technical modifications, and a significant number indicated that they would favor adoption of the proposal only in conjunction with other changes in the regulatory and competitive environment under which IBFs would operate. After consideration of the comments received from the public, the Board has adopted the proposal with certain modifications, as indicated below, effective December 3, 1981.

General Policy Regarding Activities of IBFs

The Board believes that authorization of IBFs will enhance the competitive position of U.S. offices of depository institutions and Edge and Agreement Corporations, and of U.S. branches and agencies of foreign banks. The Board expects that, with respect to nonbank customers located outside the United States, IBFs will accept only deposits that support the customer's operations outside the United States and will extend credit only to finance the customer's non-U.S. operations. Deposits should not be used as a means of circumventing interest rate restrictions or reserve requirements applicable to U.S. depository institutions, Edge or Agreement Corporations and U.S. branches and agencies of foreign banks. This policy is required to be communicated in writing to an IBF nonbank customer at the time a loan or deposit account relationship is first established. Furthermore, nonbank foreign affiliates of U.S. residents will be required to acknowledge in writing receipt of such notice.

The following model statement could be used by IBFs to advise their nonbank deposit and loan customers of the Board's policy:

> It is the policy of the Board of Governors of the Federal Reserve System that, with respect to nonbank customers, deposits received by international banking facilities may be used only to support the non-U.S. operations of a depositor (or its foreign affiliates) located outside the United States and that extensions of credit by international banking facilities may be used only to finance the non-U.S. operations of a customer (or its foreign affiliates) located outside the U.S.

The following model statement could be used by IBFs to obtain an acknowledgment of receipt of such notice upon the opening of a deposit or loan relationship from nonbank customers that are foreign affiliates of U.S. residents. (A loan relationship may be established either by opening a line of credit or by granting a loan other than under a line of credit.)

> ————, a nonbank entity located outside the U.S., understands that it is the policy of the Board of Governors of the Federal Reserve System that deposits received by international banking facilities may be used only to support the non-U.S. operations of a depositor (or its foreign affiliates) located outside the United States and that extensions of credit by international banking facilities may be used only to finance the non-U.S. operations of a customer (or its foreign affiliates) located outside the U.S.
>
> ————, acknowledges that funds it deposits with the IBF of ——— will be used solely in support of its non-U.S. operations, or that of its foreign affiliates, and that the proceeds of its borrowings from the IBF will be used solely to finance its operations outside the United States, or that of its foreign affiliates.

Establishing an IBF

An institution is not required to establish a separate organizational structure for an IBF. It is contemplated that an IBF would be operated primarily as a recordkeeping entity similar to an offshore shell branch. An institution may establish one IBF for each reporting entity that submits a separate Report of Transaction Accounts, Other Deposits and Vault Cash (Form FR 2900). An IBF may be established initially by identifying and segregating existing assets and liabilities that qualify under the definitions in Regulations D and Q and under other regulatory provisions applicable to IBFs. These assets may be transferred to the IBF on a reserve-free basis only during the first four reserve computation periods after the institution has established the IBF.[2] An institution is required to maintain segregated accounts for its IBFs within the office in which the IBF is located, report its IBF assets and liabilities as required by the Board, and comply with any other requirements established by the Board for IBFs. Failure to comply with the Board's restrictions on the type of business IBFs may engage in could result in the imposition of reserve requirements on the IBF, subjecting the IBF's deposits to the interest rate restrictions of Regulation Q, or revocation of the institution's authority to maintain an IBF.

An institution that desires to establish an IBF will be required to notify the Federal Reserve Bank in its district at least 14 days prior to the first reserve computation period during which it intends to begin accepting IBF deposits and to agree to abide by the conditions established by the Board for conducting

[1] Regulation Q applies to member banks, to Edge and Agreement Corporations and to the following U.S. offices of parent foreign banks having total worldwide consolidated bank assets in excess of $1 billion: insured and uninsured Federal branches, uninsured state branches, and Federal and state agencies.

[2] For assets held by an institution prior to its establishment of an IBF that are transferred to the IBF within such four-week period, an IBF is not required to provide such customers with notice of the Board's policy concerning IBFs or to obtain acknowledgment thereof. However, an IBF is required to provide such notice and obtain such acknowledgment (if required) upon any subsequent extension of credit to such customer.

an IBF business. Application to or approval by the Board is not required to establish an IBF. However, an institution is subject to any restrictions established by its chartering or licensing authority, or by its primary supervisor concerning the types of activities in which an IBF may be engaged.

Permissible IBF Deposits

As a general matter, an IBF will be permitted to accept deposits only from non-United States residents. Such deposits will be subject to special rules, discussed in greater detail below, permitting shorter minimum maturities than applicable to other types of time deposits under Regulation Q but requiring deposits and withdrawals to be made in amounts of at least $100,000. An IBF also will be permitted to obtain funds from foreign offices of other U.S. depository institutions or foreign banks, from other IBFs, and from the United States and non-United States operations of the same institution. IBF time deposits may be in the form of deposits, borrowings, placements, or other similar instruments. Such IBF liabilities will not be subject to Federal Reserve interest rate limitations and will be exempt from Federal reserve requirements.

Restrictions on eligible holders of IBF deposits. As discussed above, only non-United States residents, including foreign affiliates of United State entities, other IBFs, and the institution operating the IBF will be eligible to maintain time deposits in IBFs. In order to help insure that IBF deposits are restricted to non-United States residents, IBFs will be prohibited from issuing negotiable certificates of deposit, bankers' acceptances, or other negotiable or bearer instruments.

Maturity of IBF time deposits. An IBF will be permitted to obtain funds from any office located outside the United States of another U.S. depository institution, foreign bank, or Edge or Agreement Corporation, from other IBFs, from foreign central banks and official institutions, as well as from the foreign branches and domestic operations of the depository institution establishing the IBF. The maturity of such obligations may be on an overnight basis. IBF time deposits of nonbank foreign residents will be subject to a minimum maturity or required notice period prior to withdrawal of two business days. Notice of withdrawal may be given on the date of deposit or any business day thereafter, but may not be given to the date of deposit. Fixed maturity IBF time deposits may be automatically renewable. In addition, such accounts may be established to provide for both a fixed maturity and a notice period.

An IBF will not be permitted to accept transaction accounts, since an IBF is not intended to enable foreign customers to maintain such accounts at U.S. offices exempt from reserve requirements.

Minimum size of transactions. The Board believes that IBFs should be established primarily to engage in a wholesale international banking business and, therefore, proposed that the minimum amount of any deposit or withdrawal to or from an IBF account would be $500,000. As an alternative, the Board requested public comment on whether to authorize an IBF to offer time deposit accounts that require a minimum daily average balance of $500,000 and a minimum amount of $100,000 for deposit or withdrawal transactions. Comments received from the public indicated that the $500,000 minimum transaction amount could restrict the ability of some institutions that currently engage in international banking activity from conducting an IBF business, and that the requirement of a minimum daily average balance would be operationally burdensome.

In view of the comments received, the Board has determined to require minimum deposits and withdrawals from IBF time deposits of nonbanks of $100,000. No minimum daily average balance is required. A withdrawal of less than $100,000 is permitted if such transaction is made to close out a deposit account. The Board believes that the lower limitation will enable more institutions to operate IBFs while at the time same preserving the wholesale nature of IBF business. IBF time deposits of bank customers will not be subject to any minimum transaction amount.

Permissible IBF Assets

An IBF will be permitted to extend credit to foreign customers, to other IBFs, or to U.S. and non-U.S. offices of the depository institution establishing the IBF. Advances to U.S. offices of the IBF's parent institution will be subject to the reserve requirement on Euro-currency liabilities in the same manner as advances from a foreign office to its U.S. office. IBF credit may be extended in the form of a loan, deposit, placement, advance, security or other similar asset. Under the Board's actions, credit may be extended to nonbank foreign residents provided that the funds are used in their operations outside the United States.

Foreign Currency Operations of IBFs

The Board believes that the conduct of international banking business in the United States will be facilitated by allowing IBFs to accept deposits and make loans in currencies other than U.S. dollars.

Other Activities of IBFs

Except as indicated above, the Board is not limiting the activities in which an IBF may engage. Consequently, if authorized by the institution's chartering or licensing authority and supervisor, an IBF could engage in activities such as providing fiduciary services.

Supervision and Reporting Requirements

IBF operations of a depository institution will be subject to the same examination and supervision procedures that apply to the other operations of the institution. It is expected that supervisory review of IBFs will be conducted in conjunction with examination of other operations of the institution establishing the IBF. However, the Board may require the establishing institution to submit reports on the activities of its IBF for purposes of monitoring monetary and credit conditions as well as for other purposes.

Beginning Date of IBF Operations

The amendments to Regulations D and Q are effective for the reserve computation period beginning December 3, 1981, and the corresponding reserve maintenance period beginning December 17, 1981.

Effective December 3, 1981, pursuant to the Board's authority under sections 19, 25, and 25(a) of the Federal Reserve Act (12 U.S.C. 461 *et seq.*, 601 *et seq.*, 611 *et seq.)* and section 7 of the International Banking Act of 1978 (12 U.S.C. 3105), Regulation D (12 CFR Part 204) and Regulation Q (12 CFR Part 217), are amended as follows:

PART 204—RESERVE REQUIREMENTS OF DEPOSITORY INSTITUTIONS

1. In § 204.2 of Regulation D (12 CFR Part 204), paragraph (h) is revised to read as follows:

§ 204.2 Definitions.

* * * * *

(h) *"Eurocurrency liabilities"* means:

(1) For a depository institution or an Edge or Agreement Corporation organized under the laws of the United States, the sum, if positive, of the following:

(i) Net balances due to its non-United States offices and its international banking facilities ("IBFs") from its United States offices;

(ii)(A) For a depository institution organized under the laws of the United States, assets (including participations) acquired from its United States offices and held by its non-United States offices, by its IBF, or by non-United

States offices of an affiliated Edge or Agreement Corporation; [1] or

(B) For an Edge or Agreement Corporation, assets (including participations) acquired from its United States offices and held by its non-United States offices, by its IBF, by non-United States offices of its U.S. or foreign parent institution, or by non-United States offices of an affiliated Edge or Agreement Corporation; [1] and

(iii) Credit outstanding from its non-United States offices to United States residents (other than assets acquired and net balances due from its United States offices), except credit extended (A) from its non-United States offices in the aggregate amount of $100,000 or less to any United States resident, (B) by a non-United States office that at no time during the computation period had credit outstanding to United States residents exceeding $1 million, (C) to an international banking facility, or (D) to an institution that will be maintaining reserves on such credit pursuant to this Part. Credit extended from non-United States offices or from IBFs to a foreign branch, office, subsidiary, affiliate of other foreign establishment ("foreign affiliate") controlled by one or more domestic corporations is not regarded as credit extended to a United States resident if the proceeds will be used to finance the operations outside the United States of the borrower or of other foreign affiliates of the controlling domestic corporation(s).

(2) For a United States branch or agency of a foreign bank, the sum, if positive, of the following:

(i) Net balances due to its foreign bank (including offices thereof located outside the United States) and its international banking facility after deducting an amount equal to 8 per cent of the following: the United States branch's or agency's total assets less the sum of (A) cash items in process of collection; (B) unposted debits; (C) demand balances due from depository institutions organized under the laws of the United States and from other foreign banks; (D) balances due from foreign central banks; and (E) positive net balances due from its IBF, its foreign bank, and the foreign bank's United States and non-United States offices; and

(ii) Assets (including participations) acquired from the United States branch or agency (other than assets required to be sold by Federal or State supervisory authorities) and held by its foreign bank (including offices thereof located outside the United States), by its parent holding company, by non-United States offices or an IBF of an affiliated Edge or Agreement Corporation, or by its IBFs. [1]

2. In § 204.2(t), footnote 1 is redesignated as footnote 2.

§ 204.8 [Redesignated as § 204.9]

3. Section 204.8 is redesignated § 204.9.

4. By adding a new § 204.8, as follows:

§ 204.8 International banking facilities.

(a) *Definitions.* For purposes of this Part, the following definitions apply:

(1) *"International banking facility"* or *"IBF"* means a set of asset and liability accounts segregated on the books and records of a depository institution, United States branch or agency of a foreign bank, or an Edge or Agreement Corporation that includes only international banking facility time deposits and international banking facility extensions of credit.

(2) *"International banking facility time deposit"* or *"IBF time deposit"* means a deposit, placement, borrowing or similar obligation represented by a promissory note, acknowledgment of advance, or similar instrument that is not issued in negotiable or bearer form, and

(i) (A) That must remain on deposit at the IBF at least overnight; and

(B) That is issued to

(*1*) Any office located outside the United States of another depository institution organized under the laws of the United States or of an Edge or Agreement Corporation;

(*2*) Any office located outside the United States of a foreign bank;

(*3*) A United States office or a non-United States office of the entity establishing the IBF;

(*4*) Another IBF; or

(*5*) An institution whose time deposits are exempt from interest rate limitations under section 217.3(g) of Regulation Q (12 CFR 217.3(g)); or

(ii) (A) That is payable

(*1*) On a specified date not less than two business days after the date of deposit;

(*2*) Upon expiration of a specified period of time not less than two business days after the date of deposit; or

(*3*) Upon written notice that actually is required to be given by the depositor not less than two business days prior to the date of withdrawal;

(B) That represents funds deposited to the credit of a non-United States resident or a foreign branch, office, subsidiary, affiliate, or other foreign establishment ("foreign affiliate") controlled by one or more domestic corporations provided that such funds are used only to support the operations outside the United States of the depositor or of its affiliates located outside the United States; and

(C) That is maintained under an agreement or arrangement under which no deposit or withdrawal of less than $100,000 is permitted, except that a withdrawal of less than $100,000 is permitted if such withdrawal closes an account.

(3) *"International banking facility extension of credit* or *"IBF loan"* means any transaction where an IBF supplies funds by making a loan, or placing funds in a deposit account. Such transactions may be represented by a promissory note, security, acknowledgment of advance, due bill, repurchase agreement, or any other form of credit transaction. Such credit may be extended only to:

(i) Any office located outside the United States of another depository institution organized under the laws of the United States or of an Edge or Agreement Corporation;

(ii) Any office located outside the United States of a foreign bank;

(iii) A United States or a non-United States office of the institution establishing the IBF;

(iv) Another IBF;

(v) An institution whose time deposits are exempt from interest rate limitations under section 217.3(g) of Regulation Q (12 CFR 217.3(g)); or

(vi) A non-United States resident or a foreign branch, office, subsidiary, affiliate or other foreign establishment ("foreign affiliate") controlled by one or more domestic corporations provided that the funds are used only to finance the operations outside the United States of the borrower or of its affiliates located outside the United States.

(b) *Acknowledgment of use of IBF deposits and extensions of credit.* An IBF shall provide written notice to each of its customers (other than those specified in § 204.8(a)(2)(i)(B) and § 204.8(a)(3) (i) through (v)) at the time a deposit relationship or a credit relationship is first established that it is the policy of the Board of Governors of the Federal Reserve System that deposits received by international banking facilities may be used only to support the depositor's operations outside the United States as specified in § 204.8(a)(2)(ii)(B) and that extensions of credit by IBFs may be used only to finance operations outside of the United States as specified in § 204.8(a)(3)(vi). In the case of loans to or deposits from foreign affiliates of U.S. residents,

[1] This subparagraph does not apply to assets (1) that were acquired before October 7, 1979, or (2) that were acquired by an IBF from its establishing entity before the end of the fourth reserve computation period after its establishment.

receipt of such notice must be acknowledged in writing whenever a deposit or credit relationship is first established with the IBF.

(c) *Exemption from reserve requirements.* An institution that is subject to the reserve requirements of this Part is not required to maintain reserves against its IBF time deposits or IBF loans. Deposit-taking activities of IBFs are limited to accepting only IBF time deposits and lending activities of IBFs are restricted to making only IBF loans.

(d) *Establishment of an international banking facility.* A depository institution, an Edge or Agreement Corporation or a United States branch or agency of a foreign bank may establish an IBF in any location where it is legally authorized to engage in IBF business. However, only one IBF may be established for each reporting entity that is required to submit a Report of Transaction Accounts, Other Deposits and Vault Cash (Form FR 2900).

(e) *Notification to Federal Reserve.* At least fourteen days prior to the first reserve computation period that an institution intends to establish an IBF it shall notify the Federal Reserve Bank of the district in which it is located of its intent. Such notification shall include a statement of intention by the institution that it will comply with the rules of this Part concerning IBFs, including restrictions on sources and uses of funds, and recordkeeping and accounting requirements. Failure to comply with the requirements of this Part shall subject the institution to reserve requirements under this Part and to interest payment limitations that may be applicable under Regulation Q (12 CFR part 217) on its IBF time deposits, or result in the revocation of the institution's ability to operate an IBF.

(f) *Recordkeeping requirements.* A depository institution shall segregate on its books and records the asset and liability accounts of its IBF and submit reports concerning the operations of its IBF as required by the Board.

§ 204.3 and 204.4 [Amended]

5. In §§ 204.3(a), 204.3(a)(1)(ii), 204.3(a)(2)(ii), 204.3(c), 204.4(b)(1), 204.4(b)(1)(ii), 204.4(b)(2), 204.4(b)(2)(ii), 204.4(d), 204.4(g)(2)(ii)(A), 204.4(g)(2)(ii)(B), and 204.4(g)(2)(iii), references to §§ "204.8," "204.8(a)," or "204.8(b)" are redesignated as references to §§ "204.9," "204.9(a)," or "204.9(b)," respectively.

6. In Regulation Q (12 CFR Part 217), paragraphs (a) and (b) of § 217.1 are revised to read as follows:

§ 217.1 Definitions.

For purposes of this Part, the following definitions apply unless otherwise specified:

(a) *Demand deposit.* The term "any deposit which is payable on demand," hereinafter referred to as a "demand deposit," includes every deposit that is not a "time deposit," "international banking facility time deposit," or "savings deposit," as defined in this section.

(b) *Time deposit.* The term "time deposit" means "time certificates of deposit," "time deposits, open account," and "international banking facility time deposit," as defined in this section.

* * * * *

7. Section 217.1 is amended by adding a new paragraph (l) as follows:

§ 217.1 Definitions.

* * * * *

(l) *"International banking facility time deposit"* or *"IBF time deposit"* means a deposit, placement, borrowing or similar obligation represented by a promissory note, acknowledgement of advance, or similar instrument that is not issued in negotiable or bearer form and

(1) That is payable

(i) On a specified date not less than two business days after the date of deposit;

(ii) Upon expiration of a specified period of time not less than two business days after the date of deposit; or

(iii) Upon written notice that actually is required to be given by the depositor not less than two business days prior to the date of withdrawal;

(2) That represents funds deposited to the credit of a non-United States resident or a foreign branch, office, subsidiary, affiliate, or other foreign establishement ("foreign affiliate") controlled by one or more domestic corporations provided that such funds are used only to support the operations outside the United States of the depositor or of its affiliates located outside the United States; and

(3) That is held under an agreement or arrangement under which no deposit or withdrawl of less than $100,000 is permitted, except that a withdrawal of less than $100,000 is permitted if such withdrawal closes an account.

8. In § 217.7, paragraph (a) is revised to read as follows:

§ 217.7 Maximum rates of interest payable by member banks on time and savings deposits.

* * * * *

(a) *Time deposits of $100,000 or more and IBF time deposits.* There is no maximum rate of interest presently prescribed on any time deposit of $100,000 or more or on IBF time deposits issued under section 217.1(l).

* * * * *

By order of the Board of Governors, June 13, 1981.

James McAfee,

Assistant Secretary of the Board.

[FR Doc. 81-18533 Filed 6-22-81; 8:45 am]

BILLING CODE 6210-01-M

SMALL BUSINESS ADMINISTRATION

13 CFR Part 120

[Revision 6, Amendment 6]

Business Loan Policy; Correction

AGENCY: Small Business Administration.

ACTION: Correction of final rule.

SUMMARY: This notice corrects the final rule that revised § 120.5(a)(5) which was published May 5, 1981, at 46 FR 25083. The omission of the word "by" in the first sentence made the meaning unclear. Only the first sentence is corrected and the remainder of the section is unchanged as published.

DATE: Effective June 23, 1981.

FOR FURTHER INFORMATION CONTACT: Questions about this correction can be addressed to: Richard L. Wray, Financial Analyst, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416, (202) 653-6470.

In FR Doc. 81-13591 at page 25084, first column, in the issue for Tuesday, May 5, 1981, in § 120.5(a)(5), the first sentence is corrected by inserting the word "by" between "made" and "the lender" to read as follows: The "Associate" relationship defined in paragraph (d) (1), (2) and (3) of 120.1 is prohibited during the life of any loan made by the lender in which SBA participates.

Dated: June 15, 1981.

Michael Cardenas,

Administrator.

[FR Doc. 81-18439 Filed 6-22-81; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Parts 371, 377, and 399

Petroleum Products Under Short Supply Export Controls; Interim Regulations to Increase Efficiency of Controls and Administration of Exports

AGENCY: Office of Export Administration, International Trade Administration, Commerce.

ACTION: Interim rule with invitation to comment.

SUMMARY: This rule amends the regulations governing exports of petroleum products under short supply export controls.

This rule expands and clarifies the provisions of several general license authorizations to permit more extensive exports without prior written authorization from the Office of Export Administration, and reduces certain reporting requirements.

DATE: These rules are effective on publication, but may be revised after comments are received. Comments to be received by the Department by August 24, 1981.

ADDRESS: Written comments (five copies) should be sent to: Mr. Robert F. Kan, Special Assistant to the Director, Short Supply Division, Office of Export Administration, U.S. Department of Commerce, Washington, D.C. 20230.

FOR FURTHER INFORMATION CONTACT: Mr. Robert F. Kan, Special Assistant to the Director, Short Supply Division, Office of Export Administration, U.S. Department of Commerce, Washington, D.C. 20230, (202) 377–3795.

SUPPLEMENTARY INFORMATION: The Department has recently examined its petroleum short supply export licensing program with a view toward simplifying and streamlining its procedures wherever practicable, in compliance with section 12(e) of the Export Administration Act of 1979 (Pub. L. 96–72, 50 U.S.C. App. 2401 *et seq.*) ("the Act") and with the Administration's policy of easing the regulatory burden. During this review it was noted that a large number of validated export licenses are being issued for quantities that do not significantly reduce domestic supplies of a particular commodity. While the purpose of short supply export control programs is "to protect the domestic economy from an excessive drain of scarce materials" through export, the Department does not believe that this goal is furthered or any other useful purpose served by the maintenance of controls that require validated licenses for the export of insignificant quantities of materials which, in the aggregate, are in short supply.

General License GLV. The GLV dollar value limit for three commodity control list entries is being raised from $250 to $1,000, in order to reduce industry and Government paperwork associated with export shipments of certain petroleum commodities under short supply export control. The Department believes that petroleum exports of such limited value will not significantly reduce domestic supplies. This change will permit general license shipments of many exports that previously required validated export licenses.

General License G–NNR. After reviewing its petroleum licensing records, the Department believes a revision of General License *G–NNR* is warranted to accommodate the numerous small quantity drummed shipments of specialty petroleum products intended for non-fuel usage, and of petroleum reference fuels for use as reference standards in petroleum refineries shipped in quantities of 10,000 gallons or less. Because of the high purity of some of these products, they frequently sell for prices from five to twenty-five times the selling price of similar mass-marketed commercial grade fuels. Therefore, export shipments of as few as two or three barrels often exceed the new dollar value limit of $1,000. To avoid the continuation of case-by-case licensing of numerous small quantity shipments of these high-value, low-volume specialty products, the Department has moved them to Petroleum Group Q. This addition will allow exports of these products under General License *G–NNR*.

Exporters are put on notice that the Office of Export Administration will, in appropriate cases, conduct audits of exporters' files to determine that these rules pertaining to shipping quantities are complied with. This change in the regulations is not to be interpreted to represent a liberalization of petroleum export controls, as all these types of shipments have been licensed in the past without being subject to quantitative limitations as either an N–2 product or as a recognized exception.

General License GPCC. The regulations concerning General License *GPCC* are amended to clarify that petroleum products exported to the Panama Canal Commission under that general license must be intended for use by the Commission and not for export resale.

General License Ship Stores. The regulations concerning this general license are revised to indicate that crude petroleum and blends of unrefined crude petroleum with a petroleum product may not be used to bunker a vessel under General License *Ship Stores*. Because many ports are not capable of servicing Super Tankers within the port itself, General License *Ship Stores* is revised to authorize the bunkering of these large vessels in U.S. or international waters under limited circumstances.

General License RCS. The regulations concerning General License *RCS* are revised to indicate that crude petroleum and blends of unrefined crude petroleum with a petroleum product may not be used to bunker a vessel under this general license. The regulations covering this general license are also revised to rescind authority to export unlimited quantities of aviation fuel to a U.S. or Canadian Airline's installation or agent abroad, but continue to allow exports of ship's bunker and aviation fuel for use of a specific vessel or aircraft of U.S. or Canadian registry, in unusual circumstances and in quantities necessary for a single onward voyage or flight.

Documentation for Special Exception. The special rule which permits applicants for petroleum export licenses to substitute an affidavit for an export order is clarified to ensure that all required information and affidavits are submitted when no formal contract exists.

Affidavit for non-Naval Petroleum Reserve-Origin. The affidavit in § 377.6(e)(1)(iv) certifying the non-Naval Petroleum Reserve-Origin of a petroleum product which is required to accompany each application for a license to export such product is revised by lengthening from 90 to 180 days the time periods used in calculating (a) the volume of products produced in a refinery utilizing any Naval Petroleum Reserves feedstock which are attributable to other feedstocks, and (b) the total volume of products attributed to such feedstock to be exported during the comparable future time period. This eliminates the need to restrict the validity of each license to 90 days from the date the affidavit was executed, and permits the issuance of licenses which will remain valid until 30 days following the end of the calendar quarter in which issued. The suggested affidavit is also revised to include alternative statements that may be used concerning the origin of the commodities.

Affidavit Identifying Refiner. As a result of the termination of the crude oil price control program of the Department of Energy, refiners are no longer required to take an adjustment of the volume of crude oil runs to stills. Because these adjustments are no longer

required, the affidavits required by §§ 371.7(b)(4) and 377.6(e)(2)(ii) are also unnecessary, and the sections are deleted.

Validity Period. Section 377.6(g) is revised to indicate that the Office of Export Administration may issue licenses to export petroleum products with validity periods longer than one calander quarter.

Rulemaking Procedure and Invitation to Comment

Section 13(a) of the Act exempts regulations promulgated under it from the public participation in rulemaking procedures of the Administrative Procedure Act. It has been determined that this rule:

(1) Is not a major rule within the meaning of section 1(b) of Executive Order 12291 (46 FR 13193, February 19, 1981);

(2) Will not have a significant economic impact on a substantial number of small business entities because it does not impose any additional costs or other regulatory burden on them; and

(3) Does not impose a burden under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*

Because of the importance of the issues raised by these regulations and the intent of Congress set forth in section 13(b) of the Act, these regulations are issued in interim form and comments will be considered in developing final regulations.

The period for submission of comments will close August 24, 1981. However, in order that comments may be given maximum consideration, persons wishing to comment are urged to submit their comments as soon as possible. Although comments received after the end of the comment period will be considered if possible, this consideration cannot be assured. Public comments which are accompanied by a request that part or all of the material be treated confidentially, because of its business proprietary nature or for any other reason, will not be accepted. Such comments and materials will be returned to the submitter and will not be considered in the development of the final regulations.

All public comments on these regulations will be a matter of public record and will be available for public inspection and copying. In the interest of accuracy and completeness, comments in written form are preferred. If oral comments are received, they must be followed by written memoranda (in five copies) which will also be a matter of public record and will be available for public review and copying. Communications from agencies of the United States Government or foreign governments will not be made available for public inspection.

The public record concerning these regulations will be maintained in the International Trade Administration Freedom of Information Records Inspection Facility, Room 3102, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230. Records in this facility, including written public comments and memoranda summarizing the substance of oral communications, may be inspected and copied in accordance with regulations published in Part 4 of Title 15 of the Code of Federal Regulations. Information about the inspection and copying of records at the facility may be obtained from Mrs. Patricia L. Mann, the International Trade Administration Freedom of Information Officer, at the above address or by calling (202) 377–3031.

Accordingly, the *Export Administration Regulations are amended as follows:*

PART 371—GENERAL LICENSES

1. In § 371.7(b), paragraphs (2)(i) and (ii) are revised; paragraph (2)(iii) is removed, and paragraph (4) is removed.

§ 371.7 General license G–FTZ: Exports of petroleum commodities from U.S. foreign-trade zones and from Guam.

* * * * *

(b) * * *

(2) * * *

(i) Did not become available for export as a result of an exchange for commodities which would not qualify for export under General License *G–FTZ*, and will not be replaced within the exporter's customary domestic marketing area by commodities which do not so qualify; and

(ii) Were refined exclusively from foreign-origin crude petroleum in a Foreign-Trade Zone or Guam.

(iii) (Removed).

* * * * *

(4) (Removed).

* * * * *

2. Section 371.8(a) is revised to read as follows:

§ 371.8 General license GPCC; Export of petroleum products to the Panama Canal Commission.

(a) *Scope.* A general license designated *GPCC* is established subject to the provisions of this section authorizing the export to the Panama Canal Commission, under a Commission-issued contract or purchase order, of refined petroleum products listed in Supplement No. 2 to Part 377 for use by the Commission and not for export resale

* * * * *

3. Section 371.9 is revised to read as follows:

§ 371.9 General license ship stores.

(a) *Scope.* A general license designated *Ship Stores* is established, subject to the provisions of §371.9, authorizing the export, under certain circumstances, of usual and reasonable kinds and quantities of the commodities indicated in paragraphs (a) (1) and (2) of this section, provided such commodities are not intended for unlading in a foreign country and are not exported under a bill of lading as cargo. [1] Exports under this general license may be made on vessels of any registry, except as provided for in paragraph (a)(3) of this section, departing from the United States. Additionally, exports under this general license may be made on lighters servicing vessels too large to enter a U.S. port to allow for the refueling of super tankers, *e.g.*, Ultra Large Crude Carriers (ULCC) and Very Large Crude Carriers (VLCC), provided such vessels are lading or unlading, in U.S. or international waters, cargo destined for or coming from a U.S. port.

(1) Dunnage necessary and appropriate to stow or secure cargo on the outgoing and immediate return voyage of an exporting carrier, when exported solely for use as dunnage, may be exported to any destination under this General License *Ship Stores.*

(2) The items listed below may be exported subject to the conditions set forth in (b) of this section for use or consumption on board a vessel of any registry during the outgoing and immediate return voyage—

(i) Bunker fuel, except crude petroleum and blends of unrefined crude petroleum with a petroleum product, provided it is not of Naval Petroleum Reserve origin or derivation;

(ii) Deck, engine, and steward department stores, provisions, and supplies for both port and voyage requirements, provided they are not of Naval Petroleum Reserves origin or derivation if listed in Supplement No. 3 to Part 377;

(iii) Medical and surgical supplies;

(iv) Food stores;

(v) Slop chest articles; and

(vi) Saloon stores or supplies.

(3) Equipment and spare parts for permanent use on a vessel may be exported for use on board a vessel of any registry, when necessary for the

[1] Where a validated license is required, see §§ 372.4 and 376.9

proper operation of such vessel, except a vessel registered in Country Group P, Q, W, Y, or Z, or owned or controlled by, or under charter or lease to any of these countries or their nationals. Notwithstanding the above, equipment and spare parts for permanent use on a vessel, when necessary for the proper operation of such vessel, may be exported on board a vessel registered in, owned or controlled by, or under charter or lease to a country in Country Group P, Q, W or Y, or a national of such country, if the equipment or spare parts are authorized to be exported to a destination in Country Group P, Q, W, or Y under General License *G-DEST*. In addition, other equipment and services for necessary repair to fishing and fishery support vessels of PQWY countries or Cuba may be exported for use on board such vessels when admitted into the United States under governing international fishery agreements.

(b) *Restrictions on exports of petroleum and petroleum products.* Crude petroleum and blends of unrefined crude petroleum with petroleum products may not be exported under this general license. Export of any petroleum product listed in Supplement No. 3 to Part 377 may be made under this general license provided the exporter, prior to the export of such commodity, has assembled documentary evidence establishing that the commodity was not produced or derived from a Naval Petroleum Reserve. Such documentary evidence may take the form of the affidavit prescribed in § 377.6(e)(1)(iv), or it may consist of other documentation establishing the factual data to be covered in such affidavit. The exporter shall retain such documentary evidence in his files for the period prescribed in § 387.13(e), and is put on notice that the Office of Export Administration will, in appropriate cases, conduct audits of exporters' files to determine that such documentary evidence is available covering each export of a commodity listed in Supplement No. 3 to Part 377 that was made under General License *Ship Stores*. Crude petroleum may be exported only under a validated license issued pursuant to § 377.6(d)(1). Any other petroleum commodity listed in Supplement No. 3 to Part 377 which does not meet the conditions for export under General License *Ship Stores* may be exported only under a validated license issued pursuant to § 377.6(d)(6).

4. Section 371.12 is amended by revising paragraphs (b)(3), (b)(4), the introductory paragraph to (c), (c)(4), the introductory paragraph to (d), (d)(1) and (e) to read as follows:

§ 371.12 General license RCS: Shipments to U.S. or Canadian vessels, planes and airline installations or agents.

* * * * *

(b) * * *

(3) In usual and reasonable kinds and quantities during times of extreme need, except that usual and reasonable quantities of ship's bunkers or aviation fuel are considered to be only that quantity necessary for a single onward voyage or flight;

(4) Shipped as cargo for which a Shipper's Export Declaration (SED) is filed with the carrier, except that an SED is *not* required when any of the commodities, other than fuel, is exported by *U.S. airlines* to their own aircraft abroad for their use.

* * * * *

(c) *Exports to U.S. or Canadian Airline's Installation or Agent.* Exports of the commodities set forth in paragraph (d) of this section, except fuel, may be made to a U.S. or Canadian airline's [2] installation or agent in any foreign destination except Country Group P, Y or Z (excluding Cuba) provided such commodities are—

* * * * *

(4) Shipped as cargo for which a Shipper's Export Declaration (SED) is filed with the carrier, except that an SED is *not* required when any of these commodities is exported by *U.S. airlines* to their own installations and agents abroad for use in their aircraft operations.

* * * * *

(d) *Applicable Commodities.* This general license applies to the commodities listed below, subject to the provision in paragraphs (b) and (c) of this section—

(1) Fuel, except crude petroleum and blends of unrefined crude petroleum with petroleum products, which is of non-Naval Petroleum Reserves origin or derivation;

* * * * *

(e) *Crude Petroleum.* Crude petroleum and blends of unrefined crude petroleum with petroleum products may not be exported under this general license. Export of any petroleum product listed in Supplement No. 3 to Part 377 may be made under this general license provided the exporter, prior to the export of such commodity, has assembled documentary evidence establishing that the commodity was not produced or derived from a Naval Petroleum Reserve. Such documentary evidence may take the form of the affidavit prescribed in § 377.6(e)(1)(iv), or it may consist of other documentation establishing the factual data to be covered in such affidavit. The exporter shall retain such documentary evidence in his files for the period prescribed in § 387.13(e), and is put on notice that the Office of Export Administration will, in appropriate cases, conduct audits of exporters' files to determine that such documentary evidence is available covering each export of a commodity listed in Supplement No. 3 to Part 377, that was made under General License *RCS*. Crude petroleum may be exported only under a validated license issued pursuant to § 377.6(d)(1). Any other petroleum commodity listed in Supplement No. 3 to Part 377, which does not meet the conditions for export under General License *RCS*, may be exported only under a validated license issued pursuant to § 377.6(d)(6).

[2] See § 370.2 for definition of United States and Canadian airlines.

PART 377—SHORT SUPPLY CONTROLS AND MONITORING

5. In § 377.6, paragraphs (e)(1)(iv), (2), (3), and (9), and paragraph (g) are revised to read as follows:

§ 377.6 Petroleum and petroleum products.

* * * * *

(e) * * *

(1) * * *

(iv) A sworn affidavit, signed by an authorized representative of the exporter, reading as follows (insert paragraph a or b, as appropriate):

Affidavit

I (name) _____
(Title) _____
of (company) _____
hereby certify that the (quantity) _____
bbls. of (commodity) _____

(a) I propose to export from the United States were *not* produced from a Naval Petroleum Reserve nor were they derived from any crude oil, gases of all kinds (including natural gas, hydrogen, carbon dioxide, helium, etc.), natural gasoline, and other related hydrocarbons (tar sands, asphalt, propane, butane, etc.) or oil shale produced from a Naval Petroleum Reserve. Or—

(b) I propose to export from the United States, If they are the product of a refinery or petrochemical plant utilizing as raw material any resource produced from a Naval Petroleum Reserve, the quantity of the products from that refinery or petrochemical plant which are to be exported during the next 180 days, do *not* exceed that portion of the total products of that refinery or petrochemical plant attributable to the non-Naval Petroleum Reserve raw materials used in that plant during the preceding 180 days.

The petroleum commodities that I propose to export did not become available for export

as a result of an exchange for a Naval Petroleum Reserves—produced resource or a product(s) derived therefrom.

To the extent that I do not have personal knowledge of the foregoing, I have addressed appropriate inquiries to the refiner or producer of the commodity(ies) to be exported, and have been assured by him that these statements are correct.

The Individual who made these representations to me is:
I (name) _____
Of (Title) _____
(company) _____
And he communicated these assurances to me on (date)_____
(Signature) _____

(2) Groups B, C, D, E, F, G, K, L, M, N–1, N–2, Q, and R. An application for a validated license to export a commodity from Petroleum Commodity Group B, C, D, E, F, G, K, L, M, N–1, N–2, Q, or R, must be accompanied by the same documentation required by § 377.6(e)(1), except that the affidavit described in paragraph (e)(1)(iii) of this section is not required.

(3) Exception for established trade practices. A special rule is established for the documentation of export orders for which no contract is entered into pursuant to a well-established and consistently maintained trade practice. With respect to such orders, in lieu of the copy of the contract and the affidavit required by paragraph (e)(1) of this section as to the amount previously exported against such contract, the exporter may submit an affidavit describing his exporting arrangement and the shipments made under that arrangement.

* * * * *

(9) Groups N–1 and N–2. An application for a validated license to export a commodity from Petroleum Commodity Group N–1 must be submitted with the same documentation required by § 377.6(e)(1), except the affidavit described in paragraph (e)(1)(iii) of this section is not required. An application for a validated license to export a commodity from Petroleum Commodity Group N–2 must be submitted with the same documentation required for Petroleum Commodity Group N–1, and:

(i) An end-use statement by the applicant in affidavit format indicating the name, location and type of business of the end-user, the nature of the end-use, and stating that, to the best of his knowledge and belief, the commodity will not be used as a fuel either alone or when blended with other petroleum products, nor will it be used as a refinery feedstock or for synthetic natural gas production, nor will it be substituted for a commodity which will be so used, and

(ii) A published technical data sheet (unless one has previously been submitted) or independent inspector's certificate of analysis of the product to be exported which clearly indicates that the commodity is properly classifiable under Petroleum Commodity Group N–2.

* * * * *

(g) *Validity Period.* Unless otherwise specified, a license issued pursuant to this section will expire no later than 30 days from the end of the calendar quarter in which it is issued. A longer validity period may be authorized if found to be consistent with the national interest and the purposes of this short supply control program. Requests for extension of the validity period of any license issued under this section will normally not be entertained.

* * * * *

6. Supplement No. 2 to Part 377 is amended by revising Group Q to read as follows:

Supplement No. 2 to Part 377—Petroleum and Petroleum Products Subject to Short Supply Licensing Controls

* * * * *

Schedule B No.[1]	Commodity description[2]	Unit of quantity[3]
	Petroleum Products Subject to Provisions of Either § 371.16 or § 377.6(d)(6)	
	Group Q	
401.0110	Benzene	Gallon.
401.0120	Toluene	Do.
401.0132	Ortho-xylene	Do.
401.0134	Para-xylene	Do.
401.0139	Other xylene	Do.
415.2400	Helium	Million cubic feet.
415.2900	Hydrogen	X
417.2000	Ammonia, aqueous	Cnt. ton.
423.1010	Carbon dioxide and carbon monoxide	X.
431.0210	Butadiene	Pound.
431.0220	Butylene	Do.
431.0230	Ethylene	Do.
431.0240	Isoprene	Do.
431.0250	Propylene	Do.
431.0260	Tetrapropylene	Do.
431.0290	Acetylene	Do.
431.0290	High purity hydrocarbons, and blends of hydrocarbons used for engine calibration, fuel certification and other laboratory applications in quantities of 10,000 gallons or less.[4]	Do.
475.2520		
475.2580		
475.3500	Specialty naphthas, mineral spirits, solvents and other finished light petroleum products, n.s.p.f., which are packaged and shipped in drums or containers not exceeding 55 U.S. gallons per container.	Barrel.
475.4510	Aviation engine lubricating oil, except jet engine lubricating oil.	Do.
475.4515	Jet engine lubricating oil	Do.
475.4520	Automotive, diesel, and marine engine lubricating oil.	Do.
475.4525	Turbine lubricating oil, including marine.	Do.
475.4530	Automotive gear oils	Do.
475.4550	Steam cylinder oils	Do.
475.4555	Insulating or transformer oils	Do.
475.4560	Quenching or cutting oils	Do.
475.4585	Other petroleum lubricating oils, including red and pale oils, bright stock, black oils, white mineral oils, and lubricants, n.s.p.f.	Do.
475.5700	Greases	Pound.
475.6740	Petroleum jelly, and petrolatum, all grades.	Do.
475.6760	Hydraulic fluids, including automatic transmission fluids.	Barrel.
475.6781	Other non-lubricating and non-fuel petroleum oils, n.s.p.f.	X.
480.6540	Ammonia, anhydrous	Short ton.
492.5210	Paraffin wax, crystalline, fully refined.	Pound.
492.5220	Paraffin wax, crystalline, except fully refined.	Do.
492.5240	Paraffin wax, all others (including microcrystalline wax).	Do.
517.5120	Petroleum coke, calcined	Short ton.
521.3150	Petroleum coke, except calcined	Do

* * * * *

[1] See Supplement No. 3 to Part 377 for correlation of old Schedule B Numbers. Schedule B Numbers are provided only as a guide to proper completion of the Shipper's Export Declaration, Form No. 7525-V.
[2] Commodity description determines the product under control.
[3] Report commodities in units of quantity indicated.
[4] Such as for reference standards, certified iso-octane, certified normal heptane, or certified fuels used for emission control standard tests, and for comparative laboratory testing.

PART 399—COMMODITY CONTROL LIST AND RELATED MATTERS

7. The Commodity Control List, Supplement No. 1 to § 399.1, is amended by revising the following entries to read as follows:

Export control commodity number and commodity description	Unit	Validated license required	GLV dollar value limits T&V	Processing code	Reason for control
4782B Other petroleum products listed in Supplement No. 2 to Part 377. (See §§ 371.16 and 371.5(d) for special provisions regarding shipments under General Licenses *G-NNR* and *GLV*).		PQSTVWYZ and Canada	[3] [5]1,000	SS	2
4783B Natural gas liquids and other natural gas derivatives listed in Supplement No. 2 to Part 377. (See §§ 371.16 and 371.5(d) for special provisions regarding shipments under General Licenses *G-NNR* and *GLV*)[4]	Barrel	PQSTVWYZ and Canada	[5] 1,000	SS	2
4784B Manufactured gas and synthetic natural gas (except when commingled with natural gas and thus subject to export authorization from the Department of Energy) listed in Supplement No. 2 to Part 377. (See §§ 371.16 and 371.5(d) for special provisions regarding shipments under General Licenses G-NNR and GLV).	Mcf	PQSTVWYZ and Canada	[5] 1,000	SS	2

* * * *

[3] GLV $ value limit for exports to Canada and Country Group Q is $1,000.
[4] GLV $ value limit for petroleum asphalt and paving mixtures is $5,000.
* * * *

* * * * * * * * *

Drafting Information: The principal author of these rules is Robert F. Kan, Special Assistant to the Director, Short Supply Division, Office of Export Administration.

Authority: Sections. 7, 12, 13, 15, and 21, Pub. L. 96–72, 50 U.S.C. App. 2401 *et seq.*; E.O. 12214, (45 FR 29783, May 6, 1980); Department Organization Order 10–3, (45 FR 6141, January 25, 1980); International Trade Administration Organization and Function Order 41–1 (45 FR 11862, February 22, 1980) and 41–4 (45 FR 65003, October 1, 1980).

Dated: June 1, 1981.

William V. Skidmore,

Director, Office of Export Administration.

[FR Doc. 81–18670 Filed 6–22–81; 8:45 am]

BILLING CODE 3510–25–M

FEDERAL TRADE COMMISSION

16 CFR Part 4

Ex Parte Communications in Adjudicative Proceedings

AGENCY: Federal Trade Commission.

ACTION: Final rule.

SUMMARY: The Federal Trade Commission amends Rule 4.7(e) to define when an order of remand by a U.S. court of appeals shall be deemed to become effective for purposes of applying the prohibitions of Rule 4.7(b), and to make clear that those prohibitions apply during the period within which a petition for reconsideration under Rule 3.55 may be filed.

EFFECTIVE DATE: The rule is effective on June 23, 1981.

FOR FURTHER INFORMATION CONTACT: Jerome Tintle (202) 523–3487, Office of General Counsel, Federal Trade Commission, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20580.

SUPPLEMENTARY INFORMATION:

Cases on Remand from the Courts of Appeals

Rule 4.7(b) prohibits *ex parte* communications by, among others, any employee or agent of the Commission who performs investigative or prosecuting functions in adjudicative proceedings while a proceeding is in adjudicative status within the Commission, except to the extent required for the disposition of *ex parte* matters as authorized by law. Rule 4.7(e), among other things, extends these prohibitions to an adjudicative proceeding "from the time an order by a U.S. court of appeals remanding a Commission decision and order for further proceedings becomes effective, until the time the Commission votes to enter its decision in the proceeding." Rule 4.7(e), however, does not define when a court of appeals' order "becomes effective" for purposes of applying the restrictions imposed by Rule 4.7(b).

When a court of appeals remands a Commission decision and order for further proceedings, the Commission resumes jurisdiction over the case when the court's remand is issued as its mandate pursuant to Rule 41 of the Federal Rules of Appellate Procedure, generally 21 days after entry of judgment. Regardless of when the mandate issues, the Commission may petition the Supreme Court for a writ of *certiorari* from a court of appeals' adverse judgment within 90 days from the date the court of appeals enters its judgment or enters an order disposing of a timely filed petition for rehearing going to the substance of the judgment. 28 U.S.C. 2101(c).

Rule 4.7(e) as presently worded could be construed to mean that a court of appeals' order of remand "becomes effective" from the date that the Commission resumes jurisdiction over the case, *i.e.*, when the court's mandate issues. This construction would, practically speaking, preclude the Commission from consulting *ex parte* with its prosecuting staff on whether Supreme Court review of the judgment should be sought. In adopting present Rule 4.7(e), the Commission did not intend this construction. On the contrary, before and since adoption of the Rule, the Commission has regularly received the views of its prosecuting staff on the question of *certiorari* without regard to whether the court of appeal's mandate has been issued. A matter on remand is not returned to adjudicative status until the Commission has determined not to seek Supreme Court review, or until the time for seeking such review has expired without a petition for *certiorari* having been filed, or until such a petition has been denied. The Commission has, therefore, amended Rule 4.7(e) to reflect its regular practice. The amendment adds a provision defining when a court of appeals' judgment "becomes effective" for purposes of the Rule.

Prohibition of ex Parte Communications During the Period Within Which a Petition for Reconsideration May Be Filed

Under present Rule 4.7(e) the ban on *ex parte* communications in an adjudicative proceeding ends when the Commission "votes to enter its decision in the proceeding." The ban is not reinstated unless a petition for reconsideration under Rule 3.55 is filed, in which event Rule 4.7(e) provides that the *ex parte* restrictions shall apply "from the time the petition is filed * * *." Thus, the Rule implicitly sanctions *ex parte* contacts in the interim between the Commission's vote on a final decision and the deadline for filing a Rule 3.55 petition. It has not been the Commission's policy to permit such contacts in the past, and the Rule is being amended so as to eliminate any possible ambiguity on the question.

Accordingly, 16 CFR 4.7(e) is revised to read as follows:

§ 4.7 Ex parte communications.

* * * * * * *

(e) The prohibitions of this section shall apply in an adjudicative proceeding from the time the Commission votes to issue a complaint pursuant to § 3.11, to conduct adjudicative hearings pursuant to § 3.13, or to issue an order to show cause pursuant to § 3.72(b), or from the time an order by a U.S. court of appeals remanding a Commission decision and order for further proceedings becomes effective, until the time the Commission votes to enter its decision in the proceeding and the time permitted by § 3.55 to seek rehearing of that decision has elapsed. For purposes of this section, an order of remand by a U.S. court of appeals shall be deemed to become effective when the Commission determines not to file a petition for a writ of *certiorari*, or when the time for filing such a petition has expired without a petition having been filed, or when such a petition has been denied. If a petition for reconsideration of a

Commission decision is filed pursuant to § 3.55, the provisions of this section shall apply until the time the Commission votes to enter an order disposing of the petition.

(Sec. 6(g), 38 Stat. 721 (15 U.S.C. 46); 80 Stat. 383, as amended (5 U.S.C. 552))

Carol M. Thomas,

Secretary.

[FR Doc. 81-18546 Filed 6-22-81; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 101

[T.D. 81-170]

Field Organization of the Customs Service; Amendments

AGENCY: Customs Service, Department of the Treasury.

ACTION: Final rule.

SUMMARY: This notice changes the field organization of the Customs Service by establishing a new port of entry at Austin, Texas, in the Dallas/Fort Worth, Texas Customs district (Region VI). To accommodate the new Austin port, this notice also revises the Dallas/Fort Worth district limits. The changes will enable Customs to keep pace with the significant increase in Customs-related activities which has occurred in central Texas during the past decade.

EFFECTIVE DATE: July 23, 1981.

FOR FURTHER INFORMATION CONTACT: Richard C. Coleman, Office of Inspection, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202-566-8157).

SUPPLEMENTARY INFORMATION:

Background

Austin, the State Capital of Texas, rapidly is becoming the center of international trade in central Texas. During the last decade, the area attracted many new manufacturing companies, including major electronics firms, high technology businesses, and other leading corporations producing a variety of products for distribution in markets in Europe, the Middle East, and Central and South America. In the last 5 years, the volume of merchandise imported into Austin quadrupled; the volume of merchandise exported more than tripled.

Presently, approximately 42 percent of imported merchandise destined for Austin is entered through the Customs port of entry at Houston, Texas, 162 miles away. Another 20 percent is entered through the Customs port of entry at San Antonio, Texas, 77 miles away. Transporting merchandise from these locations to Austin substantially increases distribution and transportation costs and delays delivery of the merchandise to its ultimate destination.

Following a review of Customs activity in the area, Customs determined that establishing a Customs port of entry at Austin would: (1) reduce distribution and transportation costs and reduce the travel time for imported goods destined for Austin; (2) provide the basis for initiating scheduled international flights between Austin and foreign cities; and (3) enable Customs to obtain more efficient use of its personnel, facilities, and resources in providing service to importers in the Austin area.

Accordingly, to keep pace with the expanding needs of Customs-related activities in central Texas and to provide better service to carriers, importers, and the public, Customs published a notice in the **Federal Register** on March 18, 1981 (46 FR 17228), proposing to establish a new port of entry at Austin, Texas, in the Dallas/Fort Worth, Texas, Customs district (Region VI).

To accommodate the new Austin port of entry in the Dallas/Fort Worth district, the notice also proposed to revise the Dallas/Fort Worth district limits to include the State of Oklahoma, and those parts of the State of Texas lying north of lat. 32° N., and within the area north of lat. 30° N., west of 97° W. long, and east of 99° W. long.

Only one comment was received in response to the notice. The commenter opposes the change because he believes that Customs should not be establishing new ports of entry anywhere at this time because it would increase operational costs to the Customs Service at a time when governmental spending restraints are required. He also suggests that Customs set forth minimum criteria for the establishment and maintenance of ports of entry.

One aspect of Customs mission is to provide service to the public when and where it is required. The establishment of new ports of entry in various locations throughout the country is a necessary response to the public demand for increased Customs service. Further, Customs does have minimum workload and facility standards for the establishment of new ports of entry which are applied to prevent the unjustified proliferation of new ports. Prior to establishing ports of entry, Customs carefully reviews the data submitted in support of each application to verify that it meets the criteria. The Austin application was scrutinized and an independent Customs analysis of the potential Customs workload at Austin verified that it met Customs standards for the establishment of a new port of entry.

Accordingly, Customs has determined to adopt the changes as proposed.

Changes in the Customs Field Organization

Under the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623, as amended (19 U.S.C. 2), and delegated to the Secretary of the Treasury by Executive Order No. 10289, September 17, 1951 (3 CFR 1949-1953 Comp., Ch. II), and pursuant to authority provided by Treasury Department Order No. 101-5 (46 FR 9336), a new Customs port of entry is established at Austin, Texas, in the Dallas/Fort Worth, Texas, Customs district. The geographical boundaries of the Austin port of entry encompass all of the territory within the corporate boundaries of the city of Austin, Texas. In addition, the limits of the Dallas/Fort Worth district are revised to include the State of Oklahoma, and those parts of the State of Texas lying north of lat. 32° N., and within the area north of lat. 30° N., west of 97° W. long, and east of 99° W. long.

Amendments to the Regulations

§ 101.3 [Amended]

To reflect these changes, § 101.3(b), Customs Regulations (19 CFR 101.3(b)), is amended by: (1) adding "Austin, Texas (T.D. 81-170)" following Amarillo, Texas (T.D. 75-129)" in the list of ports of entry in the Dallas/Fort Worth district, and (2) changing the description of the Dallas/Fort Worth district limits to read "The State of Oklahoma, and those parts of the State of Texas lying north of lat. 32° N., and within the area north of lat. 30° N., west of 97° W. long, and east of 99° W. long."

Executive Order 12291

Because this will not result in a "major rule" as defined in section 1(b) of Executive Order 12291, the regulatory impact analysis and review prescribed by section 3 of the Executive Order is not required.

Regulatory Flexibility Act

Pursuant to the provisions of section 605(b) of the Regulatory Flexibility Act (Pub. L. 96-354, 5 U.S.C. 601 et. seq.), the Secretary of the Treasury has determined that the regulations set forth in this document will not have a significant economic impact on a substantial number of small entities. Accordingly, these regulations are not subject to the regulatory analysis or

other requirements of 5 U.S.C. 603 and 604.

Customs routinely establishes, expands, and consolidates Customs ports of entry throughout the United States to accommodate the volume of Customs-related activity in various parts of the country. Although this amendment may have a limited effect upon some small entities in central Texas, it is not expected to be significant because the establishment of Customs ports of entry in other locations has not had a significant economic impact upon substantial number of small entities to the extent contemplated by the Regulatory Flexibility Act.

Drafting Information

The principal author of this document was Lawrence P. Dunham, Regulations and Information Division, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

Dated: June 9, 1981.

John P. Simpson,

Acting Assistant Secretary of the Treasury.

[FR Doc. 81-18433 Filed 6-22-81; 8:45 am]

BILLING CODE 4190-22-M

DEPARTMENT OF LABOR

Employment and Training Administration

20 CFR Part 655

Labor Certification Process for the Temporary Employment of Aliens in Agriculture: Adverse Effect Wage Rate Methodology; Withdrawal of Revised Rule and Retention of Existing Rule

AGENCY: Employment and Training Administration, Labor.

ACTION: Final rule.

SUMMARY: The Department of Labor is withdrawing the final rule published on January 16, 1981, which would have established a new methodology for computing adverse effect wage rates for the temporary alien agricultural labor certification program. The previous methodology will be retained. Adverse effect wage rates are wage rates which must be offered and paid to U.S. and alien workers by employers seeking to employ temporarily nonimmigrant alien agricultural workers.

EFFECTIVE DATE: June 23, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Kenneth Bell (Telephone: 202-376-6297).

SUPPLEMENTARY INFORMATION:

Introduction

On March 27, 1981, a document was published in the **Federal Register** proposing to withdraw a final rule revising the adverse effect wage rate (AEWR) methodology for the temporary alien agricultural labor certification program. 46 FR 16991; see 46 FR 4568 (January 16, 1981); and 20 CFR 655.207. The effective date of that final rule was deferred through March 30, 1981, in response to the President's January 29, 1981, Memorandum to the Secretary of Labor and other cabinet officials. The effective date was deferred further until the completion of this rulemaking at the same time as the issuance of the March 27, 1981, proposed rule. 46 FR 11253 (February 6, 1981); 46 FR 16951 (March 27, 1981).

Adverse effect wage rates are wage rates which must be offered and paid to U.S. and alien workers by employers seeking to employ temporarily nonimmigrant alien agricultural workers, so that the employment of these aliens will not adversely affect the wages of similarly employed U.S. workers. The March 27, 1981, notice stated that the Department of Labor was proposing to withdraw the revised rule, so that the subject of adverse effect wage rates may be included in the Department of Labor's broader review of its policies regarding immigration, refugees, and other issues dealing with the admission of aliens to the United States. As stated in that proposal, the rulemaking record preceding the issuance of the final rule will be included in the Department's review process, and a new proposal on the issue of adverse effect wage rates is anticipated.

Comments

The notice of proposed rulemaking invited comments from the public through April 27, 1981. Twenty-one timely comments were received. Of the commenters, sixteen endorsed the withdrawal of the final rule, and five opposed the withdrawal.

In most cases, the proponents of the withdrawal were agricultural employers and their representatives, who stated that the implementation of the rule would have increased their labor costs greatly. Also included in the sixteen were comments, supporting the withdrawal on similar grounds, from two State officials and from two Members of Congress representing States in which nonimmigrant aliens are used to harvest some crops. The proponents of the withdrawal also supported, in large part, the continuing review of the issue of adverse effect wage rates. While some of the commenters who were favorable to the proposed withdrawal opposed the implementation of adverse effect wage rates in general, that issue was outside the scope of this rulemaking. A seventeenth comment supporting the proposed withdrawal was received after the comment period.

Five comments were received from commenters opposing the proposed withdrawal. Four of the five were from groups representing agricultural and logging workers and their interests. The fifth commenter was a State employment security agency from a State in which nonimmigrant aliens are used to harvest some crops. These commenters preferred, on the whole, the single nationwide AEWR established under the rule being withdrawn to the State-by-State approach in 20 CFR 655.207 (1980 ed.). They also suggested the setting of adverse effect piece, rather than hourly, rates. The State agency and the other four commenters also urged the setting of high adverse effect wages rates to discourage employers from seeking to employ nonimmigrant alien workers.

The Department of Labor has considered all of the comments received in response to the March 27, 1981, notice of proposed rulemaking, and also has considered the comments and testimony received during its rulemaking in recent years on the overall issue of adverse effect wage rates. See, *e.g.*, 44 FR 59890 (October 16, 1979), 45 FR 15914 (March 11, 1980), 45 FR 29854 (May 6, 1980), 46 FR 4568 (January 16, 1981), 46 FR 11253 (February 6, 1981), and 46 FR 16951 (March 27, 1981); see also 42 FR 4670 (January 25, 1977), 43 FR 10306, 10310 (March 10, 1978); 42 FR 40192 (August 9, 1977); 41 FR 25018 (June 22, 1976); and 20 CFR 602.10b (1967-1978 eds.). As a result of such consideration, the Department has determined to adopt the March 27, 1981, proposed withdrawal as a final rule.

The comments and approaches advanced by the public in response to the March 27, 1981, proposal all will be taken into consideration and studied in the broad review of the Department of Labor's role in the admission of aliens to the United States. Due to the AEWR's significance in the temporary alien agricultural labor certification program, it is appropriate to review further the AEWR, in the context of the Department's broader review of its alien labor policies, to determine whether the potential benefits to society from a revision of the AEWR methodology will outweigh the potential costs to society.

At this time, the Department has a methodology which has been used for many years, and which is understood by employers and workers. Maintaining the status quo and continuing to use the methodology at 20 CFR 655.207 (1980 ed.) on an interim basis pending the completion of this review appears to the Department to be the most reasonable approach.

Effective date

This document withdraws the January 16, 1981, document and retains the regulation at 20 CFR 655.207 (1980 ed.). Since the January 16 rule has never gone into effect, no substantive change in the adverse effect wage rate methodology at 20 CFR 655.207 (1980 ed.) used in recent years is effected by this document. The interested parties are aware of the regulation at 20 CFR 655.207 (1980 ed.). To further defer the effective date of the January 16, 1981, rule by thirty days, at which time its withdrawal would take effect would serve no useful purpose. For the above reasons, good cause having been found, this document withdrawing the January 16, 1981, revised rule and retaining 20 CFR 655.207 (1980 ed.) is effective on June 23, 1981.

Development of Final Rule

The final rule was prepared under the direction and control of Mr. David O. Williams, Administrator, United States Employment Service, Employment and Training Administration, United States Department of Labor, Washington, D.C.

Regulatory Impact

The effect of this final rule is to retain the present adverse effect wage rate methodology contained in 20 CFR 655.207 (1980 ed.). Since this document merely maintains the status quo, there is no change in the current impact on covered agricultural employment. The number of workers involved in this program is relatively small, and represents a small portion of the total agricultural workforce. Retention of 20 CFR 655.207 (1980 ed.) results in the maintenance of the existing system of adverse effect wage rates to protect U.S. workers from the adverse effect of the importation of temporary alien agricultural workers. See 43 FR 10306, 10310 (March 10, 1978).

For the above reasons, it has been determined that the withdrawal of the January 16, 1981, final rule is not so major as to require the preparation of another regulatory impact analysis. See E.O. 12291 (February 17, 1981).

For the above reasons, the Secretary of Labor also certifies and now reaffirms, in accordance with 5 U.S.C. 605(b), that the regulation in this document will not have a significant impact on a substantial number of small entities.

Catalog of Federal Domestic Assistance Number

This program is listed in the *Catalog of Federal Domestic Assistance* at Number 17.202, "Certification of Foreign Workers for Agricultural and Logging Employment."

Promulgation of Final Rule

Accordingly, the final rule, published on January 16, 1981, at 46 FR 4568, (FR Doc. No. 81-1623), which would have revised 20 CFR 655.207, is withdrawn; and the regulation published at 20 CFR 655.207 as shown in the 1980 edition of 20 CFR is retained.

(Secs. 101(a)(15)(H)(ii) and 214(c) of the Immigration and Nationality Act of 1952, as amended (8 U.S.C. 1101, 1184(c)); 8 CFR 214.2(h)(3)(i); (5 U.S.C. 301))

Signed at Washington, D.C., this 18th day of June, 1981.

Raymond J. Donovan,

Secretary of Labor.

[FR Doc. 81-18831 Filed 6-22-81; 8:45 am]
BILLING CODE 4510-30-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 520

Oral Dosage Form New Animal Drugs Not Subject to Certification; Trimethoprim and Sulfadiazine Tablets

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed by Diamond Laboratories, Inc., providing for safe and effective use of a combination antibacterial drug for treating dogs.

EFFECTIVE DATE: June 23, 1981.

FOR FURTHER INFORMATION CONTACT: Sandra K. Woods, Bureau of Veterinary Medicine (HFV-114), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3420.

SUPPLEMENTARY INFORMATION: Diamond Laboratories, Inc., P.O. Box 863, Des Moines, IA 50304, filed a supplemental NADA (115-578) providing for a 30-milligram (mg) size of the combination proprietary drug product Di-Trim Tablets (5 mg of trimethoprim and 25 mg of sulfadiazine) to facilitate safe treatment of dogs. The firm also holds approval under the same NADA for the same product in larger-sized tablets. The drug is indicated where control of bacterial infection is required during treatment of acute urinary tract infections, acute bacterial complications of distemper, acute respiratory tract infections, acute alimentary tract infections, wound infections, and abcesses.

This approval does not change the approved use of the drug. Consequently, approval of this application does not require reevaluation of the safety and effectiveness under the Bureau of Veterinary Medicine's supplemental approval policy (42 FR 64367, December 23, 1977).

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The agency has determined pursuant to 21 CFR 25.24(d)(1)(i) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact of the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This action is governed by the provisions of 5 U.S.C. 556 and 557 and is therefore excluded from Executive Order 12291 by section 1(a)(1) of the Order.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 520 is amended in § 520.2610 by revising paragraph (b) to read as follows:

§ 520.2610 Trimethoprim and sulfadiazine tablets.

* * * * *

(b) *Sponsor.* See No. 000081 in § 510.600(c) of this chapter for 30, 120, 480, and 960 milligram tablets. See No. 013947 in § 510.600(c) of this chapter for 30, 120, and 480 milligram tablets.

* * * * *

Effective date. June 23, 1981.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: June 15, 1981.

Robert A. Baldwin,

Associate Director for Scientific Evaluation.

[FR Doc. 81-18328 Filed 6-22-81; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Part 520

Oral Dosage Form New Animal Drugs Not Subject to Certification; Oxytetracycline Hydrochloride Tablets

AGENCY: Food and Drug Administration.

ACTION: Final Rule.

SUMMARY: The Food and Drug Administration (FDA) amends the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) providing revised labeling of oxytetracycline hydrochloride tablets used for control and treatment of bacterial enteritis and bacterial pneumonia in beef and dairy calves. The application was filed by Pfizer, Inc., in compliance with the National Academy of Sciences/National Research Council (NAS/NRC) Drug Efficacy Study Group evaluation of the product.

EFFECTIVE DATE: June 23, 1981.

FOR FURTHER INFORMATION CONTACT: Richard A. Carnevale, Bureau of Veterinary Medicine (HFV-125), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-1788.

SUPPLEMENTARY INFORMATION: Pfizer, Inc., 235 E. 42d St., New York, NY 10017, filed a supplemental NADA (11-060) providing for oral use of a 250-milligram (mg) oxytetracycline hydrochloride (OTC HC1) tablet for controlling or treating bacterial enteritis and bacterial pneumonia in beef and dairy calves. The NADA was originally approved on June 7, 1957 for a formulation containing 250 mgs of OTC HC1, 62,500 units of vitamin A, 6,250 units of vitamin D, and 100 mgs of niacinamide used for treating cattle, swine, sheep, and horses.

The OTC HC1 with vitamins tablet was the subject of a NAS/NRC evaluation published in the **Federal Register** of August 22, 1970 (35 FR 13492). In that document, the NAS/NRC concluded, and FDA concurred, that the product is probably not effective for prevention and treatment of scours, respiratory diseases, and navel ill in calves, cattle, pigs, hogs, lambs, sheep, and foals. The NAS/NRC listed the following as the basis for the conclusion:

1. Substantial evidence was not presented to establish that each ingredient designated as active makes a contribution to the total effect claimed for the drug combination.

2. Each disease claim should be properly qualified as "appropriate for use in (name of disease) caused by pathogens sensitive to (name of drug)," and if the disease claim cannot be so qualified, the claim must be dropped.

3. Claims made regarding "for prevention of" or "to prevent" should be replaced with "as an aid in the control of" or "to aid in the control of".

4. The manufacturer of the above tablets must provide evidence that they disintegrate in the gastrointestinal tract of the medicated species to produce the desired therapeutic effect.

5. The statement "Vitamins most needed" should be deleted from the labeling.

6. The comparison between simple and severe scours is illogical and should be dropped.

7. Recommended dosage levels which are less than recognized therapeutic levels must be documented or deleted.

The NAS/NRC evaluation was concerned only with the drug's effectiveness and safety to the animal being treated and did not take into account the safety of food derived from treated animals. The evaluation was published to inform NADA holders of the findings of the NAS/NRC and FDA and to inform all interested persons that such articles may be marketed, provided they are the subject of approved NADA's and otherwise comply with the requirements of the Federal Food, Drug, and Cosmetic Act.

Pfizer submitted a supplemental NADA (11-060) which responded to the above-enumerated NAS/NRC recommendations as follows:

1. The product has been reformulated to delete the supplementary vitamins because it could not be shown that these ingredients made a contribution to the total effect claimed for drug combination.

2. Disease entities have been qualified as to causative pathogen and these are sensitive to oxytetracycline. Many disease claims and several animal species have been deleted from the indications for use.

3. The labeling has been revised to read "for the control of" instead of "for the prevention of".

4. Evidence has been provided that demonstrates that the tablet disintegrates in the gastrointestinal tract of the medicated species to produce the desired therapeutic effect.

5. All mention of "vitamins" has been deleted from the labeling. Additionally, Pfizer conducted a crossover blood level study with calves which demonstrates bioequivalence of the two formulations (i.e., tablets with, and without, vitamins).

6. All comparisons of simple and severe scours have been deleted from the labeling.

7. Dosage levels have been adjusted to coincide with recognized therapeutic levels.

This approval provides for a dosage of 10 mg/lb of body weight daily in 2 divided doses (500 mgs/100 lbs of body weight every 12 hours). This dosage meets NAS/NRC efficacy requirements for treatment of bacterial enteritis and bacterial pneumonia in beef and dairy calves. Additionally, Pfizer submitted efficacy data to support a proprietary claim for control of bacterial enteritis and pneumonia at a dosage level of 5 mg/lb of body weight daily in 2 divided doses.

Claim deletions, modifications in indications for use, and submission of bioequivalency data and additional efficacy data have substantiated upgrading the NAS/NRC rating from probably not effective to effective.

Approval of this supplemental application poses no increased human risk from exposure to residues of the drug because the dosage does not exceed the approved dosage of oxytetracycline hydrochloride. Accordingly, under the Bureau of Veterinary Medicine's supplemental approval policy (December 23, 1977; 42 FR 64367), this is a Category II supplemental approval which does not require reevaluation of the human safety data in the original approval.

NADA's that pertain to identical products and that are labeled for treatment of bacterial enteritis and bacterial pneumonia as set forth in the regulation do not require efficacy data as specified by § 514.1(b)(8)(ii) or § 514.111(a)(5)(vi) (21 CFR 514.1(b)(8)(ii) or 514.111(a)(5)(vi)). In lieu of such data, approval may require bioequivalency or similar data as suggested in the guidelines for submitting NADA's for NAS/NRC-reviewed generic drugs. The guideline is available from the Dockets Management Branch (formerly the Hearing Clerk's Office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA-305), Food and Drug Administration (address above), from 9 a.m. to 4 p.m., Monday through Friday.

The agency has determined pursuant to 21 CFR 25.24(d)(1)(i) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This action is governed by the provisions of 5 U.S.C. 556 and 557 and is therefore excluded from Executive Order 12291 by section 1(a)(1) of the Order.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 520 is amended by adding new § 520.1660c to read as follows:

§ 520.1660c Oxytetracycline hydrochloride tablets.

(a) *Specifications.* Each tablet contains 250 milligrams of oxytetracycline hydrochloride.

(b) *Sponsor.* See No. 000069 in § 510.600(c) of this chapter.

(c) *NAS/NRC status.* The conditions of use of oxytetracycline hydrochloride for treatment of bacterial enteritis and bacterial pneumonia in beef and dairy calves have been reviewed by NAS/NRC and found effective. Applications for this use need not include effectiveness data as specified by § 514.111 of this chapter but may require bioequivalency and safety information.

(d) *Tolerances.* See § 556.500 of this chapter.

(e) *Conditions of use*—(1) *Amount.* (i) *Control.* One tablet (250 milligrams) per 100 pounds of body weight every 12 hours (5 milligrams per pound of body weight daily in 2 doses).

(ii) *Treatment.* Two tablets (500 milligrams) per 100 pounds of body weight every 12 hours (10 milligrams per pound of body weight daily in 2 doses).

(2) *Indications for use.* For control and treatment of bacterial enteritis caused by *Salmonella typhimurium* and *Escherichia coli* (colibacillosis) and bacterial pneumonia (shipping fever complex, pasteurellosis) caused by *Pasteurella multocida.*

(3) *Limitations.* Dosage should continue until the animal returns to normal and for 24 hours to 48 hours after symptoms have subsided. Treatment should not exceed 4 consecutive days. Do not exceed 500 milligrams per 100 pounds of body weight every 12 hours (10 milligrams per pound daily). Discontinue treatment 7 days prior to slaughter. Not for use in lactating dairy cattle.

Effective date. June 23, 1981.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: June 16, 1981.

Gerald B. Guest,

Acting Director, Bureau of Veterinary Medicine.

[FR Doc. 81-18471 Filed 6-22-81; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 524

Ophthalmic and Topical Dosage Form New Animal Drugs Not Subject to Certification; N-(Mercaptomethyl) Phthalimide S-(O,O-Dimethyl Phosphorodithioate) Emulsifiable Liquid

Correction

In FR Doc. 81-15386 appearing on page 27914 in the issue for Friday, May 22, 1981, please make the following correction:

On page 27914, in the first column, in the first paragraph of the "Supplementary Information", in the tenth line, the word "acabies" should have read "scabies".

BILLING CODE 1505-01-M

DEPARTMENT OF LABOR

Wage and Hour Division

29 CFR Part 778

Overtime Compensation

Corrections

In FR Doc. 81-2371 appearing on page 7308 in the issue of Friday, January 23, 1981, second column, second full paragraph, fifth line, insert "not be" after "would"; and on page 7315, third column, the amendment numbered "21" should read "29".

BILLING CODE 1505-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-7-FRL-1859-4]

Approval and Promulgation of Secondary Nonattainment Plans for Iowa

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking; correction.

SUMMARY: This notice corrects two errors in a Federal Register document of April 17, 1981 (46 FR 22368) regarding the approval and promulgation of secondary nonattainment plans for Iowa.

EFFECTIVE DATE: June 23, 1981.

FOR FURTHER INFORMATION CONTACT: Daniel J. Wheeler at 816 374-3791.

SUPPLEMENTARY INFORMATION: At the end of the April 17 rulemaking (page 22372, col. 1), the legal authority for the rulemaking was cited as "45 U.S.C. 7410, 7502, and 7601." The correct citation is: 42 U.S.C., 7410, 7502, and 7601.

In the second column on the same page the fifth line erroneously reads "(31)[Reserved]." This line should be deleted. The correct text of 40 CFR 52.820(c)(31) is set out at 46 FR 17779 (Col. 1) published March 20, 1981.

Dated: June 10, 1981.

William Rice,

Acting Regional Administrator.

[FR Doc. 81-18577 Filed 6-22-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 180

[PP9E2218/R333; PH-FRL-1860-4]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Bentazon

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a tolerance for the combined residues of the herbicide bentazon and its metabolites on Bohemian chili peppers at 0.05 parts per million (ppm). This regulation was requested by the Interregional Research Project No. 4 (IR-4). This regulation will establish the maximum permissible level for the combined residues of bentazon on Bohemian chili peppers.

EFFECTIVE DATE: Effective on June 23, 1981.

ADDRESS: Written comments to: Hearing Clerk, Environmental Protection Agency, Rm. M-3708 (A-110), 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Donald Stubbs, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 502B, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-7123).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the Federal Register of April 20, 1981 (46 FR 22612) that the Interregional Research

Project No. 4 (IR–4), New Jersey Agricultural Experiment Station, PO Box 231, Rutgers University, New Brunswick, NJ 08903, has submitted pesticide petition (9E2218) to the EPA, on behalf of the Agricultural Experiment Station of North Carolina. The petition proposed that the Administrator establish a tolerance for the combined residues of the herbicide bentazon (3-isopropyl-1*H*-2,1,3-benzothiadiazin-4-(3*H*)-one-2,2-dioxide) and its 6- and 8-hydroxy metabolites in or on the raw agricultural commodity Bohemian chili peppers at 0.05 ppm.

No comments or request for referral to an advisory committee were received in response to this notice of proposed rulemaking.

Based on the information considered by the agency and the insignificance of Bohemian chili peppers in the diet, the tolerance established by amending 40 CFR Part 180 will protect the public health. Therefore, the tolerance is established as set forth below.

Any person adversely affected by this regulation may, on or before July 23, 1981, file written objections with the Hearing Clerk, EPA, Rm. M–3708 (A–110), 401 M St., SW., Washington, DC 20460. Such objections should be submitted on quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

As required by Executive Order 12291, EPA has determined that this rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this regulation from the OMB review requirement of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–534, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

Effective date: June 23, 1981.

(Sec. 408(e), 68 Stat. 512, (21 U.S.C. 346a(e)))

Dated: June 10, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

Therefore, 40 CFR 180.355(a) is amended by adding the raw agricultural commodity "Bohemian chili peppers" to read as follows:

§ 180.355 Bentazon; tolerances for residues.

(a) * * *

Commodity	Parts per million
* * * * *	
Bohemian chili peppers	0.05
* * * * *	

[FR Doc. 81–18535 Filed 6–22–81; 8:45 am]

BILLING CODE 6560–32–M

40 CFR Part 180

[PH–FRL–1860–3; PP 9E2124/R323]

Tolerances and Exemptions From Tolerance for Pesticide Chemicals in or on Raw Agricultual Commodities; Amiben

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes tolerances for residues of the herbicide amiben (3-amino-2,5-dichlorobenzoic acid). This regulation was requested by the Interregional Research Project No. 4 (IR–4). This regulation will establish the maximum permissible levels for residues of amiben on pigeon pea forage at 0.1 part per million (ppm).

EFFECTIVE DATE: Effective on June 23, 1981.

ADDRESS: Written objections may be submitted to the: Hearing Clerk, Environmental Protection Agency, Rm. M–3708 (A–110), 401 M St., SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Donald Stubbs, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 502B, CM#2,. 1921 Jefferson Davis Highway, Arlington, VA 22202, (703–557–7123).

SUPPLEMENTARY INFORMATION: EPA issued a notice which published in the **Federal Register** of March 18, 1981 (46 FR 17229) that the Interregional Research Project No. 4 (IR–4), New Jersey Agricultural Experiment Station, PO Box 231, Rutgers University, New Brunswick, NJ 08903, has submitted a pesticide petition (PP 9E2124) to the EPA on behalf of the IR–4 Technical Committee and the Agricultural Experiment Station of Puerto Rico. The petition requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose the establishment of a tolerance for negligible residues of the herbicide amiben (3-amino-2,5-dichlorobenzoic acid) in or on the raw agricultural commodity pigeon peas and pigeon pea forage at 0.1 part per million.

No comments or request for a referral to an advisory committee were received in response to this notice of proposed rulemaking. It is concluded that this tolerance will protect the public health and is established as set forth below.

Any person adversely affected by this regulation may, on or before July 23, 1981 file written objections with the Hearing Clerk, Environmental Protection Agency, Rm. M–3708, (A–110), 401'M St., SW, Washington, DC 20460. Such objections must be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

As required by Executive Order 12291, EPA has determined that this rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this regulation from the OMB review requirement of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–534, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that the regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

Effective on: June 23, 1981.

(Sec. 408(e), 68 Stat. 514, 21 U.S.C. 346a(e))

Dated: June 11, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

Therefore, 40 CFR 180.266 is revised to read as follows:

§ 180.266 Amiben; tolerances for residues.

Tolerances for residues of the herbicide amiben (3-amino-2,5-dichlorobenzoic acid) are established in or on the following raw agricultural commodities:

Commodities	Parts per million
Beans, dried	0.1
Beans, lima	0.1
Beans, snap	0.1
Beans, vines	0.1
Cantaloupes	0.1
Corn, field, fodder	0.1
Corn, field, forage	0.1
Corn, field, grain	0.1
Cucumbers	0.1
Peanuts	0.1
Peanuts, forage	0.1
Peas, pigeon	0.1
Peas, pigeon, forage	0.1
Peppers	0.1
Pumpkins	0.1
Soybeans	0.1
Soybeans, forage	0.1
Squash, summer	0.1
Squash, winter	0.1
Sunflower seed	0.1
Sweet potatoes	0.1
Tomatoes	0.1

[FR Doc. 81-18536 Filed 6-22-81; 8:45 am]
BILLING CODE 6560-32-M

40 CFR Part 180

[PH-FRL-1859-8; PP 0F2366/R217]

Oxamyl; Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a tolerance for residues of the insecticide oxamyl, methyl *N',N'*-dimethyl-*N*-[(methyl-carbamoyl)oxy]-1-thiooxamimidate in or on the raw agricultural commodities soybeans and soybean straw at 0.2 part per million. This regulation was requested by E. I. du Pont de Nemours and Co. This rule establishes the maximum permissible level for residues of oxamyl in or on soybeans and soybean straw.

EFFECTIVE DATE: Effective on June 23, 1981.

ADDRESS: Written objections may be submitted to the: Hearing Clerk, Environmental Protection Agency, Rm. M-3708 (A-110), 401 M St. SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Jay S. Ellenberger, Product Manager (PM) 12, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 400 CM No. 2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-7024).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the **Federal Register** of July 23, 1980 (45 FR 49147) that E. I. du Pont de Nemours and Company, Wilmington, DE 19898 had submitted a pesticide petition (PP 0F2366). The petition proposed that 40 CFR 180.303 be amended by establishing tolerance limitations for the insecticide oxamyl, methyl *N',N'*-dimethyl-*N*-[(methyl carbamoyl)oxy]-1-thiooxamimidate in or on soybeans and soybean straw at 0.2 part per million (ppm). No comments or requests for referral to an advisory committee were received in response to this notice of filing.

The data submitted in the petition and other relevant material have been evaluated. The toxicological data considered in support of the proposed toleranced include a 2-year rat feeding/oncogenicity study and a 2-year dog feeding study with no-observable-effect-levels (NOEL) of 50 ppm and 100 ppm, respectively; a three-generation rat reproduction study with a NOEL of 50 ppm; and rat teratogenicity study which was negative. Based on the 2-year chronic rat feeding/oncogenicity study with a 50 ppm NOEL and using a safety factor of 100, the acceptable daily intake (ADI) for humans is 0.025 milligrams (mg)/kilogram (kg) of body weight (bw)/day. The theoretical maximal residue contribution (TMRC) in the human diet from the previously established tolerances at levels ranging from 0.1 ppm to 10.0 ppm and the proposed tolerance does not exceed the ADI.

Desirable data that are lacking from the petition are a second oncogenicity study and a second teratology study which have been submitted to the agency and are currently under review. Although the evaluation of the oncogenic potential of oxamyl is not complete, it is concluded that based on the available data, risks are acceptable since the absence of an oncogenic potential is adequately shown in the 2-year rat feeding study.

The metabolism of oxamyl is adequately understood, and an adequate analytical method (gas chromatography using a flame photometric detector) is available for enforcement purposes. No actions are currently pending against the continued registration of oxamyl nor are there any other relevant considerations involved in establishing the tolerance. There is no expectation of secondary residues in eggs, meat, milk, or poultry; therefore, § 180.6(a)(3) applies.

The pesticide is considered useful for the purpose for which the tolerance is sought, and it is concluded that the tolerance will protect the public health. Therefore, the tolerance is established as set forth below.

Any person adversely affected by this regulation may, on or before July 23, 1981, file written objections with the Hearing Clerk, EPA, Rm. M-3708 (A-110), 401 M St. SW., Washington, D.C. 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

As required by Executive Order 12291, EPA has determined that this rule is not a "Major" rule and therefore, does not require a Regulatory Impact Analysis. In addition, the office of Management and Budget (OMB) has exempted this regulation from the OMB review requirements of Executive Order 12291 pursuant to sec. 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** on May 4, 1981 (46 FR 24950).

(Sec. 408(d)(2), 68 Stat. 512, (21 U.S.C. 346a(d)(2)))

Dated: June 10, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

Therefore, Subpart C of 40 CFR Part 180 is amended by alphabetically inserting the raw agricultural commodities "soybeans and soybean straw" in the table under § 180.303 to read as follows:

§ 180.303 Oxamyl; tolerances for residues.

* * * * *

Commodities	Parts per million
* * * * *	
Soybeans	0.2
Soybean straw	0.2
* * * * *	

[FR Doc. 81-18536 Filed 6-22-81; 8:45 am]
BILLING CODE 6560-32-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

41 CFR Ch. 18 (Parts 1, 2, 3, 8, 20 and Appendix M)

[Procurement Regulations Directive 81-1 (dated March 24, 1981)]

Procurement Regulations; Miscellaneous Amendments

AGENCY: National Aeronautics and Space Administration.

ACTION: Final rule.

SUMMARY: This document amends the NASA Procurement Regulation (41 CFR Ch. 18). It reflects amendments contained in Procurement Regulation Directive 81-1 concerning the following areas.

1. Options
2. Preparation of Invitations for Bids
3. Determinations and Findings
4. Termination of Contracts
5. Assigned Contract or Agreement Prefixes
6. Appendix M

EFFECTIVE DATE: June 23, 1981.

FOR FURTHER INFORMATION CONTACT: James H. Wilson, Policy Division (Code HP-1), Office of Procurement, NASA Headquarters, Washington, DC 20546, Telephone: 202-755-2237.

SUPPLEMENTARY INFORMATION: The major changes are summarized as follows:

1. In Part 1, 1.1502 is revised to insert a new paragraph (c) which specifically authorizes the insertion of options in certain service contracts. Existing paragraphs (c) and (d) are redesignated (d) and (e), respectively.

2. In Part 2, 2.201-1, Section c(13) is removed; This material is not currently applicable.

3. In Part 3, 3.303(a)(ii) and (iii) are revised to authorize contracting officers to make the necessary determinations and finding for all requests to increase the dollar amount of advance payments previously authorized by the Director of Procurement.

4. In Part 8, 8.209-4 is revised to bring this coverage into closer alignment with the Defense Acquisition Regulation and the Federal Procurement Regulation. This revision will also reduce paperwork and the amount of time needed to accomplish certain contract administration functions.

5. In Part 20, 20.203-4 pertaining to the contract and agreement numbering system is revised solely for clarification purposes. This revision is not intended to modify the existing system of identifying contracts and agreements.

6. In Appendix M a new Subpart 3 is added to specify policy and procedure applicable to the use of microfilm for recordkeeping by NASA contractors and subcontractors. This revision aligns the NASA Procurement Regulation with the Defense Acquisition Regulation in this area.

Authority: The provisions of this document are issued under 42 U.S.C. 2473(c)(1).

Stuart J. Evans

Director of Procurement.

PART 1—GENERAL PROVISIONS

1. In Part 1, 1.1502 (c) and (d) are redesignated (d) and (e). A new paragraph (c) is added to read as follows:

1.1502 Applicability.

* * * * *

(c) In recognition of (i) the Government's need in certain service contracts for continuity of operation and (ii) the potential cost of disrupted support, options may be included in service contracts if there is an anticipated need for a similar service beyond the first contract period.

PART 2—SOLICITATIONS OF BIDS

2.201-1 [Amended]

2. In Part 2, 2.201-1 Section C(13) is removed and Section C(14) through Section C(27) are redesignated Section C(13) through Section C(26).

PART 3—PROCUREMENT BY NEGOTIATION

3. In Part 3, 3.303(a)(ii) and (iii) are revised as follows:

3.303 Determinations and Findings Below the Administrator Level.

(a) * * *

(ii) the determination required by 10 U.S.C. 2307(c) and 2310(b) for the basic contract;

(iii) the determination required by 10 U.S.C. 2307(c) and 2310(b) for all modifications, supplemental agreements, or extensions to an existing contract which require an increase in the amount of an advance payment previously authorized; *provided* that such action has been coordinated with the Installation Financial Management Officer;

* * * * *

3.852-3 [Amended]

4. In Part 3, 3.852-3(a) the reference to "NMI 7121.1B, dated June 21, 1972" is amended to read "NMI 7121.1C, dated March 24, 1977."

PART 8—TERMINATION OF CONTRACTS

5. In Part 8, 8.209-4(a)(1)(ii), (iii) and (3), (e) and (g) are revised to read as follows:

8.209-4 Authorization for Subcontract Settlements Without Approval or Ratification.

(a)(1) * * *

(i) * * *

(ii) any termination inventory included in determining the amount of the settlement will be disposed of in accordance with 24.212, except that the disposition of such inventory shall not (A) be subject to review by the TCO under 8.209-3(c) or 24.212-3, or (B) be subject to 24.205; *provided however,* no centrally reportable equipment (see 24.101-35) included in such inventory shall be disposed of prior to screening pursuant to 24.205-2(e); and

(iii) the settlement will be accompanied by a certificate substantially similar to the certificate set forth in the settlement proposal form referenced in 8.802. Except as provided in (3) below, authority granted to a prime contractor pursuant to this subparagraph (a)(1) by any contracting officer within NASA shall be applicable to all prime contracts of all procurement offices within NASA which have been (i) terminated or (ii) modified by change orders.

* * * * *

(3) The provisions of (1) and (2) above shall not apply to any contracts under the administration of any contracting officer within NASA if such contracting officer so notifies the prime contractor concerned. Such notice (i) shall be in writing, and (ii) if (2) above is involved shall specify any subcontractor affected.

* * * * *

(e) Upon written request of the contractor and with the prior written approval of the Installation Procurement Officer or a designee, an authorization granted under (a)(1) above, may be increased to authorize the contractor to conclude settlements of more than $10,000 but not more than $25,000 under a particular prime contract. Such authorization in excess of $10,000 may be limited to specific subcontracts or classes of subcontracts. However, industrial plant equipment, the cost of which is included in determining the amount of the claim, shall not be

disposed of prior to screening pursuant to 24.205–3.

* * * * *

(g) A recommended format of the Contractor's Application for the Grant of an Authorization is in 8.810 and the TCO's Letter of Authorization to the contractor is contained in 8.810–1.

PART 20—ADMINISTRATIVE MATTERS

6. In Part 20, 20.203–4 is revised to read as follows:

20.203–4 Assigned Contract or Agreement Prefixes. Approved prefixes for NASA contract or agreement numbers are as follows:

Headquarters	Prefix
Headquarters Administration Office	NASW
Procurement Office (Basic Agreements and Institutional Cost Sharing Agreements.	NAS 11
Field Installations and Offices	Prefix
Langley Research Center	NAS 1
Ames Research Center	NAS 2
Lewis Research Center	NAS 3
Dryden Flight Research Center	NAS 4
Goddard Space Flight Center	NAS 5
Wallops Flight Center	NAS 6
NASA Resident Procurement Office-JPL	NAS 7
George C. Marshall Space Flight Center	NAS 8
Lyndon B. Johnson Space Center	NAS 9
John F. Kennedy Space Center	NAS 10
National Space Technology Laboratories	NAS 13

The identification numbering system of all contracts that are totally funded under reimbursable arrangements with the Department of Energy shall conform to 20.203–3, *except* that a DEN prefix shall be used in lieu of the NAS prefix, e.g., DENW would be the Headquarters prefix and DEN8 would be the Marshall designation.

In a like manner, all Special Agreements awarded under the authority of Sections 203(c)(5) or 203(c)(6) of the Space Act will also be identified as set forth in 20.203–3, *except* that a NCA prefix shall be used in lieu of the NAS prefix.

Also, all Cooperative Agreements subject to Public Law 95–224 will be identified as set forth in 20.203–3, *except* that a NCC prefix shall be used in lieu of the NAS prefix.

20.5002 [Amended]

7. In Part 20, 20.5002(b) the reference to "NMI 5101.12B" is amended to read "NMI 5101.12C."

20.5004 [Amended]

8. In Part 20, 20.5004(a) is amended by changing "(Code HB–1)" in the first sentence to read "(Code K)."

20.5104 [Amended]

9. In Part 20, 20.5104 is amended by changing the phrase "(SEB Advisory (75–3))" to read "(Procurement Notice No. 80–28)."

Appendix M—Retention Requirements for Contractor Records

10. In Appendix M, Table of Contents, a new Subpart 3—Microfilming of Records is added to read as follows:

Subpart 3—Microfilming of Records

M.301	General	M–3:1
M.302	Microfilm Requirements	M–3:1
M.303	Filing Retrievability	M–3:1
M.304	Legibility and Readability	M–3:1

11. In Appendix M, a new Subpart 3 is added to read as follows:

Subpart 3—Microfilming of Records

M.301 General. Contractors and subcontractors may elect to use microfilm for recordkeeping subject to the constraints contained in this Subpart. Film chips, jackets, aperture cards, microprints, roll film and microfiche are forms of microfilm available for permanent recordkeeping.

M.302 Microfilm Requirements. (a) All microfilm shall be reviewed by the contractor prior to the destruction of the hard copy documents to assure legibility, reproducibility and readability of the microfilm. Contractor documents frequently contain notes, worksheets and other papers, which are helpful in reconstructing or understanding past transactions. In the process of microfilming these documents, all relevant notes, worksheets and other papers shall also be microfilmed to preserve the rationale for the actions taken. Equipment shall also be available to provide "*hard copy*" reproductions of any of the forms of microfilm used.

(b) The quality of the contractor's record microfilming process is subject to periodic review by the contract administration office.

(c) Unless earlier retirement of records is permitted under M.201, original records which have been microfilmed shall not be destroyed prior to (i) 18 months after final payment of the contract, (ii) all claims under the contract being settled, and (iii) the time original records are required to be kept by other laws or regulations. Under (i) above, the ACO, with advice of the Defense Contract Audit Agency (DCAA), may agree to a lesser retention period where the contractor has established adequate internal controls including continuing surveillance over the microfilm system.

M.303 Filing and Retrievability. The contractor shall maintain an effective indexing system which will permit timely and convenient accessibility to the records by the Government. All systems used shall provide for strict security measures to preclude the loss of microfilm and the safeguarding of classified information. Since images on microfilm cannot be read by the unaided eye, adequate viewing equipment is essential. The contractor shall have a printout capability that will provide "*hard copy*" printouts enlarged to the approximate size of the original photographed material. Microfilm shall be stored in a fireproof cabinet in an environment which ensures the safety of these records through the retention periods specified in Appendix M, Subpart 2.

M.304 Legibility and Readability. Microfilm when displayed on a microfilm reader (viewer) or reproduced on paper must exhibit a high degree of legibility and readability. For this purpose, legibility is defined as the quality of a letter or numeral which enables the observer to positively and quickly identify it to the exclusion of all other letters or numerals. Readability is defined as the quality of a group of letters or numerals of being recognizable as words or whole numbers.

[FR Doc. 81–18435 Filed 6–22–81; 8:45 am]
BILLING CODE 7510–01–M

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41 CFR Ch. 18 (Parts 1, 3, 4, 13 and 21)

[Procurement Regulation Directive 81–2 (dated April 22, 1981)]

Procurement Regulations; Miscellaneous Amendments

AGENCY: National Aeronautics and Space Administration.

ACTION: Final rule.

SUMMARY: This document amends the NASA Procurement Regulation (41 CFR Ch. 18). It reflects amendments contained in Procurement Regulation Directive 81–2 concerning the following areas:

1. Cost Sharing
2. Change of Dollar Threshold for Field Pricing Support
3. Consulting Services
4. Facilities Contracts

EFFECTIVE DATE: June 23, 1981.

FOR FURTHER INFORMATION CONTACT: James H. Wilson, Policy Division (Code HP–1), Office of Procurement, NASA Headquarters, Washington, DC 20546. Telephone: 202–755–2237.

SUPPLEMENTARY INFORMATION:

The major changes are summarized as follows:

1. In Part 1, 1.362 is revised. On August 1, 1974, NASA issued NMI 8310.2A, implementing Federal Management Circular 73–3, "Cost Sharing on Federal Research." NMI 8310.2A has been subsequently

cancelled, since it had been incorporated in NPR 1.362 and paragraph 304 of the NASA Grant and Cooperative Agreement Handbook. In addition, the institutional cost sharing provisions of the NASA Procurement Regulation have been deleted.

This revision reflects, also, a NASA reevaluation of the application of the cost sharing requirement which resulted in a determination that the activities of educational institutions under NASA research grants, cooperative agreements, and contracts, do not generally produce benefits that can be measured as having significance apart from the benefit intrinsic in the conducting of research for NASA. Therefore, in such instances, these agreements should not be subject to the cost sharing requirement.

2. In Part 3, 3.801–5 is revised to bring the NASA Procurement Regulation into closer alignment with the Defense Acquisition Regulation, and to revise the dollar threshold for requiring field pricing support from $250 thousand to $1 million for cost reimbursement, cost sharing, cost-plus-award-fee and cost-plus-a-fixed-fee types of contracts. This change in dollar threshold is made to optimize audit expenses.

3. In Part 4, 4.5200 is revised to update NASA policy and procedure regarding the justification for and acquisition of consulting services, in accordance with NMI 5104.5.

Corollary revisions are made to paragraphs 3.501(b)(3), Section C(18) and 21.102(a).

4. In Part 13, 13.202–2 is revised to require a separate facilities contract when the cumulative value of facilities involved is $100,000 or more in lieu of $50,000 or more.

Authority

The provisions of this document are issued under 42 U.S.C. 2473(c)(1).

Stuart J. Evans,

Director of Procurement.

PART 1—GENERAL PROVISIONS

1. In Part 1, The Table of Contents paragraphs 1.505–1 and 1.701 through 1.701–5 are revised to read as follows:

* * * * *

1.505–1 Contingent Character of the Fee.....1–5:2

* * * * *

1.701 Definitions.....1–7:1
1.701–1 Small Business Concern.....1–7:1
1.701–2 Small Disadvantaged Business Concerns.....1–7:8
1.701–3 Established Supplier.....1–7:8A
1.701–4 Potential Supplier.....1–7:8A
1.701–5 Manufacturing Industry Employment Size Standards.....1–7:8A

* * * * *

2. In Part 1, 1.362 is revised to read as follows:

1.362 Cost Sharing. NASA's Appropriation Acts for several years have included provisions requiring cost sharing by the contractor under research contracts resulting from unsolicited proposals. Federal Management Circular 73–3, dated December 4, 1973, also sets forth circumstances under which cost sharing would be encouraged in certain contracts even when not required by statute. In accordance with the foregoing, the following basic guidelines will be implemented in the negotiation of all research contracts and in supplements to such contracts which require additional funding.

(a) *When Cost Sharing is Applicable.*

(1) Except as provided in subparagraphs (b) (3) and (4) below, cost sharing by non-Federal organizations is mandatory in any contract for basic or applied research which results from an unsolicited proposal.

(2) Cost sharing by non-Federal organizations shall be encouraged in any contract for basic or applied research which does not result from an unsolicited proposal but in which the parties nevertheless have considerable mutual interest in the research (*e.g.*, when it is probable that the performing organization or institution will receive significant future benefits from the research, such as: increased technical knowledge useful in future operations; additional technical or scientific expertise or training for its personnel; opportunity to benefit through patent rights; and the use of background knowledge in future production contracts). Cost sharing shall also be considered, as appropriate, in contracts awarded pursuant to NHB 8030.6A. "Guidelines for Acquisition of Investigations."

(3) Cost sharing by non-Federal organizations which is not otherwise appropriate under subparagraph (1) or (2) may nevertheless be accepted when voluntarily offered by a performing organization.

(b) *When Cost Sharing is Not Applicable.*

(1) Except when cost sharing is mandatory pursuant to (a)(1) above, it is not applicable to contracts which the contracting officer has determined that:

a. the research effort has only minor relevance to the non-Federal activities of the performing organization, which is proposing to undertake the research primarily as a service to the Government;

b. the performing organization has little or no non-Federal sources of funds from which to make a cost contribution;

c. the performing organization is predominantly engaged in research and development and has little or no production or other service activities, and is therefore not in a favorable position to make a cost contribution; or

d. payment of the full cost of the project is necessary in order to obtain the services of the particular organization.

(2) Except when specifically directed by the Procurement Officer of the installation concerned, or when voluntarily offered by the performing organization, cost sharing is not applicable to;

a. Contracts for projects whose particular research objective or scope of effort is specified by NASA rather than proposed by the performing organization. This will usually include any formal solicitation for a specific contractual requirement.

b. Contracts in which the principal purpose is the production of, or design, testing or improvement of products, materials, devices, systems or methods.

(3) Cost sharing is not applicable to contracts for basic or applied research resulting from an unsolicited proposal when the proposer certifies in writing to the contracting officer that it has no commercial, production, educational or service activities on which to use the results of the research; and that it has no means of recovering any cost sharing on such projects. In the foregoing situations, where there is no measurable gain to the performing organization, there is, therefore, no mutuality of interest and it would not be equitable for the Government to require cost sharing.

(4)(a) The activities of educational institutions under NASA research grants, cooperative agreements, and contracts (regardless of the solicited or unsolicited nature of the proposal) do not generally produce benefits that can be measured as having significance apart from the benefit in conducting research for NASA and thus would not normally give rise to cost sharing, *i.e.*, NASA's policy of the desirability of normally reimbursing universities fully for research performed on its behalf would apply. However, in order to establish on a case-by-case basis that there is no clear indication of significant future benefit or measurable gain and that cost sharing does not apply, the contracting officer will document the file with a determination that is substantively the same as required in (b)(3) above. The determination shall

identify the information on which it is based. If the determination cannot be reasonably made from the available material, the contracting officer will request the proposer to certify as in (b)(3), above. Blanket procedures for obtaining certifications from proposers for all cases on a routine basis will not be established.

(b) Cost sharing by educational institutions may nevertheless be accepted when voluntarily offered provided the institution is aware of NASA's policy that the amount of cost sharing is not a factor in the determination to support a given proposal.

(c) *Amount of Cost Sharing.*

(1) *Educational Institutions and Affiliated Not for Profit Institutions.* Cost sharing for such institutions normally may vary from one percent to as much as five percent of the costs of the project. Normally, it should be presumed that the cost sharing is appropriate if it falls within the one to five percent range. However, amounts greater than five percent may be accepted when voluntarily offered by the institution.

(2) *Other Performing Organizations.* Cost sharing for other organizations may vary from less than one percent to fifty percent or more of the costs of the research.

(3) *Additional Considerations.*

a. The amount of cost sharing which is appropriate in a given instance is independent of whether cost sharing is mandatory or merely encouraged.

b. Mutuality of interest in the results of the work being performed should be of primary significance in assessing the appropriateness of any particular level of cost sharing within the foregoing ranges.

c. NASA does not request inclusion of cost sharing information in proposals from educational institutions. If it is determined that cost sharing is applicable, a cost sharing offer will be requested during negotiations.

(d) *Implementation.* The following policies and procedures are established to implement the basic guidelines set forth above:

(1) *Determining Mutuality of Interest.* Factors which may be considered in determining mutuality of interest include:

a. The potential of the contractor to recover its contribution from non-Federal sources;

b. The extent to which a particular area of research requires special stimulus in the national interest; and

c. The extent to which the research effort or result is likely to enhance the contractor's capability, expertise or competitive position.

(2) *Payment of Fee or Profit.*

a. When cost sharing is mandatory, normally no fee or profit will be paid to a contractor and only an agreed portion of allowable costs will be reimbursed. However, when required in order to reach agreement, "fee" or "profit" bearing contracts may be awarded provided that the total contract value *i.e.*, the amount of allowable costs, plus the fee required, must not exceed the total amount that would have been recognized as the contractor's share under a straight cost sharing arrangement.

b. In contracts subject to encouraged cost sharing the provisions of *a.* above similarly shall apply, unless the result of the research is expected to be of only minor value to the contractor. In such event, the contractor may make its contribution in the form of a reduction from the fee or profit normally received from such work rather than by sharing in the costs of the work. The amount of any such reduction shall be appropriate to the mutuality of interest of the contractor and NASA in the results of the work.

(3) *Method of Cost Sharing.* Cost sharing shall be accomplished by a contribution of part or all of one or more elements of allowable cost of the work being performed, and normally shall be expressed as a stated minimum percentage of the total allowable costs of the project. Costs so contributed may not be charged to the Government under any other grant or contract (including allocation to other grants or contracts as part of an independent research and development program).

(4) *Contract Clause.* The clause set forth below shall be inserted in each contract in which costs are shared by the contractor pursuant to the policies prescribed above. (The clause may be modified to fit specific circumstances.)

ESTIMATED COST AND COST-SHARING (MARCH 1972)

(a) It is estimated that the total cost of performing the work under this contract will be *(insert total estimated cost)* **$**.....

(b) For the performance of the work under this contract the Contractor shall be reimbursed for not more than ..... per cent of the costs of performance determined to be allowable in accordance with the clause of the General Provisions entitled "Allowable Cost and Payment". The remaining ..... per cent, or more, of the costs of performance so determined shall constitute the Contractor's share for which it will not be reimbursed by the Government.

(c) For purposes of the clause of the General Provisions entitled "Limitation of Cost" the total estimated cost to the Government is hereby established as *(insert estimated Government share)* **$**.....; this amount is the maximum cost for which the Government is obligated.

(d) The Contractor will maintain records of all contract costs claimed by the Contracctor as constituting part of its share and such records shall be subject to audit by the Government. Costs contributed by the Contractor shall not be charged to the Government under any other grant or contract (including allocation to other grants or contracts as part of an independent research and development program).

(5) *Documentation.* Grant, cooperative agreement, and contract files shall contain appropriate documentation setting forth the reasons for cost sharing and supporting the amount of cost sharing agreed upon. For educational institutions the reasons for cost sharing which exceeds 5% or the amount originally offered will be documented. However, when cost sharing has been waived pursuant to subparagraph (b)(1)d. of this paragraph 1.362. documentation shall include the reason for the contractor's refusal to share the cost of the work, and a justification as to why it is necessary for NASA to obtain the services of the contractor notwithstanding his refusal to share in the costs of the work.

PART 3—PROCUREMENT BY NEGOTIATION

3. In Part 3, 3.501(b), Section C(18) is revised to read as follows:

3.501 Preparation of requests for Proposals or Requests for Quotations.

* * * * *

(b) * * *

SECTION C—INSTRUCTIONS, CONDITIONS AND NOTICES TO OFFERORS/QUOTERS

* * * * *

(18) requirement for information to be furnished on management consulting services specified in 4.5205–2(b);

4. In Part 3, 3.801–5(b) is revised to read as follows:

3.801–5 Responsibility of DoD Field Pricing Support Personnel.

(a) * * *

(b) *Field Pricing Reports on Contract Price Proposals.*

(1) Prior to negotiation of a contract or modification resulting from a proposal in excess of $100.000 for firm fixed-price and fixed-price with provision for economic price adjustment, fixed-price

redeterminable (prospective), time and materials, or labor hour type of contract, interim and final price redetermination and settlement of incentive types; $250,000 for fixed-price incentive, cost plus incentive fee or fixed-price redeterminable (retroactive) type of contract; or $1,000,000 for cost reimbursement, cost sharing, cost plus award fee, or cost plus a fixed fee type of contract, when the price is based on cost or pricing data (3.807–3) submitted by the contractor, the contracting officer or authorized representative shall request a field pricing report (which usually includes an audit review by the contract audit activity), unless information available to the contracting officer is considered adequate to determine the reasonableness of the proposed cost or price. Whenever available data is considered adequate for a reasonableness determination, the contracting officer shall document the contract file to reflect the basis of the determination. Information of the type described in (i) through (vi) below, which is often available to the contracting officer from the cognizant contract administration office, should be useful in determining the extent of any field pricing support that is needed.

(i) In-house engineering determination of level of effort required in connection with research and development or study contracts.

(ii) Audited cost information from contract awards in process, or recently negotiated contracts.

(iii) Adequately reviewed data on proposed subcontract items which constitute the major portion of the prime contract pricing proposal.

(iv) Prices of standard commercial items which constitute the major portion of the prime contract price proposal.

(v) Special forward pricing formulas or rates such as for support items or forecast overhead rates, prescribed in an existing advance agreement.

(vi) Current labor rates, overhead rates, loading factors, per diem rates, and lot data based upon actual costs and labor hours.

It should be borne in mind that no single category of information is necessarily sufficient by itself; for example, information as to rates for labor and overhead would normally require data concerning the base elements—labor hours, material cost, etc.—to which the rates apply.

(2) Ordinarily, field pricing reports should not be requested for pre-award pricing actions below the threshold specified in 3.801–5(b)(1), except in instances such as a lack of knowledge of the particular contractor, sensitive conditions, or an inability to perform an acceptable degree of price or cost analysis, and thereby establish a reasonable pricing result. Before requesting field pricing support for lower dollar offers, the contracting officer should consider utilizing price or cost analysis techniques (3.807–2) or the information cited in paragraph (1)(i) through (vi) above to establish the reasonableness of the proposed price.

PART 4—CONSULTING SERVICES

5. In Part 4, the Table of Contents, paragraphs 4.5204 through 4.5206 are revised to read as follows:

* * * * *

4.5204 Guidelines for use of Consulting Services 4–52:2
4.5205 Procedure 4–52:2
4.5205–1 Request for Approval 4–52:2
4.5205–2 Negotiation of Contracts 4–52:3
4.5205–3 Contract Award and Approval 4–52:3
4.5205–4 Copies of Reports and Recommendations 4–52:4
4.5206 Reporting of Individual Procurement Actions 4–52:4

6. In Part 4, 4.5200 through 4.5206 are revised to read as follow:

Subpart 52—Consulting Services

4.5200 Scope of Subpart.

This Subpart supplements the procedures of NMI 5104.5, "Policy and Guidelines for the Use of Consulting Services Obtained by Contract," and, in particular, sets forth the procedures to be followed in contracting for consulting services.

4.5201 Applicability.

The provisions of this Subpart are applicable to NASA Headquarters Office and field installations.

4.5202 Definition.

(a) Consulting Services are services of a purely advisory nature which relate to the internal functions of NASA administrative management and NASA program management. Consulting services obtained by contract are provided by persons and/or organizations which are considered to possess specialized knowledge and/or abilities that are not generally or readily available within the NASA or other Government agency civil service workforce.

(b) Excluded are services obtained under OMB Circular A–76 guidelines and services that only provide data in support of NASA administrative and program management. If the primary purpose of a task is to conduct research and development (such as data analysis, studies related to basic and applied research, technology development, concept and demonstration development, full-scale development and testing, and evaluation), it is not considered a consulting service. In addition, contractor reviews of technical activities such as hardware and hardware-oriented activities, and evaluation of proposals pursuant to 1.304–2(d)(5) are excluded. See Attachment A of NMI 5104.5 for examples of services to which this Subpart does not apply.

4.5203 Basic Policy.

(a) Consulting services will not be used in performing work of an actual policy/decision-making or managerial nature which is the direct responsibility of agency officials.

(b) Consulting services will normally be obtained only on an intermittent or temporary basis; repeated or extended arrangements are not to be entered into except under extraordinary circumstances.

(c) Consulting services will not be used to bypass or undermine personnel ceilings, pay limitations, or competitive employment procedures.

(d) Consulting services of individual experts and consultants will normally be obtained by appointment rather than by contract (see NMI 3304.1B "Employment of Experts and Consultants" for applicable policies and procedures.)

(e) Former Government employees, per se, will not be given preference in consulting service arrangements.

(f) Consulting services will not be used under any circumstances to specifically aid in influencing or enacting legislation.

(g) Grants and cooperative agreements will not be used as legal instruments for consulting service arrangements.

(h) Consulting service tasks which are assigned to the Jet Propulsion Laboratory and amend contract NAS 7–100, must be reviewed and approved by the Associate Administrator for Management Operations.

(i) Persons and/or organizations employed as NASA consultants must be free from conflict of interest as delineated in NMI 5101.19, "Avoiding Conflict of Interest Situations in Placing of NASA Contracts." Caution will also be exercised when considering former Government employees for consulting service arrangements in order to avoid potential post-employment (18 U.S.C. 207) statutory prohibition.

4.5204 Guidelines for use of Consulting Services.

Consulting service arrangements may be used, when essential to the NASA mission, to:

(a) Obtain specialized opinions or professional or technical advice which does not exist or is not available within NASA or another Government agency.

(b) Obtain outside points of view to avoid too limited judgment on critical issues.

(c) Obtain advice regarding developments in industry, university, or foundation research.

(d) Obtain the opinion of noted experts whose national or international prestige can contribute to the success of important projects.

(e) Secure citizen advisory participation in developing or implementing Government programs that by their nature or by statutory provision call for such participation.

4.5205 Procedure.

4.5205–1 Request for Approval.

(a) When a NASA field installation or NASA Headquarters Office considers that consulting services are necessary and desirable, in accordance with the policy stated in 4.5203, the requiring activity is responsible for preparing the required documentation and securing the prior approval of the Associate Administrator for Management Operations (Code N).

(b) Prior to processing any procurement action for consulting services, the contracting officer shall: (i) provide advice, as necessary, to the requiring activity on the preparation of the documentation required by NMI 5104.5; and (ii) ensure that the required documentation, including the necessary concurrences/ approvals, is included in the official contract file. When there is a question whether a requirement is for consulting services, regardless of dollar value, and such requirement has not been submitted to the Associate Administrator for Management Operations (Code N) for review, the contracting officer shall determine if the requirement is for consulting services. If the contracting officer determines that the particular requirement is for consulting services, the procurement request will be returned to the originating office for processing in accordance with NMI 5104.5. In all such cases, the contracting officer's determination shall be final.

4.5205–2 Negotiation of Contracts.

(a) Unless noncompetitive negotiation is authorized (see 3.802–3), negotiation of contracts shall be conducted with a sufficient number of firms or organizations to permit NASA to evaluate, prior to making award, the comparative merits of qualified sources and of different approaches to the task, and to ensure that costs are reasonable.

(b) Contracting officers shall include in the request for proposals a requirement that each offeror furnish the following information with the price quotation, notwithstanding the type of contract anticipated:

(i) the name(s) and qualifications of principal members of the contractor organization who will be responsible for the project;

(ii) the title of each official and the number of employees who will participate;

(iii) the estimated number of person-hours that each official and employee will contribute to the proposed project; and

(iv) the standard billing rate per hour for each official and employee.

The contract shall establish requirements to ensure that the proposal of the successful offeror will be adhered to (as negotiated and agreed to) in each of the above respects.

(c) In addition, the request for proposals and the resulting contract shall contain the following provisions:

(i) that appropriate disclosure is required of, and warning provisions are given to, the contractor to avoid conflict of interest (see NMI 5101.19, and 18 USC 207);

(ii) that the contractor warrants the rates quoted are not in excess of those charged nongovernmental clients for the same services performed by the same individuals;

(iii) that the Government has the right to the working papers used by the participating officials and employees of the firm or organization in connection with the project;

(iv) that publication or distribution of the study, data, or other related material is prohibited, except to the extent authorized by the contracting officer; and

(v) that the contractor agrees that any reports regarding organizational matters (as required by the contract) shall include, when feasible, in addition to the recommendations, alternative methods to be considered and the pros and cons of each alternative.

(d) A contract for consulting services cannot be negotiated without the approval required by 4.5205–1(a).

4.5205–3 Contract Award and Approval.

Unless otherwise required by Part 20, Subpart 50, of this Regulation, or by direction of the Associate Administrator for Management Operations, awards may be made without further reference to Headquarters after the approval required by 4.5205–1 has been obtained.

4.5205–4 Copies of Reports and Recommendations.

Upon completion of the services required, and prior to contract close-out, the initiating office shall forward one copy of the final report or recommendations made by the contractor along with a written evaluation of performance of the contractor to the Chief, Management Processes and Directives Branch, Information Systems Division, NASA Headquarters (Code NSM–12). These reports will show the following information on the cover:

(1) Name and business address of the contractor;

(2) Contract number;

(3) Contract dollar amount;

(4) Whether the contract was competitively or non-competitively awarded; and

(5) Name of the sponsoring individual and the office identification and location.

4.5206 Reporting of Individual Procurement Actions.

The contracting officer shall ensure that all awards for consulting services, regardless of dollar value, are properly identified and reported as required by Part 21, Subpart 1, of this Regulation.

PART 13—GOVERNMENT PROPERTY

13.202–22 [Amended]

7. In Part 13, in the Table of Contents the page number "13–2:4" for paragraph 13.202–2 Using Facilities Contracts is amended to read "13–2:3."

8. In Part 13, 13.202–2(b) and (c) are amended by increasing the figure "$50,000" to read "$100,000."

9. In Part 13, 13.302–3(a) is amended by increasing the figure "$50,000" in subparagraph (i) to read "$100,000."

PART 21—PROCUREMENT MANAGEMENT REPORTING SYSTEM

10. In Part 21, the Table of Contents paragraphs 21.104, 21.112, 21.131, 21.139, 21.140 and 21.144 are revised to read as follows:

* * * * *

21.104 Submission Due Date..... 21–1:2

* * * * *

21.112 Item 7—Contractor Identification Code (CIC)..... 21–1:4

* * * * *

21.131 Item 27—Support Services Type Contract..... 21–1:11

* * * * *

21.139 Item 35—Modification Obligations..... 21–1:13
21.140 Item 36—Woman-Owned Business..... 21–1:13
* * * * *
21.144 Item 40—Total Price or Estimated Cost..... 21–1:14
* * * * *

11. In Part 21, the note in 21.102(a) is revised to read as follows:

21.102 Applicability and Coverage.

* * *

(a) * * *

(Note: Except for purchase orders covering consulting services (see 4.5206), all other purchase orders under $10,000 are *not* reportable.)

[FR Doc. 81-18436 Filed 6-22-81; 8:45 am]
BILLING CODE 7510-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1011

Impact of Commission Decisions on Small Business

AGENCY: Interstate Commerce Commission.

ACTION: Final Rules: Delegations of Authority.

SUMMARY: The Regulatory Flexibility Act, Pub. L. 96–354, authorizes the Chairman of the Commission to delegate the responsibility to sign and transmit certifications that proposed rules will have no significant economic impact on a substantial number of small entities. The Chairman may also delegate authority to sign and transmit findings regarding waiver or delay of regulatory flexibility analyses. The Chairman is hereby delegating this authority to the Secretary of the Commission. Since this rule affects internal Commission procedure, it is issued in final form and public comment will not be required.

DATE: Effective June 23, 1981.

FOR FURTHER INFORMATION CONTACT: Kathleen King, 202–275–0956.

SUPPLEMENTARY INFORMATION: On September 19, 1980, Congress enacted Public Law 96–354, entitled the "Regulatory Flexibility Act" (RFA), to improve Federal rulemaking by creating procedures to consider the more flexible regulatory approaches for small businesses, small organizations and small governmental jurisdictions. The provisions of the RFA became effective on January 1, 1981. Under Section 605(b) of RFA the head of an agency may certify that a proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. Such certification is a substitute for Initial Regulatory Flexibility Analysis required by RFA. This certification is transmitted to the Chief Counsel for Advocacy of the Small Business Administration.

Also under Section 608 of RFA, an agency head has authority to make findings regarding waiver or delay if completion of an initial regulatory flexibility analysis or delay of completion of final regulatory flexibility analysis under certain condition.

The Chairman has delegated the responsibilities for signing and transmitting such certifications and findings to the Secretary of the Commission. That delegation of authority will be added as 49 CFR 1011.7(h).

The amendment set forth in the appendix is adopted.

This action does not affect significantly the quality of the human environment or conservation of energy resources.

Issued under authority of 5 U.S.C. 553 and 49 U.S.C. 10301.

Decided: May 26, 1981.

By the Commission, Marcus Alexis, Acting Chairman.

James H. Bayne,

Acting Secretary.

Appendix

49 CFR 1011.7 is amended by adding a new paragraph (h) as follows:

§ 1011.7 Delegations of authority by the Chairman of the Interstate Commerce Commission.

* * * * *

(h) Authority, under the Regulatory Flexibility Act (Public Law 96–354), (1) to sign and transmit to the Small Business Administration certifications of no significant economic effect for proposed rules, which will not, if adopted by the Commission, have a significant economic impact on a substantial number of small entities; and (2) to sign and transmit findings regarding waiver or delay of an initial regulatory flexibility analysis or delay of a final regulatory flexibility analysis is delegated to the Secretary of the Commission.

[FR Doc. 81-18568 Filed 6-22-81; 8:45 am]
BILLING CODE 7035-01-M

Proposed Rules

Federal Register
Vol. 46, No. 120
Tuesday, June 23, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

FARM CREDIT ADMINISTRATION

12 CFR Part 615

Funding and Fiscal Affairs, Loan Policies and Operations, and Funding Operations

AGENCY: Farm Credit Administration

ACTION: Proposed rule.

SUMMARY: The Farm Credit Administration, by its Federal Farm Credit Board, publishes for comment a proposed amendment to its regulation concerning annual budgets and projections and adds a new section to its regulations concerning approval requirements for various bank transactions.

DATE: Written comments must be received on or before August 24, 1981.

ADDRESS: Submit any comments or suggestions in writing to Donald E. Wilkinson, Governor, Farm Credit Administration, Washington, DC 20578. Copies of all communications received will be available for examination by interested persons in the Office of Director, Public Affairs Division, Office of Adminstration, Farm Credit Administration.

FOR FURTHER INFORMATION CONTACT: Larry H. Bacon, Deputy Governor, Office of Administration, Farm Credit Administration, 490 L'Enfant Plaza SW., Washington, DC 20578, (202–755–2181).

SUPPLEMENTARY INFORMATION: The present regulation for annual budgets and projections provides criteria which banks should incorporate in their annual budget and that each bank board shall approve for each bank long-range financial and operating projections. Section 615.5215 is added to address the numerous items the Farm Credit Administration approves on a transactional basis.

For the reasons set out in the preamble, Part 615 of Chapter VI, Title 12 of the *Code of Federal Regulations* is amended as shown.

1. Section 615.5210 is revised to read as follows:

Subpart H—Net Worth Objective

§ 615.5210 Annual budgets and projections.

(a) Each district board shall approve for each bank an operating and financial budget for each fiscal year. Each budget shall contain sufficient background information to indicate the principal assumptions and considerations involved in its formulation, detailed pro forma sheets, income and expenses statements, bank and association programs to achieve net worth objectives, and explanation of significant changes from the previous years.

(b) Each district board shall also approve for each bank long-range financial plans on an annual basis. The long-range financial plan shall incorporate principal assumptions and long-term goals and objectives which are consistent with regulatory and System guidelines. The plan shall contain pro forma balance sheets and income statements and the planning period should be a minimum of 3 years.

2. By adding a new § 615.5215 to read as follows:

§ 615.5215 Approval requirements.

(a) Farm Credit Administration approval is required for bank interest rate charges, banks for cooperatives' cash patronage refunds in excess of 25 per centum of net savings, equity retirements, and Farm Credit banks' dividends.

(b) The approval referenced in paragraph (a) of this section can be obtained for individual transactions or, alternatively, Farm Credit Administration may approve such transactions on an annual basis on review of a bank's interest rate plan, long-range financial plan, and financial plan for the fiscal year.

(c) To receive FCA approval under this alternate procedure, a bank shall be required to:

(1) Have a district board- and FCA-approved interest rate policy in accordance with § 614.4280 if the district board desires to provide bank management flexibility in setting interest rates.

(2) Have an adequate annual financial planning and long-range financial planning process.

(3) Notify the Farm Credit Administration of each change of interest rates established within an approved interest rate plan.

(4) Upon request, provide the Farm Credit Administration annually an updated interest rate plan, a financial plan, and a long-range forecast.

(d) Farm Credit Administration may rescind this alternate approval procedure at any time and require individuals transactional approval for interest rate changes, stock retirements, dividends, and cash patronage refunds.

(Secs. 5.9, 5.12, 5.18, Pub. L. 92–181, 85 Stat. 619, 620, 621, 12 U.S.C. 2243, 2246 and 2252)

Donald E. Wilkinson,

Governor Farm Credit Administration.

[FR Doc. 81-18558 Filed 6-22-81; 8:45 am]

BILLING CODE 6705-01-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[File No. 811-0130]

The British Petroleum Co. Ltd., et al.; Proposed Consent Agreement With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order, accepted subject to final Commission approval, would require, among other things, a London, England petroleum corporation and its American subsidiary to timely divest, in accordance with the terms of the order, all stock issued by Amax, Inc., the leading domestic producer of molybdenum. The order would also bar the firms' officers and employees for a period of ten years from simultaneously serving in a similar role in any other molybdenum company. Further, for specified time periods, the firms would be prohibited from acquiring any part of the stock, or more than 50 percent of the assets of any molybdenum company without prior Commission approval; and restricted from entering into any joint venture for the production and sale of molybdenum in the United States.

DATE: Comments must be received on or before August 24, 1981.

ADDRESS: Comments should be directed to: Office of the Secretary, Federal Trade Commission, 6th St. and

Pennsylvania Ave., N.W., Washington, D.C. 20580

FOR FURTHER INFORMATION CONTACT: FTC/CD, Benjamin S. Sharp, Washington, D.C. 20580. (202) 523–3475.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist and an explanation thereof, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(14) of the Commission's Rules of Practice (16 CFR 4.9(b)(14)).

United States of America Before Federal Trade Commission

In the Matter of The British Petroleum Company Limited, a corporation, and The Standard Oil Company, a corporation. File No. 811–0130.

Agreement Containing Consent Order

The Federal Trade Commission ("Commission") having initiated an investigation of a proposed acquisition by The British Petroleum Company Limited ("BP") through its 53%–owned subdsidiary, The Standard Oil Company ("Sohio"), of the Kennecott Corporation ("Kennecott"), and it now appearing that BP and Sohio are willing to enter into an Agreement containing the attached Consent Order ("Order"),

It is hereby agreed by and between BP and Sohio, by their duly authorized officers and attorneys, and counsel for the Commission, in accordance with the Commission's Rule governing consent order procedures, that:

1. BP is a corporation organized, existing and doing business under and by virtue of the laws of England, with its office and principal place of business at Britannic House, Moor Lane, London, England. Sohio is a corporation organized, existing and doing business under and by virtue of the laws of Ohio, with its office and principal place of business at Midland Building, Cleveland, Ohio.

2. Solely for purposes of this proceeding, BP and Sohio do not contest the allegations of jurisdiction as set forth in Paragraph 14 of the draft complaint here attached.

3. BP and Sohio waive:

a. Any further procedural steps;

b. The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; and

c. All rights to seek judicial review or otherwise to challenge or contest the validity of the Order entered pursuant to this Agreement.

4. This Agreement shall not become a part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission it, together with the draft of complaint attached, will be placed on the public record for a period of sixty (60) days and information with respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this agreement and so notify BP and Sohio, in which event it may take such action as it may consider appropriate, or issue and serve its complaint (in such form as the circumstances may require) and decision, in disposition of the proceeding.

5. This Agreement is for settlement purposes only, and does not constitute any admission by BP or Sohio that the law has been violated as alleged in the draft of complaint here attached.

6. This Agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of Section 2.34 of the Commission's Rules, the Commission may, without further notice to BP or Sohio, (i) issue its complaint corresponding in form and substance with the draft of complaint here attached and its decision containing the following Order in disposition of the proceeding, and (ii) make information public in respect thereto. When so entered the Order shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The Order shall become final upon service. Delivery by the U.S. Postal Service of the complaint and decision containing the agreed-to Order to Messrs. Sullivan & Cromwell, counsel for BP, and Messrs. Squire, Sanders & Dempsey, counsel for Sohio, shall constitute service on BP and Sohio, respectively. BP and Sohio waive any right they may have to any other manner of service. The complaint may be used in construing the terms of the Order and no agreement, understanding, representation, or interpretation not contained in the Order or the Agreement may be used to vary or contradict the terms of the Order.

7. BP and Sohio have read the proposed complaint and Order contemplated hereby. BP and Sohio understand that once the Order has been issued, they will be required to file one or more compliance reports setting forth the manner and form in which they intend to comply, are complying or have complied with the Order. BP and Sohio further understand that they may be liable for civil penalties in the amounts provided by law for each violation of the Order after it becomes final.

Order

For purposes of this Order, the following definitions shall apply:

(a) "Respondent" means The British Petroleum Company Limited, a corporation, and its subsidiaries (any company or other entity in which it holds more than 50% of the stock or voting securities or voting rights), successors and assigns.

(b) "Amax" means AMAX Inc., a corporation, and its subsidiaries (any company or other entity in which it holds more than 50% of the stock or voting securities or voting rights), successors and assigns.

(c) "Outstanding stock" means stock or securities which have been issued and have not been recalled or purchased by the issuer, and excludes treasury stock.

(d) "Person" means any individual, corporation (including subsidiaries thereof), partnership, joint venture, trust, unincorporated association or orgainization, or government or agency or political subdivision thereof, or other business or legal entity, other than respondent.

(e) "Molybdenum" means the metallic element Mo.

(f) "Molybdenum company" means any person which in the most recent calendar year for which information is available produced more than 3% of the contained molybdenum produced in the United States in that year.

(g) "Joint venture" means a joint business undertaking by two or more persons, for the purpose of carrying out a particular objective or objectives, pursuant to an agreement which provides for joint contributions to capital, which may include tangible and intangible assets, and some sharing of profits or production in kind.

(h) "Effective date" means the day on which this Order becomes final.

I

It is order that within thirty (30) months from the effective date of this Order respondent divest, absolutely and in good faith, all right, title or interest in or to any stock issued by Amax which respondent directly or indirectly owns or controls as of the effective date of this Order.

II

It is further ordered that until the divestiture required by Paragraph I of this Order is completed, respondent shall, at any meeting of the holders of common stock of Amax, cause any of the stock issued by Amax which respondent directly or indirectly owns or controls to be voted in respect of any matter in the same respective proportions as the votes cast by the other holders of common stock of Amax.

III

It is further ordered that for ten (10) years commencing September 1, 1981 no person who is an officer, director or employee of any other molybdenum company shall be an officer, director or employee of respondent.

IV

It is further ordered that for ten (10) years following the effective date of this Order respondent shall not, without the prior approval of the Commission, directly or indirectly, (a) acquire (except for investment purposes for the benefit of an employee pension fund) any part of the stock of a molybdenum company, or (b) acquire more than 50% of the assests of a molybdenum company. For purposes of the foregoing clause (b), assets shall be valued in accordance with generally accepted accounting principles.

V

It is further ordered that for two years following the effective date of this Order respondent shall not, without the prior

approval of the Commission, enter into any joint venture or similar arrangement with any other molybdenum company for the production or sale of molybdenum in the United States; and that for an additional three-year period following this two-year period, respondent shall notify the Commission ninety (90) days in advance of entering into any joint venture or similar arrangement with any other molybdenum company for the production or sale of molybdenum in the United States.

VI

It is further ordered that no acquisition, joint venture or other act or transaction to which respondent is a party shall be deemed immune or exempt from the antitrust laws by reason of anything contained in this Order

VII

It is further ordered that within ninety (90) days from the effective date of this Order and on the anniversary of the effective date of this Order in every year thereafter, respondent shall submit to the Commission in writing a verified report setting forth in detail the manner and form in which it intends to comply, is complying, or has complied therewith

VIII

It is further ordered that respondent shall notify the Commission at least thirty (30) days prior to any change in its corporate structure (such as dissolution, assignment or sale resulting in the emergence of a successor corporation, or any other proposed change in the corporation) which may affect compliance obligations arising out of this Order.

The British Petroleum Company Limited

File No. 811–01130—Analysis of Proposed Consent Order To Aid Public Comment.

The Federal Trade Commission ("Commission") has accepted an agreement to a proposed consent order from The British Petroleum Company Limited ("BP") and The Standard Oil Company ("Sohio").

The proposed consent order has been placed on the public record for sixty (60) days for receipt of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposed order

The Allegations of the Complaint

The draft complaint ("Complaint") which the Bureau of Competition staff presented to the Commission for its consideration charged respondents BP and Sohio with violation of Section 7 of the Clayton Act and Section 5 of the Federal Trade Commission Act on the grounds that BP's acquisition, through its 53%-owned subsidiary Sohio, of The Kennecott Corporation ("Kennecott") would eliminate competition in the following respects:

(1) Actual competition would be eliminated between Amax, Inc. ("Amax") and Kennecott in the production and sale of molybdenum disulphide ("molybdenum"), a strategic metal used primarly as an alloy to impart strength, resistance to corrosion, and other desirable properties to steel; and

(2) Potential competition would be eliminated between BP and producers of molybdenum, including Amax and Kennecott, in the production and sale of molybdenum.

Both competitive concerns addressed by the complaint arise from the relationship between BP and Amax, the dominant firm in the molybdenum industry with a 65 percent market share. BP, through its wholly-owned subsidiary, Selection Turst Limited, holds 6.8 percent of the stock of Amax. The Chief Executive of Selection Trust has served on the Amax Board of Directors since 1966 and is a member of its Executive and Finance Committees; a second Amax director retired from Selection Trust only last October. BP also has plans to undertake a joint venture with Amax to develop the latter's major molybdenum deposits at Mt. Tolman in Washington and Mt. Emmons in Colorado. Indeed, at least as regards Mt. Tolman, these plans appear to be advanced to the point of nearly final agreement and would involve the immediate purchase by BP from Amax of substantial quantities of molybdenum for resale.

Commission staff believed BP's acquisition of Kennecott, the third largest firm in the molybdenum industry simultaneously with its holding of Amax stock, would lessen competition by creating a mechanism for the dissemination of price or other competitively sensitive information between the number one and number three firms in the already highly concentrated molybdenum industry. Staff further feared that following the acquisition BP would refuse to allow Kennecott to compete vigorously, rather than risk jeopardizing its investment in Amax's substantial molybdenum profits.

Staff believed the acquisition might also have an anticompetitive impact, irrespective of the 6.8 percent holding of Amax stock, by eliminating a potential new entrant to the molybdenum industry. Evidence indicates that but for the Kennecott acquisition, BP would enter the highly concentrated molybdenum market through a joint venture with Amax. BP's entry through the joint venture might be viewed as procompetitive since it would introduce a new entrant into the market and reduce the amount of molybdenum production controlled by the number one firm.

The Proposed Order

The proposed settlement primarily addresses the horizontal concerns raised by BP's 6.8 percent interest in Amax.

Under the draft settlement, the Commission would permit the Sohio/Kennecott transaction to occur without a challenge by federal court injunction. In return, BP would sell its 6.8 percent holding of Amax' common stock over a 30-month period and, in the interim, would vote the shares in proportion to the votes cast by the other Amax common shareholders (proposed order, Paragraphs I and II). Second, BP would agree to an order that for 10 years would bar officers, directors, or employees from simultaneously serving BP and any other "molybdenum company" (defined as any company which produces more than 3 percent of the contained molybdenum produced in the United States) (Paragraph III). In furtherance of this proscription, the interlocked Selection Trust/Amax Director, John Du Cane, would give up all positions in BP by September 1, 1981. Third, for ten years BP would not acquire any part of a molybdenum company's stock, or more that 50 percent of a molybdenum company's assets, without prior Commission approval (Paragraph IV). Finally, for two years BP would not, without prior Commission approval, enter into any joint venture with any other molybdenum company with respect to molybdenum production or sale in the United States; and for three years after that initial two-year period, BP would provide the Commission with 90 days' advance notice before entering into such an arrangement (paragraph V).

The Competitive Impact of the Order

The ban on interlocking directors, officers or employees removes a major source for information exchange. BP's agreement to vote its stock proportionately with votes cast by all other common stockholders further reduces BP's ability to influence Amax. Most importantly, eventual divestiture of Amax stock eliminates BP's disincentive to vigorously compete with Amax. The provisions restricting further acquistions of or joint ventures with other molybdenum companies provide assurances that new, unaddressed structural problems will not be created

immediately following the acquisition of Kennecott.

Thus, the consent proposal appears to correct the immediate and actual anticompetitive problems raised by the acquisition. BP must divest approximately $250 million of stock in Amax and essentially must sever all other ties with that firm. The decree, however, does not address the concerns relating to the effect on potential competition. Nevertheless, the Commission believes that the gains resulting from seeking to block the acquistion and encouraging an Amax/BP joint venture are at best speculative, and may also be achieved should Amax find a new joint venture partner. Further, were the Commission to pursue litigation seeking to block the Kennecott acquisition, there would be an additional risk of losing the substantial concessions currently offered by BP and Sohio. After weighing the risks attendant upon litigation against the substantial benefits offered in the proposed consent, the commission has concluded that the better course is to accept the settlement proposal and forego a challenge to the Kennecott acquisition, and the substantial commitment of Commission resources which such a challenge would involve.

The purpose of this analysis is to facilitate public comment of the proposed order, and its is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

Carol M. Thomas,

Secretary.

Separate Statement of Commissioner Pertschuk

I have voted to accept this proposed consent agreement for purposes of receiving public comment. However, I wish to indicate serious reservations with this resolution of the acquisition of Kennecott by BP/Sohio. In my opinion, there is reason to believe that BP is a likely entrant into the manufacturing and sale of molybdenum by means other than the acquisition of Kennecott and that such alternative would be significantly procompetitive. The result of this large acquisition, therefore, may be to preclude this procompetitive development. The appropriate remedy, if these propositions are true, is to prohibit the acquisition.

The proposed consent, on the other hand, addresses competitive problems which arise if the acquisition takes place, primarily the creation of close ties between BP/Sohio/Kennecott and the dominant firm in molybdenum, Amax. While I agree that there is reason to believe these problems are significant and should be remedied if the acquisition is allowed, it is clear that the proposed consent order does not adddress the loss of potential competition. I hope that interested parties who express their views on this proposed disposition of the case address this issue.

[FR Doc. 81-18547 Filed 6-22-81; 8:45 am]
BILLING CODE 6755-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 180 and 182

[Docket No. 80N-0418]

Caffeine; Deletion of GRAS Status, Proposed Declaration That No Prior Sanction Exists, and Use on an Interim Basis Pending Additional Study; Availability of Information

AGENCY: Food and Drug Administration.

ACTION: Notice of availability of information on proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of the final report of the Caffeine Study Review Panel, which was submitted to the agency on May 15, 1981. The report contains information pertinent to the agency's review of the safety of added caffeine and is being made available in accord with a previous **Federal Register** notice.

DATE: Comments must be received on or before July 29, 1981.

ADDRESS: Written comments to the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Paul D. Lepore, Office of Regulatory Affairs (HFC-30), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-2390.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of October 21, 1980 (45 FR 69817), FDA proposed to delete caffeine used as an added food ingredient from the list of substances that are generally recognized as safe (GRAS); to declare that no prior sanction exists for the use of caffeine as an added food ingredient; to restrict the use of caffeine as added food ingredient to current uses and levels; and to require that the presence of caffeine as an added ingredient be reflected on the product label in the ingredient delcaration. In the **Federal Register** of March 27, 1981 (46 FR 18996), FDA extended the period during which comments on the proposal will be accepted to July 29, 1981. this availability notice announces that a final report entitled, "An Analysis of FDA's Caffeine Teratogenicity Study (Protocol No. 1150)" is now on file in the Dockets Management Branch under Docket Number 80N-0418.

As part of its Good Laboratory Practice (GLP) inspection program, FDA conducted a GLP inspection of the Bureau of Foods laboratories at Federal Office Building 8, 200 C St. SW., Washington, D.C. As part of the inspection, there was a data audit of a completed study, "Teratogenic Potential of Caffeine in Osborne-Mendel Rats (Administered Via Oral Intubation)" Protocol No. 1150, conducted by Dr. T. F. X. Collins, et al. ("the Collins Study"). This study was, in part, the basis for FDA's regulatory proposal published in the **Federal Register** of October 21, 1980. The data audit raised questions about the validity of the Collins study and the appropriateness of FDA's continued reliance on this study in its ongoing rulemaking concerning the GRAS status of added caffeine. In order to resolve both questions in a fair nonbiased, and expeditious manner, FDA chartered a panel of non-FDA, government scientists to review the matter. Their charter has already been made a part of the administrative record in this proceeding.

The charter explicitly set forth the panel's purpose: "The Panel is to determine whether the agency's data audit inspection findings have compromised the validity of study Protocol No. 1150 'Teratogenic Potential of Caffeine in Osborne-Mendel Rats (Administered Via Oral Intubation)'." On May, 1981, the panel presented its report to the Acting Deputy Commissioner. The panel made six findings and recommendations which will be briefly discussed in this document.

The panel's first finding and recommendation is:

1. There were numerous GLP deviations that reflected generally poor procedures and management in the Bureau of Foods laboratories. However, the Panel concludes that the final study results are real and unaffected by the GLP deviations.

The agency has carefully analyzed the report and accepts the panel's finding on this matter.

The panel's next finding and recommendation is:

2. The study did not determine if caffeine is a direct teratogen or merely produced the observed teratogenicity as a result of maternal toxicity and/or the failure of the pregnant animals to develop normally. Future studies should attept to control the effects of maternal toxicity by using groups whose feed is restricted to duplicate the observed weight gains and failure of the dams to thrive.

This finding deals with the interpretation of the Collins data and

what future studies should be conducted to determine whether the adverse effects found by Collins are the result of a direct teratogenic effect or the result of a maternal toxicity and/or the failure of the pregnant animals to develop normally. The appropriate interpretation of the Collins data and what additional studies should be conducted to resolve these questions are matters which are directly at issue in the on-going-rule-making. The agency expects significant comment on these issues and will fully discuss them in the final rule.

Two of the findings and recommendations deal with the management of scientific research at the Bureau of Foods. They are:

3. No final report was prepared for this very important study. It is recommended that a final report be prepared as soon as possible. Further, FDA should develop a format for final reports along with an agency policy covering their timely preparation, scientific review, clearance, and distribution.

6. Management of the Bureau of Foods' laboratories must accept a large share of the responsibility for failure to comply adequately with the GLP regulations as documented in the inspection report. Lines of authority and responsibility must be more clearly defined and made more responsive to the quality assurance needs of the scientists charged with the conduct of important studies.

The agency has already taken significant steps to correct deficiencies in this area and will, after thorough review, take any additional steps necessary to ensure that scientific research is properly conducted and managed.

Finding and recommendation 5 states:

5. Other important studies of caffeine teratogenesis, although complete, have yet to be made available for review. These include a low dose oral gavage and two drinking water studies. Before promulgating a final rule on caffeine, the FDA should carefully review the results of each of these studies.

The agency will consider this comment, along with all others, during the course of the rulemaking. However, it is important to clarify the status of all caffeine studies conducted by FDA. Two of the studies generally referred to by this finding (one gavage and one drinking water study) were initially conducted in 1975–1976 as range finding studies for fetal toxicity and fetal weight reduction and not as comprehensive teratology studies. The agency has not relied on these preliminary studies in the rulemaking. The second drinking water study referred to by the panel is Dr. Collins' ongoing drinking water study which is a comprehensive teratology study. The data in this study are being analyzed now, and it is expected that a final report will be completed by fall, 1981. The comment period for this rulemaking will close on July 29, 1981. The agency will consider all valid requests for an extension, or reopening, of the comment period to consider new or additional data which may have a significant bearing on the rulemaking.

The final finding and recommendation raises questions concerning the appropriate use of data in regulatory proceedings, as well as the timing of publicity based on such scientific data. It states:

4. The expedient publication of data as a followup of premature publicity is not an acceptable procedure. FDA should develop a mechanism to insure that data are analyzed properly and interpreted carefully before publicity is sought.

The agency agrees that premature publicity is to be avoided. However, the agency believes its statements on caffeine, in light of the total data that exist on the relationship between caffeine and birth defects, represent responsible positions. In its press statements, the agency made clear the basis for its conclusion that, while further research is being conducted, pregnant women would be prudent to avoid to the extent possible or reduce the consumption of foods and drugs containing caffeine. This recommendation was based not only on the Collins study, but also on the indisputable facts that caffeine has pharmacologic action and crosses the placenta, and has been found to be teratogenic in previous animal studies involving higher doses of caffeine than in the Collins study. Once the Collins study became available, it became incumbent on FDA to provide the cautionary statements it did. The Collins study served as the trigger for the cautionary statements., but were not the entire basis for them.

As a result of the Commissioner of Food and Drugs' acceptance of finding and recommendation 1, the Collins study will remain a part of this rulemaking proceeding. The agency is satisfied that its explanation of and proposed reliance on the Collins data as set forth in the October 21 **Federal Register** proposal was, and continues to be, proper. Of course, the interpretation of that data, as well as the views of any interested party on the validity of that data as a result of the GLP inspection, are appropriate subjects for comment during the rulemaking proceeding.

Appendices A, C, D, E, and F to the Report are already documents on the public record, because they have previously been released. All other documents are materials that were made available to or were produced by the panel, and these documents are now available as public information. Persons wishing copies of these documents should make a request to the Dockets Management Branch (address above). To expedite receipt, a requestor seeking all the documents should simultaneously submit a check for $75.00 made payable to the Food and Drug Administration. Otherwise, the request will be acknowledged and a request for payment, prior to delivery, will be made.

Interested persons may, on or before July 29, 1981, submit to the Dockets Management Branch (address above), written comments regarding the proposal. Four copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: June 18, 1981.

Mark Novitch,

Acting Commissioner of Food and Drugs.

[FR Doc. 81-18820 Filed 6-19-81; 1:57 pm]

BILLING CODE 4110-03-M

DEPARTMENT OF THE INTERIOR

Geological Survey

30 CFR Part 221

Oil and Gas Operating Regulations

AGENCY: Geological Survey, Department of the Interior.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed rulemaking would add a sentence to an oil and gas well-location regulation in order to modify its reporting requirements. This action is being taken to fulfill, in part, the policies contained in Executive Order 12291. The intended effect of this is to reduce the number of reports required for oil and gas drilling operations.

DATE: Comments on this proposed rulemaking must be received by July 23, 1981.

ADDRESS: Comments may be mailed to: Charles L. Sours, Chief, Branch of Onshore Rules and Procedures, Conservation Division, U.S. Geological Survey, National Center, Mail Stop 650, Reston, Virginia 22092.

FOR FURTHER INFORMATION CONTACT:

Gerald R. Daniels, (703) 860–7535, (FTS)

928–7535; or Cecil Feeney, (703) 860–7332, (FTS) 928–7332.

SUPPLEMENTARY INFORMATION: The principal authors of this proposed rulemaking are Gerald R. Daniels, Chief, Branch of Fluid Minerals Management and Cecil Feeney, Branch of Rules and Procedures, both in the Office of Onshore Minerals Regulation, Conservation Division, U.S. Geological Survey, Reston, Virginia.

The purpose of this proposed rulemaking is to reduce the number of lessees who are required to submit a written justification for drilling a well within 200 feet of their lease boundaries, or legal subdivision lines within their leases. This will be accomplished by adding a sentence to paragraph (a) of § 221.20. The sentence will provide that an approved Application for Permit to Drill, which contains acceptable standards for well-spacing within the 200-foot corridors, will constitute written consent to drill in the corridors. The original intent of the rule will not be adversely impacted by the adoption of this change. The Application for Permit to Drill has been approved by the Office of Management and Budget and was assigned Clearance Number 1028–0012.

It is hereby determined that this proposed rulemaking does not constitute a major Federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (43 U.S.C. 4332(2)(C)) is required.

The Department of the Interior has determined that this document is not a major rule and does not require a regulatory analysis under Executive Order 12291 and 43 CFR Part 14. The Department has also certified that this rulemaking will not have a significant economic impact on a substantial number of small entity flexibility analysis is not required.

Under the authority of 5 U.S.C. 301, the Act of February 25, 1920 (30 U.S.C. 189), and Executive Order 12291 (46 FR 13193) it is proposed to amend Part 221, Chapter II, Title 30 of the Code of Federal Regulations as set forth below:

1. Section 221.20 is amended by revising paragraph (a) to read as follows:

§ 221.20 Well-location restrictions.

(a) The lessee shall not drill any well within 200 feet of any of the outer boundaries of the lea ied lands except where necessary to protect those lands against wells on land the title to which is not held by the lessor, and then only on consent first had in writing from the Deputy Conservation Manager: *Provided*, that for good cause shown in any particular case, and where not prohibited by law, a lessee may be relieved of such restrictions on written consent of the Deputy Conservation Manager. The lessee shall not drill any well within 200 feet of the boundary of any legal subdivision without first submitting adequate reasons therefor and obtaining consent in writing from the Deputy Conservation Manager, such consent to be subject to such conditions as may be prescribed by said official. Approval of the application for permit to drill shall constitute the Deputy Conservation Manager's written consent when the well location conforms with a spacing order issued by a duly constituted state commission or board and with which the Deputy Conservation Manager agrees or when the well location is on a lease committed to an approved unit agreement or communitization agreement.

* * * * *

Dated: May 24, 1981.

William P. Pendley,

Deputy Assistant Secretary of the Interior.

[FR Doc. 81-18424 Filed 6-22-81; 8:45 am]

BILLING CODE 4310-10-M

Office of Surface Mining Reclamation and Enforcement

30 CFR Parts 715, 816, and 817

Surface Coal Mining and Reclamation Operations Interim and Permanent Regulatory Programs: Use of Explosives

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Withdrawal of proposed rules and notice of intent to repropose rules.

SUMMARY: OSM has determined that comprehensive review of regulations governing the use of explosives in blasting operations, specifically ground vibration and distance limits, is necessary to meet the executive directive to reduce excessive, burdensome or counter-productive regulations. Therefore, no further action will be taken under the rulemaking initiated January 22, 1981, 46 FR 6982. This rulemaking covered portions of the interim program (30 CFR 715.19(e)) and portions of the permanent program rules (30 CFR 816.65(f), (i), (k) and (l), 817.65(f), (i), (k) and (l) and 30 CFR 816.67 and 817.67). The rulemaking initiated on January 22, 1981 is withdrawm and a new rulemaking is undertaken. This notice announces OSM's intent to repropose rules governing explosives under a new rulemaking and sets forth the agency's intention to consider comments received concerning the previous proposal between January 22, 1981, and March 23, 1981, in the upcoming revision.

DATE: Effective upon June 23, 1981.

ADDRESS: Copies of the Schedule for the reproposed rulemaking are available from: Russell F. Price, P.E., Office of Surface Mining, Reclamation and Enforcement, 1951 Constitution Avenue, N.W., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Russell F. Price, P. E., Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW., Washington, D.C. 20240, (202) 343–4022.

SUPPLEMENTARY INFORMATION: On January 22, 1981, at 46 FR 6982, OSM published proposed rules in response to the May 2, 1980, decision by the U.S. Court of Appeals for the District of Columbia addressing 30 CFR 715.19(e)(1)(vii) and 715.19(e)(2)(ii), dealing with the use of explosives in surface coal mining and reclamation operations under the interim regulatory program. In re: Surface Mining Regulation Litigation, No. 78–2190, 78–2191, and 78–2192. The proposed rules also addressed the related provisions of the permanent program rules found in 30 CFR 816/817.65 (f) and (i).

On January 28, 1981, the Secretary of the Interior initiated a program to reevaluate the Department's existing rules to determine where they might be excessive, burdensome or counterproductive. OSM's permanent program rules issued March 13, 1979, at 44 FR 15312, including those relating to the use of explosives are among those being evaluated. In addition, Executive Order 12291, 46 FR 13193, requires that pending and future rulemaking actions be evaluated as to their overall economic costs and benefits. Consequently, the rules proposed January 22, 1981, are included in the overall regulatory review and are subject, as well, to review in conformity with E.O. 12291. OSM has determined that, in the interest of facilitating the general review by the agency of the regulation of the use of explosives in surface coal mining operations, the proposed rulemaking initiated January 22, 1981, (46 FR 6982) should be withdrawn and a new rulemaking undertaken.

OSM intends to develop and repropose regulations dealing with the use of explosives in the course of its overall review. In particular, the issues

of ground vibration and distance limits will be reproposed as part of the agency's plan to develop and promulgate revised rules in compliance with the Executive Order. The Office agrees that comments received during the public comment period on the proposed rules withdrawn by this Notice will be considered in the drafting and development of the new rule. OSM intends to solicit comments from States and other interested parties on a new draft rule in mid-July, 1981. A notice of availability of the draft rule will be published in the **Federal Register** at that time.

Following consideration of the comments received at that time, a rule dealing with the use of explosives will be reproposed. The agency has developed a schedule for the reproposed rulemaking. Copies of this schedule are available by contacting Russell F. Price, P.E., at the address listed above.

Dated: June 17, 1981.

Andrew Bailey,

Acting Director, Office of Surface Mining.

[FR Doc. 81-18455 Filed 6-16-81; 11:17 am]

BILLING CODE 4310-05-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-3-FRL-1851-1]

Proposed Revision of the Virginia State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The Commonwealth of Virginia has submitted a revision to the Virginia State Implementation Plan (SIP). This submittal contains a revision to Part III, Ambient Air Quality Standards. Section 3.08, Lead, is added to attain and maintain the national standard for lead.

DATE: Comments must be submitted on or before July 23, 1981.

ADDRESSES: Copies of the proposed SIP revision and the accompanying support documents are available for inspection during normal business hours at the following offices:

U.S. Environmental Protection Agency, Air Media & Energy Branch, Curtis Building, 6th & Walnut Streets, Philadelphia, Pennsylvania 19106, Attn: Carol D. Peters (3AH13), Phone: (215) 597-9139, Docket No. AH400VA

Virginia State Air Pollution Control Board, Room 1106, Ninth Street Office Building, Richmond, Virginia 23219, Attn: William Meyer, Executive Director

Public Information Reference Unit, Room 2922 EPA Library, U.S. Environmental Protection Agency, 401 M Street SW., (Waterside Mall), Washington, D.C. 20460.

All comments on the proposed revision should be directed to Carol Peters at the address stated above.

FOR FURTHER INFORMATION CONTACT: Carol D. Peters at (215) 597-9139.

SUPPLEMENTARY INFORMATION: On December 30, 1980, the Commonwealth of Virginia submitted to EPA a revision to the Virginia State Implementation Plan (SIP). Section 3.08, Lead, is added to attain and maintain the national standard for lead.

The available monitoring data on ambient air quality in Virginia indicate no violation of the National Ambient Air Quality Standards (NAAQS) for lead. There is only one point source in the Commonwealth of Virginia which emits 5 tons or more of lead per year. The air quality analysis performed for the area around this source indicated lead concentrations far below the standards. Hence, Virginia determined that the NAAQS for lead has been attained and the same will be maintained without additional State regulations.

The control strategy demonstration that accompanies the regulation contains several deficiencies. The baseline emission inventory does not contain a summary of area or mobile sources. The emission inventory should be submitted in a form similar to Appendix D of 40 C.F.R. Part 51. A more detailed summary of all lead air quality data measured since 1974 should be submitted with an evaluation of the data for reliability and representativeness (40 C.F.R. 51.82(a)). The demonstration should also contain a projection of maximum air quality concentrations based upon projected emissions (40 C.F.R. 51.82(c)).

The Commonwealth of Virginia submitted proof that a public hearing was held September 15, 1980, in each Air Quality Control Region in Virginia.

Based on the above discussion, the Administrator is proposing to approve this SIP revision, pending submission from Virginia of information needed to address the concerns indicated above.

The public is invited to submit to the address stated above comments on whether the amendment to the Commonwealth's regulations should be approved as a revision of the Virginia State Implementation Plan.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because this action, if promulgated, only approves State actions and imposes no new requirements.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

Pursuant to the provisions of 5 U.S.C. Section 605(b) the Administrator has certified that SIP approvals under Sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. See 46 Fed. Reg. 8709 (January 27, 1981). This action, if promulgated, constitutes a SIP approval under Sections 110 and 172 within the terms of the January 27 certification. This action only approves State actions. It imposes no new requirements.

(42 U.S.C. §§ 7401-642)

Dated: June 2, 1981.

Jack N. Schramm,

Regional Administrator.

[FR Doc. 81-18578 Filed 6-22-81; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 52

[Docket No. AH031VA; A-3-FRL-1851-5]

Proposed Revision of the Virginia State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The Commonwealth of Virginia has submitted a revision to the Virginia State Implementation Plan (SIP). This revision includes regulation amendments to provisions concerning new source review public participation procedures in Section 2.33 and malfunctions in Section 2.34. EPA is proposing this revision for approval.

DATE: Comments must be submitted on or before July 23, 1981.

ADDRESSES: Copies of the proposed SIP revision and the accompanying support documents are available for inspection during normal business hours at the following offices:

U.S. Environmental Protection Agency, Air Media & Energy Branch, Curtis Building, 6th & Walnut Streets, Philadelphia, Pennsylvania 19106, Attn: Carol D. Peters (3AH13), Telephone No. 215/597-9139.

Virginia State Air Pollution Control Board, Room 1106, Ninth Street Office Building, Richmond, Virginia 23219, Attn: William Meyer, Executive Director

Public Information Reference Unit, Room 2922, EPA Library, U.S. Environmental Protection Agency, 401 M Street SW. (Waterside Mall), Washington, D.C. 20460.

All comments on the proposed revision should be directed to Carol D. Peters at the address stated above.

FOR FURTHER INFORMATION CONTACT: Carol D. Peters at (215) 597–9139.

SUPPLEMENTARY INFORMATION: On February 19, 1981 the Commonwealth of Virginia submitted a revision to the Virginia State Implementation Plan (SIP). The revision includes regulation amendments to existing provisions concerning new source review public participation procedures of Section 2.33 and malfunctions in Section 2.34.

The existing Section 2.33(a)(5) has been deleted and a new regulation added. The new § 2.33(a)(5) specifies which type of stationary source will be subject to a public comment period prior to the Board's decision on the permit application. A permit application for stationary sources which will have potential for public interest would also be subject to a public comment period prior to the Board's decision. The changes, as written in § 2.33(a)(5), are proposed for approval.

Section 2.34, Facility and Control Equipment Maintenance or Malfunction, is revised by adding subsection (i). This subsection will allow the Board to reduce the level of operation or shut down a facility, if necessary, to prevent a violation of the primary ambient air quality standard. Section 2.34(i) is being proposed for approval as written in this revision.

The Commonwealth of Virginia has submitted proof that a public hearing was held January 12, 1981 in each Air Quality Control Region in Virginia.

Therefore, it is the tentative decision of the Administrator to approve the proposed revision of the Virginia State Implementation Plan. The public is invited to submit to the address stated above, comments on whether this revision of the Virginia State Implementation Plan should be approved.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because this action, if promulgated, only approve State actions and imposes no new requirements.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

Pursuant to the provisions of U.S.C. Section 605(b) the Administrator has certified that SIP approvals under Sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. See 46 FR 8709 (January 27, 1981). This action, if promulgated, constitutes a SIP approval under Sections 110 and 172 within the terms of the January 27 certification. This action only approves State actions. It imposes no new requirements.

(42 U.S.C. §§7401–642)

Dated: June 2, 1981.

Jack J. Schramm,

Regional Administrator.

[FR Doc. 81–18579 Filed 6–22–81; 8:45 am]

BILLING CODE 6560–38–M

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40 CFR Part 180

[PP 6E1872/P180; PH–FRL–1860–1]

Pyrethrins and Synergist Piperonyl Butoxide; Proposed tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This notice proposes that tolerances be established for the insecticide pyrethrins and the insecticide synergist piperonyl butoxide. This proposal was submitted by the Interregional Project No. 4 (IR–4). This amendment will establish a maximum permissible level for residues pyrethrins resulting from postharvest use on stored sweet potatoes at 0.05 part per million (ppm) and piperonyl butoxide resulting from postharvest use on stored sweet potatoes at 0.25 ppm.

DATE: Comments must be received on or before July 23, 1981.

ADDRESS: Written comments to: Donald Stubbs, Registration Division (TS–767C), Emergency Response Section, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Donald Stubbs (703–557–7123).

SUPPLEMENTARY INFORMATION: The Interregional Research Project No. 4 (IR–4), New Jersey Agricultural Experiment Station, PO Box 231, Rutgers University, New Brunswick, NJ 08903, has submitted pesticide petition number 6F1872 to EPA on behalf of the IR–4 Technical Committee and the Agricultural Experiment Station of North Carolina.

This petition requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose the establishment of tolerances for residues of the insecticide pyrethrins (insecticidally active principles of *Chrysanthemum cinerariaefolium*) resulting from post-harvest application to the new agricultural commodity sweet potatoes at 0.05 ppm and the insecticide synergist piperonyl butoxide [(butylcarbityl)(6-propyl piperonyl) ether] at 0.25 ppm.

The data submitted in the petition and other relevant material have been evaluated. The pesticides are considered useful for the purposes for which the tolerances are sought. The toxicology data considered in support of the proposed tolerance for piperonyl butoxide were a 2-year feeding study in rats with a no-observed-effect level (NOEL) of 1,000 ppm and no chemically related neoplasm; a 2-year feeding study in dogs with a NOEL of 700 ppm; an oral LD_{50} of greater than 7,500 milligrams (mg)/kilogram (kg) in rats; and National Cancer Institute (NCI) studies indicating that, under the terms of the bioassay, piperonyl butoxide was not carcinogenic in either the Fisher 344 strain of rats or $B_6 C_2 F_1$ strain of mice.

The toxicology data considered in support of the proposed tolerance for pyrethrins were an acute oral LD_{50} in rats of 200 mg/kg and rat chronic feeding study showing a NOEL of 200 ppm. Toxicology data for pyrethrins currently lacking and considered desirable include a repeat of the oncongenic-chronic feeding study in rats and oncogenic evaluation in mice; teratology studies in two species; a multigeneration reproduction study; subchronic feeding studies in rats and dogs; and mutagenic evaluation.

The theoretical maximum residue contribution (TMRC) from existing tolerances for a 1.5 kg daily diet is calculated to be 0.8520 mg/day and 5.9503 mg/day for pyrethrins and piperonyl butoxide, respectively. The current action will add less than 0.03 percent to each TRMC. The increased incremental risk resulting from the new proposed use has been determined to be insignificant.

The nature of the residues is adequately understood and adequate analytical methods (gas-liquid chromatography and spectrophotometry) are available for enforcement purposes. There are presently no actions pending against the continued registration of these chemicals.

Based on the above information considered by the agency, currently established tolerances for meat and milk are adequate to cover any residues resulting from sweet potatoes used as animal feed. It is concluded that the tolerances established by amending 40

CFR Part 180 would protect the public health. It is proposed, therefore, that the tolerances be established as set forth below.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, which contains any of the ingredients listed herein, may request on or before July 23, 1981, that this rulemaking proposal be referred to an Advisory Committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on this proposed regulation. The comments must bear a notation indicating both the subject and the petition and document control number, "[PP 6E1872/P180]". All written comments filed in response to this petition will be available for public inspection in the office of Donald Stubbs from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

As required by Executive Order 12291, EPA has determined that this proposed rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this proposed regulation from the OMB review requirements of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–534, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that the regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346a(e)))

Dated: June 10, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

Therefore, it is proposed that Subpart C of 40 CFR Part 180 be amended by revising §§ 180.127 and 180.128 to read as follows:

§ 180.127 Piperonyl butoxide; tolerances for residues.

Tolerances for residues of the insecticide piperonyl butoxide [(butyl carbityl) (6–propyl piperonyl) ether] are established in or on the following raw agricultural commodities:

Commodities	Parts per million
Almonds (post-H)	8
Apples (post-H)	8
Barley (post-H)	20
Beans (post-H)	8
Birdseed mixtures (post-H)	20
Blackberries (post-H)	8
Blueberries (huckleberries) (post-H)	8
Boysenberries (post-H)	8
Buckwheat (post-H)	20
Cattle, fat	0.1(N)
Cattle, mbyp	0.1(N)
Cattle, meat	0.1(N)
Chernes (post-H)	8
Cocoa beans (post-H)	8
Copra (post-H)	8
Corn (including popcorn) (post-H)	20
Cottonseed (post-H)	8
Crabapples (post-H)	8
Currants (post-H)	8
Dewberries (post-H)	8
Eggs	1
Figs (post-H)	8
Flaxseed (post-H)	8
Goats, fat	0.1(N)
Goats, mbyp	0.1(N)
Goats, meat	0.1(N)
Gooseberries (post-H)	8
Grain sorghum (post-H)	8
Grapes (post-H)	8
Guavas (post-H)	8
Hogs, fat	0.1(N)
Hogs, mbyp	0.1(N)
Hogs, meat	0.1(N)
Horses, fat	0.1(N)
Horses, mbyp	0.1(N)
Horses, meat	0.1(N)
Loganberries (post-H)	8
Mangoes (post-H)	8
Milk fat (reflecting negligible residues in milk)	0.25
Muskmelons (post-H)	8
Oats (post-H)	8
Oranges (post-H)	8
Peaches (post-H)	8
Peanuts (with shell removed) (post-H)	8
Pears (post-H)	8
Peas (post-H)	8
Pineapples (post-H)	8
Plums (fresh prunes) (post-H)	8
Potatoes (post-H)	0.25
Poultry, fat	3
Poultry, mbyp	3
Poultry, meat	3
Raspberries (post-H)	8
Rice (post-H)	20
Rye (post-H)	20
Sheep, fat	0.1(N)
Sheep, mbyp	0.1(N)
Sheep, meat	0.1(N)
Sweet potatoes (post-H)	0.25
Tomatoes (post-H)	8
Walnuts (post-H)	8
Wheat (post-H)	20

§ 180.128 Pyrethrins; tolerances for residues.

Tolerances for residues of the insecticide pyrethrins (insecticidally active principles of *Chrysanthemum cinerariaefolium*) are established in or on following the raw agricultural commodities:

Commodities	Parts per million
Almonds (post-H)	1
Apples (post-H)	1
Barley (post-H)	3
Beans (post-H)	1
Birdseed mixtures (post-H)	3
Blackberries (post-H)	1
Blueberries (huckleberries) (post-H)	1
Boysenberries (post-H)	1
Buckwheat (post-H)	3
Cattle, fat	0.1(N)
Cattle, mbyp	0.1(N)
Cattle, meat	0.1(N)
Chernes (post-H)	1
Cocoa beans (post-H)	1
Copra (post-H)	1
Corn (including popcorn) (post-H)	3
Cottonseed (post-H)	1
Crabapples (post-H)	1
Currants (post-H)	1
Dewberries (post-H)	1
Eggs	0.1(N)
Figs (post-H)	1
Flaxseed (post-H)	1
Goats, fat	0.1(N)
Goats, mbyp	0.1(N)
Goats, meat	0.1(N)
Gooseberries (post-H)	1
Grain sorghum (post-H)	1
Grapes (post-H)	1
Guavas (post-H)	1
Hogs, fat	0.1(N)
Hogs, mbyp	0.1(N)
Hogs, meat	0.1(N)
Horses, fat	0.1(N)
Horses, mbyp	0.1(N)
Horses, meat	0.1(N)
Loganberries (post-H)	1
Mangoes (post-H)	1
Milk fat (reflecting negligible residues in milk)	0.5
Muskmelons (post-H)	1
Oats (post-H)	1
Oranges (post-H)	1
Peaches (post-H)	1
Peanuts (with shell removed) (post-H)	1
Pears (post-H)	1
Peas (post-H)	1
Pineapples (post-H)	1
Plums (fresh prunes) (post-H)	1
Potatoes (post-H)	0.05
Poultry, fat	0.2
Poultry, mbyp	0.2
Poultry, meat	0.2
Raspberries (post-H)	1
Rice (post-H)	3
Rye (post-H)	3
Sheep, fat	0.1(N)
Sheep, mbyp	0.1(N)
Sheep, meat	0.1(N)
Sweet potatoes (post-H)	0.05
Tomatoes (post-H)	1
Walnuts (post-H)	1
Wheat (Post-H)	3

[FR Doc. 81-18537 Filed 6-22-81 8:45 am]

BILLING CODE 6560-32-M

40 CFR Part 192

[AR-FRL-1859-5]

Proposed Remedial Action Standards For Inactive Uranium Processing Sites; Extension of Comment Period

AGENCY: Environmental Protection Agency.

ACTION: Extension of Comment Period.

SUMMARY: EPA has proposed remedial action standards (40 CFR Part 192) for inactive uranium processing sites (45 FR 27370, April 22, 1980, and 46 FR 2556, January 9, 1981), and held public hearings on these proposals (46 FR 16278, March 12, 1981). In response to requests from the American Mining Congress and others, we are further extending the post-hearing comment and written comment periods set earlier (46

FR 26356, May 12, 1981). We do not anticipate any additional extension.

DATE: Written comments on proposed 40 CFR Part 192 and post-hearing comments must be received on or before July 15, 1981, in order to be considered.

ADDRESS: Comments should be submitted to Docket No. A–79–25, which is located at the Environmental Protection Agency, Central Docket Section (A–130), West Tower Lobby, 401 M Street, S.W., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Dr. Stanley Lichtman, Criteria and Standards Division (ANR–460), Office of Radiation Programs, U.S. Environmental Protection Agency, Washington, D.C. 20460; telephone number (703) 557–8927.

Dated: June 17, 1981.

Edward F. Tuerk,

Acting Assistant Administrator for Air, Noise, and Radiation.

[FR Doc. 81-18536 Filed 6-22-81; 8:45 am]

BILLING CODE 6560-26-M

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

43 CFR Part 230

Reclamation of Arid Lands by the United States; Reclamation Rules and Regulations

AGENCY: Bureau of Reclamation, Department of the Interior.

ACTION: Proposed repeal of 43 CFR 230.71–320.84, water right applications.

SUMMARY: The Bureau of Reclamation (Reclamation), Department of the Interior, proposes to repeal 43 CFR 230.71–230.84, which established procedures for individual water right applications under Reclamation law. The regulation is obsolete because Reclamation no longer uses individual water right applications. Instead, Reclamation is required to contract with irrigation districts or other entities organized under State law for repayment of project costs and delivery of project water.

DATE: Comment period on the proposed action closes July 8, 1981.

ADDRESS: Comments should be submitted to Commissioner, Bureau of Reclamation, Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240, Attention: Code 430.

FOR FURTHER INFORMATION CONTACT: Michael S. Hacskaylo, Attorney, Office of the Solicitor, Department of the Interior, Washington, D.C. 20240, (202) 343–9391, or Roy H. Boyd, Senior Staff Assistant, Water Operations, Bureau of Reclamation, Department of the Interior, Washington, D.C. 20240, (202) 343–5471.

SUPPLEMENTARY INFORMATION: The Reclamation Act of 1902, 43 U.S.C. 391 *et seq.*, established a program for the construction of irrigation works for the storage, diversion, and development of water for the reclamation of arid and semiarid lands in the seventeen western States. Pursuant to section 4 of the Act, 43 U.S.C. 419, 461, the Secretary of the Interior contracted with individuals for the repayment of construction charges and delivery of project water. This contract was either a Form A or Form B water right application as set forth in 43 CFR 230.71–230.84. By Act of May 15, 1922, § 1, 43 U.S.C. 511, Congress authorized the Secretary to contract with irrigation districts and, at his discretion, to dispense with water right applications from individuals. In the Omnibus Adjustment Act of 1926, § 46, 43 U.S.C. 423e, Congress required the Secretary to contract with irrigation districts for repayment of construction, operation, and maintenance costs of new projects. Since Reclamation no longer uses individual water right applications, 43 CFR 230.71–230.84 is obsolete and should be repealed.

The Department of the Interior has determined that this rulemaking action does not constitute a "major rule" as defined in section 1(b) of Executive Order 12291. Accordingly, no Regulatory Impact Analysis will be prepared.

In accordance with the Regulatory Flexibility Act and 43 CFR Part 14, the Department has determined that this rulemaking action will not have a significant economic effect on a substantial number of small entities.

Dated: June 3, 1981.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

§§ 230.71 through 230.84 [Removed]

Accordingly, it is proposed that Part 230 is amended by removing § 230.71 through § 230.84.

[FR Doc. 81-18432 Filed 6-22-81; 8:45 am]

BILLING CODE 4310-09-M

FEDERAL MARITIME COMMISSION

46 CFR Part 524

[Docket No. 81–40]

Exemption of Exclusive Equipment Interchange Agreements From the Filing and Approval Requirements of Section 15 of the Shipping Act, 1916

AGENCY: Federal Maritime Commission.

ACTION: Proposed rule.

SUMMARY: This amendment would result in the exemption of both nonexclusive and exclusive equipment interchange agreements covering empty containers, chassis, LASH/SEABEE barges and related equipment between two or more persons subject to the Shipping Act, 1916, from the filing and approval requirements of section 15 of the Act. The proposed exemption may encourage the formation of exclusive equipment interchange arrangements which should afford the participants greater flexibility to meet and respond in a timely fashion to problems of equipment imbalance. Participants should also be able to make more effective use of expensive equipment with concomitant benefits to shippers and consignees. It does not appear that the exemption will impair the Commission's effective regulation.

DATE: Comments (original and 15 copies) due on or before August 7, 1981.

ADDRESS: Send comments and inquiries to: Joseph C. Polking, Acting Secretary, Federal Maritime Commission, 1100 L Street NW., Washington, D.C. 20573.

FOR FURTHER INFORMATION CONTACT: Joseph C. Polking (202) 523–5725.

SUPPLEMENTARY INFORMATION: The Federal Maritime Commission is considering an enlargement of the existing rule which exempts *nonexclusive* agreements for the intrchange of empty containers, chassis, LASH/SEABEE barges and related equipment ("equipment") between two or more carriers by water subject to the Shipping Act, 1916 (the "Act") (46 CFR 524.2(b)), to include *exclusive* arrangements of that nature between two or more persons subject to the Act. This action is being taken pursuant to secton 35 of the Act (46 U.S.C. 833a) which provides that the Commission, upon application or on its own motion, may be order or rule exempt for the future any class of agreements between persons subject to the Act, or any specified activity of such persons from any requirement of the Act, or the Intercoastal Shipping Act, 1933, where it finds that such exemption will not substantially impair effective regulation by the Commission, be unjustly discriminatory, or be detrimental to commerce.

Carriers often find that they have an imbalance of equipment, i.e., a surplus of equipment at one location and a scarcity at another location. One remedy for this imbalance is for a carrier to move empty equipment from one location to nother location. A second remedy is to lease the necessary equipment from anothr carrier. While the second alternative may render the

same result as the first, the time required to obtain Commission approval of other than nonexclusive arrangements may make them commercially unacceptble to the parties. This new proposed exemption will afford carriers additional flexibility to meet and respond, in a timely manner, to the problems of equipment imbalance. Participants in such arrangements should also be able to make more effective use of expensive equipment with resultant benefits to shippers and consignees.

By enlarging the exemption of the subject type of agreement from the filing and approval requirements of section 15, the Commission is not relinquishing its jurisdiction over the subject agreements or over persons subject to the Act. Any activity performed pursuant to such agreements will remain subject to all other sections of the Act. Moreover, this action does not confer antitrust immunity on the parties to the arrangement. Section 15 approval will, however, remain available to parties requesting it.

Commentators are requested to address whether the proposed exemption will substantially impair effective regulation by the Commission, be unjustly discriminatory, or be detrimental to commerce.

Pursuant to the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Commission certifies that the proposed rulemaking will not, if adopted, have a significant economic impact on a substantial number of small entities. The proposed exemption will primarily benefit carriers, but it is not foreseen that a "substantial number" of carriers who are small entities will be affected by this exemption within the meaning of 5 U.S.C. 605(b). Non-carrier members of the shipping public, some of whom undoubtedly are small entities, may enjoy a secondary benefit from this exemption but it is not foreseen that this benefit will amount to a "significant economic impact," within the meaning of 5 U.S.C. 605(b).

Therefore, pursuant to 5 U.S.C. 553 and sections 15, 35 and 43 of the Shipping Act, 1916 (46 U.S.C. 814, 833a and 841a) the Commission proposes to amend § 524.2(b) of 46 CFR to read as follows:

§ 524.2 Definitions.

* * * * *

(b) An equipment interchange agreement is an agreement betwen two or more common carriers by water for the exchange of empty containers, chassis, empty LASH/SEABEE barges, and related equipment, which provides only for the transportation of the equipment as required, payment therefor, management of the logistics of transferring, handling and positioning equipment, its use, repair and maintenance, damages thereto and liability incidental to the interchange of equipment, and no other subject.

Joseph C. Polking,

Acting Secretary.

[FR Doc. 81-18569 Filed 6-22-81; 8:45 am]

BILLING CODE 6730-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Parts 1004 and 1057

[Ex Parte No. MC-73 (Sub-No. 1)]

Interchange Policies at International Boundary Lines

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed rulemaking and withdrawal of previous proposal.

SUMMARY: The original notice of proposed rulemaking in this proceeding, published in the **Federal Register** on May 1, 1979 (44 FR 25476), proposed a plan of master licensing to authorize foreign motor carriers to operate within free zones near international boundary crossing points in order to interchange transborder traffic with U.S. carriers at nearby transfer points. Master licensing is now prohibited by the Motor Carrier Act of 1980, Pub. L. 96-296, 94 Stat. 794, and accordingly this plan can no longer be adopted.

As an alternative method of dealing with interchange problems at or near international boundary lines, the Commission now proposes to amend its interchange regulations to permit motor common carriers of property licensed by the Commission to interchange equipment at international boundary lines with motor common carriers licensed by the appropriate authorities of Canada and Mexico.

Under this plan, all operations in the United States would be performed under the authority of a licensed U.S. carrier, without the necessity for transshipping cargo at or near the boarder. Inspection of equipment, change of drivers, tractors, and/or identification (if required), and any other necessary formalities could take place at any convenient location on either side of the international boundary line within five miles of the border crossing point.

The Commission further proposes to disclaim jurisdiction over transportation by foreign domiciled carriers between ports of entry on international boundary lines and transfer points within five miles of the border crossing point, where the cargo is moving on through bills of lading and is being picked up from, or delivered to, a United States carrier at the transfer point. The Commission believes these two measures will complement each other.

DATE: Comments are due on or before August 7, 1981.

ADDRESS: Send an original and, if possible, 15 copies of comments to: Ex Parte No. MC-73 (Sub-No. 1), Room 5416, Office of Proceedings, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Frederic D. Houghteling, 303-275-7019 or Edward E. Guthrie, 202-275-7691.

SUPPLEMENTARY INFORMATION: By notice of proposed rulemaking published in the **Federal Register** on May 1, 1979 (44 FR 25476), this proceeding was instituted to determine whether the present and future public convenience and necessity, considered on a national basis, required that all common carriers of property by motor vehicle, regardless of their country of origin, be authorized by appropriate procedures to conduct for-hire operations between ports of entry on the United States-Canadian and the United States-Mexican International Boundary Lines, on the one hand, and, on the other, the nearest practical point in the United States at which the equipment or traffic of such carriers may be interchanged or interlined with U.S. carriers holding authority to serve said points on the international boundary.

The published notice stated that the Commission proposed to establish a free zone for interchange of traffic at or near the international boundary lines in order to eliminate the need for foreign carriers to file regular common-carrier applications with the Commission for authority to transport international traffic short distances in the United States solely for the purpose of interchange with U.S. carriers. The new free-zone authority would be limited to shipments moving on a through bill of lading. A carrier wishing to conduct operations in foreign commerce between the international boundary line and the nearest practical interchange point within the United States would be required to submit an application which would be subject to a simplified procedure described in the proposed rules. The proposed abbreviated entry controls and special certificate procedure were designed to eliminate unnecessary regulatory barriers to foreign-domiciled motor carriers seeking to engage this type of limited transportation activity.

Background

When a Canadian or Mexican-domiciled for-hire motor carrier desires to bring into the United States motor vehicles containing shipments of non-exempt commodities that is has transported from the interior of Canada or Mexico, for the purpose of transfer to a United States carrier or carriers, or where it desires to receive such traffic from a connecting carrier or carriers at United States border points for movement in the reverse direction, the foreign domiciled carrier must now obtain appropriate operating authority from this Commission and comply with all applicable rate, insurance, and other general requirements imposed by statute. See *Consolidated Truck Lines* v. *Fess and Wittmeyer Trucking Co.*, 83 M.C.C. 673 (1960), and *Rio Grande Bridge System—Petition for Exemption*, 103 M.C.C. 174 (1968).

In Ex Parte No. MC–73, *Traffic at or near U.S.-Can. Boundary Lines*, 110 M.C.C. 730 (1969), the Commission, in a rulemaking proceeding instituted on its own motion, considered whether the public convenience and necessity, considered on a national basis, required authorization of all motor common carriers of property to conduct for-hire operations between border points and nearby interchange points. the Commission found (1) that it did not appear that any substantial adverse effect was being, or would be, suffered by the motor carrier industry or any other interested party under the existing scheme of regulation, and (2) that the Commission should therefore continue to require the filing of individual applications from those carriers seeking permission to operate within this country in foreign commerce. Subsequently, in *Glengarry Transport Ltd.—Declaratory Order*, 128 M.C.C. 342 (1977), a majority of the Commission concluded that the evidence of record did not warranty a departure from the Commission's earlier position.

The purpose of instituting the present rulemaking proceeding was to permit the Commission to reexamine the problem once again and, within the bounds of the statute, to fashion a solution to an interchange problem which it perceived to exist. It was thought that the best way to eliminate or resolve this interchange problem would be to institute a master licensing procedure based on a general finding of public convenience and necessity. Comments were also requested on the appropriate scope of a free zone for interchange of transborder shipments.

Subsequent Developments

Comments on the published notice were received from 44 carriers, eight carrier associations, three shippers, a broker, the Detroit International Bridge Corporation, the Canadian Conference of Motor Transport Administrators, and the Association of International Boarder Agencies. The shippers and several carriers favored the proposal; most other commentors opposed it for a variety of reasons.

Subsequently Congress adopted the Motor Carrier Act of 1980, Pub. L. 96–296, 94 Stat. 794, July 1, 1980, making extensive changes in the law regarding the regulation of motor carriers of property. Among other changes, Congress adopted a new Section 10922(b)(3), which provides:

> (3) The Commission may not make a finding relating to public convenience and necessity under paragraph (1) of the subsection [relating to the issuance of certificates to motor common carriers of property] which is based upon general findings developed in rulemaking proceedings.

This provision was adopted for the express purpose of eliminating future use of the technique of master licensing, which had been developed by the Commission as a means of simplifying the licensing process by determining the public convenience and necessity for broad categories of motor carriage in rulemaking proceedings. See, *e.g.*, *Chemical Leaman Tank Lines, Inc.* v. *United States*, 368 F. Supp. 925 (D. Del. 1973) (3-judge court). Since the previously published proposal in this proceeding was a proposal for master licensing, it can no longer be adopted in view of the new statutory provision.

Further Action

We remain concerned, however, about the inconvenience involved when Canadian and Mexican carriers must go through normal common-carrier application procedures in order to acquire authority to conduct minimal operations within the United States at or near border crossing points for the purpose of interlining traffic with U.S. carriers, even though these application procedures have now been simplified and expedited under the new Motor Carrier Act. We are even more concerned about the economic waste which occurs under the common present practice of transshipping international goods twice, once on each of the border, where a "bridge" carrier receives them from a line-haul carrier of one country on one side of the border, hauls them a few miles across the boarder and through customs, and turns them over on the other side of the border to a line-haul carrier of the other country.

A number of commentors on our earlier notice contend that there is no demonstrated need for any change in present arrangements for interlining of traffic at or near border crossing points, that a sufficient number of carriers hold authority to operate both in the United States and in neighboring countries, that the most important obstacle today to the movement of international trade over land borders is congestion and delay at customs facilities, and that the so-called "bridge" short-haul carriers perform a useful function through their export knowledge of customs procedures and requirements. We are not convinced, however, that the movement of international trade by motor vehicle over land borders cannot be further facilitied by appropriate relaxation or removal of unnecessary regulatory restrictions. Granted that the "bridge" carriers may well have developed valuable expertise in shepherding goods through customs, we believe that these useful services could be made available for appropriate compensation in a form which did not necessitate wasteful multiple unloading and reloading of shipments on both sides of the border, with the delay, expense, and wastage that inevitably accompany such multiple unloading and reloading.

Upon further reflection, now that the master licensing solution has been eliminated, it seems to us that one simple and effective way of dealing with the problem would be to amend our interchange regulations, 49 CFR Part 1057, Subpart D, so as to permit the interchange of equipment between authorized U.S. common carriers and the authorized common carriers of Canada and Mexico.

The present interchange regulations permit interchanges of equipment only between two or more authorized U.S. common carriers. We propose to add a new section to the regulations permitting interchanges between authorized U.S. common carriers and common carriers licensed by the appropriate authorities of a neighboring country, *i.e.*, Canada or Mexico. The U.S. carrier and the foreign carrier involved in such an interchange would each have to hold authority to serve the border point at which the interchange was to take place. The interchange would be considered as taking place at the boarder itself, so that all operations in the United States would be conducted under the authority of a certified U.S. carrier, and likewise all operations in the neighboring country would be conducted under the authority of a licensed carrier of that country.

This does not mean, however, that it would be necessary to stop at the border to change drivers, inspect or change identification on the vehicles, or the like. Such changes, if required by the interchange agreement or applicable regulations, could be made at any convenient point on either side of the border within five miles of the actual border crossing point.[1] Drivers qualified to operate in both countries—as many drivers will be—would not need to be changed at all. Vehicle identification could be changed at any such convenient location; or, under our proposed rule, the vehicle could bear a placard or other form of sign showing that it was operated in the United States by a named U.S. carrier and in Canada (Mexico) by a named Canadian (Mexican) carrier, in each case with the appropriate identifying numbers shown. If this latter form of identification were used, it would not need to be changed on entering or leaving the United States.

Otherwise, in general, the same rules would apply to transborder interchanges as presently apply to interchanges between authorized U.S. carriers.

It should be emphasized that, in some significant respects, this proposal is broader than our earlier one, in that it does not deal solely with operations confined to the immediate vicinity of international border crossing points. Under our new proposal, it will be possible for a truckload shipment to move from the interior of the United States to the interior of Canada or Mexico, or vice versa, in a single unbroken movement, without any transshipment, stopping only for customs inspection at the border. Similarly, it will be open to regular-route carriers serving border points to join with their Canadian or Mexican counterparts to offer a transborder regular-route service.

Where through-truck service from origin to destination is not practicable, arrangements can be entered into for interlining of traffic at any convenient terminal on either side of the border. The carriers who are parties to the interchange agreement may make whatever provision they see fit for changes of drivers, changes of power equipment, and so forth. Likewise, provisions for compensation will be entirely up to the agreement of the parties, the only requirement (as in the case of U.S. interchanges) being that charges for the use of interchanged equipment shall be kept separate from divisions of joint rates, or proportions when local or proportional rates are used.

We have also decided to go forward with the "free zone" proposal, but based on a different legal theory, as to which we request comments. Notwithstanding the Commission's former conclusions to the contrary, we have tentatively come to the conclusion, previously arrived at on several earlier occasions by a significant minority of the Commission,[2] that the extremely limited operations of foreign-domiciled carriers between international border-crossing points and nearby points of interlining within the United States are too insignificant to warrant regulation by this Commission.

We, therefore, propose to disclaim jurisdiction over these limited operations, which, although they physically take place within the United States, are merely the tags-ends of much more extensive operations by foreign-domiciled motor carriers within their own countries.

The problem exists simply because it is not practicable to interline or transship goods exactly on the international boundary line. The past—and unsatisfactory, in our view—way of dealing with this problem has been to require the foreign carrier to obtain motor common carrier authority from this Commission for the minimal U.S. operations involved. Another way of dealing with the problem is by changing our rules to authorize interchange of equipment, but this requires a detailed written agreement between a U.S. and a foreign carrier. We anticipate that this interchange solution will work best where a full through-truck service is desired. Where all that is contemplated is the interlining of traffic at or near the border, interchange agreements may be unnecessarily cumbersome. Absent such agreements, either a U.S. truck and driver must physically enter the neighboring country for a short distance, or a foreign truck and driver must enter the U.S. for a short distance, simply to reach a practical point at which interlining of through-traffic can take place.

In our tentative view, such incursions into the other country are *de minimis*, and insofar as they involve the entry of Canadian and Mexican trucks and drivers into the United States for such proposes, are too trivial to call for the exercise of regulatory jurisdiction by this Commission. We note that Congress by section 10526(b) of the Act has excluded from our regulatory jurisdiction the provision of local cartage service within a municipality, contiguous municipalities, or the commercial zone of a municipality, except to the extent we find it necessary to exercise such jurisdiction in order to carry out the National Transportation Policy of section 10101. Many of the local cartage hauls thus exempted from regulation are longer than the five-mile-maximum hauls over which we here propose to disclaim jurisdiction; and, of course, many of these latter "free zone" hauls will take place entirely within a border municipality and its commercial zone, insofar as they take place in the United States at all. In fact, the only reason section 10526(b) of the Act does not apply to these "free zone" hauls is that the transportation involved does not take place *entirely* within a municipality, contiguous municipalities, or the commercial zone of a municipality; yet the portion which does not take place in a foreign country where we have no jurisdiction.

We are not aware that Congress has ever considered or addressed itself to the specific problem here involved. The problem is a relatively minor one compared to the problems Congress undertook to deal within the Motor Carrier Act of 1980. The manner in which section 10526(b) is framed suggests to us that Congress, had it considered the present problem, might very well have included it in the conditional exclusion from jurisdiction of that section. We find nothing in the National Transportation Policy and nothing in the legislative history of the 1980 Act that requires us to assert jurisdiction over these minimal operations by foreign carriers at or near border crossing points, and nothing that suggests to us that we will be contravening the will of Congress by disclaiming jurisdiction over such operations.

Our proposed disclaimer of jurisdiction over operations of foreign domiciled carriers within "free zones" adjacent to border crossing points will be embodied in an addition to 49 CFR Part 1004. It will be limited to operations between the actual border crossing point and a transfer point within five miles of the border crossing point. It will further be limited to the transportation of goods moving on through bills of lading, and being picked up from or delivered to a United States carrier at the transfer point. The United States carrier may be either a motor carrier holding authority from this Commission

[1] The previous comments submitted in this proceeding seem to indicate that five miles would represent a reasonable general limit, although in many instances the closest convenient point would be much closer than five miles to the border crossing point. Further comment on this issue is invited.

[2] See the dissenting opinions in the *Fess* and *Glengarry* cases, *supra*, and also the separate expressions of Commissioners Gresham and Christian attached to the original notice of proposed rulemaking in this proceeding.

to serve the transfer point or an exempt carrier, as for example a local cartage operator picking up or delivering the goods within the commercial zone of the U.S. border municipality. The foreign carrier itself will not be authorized to pick up goods from, or deliver them to, a shipper or consignee.

Comments Sought

Comments are sought concerning the legality, desirability, and practicality of (1) the new transborder interchange regulations and (2) the disclaimer of jurisdiction over "free zone" operations here proposed. Comments already submitted in response to the earlier notice of proposed rulemaking will be considered to the extent they remain germane. Comments dealing specifically with the former master licensing proposal, of course, have been rendered irrelevant by events. Commentors need not submit new copies of comments previously filed which they still consider relevant, but may call attention to their earlier comments by letter, or may incorporate them (or specified portions of them) by reference in new comments filed in response to this supplemental notice.

Because our earlier proposal cannot be implemented and because a new notice and round of comments is required, we have refrained from fully summarizing or drawing detailed conclusions from the comments already received. It will be obvious, however, that we have not been convinced by those commentors who urge simply that the proceeding be terminated with the *status quo* left intact. We remain of the view that it should be possible, within the constraints of the Motor Carrier Act of 1980 and responsive to its National Transportation Policy for motor carriers of property, to facilitate the flow of transborder commerce by removing unnecessary regulatory obstacles to that flow. Our two proposals here outlined are designed to achieve that purpose.

We do not believe that implementation of our proposed regulation change and disclaimer of jurisdiction would have any significant effect, adverse or otherwise, on the quality of the human environment. We do believe, however, that some savings in scarce energy resources would occur as a result of more efficient motor carrier operations that would be made possible. Such savings would probably be small, but positive. Commentors who disagree with either of these conclusions should show specifically and in detail why they are incorrect.

We invite comments, pursuant to 5 U.S.C. 603, on the potential impact of our proposals on small businesses and small organizations. We are aware that the proposals may have an adverse effect on some small carriers, those that presently serve as "bridge" carriers hauling international goods for short distances across international boundary lines. On the other hand, we anticipate that the proposals may have a beneficial effect on other small carriers that may be able to participate more effectively or profitably in international trade movements, and on small shippers and receivers of goods moving in international trade.

This notice of proposed rulemaking is issued under the authority of 5 U.S.C. 552, 553, and 559, and 49 U.S.C. 10101, 10321, and 11107.

Decided: June 12, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam. Acting Chairman Alexis was absent and did not participate.

Agatha L. Mergenovich,

Secretary.

Appendix

Accordingly, it is proposed to amend 49 CFR Parts 1004 and 1057 as follows:

1. By revising paragraph (c) of § 1057–1, *Applicability,* to read as follows:

§ 1057.1 Applicability.

* * * * *

(c) The interchange of equipment between motor common carriers, or between a motor common carrier and an authorized foreign carrier, in the performance of transportation regulated by the Commission.

2. In § 1057.2, *Definitions,* by redesignating items (b) through (o) as (c) through (p), respectively, and by adding a new item (b) as follows:

§ 1057.2 Definitions.

* * * * *

(b) *Authorized foreign carrier.* A person or persons authorized to engage in the transportation of property by motor vehicle as a common carrier under the laws of Canada or a Canadian province, or of Mexico or a Mexican state.

* * * * *

3. By revising § 1057.2(d) [formerly § 1057.2(c)] to read as follows:

* * * * *

(d) *Interchange.* The transfer or receipt of equipment by one motor common carrier of property to or from another such motor common carrier, or an authorized foreign carrier, at a point which both carriers are authorized to serve, for the purpose of accomplishing a through movement.

* * * * *

4. By adding a new § 1057.32, as follows:

§ 1057.32 Interchange of equipment with authorized foreign carriers.

An authorized common carrier may interchange equipment with an authorized foreign carrier under the conditions of § 1057.31 (a), (c), (d), and (e), plus the following:

(a) *Points of interchange.* The point or points of interchange shall be a specified point or points on the borders between the United States and Canada or Mexico. However, there is no requirement that any change of driver, change of identification on the equipment, inspection of the equipment, or other form of physical transfer of control over the equipment take place precisely at the border. To the extent any of the foregoing actions may be required, they may be performed at any convenient place on either side of the border within five miles of the border crossing point.

(b) *Operating authority.* The authorized carrier participating in the interchange must hold a certificate of public convenience and necessity from this Commission authorizing transportation in interstate or foreign commerce of the commodities being carried to or from the point of interchange. The authorized foreign carrier participating in the interchange must hold a comparable document of authority from the national or a state or provincial government of its home country authorizing transportation within said country of the commodities being carried to or from the point of interchange.

(c) *Identification of equipment.* The attachment or removal of identification of power equipment required by Part 1058 of this chapter may be accomplished at any convenient location within five miles of the actual border point of interchange. Such identification of power equipment may be in the following form: "Operated in the United States by [name and I.C.C. number of authorized carrier]. Operated in (Canada) (Mexico) by [name and, if applicable, number of authorized foreign carrier]." Notwithstanding section 1057.31(d)(1), identification in this form need not be removed or changed when posession of the equipment is turned over by one carrier to the other.

5. By adding a new § 1004.3 as follows:

§ 1004.3 Disclaimer of jurisdiction over transportation of property by foreign domiciled motor carriers within free zones adjacent to international border crossing points.

The Commission disclaims jurisdiction over the transportation of property by foreign domiciled motor carriers between ports of entry on the borders between the United States and Canada or Mexico and transfer points within five miles of the border crossing point, where such property is moving in foreign commerce on through bills of lading and is being picked up from, or delivered to, a United States motor carrier at such transfer point.

[FR Doc. 81-18567 Filed 6-22-81; 8:45 am]
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Notices

Federal Register
Vol. 46, No. 120
Tuesday, June 23, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Medicine Bow National Forest Grazing Advisory Board; Meeting

June 10, 1981.

The Medicine Bow National Forest Grazing Advisory Board will meet July 13, 1981, at 8:00 a.m. at the Medicine Bow National Forest Supervisor's Office, 605 Skyline Drive, Laramie, Wyoming 82070. The Board, Forest Service personnel and interested public will then proceed to look at range improvements and participate in range analysis procedures and development of Environmental Analysis and Allotment Management Plans.

The Board will make recommendations concerning the development of Allotment Management Plans and utilization of Range Betterment Funds.

The meeting will be open to the public. Persons who wish to attend and participate should notify Don Schmidtlein, Medicine Bow National Forest (307–745–8971) prior to the meeting date. Public members may participate in discussions during the tour at any time or may file a written statement following the meeting.

Don C. Overly,

Acting Forest Supervisor.

[FR Doc. 81-18426 Filed 6-22-81; 8:45 am]

BILLING CODE 3410-11-M

Rural Electrification Administration

Cajun Electric Power Cooperative, Inc.

Notice is hereby given that the Rural Electrification Administration (REA) has issued a Final Enviromental Impact Statement (FEIS) in accordance with Section 120(2)(c) of the National Environmental Policy Act of 1969, in connection with possible financing assistance to Cajun Electric Power Cooperative, Inc., (Cajun) P.O. Box 578, New Roads, Louisiana 70760, phone (504) 638–6326.

REA anticipates a request from Cajun for financing assistance which will enable it to obtain funds for the construction of a 540 MW (net) lignite-fired electric generating unit identified as Bid Cajun Oxbow, Unit No. 1, (formerly identified as Big Cajun 3, Unit No. 1) and related 500 kV and 230 kV transmission facilities. The power plant is proposed to be located approximately 35 miles southeast of Shreveport, Louisiana, and about 5 miles west of the community of Armistead, Louisiana. Lignite will be purchased from the proposed Phillips Coal Company's Oxbow Lignite Surface Mine which will be located adjacent to the power plant. It is anticipated that approximately 75 million tons of lignite will be purchased from Phillips Coal Company for Unit 1 over the life of the power plant and approximately 150 million tons if a second unit is added in the future. Transmission facilities include a 13.4 mile 500 kV transmission line connecting the unit to Central Louisiana Electric Company's (CLECO) system at a new substation near Timon, Louisiana, and a 7.4 mile 230 kV line connecting the unit to CLECO's transmission system at the existing Carrol Substation.

The project will affect portions of DeSoto, Red River and Natchitoches Parishes, Louisiana.

Alternatives to the proposed action which were evaluated included: (1) No Action; (2) Energy Conservation; (3) Purchased Power; and (4) Joint Ventures With Other Utilities. None of these options were determined to be viable alternatives to the proposed project. Three potential sites for the power station (the Tallulah site in Madison Parish, the Hall Summit site in Red River Parish and the Bayou Pierre site in DeSoto and Red River Parishes) were evaluated by Cajun. When all factors were considered, the environmental impacts, the impacts of fuel transport, the reliability of fuel supply, and relative cost benefits across sites, Bayou Pierre was established as the preferred site.

Additional information may be obtained from the Director, Power Supply Division, Rural Electrification Administration, U.S. Department of Agriculture, Room 5168, South Agriculture Building, Washington, D.C. 20250, phone (202) 447–6183, or from Cajun at its address given above. Limited copies of the FEIS are available from REA upon request.

Copies of the FEIS have been sent to various Federal, State and local agencies. The FEIS may be examined during regular business hours at the office of REA, Cajun or the following libraries:

DeSoto Parish Library, 104 Crosby Street, P.O. Box 672, Mansfield, Louisiana 71052

Natchitoches Parish Library, 431 Jefferson Street, Natchitoches, Louisiana 71457

Red River Parish Library, Alonzo Street, P.O. Drewer H, Coushatta, Louisiana 71019

Final REA action with respect to this matter will be taken only after REA has reached satisfactory conclusions with respect to its environmental effects and after compliance with the National Environmental Policy Act of 1969, and other environmentally related statutes, regulations, Executive Orders and Secretary's memoranda normally considered by REA.

This Federal Assistance Program is listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees.

Dated at Washington, D.C., this 16th day of June 1981.

Joe S. Zoller,

Acting Administrator, Rural Electrification Administration.

[FR Doc. 81-18404 Filed 6-22-81; 8:45 am]

BILLING CODE 3410-15-M

Mt. Wheeler Power, Inc.; Finding of No Significant Environmental Impact

Notice is hereby given that the Rural Electrification Administration (REA) has prepared a Finding of No Significant Impact which concludes that there is no need for REA to prepare an environmental impact statement in connection with the proposed financing assistance by REA for Mt. Wheeler Power, Inc., (Mt. Wheeler) of Ely, Nevada. The proposed financing will assist Mt. Wheeler in constructing 63.4 km (39.4 mi) of 69 kV transmission line and associated substation facilities.

The 69 kV transmission line will be built between the Gonder Substation

located north of Ely, Nevada, and the proposed Williams Substation located east of Preston, Nevada. The entire project will be located in White Pine County, Nevada. Associated substation facilities include the construction of a new distribution substation and a switching station. The Bureau of Land Management (BLM) has prepared an Environmental Assessment Report concerning the proposed project. An Environmental Assessment was prepared by REA.

Threatened and endangered species, important farmlands, cultural resources, wetlands and floodplains, and other potential impacts of the project are adequately considered in BLM's and REA's Environmental Assessments.

Various alternatives to the proposed transmission line and substation were reviewed by BLM and REA. The alternatives included no action, alternate routes, underground construction, localized generation and upgrading existing facilities. The proposed project is the most viable alternative to deliver power to all existing and projected loads of Mt. Wheeler in White Pine County.

REA's independent evaluation of the proposed project leads to the conclusion that its proposed financing assistance for this project does not represent a major Federal action that will significantly affect the quality of the human environment.

Based on this independent evaluation, REA's Environmental Assessment, and a review of BLM's Environmental Assessment Report, a Finding of No Significant Impact was reached in accordance with REA Bulletin 20–21:320–21, Part 1.

Copies of REA's Finding of No Significant Impact and supporting documents may be reviewed at or obtained from the office of the Director, Distribution Systems Division, Room 3306, South Agriculture Building, Rural Electrification Administration, Washington, D.C. 20250, and at the office of Mt. Wheeler Power, Inc., 1137 Avenue F, East Ely, Nevada 89315.

This program is listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees.

Dated at Washington, D.C., this 16th day of June 1981.

Joe S. Zoller,

Acting Administrator, Rural Electrification Administration.

[FR Doc. 81–18405 Filed 6–22–81; 8:45 am]

BILLING CODE 3410–15–M

Plains Electric Generation and Transmission Cooperative, Inc.; Adoption of Supplemental Final Environmental Statement

Notice is hereby given that the Rural Electrification Administration (REA) is adopting the "Supplemental Final Environmental Statement" (SFES) prepared by the Bureau of Indian Affairs (BIA) in order to fulfill REA's requirements under the National Environmental Policy Act (NEPA) of 1969, in connection with providing financing assistance to Plains Electric Generation and Transmission Cooperative, Inc. (Plains), 2401 Aztec Road, NE., Albuquerque, New Mexico 87107, for possible ownership participation in the proposed Four Corners-Ambrosia-Pajarito 500 kV transmission line to be constructed by Public Service Company of New Mexico. The SFES supplements a Final Environmental Statement prepared by BIA in 1977 for the proposed expansion of the San Juan power plant and related transmission facilities. The total length of the proposed route is 173 miles.

On June 6, 1980, a Supplemental Draft Environmental Statement (SDES) was issued by BIA on this proposed project. On November 21, 1980, the SFES was issued. Alternatives discussed include: (1) approval of the proposed transmission line, (2) no action, (3) use of or upgrading existing lines, (4) alternate routes, and (5) alternate construction methods. The proposed line will extend from the Four Corners Power Plant to Ambrosia Station to a proposed Pajarito Station west of Albuquerque, New Mexico. Alternate routes connect these points and are only variations of the proposed route. The SFES addressed the comments and concerns raised on the SDES by Federal agencies, including REA, state and local agencies, organizations, and interested individuals. BIA has acted as lead agency in the preparation of this SFES. REA was identified as a cooperating agency in the SFES and has participated in the preparation of this SFES by providing review and comment throughout the NEPA process. REA intends to use this SFES to fulfill its requirements under NEPA. In this case, REA's anticipated potential action is providing financing assistance to Plains for ownership participation in the subject transmission line.

REA has reviewed the SFES and finds it adequate for REA purposes. Pursuant to 40 CFR 1506.3 of the Council on Environmental Quality Regulations for Implementing the Procedural Provisions of NEPA, REA is adopting this statement as a Final Environmental Impact Statement. Based on (1) REA's participation in the NEPA process as a cooperating agency, (2) the recent circulation of the SFES by BIA, and (3) REA's conclusion after an independent review of the SFES that our comments and suggestions have been satisfied, REA is adopting the SFES without recirculation.

The SFES prepared by BIA may be examined during regular business hours at REA in the office of Mr. Frank W. Bennett, Room 5168, South Agriculture Building, 12th Street and Independence Avenue, SW., Washington, D.C. 20250, or at Plains' headquarters, Albuquerque, New Mexico.

This program is listed in the catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees.

Dated at Washington, D.C., this 18th day of June, 1981.

Joe S. Zoller,

Acting Administrator, Rural Electrification Administration.

[FR Doc. 81–18561 Filed 6–22–81; 8:45 am]

BILLING CODE 3410–15–M

CIVIL AERONAUTICS BOARD

Fitness Determination of Metroflight, Inc., d.b.a. Metro Airlines and Metroflight Airlines

AGENCY: Civil Aeronautics Board.

ACTION: Notice of commuter air carrier fitness determination—order 81–6–125, order to show cause.

SUMMARY: The Board is proposing to find that Metroflight, Inc. d.b.a. Metro Airlines and Metroflight Airlines is fit, willing, and able to provide commuter air carrier service under section 419(c)(2) of the Federal Aviation Act, as amended; that it is capable of providing reliable essential air service; and that the aircraft used in this service conform to applicable safety standards. The complete text of this order is available, as noted below.

DATE: Responses: All interested persons wishing to respond to the Board's tentative fitness determination shall serve their responses on all persons listed below no later than July 6, 1981, together with a summary of the testimony, statistical data, and other material relied upon to support the allegatons.

ADDRESS: Responses or additional data should be filed with Mr. Patrick V. Murphy, Jr., Chief, Essential Air Services Division, Civil Aeronautics Board, 1825 Connecticut Ave., N.W., Washington,

D.C. 20428, and with all persons listed in Attachment A of Order.

FOR FURTHER INFORMATION CONTACT: Ms. Sherry L. Kinland, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673-5333.

SUPPLEMENTARY INFORMATION: The complete text of Order 81-6-125 is available from the Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 81-6-125 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: June 18, 1981

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-18555 Filed 6-22-81, 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Telecommunications Equipment Technical Advisory Committee; Open Meeting

Agency: International Trade Administration.

Summary: The Telecommunication Equipment Technical Advisory Committee was initially established on October 23, 1973, and rechartered on August 29, 1980 in accordance with the Export Administration Act of 1979 and the Federal Advisory Committee Act.

The Committee advises the Office of Export Administration with respect to questions involving (A) technical specifications and policy issues relating to those specifications which are of concern to the Department, (B) worldwide availability of products and systems, including quantity and quality, and actual utilization of production technology, (C) licensing procedures which affect the level of export controls applicable to telecommunications equipment or technology, and (D) exports of the aforementioned commodities subject to unilateral and multilateral controls which the United States establishes or in which it participates including proposed revisions of any such controls.

Time and place: July 21, 1981, at 10:00 a.m. The meeting will take place at the Main Commerce Building, Room B841, 14th Street and Constitution Ave. NW., Washington, D.C.

Agenda: The purpose of this meeting will be to organize the Committee to permit it to participate effectively in the upcoming COCOM List Review. All areas of telecommunications are to be addressed, e.g., fiber optics, circuit and message switching, microwave transmission, satellite communications, modems and multiplexers.

All interested parties are invited to attend this organizational meeting. There will be no closed (executive) session since no classified material is to be discussed. To the extent time permits members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

A brief presentation on the functions of the Technical Advisory Committees will be made by Mr. J. K. Boidock, Director of the Electronic Equipment Division. This will be followed by a more specific discussion on the plans for this particular Committee.

For further information or copies of the minutes contact:

Mrs. Margaret A. Cornejo, Office of the Director of Licensing, Office of Export Administration, Room 1609, U.S. Department of Commerce, Washington, D.C. 20230. Telephone: 202-377-2583.

Dated: June 17, 1981

Saul Padwo,

Director of Licensing, Office of Export Administration.

[FR Doc. 81-18515 Filed 6-22-81; 8:45 am]

BILLING CODE 3510-25-M

National Technical Information Service

U.S. Government-Owned Inventions, Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for domestic and, possibly, foreign licensing.

Copies of patents cited are available from the Commissioner of Patents & Trademarks, Washington, DC 20231, for $.50 each. Requests for copies of patents must include the patent number.

Copies of patent applications cited are available from the National Technical Information Service (NTIS), Springfield, Virginia 22161 for $5.00 each ($10.00 outside North American Continent). Requests for copies of patent applications must include the PAT-APPL number. Claims are deleted from patent application copies sold to avoid premature disclosure. Claims and other technical data will usually be made available to serious prospective licensees upon execution of a non-disclosure agreement.

Requests for information on the licensing of particular inventions should be directed to: Office of Government Inventions and Patents, U.S. Department of Commerce, P.O. Box 1423, Springfield, Virginia 22151.

Douglas J. Campion,

Program Coordinator, Office of Government Inventions and Patents, National Technical Information Service, U.S. Department of Commerce.

U.S. Department of the Air Force, AF/JACP, 1900 Half Street SW., Washington, D.C. 20324

Patent application 6-206,413, Fluid-Cooled Electrical Conductor; filed Nov. 30, 1980.

Patent application 6-206, 414, Cursor Apparatus Interactive Graphic Display System; filed Nov. 13, 1980.

Patent application 6-206, 415, High Voltage Driver Amplifier Apparatus; filed Nov. 13, 1980.

Patent application 6-207, 830, A Laser Designator Test Tool Apparatus; filed Nov. 17, 1980.

Patent application 6-210, 476, Universal Timing Array; filed Dec. 4, 1980.

Patent 4, 242, 899, Thermoclamps; filed Mar. 5, 1979, patented Jan. 6, 1981; not available NTIS.

Patent 4, 243, 697, Self Biased Ferrite Resonators; filed Mar. 14, 1979, patented Jan. 6, 1981; not available NTIS.

Patent 4, 244, 053, Privacy Communication Method and System; filed Sept. 10, 1970; patented Jan. 6, 1981; not available NTIS.

Patent 4, 245, 477, Internal Heater Module for Cryogenic Refrigerators and Stirling Heat Engines; filed July 18, 1979, patented Jan. 20, 1981; not available NTIS

Patent 4, 245, 860, Missile Hoisting Sling; filed May 3, 1979, patented Jan. 20, 1981; not available NTIS.

Patent 4, 245, 911, Economical Fast Scan Spectrometer; filed Feb. 23, 1979, patented Jan. 20, 1981; not available NTIS.

Patent 4, 246, 252, Gas Generating System for Chemical Lasers; filed Apr. 13, 1979, patented Jan. 20, 1981; not available NTIS.

Patent 4, 246, 585, Subarray Pattern Control and Null Steering for Subarray Antenna Systems; filed Sept. 2, 1979, patented Jan. 20, 1981; not available NTIS.

U.S. Department of the Navy, Director, Navy Patent Program/Patent Counsel for the Navy Office of Naval Research Code 302, Arlington, VA 22217.

Patent application 6-179, 863, Michael Reaction of Methylanemalonates with Nitro Compounds; filed Aug. 20, 1980.

Patent application 6-217, 269, Improved Electrolyte for Lithium-Thionyl Chloride Battery; filed Dec. 17, 1980.

Patent application 6-219, 689, Lightweight Concrete Using Polymer Filled Aggregate for Ocean Applications; filed Dec. 24, 1980.

Patent application 6-224, 776, Unsymmetrical Polynitrocarbonates and Symmetrical 1,3-Bis(Halo- and Nitroalkyl Carbonyldioxy)-2,2-Dinitropropanes and Methods of Preparation; filed Jan. 13, 1981.

Patent application 6-227, 311, Servo Control System for the Positioning of an Apparatus; filed Jan. 22, 1981.

Patent application 6-227,323: Efficient, Precompression, Bandwidth-Tolerant Digital Pulse Expander-Compressor. Filed January 22, 1981.

Patent application 6-227,337: Waveguide Switch. Filed January 22, 1981.

Patent application 6-228,032: N,N,N', N'-Tetrakis(2-Fluoro-2, 2-Dinitroethyl) Oxamide and a Method of Preparation thereof. Filed January January 23, 1931.

Patent 4,231,053: High Electrical Frequency infrared Detector. Filed March 5, 1979, patented October 28, 1980. Not available NTIS

Patent 4,237,428: 15.9 Micron Acetylene Laser. Filed September 1, 1978, patented December 2, 1980. Not available NTIS.

Patent 4,238,742: Laser System. Filed August 21, 1978, patented December 9, 1980. Not available NTIS.

Patent 4,239,561: Plateau Propellant Compositions. Filed November 29, 1973, patented December 16, 1980. Not available NTIS.

Patent 4,241,432: Transducer-Reflector System. Filed April 21, 1967, patented December 23, 1980. Not available NTIS.

Patent 4,248,257: Flood Valve. Filed March 26, 1979, patented Feburary 3, 1981. Not available NTIS.

National Aeronautics and Space Administration, Assistant General Counsel for Patent Matters, NASA Code GP-4, Washington, D.C. 20546

Patent application 6-186,881: Optical Crystal Temperature Gauge with Fiber Optic Connections. Filed September 12, 1980.

Patent application 6-199,767: Pulsed Phase Locked Loop Strain Monitor. Filed October 23, 1980.

Patent application 6-210,490: Tunable Injection-Locked Pulsed CO_2 Laser. Filed November 26, 1980.

Patent application 6-214,360: Containerless Melting and Rapid Solidification Apparatus an Method. Filed December 8, 1980.

Patent application 6-218,585: Method of Bonding Plasticized Elastomer to Metal and Article Produced Thereby. Filed December 19, 1980.

Patent application 6-219,640: Rhomboid Prism Pair for Rotating the Plane of Parallel Light Beams. Filed December 24, 1980.

Patent application 6-219,677: High Voltage Planar Multijunction. Filed December 24, 1980.

Patent application 6-219,678: High Voltage V-Groove Solar Cell. Filed December 24, 1980.

Patent application 6-220,213: Linear Magnetic Bearings. Filed December 24, 1980.

Patent application 6-225,499: Holding Fixture for a Hot Stamping Press. Filed January 16, 1981.

Patent 4,206,713: Continuous Coal Processing Method. Filed September 28, 1976, patented June 10, 1980, Not available NTIS.

Patent 4,218,921: Method and Apparatus for Shaping and Enhancing Acoustical Levitation Forces. Filed July 13, 1979, patented August 26, 1980, Not available NTIS.

Patent 4,219,107: Speed Control Device for a Heavy Duty Shaft. Filed December 13, 1977, patented August 26, 1980, Not available NTIS.

Patent 4,224,810: System for Refurbishing and Processing Parachutes. Filed December 21, 1977, patented September 30, 1980, Not available NTIS.

[FR Doc. 81-18517 Filed 6-22-81 8:45 am]

BILLING CODE 3510-04-M

National Oceanic and Atmospheric Administration

Public Hearing on Tijuana River Estuarine Sanctuary Draft Environmental Impact Statement

Notice is hereby given that the Office of Coastal Zone Management (OCZM), National Oceanic and Atmospheric Administration (NOAA), U.S. Department of Commerce, will hold a public hearing for the purpose of receiving comments on the Draft Environmental Impact Statement (DEIS) prepared on the proposed Tijuana River Estuarine Sanctuary.

The hearing will be held Thursday, July 23, 1981, at 7:00 p.m. at the following location: City Council Chambers, 825 Imperial Beach Boulevard, (between 8th & 9th Streets), Imperial Beach, California.

The views of interested persons and oranizations on the adequacy of the impact statement and the proposed Tijuana River Estuarine Sanctuary are solicited, and may be expressed orally or in written statements. Presentations will be scheduled on a first-come, first-heard basis, and may be limited to a maximum of 5 minutes. This time allotment may be extended before the hearing when the number of speakers can be determined. No verbatim transcript of the hearing will be prepared, but staff present will record the general thrust of the remarks. The comment period for this draft environmental impact statement will end on Tuesday, August 4, 1981.

As part of the procedures leading toward approval of the Tijuana River Estuarine Sanctuary, a Final Environmental Impact Statement, reflecting consideration of these comments, will be prepared pursuant to the National Environmental Policy Act of 1969 and its implementing regulations. All written comments received by OCZM prior to the deadline will be included in the FEIS.

Copies of the DEIS may be obtained from the Office of Coastal Zone Management, 3300 Whitehaven Street, N.W., Washington, D.C. 20235 (telephone: 202/634-4253).

(Federal Domestic Assistance Catalog No. 11.420 Coastal Zone Management Estuarine Sanctuaries)

Dated: June 18, 1981.

William Matuszeski,

Acting Deputy Assistant Administrator for Coastal Zone Management.

[FR Doc. 81-18556 Filed 6-22-81 8:45 am]

BILLING CODE 3510-08-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcing a New Export Visa Requirement and Exempt Certification for Cotton, Wool, and Manmade Fiber Textile Products From Mexico; Correction

Federal Register Doc. 81-15034 in the issue for Wednesday, May 20, 1981 (46 FR 27516) announced establishment of an export visa requirement and exempt certification for certain cotton, wool and man-made fiber textile products from Mexico. An enclosure to the letter to the Commissioner of Customs, which listed the items that are currently exempt from the bilateral agreement with Mexico, when properly certified, was omitted from publication. A copy of that list is published below.

In addition, the facsimiles of the visa and exempt certification stamps published on page 27517 were incorrectly labeled. The circular stamp is the export visa. The square stamp is the exempt certification.

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

June 18, 1981.

MEXICAN TRADITIONAL FORKLORE HANDICRAFT TEXTILE PRODUCTS

"Mexican Items" are traditional Mexican products, cut, sewn, or otherwise fabricated by hand in cottage units of the cottage industry.

Name	Description
Abrigo Ramo	A lightweight, long sleeve coat made of crude looking natural cloth. It has buttons in front along the entire length of the coat. The sleeves and front of the coat are heavily embroidered with flowers.
	Regional handloomed costume dresses made from rough "cambaya" cloth, hand dyed and richly decorated with hand embroidered designs representing traditional regional motifs such as stars, key designs, pyramids, poppies, sunflowers and marigolds. All of the designs are richly and brilliantly colored.
Blusa Huahuaxtla Puebla.	An ample blouse worn extensively in the northern hills of the State of Puebla which is made of hand woven, crude greige cloth. It is pleated in the upper front and back and is heavily decorated around the collar, sleeves and bust with hand-embroidered, multi-colored crosses.
Blusa Huamantla Tlaxcala.	A blouse made of natural, plain, hand woven white cloth, traditionally worn in Tlaxcalteca and North Puebla regions of the country. It is heavily pleated around the bust, shoulders and cuffs and hand-embroidered in geometric motifs representing various farm animals and flowers.

Name	Description
Blusa Manta de Bolillo	A hand made blouse, worn by peasant women in the Mexican highlands, which comes with a very wide round or square neckline. The neckline is overlapped by a hand made piece of lace. The front and back of the blouse are heavily pleated.
Blusa Oaxaca	An amply cut, loose fitting blouse of handwoven fabric. Worn extensively in the Mexterzapotec region of the State of Oaxaca, it is heavily pleated in the front and upper back and is completely edged in multi-colored lace with strips of lace along the sleeves.
Blusa Punto de Cruz	A blouse hand made from crude fabric and adorned with traditional "cross stich" embroidery commonly used by peasants in the central states of Mexico. The neck of the blouse is cut in a square or rectangular shape and is embroidered in a geometric pattern with flowers and leaves. The fabric itself is uniquely woven to form an overall pattern of small squares.
Calzon Blanco	The most common peasant costume worn in Mexico. The two-piece outfit, consisting of pants and shirt, is made completely by hand in the cottage industry from unbleached gneuje cloth. The pants are baggy with two slits in the leg at the ankle. Narrow strips of cloth, attached at either end of the slits along the pants leg and at the waist, are used to hold the trousers in place. The shirt is decorated with long vertical pleats in front. A red, handwoven cotton band is worn loosely around the waist as an accessory.
Capa	A cape richly and extensively hand embroidered with vivid colors. When used by bull fighters, it is intricately hand embroidered with silver and gold thread.
Capote	A red cape lined in yellow worn by the "matador" in the bull ring.
Charro	A male costume consisting of a broad-brimmed hat made in cotton velvet, banded and decorated with silver or contrasting cotton ribbons. A shirt in white cotton percale embroidered with an eagle in the back and birds in the front. It is worn with a large multicolored bow tie called a "corbaton" made of a strip of cotton material more than a yard long and six inches wide. The jacket is fastened beneath the lapels with double frog linked silver buttons. The jacket is worn with close-fitting tapered trousers which have an inch wide flap along the outer sides that sometimes is studded with silver buttons, metal studs or sequins.
Chiapaneca	(From Chiapas) A richly embroidered handmade dress consisting of a "huipil" a very wide skirt and a petticoat. The skirt is made of a very wide strip of cotton lace embroidered with large, brightly colored flowers, which are sewn together with the blouse or "huipil". The petticoat is heavily edged with a hand drawn lace band.
Chinanteca	A female costume from Oaxaca completely handloomed by highland Indians. It consists of a "huipil" made of three long strips of cotton heavily decorated with ruffles and a wrap-around skirt hand embroidered in ancient geometric designs. An embroidered strip of ribbons in alternated colors is sewn or "appliqued" to the huipil.
China Poblana	A wide skirt called a "castor", made of red cotton flannel printed with black geometrical designs and profusely embroiderd with sequins. The top and lower edges of the skirt are made of green cotton satin. The blouse is trimmed at the neckline and shoulders with a wide strip of embroidery in a traditional flower design made with thread or with beads and spangles. A traditional multi-colored hand made "rebozo" and a headdress made of two strands of hand braided red, white and green ribbons complete the costume.
Deshilado	A heavy tablecloth or doilie containing intricate designs exclusively hand drawn from the fabric itself.
Fustan	A type of long skirt, sometimes used as a petticoat. Always has a decorative band called a "xmanikte" encircling the lower edge. The "fustan" is generally heavily hand embroidered in a cross stich with colorful geometric designs or flowers.
Hamacas	A handmade hammock from the Mexican Tropics uniquely constructed by a system of knots permitting simultaneous utilization by several people.
Huautleca	A "huipil" composed of three rectangular pieces of hand made cloth, heavily hand embroidered with geometric designs representing flowers and birds. From the region of Huautla, Oaxaca.
Huichol	A man's costume from Jalisco which is completely handwoven and embroidered in cross-stitch. It consists of a straw hat decorated with a "borlas" around the top of a flat crown, a long shirt with slit sleeves and wide-legged trousers also heavily hand embroidered. The trousers are held in place by a waistband called a "coshuire" or "quetzaruame", which is decorated with a number of sashes. The entire costume is covered with a cape called a "tuhuarra," which is richly hand embroidered and decorated with ribbon applique. It is completed with an embroidered hand made carrybag or knapsack called a "morral".
Huipil	A very traditional, unshaped and sleeveless woman's dress heavily embroidered and formed by a rectangular piece of fabric with a hole or slot in the center for the head. In many cases the embroidered decoration is hand drawn from the fabric itself. The designs appearing in the huipil depict birds, flowers and geometric patterns of pre-Colombian Mexico.
Jorongo	A cloak made of a rectangular piece of cotton fabric with a hole in the center for the head to pass through. Heavily embroidered by hand with designs which appear mainly on that part of the fabric which covers the shoulders.
Jubon	An amply cut blouse from Campeche and Yucatan made of unbleached gray cloth richly embroidered around the neckline and lower edge with colored flowers and trailing vine designs. The decoration can also be made of lace or ribbons. A special festive type of Jubon is also used as part of the "Mestiza" costume.
Malacatera	A cotton dress consisting of two pieces. The skirt is hand made out of a large rectangular piece of cloth, pleated at the waist and horizontally stripped in a bold pattern. The "huipil" is hand made of shear transparent cotton richly hand embroidered in the front and at the bottom.
Mestiza	A female costume from Yucatan consisting of a traditional hand made multicolored "huipil", a "jubon" and a "fustan". The jubon is richly hand embroidered around the neckline and lower edge with colored flowers and trailing vines designs. A decorative band of drawn work which is called "xmanikte" encircles the lower edge of the "fustan". The costume is topped off by an elaborate hand woven cotton headdress called a "tuch".
Mixteca	A handloomed huipil, from the Mixteca region of Oaxaca consisting of three rectangular pieces of cotton cloth brightly embroidered with birds and sewn together by embroidered narrow bands one or two inches in width. The three pieces of cloth are held together by plain, hand made cotton bands.
Padas Amano	A rather primitive hand printed or hand painted fabric depicting rural or religious scenes. Often used as wall tapestry. Generally comes in two sizes 20" × 20" or 79" × 138".
Quetchquemetl	A type of closed cape made from two rectangular pieces of cloth formed into a square with a hole in the middle for the head. It covers the bust, the back and the shoulders and is handwoven in decorative designs.
Ranchera Jalisco	A very full dress, the bottom portion of which is made out of large pleated horizontal bands of brightly colored fabric. The bands of fabric are decorated with lace at the point they are sewn together. Handmade lace is also used extensively to decorate the top portion of the dress.
Rebozo	A long, narrow shawl, woven by hand in single or multi-colored designs. The edges are intricately hand knotted in the shape of balls.
Resplandor	The Tehuana headdress is of Zoque origin folded specially to allow the edge, made of beautiful, intricately designed lace, to remain rigid on top of the head in the shape of a halo. It is made of stiff cotton lace and ribbon, well starched, with pleats at the edges. It is also called "bida-moro".
Rodete de Tlacoyal	A very heavily knotted rope-like piece of material worn in a twisted configuaration on the head.
Sarape	A type of blanket made of rough, hand woven fabric in bright, multi-colored stripes.
Tehuana	A female costume from Oaxaca consisting of an ample white petticoat bound with hand made lace, a bright skirt with a wide starched and pleated lower edge made of wide cotton lace, embroidered all over with geometric or flower design, a short "huipil" which falls slightly below the waist, and a headdress hand made of cotton lace, heavily starched which is called a "resplandor".
Terno	A male costume consisting of pants and jacket, used by a bull fighter at the start of his career. It is hand embroidered on the sides of the pants and jacket with fancy, hand woven ribbon in contrasting colors. It is often heavily decorated in silver and gold.
Traje Regional Tarasco	A Micuoacan peasant dress hand made from "cambaya" cloth. It has a unique yoke around the collar which is a elaborately hand-embroidered with flowers and animals utilizing a stitch patterm that gives the motif a very primitive appearance.
Vestido de la Costa del Golfo	A dress made entrely by hand of delicate cotton lace, either white or in colors. Worn extensively in the State of Veracruz, Tabasco and Campeche at festivals and weddings.
Vestido Encaze	A very lightweight, transparent, heavily embroidered, hand made dress, made out of strips of lace which is often used for holidays and weddings.

Name	Description
Vestido Miraflores	An ankle length, long-sleeved woman's dress made from "cambaya" hand loomed and hand dyed fabric. The sleeves and bottom portion of the dress are delicately hand embroidered in brilliantly colored floral or bird motifs. Frequently the dress is also decorated with various colored ribbons sewn along the edges of the entire dress.
Yalalteca	A female costume from Oaxaca consisting of a very large "huipil" which falls almost to the knee, richly decorated with geometric designs and a loosely fitting skirt or wrap-around of stripped red and white cotton.

[FR Doc. 81-18560 Filed 6-22-81; 8:45 am]

BILLING CODE 3510-25-M

Announcing Additional Import Controls on Certain Cotton Apparel From the Republic of the Philippines

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Controlling cotton trousers in Categories 347 and 348, produced or manufactured in the Philippines and exported during the twelve-month period which began on January 1, 1981, at respective levels of 236,391 dozen and 227,502 dozen.

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506), December 24, 1980 (45 FR 85142) and May 5, 1981 (46 FR 25121))

SUMMARY: Under the terms of the Bilaterial Cotton, Wool and Man-Made Fiber Textile Agreement of August 22 and 24, 1978, as amended, between the Governments of the United States and the Republic of the Philippines, the United States Government has decided to control imports of cotton textile products in Categories 347 and 348, produced or manufactured in the Philippines and exported to the United States during the twelve-month period which began on January 1, 1981, in addition to those categories previously designated.

EFFECTIVE DATE: June 23, 1981.

FOR FURTHER INFORMATION CONTACT: Carl Ruths, International Trade Specialist, Office of Textiles and Apparel, U.S. Deaprtment of Commerce, Washington, D.C. 20230 (20230 (202/377-4212).

SUPPLEMENTARY INFORMATION: On December 29, 1980, there was published in the **Federal Register** (45 FR 85498) a letter dated December 19, 1980 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, which established levels of restraint for certain specified categories of cotton, wool and man-made fiber textile products, produced or manufactured in the Philippines, which may be entered into the United States for consumption, or withdrawn from warehouse for consumption during the twelve-month period beginning in January 1, 1981 and extending through December 31, 1981. Under the terms of the bilateral agreement, the United States Government has decided also to control imports of cotton textile products in Categories 347 and 348 during the same period. Accordingly, in the letter published below the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to prohibit entry for consumption,or withdrawal from warehouse for consumption, of cotton textile products in Categories 347 and 348 in excess of the designated levels of restraint. The levels of restraint have not been adjusted to account for any imports after December 31, 1980. As the data becomes available, such charges will also be made for the period which began on January 1, 1981 and extends to the effective date of this action

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

June 18, 1981.

Commissioner of Customs, Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: This directive further amends, but does not cancel, the directive issued to you on December 19, 1980 by the Chairman, Committee for the Implementation of Textile Agreements, concerning imports into the United States of certain cotton, wool and man-made fiber textile products, produced or manufactured in the Philippines.

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of August 22 and 24, 1978, as amended, between the Governments of the United States and the Republic of the Philippines; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on June 23, 1981, and for the twelve-month period beginning January 1, 1981 and extending through December 31, 1981, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Categories 347 and 348, produced or manufactured in the Philippines, in excess of the following levels of restraints:

Category	12-Mo. level of restraint[1] dozen
347	236,391
348pt.[2]	227,502

[1] The levels of restraint have not been adjusted to reflect any imports after December 31, 1980.

[2] All T.S.U.S.A. numbers in Category 348 except 382.0087, 382.0891, 382.3349, 382.3355, 382.3359 and 382.3363.

Cotton textile products in Categories 347 and 348pt. which have been exported to the United States prior to January 1, 1981 shall not be subject to this directive.

Cotton textile products in Categories 347 and 348 which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1)(A) prior to the effective date of this directive shall not be denied entry under this directive.

A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506), December 24, 1980 (45 FR 85142) and May 5, 1981 (46 FR 25121).

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for Consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Republic of the Philippines and with respect to imports of cotton textile products from the Philippines have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **Federal Register.**

Sincerely,

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 81-18559 Filed 6-22-81; 8:45 am]

BILLING CODE 3510-25-M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List 1981; Additions

Correction

In FR Doc. 81-17440 appearing on page 31042 in the issue of Friday, June 12, 1981, on page 31043, first column, first line under "Stake, Wood". Should read as follows: "5510-00-NSH-0001 (⅜" x 1½" x 24")".

BILLING CODE 1505-01-M

DEPARTMENT OF DEFENSE

Corp of Engineers, Department of the Army

Draft Environmental Impact Statement (DEIS) for Ogdensburg Harbor, NY; Intent

AGENCY: Army Engineer District, Buffalo, DOD.

ACTION: Notice of intent to prepare a draft environmental impact statement (DEIS).

PROPOSED ACTION: This study is being done under the Special Continuing Authorities Program as a Section 107 Project—a small navigation project authority, Section 107, River and Harbor Act of 1960, as amended. The proposed action and alternatives under consideration consist of channel improvements—which includes deepening the channel to 27 feet—that would enable larger vessels to enter and exit the harbor and channel. The considered plans also consist of channel extension which would increase the length of the existing pier face. This action would require extension of the existing steel sheet pile pier by the Ogdensburg Bridge and Port Authority, and it would significantly increase the total storage area and associated annual tonnage throughput.

Alternatives Considered: Five plans for improvement of Ogdensburg Harbor, NY, were considered—(1) enlarged local channel improvement; (2) enlarged local channel improvement with 200-foot channel extension; (3) enlarged local channel improvement with 600-foot channel extension; (4) enlarged local channel improvement with 1,000-foot channel extension; (5) no action.

Plan 1 consists of modifications to the existing locally-improved channel in order to achieve "safe and efficient" navigation conditions at the Port Authority dock. Locally-constructed improvements, completed in 1971, did not result in channel widths and depths compatible with Federal channel design standards. This plan would enlarge the approach channel widths and dredge several areas which were not initially deepened to 27 feet LWD. This would result in deeper drafts and allow the existing fleet to more fully utilize their maximum carrying capacity.

Plan 2 would enlarge the local channel and extend the channel by 200 feet to a depth of 27 feet. This plan would allow vessel operators to enter the lower entrance channel at deeper drafts but would not alleviate the present inefficiencies of using the Port Authority facility. No major change in tonnage throughput will be realized although a slight change in fleet characteristics are expected to occur with this plan. The near-term capacity constraint of about 67,000 tons will continue to restrain growth in bulk material movements under this plan. The present inefficiencies in stockpiling and loading procedures will also continue. However, under this alternative a slightly larger ship size can be used in future fleets without any portion of the vessel's length extending past the end of the dock face of the Marine Terminal Dock.

Plan 3 would enlarge the local channel and extend the channel by 600 feet at a depth of 27 feet. This plan consists of constructing general navigation improvements which would enable larger vessels to enter and exit the harbor. In addition, a channel extension and channel deepening feature would increase the available depths and length of the existing dock face. This plan require extension of the existing steel sheet pile dock by the Port Authority but would significantly increase the total storage area and associated annual tonnage throughput.

Plan 4 would enlarge the local channel and extend the channel by 1,000 feet at a depth of 27 feet. This plan consists of constructing general navigation improvements which would enable vessels to enter and exit the harbor. Associated channel modifications, including channel deepening 1,000 feet westward into the City Front channel, will also allow larger vessels or existing vessels to load to greater drafts.

Shoreside storage facilities could be expanded to accommodate future traffic movements and alleviate the present capacity constraint now experienced at the Marine Terminal Dock. Benefits for this plan also consist of cost reduction benefits for dry bulk commodities now moving or expected to move through the harbor in the future.

Plan 5 is a no-action plan. The no-action alternative implies that the Federal Government, acting through the Corps of Engineers, would take no action to improve the navigation channel at Ogdensburg Harbor. The no-action plan serves as a base condition to which all other plans are compared.

Public Involvement: An on-site reconnaissance was made on 1–2 June 1981 by a U.S. Fish and Wildlife Service representative (Cortland, NY, office) and Corps of Engineers personnel from the Planning Branch to observe the study site and discuss the potential project. At that time, the study was also discussed with a representative of the Ogdensburg Bridge and Port Authority as well. A public notice dated 29 May 1981, indicating that the Buffalo District, Corps of Engineers will be conducting a public workshop on 25 June 1981 at the Ogdensburg Bridge and Port Authority Building, Ogdensburg, NY, was recently mailed to local, State, and Federal interests, to allow the public an opportunity to participate in the plan formulation process for this study. All concerns expressed by the public during the workshop will be addressed in the Draft Detailed Project Report and Draft Environmental Impact Statement.

Issues: Significant issues to be analyzed in the DEIS include a determination of extent to which the selected plan and any reasonable alternatives might positively or negatively impact upon the human and natural environments, to include fish and wildlife habitats, plants, water and air quality, area aesthetics, prime and unique farmland, and cultural resources.

Scoping Meeting: Since local, State, and Federal interests have been involved in ongoing studies of Ogdensburg Harbor, NY, and since a public workship will be held in June 1981, no scoping meeting will be held.

Availability: This Draft Environmental Impact Statement will be made available to the public on or about 31 March 1982.

Address: Questions about the proposed action and DEIS can be answered by Tod D. Smith or Kathleen McDermott, U.S. Army Engineer District, Buffalo, 1776 Niagara Street, Buffalo, NY 14207, (716) 876–5454.

Dated: June 11, 1981.

George P. Johnson,

Colonel, Corps of Engineers, Commander and District Engineer.

[FR Doc. 81-18427 Filed 6-22-81; 8:45 am]

BILLING CODE 3710-GP-M

DEPARTMENT OF EDUCATION

Pell Grant Program; Eligibility Report Closing Dates

AGENCY: Department of Education.

ACTION: Closing dates for submission of the student eligibility report under validation procedures for the 1980–1981 school year.

The Secretary of Education gives notice of the following cutoff dates for determining an expected family contribution (student eligibility index) and for submitting a Student Eligibility Report (SER) under the verification procedures of the Pell Grant Program (formerly the Basic Educational Opportunity Grant Program). The calculation of an expected family contribution and the submission of a valid SER are prerequisites for receiving a Pell Grant award.

The Pell Grant Program assists students in the continuation of their training and education at the postsecondary education level by providing a foundation of financial aid to help defray educational costs.

The authority for the program is contained in Section 411 of the Higher Education Act of 1965, as amended.

(20 U.S.C. 1070a)

The verification procedures (validation) involve collecting documents from Pell Grant applicants and the applicants' parents to verify the information reported on the SER. It may also require the applicant to correct any inaccurate information on his or her SER, submit the corrected SER for reprocessing and resubmit the returned SER to the institution's student financial aid office.

This notice applies only to students undergoing validation and does not conflict with nor supersede the closing dates established by the Secretary in the closing date notice published in the **Federal Register** on March 5, 1981, 46 FR 15308.

Validation Process and Cutoff Dates

A student who is selected to have his or her application verified under the Validation Process must adhere to the following procedures and deadlines in order to receive a Pell Grant award for the 1980–81 award year:

Regular Disbursement System

1. If a student is selected to have his or her application verified under the Validation Process and that student attends an institution that participates in the Pell Grant program under the Regular Disbursement System, he or she has 90 days from his or her last day of enrollment or September 30, 1981, whichever comes first, to provide the requested documents to the institution.

2. If the SER of that student contains inaccurate information, he or she must make the correction on the SER, submit the corrected SER to the Department of Education's processing center at the address indicated on the SER and resubmit the returned valid SER to the institution by the closing date for the submission of documents indicated in paragraph 1.

3. If the student did not submit the corrected SER to the Department of Education's processing center by May 15, 1981, the student must submit the corrected SER to his or her institution along with the requested documents. The institution submits the corrected SER and documents to the U.S. Department of Education, Student Validation Branch, P.O. Box 23185, Washington, D.C. 20024.

The Secretary reviews the documents, reprocesses the SER and returns the reprocessed SER to the student. The student must resubmit the returned SER to the institution by the closing date for the submission of documents indicated in paragraph 1.

It should be noted that the Secretary requires about eight weeks to review the documents and reprocess the SERs. Therefore, students are advised to provide the appropriate documents and forms to their institutions within the first 30 days of the 90 day period.

Alternate Disbursement System

If a student is selected to have his or her application verified under the Validation Process and that student attends an institution that participates in the Pell Grant program under the Alternate Disbursement System, he or she has 90 days from his or her last day of enrollment or September 30, 1981 whichever comes first, to complete the Validation Process. In order to complete the Validation Process the student must—

1. Submit his or her SER along with requested documents to the Student Validation Branch, P.O. Box 23185, Washington, D.C. 20024;

2. Correct any inaccurate information reported on the SER;

3. Sign and return the corrected SER received from the Department of Education to the Student Validation Branch for reprocessing at the above address; and

4. Submit the new SER the student will receive from the Department of Education along with the ED form 304 or 304–1 to BEOG, Post Office Box F, Iowa City, Iowa 52243.

General Information

Application forms: Application forms and information brochures are available and may be obtained from college financial aid administrators, high school counselors, or Educational Opportunity Center counselors, or by writing to BEOG, P.O. Box 84, Washington, D.C. 20044.

Applicable regulations: The regulations applicable to this program are the Pell Grant (formerly the Basic Educational Opportunity Grant) regulations (34 CFR Part 690).

FURTHER INFORMATION: For further information contact Ms. Sheila Gary, Student Validation Branch, Office of Postsecondary Education, U.S. Department of Education (Room 4669, Regional Office Building 3), 400 Maryland Avenue, S.W., Washington, D.C. 20202. Telephone (202) 245–2724.

(20 U.S.C. 1070a)

(Catalog of Federal Domestic Assistance No. 84.063 Pell Grant Program)

Dated: June 17, 1981.

T. H. Bell,

Secretary of Education.

[FR Doc. 81-18537 Filed 6-22-81; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Assistant Secretary for Fossil Energy

Procon Inc.; Proposed Contract Award

ACTION: Notice of proposed contract award.

SUMMARY: In accordance with Department of Energy (DOE) Procurement Regulations, 41 CFR 9–1.5409, DOE gives public notice that a contract award, recognizing the existence of potential organizational conflicts of interest, is in the best interests of the United States.

FOR FURTHER INFORMATION CONTACT: Mr. Phillip Gallo, Office of Coal Resource Management, Room 3443, Federal Building, 12th and Pennsylvania Avenue, N.W., Washington, D.C. 20461, (202) 633–9176.

FINDINGS, MITIGATION, AND DETERMINATION: Upon the basis of the following findings and determination, the proposed contract described below is being awarded recognizing the existence of potential organizational conflicts of interest pursuant to the authority of 41 CFR 9–1.5409(a)(3).

Findings

1. On November 19, 1980, the Department of Energy (DOE), issued a conditional commitment to the Great Plains Gasification Associates in response to a loan guarantee application submitted relative to a proposed commercial high-Btu coal gasification plant in Mercer County, North Dakota. In furtherance of the Department's goal to use its loan guarantee authority to maximize the production of alternative fuels at the earliest date practicable, DOE reviewed and is processing the loan guarantee application on an expedited basis.

2. Because of the urgency to make a decision on the amended loan guarantee application, it was necessary to utilize the services of Procon, Inc. to assist DOE in providing an assessment of project costs and developing a construction schedule. On September 9, 1980, Procon, Inc. was authorized to incur costs subject to organizational conflict of interest clearance.

3. In accordance with 41 CFR 9–1.5405, Procon, Inc. provided a statement disclosing relevant information concerning its interests related to the work performed for the agency and bearing on whether it has possible organizational conflicts of interest (1) with respect to being able to render impartial, technically sound and objective assistance or advice, or (2) which may give it an unfair competitive advantage.

4. Since Procon, Inc. is an architect and engineering firm with approximately 85 percent of its sales revenues from energy firms and has contracts with DOE dealing with coal gasification technology, it has been determined in accordance with 41 CFR 9–1.5409(a) that Procon, Inc. may have potential organizational conflicts of interest with regard to the work required by DOE.

5. Because Procon, Inc. had the exclusive capability to perform the work for DOE within the essential time constraints, it was neither feasible nor desirable to disqualify Procon from award pursuant to 41 CFR 9–1.5409(a)(1). Furthermore, it is not possible to avoid the potential organizational conflicts of interest by the inclusion of appropriate conditions in the resulting contract, pursuant to 41 CFR 9–1.5409(a)(2).

Mitigation

1. The contract will include the Organizational Conflicts of Interest Special Clause (41 CFR 9–1.5408–2(b)). The primary purpose of this clause is to aid in insuring that the Contractor is not biased because of its past, present, or currently planned interests (financial, contractual, organizational, or otherwise) which relate to the work under the contract, and does not obtain any unfair competitive advantage over other parties by virtue of its performance of this contract.

2. DOE will insert into the contract a special mitigating clause concerning organizational conflicts of interest which will prohibit Procon, Inc. from securing any business or work associated with the Great Plains Gasification Project located in Mercer County, North Dakota from any contractor or company associated with such project for a period three years from the commencement of work pursuant to this contract.

3. Procon's activity under the contract has been closely monitored by the DOE Independent Cost estimating Staff in the Controllers Office of Program and Project Management Assessment. All work performed by the contractor has been independently reviewed and is but one factor being considered in preparing the final DOE report to the DOE Application Approving Official. All final conclusions, recommendations, and decisions will be made by DOE officials.

Determination

In light of the above Findings and Mitigation, and in accordance with 41 CFR 9–1.5409(a)(3), the proposed contract award is in the best interests of the United States.

Dated: June 16, 1981.

Roger LeGassie,

Acting Assistant Secretary for Fossil Energy.

[FR Doc. 81–18453 Filed 6–22–81; 8:45 am]

BILLING CODE 6450–01–M

International Atomic Energy Agreements; Proposed Subsequent Arrangement Between United States and Canada

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended, (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Agreement for Cooperation Between the Government of the United States of America and the Government of Canada Concerning Civil Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreement involves approval for the supply of 3 grams of thorium metal to Atomic Energy of Canada, Ltd., for the measurement and correlation of vacancy formation energies in metals as a function of temperature.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of this nuclear material under Contract Number WC–CA–26 will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

Dated: June 16, 1981.

For the Department of Energy.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 81–18445 Filed 6–22–81; 8:45 am]

BILLING CODE 6450–01–M

International Atomic Energy Agreements; Proposed Subsequent Arrangement Between United States and European Atomic Energy Community

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Additional Agreement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreement involves approval for the sale of 5 micrograms of plutonium-242 for use as a tracer for the analysis of the plutonium content in various samples at the Centre d'Etude de l'Energie Nucleaire, Belgium.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of this nuclear material under Contract Number S–EU–690 will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

Dated: June 16, 1981.

For the Department of Energy.

Harold D. Bengelsdorf,

Director for Nuclear Affairs International Nuclear and Technical Programs.

[FR Doc. 81–18446 Filed 6–22–81; 8:45 am]

BILLING CODE 6450–01–M

International Atomic Energy Agreements; Proposed Subsequent Arrangements Between United States and European Atomic Energy Community

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of proposed "subsequent arrangements" under the Additional Agreement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended, the Agreements for Cooperation Between the Government of the United States of America and the Governments of the Philippines, Japan, Spain, Switzerland, and Sweden Concerning Civil Uses of Atomic Energy, as amended, and the Agreement for Cooperation Between the Government of the United States of America and the International Atomic Energy Agency (IAEA) Concerning Peaceful Application of Atomic Energy, as amended.

The subsequent arrangements to be carried out under the above mentioned agreements involve contractual arrangements under which DOE will consent, if requested, to the assignments

of portions of various uranium enrichment services contracts held by various U.S. and foreign utilities in Yugoslavia, Switzerland, and the Philippines as shown below:

Utility/Location	Separative work units	Fiscal year
KRSKO, Yugoslavia	90,000	1987
Leibstadt, Switzerland	5,000	1985
Leibstadt, Switzerland	10,000	1986
Leibstadt, Switzerland	130,000	1987
Gosgen, Switzerland	20,000	1985
Gosgen, Switzerland	30,000	1986
Gosgen, Switzerland	140,000	1987
Philippines	40,000	1983

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that entering into these subsequent arrangements will not be inimical to the common defense and security. It has furthermore been determined that the assignment of these enrichment services complies with Pub. L. 96–280 permitting the supply of additional low enriched uranium under international agreements for cooperation in the civil uses of atomic energy.

These subsequent arrangements will take effect no sooner than fifteen days after the date of publication of this notice.

Dated: June 16, 1981.

For the Department of Energy.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 81-18447 Filed 6-22-81; 8:45 am]

BILLING CODE 6450-01-M

International Atomic Energy Agreements; Proposed Subsequent Arrangement between United States and Japan

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Agreement for Cooperation Between the Government of the United States of America and the Government of Japan Concerning Civil Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreement involves approval for the sale of 50 grams of uranium, enriched to 93% in U–235, to be used in the manufacture of fission chambers for nuclear reactor control.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of this nuclear material under Contract Number S–JA–294 will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

Dated: June 16, 1981.

For the Department of Energy.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 81-18448 Filed 6-22-81; 8:45 am]

BILLING CODE 6450-01-M

International Atomic Energy Agreements; Proposed Subsequent Arrangements Between United States and Japan

Pursuant to Section 131 of the Atomic Energy Act of 1954 as amended (42 U.S.C. 2160) notice is hereby given of proposed "subsequent arrangements" under the Additional Agreement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended, the Agreements for Cooperation Between the Government of the United States of America and the Governments of Finland and Japan Concerning Civil Uses of Atomic Energy, as amended, and the Agreement for Cooperation Between the Government of the United States of America and the International Atomic Energy Agency (IAEA) Concerning Peaceful Uses of Atomic Energy, as amended.

The subsequent arrangements to be carried out under the above mentioned agreements involve supply of nuclear materials as follows:

Contract Number WC–EU–190, to CEN, Grenoble, France, 65.18 grams of uranium enriched to 2.35% in U–235, and 11.8 grams of uranium enriched to 2.84% in U–235.

Contract Number WC–EU–191, to CEN, Grenoble, France, 105.6 grams of uranium enriched to 4.30% in U–235, and 23.6 grams of uranium enriched to 2.84% in U–235.

Contract Number WC–EU–192, to CEN/SACLAY, France, 2.99 grams of uranium enriched to 2.84% in U–235.

Contract Number WC–EU–193, to CEN/SACLAY, France, 5.98 grams of uranium enriched to 2.84% in U–235.

Contract Number WC–EU–194, to Bundesanstalt Fur Materialprufung, Berlin, Federal Republic of Germany, 65.18 grams of urnaium enriched to 2.35% in U–235.

Contract Number WC–EU–195, to Bundesanstalt Fur Materialprufung, Berlin, Federal Republic of Germany, 105.6 grams of uranium enriched to 4.30% in U–235.

Contract Number WC–EU–196, to ALKEN, Gmbh, Hanau, Federal Republic of Germany, 65.18 grams of uranium enriched to 2.35% in U–235, and 11.80 grams of uranium enriched to 2.84% in U–235.

Contract Number WC–EU–197, to ALKEN, Gmbh, Hanau, Federal Republic of Germany, 105.6 grams of uranium enriched to 4.30% in U–235, and 23.6 grams of uranium enriched to 2.84% in U–235.

Contract Number WC–EU–198, to the Institute Fur Radiochemie Analytische, Karlsruhe, Federal Republic of Germany, 11.80 grams of uranium enriched to 2.84% in U–235.

Contract Number WC–EU–199, to the Institute Fur Radiochemie Analytische, Karlsruhe, Federal Republic of Germany, 23.6 grams of uranium enriched to 2.84% in U–235.

Contract Number WC–EU–200, to the Institute for Chemische Technologie, Juelich, Federal Republic of Germany, 11.80 grams of uranium enriched to 2.84% in U–235.

Contract Number WC–EU–201, to the Institute for Chemische Technologie, Juelich, Federal Republic of Germany, 23.60 grams of uranium enriched to 2.84% in U–235.

Contract Number WC–EU–202, to British Nuclear Fuels, Ltd., England, 65.18 grams of uranium enriched to 2.35% in U–235, and 11.80 grams of uranium enriched to 2.84% in U–235.

Contract Number WC–EU–203, to British Nuclear Fuels, Ltd., England, 105 grams of uranium enriched to 4.30% in U–235, and 23.6 grams of uranium enriched to 2.84% in U–235.

Contract Number WC–EU–204, to the Ministry of Defense, England, 2.99 grams of uranium enriched to 2.84% in U–235.

Contract Number WC–EU–205, to the Ministry of Defense, England, 5.98 grams of uranium enriched to 2.84% in U–235.

Contract Number WC–EU–206, to AGIP Nucleaire, Bologna, Italy, 65.18 grams of uranium enriched to 2.35% in U–235, and 11.80 grams of uranium enriched to 2.84% in U–235.

Contract Number WC–EU–207, to AGIP Nuclearire, Bologna, Italy, 105.6 grams of uranium enriched to 4.30% in U–235, and 23.6 grams of uranium enriched to 2.84% in U–235.

Contract Number WC–EU–208, to Fabbricasioni Nucleari, Italy, 65.18 grams of uranium enriched to 2.35% in U–235.

Contract Number WC–EU–209, to Fabbricazioni Nucleari, Italy, 105.6 grams of uranium enriched to 4.30% in U–235.

Contract Number WC–EU–210, to the Netherlands Energy Research Institute, 65.18 grams of uranium enriched to 2.35% in U–235, and 11.80 grams of uranium enriched to 2.84% in U–235.

Contract Number WC–EU–211, to the Netherlands Energy Research Institute, 105.6 grams of uranium enriched to 4.30% in U–235, and 23.6 grams of uranium enriched to 2.84% in U–235.

Contract Number WC–EU–212, to SCK/CEN, Mol, Belgium, 65.18 grams of uranium enriched to 2.35% in U–235, and 11.80 grams of uranium enriched to 2.84% in U–235.

Contract Number WC–EU–213, to SCK/CEN, Mol, Belgium, 105.6 grams of uranium enriched to 4.30% in U–235, and 23.6 grams of uranium enriched to 2.84% in U–235.

Contract Number WC–EU–214, to CEN/BN. Mol Belgium, 65.18 grams of uranium enriched to 2.35% in U–235.
Contract Number WC–EU–215, to CEN/BN. Mol, Belgium, 105.6 grams of uranium enriched to 4.30% in U–235.
Contract Number WC–FI–7, to the Department of Radiochemistry, Helsinki, Finland, 65.18 grams of uranium enriched to 2.35% in U–235, and 11.8 grams of uranium enriched to 2.84% in U–235.
Contract Number WC–FI–8, to the Department of Radiochemistry, Helsinki, Finland, 105.6 grams of uranium enriched to 4.30% in U–235, and 23.6 grams of uranium enriched to 2.84% in U–235.
Contract Number WC–JA–30, to Japan Nuclear Fuel, Ltd., Japan 105.6 grams of uranium enriched to 4.30% in U–235.
Contract Number WC–JA–31, to the Safeguards Analytical Laboratory, Japan, 65.18 grams of uranium enriched to 2.35% in U–235, and 11.8 grams of uranium enriched to 2.84% in U–235.
Contract Number WC–JA–32, to the Safeguards Analytical Laboratory, Japan, 105.6 grams of uranium enriched to 4.30% in U–235, and 23.6 grams of uranium enriched to 2.84% in U–235.
Contract Number WC–JA–33, to the Tokai Works, Japan, 105.6 grams of uranium enriched to 4.30% in U–235, and 23.6 grams of uranium enriched to 2.84% in U–235.
Contract Number WC–JA–34, to the Tokai Works, Japan, 65.18 grams of uranium enriched to 2.35% in U–235, and 11.80 grams of uranium enriched to 2.84% in U–235.
Contract Number WC–JA–35, to the Japan Nuclear Fuel Co., Ltd., Japan, 65.18 grams of uranium enriched to 2.35% in U–235.
Contract Number WC–IA–119, to the Safeguards Analytical Laboratory, Vienna, Austria, 65.18 grams of uranium enriched to 2.35% in U–235, and 11.80 grams of uranium enriched to 2.84% in U–235.
Contract Number WC–IA–120, to the Safeguards Analytical Laboratory, Vienna, Austria, 105.6 grams of uranium enriched to 4.30% in U–235, and 23.6 grams of uranium enriched to 2.84% in U–235.

The above materials are to be utilized in the Safeguards Analytical Laboratory Evaluation (SALE) Program. This program is designed to evaulate the capability of participating laboratories to analyze materials to be safeguarded in the nuclear fuel cycle, and to provide means by which measurement capability may be improved through the interchange of measurement technology.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of these nuclear materials will not be inimical to the common defense and security.

These subsequent arrangments will take effect no sooner than fifteen days after the date of publication of this notice.

Dated: June 17, 1981.

For the Department of Energy.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 81-18434 Filed 6-22-81; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

Ben P. Rollert, Jr. and H. K. Waddell d.b.a. Rollert-Waddell Co.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of action taken on consent order.

SUMMARY: The Office of Enforcement (OE), Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces notice of filing a Petition for the Implementation of Special Refund Procedures for refunds received pursuant to a Consent Order.

DATE: Petition submitted to the Office of Hearings and Appeals: June 11, 1981.

FOR FURTHER INFORMATION CONTACT: Crude Producers Branch, Attn: John Marks, Office of Enforcement, Room 5002, 2000 M Street, N.W., Washington, D.C. 20461; Telephone Number (202) 653–3517.

SUPPLEMENTARY INFORMATION: On September 27, 1979, the OE published notification in **Federal Register** that it executed a Consent Order with Rollert-Waddell Company (RWC) of Luling, Texas on September 12, 1979, 44 FR 55630 (1979). Interested persons were invited to submit comments concerning the terms, conditions, or procedural aspects of the Consent Order. In addition, persons who believe they have a claim to all or a portion of the refund of overcharges paid by RWC pursuant to the Consent Order requested to submit notice of their claims to the OE.

One comment was received. The comment contained no new evidence which was materially inconsistent with evidence upon which the DOE's acceptance of the Consent Order was based. After review of that comment, the OE has determined that the Consent Order should not be modified.

Pursuant to the Consent Order, RWC refunded the sum of $90,000 by certified checks made payable to the United States Department of Energy. This sum has been received by the DOE and has been placed into a suitable account pending determination of its proper distribution.

Action Taken: The OE is unable, readily, to identify the persons entitled to receive the $90,000, or to ascertain the amounts of refunds that such persons are entitled to receive. Therefore, the OE has petitioned the Office of Hearings and Appeals on June 11, 1981 to implement Special Refund Procedures pursuant to 10 CFR Part 205, Subpart V, 10 CFR 205.280 *et seq.* to determine the identity of persons entitled to the refunds and the amounts owing to each of them. Persons who believe they are entitled to all or a portion of the refunds should comply with the procedures of 10 CFR Part 205, Subpart V.

Issued in Washington, D.C. on the 16th day of June, 1981.

Robert D. Gerring,

Director, Program Operations Division.

[FR Doc. 81-18461 Filed 6-22-81; 8:45 am]

BILLING CODE 6450-01-M

Kirkpatrick Oil and Gas Co.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of action taken on consent order.

SUMMARY: The Office of Enforcement (OE), Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces notice of filing a Petition for the Implementation of Special Refund Procedues for refunds received pursuant to a Consent Order.

DATE: Petition submitted to the Office of Hearings and Appeals: June 8, 1981.

FOR FURTHER INFORMATION CONTACT: Crude Producers Branch, Attn: John Marks, Room 5002, 2000 M Street, N.W., Washington, D.C. 20461 (202) 653–3517.

SUPPLEMENTARY INFORMATION: On April 28, 1980, the OE published notification in the **Federal Register** that it executed a Consent Order with Kirkpatrick Oil and Gas Company, (Kirkpatrick) of Oklahoma City, Oklahoma on April 14, 1980, 45 FR 28190 (1980). Interested persons were invited to submit comments concerning the terms, conditions, or procedural aspects of the Consent Order. In addition, persons who believe they have a claim to all or a portion of the refund amount paid by Kirkpatrick pursuant to the Consent Order were requested to submit notice of their claims to the OE.

One comment was received. The comment contained no new evidence which was materially inconsistent with evidence upon which the DOE's acceptance of the Consent Order was based. After review of that comment, the Office of Enforcement has determined that the Consent Order should not be modified.

Pursuant to the Consent Order, Kirkpatrick is refunding the sum of $325,000, plus interest, by certified checks made payable to the United States Department of Energy in 24 monthly installments. All such funds received by DOE have been placed into a suitable account pending determination of their proper distribution.

The following persons submitted claims to the OE:

Defense Logistics Agency,
Mobil Oil Corp.

Action Taken: The OE is unable, readily, to identify the persons entitled to receive the $325,000, plus interest, or to ascertain the amounts of refunds that such persons are entitled to receive. Therefore, the OE has petitioned the Office of Hearings and Appeals on June 8, 1981 to implement Special Refund Procedures pursuant to 10 CFR Part 205, Subpart V, 10 CFR 205.208 *et seq.* to determine the identity of persons entitled to the refunds and the amounts owing to each of them. Persons who believe they are entitled to all or a portion of the refunds should comply with the procedures of 10 CFR Part 205, Subpart V.

Issued in Washington, D.C. on the 16th day of June, 1981.

Robert D. Gerring,

Director, Program Operations Division.

[FR Doc. 81-18457 Filed 6-22-81; 8:45 am]

BILLING CODE 6450-01-M

Michaelson Producing Co., et al.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of action taken on consent order.

SUMMARY: The Office of Enforcement (OE), Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces notice of filing a Petition for the Implementation of Special Refund Procedures for refunds received pursuant to a Consent Order.

DATE: Petition submitted to the Office of Hearings and Appeals: June 10, 1981.

FOR FURTHER INFORMATION CONTACT: Crude Producers Branch, Attn: John Marks, Program Operations Division, Office of Enforcement, Room 5002, 2000 M Street, N.W., Washington, D.C. 20461; Telephone Number (202) 653-3517.

SUPPLEMENTARY INFORMATION: On November 15, 1979, the OE published notification in the **Federal Register** that it executed a Consent Order with Michaelson Producing Company, the working interest owners, and the royalty interest owner of the applicable properties (Michaelson, et al.) of Midland, Texas on October 24, 1979, 44 FR 65813 (1979). Interested persons were invited to submit comments concerning the terms, conditions, or procedural aspects of the Consent Order. In addition, persons who believe they have a claim to all or a portion of the refund of overcharges paid by Michaelson, et al. pursuant to the Consent Order were requested to submit notice of their claims to the ERA.

Although interested persons were invited to submit comments regarding the Consent Order to the DOE, no comments were received. Therefore, the Consent Order was not modified.

Pursuant to the Consent Order, Michaelson, et al. agreed to refund the sum of $280,000, plus interest, by certified checks made payable to the United States Department of Energy within 24 months of the effective date of the Consent Order.

The following person submitted a notice of claim to the ERA: Defense Logistics Agency.

Action Taken: The OE is unable, readily, to identify the persons entitled to receive the $280,000, plus interest, or to ascertain the amounts of refunds that such persons are entitled to receive. Therefore, the OE has petitioned the Office of Hearings and Appeals (OHA) on June 10, 1981 to implement Special Refund Procedures pursuant to 10 CFR Part 205, Subpart V, 10 CFR 205.280 *et seq.* to determine the identity of persons entitled to the refund and the amount owing to each of them. Persons who believe they are entitled to all or a portion of the refund should comply with the procedures of 10 CFR Part 205, Subpart V.

Issued in Washington, D.C. on the 16th day of June, 1981.

Robert D. Gerring,

Director, Program Operations Division.

[FR Doc. 81-18458 Filed 6-22-81; 8:45 am]

BILLING CODE 6450-01-M

Northeast Petroleum Industries, Inc; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of action taken on consent order.

SUMMARY: The Office of Enforcement (OE), Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces notice of filing a Petition for the Implementation of Special Refund Procedures for refunds received pursuant to a Consent Order.

DATE: Petition submitted to the Office of Hearings and Appeals: June 11, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Adna Day, Program Manager for Product Resellers, Office of Enforcement, 2000 M Street, N.W., Room 5204, Washington, D.C. 20461 (202) 653-3511.

SUPPLEMENTARY INFORMATION: On July 19, 1979, the OE published notification in the **Federal Register** that it executed a Consent Order with Northeast Petroleum Industries, Inc. (Northeast) of Chelsea, Massachusetts on June 19, 1979, 44 FR 42314 (1979). Interested persons were invited to submit comments concerning the terms, conditions or procedural aspects of the Consent Order. In addition, persons who believed they had a claim to all or a portion of the refund amount paid by Northeast pursuant to the Consent Order were requested to submit notice of their claims to OE.

Although interested persons were invited to submit comments regarding the Consent Order to the DOE, no comments were received. Therefore, the Consent Order was not modified.

Pursuant to the Consent Order, Northeast is refunding the sum of $459,635 by certified checks made payable to the United States Department of Energy in 6 semi-annual installments. All such funds received by DOE have been placed into a suitable account pending determination of their distribution.

The OE received no notices of claim to the refunds.

Action Taken: The OE is unable, readily, to identify the persons entitled to receive the $459,635 or to ascertain the amounts of refunds that such persons are entitled to receive. Therefore, the OE has petitioned the Office of Hearings and Appeals (OHA) on June 11, 1981 to implement Special Refund Procedures pursuant to 10 CFR Part 205, Subpart V, 10 CFR 205.208 *et seq.* to determine the identity of persons entitled to the refunds and the amounts owing to each of them. Persons who believe they are entitled to all or a portion of the refunds should comply with the procedures of 10 CFR Part 205, Subpart V.

Issued in Washington, D.C. on the 16th day of June, 1981.

Robert D. Gerring,

Director, Program Operations Division.

[FR Doc. 81-18459 Filed 6-22-81; 8:45 am]

BILLING CODE 6450-01-M

Quintana Petroleum Corp.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of Action Taken on Consent Order.

SUMMARY: The Office of Enforcement (OE), Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces notice of filing a Petition for the Implementation of Special Refund Procedures for refunds received pursuant to a Consent Order.

DATE: Petition submitted to the Office of Hearings and Appeals: June 8, 1981.

FOR FURTHER INFORMATION CONTACT: Crude Producers Branch, Attn: John Marks, Office of Enforcement, 2000 M Street, N.W., Room 5204, Washington, D.C. 20461 (202) 653-3517.

SUPPLEMENTARY INFORMATION: On October 29, 1979, the OE published notification in the **Federal Register** that it executed a proposed Consent Order with Quintana Petroleum Corporation (QPC) of Houston, TX., on August 31, 1979, which will not become effective sooner than 30 days after publication, 44 FR 61994 (1979). Interested persons were invited to submit comments concerning the terms, conditions, or procedural aspects of the Consent Order. In addition, persons who believe they have a claim to all or a portion of the refund paid by QPC pursuant to the proposed Consent Order were requested to submit notice of their claims to the OE.

A second notice was published in the **Federal Register**, 44 FR 75206 (1979), which summarized the comment received and explained that the proposed Consent Order was finalized. A second comment was received which was erroneously omitted from that notice. The second commentor recommended that all of the refunds should be paid to the refiners and eligible firms that participate in the Entitlements Program. The OE also received notices of claim from three persons who are not participants in the Entitlements Program. Since the OE could not readily determine which of the competing claimants to the refunds, if any, are entitled to all or a portion of the refunds, the OE has requested the Office of Hearings and Appeals (OHA) to implement special refund procedures to distribute the refunds. If the OHA accepts jurisdiction it will determine the appropriate method to distribute the refunds to compensate those persons who have been injured by the overcharges, which may include the commentor's proposed distribution. The proposed Consent Order, therefore, was not modified to provide solely for compensation to participants in the Entitlements Program.

Pursuant to the Consent Order, QPC refunded the sum of $3,750,000 (interest included) by certified check made payable to the United States Department of Energy on January 11, 1980. This sum has been placed into a suitable account pending determination of its proper distribution.

The following persons submitted notices of claim to the OE: Texas Utilities Fuel Company, Defense Logistics Agency, Consumer Energy Counsel, Exxon Corporation.

ACTION TAKEN: The OE is unable, readily, to identify the persons entitled to receive the $3,750,000 (interest included), or to ascertain the amounts of refunds that such persons are entitled to receive. Therefore, the OE has petitioned the Office of Hearings and Appeals on June 8, 1981 to implement Special Refund Procedures pursuant to 10 CFR Part 205, Subpart V, 10 CFR 205.280 *et seq.* to determine the identity of persons entitled to the remaining refunds and the amounts owing to each of them. Persons who believe they are entitled to all or a portion of the refunds should comply with the procedures of 10 CFR Part 205, Subpart V.

Issued in Washington, D.C. on the 16th day of June, 1981.

Robert D. Gerring,

Director, Program Operations Division.

[FR Doc. 81-18460 Filed 6-22-81; 8:45 am]

BILLING CODE 6450-01-M

William Gruenerwald & Associates, Inc.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of Action Taken on Consent Order.

SUMMARY: The Office of Enforcement (OE), the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces notice of filing a Petition for the Implementation of Special Refund Procedures for refunds received pursuant to a Consent Order.

DATE: Petition submitted to the Office of Hearings and Appeals: June 8, 1981.

FOR FURTHER INFORMATION CONTACT: Crude Producers Branch, Attn: John Marks, Office of Enforcement, Room 5002 2000 M Street, N.W., Washington, D.C. 20461, Telephone Number (202) 653-3517.

SUPPLEMENTARY INFORMATION: On December 3, 1979, the OE published notification in the **Federal Register** that it executed a Consent Order with William Gruenerwald & Associates, Inc., (WGA) of Colorado Springs, Colorado on July 30, 1979, 44 FR 69321 (1979). Interested persons were invited to submit comments concerning the terms, conditions or procedural aspects of the Consent Order. In addition, persons who believe they have a claim to all or a portion of the refund or overcharges paid by WGA pursuant to the Consent Order were requested to submit notice of their claims to the OE.

One comment was received more than one month after the close of the comment period. The commentor presented no evidence which was materially inconsistent with evidence upon which DOE's acceptance of the Consent Order was based. The Consent Order, therefore, was not modified.

Pursuant to the Consent Order, WGA is refunding the sum of $46,906.55, plus interest, by certified checks made payable to the United States Department of Energy. All such funds received by DOE have been placed into a suitable account pending determination of their proper distribution.

The following timely notice of claim was submitted to the OE: Defense Logistics Agency. Late notices of claim were also submitted by Exxon Co., U.S.A., and Getty Crude Gathering, Inc.

ACTION TAKEN: The OE is unable, readily, to identify the persons entitled to receive the $46,906.55, plus interest, or to ascertain the amounts of refunds that such persons are entitled to receive. Therefore, the OE has petitioned the Office of Hearings and Appeals on June 8, 1981 to implement Special Refund Procedures pursuant to 10 CFR Part 205, Subpart V, 10 CFR 205.280 *et. seq.* to determine the identity of persons entitled to the refunds and the amounts owing to each of them. Persons who believe they are entitled to all or a portion of the refunds should comply with the procedures of 10 CFR Part 205, Subpart V.

Issued in Washington, D.C. on the 16th day of June, 1981.

Robert D. Gerring,

Director, Program Operations Division.

[FR Doc. 81-18456 Filed 6-22-81; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Project No. 4651-000]

City of Ammon, Idaho; Application for Preliminary Permit

June 16, 1981.

Take notice that the City of Ammon, Idaho (Applicant) filed on May 12, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4651 known as the Upper Deer Flat Dam Hydroelectric Project located at the United States Bureau of Reclamations (USBR) Upper Deer Flat Dam on the Boise River in Canyon County, Idaho. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. George Wehmann, Mayor, City of Ammon, 3270 Molen Street, Ammon, Idaho 83401.

Project Description—The proposed project would utilize waters released from the USBR's Upper Deer Flat Reservoir and would consist of a powerhouse containing generating units with a total rated capacity of between 5.7 and 8.8 MW and appurtenant facilities. The Applicant estimates that the average annual energy output would be between 21.1 and 32.0 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant has requested a 36-month permit to prepare a project report including preliminary designs, results of environmental, and economic feasibility studies. The cost of the above activities, along with preparation of an environmental impact report, obtaining agreements with the USBR and other Federal, State, and local agencies, preparing a license application, conducting final field surveys, and preparing designs is estimated in the Application to be $60,000.

Competing Applications—This application was filed as a competing application to Mitchell Energy Company, Inc.'s Project No. 3732 filed on November 12, 1980, under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing application or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies that are invited to submit comments on the described application. (A copy of the application may be obtained by agencies only directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before July 15, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4651. Any comments, protests, or petitions to intervene must be filed by providing the orignial and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-18498 Filed 6-22-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4650-000]

City of Ammon, Idaho; Application for Preliminary Permit

June 16, 1981.

Take notice that the City of Ammon, Idaho (Applicant) filed on May 12, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4650 known as the Lower Deer Flat Dam Hydroelectric Project located at the United States Bureau of Reclamation's (USBR) Lower Deer Flat Dam on the Boise River in Canyon County, Idaho. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. George Wehmann, Mayor, City of Ammon, 3270 Molen Street, Ammon, Idaho 83401.

Project Description—The proposed project would utilize waters released from the USBR's Lower Deer Flat Reservoir and would consist of a powerhouse containing generating units with a total rated capacity of between 4.9 and 6.3 MW and appurtenant facilities. The Applicant estimates that the average annual energy output would be between 16.1 and 18.2 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant has requested a 36-month permit to prepare a project report including preliminary designs, results of environmental, and economic feasibility studies. The cost of the above activities, along with preparation of an environmental impact report obtaining agreements with the USBR and other Federal, State, and local agencies, preparing a license application, conducting final field surveys, and preparing designs is estimated by the Applicant to be $60,000.

Competing Applications—This application was filed as a competing application to Mitchell Energy Company, Inc.'s Project No. 3737 filed on November 12, 1980, under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing application or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies only directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before July 15, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTESTS", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4650. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-18490 Filed 6-22-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4649-000]

City of Ammon, Idaho; Application for Preliminary Permit

June 17, 1981.

Take notice that the City of Ammon, Idaho (Applicant) filed on May 12, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4649 known as the Deadwood Dam Hydroelectric Project located at the United States Bureau of Reclamation's (USBR) Deadwood Dam on the Deadwood River in Valley County, Idaho. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. George Wehmann, Mayor, City of Ammon, 3270 Molen Street, Ammon, Idaho 83401.

Project Description—The proposed project would utilize waters released from the USBR's Deadwood Reservoir and would consist of a powerhouse containing generating units with a total rated capacity of betweeen 3.9 and 6.4 MW and appurtenant facilities. The Applicant estimates that the average annual energy output would be between 20.5 and 28.0 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant has requested a 24-month permit to prepare a project report including preliminary designs, results of environmental, and economic feasibility studies. The cost of the above activities, along with preparation of an environmental impact report, obtaining agreements with the USBR and other Federal, State, and local agencies, preparing a license application, conducting final field surveys, and preparing designs is estimated by the Applicant to be $90,000.

Competing Applications—This application was filed as a competing application to Mitchell Energy Company Inc.'s Project No. 3724 filed on November 12, 1980, under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing application or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies only directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit coments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before July 17, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4649. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-18507 Filed 6-22-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4666-000]

City of Cohoes, New York; Application for Preliminary Permit

June 17, 1981.

Take notice that the City of Cohoes, New York (Applicant) filed on May 15, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4666 known as the Mohawk River Project located on the Mohawk River in Saratoga and Albany Counties, New York. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Glen King, Planner, City of Cohoes, Mohawk and Ontario Streets, Cohoes, New York 12047.

Project Description—The proposed run-of-the-river project would consist of existing project works to include: (1) the New York State owned Champlain Street Dam, a concrete gravity structure 1,625 feet long and 16 feet high at spillway crest elevation 49.0 feet m.s.l.; (2) a concrete flow-control structure at the head of the "Old Champlain Canal"; (3) a power canal, about 20 feet wide and 55 feet long, located at the south (right) abutment of the dam and containing a 20-foot wide spillway at crest elevation 49.0 feet m.s.l., and inlet works on the south wall of the canal; (4) a reservoir of negligible storage with a surface area of 97 acres and extending about 1 mile upstream; and new project works to include; (5) intake structure and pressure conduits; (6) a power-house with an installed capacity of 6,000 kW; and (7) other appurtenances. The Applicant estimates the average annual energy production would be 35,500,000 kWh.

Proposed Scope and Cost of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of three years, during which time Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the

outcome of the studies, the Applicant would decide whether to proceed with an application for an FERC license. Applicant estimates the cost of studies under the permit would be $150,000.

Competing Applications—This application was filed as a competing application to Mohawk Paper Mill Project No. 3605 filed on October 24, 1980, by Mohawk Paper Mills, Inc. Under 18 CFR § 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies only directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before July 17, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTESTS", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4666. Any comments, protests, or petitions to intervene must be filed by providing the orignial and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-18509 Filed 6-22-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4571-000]

City of Montrose, Colorado; Application for Preliminary Permit

June 16, 1981.

Take notice that the City of Montrose, Colorado (Applicant) filed on April 21, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 4571 to be known as the South Canal Project (Sites 1, 3 & 4) located on the South Canal in Montrose, Colorado. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: City of Montrose, South 1st and Uncompahgre, Box 790, Montrose, Colorado 81402, and Mr. Jim Hokit, Uncompahgre Valley Water Users Association, 601 North Park, P.O. Box 69, Montrose, Colorado 81402. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the Water and Power Resources Service's (WPRS) South Canal and would consist of the development of three sites. The three developments would involve construction of entirely new facilities.

Site 1, located at South Canal Station 19+50, would consist of: (1) a radial gated intake structure with trash rack; (2) an 8-foot diameter penstock, 1,325 feet long; (3) a powerhouse with an installed capacity of 3,100 kW; (4) a tailrace; (5) a transmission line 0.25 mile long; and (6) other appurtenances.

Site 3, located at South Canal Station 106+65, would consist of: (1) a radial gated intake structure with trash rack; (2) an 9-foot diameter penstock, 435 feet long; (3) a powerhouse with an installed capacity of 1,800 kW; (4) a tailrace; (5) a transmission line 0.75 mile long; and (6) other appurtenances.

Site 4, located at South Canal Station 181+10, would consist of: (1) a radial gated diversion-intake structure with trash rack; (2) a radial gated check structure; (3) an 9-foot diameter penstock, 2,610 feet long; (4) a powerhouse with an installed capacity of 2,300 kW; (5) a transition structure to the existing canal; (6) a transmission line 3 miles long; and (7) other appurtenances.

The Applicant estimates that the averge annual energy output would be 24.55 million kWh at Site 1, 14.25 million kWh at Site 3, and 18.22 million kWh at Site 4. Project energy would be sold to the Colorado-Ute Electric Association.

Proposed Scope and Cost of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would perform hydraulic, construction, economic, environmental, historic, and recreational studies, and if the proposed project is determined feasible, prepare an application for an FERC license. Applicant estimates cost of studies under the permit would not exceed $54,000.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application developing Sites 1, 3, and 4, was filed as a competing application to ENERGENICS SYSTEMS, INC.'s Projects Nos. 3817, 3815, and 3818, respectively, filed on December 3, 1980, under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of protest may also be submitted by conforming the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a

party to the proceeding. To be come a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petition to intervene must be received on or before July 14 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4571. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street N.E., Washington D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-18500 Filed 6-22-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-535-000]

Cleveland Electric Illuminating Co.; Filing

June 16, 1981.

The filing company submits the following:

Take notice that on June 8, 1981, The Cleveland Electric Illuminating Company (CEI) tendered for filing an executed Service Agreement and Exhibits A and B thereto, providing for transmission by CEI of approximately 30 MW of power from the 345 kv interconnection point on CEI's Juniper—Canton Line with the Ohio Power Company to the City of Cleveland, Ohio (City) in accordance with the terms and conditions of CEI's FERC Transmission Service Tariff.

CEI has requested waiver of the FERC's 60-day notice requirement in order to permit commencement of transmission service on June 1, 1981.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 2, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-18493 Filed 6-22-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER78-194]

Cleveland Electric Illuminating Co., Filing

June 16, 1981.

Take notice that on May 29, 1981, the Cleveland Electric Illuminating Company (CEI) submitted for filing copies of the Company's FERC Electric Tariff, Original Volume No. 1, applicable to transmission service rendered by CEI. According to CEI, the tariff has been revised to conform to the tariff language specified by the Initial Decision issued in this proceeding on April 27, 1979, as modified by the Commission's Opinion No. 84.

Any person desiring to be heard or to make any protests with reference to said application should on or before June 30, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions or protests in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-18495 Filed 6-22-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No EC81-12-000]

Cliffs Electric Service Co.; Filing

June 17, 1981.

The filing Company submits the following:

Take notice that on June 4, 1981, Cliffs Electric Service Company (CESCO) filed an amendment (Amendment) to its application for authority to acquire securities of Upper Peninsula Generating Company (UPGC). Amendment 1 requests the addition of an exhibit (Exhibit K) to CESCO's application, providing a copy of any application filed with another state or federal agency regarding the securities to be sold by UPGC.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before July 7, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person desiring to be heard or to protest said filing should file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-18479 Filed 6-22-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-497-000]

Commonwealth Electric Co.; Filing

June 16, 1981.

The filing Company submits the following:

Take notice that on May 15, 1981, Commonwealth Electric Company has adopted, ratified and made its own in every respect all applicable rate schedules and supplements thereto, as listed below, hereto filed with the Federal Energy Regulatory Commission or its predecessors by New Bedford Gas and Edison Light Company, effective March 1, 1981.

New Bedford Gas and Edison Light Co.:

Rate Schedule FERC No. 4
Rate Schedule FERC No. 15
Rate Schedule FERC No. 21
Rate Schedule FERC No. 22
Rate Schedule FERC No. 34
Rate Schedule FERC No. 36
Rate Schedule FERC No. 37
Rate Schedule FERC No. 38

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10)). All such petitions or protests should be filed on or before July 2, 1981. Protests will be considered by the Commission in determining the

appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-18494 Filed 6-22-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. EC81-14-000]

Detroit Edison Co.; Filing

June 17, 1981.

The filing Company submits the following:

Take notice that on June 8, 1981, The Detroit Edison Company (Edison), 2000 Second Avenue, Detroit, Michigan 48226, submitted an Application For Authority To Sell Certain Public Utility Facilities and/or a declaration as to the exempt status of these facilities which are proposed to be conveyed to the Village of Sebewaing (Sebewaing) and for such further relief as may be appropriate.

Edison's filing states that the equipment consists of a small substation containing one transformer, one three-phase step regulator and miscellaneous supporting equipment located on property owned by Sebewaing in the Village of Sebewaing in Huron County, Michigan. The sales price is $42,000. Sebewaing is a wholesale for resale customer of Edison. Sebewaing is a municipal electric serving customer in the Village of Sebewaing, in the State of Michigan. Sebewaing owns and operates a municipal generating plant.

The sale and conveyance to Sebewaing of the equipment is proposed in order to effectuate economies. available to Sebewaing by the elimination or reduction of certain facility charges based upon the wholesale for resale rates for electric service supplied by Edison to Sebewaing. Edison requests approval of its Application or the alternative, a determination by the Commission that the facilities are exempt from provisions of Section 203 of the Federal Power Act pursuant to Section 201(b)(1) of the Act. Edison also requests the acceptance for filing of the revised rate to be applicable upon completion of the sale.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 7, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-18510 Filed 6-22-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-533-000]

Duke Power Co.; Filing

June 16, 1981

The filing Company submits the following:

Take notice that Duke Power Company (Duke Power) tendered for filing on June 8, 1981 a supplement to the Company's Electric Power Contract with the City of Gastonia. Duke Power states that this contract is on file with the Commission and has been designated Duke Power Company Rate Schedule FERC No. 227.

Duke Power further states that the Company's contract supplement, made at the request of the customer and with agreement obtained from the customer, provides for the termination of Delivery Point No. 3.

Duke Power indicates that this supplement also includes an estimate of sales and revenue for twelve months immediately preceding and for the twelve months immediately succeeding the effective date. Duke Power proposes an effective date of May 6, 1981.

According to Duke Power copies of this filing were mailed to the City of Gastonia and the North Caraolina Utilities Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street N.E., Washington D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 2, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-18489 Filed 6-22-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. EC81-13-000]

Florida Power Corp.; Filing

June 17, 1981.

The filing Co. submits the following:

Take notice that Florida Power Corp. on June 5, 1981, applied for authority under Section 203 of the Federal Power Act to sell 0.91 miles of a 230 kv (115 kV operated) single circuit transmission line in Bay County, Florida, to Gulf Power Co. for a consideration of $73,530.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 7, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person desiring to be heard or to protest said filing should file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-18480 Filed 6-22-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4624-000]

Frankfort Electric and Water Plant Board; Application for Preliminary Permit

June 17, 1981.

Take notice that the Frankfort Electric and Water Plant Board filed on May 4, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 4624 known as the Kentucky River Lock and Dam No. 2 located on the Kentucky River in Henry and Owen Counties, Kentucky. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Rodney R. Ratliff, Frankfort Electric and Water Plant Board, P.O. Box 308, Frankfort, Kentucky 40602.

Project Description—The proposed project would utilize an existing U.S. Army Corps of Engineers' lock and dam. The project would consist of: (1) a proposed 11,300-foot-long transmission line and substation; (2) a proposed powerhouse containing an installed generating capacity of 6 MW; and (3) appurtenant facilities. The Applicant estimates the average annual energy generation to be 40 GWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The applicant has requested a 36-month permit to prepare a definitive project report, including preliminary design and economic feasibility studies, hydrological studies, environmental and social studies, and soil and foundation data. The cost of the aforementioned activities is estimated to be $100,000.

Competing Applications—This application was filed as a competing application to the Kentucky River Lock and Dam No. 2 Project No. 3994 filed on January 13, 1981, by Energenics Systems, Inc. under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies only directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before July 17, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4624. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-18506 Filed 6-22-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. EC81-10-000]

Interstate Power Co.; Filing

June 17, 1981.

The filing company submits the following:

Take notice that on April 13, 1981, Interstate Power Co., a Delware corporation (Interstate) a public utility as defined in section 201 of the Federal Power Act, applied, pursuant to the provisions of section 203 of the Federal Power Act, for an order authorizing Interstate to sell to Central Iowa Power Cooperative approximately 26.95 miles of 69 KV transmission line located in the County of Delware, State of Iowa, and Approximately 1.25 miles of 69 KV transmission line located in the County of Dubuque, State of Iowa. The consideration to be paid by Purchaser to Interstate for the sale and transfer of said segment of transmission line is $176,569.

Any person desiring to be heard or to protest said filing should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure, (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 7, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-18482 Filed 6-22-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ID-1962-000]

James T. Mayer; Filing

June 17, 1981.

The filing individual submits the following:

Take notice that on May 29, 1981, James T. Mayer filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Assistant General Counsel, Cincinnati Gas & Electric Co.; Union Light, Heat & Power Co.; Miami Power Corp.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 7, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-18483 Filed 6-22-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4297-001]

Metropolitan District; Application for Exemption From Licensing of a Small Hydroelectric Project of 5 Megawatts or Less

June 16, 1981.

Take notice that the Metropolitan District filed with the Federal Energy Regulatory Commission on May 5, 1981, an application for exemption for its Goodwin Project No. 4297 from all or part of Part I of the Federal Power Act pursuant to 18 CFR Part 4 subpart K (1980) implementing in part Section 408 of the Energy Security Act of 1980.[1] The

[1] Pub. Law 96-294, 94 Stat. 611. Section 408 of the ESA amends *inter alia*, Sections 405 and 408 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. §§ 2705 and 2708).

proposed project would be located on the West Branch of the Farmington River in Hartford and Litchfield Counties, Connecticut. Correspondence with the Applicant should be directed to: Mr. Bernard A. Batycki, District Manager, The Metropolitan District, 555 Main Street, Hartford, Connecticut 06101.

Project Description—The proposed project would consist of: (1) the existing Goodwin Dam, having a height of 135 feet and a length of 820 feet; (2) an existing reservoir having a storage capacity of 8,500 acre-feet; (3) a proposed 425-foot-long penstock; (4) a proposed powerhouse which would have an installed generating capacity of 3,000 kW; and (5) appurtenant works. The existing facilities at the Goodwin Dam are currently owned by the Metropolitan District of the County of Hartford.

Purpose of Exemption—An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for exemption. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of an exemption and consistent with the purpose of an exemption as described in this notice. No other formal request for comments will be made. If an agency does not file comments within 60 days of the date of issuance of this notice, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to the Goodwin-Colebrook Project No. 3270, filed on July 29, 1980, under 18 CFR 4.33 (1980) and, therefore, no further competing applications or notices of intent to file competing application will be accepted for filing.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before July 29, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made a response to this notice of application for preliminary permit for Project No. 4297. Any comments, protests, or petitions to intervene must be filed by providing the orignial and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-18502 Filed 6-22-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ID-1963-000]

James R. Mosley; Filing

June 17, 1981.

The filing individual submits the following:

Take notice that on May 29, 1981, James R. Mosley filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Assistant Treasurer, Cincinnati Gas & Electric Co.; Union Light, Heat & Power Co.; Miami Power Corp.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 7, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-18503 Filed 6-22-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4637-000]

North Valley Land Corp.; Application for Preliminary Permit

June 16, 1981.

Take notice that North Valley Land Corporation (Applicant) filed on May 8, 1981 an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4637 known as the Deer Creek Hydroelectric Project located on the Deer Creek in Tehama County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Sam E. Nelson, 50 Wilshire Drive, Redding, California 96002.

Project Description—The proposed project would consist of: (1) a 4-foot high concrete diversion structure across the Deer Creek, diverting water into; (2) an intake structure within the south bank of the Creek; (3) a 13,000-foot long combination open ditch and low head pipeline; (4) a 1,000-foot long penstock; (5) a powerhouse containing a single generating unit with a rated capacity of 2,500 kW; and (6) appurtenant facilities. The Applicant estimates that the average annual energy output would be 15.7 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant has requested a 24-month permit to prepare a definitive project report including preliminary designs, results of geological, environmental, and economic feasibility studies. The cost of the above activities, along with preparation of an environmental impact report, obtaining agreements with the Forest Service and other Federal, State, and local agencies, preparing a license application, conducting final field surveys, and preparing designs is estimated by the Applicant to be $60,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before August 19, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than October 19, 1981.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies only directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before August 19, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-18501 Filed 6-22-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4638-000]

North Valley Land Corp.; Application for Preliminary Permit

June 16, 1981.

Take notice that North Valley Land Corporation (Applicant) filed on May 8, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4638 known as the Upper Mill Creek project located on Mill Creek in Tehama County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Sam E. Nelson, 50 Wilshire Drive, Redding, California 96002.

Project Description—The proposed project would consist of: (1) a 6-foot high concrete diversion structure; (2) an intake structure; (3) a 7,800-foot long conduit; (4) an 800-foot long, 60-inch diameter steel penstock; (5) a powerhouse containing one generating unit rated at 3,000 kW; and (6) a 7-mile long transmission line. The average annual energy generation is estimated to be 17 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 24 months during which time it would conduct engineering, economic, feasibility, and environmental studies, and prepare an FERC license application. No new roads would be required to conduct the studies.

The cost of the work to be done under the preliminary permit is estimated to be $60,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before August 19, 1981, either the competing application itself [See 18 CFR 4.33(a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33(b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than October 19, 1981.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies only directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before August 19, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-18503 Filed 6-22-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP78-123, et al.]

Northwest Alaskan Pipeline Co.; Filing

June 17, 1981.

To all parties:

Pursuant to the Commission's instructions in its orders of April 28, 1980 [1] and June 20, 1980,[2] the Commission's Alaska Gas Project Office, in conjunction with the Office of the General Counsel, is in the process of preparing a report to the Commission on certain aspects of the "tracking" [3] of

[1] "Findings and Order Issuing Certificates of Public Convenience and Necessity and Authorizing the Importation of Natural Gas," Docket No. CP78-123, *et al.* (issued April 28, 1980), 11 FERC ¶61,088. *See*, especially, p. 112.

[2] "Order Granting Applications for Rehearing in Part", issued in the same proceeding on June 20, 1980, 11 FERC ¶61,302. *See*, especially, p. 40.

[3] "Tracking" refers to the pass-through, on an essentially automatic basis, of transportation charges incurred by the shippers into the rates the shippers charge to their customers, without

Continued

Alaskan and Canadian transportation charges in the rates of the shippers making use of the Alaska Natural Gas Transportation System (ANGTS). The question of tracking Canadian transportation charges has been found to have special significance for the financing of the Canadian segments of the ANGTS.[4] The report may constitute the first step in a new subproceeding related to the certification of the ANGTS.

The Chairman proposes to assign Jack Kaminsky to advise the Alaska Gas Project Office, the Office of the General Counsel, and the Commission on the above-described potential new subproceeding. Mr. Kaminsky might also be assigned to provide tariff advice and expertise in other subproceedings that are factually related to Docket No. CP78–123, *et al.* (but would not be assigned any advisory role in the Alaska segment cost estimate subproceeding in Docket No. CP80–435). Mr. Kaminsky participated as a Commission trial staff witness on tariff matters in the hearings culminating in certification of the "prebuild" segments of the Alaska Natural Gas Transportation System, in *Northwest Alaskan Pipeline Company*, Docket No. CP78–123, *et al.*, and has also participated on behalf of the trial staff in the technical conferences in Docket No. CP80–435.

Inasmuch as the potential new subproceeding described above is factually related to the adjudicatory "prebuild" proceedings in Docket No. CP78–123, *et al.*, the assignment of Mr. Kaminsky may require waiver of the Commission's separation of functions rule, 18 CFR 1.30(f).

No later than 30 days from the date of issuance of this notice, all parties to Docket No. CP78–123, *et al.*, may submit comments or objections to the contemplated assignment of Mr. Kaminsky as described above.

By direction of the Chairman.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–18504 Filed 6–22–81; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. ER81–521–000]

Ohio Power Co.; Filing

June 16, 1981.

The filing Company submits the following:

Take notice that American Electric Power Service Corporation (AEP) on June 5, 1981, tendered for filing on behalf of its affiliate Ohio Power Company (Ohio) Supplement No. 11 dated May 18, 1981, to the Interconnection Agreement dated January 1, 1952, between Ohio and Ohio Edison Company designated OPCo's Electric Rate Schedule FPC No. 25.

Ohio states that the Supplement includes a new Service Schedule which provides for the purpose of conserving energy resources during extended fuel shortages, for transfers of energy to an from systems interconnected with the parties. The Service Schedule provides for a transmission service charge of 1.7 and 2 mills per kilowatt-hour for deliveries of Fuel Conservation Energy, when such receiving company is Ohio Edison Company or Ohio, respectively, and for generation of (a) 6 mills per kilowatt-hour plus incremental energy costs, plus 2 mills when Ohio is the delivering party and (b) 6 mills per kilowatt-hour plus incremental costs, plus 2 mills when Ohio Edison Company is the delivering party.

The filing parties have requested that these Schedules be permitted to be effective immediately should circumstances arise requiring their use.

Copies of this filing were served upon Ohio Edison Company and the Public Utilities Commission of Ohio.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 2, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–18497 Filed 6–22–81; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. ER–81–534–000]

Otter Tail Power Co.; Filing

June 17, 1981.

The filing company submits the following:

Take notice that on June 8, 1981, Otter Tail Power Company (Otter Tail) tender for filing a Notice of Termination of the Upper Mississippi Valley Power Pool Agreement dated February 10, 1961, and effective July 21, 1961, designated FPC No. 106.

Otter Tail requests an effective date of June 30, 1981.

Any person desiring to be heard or to protest said filling should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 7, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commision and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–18494 Filed 6–22–81; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. ED81–537–000]

Puget Sound Power & Light Co.; Filing

June 17, 1981.

The filing Company submits the following:

Take notice that on June 9, 1981, Puget Sound Power & Light Co. (Puget), tendered for filing, an Agreement between Puget and Southern California Edison Co. (SCE).

The Agreement provided for Puget's sale to SCE of firm thermal energy during the period of January 17, 1981 to February 28, 1981. Pursuant to the Agreement, Puget sold to SCE 111,435,000 kilowatthours of firm thermal energy at a purchase price of 24.5 mills/kwh.

A copy of the filing was served upon the Southern California Edison Corp.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 7, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to

instituting a full Section 4 proceeding upon each change of their customer rates.

[4] *See, e.g.*, National Energy Board, "Statement in the Matter of the Hearing with Respect to Condition 12(1) of the Northern Pipeline Act," File No. 1045–4 (May, 1980), especially at pp. 3–4.

become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth Plumb,

Secretary.

[FR Doc. 81-18486 Filed 6-22-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4643-000]

Puget Sound Power & Light Co.; Application for Preliminary Permit

June 17, 1981.

Take notice that Puget Sound Power & Light Company (Applicant) filed on May 11, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] For Project No. 4643 to be known as the Mud Mountain Dam Project located on the White River in King and Pierce Counties, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Robert V. Myers, Vice President, Generation Resources, Puget Sound Power & Light Company, Puget Power Building, Bellevue, Washington 98009.

Project Description—The proposed project would consist of: (1) three 50-foot long penstocks to be connected to the three existing 8.5-foot diameter outlet pipes of the 425-foot high Corps of Engineers' Mud Mountain Dam; (2) three bifurcations; and (3) a powerhouse containing three generating units, each rated at 18 MW. The operation of the reservoir would be modified to create a power pool during the summer months. The average annual energy generation is estimated to be 126,000 MWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 36 months during which time it would conduct engineering, environmental, economic, and feasibility studies, and prepare an FERC license application. No new roads would be required to conduct the studies.

The cost of the work to be performed under the preliminary permit is estimated to be $500,000.

Competing Applications—This application was filed as a competing application to the Mud Mountain Dam Project No. 3734 filed on November 12, 1980, by Mitchell Energy Company, Inc. under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing application or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies only directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received or before July 16, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4643. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-18505 Filed 6-22-81; 8:45 am]

BILLING CODE 6450-85-M

[Project Nos. 4554-000, 4556-000]

Rust Hydro Generation Co.; Applications for Preliminary Permit

June 17, 1981.

Take notice that Rust Hydro Generation Co. (Applicant) filed on April 20, 1981, applications for preliminatary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Projects Nos. 4554 and 4556 to be known as Pine Creek I and II Projects located on Pine Creek in Modoc County, California. The applications are on file with the Commission and are available for public inspection. Correspondence with the Applicant should be directed to: Terrance A. Rust, 2315 N. Bechelli Lane, Redding, California 96002. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed Pine Creek II Project No. 4554 would consist of: (1) an existing 3-foot high natural fill diversion structure with a small impoundment; (2) an 11,250-foot long and 30-inch diameter steel penstock; (3) a powerhouse containing one generating unit rated at 1,000 kW; and (4) a 12-kV transmission line. The Applicant extimates that the average annual energy output would be 8.6 million kWh. The Pine Creek I Project No. 4556 would consist of: (1) an existing 3-foot high natural fill diversion structure with a small impoundment; (2) an 11,250-foot long conduct; (3) a 15,500-foot long open flume; (4) the existing Pine Creek Reservoir having a surface area of 20 acres; (5) a powerhouse containing one generating unit rated at 900 kW; and (6) a transmission line. The Applicant estimates that the average annual energy output would be 7.7 million kWh.

Purpose of Project—The energy generated by both projects would be sold to the Pacific Gas and Electric Company.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of preliminary permits for periods of 24 months, during which time it would conduct engineering, economic, feasibility, and environmental studies, and prepare FERC license applications. No new roads would be required to conduct the studies. The cost of the work to be performed under each preliminary permit is estimated to be $45,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power,

and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before August 24, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than October 23, 1981. A notice of intent must conform with the requirments of 18 CFR 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before August 24, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all Capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTECT", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of applications for preliminary permit for Projects Nos. 4554 and 4556. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N. E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-18508 Filed 6-22-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-536-000]

Tampa Electric Co.; Filing

June 16, 1981.

The filing Company submits the following:

Take notice that on June 9, 1981, Tampa Electric Co. (Tampa Electric) tendered for filing revised cost support schedules showing a change in the daily capacity charge for its scheduled interchange service provided under interconnection agreements with Florida Power & Light Co. and Florida Power Corp. The revised charge of $103.75 per MW per day is based on 1980 data, and is derived by the same method shown in the cost support schedules submitted with the original filing of the interconnection agreements. The current daily capacity charge is $92.19 per MW per day, based on 1979 data.

Tampa Electric requests that the revised daily capacity charge be made effective as of May 1, 1981. Accordingly, Tampa Electric requests that the Commission waive the 60-day notice requirement under § 35.3(a) of its Regulations, 18 CFR 35.3(a) (1980).

Copies of the filing have been served on Florida Power & Light Co., Florida Power Corp. and the Florida Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 2, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-18496 Filed 6-22-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4618-000]

United American Hydropower Group; Application for Preliminary Permit

June 17, 1981.

Take notice that the United American Hydropower Group (Applicant) filed on May 1, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a) 825(r)] for Project No. 4618 known as the George B. Stevenson Dam Project located on the First Fork Sinnemahoning Creek in Cameron and Potter Counties, Pennsylvania. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. David Goodman, United American Hydropower Group, 1775 Broadway, Suite 2404, New York, New York 10019.

Project Description—The project would consist of: (1) the existing George B. Stevenson Dam, a rolled earthfill embankment with a maximum height of 166 feet above streambed elevation and an embankment length of 1,655 feet; (2) the existing reservoir having a storage capacity of 2,000 acre-feet; (3) a proposed powerhouse having an installed generating capacity of between 800 kW and 4,400 kW; and (4) appurtenant works. The George B. Stevenson Dam is owned and operated by the Commonwealth of Pennsylvania, Department of Environmental Resources. The Applicant estimates that the average annual energy output would be between 5,000,000 kWh and 30,000,000 kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would study the hydraulic, construction, economic, environmental, historic and recreational aspects of the project. Depending upon

the outcome of the studies, the Applicant would proceed with an application for FERC license. Applicant estimates the cost of the studies under the permit would be at least $90,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before, either August 21, 1981 the competing application itself [See 18 CFR 4.33(a) and (d) 1980)] or a notice of intent [See 18 CFR 4.33(b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than October 20, 1981.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before August 21, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-18511 Filed 6-22-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-531-000]

Union Electric Co.; Filing

June 16, 1981.

The filing Company submits the following:

Take notice that on June 2, 1981, Union Electric Company (Union) tendered for filing a notice to Illinois Power Company revising the rate for transactions under the Boundary Line Agreement between the parties. The revision would increase the rate for transactions under Section 4 of the agreement from $2.63 to $2.72 per kwh.

Union requests a proposed effective date of March 27, 1978.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protest should be filed on or before July 2, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-18492 Filed 6-22-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-532-000]

Union Electric Co.; Filing

June 16, 1981.

The filing Company submits the following:

Take notice that on June 8, 1981, Union Electric Company (Union) tendered for filing a notice to Missouri Power & Light Company revising the rate for transactions under the Boundary Line Agreement between the parties. The revision would increase the rate for transactions under Section 4 of the agreement from $2.63 to $2.72 per kwh.

Union requests a proposed effective date of March 27, 1978.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 2, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-18487 Filed 6-22-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. EL81-19-000]

Vanceburg Electric, Light, Heat & Power Co.; Filing

June 17, 1981.

The filing Parties submit the following:

Take notice that on May 29, 1981, citizens and landowners of Vanceburg, Kentucky (Complainants), filed a complaint pursuant to § 1.6 of the Commission's Rules of Practice and Procedure (18 CFR 1.6), to challenge the proposed location of transmission lines of Vanceburg Electric Light, Heat and Power Company of Vanceburg, Virginia. Complainants have raised issues of safety hazards and economic loss and request that the Commission investigate alternative routes to the proposed location of the transmission lines.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 7, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file

with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-18485 Filed 6-22-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-529-000]

Wisconsin Public Service Corp., Filing

June 16, 1981.

The filing Company submits the following:

Take notice that Wisconsin Public Service Corporation (WPS) on June 8, 1981, tendered for filing annual contract demand quantities to the "Partial Requirements Service Agreement" with Consolidated Water Power Company. This agreement will revise the contract demand quantities for peak load, in accordance with Exhibit 1 of the agreement, Paragraph 6, *Requirements*. WPS states that the agreement is to become effective on June 1, 1981.

Copies of this filing were served upon Consolidated Water Power Company.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 2, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-18491 Filed 6-22-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-528-000]

Wisconsin Public Service Corp.; Filing

June 16, 1981

The filing Company submits the following:

Take notice that Wisconsin Public Service Corporation (WPS) on June 8, 1981, tendered for filing annual contract demand quantities to the "Partial Requirements Service Agreement" with the City of Manitowoc, Wisconsin. This agreement will revise the contract demand quantities for peak load, intermediate load, and base load in accordance with Exhibit 1 of the agreement, Paragraph 6, *Requirements*. WPS requests an effective date of June 1, 1981.

Copies of this filing were served upon the City of Manitowoc, Wisconsin.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 2, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 2, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-18490 Filed 6-22-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-530-000]

Wisconsin Public Service Corp.; Filing

June 16, 1981.

The filing Company submits the following:

Take notice that Wisconsin Public Service Corporation (WPS) on June 8, 1981, tendered for filing annual contract damand quantities to the "Partial Requirements Service Agreement" with the City of Marshfield, Wisconsin. This agreement will revise the contract demand quantities for peak load, intermediate load, and base load in accordance with Exhibit 1 of the agreement, Paragraph 6, *Requirements*. WPS states that the agreement is to be effective June 1, 1981.

Copies of this filing were served upon the City of Marshfield, Wisconsin.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 2, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-18480 Filed 6-22-81; 8:45 am]

BILLING CODE 6450-85-M

Office of Energy Research

Energy Research Advisory Board; Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given of the following meeting:

Name: Energy Research Advisory Board.

Date and time: Thursday, July 9, 1981—9:00 a.m. to 5:00 p.m.; Friday, July 10, 1981; 9:00 a.m. to 5:00 p.m.

Place: Department of Energy, Forrestal Building—Room 4A110, 1000 Independence Avenue, S.W., Washington, D.C. 20585.

Contact: Georgia Hildreth, Chief, Advisory Committee Management Branch, Department of Energy, Forrestal Building—Room 4B222, 1000 Independence Avenue, S.W., Washington, D.C. 20585, Telephone: 202-252-5187.

Purpose of the board: To advise the Department of Energy on the overall research and development conducted in DOE and to provide long-range guidance in these areas to the Department.

Tentative agenda

- Status Reports from ERAB Panels
- Discussion of Future Directions in Energy R&D
- Briefing on NEP III and Sunset Review
- Discussion of Issues for Board Consideration
- Public Comment (10 minute rule)

Public participation: The meeting is open to the public. Written statements may be filed with the Board either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact the Advisory Committee Management Branch at the address or telephone number listed above. Requests must be received at least 5 days prior to the meeting and reasonable provision will be made to include the presentation on the agenda. The Chairperson of the Board is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.

Transcripts

Available for public review and copying at the Public Reading Room, Room 1E190, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C., between 8:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Executive Summary

Available approximately 30 days following the meeting from the Advisory Committee Management Branch.

Issued at Washington, D.C. on June 18, 1981.

William S. Heffelfinger,

Assistant Secretary, Management and Administration.

[FR Doc. 81-18564 Filed 6-22-81; 8:45 am]

BILLING CODE 6450-01-M

Office of Hearings and Appeals

Issuance of Proposed Decisions and Orders Week of June 1 through June 5, 1981

During the week of June 1 through June 5, 1981, the proposed decisions and orders summarized below were issued by the Office of Hearings and Appeals of the Department of Energy with regard to applications for exception.

Under the procedural regulations that apply to exception proceedings (10 CFR Part 205, Subpart D), any person who will be aggrieved by the issuance of a proposed decision and order in final form may file a written notice of objection within ten days of service. For purposes of the procedural regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date an aggrieved person receives actual notice, whichever occurs first.

The procedural regulations provide that an aggrieved party who fails to file a Notice of Objection within the time period specified in the regulations will be deemed to consent to the issuance of the proposed decision and order in final form. An aggrieved party who wishes to contest a determination made in a proposed decision and order must also file a detailed statement of objections within 30 days of the date of service of the proposed decision and order. In the statement of objections, the aggrieved party must specify each issue of fact or law that it intends to contest in any further proceeding involving the exception matter.

Copies of the full text of these proposed decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B-120, 2000 M Street, N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays.

George B. Breznay,

Director, Office of Hearings and Appeals.

June 16, 1981

Little America Refining Co., Washington, D.C., crude oil, DEX-0005

On June 2, 1981, the Department of Energy issued a Proposed Decision and Order to Little America Refining Co. (Larco) in which we reviewed the entitlements exception relief which the firm had been granted for its 1977 fiscal year. The Proposed Decision found that Larco had received insufficient exception relief and therefore proposed to grant Larco an additional entitlements sales obligation on the next Entitlement Notice issued by the DOE following the issuance of this Order in final form.

Little America Refining Co., Washington, D.C., crude oil, DEX-0116

On June 2, 1981, the DOE issued a Proposed Decision and Order to Larco that reviewed the firm's exception relief from purchasing entitlements as required by 10 CFR 211.67 during its 1978 fiscal year. The Proposed Decision and Order determined that Larco received excessive relief during its 1978 fiscal year.

Ralph E. Moore, Inc., Livingston, Montana, reporting requirements, BEE-1646

Ralph E. Moore, Inc. filed an Application for Exception which, if granted, would relieve the firm of the requirement that it file Form EIA-8A, the No. 2 Distillate Price Monitoring Reporting Form with the DOE. On June 5, 1981, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be denied.

Texaco, Inc., White Plains, New York, crude oil, BEE-1556

Texaco, Inc. filed an Application for Exception from the provisions of 10 CFR Part 212. The exception request, if granted, would permit Texaco, Inc. to recertify, effective June 1, 1979, the crude oil produced from certain "marginal properties" as that term is defined in 10 CFR 212.72. On June 5, 1981, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be denied.

[FR Doc. 81-18449 Filed 6-22-81; 8:45 am]

BILLING CODE 6450-01-M

Western Area Power Administration

Fryingpan-Arkansas Project; Power Marketing Plan

AGENCY: Western Area Power Administration, Department of Energy.

ACTION: Final plan.

SUMMARY: The Western Area Power Administration (Western) has adopted a marketing plan for power from the Mt. Elbert Pumped-Storage Powerplant of the Fryingpan-Arkansas Project (Fry-Ark). The Mt. Elbert Powerplant is a new power system. The first power unit of the powerplant is scheduled to commence operation in July 1981. Western expects to contract for the sale of Mt. Elbert power in July 1981.

EFFECTIVE DATE: July 1, 1981.

FOR FURTHER INFORMATION CONTACT:

Mr. Peter G. Ungerman, Area Manager, Loveland-Fort Collins Area Office, Western Area Power Administration, Department of Energy, 201 South College Avenue, Fort Collins, CO 80522, (303) 224-7201

Mr. H. E. Hood, Director, Division of Marketing and Rates, Western Area Power Administration, Department of Energy, P.O. Box 3402, Golden, CO 80401, (303) 231-1545

SUPPLEMENTARY INFORMATION:

Regulatory Procedural Requirements

1. *Determination Under Executive Order 12291.* The Department of Energy has determined that this is not a major rule because it does not meet the criteria of section 1(b) of Executive Order 12291, 46 FR 13193 (February 19, 1981). This rule was submitted to the Director of the Office of Management and Budget for review prior to publication in the Federal Register.

2. *Regulatory Flexibility Analysis.* Pursuant to the Regulatory Flexibility Act of 1980 (Act) (5 U.S.C. 601, *et seq.*) each agency, when required by 5 U.S.C. 553 to publish a proposed rule, is further required to prepare and make available for public comment an initial regulatory flexibility analysis to describe the impact to the proposed rule on small entities. Western has determined that (1) this rulemaking relates to services offered by Western and therefore is not a rule within the purview of the Regulatory Flexibility Act; (2) there will be only a few qualifying applicants which will be small entities; and (3) the impacts of an allocation from Western would not cause an adverse economic impact to such entities. The requirements of the Act can be waived if the head of the agency certifies that the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. For the reasons cited above, the Administrator of Western has certified that the Fryingpan-Arkansas Project power marketing plan is not a rule under the Regulatory Flexibility Act and will not, if promulgated, have a significant economic impact on a substantial number of small entities. The Administrator's certification is published herewith and has been sent to the Chief Counsel for Advocacy of the Small Business Administration.

3. *Environmental Assessment.* This marketing plan is not a major Federal action which significantly affects the environment. An environmental impact statement is not required under the National Environmental Policy Act of 1969.

Statutory Basis

The marketing plan for power from the Mt. Elbert Powerplant has been established by Western pursuant to the

Department of Energy Organization Act (42 U.S.C. 7101, *et seq.*) and the Reclamation Act of 1902 (43 U.S.C. 372, *et seq.*), as amended and supplemented by subsequent enactments, particularly by section 9(c) of the Reclamation Project Act of 1939 (43 U.S.C. 485h(c)), and the Fryingpan-Arkansas Project Acts (Pub. L. 87–590, 76 Stat. 399 (August 16, 1962) and Pub. L. 93–493, 88 Stat. 1486 (October 27, 1974)).

Western Area Power Administration

Western was established on December 21, 1977, under the Department of Energy Organization Act (DOE Act). The DOE Act transferred to the Secretary of Energy all the functions of the Secretary of the Interior with respect to the power marketing functions of the Bureau of Reclamation. Western was established to administer those functions transferred from the Bureau of Reclamation.

Western's Loveland-Fort Collins Area Office markets power generated at 15 hydroelectric powerplants in Colorado and Wyoming to 56 customers in a 200,000-square-mile service area.

Fryingpan-Arkansas Project

The Fryingpan-Arkansas Project is a multipurpose, transmountain diversion development in the central and southeastern part of Colorado. The project diverts water from the Colorado River Basin on the west slope of the Rocky Mountains to the Arkansas River basin on the east slope. The water diverted from the west slope, together with regulated Arkansas River water, will provide supplemental irrigation, municipal and industrial water supplies, and produce hydroelectric power. Flood control, fish and wildlife enhancement, and recreation development are other important purposes of Fry-Ark.

The Mt. Elbert Powerplant is the principal electrical power feature of the project. The Mt. Elbert Powerplant is a pumped-storage facility and is designed to operate by recycling water between two reservoirs. Water will be released from the higher reservoir, the Mt. Elbert Forebay, during hours when it is desired to produce electrical power—generally during the onpeak daytime and evening hours of high demand for electrical power. Approximately this same amount of water will then be pumped back from Twin Lakes, which is the lower reservoir, or afterbay, to the forebay during offpeak hours of low demand for electrical power.

An additional average 164,500 acre-feet of water per year will flow through the Mt. Elbert Powerplant and will not be pumped back into the Mt. Elbert Forebay. Because of this flow-through water, Mt. Elbert Powerplant is not a pure pumped-storage powerplant, but is an in-line powerplant, meaning that part of the generation is provided by the flow-through water. If Mt. Elbert Powerplant had been constructed as a conventional hydroelectric powerplant, this amount of flow-through water would have supported a hydropeaking powerplant with a capacity of about 30 MW, producing energy of about 60 million kWh each year based on 8 hours of operation daily for 5 days per week throughout the year. The additional capacity in Mt. Elbert Powerplant of 170 MW is provided by the afterbay and forebay arrangement of pumping back water during offpeak hours and using water to generate energy during onpeak hours.

The Mt. Elbert Pumped-Storage Powerplant will have two units. Each unit is rated 100 MW during the generating cycle and 130 MW during the pumping cycle. The scheduled inservice date for the first Mt. Elbert unit is July 1981, and the scheduled inservice date of the second unit is August 1983. There are environmental factors to be considered in the operation of the Mt. Elbert plant. Twin Lakes, the afterbay, is an excellent trout fishery, dependent upon the existence of Mysis shrimp in the food chain. To mitigate adverse impacts to the Mysis shrimp and, ultimately, the trout fishery, it may be necessary in June, July, and August, to restrict operation of the pumping mode of the powerplant between midnight and 2 a.m.

Marketing Plan Development

On March 9, 1976, the Bureau of Reclamation published a proposed marketing plan and rate for power from the Fryingpan-Arkansas Project (41 FR 10116).

After reviewing the proposal and the comments on that proposal, Western held a public meeting on April 12, 1978, and presented a modified plan for marketing Fry-Ark power. Delays in the scheduled date of commercial operation of the powerplant triggered corresponding delays in finalizing the marketing plan. Upon receipt of a new scheduled inservice date for the powerplant, Western reviewed the changing power supply conditions in the area and determined that additional public involvement was needed. On September 30, 1980, another public information meeting was held and comments were solicited.

The proposed marketing plan was revised and published in the **Federal Register** on March 31, 1981 (46 FR 19609). Public information and comment forums were held in Thornton, Colorado, on April 8 and April 29, 1981. Comments from interested parties were due by May 15. Copies of the comments are available for public inspection at either of the Western offices listed above.

Details of the final marketing plan for power from the Mt. Elbert Powerplant of the Fryingpan-Arkansas Project are given below. They will become effective on July 1, 1981.

Public Comments

1. One comment supported the proposed market area. Another comment preferred that the market area be restricted to the State of Colorado. Restricting the market area to the State of Colorado would be contrary to Western's policy of encouraging the most widespread use of Federal power consistent with sound business principles.

The description of the market area has been changed to precisely describe western Kansas. A precise description is necessary to enable preference entities to accurately identify for Western their market area loads for use in the Fry-Ark allocation procedures.

2. One commenter requested that its Fry-Ark power allocation be directly integrated into control area of Western's Montrose District Office. This control area is in Colorado west of the Continental Divide and, therefore, outside the Fry-Ark market area.

As discussed above, the only change being made in the description of the proposed market area is a clarification of the area described as western Kansas. Because the Montrose control area is outside the Fry-Ark market area, Fry-Ark power cannot be directly integrated into it.

3. One comment questioned the significance of establishing two service seasons. Two service seasons have been established to enable customers to take advantage of diversity in their loads.

In reviewing the proposed marketing plan, we noted that it was unclear that two allocations will be made of Fry-Ark power. One will be for the summer billing season and will be based on 1980 summer season peakloads. The other will be for the winter billing season and will be based on 1979–1980 winter season peakloads. Clarifying language has been added to the marketing plan.

4. Another comment asked if allocations will be split equally between the two Mt. Elbert power units. The entire anticipated capacity of both power units, 200 MW, will be allocated by the inservice data of the first unit. When less than 200 MW of capacity is available; e.g., because of maintenance in one unit or because one unit is not yet

in service, the amount available will be prorated among allottees based on the amount to which they are entitled by contract at the time of the deficiency.

5. Two comments expressed interest in using Fry-Ark capacity for ready reserves, spinning reserves, emergency assistance for the Inland Power Pool, and as interruptible load.

The only power service being marketed from the Fry-Ark Project is capacity without energy. Whether a customer can use Fry-Ark capacity without energy for ready reserves, spinning reserves, or an interruptible load under his power pool agreement must be determined by the customer in conjunction with the power pool members.

If it were determined that Fry-Ark capacity could be used for spinning reserve capacity and if it were scheduled as such, Western would determine the expenditure rate of kWh/kW required to support spinning reserves. This amount would be charged against the customer's energy account.

Fry-Ark capacity cannot be sold to others as emergency assistance. Selling Fry-Ark capacity as emergency assistance would violate Western's contract prohibitions against sales for resale.

6. One comment questioned the need to limit the rate at which energy can be returned and the maximum accumulation permitted in each customer's energy account, and suggested that a project operating agreement is needed.

The rate at which energy can be returned and the maximum energy accumulation permitted are functions of the physical characteristics of the Fry-Ark resource. Western will net all individual pumping and generation schedules in order to establish an actual operating schedule for the Mt. Elbert Powerplant. Such netting procedures recognize the fact that some allottees will not be pumping at the maximum rate. Permitting deviation from the rate of energy return and the maximum energy accumulation stated in the marketing plan would require use of Western's other hydroelectric power projects to store the excess energy and return it to the allottee at a later time.

After the Fry-Ark power contracts are executed, Western will meet with the customers to develop the scheduling and accounting procedures that will achieve the most efficient mode of operating the powerplant. That meeting should produce the type of operating agreement suggested by the comment.

7. Two comments were received concerning transmission arrangements for Fry-Ark capacity. The thrust of the comments was:

a. The United States should negotiate on behalf of Fry-Ark customers for transmission arrangements in addition to those established in the United States-Public Service Company of Colorado (Public Service) wheeling contract.

b. The costs of such present and future Fry-Ark transmission arrangements should be incorporated into the Fry-Ark power rate. Existing transmission arrangements were negotiated at a time when most of the interest in Fry-Ark power was expressed by entities interconnected with Public Service Company of Colorado's transmission system. Additional transmission arrangements are needed to adequately serve the expanded group of entities now requesting Fry-Ark capacity. Western has initiated discussion with other non-Federal owners of transmission in the market area in an attempt to expand the transmission service that the United States contracts for on behalf of Fry-Ark customers.

Upon completion of the allocation process, it will be necessary to determine the impact on the rate before Western can consider incorporating transmission costs into the Fry-Ark rate.

8. One comment questioned whether Fry-Ark allottees would be required to take and/or pay for their total allocations for the entire contract term. Fry-Ark allottees may take their allocations on a staged basis during an approximate 3-year buildup period. The buildup period will end with the beginning of the first full service season occurring 1 year after the second Mt. Elbert power unit commences operation. At the end of the buildup period, allottees must take and/or pay for their full allocation of Fry-Ark power.

The revised market plan for power from the Fry-Ark Project appears below.

Fryingpan-Arkansas Project Power Marketing Plan

1. *Market Area:* The market area for power from the Fryingpan-Arkansas Project shall be the portion of the States of Colorado and Wyoming east of the Continental Divide, the portion of the State of Nebraska west of the 101st meridian, and the portion of the State of Kansas west of the eastern boundaries of those counties intersected by the 100th meridian.

2. *Service Seasons:* The summer season shall be the 6-month period from the first day of the April billing period to the last day of the September billing period. The winter season shall be the 6-month period from the first day of the October billing period to the last day of the March billing period of the next succeeding calendar year.

3. *Resource Available:* The resource available for sale from Fry-Ark, after project use, is expected to be 200 MW of capacity. The resource available for sale from the first day of commercial service of the first unit until the first day of commercial service of the second unit shall be 100 MW of capacity. Actual operating experience may reveal that the amount of capacity actually available after completion of the second unit will be greater or less than the 200 MW anticipated. Any change in the 200 MW of anticipated capacity will be prorated among the allottees in the ratio of each allottee's allocation to the total allocation.

Western will be obligated to deliver capacity only during hours in which the Mt. Elbert Powerplant would normally be in the generation mode or could be placed in the generation mode without adversely affecting project operations, as determined by Western. Western will not be obligated to deliver the contract rate of delivery (CROD) when either power unit is down for maintenance. When less capacity is available than is under contract, e.g., because a unit is down or is not yet in service, the capacity available will be prorated among the allotties in the ratio of the amount they are entitled to by contract to the total amount under contract at that time.

4. *Services Available:* Initially, 200 MW of capacity without energy will be allocated. Customers will be required to furnish reserves, emergency and maintenance service, and pump-back energy. Energy produced by flow-through water will be used to reduce the amount of pump-back energy required to be returned by each customer.

Western will also offer to assist customers in obtaining any reserves needed for Fry-Ark capacity, return energy, emergency assistance, and maintenance services.

5. *Scheduling and Accounting:* Electric service may be scheduled at any time the plant is or can be placed in the generating mode if the customer has a positive balance in his energy account. Each customer will be deemed to have 14 kWh/kW of CROD in his energy account on the date of first delivery.

Each customer must supply the energy to replenish the energy in his account. Based upon projected equipment efficiencies and crediting flow-through water proportionately, the initial replenishment to utilization ratio is 1.2 to 1. This means that each kWh of return energy will be credited as divided by 1.2

kWh of energy in the customer's energy account. The replenishment to utilization ratio may be adjusted based on actual versus estimated equipment efficiencies. Customers may not accumulate more than 14 kWh/kW of CROD in their energy account and may not schedule return energy at a rate greater than 1.2 times their CROD.

Pump-back energy to replenish energy accounts may be scheduled when the powerplant is or can be placed in the pumping mode. Pumping may be restricted between the hours of midnight and 2 a.m. during the months of June, July, and August for environmental reasons.

Western will meet with customers, after the contracts are executed, to further develop the operating and accounting procedures which will effect the most efficient mode of operating the plant in coordination with the allottees' peakload needs and the scheduling of return energy.

6. *Allocation Procedures:* Allotment of available capacity will be made first to preference entities in the market area.

a. *Undersubscription:* If preference entities in the market area do not subscribe for all the capacity available, the remaining capacity will be offered in a 3-year basis, subject to withdrawal, first to preference entities outside the market area, then to non preference entities.

b. *Oversubscription:* If the total amount of capacity applied for exceeds the capacity available, a percentage of the total available capacity shall be reserved for the group of requesting preference entities having 1980 market area peakloads of 20 MW or less. The percentage to be reserved for this group of small customers shall be determined by considering the number of members of this group, the total number of requesting preference entities, the total capacity requested by members of this group, and the total capacity requested by all preference entities.

If all of the capacity reserved for this group is not subscribed for, the remainder will be added to the amount available for the group with loads greater than 20 MW.

Capacity available for each group shall be apportioned among the members of the group using the following formula:

$$\frac{\text{Fry-Ark Allocation} + \text{CROD}_i}{\text{Load}_i} = \frac{\text{CROD}_T + \text{CROD}_A}{\text{Load}_T}$$

Fry-Ark Allocation = amount of Fry-Ark capacity allocated to the individual group member for the service season

Load_i = 1980 market area seasonal load of individual group member

CROD_i = Federal resources serving load_i

Load_T = total 1980 market area seasonal load of all members of the group

CROD_T = total Federal resources serving load_T

CROD_A = total Fry-Ark capacity available for allocation to the group

If use of this formula results in a negative allocation to any group member, that member shall receive a zero allocation. The remaining allocations shall then be recomputed using the above formula. Separate allocations will be made for the winter season and summer season. No entity shall receive an allocation larger than that for which it applies.

7. *Delivery Conditions:*

a. Fry-Ark power will be delivered over project transmission facilities from Mt. Elbert Powerplant to the high-voltage side of Public Service's Malta Substation. The customer shall bear transmission costs and losses incurred in transmitting generation and pumping energy between the Malta Substation and the customer's point(s) of delivery.

The United States and Public Service has entered into long-term contractual agreements which provide for Public Service to transmit Fry-Ark generation from the Nalta Substation to other points of interconnection between the United States and Public Service and to transmit pumping energy from the points of interconnection to Malta Substation. The cost of the transmission to and from the Fry-Ark points of interconnection under the United States-Public Service contract is 1 mill/kWh and 5-percent losses in each direction.

The initial Fry-Ark points of interconnection are as follows:

Malta Substation, 230kV bus
Midway Substation, 115 kV, 230 kV bus
Weld Substation, 115 kV, 230 kV bus
Rifle Substation, 230 kV bus
Beaver Creek Substation, 115 kV bus
Erie Substation, 115 kV bus
Summit Substation, 115 kV bus
Poncha Junction, 115 kV bus

Additional Fry-Ark points of interconnection may be established if mutually agreed upon by the owner of the additional transmission facilities and the United States.

b. Additional transmission beyond Fry-Ark points of interconnection will require arrangements to be made by the customer.

8. *Dates of Availability of Power:* Dates of availability of power to be allocated will be determined by the actual commercial operation date of each of the two generating units at the Mt. Elbert Powerplant. One hunderd MW of capacity will be available on the inservice date of the first unit, scheduled for July 1981. An additional 100 MW of capacity will be available on the inservice date of the second unit, scheduled for August 1983.

9. *Term of Contract:* Contracts for allocated Fry-Ark capacity will be entered into on or before the inservice date of the first Mt. Elbert pumped-storage unit. The term of these contracts will be through the 1989 summer season.

Western reserves the right to rescind any allotment of power if, by the inservice date of the first Mt. Elbert unit, an allottee has not entered into a contract to take and/or pay for his allotted capacity from and after the times specified in such contract. Power which is allocated, but not contracted for by the allottee before the inservice date of the first Mt. Elbert unit, will be reallocated in accordance with section 6 above.

Allottees may contract to take the allocated capacity on a staged basis, until the first full service season which occurs 1 year after the inservice date of the second Mt. Elbert unit. Power available during the buildup period because of allocations being taken on a stepped-up basis may be sold by Western, on a short-term basis, subject to withdrawal.

Issued at Golden, Colorado, June 9, 1981.

Robert L. McPhail,

Administrator.

Certification of Compliance with the Regulatory Flexibility Act of 1980

I, Robert L. McPhail, Administrator of the Western Area Power Administration, certify that the "Fryingpan-Arkansas Project Power Marketing Plan" which will be published on or about June——, 1981, is not a rule within the meaning of the Regulatory Flexibility Act of 1980 (5 U.S.C. 601, *et seq.*), will not have a significant economic impact on a substantial number of small entities, and therefore complies with the requirements of the Regulatory Flexibility Act without the preparation of a regulatory flexibility analysis.

Issued at Golden, Colorado, June 9, 1981.

Robert L. McPhail,

Administrator.

[FR Doc. 81-18451 Filed 6-22-81; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-51270; TSH-FRL-1859-7]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of interim policy published in the **Federal Register** of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). Section 5(d)(2) requires EPA to publish in the **Federal Register** certain information about each PMN within 5 working days after receipt. This notice announces receipt of six PMN's and provides a summary of each.

DATES: Written comments by:

PMN 81-236 & 81-239—July 12, 1981

PMN 81-241—July 13, 1981

PMN 81-244—July 17, 1981

PMN 81-249 & 81-250—July 18, 1981

ADDRESS: Written comments, identified by the document control number "[OPTS-51270] and the specific PMN number should be sent to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-401, 401 M St., SW., Washington, DC 20460, (202-426-2610).

FOR FURTHER INFORMATION CONTACT:

For PMN No.	Notice manager	Telephone and room No.
81-236	Michael Brown	(202-755-1150), E-335
81-239	Kirk Maconaughey	(202-426-2601), E-210
81-241	Rick Green	(202-426-2601), E-208
81-244	Robert Jones	(202-426-2601), E-208
81-249 & 81-250.	George Bagley	(202-426-2601), E-210

Mail address of notice managers: Chemical Control Division (TS-794), Office of Toxic Susbtances, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

SUPPLEMENTARY INFORMATION: The following are summaries of information provided by the manufacturer on the PMN's received by EPA:

PMN 81-236

Close of Review Period. August 11, 1981.

Manufacturer's Identity. Claimed confidential business information

Special Chemical Identity. Claimed confidential business information. Generic name provided: organohalo modified silica.

Use. The manufacturer states that the PMN substance will be used in an idustrial use as elastomer additive.

Production Estimates

	Kilograms per year
1981	6,400
1982	15,000
1983	16,000

Physical/Chemical Properties. Claimed confidential business information.

Toxicity Data. The manufacturer states that the LD_{50} of the PMN substance is greater than 5 gm/kg based on analogous substances.

Exposure. The manufacturer states that workers manufacturing and processing the new substance could have skin and inhalation exposure at an average concentration of 1.1 mg/m^3 and a peak concentration of 1.65 mg/m^3. Workers engaged in quality control testing could have skin exposure.

Environmental Release/Disposal. The manufacturer states that the average amount of the new substance to be released during 1981 through 1983 will be 116 kg/yr into the air and 125 kg/yr to land.

PMN 81-239

Close of Review Period. August 11, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: carboxylated arylalkene alkadiene copolymer.

Use. The manufacturer states that the PMN substance will be used as a polymer component in industrial adhesive formulations.

Production Estimates.

	Kilograms per year	
	Minimum	Maximum
1st year	200,000	400,000
2d year	1,000,000	2,000,000
3d year	2,000,000	4,000,000

Physical/Chemical Properties

Appearance—White liquid
Viscosity (Brookfield 50 rpm)—<100 centipoise
pH—7-8
Specific gravity (60° F)—1.04
% Volatiles (water)—52 ± 2 wgt. percent
Boiling point (760 mm Hg)—100° C
Melting point—0° C
Surface tension—55 dynes/cm

Environmental Test Data

Movement—Dispersible in water
Fish toxicity, 96-hr LC_{50} (*Pimephales promelas Rafinesque*)—23,238 mg/l
Invertebrate toxicity, 48-hr LC_{50} (*Daphnia magna* Straus)—54 mg/l

Toxicity Data

Acute oral toxicity LD_{50} (male rats)—>5,000 mg/kg
Acute oral toxicity LD_{50} (female rats)—>5,000 mg/kg
Eye irritation (rabbits)—Nonirritating
Skin irritation (intact and abraded skin, rabbits)—Primary irritation score of 0.70 out of a possible 8.0
Acute percutaneous absorption LD_{50} (rabbits)—>5,000 mg/kg
Skin sensitization (guinea pig)—None observed

Exposure. The submitter states that from 9 to 30 workers manufacturing, processing, and using the new substance could have skin exposure for 1 to 8 hr/da, 4 to 200 da/yr, during filtering operations and loading tank trucks.

Environmental Release/Disposal. The submitter states that none of the new substance will be released into the environment from manufacturing, processing, or user sites. Disposal will be less than 0.5 percent to landfill at manufacturing sites and less than 1.0 percent to landfill at processing and user sites.

PMN 81-241

Close of Review Period. August 12, 1981.

Manufacturer's Identity. Claimed confidential business information. Organizational description provided:

Annual sales—In excess of $500 million.

Standard Industrial Classification Code—#28.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: polymer of phenol, formaldehyde, and substituted benzene.

Use. The manufacturer states that the PMN substance will be used in an industrial use as a polymer in friction binding resin.

Production Estimates. Claimed confidential business infromation.

Physical/Chemical Properties

Appearance—Light pink, powdered solid
Melting point range—83-85°C
Density—1.20 g/cm^3
Solubilities:
Acetone—Soluble
THF—Soluble
Ethanol—Soluble
n-Octanol—Partially soluble

Gas chromatography (% free phenol)—3.3
Water solubility—1.4 ppm
Partition coefficient (*n*-Octanol/water)—>9118
Acid hydrolysis—1.4 ppm
Molecular weight—843
Molecular number—413
Dispersity—2.043

Environmental Test Data

Aquatic toxicity LD_{50} (fathead minnows)—>1,000 mg/kg
BOD ultimate to COD ratio—0.023
In vitro assays—Nonmutagenic and non-recombinogenic, with and without metabolic activation

Toxicity Data

Acute oral LD_{50} (rat)—>5 g/kg
Eye irritation (rabbits)—Minimally irritating (3.3 on a scale of 110)
Skin irritation (rabbits)—Mildly irritating (0.9 on a scale of 8)

Exposure. The manufacturer states that two manufacturing and processing workers could have skin exposure to the new substance for 1 hr/da, 93 da/yr, at an average concentration of 0 to 1 ppm during sampling and packaging operations. Exposure to consumers and commercial users will be negligible.

Environmental Release/Disposal. The manufacturer states that none of the new substance is expected to be released into the air, land, or water.

PMN 81-244

Closed of Review Period. August 16, 1981.

Manufacturer's Identity. Claimed confidential business information.
Organizational description provided:
Annual sales—$500,000,000 and up.
Manufacturing site—East Central U.S.
Standard Industrial Classification Code—282.

Specific Chemical Identity. Claimed confidential business information.
Generic name provided: ester of dioic acid and substituted diols.

Use. The manufacturer states that the PMN substance will be used in an industrial use as protective coating resin for industrial applications.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1981	298,000	896,000
1982	1,790,000	3,583,000
1983	1,790,000	3,583,000

Physical/Chemical Properties

Viscosity—X-Z_1
Solids—80.0%
Weight per gallion—8.83
Acid value—10-15
Color—2-4
Flash point (setaflash)—89°F
Red. vis.—G-J at 70% in xylene
Solubilities:
Water—Insoluble
Ketones—Soluable.
Alcohols—Soluable.
Aromatic hydrocarbons—Soluable.
Petroleum napthas—Slightly soluable.
Ether—Soluable.

Toxicity Data. No data were submitted.

Exposure. The submitter states that at 2 sites, 34 manufacturing and processing workers could have skin exposure to the new chemical for 8 to 24 hr/da, 247 to 250 da/yr, during filling, sampling, and cleaning operations. At a site not controlled by the submitter, 200 workers using the new chemical will have skin exposure for 24 hr/da, 250 da/yr, during application operations.

Environmental Release/Disposal. The manufacturer states that at two sites, more than 11,000 kg/yr of the new substance will be released into the land and none into the air and water. Mix tank rinse will be disposed of by a licensed industrial waste hauler. At a site not controlled by the submitter, 1,000 to 10,000 kg/yr will be released into the land. Cleaning solvents, spills, and waste will be recycled, incinerated, or landfilled.

PMN 81-249

Closed of Review Period. August 17, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information.
Generic name provided: pentasubstitutedpentanamide.

Use. Claimed confidential business information. Generic use information provided: a minor constituent in a commercial and consumer article, with a very low potential for exposure.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	5,000	10,000
2d year	10,000	18,000
3d year	10,000	18,000

Physical/Chemical Properties

Solubilities:
Water—0.0005%
Octanol—<0.1%
Melting point—87°C

Environmental Test Data

Chemical oxygen demand (COD)—2.02 g/g
Secondary waste treatment compatability study—A saturated test solution with a measured organic carbon content of 1.4 ppm did not affect microbiological carbon metabolism
Acute effects on six aquatic species—A saturated solution containing less than 500 ppb (the detection limit) showed no effects on the six species tested

Toxicity Data

Acute oral LD_{50}—>3,000 mg/kg
Acute dermal LD_{50}—>1,000 mg/kg
Skin irritation—Slightly irritating
Repeated (10-day) skin application—No exacerbation
Skin sensitization potential—Low
Eye irritation—Slight to moderate—washing is palliative
Repeated 2-week feeding study, 0.1% and 1.0% in diet—There were no effects on weight gain, feed intake, hematology, clinical chemistry, organ weights, gross, and histopathology

Exposure. The submitter states that 40 manufacturing and processing workers may have skin and inhalation exposure to the new substance for 2 to 5 hr/da, 25 to 50 da/yr, at average concentration 0 to 10 mg/m³ and peak concentration of 1 to 10 and 10 to 100 mg/m³ during transfer and processing operations.

Environmental Release/Disposal. The manufacturer states that at sites controlled by the submitter, none of the new substance will be released into the land, less than 10 kg/yr into the air, and less than 80 kg/yr into the water. A customer may release 0.14 kg/yr into the land of a typical landfill. Vapors will be passed through a scrubber, waste water will be collected for treatment, and combustible solid and liquid wastes will be incinerated.

PMN 81-250

Close of Review Period. August 17, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information.
Generic name provided: disubstitutedbenzenamine.

Use. Claimed confidential business information. Generic use information provided: a minor constituent in a commercial article, with a very low potential for exposure.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	1	10
2d year	2	20
3d year	3	30

Physical/Chemical Properties

Solubilities:
Water—<0.1%
Octanol—<0.1%
Melting point—196°C

Toxicity Data

Acute oral LD_{50}—>3,000 mg/kg
Acute dermal LD_{50}—>1,000 mg/kg
Skin irritation—Slightly irritating
Ames *Salmonella* mutagenicity assay with and without metabolic activation—Weak to moderately positive

Exposure. The submitter states that eight manufacturing and processing workers may have skin and inhalation exposure to the new chemical substance for 0.1 to 3 hr/da, 4 to 50 da/yr, at an average concentration of 0 to 1 mg/m³ and a peak concentratioin of 1 to 10 mg/m³ during transfer operations.

Environmental Release/Disposal. The manufacturer states that negligible amounts of the new chemical will be released into the air and water and none into the land. Vapors will be passed through a scrubber, wastewater will be collected for treatment, and combustible solid and liquid wastes will be incinerated.

Dated: June 16, 1981.

Edward A. Klein,

Director, Chemical Control Division.

[FR Doc. 81-18473 Filed 6-22-81; 8:45 am]

BILLING CODE 6560-31-M

[OPTS-51105B; TSH-FRL-1859-6]

Polyisobutenyl Succinic Anhydride Reaction Products With Substituted Ethanol; Termination of Extended Premanufacture Notice Review Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA is terminating the extended review period for premanufacture notice (PMN) P-80-172. The initial 90-day review period commenced on July 16, 1980 and was extended for an additional 90 days on October 10, 1980 (45 FR 69034, October 17, 1980) under section 5(c) of the Toxic Substances Control Act (TSCA). Following the extension, the submitter suspended the review period (46 FR 1333, January 6, 1981) until certain concerns raised by the Agency could be addressed. Subsequent data provided by the manufacturer mitigate the Agency's concerns, and render further extension of the review period unnecessary.

FOR FURTHER INFORMATION CONTACT: George Bagley, Chemical Control Division (TS-794), Environmental Protection Agency, Rm. E-210, 401 M St., SW., Washington, DC 20460, (202-426-2601).

SUPPLEMENTARY INFORMATION: Under section 5 of TSCA, any person who intends to manufacture in, or import into, the United States a new chemcial substance for commercial purposes must submit a premanufacture notice (PMN) to EPA 90 days prior to commencement of manufacture or import. In general, section 5 provided that EPA must complete its review of a PMN within 90 days of its receipt by the Agency. However, under section 5(c), EPA may extend the notice period for good cause for additional periods, not to exceed an aggregate of 180 days from the date of receipt.

The generic identity of the substance covered by PMN P-80-172 is polyisobutenyl succinic anhydride reaction products with substituted ethanol. The PMN described a chemical substance that would be manufactured for a use claimed confidential. The submitter of the PMN also claimed his identify to be confidential along with individual expsoure, environmental release, processing, byproducts, disposal, and production volume.

EPA's initial evaluation of the new substance entailed review of information that the manufacturer supplied in the PMN and in subsequent submissions to EPA. EPA developed additional data during its review. When EPA completed this initial screening of the substance, the Agency concluded that it needed to conduct a more detailed review of certain aspects to focus on the concerns. The PMN substance, when used as intended, might generate a highly toxic chemical to which there would be significant human exposure.

Therefore, the Agency issued in the **Federal Register** of October 17, 1980 (45 FR 69034) a notice of an extension of the review period for an additional 90 days. Following the extension, the submitter of the PMN suspended the review period in order to develop and submit to EPA additional data to address the Agency's concerns. That information and detailed discussions with the submitter have adequately demonstrated that the toxic byproduct will not be formed at levels of concern, and that human exposure to the substance will not be significant. The Agency has therefore terminated its review of this PMN.

Dated: June 16, 1981.

Edwin H. Clark II,

Acting Assistant Administrator for Pesticides and Toxic substances.

[FR Doc. 81-18474 Filed 6-22-81; 8:45 am]

BILLING CODE 6560-31-M

FEDERAL COMMUNICATIONS COMMISSION

[FCC 81-182]

Interim Direct Broadcast Satellite Applications

June 1, 1981.

1. In the *Notice of Proposed Policy Statement and Rulemaking* in Gen. Docket 80-603, adopted on April 21, 1981 (46 FR 30124; June 5, 1981) the Commission stated that it would now accept applications for interim Direct Broadcast Satellite (DBS) system. The Commission also indicated that it would specify a 45 day time period (cut-off date) for filing of applications by applicants who desire to have their proposals considered in conjunction with the first proposal.

2. On December 17, 1980, Satellite Television Corp (STC) submitted an application for a satellite-to-home subscription television service. Upon initial review, the application filed by STC has been found to be acceptable for filing as an interim DBS system application. In the course of processing STC's application, the Commission may, of course, request additional information. The Commission also reserves the right to return STC's application if upon further examination it is determined that the application is defective and not in conformance with the Commission's proposal interim policies in Gen. Docket 80-603 or the interim policies ultimately adopted in that proceeding.

3. Applications filed on or before July 16, 1981 shall be considered to have equal priority with STC's application. Applications will be accepted at any time, however, and it is not necessary to file proposals now unless consideration with the initial application is desired. If applications include requests for particular frequencies or orbital positions, this cut-off date shall be considered in establishing the priority of such requests. The Commission shall generally consider all frequencies and orbital positions to be of equal value, and conflicting requests for frequencies

and orbital positions will not necessarily give rise to comparative hearing rights as long as unassigned frequencies and orbital slots remain. Comments or petitions to deny regarding STC's application must be on file with the Commission not later than the close of business on July 16, 1981.

Action by the Commission April 21, 1981. Commissioners Lee (Chairman), Quello, Washburn, Fogarty, and Jones.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 81-18548 Filed 6-22-81; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA 641-DR]

Pennsylvania; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for the Commonwealth of Pennsylvania (FEMA-641DR), dated June 15, 1981, and related determinations.

DATED: June 15, 1981.

FOR FURTHER INFORMATION CONTACT: Sewall H. E. Johnson, Disaster Response and Recovery, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 634-7800.

NOTICE: Pursuant to the authority vested in the Director of the Federal Emergency Management Agency by the President under Executive Order 12148 effective July 15, 1979, and delegated to me by the Director under Federal Emergency Management Agency Delegation of Authority, and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that, in a letter of June 15, 1981, the President declared a major disaster as follows:

The damage in certain areas of the Commonwealth of Pennsylvania resulting from severe storms and flooding beginning on June 8, 1981, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 93-288. I therefore declare that such a major disaster exists in the Commonwealth of Pennsylvania. In order to provide Federal assistance, you are hereby authorized to allocate, from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses. Consistent with the requirement that Federal assistance be supplemental, the Federal funds under Pub. L. 93-288 will be limited to 75 percent of all eligible public assistance in designated areas except for technical assistance which will be funded at 100 percent.

The time period prescribed for the implementation of Section 313(a), Priority to Certain Applications for Public Facility and Public Housing assistance, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of Federal Emergency Management Agency under Executive Order 12148, and delegated to me by the Director under Federal Emergency Management Agency Delegation of Authority, I hereby appoint Mr. Robert McFerren of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following areas of the Commonwealth of Pennsylvania to have been affected adversely by this declared major disaster:

For Individual Assistance and Public Assistance, the Counties of Clarion, Crawford, Jefferson, Mercer and Venango.

(Catalog of Federal Domestic Assistance No. 83.300, Disaster Assistance. Billing Code 6718-02)

James P. Dokken,

Acting Associate Director, Disaster Response and Recovery, Federal Emergency Management Agency.

[FR Doc. 81-18443 Filed 6-22-81; 8:45 am]

BILLING CODE 6718-01-M

FEDERAL FINANCIAL INSTITUTIONS EXAMINATION COUNCIL

Proposed Definition of Bank Capital To Be Used in Determining Capital Adequacy; Request for Comments

AGENCY: Federal Financial Institutions Examination Council.

ACTION: Notice.

SUMMARY: The Federal Financial Institutions Examination Council is proposing to recommend a uniform definition of capital for use by the three federal bank supervisory agencies (Board of Governors of the Federal Reserve System, Federal Deposit Insurance Corp. and Office of the Comptroller of the Currency) for purposes of determining the adequacy of bank capital for supervisory purposes. The Examination Council is taking this action in order to promote uniformity in supervisory policies among the bank regulatory agencies.

Extensive analysis of the proper role of bank capital and the appropriate components of bank capital has been carried out by the Examination Council and its interagency Staff Task Force on Supervision. This analysis placed special emphasis on the types of financial instruments that should be considered components of bank capital as well as appropriate restrictions to be applied to the use of particular types of financial instruments. A major conclusion of this analysis is that bank capital should be divided into two components, primary and secondary, for purposes of defining bank capital for making supervisory determinations regarding capital adequacy. The primary components are characterized principally by their permanence and include common and perpetual preferred stock, surplus, undivided profits, contingency and other capital reserves, mandatory convertible instruments, and 100 percent of the allowance for possible loan losses. The secondary components of capital include limited-life preferred stock and subordinated notes and debentures. These financial instruments posses certain features of capital, but they lack permanence because they have maturity or redemption dates. Furthermore, in the case of subordinated debt instruments, any default on required interest payments could result in accelerating the maturity date. It is recognized that preferred stock carries a contractual obligation to pay dividends; but so long as omission of such payments does not mandate retirement of the issue in the case of perpetual preferred, or acceleration of the redemption date in the case of limited-life preferred, such contractual obligations should not be considered in making the distinction between primary and secondary components of capital.

The Examination Council seeks public comment on the proposed definition of bank capital to be used in determining capital adequacy and on the various issues related to this definition and the implementation of the proposed definition by the federal bank supervisory agencies.

EFFECTIVE DATE: Comments on the proposed definition of bank capital must be received on or before August 31, 1981.

ADDRESS: Comments should be sent to Executive Secretary, Federal Financial Institutions Examination Council, 490 L'Enfant Plaza, SW, Washington, DC 20219, (202) 447-0939. Comments will be available for public inspection and photocopying.

FOR FURTHER INFORMATION CONTACT: David K. Schweitzer, Deputy Executive Secretary, Federal Financial Institutions Examination Council, 490 L'Enfant Plaza, SW, Washington, D.C. 20219, (202) 287-4206.

SUPPLEMENTARY INFORMATION: The principal drafter of this document was Robert J. Lawrence, Executive Secretary, Federal Financial Institutions Examination Council. The Federal Financial Institutions Examination Council proposes to recommend a definition of bank capital for use by the three federal bank regulatory agencies in determining the adequacy of bank capital for supervisory purposes.

Functions of Bank Capital

The primary functions of bank capital are to: (1) help ensure that the bank can continue its operations during the periods when it experiences low earnings or losses; (2) provide protection for uninsured depositors and unsecured creditors of a bank; (3) help ensure that the inherent risks in banking are appropriately distributed between the public and private sectors; (4) help maintain public confidence in individual banks and in the banking system; and (5) provide a source of funds for banking operations.

The principal features of bank capital that enable it to serve these functions are: its permanence; the absence of contractual payments that, if omitted, could accelerate the maturity date of an issue; and the status of its holders as residual claimants to the assets of the bank. Financial instruments that have envolved in financial markets have these three features in widely varying degrees. Consequently, delineating all financial instruments as either capital or non-capital instruments would be overly arbitrary because it would fail to provide for some gradation in the capital-like qualities found among the myriad financial instruments available in the markets. The Examination Council believes, therefore, it is desirable to allow for two categories of capital in banks; these are referred to in the proposed definition as the primary components and secondary components of bank capital.

Primary Components of Capital

The components that the Council regards as being in the primary category are those having all or virtually all of the three features of capital. Clearly, common and perpetual preferred stock, surpulus, and undivided profits possess these features. Mandatory convertible instruments, i.e., those with convenants mandating conversion into common or perpetual preferred stock, ultimately will possess them, though for an interim period there may be some required contractual payments which make them slightly less perfect as capital instruments than, say, common stock. With the capital reserves (other than contingency reserves) and allowances for possible loan losses, there is some lack of permanence because the reserves or allowance are established with the expectation that there will be some drawings on them in the normal course of a bank's operations. Generally, however, the loan loss and other capital reserves are quickly rebuilt because of the close scrutiny paid to such matters in financial markets and by the supervisory agencies. Thus, such reserves and allowances tend in reality to have a high degree of permanence, which justifies their inclusion as a primary component of capital. In the case of contingency reserves, they are established out of undivided profits for possible liabilities. Generally, the probability that such reserves will be drawn down is not known; hence, their inclusion in primary capital is warranted.

Secondary Components of Capital

The secondary components of capital included in the proposed definition, i.e., limited-life preferred stock and subordinated notes and debentures, possess some of the features of bank capital, but in one or more respects fall below those encompassed in the primary components. Both subordinated debt and limited-life preferred stock lack permanence and subordinated debt involves required interest payments as well. On the other hand, they possess to a considerable degree some of the important attributes of capital. Although they stand ahead of common stock holders in their claim on the bank's assets, their subordinate position to depositors and other creditors of a bank provides important protection to those parties. Also, while the two secondary components are not permanent, they provide relatively long-term protection to depositors and other creditors if the maturity, redemption or payment dates are several years or more in the future.

Because the secondary components do not have the features of bank capital to the degree that the primary components do, the Examination Council believes that four restrictions should be placed upon the use of such financial instruments in order for them to be counted as capital in determining capital adquacy. First, to provide a sufficient degree of continuance to a secondary capital instrument, any issuance must have an original final maturity of at least ten years and an original, weighted average maturity of at least seven years. Second, to help ensure that the desired continuance is achieved, the Council proposes to require—in the case of an obligation or issue that provides for any type of scheduled repayments of principal—that once repayment begins, all repayments shall be made at least ennually and the amount repaid each year shall be no less than in the previous year. Third, the Council believes there should be an upper limit on the amount of secondary components that can be counted as capital and is proposing a limit equal to 50 percent of the amount of primary capital. Fourth, the Council believes that as the secondary components approach maturity, or interim payments become due, there must be clear recognition of the progressive loss of the "permanence" aspect of the instrument. The Council proposes to take this factor into account by amortizing secondary components with a remaining life of less than 5 years. Specifically, the Council proposes to count fully the secondary components as capital as long as their maturity, redemption or payment dates are 5 years or more away. Below 5 years, the qualifying balance of secondary capital instruments approaching maturity, redemption or payment would be reduced by 20 percentage points per year; for example, only 80 percent of the amount of the secondary components maturing or due for payment between 4 and 5 years would be counted as capital, 60 percent between years 3 and 4, and so forth, with those maturing or due in less than one year not counted ac capital at all.

Supervisory Agency Flexibility

The definition being proposed by the Examination Council has, as one of its purposes, promoting uniformity in supervisory policies among the federal banking agencies represented on the Council. The individual supervisory agencies, however, may approve issuances that do not fully conform to the definition or may insist on more stringent conditions than those proposed if the circumstances of a particular case warrant such action. In particular, because the secondary capital components do not possess the characteristics of capital to the extent that the primary components do, the agencies will continue to stress the importance of an adequate level of primary capital for the safe and sound operation of banks.

In reviewing applications by banks to issue secondary captial instruments, the three federal bank supervisory agencies will continue to take into account,

among other things, the following factors: (1) the overall condition of the bank, including trends in that condition, with particular scrutiny accorded to problem banks; (2) the ability of the bank to meet all principal and interest payments on the financial instrument; (3) if an applicant bank is a subsidiary of a holding company, the overall condition of the consolidated organization, especially its consolidated level of debt and capital; and (4) any provision of the financial instrument, such as the imposition of operating restraints on the bank, that would impair the bank's or the supervisory agency's flexibility to deal with changed circumstances.

It should be noted that, in the event of liquidation of a bank, the claims of the holders of secondary capital instruments are subordinated to any claims of the Federal Deposit Insurance Corporation arising out of the depositors' subrogation of their claims to the FDIC, or are subordinated to claims of the FDIC against any of the assets of the bank associated with a merger or purchase and assumption transaction pursuant to Section 13(e) of the Federal Deposit Insurance Act.

Specific Requests for Public Comment

The Examination Council welcomes comment on any aspect of its proposal. The Council would, however, appreciate specific comments on the following questions and issues.

(1) Should limited-life preferred stock be regarded as primary rather than secondary capital? In the proposed definition, both limited-life preferred stock and subordinated noted and debentures are regarded as secondary capital components. Both types of financial instruments lack permanence, and, therefore, would in any event be amortized as they approach their redemption or maturity dates in accordance with the amortization schedule for the secondary capital components. There is a difference, however, in that subordinated debt is a liability and preferred stock is an equity instrument. Also, subordinated debt involves interest payments, while preferred stock does not; and any default on required interest payments could result in accelerating the maturity date of the subordinated debt instruments. Are the differences in the two types of instruments of sufficient importance to warrant counting the eligible amount of limited-life preferred stock as "primary" capital; or, as the Examination Council is proposing, should the lack of permanence be the controlling factor in the decision on whether a financial instrument is considered a primary or secondary component of bank capital?

(2) Should securities that are convertible, but do not have a mandatory convertible feature, be treated differently from non-convertible securities? The proposed definition draws no distinction, but the fact that a debt instrument might be converted to common stock could make such an instrument move akin to capital than a debt instrument without a provision for convertibility. The Examination Council requests comment on the factors that should be taken into account, other than simply the convertibility feature, if such a distinction were to be made.

(3) Federal reserve Regulations D and Q and FDIC Regulation 329.10 currently impose a minimum size of $500 on subordinated debt issues if they are to be exempt from reserve requirements and interest rate limitations. Should there be a higher, more restrictive, minimum size, for example $25,000? A higher minimum size would help ensure that such issues are not confused by their purchasers with insured deposit instruments.

(4) Should there be a limit placed on the amount of subordinated debt that a bank can sell to other banks, such as $5 million? When one bank sells its subordinated debt to other banks, the increase in capital of the issuing bank does not result in any real increase in capital for the banking system. It may be desirable, therefore, to impose some type of limit on the amount an individual bank can sell to other banks.

The Council's proposed definition of bank capital, issued pursuant to the authority of section 1006 of the Financial Institutions Regulatory and Interest Rate Control Act of 1978 (12 U.S.C. section 3305), follows.

Primary Components of Bank Capital

The federal bank regulatory agencies consider the primary components of bank capital to be:

- Common stock
- Perpetual preferred stock
- Surplus
- Undivided profits
- Contingency and other capital reserves
- Mandatory convertible instruments (capital instruments with covenants mandating conversion into common or perpetual preferred stock.)
- Allowance for possible loan losses

Secondary Components of Bank Capital

That agencies recognize that other financial instruments can, with certain restrictions, be considered as part of bank capital because they posses some, though not all, of the features of capital. These instruments are:

- Limited-life preferred stock
- Subordinated notes and debenture

Restrictions Relating to Secondary Components

The agencies will consider the secondary components as bank capital under the conditions listed below.

- The issue must have an original final maturity of at least ten years and original, weighted average maturity at least seven years.
- If the issue has a serial or installment repayment program, all scheduled repayments shall be made at least annually, once contractual repayment of principal begins, and the amount repaid in a given year shall be no less than the amount repaid in the previous year.
- The aggregate amount of limited-life preferred stock and subordinated debt qualifying as secondary capital may not exceed 50 percent of the amount of primary capital.
- As the secondary components approach maturity, redemption or payment, the outstanding balance of all such instruments—including those with serial note payments, sinking fund provisions, or an amortization schedule—with be amortized in accordance with the following schedule:

Years to maturity	Percent of issue considered capital
Greater than or equal to 5	100
Less than 5 but greater than or equal to 4	80
Less than 4 but greater than or equal to 3	60
Less than 3 but greater than or equal to 2	40
Less than 2 but greater than or equal to 1	20
Less tha 1	

Note.—No adjustment in the book amount of the issue is required or expected by this schedule. Adjustment will be made by a memorandum account.

Dated June 17, 1981.

Robert J. Lawrence,

Executive Secretary/FFIEC.

[FR Doc. 81-18514 Filed 6-22-81, 8:45 am]

BILLING CODE 6722-01-M

FEDERAL MARITIME COMMISSION

Agreements Filed

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of each of the agreements and the justifications offered therefor at the Washington Office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10218; or may inspect the agreements at the Field Offices located at New York, N.Y.; New Orleans, Louisiana; San Francisco, California; Chicago, Illinois; and San Juan, Puerto Rico. Interested parties may submit comments on each agreement, including requests for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before July 13, 1981. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreements and the statement should indicate that this has been done.

Agreement No.: 2846–48.

Filing party: John R. Attanasio, Esquire, Billig, Sher & Jones, P.C., 2033 K Street, N.W., Suite 300, Washington, D.C. 20006.

Summary: Agreement No. 2846–48, entered into by the member lines of the West Coast of Italy, Sicilian and Adriatic Ports/North Atlantic Range Conference, would amend the "Bank Guarantee" provision; i.e., Article 22, of the basic agreement for the purpose of providing for an additional variable amount beyond the $50,000 fixed amount presently required of each member line. Said guarantee, in the aggregate, will not exceed $100,000.

Agreement No.: 2846–49.

Filing party: John R. Attanasio, Esquire, Billing, Sher & Jones, P.C., Suite 300, 2033 K Street, N.W., Washington, D.C. 20006.

Summary: Agreement No. 2846–49 modifies the basic agreement of the West Coast of Italy, Sicilian and Adriatic Ports/North Atlantic Range Conference by amending the geographical scope of the basic agreement, including providing for inland authority in the United States.

By order of the Federal Maritime Commission.

Dated: June 17, 1981.

Joseph C. Polking,

Acting Secretary.

[FR Doc. 81-18465 Filed 6-22-81; 8:45 am]

BILLING CODE 6730-01-M

Certificates of Financial Responsibility (Alaska Pipeline); Certificates Issued

Notice is hereby given that the following operators have established evidence of financial responsibility, with respect to the vessels indicated, as required by subsection (c) of section 204, Trans-Alaska Pipeline Authorization Act, and have been issued Federal Maritime Commission Certificates of Financial Responsibility (Alaska Pipeline) pursuant to Part 543 of Title 46 CFR.

Certificate No. and Operator and Vessels

99002 International Bulktank Corp.:
- Overseas Alaska
- Overseas Alice

99003 Overseas Bulktank Corp.:
- Overseas Artic
- Overseas Juneau
- Overseas Valdez

99004 First Shipmor Associates:
- Overseas Chicago

99005 Natalie Tankships Corp.:
- Overseas Natalie

99006 Sun Transport Inc.:
- America Sun
- Eastern Sun
- Pennsylvania Sun
- Western Sun

99007 Exxon Company USA:
- Exxon Albany
- Exxon Baltimore
- Exxon Barge No. 33
- Exxon Baton Rouge
- Exxon Benicba
- Exxon Boston
- Exxon Galveston
- Exxon Houston
- Exxon Jamestown
- Exxon Lexington
- Exxon New Orleans
- Exxon Newark
- Exxon North Slope
- Exxon Philadelphia
- Exxon San Francisco
- Exxon Washington

99008 American Trading and Transportation Co. Inc.:
- Baltimore Trader
- Washington Trader

99012 Interocean Management Corp.:
- Brooks Range
- Thompson Pass

99013 Mobil Oil Corp.:
- Mobil Aero
- Mobil Arctic
- Mobil Fuel
- Mobil Lube
- Mobil Meridian
- Mobil Power
- Mobilgas
- Mobiloil
- Socony Vacuum

99014 United Carriers Inc.:
- Hercules

99016 Manhattan Tankers Co. Inc.:
- Manhattan

99019 Overseas Oil Carriers Inc.:
- Overseas Joyce

99021 Gulf Oil Corp.:
- American Independence
- American Spirit
- Gulfcrest
- Gulfdeer
- Gulfking
- Gulfnight
- Gulfoil
- Gulfpride
- Gulfprince
- Gulfqueen
- Gulfsolar
- Gulfspray
- Gulfsupreme

99022 Monticello Tanker Co.:
- Monticello Victory:

99023 Montpelier Tanker Co.:
- Montpelier Victory

99024 Mount Vernon Tanker Co.:
- Mount Vernon Victory

99025 Mount Washington Tanker Co.:
- Mount Washington

99026 Cove Trading Inc.:
- Cove Trader

99027 Queensway Tankers Inc.:
- Stuyvesant

99029 Shipco 668 Inc.:
- Tonsina

99030 Chevron USA Inc.:
- Chevron Arizona
- Chevron California
- Chevron Colorado
- Chevron Louisiana
- Chevron Mississippi
- Chevron Oregon
- Chevron Washington

99031 Harbor Tug & Barge Co.:
- 21
- Barge 23
- Barge 25
- Barge 50
- Barge 51
- Skilak

99032 Bay Cities Transporation Co.:
- 24
- Barge 14
- Barge 16
- Barge 22

99033 San Diego Transportation Co.:
- 450 1
- 450 5
- Barge 450 2

99034 Puget Sound Tug & Barge Co.:
- 19
- Barge 254

99036 Cove Tankers Corp.:
- Cove Communicator
- Cove Explorer
- Cove Navigator

99037 Shipco 2295, Inc.:
- Atigun Pass

99038 Hess Oil Virgin Islands Corp.:
- Salt Cay
- Sandy Cay
- Thatch Cay

99039 Dixie Carriers Inc.:
- Barge 103
- Offshore 2402
- Offshore 2404

99040 Second Shipmor Associates:
- Overseas Ohio

99041 Texaco Inc.:
Texaco California
Texaco Connecticut
Texaco Florida
Texaco Georgia
Texaco Kansas
Texaco Maryland
Texaco Massachusetts
Texaco Minnesota
Texaco Mississippi
Texaco Montana
Texaco New Jersey
Texaco New York
Texaco North Dakota
Texaco Rhode Island
Texaco Wisconsin
99042 Keystone Tankship Corp.:
Golden Gate
99044 Connecticut Transport Inc.:
Connecticut
Ogden Yukon
99046 Wabash Transport Inc.:
Ogden Wabash
99047 SHIPCO 2296 Inc.:
Keystone Canyon
99049 Third Shipmor Associates:
Overseas New York
99050 West Coast Shipping Co.:
Avila
Lompoc
Sansinena II
Santa Clara
Santa Paula
99052 Fourth Shipmor Associates:
Overseas Washington
99054 Interocean Tanker Corp.:
Southern Lion
99056 Ocean Transportation Co., Inc.:
Overseas Aleutian
Overseas Ulla
99058 Ingram Tankships Inc.:
Carole G. Ingram
IOS 3301
IOS 3302
Martha R. Ingram
99059 Interstate and Ocean Transport Co.:
Elk River
Interstate 138
Interstate 140
Interstate 36
Interstate 37
Interstate 50
Interstate 52
Interstate 53
Interstate 54
Interstate 72
Interstate I
Ocean 155
Ocean 90
99061 Chas. Kurz & Co., Inc.:
Petersburg
99062 Sabine Towing & Transportation Co., Inc.:
Brazos
Colorado
Concho
Guadalupe
Llano
Neches
Pecos
Red River
Sabine
San Jacinto
San Marcos
Trinity
99069 Bouchard Transportation Co., Inc.:
B No. 105
B No. 115
B No. 50
B No. 55
B No. 70
B No. 75
B No. 80
B No. 85
B No. 90
B No. 95
99070 Amerada Hess Corp.:
Chesapeake
99071 American Foreign Steamship Corp.:
American Eagle
American Hawk
99072 Off Shore Services Corp.:
Achilles
99073 Shipco 669 Inc.:
Kenai
99074 Cove Ventures Inc.:
Cove Leader
99075 Moran Towing & Transportation Co., Inc.:
Connecticut
Maine
New Jersey
Rhode Island
Sea Horse 2
99076 Getty Refining & Marketing Co.:
Delaware Getty
New York Getty
Wilmington Getty
99077 Lee Vac Ltd.:
CECO 2501
DOMAR 118
DOMAR 2502
DOMAR 2503
DOMAR 6501
DOMAR 7001
Z 100
Z 110
Z 112
Z 120
Z 71
99078 Montauk Oil Transportation Corp.:
Cibro Norfolk
Cibro Philadelphia
Cibro Savannah
99079 Marine Transport Lines Inc.:
Alaska
San Diego
99080 Western Hemisphere Corp. and Tosco Corp.:
Lion of California
99081 First United Shipping Corp.:
Western Lion
99082 Second United Shipping Corp.:
Northern Lion
99083 Third United Shipping Corp.:
Eastern Lion
99085 Trinidad Corp.:
Glacier Bay
Prince William Sound
Sohio Intrepid
Sohio Resolute
99086 Serpentsea Corp.:
Cabrite
99087 Swansea Corp.:
Saint Lucia
99088 American Shipping Inc.:
Beaver State
99090 Cove Ships Inc.:
Cove Sailor
99091 Rio Grande Transport Inc.:
Ogden Charger
99092 Sequoia Tankers Inc.:
Coastal California
99093 Ogden Leader Transport Inc.:
Ogden Leader
99094 Pointresolute Corp.:
Point Revere
99095 San Diego Gas & Electric Co.:
Jovalan
99098 Gran Reunion Co.:
Reunion
99099 Cove Carriers Inc.:
Cove Spirit
99100 Cove Tank Ships Inc.:
Cove Engineer
99101 CMC Tankers Inc.:
Cove Ranger
99103 Richmond Tankers Inc.:
Bay Ridge
99104 A/S Siljestad Inc.:
Sangstad
99105 Anchorage Tankship Corp.:
Overseas Anchorage
99106 Vivian Tankships Corp.:
Overseas Vivian
99107 Arco Marine Inc.:
Arco Alaska
Arco Anchorage
Arco California
Arco Endeavor
Arco Fairbanks
Arco Heritage
Arco Juneau
Arco Prestige
Arco Prudhoe Bay
Arco Sag River
Oasis Hawaii
99108 Birch Shipping Corp.:
Point Julie
99109 Eklof Marine Corp.:
E 12
E 13
E 14
E 16
E 20
E 21
E 22
E 23
E 24
E 25
E 57
E 67
Hudson
Jet Trader
John J. Tabeling
Mary A. Whalen
Motor Barge No. 31
Reliable
99110 Boston VLCC Tankers Inc. II:
Massachusetts
99111 Boston VLCC Tankers Inc. IV:
New York
99112 Boston VLCC Tankers Inc. VI:
Maryland
99113 Cove Tide Corp.:
Cove Tide
99114 Nepco Bahamas Corp.:
Bahamas
99115 Gateway Offshore One Limited:
Domar 6502
99116 Dotco One Inc.:
Domar 115
99117 Cambridge Tankers Inc.:
Overseas Boston
99118 Juneau Tanker Corp.:
Overseas Juneau
99119 Fredericksburg Shipping Co.:

Fredericksburg
99120 Ogden Willamette Transport Inc.:
Ogden Willamette
99121 Ogden Champion Transport Inc.:
Ogden Challenger
99122 Ogden Challenger Transport Inc.:
Ogden Challenger
99123 Mu Petco Shipping Co., Inc.:
Michelle F
Princess B
Queen B
99124 Ariadne Marine Co.:
Charleston

By The Commission.

Joseph C. Polking,

Acting Secretary.

[FR Doc. 81-18464 Filed 6-22-81; 8:45 am]

BILLING CODE 6730-01-M

[License No. 2012]

Aeromarine Cargo System, Inc.; Order of Revocation of Independent Ocean Freight Forwarder License

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4 further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

The bond issued in favor of Aeromarine Cargo System, Inc., 229 Utah Avenue, So. San Francisco, CA 94080 was cancelled effective June 13, 1981.

By letter dated June 1, 1981, Aeromarine Cargo System, Inc. was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder No. 2012 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission.

Aeromarine Cargo System, Inc. has failed to furnish a valid bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised), section 5.01(d) dated August 8, 1977;

Notice is hereby given, that Independent Ocean Freight Forwarder License No. 2012 be and is hereby revoked effective June 13, 1981.

It is ordered, that Independent Ocean Freight Forwarder License No. 2012 issued to Aeromarine Cargo System, Inc. be returned to the Commission for cancellation.

It is further ordered, that a copy of this Order be published in the **Federal Register** and served upon Aeromarine Cargo System, Inc.

Albert J. Klingel, Jr.,

Director, Bureau of Certification and Licensing.

[FR Doc. 81-18463 Filed 6-22-81; 8:45 am]

BILLING CODE 6730-01-M

[License No. 358]

Black & Geddes, Inc.; Order of Revocation of Independent Ocean Freight Forwarder License

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4 further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

The bond issued in favor of Black & Geddes, Inc., 114 Liberty Street, New York, NY 10805 was cancelled effective June 10, 1981.

By letter dated May 12, 1981, Black & Geddes, Inc. was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder No. 358 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission.

Black & Geddes, Inc. has failed to furnish a valid bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised), section 5.01(d) dated August 8, 1977;

Notice is hereby given, that Idependent Ocean Freight Forwarder License No. 358 be and is hereby revoked effective June 10, 1981.

It is ordered, that Independent Ocean Freight Forwarder License No. 358 issued to Black & Geddes, Inc. be returned to the Commission for cancellation.

It is further ordered, that a copy of this Order be published in the **Federal Register** and served upon Black & Geddes, Inc.

Albert J. Klingel, Jr.,

Director, Bureau of Certification and Licensing.

[FR Doc. 81-18466 Filed 6-22-81; 8:45 am]

BILLING CODE 6730-01-M

[License No. 1474-R]

D. L. Buchanan, Inc.; Order of Revocation of Independent Ocean Freight Forwarder

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4 further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

The bond issued in favor of D. L. Buchanan, Inc., 101 Beachmont, Port Lavaca, TX 77979 was cancelled effective May 28, 1981.

By letter dated May 12, 1981, D. L. Buchanan, Inc. was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder No. 1474-R would be automatically revoked or suspended unless a valid surety bond was filed with the Commission.

D. L. Buchanan, Inc. has failed to furnish a valid bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised), section 5.01(d) dated August 8, 1977;

Notice is hereby given, that Independent Ocean Freight Forwarder License No. 1474-R be and is hereby revoked effective May 28, 1981.

It is ordered, that Independent Ocean Freight Forwarder License No. 1474-R issued to D. L. Buchanan, Inc. be returned to the Commission for cancellation.

It is further ordered, that a copy of this Order be published in the **Federal Register** and served upon D. L. Buchanan, Inc.

Albert J. Klingel, Jr.,

Director, Bureau of Certification and Licensing.

[FR Doc 81-18467 Filed 6-22-81; 8:45 am]

BILLING CODE 6730-01-M

[License No. 2180]

Global Cargo Service, Inc.; Order of Revocation of Independent Ocean Freight Forwarder License

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4 further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

The bond issued in favor of Global Cargo Service, Inc., P.O. Box 010283, Flagler Station, Miami, FL 33101 was cancelled effective June 12, 1981.

By letter dated May 13, 1981, Global Cargo Service, Inc. was advised by the

Federal Maritime Commission that Independent Ocean Freight Forwarder No. 2180 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission.

Global Cargo Service, Inc. has failed to furnish a valid bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised), section 5.01(d) dated August 8, 1977;

Notice is hereby given, that Independent Ocean Freight Forwarder License No. 2180 be and is hereby revoked effective June 12, 1981.

It is order, that Independent Ocean Freight Forwarder License No. 2180 issued to Global Cargo Service, Inc. be returned to the Commission for cancellation.

It is further ordered, that a copy of this Order be published in the Federal Register and served upon Global Cargo Service, Inc.

Albert J. Klingel, Jr.,

Director, Bureau of Certification and Licensing.

[FR Doc. 81-18468 Filed 6-22-81; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

American Republic Bancorp; Formation of Bank Holding Co.

June 17, 1981.

American Republic Bancorp, Gardena, California, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Co. Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of Republic Bank, Gardena, California. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than July 15, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 16, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-18521 Filed 6-22-81; 8:45 am]

BILLING CODE 6210-01-M

BonState Bancshares, Inc.; Formation of Bank Holding Co.

BonState Bancshares, Inc., Bonham, Texas, has applied for the Board's approval under Section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares, less directors' qualifying shares, of Bonham State Bank, Bonham, Texas. The factors that are considered in acting on the application are set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than July 15, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 16, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-18522 Filed 6-22-81; 8:45 am]

BILLING CODE 6210-01-M

Brannen Banks of Florida, Inc.; Formation of Bank Holding Co.

Brannen Banks of Florida, Inc., Inverness, Florida, has applied for the Board's approval under Section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of Dunnellon State Bank, Dunnellon, Florida. The factors that are considered in acting on the application are set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than July 15, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 16, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-18523 Filed 6-22-81; 8:45 am]

BILLING CODE 6210-01-M

Canadian Commercial Bank; Formation of Bank Holding Co.

Canadian Commercial Bank, Edmonton, Alberta, Canada, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C 1842(a)(1)) to become a bank holding company by acquiring, through its wholly-owned subsidiary, CCB Bancorp, Inc., Los Angeles, California, 40.12 percent of the voting shares of Westlands Bank, Santa Ana, California. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than July 17, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 17, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-18524 Filed 6-22-81; 8:45 am]

BILLING CODE 6210-01-M

Canadian Commercial Bank; Proposed Acquisition of CCB Realty, Inc.

Canadian Commercial Bank, Edmonton, Alberta, Canada, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and section 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire

voting shares of CCB Realty, Inc., Los Angeles, California.

Applicant states that the proposed subsidiary would engage in the activities of making, acquiring and servicing loans and other extensions of credit secured by real estate mortgages and deeds of trust such as would be made by a mortgage company. These activities would be performed from offices of Applicant's subsidiary in Los Angeles, California, and the geographic area to be served is the United States. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than July 17, 1981.

Board of Governors of the Federal Reserve System, June 17, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-18525 Filed 6-22-81; 8:45 am]

BILLING CODE 6210-01-M

CCB Bancorp, Inc.; Formation of Bank Holding Co.

CCB Bancorp, Inc., Los Angeles, California, has applied for the Board's approval under Section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 40.12 percent of the voting shares of Westlands Bank, Santa Ana, California.

The factors that are considered in acting on the application are set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than July 17, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 17, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-18528 Filed 6-22-81; 8:45 am]

BILLING CODE 6210-01-M

Culbertson Ban Corp.; Formation of Bank Holding Co.

Culbertson Ban Corp., Culbertson, Montana, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 83 percent of the voting shares of Culbertson State Bank of Culbertson, Montana. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than July 15, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 16, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-18527 Filed 6-22-81; 8:45 am]

BILLING CODE 6210-01-M

Kimball Bancshares, Inc.; Formation of Bank Holding Co.

Kimball Bancshares, Inc., Kimball, Minnesota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 82.67 percent of the voting shares of State Bank of Kimball, Kimball, Minnesota. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received no later than July 15, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 16, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-18528 Filed 6-22-81; 8:45 am]

BILLING CODE 6210-01-M

Midwest Bancorp; Formation of Bank Holding Co.

June 17, 1981

Midwest Bancorp, Columbus, Indiana, has applied for the Board's approval under Section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 97.09 percent of the voting shares of First National Bank of Columbus, Columbus, Indiana. The factors that are considered in acting on the application are set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than July 16, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 17, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-18529 Filed 6-22-81; 8:45am]

BILLING CODE 6210-01-M

Northwest Funding, Inc.; Formation of Bank Holding Co.

June 17, 1981

Northwest Funding, Inc., Rockford, Illinois, has applied for the Board's approval under Section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of Northwest Bank of Rockford, Rockford, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the reserve Bank, to be received not later than July 16, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 17, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-18530 Filed 6-22-81; 8:45am]

BILLING CODE 6210-01-M

SBT Bancorp, Inc.; Formation of Bank Holding Co.

SBT Bancorp, Inc., Mt. Carmel, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of Security Bank and Trust Co., Mt. Carmel, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than July 16, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 17, 1981.

D. Michael Maines,

Assistant Secretary of the Board.

[FR Doc. 81-18531 Filed 6-22-81; 8:45 am]

BILLING CODE 6210-01-M

Texplaza Bancshares, Inc.; Formation of Bank Holding Co.

Texplaza Bancshares, Inc., Lubbock, Texas, has applied for the Board's approval under section 3(a)(1)) of the Bank Holding Company Act (12 U.S.C. 1842 (a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of Texas Bank and Trust Company, Lubbock, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than July 16, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 17, 1981.

D. Michael Maines,

Assistant Secretary of the Board.

[FR Doc. 81-18532 Filed 6-22-81; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL TRADE COMMISSION

Early Termination of the Waiting Period of the Premerger Notification Rules; Timothy Mellon

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: Timothy Mellon is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of all voting securities of Maine Central Railroad Co. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by Timothy Mellon. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: June 12, 1981.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580 (202) 523-3894.

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register**.

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 81-18549 filed 6-22-81; 8:45 am]

BILLING CODE 6750-01-M

Early Termination of the Waiting Period of the Premerger Notification Rules; Marriott Corp.

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: Marriott Corporation is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of certain assets of Del E. Webb Corporation. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by Marriott. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: June 12, 1981.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade

Commission, Washington, D.C. 20580 (202) 523–3894.

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register**

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 81-16550 Filed 6-22-81; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Norwich-Eaton Pharmaceuticals, Inc.; Furacin Suppositories; Withdrawal of Approval of NADA

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration withdraws approval of a new animal drug application (NADA) sponsored by Norwich-Eaton Pharmaceuticals, Inc., providing for use in large animals of Furacin (nitrofurazone) Suppositories as an aid in the prevention or treatment of female reproductive tract infections caused by organisms sensitive to Furacin. Norwich-Eaton Pharmaceuticals has requested the withdrawal of approval.

EFFECTIVE DATE: On or before July 6, 1981.

FOR FURTHER INFORMATION CONTACT: Mohammad I. Sharar, Bureau of Veterinary Medicine (HFV–214), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3183.

SUPPLEMENTARY INFORMATION: Norwich-Eaton Pharmaceuticals, Division of Morton-Norwich Products, Inc., P.O. Box 191, Norwich, NY 13815, is the sponsor of NADA 8–129 which provides for use in large animals of Furacin (nitrofurazone) Suppositories as an aid in the prevention or treatment of female reproductive tract infections caused by organisms sensitive to Furacin. The application originally became effective July 20, 1951. By letter of March 23, 1981, the sponsor requested withdrawal of approval of the NADA because the product is no longer being manufactured or marketed. Section 514.115(d) of the animal drug regulations (21 CFR 514.115(d)) normally does not apply if the holder of the application whose withdrawal has been requested already has been afforded an opportunity for hearing on a proposal to withdraw the subject drug (41 FR 34899; August 17, 1976). In this case, however, Norwich's request is being granted because of the extended time interval which has elapsed since the notice of opportunity for hearing concerning NADA 8–129 was published. The Director of the Bureau of Veterinary Medicine has determined that the public interest will be served and that the sponsor's interests will not be prejudiced by the withdrawal.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(e), 82 Stat. 345–347 (21 U.S.C. 360b(e))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 21 CFR 5.1, see 46 FR 26052; May 11, 1981)) and redelegated to the Director of the Bureau of Veterinary Medicine (21 CFR 5.84), and in accordance with section 514.115. *Withdrawal of approval of applications* (21 CFR 514.115), notice is given that approval of NADA 8–129 and all supplements for Norwich-Eaton Pharmaceuticals' Furacin (nitrofurazone) Suppositories is hereby withdrawn, effective on or before July 6, 1981.

Dated: June 16, 1981.

Gerald B. Guest,

Acting Director, Bureau of Veterinary Medicine.

[FR Doc. 81-18409 filed 6-22-81; 8:45 am]

BILLING CODE 4110-03-M

Radiological Health and Safety Advisory Committee; Request for Nominations of Voting Members

Correction

In FR Doc. 81–15002, appearing at page 28012 in the issue for Friday, May 22, 1981, please make the following correction:

On page 28012, in the first column, in the "Summary" paragraph, in the fifth line, insert the word "Standards" between the words "Safety" and "Committee".

BILLING CODE 1505-01-M

Advisory Committees; Meetings

Correction

In FR Doc. 81–17567 appearing on page 31517 in the issue of Tuesday, June 16, 1981; on page 31518, first column, insert the following heading below the second line of the paragraph designated *"Applications for reimbursement."*:

"OPHTHALMIC DEVICE SECTION OF THE OPHTHALMIC EAR, NOSE, AND THROAT; AND DENTAL DEVICES PANEL"

BILLING CODE 1505-01-M

Office of Human Development Services

Privacy Act of 1974; Report of New System of Records

AGENCY: Office of Human Development Services (HDS), DHHS.

ACTION: Notification of new system of records.

SUMMARY: In accordance with 5 U.S.C. 522a(e)(4), we are issuing public notice of our intent to consolidate several systems of records into a new umbrella system of records: HDS Publication Distribution Mailing List, HHS/HDS/OPA, 09–80–0020. We are proposing also to include routine uses with the system in accordance with 5 U.S.C. 552a(e)(11). The proposed new system of records will consolidate all of the HDS mailing lists under one uniform system to permit annual updating of the information and greater accuracy and efficiency in the distribution of the HDS public information materials. We invite public comments on the routine uses of this system of records on or before July 23, 1981.

DATES: We filed a report of new system of records with the President of the Senate, the Speaker of the House of Representatives, and the Director, Office of Management and Budget (OMB) on June 16, 1981. The system will become effective on August 17, 1981. The routine uses will become effective August 17, 1981, unless HDS receives comments which would result in a contrary determination.

ADDRESS: Address comments to the HDS Privacy Act Officer, Department of Health and Human Services, 736E Humphrey Bldg., 200 Independence Avenue, S.W., Washington, D.C. 20201. We will make comments received available for public inspection in room 734D.2 Humphrey Bldg. at the above address.

FOR FURTHER INFORMATION CONTACT: Director, Division of Publications and Graphic Services, Office of Public Affairs, 329D Humphrey Bldg., 200 Independence Avenue, S.W., Washington, D.C. 20201, (202) 472–7257.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Human Development Services proposes to initiate a new system of records which will consolidate five existing systems of records covering HDS mailing lists and will add additional mailing lists which have not been covered to this point. The system notices which will be replaced by this system of records are:

09–80–0006—National Center on Child Abuse and Neglect Mailing List. HHS HDS ACYF CB
09–80–0014—Runaway Youth Act Mailing List. HHS HDS ACYF YDB
09–80–0015—AoA Public Information Mailing Keys. HHS HDS AoA OPI
09–80–0016—Children's Bureau General Mailing List. HHS HDS ACYF CB
09–80–0017—Children Today Mailing List. HHS HDS ACYF CB

These system notices were last published in the **Federal Register** on Monday, December 22, 1980 (45 FR 84472).

HDS is in the process of updating and consolidating all of its mailing lists. A form will be mailed to all those currently on the HDS mailing lists asking them to indicate whether they still want to remain on the mailing list and, if so, to further indicate their areas of interest in HDS programs. If they are other than an interested individual, they are also aksed to indicate what type of organization or level of government they are with; the kinds of services provided by that organization; whether they are a grantee or potential grantee; and if they are media related, the type of media.

In revising these mailing lists, HDS will eliminate names wherever possible and utilize titles. Names will have to be retained where it is an interested individual, or the person has a title that is common enough in the organization that the material would not reach them without their name appearing on the mailing label (e.g., caseworker).

As a result of this canvass we anticipate a 40 percent drop of addressees from the existing lists, resulting in 50, 289 addressees on the new data base, down from the current 83,814 addressees. The expected 40 percent drop is based on the amount of duplication within the existing systems and lists, the length of time since these lists were last canvassed, and experiences of other Federal agencies who have canvassed their mailing lists.

Once responses to the survey are received, they will be entered in the data system for use in distribution of HDS publications and information and policy documents. This will create a much more efficient process for handling this responsibility than the fragmented one that currently exists.

Dated: June 16, 1981.

Dorcas R. Hardy,

Assistant Secretary for Human Development Services.

09–80–0020

SYSTEM NAME:

HDS Publications Distribution Mailing List. HHS/HDS/OPA

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Room 356G, Hubert Humphrey Bldg., Washington, D.C. 20201.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

State and local governmental units, organizations, individuals and grantees who ask to receive HDS publications.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, title, address, interest in HDS programs, addressee's field of activity, type of organization, scope of organization, whether provide information or services or both, and media affiliation, if applicable.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Titles IV–B, IV–E, and XX of the Social Security Act; Developmental Disabilities Assistance and Bill of Rights Act, Pub. L. 94–103, as amended by Pub. L. 95–602; Title VIII of Pub. L. 93–644, as amended, Native American Programs; Pub. L. 95–266, The Child Abuse Prevention and Treatment Act; Children's Bureau Act of 1912; Pub. L. 93–644, as amended, Headstart—Follow Through Act; 42 U.S.C. 5701, Runaway and Homeless Youth Act; and Older Americans Act of 1965, as amended.

PURPOSE(S):

To assist HDS programs in carrying out their responsibilities to disseminate program information.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. 2. In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer tape.

RETRIEVABILITY:

Addresses will be retrieved by name, interest in HDS programs, field of activity, type of organization or level of government, scope of organization, whether the addressee provides information or services or both, or type of media.

SAFEGUARDS:

Access by authorized personnel only.

RETENTION AND DISPOSAL:

List is annually circularized as required by the Joint Committee on Printing and those not responding are dropped from the list.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Publication and Graphic Services, Office of Public Affairs, 329D, Hubert Humphrey Bldg., Washington, D.C. 20201.

NOTIFICATION PROCEDURE:

Any inquiries regarding this system of records should be in writing and should be addressed to the System Manager.

RECORD ACCESS PROCEDURES:

Same as notifiction procedure. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedure above, and reasonably identify the record and specify the information to be contested.

RECORD SOURCE CATEGORIES:

Response to canvass form, letters, grant applications, individuals, and governmental units.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 81-18415 Filed 6-22-81; 8:45 am]

BILLING CODE 4110-92-M

Office of the Secretary

Office of Human Development Services; Statement of Delegation of Authority

This notice amends Part D of the statement of organization, functions, and delegations of authority of the Department of Health and Human Services, Office of Human Development Services (OHD) (45 FR 64253) to add authority to conduct the White House Conference on Children and Youth through conferences convened and administered by the States.

The amendment to effect this delegation is to be inserted at the end of D.30(a) and reads as follows:

21. The authority vested in the Secretary by the Reorganization Plan No. 1 of 1953 to conduct the White House Conference on Children and Youth through conferences convened and administered by the States.

Dated: June 12, 1981.

Richard S. Schweiker,

Secretary.

[FR Doc. 81-18476 Filed 6-22-81; 8:45 am]

BILLING CODE 4110-92-M

National Institutes of Health; Statement of Organization, Functions, and Delegations of Authority

Part H, Chapter HN (National Institutes of Health) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health and Human Services (40 FR 22859-22869, May 27, 1975) is amended to reflect the retitling of the National Institute of Arthritis, Metabolism and Digestive Diseases, to the National Institute of Arthritis, Diabetes, and Digestive and Kidney Diseases. This action is being taken to administratively implement the Institute's title change which is mandated by Section 434(a) of the Public Health Service Act [42 U.S.C. 289c-1(a)] as amended by section 203(b)(1) of Public Law 96-538.

Sec. HN-B, Organization and Functions, is amended by changing the heading *National Institute of Arthritis, Metabolism and Digestive Diseases (HN-N),* to read *National Institute of Arthritis, Diabetes, and Digestive and Kidney Diseases (HN-N).*

Dated: June 15, 1981.

Richard S. Schweiker,

Secretary.

[FR Doc. 81-18478 filed 6-22-81; 8:45 am]

BILLING CODE 4110-06-M

Public Health Service

Intent To Grant Exclusive License

Pursuant to 45 CFR, 8.2(b) and 41 CFR, 1-9.107-3, Notice is hereby given of an intent to grant to Aerojet Strategic Propulsion Company an exclusive license to make, use and sell the invention disclosed and claimed in United States Patent Application Serial No. 182,632, for "Method for producing 3,6-bis(carboethoxyamino)-2,5-diaziridinyl-1,4-benzoquinone" by Stephen J. Backlund and Robert E. Olsen. Copies of the patent application may be obtained upon written request addressed to the Chief, Patent Branch, Department of Health and Human Services, Room 5A-03, Westwood Building, National Institutes of Health, Bethesda, MD 20205.

The proposed license will have a duration of five (5) years, may be royalty-bearing, and will contain other terms and conditions to be negotiated by the parties in accordance with Department of Health and Human Services regulations. The Department will grant the license unless, within sixty (60) days of this Notice the Chief, Patent Branch, named hereinabove, receives in writing any of the following, together with supporting documents:

1. A statement from any person setting forth reasons why it would not be in the best interest of the United States to grant the proposed license and waiver; or

(2) An application for a nonexclusive license to manufacture, use or sell the invention in the United States submitted in accordance with 41 C.F.R. 101-4—104-2, and the applicant states that he has already brought the invention to practical application, or is likely to bring the invention to practical application expeditiously.

The Assistant Secretary for Health of the Department of Health and Human Services will review all written notices to this Notice.

(45 CFR, 8.2(b) and 41 CFR, 101-4)

Dated: June 17, 1981.

Edward N. Brandt, Jr.,

Assistant Secretary for Health.

[FR Doc. 81-18477 Filed 6-22-81; 8:45 am]

BILLING CODE 4110-12-M

Social Security Administration

Income Maintenance Research and Demonstrations; Community Work Experience Projects; Availability of Grants

Correction

In FR Doc. 81-17463, published on page 30895, on Thursday, June 11, 1981, in the third column, in the second paragraph, in the second line, "CSWP" should be corrected to read "CWEP".

BILLING CODE 1505-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[Docket No. N-81-1072]

President's Commission on Housing; Meeting

The President's Commission on Housing will meet at the White House, Washington, D.C., on July 7, 1981, at 10:00 a.m. and on July 8, 1981, at 9:00 a.m. The purpose of the meeting is to establish an agenda for advising the President and the Secretary of Housing and Urban Development with respect to options for the development of a national housing program consistent with the President's Economic Recovery Program.

Following a personal greeting by the Vice President in the Roosevelt Room on July 7, the Commission's further sessions will be held in Room 2110 of the New Executive Office Building. The meeting will be open to the public. Due to security requirements, however, members of the public who wish to attend should call (202) 755-5111 during business hours no sooner than June 29 and no later than July 2, 1981 and ask for the President's Commission on Housing to arrange for access to the meeting. Following the public meeting, the Commission may hold a closed session to discuss such topics as relation of financial institutions to a national housing policy. *See* 5 U.S.C. 5526(c)(4), (8) and (9).

Further information on the Commission may be obtained from: Jean M. Freeze, Administrative Officer, telephone: 202-755-5202.

(Sec. 10(a)(2), Federal Advisory Committee Act, as amended (5 U.S.C. App. I))

Issued at Washington, D.C., June 19, 1981.

Samuel R. Pierce, Jr.,

Secretary, Housing and Urban Development.

[FR Doc. 81-18695 Filed 6-22-81; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

California Desert Conservation Area Plan; Semi-Annual Review

Notice is hereby given that the Bureau of Land Management is initiating review of the California Desert Conservation Area Plan in Accordance with the review procedures outlined in Chapter 7 of that Plan. The purpose of this review is to consider the need for possible amendments to the Plan based on requests from individuals, public and private organizations, and the Bureau's own observations since the Plan's approval six months ago.

Requests for amendments to or changes in the California Desert Plan are now being solicited from public agencies and interested individuals and organizations for the next 60 days. These requests will be considered in light of the following criteria:

(1) Does the information represent a new issue? The supporting rationale must show that there is a complete set of circumstances around a central problem or program that was not considered in the approved Plan decision process.

(2) Does the information represent new and significant data on an existing issue? The supporting rationale must show that the information is new, was not considered during previous decisions, and would now change previous decisions.

(3) Does the information represent a formal change in State or government or other agency plans? The supporting rationale must show that State or local government approved plans or major official changes in other Federal agency plans or policies made since the Desert Plan's approval would affect Plan decisions.

(4) Does the information represent a change in legal or regulatory mandate? The support rationale must show that changes in Federal statute, regulation, or formal policy would change or otherwise affect Plan decisions when applied to the Desert Plan.

An additional thirty days over the required thirty day notification period has been provided to insure that interested parties have an opportunity to review the final printed version of the Plan. Copies of the Plan are available upon request from the California Desert District, Bureau of Land Management, 1695 Spruce Street, Riverside, CA 92507; telephone (714) 787–1462. Comments regarding proposed amendments to the Plan should also be sent to this address.

Dated: June 15, 1981.

Wesley T. Chambers,

Acting District Manager.

[FR Doc. 81-18510 Filed 6-22-81; 8:45 am]

BILLING CODE 4310-84-M

Grazing Management, Calif.; Request for Public Comments

AGENCY: Bureau of Land Management, Interior.

ACTION: Request for comments.

SUMMARY: The Ukiah District of the Bureau of Land Management has been directed to prepare an environmental impact statement (EIS) on its livestock grazing program (*National Resources Defense Council* vs. *Morton*, 388 F. Supp. 829). The EIS would cover approximately 412,000 acres of public land in northwestern California, of which 71,000 acres are leased for livestock grazing with annual receipts of about $12,000.

Before an EIS is written, it is necessary to identify the significant issues related to grazing in the specific area under consideration. Comments have been solicited from many people in the local area who embrace many different viewpoints. To date, no one has identified any significant issues involving grazing on public land in the Ukiah District.

Before a further course of action is decided upon, it is necessary to ask for comments from a wider geographic area. By means of this notice and letter to regionally and nationally-based groups and to educational and governmental entities outside the local area of the Ukiah District is requesting ideas on this conclusion: There are no significant issues related to livestock grazing on public land under the jurisdiction of the Bureau of Land Management, Ukiah District Office.

DATE: Comments will be accepted until July 23, 1981.

FOR FURTHER INFORMATION CONTACT: Van W. Manning, District Manager, Ukiah District Office, Bureau of Land Management, P.O. Box 940, 555 Leslie Street, Ukiah, California 95482. Phone: (707) 462–3873.

SUPPLEMENTARY INFORMATION: An analysis of the issue-scoping process to date is available from the Ukiah District Office (above address).

Dated: June 12, 1981.

Van W. Manning,

District Manager.

[FR Doc. 81-18428 Filed 6-22-81; 8:45 am]

BILLING CODE 4310-84-M

Geological Survey

Oil and Gas Sulphur Operations in the Outer Continental Shelf; Tenneco Oil Exploration & Production

AGENCY: Geological Survey, Department of the Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that Tenneco Oil Exploration and Production has submitted a Development and Production Plan describing the activities it proposes to conduct on Leases OCS–G 1019 and OCS 0821, Blocks 182 and 183, Ship Shoal Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that is is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: June 15, 1981.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81-18429 Filed 6-22-81; 8:45 am]

BILLING CODE 4310-31-M

National Park Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following propeties being considered for listing in the National Register were received by the National Park Service before June 12, 1981. Pursuant to section 1202.13 of 36 CFR Part 1202, written comments concerning the significance of these

properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, U.S. Department of the Interior, Washington, DC 20243. Written comments should be submitted by July 8, 1981.

Carol Shull,

Chief, Registration Branch.

INDIANA

Marshall County

Plymouth, *Plymouth Fire Station*, 220N. Center St.

MAINE

Penobscot County

Stetson, *Stetson Union Church*, ME 222

MICHIGAN

Dickinson County

Iron Mountain, *Chapin Mine Steam Pump Engine*, Kent St.

Marquette County

Ishpeming, *Ishpeming Municipal Building*, 100 E. Division St.

Oakland County

Highland, *Highland United Methodist Church*, 205 W. Livingston Rd.

MONTANA

Bighorn County

Decker vicinity, *Lee Homestead*, NE of Decker

Broadwater County

Townsend vicinity, *McCormick's Livery and Feed Stable Sign*, W of Townsend

Flathead County

Olney vicinity, *Stillwater Ranger Station Historic District*, U.S. 93

Powell County

Avon vicinity, *Fitzpatrick Ranch Historic District*, NW of Avon

NORTH CAROLINA

Davidson County

Thomasville, *Thomasville Railroad Passenger Depot*, W. Main St.

New Hanover County

Wilmington, *USS North Carolina (battleship)* West bank of Cape Fear River

Pitt County

Greenville, *Humber, Robert Lee, House*, 117 W. 5th St.

Robeson County

Lumberton, *Carolina Theatre*, 319 N. Chestnut St.

Transylvania County

Brevard, *Silvermont*, E. Main St.

PENNSYLVANIA

Lancaster County

Lancaster, *United States Post Office*, 50 W. Chestnut St.

VIRGIN ISLANDS

St. John Island

VIRGIN ISLANDS NATIONAL PARK MULTIPLE RESOURCE AREA. This area includes: Brown Bay, *Brown Bay Plantation Historic District;* Cinnamon Bay, *Rustenberg Plantation South Historic District;* Dennis Bay, *Dennis Bay Historic District;* East End vicinity, *More Hill Historic District;* Hurricane Hole vicinity, *Hermitage Plantation Historic District;* Leinster Bay, *Annaberg Historic District;* Maho Bay vicinity, *America Hill Historic District;* Reef Bay *Reef Bay Great House Historic District; Reef Bay Sugar Factory Historic District;* Reef Bay vicinity, *Jossie Gut Historic District; L'Esperance Historic District;* Brown Bay vicinity, *Rendering Plant, Liever Marches Bay;* Cruz Bay, *Lind Point Fort;* Cruz Bay vicinity, *Cathrineberg-Jockumsdahl-Herman Farm*, E of Cruz Bay (previously listed in the National Register 3–30–78); *Cinnamon Bay Plantation*, NE of Cruz Bay on Cinnamon Bay (previously listed in the National Register 7–11–78); *Lameshur Plantation*, E of Cruz Bay on Little Lameshur Bay (previously listed in the National Register 6–23–78); *Mary Point Estate*, NE of Cruz Bay (previously listed in the National Register 5–22–78); Maho Bay vicinity, *Annaberg School;* and Trunk Bay, *Trunk Bay Sugar Factory.*

WISCONSIN

Bayfield County

Salmo vicinity, *Bayfield Fish Hatchery*, WI 13

[FR Doc. 81-17956 Filed 6-22-81; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

[No. 37488]

American Trucking Association—Petition for Declaratory Order—Electronic Transmission of Freight Bills by Motor Carriers

AGENCY: Interstate Commerce Commission.

ACTION: Notice of decision in declaratory order proceeding.

SUMMARY: Electronic instead of paper transmission of freight bills by motor carriers to shippers is found to be desirable, but in conflict with a number of Commission rules. A separate rulemaking proceeding will be instituted to consider amending the rules.

FOR FURTHER INFORMATION CONTACT: Richard Felder or Jane Mackall, (202) 275–7656.

SUPPLEMENTARY INFORMATION: By notice published October 20, 1980 in the **Federal Register** (45 FR 69298) we instituted this declaratory order proceeding, at the request of the American Trucking Association, to determine the lawfulness of motor carriers' substituting electronic freight bill data for the standard paper document when the shipper and carrier agree.

The comments filed in response to our notice lead us to conclude (1) the electronic transmission of freight bills in lieu of paper documents by both rail and motor carriers is desirable when agreed to by the affected shippers; (2) electronic billing would conflict with some Commission rules; and (3) a rulemaking should be initiated to remove any barriers.

We believe that electronic (in lieu of paper) billing, when agreed to by carrier and shipper, will result in cost savings and efficiencies to all concerned. To accommodate electronic billing, some (but not all) of our rules can be interpreted in such a manner as to avoid any conflict. Thus, the term "freight bill," when not specifically designated as being a *paper* document, can be construed to include electronically transmitted data. This broad interpretative approach makes extensive modification of our rules unnecessary as illustrated by reviewing, for example, our credit regulations at 49 CFR 1322.1. These credit regulations currently provide: "When the freight bill . . . is presented . . ." As this regulation does not prescribe the form of the freight bill, we can and will interpret "freight bill" to include electronic data and "presentation" to include electronic transmission to shipper. We note that this interpretative approach is consistent with our action in reopening Ex Parte No. MC–1, *Payment of Rates and Charges of Motor Carriers (Extension of Credit to Shippers)*, and Ex Parte No. 73, *Regulations For Payment of Rates and Charges*, 45 FR 39519, June 11, 1980, in order to allow carriers to tailor credit terms to their own needs. (We do not evision that any resulting modification of our credit regulations would preclude interpreting them to encompass electronic data. However, if any problems do, in fact, arise, they can be resolved in the reopened proceedings.)

Third, the conclusion appears unavoidable that the freight bill requirements applicable to motor carriers and described in 49 CFR 1008.4 (b) and (c) and 49 CFR 1051.1(b) presently preclude the electronic transmission of freight bills because a paper document is clearly indicated. However, we will propose removing these barriers by a concurrently published separate notice of proposed rulemaking, to be docketed as Ex Parte No. 406. Moreover, in view of the

potential benefits of electronic billing to all concerned, we plan not to limit the rulemaking needed to accommodate the technology to motor carriers, but instead, also propose to make it an option for railroads, and freight forwarders as well.

A number of parties supporting electronic billing did so conditionally. Some urge, as one example, additional safeguards to ensure that shipper acceptance of electronic data is voluntary. However, in our view such safeguards are unnecessary since existing administrative mechanisms can remedy any abuses. Others urge that we specify details relating to the electronic transmission agreement or informational requirements; such as including the reference number in the freight bill. We are not adopting this suggestion because we believe that details are best worked out by the shippers and carriers involved, without Commission action.

We also deem it unnecessary to require that the voluntary agreement be published in the carrier's tariff. The proliferation of many varied agreements in tariffs is unjustified and would retard carrier flexibility as well as counter our goal of tariff simplification. We also see no need to impose additional audit controls since the carriers must preserve the electronic data, make it available for inspection, and otherwise comply with the record retention rules at 49 CFR 1220. Moreover, any requirement for carriers to prepare freight bills in paper form for purposes of retention would negate the economies and efficiencies achieved through the electronic transmission of information.

We find:

The electronic transmission of freight bills by motor carriers to shippers in place of paper documents, when shipper and carrier agree, is desirable to consider further even though in conflict with several of our rules calling specifically for paper documents. A rulemaking will be instituted with a view toward revising our rules to accommodate electronic billing. This rulemaking will not be limited to motor carriers but will also consider extending the option of electronic billing, when the shipper agrees, to railroads and freight forwarders.

This proceeding is discontinued.

This decision does not significantly affect the quality of the human environment or conservation of energy resources.

This decision is issued under the authority of 49 U.S.C. 10101, 10101a, 10321, 10501, 10521, and 5 U.S.C. 554(e).

Decided: June 16, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam. Acting Chairman Alexis was absent and did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-18553 Filed 6-22-81; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. 105]

Motor Carriers; Permanent Authority Decision, Restriction Removals, Decision-Notice

Decided: June 17, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Alspaugh, and Shaffer.

Agatha L. Mergenovich,

Secretary

MC 1759 (Sub-No. 43)X, filed May 20, 1981. Applicant: FROEHLICH TRANSPORTATION CO., INC., Danbury, CT. Representative: Gerald A. Joseloff, 410 Asylum Street, Hartford, CT 06103. Applicant seeks to remove restrictions from its Sub-Nos. 3, 13, 20, 24, 25, 26, 27, 30, 31, 32, 33, 35, 38F, 40F, 41F, and 42F certificates and Sub-No. 36 which was issed pursuant to MC-F-13335 to (1) remove all exceptions to its general commodities authority except classes A and B explosives in Sub-Nos. 33 and 36; (2) expand commodity descriptions from: (a) specified fresh and stale bakery products, containers and/or various related products, tomato juice, meat and meat products and packinghouse products, etc., to "food and related products" in Sub-Nos. 3, 13, 20, 24, 25, 26, 27, 30, 31, 32, 33, 35, 38, 40; (b) new tires and tire tubes to "rubber and plastic products" in Sub-No. 27; (c) from empty containers, to "containers, carriers, or devices" in Sub-No. 3; (d) paper and paper products to "pulp, paper and related products" in Sub-No. 42; (3) change one-way movements to radial authority between points located throughout the northeastern portion of the U.S.; (4) delete plantsite limitations wherever they appear in each certificate; (5) change city to county-wide authority as follows: Port Chester, NY, to Westchester County, NY; Greenwich, CT, and Norwalk, CT, to Fairfield County, CT; Pittsfield, MA, to Berkshire County, MA, in Sub-No. 3; Long Island City, NY, to Nassau County, NY; Portchester, NY to Westchester County, NY; Norwalk, CT, to Fairfield County, CT; Bennington, VT, to Bennington County, VT; Totowa, NJ, to Passaic County, NJ; and Pittsfield, MA, to Berkshire County, MA, in Sub-No. 13; Greenwich, CT, to Fairfield County, CT; Long Island City, NY, to Nassau County, NY and Totowa, NJ, to Passaic County, NJ in Sub-No. 20; Greenwich, CT, to Fairfield County, CT; Long Island City to Nassau County, NY, Totowa, NJ, to Passaic County, NJ; and Watkins Glen, NY, to Schuyler County, NY, in Sub-No. 24; Greenwich, CT, to Fairfield County, CT; Brentwood, Riverhead, and Shirley, NY to Suffolk County, NY; Franklin Square, Garden City, Plainview, Syosset, and Valley Stream, NY, to Nassau County, NY; Mt. Vernon, New Rochelle, Tuckahoe, and Yonkers, NY, to Westchester County, NY; Clifton, NJ, to Passaic County, NJ; Emerson, NJ, to Bergen County, NJ; Fairfield, NJ, to Essex County, NJ; in Sub-No. 26; Cranbery, NJ, to Middlesex County, NJ, in Sub-No. 27; Bridgeport, CT, to Fairfield County, CT, and Landover, MD, to Prince Georges County, MD, in Sub-No. 30; Hauppauge, NY to Suffolk County, NY; Newark, NJ, and Cedar Grove, NJ, to Essex County, NJ; Totowa, NJ, and Carlstadt, NJ, to Passaic and Bergen Counties, NJ; Kearney, and Secaucus, NJ to Hudson County, NJ, and North Haven, CT, to New Haven County, CT, in Sub-No. 31; Totowa, NJ, to Passaic County, NJ, in Sub-No. 32; Newark, NJ, to Essex County, NJ; and Syosset, NY, to Nassau County, NY, in Sub-No. 33; Danbury, CT, to Fairfield

County, CT; and Marysville, PA, to Perry County, PA, in Sub-No. 35; Newark, NJ, to Essex County, NJ, in Sub-No. 36; and Bedford, MA, to Middlesex County, MA; Manchester, NH; to Hillsboro County, NH; and Springfield, MA, to Hampden County, MA, in Sub-No. 40; Dunkirk, NY, to Chatauqua County, NY, in Sub-No. 41; and St. Albans, VT, to Franklin County, VT, in Sub-No. 42.

MC 2876 (Sub-2)X, filed June 2, 1981. Applicant: W. J. BEITLER COMPANY, 3379 Stafford Street, Pittsburgh, PA 15204. Representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, PA 15219. Applicant seeks to remove restrictions in its lead and Sub-No. 1 certificates to (1) broaden the commodity description from general commodities, with exceptions to "general commodities (except classes A and B explosives)" in each certificate; (2) remove the facilities limitation at Pittsburgh, PA, in Sub-No. 1; (3) change city to county-wide authority from: Pittsburgh to Allegheny County, PA, in the lead and Sub-No. 1; Youngstown and Warren to Mahoning and Trumbull Counties, OH, in the lead: and Anmoore to Harrison County, WV in Sub-No. 1; and (4) replace one-way with radial authority between (a) Allegheny County, PA, and, Mahoning and Trumbull Counties, OH, and points and places in PA within 75 miles of Pittsburgh, in the lead; and (b) Allegheny County, PA, and, Harrison County, WV, points in WV on and north of US Hwy 50, and points in OH on and east of a line beginning at the WV–OH State Boundary line, then along Interstate Hwy 77 to junction with the Cuyahoga River, at or near Cleveland, OH and then along the Cuyahoga River to Lake Erie, in Sub-No. 1.

MC 7228 (Sub-48)X, filed June 2, 1981. Applicant: COAST TRANSPORT, INC., 349 Grand Blvd., Vancouver, WA 98661. Representative: Gerald K. Gimmel, 4 Professional Dr., Suite 145, Gaithersburg, MD 20760. Applicant seeks to remove restrictions in its Sub-Nos. 6, 37, 39, 43, 45F certificates and 47F permit to (1) broaden the commodity description from (a) in Sub-No. 6, from fruits and vegetables, fresh, frozen and those partially processed preparatory to freezing or canning, sheet 1, fruits and vegetables, sheet 2, feed concentrate, flour and salt, frozen fruits, frozen berries, and frozen vegetables, and frozen foods and potato products, not frozen, sheet 3, to "food and related products"; from box shooks, sheet 2, and shingles, shakes, and trim, sheet 3, to "lumber and wood products"; paper, sheet 2, to "pulp, paper and related products"; machinery and machinery parts, sheet 2, and heavy farm and contractors' machinery, sheet 3, to "machinery"; acids, sheet 2, to "chemicals and related products"; hay, sheet 2, livestock, and fresh farm produce, sheet 3, to "farm products"; rough and dressed lumber, shingles, cement, and silica, and lumber, shingles and cement, sheet 3, to "building materials"; (b) from bananas in Sub-Nos. 37 and 43, frozen foods, in Sub-No. 39, bananas and exempt agricultural commodities in mixed loads, in Sub-No. 45F, and frozen bakery goods and materials and supplies used in their manufacture and distribution, in Sub-No. 47F, to "food and related products"; (2) expand the territorial authority, (a) in Sub-No. 6, from Milton and Freewater, OR to Umatilla County, OR; from Stockton, Los Angeles, and Huntington Park, CA, to San Joaquin and Los Angeles Counties, and Los Angeles, CA; (b) in Sub-No. 37, from Long Beach, CA, Bellevue, WA, and ports of entry on the United States-Canada boundary line at or near Blaine, WA, to Los Angeles County, CA, King County, WA, and ports of entry on the international boundary line between the United States and Canada, in Whatcom County, WA; (c) in Sub-No. 39, from named facilities at Weston and Hermiston, OR and Connell and Quincy, WA to Umatilla County, OR and Franklin and Grant Counties, WA; (d) in Sub-No. 43F, from Long Beach, CA, to Los Angeles County, CA; (e) in Sub-No. 45F, from named facilities at Port Hueneme, CA, to Ventura County, CA; (3) provide radial service in lieu of one-way service in Sub-Nos. 6, 37, 39, 43F and 45F between various points in California, Oregon, and Washington; (4) remove the restriction that limits the carrier to the transportation of traffic having a prior movement by water in Sub-No. 45F.

MC 9859 (Sub-9)X, filed June 12, 1981. Applicant: KANE TRANSFER COMPANY, 4661 Hollins Ferry Road, Baltimore, MD 21227. Representative: Walter T. Evans, 7961 Eastern Ave., Silver Spring, MD 20910. Applicant seeks to remove restrictions in its permit No. MC–67583 Sub-No. 11 to broaden its territorial authority to between points in the U.S., under continuing contract(s) with a named shipper.

MC 47149 (Sub-21)X, filed May 27, 1981. Applicant: C. D. AMBROSIA TRUCKING CO., R.D. #2, Lowellville, OH 44436. Representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, PA 15219. Applicant seeks to remove restrictions in its lead and Sub-Nos. 12, 13, 15, 17, 19F, 20F, E1 and E2 certificates to: (1) broaden the commodity descriptions to: (a) "commodities in bulk", from such bulk commodities, as are transported in dump trucks, and coal, limestone, slag and dirt, in the lead; (b) "clay, concrete, glass or stone products" from pulverized limestone, in bulk, in tank vehicles, in Sub-No. 12; (c) clay, concrete, glass or stone products, "ores and minerals, and chemicals and related products," from limestone and limestone products, insecticides, herbicides, fungicides, fertilizer and fertilizer ingredients and materials (other than such commodities in liquid bulk form), and iron bearing agglomerates in Sub-Nos. 13, E1 and E2; (d) "waste or scrap materials not identified by industry producing" from iron-bearing fines in Sub-No. 13 and E1 (paragraph 3); (e) "coal and coal products" from coal in Sub-No. 15 and 20F; (f) clay, concrete, glass or stone products from lime and dry lime (except in bulk, in dump truck equipment) in Sub-No. 17; (g) "lumber and wood products" from wooden pallets in Sub-No. 17; (h) "metal products" from iron and steel articles in the Sub-No. 19F; (2) change city and township to county-wide authority: (a) Mahoning Township, PA to Lawrence County, PA in Sub-Nos. 12 and 13; (b) Chester, WV to Hancock County, WV in Sub-No. 12; (c) Branchton, PA to Butler County, PA in Sub-No. 17; (d) New Castle, PA to Lawrence County, PA; in Sub-No. 19F (e) portions of Columbiana County, OH to Columbiana County, OH in Sub-No. E1 (Sub-paragraphs 1(a), 2(d) and 3(d) and E2; (3) replace one-way service with radial authority in Sub-Nos. 12, 13, 15, 17, 20, E1, and E2; (4) remove a restriction against transportation of cement in the lead; (5) remove a restriction requiring the use of dump trucks in the lead and Sub-Nos. 20F, E1, and E2; (6) remove a bulk restriction in Sub-Nos. 12 and E1 (paragraph 3); (7) remove a restriction against commodities in bulk liquid form in the Sub-Nos. 13, E1 (paragraph 1) and E2; (9) remove a restriction against transporting bulk commodities in the Sub-No. 13; (10) remove facilities restrictions in Sub-No. 15, 19F and 20F; (11) remove a restriction against transporting bulk shipments in dump trucks in Sub-No. 17 (paragraph 4) and E1 (paragraph 2); (12) remove an "originating at and/or destined to" restriction in Sub-No. 15; and (13) remove a restriction requiring transportation of dry lime in bags in Sub-No. 17 (paragraph 3).

MC 103993 (Sub-1077)X, filed June 4, 1981. Applicant: MORGAN DRIVE-AWAY, INC., 28651 U.S. 20 West, Elkhart, Indiana 46515. Representative: James B. Buda and Kenneth M. Hays, 28651 U.S. 20 West, Elkhart, Indiana

46515. Applicant seeks to remove restrictions in its Sub-Nos. 580, 581, 954, and 234 certificates as follows: (1) to broaden the commodity description in Sub-No. 580 from plywood to "lumber and wood products"; in Sub-No. 561 from buildings, building sections, and building materials to "lumber and wood products, metal products and building materials"; in Sub-No. 954 iron and steel articles to "iron and steel articles and materials, equipment and supplies used in the manufacture or distribution thereof"; and in Sub-No. 243 from buildings in sections when transported on wheeled undercarriages equipped with hitchball connectors to "metal products and lumber and wood products"; (2) eliminate the plantsite limitations in Sub-Nos. 243, 561, 580, and 954F; (3) replace city with county-wide authority from Parkersburg to Wood County, WV, in Sub-No. 561, and Quincy to Adams County, IL, in Sub-No. 954F; (4) expand one-way to radial authority between (a) Wood County, WV, and, points in the U.S. in Sub-No. 561; (b) San Bernardino County, CA, and, points in the U.S. in Sub-No. 580; and (c) Adams County, IL, and, points in the U.S. in Sub-No. 954F; and (5) remove the restrictions (a) except oilfield and industrial buildings, from origins which are points of manufacture, in Sub-No. 243; (b) except in bulk in Sub-No. 561; and (c) against service to (1) AK and HI in Sub-Nos. 243, 561, and 580; and (2) HI in Sub-No. 954F.

MC 105501 (Sub-54)X, filed June 3, 1981. Applicant: TERMINAL TRANSPORT, INC., 1851 Raddison Road, N.E., Blaine, MN 55434. Representative: Anthony C. Vance, Suite 301, 1307 Dolley Madison Blvd., McLean, VA 22101. Applicant seeks to remove restrictions in its Sub-Nos. 26, 27, 44F, 49F and 50F certificates to: (1) in Sub-Nos. 26 and 50, remove all exceptions from its general commodities authority except classes A and B explosives; (2) in Sub-Nos. 26, and 50 eliminte the "ex-rail restriction", (3) in Sub-No. 27, broaden the commodity description from iron and steel articles to "metal products"; (4) in Sub-No. 44, broaden the commodity description from liquor to "food and related products"; (5) in Sub-No. 49, broaden the commodity description from glass containers to "clay, concrete, glass or stone products"; (6) replaced a described portion of county, facilities limitations and/or specific point authority with county-wide authority as follows: in Sub-No. 26, replace a described portion of St. Louis County, MN, with St. Louis County, MN; in Sub-No. 27, La Crosse, WI, with La Crosse County, WI; in Sub-No. 44, facilities at Minneapolis, MN, with Minneapolis, MN, and Fargo and Bismarck, ND, with Cass and Burleigh Counties, ND; in Sub-No. 49F, Shakopee, MN, with Scott County, MN; (7) in Sub-No. 26, eliminate the "in containers or trailers" restriction; and (8) replace one-way authority with radial authority between named cities or counties in MN, and, points in several north central States in the above numbered certificates.

MC 105636 (Sub-41)X, filed May 15, 1981. Applicant: ARMELLINI EXPRESS LINES, INC., P.O. Box 2394, Stuart, FL 33494. Representative: Wilmer B. Hill, 805 McLachlen Bank Building, 666 Eleventh Street, NW, Washington, DC 20001. Applicant seeks to remove restrictions in its Sub-Nos. 2(M1)F, 22, 23(M1)F, 24, and 39F certificates to (1) change commodity descriptions (a) in Sub-Nos. 2(M1)F and 23(M1)F by eliminating all exceptions to general commodities except classes A and B explosives; (b) in Sub-Nos. 2(M1)F, and 22, from baskets, boxes, crates, hampers and containers for agricultural products to "containers"; (c) in Sub-No. 2(M1)F, from various foodstuff items, such as fresh fruits and vegetables, fish, etc., to "food and related products"; (d) in Sub-Nos. 2(M1)F and 22, from flower bulbs and horticultural shading materials to "farm products"; in Sub-No. 24, (e) from florist supplies and equipment, etc., to "such commodities as are dealt in or used by florists"; from fertilizer to "chemicals and related products"; from poultry vaccines, drugs, insecticides, and equipment used in the raising of poultry to "chemicals and such other commodities as are used in the raising of poultry"; and (f) in Sub-No. 39F, from petroleum products to "petroleum and coal products"; (2) remove restrictions on commodities, such as "in packages" and "in containers", wherever they appear in each certificate; (3) in Sub-No. 39F, delete exwater restriction; (4) replace city-wide with county-wide authority wherever the following appear in each certificate: Murfreesboro with Hertford County, NC; Charlotte with Mecklenburg County, NC; Raleigh with Wake Coutny, NC; Florence with Florence County, SC; Columbia with Richland County, SC; Savannah with Chatham County, GA; Jacksonville with Duval County, FL; West Palm Beach and Rivieria Beach with Palm Beach County, FL; Miami with Dade County, FL; Baldwin with St. Croix County, WI; Thorp with Clark County, WI; Westfield with Marquette County, WI; Tampa with Hillsborough County, FL; Orlando with Orange County, FL; Exmore with Northampton County, VA; Charleston with Charleston County, SC; Trenton with Mercer County, NJ; Wilmington with New Castle County, DE; Ft. Lauderdale with Broward County, FL; Eatontown with Monmouth County, NJ; Meriden with New Haven County, CT; Vineland with Cumberland County, NJ; Gainesville with Hall County, GA; Sewaren with Middlesex County, NJ; Hanover with Morris County, NJ; and Marcus Hook with Delaware County, PA; (5) delete facilities limitations in Sub-No. 39F; (6) remove ex-motor vehicle restriction in Sub-No. 2(M1)F; and (7) authorize radial authority wherever one-way exists in each certificate between specified points located in the eastern portion of the U.S.

MC 106775 (Sub-48)X, filed May 27, 1981. Applicant: ATLAS TRUCK LINE, INC., 15015 East Freeway, Houston, TX 77015. Representative: Sam Hollman, 4555 First National Bank Bldg., Dallas, TX 75202. Applicant seeks to remove restrictions in its lead and Sub-Nos. 28, 29, 37, 39, 41, 42F, 44F, 45F, certificates and E1, E2, E3, E4 and E5 letter notices to (1) broaden the commodity descriptions to "Mercer commodities" from machinery, equipment, materials and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum, and their products and by-products, and machinery, materials, equipment, and supplies used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, except in connection with main pipelines, in parts 1, 2, 3, and 4 of the lead and Sub-No. 42F; from machinery, materials, supplies and equipment incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, in part 6 of the lead; from machinery, equipment, materials and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and machinery, equipment, materials and supplies used in, or in connection with, the construction, operation, repair, servicing, maintenance and dismantling of pipelines, including the stringing and picking up thereof (except the stringing and picking up of pipe in connection with main piplines), in Sub-No. E5; to "metal products" from steel water tanks,

and materials and supplies used in the construction of steel water tanks, in part 9 of the lead; from structural steel, metal castings, and reinforcing rods, in part 13 of the lead and Sub-No. E4; to "metal products and Mercer commodities" from structural steel, metal castings, reinforcing rods, and machinery, materials, supplies, and equipment, incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, in part 7 of the lead; to "machinery" from electrical transformers and and electrical-transformer coils and cases, in part 14 of the lead; to "cement asbestos pipe and rubber and plastic products" from cement asbestos pipe and plastic pipe, in part 18 of the lead; to "rubber and plastic products" from plastic pipe, in part 21 of the lead; and to "cement asbestos pipe and rubber and plastic products" from cement asbestos pipe and plastic pipe, in Sub-No. 37, (2) remove the "in bulk, and in tank vehicle" restrictions, in part 11 of the lead; (3) remove restiction to the transportation of shipments moving to or from pipeline rights of way, in parts 5 and 11 of the lead, (4) remove the originating at and/or destined to restrictions, in part 19 of the lead and Sub-Nos. 28, 39, and 41, (5) remove the ex-water restriction, in Sub-No. 29, (6) remove the restriction against the transportation of specified commodities to specified points, when such commodities are intended for use in construction, repairing or dismantling of water pipelines, in part 17 of the lead, (7) replace one-way authority with radial authority in the lead and Sub-Nos. 28, 29, 37, 39, 41, 44F, E1, E2 and E3, (8) remove the facilities restrictions in the lead and Sub-Nos. 37, 39, 41, E1 and E2 and broaden the territorial authority by substituting county-wide authority for city-wide authority as follows: Morris County, TX (for Lone Star, TX) and Cass County, TX (for Bond, TX), in parts 12 and 16 of the lead; Hill County, TX (for Hillsboro, TX), in part 17 of the lead and Sub-No. E3; Crawford County, AR (for Van Buren, AR), in part 18 of the lead and Sub-Nos. 37 and 41; Cooke County, TX (for Gainesville, TX) in part 19 of the lead and Sub-No. E-1; Fort Bend County, TX (for Rosenberg, TX), in part 20 of the lead and Sub-No. E-2; Pulaski County, AR (for Little Rock, AR), in Sub-No. 29 and Sebastian County, AR (for Ft. Smith, AR), in Sub-No. 29.

MC 111940 (Sub-75)X, filed June 4, 1981. Applicant: SMITH'S TRUCK LINES, P.O. Box 88, Muncy, PA 17756. Representative: J. Bruce Walter, P.O. Box 1146, Harrisburg, PA 17108. Applicant seeks to remove restrictions in its Sub-Nos. 9, 16, 29, 36, 38, 39, 42, 45, 46, 49, 50, 52, 54, 56, 63, 65, 67, 69, 72F, and 73F certificates to (1) broaden its commodity descriptions in Sub-Nos. 9 and 39, to "primary metal products", from steel and steel products, and iron and steel articles (with exceptions); in Sub-Nos. 16 part (1), 45, 49, 65 part (1) and 72F, to "chemicals and related products", from salt, paints and paint materials (with exceptions), salt products, and solar salt; in Sub-No. 29, to "forest products", from lumber (except plywood and veneer); in Sub-No. 52, to "farm products", from soy bean meal; and to "clay, concrete, glass or stone products", from brick; in Sub-No. 56, to "fabricated metal products, except ordinance", from metal castings, pipe fittings, and accessories thereof; in Sub-No. 69, to "petroleum, petroleum products, and coal products", from petroleum and petroleum products (except in bulk); and in Sub-No. 73F, to "food and related products", from flour; (2) remove the facilities limitation in Sub-Nos. 39, 42, 49, 52, 56, 67, and 69; (3) replace cities with county-wide authority: in Sub-Nos. 9, 38, 39, and 67, Williamsport, PA, with Lycoming County, PA; in Sub-Nos. 16 and 65, Silver Springs, Watkins Glen, Ludlowville, and Retsof, NY, with Wyoming, Schuyler, Tompkins, and Livingston Counties, NY, respectively; in Sub-No. 36, Watkins Glen, NY, with Schuyler County, NY; in Sub-No. 39, Milton, PA, with Northumberland County, PA; Buffalo, Rochester, and Syracuse, NY, with Erie, Monroe, and Onondaga Counties, NY; Muncy and Williamsport, PA, with Lycoming County, PA; and Warren and Youngstown, OH, with Trumbull and Mahoning Counties, OH; in Sub-No. 42, Farmers Valley and Bradford, PA, with McKean County, PA; and Buffalo, NY, with Erie County, NY; in Sub-No. 45, Williamsport, PA and Dyersburg, TN, with Lycoming County, PA, and Dyer County, TN; in Sub-No. 46, Silver Springs, Retsof, and Watkins Glen, NY, with Wyoming, Livingston, and Schuyler Counties, NY; in Sub-No. 49, Milo, NY, with Yates County, NY; in Sub-Nos. 50 and 63, Emlenton, PA, with Venango County, PA; in Sub-No. 52, Delphos and Bellevue, OH, with Allen and Huron Counties, OH; Royalton Borough, Susquehanna Township, Delaware Township, and Spring Garden Township, PA, with Dauphin, Northumberland, and York Counties, PA; in Sub-No. 54, Congo, WV, with Hancock County, WV; in Sub-No. 65, Horseheads, NY, with Chemung County, NY; and in Sub-No. 69, New Kensington, PA, with Westmoreland and Allegheny Counties, PA; (4) change one-way to radial authority between the above named counties, and specified points in the U.S., in all of the above sub-numbers except Sub-Nos. 29, 38, 45, 67, and 73F; (5) eliminate: in Sub-No. 38, the restriction prohibiting the transportation of sand, sand products, and gravel from points in Ocean and Monmouth Counties, NJ, liquids in bulk, in tank vehicles, and articles which because of size, shape or weight require the use of special equipment; in Sub-Nos, 50 and 67, the originating at and/or destined to specified origins restriction; in Sub-No. 54, the restriction against the transportation of petrochemicals; and in Sub-No. 67, the size and weight, and commodities in bulk restrictions.

MC 113861 (Sub-84)X, filed, June 3, 1981. Applicant: WOOTEN TRANSPORTS, INC., 153 Gaston Ave., Memphis, TN 38106. Representative: Dale Woodall, 900 Memphis Bank Bldg., Memphis, TN 38103. Applicant seeks to remove restrictions in its Sub-Nos. 1, 25, 26, 28, 31, 32, 33, 37, 38, 39, 40, 44, 46, 49, 51, 53, 54, 55, 58, 61, 65, 66, 67, 69, 71F, 74F, 75F, 77F, 80F, 81F, and 82F, to (1) broaden its commodity descriptions: in Sub-Nos. 1, 25, 28, 33, 37, 40, 46, 49, 51, 53, 54, 55, 58, 61, 66, 67, 71F, 74F, 75F, 77F, 81F, and 82F, to "commodities in bulk", from petroleum and petroleum products, pine oil and pine oil derivatives, anhydrous ammonia, asphalt, asphalt products, coal tar, propane and butane, and mixtures thereof, lubricating oil, drainings, liquefied petroleum gas, nitrogen fertilizer solutions, acids, ammonium nitrate, urea, fertilizer and ingredients, gasoline, kerosene, jet fuel, tractor and diesel fuel, fuel oils, (all of the commodities named above are in bulk and/or in tank vehicles), boiler slag aggregates, dry grain products, fertilizer solutions, liquid corn syrup (in bulk, in tank vehicles), liquid sugar and blends (in bulk, in tank vehicles), liquid and dry wood preservatives, and solvent blends used in formulating wood preservatives (in bulk), and liquefied petroleum gas; in Sub-Nos. 32, 36, and 69, to "petroleum, natural gas, and their products", from liquefied petroleum gases, anhydrous ammonia, and fuel oils, in bulk, in tank vehicles; and in Sub-No. 65, to "food and related products", from corn products, and blends containing corn products (with exceptions); (2) remove the facilities limitations in Sub-Nos. 1, 25, 26, 33, 37, 39, 46, 65, 66, and 69; (3) replace cities with county-wide authority; in Sub-Nos. 1, 49, 74F, and 82F, West Memphis, AR with Crittenden

County, AR; in Sub-No. 1, New Madrid, MO with New Madrid County, MO, Jackson, TN with Madison County, TN, and Millington, TN with Shelby County, TN; in Sub-Nos. 26, 28, 33, 39, 40, 44, 51, 54, 55, 58, 65, 66, 67, 75F, 77F, 80F, and 81F, Memphis, TN with Shelby County, TN; in Sub-Nos. 25, 53, and 71F, Nashville, TN, with Davidson County, TN; in Sub-No. 31, Barfield, AR, with Mississippi County, AR; in Sub-No. 32, Tullahoma, TN with Coffee County, TN; in Sub-No. 38, El Darodo, AR, with Union County, AR; in Sub-No. 46, Crawfordsville, AR, with Crittenden County, AR; and Parma, MO, with Madrid County, MO; and in Sub-No. 61, Memphis and Nashville, TN with Shelby and Davidson Counties, TN; (4) change one-way to radial authority between specified points in the U.S., in all of the above sub-numbered authorities; and (5) eliminate: in Sub-No. 31, the restriction against the transportation of (a) nitrogen fertilizer solutions from facilities at Blytheville, AR, to points in IL, MS, MO, and TN, (b) dry chemicals, to St. Louis, MO–East St. Louis, IL, to Houston, TX, to points within 50 miles thereof, (c) spent catalyst, to points in LA and TX, and (d) liquid hydrogen, liquid oxygen, and liquid nitrogen when moving to missile storage or launching sites, etc.; in Sub-Nos. 37 and 51, the originating at or destined to restrictions; in Sub-No. 49, the restriction limiting transportation to traffic having an immediately prior movement by rail; and in Sub-No. 54, the restriction against transportation to points in the St. Louis, MO–East St. Louis, IL, commercial zone.

MC 124141 (Sub-55)X, filed, May 29 1981. Applicant: JULIAN MARTIN, INC., P.O. Box 3348, Batesville, AR 72501. Representative: Timothy C. Miller, Suite 301, 1307 Dolly Madison Blvd., McLean, VA 22101. Applicant seeks to remove restrictions in its Sub-No. 36F certificate to (1) broaden the commodity description to "food and related products" from wine and brandy (except commodities in bulk); (2) remove "except AK and HI" restriction; and (3) change its one-way to radial authority between points in CA and the U.S. Applicant also seeks to remove restriction in its MC-140717 Sub-No. 5 permit to (1) broaden the commodity description to "food and related products" from meats, meat products, meat by-products, and articles distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides and commodities in bulk); and (2) change its territorial description to between points in the U.S., under continuing contract(s) with a named shipper.

MC 124692 (Sub-368)X, filed, June 3, 1981. Applicant: SAMMONS TRUCKING, P.O. Box 4347, Missoula, MT 59801. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Applicant seeks to remove restrictions in its Sub-Nos. 93, 99, 138, 170, 180, 206F, 216F, 222F, 223F, 268F, and 309F, to (1) broaden the commodity descriptions from plastic pipe, bituminous fibre pipe and conduit, fibre vaults, fiberglass siding, sheets, panels, accessories, and materials, aluminum pipe, plastic and rubber liquid containment systems, to "rubber and plastic products" in all sub-numbered authority; (2) delete the exception of service to AK and HI in Sub-Nos. 222, 223, 268, and 309; (3) remove plantsite restrictions in Sub-Nos. 93, 99, 138, 170 206, 268, 309; (4) eliminate the originating at and/or destined to restriction in Sub-Nos. 93, 99, 170, 180, 268; (5) broaden cities to counties: Springfield, IL with Sangamon County, IL, in Sub-No. 93; West Bend, WI, with Washington County, WI, in Sub-Nos. 99, and 206, Berlin, WI, with Green Lake County, WI, in Sub-No. 138; McPherson, KS, with McPherson County, KS, in Sub-No. 170; Fairbault, MN, with Rice County, MN, in Sub-No. 180; Bristol, IN, with Elkhart County, IN, in Sub-No. 216; Lubbock, TX, with Lubbock County, TX, in Sub-No. 222; Grand Island, NE, with Hall County, NE, in Sub-No. 223; Grinnell, IA, with Poweshiek County, IA, in Sub-No. 309; (6) authorize radial authority in place of existing one-way authority, and (7) remove the restriction against the transportation of oil field commodities in Sub-No. 93.

MC 124835 (Sub-30)X, filed June 8, 1981. Applicant: PRODUCERS TRANSPORT CO., P.O. Box 4022, Chattanooga, TN 37405. Representative: David K. Fox (same as applicant). Applicant seeks to remove restrictions in its Sub-Nos. 2, 5, 7, 9, 12F, 13F, 14F, 21F, 24F, and 27F certificates to (1) broaden its commodity descriptions to "commodities in bulk", from cement, limestone and limestone products, and sodium sulfate, in all of the above sub-numbers; (2) replace its cities and facilities with city or county-wide authority: in Sub-Nos. 2 and 5, facilities at Richard City, TN, with Marion County, TN; in Sub-Nos. 7, 9, 12F and 13F facilities at Nashville, TN, with Nashville, TN; in Sub-No. 9, facilities at Knoxville, TN, with Knox County, TN; in Sub-No. 14F, Luttrell, TN, with Union County, TN; in Sub-No. 21F, facilities at Cowan, TN, with Franklin County, TN; and in Sub-No. 24F, Lowland, TN, with Hamblen County, TN; and (3) change one-way to radial authority between specified cities and counties in TN, and several specified points in the U.S.

MC 126104 (Sub-1)X, filed June 8, 1981. Applicant: TRAMCOR CORPORATION, 2711 Midland Dr., Ogden, UT 84401. Representative: Irene Warr, 311 S. State St., Suite 280, Salt Lake City, UT 84111. Applicant seeks to remove restrictions in its lead permit to (1) broaden the commodity description to "clay, concrete, glass or stone products, and metal products" from concrete products, and corrugated metal pipe; and (2) broaden its territorial authority to between points in the United States under continuing contract(s) with a named shipper.

MC 133078 (Sub-2)X, filed June 4, 1981. Applicant: T. ACHENBERG TRANSPORTATION CO., 208 Sheridan Street, Perth Amboy, NJ 08861. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048. Applicant seeks to remove restrictions from its lead certificate and from its No. MC–112813 Sub-Nos. 1, 2, 4, 6, 7, 8, 9F, and 10F, permits to: (1) in its lead certificate broaden the commodity description from carbolic acid, phthalic amhydride, sodium maleic anhydride, and paris green synthetic resin and ester gum to "chemicals and related products" and from empty containers to "containers"; (2) in its permits, Sub-No. 1 broaden the commodity description from cosmetics and toilet preparations to "chemicals and related products"; from cough syrup to "food and related products"; Sub-No. 2, broaden the commodity descriptions from cough syrup to "food and related products"; from medicinal petroleum products and hair tonic and cosmetics to "chemicals and related products"; from petroleum jellies to "petroleum, natural gas and their products"; from used wooden pallets to "lumber and wood products"; Sub-No. 4; broaden the commodity description from materials and supplies, used in the manufacture, sale, and distribution of toilet preparations to "such commodities as are dealt in or used by manufacturers of toilet preparations"; Sub-No. 6, broaden the commodity description steel bars, rods, structural steel, sheet piling, column forms and fittings, wire, wire rope and wire fittings, strand and guy rope wire rope reels, guard rail cable, steel joists, bolts, nuts and nails to "metal products"; Sub-No. 7, broaden commodity descriptions from medicinal petroleum products, toilet preparations and cosmetics to "chemicals and related products", and from cough syrup to

"food and related products", and from materials and supplies used in the manufacture, sale and distribution of the aforesaid commodities to "such commodities as are dealt in or used by manufacturers of toilet preparations"; Sub-No. 8, broaden the commodity description from medicines and toilet preparations to "chemicals and related products"; from wood, paper or plastic swabs to "instruments and photographic goods"; from materials and supplies used in the manufacture, sale and distribution of the commodities above to "such commodities as are dealt in or used by manufacturers of medicines or toilet preparations"; Sub-No. 9F, broaden the commodity description from petroleum oils to "petroleum, natural gas and their products"; Sub-No. 10F, broaden its general commodities authority with the usual exceptions, to "general commodities (except Classes A and B explosives)"; (3) remove all commodity and vehicle restrictions in the above-numbered certificates and in each permit; (4) broaden the territorial description in permit No. MC–112813 Sub-Nos. 1, 2, 4, 6, 7, 8, 9, and 10 to "between points in the United States under continuing contract(s) with a named shipper; and (5) in No. MC–133078, replace existing one-way authority with radial authority between Elizabeth, NJ, and New York, NY, and points in Nassau and Suffolk Counties, NY.

MC 134329 (Sub-7)X, filed June 2, 1981. Applicant: FISCUS MOTOR FREIGHT, INC., Route 9, Box 201, Yakima, WA 98901. Representative: Philip G. Skofstad, 1525 N.E. Weidler, Portland, OR 97232. Applicant seeks to remove restrictions in its lead and Sub-No. 3 and 5F permits to (1) broaden the commodity descriptions in its lead to "chemicals and related products and metal products" from zinc sulphate and zinc products; in Sub-No. 3 to "lumber and wood products" from lumber; and in Sub-No. 5F to "petroleum, natural gas and their products and ores and minerals" from asphalt composition roofing, asphalt shakes, asphalt roll roofing and asphaltum; to "clay, concrete, glass or stone products, pulp, paper and related products, rubber and plastic products and textile mill products" from insulation; and to "lumber and wood products" from hardwood lumber (2) remove the in bulk restriction in Sub-No. 5F; and (3) broaden the territorial description in its lead and Sub-Nos. 3 and 5F to between points in the U.S. under continuing contract(s) with named shippers.

MC 141406 (Sub-3)X, filed June 5, 1981. Applicant: COAST COUNTIES EXPRESS, INC., 3306 Glendale Blvd., Los Angeles, CA 90039. Representative: David B. Roseman, 315 So. Beverly Dr., Suite 315, Beverly Hills, CA 90212. Applicant seeks to remove restrictions in its Sub-No.2 certificate to (1) remove (a) the Naval Air Station at Alameda, CA, and replace with Alameda County, CA; (b) the Naval Air Station at North Island (San Diego), CA, and replace with San Diego County, CA; (c) the Naval Air Station at Point Mugu, CA, and replace with Ventura County, CA; (d) McClellan Air Force Base at Sacramento, CA, and replace with Sacramento County, CA; (e) Norton Air Force Base at San Bernardino, CA, and replace with San Bernardino County, CA; and (f) Travis Air Force Base at Fairfield, CA, and replace with Solano County, CA,, authorizing radial authority between Alameda, San Diego, Ventura, Sacramento, San Bernardino, and Solano Counties, CA, and, points in CA; and (2) remove the restriction against transportation of traffic having a prior or subsequent movement by air, and the restriction except from the Naval Air Station at Point Mugu to the Naval Air Station at Long Beach, CA, the Marine Corps Air Station at El Toro, CA, and the Naval Air Station at North Island (San Diego).

MC 141532 (Sub-113)X, filed May 18, 1981. Applicant: PACIFIC STATES TRANSPORT, INC., 10244 Arrow Highway, Rancho Cucamonga, CA 91730. Representative: Ramona Vance, 1905 South Redwood Road, Salt Lake City, UT 84104. Applicant seeks to remove restrictions in its Sub-Nos. 17, 18F, 19F, 23F, 24F, 26F, 27F, 29F, 30F, 32F, 33F, 35F, 38F, 41F, 43F, 44F, 47F, 49F, 63F, 68F, 72F, 82F, 84F, 87F, 93F, 96F, 99F, and 105F, certificates (A) to broaden the commodity description in Sub-Nos. 18F, 19F, 26F, and 82F, from flat glass to "clay, concrete, glass or stone products"; in Sub-Nos. 17, 29F, and 30F, from wood and wood products and lumber and wood to "lumber and wood products"; in Sub-Nos. 24F, 38F, 47F, 49F, and 63F, from gypsum, wallboard, lath and plaster; gypsum products, prefinished panel siding and materials and supplies; roofing materials and roofing supplies to "building and construction materials"; in Sub-No. 23F, from plastic pipe and plastic pipe fittings to "rubber and plastic products"; in Sub-Nos. 27F, 41F, 43F, and 44F, from refractories and refractory products, construction materials and refractories and refractory products to "clay, concrete, glass or stone products and building and construction materials"; in Sub-No. 32F, from asbestos cement, plastic pipe, asphalt roofing, asphalt shingles and asphalt rolls to "building materials and rubber and plastic products"; in Sub-No. 84F, from tanks, machinery, construction equipment, mining equipment and commodities which because of size or weight require the use of special equipment to "machinery, metal products, and those commodities which because of size or weight require the use of special handling or equipment"; in Sub-No. 87F, from (1) machinery and machinery parts, (2) oil seals and motor mounts, (3) rubber products, (4) environmental control equipment, air conditioning units, air cooling, heating and purifying systems, and (5) materials, equipment and supplies (except in bulk in tank vehicles) used in the manufacture and distribution of the commodities in (1) through (4) above to "machinery, rubber and plastic products, environmental control equipment, air conditioning units, air cooling, heating and purifying systems and metal products"; in Sub-No. 93F, from machinery, equipment materials and supplies used in the construction, repair and maintenance of facilities for the development, manufacture, processing, refining or distribution of synthetic fuels, as defined in 42 U.S.C. 8702(17) to "lumber and wood products, clay, concrete, glass or stone products, metal products, machinery, rubber and plastic products and building materials"; in Sub-No. 96F, from off-road construction equipment, mining equipment and yard trucks to "machinery and transportation equipment"; in Sub-No. 99F from equipment, materials and supplies used in the manufacture and installation of air pollution control systems to "lumber and wood products, clay, concrete, glass or stone products, rubber and plastic products, metal products, and machinery"; and in Sub-No. 105F, from (1) primary metal products; including galvanized, except coating or other allied processing, (2) fabricated metal products, except ordnance, and (3) machinery, except electrical, to "metal products and machinery"; (B) to expand one-way authority to radial authority between points located throughout the U.S.; (C) to eliminate named plantsites wherever they appear in each certificate; (D) to replace specified cities with countywide authority as follows: in Sub-Nos. 18F, and 26F, Kingsburg, CA to Fresno County, CA; in Sub-No. 19F, Fresno, CA to Fresno County, CA; in Sub-No. 23F, Bakersfield, Santa Ana and Sun Valley, CA to Kern, Orange and Los Angeles Counties, CA, Sub-No. 24F, Blue Diamond, NV to Clark, County, NV; in Sub-No. 27F Moss Landing, CA to Monterey County, CA; Sub-No. 33F (1)

Las Vegas, NV to Clark County, NV and (2) from Amarillo, Dallas, Ft. Worth, Lubbock, Denton and Sweetwater, TX to Potter, Dallas, Tarrant, Lubbock, Denton and Nolan Counties, TX; in Sub-No. 38F Phoenix, AZ to Maricopa County, AZ; in Sub-No. 41F Ontario, CA to San Bernardino County, CA and Lehi, UT to Utah County, UT in Sub-No. 43F Pittsburg, CA to Contra Costa County, CA; in Sub-No. 44F Victorville, CA to San Bernardino County, CA; in Sub-No. 47F Santa Clara, CA to Santa Clara County, in Sub-No. 49F North Little Rock, AR to Pulaski County, AR; in Sub-No. 63F from Stroud, OK to Lincoln County, OK; in Sub-No. 68F from Lewisville, AR and Dallas, TX to Lafayette County AR and Dallas County, TX; in Sub-No. 72F from Sumas, WA to Whatcom County, WA; in Sub-No. 82F Cumberland, MD and Crystal City, MO to Allegany County, MD and Jefferson County, MO; in Sub-No. 84F Jacksonville, TX and Ontairo, CA with Cherokee County, TX and San Bernardino County, CA; and (E) to eliminate the restrictive language in Sub-Nos. 23F, 35F, and 84F, "restricted to traffic originating at and destined to the named points"; the restriction against bulk in Sub-Nos. 27F, 41F and 87F and to eliminate the restriction against service to AK and HI in Sub-Nos. 84F and 96F.

MC 143836 (Sub-3)X, filed June 8, 1981. Applicant: B.K.K. CORPORATION, d.b.a. CHANCELLOR & OGDEN, 2550 237th Street, Torrance, CA 90510. Representative: John C. Russell, 1545 Wilshire Blvd., Los Angeles, CA 90017. Applicant seeks to remove restrictions in its Sub-No. 2F certificate to change one-way to radial authority between points in the U.S., and points in CA and NV.

MC 144115 (Sub-20)X, filed May 29, 1981. Applicant: DIVERSIFIED CARRIERS, INC., 903 6th Street NW., Rochester, MN 55901. Representative: Charles E. Dye, P.O. Box 971, West Bend, WI 53095. Applicant seeks to remove restrictions in its Sub-Nos. 6, 7, and 11 certificates to broaden the commodity descriptions in those certificates from general commodities, with exceptions, to general commodities (except classes A and B explosives), in connection with its operations to serve between points in the US, restricted to the transportation of traffic orginating at or destined to named facilities.

MC 145667 (Sub-2)X, filed June 5, 1981. Applicant: TRANSPORT PLANNING AND SERVICE, INC., 53 Evelyn St., North Dartmouth, MA 02747. Representative: Ronald I. Shapss, 450 Seventh Ave., New York, NY 10123. Applicant seeks to remove restrictions in its Sub-No. 1F permit to (1) broaden its commodity descriptions to "chemicals and related products, petroleum, natural gas and their products, textile mill products, and rubber and plastic products", from latex, latex calcium carbonate clay, slurries, aluminum hydrate, and fillers; and (2) broaden its territorial description to between points in the U.S., under continuing contract(s) with a named shipper.

MC 146999 (Sub-3)X, filed May 29, 1981. Applicant: RATLIFF TRUCKING CORPORATION, INC., 6816 Devonshire Dr., Canton, MI 48187. Representative: Robert E. McFarland, 2855 Coolidge, Ste. 201A, Troy, MI 48084. Applicant seeks to remove restrictions in its Sub-No. 2F permit to (1) broaden the commodity description from motor vehicle parts and components and related packaging and shipping supplies and materials to "transportation equipment and components and related packaging and shipping supplies and materials", and (2) change the territorial description to between points in the U.S., under contracts with a named shipper.

MC 150956 (Sub-64)X, filed June 10, 1981. Applicant: SOUTHWEST TRUCK SERVICE, P.O. Box A.D., Watsonville, CA 95076. Representative: William F. King, Suite 400, Overlook Building, 6121 Lincolnia Road, Alexandria, VA 22312.Applicant seeks to remove restrictions in its No. MC 128246 Sub-Nos. 33, 34F, 39F, 40F, 41F, 55F, 56F, and 61F permits to (1) broaden the commodity descriptions from foodstuffs in Sub-Nos. 33 and 56F, from frozen fruits, frozen vegetables, and frozen berries in Sub-No. 34F, and from prepared foodstuffs in Sub-No. 61F, to "food and related products"; (2) remove the in bulk restriction in Sub-Nos. 33, 39F, 40F, 41F, 55F, and 61F; (3) remove the restriction against the transportation of hides in Sub-Nos. 40F and 41F; (4) remove the restriction against the transportation of hides, skin and pieces thereof in Sub-No. 55F; (5) remove the restriction requiring the transportation be provided in vehicles equipped with mechanical refrigeration in Sub-Nos. 39F and 61F; and (6) broaden the territorial scope in all permits to between points in the U.S. under continuing contract(s) with the named shippers.

[FR Doc. 81-18552 Filed 6-22-81; 8:45 am]

BILLING CODE 7035-01-M

[EX PARTE NO. 311]

Expedited Procedures For Recovery of Fuel Costs; Decision

Decided: June 18, 1981.

In our recent decisions, an 18.5-percent surcharge was authorized on all owner-operators traffic, and on all truckload traffic whether or not owner-operators were employed. We ordered that all owner-operators were to receive compensation at this level.

The weekly figure set forth in the appendix for transportation performed by owner-operators and for truckload traffic is 18.2-percent. Accordingly, we are authorizing that the surcharge for this traffic remain at 18.5-percent. All owner-operators are to receive compensation at this level.

No change is authorized on the 3.1-percent surcharge on less-than-truckload (LTL) traffic performed by carriers not using owner-operators, the 6.8-percent surcharge for the bus carriers, or the 2.1-percent surcharge for United Parcel Service.

Notice shall be given to the general public by mailing a copy of this decision to the Governor of each State and to the Public Utilities Commission or Boards of each State having jurisdiction over transportation, by depositing a copy in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection and by delivering a copy to the Director, Office of the Federal Register for publication therein.

It is ordered

This decision shall become effective Friday 12:01 a.m. June 19, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam. Commissioner Trantum was absent and did not participate.

Agatha L. Mergenovich,

Secretary.

June 16, 1981.

Appendix—Fuel Surcharge

Base date and price per gallon (including tax)

January 1, 1979 ..... 63.5¢

Date of current price measurement and price per gallon (including tax)

June 16, 1981 ..... 132.0¢

	Transportation performed by—			
	Owner operator [1]	Other [2]	Bus carrier	UPS
	1	2	3	4
Average percent fuel expenses (including taxes) of total revenue	16.9	2.9	6.3	3.3

	Transportation performed by—			
	Owner operator [1]	Other [2]	Bus carrier	UPS
Percent surcharge developed	16.2	3.1	6.8	[3] 2.9
Percent surcharge allowed	16.5	3.1	6.8	[4] 2.1

[1] Apply to all truckload rated traffic.
[2] Including less-than-truckload traffic.
[3] The precentage surcharge developed for UPS is calculated by applying 81 percent of the precentage increase in the current price per gallon over the base price per gallon to UPS average percent of fuel expense to revenue figure as of January 1, 1979 (3.3 percent)
[4] The developed surcharge is reduced 0.8 percent to reflect fuel-related increases already included in UPS rates.

[FR Doc. 81-18551 Filed 6-22-81; 8:45 am]
BILLING CODE 7035-01-M

DEPARTMENT OF LABOR

Employment and Training Administration

Federal-State Unemployment Compensation Program; Ending of Extended Benefit Period in the State of Ohio

This notice announces the ending of the Extended Benefit Period in the State of Ohio, effective on June 20, 1981.

Background

The Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) established the Extended Benefit Program as a part of the Federal-State Unemployment Compensation Program. The Extended Benefit Program takes effect during periods of high unemployment in a State, or in the nation as a whole, to furnish up to 13 weeks of extended unemployment benefits to eligible individuals who have exhausted their rights to regular unemployment benefits under permanent State and Federal unemployment compensation laws. The Act is implemented by State unemployment compensation laws and by Part 615 of Title 20 of the Code of Federal Regulations (20 CFR Part 615).

Extended Benefits are payable in a State during an Extended Benefit Period, which is triggered "on" when the rate of insured unemployment in the State or in all States collectively reaches the State or National trigger rates set in the Act and the State law. 20 CFR 615.12. During an Extended Benefit Period individuals are eligible for a maximum of up to 13 weeks of benefits, but the total of Extended Benefits and regular benefits together may not exceed 39 weeks.

The Act and the State unemployment compensation laws also provide that an Extended Benefit Period in a State will trigger "off" when the rate of insured unemployment in the State is no longer at the trigger rates set in the law. A benefit period actually terminates at the end of the third week after the week for which there is an off indicator, but not less than 13 weeks after the benefit period began.

An Extended Benefit Period commenced in the State of Ohio of February 17, 1980, and has now triggered off.

Determination of "Off" Indicator

The head of the employment security agency of the State of Ohio has determined, in accordance with the State law and 20 CFR 615.12(e), that the rate of insured unemployment in the State for the period consisting of the week ending on May 30, 1981, and the immediately preceding twelve weeks, fell below the State trigger rate, so that for that week there was an "off" indicator in that State.

Therefore, the Extended Benefit Period in that State terminated with the week ending on June 20, 1981.

Information for Claimants

The State employment security agency will furnish a written notice to each individual who is filing claims for Extended Benefits of the end of the Extended Benefit Period and its effect on the individual's right to Extended Benefits. 20 CFR 615.13(d)(3).

Persons who wish information about their rights to Extended Benefits in the State of Ohio should contact the nearest State Employment Office of the Ohio Bureau of Employment Services in their locality.

Signed at Washington, D.C., on June 17, 1981.

Albert Angrisani,

Assistant Secretary of Labor.

[FR Doc. 81-18562 Filed 6-22-81; 8:45 am]
BILLING CODE 4510-30-M

Federal-State Unemployment Compensation Program; Ending of Extended Benefit Period in the State of South Carolina

This notice announces the ending of the Extended Benefit Period in the State of South Carolina, effective on June 20, 1981.

Background

The Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) established the Extended Benefit Program as a part of the Federal-State Unemployment Compensation Program. The Extended Benefit Program takes effect during periods of high unemployment in a State, or in the nation as a whole, to furnish up to 13 weeks of extended unemployment benefits to eligible individuals who have exhausted their rights to regular unemployment benefits under permanent State and Federal unemployment compensation laws. The Act is implemented by State unemployment compensation laws and by Part 615 of Title 20 of the Code of Federal Regulations (20 CFR Part 615).

Extended benefits are payable in a State during an Extended Benefit Period, which is triggered "on" when the rate of insured unemployment in the State or in all States collectively reaches the State or National trigger rates set in the Act and the State law. 20 CFR 615.12. During an Extended Benefit Period individuals are eligible for a maximum of up to 13 weeks of benefits, but the total of Extended Benefits and regular benefits together may not exceed 39 weeks.

The Act and the State unemployment compensation laws also provide that an Extended Benefit Period in a State will triger "off" when the rate of insured unemployment in the State is no longer at the trigger rates set in the law. A benefit period actually terminates at the end of the third week after the week for which there is an off indicator, but not less than 13 weeks after the benefit period began.

An Extended Benefit Period commenced in the State of South Carolina on July 20, 1980, and has now triggered off.

Determination of "off" Indicator

The head of the employment security agency of the State of South Carolina has determined, in accordance with the State law and 20 CFR 615.12(e), that the rate of insured unemployment in the State for the period consisting of the week ending on May 30, 1981, and the immediately preceding twelve weeks, fell below the State trigger rate, so that for that week there was an "off" indicator in that State.

Therefore, the Extended Benefit Period in that State terminated with the week ending on June 20, 1981.

Information for Claimants

The State employment security agency will furnish a written notice to each individual who is filing claims for Extended Benefits of the end of the Extended Benefit Period and its effect on the individual's right to Extended Benefits. 20 CFR 615.13(d)(3).

Persons who wish information about their rights to Extended Benefits in the State of South Carolina should contact the nearest State Employment Office of the South Carolina Employment Security Commission in their locality.

Signed at Washington, D.C., on June 17, 1981.

Albert Angrisani

Assistant Secretary of Labor.

[FR Doc. 81-18563 Filed 6-22-81; 8:45 am]

BILLING CODE 4510-30-M

Occupational Safety and Health Administration

[V-80-2]

Ford Motor Co.; Grant of Variance

AGENCY: Occupational Safety and Health Administration, Labor

ACTION: Grant of variance.

SUMMARY: OSHA has granted the Ford Motor Company's application for a permanent variance from certain paragraphs of 29 CFR 1910.1025, Occupational Exposure to Lead, and 29 CFR 1910.1018, Occupational Exposure to Inorganic Arsenic.

DATES: The effective date of this grant of variance is June 23, 1981.

FOR FURTHER INFORMATION CONTACT:

Mr. James J. Concannon, Director, Office of Variance Determination, Occupational Safety and Health Administration, U.S. Department of Labor Third Street and Constitution Avenue NW., Room N3662, Washington, D.C. 20210, Telephone: (202) 523-7144 or the following Regional and Area Offices.

U.S. Department of Labor, Occupational Safety and Health Administration, 1515 Broadway (1 Astor Plaza), Room 3445, New York, New York 10036

U.S. Department of Labor, Occupational Safety and Health Administration, Building T3, Belle Mead GSA Depot, BELLE Mead, New Jersey 08502

U.S. Department of Labor, Occupational Safety and Health Administration, Teterboro Airport Professional Building, 377 Route 17, Room 206, Hasbrouck Heights, New Jersey 07604

U.S. Department of Labor, Occupational Safety and Health Administration, 1375 Peachtree Street NE., Suite 587, Atlanta, Georgia 30309

U.S. Department of Labor, Occupational Safety and Health Administration, Building 10, Suite 33, La Vista Perimeter Office Park, Tucker, Georgia 30084

U.S. Department of Labor, Occupational Safety and Health Administration, 600 Federal Place Suite 554-E Louisville, Kentucky 40202

U.S. Department of Labor, Occupational Safety and Health Administration, 32nd Floor, Room 3263, 230 South Dearborn Street, Chicago, Illinois 60604

U.S. Department of Labor, Occupational Safety and Health Administration, 1400 Torrence Avenue, 2nd Floor, Calumet City, Illinois 60409

U.S. Department of Labor, Occupational Safety and Health Administration, 231 West Lafayette, Room 628, Detroit, Michigan 48226

U.S. Department of Labor, Occupational Safety and Health Administration, Federal Office Building, Room 734, 234 North Summit Street, Toledo, Ohio 43604

U.S. Department of Labor, Occupational Safety and Health Administration, 911 Walnut Street, Room 3000, Kansas City, Missouri 64106

U.S. Department of Labor, Occupational Safety and Health Administration, 1150 Grand Avenue, 6th Floor, 12 Grand Building, Kansas City, Missouri 64106

U.S. Department of Labor, Occupational Safety and Health Administration, 210 North 12th Boulevard, Room 520, St. Louis, Missouri 63101

U.S. Department of Labor, Occupational Safety and Health Administration, 11349 Federal Building, 450 Golden Gate Avenue, P.O. Box 36017, San Francisco, California 94105

U.S. Department of Labor, Occupational Safety and Health Administration, 211 Main Street, San Francisco, California 94105

U.S. Department of Labor, Occupational Safety and Health Administration, 400 Oceangate, Suite 530, Long Beach, California 90802

I. Background

On May 3, 1978, The Occupational Safety and Health Administration, ("OSHA") issued an occupational safety and health standard for exposure to inorganic arsenic [29 CFR 1910.1018; 43 FR 19584, May 5, 1978]. An occupational safety and health standard for exposure to lead was issued on November 13, 1978 [29 CFR 1910.1025; 43 FR 52952, November 14, 1978]. In April, 1979, Ford Motor Company ("Ford") applied, pursuant to section 6(d) of the Occupational Safety and Health Act [29 U.S.C. 655(d)] and 29 CFR 1905.11, for a permanent variance from several provisions of these standards. Ford also requested an interim order pending a decision on the application. The variance application pertains to the lead and inorganic arsenic exposure that occurs on the automobile assembly line during the soldering process. The addresses of the places of employment that will be affected by the application for inorganic arsenic and lead are as follows:

Pilot Plant, 17000 Oakwood, Allen Park, Michigan 48101

Atlanta Assembly Plant, 340 S. Central Avenue, Hapeville, Georgia 30354

Chicago Assembly Plant, 12600 S. Torrence, Chicago, Illinois 60633

Dearborn Assembly Plant, 3001 Miller Road, Dearborn, Michigan 48120

Kansas City Assembly Plant, Highway 69, Claycomo, Missouri 64169

Lorain Assembly Plant, 5401 Baumhart Road, Lorain, Ohio 44052

Louisville Assembly Plant, Fern Valley Road at Grade, Louisville, Kentucky 40232

Edison Assembly Plant, U.S. Highway 1, Edison, New Jersey 08817

San Jose Assembly Plant, 1100 S. Main, Milpitas, California 95035

St. Louis Assembly Plant, 6250 N. Lindbergh Blvd., Hazelwood, Missouri 63042

Wayne Assembly Plant, 37625 Michigan, Wayne, Michigan 48184

Wixom Assembly Plant, 50000 Grand River Expressway, Wixom, Michigan 48096

In addition, the applicant has asked to have the variance extended to any future facilities which have solder grind booths operating in the same manner as exisiting ones.

An interim order pending the decision on Ford's application for variance from the inorganic arsenic and lead standards was granted on February 19, 1980. Notice of the Ford application for variance and for the interim order, and of the grant of the request for an interim order was published in the **Federal Register** on February 19, 1980 [45 FR 10972-75]. The notice invited interested persons to submit written data, views, and arguments regarding the grant or denial of the variance requested. In addition, affected employers and employees were notified of their right to request a hearing on the application for variance. The February 19, 1980 notice announced that additional data and information had been requested from Ford to supplement the data previously submitted, to enable OSHA to reach a decision on the variance.

On March 1, 1979, the U.S. Court of Appeals for the District of Columbia Circuit judicially stayed certain provisions of the lead standard (*United Steelworkers of America, AFL-CIO-CLC* v. *Marshall*, No. 79-1048 (D.C. Circuit, March 1, 1979)). Notice of the partial judicial stay was published in the **Federal Register** on March 13, 1979 (44 FR 14554). FMC has requested variance from several provisions of the lead standard which have been judicially stayed. The stayed provisions are § 1910.1025(e)(1); § 1910.1025(e)(3) except for (e)(3)(ii)(F); § 1910.1025(i), as it applies to construction of new facilities or substantial renovation of existing facilities; and § 1910.1025(r), as

it applies to other provisions of the standard which have been stayed. On August 15, 1980, the Court of Appeals issued a decision upholding the standard in major part, but remanding to OSHA the question of the feasibility of the standard for specified industries, including the auto manufacturing industry. As to these industries, the record was remanded to the Secretary of Labor for reconsideration, with directions to return the record on feasibility, with sufficient evidence and explanation, within six months. In the interim, the stay of paragraph(e)(i) of the standard, which requires compliance with the PEL by engineering and work practice controls, continues for these industries. All other provisions of the standard, including the requirement to reach the PEL by some combination of engineering, work practice and respiratory controls, are in effect.

II. Facts

A. The Soldering Process

The applicant is a manufacturer of automobiles. The assembly of some automobile bodies necessitates application of solder to certain welded joints. Lead solder is principally used to fill depressed, welded joints betweeen body panels to achieve durable, finely-sculptured body surfaces after final paint.

The soldering process is performed in the body shop on the assembled body shell. Joint soldering and grinding is one of the final steps in body assemblying and construction performed prior to hanging and fitting of door and trunk lid assemblies. Additional welding and metal finishing takes place prior to transfer to the paint shops for painting.

Typically, an automotive body has two to four joints that require a solder fill. If a joint is scheduled to be covered with vinyl roof covers, a substitute filler is used since final paint appearance is not a factor.

The welded automobile body proceeds along the body shop conveyor to the soldering area and is processed in the following steps:

1. *Joint Preparation.* The first step is to inspect and caulk the joint to insure proper alignment of the adjacent panels and joint metal. Next, the joint area is rough ground and wire brushed to smooth the metal and remove excess chips, dirt and any coatings on the steel. The joint is then solvent wiped if required.

2. *Lead Alloy Treating.* Joint preparation is immediately followed by chemical cleaning and coating of the joint with a thin layer of closely-adhering lead alloy to which the lead solder will subsequently bond.

This operation is performed by wiping-on a lead-rich flux compound while heating the metal surface with a hand held torch to promote reaction with the surface of the steel. This is immediately followed by rag wiping the coated surface, leaving only a thin shiny coating of lead.

3. *Solder Fill.* The lead alloy treated joint is now filled with solder which has been prepared by heating to a mush-like consistency. Prior to application, the body joint is fanned with a torch to raise the temperature to avoid cold shock and poor adhesion of the solder. The employee performing this operation is skilled in filling, heating and contouring the solder on the body to produce a joint ready for minimal grinding.

4. *Solder Grind.* The cooled joint is sculptured to exact body contour through rough and finished grinding using rotary disc, hand-held grinders in enclosed solder grind booths. These booths vary from about 100 to 200 feet in length, and can accommodate several car bodies with about six feet of work space on either side. The booths are operated under negative pressure with a designed minimum in-draft of 200 feet per minute into all openings of the booth. The booths are vented by drawing outside air into the booth and exhausting it through an enclosed system through the roof of the plant.

Workers then utilize grinding and finishing tools to remove excess solder and smooth the finish. The first operator in the line uses a relatively coarse abrasive; subsequent employees use a smoother finishing process as the car body passes through the booth.

During the grinding operation, particles of solder are released into the atmosphere of the solder grind booth at very high velocities. According to material specifications, the body solder used by Ford contains arsenic in quantities of up to 0.5 percent and approximately 91 percent lead. Thus, whenever workers are exposed to lead from soldering applications, there is concurrent exposure to inorganic arsenic. To protect solder grind operators in the booth from the toxic dusts and the hot, high-velocity particles, these operators wear positive pressure supplied-air hoods which extend downward to cover the waist. Flaps covering the front and back fasten under the arms and around the waist. An inner bib is located around the neck of the wearer.

5. *Subsequent Operations.* The car body is then cleaned either by washing or wiping. The body then proceeds for door hanging and fitting, final stud welding, and metal finishing and polishing station.

Some provisions are made in all body shops for a variety of repair operations. All lines provide a final body wash and blow-off of body shop dirt, dust and debris prior to the acid bath which prepares the car body for painting (phosphating), and the paint shop.

B. Application for Variance

Ford's application for a variance applies to workers in the soldering process. The applicant proposes to provide a place of employment as safe as that required by 29 CFR 1910.1018, which contains regulations concerning inorganic arsenic and by 29 CFR 1910.1025, which contains regulations concerning lead.

Specifically, the applicant requested variance from several provisions of the lead standard, as follows:

Sections 1910.1025(e)(1) and (e)(3) of the standard deal with engineering and work practice controls, and compliance programs, respectively, as they pertain to methods of compliance. In part, these provisions require that employers implement engineering and work practice controls to reduce and maintain employee exposure to lead consistent with levels required by the standard, and establish and implement a written compliance program to reduce exposures to or below the permissible exposure limit ("PEL") solely by means of engineering and work practice controls. The applicant requested a variance from these provisions insofar as they pertain to every work station within the solder grind booth.

Section 1910.1025(i)(4) of the standard specifies requirements for hygiene facilities and practices including lunchrooms. Specifically, employers are required to provide temperature controlled, positive pressure, filtered air supplied lunchrooms, readily accessible to employees who work in areas where their airborne exposure to lead is above the PEL without regard to the use of respirators. The applicant requested a grant of variance from this section insofar as it required these lunchrooms.

Section 1910.1025(d)(1) deals with the general requirements for exposure monitoring and defines, for those purposes, employee exposure as that exposure which would occur if employees were not using a respirator. Ford requested a variance from this section, insofar as it requires monitoring of air levels of lead within the solder grind booths, without regard to a respirator.

Sections 1910.1025(d)(1)(ii) and (iii) require, in part, that the employer collect

full shift personal samples including at least one sample for each shift for each job classification in each work area, and that these samples be representative of a monitored employee's regular, daily exposure to lead. The applicant requested variance from these provisions insofar as they require full-shift monitoring for employees on the assembly line.

Section 1910.1025(g)(2)(viii) is concerned with the prohibition for the removal of lead from protective clothing or equipment by blowing, shaking, or any other means which disperses lead into the air. The applicant requested a variance from this section insofar as it necessitates vacuuming of clothes when employees leave the solder grind booths.

Section 1910.1025(f)(2)(i) deals with respirator selection where respirators are required. The applicant requested a variance from this section insofar as it might be construed to prohibit supervisors spending intermittent periods in the solder grind booths from wearing half-mask, air-purifying respirators.

Section 1910.1025(r) deals with start up dates, requiring all obligations of the standard to commence on the effective date except for such requirements as hygiene facilities and compliance programs. The applicant requested relief from any obligation of this section from which the variance was requested.

Specifically, the applicant requested variance from several provisions of the inorganic arsenic standard, as follows:

Section 1910.1018(e)(1)(ii) defines employee exposure to inorganic arsenic as the exposure which would occur if the employee were not wearing a respirator.

Section 1910.1018(e)(1)(iii) requires collections of full shift (at least 7 continuous hours) personal sampling including at least one sample for each shift for each job classification in each work area.

Section 1910.1018(g)(1) requires the institution of engineering and work practice controls to reduce exposures to or below the permissible exposure limit, except to the extent that the employer can establish that such controls are not feasible; and

Section 1910.1018(g)(2) requires the establishment and implementation of a written compliance program for reducing exposures. The applicant requested variance from the requirement for using engineering and work practice controls to reduce employee exposure in the solder grind booths and from the requirement to develop written compliance programs.

Section 1910.1018(h)(2) contains the requirements for respirator selection, including a table which lists the required respirators for various concentrations of airborne inorganic arsenic. The applicant requested variance from this section to permit supervisors to wear half facepiece, filter-type respirators approved for toxic dust, with a high-efficiency filter if necessary.

Section 1910.1018(m)(3)(i) requires that employers provide readily accessible lunchrooms with temperature controlled, positive pressure, filtered air supply for employees working in regulated areas.

Section 1910.1018(m)(5) requires that employers provide and assure the use of facilities for employees, working in regulated areas where exposure (without the use of respirators) exceeds 100 ug/m^3, to vacuum their protective clothing and clean or change shoes bofore entering change rooms, lunchrooms or showers. The applicant requested a variance from this section insofar as it limits the cleaning process to the use of vacuum.

III. Decision

Ford's application for variance was submitted on April 20, 1979, some time after the inorganic arsenic and lead standards were issued. However, since no data were submitted with the original application, no determination on the adequacy of the request for interim order could be made. The supporting data which were submitted on October 12, 1979 were deemed sufficient for granting an interim order, but OSHA concluded that more supporting data were necessary before a permanent variance could be granted. Ford collected the additional information as requested and provided it to OSHA. After careful consideration of the entire variance record and of the records in the lead and inorganic arsenic rulemakings, OSHA concluded that Ford's original request could not be granted in its entirety as it did not meet the statutory criterion for a permanent variance.

However, Ford's variance request contained a voluntary commitment on the part of the Company to a program of eliminating inorganic arsenic and lead exposure associated with solder grinding (see application for lead variance, pp. 1a–1b). That commitment and the unlikelihood of Ford finding an engineering control solution as effective as total elimination of lead exposure in the standard's one year compliance led OSHA to offer the Ford Motor Company a program which OSHA concluded would provide workers with protection equivalent to that provided by the lead and arsenic standards. This program is embodied in the variance order issued today. Ford's agreement to abide by the terms of the variance order is taken by OSHA to be an implicit revision of the original applications so as to incorporate only the terms of the order, thereby allowing a complete grant of the applications as revised. Certain items in the original applications for which a variance was requested are not addressed in the Order. With respect to these items, Ford has agreed to have the relevant provisions of the lead and inorganic arsenic standards apply, and OSHA has treated these items as having been withdrawn a discussion of these issues is found in the appropriate paragraphs below.

The variance order issued to Ford today permits the Company to comply with the numbered terms and conditions set forth in the variance order instead of the following requirements in the lead and arsenic standards:

29 CFR 1910.1025(d)(1)(i) and 29 CFR 1910.1018(e)(1)(ii), concerning employee exposure for monitoring purposes; 29 CFR 1910.1025(d)(1)(ii) and 29 CFR 1910.1018(e)(1)(iii), concerning full-shift monitoring; 29 CFR 1910.1025(e)(1) and 29 CFR 1910.1018(g)(1)(i) and 29 CFR 1910.1018(g)(1)(ii), concerning engineering and work practice controls as they pertain to methods of compliance; 29 CFR 1910.1025(g)(2)(viii) and 29 CFR 1910.1018(j)(2)(viii), concerning the prohibition for lead removal from protective clothing or equipment by blowing, shaking or any means which disperses lead into the air and for removal of inorganic arsenic by blowing or shaking; 29 CFR 1910.1025(i)(4)(ii) and 29 CFR 1910.1018(m)(3)(i), concerning the requirement that lunchroom facilities have a temperature controlled, positive pressure, filtered air supply; 29 CFR 1910.1025(h)(2)(i), concerning the prohibition for lead removal from floor and other surfaces by the use of compressed air; 29 CFR 1910.1018(m)(5), concerning removal of inorganic arsenic from protective clothing by vacuuming; 29 CFR 1910.1025(j)(2)(i)(A) and (B), concerning zinc protoporphyrin monitoring; 29 CFR 1910.1018(n)(3)(ii), concerning the requirement for a semi-annual chest x-ray and sputum cytology examination; and 29 CFR 1910.1025(r)(7)(A), concerning the startup date for compliance plans. All other provisions of both standards are unaffected by the variance order, and Ford must continue to comply with them in conjunction with the order.

OSHA has concluded that the preponderance of the evidence accumulated over the entire course of this proceeding demonstrates that this variance, when viewed as a single,

integrated compliance program, will provide affected Ford workers with at least equivalent protection to that provided by the respective standards. It is important to note that OSHA's conclusion that the variance granted provides protection equivalent to that provided by the standards is based on the totality of what would be feasible under the standards. No item by item equivalence has been made. After an evaluation of the unique circumstances presented in this case, OSHA has concluded that the "as safe and healthful as" criterion of section 6(d) of the Act has been satisfied. In fact, this variance in many ways may provide even greater protection than the standards. It immediately initiates a plan for implementation of engineering and work practice controls while that requirement of the lead standard is judicially stayed and not binding on the applicant; it ensures that the most effective type of control (elimination of lead and arsenic exposure) will be used; it provides acceptable interim protection until long terms goals are met; and it facilitates OSHA enforcement by establishing a uniform compliance plan for all affected Ford assembly facilities.

The following is a discussion of the individual provisions of the variance order and the relevant sections of the lead and inorganic arsenic standards:

1. *Methods of Compliance.* A variance is granted from §§ 1910.1025(e)(1) and (r)(7)(A) and §1910.1018(g)(1)(i). These sections refer to methods of complying with the standards' permissible exposure limits and to the schedule for submitting a written compliance plan. The lead and inorganic arsenic standards both require compliance with the PEL (50 ug/m^3 for lead; 10 ug/m^3 for inorganic arsenic, as 8-hour time-weighted averages) by means of engineering and work practice controls. This requirement in the lead standard (1910.1025(e)(i)) had previously been stayed and remains so pending completion of judicial review for certain industries, including the automobile industry. The inorganic arsenic standard allowed all employers up to 16 months for compliance with this requirement; the lead standard allowed up to 5-10 years for employers in certain industries and up to year for employers in other industries, including seven years for automobile manufacturing/soldering.

Each standard requires employers to establish and implement a written compliance plan to achieve these goals. This requirement in the lead standard has also been stayed previously, but is now in effect. The inorganic arsenic standard gave employers 4 months to prepare a written compliance plan; under the lead standard, employers who were given one year from the standard's effective date for compliance with the PEL were given 6 months to complete the compliance plan. Where engineering and work practice controls are not sufficient to meet permissible limits, both standards require reductions in exposure to the lowest levels achievable with these controls supplemented with personal respiratory protective equipment.

For each standard, OSHA determined that compliance with the PEL by means of engineering and work practice controls by the dates given for compliance was generally feasible for all affected industries. OSHA also recognized that potential compliance problems could arise in specific operations, processes or jobs within a given industry. It was proposed that these situations be remedied in the enforcement context through negotiated abatements plans or variances. [See 43 FR 19601 (inorganic arsenic) and 43 FR 52991 (lead).]

The solder grinding operation consistently generates extremely high concentrations of airborne lead and arsenic particulates and, consequently, controlling the workers' exposure to within permissible limits is very difficult with conventional types of engineering and work practice controls. Ford has thus committed itself to the objective of eliminating employee exposure to lead and inorganic arsenic due to solder grind operations by August 1, 1987, barring unforeseen economic or technical limitations. The Company has proposed to accomplish this by redesigning the automobile body so that it does not require solder joints. This approach would take longer than the standards would allow for compliance. It involves substantial redesigning and retooling, and since automobile production is planned several years in advance, new model changes can only be reasonably accomplished with several years lead time.

Ford's commitment to eliminate exposure to lead and inorganic arsenic does not, however, preclude the Company from using alternative means of reaching the same goal if it finds them to be more cost-effective, efficient, or otherwise preferable. Alternative solutions which may be used under the variance Order include using suitable substitutes for lead solder or automating the solder grinding operation.

It is a fundamental principle of industrial hygiene that there is no better way of protecting employees from exposure to lead and arsenic than by elimination of employee exposure to those substances. To aid Ford in its lead and arsenic exposure elimination program, OSHA has issued this variance and thereby extended the time for the Company to comply with the standards' PEL's solely by use of engineeing and work practice controls. In the interim, the variance order obligates the Company to provide additional protection to that currently provided by the standards. Ford has a continuing responsibility to reduce employee exposure to lead and arsenic by utilizing feasible engineering and work practice controls that may be developed in the future, despite the current stay of tis provision of the lead standard (Order paragraph 9). Whenever permissible exposure levels are not met by engineering controls or work practice controls, the Company must provide to each solder grind booth worker, without regard to airborne exposure levels, a positive pressure, supplied-air respirator, with a hood and protective bib. Clean hoods and bibs must be provided on a daily basis (Order paragraph 1).

In addition to the written compliance plans required by the standard, Ford is also required to submit a detailed annual report to OSHA on the implementation of its lead elimination program (Order paragraph 2). Since trade secret information may be included in these reports, the Department of Labor will protect the confidentiality of this information, if a privilege is asserted by Ford, to the fullest extent permitted by law and will notify Ford in advance if disclosure is compulsory to allow Ford an opportunity to protect its interests.

Both the compliance plan and the annual report will reflect a Company-wide compliance program applicable to all of Ford's affected facilities. This is in lieu of separate plans for each workplace which would otherwise be required under the standards. This approach will enable OSHA to monitor Ford's total compliance efforts and will facilitate uniform and systematic enforcement of essentially similar operations in diverse locations. It is OSHA's decision that this approach, in conjunction with the augmented exposure monitoring, medical surveillance, medical removal protection, and training programs provided in the variance order, will provide solder grind booth workers with at least equivalent protection as would be afforded by the lead and inorganic arsenic standards.

2. *Exposure Monitoring.* The primary purpose of air monitoring is to identify the sources and the extent of employee

exposure to airborne lead and inorganic arsenic. In general, monitoring assists the employer in the selection of proper engineering controls and the assessment of effectiveness of those controls. Where engineering controls do not reduce exposure levels to or below the PEL, monitoring enables the employer to determine the appropriate respiratory protection to be used in conjunction with engineering controls. Additionally, monitoring enables the employer to notify employees when their exposure levels exceed permissible limits, as required by section 8(c)(3) of the Act, and provides information to physicians when, for example, blood leads are high, but air lead readings are low.

Employee exposure, as defined by both the lead and inorganic arsenic standards, at 29 CFR 1910.1025(d)(1)(i) and 29 CFR 1910.1018(e)(1)(ii) respectively, is exposure which would occur in the absence of respiratory protection. It is acknowledged that engineering controls currently available to Ford are not sufficient by themselves to reduce employee exposure levels to the PEL within the time periods allowed by the lead and inorganic arsenic standards.

Therefore, this variance is predicated on the interim use of supplied-air respirators by all solder grind booth employees while Ford works toward eliminating exposure to lead and inorganic arsenic originating from solder grinding. Since data from Ford as well as from OSHA variance inspections have demonstrated that airborne concentrations of lead and inorganic arsenic, although they vary considerably, are within the limits which permit the use of the supplied-air respirators currently in use by Ford (not in excess of either 100,000 μg lead/m^3 of air, or 20,000 μg inorganic arsenic/m^3 of air), monitoring inside the hood of the respirator will present, for the purposes of this variance, a means of determining employee exposure to airborne lead and inorganic arsenic and efficacy of the respirator program. The objectives of airborne monitoring will be met in this way, and thus a variance is granted from 29 CFR 1910.1025(d)(1)(i) and 29 CFR 1910.1018(e)(1)(ii) to permit sampling to be carried out under the hood of the respirator (Order paragraphs 8 and 11).

The exposure monitoring requirements of the standards state that full-shift personal samples (i.e., at least 7 continuous hours), including at least one job classification in each job area, be taken. See 29 CFR 1910.1018(e)(1)(iii) and 29 CFR 1910.1018(e)(1)(ii). Ford has proposed that short-term monitoring inside the hood of the supplied-air respirator be carried out which represents the exposure of all solder grind booth employees, claiming that short-term sampling is sifficiently representative in this situation.

The results of a Chrsyler Corporation conducted study presented to OSHA comparing the concentrations of airborne lead from short-term (one full work cycle) samples with full-shift (7 hour) samples, indicated a significant relationship between the concentrations in the samples. This conclusion was based on high correlation coefficient values, the similarity of average concentrations and the similarity of the variations derived from the sample data. Short-term monitoring, therefore, appears to provide reliable measurements for solder grind booth employees where ceiling exposure levels inside the hood are consistently below the standard's PEL's (Order paragraph 12). for the purposes of this Order, a full work cycle includes the following steps: donning the supplied-air respirator and proceeding into the solder grind booth; grinding; using the air shower; exiting the booth; and removing the helmet. This work cycle included the passage through the booth of at least 30 automobiles bodies and normally requires a one hour time period.

Paragraph (d)(4)(i) of the lead standard requires an employer to monitor only a representative sample of workers to determine all worker's exposure levels. With regard to frequency of monitoring, paragraph (d)(6)(i) of the lead standard states that where an initial reading reveals exposure below the action level, measurements, need not be repeated unless a change in circumstances occurs, as outlined in paragraph (d)(7). Where monitoring reveals employee exposure at or above the action level but below the PEL, paragraph (d)(6)(ii) of the lead standard calls for monitoring at least once every six months, until readings fall below the action level. Quarterly monitoring is required under Paragraph (d)(6)(iii) of the lead standard only when exposure levels are determined to be above the PEL, until such time as readings are confirmed to be below the action level. An identical requirement is found in paragraph (e)(3) of the inorganic arsenic standard.

OSHA believes that the methods for monitoring exposure to lead and inorganic arsenic, as detailed in paragraphs 8 and 11 of the Order, provide worker protection at least as safe and healthful as would exist if the exposure monitoring provisions of the lead and inorganic arsenic standards were followed.

In the case of lead, it was determined that the combination of monitoring of airborne levels on a semi-annual basis and monitoring of blood lead every two months and zinc protoporphyrin (ZPP) levels every four months gives an accurate picture of the exposure of the employee. When pre-established levels for blood lead (40 μg/100gm) or ZPP (100 μg/100ml) are exceeded, both a documented evaluation and a medical examination (if not performed within the previous six months) are to be carried out, and a physician's determination made whether an additional medical examination in less than six months is needed. When a TWA of 50 μg/m^3 is exceeded in the semi-annual airborne lead monitoring, a documented comprehensive evaluation shall be carried out.

In determining exposure to inorganic arsenic it is OSHA's contention that airborne monitoring within and outside of the hood of the supplied-air respirator is necessary since inorganic arsenic has been determined to be carcinogenic and there is no established correlation between the results of biological testing for lead and exposure to inorganic arsenic.

Where the levels of inorganic arsenic as measured inside the hood of the supplied-air respirator exceed the action level (5 micrograms per cubic meter of air), a documented comprehensive evaluation shall be carried out to determine the cause and a report shall be sent to OSHA's Office of Variance Determination.

Medical Surveillance and Medical Removal Protection. Under the variance, medical protection will be enhanced for solder grind booth workers exposed to lead and inorganic arsenic. Ford will augment in several ways its medical surveillance and medical removal protection ("MRP") programs currently carried out under the lead standard. Ford will also continue its medical surveillance program under the inorganic arsenic standard, but a variance has been granted from several provisions dealing with frequency of medical examinations, and provision of sputum cytology and chest x-ray examinations—specifically, §§ 1910.1018(n)(2)(ii), (n)(3)(i) and (n)(3)(ii).

Paragraph 3 of the Order requires FMC to maintain its MRP program in accordance with paragraph (k) of the lead standard notwithstanding any judicial stay of enforcement that may be ordered. Although a stay was not ordered by the U.S. Court of Appeals,

subsequent appeals may be taken to the Supreme Court where a stay of enforcement could be imposed.

The lead standard provides for blood lead monitoring on a frequency of 2 or 6 months, depending upon exposure levels. Under paragraph 4 of the Order, Ford will provide all solder grind booth employees with blood lead monitoring at least every two months and zinc protoporphyrin (ZPP) monitoring every four months, without regard to exposure levels. In this way, the Order expands coverage of the standard allowing closer surveillance of these workers which in turn will help evaluate the efficacy of Ford's comprehensive health and hygiene program. If, at any time, an employee's blood lead level is greater than 40μg/100g, or the ZPP level is greater than 100μg/100ml, an additional sample shall be obtained from that employee within 10 days (although OSHA would not object if the Company desires to proceed with a documented comprehensive evaluation without first obtaining an additional sample). If the abnormality is confirmed, or if the Company decides to proceed without obtaining confirmation, a documented comprehensive evaluation of possible causes shall be made for appropriate corrective action. A report of this evaluation is to be sent to the Office of Variance Determination. In addition, a medical examination shall be provided to that employee, if an examination has not been performed within the previous six months.

During the first six months the variance is in effect, OSHA will review the results of the Ford Motor Company zinc protoporphyrin (ZPP) testing as a method for detecting employee overexposure to lead.

Inorganic arsenic is a known human carcinogen which causes lung and other cancers. The inorganic arsenic standard specifies that all employees exposed at least 30 days per year over the action level, or with a history of 10 or more years exposure over the action level must be provided with initial chest x-ray and sputum cytology examinations, as part of the medical surveillance program. 29 CFR 1910.1018(n)(3)(i) provides that all employees under 45 years of age with fewer than 10 years of exposure over the action level, without regard to respirators, shall have annual medical examinations thereafter that include chest x-ray, but not sputum cytology, examinations. 29 CFR 1910.1018(n)(3)(ii) specifies that all other employees in the medical surveillance program, i.e., those not included in (n)(3)(i), shall be given examinations that include both chest x-ray and sputum cytology examinations at least semi-annually.

OSHA has concluded that in this particular case the frequency of chest x-ray examinations can be reduced without compromising the level of protection. Under paragraph 10 of the Order, employees whose initial exposure to inorganic arsenic occured at least 10 years previously (exposure defined as assignment in an area where the employee is likely to be exposed over the action level of 5μg/m³ of air for at least 30 days per year) without regard to respirator use are to be provided with chest x-ray examinations on an annual basis.

Such variance is granted on the basis of the recognized latency between initial exposure to inorganic arsenic and risk of future cancer development. Ford will continue to provide semi-annual physical examinations, incorporating the procedures listed in (n)(2)(i), and (n)(2)(ii)(B) and (D) of the inorganic arsenic standard, for all solder grind booth employees. In addition, an initial or baseline chest x-ray shall be provided to all exposed employees, as required by paragraph (n)(2)(i) of the inorganic arsenic standard. OSHA has further determined that, in view of the other provisions of this variance, sputum cytology examinations need not be required.

4. *Solder Dust Removal and Control.* A variance has been granted from the following provisions in the inorganic arsenic and lead standards which attempt to minimize dispersion of dust when contaminated clothing or equipment is cleaned: (1) 29 CFR 1910.1018(j)(2)(viii), which prohibits removal of arsenic dust by blowing or shaking; (2) 29 CFR 1910.1018(m)(5), which requires vacuuming of protective clothing before entering change rooms, lunchrooms, or shower rooms; (3) 29 CFR 1910.1025(g)(2)(viii), which prohibits removal of lead dust from protective clothing or equipment by blowing, shaking, or any other means which disperses lead into the air; and (4) 29 CFR 1910.1025(h)(2)(i), which prohibits removal of lead from floors and other surfaces where lead accumulates by the use of compressed air.

Instead of complying with these requirements, solder grind booth employees will be permitted to remove surface dust from their protective equipment and clothing, prior to exiting the booth, either by vacuuming or by the use of fixed-in-place overhead, multi-orificed, compressed air showers (Order paragraph 6). While the latter method is not acceptable under the standards, it meets the objectives of the standards in these circumstances because the employee, while using the air shower, is required to wear a supplied-air respirator connected to the air supply which will prevent dust from entering his breathing zone; any other employees in the solder grind booth would be unaffected since they also would be wearing their respirators; and employess outside of the solder grind booth would be unaffected because the lead and arsenic dust which would be removed by the air shower would remain within the confines of the booth (Order paragraph 5). The air showers permitted by the variance Order have been in use in various locations in the auto industry. OSHA has observed these air showers in several solder grind booths and is convinced that their use satisfies the standard's objective of minimizing dispersion of dust onto the air when clothing and protective equipment are being cleaned.

Solder grind booth employees will be permitted to remove lead dust from the auto bodies before they exit the booth by the use of compressed air (Order paragraph 7). This method will be allowed since the dust blown from the car does not substantially change the lead levels at employee work stations where grinding is performed, and does not affect employees outside of the solder grind booth inasmuch as the dust remains within the confines of the booth, as required by paragraph 5 of the Order.

5. *Eating facilities.* A variance has been granted from 29 CFR 1910.1025 (i)(4)(ii) and 29 CFR 1910.1018 (m)(3)(i), which require that readily accessible lunchroom facilities be provided and have a temperature controlled, positive pressure, filtered air supply.

Paragraph 14 of the Order permits the Company, as an alternative, to provide clean eating areas near the solder grind booths. These areas need not have a temperature-controlled, positive-pressure filtered air supply, but must be maintained as free as practicable of lead or arsenic dust and must be at least 50 feet from any point of the solder grind booth. OSHA has determined that these conditions will provide solder grind booth workers with at least equivalent protection as lunchrooms required by the standard. Unlike smelters, for example, where lead contamination is pervasive and filtered-air lunchrooms provide protection for workers eating lunch, the ambient air in an automobile manufacturing plant is realtively free from lead and arsenic. The solder grind booth is the primary source of lead and arsenic dust, and since the dust will be contained within the booth by the booth's ventilation system and by the

carrying out of the requirement of the Order that car bodies and employees' protective clothing and equipment be cleaned before they exit the booth, contamination of food and eating areas by airborne lead and arsenic is not considered to be a problem. Air samples taken by Ford near exits and entrances of the solder grind booth and in the eating areas support this conclusion.

6. *Training.* Under paragraph 15 of the Order, Ford will supplement the training and education requirements of the lead and inorganic arsenic standards with periodic presentations of a written program for all employees in the soldering operation from application to finishing. The program will be given to all workers prior to initial assignment to the soldering operation and will provide information on the nature of the hazard, the controls used for reducing exposure, proper use of supplied-air respirators with hoods and bibs, procedures for cleaning clothes and equipment, personal hygiene and other relevant information.

7. *Non Solder Grind Booth Employees.* The variance Order also gives increased protection from lead and arsenic dust to workers on the assembly line adjacent to the solder grind booth, and to supervisors who enter the booth for short periods. All provisions of the lead and inorganic arsenic standards apply to these workers, and in addition the Company will (1) maintain the solder grind booths in such a manner that airborne lead or arsenic dust generated within the booth is not released outside the confines of booth; (2) remove any solder dust from the automobile bodies before additional work is performed; (3) provide blood lead and zinc protoporphyrin (ZPP) monitoring to all other employees in the Ford Motor Company medical surveillance program, exposed more than 30 days per year, at least every six months without regard to employee's lead and arsenic exposure levels; (4) implement the MRP provisions of the lead standard even if they are stayed by court order pending judicial review; and (5) conduct air monitoring on the assembly line in compliance with the lead standard.

Paragraph 5 of the Order requires the Company to perform whatever repair or maintenance is necessary to maintain the structural integrity of the booth and assure the efficiency of its exhaust ventilation system. Paragraph 7 of the Order also minimizes release of dust outside the booth by requiring that dust be removed from automobile bodies before they exit the booth. As an alternative, dust may be removed by washing the bodies outside of the booth, but in no case may the body proceed for further work until it is cleaned. Workers exposed to lead who do not work in the solder grind booth will be given additional protection through periodic blood and ZPP monitoring. The lead standard would permit termination of blood monitoring if air monitoring showed values below 30 $\mu g/m^3$; Ford has agreed to monitor all workers exposed to lead in its medical surveillance program at least at 6 month intervals regardless of airborne exposure levels (Order paragraph 4). The MRP program will be provided despite any stay of enforcement pending review (Order paragraph 3) (See section on Medical Surveillance and Medical Removal Protection above). Paragraph 13 of the Order requires air monitoring on the automotive assembly line (except for the solder grind booth) as required by the lead standard.

Ford had originally requested a variance from the respirator selection tables of the lead and arsenic standards as they applied to supervisory personnel who enter the solder grind booth periodically for varying periods of time. Ford's concern was that the standards could be interpreted to require supervisors to wear the supplied-air respirator with a hood and bib regardless of the duration of exposure. In discussions with Ford, OSHA explained that the standards required supervisors to be provided with the respirator which affords the necessary protection factor according to the respirator selection tables. This interpretation satisfied Ford's concerns, and the Company agreed to have the respective standards apply to the determination of the appropriate respirators for supervisors.

IV. Order

Pursuant to authority in section 6(d) of the Occupational Safety and Health Act of 1970, and in the Secretary of Labor's Order No. 8–76 (41 FR 2 059), it is ordered that the Ford Motor Company be, and is hereby, authorized to comply with the requirements of this Order set out below in lieu of complying with the requirements prescribed in the following provisions of the standard of Occupational Exposure to Lead, 29 CFR 1910.1025, and of the standards for Occupational Exposure to Inorganic Arsenic, 29 CFR 1910.1018: 29 CFR 1910.1025(e)(1) and 29 CFR 1910.1025(d)(1)(i), and 29 CFR 1910.1018(e)(1)(ii), concerning employee exposure for monitoring purposes; 29 CFR 1910.1025(d)(1)(ii) and 29 CFR 1910.1018(e)(1)(iii), concerning full-shift monitoring; 29 CFR 1910.1018 (g)(1)(i) and (ii), concerning engineering and work practice controls as they pertain to methods of compliance; 29 CFR 1910.1025(g)(2)(viii) and 29 CFR 1910.1018(j)(2)(viii), concerning the prohibition for lead removal from protective clothing or equipment by blowing, shaking or any means which disperses lead into the air and for removal of inorganic arsenic by blowing or shaking; 29 CFR 1910.1025(i)(4)(ii) and 29 CFR 1910.1018(m)(3)(i), concerning the requirement that lunchroom facilities have a temperature controlled, positive pressure, filtered air supply; 29 CFR 1910.1025(h)(2)(i), concerning removing lead from floors and other surfaces where it accumulates by the use of compressed air; 29 CFR 1910.1025(j)(2)(i)(A) and (B), concerning zinc protoporphyrin monitoring; 29 CFR 1910.1018(m)(5), concerning removal of inorganic arsenic from protective clothing by vacuuming; 29 CFR 1910.1018(n)(2)(ii)(C), and (n)(3)(i) and (ii), concerning the requirements for initial and periodic medical examinations, respectively; and 29 CFR 1910.1025(r)(7), concerning the startup date for compliance plans. All other provisions of both standards are unaffected by this variance order, and the Ford Motor Company must continue to comply with them in conjunction with the terms of this Order.

1. Each employee in the solder grind booth shall be provided daily with, and required to wear, supplied-air respirators with hoods and protective bibs, operated in the positive pressure mode. These respirators shall be approved for use in atmospheres containing not more than 20 milligrams of inorganic arsenic per cubic meter of air (20 mg/m^3), or 100 milligrams of lead per cubic meter of air (100 mg/m^3).

2. A corporate written compliance program, as required by paragraph (e)(3) of the standards for Occupational Exposure to Lead, shall be completed within one year of the effective date of the grant of a variance. Copies of the plan will be available at each plant covered by this variance. The employer shall substantially reduce, with the goal of ultimate elimination, employee exposure to lead and inorganic arsenic in connection with solder grind operations as soon as feasible, but not later than August 1, 1987, barring economic or technical limitations. In addition to the compliance plan, the employer shall submit to the Assistant Secretary a report concerning the detailed implementation of this objective on November 15, 1981, and annually thereafter until the goal is met. Upon the assertion by the employer, at the time of each submission, that the

report contains trade secret information, the Department of Labor will protect the document to the fullest extent permitted by law and will not disclose it unless such disclosure is compulsory as a matter of law. Where disclosure may be required, the employer will be notified in advance.

3. For all employees in Ford Motor Company's medical surveillance program, the employer shall institute a program of medical removal protection as provided in paragraph (k) of the standard for Occupational Exposure to Lead.

4. All solder grind booth employees shall have blood lead levels determined at least every two months and zinc protoporphyrin (ZPP) levels determined at least every four months. All other employees in work assignments for at least 30 days which are included in the Ford Motor Company medical surveillance program, shall have blood lead and ZPP levels determined in accordance with paragraph (j) of the standard for Occupational Exposure to Lead, but not less frequently than every 6 months, irrespective of airborne lead monitoring results.

5. The employer shall be required to maintain the solder grind booth in such condition that airborne lead or inorganic arsenic dust within the booth shall be contained within the confines of the booth.

6. The employer shall assure that employees, prior to exiting the solder grind booth, remove surface dust from their clothing and equipment by vacuuming, or by the use of fixed-in-place overhead air showers with multiple orifices, while their respirators are connected to an air supply.

7. The employer shall assure that solder solder dust is removed form the automobile bodies before they exit the confines of the solder grind booth, as required by paragraph (h)(1) of the standard for Occupational Exposure to Lead, except that where car wash facilities are provided, the automobile bodies may be washed to remove solder dust after they exit the solder grind booth. In any case, the solder dust shall be removed before any additional work is performed on the automobile bodies.

8. If a solder grind booth employee's blood lead level is greater than 40 micrograms per 100 grams (40 $\mu g/100g$), or the zinc protoporphyrin (ZPP) level is greater that 100 micrograms per 100 milliters (100 $\mu g/100ml$), an additional sample shall be obtained from the employee within 10 days of receipt of the original laboratory results. If the abnormality is confirmed, or if the Company decides to proceed on the basis of the original laboratory results without obtaining an additional sample then the following shall be accomplished: (a) A documented evaluation shall be made by the employer. Such an evaluation shall include consideration of the results of semi-annual monitoring inside of the hood of the supplied-air respirator, for both lead and arsenic, as performed in accordance with paragraph 11 of this Order, and shall also include a written determination by a physician whether a medical examination is needed, after consultation with the employee. Such an evaluation may also include air monitoring outside of the hood of the supplied-air respirator, a study of engineering controls and personal protective equipment (air supply, hood integrity, booth ventilation, and facilities), employee personal hygiene and work practices, and blood lead and ZPP data to determine the cause. Engineering changes, further testing, and employee retraining shall be carried out as needed. A preliminary report of this evaluation shall be sent to the U.S. Department of Labor, Office of Variance Determination within 2 months of the receipt of the laboratory results of the confirming blood tests. A final documented comprehensive report shall be sent when available; and (b) A medical examination shall be performed if an examination has not been performed within the previous six months. Reference should be made to paragraph (j)(3)(ii) of the standard for Occupational Exposure to Lead for applicable tests, although the specific tests and any follow-up examinations shall be determined by the examining physician.

9. The employer is not relieved from the continuing responsibility to utilize feasible engineering and work practice controls that may be developed as the sole means of reducing exposure to inorganic arsenic and lead to acceptable levels under the standard for Occupation Exposure to Inorganic Arsenic and the standard for Occupational Exposure to Lead.

10. All solder grind booth employees shall be provided semi-annual medical examinations to include items specified in paragraphs (n)(2)(i), (n)(2)(ii)(B), and (n)(2)(ii)(D) of the standard for Occupational Exposure to Inorganic Arsenic. In addition, 10 years following the date of initial exposure of any employee to inorganic arsenic over the action level ($5\mu g/m^3$ of air) without regard to respirator use, such employee shall be provided with an annual chest X-ray examination described in paragraph (n)(2)(ii)(A) of the inorganic arsenic standard. Exposure is defined as assignment in an area where the employee is likely to be exposed over the action level for at least 30 days per year.

11. The employer shall conduct air monitoring which represents the time-weighted average exposure to inorganic arsenic and lead of all solder grind booth employees, on a semi-annual basis. These personal samples shall be taken from inside the hood of the supplied-air respirator in the breathing zone of the employee in the solder grind booth, and from within the solder grind booth outside of the hood of the supplied-air respirator. Where the time weighted average (TWA) for inorganic arsenic is 5 micrograms per cubic meter of air ($5\mu g/m^3$) or greater or the TWA for lead is $50\mu g/m^3$ or greater, inside the hood of the supplied-air respirator, the employer shall conduct a documented comprehensive evaluation which may include a study of engineering controls and personal protective equipment (air-supply, hood integrity, booth ventilation, and facilities), employee personal hygiene and work practices, and blood lead and ZPP data. Engineering changes, further testing, and employees retraining shall be carried out as needed. A preliminary report of this evaluation shall be sent to the U.S. Department of Labor, Office of Variance Determination within 2 months of notification of the results of the monitoring inside the hood of the supplied-air respirator. A final report shall be sent when available.

12. When monitoring of airborne levels of lead or inorganic arsenic inside the hood of the supplied-air respirator of a solder grind booth employee is required, the monitoring shall be carried out for a period of time sufficient to collect samples representative of full-shift exposure, which shall include at least one full work cycle in the solder grind booth.

13. The employer shall conduct air monitoring on the automotive assembly line from solder application to Bonderite (except for the solder grind booth) in compliance with the standard for Occupational Exposure to Lead.

14. For solder grind booth employees, the employer may provide a clean and readily accessible eating facility in lieu of the required lunchroom, as specified in § 1910.1018(m)(3)(i) of the inorganic arsenic standard and § 1910.1025(i)(4)(ii) of the lead standard. These eating facilities shall be no closer than fifty (50) feet from any point of the solder grind booth and shall be kept clean in accordance with the housekeeping requirements as provided in paragraph (h) of the standard for Occupational Exposure to Lead.

15. The employer shall provide a written training and education program for employees assigned to solder application, grinding, and finishing operations which shall include, but not be limited to, the health hazards associated with inorganic arsenic and lead, proper respirator use, protective clothing, personal hygiene, and restrictions on smoking or eating in the solder grind booth. This training and education program shall be operated periodically.

16. The employer shall comply with all provisions in this grant of variance, and in addition shall not be relieved from compliance with all other applicable provisions of the standard for Occupational Exposure to Inorganic Arsenic and the standard for Occupational Exposure to Lead.

As soon as possible, the Ford Motor Company shall give notice to affected employees of the terms of this order by the same means required to be used to inform them of the application for variance.

Effective Date: This Order shall become effective on June 23, 1981, and shall remain in effect until modified or revoked in accordance with section 6(d) of the Occupational Safety and Health Act of 1970.

Signed at Washington, D.C. this 17th day of June 1981.

Thorne G. Auchter,

Assistant Secretary of Labor.

[FR Doc. 81-18664 Filed 6-22-81; 8:45 am]

BILLING CODE 4510-26-M

Office of the Secretary

Determinations Regarding Eligibility To Apply for Worker Adjustment

Correction

In FR Doc. 81-17483 appearing on page 31115 in the issue of Friday, June 12, 1981, third column, sixth line under **"Negative Determinations"**, the following firm was omitted and should read as follows: *"TA-W-9574; Dial Machine & Tool Company, Inc., Oak Park, MI".*

BILLING CODE 1505-01-M

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance; Michigan Plating and Stamping Co., et al.

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for worker adjustment assistance issued during the period June 8–12, 1981.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of section 222 of the Act must be met.

(1) that a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) that sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) that increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-9873; Michigan Plating and Stamping Co., A Div. of Gulf & Western Mfg. Co., Grand Rapids, MI

TA-W-9526; B.F. Goodrich Co., Engineered Products Group, Oneida, TN

TA-W-9465; Exide Company (formerly E.S.B., Inc.), Kansas City, MO

TA-W-8828; Roblin Steel Co., North Tonawanda, NY

TA-W-9461; Sterling China Company, Wellsville, OH

TA-W-9500; Beldon Corporation, Dumas, AR

TA-W-9475 & 9476; Fibercel Corp., Lockport, NY and Portville, NY

TA-W-11,085; Gulf Oil Chemicals Co., Biwabik, MN

TA-W-11,571; Imperial Display Corporation, Long Island City, NY

TA-W-12,667; Acme Metalcraft, Inc., Warren, MI

TA-W-10,946; Premier Rubber Mfg. Co., Dayton, OH

TA-W-10,569; Teledyne Vasco, Latrobe, PA

TA-W-10,482; Prestige Stamping, Inc., Warren, MI

TA-W-10,327; Federal-Mogul Corporation, Malden, MO

TA-W-10,213; American Bumper Co., Ionia, MI

TA-W-10,012; Uniroyal Tire Co., Opelika, AL

TA-W-11,213; Burkland, Inc., Goodrich, MI

TA-W-10,651; Jones & Laughlin Steel Corp., Cold Finished Bar Div., Hammond, IN

TA-W-10,858; Wisconsin Fittings Corp., Two Rivers, WI

TA-W-10,864; Fashion Center Dress Co., Fall River, MA

TA-W-12,406; General Tire & Rubber Co., Logansport, IN

TA-W-11,351; Grigg Box Co., Detroit, MI

TA-W-10,826; Robinson Manufacturing Company, Kansas City, MO

TA-W-10,410; Solar Machine Products, Inc., Romulus, MI

TA-W-10,259; International Telephone & Telegraph Corp., Automotive Electrical Products Div., Bellaire, MI

TA-W-10,902; Liberty Leather Corp., Gloversville, NY

TA-W-10,393; Textiles Industries, Inc., Detroit, MI

TA-W-10,308; W.T. Armstrong Co., Elkhart, IN

TA-W-10,243; Lukens Steel Co., Coatesville, PA

TA-W-11,069; True Temper Railway Appliances, Inc., Lake City, PA

TA-W-9340; Clark Equipment Co., Jackson, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm. None of the workers of the domestic Clark plants supplied by the Jackson facility are covered by a current certification.

TA-W-10,965; Gulf & Western Mfg. Co., Glasgow Industries Div., Glasgow, KY

Investigation revealed that criterion (3) has not been met. With respect to wire harnesses and switches, a survey of customers indicated that increased imports did not contribute importantly

to worker separations at the firm. With respect to point sets, U.S. imports did not increase as required for certification. With respect to electronic and electro-mechanical products, sales and production increased from 1978 to 1979 and from 1979 to 1980.

TA-W-9147 & 12,372; PPG Industries, Inc., Meadville, PA & Crestline, OH

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm. Further, U.S. aggregate imports of tempered glass for industrial specialty use decreased absolutely and relative to domestic production from 1978 to 1979 and from 1979 to 1980.

TA-W-11,324; Freightliner Corporation, Chino, CA

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of Class 8 heavy duty trucks did not increase as required for certification.

TA-W-10,169; Colonial Tanning Corp., Gloversville, NY

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of tanned and finished sheepskins (including lambskins) did not increase as required for certification. U.S. Imports of tanned deerskin leather are negligible.

TA-W-12,270; Monsanto Textile Company, Sand Mountain Plant, Guntersville, AL

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of yarn are negligible.

TA-W-9768; Olson Tool and Die Company, Dearborn, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm. Furthermore, U.S. imports of window regulators and fuel filler assemblies are negligible.

TA-W-8820 & 8821; Monongahela Connecting Railroad Company, Pittsburgh, PA

Investigation revealed that criterion (3) has not been met. None of the workers of the Pittsburgh Works of Jones and Laughlin, Monongahela's parent firm, are currently certified eligible to apply for adjustment assistance benefits.

TA-W-9474; Fairlane Gear, Inc., Canton, MI

Investigation revealed that criterion (3) has not been met. With respect to power take-off units, a survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm. Furthermore, company sales and production of machine tool gears increased from 1978 to 1979 and from 1979 to 1980.

TA-W-9736; Jones and Laughlin Steel Corp., Pittsburgh Works, Pittsburgh, PA

Investigation revealed that criterion (3) has not been met. With respect to hot and cold rolled bars and bar size light shapes, a survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm. With respect to carbon steel plate, sales and production increased from 1978 to 1979 and did not decrease significantly in the first half of 1980. With respect to hot and cold rolled carbon steel and galvanized sheet, U.S. imports did not increase as required for certification.

TA-W-10,017; Rack Service Co., Dearborn, MI

Investigation revealed that criterion (3) has not been met. The preponderance of wheel rim racks produced at Rack Service Company are exported to Canada. Therefore, any U.S. imports of wheel rim racks had a negligible effect on sales and employment at Rack Service Company.

TA-W-10,528; U.S. Steel Corporation, Joliet-Waukegan Works, Joliet, IL

Investigation revealed that criterion (3) has not been met. With respect to wire rod and joint bars, a survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm. With respect to workers producing wire and wire products, the Department issued a denial for the Joliet plant in January 1980 (TA-W-6199) and conditions have not changed since that time.

TA-W-12,563; Calvert Knit Corp., Secaucus, NJ

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of finished fabric did not increase as required for certification.

TA-W-11,990; The Van Heusen Company, Ozark, AL

Investigation revealed that criterion (3) has not been met.

TA-W-12,297; Foxco Industries, Limited, New York, NY

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of finished fabric did not increase as required for certification.

TA-W-10,521; Airco, Inc., Airco Welding Products Div., Chester, WV

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of welding wire, rods, tubes, plate and electrodes are negligibles.

TA-W-9196, 9344, 9402, & 9486; Goodyear Tire and Rubber Co., Decatur, AL, Cedartown, GA, Cartersville, GA, and Rockmard, GA

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm. U.S. imports of tractor tires are insignificant relative to domestic production and consumption of tractor tires.

TA-W-10,154; Independent Leather Mfg., Gloversville, NY

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of tanned and finished sheepskins did not increase as required for certification.

TA-W-10,594; Fuel Systems, Inc., Arab, AL

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of fuel filter assemblies are negligible.

TA-W-10,627; Troy Lane Apparel, Inc., New Castle, IN

Investigation revealed that sales by manufacturers for which the subject firm produced under contract did not decline.

TA-W-11,009; Birmingham Benders Co., Clawson, MI

Investigation revealed that criterion (3) has not been met. Industry sources indicate that U.S. imports of tools and dies for automotive use are negligible.

TA-W-11,882; Foseco Incorporated, Brook Park, OH

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of insulating boards, hot tops and exothermic compounds are negligible.

TA-W-11,844; Lorber Industries, Gardena, CA

Investigation revealed that criterion (3) has not been met. Aggregate U.S.

imports of finished fabric did not increase as required for certification.

TA-W-11,563; N.L. Industries, Inc., Doehler Jarvis Castings Div., Batavia, NY

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of magnesium die castings are negligible.

TA-W-11,331; Interlake, Inc., Riverdale Plant, Riverdale, IL

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of carbon steel sheet and strip did not increase as required for certification. Furthermore, U.S. imports of steel strapping are insignificant.

Affirmative Determinations

TA-W-10,324, 11,285, & 11,285A; AMF/Harley-Davidson Motor Co., Inc., Milwaukee, WI, Wauwatosa, WI, and Tomahawk, WI

A certification was issued covering all workers of the firm separated on or after April 1, 1980.

TA-W-10,150; Cayadutta Tanning, Gloversville, NY

A certification was issued covering all workers of the firm separated on or after July 29, 1979 and before February 18, 1980.

TA-W-11,234; Top of All Manufacturing Co., Inc., Cumberland, MD

A certification was issued covering all workers of the firm separated on or after September 15, 1979.

TA-W-11,985-11,988; The Van Heusen Co., Geneva, AL, Opp, AL, Hartford, AL, and Clayton, AL

A certification was issued covering all workers of the firm separated on or after May 18, 1981.

TA-W-11,991 & 11,992; The Van Heusen Co., Brinkley, AR and Augusta, AR

A certification was issued covering all workers of the firm separated on or after October 1, 1980.

TA-W-9623; U.S. Steel Corporation, Pittsburgh Works, Pittsburgh, CA

A split determination was issued covering all workers of the firm separated on or after January 1, 1980 producing nails, wire, wire rope, wire strand, wire rod, pipe and tubing.

All workers engaged in employment related to the production of tin plate, galvanized steel sheet, hot and cold rolled carbon steel sheet and basic are denied eligibility to apply for adjustment assistance.

I hereby certify that the aforementioned determinations were issued during the period June 8–12, 1981. Copies of these determinations are available for inspection in Room S–5314, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, D.C. 20210 during normal working hours or will be mailed to persons who write to the above address.

Dated: June 15, 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 81-18566 Filed 6-22-81, 8:45 am]

BILLING CODE 4510-28-M

[TA-W-7055]

General Motors Corp.; Amended Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, the Department of Labor issued a Certification of Eligibility To Apply for Worker Adjustment Assistance on May 23, 1980 (45 FR 35050) applicable to all workers of component parts plants covered under petitions TA-W-7001-7004, 7004A, 7005, 7007-7008, 7010-7014, 7018-7019, 7021-7024, 7026-7033, 7035-7041, 7044-7046, 7048-7050, 7052-7053, 7055-7057, 7065-7068, 7070 and 7305 of the General Motors Corporation. The Department also issued an Amended Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance on August 28, 1980 for these workers. The Notice of Amended Determinations was published in the **Federal Register** on September 9, 1980 (45 FR 59453).

On the basis of additional information, the Office of Trade Adjustment Assistance, on its own motion, reviewed the certification and amended determinations. The additional information revealed that significant layoffs occurred just prior to the impact date set for the Sandusky, Ohio plant. These layoffs were not covered by the original impact date of September 1, 1979 set in the certification for workers at the New Departure Hyatt Bearings Division's plant in Sandusky, Ohio.

The intent of the certification is to cover workers of the General Motors Corporation who were affected by the decline in sales or production of passenger cars, pick-up trucks, light trucks, utility vehicles, vans and component parts for passenger cars, trucks, vans and general utility vehicles at assembly and auxiliary plants of the General Motors Corporation, Detroit, Michigan related to increased import competition. The Notice of Amended Determinations of August 28, 1980, therefore, is amended to include a new impact date of August 24, 1979 for workers at the Sandusky, Ohio plant of the New Departure Hyatt Bearings Division of General Motors Corporation.

The certification applicable to TA-W-7055 is hereby amended a second time and issued as follows:

All workers of General Motors Corporation's New Departure Hyatt Bearings Division plant at Sandusky, Ohio who became totally or partially separated from employment on or after August 24, 1979 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 15th day of June 1981.

James F. Taylor,

Director, Office of Management Administration and Planning.

[FR Doc. 81-18565 Filed 6-22-81, 8:45 am]

BILLING CODE 4510-28-M

MERIT SYSTEMS PROTECTION BOARD

Privacy Act of 1974: Proposed Revised and New System of Records

AGENCY: Merit Systems Protection Board.

ACTION: Proposed New Systems of Records.

SUMMARY: The purpose of this notice is to announce the establishment of new systems of records by the Merit Systems Protection Board (MSPB).

DATE: Comments must be received on or before July 23, 1981. Any interested party may submit comments on or before this date.

EFFECTIVE DATE: The systems of records, except for the routine uses, are effective June 23, 1981. The routine uses will become effective July 23, 1981, unless MSPB publishes notice to the contrary.

ADDRESSES: Written comments should be addressed to the Office of the Secretary, Merit Systems Protection Board, 1717 H Street NW., Washington, D.C. 20419. Comments received will be available for public inspection between the hours of 9:00 a.m. and 5:30 p.m., Monday through Friday, except for legal holidays, in Room 350.

FOR FURTHER INFORMATION CONTACT: Kathy W. Semone, Office of the Secretary, Merit Systems Protection Board, 1717 H Street NW., Washington, D.C. 20419, (202) 632-4525.

SUPPLEMENTARY INFORMATION: Section 201 of Reorganization Plan No. 2 of 1978 (43 FR 36037, May 23, 1978) and section

1201 of the Civil Service Reform Act (Pub. L. 95-454, 92 Stat. 1111, 1121) established the Merit Systems Protection Board as a successor to the Civil Service Commission. As a result of the Board's establishment, Privacy Act control of most records relating to Federal employee appeals of personnel actions (maintained both at the Civil Service Commission and at agencies) was transferred to the Board (44 FR 30836, May 29, 1979). This control related to appeal records that originated in Federal agencies prior to September 1974 or with the Commission's Federal Employee Appeals Authority and Appeals Review Board after that date. Privacy Act coverage of these records as a Government-wide system was carried out under the former Civil Service Commission's CSC/GOVT-1 system notice (43 FR 40106, September 8, 1978). The Office of Personnel Management (OPM), by its notice of May 29, 1979 (44 FR 30836), indicated that CSC/GOVT-1 would cover MSPB's appeal records until such time as MSPB published its own system notice.

Accordingly, with the publication of this system notice, MSPB establishes its own Government-wide system, entitled "MSPB/GOVT-1" to cover the records of appeals and Special Counsel proceedings before the Board and to extend the Board's coverage over records of appeals before the former Civil Service Commission's Federal Employee Appeals Authority and Appeals Review Board, as well as the records of appeals maintained in Federal agencies respecting adverse actions initiated prior to September 9, 1974 and appealed solely within the agency. The system also covers agency records of appeals before the Board or its predecessor.

As a result of MSPB's Government-wide coverage over appeals records maintained by agencies, no agency will have to publish any new or revised systems notices for such records. However, the Board's 1982 annual systems notice will exclude from the scope of MSPB/GOVT-1 coverage concerning records of appeals that were filed within agencies prior to September 1974. Any agency continuing to maintain such appeal records after publication of the Board's 1982 notice will become responsible for publication of its own system notice.

With the publication of this notice, the Merit Systems Protection Board establishes six MSPB/CENTRAL systems. They are identified as MSPB/CENTRAL systems because they include information relating to former and current employees of other agencies.

Two of the systems, "MSPB/CENTRAL-1, Survey Mailing Lists" and "MSPB/CENTRAL-2, Panel Respondent Mailing Lists" are maintained by the Board in conjunction with its conduct of special studies of the civil service and the merit systems in the executive branch pursuant to 5 U.S.C. 1205(a)(3).

"MSPB/CENTRAL—1, Survey Mailing Lists" contains the name and home address of Federal employees who respond affirmatively to an initial inquiry from the MSPB regarding their voluntary participation in a subsequent MSPB survey. These employees constitute a large, widespread and scientifically constructed sampling of Federal employees who are surveyed by MSPB through the use of self-administered questionnaires on particular Federal personnel-related study topics.

"MSPB/CENTRAL-2, Panel Respondent Mailing Lists" contains the name, home address and duty station of Federal employees who have voluntarily agreed to serve as members of term-appointed panels that are surveyed quarterly by MSPB on study-related issues.

The retention life of the records in each of the two survey-related systems is relatively brief. Records in MSPB/CENTRAL-1 are retained only until the mailing of the respective questionnaires. Records in MSPB/CENTRAL-2 are retained for the life of the respective survey panel, a period not to exceed 1.5 years.

It should be noted that in order to preserve the confidentiality of its survey respondents, MSPB requests them not to identify themselves on their completed questionnaires. Additionally, MSPB does not code or mark the questionnaires in any way to identify the respondents. As a result, MSPB is without knowledge of the individual identities of its survey respondents. In the absence of a link between response and respondent, no system of records for the purposes of the Privacy Act exists with respect to MSPB survey-generated data. In rare instances, however, certain data elements within a study may be subsequently interpreted in such a way as to make the data individually identifiable by inference. MSPB, however, will refrain from releasing potentially identifiable data, unless required by law.

Study reports with aggregate data compiled in connection with a survey will be made available to the public. For information concerning the submission of requests for these reports, contact the system manager as shown in the system notices below.

Two of the other MSPB/CENTRAL systems, "MSPB/CENTRAL-3, Correspondence Control Records" and "MSPB/CENTRAL-4, General Correspondence Records," are maintained in conjunction with the Board's processing of correspondence received from Federal employees and members of the public.

Another MSPB/CENTRAL system, "MSPB/CENTRAL-5, Freedom of Information Act/Privacy Act Case Records" is maintained to process requests from Federal employees and members of the public under the provisions of the Freedom of Information and Privacy Acts.

An additional MSPB/CENTRAL system, "MSPB/CENTRAL-6, Litigation and Claims Records" is maintained in conjunction with the Board's defense of lawsuits and its settlement of administrative claims brought against the Board.

Six MSPB/INTERNAL systems are also established with the publication of this notice. They are referred to as MSPB/INTERNAL systems because they include information relating to former and current Board employees. These systems are similar in content to systems maintained by the former Civil Service Commission.

A report on New Systems of Records was filed with the Speaker of the House of Representatives, the President of the Senate and the Office of Management and Budget on May 21, 1981 for three systems—MSPB/GOVT-1, Appeal and Case Records; MSPB/CENTRAL-1, Survey Mailing Lists; and MSPB/CENTRAL-2, Panel Respondent Mailing Lists.

All of the systems of records published herein will become effective June 23, 1981, except for their routine uses which will become effective July 23, 1981. Revisions to this notice necessitated by comments received over the next 30 days will be published in the Federal Register.

Dated: June 17, 1981.

For the Board.

Ruth T. Prokop,

Chairwoman.

Table of Contents

MSPB/INTERNAL-1, Pay, Leave, and Travel Reports
MSPB/INTERNAL-2, Motor Vehicle and Accident Report Records
MSPB/INTERNAL-3, Grievance Records
MSPB/INTERNAL-4, Employee Incentive Award and Recognition Records
MSPB/INTERNAL-5, Individual Production Reports
MSPB/INTERNAL-6, Security Office Control Records
MSPB/CENTRAL-1, Survey Mailing Lists

MSPB/CENTRAL–2, Panel Respondent Mailing Lists
MSPB/CENTRAL–3, Correspondence Control Records
MSPB/CENTRAL–4, General Correspondence Records
MSPB/CENTRAL–5, Freedom of Information Act/Privacy Act Case Records
MSPB/CENTRAL–6, Litigation and Claims Records
MSPB/GOVT–1, Appeal and Case Records
Appendix

MSPB/Internal–1

SYSTEM NAME:

Pay, Leave, and Travel Records.

SYSTEM LOCATION:

Director, Office of Administration, Merit Systems Protection Board (MSPB), 1717 H Street, N.W., Washington, D.C. 20419, and MSPB Field Offices (see list of Field Office Addresses in the Appendix).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former employees of the Merit Systems Protection Board.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system, both manual and automated, contains various records relating to pay, leave, and travel. This includes information such as: name; date of birth; social security number; home address; grade; employing organization; timekeeper number; salary; pay plan; number of hours worked; leave accrual, usage, and balance; Civil Service Retirement contributions; FICA withholdings; Federal, State, and local tax withholdings; Federal Employee's Group Life Insurance withholdings; Federal Employee's Health Benefits withholdings; charitable deductions; allotments to financial organizations; garnishment documents; savings bond allotments; union and management association dues withholding allotments; and travel expenses.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 1205, 5501 et seq., 5525 et seq., 5701 et seq., and 6301 et seq.; 31 U.S.C. 66a.

PURPOSE(S):

These records are used to administer the pay, leave, and travel functions of the Merit Systems Protection Board.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information from these records may be disclosed:

a. To the Department of the Treasury to issue checks and U.S. Savings Bonds.

b. To the Department of Labor in connection with a claim filed by an employee for compensation due to a job-connected injury or illness.

c. To State offices of unemployment compensation in connection with claims filed by former MSPB employees for unemployment compensation.

d. To Federal Employee's Group Life Insurance or Health Benefits carriers in connection with survivor annuity or health benefits claims or records reconciliations.

e. To the Internal Revenue Service and State and local tax authorities.

f. To the Social Security Administration in connection with FICA withholdings and benefits.

g. To the Office of Personnel Management in connection with payroll deductions for Civil Service retirement plans.

h. To the Combined Federal Campaign in connection with payroll deductions for charity.

i. To the authorized employees of another Federal agency that provides MSPB with manual and automated assistance in processing pay, leave, and travel records.

j. In the event the individual to whom the record pertains dies, to the person appointed as representative of the estate, or the person designated by the representative, or to a designated beneficiary. When a representative of the estate has not been appointed, the individual's next of kin may be recognized as the representative of the estate.

k. To officials of labor organizations recognized under 5 U.S.C. Chapter 71 as to the identity of Board employees contributing union dues each pay period and the amount of dues withheld from each contributor.

l. To officials of labor organizations recognized under 5 U.S.C. Chapter 71 when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting working conditions.

m. To the appropriate Federal, State, or local agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order, where the MSPB becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation.

n. To any source from which the MSPB requests additional information relevant to an MSPB determination concerning an individual's pay, leave, or travel expenses, to the extent necessary to identify the individual, inform the source of the purpose(s) of the request, and to identify the type of information requested.

o. To a Federal agency, at its request, for purposes connected with: the hiring or retention of an employee; the issuance of a security clearance; the conduct of a suitability or security investigation of an individual; the classification of a job; the letting of a contract; or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

p. To the Office of Management and Budget at any stage in the legislative coordination and clearance process in connection with private relief legislation as set forth in OMB Circular No. A–19.

q. To a congressional office from the record of an individual in response to an inquiry from that congressional office made at the request of that individual.

r. To another Federal agency or to a court when the Government is party to a judicial proceeding before the court.

s. To the National Archives and Records Service (General Services Administration) pursuant to records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

t. In response to a request for discovery or for appearance of a witness, if the information is relevant to the subject matter involved in a pending judicial or administrative proceeding.

u. To officials of the Office of Personnel Management, the Federal Labor Relations Authority and the Equal Employment Opportunity Commission when requested in the performance of their authorized duties.

v. To the General Accounting Office for auditing purposes.

POLICIES AND PRACTICES OF STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are maintained in file folders and loose leaf binders, and on cards, magnetic tapes and discs.

RETRIEVABILITY:

These records are retrieved by name, social security number, or Merit Systems Protection Board employee identification number.

SAFEGUARDS:

These records are located in lockable metal filing cabinets or in a secured facility and are available only to authorized personnel.

RETENTION AND DISPOSAL:

These records are maintained for varying periods of time in accordance with GSA General Records Schedule 2. Disposal of manual records is by shredding or burning; magnetic tapes and discs are erased.

SYSTEM MANAGER AND ADDRESS:

Director, Office of Administration, 1717 H Street N.W., Merit Systems Protection Board, Washington, D.C. 20419.

NOTIFICATION PROCEDURES:

Individuals wishing to determine whether this system of records contain information about them should contact the System Manager indicated above or the MSPB Field Office where the individual is or was employed. Individuals must furnish the following information for their records to be located and identified:

a. Full name; and

b. Date of birth.

Individuals making inquiries as to the existence of records pertaining to themselves must also follow the MSPB's Privacy Act regulations set forth at 5 CFR 1205.11 regarding such inquiries.

RECORD ACCESS PROCEDURES:

Individuals requesting access to their records should contact the System Manager indicated above or the MSPB Field Office where the individual is or was employed. Individuals must furnish the following information for their records to be located and identified:

a. Full name; and

b. Date of birth.

Individuals requesting access must also follow the MSPB's Privacy Act regulations set forth at 5 CFR 1205.11 regarding access to records and verification of identity.

CONTESTING RECORD PROCEDURES:

Individuals wishing to request amendment of records about them should contact the System Manager indicated above, or MSPB Field Office where the individual is or was employed. Individuals must furnish the following information for their records to be located and identified:

a. Full name; and

b. Date of birth.

Individuals requesting amendment of their records must also follow the MSPB's Privacy Act regulations set forth at 5 CFR 1205.21 regarding amendment of records and verification of identity.

RECORD SOURCE CATEGORIES:

a. The individual to whom the record pertains;

b. Merit Systems Protection Board officials responsible for pay, leave and travel functions; and

c. Other official personnel documents of MSPB.

MSPB/Internal-2

SYSTEM NAME:

Motor Vehicle and Accident Report Records.

SYSTEM LOCATION:

Director, Administrative Services Division, Office of Administration Merit Systems Protection Board (MSPB), 1717 H Street, N.W., Washington, D.C. 20419, and MSPB Field Offices (see list of Field Office addresses in the Appendix).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former employees of the Merit System Protection Board.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains documents related to the authorization and issuance to an individual of a Government motor vehicle operator's permit; also included are reports, correspondence, and fiscal documents concerning automobile accidents occurring in a Government-owned or leased automobile or in a privately-owned vehicle while on official business.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 1205, 28 U.S.C. 2671 et seq.

PURPOSE(S):

The records serve to document issuance of a Government motor vehicle operator's permit; accident reports and related documents may be used in claims settlement litigation regarding an accident involving a Government motor vehicle or privately-owned vehicle while being used on office business.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information from these records may be disclosed:

a. To the appropriate Federal, State, or local agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order, where the MSPB becomes aware of a violation or potential violation of civil or criminal law or regulation.

b. To any source from which the MSPB requests additional information (to the extent necessary to identify the individual, inform the source of the purpose of the request, and identify the type of information requested) where necessary to obtain information relevant to an MSPB decision concerning the hiring or retention of an employee, the issuance of a security clearance, the conduct of a security or suitability investigation of an individual, the classification of jobs, the letting of a contract, or the issuance of a grant or other benefit.

c. To a congressional office from the record of an individual in response to an inquiry from that congressional office made at the request of that individual.

d. To another Federal agency or to a court when the Government is party to a judicial proceeding before the court.

e. To the National Archives and Records Service (General Services Administration) pursuant to records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

f. To officials of labor organizations recognized under 5 U.S.C. Chapter 71 when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting working conditions.

g. To a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the conduct of a suitability or security investigation, the classification of jobs, or the award of a contract, license, grant, or other benefit.

h. To the General Services Administration about accidents involving Government-owned or leased automobiles.

i. To insurance carriers about accidents involving privately-owned vehicles.

j. In response to a request for discovery or for the appearance of a witness, if the information is relevant to the subject matter involved in a pending judicial or administrative proceeding.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are maintained in file folders and on indexed application cards.

RETRIEVABILITY:

Records are retrieved by name of the individual on whom they are maintained.

SAFEGUARDS:

Records are maintained in a secured area and are available only to authorized personnel whose duties require access.

RETENTION AND DISPOSAL:

Mortor vehicle operator records are maintained for three years after the separation of the employee (operator) and are destroyed by shredding. Accident reports are maintained for three years after the date of the report and are destroyed by shredding, except in cases involving litigation. In cases involving litigation, these records are maintained until all litigation has been settled.

SYSTEM MANAGER(S) AND ADDRESSES:

a. For motor vehicle operator records: Director, Administrative Services Division, Office of Administration, Merit Systems Protection Board, 1717 H Street, N.W., Washington, D.C. 20419.

b. For accident report record: General Counsel, Merit Systems Protection Board, 1717 H Street, N.W., Washington, D.C. 20419.

NOTIFICATION PROCEDURES:

Individuals wishing to inquire whether this system of records contains information about them should contact the appropriate office as follows:

a. For accident report records: Contact the System Manager indicated above;

b. For motor vehicles operator records for current or former MSPB employees: Contact the System Manager indicated above; or the MSPB Field Office in which employed (see list of Field Office addresses in the Appendix).

Individuals must furnish the following information for their records to be located and identified:

a. Full name; and

b. Date of birth.

Individuals making inquires as to the existence of records pertaining to themselves must also follow the Board's Privacy Act regulations set forth at 5 CFR 1205.11 regarding such inquires.

RECORD ACCESS PROCEDURES:

Individuals wishing to request access to records about them should contact the appropriate office as follows:

a. For accident report records: Contact the System Manager indicated above;

b. For motor vehicle operator records of current or former MSPB employees: Contact the System Manager indicated above; or the MSPB Field Office in which employed (see list of Field Office addresses in the Appendix).

Individuals must furnish the following information for their records to be located and identified:

a. Full name; and

b. Date of birth.

Individuals requesting access must also follow the MSPB's Privacy Act regulations set forth at 5 CFR 1205.11 concerning access to records and verification of identity.

CONTESTING RECORD PROCEDURES:

Individuals wishing to request amendment of their records should contact the appropriate office as follows:

a. For accident report records: Contact the System Manager for these records indicated above;

b. For motor vehicle operator records for current or former MSPB employees: Contact the System Manager indicated above; or the MSPB Field Office in which employed (see list of Field Office addresses in the Appendix).

Individuals must furnish the following information for their records to be located and identified:

a. Full name; and

b. Date of birth.

Individuals requesting amendment must also follow the MSPB's Privacy Act regulations set forth at 5 CFR 1205.21 regarding amendment of records and verification of identity.

RECORD SOURCE CATEGORIES:

a. The individual to whom the record pertains;

b. MSPB employees and other parties involved in the accident;

c. Witnesses to the accident;

d. Police reports and reports of investigation; and

e. Officials of the MSPB and the General Services Administration.

MSPB/Internal 3

SYSTEM NAME:

Grievance Records.

SYSTEM LOCATION:

Personnel Management Division, Merit Systems Protection Board (MSPB), 1717 H Street, N.W., Washington, D.C. 20419.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former employees of the Merit Systems Protection Board who have filed grievances in accordance with the MSPB's procedures as established under 5 CFR 771, Subpart C.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains records relating to grievances filed by MSPB employees. The case files contain all documents related to the grievance, including statements of witnesses, reports or transcripts of interviews and hearings, the employee's written request for review of the initial grievance, designation of the grievance examiner, any written comments by the grievant or his/her representative upon review of the file at the completion of the inquiry, the examiner's report of findings and recommendations, the grievance decision, and correspondence and exhibits related to the grievance. The system does not include files and records of any grievance filed under negotiated procedures with recognized labor organizations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 1205, 5 CFR 771.

PURPOSE(S):

These records are used to process grievances filed by MSPB employees for personal relief in matters of concern or dissatisfaction that are subject to the control of MSPB management.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information from these records may be disclosed:

a. To any source from which the MSPB requests additional information in the course of processing a grievance, to the extent necessary to identify the individual, inform the source of the purpose(s) of the request, and identify the type of information requested.

b. To the appropriate Federal, State, or local agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order, where the MSPB becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation.

c. To a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the conducting of a security or suitability investigation of an individual, the classifying of jobs, the letting of a contract or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

d. To a congressional office from the record of an individual in response to an inquiry from that congressional office made at the request of that individual.

e. To another Federal agency or to a court when the Government is party to a judicial proceeding before the court.

f. To the National Archives and Records Service (General Services Administration) pursuant to records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

g. To officials of the Office of Personnel Management; the Federal

Labor Relations Authority; and the Equal Employment Opportunity Commission when requested in performance of their authorized duties.

h. In response to a request for discovery or for appearance of a witness, if the information is relevant to the subject matter involved in a pending judicial or administrative proceeding.

i. To officials of labor organizations recognized under 5 U.S.C. Chapter 71 when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting work conditions.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are maintained in file folders.

RETRIEVABILITY:

These records are retrieved by the names of the individuals on whom they are maintained.

SAFEGUARDS:

These records are maintained in lockable metal filing cabinets to which only authorized personnel have access.

RETENTION AND DISPOSAL:

These records are disposed of three years after closing of the case. Disposal is by shredding.

SYSTEM MANAGER AND ADDRESS:

Director of Personnel Management, Merit Systems Protection Board, 1717 H Street, NW, Washington, D.C. 20419.

NOTIFICATION PROCEDURES:

Individuals wishing to determine whether this system of records contains information about them should contact the System Manager indicated above. Individuals who have filed grievances are aware of that fact and have been given an opportunity to review the record. Individuals must furnish the following information for their records to be located and identified:

a. Full name;

b. Date of birth; and

c. Approximate date of closing of the case and kind of action taken.

Individuals making inquiries as to the existence of records pertaining to themselves must also follow the MSPB's Privacy Act regulations set forth at 5 CFR 1205.11 regarding such inquiries.

RECORDS ACCESS PROCEDURES:

Individuals requesting access to their records should contact the System Manager indicated above. Individuals must furnish the following information for their records to be located and identified:

a. Full name;

b. Date of birth; and

c. Approximate date of closing of the case and kind of action taken.

Individuals requesting access must also follow the MSPB's Privacy Act regulations set forth at 5 CFR 1205.11 regarding access to records and verification of identity.

CONTESTING RECORDS PROCEDURES:

Review of requests from individuals seeking amendment of their records which have been the subject of a judicial or quasi-judicial action will be limited in scope. Review of amendment requests of these records will be restricted to determining if the record accurately documents the action of the officer ruling on the case, and will not include a review of the merits of the action, determination, or finding.

Individuals wishing to request amendment of their records to correct factual errors should contact the System Manager indicated above. Individuals must furnish the following information for their records to be located and identified:

a. Full name;

b. Date of birth; and

c. Approximate date of closing of the case and kind of action taken.

Individuals requesting amendment must also follow the MSPB's Privacy Act regulations set forth at 5 CFR 1205.21 regarding amendment of records and verification of identity.

RECORD SOURCE CATEGORIES:

a. The individual on whom the record is maintained;

b. Witnesses;

c. Agency officials; and

d. Related correspondence from organizations or persons.

MSPB/Internal-4

SYSTEM NAME:

Employee Incentive Awards and Recognition Records.

SYSTEM LOCATION:

Personnel Management Division, Merit Systems Protection Board (MSPB), 1717 H Street, NW., Washington, D.C. 20419.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former employees of the Merit Systems Protection Board who have been nominated for special recognition for achievements either within or outside the employee's job responsibilities and for length of service to the Government.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains information including or relating to the name, title, grade, duty station, and length of service; incentive award or quality step increase recipients; the recommendation, authorization and disposition actions by approving officials; and related documentation and correspondence.

AUTHORITY FOR MAINTENANCE OF SYSTEM:

5 U.S.C. 1205, 5 U.S.C. 4501 et seq. and 5 U.S.C. 5336.

PURPOSES:

These records are collected and maintained to provide a basis for the recognition of MSPB employees through the granting of incentive awards and quality step increases.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information from these records may be disclosed:

a. To other Federal agencies and other organizations to process and approve suggestions and nominations for awards or quality step increases for MSPB employees.

b. To the Office of the Attorney General and the President of the United States in reviewing recommended awards.

c. To other government agencies to recomend whether suggestions should be adopted in instances where the suggestion made by an MSPB employee affects the functions or responsbilities of the agencies.

d. To a congressional office from the record of an individual in response to an inquiry from that congressional office made at the request of that individual.

e. To other public (Federal, State, or local) or private organizations, including news media, which grant or publicize employee awards or honors.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are maintained in file folders.

RETRIEVABILITY:

These records are retrieved by the office to which the employee is or was assigned at the time the award or nomintion was made, and by the name of the recipient of each award or nomination for award.

SAFEGUARDS:

These records are maintained in lockable metal filing cabinets. Access to

and use of these records are limited to those persons whose official duties require such access.

RETENTION AND DISPOSAL:

These records are retained for five years, then sent to a Federal Records Center.

SYSTEM MANAGER AND ADDRESS:

Director of Personnel, Merit Systems Protection Board, 1717 H Street, N.W., Washington, D.C. 20419.

NOTIFICATION PROCEDURES:

Individuals wishing to determine whether this system of records contains information about them should contact the System Manager indicated above or the Field Office where the individual is or was employed. Individuals must furnish the following information for their records to be located and identified:

a. Full name;

b. Date of the suggestion or nomination for award; and

c. Duty station at the time the suggestion or nomination for award was made.

Individuals making inquiries as to the existence of records pertaining to themselves must also follow the MSPB's Privacy Act regualtions set forth at 5 CFR 1205.11 regarding such inquiries.

RECORDS ACCESS PROCEDURES:

Individuals requesting access to their records should contact the System Manager indicated above or the Field Office where the individual is or was employed. Individuals must furnish the following information for their records to be located and identified:

a. Full name;

b. Date of the suggestion or nomination for award or quality step increase: and

c. Duty station at the time the suggestion or nomination for award was made.

Individuals requesting access must also follow the MSPB's Privacy Act regulations set forth at 5 CFR 1205.11 regarding access to records and verification of identity.

CONTESTING RECORD PROCEDURES:

Individuals wishing to request amendment of records about themselves should contact the System Manager indicated above. Individuals must furnish the following information for their records to be located and identified:

a. Full name;

b. Date of the suggestion or nomination for award or quality step increase; and

c. Duty station at the time the suggestion or nomination for award was made.

Individuals requesting amendment must also follow the MSPB's Privacy Act regulations set forth at 5 C.F.R. 1205.21 regarding amendment of records and verification of identity.

RECORD SOURCE CATEGORIES:

a. Individuals submitting suggestions or nominations for awards or quality step increases;

b. Supervisors of employees;

c. Evaluators of suggestions or nominations for awards or quality step increases;

d. Official Personnel Folders; and

e. Staff of the Personnel Management Division, General Accounting Office, and other Federal agencies.

MSPB/Internal-5

SYSTEM NAME:

Individual Production Reports.

SYSTEM LOCATION:

Office of the Managing Director, Merit Systems Protection Board (MSPB), 1717 H Street, N.W., Washington, D.C. 20419, and at MSPB Field Offices (see list of Field Office addresses in the Appendix).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former MSPB employees who have adjudicated appeals.

CATEGORIES OF RECORDS IN THE SYSTEM:

The records contain production information by type of appeal; number of cases decided; number of hearings held; calendar days elapsed on an average and median basis for each type of case; and the case disposition by type of appeal.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 1205, 3301 et seq., 4103, 4302, 4501 et seq.

PURPOSES:

Records are maintained in this system to provide an effective management tool in determining proper assignment, transfer, promotion, detail, training, reassignment, and other personnel action affecting presiding officials.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information from these records may be disclosed:

a. To another Federal agency or to a court when the Government is party to a judicial proceeding before the court.

b. To a congressional office in response to an inquiry from that office.

c. To National Archives and Records Services (General Services Administration) pursuant to records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

d. In response to a request for discovery or for appearance of a witness, if the information is relevant to the subject matter involved in a pending judicial or administrative proceeding.

e. To officials of the Office of Personnel Management, the Federal Labor Relations Authority and the Equal Employment Opportunity Commission when requested in the performance of their authorized duties.

POLICIES AND PRACTICES OF STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in binders and on computer tapes and discs.

RETRIEVABILITY:

Records are retrieved by the name of the individual on whom they are maintained and by an appeals officer code number.

SAFEGUARDS:

Records are located in lockable cabinets. Access is restricted to those employees who have a need to use these records.

RETENTION AND DISPOSAL:

The record is maintained during the period of the individual's service with the Board and destroyed by shredding one year after the individual leaves the Board's employ.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Managing Director, Office of the Managing Director, and Director, Office of Appeals, Merit Systems Protection Board, 1717 H Street, N.W., Washington, D.C. 20419.

NOTIFICATION PROCEDURES:

Individuals wishing to determine whether this system of records contains information about them should contact the appropriate System Manager indicated above. Individuals must furnish the following information for their records to be located and identified:

a. Full name; and

b. Date and location of the last appeal office assignment.

Individuals making inquires as to the existence of records pertaining to themselves must also follow the MSPB's Privacy Act regulations set forth at 5 CFR 1205.11 regarding such inquiries.

RECORD ACCESS PROCEDURES:

Individuals requesting access to their records should contact the appropriate System Manager indicated above. Individuals must furnish the following information for their records to be located and identified:

a. Full name; and

b. Date and location of last appeals office assignment.

Individuals requesting access must also comply with the MSPB's Privacy Act regulations set forth at 5 CFR 1205.11 regarding access to records and verification of identify.

CONTESTING RECORD PROCEDURES:

Individuals requesting amendment of their records should contact the appropriate System Manager indicated above. Individuals must furnish the following information for their records to be located and identified:

a. Full name; and

b. Date and location of last appeals office assignment.

Individuals requesting amendment must also comply with the MSPB's Privacy Act regulations set forth at 5 CFR 1205.21 regarding amendment of records and verification of identity.

RECORD SOURCE CATEGORIES:

Information in this system of records is provided by:

a. The individual on whom the records are maintained;

b. Case Control Records used as computer data input; and

c. Production information by the Chief Appeals Officer.

MSPB/Internal-6

SYSTEM NAME:

Security Office Control Records.

SYSTEM LOCATION:

Security Office, Office of Administration, Merit Systems Protection Board, 1717 H Street, NW, Washington, D.C. 20419.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former Merit Systems Protection Board employees for whom there is an investigative file. The system also contains cards on employees stationed in MSPB Field Offices for whom the appointing authority is retained in Washington, D.C., and for whom there is an investigative file.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system consists of cards, filed alphabetically, containing name, social security number, date and place of birth, position sensitivity, type and date of investigations, and date and level of clearance.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 1205 and E.O. 12065.

PURPOSE(S):

These records are used to document security investigations and clearances of MSPB employees.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

There are no disclosures of this information outside of the security office, except to provide information to a congressional office from the record of an individual in response to an inquiry from that congressional office made at the request of that individual.

POLICIES AND PRACTICES OF STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored on cards.

RETRIEVABILITY:

Records are retrieved by the name and date of birth of the individual on whom they are maintained.

SAFEGUARDS:

The cards are stored in locked file cabinets contained within a secured area. These cards do not leave the security office.

RETENTION AND DISPOSAL:

Records are maintained for one year after the individual leaves the Board and then are destroyed by burning.

SYSTEM MANAGER AND ADDRESS:

Director, Office of Administration, Merit Systems Protection Board, 1717 H Street, NW, Washington, D.C. 20419.

NOTIFICATION PROCEDURES:

Individuals wishing to determine whether this system of records contains information about them should contact the System Manager indicated above. Individuals must furnish the following information for their records to be located and identified:

a. Full name; and

b. Date of birth.

Individuals making inquiries as to the existence of records pertaining to themselves must also follow the MSPB's Privacy Act regulations set forth at 5 CFR 1205.11 regarding such inquiries.

RECORD ACCESS PROCEDURES:

Individuals requesting access to their records should contact the System Manager indicated above. Individuals must furnish the following information for their records to be located and identified:

a. Full name; and

b. Date of birth.

Individuals requesting access must also follow the MSPB's Privacy Act regulations set forth at 5 CFR 1205.11 regarding access to records and verification of identity.

CONTESTING RECORD PROCEDURES:

Individuals requesting amendment of their records should contact the System Manager indicated above. Individuals must furnish the following information for their records to be located and identified:

a. Full name; and

b. Date of birth.

Individuals requesting amendment must also follow the MSPB's Privacy Act regulations set forth at 5 CFR 1205.21 regarding amendment of records and verification of identity.

RECORD SOURCE CATEGORIES:

a. The individual to whom the information applies;

b. The investigative files maintained by the Investigations Division, Associate Director/Staffing Systems and Services, Office of Personnel Management; and

c. Employment information maintained by the Board's Director of Personnel.

MSPB/Central-1

SYSTEM NAME:

Survey Mailing Lists.

SYSTEM LOCATION:

Office of Merit Systems Review and Studies, Merit Systems Protection Board (MSPB), 1717 H Street NW., Washington, D.C. 20419 or with private sector contractors participating in the conduct of MSPB surveys.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Federal employees who have responded affirmatively to MSPB inquiries regarding participation in confidential surveys conducted by the Office of Merit Systems Review and Studies.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information in this system includes the name and home address of federal employees who have responded affirmatively to inquiries of the Office of Merit Systems Review and Studies regarding participation in an MSPB survey or surveys.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 1205.

PURPOSE(S):

Information in this system is used to provide for the mailing of confidential survey questionnaires to survey participants. The questionnaires are used in conjunction with MSPB's performance of merit system studies, as required by 5 U.S.C. 1205, to determine the extent to which merit system principles effectively operate within the Government.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

There are no routine uses for this system which is used solely to provide for mailing of questionnaires to persons covered by this system in conjunction with their participation in confidential surveys conducted by the Office of Merit Systems Review and Studies.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are maintained on computer tapes and discs.

RETRIEVABILITY:

These records are retrieved by the names of the individuals on whom they are maintained.

SAFEGUARDS:

These records are stored in secured rooms. Access to and use of these records is limited to those specifically designated MSPB or contractor personnel who are responsibile for mailing the questionnaires to survey participants. Personnel screening is employed to prevent unathorized access or disclosure.

RETENTION AND DISPOSAL:

These records are maintained until all questionnaires have been mailed. The records are destroyed by erasure upon completion of the mailing.

SYSTEM MANAGER AND ADDRESS:

Office of Merit Systems Review and Studies, Merit Systems Protection Board, 1717 H Street, NW., Washington, D.C. 20419.

NOTIFICATION PROCEDURES:

Individuals inquiring whether this system of records contains information about them should contact the System Manager indicated above. Individuals who have expressed an interest in participating in a Merit Systems survey are aware of that fact. It is necessary to furnish the following information when making inquiries about records:

a. Full name; and

b. Name of survey in which individual desired to participate.

Individuals making inquiries as to the existence of records pertaining to themselves must also follow the MSPB's Privacy Act regulations set forth at 5 CFR 1205.11 regarding such inquiries.

RECORDS ACCESS PROCEDURES:

Individuals requesting access to their records should contact the System Manager indicated above. Individuals must furnish the following information for their records to be located and identified:

a. Full name; and

b. Name of survey in which individual desired to participate.

Individuals seeking access must also follow the MSPB's Privacy Act regulations set forth at 5 CFR 1205.11 regarding access to records and verification of identity.

CONTESTING RECORDS PROCEDURES:

Individuals requesting amendment should contact the System Manager indicated above. Individuals must furnish the following information for their records to be located and identified:

a. Full name; and

b. Name of survey in which individual desired to participate.

Individuals requesting amendment must also follow the MSPB's Privacy Act regulations set forth at 5 CFR 1205.21 regarding amendment of records and verification of identity.

RECORD SOURCE CATEGORIES:

Information in this system is obtained initially from the Office of Personnel Management and is subsequently affirmed by the individual to whom the record pertains.

MSPB/Central-2

SYSTEM NAME:

Panel Respondent Mailing Lists.

SYSTEM LOCATION:

Office of Merit Systems Review and Studies, Merit Systems Protection Board (MSPB), 1717 H Street, NW, Washington, D.C. 20419 or with private sector contractors participating in the conduct of MSPB surveys.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Federal employees who serve on a semi-permanent panel surveyed quarterly by the Office of Merit Systems Review and Studies by means of confidential questionnaires on issues relevant to the civil service and the merit system.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information in the system includes the name, address and duty station of Federal employees who have agreed to serve as panel members.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 1205.

(S):

Information in this system is used to provide for the mailing of confidential survey questionnaires to panel members. The questionnaires are used in conjunction with MSPB's performance of merit system studies, as required by 5 U.S.C. 1205, to determine the extent to which merit system principles effectively operate within the Government.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

There are no routine uses for this system which is used solely to provide for the mailing of confidential questionnaires to panel members approximately four times a year.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are maintained on computer tapes and discs.

RETRIEVABILITY:

These records are retrieved by the names of the individuals to whom they pertain.

SAFEGUARDS:

These records are stored in secured rooms. Access to and use of these records is limited to specially designated MSPB or contractor personnel who are responsible for mailing questionnaires to panel members. Personnel screening is employed to prevent unauthorized access or disclosure.

RETENTION AND DISPOSAL:

These records are retained for the life of the panel, a period not to exceed 1.5 years. Upon dissolution of the panel, the records are destroyed by erasure of the computer tape or disc on which they are stored.

SYSTEM MANAGER AND ADDRESS:

Office of Merit Systems Review and Studies, Merit Systems Protection Board, 1717 H Street, N.W., Washington, D.C. 20419.

NOTIFICATION PROCEDURES:

Individuals inquiring whether this system of records contains information about them should contact the System Manager indicated above. Individuals who are members of a panel are aware of that fact. It is necessary to furnish the following information when making inquiries about records:

a. Full name; and

b. Panel on which the individual served.

Individuals making inquiries as to the existence of records pertaining to themselves must also follow the MSPB's Privacy Act regulations set forth at 5 CFR 1205.11 regarding such inquiries.

RECORD ACCESS PROCEDURES:

Individuals requesting access to their records should contact the System Manager indicated above. Individuals must furnish the following information for their records to be located and identified:

a. Full name; and

b. Panel on which individual served.

Individuals seeking access must also follow the MSPB's Privacy Act regulations set forth at 5 CFR 1205.11 regarding access to records and verification of identity.

CONTESTING RECORDS PROCEDURES:

Individuals requesting amendment of records pertaining to them should contact the System Manager indicated above. Individuals must furnish the following information for their records to be located and identified:

a. Full name; and

b. Panel on which the individual served.

Individuals requesting amendment must also follow the MSPB's Privacy Act regulations set forth at 5 CFR 1205.21 regarding amendment of records and verification of identity.

RECORD SOURCE CATEGORIES:

Information in this system is obtained initially from the Office of Personnel Management and is subsequently affirmed by the individual to whom the record pertains.

MSPB/Central-3

SYSTEM NAME:

Correspondence Control Records.

SYSTEM LOCATION:

Office of the Secretary, Merit Systems Protection Board, 1717 H Street, N.W., Washington, D.C. 20419.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have written the MSPB on official business and whose letters are controlled in order to assure appropriate and timely response; individuals who have written the White House or Congressional offices and whose letters are referred to MSPB for reply or response.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains information identifying the correspondent, subject, date and disposition of the correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 1205.

Purpose(s):

These records are used to control correspondence with the Board in order to assure appropriate and timely responses:

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information from these records may be disclosed to another Federal agency to whom correspondence is referred for reply.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are maintained on file cards.

RETRIEVABILITY:

These records are retrieved by the name of the correspondent or individual on whose behalf the correspondence is transmitted, and the date of the correspondence.

SAFEGUARDS:

Access to and use of these records is limited to those persons whose official duties require such access.

RETENTION AND DISPOSAL:

These records are retained for two years, then destroyed by shredding.

SYSTEM MANAGER AND ADDRESS:

Secretary, Merit Systems Protection Board, 1717 H Street, N. W., Washington, D.C. 20419.

NOTIFICATION PROCEDURE:

Individuals wishing to determine whether this system of records contains information about them should contact the System Manager indicated above. Individuals must furnish the following information for their records to be located and identified:

a. Full name;

b. Approximate date of the correspondence; and

c. Name of the person writing the correspondence if transmitted on behalf of the individual.

Individuals making inquiries as to the existence of records pertaining to themselves must also follow the MSPB's Privacy Act regulations set forth at 5 CFR 1205.11 regarding such inquiries.

RECORD ACCESS PROCEDURES:

Individuals requesting access to their records should contact the System Manager indicated above. Individuals must furnish the following information for their records to be located and identified:

a. Full name;

b. Approximate date of the correspondence; and

c. Name of the person writing the correspondence if transmitted on behalf of the individual.

Individuals requesting access must also follow the MSPB's Privacy Act regulations set forth at 5 CFR 1205.11 regarding access to records and verification of identity.

CONTESTING RECORDS PROCEDURES:

Individuals wishing to request amendment of records pertaining to them should contact the System Manager indicated above. Individuals must furnish the following information for their records to be located and identified:

a. Full name;

b. Approximate date of the correspondence; and

c. Name of the person writing the correspondence if transmitted on behalf of the individual.

Individuals requesting amendment must also follow the Board's Privacy Act regulations set forth at 5 CFR 1205.21 regarding amendment of records and verification of identity.

RECORD SOURCE CATEGORIES:

Information in this system is provided by the individual to whom the record pertains or by individuals or organizations writing on behalf of the individual.

MSPB/Central-4

SYSTEM NAME:

General Correspondence Records.

SYSTEM LOCATION:

Merit Systems Protection Board (MSPB), 1717 H Street, N.W., Washington, D.C. 20419 and MSPB Field Offices (see list of Field Office addresses in the Appendix).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former Federal employees and members of the public who have written the MSPB seeking information, registering complaints, or making known their views.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains the incoming correspondence and a copy of the MSPB's reply or referral.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 1205.

PURPOSE(S):

These records are used to document correspondence with the Board.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information from these records may be disclosed:

a. To another agency to whom the incoming correspondence is referred for reply.

b. To the appropriate Federal, State, or local agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order where there is an indication of a violation or potential violation of a civil or criminal law or regulation.

c. To a congressional office from the record of an individual in response to an inquiry from that congressional office made at the request of that individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are maintained in file folders.

RETRIEVABILITY:

These records are retrieved by name and date of correspondence.

SAFEGUARDS:

These records are maintained in lockable metal filing cabinets. Access to and use of these records is limited to those persons whose official duties require such access.

RETENTION AND DISPOSAL:

These records are retained indefinitely.

SYSTEM MANAGER AND ADDRESS:

Secretary, Merit Systems Protection Board, 1717 H Street, N.W., Washington, D.C. 20419, and the MSPB Field Offices (see list of Field Office addresses in the Appendix).

NOTIFICATION PROCEDURE:

Individuals wishing to determine whether this system of records contains information about them should contact the appropriate System Manager indicated above. Individuals must furnish the following information for their records to be located and identified:

a. Full name; and

b. Approximate date of correspondence with the Board.

Individuals making inquiries as to the existence of records pertaining to themselves must also follow the MSPB's Privacy Act regulations set forth at 5 CFR 1205.11 regarding such inquiries.

RECORD ACCESS PROCEDURES:

Individuals requesting access to their records should contact the appropriate System Manager indicated above. Individuals must furnish the following information for their records to be located and identified:

a. Full name; and

b. Approximate date of correspondence with the Board.

Individuals requesting access must also follow the MSPB's Privacy Act regulations set forth at 5 CFR 1205.11 regarding access to records and verification of identity.

CONTESTING RECORDS PROCEDURES:

Individuals wishing to request amendment of records should contact the appropriate System Manager indicated above. Individuals must furnish the following information for their records to be located and identified:

a. Full name; and

b. Approximate date of correspondence with the Board.

Individuals requesting amendment must also follow the MSPB's Privacy Act regulations set forth at 5 CFR 1205.21 regarding amendment of records and verification of identity.

RECORD SOURCE CATEGORIES:

a. Individual to whom the record pertains;

b. Official documents relating to the correspondence; and

c. Related correspondence from agencies, organizations or persons.

MSPB/CENTRAL-5

SYSTEM NAME:

Freedom of Information Act Privacy Act Case Records.

SYSTEM LOCATION:

Office of the Secretary, Merit Systems Protection Board (MSPB), 1717 H Street, N.W., Washington, D.C. 20419, and MSPB Field Offices (see list of Field Office addresses in the Appendix).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This system contains records and related correspondence on individuals who have filed with the MSPB:

a. Requests for information under the provisions of the Freedom of Information Act (5 U.S.C. 552) including requests for review of initial denials of such requests; and

b. Requests under the provisions of the Privacy Act (5 U.S.C. 552a) for records about themselves, including:

(1) Requests for notification of the existence of records;

(2) Requests for access to these records;

(3) Requests for amendment of these records; and

(4) Request for review of initial denials of such requests for notification, access, and amendment.

Note:—Since these PA/FOIA case records contain inquiries and requests regarding any of the MSPB's other systems of records subject to the Privacy Act, information about individuals from any of these other systems may become part of this PA/FOIA Case Records system.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains correspondence and other documents related to requests made by individuals to the MSPB for:

a. Information under the provisions of the FOI Act (5 U.S.C. 552) including requests for review of initial denials of such requests; and

b. Information under provisions of the Privacy Act (5 U.S.C. 552a) and requests for review of initial denials of such requests made under the MSPB's Privacy Act regulations including request for:

(1) Notification of the existence of records;

(2) Access to records;

(3) Amendment of records;

(4) Review of initial denials of such requests for notification, access, or amendment; and

(5) Requests for an accounting of disclosure of records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 552, 1205.

PURPOSE(S):

These records are maintained to process an individual's requests made under the provisions of the Freedom of Information and Privacy Acts. The records are also used by the MSPB to prepare its annual reports to OMB and

Congress required by the Privacy and Freedom of Information Acts.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information from these records may be disclosed:

a. To the Office of Management and Budget at any stage in the legislative coordination and clearance process in connection with private relief legislation as set forth in OMB Circular No. A–19.

b. To a congressional office from the record of an individual in response to an inquiry from that congressional office made at the request of that individual.

c. To a Federal agency or to a court when the Government is a party to a judicial proceeding before the court.

d. To the National Archives and Records Service (General Services Administration) in records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

e. To officials of the Office of Personnel Management, Federal Labor Relations Authority, and the Equal Employment Opportunity Commission in conjunction with the performance of their authorized duties.

f. To Federal agencies in order to obtain advice and recommendations concerning matters on which the agency has specialized experience or particular competence which the MSPB may use in making required determinations under the Freedom of Information Act or Privacy Act of 1974.

g. To any source from which the MSPB requests additional information (to the extent necessary to identify the individual, inform the source of the purpose of the request and to identify the type of information requested), where necessary to obtain information relevant to an MSPB decision concerning a Privacy or Freedom of Information Act request.

h. In response to a request for discovery or for appearance of a witness, if the information is relevant to the subject matter involved in a pending judicial or administrative proceeding.

i. To the appropriate Federal, State, or local agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order where the MSPB becomes aware of an indication of violation or potential violation of civil or criminal law or regulation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are maintained in file folders.

RETRIEVABILITY:

These records are retrieved by name of the individual on whom they are maintained and the date of request.

SAFEGUARDS:

These records are maintained in lockable metal filing cabinets. Access to and use of these records is limited to those persons whose official duties require such access.

RETENTION AND DISPOSAL:

These records are maintained for five years, then destroyed by shredding.

SYSTEM MANAGER AND ADDRESS:

Secretary, Merit Systems Protection Board, 1717 H Street, N.W., Washington, D.C. 20419, and MSPB Field Offices (see list of Field Office addresses in the Appendix).

NOTIFICATION PROCEDURES:

Individuals wishing to determine whether this system of records contains information about them should contact the appropriate System Manager indicated above. Individuals must furnish the following information for their records to be located and identified:

a. Full name; and

b. Approximate date of original request or appeal.

Individuals making inquiries as to the existence of records pertaining to themselves must also follow the MSPB's Privacy Act regulations set forth at 5 CFR 1205.11 regarding such inquiries.

RECORD ACCESS PROCEDURES:

Individuals requesting access to their records should contact the appropriate System Manager indicated above. Individuals must furnish the following information for their records to be located and identified:

a. Full name; and

b. Approximate date of original request or appeal.

Individuals requesting access must also follow the MSPB's Privacy Act regulations set forth at 5 CFR, 1205.11 regarding access to records and verification of identity.

CONTESTING RECORD PROCEDURES:

Individuals wishing to request amendment of records about them should contact the appropriate System Manager indicated above. Individuals must furnish the following information for their records to be located and identified:

a. Full name; and

b. Approximate date of original request or appeal.

RECORD SOURCE CATEGORIES:

Individuals requesting amendment must also follow the MSB's regulations set forth at 5 CFR 1205.21 regarding amendment of records and verification of identity.

Note.—The amendment provisions for this system are not intended to permit an individual a second opportunity to request amendment of a record which was the subject of the initial Privacy Act amendment request which created the record in the system. That is, after an individual has requested amendment of a specific record in an office system under provisions of the Privacy Act, that specific record may itself become part of this system of Privacy Act/FOI Act Case Records. An individual may not subsequently request amendment of that specific record again simply because a copy of the record has become part of the second system of Privacy Act/FOI Act Case Records.

RECORD SOURCE CATEGORIES:

a. The individual who is the subject of the records;

b. NSPB officials who respond to Privacy Act/FOI Act requests;

c. Official personnel documents of the MSPB, including records from any other MSPB system of records included in this notice;

d. Other sources whom the MSPB believes have information pertinent to an MSPB decision on a Privacy Act or Freedom of Information Act request; and

e. Other agencies referring the request to the MSPB.

MSPB/Central–6

SYSTEM NAME:

Litigation and Claims Records.

SYSTEM LOCATION:

Office of the General Counsel, Merit Systems Protection Board (MSPB), 1717 H Street, N.W., Washington, D.C. 20419.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

a. Individuals who file civil actions against the MSPB, its officials, and employees.

b. Individuals who are parties to actions in which an MSPB final decision is involved but in which the MSPB is not a party to the proceeding.

c. Individuals who file claims against the MSPB under the Federal Tort Claims Act.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system includes the following kinds of records: documentation of litigation, including complaints, answers, motions, briefs, orders and decisions; claims and supporting documentation submitted under the Federal Tort Claims Act, together with

correspondence and records of final administrative determinations.

AUTHORITY FOR MAINTENANCE OF THE RECORDS:

5 U.S.C. 1205, 7703; 28 U.S.C. 2672.

PURPOSE(S):

These records are maintained to defend the MSPB against lawsuits and to settle administrative claims brought against the MSPB.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information from these records may be disclosed:

a. To the appropriate Federal, State, or local agency responsibile for investigating, prosecuting, enforcing or implementing a statute, rule, regulation, or order where the Merit Systems Protection Board becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation.

b. To any source from which the MSPB requests information relevent to an MSPB determination concerning one of the purposes for maintainance of the system.

c. To a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the conduct of a security or suitability investigation of an individual, the classification of jobs, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevent and necessary to the requesting agency's decision on the matter.

d. To a congressional office from the record of an individual in response to an inquiry from that congressional office made at the request of that individual.

e. To a Federal agency or to a court when the Government is party to a judicial proceeding before the court.

f. To the National Archives and Records Service (General Services Administration) for records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

g. To the insurance carrier of an employee of, or a claimant against, the MSPB under the Federal Tort Claims Act in order to determine the proper assignment of any liability.

h. In response to a request for discovery or for appearance of a witness, if the information is relevent to the subject matter involved in a pending judicial or administrative proceeding.

i. To officials of the Office of Personnel Management, Federal Labor Relations Authority, and the Equal Employment Opportunity Commission when requested in connection with the performance of their authorized duties.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are maintained in the file folders in lockable metal filing cabinets.

RETRIEVABILITY:

Records are retrieved by the name of the individual on whom they are maintained.

SAFEGUARDS:

Records are available only to authorized personnel of the General Counsel's Office and to other specially designated personnel of the MSPB.

RETENTION AND DISPOSAL:

These records are maintained for two years after completion of the litigation or claims settlement and then are destroyed by shredding.

SYSTEM MANAGER AND ADDRESS:

General Counsel, Office of General Counsel, Merit Systems Protection Board, 1717 H Street, N. W., Washington, D.C. 20419.

NOTIFICATION PROCEDURES:

Individuals wishing to determine whether this system contains a record about them should contact the system manager indicated above. Individuals must furnish the following information for their records to be located and identified:

a. Full name;
b. Date of birth;
c. Description of type of record; and
d. Court action number if applicable.

Individuals making inquiries as to the existence of records pertaining to themselves must also follow the MSPB's Privacy Act regulations set forth at 5 CFR 1205.11 regarding such inquiries.

RECORD ACCESS PROCEDURES:

Individuals requesting access to their records should contact the System Manager indicated above. Individuals must furnish the following information for their records to be located and identified:

a. Full name;
b. Date of birth;
c. Description of type of record; and
d. Court action number if applicable.

Individuals requesting access must also follow the MSPB's Privacy Act regulations set forth at 5 CFR 1205.11 regarding access to records and verification of identity.

CONTESTING RECORDS PROCEDURES:

Review of requests from individuals seeking amendment of their records which have been or could have been the subject of a judicial or quasi-judicial action will be limited in scope. Review of amendment requests of these records will be restricted to determining if the record accurately documents the action of the agency or administrative body ruling on the case, and will not include a review of the merits of the action, determination, or finding.

Individuals wishing to request amendment of their records to correct factual errors should contact the appropriate system manager indicated above. Individuals must furnish the following for their records to be located and identified:

a. Full name;
b. Date of birth;
c. Description of type of record; and
d. Court action number if applicable.

Individuals requesting amendment must also follow MSPB's Privacy Act regulations set forth at 5 CFR 1205.21 regarding amendment of records and verification of identity.

RECORD SOURCE CATEGORIES:

a. The individual on whom the record is maintained;
b. Agency officials and records;
c. Records of MSPB and Equal Employment Opportunity Commission administrative proceedings and court documents; and
d. Witnesses.

MSPB/Govt-1

SYSTEM NAME:

Appeal and Case Records.

SYSTEM LOCATION:

Office of the Secretary, Merit Systems Protection Board (MSPB), 1717 H Street, N.W., Washington, D.C. 20419, the MSPB Field Offices (see list of Field Office addresses in the Appendix), and various Federal agencies.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

a. Current and former Federal employees and applicants for employment who have filed an appeal with the MSPB, or its predecessors, or with respect to whom the Special Counsel or a Federal agency has petitioned the MSPB, concerning any matter over which the MSPB has original or appellate jurisdiction.

b. Current and former employees of State and local governments who have been investigated by the Special Counsel and have had a hearing before

the MPSB concerning possible violations of the Hatch Act

(5 U.S.C. 1502).

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records contains information or documents, including briefs, pleadings and motions, exhibits, hearing transcripts and MSPB decisions, which comprise the administrative records of appeals and other matters arising under the original and appellate jurisdiction of the MSPB.

The system includes records of appeals filed with the former Federal Employee Appeals Authority and the Appeals Review Board of the Civil Service Commission. This system also includes records of appeals and cases before the MSPB, the Federal Employee Appeals Authority and the Appeals Review Board which are maintained by Federal agencies that are parties to the proceedings. Records of appeals maintained in various Federal agencies on adverse actions initiated prior to September 9, 1974, and appealed solely within the agency, are subject to the provisions of this system notice.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 1205, 1206, 1207, 1208, 7701, and 7702.

PURPOSE(S):

These records are used to document and adjudicate appeals and other matters arising under the MSPB's original and appellate jurisdiction.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information from these records may be disclosed.

a. To officials of the Equal Employment Opportunity Commission or the Special Panel convened under authority of 5 U.S.C. 7702 when requested in connection with the performance of their authorized duties.

b. To officials of the Office of Personnel Management and the Federal Labor Relations Authority in connection with the performance of their authorized duties.

c. To a Member of Congress or the Government Accounting Office regarding the status of an appeal.

d. To a congressional office from the record of an individual in response to an inquiry from that congressional office made at the request of that individual.

e. To a person from the record of an individual in response to an inquiry made by that person on behalf of the individual to whom the record pertains.

f. To an appropriate Federal, state, or local agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order upon request of that agency where there is an indication of a violation or potential violation of civil or criminal law or regulation.

g. To the Office of Management and Budget at any stage in the legislative coordination and clearance process in connection with private relief legislation as set forth in OMB Circular No. A–19.

h. To another Federal agency or to a court when the Government is party to a suit before the court.

i. To any person making an inquiry regarding the status of a proceeding before the MSPB, the nature of the proceeding, and, if applicable, the MSPB decision in the matter.

j. To the National Archives and Records Service (General Services Administration) in records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

k. In response to a request for discovery or for appearance of a witness, if the information is relevant to the subject matter involved in a pending judicial or administrative proceeding.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are maintained in file folders, binders, docket cards, microfiche, and computer tapes and discs.

RETRIEVABILITY:

These records are retrieved by the names of the individuals on whom they are maintained or by docket control or decision numbers.

SAFEGUARDS:

Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

RETENTION AND DISPOSAL:

These records are maintained up to two years after a final determination by the MSPB or, in some instances, other administrative authorities or the courts. Thereafter, they are transferred to GSA Regional Federal Records Centers. They are destroyed by the Federal Records Centers when the records are seven years old. Records on appeals initiated prior to September 9, 1974, and appealed solely within an agency generally are maintained by the agency up to seven years or transferred to the GSA Federal Records Centers. They are destroyed by the agency or the Federal Records Centers generally when the records are seven years old.

SYSTEM MANAGER AND ADDRESS:

Secretary, Merit Systems Protection Board, 1717 H Street, N.W., Washington, D.C. 20419, the MSPB Field Offices (see list of Field Office addresses in the Appendix), or the Personnel Officer of the agency within which the appeal was made prior to September 9, 1974.

NOTIFICATION PROCEDURES:

Individuals inquiring whether this system of records contains information about them should contact the appropriate System Manager indicated above. Individuals who have filed appeals or are parties to matters before the MSPB are aware of that fact and have been provided a copy of the record. It is necessary to furnish the following information respecting the individual when making inquiries about records:

a. Full name;

b. Date of birth;

c. Kind of action taken by the agency;

d. Date and location of the filing of the appeals or other matter with the MSPB; and

e. If appropriate, the respective MSPB docket or decision control number.

Individuals making inquiries as to the existence of records pertaining to themselves must also follow the Board's Privacy Act regulations set forth at 5 CFR 1205.11 regarding such inquiries.

RECORD ACCESS PROCEDURES:

Individuals requesting access to their records should contact the appropriate System Manager indicated above. Individuals must furnish the following information for their records to be located and identified:

a. Full name;

b. Date of birth;

c. Kind of action taken or the agency;

d. Date and location of the filing of the appeal or other matter with the MSPB; and

e. If appropriate, the respective MSPB docket or decision control number.

Individuals seeking access must also follow the NSPB's Privacy Act regulations set forth at 5 CFR 1205.11 regarding access to records and verification of identity.

CONTESTING RECORDS PROCEDURES:

Individuals requesting amendment should contact the appropriate System Manager indicated above. Individuals must furnish the following information for their records to be located and identified:

a. Full name;

b. Date of birth;

c. Kind of action taken by the agency;
d. Date and location of the filing of the appeal or other matter with the MSPB; and
e. If appropriate, the respective MSPB docket or decision control number.

Individuals requesting amendment must also follow the MSPB's Privacy Act regulations set forth at 5 CFR 1205.21 regarding amendment of records and verification of identity.

These provisions for amendment of the record are not intended to permit the alteration of evidence presented in the course of adjudication before the Board, before or after the Board has rendered a decision on the appeal.

RECORD SOURCE CATEGORIES:

The sources of these records are:
a. The individual to whom the record pertains;
b. The agency employing the above individual;
c. The Merit Systems Protection Board, the Office of Personnel Management, Equal Employment Opportunity Commission, the Office of the Special Counsel; and
d. Other individuals or organizations from whom the MSPB has received testimony, affidavits or other documents.

Appendix

Field Offices of the Merit Systems Protection Board

Atlanta Field Office, Merit Systems Protection Board, 3rd Floor, North Wing, 1776 Peachtree Street, N.E. Atlanta, Georgia 30309
Boston Field Office, Merit Systems Protection Board, 100 Summer Street, Room 1736, Boston, Massachusetts 02110
Chicago Field Office, Merit Systems Protection Board, John C. Kluczynski Building, 31st Floor, 230 South Dearborn Street, Chicago, Illinois 60604
Dallas Field Office, Merit Systems Protection Board, 1100 Commerce Street, Room 6F20, Dallas, Texas 75242
Denver Field Office, Merit Systems Protection Board, Denver Federal Center, Room 117, Building 46, Box 25025, Denver, Colorado 80225
New York Field Office, Merit Systems Protection Board, New Federal Building, 26 Federal Plaza, Room 2341, New York, New York 10278
Philadelphia Field Office, Merit Systems Protection Board, U.S. Customhouse, Room 501, Second and chestnut Streets, Philadelphia, Pennsylvania 19106
St. Louis Field Office, Merit Systems Protection Board, 1520 Market Street, Room 1740, St. Louis, Missouri 63103
San Francisco Field Office, Merit Systems Protection Board, 525 Market Street, Room 2400, San Francisco, California 94105
Seattle Field Office, Merit Systems Protection Board, Federal Building, 915 Second Avenue, Room 1840, Seattle, Washington 98174
Washington, D.C. Field Office, Merit Systems Protection Board, 5203 Leesburg Pike, Suite 1109, Falls Church, Virginia 22041

[FR Doc. 81-18472 Filed 6-22-81; 8:45 am]
BILLING CODE 7400-01-M

METRIC BOARD

Public Forum

Notice is hereby given that the United States Metric Board will hold a Public Forum on Thrusday, July 9, 1981, from 10:00 a.m. to 1:00 p.m. The Forum will be held in conjunction with the Metric Board's regular bimonthly meeting. Notice of the regular meeting appears in the Sunshine Meeting section of this issue. The Forum and Meeting will be held in the Carolina Ballroom, Salon D, Sheraton Center Hotel, 555 South McDowell Street, Charlotte, N.C.

The purpose of the Forum will be to allow Board Members to receive comments about increased metric usage and voluntary metric conversion from individuals and from representatives of groups or organizations. The public is invited and encouraged to provide oral and written comments and ask questions of the Board from 11:30 a.m. to 1:00 p.m. Those who wish to participate may also submit comments or questions in advance to Chips Maurer, Office of Public Awareness and Education, United States Metric Board, 1600 Wilson Blvd., Suite 400, Arlington, Virginia 22209.

Louis F. Polk,
Chairman.

[FR Doc. 81-18444 Filed 6-22-81; 8:45 am]
BILLING CODE 8250-01-M

NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE

Hydrology Panel; Meeting Addendum

June 17, 1981.

An addition has been made to the agenda for the June 29–30 meeting of the National Advisory Committee on Oceans and Atmosphere (NACOA), published in the **Federal Register** of June 16, 1981 (Page 46 FR 31544). The addition is as follows:

The Hydrology Panel, scheduled to meet June 30, 1981 at 8:30 a.m.–10:00 a.m., will visit the Middle Atlantic River Forecast Center at Harrisburg, PA on July 1, 1981 at 10:00 a.m.

Additional information concerning this portion of the meeting may be obtained through the Committee's Executive Director, Steven N. Anastasion, whose mailing address is: National Advisory Committee on Oceans and Atmosphere, 3300 Whitehaven Street, NW., (Room 438, Page Building #1), Washington, DC 20235. The telephone number is (202) 653–7818.

Dated: June 17, 1981.

Steven N. Anastasion,
Executive Director.

[FR Doc. 81-18520 Filed 6-22-81; 8:45 am]
BILLING CODE 3510-12-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Meeting

In accordance with the purposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards will hold a meeting on July 9–11, 1981, in Room 1046, 1717 H Street, NW, Washington, DC. Notice of this meeting was published in the **Federal Register** on June 19, 1981.

The agenda for the subject meeting will be as follows:

Thursday, July 9, 1981

8:30 A.M.–8:45 A.M.: Opening Session (Open)—The Committee will hear and discuss the report of the ACRS Chairman regarding miscellaneous matters relating to ARCS activities including selection and appointment of a new ACRS member.

Portions of this session will be closed as necessary to discuss information of a personal nature which would constitute a clearly unwarranted invasion of personal privacy.

8:45 A.M.–10:45 A.M.: Shutdown Decay Heat Removal Requirements (Open)—The Committee will hear the report of its Subcommittee and consultants who may be present regarding the proposed NRC Action Plan (Task A–45) to investigate alternate means of decay heat removal in PWR nuclear plants. The Committee will also meet with and discuss this proposed plan with members of the NRC Staff and representatives of the nuclear industry who may be present.

10:45 A.M.–12:30 P.M. and 1:30 P.M.–3:30 P.M.: NRC Safety Research Program Budget (Open)—The members will hear the report of designated ACRS Subcommittee Chairmen and consultants who may be present regarding the proposed NRC Safety Research Program budget for FY–83 and will discuss the proposed ACRS report to NRC regarding this matter.

Portions of these sessions will be closed as required to discuss information the premature release of

which would be likely to significantly frustrate statutory Committee action.

3:30 P.M.–5:00 P.M.: Improved Safety Features for Nuclear Power Plants (Open)—The Committee will hear presentations from and hold discussions with members of the NRC staff regarding review and evaluation of improved safety features for nuclear power plants located at high population density sites.

Portions of this session will be closed as necessary to discuss information which will be involved in an adjudicatory proceeding.

5:00 P.M.–5:30 P.M.: Waste Management and Disposal of Radioactive Wastes (Open)—The Committee will hear the report of its Subcommittee and consultants who may be present regarding the proposed NRC program to evaluate long-term performance of alternate materials being considered for high-level waste packages. Members of the NRC staff and representatives of the nuclear industry will participate to the degree determined to be appropriate.

5:30 P.M.–6:30 P.M.: Requirements for New Nuclear Plants (Open)—The ACRS will discuss a proposed report to the NRC regarding requirements for new nuclear power plants.

Friday, July 10, 1981

8:30 A.M.–11:30 A.M.: Three Mile Island Nuclear Plant Unit 1 (Open)—The Committee will hear the report of its Subcommittee and consultants who may be present regarding proposed resumption of operations at the Three Mile Island Nuclear Station Unit 1. Members of the NRC staff and representatives of the applicant will make presentations to and discuss this proposal with the Committee members.

Portions of this session will be closed as required to discuss Proprietary Information related to this matter.

11:30 A.M.–11:45 A.M.: Anticipated ACRS Activities (Open)—The Committee members will discuss the future schedule for conduct of anticipated ACRS activities.

11:45 A.M.–12:30 P.M. and 1:30 P.M.–4:00 P.M.: NRC Safety Research Program Budget (Open)—The Committee members will discuss the proposed ACRS report to NRC regarding the proposed NRC safety research program budget for FY–83.

Portions of this session will be closed as required to discuss information the premature release of which would be likely to significantly frustrate statutory Committee action.

4:00 P.M.–5:00 P.M.: Pilgrim Nuclear Power Station Unit 2 (Open)—The Committee will hear and discuss the report of its Subcommittee and consultants who may be present regarding the application of TMI–2 Lessons Learned to the Pilgrim Nuclear Power Station Unit 2. Members of the NRC staff and representatives of the applicant will make presentations to and hold discussions with the members of the Committee regarding this matter to the degree needed.

Portions of this session will be closed as required to discuss Prorietary Information related to this matter.

5:00 P.M.–6:30 P.M.: Preparation of ACRS Reports (Open)— The Committee members will discuss proposed ACRS comments/reports regarding matters considered during this meeting.

Portions of this session will be closed as necessary to permit discussion of privileged information.

Saturday, July 11, 1981

8:30 A.M.–12:30 P.M.—and 1:30 P.M.–3:30 P.M.: Preparation of ACRS Reports (Open)—The Committee members will discuss proposed ACRS comments/reports regarding matters considered during this meeting.

Portions of this session will be closed as necessary to permit discussion of privileged information.

Procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 7, 1980 (45 FR 66535). In accordance with these procedures, oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Committee, its consultants, and Staff. Persons desiring to make oral statements should notify the ACRS Executive Director as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements. Use of still, motion picture and television cameras during this meeting may be limited to selected portions of the meeting as determined by the Chairman. Information regarding the time to be set aside for this purpose may be obtained by a telephone call to the ACRS Executive Director (R.F. Fraley) prior to the meeting. In view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with the ACRS Executive Director if such rescheduling would result in major inconvenience.

I have determined in accordance with Subsection 10(d) P.L. 92–463 that it is necessary to close portions of this meeting as noted above to discuss Proprietary Information (5 U.S.C. 552b(c)(4)), information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy (5 U.S.C. 552b(c)(6)), information the premature release of which is likely to significantly frustrate the Committee in its statutory function (5 U.S.C. 552b(c)(9)), and information which will be involved in an adjudicatory proceeding (5 U.S.C. 552b(c)(10)).

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunty to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the ACRS Executive Director, Mr. Raymond F. Fraley (telephone 202/634–3265), between 8:15 A.M. and 5:00 P.M. EDT.

Dated: June 18, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81–18540 Filed 6–22–81; 8:45 am]

BILLING CODE 7590–01–M

Advisory Committee on Reactor Safeguards, Subcommittee on Nuclear Safety Research Program; Meeting

The ACRS Subcommittee on Nuclear Safety Research Program will hold a meeting on July 8, 1981, in Room 1046, 1717 H Street, NW., Washington, DC. The Subcommittee will discuss the ACRS Report to the Commission on the NRC FY–83 Safety Research Program and Budget.

In accordance with the procedures outlined in the **Federal Register** on October 7, 1980 (45 FR 66535), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance. However, portions of this meeting may be closed as required to discuss information the premature release of which would be likely to significantly frustrate statutory committee action (Sunshine Act Exemption (9)(B)). To the extent

practicable, these closed sessions will be held so as to minimize inconvenience to members of the public in attendance.

The agenda for subject meeting shall be as follows:

Wednesday, July 8, 1981.

8:30 a.m. until the conclusion of business.

During the initial portion of the meeting, the Subcommittee, hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other interested persons regarding the FY 1983 NRC Safety Research Program Budget.

The Subcommittee will then discuss the ACRS Report to the Commission on NRC's FY 1983 Safety Research Program Budget.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Sam Duraiswamy (telephone 202/634–3267) between 8:15 a.m. and 5:00 p.m., EDT.

I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act, that it may be necessary to close some portions of this meeting. The authority for such closure is Exemption (9)(B) to the Sunshine Act, 5 U.S.C. 552b(c)(9)(B).

Dated: June 18, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81-18542 filed 6-22-81; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards, Subcommittee on Pilgrim Station Unit 2; Meeting

The ACRS Subcommittee on Pilgrim Station Unit 2 will hold a meeting on July 8, 1981, Room 1167, 1717 H Street, NW., Washington, D.C. to review implementation of Three Mile Island Unit 2 Action plan requirements.

In accordance with the procedures outlined in the **Federal Register** on October 7, 1980 (45 FR 66535), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance.

The agenda for subject meeting shall be as follows:

Wednesday, July 8, 1981.

1:00 p.m. until the conclusion of business.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the Boston Edison Company and their consultants, the NRC Staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. David Bessette (telephone 202/634–3267) between 8:15 a.m. and 5:00 p.m., EDT.

Dated: June 18, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81-18541 Filed 6-22-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50–466–CP]

Houston Lighting & Power Co. (Allens Creek Nuclear Generating Station, Unit 1); Order Scheduling Resumed Hearings

June 18, 1981.

The evidentiary hearings will be resumed on August 17 and continue on weekdays through August 28, 1981, and, thereafter, will be resumed on September 14 and continue on weekdays through September 24, 1981.

Initially, testimony will be presented upon certain contentions carried over from the June, 1981 hearing session. Thereafter, testimony will be presented upon various contentions and Board questions which will be identified by Applicant and Staff on or before June 25, 1981. These testimonies will be heard sequentially pursuant to the order of presentation as will be set forth in Applicant's and/or Staff's submissions of August 3 and August 31, 1981 (See Order of June 16, 1981).

With regard to the contentions and Board questions to be heard during the August 17–28 hearing session, Applicant shall file its written direct testimonies by July 20. Staff shall file its written direct testimonies by July 27, and Intervenors may file written direct testimonies, if any, with regard to their own contentions and Board questions by no later than July 27, 1981. With regard to the contentions and Board questions to be heard during the September 14–24 hearing session, Applicant and Staff shall file written direct testimonies by August 25, and Intervenors may file written direct testimonies, if any, with regard to their own contentions and Board questions by no later than August 25, 1981.

The August 17–28 and the September 14–24 hearing sessions will be held at the following location: Ramada Inn, 7787 Katy Freeway, Houston, Texas 77004.

The hearing sessions will begin at 9:00 a.m. and recess at 5:00 p.m.

While generally the public is invited to attend these evidentiary hearings, some matters may be raised which, being the subjects of the Board's Protective Orders, will be heard in *in camera* proceedings.

It is so ordered.

For the Atomic Safety Licensing Board.

Sheldon J. Wolfe,

Administrative Judge.

[FR Doc. 81-18544 Filed 6-22-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50–389 OL]

Flordia Power & Light Co. (St. Lucie Plant, Unit No. 2); Assignment of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority conferred by 10 CFR 2.787(a), the Chairman of the Atomic Safety and Licensing Appeal Panel has assigned the following panel members to serve as the Atomic Safety and Licensing Appeal Board for this operating license proceeding:

Alan S. Rosenthal, Chairman
Dr. John H. Buck
Christine N. Kohl

Dated: June 16, 1981.

C. Jean Bishop,

Secretary to the Appeal Board

[FR Doc. 81-18543 Filed 6-22-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-309]

Maine Yankee Atomic Power Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 57 to Facility Operating License No. DPR-36, issued to Maine Yankee Atomic Power Company, which revised Technical Specifications for operation of the Maine Yankee Atomic Power Station (the facility) located in Lincoln County, Maine. The amendment was effective on May 22, 1981.

The amendment modifies Technical Specification 3.17.B.7.b to allow operation of the reactor building purge system to by-pass the charcoal absorbers during the cycle 6 refueling operation only under the following conditions: (1) during the time the Low Pressure Safety Injection (LPSI) System check valves are being installed or completion of refueling operations, whichever is earlier; and (2) during the charcoal absorber by-pass mode the containment purge valves will be trippable manually and automatically.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate finding as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated May 22, 1981, (2) Amendment No. 57 to License No. DPR-36, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Wiscasset Public Library Association, High Street, Wiscasset, Maine. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 12th day of June, 1981.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 81-18545 filed 6-22-81; 8:45 am]

BILLING CODE 7590-01-M

PENSION BENEFIT GUARANTY CORPORATION

Pendency of Request for Exemption From Bond/Escrow and Contract Provision Requirements Relating to Sale of Assets by an Employer Who Contributes to a Multiemployer Plan

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Pendency of Request.

SUMMARY: This notice advises interested persons that the Pension Benefit Guaranty Corporation has received a request from the Chicago White Sox Baseball Club, Inc., the Artnell Company and the Chisox Corporation for an exemption from the bond/escrow and contract provision requirements of section 4204(a)(1) (B) and (C) of the Employee Retirement Income Security Act of 1974, as amended by the Multiemployer Pension Plan Amendments Act of 1980. Section 4204(a)(1) provides that a contributing employer's cessation of contributions or covered operations resulting from a sale of assets by the employer will not constitute a complete or partial withdrawal from the plan if certain conditions are met. One of these conditions is that the purchaser post a bond or deposit money in escrow for five plan years beginning after the sale. Another condition is that the sales agreement provide that the seller will be secondarily liable for its withdrawal liability. The PBGC is authorized to grant exemptions from these requirements. Prior to granting an exemption, the PBGC is required to give interested persons an opportunity to comment on the exemption request. The effect of this notice is to advise interested persons of this exemption request and to solicit their views on it.

DATE: Comments must be submitted on or before August 7, 1981.

ADDRESS: All written comments (at least three copies) should be addressed to: Assistant Executive Director for Policy and Planning, Suite 7300, 2020 K Street, NW., Washington, D.C. 20006. The request for an exemption and the comments received will be available for public inspection at the PBGC Public Affairs Office, Suite 7100, at the above address, between the hours of 9:00 a.m. and 4:00 p.m.

FOR FURTHER INFORMATION CONTACT: Ellen A. Hennessy, Office of the Executive Director, Policy and Planning, Suite 7300, 2020 K Street, NW., Washington, D.C. 20006, (202) 254-4862.

SUPPLEMENTARY INFORMATION:

The Statute

The Multiemployer Pension Plan Amendments Act of 1980, Pub. L. 96-364, 94 Stat. 1208 (the "Multiemployer Act") became law on September 26, 1980 and amended the Employee Retirement Income Security Act of 1974 ("ERISA"), 29 U.S.C. 1001 *et seq.* As a result of the Multiemployer Act, an employer that withdraws, or partially withdraws, from a multiemployer pension plan covered under Title IV of ERISA may be liable to the plan for a portion of the plan's unfunded vested benefits. The withdrawal liability rules generally apply to withdrawals occurring after April 28, 1980.

Section 4204 of ERISA, 29 U.S.C. 1384, provides that cessation of contributions or covered operations resulting from the sale of assets of a contributing employer will not be considered a withdrawal if certain conditions are met. Three of the conditions, enumerated in section 4204(a)(1)(A)-(C), are that—

(A) the purchaser has an obligation to contribute to the plan for substantially the same number of contribution base units for which the seller was obligated to contribute;

(B) the purchaser obtains a bond or places an amount in escrow, for a period of five plan years after the sale, in an amount equal to the greater of (1) the seller's average required annual contribution to the plan for the three plan years preceding the plan year in which the sale occurred, or (2) the seller's required annual contribution for the plan year preceding the plan year in which the sale occurred; and

(C) the contract of sale provides that if the purchaser withdraws from the plan within the first five plan years beginning after the sale and fails to pay any of its liability to the plan, the seller shall be secondarily liable for the liability it (the seller) would have had but for section 4204. The bond or escrow described above would be paid to the plan if the purchaser withdraws from the plan or fails to make any required contributions to the plan within the first five plan years beginning after the sale.

Section 4204(c) of ERISA authorizes the Pension Benefit Guaranty

Corporation ("PBGC") to grant individual or class variances from the purchaser's bond/escrow requirement of section 4204(a)(1)(B) or the contract provision requirement of section 4204(a)(1)(C) if the variances would "more effectively or equitably carry out the purposes of [Title IV]." The legislative history of section 4204 indicates a Congressional intent that the sales rules be administered in a manner that assures protection of the plan with the least practicable intrusion into normal business transactions.

Section 4204(c) requires the PBGC to publish a notice of the pendency of a request for a variance or an exemption in the **Federal Register**, and to provide interested parties with an opportunity to comment on the proposed variance or exemption.

The Request

The PBGC has received a joint request from the Chicago White Sox Baseball Club, Inc. (the "Club"), Artnell Company ("Artnell"), and the Chisox Corporation ("Chisox") (collectively referred to as the "Parties") for an exemption from the requirements of section 4204(a)(1) (B) and (C) of ERISA. In the request, the Parties represent, among other things, that:

1. The Major League Baseball Players Benefit Plan (the "Plan") is established and maintained pursuant to a collective bargaining agreement between the 26 professional major league baseball teams and the Major League Baseball Players Association

2. The Club was a participating employer in the Plan.

3. The major league clubs have established the Major League's Central Fund (the "Central Fund") pursuant to the "Major League Agreement in re Major League's Central Fund." Under this Agreement, the revenues to fund the plan for all participating employers are received by the Office of the Commissioner of Baseball and are then remitted on behalf of the clubs in satisfaction of their pension liability arising under the Plan's funding agreement. The Major League Agreement is subject to amendment or termination in accordance with the terms thereof. In addition, other expenditures on behalf of all 26 clubs are made from the Central Fund. The revenue to fund the Plan is currently derived directly from (i) gate receipts from All-Star games, (ii) radio and television revenues from World Series, League Championship intradivision play-off and All-Star games, and (iii) certain other radio and television revenue (including foreign broadcasts) from regular and exhibition games.

4. The major league clubs are currently obligated to contribute the sum of $15,500,000 per year to cover both pension and welfare benefits; approximately $13 million of which is remitted to the pension plan for the current plan year. In the past five years, the Central Fund has paid the following amounts as pension contributions to the Plan on behalf of the Club:

Year and Contribution

1980—$500,000
1979— 287,941
1978— 283,760
1977— 311,496
1976— 311,496

5. The Club and Artnell have entered into an agreement for the sale of the Chicago White Sox baseball team to Chisox. This is an arm's-length transaction between unrelated parties within the meaning of section 4204.

6. The contract of sale provides that Chisox will have an obligation to contribute to the Plan for substantially the same number of contribution units as the Club and Artnell.

7. The sales agreement further provides that unless the PBGC grants a waiver or variance, Chisox will post the bond or escrow required under section 4204(a)(1)(B) of ERISA.

8. Copies of the request have been supplied to the Plan and to the Major League Baseball Players Association.

Among other things, the Parties have requested the PBGC to waive the contract provision requirement of 4204(a)(1)(C). Further, Chisox has requested the PBGC to waive the bond/escrow requirement of section 4204(a)(1)(B). In support of these requests, the Parties state that "[t]he fact that the Plan is funded directly from the Revenues which are paid from the Central Fund directly to the [Plan] without first passing through the hands of any of the team employers, provides adequate security to the Plan and thus to the insurance system provided by ERISA. A change in a team employer does not in any way affect the obligation to fund the Plan with Revenues nor create the possibility that there will be difficulty in collecting Plan contributions due from any new team employer."

Comments

All interested persons are invited to submit written comments on the pending exemption to the address above, on or before August 7, 1981. All comments will be made a part of the record. All comments must identify this notice. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Issued at Washington, D.C., on this 17th day of June, 1981.

Robert E. Nagle,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 81-18434 Filed 6-22-81; 8:45 am]

BILLING CODE 7708-01-M

SMALL BUSINESS ADMINISTRATION

Optional Peg Rate

The Small Business Administration publishes on a quarterly basis an interest rate called the optional "peg" rate (13 CFR 120.3 (b)(2)(iii)). This rate is a weighted average cost of money to the government for maturities similar to the average SBA loan. This rate may be used as a base rate for guaranteed fluctuating interest rate SBA loans.

For the July-September quarter of 1981, this rate will be thirteen and seven-eighths (13⅞) percent.

Dated: June 17, 1981.

Edwin T. Holloway,

Acting Associate Administrator for Financial Assistance.

[FR Doc. 81-18430 Filed 6-22-81; 8:45 am]

BILLING CODE 8025-01-M

[SBLC NO. 02/B-0012]

NIS Funding Corp.; Issuance of Small Business Lending Company Participation Certificate

On October 1, 1980, a Notice was published in the **Federal Register** (FR Vol. 45, No. 192 65104) stating that an Application had been filed with the Small Business Administration pursuant to § 120.4(b) of the Regulations governing Small Business Lending Companies (13 CFR 120.(b)(1980)) by NIS Funding Corp., 34 South Broadway, White Plains, New York 10601, to participate with the SBA as a non-bank Small Business Lending Company (SBLC).

Interested parties were given until the close of business on October 16, 1980, to submit their comments on the Applicant and/or its management. The several comments received were reviewed and considered.

Notice is hereby given that after review of the Application and all other pertinent information, SBA issued Small Business Lending Company Participation Certificate No. SBLC-02/B-0012 to NIS Funding Corp. to operate as a SBLC.

(Catalog of Federal Domestic Programs No. 59.012, Small Business Loan)

Dated: June 15, 1981.

Michael Cardenas,

Administrator.

[FR Doc. 81-18431 Filed 6-22-81; 8:45 am]

BILLING CODE 8025-01-M

[Proposed License No. 09/09-0296]

Rieder Investment Co.; Application for a License To Operate as a Small Business Investment Company

Notice is hereby given of the filing of an application with the Small Business Administration (SBA), pursuant to § 107.102 of the Regulations governing small business investment companies (13 CFR § 107.102 (1980)), under the name of Rieder Investment Company, 1337 Gaviotta, Suite A, Laguna Beach, California 92651, for a license to operate as a small business investment company (SBIC) under the provisions of the Small Business Investment Act of 1958 (Act), as amended (15 U.S.C. 661 *et seq.*).

The proposed officers, directors and major stockholders are as follows:

Donald Lee Rieder, president & director, 2227 16th, Boulder, Colorado
Robert W. Brown, secretary & director, 11601 Kenwood, Kansas City, MO 64131
Julie Wittrock, assistant secretary & director, 635 Baker y 206, Costa Mesa, California 92626
Rieder Enterprises, Inc., 100 percent
Mr. Donald L. Rieder is the sole stockholder of Rieder Enterprises, Inc.

The Applicant will begin operations with a capitalization of $500,000 which will be a source of both equity and debt financing to qualified small business concerns in a wide range of industries for normal growth, expansion and working capital.

The Applicant does not intend to use the services of an investment advisor but will provide consulting services to its clients and other small business concerns.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed management and owner, including adequate profitability and financial soundness in accordance with the Act and Regulations.

Notice is further given that any person may not later than July 8, 1981, submit written comments on the proposed SBIC to the Acting Associate Administrator for Investment, Small Business Administration, 1441 L Street, N.W., Washington, D.C. 20416.

A copy of this Notice shall be published in a newspaper of general circulation in Omaha, NE, Boulder, CO and Laguna Beach, CA.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: June 16, 1981.

Peter F. McNeish,

Acting Associate Administrator for Investment.

[FR Doc. 81-18434 Filed 6-22-81; 8:45 am]

BILLING CODE 8025-01-M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Request for Public Comments: Section 302(c) Report

Section 302(c) of the Trade Agreements Act of 1979 (19 U.S.C. 2512) requires the President to report to specified committees of the Congress on the effects on the U.S. economy (including effects on employment, production, competition, costs and prices, technological development, export trade, balance of payments, inflation and the Federal budget) of the refusal of developed countries to allow the Agreement on Government Procurement to cover entities of the governments of such countries which are the principal purchasers of goods and equipment in the appropriate product sectors. The report is also to include an evaluation of alternative means to obtain equity and reciprocity in such product sectors and an analysis of the effect of such alternative means on the U.S. economy.

Section 302(c)(3) requires the President to consult with representatives of the public, industry and labor in the preparation of the report. Therefore, interested parties are invited to provide information on the above areas to be covered by the report. "Business Confidential" treatment of submissions may be requested under USTR regulations codified at 15 CFR 2003. The original and twenty copies of the comments should be delivered to the Secretary, TPSC, 600 Seventeenth Street, Room 413, Washington, D.C. 20506. Comments should be submitted no later than July 10, 1981. For further information call Karen Alleman at 202-395-3063.

W. Douglas Newkirk,

Assistant U.S. Trade Representative for GATT Affairs.

June 18, 1981.

[FR Doc. 81-18576 Filed 6-22-81; 8:45 am]

BILLING CODE 3190-01-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 120
Tuesday, June 23, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

	Items
Federal Reserve System (Board of Governors)	1
National Credit Union Administration	2

1

BOARD OF GOVERNOR FEDERAL RESERVE SYSTEM.

TIME AND DATE: 10 a.m., Monday, June 29, 1981.

PLACE: 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Proposals for changes in internal System procedures for report clearance and information management.

2. Personnel actions (appointments, promotions, assignments, reassignments and salary actions) involving individual Federal Reserve System employees.

3. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board, (202) 452-3204.

Dated: June 19, 1981.

James McAfee,

Assistant Secretary of the Board.

[S-963-81 Filed 6-19-81; 3:51 pm]

BILLING CODE 6210-01-M

2

NATIONAL CREDIT UNION ADMINISTRATION.

Notice of changes in subject of meeting.

The National Credit Union Administration Board has determined that its business required that the previously announced open meeting on June 11, 1981 include an additional item and delete an item.

Added: Retail Repurchase Agreements for Federal Credit Unions.

Deleted: 3. Proposed regulation—Section 701.21-3A to the NCUA Rules and Regulations regarding business relationship with line of credit lender.

Earlier announcement of this change was not possible.

The previously announced items were:

1. Review of Central Liquidity Facility Lending Rate.

2. Proposed deregulation of Sections 701-21-1, 701.21-2 and 701.21-3 of the NCUA Rules and Regulations regarding lending policies, amortizations and payment of loans and lines of credit.

3. Proposed regulation—Section 701.21-3A to the NCUA Rules and Regulations regarding business relationship with line of credit lender.

4. Proposed amendments to Section 701.21-6 of the NCUA Rules and Regulations: real estate lending including use of due on sale clauses.

5. Proposed deregulation of Section 701.21-7 of the NCUA Rules and Regulations regarding loan participation.

6. Proposed regulation—Section 701.21-6B to the NCUA Rules and Regulation regarding adjustable rate mortgages.

7. Requests for assistance for three CDCUs under Section 705 of the NCUA Rules and Regulations—Community Development Credit Union Program.

8. Proposed regulation—Section 748 to the NCUA Rules and Regulations regarding minimum security devices and procedures.

9. Proposed policy on merger assistance under Section 208(a)(2) of the Federal Credit Union Act.

10. Report of actions taken under delegations of authority.

11. Applications for charters, amendments to charters, bylaw amendments, mergers as may be pending at that time.

The meeting was held at 9:30 a.m., in the Seventh Floor Board Room, 1776 G Street, N.W., Washington, D.C.

FOR MORE INFORMATION CONTACT: Beatrix D. Fields, Acting Secretary of the Board, telephone (202) 357-1100.

[S-962-81 Filed 6-19-81; 9:43 am]

BILLING CODE 7535-01-M

Reader Aids

Federal Register

Vol. 46, No. 120

Tuesday, June 23, 1981

INFORMATION AND ASSISTANCE

PUBLICATIONS

Code of Federal Regulations

CFR Unit	202-523-3419 523-3517
General information, index, and finding aids	523-5227
Incorporation by reference	523-4534
Printing schedules and pricing information	523-3419

Federal Register

Corrections	523-5237
Daily Issue Unit	523-5237
General information, index, and finding aids	523-5227
Public Inspection Desk	633-6930
Scheduling of documents	523-3187

Laws

Indexes	523-5282
Law numbers and dates	523-5282 523-5266
Slip law orders (GPO)	275-3030

Presidential Documents

Executive orders and proclamations	523-5233
Public Papers of the President	523-5235
Weekly Compilation of Presidential Documents	523-5235
Privacy Act Compilation	523-3517
United States Government Manual	523-5230

SERVICES

Agency services	523-3408
Automation	523-3408
Dial-a-Reg	
Chicago, Ill.	312-663-0884
Los Angeles, Calif.	213-688-6694
Washington, D.C.	202-523-5022
Magnetic tapes of FR issues and CFR volumes (GPO)	275-2867
Public briefings: "The Federal Register—What It Is and How To Use It"	523-5235
Public Inspection Desk	633-6930
Regulations Writing Seminar	523-5240
Special Projects	523-4534
Subscription orders (GPO)	783-3238
Subscription problems (GPO)	275-3054
TTY for the deaf	523-5239

FEDERAL REGISTER PAGES AND DATES, JUNE

29239-29452	1
29453-29690	2
29691-29920	3
29921-30072	4
30073-30326	5
30327-30480	8
30481-30622	9
30623-30796	10
30797-30996	11
30997-31248	12
31249-31402	15
31403-31634	16
31635-31868	17
31869-31998	18
31999-32226	19
32227-32424	22
32425-32550	23

CFR PARTS AFFECTED DURING JUNE

At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Executive Orders:
May 9, 1898 (Revoked by PLO 5949) 29939
February 25, 1919 (Revoked in part by PLO 5959) 31894
April 4, 1922 (Revoked in part by PLO 5961) 31894
June 13, 1925 (Revoked in part by PLO 5957) 31893
February 6, 1926 (Revoked by PLO 5948) 29938
April 17, 1926 (Revoked in part by PLO 5950) 29939
February 14, 1933 (Revoked by PLO 5944) 29710
5451 (Revoked by PLO 5947) 29938
5907 (Revoked in part by PLO 5960) 31894
6618 (Revoked in part by PLO 5958) 31893
11476 (Amended by EO 12306) 29693
11835 (See EO 12306) 29693
12018 (See EO 2306) 29693
12198 (Amended by EO 12306) 29693
12233 (See EO 12306) 29693
12285 (Amended by EO 12307) 30481
12296 (Amended by EO 12309) 30997
12306 29693
12307 30483
12308 30485
12309 (Amends EO 12296) 30997
12310 31869

Proclamations:
4846 29691
4847 30483
4848 31403

Administrative Orders:
Presidential Determinations
No. 81-8 of June 2, 1981 30797
No. 81-9 of June 2, 1981 29921
No. 81-10 of June 9, 1981 31635

5 CFR

Ch. XIV 30327
213 31405
230 32425
930 31405
1200 30999

Proposed Rules:
Ch. I 31018

7 CFR

2 ..... 31871, 32227
20 32227
28 30073
301 31999
354 32006
700 29453
800 30322
907 ..... 29923, 30799, 32425
908 ..... 32007, 32425
910 ..... 30012, 31249, 32008
911 32425
915 32425
917 ..... 30075, 30077, 32425
918 32425
923 32008
925 32425
945 32010
953 ..... 29454, 30487
979 29693
982 32012
984 31637
991 29693
1425 30327
1944 29239

Proposed Rules:
102 30620
201 ..... 30780, 31424
226 32026
907 32030
922 32031
948 32031
989 30645
993 29271
1125 31424
1133 31424
1701 32033

8 CFR

204 ..... 29923, 30078
214 29456

9 CFR

78 30487
82 ..... 29456, 30488, 31249
92 ..... 29239, 29240

10 CFR

2 30328
51 29457
376 29680
390 29680
440 29242

1008.....31637
1500.....29924
1502.....29924
1534.....29924

Proposed Rules:
2.....30349
30.....29712
40.....29712
70.....29712
73.....31267
500.....31216
501.....31216
503.....31216
504.....31216
505.....31216

12 CFR

Ch. II.....31406
204.....32426
217.....32426
220.....31250
303.....30079
523.....32013
552.....30488
570.....30079
701.....31871

Proposed Rules:
213.....29245
220.....32033
226.....29246
332.....31018
337.....31018
526.....30113
545.....30114
569a.....29246
615.....32450
701.....29247, 29482, 31651, 31654, 31660
720.....29248

13 CFR

120.....32430
124.....29251

Proposed Rules:
105.....32259
124.....29276, 31899

14 CFR

39.....29252, 29253, 29924–29926, 30332–30334, 30799, 30800, 31250, 31251, 31873–31879, 32228–32230
71.....29254–29256, 29927, 30335, 30801–30806, 31250–31252, 32231–32233
73.....29256, 30806
75.....31253
97.....29257, 30807
135.....30968
152.....30808
207.....31000
208.....31000
212.....31000
302.....31001

Proposed Rules:
Ch. I.....30352
39.....31268, 31899, 31900, 32265, 32266
71.....29278–29281, 29947–29951, 30353, 30354, 30833, 31269, 32267, 32269
73.....30833
75.....29280, 29281, 31278
121.....32409, 32413
123.....32409
127.....32409
135.....32409, 32413
323.....29282
302.....29718
399.....29285, 29719, 29727

15 CFR

370.....29457
371.....32431
376.....31001, 31407
377.....32431
385.....31407
399.....31407, 32431
806.....30336
908.....32233
935.....32014
936.....32014

Proposed Rules:
330.....29662
331.....29662
332.....29662
340.....29662
341.....29662
342.....29662
343.....29662
350.....29662
351.....29662
352.....29662
353.....29662
354.....29662
373.....30623

16 CFR

4.....32435
13.....29458, 29928, 30337, 32233, 32234
460.....29256
1031.....29928
1032.....29928
1212.....29696

Proposed Rules:
Ch. II.....29951, 30115, 31901
13.....30646, 32450
453.....31662

17 CFR

15.....29931
16.....29931
17.....29931
18.....29931
21.....29931
230.....31880

Proposed Rules:
Ch. I.....29952

18 CFR

141.....29459
271.....29697, 29699, 30489–30491, 31253–31256, 32235–32238
284.....30491
292.....32238
375.....29700
1301.....31002
1309.....30811

Proposed Rules:
Ch. I.....31902
157.....30505
271.....30833, 32270
292.....31663
375.....30505

19 CFR

101.....29462, 32436
134.....30338

Proposed Rules:
Ch. I.....29953
200.....29729

20 CFR

655.....32437

Proposed Rules:
404.....29953

21 CFR

5.....31003
74.....31004
101.....31004
135.....31004
166.....31004
172.....30080, 32015
173.....30492, 30493
175.....32015
178.....31005–31007
193.....30338, 30494, 31008, 32239
444.....31009
314.....32016
520.....29464, 31010, 32017, 32438, 32439
524.....32440
561.....30339, 31637
573.....30081
558.....32018, 32019
1308.....32019

Proposed Rules:
161.....30505
180.....31020, 32453
182.....31020, 32453
430.....30115
436.....30115
440.....30115
444.....30115
448.....30115
452.....30115
1308.....29484

22 CFR

41.....30082

Proposed Rules:
171.....30649

24 CFR

235.....29256, 31257
570.....29908

25 CFR

52.....31880

26 CFR

1.....29465, 31409, 31881, 32239
7a.....30495
11.....29465
35.....30495

Proposed Rules:
31.....31278

27 CFR

4.....29260
19.....29261, 32224
70.....29261
240.....29261
245.....29261
250.....29261
270.....29261
275.....29261

Proposed Rules:
9.....31020

28 CFR

0.....29704, 29931
16.....30495, 32021
301.....31204

Proposed Rules:
31.....29438
522.....31210
527.....31210
544.....31210
545.....31210

29 CFR

92.....32214
778.....32440
1910.....31010, 32021
1928.....32021
1952.....32022
2610.....31257, 32022

Proposed Rules:
530.....29485

30 CFR

250.....29932
700.....31258
716.....31258
785.....31258
931.....31638

Proposed Rules:
221.....32454
715.....32455
816.....32455
817.....32455

31 CFR

51.....29261, 31409
535.....30340, 31630

32 CFR

199.....29704
294.....29705
706.....32023

Proposed Rules:
41.....31663
298a.....29486

33 CFR

25.....29933
165.....29933
204.....29934

Proposed Rules:
100.....29288
110.....31278
117.....30354, 30834
160.....30835
162.....29954
402.....30838

34 CFR

324.....31996
773.....31866

36 CFR

13.....31836

Proposed Rules:
1190.....30839
272.....31021

37 CFR

Proposed Rules:
201.....30649
202.....30651

38 CFR

3.....31011

21 ..... 29474, 32023

Proposed Rules:

1 31903
3 32036
21 31022

39 CFR

601 30623

Proposed Rules:

10 30505

40 CFR

30 31259
35 31642
40 31259
52 ..... 29707, 30082, 30496, 31011, 31012, 31258-31261, 31881, 32440
60 29262
61 29262
62 30496
81 ..... 31013, 31886
86 ..... 30497, 31411
122 ..... 29708, 30624
123 29935
162 29708
180 ..... 30342, 30499, 30624, 31014, 31015, 31642, 32441, 32442
228 ..... 31412, 31413
260 29708
261 29708
264 ..... 29708, 30624
265 ..... 29708, 30624
413 30625

Proposed Rules:

52 ..... 29289, 29488, 30116, 30355-30366, 30653-30655, 31023, 31024, 31446, 31675, 31903, 32036, 32271, 32456
60 ..... 29955, 31904
62 31026
81 ..... 29281, 30368, 30655, 31027, 32272
86 31677
123 ..... 29292, 31028, 31279
180 ..... 30506, 30662, 31279, 32038, 32273, 32457
192 32458
408 30663
420 32274
430 31028
431 31028
773 30300

41 CFR

Ch. 12 30816
Ch. 18 (Parts 1, 2, 3, 8, 20, App. M) 32443
Ch. 18 (Parts 1, 3, 4, 13, 21) 32444
Ch. 101 ..... 31890, 31891
7-1 ..... 31566, 31886
7-3 31886
7-6 31886
7-7 31886
7-10 31886
7-15 31886
7-30 31886
8-14 31262
8-74 31262
15-1 29709
15-3 31643
51-4 30084
51-5 30084

Proposed Rules:

Ch. 1 30369
1-4 30369
101-11 30369
101-37 30369
104-4 29955

43 CFR

5420 29262

Public Land Orders:

1281 (Revoked by 5883) 29263
1933 (Revoked by 5956) 31892
5169 (Amended by PLO 5396 and 5951) 29937
5179 (Amended by PLO 5250 and 5951) 29937
5180 (Amended by PLO 5418 and 5951) 29937
5250 (Amended by PLO 5951) 29937
5396 (Amended by PLO 5951) 29937
5418 (Amended by PLO 5951) 29937
5865 30500
5866 30500
5867 32240
5883 29263
5943 29710
5944 29710
5945 29939
5946 29939
5947 29938
5948 29938
5949 29939
5950 29939
5951 29937
5952 30086
5953 30817
5954 31892
5955 31892
5956 31892
5957 31893
5958 31893
5959 31894
5960 31894
5961 31894
5962 31895

Proposed Rules:

35 29955
230 32459

44 CFR

64 ..... 29940, 29942, 30626, 31643, 32240, 32241
65 ..... 32243, 32247
67 ..... 30500, 30628, 31263, 31645, 31646

Proposed Rules:

55 29292
61 29292
67 ..... 29729-29732, 29956, 30116, 30124, 30507, 30663, 30665, 31281-31285, 31680, 31686, 31692, 32275
300 29264

45 CFR

3 30343
46 29883
74 30500
235 29264

Proposed Rules:

71 29732
301 30372
304 29964
1300 31029

46 CFR

Proposed Rules:

310 30507
502 30666
510 32279
524 32460
547 30667

47 CFR

1 30818
2 ..... 31414, 31415
22 31417
61 ..... 29264, 30818
63 31418
64 ..... 29474, 32039
73 ..... 30086-30091, 30343, 30344, 31264, 31265, 31421, 31422, 31895, 32039
74 31265
81 31015
83 31015
90 ..... 31422, 31647, 32039
95 ..... 32039, 32416
97 31415

Proposed Rules:

Ch. I 30516, 30668, 31286
2 ..... 30124, 31290, 31693, 32280
21 32280
22 31292
23 30124
31 ..... 30150, 30152
63 31693
67 32281
73 ..... 29488, 30153, 30154, 30372, 30516-30518, 31029, 31290, 31695, 31909
87 32280
90 32280
94 30124

49 CFR

Ch. X 30092
1 29269
172 ..... 29392, 32250
387 30974
531 29944
571 ..... 32251, 32254
575 29269
1000 30502
1003 31016
1011 32449
1033 ..... 29480, 30502, 30632
1039 ..... 32025, 32257
1056 ..... 29711, 29945
1090 32257
1100 30832
1137 30832
1300 32257

Proposed Rules:

171 29967
172 ..... 29968, 29973
173 ..... 29967, 29968, 29973, 31294
175 29968
178 29973
192 32287
195 32287
571 31294
1004 ..... 30668, 32460
1047 30668
1048 31450
1057 ..... , 32460
1127 30156
1201 ..... 30839, 32289
1241 30839
1248 30839

50 CFR

17 29481
36 31818
91 30633
219 31648
301 30345
651 30348
661 ..... 29733, 30633

Proposed Rules:

17 29490
20 31030
653 30674
682 30674

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday)

This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/FSQS		DOT/FAA	USDA/FSQS
DOT/FHWA	USDA/REA		DOT/FHWA	USDA/REA
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/NHTSA	LABOR		DOT/NHTSA	LABOR
DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

Last Listing June 19, 1981

V 46 J E 23 81 UMI

Advance Orders are now Being Accepted for Delivery in About 6 Weeks

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A Cumulative checklist of CFR issuances for 1980 appears in the back of the first issue of the Federal Register each month in the Reader Aids section. In addition, a checklist of current CFR volumes, comprising a complete CFR set, appears each month in the LSA (List of CFR Sections Affected).

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V 4 6 J E 2 3 8 1 UMI

6-24-81
Vol. 46 No. 121
Pages 32551-32852

Federal Register

Wednesday
June 24, 1981

Highlights

32738 **Energy Conservation** HUD invites comments on draft performance criteria for solar heating and cooling systems in residential buildings. (Part II of this issue)

32848 **Grant Programs—Education** ED seeks applicants for new projects under the National Institute of Handicapped Research Program. (Part IV of this issue)

32608 ED also seeks applicants for new projects under the Community Education Program.

32598 **Estate Taxes** Treasury/IRS proposes to change regulations on transfer certificates in nonresident estates.

32594 **Banks** FRS proposes to add the issuance of travelers checks to the list of permissible nonbanking activities for bank holding companies.

32592 FRS proposes to alter margin regulations for Regulations T and U.

32723, 32724 **Treasury Notes** Treasury/Sec'y invites tenders for Series E–1988 and 20-year 1-month bonds of 2001 (2 documents).

32578 **Postal Service** PS begins tenth step of phased postage rate adjustments.

CONTINUED INSIDE

Highlights

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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There are no restrictions on the republication of material appearing in the **Federal Register**.

Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

32552 **Air Carriers** CAB revises rules on intermodal cargo services supplied by foreign and domestic air carriers.

32551 CAB allows air carriers and foreign carriers to include a description of their pickup and delivery service in regular cargo tariffs.

32560 CAB exempts all-cargo carriers from filing separate tariffs.

32602 **Immigrants** Commerce/Census estimates number of Cubans and Haitians who entered the U.S. between 4/1/80 and 10/1/80.

32563 **Export Controls—National Security** Commerce/ITA eliminates requirements for separate U.S. reexport authorization in certain cases.

32564 **Freedom of Information** Treasury/Customs conforms regulations on public disclosure of information to current law.

32826 **Small Operator Assistance Program** Interior/SMREO lists laboratories qualified as of March 1981 to perform work. (Part III of this issue)

32600 **Government Procurement** OMB/FPPO requests comments on a segment of the draft Federal Acquisition Regulation.

32591 **Loan Program—Tobacco** USDA/CCC is considering whether to make price support available on all burley tobacco marketed in bales for 1981 and subsequent crops.

32590 **Burely Tobacco** USDA/AMS proposes to extend official standard grades to U.S. Type 31 tobacco marketed in untied bales.

32733 **Sunshine Act Meetings**

Separate Parts of This Issue

32738 **Part II, HUD**
32826 **Part III, Interior/SMREO**
32848 **Part IV, ED**

Contents

Federal Register
Vol. 46, No. 121
Wednesday, June 24, 1981

Agency for International Development
NOTICES
Meetings:
32694 Research Advisory Committee

Agricultural Marketing Service
PROPOSED RULES
Tobacco inspection:
32590 Burley, type 31; grade standards; sales in untied form

Agriculture Department
See Agricultural Marketing Service; Commodity Credit Corporation.

Air Force Department
NOTICES
32605 M–X community planning funds; disbursement, use, and management; memorandum of agreement with Defense Department Secretary and Four Corners Regional Commission

Army Department
NOTICES
Meetings:
32607 Science Board

Bonneville Power Administration
NOTICES
32727 Power rates, wholesale; proposed average system cost methodology; inquiry and hearing

Census Bureau
NOTICES
32602 Cubans and Haitians who entered U.S. between April 1 and October 1, 1980; estimates

Civil Aeronautics Board
RULES
Domestic cargo transportation:
32560 Pick-up and delivery services; elimination of separate tariff filing requirements; conforming amendments for all-cargo carriers
32552 Intermodal cargo services, foreign air carriers; liberalized regulations
Organization, functions, and authority delegations:
32560 Domestic Aviation Bureau, Domestic Fares and Rates Division, Chief; issuance of final service mail rate orders, etc.
32563 International Aviation Bureau, Director, et al.; approval of applications to conduct intermodal services, etc.
32560 International Aviation Bureau; transfer of international fares and rates from Domestic Aviation Bureau
Tariffs of air carriers and foreign air carriers; construction, publication, etc.:
32551 Pick-up and delivery services; elimination of separate tariff filing requirements; optional descriptions in regular cargo tariffs
NOTICES
Hearings, etc.:
32601 United Air Lines, Inc.
32733, 32734 Meetings; Sunshine Act (4 documents)

Commerce Department
See Census Bureau; International Trade Administration; National Oceanic and Atmospheric Administration.

Commodity Credit Corporation
PROPOSED RULES
Loan and purchase programs:
32591 Tobacco

Commodity Futures Trading Commission
NOTICES
32734 Meetings; Sunshine Act (3 documents)

Copyright Royalty Tribunal
RULES
Phonorecord players (jukeboxes):
32576 Copyright owner access; elimination of location listing requirement

Customs Service
RULES
32564 Freedom of Information Act; implementation

Defense Department
See Air Force Department; Army Department.

Economic Regulatory Administration
NOTICES
Consent orders:
32609 Speedway Petroleum Co., Inc.
32610 Webco Southern Oil, Inc.

Education Department
NOTICES
Grant applications and proposals, closing dates:
32608 Community education program
32648 Handicapped research; rehabilitation research and training centers, rehabilitation engineering, and knowledge dissemination and utilization programs

Energy Department
See also Bonneville Power Administration; Economic Regulatory Administration; Federal Energy Regulatory Commission; Hearings and Appeals Office, Energy Department.
NOTICES
Meetings:
32609 International Energy Agency Industry Advisory Board et al.

Environmental Protection Agency
RULES
Air quality planning purposes; designation of areas:
32582 Alabama

PROPOSED RULES
Air pollutants, hazardous; national emission standards:
32599 Benzene from fugitive emission sources in petroleum refining and chemical manufacturing industries and benzene emissions from storage vessels; extension of time
NOTICES
Air quality; prevention of significant deterioration (PSD):
32669 Permit approvals
Toxic and hazardous substances control:
32668 Premanufacture notification requirements; test marketing exemption approvals
Water pollution; discharge of pollutants (NPDES):
32669 Puerto Rico

Federal Deposit Insurance Corporation
NOTICES
32734 Meetings; Sunshine Act (2 documents)

Federal Emergency Management Agency
RULES
Disaster assistance:
32587 Public assistance; cost reimbursement policy; work performed by National Guard
32583 Rulemaking; policy and procedures

Federal Energy Regulatory Commission
PROPOSED RULES
Natural Gas Policy Act of 1978; ceiling prices for high cost natural gas from tight formations; various States:
32596, 32597 Wyoming (2 documents)
NOTICES
Hearings, etc.:
32615 Dennis V. McGrew & Associates
32611 Farmers Electric Cooperative, Inc.
32612 Hunt, Albert R. et al.
32613 Hydro Light, Inc.
32613 Indiana & Michigan Electric Co.
32614 J. W. Co.
32615 Jordan-Riewerts
32616 Merrion Oil & Gas Co. et al.
32616 Philadelphia Electric Co.
32618 Sunnyside Valley Irrigation District
32618 Tennessee Gas Pipeline Co. et al.
32619 United Gas Pipe Line Co.
32621 Weaverville Community Service
32621 Winnetka, Ill.
32735 Meetings; Sunshine Act
Natural Gas Policy Act of 1978:
32623-32651 Jurisdictional agency determinations (4 documents)

Federal Maritime Commission
NOTICES
Complaints filed:
32670 Atlantis Line, Ltd.
Freight forwarder licenses:
32670 Dimerco Express (USA) Corp. et al.
32670 I.N.A. Freight Forwarding Services
32670 J. B. International Services & Forwarders

Federal Mine Safety and Health Review Commission
NOTICES
32735 Meetings; Sunshine Act

Federal Procurement Policy Office
PROPOSED RULES
Federal Acquisition Regulations (FAR):
32600 Administrative matters, required sources of supplies and services, and transportation; draft availability and inquiry

Federal Reserve System
PROPOSED RULES
Bank holding companies (Regulation Y):
32594 Nonbanking activities; issuance of travelers checks
Credit by brokers and dealers (Regulations T), etc.:
32592 Margin rules simplification; "equity building" devices elimination, consolidation of accounts, etc.
NOTICES
Applications, etc.:
32672 First Bancorporation of Ohio
Bank holding companies; proposed de novo nonbank activities:
32671 Industrial National Corp. et al.
32671 Old National Bancorporation et al.
32672 Texas Commerce Bancshares, Inc., et al.

Hearings and Appeals Office, Energy Department
NOTICES
Applications for exceptions:
32655, 32656 Decisions and orders (2 documents)
Entitlements hearing:
32661 Mobil Oil Corp.

Housing and Urban Development Department
NOTICES
32738 Residential buildings; solar heating and cooling systems, draft performance criteria; inquiry

Immigration and Naturalization Service
RULES
Transportation line contracts:
32551 Air Florida, Inc.

Indian Affairs Bureau
NOTICES
Meetings:
32673 Exceptional Children Advisory Committee

Interior Department
See Indian Affairs Bureau; Land Management Bureau; National Park Service; Surface Mining Reclamation and Enforcement Office.

Internal Revenue Service
PROPOSED RULES
Estate and gift taxes:
32598 Transfer certificates in nonresident estates

International Development Cooperation Agency
See Agency for International Development.

International Trade Administration
RULES
Export licensing:
32563 Reexport authorization, separate U.S.; elimination in certain cases involving COCOM countries

NOTICE
Meetings:
32603 Importers and Retailers' Textile Advisory Committee
32604 Management-Labor Textile Advisory Committee

International Trade Commission
NOTICES
Import investigations:
32694 Modular pushbutton switches and components
32696 Motorcycle batteries from Taiwan
32698 Precipitated barium carbonate from West Germany
32700 Sorbitol from France
32700 Strontium nitrate from Italy
32695 Surface grinding machines and promotional literature
32702 Television receiving sets from Japan
32702 Unrefined montan wax from West Germany
32694 Video matrix display systems, large, and components
32696 Wet motor circulating pumps and components

Interstate Commerce Commission
RULES
Railroad car service orders; various companies:
32588 Burlington Northern Inc. et al.
NOTICES
32677 Long and short haul applications for relief
Motor carriers:
32675 Commodity description interpretation, wood chips
32683 Finance applications
32677-32679 Permanent authority applications (3 documents)
32684 Property motor carrier industry; loading and unloading study; inquiry; correction
32684 Temporary authority applications

Justice Department
See Immigration and Naturalization Service.

Land Management Bureau
NOTICES
Coal leases, exploration licenses, etc.:
32674 Colorado
Environmental statements; availability, etc.:
32673 Outer Continental Shelf; five-year oil and gas lease sale schedule; proposed revision; hearings and extension of time
32673 Outer Continental Shelf; Norton Sound, Alaska; oil and gas lease sale
Meetings:
32674 Las Vegas District Multiple Use Advisory Council
Withdrawal and reservation of lands, proposed, etc.:
32675 Wyoming

Legal Services Corporation
NOTICES
32713 Grants and contracts; applications (2 documents)

Management and Budget Office
See Federal Procurement Policy Office.

National Labor Relations Board
NOTICES
32735 Meetings; Sunshine Act (2 documents)

National Oceanic and Atmospheric Administration
NOTICES
Marine mammal permit applications, etc.:
32604 Hubbs-Sea World Research Institute
32604 Southwest Fisheries Center

National Park Service
NOTICES
Meetings:
32675 San Antonio Missions Advisory Commission

Nuclear Regulatory Commission
NOTICES
Abnormal occurrence reports:
32713 Occupational overexposure
Applications, etc.:
32715 Detroit Edison Co.
32716 Metropolitan Edison Co. et al.
32714 Separative Work Unit et al.
32717 Texas Utilities Generating Co. et al.
Meetings:
32713 Reactor Safeguards Advisory Committee
32736 Meetings; Sunshine Act
32715 Regulatory guides; issuance and availability

Pension Benefit Guaranty Corporation
RULES
32574 Recodification of regulations

Postal Service
RULES
Domestic Mail Manual:
32578 Phased postage rate increases; second-class, third-class bulk mail for qualified nonprofit organizations and political committees, and library-rate fourth class

Securities and Exchange Commission
PROPOSED RULES
Investment companies:
32595 Beneficial ownership definition; withdrawn
NOTICES
Hearings, etc.:
32717 Jersey Central Power & Light Co. et al.
32718 Midwest Income Trust
32720 Republic New York Corp.
32721 Transwestern Pipeline Co.
32722 Wang Laboratories, Inc.
Self-regulatory organizations; proposed rule changes:
32720 National Association of Securities Dealers, Inc.
Self-regulatory organizations; unlisted trading privileges:
32720 Midwest Stock Exchange, Inc.

State Department
NOTICES
Environmental statements; availability, etc.:
32722 Steam pipeline between Edmunston, New Brunswick and Madawaska, Maine; international permit; project modification

Surface Mining Reclamation and Enforcement Office
NOTICES
32826 Small operator assistance program; qualified laboratories list

Trade Representative, Office of United States
NOTICES
Import quotas:
32717 Swiss cheese from Denmark and West Germany; resolution of complaint of price-undercutting

Treasury Department
See also Customs Service; Internal Revenue Service.
NOTICES
Bonds, Treasury:
32723 2001 series
Notes, Treasury:
32724 E-1988 series

MEETINGS ANNOUNCED IN THIS ISSUE

COMMERCE DEPARTMENT
International Trade Administration—
32603 Importers and Retailers' Textile Advisory Committee, Washington, D.C. (open), 7-9-81
32604 Management-Labor Textile Advisory Committee, Washington, D.C. (open), 7-9-81

DEFENSE DEPARTMENT
Army Department—
32607 Army Science Board, Washington, D.C. (closed), 7-28-81

ENERGY DEPARTMENT
32609 Voluntary agreement and plan of action to implement the International Energy Program, Paris, France (closed), 6-30, 7-1, 7-2 and 7-3

INTERIOR DEPARTMENT
Indian Affairs Bureau—
32673 Exceptional Children Advisory Committee, Washington, D.C. (open), 6-29 and 6-30-81
Land Management Bureau—
32674 Las Vegas District Multiple Use Advisory Council, Las Vegas, Nev., 7-16-81
National Park Service—
32675 San Antonio Missions Advisory Commission, San Antonio, Tex. (open), 7-14-81

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY
Agency for International Development—
32694 A. I. D. Research Advisory Committee, Washington, D.C. (open), 7-21 and 7-22-81

CANCELLED MEETING

NUCLEAR REGULATORY COMMISSION
32713 Reactor Safeguards Advisory Committee, Advanced Reactors Subcommittee, Park Ridge, Ill. (open), 6-22 and 6-23-81

HEARINGS

ENERGY DEPARTMENT
Bonneville Power Administration—
32727 Proposed average system cost methodology, Portland, Oreg., 7-8-81

INTERIOR DEPARTMENT
Land Management Bureau—
32673 Draft supplement to the final environmental impact statement, proposed Five-Year OCS Oil and Gas Lease Sale Schedule, January 1982-December 1986, New York, N.Y., 7-21; Anchorage, Alaska, 7-22 and 7-23; Los Angeles, Calif., 7-23; Washington, D.C., 7-24 and New Orleans, La., 7-24-81

INTERNATIONAL TRADE COMMISSION
32694 Certain Modular pushbutton switches and components thereof, Washington, D.C., 7-27-81

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

7 CFR
Proposed Rules:
29 32590
1464 32591

8 CFR
238 32551

12 CFR
Proposed Rules:
220 32592
221 32592
225 32594

14 CFR
221 32551
222 32552
291 32560
384 32560
385 (2 documents) 32560, 32563

15 CFR
374 32563
376 32563
379 32563

17 CFR
Proposed Rules:
270 32595

18 CFR
Proposed Rules:
271 (2 documents) 32596, 32597

19 CFR
103 32564
152 32564
175 32564

26 CFR
Proposed Rules:
20 32598

29 CFR
Ch. XXVI 32574

37 CFR
303 32576

39 CFR
111 32578

40 CFR
81 32582
Proposed Rules:
61 32599

44 CFR
1 32583
205 32587

48 CFR
Proposed Rules:
4 32600
8 32600
47 32600

49 CFR
1033 32588

Rules and Regulations

Federal Register
Vol. 46, No. 121
Wednesday, June 24, 1981

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 238

Contracts With Transportation Lines; Addition of Air Florida, Inc.

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This amendment adds Air Florida, Inc. to the list of carriers which have entered into agreements with the Service for preinspection of their passengers and crews at places outside the United States. Air Florida, Inc., entered into such agreement on June 4, 1981, providing that passengers and crews are to be preinspected at Bermuda prior to departure to the United States.

EFFECTIVE DATE: June 4, 1981.

FOR FURTHER INFORMATION CONTACT: Stanley J. Kieszkiel, Acting Instructions Officer, Immigration and Naturalization Service, 425 Eye Street, NW., Washington, DC 20536. Telephone: (202) 633–3048.

SUPPLEMENTARY INFORMATION: This amendment to 8 CFR 238.4 is published pursuant to 5 U.S.C. 552. The Commissioner of the Immigration and Naturalization Service entered into an agreement with Air Florida, Inc. on June 4, 1981, to guarantee preinspection of its passengers and crews at Bermuda as provided by section 238(b) of the Act (8 U.S.C. 1228(b)). Preinspection outside the United States facilitates processing passengers and crews upon arrival at a U.S. port of entry and is a convenience to the traveling public.

Compliance with 5 U.S.C. 553 as to notice of proposed rulemaking and delayed effective date is unnecessary because the amendment adds a transportation line to the listing and is editorial in nature.

In accordance with 5 U.S.C. 605(b), the Commissioner of Immigration and Naturalization certifies that the rule will not have a significant economic impact on a substantial number of small entities.

This order constitutes a notice to the public under 5 U.S.C. 552 and is not a rule within the definition of section 1(a) of E.O. 12291.

§ 238.4 [Amended]

Accordingly, 8 CFR Part 238 is amended by adding "Air Florida, Inc.," in appropriate alphabetical sequence, to the list of carriers in § 238.4 *Preinspection outside the United States* under "At Bermuda".

(Secs. 103 and 238; 8 U.S.C. 1103 and 1228)

Dated: June 17, 1981.

Doris Meissner,

Acting Commissioner of Immigration and Naturalization.

[FR Doc. 81-18595 Filed 6-23-81; 8:45 am]
BILLING CODE 4410-10-M

CIVIL AERONAUTICS BOARD

14 CFR Part 221

[Docket Nos. 36119 and 38329; Reg. ER-1229]

Tariffs; Amendments of Pick-Up and Delivery Tariff Filing Requirements

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: In ER–1228, also adopted today, the CAB eliminated the requirement that pick-up and delivery services be described in separate tariffs. In this rule the Board makes conforming modifications that will allow air carriers and foreign carriers a choice whether or not to include a description of their pick-up and delivery service in their regular cargo tariffs. Separate charges for such services may no longer be incorporated in tariffs filed with the Board. The authority citation is amended to conform to the new **Federal Register** format.

DATES: Adopted: June 4, 1981. Effective: July 24, 1981.

FOR FURTHER INFORMATION CONTACT: Joseph Di Bella, Legal Division, Bureau of International Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428 (202) 673–5035.

SUPPLEMENTARY INFORMATION:

The Civil Aeronautics Board amends 14 CFR Part 221, *Tariffs*, as follows:

1. The authority for 14 CFR Part 221 is revised to read:

Authority: Secs. 101, 102, 204, 401, 403, 404, 411, 416, 1001, 1002, Pub. L. 85–726, as amended, 72 Stat. 737, 740, 743, 754, 758, 760, 769, 771, 788, as amended; 49 U.S.C. 1301, 1302, 1324, 1371, 1373, 1374, 1381, 1386, 1481, 1482.

§ 221.103 [Reserved]

2. Section 221.103 is removed and reserved, and the Table of Contents is amended accordingly.

3. Section 221.38(a)(3), *Rules and regulations*, is revised to read as follows:

§ 221.38 Rules and regulations.

(a) *Contents.* Except as otherwise provided in this part, the rules and regulations of each tariff shall contain:

* * * * *

(3) All the rates or charges for, and the provision governing, terminal services, and all other services which the carrier undertakes or holds out to perform on, for, or in connection with air transportation, except that, in the case of pick-up and delivery services, the tariff need only specify the extent to which the air transportation rates named in the tariff include such services; and, where pick-up and delivery services are provided only at an additional charge, such additional charges shall not be included in the tariffs.

* * * * *

4. Section 221.53, *Airport-to-airport application, accessorial services*, is revised to read as follows:

§ 221.53 Airport-to-airport application, accessorial services.

(a) Tariff publications containing rates or fares for air transportation shall specify whether or not they include additional services in one or more of the following ways:

(1) The tariff shall indicate that rates or fares include pick-up, delivery, or other services, explicitly defining the services to be furnished, and defining areas or points within or between which the services will be performed; or

(2) The tariffs shall indicate that the rates or fares apply from airport-to-

airport and that the carrier does not perform additional services; or

(3) The tariff shall indicate that the rates or fares apply only from airport-to-airport but that additional services are furnished subject to additional charges, and, except for pick-up and delivery services, the tariff shall set forth charges for all other services and other provisions applicable thereto, as required by § 221.38, clearly and explicitly specifying the extent to which such services will be furnished.

(b) The above requirements shall not be construed as precluding the publication of rates or fares for air transportation which include pick-up or delivery service at certain specified points or areas within the pick-up and delivery zone of the airport city of origin or destination but subject to a further provision that pick-up or delivery service will be provided at other specified areas or points within the same pick-up and delivery zone only upon payment of an additional charge.

(c) The airport-to-airport application of rates or fares for air transportation and the statements as to the extent to which such rates or fares include pick-up, delivery or other accessorial services shall be published in the rate or fare tariff and not in a governing tariff. However, the definitions of such services, the definitions of areas or points within or between which such services will be performed, and the rates or charges for such services (when not included in the air transportation rates or fares) may be published in a governing rules tariff conforming to § 221.102, except that additional charges for pick-up and delivery services shall not be included in the tariffs.

§ 221.100 [Amended]

5. Paragraph (c)(2) of § 221.100 is removed.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-18677 Filed 6-23-81; 8:45 am]

BILLING CODE 6320-01-M

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14 CFR Part 222

[Docket Nos. 38329 and 36119; Reg. ER-1228]

Intermodal Cargo Services by Foreign Air Carriers; Elimination of Restrictions on Surface Cargo Transportation

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The Board is eliminating existing restrictions on surface cargo transportation in connection with air transportation, except to the extent that the services of foreign air carriers must be restricted for international civil aviation policy reasons. Foreign air carriers will be required to apply for Statements of Authorization, which will be approved if a foreign carrier's government has granted economic rights of equal value or utility to U.S. air carriers. This action is taken on the Board's initiative in response to the policy directives of the International Air Transportation Competition Act of 1979 and the Motor Carrier Act of 1980.

DATES: Adopted: June 4, 1981. Effective: October 22, 1981.

FOR FURTHER INFORMATION CONTACT: Joseph Di Bella, Legal Division, Bureau of International Aviation; Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428 (202) 673-5035.

SUPPLEMENTARY INFORMATION: On June 17, 1980, the Board proposed to eliminate many of its existing restrictions on the provision by air carriers and foreign air carriers of intermodal cargo services, *i.e.*, surface cargo transportation in connection with air transportation, except for those restrictions that had to be maintained for reasons of international civil aviation policy (EDR-403, ODR-22, 45 FR 42318, June 24, 1980). Specifically, the Board proposed to repeal the rules established in the *Substitute Service Case*, Order 75-3-37, March 12, 1975; to dismiss the show cause proceeding instituted in Order 76-11-9, November 3, 1976, where the Board proposed to extend the rules of the *Substitute* Service Case to the domestic portions of international cargo movements; to approve the airway bill notice proposed by the International Air Transport Association (IATA) as it related to the substitution of other means of transportation for air transportation on international cargo movements; to disapprove IATA Resolution 507(b), which would permit unrestricted trucking services by air carriers and foreign air carriers to interior points in the United States that are 700 miles beyond U.S. gateways on South Pacific-U.S. routes; to eliminate the requirement that carriers file separate pick-up and delivery tariffs under Part 222 of the Board's regulations; and to amend Part 222 to allow denial of intermodal service rights to foreign air carriers that are citizens of countries that restrict the operations of U.S. air carriers. The Board proposed to amend Part 222 to require foreign air carriers to obtain Statements of Authorization to conduct intermodal cargo services beyond a 35-mile pick-up and delivery zone. Board denial of a Statement of Authorization would have been subject to stay or disapproval by the President within 10 days, or as otherwise provided in the Board's order. Comments on the proposed rules were due on August 22, 1980; reply comments were due September 22, 1980.

Comments were filed by the General Services Administration, the Department of Transportation, the Flying Tiger Line Inc., American Airlines, Inc., Summit Airlines, Inc., Emery Air Freight, El Al Israel Airlines, Ltd., Scandinavian Airlines System, Varig, S.A., the Air Freight Association of America and the Arizona Department of Transportation. Reply comments were filed by Flying Tiger and Singapore Airlines, Ltd. The comments were uniformly favorable to the Board's proposal to eliminate its restrictions on intermodal services, and all persons agreed with the Board's basic premise that "the most efficient intermodal system will be attained if the Board does not impose regulatory restraints on the carriers' flexibility to tailor air/truck services to meet demand". EDR-403 at 4-5. The former rules and restrictions reflect a time when the Board depended on regulatory intervention, rather than the competitive marketplace, to determine the quality, extent, and price of air transportation. With passage of the Airline Deregulation Act of 1978, the International Air Transportation Act of 1979, and Public Law 95-163, which deregulated the domestic all-cargo industry, Congress has mandated increased reliance upon competition in all aspects of the Board's jurisdiction, except where foreign policy considerations require a different course of action. For these reasons, the Board has decided to finalize its proposal, with the modifications described below.

The only aspect of the proposed rulemaking that generated a significant amount of discussion was the proposal to retain Board control over the intermodal services of foreign air carriers through a Statement of Authorization procedure. While all of the commenters, including the foreign air carriers, recognized that these rights could not be granted to foreign air carriers without an examination of the restrictions that have been placed by foreign governments on the operations of U.S. air carriers, there was disagreement about the types of carriers that should be subject to the new procedures and about the substantive standards that the Board should use in deciding whether to approve an application. The foreign carriers, which

represented Israel, Brazil, Singapore, and the countries in Scandinavia, argued that bilateral agreements and the existence of reciprocity and comity between those countries and the United States would warrant approval of their intermodal service applications. The U.S. carriers took note of the subsequent passage of the Motor Carrier Act of 1980, which provides an exemption from regulation by the Interstate Commerce Commission (ICC) for surface transportation of cargo that has a prior or subsequent movement on a foreign air carrier only after agreement by the United States and approval by the Board. Borrowing from the legislative history of that provision, they argued that the Board should approve an application for a Statement of Authorization only if there was a specific bilateral agreement permitting such services and after examining all of the restrictions that foreign governments had placed on the operations of U.S. carriers as well as the relative economic value of unrestricted intermodal rights within the United States versus the value of air and surface rights granted by a foreign government to U.S. carriers. In reply comments, Flying Tiger argued that the foreign air carriers that had filed supporting comments had not established that their intermodal service applications should be approved under the substantive standards of the Motor Carrier Act of 1980, while Singapore Airlines stated that the U.S. carriers had advocated too strict a policy for Board approval.

Effect of Motor Carrier Act of 1980

Passage of the Motor Carrier Act of 1980 was anticipated when the Board published EDR–403, as the Board had submitted comments on that legislation, including the exemption noted above, while it was pending before Congress. We issued the proposed rule with the intention that it would complement the pending legislation on surface transportation regulation, and that it would also serve a broader regulatory purpose than would be encompassed by the Motor Carrier Act. The following sets forth the background of the Board's role in development of that legislation and the functions we expect the new rules to fulfill.

The original versions of the Motor Carrier Act of 1980, S. 2245 and H.R. 6418, contained blanket exemptions from ICC regulation for transportation of cargo having a prior or subsequent movement by air, whether or not the air transportation was performed by a U.S. air carrier or a foreign air carrier. In correspondence to the Senate and the House, the Board expressed its strong support for elimination of restrictions over intermodal services, as we believed that this would enhance competition and improve service to the shipping public. However, we noted that some foreign governments had denied U.S. carriers a free and equal opportunity to compete, and that it would be counterproductive to imply that the United States was granting unrestricted intermodal rights to all foreign air carriers. Therefore, we stated that "Congress should make it clear that in exempting intermodal services from ICC control, it intends to preserve the Board's power to grant or deny intermodal service rights to foreign air carriers. * * * Since intermodal service rights are normally exchanged in the course of negotiations over air rights, jurisdiction to regulate surface transportation by foreign air carriers in connection with air transportation should rest exclusively with the CAB. * * *" [1] The Senate responded to the Board's concern by amending the motor carrier bill to exempt from ICC jurisdiction:

> * * * transportation of property (including baggage) by motor vehicle as part of a continuous movement which, prior or subsequent thereto, has been or will be transported by an air carrier or, to the extent so agreed by the United States, by a foreign air carrier * * * [2]

Reference to Board approval of intermodal services by foreign air carriers was omitted because the Senate committee believed that the need for such approval was already encompassed in the Federal Aviation Act. Indeed, the Senate Report on this bill made it clear that:

> Foreign air carriers would only be able to take advantage of this section if there was a specific bilateral agreement allowing them to do so and *approval by the Civil Aeronautics Board* of such authority.[3]

While the Board welcomed this acknowledgment of its independent jurisdiction over intermodal operations by foreign air carriers, we were concerned about the reference to a bilateral agreement. As we explained in a letter to the Chairman of the House subcommittee that was considering H.R. 6418:

> Most air transport agreements do not mention trucking rights, and these rights are more easily exchanged on the basis of reciprocity and comity * * * therefore, we suggest that the House adopt the Senate's statutory language, except for the phrase "to the extent so agreed by the United States", and make it clear in the report of the bill that the Board may approve intermodal services by a foreign air carrier even in the absence of a specific bilateral air transport agreement.[4]

The ICC exemption for intermodal services in H.R. 6418 was subsequently amended to read as follows:

> * * * transportation of property (including baggage) by motor vehicle as part of a continuous movement which, prior or subsequent to such part of the continuous movement, has been or will be transported by an air carrier or (to the extent so agreed by the United States and approved by the Civil Aeronautics Board or its successor agency) by a foreign carrier. * * * [5]

The committee report explained that:

> * * * motor carrier transportation which is incidental to transportation by foreign air carriers is exempt only to the extent agreed to by the United States and approved by the Civil Aeronautics Board. Agreement by the United States may take the form of a bilateral executive agreement, a memorandum of consultations, or an exchange of notes or letters, specifically allowing carriers from a foreign country to perform or to use such surface transportation within the United States. Further, each foreign air carrier wishing to use the agreed-upon rights will have to obtain authority from the Board * * * [6]

This version of the Motor Carrier Act was subsequently passed by both houses of Congress.[7]

This legislative history makes it clear that the approval mechanism for intermodal services by foreign air carriers was a limited exception to the congressional aim of deregulating the surface portion of all intermodal services, to meet the purposes described in the Board's correspondence. In allowing an exemption from ICC jurisdiction under certain circumstances, Congress recognized the jurisdiction of the Board over the activities of foreign air carriers. Therefore, we see this legislation as an endorsement of our proposal to eliminate all restrictions on intermodal services by U.S. air carriers, and to adopt an approval mechanism for intermodal services by foreign air carriers. The approval mechanism will apply both to foreign carriers seeking an ICC exemption under section 7 of the Motor Carrier Act and to foreign carriers holding licenses from the ICC. We do not intend to allow a foreign air carrier

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[1] See the letters from Chairman Cohen to Representative James J. Howard and to Senator Howard H. Cannon, dated March 6, 1980, which we have filed in Docket 38329 for public reference.

[2] *See* S. Rep. No. 641, 96th Cong., 2d Sess. 46 (1980).

[3] *Id.* at 8 (emphasis added).

[4] *See* correspondence to James J. Howard dated April 24, 1980, in Docket 38329.

[5] H. Rep. No. 1069, 96th Cong., 2 Sess. 60 (1980).

[6] *Id.* at 19.

[7] Motor Carrier Act of 1980, § 7(b), 49 U.S.C. § 10526(a)(8)(B), Pub. L. No. 96–296, 94 Stat. 793 (1980).

to evade the congressional purpose of the Motor Carrier Act by obtaining an ICC license for surface transportation under normal procedures, and by connecting its surface transportation services under such license with its foreign air transportation services. A Statement of Authorization will be required for any connected air/surface operations by a foreign air carrier (outside of the 35-mile pick-up and delivery zone), regardless of whether it relies upon the terms of the Motor Carrier Act for its surface authority. The Board has broad jurisdiction to impose terms, limitations, and conditions on the services provided under a foreign air carrier permit,[8] including whether a foreign carrier may load cargo on its aircraft that it has previously transported by surface means. In other words, a foreign carrier may move cargo by truck anywhere in the United States that it is authorized by ICC license or exemption; but when it intends to connect that service with its air services, it must obtain Board permission.

Except for an interim period, the Board will approve an application for a Statement of Authorization only if there is an agreement between a foreign carrier's government and the United States allowing intermodal services. Approval in such circumstances will automatically allow an ICC exemption. However, we note that only a small handful of existing bilateral agreements contain specific reference to intermodal service rights, and we do not wish to restrict the foreign carriers unnecessarily. Therefore, we will be receptive to applications by foreign air carriers for exemption from the requirement of this rule that there be an agreement by the United States permitting intermodal service. The Board will grant such exemptions pending negotiation of new agreements. Since the Board has no power to grant exemptions from the ICC Act, a foreign carrier desiring to operate intermodal services outside of the 35-mile pick-up and delivery zone in the absence of a U.S. agreement would need to obtain an ICC license or use the services of an ICC-licensed surface carrier during the interim period.

Criteria for Approval and Delegation of Authority

Flying Tiger, American, and Summit have cited the legislative history of the Motor Carrier Act to emphasize that the Board should weigh the economic value of intermodal trucking rights in the United States against the value of such rights in foreign countries, and also the impact of any other restraints that foreign countries have placed on the operations of U.S. carriers, such as ground-handling restrictions, restraints on currency remittances, and local trading monopolies, before granting a Statement of Authorization. We agree. The initial test for approval of a Statement of Authorization will be reciprocity, *i.e.*, a balance between the intermodal rights requested and the rights that have been granted to U.S. carriers. We will also evaluate the existence of any other restraints or discriminatory practices that prevent free competition by U.S. air carriers.

American requests that objective criteria be stated for a finding of reciprocity, and it has complained that the proposed delegation of authority to the Director, Bureau of International Aviation, is too broad to allow meaningful consideration of this issue. We cannot satisfy American's request for objective criteria, as we expect that each application will raise unique economic issues that cannot be categorized at this time. While the above discussion describes the broad areas of inquiry, the types of restrictions that have been placed on U.S. air carriers vary greatly from country to country, and a balance between the rights requested and the economic rights available to U.S. carriers can only be decided on a case-by-case basis. However, we will meet the carrier's concern for more thorough Board consideration of these issues by narrowing the proposed delegation to the Director under Section 385.26(w). The Director will be allowed to approve an application for a Statement of Authorization only if "no person with a substantial interest raises objections citing specific facts of nonreciprocity or of restraints on competition by U.S. air carriers." This means that the mere filing of allegations by an objector will not be sufficient for Board consideration. Objections must be supported by dates, places, and estimates of economic impact or loss of specific business opportunities. If these facts are not provided, the Director may take any action that is justified by his evaluation of reciprocity between the United States and an applicant's home country. Of course, any person dissatisfied with the Director's decision may file an appeal to the Board under section 385.50 of the Board's Regulations.

American also states that, under the Motor Carrier Act, an application for a Statement of Authorization may not be approved unless there is a specific bilateral air transport agreement allowing such services. However, the legislative history of that Act, as quoted above, makes it quite clear that "agreement" by the United States may also consist of a memorandum of consultations or an exchange of notes or letters. As a general policy, the Board intends to follow the criteria of the Motor Carrier Act in issuing Statements of Authorization, including the requirement of an "agreement."[9]

As noted above, a written exchange between the United States and a foreign country would not be necessary for Board approval of an interim exemption request. The absence of an "agreement" by the United States merely means the absence of a prerequisite for exemption from ICC regulation under the Motor Carrier Act. Thus, if the Board were to approve an application for an interim exemption in these circumstances upon a finding of reciprocity and comity, the foreign air carrier could obtain a license from the ICC to conduct intermodal services. We should point out that where an agreement precludes intermodal services, the Board would be required by section 1102 of the Federal Aviation Act to disapprove an exemption request.

Freight Forwarders and Surface Carriers

There seems to be some disagreement among the commenters as to whether the new rules should apply to U.S. indirect air carriers, such as air freight forwarders, to indirect foreign air carriers, or to surface carriers using joint fares with foreign air carriers. Emery requests an explicit statement that U.S. air freight forwarders are considered "U.S. air carriers" for purposes of the Motor Carrier Act exemption, and thus can enjoy the exemption without a Statement of Authorization even if they use the services of foreign direct air carriers. Emery does not object to such rights for foreign air freight forwarders if issues of reciprocity are considered. Flying Tiger has no objection to allowing a foreign air carrier to tender cargo to a U.S. carrier outside of the 35-mile pick-up and delivery zone, but it argues that the U.S. carrier would need an ICC license, as it would not qualify for an exemption under the Motor Carrier Act. The Air Freight Association of America argues that the rule should apply to both direct and indirect foreign air carriers,

[8] *See, e.g.*, 16 C.A.B. 371, 378, August 28, 1952; 34 C.A.B. 837, 842 (December 4, 1961) *petition to review dismissed*, 304 F.2d 952 (D.C. Cir. 1962)

[9] Where there is no agreement by the United States authorizing the intermodal services proposed in an application, the Director, Bureau of International Aviation, will have delegated authority to reject the application.

but not to indirect U.S. air carriers that assume all responsibility and control for the entire intermodal movement under their own airway bills.

We have decided to maintain the original scope of the proposed rule, *i.e.*, a Statement of Authorization will only be required for intermodal services that are conducted by a direct foreign air carrier, under its responsibility and control, and under its own through airwaybill from origin to final destination. Intermodal services consisting of surface movements by U.S. indirect air carriers, indirect foreign air carriers, and surface carriers, utilizing either the indirect carrier's through airwaybills or joint rates with foreign air carriers, will all receive blanket approval under the new rule, except where the indirect carriers or surface carriers are owned or controlled by, or under an exclusive dealing relationship with, the direct foreign air carrier providing the air movement. Any other result would be contrary to the intent of the Airline Deregulation Act, the International Air Transportation Competition Act, and the Motor Carrier Act, which direct the Board and the ICC to eliminate unnecessary governmental restraints on competition and to allow the free marketplace to determine the quality and price of joint air/truck transportation.

As explained above, the original version of the Motor Carrier Act contained a blanket exemption from ICC regulation for all intermodal services, whether conducted by U.S. or foreign air carriers. This was based on congressional belief that this sector of cargo transportation could be, and should be, regulated by the marketplace. It was amended to exclude foreign air carriers only because blanket approval would weaken the United States' bargaining position and hamper efforts to obtain removal of foreign restrictions on U.S. air carriers. We believe that these purposes can be satisfied if the prior-approval requirement is extended in general only to direct foreign air carriers providing intermodal services under their own responsibility and control.

In our experience, the ability to offer through transportation at a through air rate, with sole responsibility and control, is a valuable economic right that foreign countries are anxious to secure for their direct air carriers. On the other hand, most foreign countries do not even license air freight forwarders as air carriers, and our experience in administering the registration procedure for foreign air freight forwarders under Part 297 of our regulations indicates that most countries have little concern about whether the Board approves foreign air freight forwarder applications by their citizens. Relatively few countries impose any air carrier licensing requirements or other restrictions on U.S. air freight forwarders, and those that do usually either prohibit forwarding completely or proscribe such activity by foreign citizens. Where countries pursue such policies, we will reserve the right under section 222.2(d) to prohibit intermodal services by indirect foreign air carriers that are citizens of those countries.[10] Likewise, we will reserve the right in section 222.2(d) to require approval of intermodal services pursuant to joint rates between direct foreign air carriers and other carriers that provide the surface movement (which would otherwise be authorized because the direct foreign air carrier had no control over the surface movement). This will provide the Board with a method of dealing with foreign carriers that attempt to evade the purpose of the rule through unusually favorable joint fare pro-rate arrangements with surface carriers.

Where the surface movement of an intermodal service is provided by a U.S. air freight forwarder, foreign air freight forwarder, or a surface carrier, and is not under the responsibility or control of the foreign direct air carrier, we believe that the surface movement will be exempt from ICC jurisdiction under the Motor Carrier Act. As explained above, all three types of carriers will receive blanket approval from the Board under the new rules, and the only other requirement under the Motor Carrier Act is an agreement by the United States. We believe that permission from the United States government to conduct these services is implicit in the bilateral air transport agreements and the principles of reciprocity and comity under which international air transportation is conducted to and from the United States. All air cargo transportation is inherently intermodal, as the cargo must be moved between the air terminal and the origin or destination by surface means. Historically, foreign air carriers have been permitted to conduct their own pick-up and delivery services within a circumscribed air terminal zone, and such a zone is certainly implicit for every point in the U.S. that a foreign air carrier is licensed to serve by air.[11] Beyond that zone, foreign air carriers have been allowed to tender cargo to connecting carriers, in the same way that they are allowed to transfer passengers to connecting domestic air carriers for travel in the United States beyond the terminals named in their permits. Thus, in allowing other carriers, whether U.S. air freight forwarders, foreign air freight forwarders, or surface carriers, to assume responsibility and control under their own tariffs and waybills for transportation beyond the 35-mile pick-up and delivery zones, we are merely adhering to the structure of intermodal services implicit in every agreement that does not contain explicit permission for a direct foreign air carrier to conduct its own intermodal services. Direct foreign air carriers that do not have a Statement of Authorization to conduct intermodal services will not be able to achieve such a result through indirection, as sections 222.2 (b) and (c) will exclude services by U.S. indirect air carriers, indirect foreign air carriers, or surface carriers where the direct foreign air carrier has responsibility or control over the surface movement, holds itself out to the public as having such responsibility or control, or has an ownership, control, or exclusive dealing relationship with the indirect carrier or surface carrier.

[10] We may also consider issues of reciprocity and comity relating to intermodal service in the grant or denial of registration to a foreign air freight forwarder under sections 297.22 and 297.25 of the Board's regulations.

Pick-up and Delivery Tariffs

In EDR–384, Docket 36119, 44 FR 41829, July 12, 1979, we proposed to eliminate Part 222 because changes in the Board's policies regarding cargo tariffs had made the filing of pick-up and delivery tariffs unnecessary. The amendments to Part 222 that we are adopting in this rule will meet the purposes of that rulemaking by retaining a pick-up and delivery zone only to delineate that area within which a direct foreign air carrier may conduct intermodal services without a Statement of Authorization. Therefore, as proposed in EDR–384, it will no longer be necessary for carriers to file separate tariffs describing their pick-up and delivery services beyond the 35-mile zone. To the extent that a carrier wishes to inform the public through the tariff system of the ground transportation it has available in connection with its air

[11] We will continue this practice through the 35-mile pick-up and delivery zone in section 222.2(a). Emery requests that we adopt the old ICC pick-up and delivery zone, which included a somewhat complex system of overlapping 35-mile zones. We have decided to retain our current formulation, which is easier to understand and to administer. Under section 222.2(a), the zone will extend 35 miles from the city limits of a point that a foreign air carrier is authorized to serve and 35 miles from the airport by which it serves that point.

transportation, it may include such information in its regular tariffs filed pursuant to Part 221 of the Board's Regulations.

Only one carrier, American Airlines, objected to the elimination of pick-up and delivery tariffs, on the grounds that no action should be taken to alter tariff-filing obligations until the D.C. Court of Appeals had reached its decision in *National Small Shipments Conference, Inc., et al. v. CAB*, No. 78-2183 (C.A.D.C.).[12] In that case, several persons had objected to the Board's decision to exempt all domestic air cargo carriers from the tariff-filing requirements of section 403 of the Act. Since the Board's actions were subsequently affirmed by the Court of Appeals, American's objection is now moot.[13] Concurrently with this rule, we will adopt the amendments to Parts 221, 291, and 385 proposed in EDR-384. These amendments will allow carriers to include pick-up and delivery service information in their regular tariffs.

Presidential Review

Finally, the Department of Transportation suggests that the Board provide 30 days for Presidential review of an order denying a Statement of Authorization, instead of 10 days as originally proposed, to allow other agencies and departments to review the matter and advise the President. We agree that a longer time period is desirable, and we will adopt the 30-day period recommended by the Department of Transportation.

Effectiveness

These rules are being made effective in 120 days to provide sufficient time for the filing of exemption applications by foreign carriers representing countries that have not entered into agreements with the United States concerning intermodal services. Section 222.3 (Application for Statement of Authorization) will be submitted to the Office of Management and Budget (OMB) for review under the Federal Reports Act (44 U.S.C. 3512, as amended by the Paperwork Reduction Act of 1980, Pub. L. 96-511). The Board will publish a notice of OMB's decision as soon as it is received.

Authority

The authority citation for Part 222 is being changed to reflect the new **Federal Register** format. Section 403 is replaced by Section 402, since this part no longer concerns tariff filing and instead applies to foreign air carriers.

Accordingly,

1. We repeal the rules established in the *Substitute Service Case*, Order 75-3-37, March 12, 1975;
2. We dismiss the show cause proceeding instituted in Order 76-11-9, November 3, 1976;
3. We approve the IATA airwaybill notice provisions that were disapproved in Orders 78-8-10, August 3, 1978; 78-11-146, November 30, 1978; and 79-6-47, June 5, 1979;
4. We disapprove IATA resolution 507(b), Docket 30332; and
5. We retitle and reissue Part 222 of the Board's Economic Regulations (14 CFR Part 222) *Air Cargo Pick-up and Delivery Zones, Filing of Tariffs; Application for Authority to File*, to read:

PART 222—INTERMODAL CARGO SERVICES BY FOREIGN AIR CARRIERS

Sec.
222.1 Applicability.
222.2 Scope of permissible intermodal cargo services.
222.3 Application for Statement of Authorization.
222.4 Procedure on receipt of application for Statement of Authorization.
222.5 Cancellation or conditioning of a Statement of Authorization.

Authority: Sec. 204, 402, Pub. L. 85-726, as amended, 72 Stat. 743, 757; 49 U.S.C. 1324, 1372.

§ 222.1 Applicability.

This part applies to all air transportation of property that includes both air movement by a direct foreign air carrier and surface transportation to or from any point within the United States (hereafter referrred to as "intermodal cargo services").

§ 222.2 Scope of permissible intermodal cargo services.

(a) Under its foreign air carrier permit, a direct foreign air carrier may provide or control the surface portion of intermodal cargo services within a zone extending 35 miles from the boundary of the airport or city it is authorized to serve. A direct foreign air carrier shall not provide or control the surface portion of intermodal cargo services outside of this 35-mile zone unless authorized to do so by the Board in accordance with §§ 222.3, 222.4 and 222.5.

(b) A direct foreign air carrier shall be considered to control the surface portion of intermodal cargo services if it has or publicly represents that it has any responsibility for or control over the movement of, or has any ownership, controlling or exclusive dealing relationship with, the carrier actually providing the surface transportation.

(c) Except as provided in paragraphs (a) and (b) of this section with respect to control by a direct foreign air carrier, any U.S. or foreign indirect air carrier, surface carrier or surface freight forwarder may provide the surface portion of intermodal cargo services without limitation as to geographic area within the United States.

(d) The Board may withdraw the authority of an indirect foreign air carrier to provide the surface portion of intermodal cargo services, or the authority of a direct foreign air carrier to offer intermodal cargo services pursuant to joint fares with other carriers providing the surface transportation, at any time, with or without hearing, if the Board finds it in the public interest.

§ 222.3 Application for statement of authorization.

(a) Application for a Statement of Authorization shall be filed with the Board's Regulatory Affairs Division, Bureau of International Aviation, in duplicate, on CAB Form 222 (obtainable from the Civil Aeronautics Board, Publications Services Division, Washington, D.C. 20428), attached as Appendix A. In most cases the Board will act upon applications for Statements of Authorization within 60 days.

(b) Persons objecting to an application for a Statement of Authorization shall file their objections with the Regulatory Affairs Division, Bureau of International Aviation, within 28 days of the filing date of the application. The Board will list the names and nationalities of all persons applying for Statements of Authorization in its Weekly Summary of Filings.

(c) An application shall include a copy of any bilateral agreement, memorandum of consultations, or diplomatic note or letter, in support of the authority requested. Documents that appear in official U.S. publications may be incorporated by reference.

§ 222.4 Procedure on receipt of application for Statement of Authorization.

(a) After review of an application form filed under § 222.3, the Board will take one or more of the following actions:

(1) Indicate by stamp on CAB Form 222 the effective date of the Statement of Authorization, and return to the carrier the duplicate copy of Form 222 as evidence of approval under this part;

(2) Request additional information from the applicant;

[12] Flying Tiger filed in support of the proposed rule.

[13] *National Small Shipments Conference, Inc. et al. v. CAB*, 618 F.2d 819 (D.C. Cir. 1980).

(3) Set the application for notice and hearing procedures;

(4) Disapprove the application or approve it subject to such terms, conditions, or limitations as may be required by the public interest; or

(5) Reject the application on the grounds that there is no agreement by the United States authorizing the proposed services.

(b) An order disapproving an application or subjecting it to conditions or limitations shall be transmitted to the President for stay or disapproval. If the President does not stay or disapprove the Board's order, it shall become effective on the 31st day after transmittal to the President, or within any longer time period established in the order.

§ 222.5 Cancellation or conditioning of a Statement of Authorization.

A Statement of Authorization may be canceled or made subject to additional terms, conditions, or limitations, at any time, with or without hearing, if the Board finds that it is in the public interest to do so. An order canceling or conditioning a Statement of Authorization shall be submitted to the President for stay or disapproval and shall become effective on the 31st day after transmittal or within any longer time period established by the Board.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

BILLING CODE 6320-01-M

Appendix A

CAB Form 222

UNITED STATES OF AMERICA
CIVIL AERONAUTICS BOARD

FOREIGN AIR CARRIER APPLICATION FOR STATEMENT OF AUTHORIZATION FOR
INTERMODAL CARGO SERVICES

DO NOT WRITE - FOR OFFICIAL USE ONLY

TO: CIVIL AERONAUTICS BOARD
ATTENTION: Regulatory Affairs Division
Bureau of International Aviation
Washington, D.C. 20428

Application is made for a Statement of Authorization to conduct intermodal cargo services under provisions of the applicants' foreign air carrier permit and Economic Regulation Part 222.

☐ Initial Application ☐ Change of Name/Address/Nationality

☐ Application for Removal of conditions

1. Name of Applicant:

Nationality:

2. Send Authorization to:
(Name and Address)

3. (a) estimated annual tonnage of cargo to be shipped by surface transportation: _____

(b) percentage of total air cargo to be shiped by surface transportation beyond 35-mile pick-up and delivery zone.

4. Area in the United States to be served by surface transportation

V 46 J E 24 81 1 UMI

CERTIFICATION

I certify that the information contained in this application, and in the attachments hereto, is complete and accurate to the best of my knowledge.

Signature: _____

Date: _____ Name: _____
(please type)

Place: _____ Title: _____
(see note)

NOTE: Application must be signed by a responsible officer, such as the President, Vice President, Secretary, or Treasurer of a corporation, or a partner or owner of other non-corporate applicants.

FOR CAB USE ONLY

Special conditions or limitations/reasons for disapproval/rejection/findings.

[FR Doc. 81-18676 Filed 6-23-81; 8:45 am]
BILLING CODE 6320-01-C

14 CFR Part 291

[Docket Nos. 36119 and 38329; Regulation ER-1230]

Domestic Cargo Transportation; Exemption From Requirement To File Pick-up and Delivery Tariffs

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: In ER-1228, also adopted today, the CAB eliminated the requirement that pick-up and delivery services be described in separate tariffs. In this rule we adopt a conforming amendment to Part 291, so that all-cargo carriers are exempted from filing such tariffs. The authority citation is amended to put it in the new **Federal Register** format.

DATES: Adopted: June 4, 1981. Effective: July 24, 1981.

FOR FURTHER INFORMATION CONTACT: Joseph Di Bella, Legal Division, Bureau of International Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673-5035.

SUPPLEMENTARY INFORMATION: The Civil Aeronautics Board amends 14 CFR Part 291, *Domestic Cargo Transportation*, as follows:

1. The authority for 14 CFR Part 291 is revised to read:

Authority: Secs. 102, 204, 407, 408, 409, 416, 418, Pub. L. 85-726, as amended, 72 Stat. 740, 743, 766, 767, 768, 771, 91 Stat. 1284; 49 U.S.C. 1302, 1324, 1377, 1378, 1379, 1386, 1388.

2. Paragraph (a)(1) of § 291.31 is amended by removing paragraph (a)(1)(ii) and revising it to read:

§ 291.31 Exemptions from the Act for direct air carriers.

(a) Each direct air carrier providing domestic cargo transportation is, with respect to such transportation, exempted from the following section or subsections of the Act:

(1) Section 403, with the exception of air transportation of property wholly within the states of Alaska and Hawaii.

* * * * *

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-18678 Filed 6-23-81, 8:45 am]

BILLING CODE 6320-01-M

14 CFR Part 384

[Reg. OR-184; Amdt. No. 16]

Statement of Organization, Delegation of Authority, and Availability of Records and Information

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The CAB amends its regulations to reflect the transfer of international fares and rates from the Bureau of Domestic Aviation to the Bureau of International Aviation. This action is at the Board's own initiative.

DATES: Adopted: June 19, 1981. Effective: June 24, 1981.

FOR FURTHER INFORMATION CONTACT: Herbert P. Aswall, Chief, International Fares and Rates Division, Bureau of International Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; 202-673-5218, or Julien R. Schrenk, Chief, Domestic Fares and Rates Division, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, 202-673-5298.

SUPPLEMENTARY INFORMATION: A full discussion of this action is in OR-183, adopted today.

Accordingly, the Civil Aeronautics Board amends 14 CFR Part 384, *Statement of Organization, Delegation of Authority, and Availability of Records and Information*, as follows:

1. The authority for Part 384 is amended to read:

Authority: Secs. 204, 1001, Pub. L. 85-726, as amended, 72 Stat. 743, 788, 49 U.S.C. 1324, 1481.

2. Paragraphs (c) and (g) of § 384.7, *Organization and delegation of authority*, are revised to reflect organizational changes that have taken place in the accompanying rulemaking as follows:

§ 384.7 Organization and delegation of authority.

* * * * *

(c) The Bureau of Domestic Aviation, which is the Board component involved in domestic and overseas ratemaking, licensing, and the maintenance of proper competitive conditions among air carriers. This Bureau handles matters involving commercial passenger, baggage, and freight rates, service mail rates, subsidy rates, and military charter rates. It also handles domestic air transportation matters involving certificates, exemptions, and mergers for scheduled, charter, helicopter, and all-cargo air carriers, air taxi operators, and freight forwarders. Special tariff permission applications involving foreign air transportation are coordinated with the Bureau of International Aviation.

* * * * *

(g) The Bureau of International Aviation, which is the Board component primarily concerned with the licensing and maintenance of proper competitive conditions among air carriers and foreign air carriers and ratemaking with respect to foreign air transportation. Matters involving certificates, permits, and exemptions for scheduled, supplemental, and all-cargo air carriers, foreign air carriers, and air taxi operators pertaining to foreign air transportation are handled by the Bureau of International Aviation. This Bureau advises the Board on the formulation of positions to be taken by the United States concerning international air transport matters; serves as liaison between the Board and the Department of State and the Interagency Group on International Aviation; and provides representation in connection with international conferences, consultations and negotiations with foreign countries on air transport matters. Special tariff permission applications involving foreign air transportation are coordinated with the Bureau of Domestic Aviation.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-18675 Filed 6-23-81, 8:45 am]

BILLING CODE 6320-01-M

14 CFR Part 385

[Organization Regulations Amdt. No. 113 to Part 385; Regulation OR-183]

Delegations and Review of Action Under Delegation: Nonhearing Matters

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The CAB amends its delegations to reflect organizational changes that have taken place, to delegate to the Chief, Domestic Fares and Rates Division, Bureau of Domestic Aviation, authority to issue final service mail rate orders that make technical changes in the rates proposed in a show cause order, and to make other editorial amendments. This amendment is at the CAB's own initiative.

DATES: Adopted: June 19, 1981. Effective: June 24, 1981.

FOR FURTHER INFORMATION CONTACT: Herbert P. Aswall, Chief, International Fares and Rates Division, Bureau of International Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; 202-673-5218 or Julien R. Schrenk, Chief, Domestic Fares and Rates Division, Civil Aeronautics Board, 1825

Connecticut Avenue, N.W., Washington, D.C. 20428; 202–673–5298.

SUPPLEMENTARY INFORMATION: Part 385, *Delegations and review of action under delegation: nonhearing matters,* describes the organization of the Board and grants continuing delegations of authority to senior staff for certain functions. There have been a number of organizational changes within the Board that are not reflected in the present rule. This rulemaking updates the delegations of authority tc reflect these recent changes, delegates some additional authority to the Chief, Domestic Fares and Rates Division and makes other minor editorial corrections.

International fares and rates have been transferred from the Bureau of Domestic Aviation to the Bureau of International Aviation. In order to reflect this reorganization, we are adding a new section, § 385.26a, *Delegation to the Chief, International Fares and Rates Division, Bureau of International Aviation.* Authority over foreign fares and rates presently found in § 385.16, *Delegation to the Chief, Domestic Fares and Rates Division, Bureau of Domestic Aviation* is removed and placed in the new § 385.26a. The new delegation to the Chief of BIA's International Fares and Rates Division includes authority to investigate and suspend the effectiveness of certain tariffs, approve certain applications for free or reduced rate air transportation, issue orders concerning International Air Transport Association (IATA) agreements, approve certain applications for exemptions from section 403 of the Act and applicable Board tariff regulations, and approve applications for relief from data filing requirements involving new foreign rates and fares. Paragraph (g) of § 385.26a delegates authority to cancel a suspension and/or dismiss an investigation of a tariff when adjustments to the Standard Foreign Fare Level, or changes in the applicable range of fare flexibility, have rendered the issues moot or when the course of action is clear under current Board policies. This delegation is made because the present requirement of Board action is burdensome and inefficient.

A number of changes are made in § 385.15, *Delegation to the Chief, Tariffs Division, Bureau of Domestic Aviation.* Paragraph (f) of that section delegates authority to investigate and suspend the effectiveness of tariffs that are substantially similar to a prior tariff under investigation or suspension and which were filed by or on behalf of a party to the prior tariff within 90 days of the earlier tariff's expiration, modification or cancellation. The Chief of BDA's Tariff Division retains authority over all such tariffs in interstate and overseas transportation, while the Chief of BIA's International Fares and Rates Division is delegated this tariff authority in matters involving foreign air transportation. Paragraph (h), which delegates authority to approve or disapprove applications for permission to furnish free or reduced rate air transportation in overseas or foreign air transportation, is amended to refer only to overseas air transportation. Authority over such applications in foreign air transportation is delegated to the Chief of BIA's International Fares and Rates Division in § 385.26a(b). Application for special tariff permission will continue to be handled by the Chief of BDA's Tariff Division. However, because of the transfer of international fares and rates to the Bureau of International Aviation generally, it is understood that the Chief of BIA's International Fares and Rates Division will be consulted on special tariff permission applications involving foreign air transportation. The purpose of the consultation is to ensure coordination between the Bureau of Domestic Aviation and the Bureau of International Aviation on significant tariff policy questions.

Section 385.15a and 385.16, are both entitled, *Delegation to the Chief, Domestic Fares and Rates Division, Bureau of Domestic Aviation.* Section 385.15a is consolidated into § 385.16, and it now appears in § 385.16(t). Paragraph (t) adds a reference to part numbers § 302.1501–1508 that were inadvertently omitted in the text of § 385.15a. Paragraph (d) of § 385.16 is deleted because the Board no longer has direct jurisdiction over MAC charter operators. Similarly, paragraph (e) of § 385.16 is deleted because the Board no longer has separate classifications of stations that are used in determining the service mail rate formulas. Paragraphs 385.16 (n) and (o) relating to free or reduced rate air transportation for travel agents, and travel agent training program instructors and employees, have been outdated by Part 223, *Free and reduced rate transportation,* and are therefore deleted.

Paragraph (g) of § 385.16 delegates authority to BDA's Chief, Domestic Fares and Rates Division to issue final orders for the Board establishing temporary or final service mail rates in those cases where no objection has been filed in response to the show cause order, and where the rates established are the same as those proposed in the show cause order. However, in those instances where modifications of a technical nature, such as computational corrections, in the mail rate calculations are required, it is necessary to follow either of two procedures. One is to issue another show cause order under authority delegated by § 385.16(f), with the usual 10-day period for filing notice of objection, followed by issuance of a final order under authority delegated by section 385.16(g) if no further objections are filed. The other alternative is to prepare a draft final order for consideration and adoption by the Board. Both of these procedures are time-consuming and delay the adoption of the final rates. Moreover, the latter directs the time and attention of the Board to a matter of little significance. Therefore, the Board is amending its delegations of authority to allow the Chief, Domestic Fares and Rates Division, Bureau of Domestic Aviation, to issue final orders for service mail rates that require only modifications of a technical nature to rates proposed in a show cause order.

Since these amendments are administrative in nature, affecting rules of agency organization and procedure, the Board finds that notice and public procedure are unnecessary, and that the rule may become effective immediately.

Accordingly, the Civil Aeronautics Board amends 14 CFR Part 385, *Delegations and Review of Action Under Delegation; Nonhearing Matters,* as follows:

1. The authority for Part 385 is amended to read:

Authority: Secs. 102, 204, 401, 402, 403, 407, 416, Pub. L. 85–726, as amended, 72 Stat. 740, 754, 757, 758, 766, 771; 49 U.S.C. 1302, 1371, 1372, 1373, 1377, 1386. Reorganization Plan No. 3 of 1961, 26 FR 5989.

2. The Table of Contents is amended to remove § 385.15a, *Delegation to the Chief, Domestic Fares and Rates Division, Bureau of Domestic Aviation,* and to add a new § 385.26a, *Delegation to the Chief, International Fares and Rates Division, Bureau of International Aviation.*

§ 385.15 [Amended]

3. Paragraph (h) of § 385.15, *Delegation to the Chief, Tariffs Division, Bureau of Domestic Aviation,* is removed.

§ 385.15a [Amended]

4. Section 385.15a, *Delegation to Chief, Domestic Fares and Rates Division, Bureau of Domestic Aviation,* is removed.

5. In § 385.16, *Delegation to the Chief, Domestic Fares and Rates Division, Bureau of Domestic Aviation,* paragraphs (d), (e), (k), (n), (o), and (r) are removed and reserved, paragraphs

(g), (l), (m), and (p) are revised and a new paragraph (t) is added, as follows:

§ 385.16 Delegation to the Chief, Domestic Fares and Rates Division, Bureau of Domestic Aviation.

The Board delegates to the Chief, Domestic Fares and Rates Division, Bureau of Domestic Aviation the authority to:

* * * * *

(d) [Reserved]

(e) [Reserved]

(f) * * *

(g) Issue final orders establishing temporary and final service mail rates (1) in those cases where no objection has been filed following release of the show cause order, and where the rates established are the same as those proposed in the show cause order, and (2) in those cases where it is necessary to make modifications of a technical nature in the rates proposed in the show cause order.

* * * * *

(k) [Reserved]

(l) Approve or disapprove air carrier applications involving interstate and overseas air transportation filed under section 416(b) of the Act for exemption from section 403 of the Act, air carrier tariffs, and applicable Board regulations, in cases where the disposition of the application is governed by established Board policy and precedent. Such approval or disapproval may be taken by order, by letter or by stamp or notation on a copy of the application.

(m) Approve or disapprove applications requesting relief from requirements of Board orders that carriers file data relating to experience under new rates and fares in interstate and overseas air transportation.

(n) [Reserved]

(o) [Reserved]

(p) Approve or disapprove applications for permission to furnish free or reduced-rate interstate or overseas air transportation to commissioned and enlisted military personnel when on official business of an air carrier to which they have been assigned for educational training purposes.

* * * * *

(t) Issue a letter, in the case of air mail contracts filed with the Board under 14 CFR 302.1501–1508 against which no complaints have been filed, stating that the contract will not be disapproved by the Board and may become effective immediately. The letter will state that it is issued under delegated authority and may be appealed to the Board by any person.

6. A new section, § 385.26a, *Delegation to the Chief, International Fares and Rates Division, Bureau of International Aviation,* is added as follows:

§ 385.26a Delegation to the Chief, International Fares and Rates Division, Bureau of International Aviation.

The Board delegates to the Chief, International Fares and Rates Division, Bureau of International Aviation, the authority with respect to foreign air transportation to:

(a) Institute an investigation of, or institute an investigation and suspend the effectiveness of, a tariff or change in a tariff which:

(1) Is substantially similar to a prior tariff under investigation or suspension; and

(2) Is filed by or on behalf of one or more of the carriers party to the prior tariff; and

(3) Is filed within 90 days after the expiration, modification, or cancellation of the prior tariff, or within 90 days after the effective date of an order requiring its cancellation or modification.

(b) Approve or disapprove applications filed under section 403(b) of the Act and § 223.8 of this chapter for permission to furnish free or reduced rate air transportation in foreign air transportation.

(c) With respect to International Air Transport Association (IATA) agreements filed with the Board pursuant to section 412 of the Act or pursuant to Board Order E–9305 of June 15, 1955:

(1) Disclaim jurisdiction with respect to IATA agreements which do not affect air transportation within the policy set forth in Order E–12304, dated March 31, 1958;

(2) Approve agreements which do not directly apply in air transportation;

(3) Issue orders approving, disapproving, or approving subject to conditions, IATA agreements relating to fare and rate matters, with respect to the following:

(i) Agreements naming additional specific commodity rates (rates below general cargo rates) under new, existing, or amended descriptions; amending descriptions; and/or extending or canceling existing specific commodity rates.

(ii) Agreements reached by unprotested notice pursuant to previously approved resolutions.

(iii) Agreements establishing or amending proportional or constructed fares or rates.

(iv) Agreements naming specified fares or rates to be integrated into previously approved fare or rate structures.

(v) Agreements amending or extending application of construction rules.

(vi) Agreements amending application of special (reduced) fare resolution provisions.

(vii) Agreements providing for delays in inaugurals.

(viii) Agreements establishing, amending, or terminating charges for nontransportation services and other ancillary fare or rate agreements involving administrative, procedural, or technical provisions, not affecting fare or rate levels.

(ix) Agreements establishing, amending, or terminating a surcharge or discount on foreign-originating air transportation to reflect a currency fluctuation.

(4) Issue orders describing filed agreements, establishing procedural dates for submission of justification, comments and replies, which support or oppose agreements, and prescribing the particular types of data to be included in such submission.

(d) Approve or disapprove air carrier applications involving foreign air transportation filed under section 416(b) of the Act for exemption from section 403 of the Act, air carrier tariffs, and applicable Board regulations, in cases where the disposition of the application is governed by established Board policy and precedent. Such approval or disapproval may be taken by order, by letter, or by stamp or notation on a copy of the application.

(e) Approve or disapprove applications requesting relief from requirements of Board orders that carriers file data relating to experience under new foreign rates and fares.

(f) Approve or disapprove applications for permission to furnish free or reduced-rate foreign air transportation to commissioned and enlisted military personnel when on official business of an air carrier to which they have been assigned for educational training purposes.

(g) Cancel the suspension of and/or dismiss an investigation of a tariff relating to service predominantly in foreign air transportation:

(1) when subsequent adjustments to the Standard Foreign Fare Level made pursuant to section 1002(j)(9) of the Act, or subsequent increases in the applicable range of fare flexibility have rendered the suspension and/or investigation moot; or

(2) where the course of action is clear under current Board policy and precedent.

By the Civil Aeronautics Board.
Phyllis T. Kaylor,
Secretary.
[FR Doc. 81-18674 Filed 6-23-81; 8:45 am]
BILLING CODE 6320-01-M

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14 CFR Part 385

[Organization Regulations Amdt. No. 111 to Part 385; Dockets 38329 and 36119; Regulation OR-181]

Delegations and Review of Action Under Delegation; Nonhearing Matters; Delegations to the Director, Bureau of International Aviation, and to the Director, Bureau of Domestic Aviation

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: In ER-1228, also adopted today, the CAB established a new procedure by which foreign air carriers may file for approval to conduct intermodal cargo services, *i.e.*, transportation of cargo by surface means in connection with foreign air transportation. In the same rule, the Board eliminated the requirement that pick-up and delivery services be described in separate tariffs. For the reasons stated in ER-1228, the CAB delegates authority to the Director, Bureau of International Aviation, to approve applications to conduct intermodal services where no person raises significant objections, and to require an applicant to submit additional information. In addition, the Board revokes the authority delegated to the Director, Bureau of Domestic Aviation, to grant exemptions from the former pick-up and delivery tariff filing requirements. The authority citation is revised according to the new **Federal Register** format.

DATES: Adopted: June 4, 1981. Effective: July 24, 1981.

FOR FURTHER INFORMATION CONTACT: Joseph Di Bella, Legal Division, Bureau of International Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428 (202) 673-5035.

The Civil Aeronautics Board amends 14 CFR Part 385, *Delegations and Review of Action Under Delegation; Nonhearing Matters*, as follows:

1. The authority for 14 CFR Part 385 is revised to read:

Authority: Secs. 102, 204, 401, 402, 403, 407, 416, Pub. L. 85-726, as amended, 72 Stat. 740, 754, 757, 758, 766, 771; 49 U.S.C. 1302, 1371, 1372, 1373, 1377, 1386. Reorganization Plan No. 3 of 1961, 26 FR 5989.

§ 385.13 [Amended]

2. Paragraphs (w) and (oo) of § 385.13, *Delegation to the Director, Bureau of Domestic Aviation*, are removed and reserved.

3. Section 385.26, *Delegation to the Director, Bureau of International Aviation*, is amended by adding a new paragraph (w) to read:

§ 385.26 Delegation to the Director, Bureau of International Aviation.

The Board delegates to the Director, Bureau of International Aviation, authority to:

* * * * *

(w)(1) Approve applications for Statements of Authorization to conduct intermodal cargo services under Part 222 of this chapter (Economic Regulations) where no person with a substantial interest raises objections citing specific facts of nonreciprocity or of restraints on competition by U.S. air carriers; (2) reject applications under Part 222 where there is no agreement by the United States permitting the proposed services; or (3) require that an applicant under Part 222 submit additional information.

By the Civil Aeronautics Board.
Phyllis T. Kaylor,
Secretary.
[FR Doc. 81-18679 Filed 6-23-81; 8:45 am]
BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Parts 374, 376, and 379

Elimination of Separate U.S. Reexport Authorization in Certain Cases Involving COCOM Countries

AGENCY: Office of Export Administration, International Trade Administration, Commerce.

ACTION: Final rule.

SUMMARY: This rule simplifies certain reexport procedures consistent with a Presidential decision contained in a report on export disincentives submitted to the Congress on September 9, 1980.

The United States participates in an international security export control system. The Coordinating Committee (COCOM) of this system reviews proposals to ship strategic commodities and technical data to certain communist countries. This rule amends the Regulations to eliminate the requirement for a separate U.S. reexport authorization in those cases where the same transaction has been explicitly approved in COCOM. The Regulations still require submission of reexport requests to OEA for transactions that do not qualify under this procedure. A reexport that is made without either approval in COCOM or direct U.S. reexport authorization is a violation of the Export Administration Regulations. The Office of Export Administration expects that this change will reduce administrative costs and eliminate delays associated with export control licensing without weakening the effectiveness of national security export controls.

EFFECTIVE DATE: June 24, 1981.

FOR FURTHER INFORMATION CONTACT: Archie Andrews, Director, Exporters' Service Staff, Office of Export Administration, Washington, D.C. 20230 (Telephone: (202) 377-5247 or 377-4811).

SUPPLEMENTARY INFORMATION: Section 13(a) of the Export Administration Act of 1979 (50 U.S.C. app. 2401 *et seq.*) (Supp. III (1979)) ("the Act") exempts regulations promulgated under the Act from the public participation in rulemaking procedures of the Administrative Procedure Act. Therefore, these regulations are issued in final form. Although there is no formal comment period, public comments on these regulations are welcome on a continuing basis. Because this regulation relates to a foreign affairs function of the United States, it is not subject to Executive Order 12291 (46 FR 13193, February 19, 1981), "Federal Regulation." This rule does not impose a burden under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501, *et seq.*

Accordingly, the Export Administration Regulations (15 CFR Part 368-399) are amended as follows:

PART 374—REEXPORTS

1. In § 374.2, a new paragraph (i) is added to read as follows:

§ 374.2 Permissive reexports.

* * * * *

(i) Reexports from COCOM countries to Country Group P, Q, W, or Y that meet the conditions set forth in § 374.3(e);

2. In § 374.3, a new paragraph (e) is added to read as follows:

§ 374.3 How to request reexport authorization.

* * * * *

(e) *Reexports from COCOM Countries.* (1) Separate specific reexport authorization by the Office of Export Administration is not required if *all* of the following conditions are met:

(i) The commodities being exported:

(A) are identified by an "A" on the CCL,

(B) are *not* included in the notes in Supplement No. 1 to Part 385,

(C) are valued at more than $4,000 (except that commodities in CCL entries 1548, 1555, 1559, and 1781, and entries beginning with the digits 2 and 3, are eligible regardless of value), and

(D) if included in entry 1565A, have at least one parameter falling in the extreme right hand, *i.e.* (d), column of boxes on Form ITA–6031P, Computer System Parameters.

(ii) The reexport is from a COCOM participating country, i.e., Belgium, Canada, Denmark, France, the Federal Republic of Germany, Greece, Italy, Japan, Luxembourg, the Netherlands, Norway, Portugal, Turkey, or the United Kingdom;

(iii) The reexport is made in accordance with the conditions of the licensing authorization issued by the applicable COCOM participating country;

(iv) The reexport is to a country in Country Group P, Q, W, or Y; and

(v) The reexport has received unanimous approval from COCOM.

(2) All other reexports that require authorization under the Export Administration Regulations and do not qualify under these conditions must have specific authorization from OEA.

(3) The United States Government will begin its review upon receipt of a case submitted to COCOM by another COCOM participating country. When the COCOM submission does not include sufficiently detailed supporting information, additional information will be sought from the submitting government. Because the U.S. Government frequently requires more extensive technical information than is contained in COCOM documents, the reexporting party may wish to submit such supplementary information, or request the original U.S. exporter to submit such information, directly to OEA, in order to facilitate prompt U.S. review of the COCOM submission.

(4) A party to the transaction who wishes to know the status of a COCOM submission may contact the Office of East-West Trade, EB/TDC, Department of State, Washington, D.C. 20520, telephone (202) 632–2584.

PART 376—SPECIAL COMMODITY POLICIES AND PROVISIONS

3. In § 376.12, a new paragraph is added at the end of the Note reading as follows:

§ 376.12 Parts, components, and materials in foreign-made end products.

* * * * *

Note.—In order to determine * * *

1. * * *

2. * * *

3. * * *

Even though the answers to the above questions indicate that prior written approval is required, a request need not be submitted if the export of the foreign-made end product meets the conditions of § 374.3(e).

PART 379—TECHNICAL DATA

4. In § 379.8, paragraph (b) is amended by adding a new subparagraph (3) to read as follows:

§ 379.8 Reexports of technical data and exports of the product manufactured abroad by use of U.S. technical data.

* * * * *

(b) *Permissive Reexports.* * * *

(3) *COCOM Authorization.* Separate specific authorization by the Office of Export Administration to export or reexport any foreign produced direct product of U.S. technical data is not required if *all* of the following conditions are met:

(i) The commodities being exported:

(A) are identified by "A" on the CCL,

(B) are *not* included in the notes in Supplement No. 1 to Part 385,

(C) are valued at more than $4,000 (except that commodities in CCL entries 1548, 1555, 1559, and 1781, and entries beginning with the digits 2 and 3, are eligible regardless of value), and

(D) If included in entry 1565A, have at least one parameter falling in the extreme right-hand, *i.e.* (d), column of boxes on Form ITA–6031P, Computer System Parameters.

(ii) The export or reexport is from a COCOM participating country, *i.e.*, Belgium, Canada, Denmark, France, the Federal Republic of Germany, Greece, Italy, Japan, Luxembourg, the Netherlands, Norway, Portugal, Turkey, or the United Kingdom;

(iii) The export or reexport is made in accordance with the conditions of the licensing authorization issued by the applicable COCOM participating country;

(iv) The export or reexport is to a country in Country Group P, Q, W, or Y; and

(v) The transaction has received unanimous approval in COCOM (see § 374.3(e)).

(Secs. 5, 13, and 15 of the Export Administration Act of 1979, 93 Stat. 503, 50 U.S.C. app. 2401, *et seq.* (Supp. III 1979); Executive Order No. 12214 (45 FR 29783, May 6, 1980); Department Organization Order 10–3 (45 FR 6141, January 25, 1980); International Trade Administration Organization and Function Orders 41–1 (45 FR 11862, February 22, 1980) and 41–4 (45 FR 65003, October 1, 1980))

Dated: June 11, 1981.

William V. Skidmore,

Director, Office of Export Administration, International Trade Administration.

[FR Doc. 81–18335 Filed 6–23–81; 8:45 am]

BILLING CODE 3510–25–M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Parts 103, 152, and 175

[T.D. 81–168]

Customs Regulations Relating to Availability of Information

AGENCY: Customs Service, Treasury.

ACTION: Final rule.

SUMMARY: This document revises the Customs Regulations relating to the public disclosure of information. There have been substantial changes to the relevant law since publication of the prior regulations. The revision brings the regulations into conformity with the current law.

This action has been taken after publication of a notice of proposed rulemaking and careful analysis of public comment received.

EFFECTIVE DATE: July 24, 1981.

FOR FURTHER INFORMATION CONTACT: Steven I. Pinter, Disclosure Law Branch, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202–566–8681).

SUPPLEMENTARY INFORMATION: These amendments do not constitute a major regulation within the meaning of Executive Order 12291, relating to Federal Regulation.

Background

A proposed revision of Part 103, Customs Regulations (19 CFR Part 103), relating to the public disclosure of information was published in the **Federal Register** on August 20, 1979 (44 FR 48709). This revision was deemed necessary due to the amendments to the Freedom of Information Act by Public Law 93–502, 80 Stat. 1561, and the conforming amendments to the Department of the Treasury regulations concerning public access to records (31 CFR Part 1) published in the **Federal Register** on February 20, 1975 (40 FR 7439).

Part 103 sets forth procedures whereby the public may obtain access to records created and maintained by the United States Customs Service. The procedures involve the publication of certain information in the **Federal**

Register, the public inspection or copying of information, and the submission of specific requests for records to Headquarters, United States Customs Service, or to offices of the regional commissioners of Customs. Also included are procedures for appeal of an initial administrative determination to deny such a request and a uniform schedule of fees for the search and duplication of Customs records. Officers of the Customs Service who are responsible for making the initial and appellate determinations as to whether a request for records shall be granted are designated. Exemptions from disclosure, conforming to the Freedom of Information Act amended by Public Law 93–502 are set forth.

Discussion of Major Comments

Comments received in response to publication of the proposed revision of Part 103 in the **Federal Register** (44 FR 48709) have been carefully analyzed and are summarized below.

The majority of comments were concerned primarily with the protection of confidential business information. These comments were critical of § 103.14 which permits limited access to information on vessel manifests to both accredited members of the press, and to the public and allows the publication of certain of this information. Generally, privileged or confidential information contained in vessel manifests is exempt from disclosure under § 103.12. In this regard, commenters believed that competitors could glean from vessel manifests and summary statistical reports shipping methods, ports of entry, sources of supply, volume cost and selling price of goods, and determine market expectations and plans for new markets. Concerns were expressed that this private data, developed at a cost to a firm, would become publicly available. According to these commenters, competitors would thereby gain a substantial market advantage. The commenters conceive that if one information service published identifying data for a shipment plus its quantity, and a second service published the data for the same shipment plus its price, a subscriber to both services would obtain the combination of information which Customs would not release to either the press or public.

Criticism is also raised that § 103.14 permits selective disclosure inasmuch as accredited members of the press are allowed to examine vessel manifests which the general public may not.

It is the position of the Customs Service that the proposed regulation adequately balances the interests of the parties involved by generally exempting from disclosure privileged or confidential information contained in vessel manifests, while still insuring relative ease of publication of legally available information. As an added precaution, § 103.14(d) permits, upon written application, a shipper, consignee, or importer to request, that its name be withheld from public disclosure. In addition, under § 103.14(b), a press representative must submit to Customs for review any copy or notation made from a vessel manifest. Therefore, although the press may examine information not available to the public, the ability to copy such information or take notes of such information is severely limited by § 103.14.

It is pertinent to note that, on the other hand, certain comments received oppose the suspension of disclosure provision as currently written inasmuch as it does not require some factual determination of specific harm to be made.

Parenthetically, it also must be noted that that portion of Treasury Decision 81–19, published in the **Federal Register** on January 29, 1981 (46 FR 9567), relating to vessel manifest disclosure requirements, has been incorporated into this document as § 103.14.

One commenter recommended that § 103.15, which provides for sanctions against Customs officers and employees for improper disclosure to exporters and importers, be broadened to encompass all unauthorized disclosures. In response to this comment, the language of § 103.15 has been changed to invoke sanctions for unauthorized disclosures to any person not authorized by law or regulation to receive the disclosed information.

In reference to judicial review of an administrative action on an information request, one commenter noted that the authority formerly possessed by the Civil Service Commission to investigate certain withholdings has been transferred to the Special Counsel, Merit Systems Protection Board. (Section 906(a)(10) of the Civil Service Reform Act of 1978). In response, appropriate changes in § 103.9 have been made.

Procedural Changes

In accordance with a change in the internal procedures in Customs Headquarters, the proposed section on the maintenance of files and records, which invested the Director, Entry Procedures and Penalties Division, at Headquarters with the responsibility for maintaining files on information requests, has been deleted. Henceforth, information requests should be made at the Disclosure Law Branch, Headquarters (§ 103.5(d)), and the appropriate division director at Headquarters shall make the initial determination to grant or deny a request for a record maintained in that particular division (§ 103.6(a)(2)). Appeal of an initial determination shall no longer be made to the Assistant Commissioner of Customs, but rather to the Director, Office of Regulations and Rulings (section 103.7).

Pursuant to Executive Order 12188 (45 FR 69273), which transferred responsibility for the administration of antidumping and countervailing duty laws to the Secretary of Commerce, references to records on antidumping and countervailing duty in § 103.11 have been deleted.

Inapplicability of Regulatory Flexibility Act

This document is not subject to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601–612) because the notice of proposed rulemaking on which the final rule is based was issued prior to January 1, 1981, the effective date of the Act.

Drafting Information

The principal authors of this document were Harold I. Loring and Todd J. Schneider, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

Amendments to the Regulations

Parts 103, 152, and 175, Customs Regulations (19 CFR Parts 103, 152, 175) are amended as set forth below.

William T. Archey,

Acting Commissioner of Customs.

Approved: May 7, 1981.

John P. Simpson,

Acting Assistant Secretary of the Treasury.

Part 103, Customs Regulations (19 CFR Part 103), is revised to read as follows:

PART 103—AVAILABILITY OF INFORMATION

Sec.

103.0 Scope.
103.1 Public reading rooms.
103.2 Information available to the public.
103.3 Publication of information in the **Federal Register**.
103.4 Public inspection and copying.
103.5 Specific requests for records.
103.6 Grant or denial of initial request.
103.7 Administrative appeal of initial determination
103.8 Time extensions.
103.9 Judicial review.
103.10 Fees for services.
103.11 Specific Customs Service records subject to disclosure.

Sec.
103.12 Exemptions.
103.13 Segregability of records.
103.14 Information on vessel manifests and summary statistical reports.
103.15 Sanctions for improper actions by Customs officers or employees.
103.16 Information concerning fines, penalties, and forfeitures cases.
103.17 Testimony or the production of documents in court.

Authority.—R.S. 251, as amended, sec. 624, 46 Stat. 759, sec. 501, 65 Stat. 290; 5 U.S.C. 301, 552, 19 U.S.C. 66, 1624, 31 U.S.C. 483a. Additional authority and statutes interpreted or applied are cited in the text or in parentheses following the sections affected.

§ 103.0 Scope.

This part contains regulations implementing the public information provisions of the Freedom of Information Act, as amended (5 U.S.C. 552). For the purpose of this part the Office of the Chief Counsel is considered to be a part of the United States Customs Service. The regulations supplement the regulations of the Department of the Treasury concerning public access to records, which are found in 31 CFR Part 1 and which are applicable to all constituent units of the Department, including the United States Customs Service. In the event of any inconsistency between these regulations and those of the Department of the Treasury, the Department of the Treasury regulations shall govern. Included in this part are the procedures by which the public may obtain access to records maintained by the United States Customs Service. The regulations provide a uniform schedule of fees for the search and duplication of Customs opinions and rulings, orders made in the adjudication of cases, and other Customs records and documents. In addition, the part includes provisions governing the release of certain information to the press and the giving of testimony or the production of Customs documents in court proceedings. Persons seeking information or records may find it useful to consult with either the Chief, Disclosure Law Branch, United States Customs Service, Washington, D.C. 20229, the Public Information Division at Headquarters, the appropriate regional commissioner of Customs, or the public information officer in the appropriate Customs regional office, before invoking the formal procedures set forth in this part.

§ 103.1 Public reading rooms.

Each office listed below will maintain a public reading room or public reading area where the material required to be made available under 5 U.S.C. 552(a)(2) and this part may be inspected and copied:

United States Customs Service (Headquarters), 1301 Constitution Avenue, NW., Washington, D.C. 20229.
Region I—Boston, 100 Summer Street, Suite 1819, Boston, Massachusetts 02110.
Region II—New York, 6 World Trade Center, New York, New York 10048.
Region III—Baltimore, U.S. Customhouse, 40 S. Gay Street, Baltimore, Maryland 21202.
Region IV—Miami, 99 S.E. 5th Street, Miami, Florida 33131.
Region V—New Orleans, Canal-LaSalle Building, Suite 2400, 1440 Canal Street, New Orleans, Louisiana 70112.
Region VI—Houston, 500 Dallas Street, Suite 1240, Houston, Texas 77002.
Region VII—Los Angeles, New Federal Building, 300 N. Los Angeles Street, Los Angeles, California 90012.
Region VIII—San Francisco, 211 Main Street, Suite 1000, San Francisco, California 94105.
Region IX—Chicago, Room 1501, 55 East Monroe Street, Chicago, Illinois 60603.

The reading rooms are open to the public during regular business hours unless other hours are posted, Monday through Friday of each week, exclusive of national holidays. A fee for copies of requested material is charged in accordance with § 103.10.

§ 103.2 Information available to the public.

(a) *General.* The Freedom of Information Act, as amended (5 U.S.C. 552), provides for access to information and records developed or maintained by Fedral agencies. Subject only to the exemptions set forth in § 103.12, the public generally or any individual member is entitled to information or records which are described in paragraph (b) of this section and which are in the possession of the United States Customs Service. Access to that information is governed by the regulations in this part.

(b) *Three categories of information available.* Generally, 5 U.S.C. 552 divides agency information into three major categories and provides methods by which each category is available to the public. The three major categories, for which the disclosure requirements of the United States Customs Service are set forth in this part, are as follows:

(1) Information required to be published in the **Federal Register** (see § 103.3).

(2) Information required to be made available for public inspection and copying or, in the alternative, to be published and offered for sale (see § 103.4).

(3) Information required to be made available to any member of the public upon specific request (see § 103.5).

§ 103.3 Publication of information in the Federal Register.

(a) *Requirements.* Subject to the application of the exemptions described in § 103.12 and subject to the limitations provided in paragraph (b) of this section, the United States Customs Service is required, by 5 U.S.C. 552(a)(1), to separately state, publish and keep current in the **Federal Register** for the guidance of the public the following information:

(1) Descriptions of its central and field organization and the established places at which, the persons from whom, and the methods whereby, the public may obtain information, make submittals or requests, or obtain decisions.

(2) A statement of the general course and method by which its function are channeled and determined, including the nature and requirements of all formal and informal procedures available.

(3) Rules of procedure, descriptions of forms available and the places at which forms may be obtained, and instructions as to the scope and contents of all papers, reports, or examinations.

(4) Substantive rules of general applicability adopted as authorized by law, and statements of general policy or interpretations of general applicability formulated and adopted by it.

(5) Each amendment, revision, or repeal of matters referred to in subparagraphs (1) through (4) of this paragraph.

(b) *Limitations.*—(1) *Incorporation by reference in the* **Federal Register.** Matter reasonably available to an affected class of persons, whether published by a private organization or an agency of the United States, is published in the **Federal Register** for purposes of paragraph (a) of this section when it is incorporated by reference in the **Federal Register** with the approval of the Director of the Federal Register. Any matter which is incorporated by reference must be set forth in the privately- or publicly-printed document substantially in its entirely and not merely summarized or printed as a synopsis. There can be no incorporation by reference in the **Federal Register** of any matter where only a few persons having a special working knowledge of the activities of the United States Customs Service are familiar with its location and scope. The provisions of 5 U.S.C. 552(a)(1) and 1 CFR Part 20 control any incorporation of matter by reference.

(2) *Effect of failure to publish.* Except to the extent that a person has actual and timely notice of the terms of any matter referred to in paragraph (a) of this section which is required to be published in the **Federal Register**, that person is not required in any manner to resort to, or be adversely affected by, that matter if it is not published or incorporated by reference. That is, any matter which imposes an obligation and which is not published or incorporated by reference can not adversely change or affect a person's rights.

§ 103.4 Public inspection and copying.

(a) *In general.* Subject to the application of the exemption described in § 103.12 the United States Customs Service is required, by 5 U.S.C. 552(a)(2) and §§ 174.32 and 177.10 of this chapter, to make available for public inspection and copying or, in the alternative, promptly publish and offer for sale, the following information:

(1) Final opinions and orders, including concurring or dissenting opinions, made in the adjudication of cases;

(2) Within 120 days of issuance, any precedential decision (including any ruling letter, internal advice memorandum, or protest review decision) issued under the Tariff Act of 1930, as amended, with respect to any Customs transaction;

(3) Those statements of policy and interpretations which have been adopted by the United States Customs Service but are not published in the **Federal Register**; and

(4) Administrative staff manuals and instructions to staff that affect a member of the public.

(b) *Indexes.* The United States Customs Service is required by 5 U.S.C. 552(a)(2) to maintain and make available for public inspection and copying those current indexes which identify any item described in paragraphs (a) (1) through (3) of this section that is issued, adopted, or promulgated after July 4, 1967, and that is required to be made available for public inspection or published. Unless the Commissioner determines by an order published in the **Federal Register** that publication is unnecessary and impracticable, these indexes are published on a quarterly or more frequent basis and are available for purchase at each of the public reading rooms listed in § 103.1, at a cost not to exceed the direct cost of duplication.

(c) *Effect of failure to publish or make available.* No matter, described in paragraphs (a) (1) through (3) of this section which is required by this section to be made available for public inspection or published, may be relied upon, used, or cited as precedent by the United States Customs Service against a party, other than an agency, unless that party has actual and timely notice of such matter or unless the matter has been indexed and either made available for inspection or published, as provided by this section. This paragraph applies only to matters which have precedential significance and does not apply to matters which have been made available pursuant to § 103.3.

(d) *Deletion of identifying details.* To prevent an unwarranted invasion of personal privacy, in accordance with 5 U.S.C. 552(a)(2), identifying details contained in any matter described in paragraphs (a) (1) through (3) of this section are deleted before making that matter available for inspection or publication. However, in every case where identifying details are deleted, the basis for the deletion is explained in writing, giving specific reasons for the deletion and citing the applicable provision of 5 U.S.C. 552 and § 103.12, in an attachment to the document from which the identifying details have been deleted.

(e) *Public reading rooms.* The United States Customs Service has available for inspection and copying, in a reading room or otherwise, the matters described in paragraphs (a) (1) through (3) of this section which are required by paragraph (a) to be made available for public inspection or published in the current indexes. Facilities are provided whereby a person may inspect and obtain copies of the material. There is no fee for access to materials, but a fee is charged in accordance with § 103.10 for a copy of any material provided.

§ 103.5 Specific request for records.

(a) *In general.* Except with respect to the records made available under §§ 103.3 and 103.4, but subject to the application of the exemptions described in § 103.12, the United States Customs Service is required, by 5 U.S.C. 552(a)(3), upon a request for reasonably-described records that conforms in every respect to the rules and procedures of this part, to make the requested records promptly available to the requester. A request or an appeal from the initial denial of a request which does not comply with the requirements set forth in this part is not subject to the time limits of §§ 103.6, 103.7, and 103.8 until amended so as to comply. Nevertheless, every reasonable effort will be made to answer each request within the applicable time limits or, if necessary, to promptly advise the requester in what respect the request or appeal is deficient so that it may be resubmitted or amended for consideration in accordance with this part. This section applies only to existing records which are in the possession or control of the United States Customs Service. There is no requirement that records be created or data be processed in other than the existing format in order to answer a request for records.

(b) *Requests for records not in control of the United States Customs Service—* (1) *Referral of request.* Where the request is for a record in the possession of, under the control of, or created by a constituent unit of the Department of the Treasury other than the United States Customs Service, the appropriate Customs officer shall transfer the request to the appropriate constituent unit and notify the requester of that transfer. Forwarding a request to another constituent unit is not a denial of access within the meaning of these regulations. If the United States Customs Service receives a request forwarded from another constituent unit of the Department of the Treasury, the time limits for response set forth in §§ 103.6(b) and 103.8(a) commence upon receipt of the request by the Freedom of Information and Privacy Branch, U.S. Customs Service. If the United States Customs Service receives a request for a record that is not in the possession or control of any constituent unit of the Department of the Treasury, the appropriate Customs officer shall return the request to the sender with an explanation of that fact.

(2) *Request for advice.* If the Customs Service has a copy of a requested unclassified record that was created by a Department or agency other than a constituent unit of the Department of the Treasury, the appropriate Customs officer shall ask that Department or agency for its advice on the release of the record. The appropriate Customs officer shall advise the other Department or agency that, in the absence of timely guidance from it, the United States Customs Service will proceed to make its own determination in accordance with this part. If it becomes necessary to respond to a requester because of the time limits set forth in §§ 103.6(b) and 103.8(a) without the advice of the other Department or agency, the appropriate Customs officer shall make the determination in accordance with this part and advise the requester accordingly. If the appropriate Customs officer denies access to the record under one of the exemptions set forth in § 103.12, that officer shall advise the requester of the right to appeal the denial and of the possibility of sending a request for the record directly to the

originating Department or agency. If a requester appeals from a denial to the United States Customs Service, the appropriate Customs officer shall ask the originating Department or agency for timely advice on whether to release the records. Nevertheless, the ultimate decision on the appeal from a denial of access to a record rests with the Director, Office of Regulations and Rulings, as set forth in § 103.7.

(3) *Classified records.* If the Customs Service has a copy of a requested record created by a Department or agency other than a constituent unit of the Department of the Treasury, and that record is classified or contains both classified and unclassified material, the request shall be referred to the originating Department or agency for a direct response. The requester shall be notified immediately of the referral. Such referral shall not constitute a denial of the request and no appeal rights accrue to the requester.

(c) *Form of request.* Although no standard form is prescribed for a request, in order to be subject to the provisions of this section and §§ 103.6 through 103.9, a request for records must—

(1) Be made in writing and signed by the person making that request;

(2) State that it is made pursuant to the Freedom of Information Act, as amended (5 U.S.C. 552), or these regulations, and have conspicuously printed on the face of the envelope the words "Freedom of Information Act Request" or "FOIA Request";

(3) Be addressed to the appropriate office or officer of the United States Customs Service, as set forth in paragraph (d) of this section;

(4) Reasonably describe the records in accordance with paragraph (e) of this section.

(5) Set forth the address where the person making the request desires to be notified of the determination as to whether the request will be granted;

(6) State whether the requester wishes to inspect the records or desires to have a copy made and furnished without first inspecting them; and

(7) State the firm agreement of the requester to pay the fees for search and duplication ultimately determined in accordance with § 103.10, or request that such fees be reduced or waived and state the justification for such request (see § 103.10(d)).

Where the initial request, rather than stating a firm agreement to pay the fee ultimately determined in accordance with § 103.10, places an upper limit on the amount the requester agrees to pay and that upper limit is likely to be lower than the estimated fee, or where the requester asks for an estimate of the fees to be charged, or if the fees are expected to exceed $50, the appropriate Customs officer shall promptly advise the requester of the estimated fee due and ask the requester to agree to pay that amount. Where the initial request includes a request for reduction or waiver of fees, the appropriate Customs officer shall determine whether to grant the request for reduction or waiver in accordance with § 103.10(d) and notify the requester of the decision. If the officer decides to charge the requester for all or part of the fees normally due, the officer shall ask the requester to agree to pay the amount so determined. The requirements of this paragraph are not met until the requester agrees, in writing, to pay the fees applicable to the request for records, if any, or has made payment in advance of the fees estimated to be due.

(d) *To whom requests for records should be address*—(1) *Headquarters.* Requests made by mail for records maintained at the Headquarters of the United States Customs Service should be addressed to "Freedom of Information Act Request," U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229. Requests may be delivered personally to the Disclosure Law Branch, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C.

(2) *Regional offices.* A person shall request records or information maintained in a field office of the United States Customs Service by either mailing or personally delivering the request to the regional commissioner of Customs of the region in which the field office is located. The addresses of the regional commissioners are listed in § 103.1.

(e) *Reasonable description of records.* A request for records must describe the records in reasonably sufficient detail to enable a Customs officer who is familiar with the subject area of the request to locate the records without placing an unreasonably burden upon the United States Customs Service. While no specific formula for a reasonable description of a record can be established, the requirement is usually satisfied if the requester gives the name, subject matter, and, if known, the date and location of the requested record. However, a requester should furnish any additional information which will more clearly identify the requested records. If a request does not reasonably describe the records being sought, the appropriate Customs officer shall ask the requester to refine the request. If necessary a requester may be granted a conference with knowledgeable Customs personnel. The requirement for a reasonably description is not a device for improperly withholding records from the public.

(f) *Date of receipt of request.* A request for records is considered to have been received for purposes of this part on the later of the dates on which—

(1) The requirements of paragraph (c) of this section have been satisfied; and, where applicable,

(2) The requester has agreed in writing, by executing a separate contract or otherwise, to pay the fees for search and duplication determined to be due in accordance with § 103.10; or

(3) The fees have been waived in accordance with § 103.10(d); or

(4) Payment in advance has been received from the requester.

A Customs officer or employee who receives a request for records and a separate agreement to pay, or a letter transmitting prepayment, or who issues a final notification of waiver of fees, shall stamp the date of receipt or dispatch by the responsible office on the materal. The latest of those dates is the date of receipt of the request. As soon as the date of receipt has been established, the appropriate Customs officer shall acknowledge receipt and inform the reqester of the title of the Customs officer who is responsible for acting on the request.

(g) *Search for record requested.* Upon the receipt of a request, the appropriate Customs officer shall attempt to identify and locate the requested records. With respect to records maintained in computerized form, a search for a record includes services functionally analogous to searches for records which are maintained in a conventional form. However, Customs personnel are not required to tabulate or compile information for the purpose of creating a record. Only records in existence at the time of the receipt of the request will be treated as falling within the scope of the request and no request for the continuing production of documents created after receipt of the request will be honored.

(h) *"Request for record" defined.* For purposes of uniformity in recordkeeping a "request for a record" is defined as a written request for a record of the U.S. Customs Service which has not been published in the **Federal Register**, the Customs Bulletin, by press release, or otherwise, or made available in a public reading room, or which has not previously been customarily furnished to requesters, whether or not the request makes reference to the Freedom of

Information Act, as amended (5 U.S.C. 552).

§ 103.6 Grant or denial of initial request.

(a) *Officers designated to make initial determinations.*

(1) *Regional offices.* The appropriate regional commissioner of Customs shall make any initial determination on a request for a record which is maintained in that region.

(2) *Headquarters.* For records located at Customs Service Headquarters, the initial determination to grant or deny a request shall be made by the appropriate Division Director at Customs Service Headquarters having custody of or functional jurisdiction over the subject matter of the requested records. In the event the request relates to records which are maintained in an office which is not within a division, the initial determination shall be made by the individual designated for that purpose by the Assistant Commissioner or Comptroller, as appropriate, having responsibility for that office.

(b) *Time limit for initial determinations.* The time limit for making an initial determination to grant or deny a request for records, including the time for notifying the requester of that determination, is 10 days (excepting Saturdays, Sundays, and legal public holidays) after the date of receipt of the request (see § 103.5(f)), unless the designated officer invokes an extension pursuant to § 103.8(a) or the requester otherwise agrees to an extension.

(c) *Grant of request.* If the appropriate Customs officer grants a request, and if the requester wants a copy of the requested records, that officer shall mail a copy of those records to the requester together with a statement of the fees for search and duplication at the time of the determination or promptly thereafter. If a requester wants to inspect the record, the appropriate Customs officer who grants the request shall send written notice to the requester stating the time and place of inspection and the amount of any fee involved in the request. In such a case, the appropriate Customs officer shall make the record available for inspection at the time and place stated, but in a manner so as not to interfere with its use by the United States Customs Service or to exclude other persons from making an inspection. In addition, reasonable limitations may be placed on the number of records which may be inspected by a person on any given date. The requester is not allowed to remove a record from the inspection room. If, after making inspection, the requester wants a copy of all or a portion of the requested record, the appropriate Customs officer shall supply the desired copy upon payment of the established fee prescribed in § 103.10.

(d) *Denial of request.* The Customs officer who denies a request for records (whether in whole or in part) shall mail written notice of the denial to the requester. The letter of notification shall contain (1) the physical location of the requested records, (2) the applicable exemption(s) and reason for not granting the request, (3) the name and title or position of the Customs officer who denied the request, (4) advice on the right to administrative appeal in accordance with § 103.7, and (5) the title and address of the Customs officer who is to decide any appeal.

(e) *Inability to locate records within time limits.* If a requested record cannot be located and evaluated within the initial 10-day period or the extension period allowed under § 103.8(a), the Customs officer who is responsible for the initial determination shall continue to search for the records. However, that officer shall also notify the requester of the facts and inform the requester that he or she may consider the notification to be a denial of access within the meaning of paragraph (d) of this section, and provide the requester with the address for the submission of an administrative appeal. The requester may also be invited, in the alternative, to agree to a voluntary extension of time in which to locate and evaluate the records. A voluntary extension of time does not waive a requester's right to appeal any ultimate denial of access or to appeal a failure to locate the records within the voluntary extension period.

§ 103.7 Administrative appeal of initial determination.

(a) *To whom appeals should be submitted.* A requester may submit an administrative appeal to the Director, Office of Regulations and Rulings, within 35 days after the date of notification described in § 103.6 or the date of the letter transmitting the last records released, whichever is later. A requester shall mail or personally deliver an appeal to the United States Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

(b) *Form of appeal.* The Administrative appeal shall—

(1) Be in writing and signed by the requester,

(2) Have conspicuously printed on the face of the envelope the words "Freedom of Information Act Appeal";

(3) Reasonably describe, in accordance with § 103.5(e), the records to which the appeal relates;

(4) Set forth the address where the requester desires to be notified of the determination on appeal;

(5) Specify the date of the initial request and the date and control number of the letter denying the initial request; and

(6) Petition the Director, Office of Regulations and Rulings, to grant the request for records and state any arguments in support thereof.

(c) *Disposition of appeal.* The Customs officer or employee who receives an appeal shall stamp the date of receipt on the appeal and the stamped date is the date of receipt for purposes of the appeal. The Director, Office of Regulations and Rulings, shall acknowledge and advise the appellant of the date of receipt and of the date that a response is due under this paragraph. The Director shall affirm the initial denial (in whole or in part) or grant the request for records and notify the appellant of that determination by letter mailed within 20 days (exclusive of Saturdays, Sunday, and legal public holidays) after the date of receipt of the appeal, unless extended pursuant to § 103.8(a). The purpose of the letter of denial is to inform the appellant of the reason for the denial and the right to judicial review of that denial under 5 U.S.C. 552(a)(4)(B). If the Director is unable to act on an appeal within the 20-day period (or any extension thereof pursuant to § 103.8(a)), the Director shall send written notice of that fact to the appellant. In those circumstances, an appellant is entitled to commence an action in a district court as provided in § 103.9 despite any continuation in the processing of an appeal. However, the appellant may also be invited, in the alternative, to agree to a voluntary extension of time in which to decide the appeal. A voluntary extension does not waive the right of the appellant to ultimately commence an action in a United States district court on the appellant's request.

§ 103.8 Time extensions.

(a) *Ten-day extension.* In unusual circumstances, the Customs officer who is responsible for deciding an initial request or an appeal may extend the time limitations set in §§ 103.6 and 103.7 after written notice to the requester or appellant. This notice must state the reason for the extension and the date on which the determination is expected to be dispatched. Any extension or extensions of time are limited to a cumulative total of not more than 10 additional working days. (For example, if an extension pursuant to this paragraph is invoked in connection with

an initial determination, any unused days of the extension period may be invoked in connection with the determination on administrative appeal by written notice from the Director, Office of Regulations and Rulings, who is to make the appellate determination. If no extension is sought for the initial determination, an extension of 10 days may be added to the ordinary 20-day period for appellant review.) Generally, extensions will be invoked only to the extent reasonably necessary to properly respond to a request. As used in this paragraph, "unusual circumstances" means at least one of the following:

(1) The need to search for and collect the requested records from field facilities or other establishments in buildings other than the building in which the office of the Customs officer to whom the request is made is located.

(2) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request.

(3) The need for consultation, which shall be conducted with all practicable speed, with another Department or agency having a substantial interest in the determination of the request, among two or more constituent units within the Department of the Treasury, or within the United States Customs Service (other than the legal staff or Public Affairs Division) having substantial subject-matter interest therein. Consultations with personnel of the Department of Justice concerned with requests for records under the Freedom of Information Act, as amended (5 U.S.C. 552), do not constitute a basis for an extension under this subparagraph.

(b) *Extension by judicial review.* If the United States Customs Service fails to comply with the time limitations specified in §§ 103.6 and 103.7 and the requester commences an action under § 103.9, the court in which the suit was initiated may retain jurisdiction and allow the United States Customs Service additional time to review its records, if the Customs Service shows the existence of exceptional circumstances and the exercise of due diligence in responding to the request.

§ 103.9 Judicial review.

(a) *Failure to comply with time limitations.* If the United States Customs Service fails to comply with the time limitations specified in §§ 103.6, 103.7 or 103.8, a requester is considered to have exhausted the administrative remedies with respect to the request.

(b) *Procedure of initiating judicial review.* If a request for records is denied upon appeal pursuant to § 103.7, or if no determination is made within the 10-day or 20-day periods specified in §§ 103.6 and 103.7, respectively, together with an extension pursuant to § 103.8(a) or by agreement of the requester, the requester may commence an action under 5 U.S.C. 552(a)(4)(B) in a United States district court in the district (1) in which the requester resides, (2) in which the requester's principal place of business is located, (3) in which the records are situated, or (4) in the District of Columbia. Service of process in that action is governed by the Federal Rules of Civil Procedure (28 U.S.C. App.) applicable to actions against an agency of the United States. The Chief Counsel, United States Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 is the officer designated to receive any service of process.

(c) *Proceeding against officer or employee.* Under 5 U.S.C. 552(a)(4)(F), the Special Counsel, Merit Systems Protection Board, has authority, upon the issuance of a written finding by a court that the Customs officer or employee who was primarily responsible for withholding a record may have acted arbitrarily or capriciously, to initiate a proceeding to determine whether disciplinary action is warranted against that officer or employee. The Special Counsel, after investigation and consideration of the evidence submitted, submits its findings and recommendations to the Commissioner of Customs and the Secretary of the Treasury. The Special Counsel also sends copies of the findings and recommendations to the officer or employee or the representative of that officer or employee.

§ 103.10 Fees for services.

(a) *In general.* (1) The fees prescribed in this section are for search and duplication and under no circumstances is there a fee for determining whether an exemption can or should be asserted, for deleting exempt matter being withheld from records to be furnished, or for monitoring a requester's inspection of records made available in this manner.

(2) Customs publications which are available for sale through the Government Printing Office are on the shelves of the reading rooms and similar public inspection facilities, but those publications are not available for sale at those facilities. Those publications may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. However, pages from those publications may be copied at the public inspection facilities in accordance with the schedule of fees set forth in paragraph (g) of this section.

(b) *When charged.* Unless charges are inapplicable, or are waived or reduced in accordance with paragraph (c) or (d) of this section, fees are charged in accordance with the schedule contained in paragraph (g) of this section for services rendered in responding to requests for records.

(c) *Services performed without charge*—(1) *Certain classes of records.* The Commissioner of Customs or any of the Commissioner's designees may determine, under the rulemaking procedures of 5 U.S.C. 553, which classes or records under their control may be provided to the public without charge, or at a reduced charge.

(2) *Records provided to government units.* Normally, in accordance with paragraph (d)(2)(ii) of this section, no charge is made for providing records to Federal, State, or foreign governments, international governmental organizations, or local governmental agencies or offices.

(d) *Waiver or reduction of fees*—(1) *Records unavailable or exempt.* Fees may be waived or reduced at the discretion of the Customs officer who determines the availability of records, if the record is not found or is exempt from disclosure.

(2) *Request for waiver or reduction of fees.* Fees may be waived or reduced on a case by case basis in accordance with this paragraph by the Customs officer who determines whether to release the record. A request for a waiver or reduction of fees must be in writing. The appropriate Customs officer shall waive or reduce a fee if the officer determines either that—

(i) The records are being requested by, or on behalf of, an individual who in writing, under penalty or perjury, demonstrates indigency to the satisfaction of the officer and that compliance with the request does not constitute an unreasonable burden on the United States Customs Service; or

(ii) A waiver or reduction of the fees is in the public interest because furnishing the information primarily benefits the general public.

(3) *Appeal from denial of request.* An appeal from a denial of a request for waiver or reduction of fees is decided under the criteria set forth in subparagraph (2) of this paragraph by the Director, Office of Regulations and Rulings. An appeal shall be in writing and mailed to the Director within 35 days of the denial of the initial request for waiver or reduction. An appeal under this paragraph is entitled to a prompt decision.

(e) *Avoidance of unexpected fees.* In order to protect a requester from

unexpected fees, a requester is required to state in the request an agreement to pay the fees determined in accordance with paragraph (g) of this section or to state an acceptable upper limit on the cost of processing the request. If the fee for processing the request is estimated to exceed that limit, or if the requester has failed to state a limit and the cost is estimated to exceed $50 and there is no decision to waive or reduce the fees, the appropriate Customs officer shall—

(1) Inform the requester of the estimated costs;

(2) Extend an offer to the requester to confer with Customs personnel in an attempt to reformulate the request in a manner which will reduce the fee and still meet the needs of the requester, and

(3) Inform the requester that the running of the time period within which a determination on the request must be made is suspended until the request is reformulated in manner to reduce the cost or until the requester pays or agrees to pay the estimated cost.

(f) *Form of payment.* (1) A requester shall pay by a check or money order that is payable to the order of the United States Customs Service.

(2) If the estimated cost exceeds $50, the requester may be required to enter into a contract for the payment of actual costs, as determined in accordance with paragraph (g) of this section, which contract may provide for prepayment of the estimated costs in whole or in part.

(g) *Amount to be charged for specified services.* A fee for a service performed is imposed and collected as set forth in this paragraph. The Commissioner of Customs or the Commissioner's designee may set an appropriate fee for any service not described below. These extraordinary fees are imposed and collected pursuant to 31 U.S.C. 483a, subject to the constraints imposed by 5 U.S.C. 552(a)(4)(A).

(1) *Duplication.* (i) The charge for photocopies per page up to 8½" x 14" is at the rate of $0.10 each, except that no charge is imposed for copying 10 pages or less when less than one hour is spent in locating the records requested.

(ii) The charge for photographs, films and other materials is their actual cost. The United States Customs Service may furnish the records to be released to a private contractor for copying and charge the person requesting the records the actual cost of duplication charged by the private contractor. No fee is charged where the requester furnishes the supplies and equipment and makes the copies at the Government location.

(2) *Unpriced printed materials.* The charge for unpriced printed material, which is available at the location where requested and which does not require duplication for copies to be furnished, is at the rate of $0.25 for each twenty-five pages or fraction thereof.

(3) *Search services.* The charge for services of personnel involved in locating records is $5 for each hour or fraction thereof, except that no charge is imposed for a search of less than one hour. Where a computer search is required because of the nature of the records sought and the manner in which such records are stored, the fee is $5 for each hour or fraction thereof of personnel time associated with the search plus the actual cost of extracting the stored information in the format in which it is normally produced. This actual cost of extracting information is based on computer time and supplies necessary to comply with the request.

(4) *Searches requiring travel or transportation.* The charge for transporting a record from one location to another, of for transporting a Customs officer or employee to the site of requested records when it is necessary to locate rather than examine the records, is the actual cost of the transportation.

§ 103.11 Specific Customs Service records subject to disclosure.

(a) *Administrative staff manuals and instructions.* Except as exempted by § 103.12, all administrative staff manuals and instructions to staff that affect any member of the public, and indexes thereto, are available for public inspection and copying in the United States Customs Service public reference facilities (see § 103.1), including the following:

Catalogue of Customs Forms.
Computer printout of precedent cases decided by the Office of Regulations and Rulings, Headquarters, United States Customs Service.
Customs Information Exchange Rulings and Rulings issued by the Office of Regulations and Rulings, organized chronologically by year, with identifying data deleted pursuant to §§ 103.12 and 103.14.
Customs Simplification Act (C.S.A.) Series Letters and Index (identifying information deleted pursuant to §§ 103.12 and 103.14).
Customs Statistical Manual.
Import Requirements on Articles Assembled Abroad from U.S. Component (Item 807.00, TSUS).
KWIC Index of United States Customs Service circulars letters, and supplementary monthly checklists.
Synopsis of Decisions of the Duty Assessment Process.

(b) *Other Customs Records.* In general, all other documents issued by the Secretary of the Treasury, the Commissioner of Customs, or other officers of the Department of the Treasury or of the United States Customs Service in matters administered by the United States Customs Service, if reasonably described, and unless exempted from disclosure under § 103.12, are available. The classes of records of the United States Customs Service which may be made available under this paragraph upon written request submitted in accordance with § 103.5 include, but are not limited to the following:

(1) Records relating to—(i) Comments submitted by private parties (which are not considered to include foreign governments) in response to a published notice of proposed rulemaking and of proposed changes in tariff classification, unless the submitter states that the information is privileged or confidential, giving reasons therefor, and the Commissioner of Customs agrees that the information contained therein is exempt from disclosure under § 103.12;

(ii) Advisory committees on Customs matters;

(iii) Rosters of licensed customhouse brokers;

(iv) Names of individual licensed customhouse brokers;

(v) Names and titles of all Customs personnel;

(vi) Performance awards;

(vii) Suggestion awards;

(viii) The administration of and decisions concerning import quotas; and

(ix) Customs laboratory methods.

(2) Decisions concerning—(i) Matters arising under the Tariff Schedules of the United States (19 U.S.C. 1202);

(ii) Whether or not specific items, articles, or merchandise qualify for entry under the Trade Fair Act of 1959 (19 U.S.C. 1751 *et seq.*), and the disposition of articles previously entered under the Trade Fair Act; Customs participation and assistance at Trade Fairs;

(iii) The dutiable status of gifts pursuant to section 321, Tariff Act of 1930, as amended (19 U.S.C. 1321);

(iv) The eligibility of vehicles used in international traffic pursuant to section 332(a), Tariff Act of 1930 (19 U.S.C. 1322(a)), and other instruments of international traffic generally for duty-free entry;

(v) Prohibition from entry of merchandise produced by convict, forced, or indentured labor (19 U.S.C. 1307);

(vi) The entry or valuation of merchandise;

(vii) Liens in cases arising under section 564, Tariff Act of 1930, as amended (19 U.S.C. 1564);

(viii) Bills of lading, carriers' certificates, or rights in respect of merchandise, cases arising under section 483 or 484(c), (h), or (i), Tariff

Act of 1930, as amended (19 U.S.C. 1483, 1484(c), (h), (i));

(ix) Trademarks, trade names, copyrights, patents, and related matters;

(x) Country of origin marking requirements of section 304, Tariff Act of 1930, as amended (19 U.S.C. 1304);

(xi) Psittacine or other birds, bird feathers, bird skins, monkeys, dogs, cats, and other animals and pets prohibited entry or subject to restrictions and controls on entry;

(xii) Entry of articles admitted temporarily free of duty under bond as provided in schedule 8, part 5C, Tariff Schedules of the United States (19 U.S.C. 1202), and entry of articles admitted temporarily free of duty under A.T.A. Carnets, as provided in § 114.22(a) and (b) of this chapter;

(xiii) Tonnage taxes (regular, special, and discriminatory) and light money;

(xiv) The entry, clearance and use of vessels and permits for them to proceed coastwise;

(xv) The regulation of vessels in the foreign, coastal, fishing, and other trades of the United States;

(xvi) The limitation of the use of foreign vessels in waters under the jurisdiction of the United States;

(xvii) Salvage operations by vessels within the territorial waters of the United States (46 U.S.C. 316);

(xviii) The assessment and collection of duties on equipment or repairs of vessels or aircraft under section 466, Tariff Act of 1930, as amended (19 U.S.C. 1466), and the remission or refund of such duties;

(xix) Requirements for entry, clearance, and use of aircraft;

(xx) The arrival or departure and the use of motor vehicles, railway trains, or other vehicles;

(xxi) Adequacy of premises at Customs bonded warehouses and control of the merchandise stored therein;

(xxii) Use of protective Customs seals and labels; and

(xxiii) The itineraries of foreign vessels which had been submitted for an advisory ruling to determine whether the primary object of a contemplated voyage would be considered to unlawful coastwise trade (see § 4.80a(d) of this chapter).

§ 103.12 Exemptions.

Pursuant to 5 U.S.C. 552(b), the disclosure requirements of 5 U.S.C. 552(a) are not applicable to U.S. Customs Service records which relate to the following:

(a) *Matters kept secret pursuant to Executive Order.* Matters specifically authorized under criteria established by an Executive Order to be kept secret in the interest of national defense or foreign policy and which are, in fact, properly classified pursuant to such Executive Order (see 31 CFR Part 2).

(b) *Certain internal rules and procedures.* Information relating solely to the internal personnel rules and practices of an agency.

(c) *Matters exempt from disclosure by statute.* Information specifically exempted from disclosure by statute (other than 5 U.S.C. 552b), if the statute (1) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (2) establishes particular criteria for withholding or refers to particular types of matters to be withheld.

(d) *Privileged or confidential information.* Trade secrets and commercial or financial information obtained from any person which is privileged or confidential.

(e) *Certain inter-agency or intra-agency correspondence.* Inter-agency or intra-agency memoranda or letters which would not be available by law to a private party in litigation with the agency.

(f) *Material involving personal privacy.* Personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(g) *Certain investigatory records.* Investigatory records compiled for law enforcement purposes, but only to the extent that the production of such records would—

(1) Interfere with enforcement proceedings;

(2) Deprive a person of a right to a fair trial or an impartial adjudication;

(3) Constitute an unwarranted invasion of personal privacy;

(4) Disclose the identity of a confidential source and, in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source;

(5) Disclose investigative techniques and procedures; or

(6) Endanger the life or physical security of law enforcement personnel.

§ 103.13 Segregability of records.

(a) *Reasonably segregable portions.* Where the record requested contains information which is exempt from disclosure under 5 U.S.C. 552(b) and § 103.12, the reasonably segregable portions of the record shall be made available to the requester. For purposes of this section, the term "reasonably segregable portions" means those portions of the record: (1) which are not exempt from disclosure by 5 U.S.C. 552(b) and § 103.12; (2) which, after deletion of the exempt material, still convey meaningful and nonmisleading information; and (3) from which it can reasonably be assumed that a skillful and knowledgeable person could not reconstruct the exempt portions.

(b) *Petitions by American manufacturers, producers, or wholesalers.* Identifying data is not to be deleted from petitions filed by American manufacturers, producers, and wholesalers pursuant to section 516, Tariff Act of 1930, as amended (19 U.S.C. 1516). See Part 175 of this chapter.

§ 103.14 Information on vessel manifests and summary statistical reports.

(a) *Disclosure to members of the press.* Although the following classes of information are exempt from the requirement of disclosure under the provisions of § 103.12, accredited representatives of the press, including newspaper, commercial magazines, trade journals, and similar publications may be permitted to examine vessel manifests and summary statistical reports of imports and exports and to copy therefrom for publication information and data not of a confidential nature, subject to the following rules:

(1) Of the information and data appearing on outward manifests, only the name and address of the shipper, general character of the cargo, number of packages and gross weight, name of vessel or carrier, port of exit, port of destination, and country of destination may be copied and published. However, if the Secretary of the Treasury makes an affirmative finding on a shipment-by-shipment basis that disclosure of the above information is likely to pose a threat of personal injury or property damage, that information shall not be disclosed to the public.

(2) Commercial or financial information, such as the names of the consignees, and marks and numbers shall not be copied from outward manifests or any other papers.

(3) Of the information shown on inward manifests, only the name of the consignee, the general character of the commodity, the quantity (or value), name of vessel, and the country of dispatch shall be copied and published. When an inward manifest shows both quantity and value of the commodity, either may be copied and published, but not both in any instance.

(b) *Review of data.* All copies and notations from inward or outward manifests shall be submitted for

examination by a Customs officer designated for that purpose.

(c) *Disclosure to the public.* Members of the public shall be permitted to obtain information from, but not examine, vessel manifests, subject to the rules set forth in paragraphs (a) and (b) of this section. However, importers and exporters or their duly authorized brokers, attorneys, or agents may be permitted to examine manifests with respect to any consignment of goods in which they have a proper and legal interest as principal or agent, but shall not be permitted to make any general examination of manifests or make any copies or notations from them except with reference to the particular importation or exportation in which they have a proper and legal interest.

(d) *Suspension of disclosure.* (1) Inward manifest. Except as provided in § 103.17, upon written application of a consignee or importer, access to the name of such consignee or importer, on an inward manifest will thereafter be refused.

(2) Outward manifest. If a shipper wishes to request confidential treatment by Customs of the shipper's name and address contained in an outward manifest, the following procedure shall be followed:

(i) A shipper, or authorized employee or official of the shipper, must submit a certification claiming confidential treatment of the shipper's name and address. The certification shall include the shipper's Internal Revenue Service Employer Number, if available.

(ii) There is no prescribed format for a certification.

(iii) The certification must be submitted to the Regional Commissioner for the Region in which the port of exportation is located.

(iv) Each certification will be valid for a period of two (2) years from the date of its submission to Customs.

(3) If any individual shall abuse the privilege granted him to examining inward and outward manifests or shall make any improper use of any information or data obtained from such manifests or other papers filed in the customhouse, both he and the party or publication which he represents shall thereafter be denied access to such papers.

§ 103.15 Sanctions for improper actions by Customs officers or employees.

(a) The improper disclosure of the confidential information contained in Customs documents, or the disclosure of information relative to the business of one importer or exporter that is acquired by a Customs officer or employee in an official capacity to any person not authorized by law or regulations to receive this information is a ground for dismissal from the United States Customs Service, suspension, or other disciplinary action, and if done for a valuable consideration subjects that person to criminal prosecution.

(b) Sanctions for improper denials of information by Customs officers or employees are set forth in § 103.9(c).

§ 103.16 Information concerning fines, penalties, and forfeitures cases.

Except as otherwise provided in these regulations or in other directives (including those published as Treasury Decisions), district directors of Customs and other Customs officers shall refrain from disclosing facts concerning seizures, investigations, and other pending cases until Customs action is completed. After the penalty proceeding is closed by payment of the claim amount, payment of a mitigated amount, or judicial action, the identity of the violator, the section of the law violated, the amount of penalty assessed, loss of revenue, mitigated amount (if applicable), and the amount of money paid may be disclosed to the public by the appropriate district director of Customs. Public disclosure of any other item of information concerning such cases, whether open or closed, shall only be made in conformance with the procedures provided in § 103.5.

§ 103.17 Testimony or the production of documents in court.

(a) *General.* In answer to a legal process or demand from a court issued on behalf of the United States or an officer thereof, Customs officers or employees shall produce in court, and may testify with respect to, any official Customs papers or documents demanded which are in Customs custody. When the process or demand is issued on behalf of a party other than the United States, Customs officers or employees shall produce in court, and may testify with respect to, those papers and documents, but only to the extent that the party on whose behalf the papers or documents are demanded is permitted under these regulations to inspect or copy those papers or documents. An exception to the above two rules may be made only on the written order of the Commissioner of Customs or the Commissioner's designee. When requested, copies may be authenticated pursuant to the provisions of section 1733, title 28, United States Code.

(b) *Request of Customs Court.* Except as stated in § 103.12, nothing in this part precludes Customs officers or employees from producing in the United States Customs Court, any Customs papers or documents, in Customs custody, or from testifying or otherwise rendering all proper assistance to the court in proceedings before it when request therefor is made by the court; nor from furnishing to counsel for the United States information in, and permitting inspection of, Customs papers and documents requested by such counsel, nor from testifying on behalf of the United States or otherwise assisting such counsel in the performance of official duties.

(c) *Subpoena or subpoena duces tecum.* Upon being served with a subpoena or subpoena duces tecum from a court or court officer calling for testimony or the production of papers or documents in cases not covered by paragraph (a) or (b) of this section, or in cases where the testimony or documents desired would disclose matters the disclosure of which would be contrary to these regulations, the Customs officer involved shall refer the matter to Headquarters for instructions, with a report that specifically describes the testimony or documents desired. The Customs officer involved shall include in that report his or her opinion on whether the giving of the testimony or the furnishing of the documents would disclose information not permitted to be disclosed under these regulations. That officer also shall state in what particulars, if any, the disclosure of the information and work incidental to that disclosure would interfere with the orderly conduct of Customs business. If instructions are not received prior to the date set or appearance or production of documents, or if the Commissioner of Customs or the Commissioner's designee declines to permit their production or the disclosure of the information contained therein or otherwise within the knowledge of the Customs officer or employee whose testimony is requested, the Customs officer or employee shall appear in court or before the officer concerned in answer to the subpoena and respectfully decline to produce the documents called for or to testify, except to the extent specifically authorized elsewhere in this section, citing this regulation as authority for the refusal. If the matter has not already been referred to Headquarters for instructions, the Customs officer or employee shall advise the court or officer that it will be so referred.

(d) *In camera inspection of records.* Nothing in this section authorizes Customs officers or employees to withhold records from a court, pursuant to its order, for *in camera* inspection to

determine the propriety of claimed exemptions to disclosure.

(R.S. 251, as amended, sec. 624, 46 Stat. 759 (5 U.S.C. 301; 19 U.S.C. 66, 1624))

PART 152—CLASSIFICATION AND APPRAISEMENT OF MERCHANDISE

§ 152.42 [Amended]

Section 152.42(b) of the Customs Regulations (19 CFR 152.42(b)) is amended by substituting "103.12(d)" for "103.7(d)" in the last sentence.

(R.S. 251, as amended, sec. 624, 46 Stat. 759 (19 U.S.C. 66, 1624))

PART 175—PETITIONS BY AMERICAN MANUFACTURERS, PRODUCERS, AND WHOLESALERS

§ 175.21 [Amended]

Section 175.21(b) of the Customs Regulations (19 CFR 175.21(b)) is amended by substituting "103.11(b)" for "103.8(b)" and by substituting "103.12(d)" for "103.10".

(R.S. 251, as amended, sec. 624, 46 Stat. 759 (19 U.S.C. 66, 1624))

Parallel Reference Table

(This table shows the relation of sections in Revised Part 103 to Superseded Part 103)

Revised Sec.	Superseded Sec.
103.0	103.0.
103.1	103.1.
103.2 (a)	New.
103.2 (b)	New.
103.3 (a)	New.
103.3 (b)	New.
103.4 (a)	New.
103.4 (b)	New.
103.4 (c)	New
103.4 (d)	103.4 (b) New.
103.4 (e)	New
103.5 (a)	103.2 (b), (c), and (d) New.
103.5 (b)	103.2 (e) New
103.5 (c)	103.2 (b) and (c) New.
103.5 (d)	103.2 (a) New.
103.5 (e)	103.2 (d) New.
103.5 (f)	New
103.5 (g)	New
103.5 (h)	103.6 (c)
103.6 (a)	103.2 (f), 103.3 (a).
103.6 (b)	New
103.6 (c)	New
103.6 (d)	New
103.6 (e)	103.4 (d) New.
103.7 (a)	103.5 (a) New.
103.7 (b)	New
103.7 (c)	103.5 (b) & (c) New.
103.8 (a)	New
103.8 (b)	New
103.9 (a)	New
103.9 (b)	103.4 (c) (2) New.
103.9 (c)	New.
103.10 (a)	New
103.10 (b)	103.9 (b) New.
103.10 (c)	103.9 (c) New.
103.10 (d)	New.
103.10 (e)	New.
103.10 (f)	New.
103.10 (g)	103.9 (b) New.
103.11 (a)	103.7.
103.11 (b)	103.8 (a) and (b).
103.12 (a)	103.10 (a) New.
103.12 (b)	103.10 (b) New.
103.12 (c)	New.
103.12 (d)	103.10 (d).
103.12 (e)	103.10 (e).
103.12 (f)	103.10 (f).
103.12 (g)	103.10 (g) New.
103.13 (a)	New.
103.13 (b)	New
103.14 (a)	103.11 (a).
103.14 (b)	103.11 (b).
103.14 (c)	103.11 (c).
103.14 (d)	103.11 (d).
103.15 (a)	103.12.
103.15 (b)	New
103.16	103.13.
103.17 (a)	103.14 (a).
103.17 (b)	103.14 (b).
103.17 (c)	103.14 (c).
103.17 (d)	New.

Parallel Reference Table

(This table shows the relation of the superseded sections of Part 103 to the revised sections in Part 103)

Superseded Sec.	Revised Sec.
103.0	103.0.
103.1	103.1
103.2 (a)	103.5 (d); 103.6 (a).
103.2 (b)–(d)	103.5 (a), (c), (e).
103.2 (e)	103.5 (b).
103.2 (f)	103.6 (a).
103.4 (b)	103.4 (d).
103.4 (c) (2)	103.9 (b).
103.4 (d)	103.6 (e).
103.5 (a)	103.7 (a).
103.5 (b), (c)	103.7 (c).
103.6 (a), (b)	Deleted.
103.6 (c)	103.5 (h).
103.7	103.11 (a).
103.8 (a), (b)	103.11 (b).
103.9 (b)	103.10 (b), 103.10 (g).
103.9 (c)	103.10 (c).
103.10 (a)	103.12 (a).
103.10 (b)	103.12 (b).
103.10 (d)	103.12 (d).
103.10 (e)	103.12 (e).
103.10 (f)	103.12 (f).
103.10 (g)	103.12 (g).
103.11 (a)	103.14 (a).
103.11 (b)	103.14 (b).
103.11 (c)	103.14 (c).
103.11 (d)	103.14 (d).
103.12	103.15 (a).
103.13	103.16.
103.14 (a)–(c)	103.17 (a)–(c).

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PENSION BENEFIT GUARANTY CORPORATION

29 CFR Ch. XXVI

Recodification of 29 CFR Chapter XXVI

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Recodification.

SUMMARY: This recodification of Chapter XXVI of Title 29 of the Code of Federal Regulations divides the chapter into nine subchapters, and makes technical amendments to existing rules to conform the cite references contained therein. In the past, PBGC's regulations were numbered consecutively as they were issued. Because of an anticipated increase in the number of PBGC regulations, due largely to the passage of the Multiemployer Pension Plan Amendments Act of 1980, the rules should be recodified into logical categories, concerning administrative matters, single-employer plans and multiemployer plans. The intended effect of the recodification is better organization, thus making it easier for the public to locate and use PBGC regulations.

EFFECTIVE DATE: June 29, 1981.

FOR FURTHER INFORMATION CONTACT: James M. Graham, Office of the Executive Director, Policy and Planning, Suite 7300, 2020 K Street, NW., Washington, D.C. 20006; 202-254-4862.

SUPPLEMENTARY INFORMATION: In order to help the public better understand this recodification, the following table lists PBGC's regulations with the current part numbers and with the new part numbers that will become effective June 29, 1981.

Table of Changes in Part Numbers

Current part No.	Name of rule	New part No.
2501	Bylaws of the Pension Benefit Guaranty Corporation	No change
2602	Payment of premiums	2610
2603	Examination and copying of Pension Benefit Guaranty Corporation records.	No change
2604	Notice of intent to terminate	2616
2605	Guaranteed benefits	2613
2606	Annual report	2611
2607	Disclosure and amendment of records under the Privacy Act.	No change
2608	Allocation of assets in non-multiemployer plans.	2618
2609	Limitations on guaranteed benefits	2621
2610	Valuation of plan benefits in non-multiemployer plans.	2619
2611	Valuation of plan assets	2620
2612	Trades or businesses under common control.	No change
2613	Employer liability for single employer plan terminations; rules pertaining to withdrawals from and terminations of plans to which more than one employer contributes other than multiemployer plans.	2622
2614	Responsibility and ethical conduct of employees.	2602
2615	Determination of plan sufficiency and termination of sufficient plans.	2617
2617	Reporting and notification requirements for reportable events.	2615
2618	Rules for administrative review of agency decisions.	2606
2620	Rules for administrative enforcement of post employment conflict of interest restrictions.	2604
2652	Allocating unfunded vested benefits	2642
2670	Definitions	No change
2671	Election of single-employer plan status.	No change

Chapter XXVI of Title 29, Code of Federal Regulations is recodified as follows:

1. Chapter XXVI is recodified by dividing it into Subchapters A through I and redesignating the parts as follows:

CHAPTER XXVI—PENSION BENEFIT GUARANTY CORPORATION

SUBCHAPTER A—INTERNAL AND ADMINISTRATIVE RULES

Part
2601 Bylaws of the Pension Benefit Guaranty Corporation.
2602 Responsibility and ethical conduct of employees.
2603 Examination and copying of Pension Benefit Guaranty Corporation records.
2604 Rules for administrative enforcement of post employment conflict of interest restrictions.
2605 [Reserved]
2606 Rules for administrative review of agency decisions.
2607 Disclosure and amendment of records under the Privacy Act.
2608–2609 [Reserved]

SUBCHAPTER B—RULES APPLICABLE TO SINGLE-EMPLOYER AND MULTIEMPLOYER PLANS

2610 Payment of premiums.
2611 Annual report.
2612 Trades or businesses under common control.
2613 Guaranteed benefits.
2614 [Reserved]

SUBCHAPTER C—SINGLE-EMPLOYER PLANS

2615 Reporting and notification requirements for reportable events.
2616 Notice of intent to terminate.
2617 Determination of plan sufficiency and termination of sufficient plans.
2618 Allocation of assets in non-multiemployer plans.
2619 Valuation of plan benefits in non-multiemployer plans.
2620 Valuation of plan assets.
2621 Limitations on guaranteed benefits.
2622 Employer liability for single employer plan terminations; rules pertaining to withdrawals from and terminations of plans to which more than one employer contributes other than multiemployer plans.
2623–2629 [Reserved]

SUBCHAPTER D—SINGLE-EMPLOYER PLANS

2630–2634 [Reserved]

SUBCHAPTER E—SINGLE EMPLOYER PLANS

2635–2639 [Reserved]

SUBCHAPTER F—WITHDRAWAL LIABILITY IN MULTIEMPLOYER PLANS

2640–2641 [Reserved]
2642 Allocating unfunded vested benefits.
2643–2659 [Reserved]

SUBCHAPTER G—UNCOLLECTIBLE WITHDRAWAL LIABILITY PROGRAM FOR MULTIEMPLOYER PLANS

2660–2669 [Reserved]

SUBCHAPTER H—INSOLVENCY, REORGANIZATION, TERMINATION, AND OTHER RULES APPLICABLE TO MULTIEMPLOYER PLANS

2670 Definitions.
2671 Election of single-employer plan status.
2672–2689 [Reserved]

SUBCHAPTER I—SUPPLEMENTAL GUARANTEE PROGRAM FOR MULTIEMPLOYER PLANS

2690–2699 [Reserved]

PART 2602 [REDESIGNATED AS PART 2610 AND AMENDED]

2. In Part 2602, "2602" is redesignated "2610" in all the section numbers and in all references to that part and to sections within the part.

§ 2603.55 [Amended]

3. In § 2603.55(c), "§§ 2606.52–2606.53" is amended to read "§§ 2603.52–2603.53."

PART 2604 [REDESIGNATED AS PART 2616 AND AMENDED]

4. In Part 2604, "2604' is redesignated "2616" in all the section numbers and in all references to that part and to sections within the part.

PART 2605 [REDESIGNATED AS PART 2613 AND AMENDED]

5. In Part 2605, "2605" is redesignated "2613" in all the section numbers and in all references to that part and to sections within the part.

§ 2605.8 [Amended]

6. In § 2605.8(b)(2), "§ 2606.7" is amended to read "§ 2618.7," and "Part 2610" is amended to read "Part 2619."

PART 2606 [REDESIGNATED AS PART 2611 AND AMENDED]

7. Part 2606, is redesignated "2611" in all the section numbers and in all references to that part and to sections within the part.

PART 2608 [REDESIGNATED AS PART 2618 AND AMENDED]

8. In Part 2608, "2608" is redesignated "2618" in all the section numbers and in all references to that part and to sections within the part.

§ 2608.2 [Amended]

9. In § 2608.2, in the definition of "Basic-type benefit," "Part 2605" is amended to read "Part 2613" and "Part 2609" is amended to read "Part 2621"; in the definition of "Expected retirement age," "Part 2610" is amended to read "Part 2619"; and in the definition of "Guaranteed benefit," "Part 2605" is amended to read "Part 2613."

§ 2608.3 [Amended]

10. In § 2608.3(a), "Part 2611" is amended to read "Part 2620."

11. In § 2608.3(b), "Part 2615" is amended to read "Part 2617."

§ 2608.4 [Amended]

12. In § 2608.4(b)(4), "Part 2609" is amended to read "Part 2621."

§ 2608.10 [Amended]

13. In § 2608.10(c), "Part 2610" is amended to read "Part 2619."

§ 2608.12 [Amended]

14. In § 2608.12(a), "Part 2605" is amended to read "Part 2613."

§ 2608.13 [Amended]

15. In § 2608.13(a), "Part 2605" is amended to read "Part 2613."

16. In § 2608.13(b)(3)(ii), "Part 2609" is amended to read "Part 2621."

§ 2608.14 [Amended]

17. In § 2608.14, "Part 2609" is amended to read "Part 2621," "2609.3(b)" is amended to read "§ 2621.3(b)," and "§ 2609.7" is amended to read "§ 2621.7."

PART 2609 [REDESIGNATED AS PART 2621 AND AMENDED]

18. In Part 2609, "2609" is redesignated "2621" in all the section numbers and in all references to that part and to sections within the part.

§ 2609.1 [Amended]

19. In § 2609.1 (a) and (b), "Part 2605" is amended to read "Part 2613."

§ 2609.2 [Amended]

20. In § 2609.2, in the definition of "Benefit," "Part 2605" is amended to read "Part 2613."

§ 2609.7 [Amended]

21. In § 2609.7(a), "Part 2605" is amended to read "Part 2613."

PART 2610 [REDESIGNATED AS PART 2619 AND AMENDED]

22. In Part 2610 (including the Appendices), "2610" is redesignated "2619" in all the section numbers and in all references to that part and to sections within the part.

§ 2610.1 [Amended]

23. In § 2610.1(a), "Part 2606" (which appears twice) is amended to read "Part 2618," and "Part 2615" is amended to read "Part 2617."

24. In § 2610.1(b), "Part 2615" is amended to read "Part 2617".

§ 2610.2 [Amended]

25. In § 2610.2, in the definition of "Non-trusteed plan", "Part 2615" is amended to read "Part 2617."

§ 2610.21 [Amended]

26. In § 2610.21, "Part 2615" is amended to read "Part 2617."

§ 2610.22 [Amended]

27. In § 2610.22, in the definition of "Other lump sum benefit", "Part 2608" is amended to read "Part 2618," and in the definition of "Qualifying bid," "§ 2615.14(b) of Part 2615" is amended to read "§ 2617.14(b)."

§ 2610.24 [Amended]

28. In § 2610.24(a)(2), "§ 2615.4(c) of Part 2615" is amended to read "§ 2617.4(c)."

§ 2610.25 [Amended]

29. In § 2610.25(b)(2), "Part 2615" (which appears twice) is amended to read "Part 2617."

§ 2610.26 [Amended]

30. In § 2610.26(c)(1), "§ 2615.12 of Part 2615" is amended to read "§ 2617.12."

§ 2610.46 [Amended]

31. In § 2610.46(c), "Part 2615" is amended to read, "Part 2617."

§ 2610.61 [Amended]

32. In § 2610.61, "Part 2615" is amended to read "Part 2617."

PART 2610 APPENDIX E [AMENDED]

33. In Part 2610, Appendix E, Example 4, "Part 2615" is amended to read "Part 2617."

PART 2611 [REDESIGNATED AS PART 2620 AND AMENDED]

34. In Part 2611, "2611" is redesignated "2620" in all the section numbers and in all references to that part and to sections within the part.

PART 2613 [REDESIGNATED AS PART 2622 AND AMENDED]

35. In Part 2613, "2613" is redesignated "2622" in all the section numbers and in all references to that part and to sections within the part.

§ 2613.9 [Amended]

36. In § 2613.9(a), (b)(1), and (c), "Part 2618" is amended to read "Part 2606."

§ 2613.10 [Amended]

37. In § 2613.10(b), "Part 2618" is amended to read "Part 2606."

PART 2614 [REDESIGNATED AS PART 2602 AND AMENDED]

38. In Part 2614, "2614" is redesignated "2602" in all the section numbers and in all references to that part and to sections within the part.

PART 2615 [REDESIGNATED AS PART 2617 AND AMENDED]

39. In Part 2615, "2615" is redesignated "2617" in all the section numbers and in all references to that part and to sections within the part.

§ 2615.2 [Amended]

40. In § 2615.2, in the definition of "Notice of Intent to Terminate," "Part 2604" is amended to read "Part 2616"; and in the definition of "Notice of Sufficiency," "Part 2608" is amended to read "Part 2618."

§ 2615.4 [Amended]

41. In § 2615.4(b)(2), "§ 2610.26" is amended to read "§ 2619.26."

§ 2615.13 [Amended]

42. In § 2615.13(a), "Part 2611" is amended to read "Part 2620", and "Part 2610" is amended to read "Part 2619."

§ 2615.14 [Amended]

43. In § 2615.14(c), "§ 2610.25(b)(2)" is amended to read "§ 2619.25(b)(2)."

44. In § 2615.14(d), "§ 2610.26" is amended to read "2619.26."

§ 2615.21 [Amended]

45. In § 2615.21, "Part 2608" is amended to read "Part 2618."

§ 2615.23 [Amended]

46. In § 2615.23(b)(1), "Part 2608" is amended to read "Part 2618."

§ 2615.32 [Amended]

47. In § 2615.32, "Part 2610" is amended to read "Part 2619."

PART 2617 [REDESIGNATED AS PART 2615 AND AMENDED]

48. In part 2617, "2617" is redesignated "2615" in all the section numbers and in all references to that part and to sections within the part.

§ 2617.2 [Amended]

49. In § 2617.2, in the definition of "Nonforfeitable benefits which are not funded," "§ 2605.6" is amended to read "2613.6."

§ 2617.4 [Amended]

50. In § 2617.4, "Part 2606" is amended to read "Part 2611."

§ 2617.18 [Amended]

51. In § 2617.18(b)(2), "§ 2609.7" is amended to read "2621.7."

52. In § 2617.18(c)(1), "Part 2611" is amended to read "Part 2620."

53. In § 2617.18(c)(2), "Part 2610" is amended to read "Part 2619."

54. In § 2617.18(f)(1), "Part 2611" is amended to read "Part 2620."

55. In § 2617.18(f)(2), "Part 2610" is amended to read "Part 2619."

§ 2617.23 [Amended]

56. In § 2617.23(e)(1), "Part 2611" is amended to read "Part 2620."

57. In § 2617.23(e)(2), "Part 2610" is amended to read "Part 2619."

PART 2618 [REDESIGNATED AS PART 2606 AND AMENDED]

58. In § 2618, "2618" is redesignated "2606" in all the section numbers and in all references to that part and to sections within the part.

PART 2620 [REDESIGNATED AS PART 2604 AND AMENDED]

59. In Part 2620, "2620" is redesignated "2604" in all the section numbers and in all references to that part and to sections within the part.

PART 2652 [REDESIGNATED AS PART 2642 AND AMENDED]

60. In Part 2652, "2652" is redesignated "2642" in all the section numbers and in all references to that part and to sections within the part.

§ 2652.16 [Amended]

61. In § 2652.16(c)(1), "Part 2618" is amended to read "Part 2606."

§ 2670.1 [Amended]

62. In § 2670.1, "Part 2671" is amended to read "Subchapter H."

§ 2670.2 [Amended]

63. In § 2670.2, "Part 2671" is amended to read "Subchapter H."

§ 2671.5 [Amended]

64. In § 2671.5(a), "Part 2602" is amended to read "Part 2610."

Authority: Sec. 4002(b)(3), Pub. L. 93-406, as amended by section 403(1), Pub. L. 96-364, 94 Stat. 1208, 1302 (1980) (29 U.S.C. 1302).

Issued at Washington, D.C. on this 18th day of June 1981.

Robert E. Nagle,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 81-18694 Filed 6-23-81; 8:45 am]

BILLING CODE 7708-01-M

COPYRIGHT ROYALTY TRIBUNAL

37 CFR Part 303

Regulations for Copyright Owner Access to Phonorecord Players (Jukeboxes) and Certain Establishments

AGENCY: Copyright Royalty Tribunal (Tribunal).

ACTION: Final rule.

SUMMARY: The Copyright Royalty Tribunal hereby eliminates the requirement for operators of phonorecord players (jukeboxes) licensed by the Copyright Office to file

with the Tribunal current listings of locations where licensed phonorecord players are placed, and the number of players at such locations.

EFFECTIVE DATE: July 31, 1981.

FOR FURTHER INFORMATION CONTACT: Thomas C. Brennan, Acting Chairman, Copyright Royalty Tribunal, 202–653–5175.

SUPPLEMENTARY INFORMATION:

1. Background

17 USC 116(c)(5) provides that

The Copyright Royalty Tribunal shall promulgate regulations under which persons who can reasonably be expected to have claims may, during the year in which the performances take place, without expense to or harassment of operators or proprietors of establishments in which phonorecord players are located, have such access to such establishments and to the phonorecord players located therein and such opportunity to obtain information with respect thereto as may be reasonably necessary to determine, by sampling procedures or otherwise, the proporation of contribution of the musical works of each such person to the earnings of the phonorecord players for which fees shall have been deposited * * *

On September 12, 1978 the Tribunal published in the **Federal Register** (43 FR 40498) a Final Rule requiring the operators of phonorecord players (jukeboxes) who are licensed by the Copyright Office of the Library of Congress for the performance of certain copyrighted musical compositions according to the requirements of 17 USC 116 to record with the Tribunal the location of establishments in which they have placed jukeboxes, and the number of such boxes. The purpose of the rule is to permit copyright owners of musical works to prepare their claims for entitlement to jukebox royalty fees by conducting surveys of performance of musical compositions on licensed jukeboxes. A second purpose of the rule is to, if necessary, assist the Tribunal in performing its statutory duties concerning the distribution of jukebox royalty fees by conducting its own independent survey of data submitted by claimants to jukebox royalty fees.

On November 9, 1978, the Tribunal adopted a policy to protect the business relationship between jukebox operators and the owners of establishments in which such boxes are located by providing that the Tribunal would only make available to copyright claimants of jukebox fees a representative sampling of location listings without any identification of particular jukebox operators.

It is the practice of the Tribunal to monitor all its regulations and procedures in order to assess their necessity and effectiveness. The commencement of the evidentiary phase of the Tribunal proceeding for the distribution of 1979 jukebox royalty fees provides the first opportunity for the Tribunal to assess its location listing rule.

Copyright claimants have not as yet utilized the Tribunal's location lists in establishing their entitlement to jukebox royalty fees. Since the adoption of the rule, the Tribunal has not received a single request from any claimant in accordance with the resolution of November 9, 1978.

On April 6, 1981 the Tribunal published in the **Federal Register** (46 FR 20566) a proposed amendment of 37 CFR 303 to remove Section 303.3 "Recording of location listings in Copyright Royalty Tribunal". Comments on the proposed amendment were to be submitted by May 15, 1981, and reply comments by May 26, 1981. The Tribunal heard oral argument on the proposed amendment on June 5, 1981. On June 2, 3, 4 and 5, the Tribunal heard the direct cases of the claimants to royalty fees for 1979 jukebox performances. These proceedings contain testimony relevant to the subject matter of this rulemaking proceeding.

2. Summary of Comments

The Tribunal received comments (including reply comments) from four parties: Amusement and Music Operators Association (AMOA), Stern Electronics, Inc. (a manufacturer of jukeboxes), American Society of Composers, Authors and Publishers (ASCAP), and Broadcast Music Inc. (BMI).

AMOA supported the proposed amendment, concluding that "the amendment will be welcomed by all jukebox operators and that the amendment is very much in the public interest."

Stern Electronics supported the amendment, asserting that "the location listing rule does not help claimants determine their rightful share of royalties". Stern claimed that the location listing "seriously jeopardizes the business of the jukebox operators by requiring them to submit confidential commercial information in the form of valuable listings of clients." Stern asserted that the "location listing requirement also imposes a very expensive burden upon jukebox operators", constitutes a "continuing burden" because of the movement of jukeboxes, and that "enforcement of the location listing requirement affronts the deregulation position of the present Administration."

ASCAP urged that the proposed amendment not be adopted. They claimed that the failure of many licensed operators to file location lists rendered impossible their use of the Tribunal's location lists for the conduct of valid surveys of performances. They also attributed the lack of utilization of the lists to the existence of a voluntary agreement for the distribution of the 1978 jukebox fees, and the AMOA legal challenge to the location listing regulation. ASCAP asserted that repeal of location listing rule "would set a terrible precedent by rewarding jukebox operators for noncompliance with the Tribunal's regulations".

BMI opposed the proposed amendment, and further urged that the Tribunal rescind its rule precluding the disclosure of complete location lists to claimants. BMI claimed that a requirement for location lists, together with full disclosure of the lists to prospective claimants, would significantly lower the costs of conducting a statistically valid survey. BMI asserts that the location listing continues to be a reasonable and necessary exercise of its jukebox distribution jurisdiction.

3. Conclusions

After careful consideration of the comments submitted in this proceeding, as well as similar views advanced during the oral argument, the Tribunal adopted the proposed amendment to 37 CFR Part 303 at a public meeting on June 5, 1981. Prior to the adoption of the amendment, the Tribunal completed hearing the direct cases of the claimants to the 1979 jukebox royalty fund (CRT Docket 80–5). The Tribunal takes official notice of this record of June 2, 3, 4 and 5, 1981 and incorporates that record as part of this rulemaking proceeding.

Tribunal Regulatory Policy

It has been the policy of the Tribunal since its establishment to monitor its regulations to determine their necessity and effectiveness. The Tribunal is particularly guided by the public policy reflected in the Regulatory Flexibility Act (Pub. L. 96–354). Section 610 of the Act provides for periodic review of agency rules "to determine whether such rules should be continued without change, or should be amended or rescinded, consistent with the stated objectives of applicable statutes, to minimize any significant economic impact of the rules upon a substantial

number of such small entities." Among the factors enumerated in the Act to be considered in reviewing rules is "the continued need for the rule".

Lack of Necessity

The Tribunal finds that the location listing rule is not necessary under present or foreseeable conditions. While the Tribunal does not regard the listing rule as excessively burdensome to the jukebox industry, we cannot justify the rule unless it produces information which is utilized by claimants in the conduct of surveys of jukebox performances.

The Tribunal had the opportunity during the evidentiary hearing on the distribution of the 1979 jukebox royalty fees to question officials and witnesses of the performing rights societies (the jukebox claimants) concerning their future plans for jukebox performance surveys and the use of the location listings. We find that this testimony does not provide justification for the retention of the location rule. Edward Cramer, President of BMI, testified:

> I am not attributing blame to either side, but I was hopeful, and I think both sides was hopeful, ASCAP and BMI, wanted to make an arrangement for 1979 which would save everybody time and trouble.
>
> We just did not do it. If we had, we would not need the survey. After these hearings, the guidelines will be a lot clearer.
>
> Maybe we will be able to convince the Tribunal that there is evidence other than the survey which would be acceptable to you in the future.[1]

In response to a question as to BMI's intentions concerning future surveys of jukebox performances, Mr. Cramer testified:

> Well, much depends upon what happens here and I am always hopeful that we can avoid this and the expense involved in working out some arrangement with all parties concerned. If we can't, then we will put together a survey for the future and see if we can't utilize the material on file. But as of today, I am not prepared to say which way we are going to go.[2]

Dr. Paul Fagan, Chief Economist of ASCAP, in response to questions as to making a valid sample of 1981 jukebox performances testified:

> We know where some of the jukeboxes are located. Here at the Tribunal there is something like 25,000 of the boxes where we would know the location * * * I would think, however, that we could supplement that sample with another sample which would not be restricted to the jukeboxes listed at the CRT * * * They would be found, frankly, with some difficulty. However, I would envision a search for those boxes in various stages.[3]

Legal Issues

The Tribunal has eliminated the location listing rule solely because, in our view, it does not serve a useful purpose under present or foreseeable circumstances. This action in no way alters our view, fortified by judicial determinations, that the location listing requirement is a valid exercise of our rulemaking authority.

It has been suggested that 17 U.S.C. 116(c)(5) compels the Tribunal to adopt a regulation identical or similar to the existing location listing rule. We cannot agree that the copyright statute removes from this agency the discretion to make reasonable judgments as to the necessity for a particular form of access by jukebox claimants to the establishments in which licensed jukeboxes are located.

§ 303.3 [Removed]

In consideration of the above, Part 303 of Title 37 of the Code of Federal Regulations is amended by removing Section 303.3 "Recording of location listings in Copyright Royalty Tribunal".

Dated: June 19, 1981.

Thomas C. Brennan,

Acting Chairman.

[FR Doc. 81-18673 Filed 6-23-81; 8:45 am]

BILLING CODE 1410-01-M

[1] June 2 Transcript, p. 40.

[2] June 4 Transcript, pp. 332-33.

[3] June 4 Transcript, p. 356.

POSTAL SERVICE

39 CFR Part 111

Phased Postage Rates; Effective Date of Certain Changes in Rates

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: Notice is given that, effective 12:01 a.m. on July 6, 1981, the tenth step of phased postage rate increases will be placed in effect for the following classes of mail: second-class; third-class bulk mail for qualified nonprofit organizations and qualified political committees; and library-rate fourth-class. This action represents the next step of scheduled rate adjustments for the designated classifications of mail to be phased in over a period of 16 years. The phasing period was extended to 16 years by Act of Congress effective June 30, 1974 (Pub. L. 93-328).

EFFECTIVE DATE: July 6, 1981.

FOR FURTHER INFORMATION CONTACT: Ernest J. Collins, (202) 245-4749.

SUPPLEMENTARY INFORMATION: Mailers should note that certain rates will decrease on July 6, 1981, rather than increase. These rates are for second-class in-county per piece rates for pieces presorted to carrier route, second-class level B and level C presorted per piece rates for publications of authorized nonprofit organizations mailed outside the county, second-class level B and level C presorted rates for limited circulation publications, and third-class nonprofit bulk rates for pieces presorted to 5-digits and pieces presorted to carrier route. The decreases are for preferred-rate mailers who engage in certain work-sharing presortation.

On June 2, 1981, the Governors of the Postal Service in their decision on remand from the Court of Appeals in *National Easter Seal Society for Crippled Children and Adults, et al.* v. *United States Postal Service*, Nos. 80-1491 and 80-1493 (D.C. Cir. May 5, 1981), determined that full unphased presort differentials were to be placed into effect concurrent with the move to step 10 of the phasing schedule on July 6, 1981. Although all of the rates which will become effective on July 6, 1981, are the step 10 rates, we are setting forth below the full phasing schedules for the rates affected. Also appearing below are the provisions of the Domestic Mail Manual (DMM) which are amended to show the new rates. The DMM is incorporated by reference in the **Federal Register** (39 CFR 111.1).

Full Phasing Schedules

Second-Class Phased Rates: In-County

(Phased rates in cents)

Rate category	Year							
	9	10	11	12	13	14	15	16
Pound-rate matter:								
Per pound	3.2	3.5	3.9	4.3	4.7	5.0	5.4	5.8
Per piece:								
Presorted to carrier route	1.6	1.4	1.7	2.0	2.3	2.6	2.9	3.2
Other	1.6	1.9	2.2	2.5	2.8	3.1	3.4	3.7

Second-Class Phased Rates: Publications of Authorized Nonprofit Organizations, Outside County

[Phased rates in cents]

Rate category	Year							
	9	10	11	12	13	14	15	16
Editorial	6.3	6.8	7.3	7.9	8.4	8.9	9.5	10.0
Advertising:								
1 & 2	9.3	9.8	10.4	11.0	11.6	12.1	12.7	13.3
3	10.0	10.6	11.2	11.9	12.5	13.1	13.7	14.3
4	11.4	12.1	12.7	13.4	14.0	14.7	15.3	16.0
5	13.3	14.1	14.9	15.6	16.4	17.2	17.9	18.7
6	15.0	16.0	16.9	17.8	18.7	19.7	20.6	21.5
7	16.6	17.7	18.9	20.1	21.3	22.4	23.6	24.8
8	18.0	19.4	20.8	22.2	23.6	24.9	26.3	27.7
Pieces:								
A	2.8	3.6	4.3	5.0	5.7	6.4	7.1	7.8
B	2.6	2.0	2.7	3.4	4.1	4.8	5.5	6.2
C	2.5	1.0	1.7	2.4	3.1	3.8	4.5	5.2

Second-Class Phased Rates: Limited Circulation

[Phased rates in cents]

Rate category	Year							
	9	10	11	12	13	14	15	16
A	2.7	3.3	3.9	4.5	5.1	5.7	6.3	6.9
B	2.1	1.7	2.3	2.9	3.5	4.1	4.7	5.3
C	2.1	1.2	1.8	2.4	3.0	3.6	4.2	4.8

Third-Class Phased Rates: Nonprofit Bulk

[Phased rates in cents]

Rate category	Year							
	9	10	11	12	13	14	15	16
Per pound [1]	14.0	15.3	16.7	18.0	19.4	20.7	22.1	23.4
Minimum-per-piece:								
Required presortation	3.5	3.8	4.2	4.5	4.9	5.2	5.6	5.9
Presorted to 5-digits	3.3	2.9	3.3	3.6	4.0	4.3	4.7	5.0
Presorted to carrier route	3.1	1.9	2.3	2.6	3.0	3.3	3.7	4.0

[1] Less the amount of difference between the minimum per-piece rates for required presortation and the appropriate presortation level on a per-piece basis.

DOMESTIC MAIL MANUAL AMENDMENTS

Chapter 4.—Second-Class Mail

410 Rates, Fees, and Charges

411 Rates

* * * * *

411.3 Preferred Rates

.31 General

There are six preferred rates. They are:

a. In-County

b. Special Nonprofit

c. Classroom

d. Science-of-Agriculture

e. Limited Circulation

f. Limited Circulation Science-of-Agriculture

.32 In-County Rates

.321 General Application. In-county rates apply to copies of second-class publications (except commingled nonsubscribers in excess of the 10% allowance, and controlled-circulation) which are to be delivered to addresses within the county of publication if such copies are:

a. Mailed at the office of original entry; or

b. Mailed at an office of additional entry within the county of publication.

Note.—If the postmaster of an office of entry directs a publisher to deposit copies of the publication at a postal facility serving that office, these copies will be considered as mailed at the office of entry. Copies are subject to in-county rates if they are addressed to destinations within the county and are entered at a post office which serves those addresses, but is located outside the county.

.322 Rates. In-County rates are:

	Cents
Per Pound	3.5
Per Piece:	
Level J—Not Presorted to Carrier Route	1.9
Level K—Presorted to Carrier Route—Packages of six or more addressed pieces for carrier route or finer sort destinations	1.4

.33 Special Nonprofit Rate

.331 Per Pound Rates. Rates per pound or fraction of a pound:

	Cents
Nonadvertising portion	8.8
Advertising portion:	
Zones 1 and 2	9.8
Zone 3	10.6
Zone 4	12.1
Zone 5	14.1
Zone 6	16.0
Zone 7	17.7
Zone 8	19.4

Note.—The advertising zone rates are applicable to issues in which the advertising portion exceeds 10 percent. Issues containing 10 percent or less advertising will be computed at the nonadvertising rate.

.332 Per Piece Rates. The three per piece rates reflect the level of presort. The sortations that must be accomplished to qualify for these rates are prescribed in 467.

	Cents
Level G—Basic—Pieces not qualifying for Level H—5-Digit or Level I—Carrier (SCF, states, mixed states)	3.8
Level H—5-Digit—Packages of six or more addressed pieces for 5-digit or multi-ZIP Coded City destinations	2.0
Level I—Carrier—Packages of six or more addressed pieces for carrier route or finer sort destinations	1.0

Note: Copies of second-class publications that do not qualify for Level H—5-Digit or Level I—Carrier must be sorted to the finest extent possible as required by 467.

.34 Classroom

.341 Per Pound Rates. Rates per pound or fraction of a pound:

	Cents
Nonadvertising portion	4.4
Advertising portion:	
Zones 1 and 2	5.8
Zone 3	6.5
Zone 4	8.0
Zone 5	10.1
Zone 6	12.6
Zone 7	14.8
Zone 8	16.9

.342 Per Piece Rate. The per piece rate is 1.9 cents

.35 Science of Agriculture

.351 General. These rates apply to copies of publications which will be delivered to addressees outside the county where published and entered, and on copies mailed at an office of additional entry located outside the county where published and entered, when the total number of copies furnished during any 12-month period to subscribers residing in rural areas consists of at least 70% of the total number of copies distributed by any means for any purpose.

.352 Per Pound. Rates per pound or fraction of a pound:

	Cents
Nonadvertising portion	10.6
Advertising portion:	
Zones 1 and 2	9.9
Zone 3	15.4
Zone 4	17.7
Zone 5	21.5
Zone 6	25.8

	Cents
Zone 7	30.1
Zone 8	34.8

.353 Per Piece Rates. The three piece rates reflect the level of presort for mailings of 5,000 or more copies per issue. The sortations that must be accomplished to qualify for these rates are prescribed in 467.

	Cents
Level A—Basic—Pieces not qualifying for Level B—5-Digit or Level C—Carrier (SCF, states, mixed states)	8.0
Level B—5-Digit—Packages of six or more addressed pieces for 5-digit or multi-ZIP Coded City destinations	6.4
Level C—Carrier—Packages of six or more addressed pieces for carrier route or finer sort destinations	5.4

Note Copies of second-class publications that do not qualify for Level B—5-Digit or Level C—Carrier must be sorted to the finest extent possible as provided in 467

.36 Limited Circulation

.361 General. These rates apply to copies of publications (except commingled nonrequester/nonsubscriber in excess of the 10% allowance (see 411.38), controlled-circulation, special nonprofit, classroom, and limited circulation science of agriculture) which will be delivered to addressees outside the county where published and entered, and on copies mailed at an office of additional entry located outside the county where published and entered, when the total number of out-of-county copies is less than 5,000.

.362 Per Pound Rates. Rates per pound or fraction of a pound:

	Cents
Nonadvertising portion	10.6
Advertising portion	
Zones 1 and 2	14.2
Zone 3	15.4
Zone 4	17.7
Zone 5	21.5
Zone 6	25.8
Zone 7	30.1
Zone 8	34.8

.363 Per Piece Rates. The three per piece rates reflect the level of presort (see 467) for mailings of less than 5,000 out-of-county copies per issue:

	Cents
Level D—Basic—Pieces not qualifying for Level E—5-Digit or Level F—Carrier (SCF, states, mixed states)	3.3
Level E—5-Digit—Packages of six or more addressed pieces for 5-digit or multi-ZIP Coded City destinations	1.7
Level F—Carrier—Packages of six or more addressed pieces for carrier route or finer sort destinations	1.2

Note. Copies of second-class publications that do not qualify for Level E—5-Digit or Level F—Carrier must be sorted to the finest extent possible as required by 467

.37 Limited Circulation Science of Agriculture

.371 General. These rates apply to copies of science of agriculture publications which will be delivered to addressees outside the county where published and entered, and on copies mailed at an office of additional entry located outside the county where published and entered, when the total number of out-of-county copies is less than 5,000, and when the total number of copies furnished during any 12-month period to subscribers residing in rural areas consists of at least 70% of the total number of copies distributed by any means for any purpose.

.372 Per Pound Rates. Rates per pound or fraction of a pound:

	Cents
Nonadvertising portion	10.6
Advertising portion	
Zones 1 and 2	9.9
Zone 3	15.4
Zone 4	17.7
Zone 5	21.5
Zone 6	25.8
Zone 7	30.1
Zone 8	34.8

Chapter 6.—Third Class Mail

610 Rates and Fees

611 Rates

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611.2 Bulk Rates (See Exhibit 611.2 a and b)

Bulk Third-Class

	Regular Rates		Special rates for authorized nonprofit organizations only (see 623)	
	Per pound or fraction	Minimum rate per piece (cents)	Per pound or fraction	Minimum rate per piece (cents)
Presort level:				
Basic	33¢	10.4	15.3¢	3.8
5-digit	33¢ minus 1.6¢ per piece	8.8	15.3¢ minus 0.9¢ per piece	2.9
Carrier route	33¢ minus 4¢ per piece	6.4	15.3¢ minus 1.9¢ per piece	1.9

Exception. When the postage computed at the bulk third-class rate is higher than a fourth-class rate—for which the matter and the mailing could qualify *except* for weight—the fourth-class rate may be paid without the necessity of adding needless additional weight

For example: A piece which weighs less than 1 pound and which meets all prescribed requirements, other than weight, for fourth-class bound printed matter may be mailed at the fourth-class bound printed matter rate.

All other requirements of bulk third-class remain applicable

Exhibit 611.2a

Bulk Third-Class

Regular rates	Per pound or fraction of a pound
Presort level:	
Basic	33¢
5-digit	33¢ minus 1.6¢ per piece
Carrier route	33¢ minus 4.0¢ per piece

.373 Per Piece Rates. The three per piece rates reflect the level of presort (see 467) for mailings of less than 5,000 out-of-country copies per issue.

	Cents
Level D—Basic—Pieces not qualifying for Level E—5 Digit or Level F—Carrier (SCF, states, mixed states)	3.3
Level E—5-digit—Packages of six or more addressed pieces for 5-Digit or multi-ZIP Coded City destinations	1.7
Level F—Carrier—Packages of six or more addressed pieces for carrier route or finer sort destinations	1.2

Note: Copies of second-class publications that do not qualify for Level E—5-digit or Level F—Carrier must be sorted to the finest extent possible as required by 467.

.38 Nonsubscriber Copies Sent at a Preferred Rate

Nonsubscriber copies mailed at any time during the calendar year up to 10 percent of the total weight of copies mailed to subscribers during the calendar year are preferred mail and subject to the preferred mail rates, provided that the nonsubscribers copies would have been preferred mail if mailed to subscribers.

* * * * *

Pieces Which Are Equal to or Weigh Less Than the Weights Shown Below Must Be Paid at Prescribed Minimum Per Piece Rate for Each Presort Level

	Minimum rate per piece (cents)	Ounces	Pounds	Grams
Basic	10.4	5.04	0.315	142.9
5-digit	8.8	5.04	.315	142.9
Carrier route	8.4	5.04	.315	142.9

Special Rates for Authorized Nonprofit Organizations Only (See 623)

Presort level	Per pound or fraction of a pound
Basic	15.3¢.
5-digit	15.3¢ minus 0.9¢ per piece.
Carrier route	15.3¢ minus 1.9¢ per piece.

Pieces Which Are Equal To or Weigh Less Than the Weights Shown Below Must Be Paid at Prescribed Minimum Per Piece Rate for Each Presort Level

	Minimum rate per piece (cents)	Ounces	Pounds	Grams
Basic	3.8	3.973	0.248	112.6
5-digit	2.9	3.973	.248	112.6
Carrier route	1.9	3.973	.248	112.6

Exception: When the postage computed at the bulk third-class rate is higher than a fourth-class rate—for which the matter and the mailing could qualify except for weight—the fourth-class rate may be paid without the necessity of adding needless additional weight.

For example: A piece which weighs less than 1 pound and which meets all prescribed requirements, other than weight, for fourth-class bound printed matter may be mailed at the fourth-class bound printed matter rate.

All other requirements of bulk third-class remain applicable.

Exhibit 611.2b

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Chapter 7.—Fourth-Class Mail

710 Rates and Fees

711 Rates

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Kind of mail	First pound or fraction of a pound (cents)		
	Rate (Without regard to zone)	Each additional pound or fraction through 7 pounds (cents)	Each additional pound or fraction over 7 pounds (cents)
Books; printed music; bound volumes of academic theses; sound recordings; periodicals; other library materials; museum and herbarium materials; 16-millimeter or narrower width films, filmstrips, transparencies, slides, microfilms, scientific or mathematical kits, instruments, or other devices; also, catalogs, guides or scripts for some of these materials. See 725	25	9	6

Exhibit 711.4.—Library Rates

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A transmittal letter making the above changes in the pages of the Domestic Mail Manual will be published and will be transmitted to subscribers automatically. Notice of these changes will be published in the **Federal Register** as provided in 39 CFR 111.3.

(39 U.S.C. 101(d), 401, 403, 404, 3626)

W. Allen Sanders,

Associate General Counsel, General Law and Administration.

[FR Doc. 81-18397 Filed 6-23-81; 8:45 am]

BILLING CODE 7710-12-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[A-4-FRL 1850-8]

Designation of Areas for Air Quality Planning Purposes; Alabama: Redesignation of Jefferson County

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This rulemaking sets forth the attainment status of portions of Jefferson County, Alabama, in relation to the National Ambient Air Quality Standards (NAAQS) for total suspended particulate (TSP). A primary nonattainment designation was promulgated for specific portions of Jefferson County in and around Birmingham and Leeds on June 10, 1980. Upon review of the latest eight quarters of data submitted from the Birmingham area, EPA is revising the designation of portions of the original primary nonattainment area to secondary nonattainment, portions to unclassified, and portions to attainment, as requested by the State. The eight quarters of data submitted have been shown to be representative and have been subject to an acceptable quality assurance program. Pursuant to Section 107(d)(5) a state may submit for revision the list of nonattainment areas that have been designated by the Administrator. This redesignation was proposed on April 3, 1981 (46 FR 20233).

Two comments were received which did not produce any substantive changes to this rule. The comments and response to those comments are available for review at the EPA Region IV office.

DATE: This action is effective July 24, 1981.

ADDRESSES: The Alabama submittal may be examined during normal business hours at the following offices:

Public Information Reference Unit, Library Systems Branch, Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460

Library, Environmental Protection Agency, Region IV, 345 Courtland Street, N.E., Atlanta, Georgia 30365

Alabama Air Pollution Control Commission, 645 South McDonough Street, Montgomery, Alabama 36130

FOR FURTHER INFORMATION CONTACT: Mr. Jerry Preston, EPA Region IV at 404/881-3286 or FTS 257-3286.

SUPPLEMENTARY INFORMATION: On March 3, 1978 (43 FR 8962), EPA promulgated a portion of Jefferson County, Alabama, as a primary nonattainment area for total suspended particulates (TSP).[1] The original designation was challenged and resulted in a court decision which ordered the Section 107 nonattainment area designations for the primary national ambient air quality standard for particulate matter for those areas to be set aside and repromulgated with proper notice and opportunity to comment (*U.S. Steel Co.* v. *EPA*, 595 F. 2d 507 (5th Cir. 1979)). Therefore on July 17, 1979, the same areas within Jefferson County were reproposed as primary nonattainment for TSP and thirty days for comment were provided. After reviewing available air quality data and considering all comments received, on June 10, 1980, these designations were made final (45 FR 39255).

On August 19 1980, the Alabama Air Pollution Control Commission submitted to EPA a request for redesignation of most of the Jefferson County nonattainment area. From a review of the data submitted and the representativeness of the sampling stations, EPA verified that certain portions of the primary nonattainment area for TSP in the Birmingham area could be redesignated as secondary nonattainment. EPA also determined that certain other areas within the original primary nonattainment designation could be redesignated as unclassifiable or attainment for TSP. The redesignation of these particular portions within the original Jefferson County primary nonattainment area is supported by the monitoring data of eight quarters from July 1, 1978, to June 30, 1980, and modeled concentration gradients for the Birmingham area. The designation of unclassified areas is due to the fact that existing monitoring stations did not meet EPA siting criteria during the eight quarters submitted. EPA agrees with the State that the data collected by these monitors are not representative. These monitoring stations include (1) Bessemer, old site ID. 010340001GO1, new site ID. 010340002G01 January 1980 and (2) Irondale, old site ID. 011880002GO1, removed April 1977 and not replaced. A new sampling site has been established for the Bessemer area only.

[1] EPA has established primary and secondary NAAQS for TSP. In this notice the term "primary nonattainment" will be used to describe an area in which the pollutant concentration exceeded both the primary and secondary NAAQS for TSP. "Secondary nonattainment" will be used to refer to an area which has attained the primary standard but which is not attaining the secondary standard.

The following descriptions are related to the 1967 General Highway map for Jefferson County, Alabama (30,000 foot grid based on Alabama [West] rectangular coordinate system). The map grid is a township-range description with 36 sections in each township-range. The June 10, 1980, primary nonattainment designation for TSP is described as follows:

Leeds Area

Range 1 East—Township 17 South—Sections 17, 20–22, North 1/2 of 27–29, South 1/2 of 15–16, Northwest 1/4 of 16.

Birmingham Area

Range 2 West—Township 16 South—Sections 26–35; Range 2 West—Township 17 South—Sections 2–11, 14–23, 26–34; Range 2 West—Township 18 South—Sections 4–8, 18; Range 3 West—Township 16 South—Sections 25, 35–36; Range 3 West—Township 17 South—Sections 1–3, 9–17, 19–36; Range 3 West—Township 18 South—Sections 1–24, 26–34; Range 3 West—Township 19 South—Section 6; Range 4 West—Township 17 South—Sections 25, 35–36; Range 4 West—Township 18 South—Sections 1–3, 9–17, 20–29, 32–36; Range 4 West—Township 19 South—Sections 1–5, 8–12, 14–17.

Under the redesignation of the original primary nonattainment area for TSP requested by the Alabama Air Pollution Control Commission and approved today, the following descriptions now apply:

Primary Nonattainment

Leeds Area

Range 1 East—Township 17 South—Sections 17, 20–22, South 1/2 of 15–16, North 1/2 of 27–29, Northwest 1/4 of 16.

Central Birmingham Area

Range 2 West—Township 16 South—Sections 32–33; Range 2 West—Township 17 South—Sections 4–9, 16–21, 29–30; Range 3 West—Township 17 South—Sections 11–15, 22–36; Range 4 West—Township 17 South—Sections 25, 35–36; Range 4 West—Township 18 South—Sections 1–2; Range 3 West—Township 18 South—Sections 4–6.

Secondary Nonattainment

Fairfield Area

Range 3 West—Township 18 South—Sections 7–8, 18; Range 4 West—Township 18 South—Sections 3, 9–17, 20–24, 26–29.

Unclassified

Irondale Area

Range 2 West—Township 17 South—Sections 14–15, 22–23, 26–28, 33–34; Range 2 West—Township 18 South—Section 4.

Bessemer Area

Range 3 West—Township 18 South—Sections 9, 16–17, 19–21, 29–31; Range 3 West—Township 19 South—Section 6; Range 4 West—Township 18 South—Sections 25, 32–36; Range 4 West—Township 19 South—Sections 1–5, 8–12, 14–17.

Attainment

North Birmingham Area

Range 2 West—Township 16 South—Sections 26–31, 34–35; Range 2 West—Township 17 South—Sections 2–3, 10–11; Range 3 West—Township 16 South—Sections 25, 35–36; Range 3 West—Township 17 South—Sections 1–3, 9–10, 16–17, 19–21.

Homewood Area

Range 2 West—Township 17 South—Sections 31–32; Range 2 West—Township 18 South—Sections 5–8, 18; Range 3 West—Township 18 South—Sections 1–3, 10–15, 22–24, 26–28, 32–34.

The State agency has not requested and EPA is not changing the existing primary nonattainment designation for the Central Birmingham and Leeds portion of Jefferson County. The State must submit within twelve months of the date on which the existing nonattainment designation was established (June 10, 1980), a Part D SIP revision for the area. The Part D SIP revision must demonstrate attainment of the primary TSP standard and require the installation of reasonably available control technology (RACT) on all major sources of TSP emissions located in the primary nonattainment area and on all those significantly impacting the primary nonattainment area.

Action: Based on the eight quarters of data submitted for TSP and the representativeness of the particular sampling sites, EPA is approving the redesignation of portions of the area around Birmingham, Alabama from primary nonattainment for TSP to secondary nonattainment, portions to unclassified, and portions to attainment for TSP.

Pursuant to the provisions of 5 U.S.C. 605(b) I hereby certify that this rule will not have a significant economic impact on a substantial number of small entities. This action imposes no regulatory requirements but only changes area air quality designations. Any regulatory requirements which may become necessary as a result of this action will be dealt with in a separate action.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirments of a Regulatory Impact Analysis. This regulation is not major because it would merely redefine the boundaries of TSP nonattainment areas in one county, and would impose no new requirements on sources.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

Under Section 307(b)(1) of the Clean Air Act, judicial review of these actions is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today.

(Section 107, Clean Air Act (42 U.S.C. 7407))

Dated: June 17, 1981.

Anne M. Gorsuch,

Administrator.

Part 81 of Chapter I, Title 40, Code of Federal Regulations, is amended as follows:

Subpart C—Section 107 Attainment Status Designations

In § 81.301 the attainment status designation table for TSP is revised to read as follows:

§ 81.301 Alabama.

Alabama—TSP

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
That portion of Etowah City within the western section of Gadsden.	×	×		
That portion of Jackson City surrounding TVA's Widows Creek plant.	×	×		
Those portions of Jefferson City within central Birmingham and the area surrounding the Universal Atlas Cement Plant [1].	×	×		
Fairfield Area of Jefferson City [1]		×		
Bessemer and Irondale areas of Jefferson County [1]			×	
That portion of Lauderdale City containing Florence			×	
That portion of Mobile City within a section of downtown Mobile.	×	×		
Rest of State				×

[1] See Federal Register of June 24, 1981

[FR Doc. 81-18625 Filed 6-23-81; 8:45 am]

BILLING CODE 6560-38-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 1

[Docket FEMA-GEN 1]

Rulemaking; Policy and Procedures

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Final rule.

SUMMARY: This regulation sets forth the procedures for the adoption by the Federal Emergency Management Agency of rules in accordance with the notice and public comment provisions of the Administrative Procedure Act (5 U.S.C. 553), the Regulatory Flexibility Act and Executive Order 12291.

DATE: This rule will be effective July 24, 1981.

ADDRESS: Send any comment to the Rules Docket Clerk, Federal Emergency Management Agency, Room 801, 1725 I Street, Washington, DC 20472.

FOR FURTHER INFORMATION CONTACT: William L. Harding, FEMA, (202) 634–4113.

SUPPLEMENTARY INFORMATION: Section 4 of the Administrative Procedure Act sets out procedures for informal, so-called notice and public comment rulemaking. There are a number of permissive exemptions from informal rulemaking based on the type of regulation and also upon the function involved and there are also circumstances when the requirement can be waived. The Administrative Conference of the United States and others have recommended that agencies voluntarily engage in public participation rulemaking where not required and many agencies have published policies effecting this recommendation.

Executive Order 12291 "Federal Regulations" (46 FR 13193) also places affirmative duties upon agencies to ensure that opportunity exists for early participation and comment in rulemaking by other Federal agencies, State or local governments, businesses, organizations, and individual members of the public. The Regulatory Flexibility

Act (5 U.S.C. 601, *et seq.*) has similar requirements.

The Federal Emergency Management Agency was activated effective April 1, 1979, by combining the functions of the Federal Insurance Administration with the United States Fire Administration. The functions of the Federal Disaster Assistance Administration, Federal Preparedness Agency and Defense Civil Preparedness Agency were assigned to FEMA effective July 15, 1979. The new agency was assigned its own title in the Code of Federal Regulations. The policy set out in this regulation is FEMA's response to these recommendations and new developments in administrative law.

FEMA published Notice of Proposed Rulemaking for this subject August 27, 1979 (44 FR 58299). Comment was received from the Administrative Conference of the U.S. who suggested a section on ex parte communications. This was adopted as section 1.6.

Since August 1979 numerous developments have occurred including the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Paperwork Reduction Act of 1980, Executive Order 12291, and the like. The basic requirements which involve public comment and preparation of various analyses have been addressed in this revised regulation.

FEMA will provide for public participation in rulemaking in a number of otherwise exempt areas, while continuing some exemption such as those involving procedure or internal management, and retaining the right to expedite rules when such is necessary. The regulation also establishes procedures for FEMA in handling public comments.

This regulation also describes some FEMA procedures such as semi-annual agenda, regulation reviews and preparation of regulatory analyses.

This rule is not considered to be a major rule since it is a procedural rule and will not result in any identifiable increase in costs to consumers or to government nor will it have any adverse effect on competition.

There was a proposed rule published prior to January 1, 1981. Hence, we have not made any analyses under the Regulatory Flexibility Act.

As FEMA did publish a proposed rule, which is procedural in nature, and because there are a number of specific requirements set by statute or Executive order which must be followed, further notice and public comment does not appear necessary. Thus, this will be a final rule.

Accordingly, Chapter 1 of Title 44 of the Code of Federal Regulations is amended by adding a new Part 1 as follows:

PART 1—RULEMAKING; POLICY AND PROCEDURES

Subpart A—General

Sec.

1.1 Purpose.
1.2 Definitions.
1.3 Scope.
1.4 Policy and procedures.
1.5 Rules docket.
1.6 Ex parte communications.
1.7 Regulations agendas.
1.8 Regulations review.
1.9 Regulatory impact analyses.

Subpart B—Procedures for Rulemaking

1.10 Initiation of rulemaking.
1.11 Advance notice of proposed rulemaking.
1.12 Notice of proposed rulemaking.
1.13 Participation by interested persons.
1.14 Additional rulemaking proceedings.
1.15 Hearings.
1.16 Adoption of a final rule.
1.17 Petitions for reconsideration.
1.18 Petition for rulemaking.

Authority: 5 U.S.C. 551, 552, 553; 5 U.S.C. 601, *et seq.*; EO 12291, Reorganization Plan No. 3 of 1978, E.O. 12127; E.O. 12148.

Subpart A—General

§ 1.1 Purpose.

(a) This part contains the basic policies and procedures of the Federal Emergency Management Agency (FEMA) for adoption of rules. These policies and procedures incorporate those provisions of Section 4 of the Administrative Procedures Act (APA) (5 U.S.C. 553) which FEMA will follow. This part and internal FEMA Manuals implement Executive Order 12291.

(b) Rules which must be published are described in Section 3 of the APA, 5 U.S.C. 552(a). FEMA implementation of paragraph (a), is contained in 44 CFR Part, 5 Subpart B.

(c) This part contains policies and procedures for implementation of the Regulatory Flexibility Act which took effect January 1, 1981.

(d) A FEMA Manual No. 1140.1, "The Formulation, Drafting, Clearance, and Publication of **Federal Register** Documents" will be prepared describing the internal procedures including policy level oversight of FEMA for:

(1) Publishing the semiannual agenda of significant regulations under development and review;

(2) Making initial determinations with respect to significance of proposed rulemaking;

(3) Determining the need for regulatory analyses; and

(4) Reviewing existing regulations, including the reviews required by the Regulatory Flexibility Act.

(e) As the proposed FEMA Manual deals with internal management it is not subject to the requirements either of 5 U.S.C. 552 or 5 U.S.C. 553. Its provisions are not part of this rule and reference to it is informative only.

§ 1.2 Definitions.

(a) "Rule" or "regulation" means the whole or a part of any agency statement of general applicability and future effect designed to (1) implement, interpret, or prescribe law or policy, or (2) describe procedures or practice requirements. It includes any rule of general applicability governing Federal grants to State and local governments for which the agency provides an opportunity for notice and public comment, except that the term "rule" does not include a rule of particular applicability relating to rates, wages, prices, facilities, appliances, services, or allowances therefor or to valuations, costs or accounting, or practices relating to such rates, wages, structures, prices, appliances, services, of allowances. For purposes of this part the term "rule" does not include regulations issued with respect to a military or foreign affairs function of the United States.

(b) "Rulemaking" means the FEMA process for considering and formulating the issuance, amendment or repeal of a rule.

(c) "Director" means the Director, FEMA, or an official to whom the Director has expressly delegated authority to issue rules.

(d) "FEMA" means Federal Emergency Management Agency.

(e) "Major rule" means any regulation that is likely to result in:

(1) An annual effect on the economy of $100 million or more;

(2) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

(3) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

§ 1.3 Scope.

(a) This part prescribes general rulemaking procedures for the issuance,

amendment, or repeal of rules in which participation by interested persons is required by 5 U.S.C. 553 or other statutes, by Executive Order 12291, by FEMA policy, or by § 1.4 of this part.

(b) Any delegation by the Director of authority to issue rules may not be further redelegated, unless expressly provided for in the delegation.

(c) This part does not apply to rules issued in accordance with the formal rulemaking provisions of the Administrative Procedure Act (5 U.S.C. 556, 557).

§ 1.4 Policy and procedures.

(a) In promulgating new regulations, reviewing existing regulations, and developing legislative proposals concerning regulation, FEMA, to the extent permitted by law, shall adhere to the following requirements:

(1) Administrative decisions shall be based on adequate information concerning the need for and consequences of proposed government action;

(2) Regulatory action shall not be undertaken unless the potential benefits to society for the regulation outweigh the potential costs to society;

(3) Regulatory objectives shall be chosen to maximize the net benefits to society;

(4) Among alternative approaches to any given regulatory objective, the alternative involving the least net cost to society shall be chosen; and

(5) FEMA shall set regulatory priorities with the aim of maximizing the aggregate net benefits to society, taking into account the condition of the particular entities affected by regulations, the condition of the national economy, and other regulatory actions contemplated for the future.

(b) It is the policy of FEMA to provide for public participation in rulemaking regarding its programs and functions, including matters that relate to public property, loans, grants, or benefits, or contracts, even though these matters are not subject to a requirement for notice and public comment rulemaking by law.

(c) FEMA will publish notices of proposed rulemaking in the **Federal Register** and will give interested persons an opportunity to participate in the rulemaking through submission of written data, views, and arguments with or without opportunity for oral presentation.

(d) In order to give the public, including small entities and consumer groups, an early and meaningful opportunity to participate in the development of rules, for a number of regulations the Director will employ additional methods of inviting public participation. These methods include, but are not limited to, publishing advance Notices of Proposed Rulemaking (ANPR), which can include a statement with respect to the impact of the proposed rule on small entities; holding open conferences; convening public forums of panels, sending notices of proposed regulations to publications likely to be read by those affected and soliciting comment from interested parties by such means as direct mail. An ANPR should be used to solicit public comment early in the rulemaking process for significant rules.

(e) It is the policy of FEMA that its notices of proposed rulemaking are to afford the public at least sixty days for submission of comments unless the Director makes an exception and sets forth the reasons for the exception in the preamble to the notice of proposed rulemaking. This period shall also include any period of review required by the Office of Management and Budget in accordance with the Paperwork Reduction Act of 1980.

(f) Unless required by statute or Executive Order, notice and public procedure may be omitted if the Director, for good cause, determines in a particular case or class of cases that notice and public procedure is impractical, unnecessary or contrary to the public interest and sets forth the reason for the determination in the rule or, for a class of cases, in a published rule or statement of policy. In a particular case, the reasons for the determination will be stated in the rulemaking document. Notice and public procedure may also be omitted with respect to statements of policy, interpretative rules, rules governing FEMA's organization or its own internal practices or procedures, or if a statute expressly authorizes omission.

(g) A final substantive rule will be published not less than 30 days before its effective date unless it grants or recognizes an exemption or relieves a restriction or unless the rule itself states good cause for its taking effect less than 30 days after publication. Statements of policy and interpretative rules will usually be made effective on the date of publication.

(h) This part shall not apply to any regulation that responds to an emergency situation, provided that, any such regulation shall be reported to the Director, Office of Management and Budget, as soon as is practicable. FEMA shall publish in the **Federal Register** a statement of the reasons why it is impracticable for the agency to follow the procedures of Executive Order 12291 with respect to such a rule, and the agency shall prepare and transmit, if needed, as soon as is practicable a Regulatory Impact Analysis of any such major rule.

§ 1.5 Rules docket.

(a) Documents which are public records and which are a part of a specific rulemaking procedure, including but not limited to, advance notices of proposed rulemaking, notices of proposed rulemaking, written comments addressed to the merits of a proposed rule, and comments received in response to notices, or withdrawals or terminations of proposed rulemaking, petitions for rulemaking, requests for oral argument in public participation cases, requests for extension of time, grants or denials of petitions or requests, transcripts or minutes of informal hearings, final rules and general notices shall be maintained in the Rules Docket Room. All public rulemaking comments should refer to the docket number which appears in the heading of the rule and should be addressed to the Rule Docket Clerk, Federal Emergency Management Agency, at the address shown in the heading.

(b) Documents which are a part of a specific rulemaking proceeding are public records. After a docket is established, any person may examine docketed material at any time during established hours of business and may obtain a copy of any docketed material upon payment of the prescribed fee. (See Part 5 of this Chapter.)

§ 1.6 Ex parte communications.

In rulemaking proceedings subject only to the procedural requirements of 5 U.S.C. 553:

(a) All oral communications from outside FEMA of significant information and argument respecting the merits of a proposed rule, received after notice of proposed informal rulemaking and in its course by FEMA or its offices and divisions or their personnel participating in the decision, should be summarized in writing and placed promptly in the Rules Docket File available for public inspection.

(b) FEMA may conclude that restrictions on ex parte communications in particular rulemaking proceedings are necessitated by consideration of fairness or for other reasons.

§ 1.7 Regulations agendas.

(a) The FEMA semiannual agenda called for by Executive Order 12291 shall be published by FEMA on or about April 15 and October 15 each year.

(b) In accordance with 5 U.S.C. 605, the regulatory flexibility agenda

required by 5 U.SC. 602 and the list of rules, if any, to be reviewed pursuant to 5 U.S.C. 610 shall be included in the FEMA semiannual agenda described in paragraph (a) of this section.

(c) The semiannual agenda shall, among other items, include:

(1) A summary of the nature of each major rule being considered, the objectives and legal basis for the issuance of the rule, and an approximate schedule for completing action on any major rule for which the agency has issued a notice of proposed rulemaking.

(2) The name and telephone number of a knowledgeable agency official for each item on the agenda; and

(3) A list of existing regulations to be reviewed under the terms of the Order and a brief discussion of each such regulation.

§ 1.8 Regulations review.

(a) As part of the semiannual agenda described in §1.7 of this part, FEMA will publish in the **Federal Register** and keep updated a plan for periodic review of existing rules at least within 10 years from date of publication of a rule as final. This includes those that have significant impact on a substantial number of small entities.

(b) The purpose of the review shall be to determine whether such rules should be continued without change, or should be amended or rescinded, consistent with the stated objectives of applicable statutes, including minimizing any significant economic impact of the rules upon a substantial number of small entities.

(c) In reviewing rules FEMA shall consider the following factors:

(1) The continued need for the rule;

(2) The nature, type and number of complaints or comments received concerning the rule from the public;

(3) The complexity of the rule, including need for review of language for clarity;

(4) The extent to which the rule overlaps, duplicates or conflicts with other Federal rules, and, to the extent feasible, with State and local governmental rules; and

(5) The length of time since the rule has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule.

§ 1.9 Regulatory impact analyses.

(a) FEMA shall, in connection with any major rule, prepare and consider a Regulatory Impact Analysis. Such analysis may be combined with the Regulatory Flexibility Analysis described in §§ 1.12(f) and 1.16(c) of this part.

(b) FEMA shall initially determine whether a rule it intends to propose or to issue is a major rule and, if a major rule, shall prepare Regulatory Impact Analyses and transmit them, along with all notices of proposed rulemaking and all final rules, to the Director, Office of Management and Budget, as follows:

(1) If no notice of proposed rulemaking is to be published for a proposed major rule that is not an emergency rule, the agency shall prepare only a final Regulatory Impact Analysis, which shall be transmitted, along with the proposed rule, to the Director, Office of Management and Budget, at least 60 days prior to the publication of the major rule as a final rule;

(2) With respect to all other major rules, FEMA shall prepare a preliminary Regulatory Impact Analysis, which shall be transmitted, along with a notice of proposed rulemaking, to the Director, Office of Management and Budget, at least 60 days prior to the publication of a notice of proposed rulemaking, and a final Regulatory Impact Analysis, which shall be transmited along with the final rule at least 30 days prior to the publication of the major rule as a final rule;

(3) For all rules other than major rules, FEMA shall, unless an exemption has been granted, submit to the Director, Office of Management and Budget, at least 10 days prior to publication, every notice of proposed rulemaking and final rule.

(c) To permit each major rule to be analyzed in light of the requirements stated in Section 2 of Executive Order 12291, each preliminary and final Regulatory Impact Analysis shall contain the following information:

(1) A description of the potential benefits of the rule, including any beneficial effects that cannot be quantified in monetary terms, and the identification of those likely to receive the benefits;

(2) A description of the potential costs of the rule, including any adverse effects that cannot be quantified in monetary terms, and the identification of those likely to bear the costs;

(3) A determination of the potential net benefits of the rule, including an evaluation of effects that cannot be quantified in monetary terms;

(4) A description of alternative approaches that could substantially achieve the same regulatory goal at lower cost, together with an analysis of this potential benefit and costs and a brief explanation of the legal reasons why such alternatives, if proposed, could not be adopted; and

(5) Unless covered by the description required under paragraph (c)(4) of this section, an explanation of any legal reasons why the rule cannot be based on the requirements set forth in Section 2 of Executive Order 12291.

Subpart B—Procedures for Rulemaking

§ 1.10 Initiation of rulemaking.

Rulemaking may be initiated on the Director's motion or upon motion of an official to whom rulemaking authority has been delegated. Rulemaking may also be initiated on the petition of any interested person in accordance with the provisions of § 1.18. Interested person includes a Federal, State, or local government or government agency.

§ 1.11 Advance notice of proposed rulemaking.

An Advance Notice of Proposed Rulemaking will be published in the **Federal Register** and contains:

(a) A description of the proposed new program or program changes, and why they are needed;

(b) A presentation of the major policy issues involved;

(c) A request for comments, both specific and general, or the need for the proposed rule and the provisions that the rule might include;

(d) If appropriate, a list of questions about the proposal which seeks to bring out detailed comments;

(e) If known, an estimate of the reporting or recordkeeping requirements, if any, that the rule would impose; and

(f) An address to which comments may be, and the time within which they may be submitted.

§ 1.12 Notice of proposed rulemaking.

Each notice of proposed rulemaking required by statute, executive order, or by § 1.4 will be published in the **Federal Register** and will include:

(a) The substance or terms of the proposed rule or a description of the subject matter and issues involved.

(b) A statement of how and to what extent interested persons may participate in the proceeding.

(c) Where participation is limited to written comments, a statement of the time within which such comments must be submitted.

(d) A reference to the legal authority under which the proposal is issued.

(e) In a proceeding which has provided Advance Notice of Proposed Rulemaking, an analysis of the principal issues and recommendations raised by the comments, and the manner in which

they have been addressed in the proposed rulemaking.

(f)(1) A brief statement setting forth the agency's initial determination whether the proposed rule is a major rule, together with the reasons underlying that determination;

(2) For each proposed major rule, a brief summary of the agency's preliminary Regulatory Impact Analysis; and

(3) The initial regulatory flexibility analysis or a summary thereof as required by the Regulatory Flexibility Act (5 U.S.C. 601, *et seq.*), or a certification that the rule, if promulgated, will not have a significant economic impact or a significant number of small entities pursuant to 5 U.S.C. 605. Such certification may be made by any FEMA official with rulemaking authority.

(g) It is desirable, but not required, that the notices contain a target deadline for issuance of the regulation, and that to the extent feasible, this deadline be met.

(h) If the rule is one which contains a requirement for collection of information, a copy of the rule will be furnished OMB in accordance with 44 U.S.C. 3504(h).

§ 1.13 Participation by interested persons.

(a) Unless the notice otherwise provides, any interested person may participate in rulemaking proceedings by submitting written data, views or arguments within the comment time stated in the notice. In addition, the Director may permit the filing of comments in response to original comments.

(b) In appropriate cases, the Director may provide for oral presentation of views in additional proceedings described in § 1.14.

(c) Copies of regulatory flexibility analyses shall be furnished the Chief Counsel for Advocacy of the Small Business Administration.

§ 1.14 Additional rulemaking proceedings.

The Director may invite interested persons to present oral arguments, appear at informal hearings, or participate in any other procedure affording opportunity for oral presentation of views. The transcript or minutes of such meetings, as appropriate, will be kept and filed in the Rules Docket.

§ 1.15 Hearings.

(a) The provisions of 5 U.S.C. 556 and 557, which govern formal hearings in adjudicatory proceedings, do not apply to informal rulemaking proceedings described in this part. When opportunity is afforded for oral presentation, the informal "hearing" is a nonadversary, fact-finding proceeding. Any rule issued in a proceeding under this part in which a hearing is held need not be based exclusively on the record of such hearing.

(b) When a hearing is provided, the Director will designate a representative to conduct the hearing.

§ 1.16 Adoption of a final rule.

(a) All timely comments will be considered in taking final action on a proposed rule. Each preamble to a final rule will contain a short analysis and evaluation of the relevant significant issues set forth in the comments submitted, and a clear concise statement of the basis and purpose of the rule.

(b) When determined necessary by the Director in accordance with the provisions of 1 CFR 18.12, the preamble shall contain the following information:

(1) A discussion of the background and major issues involved;

(2) In the case of a final rule, any significant differences between it and the proposed rule;

(3) A response to substantive public comments received; and

(4) Any other information the Director considers appropriate.

(c) At the time of publication of the final rule, a statement shall be published describing how the public may obtain copies of the final regulatory flexibility analysis which must be prepared in accordance with 5 U.S.C. 604 unless the procedure for waiver or delay of completion under 5 U.S.C. 608 is followed.

(d) Before approving any final major rule FEMA will:

(1) Make a determination that the regulation is clearly within the authority delegated by law and consistent with congressional intent and include in the **Federal Register** at the time of promulgation a memorandum of law supporting that determination; and

(2) Make a determination that the factual conclusions upon which the rule is based have substantial support in the agency record, viewed as a whole, with full attention to public comments in general and the comments of persons directly affected by the rule in particular.

§ 1.17 Petitions for reconsideration.

Petitions for reconsideration of a final rule will not be considered. Such petitions, if filed, will be treated as petitions for rulemaking in accordance with § 1.18.

§ 1.18 Petition for rulemaking.

(a) Any interested person may petition the Director for the issuance, amendment, or repeal of a rule. For purposes of this section the term "person" includes a Federal, State or local government or government agency. Each petition shall:

(1) Be submitted to the Rules Docket Clerk;

(2) Set forth the substance of the rule or amendment proposed or specify the rule sought to be repealed or amended;

(3) Explain the interest of the petitioner in support of the action sought; and

(4) Set forth all data and arguments available to the petitioner in support of the action sought.

(b) No public procedures will be held directly on the petition before its disposition. If the Director finds that the petition contains adequate justification, a rulemaking proceeding will be initiated or a final rule will be issued as appropriate. If the Director finds that the petition does not contain adequate justification, the petition will be denied by letter or other notice, with a brief statement of the ground for denial. The Director may consider new evidence at any time; however, repetitious petitions for rulemaking will not be considered.

Dated: June 17, 1981.

Louis O. Giuffrida,

Director.

[FR Doc. 81-18637 Filed 6-23-81; 8:45 am]

BILLING CODE 6718-01-M

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44 CFR Part 205

[Docket No. FEMA-205-Sub E-1]

Disaster Assistance: Public Assistance (Subpart E) Amendment

AGENCY: Disaster Response and Recovery, FEMA.

ACTION: Final rule.

SUMMARY: This final rule amends FEMA's cost reimbursement policy by eliminating the present requirement that otherwise eligible work performed by the National Guard must be approved in advance by the FEMA Regional Director, because it was concluded that the existing language was too restrictive.

EFFECTIVE DATE: July 24, 1981.

FOR FURTHER INFORMATION CONTACT: Gene Morath, Office of Public Assistance, Disaster Response and Recovery, Federal Emergency Management Agency, Washington, D.C. 20472, Telephone: (202) 634-7835.

SUPPLEMENTARY INFORMATION: A notice issued in the **Federal Register** on May 2, 1979 (44 FR 25797) establishing CFR Title and Chapter for FEMA regulations (Title 44, Chapter I, Federal Emergency Management Agency, with Subchapters A–E) indicated that Disaster Assistance would be Subchapter D, Parts 200–299. On September 28, 1979 (44 FR 56172) FEMA published a Notice of Transfer and Redesignation that transferred the Federal Disaster Assistance Regulations from 24 CFR Parts 2200–2205 to 44 CFR Part 200 *et seq.* The regulations implementing the Disaster Relief Act of 1974, Pub. L. 93–288 (44 FR Part 205), are in the process of reorganization and revision.

On August 13, 1980, the Associate Director for Disaster Response and Recovery published in the **Federal Register** (45 FR 53956) a final rule to revise and recodify the material concerning eligibility for public assistance in the existing 44 CFR 205 as a new Subpart E. The rule incorporated material previously published in the FEMA Eligibility Handbook, DRR–2 and portions were revised to clarify existing policy and procedures.

Recently, our review of certain State appeals has caused us to reconsider the present language in 44 CFR 205.76(a)(19) which requires that the Regional Director must approve in advance any otherwise eligible work in order for such costs to be eligible for reimbursement. We have concluded that the existing language is too restrictive and are amending it by deleting the phrase "* * * when such projects are approved in advance by the Regional Director."

The proposed rule was published in the **Federal Register** of December 10, 1980 (45 FR 81215). Interested parties and governmental agencies were encouraged to submit written comments, suggestions, data, or arguments regarding this proposal by February 1, 1981, to the FEMA Rules Docket Clerk, Office of General Counsel, Federal Emergency Management Agency, Washington, D.C. 20472. Only one submission was received and it concurred with the proposed change.

This change is not a major rule as defined in Executive Order 12291, February 17, 1981, and consequently does not require a Regulatory Impact Analysis and Review.

A finding of No Significant Impact has been made in accordance with FEMA Environmental Assessment regulations 44 CFR Part 10.9(e). Interested parties may obtain and inspect copies of this Finding of No Significant Impact at the Office of the Rules Docket Clerk of the Federal Emergency Management Agency in Washington, D.C. 20472.

The regulation is in consonance with the provisions of the Executive Order dated November 16, 1979, and does not impose an unnecessary burden on the small business sector of the economy.

The regulation does not impact adversely on the central cities, suburban communities or non-metropolitan communities. As provided, the regulation does not have any significant economic consequences on the general economy, individual industries, geographic regions, or levels of government.

Accordingly, 44 CFR Part 205 of the Federal Disaster Assistance Regulations is amended by revising § 205.76(a)(19) to read Subpart E (Public Assistance) as follows:

Subpart E—Public Assistance

§ 205.76 Eligibility of costs.

(a) * * *

(19) National Guard. (i) Eligible: Actual projects paid by the State not otherwise federally funded for work undertaken by the National Guard on a project basis, included salaries of National Guardsmen directly engaged in project work or supervision.

(ii) Not eligible: Use of National Guard for Public safety, or other security measures.

* * * * *

(Sec. 601, Disaster Relief Act of 1974, as amended, Pub. L. 93–288, 88 Stat. 163 (42 U.S.C. 5201); Executive Order 12148 (44 FR 43239); and Delegation of Authority (44 FR 44792))

Dated: June 9, 1981.

Thomas R. Casey,

Acting Associate Director, Disaster Response and Recovery, Federal Emergency Management Agency.

[FR Doc. 81–18639 Filed 6–23–81; 8:45 am]

BILLING CODE 6718–02–M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1033

[Second Rev. S.O. No. 1495]

Burlington Northern Inc. and Fort Worth and Denver Railway Company Authorized To Use Tracks and/or Facilities of the Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee)

Decided June 18, 1981.

AGENCY: Interstate Commerce Commission.

ACTION: Second Revised Service Order No. 1495.

SUMMARY: Pursuant to Section 122 of the Rock Island Transition and Employee Assistance Act, Pub. L. 96–254, this order authorizes the Burlington Northern and Fort Worth and Denver to provide interim service over the Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee), and to use such tracks and facilities as are necessary for operations. This order permits carriers to continue to provide service to shippers which would otherwise be deprived of essential rail transportation.

EFFECTIVE DATE: 12:01 a.m., June 22, 1981, and continuing in effect until 11:59 p.m., September 30, 1981, unless otherwise modified, amended or vacated by order of this Commission.

FOR FURTHER INFORMATION CONTACT: M. F. Clemens, Jr., (202) 275–7840.

SUPPLEMENTARY INFORMATION:

Pursuant to Section 122 of the Rock Island Transition and Employee Assistance Act, Pub. L. 96–254 (RITEA), the Commission is authorizing Burlington Northern Inc. (BN) and Fort Worth and Denver Railway Company (FWD) to provide interim service over Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee), (RI) and to use such tracks and facilities as are necessary for that operation.

In view of the urgent need for continued service over RI's lines pending the implementation of long-range solutions, this order permits BN and FWD to continue to provide service to shippers which would otherwise be deprived of essential rail transportation.

Appendix A of the previous order is revised to reflect the current operations of BN and FWD, as requested by the carriers. The authority contained in Appendix A, Item 2 of this order was previously granted in Appendix A, Item 5 of Eighteenth Revised Service Order No. 1473, and will be deleted from that order upon its next revision.

It is the opinion of the Commission that an emergency exists requiring that the BN and FWD, as indicated in the attached appendix, be authorized to conduct operations using RI tracks and/or facilities; that notice and public procedure are impracticable and contrary to the public interest; and good cause exists for making this order effective upon less than thirty days' notice.

It is ordered.

§ 1033.1495 Second Rev. S.O. No. 1495.

(a) *Burlington Northern Inc. and Fort Worth and Denver Railway Company authorized to use tracks and/or*

facilities of the Chicago, Rock Island and Pacific Railroad Company, debtor (William M. Gibbons, Trustee).

Burlington Northern Inc. (BN) and Fort Worth and Denver Railway Company (FWD) are authorized to use tracks and/or facilities of the Chicago, Rock Island and Pacific Railroad Company (RI), as listed in Appendix A to this order, in order to provide interim service over the RI.

(b) The Trustee shall permit the BN and FWD to enter upon the property of the RI to conduct service as authorized in paragraph (a).

(c) The Trustee will be compensated on terms established between the Trustee and the BN and FWD; or upon failure of the parties to agree as hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by Section 122(a) Pub. L. 96–254.

(d) Interim operators, authorized in Appendix A to this order, shall, within fifteen (15) days of its effective date, notify the Railroad Service Board of the date on which interim operations were commenced or the expected commencement date of those operations.

(e) BN and FWD, as authorized in Appendix A to this order, shall, within thirty days of commencing operations under authority of this order, notify the RI Trustee of those facilities they believe are necessary or reasonably related to the authorized operations.

(f) During the period of operations over the RI lines authorized in paragraph (a), BN and FWD shall be responsible for preserving the value of the lines, associated with each operation, to the RI estate, and for performing necessary maintenance to avoid undue deterioration of lines and associated facilities.

(g) Any operational or other difficulty associated with the authorized operations shall be resolved through agreement between the affected parties, or failing agreement, by the Commission's Railroad Service Board.

(h) Any rehabilitation, operational, or other costs related to the authorized operations shall be the sole responsibility of the interim operator incurring the costs, and shall not in any way be deemed a liability of the United States Government.

(i) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign traffic.

(j) *Rate applicable.* Inasmuch as the operations described in Appendix A by BN and FWD over tracks previously operated by the RI are deemed to be due to carrier's disability, the rates applicable to traffic moved over these lines shall be the rates applicable to traffic routed to, from, or via these lines which were formerly in effect on such traffic when routed via RI, until tariffs naming rates and routes specifically applicable become effective.

(1) The operator under this temporary authority will not be required to protect transit rate obligations incurred by the RI or the directed carrier, Kansas City Terminal Railway Company, on transit balances currently held in storage.

(k) In transporting traffic over these lines, the interim operators described in Appendix A shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to that traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between the carriers; or upon failure of the carriers to so agree, the divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(l) To the maximum extent practicable, the carriers providing service under this order shall use the employees who normally would have performed the work in connection with traffic moving over the lines subject to this Order.

(m) *Effective date.* This order shall become effective at 12:01 a.m., June 22, 1981.

(n) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., September 30, 1981, unless otherwise modified, amended, or vacated by order of this Commission.

This action is taken under the authority of 49 U.S.C. 10304, 10305, and Section 122, Pub. L. 96–254.

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington, and John H. O'Brien.

James H. Bayne,

Acting Secretary.

Appendix A—RI Lines Authorized To Be Operated by Interim Operator

1. *Burlington Northern Inc. (BN):*

A. Burlington, Iowa (milepost 0 to milepost 2.06).

B. Fairfield, Iowa (milepost 275.2 to milepost 274.7).

C. Henry, Illinois (milepost 126) to Peoria, Illinois (milepost 164.35) including the Keller Branch (milepost 1.55 to 8.62).

D. Phillipsburg, Kansas (milepost 282) to Stratton, Colorado (milepost 473).

E. At Okeene, Oklahoma.

2. *Fort Worth and Denver Railway Company (FWD):*

A From Amarillo to Bushland, Texas, including terminal trackage at Amarillo, and approximately three (3) miles northerly along the old Liberal Line.

B. North Fort Worth, Texas (mileposts 603.0 to 611.4).

C. From Groom to Adrian, Texas (mileposts 718.9 to 809.5).

[FR Doc. 81–18622 Filed 6–23–81; 8:45 am]

BILLING CODE 7035–01–M

Proposed Rules

Federal Register
Vol. 46, No. 121
Wednesday, June 24, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 29

U.S. Type 31—Burley Tobacco; Sales of Burley Tobacco in United Form

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: It is proposed that beginning with the 1981–82 marketing season Official Standard Grades be applied to Burley Tobacco, U.S. Type 31, when it is marketed tied in hands or untied in bales. Burley tobacco is grown primarily in Kentucky, Tennessee, Ohio, Indiana, Virginia, North Carolina, West Virginia, and Missouri. Prior to the 1978–79 season, burley tobacco was eligible for all official grades only when marketed tied in hands.

DATE: Comments are due on or before July 24, 1981.

ADDRESS: Send comments in duplicate to T. A. VonGarlem, Director, Tobacco Division, Agricultural Marketing Service, U.S. Department of Agriculture, Room 502 Annex Building, Washington, D.C. 20250. Comments will be available for public inspection at this location during regular business hours.

FOR FURTHER INFORMATION CONTACT: T. A. VonGarlem, Director, Tobacco Division, Agricultural Marketing Service, U.S. Department of Agriculutre, Washington, D.C. 20250 (202) 447–2567.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the Department proposes to amend the regulations governing Official Standard Grades for Burley Tobacco, U.S. Type 31, adopted for the 1980–81 season (45 FR 62972, September 23, 1980). It is proposed that during the 1981–82 and succeeding seasons, that hand-tied burley, as well as unlimited quantities of untied baled burley tobacco be eligible for any of the official standard grades for which it meets applicable specifications. The authority for these regulations is contained in The Tobacco Inspection Act (49 Stat. 731; 7 U.S.C. 511 *et seq.*).

For several years, the Department had cooperated with universities and various farm groups in experimental sales of untied burley—Both baled and loose in burlap sheets. During this period only unofficial, non-price-supported grades were applied by Federal graders. Based on numerous requests from the burley industry and, particularly, on recommendations of the Council for Burley Tobacco, the Department amended its regulations for the 1978–79 season solely for experimental purposes, to provide that on certain days during the season Federal graders would apply official grades to limited quantities of untied burley tobacco packed in bales and offered for sale at auction centers throughout the entire burley production area.

Following the completion of the 1978–79, 1979–80, and 1980–81 seasons, the Department collected pertinent project data on relevant aspects of the experiment. Much data was supplied by the Universities of Kentucky and Tennessee. At the request of the Agricultural Marketing Service, studies were made and reports were compiled by the Economics and Statistics Service which analyzed, interpreted, and summarized all available data on the experiment.

The reports were reviewed by officials of the Agricultural Marketing Service, Agricultural Stabilization and Conservation Service, and Economics and Statistics Service. The experiment was conducted for three seasons, gaining increased interest and participation each succeeding season and has caused no apparent disruption to the marketing system. Based on this fact and conclusions drawn from the aforementioned reports, the Department proposes to amend the regulations to allow untied baled burley tobacco to be eligible for official grading on the same bases as burley tobacco marketed in the traditional hand-tied bundles.

The proposed rule has been reviewed under USDA procedures established to implement Executive Order 12291 and has been determined to be a nonmajor rule. Initial review of the regulations contained in 7 CFR, Part 29, for need, currency, clarity, and effectiveness will be made within the next 5 years.

Additionally, in conformance with the provisions of Public Law 92.354, Regulatory Flexibility Act, consideration has been given to the potential economic impact upon small business. Tobacco warehousemen and producers fall within the confines of "small business," as defined in the Regulatory Flexibility Act. It has been determined that there will be no economic impact upon small entities.

Prior to the 1978–79 seasons, the definition of "rework," § 29.3050, of the regulations provided that tobacco not tied in hands be granded NoG (no grade), a non-price-supported designation applied to tobacco classified as nested, off-type, rework, semicured, damaged 20 percent or more, abnormally dirty, containing foreign matter or material, and/or having an odor foreign to the type.

Based on the Department's evaluation of the 1978–79, 1979–80, and 1980–81 experiments, it is proposed that the definition of "rework" in § 29.3050, be amended to allow burley tobacco, untied in bales, to qualify for any of the official standard grades for which it meets the specifications, providing that the leaves in said bale are not tied in hands, are packed straight, and that the bales are approximately 1 x 2 x 3 feet in size.

The proposal by the Department is conditioned by the following:

1. That it is the responsibility of the operator of a warehouse to open the particular bale in a lot of tobacco chosen by a grader for inspection and to reseal that bale after inspection; and

2. That the producer is responsible for certifying that the bale inspected by a grader is representative of the grade of all the tobacco in that lot, that the leaf was stalk-cured, that the bales do not contain any foreign matter or material, and that the bales are not nested.

The Department's instruction to graders would conform to these understandings.

All persons who desire to submit written data, views, or arguments for consideration in connection with this proposal may file the same, in duplicate, with T. A. VonGarlem, Director, Tobacco Division, Agricultural Marketing Service, United States Department of Agriculture, Room 502 Annex Building, Washington, D.C. 20250, not later than July 24, 1981.

T. A. VonGarlem, Director, Tobacco Division, Agricultural Marketing Service, has determined that an

emergency situation exists which warrants less than a 60-day comment period on this proposal because all segments of the burley industry must be informed of any rule changes affecting the marketing process, and producers must be provided substantial lead time to decide on the method in which they will market their tobacco.

All written submissions made pursuant to this notice will be made available for public inspection at the above location during regular business hours (7 CFR 1.27(b)).

Section 29.3050 of the regulations is proposed to be revised as follows:

§ 29.3050 Rework.

Any lot of tobacco which needs to be resorted or otherwise reworked to prepare it properly for market in the manner which is customary in the type area, including: (a) tobacco which contains an abnormally large quantity of foreign matter or an unusual number of muddy or extremely dirty leaves which should be removed; and (b) tobacco not tied in hands, not packed straight, not properly tied, or otherwise not properly prepared for market: *Provided*, That beginning with the 1981–82 marketing season burley tobacco which is offered for sale in bales shall not be considered to require rework if the tobacco in said bale is approximately 1 x 2 x 3 feet. *Provided* further that: (1) the oerator of any warehouse at which baled burley tobacco is offered for sale open the particular bale, in a lot of tobacco, chosen by a grader for inspection and reseal that bale after inspection; and (2) the producer, by offering untied, baled burley tobacco for sale, certifies that the bale inspected by a grader is representative of the grade of all the tobacco in that lot, that the leaf was stalk-cured, that the bales do not contain any foreign matter or material, and are not nested.

Dated: June 19, 1981.

C. W. McMillan,

Assistant Secretary for Marketing and Transportation Services.

[FR Doc. 81-18005 Filed 6-23-81; 8:45 am]

BILLING CODE 3410-02-M

Commodity Credit Corporation

7 CFR Part 1464

Tobacco Loan Program; Proposed Price Support for Baled Burley Tobacco

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Proposed rule.

SUMMARY: The Commodity Credit Corporation (CCC) is considering whether to make price support available on all burley tobacco marketed in bales of the 1981 and subsequent crops. Marketing burley tobacco in bales has proved to be a cost effective means of marketing that kind of tobacco. Interested parties are invited to submit written views and recommendations on this proposal.

DATE: Comments must be received on or before July 24, 1981, to be assured of consideration.

ADDRESS: Send comments to the Director, Price Support and Loan Division, ASCS, P.O. Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: Robert L. Tarczy, Program Specialist, Price Support and Loan Division, ASCS, Room 3754 South Building, P.O. Box 2415, Washington, D.C. 20013, (202) 447–6733. The Draft Impact Analysis describing the options considered in developing this proposed rule and the impact of implementing each option is available on request from Mr. Tarczy.

SUPPLEMENTARY INFORMATION: This proposed rule has been reviewed in conformity with Executive Order 12291 and has been classified as "not major." This proposed rule has been classified as "not major" since the implementation of this rule will not have an annual affect on the economy of $100 million or more.

I have determined that an emergency exists which warrants less than a 60-day comment period on this proposed action because producers who are now making plans for harvesting and marketing the 1981 crop of tobacco need to know as soon as possible whether price support will be available on baled burley tobacco for the 1981 crop. For this reason, comments must be received on or before July 24, 1981.

Burley tobacco has traditionally been marketed tied in hands of about 20 leaves. However, the process of tying the tobacco in hands is time-consuming and, therefore, costly to producers. Before 1978, burley tobacco was required to be marketed tied in hands as a condition of eligibility for CCC price support. Since 1973, an industry group has been conducting an experiment to determine whether marketing untied burley tobacco would reduce market preparation costs. During the 1978, 1979 and 1980 crop years the experiment was expanded by permitting a small percentage of the total burley crop for these years to be eligible for price support although not tied in hands. This allowed the Department of Agriculture, in conjunction with the land-grant universities in Kentucky and Tennessee, to also research the experiment.

During the three year period 1978–1980 there have been no disruptions in marketing patterns due to marketing burley tobacco in bales. Some members of the trade have pointed out, however, that potential problems, such as nesting (concealment) of inferior tobacco, could arise from marketing burley tobacco in bales. These potential problems, however, have not materialized.

Reports for the 1978 and 1979 crop years containing the results of this research have been published by this Department. Although inconclusive, these reports indicated that baling was cost effective. The 1980 report is now in preliminary form. It also indicates that baling tobacco is cost effective. Moreover, the entire burley farming area has reported significant savings in using the baling process versus the more labor consuming hand tying process.

To expedite the transition from marketing burley tobacco tied in hands to marketing burley tobacco in bales, it is proposed to make the entire crop of burley tobacco eligible for price support although marketed in bales, beginning with the 1981 crop. However, it is expected that less than one-fourth of the 1981 effective quota for burley tobacco will be baled. Price support for a limited amount of baled tobacco was considered but was rejected for the 1981 marketing year in order to allow burley farmers the option of marketing their entire crop either tied in hands or baled. As in the past, burley tobacco tied in hands and in bales will be marketed at the same time. Producers will be required to properly certify as to certain characteristics of the tobacco in bales in order to receive price support.

For the 1981 crop, the grade support rates for baled burley tobacco will be the same as those for tied tobacco. However, if it is found that a differential in market price between baled and tied tobacco exists, in future years a discount in support rates for baled tobacco may be applied.

Accordingly, it is proposed that the regulations at 7 CFR Part 1464 be revised by amending §§ 1464.2(b)(5) and 1464.7(a)(4) to read as follows:

§ 1464.2 Availability of price support.

* * * * *

(b) * * *

(5) Beginning with the 1981 crop, eligible producers may obtain price support on tied and on untied burley tobacco packed in bales and offered for auction sale, subject to the following conditions:

(i) The quality and condition of the tobacco contained in each bale offered for marketing as a single lot will be representative of the quality and condition of the tobacco contained in all other such bales of the same lot.

(ii) The tobacco in each bale will be stalk-cured.

(iii) The bales will not contain foreign matter.

(iv) The bales will not be nested.

(v) Specification of bales:

(A) Bales accepted for price support must be approximately 1 x 2 x 3 feet in size.

(b) The leaves in bales accepted for price support must be untied and oriented.

* * * * *

§ 1464.7 Eligible producers.

(a) * * *

(4) The producer has complied with any certification the producer may have executed with respect to any baled burley tobacco delivered for price support.

* * * * *

Prior to making any determinations, CCC will give consideration to comments, views and recommendations submitted in writing to the Director, Price Support and Loan Division.

All written submissions will be made available for public inspection from 8:15 a.m. to 4:45 p.m., Monday through Friday in Room 3741-South Building, USDA, 14th and Independence Avenue S.W., Washington, D.C. 20250.

(Secs. 4, 5, 62 Stat. 1020, as amended, (15 U.S.C. 714b, 714c), secs. 101, 106, 401, 403, 63 Stat. 1051, as amended, (7 U.S.C. 1441, 1425, 1421, 1423))

Signed at Washington, D.C. on June 19, 1981.

Everett Rank,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 81-18604 Filed 6-23-81; 8:45 am]

BILLING CODE 3410-05-M

FEDERAL RESERVE SYSTEM

12 CFR Parts 220 and 221

[Docket No. R-0362]

Credit by Brokers and Dealers and Credit by Banks for the Purpose of Purchasing or Carrying Margin Stocks

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Proposed amendments.

SUMMARY: After a comprehensive review of the margin regulations, the Board has decided to proceed with a major simplification through a series of amendments to the regulations. In the first group of amendments the following changes are proposed for Regulation T:

1. Eliminate the "equity building" devices; consolidate the bond accounts with the General Account; and require an offsetting adjustment to any highly leveraged General Account from the Special Miscellaneous Account.

2. Relax the restriction on the arranging of credit by investment bankers.

In Regulation U the Board proposes to change the collateral test so as to exempt from quantitative limitation all bank credit not secured by margin equity securities.

DATE: Comments should be received on or before September 15, 1981.

ADDRESS: Comments, which should refer to Docket No. R-0362, may be mailed to the Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551 or delivered to Room B-2223 between 8:45 a.m. and 5:15 p.m. Comments received may also be inspected at Room B-1122 between 8:45 a.m. and 5:15 p.m., except as provided in § 261.6(a) of the Board's Rule Regarding Availability of Information (12 CFR 261.6(a)).

FOR FURTHER INFORMATION CONTACT: Laura Homer, Securities Credit Officer, Division of Banking Supervision and Regulation, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 (202) 452-2786, or Mindy R. Silverman or James N. McNeil, Federal Reserve Bank of New York (212) 791-5000.

SUPPLEMENTARY INFORMATION: The Board proposes to amend certain parts of Regulations T and U (12 CFR Parts 220 and 221) in the first phase of the regulatory simplification of the margin rules. The changes in Regulation T will eliminate the so-called "equity building" devices by (a) deleting the retention requirement and permitting withdrawals from transactions equal to the current maximum loan value of securities in the account and (b) eliminating the suspension of the same-day substitution privilege in "super-restricted" accounts. It is the Board's intention to effect the same results in Regulations U and G if these "equity building" devices are eliminated from Regulation T. The consolidation of Accounts will simplify Regulation T and permit customers greater flexibility in changing the makeup of their portfolios.

The Board has long been concerned with the existence of large credit balances in Special Miscellaneous Accounts of customers with highly-leveraged General Accounts. The proposed changes to eliminate "equity building" devices and the consolidation of the Special Bond Account and the Special Convertible Debt Security Account into the General Account could result in an even greater increase in credit balances in the Special Miscellaneous Account. Accordingly, a provision is also being added to require transfers from the Special Miscellaneous Account whenever the customer's equity in the General Account falls below 25 percent. This proposed change would not require that the customer be called to deposit additional cash or securities with the broker; it would require only the draining of Special Miscellaneous Account balances into the General Account when the General Account equity fell below 25 percent.

In publishing the SMA adjustment proposal for comment, the Board expressed concern that it might have little or no effect since there may be alternate ways to preserve buying power for customers' accounts without the use of the Special Miscellaneous Account. In particular, it has been suggested that the goal of the Board's proposal could be circumvented by daily payment to the customer or the customer's cash account of an amount representing the excess loan value in the customer's General Account. Commenters are specifically invited to comment as to whether this is likely to occur and, if so, what the effects would be. Commenters are also asked to address the question as to whether there are alternative ways of addressing the Board's concern with respect to large credit balances in Special Miscellaneous Accounts of highly leveraged customers. If so, could these alternative methods be effected with less cost than the method proposed by the Board? Estimated cost projections associated with implementing the SMA adjustment feature of the Board's proposal are also requested.

Section 220.7(a) which restricts a broker or dealer in arranging credit will be relaxed to permit investment banking services which involve arranging credit. Arranging credit which the broker or dealer cannot itself extend would continue to be prohibited in other circumstances.

The collateral test in Regulation U will be changed so that only purpose loans secured by any margin stock will be subject to the margin restrictions and only loans secured by margin stock will require the execution of a Form U-1.

Accordingly, pursuant to §§ 7 and 23 of the Securities Exchange Act of 1934, as amended (15 U.S.C. 78g, 78w), the Board proposes to amend Regulations T

and U (Parts 220 and 221, respectively) as follows:

PART 220—CREDIT BY BROKERS AND DEALERS

A. Section 220.3 of Regulation T is revised in the following manner:

§ 220.3 [Amended]

1. Existing paragraphs (a) and (b) are removed and replaced with the following paragraphs (a) through (e):

(a) *Contents of general account.* All financial relations between a customer and a creditor, whether recorded in one record or more than one record shall be included in and be deemed part of the customer's general account with the creditor except that:

(1) Relations which § 220.4 permits to be included in any special account provided for by the section may be included in the appropriate special account; and

(2) All transactions in commodities shall be included in the special account provided by § 220.4(e).

(b) *Initial margin.* Whenever a creditor effects in a general account any transaction which, combined with other transactions effected in the account on the same day, creates or increases an excess of the adjusted debit balance of the account over the maximum loan value of the securities in the account, the creditor shall obtain, as promptly as possible, but no later than the end of seven full business days following the date of such transaction, the deposit into the account of cash or securities in such amount that the cash deposited plus the loan value of the securities deposited at least equals the excess so created or the increase so caused.

(c) *Withdrawals.* A creditor may permit the withdrawal of cash or securities from a general account unless:

(1) Cash or securities are required to be deposited in connection with a transaction on the current or a previous day, or

(2) Such withdrawal would, combined with other transactions, deposits and withdrawals on the same day, create or increase an excess of the adjusted debit balance over the maximum loan value of the account.

(d) *Minimum Level Adjustment.* Whenever the adjusted debit balance of the account exceeds 150% of the maximum loan value of the account, after treating all calls for margin issued under § 220.3(b) as if they had been satisfied, the creditor shall transfer from the Special Miscellaneous Account to the General Account credit balances sufficient to decrease the adjusted debit balance of the account to 150% of the maximum loan value of the account or exhaust the credit balance of the Special Miscellaneous Account, whichever occurs first.

(e) *Modifications and exceptions.* Modifications of and exceptions to the provisions stated in this section are provided in the subsequent paragraphs of this section and in § 220.6.

2. Existing paragraphs (c) through (i) are redesignated as new paragraphs (f) through (l).

3. References throughout § 220.3 to the special convertible security account and the special bond account are removed.

4. Subparagraph (2) of redesignated paragraph (f) is revised to read as follows:

(f) * * *

(2) The maximum loan value of a security in a general account shall be such maximum loan value as the Board shall prescribe from time to time in § 220.8 (the supplement to Regulation T). No collateral other than an exempted security or a margin security shall have any loan value in a general account.

5. Redesignated paragraph (h) is revised to read as follows:

(h) *Liquidation in lieu of deposit.*[3] In any case in which the deposit required by this section, or any portion thereof, is not obtained by the creditor within the seven-day period specified therein, the creditor shall promptly sell securities or effect other liquidating transactions in the account in such amount that the resulting decrease in the adjusted debit balance of such account equals or exceeds the required deposit or the undeposited portion thereof: *Provided,* That a creditor is not required to sell securities or to effect other liquidating transactions specified by this paragraph in an amount greater than necessary to eliminate the excess of the adjusted debit balance of such account over the maximum loan value of the securities remaining in such account after such liquidation.

6. Redesignated paragraph (g) is revised to read as follows:

(g) *Transactions on given day.* (1) For the purpose of this section, the question of whether or not an excess of the adjusted debit balance of a general account over the maximum loan value of the securities in the account is created or increased on a given day shall be determined on the basis of all the transactions in the account on such day exclusive of any deposit of cash, deposit of securities, covering transactions, or other liquidation that has been effected on such day in connection with a transaction on a previous day.

(2) In any case in which an excess so created, or increase so caused, by transactions on a given day does not exceed $500, the creditor need not obtain the deposit specified therefor in this section.

(3) Any transaction which serves to meet the requirements of this section or otherwise serves to permit any offsetting transaction in an account shall, to that extent, be unavailable to permit any other transaction in such account.

(4) For the purposes of this part (Regulation T), if a security has maximum loan value under this section in a general account a sale of the same security (even though not the same certificate) in such account shall be deemed to be a long sale and shall not be deemed to be or treated as a short sale.

7. References to existing specific paragraph numbers throughout this Part will be changed to conform to these revisions

b. Section 220.7(a) of Regulation T is revised to read as follows:

§ 220.7 [Amended]

(a)—*Arranging for loans by others.* A creditor may not arrange for the extension or maintenance of credit to or for any customer by any person upon terms and conditions other than those upon which the creditor may himself extend or maintain under the provisions of this Part, except that this limitation shall not apply to credit arranged for a customer which does not violate Parts 207 and 221 of this Chapter and results solely from:

(1) Such investment banking services, provided by the creditor to the customer, as underwritings, private placement, and advice and other services in connection with exchange offers, mergers and acquisitions, except for underwritings that involve the public distribution of an equity security with installment or other deferred payment provisions; or

(2) The sale of non-margin securities with installment or other deferred payment provisions if the sale is exempted from the registration requirements of the Securities Act of 1933 under section 4(2) or section 4(6) of the Act (15 U.S.C. 77(d)(2) and (6)).

PART 221—CREDIT BY BANKS FOR THE PURPOSE OF PURCHASING OR CARRYING MARGIN STOCKS

C. Part 221, Credit by Banks for the Purpose of Purchasing or Carrying

[3] This requirement relates to the action to be taken when a customer fails to make the deposit required by § 220.3(b), and it is not intended to countenance on the part of customers the practice commonly known as "free-riding," to prevent which the principal national securities exchanges have adopted certain rules. See the rules of such exchanges and § 220.7(e).

Margin Stocks, would be amended as follows:

1. All references to "stock" throughout Regulation U (when the term refers to collateral and is not part of a definition) will be changed to "margin stock."

Initial Regulatory Flexibility Analysis

The Board of Governors of the Federal Reserve System is requesting comment on changes to its margin regulations. These changes are the first part of a planned series of amendments intended to simplify margin regulations, generally, and to reduce specific administrative and recordkeeping requirements imposed upon lenders by Regulation T (broker lending), Regulation U (bank lending), and Regulation G (lending by other than brokers or banks).

In addition to the widespread benefits associated with the simplification, the proposed changes would relax regulatory treatment of individual and business borrowers in a number of instances. For example, most of the changes to Regulation T will reduce restrictions applied to portfolio realignment for all margin customers—benefiting customers with small as well as large margin account holdings to the same degree. Also, the modification of the credit arranging provision in Regulation T will permit brokers to provide additional investment banking services— including the arranging of unsecured loans—for business customers. Competition between brokers will be dependent upon investment banking expertise and not upon financial lending capacity—thereby, providing an opportunity for small brokers to compete effectively with large brokers for this business. Furthermore, when seeking capital, business firms of all sizes should derive some benefit from the effects of augmented competition that will result from increased direct broker participation in investment banking activities. Finally, the amendment to the collateral test in Regulation U will allow nonmargin stock (typically, Stock issued by small or privately-held corporations) to be used as collateral for bank loans without, any longer, a regulatory requirement that the borrower state the purpose for which the loan proceeds are to be used. The effect thereby, would be to exempt nonmargin equity security loans from the margin limitations and to reduce the overall reporting burden imposed by the current regulatory provisions.

By order of the Board of Governors of the Federal Reserve System, June 17, 1981.

James McAfee,

Assistant Secretary of the Board.

[FR Doc. 81-18672 Filed 6-23-81; 8:45 am]

BILLING CODE 6210-01-M

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12 CFR Part 225

[Regulation Y; Docket No. R-0361]

Bank Holding Companies Nonbanking Activities; Issuance of Travelers Checks

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Proposed rulemaking.

SUMMARY: In the past, the Board has approved applications by bank holding companies filed pursuant to section 4(c)(8) of the Bank Holding Company Act, 12 U.S.C. 1841 *et seq.*, and § 225.4(b)(2) of the Board's Regulation Y, 12 CFR 225.4(b)(2), to engage in the issuance of travelers checks. At this time, the Board will consider a proposed rule that would amend § 225.4(a)(13) of its Regulation Y, 12 CFR 225.4(a)(13), by adding the issuance of travelers checks to the list of nonbanking activities permissible for bank holding companies.

DATE: Comments must by received by August 31, 1981.

ADDRESS: Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. All material submitted should include the docket number R-0361.

FOR FURTHER INFORMATION CONTACT: R. Whiting, Senior Attorney (202/452-3779) or S. Weinberg, Attorney (202/452-3707), Legal Division, or S. Sussan, Manager, Division of Banking Supervision and Regulation (202/452-2818), Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION: (1) *Proposed Rulemaking.* The Board is inviting comment on whether § 225.4(a)(13) of the Board's Regulation Y (12 CFR 225.4(a)(13)) should be amended to add the issuance of travelers checks to those activities permissible generally for bank holding companies under section 4(c)(8) of the Bank Holding Company Act. Section 4(c)(8) of the Bank Holding Company Act states that bank holding companies lawfully may engage in those activities the Board has "determined (by order or regulation) to be so closely related to banking or managing and controlling banks as to be a proper incident thereto." 12 U.S.C. 1843(c)(8).

In determining whether a proposed nonbanking activity is "closely related" to banking, the Board generally applies the standards set forth in *National Courier Association* v. *Board of Governors of the Federal Reserve System*, 516 F.2d 1229 (D.C. Cir. 1975). In that opinion the Court held that a proposed nonbanking activity would be considered "closely related" to banking if it met at least one of the following criteria:

(1) Banks generally have in fact provided the proposed services.

(2) Banks generally provide services that are operationally or functionally so similar to the proposed services as to equip them particularly well to provide the proposed service.

(3) Banks generally provide services that are so integrally related to the proposed services as to require their provision in a specialized form.

On several occasions the Board by order has found the conduct of this activity by particular bank holding companies to be "closely related" to banking. *Seafirst Corporation* —— Federal Reserve Bulletin —— (1981) ("Seafirst"); *The Chase Manhattan Corporation* 66 Federal Reserve Bulletin 983 (1980); *First Chicago Corporation* 65 Federal Reserve Bulletin 937 (1979); *Citicorp* 65 Federal Reserve Bulletin 666 (1979); and *Republic of Texas Corporation* 62 Federal Reserve Bulletin 630 (1976). Thus, in the circumstances presented, the Board has concluded that sufficient evidence exists to warrant a finding that there is a reasonable basis for the opinion that the issuance of travelers checks by bank holding companies generally is an activity "closely related" to banking and now solicits comments as to whether the activity of issuing travelers checks should be added to section 225.4(a) of Regulation Y.

(2) *Submission of Comments.* To aid the Board in its consideration of the proposed rulemaking, interested persons may express their views on the question whether performance of the proposed activity generally by an affiliate of a bank holding company, is so "closely related to banking or managing or controlling banks as to be a proper incident thereto" within the meaning of section 4(c)(8) of the Bank Holding Company Act. Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

Any views or requests for a hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than August 31, 1981. All material submitted should include the docket number R-0361. Such information will be made available for inspection and copying upon request except as provided in § 261.6(a) of the Board's Rules Regarding Availability of Information (12 CFR 261.6(a)).

(4) *Authority.* This action is proposed pursuant to the Board's authority under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)).

Section 225.4(a)(13) of the Board's Regulation Y (12 CFR 225.4(a)(13)) would be revised as follows:

§ 225.4 Nonbanking activities.

(a) *Activities closely related to banking or managing and controlling banks.* * * * The following activities have been determined by the Board to be so closely related to banking or managing and controlling banks as to be a proper incident thereto.

* * * * *

(13) The sale at retail of money orders having a face value of not more than $1,000 and the issuance and sale of travelers checks and the sale of U.S. Savings Bonds.

Board of Governors, effective June 18, 1981.

James McAfee,

Assistant Secretary of the Board.

[FR Doc. 81-18671 Filed 6-23-81; 8:45 am]

BILLING CODE 6210-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 270

[Release No. IC-11818; File No. S7-806]

Definition of Beneficial Ownership In Certain Issuers

AGENCY: Securities and Exchange Commission.

ACTION: Withdrawal of proposed rulemaking.

SUMMARY: The Investment Company Act of 1940 ("Act") excludes certain issuers from the definition of investment company provided that, among other things, their outstanding securities are beneficially owned by not more than 100 persons. In November 1979, the Commission proposed an amendment to a rule under the Act which would have excepted certain issuers from the definition of beneficial ownership contained in the statute. However, the statutory definition was amended by the Small Business Investment Incentive Act of 1980 in a manner which rendered the outstanding proposed amendment to the rule unnecessary. Therefore, the Commission is withdrawing the proposed amendment to the rule.

EFFECTIVE DATE: June 17, 1981.

FOR FURTHER INFORMATION CONTACT: Arthur J. Brown, Chief (202-272-2048), or Marsha Gilman, Attorney (202-272-2057), Investment Company Act Study Group, Division of Investment Management, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: Prior to its recent amendment by section 102 of the Small Business Investment Incentive Act of 1980 ("1980 Amendments") [Pub. L. 96-477], section 3(c)(1) of the Investment Company Act of 1940 ("Act") [15 U.S.C. 80a-3(c)(1)], in its entirety, provided the following:

> Notwithstanding subsection (a) [of section 3 of the Act],[1] none of the following persons is an investment company within the meaning of this title:
>
> (1) Any issuer whose outstanding securities (other than short-term paper) are beneficially owned by not more than one hundred persons and which is not making and does not presently propose to make a public offering of its securities. For the purposes of this paragraph, beneficial ownership by a company shall be deemed to be beneficial ownership by one person; except that, if such company owns 10 per centum or more of the outstanding voting securities of the issuer, the beneficial ownership shall be deemed to be that of the holders of such company's outstanding securities (other than short-term paper).

This section was intended to exclude from the Act "private" investment companies in which there was no significant public interest and therefore which were not appropriate subjects of federal regulation. The attribution provision was intended, among other things, to prevent circumvention of the Act, for example, by an issuer selling securities to a corporate shell which, in turn, sold its securities to the public.

In 1959, the Commission adopted rule 3c-2 [17 CFR 270.3c-2] under the Act[2] to address the capital raising problems of certain SBICs which sought to rely on the section 3(c)(1) exclusion but which frequently depended upon institutional or corporate investors for more than 10 percent of their capital.[3] The rule provides that, for the purpose of section 3(c)(1), beneficial ownership of 10 percent or more of an SBIC's outstanding voting securities by a company is deemed ownership by one person if and so long as that company's total investment interest in all SBICs does not exceed 5 percent of the value of its assets.[4]

In November 1979, the Commission proposed[5] an amendment to rule 3c-2 which would have created for all private issuers an exception to the attribution provision in then section 3(c)(1) similar to that already provided for SBICs. The proposed amendment would have permitted private companies to obtain capital generally from the institutional and corporate investor market, subject to certain conditions, without having to apply the attribution provision. The Commission had not taken final action on the proposed amendment to rule 3c-2 when section 3(c)(1) of the Act was amended.[6] Since new section 3(c)(1) incorporates the relief which would have been available to private issuers under the proposed amendment to rule 3c-2, the Commission has determined to withdraw the proposed amendment to rule 3c-2.

Discussion

The recent amendment to section 3(c)(1) of the Act[7] retains the prior

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[1] Section 3(a) [15 U.S.C. 80a-3(a)] defines the term "investment company."

[2] Investment Company Act Release No. 2909 (Sept. 3, 1959), 24 FR 7313.

[3] As originally adopted, rule 3c-2 did not except investment company ownership of SBICs from the attribution rule, apparently because of the danger of abusive pyramiding. In 1968, the rule was amended to make rule 3c-2 treatment available where the owning company was an investment company. Investment Company Act Release No. 5452 (Aug. 5, 1968), 33 FR 11451. The change was another attempt to open greater sources of capital to SBICs. The potential for abusive pyramiding was abated by the Small Business Administration's restrictions on SBICs investing in entities which engage in relending or reinvesting.

[4] The rule also deems the beneficial ownership of 10 percent or more of an SBIC's outstanding voting securities by a state development corporation to be ownership by one person, provided that the state development corporation itself is not an investment company as defined by the Act.

[5] Investment Company Act Release No. 10938 (Nov. 13, 1979), 44 FR 66812.

[6] Section 102 of the 1980 Amendments amended section 3(c)(1) in its entirety. The 1980 Amendments became effective on October 21, 1980.

[7] Section 3(c)(1) presently excludes from the definition of "investment company" in section 3(a)

> [a]ny issuer whose outstanding securities (other than short-term paper) are beneficially owned by not more than one hundred persons and which is not making and does not presently propose to make a public offering of its securities. For purposes of this paragraph:
>
> (A) Beneficial ownership by a company shall be deemed to be beneficial ownership by one person, except that, if the company owns 10 per centum or more of the outstanding voting securities of the issuer, the beneficial ownership shall be deemed to be that of the holders of such company's outstanding securities (other than short-term paper) unless, as of the date of the most recent acquisition by such company of securities of that issuer, the value of all securities owned by such company of all issuers which are or would, but for the exception set

Continued

statutory exclusion from the definition of "investment company" for issuers which are not making and do not presently propose to make public offerings of their securities and whose outstanding securities are beneficially owned by not more than 100 persons. However, it modifies the test of when beneficial ownership by a company must be attributed to its securityholders. Amended section 3(c)(1) excludes from the attribution requirement beneficial ownership by a company where it owns 10 percent or more of the outstanding voting securities of a private issuer, provided that, as of the date of the most recent acquisition by such company of securities of that issuer, the value of all securities owned by the company in that issuer and all other issuers relying on the exclusion of section 3(c)(1) does not exceed *10 percent* of the value of the company's total assets. The proposed amendment to rule 3c–2 which the Commission withdraws today would have attributed ownership of the securities of a private issuer to the shareholders of a company which invested in that issuer when the value of that company's investment in all issuers excluded under section 3(c)(1) (other than private SBICs) exceeded *5 percent* of the value of its total assets.[8]

Thus, the amended section both incorporated the proposed rule amendment and expanded it. First, section 3(c)(1) permits a company to have up to 10 percent of its assets, not merely 5 percent, invested in issuers who will not be required to attribute the owning company's shareholders to their own account. Second, the determination of the owning company's asset composition is made only as of its most recent acquisition of the issuer's securities. Therefore, changes in the value of the assets of a company owning 10 percent or more of an issuer's securities, for example because of a sale of other assets or market action, will not require that issuer to attribute beneficial ownership to its owning company's shareholders, unless the owning company makes additional purchases of the issuer's securities.

The Commission believes that the amendment of section 3(c)(1) of the Act renders the proposed amendment to rule 3c–2 superfluous. Therefore, the Commission is withdrawing the proposed amendment to rule 3c–2 under the Act. This action is effective immediately.

By the Commission.

George A. Fitzsimmons,

Secretary.

June 17, 1981.

[FR Doc. 81–18628 Filed 6–23–81; 8:45 am]

BILLING CODE 8010–01–M

forth in this subparagraph, be excluded from the definition of investment company solely by this paragraph, does not exceed 10 per centum of the value of the company's total assets. Such issuer nonetheless is deemed to be an investment company for purposes of section 12(d)(1) [15 U.S.C. 80a–12(a)(1)] * * *

[8] The proposed amendment to rule 3c–2 included the addition of a new paragraph (b), as follows:

(b) For the purpose of section 3(c)(1) of the Act, beneficial ownership by a company owning 10 per centum or more of the outstanding voting securities of any issuer which is not an issuer described in paragraph (a) of this section [relating to SBICs] shall be deemed to be beneficial ownership by one person if and so long as the value of all securities of all issuers (other than any issuer described in paragraph (a) of this section) who are excluded from the definition of investment company by section 3(c)(1) of the Act owned by such company does not exceed 5 per centum of the value of the company's total assets; *Provided*, That such issuer nonetheless is deemed to be an investment company for purposes of section 12(b)(1) of the Act.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 271

[Docket No. RM79–76 (Wyoming—6)]

Wyoming; High-Cost Gas Produced from Tight Formations

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This notice of proposed rulemaking by the Director of the Office of Pipeline and Producer Regulation contains the recommendation of the State of Wyoming Oil and Gas Conservation Commission that the Bear River Formation be designated as a tight formation under § 271.703(d).

DATE: Comments on the proposed rule are due on July 20, 1981.

PUBLIC HEARING: No public hearing is scheduled in this docket as yet. Written requests for a public hearing are due on July 6, 1981.

ADDRESS: Comments and requests for hearing must be filed with the Office of the Secretary, 825 North Capitol Street, NE., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357–8307, or Victor Zabel, (202) 357–8616.

SUPPLEMENTARY INFORMATION: Issued: June 18, 1981.

I. Background

On June 8, 1981, the State of Wyoming Oil and Gas Conservation Commission (Wyoming) submitted to the Commission a recommendation, in accordance with § 271.703 of the Commission's regulations (45 FR 56034, August 22, 1980), that the Bear River Formation located in Lincoln, Sweetwater, and Sublette Counties, Wyoming, be designated as a tight formation. Pursuant to § 271.703(c)(4) of the regulations, this Notice of Proposed Rulemaking is hereby issued to determine whether Wyoming's recommendation that the Bear River Formation be designated a tight formation should be adopted. The United States Geological Survey concurs with Wyoming's recommendation. Wyoming's recommendation and supporting data are on file with the Commission and are available for public inspection.

II. Description of Recommendation

The recommended formation is located in the Northern Moxa Arch area of Southwestern Wyoming approximately 10 miles southeast of Big Piney, Wyoming. The area contains about 199,665 acres within Lincoln, Sweetwater, and Sublette Counties, Wyoming, encompassing Townships 25 through 28 North, Ranges 110 and 111 West and the eastern two-thirds of Township 28 North, Range 112 West.

The vertical limits of the Bear River Formation are defined by the Mowry Shale Formation above and the Thermopolis Shale Formation below. The depth to the top of the formation varies from 9,400 feet to 11,200 feet. The average net productive interval is approxiamtely 20 feet.

III. Discussion of Recommendation

Wyoming claims in its submission that evidence gathered through information and testimony presented at a public hearing in Cause No. 1, Docket No. 189–80(B) convened by Wyoming on this matter demonstrates that:

(1) The average *in situ* gas permeability throughout the pay section

of the proposed area is not expected to exceed 0.1 millidarcy;

(2) The stabilized production rate, against atmospheric pressure, of wells completed for production from the recommended formation, without stimulation, is not expected to exceed the maximum allowable production rate set out in § 271.703(c)(2)(i)(B); and

(3) No well drilled into the recommended formation is expected to produce more than five (5) barrels of oil per day.

Wyoming further asserts that existing State and Federal Regulations assure that development of this formation will not adversely affect any fresh water aquifers.

Accordingly, pursuant to the authority delegated to the Director of the Office of Pipeline and Producer Regulation by Commission Order No. 97, issued in Docket No. RM80-68 (45 FR 53456, August 12, 1980), notice is hereby given of the proposal submitted by Wyoming that the Bear River Formation, as described and delineated in Wyoming's recommendation as filed with the Commission, be designated as a tight formation pursuant to § 271.703.

IV. Public Comment Procedures

Interested persons may comment on this proposed rulemaking by submitting written data, views or arguments to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before July 20, 1981. Each person submitting a comment should indicate that the comment is being submitted in Docket No. RM79-76 (Wyoming—6), and should give reasons including supporting data for any recommendations. Comments should include the name, title, mailing address, and telephone number of one person to whom communications concerning the proposal may be addressed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Written comments will be available for public inspection at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.W., Washington, D.C., during business hours.

Any person wishing to present testimony, views, data, or otherwise participate at a public hearing should notify the Commission in writing that they wish to make an oral presentation and therefore request a public hearing. Such request shall specify the amount of time requested at the hearing. Requests should be filed with the Secretary of the Commission no later than July 6, 1981.

(Natural Gas Policy Act of 1978, 15 U.S.C. 3301-3342)

Accordingly, the Commission proposes to amend the regulations in Part 271, Chapter I, Title 18, Code of Federal Regulations, as set forth below, in the event Wyoming's recommendation is adopted.

Kenneth A. Williams,

Director, Office of Pipeline and Producer Regulation.

Section 271.703(d) is amended by adding new subparagraph (55) to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.* The following formations are designated as tight formations. A more detailed description of the geographical extent and geological parameters of the designated tight formations is located in the Commission's official file for Docket No. RM79-76, subindexed as indicated, and is also located in the official files of the jurisdictional agency that submitted the recommendation.

* * * * *

(40) through (54) [Reserved]

(55) *Bear River Formation in Wyoming.* RM79-76 (Wyoming—6).

(i) *Delineation of formation.* The Bear River Formation is found in Lincoln, Sweetwater, and Sublette Counties, Wyoming, in Townships 25 through 28 North, Ranges 110 and 111 West; and Township 28 North, Range 112 West, Sections 1 through 4, 9 through 16, 21 through 28 and 33 through 36.

(ii) *Depth.* The Bear River Formation vertical limits are defined by the Mowry Shale Formation above and the Thermopolis Shale Formation below. The depth to the top of the Bear River Formation varies from 9,400 feet to 11,200 feet.

[FR Doc. 81-18692 Filed 6-23-81; 8:45 am]

BILLING CODE 6450-85-M

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18 CFR Part 271

[Docket No. RM79-76 (Wyoming—7)]

Wyoming; High-Cost Gas Produced From Tight Formations

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designting natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This notice of proposed rulemaking by the Director of the Office of Pipeline and Producer Regulation contains the recommendation of the State of Wyoming Oil and Gas Conservation Commission that the Frontier Formation be designated as a tight formation under § 271.703(d).

DATE: Comments on the proposed rule are due on July 20, 1981.

Public Hearing: No public hearing is scheduled in this docket as yet. Written requests for a public hearing are due on July 6, 1981.

ADDRESS: Comments and requests for hearing must be filed with the Office of the Secretary, 825 North Capitol Street, NE., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357-8307, or Victor Zabel, (202) 357-8616.

SUPPLEMENTARY INFORMATION:

Issued: June 18, 1981.

I. Background

On June 8, 1981, the State of Wyoming Oil and Gas Conservation Commission (Wyoming) submitted to the Commission a recommendation, in accordance with § 271.703 of the Commission's regulations (45 F.R. 56034, August 22, 1980), that the Frontier Formation located in Lincoln, Sweetwater, and Sublette Counties, Wyoming, be designated as a tight formation. Pursuant to § 271.703(c)(4) of the regulations, this Notice of Proposed Rulemaking is hereby issued to determine whether Wyoming's recommendation that the Frontier Formation be designated a tight formation should be adopted. The United States Geological Survey concurs with Wyoming's recommendation. Wyoming's recommendation and supporting data are on file with the Commission and are available for public inspection.

II. Description of Recommendation

The recommended formation is located in the Northern Moxa Arch area of Southwestern Wyoming approximately 10 miles southeast of Big Piney, Wyoming. The area contains about 199,665 acres and is in Lincoln,

Sweetwater, and Sublette Counties, Wyoming, encompassing Townships 25 through 28 North, Ranges 110 and 111 West and the Eastern two-thirds of Township 28 North, Range 112 West.

The vertical limits of the Frontier Formation are defined by the Baxter Shale Formation above and the Mowry Shale Formation below. The depth to the top of the formation varies from 9,000 feet to 10,500 feet. The average net productive interval is approximately 31 feet.

III. Discussion of Recommendation

Wyoming claims in its submission that evidence gathered through information and testimony presented at a public hearing in Cause No. 1, Docket No. 189–80(A) convened by Wyoming on this matter demonstrates that:

(1) The average *in situ* gas permeability throughout the pay section of the proposed area is not expected to exceed 0.1 millidarcy;

(2) The stabilized production rate, against atmospheric pressure, of wells completed for production from the recommended formation, without stimulation, is not expected to exceed the maximum allowable production rate set out in § 271.703(c)(2)(i)(B); and

(3) No well drilled into the recommended formation is expected to produce more than five (5) barrels of oil per day.

Wyoming further asserts that existing State and Federal Regulations assure that development of this formation will not adversely affect any fresh water aquifers.

Accordingly, pursuant to the authority delegated to the Director of the Office of Pipeline and Producer Regulation by Commission Order No. 97, issued in Docket No. RM80–68 (45 FR 53456, August 12, 1980), notice is hereby given of the proposal submitted by Wyoming that the Frontier Formation, as described and delineated in Wyoming's recommendation as filed with the Commission, be designated as a tight formation pursuant to § 271.703.

IV. Public Comment Procedures

Interested persons may comment on this proposed rulemaking by submitting written data, views or arguments to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before July 20, 1981. Each person submitting a comment should indicate that the comment is being submitted in Docket No. RM79–76 (Wyoming—7), and should give reasons including supporting data for any recommendations. Comments should include the name, title, mailing address, and telephone number of one person to whom communications concerning the proposal may be addressed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Written comments will be available for public inspection at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C., during business hours.

Any person wishing to present testimony, views, data, or otherwise participate at a public hearing should notify the Commission in writing that they wish to make an oral presentation and therefore request a public hearing. Such request shall specify the amount of time requested at the hearing. Requests should be filed with the Secretary of the Commission no later than July 6, 1981.

(Natural Gas Policy Act of 1978, 15 U.S.C. 3301–3342)

Accordingly, the Commission proposes to amend the regulations in Part 271, Chapter I Title 18, Code of Federal Regulations, as set forth below, in the event Wyoming's recommendation is adopted.

Kenneth A. Williams,

Director, Office of Pipeline and Producer Regulation.

Section 271.703(d) is amended by adding new subparagraph (56) to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.* The following formations are designated as tight formations. A more detailed description of the geographical extent and geological parameters of the designated tight formations is located in the Commission's official file for Docket No. RM79–76, subindexed as indicated, and is also located in the official files of the jurisdictional agency that submitted the recommendation.

* * * * *

(40) through (55) [Reserved]

(56) *Frontier Formation in Wyoming.* RM79–76 (Wyoming—7).

(i) *Delineation of formation.* The Frontier Formation is found in Lincoln, Sweetwater, and Sublette Counties, Wyoming, in Townships 25 through 28 North, Ranges 110 and 111 West; and Township 28 North, Range 112 West, Sections 1 through 4, 9 through 16, 21 through 28 and 33 through 36.

(ii) *Depth.* The Frontier Formation vertical limits are defined by the Baxter Shale Formation above and the Mowry Shale Formation below. The depth to the top of the Frontier Formation varies from 9,000 feet to 10,500 feet.

[FR Doc. 81–18691 Filed 6–23–81; 8:45 am]
BILLING CODE 6450–85–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 20

[CC: LR–90–80]

Transfer Certificates in Nonresident Estates

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document provides proposed amendments to the Estate Tax Regulations relating to the necessity of obtaining a transfer certificate in certain estates of nonresident decedents. These regulations provide necessary guidance to the public for compliance with the law, and affect, among others, persons who have actual or constructive possession of certain shares of stock registered in the name of a nonresident decedent.

DATES: Written comments and requests for a public hearing must be delivered or mailed by August 24, 1981. The amended regulations are proposed to be effective for estates of decedents dying on or after January 1, 1977.

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224.

FOR FUTHER INFORMATION CONTACT: Anne Alexander of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224, Attention: CC:LR:T, 202–566–3287, not a toll-free call.

SUPPLEMENTARY INFORMATION:

Background

Section 20.6325–1 (a) provides that a transfer certificate is required in certain situations to transfer property of a nonresident decedent without liability. § 20.6325–1(b)(1)(i) currently provides an exception and specifies that a transfer certificate is not required in the estate of a nonresident who is not a citizen of the United States dying after November 14, 1966, if the value on the date of death of

the gross estate situated in the United States does not exceed $30,000. To make the regulations consistent with charges made to section 6018(a)(2) by section 2002(c)(1)(J)(ii) of the Tax Reform Act of 1976 (90 Stat. 1850), the amendment to the regulations will provide that a transfer certificate is not required if the gross estate of a nonresident who is not a citizen does not exceed the lesser of $60,000 or $60,000 reduced by the adjustments required by section 6018(a)(4) for certain taxable gifts made by the decedent and for the aggregate amount of certain specific exemptions.

Because transferors of property may have relied upon the flat $30,000 value requirement of existing § 20.6325–1(b)(1) in determining that demand for, and receipt of, a transfer certificate was unnecessary in the case of decedents dying on or after January 1, 1977 without regard to the adjustments now required by section 6018(a)(4) of the Code, these proposed regulations would permit application of existing § 20.6325–1(b)(1) to determinations made with respect to transfers of property made before the date that these proposed regulations are published.

Comments and Requests for a Public Hearing

Before adopting these proposed regulations, consideration will be given to any written comments that are submitted (preferably six copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public hearing will be held upon written request to the Commissioner by any person who has submitted written comments. If a public hearing is held, notice of the time and place will be published in the **Federal Register**.

Drafting Information

The principal author of these proposed regulations is Kyllikki Kusma of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulation, both on matters of substance and style.

Proposed amendments to the regulations.

The proposed amendments to 26 CFR Part 20 are as follows:

Paragraph. Section 20.6325–1 is amended as follows:

a. Paragraphs (b)(1) and (b)(2) are amended to read as set forth below.

b. Paragraph (b)(3) is amended by removing "subparagraph (1) or subparagraph (2)(i) of this paragraph" and inserting in lieu thereof "paragraph (b)(1) and (2) of this section".

§ 20.6325–1 Release of lien or partial discharge of property; transfer certificates in non-resident estates.

* * * * *

(b)(1) Subject to the provisions of paragraph (b)(2) of this section—

(i) In the case of a nonresident not a citizen of the United States dying on or after January 1, 1977, a transfer certificate is not required with respect to the transfer of any property of the decedent if the value on the date of death of that part of the decedent's gross estate situated in the United States did not exceed the lesser of $60,000 or $60,000 reduced by the adjustments, if any, required by section 6018(a)(4) for certain taxable gifts made by the decedent and for the aggregate amount of certain specific exemptions.

(ii) In the case of a nonresident not a citizen of the United States dying on or after November 14, 1966, a transfer certificate is not required with respect to the transfer before June 24, 1981 of any property of the decedent if the value on the date of death of that part of the decedent's gross estate situated in the United States did not exceed $30,000.

(2)(i) If the transfer of the estate is subject to the tax imposed by section 2107(a) (relating to expatriation to avoid tax), any amounts which are includible in the decedent's gross estate under section 2107(b) must be added to the date of death value of the decedent's gross estate situated in the United States to determine the value on the date of death of the decedent's gross estate for purposes of paragraph (b)(1) of this section.

(ii) If the transfer of the estate is subject to tax pursuant to a Presidential proclamation made under section 2108(a) (relating to Presidential proclamations of the application of pre-1967 estate tax provisions), a transfer certificate is not required with respect to the transfer of any property of the decedent if the value on the date of death of that part of the decedent's gross estate situated in the United States did not exceed $2,000.

* * * * *

Joseph T. Davis,

Acting Commissioner of Internal Revenue.

[FR Doc. 81–18669 Filed 6–23–81; 8:45 am]

BILLING CODE 4830–01–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 61

[AD–FRL–1861–4]

National Emission Standards for Hazardous Air Pollutants; Benzene Fugitive Emissions; Benzene Emissions from Benzene Storage Vessels

AGENCY: Environmental Protection Agency (EPA).

ACTION: Extensions of public comment periods.

SUMMARY: The end of the public comment period has been extended 30 days for the proposed national emission standard for benzene fugitive emissions and the proposed national emission standard for benzene emissions from benzene storage vessels. 45 FR 83952, December 19, 1980, 46 FR 18561, March 25, 1981.

DATES: Written comments to be included in the record on the proposed standards must be postmarked no later than September 14, 1981, for the proposed national emission standard for benzene fugitive emissions and August 10, 1981, for the proposed national emission standard for benzene emissions from benzene storage vessels. Written comments responding to, supplementing, or rebutting written or oral comments received at the public hearing must be postmarked no later than September 14, 1981, and August 10, 1981, for the proposed benzene fugitive and benzene storage emission standards, respectively.

ADDRESSES: Comments on the proposed standard for bezene fugitive emissions should be submitted (in duplicate if possible) to: Central Docket Section (A–130), Attention: Docket Number A–79–27, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460.

Comments on the proposed standard for benzene emissions from benzene storage vessels should be submitted (in duplicate if possible) to: Central Docket Section (A–130), Attention: Docket Number A–80–14, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Ms. Susan Wyatt, Emission Standards and Engineering Division (MD–13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, (919) 541–5578.

SUPPLEMENTARY INFORMATION: EPA received a request to extend the public comment periods for the two proposed standards because the public hearing for

the proposed benzene fugitive emissions standard was close to the end of the comment period for the proposed benzene storage vessels standard. The comment periods for the proposed standards were extended, therefore, in order to provide an opportunity for more meaningful public participation in the proposed rulemaking.

Dated: June 18, 1981.

Edward F. Tuerk,

Acting Assistant Administrator.

[FR Doc. 81-18623 Filed 6-23-81; 8:45 am]

BILLING CODE 6560-26-M

OFFICE OF MANAGEMENT AND BUDGET

Office of Federal Procurement Policy

48 CFR Parts 4, 8, and 47

Administrative Matters, Required Sources of Supplies and Services, and Transportation

AGENCY: Office of Federal Procurement Policy, Office of Management and Budget.

ACTION: Notice of Availability and request for comment on draft Federal Acquisition Regulation.

SUMMARY: The Office of Federal Procurement Policy is making available for public and Government agency review and comment a segment of the draft Federal Acquisition Regulation (FAR) regarding contract files, required sources of supplies and services, and air transportation by U.S.-flag carriers.[1] Availability of additional segments for comment will be announced on later dates. The FAR is being developed to replace the current system of procurement regulations.

DATE: Comments must be received on or before August 7, 1981.

[1] Filed with the Office of the Federal Register as part of the original document.

ADDRESS: Obtain copies of the draft regulation from and submit comments to William Maraist, Assistant Administrator for Regulations, Office of Federal Procurement Policy, 726 Jackson Place, N.W., Room 9025, Washington, D.C. 20503. Federal agency requests must be directed to the FAR Agency Contact Point (see **Federal Register**, Vol. 46, No. 50, March 16, 1981, p. 16918 for list).

FOR FURTHER INFORMATION CONTACT: William Maraist (202) 395-3300.

SUPPLEMENTARY INFORMATION: The fundamental purposes of the FAR are to reduce proliferation of regulations; to eliminate conflicts and redundancies; and to provide an acquisition regulation that is simple, clear and understandable. The intent is not to create new policy. However, because new policies may arise concurrently with the FAR project, the notice of availability of draft regulations will summarize the section or part available for review and describe any new policies therein.

The following parts of the draft Federal Acquisition Regulation are available upon request for public and Government agency review and comment.

PART 4—ADMINISTRATIVE MATTERS

Subpart 4.8—Contract Files

This subpart prescribes requirements for the establishment, maintenance, and disposition of contract files. The coverage is based on Supplement 2 to the Defense Acquisition Regulation (DAR) and on the content of three Department of Defense forms: DD Form 1593, "Contract Administration Completion Record"; DD Form 1594, "Contract Completion Statement"; and DD Form 1597 "Contract Closeout Check-list."

The proposed procedures are consistent with those in DAR Supplement 2. However, the FAR coverage applies to *all* contracts, including small purchases, providing special procedures for handling small purchase files. This differs from DAR S2-100, which makes Supplement 2 optional for small purchases.

PART 8—REQUIRED SOURCES OF SUPPLIES AND SERVICES

The introduction to part 8 is presented in §§ 8.000, 8.001, and 8.002. The coverage, based on the Federal Property Management Regulation (FPMR) 101-26.107, specifies priorities established in the FPMR for the use of Government supply sources. It is intended to assist contracting officers, so they will not inadvertently contract for items that are available from required Government sources.

PART 47—TRANSPORTATION

Subpart 47.4—Air Transportation by U.S.-Flag Carriers

This subpart provides guidelines and prescribes procedures for implementing Section V of the International Air Transportation Fair Competitive Practices Act of 1974 (49 U.S.C. 1517). The "Fly America Act", as it is referred to, requires all Federal agencies and Government contractors and subcontractors to use U.S.-flag air carriers for international air transportation, to the extent service by these carriers is available.

The coverage is based on DAR 1-336, Federal Procurement Regulation (FPR)1-1.323, and revised guidelines issued by the Comptroller General of the United States on March 31, 1981. The proposed FAR text closely follows the Comptroller General's guidelines.

Dated: June 15, 1981.

LeRoy J. Haugh,

Associate Administrator for Regulatory Policies and Practices.

[FR Doc. 81-18621 Filed 6-23-81; 8:45 am]

BILLING CODE 3110-01-M

Notices

Federal Register
Vol. 46, No. 121
Wednesday, June 24, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

CIVIL AERONAUTICS BOARD

[Order 81-6-130; Docket 39710]

United Air Lines, Inc. Against the Japan Civil Aeronautics Bureau and Japan Air Lines Co., Ltd.; Order

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 18th day of June, 1981.

On June 15, 1981, United Air Lines, Inc. (United) filed a complaint in Docket 39710 against the Japan Civil Aeronautics Bureau (JCAB) and Japan Air Lines Co., Ltd. (JAL), the Japanese flag carrier. The complaint states that the JCAB has unreasonably denied United the necessary authority to provide air service between the U.S. points, Seattle and Portland, and Tokyo, in violation of the United States-Japan Civil Air Transport Agreement (Agreement), as amended. United states that the action of the JCAB warrants remedial action under sections 9 and 23 of the International Air Transportation Competition Act of 1979 (IATCA). United urges the Board expeditiously and without oral hearings to initiate sanctions against JAL designed to cause the JCAB to grant full operating rights between Narita Airport and Seattle and Portland.

The essence of United's complaint is that the JCAB has steadfastly refused to permit United to operate between Seattle/Portland and Tokyo even though it is clearly allowed to do so under the terms of the Agreement, as amended, and has been designated by the United States to provide this service. United states that it has qualified to do business in Japan under Japanese law, and has or can quickly obtain the necessary fuel and ground support facilities at Narita Airport to handle its daily round trip flight. The carrier states that it has the necessary aircraft in its fleet to provide the service and the necessary ground support facilities in Seattle and Portland to fly to Japan. The carrier also states that it has timely filed the necessary license application and tariffs with the JCAB. All that is necessary, therefore, to inaugurate service is the approval of the JCAB. The JCAB, however, according to United, has refused to approve United's application in violation of the Agreement, even though the Board found almost three years ago that United's service between Seattle/Portland and Tokyo would provide great benefits to the American and Japanese public, including the promise of low fares. United alleges that the JCAB therefore is wrongfully preventing United from beginning its service and urges the Board to take prompt action under IATCA. As an initial sanction, United recommends the suspension of JAL's operating privileges between Tokyo and New York via Anchorage until the JCAB grants United's landing rights.

The Board's authority to consider and dispose of complaints filed under sections 9 and 23 of IATCA is discussed in Orders 80-7-144 and 80-9-25 and need not be repeated in detail here. For present purposes we note that IATCA increases our ability to deal with allegations of unfairly restrictive and discriminatory practices by foreign governments and foreign air carriers by giving us powers to respond quickly to such governments and foreign air carriers by giving us powers to respond quickly to such practices. For example, under section 402 of the Federal Aviation Act and section 2 of the International Air Transportation Fair Competitive Practices Act (IATFCPA) (which were both amended by IATCA), we may deny, alter, amend, modify, suspend, cancel, limit or condition any foreign air carrier permit or tariff if we find such action to be in the public interest. These statutory provisions also authorize the Board to act without any hearing or to dispense with oral evidentiary hearings and base its decision on written evidence and arguments submitted by interested parties in appropriate circumstances. Furthermore, to ensure that complaints filed under the new legislation receive prompt attention, section 2 of the IATFCPA provides that the Board shall approve, deny, dismiss or set a complaint for hearing, or institute other proceedings proposing remedial action, within 60 days after receipt of the complaint. We may extend the period for taking action in increments of 30 days up to 180 days, if we conclude that it is likely that the complaint can be satisfactorily resolved through negotiations.

With these considerations in mind, we have decided to invite all interested persons, to answer the complaint of United in this docket. Answers shall include all data, evidence, and argument upon which persons rely to support their position, and cover all substantive and procedural issues they wish the Board to consider. We will also provide an opportunity to reply to the answers.

Answers shall be filed no later than 20 days from the service date of this order, and replies no later than 10 days from the answer date.[1]

After receipt and consideration of these pleadings and any evidence submitted, we will issue a further order in this proceeding. As indicated above, we may either provide for further procedures, defer action for 30 days, or grant, dismiss, or deny the complaint in whole or in part.

Accordingly,

1. We invite any interested person to file and serve upon persons named in paragraph 3, below, no later than July 8, 1981, answers to the complaint of United Air Lines, Inc. in Docket 39710. If comments are filed, replies may be filed and must be served as above, not later than July 20, 1981;

2. If timely and properly supported requests are filed, we will give consideration to the matters and issues raised by the requests before we take further action, provided that we may order further procedures within the statutorily determined time period; and

3. We shall serve this order upon United Air Lines, Inc., Japan Air Lines Co., Ltd., the Ambassador of Japan in Washington, D.C., the Departments of State and Transportation, the Governors of Oregon and Washington, and the Mayors of Portland, Oregon and Seattle, Washington.

We shall publish this order in the **Federal Register.**

[1] We delegate to the Director, Bureau of International Aviation, the authority to dispose of all procedural questions arising in this proceeding, except for requests for oral evidentiary hearings, until further Board order.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,[2]

Secretary.

[FR Doc. 81-18060 Filed 6-23-81; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

Bureau of the Census

Estimates of Cubans and Haitians Who Entered the United States Between April 1, 1980 and October 1, 1980

In accordance with the requirements of Executive Order 12256, (published in the **Federal Register**, December 18, 1980) notice is hereby given that the estimates by substate area of the total number of Cuban and Haitian immigrants who entered the United States between April 1, 1980 and September 30, 1980, and who reside in areas having at least 50 such immigrants are as shown in the following table. For the purpose of these estimates, the term "immigrants" excludes those Cuban and Haitian entrants who, as of September 30, 1980, had not been processed and released from camps or detention centers. These estimates were prepared using more complete information than that available at the time when estimates for states were first published in the **Federal Register** on February 4, 1981.

Excutive Order 12256 requires that all departments and agencies of the Executive Branch utilize these estimates for all formulas affecting the allocation of funds in the administration of laws distributing benefits according to population or other population characteristics, unless such utilization would be contrary to law.

Estimates of Cuban and Haitian Entrants and Immigrants Who Entered the United States Between Apr. 1, 1980, and Sept. 30, 1980, by State and Substate Area

[Jurisdictions with less than 50 such persons excluded]

State, County, and Place	Number (rounded to tens)
United States	132,080
Alabama	110
Arizona	150
Maricopa County	80
Pima County	70
Tucson	50
Arkansas	290
Sebastian County	160
Fort Smith	130
California	4,850
Alameda County	120
Oakland	50
Los Angeles County	3,270
Alhambra	50
Bell	160
Culver City	50
Downey	60

[2] All Members concurred.

Estimates of Cuban and Haitian Entrants and Immigrants Who Entered the United States Between Apr. 1, 1980, and Sept. 30, 1980, by State and Substate Area—Continued

[Jurisdictions with less than 50 such persons excluded]

State, County, and Place	Number (rounded to tens)
Glendale	130
Hawthorne	100
Huntington Park	160
Inglewood	80
Long Beach	50
Los Angeles	1,530
Pasadena	50
South Gate	100
Torrance	50
Orange County	320
Anaheim	70
Santa Ana	60
Riverside County	60
Sacramento County	70
Sacramento	60
San Bernardino County	100
San Bernardino	50
San Diego County	190
San Diego	120
San Francisco County	220
San Francisco	220
San Mateo County	70
Santa Clara County	160
San Jose	80
Santa Clara	50
Colorado	100
Arapahoe County	50
Connecticut	330
Fairfield County	200
Bridgeport	120
Hartford County	110
Hartford	80
District of Columbia	330
Florida	99,610
Broward County	1,780
Deefield Beach	70
Fort Lauderdale	780
Hollywood	290
Pompano Beach	330
Collier County	190
Naples	60
Dade County	92,030
Coral Gables	600
Hialeah	18,020
Homestead	140
Medley	50
Miami Beach	1,090
Miami	53,130
Miami Shores	100
Miami Springs	80
North Miami Beach	90
North Miami	310
Opalocka	440
South Miami	220
Sweetwater	170
West Miami	140
Duval County	100
Jacksonville	100
Escambia County	60
Hillsborough County	1,580
Tampa	1,140
Monroe County	540
Key West	360
Okaloosa County	160
Fort Walton Beach	60
Orange County	440
Orlando	260
Palm Beach County	2,090
Belle Glade	710
Boca Raton	70
Delray Beach	310
Lake Worth	120
West Palm Beach	500
Pinellas County	90
Polk County	50
Sarasota County	70
Sarasota	50
Georgia	390
Atlanta	180
DeKalb County	100
Fulton County	180
Atlanta (Part)	160
Illinois	1,730

Estimates of Cuban and Haitian Entrants and Immigrants Who Entered the United States Between Apr. 1, 1980, and Sept. 30, 1980, by State and Substate Area—Continued

[Jurisdictions with less than 50 such persons excluded]

State, County, and Place	Number (rounded to tens)
Chicago	1,400
Cook County	1,580
Chicago (Part)	1,400
Proviso Township	90
Dupage County	50
Indiana	120
Iowa	50
Kansas	150
Sedgwick County	80
Wichita	60
Louisiana	770
East Baton Rouge Parish	50
Baton Rouge Metro	50
Jefferson Parish	220
Kenner	90
Orleans Parish	400
New Orleans	400
Maryland	310
Montgomery County	150
Prince George's County	70
Massachusetts	680
Essex County	60
Lawrence	50
Middlesex County	70
Suffolk County	480
Boston	480
Michigan	240
Wayne County	70
Detroit	60
Minnesota	330
Hennepin County	90
Minneapolis	70
Ramsey County	130
St. Paul	130
Missouri	140
Nebraska	90
Nevada	370
Clark County	360
Las Vegas	270
New Jersey	7,860
Bergen County	190
Essex County	820
East Orange	60
Newark	790
Hudson County	4,520
Guttenberg	70
Harrison	60
Hoboken	90
Jersey City	210
North Bergen Township	290
Union City	2,080
Weehawken Township	190
West New York	1,480
Mercer County	80
Trenton	50
Middlesex County	270
Perth Amboy	160
Monmouth County	60
Morris County	50
Ocean County	90
Long Beach Township	70
Passaic County	340
Passaic	140
Paterson	170
Union County	1,230
Elizabeth	1,110
New Mexico	220
Bernalillo County	150
Albuquerque	130
New York	8,170
New York	7,190
Bronx County	990
New York (Part)	990
Kings County	2,230
New York (Part)	2,230
Monroe County	100
Rochester	70
Nassau County	270
Hempstead Town	220
Freeport	70
New York County	2,520
New York (Part)	2,520
Queens County	1,430

Estimates of Cuban and Haitian Entrants and Immigrants Who Entered the United States Between Apr. 1, 1980, and Sept. 30, 1980, by State and Substate Area— Continued

(Jurisdictions with less than 50 such persons excluded)

State, County, and Place	Number (rounded to tens)
New York (Part)	1,430
Westchester County	370
Greenburgh Town	70
Tarrytown	60
Rye Town	90
Portchester	90
Yonkers	130
North Carolina	80
Ohio	160
Cuyahoga County	50
Oklahoma	300
Tulsa	90
Oklahoma County	50
Tulsa County	100
Tulsa (Part)	90
Oregon	180
Portland	130
Multnomah County	140
Portland (Part)	130
Pennsylvania	990
Berks County	50
Dauphin County	220
Harrisburg	130
Lancaster County	150
Lancaster	90
Lebanon County	80
Lebanon	50
Lehigh County	60
Allentown	50
Philadelphia County	190
Philadelphia	190
Tennessee	120
Davidson County	60
Nashville-Davidson	60
Texas	1,410
Dallas	180
Houston	270
Bexar County	70
San Antonio	60
Dallas County	230
Dallas (Part)	180
Harris County	400
Houston (Part)	270
Nueces County	50
Corpus Christi	50
Tarrant County	220
Fort Worth	60
Hurst	140
Utah	80
Virginia	220
Arlington County	70
Fairfax County	50
Washington	70
Wisconsin	860
Milwaukee	140
Dane County	90
Madison	80
Grant County	90
La Crosse County	80
La Crosse	50
Milwaukee County	170
Milwaukee (Part)	140
Monroe County	90

Sources and Methodology

The group specified in Executive Order 12256, "legal immigrants from Cuba or Haiti who arrived between April 1, 1980, and September 30 1980" is composed of four distinct groups. They are: Cubans who arrived as refugees and were later designated Cuban "entrants", Haitians who arrived as refugees and were later designated Haitian "entrants", persons from Cuba admitted as permanent resident aliens, and persons from Haiti admitted as permanent resident aliens. "Entrant" is the status specially created for the Cubans and Haitians who arrived without prior documentation. Entrants were admitted for a 6-month parole period (recently extended to July 15, 1981). The status of permanent resident alien is conferred upon a limited number of people who meet strict requirements and allows them to live in the United States permanently. Sources and methodology differed among these subgroups.

Cuban entrants. The Cuban-Haitian Task Force provided a computer file on Cuban entrants, including information on date of entry, age, sex, camp or processing center, sponsor's address, and relative's address, if any. All persons who entered the United States and were resettled between April 1, 1980 and September 30, 1980 and who were not institutionalized in hospital or prisons were included. Coding of the sponsor's (or, if none, the relative's) address to state, county, minor civil division (MCD), and/or place was done using the same geographic coding system as is used in preparing the population and income estimates for the general revenue sharing program.

This geographic coding procedure was developed using 1975 Federal income tax records which included information on governmental unit of residence in addition to filer's mailing address. The geographic coding guide which cross-references this information permits the statistical assignment of the governmental unit in which the person is living using street address, mailing state, and zip code. In cases where the address was incomplete, each person was distributed to an area based on the information available and the geographic distribution of persons having complete addresses. In cases where the address was missing altogether, persons were distributed proportionally between Miami and Hialeah, Florida. This was done because most of those with no address were among the first to enter the United States and were released to family members in the Miami area. Once the geographic codes are assigned, totals for individual places, MCD's counties, and states were computed. A final step involved a slight adjustment to make the state total agree with the distribution of resettled Cuban entrants by state which the Cuban-Haitian Task Force had computed for November 1, 1980.

Haitian entrants. Information on Haitian entrants was supplied by the Cuban-Haitian Task Force based on Immigration and Naturalization Service (INS) files from the Miami district office and the records of various resettlement agencies. After excluding persons who entered before April 1, 1980 or after September 30, 1980 and those still in detention centers, geographic coding of sponsors' or family members' address was done. Those without addresses or with incomplete addresses were assigned codes based on the geographic distribution of all others. State, county, MCD, and place totals were computed.

Cuban permanent resident aliens. The number of Cubans admitted as permanent resident aliens between April 1, 1980 and September 30, 1980 is not currently available from the Immigration and Naturlization Service. After examing INS data on Cubans admitted for permanent residence (less those adjusting to that status) for fiscal years 1977, 1978, and 1979, it was estimated that approximately 2,500 Cubans were admitted as permanent resident aliens during the six months after April 1, 1980. These Cubans were distributed to geographic areas using the distribution of Cuban entrants.

Haitian permanent resident aliens. An estimated 3,200 Haitians entered as permanent resident aliens between April 1 and September 30 of 1980, based on an extrapolation of INS data for fiscal years 1977–79. Analysis of the addresses of Haitian aliens who reported to INS in January of 1979 suggests much greater dispersion of Haitians admitted as permanent resident aliens than of those admitted as entrants. Therefore, the distribution by state of Haitians admitted as permanent resident aliens was assumed to be the same as Haitian aliens who filed I–53 forms (Alien Address Reports) in January of 1979. Substate distributions of Haitian entrants were used to allocate Haitian permanent resident aliens to counties, MCDs, and places.

The final step involved summing the four groups for each geographic area and selecting those with 50 or more Cubans and Haitians.

Dated June 18, 1981.

Daniel B. Levine,

Acting Director Bureau of the Census.

[FR Doc. 81-18588 Filed 6-23-81; 8:45 am]

BILLING CODE 3510-07-M

International Trade Administration

Importers and Retailers' Textile Advisory Committee; Public Meeting

AGENCY: International Trade Administration, Department of Commerce.

SUMMARY: The Secretary of Commerce established the Importers and Retailers' Textile Advisory Committee on August 13, 1963 to advise U.S. Government officials of the effects on import markets of cotton, wool and man-made fiber textile agreements.

TIME AND PLACE: July 9, 1981 at 10:30 a.m. The meeting will take place at the Main Commerce Building, Room 4830, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230. (Public entrance to the building is on 14th Street, between Constitution Avenue and E Street, N.W.).

AGENDA: (1) Review of import trends, (2) Implementation of textile agreements, (3) Report on conditions in the domestic market, (4) Other business.

PUBLIC PARTICIPATION: The meeting will be open to public participation to the extent time is available. The public may file written statements with the Committee before or after the meeting. Approximately 30 seats will be available for the public on a first-come, first-served basis.

FOR FURTHER INFORMATION CONTACT: Helen L. LeGrande, Office of the Deputy Assistant Secretary for Textiles and Apparel International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone: 202/377-3737.

DATED: June 19, 1981.

Paul T. O'Day,

Deputy Assistant Secretary for Textiles and Apparel.

[FR Doc. 81-18629 Filed 6-23-81; 8:45 am]

BILLING CODE 3510-25-M

Management-Labor Textile Advisory Committee; Public Meeting

AGENCY: International Trade Administration, Department of Commerce.

SUMMARY: The Management-Labor Textile Advisory Committee was established by the Secretary of Commerce on October 18, 1961 to advise U.S. Government officials on problems and conditions in the textile and apparel industry and furnish information on world trade in textiles and apparel.

TIME AND PLACE: July 9, 1981 at 1:30 p.m. This meeting will take place at the Main Commerce Building, Room 4830, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230. (Public entrance to the building is on 14th Street, between Constitution Avenue and E Street, N.W.).

AGENDA: (1) Review of import trends, (2) Implementation of textile agreements, (3) Report on conditions in the domestic market, (4) Other business.

PUBLIC PARTICIPATION: The meeting will be open to public participation to the extent time is available. The public may file written statements with the Committee before or after the meeting. Approximately 30 seats will be available for the public on a first-come, first-served basis.

FOR FURTHER INFORMATION CONTACT: Helen L. LeGrande, Office of the Deputy Assistant Secretary for Textiles and Apparel, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone 202/377-3737.

DATED: June 19, 1981.

Paul T. O'Day,

Deputy Assistant Secretary for Textiles and Apparel.

[FR Doc. 81-18630 Filed 6-25-81; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

Hubbs-Sea World Research Institute; Modification

Notice is hereby given that pursuant to the provisions of Sections 216.33 (d) and (e) of the regulations governing the taking and importing of marine mammals (50 CFR 216), the Scientific Research Permit No. 243, issued to Hubbs-Sea World Research Institute, 1700 South Shores Road, Mission Bay, San Diego, California 92109, is modified as follows:

1. Section B-7 is deleted and replaced by:

"7. This Permit is valid with respect to the taking and importing authorized herein until December 31, 1981."

This modification is effective on July 1, 1981.

The Permit as modified and documentation pertaining to the modification is available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C. 20235;

Regional Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, California 90731;

Regional Director, Southeast Region, National Marine Fisheries Service, 9450 Koger Boulevard, St. Petersburg, Florida; and

Regional Director, Northeast Region, National Marine Fisheries Service, 14 Elm Street, Federal Building, Gloucester, Massachusetts 01930.

Dated: June 16, 1981.

Richard B. Roe,

Acting Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.

[FR Doc. 81-18570 Filed 6-23-81; 8:45 am]

BILLING CODE 3510-23-M

Receipt of Application for Permit

Notice is hereby given that an Applicant has applied in due form for a Permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

1. Applicant:

a. Name Southwest Fisheries Center (P77W).

b. Address National Marine Fisheries Service, NOAA, P.O. Box 271, La Jolla, California 92038.

2. Type of Permit Scientific Research.

3. Name and Number of Animals: California sea lions (*Zalophus californianus*)—1600.

4. Type of Take: Capture tag/mark and release sea lions of both sexes pups adults and subadults. Capture by hoop nets and drug immobilization. Up to 80 sea lions will be experimentally hair clipped or branded in addition to being tagged.

5. Location of Activity: Channel Islands, California.

6. Period of Activity: 3 years.

Concurrent with the publication of this notice in the **Federal Register**, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, Washington, D.C. 20235, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following offices;

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300

Whitehaven Street, NW., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: June 18, 1981.

Richard B. Roe, *Acting Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.*

[FR Doc. 81-18571 Filed 6-23-81; 8:45 am]
BILLING CODE 3510-22-M

DEPARTMENT OF DEFENSE

Department of the Air Force

Procedures for the Disbursement, Use, and Management of Certain M-X Community Planning Funds

Pursuant to the public information requirements of 5 U.S.C. 552(a)(1) notice is hereby given of procedures for the disbursement, use and management of M-X community planning funds authorized to be appropriated under Section 801 of Pub. L. 96-418. The following Memorandum of Agreement among the Office of the Secretary of Defense, the U.S. Air Force and the Four Corners Regional Commission provides background, authority, funds expenditure guidelines and responsibilities.

MEMORANDUM OF AGREEMENT AMONG THE OFFICE OF THE SECRETARY OF DEFENSE, THE U.S. AIR FORCE AND THE FOUR CORNERS REGIONAL COMMISSION FOR ADMINISTRATION OF COMMUNITY PLANNING FUNDS, FY 1981

I. Background

The Department of Defense (DOD) is developing a new missile system (M-X) which may include major installations in several geographic locations. Primary responsibility for the design, development and operation of the M-X program is vested in the Air Force. Its successful completion, however, is dependent upon the cooperation of various local, regional and state government organizations and the support of other federal agencies. The Secretary of Defense has determined that the President's Economic Adjustment Committee, which he chairs, will be used to achieve effective federal interagency and intergovernmental coordination. This Agreement provides procedures and delineates the responsibilities of the Office of the Secretary of Defense (OSD), the Air Force, and the Four Corners Regional Commission (FCRC) with respect to the disbursement, use, and management of funds authorized to be appropriated under Section 801 of Public Law 96-418.

II. Authority

Section 801 of Public Law 96-418 (DOD Military Construction Authorization Act, FY 1981) authorizes the Secretary of Defense to provide $5,000,000 in community planning funds during Fiscal Year 1981 to assist communities near potential M-X weapon system sites that would be most directly affected by M-X deployment.

III. Guidelines for Expenditure of Funds

A. General Criteria

1. The funds provided under this agreement shall be used exclusively for the development of comprehensive plans, including the basic elements of such plans described in 42 U.S.C. 4201(9), for the benefit of the states and local communities directly affected by the deployment of the M-X system, to prepare them for the potential impacts and to plan for mitigating those impacts to the maximum extent possible. The plans shall be developed in coordination with the Secretary of Defense and the Department of the Air Force and shall serve as the basis for the extended community impact program identified in Section 802 of Public Law 96-418 and draw on the experience of the U.S. Navy in Bangor, Washington, in the community impact program developed for that small rural community.

2. Comprehensive plans prepared under this agreement shall include, in addition to the basic elements of such plans described in 42 U.S.C. 4201(9), all elements required to be addressed under the applicable provisions of state statues and regulations pertaining to planning and preparation of comprehensive plans for the respective states. The FCRC will provide to the Air Force copies of the more pertinent state enactments, and the Air Force will provide to the FCRC a listing of the plan elements of particular concern and interest to the Air Force.

B. Allocations and Restrictions

1. Of the $5 million appropriated, $1 million will be held in reserve and $4 million will be distributed as follows: $2.5 million to Nevada and $1.5 million to Utah.

2. The funds allocated to each state will be distributed 60 percent to local governments and 40 percent to state governments. All funds shall be awarded in accordance with the direction of the respective Nevada and Utah M-X Intergovernmental Working Groups and expended in accordance with the comprehensive work programs approved by the respresentative state M-X Intergovernmental Working Groups.

3. The first fiscal quarter funds ($625,000 for Nevada and $375,000 for Utah) shall be provided to the recognized grantees through the Four Corners Regional Commission immediately following execution of this agreement. The recognized grantees are those entities authorized to develop and submit comprehensive work programs for approval by the appropriate state M-X Intergovernmental Working Group. These funds shall be used in accordance with the requirements set forth herein.

4. Remaining funds shall be made available upon sbmission to the Secretary of Defense, or his designee, of the comprehensive work programs approved respectively by the Nevada and Utah Intergovernmental Working Groups. Such funds shall be disbursed by Four Corners Regional Commission on a quarterly basis.

5. The comprehensive work program shall include, at a minimum, the elements described in Attachment 1, appended hereto and made a part hereof.

6. The comprehensive work program shall avoid duplication of efforts by other federal agencies and take advantage of completed on-going work through close coordination with DOD and other federal agency planning efforts. The work program shall be specific for Fiscal Year 1981; however where appropriate it shall also describe the general planning process to be undertaken through 1990 to address the elements specified in Paragraph III.A.2.

7. Grants funds may be used for preparation of the comprehensive work program and should reflect close coordination with DOD and other federal planning efforts.

8. No part of the funds shall be used to:

a. Conduct public affairs activities and, in particular, to influence public opinion either for or against the M-X program. However, this shall not preclude the publication of legal notices, conduct of public hearings or other acts authorized or required to be performed pursuant to applicable federal, state or local law pertaining to comprehensive planning for M-X mitigation; or the routine exchange or provision of available information pertaining to comprehensive planning for M-X mitigation to any member of the public or any public official, whether appointed or elected.

b. Pay for travel not directly related to the preparation of the program/plans, such as that related to public affairs activities, and in no case, for first class travel.

c. Review or reevaluate any environmental impact statements or portions thereof; prepare any counter or substitute M–X environmental impact statement; and/or collect data or conduct analyses for the purpose of supporting litigation against any environmental impact statement. This shall not preclude the review of any environmental impact statement for purposes of providing information and comments to the Air Force intended to improve any environmental impact statement as a basis for comprehensive planning or for purposes of obtaining and using the information contained therein in developing the work programs and comprehensive plans referred to in this agreement.

d. Participate in or support, directly or indirectly, any litigation of any kind against the Federal Government; or prepare or conduct any studies or analyses or collect data for the purpose of supporting such litigation.

e. Pay, through salary, contract, fee, or any combination thereof, any person involved in this planning in excess of the amount specified in law for a GS–18 federal employee.

C. Administration, Review and Audit

1. The grant funds provided under this agreement shall be administered in accordance with applicable federal laws and regulations and sound management practices.

2. The comprehensive work programs and plans and other work products shall be subject to Air Force review for adequacy for the purpose of assisting the Secretary of Defense in advising the Appropriations Committees of the Congress as to his views concerning the adequacy of these plans, and these views will be included with the budget requests from the Administration for impact assistance funds. The Air Force will provide the review criteria to the FCRC within 45 days of execution of this agreement.

3. The grant funds provided under this agreement shall be subject to audit, in accordance with established procedures, by the Secretary of the Air Force or his designee.

IV. Responsibilities

A. The Secretary of Defense or his designee shall:

1. Notify the Four Corners Regional Commission of DOD's receipt of each of the Intergovernmental Working Groups approved comprehensive work programs.

2. Review the comprehensive work programs and resulting plans to insure their integration with the Economic Adjustment Program being conducted under the provisions of Executive Order 12049.

B. The Secretary of the Air Force or his designee shall:

1. Designate a representative(s) to whom inquiries, requests, reports and products shall be forwarded by Four Corners Regional Commission.

2. Review and evaluate the comprehensive work programs, comprehensive plans, other work products, and quarterly reports for quantifiable objectives, products and time schedules.

3. Review and evaluate comprehensive plan elements in accordance with the elements required to be included pursuant to Paragraph III.A.2. and the criteria to be provided by the Air Force referred to in Paragraph III.C.2. of this agreement.

4. Coordinate the approved comprehensive work programs with the Air Force's planning activities.

5. Submit comprehensive plans resulting from the approved comprehensive work programs for review and comment to other Federal agencies through appropriate Federal Regional Council Economic Adjustment Committee M–X Task Forces.

6. Notify Congress quarterly (on behalf of the Secretary of Defense) on the status of funds and annually with budget request, on the adequacy of plans prepared with the funds. Report the results of reviews conducted in accordance with Paragraphs III.C.2. and IV.B.3. of this agreement as required.

7. Provide Four Corners Regional Commission with comments as necessary and appropriate, with respect to the quarterly reports submitted by FCRC pursuant to the provisions of Paragraph IV.C.15.

8. Audit the grant in accordance with established procedures, and provide detailed audit requirements, procedures and schedules. The audit may, however, be carried out by the Department of Commerce pursuant to separate agreement between the Air Force and Department of Commerce.

C. The Four Corners Regional Commission shall:

1. Disburse the funds in accordance with Section III. of this agreement.

2. Provide the Air Force and the state M–X Intergovernmental Working Groups within 30 days of execution of this agreement with a Four Corners Regional Commission "category" budget. Provide the Air Force and the state M–X Intergovernmental Working Groups with monthly expenditure reports.

3. Administer the funds in accordance with the applicable provisions of Chapter V of Title 13, Code of Federal Regulations (CFR) and in particular, Parts 520, 540, and 581 thereof, its standard fiscal management and accounting practices and procedures, and other applicable federal laws and regulations.

4. Require that all grants and contracts provide for compliance with applicable federal costs principles and administrative requirements.

5. Require that all procurement actions be conducted in compliance with the provisions of 13 CFR Part 540, other applicable Department of Commerce regulations and the FCRC Operating Procedures Manual, particularly with respect to competitive bids, sole-source justification and cost/price analysis. Submit sole source justifications for any contract in excess of $100,000 to the Air Force for prior approval.

6. Coordinate, or require the coordination of, any contract in excess of $100,000 with the appropriate state M–X Intergovernmental Working Group.

7. Require that the comprehensive plans resulting from the approved comprehensive work programs be submitted for review and comment to the respective state M–X Intergovernmental Working Group and processed through the OMB Circular A–95 process.

8. Require compliance with the provisions of OMB Circular A–95 and the provisions of the National Environmental Policy Act ("NEPA"), 42 U.S.C. 4321, *et seq.*, as implemented by the Council on Environmental Quality regulations, 40 CFR Parts 1500–1508.

9. Establish programmatic and fiscal monitoring procedures that require that those funds provided hereunder are used in accordance with this agreement and approved comprehensive work programs. Report any significant deviations or changes requests to the Air Force immediately in accordance with existing standard FCRC procedures.

10. Require that established Department of Commerce and FCRC federal travel procedures be used, all travel vouchers be approved by appropriate authority and costs claimed in excess of maximum approved rates be disallowed. All travel shall be in accordance with the applicable provisions of 13 CFR Part 540. Requests for exceptions to standard federal travel

procedures shall be submitted to the Air Force for prior approval.

11. Upon request of the Air Force, provide testimony before Congress regarding administration of the funds. Receive and review quarterly progress reports from state and local grantees which shall specifically include at a minimum the following:

a. Grantee's assessments of success and/or problems encountered.

b. Status of each activity or element specified in the comprehensive work program.

c. The amounts expended by the grantee by cost category in accordance with DOD Form 212.

d. Products resulting from use of the grant funds.

13. Keep and require the grantees and contractors to keep such records as will fully disclose the amount and disposition of the total budgeted funds, the purposes of the undertaking for which such funds were used, and such other records as may be necessary. Records pertaining to the expenditures of federal funds should be preserved for a period of not less than three years following disbursement of funds. The Secretary of the Air Force or his designee shall have access, for the purpose of audit and examination, to any pertinent books, documents, papers and records of the Commission and the grantees relating to expenditures of the grant funds that will facilitate an effective audit.

14. Cooperate and require grantees and contractors to cooperate in any audit of the grant funds by the Air Force or its designee. Such audits may be conducted quarterly, semiannually or annually at the option of the Air Force. Detailed audit requirements, procedures and schedules will be provided by the Air Force.

15. Prepare and transmit quarterly reports to the Air Force, which shall include at a minimum the following:

a. Estimated amounts expended by grantees and contractors by activity or product.

b. An analysis of the consistency of expenditures with the approved comprehensive work programs in relation to the tasks set forth therein; and comments, as necessary and appropriate, with respect to the products completed during the previous quarter and the progress of the development of the comprehensive plans to date.

c. Ten (10) copies of all grantees reports.

d. Thirty (30) copies of all products resulting from the grant funds.

e. Statement of acknowledgement by the Commission that:

(1) the grant funds have been disbursed and administered in accordance with the provisions of this agreement and approved comprehensive work programs, the applicable provisions of Chapter V of Title 13, Code of Federal Regulations, the Commission's standard fiscal management and accounting practices and procedures and other applicable federal laws and regulations;

(2) the Commission has reviewed and analyzed the grantees' quarterly reports; and

(3) based on such review and analysis, and except as otherwise noted in the Commission's quarterly report, expenditures appear consistent with the approved comprehensive work programs and funds appear to have been used in accordance with the provisions of Section III of the agreement.

16. Upon request of the Air Force, provide any additional available information or documentation relevant to the statement made in Paragraph IV.C.15.e.

Feb. 3, 1981.

Joe Meis,

Office of the Secretary of the Air Force.

Feb. 4, 1981.

Robert A. Stone,

Office of the Secretary of Defense.

Feb. 6, 1981.

Gary Blakeley,

Federal Co-Chairman, Four Corners Regional Commission.

Feb. 7, 1981.

Bruce King,

State Co-Chairman, Four Corners Regional Commission.

Comprehensive Work Program Elements

The comprehensive work program shall contain at a minimum:

a. Coverage of the major planning issues.

b. A description of quantifiable objectives.

c. A description of products and the schedule on which they will be produced.

d. A detailed description and time schedule of the planning activities to be undertaken and how related work tasks will be accomplished.

e. A description of how coordination will be effected among the various planning activities at all levels of government—local, state and federal—to insure that an integrated planning process is developed.

f. A detailed budget.

g. Any additional work program items required to be submitted by grantees relative to Federal grant funds being administered under other FCRC programs.

The Air Force point of contact for matters relating to this notice is Mr. Gary D. Vest, Environmental Division, Headquarters, U.S. Air Force/LEEV, telephone: 202 697-7799.

Carol M. Rose,

Air Force Federal Register Liaison Officer.

[FR Doc. 81-18518 Filed 6-23-81; 8:45 am]

BILLING CODE 3910-01-M

Department of the Army

Army Science Board; Closed Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following committee meeting:

Name of the committee: Army Science Board (ASB)

Dates of meeting: 28 July 1981

Place: The Pentagon, Washington, DC (exact location can be obtained by contacting the ASB, 697-9703)

Time: 0830-1700 hours, 28 July 1981 (Closed)

Proposed Agenda: The ASB 1981 Summer Study panel chairman will hold classified discussions and provide study progress reports to the study chairman on "Equipping the Army in 1990-2000". Specifically, items to be presented will provide information to address these Terms of Reference:

1. What existing and emerging technologies could be exploited to significantly enhance the fighting capability of Army forces in the 1990's with emphasis given to exploiting those technologies in which the United States excels.

2. In an era of decreasing potential military manpower, how might technology be applied to produce a more manpower-economical force structure with increased combat potential? Which technologies appear to offer the highest payoff in hardware/people trade offs?

3. Considering each level of Army forces (e.g., Division, Battalion) as a mission oriented system, what weapons, support, and netting C^3 contribute most to efficient, integrated combat capability with desired characteristics of deployability, survivability, flexibility, and sustainability?

This meeting will be closed to the public in accordance with Section 552b(c) of Title 5, U.S.C., specifically subparagraph (1) thereof. The classified and non-classified matters to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting.

Helen Pipon,

Administrative Officer.

[FR Doc. 81-18641 Filed 6-23-81; 8:45 am]

BILLING CODE 3710-08-M

DEPARTMENT OF EDUCATION

Community Education Program; Closing Date for Transmittal of Applications for Fiscal Year 1981,

AGENCY: Department of Education.

ACTION: Closing date for transmittal of applications for fiscal year 1981.

Applications are invited for new projects under the Community Education Program.

Authority for this program is contained in Title VIII of the revised Elementary and Secondary Education Act of 1965. (20 U.S.C. 3281).

Under this program the Secretary of Education is authorized to make grants to assist local educational agencies (LEAs), public agencies and non profit, private organizations (NPOs), including State educational agencies (SEAs), and institutions of higher education (IHEs) to support the costs of planning, establishing, expanding, and operating community education programs.

Closing date for transmittal of applications: An application for a grant must be mailed or hand delivered by July 27, 1981.

Applications delivered by mail: An application sent by mail must be addressed to the U.S. Department of Education, Application Control Center, Attention: 84.081, Washington, D.C. 20220.

An application must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the U.S. Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) a private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail. Each late applicant will be notified that its application will not be considered.

Application delivered by hand: An application that is hand delivered must be taken to the U.S. Department of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets, S.W., Washington, D.C.

The Application Control Center will accept a hand-delivered application between 8:00 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays, and Federal holidays.

An application that is hand delivered willnot be accepted after 4:30 p.m. on the closing date.

Program information: Information regarding funding categories and criteria for judging applications is contained in the community education program regulations (34 CFR Part 440, previously 45 CFR Part 163). Applicants are encouraged to submit projects designed to serve as exemplary models or which build an agency's long-range capacity to maintain community education. Discretionary grants will be made in the following categories:

(1) Grants to LEAs to plan, establish, expand and operate community education projects;

(2) Grants to SEAs to (a) conduct State-level activities for furthering community education, and (b) provide technical assistance to LEAs in the development of community education programs;

(3) Grants to other public agencies and nonprofit private organizations to promote more efficient use of school facilities and more effective delivery of social services; and

(4) Grants to IHEs to provide training to persons who are or will be engaged in community education programs.

Four separate competitions will be held so that applicants in each category compete only against similar applicants.

Applicants are encouraged to review the program regulations for a complete description of the nature of the program and authorized activities.

Available funds: An appropriation for the Community Education Program in FY 1981 to support new projects is $3,138,000. Of this amount it is expected that approximately $1,000,000 will be available for grants to LEAs, $1,138,000 for grants to SEAs, $500,000 to public agencies and nonprofit private organizations, and $500,000 for grants to IHEs. For your information, in FY 80, the average amounts of grants were: in the LEA category, $40,000; in the SEA category, $49,480; the NPO category, $55,555 and IHE category, $71,428. No Minimum or maximum amounts are set. These estimates do not bind the U.S. Department of Education except as may be required by the applicable statute and regulations.

All grants for this fiscal year will be new awards. A current grantee may apply for a new award on the same basis as an applicant not previously funded. Because of limited funding the Program encourages projects of one year in duration.

Under Section 815 of the Community Schools and Comprehensive Community Education Act, the grantee's share of the costs of grants is 20 percent for Fiscal Year 1981.

Application forms: Application forms and program information packages are expected to be ready for mailing by June 26, 1981. They may be obtained by writing to the Community Education Program, U.S. Department of Education (Room 5622, Regional Office Building 3), 400 Maryland Avenue, S.W., Washington D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. The Secretary stronly urges that the narrative portion of the application not exceed 50 pages in length. The Secretary further urges that applicants not submit information that is not requested.

Applicable regulations: Regulations applicable to this program include the following:

(a) Regulations governing the Community Education Program, 34 CFR Parts 440, 442, 443, and 444 (previously 45 CFR Parts 163, 163b, 163c, and 163d), published in the **Federal Register** on April 3, 1980.

(b) The education Department General Administrative Regulations (EDGAR) in 34 CFR Part 75 (Direct Grant Programs) and 34 CFR Part 77 (Definitions) (previously 45 CFR Parts 100a and 100c).

FOR FURTHER INFORMATION CONTACT:

Mr. Ron Castaldi, Director, Community Education Program, U.S. Department of Education (Room 5622, Regional Office Building 3), 400 Maryland Avenue, S.W., Washington, D.C. 20202, Telephone: (202) 245–0691.

(Catalog of Federal Domestic Assistance Number 84.081, Community Education Program)

Dated: June 18, 1981.

T. H. Bell,

Secretary of Education.

[FR Doc. 81-18649 Filed 6-23-81; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Voluntary Agreement and Plan of Action To Implement the International Energy Program; Meetings

In accordance with section 252(c)(1)(A)(i) of the Energy Policy and Conservation Act (42 U.S.C. 6272), notice is hereby provided of the following meetings:

I

A meeting of the Industry Advisory Board (IAB) to the International Energy Agency (IEA) will be held on June 30, 1981, at the offices of the IEA, 2 Rue Andre Pascal, Paris 16, France, beginning at 9:30 a.m. The purpose of this meeting is to permit attendance by representatives of the IAB at a meeting of the IEA Standing Group on Emergency Questions (SEQ) which is being held at Paris on that date.

The agenda for the meeting is under the control of the SEQ. It is expected that the following draft agenda will be followed:

1. Adoption of the draft agenda.
2. Summary record of the 37th meeting.
3. Monthly assessment: April, May, June.
4. Impact of oil market changes on the sharing system (draft of Governing Board paper).
5. Stocks-at-sea. Stocks-at-sea reporting.
6. Emergency Management Manual amendments:

—Dispute Settlement Centre sharing agreements;
—Insufficient data base for the Emergency Sharing System;
—Trade discrepencies;
(a) Proposal by *Ad Hoc* Group,
(b) IAB comments,
(c) Text of Emergency Management Manual amendment.

7. IEA Dispute Settlement Center:

—Approval of procedures for arbitration.

8. Inclusion of naphtha in the Emergency Reserve Obligation.
9. Testing of pricing in an emergency.
10. Demand restraint reviews: Belgium; Netherlands; Portugal; principles of bunker fuel demand restraint.
11. Data System:

—New reporting system to replace Questionnaires A/B (Report by SEQ *Ad Hoc* Data Group);
—Progress report by SEQ *Ad Hoc* Data Group on May 1981 meeting;
—Quarterly Oil Forecast;
—Base Period Final Consumption.

12. Data for Allocation System Test–4.
13. Any other business.
14. Future meeting dates.

II

A meeting of the IAB to the IEA will be held on July 1, 1981, at the offices of the IEA, 2 Rue Andre Pascal, Paris 16, France, beginning at 9:30 a.m. The agenda for the meeting is as follows:

1. Opening remarks.
2. Report by IEA Secretariat on June 3 and June 15, 1981, Governing Board meetings.
3. Application for legal clearance under Treaty of Rome.
4. Pricing in an emergency.
5. U.S. Plan of Action.
6. Principles of data reporting.
7. Report by IEA Secretariat on May/June supply/demand stock assessment and outlook for remainder of 1981.
8. Future work program and meeting schedule.

III

A meeting of the IEA Group of Reporting Companies will be held on July 1, 2, and 3, 1981, at the offices of the IEA, 2 Rue Andre Pascal, Paris 16, France, beginning at 9:00 a.m. on July 1. The purpose of this meeting is to permit attendance by representatives of some or all of the IEA Group of Reporting Companies at an IEA training course on emergency management measures that is being held in Paris on July 1, 2, and 3, 1981. The agenda for the meeting is under the control of the IEA Secretariat. The following draft agenda is expected to be followed:

1. Introductory remarks.
2. Organization and Objectives:

—Emergency Management Organization;
—Objectives of the Emergency Sharing System.

3. Legal Basis.
4. Background Data/Monitoring:

—Indigenous production, imports and supply;
—Demand and stock levels.

5. Data and Formats:

—Questionnaires A and B;
—Quarterly Oil Statistics and Monthly Oil Statistics;
—Quarterly Oil Forecast;
—*Ad Hoc* information procedure.

6. Stocks and Emergency Reserves:

—Definitions;
—Calculations;
—Industry stocks, stocks at sea, unavailable oil.

7. Activation:

—Steps in the trigger mechanism;
—General and selective triggers;
—Timing, finding, further action;
—Selective trigger.

8. Allocation:

—Calculation procedures.

9. Implementation of Allocation:

—Voluntary offers;
—Type I, II and III allocation.

10. National Emergency Sharing Organizations:

—Communication with Secretariat/ISAG and industry;
—Stock management;
—Non-Reporting Companies.

11. Demand Restraint and Fair Sharing:

—Demand Restraint;
—Fair Sharing.

12. Problems and Special Issues:

—Oil trading and pricing in an emergency;
—Naphtha and international marine bunkers;
—Trade imbalances;
—Product imbalances (Format 7);
—Oil sharing after arrival;
—Destination restrictions;
—Retroactive sharing;
—Sharing below 7% trigger.

13. Recent and Future Developments:

—Stock policies;
—Data systems;
—Pricing proposals.

14. Closing remarks.

As provided in section 252(c)(1)(A)(ii) of the Energy Policy and Conservation Act, these meetings will not be open to the public.

Issued in Washington, D.C., June 19, 1981.

Craig S. Bamberger,

Assistant General Counsel, International Trade and Emergency Preparedness.

[FR Doc. 81-18716 Filed 6-23-81; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

Speedway Petroleum Company, Inc.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of action taken on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) gives notice of a Consent Order.

EFFECTIVE DATE: February 25, 1981.

FOR FURTHER INFORMATION CONTACT: James J. Dowd, Audit Director, Office of Enforcement, Northeast District, Economic Regulatory Administration, Room 700, 150 Causeway Street, Boston, Massachusetts 02114.

SUPPLEMENTARY INFORMATION: "On February 25, 1981, the Office of Enforcement of the ERA executed a Consent Order with Speedway Petroleum Company, Inc. (Speedway) of Fitchburg, Massachusetts. Under 10 CFR Section 205.199J(b), a Consent Order which involves a sum of less than $500,000 in the aggregate, excluding penalties and interest, becomes effective upon its execution."

I. The Consent Order

Speedway, with its home office located in Fitchburg, Massachusetts, is a firm engaged in the sale and allocation of Motor Gasoline and is the subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR, Parts 210, 211, 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of Speedway, the Office of Enforcement, ERA and Speedway entered into a Consent Order, the significant terms of which are as follows:

1. Speedway has agreed to refund a total of $50,000 which includes interest through March 31, 1981 in full settlement of overcharges alleged by the DOE in Speedway's sales to its customers who purchased at Speedway's retail outlets for the period from April 1, 1979 through April 30, 1980. Speedway has the option of refunding the $50,000 in monthly installments over a two-year period with additional interest accruing at a rate of 14.03 percent per annum.

2. The Consent Order does not constitute an admission by Speedway of having violated DOE Regulations.

3. Speedway has agreed to pay a civil penalty of $7,500.

4. The provisions of 10 CFR 205.199J are applicable to the Consent Order.

II. Disposition of Matters Covered by This Consent Order

Speedway agreed to refund in full settlement of any civil liability with respect to actions which might be brought by the DOE arising out of the allegations specified in paragraph 1, above, the sum of $50,000. Refunds of those overcharges will be in the form of certified check(s) made payable to the United States Department of Energy and will be delivered to the Assistant Administrator for Enforcement, ERA. These funds will remain in a suitable account pending the determination of their proper disposition.

The DOE intends to distribute the refund amounts in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "persons" (as defined at 10 CFR 205.2), who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. If it is a practical impossibility to identify specific, adversely affected persons, disposition of the refunds will be made in the general interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199l(a).

III. Submission of Written Comments

A. Potential Claimants: Because of the procedure for refund described above, interested persons who believe that they have a claim to all or a portion of the refund amount held by DOE should provide written notification of the claim to the ERA at this time. Proof of claims is not now being required. Written notice to the ERA at this time is requested primarily for the purpose of identifying potential claims to the refund amount. After potential claims are identified, procedures for proof of claims may be established. Failure to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or for the general public interest.

B. Other Comments: The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of the Consent Order. Such comments will be considered solely in connection with DOE's right to rescind or modify the Consent Order upon discovery of new evidence or upon petition by Speedway.

You should send your comments or written notification of a claim to Edward F. Momorella, District Manager of Enforcement, Northeast District, Department of Energy, 1421 Cherry Street, Philadelphia, Pennsylvania 19102. You may obtain a free copy of this Consent Order by writing to the same address or by calling (215) 597-2633. You should identify your comments on the outside of the envelope and on the documents you submit with the designation "Comments on Speedway Consent Order." We will consider all comments which are pertinent as described above and which we receive by 4:30 p.m., Eastern Standard Time on or before July 24, 1981. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR Section 205.9(f).

Issued in Philadelphia, Pennsylvania on the 29th day of May, 1981.

Edward F. Momorella,

District Manager, Northeast District Enforcement.

[FR Doc. 81-18585 Filed 6-23-81; 8:45 am]

BILLING CODE 6450-01-M

WEBCO Southern Oil, Inc.; Action Taken and Opportunity for Hearing

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of action taken and opportunity for comment on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces action taken to execute a Consent Order and provides an opportunity for public comment on the Consent Order and on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

DATE: Effective date is date of publication.

Comments by: July 24, 1981.

ADDRESS: Send written comments to: James C. Easterday, District Manager, Office of Enforcement, Southeast District, 1655 Peachtree Street, N.E., Atlanta, Georgia 30367.

FOR FURTHER INFORMATION CONTACT: James C. Easterday, District Manager of Enforcement, 1655 Peachtree Street, N.E., Atlanta, Georgia 30367, Telephone (404) 881-2396.

SUPPLEMENTARY INFORMATION: On April 7, 1981 the Southeast District, Office of Enforcement of the ERA finalized a Consent Order with WEBCO Southern Oil, Inc., a Smyrna, Georgia reseller/retailer of petroleum products. Under 10 CFR Section 205.199J(b), a Consent Order which involves a sum of less than $500,000 in the aggregate, excluding penalties and interest, becomes effective upon its execution. Because of the settlement negotiations involved in this case and the desire to conclude this matter expeditiously, the DOE has determined that it is in the public interest to make the Consent Order with WEBCO Southern Oil, Inc. effective the date it was finalized.

I. The Consent Order

WEBCO Southern Oil, Inc. (WEBCO), located in Smyrna, Georgia, is a reseller/retailer, and is subject to the jurisdiction of the DOE with regard to prices charged in sales of covered products, pursuant to 10 CFR 212.93. To resolve certain civil actions which could

be brought by the Office of Enforcement of the ERA as a result of its audit of WEBCO, the Office of Enforcement, ERA, and WEBCO entered into a Consent Order, the significant terms of which are as follows:

1. The Consent Order relates to the sales of gasoline by WEBCO during the period March 1, 1979 through July 31, 1979.

2. From the audit conducted during the above period, the Office of Enforcement concluded that WEBCO improperly calculated maximum allowable selling prices, resulting in overcharges in sales of regular and unleaded gasoline.

3. WEBCO agrees that the settlement amount for alleged overcharges totals $13,721.91 for both dealer and consumer classes of purchaser. WEBCO agrees to submit three (3) payments totalling $13,079.52 to the U.S. Department of Energy, Washington, D.C. Additionally, WEBCO agrees to make direct refunds to individual consumers totalling $642.39.

4. With regard to the $13,079.52, WEBCO agrees to submit the three installment payments to the DOE as follows: by June 15, 1981 in the amount of $3,269.88; by Novermber 6, 1981 in the amount of $6,539.76 and by March 16, 1982 in the amount of $3,269.88. WEBCO agrees to compute the interest on the unpaid balance from the effective date of the Consent Order through the date all refunds have been completed. Additionally, WEBCO agrees to make direct refunds totalling $642.39 within seven (7) days from the effective date of the Consent Order.

The installment payments will be submitted to the Director, Office of Enforcement, ERA, Room 5302, 2000 M Street, N.W., Washington, D.C. 20461 or his duly authorized representative. The Director, Office of Enforcement shall direct that these payments by WEBCO be deposited in the DOE special refund escrow account with the U.S. Treasury to ensure just and equitable distribution in accordance with current DOE policies and procedures.

5. The provisions of 10 CFR 205.199J, including the publication of this Notice, are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

In the Consent Order, WEBCO agrees to refund, in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the transactions specified in I.1. and I.2. above, the sum of $13,721.91 by March 16, 1982. Refund methodology will be as specified in I.3. and I.4., above. The amounts submitted to the Director, Office of Enforcement will be in the form of certified checks made payable to the U.S. Department of Energy and will be delivered to the Director, Office of Enforcement, ERA. These funds will remain in a suitable account pending the determination of their proper disposition.

The DOE intends to distribute the refund amounts in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "persons" (as defined at 10 CFR 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system, it is likely that overcharges have either been passed through as higher prices to subsequent purchasers or offset through devices such as the Old Oil Allocation (entitlements) Program, 10 CFR 211.67.

In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199I(a).

III. Submission of Written Comments

A. *Potential Claimants:* Interested persons who believe that they have a claim to all or a portion of the refund amount should provide written notification of the claim to the ERA at this time. Proof of claims is not now being required. Written notification to the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

B. *Other Comments:* The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order.

You should send your comments or written notification of a claim as specified in A and B above, to Robert H. Burch, Management Analyst, Southeast District, Office of Enforcement, 1655 Peachtree Street, N.E., Atlanta, Georgia 30367. You may obtain a copy of this Consent Order with proprietary information deleted by writing to the same address.

You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation, "Comments on WEBCO Consent Order."

Comments received by 4:30 p.m., local time on or before July 24, 1981 will be considered. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Atlanta, Georgia on the 9th day of June 1981.

James C. Easterday,

District Manager of Enforcement.

[FR Doc. 81-18588 Filed 6-23-81; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Project No. 4496-000]

Farmers Electric Cooperative, Inc.; Application for Preliminary Permit

June 22, 1981.

Take notice that Farmers Electric Cooperative, Inc. (Applicant) filed on April 7, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 4496 to be known as Los Esteros Hydro Project located on the Pecos River in Guadalupe County, New Mexico. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Earl Allen, Farmers Electric Cooperative, Inc., Post Office Box 550, Clovis, New Mexico 88101. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the existing U.S. Army Corps of Engineers' Los Esteros Dam (now Santa Rosa Dam) and Reservoir and would consist of: (1) a penstock utilizing the existing outlet works at the left river bank; (2) a new powerhouse containing generating units having a total rated capacity of 2,400 kW; (3) a tailrace; (4) a new transmission line, approximately 8 miles long, connecting to an existing 69-kV transmission line; and (5) appurtenant facilities. The Applicant estimates that the average annual energy output would be 5,700,000 kWh.

Purpose of Project—Project energy would be utilized by Farmers Electric

Cooperative, Inc., in serving its members in seven counties of New Mexico.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would prepare studies of the hydraulic, construction, economic, environmental, historic and recreational aspects of the project. Depending on the outcome of the studies, Applicant would prepare an application for an FERC license. Applicant estimates the cost of studies under the permit would be $50,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to Sequoia Energy Corporation's application, Project No. 3719 filed on November 13, 1980, under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before July 17, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTESTS", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4496. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-18657 Filed 6-23-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4627-000]

Albert R. Hunt and Betty F. Hunt; Application for Preliminary Permit

June 19, 1981.

Take notice that Albert R. Hunt and Betty F. Hunt (Applicant) filed on May 4, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for Project No. P–4627 known as the Baker Creek Water Power Project located on Baker Creek in Humboldt County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Chad Roberts, Oscar Larson & Associates; Post Office Box 3806, Eureka, California 95501.

Project Description—The proposed project would consist of:

(1) A ten-foot high rock diversion dam.

(2) a 3,700-foot long, 30-inch diameter pipe carrying water from the creek into a pressure box.

(3) a pressure box,

(4) a 3,500-foot long, 24-inch diameter penstock.

(5) a powerhouse containing total installed capacity of 1.5 MW.

(6) a one-mile long 12-KV transmission line to connect with an existing Pacific Gas & Electric Company 12-KV transmission line.

The applicant estimates that the average annual energy output would be 5.58-million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction.

The Applicant seeks issuance of a preliminary permit for a period of 24-months during which time it would conduct engineering, economic, geological, hydrological, and environmental studies; conduct property surveys, apply for permits from State of California and Corps of Engineers, and prepare FERC license application. No new roads are expected to be required for the studies. The cost of studies to be completed for preliminary permit is estimated to be $45,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before August 20, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d)) 1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than October 19, 1981.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies only directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before August 20, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION",

"PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-18655 Filed 6-23-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4630-000]

Hydro Light, Inc.; Application for Preliminary Permit

June 22, 1981.

Take notice that Hydro Light, Incorporated (Applicant) filed on May 4, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)-825(r)] for Project No. 4630 known as the Pitville Hydroelectric Project located on Pit River in Lassen County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Sam E. Nelson, Hydro Light, Incorporated, 50 Wilshire Drive, Redding, California 96002.

Project Description—The proposed project would consist of: (1) an existing diversion dam of concrete and natural materials; (2) a 2,500-foot long canal; (3) a surge reservoir; (4) a 1,000-foot long penstock with 100-inch diameter; (5) a powerhouse with a total installed capacity of 1.2 MW; (6) a ¼ mile long 12.5-kV transmission line to connect with an existing Pacific Gas and Electric transmission line. The applicant estimates that the average annual energy output would be 5.2 million-kWh.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The applicant seeks issuance of a preliminary permit for a period of 24 months during which time it would conduct engineering, economic and environmental studies; conduct property surveys; prepare State water rights permit application, negotiate with Pacific Gas and Electric Company, and prepare an FERC license application. No new roads are expected to be required to conduct the studies. This project does not involve construction of a dam or reservoir. The cost of studies to be completed for preliminary permit is estimated to be $60,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before August 21, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows all interested persons to file an acceptable competing application no later than October 20, 1981.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies only directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Proecedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before August 21, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-18656 Filed 6-23-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. ER81-48-000, ER81-46-000, ER81-47-000, and ER81-105-000]

Indiana & Michigan Electric Co.; Order Granting Motion To Withdraw Filing and Terminating Docket

Issued: June 18, 1981.

On May 8, 1981, Indiana and Michigan Electric Company (IME) filed a motion to withdraw a rate increase filed in Docket No. ER81-48-000 and to terminate the docket. This proceeding was begun when IME filed a rate increase on October 24, 1980, for service to Richmond Power and Light Company (Richmond); IME stated that it was seeking only a nominal increase in rates so as to create a locked-in period with respect to rates for service to Richmond which had been in effect in Docket No. ER78-381 since December 23, 1978. IME indicated that it sought to create a locked-in period to limit its refund obligation should the Commission affirm an initial decision pending in Docket No. ER78-381.[1]

On December 15, 1980, IME filed an offer of settlement in Docket No. ER78-381. The settlement provided that upon acceptance by the Commission, IME would seek to withdraw its filing in Docket No. ER81-48-000 and to terminate that docket. The settlement was approved by letter order issued April 27, 1981.

No objections to IME's motion have been filed with the Commission.

Discussion

From the facts presented, we find that the purposes sought to be accomplished by the submittal in this docket have been rendered moot, that the affected customer has agreed to the action requested by IME, and that good cause exists to permit IME to withdraw its rate increase. Accordingly, we shall authorize such withdrawal and terminate Docket No. ER81-48-000.

IME states that it did not bill Richmond under the rates filed in Docket No. ER81-48-000 because of the pending settlement in Docket No. ER78-381. Assuming that this representation is correct, there will be no refund liability associated with Docket No. ER81-48-000. We shall direct IME to confirm this

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[1] *Indiana & Michigan Electric Co.*, Docket Nos. ER78-379, *et al.* (June 18, 1980) (initial decision).

fact by report to the Commission to be submitted within thirty days from the date of this order.

The Commission orders

(A) IME's motion to withdraw its October 24, 1980 filing in Docket No. ER81–48–000 is hereby granted.

(B) Docket No. ER81–48–000 is hereby severed from Docket Nos. ER81–46–000, ER81–47–000, and ER81–105–000 and is hereby terminated.

(C) Within thirty (30) days of the issuance of this order, IME shall confirm in writing that no amounts have been collected under the rates filed in Docket No. ER81–48–000, either prior to or following the company's May 8, 1981 motion, or shall refund with interest all amounts which may have been collected under those rates. In the event that refunds are due, a refund report shall be filed within thirty (30) days after such refunds have been made.

(D) The Secretary shall promptly publish this order in the **Federal Register**.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–18866 Filed 6–23–81; 8:45 am]

BILLING CODE 6450–85–M

[Project No. 4324–000]

J. W. Co.; Application for Preliminary Permit

June 19, 1981.

Take notice that the J. W. Company (Applicant) filed on March 12, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for proposed Project No. 4324 to be known as the Burt Dam Project located on the Eighteen Mile Creek in Niagara County, New York. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Jeffrey Moon, President; J. W. Company; 55 Union Place; Manchester, Connecticut 06040. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) an existing concrete gravity dam, 65 feet high, having a crest length of 324 feet; (2) an existing reservoir with a storage capacity of 4,000 acre-feet at a mean surface elevation of 297.5 feet (USGS datum); (3) an existing intake structure with control gates; (4) three existing penstocks; leading to (5) an existing powerhouse containing two new generators with a total rated capacity of 2,500 kW; (6) an existing tailrace; (7) 200 feet of new transmission line; (8) new switchyard equipment; and (9) appurtenant works. The existing facilities are currently owned by the Olcott Harbor Board of Trade.

Purpose of Project—Project energy generated would be sold to local public utilities and/or private utilities.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of three years during which time the Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, Applicant would decide whether to proceed with an application for FERC license. Applicant estimates the cost of studies under the permit would be between $75,000 and $100,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before August 20, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than October 19, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before August 20, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4324. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–18859 Filed 6–23–81; 8:45 am]

BILLING CODE 6450–85–M

[Project No. 4607-000]

Jordan-Riewerts; Application for Preliminary Permit

June 19, 1981.

Take notice that Jordan-Riewerts (Applicant) filed on April 29, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4607–000 known as the Pearch Creek Water Power Project located on Pearch Creek in Humboldt County, California. The application is on file with the Commission and is available for public inspection. Correspondence with .he Applicant should be directed to: Oscar Larson & Associates, P.O. Box 3806, Eureka, California 95501.

Project Description—The proposed project would consist of: (1) two rockfill structures diverting water from Pearch Creek and its south fork; (2) a 42-inch diameter and 4,000-foot long galvanized pipe carrying water to a pressure box of reinforced concrete; (3) a 1,400-foot long penstock with 30-inch diameter; (4) a powerhouse with installed capacity of 500 kW; (5) a switch yard to convert the power into three phase power; (6) a 1,000-foot long 12-kV transmission line to connect with an existing Pacific Gas & Electric Company 12-kV transmission line. The Applicant estimates that average annual energy output would be 2.1 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The applicant seeks issuance of a preliminary permit for a period of 24 months during which time it would conduct engineering, geological, hydrological, economic, and environmental studies, and conduct property surveys. No new roads are expected to be required to conduct the studies. This project does not involve construction of a dam or reservoir. The cost of studies to be completed for preliminary permit is estimated to be $45,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before August 20, 1981, either the competing application itself [See 18 CFR 4.33(a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33(b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than October 19, 1981.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies only directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before August 20, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-18660 Filed 6-23-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4628-000]

Dennis V. McGrew and Associates; Application for Preliminary Permit

June 19, 1981.

Take notice that Dennis V. McGrew and Associates (Applicant) filed on May 4, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for Project No. 4628 to be known as the Wells Creek Project located on Wells Creek in Whatom County, Washington. The application is file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Dennis V. McGrew, Dennis V. McGrew and Associates, 2623 Yew Street, Bellingham, Washington 98225.

Project Description—The proposed project would consist of: (1) a 5-foot high concrete diversion dam; (2) a 12,000-foot long, 54-inch diameter pipe; (3) a surge tank; (4) a 1,200-foot long, 42-inch diameter penstock; (5) a powerhouse with a total installed capacity of 9.1 MW, and a 500-foot long 57-kV transmission line to connnect with an existing Puget Sound Power and Light Company 57-kV transmission line.

The Applicant estimates that the average annual energy output would be 54 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 24 months during which time it would conduct engineering, geological, hydrological, environmental and economic studies; conduct surveys and test borings; and prepare a FERC license application. No new roads are expected to be required to conduct the studies. The sites of test borings would be restored immediately. The cost of conducting these studies for preliminary permit is estimated to be $240,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before August 20, 1981, either the competing application itself [See 18 CFR 4.33(a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33(b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than October 19, 1981.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies only directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before August 20, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-18658 Filed 6-23-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. SA81-34-000]

Merrion Oil and Gas Co. and Robert L. Bayless; Application for Adjustment

Issued: June 17, 1981.

Take notice that on February 3, 1981, Merrion Oil and Gas Company and Robert L. Bayless, (Applicants), P.O. Box 507, Farmington, New Mexico, 87401, filed with the Federal Energy Regulatory Commission (Commission) pursuant to section 502(c) of the Natural Gas Policy Act (NGPA) and § 1.41 of the Commission's Rules of Practice and Procedure and application for adjustment. Applicants are seeking an adjustment of §§ 273.301 and 273.204 of the Commission's regulations.

Specifically, Applicants states that they received a final determination that the Chistine J. Hamilton #1 MV Well qualified under section 108 on March 21, 1980 in Docket No. JD80-14666. The well qualified under section 108 based on a 90-day production period from October-December, 1978. Subsequently, the well exceeded the 60 Mcf per production day NGPA stripper well limit during the 90-day production period from December 1978 through February 1979. Pursuant to § 271.805(c) of the Commission's regulations, the applicants' right to collect the maximum lawful price under section 108 for gas produced and sold from the subject well terminated on February 28, 1979, the last day of the 90-day disqualification period. Applicants seek to retain the incentive amounts collected under section 108 while the well no longer qualified pursuant to section 108, a period from March 1, 1979 through July 30, 1980, the date on which Applicants refiled for a section 108 determination for the well. The second application was approved by the jurisdictional agency and became final upon Commission review.

The procedures applicable to the conduct of this adjustment proceeding are found in section 1.41 of the Commission's Rules of Practice and Procedure, Order No. 24, issued March 22, 1979, (44 Fed. Reg. 19861, March 30, 1979).

Any person desiring to participate in this adjustment proceeding shall file a petition to intervene in accordance with the provisions of section 1.41(e). All petitions to intervene must be filed on or before July 10, 1981.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-18661 Filed 6-23-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER79-551]

Philadelphia Electric Co; Order Accepting Executed Agreement for Filing, Imposing Subsequent Filing Requirements, Granting Intervention and Waiving Notice Requirement

Issued June 17, 1981.

On July 31, 1979, as completed on November 19, 1979,[1] Philadelphia Electric Company (PE) submitted for filing an executed agreement with Jersey Central Power and Light Company (Jersey Central) dated July 13, 1979.[2] The agreement provides for PE's sale to Jersey Central of Capacity and energy from PE's 42.59% ownership share (approximately 474 MW) of the 1115 MW Salem Nuclear Generating Unit No. 2 (Salem-2)[3] PE indicates that it is selling the capacity and energy because its capacity reserve margin during 1979, when Salem-2 was under construction, was 35.6%, and the capacity from its interest in Salem-2 is surplus to its present needs.[4]

The agreement would become effective on the in-service date of Salem-2,[5] would extent through December 1, 1984, and would subsequently continue in effect year-to-year unless terminated by either party on one year's notice. Under the agreement, Jersey Central would purchase energy equal in amount each hour to PE's share of Salem-2 output at a billing rate of 95% of the Pennsylvania-Jersey-Maryland Interconnection (PJM) running rate for that hour.[6] During each hour Jersey Central would also purchase operating capacity equal to PE's share of the operating capacity of Salem-2 at each day's peak.[7] In addition, Jersey Central would purchase installed capacity whenever the General Public Utilities (GPU) companies need such capacity to meet their PJM commitments,[8] provided that such purchases would be limited to the lesser of PE's share of Salem-2 or PE's installed capacity in excess of its PJM requirement. The applicable rate would be 90% of the PJM installed capacity deficiency rate then effective.[9] PE's cost of service with respect to Salem-2 in 1981, based on estimated revenues of $80.2 million, indicates a realized rate of return of 8.6% with an 8.68% return on common equity. PE requests waiver of the notice requirement to allow the agreement to become effective on the date Salem-2 is placed in service.

Notice of the filing was issued on August 8, 1979, with comments, protests and petitions to intervene due on or

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[1] A deficiency letter was sent to the company on September 17, 1980.

[2] Rate schedule designations are shown on Attachment A.

[3] Salem-2 is being constructed, and will be operated, by Public Service Electric and Gas Company.

[4] PE states that the surplus capacity occurs because load growth has been lower than anticipated.

[5] The in-service date of Salem-2 has been delayed, but is now expected to occur during June, 1981.

[6] The PJM internal running rate is defined as the hourly integration of the highest incremental cost of energy generated under economic dispatch on the PJM interconnection during the hour, excluding the cost of energy delivered to non-PJM systems.

[7] Under the PJM Agreement, to which PE and Jersey Central are signatories, if a PJM member does not maintain sufficient operating capacity to meet its load plus spinning reserve requirement during the PJM daily peak period, its operating capacity account is debited such that, in effect, it makes compensatory payments to those PJM members that provided operating capacity during the peak in excess of their respective requirements. Compensation is determined on a split-savings basis, based on incremental and decremental (avoided) costs such as start-up and no-load costs, peak-prepared-for maintenance cost and incremental labor cost.

[8] The GPU companies are Jersey Central, Metropolitan Edison Company and Pennsylvania Electric Company. they are treated as a single entity within PJM.

[9] The PJM deficiency rate is based on the average annual cost of new gas turbine capacity for the PJM members, is currently specified as $28.105 per kW-year ($0.539 per kW-week), and is customarily revised annually and submitted for filing to become effective June 1 of each year. Jersey Central would also pay PE for the 500 kV transmission losses associated with PE's ownership of Salem-2, as allocated to PE under the Lower Delaware Valley Transmission Agreement, at the rate as applied to meter error in interchange billing under the PMJ Agreement.

before August 27, 1979. On January 18, 1980, the Office of the Consumer Advocate of the Pennsylvania Department of Justice (Advocate) filed an untimely petition to intervene. On February 1, 1980 PE filed an answer to Advocate's petition, and on February 20, 1980, Advocate filed a reply.

In its petition, Advocate alleges that: (1) the specified term of the agreement, from the in-service date of Salem-2 until December 1, 1984, and year-to-year thereafter unless cancelled by appropriate notice, has the potential for making the agreement a "perpetual contract at the sole choice of the parties to the contract," and is thereafter neither "just" nor "reasonable;" (2) approval of the agreement beyond 1984 without further review could impose the financial burden of constructing new, higher-cost generating capacity on PE's customers;[10] and (3) the proposed charges may be unjust and unreasonable to PE's customers since energy from high-cost oil-fired generation will be required to replace the Salem-2 energy if such energy is needed during the time the agreement is in effect.

Based on these contentions, Advocate requests Commission approval of the agreement be "suspended" until: (1) PE and Jersey Central agree to modify the agreement to provide that the term will not extend beyond a date certain on or before January 1, 1985, or that extension of the agreement beyond that date "be subject to full review" by the Commission; (2) "the full cost of the proposed sale to PE's ratepayers and the justness and reasonableness of the sale price have been adequately determined;" and (3) the Commission has held any hearings necessary "to resolve the issues raised by Advocate's Petition to Intervene."

In its answer, PE states that Advocate's petition should be denied because it is considerably out-of-time; that the agreement allows PE to sell power in order to secure revenue to cover its share of the operating and capital costs of Salem-2 without affecting rates to its existing ratepayers; that the agreement is not a perpetual contract, but one which provides PE with the flexibility necessary to meet uncertain load requirements; that high-cost oil-fired power will not be required to meet the needs of PE's customers during the initial contract period; and that the relief requested by Advocate is not available since the remedy of suspension does not apply to initial rates under the Federal Power Act.

In its reply to PE's answer, Advocate maintains that, despite PE's assertion to the contrary, its petition to intervene raises substantive rate issues. Advocate contends that PE has misinterpreted its petition in that Advocate's expressed objection, that oil-fired generation may be required to replace Salem-2 output, applied to the initial term of the agreement as well as to the period of any extension. Advocate avers that the rate under the agreement will not be adequate to compensate PE or its customers for the additional costs to be incurred by the use of replacement oil-fired generation. Advocate states that the issue to be resolved is whether PE's customers will pay more overall during the initial term of the agreement than they would if the sale were not made. In addition, Advocate reiterates its objection to any extension of the agreement.

Discussion

Initially, we find that participation by Advocate in this docket may be in the public interest. In view of Advocate's capacity as a representative under state law of Pennsylvania consumers, we further find that good cause exists to grant the untimely petition to intervene. Accordingly, Advocate will be granted intervenor status.

We will accept this contract as a rate schedule for the initial term of the contract. PE will be required to make a timely filing with the Commission for each proposed 1-year extension of the agreement beyond December 1, 1984, such filing to be subject to review under sections 205 and 206 of the Federal Power Act.

Both of the parties to this transaction are members of PJM. Through the PJM pool agreement, these two utilities carry out numerous—in more than one sense continuous—transactions between each other. The price fixed for the sale of this power is somewhat less than the price at which Jersey Central could (and, according to it, would) buy from the pool at any given time. By the same token, PE's revenues would be somewhat lower than they would be if it would sell Salem capacity and energy into the pool at any given time. In return for a modest discount from the pool capacity deficiency and energy running rates, PE is assured the constant opportunity to make sales. In light of these facts, we find the proposed arrangement to be equitable as between this buyer and this seller and thus we have decided to accept it.

However, we do not want the scope of this discussion to be misunderstood. Our acceptance is not based on PE's commitments not to include its interest in Salem-2 in the rate base for service to retail and wholesale requirements customers. We believe that an allocation of the costs and revenues of this transaction to the respective costs of service may be a preferable approach to rate base exclusion. We expressly make no determination of the appropriate treatment of the investment in, running cost of, and revenues from PE's sale of, Salem-2 capacity and energy, and we wish to make it clear that our decision to accept the contract for the initial period does not, in our view, bind us or the Pennsylvania Public Utility Commission to any particular treatment of these items in the cost of service for wholesale and retail requirements customers of PE.

Further, our decision to accept the contract rate and service arrangement is not predicated on a determination that, over the initial term of the contract, PE could have done no better selling to someone else, or that Jersey Central could have done no better buying from someone else, or that the transaction over this period will redound to the benefit of the retail and wholesale requirements customers of the two respective parties to the contract. It does appear that PE's other customers will realize a net benefit from this transaction over the initial term of the contract; but we do not mean by this order to prejudge, for our own purposes or those of the respective state commissions, a determination of the prudence of either party in entering into this transaction.

By requiring that PE seek the approval of this Commission before extending the contract beyond its initial term, and by making clear the limited scope of the findings on which the Commission bases its determination here, we believe we have satisfied in major part the request and concerns expressed by Advocate. We should note, however, that if any person seeks to raise the contract rate during the initial term, that person will have to satisfy the public interest standard set out in *FPC* v. *Sierra Pacific Power Co.*, 350 U.S. 348 (1956).

Ordering Paragraphs

(A) Waiver of the 120-day notice requirement of the Commission's regulations is hereby granted.

(B) Philadelphia Electric Company's agreement with Jersey Central Power & Light Company concerning capacity and energy from Salem-2 is hereby accepted for filing to become effective on the

[10] Advocate states that expert testimony submitted to the Pennsylvania Public Utility Commission by an expert for Advocate shows that PE's least expensive cost configuration during the 1980's includes two new coal-fired plants.

commercial operation date of Salem-2, and to continue in effect through December 1, 1984, unless extended following further review in accordance with the conditions imposed by ordering paragraph (D).

(C) Philadelphia Electric shall notify the Commission of the commercial operation date of Salem-2 within ten (10) days after Salem-2 is placed in operation.

(D) Philadelphia Electric shall make a timely filing with the Commission for each extension of the agreement beyond 1984, with such filings to be subject to review under sections 205 and 206 of the Federal Power Act.

(E) Advocate's petition to intervene is hereby granted subject to the rules and regulations of the Commission; *Provided, however,* that participation by the intervenor shall be limited to matters set forth in its petition to intervene; and *Provided, further,* that the admission of the intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders by the Commission entered in this proceeding.

(F) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

Philadelphia Electric Company—Docket No. ER79-551

Filed: November 19, 1979.

Other party: Jersey Central Power and Light Company.

Designation and Description

Rate Schedule FERC No. 46—Agreement dated July 13, 1979

Supplement No. 1 to Rate Schedule FERC No. 46—Page 1-3 of Attachment 1 to letter dated November 15, 1979

Supplement No. 2 to Rate Schedule FERC No. 46—Page 1-4 of Attachment 1 to letter dated November 15, 1979

[FR Doc. 81-18667 Filed 6-23-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4606-000]

Sunnyside Valley Irrigation District; Application for Preliminary Permit

June 19, 1981.

Take notice that Sunnyside Valley Irrigation District (Applicant) filed on April 28, 1981 an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 4606-000 known as the Little Rattler Hydroelectric Project located on Rattlesnake Creek in Yakima County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Howard Frye, Manager, Sunnyside Valley Irrigation District, Post Office Box 239, Sunnyside, Washington 98944.

Project Description—The proposed project would consist of:

(1) A 340-foot high and 2,000-foot long earth or rockfill dam, creating an impoundment of 70,000 acre-feet capacity,

(2) a 950-foot long, 72-inch diameter penstock,

(3) a powerhouse with total installed capacity of 12.4 MW, and

(4) thirteen-mile long 34.5-kV transmission line to connect with an existing Pacific Gas and Electric transmission line.

The applicant estimates that the average annual energy output would be 59.6 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction.

The applicant seeks issuance of a preliminary permit for a period of 36 months during which time it would conduct engineering, hydrogeological, economic and environmental studies and prepare FERC license application. The disturbance to land as a result of field investigations would be minimal. No new roads are expected to be required to conduct the studies. The cost of studies for the preliminary permit is estimated to be $400,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before July 30, 1981, either the competing application itself [See 18 CFR 4.33(a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33(b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than September 28, 1981.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies only directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before July 30, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-18662 Filed 6-23-81; 8:45 am]

BILLING CODE 6450-85-M

Tennessee Gas Pipeline Co. et al.; Informal Settlement Conference

June 17, 1981.

In the matter of Tennessee Gas Pipeline Co., Docket No. RP80-97, Michigan Wisconsin Pipe Line Co., Docket No. RP80-100, Southern Natural Gas Co., Docket No. RP80-102, Natural Gas Pipe Line Company of America, Docket No. RP80-107, Transcontinental Gas Pipe Line Corp., Docket No. RP80-117, United Gas Pipe Line Co., Docket No. RP80-121, Trunkline Gas Co., Docket No. RP80-106, Columbia Gulf Transmission Co., Docket No. RP80-145, Columbia Gas Transmission Corp., Docket No. RP80-146, Sea Robin Pipeline Co., Docket Nos. RP80-55 & RP80-118, Florida Gas Transmission Co., Docket No. RP81-7, High Island Offshore System, Docket No. RP81-18, U-T Offshore System, Docket No. RP81-20.

Take notice that on June 25, 1981, at 10:00 a.m., and if necessary on June 26, 1981, at 10:00 a.m., there will be an informal conference of all interested persons for the purposes of discussing settlement of issues pertaining to the allocation of transmission costs between the transportation of natural gas and

liquids and liquefiable hydrocarbons. Such issues appear to arise in the above-captioned dockets, which while not consolidated, will be the subject of joint discussions as a matter of convenience and to assure consistency in the resolution of these issues to the extent possible.

The meeting place for this conference will be at the offices of the Federal Energy Regulatory Commission, Hearing Room A, 825 North Capitol Street, N. E., Washington, D. C. 20426.

Customers, those retaining an interest in the subject liquids and liquefiable hydrocarbons and other interested persons will be permitted to attend this conference, but if such persons have not previously been permitted to intervene in any of the above-captioned dockets by order of the Commission or of a Presiding Administrative Law Judge attendance will not be deemed to authorize intervention as a party in any of these proceedings nor will attendance by a person granted intervention in one or more of the above-captioned proceedings be deemed to authorize intervention in any other docket.

All parties will be expected to come fully prepared to discuss the merits of the issues arising in those proceedings in which they have a pertinent and cognizable interest and to make commitments with respect to such issues and to any offer of settlement or stipulations discussed at the conference.

Interested persons may contact Lawrence Acker or Norma Rosner at (202) 357-8565 for additional information.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-18883 Filed 6-23-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CI78-968]

United Gas Pipe Line Co.; Order Setting Matter for Hearing and Establishing Procedures

Issued: June 18, 1981.

This proceeding involves the questions of whether certain natural gas produced by Exchange Oil & Gas Corporation (Exchange) is "committed or dedicated to interstate commerce" within the meaning of the Natural Gas Policy Act of 1978 (NGPA) and whether the gas is dedicated to interstate commerce under the Natural Gas Act. For the reasons set forth below, we will set the matter for hearing. –

Background

United Gas Pipe Line Company (United) filed a petition for a declaratory order on July 5, 1978 in the above-captioned docket, pursuant to Section 1.7(c) of the Commission's Rules of Practice and Procedure (18 CFR § 1.7(c)), in which United requested the Commission to remove uncertainty as to whether certain natural gas allocated to and to be produced by Exchange was dedicated to United under the Natural Gas Act.

In its petition, United stated that Sun Oil Company (Sun) and Continental Oil Company (Continental), or their predecessors-in-interest, had been issued certificates of public convenience and necessity by the Commission authorizing sales of natural gas to United from the Ridge Field, Lafayette Parish, Louisiana, under contracts dated January 1, 1957. Deliveries under these certificates were commenced in 1958.

According to United, Sun, *et al.*'s Zora Smith No. 1–D Well in the Ridge Field was shut-in for a time for reworking, and placed back on production in April 1977. During the time that the well was not producing gas, Sun and Continental lost certain of their leases which were committed to United under the 1957 contracts. United asserted that Exchange then acquired an interest in leases on lands formerly subject to the Sun and Continental leases which had terminated. Among its acquired interests, according to United, Exchange has a 12½ percent interest in the production from the Zora Smith No. 1–D Well. In addition, Exchange has drilled and completed two wells, the Roy L. Smith No. 1 Well and the Roy L. Smith No. 2 Well, on a tract that is part of the acreage once leased by Sun and Continental.

United argued in its petition for declaratory order that, under the Supreme Court's opinion in *California* v. *Southland Royalty Co. (Southland)*, 436 U.S. 519 (1978), and applicable Commission rulings, Exchange was required to deliver to United gas produced from, or attributable to, its interest in leases in the Ridge Field covering lands formerly under lease to Sun and Continental. Exchange filed an answer in opposition to United's petition on August 28, 1978, in which Exchange denied that *Southland* was applicable to the situation.

Notice of United's petition was issued on August 9, 1978, and appeared in the **Federal Register** on August 16, 1978, at 43 FR 36321. The United Municipal Distributors Group filed a timely petition to intervene in support of United's petition, and Transcontinental Gas Pipe Line Corporation (Transco) filed a timely petition to intervene in which it stated that it might have rights and interests in nearby acreage in Lafayette Parish, Louisiana, similar to those asserted by United.

On September 19, 1978, the Commission issued an order in which it agreed with United that *Southland* was controlling with respect to the question presented in United's petition (4 FERC ¶ —). The Commission thus directed Exchange to sell gas only to United from its interest in acreage committed to certificates held by Sun and Continental. The Commission declined to order that a formal hearing be convened, because there were no disputes as to any material facts apparent in the pleadings and because Exchange had not contradicted any of the material factual allegations made by United.

Applications for rehearing of the Commission's order were filed by Exchange and Transco,[1] and a reply to the applications for rehearing was filed by United. These documents did raise uncertainties as to material facts, and, as a result, the Commission granted rehearing on November 13, 1978 for purposes of further consideration. Shortly thereafter, in response to a request by Exchange, the Commission on Feburary 5, 1979 issued an interim protective order prescribing conditions for the sale and delivery of gas from Exchange to United pending a final order on rehearing, and providing for repayment by United in the event that Exchange's gas was ultimately determined not to be dedicated to United.

The NGPA substantially modified the application of the rule of the *Southland* case, and created additional issues, both factual and legal, to be addressed in connection with United's petition. On August 30, 1979, Exchange filed a petition requesting that the Commission issue a final order determining that its Ridge Field gas was excluded from the definition of "committed or dedicated to interstate commerce" specified in the NGPA. United, however, filed an answer to Exchange's petition on September 20, 1979 in which United challenged Exchange's conclusion that the gas at issue was not committed or dedicated to interstate commerce. United presented a number of new factual allegations in support of its position, and requested that the Commission delay ruling on Exchange's petition until further facts and legal arguments could be presented by the parties. United stated that it would attempt to enter into a stipulation of facts with Exchange, but if unable to

[1] Transco subsequently filed, on January 25, 1979, a withdrawal of its application for rehearing upon entering into a stipulation with United that Transco did not have the right to purchase any of the gas production from the wells involved here.

do so, that it would request the Commission to schedule a hearing in the matter.

On June 2, 1980, United filed a request with the Commission to schedule an informal conference of the parties and the Commission Staff for the purpose of discussing several critical factual and legal issues. United stated that efforts by Exchange and United to enter into a stipulation of facts had not succeeded. United attached to its filing a statement of facts for discussion at the conference, and indicated that it would request a hearing if the matters in dispute were not resolved at the conference. In an answer filed on June 10, 1980, Exchange concurred with United's request for an informal conference. Exchange also attached a statement of facts to its filing.

An informal conference attended by United, Exchange, and the Commission Staff was held on November 18, 1980. However, no stipulation as to any factual matter has been filed with the Commission.

Discussion

In its *Southland* decision, the Supreme Court upheld the Commission's determination that a successor-in-interest (including a lessor who succeeds to his interest by reversion) to a lessee who had been making sales of gas in interstate commerce pursuant to a permanent certificate issued by the Commission was required to obtain abandonment authorization from the Commission prior to selling the gas in intrastate commerce. The Commission found in its September 19, 1978 order in this proceeding that Exchange, a successor-in-interest following a reversion, was similarly obligated to sell to United gas produced from acreage which was formerly under lease to Sun and Continental and which is dedicated to interstate commerce under certificates issued to Sun and Continental.

However, Sections 2(18)(B) and 601 of the NGPA, which was enacted shortly after the Commission issued its original order in this proceeding, effectively limit the application of *Southland*. Under Section 601(a)(1)(A), a first sale of gas which is not committed or dedicated to interstate commerce on November 8, 1978 is removed from the Commission's Natural Gas Act jurisdiction effective December 1, 1978. Section 2(18)(B)(iii) excludes from gas that is committed or dedicated to interstate commerce—

natural gas which, but for this clause, would be committed or dedicated to interstate commerce under subparagraph (A)(ii) by reason of the action of any person (including any successor in interest thereof, other than by means of any reversion of a leasehold interest), if on May 31, 1978—

(I) neither that person, nor any affiliate thereof, had any right to explore for, develop, produce, or sell such natural gas; and

(II) such natural gas was not being sold in interstate commerce (within the meaning of the Natural Gas Act) for resale (other than any sale described in clause (i)(I), (II), or (III)).

On the basis of the documents filed thus far in this proceeding, Exchange apparently takes the position that none of its Ridge Field gas was being sold in interstate commerce on May 31, 1978, and that neither Sun nor Continental had any right to explore for, develop, produce, or sell gas from Exchange's leasehold interests on that date. It would appear that neither of the Roy L. Smith wells had yet commenced production on May 31, 1978. With respect to the Zora Smith No. 1–D Well, Exchange asserts that the reserves attributable to its interest in the well remained in the ground on May 31, 1978 under a banking arrangement with Sun, the operator of the well. Exchange concludes that its gas is excluded from the definition of "committed or dedicated to interstate commerce" under Section 2(18)(B)(iii).

United, however, appears to take the position that it has received, and paid for, deliveries of gas attributable to Exchange's interest in the Zora Smith well since April 1977. United states that it has at all times taken 100% of the gas production from the well, and that its monthly billing statements received from Sun have reflected Exchange's interest back to April 1977. United further alleges that upon execution of a gas sales contract with Exchange on February 21, 1979, following issuance of the Commission's protective order, United made a lump sum payment to Exchange for volumes of gas received by United back to April 1977 that were attributable to Exchange's interest in the Zora Smith well.

United's filings in this proceeding also raise other issues. United appears to question whether Sun may not in fact have had the right to sell Exchange's share of the gas produced from the Zora Smith well on May 31, 1978. In addition, United brings into issue the scope of the so-called "Southland exclusion" in Section 2(18)(B)(iii) of the NGPA, and suggests that Exchange's gas production from the Roy L. Smith wells would be committed or dedicated to interstate commerce by virtue of a finding that Exchange's interest in the Zora Smith well is committed or dedicated to interstate commerce.

We will set this entire matter for hearing. While a number of facts have been presented by the parties in their previous filings in this proceeding, it is apparent that there are significant issues of both law and material facts that need to be examined in a hearing before we can reach a proper determination in the case. Exchange and United have made several informal efforts to enter into a stipulation of facts, but they have been unable to reach an agreement, apparently at least in part because not all of the necessary factual evidence is within the knowledge of both parties. A hearing will provide all parties the opportunity to submit and examine on a record all relevant testimony and evidence as to whether the gas at issue is committed or dedicated to interstate commerce.

In addition, we will make Sun a respondent in this proceeding and direct Sun to file testimony and evidence on the following specific issues: (1) whether natural gas attributable to Exchange's interest in the Zora Smith No. 1–D Well was being sold to United on and prior to May 31, 1978, (2) whether Sun had the authority to sell gas attributable to Exchange's interest in the Zora Smith well on and prior to May 31, 1978, within the meaning of Section 2(18)(B)(iii) of the NGPA, and (3) what the nature of Sun's banking arrangement, if any, was with Exchange as to Exchange's interest in the Zora Smith well on and prior to May 31, 1978. We direct Sun's participation in the belief that Sun, as operator of the Zora Smith well, is likely to possess evidence that is material to the issues in this proceeding and which may well not be in the possession of any of the other parties.

The Commission orders:

(A) Pursuant to the authority of Sections 501 and 601 of the Natural Gas Policy Act and Sections 1, 7, 8, 10, 14, 15 and 16 of the Natural Gas Act, and pursuant to the Commission's Rules of Practice and Procedure, a public hearing shall be held to determine whether the natural gas at issue is committed or dedicated to interstate commerce.

(B) A Presiding Administrative Law Judge, to be designated by the Chief Administrative Law Judge, shall convene a prehearing conference in this proceeding to be held within approximately 15 days after the date specified below for filing rebuttal testimony, in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. The Presiding Administrative Law Judge is authorized

to establish such further procedural dates as may be necessary and to conduct further proceedings in accordance with this order and the Rules of Practice and Procedure.

(C) Sun Oil Company is hereby made a respondent in this proceeding. Sun shall file testimony and evidence in response to the issues cited hereinabove in accordance with the procedural dates prescribed below.

(D) All parties, including Sun and Staff, shall file their direct testimony and evidence on or before July 14, 1981. All parties, including Sun and Staff, shall file their rebuttal testimony, if any, on or before July 30, 1981. All testimony and evidence shall be served upon the Presiding Administrative Law Judge, the Commission Staff, and all parties to this proceeding.

(E) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-18668 Filed 6-23-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4661-000]

Village of Winnetka; Application for Preliminary Permit

June 22, 1981

Take notice that the Village of Winnetka (Applicant) filed on May 15, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§791(a)–825(r)] for Project No. 4661 to be known as the Mississippi River Lock and Dam No. 12 located on Mississippi River in Jo Daviess County, Illinois, and Jackson County, Iowa. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Gary L. Zimmerman, 510 Green Bay Road, Winnetka, Illinois 60093.

Project Description—The proposed project would consist of: (1) a proposed powerhouse containing 23 generating units rated at 680 kW each for a total installed capacity of 15.64 MW; (2) a proposed 41,600 volt transmission line; and (3) appurtenant facilities. Applicant would utilize an existing dam owned by the U.S. Army Corps of Engineers, and the Applicant's facilities would be located mostly on U.S. lands. Applicant estimates that the average annual energy output of the project would be 76,000,000 kWh.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 24 months. During this time the following studies would be made: environmental assessment; hydraulic models; topographic surveys; turbine foundations; cost estimates; and plans and specifications. In addition Federal, State and local government agencies would be consulted concerning the environmental effects of the project, along with preparing an application for FERC license. Applicant estimates the cost of the studies would be $50,000.

Competing Applications—This application was filed as a competing application to the Mississippi River Lock and Dam No. 12 Project No. 3630 filed on October 31, 1980, by the City of Bellevue under 18 C.F.R. §4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing application or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies only directed from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 C.F.R. 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before July 17, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4661. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies requried by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-18684 Filed 6-23-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4648-000]

Weaverville Community Service; Application for Preliminary Permit

June 22, 1981.

Take notice that Weaverville Community Services District (Applicant) filed on May 12, 1981 an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4648 known as the East Weaver Creek Project located on East Weaver Creek in Trinity County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Murphy Lott, Manager, Weaverville Community Services District, Post Office Box 1510, Weaverville, California 96093.

Project Description—The proposed project would consist of:

(1) A 700-foot long and 100-foot high earthen dam,

(2) a 12-acre reservoir with an impoundment of 400 acre-feet of water,

(3) a one-mile long, 16-inch diameter penstock,

(4) a powerhouse with total installed capacity of 0.16 MW,

(5) a switchyard, and

(6) a 500-foot long, 480-volt transmission line to connect with an existing CP National Transmission line.

The Applicant estimates that average annual energy output would be 0.725 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction.

The Applicant is seeking issuance of a preliminary permit for a period of 36 months during which it would conduct engineering, geological, hydrological, economic and environmental studies; conduct test borings, and prepare FERC license and other license applications. No new roads are expected to be required to conduct the studies. The cost of the studies to be completed for preliminary permit is estimated to be $29,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before August 24, 1981, either the competing application itself [See 18 C.F.R. § 4.33 (a) and (d) (1980)] or a notice of intent [See 18 C.F.R. § 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than October 23, 1981.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies only directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 C.F.R. 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before August 24, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-18665 Filed 6-23-81; 8:45 am]

BILLING CODE 6450-85-M

[Volume 446]

Notice of Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

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Notice of Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: June 19, 1981.

JD NO	JA DKT	API NO	D SEC CAT WELL NAME	FIELD NAME	PROD	PURCHASER
KANSAS CORPORATION COMMISSION						
-ANADARKO PRODUCTION COMPANY		RECEIVED: 05/20/81	JA: KS			
8132118	K-80-0460	1517500000	108-ER WALDEN NO 1-15	HUGOTON	14.6	CIMARRON-QUINQUE
-MCKELVY OPERATING CORP		RECEIVED: 05/20/81	JA: KS			
8132124	K-79-1986	1505500000	108-ER ENS #1	HUGOTON	18.0	NORTHERN NATURAL
8132123	K-79-1987	1505500000	108-ER METT #1	HUGOTON	15.0	NORTHERN NATURAL
8132119	K-79-1979	1505500000	108-ER MEAIRS #1	HUGOTON	16.0	NORTHERN NATURAL
8132121	K-79-1983	1505500000	108-ER RUSSELL #1	HUGOTON	18.0	NORTHERN NATURAL
8132120	K-79-1981	1505500000	108-ER SONDEREGGER #1	HUGOTON	18.0	NORTHERN NATURAL
8132122	K-79-1984	1505500000	108-ER WINTERS #1	HUGOTON	18.0	NORTHERN NATURAL
NEW MEXICO DEPARTMENT OF ENERGY & MINERALS						
-A NELSON NUNCY		RECEIVED: 05/20/81	JA: NM			
8132145		3000560592	108 ALTO STATE #1 K-4321	DOUBLE L QUEEN	20.0	PHILLIPS PETROLEU
-ALPHA TWENTY-ONE PRODUCTION CO		RECEIVED: 05/20/81	JA: NM			
8132158		3002527271	103 LANSFORD NO 2	PENROSE-SKELLY-GRAYBURG	18.0	EL PASO NATURAL G
-DUGAN PRODUCTION CORP		RECEIVED: 05/20/81	JA: NM			
8132148		3003922478	103 MCDUG #1	GAVILAN PICTURED CLIFFS	35.0	EL PASO NATURAL G
-EL PASO NATURAL GAS COMPANY		RECEIVED: 05/20/81	JA: NM			
*8132126		3004521672	108 RANDLEMAN #2	BLANCO-PICTURED CLIFFS	24.0	EL PASO NATURAL G
*8132125		3003920477	108 SAN JUAN 28-6 UNIT #169	BASIN-DAKOTA	23.0	EL PASO NATURAL G
-HNG OIL COMPANY		RECEIVED: 05/20/81	JA: NM			
8132143		3002526949	103 SAN SIMON 6 STATE COM #1 (LG 3609)	UND MORROW	30.6	TEXACO INC
-HUSKY OIL COMPANY		RECEIVED: 05/20/81	JA: NM			
8132144		3001523343	102-2 SRC STATE #1	DIAMOND MOUNT ATOKA	2813.0	NORTHERN NATURAL
-JEROME P MCHUGH		RECEIVED: 05/20/81	JA: NM			
8132142		3003922493	103 DIS DELIGHT #1	SOUTH BLANCO PICTURED CL	200.0	EL PASO NATURAL G
-MESA PETROLEUM		RECEIVED: 05/20/81	JA: NM			
8132140		3004508986	108 STATE COM AH #30	BASIN DAKOTA	19.0	EL PASO NATURAL G
-NORTHWEST PIPELINE CORPORATION		RECEIVED: 05/20/81	JA: NM			
8132146		3003907884	108 SAN JUAN 30-5 #35	BLANCO MESAVERDE	22.2	EL PASO NATURAL G
8132141		3003922412	103 SAN JUAN 30-5 UNIT 53	BASIN DAKOTA	45.0	NORTHWEST PIPELIN
-R L BURNS CORP		RECEIVED: 05/20/81	JA: NM			
8132147		3002527050	103 STATE 30 COMM NO 3	BAUP (UPPER PENN)	23.0	WARREN PETROLEUM
-SHELL OIL CO		RECEIVED: 05/20/81	JA: NM			
8132128		3002500000	108 N HOBBS (G-SA) UNIT SEC 13 NO 331	HOBBS (G-SA)	9.5	PHILLIPS PETROLEU
8132129		3002500000	108 N HOBBS (G-SA) UNIT SEC 18 NO 311	HOBBS (G-SA)	2.0	PHILLIPS PETROLEU
8132130		3002500000	108 N HOBBS (G-SA) UNIT SEC 18 NO 321	HOBBS (G-SA)	12.2	PHILLIPS PETROLEU
8132131		3002500000	108 N HOBBS (G-SA) UNIT SEC 18 NO 421	HOBBS (G-SA)	3.3	PHILLIPS PETROLEU
8132127		3002500000	108 N HOBBS (G-SA) UNIT SEC 18 NO 441	HOBBS (G-SA)	11.3	PHILLIPS PETROLEU
8132132		3002500000	108 N HOBBS (G-SA) UNIT SEC 19 NO 321	HOBBS (G-SA)	1.3	PHILLIPS PETROLEU

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8132152		3002500000		108		N HOBBS (G-SA) UNIT SEC 19 NO 421	HOBBS (G-SA)	5.3	PHILLIPS PETROLEU
8132133		3002500000		108		N HOBBS (G-SA) UNIT SEC 23 NO 211	HOBBS (G-SA)	2.1	PHILLIPS PETROLEU
8132151		3002500000		108		N HOBBS (G-SA) UNIT SEC 23 NO 231	HOBBS (G-SA)	2.4	PHILLIPS PETROLEU
8132150		3002500000		108		N HOBBS (G-SA) UNIT SEC 23 NO 241	HOBBS (G-SA)	2.0	PHILLIPS PETROLEU
8132134		3002500000		108		N HOBBS (G-SA) UNIT SEC 23 NO 311	HOBBS (G-SA)	5.5	PHILLIPS PETROLEU
8132149		3002500000		108		N HOBBS (G-SA) UNIT SEC 23 NO 321	HOBBS (G-SA)	7.0	PHILLIPS PETROLEU
8132154		3002500000		108		N HOBBS (G-SA) UNIT SEC 28 NO 111	HOBBS (G-SA)	10.6	PHILLIPS PETROLEU
8132153		3002500000		108		STATE C NO 2Y	EUMONT YATE SEVEN RIVERS	11.9	PHILLIPS PETROLEU
-SOL WEST III				RECEIVED: 05/20/81 JA: NM					
8132139		3002527173		103		TOMMY GALLAGER NO 1	TOWNSEND WOLFCAMP	55.0	WARREN PETROLEUM
-YATES PETROLEUM CORPORATION				RECEIVED: 05/20/81 JA: NM					
8132135		3001523566		102-4		ARNOLD OR STATE COM #1	UND MORROW	0.0	TRANSWESTERN PIPE
8132137		3001523193		102-4		DAVIS NC COM #1	UND BOYD MORROW	0.0	TRANSWESTERN PIPE
8132136		3001523409		102-4		NORTH MILLMAN UNIT #2	SOUTH MILLMAN MORROW	0.0	TRANSWESTERN PIPE
UTAH DIVISION OF OIL,GAS, & MINING									
-AMOCO PRODUCTION CO				RECEIVED: 05/26/81 JA: UT					
8132107	K-121-5	4304330129		102-2		CHAMPLIN 45N AMOCO D NO 1	CHALK BASIN	1058.0	NORTHWEST PIPELIN
WEST VIRGINIA DEPARTMENT OF MINES									
-ALLEGHENY LAND & MINERAL COMPANY				RECEIVED: 05/18/81 JA: WV					
8131999		4708300342		103		A - 902	MIDDLE FORK DISTRICT	0.0	COLUMBIA GAS TRAN
8132000		4708300343		103		A - 905	MIDDLE FORK DISTRICT	0.0	COLUMBIA GAS TRAN
8132001		4708300347		103		A - 906	ROARING CREEK DISTRICT	0.0	COLUMBIA GAS TRAN
-ASHLAND EXPLORATION INC				RECEIVED: 05/18/81 JA: WV					
8132024		4703903637		103		BEDFORD LAND #15 - 090171	PAINT CREEK	17.0	COLUMBIA GAS TRAN
8131977		4703903634		103		BEDFORD LAND NO 16 - 090181	PAINT CREEK	90.0	COLUMBIA GAS TRAN
8131998		4708100545		103		BEDFORD LAND NO 17 - 090191	PAINT CREEK	35.0	COLUMBIA GAS TRAN
8131949		4704700550	D	108		LON B ROGERS #18 - 050520	VIRGINIA	21.0	CONSOLIDATED GAS
-BRAXTON OIL AND GAS CORP				RECEIVED: 05/18/81 JA: WV					
8132074		4700701555		103		DUCKWORTH NO 1	BURNSVILLE	30.0	CONSOLIDATED GAS
8131958		4704102895		103		FRANCIS NO 1	VANDALIA	20.0	CONSOLIDATED GAS
8132083		4704102927		103		NO 1 DAVISSON	VANDALIA	18.0	
8132082		4704102926		103		NO 1 WATER WELL CHARLIE	VANDALIA	10.0	CONSOLIDATED GAS
-CABOT OIL & GAS CORP				RECEIVED: 05/18/81 JA: WV					
8132030		4707900963		103		J L MCLEAN A-25	UNION	19.0	TENNESSEE GAS PIP
8132046		4707900964		103		J L MCLEAN A-27	UNION	5.3	TENNESSEE GAS PIP
8132048		4707900975		103		J L MCLEAN A-33	UNION	3.0	TENNESSEE GAS PIP
8131902		4707900967		103		J L MCLEAN A-42	UNION	9.5	TENNESSEE GAS PIP
8131928		4707900994		103		J L MCLEAN A-44	UNION	1.0	TENNESSEE GAS PIP
8132027		4707900873		108		MCLEAN HEIRS A-3	UNION	16.0	CABOT CORP
8132045		4707900960		103		PUTNAM B-11	UNION	17.3	TENNESSEE GAS PIP
8131996		4707900990		103		PUTNAM B-12	UNION	19.0	TENNESSEE GAS PIP
8132047		4707900973		103		PUTNAM B-13	UNION	37.0	TENNESSEE GAS PIP
8131997		4707900997		103		PUTNAM B-14	UNION	24.7	TENNESSEE GAS PIP
8131927		4707900993		103		PUTNAM B-15	UNION	7.5	TENNESSEE GAS PIP
8132049		4707900989		103		PUTNAM B-20	UNION	16.3	TENNESSEE GAS PIP
-CARSON PETROLEUM CORP				RECEIVED: 05/18/81 JA: WV					
8132031		4701702662		103		L NICHOLSON #2	LITTLE INDIAN FORK	10.0	COLUMBIA GAS TRAN
-CHASE PETROLEUM				RECEIVED: 05/18/81 JA: WV					
8131896		4701702478		102-3		JONES #1	CENTRAL DISTRICT	48.6	

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8131895		4701702464		102-3		PRIMM #2	CENTRAL DISTRICT	54.0	
-CHRISMAN DRILLING COMPANY				RECEIVED: 05/18/81 JA: WV					
8131919		4708701035		108		O J MOYERS #5	OTTER DISTRICT	17.0	GEORGE JACKSON
8131916		4700721119		108		L J SMITH 3	OTTER	17.0	EQUITABLE GAS CO
-COLUMBIA GAS TRANSMISSION CORP				RECEIVED: 05/18/81 JA: WV					
8132041		4701900208		108		KAN GAULEY COAL & COKE CO 809783	FIELD AREA A	14.0	COLUMBIA GAS TRAN
8132043		4708100403		108		MCCREERY COAL CO 820475	WEST VA FIELD AREA C	35.0	COLUMBIA GAS TRAN
8131995		4708100404		108		MCCREERY COAL CO 820476	WEST VA FIELD AREA C	3.6	COLUMBIA GAS TRAN
8132044		4708100408		108		MCCREERY COAL CO 820482	WEST VA FIELD AREA C	13.0	COLUMBIA GAS TRAN
8132042		4705900882		108		TURKEY CREEK O & G 820367	W VA FIELD AREA B	12.0	COLUMBIA GAS TRAN
-CONSOLIDATED GAS SUPPLY CORPORATION				RECEIVED: 05/18/81 JA: WV					
8131953		4700100874		102-4		ARTHUR FARANCE 12395	W VA OTHER A85772	67.0	GENERAL SYSTEM PU
8131936		4709100168		102-4		CECIL O WOLFE 12552	W VA OTHER A85772	4.0	GENERAL SYSTEM PU
8131933		4704500940		108		DINGESS RUN COAL CO 11851	WEST VIRGINIA OTHERS A85	2.0	GENERAL SYSTEM PU
8131931		4701900271		108		GAULEY MOUNTAIN COAL 11946	WEST VIRGINIA OTHERS A85	9.0	GENERAL SYSTEM PU
8131897		4700100810		108		H D WRIGHT 12152	WEST VIRGINIA OTHER A857	19.0	GENERAL SYSTEM PU
8131929		4701900243		108		JEFFERY MFG CO 11775	WEST VIRGINIA OTHERS A85	20.0	GENERAL SYSTEM PU
8131930		4701900246		108		JEFFREY MFG CO 11776	WEST VIRGINIA OTHERS A85	9.0	GENERAL SYSTEM PU
8131932		4703302089		108		MAE GASTON 12602	WEST VIRGINIA OTHER A857	19.0	GENERAL SYSTEM PU
8131935		4704700782		108		POCAHONTAS LAND CORP 12367	PINEVILLE FIELD AREA A59	4.0	GENERAL SYSTEM PU
8131934		4703302075		108		WILLIAM L HORNOR 12576	WEST VIRGINIA OTHER A857	10.0	GENERAL SYSTEM PU
-DEVON CORPORATION				RECEIVED: 05/18/81 JA: WV					
8132052		4705300208		103		#935 Z B MEADORS	PARCHMENT	27.0	KAISER ALUMINUM &
8132051		4705300207		103		#939 LLOYD SHANK	PARCHMENT	36.0	KAISER ALUMINUM &
8132053		4705300211		103		#948 HELEN JIVIDEN	PARCHMENT	27.0	KAISER ALUMINUM &
-DORAN & ASSOCIATES INC				RECEIVED: 05/18/81 JA: WV					
8131967		4703322224		103		E KEINER #1 K-L-295	SARDIS	38.0	CONSOLIDATED GAS
8131969		4703322239		103		MCDONALD #1 (1SE 323) K-L-149	CLAY	38.0	CONSOLIDATED GAS
8131906		4703322090		103		O ASH #1 K-L-235	SARDIS	38.0	CONSOLIDATED GAS
8132032		4703322061		103		REED #1 K-L-239	CLAY	28.0	CONSOLIDATED GAS
8131968		4703322232		103		W H JETT #532 K-L-224	ELK	30.0	CONSOLIDATED GAS
-EASTERN AMERICAN ENERGY CORPORATION				RECEIVED: 05/18/81 JA: WV					
8131987		4701702713		107-DV		EA #1 CUMPSTON	BEECHLICK FORK	20.0	COLUMBIA GAS TRAN
-ENERGEX CORP				RECEIVED: 05/18/81 JA: WV					
8132003		4710700951		103		J KETTERMAN NO 1	VALLEY MILLS	0.0	CONSOLIDATED GAS
-FLETCHER ADKINS				RECEIVED: 05/18/81 JA: WV					
8131904		4704300160		108		M F BROWN #1	SHERIDAN	2.0	PENNZOIL CO
-GEORGE JACKSON				RECEIVED: 05/18/81 JA: WV					
8131976		4703302394		103		L E MARTIN #1 (C C 0681)	EAGLE	22.0	CONSOLIDATED GAS
-HAYHURST LEASE				RECEIVED: 05/18/81 JA: WV					
8131913		4701300883		108		HAYHURST LEASE WELL NO 2	CENTER DISTRICT	1.3	CONSOLIDATED GAS
-INTERSTATE DRILLING INC				RECEIVED: 05/18/81 JA: WV					
8132085		4704102689		103		ALFRED NO 1	VADIS	12.0	CONSOLIDATED GAS
8131962		4704102920		103		BRUFFEY #1	SAND FORK	22.0	CONSOLIDATED GAS
8131960		4704102692		103		ECKES NO 1	SAND FORK	12.0	CONSOLIDATED GAS
8132084		4704102858		103		FOX #1	SAND FORK	2.5	CONSOLIDATED GAS
8131961		4704102740		103		JARRELL #1	SAND FORK	11.0	CONSOLIDATED GAS
8132080		4704102939		103		JARRELL #2	SAND FORK	20.0	CONSOLIDATED GAS
8132081		4704102868		103		LONG #4	SAND FORK	3.6	CONSOLIDATED GAS
8131956		4704102739		103		MERTZ LAND CO #1		5.0	CONSOLIDATED GAS
-JAMES F SCOTT				RECEIVED: 05/18/81 JA: WV					
8131909		4701702750		103		STANLEY RICHARDS S-307	GREENBRIER	42.0	CONSOLIDATED GAS
-KEITH CRIMFIELD				RECEIVED: 05/18/81 JA: WV					

VOLUME 445 PAGE 004

JD NO	DA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8131912		4701302569		108		L ROBINSON #1	BIG RUN	0.0	CONSOLIDATED GAS
8131908		4701302570		108		L ROBINSON #2	BIG RUN	0.0	CONSOLIDATED GAS
-MILLS DRILLING CO INC		RECEIVED: 05/18/81 JA: WV							
8132055		4705900952		103		CLOSTERMAN HEIRS NO M-3	HARVEY DISTRICT	20.0	COLUMBIA GAS TRAN
-N G & K E BUSCH		RECEIVED: 05/18/81 JA: WV							
8132062		4710500853		108		M RICHTER NO 12	BURNING SPRINGS DISTRICT	0.5	PENNZOIL CO
8132063		4710500894		108		M RICHTER NO 13	BURNING SPRINGS DISTRICT	0.5	PENNZOIL CO
8132060		4710501600		108		M RICHTER NO 2	BURNING SPRINGS DISTRICT	0.5	PENNZOIL CO
8132061		4710500892		108		M RICHTER NO 4	BURNING SPRINGS DISTRICT	0.5	PENNZOIL CO
-NEW TROJAN GAS CO		RECEIVED: 05/18/81 JA: WV							
8131903		4704501077		108		ED GARRETT #1	CHAPMANVILLE	1.3	PENNZOIL CO
-PENNZOIL COMPANY		RECEIVED: 05/18/81 JA: WV							
8131993		4708701959		108		A W SUMMERS #24	WALTON	0.0	
8131899		4709500572		108		AGNES GORRELL #1	ELLSWORTH	0.1	
8132066		4710300950		108		ANSON CAIN #7	GRANT	0.0	CONSOLICATED GAS
8131937		4709500523		108		B F HAWKINS 30A #1	ELLSWORTH	0.1	
8131938		4709500534		108		B F HAWKINS 50A #7	ELLSWORTH	0.1	
8132068		4710301060		108		B W PETERSON #15	GRANT	0.0	CONSOLIDATED GAS
8132067		4710301059		108		B W PETERSON #19	GRANT	0.0	CONSOLIDATED GAS
8132069		4710301063		108		B W PETERSON #53	GRANT	0.0	CONSOLIDATED GAS
8132020		4710301065		108		B W PETERSON #72	GRANT	0.0	CONSOLIDATED GAS
8131980		4708702747		108		BEN SUMMERFIELD #2	SMITHFIELD	0.0	CONSOLIDATED GAS
8132007		4710300930		108		BLACKSHERE WELLS #13	GRANT	0.0	CONSOLIDATED GAS
8132008		4710300931		108		BLACKSHERE WELLS #15	GRANT	0.0	CONSOLIDATED GAS
8132009		4710300935		108		BLACKSHERE WELLS #27	GRANT	0.0	CONSOLIDATED GAS
8132006		4710300936		108		BLACKSHERE WELLS #30	GRANT	0.0	CONSOLIDATED GAS
8132010		4710300937		108		BLACKSHERE WELLS #34	GRANT	0.0	CONSOLIDATED GAS
8132011		4710300938		108		BLACKSHERE WELLS #39	GRANT	0.0	CONSOLIDATED GAS
8132012		4710300939		108		BLACKSHERE WELLS #41	GRANT	0.0	CONSOLIDATED GAS
8132065		4710300940		108		BLACKSHERE WELLS #42	GRANT	0.0	CONSOLIDATED GAS
8132013		4710300948		108		BRAST BROS #5	GRANT	0.0	CONSOLIDATED GAS
8132014		4710300952		108		CASSIE DAWSON #2	GRANT	0.0	CONSOLIDATED GAS
8131992		4708701949		108		CORA MARKS #9	HARPER	0.0	
8131994		4708702481		108		DAUGHERTY HEIRS #2	WALTON	0.0	CONSOLIDATED GAS
8131984		4708703123		108		DAVID LARCH #9	HARPER	0.0	
8131991		4708700449		108		E LEWIS #22	WALTON	0.0	
8131975		4710301075		108		E V NORRIS #3	GRANT	0.0	CONSOLIDATED GAS
8131971		4710301076		108		E V NORRIS #4	GRANT	0.0	CONSOLIDATED GAS
8131986		4710300928		108		ELIAS BATSON #4	GRANT	0.0	CONSOLIDATED GAS
8132017		4710300974		108		GEORGE ENSMINGER #2	GRANT	0.0	CONSOLIDATED GAS
8131989		4703903299		108		GRANT COPENHAVER #1	ELK	0.0	
8132034		4710301052		108		H A RIGGS #1	GRANT	0.0	CONSOLIDATED GAS
8131983		4708703007		108		H D SERGENT #3	WALTON	0.0	CONSOLIDATED GAS
8131940		4709500544		108		H I ASHER #2	ELLSWORTH	0.1	
8131941		4709500545		108		H I ASHER-11	ELLSWORTH	0.1	
8132036		4710301108		108		H L SMITH #17	GRANT	0.0	CONSOLIDATED GAS
8132023		4710301112		108		H L SMITH #47	GRANT	0.0	CONSOLIDATED GAS
8132037		4710301113		108		H L SMITH #49	GRANT	0.0	CONSOLIDATED GAS
8131946		4708702558		108		HUBBARD (G M SUMMERS) #1	WALTON	0.0	
8132018		4710301034		108		I D MORGAN #13	GRANT	0.0	CONSOLIDATED GAS
8132019		4710301036		108		I D MORGAN #15	GRANT	0.0	CONSOLIDATED GAS
8131970		4710301038		108		I D MORGAN #27	GRANT	0.0	CONSOLIDATED GAS
8131950		4710301042	D	108		I D MORGAN #41	GRANT	0.0	CONSOLIDATED GAS

VOLUME 445 PAGE 005

JD NO	DA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER

JOB NO	DA CKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8132016		4710300959		108		J B DEWHURST #26	GRANT	0.0	CONSOLIDATED GAS
8132015		4710300957		108		J B DOWHURST #20	GRANT	0.0	CONSOLIDATED GAS
8131898		4709500564		108		J F FERRELL #11	ELLSWORTH	0.1	
8131942		4709500558		108		J F FERRELL #4	ELLSWORTH	0.1	
8131943		4709500559		108		J F FERRELL #5	ELLSWORTH	0.1	
8131944		4709500561		108		J F FERRELL #7	ELLSWORTH	0.1	
8131988		4703903274		108		J M & V SUMMERS #5	ELK	0.0	
8131939		4709500536		108		J T A HAWKINS #2	ELLSWORTH	0.1	
8132021		4710301077		108		J W NORRIS #4	GRANT	0.0	CONSOLIDATED GAS
8131951		4710301121	D	108		J W STARKEY #1	GRANT	0.0	CONSOLIDATED GAS
8132038		4710301123		108		J W STARKEY #5	GRANT	0.0	CONSOLIDATED GAS
8131985		4708703154		108		JOHN JARVIS #4	HARPER	0.0	
8132039		4710301128		108		JOHN STEVENS #14	GRANT	0.0	CONSOLIDATED GAS
8132040		4710301130		108		JOHN STEVENS #16	GRANT	0.0	CONSOLIDATED GAS
8131952		4710301127	D	108		JOHN STEVENS #8	GRANT	0.0	CONSOLIDATED GAS
8131947		4708702576		108		KEFFER HEIRS #3	WALTON	0.0	CONSOLIDATED GAS
8132035		4710301097		108		L B ROBINSON #9	GRANT	0.0	CONSOLIDATED GAS
8132022		4710301099		108		L G ROBINSON #33	GRANT	0.0	CONSOLIDATED GAS
8132064		4710300288		108		L S WALTERS #4	GRANT	0.0	CONSOLIDATED GAS
8131948		4708702660		108		M A LYNCH #1	WALTON	0.0	
8131920		4708702661		108		M A LYNCH #3	WALTON	0.0	
8131921		4708702663		108		M A LYNCH #5	WALTON	0.0	
8131922		4708702664		108		M A LYNCH #6	WALTON	0.0	
8131982		4708703001		108		M L FERRELL #13	SMITHFIELD	0.0	CONSOLIDATED GAS
8131945		4708702527		108		M L FERRELL #7	SMITHFIELD	0.0	CONSOLIDATED GAS
8131981		4708703000		108		M M HOPKINS #1	WALTON	0.0	CONSOLIDATED GAS
8131923		4708702665		108		MARY A LYNCH #7	WALTON	0.0	
8131990		4703903301		108		N C JARRETT #1	ELK	0.0	
8131973		4710301068		108		PETERSON-CAMPBELL #1	GRANT	0.0	CONSOLIDATED GAS
8131974		4710301073		108		PETERSON-FAIRFIELD #25	GRANT	0.0	CONSOLIDATED GAS
8131979		4708702727		108		R P SCHOOLCRAFT #2	WALTON	0.0	CONSOLIDATED GAS
8132029		4702103326		108		RIDDLE BROS #2	DEKALB	0.0	CONSOLIDATED GAS
8132028		4702103325		108		RIDDLE BROTHERS #1	DEKALB	0.0	CONSOLIDATED GAS
8131972		4710301045		108		SUSAN MORRIS #1	GRANT	0.0	CONSOLIDATED GAS
8131978		4708702723		108		W R T SMITH #10	SMITHFIELD	0.0	CONSOLIDATED GAS
		RECEIVED: 05/18/81 JA: WV							
-RAY RESOURCES CORP									
8132033		4704302467		103		L R BOWLES #883	DUVAL	4.0	CABOT CORP
8132050		4704302468		103		L R BOWLES #884	DUVAL	4.0	CABOT CORP
		RECEIVED: 05/18/81 JA: WV							
-RUSSELL V JOHNSON JR									
8132056		4702103565		103		JAMES A REED #1	BIG RUN OF LEADING CREEK	37.0	COLUMBIA GAS TRAN
8132057		4702103619		103		JAMES A REED #2	BIG RUN OF LEADING CREEK	28.8	COLUMBIA GAS TRAN
8132058		4702103620		103		S A MCCARTNEY #2	BIG RUN OF LEADING CREEK	32.0	COLUMBIA GAS TRAN
8132059		4702103564		103		SULL A MCCARTNEY #1	BIG RUN OF LEADING CREEK	37.0	COLUMBIA GAS TRAN
		RECEIVED: 05/18/81 JA: WV							
-SECURITY GAS & OIL INC									
8132002		4709500743		103		MORGAN #1	MCKIM - PLUM RUN	9.0	COLUMBIA GAS TRAN
		RECEIVED: 05/18/81 JA: WV							
-SENECA-UPSHUR PETROLEUM CO									
8132054		4705900948		103		P-213	STAFFORD	35.0	CONSOLIDATED GAS
		RECEIVED: 05/18/81 JA: WV							
-SPARTAN GAS COMPANY									
8131910		4701100607		108		CARL DAVIS #1-S-202	GRANT DISTRICT	8.0	COLUMBIA GAS TRAN
8131914		4701100608		108		CLARENCE DAVIS #1-S-207	GRANT DISTRICT	0.0	COLUMBIA GAS TRAN
8131915		4701100601		108		CLYDE DAVIS #1-S-201	GRANT DISTRICT	13.0	COLUMBIA GAS TRAN
		RECEIVED: 05/18/81 JA: WV							
-STERLING DRILLING & PROD CO INC									
8131963		4701501794		103		ALOI 29 SOP#284	BUFFALO DISTRICT	9.9	EQUITABLE GAS CO

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VOLUME 44* PAGE 006

JO #	JA PCT	API #	T SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8131959		4701501795	103	ALOI 30 SDP #265	BUFFALO DISTRICT	8.1	EQUITABLE GAS CO
8132072		4700701549	103	CARPER #318	OTTER DISTRICT	52.9	
8132078		4703501423	103	SCHEER #1 SDP #26	RIPLEY DISTRICT	30.3	COLUMBIA GAS TRAN
8132079		4704102922	103	SHEARER #313	FREEMANS CREEK DISTRICT	287.8	CONSOLIDATED GAS
8132073		4700701470	103	STALNAKER #242	BIRCH DISTRICT	30.6	EQUITABLE GAS CO
8131957		4708703352	103	STUMP #349	GEARY DISTRICT	18.4	COLUMBIA GAS TRAN
8131926		4708703353	103	STUMP #350	GEARY DISTRICT	10.8	COLUMBIA GAS TRAN
-STONEWALL GAS CO INC			RECEIVED: 05/18/81 JA: WV				
8131964		4703322244	103	G W WILLIAMS #2	TEN MILE	0.0	CONSOLIDATED GAS
-TEXAS INTERNATIONAL PET CORP			RECEIVED: 05/18/81 JA: WV				
8132076		4701501786	103	BETHLEHEM MINES #23	TWENTY MILE CREEK	18.0	CABOT CORP
8131900		4706700542	103	BETHLEHEM MINES #56	JEFFERSON	67.0	CABOT CORP
8132077		4701501785	103	BETHLEHEM MINES CORP #22	HENRY DISTRICT - TWENTY	110.0	CABOT CORP
8132075		4701501787	103	BETHLEHEM MINES CORPORATION #26	HENRY DISTRICT - TWENTY	65.0	CABOT CORP
8131955		4706700523	103	FEDERAL COAL #24	JEFFERSON	110.0	CABOT CORP
8131954		4706700525	103	FEDERAL COAL #26	JEFFERSON DISTRICT - TWE	55.0	CABOT CORP
8132086		4706700530	103	FEDERAL COAL #31	JEFFERSON DISTRICT - TWE	60.0	CABOT CORP
8132071		4700501314	103	WESTERN POCAHONTAS #1	CROCK DISTRICT - MARSH F	110.0	COLUMBIA GAS TRAN
-THE CARTER JONES LUMBER CO			RECEIVED: 05/18/81 JA: WV				
8132026		4709500678	108	MILDRED TUTTLE #1	LINCOLN DISTRICT	15.0	CONSOLIDATED NATU
-TRIO PETROLEUM CORP			RECEIVED: 05/18/81 JA: WV				
8131966		4700701562	103	SHAVER A #1	CHAPEL - GERMAN	30.0	COLUMBIA GAS TRAN
-UNION DRILLING INC			RECEIVED: 05/18/81 JA: WV				
8131901		4709702114	103	ALMA BRADY #1 1594	MEADE DISTRICT	0.0	COLUMBIA GAS TRAN
8131918		4700100656	108	CLAY & DORIS STOUT #1 1311	PLEASANT DISTRICT	20.0	CONSOLIDATED GAS
8131965		4700701561	103	FREDA B ENGLE ET AL #2 1626	OTTER DISTRICT	0.0	COLUMBIA GAS TRAN
8131924		4709701836	108	GORDON FITZGERALD #1 1442	MEADE DISTRICT	9.8	COLUMBIA GAS TRAN
8131925		4709701805	108	IVA M SAYRE #1 1428	MEADE DISTRICT	18.0	COLUMBIA GAS TRAN
8132005		4700701538	103	RALPH SHAVER #1 1502	OTTER DISTRICT	0.0	COLUMBIA GAS TRAN
8131917		4700100566	108	W B CLEAVENGER #1 1258	PLEASANT DISTRICT	21.0	CONSOLIDATED GAS
8132004		4700701539	103	WAYNE LLOYD #1 1532	OTTER DISTRICT	0.0	COLUMBIA GAS TRAN
-UNITED OPERATING COMPANY			RECEIVED: 05/18/81 JA: WV				
8131911		4701702648	103	DOUGLAS 1-A	RED LICK RUN	0.0	CONSOLIDATED GAS
-VANDERBILT RESOURCES CORPORATION			RECEIVED: 05/18/81 JA: WV				
8131907		4702102953	108	G M RIDDLE I-578	ORMA	11.0	CONSOLIDATED GAS
8132070		4702102942	108	GAINER I-580	ORMA	3.5	CONSOLIDATED GAS
8131905		4704102143	108	PETERSON I-51	ORMA	4.2	CONSOLIDATED GAS
-WARREN EXPLORATIONS INC			RECEIVED: 05/18/81 JA: WV				
8132025		4705120666	102-2	T MARKEY #1		18.0	COLUMBIA GAS TRAN
**********							
** U.S. GEOLOGICAL SURVEY - CASPER,WY							
**********							
-FALCON-COLORADO EXPLORATION INC			RECEIVED: 05/18/81 JA: MT 5				
8132095 M 116-1		2507121750	102-2	1-23 FEDERAL	SWANSON CREEK	7.0	MONTANA-DAKOTA UT
8132096 M 122-1		2510521183	103	1-3 FEDERAL	SWANSON CREEK	2.0	MONTANA-DAKOTA UT
8132102 M 135-1		2507121753	103	1-32 FEDERAL	SWANSON CREEK GAS FIELD	15.0	MONTANA-DAKOTA UT
-RAINBOW RESOURCES INC			RECEIVED: 05/18/81 JA: MT 5				
8132098 M 127-1		2503521475	102-2	TWO MEDICINE #1-11	TWO MEDICINE	18.0	
8132104 M 143-1		2503521485	102-2	TWO MEDICINE #1-3	TWO MEDICINE	2.0	
-FARMERS UNION CENTRAL EXCHANGE INC			RECEIVED: 05/18/81 JA: ND 5				
8132093 ND 596-D		3300700158	102-4	FEDERAL 14-32	ELKHORN RANCH	35.0	KOCH HYDROCARBON
8132092 ND 595-D		3300700179	102-4	FEDERAL 9-6	ELKHORN RANCH	30.0	KOCH HYDROCARBON
-TENNECO OIL COMPANY			RECEIVED: 05/18/81 JA: ND 5				

VOLUME 44* PAGE 007

JO #	JA PCT	API #	T SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8132100		4703501424	103	ALOI 30 SDP #266	BUFFALO DISTRICT	8.1	EQUITABLE GAS CO
8132101		4703501425	103	ALOI 30 SDP #267	BUFFALO DISTRICT	8.1	EQUITABLE GAS CO
8132103		4703501426	103	ALOI 30 SDP #268	BUFFALO DISTRICT	8.1	EQUITABLE GAS CO
8132104		4703501427	103	ALOI 30 SDP #269	BUFFALO DISTRICT	8.1	EQUITABLE GAS CO
8132105		4703501428	103	ALOI 30 SDP #270	BUFFALO DISTRICT	8.1	EQUITABLE GAS CO
8132106		4703501429	103	ALOI 30 SDP #271	BUFFALO DISTRICT	8.1	EQUITABLE GAS CO
8132107		4703501430	103	ALOI 30 SDP #272	BUFFALO DISTRICT	8.1	EQUITABLE GAS CO
8132108		4703501431	103	ALOI 30 SDP #273	BUFFALO DISTRICT	8.1	EQUITABLE GAS CO
8132109		4703501432	103	ALOI 30 SDP #274	BUFFALO DISTRICT	8.1	EQUITABLE GAS CO
8132110		4703501433	103	ALOI 30 SDP #275	BUFFALO DISTRICT	8.1	EQUITABLE GAS CO
8132111		4703501434	103	ALOI 30 SDP #276	BUFFALO DISTRICT	8.1	EQUITABLE GAS CO
8132112		4703501435	103	ALOI 30 SDP #277	BUFFALO DISTRICT	8.1	EQUITABLE GAS CO
8132113		4703501436	103	ALOI 30 SDP #278	BUFFALO DISTRICT	8.1	EQUITABLE GAS CO
8132114		4703501437	103	ALOI 30 SDP #279	BUFFALO DISTRICT	8.1	EQUITABLE GAS CO
8132115		4703501438	103	ALOI 30 SDP #280	BUFFALO DISTRICT	8.1	EQUITABLE GAS CO
8132116		4703501439	103	ALOI 30 SDP #281	BUFFALO DISTRICT	8.1	EQUITABLE GAS CO
8132117		4703501440	103	ALOI 30 SDP #282	BUFFALO DISTRICT	8.1	EQUITABLE GAS CO
8132118		4703501441	103	ALOI 30 SDP #283	BUFFALO DISTRICT	8.1	EQUITABLE GAS CO
8132119		4703501442	103	ALOI 30 SDP #284	BUFFALO DISTRICT	8.1	EQUITABLE GAS CO
8132120		4703501443	103	ALOI 30 SDP #285	BUFFALO DISTRICT	8.1	EQUITABLE GAS CO
8132121		4703501444	103	ALOI 30 SDP #286	BUFFALO DISTRICT	8.1	EQUITABLE GAS CO
8132122		4703501445	103	ALOI 30 SDP #287	BUFFALO DISTRICT	8.1	EQUITABLE GAS CO
8132123		4703501446	103	ALOI 30 SDP #288	BUFFALO DISTRICT	8.1	EQUITABLE GAS CO
8132124		4703501447	103	ALOI 30 SDP #289	BUFFALO DISTRICT	8.1	EQUITABLE GAS CO
8132125		4703501448	103	ALOI 30 SDP #290	BUFFALO DISTRICT	8.1	EQUITABLE GAS CO
8132126		4703501449	103	ALOI 30 SDP #291	BUFFALO DISTRICT	8.1	EQUITABLE GAS CO
8132127		4703501450	103	ALOI 30 SDP #292	BUFFALO DISTRICT	8.1	EQUITABLE GAS CO
8132128		4703501451	103	ALOI 30 SDP #293	BUFFALO DISTRICT	8.1	EQUITABLE GAS CO
8132129		4703501452	103	ALOI 30 SDP #294	BUFFALO DISTRICT	8.1	EQUITABLE GAS CO
8132130		4703501453	103	ALOI 30 SDP #295	BUFFALO DISTRICT	8.1	EQUITABLE GAS CO
8132131		4703501454	103	ALOI 30 SDP #296	BUFFALO DISTRICT	8.1	EQUITABLE GAS CO
8132132		4703501455	103	ALOI 30 SDP #297	BUFFALO DISTRICT	8.1	EQUITABLE GAS CO
8132133		4703501456	103	ALOI 30 SDP #298	BUFFALO DISTRICT	8.1	EQUITABLE GAS CO
8132134		4703501457	103	ALOI 30 SDP #299	BUFFALO DISTRICT	8.1	EQUITABLE GAS CO
8132135		4703501458	103	ALOI 30 SDP #300	BUFFALO DISTRICT	8.1	EQUITABLE GAS CO
8132136		4703501459	103	ALOI 30 SDP #301	BUFFALO DISTRICT	8.1	EQUITABLE GAS CO
8132137		4703501460	103	ALOI 30 SDP #302	BUFFALO DISTRICT	8.1	EQUITABLE GAS CO
8132138		4703501461	103	ALOI 30 SDP #303	BUFFALO DISTRICT	8.1	EQUITABLE GAS CO
8132139		4703501462	103	ALOI 30 SDP #304	BUFFALO DISTRICT	8.1	EQUITABLE GAS CO
8132140		4703501463	103	ALOI 30 SDP #305	BUFFALO DISTRICT	8.1	EQUITABLE GAS CO
8132141		4703501464	103	ALOI 30 SDP #306	BUFFALO DISTRICT	8.1	EQUITABLE GAS CO
8132142		4703501465	103	ALOI 30 SDP #307	BUFFALO DISTRICT	8.1	EQUITABLE GAS CO
8132143		4703501466	103	ALOI 30 SDP #308	BUFFALO DISTRICT	8.1	EQUITABLE GAS CO
8132144		4703501467	103	ALOI 30 SDP #309	BUFFALO DISTRICT	8.1	EQUITABLE GAS CO
8132145		4703501468	103	ALOI 30 SDP #310	BUFFALO DISTRICT	8.1	EQUITABLE GAS CO
8132146		4703501469	103	ALOI 30 SDP #311	BUFFALO DISTRICT	8.1	EQUITABLE GAS CO
8132147		4703501470	103	ALOI 30 SDP #312	BUFFALO DISTRICT	8.1	EQUITABLE GAS CO
8132148		4703501471	103	ALOI 30 SDP #313	BUFFALO DISTRICT	8.1	EQUITABLE GAS CO
8132149		4703501472	103	ALOI 30 SDP #314	BUFFALO DISTRICT	8.1	EQUITABLE GAS CO
8132150		4703501473	103	ALOI 30 SDP #315	BUFFALO DISTRICT	8.1	EQUITABLE GAS CO
8132151		4703501474	103	ALOI 30 SDP #316	BUFFALO DISTRICT	8.1	EQUITABLE GAS CO
8132152		4703501475	103	ALOI 30 SDP #317	BUFFALO DISTRICT	8.1	EQUITABLE GAS CO
8132153		4703501476	103	ALOI 30 SDP #318	BUFFALO DISTRICT	8.1	EQUITABLE GAS CO
8132154		4703501477	103	ALOI 30 SDP #319	BUFFALO DISTRICT	8.1	EQUITABLE GAS CO
8132155		4703501478	103	ALOI 30 SDP #320	BUFFALO DISTRICT	8.1	EQUITABLE GAS CO
8132156		4703501479	103	ALOI 30 SDP #321	BUFFALO DISTRICT	8.1	EQUITABLE GAS CO
8132157		4703501480	103	ALOI 30 SDP #322	BUFFALO DISTRICT	8.1	EQUITABLE GAS CO
8132158		4703501481	103	ALOI 30 SDP #323	BUFFALO DISTRICT	8.1	EQUITABLE GAS CO
8132159		4703501482	103	ALOI 30 SDP #324	BUFFALO DISTRICT	8.1	EQUITABLE GAS CO
8132160		4703501483	103	ALOI 30 SDP #325	BUFFALO DISTRICT	8.1	EQUITABLE GAS CO
8132161		4703501484	103	ALOI 30 SDP #326	BUFFALO DISTRICT	8.1	EQUITABLE GAS CO
8132162		4703501485	103	ALOI 30 SDP #327	BUFFALO DISTRICT	8.1	EQUITABLE GAS CO
8132163		4703501486	103	ALOI 30 SDP #328	BUFFALO DISTRICT	8.1	EQUITABLE GAS CO
8132164		4703501487	103	ALOI 30 SDP #329	BUFFALO DISTRICT	8.1	EQUITABLE GAS CO
8132165		4703501488	103	ALOI 30 SDP #330	BUFFALO DISTRICT	8.1	EQUITABLE GAS CO
8132166		4703501489	103	ALOI 30 SDP #331	BUFFALO DISTRICT	8.1	EQUITABLE GAS CO
8132167		4703501490	103	ALOI 30 SDP #332	BUFFALO DISTRICT	8.1	EQUITABLE GAS CO
8132168		4703501491	103	ALOI 30 SDP #333	BUFFALO DISTRICT	8.1	EQUITABLE GAS CO
8132169		4703501492	103	ALOI 30 SDP #334	BUFFALO DISTRICT	8.1	EQUITABLE GAS CO
8132170		4703501493	103	ALOI 30 SDP #335	BUFFALO DISTRICT	8.1	EQUITABLE GAS CO
8132171		4703501494	103	ALOI 30 SDP #336	BUFFALO DISTRICT	8.1	EQUITABLE GAS CO
8132172		4703501495	103	ALOI 30 SDP #337	BUFFALO DISTRICT	8.1	EQUITABLE GAS CO
8132173		4703501496	103	ALOI 30 SDP #338	BUFFALO DISTRICT	8.1	EQUITABLE GAS CO
8132174		4703501497	103	ALOI 30 SDP #339	BUFFALO DISTRICT	8.1	EQUITABLE GAS CO
8132175		4703501498	103	ALOI 30 SDP #340	BUFFALO DISTRICT	8.1	EQUITABLE GAS CO
8132176		4703501499	103	ALOI 30 SDP #341	BUFFALO DISTRICT	8.1	EQUITABLE GAS CO
8132177		4703501500	103	ALOI 30 SDP #342	BUFFALO DISTRICT	8.1	EQUITABLE GAS CO
8132178		4703501501	103	ALOI 30 SDP #343	BUFFALO DISTRICT	8.1	EQUITABLE GAS CO
8132179		4703501502	103	ALOI 30 SDP #344	BUFFALO DISTRICT	8.1	EQUITABLE GAS CO
8132180		4703501503	103	ALOI 30 SDP #345	BUFFALO DISTRICT	8.1	EQUITABLE GAS CO
8132181		4703501504	103	ALOI 30 SDP #346	BUFFALO DISTRICT	8.1	EQUITABLE GAS CO
8132182		4703501505	103	ALOI 30 SDP #347	BUFFALO DISTRICT	8.1	EQUITABLE GAS CO
8132183		4703501506	103	ALOI 30 SDP #348	BUFFALO DISTRICT	8.1	EQUITABLE GAS CO
8132184		4703501507	103	ALOI 30 SDP #349	BUFFALO DISTRICT	8.1	EQUITABLE GAS CO
8132185		4703501508	103	ALOI 30 SDP #350	BUFFALO DISTRICT	8.1	EQUITABLE GAS CO
-STONEWALL GAS CO INC			RECEIVED: 05/18/81 JA: WV				
8131964		4703322244	103	G W WILLIAMS #2	TEN MILE	0.0	CONSOLIDATED GAS
-TEXAS INTERNATIONAL PET CORP			RECEIVED: 05/18/81 JA: WV				
8132076		4701501786	103	BETHLEHEM MINES #23	TWENTY MILE CREEK	18.0	CABOT CORP
8131900		4706700542	103	BETHLEHEM MINES #56	JEFFERSON	67.0	CABOT CORP
8132077		4701501785	103	BETHLEHEM MINES CORP #22	HENRY DISTRICT - TWENTY	110.0	CABOT CORP
8132075		4701501787	103	BETHLEHEM MINES CORPORATION #26	HENRY DISTRICT - TWENTY	65.0	CABOT CORP
8131955		4706700523	103	FEDERAL COAL #24	JEFFERSON	110.0	CABOT CORP
8131954		4706700525	103	FEDERAL COAL #26	JEFFERSON DISTRICT - TWE	55.0	CABOT CORP
8132086		4706700530	103	FEDERAL COAL #31	JEFFERSON DISTRICT - TWE	60.0	CABOT CORP
8132071		4700501314	103	WESTERN POCAHONTAS #1	CROCK DISTRICT - MARSH F	110.0	COLUMBIA GAS TRAN
-THE CARTER JONES LUMBER CO			RECEIVED: 05/18/81 JA: WV				
8132026		4709500678	108	MILDRED TUTTLE #1	LINCOLN DISTRICT	15.0	CONSOLIDATED NATU
-TRIO PETROLEUM CORP			RECEIVED: 05/18/81 JA: WV				
8131966		4700701562	103	SHAVER A #1	CHAPEL - GERMAN	30.0	COLUMBIA GAS TRAN
-UNION DRILLING INC			RECEIVED: 05/18/81 JA: WV				
8131901		4709702114	103	ALMA BRADY #1 1594	MEADE DISTRICT	0.0	COLUMBIA GAS TRAN
8131918		4700100656	108	CLAY & DORIS STOUT #1 1311	PLEASANT DISTRICT	20.0	CONSOLIDATED GAS
8131965		4700701561	103	FREDA B ENGLE ET AL #2 1626	OTTER DISTRICT	0.0	COLUMBIA GAS TRAN
8131924		4709701836	108	GORDON FITZGERALD #1 1442	MEADE DISTRICT	9.8	COLUMBIA GAS TRAN
8131925		4709701805	108	IVA M SAYRE #1 1428	MEADE DISTRICT	18.0	COLUMBIA GAS TRAN
8132005		4700701538	103	RALPH SHAVER #1 1502	OTTER DISTRICT	0.0	COLUMBIA GAS TRAN
8131917		4700100566	108	W B CLEAVENGER #1 1258	PLEASANT DISTRICT	21.0	CONSOLIDATED GAS
8132004		4700701539	103	WAYNE LLOYD #1 1532	OTTER DISTRICT	0.0	COLUMBIA GAS TRAN
-UNITED OPERATING COMPANY			RECEIVED: 05/18/81 JA: WV				
8131911		4701702648	103	DOUGLAS 1-A	RED LICK RUN	0.0	CONSOLIDATED GAS
-VANDERBILT RESOURCES CORPORATION			RECEIVED: 05/18/81 JA: WV				
8131907		4702102953	108	G M RIDDLE I-578	ORMA	11.0	CONSOLIDATED GAS
8132070		4702102942	108	GAINER I-580	ORMA	3.5	CONSOLIDATED GAS
8131905		4704102143	108	PETERSON I-51	ORMA	4.2	CONSOLIDATED GAS
-WARREN EXPLORATIONS INC			RECEIVED: 05/18/81 JA: WV				
8132025		4705120666	102-2	T MARKEY #1		18.0	COLUMBIA GAS TRAN
**********							
** U.S. GEOLOGICAL SURVEY - CASPER,WY							
**********							
-FALCON-COLORADO EXPLORATION INC			RECEIVED: 05/18/81 JA: MT 5				
8132095 M 116-1		2507121750	102-2	1-23 FEDERAL	SWANSON CREEK	7.0	MONTANA-DAKOTA UT
8132096 M 122-1		2510521183	103	1-3 FEDERAL	SWANSON CREEK	2.0	MONTANA-DAKOTA UT
8132102 M 135-1		2507121753	103	1-32 FEDERAL	SWANSON CREEK GAS FIELD	15.0	MONTANA-DAKOTA UT
-RAINBOW RESOURCES INC			RECEIVED: 05/18/81 JA: MT 5				
8132098 M 127-1		2503521475	102-2	TWO MEDICINE #1-11	TWO MEDICINE	18.0	
8132104 M 143-1		2503521485	102-2	TWO MEDICINE #1-3	TWO MEDICINE	2.0	
-FARMERS UNION CENTRAL EXCHANGE INC			RECEIVED: 05/18/81 JA: ND 5				
8132093 ND 596-D		3300700158	102-4	FEDERAL 14-32	ELKHORN RANCH	35.0	KOCH HYDROCARBON
8132092 ND 595-D		3300700179	102-4	FEDERAL 9-6	ELKHORN RANCH	30.0	KOCH HYDROCARBON
-TENNECO OIL COMPANY			RECEIVED: 05/18/81 JA: ND 5				

VOLUME 445 PAGE 007

JU...	JA'KT	API #	T SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8132099	ND 128-1	3300700560	102-2	BENJAMIN USA #2-18	BIG STICK	488.0	WESTERN GAS PROCE
8132101	ND 130-1	3300700557	102-2	DAVID USA #4-25	BIG STICK	290.0	WESTERN GAS PROCE
8132100	ND 129-1	3300700516	102-2	STUART USA #3-30	BIG STICK	196.0	WESTERN GAS PROCE
-AMOCO PRODUCTION CO			RECEIVED: 05/18/81 JA: WY 5				
8132106	W 146-1	4900720508	107-TF	USA AMOCO W NO 1	ECHO SPRINGS	21.7	CITIES SERVICE GA
-CIG EXPLORATION INC			RECEIVED: 05/18/81 JA: WY 5				
8132103	W 136-1	4900720654	107-TF	CIGE 4-4	STANDARD DRAW	1231.0	COLORADO INTERSTA
-JERRY CHAMBERS-OIL PRODUCER			RECEIVED: 05/18/81 JA: WY 5				
8132105	W 145-1	4903721718	102-2	1-22 CHAMBERS FEDERAL	ECHO SPRINGS	228.0	CITIES SERVICE GA
-PRENALTA CORPORATION			RECEIVED: 05/18/81 JA: WY 5				
8132089	W 383-0	4901320874	102-4	PRENALTA GOVT 34-27-33-95	KIREY DRAW	243.0	NORTHERN GAS CO
-TOM BROWN INC			RECEIVED: 05/18/81 JA: WY 5				
8132090	W 587-0	4901321058	102-2	TRIBAL # 24-21	WILDCAT	292.0	MONTANA-DAKOTA UT
8132091	W 588-0	4901320973	102-2	TRIBAL # 25-31	MUDDY RIDGE	277.4	MONTANA-DAKOTA UT
8132097	W 125-1	4901321103	102-2	TRIBAL 24-41	MUDDY RIDGE	513.0	MONTANA-DAKOTA UT
8132094	W 27-1	4901320597	102-2	TRIBAL-TRIGG # 24-43 OWDD	MUDDY RIDGE	44.5	MONTANA-DAKOTA UT
**********							
** BUREAU OF INDIAN AFFAIRS, OSAGE AGENCY, PAWHUSKA,OK							
**********							
-BACCARAT OIL LTD			RECEIVED: 05/18/81 JA: OK 8				
8132116		3511300000	103	MOORE #36-1	BARTLESVILLE	0.0	NATIONAL ZINC CO
8132115		3511300000	103	PECK SA	BARTLESVILLE	0.0	NATIONAL ZINC CO
-DOYLE WILLIAMS			RECEIVED: 05/18/81 JA: OK 8				
8132109		3511300000	103	WELL # 12 NW 1-25-11	WOOLAROCK	52.0	NATIONAL ZINC CO
8132110		3511300000	103	WELL #10 N E 1-25-11	BALLEW	55.0	NATIONAL ZINC CO
8132108		3511300000	103	WELL #11 N W 1-25-11	NORTH WOOLAROC	48.0	NATIONAL ZINC CO
8132112		3511300000	108	WELL #4 SW 36-26-11	SW 36-26-11	0.0	NATIONAL ZINC CO
8132111		3511300000	103	WELL #7 SE 1-25-11	BALLEW	40.0	NATIONAL ZINC CO
8132113		3511300000	108	WELL 11-20 NE 20-25-12	NE 20-25-12	25.2	NATIONAL ZINC CO
8132114		3511300000	103	9-SE 20-25-12	HUGHES 9-SE 20-25-12	0.0	NATIONAL ZINC CO
-SERVICE DRILLING CO			RECEIVED: 05/18/81 JA: OK 8				
8132117		3511300000	103	FRED #4-8		0.0	CITIES SERVICE GA
**********							
** DEPARTMENT OF ENERGY							
**********							
-NAVAL PETROLEUM RESERVES IN CALIFOR			RECEIVED: 05/18/81 JA: CA 9				
*8132088		0402900000	103	24Z - #356	NAVAL PETROLEUM RESERVES	183.0	CHEVRON USA INC
-NAVAL PETROLEUM RESERVES IN CALIFOR			RECEIVED: 04/06/81 JA: CA 9				
*8132087		0402900000	102-2	26R - #337	NAVAL PETROLEUM RESERVES	639.0	CHEVRON USA INC

-OTHER PURCHASERS

*8132087 GETTY OIL CO
*8132088 GETTY OIL COMPANY
*8132125 NORTHWEST PIPELINE CORPORATION
*8132126 SOUTHERN UNION GATHERING COMPANY

BILLING CODE 6450-01-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission on or before July 9, 1981.

Categories within each NGPA section are indicated by the following codes:

Section

102–1: New OCS lease
102–2: New well (2.5 mile rule)
102–3: New well (1000 ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease
107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal seams
107–DV: Devonian shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-18653 Filed 6-23-81; 8:45 am]
BILLING CODE 6450-01-M

[Volume 446]
Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978
Issued: June 19, 1981.

V 46 N 248 Jun 24 1981 UMI

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: June 19, 1981.

JD NO	JA JKT	API NO	D SEC CAT WELL NAME	FIELD NAME	PROD	PURCHASER
OHIO DEPARTMENT OF NATURAL RESOURCES						
-BUCKHORN OIL CO INC		RECEIVED: 05/19/81 JA: CH				
8132287		3407522765	103 BEILER #1	MECHANIC	10.0	COLUMBIA GAS TRAN
8132287		3407522765	107-TF BEILER #1	MECHANIC	10.0	COLUMBIA GAS TRAN
8132278A		3407522716	103 HOUSE #1	KILLBUCK	10.0	COLUMBIA GAS TRAN
8132278B		3407522716 D	107-TF HOUSE #1	KILLBUCK	10.0	COLUMBIA GAS TRAN
8132279A		3407522719	103 HOUSE #5	KILLBUCK	10.0	COLUMBIA GAS TRAN
8132279B		3407522719 D	107-TF HOUSE #5	KILLBUCK	10.0	COLUMBIA GAS TRAN
8132286		3407522750	103 MILLER #18-1	MECHANIC	10.0	COLUMBIA GAS TRAN
8132286		3407522750	107-TF MILLER #18-1	MECHANIC	10.0	COLUMBIA GAS TRAN
8132289		3407522767	103 RABER #1-1	MECHANIC	10.0	COLUMBIA GAS TRAN
8132289		3407522767	107-TF RABER #1-1	MECHANIC	10.0	COLUMBIA GAS TRAN
8132288		3407522766	103 RABER #3-1	MECHANIC	10.0	COLUMBIA GAS TRAN
8132288		3407522766	107-TF RABER #3-1	MECHANIC	10.0	COLUMBIA GAS TRAN
8132273A		3407522612	103 RUSSELL #5	KILLBUCK	10.0	COLUMBIA GAS TRAN
8132273B		3407522612 D	107-TF RUSSELL #5	KILLBUCK	10.0	COLUMBIA GAS TRAN
8132274A		3407522613	103 RUSSELL #6	KILLBUCK	10.0	COLUMBIA GAS TRAN
8132274B		3407522613 D	107-TF RUSSELL #6	KILLBUCK	10.0	COLUMBIA GAS TRAN
8132275A		3407522614	103 RUSSELL #7	KILLBUCK	10.0	COLUMBIA GAS TRAN
8132275B		3407522614 D	107-TF RUSSELL #7	KILLBUCK	10.0	COLUMBIA GAS TRAN
8132272A		3407522610	103 SCHLAUCH #1	RICHLAND	10.0	COLUMBIA GAS TRAN
8132272B		3407522610 D	107-TF SCHLAUCH #1	RICHLAND	10.0	COLUMBIA GAS TRAN
8132276A		3407522615	103 TAYLOR #1	KILLBUCK	10.0	COLUMBIA GAS TRAN
8132276B		3407522615 D	107-TF TAYLOR #1	KILLBUCK	10.0	COLUMBIA GAS TRAN
8132277A		3407522616	103 TAYLOR #2	KILLBUCK	10.0	COLUMBIA GAS TRAN
8132277B		3407522616 D	107-TF TAYLOR #2	KILLBUCK	10.0	COLUMBIA GAS TRAN
8132283		3407522744	107-TF TROYER #1	MECHANIC	10.0	COLUMBIA GAS TRAN
8132280		3407522741	103 YODER #18-1	MECHANIC	10.0	COLUMBIA GAS TRAN
8132280		3407522741	107-TF YODER #18-1	MECHANIC	10.0	COLUMBIA GAS TRAN
8132285		3407522749	103 YODER #19-1	MECHANIC	10.0	COLUMBIA GAS TRAN
8132285		3407522749	107-TF YODER #19-1	MECHANIC	10.0	COLUMBIA GAS TRAN
8132282		3407522743	103 YODER #2-1	MECHANIC	10.0	COLUMBIA GAS TRAN
8132282		3407522743	107-TF YODER #2-1	MECHANIC	10.0	COLUMBIA GAS TRAN
8132284		3407522745	103 YODER #21-1	MECHANIC	10.0	COLUMBIA GAS TRAN
8132284		3407522745	107-TF YODER #21-1	MECHANIC	10.0	COLUMBIA GAS TRAN
8132281		3407522742	103 YODER #24-1	MECHANIC	10.0	COLUMBIA GAS TRAN
8132281		3407522742	107-TF YODER #24-1	MECHANIC	10.0	COLUMBIA GAS TRAN
-BARTLO OIL AND GAS COMPANY		RECEIVED: 05/19/81 JA: CH				
8132155		3410322300	103 DAQUE-MARRONE UNIT #1	SHARON	15.0	
8132155		3410322300	107-TF DAQUE-MARRONE UNIT #1	SHARON	15.0	
8132157		3410322455	103 GILBERT DILLEY #2	SHARON	5.0	
8132157		3410322455	107-TF GILBERT DILLEY #2	SHARON	5.0	

VOLUME 446 PAGE 002

JD NO	JA DKT	API NO	D	SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8132156		3410322454		103	MONDLE UNIT #1	SHARON	5.0	
8132156		3410322454		107-TF	MONDLE UNIT #1	SHARON	5.0	
8132158		3410322526		103	MOSS UNIT #1	SHARON	10.0	
8132158		3410322526		107-TF	MOSS UNIT #1	SHARON	10.0	
8132159		3410322527		103	MOSS UNIT #2	SHARON	15.0	
8132159		3410322527		107-TF	MOSS UNIT #2	SHARON	15.0	
8132160		3410322530		103	PEDCO UNIT #1	SHARON	10.0	
8132160		3410322530		107-TF	PEDCO UNIT #1	SHARON	10.0	
-BEREA OIL AND GAS CORPORATION				RECEIVED: 05/19/81	JA: OH			
8132164		3415521233		103	B R BURDMAN #1	LIBERTY	2.0	EAST OHIO GAS CO
8132164		3415521233		107-TF	B R BURDMAN #1	LIBERTY	2.0	EAST OHIO GAS CO
8132162		3411925629		103	FRICK #4	RICH HILL	0.0	COLUMBIA GAS TRAN
8132162		3411925629		107-TF	FRICK #4	RICH HILL	0.0	COLUMBIA GAS TRAN
8132163		3415521090		103	ROBERT & ALICE ULP #1	VIENNA	26.8	EAST OHIO GAS CO
8132163		3415521090		107-RT	ROBERT & ALICE ULP #1	VIENNA	26.8	EAST OHIO GAS CO
8132161		3411925413		103	WARNE UNIT #1	RICH HILL	0.0	COLUMBIA GAS TRAN
8132161		3411925413		107-TF	WARNE UNIT #1	RICH HILL	0.0	COLUMBIA GAS TRAN
-BROWN PETROLEUM CORP				RECEIVED: 05/19/81	JA: OH			
8132261		3407522905		103	SNOW #1	KILLBUCK	1.4	COLUMBIA GAS TRAN
8132261		3407522905		107-TF	SNOW #1	KILLBUCK	1.4	COLUMBIA GAS TRAN
-BUCKHORN OIL CO INC				RECEIVED: 05/19/81	JA: OH			
8132262A		3407522441		103	BRUMME #1	KILLBUCK	10.6	COLUMBIA GAS TRAN
8132262B		3407522441	D	107-TF	BRUMME #1	KILLBUCK	10.0	COLUMBIA GAS TRAN
8132263A		3407522442		103	BRUMME #2	KILLBUCK	10.0	COLUMBIA GAS TRAN
8132263B		3407522442	D	107-TF	BRUMME #2	KILLBUCK	10.0	COLUMBIA GAS TRAN
8132264A		3407522443		103	BRUMME #3	KILLBUCK	10.0	COLUMBIA GAS TRAN
8132264B		3407522443	D	107-TF	BRUMME #3	KILLBUCK	10.0	COLUMBIA GAS TRAN
8132269A		3407522546		103	GERBER #1	KILLBUCK	10.0	COLUMBIA GAS TRAN
8132269B		3407522546	D	107-TF	GERBER #1	KILLBUCK	10.0	COLUMBIA GAS TRAN
8132270A		3407522547		103	GERBER #2	KILLBUCK	10.0	COLUMBIA GAS TRAN
8132270B		3407522547	D	107-TF	GERBER #2	KILLBUCK	10.0	COLUMBIA GAS TRAN
8132271		3407522550		103	KEIM #1	MECHANIC	10.0	COLUMBIA GAS TRAN
8132271		3407522550		107-TF	KEIM #1	MECHANIC	10.0	COLUMBIA GAS TRAN
8132265A		3407522486		103	RUSSELL #1	KILLBUCK	10.0	COLUMBIA GAS TRAN
8132265B		3407522486	D	107-TF	RUSSELL #1	KILLBUCK	10.0	COLUMBIA GAS TRAN
8132266A		3407522487		103	RUSSELL #2	KILLBUCK	10.0	COLUMBIA GAS TRAN
8132266B		3407522487	D	107-TF	RUSSELL #2	KILLBUCK	10.0	COLUMBIA GAS TRAN
8132267A		3407522488		103	RUSSELL #3	KILLBUCK	10.0	COLUMBIA GAS TRAN
8132267B		3407522488	D	107-TF	RUSSELL #3	KILLBUCK	10.0	COLUMBIA GAS TRAN
8132268A		3407522480		103	RUSSELL #4	KILLBUCK	10.0	COLUMBIA GAS TRAN
8132268B		3407522480	D	107-TF	RUSSELL #4	KILLBUCK	10.0	COLUMBIA GAS TRAN
-CALLANDER & KIMBREL INC				RECEIVED: 05/19/81	JA: OH			
8132290		3411924171		103	B WHITE #4	HIGHLAND	12.0	EAST OHIO GAS CO
8132290		3411924171		107-RT	B WHITE #4	HIGHLAND	12.0	EAST OHIO GAS CO
8132291		3411924179		103	W & C SMITH #1	HIGHLAND	10.0	EAST OHIO GAS CO
8132291		3411924179		107-RT	W & C SMITH #1	HIGHLAND	10.0	EAST OHIO GAS CO
-CLINTON OIL CO				RECEIVED: 05/19/81	JA: OH			
8132306		3411925595		103	CLARK-PORTER UNIT #1-687	SALEM	100.0	
8132306		3411925595		107-TF	CLARK-PORTER UNIT #1-687	SALEM	100.0	
8132305		3411925483		103	D & J MERKER #4-536	CASS	100.0	
8132305		3411925483		107-TF	D & J MERKER #4-536	CASS	100.0	
8132294A		3411924867		103	DALTON #1	BRUSH CREEK	100.0	COLUMBIA GAS TRAN
8132294B		3411924867	D	107-TF	DALTON #1	BRUSH CREEK	100.0	COLUMBIA GAS TRAN

VOLUME 496 PAGE 603

JC NO	JA PKT	API NO	D SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8132304		3411925438	103	E C PORTER #1-518	SALEM	75.0	COLUMBIA GAS TRAN
8132304		3411925438	107-TF	E C PORTER #1-518	SALEM	75.0	COLUMBIA GAS TRAN
8132299		3411925159	103	FRED & ALMA MCGEE #1-583	BRUSH CREEK	100.0	
8132299		3411925159	107-TF	FRED & ALMA MCGEE #1-583	BRUSH CREEK	100.0	
8132307		3412724809	103	J WILSON #3	CLAYTON	100.0	NATIONAL OIL & GA
8132307		3412724809	107-TF	J WILSON #3	CLAYTON	100.0	NATIONAL OIL & GA
8132296		3411925031	103	J YOST #1-A	NEWTON	80.0	NATIONAL OIL & GA
8132296		3411925031	107-TF	J YOST #1-A	NEWTON	80.0	NATIONAL OIL & GA
8132295		3411925006	103	MADDEN #1	FALLS	75.0	NATIONAL GAS & OI
8132295		3411925006	107-TF	MADDEN #1	FALLS	75.0	NATIONAL GAS & OI
8132298		3411925033	103	MCCOY - SWINGLE #1	BRUSH CREEK	100.0	COLUMBIA TRANSMIS
8132298		3411925033	107-TF	MCCOY - SWINGLE #1	BRUSH CREEK	100.0	COLUMBIA TRANSMIS
8132308		3413822416	103	OSCAR BRUGMANN SAND & GRAVEL #1-556	SHALERSVILLE	100.0	TIMKEN CO
8132308		3413822416	107-TF	OSCAR BRUGMANN SAND & GRAVEL #1-556	SHALERSVILLE	100.0	TIMKEN CO
8132297		3411925032	103	POTTS #2	NEWTON	150.0	NATIONAL GAS & OI
8132297		3411925032	107-TF	POTTS #2	NEWTON	150.0	NATIONAL GAS & OI
8132300		3411925367	103	RANDY ROBINSON UNIT #1-580	BRUSH CREEK	0.0	
8132300		3411925367	107-TF	RANDY ROBINSON UNIT #1-580	BRUSH CREEK	0.0	
8132302		3411925377	103	RONALD WHITE #1-544	SALEM	100.0	COLUMBIA GAS TRAN
8132302		3411925377	107-TF	RONALD WHITE #1-544	SALEM	100.0	COLUMBIA GAS TRAN
8132303		3411925387	103	RONALD WHITE #2-545	SALEM	100.0	
8132303		3411925387	107-TF	RONALD WHITE #2-545	SALEM	100.0	
8132301		3411925371	103	RUCKER-STOTTS #2-537	CASS	75.0	COLUMBIA GAS TRAN
8132301		3411925371	107-TF	RUCKER-STOTTS #2-537	CASS	75.0	COLUMBIA GAS TRAN
8132293		3411924865	103	SIEGRIST #3	CASS	120.0	COLUMBIA GAS TRAN
8132293		3411924865	107-TF	SIEGRIST #3	CASS	120.0	COLUMBIA GAS TRAN
-CRYSTAL ENERGY				RECEIVED: 05/19/81 JA: OH			
8132309		3410322424	103	AUDRA & LAVADA RAMEY #1	SPENCER	40.0	
8132309		3410322424	107-TF	AUDRA & LAVADA RAMEY #1	SPENCER	40.0	
8132312		3410322507	103	C ROOK #2	SPENCER	36.0	
8132312		3410322507	107-TF	C ROOK #2	SPENCER	36.0	
8132311		3410322458	103	KENNETH & ELLEN BREYLEY #2	SPENCER	36.0	
8132311		3410322458	107-TF	KENNETH & ELLEN BREYLEY #2	SPENCER	36.0	
8132310		3410322446	103	TOM & JANE TROUT #1	CHATHAM	36.0	
8132310		3410322446	107-TF	TOM & JANE TROUT #1	CHATHAM	36.0	
-DERRICK PETROLEUM INC				RECEIVED: 05/19/81 JA: OH			
8132313		3403124087	103	GUY LOWERY #1	JACKSON	0.0	
-DRILLEX INC				RECEIVED: 05/19/81 JA: OH			
8132327		3408520296	103	EDWARD H TRESGER INC #5	PAINTSVILLE	20.0	EAST OHIO GAS
8132327		3408520296	107-TF	EDWARD H TRESGER INC #5	PAINTSVILLE	20.0	EAST OHIO GAS
-EDCO DRILLING & PRODUCING INC				RECEIVED: 05/19/81 JA: OH			
8132329		3407522825	103	BL-1B HERSHBERGER	PAINT	18.0	
8132329		3407522825	107-TF	BL-1B HERSHBERGER	PAINT	18.0	
8132328		3407522142	103	BL-1D TROYER	PAINT	16.0	
8132328		3407522142	107-TF	BL-1D TROYER	PAINT	16.0	
8132334		3411925532	103	BL-2A CONRAD	CASS	18.0	
8132334		3411925532	107-TF	BL-2A CONRAD	CASS	18.0	
8132333		3411925531	103	BL-3A CONRAD	CASS	18.0	
8132333		3411925531	107-TF	BL-3A CONRAD	CASS	18.0	
8132331		3411925519	103	BL-8A LANE	CASS	16.0	
8132331		3411925519	107-TF	BL-8A LANE	CASS	16.0	
8132332		3411925520	103	BL-9A LANE	CASS	16.0	
8132332		3411925520	107-TF	BL-9A LANE	CASS	16.0	

VOLUME 446 PAGE 004

JOB NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8132330		3407522852		103		KB-1B WEAVER	SALT CREEK	18.0	
8132330		3407522852		107-TF		KB-1B WEAVER	SALT CREEK	18.0	
-EVERFLOW EASTERN INC				RECEIVED: 05/19/81 JA: CH					
8132338		3409920799		107-RT		BECK #2	GOSHEN	0.0	AMERICAN ENERGY S
8132335		3409920756		107-RT		CLINGERMAN #2	ELLSWORTH	0.0	AMERICAN ENERGY S
8132337		3409920764		107-RT		DAVID #1	GOSHEN	0.0	AMERICAN ENERGY S
8132336		3409920760		107-RT		DAVID #2	GOSHEN	0.0	AMERICAN ENERGY S
-FORAKER PRODUCING COMPANY INC				RECEIVED: 05/19/81 JA: CH					
8132343		3411925094		103		BRUCE #1	NEWTON	6.0	
8132343		3411925094		107-TF		BRUCE #1	NEWTON	6.0	
8132345		3411925335		103		C MOORE #4	NEWTON	4.0	
8132345		3411925335		107-TF		C MOORE #4	NEWTON	4.0	
8132340		3411924782		103		CANNON #3	NEWTON	4.0	
8132340		3411924782		107-TF		CANNON #3	NEWTON	4.0	
8132342		3411925062		103		D WILLIAMS #1	NEWTON	7.0	
8132342		3411925062		107-TF		D WILLIAMS #1	NEWTON	7.0	
8132341		3411924979		103		G MOORE #2	NEWTON	4.0	
8132341		3411924979		107-TF		G MOORE #2	NEWTON	4.0	
8132344		3411925118		103		GRAHAM-MOODY #1	NEWTON	5.0	
8132344		3411925118		107-TF		GRAHAM-MOODY #1	NEWTON	5.0	
8132339		3411924553		103		MCCAULEY #1	NEWTON	8.0	
8132339		3411924553		107-TF		MCCAULEY #1	NEWTON	8.0	
8132350		3412724450		103		MCELWEE #2	HARRISON	7.0	
8132350		3412724450		107-TF		MCELWEE #2	HARRISON	7.0	
8132347		3412724351		103		MCNULTY #2	CLAYTON	7.0	
8132347		3412724351		107-TF		MCNULTY #2	CLAYTON	7.0	
8132349		3412724449		103		PEABODY-LEWIS #6	HARRISON	6.0	
8132349		3412724449		107-TF		PEABODY-LEWIS #6	HARRISON	6.0	
8132356		3412724722		103		PEABODY-LEWIS-MCELWEE #3	HARRISON	7.0	
8132356		3412724722		107-TF		PEABODY-LEWIS-MCELWEE #3	HARRISON	7.0	
8132353		3412724503		103		PENROD #1	HARRISON	5.0	
8132353		3412724503		107-TF		PENROD #1	HARRISON	5.0	
8132348		3412724399		103		SHERRICK #1	HARRISON	6.0	
8132348		3412724399		107-TF		SHERRICK #1	HARRISON	6.0	
8132354		3412724640		103		SHERRICK #3	HARRISON	7.0	
8132354		3412724640		107-TF		SHERRICK #3	HARRISON	7.0	
8132352		3412724502		103		TAYLOR #1	CLAYTON	6.0	
8132352		3412724502		107-TF		TAYLOR #1	CLAYTON	6.0	
8132346		3412724390		103		WOLTZ #1	CLAYTON	6.0	
8132346		3412724390		107-TF		WOLTZ #1	CLAYTON	6.0	
8132351		3412724490		103		WOLTZ #2	CLAYTON	7.0	
8132351		3412724490		107-TF		WOLTZ #2	CLAYTON	7.0	
8132355		3412724648		103		WOLTZ #3	CLAYTON	5.0	
8132355		3412724648		107-TF		WOLTZ #3	CLAYTON	5.0	
-GEO ENERGY INC				RECEIVED: 05/19/81 JA: OH					
8132358A		3411925475		103		B KENNEDY #31-1	RICH HILL	5.0	
8132358B		3411925475	D	107-TF		B KENNEDY #31-1	RICH HILL	5.0	
8132166		3412724773		103		LOGAN SAND & GRAVEL#10-1	MONROE	15.0	
8132166		3412724773		107-TF		LOGAN SAND & GRAVEL#10-1	MONROE	15.0	
8132357		3411925472		103		N MCCALL#22-1	HIGHLAND	12.0	
8132357		3411925472		107-TF		N MCCALL#22-1	HIGHLAND	12.0	
-H & S OPERATING COMPANY				RECEIVED: 05/19/81 JA: OH					
8132168		3407522909		103		JOHN P MILLER #1	CLARK	20.0	COLUMBIA GAS TRAN
8132168		3407522909		107-TF		JOHN P MILLER #1	CLARK	20.0	COLUMBIA GAS TRAN

VOLUME 446 PAGE 005

JOB NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8132167		3407522908		103		JOHN P MILLER #2	CLARK		

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8132167		3407522908		103		JOHN P MILLER #2	CLARK	20.0	COLUMBIA GAS TRAN
8132167		3407522908		107-TF		JOHN P MILLER #2	CLARK	20.0	COLUMBIA GAS TRAN
-HANLEY HARDIN				RECEIVED: 05/19/81 JA: OH					
8132169		3410522000		103		J LAMBERT #2	SALSBURY	3.0	
-IRVIN PRODUCING COMPANY				RECEIVED: 05/19/81 JA: OH					
8132171		3411925489		103		FRED D GUTRIDGE #2	HOPEWELL	12.0	NATIONAL GAS & OI
8132171		3411925489		107-TF		FRED D GUTRIDGE #2	HOPEWELL	12.0	NATIONAL GAS & OI
8132170		3411922778		103		GEORGE SIMS #1	WAYNE	12.0	COLUMBIA GAS TRAN
8132170		3411922778		107-TF		GEORGE SIMS #1	WAYNE	12.0	COLUMBIA GAS TRAN
-KATHLEEN L MCSWEENEY				RECEIVED: 05/19/81 JA: OH					
8132287		3403500004		108		KATHLEEN L MCSWEENEY #1		8.0	EAST OHIO GAS CO
-KIMBELL PRODUCTION CO				RECEIVED: 05/19/81 JA: OH					
8132174		3407522709		103		M RABER #1	MECHANIC	28.0	
8132174		3407522709		107-TF		M RABER #1	MECHANIC	28.0	
8132173		3407522708		103		JOHN YODER #1	MECHANIC	28.0	
8132173		3407522708		107-TF		JOHN YODER #1	MECHANIC	28.0	
8132172		3407522252		103		WENGERD-NISLEY-HERSHBERGER #1	MECHANIC	28.0	
8132172		3407522252		107-TF		WENGERD-NISLEY-HERSHBERGER #1	MECHANIC	28.0	
-KING DRILLING CO				RECEIVED: 05/19/81 JA: OH					
8132175		3416922417		103		EVA FIKE NO 1	GREEN	10.0	COLUMBIA GAS TRAN
8132176		3416922432		103		IDA M RAMSEYER NO 1	GREEN	0.0	COLUMBIA GAS TRAN
8132176		3416922432		107-TF		IDA M RAMSEYER NO 1	GREEN	0.0	COLUMBIA GAS TRAN
-LANZER OIL CO				RECEIVED: 05/19/81 JA: OH					
8132179		3409921312		103		HAWKINS-GLEE #2	SMITH	28.0	
8132179		3409921312		107-TF		HAWKINS-GLEE #2	SMITH	28.0	
8132178		3409913110		103		INGRAHAM-LILLY	SMITH	28.0	
8132178		3409913110		107-TF		INGRAHAM-LILLY	SMITH	28.0	
-LEADER EQUITIES INC				RECEIVED: 05/19/81 JA: OH					
8132184		3411924849		103		ARNOLD & EULALIA HUTSON #1	CASS	15.0	
8132184		3411924849		107-TF		ARNOLD & EULALIA HUTSON #1	CASS	15.0	
8132198		3411925316		103		ARNOLD DINGESS #1	CASS	15.0	
8132198		3411925316		107-TF		ARNOLD DINGESS #1	CASS	15.0	
8132186		3411924908		103		CHAD & JANET FOGLE #1	CASS	15.0	
8132186		3411924908		107-TF		CHAD & JANET FOGLE #1	CASS	15.0	
8132182		3411924605		103		CHARLES & CAROL MITCHELL #2	CASS	15.0	
8132182		3411924605		107-TF		CHARLES & CAROL MITCHELL #2	CASS	15.0	
8132205		3412122248		103		EDWARD D & DORENA ALLEN #1	CENTER	15.0	
8132205		3412122248		107-TF		EDWARD D & DORENA ALLEN #1	CENTER	15.0	
8132185		3411924853		103		ERNEST & CAROLYN COCHRAN #1	ADAMS	15.0	
8132185		3411924853		107-TF		ERNEST & CAROLYN COCHRAN #1	ADAMS	15.0	
8132195		3411925221		103		GERALD FOSTER #1	ADAMS	17.0	
8132195		3411925221		107-TF		GERALD FOSTER #1	ADAMS	17.0	
8132200		3411925513		103		GILBERT COX #1	CASS	15.0	
8132200		3411925513		107-TF		GILBERT COX #1	CASS	15.0	
8132201		3411925545		103		GILBERT COX #2	CASS	15.0	
8132201		3411925545		107-TF		GILBERT COX #2	CASS	15.0	
8132189		3411924973		103		GIRL SCOUTS #1	MADISON	15.0	
8132189		3411924973		107-TF		GIRL SCOUTS #1	MADISON	15.0	
8132190		3411925077		103		IDA DURANT #1	ADAMS	10.0	
8132190		3411925077		107-TF		IDA DURANT #1	ADAMS	10.0	
8132196		3411925219		103		IVAN JOHNSON #3	CASS	15.0	
8132196		3411925219		107-TF		IVAN JOHNSON #3	CASS	15.0	
8132193		3411925166		103		IVAN JOHNSON ET AL #2	CASS	15.0	
8132193		3411925166		107-TF		IVAN JOHNSON ET AL #2	CASS	15.0	

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VOLUME 446 PAGE 006

JC NO	JA DKT	API NO	C SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8132181		3405922704	103	J R RONSHAUSEN #1	WHEELING	15.0	
8132181		3405922704	107-TF	J R RONSHAUSEN #1	WHEELING	15.0	
8132199		3411925317	103	JOHN GRAHAM #1	CASS	15.0	
8132199		3411925317	107-TF	JOHN GRAHAM #1	CASS	15.0	
8132183		3411924776	103	JOHN GRAHAM #2	CASS	17.0	
8132183		3411924776	107-TF	JOHN GRAHAM #2	CASS	17.0	
8132206		3412122374	103	JOHN WITT #1	BUFFALO	12.0	
8132206		3412122374	107-TF	JOHN WITT #1	BUFFALO	12.0	
8132192		3411925164	103	KENNETH MARTIN ET AL #3	JEFFERSON	15.0	
8132192		3411925164	107-TF	KENNETH MARTIN ET AL #3	JEFFERSON	15.0	
8132194		3411925168	103	KENNETH MARTIN ET AL #4	JEFFERSON	15.0	
8132194		3411925168	107-TF	KENNETH MARTIN ET AL #4	JEFFERSON	15.0	
8132204		3412122154	103	KENNETH R & SHELIA A WILEY #1	BUFFALO	15.0	
8132204		3412122154	107-TF	KENNETH R & SHELIA A WILEY #1	BUFFALO	15.0	
8132197		3411925315	103	LOUIS KOLB #2	MADISON	16.0	
8132197		3411925315	107-TF	LOUIS KOLB #2	MADISON	16.0	
8132191		3411925121	103	M MCBRIDE #1	JEFFERSON	15.0	
8132191		3411925121	107-TF	M MCBRIDE #1	JEFFERSON	15.0	
8132180		3405922629	103	MILO BOZ ET AL #A-1	WHEELING	15.0	
8132180		3405922629	107-TF	MILO BOZ ET AL #A-1	WHEELING	15.0	
8132187		3411924929	103	MONROE & AVERILL ALLEN #1	CASS	15.0	
8132187		3411924929	107-TF	MONROE & AVERILL ALLEN #1	CASS	15.0	
8132202		3412122156	103	RANDOLPH MURPHY #1	BUFFALO	15.0	
8132202		3412122156	107-RT	RANDOLPH MURPHY #1	BUFFALO	15.0	
8132203		3412122184	103	RANDOLPH MURPHY #2	BUFFALO	15.0	
8132203		3412122184	107-TF	RANDOLPH MURPHY #2	BUFFALO	15.0	
8132188		3411924972	103	ROBIN JANE MILSTEAD #1	CASS	12.0	
8132188		3411924972	107-TF	ROBIN JANE MILSTEAD #1	CASS	12.0	
-OHIO PARTNERS OIL CO		RECEIVED: 05/19/81 JA: OH					
8132212		3405922741	103	B DICKINSON #1	KNOX	20.0	COLUMBIA GAS TRAN
8132212		3405922741	107-TF	B DICKINSON #1	KNOX	20.0	COLUMBIA GAS TRAN
8132208		3405921831	103	ENOCHS #1	KNOX	20.0	COLUMBIA GAS TRAN
8132208		3405921831	107-TF	ENOCHS #1	KNOX	20.0	COLUMBIA GAS TRAN
8132211		3405922691	103	J LAWYER ETAL #1	KNOX	100.0	COLUMBIA GAS TRAN
8132211		3405922691	107-TF	J LAWYER ETAL #1	KNOX	100.0	COLUMBIA GAS TRAN
8132209		3405922681	103	MEWHA #2	KNOX	100.0	COLUMBIA GAS TRAN
8132209		3405922681	107-TF	MEWHA #2	KNOX	100.0	COLUMBIA GAS TRAN
8132210		3405922682	103	R MEWHA #1	KNOX	100.0	COLUMBIA GAS TRAN
8132210		3405922682	107-TF	R MEWHA #1	KNOX	100.0	COLUMBIA GAS TRAN
8132213		3412724220	103	S BENEDICT #1	MONROE	100.0	COLUMBIA GAS TRAN
8132213		3412724220	107-TF	S BENEDICT #1	MONROE	100.0	COLUMBIA GAS TRAN
-OHIO TITAN ENERGY CO		RECEIVED: 05/19/81 JA: OH					
8132214		3407522876	103	#1 A A TROYER	HARDY	1000.0	COLUMBIA GAS TRAN
8132214		3407522876	107-TF	#1 A A TROYER	HARDY	1000.0	COLUMBIA GAS TRAN
8132215		3407522877	103	#1 ALVIN B MILLER	HARDY	1200.0	COLUMBIA GAS TRAN
8132215		3407522877	107-TF	#1 ALVIN B MILLER	HARDY	1200.0	COLUMBIA GAS TRAN
-DORFMAN PRODUCTION CO		RECEIVED: 05/19/81 JA: OH					
8132318		3409921200	103	A LOHR NO 1	DAMASCUS	7.0	
8132318		3409921200	107-TF	A LOHR NO 1	DAMASCUS	7.0	
8132317		3409921196	103	COURTNEY UNIT NO 4	DAMASCUS	7.0	DAMASCUS GAS CO
8132317		3409921196	107-TF	COURTNEY UNIT NO 4	DAMASCUS	7.0	DAMASCUS GAS CO
8132325		3409921287	103	HAWKINS UNIT NO 1	DAMASCUS	16.0	
8132325		3409921287	107-TF	HAWKINS UNIT NO 1	DAMASCUS	16.0	

VOLUME 446 PAGE 007

JC NO	JA DKT	API NO	C SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8132321		3409921277	103	LEACH UNIT NO 1	DAMASCUS	16.0	
8132321		3409921277	107-TF	LEACH UNIT NO 1	DAMASCUS	16.0	
8132322		3409921278	103	LEACH UNIT NO 2	DAMASCUS	16.0	
8132322		3409921278	107-TF	LEACH UNIT NO 2	DAMASCUS	16.0	
8132323		3409921279	103	LEACH UNIT NO 3	DAMASCUS	16.0	
8132323		3409921279	107-TF	LEACH UNIT NO 3	DAMASCUS	16.0	
8132324		3409921280	103	LEACH UNIT NO 4	DAMASCUS	16.0	
8132324		3409921280	107-TF	LEACH UNIT NO 4	DAMASCUS	16.0	
8132326		3409921288	103	LEACH UNIT NO 5	DAMASCUS	16.0	
8132326		3409921288	107-TF	LEACH UNIT NO 5	DAMASCUS	16.0	
8132327		3409921289	103	LEACH UNIT NO 6	DAMASCUS	16.0	
8132327		3409921289	107-TF	LEACH UNIT NO 6	DAMASCUS	16.0	
8132328		3409921290	103	LEACH UNIT NO 7	DAMASCUS	16.0	
8132328		3409921290	107-TF	LEACH UNIT NO 7	DAMASCUS	16.0	
8132329		3409921291	103	LEACH UNIT NO 8	DAMASCUS	16.0	
8132329		3409921291	107-TF	LEACH UNIT NO 8	DAMASCUS	16.0	
8132330		3409921292	103	LEACH UNIT NO 9	DAMASCUS	16.0	
8132330		3409921292	107-TF	LEACH UNIT NO 9	DAMASCUS	16.0	
8132331		3409921293	103	LEACH UNIT NO 10	DAMASCUS	16.0	
8132331		3409921293	107-TF	LEACH UNIT NO 10	DAMASCUS	16.0	
8132332		3409921294	103	LEACH UNIT NO 11	DAMASCUS	16.0	
8132332		3409921294	107-TF	LEACH UNIT NO 11	DAMASCUS	16.0	
8132333		3409921295	103	LEACH UNIT NO 12	DAMASCUS	16.0	
8132333		3409921295	107-TF	LEACH UNIT NO 12	DAMASCUS	16.0	
8132334		3409921296	103	LEACH UNIT NO 13	DAMASCUS	16.0	
8132334		3409921296	107-TF	LEACH UNIT NO 13	DAMASCUS	16.0	
8132335		3409921297	103	LEACH UNIT NO 14	DAMASCUS	16.0	
8132335		3409921297	107-TF	LEACH UNIT NO 14	DAMASCUS	16.0	
8132336		3409921298	103	LEACH UNIT NO 15	DAMASCUS	16.0	
8132336		3409921298	107-TF	LEACH UNIT NO 15	DAMASCUS	16.0	
8132337		3409921299	103	LEACH UNIT NO 16	DAMASCUS	16.0	
8132337		3409921299	107-TF	LEACH UNIT NO 16	DAMASCUS	16.0	
8132338		3409921300	103	LEACH UNIT NO 17	DAMASCUS	16.0	
8132338		3409921300	107-TF	LEACH UNIT NO 17	DAMASCUS	16.0	
8132339		3409921301	103	LEACH UNIT NO 18	DAMASCUS	16.0	
8132339		3409921301	107-TF	LEACH UNIT NO 18	DAMASCUS	16.0	
8132340		3409921302	103	LEACH UNIT NO 19	DAMASCUS	16.0	
8132340		3409921302	107-TF	LEACH UNIT NO 19	DAMASCUS	16.0	
8132341		3409921303	103	LEACH UNIT NO 20	DAMASCUS	16.0	
8132341		3409921303	107-TF	LEACH UNIT NO 20	DAMASCUS	16.0	

JC NO	JA DAT	API NO	C	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8132321		3409921277		103		LERCH UNIT NO 1	DAMASCUS	16.0	
8132321		3409921277		107-TF		LERCH UNIT NO 1	DAMASCUS	16.0	
8132322		3409921278		103		LERCH UNIT NO 2	DAMASCUS	16.0	
8132322		3409921278		107-TF		LERCH UNIT NO 2	DAMASCUS	16.0	
8132323		3409921279		103		LERCH UNIT NO 3	DAMASCUS	16.0	
8132323		3409921279		107-TF		LERCH UNIT NO 3	DAMASCUS	16.0	
8132324		3409921280		103		LERCH UNIT NO 4	DAMASCUS	16.0	
8132324		3409921280		107-TF		LERCH UNIT NO 4	DAMASCUS	16.0	
8132315		3409921179		103		MALMSBERRY A NO 1	DAMASCUS	1.0	DAMASCUS GAS CO
8132315		3409921179		107-TF		MALMSBERRY A NO 1	DAMASCUS	1.0	DAMASCUS GAS CO
8132316		3409921195		103		MYERS B UNIT NO 2	DAMASCUS	3.0	DAMASCUS GAS CO
8132316		3409921195		107-TF		MYERS B UNIT NO 2	DAMASCUS	3.0	DAMASCUS GAS CO
8132319		3409921275		103		MYERS C UNIT NO 1	DAMASCUS	16.0	
8132319		3409921275		107-TF		MYERS C UNIT NO 1	DAMASCUS	16.0	
8132320		3409921276		103		MYERS C UNIT NO 2	DAMASCUS	16.0	
8132320		3409921276		107-TF		MYERS C UNIT NO 2	DAMASCUS	16.0	
8132326		3409921295		103		RURITAN UNIT NO 1	DAMASCUS	16.0	
8132326		3409921295		107-TF		RURITAN UNIT NO 1	DAMASCUS	16.0	
8132314		3409921132		103		WAGNER NO 2	DAMASCUS	18.0	
8132314		3409921132		107-TF		WAGNER NO 2	DAMASCUS	18.0	
-ONEAL PETROLEUM INC				RECEIVED: 05/19/81 JA: OH					
8132216		3412122124		103		C HILL #4	BUFFALO	22.0	COLUMBIA GAS TRAN
8132216		3412122124		107-TF		C HILL #4	BUFFALO	22.0	COLUMBIA GAS TRAN
8132217		3412122125		103		DRUMM #1	SENCA	6.0	COLUMBIA GAS TRAN
8132217		3412122125		107-TF		DRUMM #1	SENCA	6.0	COLUMBIA GAS TRAN
8132218		3412122198		103		GREGORY #1	BUFFALO	30.0	COLUMBIA GAS TRAN
8132218		3412122198		107-TF		GREGORY #1	BUFFALO	30.0	COLUMBIA GAS TRAN
-PAGE P BLAKEMORE				RECEIVED: 05/19/81 JA: OH					
8132165		3416725443		103		FOREST MILLER NO 1-F	GRANDVIEW	18.6	
8132260		3416725575		103		RACER NO 2	GRANDVIEW	11.6	
-PATRICK T DONNELLY DBA LANDPROVEST				RECEIVED: 05/19/81 JA: OH					
8132177		3411925588		103		WARDEN WEST #5A	SONORA	25.0	
8132177		3411925588		107-TF		WARDEN WEST #5A	SONORA	25.0	
-POMINEX INC				RECEIVED: 05/19/81 JA: OH					
8132219		3409921297		103		ANTAC INVESTMENTS #1	CANFIELD PROSPECT	35.0	REPUBLIC STEEL CO
8132219		3409921297		107-TF		ANTAC INVESTMENTS #1	CANFIELD PROSPECT	35.0	REPUBLIC STEEL CO
8132220		3409921298		103		GRACE-KANDRAY UNIT #1	CANFIELD PROSPECT	35.0	REPUBLIC STEEL CO
8132220		3409921298		107-TF		GRACE-KANDRAY UNIT #1	CANFIELD PROSPECT	35.0	REPUBLIC STEEL CO
8132221		3409921299		103		HOWARD MOFF #1	BEAVER	35.0	REPUBLIC STEEL CO
8132221		3409921299		107-TF		HOWARD MOFF #1	BEAVER	35.0	REPUBLIC STEEL CO
-RESOURCE EXPLORATION INC				RECEIVED: 05/19/81 JA: OH					
8132222		3406720404		103		D MEYERS #1	WASHINGTON TOWNSHIP	20.0	COLUMBIA GAS TRAN
8132222		3406720404		107-TF		D MEYERS #1	WASHINGTON TOWNSHIP	20.0	COLUMBIA GAS TRAN
8132224		3406720409		103		J STULL #1	WASHINGTON TOWNSHIP	20.0	COLUMBIA GAS TRAN
8132224		3406720409		107-TF		J STULL #1	WASHINGTON TOWNSHIP	20.0	COLUMBIA GAS TRAN
8132223		3406720405		103		KENNETH G MAROSELL #1	WASHINGTON TOWNSHIP	20.0	COLUMBIA GAS TRAN
8132223		3406720405		107-TF		KENNETH G MAROSELL #1	WASHINGTON TOWNSHIP	20.0	COLUMBIA GAS TRAN
-SHELDON L TURRILL				RECEIVED: 05/19/81 JA: OH					
8132251		3412724797		103		#1 F HITE	MADISON	50.0	NATIONAL GAS & OI
8132251		3412724797		107-TF		#1 F HITE	MADISON	50.0	NATIONAL GAS & OI
8132252		3412724798		103		#2 F HITE	MADISON	50.0	NATIONAL GAS & OI
8132252		3412724798		107-TF		#2 F HITE	MADISON	50.0	NATIONAL GAS & OI
-STRATA EXPLORATION INC LTD				RECEIVED: 05/19/81 JA: OH					

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8132229		3407522790		103		#1 ABE DAN & SARAH RABER	MECHANIC	1000.0	COLUMBIA GAS TRAN
8132229		3407522790		107-TF		#1 ABE DAN & SARAH RABER	MECHANIC	1000.0	COLUMBIA GAS TRAN
8132236		3407522802		103		#1 ALBERT RABER	MECHANIC	1250.0	COLUMBIA GAS TRAN
8132236		3407522802		107-TF		#1 ALBERT RABER	MECHANIC	1250.0	COLUMBIA GAS TRAN
8132231		3407522792		103		#1 ANDY J & S KURTZ	MECHANIC	1000.0	COLUMBIA GAS TRAN
8132231		3407522792		107-TF		#1 ANDY J & S KURTZ	MECHANIC	1000.0	COLUMBIA GAS TRAN
8132235		3407522801		103		#1 DAVID D SCHLABACH	MECHANIC	1250.0	COLUMBIA GAS TRAN
8132235		3407522801		107-TF		#1 DAVID D SCHLABACH	MECHANIC	1250.0	COLUMBIA GAS TRAN
8132237		3407522803		103		#1 DAVID MILLER & ELI YODER UNIT	MECHANIC	1200.0	COLUMBIA GAS TRAN
8132237		3407522803		107-TF		#1 DAVID MILLER & ELI YODER UNIT	MECHANIC	1200.0	COLUMBIA GAS TRAN
8132234		3407528000		103		#1 DAVID S YODER	MECHANIC	1000.0	COLUMBIA GAS TRAN
8132234		3407528000		107-TF		#1 DAVID S YODER	MECHANIC	1000.0	COLUMBIA GAS TRAN
8132241		3407522878		103		#1 EASTERN HOLMES SPORTSMAN ASSOCI•	HARDY	1250.0	COLUMBIA GAS TRAN
8132241		3407522878		107-TF		#1 EASTERN HOLMES SPORTSMAN ASSOCI•	HARDY	1250.0	COLUMBIA GAS TRAN
8132226		3407522787		103		#1 ELI B MILLER	MECHANIC	1200.0	COLUMBIA GAS TRAN
8132226		3407522787		107-TF		#1 ELI B MILLER	MECHANIC	1200.0	COLUMBIA GAS TRAN
8132227		3407522788		103		#1 ELI D & S E MILLER	MECHANIC	1250.0	COLUMBIA GAS TRAN
8132227		3407522788		107-TF		#1 ELI D & S E MILLER	MECHANIC	1250.0	COLUMBIA GAS TRAN
8132233		3407522799		103		#1 ELI D MULLET	MECHANIC	1200.0	COLUMBIA GAS TRAN
8132233		3407522799		107-TF		#1 ELI D MULLET	MECHANIC	1200.0	COLUMBIA GAS TRAN
8132232		3407522794		103		#1 EMMA MILLER	MECHANIC	1100.0	COLUMBIA GAS TRAN
8132232		3407522794		107-TF		#1 EMMA MILLER	MECHANIC	1100.0	COLUMBIA GAS TRAN
8132239		3407522815		103		#1 FERDINAND & E STUTZMAN	MECHANIC	1150.0	COLUMBIA GAS TRAN
8132239		3407522815		107-TF		#1 FERDINAND & E STUTZMAN	MECHANIC	1150.0	COLUMBIA GAS TRAN
8132240		3407522875		103		#1 HOWARD KEIRNS	HARDY	750.0	
8132240		3407522875		107-TF		#1 HOWARD KEIRNS	HARDY	750.0	
8132230		3407522791		103		#1 JOE AND EDNA MILLER	MECHANIC	1100.0	COLUMBIA GAS TRAN
8132230		3407522791		107-TF		#1 JOE AND EDNA MILLER	MECHANIC	1100.0	COLUMBIA GAS TRAN
8132238		3407522814		103		#1 LEVI A AND MARY YODER	MECHANIC	1000.0	COLUMBIA GAS TRAN
8132238		3407522814		107-TF		#1 LEVI A AND MARY YODER	MECHANIC	1000.0	COLUMBIA GAS TRAN
8132228		3407522789		103		#1 NANCY RABER	MECHANIC	1100.0	COLUMBIA GAS TRAN
8132228		3407522789		107-TF		#1 NANCY RABER	MECHANIC	1100.0	COLUMBIA GAS TRAN
8132225		3407522780		103		#1 PAUL YOUNG	HARDY	775.0	COLUMBIA GAS TRAN
8132225		3407522780		107-TF		#1 PAUL YOUNG	HARDY	775.0	COLUMBIA GAS TRAN
-TOWNER PETROLEUM CO				RECEIVED: 05/19/81 JA: OH					
8132245		3405922786		103		A WENTZ #1	GUERNSEY	0.0	
8132245		3405922786		107-TF		A WENTZ #1	GUERNSEY	0.0	
8132248		3405922817		103		HATFIELD #2	GUERNSEY	0.0	
8132248		3405922817		107-TF		HATFIELD #2	GUERNSEY	0.0	
8132250		3405922874		103		LINN #4	GUERNSEY	0.0	
8132250		3405922874		107-TF		LINN #4	GUERNSEY	0.0	
8132249		3405922818		103		PADEN/B S A 1	GUERNSEY	0.0	
8132249		3405922818		107-TF		PADEN/B S A 1	GUERNSEY	0.0	
8132247		3405922816		103		WENTZ 2	GUERNSEY	0.0	
8132247		3405922816		107-TF		WENTZ 2	GUERNSEY	0.0	
8132246		3405922813		103		WITTMER #1	GUERNSEY	0.0	
8132246		3405922813		107-TF		WITTMER #1	GUERNSEY	0.0	
-UNITED PETROLEUM CORP				RECEIVED: 05/19/81 JA: CH					
8132254		3409920731		107-RT		BROWN #5	ELLSWORTH	0.0	AMERICAN ENERGY S
8132256		3409920828		107-RT		COMAN #1	BERLIN	0.0	AMERICAN ENERGY S
8132255		3409920745		107-RT		STEEL PLANT #1	ELLSWORTH	0.0	AMERICAN ENERGY S
8132253		3409920730		107-RT		STERNAGLE #1	ELLSWORTH	0.0	AMERICAN ENERGY S
-VESCORP INDUSTRIES INC				RECEIVED: 05/19/81 JA: OH					

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8132258		3415723279		103		D IMMEL #1	HAYNE	88.0	COLUMBIA GAS TRAN

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8132258		3415723279		103		D IMMEL #1	WAYNE	90.0	COLUMBIA GAS TRAN
8132258		3415723279		107-TF		D IMMEL #1	WAYNE	90.0	COLUMBIA GAS TRAN
8132257		3407522127		103		SEMAC INDUSTRIES #2-527	MECHANIC	100.0	
8132257		3407522127		107-TF		SEMAC INDUSTRIES #2-527	MECHANIC	100.0	
-WILLIAM N TIPKA				RECEIVED: 05/19/81 JA: OH					
8132243		3405922733		103		BOWEN #1	WASHINGTON	10.0	LIBBEY-OWENS-FORD
8132243		3405922733		107-TF		BOWEN #1	WASHINGTON	10.0	LIBBEY-OWENS-FORD
8132244		3406720383		103		M BERTINE #3	FREEPORT	8.0	LIBBEY-OWENS-FORD
8132244		3406720383		107-TF		M BERTINE #3	FREEPORT	8.0	LIBBEY-OWENS-FORD
8132242		3405922725		103		R YOUNG #1	WASHINGTON	15.0	LIBBEY-OWENS-FORD
8132242		3405922725		107-TF		R YOUNG #1	WASHINGTON	15.0	LIBBEY-OWENS-FORD
-WILLIAM V CANTLIN				RECEIVED: 05/19/81 JA: OH					
8132292		3411925575		103		TROUT #1	BRUSH CREEK	18.0	
8132292		3411925575		107-TF		TROUT #1	BRUSH CREEK	18.0	
-WOA INC & WELLENCO INC				RECEIVED: 05/19/81 JA: OH					
8132259		3410322368		103		SMITH #1	GRANGER	20.0	

CORRECTIONS TO PREVIOUS NOTICES/REVISIONS TO PRIOR DETERMINATIONS

R: Revision of Redetermination by Jurisdictional Agency
C: Correction to Prior Fed. Reg. Notice

JD No.	JA	Applicant	Well Name	Orig. FERC Vol. No.	Date Pub. in Federal Register	
						Not. 108
81-00583	OK	Petro Lewis Corp	Fritts No. 2 (Medrano)	300	10-22-80	C: 102-4 and 103 Approved
81-17278	OK	Samson Resources	Guenzel Unit No. 1	376	03-19-81	C: 102-4 and 103 Approved
81-20867	TX	Clayton W. Williams Jr.	Gataga Gas Unit #5-A	394	03-31-81	C: Field Name Vermeju (Ellenberger)
81-23198-81-23202	LA	Lock Arbor Production Co.	Smith Et al Nos. 17, 18, 19, 21, 24	406	04-21-81	C: 103 and 108 approved
81-24367	OK	Union Oil Co. of California	Hoffmann #3-2	412	05-01-81	C: 102-4 and 103 Approved
81-24975	TX	Windsor Producing Co.	Jackson No. 1	415	05-11-81	C: 102 not 103
81-25264	NM	Phillips Petroleum Company	East Vac GB/SA TR 3236 #007	416	05-11-81	C: 103 Approved, Not 108
81-27217	US5	Getty Oil Company	Mystery Creek Well No. 1-16	425	05-20-81	C: JA Docket "ND 94-1"
81-28043	KS	Anadarko Production Co.	Interstate C No. 11	429	05-18-81	C: Well Name
81-28431	NM	Phillips Petroleum Co.	Philmex #1	430	05-21-81	C: 108 Approved, not 103
81-28816	OH	MB Operating Co. Inc.	MWCD #9	432	05-28-81	C: From 103 to 107-6
81-28832	OH	John C. Mason	Manelius Schlabach #1	432	05-28-81	C: Well Name

BILLING CODE 6450-01-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for detemination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission on or before July 9, 1981.

Categories within each NGPA section are indicated by the following codes:

Section

102-1: New OCS lease
102-2: New well (2.5 mile rule)
102-3: New well (1000 ft. rule)
102-4: New onshore reservoir
102-5: New reservoir on old OCS lease
107-DP: 15,000 feet or deeper
107-GB: Geopressured brine
107-CS: Coal seams
107-DV: Devonian shale
107-PE: Production enhancement
107-TF: New tight formation
107-RT: Recompletion tight formation
108: Stripper well
108-SA: Seasonally affected
108-ER: Enhanced recovery
108-PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-18654 Filed 6-23-81; 8:45 am]
BILLING CODE 6450-01-M

V 46 J E 24 81 UMI

Determinations by Jurisdictional Agencies under the Natural Gas Policy Act of 1978

Issued: June 19, 1981.

JD NO	JA SHT	API NO	L SEC CAT	WELL NAME	FIELD NAME	PRCD	PURCHASER
TEXAS RAILROAD COMMISSION							
-AMERICAN PUBLIC ENERGY CO			RECEIVED: 05/15/81 JA: TX				
8131599	32828	4223931476	102-4	SYLVAN GURINSKY ET AL #1-06048	ROSE FIELD FRIO	55.0	
8131599	32828	4223931476	103	SYLVAN GURINSKY ET AL #1-06048	ROSE FIELD FRIO	55.0	
-AMOCO PRODUCTION CO			RECEIVED: 05/15/81 JA: TX				
8131626	33475	4220330781	102-4	EMANUEL WASHINGTON GAS UNIT WELL	BLOCKER/PAGE/	146.0	UNITED GAS PIPELI
8131615	33295	4200332415	103	FULLERTON SAN ANDRES UNIT #62	FULLERTON SAN ANDRES	4.8	AMOCO PRODUCTION
8131804	33900	4213333430	103	GOLDSMITH LANDRETH DEEP UNIT #203	GOLDSMITH (CLEARFORK)	19.4	PHILLIPS PETROLEU
-APACHE CORPORATION			RECEIVED: 05/15/81 JA: TX				
8131593	32656	4248330617	107-DP	STILES #5-16	STILES RANCH (ATOKA)	328.5	ARKANSAS LOUISIAN
-ARCO OIL AND GAS COMPANY			RECEIVED: 05/15/81 JA: TX				
8131618	33369	4213100000	108	HAGIST RANCH A-10	HAGIST RANCH (ARGO NE)	5.5	NATURAL GAS PIPEL
-BILL J GRAHAM			RECEIVED: 05/15/81 JA: TX				
8131614	33170	4210900000	108	TXL - 9 #2	GERALDINE (FORD)	0.0	CONTINENTAL OIL C
-BOJA OIL CO			RECEIVED: 05/15/81 JA: TX				
8131865	34119	4206500000	108	IDA 00180 #1	PANHANDLE	1.3	CABOT CORP
8131866	34120	4206500000	108	IDA 00180 #2	PANHANDLE	0.7	CABOT CORP
-BRAZOS PETROLEUM CO			RECEIVED: 05/15/81 JA: TX				
8131606	32948	4232930881	103	SNELL NO 1 WELL #25921	SPRABERRY (TREND AREA)	43.8	PHILLIPS PETROLEU
-BRIGHT & COMPANY			RECEIVED: 05/15/81 JA: TX				
8131622	33464	4225530795	103	FOEGELLE-RUNKEL GU #1	PANNA MARIA (EDWARDS)	1888.8	VALERO TRANSMISSI
-CAG PETROLEUM CORP			RECEIVED: 05/15/81 JA: TX				
8131600	32873	4205131246	102-2	ROSE NO 2 RRC 13682	GIDDINGS AUSTIN CHALK	365.0	CLAJON GAS CO
-CARTER ENERGY CORP			RECEIVED: 05/15/81 JA: TX				
8131644	33552	4223900000	103	#2 ARMSTRONG	BOORSVILLE (BEND CONGLOM	0.8	TEXAS UTILITIES F
-CARTER EXPLORATION CO			RECEIVED: 05/15/81 JA: TX				
8131752	33748	4223900000	102-4	C D WILKERSON NO 1	COLLIER EAST (2525 SAND)	200.0	HOUSTON PIPE LINE
-CHAMPLIN PETROLEUM COMPANY			RECEIVED: 05/15/81 JA: TX				
8131604	32932	4235130936	103	D L GLASS NO 1	CONGER SW (PENN)	235.0	NORTHERN NATURAL
8131597	32813	4215700000	103	DRYDEN J W NO 6	STRATTON	24.0	TENNESSEE GAS PIP
-CITIES SERVICE COMPANY			RECEIVED: 05/15/81 JA: TX				
8131679	33599	4217900000	108	GOODE A #1	PANHANDLE EAST	7.5	COLTEXO CORP
8131678	33598	4217900000	108	HUDGINS A #1	PANHANDLE EAST	17.9	COLTEXO CORP
8131666	33585	4206500000	108	JORDAN BROWN A NO 1	WEST PANHANDLE	4.1	SHELL OIL CO
8131677	33597	4217900000	108	KENNEDY B #1	PANHANDLE EAST	8.2	COLTEXO CORP
8131676	33596	4217900000	108	NOEL B #1	PANHANDLE EAST	7.5	COLTEXO CORP
8131675	33595	4217900000	108	NOEL B #2	PANHANDLE EAST	17.1	COLTEXO CORP
8131665	33584	4239300000	108	PARSELL RANCH A #1	PARSELL (MORROW UPPER)	13.0	TRANSWESTERN PIPE
8131674	33594	4217900000	108	PERKINS B #2	PANHANDLE EAST	9.6	COLTEXO CORP
8131673	33593	4217900000	108	PERKINS D #1	PANHANDLE EAST	13.2	COLTEXO CORP
8131672	33592	4217900000	108	PERKINS D #2	PANHANDLE EAST	7.7	COLTEXO CORP
8131671	33591	4217900000	108	PERKINS E #1	PANHANDLE EAST	8.5	COLTEXO CORP

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VOLUME 444 PAGE 002

JD NO	DA DAT	API #	SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8131664	33582	4217900000	108	SULLIVAN A #1	WEST PANHANDLE	12.4	CITIES SERVICE CO
8131670	33589	4217900000	108	UPHAM GAS CO #1	PANHANDLE EAST	7.6	COLTEXO CORP
8131669	33588	4217900000	108	UPHAM GAS CO #2	PANHANDLE EAST	10.5	COLTEXO CORP
8131668	33587	4217900000	108	UPHAM GAS CO #3	PANHANDLE EAST	3.8	COLTEXO CORP
8131667	33586	4217900000	108	UPHAM GAS CO #4	PANHANDLE EAST	3.2	COLTEXO CORP
8131596	32713	4250531240	102-2	VELA A NO 1	MIGLEL CREEK 8200	45.0	
				RECEIVED: 05/15/81 JA: TX			
-COLA PETROLEUM INC							
8131802	33897	4217930726	103	MIDWELL #1	EAST PANHANDLE	3.4	PHILLIPS PETROLEU
8131824	33976	4238331641	103	GORDON 138 #1	CALVIN (DEAN)	37.8	UNION TEXAS PETRO
8131826	33978	4238331650	103	HOLT 112 #1	CALVIN (DEAN)	172.1	UNION TEXAS PETRO
8131825	33977	4246131627	103	PRICE 29 #1	CALVIN (DEAN)	64.8	UNION TEXAS PETRO
8131803	33898	4217930744	103	SAYE #1	EAST PANHANDLE	10.8	PHILLIPS PETROLEU
				RECEIVED: 05/15/81 JA: TX			
-COLUMBIA GAS DEVELOPMENT CORP							
8131819	33962	4205131252	102-2	J K PEARCE NO 1	GIDDINGS (AUSTIN CHALK)	61.0	FERGUSON CROSSING
8131820	33963	4205131213	102-2	W M & J T KRUEGER NO 1	GIDDINGS (AUSTIN CHALK)	52.0	FERGUSON CROSSING
				RECEIVED: 05/15/81 JA: TX			
-COMMAND-MERGNER ENERGY CORP							
8131607	32952	4213332144	102-4	NELSON NO 1 WELL LEASE NO 16585	SHOAF-MERGNER (MISS)	0.0	INTERNATIONAL CRU
				RECEIVED: 05/15/81 JA: TX			
-CONOCO INC							
8131832	34016	4210900000	103	RAMSEY-22-811 ID #24217	FORC WEST (4100)	19.3	EL PASO NATURAL G
8131765	33769	4248500000	103	T J & J L WAGGONER-ADL-833	WICHITA COUNTY REGULAR	3.7	EAGLE PETROLEUM C
8131764	33768	4248535088	103	T J & J L WAGGONER-ADE-836	WICHITA COUNTY REGULAR	3.7	EAGLE PETROLEUM C
8131848	34070	4203330583	103	T J GOOD-35-#1	JO MILL (SPRAYBERRY)	1.1	
				RECEIVED: 05/15/81 JA: TX			
-COASTAL OIL & GAS CORP							
8131768	33778	4237530754	103	BIVINS 1615 RC	PANHANDLE (RED CAVE)	29.0	COLORADO INTERSTA
8131811	33920	4237530744	103	BIVINS 2135RC	PANHANDLE (RED CAVE)	184.0	COLORADO INTERSTA
8131811	33920	4237530745	103	BIVINS 2829RC	PANHANDLE (RED CAVE)	3.0	COLORADO INTERSTA
8131833	34019	4237530764	103	BIVINS 3313 S	PANHANDLE (RED CAVE)	26.0	COLORADO INTERSTA
8131766	33776	4237530763	103	BIVINS 3403 S	PANHANDLE (RED CAVE)	7.0	COLORADO INTERSTA
8131767	33777	4237530796	103	BIVINS 5066RC	PANHANDLE (RED CAVE)	41.0	COLORADO INTERSTA
-DALLAS PRODUCTION INC							
8131581	32181	4222130446	102-2	COOK C NO 1	MCINTOSH (STRAWN)	92.0	SOUTHWESTERN GAS
8131591	32622	4222130443	102-2	WILLIAMS C NO 1	MCINTOSH (STRAWN)	168.0	SOUTHWESTERN GAS
-DIAMOND SHAMROCK CORPORATION							
8131861	34108	4234100000	108	BROWN NO 1	PANHANDLE WEST	3.0	NORTHERN NATURAL
				RECEIVED: 05/15/81 JA: TX			
-EL PASO NATURAL GAS COMPANY							
8131612	33032	4243530555	108	DEBERRY - BOYETT UNIT #2	SONORA CANYON UPPER	27.0	EL PASO NATURAL G
				RECEIVED: 05/15/81 JA: TX			
-ENERGETICS INC							
8131788	33859	4214930451	102-2	MELBA F YOUNG NO 1 ID #13160	GIDDINGS (AUSTIN CHALK)	116.0	PHILLIPS PETROLEU
8131801	33888	4202130251	102-2	W T KIESCHNIK A NO 1 #13383	GIDDINGS (AUSTIN CHALK)	10.0	PHILLIPS PETROLEU
				RECEIVED: 05/15/81 JA: TX			
-ENRE CORP							
8131828	33982	4212130341	102-4	W A MERRITT JR #1	MCKILATH (ATOKA UPPER)	307.0	TEXAS UTILITIES F
				RECEIVED: 05/15/81 JA: TX			
-EVCO ENTERPRISES							
8131884	34140	4206500000	108	IDA BLOCK 01626 #1	PANHANDLE	2.0	GETTY OIL CO
8131885	34141	4206500000	108	IDA BLOCK 01626 #2	PANHANDLE	0.4	GETTY OIL CO
8131886	34142	4206500000	108	IDA BLOCK 01626 #3	PANHANDLE	0.4	GETTY OIL CO
				RECEIVED: 05/15/81 JA: TX			
-EXXON CORPORATION							
8131805	33903	4204730866	103	D J SULLIVAN B 50 (ID PENDING)	PITA (E-7-E)	173.0	TENNESSEE GAS PIP
*8131738	33721	4204730847	103	D J SULLIVAN F-17 (89343)	CARL PETERS (D-4-E)	402.0	ARMCO STEEL CORP
*8131731	33708	4213133902	102-4	EXXON-YATES RANCH FEL #5 #86284	FARMERS LIFE (1780)	274.0	ARMCO STEEL CORP
8131620	33399	4239330762	103	FLOWERS TRUST #2-L	MENDOTA NW (GRANITE WASH	196.0	TRANSWESTERN PIPE
8131773	33794	4222732229	103	H R CLAY #32	HOWARD GLASSCOCK (GLORIE	0.1	PHILLIPS PETROLEU
8131806	33905	4249930827	103	HAWKINS FIELD UNIT #1197	HAWKINS	5.5	
8131610	32969	4239330764	103	J C VOLLMERT #3-L	MENDOTA NW (GRANITE WASH	1360.0	TRANSWESTERN PIPE

VOLUME 444 PAGE 003

JD NO	DA DAT	API #	SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER

JD NO	DA SKT	API #	SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8131607	32968	4239330764	103	J C VOLLMERT #3-U	MENDOTA NW (DOUGLAS LO)	455.0	TRANSWESTERN PIPE
•8131706	33643	4227331316	102-4	K R ALAZAN 324-F (80453)	ALAZAN (J-80)	550.0	ARMCO STEEL CORP
•8131707	33644	4227331335	103	K R ALAZAN 329-D (06998)	ALAZAN (ALL ZONES)	730.0	ARMCO STEEL CORP
•8131708	33645	4227331335	103	K R ALAZAN 329-F (06998)	ALAZAN (ALL ZONES)	100.0	ARMCO STEEL CORP
•8131709	33646	4227331366	102-4	K R ALAZAN 336 (86380)	ALAZAN (J-83)	980.0	ARMCO STEEL CORP
•8131723	33684	4226130517	102-4	K R BADENO 6 (86587)	SAN JOSE SOUTH (G-35 I)	0.0	ARMCO STEEL CORP
•8131720	33679	4226130519	102-4	K R BADENO 7 (85551)	SAN JOSE SOUTH (G-35 I)	980.0	ARMCO STEEL CORP
•8131715	33668	4227331403	103	K R BORREGOS 551-F (06544)	BORREGOS (COMBINED ZONES	37.0	ARMCO STEEL CORP
•8131719	33678	4226130450	102-4	K R SAN JOSE DE LA PARRA 24-F	CALANDRIA (F-78)	730.0	ARMCO STEEL CORP
•8131732	33710	4226130518	102-4	K R SAN JOSE DE LA PARRA 27-F	CALANDRIA (F-91)	900.0	ARMCO STEEL CORP
•8131733	33711	4226130544	103	K R SAN JOSE DE LA PARRA 28-F	CALANDRIA (H-73)	550.0	ARMCO STEEL CORP
•8131734	33712	4226131566	102-4	K R SAN JOSE DE LA PARRA 29-D	CALANDRIA (G-56)	365.0	ARMCO STEEL CORP
•8131735	33713	4226130566	102-4	K R SAN JOSE DE LA PARRA 29-F	CALANDRIA (G-15)	770.0	ARMCO STEEL CORP
•8131736	033714	4226130565	102-4	K R SAN JOSE DE LA PARRA 30 (88861)	CALANDRIA (F-68)	365.0	ARMCO STEEL CORP
•8131688	33619	4227331201	102-4	K R SEELIGSON E-94 (09049)	T-C-B EAST (20-I-4 A)	18.0	ARMCO STEEL CORP
•8131687	33618	4227331367	102-4	K R TIJERINA A-62 (09327)	T-C-B EAST (20-I-4 S)	21.0	ARMCO STEEL CORP
•8131696	33627	4227331369	102-4	K R VISNAGA 17 (85362)	YEARY (J-13)	730.0	ARMCO STEEL CORP
•8131743	33727	4227331357	103	KING RANCH ALAZAN #337	KING RANCH ALAZAN 337 (8	146.0	ARMCO STEEL CORP
•8131713	33660	4227331250	102-4	KING RANCH ALAZAN 309 (89651)	MINCJOSA (F-53)	60.0	ARMCO STEEL CORP
•8131712	33659	4227331330	102-4	KING RANCH ALAZAN 320-F	MINCJOSA N	45.0	ARMCO STEEL CORP
•8131744	33728	4227331353	103	KING RANCH ALAZAN 328-D (84907)	MINCJOSA	949.0	ARMCO STEEL CORP
•8131710	33647	4227331387	102-4	KING RANCH ALAZAN 338 (86729)	ALAZAN	840.0	ARMCO STEEL CORP
•8131741	33724	4227331424	103	KING RANCH ALAZAN 346-D (87950)	ALAZAN (I-83)	803.0	ARMCO STEEL CORP
•8131730	33706	4227331269	102-4	KING RANCH BORREGOS M-17-E (09115)	ESCONDIDO CREEK	35.0	ARMCO STEEL CORP
•8131748	33736	4227331215	103	KING RANCH BORREGOS 543-F (76624)	BORREGOS	400.0	ARMCO STEEL CORP
•8131729	33696	4227331254	103	KING RANCH BORREGOS 545-F (76388)	BORREGOS (ZONE F-5)	325.0	ARMCO STEEL CORP
•8131728	33695	4227331271	103	KING RANCH BORREGOS 549 (84057)	BORREGOS	650.0	ARMCO STEEL CORP
•8131750	33740	4227331463	103	KING RANCH BORREGOS 554 (88749)	BORREGOS (ZONE S-7 NW)	1800.0	ARMCO STEEL CORP
•8131727	33693	4227331470	103	KING RANCH BORREGOS 555-T (90586)	BORREGOS (J-19)	500.0	ARMCO STEEL CORP
•8131737	33719	4227331295	102-4	KING RANCH CANELO 36 (09606)	CANELO (E-67)	18.0	ARMCO STEEL CORP
•8131683	33613	4227300000	103	KING RANCH CHILTIPIN 54 (09019)	LOBO SE (F-70)	40.0	ARMCO STEEL CORP
•8131746	33730	4227331219	103	KING RANCH CHILTIPIN 58 (07894)	LOBO SE (F-79)	18.0	ARMCO STEEL CORP
•8131745	33729	4227331371	103	KING RANCH CHILTIPIN 70	MINCJOSA N	4.0	ARMCO STEEL CORP
•8131701	33634	4227331203	103	KING RANCH EAST LAURELS G-37	LAGUNA LARGA	500.0	ARMCO STEEL CORP
•8131726	33692	4226130439	103	KING RANCH SAN JOSE DE LA PARRA	CALANDRIA	657.0	ARMCO STEEL CORP
•8131749	33739	4226130580	103	KING RANCH SAN JOSE DE LA PARRA 33	CALANDRIA (E-02)	700.0	ARMCO STEEL CORP
•8131702	33635	4227331454	103	KING RANCH SEELIGSON C-204-T 9032	SEELIGSON (ZONE 21-F)	360.0	ARMCO STEEL CORP
•8131686	33617	4227331401	102-4	KING RANCH SEELIGSON E-107 (09388)	T-C-B EAST (20-I 4 NE)	12.0	ARMCO STEEL CORP
•8131716	33670	4227331270	102-4	KING RANCH STRATTON P-253 (77952)	STRATTON	730.0	ARMCO STEEL CORP
•8131714	33662	4227331409	103	KING RANCH VISNAGA 19 (09559)	INFERNILLO (L-70 SEG B)	96.0	ARMCO STEEL CORP
•8131717	33675	4227330569	102-4	KING RANCH WEST BORREGOS M-102-C	BORREGOS W	100.0	ARMCO STEEL CORP
•8131718	33676	4226130490	103	KR SAN JOSE DE LA PARRA 24-D .6	CALANDRIA	620.0	ARMCO STEEL CORP
8131631	33481	4202331429	103	LAURA T BARROW #15 (ID PENDING)	LAURA THOMSON (4850)	340.0	NATURAL GAS PIPEL
8131762	33762	4200332538	103	MEANS/SAN ANDRES/ UNIT #1812	MEANS	4.0	PHILLIPS PETROLEU
8131608	32960	4200332527	103	MEANS/SAN ANDRES/UNIT #1460	MEANS	13.0	PHILLIPS PETROLEU
•8131684	33614	4226130564	103	MRS S K EAST 111-F (90102)	RITA N E (H-75)	876.0	ARMCO STEEL CORP
•8131685	33615	4226130423	102-4	MRS S K EAST 92 (82773)	RITA SE (O-53 II)	365.0	ARMCO STEEL CORP
•8131724	33686	4226130460	103	MRS S K EAST 99-F (89694)	RITA NE (H-75)	730.0	ARMCO STEEL CORP
•8131689	33620	4248930577	103	R J K JR STILLMAN 37 (80153)	TORCILLA	475.0	ARMCO STEEL CORP
•8131725	33689	4204730345	103	R J K JR TR BARROSA PASTURE 13-F	PITA N W (H-50)	511.0	ARMCO STEEL CORP
•8131704	33641	4204730613	102-4	R J K JR TR LOS MUERTOS 29 (81593)	VIBORAS WEST (I-65)	830.0	ARMCO STEEL CORP
•8131739	33722	42047306P6	102-4	R J K JR TR LOS MUERTOS 27-D	EL AZUL (H-42)	430.0	ARMCO STEEL CORP
•8131694	33625	42047306P4	103	R J K JR TR QUITERIA PASTURE 89	VIBORAS	100.0	ARMCO STEEL CORP

VOLUME 444 PAGE C04

JD NO	JA DKT	API NO	D SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
*8131711	33656	4226130472	102-4	R J K JR TR STILLMAN PASTURE 42	STILLMAN (I-61)	1095.0	ARMCO STEEL CORP
*8131691	33622	4248930609	102-4	R J K JR TR STILLMAN PASTURE 44	TORCILLA (J-58)	365.0	ARMCO STEEL CORP
*8131722	33681	4226130226	103	R J K JR TR STILLMAN 34-D (74038)	STILLMAN	1022.0	ARMCO STEEL CORP
*8131721	33680	4226130475	103	R J K JR TR STILLMAN 38-D (84782)	STILLMAN	219.0	ARMCO STEEL CORP
*8131690	33621	4226130441	103	R J K JR TR STILLMAN 41 (84780)	TORCILLA	657.0	ARMCO STEEL CORP
*8131698	33629	4204730833	102-4	R J K JR TR VIBCRAS PASTURE 89-F	VIBCRAS (G-54 VIII W)	750.0	ARMCO STEEL CORP
*8131700	33633	4204730763	102-4	R J K JR TR VP-83-F (87248)	VIBCRAS (MASSIVE 2ND VII	1278.0	ARMCO STEEL CORP
*8131705	33642	4204730807	102-4	R J K JR TR VP-88-F (89358)	VIBCRAS (MASSIVE FIRST 5	1095.0	ARMCO STEEL CORP
*8131697	33628	4204730833	102-4	R J K JR TR VP-85-D (09607)	VIBCRAS (ZONE 2 SEG VIII	50.0	ARMCO STEEL CORP
*8131703	33637	4204730830	102-4	R J K JR TR ZACH PASTURE ST 8-F	VIBCRAS (ZONE 2 VIII C)	50.0	ARMCO STEEL CORP
*8131692	33623	4204730584	102-4	R J K JR TR ZACH PASTURE 9	VIBCRAS (ZONE 3-C VIII A	540.0	ARMCO STEEL CORP
*8131693	33624	4204730342	102-4	R J KLEBERG QUITERIA PASTURE 74-C	VIBCRAS (8500 SOUTH)	720.0	ARMCO STEEL CORP
*8131740	33723	4204730785	102-4	SANTA FE RANCH 57-D (89425)	SANTA FE (1ST MASSIVE 1	730.0	ARMCO STEEL CORP
*8131634	33488	4234730441	103	TRAWICK GAS UNIT 11 #2U	TRAWICK (JAMES)	300.0	ARMCO STEEL CORP
*8131619	33373	4234730478	103	TRAWICK GAS UNIT 3 #4	TRAWICK (JAMES)	250.0	ARMCO STEEL CORP
*8131742	33726	4204730653	103	VFGU #1 V-79-D (81315)	VIBCRAS (G-54)	200.0	ARMCO STEEL CORP
*8131699	33632	4204730787	103	VFGU #1 V-86-F (87902)	VIBCRAS (MASSIVE 1ST EAS	365.0	ARMCO STEEL CORP
*8131747	33731	4204730803	103	VFGU #1 V-87-D (87157)	VIBCRAS (PASSIVE SECONC	500.0	ARMCO STEEL CORP
*8131695	33626	4204730599	103	VIBCRAS FIELD GU NO 1 V-68-D 7519	VIBCRAS	913.0	ARMCO STEEL CORP
-FLAG-REDFERN OIL CO				RECEIVED: 05/15/81 JA: TX			
8131890	34158	4246131684	103	F S CARPY NO 1 WELL #08738	KINE MOUNTAIN N (BEND)	82.1	WARREN PETROLEUM
-G DEPRANG OIL CO				RECEIVED: 05/15/81 JA: TX			
8131827	33981	4208331932	103	DEPRANG B # 15 (15143)	FRANCES (JENNINGS SAND)	5.0	UNION TEXAS PETRO
-GENESIS PETROLEUM CORP				RECEIVED: 05/15/81 JA: TX			
8131586	32421	4232100000	102-4	STATE TRACT 309 NO 3	OLIVER POINT S (4050)	109.0	DOW CHEMICAL USA
-GEODYNAMICS OIL & GAS				RECEIVED: 05/15/81 JA: TX			
8131760	33760	4205130968	102-2	PATTERSON E #2	STONE CITY (AUSTIN CHALK	67.0	CLAJON GAS CO
8131834	34021	4205131316	102-2	PATTERSON E #3	STONE CITY (AUSTIN CHALK	65.0	CLAJON GAS CO
8131585	32486	4205131097	102-2	V HYVL NO 1	CALDWELL (AUSTIN CHALK)	173.0	CHAMPLIN PETROLEU
-GUERNSEY PETROLEUM CORPORATION				RECEIVED: 05/15/81 JA: TX			
8131781	33818	4224931261	103	BARFON-HENDRICKS #4	ALFRED WEST (2000)	0.0	UNITED GAS PIPELI
-GULF OIL CORPORATION				RECEIVED: 05/15/81 JA: TX			
8131755	33755	4213533548	103	GOLDSMITH SAN ANDRES UNIT NO 2-171	GOLDSMITH	82.5	PHILLIPS PETROLEU
8131800	33886	4247532242	103	HUTCHINGS STOCK ASSN WELL NO 1118	WAGON WHEEL (PENN)	217.0	CABOT CORP
8131757	33757	4249504301	108	IDA HENDRICK A NO 4	KERMIT	1.1	CABOT CORP
8131761	33761	4249501800	108	IDA HENDRICK A NO 6	KERMIT	4.0	CABOT CORP
8131849	34071	4249501803	108	IDA HENDRICK A WELL NO 8	KERMIT	2.0	CABOT CORP
8131758	33753	4210510869	108	J M TIPPETT E NO 7	TIPPETT WEST (5050 WOLFC	8.0	NELEM GAS & OIL
8131756	33756	4241330603	108	O DEAL A NO 2	P W - CANYON	5.0	CRA INC
-HIGHLAND RESOURCES INC				RECEIVED: 05/15/81 JA: TX			
8131888	34149	4200130957	102-4	ELTON BOMER ET AL #1	BLACKFOOT NORTH (RODESSA	50.0	LONE STAR GAS CO
-HNG OIL COMPANY				RECEIVED: 05/15/81 JA: TX			
8131623	33469	4221131249	103	CLEVELAND 84-1 (90746)	HEMPHILL/GRANITE WASH/	52.9	PALO DURO PIPELIN
8131751	33745	4247932544	102-2	HIRSCH ESTATE 857 #1 ID #87321	BIG COWBOY	27.4	HOUSTON PIPELINE
8131751	33745	4247532544	103	HIRSCH ESTATE 857 #1 ID #87321	BIG COWBOY	27.4	HOUSTON PIPELINE
8131584	32370	4243532164	103	MAYFIELD 46-2 (84727)	SAWYER/CANYON/	77.4	INTRATEX GAS CC
8131813	33935	4243532431	103	SAWYER 4 #4 (91951)	SAWYER/CANYON/	91.3	INTRATEX GAS CC
8131813	33935	4243532431	107-TF	SAWYER 4 #4 (91951)	SAWYER/CANYON/	91.3	INTRATEX GAS CC
8131590	32585	4243532288	103	SAWYER 4-1 (88268)	SAWYER/CANYON/	182.5	INTRATEX GAS CC
8131590	32585	4243532288	107-TF	SAWYER 4-1 (88268)	SAWYER/CANYON/	182.5	INTRATEX GAS CC
-HOUSTON OIL & MINERALS CORPORATION				RECEIVED: 05/15/81 JA: TX			
8131605	32947	4231732204	103	ALLAH #1	SPRABERRY (TREND AREA)	30.0	PHILLIPS PETROLEU
8131621	33462	4245130589	102-4	HOBLIT-JACOBS ET AL #1	ALLEN HILL (STRAWN)	191.0	LONE STAR GAS CO

CO NO / OPR NAME	DA DAT	API NO	D SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-J M HUBER CORPORATION				RECEIVED: 05/15/81 JA: TX			
8131682	33612	4223330924	103	WEATHERLY C NO 58	PANHANDLE	11.0	COLORADO INTERSTA
-JADE ENTERPRISES INC				RECEIVED: 05/15/81 JA: TX			
8131867	34121	4217900000	108	CHAPMAN A 00220 #1	PANHANDLE	4.3	COLTEXO CORP
8131868	34122	4217900000	108	CHAPMAN A 00220 #2	PANHANDLE	13.0	COLTEXO CORP
-JATAM INC				RECEIVED: 05/15/81 JA: TX			
8131601	32894	4243130529	103	JATAM INC KNIGHT-142	JAMESON (STRAWN)	48.0	SUN OIL CO
-JENNINGS EXPLORATION CO				RECEIVED: 05/15/81 JA: TX			
8131772	33782	4250731415	102-4	NO 26-1 H&F PROPERTIES 51920	AIRSTRIP EAST (ELAINE)	68.0	VALERO TRANSMISSI
-JOHN Q MCCABE				RECEIVED: 05/15/81 JA: TX			
8131850	34074	4241300000	108	J F WEBSTER B #3	FT MCKAVITT (4270 LIME)	0.0	ARCO OIL & GAS CO
-JOHN R THOMPSON OPERATING INC				RECEIVED: 05/15/81 JA: TX			
8131829	33991	4220700000	103	HARRISON ESTATE #1	HARRISON STRAWN FIELD	92.0	CITIES SERVICE CO
8131864	34118	4220700000	103	HARRISON ESTATE #3	HARRISON STRAWN FIELD	92.0	CITIES SERVICE CO
8131889	34152	4220700000	103	HARRISON ESTATE #4	HARRISON STRAWN FIELD	92.0	CITIES SERVICE CO
-K-M CO				RECEIVED: 05/15/81 JA: TX			
8131624	33472	4213300000	108	MORRIS -M- #45 ID-17305	ANZAC (GARDNER)	16.3	UNION TEXAS PETRO
-KENNEDY & CHANEY				RECEIVED: 05/15/81 JA: TX			
8131831	34012	4247500000	103	DORR NO 7 #07229	WARC SOUTH	72.0	DELHI GAS PIPELIN
-KETAL OIL PRODUCING CO				RECEIVED: 05/15/81 JA: TX			
8131753	33752	4208130639	103	PENTECOST NO 1	MEADOW CREEK (CANYON)	9.0	
-LA SALLE ENERGY CORP				RECEIVED: 05/15/81 JA: TX			
8131787	33836	4214930720	102-2	GREGG RING #1	GIDDINGS	0.0	
-MADERA R F				RECEIVED: 05/15/81 JA: TX			
8131625	33473	4250300000	108	SHEPARD B J #2 ID-87188	YOUNG COUNTY REG (GAS)	10.9	SUN GAS TRANSMISS
-MAY PETROLEUM INC				RECEIVED: 05/15/81 JA: TX			
8131818	33955	4219530749	103	MCCLELLAN #1 (04682)	GRUVER N W (MORROW UPPER	547.5	PANHANDLE EASTERN
-MEWBOURNE OIL COMPANY				RECEIVED: 05/15/81 JA: TX			
8131841	34053	4229530701	103	TREGELLAS 675 #1 WELL	PEERY (CLEVELAND)	10.0	TRANSWESTERN PIPE
-MGF OIL CORP				RECEIVED: 05/15/81 JA: TX			
8131854	34096	4223531651	103	WINTERBOTHAM B #3	DOVE CREEK (CANYON -C-)	81.0	CRA INC
-MILLWEE OIL INC				RECEIVED: 05/15/81 JA: TX			
8131587	32529	4222732215	102-4	WHITAKER #1	MILLWEE (CANYON REEF)	36.5	GETTY OIL CO
-MITCHELL ENERGY CORPORATION				RECEIVED: 05/15/81 JA: TX			
8131639	33501	4237330390	103	ALLEN C WILLIAMS #1	SANCY CREED (AUSTIN CHAL	164.0	
8131840	34051	4249700000	103	ASCCU #14-1	ALVORD SOUTH (CADDO CONG	0.0	NATURAL GAS PIPEL
-MOBIL PRODUCING TX & NM INC				RECEIVED: 05/15/81 JA: TX			
8131594	32679	4230130259	102-4	CHRISTOPHER NO 2	WHEAT (CHERRY CANYON)	10.6	INTRATEX GAS CO
8131595	32686	4250531275	102-4	VILLARREAL GUTIERREZ UNIT NO 1	WILDCAT	929.3	
-MONSANTO COMPANY				RECEIVED: 05/15/81 JA: TX			
8131839	34048	4221131258	103	FIELDS-STATE #1	PARSELL (MORROW UPPER)	400.0	TRANSWESTERN PIPE
-MONTERREY PETROLEUM CORP				RECEIVED: 05/15/81 JA: TX			
8131842	34057	4247931912	103	BLOCKER RANCH E WELL 5 (91151)	APACHE RANCH (OLMOS)	70.0	DELHI GAS PIPELIN
8131853	34094	4247931914	103	BLOCKER RANCH F WELL NO 6 (91150)	APACHE RANCH (OLMOS)	70.0	DELHI GAS PIPELIN
-MORAN EXPLORATION INC				RECEIVED: 05/15/81 JA: TX			
8131816	33952	4210536234	103	JONES MILLER #2-C	OZONA (CANYON SAND)	0.0	NORTHERN NATURAL
8131817	33953	4210532634	103	JONES MILLER #2-T	THOMASON (STRAWN)	0.0	NORTHERN NATURAL
-MR OIL CO				RECEIVED: 05/15/81 JA: TX			
8131791	33854	4247532256	103	DORR NO 12 #25917	WARC SOUTH	60.0	DELHI GAS PIPELIN
8131792	33855	4247500000	103	DORR NO 9 #25917	WARC SOUTH	60.0	DELHI GAS PIPELIN
-OILWELL OPERATORS INC				RECEIVED: 05/15/81 JA: TX			
8131892	34184	4217900000	108	MORSE ALEXANDER #1 26470	PANHANDLE-EAST	5.0	PHILLIPS PETROLEU
8131894	34186	4217900000	108	MORSE ALEXANDER A 26471	PANHANDLE-EAST	6.0	PHILLIPS PETROLEU

VOLUME 444 PAGE 006

JD NO	JA DKT	API NO	D SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8131893	34185	4217900000	108	HORSE ALEXANDER E 26472	PANHANDLE-EAST	8.0	PHILLIPS PETROLEU
-OMEGA PETROLEUM CORP				RECEIVED: 05/15/81 JA: TX			
8131638	33500	4223732213	108	WIMBERLY NO 1	LUNEY(CONGL)	18.0	NATURAL GAS PIPEL
-PALO-PLACER				RECEIVED: 05/15/81 JA: TX			
8131582	32219	4246131631	103	LONC 37-1	SPRABERRY (TREND AREA)	0.0	PHILLIPS PETROLEU
-PARAGON RESOURCES INC				RECEIVED: 05/15/81 JA: TX			
8131616	33328	4216130614	102-4	CANNON ESTATE #1	DONIE (RODESSA)	255.0	
8131616	33328	4216130614	103	CANNON ESTATE #1	DONIE (RODESSA)	255.0	
-PARKER & PARSLEY INC				RECEIVED: 05/15/81 JA: TX			
8131613	33074	4232930951	103	BAKER WELL NO 1	SPRABERRY (TREND AREA)	15.0	PHILLIPS PETROLEU
-PAUL DE CLEVA				RECEIVED: 05/15/81 JA: TX			
8131786	33834	4244731774	103	MCKNIGHT A NO 1	GOBER	15.0	GREAT WESTERN GAS
8131785	33833	4249731436	103	PORTWOOD NO 1	BOONSVILLE BEND CONGL	105.0	NATURAL GAS PIPEL
-PENNZOIL PRODUCING COMPANY				RECEIVED: 05/15/81 JA: TX			
8131812	33933	4235506346	108	R B SIMMONDS NO 7	AGUA DULCE (5400)	20.0	UNITED GAS PIPE L
-PETERSON/GORDON				RECEIVED: 05/15/81 JA: TX			
8131643	33545	4250333964	103	DAILY #1	YOUNG COUNTY REGULAR	50.0	SOUTHWESTERN GAS
-PETROLEUM TECHNICAL SERVICES CO				RECEIVED: 05/15/81 JA: TX			
8131891	34161	4236731961	103	BRYD NO 2	H & R (BEND CONGL)	3.6	SOUTHWESTERN GAS
8131815	33943	4213535573	103	COWDEN 33 NO 3	COWDEN SOUTH	33.3	ODESSA NATURAL CO
8131830	34011	4205131227	103	LOEHR A NO 1	GIDDINGS (AUSTIN CHALK)	101.8	FERGUSON CROSSING
-PHILLIPS PETROLEUM COMPANY				RECEIVED: 05/15/81 JA: TX			
8131776	33808	4217900000	108	ANNIE #3	PANHANDLE GRAY	0.0	
8131798	33878	4217900000	108	ANNIE #4	PANHANDLE GRAY	0.0	
8131775	33807	4217900000	108	ANNIE #5	PANHANDLE GRAY	0.0	
8131774	33806	4217900000	108	ANNIE #6	PANHANDLE GRAY	0.0	
8131778	33812	4217900000	108	CLAY #11	PANHANDLE GRAY	0.0	
8131780	33816	4217900000	108	CLAY #4	PANHANDLE GRAY	0.0	
8131779	33815	4217900000	108	CLAY #6	PANHANDLE GRAY	0.0	
8131777	33811	4217900000	108	CLAY #9	PANHANDLE GRAY	0.0	
8131814	33942	4234100000	108	RACHEL #1	HORSE CREEK NW-MORROW LC	0.0	EL PASO NATURAL G
8131860	34105	4242100000	108	WITTER B #5	TEXAS HUGOTON	0.0	MICHIGAN WISCONSI
-R L KIRKWOOD JR				RECEIVED: 05/15/81 JA: TX			
8131589	32571	4202500000	103	DAN A HUGHES WELL NO 5 ID NO 05872	FRIENDSHIP CHURCH (HOCKL	60.0	VALERO TRANSMISSI
8131588	32529	4202500000	103	DAN A HUGHES WELL NO 6 ID NO 05872	FRIENDSHIP CHURCH (HOCKL	60.0	VALERO TRANSMISSI
-RALPH L WAY INC				RECEIVED: 05/15/81 JA: TX			
8131627	33477	4238331571	103	UNIVERSITY 5A #5	FARPER (SAN ANDRES)	5.4	NORTHERN NATURAL
8131628	33478	4238331572	103	UNIVERSITY 9A #6	FARPER (SAN ANDRES)	16.2	NORTHERN NATURAL
8131629	33479	4238331573	103	UNIVERSITY 9A #7	FARPER (SAN ANDRES)	13.5	NORTHERN NATURAL
8131630	33480	4238331574	103	UNIVERSITY 9A #8	FARPER (SAN ANDRES)	16.8	NORTHERN NATURAL
-RALPH SPENCE				RECEIVED: 05/15/81 JA: TX			
8131681	33607	4207300000	108	PRATHER NO 1	RICAPPY (RODESSA)	180.0	LONE STAR GAS CO
-RIO PETROLEUM INC				RECEIVED: 05/15/81 JA: TX			
8131641	33542	4217930753	103	RIO #1 PAMELA	PANHANDLE GRAY COUNTY	20.0	PIONEER NATURAL G
-S C EVANS				RECEIVED: 05/15/81 JA: TX			
8131876	34132	4206500000	108	B F BLOCK (00080) #1	PANHANDLE	0.8	GETTY OIL CO
8131877	34133	4206500000	108	B F BLOCK (00080) #2	PANHANDLE	0.2	GETTY OIL CO
8131878	34134	4206500000	108	B F BLOCK (00080) #3	PANHANDLE	0.8	GETTY OIL CO
8131879	34135	4206500000	108	B F BLOCK (00080) #5	PANHANDLE	4.0	GETTY OIL CO
8131880	34136	4206500000	108	B F BLOCK (00080) #6	PANHANDLE	1.2	GETTY OIL CO
8131881	34137	4206500000	108	B F BLOCK (00080) #7	PANHANDLE	1.2	GETTY OIL CO
8131882	34138	4206500000	108	B F BLOCK (00080) #8	PANHANDLE	0.8	GETTY OIL CO
8131883	34139	4206500000	108	B F BLOCK (00080) #9	PANHANDLE	0.4	GETTY OIL CO

DC NO	JA NBT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8131869	34125	4217900000		108		J T BENTON (00292) #2	PANHANDLE	0.0	PHILLIPS PETROLEU
8131870	34126	4217900000		108		J T BENTON (00292) #3	PANHANDLE	0.1	PHILLIPS PETROLEU
8131871	34127	4217900000		108		J T BENTON (00292) #4	PANHANDLE	0.2	PHILLIPS PETROLEU
8131872	34128	4217900000		108		J T BENTON (00292) #5	PANHANDLE	0.3	PHILLIPS PETROLEU
8131873	34129	4217900000		108		J T BENTON (00292) #6	PANHANDLE	0.0	PHILLIPS PETROLEU
8131874	34130	4217900000		108		J T BENTON (00292) #7	PANHANDLE	0.0	PHILLIPS PETROLEU
8131875	34131	4217900000		108		J T BENTON (00292) #8	PANHANDLE	0.2	PHILLIPS PETROLEU
-SAGE ENERGY COMPANY				RECEIVED: 05/15/81 JA: TX					
8131859	34104	4228738738		103		DREAMER #1 RRC #13565	GIDDINGS (AUSTIN CHALK)	19.0	PHILLIPS PETROLEU
8131592	32641	4214930602		102-2		PLUM B #1 RRC #13654	GIDDINGS (AUSTIN CHALK)	35.0	FALCON GAS CO
-SANCHEZ-OBRIEN OIL & GAS CORP				RECEIVED: 05/15/81 JA: TX					
8131809	33911	4229732127		102-4		CHARLES L BODDEN NO 5L	GEORGE WEST WEST (8500)	500.0	UNITED TEXAS TRAN
-SAXON OIL COMPANY				RECEIVED: 05/15/81 JA: TX					
8131783	33823	4238331834		103		ARMSTRONG NC 1	BENEDUM (SPRABERRY)	19.3	PHILLIPS PETROLEU
8131782	33822	4238331809		103		GARDNER NO 4	BENEDUM (SPRABERRY)	20.4	PHILLIPS PETROLEU
8131603	32927	4246131651		103		HANKS NO 3	SPRABERRY (TREND AREA)	9.1	PHILLIPS PETROLEU
8131784	33827	4246131634		103		WINDHAM C NO 1	SPRABERRY (TREND AREA)	19.3	EL PASO NATURAL G
-SCANDRILL CO				RECEIVED: 05/15/81 JA: TX					
8131851	34079	4250334746		103		KISINGER NO 7	KAFECO (MISS)	485.5	SOUTHWESTERN GAS
-SHELL OIL CO				RECEIVED: 05/15/81 JA: TX					
8131855	34098	4250131907		103		DENVER UNIT WELL NO 3133	WASSON	15.7	SHELL OIL CO
8131856	34099	4250131909		103		DENVER UNIT WELL NO 4122	WASSON	22.6	SHELL OIL CO
8131857	34100	4250131908		103		DENVER UNIT WELL NO 4233	WASSON	38.7	SHELL OIL
8131858	34101	4250131903		103		DENVER UNIT WELL NO 4234	WASSON	38.7	SHELL OIL CO
8131807	33907	4216531860		103		T O STARK WELL NO 30	ROBERTSON N (CLEARFORK 7	6.5	PHILLIPS PETROLEU
8131808	33908	4216531854		103		T O STARK WELL NO 31	ROBERTSON N (CLEARFORK 7	2.2	PHILLIPS PETROLEU
-SHILLELAGH CORP				RECEIVED: 05/15/81 JA: TX					
8131598	32820	4242932639		103		LEDPETTER #1 RRC #16749	STEPHENS COUNTY REGULAR	73.0	LONE STAR GAS CO
-SOHIO PETROLEUM CO				RECEIVED: 05/15/81 JA: TX					
8131810	33918	4223300000		108		SANFORD NO 1-77	WEST PANHANDLE	12.0	J M HUBER CORP
-SOJOURNER DRILLING CORP				RECEIVED: 05/15/81 JA: TX					
8131844	34064	4225331600		102-4		W H MARSH #5 (15343)	JAY (CANYON LIME)	39.0	PALO DURO PIPELIN
8131846	34066	4225331601		102-4		W H MARSH #6 (15343)	JAY (CANYON LIME)	39.0	PALO DURO PIPELIN
-SOUTHLAND ROYALTY CO				RECEIVED: 05/15/81 JA: TX					
8131836	34023	4210300000		103		BRYANT 20 #4	CRAIAR	16.0	EL PASO NATURAL G
8131793	33865	4246100000		103		ONEAL SAN ANDRES UNIT #60	MCELROY	6.0	PHILLIPS PETROLEU
8131794	33866	4246100000		103		ONEAL SAN ANDRES UNIT #61	MCELROY	6.0	PHILLIPS PETROLEU
8131795	33867	4246100000		103		ONEAL SAN ANDRES UNIT #62	MCELROY	4.0	PHILLIPS PETROLEU
8131796	33868	4246100000		103		ONEAL SAN ANDRES UNIT #63	MCELROY	2.7	PHILLIPS PETROLEU
-SUBURBAN PROPANE GAS CORP				RECEIVED: 05/15/81 JA: TX					
8131822	33971	4216300000		108		C R THOMPSON GAS UNIT #1	WEST BIG FOOT / GAS	21.1	TRANSCONTINENTAL
8131823	33972	4216300000		108		GORDON E TATE #4	WEST BIG FOOT / GAS	21.0	TRANSCONTINENTAL
8131821	33970	4216300000		108		SAM CURTIS #3	WEST BIG FOOT / GAS	28.6	TRANSCONTINENTAL
-SUN OIL COMPANY (DELAWARE)				RECEIVED: 05/15/81 JA: TX					
8131657	33571	4218300000		108		C BROWN NO 18	EAST TEXAS	0.5	MOBIL OIL CORP
8131648	33561	4208130908		103		CENTRAL NATIONAL BANK -A- #14	LYGAY	27.8	LONE STAR GAS CO
8131659	33574	4245900000		108		EVA OBYRNE NO 6	EAST TEXAS	0.1	UNITED GAS PIPE L
8131661	33576	4240100000		108		FINNEY NO 15	EAST TEXAS	0.1	PARADE CO
8131662	33577	4240100000		108		FINNEY NO 2A	EAST TEXAS	0.1	PARADE CO
8131642	33544	4235330974		102-4		GERTRUDE WITHERS #4	WITHERS (ELLENBURGER)	6.9	PALO DURO PIPELIN
8131647	33560	4219931504		103		GULF FEE LOT 14 NO 1	SARATOGA (WEST)	92.0	UNITED TEXAS TRAN
8131649	33563	4235531568		103		H L MCCANN NO 24	ARNOLD DAVID	300.0	
8131602	32912	4243330955		102-4		I S MCMILLIN A/C 2 #10	MCMILLIN (CANYON REEF)	8.9	CITIES SERVICE CO

							VOLUME 444			PAGE 608	
8131652	33566		4218300000	108		J C GRAY NO 11	EAST TEXAS		0.6	UNITED GAS PIPE L	
8131653	33567		4218300000	108		J C GRAY NO 18	EAST TEXAS		0.5	UNITED GAS PIPE L	
8131656	33510		4218300000	108		J C GRAY NO 19	EAST TEXAS		1.0	UNITED GAS PIPE L	
8131654	33568		4218300000	108		J C GRAY NO 4	EAST TEXAS		0.6	UNITED GAS PIPE L	
8131651	33565		4218300000	108		J C MCKINLEY NO 5	EAST TEXAS		0.7	UNITED GAS PIPE L	
8131658	33572		4218300000	108		J C MCKINLEY NO 6	EAST TEXAS		1.0	UNITED GAS PIPE L	
8131580	32168		4242731329	103		J W KINCAID NO 5	LA COPITA (4900)		762.0		
8131646	33558		4233531702	103		JAMES H NAIL JR TRUSTEE #1	DIXON (STRAWN)		8.0	LONE STAR GAS CO	
8131663	33578		4218300000	108		M T COLE NO 36	EAST TEXAS		1.0	ARCO OIL & GAS CO	
8131645	33556		4218300000	108		M T COLE NO 43	EAST TEXAS		1.0	ARCO OIL & GAS CO	
8131650	33564		4219931467	103		SUN FEE LOT 26 NC 1	SARATOGA		15.0	UNITED TEXAS TRAN	
8131579	32161		4233531832	103		V T MCCABE NO 37	JAMESON N (ODOM)		84.0	LONE STAR GAS CO	
8131660	33575		4218300000	108		WEBB NO 7	EAST TEXAS		0.6	UNITED GAS PIPE L	
8131655	33569		4218300000	108		WILLIAM COBB NO 4	EAST TEXAS		0.2	UNITED GAS PIPE L	
-TEXACO INC				RECEIVED: 05/15/81 JA: TX							
8131758	33758		4243130937	103		COPE-ANDREWS UNIT #1	CONGER SW (PENN)		236.0		
8131759	33759		4243130865	103		V E BROWNFIELD #1	CONGER (PENN)		369.0		
-TEXAS OIL & GAS CORP				RECEIVED: 05/15/81 JA: TX							
8131852	34089		4228531450	102-4		KOLONKO #1 #88407	KINKLER		100.0	DELHI GAS PIPELIN	
-TEXLAND-RECTOR & SCHUMACHER				RECEIVED: 05/15/81 JA: TX							
8131771	33781		4236332074	102-4		C B LONG NO 1-54	BEAR CANYON (BEND CONGL)		110.0	SOUTHWESTERN GAS	
8131637	33494		4236731403	103		HERMAN STROUD NO 1	BUCK RANCH (STRAWN)		40.0	SOUTHWESTERN GAS	
8131636	33492		4236731506	103		W K YOUNG A UNIT NO 1	BUCK RANCH (STRAWN)		90.0	SOUTHWESTERN GAS	
-THOMAS D COFFMAN INC				RECEIVED: 05/15/81 JA: TX							
8131790	33851		4214930418	102-2		ZATOPEK NO 1 062267	GIDDINGS (AUSTIN CHALK)		10.0	SOUTH CEN-TEX GAS	
-UNC TEXAS INC				RECEIVED: 05/15/81 JA: TX							
8131835	34022		4249700000	108		B KELLEY #2 RRC ID #28884	BOOKSVILLE (BEND CONGL)		8.5	LONE STAR GAS CO	
-UNION TEXAS PETROLEUM				RECEIVED: 05/15/81 JA: TX							
8131617	33367		4223531520	103		FARPAR 45-10 #2	ROCK PEN (CANYON) CANYON		7.8	CRA INC	
8131635	33490		4223531286	103		FARPAR 56 #5	ROCK PEN (CANYON) CANYON		31.8	CRA INC	
8131789	33842		4223531373	103		SKELLY-SUGG 45 #2	CANYON B ROCK PEN (SEC 4		95.8	CRA INC	
-W R EDWARDS JR				RECEIVED: 05/15/81 JA: TX							
8131862	34112		4223300000	103		BARNHILL #23-1	PANHANDLE HUTCHINSON		91.0	PANHANDLE PRODUCI	
8131863	34113		4223300000	103		BARNHILL #36-1	PANHANDLE HUTCHINSON		91.0	PANHANDLE PRODUCI	
8131843	34058		4223300000	103		BEARKILLER #34	PANHANDLE HUTCHINSON		91.0	PANHANDLE PRODUCI	
8131845	34065		4223300000	103		BEARKILLER #36	PANHANDLE HUTCHINSON		91.0	PANHANDLE PRODUCI	
8131838	34027		4223300000	103		JOHN PAUL #12	PANHANDLE HUTCHINSON		91.0	PANHANDLE PRODUCI	
8131837	34026		4223300000	103		JOHN PAUL #6	PANHANDLE HUTCHINSON		91.0	PANHANDLE PRODUCI	
-WARREN PETR CO A DIV OF GULF OIL CO				RECEIVED: 05/15/81 JA: TX							
8131770	33780		4210332346	103		M F HENDERSON NO 167	UNIVERSITY-WADDELL (DEVO		46.0	EL PASO NATURAL G	
8131887	34146		4210332468	103		STATE EB NO 11	DUNE		2.0	EL PASO NATURAL G	
8131680	33600		4210332282	103		W N WADDELL ET AL NC 1161	SAND HILLS (JUDKINS)		30.0	EL PASO NATURAL G	
8131769	33779		4210332272	103		W N WADDELL ET AL NC 1170	SAND HILLS (JUDKINS)		185.0	EL PASO NATURAL G	
8131799	33885		4210332401	103		W N WADDELL NO 1142	WADDELL		9.0	EL PASO NATURAL G	
-WILBROOK EXPLORATION INC				RECEIVED: 05/15/81 JA: TX							
8131797	33873		4213332576	103		PARSLEY #2 (16341)	MAKEUM NORTH (3200)		92.0	ODESSA NATURAL CO	
-WILSON ENERGY INC				RECEIVED: 05/15/81 JA: TX							
8131763	33767		4210500000	103		GULF STATE 20 A #2 08272	FARPER (SAN ANDRES)		109.0	BIG LAKE GASOLINE	
-WM GRUENERWALD & ASSOC INC				RECEIVED: 05/15/81 JA: TX							
8131633	33485		4234130598	103		MASTERSON H #16 03947	PANHANDLE (RED CAVE)		44.0	COLORADO INTERSTA	
8131632	33484		4234130597	103		MASTERSON H #17 03547	PANHANDLE (RED CAVE)		12.7	COLORADO INTERSTA	
-WOODHAM CORP				RECEIVED: 05/15/81 JA: TX							
8131640	33536		4250731364	102-4		RAINE NO 1	INDEPENDENCE WEST (OLMOS		183.0	VALERO TRANSMISSI	
-WY-VEL CORP				RECEIVED: 05/15/81 JA: TX							
8131847	34068		4223330965	103		SOUTHLAND #7 (04341)	PANHANDLE HUTCHINSON CCL		15.0	PHILLIPS PETROLEU	
-ZONERGY INC				RECEIVED: 05/15/81 JA: TX							
8131583	32266		4205100000	102-2		JOHNNIE JOHNSON #1	GIDDINGS		0.0	FERGUSON CROSSING	

OTHER PURCHASERS

8131619	E I DUPONT DE NEMOURS & CO INC
8131634	E I DUPONT DE NEMOURS & CO INC

OTHER PURCHASERS VOLUME NO :444

8131738	E I DUPONT DE NEMOURS & CO INC
8131739	E I DUPONT DE NEMOURS & CO INC

8131847 34068 4223330985 103 SOUTHLAND #7 (04341)
-ZONERGY INC RECEIVED: 05/15/81 JA: TX
8131583 32266 4205100000 102-2 JOHNNIE JOHNSON #1

PANHANDLE HUTCHINSON COU 15.0 PHILLIPS PETROLEU

GIDDINGS 0.0 FERGUSON CROSSING

OTHER PURCHASERS

8131619 E I DUPONT DE NEMOURS & CO INC
8131634 E I DUPONT DE NEMOURS & CO INC
8131683 E I DUPONT DE NEMOURS & CO INC
8131684 E I DUPONT DE NEMOURS & CO INC
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8131734 E I DUPONT DE NEMOURS & CO INC
8131735 E I DUPONT DE NEMOURS & CO INC
8131736 E I DUPONT DE NEMOURS & CO INC
8131737 E I DUPONT DE NEMOURS & CO INC

OTHER PURCHASERS VOLUME NO :444

8131738 E I DUPONT DE NEMOURS & CO INC
8131739 E I DUPONT DE NEMOURS & CO INC
8131740 E I DUPONT DE NEMOURS & CO INC
8131741 E I DUPONT DE NEMOURS & CO INC
8131742 E I DUPONT DE NEMOURS & CO INC
8131743 E I DUPONT DE NEMOURS & CO INC
8131744 E I DUPONT DE NEMOURS & CO INC
8131745 E I DUPONT DE NEMOURS & CO INC
8131746 E I DUPONT DE NEMOURS & CO INC
8131747 E I DUPONT DE NEMOURS & CO INC
8131748 E I DUPONT DE NEMOURS & CO INC
8131749 E I DUPONT DE NEMOURS & CO INC
8131750 E I DUPONT DE NEMOURS & CO INC

BILLING CODE 6450-01-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission on or before July 9, 1981.

Categories within each NGPA section are indicated by the following codes:

Section

102–1: New OCS lease
102–2: New well (2.5 mile rule)
102–3: New well (1000 ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease
107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal seams
107–DV: Devonian shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-18652 Filed 6-23-81; 8:45 am]
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[Volume 443]
Determinations by Jurisdictional Agencies under the Natural Gas Policy Act of 1978
Issued: June 19, 1981.

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Determinations by Jurisdictional Agencies under the Natural Gas Policy Act of 1978

Issued: June 19, 1981.

TEXAS RAILROAD COMMISSION							
-ADAMS EXPLORATION CO			RECEIVED: 05/15/81 JA: TX				
8131461	26377	4237133072	103	CLARK #1	ABELL (CLEARFORK 3200)	325.0	
-ADOBE OIL & GAS CORPORATION			RECEIVED: 05/15/81 JA: TX				
8131430	24642	4213332328	102-4	KERR #2	MANGUM NORTH (3200)	151.0	ODESSA NATURAL CO
-AGOIL INC			RECEIVED: 05/15/81 JA: TX				
8131269	12588	4246931303	102-4	MCCAN NO 8	CRANE FIELD	91.0	TENNESSEE GAS PIP
8131269	12588	4246931303	103	MCCAN NO 8	CRANE FIELD	91.0	TENNESSEE GAS PIP
-AMERICAN PETROFINA COMPANY OF TEXAS			RECEIVED: 05/15/81 JA: TX				
8131573	32066	4240100000	103	C B DORSEY GAS UNIT #2 WELL #1	HENDERSON NORTH (COTTON	104.0	UNITED GAS PIPE L
8131573	32066	4240100000	107-TF	C B DORSEY GAS UNIT #2 WELL #1	HENDERSON NORTH (COTTON	104.0	UNITED GAS PIPE L
-AMOCO PRODUCTION CO			RECEIVED: 05/15/81 JA: TX				
*8131564	31427	4236530888	107-TF	BURNETT BROTHERS WELL NO 12	CARTHAGE/COTTON VALLEY/	436.0	UNITED GAS PIPELI
8131432	24669	4200332162	102-4	C W LOGSDON A #73	FULLERTON(SILURIAN)	26.7	EL PASO NATURAL G
8131577	32115	4213533440	103	GOLDSMITH LANDRETH DEEP UNIT#215	GOLDSMITH(CLEARFORK)	57.3	PHILLIPS PETROLEU
8131576	32114	4213533457	103	GOLDSMITH LANDRETH DEEP UNIT#217	GOLDSMITH(CLEARFORK)	58.4	PHILLIPS PETROLEU
8131575	32113	4213533479	103	GOLDSMITH LANDRETH DEEP UNIT#224	GOLDSMITH(CLEARFORK)	36.5	PHILLIPS PETROLEU
8131574	32112	4213533446	103	GOLDSMITH LANDRETH DEEP UNIT#227	GOLDSMITH(CLEARFORK)	14.2	PHILLIPS PETROLEU
8131275	17424	4239131347	103	J M OBRIEN C #12-T	GRETA 800	125.0	TRANSCONTINENTIAL
8131509	29965	4235730954	103	R P ROBERTS NO 11	HORIZON (CLEVELAND)	17.5	PHILLIPS PETROLEU
-ANDERSON PETROLEUM INC			RECEIVED: 05/15/81 JA: TX				
8131476	27459	4210532509	107-TF	L B COX JR 1-10	OZONA (CANYON SAND)	30.0	ANDERSON PIPELINE
8131405	24006	4243532250	103	PAULINE FRIESS C #1-111	SAWYER (CANYON) FIELD	0.0	SUTTON COUNTY PIP
-ARKANSAS LOUISIANA GAS CO			RECEIVED: 05/15/81 JA: TX				
8131495	2921R	4231530523	103	CROMER #4	ODESSA (COTTON VALLEY)	365.0	ARKANSAS LOUISIAN
-ARKLA EXPLORATION COMPANY			RECEIVED: 05/15/81 JA: TX				
8131463	26476	4236531052	102-3	DORIS GRAVES #1	CARTHAGE (COTTON VALLEY)	80.0	ARKANSAS LOUISIAN
8131451	25688	4240130906	102-3	M K FINDLEY #1 ET AL	N TATUM (COTTON VALLEY)	250.0	ARKANSAS LOUISIAN
-B J GIERHART INC			RECEIVED: 05/15/81 JA: TX				
8131290	20197	4205100000	102-2	DUNCAN NO 1 (13474)	GIDDINGS (AUSTIN CHALK)	210.0	CLAJON GAS CO
8131350	22225	4205100000	102-2	DUNCAN NO 2 (13474)	GIDDINGS (AUSTIN CHALK)	210.0	CLAJON GAS CO
8131479	27586	4205100000	102-2	DUNCAN NO 3 (13474)	GIDDINGS (AUSTIN CHALK)	220.0	CLAJON GAS CO
8131462	26469	4205100000	102-2	DUNNAM NO 1 (13476)	GIDDINGS (AUSTIN CHALK)	210.0	UNI OIL INC
8131469	26988	4205100000	102-2	MARIK A NO 3 (13475)	GIDDINGS (AUSTIN CHALK)	220.0	FERGUSON CROSSING
8131485	28396	4205100000	102-2	STUART NO 1 (13477)	GIDDINGS (AUSTIN CHALK)	300.0	UNI OIL INC
-B M MESTER			RECEIVED: 05/15/81 JA: TX				
8131333	21973	4237330448	103	KAVANAUGH & COLLINS 5-A	LIVINGSTON (SPARTA)	0.0	
8131332	21972	4237330447	103	KAVANAUGH ANC COLLINS 3-A	LIVINGSTON (SPARTA)	0.0	
-BONANZA PETROLEUM INC			RECEIVED: 05/15/81 JA: TX				
8131270	12655	4217531183	103	BONANZA #1 WHITFIELD	WEESATCHE S (FRIO 2600)	90.0	UNITED GAS PIPELI
-BOURNE OIL CO			RECEIVED: 05/15/81 JA: TX				
8131264	07682	4213100000	102-4	TYRLE #1-222	LARUE (2650)	64.0	TENNESSEE GAS PIP

VOLUME 443 PAGE 002

OPERATOR / LEASE	GAS ID	API #	DIST	SEC	LAT	WELL NAME	FIELD NAME	PRCL	PURCHASER
-BRAZOS RESOURCES INC						RECEIVED: 05/15/81 JA: TX			
8131404	24001	4205100000	102-4			KNESEK NO 1	CALDWELL (AUSTIN CHALK)	0.0	CLAJON GAS CO
-BRUCE A WILBANKS						RECEIVED: 05/15/81 JA: TX			
8131402	23877	4205900000	102-4			MONTGOMERY #1	MARGIE (CONGLO) FIELD	474.0	LONE STAR GAS CO
-C L GAGE JR						RECEIVED: 05/15/81 JA: TX			
8131272	16434	4249700000	103			LUTHER WILLIAMS #1	BOONSVILLE (BEND CONGLOM	151.0	NATURAL GAS PIPEL
8131370	22847	4236700000	103			RIGGS NO 1-A	WILDCAT	0.0	NATURAL GAS PIPEL
8131263	06372	4249700000	103			ROLAND WALKER #1	BOONSVILLE (BEND CONGL G	0.0	NATURAL GAS P L C
-CAG PETROLEUM CORP						RECEIVED: 05/15/81 JA: TX			
8131513	30219	4205130803	102-2			KARISCH NO 1 13317	GIDDINGS AUSTIN CHALK	382.0	CLAJON GAS CO
-CENTRAL PRODUCERS INC						RECEIVED: 05/15/81 JA: TX			
8131349	22143	4229732178	103			SKAGGS-KLINE WELL NO 1	WHITE CREEK (COLE 1200)	72.0	GASODUCTO INC
-CHAMPLIN PETROLEUM COMPANY						RECEIVED: 05/15/81 JA: TX			
8131409	24035	4212731859	102-4			BETTY ANN STEDMAN RANCH NO 6	STEDMAN	0.0	
8131331	21905	4236500000	103			CARTHAGE GAS UNIT 25 NO 2	CARTHAGE (COTTON VALLEY)	1.5	TENNESSEE GAS PIP
8131515	30268	4236531014	107-TF			CARTHAGE GAS UNIT 29 NO 2	CARTHAGE	1.5	TENNESSEE GAS PIP
8131516	30273	4236500000	107-TF			CARTHAGE GAS UNIT 4-2	CARTHAGE (COTTON VALLEY)	547.5	TENNESSEE GAS PIP
8131277	18045	4227331382	102-4			G P GARDNER NO 140	STRATTON	75.0	TENNESSEE GAS PIP
8131277	18045	4227331382	103			G P GARDNER NO 140	STRATTON	75.0	TENNESSEE GAS PIP
*8131407	24030	4235531504	102-4			G P GARDNER NO 147	STRATTON (F-22)	0.0	TENNESSEE GAS PIP
8131489	28656	4217331087	102-2			I W TERRY A-7 (25540)	CONGER S W (PENN)	60.0	NORTHERN NATURAL
8131413	24249	4286900000	102-4			MCFADDIN A NO 13	KAY CREEK	467.2	CHANNEL INDUSTRIE
-CHAPARRAL ENERGY DEVELOPMENT CORP						RECEIVED: 05/15/81 JA: TX			
8131438	24986	4250500000	102-4			HARALSON NO 1	EXSLA (1850)	73.0	TENNESSEE GAS PIP
-CHEVRON U S A INC						RECEIVED: 05/15/81 JA: TX			
8131524	30670	4218130658	103			7500 SAND UNIT #20-2	SHERMAN	4.0	LONE STAR GAS CO
8131525	30671	4218130695	103			7500 SAND UNIT #34-8	SHERMAN	36.0	LONE STAR GAS CO
8131480	23726	4218130680	103			7500 SAND UNIT #49-4	SHERMAN	6.8	LONE STAR GAS CO
-CHRISTIE ENERGY CO INC						RECEIVED: 05/15/81 JA: TX			
8131467	26901	4214330658	102-4			WAYRICK A WELL NO 1	INDIANOLA (MARBLE FALLS)	527.0	CHRISTIE GAS TRAN
8131428	24609	4214330636	102-4			WAYRICK WELL NO 1	INDIANOLA (MARBLE FALLS)	976.0	CHRISTIE GAS TRAN
-CIRCLE SEVEN PRODUCTION CO						RECEIVED: 05/15/81 JA: TX			
8131445	25384	4223700000	102-4			ATKINSON-MCCONNELL GAS UNIT NO 1 I*	TERESA (5065)	0.0	LONE STAR GAS CO
8131446	25385	4223700000	102-4			ATKINSON-MCCONNELL GAS UNIT NO 2 I*	MIGL (5150)	0.0	LONE STAR GAS CO
8131447	25395	4223700000	102-4			R D TURNER NO 1 ID #85118	HUNTER (CONGL)	0.0	LONE STAR GAS CO
-CLAYTON W WILLIAMS JR						RECEIVED: 05/15/81 JA: TX			
8131547	31232	4205100000	102-2			BENTON-SCHMIDT #1	GIDDINGS	0.0	VALERO TRANSMISSI
8131549	31248	4205100000	102-2			BERTHA LEHDE UNIT #1	GIDDINGS	53.4	VALERO TRANSMISSI
8131548	31246	4205130977	102-2			GAAS #2	GIDDINGS	0.0	VALERO TRANSMISSI
8131521	30311	4205130986	102-2			JOHN KUBECKA #1	GIDDINGS	142.5	VALERO TRANSMISSI
8131536	30920	4205130982	102-2			JOHN SOBOTIK -B- #1	GIDDINGS	278.6	VALERO TRANSMISSI
8131519	30308	4205131014	102-2			LEHDE-SIMPSON UNIT #1	GIDDINGS	78.5	VALERO TRANSMISSI
8131539	30927	4228700000	102-2			MAMIE SCHMIDT #1	GIDDINGS	59.3	VALERO TRANSMISSI
8131541	30930	4205131081	102-2			MILBERGER-STRECKERT UNIT #1	GIDDINGS	63.1	VALERO TRANSMISSI
8131550	31249	4205100000	102-2			MINNIE MATCEK UNIT #1	GIDDINGS	76.2	VALERO TRANSMISSI
8131537	30921	4205130980	102-2			OLA BOWERS SIMPSON #1	GIDDINGS	129.9	VALERO TRANSMISSI
8131538	30924	4205131061	102-2			POLANSKY-SCHUMACHER UNIT #1	GIDDINGS	321.8	VALERO TRANSMISSI
8131520	30310	4214930614	102-2			R E PIETSCH #1	GIDDINGS	104.8	VALERO TRANSMISSI
8131535	30919	4205131019	102-2			ROY HERMANN #3	GIDDINGS	66.6	VALERO TRANSMISSI
8131540	30928	4214930503	102-2			ROY M KARISCH #1	GIDDINGS	1.2	VALERO TRANSMISSI
-COLUMBIA GAS DEVELOPMENT CORP						RECEIVED: 05/15/81 JA: TX			
8131572	31969	4228730666	102-2			J A BOWERS ESTATE NO 1	GIDDINGS(AUSTIN CHALK)	101.0	
-CONOCO INC						RECEIVED: 05/15/81 JA: TX			

VOLUME 443 PAGE 003

OPERATOR / LEASE	GAS ID	API #	DIST	SEC	LAT	WELL NAME	FIELD NAME	PRCL	PURCHASER

8131446	25504	4248300000	108	J G DALBY #2 ID #04291	WEST FLOWERS	0.0	CITIES SERVICE CO
8131553	31289	4210531473	103	RAMSEY-22-87 ID #24217	FORD WEST	12.8	EL PASO NATURAL G
8131433	24743	4218530241	102-4	WILLIAM GARDNER RC 2 89567	WHITEHALL (WILCOX 12100)	90.0	LONE STAR GAS CO
-COURSON OIL & GAS INC			RECEIVED: 05/15/81 JA: TX				
8131426	24401	4221131136	103	ISAACS #3-80	ALPAR (TONKAWA)	50.0	NORTHERN NATURAL
-CPC EXPLORATION INC			RECEIVED: 05/15/81 JA: TX				
8131421	24390	4205130511	102-4	ALLEN #1 RRC #12804	CALDWELL (AUSTIN CHALK)	150.0	FERGUSON CROSSING
8131454	25992	4205130728	102-4	BIRD #1	CALDWELL (AUSTIN CHALK)	100.0	FERGUSON CROSSING
8131456	25994	4205130735	102-4	BRITT #1	CALDWELL (AUSTIN CHALK)	100.0	FERGUSON CROSSING
8131453	25991	4205130579	102-4	BROWN #1 RRC #12793	CALDWELL (AUSTIN CHALK)	50.0	FERGUSON CROSSING
8131422	24391	4205130434	102-4	HAINES #1 RRC #12595	CALDWELL (AUSTIN CHALK)	150.0	FERGUSON CROSSING
8131455	25993	4205130672	102-4	HANOVER #1 WELL	CALDWELL (AUSTIN CHALK)	125.0	FERGUSON CROSSING
8131423	24392	4205130578	102-4	KIDD #1 RRC #12794	CALDWELL (AUSTIN CHALK)	100.0	FERGUSON CROSSING
8131457	25995	4205130651	102-4	MATCEK #1 WELL	CALDWELL (AUSTIN CHALK)	100.0	FERGUSON CROSSING
8131420	24389	4205130506	102-4	MCNEESE #1 RRC #12625	CALDWELL (AUSTIN CHALK)	100.0	FERGUSON CROSSING
8131424	24393	4205130504	102-4	SCHWARDO #1 RRC #12747	CALDWELL (AUSTIN CHALK)	0.0	FERGUSON CROSSING
-CRB OIL & GAS INC			RECEIVED: 05/15/81 JA: TX				
8131475	27392	4214500000	102-2	BAIA NO 1	GIDDINGS (AUSTIN CHALK)	90.0	CLAJON GAS CO
-CROWN CENTRAL PETROLEUM CORP			RECEIVED: 05/15/81 JA: TX				
8131386	23457	4229732088	103	J W MCCLELLAND NO 1	OAKVILLE WEST SLICK A	182.0	DELHI GAS PIPELIN
-CRYSTAL OIL COMPANY			RECEIVED: 05/15/81 JA: TX				
8131459	26075	4216130584	102-2	N B HUNT #3	DONIE FIELD	310.0	TEXAS UTILITIES F
8131493	28945	4216130612	102-2	N B HUNT #4	DONIE FIELD	620.5	TEXAS UTILITIES F
-DALECO RESOURCES			RECEIVED: 05/15/81 JA: TX				
8131307	20428	4204100000	102-2	TOM MOORE NO 1-L	WESTLANDS (EDWARDS 12600	0.0	PRODUCERS GAS CO
8131307	20428	4204100000	103	TOM MOORE NO 1-L	WESTLANDS (EDWARDS 12600	0.0	PRODUCERS GAS CO
-DALLAS PRODUCTION INC			RECEIVED: 05/15/81 JA: TX				
8131554	31300	4236732007	103	WINSTON & REBA JONES NO 1	SPRINGTOWN (5700)	440.0	LONE STAR GAS CO
-DANCO RESOURCES INC			RECEIVED: 05/15/81 JA: TX				
8131281	18944	4209330617	103	DANIELS UNIT #1 (85015)	DUSTER NE (MARBLE FALLS)	14.0	
-DANDEN PETROLEUM INC			RECEIVED: 05/15/81 JA: TX				
8131362	22764	4223300000	108	KNUDSEN #22	PANHANDLE	2.1	DIAMOND-SHAMROCK
8131363	22773	4223300000	108	KNUDSEN #7	PANHANDLE	2.1	DIAMOND-SHAMROCK
-DELHI OIL CORP & NRM			RECEIVED: 05/15/81 JA: TX				
8131500	29611	4214900000	102-3	APPELT #2	GIDDINGS (EDWARDS)	588.0	PHILLIPS PETROLEU
-DELRAY OIL INC			RECEIVED: 05/15/81 JA: TX				
8131542	31159	4208332199	103	GUY A MCDANIEL WELL NO 3	COLEMAN COUNTY REGULAR	3.0	LONE STAR GAS CO
-DELTA DRILLING CO			RECEIVED: 05/15/81 JA: TX				
8131452	25796	4236500000	102-3	TAYLOR #1	NORTH BECKVILLE	1191.0	NATURAL GAS PIPEL
8131452	25796	4236500000	107-TF	TAYLOR #1	NORTH BECKVILLE	1191.0	NATURAL GAS PIPEL
-DELTA OIL & GAS CO			RECEIVED: 05/15/81 JA: TX				
8131372	22929	4242500000	102-4	BEN BURGESS NO 1 LEASE NO 86873	BEN BURGESS (CONGL 4050)	0.0	SUN GAS GATHERING
8131371	22928	4250300000	102-4	DONNELL ESTATE NO 1 LEASE NO 86281	DONNELL (4180 CONGL)	0.0	LONE STAR GAS CO
-DERRICK OIL & GAS INC			RECEIVED: 05/15/81 JA: TX				
8131443	25319	4203900000	102-4	V S HUFFMAN NO 1C	ARCOLA	200.0	TENNGASCO INC
-DIAMOND SHAMROCK CORPORATION			RECEIVED: 05/15/81 JA: TX				
8131427	24459	4236731800	103	ORAN MOSSUM NO 1	DICEY	21.0	
-DISCORBIS OIL CO			RECEIVED: 05/15/81 JA: TX				
8131368	22817	4213132565	102-2	JULIA S MONTEMAYOR WELL #1	WILDCAT	180.0	VALLEY GAS TRANSM
-DYCO PETROLEUM CORPORATION			RECEIVED: 05/15/81 JA: TX				
8131445	25525	4248330655	103	MAXWELL UNIT #1-23	BUFFALOW WALLOW	150.0	PIONEER NATURAL G
-DYNAMIC PRODUCTION INC			RECEIVED: 05/15/81 JA: TX				
8131567	31849	4236700000	102-4	LARSON UNIT NO 1		0.0	NATURAL GAS PIPEL

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JL CD	JA DKT	API NO	C SEC CAT WELL NAME	FIELD NAME	PROD	PURCHASER
-ENSERCH EXPLORATION INC			RECEIVED: 05/15/81 JA: TX			
8131289	19987	4201330957	103 H A SCHUMANN A NO 2-U	FASHING	649.0	NATURAL GAS PIPEL
8131385	23361	4201300000	103 J L TOM UNIT 4 NO 2	FASHING	576.0	NATURAL GAS PIPEL
8131361	22742	4249700000	103 N B C JONES NO 2-T	GOOSEVILLE	298.0	LONE STAR GAS CO
8131306	20272	4232100000	103 STATE TRACT 171 NO 5	MATAGORDA BAY SOUTH	653.0	LONE STAR GAS CO
-ESPERANZA ENERGY CORP			RECEIVED: 05/15/81 JA: TX			
8131571	31930	4235330950	103 JORLAN #5	WHITE (GARDNER SAND) FIE	15.0	ESPERANZA PIPELIN
-EXPANDO OIL CO			RECEIVED: 05/15/81 JA: TX			
8131486	28490	4246900000	102-4 EDWARDS UNIT #1 86432	VIC-WITT (2750)	36.5	VALERO TRANSMISSI
-EXXON CORPORATION			RECEIVED: 05/15/81 JA: TX			
8131412	24241	4224731120	102-4 A M K BASS B-21 (87115)	KELSEY DEEP (ZONE 19-H N	265.0	TRUNKLINE GAS CO
8131403	23948	4224731112	102-4 A M K BASS 43 (87345)	KELSEY DEEP (ZONE 7990 S	500.0	TRUNKLINE GAS CO
*8131316	21845	4204730610	103 D J SULLIVAN B 43	CARL PETERS	45.0	ARMCO STEEL CORP
*8131304	20242	4235531354	103 EAST FLOUR BLUFF ST D-16 85676	FLOUR BLUFF EAST DEEP (C	730.0	ARMCO STEEL CORP
*8131303	20241	4235531398	103 EAST FLOUR BLUFF ST F-6 85343	EAST FLOUR BLUFF	600.0	ARMCO STEEL CORP
*8131285	19907	4235531307	103 EAST FLOUR BLUFF STATE H-5 82507	FLOUR BLUFF EAST DEEP (C	475.0	ARMCO STEEL CORP
8131558	31319	4210332366	103 J B TUBB A/C 1 #232U	SAND HILLS (MCKNIGHT)	29.0	EL PASO NATURAL G
8131569	31888	4226130465	103 J G KENEDY JR J-15 (91486)	EL PAISTLE DEEP (SEG B F	548.0	TEXAS EASTERN TRA
*8131287	19952	4239131228	103 J M OBRIEN C 312 C 03581	GRETA (4400)	61.0	ARMCO STEEL CORP
*8131286	19951	4239130549	103 J M OBRIEN C-311 82141	GRETA (1080)	60.0	ARMCO STEEL CORP
*8131355	22366	4239131337	103 J M OBRIEN D-404-D	GRETA (950)	50.0	ARMCO STEEL CORP
*8131288	19953	4239131337	103 J M OBRIEN D-404-F 85667	GRETA (1080)	100.0	ARMCO STEEL CORP
*8131406	24021	4227331280	102-4 K R ALAZAN 312-C (79637)	MINCJOSA N	600.0	ARMCO STEEL CORP
*8131366	22801	4227331419	103 K R CHILTIPIN 78 (05513)	MINCJOSA NORTH (F-15)	200.0	ARMCO STEEL CORP
*8131364	22799	4227331416	103 K R MORGAN M-69 (05154)	WEST BORREGOS (F-74 SEG	16.0	ARMCO STEEL CORP
*8131314	21842	4226130234	103 K R SAN JOSE DE LA PARRA 16-D (760*	CALANDRIA (1-75)	548.0	ARMCO STEEL CORP
*8131328	21887	4226130234	103 K R SAN JOSE DE LA PARRA 16-F (760*	CALANDRIA	511.0	ARMCO STEEL CORP
*8131335	21996	4226130403	103 K R SAN JOSE DE LA PARRA 17-D (763*	CALANDRIA	370.0	ARMCO STEEL CORP
*8131325	21882	4226130420	103 K R SAN JOSE DE LA PARRA 18 (82309)	CALANDRIA	526.0	ARMCO STEEL CORP
*8131326	21883	4226130439	103 K R SAN JOSE DE LA PARRA 19-D 83056	CALANDRIA	694.0	ARMCO STEEL CORP
*8131339	22001	4226130438	103 K R SAN JOSE DE LA PARRA 20-D (831*	CALANDRIA	280.0	ARMCO STEEL CORP
*8131338	22000	4226130438	103 K R SAN JOSE DE LA PARRA 20-F (828*	CALANDRIA	570.0	ARMCO STEEL CORP
*8131319	21875	4226130469	103 K R SAN JOSE DE LA PARRA 22 (82520)	CALANDRIA	438.0	ARMCO STEEL CORP
*8131336	21998	4226130473	103 K R SAN JOSE DE LA PARRA 23-D	CALANDRIA	54.0	ARMCO STEEL CORP
*8131439	25058	4227331381	103 K R SEELIGSON C-202-C (86144)	ZONE 21-b TREND	365.0	ARMCO STEEL CORP
*8131367	22803	4227331370	103 K R STRATTON T-42-D (03031)	STRATTON (N-23 W)	37.0	ARMCO STEEL CORP
*8131365	22800	4227331431	102-4 K R TIJERINA A-66 (09327)	T-C-B EAST (20-I-4 S)	47.0	ARMCO STEEL CORP
8131501	29663	4247330321	103 KATY GAS FIELD UNIT NO 2 WELL 54	KATY (FIRST WILCOX)	657.0	AMOCO PROD CO
8131460	26208	4247330315	103 KATY GAS FIELD UNIT 2 WELL 51	KATY (WILCOX SPARKS SEG	295.0	AMOCO PROD CO
*8131340	22002	4227330564	103 KING RANCH BORREGOS 535	BORREGOS	15.0	ARMCO STEEL CORP
*8131341	22008	4227330588	103 KING RANCH BORREGOS 538	BORREGOS	100.0	ARMCO STEEL CORP
*8131302	20240	4227331209	103 KING RANCH BORREGOS 541-D (75595)	BORREGOS (ZONE L-9 X 11)	730.0	ARMCO STEEL CORP
*8131299	20237	4227331213	103 KING RANCH BORREGOS 542-D (76567)	BORREGOS (ZONE T-5)	310.0	ARMCO STEEL CORP
*8131294	20232	4227331213	103 KING RANCH BORREGOS 542-F (76669)	BORREGOS (ZONE A-4-5-6-7	456.0	ARMCO STEEL CORP
*8131300	20238	4227331215	103 KING RANCH BORREGOS 543-D (81541)	BORREGOS (ZONE S-15 N)	340.0	ARMCO STEEL CORP
*8131301	20239	4227331214	103 KING RANCH BORREGOS 544-F (76814)	BORREGOS (N-4 5 6 7)	265.0	ARMCO STEEL CORP
*8131298	20236	4227331257	103 KING RANCH BORREGOS 546-F (76851)	BORREGOS (ZONE L-5)	670.0	ARMCO STEEL CORP
*8131305	20243	4227331256	103 KING RANCH BORREGOS 547-F (76852)	BORREGOS L-9 X 11	970.0	ARMCO STEEL CORP
*8131295	20233	4227331253	103 KING RANCH BORREGOS 548-F (76412)	BORREGOS (F-5)	450.0	ARMCO STEEL CORP
*8131297	20235	4227331259	103 KING RANCH BORREGOS 550 (81544)	BORREGOS (R-2 N)	335.0	ARMCO STEEL CORP
*8131377	22994	4227331374	103 KING RANCH CHILTIPIN 72 86023	ARNOLD DAVID	1278.0	ARMCO STEEL CORP
*8131345	22118	4227331264	103 KING RANCH PUTAS NEGRAS 4	PUTAS NEGRAS	10.0	ARMCO STEEL CORP
*8131318	21847	4226130359	103 KING RANCH SALTILLO 14 (77215)	SAN JOSE	128.0	ARMCO STEEL CORP

			SEC	RRC	WELL TYPE	FIELD NAME	PROD	PURCHASER
*8131334	021995	4227331207	103		KING RANCH STRATTON P-259-F	STRATTON	44.0	ARMCO STEEL CORP
*8131296	20234	4227331254	103		KKING RANCH BORREGOS 545-D (76207)	BORREGOS (J-18)	240.0	ARMCO STEEL CORP
8131411	24240	4242731363	102-4		L M GUERRA B (87333)	KELSEY SOUTH (ZONE 21-C)	400.0	TRUNKLINE GAS CO
*8131282	19082	4215730442	103		LOCKWOOD & SHARP A-82	THOMPSON	15.0	ARMCO STEEL CORP
8131360	22724	4224730912	102-4		MRS A M K BASS 41 (86394)	KELSEY DEEP (7300)	290.0	TRUNKLINE GAS CO
8131474	27534	4240130833	102-3		PRICE GAS UNIT NO 1	OAK HILL (COTTON VALLEY)	374.0	HYDROCARBON TRANS
*8131342	22021	4204730581	103		R J K JR TR 6A RRCSA PAST 14-D (77*	PITA N W	390.0	ARMCO STEEL CORP
*8131351	22242	4204730345	103		R J K JR TR BARROSA PAST 13-D (767*	PITA N W (H-25)	255.0	ARMCO STEEL CORP
*8131315	21843	4204730672	103		R J K JR TR BARROSA PAST 15-D (794*	PITA N W (H-65)	840.0	ARMCO STEEL CORP
*8131313	21841	4204730672	103		R J K JR TR BARROSA PAST 15-F (794*	PITA N W	219.0	ARMCO STEEL CORP
*8131388	23502	4248930578	103		RJK JR TR STILLMAN PASTURE 36-D (8*	TORCILLA (H-78 S)	770.0	ARMCO STEEL CORP
*8131327	21886	4204730347	103		RJK QUITERIA PASTURE 75-F (79848)	VIBORAS	511.0	ARMCO STEEL CORP
*8131387	23501	4226130523	103		SANTA FE RANCH MULA PASTURE 23 (87*	STILLMAN (SHALLOW)	0.0	ARMCO STEEL CORP
8131494	28973	4204730870	103		SCOTT AND HOPPER 33 (ID PENDING)	SCOTT AND HOPPER (6600)	700.0	TENNESSEE GAS PIP
*8131321	21878	4204730607	103		VIBORAS FIELD G U #1 G-82-F (76368)	VIBORAS	475.0	ARMCO STEEL CORP
*8131329	21888	4204730601	103		VIBORAS FIELD G U #1 G-83-D (74764)	VIBORAS	657.0	ARMCO STEEL CORP
*8131317	21846	4204730601	103		VIBORAS FIELD G U #1 G-83-F (75111)	VIBORAS	621.0	ARMCO STEEL CORP
*8131320	21877	4204730606	103		VIBORAS FIELD G U #1 G-85-D (78651)	VIBORAS	256.0	ARMCO STEEL CORP
*8131330	21890	4204730606	103		VIBORAS FIELD G U #1 G-85-F (78652)	VIBORAS	584.0	ARMCO STEEL CORP
*8131337	21999	4204730608	103		VIBORAS FIELD G U #1 G-86-F (78094)	VIBORAS	730.0	ARMCO STEEL CORP
*8131324	21881	4204730747	103		VIBORAS FIELD G U #1 G-93-F (84384)	VIBORAS	584.0	ARMCO STEEL CORP
*8131323	21880	4204730654	103		VIBORAS FIELD G U #1 V-78-F (80283)	VIBORAS	511.0	ARMCO STEEL CORP
*8131346	22119	4204730609	103		VIBORAS FIELD GAS UNIT #1 V-72-F (*	VIBORAS	329.0	ARMCO STEEL CORP
*8131343	22107	4204730605	103		VIBORAS FIELD GU #1 V-71-D (75628)	VIBORAS	219.0	ARMCO STEEL CORP
*8131322	21879	4204730612	103		VIBORAS FIELD GU #1 V-74-D (75627)	VIBORAS	730.0	ARMCO STEEL CORP
8131358	22479	4237930059	103		W YANTIS GAS UNIT 1 #2A	YANTIS S W (SMACKOVER)	1689.5	LONE STAR GAS CO
-FORT WORTH OIL & GAS CO INC			RECEIVED: 05/15/81 JA: TX					
8131560	31374	4245532358	103		JONES 119 NO 4 WELL #90629	SAWYER (CANYON)	182.5	NORTHERN NATURAL
-GEORGE J MORGAN			RECEIVED: 05/15/81 JA: TX					
8131396	23586	4236300000	108		RITCHIE #1 (9275)	STRAWN	8.5	LONE STAR GAS CO
8131392	23577	4236300000	108		RITCHIE 1A (8969)	STRAWN	8.9	LONE STAR GAS CO
8131391	23576	4236300000	108		RITCHIE 2A (9292)	STRAWN	8.8	LONE STAR GAS CO
8131394	23579	4236300000	108		ROBERSON #1 (3867)	STRAWN	12.6	LONE STAR GAS CO
8131390	23575	4236300000	108		SANDERS 2A (8940)	STRAWN	11.4	LONE STAR GAS CO
8131395	23580	4236300000	108		SANDERS 3A (9023)	STRAWN	30.5	LONE STAR GAS CO
8131393	23578	4236300000	108		STEPHENS #1 (3182)	STRAWN	21.2	LONE STAR GAS CO
-GETTY OIL COMPANY			RECEIVED: 05/15/81 JA: TX					
8131276	17433	4228500000	103		FRED MELNAR ESTATE NO 1	WILDCAT	0.0	
8131435	24825	4235300000	108		NORTH NENA LUCIA UNIT #111	NENA LUCIA (STRAWN REEF)	0.4	WEST LAKE NATURAL
8131436	24835	4235300000	108		NORTH NENA LUCIA UNIT #88	NENA LUCIA (STRAWN REEF)	0.2	WEST LAKE NATURAL
8131358	23627	4235300000	108		NORTH NENA LUCIA UNIT NO 66	NENA LUCIA (STRAWN REEF)	0.2	WEST LAKE NATURAL
8131419	24283	4207900000	108		SOUTHWEST LEVELLAND UNIT NO 42	LEVELLAND	7.4	CITIES SERVICE CO
8131418	24280	4207900000	108		SOUTHWEST LEVELLAND UNIT NO 62	LEVELLAND	0.9	CITIES SERVICE CO
-GOLDKING PRODUCTION COMPANY			RECEIVED: 05/15/81 JA: TX					
8131517	30284	4217531410	103		JACOB NO 2	MISSION VALLEY WEST (PAS	76.0	TRANSCONTINENTAL
-GRACE PETROLEUM CORPORATION			RECEIVED: 05/15/81 JA: TX					
8131468	26974	4228930366	102-4		MCASHAN NO 1	BEAR GRASS (TRAVIS PEAK)	320.0	DELHI GAS PIPELIN
8131472	27320	4228930366	102-4		MCASHAN NO 1	BEAR GRASS (PETIT)	270.0	DELHI GAS PIPELIN
8131512	30194	4216130603	103		STILES-BAGGETT UNIT NO 1	WEST TEAGUE (COTTON VALL	350.0	LONE STAR GAS CO
8131514	30247	4216130603	107-TF		STILES-BAGGETT UNIT NO 1	WEST TEAGUE (COTTON VALL	350.0	LONE STAR GAS CO
-GREAT WEST OPERATING CO INC			RECEIVED: 05/15/81 JA: TX					
8131389	23529	4236731748	103		GROGAN UNIT NO 1	CARTERVILLE N (CADDO CON	144.0	LONE STAR GAS CO
-GULF OIL CORPORATION			RECEIVED: 05/15/81 JA: TX					

VOLUME 443 PAGE 006

JD NO	DA PRT	API NO	SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8131284	19653	4223300000	108	C L DIAL ET AL NC 267	PANHANDLE HUTCHINSON	0.3	PHILLIPS PETROLEU
-GULF SANDS OIL CO			RECEIVED: 05/15/81 JA: TX				
8131293	20217	4202531167	102-4	DR VICTOR H OLCESE NC 1 (85931)	LITTLE JOHN (2000)	182.5	UNITED GAS PIPELI
8131380	23177	4202531267	102-4	GORDON WALLEK NC 1	LITTLE JOHN (3970)	0.0	UNITED GAS PIPELI
8131292	20216	4202531162	102-4	JOHN MERCER NC 1 (IE 85932)	LITTLE JOHN (3600)	183.5	UNITED GAS PIPELI
-H-M OIL CO			RECEIVED: 05/15/81 JA: TX				
8131551	31267	4213134977	103	AVELINO GARCIA #1	WILDCAT (ABOVE 6800) (PR	180.0	UNITED GAS PIPELI
-HAMMAN OIL & REFINING CO			RECEIVED: 05/15/81 JA: TX				
8131471	27292	4220131012	102-4	DAVID MANDELL #2 WELL	CYPRESS FIELD	108.0	TENNESSEE GAS PIP
-HANSON MINERALS CO			RECEIVED: 05/15/81 JA: TX				
8131507	29842	4224130339	102-4	ARCO SECTION 51-1A WELL	NICHOLS CREEK (FRIO 4150	72.0	UNITED GAS PIPE L
-HNG OIL COMPANY			RECEIVED: 05/15/81 JA: TX				
8131497	29407	4247932515	102-4	BRUNI MINERAL B #3 87362	JUANITA (LOBO)	757.0	HOUSTON PIPE LINE
8131497	29407	4247932515	103	BRUNI MINERAL B #3 87362	JUANITA (LOBO)	757.0	HOUSTON PIPE LINE
8131291	20204	4243531989	108	FIELDS 53 #2 74851	SAWYER (CANYON)	16.0	INTRATEX GAS CC
-HOU-TEX OIL & GAS CO			RECEIVED: 05/15/81 JA: TX				
8131484	28199	4240100000	103	WALLACE ESTATE UNIT NC 1	HENDERSON SOUTH (TRAVIS	250.0	FERGUSON CROSSING
-HUMBLE EXPLORATION CO INC			RECEIVED: 05/15/81 JA: TX				
8131401	23731	4214930450	102-2	CORI EBNER #1 - 13039	GIDDINGS (AUSTIN CHALK)	365.0	PHILLIPS PETROLEU
8131401	23731	4214930450	103	CORI EBNER #1 - 13039	GIDDINGS (AUSTIN CHALK)	365.0	PHILLIPS PETROLEU
8131344	22112	4228730398	102-2	JESSIE STEIN #1 - 12039	GIDDINGS	99.0	PHILLIPS PETROLEU
8131344	22112	4228730398	103	JESSIE STEIN #1 - 12039	GIDDINGS	99.0	PHILLIPS PETROLEU
8131376	22961	4214930463	102-2	LINDA KIESCHNICK -	GIDDINGS	850.5	PHILLIPS PETROLEU
8131376	22961	4214930463	103	LINDA KIESCHNICK -	GIDDINGS	850.5	PHILLIPS PETROLEU
8131347	22133	4228730350	102-2	NANCY #1 - 12246	GIDDINGS	418.6	PHILLIPS PETROLEU
8131347	22133	4228730350	103	NANCY #1 - 12246	GIDDINGS	418.6	PHILLIPS PETROLEU
8131348	22134	4228700000	102-2	ROBBIE #1 - 11853	GIDDINGS	104.0	PHILLIPS PETROLEU
8131348	22134	4228700000	103	ROBBIE #1 - 11853	GIDDINGS	104.0	PHILLIPS PETROLEU
8131356	22370	4214949303	102-2	TERTIA #1 - 12740	GIDDINGS - AUSTIN CHALK	45.6	PHILLIPS PETROLEU
8131356	22370	4214949303	103	TERTIA #1 - 12740	GIDDINGS - AUSTIN CHALK	45.6	PHILLIPS PETROLEU
-INTERNATIONAL OIL & GAS CORP			RECEIVED: 05/15/81 JA: TX				
8131279	18527	4210532351	103	ODESSA ET AL 4 - 2X	INGHAM (CANYON 6400)	10.0	EL PASO NATURAL G
8131410	24078	4210531804	103	UNIVERSITY 3-1	PERNER RANCH(CANYON)	175.0	DELHI GAS CORP
-JAMES E HUGHES			RECEIVED: 05/15/81 JA: TX				
8131477	27505	4220300000	102-4	LIZZIE MILLER #3	PANOLA (NACATOCH)	0.0	UNITED GAS PIPELI
-JAMES E SKIDMORE			RECEIVED: 05/15/81 JA: TX				
8131508	29958	4233731302	102-2	RAYMOND #1	TAFFEY (CONGLOMERATE)	96.5	NATURAL GAS PIPEL
-JENNINGS EXPLORATION CO			RECEIVED: 05/15/81 JA: TX				
8131434	24818	4250731285	102-4	NO 2-T H&F PROPERTIES E 88034	ALLIGATOR SLOUGH (BRACER	164.8	VALERO TRANSMISSI
-KNOX INDUSTRIES INC			RECEIVED: 05/15/81 JA: TX				
8131399	23659	4238331518	103	DIXON A #2	SPRABERRY (TREND AREA)	0.0	NORTHERN NATURAL
-LA SALLE ENERGY CORP			RECEIVED: 05/15/81 JA: TX				
8131518	30305	4204130533	102-2	SUE ELLEN #1	GIDDINGS	510.4	CLAJON GAS CO
-LAYTON ENTERPRISES INC			RECEIVED: 05/15/81 JA: TX				
8131561	31402	4207931261	103	REED WRIGHT #17	LEVELLAND	75.0	CITIES SERVICE CO
8131562	31403	4207931260	103	REED WRIGHT #18	LEVELLAND	85.0	CITIES SERVICE CO
-LEAR PETROLEUM CORPORATION			RECEIVED: 05/15/81 JA: TX				
8131268	10351	4208700070	108	BELL LEASE WELL #7	EAST PANHANDLE	1.6	EL PASO NATURAL G
8131267	10350	4208700000	108	BELL LEASE WELL NO 8	EAST PANHANDLE	1.8	EL PASO NATURAL G
-MARSHALL R YOUNG OIL CO			RECEIVED: 05/15/81 JA: TX				
8131431	24648	4210532322	103	UNIVERSITY 9-33	PERNER RANCH (DEVONIAN)	1022.0	
-MIDWAY OIL CORP			RECEIVED: 05/18/81 JA: TX				
8131466	26723	4205130826	102-4	CHARANZA-KEEPERS UNIT NO 1	CALDWELL (AUSTIN CHALK)	233.0	CLAJON GAS CO

VOLUME 443 PAGE 007

JD NO	DA PRT	API NO	SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER

JD JD	JA PT	API NO	SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-MITCHELL ENERGY CORPORATION			RECEIVED: 05/15/81 JA: TX				
8131280	18840	4223700000	108	C A LAWRENCE A #1 28723	BOONSVILLE (BEND CONGL G	9.0	NATURAL GAS PIPEL
8131481	27895	4249700000	108	E R LILES #1 13759	CAUGHLIN SO (ATOKA 5610)	9.4	NATURAL GAS PIPEL
8131487	28564	4249700000	108	H P HOOVER #1 80079	BOONSVILLE (BEND CONGL G	11.0	NATURAL GAS PIPEL
8131546	31201	4249731946	103	J R WITT #2	BOONSVILLE (BEND CONGLOM	520.0	NATURAL GAS PIPEL
8131488	28639	4243930122	103	JACK G WILKINSON #1	LAKE WORTH (PENN 5590)	60.0	
8131482	28068	4236731934	103	L W RAGLE #3	DICEY (CONGLOMERATE)	180.0	SOUTHWESTERN GAS
8131415	24253	4249731655	103	W T BETTS #2U	BARROW (STRAWN)	4.6	NATURAL GAS PIPEL
8131458	26027	4223130974	103	WAGNER #2 89167	PALACIOS (FRIO D)	15.0	FLORIDA GAS TRANS
-MOBIL PROD TEXAS & NEW MEXICO INC			RECEIVED: 05/15/81 JA: TX				
8131354	22310	4203900000	103	ALLIGATOR POINT UNIT NO 3	ALLIGATOR POINT (GRUEBS	392.0	AMOCO GAS CO
8131544	31171	4210332338	103	TEXAS UNIVERSITY SEC 15 & 16 #1550	DUNE	14.2	PHILLIPS PETROLEU
8131545	31172	4210332337	103	TEXAS UNIVERSITY SEC 15 & 16 #1551	DUNE	27.4	PHILLIPS PETROLEU
8131543	31170	4210332334	103	TEXAS UNIVERSITY SEC 15 & 16 #1556	DUNE	59.1	PHILLIPS PETROLEU
-MORMAC OIL & GAS CO			RECEIVED: 05/15/81 JA: TX				
8131437	24882	4212732020	102-4	CECIL WARD NO 1	STUFBERG (OLMOS 4150)	48.0	VALERO TRANSMISSI
-MOTE RESOURCES INC			RECEIVED: 05/15/81 JA: TX				
8131555	31305	4249731928	103	METHODIST HOME	CANES CONGLOMERATE	7.0	NATURAL GAS PIPEL
-NAPECO INC			RECEIVED: 05/15/81 JA: TX				
8131498	29526	4236330841	102-4	MORTON A #1	MORTON (4150)	55.0	NATURAL GAS PIPEL
-PARKER & PARSLEY INC			RECEIVED: 05/15/81 JA: TX				
8131557	31314	4232930934	103	ANDREW BRADFORD WELL A NO 1	SPRABERRY (TREND AREA)	15.0	EL PASO NATURAL G
8131369	22825	4232930885	103	JUDKINS WELL NO 1	SPRABERRY (TREND ARES)	15.0	EL PASO NATURAL G
8131556	31309	4231732243	103	RICHARDS F WELL NO 1	SPRABERRY (TREND AREA)	15.0	PHILLIPS PETROLEU
-PETROLEUM EXPL & DEV FUNDS INC			RECEIVED: 05/15/81 JA: TX				
8131416	24264	4211500000	103	CLEARMAN #2	PATRICIA NE (SPRAYBERRY)	19.9	PHILLIPS PETROLEU
-PETROLEUM MANAGEMENT INC			RECEIVED: 05/15/81 JA: TX				
8131417	24274	4285730954	102-4	SMS FARMS UNIT WELL NO 1	LONG POTT NORTH (8480)	360.0	CHANNEL INDUSTRIE
-PETROLEUM TECHNICAL SERVICES CO			RECEIVED: 05/15/81 JA: TX				
8131473	27321	4241930351	103	ROSANKY NO 1	GIDDING-AUSTIN CHALK	17.0	PHILLIPS PETROLEU
8131429	24614	4236731254	103	SHERIFFS POSSE #1 - T	WEATHERFORD (ATOKA MIDDL	232.5	ALEDO GAS CO LTD
-PEYTON MCKNIGHT JR			RECEIVED: 05/15/81 JA: TX				
8131566	31677	4240100000	103	J L BURTON ESTATE NO 2 (91564)	OAK HILL (COTTON VALLEY)	700.0	LONE STAR GAS CO
8131566	31677	4240100000	107-TF	J L BURTON ESTATE NO 2 (91564)	OAK HILL (COTTON VALLEY)	700.0	LONE STAR GAS CO
-PHILLIPS PETROLEUM COMPANY			RECEIVED: 05/15/81 JA: TX				
*8131312	21672	4223300000	108	GREENRIVER NO 6	PANHANDLE FIELD	0.3	EL PASO NATURAL G
-PITTS OIL CO & DALLAS PROD INC			RECEIVED: 05/15/81 JA: TX				
8131499	29562	4216130599	103	COLEMAN NO 2	SIMSBORO N (COTTON VALLE	700.0	UNITED TEXAS TRAN
8131499	29562	4216130599	107-TF	COLEMAN NO 2	SIMSBORO N (COTTON VALLE	700.0	UNITED TEXAS TRAN
-R E KIBBE			RECEIVED: 05/15/81 JA: TX				
8131311	21573	4213133625	103	H A & H E MCOS #1	LA FUERTA N W (NEW YEARS	182.5	VALLEY GAS TRANSP
-R E SMITH INTERESTS			RECEIVED: 05/15/81 JA: TX				
8131397	23592	4236530732	107-TF	HOPPER UNIT #1 WELL #2	CARTHAGE (COTTON VALLEY)	730.0	TEXAS EASTERN TRA
-RK PETROLEUM CORP			RECEIVED: 05/15/81 JA: TX				
8131378	22995	4231732120	103	RK UNION #2	ANCHOR RANCH (DEVONIAN)	56.4	NORTHERN NATURAL
-ROY E KIMSEY			RECEIVED: 05/15/81 JA: TX				
8131534	30896	4247532059	103	KRISTEN-SCOTT-STATE UNIT NO 1 WELL	SCOTT (DELAWARE) FIELD	124.8	INTRATEX GAS CO
-SANCHEZ-OBRIEN MINERALS CORP			RECEIVED: 05/15/81 JA: TX				
8131425	24398	4235531287	102-4	BOBBY LYNN KING GAS UNIT NO 1	BOBBY LYNN KING FIELD	0.0	UNITED TEXAS TRAN
-SAXON OIL COMPANY			RECEIVED: 05/15/81 JA: TX				
8131273	16647	4238331372	103	UNIVERSITY 9-A-9 #2	SPRABERRY (TREND AREA)	25.0	NORTHERN NATURAL
8131283	19143	4238331426	103	WAYLE TRUST NO 3	SPRABERRY (TREND AREA)	20.1	NORTHERN NATURAL
8131274	16653	4244130919	103	WAYNE YOUNG A #3	LAKE ABILENE (CROSSCUT)	39.8	UNION TEXAS PETRO

VOLUME 443 PAGE 008

JD NO	JA DKT	API NO	D	SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-SHELL OIL CO					RECEIVED: 05/15/81 JA: TX			
8131568	31884	4221531002		102-4	BRIGHT & SCHIFF PAMPAK GU NO 1	MONTE CHRISTO (VICKSBURG	300.0	VALERO INTERSTATE
8131523	30644	4204730868		102-4	HECTOR LOPEZ NO 2	LOPEZ RANCH (VICKSBURG P	400.0	LONE STAR GAS CO
-SOJOURNER DRILLING CORP					RECEIVED: 05/15/81 JA: TX			
8131442	25230	4225331229		102-4	SAM SWANN NO 1 (15401)	CULLERS & BAILEY (CANYCA	54.8	PALO DURO PIPELIN
8131441	25226	4225331311		102-4	W H MARSH #2 (15343)	JAY (CANYON LIME)	79.0	PALO DURO PIPELIN
8131440	25225	4225331212		102-4	W H MARSH NO 1 (15343)	JAY (CANYON LIME)	79.0	PALO DURO PIPELIN
-SOUTHLAND ROYALTY CO					RECEIVED: 05/15/81 JA: TX			
8131265	09368	4213532840		103	H C FOSTER #25	FOSTER	19.0	ODESSA NATURAL CO
8131266	09414	4213533007		103	H C FOSTER #27	FOSTER	25.0	ODESSA NATURAL CO
8131491	28790	4247532138		103	JANELLE EDWARDS #5		125.0	HT GATHERING CO
-SOUTHWEST EXPLORATION INC					RECEIVED: 05/15/81 JA: TX			
8131310	21133	4218100000		103	KREAGER NO 1	SHERMAN DAVIS 9100	80.0	CHEVRON USA INC
-SOUTHWESTERN GAS EXPLORATION					RECEIVED: 05/15/81 JA: TX			
8131379	23147	4236700000		103	C C LAMKIN #1	BETHESDA (BIG SALINE)	344.0	SOUTHWESTERN GAS
8131382	23266	4236731355		103	CITY OF WEATHERFORD #1	WEATHERFORD (STRAWN)	90.0	SOUTHWESTERN GAS
8131357	22381	4236731532		103	D M WEBB #1	RENO (CONG)	80.0	
8131383	23272	4222130497		103	J W CROWELL #1	BRATTEN (MARBLE FALLS)	65.9	
8131381	23224	4214330330		103	R T DRAKE #1	MORGAN MILL N E (MARBLE	0.0	ENERGY PIPELINE C
8131384	23274	4214330366		103	R T DRAKE #3	MORGAN MILL (MARBLE FALL	52.0	ENERGY PIPELINE
-SPENCER & HUTSON					RECEIVED: 05/15/81 JA: TX			
8131552	31287	4228700000		103	SHORTY LEASE WELL NC 1	GIDDINGS (AUSTIN CHALK)	108.0	PGP GAS PRODUCTS
-SPINDLETOP OIL & GAS CO					RECEIVED: 05/15/81 JA: TX			
8131308	20469	4236332201		102-4	STEWART #1-T (85 799)	MCCLISH-STONE (CONGL LC)	35.0	TEXAS UTILITIES F
-SUN OIL COMPANY (DELAWARE)					RECEIVED: 05/15/81 JA: TX			
8131414	24251	4242731370		103	I V MONTALVO C NO 4C	SUN NORTH	500.0	
8131578	32159	4208130955		103	JAMESON REEF UNIT NC 11-59A	JAMESON	40.0	LONE STAR GAS CO
8131278	18458	4235531425		102-4	MCCANN-STATE UNIT A NC 3	ARNOLD-DAVID	2920.0	TRANSCONTINENTAL
8131278	18458	4235531425		103	MCCANN-STATE UNIT A NC 3	ARNOLD-DAVID	2920.0	TRANSCONTINENTAL
8131353	22280	4246931275		103	SHELTON-WEST UNIT 1 WELL NO 1	PALO ALTO (6350)	30.0	UNITED TEXAS TRAN
8131359	22681	4233531617		103	V T MCCABE -C- WELL NC 13	JAMESON N (ELLEN)	10.0	LONE STAR GAS CO
8131465	26684	4218300000		10P	WILLIAM COBB NO 3	EAST TEXAS	0.1	UNITED GAS PIPE L
-SUPERIOR OIL CO					RECEIVED: 05/15/81 JA: TX			
8131309	20732	4233930457		102-4	LAKE CREEK UNIT WELL NO 32	LAKE CREEK UNIT	365.0	TRUNKLINE GAS CO
8131309	20732	4233930457		103	LAKE CREEK UNIT WELL NO 32	LAKE CREEK UNIT	365.0	TRUNKLINE GAS CO
-SUPRON ENERGY CORPORATION					RECEIVED: 05/15/81 JA: TX			
8131470	27270	4200130965		102-3	WOODBURN NO 2	BEAVER (RODESSA)	165.0	LONE STAR GAS CO
-TAHOE OIL & CATTLE CO					RECEIVED: 05/15/81 JA: TX			
8131559	31322	4237100000		103	PAPOOSE #2	USM (QUEEN)	7.7	NORTHERN NATURAL
-TAYLOR OPERATING COMPANY					RECEIVED: 05/15/81 JA: TX			
8131496	29288	4207700000		103	MILBURN B NC 1 (19837)	SHANNON (CADDO)	73.0	TEXAS UTILITIES F
-TENNECO OIL COMPANY					RECEIVED: 05/15/81 JA: TX			
8131464	26603	4236531133		103	T C ADAMS GAS UNIT A NC 2	BETHANY	490.0	UNITED GAS PIPELI
-TEXACO INC					RECEIVED: 05/15/81 JA: TX			
8131480	27679	4213533373		103	ECTOR C FEE NCT-1 #11	HARPER	17.5	PHILLIPS PETROLEU
-TEXAS INTERNATIONAL PET CORP					RECEIVED: 05/15/81 JA: TX			
8131563	31404	4205130880		102-2	JOHN L BUGG #1	GIDDINGS (AUSTIN CHALK)	4.0	CLAJON GAS CO
8131565	31473	4205131010		102-2	SHUPAK #2	GIDDINGS	16.0	CLAJON GAS CO
-TEXAS OIL & GAS CORP					RECEIVED: 05/15/81 JA: TX			
8131450	25581	4216130589		102-4	ORAND #1	REED N (COTTON VALLEY LI	1.0	
8131450	25581	4216130589		107-TF	ORAND #1	REED N (COTTON VALLEY LI	1.0	
-THE MAURICE L BROWN COMPANY					RECEIVED: 05/15/81 JA: TX			
8131271	15538	4220300000		10P	SNEED GAS UNIT #1	BETHANY	3.0	UNITED GAS PIPELI

JA DIST	JA LSE	API NO	T SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-TIERRA EXPLORATION INC			RECEIVED: 05/15/81 JA: TX				
8131510	30040	4208300000	102-4	O W GOULD NO 1	COLEMAN S (BRENEKE)	36.0	LONE STAR GAS CO
8131511	30042	4208300000	102-4	T C HALL NO 1	COLEMAN S (BRENEKE)	30.0	LONE STAR GAS CO
-TOWNSEND CO			RECEIVED: 05/15/81 JA: TX				
8131530	30815	4209300000	102-4	SWIRT NO 1	WEED VALLEY (MARBLE FALL	10.0	ENERGY PIPELINE C
8131532	30817	4209300000	102-4	SWIRT NO 1A	WEED VALLEY (900)	3.0	ENERGY PIPELINE C
8131526	30811	4209300000	102-4	W W LINDLEY NO 1	WEED VALLEY (MARBLE FALL	10.0	ENERGY PIPELINE C
8131527	30812	4209300000	102-4	W W LINDLEY NO 2	WEED VALLEY (MARBLE FALL	10.0	ENERGY PIPELINE C
8131528	30813	4209300000	102-4	W W LINDLEY NO 3	WEED VALLEY (MARBLE FALL	10.0	ENERGY PIPELINE C
8131531	30816	4209300000	102-4	W W LINDLEY NO 4	WEED VALLEY (900)	15.0	ENERGY PIPELINE C
8131529	30814	4209300000	102-4	W W LINDLEY NO 5	WEED VALLEY (MARBLE FALL	10.0	ENERGY PIPELINE C
-U S OPERATING INC			RECEIVED: 05/15/81 JA: TX				
8131483	30521	4238730713	102-2	BECKY NO 1 RRC ID 13532	GIDDINGS (AUSTIN CHALK)	109.0	PGP GAS PRODUCTS
-VONTT EXPLORATION CO INC			RECEIVED: 05/15/81 JA: TX				
8131373	22956	4236300000	102-2	#1 J GLIDEWELL	MINERAL WELLS S (CONGL)	280.0	SOUTHWESTERN GAS
8131374	22959	4236300000	102-2	#1 P GLIDEWELL	WILDCAT PENDING	280.0	SOUTHWESTERN GAS
8131375	22960	4236300000	102-3	#1 VARNELL-SEAY	MINERAL WELLS S (CONGL)	0.0	SOUTHWESTERN GAS
-W L BRUCE OPERATOR			RECEIVED: 05/15/81 JA: TX				
8131444	25375	4234100000	108	LETHEN #2 RRC#03915	PANHANDLE FIELD	27.6	PHILLIPS PET CO
-W L PENNINGTON INC			RECEIVED: 05/15/81 JA: TX				
8131505	29795	4208730151	108	EMMERT 2-82 ID#88953	PANHANDLE EAST	20.0	EL PASO NATURAL G
8131503	29793	4208730150	108	EMMERT 2-99 ID#88518	PANHANDLE EAST	20.0	EL PASO NATURAL G
8131502	29792	4208730153	108	EMMERT 3-99 ID#88917	PANHANDLE EAST	20.0	EL PASO NATURAL G
8131504	29794	4208730149	108	MCFARLAND 3-1 ID#88520	PANHANDLE EAST	20.0	EL PASO NATURAL G
-W M LAUGHLIN			RECEIVED: 05/15/81 JA: TX				
8131490	28672	4224931104	103	NO 1 SALVATION ARMY WELL	PREPCKT N W (4400) FIELD	182.5	VALLEY GAS TRANSP
-W W WALTON JR			RECEIVED: 05/15/81 JA: TX				
8131352	22264	4240931298	102-4	BESS MCFALL ET AL NO 2-T	HIBERNIA (4922)	55.0	HOUSTON PIPELINE
-WESSELY ENERGY CORPORATION			RECEIVED: 05/15/81 JA: TX				
8131533	30893	4201331121	102-4	WERNER AHRENS NO 1 91979	ATKINSON NW (4000-RECKLA	105.0	VALERO TRANSMISSI
-WHITEHEAD PRODUCTION CO INC			RECEIVED: 05/15/81 JA: TX				
8131506	29822	4236332464	102-2	FOWLER 90665	MINERAL WELLS S (GEORGIA	350.0	
8131522	30501	4223733052	102-2	THWEATT	POST OAK WEST (ELLEN)	150.0	
-WILLIAM PERLMAN			RECEIVED: 05/15/81 JA: TX				
8131478	27528	4243532371	103	FIELDS 55-1	SAWYER (CANYON)	0.0	EL PASO NATURAL G
8131478	27528	4243532371	107-TF	FIELDS 55-1	SAWYER (CANYON)	0.0	EL PASO NATURAL G
8131492	28900	4243532393	103	HUDSPETH MEM HOSP I-1	SAWYER (CANYON)	0.0	EL PASO NATURAL G
8131492	28900	4243532393	107-TF	HUDSPETH MEM HOSP I-1	SAWYER (CANYON)	0.0	EL PASO NATURAL G
-WTG EXPLORATION INC			RECEIVED: 05/15/81 JA: TX				
8131408	24032	4210500000	103	TODD B #3	HOWARD DRAW NE (QUEEN)	0.0	EL PASO NATURAL G
-ZONERGY INC			RECEIVED: 05/15/81 JA: TX				
8131570	31918	4205131127	102-2	BATES #2	GIDDINGS	0.0	CLAJON GAS CO

OTHER PURCHASERS VOLUME NO 3443

8131282	HOUSTON LIGHTING & POWER CO
8131285	HOUSTON LIGHTING & POWER CO
8131286	HOUSTON LIGHTING & POWER CO
8131287	HOUSTON LIGHTING & POWER CO
8131288	HOUSTON LIGHTING & POWER CO
8131294	HOUSTON LIGHTING & POWER CO
8131295	HOUSTON LIGHTING & POWER CO
8131296	HOUSTON LIGHTING & POWER CO
8131297	HOUSTON LIGHTING & POWER CO
8131298	HOUSTON LIGHTING & POWER CO
8131299	HOUSTON LIGHTING & POWER CO
8131300	HOUSTON LIGHTING & POWER CO
8131301	HOUSTON LIGHTING & POWER CO
8131302	HOUSTON LIGHTING & POWER CO
8131303	HOUSTON LIGHTING & POWER CO
8131304	HOUSTON LIGHTING & POWER CO
8131305	HOUSTON LIGHTING & POWER CO
8131312	PANHANDLE EASTERN P L CO
8131313	HOUSTON LIGHTING & POWER CO
8131314	HOUSTON LIGHTING & POWER CO
8131315	HOUSTON LIGHTING & POWER CO
8131316	E I DUPONT DE NEMOURS & CO INC
8131317	E I DUPONT DE NEMOURS & CO INC
8131318	E I DUPONT DE NEMOURS & CO INC
8131319	E I DUPONT DE NEMOURS & CO INC
8131320	E I DUPONT DE NEMOURS & CO INC
8131321	E I DUPONT DE NEMOURS & CO INC
8131322	E I DUPONT DE NEMOURS & CO INC
8131323	E I DUPONT DE NEMOURS & CO INC
8131324	E I DUPONT DE NEMOURS & CO INC
8131325	E I DUPONT DE NEMOURS & CO INC

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OTHER PURCHASERS VOLUME NO 3443

8131326	E I DUPONT DE NEMOURS & CO INC
8131327	E I DUPONT DE NEMOURS & CO INC
8131328	E I DUPONT DE NEMOURS & CO INC
8131329	E I DUPONT DE NEMOURS & CO INC
8131330	E I DUPONT DE NEMOURS & CO INC
8131334	E I DUPONT DE NEMOURS & CO INC
8131335	E I DUPONT DE NEMOURS & CO INC
8131336	E I DUPONT DE NEMOURS & CO INC
8131337	E I DUPONT DE NEMOURS & CO INC
8131338	E I DUPONT DE NEMOURS & CO INC
8131339	E I DUPONT DE NEMOURS & CO INC
8131340	E I DUPONT DE NEMOURS & CO INC
8131341	E I DUPONT DE NEMOURS & CO INC
8131342	E I DUPONT DE NEMOURS & CO INC
8131343	E I DUPONT DE NEMOURS & CO INC
8131345	E I DUPONT DE NEMOURS & CO INC
8131346	E I DUPONT DE NEMOURS & CO INC
8131351	E I DUPONT DE NEMOURS & CO INC
8131355	E I DUPONT DE NEMOURS & CO INC
8131364	E I DUPONT DE NEMOURS & CO INC
8131365	E I DUPONT DE NEMOURS & CO INC
8131366	E I DUPONT DE NEMOURS & CO INC
8131367	E I DUPONT DE NEMOURS & CO INC
8131377	E I DUPONT DE NEMOURS & CO INC
8131387	E I DUPONT DE NEMOURS & CO INC
8131388	E I DUPONT DE NEMOURS & CO INC
8131406	E I DUPONT DE NEMOURS & CO INC
8131407	COLUMBIA GAS TRANS CORP
8131439	E I DUPONT DE NEMOURS & CO INC
8131564	TENNESSEE GAS PL CO

Office of Hearings and Appeals

Appeal of Natural Gas Policy Act Determination; Notice Fixing Date for Hearing

AGENCY: Department of Energy.

Hearings and Appeals.

ACTION: Notice of Hearing.

interlocutory order fixing date of hearing.

SUMMARY: Appeals of Natural Gas Policy Act determinations by the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) have been filed with the Office of Hearings and Appeals (OHA). This Interlocutory Order fixes the date of a hearing to be held in connection with these appeals. Any person who has an interest in the proceeding may participate in the hearing by filing a petition to intervene. Entitlement to intervene is governed by 10 CFR 205.227. Persons who wish to participate in the hearing should read the Interlocutory Order for a description of the issues to be considered at the hearing.

The above-captioned appeals were received by the Office of Hearings and Appeals (OHA) of the Department of Energy (DOE) from determinations issued by the Economic Regulatory Administration (ERA) pursuant to the Natural Gas Policy Act of 1978, 15 U.S.C. 3301 *et seq.* and 18 CFR Part 275. In these determinations, ERA determined the maximum lawful price, before the application of any annual price escalator, of natural gas produced from a particular well and sold to a first purchaser for resale in interstate commerce. Control (FERC) Form 121 filed by the first purchaser with respect to each purchase. The appeals were filed in response to that notice.

The appellants contend that the information available to ERA at the time it made its determinations was not sufficient to the extent such information was required to be submitted under 18 CFR Part 275. Accordingly, the appellants argue that ERA's determinations were not based on substantial evidence. Commission's regulations. Information submitted to the Commission in connection with the appeals will be available for inspection in the Public Reference Room, 825 North Capitol Street, NE., Washington, D.C. 20426. Any person who wishes to participate in the proceeding by submitting data, views or arguments with respect to the issues set out in the Interlocutory Order may, in accordance with 18 CFR 275.203 and 275.204, file a petition to intervene with the Commission.

Categories of the issues set out in the Interlocutory Order are indicated below:

Section	
102-1:	New natural gas,
102-2:	New natural gas,
102-3:	New natural gas,
102-4:	New natural gas,
102-5:	New natural gas,
107-DP:	1
107-GB:	C
107-CS:	C
107-DV:	1
107-PE:	P
107-TF:	N
107-RT:	F
108:	Strip
108-SA:	S
108-ER:	E
108-PB:	P

Kenneth F

Secretary

[FR Doc. 81-1

BILLING COD

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission on or before July 9, 1981.

Categories within each NGPA section are indicated by the following codes:

Section

102-1: New OCS lease
102-2: New well (2.5 mile rule)
102-3: New well (1000 ft rule)
102-4: New onshore reservoir
102-5: New reservoir on old OCS lease
107-DP: 15,000 feet or deeper
107-GB: Geopressured brine
107-CS: Coal seams
107-DV: Devonian shale
107-PE: Production enhancement
107-TF: New tight formation
107-RT: Recompletion tight formation
108: Stripper well
108-SA: Seasonally affected
108-ER: Enhanced recovery
108-PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-18651 Filed 6-23-81; 8:45 am]

BILLING CODE 6450-01-M

Office of Hearings and Appeals

Appeal of December 1980 Entitlements Notice Filed by Mobil Oil Corp.

AGENCY: Department of Energy, Office of Hearings and Appeals.

ACTION: Notice of issuance of interlocutory order and notice of public hearing.

SUMMARY: The Office of Hearings and Appeals of the Department of Energy (DOE) hereby gives notice of an Interlocutory Order issued with respect to an Appeal of the December 1980 Entitlements Notice filed by Mobil Oil Corporation. The DOE also gives notice of a public hearing to be held in Washington, D.C. to receive comments on the Interlocutory Order.

DATES: Written comments: June 23, 1981.
Hearing: June 29, 1981.
Request to speak: June 25, 1981.

ADDRESSES: Request to speak: Wayne Davis, Office of Hearings and Appeals, 2000 M Street, N.W., Room 8014, Washington, D.C. 20461 (202) 653-3054.
Hearing Location: Room 2105, 2000 M Street, N.W., Washington, D.C. 20461.
Time: 10:00 a.m.
Comments and Further Information: Thomas L. Wieker, Deputy Director, Office of Hearings and Appeals, 2000 M Street, N.W. Room 8014, Washington, D.C. 20461 (202) 653-3100.

SUPPLEMENTARY INFORMATION: On March 12, 1981, Mobil Oil Corporation (Mobil) appealed the issuance of the December 1980 Entitlements Notice, 46 F.R. 14157 (February 26, 1981). On June 4, 1981, the Office of Hearings and Appeals issued an Interlocutory Order in the appeal proceeding. The Interlocutory Order contains DOE's preliminary determination that additional factual information should be gathered for the record in the appeal proceeding. The DOE invites comments on the Interlocutory Order.

Written comments should be filed by June 23, 1981, with the Office of Hearings and Appeals at the address shown in the "ADDRESSES" section above and must be clearly marked, "Case No. BEZ-0096." The DOE is required to maintain a docket room where information concerning submissions is made available for public inspection. To ensure that no confidential material is placed in the Docket Room, we request that you delete material which is exempt by law from public disclosure from two copies of your written comments and forward them to us with the undeleted version. If there is nothing confidential in your comments, please so indicate and provide one additional copy. Failure to claim confidential treatment will result in disclosure of your entire submission.

Any party that wishes to make an oral presentation at the hearing should contact the individual whose name appears at the beginning of this notice by June 25, 1981. All requests to speak shall be made in writing. The Office of Hearings and Appeals reserves the right to limit the number of persons to be heard and to establish the procedures governing the conduct of the hearing. Those individuals selected to make oral presentations will be notified by June 26, 1981. The Director of the Office of Hearings and Appeals or his designee will preside at the hearing.

At the hearing, representatives from Mobil will be afforded an opportunity to make an initial presentation. Following those statements, interested parties will be permitted to make statements subject to reasonable time constraints. If any person wishes to ask a question of any person who has made an oral presentation at the hearing, he or she may submit the question, in writing, to the presiding officer. The presiding officer will determine whether the question is relevant and whether the time limitations permit it to be presented for an answer.

At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations. Any further procedural rules needed for the proper conduct of the hearing will be announced by the presiding officer.

A transcript of the hearing will be made and may be purchased from the reporter. The entire record of the hearing will be retained by DOE and will be made available for inspection at the Office of Hearings and Appeals Public Docket Room, Room B-120, 2000 M Street, N.W., Washington, D.C. 20461, between the hours of 1:00 p.m. and 5:00 p.m., e.s.t., Monday through Friday. In addition, the public record in the appeal proceeding is now available for inspection in the Public Docket Room. Copies of all written comments received in response to this notice will be made available for inspection in the Public Docket Room by June 24, 1981.

Issued in Washington, D.C., June 5, 1981.

Thomas L. Wieker,

Deputy Director, Office of Hearings and Appeals.

Department of Energy, *Washington, June 4, 1981.*

Decision and Order of the Department of Energy

Interlocutory Order

Name of Petitioner: Mobil Oil Corporation.

Case Number: BEZ-0096.

This proceeding was initiated on March 12, 1981 when Mobil Oil Corporation (Mobil) appealed the issuance of the December 1980 Entitlements Notice, 46 FR 14157 (February 26, 1981). On March 27, 1981, the Office of Hearings and Appeals convened a hearing at which representatives of Mobil, ERA, and several interested parties presented oral argument on Mobil's Appeal. *See* Transcript of Proceedings, Case No. BEA-0630 (March 27, 1981). For the reasons set forth below, the Office of Hearings and Appeals has reached the tentative determination that the factual record which has been developed to date in

this proceeding is insufficient to enable this Office to reach a determination on the merits of Mobil's Appeal. We have reached the further tentative determination that the information required to make a determination can be most effectively gathered by having the ERA request that all refiners submit the data specified in the Appendix to this Decision and Order. We invite comments on our tentative findings in this Order. Written comments should be filed with the Office of Hearings and Appeals by June 23, 1981. We will hold a hearing to receive oral comments on June 29, 1981.

I. Background

A. The Entitlements Program

The Entitlements Program is designed to allocate equitably the benefits of access to price-controlled crude oil, in furtherance of the statutory objectives set forth in Section 4(b)(1) of the Emergency Petroleum Allocation Act of 1973, (EPAA), 15 U.S.C. 753(b)(1). Specifically, the Entitlements Program is intended to promote the objective of "equitable distribution of crude oil . . . at equitable prices among all . . . sectors of the petroleum industry." EPAA, section 4(b)(1)(F), 15 U.S.C. section 753(b)(1)(F). *See* 39 FR 31650 (August 30, 1974); 39 FR 39740 (November 11, 1974). Rather than physically allocating price controlled crude oil among refiners, the Entitlements Program requires transfer payments among refiners, the net effect of which is approximately to equalize the financial benefits of access to price-controlled oil *See Asamera Oil (U.S.) Inc.*, No. BEE-1491 (January 15, 1981) (proposed decision).

This allocation by transfer payment mechanism depends upon crude oil refiners filing monthly reports listing their "crude oil receipts" of price-controlled crude oil. The DOE regulations define the term "crude oil receipts" as follows:

"Crude oil receipts" means, as to a particular refiner, the volume of crude oil (i) booked into its refineries in accordance with *accounting procedure generally accepted and consistently and historically applied by the refiner concerned,* for its own account or for the account of a firm other than a refiner or (ii) if not previously so booked into its refineries, delivered by that refiner for its account to another refiner pursuant to a processing agreement with that other refiner. Crude oil receipts shall not include crude oil received by a refiner for the purpose of processing at its refineries for the account of another refiner. *A particular crude oil receipt shall be deemed to have occurred when the related cost is booked into refinery inventory in accordance with accounting procedures generally accepted and consistently and historically applied by the refiner concerned, whether or not such crude oil has been actually received by that refiner,* except that crude oil delivered by one refiner to another refiner pursuant to a processing agreement will be deemed to have been delivered by the delivering refiner to the other refiner when the risk of loss passes to the other refiner under the particular processing agreement or when the crude oil is received at the refinery of the other refiner, whichever occurred first. Crude oil which as been added by a refiner to its inventory and which is thereafter sold or otherwise disposed of without processing for the account of that refiner shall be deducted from its crude oil receipts at the time when the related cost is deducted from refinery inventory in accordance with accounting procedures generally accepted and consistently and historically applied by the refiner concerned. The volume of domestic crude oil included in a refiner's crude oil receipts shall be evidenced by and consistent with invoices received with respect to such crude oil receipts.

10 CFR 211.62 (emphasis added).

Under the provisions of the Entitlements Program, every eligible refiner is issued a number of entitlements that is equal to the national domestic crude oil supply ratio (DOSR) (as defined in 10 CFR 211.62) multiplied by the volume of the crude oil runs to stills reported by the refiner for a given month. 10 CFR 211.67(a)(1). If the number of entitlements issued to the refiner in a month is less than the number of barrels of deemed old oil included in the refiner's adjusted crude oil receipts, the refiner is required to purchase entitlements. Conversely, if the number of entitlements issued is greater than the number of barrels of deemed old oil included in a refiner's crude oil receipts, the refiner is required to sell entitlements. 10 CFR 211.67(b) (1) and (c). The volume of deemed old oil attributed to a refiner in a month is equal to the number of barrels of lower-tier crude oil receipts plus a fraction (as specified in each monthly Entitlements Notice) of the number of barrels of upper-tier oil included in its crude oil receipts. 10 CFR 211.67(b)(2). The adjusted deemed old oil receipts, the number of entitlements issued, and the entitlement purchase or sale obligation of each refiner are specified in the monthly Entitlements Notices issued by the DOE. The net effect of this mechanism is to distribute to each refiner a proportionate share (based upon the refiner's crude oil runs to stills) of the benefits of the price-controlled crude oil reported as receipts into inventory by all domestic refiners. The more old crude oil received by refiners into inventory, the greater the benefits shared by all refiners.

B. Effect of Decontrol on the Entitlements Program

On January 28, 1981, the President ordered the immediate decontrol of crude oil and refined petroleum products. Executive Order No. 12287, 46 Fed. Reg. 9909 (January 30, 1981). Section 1 of the Executive Order exempted all crude oil and refined petroleum products from the price and allocation controls adopted pursuant to the EPAA and directed the Secretary of Energy to revoke the price and allocation regulations. However, Section 3 specified:

The Secretary of Energy may, pursuant to Executive Order No. 11790, as amended by Executive Order No. 12038, adopt such regulations and take such actions as he deems necessary to implement this Order, including the promulgation of entitlements notices for periods prior to this Order and the establishment of a mechanism for entitlements adjustments for period prior to this Order.

Id.

Pursuant to the authority provided in Section 3 of the Executive Order, the ERA determined to issue regular entitlements notices for the months of December 1980 and January 1981 and then to issue a final "clean-up" notice to account for corrections and administrative and judicial determinations. *See* Notice of Proposed Rulemaking, Establishment of Mechanism for Entitlements Adjustments for Periods Prior to Decontrol of Crude Oil, 46 F.R. 15112 (March 3, 1981). *See also Ruling 1981-1* (February 12, 1981), 46 F.R. 12945 (Febuary 19, 1981). However, the ERA's Notice does not discuss whether any adjustments or clarifications to the regulations should be undertaken to impose entitlements obligations on crude oil which was produced and sold at controlled prices but which was not reported as "crude oil receipts" by a refiner prior to January 28, 1981.

II. Mobil's Appeal

In its Appeal, Mobil contends that the ERA's issuance of the December 1980 Entitlements Notice exceeded ERA's statutory authority and was arbitrary and capricious. Mobil's appeal concentrates on the "disappearance" of deemed old oil from the Entitlements Program. By "disappearance," Mobil refers to price-controlled crude oil produced but never reported in refiners' crude oil receipts. Mobil observes that this phenomenon can be seen in the decline in ther DOSR, which is essentially the adjusted ratio of price-controlled crude oil receipts to crude oil runs to stills each month. The DOSR declined at a relatively steady rate from January 1980 (DOSR = 0.224) to November 1980 (DOSR = 0.098). In December 1980, however, the DOSR dropped by 43 percent from its November value to a value of 0.056. Mobil asserts that this drastic reduction cannot be completely explained by either a reduction in the volume of price-controlled crude oil being produced and sold, or by an increase in the amount of crude oil being decontrolled in accordance with the gradual decontrol of crude oil, (*see* 10 CFR 212.72 (defining "market level new crude oil"); 10 CFR 212.74(a) (exempting market level new crude oil from price controls)) and the tertiary recovery incentive program (*see* 10 CFR 212.78). Mobil alleges that a substantial portion of the decline in the DOSR reflects practices adopted by some refiners and resellers designed to delay until after January 28, 1981 the booking as "crude oil receipts" into *refinery* inventory of deemed old oil that was produced during the period of price controls. Mobil claims that in this manner refiners could avoid the entitlements purchase obligation normally associated with the receipt of price-controlled crude oil. The effect of such action by refiners would be to avoid sharing with other refiners the financial benefits of purchasing price-controlled oil. Resellers who held price-controlled crude oil on January 28, 1981 were able to obtain a benefit equal to the difference between controlled and uncontrolled prices.

Mobil suggests that some of these practices were probably violations of the price and allocation regulations and recommends that

the DOE's compliance activity be increased. However, Mobil also contends that much of the sheltering of price-controlled crude oil from the Entitlements Program was accomplished through practices which did not violate the specific terms of the DOE Regulations as they have been interpreted by both the agency and industry during the ongoing operation of the Entitlements Program. According to Mobil, such practices include time exchanges, tier-trades, and the maintenance of off-site (non-inventory) storage of price-controlled crude oil. Mobil contends that these practices proliferated during the concluding period of price controls. Mobil estimates that as much as 500,000 barrels of price-controlled crude oil per day "escaped" entitlements purchase obligations during the fourth quarter of 1980. The firm maintains that refiners, resellers, and producers who successfully sheltered price-controlled crude oil from the Entitlements Program would have received a benefit of up to $30 per barrel.

Mobil correctly points out that a reduction in the volumes of price-controlled crude oil in the entitlements system decreases the numerator of the DOSR, and thus the DOSR itself. *See Alabama River Pulp Co.*, BES–0588, 7 DOE ¶ ——— (February 21, 1981). When the DOSR decreases, each refiner receives a smaller share of the benefits of access to price controlled oil. A firm which normally is an entitlements purchaser is then required to purchase additional entitlements, while a firm which is typically an entitlements seller is permitted to sell fewer entitlements or may even be required to purchase entitlements. *See, e.g., Ashland Oil, Inc.*, BEA–0637, Appeal filed March 25, 1981. In each case, the refiner's post-entitlements cost of crude oil increases. As a result of the failure of refiners to report old oil as "crude oil receipts," Mobil contends, the Entitlements Program has not fully distributed the benefits of price-controlled crude oil.

Mobil asserts that the ERA has been aware of this situation for a considerable period of time and has failed to take any regulatory or interpretive action. Mobil believes that with the advent of decontrol, the regulations, interpretations, and assumptions underlying the ongoing Entitlements Program are no longer valid, since they do not serve their primary purpose: the equitable distribution of the benefits of price-controlled crude oil. Mobil maintains that the ERA interpretation of its rules which permits crude oil produced during the life of the price control program to escape entitlements obligations is arbitrary and capricious. Since the ERA interpretation of crude oil receipts underlying the calculation of the entitlements indices is no longer proper, Mobil argues, the Entitlements Notice is unlawful. Mobil further alleges that the Entitlements Program no longer serves any of the national energy policy objectives set forth in Section 4(b)(1) of the EPAA. The firm asserts that under Executive Order No. 12287, the DOE is required to make such adjustments to the Entitlements Program as are necessary to ensure that the Program is concluded in an orderly and equitable fashion. Under these circumstances, the ERA is obliged to take corrective action, according to Mobil. Mobil adds that by issuing the December 1980 Entitlements Notice prior to the adoption of corrective interpretations and procedures, the ERA abused its discretion and acted in an arbitrary and capricious manner. The firm requests that the December 1980 Notice be remanded to the ERA with orders to recalculate and republish the list based on modifications of existing interpretations.

III. ERA Response to Mobil's Appeal

On March 26, 1981, the ERA filed comments in opposition to Mobil's appeal. The ERA contends that issuance of the December 1980 Entitlements Notice was required by Section 211.67(i) and that the ERA therefore lacked discretion not to issue the Notice. The ERA maintains that postponement or non-issuance of the Notice would have constituted agency noncompliance with its validly promulgated regulations and therefore would have been unlawful. Next, the ERA asserts that it has initiated a rulemaking proceeding to ensure an equitable and orderly termination of the Entitlements Program and that therefore it has not abused its discretion by failure to act in compliance with Executive Order No. 12287. The ERA further contends that any crude oil receipts withheld from the Entitlements Program in violation of the DOE Regulations should and will be handled through the enforcement process. The ERA therefore believes that the mere existence of such violations does not constitute grounds for invalidating the December Notice. The ERA argues that Mobil's allegation that substantial volumes of crude oil may have legally escaped the entitlements Program as a result of the ERA's interpretations of its rules is based largely on unsubstantiated conjecture. The ERA therefore contends that there is no proper basis for finding its interpretrations concerning crude oil in the supply pipeline (prior to receipt in refinery inventory) and on time exchange to be arbitrary or capricious.

IV. Analysis

With regard to possible violations of DOE regulations, such as the failure of firms to certify crude oil properly, we believe that active enforcement by the DOE is the most appropriate solution to the problems raised by Mobil. To the extent, however, that Mobil's Appeal is predicated on the ERA's allegedly improper regulatory interpretations, we will consider the firm's claims.

In essence, Mobil asserts that when many firms anticipated decontrol, they adopted practices to shelter price-controlled crude oil from entitlement purchase obligations by keeping the crude oil from being reported as crude oil receipts. Mobil believes that these practices constituted such radical changes in the circumstances under which the Entitlements Program operates as to compel the ERA to modify the interpretations and practices it used in gathering the data which form the basis for the calculation of the Entitlements Notice. In the absence of such corrections, Mobil asserts the continuation of the Entitlements Program "as is" through the issuance of the December 1980 Entitlements Notice was arbitrary and capricious.

The present factual record in this proceeding is insufficient to enable us to reach a determination on the merits of Mobil's Appeal. We are not yet in a position to evaluate fully the effect of the ERA's interpretation on the disappearance of price-controlled crude oil from the Entitlements Program through time exchanges and inventory practices. However, Mobil has raised very significant issues concerning the ERA's interpretations of its rules. Moreover, we do not believe that the ERA's contention that it lacked the discretion to postpone issuance of the December 1980 Entitlements Notice pending revision or interpretation of the Entitlements Program regulations is relevant. If the ERA's interpretations or practices led to arbitrary and capricious results, the appeal should be granted, and the Notice should be recalculated using data derived from a proper interpretation of crude oil receipts. For these reasons, we have tentatively determined that additional factual information should be submitted for the record in this proceeding.

The central premise of Mobil's position is that the ERA's interpretations of the Entitlements Program regulations and the practices historically adopted by both the agency and the industry contemplated an ongoing program. When federal controls were continuing, Mobil claims, it was unnecessary to impose an entitlements purchase obligation on a barrel of price-controlled crude oil at the wellhead, since the crude oil would eventually find its way through the supply chain to a refiner's inventory. Mobil believes that this approach might be reasonable for an ongoing program but makes no sense at the conclusion of the program. The firm explains that crude oil in the pipeline or on time exchange at the time of decontrol had been produced and sold at controlled prices. However, that crude oil would escape an entitlement purchase obligation under current ERA interpretations. Mobil argues that the incentive under these interpretations to withhold crude oil from refinery receipts mushroomed as the expectation of imminent decontrol increased. Consequently Mobil believes, certain refiners, resellers, and producers garnered exceptional benefits at the expense of all refiners.

Mobil has submitted information which indicates that as much as 520,000 barrels per day of crude oil sold by producers at lower-tier prices and 426,000 barrels per day of crude oil sold at upper-tier day may have escaped entitlement purchase obligations during the month of December 1980. The *daily* entitlement purchase obligation on that volume of crude oil is $22.2 million; the total value of the "lost" entitlements for the month approaches $668 million, or approximately $1.50 per barrel of crude oil run to stills. To the extent that these data are correct, they may indicate that the ERA interpretations of its rules for calculating old oil receipts under the Entitlements Program led to such manifestly arbitrary results during December 1980 as to make reinterpretation or revision of the Program mandatory.

Mobil's data may not be fully accurate. Mobil compiled its data by comparing, category by category, the volumes of crude oil produced and sold to first purchasers, as

reported on Form ERA–182 ("Domestic Crude Oil First Purchase Report") with the volumes of crude oil received into refinery inventories, as reported on Form ERA–49 ("Domestic Crude Oil Entitlements Program Refiners' Monthly Report"). The data do not reveal the extent of adjustments or corrections to prior months' reports, nor do they indicate the manner in which discrepancies between the two reports arise. Mobil cannot with precision estimate the impact on itself, or on the Entitlements Program as a whole, of the ERA interpretations which, in effect, release from entitlement purchase obligations the crude oil held outside refinery inventory or on time exchange on January 29, 1981. Nor can Mobil separate the effects of those practices from outright fraudulent practices which may be corrected through the enforcement process.

We find Mobil's arguments to be plausible, but the record is incomplete as to the magnitude of the alleged practices which have occurred within the scope of the ERA's regulations and interpretations, as compared to the magnitude of outright violations of the regulations. It appears that neither Mobil nor the ERA has adequate information on this problem. We must obtain an estimate of how much price-controlled crude oil disappeared from the Entitlements Program within the scope of the ERA's interpretations before we can determine whether the ERA abused its discretion by issuing the December 1980 Entitlements Notice. No regulatory program can be expected to work perfectly; the mere existence of particular problems in the administration of a program does not necessarily require correction. However, if the circumstances surrounding a program change significantly, amendment or reinterpretation of the program is generally appropriate. *See Alaska North Slope Entitlements*, 6 DOE ¶ 80.126A (1980). Further, if the environment in which a regulatory program is functioning changes so radically that the original purposes of the program are no longer served, then the agency may be compelled to act. As noted by the Court in *Geller v. FCC*, 610 F.2d 973 (D.C. Cir. 1979) (per curiam):

> Undeniably, an agency normally possesses a generous measure of discretion respecting the launching of rulemaking proceedings. But though the discretion typically is broad, its exercise is reviewable if plainly misguided. . . . And it goes without saying that the agency cannot sidestep a reexamination of particular regulations when abnormal circumstances make that course imperative.

Id. at 979 (footnotes omitted).

Administrative rules and regulations are intended for continuing application. Circumstances may modify the environment within which those administrative regulations are applied. As a result, a consistent application of existing regulations may have an effect neither contemplated nor intended at the time the rule was promulgated. Mobil argues that just such compelling circumstances exist with regard to the ERA's interpretation of crude oil receipts. However, the record in this case does not clearly establish the effect on the DOSR of the ERA's practices and interpretations regarding crude oil receipts.

The procedures which govern the DOE's consideration of Appeals are set forth in 10 CFR Part 205, Subpart H. Section 205.108 contemplates two alternative approaches when the record lacks sufficient information upon which to base a decision. Section 205.108(a)(1) specifies that the DOE "may initiate an investigation of any statement in an appeal and utilize in its evaluation any relevant facts obtained by such investigation." Section 205.108(a)(2) specifies that the DOE may request additional information from the appellant. In the present case, Mobil has presented significant but not wholly conclusive evidence in support of its Appeal. Mobil apparently lacks access to the type of information required to complete the factual record. Consequently, it would be pointless to request Mobil to supplement its submissions in this proceeding. Instead, we will exercise our discretion to initiate an investigation pursuant to Section 205.108(a)(1). We believe that the following information must be obtained:

(1) The volume of price-controlled crude oil to which refiners and their affiliates held title on January 23, 1981 but which was not reported as "crude oil receipts" on Form ERA–49 for periods prior to January 28, 1981.

(2) The volume of price-controlled crude oil exchanged away and not repayed prior to January 28, 1981.

(3) The volume of price-controlled crude oil sold pursuant to matching purchase-and-sale agreements in which the selling refiner had not yet purchased the matching volume by January 28, 1981 and which was not reported as "crude oil receipts" for periods prior to January 28, 1981.

(4) The accounting system used by each refiner to report crude oil receipts, including:

(i) when the firm historically and consistently books crude oil into inventory for tax (IRS) purposes;

(ii) when the firm historically and consistently books crude oil into refinery inventory for entitlements purposes;

(iii) when and how the firm historically and consistently reports for entitlements purposes volumes of crude oil exchanged in time exchanges and in back-to-back (matching purchase-and-sale) agreements.

(5) The names and addresses of any producers or resellers to which refiners owed crude oil on exchange transactions on January 28, 1981 and the volumes of crude oil owed.

Since this information is generally proprietary commercial information, we have determined that the most appropriate method of gathering this information is to order the Economic Regulatory Administration to request this information from all refiners. The proposed text of the questions is set forth in the Appendix to this Decision. Upon receipt of the data, the ERA will be required to compile aggregate results which will be submitted for the record in this proceeding and will be made public for Mobil and interested parties to utilize in their own filings.

Accordingly: The Office of Hearings and Appeals invites written comments by June 23, 1981 on whether the following Order should be issued:

(1) The Assistant Administrator for Petroleum Operations of the Economic Regulatory Administration shall send to each refiner that participates in the Entitlements Program a questionnaire which contains the questions set forth in the Appendix to this Order. The questionnaire shall be sent by telegram and by certified mail within one week of the issuance of this Order.

(2) Each refiner that participates in the Entitlements Program shall be required to complete the questionnaire referred to in Paragraph (2) above and file its reply with the ERA no later than two weeks following its receipt of the quesitionnaire. The reply shall be filed via certified mail. A refiner may request confidential treatment of its reply pursuant to 10 CFR 205.9(f).

(3) The ERA shall aggregate the data received pursuant to the procedures specified in Paragraphs (2) and (3) above and file a preliminary report with the Office of Hearings and Appeals no later than two weeks after its receipt of completed questionnaires from at least seventy (70) percent of the refiners that received the questionnaires. Within two weeks after filing the preliminary report, the ERA shall file a Final Report. The ERA shall publish the Final Report or a summary of the Final Report in the **Federal Register**.

(4) The Office of Hearings and Appeals will convene a public hearing in this proceeding as soon as possible after the filing of the Final Report.

Dated: June 4, 1981.

George B. Breznay,

Director, Office of Hearings and Appeals.

Appendix

The ERA will be required to send the following questionnaire to each refiner that participates in the Entitlements Program.

Please answer the following questions with respect to crude oil held by your firm, including all affiliated and related firms or other entities (whether incorporated or unincorporated, partnership, sole proprietorship, or joint venture). If any crude oil referred to in your answer is jointly held with another domestic refiner, report your ownership of that crude oil in a manner consistent with your historical and consistent reporting practice for Form ERA–49.

(1) State the volume of (a) lower-tier crude oil, (b) upper-tier crude oil, and (c) upper-tier Alaskan North Slope (ANS) crude oil, to which your firm held title at 12:01 A.M. on January 28, 1981 but which was not reported as "crude oil receipts" for periods prior to January 28, 1981 on any Form ERA–49 or correction or amendment to Form ERA–49 filed by your firm.

(2) State the volume of (a) lower-tier crude oil, (b) upper-tier crude oil, and (c) upper-tier ANS crude oil, which your firm had *exchanged* with *other refiners* prior to January 28, 1981, (i) which had not been repayed to your firm prior to January 28, 1981, and (ii) which your firm had not reported as "crude oil receipts" on Form ERA–49 for periods prior to January 28, 1981.

(3) State the volume of (a) lower-tier crude oil, (b) upper-tier crude oil, and (c) upper-tier ANS crude oil, which your firm had *exchanged* with *producers* or *resellers* prior to January 28, 1981, but which (i) had not

been repaid to your firm prior to January 28, 1981, and (ii) your firm had not reported as "crude oil receipts" on Form ERA–49 for periods prior to January 28, 1981.

(4) State the volume of (a) lower-tier crude oil, (b) upper-tier crude oil, and (c) upper-tier ANS crude oil sold to *other refiners* prior to January 28, 1981 pursuant to a *matching* purchase-and-sale agreement in which your firm had not yet purchased the matching volume prior to January 28, 1981 and had not reported the original crude oil as "crude oil receipts" on Form ERA–49 for a period prior to January 28, 1981 or had reported the original crude oil as "crude oil receipts" but had subsequently deducted from "crude oil receipts" upon sale to the other firm.

(5) State the volume of (a) lower-tier crude oil, (b) upper-tier crude oil, and (c) upper-tier ANS crude oil sold to *producers* and *resellers* prior to January 28, 1981 pursuant to a *matching* purchase-and-sale agreement in which your firm had not yet purchased the matching volume prior to January 28, 1981 and had not reported the original crude oil as "crude oil receipts" on Form ERA–49 for a period prior to January 28, 1981 or had reported the original crude oil as "crude oil receipts" but had subsequently deducted from "crude oil receipts" upon sale to the other firm.

(6) Please explain the manner in which your firm has determined crude oil receipts into inventory:

(i) for tax (IRS) purposes;

(ii) for entitlements purposes. If different from (i), please explain the reasons for such difference.

(7) State when and how your firm historically and consistently reports as "crude oil receipts" into refinery inventory volumes of crude oil (a) exchanged in time exchanges and (b) sold in matching purchase-and-sale agreements.

(8) State the names and addresses of any producers or resellers that your firm owed crude oil on exchange or in a matching purchase-and-sale agreement at 12:01 A.M. January 28, 1981 and indicate the volume owed to each.

[FR Doc. 81–18587 Filed 6–23–81; 8:45 am]

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Issuance of Decisions and Orders; Week of May 18 Through May 22, 1981

During the week of May 18 through May 22, 1981, the decisions and orders summarized below were issued with respect to appeals and applications for exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Appeal

Collier, Shannon, Rill & Scott, 5/20/81, BFA–0597

Collier, Shannon, Rill & Scott filed an Appeal from a partial denial by the Assistant Administrator for Enforcement of the Economic Regulatory Administration of a Request for Information which the firm had submitted under the Freedom of Information Act. In considering the Appeal, the DOE found that certain of the documents which were initially withheld under Exemption 4 should be released to the public. Important issues that were considered in the Decision and Order were (i) the Application of Exemption 4 to information generated by the DOE and related to underlying information obtained from a person outside the Government, (ii) the extent to which information obtained by the DOE from a person other than the person to whom it relates may be deemed confidential and (iii) the application of privilege to documents as an independent ground for withholding material under Exemption 4.

Remedial Orders

Corpus Christi Management Company, J. W. McKellip, 5/19/81, DRO–0123

On October 4, 1978, Corpus Christi Management Company and J. W. McKellip filed a Statement of Objections to a Proposed Remedial Order which was issued by the Office of Enforcement of the Economic Regulatory Administration (ERA). In the Proposed Remedial Order, the ERA determined that the petitioners had charged a price for the first sales of crude oil from three properties which exceeded the maximum lawful selling price for such sales. The PRO was issued to Corpus Christi Management Company and McKellip, because the Office of Enforcement had information that led it to believe that Corpus Christi Management Company and McKellip were the operator and working interest owner, respectively, of the properties. After examining the Statement of Objections and related filings, the Office of Hearings and Appeals determined that McKellip had never been a working interest owner of the properties, and dismissed him from the PRO. The Office of Hearings and Appeals also found that the working interest owners of the property have been, at various times, Petrotex Holding Company and Texcellere Corporation, and joined these firms to the PRO. Finally, the Office of Hearings and Appeals determined that Corpus Christi Management Company had sold lower tier crude oil at upper tier and market prices, and issued the PRO in a final form to Corpus Christi Management Company, Texcellere Corporation and Petrotex Holding Company.

RPL Oil Company, Inc., 5/21/81, DRO–0218

RPL Oil Company, Inc., filed a Statement of Objections to a Proposed Remedial Order (PRO) issued to the firm on May 4, 1979 by the Southwest District of the Economic Regulatory Administration (ERA). In the PRO, the ERA determined that RPL had sold crude oil at prices that exceeded the maximum lawful levels permitted under DOE regulations. In the present proceeding, the DOE concluded that RPL's Statement of Objections be denied. The important issues discussed in the Decision and Order include (i) the exclusion of injection wells from the calculation of a crude oil producing property's average daily production; (ii) whether Ruling 1974–29 is being unlawfully applied retroactively in this case; and (iii) whether these proceedings should be stayed pending a final resolution of judicial proceedings involving the validity of Ruling 1974–29.

Remedial Orders

In the following cases involving Proposed Remedial Orders and/or Interim Remedial Orders for Immediate Compliance, no Statements of Objections were filed. The DOE therefore issued the orders in final form.

Company Name and Case No.

Nello Sbrega, d.b.a. Elmwood Service Station, BRW–0091

Roger's Standard (Strasheim), BRW–0095

Petition for Special Redress

Isthmus Trading Corporation, 5/22/81, BEG–0055, BES–0152, BET–0152

Isthmus Trading Corporation filed a Petition for Special Redress and Applications for Stay and Temporary Stay with the Office of Hearings and Appeals of the Department of Energy. In its Petition for Special Redress, Isthmus requested that the Office of Hearings and Appeals quash a subpoena duces tecum issued to the firm by the Audit Director, Houston Crude Reseller Division, Office of Enforcement, Department of Energy. Isthmus requested a review of the subpoena pursuant to 10 CFR 205.6(b)(4). However, without reaching the merits of Isthmus' Petition, the Office of Hearings and Appeals determined that the allegations raised by the firm did not constitute the type of extraordinary circumstances under which the Office should exercise its review authority. Consequently, the firm's Petition for Special Redress was denied, and its Applications for Stay and Temporary Stay were dismissed.

Requests for Exception

Beacon Oil Company, 5/20/81, BEE–1382

Beacon Oil Company filed an Application for Exception from the provisions of 10 CFR 211.67 in which the firm sought exception relief from the Entitlements Program for the period January 1980 through December 1980. The DOE found that the firm failed to qualify for prospective exception relief for the August 1980 through December 1980 period under the agency's *Delta* standards and that the firm failed to demonstrate that it warranted retroactive exception relief for the January 1980 through July 1980 period. Accordingly, exception relief was denied.

Road Oil Sales, Inc., 5/21/81, BEE–1550

Road Oil Sales, Inc. filed an Application for Exception from the provisions of 10 CFR 211.67 in which the firm requested that the DOE grant it a period of twelve months to locate the broker who possibly misrepresented the classification of oil for which Road Oil incurred an entitlement purchase obligation of $1,344,326. In the alternative, Road Oil requested an extension of time in which to meet its entitlement purchase obligation. In considering the request, the DOE determined that Road Oil's difficulties in meeting the entitlement purchase obligation appeared to be due to financial obligations imposed upon the firm by its parent corporation. Since Road Oil

failed to provide any financial data concerning the parent company, the DOE could not conclude that the applicant lacked sufficient resources to meet its obligation. In addition, the DOE noted that the firm provided no evidence that the present classification of the product in question is incorrect. Accordingly, Road Oil's Application for Exception was denied.

Tosco Corporation, 5/20/81, BEE-1621

Tosco Corporation filed an Application for Exception from the provisions of 10 CFR 211.67 (the Entitlements Program) in which the firm sought the issuance of additional entitlements to the firm for crude oil which it purchased as inventory for its newly acquired refinery. In considering the request, the DOE determined that Tosco had failed to show that the Entitlements Program resulted in a gross inequity or serious hardship with respect to the firm's inventory receipts. Accordingly, Tosco's Application for Exception was denied.

Motion for Evidentiary Hearing

Office of Special Counsel, 5/18/81, BEH-0021, BED-0020

In a Decision issued on May 18, 1981, the Office of Hearings and Appeals considered a Motion for Evidentiary Hearing and Motion for Discovery submitted by the Office of Special Counsel in connection with an exception proceeding involving the calculation of inter-affiliate transfer prices for foreign crude oil by the Standard Oil Company (Indiana) (Case No. DEE-8244). In denying the Motion for Evidentiary Hearing, the OHA determined that the Office of Special Counsel had failed to make any of the showings set forth in 10 CFR 205.64 (setting forth contents of Motion for Evidentiary Proceeding). In considering the Motion for Discovery, the Office of Hearings and Appeals made determinations of materiality and relevance with respect to each interrogatory posed in the Motion. On the basis of this analysis, discovery was approved, and Standard Oil Company (Indiana) was required to answer a number of questions and to supply underlying documentation within 30 days of service of the Order.

Interlocutory Order

Office of Special Counsel for Compliance, 5/18/81, BRZ-0098

The Office of Special Counsel of the Department of Energy (OSC) filed a request to limit participation in an enforcement matter involving a Proposed Remedial Order which the OSC issued to Exxon Company, U.S.A. on May 9, 1980 (Case No. BRO-1271). The OSC motion sought to strike from the record the Notices and Statements of Objections which were filed in the enforcement proceeding by American Petrofina, Inc. (Fina), Gulf Oil Corporation, and Chevron U.S.A., Inc. Additionally, OSC moved to deny any participation in the Exxon enforcement proceeding by Fina, Gulf or Chevron. In the present Decision, the DOE concluded that Fina, Gulf and Chevron failed to demonstrate that they have any interest in the Exxon enforcement proceeding, and that they therefore should not be allowed to participate in that proceeding. The DOE also found that OSC would be prejudiced if it had to respond to three additional Statements of Objections, but would not be prejudiced by the mere retention of that material in the record. Accordingly, the Notices and Statements of Objections were stricken from the record as Notices and Statements of Objections, but were retained in the record as comments.

Supplemental Orders

Beacon Oil Company, 5/22/81, BEX-0207

On its own motion, the DOE issued a Supplemental Decision and Order to Beacon Oil Company which required the firm to purchase $672,464 of entitlements for the excessive entitlements exception relief received by the firm during its 1978 fiscal year. This Supplemental Order amended the previous Supplemental Order issued to the firm in which the DOE found that the firm had received excess exception relief from the provisions of 10 CFR 211.67 (the Entitlements Program) for its 1978 fiscal year. *See Beacon Oil Co.*, 8 DOE ¶ ——, No. DEX-0153 (April 22, 1981).

Chevron U.S.A., Inc., 5/21/81, BEX-0185

Chevron U.S.A., Inc., filed a request for a Supplemental Order to correct an Appeal determination in which Chevron was granted an excessive level of entitlements relief. In addition, Chevron requested that it be granted additional entitlements to provide the firm with interest on the value of the entitlements it was granted in the Appeal determination. Chevron's request was granted in part. The Decision and Order increased Chevron's entitlement obligation for the next Entitlement Notice published, to adjust for the excessive level of relief; however, Chevron's request for an interest adjustment was denied as not constituting "significantly changed circumstances" warranting relief.

Cranston Oil Service Co., 5/19/81, BEX-0209

On May 19, 1981, the DOE issued a Supplemental Decision and Order to Cranston Oil Service Co. (Cranston). The Decision and Order specified the method by which funds held in a previously established escrow account were to be disbursed in order to satisfy a portion of Cranston's prior overcharges for #2 heating oil. In addition, the Order specified that Cranston and the DOE Region I Office of Enforcement should agree on a compliance plan to make certain that Cranston completes the remainder of its refunds no later than September 30, 1981.

Lunday-Thagard Oil Company, 5/20/81, BYX-0201

On May 20, 1981, the DOE issued a Decision and Order to Lunday-Thagard Oil Company that reviewed the firm's 1980 fiscal year exception relief from purchasing entitlements as required by 10 CFR 211.67 The Decision and Order determined that Lunday-Thagard received excess relief during its 1980 fiscal year and therefore required the firm to purchase entitlements to refund the excess amount.

Protective Orders

The following firms filed Applications for Protective Orders. The applications, if granted, would result in the issuance by the DOE of the proposed Protective Orders submitted by the firm. The DOE granted the following applications and issued the requested Protective Orders as Orders of the Department of Energy:

Name and Case No.

Little America Refining Co., Inc., Chevron U.S.A. Inc., BEJ-0198
Little America Ref., Co., Inc., Cities Service Co., BEJ-0199
Little America Ref. Co., Wyoming Refining Co., BEJ-0200

Dismissals

The following submissions were dismissed without prejudice:

Name and Case No.

A. O. Smith Corp., BEE-1661, BEL-1661
Dave Bresley d/b/a Bloomingdale Service, BRR-0118
Charter Oil Co., BER-0140, BES-0161, BET-0161
Giant Industries, Inc., BEE-0272, BEL-0272
Goldsby's Exxon, BRO-0097
Mobil Oil Corporation, BEA-0294
Pacific Refining Co., BEE-1267
Piedmont Natural Gas Co., DEE-2.37
Texaco, Inc., DEA-0350
U.S. Oil and Refining Company, BEL-1418

Copies of the full text of these decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B-120, 2000 M Street, N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

George B. Breznay,

Director, Office of Hearings and Appeals.

June 18, 1981.

[FR Doc. 81-18670 Filed 6-23-81; 8:45 am]

BILLING CODE 6450-01-M

Issuance of Decisions and Orders; Week of May 25 Through May 29, 1981

During the week of May 25 through May 29, 1981, the decisions and orders summarized below were issued with respect to appeals and applications for exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Copies of the full text of these decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B-120.

2000 M Street NW., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

George B. Breznay,

Director, Office of Hearings and Appeals.

June 18, 1981.

Appeals

Boston Technologies, Inc., 5/27/81, BFA-0664

Boston Technologies, Inc. (BTI) filed an Appeal from a denial by the Region I Deputy Representative of a request for information which the firm had submitted under the Freedom of Information Act. BTI subsequently narrowed its Appeal to contest only the withholding of a particular piece of information pursuant to Exemption 4. In considering the Appeal, the DOE contacted the submitter, who informed the DOE that it had no objection to the release of the particular piece of information. Accordingly, the DOE released the information.

Capell, Howard, Knabe & Cobbs, 5/26/81, BFA-0607

Capell, Howard, Knabe & Cobbs filed an Appeal from a denial by the Manager of the Idaho Operations Office of the Department of Energy of a Request for Information which the firm had submitted under the Freedom of Information Act. In considering the Appeal, the DOE found that the determination failed to describe adequately the documents withheld. Further, the DOE found that the Authorizing Official failed to justify the application of a mandatory disclosure exemption to particular documents responsive to the appellant's request. Finally, it was determined that, contrary to the statement of the Authorizing Official, certain of the documents withheld contained segregable factual information that must be released to the appellant. The Appeal was therefore granted in part.

First Valley Petroleum Co., 5/28/81, BFA-0663

First Valley Petroleum Co. filed an Appeal from a denial by the Manager of the Rocky Mountain District of the Office of Enforcement of the Economic Regulatory Administration of a Request for Information which the firm had submitted under the Freedom of Information Act. In considering the Appeal, the DOE found that specific determinations and a detailed index should be provided for certain of the internal DOE documents which were initially withheld under Exemption 7(A). The Appeal was therefore granted.

GKCO Consultants, 5/27/81, BFA-0656

GKCO Consultants filed an Appeal from a denial by the Office of Business Liaison for Procurement and Assistance Management of the Department of Energy of a Request for Information that the firm had submitted under the Freedom of Information Act. In considering the Appeal, the DOE found that a portion of the information that GKCO had requested did not exist and that the firm had been supplied with the remainder of the information through private channels. Accordingly, the Appeal was denied.

Marathon Oil Company, 5/28/81, BEA-0126, BEA-0127

Marathon Oil Company filed two Appeals of Orders for the Redirection of Product which were issued to the firm by the Region IV Office of Petroleum Operations pursuant to 10 CFR 211.107(c). In considering the Appeals, the DOE determined that the orders did not include adequate factual findings to support the conclusions contained in the orders. In view of these deficiencies, the DOE concluded that the orders should be rescinded. The DOE also concluded that equitable considerations militated against ordering the firms supplied by Marathon to make restitution.

Request for Exception

Buck's Butane & Propane Service, Inc., 5/26/81, DEE-5546

Buck's Butane & Propane Service, Inc. filed an Application for Exception which, if granted, would permit the firm to establish a price on a prospective basis for the rental of propane storage tanks which exceeded the maximum permissible price. The firm also requested retroactive relief which would relieve the firm of its obligation to refund monies pursuant to a Remedial Order issued to the firm on April 21, 1977. In considering the exception request, the DOE determined that the request for prospective relief was moot, since the President exempted propane from the DOE price regulations on January 28, 1981. However, the DOE approved the relief which permitted the firm to offset monies that it had voluntarily refunded to its customers on the advice of government auditors with the firm's obligations under the April 21, 1977, Remedial Order. *See Buck's Butane and Propane Service Inc.*, 2 DOE ¶ 80,102 (1978).

Motions for Discovery

DeMartin Truck Lines, Inc., 5/28/81, BED-0121

DeMartin Truck Lines, Inc. filed a Motion for Discovery in connection with its Application for Exception from the provisions of 10 CFR 212.93. In its Motion, the firm sought affidavits and written documents from the DOE pertaining to the agency's policy on netting overcharges with undercharges. In considering the request, the DOE found that the Motion was not material or relevant to the pending exception proceeding. In addition, the Motion was filed in an untimely manner. Accordingly, DeMartin's Motion for Discovery was denied.

Marathon Oil Company, Murphy Oil Corp., Office of Special Counsel, 5/27/81, BRD-0083, BRD-0084, BRD-0084, BRD-0067

Marathon Oil Company and Murphy Oil Corporation each filed Motions for Discovery in connection with the firms' Statements of Objections to Proposed Orders of Disallowance issued to the firms by the Office of Special Counsel. In addition, the Office of Special Counsel filed Motions for Discovery directed toward Marathon and Murphy. In considering those Motions, the DOE concluded that each should be granted in part.

Supplemental Orders

The 341 Tract Unit of the Citronelle Field, 5/26/81, BEX-0212

The DOE reviewed a request by the Citronelle Unit to authorize disbursements from an escrow account set up pursuant to the provisions of an Interim Order that was designed to provide funds necessary to implement a tertiary recovery project on the Citronelle Field. *The 341 Tract Unit of the Citronelle Field*, 7 DOE ¶ 81,140 (1980). After a review of the submission, the DOE determined that the Citronelle Unit should be permitted access to a portion of the funds in the escrow account to reimburse the ownership interest for the expenditures incurred to date in implementing the tertiary recovery project on the Citronelle Field.

Warrior Asphalt Company of Alabama, Inc., 5/27/81, BYX-0211

The Department of Energy on its own motion reconsidered the exception relief which was granted to Warrior Asphalt Company of Alabama, Inc. (Warrior) pursuant to a Decision and Order issued to the firm on April 20, 1981 (Case No. DEX-0211). The DOE found that the April 20 Decision did not include two adjustments customarily utilized in the evaluation of the level of exception relief granted to Warrior. Accordingly, the DOE determined that the April 20 Decision and Order should be modified to reflect these adjustments.

Remedial Order

In the following case involving a Proposed Remedial Order, no Statement of Objections was filed. The DOE therefore issued the Order in final form.

Company Name and Case No.

Theodore Maurer, d.b.a. Newburgh Transportation, BRW-0093

Petition Involving the Motor Gasoline Allocation Regulations

The following firm filed an Application for Exception from the provisions of the Motor Gasoline Allocation Regulations. The DOE issued a Decision and Order which determined that the request be dismissed.

Company Name and Case No.

Chevy Chase Exxon, BEE-0346

Dismissals

The following submissions were dismissed without prejudice:

Name and Case No.

Bassman, Mitchell & Levy, BFA-0666
Dames & Moore, BFA-0668
Interstate Nuclear Service, BFA-0665

[FR Doc. 81-18669 Filed 6-23-81; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-5905A; TSH-FRL-1861-2]

Substituted Thiol Salt; Approval of Test Marketing Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: On April 29, 1981, EPA received an application to manufacture a new chemical substance for test marketing purposes. The submitter claimed the manufacturer identity, chemical identity, and process information confidential. The Test Marketing Exemption (TME) number assigned to the substance is TM-81-11 and is generically identified as substituted thiol salt. A **Federal Register** notice published on May 18, 1981 (46 FR 27179) announced the receipt of the exemption application. EPA has determined that the test marketing of the chemical substance will not present any unreasonable risk of injury to health or the environment under the conditions specified in the application. Therefore, the Agency has granted the submitter an exemption from the TSCA premanufacture reporting requirements for the test marketing activity described in the application.

EFFECTIVE DATE: This exemption is effective on June 17, 1981.

FOR FURTHER INFORMATION CONTACT: George Bagley, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency Rm. E-210, 401 M St., SW., Washington, DC 20460, (202-426-2601).

SUPPLEMENTARY INFORMATION: Under section 5 of TSCA, anyone who intends to manufacture in, or import into, the United States a new chemical substance for commercial purposes must submit a notice to EPA before manufacture or import begins. A "new" chemical substance is any chemical substance that is not on the Inventory of existing substances compiled by EPA under section 8(b) of TSCA. Section 5(a)(1) requires each premanufacture notice (PMN) to be submitted in accordance with section 5(d) and any applicable requirement of section 5(b). Section 5(d)(1) defines the contents of a PMN and section 5(b) contains additional reporting requirements of certain new chemical substances.

Section 5(h), "Exemptions", contains several provisions for exemptions from some or all of the requirements of section 5. In particular, section 5(h)(1) authorizes EPA, upon application, to exempt persons from any requirements of section 5(a) or section 5(b), and to permit them to manufacture or process chemical substances for test marketing purposes. To grant an exemption, the Agency must find that the test marketing activities will not present any unreasonable risk of injury to health or the environment. EPA must either approve or deny the application within 45 days of its receipt, and under section 5(h)(6) the Agency must publish a notice of this disposition in the **Federal Register**. If EPA grants a test marketing exemption, it may impose restrictions on the test marketing activities.

On April 29, 1981, EPA received an application for an exemption from the requirements of section 5(a) and 5(b) of TSCA to manufacture a substance for test marketing purposes. A **Federal Register** notice published on May 18, 1981 (46 FR 27179) announced receipt of the exemption application (TM-81-11) and requested comment on the appropriateness of granting the exemption. The Agency received no comment concerning the application. The substance for which the exemption application was submitted is identified generically as substituted thiol salt.

In the application, the submitter stated its intention to test market for a three-month period no more than 210 kg of this substance. The application also states that the substance produced under the exemption application would be used only by the submitter to manufacture a final chemical which will contain essentially none of the new site-limited intermediate as an impurity. The submitter expects that its own manufacturing process and appropriate handling of the material will minimize any opportunity for worker exposure. Some worker exposure data were submitted in the test marketing application. These data indicate that no more than four employees may be exposed to the new chemical for periods of less than one and one-half hours when handling the limited production volume. Vented hoods are used in production and all personnel involved use protective gloves, goggles, and garments. Storage of the substance will be in containers indentified by a unique batch number and appropriate label. The Agency has determined that potential humane exposure during the production and use of this substance for test marketing will be minimal when the procedures described in the application are used.

Toxicological data submitted by the manufacturer with the application indicate that the substance has a moderate degree of acute toxicity. The oral LD_{50} (rats) was 1,300-1,900 mg/kg, and a dermal LD_{50} was greater than 1,000 mg/kg. The data also indicate that the chemical is a strong irritant to the skin. Local exhaust, gloves, safety glasses, and protective clothing will be used to minimize exposure. The submitter provided no data with regard to potential chronic effects such as carcinogenicity or teratogenicity. Data generated by the Agency indicated that the new substance may have a potential for oncogenic activity. With regard to ecological effects, the Agency has no reason to anticipate hazards to aquatic or terrestrial species since no significant environmental release is likely.

Because of the moderate level of concern regarding the toxicity of the substance, along with minimal, if any, human exposure and environmental release during test marketing, EPA has determined that the substance will not present any unreasonable risk of injury to health or the environment as a result of the test marketing activities described by the manufacturer. Accordingly, EPA grants the manufacturer an exemption from the premanufacture reporting requirements for purposes of test marketing the substituted thiol salt in the manner described in the exemption application and in a letter sent by the manufacturer.

This test market exemption is granted based on the facts and information obtained and reviewed, but is subject to all conditions set out in the exemption application, and in particular those enumerated below:

1. This exemption is granted solely to this manufacturer.

2. The applicant must maintain records of the date(s) of production and the quantities produced in each batch and must make these records available to EPA upon request.

3. The production volume of the new substance may not exceed the quantity of 210 kg described to EPA in the test marketing exemption application.

4. The test marketing activity approved in this notice is limited to a period of three months commencing on the date of signature of this notice by the Administrator.

5. The number of workers exposed to the new chemical should not exceed that specified in the application and the exposure levels and duration of exposure should not exceed that specified. Worker protection measures specified (use of protective garments, goggles, gloves, vented hoods, etc.) must be observed.

6. The Agency reserves the right to rescind its decision to grant this exemption should any new information come to its attention which casts

significant doubt on the Agency's conclusion that the test marketing activity will not present an unreasonable risk of injury to human health or the environment.

Dated: June 17, 1981.

Anne M. Gorsuch,

Administrator.

[FR Doc. 81-18634 Filed 6-23-81; 8:45 am]

BILLING CODE 6560-31-M

[A-1-FRL-1861-3]

Natick Paperboard Co.; Prevention of Significant Deterioration

Notice is hereby given that on April 30, 1981, the Environmental Protection Agency issued a Prevention of Significant Deterioration (PSD) permit to Natick Paperboard Company for a replacement boiler in their Natick, Massachusetts mill. This permit has been issued under EPA's Prevention of Significant Deterioration of Air Quality regulations (40 CFR Part 52.21) subject to certain conditions, including:

1. The replacement boiler shall not burn fuel oils with a sulfer content greater than 2.2%.

2. The combined maximum heat input of all three boilers at the plant shall not exceed 60m Btu/hr.

The PSD permit approval is reviewable under Section 307(b)(1) of the Clean Air Act only in the First Circuit Court of Appeals. A petition for review must be filed on or before August 24, 1981 (60 days from publication in the **Federal Register.**

Copies of the PSD permit are available for public inspection upon request at the following locations:

Environmental Protection Agency, Region I, Room 1903, J.F.K. Federal Building, Boston, Massachusetts 02203.

Department of Environmental Quality Engineering, 209 New Boston Road, Woburn, Massachusetts 01801.

Morse Institute Library (Natick), 14 E. Central Street, Natick, Massachusetts 01760.

Dated: June 9, 1981.

Leslie A. Carothers,

Acting Regional Administrator, Region I.

[FR Doc. 81-18633 Filed 6-23-81; 8:45 am]

BILLING CODE 6560-35-M

[W-2-FRL-1860-7]

National Pollutant Discharge Elimination System (NPDES); Preparation of Draft General Permit

AGENCY: Environmental Protection Agency.

ACTION: Preparation of Draft General Permit, PR 0023582.

SUMMARY: This notice announces that the EPA Region II Office has prepared a draft general permit in accordance with requirements governing the NPDES program under the Clean Water Act (CWA) for the discharge of military explosion by-products and related pollutants into the offshore waters of the island of Vieques, Puerto Rico. The draft general permit was prepared under EPA's Consolidated Permit Regulations, 40 CFR Parts 122 and 124 (45 FR 33418 *et seq.*). At this time, public comment is invited on whether a final permit should be issued and, if so, whether any provisions of the draft permit should be changed in the final permit.

DATES: Comments, including any request for a public hearing, must be submitted by the close of the public comment period, July 24, 1981. (See Supplemental Information.)

ADDRESSES: Written comments, including any request for a public hearing must be submitted to the Chief, Permits Administration Branch, Planning and Management Division, U.S. Environmental Protection Agency, Region II, 26 Federal Plaza, New York, New York 10278, Room 432. Copies of the draft general permit and the administrative record supporting this draft permit are available for public inspection at the above address from 8:30 a.m. to 4:00 p.m., Monday through Friday, except legal holidays. This information is also available for public inspection at Region II's San Juan Field Office, Public Health Service Compound, Avenida Fernandez Juncos, Stop 8½, Puerta de Tierra, San Juan, Puerto Rico, 809-725-7825, from 8:00 a.m. to 4:30 p.m., Monday through Friday, except legal holidays. Copies of the administrative record may be obtained at a charge of $.20 per copy sheet. Copies of the draft general permit and fact sheet may also be obtained by writing to either of the above New York or San Juan addresses.

FOR FURTHER INFORMATION CONTACT: Richard Baker, Chief, Permits Administration Branch at the above address or by calling 212-264-9885.

SUPPLEMENTARY INFORMATION: In accordance with a 1979 decision of the United States District Court for the District of Puerto Rico, the U.S. Navy Atlantic Fleet Weapon Training Facility was required to submit an application to the U.S. Environmental Protection Agency for a NPDES permit for its discharge of military explosive by-products and related pollutants into the offshore waters of the island of Vieques, Puerto Rico. The Regional Administrator of Region II has tentatively decided that a general permit covering the above activities rather than an individual permit should be issued, and the regional office has prepared the draft general permit which is the subject of this Notice. The administrative record supporting this draft general permit includes all data submitted by the U.S. Navy Atlantic Fleet Weapons Training Facility, draft and final environmental impact statements, the draft general permit, a fact sheet, and the Federal Court decision; the record describes the reasons for the conditions in the draft general permit. This draft general permit contains discharge and receiving water monitoring, standards, prohibitions and other conditions necessary to carry out the provisions of the CWA.

If, after the conclusion of the proceedings summarized below, the Regional Administrator makes a final decision to issue a permit, the applicant will be required to comply with all the conditions in that permit. All persons who believe that preparation of a draft general permit is inappropriate, or that any of the conditions of the draft general permit are not appropriate, have an obligation to raise all reasonably ascertainable issues and submit all reasonably available arguments and factual grounds supporting their position, including all supporting material, by the close of the public comment period. All supporting material must be submitted in full unless it is already included in the administrative record. If the Regional Administrator finds that comments timely submitted appear to raise substantial new questions, he may reopen the public comment period.

In lieu of, or in addition to, the submission of comments as above provided, any interested person may request a public hearing. Any request for an informal public hearing under 40 CFR 124.11 must be in writing, state the nature of the issues proposed to be raised in the hearing, and be submitted by the close of the public comment period. EPA's decision on the question of whether to hold a public hearing on the draft general NPDES permit, the administration of any hearing, and the rights and obligations of participants are governed by regulations at 40 CFR 124.12. If a public hearing is held, the public comment period in this Notice shall automatically be extended to the close of the public hearing. If no informal public hearing is held or if the public comment period is not reopened, EPA shall consider the issuance of a final permit to the applicant as soon as

possible after the date indicated above for the submission of comments. All comments timely submitted by interested persons in response to this Notice, and statements and other evidence properly submitted at any public hearing held shall be considered by the Regional Administrator in making the final decision with respect to this permit application. All comments shall be answered as provided in 40 CFR 124.17.

The U.S. Navy Atlantic Fleet Weapons Training Facility or any other person who submits timely written comments or requests notice of the final permit decision shall receive notice of the Regional Administrator's final decision.

Dated: June 12, 1981.

Richard T. Dewling,

Acting Regional Administrator.

[FR Doc. 81-18624 Filed 6-23-81; 8:45 am]

BILLING CODE 6560-38-M

FEDERAL MARITIME COMMISSION

[Docket No. 81-41]

Atlantis Line, Ltd. v. Farrell Lines, Inc.; Filing of Complaint and Assignment

Notice is given that a complaint filed by Atlantis Line, Ltd. against Farrell Lines, Inc. was served June 16, 1981. Complainant alleges that respondent has subjected it to payment of rates for ocean transportation greater than those published in respondent's tariff.

This proceeding has been assigned to Administrative Law Judge John E. Cograve. Hearing in this matter, if any is held, shall commence within the time limitations prescribed in 46 CFR 502.61. The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matter in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record.

Joseph C. Polking,

Acting Secretary.

[FR Doc. 81-18575 Filed 6-23-81; 8:45 am]

BILLING CODE 6730-01-M

[Independent Ocean Freight Forwarder License No. 1996]

I.N.A. Freight Forwarding Services (Ernest A. Fransz, DBA); Order of Revocation

On June 15, 1981, I.N.A. Freight Forwarding Service (Ernest A. Fransz, dba), 10427 Freeman Avenue, Inglewood, CA 90304 surrendered his Independent Ocean Freight Forwarder License No. 1996 for revocation.

Therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised), § 5.01(c), dated August 8, 1977;

It is ordered, that Independent Ocean Freight Forwarder License No. issued to I.N.A. Freight Forwarding Services (Ernest A. Fransz, dba), be revoked effective June 15, 1981, without prejudice to reapplication for a license in the future.

It is further ordered, that a copy of this Order be published in the **Federal Register** and served upon I.N.A. Freight Forwarding Services (Ernest A. Fransz, dba).

Albert J. Klingel, Jr.,

Director, Bureau of Certification and Licensing.

[FR Doc. 81-18573 Filed 6-23-81; 8:45 am]

BILLING CODE 6730-01-M

Independent Ocean Freight Forwarder License; Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(c)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

Dimerco Express (USA) Corp., 5005 West Century Blvd., Suite 105, Inglewood, CA 90304. Officers: Hal De Quardo, President, Johnson Liu, Vice President, Anthony Chien, Secretary/Treasurer.

Phoenix International Freight Services, Ltd., 1812 Elmhurst Rd., Elk Grove Village, IL 60007. Officers: William McInerney, President, Edward Zahorik, Vice President, Maureen McInerney, Secretary/Treasurer.

Richard W. McEllen, Secretary.

Thunderbird Forwarders (Shigehiro Uchida, dba), P.O. Box 6759, Torrance, CA 90504.

By the Federal Maritime Commission.

Dated: June 18, 1981.

Joseph C. Polking,

Acting Secretary.

[FR Doc. 81-18574 Filed 6-23-81; 8:45 am]

BILLING CODE 6730-01-M

[Independent Ocean Freight Forwarder License No. 1640]

J. B. International Services & Forwarders (Jose Buceta D/B/A); Order of Revocation

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4 further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

The bond issued in favor of J. B. International Services & Forwarders (Jose Buceta, d/b/a), P.O. Box 92, Lawndale, CA 90260 was cancelled effective June 14, 1981.

By letter dated June 1, 1981, J. B. International Services & Forwarders, (Jose Buceta, d/b/a) was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder No. 1640 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission.

J. B. International Services & Forwarders (Jose Buceta d/b/a) has failed to furnish a valid bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised), section 5.01(d) dated August 8, 1977;

Notice is hereby given, that Independent Ocean Freight Forwarder License No. 1640 be and is hereby revoked effective June 14, 1981.

It is ordered, that Independent Ocean Freight Forwarder License No. 1640 issued to J. B. International Services & Forwarders (Jose Buceta d/b/a) be returned to the Commission for cancellation.

It is further ordered, that a copy of this Order be published in the **Federal Register** and served upon J. B.

International Services & Forwarders (Jose Buceta d/b/a).

Albert J. Klingel, Jr.,

Director, Bureau of Certification and Licensing.

[FR Doc. 81-18572 Filed 6-23-81; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Bank Holding Companies; Proposed De Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than July 13, 1981.

A. *Federal Reserve Bank of Boston* (Richard E. Randall, Vice President), 600 Atlantic Avenue, Boston, Massachusetts 02106:

Industrial National Corporation, Providence, Rhode Island (finance, servicing, and insurance activities: Virginia): to engage through its subsidiary, Kensington Mortgage and Finance Corp., in the activities of making, selling, and servicing of loans for the purchase of mobile homes, and acting as agent for the sale of credit life, accident and health insurance. These activities would be conducted from and office in Raleigh, North Carolina, serving the Commonwealth of Virginia.

B. *Federal Reserve Bank of Dallas* (Anthony J. Montelaro, Assistant Vice President), 400 South Akard Street, Dallas, Texas 75222:

American Bancshares, Inc., Monroe, Louisiana (leasing: Louisiana): to engage *de novo* through a wholly-owned subsidiary, American Leasing Company, in leasing heavy equipment. This activity will be conducted from an office located in Monroe, Louisiana, and will serve Ouachita Parish in Louisiana.

C. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, June 16, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-18599 Filed 6-23-81; 8:45 am]

BILLING CODE 6216-01-M

Bank Holding Companies; Proposed De Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. § 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than July 13, 1981.

A. *Federal Reserve Bank of San Francisco* (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

1. Old National Bancorporation, Spokane, Washington, (mortgage banking and insurance agency activities: Washington): Making or acquiring, for its own account or for the account of others, loans or other extensions of credit, secured by real estate mortgages or deeds of trust, and the servicing of such loans, and such other activities as are incidental to the operations of a mortgage company, including, but not limited to, acting as agent or broker for the sale of mortgage redemption life and disability insurance and property and casualty insurance to be issued in connection with the making, acquiring or servicing of such loans.

There activities will be conducted from an office located in Seattle, Washington, serving the State of Washington.

2. Security Pacific Corporation, Los Angeles, California (industrial loan, financing and credit-related insurance activities; Kansas): to engage in industrial loan corporation activities through its subsidiary, Security Pacific Finance Money Center Inc., including making, acquiring and servicing loans and other extensions of credit; accepting time and savings deposits and issuing thrift certificates and thrift passbook certificates; and acting as agent for the sale of credit related life, accident, health and casualty insurance as authorized by Kansas law. These activities would be conducted from offices of Security Pacific Finance Money Center Inc., in the Kansas cities of Dodge City, Garden City, Goodland, Great Bend, Hutchinson, Lawrence, Liberal, Mission, Newton, Overland Park, Salina, Scott City, Topeka, Wichita and Winfield, serving the State of Kansas.

B. *Federal Reserve Bank of New York* (A. Marshall Puckett, Vice President) 33 Liberty Street, New York New York 10045:

1. Citicorp, New York, New York (consumer finance; Washington): to engage through a proposed *de novo* office of its indirect subsidiary, Citicorp Washington Industrial Loan Company, to be located in Federal Way, Washington, in servicing, for any person, loans and other extensions of

credit. The service area of the proposed *de novo* office would be comprised of the entire State of Washington. Citicorp also wishes to expand the previously approved service area of the existing office of Citicorp Washington Financial Center, Inc., at the same location in Federal Way, Washington, to include the entire State of Washington. The previously approved activities of that office include the aforementioned activity.

2. Citicorp, New York, New York (consumer finance; Washington): to engage through a proposed *de novo* office of its indirect subsidiary, Citicorp Washington Industrial Loan Company, to be located in Lacey, Washington, in servicing, for any person, loans and other extensions of credit. The service area of the proposed *de novo* office would be comprised of the entire State of Washington. Citicorp also wishes to expand the previously approved service area of the existing office of Citicorp Washington Financial Center, Inc., at the same location in Lacey, Washington, to included the entire State of Washington. The previously approved activities of that office include the aforementioned activity.

C. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, June 15, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-18600 Filed 6-23-81; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Proposed de Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and, except as noted, received by the appropriate Federal Reserve Bank not later than July 16, 1981.

A. *Federal Reserve Bank of Dallas* (Anthony J. Montelaro, Assistant Vice President) 400 South Akard Street, Dallas, Texas 75222:

Texas Commerce Bancshares, Inc., Houston, Texas (insurance activities; Texas): to engage through its subsidiary, Pyramid Agency, Inc., in acting as a managing general insurance agency with respect to property and casualty insurance for its banking subsidiaries. These activities would be conducted from an office in Houston, Texas, serving all member banks of the holding company at their locations throughout the State of Texas. Comments on this application must be received not later than July 1, 1981.

B. *Federal Reserve Bank of San Francisco* (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

1. BankAmerica Corporation, San Francisco, California (financing, servicing, and insurance activities; Virginia and Tennessee): to expand the geographic scope of the subject activities of engaging through its indirect subsidiaries, FinanceAmerica Corporation and FinanceAmerica Mortgage Services Company, Virginia corporations, in the activities of making or acquiring for their own accounts loans and other extensions of credit, and offering credit-related life and credit-related accident and health insurance; credit-related property insurance will not be offered by either corporation in either the State of Virginia or Tennessee. The activities of FinanceAmerica Corporation will include, but not be limited to, making loans and other extensions of credit to consumers as well as small businesses; and purchasing installment sales finance contracts. The activities of FinanceAmerica Mortgage Services Company will include, but not be limited to, making loans and other extensions of credit to small businesses; and making loans secured by real property. Both corporations will offer credit related life and credit related accident and health insurance directly related to extensions of credit made or acquired by both FinanceAmerica Corporation and FinanceAmerica Mortgage Services Company.

These activities will be conducted from existing offices in Bristol, Charlottesville, Falls Church, Fredericksburg, Manassas, and Roanoke, Virginia, serving the entire State of Virginia. In addition, the geographic service area of the Bristol, Virginia office will include the entire State of Tennessee.

2. Wells Fargo & Company, San Francisco, California (finance, leasing, investment advising, bookkeeping, and data processing activities; Eastern United States): to engage, through its subsidiary, Wells Fargo Realty Advisors, in making, acquiring, and servicing real estate-related loans and other extensions of credit for its own account or for the account of others, providing full pay-out leasing of real property or acting as agent, broker or advisor in arranging such leases to the extent permitted by section 225.4(a)(6)(b) of the Board's Regulation Y, acting as an investment advisor to a real estate investment trust affiliate, other affiliates of Wells Fargo & Company, and other investors with respect to real estate investment portfolios, and providing bookkeeping or data processing services related to real estate investments of Wells Fargo & Company and its subsidiaries. These activities would be conducted from an office in the District of Columbia, serving primarily the States of Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, Virginia, and West Virginia.

C. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, June 17, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-18602 Filed 6-23-81; 8:45 am]

BILLING CODE 6210-01-M

First Bancorporation of Ohio; Formation of Bank Holding Company

First Bancorporation of Ohio, Akron, Ohio, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent or more of the voting shares of The First

National Bank of Akron, Akron, Ohio, and of The Old Phoenix National Bank of Medina, Medina, Ohio. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Cleveland. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than July 16, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 17, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-18601 Filed 6-23-81; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Meeting of the Bureau of Indian Affairs Advisory Committee for Exceptional Children; To Investigate the Unmet Needs of Handicapped Indian Children

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8.

In accordance with section 612(7) of Pub. L. 91-230 as amended by section 5(a) of Pub. L. 94-142, Education of the Handicapped Act, the Bureau of Indian Affairs Advisory Committee will meet June 29-30, 1981, at the Holiday Inn Capitol, 500 C Street, S.W., Washington, D.C., from 8:00 A.M. to 4:00 P.M.

The purpose of the meeting will be to investigate the unmet needs of handicapped Indian children and to discuss miscellaneous related items.

The meeting is open to the public. Any member of the public can file a written statement concerning the matters discussed.

Additional information about the meeting may be obtained from Ms. Dixie Owen, Bureau of Indian Affairs, Main Interior, room 4655, phone (202) 343-4071.

Ken Smith,

Assistant Secretary—Indian Affairs.

[FR Doc. 81-18627 Filed 6-23-81; 8:45 am]

BILLING CODE 4310-02-M

Bureau of Land Management

Alaska Outer Continental Shelf; Availability of Draft Environmental Impact Statement and of Intent To Hold Public Hearings Regarding Proposed Oil and Gas Lease Sale No. 57

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Bureau of Land Management has prepared a draft environmental impact statement relating to a proposed Outer Continental Shelf oil and gas lease sale of 429 tracts of submerged Federal lands in Norton Sound.

Single copies of the draft environmental impact statement can be obtained from the Office of the Manager, Bureau of Land Management, Alaska OCS Office, 620 E. 10th Street, P.O. Box 1159, Anchorage, Alaska 99510 and from the Office of Public Affairs, Bureau of Land Management (130), Washington, D.C. 20240.

Copies of the draft environmental impact statement will also be available for review in the following public libraries: Alaska Federation of Natives, 1577 O Street, Suite 304, Anchorage, AK 99501; Anchor Point Public Library, Anchor Point, AK 99556; Department of the Interior Alaska Resources Library, 701 "C" Street, Box 36, Anchorage, AK 99513; Cordova Public Library, Box 472, Cordova, AK 99574; Kenai Community Library, Box 157, Kenai, AK 99611; Elim Learning Center, Elim, AK 99739; Haines Public Library, P.O. Box 36, Haines, AK 99827; North Star Borough Library, Fairbanks, AK 99701; University of Alaska, Institute of Social and Economic Research Library, Fairbanks, AK 99801; Homer Public Library, Box 356, Homer, AK 99603; Z. J. Loussac Public Library, 427 F Street, Anchorage, AK 99801; Juneau Memorial Library, 114 W. 4th Street, Juneau, AK 99824; Alaska State Library, Documents Librarian, Pouch G, Juneau, AK 99811; Ketchikan Public Library, 629 Dock Street, Ketchikan, AK 99901; Department of Defense, Army Corps of Engineers Library, P.O. Box 7002, Anchorage, AK 99501; Kodiak Public Library, P.O. Box 985, Kodiak, AK 99615; Metlakatla Extension Center, Metlakatla, AK 99926; Department of Interior, Bureau of Mines Library, AF-F.O. Center, P.O. Box 550, Juneau, AK 99802; Petersburg Extension Center, Box 289, Petersburg, AK 99833; Seldovia Public Library, Drawer D, Seldovia, AK 99663; Seward Community Library, Box 537, Seward, AK 99664; University of Alaska Juneau Library, P.O. Box 1447, Juneau, AK 91447; Sitka Community Library, Box 1090, Sitka AK 99835; Douglas Public Library, Box 469, Douglas, AK 99824; University of Alaska Anchorage Library, 3211 Providence Drive, Anchorage, AK 99504; University of Alaska Elmer E. Rasmusson Library, Fairbanks, AK 99701; Wrangell Extension Center, Box 651, Wrangell, AK 99929.

Public hearings will be held in Nome, Bethel, and Anchorage, Alaska, for the purpose of receiving comments and suggestions relating to the draft statement. The exact locations and dates of these hearings will be announced at a later date. Comments concerning the draft environmental impact statement will be accepted until October 16, 1981, and should be sent to the Manager, Alaska OCS Office, at the above listed address.

After the public hearings are held and comments are received and considered, a final environmental impact statement will be prepared.

Arnold E. Petty,

Director, Bureau of Land Management, Acting Associate.

[FR Doc. 81-18584 Filed 6-23-81; 8:45 am]

BILLING CODE 4310-84-M

Locations and Dates of Public Hearings Regarding the Draft Supplement to the Final Environmental Impact Statement, Proposed Five-Year OCS Oil and Gas Lease Sale Schedule, January 1982-December 1986, and Extension of the Public Comment Period

On June 10, 1981, a **Federal Register** notice 46 FR 30706 announced the availability of the supplement to the final environmental impact statement on the proposed Five-Year OCS Oil and Gas Lease Schedule indicating that the exact locations and dates of public hearings on the draft supplement would be announced at a later date.

The public hearings are scheduled on the following dates and times, at the following locations:

July 21, 1981

New York, New York
9:00 a.m. to 5:00 p.m.
The Oval Room, 1 World Trade Center.
Contact: Rich Barnett, 264-1061

July 22, 1981

Anchorage, Alaska
8:30 a.m. to 2:00 p.m., for those testifying in Anchorage
2:15 p.m. to 4:00 p.m. and

7:00 p.m. to 9:00 p.m.
Teleconference network for those testifying from Anchorage
International Banquet House, 549 West International Airport Rd., Contact: Nancy Hendrix, 276–2955

July 23, 1981

Anchorage, Alaska
8:30 a.m. to 4:00 p.m., for those testifying in Anchorage
International Banquet House, 549 West International Airport Rd., Contact: Nancy Hendrix, 276–2955

July 23, 1981

Los Angeles, California
9:00 a.m. to 5:00 p.m.
Renaissance Room.
Biltmore Hotel, 515 South Olive, Contact: Arnita Warren, 688–6756

July 24, 1981

Washington, D.C., 18th & C Sts., N.W., Contact: Archie Melancon, 343–6264

July 24, 1981

New Orleans, Louisiana
Hale Boggs Federal Building, 500 Camp Street, Suite 831, Contact: Doug Elvers, 682–6541

Hearings may be held open beyond the listed closing time depending on the numbers of witnesses present.

The hearings will provide the Secretary of the Interior with additional information from governmental agencies and the public and private sectors to help evaluate the potential effects of the proposed schedule.

Interested individuals, representatives of organizations, and public officials wishing to testify at the hearings are requested to contact the person listed in the particular area. Time limitations make it necessary to limit the length of oral presentation to ten (10) minutes. An oral statement may be supplemented, however, by a more complete written statement which should be submitted to a hearing official at the time of oral presentation. Written statements will be considered for inclusion in the hearing record. To the extent that time is available after presentation or oral statements by those who have given advance notice, the hearing officer will give others present an opportunity to be heard.

Written comments from those unable to attend the hearings should be addressed to the Manager of the OCS office at the following addresses:

New York OCS Office, Bureau of Land Management, 26 Federal Plaza, Suite 32–120, New York, New York 10278
New Orleans OCS Office, Bureau of Land Management, Hale Boggs Federal Building, 500 Camp Street, Suite 841, New Orleans, Louisiana 70130
Alaska OCS Office, Bureau of Land Management, P.O. Box 1159, Anchorage, Alaska 99510
Chief, Division of Offshore Resources, Bureau of Land Management (540), Main Interior Building, 18th & C Sts., N.W., Washington, D.C. 20240
Pacific OCS Office, Bureau of Land Management, 1340 W. 6th Street, Room 200, Los Angeles, California 90017

The Bureau will now accept written comments on the draft supplement to the final environmental impact statement until August 10, 1981 instead of the previously listed date of July 27, 1981. This will allow time for those unable to testify at the hearing to make their views known and for those presenting oral testimony to submit supplemental materials.

After all testimony and comments have been received and considered, a final environmental impact statement will be prepared.

Ed Hastey,

Associate Director, Bureau of Land Management.

June 19, 1981.

[FR Doc. 81–18583 Filed 6–23–81, 8:45 am]

BILLING CODE 4310–84–M

Las Vegas District Multiple Use Advisory Council: Meeting

The Las Vegas (NV) District Multiple Use Advisory Council will meet on July 16, 1981 in the District Office Conference Room, 4765 W. Vegas Drive, beginning at 8 a.m. as previously announced in the **Federal Register** (p 22270, Vol. 26, No. 73). The agenda will be as follows: Information Items: Judy Davenport's "Boomtown" Video Tapes; MX Update; Clark County Planning/EIS; Clark County ORV designation, and Action Items: Las Vegas Valley Land Sale-Procedures for Parcel Selection; Dedication of Red Rock Visitor Center; Wild Horse Removal from Bombing Range; Caliente Planning Unit ORV Designation.

Kemp Conn,

District Manager.

[FR Doc. 81–18642 Filed 6–23–81, 8:45 am]

BILLING CODE 4310–84–M

Results of Applying Coal Unsuitability Criteria and Notification of Public Meetings for the Draft North Fork Coal Amendment/EA

Two areas in the North Fork Valley, Delta County, Colorado, are under consideration for possible future coal leasing. These areas are described as follows:

Area 1 (approximately six miles west of Cedaredge)

T.13S., R.96W., 6th P.M.
Sec. 8: Lots 1–9, 11–17
Sec. 17: Lots 3–16, 18–21
Sec. 18: Lots 5–16, 21, 23, 25, 27
Sec. 20: Lots 1, 4, 14, 15

Area 2 (approximately 2.5 miles north of Paonia)

T.13S., R.91W., 6th P.M.
Sec. 5, 6, and 8: All
Sec. 7: Lots 1, 2, E½, E½ NW¼
Sec. 17: E½, N½ NW¼
Sec. 18: N½ NE¼, SW¼ NE¼, NW¼ SE¼, S½ SE¼
Sec. 19: Lots 1, 2, 3, NE¼, SE¼ NW¼
Sec. 20: Lots 1, 2, 3
T.13S., R.92W., 6th P.M.
Sec. 1, 2, 3, 10, 11, 14, 15: All
Sec. 12: Lots 1–8, 10–14, SE¼ SW¼
Sec. 13: Lots 2, 7–10, NW¼
Sec. 22: N½, N½ S½, SW¼ SW¼
Sec. 23: N½, N½ S½, S½ SE¼

Coal unsuitability criteria have been applied to both areas (as per 43 CFR 3460). No portions of either area were found unsuitable for further consideration; however, exceptions or mitigating measures for criteria numbers 2, 3, 7, 11, 14 and 19 have been applied.

Maps of the areas to which the coal unsuitability criteria have been applied, including the one-mile buffer zone, are available for public review at the Uncompahgre Basin Resource Area Office, located at 336 South 10th, Montrose, Colorado 81401; (303) 249–2244.

Two public meetings to review the Draft North Fork Coal Planning Amendment/EA (which includes the report on the application of coal unsuitability criteria) will be held on July 14, 1981, at the Paonia High School Cafeteria, 7:30 p.m., and July 16, 1981 at the Cedaredge Grade School Cafeteria, 7:30 p.m. The 30-day public comment period will end on July 31, 1981. Copies of the draft may be reviewed at the Uncompahgre Basin Resource Area Office.

No significant impacts which would preclude further consideration for coal leasing were found in either area. Two public meetings were conducted to review issues and planning criteria. Although several issues were raised relating to transportation, the need for comprehensive social and economic data and the sizes of the areas under consideration, none were serious enough to preclude further consideration of these areas at this time. During tract delineation, these concerns will need further evaluation.

If the final Amendment/EA is approved by the BLM State Director, these areas will be further studied in 1982 during coal activity planning and

included for study in the Uinta-Southwest Utah Regional EIS.

For further information, contact Don Lotvedt, Uncompahgre Basin Resource Area Manager, P.O. Box 1269, Montrose, CO 81402; (303) 249–2244.

Marlyn V. Jones,

District Manager.

[FR Doc. 81–18644 Filed 6–23–81; 8:45 am]

BILLING CODE 4310–84–M

[W–889]

Wyoming; Proposed Continuation of Withdrawal

June 12, 1981.

The Bureau of Land Management, U.S. Department of the Interior, proposes to continue the existing withdrawal of the following public lands made by Public Land Order of October 9, 1967, for a 20 year period pursuant to Section 204 of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2751; 43 U.S.C. 1714):

Sixth Principal Meridian, Wyoming

T. 25 N., R. 118 W.,
Sec. 35, E½SW¼.
The area described contains 80 acres in Lincoln County, Wyoming.

The purpose of the withdrawal is for the Pine Creek Public Recreation site. The withdrawal closed the described lands to all forms of appropriation under the Public Land Laws, including the Mining Laws, but not to leasing under the Mineral Leasing Laws. No change in the segregative effect or use of the land is purposed by the continuation.

Comments, suggestions, or objections to this proposed withdrawal continuation must be submitted in writing to the undersigned authorized officer of the Bureau of Land Management, on or before June 26, 1981.

Notice is hereby given that an opportunity for a public hearing is afforded in connection with the proposed withdrawal continuation. All interested persons who desire to be heard on the proposal must submit a written request for a hearing to the undersigned before July 27, 1981. Upon determination by the State Director, Bureau of Land Management, that a public hearing will be held, a notice will be published in the **Federal Register** giving the time and place of such hearing. Public hearings are scheduled and conducted in accordance with BLM Manual, Section 2351.16B.

The authorized officer of the Bureau of Land Management will make necessary investigations to determine the existing and potential demands for the land and its resources and review the withdrawal rejustification to insure that continuation would be consistent with the statutory objectives of the programs for which the land is dedicated. He will also prepare a report for consideration by the Secretary of the Interior, the President, and Congress, who will determine whether or not the withdrawal will be continued and, if so, for how long. The final determination on the continuation of the withdrawal will be published in the **Federal Register**. The existing withdrawal will continue until such final determination is made.

All communications in connection with this proposed withdrawal continuation should be sent to the undersigned officer, U.S. Department of the Interior, P.O. Box 1828, 2515 Warren Avenue, Cheyenne, Wyoming 82001.

Eddie D. Kassahn,

Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81–18643 Filed 6–23–81; 8:45 am]

BILLING CODE 4310–84–M

National Park Service

San Antonio Missions Advisory Commission; Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the San Antonio Missions Advisory Commission will be held at 1:30 P.M., Tuesday, July 14, 1981, at the Federal Building, 727 E. Durango, Rm. A206, San Antonio, Texas.

The San Antonio Missions Advisory Commission was established pursuant to Pub. L. 95–629, Title II, November 10, 1978. The purpose of the commission is to advise the Secretary of the Interior or his designee on matters relating to the park and with respect to carrying out the provisions of the statute establishing the San Antonio Missions National Historical Park.

Matters to be discussed at this meeting include:

Park Operational Status Report.

Excavations at Mission Concepcion.

Cost and funding for maintenance, preservation, and research for all Missions.

The meeting will be opened to the public, however, facilities and space for accommodating members of the public will be limited and persons will be accommodated on a first-come, first-serve basis.

Any member of the public may file a written statement concerning the matters to be discussed with the Superintendent, San Antonio Missions National Historical Park.

Persons wishing further information regarding this meeting or who wish to submit a written statement may contact Jose A. Cisneros, Superintendent, 727 E. Durango, Room A612, San Antonio, Texas 78206, telephone (512) 229–6009.

Minutes of the meeting will be available for public review four weeks after the meeting at the office of the San Antonio Missions National Historical Park.

Dated: June 15, 1981.

Robert Kerr,

Regional Director, Southwest Region.

[FR Doc. 81–18681 Filed 6–23–81; 8:45 am]

BILLING CODE 4310–70–M

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. MC–45 (Sub-1)]

Interpretation of Commodity Classification: Wood Chips

Decided: June 17, 1981.

AGENCY: Interstate Commerce Commission.

ACTION: Interpretation of "wood chips" exemption.

SUMMARY: The Commission is adopting guidelines to interpret the scope of the "wood chips" exemption of 49 U.S.C. 10526(a)(13). The statutory term "wood chips" found to include wood residues from primary manufacturing plants and from the forest, such as slabs, trimmings, shavings, sawdust, edgings, and hogged fuel.

EFFECTIVE DATE: The interpretation becomes effective upon publication in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT: Judy Ann Barnes, (202) 275–7962 or Karlheinz Morell, (202) 275–7953.

SUPPLEMENTARY INFORMATION: Section 7(c) of the Motor Carrier Act of 1980 (Pub. L. 96–296), enacted July 1, 1980, added a new paragraph (13)[1] to 49 U.S.C. 10526(a) which exempts from regulation by this Commission the motor carrier transportation of wood chips. We instituted this proceeding by issuing a notice of proposed commodity interpretation (45 FR 73185, November 4, 1980) to clarify the scope of the exemption. In that notice, we announced that we were considering interpreting the statutory term "wood chips" as including wood residue, waste, slabs, trimmings, shavings, and edgings.

We invited the public to comment and 19 statements were received. Seventeen

[1] Although the "wood chips" exemption was initially designated as paragraph (12) to 49 U.S.C 10526(a), it was subsequently redesignated as paragraph (13) by the Household Goods Transportation Act of 1980 (Public Law 96–454).

parties generally support the proposed interpretation, although several of these have suggested alternative definitions or additional items that should be included within the exemption, one seeks a somewhat narrower interpretation, and only one is totally opposed to the broad interpretation.

The issue to be resolved in this proceeding is the interpretation properly to be accorded the "wood chips" exemption embodied in section 10526(a). The term "wood chips" is not defined in the Act, and there is nothing specific in the legislative history of the bills that directly resulted in enactment of the Motor Carrier Act of 1980 which sheds any light on the limits or extent of the exemption. In the absence of any such specific declaration by Congress, it is necessary to consider other factors, such as the overall purpose of the Act, industry or trade uses and practices, common understandings within the transportation industry, and the practical and economic consequences of the alternative interpretations advanced by the parties.

The overall purpose of the Motor Carrier Act of 1980 is to reduce unnecessary regulation by the Federal Government. See section 2 of the Act. The new law was designed generally to promote competition and allow the most productive use of equipment and energy resources. In section 7 of the Act, Congress expanded the areas of transportation exempt from Commission regulation. The purpose of this section is to help independent owner-operators and enable all types of carriers to reduce empty mileage, enhance operating efficiency, and make the most productive use of equipment. Also, Congress expected the new exemptions to result in cost savings to the consumer through increased service and price competition and improved energy efficiency. See 126 CONG. REC. H 5343-44 (daily ed. June 19, 1980).

Moreover, the various provisions of the Act are to be administered and enforced with a view to carrying out the goals of the national transportation policy. This policy sets the tone for the regulatory structure and is the basis for determining the meaning of statutory provisions. H. Rept. 96-1069, 96th Cong., 2d sess., 11-12 (1980). The national transportation policy, as amended by section 4 of the Act [49 U.S.C. 10101(a)(7)], directs the Commission, with respect to motor carriers of property, to promote competitive and efficient transportation services to meet the needs of shippers, receivers, and consumers, to encourage price and service options, to achieve energy and economic efficiency, to provide opportunities for adequate profits and fair wages, to provide and maintain service to small communities and small shippers, to improve and maintain a sound, safe, and competitive motor carrier system, to promote participation by minorities, and to promote intermodal transportation.

A number of the parties supporting our proposed [broad] interpretation of the term "wood chips" have pointed out that the conditions surrounding the manufacture, transportation, and ultimate useage of all the wood residuals under consideration are virtually the same. Although wood chips are sometimes a primary manufactured product, they are also a residual or by-product from the manufacturing of lumber and lumber products as are all of the other involved items. All of the various items under consideration are commercially regarded as residuals or by-products which have a more limited value than the primary products. One party explains that it is generally accepted custom in the forest products industry that the term "wood chips" encompasses the various other wood residuals.

Also, the various commodities have similar uses. While wood chips are the basic raw material used in the manufacture of wood pulp, various other residuals, such as sawdust, wood waste, slabs, trimmings, shavings and edgings, are also used, albeit to a lesser degree. Similarly, particleboard is manufactured from varying sized particles of wood, including chips, sawdust, flakes, shavings, slivers, and trimmings. There has also been a rapid growth in the use of the various wood residues to produce a mixture which serves as an alternate fuel source.

Moreover, wood chips are transported in the same specialized equipment required to haul the other related wood residues or by-products. The trailers needed to handle these commodities are among the largest in cubic capacity in the industry and have high sides, sloping step bottom floors, open tops, and full rear doors for fast free-flow unloading. The unique design of these trailer limits their practical uses to the transportation of bulk wood residuals. Therefore, motor carriers handling wood chips generally also handle the other items under consideration in order to maximize the use of their specialized equipment. Also, the involved wood residuals are usually transported short distances from remote, rural areas. Consequently, individuals or small local trucking operators are more likely to be interested in handling these commodities and can do so more efficiently than the larger regulated carriers.

Considering the overall purpose of the Act and, more specifically, the section expanding the areas of exempt transportation, we are of the opinion that Congress used the term "wood chips" generically with the intention of exempting all the various related wood residuals. We believe that such an interpretation is consistent with generally accepted industry or trade uses and practices, common understandings within the transportation industry, and the aims of the national transportation policy. The inclusion of these similar, lower grade fiber materials in the "wood chips" exemption will enable the carriers of these commodities to make the most efficient, productive, and cost-effective use of their specialized equipment. This efficient use of equipment will reduce empty mileage and fuel consumption which, in turn, will result in cost savings that will benefit carriers, shippers, and consumers.

If we were to narowly construe the "wood chips" exemption, shippers would have to make separate arrangements with regulated carriers for the transportation of the other wood residues. Since all of the various wood residues require the same specialized equipment, are generally handled by the same carriers, and are usually moved short distances from remote, rural areas, no public purpose would be served by requiring these shipments to be handled separately. Also, it must be assumed that Congress was familiar with the practices in the industry; and, given the underlying purpose of the exemption section in general (namely, to enablek carriers to make the most efficient and productive use of their equipment), it is difficult to conclude that Congress intended that the various related wood residues be treated differently.

Accordingly, we conclude that the statutory term "wood chips" includes wood residues from primary manufacturing plants and from the forest, such as slabs, trimmings, shavings, sawdust, edgings, and hogged fuel. Although in the notice in this proceeding we proposed to include certain specified items within the scope of the "wood chips" exemption, we do not believe that it is feasaible here to compile an inclusive list or adopt a detailed interpretation. It was pointed out in the comments that an attempt to identify all similar and interchangeable commodities to be included within the exemption would result in a growing list, since the terminology for essentially the same commodity often differs in various

regions of the country. Also, our experience with the so-called agricultural exemption shows that attempts to compile exhaustive lists are counterproductive and, in the end, tend to lead to expensive litigation. We believe that our description is sufficiently broad to embrace all substantially identical lower grade fiber materials, and the reference in the description to specific wood residues will serve as a guide for determining whether other commodities not specifically considered here would fall within the exemption.

In addition to the items we proposed to include within the definition of wood chips in the notice, we have also decided specifically to include sawdust and hogged fuel. Several of the parties pointed out that sawdust, by its very nature, is a wood waste or residue, and that in certain manufacturing processes it is an interchangeable source of wood fiber with wood chips, shavings, and edgings. It was also pointed out that the forest products industry is making increasing use of wood residues as an alternate fuel source. Although the material used as a fuel source may be described in numerous ways, it is generally known in the industry as hogged fuel. Hogged fuel is a waste wood that is coarsely chipped and generally consists of various mixtures of wood residues such as chips, sawdust, and shavings.[2]

In opposing our proposed interpretation, the Family Lines System of Railroads (FLS) contends that the commodity classification of wood chips relates to a specific item which is separate and distinct from the other named wood related commodities. FLS has no objection to the inclusion within the wood chips exemption of any commodity which moves in wood chip equipment to paper mills for conversion into wood pulp. It does oppose, however, the inclusion of the various wood residues to the extent they are used in the manufacture of particleboard or as fuel. Similarly, the Southern Pacific Transportation Company opposes our proposed inclusion of slabs unless limited to slabs having no further value except for processing as wood chips. It argues, in this regard, that, in some instances, slabs are cut into smaller pieces of rough lumber. We believe that the requested limitations would prevent the transporters of the involved commodities from making complete, efficient, and economical use of their equipment, contrary to the aims of the national transportation policy. Also, such limitations would create impractical distinctions between, for example, a particular wood residue such as sawdust that is ultimately used to make wood pulp and sawdust that is ultimately used for fuel or to make particleboard. Moreover, we do not believe that the "wood chips" exemption can logically be interpreted as being inapplicable when the embraced commodities are transported to a particular industry or put to a particular use. In our view, such a limitation would serve no useful purpose.

FLS also contends that our proposed action would drastically reduce an already insufficient rail car supply, since it would result in the assessment of wood chip rate levels (which are substantially lower than FLS's rates on the commodities used for fuel) on the other commodities under consideration. Our purpose here is not to interpret a commodity classification, but rather to determine and define the scope of a statutory exemption. Finally, FLS's request that, in the interest of fundamental fairness, and for parity of treatment, we grant an exemption for the rail transportation of wood chips is clearly beyond the scope of this proceeding.

We find:

Wood residues from primary manufacturing plants and from the forest, such as slabs, trimmings, shavings, sawdust, edgings, and hogged fuel, are within the "wood chips" exemption of 49 U.S.C. 10526(a)(13). This action does not significantly affect either the quality of the human environment or conservation of energy resources.

It is ordered:

The interpretation of the "wood chips" exemption described in this decision is adopted and becomes effective upon publication in the **Federal Register.**

This proceeding is discontinued.

This action is taken under the authority of 49 U.S.C. 10101, 10321, and 10526(a)(13) and 5 U.S.C. 554.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-18606 Filed 6-23-81; 8:45 am]

BILLING CODE FR-7035-01-M

[2] A few parties also suggested that we include various forest residues within the definition of wood chips. We do not believe, however, that it is necessary here to determine whether these other commodities may be properly classified as wood chips, since most, if not all, of the forest residues identified by the parties are already exempt under the so-called agricultural commodity exemption in 49 U.S.C. 10526(a)(6). For example, bark, twigs, brush, and leaves have been statutorily determined to be exempt. See 49 CFR 1047.25.

Long- and Short-Haul Application for Relief (Formerly Fourth Section Application)

June 18, 1981

This application for long- and short-haul relief has been filed with the I.C.C.

No. 43917, Consolidated Rail Corporation, (No. CR-G210-1-81), new reduced rates on back-haul shipments of Scrap Iron or Steel and related articles, originating at ConRail stations in the states of Illinois, Indiana, Kentucky, and Ohio located on and west of a line of ConRail extending from Toledo, OH to Cincinnati, OH destined to various named stations on ConRail in the states of Pennsylvania, Ohio, and West Virginia. Rates are published in ConRail tariff ICC CR 4299, effective June 20, 1981. Grounds for relief—Improved car utilization. This application was received by the Commission's Suspension Board on June 10, 1981. This precluded the Board from publishing the requested relief in the **Federal Register** in order to give interested parties an opportunity to protest.

By action of June 17, 1981, the Commission, Suspension Board, Members Fitzgerald, Halvarson, and O'Malley, concluded to grant the requested relief in Long-AND-Short-Haul Order No. 20685, subject to the proviso that the authority will expire 45 days' from June 17, 1981. This notice is to advise that the Commission's Suspension Board will reopen this proceeding on its own motion (if not protested), to consider the expiration date of this authority. Interested parties wishing to object may file objections with the Suspension Board not later than the 10th day before the expiration date.

By the Commission.

James H. Bayne,

Acting Secretary.

[FR Doc. 81-18607 Filed 6-23-81; 8:45 am]

BILLING CODE FR-7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

[Volume No. OP4 Vol. 68]

Decided: June 16, 1981.

The following applications, filed on or

after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special Rule 247 was published in the **Federal Register** of July 3, 1980, at 45 FR 45539. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49 Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient interest in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 2, Members Carleton, Fisher and Williams.

Agatha L. Mergenovich,
Secretary

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

MC 153286 (Sub-1), filed February 4, 1981, previously noticed in the **Federal Register** issues of February 26, 1981, and March 31, 1981, and republished this issue. Applicant: RICHARD G. CONAWAY, R.D. 1 Box 106, Frenchville, PA 16836. Representative: Dwight L. Koerber, Jr., P.O. Box 1320, 110 N. 2nd St., Clearfield, PA 16830. Transporting *commodities in bulk, machinery, and parts*, between points in Clearfield and Centre Counties, PA, on the one hand, and, on the other, points in NY.

Note.—This is a republication pursuant to a decision of the Commission dated May 29, 1981, to correctly reflect the commodity description.

[FR Doc. 81-18608 Filed 6-23-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule 251 of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, primarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 1, Members Parker, Chandler and Fortier.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OP1-178

Decided: June 17, 1981.

By the Commission, Review Board Number 1, Members Parker, Chandler, and Fortier.

MC 148280 (Sub-3), filed May 29, 1981
Applicant: INTERNATIONAL

TRUCKERS, INC., P.O. Box 306 (Laurel St.), Anguilla, MS 38721. Representative: Robert Bryant (same address as applicant), (601) 873–4788. Transporting *general commodities* between Primrose and Luthersville, GA, Cardwell, Arbyrd, Hornersville, Edina, Lewistown, Hurdland and Ewing, MO, McHenry, ND, Narcisso, Russellville, Roaring Springs, Crandall, Kaufman, Kemp, Mabank, Reklaw, Mobeetie, Briscoe and Allison, TX, Raymond, Oakley, Adama and Myles, MS, Snyder and Hamburg, AR, Holly Springs and Stokesdale, NC, Radcliffe, Aurora, Ellsworth and Lawn Hill, IA, Henry and Clark, SD, Esmond, Astoria, Teheran, Biggs, Easton and Richmond, IL, Shell Lake, Cumberland, Gillett, Green Valley, Lake Geneva, and Genoa City, WI, Elgin, NE, Benton, Barlow, La Center, Oak Ridge, Philpot, Deanefield, Thompsonville, Masonville, Edgoten and Lewisburg, KY, Kenwood, Hickory Point, Doddsville, Fox Bluff, Chapmansboro, Ashland City, Scottsboro, Jordonia and Riverside, TN, Reydon, Cheyenne, Strong City, Hammon and Butler, OK, McDonald, OH, Paris Crossing and Paris, IN, on the one hand, and, on the other, points in the U.S.

Note.—The purpose of this application is to substitute motor carrier service for abandoned rail carrier service.

MC 156400, filed June 5, 1981. Applicant: KYLE S. RANSOM, d.b.a. H & R TRUCKING, 62N. 2nd W., HYde Park, UT 84318. Representative: Irene Warr, 311 S. State St., Ste. 280, Salt Lake City, UT 84111 (801)–1300. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limetone and fertilizer, and other soil conditioners*, by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 156430, filed June 5, 1981. Applicant: HARRY L. HOLMAN, Hurdland, MO 63547. Representative: Harry L. Holman (same address as applicant), (816) 423–5415. Transporting *food and other edible products and byproducts intended for human consumption* except alcoholic beverages and drugs), *agricultural limestone and fertilizers and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 156431, filed June 8, 1981. Applicant: RAY VAN OHLEN, d.b.a. JR TRUCK LINE, #2 Sherwood, Russellville, AR 72801. Representative: Ray Van Ohlen (same address as applicant), (501) 968–2510. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

Volume No. OPY–4–207

Decided: June 16, 1981.

By the Commission, Review Board Number 2, Members Carleton, Fisher, and Williams.

MC 156436, filed June 9, 1981. Applicant: FRANKELL I. BARAMDYKA d.b.a. I.W. TRANSPORT INC., 353 So. Santa Fe Ave., Los Angeles, CA 90013. Representative: Frankell I. Baramdyka (same address as applicant), (213) 617–0423. As a broker of *general commodities* (except household goods), between points in the U.S.

Volume No. OPY–4–204

Decided: June 16, 1981.

By the Commission, Review Board Number 2, Members Carleton, Fisher, and Williams.

MC 156356, filed June 5, 1981. Applicant: MAGNUM MOTOR EXPRESS, INC., 11134 South 84th Ave., Palos Hills, IL 60463. Representative: Patrick H. Smyth, 19 South LaSalle St., Suite 401, Chicago, IL 60603 (312–263–2397). Transporting (1) *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions) for the United States Government between points in the U.S.; and (2) *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds between points in the U.S.

MC 156377, filed June 8, 1981. Applicant: ELBERT Z. ALLARD, INC., 5672 Martin Rd., Newark, NY 14513. Representative: Clayton E. Sperry, 30 Newton St., Manchester, NY 14504, (716) 289–6016. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 156396, filed June 4, 1981. Applicant: JOHN A. EUTSLER, Box 72, Nixa, MO 65714. Representative: John A. Eutsler (same address as applicant), (417) 725–3549. Transporting, *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditions* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 156416, filed June 8, 1981. Applicant: B & C TRUCKING, INC., 2425 Durby, Memphis, TN 38114. Representative: R. Connor Wiggins, Jr., 100 N. Main Bldg., Suite 909, Memphis, TN 38103, (901) 526–4114. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–18010 Filed 6–23–81; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days

from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OP1–179

Decided: June 17, 1981.

By the Commission, Review Board Number 1, Members Parker, Chandler, and Fortier.

MC 3281 (Sub-18), filed June 8, 1981. Applicant: POWELL TRUCK LINE, INC., 800 S. Main St., Searcy, AR 72143. Representative: R. Connor Wiggins, Jr., 100 N. Main Bldg., Suite 909, Memphis, TN 38103, (901) 526–4114. *Over regular routes,* transporting *general commodities* (except classes A and B explosives) between Memphis, TN, and Blytheville, AR, (a) over U.S. Hwy 61, and (b) over Interstate Hwy 55, serving all intermediate points.

MC 59531 (Sub-119), filed June 8, 1981. Applicant: AUTO CONVOY CO., 12200 Park Central Drive, P.O. Box 400300, Dallas, TX 75240. Representative: Eugene C. Ewald, 100 West Long Lake Road, Suite 102, Bloomfield Hills, MI 48013, (313) 645–9600. Transporting *transportation equipment,* (1) between those points in the U.S. in and west of MI, IN, KY, TN and MS, and (2) between points in TX, on the one hand, and, on the other, those points in the U.S. in and east of MI, IN, KY, TN and MS.

MC 67450 (Sub-118), filed June 8, 1981. Applicant: PETERLIN CARTAGE CO., a Corporation, 9651 S. Ewing Ave., Chicago, IL 60617. Representative: Joseph Winter, 29 South LaSalle St., Chicago, IL 60603, (312) 263–2306. Transporting *metal products,* between points in Cook County, IL, on the one hand, and, on the other, poins in IN, IA, KY, MI, MO, OH, TN, and WI.

MC 94430 (Sub-54) (Republication), filed May 22, 1981, previously noticed in the **Federal Register** issue of June 9, 1981. Applicant: WEISS TRUCKING COMPANY, INC., P.O. Box 7, Mongo, IN 46771. Representative: James R. Stiverson, 1396 W. Fifth Ave., Columbus, OH 43212, (614) 481–8821. Transporting *petroleum, natural gas, and their products,* between points in Marshall County, WV, on the one hand, and, on the other, points in OH.

Note.—The purpose of this republication is to indicate Marshall County, WV, as the correct base territorial description.

MC 94430 (Sub-55), filed June 1, 1981. Applicant: WEISS TRUCKING COMPANY, INC., P.O. Box 7, Mongo, IN 46771. Representative: James R. Stiverson, 1396 W. Fifth Ave., Columbus, OH 43212, (614) 481–8821. Transporting *metal products,* between points in OH, on the one hand, and, on the other, points in MI.

MC 115931 (Sub-194), filed June 8, 1981. Applicant: BEE LINE TRANSPORTATION, INC., P.O. Box 3987, Missoula, MT 59806. Representative: Robert N. Maxwell, P.O. Box 2471, Fargo, ND 58108 (701) 237–4223. Transporting (1) *metal products and food and related products,* (a) between points in CO, ID, MT, ND, OR, SD, UT, WA, and WY, and (b) between points in CO, ID, MT, ND, OR, SD, UT, WA, and WY, on the one hand, and, on the other, points in the U.S., and (2) *waste or scrap materials not identified by industry producing,* between points in the U.S.

MC 119631 (Sub-45), filed May 29, 1981. Applicant: DEIOMA TRUCKING COMPANY, P.O. Box 335, East Sparta, OH 44626. Representative: Lawrence E. Lindeman, 1032 Pennsylvania Bldg., Pennsylvania Ave. & 13th St., N.W., Washington, D.C. 20004, (202) 628–4600. Transporting *lumber and wood products* between points in the U.S.

MC 126421 (Sub-13), filed June 8, 1981. Applicant: GYPSUM TRANSPORT, INC., East Hwy 80, Abilene, TX 79604. Representative: Jerry Prestridge, P.O. Box 1148, Austin, TX 78767, (512) 472–8800. Transporting *lumber and wood products,* between points in NM and TX.

MC 129951 (Sub-11), filed June 5, 1981. Applicant: HARLEY I. KEETER, JR., 6379 Valmont Dr., Boulder, CO 80301. Representative: Harley I. Keeter, Jr., (same address as applicant), (303) 442–2131. Transporting *lumber and wood products,* and *mining equipment and supplies* between points in CO, on the one hand, and, on the other, points in AZ, CA, UT, OR, OK, NV, NM, ID, MT, SD, ND, TX, WA, and WY.

MC 133920 (Sub-30), filed June 8, 1981. Applicant: HOWARD SHEPPARD, INC., P.O. Box 755, Sandersville, GA 31082. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Blvd., Atlanta, GA 30349, (404) 996–6286. Transporting (1) *food and related products,* between points in Washington and Glascock Counties, GA, on the one hand, and, on the other, points in AL, FL, NC, VA, and TN, and (2) *metal products,* between points in Frederick County, VA, Spartanburg County, SC, Wicomico County, MD, and Hillsborough and Orange Counties, FL, on the one hand, and, on the other, points in Washington and Glascock Counties, GA.

MC 135410 (Sub-126), filed June 1, 1981. Applicant: COURTNEY J. MUNSON d.b.a. MUNSON TRUCKING, North 6th Street Rd., P.O. Box 266, Monmouth, IL 61462. Representative: Daniel O. Hands, 205 West Touhy Ave., Suite 200A, Park Ridge, IL 60068, (312) 698–2235. Transporting *machinery and transportation equipment* between Moline, IL, on the one hand, and, on the other, points in the U.S.

MC 135410 (Sub-127), filed June 8, 1981. Applicant: COURTNEY J. MUNSON, d.b.a. MUNSON TRUCKING, P.O. Box 266, North 6th Street Road, Monmouth, IL 61462. Representative: Daniel O. Hands, 205 West Touhy Ave., Suite 200–A, Park Ridge, IL 60068 (312) 698–2235. Transporting *ores and minerals and metal products,* between Gary, IN, and points in Lenawaee County, MI, and Butler County, PA, on the one hand, and, on the other, points in IL, and Lee, Des Moines, Scott, and Black Hawk Counties, IA.

MC 142361 (Sub-4), filed June 8, 1981. Applicant: RISBERG TRUCK SERVICE, INC., 2339 S.E. Grand Ave., Portland, OR 97214. Representative: Lawrence V. Smart, Jr., 419 N.W. 23rd Ave., Portland, OR 97210, (503) 228–3755. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Mervyn's of Hayward, CA.

MC 143280 (Sub-29), filed June 8, 1981. Applicant: SAFE TRANSPORTATION COMPANY, a Corporation, 6834 Washington Ave. So., Eden Prairie, MN 55344. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118, (612) 457–6889. Transporting *printed matter, pulp, paper, and related products, and rubber and plastic products,* between points in the U.S.

MC 143881 (Sub-1), filed June 8, 1981. Applicant: HOTARD COACHES, INC.,

716 Deckbar Ave., New Orleans, LA 70121. Representative: Leo C. Franey, 918–16th St., N.W., Washington, DC 20006, (202) 785–3700. Transporting *passengers and their baggage*, in special and charter operations, beginning and ending at points in LA and extending to points in the U.S.

MC 145701 (Sub-19), filed June 8, 1981. Applicant: D.C. TRANSPORT, INC., 916 South Riverside, St. Clair, MI 48079. Representative: James J. Sheehan (same address as applicant), (313) 329–2211. Transporting *textile mill products, ores and minerals, clay, concrete, glass or stone products, pulp, paper and related products, lumber and wood products, chemicals, and related products, and rubber and plastic products*, between points in Wayne, Macomb, and Kalkaska Counties, MI, on the one hand, and, on the other, points in the U.S.

MC 146761 (Sub-4), filed June 1, 1981. Applicant: P.J. TRUCKING, INC., P.O. Box 376, Summit, IL 60501. Representative: Norman A. Cooper, 145 W. Wisconsin Ave., Neenah, WI 54956, (414) 722–2848. Transporting *general commodities* (except classes A and B explosives) between points in the U.S., under continuing contract(s) with Dorex Chemical of Frankfort, IL, Hysan Corporation, of Chicago, IL, International Games, of Joliet, IL, R and M Kaufmann & Co., of Aurora, IL, Bell Chemical Company, of Chicago, IL, Claire Manufacturing, of Addison, IL, and Harper-Wyman, of Hinsdale, IL.

MC 148000 (Sub-8), filed June 8, 1981. Applicant: C. H. DREDGE & CO., INC., 918 S. 2000 W., Syracuse, UT 84041. Representative: Bruce W. Shand, Ste. 280, 311 S. State St., Salt Lake City, UT 84111, (801) 531–1300. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Evans Meat Co. of Texas, of San Angelo, TX.

MC 150281 (Sub-4), filed June 8, 1981. Applicant: BANGOR PUNTA TRANSPORTATION, INC., West Michigan St., Topeka, IN 46571. Representative: Chandler L. van Orman, 1729 H St., N.W., Washington, DC 20006, (202) 337–6500. Transporting *transportation equipment*, between points in the U.S., under continuing contract(s) with Dickerson Boatbuilders, Inc., of Trappe, MD.

MC 151040 (Sub-3), filed June 8, 1981. Applicant: RTL HOLDINGS, INC., 2050 Kings Rd., Jacksonville, FL 32209. Representative: S. E. Somers, Jr. (same address as applicant), (904) 353–3111. Transporting *metal products*, between points in the U.S., under continuing contract(s) with U.S. Pipe and Foundry Company, a division of Jim Walter Corporation, of Birmingham, AL.

MC 152521 (Sub-2), filed June 8, 1981. Applicant: FORTRANS, INC., 2892 Foothill Blvd., Oroville, CA 95965. Representative: Robert G. Harrison, 4299 James Dr., Carson City, NV 89701, (702) 882–5649. Transporting *lumber and wood products* and *building materials*, between points in CA, OR, WA, ID, and AZ, on the one hand, and, on the other, points in CA, AZ, OR, WA, ID, NV, FL, MO, UT, CO, NM, TX, OK, KS, NE, AR, TN, IL, IN, MI, OH, AL, and LA.

MC 153021 (Sub-1) (republication), filed April 28, 1981, published in the previous **Federal Register** issue of June 3, 1981. Applicant: DAVID DALE TRANSPORT, INC., 2 Franklin St., West Medway, MA 02053. Representative: Wesley S. Chused, 15 Court Square, Boston, MA 02108, (617) 742–3530. Transporting *food and related products*, between Denver, CO, Atlanta, GA, Boston, MA, Detroit, MI, Minneapolis, MN, Kansas City, MO, Secaucus, NJ, Cincinnati and Cleveland, OH, Portland, OR, Philadelphia, PA, Memphis, TN, and points in Fresno and Merced Counties, CA, Dade County, FL, Morgan County, IL, Wayne County, MI, Hudson County, NJ, Erie County, NY, Mecklenburg County, NC, Hamilton and Cuyahoga Counties, OH, Shelby and Gibson Counties, TN, Grayson County, TX, and Green, Waupaca, and Dodge Counties, WI, on the one hand, and, on the other, points in the U.S.

Note.—The purpose of the republication is to indicate the correct territorial description.

MC 153051, filed June 2, 1981. Applicant: ATS TRANSPORT, INC., 34439 Mills Road, North Ridgeville, OH 44039. Representative: James F. Crosby, 7363 Pacific St., Suite 210B, Omaha, NE 68114, (402) 397–9900. Transporting *chemicals and related products, petroleum, natural gas and their products, and coal and coal products*, between points in Lorain County, OH, on the one hand, and, on the other, points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 153980, filed May 21, 1981. Applicant: JASTE ENTERPRISES, INC., 7679 Sweet Potato Ridge Rd., Brookville, OH 45309. Representative: James J. Tobin, Jr. (same address as applicant), (513) 864–5386. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Amway Corporation, of Ada, MI.

MC 154121 (Sub-10), filed May 28, 1981. Applicant: TRAILINER CORP., P.O. Box 357, (Old Chester Rd.), Gladstone, NJ 07934. Representative: George A. Olsen, (same address as applicant), (201) 435–7140. Transporting *food and related products*, between the facilities used by Sierra Wine Corp., its subsidiaries, divisions, vendors, and distributors, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 154300, filed June 2, 1981. Applicant: DALE NEWKIRK, d.b.a. GRAINLAND EXPRESS TRUCKING, Route No. 3, Box 191, Butler, MO 64730. Representative: Letha S. Newkirk (same address as applicant), (816) 679–3776. Transporting *fertilizers, chemicals and related products, farm products, and food and related products*, between points in AR, CO, IL, IA, KS, KY, MN, MO, NE, NM, OK, SD, TX, and WI.

MC 154351, filed June 9, 1981. Applicant: DAVID BAIN, d.b.a. GOLDEN WEDGE TRUCKING, P.O. Box 55, Placerville, CO 81430. Representative: Jack B. Wolfe, 1600 Sherman St., No. 665, Denver, CO 80203, (303) 839–5856. Over regular routes, transporting *general commodities* (except classes A and B explosives), between Grand Junction, CO and Rico, CO, from Grand Junction, CO, over U.S. Hwy 50 to Montrose, CO, then over U.S. Hwy 550 to junction CO Hwy 62, then over CO Hwy 62 to junction CO Hwy 145 at or near Placerville, CO, then over CO Hwy 145 to Rico, CO, and return over the same route, serving all intermediate points.

MC 156160, filed May 27, 1981. Applicant: LAVELLE POWDER CO., INC., P.O. Box 3648, Butte, MT 59701. Representative: Charles A. Murray, Jr., 2822 Third Ave. N., Billings, MT 59101, (406) 252–4165. Transporting *ores and minerals*, between points in MT, ID, WA and Tooele County, UT, on the one hand, and, on the other, San Bernardino, CA, and points in San Diego County, CA, White Pine County, NV, and MT, ID, and WA.

MC 156191, filed June 8, 1981. Applicant: RAYMOND COSSETTE TRUCKING, a Corporation, 2202 5th Ave. North, Fargo, ND 58102. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118, (612) 457–6889. Transporting *pulp, paper and related products and rubber and plastic products*, between points in the U.S., under continuing contract(s) with Leslie Paper Co., of Minneapolis, MN.

MC 156361, filed June 8, 1981. Applicant: BIGBEE TRANSPORTATION COMPANY, a Corporation, American Lane, Greenwich, CT 06880. Representative: Stuart Geschwind (same address as applicant), (203) 552–3242. Transporting *general commodities* (except classes A and B explosives).

between points in the U.S., under continuing contract(s) with American Can Company, of Greenwich, CT. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. § 11343(A) or submit an affidavit indicating why such approval is unnecessary to the Secretary's office. In order to expedite issuance of any authority please submit a copy of the affidavit or proof of filing the application(s) for common control to team 1, Room 6358.

MC 156401, filed June 8, 1981. Applicant: TITAN TRUCKING COMPANY, 19 Ellen Drive, McKees Rocks, PA 15136. Representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, PA 15219, (412) 471–1800. Transporting *general commodities* (except classes A and B explosives), between those points in the U.S. in and east of MN, IA, MO, AR, and LA.

MC 156411, filed June 8, 1981. Applicant: PETER JEFFREY d.b.a. GENCOM SERVICES, 681 Buffalo Grove Rd., Whelling, IL 60090. Representative: Irwin D. Rozner, 134 North LaSalle St., Chicago, IL 60602, (312) 782–6937. Transporting *general commodities* (except classes A and B explosives), between Chicago, IL, on the one hand, and, on the other, points in IN, MI, and WI.

MC 156420, filed June 9, 1981. Applicant: MICHAEL J. BOYER d.b.a. M. J. BOYER TRUCKING, 10016 W. 70th Terr., Merriam, KS 66203. Representative: Alex M. Lewandowski, 1221 Baltimore Ave., Ste. 600, Kansas City, MO 64105, (816) 221–1464. Transporting (1) *Pulp, paper, and related products*, (2) *printed matter*, and (3) *waste and scrap materials not identified by industry producing*, between points in MO, KS, NE, IA, OK, AR and TX.

Volume No. OPY–4–203

Decided: June 16, 1981.

By the Commission, Review Board Number 2, Members Carleton, Fisher, and Williams.

MC 141136 (Sub-6), filed May 4, 1981, and previously noticed in the **Federal Register** issue of May 20, 1981. Applicant: TRIANGLE TRANSPORTATION & WAREHOUSING SYSTEMS, INC., 5051 Still Creek Ave., Burnaby, BC Canada V5C 4H6. Representative: Henry C. Winters, 525 Evergreen Bldg., Renton, WA 98055, (206) 235–4730. Transporting *general commodities* (except classes A and B explosives), between points in CA, ID, MT, OR, UT and WA. Note: The purpose of this republication is to correctly reflect the territorial description.

MC 150256, filed June 8, 1981. Applicant: CAL COAST TRUCKING, INC., 4520 Everett St., Vernon, CA 90058. Representative: David P. Christianson, 707 Wilshire Blvd., Suite 1800, Los Angeles, CA 90017, (213) 627–8471. Transporting *magazines and printed matter*, between points in CA, AZ, and NV.

MC 153606 (Sub-2), filed June 8, 1981. Applicant: PARK PLACE EQUIPMENT SERVICES, INC., P.O. Box 2820, Greenville, SC 29602. Representative: Frances P. Dilworth (same address as applicant), (803) 235–3636. Transporting *fluorescent lighting fixtures and parts*, between points in the U.S., under continuing contract(s) with Keystone Lighting Corporation, of Bristol, PA.

Volume No. OPY–4–205

Decided: June 16, 1981.

By the Commission, Review Board Number 2, Members Carleton, Fisher, and Williams.

MC 123476 (Sub-69), filed June 8, 1981. Applicant: CURTIS TRANSPORT, INC., P.O. Box 388, Arnold, MO 63010. Representative: David G. Dimit (same address as applicant), (314) 464–1300. Transporting *general commodities* (except classes A and B explosives), between the facilities of Ralston Purina Company and its subsidiaries, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 146876 (Sub-5), filed June 5, 1981. Applicant: WILLIAM W. EGGERS, d.b.a. CEDAR VALLEY TRANSPORT, Box 309, Webster City, IA 50595. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309, (515) 245–4300. Transporting *machinery*, between points in Hamilton County, IA, on the one hand, and, on the other, points in WI, IL, and IN.

MC 147536 (Sub-35), filed June 5, 1981. Applicant: D. L. SITTON MOTOR LINES, INC., P.O. Box 1567, Joplin, MO 64801. Representative: David L. Sitton (same address as applicant) (417) 782–2600. Transporting *pet foods and animal feed*, between points in AR, CO, IL, IN, KS, KY, MI, MN, MO, NE, NY, ND, OH, OK, and WI, on the one hand, and, on the other, points to the U.S.

MC 150086 (Sub-1), filed June 9, 1981. Applicant: WADE TRUCK LINES, INC., P.O. Box 156, Verona, MO 65769. Representative: Larry E. Gregg, 641 Harrison St., P.O. Box 1979, Topeka, KS 66601, (913) 234–0565. Transporting *food and related products*, between points in LA, on the one hand, and, on the other, points in the U.S.

MC 151586 (Sub-2), filed June 4, 1981. Applicant: TRANSPORTATION UNLIMITED OF CALIFORNIA, INC., 2639 S. Soto, Vernon, CA 90058. Representative: Scott T. Robertson, P.O. Box 94748, Lincoln, NE 68509, (402) 476–8062. Transporting *food and related products*, between points in CA, on the one hand, and, on the other, points in AL, AZ, AR, CO, CT, FL, GA, ID, IN, IA, KS, LA, MD, MA, MN, MO, MT, NE, NV, NJ, NM, NY, NC, ND, OH, OK, OR, PA, SD, TX, UT, WA, WI, and WY.

Volume No. OPY–4–206

Decided: June 16, 1981.

By the Commission, Review Board Number 2, Members Carleton, Fisher and Williams.

MC 1756 (Sub-34), filed June 8, 1981. Applicant: PEOPLE EXPRESS CO., 497 Raymond Blvd., Newark, NJ 07105. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048, (212) 466–0220. Transporting *containers*, between points in the U.S.

MC 96476 (Sub-2), filed June 5, 1981. Applicant: MASCOIT CARTAGE CO., 15080 Commerce Dr. N., Dearborn, MI 48120. Representative: Allen J. Counard, 4000 Town Center, Ste. 1470, Southfield, MI 48075, (313) 356–6050. Transporting *such commodities* as are dealt in by grocery stores and drug stores, between points in MI, OH, IN, WI, and IL.

MC 111496 (Sub-42), filed June 8, 1981. Applicant: TWIN CITY FREIGHT, INC., 2550 Long Lake Rd., Roseville, MN 55113. Representative: Alan Foss, 502 First National Bank Bldg., Fargo, ND 58126, (701) 235–4487. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with the Port of Seattle of Seattle, WA.

MC 154626, filed June 9, 1981. Applicant: AMERICAN CARGO EXPRESS, LTD., P.O. Box 39056, Denver, CO 80203, (303) 839–5856. Representative: Charles J. Kimball, 1600 Sherman St. No. 665, Denver, CO 80203, (303) 839–5856. Over regular routes, transporting *general commodities* (except classes A and B explosives), between Boulder, CO and Galveston, TX: (1) from Boulder, CO, over U.S. Hwy 36 to Denver, then over Interstate Hwy 25 to Raton, MN, then over U.S. Hwy 87 to Amarillo, TX, then over U.S. Hwy 287 to junction Interstate Hwy 45, then over Interstate Hwy 45 to Galveston, and return over the same route, (2) from Boulder, CO, over U.S. Hwy 36, to junction U.S. Hwy 287, then over U.S. Hwy 287 to Amarillo, TX, then over U.S. Hwy 87 to Lubbock, TX, then over U.S. Hwy 84 to junction U.S. Hwy 183, then over U.S. Hwy 183, to Austin, TX, then

over U.S. Hwy 290 to Houston, TX, then over Interstate Hwy 45 to Galveston, and return over the same route, (3) from Boulder, CO, over U.S. Hwy 36, to junction U.S. Hwy 287, then over U.S. Hwy 287 to Amarillo, TX, then over U.S. Hwy 87 to Lubbock, TX, then over U.S. Hwy 284 to Abilene, TX, then over TX Hwy 36 to Houston, TX, then over Interstate 45 to Galveston, TX, and return over the same route, and (4) from Boulder, CO, over U.S. Hwy 36 to junction Interstate Hwy 70, then over Interstate Hwy 70 to Salina, KS, then over Interstate Hwy 135 to junction Interstate Hwy 35, then over Interstate Hwy 35 to Denton, TX, then over Interstate Hwy 35F to Dallas, TX, then over Interstate Hwy 45 to Galveston, and return over the same route, routes (1) through (4) serving points in Harris, Galveston, Brazoria, and Ft. Bend Counties, TX, and Denver, Adams, Arapahoe, Jefferson and Boulder Counties, CO as intermediate and off-route points.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-18011 Filed 6-23-81; 8:45 am]

BILLING CODE 7035-01-M

Decision-Notice; Finance Applications

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349*, 363 I C.C. 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the **Federal Register**. Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.241. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1100.241(b).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application or to any application directly related thereto filed on or before August 10, 1981 (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Dated: June 9, 1981.

By the Commission, Review Board Number 3, Members Krock Joyce, and Dowell.

MC-F-14637, filed May 22, 1981. KENAN TRANSPORT COMPANY, INCORPORATED (Kenan) (P.O. Box 2729, Chapel Hill, NC 27514)—Merger—LANEY TANK LINES, INC. (Laney) (same address as Kenan). Representative: Francis W. McInerny, 1000 Sixteenth Street NW., Suite 502, Solar Bldg., Washington, DC 20036. Kenan seeks authority to merge the interstate operating rights and property of Laney, its wholly-owned subsidiary, into Kenan for ownership, management, and operation. Frank H. Kenan, the majority stockholder of Kenan, also seeks authority to control the merged rights through the merger. The operating rights to be merged are contained in Certificate No. MC-25708 and subs-numbers thereunder, authorizing the transportation of petroleum products, filling station equipment, fertilizers, and other limited specified commodities to, from, or between specified points or territories in the States of AL, FL, GA, KY, MS, NC, SC, TN, and VA, as well as general commodities, with certain exceptions, between points in Kershaw County, SC, on the one hand, and, on the other, points in NC and GA. All operating authority of Laney is to be merged. This does not purport to be a complete description of said operating rights. Kenan is authorized pursuant to Certificate No. MC-124306 and sub-numbers thereunder, to transport chemicals, petroleum products, and other limited specified commodities, to, from, or between points in the United States in and east of TX, OK, KS, SD, ND, and MI. Kenan was authorized to control Laney in MC-F-10738.

Note.—In its application, Kenan expresses the interest to operate the controlled certificates with gateways eliminated. However, no directly related application has been filed. We remind applicant that any gateways created by the merger contemplated herein may only be eliminated by approval of this Commission and are not automatically eliminated. An appropriate application under 49 U.S.C. 10922(b)(1) must be filed. Because the language of the Motor Carrier Act of 1980, Pub. L. 96-296, July 1, 1980, section 6 may have been misleading, we will waive our rules requiring concurrent filing of the directly related application. If carrier intends to eliminate gateways created by this transaction, it is directed to file a directly related extension application expressly describing the through authority sought within 30 days of the publication date of this notice.

MC-F-14638, filed May 27, 1981. CATES TRUCKING, INC. (Cates) (P.O. Box 518, Swayzee,, IN 46986)—Purchase—KREVDA BROS. EXPRESS, INC. (Krevda) (P.O. Drawer J, Knox, PA). Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Cates seeks authority to purchase the interstate operating rights of Krevda. Kenneth J. Cates, the sole stockholder of Cates, seeks authority to acquire control of said rights through the transaction. Cates is purchasing the interstate operating rights issued to Krevda in

MC–127705 and sub-numbers thereunder, which authorize the transportation of, as summarized: (1) *such commodities* as are dealt in or used by container manufacturers and distributors, between specified points in the United States and east of MN, IA, MO, AR, and TX; (2) *mineral wool insulation*, between points in IN, on the one hand, and, on the other, points in IL, MI, OH, PA, NY, KY, TN, MN, WI, MO, IA, WV, and MD; (3) *petroleum products*, between specified points in WV, PA, NY, OH, MI, IN, KY, IL, WI, and MO; (4) *paper and paper products*, between specified points in NY, OH, MI, IN, IL, WV, and PA; (5) *general commodities* (with usual exceptions), between points in the United States, restricted to traffic originating at or destined to the facilities of Union Camp Corporation; (6) *sweet cider*, between specified points in IN, IL, MI, and OH; (7) *wooden storage cabinets*, between specified points in IN, KY, OH, NE, MI, NY, PA, NJ, CT, MA, RI, DE, VA, MD, WV, and DC; and (8) *foodstuffs*, between specified points in OH, NY, PA, KY, WV, MI, VA, IL, MD, MI, WI, and DC. This does not purport to be a complete description of the authority involved. Cates holds authority to operate as a motor common carrier pursuant to certificates issued in MC–143584 and as a motor contract carrier pursuant to permits issued in MC–138562.

Note.—Application for TA has been filed

MC–F–14125F, filed August 9, 1979. HERMANS BROS., INC. (Herman) (2565 St. Marys Avenue, Box 189, Omaha, NE 68101)—Control— LAHOMA TRANSPORT, INC. (Lahoma) (1001 West 10th Street, Ada, OK 78420). Representative: William A. Gray, 2310 Grant Building, Pittsburgh, PA 15219. Herman seeks authority to acquire control of the interstate operating rights and property of Lahoma through Leasco, Inc. a non-carrier subsidiary of Herman. Leasco, Inc. will purchase all of the issued and outstanding capital stock of Lahoma. Richard L. Herman, Dale G. Herman, and Earl D. Wood, who control Herman Bros., Inc., seek to acquire control of Lahoma through the transaction. Lahoma is authorized to operate as a motor common carrier pursuant to certificates issued in MC–144984 and sub-numbers thereunder, which authorize the transportation of *cement* between points in AR, KS, LA, MO, OK, and TX. Herman is authorized to operate as a motor common and contract carrier pursuant to certificates issued in MC–61396 and sub-numbers thereunder, and permits issued in MC–144203 and sub-numbers thereunder.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–18009 Filed 6–23–81; 8:45 am]

BILLING CODE 7035–01–M

[Ex Parte No. 410]

Loading and Unloading Study

AGENCY: Interstate Commerce Commission.

ACTION: T1Correction of comment dates for notice of request for comments.

SUMMARY: Pursuant to Section 15(e) of the Motor Carrier Act of 1980, Pub. L. 96–296, the Commission is studying loading and unloading in the property motor carrier industry. In a notice published in the **Federal Register** on June 11, 1981, (46 FR 30905), a notice of intention to participate had to be received 30 days from **Federal Register** publication, while comments were due on July 1, 1981, and replies were due on August 1, 1981. The Commission is correcting these dates to July 13, August 12, and September 11, 1981, respectively.

DATES: Notice of intention to participate must be received on or before July 13, 1981. Comments must be received on or before August 12, 1981. Reply statements must be received on or before September 11, 1981.

ADDRESS: An original and 15 copies should be sent to: Ex Parte No. 410, Room 7417, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Lewis R. Teeple, (202) 275–7612; John W. Fristoe, (202) 275–6493 or 7868; James W. Boyd, (202) 275–7818.

Dated at Washington, D.C. this 17th day of June, 1981.

By the Commission, Marcus Alexis, Acting Chairman.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–18812 Filed 6–23–81; 8:45 am]

BILLING CODE 7035–01–M

Motor Carrier Temporary Authority Application

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register**. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. F–131

The following applications were filed in Region 2. Send protests to: ICC, Fed. Res. Bank Bldg., 101 North 7th St. Rm. 620, Philadelphia, PA 19106.

MC 154614 (Sub-II–2TA), filed June 15, 1981. Applicant: HORST MILK TRANSFER, INC., 1050 Florida Ave., Hagerstown, MD 21740. Representative: Edward N. Button, 580 Northern Ave., Hagerstown, MD 21740. *Food products*, between York and Lancaster, PA on the one hand, and on the other, points in PA, VA, DE, NY, NJ CT, MA, MD and FL, restricted to traffic originating at or destined to facilities of Penn Dairies, Inc., for 270 days. Supporting shipper: Penn Dairies, Inc., 1801 Hempstead Road, Lancaster, PA 17604.

MC 154381 (Sub-II–2), filed June 15, 1981. Applicant: PRETLOW BROS. TRUCKING CO., INC., 121 E. Marshall St., Richmond, VA 23219. Representative: Revardo C. Pretlow (same as applicant). Contract, irregular: *Bakery goods, NOI (other than frozen), materials, equipment and supplies used in manufacturing thereof (except commodities in bulk)*, between Richmond, VA, Battlecreek, MI, North Sioux City, SD, Tocoma, WA and their commercial zones in the one hand, and,

on the other, all pts. in the U.S. (except AK & HI), for 270 days. Supporting shipper: Interbake Foods, Inc., P.O. Box 27487, 900 Terminal Place, Richmond, VA 23261.

MC 156016 (Sub-II–1TA), filed June 15, 1981. Applicant: E & M TRUCKING CO., P.O. Box 194, Tarris, PA 15688. Representative: Earl Taxacher (same as applicant). *Drafting, engineering, and graphic art supplies,* from Bloomfield and Windsor, CT to Dallas and Fort Worth, TX for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Alvin & Co., Inc., 1335 Bluehill Ave. Ext., Bloomfield, CT 06002.

MC 110761 (Sub-II–1TA), filed June 15, 1981. Applicant: CARROLL TRANSPORT, INC., 1702 Frick Bldg., Pittsburgh, PA 15219. Representative: Henry M. Wick, Jr., 2310 Grant Bldg., Pittsburgh, PA 15219. *Iron and steel articles and equipment, materials and supplies used in the manufacture, sale and distribution of iron and steel articles,* between New Castle, IN, on the one hand, and, on the other, points in Bucks, Montgomery, Chester, Delaware, and Philadelphia Counties, PA, and points in OH for 270 days. Supporting shipper: Ingersoll-Johnson Steel Co., P.O. Box 370, New Castle, IN 47362.

MC 107012 (Sub-II–173TA), filed June 15, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy. 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same as applicant). *contract; irregular: Household goods* between points in the U.S. under continuing contract(s) with Motorola, Inc. for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Motorola, Inc., 1,303 E. Algonquin Rd., Schaumburg, IL 60196.

Note.—Common control may be involved.

MC 140889 (Sub-II–16–TA), filed June 15, 1981. Applicant: FIVE STAR TRUCKING, INC., 4720 Beidler Rd., Willoughby, OH 44094. Representative: Ignatius B. Trombetta, 1220 Williamson Bldg., Clevelend, OH 44114. *Contract, irregular:* textile mill products from points in GA to shipper's facilities located in Cuyahoga County, OH under continuing contract(s) with B. & V. distributing, Inc. of Valley View, OH for 270 days. an underlying ETA seeks 120 days authority. Shipper: B. & V. distributing, Inc., 7420 Exchange St., Valley View, OH 44125.

MC 109448 (Sub-II–9TA), filed June 15, 1981. Applicant: PARKER TRANSFER COMPANY, P.O. Box 256, Elyria, OH 44036. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215. *(1) Metal products and transportation equipment and (2) equipment, materials and supplies used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk)* between Elyria, OH; Frankfort, KY; Charolette, NC; Salisbury, NC; Huntington, IN; Oklahoma City, OK; and Reno, NV, including pts in their respoective Commercial Zones, on the one hand, and, on the other, pts in the U.S. (except AK and HI) for 270 days. Supporting shipper: Bendix Heavy Vehicle Systems Group, 901 Cleveland ST., Elyria, OH 44036.

MC 13134 (Sub-II–20TA), filed June 15, 1981. Applicant: GRANT TRUCKING, INC., P.O. Box 256, Oak Hill, OH 45656. Representative: James M. Burtch, 100 E. Broad St., Columbus,OH 43215. *Metal products,* between Detroit, MI, on the one hand, and, on the other, points in OH, for 270 days. Supporting shipper: The Budd Company, State Route 550 West, Frankfort, OH 45628.

MC 124111 (Sub-II–14TA), filed June 15, 1981. Applicant: OHIO EASTERN EXPRESS, INC., P.O. Box 2297, Sandusky, OH 44870. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215. *Food and related products* from the facilities of Heinz U.S.A., Division of H.J. Heinz Company at Pittsburgh, PA to points in TX, SC, and FL for 270 days. Supporting shipper: Heinz U.S.A., Division of H.J. Heinz Company, P.O. Box 57, Pittsburgh, PA 15230.

MC 135237 (Sub-II–1TA), filed June 11, 1981. Applicant: EAST PENN TRUCKING COMPANY, RD 1, Lehighton, PA 18235. Representative: John C. Fudesco, Suite 960, 1333 New Hampshire Ave., NW., Washington, DC 20036. *Ores and minerals* between Morris County, NJ, on the one hand, and, on the other, Chester County, PA. An underlying ETA seeks 120-days authority. Supporting shipper(s): Foote Minerals Company, Rt. 100, Exton, PA 19341.

MC 138643 (Sub-II–1TA), filed June 11, 1981. Applicant: MAKOVSKY BROTHERS, INC., 5202 Spring Mill Road, Whitehall, PA 18052. Representative: Francis W. Doyle, 323 Maple Ave., Southampton, PA 18966. (1) *Sand and gravel,* in bulk, in dump vehicles, from the facilities of Alpha Portland Industries, Inc. at Martins Creek and Mt. Bethel, PA to points in NJ and, (2) *Roofing slag,* in bulk, in dump vehicles, from the facilities of Bethlehem Steel Company at Bethlehem, PA to points in NJ, for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: Alpha Portland Industries, Inc., Martins Creek, PA 18063; Mueller Roofing Services, Inc., P.O. Box 823, Alpha, NJ 08865.

MC 149417 (Sub-II–1TA), filed June 11, 1981. Applicant: SPARK, INC., 10 East Oregon Ave., Phila., PA 19148. Representative: Richard Rueda, 135 N. Fourth St., Phila., PA 19106. *Such commodities as are dealt in or used by retail department stores,* between points in the New York, NY and Philadelphia, PA commercial zones, on the one hand, and, on the other, points in PA, MD, NJ, DE and the DC commercial zone. An underlying ETA seeks 120 days authority. Supporting shipper(s): Strawbridge & Clothier, 4800 S. Island Rd., Philadelphia., PA; Gimbel Bros., 937 Market St., Phila., PA; F. W. Woolworth, 162 W. Chelten Ave., Phila., PA.

MC 135046 (Sub-II–2TA), filed June 11, 1981. Applicant: ARLINGTON J. WILLIAMS, INC., 1398 S. DuPont Hwy., Smyrna, DE 19977. Representative: James H. Sweeney, P.O. Box 9023, Lester, PA 19113. *Contract: Irregular: General commodities (except classes A and B explosives),* between the facilities of Dayco Corporation at Compton, CA; Herrin and Rock Island, IL; Eldora, IA; Springfield, MO; Alliance and McCook, NE; Dover and Wharton, NJ; Haywood Co, Mebane and Welcome, NC; Fairless Hills, Hazelton and Newtown, PA; Kingstree, Walterboro and Williston, SC; Oleny, TX; Richmond, VA; Marion Co, FL; on the one hand, and, on the other, points in the U.S. under a continuing contract(s) with Dayco Corp., Dayton, OH. An underlying ETA seeks 120 days authority. Supporting shipper: Dayco Corp., P.O. Box 1004, Dayton, OH 45401.

The following applications were filed in Region 4: Send protests to: ICC, Complaint and Authority Branch, P.O. Box 2980, Chicago, IL 60604.

MC 145664 (Sub-4–26TA), filed June 9, 1981. Applicant: STALBERGER, INC., 223 South 50th Ave. West, Duluth, MN 54880. Representative: Joyce L. Donaldson, P.O. Box 6749, Duluth, MN 55807. *Roofing, building, equipment and supplies used in the installation thereof* between all points in the U.S. Supporting shipper: Reserve Building Supply, 5110 Main Street N.E., Fridley, MN 55440.

MC 129573 (Sub-4–1TA), filed June 8, 1981. Applicant: THIBODEAU-FINCH EXPRESS LIMITED, P.O. Box 2430, 3049 Devon Dr., Windsor, Ontario, Canada N8Y 4S4. Representative: Robert D. Schuler, 100 West Long Lake Rd., Suite 102, Bloomfield Hills, MI 48013. *General commodities,* (except those of unusual value, Classes A and B explosives, household goods, as defined by the

Commission, commodities in bulk, and commodities requiring special equipment) between ports of entry between the US and CN on the St. Clair River, on the one hand, and, on the other, points in the Port Huron, MI commercial zone, restricted to shipments in foreign commerce Applicant seeks corresponding ETA for 120 days. Supporting shippers: There are approximately 10 supporting shipper certificates.

MC 103993 (Sub-4-29TA), filed June 9, 1981. Applicant: MORGAN DRIVE-AWAY, INC., 28651 U.S. 20 West, Elkhart, IN 46515. Representative: James B. Buda (same address as applicant). *Metal products* from the facilities of Amerwire, Inc. at or near Joliet, IL, to points in the U.S. in and east of ND, SD, NE, KS, OK, and TX. An underlying ETA seeks 120 days authority. Supporting shipper: Amerwire, Inc., 51 East Columbia Street, Joliet, IL 60432.

MC 48501 (Sub-4-1TA), filed June 8, 1981. Applicant: INDIANA MOTOR BUS COMPANY, 715 S. Michigan, South Bend, IN 46624. Representative: Edward Malinzak, 900 Old Kent Bldg., Grand Rapids, MI 49503. *Contract;* irregular: *Passengers, in charter operations,* between points in the Counties of Allegan, Barry, Branch, Calhoun, Clinton, Eaton, Ingham, Ionia, Jackson, Kent, Muskegon, Ottawa, and Washtenaw, within the State of Michigan, points in IL, IN, OH, and WI, on the one hand, and, on the other, points in the U.S., under a continuing contract with Ja Mar Tours, Inc. Supporting shipper: Ja Mar Tours, Inc., 825 Leonard NW, Grand Rapids, MI 49504.

MC 156424 (Sub-4-1TA), filed June 8, 1981. Applicant: T. M. B. TRUCKING COMPANY, 525 Park Ridge Drive, Eau Claire, WI 54701. Representative: Wayne W. Wilson, 150 East Gilman Street, Madison, WI 53703. Transporting: (1) *Malt beverages* (a) from Chicago, IL, Detroit, MI, St. Paul, MN, St. Louis, MO, and Memphis, TN to Eau Claire, WI and (b) from St. Paul, MN and La Crosse, WI to St. Charles, MO; (2) *rejected shipments and used empty malt beverages containers* in the reverse direction; and (3) *recyclable metal products* from Eau Claire County, WI to St. Louis, MO for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: Griesedieck Beverage Co., Inc., 3003 Highway 94 North, St. Charles, MO 63301; Gusto Distributing, Inc., 525 Park Ridge Drive, Eau Claire, WI 54701; and West Wisconsin Dist. Co., Inc., 525 Park Ridge Drive, Eau Claire, WI 54701.

MC 146861 (Sub-4-1TA), filed June 9, 1981. Applicant: EDGAR A. SPIEGEL, Route 1, Neillsville, WI 54456. Representative: Michael J. Wyngaard, 150 East Gilman Street, Madison, WI 53703. Transporting (1) *Exhaust mufflers, spark arrestors, intake silencers and air cleaners and* (2) *parts and equipment for the commodities described in* (1) *above,* from Neillsville, Black River Falls, Mineral Point, Muscoda, Viroqua, Arcadia, Bloomer, Wautoma, and Stoughton, WI to points in IN, MI, OH and KY, for 270 days. Underlying ETA seeks 120 days authority. Supporting shipper: Nelson Industries, Inc., P.O. Box Box 428, Stoughton, WI 53589.

MC 155942 (Sub-4-1TA), filed June 8, 1981. Applicant: WILLIAM M. LAWSON, d.b.a. OVERLAND CONSTRUCTION SERVICES, 28634 Hampden, Madison Heights, MI 48071. Representative: Robert E. McFarland, 2855 Coolidge, Ste. 201A, Troy, MI 48084. *Contract* irregular: (1) *such commodities as are dealt in and used by manufacturer of sheet metal duct work* from Detroit, MI and the commercial zone thereof to the facilities of the General Motors Corporation at or near Wentzville, MO; (2) *materials, equipment and supplies used in the manufacture of sheet metal duct work* from points in MO and IL to Detroit, MI and the commercial zone thereof under a continuing contract or contracts with J. Brodie & Son, Inc. Supporting shipper: J. Brodie & Son, Inc. 10311 Capitol, Oak Park, MI 48237.

MC 156428 (Sub-4-1TA), filed June 9, 1981. Applicant: WESTERN SUBURBAN TRANSPORTATION CO. d.b.a. GOODTIMES CHARTER SERVICE, 606 East Main Street, Urbana, 61801. Representative: F. E. McMullin, 352 West Higgins Road, Suite 5, Schaumburg, IL 60195. *Contract-* irregular; *Passengers and their baggage, in special and charter operations,* between points within a 5 mile radius of Champaign, IL, and The University of Illinois campuses within the State of IL and points in the continental US. Supporting shippers: University of Illinois, 223 Administrative Bldg., Urbana, 61801; Urbana High School, 1002 Race Street, Urbana, IL 61801; Faucett World Travel, 505 South Mattis, Champaign, IL 61820.

MC 156180 (Sub-4-1TA), filed June 8, 1981. Applicant: BILL ROSS AND SON TRUCKING INC., Route 6, Box 328, Dowagiac, MI 49047. Representative: Paul M. Ross, 3104 S. Cedar St., Lansing, MI 48910, (517) 394-4222. Contract: *pulp, paper and related products* between points in the US (states of IL, IN, IA, MO, OH, WI, MN, & MI) under continuing contracts with Foremart Containers, Inc. of Cedarburg, Wisconsin. Supporting shipper: Format Containers, Inc., Cedarburg, WI. 53012.

MC 156427 (Sub-4-1TA), filed June 9, 1981. Applicant: OMTVEDT OIL COMPANY, 1807 6th Ave., Two Harbors, MN 55616. Representative: Andrew R. Clark, 121 South 8th St., 1600 TCF Tower, Minneapolis, MN 55402. *Beverages* between Milwaukee, WI on the one hand and Lake County, MN on the other. Supporting shipper: Svee Distributing Company, Inc., Box 129 Industrial Park, Two Harbors, MN 55616.

MC 139785 (Sub-4-1TA), filed June 10, 1981. Applicant: LIETZ TRANSPORTATION, INC., Route 1, Coloma, WI 54930. Representative: Rolfe E. Hanson, 121 West Doty Street, Madison, WI 53703. *Contract irregular Fabricated steel* from LaCrosse, WI to Colstrip, MT and *iron and steel and iron and steel articles* from points in OH, PA, IN and IL to LaCrosse, WI under continuing contract with Ted Mannstedt & Son, Inc. Supporting shipper: Ted Manstedt & Son, Inc., 1722 Miller St., LaCrosse, WI 54601.

MC 147343 (Sub-4-9TA), filed June 8, 1981. Applicant: TREADWAY CARRIERS, INC., 9333 N. Meridian St., Indianapolis, IN 46260. Representative: Thomas O. Cartmel, President (same as applicant). *Contract: irregular: General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) between all points in the U.S. (except AK and HI), under a continuing contract with Rochester-Midland Corp., Rochester, NY. Underlying ETA authority has been filed. Supporting shipper's name and address: Rochester-Midland Corp., 333 Hollenbeck St., Rochester, NY 14621.

MC 129573 (Sub-4-2TA), filed June 8, 1981. Applicant: THIBODEAU-FINCH EXPRESS LIMITED, P.O. Box 2430, 3049 Devon Dr., Windsor, Ontario, Canada, N8Y 4S4. Representative: Robert D. Schuler, 100 West Long Lake Rd., Suite 102, Bloomfield Hills, MI 48013. *General commodities* (except those of unusual value, Classes A and B explosives, household goods, as defined by the Commission, commodities in bulk, and commodities requiring special equipment) between ports of entry between the U.S. and Canada on the Niagara River, on the one hand, and, on the other, points in the Buffalo, NY commercial zone, restricted to shipments in foreign commerce.

Applicant seeks corresponding ETA for 120 days. Supporting shippers: There are approximately 60 supporting shipper certificates.

MC 153883 (Sub-4–7TA), filed June 8, 1981. Applicant: HARNIC TRUCKING, INC., 3340 Calumet Ave., Hammond, IN 46320. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501. Contract irregular *Food and Related Products* Between points in the U.S. under continuing contract(s) with Golden Dipt Company Division of DCA Food Industries, Inc., 100 E. Washington, Millstadt, IL 62260. Supporting shipper: Golden Dipt Company of DCA Food Industries, Inc., 100 E. Washington, Millstadt, IL 62260.

MC 107605 (Sub-4–4TA), filed June 8, 1981. Applicant: ADVANCE-UNITED EXPRESSWAYS, INC., 2601 Broadway Road NE., Minneapolis, MN 55413. Representative: James E. Ballenthin, 630 Osborn Building, St. Paul, MN 55102. *Common regular. General commodities* (except Classes A and B explosives), between Minneapolis, MN and Lincoln, NE, serving the intermediate point of Omaha, NE, and serving the commercial zones of Minneapolis, Omaha and Lincoln, from Minneapolis over Interstate Hwy 35 to junction with Interstate Hwy 80, then over Interstate Hwy 80 to Lincoln, and return over the same route; also from Minneapolis over Interstate Hwy 35 to junction MN Hwy 13, then over MN Hwy 13 to junction U.S. Hwy 169, then over U.S. Hwy 169 to junction MN Hwy 60, then over MN Hwy 60 to junction IA Hwy 60, then over IA Hwy 60 to junction U.S. Hwy 75, then over U.S. Hwy 75 to junction IA Hwy 29, then over IA Hwy 29 to junction Interstate Hwy 80, then over Interstate Hwy 80 to Lincoln, and return over the same route. Authority to tack with MC–107605 and to interline at Minneapolis, Omaha and Lincoln. There are 9 supporting shippers. Corrsponding 30 day ETA application filed.

MC 147771 (Sub-4–2TA), filed June 8, 1981. Applicant: RALPH J. MARQUARDT & SONS, INC., P.O. Box 1040, Yankton, SD 57078. Representative: Ralph J. Marquardt (same as applicant). *Metal articles,* from the facilities of Nucor Steel Division, Nucor Corporation, at Madison County, NE to points in and west of ND, SD, NE, CO, and AZ. Supporting shipper: Nucor Corporation, Nucor Steel Division, P.O. Box 59, Norfolk, NE 68701.

MC 6992 (Sub-4–2TA), filed June 8, 1981. Applicant: AMERICAN RED BALL TRANSIT, CO., INC., 1335 Sadlier Circle, East Drive, Indianapolis, IN 46239. Representative: John F. Spickelmier (same address as applicant). *Furniture and fixtures* between points in Los Angeles County, CA on the one hand, and on the other, points in the U.S. for 270 days. Supporting shipper: Silva Restaurant Equipment Company, 16205 Distribution Way, Ceritos, CA 90704.

MC 141889 (Sub-4–5TA), filed June 10, 1981. Applicant: RONALD DEBOER d.b.a. RON DEBOER TRUCKING, Route 1, Box 82, Sherry Station, Milladore, WI 54454. Representative: Wayne W. Wilson, 150 East Gilman St., Madison, WI 53703. *Metal products, clay, concrete, glass, and stone products, and materials, equipment, and supplies* used in the manufacture and distribution of such commodities between points in Riverside County, CA and Portage and Wood Counties, WI, on the one hand, and, on the other, points in the U.S. Supporting shipper: Preway, Inc., 1430 2d Street No., Wisconsin Rapids, WI 54494.

MC 109154 (Sub-4–3TA), filed June 8, 1981. Applicant: BAYLOR TRUCKING, INC., R.R. 1, Milan, IN 47031. Representative: ROBERT W. LOSER II, 1101 Chamber of Commerce Bldg., 320 N. Meridian St., Indianapolis, IN 46204, (317) 635–2339. *Contract irregular. Insulation and materials and supplies used in the manufacture of insulation,* between the facilities of Knauf Fiber Glass, GmbH, located at or near Shelbyville, IN, on the one hand, and, on the other, points in CA, OR, WA, NE and AZ, under continuing contract(s) with Knauf Fiber Glass, Gmbh, Shelbyville, IN. Supporting shipper: Knauf Fiber Glass, Box 440, Shelbyville, IN 46176.

MC 124170 (Sub-4–7TA), filed June 8, 1981. Applicant: FROSTWAYS, INC., 3000 Chrysler Service Drive, Detroit, MI 48207. Representative: William J. Boyd, 2021 Midwest Road, Suite 205, Oak Brook, IL 60521. *Contract,* irregular: *General commodities* (except Classes A and B explosives) between points in the U.S. under continuing contract(s) with General Foods Corporation of White Plains, NY. Supporting shipper: General Foods Corporation, 250 North Street, White Plains, NY 10625.

MC 155779 (Sub-4–1TA), filed June 8, 1981. Applicant: DIAMONDHEAD FREIGHT SYSTEM, INC., P.O. Box 462, Decatur, IN 46733. Representative: Alki E. Scopelitis, Scopelitis & Garvin, 1301 Merchants Plaza, Indianapolis, IN 46204. *General commodities* (except Classes A and B explosives), between points in the U.S. (including AK but excluding HI). Restricted to a contract or continuing contracts with Ft. Wayne Pools, Inc. Supporting shipper: Ft. Wayne Pools, Inc., 510 Sumpter Drive, Ft. Wayne, IN 46804.

MC 155362 (Sub-4–3TA), filed June 12, 1981. Applicant: HOOSIER TRANSPORTATION SYSTEM, INC., 501 Sam Ralston Road, Lebanon, IN 46052. Representative: John T. Wirth, 717 17th St., Ste. 2600, Denver, CO 80202. *Contract,* irregular: *such commodities as are dealt in or used by manufacturers and distributors of home entertainment products,* between points in IN and TX under continuing contract(s) with RCA Corporation. Supporting shipper: RCA Corporation, RCA Corporate Traffic, Bldg. 204–2, Rm. 38, Cherry Hill, NJ 08358.

MC 153077 (Sub-4–3TA), filed June 12, 1981. Applicant: TOTAL TRANSPORTATION, INC., 1601 99th Lane NE., Minneapolis, MN 55434. Representative: Stanley C. Olsen, Jr., 5200 Willson Road, Suite 307, Minneapolis, MN 55424. *Food and related products,* between Seward County, KS, and Kansas City, KS–MO, on the one hand, and, on the other, points in CA, IL, IA, MI, MN, ND, OH, TX and WI, for 270 days. Supporting shipper: National Beef Packers, Inc., Liberal, KS 67901.

MC 152246 (Sub-4–5TA), filed June 10, 1981. Applicant: SCHULD TRANS., INC., 774 Flanner Rd., Box 57, Mosinee, WI 5445. Representative: Norman A. Cooper, 145 W. Wisconsin Ave., Neenah, WI 54956. 1. *Metal products and machinery,* between (A) the facilities of Whirl Air-Flow Corporation at Minneapolis, MN and (B) the facilities of Mid-State Contracting, Inc. at Marathon and Wood Counties, WI on the one hand, and, on the other, points in the U.S. and; 2. *Steel* between the facilities of Wausau Steel Corporation at Marathon County, WI on the one hand, and, on the other, Chicago, IL. Supporting shippers: 1A. Whirl Air-Flow Corporation, 1515 Central Ave., NE, Minneapolis, MN 55413; 1B. Mid-State Contracting, Inc., 2001 County Hwy. U, Wausau, WI 54401; and 2. Wausau Steel Corporation, 2900 W. Sherman Street, Wausau, WI 54401.

MC 152353 (Sub-4–3TA), filed June 12, 1981. Applicant: WILLIAM TIMBLIN TRANSIT, INC., Route 1, Eden, WI 53019. Representative: James A. Spiegel, Attorney, Olde Towne Office Park, 6333 Odana Rd., Madison, WI 53719. *Steel tubing, pipe, bars, and cold rolled stock* from the Chicago, IL, commercial Zone to Winnebago County, WI, and the Upper Peninsula of MI. An underlying ETA seeks 120 days authority. Supporting shipper: Lapham-Hickey

Steel Corporation, 944 Apple Blossom Drive, Neenah, WI 54956.

MC 149151 (Sub-4–2TA), filed June 11, 1981. Applicant: SCHUH TRANSPORT, INC., P.O. Box 207, Kaukauna, WI 54130. Representative: James A. Spiegel, Attorney, Olde Towne Office Park, 6333 Odana Road, Madison, WI 53719. *Contract;* irregular; *Petroleum products,* in bulk, in tank vehicles, between Two Rivers, WI, on the one hand, and on the other hand, points in the Upper Peninsula of MI. Restriction: restricted to transportation to be performed under a continuing contract(s) with Petroleum Conservation, Inc. an underlying EPT seeks 120 days authority. Supporting shipper: Petroleum Conservation, Inc., Box 3594, Green Bay, WI 54304.

MC 153829 (Sub-4–23TA), filed June 11, 1981. Applicant: UNITED SHIPPING COMPANY, 2104 Lower St. Dennis Rd., St. Paul, MN 55102. Representative: James E. Ballenthin, 630 Osborn Building, St. Paul, MN 55102. *Foodstuffs,* from the facilities of the Creamette Company at or near Minneapolis-St. Paul, MN to points in GA, FL, MS, TN, NC, SC and AL. Supporting shipper: the Creamette Company, 428 North first Street, Minneapolis, MN 55401.

MC 127351 (Sub-4–1TA), filed June 11, 1981. Applicant: CHANGE FREIGHT LINES, INC., 202 West Main, Gardner, IL 60420. Representative: Douglas G. Brown, P. C., 913 South Sixth St., Springfield, IL 62703. *Liquified Petroleum gas,* in bulk, from Coal City, IL. to Indiannapolis, IN. Supporting shipper: De Mert & Dougherty, Inc., 1300 North St., Coal City, IL 60416.

MC 156461 (sub-4–1TA), filed June 10, 1981. Applicant: BURWICK'S INC., Route No. 3, box 159X, Dickinson, ND 58601. Representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, ND 58126. *Salt,* from Weber, Salt Lake and Dvais Counties, UT to Williams and Dunn Counties, ND. An underlying ETA seeks 120 days authority. Supporting shipper: Brine Water Express, Box 1366, Havre, MT 59501.

MC 156462 (Sub-4–1TA), filed June 10, 1981. Applicant: R. J. MEYER, an individual, 3403 Brookmeade Dr., Rolling Meadows, IL 60008. Representative: Anthony E. Young, 29 South La Salle St., Suite 350, Chicago, IL 60603. *Contract, Irregular printed matter and materials, equipment and supplies used in the manufacture and distribution of printed matter,* between points in the U.S. in and east of ND, SD, NE, KS, OK, and TX under continuing contract(s) with Bantam Books, Inc., of Des Plaines, IL. Supporting shipper: Bantam Books, Inc., 414 East Golf Road, Des Plaines, IL 60016.

MC 59967 (Sub-4–1TA), filed June 10, 1981. Applicant: LASHAM CARTAGE COMPANY, 2331 South Wood St., Chicago, IL. 60608. Representative: Bernard C. Pestcoe, Baskin and Sears, 700 Brickell Ave., 401 Security Trust Building, Miami, FL 33131. *General Commodities* (except classes A and B explosives), as defined by the Commission, between all points in the State of FL, restricted to the transportation of shipments having a prior or subsequent movement in interstate or foreign commerce. There are (8) eight supporting shippers.

MC 146985 (Sub-4–7TA), filed June 11, 1981. Applicant: MIDWEST EASTERN TRANSPORT, INC., 731 South Main Street, P.O. Box 1614, Elkhart, IN 46515. Representative: Phillip A. Renz, Esq., Grotrian & Boxberger, Attorneys at Law, Suite 200, Metro Building, Fort Wayne, IN 46802. *Contract* irregular: *General commodities (except Classes A and B explosives),* between the ports of New York, NY; Philadelphia, PA; Baltimore, MD; Boston, MA; Portsmouth, VA; Norfolk, VA; Port Newark, NJ; Port Elizabeth, NJ; Charleston, SC, on the one hand, and on the other, points in IN, OH, MI, IL, IA, and KY. Restricted to service to be performed under continuing contracts with Atlantic Container Lines of New York, NY. Supporting Shipper: Atlantic Container Lines of New York, NY.

MC 152080 (Sub-4–1TA), filed June 11, 1981. Applicant: DEPENDABLE CARTAGE AND TRANSPORTATION COMPANY, INC., 2159 West Hastings Street, Chicago, IL 60608. Representative: Abraham A. Diamond, 29 South La Salle Street, Chicago, IL 60603. *Petroleum and Products thereof; Chemicals and Related Products;* between points in IL and IN on the one hand, and, on the other, points in the U.S. An underlying ETA seeks a 120 days. Supporting shipper: Sovereign Oil Company, 6801 West 66th Pl., Chicago, IL 60638.

MC 156143(Sub-4–1TA), filed June 11, 1981. Applicant: RAINBOW COACH LINES, a div. of CARE CABS, INC., 5538 West National Ave., West Allis, WI 53214. Representative: Richard A. Kerwin, 180 North La Salle St., Chicago, IL 60601. *Passengers and their baggage, wheel chairs, litters and medical support systems and attendants in charter and special operations,* between Milwaukee County, Waukeshha County and Ozaukee County, WI on the one hand, and, on the other, points in the U.S. Supporting shipper(s): There are 16 supporting shippers.

MC 135185 (Sub-4–7TA), filed June 11, 1981. Applicant: COLUMBINE CARRIERS, INC., P.O. Box 66, South Bend, IN 46624. Representative: Jack B. Wolfe, 1600 Sherman St. #665, Denver, CO 80203. *Contract,* irregular, *General commodities (except Classes A and B explosives and hazardous waste),* from the facilities of Leggett & Platt, Inc., at or near Mason, OH and Simpsonville, Nicholasville and Winchester, KY, to points in TX and those points in the U.S. east of the Mississippi River under continuing contract(s) with Leggett & Platt, Inc. for 270 days. Supporting shipper: Leggett & Platt, Inc., P.O. Box 757, 18th Road, Carthage, MO 64836.

MC 155714 (Sub-4–2TA), filed June 10, 1981. Applicant: EKRE TRUCKING, Shevlin, MN 56676. Representative: James B. Hovland, 525 Lumber Exchange Building, Ten South Fifth Street, Minneapolis, MN 55402. *General commodities, except: (1) used household goods, and (2) Classes A and B explosives* Between Fargo and Grand Forks, ND on the one hand, and on the other, the counties of Polk, Clearwater, Beltrami, Hubbard and Cass in MN. There are 11 supporting shippers.

MC 155364 (Sub-4–3TA), filed June 11, 1981. Applicant: SINCLAIR CARTAGE, INC., 9700 South Madison Street, Hinsdale, IL 60521. Representative: Edward G. Finnegan, Ltd., 134 North LaSalle Street, Suite 1016, Chicago, IL 60602. *Petroleum, petroleum products, chemicals, petrochemicals,* in bulk from IL to points in IA, IL, KY, MI, OH, IN, and WI. Supporting shippers: Union Chemicals Division, 1701 Golf Road, Suite 506, Rolling Meadows, IL 60008; Chempet Corporation, 1750 Armitage Court, Addison, IL 60101; Seneca Petroleum Company, Inc., 3258 South Canal Street, Chicago, Illinois 60616.

MC 152935 (Sub-4–6TA), filed June 12, 1981. Applicant: HILL-ROM COMPANY, INC., Highway 46, Batesville, IN 47006. Representative: Steve A. Oldham (same as applicant). Contract: irregular *Bathroom fixtures and furnishings* from Torrance, CA to points in Atlanta, GA; Bridgeton, MO; Detroit, MI; Houston, TX; Kent, OH; and Milwaukee, WI under continuing contract(s) with Perma-Bilt Industries. Supporting shipper: Perma-Bilt Industries, Inc., 19306 S. Normandie Ave., Torrance, CA 90502.

MC 152935 (Sub-4–5TA), filed June 10, 1981. Applicant: HILL-ROM COMPANY, INC., Highway 46, Batesville, IN 47006. Representative: Steve A. Oldham (same as applicant). *Contract: irregular Wooden hospital and school cabinets* from Tacoma, WA to points in

Bloomington, Evansville, Gary, Indianapolis, Kokomo, Lafayette, New Albany, Richmond, South Bend and Terre Haute, IN; Champaign, Chicago, Decatur, Marion, Moline, Peoria, Rockford and Springfield, IL; Cedar Rapids, Des Moines, Mason City and Rock Island, IA; Bowling Green, Paducah, Lexington and Louisville, KY; Minneapolis and St. Paul, MN; Cincinnati, Chillicothe, Columbus and Dayton, OH; and LaCrosse, Madison and Milwaukee, WI under continuing contract(s) with Monitor, a division of Comerco, Inc., 3000 South Alaska, Tacoma, WA 98409. An underlying ETA seeks 90 days authority.

MC 87966 (Sub-4–5TA), filed June 15, 1981. Applicant: ELEVELD CHICAGO FURNITURE SERVICE, INC., 9630 South 76th Avenue, Hickory Hills, IL 60457. Representative: Richard V. Merrill, P.O. Box 4403, Chicago, IL 60680. *Such commodities as are dealt in or used by manufacturers of furniture* from AL, AR, GA, MS, NC, SC and TN to Atlanta, GA; Jacksonville, FL; Elizabeth, NJ; Columbus, OH; Kansas City, KS; Dallas, TX; Janesville, WI and Los Angeles and San Leandro, CA. Supporting shipper: Simmons USA, 6 Executive Park Dr. N.E., Atlanta, GA 30329.

MC 111310 (Sub-4–12TA), filed June 12, 1981. Applicant: BEER TRANSIT, INC., Box 352, Black River Falls, WI 54615. Representative: Wayne W. Wilson, 150 E. Gilman St., Madison, WI 53703. *Containers and container closures* from Oak Creek, WI and Streator, IL to Memphis, TN. An underlying ETA seeks 120 days authority. Supporting shipper: Jos. Schlitz Brewing Company, 235 Galena Street, Milwaukee, WI 53212.

MC 123980 (Sub-4–1TA), filed June 11, 1981. Applicant: MANDUS R. OLSON, 2148 Bunker Lane Blvd., N.W., Anoka, MN 55303. Representative: James E. Ballenthin, 630 Osborn Building, St. Paul, MN 55102. *Commodities dealt in by automotive glass business,* from Detroit and Wixom, MI, Ottawa, IL, Toledo, OH and Greensburg, PA and points in their commercial zones, to the facilities of The Glass Depot, Inc. at Minneapolis, MN; and from the facilities of The Glass Depot, Inc. at Minneapolis, MN to points in ND, SD, NE, IA and WI. Supporting shippers: The Glass Depot, Inc., 2450 Minnehaha, Minneapolis, MN 55404; Harmon Glass, Inc., 1 Groveland Terrance, Minneapolis, MN 55403.

MC 124159 (Sub-4–3TA), filed June 15, 1981. Applicant: DAGGETT TRUCK LINE, INC., Frazee, MN 56544. Representative: Robert N. Maxwell, P.O. Box 2471, Fargo, ND 58108. *Contract:* Irregular. *General commodities, (except Class A and B explosives),* between points in the U.S., under a continuing contract(s) with Dacotah Paper Co., Fargo, ND. Supporting shipper: Dacotah Paper Co., P.O. Box 2727, Fargo, ND 58106.

MC 133189 (Sub-4–13TA), filed June 15, 1981. Applicant: VANT TRANSFER, INC., 1257 Osborne Rd., Minneapolis, MN 55432. Representative: John B. Van de North, Jr., 2200 First National Bank Bldg., St. Paul, MN 55101. *Metal and metal articles,* between Moline and East Moline, IL, on the one hand, and, on the other, points in WI, MN and IA. Supporting shipper: D–L Steel Company, 4433 W. Touhy Avenue, Chicago, IL 60646.

MC 135410 (Sub-4–26TA), filed June 11, 1981. Applicant: COURTNEY J. MUNSON d.b.a. MUNSON TRUCKING, P.O. Box 266, Monmouth, IL 61462. Representative: Daniel O. Hands, 205 W. Touhy Avenue, Suite 200–A, Park Ridge, IL 60068. *Building materials, furniture and fixtures* between Cuyahoga County, OH, on the one hand, and, on the other, points in the U.S. in and east of ND, SD, NE, CO, OK and TX. Supporting shipper: E. F. Hauserman Company, 6551 Grant, Cleveland, OH 44105.

MC 142096 (Sub-4–3TA), filed June 15, 1981. Applicant: MILLER BROS. TRUCKING CO., INC., 4100 West Mitchell Street, Milwaukee, WI 53215. Representative: James A. Spiegel, 6333 Odana Road, Madison, WI 53719. *Empty plastic containers* from Ligonier, IN, to the facilities of W. B. Bottle Supply Co., Inc. at Milwaukee, WI. An underlying ETA seeks 120 days authority. Supporting shipper: W. B. Bottle Supply Co., Inc., 816 East Bay Street, Milwaukee, WI 53207.

MC 144452 (Sub-4–5), filed June 12, 1981. Applicant: ARLEN E. LINDQUIST TRUCKING, 9172 Davenport St. NE., Minneapolis, MN 55434. Representative: William J. Gambucci, 525 Lumber Exchange Bldg., Ten South Fifth St., Minneapolis, MN 55402. *Tires* from Columbus and Warren, OH, Mayfield, KY, Oklahoma City, OK, Versailles, MO, and Kansas City, MO commercial zone to points in CO, IA, KA, MN, NE, ND, SD, WI, and WY. Supporting shipper: Fleetwood Tires, Box 1012, Burnsville, MN 55337.

MC 150746 (Sub-4–17TA), filed June 15, 1981. Applicant: DFC TRANSPORTATION COMPANY, 12007 Smith Drive, Huntley, IL 60142. Representative: Joel H. Steiner, 39 South LaSalle, Suite 600, Chicago, IL 60603. *Copper Tubing* from Dowagiac, MI to points in TX. Supporting shipper: Sundstrand Corporation, 4751 Harrison Avenue, Rockford, IL 61101.

MC 152207 (Sub-4–3TA), filed June 15, 1981. Applicant: C. W. C. CO., 4700 Quebec Avenue North, New Hope, MN 55428. Representative: Stephen F. Grinnell, 1600 TCF Tower, Minneapolis, MN 55402. *Floor tile and materials, equipment and supplies used in the installation thereof,* from Houston, TX to points in IA, IL, MN, ND, SD and WI. An underlying ETA seeks 120 days authority. Supporting shipper: White's, Inc., 4700 Quebec Avenue North, New Hope, MN 55428.

MC 152935 (Sub-4–7TA), filed June 15, 1981. Applicant: HILL–ROM COMPANY, INC., Highway 46, Batesville, IN 47006. Representative: Steve A. Oldham (same as applicant). *Bedroom furniture* from Phoenix, AZ to points in Cincinnati, Cleveland, Columbus, Dayton and Toledo, OH; South Bend and Terre Haute, IN; Louisville, KY; Rockford and Springfield, IL; Madison and Milwaukee, WI; Memphis and Nashville, TN and Cedar Rapids and Grand Mound, IA under continuing contract(s) with Woodstuff Manufacturing, Inc. Supporting shipper: Woodstuff Manufacturing, Inc., 1635 South 43rd Avenue, Phoenix, AZ 35009.

MC 154867 (Sub-4–3TA), filed June 16, 1981. Applicant: SMEDEMA GRAIN, INC., 110 Hopkins Dr., Waupun, WI 53956. Representative: Michael J. Wyngaard, 150 East Gilman St., Madison, WI 53703. *Food and related products* from the facilities of American Farms Cooperative, Inc. in WI to AL, FL, GA, IA, IL, IN, KY, MI, MO, MN, NC, OH, PA, SC and TN. Underlying ETA seeks 120 days authority. Supporting shipper: American Farms Cooperative, Inc., 111 East Main St., Waupun, WI 53963.

The following applications were filed in Region 5. Send protests to: Consumer Assistance Center, Interstate Commerce Commission, Post Office Box 17150, Fort Worth, TX 76102.

MC 61231 (Sub-5–9TA), filed June 10, 1981. Applicant: EASTER ENTERPRISES, INC., d.b.a. ACE LINES, INC., P.O. Box 1351, Des Moines, IA 50305. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309. *(1) Cleaning machines and cleaning compounds, and (2) materials and supplies used in the manufacture and distribution of the commodities in (1) above,* between the facilities of Britt Tech Corporation at Britt, IA, and Kansas City, MO, on the one hand, and, on the other, pts in IL, IA, KS, MN, MO, NE, SD and WI. Supporting shippers: Britt Tech Corporation, Britt, IA 50423.

MC 124813 (Sub-5–29TA), filed June 10, 1981. Applicant: UMTHUN TRUCKING CO., 910 South Jackson Street, Eagle Grove, IA 50533. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309. *Lumber, wood products and construction materials,* from pts in the U.S. (except AK and HI) to Ft. Dodge, IA. Supporting shipper: Mid Continent Lumber Dealers Supply, Inc., 701 S. 22nd St., P.O. Box 1154, Ft. Dodge, IA 50501.

MC 148833 (Sub-5–12TA), filed June 10, 1981. Applicant: REBEL EXPRESS, INC., Box 98, Dawson, IA 50066. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309. *Food products* from IA and Chicago, IL commercial zone to pts in AZ, CA, CO, ID, MT, NM, NV, OR, WA, and TX. Supporting shipper, Oscar Mayer & Co., Inc., Box 7188, Madison, WI 53707.

MC 150645 (Sub-5–7TA), filed June 10, 1981. Applicant: TILEWAYS, INC., 7834 Hawn Freeway, Dallas, TX 75217. Representative: Jackson Salasky, P.O. Box 45538, Dallas, TX 75245. *Steel strapping and related products and accessories;* from Riverdale, IL to Dallas, TX. Supporting shipper(s): Total Packaging Systems & Supplies, Inc., 8605 Sovereign Row, Dallas, TX 75247.

MC 152136 (Sub-5–2TA), filed June 10, 1981. Applicant: DANE TRUCKING & CARTAGE COMPANY, P.O. Box 7506, Ft. Worth, TX 76111. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 75062. Contract, Irregular, *Plastic or Rubber Articles,* between Waco, TX, on the one hand, and on the other, points in the U.S., except (AK and HI). Supporting shipper: Certainteed Corporation, P.O. Box 1100, Bluebell, PA 19422.

MC 152649 (Sub-5–6TA), filed June 9, 1981. Applicant: RIVERLAND TRUCKING CO., INC., West 10th Avenue, P.O. Drawer BC, Reserve, Louisiana 70084. Representative: Harry M. England, West 10th Street, P.O. Drawer E, Reserve, Louisiana 70084. Contract; Irregular *glass and plastic containers, closures, plastic and paper products, container components, packagings products and material, equipment and supplies used in the manufacture, sale and distribution of the foregoing,* between points in AL, AR, FL, GA, KY, LA, MS, MI, NC, SC, TN, and TX. Supporting shipper: Owens-Illinois, Inc., P.O. Box 1035, Toledo, Ohio 43666

MC 152674 (Sub-5–5TA), filed June 10, 1981. Applicant: MIDWEST EXPRESS, INC., P.O. Box 550, Miami, OK 74354. Representative: Michael H. Lennox, 531 N. Portland, P.O. Box 75613, Oklahoma City, OK 73147. *Plaster molds, clay bodies, liquid clays and blends, kilns, mixers, casting machines, wheels, glazes, stains, and other supplies used in the manufacture of ceramics,* between the States of CA, NV, and OR, on the one hand, and on the other points in the States of CO, FL, KS, MO, NJ, OH, OK, TX, and WA. Supporting shipper: The Good Earth, 70 Admiral Callaghan Lane, Vallejo, CA 94590.

MC 154266 (Sub-5–1TA), filed June 10, 1981. Applicant: MICHAEL G. HANUS, d.b.a. A TRUCKING COMPANY, P.O. Box 721, Valley, NE 68064. Representative: Marshall D. Becker, Suite 610, 7171 Mercy Road, Omaha, NE 68106. Contract; Irregular. *Food and related items,* from Omaha, NE to Modesto and Sacramento, CA; from Modesto, CA; Clearfield and Richmond, UT; Heyburn, Burley, and Caldwell, ID; Connell, Wenatchee, Bellingham, and Walla Walla, WA to Omaha, NE; and from Modesto and Sacramento, CA to pts in ID, MT, NV, OR, UT, and WA. Supporting shipper: Campbell Soup Company, 1201 Douglas Street, Omaha, NE.

MC 155514 (Sub-5–1TA), filed June 10, 1981. Applicant: WAYNE CAUDELL, 305 14th St., Woodward, OK 73801. Representative: Michael H. Lennox, 531 North Portland, P.O. Box 75613, Oklahoma City, OK 73147. *Mercer commodities,* between points in OK, LA, TX, CO, and WY. Supporting shippers: Homeco International, Inc., P.O. Box 934, Woodward, OK 73801; Whiting Oilfield Rentals, Inc., P.O. Box 84, Woodward, OK 73801; NL Acme Tool, P.O. Box 986, Elk City, OK 73648; Drilling Tools, Inc., 1703 S. Main, Elk City, OK 73648.

MC 156074 (Sub-5–1TA), filed June 9, 1981. Applicant: R. L. JONES, d.b.a. SHILOH TRANSPORTATION COMPANY, P.O. Box 4398, Ft. Worth, TX 76106. Representative: Jackson Salasky, P.O. Box 45538, Dallas, TX 75245. *(1) Electrical equipment and (2) materials, equipment and supplies used in the manufacture of (1);* between Dallas, TX on the one hand, and, on the other, Atlanta, GA; Baltimore, MD; Kearney, NJ; Chicago, IL; Evansville, IN; Los Angeles, CA; El Paso and Brownsville, TX. Supporting shipper(s): Morse Electro Products Corp., 3433 Morse Drive, Dallas, TX 75211.

MC 156138 (Sub-5–1TA), filed June 9, 1981. Applicant: STONEWALL TRANSPORT, INC., 666 Travis, Suite 200, Shreveport, LA 71101. Representative: Thomas P. Brown (same as above). *Petroleum, petroleum products, and chemicals in bulk in tank vehicles,* (1) between LA, AR, and TX on the one hand, and, on the other, AL, GA, MS, TN, AR, OK, TX, LA, FL, KS, CO, NC, SC, IL, IN, OH, PA, NJ, and MO. (2) From Greenville, MS to AL, LS, AR. Supporting shippers: 7.

MC 156421 (Sub-5–1TA), filed June 9, 1981. Applicant: RONALD D. RAMTHUN, Box 152, Manson, IA 50563. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309. Contract, irregular: *General commodities, except explosives and commodities in bulk,* between pts in the U.S. under contract with Butler Manufacturing Company, Box 191, Rockwell City, IA 50579, Harms Hardware Company, Lytton, IA 50612, Manson Implement Company, 215 8th Street, Manson, IA 50563.

MC 156440 (Sub-5–1TA), filed June 10, 1981. Applicant: PETRA TRANSPORTATION CORPORATION, 4608 South Garnett, Suite 400, Tulsa, OK 74145. Representative: Jack R. Anderson, Rahal & Anderson, 305 Reunion Center, 9 East Fourth Street, Tulsa, OK 74103. *Machinery, equipment, materials and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum and their products and byproducts,* between all points in OK and TX. Supporting shippers: 6 supporting shippers.

MC 38403 (Sub-5–2TA), filed June 12, 1981. Applicant: WELLING TRUCK SERVICE, INC., 3610 Tree Court, Industrial Drive, Kirkwood, MO 63122. Representative: H. Barney Firestone, 10 S. LaSalle Street, Chicago, IL 60603. (1) *Candy and confectionary products, chocolate, cocoa compounds, chocolate syrup and oleomargarine and (2) dessert preparations and materials and supplies used in the manufacture of dessert preparation,* between points in St. Louis, MO and points in its commercial zone, points in Washington, Marion and Crawford Counties, IL on the one hand, and on the other, points in MO, IA, IN, WI, KS, and OH. Supporting shipper: Hollywood Brands, Inc., 836 S. Chestnut Street, Centralia, IL, 62801.

MC 60066 (Sub-5–10TA), filed June 12, 1981. Applicant: BEE LINE MOTOR FREIGHT, INC., 1804 Paul Street, Omaha, NE 68102. Representative: Donald L. Stern, Suite 610, 7171 Mercy Road, Omaha, NE 68106. *Foods, and such commodities as are dealt in by manufacturers of paper and plastic articles,* from Chicageo, IL to points in IA. Supporting shipper: Sweetheart Cup Corporation, 7575 South Kostner Avenue, Chicago, IL 60652.

MC 111401 (Sub-5–44TA), filed June 12, 1981. Applicant: GROENDYKE TRANSPORT, INC., P.O. Box 632, Enid, OK 73701. Representative: Victor R. Comstock, Vice President, Traffic (same as applicant). *Anhydrous hydrofluoric acid, in bulk, in tank vehicles,* from Tulsa, OK to points in CO, KS, LA, MT, OK, ND, TX and WY. Shipper: Pennwalt Corp., Three Parkway, Philadelphia, PA 19102.

MC 114045 (Sub-5–9TA), filed June 12, 1981. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 61228, D/FW Airport, TX 75261. Representative: Arnold L. Burke, 180 North LaSalle Street, Chicago, IL 60601. *Such merchandise as is dealt in by food business houses,* between ME, NH and VT on the one hand, and on the other, points in MA, CT, RI, NY, NJ, and PA. Restricted to traffic originating at or destined to the facilities of or utilized by Hannaford Brothers Company. Supporting shipper: Hannaford Brothers Company, 54 Hannaford Road So., Portland, ME 04106.

MC 117119 (Sub-5–58TA), filed June 12, 1981. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. 186, Elm Springs, AR 72728. Representative: L. M. McLean (same address as applicant). *Resin compounds, liquid; liquid plastic, liquid paint (except commodities in bulk)* from the facilities of Foam Systems Co. at Riverside, CA to points in GA, KS, MO, NC, NY, OK, OR, PA, TN, WA and WI. Supporting shipper(s): Foam Systems Company, P.O. Box 5347, Riverside, CA 92517.

MC 124174 (Sub-5–48TA), filed June 11, 1981. Applicant: MOMSEN TRUCKING CO., 13811 "L" Street, Omaha, NE 68137. Representative: Karl E. Momsen (same as above). *Parts, equipment and materials used in the manufacture, assembly and repair of automotive buses (except commodities in bulk),* between IL, IN, IA, KY, MI, MO, NY, OH, PA, TX, UT, and WI, on the one hand, and Roswell, NM, on the other hand. Supporting shipper(s): Transportation Manufacturing Corporation, P.O. Box 5670, (R.I.A.C.) Roswell, NM 88201.

MC 124511 (Sub-5–6TA), filed June 12, 1981. Applicant: OLIVER MOTOR SERVICE, INC., P.O. Box 223, Mexico, MO 65265. Representative: Leonard R. Kofkin, 39 South La Salle Street, Chicago, IL 60603. *Lumber and wood products,* (A) between points in CA, OR, WA, ID, MT, AZ, NM, and WY; and (B) between points in CA, OR, MO, WA, ID, MT, AZ, NM, WY, AR, OK, TX, LA, MS, and AL on the one hand, and, on the other, points in AR, IL, IA, KS, MO, OK, and TX. Supporting shipper: Broadview Lumber Company, Inc., P.O. Box 816, Carthage, MO 64836.

MC 126045 (Sub-5–8TA), filed June 12, 1981. Applicant: ALTER TRUCKING AND TERMINAL CORPORATION, 1010 South Farragut Street, Davenport, IA 52808. Representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, IL 60603. *Metal products,* between Clinton County, IA, on the one hand, and, on the other, points in AZ, AR, CO, IL, IN, IA, KS, KY, LA, MI, MN, MT, NE, NM, ND, OH, OK, SD, TX, WI and WY. Supporting shipper: Central Steel Tube Co., Box 551, Clinton, IA 52732.

MC 126822 (Sub-5–60TA), filed June 11, 1981. Applicant: WESTPORT TRUCKING COMPANY, 15580 South 169 Highway, Olathe, KS 66061. Representative: John T. Pruitt (same as applicant). *Building materials* between pts in the U.S., restricted to shipments from, to, or between the facilities of Triangle Pacific Corporation. Supporting shipper: Triangle Pacific Corporation, P.O. Box 220100, Dallas, TX 75222.

MC 126822 (Sub-5–61TA), filed June 11, 1981. Applicant: WESTPORT TRUCKING COMPANY, 15580 South 169 Highway, Olathe, KS 66061. Representative: John T. Pruitt (same as applicant). *(1) Salt, salt products, and (2) materials, equipment and supplies used in the manufacture of (1) above, between* Salt Lake County, UT; Van Zandt County, TX; and Iberia Parish, LA, on the one hand and pts in AL, MS, LA, AR, MO, TX, OK, KS, NE, SD, ND, MT, ID, WY, CO, NM, AZ, UT, NV, CA, OR, and WA on the other. Supporting shipper: Morton Salt Division, Morton Norwich Products, Inc., 110 North Wacker Drive, Chicago, IL 60606.

MC 128273 (Sub-5–40TA), filed June 11, 1981. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, KS 66701. Representative: Elden Corban, P.O. Box 189, Fort Scott, KS 66701. *General commodities (except Class A & B explosives, household goods, as defined by the Commission, and commodities which because of size or weight require the use of special equipment),* from points in Johnson, Leavenworth & Wyandotte Counties, KS, and Clay County, MO, to points in the United States (except AK & HI). Supporting shipper: Linwood-Welch Marketing Company, Inc., 910 Pennsylvania-Suite 1103, Kansas City, MO 64105.

MC 138522 (Sub-5–1TA), filed June 12, 1981. Applicant: R. G. STANKO EXPRESS, INC., P.O. Box 127, Gering, NE 69341. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501, (402) 475–6761. Contract, Irregular. *Meat, meat products, meat by-products, and articles distributed by meat packinghouses, and such commodities as are used by meat packinghouses in the conduct of their business,* between the facilities of Cattle King Beef Company, Inc. at or near Denver, CO, on the one hand, and, on the other, points in the U.S., under a continuing contract(s) with Cattle King Beef Company, Inc. of Gering, NE. Supporting shipper: Cattle King Beef Company, Inc., Gering, NE 69341.

MC 141747 (Sub-5–1TA), filed June 12, 1981. Applicant: ENGLE BROTHERS TRUCKING, INC., Rural Route No. 1, Rector, AR 72461. Representative: Don Garrison, Esq.; Post Office Box 1065, Fayetteville, AR 72701. *Fertilizer and Fertilizer Materials,* between points in AL, AR, FL, GA, IA, IL, KS, KY, LA, MO, MS, NC, NE, OK, SC, TN and TX. Supporting shippers: Agrico Chemical Company, Post Office Box 3166, Tulsa, OK 74101. USS Agri-Chemicals Division, United States Steel Corporation, Post Office Box 1685, Atlanta, GA 30301.

MC 144667 (Sub-5–6TA), filed June 12, 1981. Applicant: ARTHUR E. SMITH & SON TRUCKING, INC., P.O. Box 1054, Scottsbluff, NE 69361. Representative: Bradford E. Kistler P.O. Box 82028, Lincoln, NE 68501, (402) 475–6761. *Meat, meat products, meat by-products, and articles distributed by meat packinghouses, and such commodities as are used by meat packinghouses in the conduct of their business,* between the facilities of Cattle King Beef Company, Inc., at or near Denver, CO, on the one hand, and, on the other, points in the U.S. Supporting shipper: Cattle King Beef Company, Inc., Gering, NE 69341.

MC 152386 (Sub-5–2TA), filed June 11, 1981. Applicant: LACINDA LYNN, INC., d.b.a. LADD TRUCKING CO., P.O. Box 1101, Canadian, TX 79014. Representative: Timothy Mashburn, 1806 Rio Grande, Austin, TX 78768. *Machinery, equipment, materials, and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products,* between points in Hemphill, Wheeler, Lipscomb, Ochiltree, Collingsworth, Gray, Roberts, Hansford Counties, TX, on the one hand, and, on the other, points in OK, KS, and NM. Supporting shipper(s): 4.

MC 152649 (Sub-5–7TA), filed June 11, 1981. Applicant: Riverland Trucking Co., Inc., P.O. Drawer BC, Reserve, LA 70084. Representative: Harry M. England (same as above). Contract; Irregular.

Containers and container ends, closures accessories, paper and paper products, packaging and packaging products and equipment, materials and supplies used in the manufacturing, sale and distribution thereof between points in LA, TX, FL, MS, AL and GA. Supporting shipper: the Continental Group, Inc., 4 Landmark Square, Suite 130, Stamford, Ct 06901.

MC 154387 (Sub-5–1TA), filed June 11, 1981. Applicant: GUARANTEED DELIVERY SERVICE, a partnership of Steve Green, and C. Michael Meyer, 1745 Hayden Drive, Carrollton, TX 75006. Representative: William D. White, Jr., 4200 Republic National Bank Tower, Dallas, TX 75201. Contract Irregular: *Air filters and insulation and accessories and supplies used in connection with the installation and maintenance thereof;* from Dallas County, TX; Jefferson Parish, LA; Orleans Parish, LA; and Pinellas County, FL to points in AL, AZ, AR, CA, CO, FL, GA, KS, KY, LA, MS, MO, NV, NM, NC, OK, SC, TN, TX, and UT. Supporting shipper: Precisionaire, Inc., 2441 W. Commerce, Dallas, TX.

MC 154646 (Sub-5–6TA), filed June 11, 1981. Applicant: A & O ENTERPRISES, INC., d.b.a. GREATWEST TRANSPORTATION SYSTEMS, 2022 Kent Avenue, Grand Island, NE 68801. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501. *Metal products,* between pts in Box Elder County, UT, on the one hand, and, on the other, pts in AZ, CA, CO, ID, MT, NV, NM, OR, WA, and WY. Supporting shipper: Curtis H. Blackwell, Manager of Distribution Services, Nucor Corporation, 4425 Randolph Road, Charlotte, NC 28211.

MC 155090 (Sub-5–2TA), filed June 12, 1981. Applicant: S & T TRUCKING CO., INC., P.O. Box 4054, Kansas City, MO 64101. Representative: Charles J. Fain, attorney at law, 333 Madison Street, Jefferson City, MO 65101. Contract; Irregular. *Chemicals and allied products, except hazardous waste* from Kansas City, to points in CA, CO, NJ, NY, and WA Supporting shipper: Thompson Hayward Chemical Company, 5200 Speaker Road, Kansas City, KS 66106.

MC 155090 (Sub-5–3TA), filed June 12, 1981. Applicant: S & T TRUCKING CO., INC., P.O. Box 4054, Kansas City, MO 64101. Representative: Charles J. Fain, Attorney at Law, 333 Madison Street, Jefferson City, MO 65101. Contract; Irregular. *Batteries, wet or dry,* from Kansas City, KS to all points in the U.S. Supporting Shipper: Chloride Industrial Battery Co., 3250 Brinkerhoff Road, Kansas City, KS 66115.

MC 155090 (Sub-5–4TA), filed June 12, 1981. Applicant: S & T TRUCKING CO., INC., P.O. Box 4054, Kansas City, MO 64101. Representative: Charles J. Fain, Attorney at Law, 333 Madison Street, Jefferson City, MO 65101. Contract; Irregular, *Rubber and plastics products* from Independence, MO, to points in AZ, IN, LA, MI, OH, SC, and TX. Supporting Shipper: Plastic Enterprises Co., Inc., 407 South Liberty, Independence, MO 64051.

MC 155941 (Sub-5–1TA), filed June 12, 1981. Applicant: DROKE BROTHERS TRUCKING, INC., Route No. 1, Hornersville, MO 63885. Representative: E. Lewis Coffey, 26 Kingspark Drive, Maumelle, AR 72118. *(1) Bananas and (2) Bananas and plantains in mixed truckloads* between Galveston, TX and points in TX, OK, KS, NE, SD, ND, CO, MN, IA, MO, AR , TN, KY, IL, IN, WI, and OH. Supporting Shipper: Castle & Cooke Foods, 2900 Veterans Boulevard, Metairie, LA 70011.

MC 156328 (Sub-5–1TA), filed June 12, 1981. Applicant: U.S. TRANSPORTATION LTD., 334 N.W. Greenwood, Ankeny, IA 50021. Representative: James R. Snyder (same as above). Contract; Irregular. (1) *Fabricated Metal Home and Office Furniture.* Between Des Moines, Iowa, on the one hand, and on the other, points in the United States (except AK and HI) under Continuing Contract or Contracts with W. P. Johnson Co., Des Moines, Iowa.

MC 156491 (Sub-5–1TA), filed June 12, 1981. Applicant: TRANSPORTES DEL VALLE S.A. DE C.V., Prol. Madero 4217 Ote., Monterrey, N.L. Mexico 00000. Representative: James W. Hightower, Hightower, Alexander, Cook and Birnbaum, P.C., First Continental Bank Building, Suite 301, 5801 Marvin D. Love Freeway, Dallas, TX 75237. *Polypropylene chips,* From Houston, TX to ports of entry on the International Boundary Line between TX and the Republic of Mexico. Supporting Shipper: Celulosa Y Derivados, S.A., Ave. Celulosa Y Rio Nueces, Apdo. 1124, Monterrey, N.L.

MC 156494 (Sub-5–1TA), filed June 12, 1981. Applicant: KEVIN S. KRUMWIEDE, d.b.a. KRUMWIEDE TRUCKING, 410 S. Walnut, Box 324, Bancroft, IA 50517. Representative: Richard D. Howe, Myers, Knox & Hart, 600 Hubbell Building, Des Moines, IA 50309. *Forest products,* between ID, MT, OR, SD, and WA, on the one hand, and, on the other, points in IA and MN. Supporting shipper: Dick Dodds Lumber Co., Storm Lake, IA.

MC 52460 (Sub-5–36TA), filed June 15, 1981. Applicant: ELLEX TRANSPORTATION, INC., 1420 W. 35th St., P.O. Box 9637, Tulsa, OK 74107. Representative: Don E. Kruizinga, 1420 W. 35th St., P.O. Box 9637, Tulsa, OK 74107. *Food and Related Products,* from Riverside County, CA, to points in AL, AZ, AR, CO, FL, GA, IL, IA, IN, KS, MS, MO, NE, NC, OK, SC, TN, and TX. Supporting shipper: Butcher Boy Foods, 12155 Magnolia, Riverside, CA 92571.

MC 61231 (Sub-5–10TA), filed June 15, 1981. Applicant: EASTER ENTERPRISES, INC., d.b.a. ACE LINES, INC., P.O. Box 1351, Des Moines, IA 50305. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309. *Earth drilling mud and industrial minerals,* from Custer County, SD, to pts in AZ, AR, CO, ID, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, MT, NE, ND, NM, OH, OK, OR, SD, TN, TX, UT, WA, WI and WY. Supporting shipper: Pacer Corporation, P.O. Box 912, Custer, SD 57730.

MC 124174 (Sub-5–49TA), filed June 15, 1981. Applicant: MOMSEN TRUCKING CO., 13811 "L" Street, Omaha, NE 68137. Representative: Karl E. Momsen (same as above). *(1) Boots and shoes; (2) (a) Electric and gasoline motors, oil burners, water pumps, and (b) steam and high pressure cleaners and space heaters; (3) (a) Glass, and (b) other related articles used in the manufacture and distribution of (a).* (1) from Rockford, MI to Montclair, CA. (2)(a) from pts in PA and MI to Union County, SD, and (b) from Union County, SD to all pts in the USA; (3) Between pts in the USA. Supporting shipper(s): Wolverine World Wide, Inc., 9341 Courtland Drive, Rockford, MI 49341. Alkota Manufacturing Co., Inc., Box 3678, Alcester, SD 57001; Safelite, a Lear Siegler Division, 801 S. Wichita, Wichita, KS 67201.

MC 128007 (Sub-5–8TA), filed June 15, 1981. Applicant: HOFER, INC., 20th and 69 Bypass, P.O. Box 583, Pittsburg, KS 66762. Representative: Larry E. Gregg, 641 Harrison Street, P.O. Box 1979, Topeka, KS 66601. Contract; Irregular; *scrap aluminum and scrap metal,* Between points in the United States under a continuing contract with Metal Treating Services of Colorado. Supporting shipper: Metal Treating Services of Colorado, P.O. Box 850, Evergreen, CO 80439.

MC 129908 (Sub-5–54TA), filed June 15, 1981. Applicant: AMERICAN FARM LINES, INC., 8125 S.W. 15th St., Oklahoma City, OK 73147. Representative: T. J. Blaylock, P.O. Box 75410, Oklahoma City, OK 73147. *Lumber and Wood products* betwen AZ, CA, ID, MT, OR and WA on the one

hand and on the other AR, CO, KS, MO, OK and TX. Supporting shippers: Power Lumber Sales Inc., Oklahoma City, OK; American Timber Products Inc., Oklahoma City, OK.

MC 144449 (Sub-5–2TA), filed June 15, 1981. Applicant: A & A MOVING & STORAGE, d.b.a. A & A CONTRACT CARRIERS, 414 Blue Smoke Court West, Fort Worth, TX 76105. Representative: Billy R. Reid, 1721 Carl Street, Fort Worth, TX 76103. Contract, Irregular. *Custom made wood frames, fixtures and upholstered furniture, uncrated, in padded vans,* from Cleburne, TX to points in the U.S., under continuing contract(s) with Style-Rite Manufacturing Company, Cleburne, TX.

MC 144603 (Sub-5–44TA), filed June 15, 1981. Applicant: F.M.S. Transportation, Inc., 2564 Harley Drive, Maryland Heights, MO 63043. Representative: Laura C. Berry (same address as applicant). *(1) Rubber and plastic products; metal products and (2) commodities used in the manufacture, sale and distribution of commodities listed in (1)* between points in Marion and Jefferson Counties, IL, on the one hand, and, on the other, points in the U.S. in and east of ND, SD, NE, KS, OK and TX. Supporting shippers: Midwest Stoves, Inc., 1 Old Timer Dr., P.O. Box 1704, RR 5, Mt. Vernon, IL 62864; Plastiflex Company, 823 North Brooks Dr., P.O. Box 1040, Centralia, IL 62801.

MC 145317 (Sub-5–6TA), filed June 15, 1981. Applicant: QUALITY SERVICE TANK LINES, INC., 9022 Perrin Beitel Road, San Antonio, TX 78217. Representative: Timothy Mashburn, 1806 Rio Grande, Austin, TX 78768. *Cement, in bulk,* from Houston, TX, to points in LA. Supporting shipper: Lone Star Industries, Inc., 3336 Richmond Avenue, Houston, TX 77098.

MC 146078 (Sub-5–25TA), filed June 15, 1981. Applicant: CAL–ARK, INC., P.O. Box 610, Malvern, AR 72104. Representative: John C. Everett, 140 E. Buchanan, P.O. Box A, Prairie Grove, AR 72753. *Rolled roofing and insulation and materials, equipment, and supplies utilized in the installation of rolled roofing and insulation and materials, equipment, and supplies utilized in the manufacture of rolled roofing and insulation* (1) from Ennis, TX, to Clark County, AR, and (2) from Clark County, AR, to all points and places in the United States. Supporting shipper: Siplast, Inc., Hwy. 67 South, Arkadelphia, AR 71923.

MC 146616 (Sub-5–12TA), filed June 15, 1981. Applicant: B & H MOTOR FREIGHT, INC., 4724 West 21st Street, Tulsa, OK 74107. Representative: Fred Rahal, Jr., Suite 305, Reunion Center, 9 East Fourth Street, Tulsa, OK 74103. Contract, Irregular: (1) *Iron and steel articles, vapor recovery units, combustion units and conversion units,* and (2) *materials and supplies used in the production and distribution of the commodities named in (1) above,* between points in the U.S., under continuing contract(s) with McGill Incorporated of Tulsa, OK. Supporting shipper: McGill Incorporated, P.O. Box 9667, 5800 W. 68th Street, Tulsa, OK 74107.

MC 149152 (Sub-5–2TA), filed June 15, 1981. Applicant: L & L MOTOR FREIGHT, INC., 1911 N.W. 1st Street, Oklahoma City, OK 73126. Representative: William P. Parker, 141 N.E. 38th Terrace, Oklahoma City, OK 73105. Common, Regular: *General commodities (except classes A and B explosives)* from Muskogee, OK over U.S. Highway 62 to Tahlequah, OK and return over the same route serving all intermediate points. Applicant intends to tack and interline. Supporting shipper(s): There are 8 supporting shippers.

MC 149235 (Sub-5–8TA), filed June 15, 1981. Applicant: C. MAXWELL TRUCKING CO., INC., 9108 Reeds Dr., Overland Park, KS 66207. Representative: Alex M. Lewandowski, 1221 Baltimore Ave., Ste. 600, Kansas City, MO 64105. *Contract,* irregular: *Aluminum granules,* between Henrietta, MO and points in the U.S. Supporting shipper: Aluminum Metallurgical Granules, 1900 W. 47th Place, Shawnee Mission, KS.

MC 149568 (Sub-5–4TA), filed June 15, 1981. Applicant: TRUCK SERVICE COMPANY, 2169 E. Blaine, Springfield, MO 65803. Representative: John L. Alfano, Esq., Alfano & Alfano, P.C., 550 Mamaroneck Avenue, Harrison, NY 10528. Contract; Irregular. (1) *drugs, cleaning compounds, iron and steel rust preventing or removing compounds, plastic articles (except expanded plastic articles), and bathroom and lavatory fixtures,* from Rensselaer, NY, to Menlo Park and Vernon, CA, Dallas, TX, and Seattle, WA; (2) *drugs and toilet preparations,* from Monticello, IL, to Menlo Park and Vernon, CA, and Seattle, WA; (3) *drugs, cleansing towels, plastic articles (except expanded plastic articles), rubber articles (except expanded rubber articles), chemicals, and cleaning compounds, (except commodities in bulk),* from Myerstown, PA, to Menlo Park and Vernon, CA, Dallas, TX, and Seattle, WA, and (4) *lanolin cloths and towels,* from Trenton, NJ to Menlo Park and Vernon, CA, Dallas, TX, and Seattle, WA, restricted in (1), (2), (3), and (4) above against the transportation of commodities in bulk, under continuing contract(s) in (1), (2), (3), and (4) above, with Sterling Drug Inc. of New York, NY. Supporting Shipper: Sterling Drug Inc., 90 Park Avenue, New York, NY 10016.

MC 150954 (Sub-5–32TA), filed June 15, 1981. Applicant: TRAVIS TRANSPORTATION, INC., 6013 Rittiman Plaza, San Antonio, TX 78218. Representative: Rudy Opperman (same as above). Contract, Irregular: *General Commodities* (except Class A & B explosives, commodities in bulk, household goods as defined by the Commission, hazardous wastes), between Little Rock, AR, Skokie, IL, West Leechburg, PA, Hammondsport, NY, Wayne, NY, Wabash, IN, and Elk Grove Village, IL, on the one hand and on the other, points in AR, IL, SC, WA, OR, AZ, NC, GA, UT, CO, MI, NY, WV, VA, PA, CA, IN, under continuing contract(s) with Teletype Corporation, 8000 Interstate 30, Little Rock, AR.

MC 151158 (Sub-5–8TA), filed June 15, 1981. Applicant: BROWN TRANSIT, INC., 325 Ingram, Conway, AR 72032. Representative: D. R. Beeler, P.O. Box 482, Franklin, TN 37064. *Such commodities as are dealt in or used by wholesale, retail discount, variety and department stores* between points in Pulaski County, AR on the one hand and on the other, points in the U.S. (except AK and HI). Supporting Shipper: Target Stores, Inc., 600 Carnahan Drive, Maumelle, AR 72118.

MC 151158 (Sub-5–9TA), filed June 15, 1981. Applicant: BROWN TRANSIT, INC., 325 Ingram, Conway, AR 72032. Representative: D. R. Beeler, P.O. Box 482, Franklin, TN 37064. *Food and related products* between the facilities of DPM of Arkansas at Booneville, AR on the one hand and on the other, points in the U.S. (except AK and HI). Supporting Shipper: DPM of Arkansas, Inc., P.O. Box 200, 400 Baldwin Road, Booneville, AR 72927.

MC 151383 (Sub-5–8TA), filed June 15, 1981. Applicant: NICKELL TRUCKING CO., 4901 West 51st Street, Tulsa, OK 74107. Representative: Fred Rahal, Jr., Rahal & Anderson, a Professional Corporation, Suite 305 Reunion Center, 9 East Fourth Street, Tulsa, OK 74103. Contract, Irregular: (1) *Iron and steel articles, vapor recovery units, combustion units and conversion units,* and (2) *materials and supplies used in the production and distribution of the commodities named in (1) above,* between points in the U.S. under continuing contract(s) with McGill Incorporated of Tulsa, OK. Supportng shipper: McGill Incorporated, P.O. Box

9667, 5800 W. 68th Street, Tulsa, OK 74107.

MC 151819 (Sub-5–12TA), filed June 15, 1981. Applicant: CARGO MASTER, INC., 917 S. Harwood St., Dallas, TX 75201. Representative: Jackson Salasky, P.O. Box 45538, Dallas, TX 75245. *Malt beverages, malt supplies and equipment used in the sale and distribution of malt beverages;* from (1) Longview, TX to points in MS, LA, MO, AR, TN, OK, & NE. (2) from Memphis, TN to points in AR, OK, MS, AL, GA, KY, ND, SD, IL, IA, IN, NE, OH, MI & MN. Supporting shipper(s): Jos. Schlitz Brewing Company, 235 W. Galena, Milwaukee, WI 53212.

MC 152480 (Sub-5–2TA), filed June 15, 1981. Applicant: J. JACK WILMOTH, d.b.a. WILMOTH TRUCKING, 1518 N.W. 1st Street, Oklahoma City, OK 73106. Representative: Michael H. Lennox, 531 N. Portland, P.O. Box 75613, Oklahoma City, OK 73147. *Iron or Steel Articles,* between OK on the one hand, and on the other, KS. Supporting shipper: Robberson Steel Co., P.O. Box 25888, Oklahoma City, OK 73125.

MC 154158 (Sub-2TA), filed June 15, 1981. Applicant: KINNEY TRUCK LINE, INC., 124 W. Willis Avenue, Perry, IA 50220. Representative: Steven C. Schoenebaum, 1200 Register & Tribune Bldg., Des Moines, IA 50309. *Agricultural machinery, agricultural implements, and agricultural machinery and implement parts,* from Perry, IA to Patterson, CA. Supporting shipper: Osmundson Mfg. Co., Box 158, Highway 141 West, Perry, IA 50220.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-18613 Filed 6-23-81; 8:45 am]
BILLING CODE 7035-01-M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

A.I.D. Research Advisory Committee; Meeting

Pursuant to Executive Order 11769 and the Provisions of Section 10(a)(2), Pub. L. 92–463, Federal Advisory Committee Act, notice is hereby given of the A.I.D. Research Advisory Committee meeting on July 21–22, 1981 at the Pan American Health Organization Building, Conference Room C to review, appraise and make recommendation to the Administrator, Agency for International Development, concerning projects proposed for A.I.D. research funding in the areas of science and technology.

The meeting will begin at 9 a.m. and adjourn at 5:30 p.m. each day. The meeting is open to the public. Any interested persons may attend, may file written statements with the Committee before or after the meeting, or may present oral statements in accordance with procedures established by the Committee and to the extent the time available for the meeting permits. Dr. Miloslav Rechcigl, Chief of Research and Methodology Division, Bureau for Development Support, is designated as the A.I.D. representative at the meeting. It is suggested that those desiring more specific information contact Dr. Rechcigl, 1601 N. Kent Street, Arlington, Virginia 22209 or call area code (703) 235–9011.

Dated: June 18, 1981.

Miloslav Rechcigl,
A.I.D. Representative, Research Advisory Committee.

[FR Doc. 81-18628 Filed 6-23-81; 8:45 am]
BILLING CODE 4710-02-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-75]

Certain Large Video Matrix Display Systems and Components Thereof; Exclusion Order

AGENCY: International Trade Commission.

ACTION: Issuance of exclusion order.

SUMMARY: On June 19, 1981, the Commission issued an Action and Order and Opinion in the above-captioned investigation. The Commission ordered that large video matrix display systems and components thereof, including spare parts, that infringe claims of U.S. Letters Patent Nos. 3,594,762; 3,941,926; or 4,009,335, and are manufactured by SSIH Equipment S.A., of Bienne, Switzerland, or any of its affiliated companies, parents, subsidiaries, or other related business entities, or their successors or assigns, be excluded from entry into the United States for the remaining terms of said patents, except under license.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation to determine whether there is a violation of section 337 of the Tariff Act of 1930, 19 U.S.C. 1337, in connection with the importation into the United States and the sale therein of certain large video matrix display systems and components thereof. Notice was published in the **Federal Register**, 44 FR 75242 (Dec. 19, 1979).

At a public meeting on June 1, 1981, the Commission determined unanimously that there is a violation of section 337 in the unauthorized importation and sale of certain large video matrix display systems and components thereof that infringe the claims of U.S. Letters Patent Nos. 3,594,762; 3,941,926; and 4,009,335. The Commission determined unanimously that public interest considerations do not preclude the granting of relief in this case and determined by a vote of three to one (Commissioner Stern dissenting) that the appropriate remedy is an order directing that the infringing articles manufactured by SSIH Equipment S.A. of Bienne, Switzerland, be excluded from entry into the United States for the remaining terms of the patents, except under license granted by the patent owner.

Copies of the Commission's Action and Order, Opinion, and all other nonconfidential documents in the record of this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202–523–0161.

FOR FURTHER INFORMATION CONTACT: Michael B. Jennison, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202–523–0350.

By order of the Commission.

Kenneth R. Mason,
Secretary.

Issued: June 19, 1981.

[FR Doc. 81-18868 Filed 6-23-81; 8:45 am]
BILLING CODE 7020-02-M

[Investigation No. 337-TA-96]

Certain Modular Pushbutton Switches and Components Thereof; Prehearing Conference and Hearing

Notice is hereby given that a prehearing conference will be held in this case at 9:00 a.m. on July 27, 1981, in the Dodge Center, Room 201, 1010 Wisconsin Avenue, N.W., Washington, D.C., and the hearing will commence immediately thereafter.

The purpose of the prehearing conference is to review the trial memoranda submitted by the parties, to stipulate exhibits into the record, and to discuss any questions raised by the parties relating to the hearing.

The Secretary shall publish this notice in the **Federal Register.**

Issued: June 17, 1981.

Janet D. Saxon,

Administrative Law Judge.

[FR Doc. 81-18702 Filed 6-23-81; 8:45 am]

BILLING CODE 1020-02-M

[Investigation No. 337-TA-95]

Certain Surface Grinding Machines and Literature for the Promotion Thereof; Commission Request for Comments Regarding Settlement Agreement

AGENCY: International Trade Commission.

ACTION: Request for public comment on proposed settlement agreements.

SUMMARY: The settlement agreements would result in the termination of the investigation as to respondents Bob's Machinery Sales and Cassiere Machinery Company. This notice requests comments from the public on the proposed settlement agreements on or before July 24, 1981.

DATES: Comments will be considered if received on or before July 24, 1981. Comments should conform with § 201.8 of the Commission's Rules of Practice and Procedure (19 CFR 201.8), and should be addressed to Kenneth R. Mason, Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436.

SUPPLEMENTARY INFORMATION: Complainant Brown and Sharpe Manufacturing Company and respondents Bob's Machinery Sales and Cassiere Machinery Company have moved jointly for termination of this investigation as to those respondents on the basis of settlement agreements. On May 21, 1981, the presiding officer recommended that the joint motions be granted.

Notice of the institution of the investigation was published in the **Federal Register** of January 22, 1981 (46 FR 7107).

Settlement Agreements

The two settlement agreements, which are identical except for the name of the respondent, provide in pertinent part as follows:

Pending a determination by the U.S. International Trade Commission of the complaint filed in the Investigation, Respondent shall refrain from importing, buying, selling, leasing, or otherwise transferring Surface Grinding Machines into the United States directly or indirectly from Taiwan or other countries, of the type and style which

(a) Are reproductions, copies, colorable imitations or simulations of B & S High Precision Surface Grinding Machines that have been sold under the designations 510, 612, 618, 624, 1024, 1030, 1244, and 1236, or

(b) Are of the type offered for sale heretofore by Lian Feng Machine Co. of Taiwan, China, identified as Exhibit 14 attached to the B & S complaint in the investigation.

Respondent shall refrain from copying, reprinting, using, selling or distributing any unauthorized copies of manuals, catalogs, brochures, or other printed material prepared or owned by B & S and bearing a B & S copyright notice.

Respondent shall refrain from using any B & S manual, catalog, or other printed material, whether or not protected by copyright, in connection with the maintenance, repair or sale of surface grinding machines or components thereof, other than B & S surface grinding machines or components thereof.

Respondent shall refrain from importing, buying, selling or otherwise transferring Surface Grinding Machines made in foreign countries which simulate the trade dress of B & S High Precision Surface Grinding Machines as exemplified by Exhibits 14, 15, and 16B of the Complaint filed in the Investigation.

Respondent agrees to give to B & S two copies of all catalogs, manuals, advertisments and promotional pieces promoting or making reference to surface grinding machines made by Lian Feng Machine Co. that have been used, sold or distributed by Respondent.

Respondent shall deliver to B & S prior to March 27, 1981 in affidavit form a statement relating to Respondent's purchase and sale of surface grinding machines made or sold by Lian Feng Machinery Co., including (a) the total number purchased; (b) the dates of purchase; (c) the price paid; (d) the total number in inventory; (e) the total number sold; (f) the price of each sale; (g) the date of each sale.

Respondent shall deliver to B & S prior to March 27, 1981 all copies of catalogs, manuals and advertisements in its possession that were prepared by or for Lian Feng Machinery Co. that contain reference to surface grinding machines that are reproductions, copies, colorable imitations or simulations of B & S High Precision Surface Grinding Machines that have been sold under the designations 510, 612, 618, 824, 1024, 1030, 1244, and/or 1236.

B & S and the Respondent agree to file a joint motion before the U.S. International Trade Commission to terminate the Investigation with respect to Respondent without prejudice.

B & S agrees to refrain from instituting any civil action for any matters which have been raised in the complaint filed before the U.S. International Trade Commission.

B & S hereby releases the Respondent from claims of copyright and trademark infringement and unfair competition arising from those issues raised in the B & S complaint filed in the Investigation.

Written Comments Requested

In order to discharge its statutory obligation to consider the public interest, the Commission seeks written comments from interested persons regarding the effects of terminating this investigation as to respondents Bob's Machinery Sales and Cassiere Machinery Company on the basis of the settlement agreements on (1) the public health and welfare, (2) competitive conditions in the U.S. economy, (3) the production of like or directly competitive articles in the United States, and (4) U.S. consumers. The Commission investigative attorney is specifically requested to make comments. All written comments must be filed with the Secretary to the Commission no later than July 24, 1981. In addition, pursuant to 19 CFR 210.14(a)(2), the Commission has requested comments from the Department of Health and Human Services, the Department of Justice, the Federal Trade Commission, and the U.S. Customs Service.

Additional Information

The original and 19 copies of all written submissions must be filed with the Secretary to the Commission, 701 E Street NW., Washington, D.C. 20436, telephone (202) 523-0161. All comments must be filed no later than July 24, 1981. Any person desiring to submit a document (or portion thereof) to the Commission in confidence must request *in camera* treatment. Such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons the Commission should grant such treatment. The Commission will either accept the submission in confidence or return it. All nonconfidential written submissions will be available for public inspection at the Secretary's office.

FOR FURTHER INFORMATION CONTACT: Clarease E. Mitchell, Esq., Office of the General Counsel, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436; telephone (202) 523-0148.

By order of the Commission.

Issued: June 17, 1981

Kenneth R. Mason,

Secretary

[FR Doc. 81-18689 Filed 6-23-81; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-94]

Certain Wet Motor Circulating Pumps and Components Thereof; Cancellation of Prehearing Conference and Hearing

Notice is hereby given that the prehearing conference and hearing scheduled for June 29, 1981 (46 FR 28770, May 28, 1981) are cancelled.

The Secretary shall publish this Notice in the **Federal Register**.

Issued: June 18, 1981

Janet D. Saxon,

Administrative Law Judge.

[FR Doc. 81-18703 Filed 6-23-81; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 731-TA-42 (Preliminary)]

Motorcycle Batteries From Taiwan

Determination

On the basis of the record [1] developed in investigation No. 731-TA-42 (Preliminary), the Commission unanimously determines that there is a reasonable indication that an industry in the United States is threatened with material injury [2] by reason of imports from Taiwan of 6- and 12-volt lead-acid storage batteries rated at 2-28 ampere hours, principally for use in motorcycles, provided for in item 683.10 of the Tariff Schedules of the United States, which are allegedly being sold in the United States at less than fair value (LTFV).

Background

On May 1, 1981, the U.S. International Trade Commission and the U.S. Department of Commerce each received a petition from Yuasa-General Battery Corp., Reading, Penn., alleging that motorcycle batteries from Taiwan are being, or are likely to be sold, in the United States at LTFV. Accordingly, the Commission instituted a preliminary antidumping investigation under section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)) to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of the imports of such merchandise into the United States. The statute directs that the Commission make its determination within 45 days of its receipt of the petition, or in this case by June 15, 1981.

Notice of the institution of the Commission's investigation and of a public conference to be held in connection therewith was duly given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, D.C., and by publishing the notice in the **Federal Register** on May 13, 1981 (46 FR 26589). The public conference was held in Washington, D.C., on May 27, 1981, and all persons who requested the opportunity were permitted to appear in person or by counsel.

Views of the Commission

Determination

On the basis of the record in investigation No. 731-TA-42 (Preliminary), we determine that there is a reasonable indication that an industry in the United States is threatened with material injury [3] by reason of imports from Taiwan of motorcycle batteries [4] allegedly sold in the United States at less than fair value (LTFV).

Discussion

The domestic industry is defined as consisting of all domestic producers of a like product or those producers whose total output of the like product constitutes a major portion of domestic production of that product.[5] A like product is a product which is like, or in the absence of like, most similar in characteristics and uses with, the imported product which is the subject of the investigation.[6]

The imported products are motorcycle batteries, defined for purposes of this investigation as lead-acid storage batteries having a nominal output of either 6 or 12 volts and rated from 2 to 28 ampere-hours at a 10 hour discharge rate.[7] These batteries are used primarily in motorcycles to provide electrical power to the ignition and running lights, but are also used to a lesser extent in other items, including self-starting lawn mowers and garden tractors.[8] These batteries are unlike batteries used in automobiles, because their ampere-hour ratings are well below those of automobile batteries. The ignition and electrical system of an automobile usually require a battery rated at a minimum of 35 ampere-hours.[9] Nearly all motorcycle batteries imported into the United States are manufactured in either Taiwan or Japan. Imports from Taiwan include both the 6-volt and 12-volt varieties.

Aside from the difference in voltage, 6-volt and 12-volt batteries are distinguished chiefly by usage. Six-volt batteries have thier primary application in motorcycles with engines smaller than 150 cc. and in older model motorcycles lacking an electrical ignition system. Twelve-volt batteries are used in large motorcycles having an elcetrical ignition.

U.S. production is almost entirely of 12-volt batteries, although two domestic manufacturers reported production of relatively small quantities of certain types of 6-volt batteries.[10] The 6- and 12-volt batteries produced in the United States appear to be used for the same purposes for which the imports are used. The characteristics of U.S.-produced 12-volt batteries are not discernibly different from those of the imports.

However, the best information presently available does not enable us to determine satisfactorily whether the 6-volt batteries produced in the United States are like the imported 6-volt batteries from Taiwan or whether they compete with those imports.[11] Moreover, the extent of the competition between different models of similar voltage batteries has not been fully developed. In addition, we are unable to distinguish adequately between the production of 6- and 12-volt batteries in terms of profit and loss and employment data. Since

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[1] The record is defined in § 207.2(j) of the Commission's Rules of Pracice and Procedure (19 CFR 207.2(j)).

[2] Vice Chairman Calhoun determines that an industry in the United States is materially injured, or is threatened with material injury, by reason of imports from Taiwan of 6- and 12-volt lead-acid storage batteries rated at 2-28 ampere hours, principally for use in motorcycles, provided for in item 683.10 of the Tariff Schedules of the United States, which are allegedly being sold in the United States at less than fair value.

[3] Vice Chairman Calhoun determines that there is a reasonable indication that an industry in the United States is materially injured or is threatened with material injury by reason of imports from Taiwan of motorcycle batteries allegedly sold in the United States at less than fair value.

[4] The product is provided for in item 683.10 of the Tariff Schedules of the United States.

[5] Section 711(4)(A) of the Tariff Act of 1930

[6] Section 771(10) of the Tariff Act of 1930

[7] Storage batteries are devices used for converting chemical energy into electrical energy through a chemical reaction. They differ from primary batteries in that they are capable of being recharged by passing an electrical current in the direction opposite to that by which current is discharged Staff report at A-1 to A-2.

[8] Staff report at A-1.

[9] *See* Staff report at A-1 to A-5 for a full discussion concerning these batteries.

[10] Staff report at A-4, A-5.

[11] Domestically manufactured 6-volt batteries are used chiefly in older model Harley-Davidson motorcycles, and these batteries may not be of a type similar to the "Japanese style" batteries imported from Taiwan. *See* brief of Exide Corp. at 3, 9.

the Commission lacks sufficient information at this point to reach a precise conclusion regarding like product, we conclude for purposes of this preliminary investigation that the industry is comprised of producers of either 6- or 12-volt batteries.

The Commission is directed by statute to assess the impact of the alleged LTFV imports by examining the production of the narrowest group or range of products, which includes a like product, for which the necessary information can be provided.[12] Our determination in this preliminary investigation, therefore, is based upon examination of the impact of these imports on all domestic production of motorcycle batteries. If a final determination proceeding is held in this case, the Commission will attempt to gather information that will allow separate consideration of 6- and 12-volt batteries, if appropriate.

The respondent in this investigation has urged that the two principal U.S. producers of motorcycle batteries, Yuasa-General Battery Corp. and Exide Corp., be excluded from the scope of the domestic industry for the purpose of assessing the effect of the alleged LTFV imports. This question involves application of section 771(4)(B):

> Related parties.—When some producers are related to the exporters or importers, or are themselves importers of the allegedly subsidized or dumped merchandise, the term "industry" may be applied in appropriate circumstances by excluding such producers from those included in that industry.

Exclusion under this provision is discretionary and is made on a case-by-case basis.

Both Yuasa-General and Exide are importers of motorcycle batteries from Taiwan.[13] In addition, Yuasa-General has a corporate relationship to Yuasa Taiwan Battery Co., a firm alleged in the petition to be an exporter of LTFV motorcycle batteries, through their common parent, Yuasa Battery Co. of Japan.[14] Exclusion of either or both of these two companies from the U.S. producers against which the impact of the imports is to be measured, however, would be inappropriate under the circumstances of this case. Together they account for virtually all of the domestic production of motorcycle batteries, and no persuasive case has been made that exclusion is appropriate now.[15]

No reasonable indication of present material injury

The information developed in the course of this investigation demonstrates no reasonable indication of present material injury,[16] despite a recent decline in some of the indicators of the health of the domestic industry.[17] Production by U.S. manufacturers, which has risen from 1978 to 1979, fell slightly in 1980 and the first quarter of 1981.[18] Employment of production and related workers and the number of man-hours worked also declined somewhat during the same period.[19] Although inventories dropped substantially in January–March 1981 from the bloated levels reached in 1980, they remained very high.[20]

Other key information, though, indicates that the domestic industry is performing well. Shipments of motorcycle batteries by U.S. producers have continued to increase steadily since 1978.[21] Over the same period the domestic industry has experienced significant increases in both sales and profits.[22] These trends, when viewed together with the recent declines in inventories, production and employment, suggest strongy that U.S. producers are choosing to fill their orders from inventory, rather than from production.[23]

Reasonable indication of threat of material injury

We have found a reasonable indication of threat of material injury by reason of the alleged LTFV imports. Our conclusion is based on the high volume of imports from Taiwan, their high level of market penetration, significant underselling, and sales confirmed to have been lost on the basis of price to these imports.[24]

Imports of these motorcycle batteries from Taiwan have increased rapidly from 390,000 units in 1978 to approximately 900,000 units in 1979 and nearly 1,100,000 units in 1980.[25] This

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[12] Section 771(4)(D) of the Tariff Act of 1930.

[13] Staff report at A–4 to A–5.

[14] Yuasa-General Battery Corp. is a joint venture between Yuasa Battery Co. and General Battery Co., a U.S. firm. Staff report at A–4. Yuasa Taiwan Battery Co. is jointly owned by Yuasa Battery Co and Taiwan interests. Staff report at A–5.

[15] Commissioner Stern notes: Consideration of the "related parties" question under section 771(4)(B) involves a two-step process. The first step is to determine factually whether a domestic producer is an importer of the subject articles or is related to an importer or foreign exporter. In this case Yuasa-General and Exide are both importers of alleged LTFV motorcycle batteries from Taiwan, and Yuasa-General is related to a firm in Taiwan that exports alleged LTFV batteries.

The second step is to determine whether there are "appropriate circumstances" for excluding the domestic producer from the scope of the domestic industry. This determination is a matter of discretion to be decided by the Commission on a case-by-case basis. Reference to prior Commission investigations, however, provides some guidance. Exclusion of a domestic firm may ordinarily be appropriate when its operations are closely integrated with those of a related foreign exporter, as in *Snow-Grooming Vehicles*, Inv. No. 731–TA–36 (Preliminary), USITC Pub. 1117 (1980), in which a domestic producer was the sole importer of the subject articles as well as a wholly-owned subsidiary of the foreign exporter. On the other hand, exclusion may be inappropriate when the effect is to exclude producers accounting for a large proportion of domestic production of the articles and doing so would severely distort the Commission's perception of the industry. *See Unlasted Leather Footwear From India*, Inv. No. 701–TA–1 (Final), USITC Pub. 1045 (1980) ("Views of Chairman Bedell and Commissioners Moore and Stern" at 4–5); *Melamine in Crystal Form from Austria and Italy*, Inv. Nos. 731–TA–13 (Final) and 731–TA–14 (Final), USITC Pub. 1065 (1980) ("Views of Commissioner Stern" at 10–11). Exclusion also may not be advisable when the domestic producers are importing the articles solely to enable them to compete with unfairly priced imports. *See Certain Iron-Metal Castings from India*, Inv. No. 303–TA–13, USITC Pub. 1098 (1980) ("Views of Commissioner Stern" at 19–20). Yet other related party circumstances have appeared in *Television Receiving Sets from Japan*, Inv. No. 751–TA–2, USITC Pub.— (1981). The considerations I have mentioned are merely illustrative, not exhaustive. Obviously, each case has its own details which merit individual consideration.

On the basis of the best information presently available, I conclude that exclusion of Yuasa-General and Exide would not be appropriate. The reasons are similar to those I stated in *Unlasted Leather Footwear*, *Melamine*, and *Iron-Metal Castings*. There is a reasonable indication at this stage that the two firms import from Taiwan only to allow them to stay in competition with other imports from Taiwan sold in the United States at unfairly low prices. Information on the record shows that one of the two companies imports batteries that compete directly with its own domestically manufactured products. *See* Transcript of Preliminary Conference at 73. Most fundamentally, it is clear at this stage that elimination of the two principal domestic producers of motorcycle batteries would so distort our analysis of the industry as to render it valueless by excluding well over 95 percent of all domestic production. Should this case return, an examination of the strategies of related party domestic producers might well have bearing on their standing with respect to a finding on the appropriate scope of the domestic industry.

[16] Vice Chairman Calhoun does not join in this finding. *See* p. 3 n. 1, *supra*.

[17] Due to the limited number of firms comprising the domestic industry, nearly all the information obtained is regarded as confidential business information; for this reason, the information is discussed only in general terms.

[18] Staff report at A–5.

[19] Staff report at A–14.

[20] Staff report at A–7.

[21] Staff report at A–6 to A–7.

[22] Staff report at A–15 to A–17.

[23] Staff report at A–9.

[24] No information is available to show the capacity in Taiwan to generate exports of motorcycle batteries or the likelihood that any additional exports would be directed to the U.S. market.

[25] The volune of imports of motorcycle batteries from Taiwan may be slightly overstated, since all imports from Taiwan under TSUS item 683.10 (a basket category encompassing all lead-acid type storage batteries and parts thereof) have been considered to be motorcycle batteries for the

Continued

represents an increase of 125 percent between 1978 and 1979 and a further 22 percent between 1979 and 1980. Although imports declined in the first quarter of 1981 as compared to the same period in 1980, their level remained high.[26] Imports steadily increased their penetration of the U.S. market between 1978 and 1980, achieving a very substantial share of the market before decreasing in January–March 1981.[27]

Imports of motorcycle batteries from Taiwan have undersold U.S.-produced batteries. Throughout the period from 1979 to January–March 1981, the imported batteries were offered in the U.S. market at prices well below those of comparable domestic models.[28]

Additionally, sales have been lost to the lower-priced imports. One domestic producer submitted 8 claims of sales lost by it to imports from Taiwan. Of the 8 purchasing firms, 5 reported that they have increased their purchases of batteries from Taiwan and correspondingly decreased their purchases of the domestic products. All of the firms indicated that the major reason for their shifts in purchasing was the lower price at which the products from Taiwan were offered for sale.[29]

Conclusion

On the basis of the record before us, we have made a preliminary determination that the case should be continued.

Issued: June 15, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-18706 Filed 6-23-81; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 731-TA-31 (Final)]

Precipitated Barium Carbonate From the Federal Republic of Germany

Determination

On the basis of the record [1] developed in investigation No. 731-TA-31 (Final), the Commission unanimously determines, pursuant to section 735(b)(1) of the Tariff Act of 1930 (19 U.S.C. 1673d(b)(1)), that an industry in the United States is materially injured by reason of imports from the Federal Republic of Germany of precipitated barium carbonate, provided for in item 472.06 of the Tariff Schedules of the United States, which the Department of Commerce has determined to be sold in the United States at less than fair value (LTFV).

Background

The Commission instituted this investigation effective February 13, 1981, following a preliminary determination by the Department of Commerce that precipitated barium carbonate from West Germany is being, or is likely to be, sold in the United States at LTFV.

Notice of the institution of the Commission's investigation and of the public hearing to be held in connection therewith was duly given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, D.C., and by publishing the notice in the **Federal Register** on March 11, 1981 (46 FR 16159). The hearing was held in Washington, D.C., on May 18, 1981, and all persons who requested the opportunity were permitted to appear in person or by counsel.

Views of the Commission

On the basis of the record in investigation No. 731-TA-31 (Final), we determine that an industry in the United States is materially injured by reason of imports from the Federal Republic of Germany (West Germany) of precipitated barium carbonate,[2] which the Department of Commerce has determined to be sold at less than fair value (LTFV).

The Domestic Industry

In general, the domestic industry is defined as consisting of all domestic producers of a like product or those producers whose total output of the like product constitutes a major portion of domestic production of that product.[3] A like product is a product which is like, or in the absence of like, most similar in characteristics and uses with the article under investigation.[4]

The imported product under investigation is precipitated barium carbonate from West Germany, a powdered or granular chemical which is used principally to prevent scumming in the manufacture of bricks and discoloration in the production of ceramics, and to increase the brilliance and the refractive index of glass. It is also used in lesser amounts in the manufacture of permanent-magnet ferrites, photographic paper, and in the manufacture of other chemicals.[5]

There are two forms of precipitated barium carbonate—an uncalcined or powdered form, and a calcined or granular form. The granular form is obtained by drying precipitated barium carbonate at a higher temperature than is used to obtain the powdered form. There is no chemical difference between the uncalcined and the calcined forms.[6]

As subparts of the two forms, there are also different grades or specifications of barium carbonate. These different grades vary for specific end uses according to particle size, specifications for contaminants, and the degree of refinement. There are no published industrywide specifications distinguishing each grade; instead, producers and end users of barium carbonate have their own internal specifications for what each produces or requires. This has led to a general understanding concerning the specifications of various grades, but there are no universally accepted definitions, and an overlap exists.[7]

Kali-Chemie AG (Kali), the only known West German producer to export to the United States in significant quantities, exports both the uncalcined and calcined forms of barium carbonate in a number of different grades. The domestic industry also produces both the uncalcined and the calcined forms of barium carbonate in a number of different grades/specifications.

Although arguments were made before the Commission regarding the significance of the different grades and forms, it is apparent to us that all barium carbonate, both imported and domestically produced, constitutes a single like product within the meaning of the statute. Although specifications may vary because of the different percentage of contaminants in the barium carbonate, all grades and forms have basically the same chemical formula. It is also clear that the end user can modify his production process, and thus, different forms and grades can be substituted for each other, even though the specifications are different. Mr. David Cassidy of FMC Corp. (FMC), a petitioner, noted during the hearing that the different forms and grades of barium carbonate are not the key factor in the market place because end users can modify their production process and compensate for the differences in the barium carbonate if the price is low

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purposes of this investigation. This, however, does not affect the trends stated in the text. Staff report at A-10.

[26] Staff report at A-10, A-18.

[27] Staff report at A-18.

[28] Staff report at A-18, A-20 to A-23.

[29] Staff report at A-23.

[1] The record is defined in § 207.2(j) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(j)).

[2] Classifiable under item 472.06 of the Tariff Schedules of the United States (TSUS).

[3] Sec. 771(4)(A) of the Tariff Act of 1930.

[4] Sec. 771(10).

[5] Report at A-3.

[6] *Id.* at A-3—A-5.

[7] *Id.* at A-3.

enough.[9] Thus, the different forms and grades do compete against each other.

Accordingly, we determine that the like product is all precipitated barium carbonate, and that the domestic industry is composed of the producers of precipitated barium carbonate. Virtually all (98%) of the barium carbonate produced in the United States is produced by three companies: FMC, Chemical Products Corp. (CPC), and Sherwin-Williams Co.

Material Injury

Section 771(7)(B) directs the Commission in making its material injury determination, to consider, among other factors, (1) the volume of imports of the merchandise which is the subject of the investigation, (2) the effect of imports of such merchandise on prices in the United States for like products, and (3) the impact of imports of such merchandise on domestic producers of like products. All domestic producers manufacture products in addition to barium carbonate, but, since available data permit the assessment of injury on the basis of barium carbonate separately, and because the allocations to barium carbonate production appear to be reasonable and accurate, we have assessed injury in relation to the production of the like product in accordane with section 771(4)(D) of the statute.

Several factors indicate tha material injury is present in this case. The most significant are the declining sales and profitability of the domestic industry. The casual connection between dumped imports and material injury to the domestic industry is demonstrated by the increased market share of LTFV imports together with the substantial margins of underselling.

Volume of Imports

Imports of precipitated barium carbonate from West Germany, by far the major foreign supplier, increased substantially in recent years, from 11.4 million pounds in 1977 to 15.6 million pounds in 1979. Although imports slipped to 9.4 million pounds in 1980 as the recession hit barium carbonate sales, the level of imports of barium carbonate remained substantial. Further, in January-March 1981, imports from West Germany reached 3.4 millions pounds, or 25 percent more than imports during January–March 1980 (2.7 million pounds).[10]

Market penetration increased from 13.6 percent in 1977 to 18.3 percent in 1978. This increase in part resulted from the fact that the shortfall between domestic capacity and commercial demand increased from 8 million pounds in 1977 to 14 million pounds in 1978. However, after the shortfall began to fade, the U.S. industry was not able to recapture its lost market share. In 1979, when the shortfall narrowed to 8 million pounds, the share of the market held by imports did not decline, and, in fact, increased minimally. This was at a time (1979) when the margins of underselling were at the highest levels for the whole period under consideration.[11] Although market penetration dropped from 18.6 percent in 1979 to 15.1 percent in 1980, the latest level is still significant and above the 1977 level.

Effect of LTFV Import on Prices

The imported product consistently undersold the U.S. product by substantial margins when prices were compared either on a U.S. shipping point or on a delivered basis. On an f.o.b. U.S. shipping point basis (ex-dock versus f.o.b. factory), the average margin of underselling during 1977–80 for granular barium carbonate was about 10 percent, and somewhat higher margins were found for powdered barium carbonate. In 14 out of 16 three-month periods between 1977 and 1980, the imported product was the price leader, underselling every domestic producer, usually by substantial margins.

When delivered prices are compared for 1979 and 1980, the margins of underselling are even greater. On a delivered basis, for granular barium carbonate, the average margin of underselling for the imported product is close to 20 percent, and for powdered barium carbonate, the average margin for the imported product is close to 12 percent.[12]

Respondents have argued that the Commission should not compare delivered prices in order to determine the margins of underselling, but, rather, should compare ex-dock versus f.o.b. factory prices. The Commission believes that the better standard of comparison is delivered prices, because the end user compares the total or delivered cost of the product from alternative suppliers in making a decision to purchase.[13]

Impact of Imports on the Domestic Industry

Although the performance of individual producers has varied significantly, the domestic barium carbonate industry as a whole has been experiencing increasing economic difficulties. U.S. production of barium carbonate fell from 70 million pounds in 1978 to 58 million pounds in 1980.[14] Although capacity remained stable from 1977 through 1980, capacity utilization declined from 93 percent in 1978 to 77 percent in 1980.[15] U.S. producers' sales of barium carbonate dropped sharply and steadily at an accelerating rate, from 70 million pounds in 1977 to 49 million in 1980.[16] During this period, yearend inventories increased steadily from 5 million to 15 million pounds. As a share of sales, these inventories climbed from 7 percent in 1977 to 31 percent in 1980.[17] Profitability has been low since the beginning of the period under consideration. Profits did increase, somewhat, from 1977 through 1979, but in 1980 the industry suffered a net loss.[18]

The three U.S. producers alleged a number of lost sales to 14 end users. The Commission's staff contacted 12 of these end users and verified that they had

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[9] Testimony of Mr. David Cassidy of FMC. Transcript of the hearing at 16 and 17.

[9] In its posthearing brief, at 2 and 3 (footnote omitted), Kali-Chemie stated that the like product is barium carbonate. The information before the Commission requires the conclusion that there is only one "like product," barium carbonate. The imported material is sold at basically the same price * * * despite product differences and the domestic industry's representative testified that there was not significant price difference between the calcined and uncalcined material * * *.

[10] Report at A–12.

[11] *Id.* at A–38—A–40.

[12] When comparing importers' prices with domestic producers' prices, the Commission may use comparable price data at various levels in the channels of distribution, but generally the price most relevant to the issues of price depression, price suppression, and lost sales is the price at that level of competition where direct price comparisons first take place. In the market for barium carbonate, the end user, who may also be the importer, is the first such level of competition. It is the total—or delivered—cost of purchases from alternative suppliers which is compared in making a decision to purchase. For some products, there is a portion of the delivered cost which is unrelated to the production of that good—such as transportation expenses—and which is relatively small or nearly equal for all suppliers. In those instances, the effects of imports sold at less than fair value are apparent in comparisons of f.o.b. prices as well as delivered prices. However, when transportation accounts for a particularly large part of the total cost to a customer—such as with barium carbonate—the customer must consider those charges, and it is appropriate that the Commission do likewise. These customers wish to obtain a product of acceptable quality at the lowest possible cost to them. Throughout the period examined by the Commission, there is ample evidence of significant underselling by imports on a delivered-price basis However, we wish to note that there is also ample evidence of significant underselling at any level where comparisons might have been made, including those of f.o.b. producer's plant versus ex-dock port-of-entry, the level of comparison which had been suggested by counsel for the West German producer.

[13] Report at A–14 and A–15.

[14] *Id.* at A–14 and A–15.

[15] *Id.* at A–17 and A–18.

[16] *Id.* at A–19 and A–21.

[17] *Id.* at A–24 and A–25.

indeed purchased barium carbonate from West Germany. Almost all indicated that price was a factor in their decision to purchase the product from West Germany rather than the comparable domestic product, and several indicated that price was the primary reason.[19]

The Congress has indicated that "the law does not * * * contemplate that injury from LTFV imports be weighted against other factors * * *" and advises further that it "does not view overall injury caused by unfair competition, such as dumping, to require as strong a causation link to unfairly competitive imports as would be required for determining the existence of injury under fair trade conditions."[20] Although other factors are considered, the essential point is that the Commission "must satisfy itself that in the light of all the information presented, there is a sufficient causal link between the less-than-fair-value imports and the requisite injury."[21]

In addition to the impact of imports on the barium carbonate industry, there appear to be a number of other factors affecting the industry's performance. These include the general decline in longrun demand for barium carbonate brought about by discontinuance of certain uses and decreased usage in the manufacture of other products, the cyclical drop in consumption occasioned by the domestic decline in manufacturing in 1980, FMC's campaign production process, and the heavy costs borne by various producers related to environmental regulations and transportation costs. However, we are satisfied that a sufficient causal nexus does exist between the material injury of the domestic industry and the LTFV imports. As discussed above, this link is reflected by the pattern of market penetration together with substantial margins of underselling.

Issued: June 12, 1981.

By order of the Commission:

Kenneth R. Mason,

Secretary.

[FR Doc. 81-18700 Filed 6-23-81; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 731-TA-44 (Preliminary)]

Sorbitol From France

AGENCY: International Trade Commission.

ACTION: Institution of preliminary antidumping investigation.

SUMMARY: The U.S. International Trade Commission hereby gives notice of the institution of investigation No. 731-TA-44 (Preliminary) to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from France of sorbitol, provided for in item 493.68 of the Tariff Schedules of the United States, which is allegedly sold or likely to be sold in the United States at less than fair value (LTFV).

EFFECTIVE DATE: June 19, 1981.

FOR FURTHER INFORMATION CONTACT: Ms. Miriam Bishop, Office of Investigations, U.S. International Trade Commission, Room 350, 701 E Street NW., Washington, D.C. 20436; telephone 202-523-0291.

SUPPLEMENTARY INFORMATION: On June 15, 1981, petitions were simultaneously filed with the U.S. Department of Commerce and the U.S. International Trade Commission by Pfizer Inc. alleging that sorbitol from France is being sold in the United States at LTFV and that an industry in the United States is being materially injured or threatened with material injury by reason of such imports. Accordingly, pursuant to section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)), the Commission is instituting preliminary antidumping investigation No. 731-TA-44 (Preliminary) to determine whether a reasonable indication of such injury exists. The Commission must make its determination within 45 days after the date on which the petition was received, or in this case by July 30, 1981. The investigation will be conducted according to the provisions of part 207, subpart B, of the Commission's Rules of Practice and Procedure (19 CFR Part 207).

Written Submissions: Any person may submit to the Commission a written statement of information pertinent to the subject of the investigation. A signed original and nineteen (19) true copies of each submission must be filed at the Office of the Secretary, U.S. International Trade Commission Building, 701 E Street, NW., Washington, D.C. 20436, on or before July 16, 1981. All written submissions except for confidential business data will be available for public inspection.

Any business information for which confidential treatment is desired shall be submitted separately. The envelope and all pages of such submissions must be clearly labeled "Confidential Business Information." Confidential submissions and requests for confidential treatment must conform with the requirements of § 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6).

For further information concerning the conduct of the investigation and rules of general application, consult the Commission's Rules of Practice and Procedure, part 207, subparts A and B (19 CFR Part 207), and part 201, subparts A through E (19 CFR Part 201).

Conference: The Director of Operations of the Commission has scheduled a conference in connection with this investigation for 10 a.m., e.d.t., on Monday, July 13, 1981, at the U.S. International Trade Commission Building. Parties wishing to participate in the conference should contact the investigator for this investigation, Ms. Miriam Bishop (202-523-0291). It is anticipated that parties in support of the petition for the imposition of antidumping duties and parties opposed to such petition will each be collectively allocated one (1) hour within which to make an oral presentation at the conference. Further details concerning the conduct of the conference will be provided by the investigator.

Inspection of the Petition: The petition filed in this case is available for public inspection at the Office of the Secretary, U.S. International Trade Commission.

This notice is published pursuant to § 207.12 of the Commission's Rules of Practice and Procedure (19 CFR 207.12).

Issued: June 19, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-18701 Filed 6-23-81; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 731-TA-33 (Final)]

Strontium Nitrate From Italy

Determination

On the basis of the record[1] developed in investigation No. 731-TA-33 (Final), the Commission unanimously determines, pursuant to section 735(b)(1) of the Tariff Act of 1930 (19 U.S.C. 1673d(b)(1)), that an industry in the United States is materially injured by reason of imports from Italy of strontium nitrate, provided for in item 421.74 of the Tariff Schedules of the United States,

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[19] *Id.* at A-31—A-33.

[20] H. Rep. No. 96-317, 96th Cong., 1st Sess. 47 (1979).

[21] S. Rep. No. 96-249, 96th Cong., 1st Sess. 75 (1979).

[1] The record is defined in § 207.2(j) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(j)).

which the Department of Commerce has determined to be sold in the United States at less than fair value (LTFV).

Background

The Commission instituted this investigation effective February 13, 1981, following a preliminary determination by the Department of Commerce that strontium nitrate from Italy is being, or is likely to be, sold in the United States at LTFV.

Notice of the institution of the Commission's investigation and of the public hearing to be held in connection therewith was duly given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, D.C., and by publishing the notice in the **Federal Register** on March 11, 1981 (46 FR 16159). The hearing was held in Washington, D.C., on May 18, 1981, and all persons who requested the opportunity were permitted to appear in person or by counsel.

Views of the Commission

On the basis of the record in investigation No. 731–TA–33 (Final), we determine that an industry in the United States is materially injured by reason of imports from Italy of strontium nitrate,[2] which the Department of Commerce has determined to be sold at less than fair value (LTFV).

The Domestic Industry

In general, the domestic industry is defined as consisting of all domestic producers of a like product or those producers whose total output of the like product constitutes a major portion of domestic production of that product.[3] A like product is a product which is like, or in the absence of like, most similar in characteristics and uses with the article under investigation.[4]

The imported article under investigation is strontium nitrate from Italy, a powdered chemical used primarily in the manufacture of pyrotechnic devices, such as flares and fireworks, although small amounts are used in chromate coatings and as a chemical reagent.[5] There are no commercial substitutes for strontium nitrate.

The imported and domestically produced strontium nitrate have essentially the same chemical formula and are completely fungible.[6] They have the same uses and characteristics. We, therefore, conclude that domestically produced strontium nitrate is like the imported product and find the domestic industry is composed of the one producer of strontium nitrate in the United States, FMC Corp. (FMC), the petitioner.

Material Injury

Section 771(7)(B) directs that, in making its material injury determination, the Commission shall consider, among other factors, (1) the volume of imports of the merchandise which is the subject of the investigation, (2) the effect of imports of such merchandise on prices in the United States for like products, and (3) the impact of imports of such merchandise on domestic producers of like products. FMC produces other products in addition to strontium nitrate. Since available data permit the assessment of injury on the basis of strontium nitrate separately and the allocations to FMC's strontium nitrate production appear to be reasonable and accurate, we have assessed injury in relation to production of the like product in accordance with section 771(4)(D) of the statute.

Volume of Imports

Societa Bario e Derivati S.p.A. (SABED), a wholly owned subsidiary of Kali-Chemie AG in West Germany, is believed to be the only Italian producer that exports significant amounts of strontium nitrate to the United States. The principal importer of strontium nitrate from Italy is Olin Corp. (Olin), which is the largest user of strontium nitrate in the United States. Since 1978, all strontium nitrate used in Olin's Peru, Ind., plant, which accounts for more than 50 percent of the firm's consumption of this chemical, has been imported from Italy.

Imports of strontium nitrate from Italy have increased significantly in both absolute and relative terms since 1977. Imports increased from zero in 1977 to 514,000 pounds in 1978 and jumped five-fold in 1979 to more than 3 million pounds. In 1980, imports fell to 0.8 million pounds. However, during just the first 3 months of 1981, imports increased to 1.1 million pounds, more than the total amount imported in all of 1980.[7]

The market penetration ratio of the imports dramatically increased until 1980, when it dropped.[8] Indications from the first 3 months of 1981 are that the full year 1980 figure may soon be exceeded.

Effect of LTFV Imports on Prices

For the entire period under review the strontium nitrate imported from Italy consistently undersold FMC's strontium nitrate in sales to Olin on a delivered basis, usually by substantial margins.[9] We also note that in 1979, when imports were at their highest level, the margins of underselling were greatest. When the U.S. ex-dock price is compared with the FMC f.o.b. factory price, SABED also undersold FMC by substantial margins in most cases. On this basis, SABED undersold FMC in 1979, but did not do so in 1980. In 1981, however, SABED again undersold FMC on an ex-dock versus f.o.b. factory basis by a substantial margin. The Commission takes the position, however, that delivered prices, not ex-dock versus f.o.b. factory prices, should be compared in order to determine the margins of underselling because these are the prices which are important to the end user.[10]

In 1978, Olin shifted purchases for its Peru, Ind., plant entirely from FMC to SABED. As noted in our preliminary decision, we are conviced that price did and does factor importantly into Olin's decision to supply the Indiana plant from Italy, although Olin's decision may have been motivated in part by an interest in obtaining a second source of supply.[11]

Impact of Imports on the Domestic Industry

Largely as a result of the Olin orders lost to SABED, the condition of the domestic industry has deteriorated since 1978. Domestic sales increased from 1977 to 1978, but then dropped in 1979. In 1980, domestic sales fell to a level substantially below FMC's sales in 1977 through 1979.[12] Profits declined steadily from 1977 to 1980. FMC's 1979 loss on its strontium nitrate operations further deteriorated in 1980.[13] FMC's production and capacity utilization also have dropped since 1978.[14] Inventories more than quintupled from year-end 1977 to 1980.[15] In 1980, the FMC plant was closed and the workforce laid off for a period of time. Man-hours worked have steadily declined since 1978, falling over

[2] Classifiable under item 421.74 of the Tariff Schedules of the United States (TSUS).
[3] Sec. 771(4)(A) of the Tariff Act of 1930.
[4] Sec. 771(10).
[5] Report at A–3 and A–8.
[6] *Id.* at A–3.
[7] *Id.* at A–9.
[8] Market penetration ratios are not cited because of confidentiality. See Report at A–19.
[9] Margins of underselling are not cited because of confidentiality. See Report at A–22—A–24.
[10] See Commission opinion on Precipitated Barium Carbonate from the Federal Republic of Germany, investigation 731–TA–31 (Final), ITC Pub. No. 1154 at 8.
[11] See Olin's pre-hearing brief at 8–10 and the attached statement of Jerry L. Chiolero, a plant manager for Olin.
[12] Report at A–13.
[13] *Id.* at A–16—A–18.
[14] *Id.* at A–11 and A–12.
[15] *Id.* at A–14.

20 percent between 1978 and 1980. Wages have also fallen.[16] These data illustrate the effect of FMC's inability to recapture its major customer.

The most important indications of material injury by reason of LTFV imports are increased import penetration, substantial margins of underselling, the loss of a major customer to LTFV imports, and the declining profitability of the domestic industry. We attribute the material injury evident in this investigation to the shift by Olin to purchases of strontium nitrate from Italy at prices well below those offered by FMC, although we recognize that the recession and high costs have also impacted FMC's strontium nitrate production.

Issued: June 12, 1981.

By Order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-18696 Filed 6-23-81; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 731-TA-30 (Final)]

Unrefined Montan Wax From East Germany

AGENCY: International Trade Commission.

ACTION: Scheduling of prehearing conference and hearing.

SUMMARY: The United States International Trade Commission hereby gives notice that the prehearing conference and hearing to be held in connection with the subject investigation are scheduled to begin at 9:30 a.m., e.d.t., on July 14 and at 10:00 a.m., e.d.t., on July 20, 1981, respectively, in the U.S. International Trade Commission Building, 701 E Street NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Judith Case, Office of Investigations, U.S. International Trade Commission, Room 350, 701 E Street NW., Washington, D.C. 20426; telephone 202-523-0389.

SUPPLEMENTARY INFORMATION: On March 4, 1981, the Commission instituted a final antidumping investigation on unrefined montan wax from East Germany and scheduled a prehearing conference and hearing in connection with the investigation for May 21, and June 8, 1981, respectively (46 FR 18633). A staff report containing preliminary findings of fact was made available to all interested parties on May 20, 1981. On April 21, 1981, however, the U.S. Department of Commerce announced an extension of the investigation for up to 60 days (46 FR 22778) and the Commission postponed its scheduled prehearing conference and hearing (46 FR 25376). Commerce will now make its final less-than-fair-value determination not later than July 17, 1981, and the Commission must make its final determination within 45 days after the final Commerce action. Accordingly, the Commission is rescheduling its prehearing conference for July 14, 1981, and its hearing for July 20, 1981.

Requests to appear at the hearing should be filed in writing with the Secretary to the Commission not later than the close of business (5:15 p.m., e.d.t.) on July 13, 1981. All persons desiring to appear at the hearing and make oral presentations must file prehearing statements and should attend the prehearing conference at 9:30 a.m., e.d.t., on July 14, 1981, in Room 117 of the U.S. International Trade Commission Building. Prehearing statements should be filed on or before July 15, 1981.

Testimony at the public hearing is governed by § 207.23 of the Commission's Rules of Practice and Procedure (19 CFR 207.23). This rule requires that testimony be limited to a non-confidential summary and analysis of material contained in prehearing statements and to new information. The Commission will not receive prepared testimony for the public hearing, as would otherwise be provided for by rule 201.12(d). All legal arguments, economic analyses, and factual materials relevant to the public hearing should be included in prehearing statements in accordance with rule 207.22. Posthearing briefs will also be accepted within a time specified at the hearing.

Written Submissions: Any person may submit to the Commission a written statement of information pertinent to the subject of this investigation. A signed original and nineteen (19) true copies of each submission must be filed at the Office of the Secretary, U.S. International Trade Commission Building, 701 E Street NW., Washington, D.C. 20436, on or before July 15, 1981. All writtern submissions, except for confidential business data will be available for public inspection.

Any business information for which confidential treatment is desired shall be submitted separately. The envelope and all pages of such submissions must be clearly labeled "Confidential Business Information." Confidential submissions and requests for confidential treatment must conform with § 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6).

For further information concerning the conduct of the investigation, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, part 207, subparts A and C (19 CFR 207), and part 201, subparts A through E (19 CFR 201).

This notice is published pursuant to § 207.20 of the Commission's Rules of Practice and Procedure (19 CFR 207.20, 44 FR 76458).

Issued: June 19, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-18700 Filed 6-23-81; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 751-TA-2]

Television Receiving Sets From Japan

Determination

On the basis of the record developed in this investigation, the Commission determined on June 4, 1981, by a vote of three to one, pursuant to section 751 of the Tariff Act of 1930, 19 U.S.C. 1675(b), that an industry in the United States would be threatened with material injury, by reason of imports of television receiving sets from Japan covered by antidumping order T.D. 71-76, 5 Cust. Bull. 151 (1971), if the order were to be modified or revoked.

Background

In response to requests during July and August 1980 of several Japanese importers of television receivers, the U.S. International Trade Commission instituted an investigation under section 751 of the Tariff Act of 1930, 19 U.S.C. 1675(b), and § 207.45 of the Commission's rules, 19 CFR 207.45, on September 16, 1980, for the purpose of reviewing the Commission's determination in *Television Receiving Sets From Japan*, Inv. No. AA1921-66, T.C. Pub. No. 367 (1971).[1] Notice of the

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[16] *Id.* at A-13—A-16.

[1] At the time this investigation was instituted § 207.45 was under revision. The notice of investigation advised that the amended version would govern the conduct of the investigation if it were made final before the date of the determination. The rule change was effective March 23, 1981. 46 FR 8022 (Mar. 23, 1981)(to be codified at 19 CFR 207.45). As a result, the purpose of the investigation is to determine "whether an industry in the United States would be materially injured, or would be threatened with material injury, or the establishment of an industry in the United States would be materially retarded, by reason of imports of the merchandise covered by the [ ] antidumping order if the antidumping order were to be modified or revoked." *Id.*, § 207.45(a). For a discussion of the other effects of the revision, see Potassium Chloride From Canada, Inv. No. 751-TA-2, USITC Pub. No. 1137 at 4-5 (1981).

hearing, and an administrative deadline for the investigation of January 13, 1981, was published in the **Federal Register.** 45 FR 6379 (Sept. 25, 1980). A hearing was held in the Commission's hearing room on November 12–13, 1981. All interested persons were afforded an opportunity to be present, to be heard, and to offer evidence. Numerous representatives of both the Japanese and domestic television industries took part. Because of difficulty in obtaining adequate response to its questionnaires by purchasers and importers of television receivers, the Commission published notice in the **Federal Register** that it was waiving its self-imposed time limit and postponing the administrative deadline in the investigation indefinitely. 45 FR 83088 (Dec. 17, 1980). Commissioners and members of the staff visited U.S. Production facilities of Sanyo, Sharp, and Zenith on an investigative field trip on March 11–13, 1981. On April 23, 1981, the Commission announced that the staff had obtained adequate response to its questionnaires and established a new administrative deadline of June 12, 1981. 46 FR 24034 (Apr. 23, 1981). The information contained in the report was obtained responses to the Commission's questionnaires, information presented at the public hearing, submissions by interested parties and other federal agencies, and the Commission's files.

Views of Chairman Alberger, Vice Chairman Calhoun, and Commissioner Bedell

Introduction

On the basis of the record developed in the investigation, the Commission determined on June 4, 1981, by a vote of three to one that an industry in the United States would be threatened with material injury by reason of imports of television receiving sets from Japan covered by antidumping order T.D. 71–76, 5 Cust. Bull. 151 (1971), if the order were to be modified or revoked.

Summary

As the Commission noted just a year ago in another context, the U.S. television industry is substantially tranformed from its position at the time of previous investigations by the Commission. This transformation is primarily the result of "a fundamental relocation of certain production operations resulting in a new international division of labor" and "the adoption of technological improvements * * * reducing total labor content of television receivers." *Color Television Receivers and Subassemblies Thereof,* Inv. No. TA-203–6, USITC Pub. No. 1068 at 5 (1980).[1] We found last year that "imports of Japanese [color] sets no longer pose a serious concern to the domestic industry." *Id.* at 1. There are three reasons why that determination does not dispose of the issues facing the Commission here. First, investigations under section 203 of the Trade Act of 1974, 19 U.S.C. 2253, are fundamentally different from investigations under title VII of the Tariff Act of 1930, 19 U.S.C. 1671–1677g. For example, section 203 investigations involve a more rigorous standard of injury than those under section 751.[2] Second, since that determination, imports from Japan have bottomed out and have apparently started to climb again. Finally, and perhaps most important, that determination assumed the continuation of the antidumping order under review here.

In our opinion, the domestic industry would be threatened with material injury by imported television receivers from Japan [4] if the current antidumping order were revoked. Although the state of the domestic industry is greatly improved since 1971 and demand is near an alltime high, it remains extremely competitive and price sensitive and profitability is low. Furthermore, U.S. demand is expected to continue to rise. We have no basis to believe that absent an antidumping order that Japanese producers will not supplement their domestic (U.S.) production with imports to maintain or increase their share of the market. Uncertainty in other Japanese overseas markets creates a considerable possibility for trade diversions in the future.

Moreover, we believe that section 751 requires us to predict the effect of the revocation of the antidumping order on the competitive strategies of the companies under the order and to predict the effect of these revised strategies on the domestic industry.[5] In this connection, we are simply not convinced by the statements of counsel (we have no testimony from corporate executives) that upon revocation or modification of the order, import prices will not change or that import levels will not continue to rise. We are convinced that such actions would present a threat of material injury from revocation of the order. In the absent of credible submissions concerning the impact of the order on prices of exported merchandise and the intentions of the foreign manufacturers and exporters with regard to prices and export volume in the event the order is removed, the Commission is forced to consider the apparent capabilities of those under the order.

Discussion

Standard for Antidumping Review

Although this determination is the third under section 751(b), it presents a full and especially difficult range of issues.[6] Accordingly, it is appropriate to discuss the statutory framework and the rationale, and the underlying assumptions for antidumping review determinations. The statute provides in relevant part that,

> [w]henever the * * * Commission receives * * * a request for the review of * * * an affirmative determination * * * which shows changed circumstances sufficient to warrant a review of such determination, it shall conduct such a review after publishing notice of the review in the **Federal Register.**

Section 751(b)(1) of the Tariff Act of 1930, 19 U.S.C. 1675(b)(1). The Commission's review authority applies equally to determinations under the Antidumping Act, 1921, 42 Stat. 11 (formerly codified at 19 U.S.C. 160–171), and its successor, section 735(b) of the Tariff Act of 1930, 19 U.S.C. 1673d. Trade Agreements Act of 1979, § 106(a), 92 Stat. 193. The Commission

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[1] Commissioner Bedell did not take part in that investigation.

[2] Import relief investigations involve a determination whether goods are entering the United States "in such increased quantities as to be a substantial cause of serious injury to the domestic industry." Trade Act of 1974, § 201(b)(1), 19 U.S.C. 2251(b)(1). Last year's investigation resulted in a recommendation to the President "as to the probable economic effect" of extension, reduction, or termination of import relief then in effect with respect to televisions imported from Japan, Taiwan, and Korea. *Id.*, § 203(i)(1)–(3), 19 U.S.C. 2253(i)(1)–(3).

[4] Throughout this opinion, references to Japanese importers and exporters include only those companies subject to the order. Sony, which has a significant share of both U.S. domestic production and the Japanese import penetration, was dropped from the order by the Treasury Department in 1975. Import figures in this opinion are adjusted to exclude Sony's production.

[5] The Commission was recently criticized for basing a dumping determination that a domestic industry was threatened with material injury on "a mere *possibility* that injury might occur at some remote future time." *Alberta Gas Chemicals, Inc.* v. *United States.* No. 81–48, slip op. at 23 (Ct. Int'l Trade May 28, 1981) (emphasis in original) (overruling Methyl Alcohol From Canada, Inv. No. AA1921–202, USITC Pub. No. 986 (1979)). The court pointed out that antidumping threat cases must be decided on a real and imminent likelihood of injury, "not on mere supposition, speculation, or conjecture." *Id.* at 20 (quoting S. Rep. No. 93–1298, 93d Cong., 1st Sess. 180 (1974)). However, a review case has a substantially different conceptual basis.

[6] The other investigations were Electric Golf Cars From Poland, Inv. No. 751–TA–1, USITC Pub. No. 1089 (1980) (formerly numbered AA1921–147A) and Potassium Chloride From Canada, Inv. No. 751–TA–3, USITC Pub. No. 1137 (1981). *See* discussion p. 8 *infra.*

implemented the review provision with a rule that was under revision when this investigation was begun.[7]

The statute provides no standard on its face for conducting a review of an antidumping determination. Neither is there any list of factors to be considered. The legislative history is of little assistance, as it only paraphrases or repeats the statutory language. Any reference to past Commission practice is without indication of approval or disapproval.[8] When faced with such difficulties, we must look to the underlying purpose of the statutory scheme. It is plain that the antidumping provisions of title VII of the Tariff Act of 1930 are intended to protect U.S. industries from injurious unfair trade practices. Thus, our review must also have the same intent, while allowing importers the opportunity to demonstrate that their imports will not materially injure the domestic industry. With these concerns in mind, we have developed rule 207.45(a), 19 CFR 207.45(a). The Commission's Standard, enunciated in the rule, is modeled on section 104 of the Trade Agreements Act of 1979, 19 U.S.C. 1671 note, which provides for the review of certain outstanding countervailing duty orders that have not previously been subject to an injury determination.

Under § 207.45(a), we must, on review, consider the relevant facts and circumstances as they currently exist, assess the intentions of the exporters and importers as to the prospective revocation or modification of the order, and project those factors into the future, to determine whether an industry in the United States would suffer material injury, or the threat thereof, or whether the establishment of an industry would be materially retarded, as a result of the changed behavior of the exporters and importers upon being freed from the pricing constraints of the order. 19 CFR 207.45(a). Moreover, the rule imposes a causation standard. Injury must be "by reason of imports of the merchandise covered" by the order. *Id.*

In applying this review standard, it is necessary to make certain assumptions. Revocation of an outstanding order removes the mechanism that restrains dumping. If it has any impact at all, an antidumping order primarily affects the pricing behavior of importers and exporters subject to it. Assuming rational behavior in the marketplace, those companies with sufficient flexibility in allocating their resources will avoid paying what is essentially a special import tax on merchandise sold at less than fair value by raising the U.S. price of the imports, lowering the home-market or other reference price, or adjusting them toward one another. Alternatively, a company may leave the U.S. import market by shifting its production onshore. All this operates as a constraint on methods of competition—just how much so can be determined only from direct testimony or through surmise based on past patterns of behavior.

If companies are successful at avoiding assessment of the duty by adjusting to the constraints of the order, the Department of Commerce, not the Commission, is the proper forum for a request for review of the order. A company may be removed from coverage of the order if it is found to have no dumping margins for a period of two years. 5 CFR 353.54. We may assume, then, that any request for review by the Commission is sought on the premise that less-than-fair-value (LTFV) selling will resume or continue. That is, revocation of the order merely removes an artificial constraint. The purpose of the investigation is to determine whether the domestic industry would be injured if exporters and importers no longer subject to the constraint resume LTFV sales where advantageous. Accordingly, that companies subject to the dumping order are not pricing at less than fair value does not indicate that sales would be at fair value if the order were revoked. Rather, it indicates the seriousness with which companies view potential liability for antidumping duties. As a result, the presence or absence of a dumping margin, or its magnitude within a limited range, is of no use in predicting how a company will set prices when no longer constrained by the order.

Therefore, an important way in which a review determination differs from a basic antidumping case is that existing trends in the health of the domestic industry are distorted by the existence of the order and the reaction of importers and exporters to it. In sum, we view section 751 as requiring the Commission to assess the inhibiting effect that the order has on the pricing, production, and marketing strategies of the companies subject to it, to predict the effect of revocation on those strategies and on the marketplace, and then to determine whether these effects would result in material injury or threat thereof to the domestic industry.[9]

These issues were not squarely before us in our previous section 751(b) antidumping reviews. In *Electric Golf Cars From Poland*, Inv. No. 751-TA-1, USITC Pub. No. 1069 (1980) formerly numbered AA1921-147A), the exporter was limited in its output capacity and already underselling the more popular, more expensive domestic product. Further dumping would not have increased market share and would have only reduced foreign exchange earnings. In *Potassium Chloride From Canada*, Inv. No. 751-TA-3, USITC Pub. No. 1137 (1981), the only company still under the order had less than 5 percent of Canadian production of that fungible product and a correspondingly tiny share of the U.S. import penetration. Supplies had been short for many years, and no domestic producer opposed revoking the order. No amount of price discrimination by that firm after revocation could have affected the overall market price.

The Domestic Industry

For this review, we adopt the same domestic industry we found in the original investigation, even though the original case predates the Trade Agreements Act of 1979. The article under investigation continues to be television receivers. There continues to be domestic production of television receivers that are like those under the existing antidumping order.

As we have already noted, the U.S. television industry has changed dramatically over the past ten years. There are now fifteen producers of televisions in the United States. U.S. production of monochrome receivers has declined drastically, most producers having moved production offshore to lower cost facilities. As for color sets, the two largest producers are U.S.-owned, Zenith and RCA. Their collective share of the market declined, however, from over half in 1976–1977 to somewhat less than that in 1980.

Ten foreign producers have either purchased or built color television plants in the United States. The scale of their manufacturing operations in the United States varies from company to

[7] For a discussion of the effects of the change, *see* our determination, p. 1 note 1 *supra*, and Potassium Chloride From Canada, Inv. No. 751-TA-3, USITC Pub. No. 1137 at 4-5 (1981).

[8] For a discussion, *see* Electric Golf Cars From Poland, Inv. No. 751-TA-1 (formerly No. AA1921-147A), USITC Pub. No. 1069 at 11-15 (1980) (views of Commissioners Alberger and Calhoun)

[9] This task is even more challenging than that facing the Commission in the review of outstanding countervailing duty orders for products being subjected to a material injury test for the first time, under § 104 of the Trade Agreements Act of 1979, 19 U.S.C. 1671 note. Those determinations require prediction of the benefit to a foreign producer of its government's subsidy policy, often based on relatively stable legislation, rather than the reaction of individual companies to the lifting of restraints on their pricing.

company, ranging from bare-bones assembly of parts brought in from Japan and third countries to production of a wide range of sets and many component parts, including picture tubes and cabinets. It should be noted that all domestic manufacturers, both U.S.- and foreign-owned, import a substantial proportion of their components from countries where production costs are lower, principally Taiwan, Korea, Singapore, and Mexico.

Related Parties

In considering the impact of LTFV imports on the domestic industry, the Commission may, in appropriate circumstances, exclude producers related to the exporters or importers of the dumped merchandise from its definition of the industry. Tariff Act of 1930, § 771(4)(B) 19 U.S.C. 1677(4)(B). This provision has been analyzed in previous Commission opinions. It is clear that the Japanese-owned domestic producers are related to the importers or exporters of goods subject to the antidumping order. We believe, however, that it is inappropriate for the purpose of our injury determination to exclude them from the domestic industry. There is no information in the record, other than the arguments of counsel, that Japanese exporters are directing their exports to the United States so as not to compete with their related U.S. producers.[10] In other words, the related domestic producers are not so shielded from competition that they behave differently from other domestic manufacturers that are not related to importers or exporters of sets covered by the order. Perhaps more important, we believe that the Japanese-owned domestic producers are here to stay. We should not discourage their healthy competitive presence by excluding them from the domestic industry for the purpose of this investigation. At any rate, exclusion would not alter our decision.

[10]Vice Chairman Calhoun disagrees with this conclusion. In his view, by comparing confidential Customs Service data on import levels of each Japanese parent producer with the confidential data on production levels and capacity utilization levels of its subsidiary over the past several years, it is possible to conclude that each Japanese parent is directing its exports so as not to cause material injury to its subsidiary in the United States. Indeed, sound business practice suggests that failure to behave in this way with respect to subsidiaries would be most unusual. Nevertheless, Vice Chairman Calhoun agrees that excluding the domestic subsidiaries of Japanese parent companies from the domestic industry would not significantly alter his analysis or conclusions in this investigation.

Competitive Health of the Domestic Industry

As we noted above, demand for color televisions is near an alltime high. Projections are for a record year for sales in the U.S. market, although the most recent forecasts are slightly less optimistic due to increasing dealer inventories and high interest rates. The market is highly competitive, as shown by the number of competing producers and the recent increase in imports. In the last five years, production has risen 80 pecent, capacity, 25 percent, shipments, 70 percent, and capacity utilization has increased to 88 percent. Transcript of staff briefing 2 (June 4, 1981). Employment has fallen 20 percent because of the two major factors cited in last year's section 203 investigation—the shift of labor-intensive operations offshore and the introduction of more advanced production technology. *Color Television Receivers and Subassemblies Thereof*, Inv. No. TA-203-6, USITC Pub. No. 1068 at 5. (1980)

During the same period, imports of sets from Japan declined 91 percent. Imports from Taiwan and Korea rose until 1978 and declined thereafter. Trends in imports from all three countries were, of course, influenced by orderly marketing agreements. Import penetration in 1980 stood at 2 percent for imports from Japan, 3 percent from Taiwan, 3 percent from Korea, with an overall total import penetration of 12 percent. Transcript of staff briefing 2 (June 4, 1981). Clouding this picture are recently received figures for the first quarter of 1981 and for April 1981. At the same time that apparent U.S. consumption rose 10 percent, overall imports increased 95 percent over the first quarter of 1980. Imports from Japan subject to the antidumping order increased 170 percent to reach a market share of 2.8 percent. *Id.* at 3. The market share is still small, but the recent reversal of import trends demonstrates two important factors. First, the Japanese can respond rapidly to shifts in demand with increased imports. The second, more significant factor is the difficulty in using past and present trends to predict future behavior, especially in response to a significant change in conditions, like the revocation of an antidumping order.

Intentions of Importers After Revocation

As we have noted, assessing the current health of the domestic industry is a familiar problem presented in most of the Commission's investigations. The argument of the Japanese companies here, in fact, is that the U.S. industry is so transformed, principally by the Japanese shift to onshore production and the U.S.-owned companies' shift to offshore sources for components, that no material injury could possibly result from revocation of the order. The standard in a review investigation, however, requires that we determine the impact on the domestic industry of future behavior of exporters and importers in response to the lifting of the order, an altogether different kind of question.

The staff report provides data on the performance of the parties while subject to the order. We can forecast from that only if we know how much a factor the order is in current pricing, product mix, and volume decisions. The more of a restraint the order is considered to be now, the more likely pricing and import levels will change significantly after it is lifted, it would also be helpful to know what market share the Japanese companies hope to maintain, to what extent they plan to supplement domestic production with imports, and how the removal of the order would alter their planning. While it is clear to us that the Japanese companies will continue to produce in the United States in the indefinite future, it would be helpful to know whether they plan to meet increased demand with increased U.S. production or with imports, and how the lifting of the order would alter that response.

We believe that this information is an essential part of the case-in-chief of any importer seeking the revocation of an outstanding dumping order, especially an importer with significant U.S. production.[11] This information should not have to be elucidated by persistent questioning at a hearing, nor should it have to be acquired by subpena. Some of these questions were posed at the public hearing. Counsel for the Electronic Importers Association of Japan (EIAJ) was questioned about likely pricing and import levels once the order is lifted. Hearing transcript at 144–47 (Nov. 12, 1980). He answered that the association members saw no reason for increasing exports to the United States in the short term. *Id.* at 145. He also argued that pricing in the U.S. market is limited by competition. *Id.* at 146. But ultimately he acknowledged that he could "offer no direct testimony as to representations made by Japanese

[11]It is here that a review investigation differs significantly from a basic antidumping or countervailing duty investigation. The information necessary to a resolution of this key issue is entirely within the control of the persons petitioning the Commission for a change in the status quo. Virtually every other kind of case before the Commission requires development of facts from both sides.

television manufacturers with respect to their decision to export or not export to this market." *Id.* at 155. His statements as to pricing were also solely the judgment of the EIAJ staff. *Id.* The EIAJ has no control, of course, over the pricing policies and export decisions of its member companies. There was no direct testimony by any counsel on exporters' or importers' intentions after the lifting of the order. No supplementary submissions were supplied on the issue and none was specifically requested by the Commission.

As part of its revocation proceedings, the Department of Commerce requires assurance agreements from exporters seeking to be deleted from an order, representing that they have had no LTFV margins for the prescribed period and that they will not engage in future LTFV sales. If the agreement is breached, the Department could bring a new antidumping proceeding against the offending company. Revocation thus depends upon a credible representation backed by enforcement authority. The Commission neither monitors import trade nor has the authority to initiate enforcement proceedings, but it can require credible representations on the part of importers and exporters as to how they will react to the revocation of the order.

In the absence of direct testimony, factual evidence, or even informed argument on exporters' and importers' intentions,[12] the Commission is forced to reason from the exporters' capabilities. Unfortunately, reliable figures on production capacity and capacity utilization in Japan and the performance of Japanese exports in their other major overseas markets are as difficult to obtain as information on marketing strategy. Indications are, however, that there is adequate flexibility in their production facilities potentially to supply any market on relatively short notice.

The Japanese producers and their domestic subsidiaries are thoroughly integrated enterprises. Once the order is lifted, a degree of pricing flexibility that has been denied the Japanese companies while the order is in place, will be restored to them. Given the strong price competition in the U.S. market, we have no basis to believe that dumping will not resume or that margins will not increase.

There are at least three ways in which continued or resumed dumping upon revocation of the order can materially injure the domestic industry. First, the domestic market is currently highly competitive, and although demand is high, profitability is relatively low. If demand continues to pick up, and some sources are predicting an increase of as much as 50 percent over three to five years, renewed or increased dumping by the importers could keep prices suppressed when they would normally rise. The Japanese producers would thus be able to increase market share for both their imports and domestic production through LTFV sales, found to be injurious in 1971.

Second, business planners will increase capacity only when certain that it will be used. The Japanese can use dumped imports to supplement domestic production when there are short-term, cyclical increased in demand.[13] They can be expected to use imports to secure any increase in market share, and then gradually increase domestic production capacity to consolidate and maintain it. There is some indication that this phenomenon is occurring now with the antidumping order in place. The 13-inch screen size is one of the most dynamic growth areas in the industry; there was an increase in apparent consumption of 44 percent in the first quarter of 1981 over that in the corresponding period of 1980. At the same time, imports of 13-inch sets from Japan increased 400 percent.[14] The Japanese importers say that the increase occurred because of a shortage of domestically sourced picture tubes. In response to inquiries by the staff, however, domestic tube producers contend that except for a temporary shortage in October and November 1980 there was an adequate supply through the first quarter of 1981. Moreover, some production schedules are even being revised downward because of burgeoning inventories. Staff memorandum INV-E-036 (Apr. 9, 1981). In any case, this considerable increase in imports is a demonstration of the supply flexibility available to the Japanese companies, a flexibility that would be enhanced by the removal of restrictions on pricing.

The third area of concern is the problem of production and distribution of the television receiver's largest and most expensive component, the picture tube. There are indications of a softening of demand for Japanese tubes in their other major overseas markets, particularly Asia and Europe.[15] The decrease in demand appears to be due to an increase in local production capacity in those areas. In order to utilize Japanese home production capacity more efficiently, they will need other outlets. The increase in demand in the U.S. makes it a likely target. In fact, import data for January–April 1981 show a sharp increase in tube imports from Japan.

There is an additional factor that, combined with revocation of the order, could make it advantageous to bring in the additional tubes in the form of complete sets. Imported tubes are subject to a duty of 15 percent. They are bulky, fragile, and costly to ship. With the greater flexibility available after the lifting of the order, there may be an incentive to bring in complete sets, or subassemblies, including tubes now covered by the order, at the lower overall duty rate of 5 percent.

Finally, any major import restraint on sets or tubes in the European Community, Asia, or Latin America, or a softening of the Japanese domestic market, will encourage a diversion of trade to the United States, the largest and most open market in the world. It is a relatively simple matter to shift a production line from sets compatible with the European broadcast system to sets compatible with the U.S. system. There will be added incentive to rationalize production and alter pricing

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[12] It is appropriate here to add a word about the task of providing information to the Commission. Once the petitioning importers have persuaded the Commission that changed circumstances warrant institution of a review investigation, there is no indication in the statute, the legislative history, or in our regulation of a burden of proof, or even of coming forward, on either proponents or opponents of revocation of the order. The Commission's only guidance is that it must "conduct a review." Tariff Act of 1930, § 751(b)(1), 19 U.S.C. 1675(b)(1). A Commission review determination will be overturned, however, if "unsupported by substantial evidence on the record, or otherwise not in accordance with law." 19 U.S.C. 516(a)(2)(iii)–(b)(1)(B). The Commission has a subpena power, 19 U.S.C. 1333, but it must necessarily rely on evidence voluntarily submitted by, and on the initiative of, the participants. This is doubly true when the information needed to support a determination is completely within the control of the participants who stand to gain from that determination and who seek it by petitioning for review. Let us make clear that there is no legal evidentiary burden on a participant to come forward with evidence or to persuade the Commission, but neither is it reasonable to expect the Commission to make a petitioner's case for it.

[13] Rapidly increasing capacity by adding a second or third shift may be difficult for Japanese producers in the United States, where the principal limitation is finding and training skilled labor. Some of the Japanese plants are located in areas with a relatively small labor pool.

[14] Analysis of confidential information obtained in the preparation of the Commission report, *Color Television Receivers: U.S. Production, Shipments, Inventories, Exports, Employment, Man-hours, and Prices, First Calendar Quarter 1981*, Inv. No. 332-112, USITC Pub. No. 1145 (1981); U.S. Department of Commerce, *Official Import Statistics*, IM-146 (1981).

[15] This discussion is based on analysis of COMPACT and Electronic Industry Association posthearing brief 33–34; hearing transcript 323–28 (Nov. 12, 1981); transcript of staff briefing 5 (June 4, 1981). Europe has absorbed as much as 40% of Japanese tube exports in the past. *European Report* 15 (Mar. 28, 1981).

practices when faced with such problems as excess capacity, export market constraints, and shift in demand in the world market place.

Modification of the Order

After a section 751(b) review, the Department of Commerce "may revoke, in whole or in part, * * * an antidumping duty order." Tariff Act of 1930 § 751(c), 19 U.S.C. 1675(c). The Commission's rules require it to consider the effect on the domestic injury "if the order were modified or revoked." 19 CFR 207.45(a). The Commission's unwritten authority to modify determinations under the Antidumping Act, 1921, as an alternative to revocation was acknowledged by the Congress long before passage of the more explicit review provision in the Trade Agreements Act of 1979. S. Rep. 93–1298, 93d Cong., 2d Sess. 181 (1974).

Any revocation in part by the Department of Commerce, on the Commission's recommendation, would be based on a determination that application of the order to all products or all companies within the scope of the original finding is unnecessary, and that substantial justice requires the lifting of the opprobrium and administrative burden of a dumping finding from a company whose products would neither injure nor threaten to injure the domestic industry if the order were modified. One possible rationale for modifying the order could be a determination that through technological development a particular imported product no longer has a competing counterpart in the domestic market. In this case, it could make sense to drop that product from the finding, assuming complete revocation was not justified, upon a showing that there was indeed no competition between the import and any segment of the domestic industry protected from material injury by the order.

Although the Commission has authority to modify an order upon review, there is no substantial justification for doing so here. Several importers have asked that mini-televisions, sets with screen sizes of 10 inches or smaller, be excluded from the order. In particular, Orion Electric Co. argues that its small color sets have no counterpart in domestic production. Orion brief (May 8, 1981). They have 5- or 9-inch screens, they operate on house current or battery power, and they are completely portable. We find, however, that modification of the order to exclude sets with 10-inch or smaller screens is inappropriate for three reasons: First, sets of that class are produced in the United States.[16] Second, the Commission did not differentiate among screen sizes in determining the effect of imports on the domestic industry. Finally, counsel for the importers made only the most conclusory statements in written submissions and at the hearing about consumer differentiation of products. *E.g., id.* at 7–8; hearing transcript 46–47, 170 (Nov. 12, 1980). The Commission was provided with no market surveys, no cross-elasticity studies, and indeed, no direct evidence of any kind. In short, we are not convinced that mini-televisions are so dissimilar in their characteristics and uses to other televisions that a sale of one does not preclude the sale of the other.

Conclusion

In the absence of any credible showing of the intentions of Japanese importers and exporters of television receivers upon the revocation of the order, we must infer from the capabilities and past record of these integrated global enterprises that if faced with conditions that make it advantageous, they will sell their products at LTFV in the U.S. market to supplement their U.S. domestic production. This poses a threat of a material injury to an industry as price sensitive and competitive as the U.S. television industry.

In order to reach a contrary result on the record in this investigation, we would have to be convinced that the domestic industry is, and will remain, sufficiently healthy that LTFV pricing could not injure it. Accordingly, we determine that an industry in the United States would be threatened with material injury by reason of imports of television receiving sets from Japan covered by the antidumping order if the order were modified or revoked.

Views of Commissioner Paula Stern

Summary

The Commission determined on June 4, 1981, by a vote of three to one that an industry in the United States would be threatened with material injury by reason of imports of television receiver sets from Japan covered by an antidumping order[17] if that order were to be revoked or modified.

In coming to my minority position, I carefully considered the record developed in the case and examined *de novo* the extensive knowledge of the industry acquired by the Commission over the last decade. The position of the U.S. television receiver industry has improved dramatically since the Commission's earlier determination of injury by reason of less-than-fair-value (LTFV) imports of television receivers from Japan.[18] In effect, the industry has been transformed over the years with thirty percent of U.S. production of television receivers now being performed by Japanese-owned firms.[19] Imports from Japan have declined to very low levels. From 1976 to the end of 1980, domestic industry capacity has increased by 25 percent, capacity utilization is up 45 percent, production is up 80 percent, and shipments are up 70 percent. This genuinely noteworthy trend has continued through the first four months of 1981. Inventories have also dropped as a percentage of shipments, and profits for the domestic industry have begun an upward movement. Projecting from the facts on the record and assuming the removal of the dumping order, I have concluded that an industry in the United States would not be materially injured nor threatened with material injury if the antidumping order on television receivers from Japan were revoked or modified.

Despite an overall agreement with the majority on the basic economic factors at work in this industry, I have found myself in the minority, in part due to my analysis of the increase in imports from Japan registered only in the first few months of 1981 and the continuing low profitability of the U.S. industry. The majority seems to imply that competition is a sign of weakness when I regard it as an indicator of health, especially when there are recent entrants to the domestic industry. It cites an expected rise in U.S. demand as an opening for injury rather than, all things being equal, a possibility for further domestic growth.

But more fundamental to my dissenting vote is my belief that the majority has seriously departed from standards rooted in the law and past Commission practice. Though the intentions of foreign producers and hypotheses on how their strategies might change are extremely speculative and unavoidably subject to self-serving, often unprovable allegations from all parties, the majority seems to have made intentions the cornerstone of its analysis. Finally, the majority has placed an unwarranted burden of proof on the petitioners in this case, holding them responsible for weaker areas of

[16] Confidential business information submitted by a U.S. producer.

[17] See T.D. 71–76, 5 Cust. Bull. 151 (1971).

[18] *Television Receiving Sets from Japan*, Inv. No. AA1921–66, T.C. Pub. No. 367 (1971).

[19] *See Color Television Receivers and Subassemblies* Thereof, Inv. No. TA–203–6 (1980).

the record which the Commission itself had not aggressively sought to augment. The majority seems to have drawn a negative inference from the failure of the petitioners to satisfy fully their desires on this subject. I feel it is unfair to proceed in such a manner and feel, in any case, that my vote would not have been altered had the Commission obtained further information on the intentions of Japanese importers.

The Review Investigation

In response to a petition by several importers of Japanese television receivers, on September 16, 1980, the U.S. International Trade Commission instituted the present investigation to determine whether changed circumstances indicate that "an industry in the United States would be materially injured, or would be threatened with material injury, or the establishment of an industry in the U.S. would be materially retarded, by reason of imports of the merchandise covered by the * * * antidumping order if the antidumping order were to be modified or revoked." [20]

Having established an administrative deadline of January 13, 1981, the Commission held a public hearing on November 12–13, 1980, in which representatives of the television industries of both the United States and Japan participated. As a result of difficulty in obtaining an adequate response to its questionnaires by U.S. purchasers and importers of television receivers, the Commission waived its self-imposed time limit. However, on April 23, 1981, the Commission announced that the staff had obtained an adequate response to its questionnaires and established a new administrative deadline.

Data on LTFV Sales

On June 3, 1981, the Commission received the final results of the administrative review of the television dumping order conducted by the Department of Commerce. These results constitute the best available and most up-to-date information concerning LTFV sales of television receiving sets imported from Japan.

Commerce reviewed the shipments of ten Japanese exporters during the period, April 1, 1979, through March 31, 1980, and determined that dumping margins existed on certain entries that were made by five of the ten firms. Entries made by three of these firms, however, had weighted average margins of less than 0.5 percent, which were considered *de minimis* by Commerce. The remaining firms, General Corp., with a margin of 6.20 percent, and Otake Trading Co., Ltd., with a margin of 3.37 percent, are minor participants in the U.S. market. [21]

The Imported Articles and the Domestic Industry

The imported articles that are the subject of this investigation are defined by the coverage of dumping order T.D. 71–76. They include finished television receivers which are fully assembled and ready to function when plugged into a source of power and incomplete receivers that, while not in finished form, are capable of receiving a broadcast television signal and producing a video image, including kits that contain all parts necessary for assembly into complete receivers. There are presently fifteen known producers of television receivers in the United States. All fifteen produce color receivers, and three also produce monochrome receivers. [22] Nine of the domestic producers are owned by Japanese firms, [23] two are owned by a Dutch firm, and the remaining four are U.S.-owned. In 1980, the U.S.- and Dutch-owned firms accounted for approximately 70 percent of total U.S. production of television receivers, and the Japanese-owned firms accounted for the remaining 30 percent.

Standards for Review

Section 751(b) provides no explicit criteria for the analysis of the presence of material injury, or the threat thereof. However, a careful review of the statute, the legislative history, past Commission practice, [24] relevant international agreements, [25] and the underlying purpose of the relevant section of the law suggests an appropriate basis for review. The underlying purpose of section 751 is to remove unnecessary barriers to trade in the form of antidumping duties which are no longer necessary and will not be necessary to protect U.S. industries from the injury of unfair trade practices. [26] The Commission's standard, as enunciated in its rule, was modeled on section 104 of the Trade Agreements Act of 1979 [27] which has a similar purpose, removing countervailing duty orders where no injury to a U.S. industry will result, if the imports are from a country signatory to the Subsidies Countervailing Duty Code and a review is requested.

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[20] 19 CFR 207.45(a). Establishment of an industry in the U.S. was not an issue in this case.

[21] General Corp. markets in the United States through Teknika Electronics Corporation, a company involved in a joint venture with Wells-Gardner, a U.S.-owned domestic producer. Otake Trading Co. is the exclusive exporter of 5- and 9-inch color television receivers produced by Orion Electric Co., Ltd. A substantial share of Otake's exports have the unique feature of being operable on either battery or AC electrical current.

[22] The monochrome portion of the industry was never at issue in this investigation. Each year U.S. producers' shipments of domestically-produced monochrome receivers (the best available proxy for U.S. production) declined for a total decline of 83 percent from 1971 to 1980. This drop occurred despite the fact that during the entire period an outstanding dumping order was in place to preclude the sale of Japanese sets at LTFV. During this period the number of U.S. firms producing monochrome receivers dropped from eleven in 1971 to three in 1980. Only one of the three firms produced significant quantities in 1980, and this firm produced only a limited number of screen sizes. During the same ten-year period imports of monochrome receivers from Japan dropped from 2.5 million units in 1971 to .3 million units in 1980, a decline of 88 percent. As a result of the marked declines in U.S. production and imports from Japan, the share of U.S. consumption of monochrome receivers supplied by third countries increased from 22.3 percent in 1971 to more than 86 percent in 1980. The reasons for these shifts in sourcing of monochrome sets is clear. Foreign producers in Taiwan, Singapore, Korea and Mexico have significantly lower production costs for these mature products. Both U.S. and Japanese-owned producers have capitalized on the economies associated with producing monochrome sets in these countries by establishing production facilities there to supply the U.S. market.

[23] The related parties provision of the Tariff Act of 1930, section 771(4)(b) allows the exclusion of producers from an industry definition when they are related to the exporters or importers or are themselves importers of the allegedly dumped merchandise. Such an exclusion is not mandated by statute but rather "may be applied in appropriate circumstances." There is ample information in the record that Japanese-owned domestic producers are related to or are themselves importers of television receivers imported from Japan. However, there is no evidence that imports are being directed on a geographical or product line basis to avoid competing with Japanese-owned domestic production. On the contrary, there is information that imported and domestically-produced receivers of Japanese-owned firms of the same screen size, brand-name, and general features are available side-by-side for purchase in the same retail outlets. Japanese-owned domestic producers supplied 25 percent of U.S. demand for color receivers in 1980. These firms are a vital and growing part of the highly competitive domestic industry. The exclusion of these firms might well leave the Commission with a distorted view not only of the domestic industry but also of competition in the U.S. market for television receivers.

[24] *See Electric Golf Cars from Poland*, Inv. No. 751–TA–1, at 23–26 (1980) for a thorough analysis of the appropriate basis for review. *Potassium Chloride from Canada*, Inv. No. 751–TA–3 (1981).

[25] The Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade (The Antidumping Code) and the Agreement on Interpretation and Application of Articles VI, XVI and XXIII of the General Agreement on Tariffs and Trade (the Subsidies Code) are implemented, in part, by sections of subtitles B and C of Title VII of the Tariff Act of 1980, as amended.

[26] In *Electric Golf Cars from Poland*, *supra* n. 24 at 14–15, Chairman Alberger and Vice Chairman Calhoun state: "The fundamental objective in review under this provision, then, is to satisfy the policy that where there is no material injury, threat thereof, or material retardation of the establishment of an industry, antidumping duties should not be applied."

[27] 19 U.S.C. 1671.

In the first section 751 case to come before the Commission, *Electric Golf Cars*, I stated what I believed to be the standard for review:

> The standard chosen for a determination in a review investigation reflects the fact that an antidumping finding is in force. That finding subjects any sales at less-than-fair-value to special duties. In such circumstances, material injury to a domestic industry cannot be "by reason of" less-than-fair-value sales because the statutory remedy is already in place. Accordingly, a prospective test has been chosen for the Commission's rule—specifically, the threat of material injury test found in Section 735(b) of the Tariff Act, also referred to in Section 207.26(d) of the Commission's rules.[28]

Chairman Alberger and Vice Chairman Calhoun came to a similar conclusion in that case:

> Giving due consideration to the language on the face of section 751, the legislative history, and the international agreements on which this section is based, *it is not difficult to arrive at a reasonable standard for review under section 751.* The fundamental objective in review under this provision, then, is to satisfy the policy that where there is no material injury, threat thereof, or material retardation of the establishment of an industry, antidumping duties should not be applied. Consequently, *the Commission's task under section 751 is to view the relevant facts and circumstances as they currently exist to determine whether an industry in the United States would suffer material injury, or the threat thereof, or whether the establishment of an industry would be materially retarded if the existing antidumping duty order were not in effect.* (Emphasis added.)[29]

When we instituted this 751 review case, conducted our hearing and gathered questionnaire data, the parties in this case had every reason to expect that the Commission would apply the same test for making the prospective judgment that ti has used in similar cases, namely that on the basis of "substantial evidence" the likelihood of future injury is "real and imminent." To depart from this standard for making a prospective determination without prior notice is simply unfair.

Such a departure is also contrary to the responsibility of the Commission. The Trade Agreements Act of 1979 subjects Commission decisions in review cases, as well as new cases, to court review to determine that all findings are based on "substantial evidence." Further, our judgments on the basis of such evidence must not be "flawed with supposition and conjecture," to borrow language used by the judge characterizing the majority view in the recent *Alberta Gas Chemicals* case in which the U.S. Court of International Trade overturned the Commission. He further stated,

> The Congressional standard for determining likelihood of injury was articulated by the Senate Committee on Finance, which explained that future injury must be:
> based upon evidence showing that the *likelihood is real and imminent* and not on mere supposition, speculation, or conjecture. [Emphasis added.][30]

While the *Methanol* case reviewed in *Alberta Gas* was not a 751 review case, it is analogous as the decision rested on the determination of the likelihood of future injury. In fact, in this review case before us we have a central organizing element—not present in *Methanol* or any non-review case—that one variable, the antidumping order, is subject to a predictable change—its revocation or modification.

To determine whether there will be material injury if a dumping order is revoked or modified, I believe the Commission must, in keeping with the record in the investigation, make a judgment on the following factors: (1) the likely pricing behavior of the foreign producers or exporters in the absence of a dumping order; (2) the anticipated changes in the volume of imports; and (3) the effect of (1) and (2) on the U.S. industry producing the articles subject to the dumping order. Such an assessment must rise to the standards of substantial evidence and not be flawed with supposition and conjecture.[31]

Material Injury

The following is a statement of my analysis of and projections from the record applying the standards and principles discussed above. In sum, my analysis shows that the effect of Japanese imports on prices would not be significant, the volume of imports would not rise to substantial levels, and the continued improvement of the domestic industry would not be jeopardized by revoking the antidumping order.

Price behavior in the U.S. market.—An examination of the Commission's comprehensive survey of prices[32] reveals several key points concerning competition in the U.S. market: (1) competition is extremely strong among domestic producers; (2) on average the lowest-price television receivers in the U.S. market are imports from Korea and Taiwan; and (3) units imported from Japan were priced above competing domestic sets in about two of every three instances where there was a difference in price between comparable U.S.-made and Japan-made sets. Furthermore, in those instances where sets made in Japan were priced lower than domestically-produced sets, the volume of sales was small.

Competition among domestic producers—who accounted for 88 percent of total U.S. sales in 1980—was intense. Fourteen domestic firms actively participated in this market with two firms, RCA and Zenith, accounting for more than one-third of sales. The intensity of the price competition is evidenced by the fact that in 123 instances where price differences existed between domestically-produced and imported 13-inch and 19-inch color television receivers, prices of domestically-produced models were lower than *all* imported models in 66 instances.

Imports of receivers from Korea and Taiwan on the average, undersold comparable domestically-produced 13-inch and 19-inch color receivers, as well as receivers imported from Japan. Receivers imported from Korea were particularly strong price competitors, underselling comparable U.S.- and Japan-made color sets.

Significant price competition between imported receivers from Japan and domestically-produced receivers is apparent in only one small market segment—13-inch color receiver sales to independent retailers. The majority determination places great emphasis on this market segment. The 13-inch color receiver does represent a growth center in the U.S. market. However, it currently represents a small segment of overall color receiver consumption, and sales to independent retailers are only a portion of the 13-inch segment of the market. In 1980, apparent consumption of all color television receivers in the United States was valued at $3.7 billion. Consumption of 13-inch receivers was valued at $381 million or 10.4 percent of total consumption.

In 1979, sales to independent retailers of price leader models of 13-inch

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[28] *Supra* n. 24 at 25–26.

[29] *Supra* n. 24 at 14–15.

[30] *Alberta Gas Chemicals, Inc. v. United States*, United States Court of International Trade, Slip Op. 81–48 at 20 (May 1981). U.S. International Trade Commission decision, *Methanol from Canada*, Inv. No. AA1921–202 (1979).

[31] The Commission did not originally differentiate among screen sizes in assessing the impact of imports on the domestic industry. I wish to note in passing that were I to have reached the question of modification of the original dumping order, this fact would not have been a constra'nt against so differentiating in this review case.

[32] The data base for this pricing analysis was compiled from responses to Commission questionnaires by 14 domestic producers and 26 importers of television receivers. Data were received on 1979 sales of about 8.3 million receivers or about 50 percent of total U.S. consumption in that year. Data were collected on the same basis for January–September 1980.

receivers imported from Japan accounted for eleven percent of such sales covered by our pricing study which represented approximately 50 percent of U.S. consumption (approximately one percent of overall color receiver sales), and undersold domestic producers by weighted average margins of 3 to 7 percent. In January–September 1980, sales of these receivers imported from Japan had declined to 5 percent of total 13-inch sales in the study of price leader models to independent retailers (less than one percent of overall color receiver sales, but were at weighted average margins of underselling of about twelve percent. Sales in this study of 13-inch color receivers imported from Korea and Taiwan had margins of underselling ranging from 12 percent in January–June 1979 to 16 percent in July–September 1980. Korean and Taiwnanese imports in this study accounted for approximately 20 percent of total 13-inch sales.

All imports of 13-inch receivers from Japan as reported in the official statistics represented about three percent of the value of U.S. consumption of 13-inch color receivers and less than 0.5 percent of the value of consumption of all color receivers. This market segment was the only one where there was significant price competition between imported receivers from Japan and domestically-produced receivers. The price impact of such imports in the 13-inch market, even at LTFV prices, is minimal. It appears that competition among domestic producers and pressure from low-priced imports from Korea and Taiwan are the significant factors in determining prices in the 13-inch market. Further, it is clear that prices in the overall market for color receivers are determined by competitive forces other than imports from Japan.

The effect of the antidumping order on pricing of imported receivers from Japan is a key consideration. Given the record in this case, it would be too speculative to attempt an analysis of what the pricing situation would have been had the dumping order not been in place. The majority also does not attempt such an analysis. In any event, the hard facts of the changed circumstances in this case make such an analysis unncessary. A discussion of what would have happened during the last five years in the absence of the dumping order would be an academic exercise in the face of establishment of significant Japanese plants in the United States during the period. As for future impact of revoking the order, the possibility of sales at LTFV arriving in volumes [33] which would have a significant depressing effect on domestic prices is countered by the presence of Japanese-owned domestic facilities currently supplying about one-fourth of total U.S. demand. These firms have made a substantial investment in capital equipment and facilities and expect earnings which they would be unlikely to jeopardize by bringing in large volumes of dumped goods. And domestic producers—Japanese-owned and U.S.-owned alike—would feel any price depressing effect that might result from such a practice hypothetically occurring. The economic reality, however, given the presence of Japanese-owned production facilities in the United States is that they are expected to share in benefits from increases in domestic demand for television receivers that is projected for 1981–85. Managers of Japanese-owned firms in the U.S., like any other astute businessmen, will take advantage of a period of strong demand and seek to maximize their profits through price increases rather than risk suppressing or depressing the overall level of prices in the U.S. market by selling at LTFV. Thus, there is no incentive to resume sales at LTFV, and there is an obvious deterrent—the loss of substantial profits by the U.S. affiliates of Japanese producers.

The record demonstrates that any dumping which might occur would only minimally impact overall market prices.

Changes in the volume of imports.—From 1971 to 1974, U.S. imports for consumption of complete color television receivers from Japan averaged approximately one million units a year and were subject to dumping duty assessments in accordance with T.D. 71–76. In February 1975, the dumping finding against Sony Corp. was revoked. Imports from Japan, excluding those of Sony,[34] continued to increase reaching a peak of over two million units in 1976. A 1977 orderly marketing agreement (OMA) [35] restricting imports of color television receivers to the U.S. resulted in a 25 percent drop in imports from Japan in 1977. This trend has continued as Japanese producers have begun production in U.S.-based facilities. By 1980, imports from Japan were only nine percent of their 1976 level and two percent of U.S. consumption.[36]

The downward trend in imports from Japan was interrupted in the first four months of 1981 as imports from Japan increased for the first time in five years. Although the majority of these imports were concentrated in the 12-inch-and-under screen sizes, a portion of the imports were 13-inch receivers which the Commission majority's analysis emphasizes. Much of the increase in imports of these units appears to be a reaction to domestic parts shortages rather than a change in marketing strategy.

All of the Japanese-owned domestic producers [37] of color receivers purchase all or part of their picture tube requirements from U.S. tube producers. Late in 1980, it became apparent to these firms that a picture tube shortage of unknown duration was developing. In order to supply demand for 13-inch receivers, which was at peak levels in January–March 1981, some of these firms imported either 13-inch picture tubes or 13-inch receivers from Japan. Freight costs for shipping tubes and sets are roughly comparable; however, tube imports are dutiable at 15 percent *ad valorem* while receivers are dutiable at five percent. It would, therefore, be economically feasible to supplement domestic production with receiver imports on a short-term basis. It is apparent, however, that prior to the picture tube shortage, Japanese producers had already made decisions to locate 13-inch receiver production in their U.S. facilities. It is anticipated that as soon as the effects of the tube shortage have been overcome they will supply the bulk of their U.S. demand for this screen size from their U.S. production facilities in order to utilize their U.S. capacity most effectively.

In summary, imports from Japan remained at relatively high levels in the early years of the antidumping order (1971–74). By 1976 such imports had risen sharply to a record high despite

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[33] The question of volume is further discussed in the next section, "Changes in the volume of imports."

[34] All discussion in this opinion of imports from Japan since 1975 excludes Sony receivers.

[35] *Color Television Receivers and Subassemblies Thereof*, Inv. No. TA–201–19 (1977).

[36] The decline in imports from Japan were accompanied by a change in the mix of screen sizes. In 1976, over 55 percent of such imports from Japan were in screen sizes of 18 and 19 inches. When Japanese-owned producers began operations in the United States their production was concentrated in these screen sizes. As these U.S. plants began to supply a larger share of the market, imports in the 18-inch and 19-inch screen sizes declined sharply. By 1980, such imports represented less than 10 percent of imports from Japan. The bulk of imports from Japan were in screen sizes of 12 inches and below. Included in this category were numerous units with screen sizes of less than 10 inches; comparable units were not being produced in the United States in 1980. Since 1977, 13-inch screen size receivers have become an important part of the U.S. color receiver market, increasing from about 4 percent of the value of total consumption in that year to 10 percent in 1980. U.S. producers reacted to this demand and began production of these units.

[37] Except Sony Corp. which produces its own picture tubes.

the outstanding dumping order which imposed penalty duties on less-than-fair-value sales. In 1977, following the establishment of an OMA with Japan, there was a significant decline in imports, a trend which was secured as Japanese firms began to acquire or build productive facilities in the United States. The downward trend in imports continued through 1980 but was interrupted in 1981 as imports increased in the first four months. Such increases, however, responded to short-term disruptions in the Japanese-owned domestic producers' ability to meet strong demand in light of the picture tube shortage. There is nothing on the record demonstrating that these imports, which still represent less than three percent of total apparent consumption, are harbingers of a shift back to large-scale imports from Japan. It is always treacherous to project import trends on the basis of short-term data, and in this case it would be particularly so since the short-term rise diverges from the long-term trend.

The effect of imports from Japan on the domestic industry.[38]—Projection of a reverse in the long-term decline in imports on the basis of the January–March 1981 rise in imports is particularly inadvisable given the healthy state of the domestic industry. Assessing the first quarter of 1981 as compared to first-quarter 1980 for the indicators available reveals continuing strength in the industry despite the increase in imports in the latter period. Production increased 6.5 percent, shipments increased three percent, and shipments by domestic producers of 13-inch receivers increased 31 percent. This indicates that the increased imports of the first quarter of 1981 did not adversely impact the domestic industry.

The majority attaches great importance to the import rise in the first quarter of 1981 and almost no importance to performance of the industry over the first quarter of 1981 and over a much longer period. Careful analysis does not permit one to skip from citing volume of imports for one quarter of 1981 to developing scenarios for the future, without assessing the hard facts on the record which indicate that this increase in imports appears to be a short-term phenomenon unlikely to signify impending material injury.

Turning to the consistent long-term patterns in the data, one finds that domestic production of color television receivers increased dramatically from 5.9 million units in 1976 to 10.7 million units in 1980, or by 80 percent. U.S. producers' domestic shipments increased about 70 percent from 1976 to 1980. Shipments of 13-inch screen size receivers increased from 197,000 units in 1976, or three percent of total domestic shipments, to 1.3 million units in 1980, or 14 percent of total shipments. Domestic producers' share of the U.S. market increased from 67 percent in 1976 to 88 percent in 1980. Capacity utilization based on operating one shift per day, five days per week increased steadily from 60.2 percent in 1976 to 87.6 percent in 1980.[39]

Both U.S. producers and U.S. importers of color television receivers reported declines in year-end inventories as a share of shipments from 1976–80. On December 31, 1980, U.S. producers' inventories were equal to 7.6 percent of their 1980 domestic shipments whereas the corresponding figure for importers' inventories was 7.1 percent.

U.S. producers of color television receivers reported declining profits during 1976–79, culminating in a slight loss in 1979. Much of this is attributable to new Japanese-owned firms commencing television production in the United States during this period. Due to high start-up costs, these firms reported lower profits than the remainder of the industry. Profitability improved in 1980 with the overall industry reporting a return on net sales of 2.0 percent. Profitability of U.S. and Dutch-owned firms, measured by return on net sales, declined from 1976 to 1978, then remained stable at about 1.7 percent through 1980. Japanese-owned firms had a poorer financial experience resulting in losses in 1979, the peak year for entry of these firms into the market. Profitability in 1980 rebounded sharply with a return on net sales of 2.3 percent. Having absorbed the losses associated with start-up costs, Japanese-owned firms are now in a position to profit from strong demand in the U.S. market.

The number of production and related workers employed in the manufacture of color television receivers declined by 20 percent from 1976 to 1980 as U.S. producers continued to import labor-intensive components manufactured by foreign subsidiaries and to install labor-saving automated equipment in their domestic facilities. The decline in employment, however, is in no way attributable to imports from Japan, but is the result of a marked increase in productivity. Output of sets per man-hour increased from .1117 sets in 1976 to .2391 in 1980.[40]

U.S. demand for color television receivers was at an all time high in 1980, and first-quarter sales in 1981 are ahead of last year's record pace. Industry sources, including the Electronic Industries Association, estimate U.S. demand will increase by an additional 40 to 50 percent from 1981 to 1985. In view of this large increase in demand and the fact that the U.S. industry is favorably positioned to capitalize on it, the future prospects for the domestic industry are particularly promising.

This healthy outlook for the industry was foreseen by the Commission in May 1980 when it unanimously determined that termination of the quantitative restrictions on complete and incomplete television receiver imports from Japan would not have an adverse economic effect on the domestic industry producing like or directly competitive products. In its letter to the President advising him of that decision, the Commission stated:

> Japan has dramatically altered its presence in the U.S. market by investing in domestic facilities for producing complete sets from sub-assemblies. Most Japanese producers are now part of the U.S. domestic industry. Thus, imports of Japanese sets no longer pose a serious concern to the domestic industry.[41]

I had no reservation about this statement then and today, approximately 13 months later, I am confident that it remains correct.

Intentions of Importers After Revocation

Having explained the standards for a section 751 review case and applied them in my analysis of the record to

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[38] With respect to the impact of imports on the domestic industry, section 771(7)(b) of the Tariff Act of 1930 instructs the Commission to examine all relevant economic factors including, but not limited to, actual and potential declining output, sales, market share, profits, productivity, return on investments, utilization of capacity, factors affecting domestic prices, and actual and negative effects on cash flow, inventories, employment, wages, growth, ability to raise capital, and investment. It is appropriate for the same factors to be considered in a review case. *See Polish Golf Cars, Supra*, n.24, at 23–26.

[39] U.S. capacity to produce television receivers can be increased easily by adding additional shifts. The current restraint on increasing capacity would be the availability of an adequate work force.

[40] Despite the decline in the number of workers producing color television receivers during 1976–80, there was an overall increase in the wages paid during the period—a 20 percent decline in the number of workers was accompanied by a 26 percent increase in total compensation

[41] Report to the President on Inv. No. TA–203–6, *Color Television Receivers and Subassemblies Thereof*, May 1980, p. 1. I recognize that this recommendation was based on a standard of "a substantial cause of serious injury to the domestic industry," which is not the standard applied in a section 751 review case. However, it is similar in that it is a prospective determination, a determination of the likelihood of future injury. It is clear to me that a threat of material injury would pose a serious concern to any industry. And as the Commission states in its conclusion to the recommendation, "Japanese producers having become part of the domestic industry are unlikely to resume massive imports."

demonstrate why I have concluded an affirmative case has been made under the statute and the Commission's rules for removal of the antidumping order. I am compelled to offer my comments on some of the analysis which led the majority to a determination that the anti-dumping order should not be revoked or modified. I offer these comments reluctantly, but feel that the basic unfairness of the Commission's adopting a standard which the petitioner could not have been expected to anticipate and then making adverse inferences against the petitioner for failure to provide inherently speculative information required to meet the changed standard necessitates close scrutiny.

The law requires that substantial evidence found in the record must be the basis of all of our determinations; however, the majority determination in this investigation is largely premised on the notion that there is a lack of specific information in the record. I agree with the majority that more information on the intention of the importers of Japanese receivers as to price and volume levels would have been "helpful." However, the petitioners made their case by showing that rational business behavior for this industry would not lead to large-scale dumping capable of injuring the domestic industry; it did not have to rely on a showing of intent. That is, in effect, the same analysis which was used by the Commission in *Electric Golf Cars from Poland* and *Potassium Chloride from Canada.*[42]

The record contains conflicting testimony on the intentions of the importers. In review cases, however, there is no burden of proof on the petitioner after institution of the investigation.[43] Therefore, I do not believe that if the Commission has been amiss in its responsibility to develop a complete record that the Commission can in effect make an adverse inference against the petitioner. This is especially so in light of the fact that the Commission postpone this investigation for several months in order to obtain information during which time specific questions as to intent could have been posed to the petitioners. Moreover, the Commission never sought to use its power to subpoena information for the purpose of filling any critical gap in the record. However, the majority seems to have drawn an adverse inference against the petitioner and then reasons that if there can be any showing of capability to increase imports, the dumping order should remain in place.

On the basis of an adverse inference regarding Japanese intent and some slight indications regarding their capability, the majority then develops some potential scenarios by which resumed dumping could materially injure the domestic industry.

One argument is made that there is the potential for LTFV Japanese imports to materially injure the domestic industry through price suppression. This is completely imcompatible with the projected increases in U.S. demand for color television receivers which will provide Japanese-owned domestic producers with an opportunity to maximize the return on their substantial U.S. investment through increased sales at the higher prices that would be expected in a growth market. Any resumption of LTFV sales would suppress the prices of all producers and adversely impact the performance of their U.S.-based facilities. This is the best assessment available of the intentions of the Japanese to export LTFV color televison receivers in the United States.

Moreover, such a scenario suffers the internal contradiction of arguing price suppression derived from a global Japanese strategy at the same time that the majority concludes that Japanese-owned U.S. producers should not be excluded from the domestic industry as "related parties" because they would not behave differently from domestic producers who are not related to importers or exporters of sets covered by the order.

Another hypothesis advanced was that Japanese-owned U.S. firms could systematically follow a practice of increasing market share by supplementing production with LTFV imports. This hypothesis holds true only if Japanese import practices for the first quarter of 1981 is indicative of future strategy when they are unable to meet a spurt in demand. However, the market growth projected for color television receivers appears to be neither short-term nor cyclical. Japanese-owned U.S. producers have in the past been operating on a one-shift basis. Production capacity could be steadily increased by adding additional shifts although time would have to be alloted for recruitment and training of additional workers. Most of the Japanese-owned plants are relatively new and equipped with the latest technology; large infusions of labor would not be necessary to increase the output of these plants. Sharp, for example, built its plant, recruited and trained employees, and set up production—all in a single year. Adding another shift could presumably be accomplished in even less time.

Yet another theory posts some form of injury resulting from problems in another industry—picture tubes. However, Japanese-owned domestic producers have typically obtained their picture tube requirements from two sources—U.S. tube manufacturers and imports from Japan when screen sizes were not available domestically. Following these sourcing patterns, these producers have successfully competed in the U.S. market. This indicates that U.S.-produced picture tubes are price competitive with tubes produced in Japan. This is further indicated by the fact that Sony, the first Japanese producer to begin production in the United States, currently produces the bulk of its tube requirements from its own U.S. facilities rather than importing them. Although Sony utilizes a different type of tube in its receivers which is not available from other U.S. tube producers, the fact remains that Sony apparently finds it more cost efficient to produce in the U.S. than import from Japan. As long as U.S. tube manufacturers adequately supply the requirements of the Japanese-owned producers, no significant shifts in supply would be expected.

In short, the type of analysis utilized in reaching the majority's determination causes me great concern. It is a clear departure from the standards heretofore used by the Commission in determining likelihood of future injury. It puts great emphasis on a type of information which is inevitably speculative—after all, businesses continually change their plans in the face of changing market conditions.

I am also seriously concerned that the majority has drawn an adverse inference from petitioner's failure to bring forth information to questions which, had they been posed, would probably have elicited self-serving and unprovable answers. In spite of the fact that the majority does not state they are drawing an adverse inference as to intent, it is in effect doing so or the question of Japanese capabilities would not have been reached. The Commission did not make an aggressive effort to gather the relevant information; nevertheless we have a majority analysis regarding Japanese export production capability for the U.S. market on the basis of what could generously be described as a paucity of information on the record.

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[42] *Supra*, n. 24.

[43] The petitioner has the burden of showing "changed circumstances" to support institution of a section 751 review investigation. The Commission is responsible for developing a record on which to base a determination.

My concern with the majority analysis becomes strong dissent when that analysis begins projecting various scenarios on the basis of such findings as to intent and capability.

Conclusion

In a non-review case no duties will be assessed if the Commission finds that there is no present or threatened material injury due to LTFV imports. In a review case, there are two conceptual paths which define the boundaries of the route to termination of duties. One is a finding that with the order in place the industry is so strong that no prospective dumping upon removal of the duties could injure it materially. The second is that the structure of the case is such as to be persuasive that no significant dumping is likely in the absence or modification of duties already in force. The course I have followed in this case has been a combination of these two conceptual paths.

In the face of a record which shows that future conditions will not make it advantageous for significant levels of LTFV Japanese imports to enter the United States and clear evidence of a continuing improvement in the condition of the dramatically transformed domestic industry, I find that an industry in the United States would not be materially injured or threatened with material injury by reason of imports of television receiving sets from Japan covered by the antidumping order if the order were revoked.

Issued: June 15, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-18704 Filed 6-23-81, 8:45 am]

BILLING CODE 7020-02-M

LEGAL SERVICES CORPORATION

Grants and Contracts

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355a, 88 Stat. 378, 42 U.S.C. 2996-2996*l*, as amended, Pub. L. 95-222 (December 28, 1977). Section 1007(f) provides: "At least thirty days prior to the approval of any grant application or prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly * * * such grant, contract, or project. * * *"

The Legal Services Corporation hereby announces publicly that it is considering the grant application submitted by: Farmworker Litigation Support Fund, Inc., to provide legal assistance to poor migrant and seasonal farmworkers as a demonstration project.

Interested persons are hereby invited to submit written comments or recommendations concerning the above application to the Regional Office of the Legal Services Corporation at: Legal Services Corporation, Office of Field Services, 733-15th Street, N.W., Washington, D.C. 20005.

Clinton Lyons,

Director, Office of Field Services.

[FR Doc. 81-18690 Filed 6-23-81, 8:45 am]

BILLING CODE 6820-35-M

Grants and Contracts

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355a, 88 Stat. 378, 42 U.S.C. 2996-2996*l*, as amended, Pub. L. 95-222 (December 28, 1977). Section 1007(f) provides: "At least thirty days prior to the approval of any grant application or prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly * * * such grant, contract, or project. * * *"

The Legal Services Corporation hereby announces publicly that it is considering the grant application submitted by: Nevada Legal Services, Carson City, Nevada, for the delivery of legal services to the Native Americans in Nevada and the eligible clients in Carson City and Clark, Churchill, Douglas, Elko, Esmeralda, Eureka, Humboldt, Lander, Lincoln, Lyon, Mineral, Ney, Pershing, Storey, and White Pine Counties, Nevada.

Interested persons are hereby invited to submit written comments or recommendations concerning the above application to the Regional Office of the Legal Services Corporation at: Legal Services Corporation, San Francisco Regional Office, 177 Post Street, Suite 890, San Francisco, CA 94108.

Clinton Lyons,

Director, Office of Field Services.

[FR Doc. 81-18648 Filed 6-23-81, 8:45 am]

BILLING CODE 6820-35-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards, Subcommittee on Advanced Reactors; Meeting

The June 22 and 23, 1981 meeting of the ACRS Subcommittee on Advanced Reactors scheduled to be held in Park Ridge, IL has been cancelled.

Notice of this meeting was published in the **Federal Register** on June 5, 1981 (46 FR 30222).

Dated: June 22, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81-18730 Filed 6-22-81; 11:10 am]

BILLING CODE 7590-01-M

Abnormal Occurrence; Occupational Overexposures

Section 208 of the Energy Reorganization Act of 1974, as amended, requires the NRC to disseminate information on abnormal occurences (i.e., unscheduled incidents or events which the Commission determines are significant from the standpoint of public health and safety). The following incident was determined to be an abnormal occurrence using the criteria published in the **Federal Register** on February 24, 1977 (42 FR 10950). Example I.A.1 ("For all Licensees") of Appendix A of the abnormal occurrence Policy Statement notes that exposures of the feet, hands, or forearms of any individual to 375 rems or more of radiation can be considered an abnormal occurence. The following description of the event also contains the remedial action taken.

Date and Place—On February 2, 1981, Automation Industries, Inc., reported a possible overexposure to the thumbs of two individuals at their Nuclear Encapsulation Facility in Phoenixville, Pennsylvania. During the investigation of the overexposures to these two individuals, the NCR inspectors identified a third individual who had received an overexposure.

Nature and Probable Consequences—Automation Industries, Inc., is a licensed manufacturer of sealed sources containing radioactive material which are distributed to other licensees for use in industrial radiography. Prior to shipment, the sources are placed in a shielded container and cleaned of any loose surface contamination. In this operation, the licensee had been employing a procedure where the sources were withdrawn from a fully shielded position during cleaning. This caused the thumb and finger of the individual performing the cleaning to be exposed to a pencil-like beam of radiation of sufficent intensity to cause a radiation overexposure. As a result of cleaning and wipe testing of sources, two employees may have received hand exposure in excess of regulatory limits for several years prior to 1980, possibly for as long as seven years. The doses in previous years were such that either no

injury was evident or was so slight as to be ignored. During the Summer of 1980, the licensee received a shipment of iridium-192 with higher than normal loose contamination; in addition, one of the licensee's major customers specified a more stringent contamination limit for sealed sources shipped under the contract. Both of these required increased source cleaning resulting in hand doses which exceeded the threshold for visible radiation injury.

The employees stated that the first symptoms of injury developed sometime around July 1980. The first symptom noticed was a dryness of the skin at the nail area of the right thumb. One employee described the injury as resembling a growth under the thumbnail. He stated that he went to his doctor in July 1980 and the symptom was diagnosed as a fungus infection. He recalled that the condition worsened over the Summer with swelling, bleeding, sensitivity, and cracking of the right thumbnail developing in September and October 1980. The other employee stated that he developed redness of the skin and cracking of the thumbnail toward the latter part of December 1980. The right index finger and, to a lesser degree, other fingers, developed symptoms of dryness and flaking. The licensee's medical consultant examined both employees on February 2, 1981 and determined that the injuries were produced by radiation. During the investigation, the NRC inspectors identified a third individual who had been involved in cleaning sources and thereby received extremity overexposure. NRC inspectors estimate that extremity doses of about 25,000, 7,000, and 1,000 rems were received in 1980 by the three individuals involved in cleaning and wipe testing sources. The third individual had no sign of visible radiation injury.

An investigation conducted by the NRC's Region I office concluded that the licensee did not report these overexposures to the NRC in a timely manner. It appears that by November 1980 the licensee was aware that two employees may have received radiation injuries to their hands, but did not report this to the Commisssion until February 2, 1981. Furthermore, the licensee apparently withheld information concerning the exposure and injuries from an NRC inspector during a routine inspection on January 21, 1981.

Cause or Causes—The cause of the overexposures was due to the use of inadequate procedures for cleaning and wipe testing the sealed sources. Failure to perform adequate surveys and failure to provide employees fingertip dosimetry during cleaning operations prevented discovery of these overexposures until symptoms of visible radiation injury appeared.

Actions Taken To Prevent Recurrence

Licensee—The licensee has completely revised procedures for cleaning and wipe testing sources and has provided fingertip dosimetry to the appropriate personnel. The licensee has revised the management of the facility and radiation safety program. A radiation safety consultant has been employed to assist in the review of the licensee's program and to implement an audit program.

NRC—Upon being notified by the licensee of the overexposures on February 2, 1981 the NRC Region I office conducted special investigations of the licensee during the period of February 3-12, 1981, covering circumstances pertaining to the overexposures and to the licensee's notification of suspected radiation overexposure to employees. Three items of noncompliance were identified: exposure in excess of the limits of 10 CFR 20.101(a) to the hands of three individuals; failure to provide dosimetry required by 10 CFR 20.202(a); and failure to make immediate notification as required by 10 CFR 20.403(a)(1).

On February 3, 1981 an Immediate Action Letter was sent to the licensee by the NRC Region I office which documented mutual understandings regarding the prohibition of use of a particular device for decontaminating and wipe testing sources, providing proper fingertip dosimetry, changing and evaluating the dosimetry on a daily basis, and removing the two overexposed employees (who were orginally identified by the licensee) from all radiation work except for the use of remote manipulators.

On February 11, 1981 an Immediate Action Letter was sent to the licensee by the NRC Region I office which documented further mutual understandings regarding use of only an approved Automation Industries, Inc., radiography exposure device for decontamination and leak testing of sources until the NRC had approved alternate procedures, and that the licensee would submit all such procedures to NRC Headquarters by February 20, 1981 for approval.

On February 17, 1981 the NRC served upon the licensee an Order Suspending the License and an Order to Show Cause Why the Suspension Should Not be Continued, Pending Further Order. On February 26, 1981 the licensee responded to the Show Cause Order and described changes in the management of the facility and its radiation safety program together with revised procedures for cleaning and wipe testing sources. On March 6, 1981 the NRC rescinded the suspension of the license and ordered the licensee to implement the commitments contained in the licensee's February 26, 1981 response to the Show Cause Order.

Frequent inspections will be performed by Region I inspectors to ensure the effective implementation of the licensee's commitments.

Dated at Washington, D.C., this 18th day of June 1981.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 81-18985 Filed 6-23-81; 8:45 am]

BILLING CODE 7590-01-M

Applications for Licenses to Export/Import Nuclear Facilities or Materials

Pursuant to 10 CFR 110.70(b) "Public Notice of Receipt of an Application," please take notice that the Nuclear Regulatory Commission has received the following applications for export/import licenses. A copy of each application is on file in the Nuclear Regulatory Commission's Public Document Room located at 1717 H Street NW., Washington, D.C.

A request for a hearing or a petition for leave to intervene may be filed within 30 days after publication of this notice in the **Federal Register**. Any request for hearing or petition for leave to intervene shall be served by the requester or petitioner upon the applicant, the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, the Secretary, U.S. Nuclear Regulatory Commission and the Executive Secretary, Department of State, Washington, D.C. 20420.

In its review of applications for license to export production or utilization facilities, special nuclear material or source material, noticed herein, the Commission does not evaluate the health, safety or environmental effects in the recipient nation of the facility or material to be exported.

Dated at Bethesda, Maryland, this 18th day of July 1981.

For the Nuclear Regulatory Commission.

James R. Shea,

Director, Office of International Programs.

Name of applicant, date of application, date received, and application number	Material type	Material in kilograms: Total element	Material in kilograms: Total isotope	End-use	Country of destination
Separative Work Unit, May 6, 1981, May 6, 1981, XSNM01808	3.42 pct. enriched uranium	1,405.00	33.40	Feed material for UES/AT/100	From West Germany
General Electric, Apr. 17, 1981, Apr. 28, 1981, XSNM01811	3.65 pct. enriched uranium	49,113	1,323	Fukushima I, unit 6 reload	Japan
General Electric, Apr. 17, 1981, Apr. 28, 1981, XSNM01812	3.65 pct. enriched uranium	38,856	1,050	Tokai 2 reload	Japan.
Transnuclear, Apr. 29, 1981, Apr. 29, 1981, XSNM01813.	4.3 pct. enriched uranium	11,165.000	480.143	Reload fuel for S.E.N.A. reactor	France
General Electric, May 4, 1981, May 8, 1981, XSNM01814	4.0 pct. enriched uranium	620,000	14,200	LEU as fabricated fuel bundles—Initial cores and one reload core each Laguna Verde 3 and 4.	Mexico
Marubeni America, May 8, 1981, May 11, 1981, XSNM01815	3.85 pct. enriched uranium	34,857	945	Reload fuel for Fukushima I, unit No. 4	Japan.
Marubeni America, May 8, 1981, May 11, 1981, XSNM01816.	3.85 pct enriched uranium	7,075	192	Reload fuel for Fukushima I, unit No. 4	Japan
Mitsui & Co., May 12, 1981, May 15, 1981, XSNM01817	3.75 pct. enriched uranium	46,630	1,261	Reload fuel for Fukushima II, unit No. 1	Japan.
EXXON Nuclear, May 13, 1981, May 18, 1981, XSNM01818.	3.5 pct. enriched uranium	49,100	1,230	Two fuel reloads—Chinshan No. 1	Taiwan
Transnuclear, May 20, 1981, May 21, 1981, XSNM01821.	93.3 pct. enriched uranium	7.994	7.458	Fuel for FRM research reactor	West Germany
Transnuclear, May 20, 1981, May 21, 1981, XSNM01824	93.3 pct. enriched uranium	38.095	35.543	Fuel for H.F.R. reactor at Petten	Netherlands
Transnuclear, May 20, 1981, May 21, 1981, XSNM01825	93.3 pct. enriched uranium	35.088	32.737	Fuel elements for R-2 reactor	Sweden.
Edlow International, May 21, 1981, May 26, 1981, XSNM01835.	2.85 pct. enriched uranium	10,634	309	Reload fuel for Takahama unit No. 2	Japan.
Edlow International, May 21, 1981, May 26, 1981, XSNM01836.	2.85 pct. enriched uranium	12,060	320	Reload fuel for Mihama unit No. 2	Japan.
Edlow International, Apr. 27, 1981, May 11, 1981, XU08525	Normal uranium (0.711 pct.)	961,632		For conversion and fabrication for use in EURATOM LWR's.	EURATOM Countries.
General Electric, May 4, 1981, May 8, 1981, XR139.	Laguna Verde 3 and 4, 2,600 NWe total value $375,000,000.				Mexico.
Carpenter Tech., May 8, 1981, May 12, 1981, XCOM0035(01).	Additional 50 pieces Zircaloy-4 tubes and increase value to $400,000 for Atucha II.				Argentina.

[FR Doc. 81-18684 Filed 6-23-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-341 Operating License]

Detroit Edison Co. (Enrico Fermi Atomic Power Plant, Unit 2); Order Scheduling Prehearing Conference

Notice is hereby given that, pursuant to 10 CFR 2.752, a prehearing conference in the above matter will be held at 9:30 AM on Wednesday, July 22, 1981, in the United States Courthouse, Courtroom 902, 231 West Lafayette Street, Detroit, Michigan.

The parties are directed to be prepared to discuss the following:

a. A schedule for the conclusion of discovery;

b. Refinement of contentions;

c. A schedule for the final prehearing conference;

d. A schedule for the service of testimony;

e. A schedule for the evidentiary hearing; and

f. The possibility of a visit to the site by the Board.

It is so ordered.

Dated at Bethesda, Maryland this 18th day of June 1981

For the Atomic Safety and Licensing Board.

Gary L. Milhollin,

Chairman, Administrative Judge.

[FR Doc. 81-18685 Filed 6-23-81; 8:45 am]

BILLING CODE 7590-01-M

Draft Regulatory Guide; Issuance and Availability

The Nuclear Regulatory Commission has issued for public comment a draft of a new guide planned for its Regulatory Guide Series together with a draft of the associated value/impact statement. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

The draft guide, temporarily identified by its task number, TP 019-4 (which should be mentioned in all correspondence concerning this draft guide), is entitled "Establishing Quality Assurance Programs for Packaging Used in the Transport of Special Form and Certain Normal Form Radioactive Material" and is intended for Division 7, "Transportation." It is being developed to provide persons subject to the quality assurance requirements of 10 CFR Part 71 with information on the essential elements needed to develop, establish, and maintain a quality assurance program for packaging to transport special form and certain normal form radioactive material. Special form material includes certain sealed sources containing byproduct material commonly used for radiographic, medical-teletherapy, and industrial purposes. Normal form material includes sealed sources not meeting special form requirements, contaminated reactor components, bulk oxides used in fabrication of reactor fuel, and enriched uranium hexafluoride.

This draft guide and the associated value/impact statement are being issued to involve the public in the early stages of the development of a regulatory position in this area. They have not received complete staff review and do not represent an official NRC staff position.

Public comments are being solicited on both drafts, the guide (including any implementation schedule) and the draft value/impact statement Comments on the draft value/impact statement should be accompanied by supporting data. Comments on both drafts should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, by August 19, 1981.

Although a time limit is given for comments on these drafts, comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of draft guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future draft guides in specific divisions should be made in writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Technical Information and Document Control. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland this 16th day of June 1981.

For the Nuclear Regulatory Commission.

Robert M. Bernero,

Director, Division of Risk Analysis, Office of Nuclear Regulatory Research.

[FR Doc. 81-18687 Filed 6-23-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-320]

Metropolitan Edison Co., et al. (Three Mile Island Nuclear Station, Unit No. 2); Order

June 18, 1981.

I

Metropolitan Edison Company, Jersey Central Power and Light Company and Pennsylvania Electric Company (collectively, the licensee) are the holders of Facility Operating License No. DPR-73, which had authorized operation of the Three Mile Island Nuclear Station, Unit 2 (TMI-2) at power levels up to 2772 megawatts thermal. The facility, which is located in Londonderry Township, Dauphin County, Pennsylvania, is a pressurized water reactor previously used for the commercial generation of electricity.

II

Following the accident of March 28, 1979, by Order for Modification of License, dated July 20, 1979, the licensee's authority to operate the facility was suspended and its authority was limited to maintenance of the facility in the present shutdown cooling mode (44 FR 45271, August 1, 1979). By further Order of the Director, Office of Nuclear Reactor Regulation, dated February 11, 1980, a new set of formal license requirements was imposed to reflect the post-accident condition of the facility and to assure the continued maintenance of the current safe, stable, long-term cooling condition of the facility (45 FR 11282, February 20, 1980).

As a result of the accident, about 700,000 gallons of highly contaminated water are standing in the Reactor Building sump and an additional approximately 95,000 gallons of highly contaminated water are contained in the reactor coolant system. In addition to the highly contaminated water, approximately 100,000 gallons of intermediate level water is being held in Auxiliary Building tanks. Although the highly contaminated waste water is presently safely contained in the Reactor Building sump and reactor coolant system, its presence there constitutes a continuing risk of leakage to the environment and prevents or hinders the performance of the major decontamination activities. The Commission has clearly stated its intent that the licensee proceed expeditiously with all decontamination activities consistent with protection of the public health and safety and the environment. (Statement of Policy; Programmatic Environmental Impact Statement of the Cleanup of Three Mile Island Unit 2, 46 FR 24764 (May 1, 1981).)

The licensee has constructed the Submerged Demineralizer System ("SDS") for processing (decontamination) of this highly contaminated water. After processing by the SDS, the water may, if necessary, be further processed ("polished") by the EPICOR-II system, which has been previously used to decontaminate water which was located in Auxiliary Building tanks. The intermediate level water which was accumulated since processing of the Auxiliary Building water with the EPICOR-II system will also be processed with the SDS in order to minimize generation of solid waste and to check out the operation of the SDS. The SDS system has been thoroughly reviewed by the NRC Staff and the conclusions of that review are set forth in the Staff's Safety Evaluation Report (NUREG 0796, June 1981). The EPICOR-II system had been previously reviewed and approved by the Staff for treatment of Auxiliary Building water and has been further reviewed for its polishing application to the SDS effluent.

After processing, the decontaminated water would be stored in onsite tanks and the filters and zeolite ion exchanger vessels used in the SDS decontamination process would be temporarily stored underwater in the TMI-2 spent fuel storage pool. The EPICOR-II resin liners, if any, would be temporarily stored in the existing onsite storage modules. The Department of Energy has stated its willingness to utilize and retain for research and development purposes the high specific activity zeolite solid wastes resulting from operation of the SDS. Low specific activity wastes (including filters) resulting from these operations should be suitable for disposal by shallow land burial. The processed water will be stored on site in available tankage until its disposition is proposed by the licensee, reviewed by the Staff and approved by the Commission.

On the basis of its review, the Staff has determined that processing of the Reactor Building sump and reactor coolant system highly contaminated water with the SDS and EPICOR II system would (1) enable the decontamination of the TMI-2 facility to proceed and (2) place the radioactivity in the waste water into an immobilized state from which release to the environment is much less likely. Processing of the Auxiliary Building tankage intermediate level water with the SDS would minimize generation of solid waste and enable the licensee to check out the operation of the SDS.

The Staff has determined that the public health, safety and interest require that the licensee promptly commence and complete processing of the highly contaminated Reactor Building sump and reactor coolant system water and the intermediate level water in the Auxiliary Building tanks with the SDS and, if necessary, polishing by the EPICOR-II system.

III

Accordingly, pursuant to sections 103, 161b and 161i of the Atomic Energy Act of 1954, as amended, and the Commission's Regulations in 10 CFR Parts 2 and 50, it is ordered effective immediately that: The licensee shall promptly commence and complete processing of the highly contaminated Reactor Building and reactor coolant system water and the intermediate level water in the Auxiliary Building tanks with the SDS and, if necessary, the EPICOR II system.

IV

The licensee or any person whose interest may be affected by this Order may, on or before July 24, 1981, file a request for a hearing with respect to this Order, pursuant to 10 CFR 2.714. A

request for a hearing shall be submitted to the Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the request for a hearing should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Any request for a hearing shall not stay the immediate effectiveness of this Order.

If a hearing is requested by the licensee or other person who has an interest affected by this Order, the Commission will issue an order designating the time and place of any such hearing. If a hearing is held, the issue to be considered at such hearing shall be: Whether on the basis of the matters set forth in section II of this Order, this Order should be sustained.

The NRC Staff's Safety Evaluation Report (NUREG 0796) is available for inspection and copying, for a fee, at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555 and at the State Library of Pennsylvania, Government Publications Section, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pennsylvania 17126. Copies are also available for inspection at the NRC's office at 100 Brown Street, Middletown, Pennsylvania 17057. Copies may be purchased for $4.50 directly from NRC by sending check or money order, payable to Superintendent of Documents, to Director, Division of Technical Information and Document Control, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. GPO Deposit Account holders may charge their orders by calling (301) 492–9530. Copies are also available for purchase through the National Technical Information Service, Springfield, Virginia 22161.

Dated at Bethesda, Md., this 18th day of June 1981.

For the Nuclear Regulatory Commission.

Harold R. Denton,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 81-18688 Filed 6-23-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-445-OL and 50-446-OL]

Texas Utilities Generating Co., et al. (Comanche Peak Steam Electric Station, Units 1 and 2); Reconstitution of Board

Pursuant to the authority contained in 10 CFR 2.721, the Atomic Safety and Licensing Board for *Texas Utilities Generating Company, et al.* (Comanche Peak Steam Electric Station, Units 1 and 2), Docket Nos. 50-445-OL and 50-446-OL, is hereby reconstituted by appointing the following Administrative Judge to the Board: Mr. Marshall E. Miller. Mr. Valentine B. Deale was Chairman of this Board but is presently unable to continue to serve.

As reconstituted, the Board is comprised of the following Administrative Judges: Marshall E. Miller, Chairman, Forrest J. Remick, Richard F. Cole.

All correspondence, documents and other materials shall be filed with the Board in accordance with 10 CFR 2.701 (1980). The address of the new Board member is: Administrative Judge Marshall E. Miller, U.S. Nuclear Regulatory Commission, Atomic Safety and Licensing Board Panel, Washington, D.C. 20555.

Dated at Bethesda, Maryland, this 18th day of June, 1981.

B. Paul Cotter, Jr.,

Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. 81-18689 Filed 6-23-81; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Resolution of Complaint of Price-Undercutting of Subsidized Cheese Imports

On May 21, 1981, The United States Trade Representative received a letter from the Secretary of Agriculture informing him of the Secretary's finding that imported Swiss type cheese produced in Denmark and the Federal Republic of Germany has been offered for sale in the United States at duty-paid wholesale prices which are 17 and 7 cents per pound, respectively, less than the domestic wholesale market price of similar cheese produced in the United States.

In accordance with Section 702(c)(2) of the Trade Agreements Act of 1979 (the Act) (19 USC 1202 note), the Office of the United States Trade Representative notified the Commission of the European Communities of the price undercutting determination made by the Secretary of Agriculture, requested that corrective action be taken, and asked for appropriate assurances concerning the commitments made in the Arrangement Between the United States and the Community Concerning Cheeses.

On June 5, 1981, the Commission of the European Communities notified the United States Trade Representative that measures have been taken to ensure that the duty-paid wholesale price of imported Swiss type cheese produced in Denmark and the Federal Republic of Germany will not be less than the domestic wholesale market price of similar cheese produced in the United States.

In addition, the Commission gave assurance that it will respect the price commitments in the Arrangement. Since the above notification by the Commission of the European Communities has occurred within the 15-day period provided in Section 702(c)(3) of the Act, the United States Trade Representative has notified the Secretary of Agriculture of his belief that no further action is required.

William E. Brock,

U.S. Trade Representative.

[FR Doc. 81-18650 Filed 6-23-81; 8:45 am]

BILLING CODE 3190-01-M

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 22091; 70-6606]

Jersey Central Power & Light Co., et al; Proposed Sale of Equipment

June 18, 1981.

In the Matter of Jersey Central Power & Light Co., Madison Avenue at Punch Bowl Road, Morristown, New Jersey 07960; Metropolitan Edison Co., 2800 Pottsville Pike, Muhlenberg Township, Berks County, Pennsylvania 19605; Pennsylvania Electric Co., 1001 Broad Street, Johnstown, Pennsylvania 19507; and Maine Yankee Atomic Power Co., Edison Drive, Augusta, Maine 04336.

Jersey Central Power & Light Company ("JCP&L"), Metropolitan Edison Company ("Met-Ed"), and Pennsylvania Electric Company ("PENELEC"), subsidiaries of General Public Utilities Corporation, a registered holding company, and Maine Yankee Atomic Power Company ("MYAPCO"), a subsidiary of the New England Electric System and Northeast Utilities, registered holding companies, have filed a joint application-declaration and an amendment thereto with this Commission pursuant to Sections 9(a), 10, and 12(d) of the Public Utility Holding Company Act of 1935 ("Act") and Rule 44 promulgated thereunder.

JCP&L, Met-Ed and PENELEC (collectively, the "Owners") propose to sell, and MYAPCO proposes to acquire, a turbine-driven steam generator feedwater pump and one spare rotating element (together the "Pump") belonging to the Owners and located at the Three Mile Island Nuclear Generating Station Unit No. 2 ("TMI-2"). The Pump is not

presently being used and will not be used for an estimated five to seven years. MYAPCO seeks to acquire the Pump because a feedwater pump at its plant in Wiscasset, Maine has to be replaced and there is a lengthy lead time for purchasing such pumps from the manufacturer. The sale would provide the Owners with necessary cash and relieve them of the cost and risk of maintaining and securing the pump while inactive.

The contract price would be $228,918. This price includes the Owners' depreciated book costs (including overhead and allowance for funds used during construction) of $181,512 as of December 31, 1980. The contract price also includes an amount estimated to be $47,406 representing the income tax effect on the difference between the Owner's book costs and bases of the Pump plus an amount to compensate for income taxes on such difference.

The contract price will be paid in escrow by MYAPCO to the Owners' bond indenture trustees. The escrow will be terminated upon the Owners obtaining necessary authorization by their boards of directors as well as by federal and state agencies for the proposed actions. If such authorization is not received, MYAPCO will return the Pump and the cash in escrow will be returned to MYAPCO, less cost incurred to undo the transaction. The Pump would be purchased in its "as is, where is" condition, subject to the liens of the Owners' bond indentures. Such liens would be released upon termination of the escrow and release of the funds to the Owners for deposit with the trustees under applicable indenture provisions. In addition to the contract price, MYAPCO would pay costs associated with transferring the Pump to MYAPCO's plant as well as other applicable costs including expenses for taxes, regulatory authorization, and mortgage releases.

MYAPCO has agreed to purchase and deliver to TMI-2, at its cost and risk, a new pump. The new pump would be of the same type or a compatible type if the same type is unavailable. MYAPCO would be paid $181,512, which represents the Owners book costs exclusive of dismantling or shipping costs or grossing-up taxes.

The application-declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by July 13, 1981, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicant-declarants at the addresses specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-18617 Filed 6-23-81; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 11819; 812-4876]

Midwest Income Trust; Filing of Application

June 17, 1981.

Notice is hereby given that Midwest Income Trust ("Applicant") 522 Dixie Terminal Building, Cincinnati, Ohio 45202, an open-end, diversified, management investment company registered under the Investment Company Act of 1940 ("Act"), filed an application on May 11, 1981, for an order to amend an existing order of exemption granted on October 28, 1980, to its predecessor, Midwest Income Investment Company ("MIIC"), pursuant to Section 6(c) of the Act, exempting MIIC from the provisions of Section 2(a)(41) of the Act and Rules 2a-4 and 22c-1 thereunder, to the extent necessary to permit MIIC to use the amortized cost valuation method for the purpose of pricing its shares for sale, redemption and repurchase (Investment Company Act Release No. 11415). All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that it is a Massachusetts business trust that operates as a no-load fund offering two series of shares, one of which is a money market fund known as the "Short Term Government Fund" ("Fund"). Applicant also states that the object of the Fund is to obtain a high current income consistent with production of capital by investing exclusively in short term government obligation with a dollar weighted average portfolio maturity of 120 or less.

As here pertinent, Section 2(a)(41) of the Act defines value to mean: (1) with respect to securities for which market quotations are readily available, the market value of such securities, and (2) with respect to other securities and assets, fair value as determined in good faith by an investment company's board of directors.

Rule 22c-1 provides, in part, that no registered investment company or principal underwriter therefor issuing any redeemable security shall sell, redeem or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or to sell such security.

Rule 2a-4 provides, as here relevant, that the current net asset value of a redeemable security issued by a registered investment company used in computing its price for the purpose of distribution, redemption and repurchase shall be an amount which reflects calculations made substantially in accordance with the provisions of that rule, with estimates used where necessary or appropriate. Rule 2a-4 further states that portfolio securities with respect to which market quotations are readily available shall be valued at current market value, and that other securities and assets shall be valued at fair value as determined in good faith by an investment company's board of directors. Prior to the filing of the application, the Commission expressed its view that, among other things, Rule 2a-4 under the Act requires that portfolio instruments of "money market" funds be valued with reference to market factors, and it would be inconsistent generally with the provisions of Rule 2a-4 for a "money market" fund to value its portfolio instruments with over 60-day maturities on an amortized cost basis (Investment Company Act Release No. 9786, May 31, 1977).

Applicant states that it was organized for the specific purpose of succeeding to the business of MIIC to which the Commission granted an order pursuant to Section 6(c) exempting it from the provisions of Section 2(a)(41) of the Act and Rules 2a-4 and 22c-1 thereunder to the extent necessary to permit it to value its assets at amortized cost. Applicant further states that in a letter dated September 9, 1980, the Division of Investment Management stated that it would not recommend any action to the Commission if, pursuant to a plan of reorganization, the Applicant did not seek an amendment to any order issued to MIIC pursuant to Section 6(c), in connection with MIIC's use of the amortized cost method of valuation,

provided Applicant complied with all the provisions of the order. Applicant also states that the Fund now complies with all the provisions of that order but proposes to reduce the net asset value per share from $1,000 to $10 by means of a stock split whereby each shareholder would receive 100 shares of stock for each share currently owned.

Section 6(c) of the Act provides, in part, that upon application the Commission may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision or provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant asserts that its application meets the standards of Section 6(c) of the Act in light of its management policies, and consents to the imposition of the following conditions to any order granting the requested relief:

1. In supervising Applicant's operations and delegating special responsibilities involving portfolio management to Applicant's investment adviser, the board of trustees of Applicant undertakes—as a particular responsibility within the overall duty of care owed to its shareholders—to establish procedures reasonably designed, taking into account current market conditions and Applicant's investment objectives, to stabilize the net asset value per share of its Short Term government fund, as computed for the purpose of distribution, redemption and repurchase, at $10 per share.

2. Included within the procedures to be adopted by the board of trustees of Applicant shall be the following:

(a) Review by the board of trustees, as it deems appropriate and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, of the net asset value per share of its Short Term Government Fund as determined by using available market quotations from the $10 amortized cost price per share, and the maintenance of records of such review.[1]

(b) In the event such deviation from the $10 amortized cost price per share of its Short Term Government Fund exceeds ½ of 1 percent, a requirement that the board of trustees will promptly consider what action, if any, should be initiated by it.

(c) Where the board of trustees believes the extent of any deviation from the $10 amortized cost price per share of its short Term Government Fund may result in material dilution or other unfair results to investors or existing shareholders, it shall take such action as it deems appropriate to eliminate or to reduce to the extent reasonably practicable such dilution or unfair results, which may include: redeeming shares in kind; selling portfolio instruments prior to maturity to realize capital gains or losses, or to shorten the average maturity of the Short Term Government Fund; withholding dividends; utilizing a net asset value per share as determined by using available market quotations; or a reevaluation of all or an appropriate proportion of the portfolio based on current market values.

3. Applicant will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable net asset value per share, for its Short Term Government fund; provided, however, that Applicant will not (a) purchase for its Short Term Government Fund any instrument with a remaining maturity of greater than one year, or (b) maintain a dollar-weighted average portfolio maturity of the Short Term Government Fund which exceeds 120 days.[2]

4. Applicant will record, maintain, and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in paragraph 1 above, and will record, maintain and preserve for a period of not less than six years (the first two years in an easily accessible place) a written record of its board of trustees' considerations and actions taken in connection with the discharge of their responsibilities, as set forth above, to be included in the minutes of the board of trustees' meetings. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31(b) of the Act, as if such documents were records required to be maintained pursuant to rules adopted under Section 31(a) of the Act.

5. Applicant will limit its Short Term Government Fund portfolio investments, including repurchase agreements, to those United States dollar-denominated instruments which its board of trustees determines present minimal credit risks, and which are of "high quality" as determined by any major rating service or, in the case of any instrument that is not rated, of comparable quality as determined by its board of trustees.

6. Applicant will include in each of its quarterly reports, as an attachment to Form N–1Q, a statement as to whether any action pursuant to paragraph 2(c) above was taken during the preceding fiscal quarter and, if any such action was taken, will describe the nature and circumstances of such action.

Notice is further given that any interested person may, not later than July 13, 1981, at 5:30 p.m., submit to the Commission in writing, a request for a hearing on the application accompanied by a statement as to the nature of his or her interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he or she may request that he or she be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–18615 Filed 6–23–81; 8:45 am]

BILLING CODE 8010–01–M

[1] To fulfill this condition, Applicant intends to use actual quotations or estimates of market value reflecting current market conditions chosen by its board of trustees in the exercise of its discretion to be appropriate indicators of value which may include, *inter alia*, (1) quotations or estimates of market value for individual portfolio instruments, or (2) values obtained from yield data relating to classes of money market instruments published by reputable sources.

[2] In fulfilling this condition, if the disposition of a portfolio security results in a dollar-weighted average portfolio maturity in excess of 120 days, Applicant will invest available cash in such a manner as to reduce the dollar-weighted average portfolio maturity to 120 days or less as soon as reasonably practicable.

Midwest Stock Exchange, Inc.; Application for Unlisted Trading Privileges and of Opportunity for Hearing

June 17, 1981.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the common stock of:

Dome Petroleum Limited
Common Stock, $2.50 Par Value (File No. 7–5950)

This security is listed and registered on one or more other national securities exchanges and is reported on the consolidated transaction reporting system.

Interested persons are invited to submit on or before July 9, 1981 written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extension of unlisted trading privileges pursuant to such application is consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-18614 Filed 6-23-81; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 17870; SR-NASD-81-2]

National Association of Securities Dealers, Inc.; Order Approving Proposed Rule Change

June 16, 1981.

On February 25, 1981, the National Association of Securities Dealers, Inc. (the "NASD"), 1735 K Street, N.W., Washington, D.C. 20003 filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78(s)(b)(1) and Rule 19b–4 thereunder, copies of a proposed rule change to amend Part I of Schedule D of the NASD's By-Laws. The proposed rule change would permit NASDAQ market makers to display on a voluntary basis a quotation for an amount of securities in excess of the normal unit of trading ("size"). This information will be available only to subscribers of Level 2 and Level 3 Services. The rule change provides that market makers will be obligated to execute a buy or sell order up to and including the size displayed. The display of size will be implemented six months after the ongoing conversion to new multi-purpose NASDAQ terminals is completed. Notice of the proposed rule change and its terms was given by publication of a Commission release (Securities Exchange Act Release No. 17643, March 10, 1981) and by publication in the **Federal Register** (45 FR 21301, April 9, 1981). No comments were received.

Prior to filing the proposed rule change, the NASD's Board of Governors solicited comments from members, issuers, and other interested parties [1] and received 66 comment letters. While many commentators expressed support for the proposal, a majority expressed reservations with the need for size, the potential harm to the competitive position of smaller broker-dealers, and the difficulty in assuring that size displays would be honored. Several commentators also requested that immediate implementation of the proposed rule change be delayed because of the administrative burden, potential errors which might result given recent increased NASDAQ volume, the elimination of representative quotations and the terminal conversions.

The NASD states that the size proposal was developed by committees composed almost exclusively of representatives from the securities industry who believe size will provide market makers with an opportunity to attract order flow. Furthermore, the NASD believes the proposed rule change will benefit smaller broker-dealers by enabling them to compete more effectively and will enhance competition in the market. With respect to enforcement problems, the NASD states that display of size is voluntary, that price negotiations are permissible for orders larger than displayed size and that the NASD's quotation rule [2] will continue to provide investor protection. The NASD does believe that implementation of the size requirement should be deferred further to permit adjustment by the NASDAQ markets to pending changes in the system.[3]

[1] NASD Notice to Members 80–16 (November 26, 1980).

[2] Art. III, Sec. 6 of the NASD's Rules of Fair Practice, NASD Manual (CCH ¶2156).

[3] Size will be required by February, 1982, of all NASDAQ Market Makers giving quotations in national market qualified securities.

The Commission has considered the issues discussed in the proposed rule change and finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a registered national securities association and, in particular, the requirements of Section 15A and the rules and regulations thereunder. The provision of size information should enhance the pricing efficiency of the over-the-counter market by providing investors and broker-dealers additional information regarding the depth and liquidity of the market for a particular security. Moreover, the dissemination of quotation size may enhance the ability of brokerage firms to ensure best execution of their customers' order. Furthermore, in light of the voluntary nature of the size requirement, the proposed rule change would not appear to impose any significant competitive burdens on over-the-counter market makers since they would not be required to assume the market making risks entailed in disseminating quotations on size. The Commission agrees with the NASD that the voluntary size requirement will not adversely effect the competitive position of smaller broker-dealers since it will facilitate efforts of those broker-dealers to more effectively attract orders through the display of quotation size.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-18616 Filed 6-23-81; 8:45 am]

BILLING CODE 8010-01-M

[File No. 1–7436]

Republic New York Corp., $2.125 Cumulative Preferred Stock, Common Stock, $5 Par Value; Application To Withdraw From Listing and Registration

June 17, 1981

The above named issuer has filed an application with the Securities and Exchange Commission pursuant to Section 12(d) of the Securities Exchange Act of 1934 (the "Act") and Rule 12d2–2(d) promulgated thereunder, to withdraw the specified securities from listing and registration on the American Stock Exchange, Inc. ("Amex").

The reasons alleged in the application for withdrawing these securities from

listing and registration include the following:

1. The common stock and the preferred stock of Republic New York Corporation ("Company") have been listed and registered on the Amex since June 20, 1974 and October 24, 1977, respectively. Pursuant to a Registration Statement on Form 8–A which became effective on August 8, 1980, the Company is also listed and registered on the New York Stock Exchange ("NYSE"). The Company has determined that the direct and indirect costs and expenses do not justify maintaining the dual listing of the common stock and the preferred stock on the Amex and the NYSE and believes that the dual listng imposes an administrative burden on the Company.

2. This application relates solely to withdrawal of the common stock and the preferred stock from listing and registration on the Amex and shall have no effect upon the continued listing of such stocks on the NYSE. The Amex has posed no objection to this matter.

Any interested person may, on or before July 9, 1981, submit by letter to the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–18619 Filed 6–23–81 8:45 am]

BILLING CODE 8010–01–M

[Rel. No. 22092; 31–783]

Transwestern Pipeline Co.; Application for Order Pursuant to Section 2(a)(4)

June 18, 1981

Notice is hereby given that Transwestern Pipeline Company ("Transwestern"), P.O. Box 2521, Houston, Texas 77001, an interstate pipeline company, has filed with this Commission an application and an amendment thereto pursuant to Section 2(a)(4) of the Public Utility Holding Company Act of 1935 ("Act") for an order declaring it not to be a "gas utility company" under the Act. All interested persons are referred to the amended application, which is summarized below, for a description of applicant and a statement of the basis upon which the exemption is sought.

Transwestern is an interstate pipeline company, directly engaged in the interstate transportation and sale of natural gas. Transwestern is also engaged, through subsidiaries, in oil and gas exploration and in other non-utility businesses. At December 31, 1980, Transwestern's consolidated assets were approximately $425 million, and its gas revenues for the year then ended were approximately $776 million. Transwestern's pipeline system extends from West Texas and Oklahoma to the California-Arizona border.

More than 99% of Transwestern's capital stock is directly owned by a wholly owned subsidiary of Texas Eastern Corporation ("Texas Eastern"). Texas Eastern is a diversified company engaged directly and through subsidiaries in the interstate transportation of natural gas for resale, oil and gas exploration, real estate and other non-utility businesses. At December 31, 1980, Texas Eastern's consolidated assets were approximately $3.3 billion; for the year then ended consolidated operating revenues were approximately $4.3 billion, and consolidated net income was approximately $220 million.

Transwestern's natural gas sales, by types of and average number of customers, for the year ended December 31, 1980, were as follows:

[Dollars in thousands]

	Amount	Average No. of customers
Municipal	$124	1
Gas utilities	635,222	7
Pipeline companies and gas producers	138,583	1
Manufacturers and other industrial	1,114	1
Farm, rural and irrigation	704	67
	775,747	77

Transwestern's rural sales constituted .098% of its total gas sales for 1980. Applicant states that such sales are made exclusively pursuant to "tap" clause arrangements entered into with landowners in exchange for right-of-way grants. Transwestern has entered into such contracts with hundreds of rural landowners in Texas, Oklahoma and New Mexico, and presently serves about 70 such customers. Under these arrangements, a short line is laid from the pipeline to a point on the customer's property where a gas meter is installed, and gas delivery from there to the points of use is the customer's responsibility through his own facilities. The terms of sale are set under contract. Transwestern does not engage in any distribution to identifiable communities within geographic areas designated under franchises. Applicant further states that its rural sales are of a special and limited character within the meaning of *Panhandle Eastern Pipe Line Company*, HCAR No. 22060 (May 21, 1981).

Transwestern has applied for an order declaring it not to be a "gas utility company" pursuant to Section 2(a)(4) of the Act. Section 2(a)(4) provides that the Commission may declare a company not to be a "gas utility company" if it finds that "(A) such company is primarily engaged in one or more businesses other than the business of a gas utility company, and (B) by reason of the small amount of natural or manufactured gas distributed at retail by such company it is not necessary in the public interest or for the protection of investors and consumers that such company be considered a gas utility company for the purposes of [the Act]." Rule 10(a)(1) under the Act provides that a company shall be exempt from the duties, liabilities and obligations imposed under the Act upon it as a "holding company" with respect to a subsidiary which, insofar as it is a public utility company, is declared not to be a "gas utility company" under Section 2(a)(4).

The application and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by July 16, 1981, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicant at the address specified above. Proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified or any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application, as amended or as it may be further amended, may be granted.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–18618 Filed 6–23–81; 8:45 am]

BILLING CODE 8010–01–M

[File No. 22-11108]

Wang Laboratories, Inc.; Application and Opportunity for Hearing

Notice is hereby given that Wang Laboratories, Inc. (the "Company") has filed an application pursuant to clause (ii) of Section 310(b)(1) of the Trust Indenture Act of 1939 (the "Act") for a finding by the Commission that the Trusteeship of the Chase Manhattan Bank (National Association) ("Chase") under Indentures of the Company dated as of August 15, 1980 and December 1, 1980 (the "Qualified Indentures") which were heretofore qualified under the Act, and the trusteeship by Chase under an Indenture of Wang Laboratories (N.A.) N.V. and the Company, as Guarantor, dated as of May 15, 1981 (the "New Indenture") which is not qualified under the Act, is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Chase from acting as Trustee under the Qualified Indentures and under the New Indentures.

Section 310(b) of the Act, which is included in Section 608 of each of the Qualified Indentures, provides in part that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest (as defined in such section), it shall within ninety days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign. Section (1) of this section provides, with certain exceptions stated therein, that a trustee under a qualified indenture shall be deemed to have a conflicting interest if such trustee is trustee under another indenture under which any other securities, or certificates of interest or participation in any other securities of the same issuer are outstanding.

The present application, filed pursuant to clause (ii) of Section 310(b)(1) of the Act (as set forth in Section 608 of each of the Qualified Indentures), seeks to exclude the New Indenture from the operation of Section 310(b)(1) of the Act.

The effect of the proviso contained in clause (ii) of Section 310(b)(1) of the Act on the matter of the present application is such that the New Indenture may be excluded from the operation of Section 310(b)(1) of the Act (as set forth in Section 608 of each of the Qualified Indentures) if the Company shall have sustained the burden of proving by this application to the Commission and after opportunity for hearing thereon that the trusteeship of Chase under the Qualified Indentures and under the New Indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Chase from acting as trustee under any of these Indentures.

The Company alleges that:

(1) At April 1, 1981, it had outstanding $99,001,000 principal amount of 9% Convertible Subordinated Debentures due 2005 and $100,000,000 of its 9½% Convertible Subordinated Debentures due 2005 issued under the Qualified Indentures (dated August 15, 1980 and December 1, 1980, respectively). The Debentures issued pursuant to the Qualified Indentures were registered under the Securities Act of 1933 (File Nos. 2-68793 and 2-69964, respectively) and the Qualified Indentures were qualified under the Trust Indenture Act of 1939;

(2) Wang Laboratories (N.A.) N.V. proposes to issue and sell $40,000,000 principal amount of 9¼% Convertible Subordinated Guaranteed Debentures due 1996, guaranteed by the Company on a subordinated basis, to be issued under the New Indenture. Chase is trustee under the New Indenture. The New Debentures are not being offered or sold directly or indirectly in the United States of America (including its territories or possessions), or to nationals or residents of the United States of America, as part of the distribution of the New Debentures. The issuance of these Debentures is therefore exempt from the registration requirements of the Securities Act of 1933 and the New Indenture is exempt from the qualification provisions of the Trust Indenture Act of 1939;

(3) The obligations of the Company under the Qualified Indentures and the New Indenture are wholly unsecured, and rank pari passu inter se;

(4) The Company's guarantee of the New Debentures is neither superior nor inferior in right of payment to the Qualified Debentures;

(5) It is not in default under the Qualified Indentures or the Qualified Debentures;

(6) Such differences as exist between the Qualified Indentures and the New Indenture are not likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of the Debentureholders to disqualify Chase from acting as trustee under any of the Indentures.

The Company has waived notice of hearing, hearing and any and all rights to specify procedures under the Rules of Practice of the Securities and Exchange Commission in connection with this matter.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application which is on file in the offices of the Commission's Public Reference Section, 1100 L Street, N.W., Washington, D.C. 20549.

Notice is further given that and order granting the application may be issued by the Commission at any time on or after July 21, 1981, unless prior thereto a hearing upon the application is ordered by the Commission, as provided in clause (ii) of Section 310(b)(1) of the Trust Indenture Act of 1939. Any interested person may, no later than July 20, 1981 at 5:30 P.M., Eastern Daylight Time, in writing, submit to the Commission, his views or any additional facts bearing upon this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 500 North Capitol Street, N.W. Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact and law raised by the application which he desires to controvert.

By the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-18693 Filed 6-23-81, 9:10 am]

BILLING CODE 8010-01-M

DEPARTMENT OF STATE

Office of the Secretary

International Pipeline Permit: Application for Steam Pipeline Between Edmunston, N.B., and Madawaska, Maine: Project Modifications

This is in reference to the Notice published in the **Federal Register**, Volume 46, page 14248 (February 26, 1981) regarding an application for a permit authorizing Fraser, Inc. to construct a steam pipeline project across the St. John River between Edmunston, New Brunswick and Madawaska, Maine. The company operates pulp and paper plants on opposite sides of the river, and proposes to transport steam generated in Edmunston through the pipeline across the St. John River (the U.S.-Canadian boundary). The pipeline would cross the river on a new bridge.

Notice is hereby given that the Department of State has received an amendment to the application submitted

by the company, involving modifications in the design and construction of the new bridge supporting the pipeline. The original proposal for a suspension bridge has been modified to provide for a conventional bridge with two piers to be located in the St. John River. In order to build the concrete footings in the river, two cofferdams will be constructed.

The Department's jurisdiction with respect to this application is based upon Executive Order 11423, dated April 16, 1968 (the Order), and the International Bridge Act of 1972 (33 U.S.C. § 535). Interested persons may submit their views regarding this application, as modified, in writing by July 10, 1981, to the Office of the Assistant Legal Adviser for European Affairs, Room 5417A, Department of State, 2201 C Street, N.W., Washington, D.C. 20520.

The application, together with the recent modification, and related documents which are made part of the record to be considered by the Department of State are available for inspection and copying in the Office of the Assistant Legal Adviser for European Affairs during normal business hours. Any questions relating to this notice may be addressed to this office at the above address (phone: 202–632–9500).

Dated: June 4, 1981.

Ted A. Borek,

Assistant Legal Adviser for European Affairs.

[FR Doc. 81-18640 Filed 6-23-81; 8:45 am]

BILLING CODE 4710-08-M

DEPARTMENT OF THE TREASURY

[Department Circular Public Debt Series—No. 19–81]

Treasury Bonds of 2001; Auction

June 18, 1981.

1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of the Second Liberty Bond Act, as amended, invites tenders for approximately $1,750,000,000 of United States securities, designated Treasury Bonds of 2001 (CUSIP No. 912810 CW 6). The securities will be sold at auction, with bidding on the basis of yield. Payment will be required at the price equivalent of the bid yield of each accepted tender. The interest rate on the securities and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of these securities may be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities.

2. Description of Securities

2.1. The securities will be dated July 2, 1981, and will bear interest from that date, payable on a semiannual basis on February 15, 1982, and each subsequent 6 months on August 15 and February 15 until the principal becomes payable. They will mature August 15, 2001, and will not be subject to call for redemption prior to maturity. In the event an interest payment date or the maturity date is a Saturday, Sunday, or other nonbusiness day, the interest or principal is payable on the next-succeeding business day.

2.2. The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are subject to estate, inheritance, gift, or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, any possession of the United States, or any local taxing authority.

2.3. The securities will be acceptable to secure deposits of public monies. They will not be acceptable in payment of taxes.

2.4. Bearer securities with interest coupons attached, and securities registered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000, $100,000, and $1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of coupon, registered, and book-entry securities, and the transfer of registered securities will be permitted.

2.5. The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., Eastern Daylight Saving time, Thursday, June 25, 1981. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Wednesday, June 24, 1981.

3.2. Each tender must state the face amount of securities bid for. The minimum bid is $1,000 and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.11%. Common fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield. No bidder may submit more than one noncompetitive tender and the amount may not exceed $1,000,000.

3.3. All bidders must certify that they have not made and will not make any agreements for the sale or purchase of any securities of this issue prior to the deadline established in Section 3.1. for receipt of tenders. Those authorized to submit tenders for the account of customers will be required to certify that such tenders are submitted under the same conditions, agreements, and certifications as tenders submitted directly by bidders for their own account.

3.4. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are only permitted to submit tenders for their own account.

3.5. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by full payment for the amount of securities applied for (in the form of cash, maturing Treasury securities, or readily collectible checks), or by a payment guarantee of 5 percent of the face amount applied for, from a commercial bank or a primary dealer.

3.6. Immediatley after the closing hour, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, a coupon rate will

be established, on the basis of a ⅛ of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issued discount limit of 95.000. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.7. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will only be notified if the tender is not accepted in full, or when the price is over par.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5.1. Settlement for allotment securities must be made at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Settlement on securities allotted to institutional investors and to others whose tenders are accompanied by a payment guarantee as provided in Section 3.5., must be made or completed on or before Thursday, July 2, 1981. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes, or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Monday, June 29, 1981. When payment has been submitted with the tender and the purchase price of allotted securities is over par, settlement for the premium must be completed timely, as specified in the preceding sentence. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number of an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered securities tendered in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." If new securities in coupon form are desired, the assignment should be to "The Secretary of the Treasury for coupon (securities offered by this circular) to be delivered to (name and address)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5.4. If bearer securities are not ready for delivery on the settlement date, purchasers may elect to receive interim certificates. These certificates shall be issued in bearer form and shall be exchangeable for definitive securities of this issue, when such securities are available, at any Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. The interim certificates must be returned at the risk and expense of the holder.

5.5. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of securities on full-paid allotments, and to issue interim certificates pending delivery of the definitive securities.

6.2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

Paul H. Taylor,

Fiscal Assistant Secretary.

Supplementary Statement

The announcement set forth above does not meet the Department's criteria for significant regulations and, accordingly, may be published without compliance with the departmental procedures applicable to such regulations.

[FR Doc. 81-18645 Filed 6-23-81; 8:45 am]
BILLING CODE 4810-10-M

[Department Circular Public Debt Series—No. 20-81]

Treasury Notes of July 15, 1988, Series E-1988; Auction

June 18, 1981.

1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of the Second Liberty Bond Act, as amended, invites tenders for approximately $3,000,000,000 of United States securities, designated Treasury Notes of July 15, 1988, Series E-1988 (CUSIP No. 912827 MB 5). The securities will be sold at auction, with bidding on the basis of yield. Payment will be required at the price equivalent

of the bid yield of each accepted tender. The interest rate on the securities and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of these securities may be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities.

2. Description of Securities

2.1. The securities will be dated July 7, 1981, and will bear interest from that date, payable on a semiannual basis on January 15, 1982, and each subsequent 6 months on July 15 and January 15 until the principal becomes payable. They will mature July 15, 1988, and will not be subject to call for redemption prior to maturity. In the event an interest payment date or the maturity date is a Saturday, Sunday, or other nonbusiness day, the interest or principal is payable on the next-succeeding business day.

2.2. The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are subject to estate, inheritance, gift, or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, any possession of the United States, or any local taxing authority.

2.3. The securities will be acceptable to secure deposits of public monies. They will not be acceptable in payment of taxes.

2.4. Bearer securities with interest coupons attached, and securities registered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000, $100,000, and $1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of coupon, registered, and book-entry securities, and the transfer of registered securities will be permitted.

2.5. The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., Eastern Daylight Saving Time, Tuesday, June 30, 1981. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Monday, June 29, 1981.

3.2. Each tender must state the face amount of securities bid for. The minimum bid is $1,000 and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.11%. Common fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield. No bidder may submit more than one noncompetitive tender and the amount may not exceed $1,000,000.

3.3. All bidders must certify that they have not made and will not make any agreements for the sale or purchase of any securities of this issue prior to the deadline established in Section 3.1. for receipt of tenders. Those authorized to submit tenders for the account of customers will be required to certify that such tenders are submitted under the same conditions, agreements, and certifications as tenders submitted directly by bidders for their own account.

3.4. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are only permitted to submit tenders for their own account.

3.5. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by full payment for the amount of securities applied for (in the form of cash, maturing Treasury securities or readily collectible checks), or by a payment guarantee of 5 percent of the face amount applied for, from a commercial bank or a primary dealer.

3.6. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, a coupon rate will be established, on the basis of a ⅛ of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 98.250. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Teasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.7. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will only be notified if the tender is not accepted in full, or when the price is over par.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5.1. Settlement for allotted securities must be made at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Settlement on securities allotted to institutional investors and to others whose tenders are accompanied by a payment guarantee as provided in Section 3.5., must be made or completed on or before Tuesday, July 7, 1981.

Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treaury; in Treasury bills, notes, or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Thursday, July 2, 1981. When payment has been submitted with the tender and the purchase price of allotted securities is over par, settlement for the premium must be completed timely, as specified in the preceding sentence. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered securities tendered in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." If new securities in coupon form are desired, the assignment should be to "The Secretary of the Treasury for coupon (securities offered by this circular) to be delivered to (name and address)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D. C. 20226. The securities must be delivered at the expense and risk of the holder.

5.4. If bearer securities are not ready for delivery on the settlement date, purchasers may elect to receive interim certificates. These certificates shall be issued in bearer form and shall be exchangeable for definitive securities of this issue, when such securities are available, at any Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. The interim certificates must be returned at the risk and expense of the holder.

5.5. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of securities on full-paid allotments, and to issue interim certificates pending delivery of the definitive securities.

6.2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

Paul H. Taylor,

Fiscal Assistant Secretary.

Supplementary Statement

The announcement set forth above does not meet the Department's criteria for significant regulations and, accordingly, may be published without compliance with the departmental procedures applicable to such regulations.

[FR Doc. 81-18648 Filed 6-23-81; 8:45 am]

BILLING CODE 4810-40-M

DEPARTMENT OF ENERGY

Bonneville Power Administration

Proposed Average System Cost Methodology and Opportunities for Public Review and Comment

AGENCY: Bonneville Power Administration (BPA), Department of Energy.

ACTION: Notice of Proposed Average System Cost Methodology; Request for Recommendations and Comments from the Public.

SUMMARY: The Pacific Northwest Electric Power Planning and Conservation Act (Regional Act) provides that whenever a Pacific Northwest electric utility offers to sell electric power to BPA at its average system cost (ASC) of resources, BPA shall buy that power, and, in return, shall offer to sell an equivalent amount of power to the utility for resale to that utility's qualifying residential and farm consumers. Furthermore, the Regional Act requires that the BPA Administrator, in consultation with the Pacific Northwest Electric Power Planning and Conservation Council, BPA's customers, and appropriate State regulatory bodies, develop a methodology to determine the ASC. This methodology is subject to review and approval by the Federal Energy Regulatory Commission (FERC).

Following completion of an initial consultation process, BPA has developed a proposed ASC methodology that is described and discussed in this Notice. Generally, the proposed methodology defines ASC as a selling utility's production and transmission costs, less any costs specifically excluded by provisions of the Regional Act, divided by the utility's energy load. To a significant extent the proposed ASC methodology utilitizes the investment, operating cost, and load data approved by the regulatory or other body authorized to establish retail electric rates. Upon request, BPA will provide copies of the text of the proposed ASC methodology including Schedules 1–6 described below.

In light of the Regional Act requirement for a consultation process and the limited time available before October 1, 1981, the earliest date sales can be made, BPA has chosen, consistent with BPA's "Procedure for Public Participation in Major Regional Power Policy Formulation" (46 FR 26368 May 12, 1981), to combine the Notices of Intent and Proposed Policy. This decision was made because the consultation process substantially duplicated the Notice of Intent process by providing for recommendations from interested parties.

BPA is requesting comments from the public on this proposed Average System Cost Methodology. BPA will be holding a public hearing Wednesday, July 8, 1981, beginning at 9 a.m. in the BPA Auditorium, 1002 NE. Holladay St., Portland, Oregon. BPA will open the hearing with a brief explanation of the proposed methodology. Following the BPA presentation, the staff will answer any clarifying questions. Oral comments from the public will then be accepted. To assure a thorough evaluation of the comments the hearing will be transcribed.

Written comment also is encouraged and will be accepted at the public hearing or can be mailed to BPA. The comments received will be evaluated and where appropriate will be incorporated into a final proposed Average System Cost Methodology that is scheduled to be published and forwarded to FERC in July 1981.

EFFECTIVE DATE: Written comments postmarked no later than July 24, 1981, will be accepted and considered.

ADDRESSES: A copy of the methodology text is available for distribution or review by contacting the Public Involvement office or BPA's Area or District offices shown below. Written comments not presented at the hearing must be submitted to the Public Involvement Coordinator, Bonneville Power Administration, P.O. Box 12999, Portland, Oregon 97212.

FOR FURTHER INFORMATION CONTACT: Donna L. Geiger, Public Involvement Coordinator, Bonneville Power Administration, P.O. Box 12999, Portland, Oregon 97212; the telephone number is (503) 234–3361, ext. 4261. BPA maintains toll-free lines for use by persons within the region. Oregon callers may use 1–800–452–8429; callers in Washington, Idaho, Montana, Wyoming, Utah, Nevada, and California may use 1–800–547–6048. Messages and requests for information received after normal business hours (after 4:30 p.m. and before 7:30 a.m.) may be recorded on the toll-free lines. Additional information is available from Ronald H. Wilkerson, Spokane Area Manager, Room 561, U.S. Courthouse, West 920 Riverside Avenue, Spokane, Washington 99201, (509) 456–2518; Gordon H. Brandenburger, Kalispell District Manager, P.O. Box 758, Kalispell, Montana 59901, (406) 755–6202; Ronald K. Rodewald, Wenatchee District Manager, Room 314, U.S. Federal Building, 301 Yakima Street, Wenatchee, Washington 98801, (509) 662–4377; John H. Jones, Portland Area Manager, Suite 288, 1500 Plaza Building, 1500 NE. Irving Street, Portland, Oregon 97208, (503) 234–3361, ext. 4551; Ladd Sutton, Eugene District Manager, Room 206, U.S. Federal Building, 211 East 7th Street, Eugene, Oregon 97401, (503) 345–0311; Randall W. Hardy, Seattle Area Manager, 415 First Avenue North, Room 250, Seattle, Washington 98109, (206) 442–4130; Roy Nishi, Walla Walla Area Manager, West 101 Poplar, Walla Walla, Washington 99362, (509) 525–5500, ext. 701; Robert N. Laffel, Idaho Falls District Manager, 531 Lomax Street, Idaho Falls, Idaho 83401, (208) 523–2706.

SUPPLEMENTARY INFORMATION:

I. Background to Proposal Development

A. *Relevant Provisions of the Pacific Northwest Electric Planning and Conservation Act.* Section 5(c)(1) of the Regional Act authorizes an exchange of power between BPA and Pacific Northwest utilities to enable those utilities' residential customers to have a wholesale power cost that is equal to BPA's lowest cost firm power rate. Residential use is defined in the Regional Act in Section 3(18) as all usual residential, apartment, seasonal dwelling, and farm electrical use, but limited to 400 horsepower of farm irrigation and pumping load per monthly billing period per farm. The Regional Act requires BPA to buy electric power offered for sale to it by Pacific Northwest utilities at the average system cost (ASC) of the utilities'

eligible resources. BPA in turn will sell to the electric utility an equivalent amount of electric power at BPA's wholesale firm power rate for resale to the utility's residential users within the region. The Regional Act provides that the amount of the exchange shall be increased in equal annual increments from 60 percent of a utility's regional residential load for the year beginning July 1, 1981, to 100 percent of this load for the year beginning July 1, 1985. It is anticipated that substantial cost benefits will be passed through to the participating utilities' residential customers because BPA's wholesale firm power rate is less than the prospective ASC of certain Pacific Northwest utilities.

Section 5(c)(7) of the Regional Act requires that the costs of three kinds of resources be excluded from the determination of ASC: (1) resources serving new large single loads; (2) resources serving extraregional load growth; and (3) resources that are terminated prior to initial commercial operation. The Regional Act also provides that BPA shall develop a methodology to determine the ASC. The methodology is to be developed in consultation with the Northwest Power Planning Council, BPA's customers, and appropriate State regulatory bodies. The ASC methodology is subject to review and approval by the Federal Energy Regulatory Commission (FERC). Furthermore, Section 9(g) of the Regional Act provides that FERC shall convene a joint State board to assist FERC in the review of investor-owned utility rates calculated pursuant to the ASC methodology.

B. *Consultation Process.* Based on the Regional Act's mandated consultation process and the compressed time frame for developing the ASC methodology, BPA has combined the Notices of Intent and Proposed Policy as specified in BPA's "Procedure for Public Participation in Major Regional Power Policy Formulation" (46 FR 26368, May 12, 1981). This determination was made because the consultation process specified in the Regional Act substantially duplicates the notice of intent procedure in that the consultation process was intended to offer interested persons the opportunity to make recommendations on the development of the proposed methodology. In addition, weekly public notice of the consultation meetings was given through the BPA Meeting Calendar and interested parties were initially notified of the meetings by letter.

The consultation process consisted of a series of working group meetings and included representatives from BPA, BPA's customers, State regulatory bodies, and other interested parties. The aim of the consultation process was to develop an ASC methodology that would achieve the intent of the Regional Act and be equitable, technically sound, and administratively feasible. The participants in the consultation process represented groups with divergent interests concerning the financial or rate impacts of the ASC methodology.

The process of determining utility costs involves numerous complex financial, legal, and operating matters. As such, in the course of the consultation process numerous alternative techniques for determining ASC were identified and discussed. Given the complex and interrelated nature of determining ASC, the proposed ASC methodology represents an effort to specify a methodology that not only is appropriate in terms of particular computational steps, but also balances many factors to produce a result that overall is appropriate and reasonable. While the consultation process has not resulted in a consensus on all ASC matters, a consensus among the participating parties was reached on the basic procedures to be used in the ASC methodology as well as on numerous specific features of the methodology.

II. Proposed Average System Cost Methodology

A. *Definitions.*

1. *Jurisdiction.* A state, a public utility district, a city, or the service area of a utility for which a special board has authority to regulate the retail rates of the utility.

2. *Commission.* A State regulatory body, preference utility governing body, or other entity authorized to establish retail electric rates or tariffs in a jurisdiction.

3. *Test Period.* The time period, not to exceed 12 months, used by the Commission to determine costs and the revenue requirement for retail ratemaking purposes.

4. *Cost.* The aggregate dollar amount allowed or relied on by the Commission for the test period revenue requirement for the utility in a jurisdiction.

5. *Eligible Resources.* The generation and transmission resources minus the resources excluded by the Regional Act.

6. *Functionalization.* Categorizing a utility's costs into generation, transmission, distribution, and other types of costs.

B. *Overview of Proposed Methodology.* The ASC methodology requires a separate ASC for each jurisdiction in which the utility seeks to exchange. The proposed ASC methodology requires that the exchanging utility's ASC be adjusted when the commission makes new cost determinations in conjunction with a change in retail rates. The costs and loads used in determining the ASC for each exchanging utility in each jurisdiction will be those allowed by the Commission. ASC in the methodology is generally defined as the average costs of the selling utility's production and transmission resources, less costs required to be excluded by the provisions of the Regional Act, divided by the utility's firm load. As such, the proposed ASC methodology provides for the separation (functionalization) of production, transmission, and other costs, and for the exclusion of certain specific costs.

The cost and load data required to derive the ASC will be submitted to BPA by the exchanging utility on six schedules included as part of Exhibit D, Appendix 1, of the Residential Purchase and Sale Agreement. Exhibit D is the statement of the methodology. The six schedules are identified in Appendix 1 as: Schedule 1—Plant Investment/Rate Base/Rate-of-Return, Schedule 2—Capital Structure and Cost of Capital, Schedule 3—Expenses, Schedule 4—Income Taxes, Schedule 5—Average System Cost, and Schedule 6—Jurisdictional Amount. Regulated electric utilities are generally required to maintain their accounts according to a Uniform System of Accounts prescribed by the FERC. To provide for reporting standardization and greater uniformity in functionalization, the cost data submitted on the ASC schedules is to be consistent with the FERC Uniform System of Accounts. If an exchanging utility does not follow the FERC system of accounts, the schedules the utility files must include a reconciliation between its accounts and the FERC accounts allowed in the ASC methodology. The schedules include a number of instructional footnotes that describe various computational steps, including directions regarding the functionalization of items. For most cost items, the required functionalization is identified directly from the FERC Uniform System of Accounts. For the other items, functionalization is to be accomplished by the method specified in the applicable footnote.

Following the identification of total utility costs and total costs by jurisdiction, the ASC methodology requires that the cost of the utility's eligible resources in the test period be calculated. The test period is that period used by the Commission to determine

costs in setting retail rates. Eligible resources do not include distribution facilities and items required to be excluded by the provisions of the Regional Act. In general, the cost of eligible resources is equal to the sum of the following: (1) the eligible rate base times the authorized rate of return and (2) eligible operating expenses (excluding certain cost offsets). Subsequent to the calculation of the allowable costs, the ASC methodology requires that a unit cost per kilowatthour be calculated by dividing the allowable costs by the jurisdictional energy load used by the Commission in establishing retail rates, adjusted for distribution losses, and other factors.

C. *Schedules.* Schedule 1 (Investment/Rate Base/Rate-of-Return)—In this schedule the exchanging utility specifies by jurisdiction the items comprising Total Gross Plant such as Plant-in-Service, General Plant, and Construction Work in Progress. To permit the calculation of a jurisdictional rate base Schedule 1 also includes items such as Depreciation Reserve, Accumulated Deferred Taxes, and Working Capital. On Schedule 1 the total jurisdictional rate base is divided between excluded items, production, transmission, and an "other" rate base category (mainly distribution). Only the production and transmission rate base is included in the calculation of ASC. As a final step on Schedule 1, the authorized jurisdictional rate-of-return is multiplied by the rate base to yield a test period return on investment.

Schedule 2 (Capital Structure and Cost of Capital)—This schedule identifies for the test period the absolute and relative dollar amounts for each component of the utility's capital structure (i.e., debt, preferred stock, and common equity). Furthermore, both the percentage cost of each component and an overall weighted percentage cost of capital are shown. It is this overall weighted cost of capital (i.e., rate-of-return) that is applied to the rate base in Schedule 1.

Schedule 3 (Expenses)—This schedule lists the test period expenses for items such as fuel, purchased power, operation and maintenance, income and other taxes. In addition, Schedule 3 specifies that the revenues from special services such as nonfirm energy sales are to be offset against the test period expenses in calculating the costs relevant to ASC. As with Schedule 1, the expenses reported in Schedule 3 are separated by function and the excluded category based on the FERC system of accounts and instructions included by footnote.

Schedule 4 (Income Taxes)—This schedule describes the calculation of the test period Federal income tax amount allowed and the functionalization of that expense. The income tax expense calculated in Schedule 4 is carried forward to Schedule 3 and included with other test period expenses.

Schedule 5 (Average System Cost)—This schedule details the final computational steps involved in calculating ASC. Specifically, the sum of production and transmission expenses, including return, shown on Schedule 3 is divided by the test period load. The load is adjusted for nonfirm energy sales related to the revenue offset on Schedule 3 for excluded load and its related losses and for distribution losses. This calculation results in a jurisdictional ASC stated in mills per kilowatthour. For the Exchange Period this is the rate at which BPA will buy power offered for sale relative to that jurisdiction. The Exchange Period is the period during which the exchanging utility's retail rate schedules are in effect.

Schedule 6 (Jurisdictional Amount)—This schedule is basically a support schedule that aids in separating the exchanging utility's approved test period costs between jurisdictions.

D. *Additional ASC Methodology Features.* In addition to specifying the method to be used in calculating the ASC, the proposed methodology specifies a procedure for BPA develompent of an ASC rate, procedures for submission of such investor-owned utility rates to FERC and provisions for initiating another consultation process to determine if a change in the methodology should be proposed.

Whenever new retail rates are formally approved by a Commission, the utility will submit a revised Appendix 1 (Schedules 1–6) reflecting the approved costs and loads on which a new ASC rate will be based. The provisions of the proposed ASC methodology provide that BPA shall review each Appendix 1 to ascertain that the costs and other information included are consistent with generally accepted accounting principles for electric utilities and the ASC methodology. BPA must conduct its review as promptly as possible, make a written report of its findings, and adjust the file Appendix 1 if discrepancies are identified.

The ASC rate determined by BPA for an investor-owned utility will be filed by that utility with FERC for review. In a case where BPA has adjusted the Appendix 1 and the ASC rate of an investor-owned utility, that utility also may choose to file the ASC rate originially submitted to BPA. Section 9(g) of the Regional Act requires that FERC convene a joint State board to assist FERC in review of the ASC rates. The BPA determined ASC rate for a publicly owned utility is not subject to review by the joint State board or FERC. In all cases such adjustment may be subject to a final order by a reviewing court.

Any surplus or deficiency in the amount of revenue paid to an exchanging utility pursuant to an Appendix 1 that is subsequently adjusted by BPA will be paid to the affected party with interest. In case of an investor-owned utility, any such adjustment by BPA will be subject to a final review and order by the joint State board or FERC.

The provisions of the ASC methodology provide that BPA will initiate a consultation process at the request of three-quarters of the exchanging utilities at the request of three quarters of BPA's direct-service industries or at BPA's own discretion for the purpose of considering and possibly proposing changes in the ASC methodology. Any proposed revisions to the methodology would be submitted to the public for comment and then to FERC for approval.

III. Discussion of Significant Concepts of the Mehtodology.

In the course of developing the proposed ASC methodology, the parties dealt with several significant concepts. These concepts are discussed below.

A. *Jurisdictional Costing Approach.* The ASC methodology proposed by BPA utilizes a jurisdiction-by-jurisdiction determination of the ASC, based on the overall revenue requirement and cost determinations made by a Commission in establishing retail rates. Several utilities that may elect to enter into the exchange agreement with BPA are subject to more than one regulatory jurisdiction in establishing retail electric rates. One of the most notable benefits of the jurisdiction-by-jurisdiction approach is that it utilizes existing rate setting processes to the extent possible, minimizing the number of independent cost determinations that otherwise would need to be made in calculating ASC. If, for instance, the proposed ASC methodology did not rely on the overall revenue requirement findings of a Commission, matters such as test period, rate base and rate-of-return would have to be established separately for the ASC determination. The parties to the consultation process devoted considerable time in considering an ASC determination process that would be independent of cost findings made in

establishing retail rates. Such a process could result in fewer ASC determinations needing to be made for multistate utilities. However, this approach was judged to require an additional and expanded regulatory process that may not result in any significant improvement in cost determination.

In addition, because the jurisdiction-by-jurisdiction approach ties ASC to the overall costs used in establishing retail rates, it likely will result in the retail rates of residential consumers being reduced by an amount that is in direct relation to the production and transmission costs used in determining those rates. This result is consistent with Section 5(c)(3) of the Regional Act, requiring that the cost benefits of the exchange be passed through directly to the utility's residential loads.

B. *Functionalization of Overall Costs.* While the jurisdictional approach minimizes the need for separate ASC determinations of overall costs, the ASC methodology nevertheless must address how overall costs are to be functionalized between the production, transmission, distribution (other) and excluded resource categories. This functionalizing of costs is critical because only the costs related to production and transmission are to be included in calculating ASC.

The functionalization question centers on two matters: (1) distinguishing transmission facilities from distribution facilities and (2) functionalizing costs such as administrative and general expenses that are not directly identified with any particular function, but nonetheless need to be spread to all functions in determining ASC. Regarding the separation of transmission and distribution facilities, the proposed ASC methodology primarily relies on the reporting of costs as required by the general definitions included in the FERC system of accounts. However, the proposed ASC methodology specifies the criteria to be used in distinguishing transmission facilities from distribution facilities in greater detail.

For items such as general plant, and administrative and general expenses, the methodology includes footnotes that specify the process to be used to functionalize these items. For instance, most administrative and general expense categories are to funtcionalized either according to an analysis performed by the exchanging utility of the functional nature of the expenses or, absent a showing of appropriate assignment to a particular function, a specified functionalization formula While certain functionalization footnotes provide for analytical judgments, raising the possibility of disagreement over those judgments, the alternative of only specifying a functionalization formula for all items appeared to be undesirable inasmuch as a formula cannot be tailored to the particular conditions causing an expense.

C. *Costs of Excluded Resources.* The proposed ASC methodology excludes the cost of the resources required by the Regional Act to be excluded by subtracting the costs from the utility's jurisdictional total costs. The proposed ASC methodology requires that the costs of excluded resources be determined in a particular manner dependent on the type of excluded resource. The cost of resources acquired by a utility to serve new load outside the region will be identified according to the jurisdictional allocation used by the Commission.

Resources acquired by a utility to serve a new large single load of the utility will be priced according to the way the load is served. Generally, if any part of the load is served by a resource dedicated to serve that load, the cost of that portion of the load will be equal to the cost of the dedicated resource. If any further part of the load is served by purchases from BPA's new resources rate pool determined pursuant to Section 7(f) of the Regional Act, the cost of this amount of load will be equal to the load times BPA's new resources rate. Any amount of new large single load that exceeds the amount of dedicated resource plus purchases from BPA's new resources pool will be priced equal to the load times the melded price of all new baseload resources and long-term power purchases. If any of the new large single load is not served by one of the above resources, the cost of the load will be the load times the cost of the utility's most recently completed or acquired resources.

D. *Costs of Terminated Plants.* The Regional Act requires that the ASC methodology exclude any costs associated with a generating facility that is terminated prior to initial commercial operation. When a plant is terminated, the normal accounting procedure is to amortize the accured capital costs over a specified period of time. Regardless of how these accrued capital costs are treated by a jurisdiction, the proposed ASC methodology provides that no project costs will be included in the ASC after the project is terminated. However, the use of jurisdictional approved rate setting practices may result in some Construction Work in Progress (CWIP) related costs being included in the ASC of a utility for a plant that is subsequently terminated.

Generally, CWIP costs are equal to the CWIP amount allowed in the rate base times the authorized rate-of-return, plus other cost impacts related to income taxes. The proposed ASC methodology allows Commission approved CWIP in the rate base but provides for retroactive return of CWIP costs if a plant is subsequently terminated. BPA believes this is conistent with the termination provisions of the Regional Act. The details of how the amount of costs to be returned will be calculated and the method for this return have yet to be determined. BPA invites comments from interested parties and the general public on appropriate return provisions to be included in the methodology.

An alternative that would insure that no terminated plant costs would be included in ASC would be to exclude all CWIP from the rate base in the methodology. This would avoid the problems inherent in retroactive repayment but would depart from the proposed use of a jurisdictional approach to costs. Parties also have argued that inclusion of CWIP costs without retroactive adjustment for a project subsequently terminated is not inconsistent with the Regional Act because at the time of the inclusion in ASC the project had not been terminated.

E. *Special Services Revenues.* BPA proposes to subtract a utility's nonfirm sales, wheeling services, and micellaneous services revenues from the costs used to calculate ASC. The treatment used in the proposed methodology is consistent with the view that BPA is a ratepayer of the exchanging utility and allows for similar treatment of secondary revenues for all the region's residential consumers. When buying power from utilities, BPA will be paying a substantial portion of the fixed costs of the facilities that are used to produce secondary power and provide special services. Therefore, BPA should share in the benefits of secondary sales and other special sales. Many electric utility regulatory commission similarly credit special services revenues against total costs when determining a utility's revenue requirement for firm sales. BPA follows this practice when determining its wholesale firm power rate for sales to the exchanging utilities. Thus, under the exchange, the customers of participating utilities will receive benefits related to BPA's secondary sales.

An alternative proposal considered was to credit secondary power revenues

only equal to the incremental costs related to secondary energy. One reason offered in support of this alternative was that the intent of the residential exchange is to achieve cost parity between an exchanging utility and BPA's preference utilities. Thus, the residential customers of the exchanging utilities should be able to share in the net benefits from their secondary sales because the residential consumers of the nonexchanging generating preference customers share in the net benefits of their secondary sales.

F. *Billing Credits.* The Regional Act requires BPA to grant billing credits for independent conservation activities and for resource construction. While specific aspects of billing credits are not yet determined, generally the credit for conservation activities is to reflect the value of the savings resulting from those activities and thus, may exceed the costs associated with them. For ASC determination, BPA proposes to credit a utility's system costs with billing credit revenues but only up to an amount equal to the cost of the conservation program for which the billing credit was granted.

The proposed treatment of billing credits maintains parity between the residential customers of an exchanging utility and those of a preference customer. The excess of billing credits over the costs represents an incurred incentive for the utility to establish independent conservation programs. Crediting of the full amount of billing credit revenue against system costs would remove some of the conservation incentive. Because the cost to BPA of the billing credits must be included in BPA's rates, it has been argued that the full crediting approach would result in a disincentive to conserve or would be a disadvantage to certain retail consumer classes.

An argument in favor of the full credit approach is that it is consistent with the treatment of BPA as a ratepayer of the exchanging utility. Under the full credit approach the exchanging utility's nonresidential customers would receive the full benefit of the billing credits and the residential customers, although not benefitting from billing credits, would continue to benefit from access to the low-cost Federal Base System resources.

G. *Publicly Owned Utilities and Cooperatives.*

1. *Rate of Return on Equity.* The proposed methodology allows an exchanging publicly owned utility or cooperative a rate of return on equity equal to its demonstrated need for revenues over and above operating expenses, depreciation expense, taxes, and interest expense. This demonstrated need generally will be in the form of coverage requirements or the need to maintain equity ratios for the purpose of maintaining favorable bond ratings. No return on equity will be allowed for nonutility purposes or for excluded resources. The rate of return on equity component included in the ASC rate will not exceed that included in the utility's retail rates.

The need for a return on equity for a publicly owned utility or cooperative arises because its annual capital expenditures may exceed its annual depreciation expense. To the extent that it may be impossible or imprudent to finance this difference completely with debt, its rates must be high enough to earn a positive net income. If the utility is to be allowed to include a net income component in ASC, then it must be allowed a rate of return on the equity or ratepayer contributed portion of its capitalization.

The alternative proposals varied widely. One would not allow a rate of return on equity for public agencies, primarily because private utilities are not allowed to earn a return on ratepayer contributed capital, a return that some parties felt has no corresponding "expense" item. Another proposal was that the return on equity should be equal to the state regulatory body's most recently authorized return for an investor-owned utility in the state in which the publicly owned utility does business.

2. *Transmission Exchanges.* Many of BPA's preference customers have transmission facilities. In the proposed methodology the cost of these facilities qualify as eligible system costs and the utility could exchange power with BPA to recover a portion of those costs. The system cost for a full requirements customer would be purchased power costs plus transmission costs. The exchange will result in a portion of the utility's transmission costs being spread throughout the region.

The inclusion of these costs in the methodology may be contrary to the intent of the residential exchange program. However, the Regional Act does not specifically preclude these utilities from entering into the exchange. Parties in the consultation process suggested that one way to address this matter is for BPA to credit these utilities' wholesale power bill for their transmission facilities. Another possibility would be to allow a public agency or cooperative to exchange only that fraction of its residential load equal to the proportion of its total load not served by BPA before the exchange.

H. *Review.*

Section 5(c)(7) of the Regional Act provides that BPA must determine the ASC. Although the methodology accepts the costs approved by a Commission for the utility, it also retains BPA's right to review those costs to insure that they conform to the methodology. If BPA determines the costs are not in conformance, the methodology allows BPA to adjust the costs. BPA's final determination for investor-owned utilities is forwarded to FERC and/or the joint State Board that have the authority to review the ASC rate of these utilities as specified in Section 9(g). If the investor-owned utility does not agree with BPA's findings, it may contest those findings before FERC and/or the joint State Board. The publicly-owned utility or cooperative does not have this administrative recourse. However the publicly owned utility or cooperative may choose to contest BPA's final rate determination through other legal processes.

The methodology in almost all respects treats the publicly owned and privately owned utilities similarly. Costs or procedures not applicable to one or the other are footnoted (e.g., in-lieu taxes, rate of return on equity). BPA's review of both types of utilities' costs generally will be equivalent. Some parties believe that the methodology should authorize BPA to examine more closely the cost decisions of publicly owned utilities and cooperatives. This suggestion is made because the commissions approving publicly owned utility and cooperative rates typically do not conduct as thorough or independent a review as the commissions reviewing and approving investor-owned utility rates.

IV. Public Participation

This Notice of Proposed Policy is for the purpose of gaining public comment on the proposed Average System Cost Methodology. BPA will conduct a public hearing on the proposed methodology Wednesday, July 8, 1981, beginning at 9 a.m. in the BPA Auditorium, 1002 NE. Holladay St., Portland, Oregon. The format of the hearing will be: opening remarks and brief description of the methodology by BPA, clarifying questions from the public and BPA response, and oral public comments. The hearing will be transcribed to assure a thorough evaluation of the comments.

Written comments are also encouraged and will be accepted at the hearing or may be submitted to Ms. Donna L. Geiger, Public Involvement Coordinator, P.O. Box 12999, Portland, Oregon 97212. Written comments must be postmarked no later than 30 days from publication of this notice.

Following the close of the public comment period, BPA will evaluate the comments and where appropriate will incorporate them into a final proposed Average System Cost Methodology. The final proposal is expected to be published and forwarded to FERC in July 1981.

Dated: June 19, 1981.

Peter T. Johnson,

Administrator.

[FR Doc. 81-18855 Filed 6-23-81; 10:10 am]

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This section contains notic under the "G Act" (Pub. L 552b(e)(3).

CONTENTS

Civil Aeronauti
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Federal Depo tion ....
Federal Energ sion ....
Federal Mine Review Com
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CIVIL AERON

(M-319; June

TIME AND DA

PLACE: Roon Ave., N.W.,

SUBJECT:

1. Ratificat notation.
2. Discussio Competitive M Retail Pricing
3. Amendm BDA and BIA changes that OGC, BDA, B
4. Docket 3 Reconsiderat Donald L. Pe Airways, Inc. panalty charg 394-A, BDA)
5. Dockets *Nonpriority L Investigation Transpacific Mail Rates I* BDA)
6. Dockets International service at Ab and San Ang OCCR)
7. Dockets and 666. App Transportati Clarksburg/F (Greenbrier/ Morgantown Parkersburg, OGC, OCCR

Sunshine Act Meetings

Federal Register
Vol. 46, No. 121
Wednesday, June 24, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

CONTENTS

	Items
Civil Aeronautics Board	1–4
Commodity Futures Trading Commission	5–7
Federal Deposit Insurance Corporation	8, 9
Federal Energy Regulatory Commission	10
Federal Mine Safety and Health Review Commission	11
National Labor Relations Board	12, 13
Nuclear Regulatory Commission	14

1

CIVIL AERONAUTICS BOARD.

[M–319; June 12, 1981]

TIME AND DATE: 10 a.m., June 19, 1981.

PLACE: Room 1027, 1825 Connecticut Ave., N.W., Washington, D.C. 20428.

SUBJECT:

1. Ratification of items adopted by notation.
2. Discussion on the Investigation Into The Competitive Marketing Air Transportation Retail Pricing Phase. (OGC)
3. Amendment of delegation of authority of BDA and BIA to reflect organizational changes that have taken place. (Memo 575, OGC, BDA, BIA)
4. Docket 39099, Petition for Reconsideration of Order 81–4–8 filed by Donald L. Pevsner, Esq. concerning World Airways, Inc.'s ticket cancellation/refund panalty charge in air transportation. (Memo 394–A, BDA)
5. Dockets 37294 and 37392, *Priority and Nonpriority Domestic Service Mail Rates Investigation*, and *Transatlantic, Transpacific and Latin American Service Mail Rates Investigation*. (Memo 343–D, BDA)
6. Dockets 39494 and 39495—Texas International's notices of intent to suspend service at Abilene, Beaumont/Port Arthur and San Angelo, Texas. (Memo 584, BDA, OCCR)
7. Dockets EAS–610, 611, 612, 613, 615, 616, and 666, Appeal of Essential Air Transportation Determinations at Beckley, Clarksburg/Fairmont, Elkins, Lewisburg (Greenbrier/White Sulphur Springs), Morgantown, Princeton/Bluefield and Parkersburg, West Virginia. (Memo 585, BDA, OGC, OCCR)
8. Fitness determination for Chautauqua Airlines, Inc. (BDA)
9. Commuter carrier fitness determination of Alaska Island Air, Inc. (Memo 574, BDA)
10. Commuter carrier fitness determination of Bar Harbor Airlines. (Memo 570, BDA)
11. Commuter carrier fitness determination of Atlanta Express Airline Corporation. (Memo 576, BDA)
12. Commuter carrier fitness determination of Eagle Air Charter, Inc. d.b.a. Atlantic Air. (BDA)
13. Commuter carrier fitness determination of Danbury Airways, Inc. (BDA)
14. Dockets 39396 and 39510, Petition of Intertour of America to disapprove provisions in the ATC rules relating to commissions; and ATC agreement involving restitution of commissions. (Memo 583, BDA, OGC)
15. Docket 39521, Blue Bell, Inc.—certification as a section 418 all-cargo air carrier. (Memo 581, BDA, OGC)
16. Docket 33237, Final Environmental Impact Statement for John Wayne Airport, Orange County, California (BDA)
17. Dockets 39294, 39390, 39391, 39392 and 39444—Applications of World and Transamerica for additional route authority. (BIA, OGC, BALJ)
18. Docket 39496—Conforming application of American Airlines, Inc. for broad transatlantic route authority. (Memo 577, BIA, OGC, BALJ)
19. Docket 39474—Application of United Air Lines for U.S.-Belgium/the Netherlands/Switzerland authority. (Memo 578, BIA, OGC, BALJ)
20. Docket 39475—Application of United Air Lines for U.S.-Taiwan/Thailand/Singapore authority. (Memo 582, BIA, OGC, BALJ)

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary (202) 673–5068.

[S–974–81 Filed 6–22–81; 3:56 pm]

BILLING CODE 6320–01–M

2

CIVIL AERONAUTICS BOARD.

[M–319, Amdt. 1; June 16, 1981]

Notice of deletion of item from the June 19, 1981 Board meeting

TIME AND DATE: 10 a.m., June 19, 1981.

PLACE: Room 1027, 1825 Connecticut Ave., N.W., Washington, D.C. 20428.

SUBJECT: 2. Discussion on the Investigation Into The Competitive Marketing Air Transportation Retail Pricing Phase. (OGC)

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary (202) 673–5068.

SUPPLEMENTARY INFORMATION: There has been a change in the Board Members schedule which will allow all five Members to be present at the June 25th meeting but not at the June 19th meeting. Because of this change in schedules, Item 2 will be deleted from the June 19th meeting and rescheduled for the June 25th meeting. Accordingly, the following Members have voted that Item 2 be deleted from the June 19th meeting and that no earlier announcement of this deletion was possible.

Chairman Marvin S. Cohen.
Member Elizabeth E. Bailey.
Member Gloria Schaffer.
Member George A. Dalley.
Member James R. Smith.

[S–975–81 Filed 6–22–81; 3:57 pm]

BILLING CODE 6320–01–M

3

CIVIL AERONAUTICS BOARD.

[M–319, Amdt. 2; June 17, 1981]

Notice of addition of items to the June 19, 1981 Board meeting

TIME AND DATE: 10 a.m., June 19, 1981.

PLACE: Room 1027, 1825 Connecticut Ave., N.W., Washington, D.C. 20428.

SUBJECT:

3a. Discussion of upcoming Airport Access Workshops (BDA).
21. Dockets 39454 and 39557—Application of Air Florida, Inc. for U.S.-Central America authority, and conforming application of Eastern Air Lines, Inc. (BIA)
22. Docket 39678, Application of US Air, Inc. for an exemption to postpone inauguration of Cleveland-Montreal nonstop service. (BIA)

STATUS: Open.

PERSON TO CONDUCT: Phyllis T. Kaylor, the Secretary (202) 673–5068.

SUPPLEMENTARY INFORMATION: Since the first Airport Access Workshops will take place on June 29th (Atlanta) and June 30th (Indianapolis), it is necessary to include Item 3a on the June 19th agenda. Due to unforeseen circumstances Items 21 and 22 could not be forwarded to the Board until June 16, 1981. In the case of US Air, earliest possible Board action is required to enable or thwart service start-up by the back-up carrier in this market. The matter becomes ripe only on June 19 (following staff's advancement of the

reply date on June 15). Subpart Q (Air Florida) requires an order establishing further procedures within 90 days after a certificate application is filed—in this case by June 19, 1981. Accordingly, the following Members have voted that Item 3a, 21 and 22 be added to the June 19 meeting and that no earlier announcement of these additions was possible:

Chairman Marvin S. Cohen
Member Elizabeth E. Bailey
Member Gloria Schaffer.
Member George A. Dalley.
Member James R. Smith.

[S-976-81 Filed 6-22-81; 3:58 pm]

BILLING CODE 6320-01-M

4

CIVIL AERONAUTICS BOARD.

[M-320; June 18, 1981]

TIME AND DATE: 9:30 a.m., June 25, 1981.

PLACE: Room 1027, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

SUBJECT:

1. Ratification of items adopted by notation.
2. Docket 29044, Proposals To Amend 14 CFR Part 252 Smoking Aboard Aircraft. (Instructions to staff.)
3. Dockets 36595 and 38746, Investigation Into The Competitive Marketing of Air Transportation—Retail Pricing Phase. (Instructions to staff.)
4. Docket 36858, Air New England, Inc. Violations of Part 250. (Memo 603, BCCP)
5. Docket 37444, *International Cargo Rate Flexibility.* (Memo 598, OGC, BIA, OEA)
6. Docket 390976—*Notice of Special Tariff Permission Applications.* (OGC, BDA)
7. Dockets 38021 and 38348—Elimination of domestic rules tariffs and Board-prescribed consumer protection notices. (OGC, BCCP, BDA)
8. Dockets 39036 and EAS-603—Henson Aviation's notice to reduce service below essential at Staunton, Virginia. (Memo 267-A, BDA, OCCR)
9. Docket 37442, Sarasota-Bradenton Environmental Study. (Memo 382-A, BDA)
10. Commuter carrier fitness determination of Green Hills Aviation, Ltd. (Memo 601, BDA)
11. Commuter carrier fitness determination of Coral Air Inc. (Memo 597, BDA)
12. Commuter carrier fitness determination of Mississippi Valley Airlines, Inc. (BDA)
13. Docket 31973, Check-Air, Inc.—Revocation of Section 418 All-Cargo Air Service Certificate and air taxi authority. (Memo 600, BDA, OGC)
14. Docket 39315—Application of Heavylift Cargo Airlines Limited for an initial foreign air carrier permit for cargo charter authority primarily between the U.S. and U.K. (Memo 602, BIA, OGC, BALJ)
15. Rulemaking to allow foreign indirect air carriers to organize charter/tours and consolidate freight in interstate and overseas markets. (BIA, OGC, BCCP, BALJ)
16. U.S.-London Case (1982)—Order finalizing tentative decision to select Newark as gateway point, consolidate carrier applications, and establish further procedures. (BIA, OGC, BALJ)

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary (202) 673-5068.

[S-977-81 Filed 6-22-81; 3:59 pm]

BILLING CODE 6320-01-M

5

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 11 a.m., Thursday, July 2, 1981.

PLACE: 2033 K Street, N.W., Washington, D.C., eighth floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Surveillance briefing..

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-6314.

[S-966-81 Filed 6-22-81; 10:25 am]

BILLING CODE 6351-01-M

6

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 11 a.m., Tuesday, June 30, 1981.

PLACE: 2033 K Street, N.W., Washington, D.C., fifth floor hearing room.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Enforcement matters.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-6314.

[S-967-81 Filed 6-22-81; 10:26 am]

BILLING CODE 6351-01-M

7

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 10 a.m., Tuesday, June 30, 1981.

PLACE: 2033 K Street, N.W., Washington, D.C., fifth floor hearing room.

STATUS: Open.

MATTERS TO BE CONSIDERED:

New Orleans Cotton Contract.
CME Plywood Contract.
NYPE 90-Day Certificate of Deposit Contract.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-6374.

[S-968-81 Filed 6-22-81; 10:27 am]

BILLING CODE 6351-01-M

8

FEDERAL DEPOSIT INSURANCE CORPORATION.

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 2:00 p.m. on Monday, June 29, 1981, to consider the following matters:

Disposition of minutes of previous meetings.

Recommendation with respect to payment for legal services rendered and expenses incurred in connection with receivership and liquidation activities:

Kantrow, Spaht, Weaver & Walter, Baton Rouge, Louisiana, in connection with the liquidation of International City Bank and Trust Company, New Orleans, Louisiana.

Memorandum and Resolution re: Contingency Fee Arrangement with Local Counsel.

Memorandum and Resolution re: Delegation of authority to the Director of the Corporation's Division of Bank Supervision to give notice of approval of (or no objection to) certain requests, submittals, and actions of First Pennsylvania Bank N.A., Bala-Cynwyd, Pennsylvania, and First Pennsylvania Corporation, Philadelphia, Pennsylvania.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, N.W., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389-4425.

Dated: June 22, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-971-81 Filed 6-22-81; 11:38 am]

BILLING CODE 6714-01-M

9

FEDERAL DEPOSIT INSURANCE CORPORATION.

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:30 p.m. on Monday, June 29, 1981, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by vote of the Board of Directors pursuant to sections 552b(c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10) of Title 5, United States Code, to consider the following matters:

Applications for Federal deposit insurance (proposed new banks):

Golden Pacific Bank, a proposed new bank, to be located at 845 North Euclid, Ontario, California

Oceanic Bank, a proposed new bank, to be located at 681 Market Street, San Francisco, California.

First State Bank, a proposed new bank, to be located at 26130 Hempstead Highway (U.S. Highway 290), Unincorporated Harris County (P.O. Cypress), Texas.

Application for Federal deposit insurance (United States branch of a foreign bank):

Banco Safra S.A., Sao Paulo, Brazil, for Federal deposit insurance of deposits received at and recorded for the account of its branch located at 1114 Avenue of the Americas, New York, New York.

Application for consent to merge and establish branches:

The Dime Savings Bank of New York, New York (Brooklyn), New York, for consent to merge, under its charter and title, with Union Savings Bank of New York, Mamaroneck, New York, and to establish the six offices of Union Savings Bank of New York as branches of the resultant bank.

Recommendations regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 44,828–L—The Hamilton National Bank of Chattanooga, Chattanooga, Tennessee

Case No. 44,829–L—The Hamilton National Bank of Chattanooga, Chattanooga, Tennessee

Case No. 44,833–L—Chicopee Bank & Trust Company, Chicopee, Massachusetts

Case No. 44,839–L—Franklin National Bank, New York, New York

Memorandum and Resolution re: The Mission State Bank & Trust Company, Mission, Kansas

Appeal from an initial partial denial of a request for records pursuant to the Freedom of Information Act.

Recommendations with respect to the initiation, termination, or conduct of administrative enforcement proceedings (cease-and-desist proceedings, termination-of-insurance proceedings, suspension or removal proceedings, or assessment of civil money penalties) against certain insured banks or officers, directors, employees, agents, or other persons participating in the conduct of the affairs thereof:

Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii)).

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2) and (c(6)).

Reports of committees and officers:

Reports of the Director, Division of Liquidation:

Memorandum re: Reports Required Under Delegated Authority Expenditures

Memorandum re: Reports Required Under Delegated Authority Sale of Real or Personal Property

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, N.W., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389–4425.

Dated: June 22, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-972-81 Filed 6-22-81; 11:38 am]

BILLING CODE 6714-01-M

10

FEDERAL ENERGY REGULATORY COMMISSION

June 19, 1981.

TIME AND DATE: 2 p.m., June 26, 1981.

PLACE: Room 9306, 825 North Capitol Street, N.E., Washington, D.C. 20426.

STATUS: Closed.

MATTER TO BE CONSIDERED: Docket No. IN81–3.

CONTACT PERSON FOR MORE INFORMATION: Kenneth F. Plumb, Secretary; Telephone (202) 357–8400.

[S-966-81 Filed 6-22-81; 9:34 am]

BILLING CODE 6450-85-M

11

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

June 18, 1981.

TIME AND DATE: 10 a.m., Wednesday, June 24, 1981.

PLACE: Room 600, 1730 K Street, N.W., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. Cement Division, National Gypsum Company, VINC 79–154–PM (Petition for Interlocutory Review; issues include whether judge erred in denying intervention to United Mine Workers of America).

2. Consideration of possible amendments to Commission Rule 44, 29 CFR § 2700.44.

It was determined by a unanimous vote of Commissioners that Commission business required that a meeting be held on these items and that no earlier announcement of the meeting was possible.

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen, 202–653–5632.

[S-973-81 Filed 6-22-81; 1:38 pm]

BILLING CODE 6820-12-M

12

NATIONAL LABOR RELATIONS BOARD.

TIME AND DATE: 10 a.m., Tuesday, June 30, 1981.

PLACE: Board Conference Room, sixth floor, 1717 Pennsylvania Ave., N.W., Washington, D.C. 20570.

STATUS: Closed to public observation pursuant to 5 U.S.C. Section 552b(c)(2) (internal personnel rules and practices) and (c)(6) (personal information where disclosure would constitute a clearly unwarranted invasion of personal privacy).

MATTERS TO BE CONSIDERED: Consideration of applicants qualified for appointment to Administrative Law Judge.

CONTACT PERSON FOR MORE INFORMATION: John C. Truesdale, Executive Secretary, Washington, D.C. 20570; telephone: (202) 254–0430.

Dated: Washington, D.C., June 19, 1981.

By direction of the Board.

John C. Truesdale,

Executive Secretary, National Labor Relations Board.

[S-969-81 Filed 6-22-81; 10:42 am]

BILLING CODE 7545-01-M

13

NATIONAL LABOR RELATIONS BOARD.

TIME AND DATE: 10 a.m., Wednesday, July 1, 1981.

PLACE: Board Conference Room, sixth floor, 1717 Pennsylvania Avenue, N.W., Washington, D.C. 20570.

STATUS: Closed to public observation pursuant to 5 U.S.C. Section 552b(c)(2) (internal personnel rules and practices) and (c)(6) (personal information where disclosure would constitute a clearly unwarranted invasion of personal privacy).

MATTERS TO BE CONSIDERED: Consideration of applicants qualified for appointment to Administrative Law Judge.

CONTACT PERSON FOR MORE INFORMATION: John C. Truesdale, Executive Secretary, Washington, D.C. 20570; telephone: (202) 254–9430.

Dated: Washington, D.C., June 19, 1981.

By direction of the Board.

John C. Truesdale,

Executive Secretary, National Labor Relations Board.

[S-970-81 Filed 6-22-81; 10:43 am]

BILLING CODE 7545-01-M

14

NUCLEAR REGULATORY COMMISSION.

DATE: Friday, June 19, 1981 (revised).

PLACE: Commissioners Conference Room, 1717 H Street, N.W., Washington, D.C.

STATUS: Open/closed.

MATTERS TO BE CONSIDERED: Friday, June 19:

10 a.m.

1. Affirmative/Discussion Session (Approximately 15 minutes, public meeting)

Items to be affirmed and/or discussed:

a. Review of ALAB-639 (In the matter of Houston Lighting and Power Company) (delayed from June 18)

b. Significant Changes Decision in Summer Antitrust Matter (delayed from June 18)

c. 10 CFR 61, "Licensing Requirements for Land Disposal of Radioactive Waste" (delayed from June 18)

d. Sunflower Coalition v. NRC, State of Colorado, et al.

e. In the Matter of South Carolina Electric and Gas Co., et al. (Virgil Summer Nuclear Station, Unit 1) ALAB-643 and ALAB-642

2. Discussion and Possible Vote on Operating License for McGuire (closed meeting) (as announced)

ADDITIONAL INFORMATION: By a vote of 4-0 on June 18, the Commission determined pursuant to 5 U.S.C. 552b(e) and § 9.107a of the Commission's Rules that Commission business required that the affirmation of Request for Consideration of Previous Denial of Petition for Rulemaking and Approval of Employment for Ms. Deborah L. Kalish, held June 18, and affirmation of Sunflower Coalition v. NRC, State of Colorado, et al. and in the Matter of South Carolina Electric and Gas Co., et al. (Virgil Summer Nuclear Station, Unit 1), ALAB-643 and ALAB-642, scheduled for June 19, be held on less than one week's notice to the public.

Affirmations of CESG's Motion to Permit Appeal of Atomic Safety and Licensing Board's Memorandum and Order and Publication of Guidelines for Management of Agreement State Radiation Control Programs, scheduled for June 18, were cancelled.

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR SCHEDULE UPDATE: (202) 634-1498. Those planning to attend a meeting should reverify the status on the day of the meeting.

CONTACT PERSON FOR MORE INFORMATION: Walter Magee (202) 634-1410.

June 18, 1981.

Walter Magee,

Office of the Secretary.

[S-964-81 Filed 6-19-81; 4:25 pm]

BILLING CODE 7590-01-M

V 46 JE 24 81 UMI

federal register

Wednesday
June 24, 1981

Part II

Department of Housing and Urban Development

Draft Performance Criteria for Solar Heating and Cooling Systems in Residential Buildings

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
Office of the Assistant Secretary for Policy Development and Research
[Docket No. R-81-1071]
Draft Performance Criteria for Solar Heating and Cooling Systems in Residential Buildings

AGENCY: Department of Housing and Urban Development.

ACTION: Notice of Draft Performance Criteria for Solar Heating and Cooling Systems in Residential Buildings.

SUMMARY: HUD is inviting public comment on the draft Performance Criteria for Solar Heating and Cooling Systems in Residential Buildings developed to provide a standard basis for assessing the design and performance of buildings using solar energy systems for heating and cooling.

FOR FURTHER INFORMATION CONTACT: William E. Freeborne, Mechanical Engineer, Division of Energy, Building Technology and Standards, Room 8158, Department of Housing and Urban Development, Washington, D.C. 20410. Telephone, (202) 755-6900. This is not a toll-free number.

DATE: Public comments on the draft Performance Criteria are due by August 24, 1981. Comments should be filed by this deadline with the Rules Docket Clerk at the address below.

ADDRESS: Rules Docket Clerk, Office of General Counsel, Room 5218, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410, (202) 755-7603. This is not a toll-free number

SUPPLEMENTARY INFORMATION: The Solar Heating and Cooling Demonstration Act of 1974 (Pub. L. 93-409) authorized a five-year program for research, demonstration, and market development of solar heating and cooling systems in residential and commercial buildings. As part of this program, the Act directed the Secretary of HUD, utilizing the services of the Director of the National Bureau of Standards (NBS), to determine, prescribe, and publish Interim Performance Criteria for solar heating and cooling systems and buildings within 120 days of enactment, and to use these criteria in the selection of solar systems and demonstration projects. The Interim Criteria were published on January 1, 1975.

The Act further directed HUD, utilizing the services of NBS and information developed in the demonstration program, to develop and publish "definitive performance criteria" as soon as feasible. HUD was also directed to publish procedures whereby manufacturers of solar systems could have their products tested in order to obtain certification that such products conformed to the performance criteria.

In the period from 1975 through 1979, HUD awarded 783 grants to support demonstrations of solar heating, cooling and domestic hot water systems in 12,423 dwelling units. A number of these projects were equipped with sophisticated instrumentation systems to measure the solar system performance. In addition, operating, maintenance, and repair information was collected from many more projects. This information has been used by HUD and NBS to evaluate the effectiveness of the original Interim Performance Criteria and to develop new, more precise criteria for solar system performance, thereby meeting the requirements of Section 8 of the Act. Extensive use also has been made of technical information developed from concurrent Department of Energy solar research, development, and demonstration activities.

These Performance Criteria are not intended to be used as mandatory standards governing the procurement or acceptability of solar systems proposed for HUD or other Federal solar activities. Instead, this document will serve as a technical reference and resource for the solar industry, the building industry, and Federal, State, and local agencies concerned with assessing the design and performance of solar systems in buildings. For example, HUD relies on HUD 4930.2, the Intermediate Minimum Property Standards (IMPS) Supplement for Solar Heating and Domestic Hot Water Systems to control the quality of solar systems proposed for use in HUD-assisted housing programs. These IMPS are based on the performance requirements of the original Interim Performance Criteria; future revisions will reflect the new Performance Criteria Requirements.

The Performance Criteria are presented in a four-part format: Requirement, Criterion, Evaluation, and Commentary. The Requirement is a qualitative statement expressing the expectations of a user concerning a given system or component. The Criterion generally is a quantitative statement of the level of performance required from the system or component necessary to meet the Requirement. The Evaluation statement identifies the best method, record of experience, or other information needed to evaluate a given system or component against the Criterion. Finally, the Commentary provides background information for the user and presents the rationale behind the specific Evaluation methods selected.

The evaluation procedures utilize to the maximum extent possible the existing body of voluntary consensus standards for materials, testing procedures, and system performance. Where possible, the document states the particular tests to be carried out in evaluating the performance of a given component or system. In the many areas where no consensus testing standards yet exist, the document presents alternative ways to evaluate systems and components, often relying on the judgement of qualified professionals.

With respect to certification of solar systems and components as meeting specified standards and performance criteria, the solar industry and several States are developing certification programs for various types of solar equipment and applications. The first such program, now in operation, provides a mechanism for certifying the thermal performance of solar collectors.

Any equipment manufacturer seeking certification that a given solar system, component or other solar product complies with the Performance Criteria may have the necessary test data and other information revised and evaluated by a qualified engineer or architect, registered as a professional and licensed to practice in the particular jurisdiction. If the reviewing engineer or architect finds that the information provided satisfies the requirements stated in the Performance Criteria, he or she may certify under seal to this effect.

A Finding of Inapplicability regarding the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. A copy of this Finding of Inapplicability will be available for public inspection during regular business hours at the Office of the Rules Docket Clerk, Office of the General Counsel, Room 5218, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410.

A copy of the Performance Criteria is appended hereto. Based on the public comment received, HUD will revise the draft Performance Criteria as required and intends to publish the final Performance Criteria not later than December 15, 1981.

(Sec. 8, Solar Heating and Cooling Demonstration Act of 1974, Pub. L. 93-409 (42 U.S.C. 5506))

Issued at Washington, D.C., June 8, 1981.

E. S. Savas,

Assistant Secretary for Policy Development and Research.

BILLING CODE 4210-01-M

NBSIR 80-2095

PERFORMANCE CRITERIA FOR SOLAR HEATING AND COOLING SYSTEMS IN RESIDENTIAL BUILDINGS

Center for Building Technology
National Engineering Laboratory
National Bureau of Standards
U.S. Department of Commerce
Washington, D.C. 20234

July 1980

Revised
January 1981
This publication, NBSIR 80-2095, supersedes
NBSIR 80-1562 published in November 1978

Prepared for
U.S. Department of Housing and Urban Development
Office of Policy Development and Research
Washington, D.C. 20410

U. S. DEPARTMENT OF COMMERCE, Malcolm Baldrige, *Secretary*

NATIONAL BUREAU OF STANDARDS, Ernest Ambler, *Director*

BILLING CODE 4210-01-C

Notice

This document has been prepared by the National Bureau of Standards for use by the U.S. Department of Housing and Urban Development (HUD) for public notice, distribution and comment. This document is considered a "draft" document until public review has been completed and HUD has approved the final version.

Table of Contents

Acknowledgments
Foreword
Introduction
Terminology
1. Site and building
2. Thermal
3. Mechanical
4. Safety and health
5. Durability/reliability
6. Operation and servicing
7. Appendix
Durability/reliability sections (sec. 1 through sec. 10)
Technical review items
Abbreviations
SI conversion units
References
Composite index

Acknowledgments

This document was prepared by the Solar Technology Group, Building Economics and Regulatory Technology Division of the National Bureau of Standards, Center for Building Technology. Members who participated in the preparation of these performance criteria include:

F. Eugene Metz, Project Leader
John K. Holton (Former project leader, now with GSA)
Thomas H. Boone
Leopold F. Skoda
Michael E. McCabe
Elmer R. Streed
Lawrence W. Masters
Elizabeth J. Clark
Paul W. Brown
W. Douglas Walton (Center for Fire Research)
David Waksman

Acknowledgment is also made of the helpful comments and suggestions received from William Freeborne of the Department of Housing and Urban Development, David E. Cassel and the staff of Mueller Associates. Special thanks is given to Leslie Suddueth for her patience and excellent job of typing this document as well as many early drafts. Thanks is also given to Walter E. Shipp for preparing the composite index to the document.

Foreword

These "Performance Criteria for Solar Heating and Cooling of Residential Buildings" have been prepared in accordance with the requirements for definitive performance criteria established in Public Law 93–409, the "Solar Heating and Cooling Demonstration Act of 1974" to provide a standard basis for assessing the performance of buildings using solar energy systems for heating and cooling. It may be used in Federal programs [1] or as the basis for preparation and revision of the HUD Solar Minimum Property Standards.

The document is intended to establish minimum levels of performance with regard to health and safety and the various aspects of technical performance. The criteria for health and safety put primary emphasis on compliance with existing codes and standards. The criteria on thermal and mechanical performance, durability/reliability and operation/servicing present performance requirements considered to be representative of acceptable levels. By the use of performance language in the document, it is believed that sufficient latitude has been provided to allow the innovation and flexibility that is essential for the stimulation of a viable solar industry at this time and in the future.

In developing these criteria, several sources have been utilized:

- Performance criteria developed by the National Bureau of Standards (NBS) for the Department of Housing and Urban Development (HUD) and the Department of Energy (DoE).

—"Interim Performance Criteria for Solar Heating and Combined Heating/Cooling Systems and Dwellings"—January 1975.

—"Interim Performance Criteria for Solar Heating and Cooling Systems in Commercial Buildings"—NBSIR 76–1187, November 1976.

—"HUD Intermediate Minimum Property Standards Supplement, 1977 Edition, Solar Heating and Domestic Hot Water Systems"—4930.2.

—"Interim Performance Criteria for Solar Heating and Cooling Systems in Residential Buildings"—NBSIR 78–1562, November 1978.

- Experience gained in the Federal Solar Demonstration Program (Residential/Commercial) through feedback as provided for in P.L. 93–409.
- Findings from solar research activities.

—Government laboratories—National Bureau of Standards, Los Alamos Scientific Laboratory, National Aeronautics and Space Administration, Argonne National Laboratory.

—Sponsored reseach—Dubin-Bloome Associates, Planning Research Corporation Energy Analysis Company, Boeing Aerospace Company, International Business Machines, University of Wisconsin, Colorado State University, Mueller Associates, Automation industries (Vitro Laboratories Division).

- Critique and commentary from:

—Model code groups—Council of American Building Officials, National Conference of States on Building Codes and Standards, International Conference of Building Officials, Building Officials and Code Administrators International Inc., Southern Building Code Congress International.

—Technical standards organizations—American Society for Testing and Materials, American Society of Heating, Refrigerating and Air-Conditioning Engineers, American Society of Mechanical Engineers, Inc., American National Standards Institute.

—Industry organizations—Solar Energy Industries Association, Inc., Solar Energy Research and Education Foundation, Air-Conditioning and Refrigeration Institute, Sheet Metal and Air-Conditioning Contractors National Association, Inc.

—Professional organizations—American Institute of Architects.

—Special studies—Burt-Hill-Kosar-Rittelman Associates, Travis-Braun Associates, Robertson Ward, Jr., FAIA, Florida Solar Energy Center, Polytechnic Institute of New York.

Since it is anticipated that this document will be revised and updated in the future, comments relating to its usability and suggested modifications are encouraged and should be sent to the following address:

Robert D. Dikkers, Group Leader, Solar Technology, National Bureau of Standards, Building 225, Room B141, Washington, D.C. 20234.

Introduction

Background

Pub. L. 93–409 provides for "demonstration within a three-year period of the practical use of solar heating technology, and * * *, the development and demonstration within a five-year period of the practical use of combined heating and cooling technology." Under the provisions of the Act, HUD has utilized the services of NBS to develop this document.

[1] "Residential Conservation Service Program," Final Rule, **Federal Register**, DoE, Vol. 44, pp. 64601–64727, No. 217, November 7, 1979.

"Solar in Federal Building Demonstration Program," Final Rule, **Federal Register**, DoE, Vol. 44, pp. 60663–60673, No. 204, October 19, 1979.

Objectives

These criteria have the following objectives:

1. Aid consumer acceptance by the provisions of validated consensus performance measures;

2. Assist industry growth through accepted uniform methods of technical performance assessment;

3. Assist the administration of Federal incentives programs, including tax credits, by the establishment of standard performance measures;

4. Assist regulatory authorities in developing and interpreting health and safety code provisions;

5. Aid financial and insurance organizations by the provision of standard performance criteria upon which to base risk assessment;

6. Assist public and private building programs through provision of a technical performance assessment base from which project construction specifications may be developed; and

7. Guide industry, professional and educational organizations in the development of appropriate good practice manuals.

Scope

The performance criteria cover both passive and active solar heating, cooling and domestic hot water installations or combinations thereof [1] in individual buildings or central systems for groups of buildings both new and existing.

The criteria do not cover swimming pool heaters but they do cover pools within buildings used to moderate environmental conditions or to store heat for reuse. They do not cover photovoltaic, wind, biomass or process heating or cooling applications. The criteria are related primarily to technical performance and do not directly address economic considerations, energy conservation, lighting either natural or artificial, or site selection. The criteria do not apply to the following systems:

Active space heating or cooling with less than 100 ft^2 (9.3 m^2) of collector area.

Active domestic hot water systems with less than 30 gal/hr (113 liter/hr) draw.

Passive systems with less than 100 ft^2 (9.3 m^2) of aperture area, receiving winter solar flux.

The criteria given in this document primarily consider aspects of planning and design that are different from conventional buildings by reason of the solar energy systems under consideration and are intended to:

1. Establish minimum levels for health and safety that are consistent with those presently established for conventional systems used in building applications;

2. Ensure that the proposed heating, cooling and hot water systems or combinations thereof, are capable of providing levels of performance consistent with those provided by conventional systems used in building applications;

3. Verify that proposed systems and components are capable of providing their design performance levels;

Ascertain that the systems and components are durable, reliable, readily maintainable and generally constructed in accordance with good practice; and

5. Provide appropriate instructions and information for the operation and servicing of the systems and components.

Many of the problems and circumstances discussed in the criteria are unique to solar installations. Several useful references drawn from the Federal Solar Demonstration Program give insight into such problems [1, 2, 3, 4, 5, 6, 7, 8].*

The performance criteria are intended to be flexible in order to allow freedom of design and encourage innovation in keeping with the intent of Pub. L. 93–409.

Organization and Format

This document is organized on the basis of performance criteria dealing with heating, cooling and hot water systems and their integration into buildings.

Performance statement entries, with the exception of Chapter 1, are presented in the Requirement, Criterion, Evaluation and Commentary format. The *Requirement* is a qualitative statement giving the user need or expectation for the item being addressed. It is a general statement of what the system or its components shall be able to do. The *Criterion* is generally a quantitative statement giving the level of performance required to meet the application or expectation for the item being addressed. The one or more criteria associated with each requirement state those considerations that are necessary to meet the requirement. Due to limitations in the state-of-the-art, a quantitative statement is not always contained in each criterion in this document. In addition, quantitative statements have been intentionally omitted in some criteria where these values will be provided by the designer. The *Evaluation* sets forth the record of experience, methods of test and/or other information upon which an evaluative judgment of compliance with a criterion will be based. It states the standards, inspection methods, analyses, review procedures, historical documentation or other methods that may be used in evaluating whether or not the system and its components as designed comply with the criterion. It is expected, in many cases, that the review of documentation of in-use performance or professional judgment will be used as evaluative tools in lieu of testing. The *Commentary* provides background for the reader and presents the rationale behind the selection of specific data presented in the Requirement, Criterion or Evaluation. The commentary is intended for informational purposes and in some instances, provides design guidelines. Such guidelines are only one suggestion of appropriate methods, in most instances, there will be other methods equally as effective.

The document is organized into chapters on the basis of the performance attributes listed below:

1. *Site and Building* performance statements deal with the interactions between the solar energy system and its surrounding environment, the site and building. These performance statements provide for integrating the building and site with the system and its components without seriously degrading the environment or impairing the normal function of the building and its components. Because of their more general nature, the statements in this chapter are not organized in the requirement/criterion/evaluation/commentary format discussed previously.

2. *Thermal* performance statements are used to evaluate the ability of systems and their components, as designed, to operate and provide their rated output and in some cases the determination of that output. The ability of the solar heating system to maintain the building at a specified temperature under a given set of outdoor conditions is an example of a thermal consideration.

3. *Mechanical* performance statements address the mechanical design and performance of the solar energy systems and their components. Factors such as the ability of the system to withstand normal design service conditions, e.g. pressure and temperature, are considered under this category.

4. *Safety and Health* deals with the mitigation of hazards that would result in personal injury or property damage. Hazards such as those due to scalding, lacerating, toxic and/or flammable

[1] Although not specifically mentioned in Pub. L. 93–409, it is recognized in this document that not all cooling systems are combined with heating systems.

*Numbers in brackets [ ] indicate references at the end of this introductory section.

materials are also considered under this category.

5. *Durability/Reliability* relate to the ability of systems and their components to perform designed functions for a specified interval under designated use conditions. Corrosion and thermal degradation are typical durability-reliability related items.

6. *Operation and Servicing* deals with the features of systems and their components that allow them to be maintained in good operating condition for extended periods of time. Manuals and instructions, routine scheduled maintenance, corrective maintenance, replacements and repairs are considered under this category. Accessibility is an important maintainability consideration.

For the purposes of this document, the various systems and components, both active and passive, treated in this document are abbreviated as follows:

(H)—Heating system
(C)—Cooling system
(HW)—Hot water system (domestic HW)
(H/C/HW——is used when a requirement or criterion is applicable to the individual H, C, HW system or any combination thereof.

An important reason for including a commentary in the presentation is to assure a workable process of updating these performance criteria by providing the rationale for selection of performance levels and methods of evaluation so that when questions arise as to the basis for a particular criterion, the reader will have available the rationale behind the criterion. With the present state-of-the-art, there will be a need for periodic updates to readjust levels of acceptability for both systems and components.

References

1. *Proceedings of the Solar Heating and Cooling Demonstration Program Contractors Review*, December 5–7, 1977, New Orleans, LA, Vol. 2, CONF 771229, Department of Energy.[3]

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4. *Standard Practice for Installation and Service of Solar Space Heating Systems for One- and Two-Family Dwellings*, ASTM E683–79, 1979, ASTM, 1916 Race Street, Philadelphia, PA 19103.

5. *Installation Guidelines for Solar DHW System in One- and Two-Family Dwellings*, HUD–PDR–407, U.S. Department of Houseing and Urban Development, April 1979.[2]

6. Weinstein, S., *Architectural Concerns in Solar System Design and Installation*, Solar/0801–79/01, U.S. Department of Energy, March 1979.[1]

7. Easterly, J., *Engineering Concerns in Solar System Design and Operation*, Solar/0811–79/01, U.S. Department of Energy, March 1979.[1]

8. *National Solar Heating and Cooling Demonstration Program—Project Experience Handbook*, Preliminary Draft, DoE/CS–0045/0, U.S. Department of Energy, September 1978.[1]

[1] Technical Information Center, P.O. Box 62, Oak Ridge, TN 37830.

[2] Superintendent of Documents, U.S Government Printing Office, Washington, DC 20402.

[3] National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161

Terminology*

Absorber: The part of the solar collector that receives the incident solar radiation and transforms it into thermal energy.

Absorptance: The ratio of the amount of radiation absorbed by a surface to the amount of radiation incident upon it.

Active solar system: A method of space conditioning or water heating that utilizes solar radiation primarily by means of mechanical equipment rather than building elements.

Air chamber: A closed section of pipe or a container filled with air entrapped at atmospheric pressure that when mounted in a water supply line absorbs the pressure surges caused by the rapid opening and closing of valves.

Air mass: The ratio of the mass of atmosphere in the actual earth-sun path to the mass that would exist if the sun were directly overhead at sea level.

Aperture: An opening in a building wall, roof or other collection device that transmits solar radiation.

Applicable authority: Person or organization who specifies that a H/C/HW system shall meet these performance criteria or who can legally set certain performance levels not specified in these criteria. This may range from a government agency to a project owner.

Auxiliary energy system: Equipment utilizing energy other than solar both to supplement the output provided by the solar energy system as required by the design conditions and to provide necessary energy back up requirements during periods when the solar H, C or HW systems are inoperable. It may be integrated directly into the solar energy system or it may be completely separate from it and contain its own means for delivery of heating, cooling and/or hot water to the building.

Backflow: The flow in pipes, ducts and other chambers opposite to the intended direction of flow. Backflow may occur under two conditions: pressure greater than atmospheric and pressure that is subatmospheric (see "Backsiphonage").

Backflow preventer: A device or means to prevent backflow, especially in regard to the potential for contamination of potable water supply.

Backsiphonage: A form of backflow due to a negative or subatmospheric pressure.

Chemical incompatibility: the inability of materials to remain in contact with each other without chemical interaction, such as electrolytic action or plasticizer migration.

Closed system: An arrangement in hydronic systems where ambient air is not allowed to enter the system under normal operating conditions.

Collector array: Group of solar collectors or absorbing surfaces connected by pipes or ducts and including any pipes or ducts to the point where there is only one inlet and one outlet.

Collector array manifold: All pipes or ducts within the collector array but external to the collector panels.

Collector azimuth angle: The angle between the direction the collectors face and due south (in the northern hemisphere).

Collector efficiency (ASHRAE 93–77): The amount of energy removed by the transfer fluid per unit of gross collector area during the specified time period divided by the total solar radiation incident on the collector per unit area during the same time period, under steady state or quasi-steady state conditions.

Collector orientation: Combined effect of collector tilt and azimuth angles.

Collector tilt angle: The acute angle between the collector plane and horizontal.

Cooling degree days: The number of degrees that the daily mean temperature is above 65° F (18.3° C). These are totaled to give cooling degree days per month or per year.

Cooling (C) system: The complete assembly necessary to convert solar energy into thermal energy and use this energy in combination with auxiliary energy, where required, for space cooling purposes. (Where cooling is required, nocturnal radiation, evaporative cooling and/or other means may be used in combination with, or in lieu of, heat actuated space cooling).

Combustible liquid: Combustible liquid shall mean any liquid having a flash point at or above 100° F (37.8° C) (See "Flammable liquid").

Combustible material: See noncombustible material.

Contaminants (hazardous): Materials (solids or liquids or gases) which when added unintentionally (or intentionally) to the potable water supply cause it to be unfit for human consumption.

Control system: Devices and their electrical, mechanical, pneumatic or hydraulic auxiliaries used to regulate the processes of collecting, transporting, storing and utilizing energy in response to the thermal, safety and health requirements of the building occupants or building.

Creep: A time-dependent deformation of material resulting from sustained loads which can be influenced by factors such as temperature and solar radiation.

Depletable energy: Energy from any source other than solar energy converted to thermal energy at the building site or from thermal energy extracted from the air, groundwater or ground. Depletable energy

*The definitions given here are for use in this document only.

sources include coal, natural or manufactured gas, oil, other petroleum products, wood and electricity. Electricity produced off-site is considered to be depletable energy, even though the source of the electricity may be some form of solar energy such as hydropower or wind.

Depletable energy limit: Allowable depletable energy use over one year for a H/C/HW system based on predicted system performance.

Design hot water load: The rate of energy required to be added by the mechanical system to the water at design maximum hot water use rate and temperature, not including energy to offset standby water heater, recirculation and distribution losses. Normally, the design hot water load is determined by a combination of recovery rate and hot water storage capacity.

Design life: The period of time during which an H/C/HW system is expected to perform its intended function without requiring major maintenance or replacement.

Design maximum flow temperature: The maximum temperature that will be obtained in a component when the heat transfer fluid is flowing through the system.

Design maximum no-flow temperature: The maximum temperature that will be obtained in a component when the heat transfer fluid is not flowing through the system.

Design space cooling load: The instantaneous rate of energy required to be removed by the mechanical system from the space being cooled to achieve space cooling under summer design conditions.

Design space heating load: The instantaneous rate of heat required to be added by the mechanical system to the space being heated to achieve space heating under winter design conditions.

Design working pressure: The value of the pressure used in design calculations for pressure related operational and construction characteristics. This is the maximum allowable working pressure for which a specific part of a system is designed.

Dielectric fitting: An insulating fitting used to isolate electrochemically dissimilar materials.

Drain down system: Function of an open-loop solar water system in whjich all water drains out of the collectors and exposed piping at a pre-set point above the freezing temperature.

Drainback system: A liquid solar collector sysem in which the collector fluid drains down to an interior storage tank when the collector is not operating.

Ease of ignition: The time elapsed between the exposure of a material to a controlled heat or flame source and the onset of flaming The ease of ignition may be used in analyzing the relative fire hazard of the materials.

Emittance: The ratio of the radiant energy emitted by a body to the energy emitted by a black body at the same temperature.

Energy transport system: Those portions of the H/C/HW systems that convey energy from one place to another. Heat transfer from the collector to storage and from storage to the point of use is accomplished through the energy transport system.

Failure (structural): Failure of a structure or any structural element is defined as one of the following: (a) Sudden, locally-increased curvature, major spalling or structural collapse. (b) The inability of the structure to resist a further increase in load. (c) Structural deflections under design loads that cause significant peformance degradation of the component or subsystem.

Flammable liquid: Any liquid having a flash point below 100° F (37.8° C) and having a vapor pressure not exceeding 40 pounds per square inch (275 KPa) absolute (2068.6 mm Hg) at 100° F (37.8° C) (NFPA 321) (see "Combustible liquid").

Flash point: The minimum temperature of a liquid at which sufficient vapor is given off to form an ignitible mixture with the air near the surface of the liquid or within the vessel used as determined by appropriate test procedures and apparatus as specified in NFPA 321.

Flow condition: The situation that exists when the heat transfer fluid is moving through the collector array under normal conditions.

Fully conditioned space: The volume within the building envelope in which 70° F (21° C) is capable of being maintained during the 97½ percent winter outdoor heating design temperature conditions.

Glazing: A membrane or sheet of transparent or translucent material (glass or plastic) used for admitting light. Glazing retards heat losses due to reradiation and convection. Examples: windows, skylights, greenhouse and collector coverings.

Gross floor area: Floor area of the building measured to the outside of exterior walls that enclose fully conditioned spaces and to the center of party walls and walls adjacent to semi-conditioned spaces.

Gross solar contribution: Total solar input of a passive solar energy system less excess energy discharge (venting) losses due to the passive solar energy system.

H/C/HW system: The mechanical space heating, space cooling or hot water system, or any combination thereof, in which solar energy intercepted at the building site is converted to usable thermal energy to satisfy paartially or fully the respective energy requirements. This includes systems having discrete collectors with thermosiphon-driven control for air- or liquid-type collectors.

Hazardous substances: See "Federal Hazardous Substances Act Regulations," Code of Federal Regulations (CFR), Title 16, Part 1500.3(b)(4)(i). The following is an extraction of the definition: "Any substance or mixture of substances which is toxic, corrosive, an irritant, a strong sensitizer, flammable or combustible, or generates pressure through decomposition, heat or other means, if such substance or mixture of substances may cause substantial personal injury or substantial illness during or as a proximate result of any customary or reasonably foreseeable handling or use, including reasonably foreseeable ingestion by children. 'Hazardous substances' shall not apply—to substances intended for use as fuels when stored in containers and used in the heating, cooling or refrigeration system of a house."

Heating degree days: The number of degrees that the daily mean temperature is below 65° F (18.3° C). These are totaled to give heating degree days per month or per year

Heating (H) system: The complete assembly of systems necessary to convert solar energy into thermal energy and use this energy in combination with auxiliary energy, where required, for space heating purposes.

Highly toxic: See "Federal Hazardous Substances Act Regulations," Code of Federal Regulations (CFR), Title 16, Part 1500.3(b)(8)(i). The following is an extraction of the definition: " 'Highly toxic' means any substance producing a lethal dose in half (LD50) of white rats, when ingested as a single dose, of 50 mg or less per kg of body weight." Part 1500.3(c)(1) (i) and (ii) also gives further specific definitions relative to inhalation and absorption. Human data when available, shall take precedence (see also "Toxic").

Hot water energy requirements: Energy required over a given period of time to heat the supply water to a designated use temperature, including energy required to offset standby water heater, recirculation and distribution losses, but not including hot water system operating energy.

Hot water (HW) system: The complete assembly of subsystems or components necessary to convert solar energy into thermal energy and use this energy in combination with auxiliary energy, where required, to provide hot water in the building. It may either be integrated directly into the H, C or combined H and C (H/C) system or be completely separate from them.

In-service conditions: The conditions to which a solar H/C/HW system will be exposed during its operational lifetime.

Langley: The meteorologist's unit of solar radiation intensity, equivalent to 1.0 gram calorie per square centimeter, usually used in terms of langleys per minute. 1 langley per minute = 221.2 Btu per hour per square foot = 697 watts per square meter.

Liquid heat transfer fluid: The operating or thermal storage liquid including water or other liquid base and all additives at the concentration used under operating conditions.

Load: Peak rate of energy demand on a mechanical H/C/HW system. Load is energy per unit time or power.

Maximum service temperature: The maximum temperature at which a system is designed to operate either with or without the flow of heat transfer fluid.

Mechanical system: All equipment and controls required to satisfy space heating, cooling or hot water energy requirements. The mechanical system may contain both solar and auxiliary components, including pumps, pipes, blowers, ducts, insulation, solar collectors, thermal storage, heat exchangers, valves and electrical wiring.

Minimum service temperature: The minimum temperature at which a system is designed to experience either with or without the flow of heat transfer fluid.

Net solar contribution: Solar radiation transmitted throuth a portion of the building envelope and absorbed within the building during a given daily, monthly or annual cycle, less the transmission, and ventilation (excess energy discharge) losses due to the same portion of the building envelope during the same period. This is equivalent to net solar gain.

Nocturnal cooling: The cooling of a building or heat storage device by the radiation of heat to the night sky.

"No-flow" condition: The situation that exists when the heat transfer fluid is not flowing through the collector array due to shutdown or malfunction and the collector is exposed to the amount of solar radiation that it would receive under normal operating conditions. Heat transfer fluid may or may not be in the collector but it is not flowing if present.

Noncombustible material: Material which does not act to aid combustion or add appreciable heat to an ambient fire when tested in accordance with ASTM E136–79, "Standard Test Method for Behavior of Materials in a Vertical Tube Furnace at 750° C," and pass the tests set forth therein.

Normal operating condition: Condition of operation during which no applicable parameter (e.g. temperature, pressure or flow rate) is at or near an extreme or unexpected value.

Open system: An arrangement in hydronic systems where ambient air is allowed to enter the system under normal operating conditions.

Operating energy: Energy required to operate pumps, compressors, fans, blowers, valves, controls, movable shutters or any other equipment, but not energy intended to directly satisfy a load. Operating energy, as defined here, includes energy to operate a heat pump compressor.

Operative temperature: The average of the dry bulb temperature and the mean radiant temperature at a given location.

Optimum collector orientation: Collector orientation that results in the maximum annual solar energy collected and used. The optimum orientation depends on factors such as site location, system type, annual solar fraction, local weather conditions, load profile and thermal storage size.

Outgassing: The emission of gases by materials and components usually during exposure to elevated temperature or reduced pressure.

Passive solar components: Components of a building that serve to modify the space conditioning energy requirements by means of reflecting, absorbing, transmitting or storing solar energy. These components include fixed and movable apparatus which can be operated either manually or automatically. Examples of passive solar components are: shading devices, windows, attached greenhouses, Trombe walls and mass placed for storage of solar energy.

Passive solar energy system: A method of space heating or cooling that utilizes solar radiation primarily by means of building elements rather than mechanical equipment. In passive systems, the energy flows are primarily by natural means (radiation, convection, conduction). For the purposes of this document, this definition includes some systems in which at least one energy flow is by natural means and at least one is by forced means, otherwise known as hybrid systems.

Physical incompatibility: The inability of materials in contact with each other to resist degradation by physical actions such as differential thermal expansion.

Pitting: The process by which localized material loss is caused in materials by erosion or chemical decomposition.

Plasticizer migration: The movement of plasticizers used in plastic materials. These plasticizers may concentrate in a narrow boundary area or migrate to another material in contact with the plastic.

Potable water: Water free from impurities present in amounts sufficient to cause disease or harmful physiological effects and conforming in its bacteriological and chemical quality to the requirements of the Public Health Service Drinking Water Standards or the regulations of the public health authority having jurisdiction.

Potential heat: The difference between the heat of combustion of a representative specimen of material and the heat of combusion of any residue remaining after exposure to a simulated standard fire, determined by combustion calorimetric techniques.

pphm: Parts per hundred million.

Premature failure: Failure that occurs before the design life.

Pyranometer: A device used to measure the total solar radiation incident upon a surface per unit time per unit area. This energy includes the direct radiation, the diffuse sky radiation and the solar radiation reflected from the foreground.

R value: Resistance to heat flow given in units of $ft^2 \cdot °Fhr/Btu$ (1 $ft^2 \cdot °Fhr/Btu$ is equivalent to 0.176 $m^2 °C/W$).

Radiation: The process of heat transfer by the transmission of electromagnetic waves between two or more bodies in sight of each other. These radiant waves are converted to heat only after being absorbed by matter.

Rate of heat release: A measure of the heat production of a material under a specified set of fire exposure conditions which may be used in evaluating the relative hazard of the material.

Recovery rate: The rate at which a water heater can replenish its supply of hot water, traditionally expressed in gallons per hour per 100° F (37.8° C) temperature rise.

Safety glazing materials: Glazing materials so constructed, treated or combined with other materials as to minimize the likelihood of cutting and piercing injuries when these glazing materials are broken.

Service loads: Loads that are expected during the service life of a structure and upon which the design of the structure is based.

Shall: Where "shall" is used with a special provision, that provision is mandatory if compliance with the criterion is claimed.

Should: Term used to indicate a criterion that is not mandatory but is desirable as good practice.

Significant (deterioration, loss, etc.): Deterioration that results either in a decrease in performance greater than that allowed for in the design, or in the creation of a hazard.

Solar constant: The average intensity of solar radiation reaching the earth outside the atmosphere; amounting to 2 langleys or 1.94 calories per square centimeter, per minute equal to 430 $Btu/hr.ft^2$ or 1353 $watts/m^2$.

Solar degradation: The process by which exposure to sunlight deterirates materials.

Solar energy: Solar radiation or energy from solar radiation intercepted and converted to thermal energy at the building site.

Solar fraction: The ratio of solar energy applied to the load by the active solar energy system to the total load. Solar fraction may be calculated for any time period, for example monthly or annually. Solar energy applied to the load may include uncontrolled heat losses from the active solar energy system if these losses contribute to meeting the load and is reduced by uncontrolled heat losses if these losses increase the load (cooling systems).

Solar time: The hours of the day as reckoned by the apparent position of the sun. Solar noon is that instant on any day at which time the sun reaches its maximum altitude for that day. Solar time is very rarely the same a local standard time in any locality.

Space cooling load: Rate at which heat must be removed from the conditioned space by the mechanical system to maintain indoor temperature at a constant value. space cooling load reflects sensible and latent heat gain due to external and internal sources. However, storage capacity within the building and contents affects the relationship between heat gain and space cooling load.

Space cooling system: The mechanical system containing all equipment and controls required to satisfy the space cooling load.

Space heating load: Rate at which heat must be added to the conditioned space by the mechanical system to maintain interior temperature at a constant value.

Space heating system: The mechanical system containing all equipment and controls required to satisfy the space heating load. The space heating system may include solar collectors, thermal storage, energy transport devices and auxiliary energy equipment. The space heating and space cooling systems may have some components in common. Fireplaces and wood stoves used for heating are considered to be part of the space heating system.

Storage system: Equipment in which thermal energy is stored so that it can be used when required. Specific designs may utilize more than one heat storage temperature (e.g., dual temperature storage) and may also employ cold storage in all or part of the storage subsystem.

System: The complete assembly necessary to supply heat, domestic hot water or other usable form of solar energy to a structure.

Tap temperature: The temperature at which water is discharged from an outlet at the point of use.

Thermal stratification: Separation into different temperature regions. Thermal stratification usually occurs vertically in liquid thermal storage containers but may also occur horizontally in rock bins.

Thermosiphon: Flow of fluid through a closed loop induced by density difference in the fluid caused by temperature difference which is in turn caused by heat transfer into and out of the loop.

Total solar input: Amount of solar radiation transmitted through the aperture of a passive solar energy system and absorbed within the building during a specified time period.

Toxic: See "Federal Hazardous Substances Act Regulations," Code of Federal Regulations (CFR), Title 16, Part 1500.3 (b)(5) and (c)(2). "'Toxic' shall apply to any substance (other than a radio active substance) which has the capacity to produce personal injury or illness to man through ingestion, inhalation or absorption through any body surface." An extraction of the more specific definition in (c)(2) adds the following: "'Toxic' means any substance producing a lethal dose in half (LD_{50}) of white rats when ingested as a single dose, of from 50 mg to 5 g per kg of body weight." Part 1500.3(c)(2) (i), (ii), and (iii) also give further specific definitions relative to inhalation and absorption (see also "Highly toxic").

Transmittance: The ratio of the radiant flux transmitted through and emerging from a body to the total flux incident on it.

UV: Ultraviolet radiation, that part of the terrestial solar energy between 0.3 and 0.4 micrometers (300–400 nanometers).

Water hammer: Potentially damaging forces, exemplified by pressure surges and attendant pounding noises and vibration that develop in a pipe system when a column of liquid flowing through a pipe line is stopped abruptly.

Zero hardness: A property of softened water such that no calcium or magnesium can be found in it by ordinary analytical methods.

2½ percent summer design temperature: The outdoor air temperature will be higher than the stated value not more than 73 hours per year (2½ percent of the 2,928 hours in June through September).

97½ percent winter design temperature: The outdoor air temperature will be lower than the stated values for not more than 54 hours per year (2½ percent of the 2,160 hours in December, January and February).

Chapter 1.—Site and Building

1.0 Introduction
1.1 Climate and regional considerations
1.2 Site considerations
1.3 Building considerations
1.4 Building/solar interaction
References

Chapter 1.—Site and Building

1.0 Introduction

This chapter sets forth considerations of the use of solar energy as related to broadly encompassing impacts beyond the scale of the solar energy system itself. The performance criteria for solar energy systems exist within a context of requirements that increase in scope from the building for which the system is designed, to the site, to the region and its climate, up to the scale of national energy goals. At each level, certain requirements have evolved which will influence solar installations. Policy decisions concerning energy conservation [1, 2]*, tax incentives, grant programs, reduced interest financing, fuel pricing or sun rights are examples of requirements that may have profound influence on solar energy applications.

It is critical that solar installations work in harmony with the overall conditions of climate, site, building characteristics and use patterns of the occupants. Proper and efficient performance of the site and building will increase the probability for efficiency of the solar energy system and in turn the level of performance of components and materials as well. A comprehensive check list of factors used to assess the overall suitability of passive and active designs used in the technical review of HUD's Cycle 5 Residential Solar Demonstration is given in the Appendix, pp. A–39 through A–45.

1.1 Climate and Regional Considerations

Regional climate and resource conditions may exert a strong influence on designs. Certain construction materials have strong indigenous applications and establish constraints within which the designer or any solar building project must work.

Specific regional climatic considerations include the following and are subdivided into categories of natural, man made and climatic factors.

Natural Factors

(a) Sun altitude and declination—for consideration of collector aperture tilt and shading, etc.

(b) Orientation—due south vs. magnetic south—to determine orientation and building geometry

(c) Topography—for consideration of building into slopes, earth berming and otherwise maximizing southern exposure and minimizing others, reference [3,4]

(d) Altitude—for the effects of atmospheric density

(3) Vegetation—as it affects shading, reflection and air movement, reference [3, 4]

(f) Ground temperature—as it affects ground water temperature and earth exchange cooling

(g) Water table height—for considerations of excavation, burying of storage elements, earth contact housing and wetting of insulation

(h) Water quality—its mineral content, pH, etc. when used for heat transfer fluid or thermal storage

Man Made Factors

(a) Density and growth of development—in consideration of solar rights, shading, glare, obtrusive installations, reference [4, 5, 6]

(b) Pollution of air—as it affects isolation, corrosion of exposed parts, stain and dirt deposits on collector cover plates or glazing

(c) Building materials and architectural character—consideration of mass and geometry or prevalent building types

(d) Building codes—to the extent that they constrain solar applications, reference[6]

Climatic Factors

Macro-climatic factors have a direct influence on solar H/C/HW systems. Typical sources of climate data are the Climatic Atlas [7] and Comparative Climatic Data [8]. Reference [9] describes adaption of building form for regional climate characteristics. Following is a tabulation of typical climate factors:

(a) Temperature (annual average, seasonal and daily)

(b) Solar radiation (annual, monthly, daily, hourly)

Note.—Data on a weekly basis would offer many advantages but is usually not tabulated in that form.

(c) Wind or air movement (direction, velocities, frequency)

(d) Relative humidity

(e) Rainfall and snow

Micro-climatic factors are those of specific interest to an individual building, site and immediate surroundings. Climatic characteristics become more focused at this scale and may be tempered or exaggerated by local features, creating weather characteristics unique to the site. The characteristics unique to the site may be caused by its topography, landscaping and proximity to surrounding buildings, hills, lakes or open plains, reference [2, 3]. The following characteristics should be considered at this scale:

(a) Shading—time, duration and season of occurrence are important for heating as well as cooling

* Numbers in brackets [ ] indicate references at the end of this chapter.

(b) Air movement (direction, velocity, frequency)
(c) Atmospheric quality (fog, haze) and direct vs. diffuse solar radiation
(d) Relative humidity

1.2 Site Considerations

Site design and siting criteria for energy conserving buildings incorporating solar energy systems are similar to good practice guidelines for non-solar building. The difference is in the special affinity for the sun and the sun's path required for solar energy applications. The performance uncertainties at this time and marginal energy balances often experienced in the operation of solar energy systems require greater consideration of the subtleties of the building/environment relationships. In passive solar applications, the entire building is likely to be affected by these relationships and for active applications at least the solar energy system will be affected. Over-design as a means of coping with the performance uncertainties of solar energy installations is extensive and not likely to be cost effective.

Achieving an optimum orientation for the building and/or collector apertures is of primary importance. During the winter months, approximately 90% of the sun's energy occurs between the hours of 9:00 a.m. and 3:00 p.m. It is important that solar collection surfaces not be significantly shaded during this time. Site planning should also take into account the direction of prevailing winds.

The judicious use of vegetation and other landscaping techniques can play a significant role in solar energy efficiency as well as energy conservation in general. The use of decidous trees and vines to provide summer shading while still permitting full exposure to solar radiation in the winter is particularly important in passive applications. Various ground cover materials can increase reflection or reduce glare as may be appropriate. Trees may be used to channel cooling breezes and evergreens can be used as effective wind breaks to moderate cold winter winds. Fences, screens, walls and earth berms are other site design elements which would be considered to provide sun capturing spaces or as barriers to heat loss. References [3, 4, 10, 11, 12, 13] describe siting considerations and reference [9] describes the extensive influence these have on passive designs.

1.3 Building Considerations

A well designed solar energy system should include a building that is energy conserving since collector area and sizing of other solar hardware components is proportional to the building load requirements.

There are several aspects that may be considered. One consideration is the exterior envelope of the building where energy can be conserved by modifying factors such as: color, thermal resistance, orientation, shading, surface area and weather tightness. ASHRAE Standard 90–75 [13] sets forth requirements for the design of the exterior envelope of new buildings for effective use of energy. Insulation to levels greater than those specified in 90–75 is normally desirable in solar buildings to minimize heating load. In the case of passive buildings, it may be desirable to tailor the design to the optimum use of glazed areas, thermal mass, insulation, ventilation and other appurtenances for heating, cooling and illumination. In such cases, the provisions of Section 10 (Energy Requirements for Building Designs Based on Systems Analysis) and 11 (Requirements for Buildings Utilizing Solar, Wind or Non-Depleting Energy Sources) of 90–75 may be applied. Other proposed national standards will affect building design [1].

A second consideration is the mass of the building which can exert considerable influence on the building's thermal behavior. Studies have indicated the beneficial peak leveling and carryover characteristics of properly designed building mass [15].

A third consideration is space planning and coordinating space use with natural temperature variations. The planning of interior spaces and proper temperature zoning is important for energy conservation and especially important in passive buildings. Such interior planning has a significant effect on the movement of energy (natural and mechanical) in buildings for both the heating and cooling seasons and the maintaining of comfort conditions corresponding with the activity within the spaces. Spaces having minimal heating and lighting requirements may serve as an effective buffer zone when placed in the north facing portion of the building. Spaces having greater heating and lighting requirements and more frequent use, can benefit from placement adjacent to southern exposures. In some passively designed buildings, the probability of large temperature swings may also affect zoning and room placement. The protection of entrances from winter winds by the use of a double entry or vestibule can be advantageous. Reference [16] presents a number of projects which illustrate design response to these needs. The need for grouping of mechanical spaces to take advantage of shorter piping and duct runs and associated thermal losses is similar to non-solar buildings but potentially more important in solar applications. Waste heat recovery and storage in the thermal storage mass of passive solar buildings is often possible. Which combination of options is chosen and how effective the selection will be is dependent on design conditions and design goals.

1.4 Building/Solar System Interaction

The adverse effect(s) that a building or site might have on solar H/C/HW systems or components and their performance must be considered in the design. The adverse effect(s) that the solar H/C/HW systems or components have on the building or site are addressed in Chapters 2 through 6 as appropriate.

Solar components should be located where the potential for their misuse is minimized. The proximity of system components to sidewalks and playgrounds should be examined to minimize potential misuse or vandalism.

Building exhausts, plumbing vents or other air discharge openings through roofs or exterior walls should not be located such that their emission will cause the deposition of grease, lint condensation or other deleterious materials on solar components, especially apertures or collector glazing. /similarly, solar components should not interfere significantly, either physically or aerodynamically, with building vents, flues and exhausts.

Interior items such as rugs, carpets, wall hangings and furniture which may cover passive solar components such as thermal storage, absorbers or apertures may seriously degrade the thermal performance of these passive components.

Routine maintenance of the building should not have adverse effects on the solar components, nor should required maintenance of the solar systems have adverse effects on the building components. Maintenance of building and site and roof surfaces are specifically covered in Criteria 6.2.4 and 6.2.5.

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[2] American Society of Landscape Architects Foundation, 1750 Old Meadow Road, McLean, VA 22101

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Chapter 2.—Thermal

2.0 Introduction
2.1 Passive space conditioning
- 2.1.1 Net solar contribution
- 2.1.2 Thermal storage
- 2.1.3 Building overheating
- 2.1.4 Mechanical cooling energy
- 2.1.5 Thermal environmental conditions

2.2 Mechanical space conditioning
- 2.2.1 Mechanical heating system size
- 2.2.2 Auxiliary heating system size
- 2.2.3 Cooling system size
- 2.2.4 Auxiliary cooling system size

2.3 Domestic hot water
- 2.3.1 Temperature
- 2.3.2 Daily water use rate
- 2.3.3 Hourly recovery rate
- 2.3.4 Auxiliary water heating system size

2.4 Collector array performance
- 2.4.1 Collector orientation
- 2.4.2 Panel performance in array
- 2.4.3 Array manifold energy loss
- 2.4.4 Heat loss during non-collection periods
- 2.4.5 Energy rejection
- 2.4.6 Collector/storage combination

2.5 Thermal storage performance
- 2.5.1 Thermal energy loss
- 2.5.2 Thermal stratification
- 2.5.3 Charging rate
- 2.5.4 Discharging rate
- 2.5.5 Addition of auxiliary energy to thermal storage

2.6 Energy transport performance
- 2.6.1 Thermal energy loss
- 2.6.2 Operating energy
- 2.6.3 Collector loop transfer rate
- 2.6.4 Load transfer rate

2.7 Control performance
- 2.7.1 Sensor location
- 2.7.2 Collector fluid circulation
- 2.7.3 Priority of energy use
- 2.7.4 Control valve and damper leakage
- 2.7.5 Control set points

2.8 Component/system interaction
- 2.8.1 Collector selection
- 2.8.2 Storage size
- 2.8.3 Fluid flow rates
- 2.8.4 Auxiliary equipment selection
- 2.8.5 Load temperature requirements

2.9 Alternative energy limit approach
- 2.9.1 Depletable energy limit
- 2.9.2 Depletable energy use

References

Chapter 2.—Thermal

2.0 Introduction

This chapter sets forth the requirements and criteria that determine acceptable thermal performance of passive and active solar energy systems in residential buildings. Some of the criteria apply only to either active or passive systems, therefore, a means of categorizing systems by type is required for purposes of thermal analysis. Passive solar energy systems are considered to be primarily part of the building structure, whereas active solar energy systems are considered to be part of the mechanical heating, ventilating and air conditioning (HVAC) equipment. Energy flows in passive systems are primarily by natural means (radiation, convection, conduction), in contrast to forced flows (by blower or pump) in active systems. Systems in which energy flows are accomplished by a combination of natural and forced means are sometimes referred to as "hybrid" although for the purpose of this document they are considered passive. Passive solar energy systems are distinguished from other elements of the building in that they are capable of controlling solar energy by blocking, transmitting, absorbing, reflecting or storing it to provide space heating or cooling as desired. Likewise, active solar energy systems are distinguished from other mechanical equipment in that they utilize solar radiation as an energy source. Conventional HVAC equipment used in conjunction with the active solar energy system is referred to as the auxiliary energy system and is considered to be part of the active solar energy system, since the control functions of each are not normally independent. The classification of a solar energy system as active or passive should be done on the basis of whether the system consists primarily of building elements or primarily of mechanical HVAC equipment. See Reference [1]* systems. A passive system may include, in addition to natural energy flow, mechanical equipment for control or heat distribution. An active system may include energy transport by natural convection or solar collectors incorporated as part of the building envelope although the system is primarily mechanical in nature.

Requirements 2.1, 2.2 and 2.3 apply to the design of the solar heating, cooling and hot water systems with respect to the ability of the system to provide the applicable functions at peak or design conditions. Each criterion under these sections represents a "spot check" of the system capability under selected conditions. The design conditions are not extremes that the system could actually experience, but represent normal probabilities of occurrence, for example the ASHRAE 97½ percent winter outdoor design temperature. Passive solar energy systems (direct gain, mass walls, attached greenhouses, etc.) are treated as building components that utilize radiant solar energy to modify the space conditioning energy requirements. Thus, the energy required for the mechanical equipment (including the active solar energy system) results from exposure of the building, including any passive solar components, to ambient weather conditions such as temperature and solar radiation while maintaining required indoor comfort conditions. For solar energy systems that combine two or more functions, for example, a combined space heating and domestic hot water system with common collectors and storage components, it must be shown separately under the applicable requirements that each function can be met at the design conditions.

Requirements 2.4 through 2.8 apply only to active solar energy systems (including auxiliary energy systems). These sections define criteria that individual components and subsystems must meet certain minimum levels of thermal performance as well as interact

*Numbers in brackets [ ] indicate references at the end of this chapter.

properly for efficient overall system performance. Space heating, space cooling and domestic hot water system components must comply with the requirement of these sections if solar energy is utilized for these purposes in a residential building. Thermosiphon HW systems are considered to be active and are included in these sections.

As an alternative to meeting the component and subsystem criteria (2.4 through 2.8), the designer may elect to show compliance with a depletable energy limit for the solar energy systems (Requirement 2.9). In this case, a design energy limit for the amount of depletable energy (oil, natural gas, electricity, coal, wood, etc.) used by the system in one year is specified by the applicable authority. The designer must show by calculation that the design energy use of the system over a one-year period will not exceed the specified design energy limit. This approach is similar to the energy budget currently under development by the U.S. Department of Energy in their Building Energy Performance Standards (BEPS) Program [2] except that the energy limit described herein applies only to those space conditioning and hot water systems that utilize solar energy whereas BEPS covers all heating, cooling and hot water systems. The "applicable authority" as stated above and used throughout this chapter is the person legally capable of setting system performance levels. The role of the applicable authority must be in accordance with codes or a document such as the HUD Minimum Property Standards and BEPS, when adopted.

If provided in the design, analysis of both passive and active solar energy systems must be included in the annual energy use calculation in Requirement 2.9 The end result is the amount of depletable energy required to be input to the mechanical system components, including furnaces, pumps, blowers, motorized valves or other equipment. This alternative path is provided to allow for designer flexibility at the component level yet through conservation, passive solar components, and/or active solar energy systems, achieve design energy use within a specified limit.

In summary, to conform with the intent of this chapter, the solar space conditioning and domestic hot water systems must meet Requirements 2.1, 2.2 and 2.3 (as applicable) and either Requirements 2.4 through 2.8 or Requirement 2.9.

2.1 Passive Space Conditioning

Requirement. Passive solar heating and cooling systems, if provided, shall be properly designed and integrated into the building to reduce the space conditioning energy requirements for the mechanical system. Passive systems designed for a particular function (heating or cooling) shall not adversely affect the operation of the mechanical system or adversely affect the habitability of the building.

Commentary. If passive solar heating or cooling systems are not provided, this requirement is not applicable. Requirements for solar HW systems are described in Requirement 2.3

Passive solar designs that utilize large south-facing windows to admit winter sun for heating purposes can have a deleterious effect on space cooling loads or habitability, unless suitable precautions are taken to exclude solar radiation during the cooling season using such measures as external shading, internal movable insulation or venting.

2.1.1 Net Solar Contribution

Criterion. Passive solar heating systems shall provide a positive net solar contribution to the fully conditioned space for the month of January.

Evaluation. A daily energy balance for the passive solar heating system shall be computed for an average day in January. The option may be taken to demonstrate a net solar contribution for the entire heating season instead of only for the month of January, to account for unusual circumstances (i.e. weather pattern, shading, etc.). The gross solar contribution must exceed the sum of heat losses from the passive system and excess energy discharges, if any, due to the system. The energy balance calculation shall include either solar radiation clear sky data from ASHRAE [3], Chapter 58, multiplied by the mean percentage of possible sunshine, Reference [4], for January 21, or average daily solar radiation for the month as tabulated in Reference [5] or Appendix A of Reference [6]. The solar radiation data shall be adjusted for the appropriate tilt and azimuth angles of the solar aperture. Gross solar contribution may be calculated by multiplying the total daily solar radiation on the aperture, the transmittance of the glazing and the absorptance of the receiving surface as described in ASHRAE design heat gain calculation. Reflection and shading shall also be considered. Thermal energy loss through the aperture may be calculated using the product of surface area of the passive aperture, the appropriate overall heat transfer coefficient and the difference between 70°F (21°C) and average daily outdoor temperature for the month of January. Outdoor temperature data are widely available and are also included in the above four references. Mass storage wall components such as Trombe walls or water walls may require more comprehensive analyses than given above if it is questionable whether they meet the criterion, but the steady-state calculation should be adequate in most cases provided a rational basis for estimating the storage wall exterior surface temperature is available. More detailed calculations may be provided by the designer.

Commentary. Computer programs are available for handheld calculators for analysis purposes, References [7, 8] as well as sophisticated computer programs, References [9, 10, 11]. Reference [12] is a brief but comprehensive survey of passive solar building design computer programs.

This criterion is not intended to prevent the use of conventional windows that transmit solar radiation into the residence but are not a part of the passive solar heating system and do not give a net solar contribution.

South-facing windows in cold climates have often been found to be net losers of energy in the winter even though they transmit considerable quantities of solar energy during sunny winter days. Various means can be used to increase the net solar contribution of a passive solar heating system; for example, reflectors to increase incident solar radiation, multiple glazings to reduce heat loss, movable insulation to reduce night time thermal energy loss and appropriately located mass to absorb and store thermal energy. For direct-gain systems, three layers of glazing is usually justifiable in climates of more than 5,000 degree-F days (2800 degree-C days). Balcomb, Reference [6], Chapter E, provides discussion and recommendations for the number of glazings, with and without night insulation, for applications in cities with mild, moderate and severe climates.

The month of January was chosen for evaluation because it is coldest for most locations in the United States. If the passive solar heating system provides a net solar contribution in January, it will probably do so for the less severe winter heating season months. A one-month calculation was chosen for simplicity and to avoid the ambiguity of defining the limits of the heating season. This is not intended to be representative of seasonal thermal performance, but only a check for minimum acceptable performance. Passive solar heating systems that are net heat losers in the

coldest month place an undue burden on the mechanical heating system.

Vertical double-glazed windows facing south in Baltimore, Maryland meet this criterion without night insulation. With single glazing, night insulation having an R value as little as R–1 is needed to meet this criterion. In Fairbanks, Alaska, 120 miles (200 km) south of the Arctic Circle, triple glazed south-facing vertical surfaces give a net solar contribution in January even with no night insulation, but assuming some reflection from snow. Two glazings with R–5 night insulation also qualify with no credit for snow reflection.

Of 44 HUD Cycle 5 passive demonstration program sites, 95 percent have a calculated positive net solar contribution in January.

Determination of the optimum aperture area involves a life-cycle cost analysis as described in Chapter H of Reference [6].

The size of the aperture may affect the net solar contribution in January if the aperture area is large enough (and insufficient storage is provided) so that venting of excess heat is required, since discharged heat reduces net solar contribution. A given size system that provides a positive net solar contribution will continue to do so as the aperture area is increased until the size is reached where venting loss to prevent overheating causes the net solar contribution to become negative. A passive solar heating component having a negative net solar contribution cannot be made to have a positive net solar contribution by increasing its aperture area. Balcomb, Reference [6], Chapter D, gives rules of thumb for sizing solar collection area. The range of values is different for each location. It is recommended that the larger number not be exceeded to prevent building overheating on clear winter days.

2.1.2 Thermal Storage

Criterion. Thermal storage in the building mass or in thermally-coupled thermal storage areas, when provided, shall be sized and located to effectively absorb, store and release theral energy, reduce space temperature varations and minimize the space conditioning energy requirements for the mechanical system.

Evaluation. Review drawings, specifications and calculations. Calculations shall take into account the size of the mass, location relative to solar gain areas, forced or natural convection of air to and from storage and presence of insulating materials such as carpets or hangings over massive floors or walls that prevent direct solar radiation.

Commentary. Thermal storage is not necessarily required for all passive solar heating systems, but the need for storage depends on the size of the aperture relative to the size of the heated space. Generally 30 to 45 BTU/°F. ft² (600 to 900 kJ/°C–m²) based on aperture area is recommended. The lower end of the range should be used for small aperture areas relative to building size and the upper end for large aperture areas. Storage mass which directly receives sunlight will store up to four times as much thermal energy as mass which is not in direct sunlight, and storage capacity should be adjusted accordingly. To prevent overheating of the conditioned space, it is extremely important that sufficient thermal storage is provided when the aperture area is large. Venting of excess heat, instead of redistributing it to remote storage, reduces the net solar contribution of the system. (see Criterion 2.1.1).

If locating the storage so that is exposed to direct solar radiation is not practical, it may be remotely located. For large systems this has the advantage of distributing heat to other parts of the building and enabling a very large storage. The low temperature of heat stored by this means, however, makes air-flow heat transfer back to the living space very inefficient and direct thermal coupling of storage to space is preferred. Remote thermal mass charge by air may be effective for attached sunspaces but are not advisable for direct gain systems because of the moderate temperatures of any available heat. Rock bins may be located directly under floors for satisfactory operation. See Criteria 2.5.1–2.5.4 for further discussion of isolated thermal storage.

Storage mass thickness, exposed area, location relative to aperture and conditioned space and thermal characteristics not only affect heating effectiveness but also have a pronounced effect on space temperature fluctuations. Reference [13] describes these effects and Reference [14] provides procedures for predicting them. For the direct gain zone in general, massive surfaces should be relatively dark in color and low density surfaces should be relatively light. The time delay of thermal conduction should be considered in determining the thickness of passive storage mass. Thermal properties, including absorptance characteristics, for commonly used storage materials are given in Table 7 of the appendix of this document as well as in Reference [14].

In direct gain situations and for a fixed quantity of thermal storage mass, spreading the mass over as large an area as possible will maximize performance and will minimize the thickness of the mass layer. Mass near the surface is more effective than mass at a greater depth because it is more directly coupled with the conditioned space. Floor slabs directly over *dry* earth, and with perimeter insulation only, will likely have a tempering effect on interior temperatures during long, cold, cloudy periods, although temperatures may drop somewhat.

2.1.3 *Building Overheating*

Criterion. Heat gain from passive solar components shall not cause the instantaneous dry bulb temperature in fully conditioned spaces to exceed 82° F (28° C) or 5° F (3° C) above the simultaneously-occurring outdoor dry bulb temperatrue, whichever is greater, if mechanical cooling is not provided. (If mechanical cooling is provided, see Criterion 2.1.4.)

Evaluation. Review drawings, specifications and calculations. Review local weather data and sun angles. Compliance shall be demonstrated for both the months of July and October.

Commentary. The following three methods might be considered to prevent building overheating:

1. Shading.
2. Provision of adequate thermal storage.
3. Whole-house ventilation.

First, it may be shown that appropriate shading devices are utilized to prevent transmission of solar radiation affecting the fully conditioned space. Suitable methods include fixed or movable shades, movable insulation and venting of semi-conditioned spaces such as in attached sunspaces or the space between glazings and mass storage walls. In the case of shading, the solar aperture should be fully shaded from three hours before until three hours after solar noon at mid month.

Reference [6], Appendix C, provides data for determining monthly solar radiation on the collection surface, considering factors such as latitude, solar declination for the month, overhang, and tilt and azimuth of the collector. Clear sky solar radiation values for either the 15th or 21st (whichever is available) of the month should be used.

Second, it may be shown that thermal energy storage within the space effectively absorbs and stores heat to limit the maximum space temperature to the required value. An hourly simulation for 24 hours should be performed, considering such factors as solar radiation transmitted, the absorptanc of receiving surfaces, placement and

capacity of thermal storage devices, and timing and flow rate of ventilation air. However, there is some concern that excessive mass in a building may absorb internal heat gains and may prevent the ability to cool down living spaces quickly using natural ventilation at nighttime. Fan-forced remote rock bin storage may be used and may avoid this potential conflict. Handheld calculator programs such as PEGFIX [8] and TEANET [7] are adequate.

Third, when the normal maximum outdoor temperature is above 75 °F (24 °C), it may be shown that whole-house ventilation is provided and adequately sized to maintain indoor temperatures less than 5 °F (3 °C) above the simultaneously-occurring outdoor temperature. A complete discussion of whole-house ventilation effects is given in Reference [15], pages 73–104.

Overheating is a potential problem for passive solar heating systems designed to provide heating during the winter. Shading of the aperture is an effective way to prevent overheating. Significant sources of information for controlling solar heat gain are in References [16] Chapter 26, and [17, 18]. Temperatures may rise in attached greenhouses or other semi-conditioned spaces above the outdoor ambient temperature. Venting of these spaces will help to control temperatures in adjacent fully conditioned spaces. Vent area equal to 10 percent of the glazed area is generally suggested, with outlets being slightly larger than inlets.

Fixed shading devices designed to shade at the summer solstice (about June 22nd) or in July may not be effective in late summer or early fall due to lower sun angles. The month of October presents a particularly difficult design problem to prevent overheating because of the low sun angle combined with relatively warm weather in many climatic regions. Various devices such as screens, curtains, shutters, reflective shades, blinds, awnings, vegetation and especially adjustable overhangs can be effective in controlling solar radiation The concern is that these devices be properly sized and detailed.

A method for estimating temperature savings in direct gain spaces is given in Reference [6], Chapter F. Direct gain spaces are more susceptible to large temperature variations than indirect-gain types such as Trombe walls or water walls.

2.1.4 *Mechanical Cooling Energy*

Criterion. The net solar contribution from passive solar components shall not significantly increase the energy requirement of the mechanical space cooling system relative to a typical wall section during a typical sunny July day, if mechanical cooling is provided.

Evaluation. Daily net solar contribution to the fully conditioned space shall be calculated for the passive solar component and for a substituted conventional wall section for a typical, sunny July day. The substitute wall section shall have the same heat transfer coefficient as other exterior walls for 85 percent of its area and shall be considered glazed for 15 percent of its area. The glazed portion shall have a transmissivity of 0.80 and a heat transfer coefficient of 0/6 Btu.hr°F.ft² (3.4 W/°C/m²) and shall be considered to be fully exposed to direct sunlight throughout the day. Average daily values of outside temperature and solar radiation may be used in the calculations. Inside temperatures may be fixed at 78 °F (26 °C). Calculation of net solar contribution for each case shall be equivalent in detail to the evaluation procedure of Criterion 2.1.1. Alternatively, complete shading of the passive solar component for three hours before and after solar noon shall be sufficient evidence that this criterion is met.

Commentary. The month of July was chosen for simplicity and because it has the highest dry bulb temperature for many locations in the United States. The alternative wall section parameters are based on a typical wall for conventional residences with a double-glazed window. The net solar contribution calculation has three components: (1) Total solar input, (2) heat transfer through the solar components (including infiltration), which will be from outside to inside if the daily outdoor temperature is above 78 °F (26 °C), and (3) ventilation losses to discharge excess heat gain, for example, venting of a mass wall or sunspace.

2.1.5 *Thermal Environmental Conditions*

Criterion. For fully conditioned spaces, passive solar systems shall not cause the thermal conditioning to exceed the ranges specified by ASHRAE 55–74R [19]. The limits of acceptable comfort conditions that are given in ASHRAE Standard 55–74R [19] are summarized in the following commentary. Should there be conflict between this and Criterion 2.1.3, Criterion 2.1.3 shall prevail.

Evaluation. Review drawings, specifications and calculations. Compliance shall be demonstrated for the months of January, July and October. Corresponding calculations for these months as required in 2.1.1 and 2.1.3 can be used. Some conditions may require more detailed analysis such as the effects of mean radiant temperature.

Commentary. The intent of this criterion is to assure reasonable thermal comfort for the occupants as well as account for thermal environment variations that are appropriate for many passive applications. The operation of many passive systems are dependent upon temperature gradiants to get thermal energy into and out of storage and to transport energy from one location to another. Moderate temperature fluctuations, approximately 6 to 8 °F, outside the comfort zone may be appropriate during non-use periods such as night hours.

In addition to air temperature, the thermal comfort in interior spaces is affected by the temperature of interior surfaces, air velocity as well as clothing characteristics of the occupants. The mean radiant temperature (MRT) is as important as air tempertature in affecting heat loss and comfort. When air movement is low, the operative temperature is approximately the average of air temperature and MRT. A thorough discussion of these factors and design guidelines are given in ASHRAE Standard 55–74R [19].

The following comfort zone parameters are summarized from Standard 55–74R:

- Winer/summer temperature ranges: winter 68–74.5 °F; summer 73–79 °F. These temperatures are acceptable by 80% of sedentary building occupants and considers typical seasonal clothing.
- The thermal effect of humidity (within the range of 30 to 70 RH) on the comfort of sedentary persons is small.
- Normal acceptable air movement is 30 fpm (winter) and 50 fpm (summer) but it can be extended in some cases to 160 fpm.
- The rate of cyclic temperature change should not exceed 4 °F/hr if the peak to peak variation exceeds 2 °F.
- Slow rates of temperaure change (approximately 1 °F/hr) during the occupied period are acceptable provided the temperature during this "draft" does not extend beyond the comfort zone by more than 1 °F and one hour.
- Asymmetric radiation from hot and cold surfaces and from direct sunlight can cause local discomfort and reduce the thermal acceptability level of the space. In general, people are more sensitive to asymmetric radiation caused by a warm ceiling than caused by hot and cold vertical surfaces.
- To minimize foot discomfort, the surface temperature of the floor for people wearing appropriate indoor footwear should be between 65 °F and 84 °F.

Although the system may be operated by choice outside the comfort range, it

should be demonstrated that the system is capable of providing these conditions.

2.2 Mechanical Space Conditioning

Requirement. The mechanical space heating and space cooling systems, which include the active solar energy and auxiliary energy systems, shall be capable of maintaining comfortable indoor conditions during periods of occupancy and automatically operating to protect the building and its contents against damage due to temperature extremes when the building is unattended.

Commentary. The mechanical systems must meet the remaining heating and cooling energy requirements after these requirements have been reduced by the use of passive solar techniques, if provided.

2.2.1 Mechanical Heating System Size

Criterion. The mechanical (combined active solar and auxiliary) heating system shall be capable of providing 70 °F (21 °C) in fully conditioned spaces at 97½ percent winter outdoor design conditions.

Evaluation. Review drawings, specifications and calculations. Design load calculation shall exclude instantaneous solar gains and internal heat release from occupants, lights and appliances. A building heat loss calculation procedure comparable in detail to the method outlined by ASHRAE [20] or [16], Chapters 21, Infiltration and Ventilation, 22, Design Heat Transmission Coefficients, 23, Weather Data and Design Considerations and 24, Heating Load, shall be used. For heat loss calculations, exterior thermal storage walls associated with passive solar components shall be assumed to be at room temperature. The design load may be reduced by an amount equivalent to the rate of energy released from thermal storage within the building mass if shown to be appropriate for the historical frequency of occurrence of low ambient temperature and solar radiation. (These frequency distributions have not yet been developed.) For discussion of typical storage capability and sizing procedures see Reference [21]. At design load conditions, all movable passive solar components shall be considered to operate as designed.

Reference [22] provides acceptable methods of design of conventional space heating systems that are also useful for solar energy systems.

Commentary. Although the residence may not be operated to maintain 70 °F (21 °C) during any or all of the heating season, the mechanical system must be capable of meeting the design load based on these conditions. Calculation of the amount of depletable energy used by the system during the heating season need not necessarily be based on maintaining 70 °F (21 °C), but an interior temperature specified by the applicable authority and should reflect current trends in energy conservation. These calculations are not required here but are addressed in Requirement 2.9, Alternative Energy Limit Approach.

Comfort conditions combining the effects of dry bulb temperature, mean radiant temperature and relative humidity are presented in ASHRAE Standard 55–74R [19]. Occupied spaces for sedentary activities in normal dress are usually designed for heating to maintain a recommended indoor temperature of 70 °F (21 °C) dry bulb [17, 19]. However, mean radiant temperature may be used on an equal basis to calculate comfort conditions. Minimum and maximum temperature and humidity conditions are also specified in ASHRAE Standard 55–74R [19]. Spaces intended to be used as part of a passive system may be designed for temperature fluctuations compatible with their functional use. Housing for the elderly and care-type facilities may use other indoor design temperatures and design parameters [22, 23].

Chapter XII of Reference [24] provides a comprehensive description of considerations in the design of solar space heating systems. References [25, 26, 27] describe some problems encountered in heating system designs in the National Solar Demonstration Program.

2.2.2 Auxiliary Heating System Size

Criterion. The auxiliary space heating system shall be sized and designed to operate automatically to maintain indoor temperature at or above 55 °F (13 °C) in fully conditioned spaces at the 97½ percent outdoor winter design conditions (Reference [16], Chapter 23). Manually-operated passive solar components (such as movable insulation but not exhaust vents) shall be considered to be left in the maximum-heat-loss position.

Evaluation. Review drawings, specifications and weather data. The auxiliary system must function independently of the solar energy portion of the system, when appropriate. Refer to Criterion 2.2.1 for calculation of space heating load. For building heat loss calculations see ASHRAE [20] or [16], Chapters 21, 22, 23 and 24. ASHRAE [22] provides acceptable methods of design of space heating systems.

Commentary. The auxiliary space heating system is the part of the mechanical system that utilizes depletable energy sources, rather than solar energy, to meet the heating load. The purpose of this criterion is to maintain habitability and protection of occupied spaces for periods when there is insufficient solar energy to operate the system as designed and for periods when the solar heating system is not operated due to maintenance or repairs. Depending on the building and space heating system design, the auxiliary space heating system may also be required to meet 70 °F (21 °C) comfort conditions in fully conditioned spaces (see Criterion 2.2.1). Spaces which may not be fully conditioned and be susceptible to temperature fluctuations should not contain elements which might be susceptible to freezing.

2.2.3 Cooling System Size

Criterion. The mechanical (combined active solar and auxiliary) space cooling system, if provided, shall be capable of providing temperature and relative humidity specified by the applicable authority in fully conditioned spaces at 2½ percent summer outdoor design conditions, Reference [16], Chapter 23.

Evaluation. Review design climatic conditions, design indoor comfort conditions and cooling load calculations. A building cooling load calculation procedure comparable in detail to the method outlined in Reference [16], Chapters 21, 22, 23 and 25 or Reference [20] shall be used. The design load may be changed due to the operation of passive solar components such as shading devices and movable insulation and due to thermal storage within the building mass if justified by statistical analysis of weather patterns. For one- or two-family residences, the design load may be calculated using the simplified procedure described in Reference [16], Chapter 25. However, the design load shall include all sensible and latent heat load from all solar energy system equipment. Most cooling calculations require consideration of indoor temperature and humidity and the applicable authority should establish limits for these factors.

Commentary. The space cooling system, if provided, must maintain comfort conditions when passive solar components for space heating and/or mechanical components for water heating are operated as designed. Reference [22], Section I, provides recommended design criteria for conventional space cooling systems that are also useful for solar space cooling applications. Chapter XIII of Reference [24] provides a description of several methods that directly utilize solar

energy for space cooling. Reference [25] describes some generic system problems encountered with space cooling system designs from the National Solar Demonstration Program and Reference [28] provides a summary of measured thermal performance of several of the instrumented space cooling systems.

Air conditioning equipment utilizing conventional energy, ambient air, ground sink or stored thermal energy may be used in conjunction with the solar system in an assist or auxiliary mode. The use of evaporation, nocturnal radiation, desiccant cooling or other passive techniques should be designed to operate in conjunction with devices that collect, store or distribute the converted thermal energy in a controllable manner.

Occuped spaces for sedentary activities in normal dress are usually designed for cooling to maintain a recommended indoor temperature of 75 °F (24 °C) [19, 23]. Minimum and maximum temperatures are also specified in the ASHRAE Standard 55–74R [19]. Indoor design temperatures have not been specified in this criterion because they vary depending on when and how a space is used. Spaces intended to be used as part of a passive system may be designed for temperature fluctuations compatible with their functional use. Buildings with special functional requirements such as care-type facilities and housing for the elderly may use other indoor design temperatures and design parameters [19, 23].

2.2.4 Auxiliary Cooling System Size

Criterion. The auxiliary cooling system, if provided, shall be capable of providing temperature and relative humidity specified by the applicable authority in fully conditioned spaces at 2½ percent summer outdoor design conditions, Reference [16], Chapter 23.

Evaluation. Review drawings, specifications and calculations. Design cooling load and system design procedure shall be equivalent to that in Criterion 2.2.3 except the interior temperature and/or relative humidity requirements may be less stringent for the auxiliary cooling system. For building cooling load calculations, see ASHRAE [16], Chapters 20, 21, 23 and 24 or ASHRAE [20].

Commentary. No auxiliary cooling system is required unless specified by the applicable authority.

2.3 Domestic Hot Water

Requirement. The combined solar and auxiliary domestic hot water system shall efficiently utilize solar energy to reduce the consumption of depletable energy while providing domestic hot water at required temperatures and delivery rates.

Commentary. Domestic hot water systems may be passive or mechanical type (including thermosiphon collection loops). Passive design may be as simple as a dark color water tank exposed to solar radiation and enclosed by an insulated box with a transparent cover. Frequently, movable insulation is used as a nighttime cover to reduce heat losses. Mechanical systems are designated by type of solar collection fluid and type of freeze protection. For example, pumped vs. thermosiphon flow, direct vs. indirect heat exchange with collectors, or water vs. antifreeze systems.

If the solar domestic hot water system is combined with a solar space conditioning system, this requirement applies to the combined system to the extent sufficient to show that the domestic hot water function is met.

2.3.1 Temperature

Criterion. The hot water system (combined solar and auxiliary) shall be capable of providing hot water at a tap temperature up to 140°F (60°C), except in housing for the elderly and care-type facilities, for which hot water temperatures are specified in Section 615–6.1 of MPS 4910.1, [29] and MPS 4920.1 [30].

Evaluation. Review drawings, specifications and calculations.

Commentary. See Criterion 4.3.4 for health and safety related provisions.

2.3.2 Daily Water Use Rate.

Criterion. The hot water system shall be designed to provide daily hot water usage for single family and multifamily dwellings of up to 20 units based on 20 gal/day (76 L/day) per person for the first two persons and 15 gal/day (57 L/day) for each additional person with a minimum usage of 40 gal/day (150 L/day). Daily hot water usage for each dwelling unit in a larger multifamily building shall be based on 40 gal/day (150 L/day) for buildings having 21 to 200 units and 35 gal/day (130 L/day) for buildings having over 200 units [16].

Evaluation. Review drawings, specifications and calculations. This criterion may be met by storage of a sufficient quantity of hot water such that the combination of storage volume and temperature will provide the stated daily usage at the tap temperature given in Criterion 2.3.1. Heat losses from the storage container and distribution losses must be subtracted from the stored energy to determine the net quantity of hot water available for use at the tap. Energy in solar storage containers (heated only by solar energy and not by auxiliary energy) may not be included in the daily usage total unless justification is provided based on historical solar radiation data.

Commentary. Auxiliary heaters may be provided having a recovery rate (per hour) equal to the total daily usage rate instead of storage.

2.3.3 Hourly Recovery Rate

Criterion. The hot water system shall be capable of providing hot water at draw and recovery rates as shown in Tables 6–15.2 and 6–15.3 of HUD Minimum Property Standards [31] or Chapter 37 of ASHRAE Systems Handbook [22] for multifamily as well as care type facilities.

Evaluation. Review drawings, specifications and calculations.

2.3.4 Auxiliary Water Heating System

Criterion. The auxiliary water heating system shall be capable of providing 100 percent of the hot water temperature and recovery rates specified in Criteria 2.3.1 and 2.3.3.

Evaluation. Review of drawings, specifications and calculations.

Commentary. Most well-designed solar hot water systems provide over half of the annual hot water energy requirements with solar energy. On an hourly basis, however, there are many times when these systems must operate with no available solar energy, such as at night or cloudy days. Therefore, the auxiliary heating system must be capable of meeting the hourly loads. Domestic hot water solar storage containers sized for several days of storage are not recommended. Large storage relative to collector area can prevent achieving of usable temperature as well as causing excess heat losses. Even a very well insulated solar storage container of extremely large capacity will seldom get sufficiently hot, thus requiring auxiliary energy to boost the water temperature to the set temperature.

2.4 Collector Array Performance

Requirement. The solar collector array shall be capable of absorbing solar radiation and converting it into useful thermal energy for providing the functions of space heating, space cooling and/or domestic water heating.

Commentary. Typical values for the ratio of actual collected solar energy to theoretical collected energy using collector test data are given in Reference [32]. Array performance reduction of less than 10 percent relative to individual collector panel test data

values can be expected in well-designed systems.

2.4.1

Collector Orientation

Criterion. The collector array shall be positioned so that the seasonal/annual incident solar radiation per unit area shall not be significantly less than the seasonal/annual incident solar radiaition on a reference collector array at optimum collector orientation with no shading, except where special circumstances require non-optimum orientation.

Evaluation. Collector orientation factors are given for converting radiation on a horizontal surface in Chapter 3 of Reference [33]. Examination of solar radiation for the geographic location, orientation of collector array, shading (external shading and self-shading by other collectors in the array) and building shape and orientation.

Commentary. Retrofit situations may result in deviation from thermally optimum orientation. Typically, annual/season incident solar radiation should not be less than 80 percent of the radiation that would be received at the optimum orientation. In general, collectors should face due south and have a tilt angle equal to (a) local latitude for water heating only or for combined space heating and cooling, (b) local latitude minus 15 degrees for space cooling only, and (c) local latitude plus 15 degrees for space heating only or combined space and water heating. High-rise buildings with small roof areas or unfavorable building orientation may require special architectural integration and preclude thermally-optimum orientation, yet these systems may be technically and economically appropriate. Tilt deviations of +15° from the above values and deviations of 20° east and 30° west of true south will not likely decrease performance by more than 10 percent. Local conditions such as shading or fog, or the particular advantages of emphasizing morning or afternoon gain should be considered.

2.4.2 Panel Performance in Array

Criterion. An individual collector panel in the array shall not operate at significantly less efficiency than the test efficiency curve due to differences between test and actual operating fluid flow rate and fluid properties.

Evaluation. Procedures equivalent in accuracy to ASHRAE Standard 93–77. Reference [34], shall be used to determine collector test efficiency curves. Post-stagnation test, as given in Section 10 of the Appendix (modification of test in NBSIR 78–1305A) [35], is required. Calculation of flow rate through the lowest-flow panel is required. Hydraulic and thermal calculations shall be made for the condition of normal total flow rate through the array. Consideration must be taken for turbulent/laminar flow in the collectors and manifolds, fluid properties and array configuration. Reference [36], page 148, may be used to determine loss in efficiency due to flow rate and fluid property changes for a typical liquid collector. Reference [37] gives the effect of flow rate on a typical air-type collector and also gives typical collector efficiency curves. Internal manifolding of collector panels in an array may increase efficiency relative to single-panel tests by reducing edge losses.

Commentary. The middle collectors in parallel arrays tend to have reduced flow and therefore run hot. To alleviate this, a high ratio of pressure drop across any panel to the pressure drop across the manifold is required. The minimum flow through a panel is important but it is not necessary to have balance of flow to all collectors in the array. In large arrays (larger than single family applications), acceptable flow variations may be as great as 3 to 1 in individual collectors, while maintaining required minimum flow in the lowest-flow collector panel.

Too many collectors in series increases inlet temperature of the latter collectors and should be avoided. Experimental studies, Reference [67], of the influence of flow rate and fluid type in a broad class of flat plate collectors resulted in thermal performance variations of up to 10 percent.

2.4.3 Array Manifold Energy Loss

Criterion. During normal operating conditions, heat loss, including that due to air leaks (infiltration or exfiltration) from the collector array manifolds and piping within the collector array shall not exceed 15 percent of the solar energy collection rate.

Evaluation. Review drawings and specifications. Examination of insulation properties, air leaks in the system and typical collection fluid operating temperature.

Commentary. Heat loss from internal manifolds and within individual collector panels is taken into consideration in the panel performance (Criterion 2.4.2) and is not included in this criterion.

Typical heat loss levels that have been achieved in the National Solar Demonstration Program are less than 10 percent of the solar energy collection rate for liquid systems and 15 percent for air systems. Air leakage from ducts can significantly increase thermal energy loss (see Criterion 3.3.4 for specification of allowable air leakage). There is evidence that maintaining a slight negative pressure in the collector array, resulting in air infiltration, may be more beneficial as compared to air leakage from the array. Reference [38] provides a simple analytical technique for analyzing the thermal effects of collector air leakage. A similar procedure for analyzing the effect of heat loss from collector supply and return ducts or pipes on system performance is described in Reference [39]. Chapter 9 of Reference [40] recommends suitable insulation type and thickness for collector array manifold pipes and ducts. Reference [41] describes methods for determination of economically optimum insulation thickness.

2.4.4 Heat Loss During Non-Collection Periods

Criterion. Heat loss from the collector array during times other than normal operating conditions shall not exceed 10 percent of the design monthly collected solar radiation in the month of January.

Evaluation. Heat loss due to thermosiphoning, capacitance effects and freeze protection shall be evaluated separately. Check valves or backdraft dampers must be present to prevent reverse thermosiphoning when the collectors are colder than storage, if collector are above storage, remain filled and the configuration permits thermosiphoning. When the collection fluid remains in the collector during non-operation, daily heat loss due to capacitance effects may be calculated to be the product of fluid mass in the collector and exterior piping or ducts, fluid heat capacity and the difference between the temperature of the hot fluid at the time of system shutdown and the temperature to which it cools (normal ambient low for the month of January).

Heat loss due to freeze protection (draindown, fluid circulation, etc.) shall be calculated for an average day in January and compared with solar energy collected during the same 24-hour period. If circulation of liquid from storage is used as the freeze protection method, heat loss from collector and exterior piping shall be calculated for the length of time liquid is circulated. Calculations shall consider ambient temperature, storage temperature, insulation of pipes and heat loss factor of collector (F_RU_L). The time for freeze control circulation shall be calculated based on control strategy, length of day, percent possible sunshine and statistical

ambinet temperature data. Reference [4] gives mean number of days having minimum temperature of 32°F (0° C) and below for the month of January for various locations. Energy loss due to other methods and freeze protection such as heat tapes shall be included.

Commentary. some collector designs reduce the possibility of heat loss due to reverse thermosiphoning; for example, those having inlet and outlet at the same elevation. Draining of all liquid from collector and exterior piping to the storage tank when energy is not available (collector drain back system) eliminates heat loss due to thermosiphoning, capacitance and freeze protection and is recommended for many applications. The effect of leaking dampers in air-type systems is discussed in Reference [42]. Leakage of dampers which serve to isolate the collector loop from the rest of the system should be limited to two to five percent. Spring loaded check valves should be considered for preventing thermosiphoning in liquid systems. See Criteria 3.2.9 and 3.3.3. The non-collection period addressed in this criterion does not include shutdown.

2.4.5 Energy Rejection

Criterion. If energy rejection is provided for in the design, the collectors shall be capable of rejecting energy at the required rate.

Evaluation. Review drawings, specifications, collector heat loss test and calculations. Collector heat loss rate may be estimated using the slope of the ASHRAE 93–77 [34] test efficiency curve. The effect of the collector loop heat exchanger must be considered.

Commentary. The use of the slope of the ASHRAE 93–77 thermal efficiency curve, F_RU_L when multiplied by the collector area and difference between ambient and fluid temperatures, will give conservative value of heat rejected, and is satisfactory for design purposes. More accurate (and higher) values of heat rejected may be calculated using more refined analyses, including the effective temperature of the night sky, since higher losses would be experienced at night than during the daytime when the ASHRAE 93–77 curve is determined. Efficient solar collerctors are inherently inefficient heat rejectors, especially designs utilizing selective absorbing surfaces, double glazing or evacuated tubes. It is difficult to reject at night the amount of heat collected during a typical sunny day; therefore, special heat rejection panels may have to be incorporated into the collector array.

2.4.6 Collector/Storage Combination

Criterion. Collector/storage combinations shall collect or dissipate energy at the design rate.

Evaluation. Review drawings, specifications, test data and calculations.

Commentary. Collector/storage combinations can be packaged systems designed to be placed adjacent to a house and filled with storage materials such as rocks or can be built in place. Trombe walls and similar passive components are not covered under this criterion (see Criterion 2.1.1). for packaged systems, it is recommended that test data be developed in accordance with the procedures given in Reference [43].

2.5 *Thermal Storage Performance*

Requirements. The thermal storage subsystem shall be capable of efficiently accepting thermal energy, storing it and releasing it to satisfy partially or fully the space heating, space cooling and/or hot water load.

Commentary. If thermal storage is not provided, this requirement is not applicable. Refer to Criterion 2.8.2 for information concerning the size of thermal storage and its effect on system performance.

2.5.1 Thermal Energy Loss

Criterion. Thermal energy loss from thermal storage, including loss due to air leakage (in or out) shall not exceed 15 percent of the energy input to the storage subsystem for those months in which the load exceeds the collected solar energy.

Evaluation. Review drawings, calculations and specifications. Examination of conductive heat loss through insulation, losses through storage container structural supports and losses due to air leakage.

For other than domestic hot water storage only and when such heat loss does not have adverse effect on the cooling load, thermal energy losses that can be traced directly to heated spaces and, therefore, reduce the heating load are not required to be included in the 15 percent limitation.

Commentary. Specification of allowable air leakage from thermal storage containers is given in Criterion 3.3.4. Storage containers for air systems should be sealed in accordance with Criterion 3.3.2. See also Criterion 3.1.3 for coverage on insulation.

Typical measured values in the demonstration program show heat loss as low as five percent of the energy input to storage, during the heating season. Reference [44], Section S–615–7.3.4, requires for residences that "the thermal energy loss from storage containers located outside the heated dwelling shall not exceed 10 percent of the maximum operating thermal energy capacity over an average 24-hour winter design day," and Reference [40], Section 9.5, limits heat loss to two percent of the stored energy over a 12-hour period unless heat loss will supplement the space heating requirement. Reference [21], page 19, gives a simple calculation procedure for determing the required insulation to limit heat loss to two percent in 12 hours. If thermal losses from storage are maintained at the levels specified by this criterion, the adverse effect on the cooling load during any summertime operation should be acceptably low.

2.5.2 Thermal Stratification

Criterion. Thermal stratification in the storage subsystem shall be promoted to reduce inlet temperature to collectors and increase temperature to loads.

Evaluation. Review drawings and specifications. Examination of geometry of storage container, location of inlets and outlets, volocity of heat transfer fluid, presence of baffles and use of multiple storage containers.

Commentary. Thermal stratification in the storage container is usually desirable in order to provide low collector inlet temperatures and to provide high temperatures to load or equipment. Consideration should be given to trade-offs between stratification and heat losses from a second tank in the case of solar water heaters. F–CHART [33] assumes fully mixed storage, however, improved thermal performance may be achieved in practice with stratified storage.

The thermal performance of a well-insulated tank in the demonstration program was improved greatly by eliminating short-circuiting from inlet to outlet by mans of baffles.

In single-tank HW systems, the electrical heating element should be placed at approximately the upper third of the tank to promote stratification. Short-circuiting of water flow paths between the inlet and outlet of storage should be prevented. Reference [45] describes the effect of stratification by use of mathematical models.

2.5.3 Charging Rate.

Criterion. When the thermal storage subsystem is fully discharged, it shall be capable of absorbing thermal energy at a rate equal to the rate of solar energy collection at solar noon on a clear day when ambient temperature is equal to its average annual value.

Evaluation. Review drawings and specifications. Examination of heat transfer surface area, thermal conduction and convection coefficients within the storage container based on flow rates and heat transfer fluid properties and storage medium thermal properties. Reference [48] gives a procedure for measuring charging rate.

Commentary. During conditions of depleted storage, solar energy will be wasted or collection efficiency will be decreased if the storage charging rate is too low. Insufficient heat transfer area is the most likely cause of too low charging rate. In rock storage bins, clean, round rock of relatively uniform size in the range of ¾"–3" diameter is recommended. Dry sand is a poor conductor of heat and is usually not recommended. Rock storage should have air flow through it and not depend on conduction of heat between the rocks, which are also poor conductors.

Due to the low temperatures encountered in residential solar energy systems, much larger heat exchangers are required than for conventional systems. Several design guides (References [46] and [47]) contain useful guidance on sizing heat exchangers for solar energy applications.

2.5.4 Discharging Rate

Criterion. When the thermal storage subsystem is fully charged, it shall be capable of releasing stored thermal energy at a rate sufficient to avoid using auxiliary energy to satisfy the load.

Evaluation. Review drawings and specifications. Examination of solar fraction of load designed to be met by stored energy, auxiliary energy capacity, heat exchanger area, thermal properties and heat transfer fluid flow and properties. Examination of condition of no collectable solar energy but high load.

Commentary. If the system is designed to provide a high solar fraction, the discharging rate should be equal to the design load when storage is fully charged. See terminology for definition of solar fraction.

Too low discharging rate will impair system performance by requiring excess auxiliary energy to be used and keeping stored energy longer, which allows greater thermal storage losses.

Reference [48] gives procedures for determining the storage discharging rate.

2.5.5 Addition of Auxiliary Energy to Thermal Storage

Criterion. Addition of auxiliary energy to the thermal storage subsystem shall not significantly reduce the collected solar energy or increase the heat loss from the storage container, except where special circumstances justify non-optimum design.

Evaluation. Review of drawings and specifications. Examination of system configuration, control logic, storage configuration, location of inlets and outlets, and stratification.

Commentary. The addition of auxiliary heat to thermal storage containers can severely decrease collection efficiency by increasing collector inlet temperature.

It is advisable to keep the solar and auxiliary subsystems separate and in parallel if possible. Auxiliary energy may be added to thermal storage if done in such a way as to preserve thermal stratification in the storage, for example, in the case of single-tank solar hot water systems. Addition of auxiliary heat to thermal storage may be justified based on storage of off-peak-generated energy.

See Criterion 2.5.2 for discussion of stratification.

2.6 Energy Transport Performance

Requirement. The energy transport system shall be capable of efficient transfer of thermal energy among or between the various components and systems.

2.6.1 Thermal Energy Loss

Criterion. Under normal operating conditions, thermal energy loss from the energy transport system shall not exceed 15 percent of the energy to be transported.

Evaluation. Review drawings, specifications and calculations. An instantaneous calculation of energy loss shall be performed considering insulation thickness and conductivity value on pipes and ducts, pipe or duct hangers or other thermal "shorts," insulation of pumps, blowers, heat exchangers, location of blower motors (inside or outside of air stream), and air leaks from ducts and air handling units.

For other than domestic hot water systems and when such heat loss does not have adverse effect on the cooling load, thermal energy losses that can be traced directly to heated spaces and, therefore, reduce the heating load, are not required to be included in the 15 percent limitation.

Specification of allowable air leakage from the primary solar duct system is given in Criterion 3.3.4.

Commentary. This criterion does not apply to the distribution system within the conditioned space (see Reference [23], Sections 5.10 and 5.11 for pipe and duct insulation guidelines). Typically, heat loss should be less than 5 percent of the energy transferred for liquid systems, and 10 percent for air systems under normal operating conditions. Collector-to-storage losses for systems in the Federal demonstration program are as low as three percent of the collected solar energy. Reference [49] discusses the effect of energy transport losses on the thermal performance of solar energy systems. Chapter 9 of Reference [40] indicates insulation thickness for pipes and ducts for residential applications.

There is concern that heat loss from the energy transport system, especially air leakage, could significantly degrade the control of energy flow.

If thermal losses from the energy transport system are maintained at the levels specified by this criterion, the adverse effects on the cooling load during any summertime operation should be acceptably low.

2.6.2 Operating Energy

Criterion. Under normal operating conditions, operating power for fluid transport of solar thermal energy to or from storage shall not exceed 10 percent of the energy transferred.

Evaluation. Review drawings, specifications and calculations. Examination of size of pump or blower relative to flow and pressure drop in system, viscosity of heat transfer fluid as a function of temperature and fluid type, motor rated capacity, pump or fan efficiency, electrical energy input to motor and fluid flow rate, temperature differential and thermal capacity of fluid. Heat pump compressor energy should be excluded because their operating energy is normally greater than the above values.

Commentary. All operating energy including that for pumps, compressors, fans, blowers, solenoid valves and controls, should be considered for solar components. Under normal operating conditions, operating energy for a given heat transfer loop should not exceed 5 percent of energy transferred for liquid systems or 10 percent for air systems. Reference [50] includes values for operating energy in thermal performance analysis of selected projects monitored in the national solar data program. The use of thermosiphon loops can be effective in reducing operating energy where feasible.

2.6.3 Collector Loop Transfer Rate

Criterion. The energy transport system shall provide adequate transfer rate for the collection of solar energy and during periods of maximum solar radiation.

Evaluation. Review heat exchanger effectiveness under normal and peak design conditions, heat transfer fluid flow rate and properties, collector array

area, maximum rate of incident solar radiation and collector efficiency curve. For thermosiphon or draindown systems, review of piping size, slope and height of storage above collectors.

Commentary. Reduced collector loop transfer rate will result in high collector temperature and hence, reduced collection efficiency. If there is a collector loop heat exchanger, the approach temperature difference should be as low as practical, 5° F–15° F (3° C–8° C) as recommended in Reference [47]. Thermosiphon HW systems for single-family residences should have at least ¾ inch nominal diameter pipe and long radius elbows.

2.6.4 Load Transfer Rate

Criterion. The energy transport system shall be capable of transferring the required solar and auxiliary thermal energy to the space heating, space cooling and/or hot water loads at a rate at least equal to the design load.

Evaluation. Review heat transfer fluid flow rate and properties, heat exchanger effectiveness over operating range, design temperatures and calculation of design loads as described in Criteria 2.2.1, 2.2.3 and 2.3.3.

Commentary. Problem areas may include liquid-to-air heat exchanger coil size in the space conditioning duct, coil size in hot water preheat tanks and external heat exchanger size. The hot water recovery rate in the solar portion of the hot water system is an important consideration to avoid unnecessary use of auxiliary energy.

2.7 Control Performance

Requirement. The control system shall be capable of proper and efficient regulation of all other systems to fufill the spact heating, space cooling and/or hot water system requirements.

Commentary. Simpler⅛ control systems have been found to be just as efficient as complicated ones and are often less prone to malfunctions. Extensive coverage of control system design is presented in Reference [51].

2.7.1 Sensor Location

Criterion. Location of control sensors shall not significantly increase the use of depletable energy by the system due to improper location.

Evaluation. Review drawings and specifications. Examination of presence or absence of flow at all times past sensor locations, backflow or thermosiphon effects during non-operation and precision of sensors.

Commentary. Sensor location should not increase depletable energy use of the system. Normally the temperature differential between the sensor and the point of desired measurement should not exceed the precision range of the sensor. The sensed condition at all times should be considered when determining sensor placement. Thermosiphon or backflow in an idle loop can cause sensors to give erroneous indications of system operating conditions. Proper placement or insulation from external conditions, or the use of check valves or backdraft dampers will reduce sensor susceptibility to the influence of detrimental, extraneous or uncontrolled heat flows. Reference [26] discusses the implications of sensor location on system performance.

2.7.2 Collector Fluid Circulation

Criterion. The circulation of heat transfer fluid through the collectors shall occur only when useful heat can be collected except as required for freeze protection or heat rejection or dumping of excess energy.

Evaluation. Review drawings and specifications. Examination of type of controller, deadband range, temperature turn on and off points and means of prevention of unwanted thermosiphoning.

Commentary. Collector pump or blower cycling can be reduced by proper deadband in on/off controllers. Studies have shown that proportional controllers are not substantially more effective than on/off controllers (References [51, 52]).

Heat rejection from collectors may be for nocturnal cooling purposes or for overheat protection (see Criterion 2.4.5).

2.7.3 Priority of Energy Use

Criterion. The controls shall prioritize the use of energy such that solar energy is first applied toward meeting the load if possible, then auxiliary thermal energy is used if necessary to supply the balance, unless such prioritizing increases the depletable energy use of the system.

Evaluation. Review drawings and specifications. Examination of control logic, system configuration and operation of space or HW thermostat.

Commentary. The intent of this criterion is to use solar energy whenever possible to reduce storage losses and enhance collection efficiently. It is good practice to keep the solar and auxiliary subsystems separate with, for example, the solar coil first in the air stream and the auxiliary coil second. This criterion is not intended to prevent the simultaneous use of solar and auxiliary energy.

2.7.4 Control Valve and Damper Leakage

Criterion. Leakage past control valves and dampers shall not significantly increase the depletable energy use of the system or significantly degrade system operation.

Evaluation. Review drawings and specifications. Examination of control logic, operation of control dampers and valves, and flow paths and temperature of leaking fluids.

Commentary. As described in Reference [42], it is important that dampers in the air collection loop close tightly. Leakage past valves can reject energy to a collection loop or cooling tower, resulting in system performance degradation. See Criterion 3.3.3 for specification of allowable damper leakage.

Large heat losses can occur because of thermosiphoning from storage to collector at night if valves or dampers in the collector-storage loop do not close tightly.

2.7.5 Control Set Points

Criterion. Controller set points shall maximize the use of solar energy in effectively meeting the load.

Evaluation. Review drawings and specifications. Examination of control strategy, set points, fluid flow paths, fluid velocities and collector characteristics.

Commentary. Collection loop set points should be determined considering operating energy versus energy collected.

Under no circumstances should the collection loop operate when operating energy exceeds solar energy collected.

Set points should address the freeze protection needs of the system for the local climatic conditions. Efforts should be made to avoid excessive cycling of the controller which can result in significant system degradation over time. See Criterion 5.2.2. Consider a differential controller with a time delay to minimize cycling.

Typical set points include a delta-T of 10° F (6° C) between storage and collector temperature for start up and a delta-T of 3° F (2° C) for shutoff for liquid collection systems. Higher temperature differential should be used for air collector systems. References [51, 52] provide useful information for the determination of set points.

Absorption chiller performance in cooling systems is sensitive to control set points. Small temperature variations at the generator (hot water) and evaporator (chilled water) inlets can

have large effects on the chiller coefficient of performance.

2.8 Component/System Interaction

Requirement. All components in the H/C/HW system shall be selected and integrated into the system in such a manner to reduce the use of depletable energy by the system.

Commentary. Interaction of components is extremely important for mechanical solar energy systems. In addition to providing thermally efficient collection, storage, energy transfer and control, components must be carefully selected, sized and integrated to require minimum depletable energy input while satisfying system energy requirements.

2.8.1 Collector Selection

Criterion. The solar collector shall be selected based on efficient operation in the desired operating temperature range of the equipment to which collected solar energy is delivered.

Evaluation. Post-stagnation (per Reference [35]), test data (per Reference [34] or [53]), shall be submitted for the collector used. Temperature requirements of equipment, heat exchanger approach temperature difference, solar radiation intensity, ambient temperature, wind and diffuse/beam solar radiation data shall be reviewed.

Commentary. High-temperature applications, for example, cooling systems, may utilize low-loss collectors. Low temperature applications (space and water heating) can use collectors with a higher loss coefficient depending on ambient temperature and solar radiation intensity. Heat exchangers with high approach temperature differences requires that the collectors work at a high inlet temperature. See commentary in Criterion 2.6.3. Degradation of collectors and the effect on selection is discussed in Chapter 5. Direct/diffuse radiation data is discussed in Chapter 3 of Reference [36].

Although cost is not within the scope of these criteria, a number of collector characteristics will affect operation efficiency and cost effectiveness. These characteristics might include:

- Number and material of cover plate(s).
- Heat transfer medium (air, liquid) and flow rate.
- Freeze protection technique.
- Absorber coating type.
- Absorber plate and conduit material, gauge and integrating technique.
- Insulation material effectiveness.

Reference [47] gives useful information and discussion.

2.8.2 Storage Size

Criterion. The thermal capacity of the thermal storage system shall not adversely effect overall system efficiency.

Evaluation. Review drawings and specifications. Examination of storage volume and heat capacity of storage media, collector array area and efficiency, frequency of periods of no collectable solar radiation, temperature requirements of equipment supplied by solar energy, number and type (hot or cold) of units and load. Justification must be made in design for abnormally undersized or oversized storage.

Commentary. Storage may not be provided, see Requirement 2.5. Storage size affects collection efficiency, temperature stability of the system and cycling of equipment (especially absorption chillers). Too small storage results in waste of collectable solar energy. Too large storage can result in unacceptably-high losses or too low termperatures to load.

The size, or even the presence or absence of storage, depends on the system design. Typical storage sizes in the National Solar Demonstration Program for residential applications are predominantly between 10 and 20 Btu/° F/ft² (200–400 × 10³ kJ/° C-m²) of collector area, although some systems have more than 70 Btu/° F/ft² (1400 × 10³ kJ/° C-m²).

Reference [21], page 10, states that for residential space and water heating systems, storage capacity should be about 10 to 15 Btu/° F/ft² (200 to 300 × 10³ kJ/° C-m²) of collector surface.

The 10 to 15 Btu/° F/ft² range, though typical, does not apply in cases such as: solar assisted heat pumps (2–3 times this amount is needed), seasonal or annual storage systems, solar powered chiller systems, systems so small in relation to load that collector output is used immediately.

2.8.3 Fluid Flow Rates

Criterion. Heat transfer fluid flow rates shall be compatible among the various subsystems with regard to capacity and heat transfer rates. Heat exchangers and other devices shall be sized to effectively transfer energy from one subsystem to another.

Evaluation. Review drawings and specifications. Examination of required flow rate ranges of all components in a loop of system configuration, parallel or series arrangement of components.

Commentary. Overall system efficiency can suffer due to specification of equipment in the same loop requiring different flow rates. Equipment sizes and arrangements (in series or parallel) should be chosen considering compatibility of flows and heat transfer rates.

2.8.4 Auxiliary Equipment Selection

Criterion. Auxiliary energy equipment shall be selected and integrated into the H/C/HW system to minimize the use of depletable energy by the system.

Evaluation. Review drawings and specifications. Energy Efficiency Ratings (EER's) of all equipment shall be stated. Justification shall be made for the selection of auxiliary energy source. Arrangement of auxiliary equipment relative to load and solar energy equipment will be closely examined. In particular, source temperature for heat pumps shall be specified and justified.

Commentary. Parallel solar/auxiliary heat pumps may not be efficient in cold climates. In this arrangement, the heat pump uses outside air as a heat source when the solar portion of the system cannot supply the load. However, since the heat pump coefficient of performance and capacity is reduced at low source temperature, this arrangement is not always advantageous.

Two basic methods of augmenting a solar heated absorption chiller have been used: an independent auxiliary electric chiller or the use of fossil fuel to provide the heating energy for the absorption chiller in the absence of solar heat. One major consideration is the peak load on the electric utility at times of peak cooling power requirements, which indicates oil back-up. Independent electric chillers provide for increased reliability in case of absorption chiller failure

2.8.5 Load Temperature Requirements

Criterion. Component interaction shall be such that the system is able to meet higher-temperature load requirements before lower temperature loads are satisified when higher temperature energy is available and a higher temperature load exists.

Evaluation. Review drawings, specifications, system configuration and control logic.

Commentary. Cooling applications usually require higher temperatures than water and space heating systems. As an example, the efficiency of an absorption chiller decreases with decreasing hot water firing temperature, so a combined cooling and hot water system should supply the hottest solar-heated water to the chiller and lower-temperature water to the water heating system.

2.9 Alternative Energy Limit Approach.

Requirement. The building, including passive solar components, and the mechanical H/C/HW system, including active solar and auxiliary energy systems, shall be designed to minimize the use of depletable energy. The system analysis criteria set forth in this section may be used as a basis to demonstrate compliance. Alternatively, subsystem and component criteria described in Requirements 2.4 through 2.8 may be used.

Commentary. If the criteria in sections 2.4 through 2.8 are followed, it is assumed that the depletable energy use of the mechanical system will be acceptably low. To ensure low levels of depletable energy used on that basis, however, requires the assumption of a "standard" solar energy system design, which may not encourage innovation. Also, sections 2.4 through 2.8 deal only with the mechanical system design to meet a given load and do not address load reduction by means of passive solar design of the building. Therefore, this section 2.9 may be followed, at the option of the designer, to allow flexibility in design of the building and mechanical system while keeping depletable energy use below a limit set by the applicable authority.

2.9.1 Depletable Energy Limit.

Criterion. A depletable energy limit for the H/C/HW system shall be established by the applicable authority and shall not be higher than the BEPS [2] level (when finally promulgated) for the particular building type and location, and fuel type.

A separate energy limit may be stated for each system type in the case of independent systems, or a single limit may be stated for a combined system. The limit shall be expressed in terms of annual energy per unit gross floor area of fully conditioned space Btu/ft²/year (J/m²/year). A separate energy limit may be established for each energy source (e.g. electricity, oil, natural gas, wood). The energy limit shall apply to depletable energy sources as supplied to the site.

Evaluation. The energy limit must be established considering weather conditions at the site including, as a minimum, solar radiation and ambient temperature. U.S. DoE Building Energy Performance Standard (BEPS) [2] energy budgets adjusted for system type (scope of coverage) may be used as a basis, although solar energy systems are believed to be capable of much lower depletable energy use then required by the levels stated in the BEPS, NOPR [2] which can be met without the use of passive or active solar energy systems.

Commentary. In actual practice the depletable energy limit may be proposed by the designer and approved by the applicable authority.

The energy limit for domestic hot water systems must be stated as a ratio to gross floor area of fully conditioned space to provide uniformity and to avoid confusion in the case of combined systems.

It is recognized that specification of an energy limit at the site does not take into consideration the thermodynamic efficiency of mining or harvesting depletable energy sources, converting them, and/or transportation to the site. The applicable authority, however, can account for these factors by placing a separate energy limit on each type of energy source.

2.9.2 Depletable Energy Use.

Criterion. Passive solar components and active solar energy techniques shall be employed to the extent necessary to achieve annual depletable energy use below the limit established in Criterion 2.9.1. Calculations of depletable energy use of the H/C/HW system shall be based on operating conditions and/or hot water consumption established by the applicable authority.

Evaluation. Review analytical methods, drawings, specifications, component test data and calculations. The calculation of annual depletable energy use shall be based on analytical predictions or correlations derived from simulations using hourly values of solar radiation, ambient temperature and system load for at least one day a month including operating energy requirements and heat losses, and H/C/HW system and component performance characteristics. Otherwise, it shall be based on experimental data for similar solar energy systems in similar buildings in the same climatic area. System performance shall be based on post-stagnation collector performance data. It is desirable that the prediction of system performance reflect the cumulative degradation in components resulting from environmental deterioration or system wear.

The energy use calculation shall be used on operating conditions provided by the applicable authority including occupancy schedule, temperature set points for day/night and summer/winter, and ventilation schedule. Emergency Building Temperature Restrictions [53] are one example of legislated operating conditions. Energy records of comparable buildings may be used to substantiate calculated energy use.

Commentary. The energy limits discussed here do not specifically include energy for lighting purposes, however, it is desirable to consider the beneficial effect of natural lighting in reducing annual energy requirement for lighting.

Experimental verification of complete system performance or actual usage data for similar projects may not be available; therefore, analytical simulation methods employing empirical subsystem or component performance can be used to calculate the performance over the full range of operating conditions.

All systems that provide the functions of heating and/or cooling require a building thermal load analysis to determine the energy demand on the mechanical equipment. This analysis can vary from simplified methods such as described in Chapter 43 of the ASHRAE Systems Handbood [22] and based on the modified degree-day method for heating and the equivalent full-load hour method for cooling, to sophisticated computer programs such as NBSLD [55] which perform dynamic simulation of hourly thermal loads for each building zone for an entire year. Reference [56] provides a summary of computer programs available for heating and cooling thermal load determination. Refinements to the simplified energy calculation procedures [57] are currently being developed to include elements deemed essential to the accuracy of the calculation procedure. The choice of a particular method used to calculate building thermal load depends on the specific application. Residential buildings containing two or less zones and not utilizing passive solar components can usually be evaluated using the simplified proceures; however, larger, multiple-zoned buildings and buildings having passive solar components should utilize the more comprehensive methods. The building thermal load analysis should be capable of predicting seasonal buildings heating loads to an accuracy of 10 percent (when the uncertainty of air infiltration is excluded) and seasonal cooling loads to an accuracy of 20 percent when compared to predictions using the most refined procedure available.

The annual thermal performance of all H/C/HW systems can be evaluated using a variety of methods after the respective energy demands are determined.

Simplified methods, such as the f-Chart method [33], varying from handbook calculation procedures [44, 58] to interactive computer programs [59] are suitable for many smaller

mechanical solar energy systems. The f-Chart method is a correlation to liquid and air active solar systems for space heating and hot water, hot water only, and space heating only. The f-Chart method is not suitable for use with:

- Passive components.
- Tracking collectors.
- Space cooling systems.
- Heat pump.
- Multi-zone heating systems.

Anticipated advances in the interactive computer version, FCHART, are expected to increase the list of system types that can be modeled. Operating energy for pumps, blowers, and controls is not calculated by the method and must be estimated separately.

SOLCOST [60] is another simplified method of calculating system thermal performance. In addition to the systems that can be modeled by the f-Chart method SOLCOST is also applicable to heat pump systems, both solar-assisted and solar augmented, and for single and double axis tracking collectors. Like f-Chart, SOLCOST does not calculate operating energies for pumps, blowers and controls. Detailed simulation methods such as TRNSYS [11] are warranted for mechanical systems installed in large complex buildings or for systems not covered by the simplified procedures. A listing of computer programs for solar system thermal performance is available from the National Solar Heating and Cooling Information Center [61] and a more comprehensive summary of calculation procedures are described in Reference [62].

Although the thermal performance of buildings containing passive solar components such as direct-gain buildings can usually be calculated using the previously described building thermal load techniques, thermal network analysis techniques may be required for buildings having indirect-gain features such as Trombe walls. General purpose thermal analyzers such as SINDA [63] or specialized programs such as PASOLE [10] are available for these types of buildings. Hand calculation procedures such as the Solar/Load Ratio [6] method are also available. Reference [12] is a brief but comprehensive survey of passive solar building design computer programs. The choice of a calculation procedure for estimating solar energy system thermal performance depends on the application.

In recent experiments on solar HW systems at NBS [64], the predicted long-term performance using the f-Chart, SOLCOST and TRNSYS programs were all within 8 percent of the measured results. Similar efforts have been made to compare space heating system measured performance with f-Chart predictions using instrumented data from the National Demonstration Program [65, 66]. Based on these results, it is suggested that calculation procedures be selected to have an accuracy of 10 percent for HW systems and 25 percent for H/C/HW systems when compared to the most detailed calculation procedure available for the same thermal load input conditions.

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Chapter 3.—Mechanical

3.0 Introduction

3.1 System design conditions
- 3.1.1 Solar collectors
- 3.1.2 System balancing
- 3.1.3 Insulation
- 3.1.4 Structural deflection

3.2 Liquid systems
- 3.2.1 Piping design
- 3.2.2 Leak testing
- 3.2.3 Liquid quality
- 3.2.4 Thermal expansion of fluids
- 3.2.5 Draining and filling
- 3.2.6 Entrapped air
- 3.2.7 Vacuum relief
- 3.2.8 Thermal expansion of materials
- 3.2.9 Valves
- 3.2.10 Pumps

3.3 Air systems
- 3.3.1 Duct design
- 3.3.2 Sealing of air systems
- 3.3.3 Damper leakage
- 3.3.4 Air leak testing
- 3.3.5 Air quality

3.4 Building solar (passive) components
- 3.4.1 Energy transport and distribution
- 3.4.2 Movable insulation

3.5 Control system
- 3.5.1 Inhabited space temperature control
- 3.5.2 Domestic hot water temperature
- 3.5.3 System temperature and pressure limit control
- 3.5.4 Temperature sensor installation
- 3.5.5 Auxiliary system control
- 3.5.6 Tracking collector controls
- 3.5.7 Control wiring

3.6 Freeze protection
- 3.6.1 Antifreeze concentration
- 3.6.2 Draindown, drainback systems
- 3.6.3 Power operated protection
- 3.6.4 Freeze tolerant designs

References

Chapter 3.—Mechanical

3.0 Introduction

This chapter presents performance criteria for the mechanical and some constructional aspects of solar energy systems. The mechanical requirements are related to active systems while the parallel for passive systems are considered constructional as well as mechanical. For simplicity, both are considered in this chapter. Criteria that pertain to passive systems are incorporated into sections throughout the chapter under applicable topics (for example, sealing of air systems) and are not limited to Requirement 3.4.

3.1 System Design Conditions

Requirement. The H/C/HW system and components shall be capable of being operated over the flow rate, pressure and temperature ranges and under structural conditions anticipated in actual service without significant impairment and shall conform to applicable local and nationally recognized codes and standards.

Commentary. It is desirable that the design consist of components that are covered by recognized standards, where

available, and are specified by the manufacturer to be suitable for the pressure, temperature and flow application. Available codes and standards are listed by ASHRAE [1]*. Underwriters' Laboratories currently has under development a set of standards for solar collectors that may be applicable.

Heat transfer through the system may use a number of different transfer approaches such as gravity (or thermosiphon) circulation, combined forced and gravity circulation, or forced circulation. Systems or applications that do not lend themselves to engineering analysis may require prototype tests or documented performance under in-use conditions. A standard practice for installation and service of solar heating systems (H) [2] and installation guidelines for solar hot water systems (HW) [3] have been prepared.

3.1.1 Solar Collectors

Criteria. The specification of solar collectors shall include maximum acceptable pressure drop, resistance to stagnation conditions and thermal stresses. Criteria involving thermal performance are covered in Requirement 2.4.

Evaluation. Review drawings, specifications, manufacturer's literature, test data and design calculations. Provisional tests described in test methods 7.2 (no-flow 30-day degradation) and 7.6 (thermal cycling) of NBSIR 78–1305A [4] are one means of assessing the effects of these conditions on collectors. ASHRAE 93–77 [5] provides coverage of collector pressure drop.

Commentary. Collectors must often withstand considerable thermal cycling and weathering conditions. Thermal performance may be reduced by the degradation of glazing, seals and absorber materials.

3.1.2 System Balancing.

Criterion. The energy transport system shall be designed with provisions for balancing of all specified design flows and be balanced after installation to assure that specified flow rates are achieved. This shall include collector array, storage and heat exchangers for all systems except HW systems with three or fewer panels or less than 50 ft^2 (4.6 m^2) of gross collector area.

Evaluation. Flow rates shall be adjusted to meet the requirements of Criteria 2.4.2, 2.5.3, 2.5.4, 2.6.3, 2.6.4 and 2.8.3. Two methods for balancing are Procedural Standards for Testing, Adjusting, and Balancing of Environmental Systems, NEBB [6] and National Standards for Field Measurement and Instrumentation, Total System Balance, AABC [7]. Review drawings, specifications, historical performance, previous test data and design calculations or testing.

Commentary. Flow rates can vary widely or even short circuit areas within collector arrays, storage assemblies and energy transport systems resulting in reduced performance.

Typically, liquid flow is about .02 gal/min-ft^2 (0.014 L/s-m^2) of collector. Reverse return piping configurations are self-balancing within certain limits. Balancing devices must be provided on each parallel leg of a direct return system. For air collectors, a flow rate of 2 ft^3/min-ft^2 (0.01m^3/s-m^2) of collector is typical.

Balancing dampers placed in ducts having excessive air flow rates is a common means of balancing air systems.

Flow rates and velocities for thermosiphon systems will vary dynamically and will not necessarily fall within stated ranges.

3.1.3 Insulation

Criterion. Insulation of collectors, piping, ducts thermal storage containers and heat exchangers shall be in accordance with recognized standards and methods.

Evaluation. Review drawings and specifications. Insulation design and installation shall be in accordance with ASHRAE [8], Chapter 19. Factory manufactured insulated ducts shall satisfy the requirements of UL 181 [9]. Fibrous glass ducts shall satisfy SMACNA requirements [10].

Commentary. Protection of exterior pipe and duct and storage container insulation is of great importance in preventing thermal losses. Joints in waterproof coverings, and some impermeable insulation, are particularly vulnerable to moisture intrusion into the insulation resulting in decreased R-value. Requirements for resistance to weathering and ultra-violet exposure are contained in Criteria 5.1.1 and 5.1.2, for thermal stability in 5.2.1 and for fire resistance in 4.4.3.

Insulation should be protected against compressive loads from pipe and duct supports and storage tanks. Some insulating materials such as cellular glass foam have high compressive strength and may be suitable for insulating all around and under earth supported storage containers. Most insulation materials do not have adequate compressive strength and may require additional supporting devices. Care should be taken that thermal shorts through supports and fittings are minimized. Insulation on undergound and unsheltered above ground components must be well waterproofed and sub-surface drainage provisions are highly recommended. Construction in high water-table areas may be impractical. Concrete or other storage mass on grade should have perimeter insulation either vertically along the foundation wall or horizontally under the storage mass, from the perimeter inward for a distance of 1 to 2 ft (.3–.6 m). Such insulation may be placed outside the foundation wall to increase the volume of the insulated thermal mass, but only if well protected from physical damage and weathering, and be impervious to moisture absorption. ASHRAE [8], Chapter 19, and Reference [11] contain guidance.

3.1.4 Structural Deflection

Criterion. Under the effect of deflections caused by the loads defined in Criterion 4.6.1, in addition to the anticipated creep deflections, the system as a whole or any component, connection or support thereof, shall not suffer permanent damage which would require replacement or repair, or which would impair its intended function during its service life.

Evaluation. Evaluation of documentation of data for design, tests and installations. Evaluation and/or testing of components and elements where deemed essential. Determination of compliance with generally accepted standards, and engineering and trade practices, where applicable.

The criterion is deemed satisfied if it can be demonstrated that deflections caused by the specified loads can be accommodated by suitable details or adequate flexibility.

Commentary. The intent of this criterion is to provide for the proper functioning of the system under service loading conditions without breakdown or permanent impairment beyond levels comparable to conventional heating and cooling systems.

Loads lower than required ultimate loads should not cause large, irrecoverable deformations. The deflection of conventional elements supporting the system elements should not exceed the limits of conventional engineering standards for the appropriate materials and for nonconventional elements the deflection should not exceed the limitations specified in Section 13.2.4 of Reference [13].

*Numbers in brackets [ ] indicate references at the end of this chapter.

Reference [14] gives a range of limits on deflection depending on circumstances that may be used for guidance in assessing compatibility. Safety concerns such as broken glazing and hazardous fluid leaks that may be caused by excessive deflections are covered in Criteria 4.6.1, 4.3.3, and 4.2.3.

3.2 Liquid Systems

Requirement. the subsystems and components of liquid systems shall be designed as to flow rates, temperatures, pressures, mechanical stresses, material properties and heat transfer liquid characteristics to provide proper and efficient performance.

Commentary. In liquid systems, maximum pressure and temperature are primarily a function of fluid properties and relief valve settings, along with the properties of the materials that comprise system components. Fluid compatibility is an important consideration and is covered in Requirement 5.3. See 6.2 and 6.3 for requirements for system maintenance, servicing and monitoring. Illustrations of recommended design practices are contained in [1, 3, 3].

3.2.1 Piping Design

Criterion. Pipe sizing shall be in accordance with accepted design practice or recognized methods and volocities shall not exceed the values listed in Tables 3 and 4 in Section 11 of the Appendix. Anchorage shall be provided where necessary. Support shall be provided to prevent piping from deflecting beyond acceptable limits and to maintain a slope for positive drainage.

Evaluation. Review drawings, specifications and design calculations for compliance with applicable local and national codes and standards.

Commentary. Since the size and energy requirements of pumps are a function of the system flow resistance, pressure drops should be kept as low as practical. Fittings such as bends, tees, globe valves, reducers or other obstructions to flow should be minimized or simplified by careful arrangement of piping runs. For long runs, smooth turns with soft temper pipe or large radius elbows should be considered. Accepted practices for plumbing design are discussed in standard plumbing guides [15, 16]. Velocities are given in Tables 3 and 4 in Section 11 of the Appendix for the materials listed to prevent erosive wear.

A thermosiphon water heating system is an example where pipe sizing is essential as hot water circulation results from the change in density of the fluid with temperature. Movement of a heat transfer fluid by natural convection is achieved by relatively low pressure differentials and low pressure drops are essential. Design considerations and equipment performance data are available in References [17, 18, 19, 20].

Adequate anchorage and support are necessary in order to prevent damage to the piping, insulation or building surfaces from sagging, vibration and thermal cycling. Support and anchorage systems are illustrated in Reference [21]. Supports for horizontal runs should be at eight foot (2.4 m) intervals for drawn copper tubes, six foot (1.8 m) for annealed copper tube, twelve foot (3.7 m) intervals for threaded pipe, and one to two foot (.3–.6 m) intervals for rigid plastic pipe.

See also Chapter 5, especially 5.1, 5.2 and 5.3 for additional concerns including non-metallic piping and coupling hoses.

3.2.2 Leak Testing

Criterion. The portions of installed H/C/HW systems that contain pressurized liquid heat transfer fluids and are directly connected or are not directly connected to the potable water supply shall not leak when exposed to designated pressures.

Evaluation. Review of specifications and testing. The portions of the H/C/HW systems that contain pressurized liquid heat transfer fluids and are directly connected or are not directly connected to the potable water supply shall be leak tested at pressures not less than 1½ times their design working pressure for a minimum of 15 minutes, when filled with a recommended testing fluid. Those portions of the system designed to operate at atmospheric pressure shall be filled with a recommended testing fluid and tested for a minimum of 30 minutes. Those portions of installed H/C/HW systems that are directly connected to the potable water supply system shall be tested in accordance with applicable local and nationally recognized codes and standards. Pipes and tanks shall be leak tested before enclosing, backfilling or insulating. The test pressure shall be applied for the period of time necessary to inspect for leakage. The temperature of the liquid shall be within 5° F (3° C) of the initial ambient conditions. Provisional tests for evaluating the leakage and pressure resistance of solar collectors are described in test method 7.12 of NBSIR 78–1305A [4].

Commentary. In most applications, the leak testing should be done with the specified heat transfer fluid. Glycol mixtures and oils have lower surface tensions than water and will leak through normally watertight connections. In addition, use of water in systems later filled with oils or other immiscible liquids could lead to fluid deterioration or corrosion due to residual water. If the fluid temperature is significantly lower than that of the ambient conditions, sweating may result and proper examination will be difficult. In addition, the use of hot liquids can result in the swelling of packings and joint materials, thus, concealing leaks. Provisions should be made at the highest point or points in the system to permit venting of all air in the piping during the filling operations. See also Criterion 3.2.6. In applying the pressure, caution should be exercised so that excess pressure is not applied to the system. Protection of certain components such as expansion tank(s), air vent(s) and pressure gauge(s) and capping of pressure relief devices should be considered to avoid damage of these components during pressure testing.

3.2.3 Liquid Quality

Criterion. The systems shall have strainers, filters or other means to collect particulate matter that could impair the flow of the heat transfer fluid and result either in a reduction of system efficiency or deterioration of system components beyond acceptable limits.

Evaluation. Review drawings and specifications.

Commentary. The piping in some solar collectors and heat exchangers may have small cross sections in which blockage by dirt, scale, pieces of gasket material, pieces of packing, or other foreign matter in the heat transfer fluid could occur. The buildup of sludge may be the result of decomposition of the heat transfer liquid, reactions with additives within the liquid itself or reactions of the heat transfer fluid with piping materials or extraneous impurities such as pipe dope, solder flux, cutting oils or general system dirt. A strainer with a brass or stainless steel screen should be installed ahead of the pump to remove foreign matter that might damage the pump, clog collector or heat exchanger passages or cause galvanic corrosion in the system. The change in pH of some heat transfer fluids due to their decomposition at elevated temperatures is of great concern. See Criteria 5.2.1, 5.3.1 and 6.2.1.

To aid in preventing sludge, the system piping should be thoroughly cleaned and flushed prior to the introduction of the antifreeze mixture. Problems can develop when liquids such as "hard" water are used. See also Criteria 6.1.5 and 6.2.1.

3.2.4 Thermal Expansion of Fluids

Criterion. Adequate provisions for the thermal expansion of heat transfer fluids and thermal storage fluids that can occur over the service temperature range shall be incorporated into the system design.

Evaluation. Review drawings, specifications and design calculations. Expansion tanks shall be sized in accordance with Chapter 16 to ASHRAE Handbook/Systems [16].

Commentary. Water expands about 4 percent in volume when heated from 40° F to 200° F (4° C to 93° C). Other heat transfer fluids will have different coefficients of volumetric expansion. Means should be provided in the system design to contain this additional fluid volume without exceeding the relief pressure of the system resulting in venting of fluid. Provisions for expansion of fluids should be located in all loops in which thermal energy may be added to or removed the fluid and that may be isolated by valves.

3.2.5 Drainage and Filling

Criterion. Fill and drain devices shall be provided for the flushing, filling and periodic recharging of the system and to facilitate maintenance and repair of liquid systems. In systems employing toxic or combustible fluids, such devices shall be in compliance with Criteria 4.2.2 and 4.2.4.

Evaluation. Review drawings, specifications and maintenance instructions.

Commentary. In systems using toxic or combustible liquids, it may be desirable to design fill and drain devices so that only skilled maintenance personnel can service the system.

See Criteria 6.2.1 and 3.2.3 for further discussion of maintaining the quality of heat transfer liquids.

Water wall units, barrels, columns and other collector/storage assemblies may require draining and filling provisions for the individual liquid containers.

3.2.6 Entrapped Air

Criterion. When liquid heat transfer fluids are used, the system shall provide suitable means for air or gas removal from the piping and liquid containment system.

Evaluation. Review drawings and specifications.

Commentary. Entrapped air in piping and collectors can impede the flow of liquids through piping, reduce heat transfer effectiveness and otherwise reduce overall system efficiency. The freezing of exterior uninsulated air vents has been known to occur and create trapped air conditions in solar piping systems. Air vents are typically installed in the high points of the system and above the air eliminator. Automatic float vents must be mounted vertically and the cap must not be tightened.

3.2.7 Vacuum Relief

Criterion. Closed storage tanks, expansion tanks and piping located at elevations above the system served shall be protected against collapsing when subjected to vacuum. Such components shall be designed to withstand negative pressures or have vacuum relief protection.

Evaluation. Review drawings and specifications.

Commentary. Possible collapse of tanks and piping from being subjected to negative pressure is an important design consideration [21]. If vacuum relief valves are used, it is important to protect them from freezing. See also Criterion 3.6.2. (These valves are also used in drain down systems to permit drainage by admitting air at atmospheric pressure.)

3.2.8 Thermal Expansion of Materials

Criterion. This system components and assemblies shall be designed to allow for the thermal expansion and contraction and the flexing of plumbing and fittings that will occur over the service temperature range.

Evaluation. Review drawings, specifications and calculations.

Commentary. Piping, solar collectors and other components may experience changes in dimensions as a result of temperature changes. Such changes can result in excessive stresses within the piping, piping supports and anchorages, structural elements, pumps, and solar collectors if means are not incorporated in the system design to allow for the thermal movement. These problems are especially severe in long pipe runs and pipes with connecting lines. Movement due to thermal changes can also result in inadvertent dissimilar metals contact with other components or building elements, leading to possible corrosion problems. See also Criterion 3.2.1.

Expansion coefficients for commonly used materials are given in Tables 5 and 7 of Appendix Section 11.

3.2.9 Valves

Criterion. Valves shall be specified and located to provide proper and efficient system performance and be in accordance with applicable local and nationally recognized codes and standards. Valves shall be specified and set to avoid system or components damage.

Evaluation. Review drawings and specifications for proper design application and code compliance.

Commentary. Improper application, installation, malfunction and failure of valves has caused significant problems in solar energy demonstration projects.

Valves may be either manual or motor operated. Motor operated valves that control the draindown cycle of a draindown type solar energy system are covered in 3.6.2. Motor operated valve installations should be designed for fail-safe operation in the event of power failure. Solenoid valves may also present problems due to incomplete closure.

Globe valves should not be used as isolation (shut-off) valves because of the restriction they introduce. Gate or ball valves are preferable for shut-off. Square head cocks, ball or globe valves are commonly used as balancing valves. Gate valves are unsuited for balancing. Temperature and pressure relief valves and vented backflow preventors should be set so as to avoid system damage and should not be located in such a way that they can discharge near personnel, electrical components and other vulnerable items. See also Criterion 4.3.1. Because of the low flows generated in thermosiphoning, check valves used to prevent such thermosiphoning should be mounted carefully to assure closure. The use of control valves with visual position indicating devices is encouraged.

2.1.10 Pumps

Criterion. Pumps shall be specified to provide proper and efficient performance. Selection and installation shall be in accordance with the requirements of the Hydraulic Institute [23] and local and nationally recognized codes and standards where applicable.

Evaluation. Review drawings, manufacturer's literature and specifications for compliance with Hydraulic Institute Standards.

Commentary. Pump selection in accordance with the heat transfer fluid is important with respect to viscosity, specific heat and specific gravity. Sizing of pumps should consider additional static head during filling operations. In a well designed system, the energy consumption of the pump(s) should not exceed one to six percent of the energy collected by the solar energy system annually.

Bronze or stainless steel pumps should be used in open systems to prevent corrosion. Cast iron pumps should be used with glycol/water heat transfer fluids in closed systems. Galvanized pumps should not be used

with glycol solutions. Specific coverage of materials/heat transfer fluid degradation is given in 5.3.1.

In draindown systems, the pump must be a certain distance below the minimum water level in the receptor tank to retain prime and provide adequate positive suction head. Running air-bound for more than ten seconds may damage the pump.

3.3 Air Systems

Requirement. The subsystems and components of air systems shall be designed for capacity, temperatures, mechanical stresses, materials properties and flow rates to provide proper and efficient performance.

Commentary. See 6.2 and 6.3 for requirements for system maintenance, servicing and monitoring. Illustrations of recommended design practices are contained in [1, 2, 3].

3.3.1 Duct Design

Criterion. The sizing and specification of ducts, duct joints, dampers, air movers and other air handling components shall be in accordance with recognized standards. Installation shall comply with National Fire Protection Association (NFPA) Standards 90B, 31 and 54 [24]. Velocities shall not exceed the limits specified below.

Evaluation. Review of plans and specifications. Design of all heating and cooling duct systems shall be in accordance with recommendations as applicable in ASHRAE Fundamentals, Chapter 31 [8], the Air Conditioning Contractors of America (ACCA) [25] and/or the Sheet Metal and Air Conditioning Contractors National Association (SMACNA) [19]. See Criterion 4.4.3.

Commentary. Ducts should be designed for the shortest practical run and elbows should be kept to a minimum. Constrictions should be avoided whenever possible. The use of turning vanes should be considered at duct bends to reduce pressure losses. Recommended air velocities for main trunk ducts, air collector manifold ducts and air collector riser ducts fall in the range of 700–900 ft/min (3.6–4.6 m/s) [19, 26]. The absolute pressure of the air in the collectors should be slightly negative and as close to atmospheric as possible to minimize leakage. This usually requires the collectors to be on the suction side of the air mover.

Air flow through ducts, filters, heat exchangers, collectors and other flow restrictions will establish the total pressure loss, which should be kept to a minimum in order to reduce blower operating cost. Blowers sized near the center of their performance curves and the use of belt-driven fans will allow for "tuning" flexibility in air flow; however, sizing should also consider efficiency of operation. Standards for design, sizing, construction and installation of ducts used with solar energy systems are covered in Sections 3 and 7 of Reference [19].

3.3.2 Sealing of Air Systems

Criterion. The following sealing requirements shall be used for the various components of air systems. Restrictions on the percentage of air leakage for various components are given in Criterion 3.3.4. Requirements for sealing according to high pressure duct standards does not imply that these components will function at high pressures.

(a) Primary solar duct system (PSDS) (duct system between the collectors and thermal storage and the ducts making connection to the space distribution system; this does not include the manifold-to-collector connection): The PSDS shall be sealed in accordance with Seal Class A of SMACNA High Pressure Duct Construction Standards [27] or otherwise constructed in such a manner to provide equivalent air tightness. Fibrous glass ducts shall be sealed in accordance with SMACNA Fibrous Glass Duct Construction Standards [26] and any applicable conditions of listing for Class 1, UL 181 ducts [9].

(b) Space distribution duct system (SDDS): The SDDS shall be sealed in accordance with Seal Class B, C, or D of SMACNA Low Pressure Duct Construction Standards [28] for the appropriate pressures where losses may be considered non-detrimental. This occurs where losses are to heated space and the components are not used to transport heat during the cooling season. In cases where leakage is detrimental or to unheated spaces, the SDDS shall be sealed in accordance with Seal Class A. In either case, construction that will provide equivalent airtightness shall be allowed in lieu of the sealing requirements.

(c) Thermal storage: Thermal storage shall be constructed of or lined with low permeability materials and sealed or otherwise fabricated to limit air leakage. This is not intended to apply to storage which is directly coupled to heated spaces as commonly done in passive applications. Sealing shall include joints in thermal storage, duct and access openings.

(d) Collector arrays and other components: Collector arrays and other manufactured components such as air handling units, heat exhangers and filters shall be assembled and sealed in accordance with manufacturers' instructions. Sealing shall include all joints between manufactured components and ducts. Equivalent airtightness shall be provided for site-built collector arrays.

(e) Passive air transporting assemblies exposed to the outdoors or semi-conditioned spaces shall be tightly constructed in accordance with energy conservation guidelines to control air infiltration and leakage [29, 30, 31, 32, 33].

Evaluation. Review drawings and specifications. Airtightness of equivalent construction shall be demonstrated by documentation of satisfactory long-term performance under in-use conditions or testing in accordance with Criterion 3.3.4.

Commentary. These requirements are beyond standard practice for small scale conventional HVAC installations. However the prevalence of air leakage in many demonstration projects and evidence of detrimental effect on thermal performance dictate these sealing levels for all air solar systems.

(a) PSDS: Sealing to Class A levels should limit PSDS leakage to 1 percent of system operating air flow. All-metal flexible ducts may not be satisfactorily airtight for solar applications without extensive sealing. Flexible canvas connections will probably have too much leakage to be satisfactory in the PSDS. Checking for leakage and sealing leaks are best accomplished during the process of field assembly before the installation is covered by other construction. Sealing as required above includes connections to all ancilliary units such as storage and blowers, but does not include manifold-to-collector connections.

(b) SDDS: Sealing of SDDS to the recommended levels should limit air leakage to 5 percent of system operating air flow for Class B, C or D sealing and to one percent for Class A.

(c) Thermal Storage: Thermal storage using metal as the airtight barrier may be sealed in accordance with Seal Class A and should achieve air leakage rates of one percent or less system operating air flow. Thermal storage using plastic may be appropriate for similar treatment. Construction involving wood, masonry or other porous materials may call for other methods, but techniques which would make the container watertight while simultaneously being able to withstand all service temperatures would seem appropriate. The objective of such sealing should be to limit leakage to 1 to 5 percent of system operating air flow.

Concrete should be considered potentially porous and may require

lining and sealing to bring air leakage within acceptable limits. Problems associated with shrinking, warping and cracking should be considered when detailing storage containers made of wood.

d. Collector arrays and other components: In designing collectors, air handling units, heat exchangers, etc., for solar applications, designers should pay particular attention to details of construction and field installations that will minimize air leakage. Airtightness of manufactured as well as site-built units may be addressed through numerous techniques including basic product configuration and materials selection as well as factory installed gaskets, felts, mastics etc. Careful attention to the collector-to-manifold connection detail will result in decreased leakage. Reference [34] discusses the effect of air leakage on system performance.

(e) Passive air transporting assemblies: Since air pressures in passive systems are essentially those generated by natural buoyance, good construction practices used for the control of infiltration should provide acceptable airtightness. Attention to the quality of construction for leakage control is very important, however, because the surface areas involved in passive air transporting assemblies are sometimes very large and allow many opportunities for leaks.

3.3.3. Damper Leakage

Criterion. Volume control dampers and back draft dampers in the PSDS shall comply with SMACNA Solar Installation Standards [19] and shall have resilient blade edges, such as felt, or otherwise constructed to insure tight cutoff of the air stream.

Evaluation. Review drawings and specifications to determine that correct damper type is specified.

Commentary. Damper leakage has a major effect on the performance of the system. Analysis of some operating systems has shown a 40 percent system performance loss due to leaky dampers [35]. Leaking back draft dampers have allowed cold night air to circulate over DHW coils and cause freezing. Leaking should be limited to 2 to 5 percent on critical dampers, particularly those which serve to isolate the collector loop from the rest of the system. Carefully designed, constructed and installed dampers should be capable of meeting this level of performance. Details of damper design are as important in assuring tight cutoff over an extended service life as the materials used. Adequate sealing can be achieved using felt, vinyl, foamed plastic and other materials. Specially designed "low leakage" dampers may be required. Many seal materials are especially prone to deterioration after a period of use. Access ports should be provided for inspection and periodic maintenance.

See Criterion 6.2.2 for access requirements. Lightweight back-draft dampers used in passive applications, i.e. Trombe walls, are discussed in Criterion 3.4.1.

3.3.4 Air Leak Testing

Criterion. Specification for installations with more than 1500 ft^2 (139 m^2) of total active collector gross area shall contain provisions for testing in accordance with Chapter 10 of SMACNA High Pressure Duct Construction Standards [27]. A minimum of 25 percent of each of the following portions of the system for each category (unheated or non-detrimental loss) shall be arbitrarily selected and tested. Leaks shall be corrected to restrict leakage to the percentages of total system design air flow rate, as indicated below. If losses from ducts and storage are into the heated space and these portions of the system are not used during the cooling season, the losses shall be considered non-detrimental.

	Unheated spaces	Nondetrimental losses
Primary solar duct system (percent)	2	2
Space distribution duct system [1] (percent)	2	10
Thermal storage [2] (percent)	2-10	10
Collector array (percent)	15	N/A

[1] Systems exempt from this requirement are defined in Criterion 3.3.2b.
[2] Varies according to material of construction. See Criterion 3.3.2c (Commentary).

Evaluation. For active system, leak testing shall be performed in accordance with SMACNA High Pressure Duct Construction Systems [27] as applicable.

These threshold leakage limits are based on the achievable levels noted in Criterion 3.3.2 for each portion of the system.

Commentary. Higher leakage rates for the PSDS in non-detrimental loss situations are not allowed because control of energy flows in the solar system is of critical importance. Uncontrolled leakage, even to heated spaces, may result in inefficient utilization of thermal storage and thus, higher auxiliary energy use.

In order to perform leakage tests, it may be necessary to make provisions for blanking dampers at various locations in the system.

In small installations, not governed by this requirement, it may be desirable to conduct simple leak tests by operating the system (with outlets appropriately covered over) and feeling or listening for points of leakage or introducing smoke from a smoke bomb or other chemical source and making a visual inspection.

Correct duct design can significantly impact air leakage (see Criterion 3.3.2). References [34, 36] discuss certain aspects of air leakage in air systems.

For passive systems, a method of checking for gross leakage is to conduct a careful visual inspection at night with strong light sources inside the building. Leakage paths will be revealed by the presence of visual openings. Another technique that may be useful for determining building tightness is the fan pressurization or depressurization procedure [37]. Tracer gas decay and air bag techniques might also be useful. Section 301.4 of Reference [30] gives quantitative information for air leakage rates for some building components and includes a standard test method for air leakage.

Differences between the above values for loss rates and those in the commentary of 3.3.2 reflect the difference between what is achievable (1%, 5%) and what may be considered a reasonable minimum (2%, 10%).

3.3.5 Air Quality

Criterion. Adequate means shall be provided to prevent the accumulation of dust, dirt or water or gases that could result either in a reduction of system efficiency, deterioration of system components, or discomfort of building occupants.

Evaluation. Review drawings and specifications.

Commentary. The gravel used for rock bed storage with air systems should be selected for size and freedom from dirt and dust. The use of smooth and washed material and of filtered air is desirable. Health requirements for air quality are given in Criterion 4.1.4.

ASTM C-33, "Specification for Concrete Aggregate," gives some guidelines that are helpful for quality control of gravel.

To facilitate rock bed washing to remove drain water that may have leaked into the storage container, or to remove condensed moisture, it may be desirable to construct rock storage containers with water resistant interior surfaces and drainage provisions. Drains should not be the normal water trap type because the water will probably be evaporated by the heat from storage, thereby destroying the trap and allowing sewer gases to escape. Better arrangements might simply employ a removable plug or value in the bottom corner of the rock bed.

In air collectors, performance reduction due to internal dirt accumulation from the system may be a significant problem. In collectors where air flow is in contact with a glazing, normal dirt build up from air drawn from occupied spaces could cause a deterioration of heat transfer ability and spectral properties of the absorber. High temperatures could bake on such deposits. Filtering of such air flow may be desirable.

A similar situation may exist in passive systems with air circulation (Trombe walls, air thermosiphons, etc.) where dirt deposits may occur on absorber or glazed surfaces. Because of the low air velocities involved, filtration may be impractical and access for cleaning should be considered.

3.4 Building solar (passive) components

Requirement. Proper and reliable techniques and devices shall be provided to distribute, control and prevent the loss of passively collected solar energy.

Commentary. References [38, 39, 40] provide a full discussion of the technical aspects of passive solar design.

3.4 Energy Transport and Distribution

Criterion. Mechanical devices, when used, in conjunction with passive solar components for energy transport and distribution shall provide proper and reliable performance.

Evaluation. Review drawings and specifications.

Commentary. Inadequate or inefficient energy distribution systems have been reported as one of the most common design faults in passive projects in the demonstration program.

Passive systems rely primarily upon natural means of energy flow. However, some designs work more effectively when supplemented by devices that enhance and/or control this movement. The concern includes location, sizing and details of devices including powered means of distributing thermal energy as well as controlling excessive temperatures (perhaps by exhausting excessive heat).

Of particular concern are vent and damper devices that permit convective air flow, prevent thermosiphoning and exhaust hot air to prevent overheating or to induce ventilation.

Thermocirculation control vents should avoid undue restriction to air flows and provide airtight closure against backdraft. Lightweight (1 to 1.5 mil) plastic film one-way dampers have demonstrated adequate performance in Trombe wall applications. The vent opening with which they operate must also be well constructed to assure a tight fit. A backing of wire mesh or other means may be required in larger vent openings or when strong drafts are anticipated to prevent suction of the film into the openings. Typically the size of these vents are approximately 1 percent of the Trombe wall area (this percentage being for the lower vents with upper vents of equal size). Reference [38] provides a full discussion of the effects of vent size on thermal performance.

A number of areas of potential mechanical inadequacy should be noted:

(a) Lightweight backdraft dampers may be fragile and of limited reliability. Such components should be accessible for inspection and repair.

(b) Overheat vents may be located in remote positions and be operated only on a periodic basis. Such vents should be accessible for inspection and cleaning to assure effective opening and closure.

(c) Thermally activated operators such as freon cylinders and liquid pistons should be selected for reliable service and installed in a manner which will allow periodic inspections.

(d) Installations of heat pipes and thermic diode assemblies should be done with a recognition of the need for future inspection and possible removal for testing or recharging.

3.4.2 Movable Insulation

Criterion. Manual or automatic movable insulation shall be designed and installed for proper perimeter sealing and reliable manipulation, operation and storage.

Evaluation. Review of drawings and specifications, especially for details of fit and closure of insulation at the perimeter of glazed openings.

Commentary. There are three general categories of movable insulation applications; manual, thermally driven and motor driven. Some applications combine movable insulation with shading and/or reflection devices. To be effective, surface mounted insulation must make a tight and well-sealed cover for the aperture to prevent drafts behind the insulation panel which will render it ineffective. Night insulation is likely to improve performance more than double glazing if a tight seal is achieved. The higher the R-value of the insulation, the tighter the air seals it should have. Unless the edges are adequately sealed, an R-factor greater than five is questionable [39]. Some of the techniques used to provide effective seals include channels or slots in jambs and sills, magnets, weights, and friction fit.

Of particular concern is the potential for binding, racking and inadequate closure of the large area coverage devices. Also, there have been problems with blowers and suction equipment in some applications utilizing pelletized or granular movable insulation materials. Condensation between tight fitting insulation and glazing has been a problem. See Criterion 4.3.3 for fire hazards of insulation.

For further discussion including guidelines and assessment methods, see References [37, 39].

3.5 Control System

Requirement. The control system shall be designed to operate the solar and auxiliary H/C/HW system in a proper and efficient manner.

Commentary. See Criteria 2.7.1 through 2.7.5. Control systems have been found to be a major source of operational difficulties in Federal demonstration programs as described in the National Solar Data Network [41]. Reference [42] also gives guidelines for control systems and components.

3.5.1 Inhabited Space Temperature Control.

Criterion. Each space conditioning system shall be capable of providing occupied space temperature regulation by at least one adjustable control capable of adjustment within a minimum range from 55° F to 75° F (13° C to 23° C) where used to control heating only and 70° F to 85° F (20° C to 30° C) where used to control cooling only and 55° F to 85° F (13° C to 30° C) where used to control both heating and cooling.

Evaluation. Review drawings and specifications.

Commentary. Controls may be automatic or manual. This is intended to include manual adjustment of devices such as wood stoves used as auxiliary or back-up. Localized controls for building heating and cooling are discussed in Reference [1]. See also Section 2.2.2 for requirements for auxiliary heating systems size.

3.5.2 Domestic Hot Water Temperature

Criterion. The temperature control for the combined solar and auxiliary energy source shall be capable of adjustment over the range of temperatures acceptable for the intended use.

Evaluation. Review of drawings and specifications. Review mechanical design for compliance with Criterion 4.3.4.

Commentary. Small residential DHW tanks are typically equipped with a thermostat capable of controlling heating in the temperature range of 120° F to 160° F (49° C to 66° C). Temperature control devices used with solar energy

systems must be compatible with safety requirements and may require the capability to cool the discharged water as does a tempering valve. Controls and valves should fail-safe to a position that would prevent scalding of a hot water user (see Criterion 4.3.4).

3.5.3 System Temperature and Pressure limit Control

Criterion. Controls shall maintain the H/C/HW system within the temperature and pressure operating limits of the equipment specified in the design. See also 2.3.1 and 4.3.4.

Evaluation. Review drawings and specifications.

Commentary. Control provisions may be required for the dumping of heat when temperatures approach unacceptable levels. Under such conditions, deterioration of components may occur and/or system function may be impaired due to such factors as boiling, vapor locks, cavitation, degradation of insulation and seals and unacceptable expansion of fluide or materials. Bleeding in of cold water to replace hot water in storage is one means of achieving this control. For safety in use provisions, see Requirement 4.3.

In systems that are not capable of withstanding thermal shock created by filling hot collectors with cool fluids, control subsystems may be required to protect the system from cold filling. Such controls would limit filling to non-insolation periods.

Thermal shock and cycling stresses can be severe over the life of many system components and both mechanical and control designs of the system should optionally minimize these effects. Some collector types such as evacuated glass tubular collectors may be especially sensitive to these stresses. Provisions for thermal shock resistance of components and materials are given in Criterion 5.2.3.

3.5.4 Temperature Sensor Installation

Criterion. Temperature control sensors shall be specified to be installed in a manner as to provide proper system control. See Criterion 2.7.1.

Evaluation. Review drawings, specifications and system diagrams.

Commentary. Problems of sensors giving erroneous readings of system operating conditions have been experienced because of heating or cooling in the immediate vicinity of the sensors due to extraneous heat flows and improper physical placement of the sensors. Degraded performance, incorrect calculation of system performance, or system failure by freezing can result from such erroneous readings. Problems have occurred with sensor installations for storage containers as well as collector components.

The sensor should be in direct contact with the measured object or substance. Heat transfer pastes may be used to increase contact areas. Sensors for sensing fluid temperatures should be immersed directly in fluids or in direct contact with the containment device. Insulation of sensors from extraneous heat flows can increase the accuracy of the readings obtained from them.

Location of sensors based on their influence on system thermal performance is specified in Criterion 2.7.1. Reference [43] gives guidance in the correct installation of sensors and probes.

3.5.5 Auxiliary System Control

Criterion. Provisions shall be made in the control system to allow separate operation of the auxiliary system.

Evaluation. Review drawings, specifications and control system.

Commentary. Installations with integrated solar and auxiliary control systems have caused the auxiliary heating system to become inoperative when the control failed on the solar side. Such failure leaves the building without any heat.

Separate control provisions are also desirable with integrated solar cooling control systems but failure of such controls will not result in a level of hazard comparable to failure of the heating system. In most systems, it is desirable that controls be designed so that the solar components and auxiliary components will operate both jointly and independently.

3.5.6 Tracking Collector Controls

Criterion. Control devices and drive mechanisms of tracking collectors shall be capable of maintaining the focus of collectors on the daily path (or reflection) of the sun within design limits. For tracking collectors that cannot tolerate stagnation, control devices shall be capable of moving the collectors off-focus during no-flow periods or other protective measures shall be provided.

Control devices shall be specified to automatically stow the collectors if the wind velocity exceeds the specified limits; otherwise, the collectors shall be designed to withstand maximum record wind speeds at that location.

Evaluation. Review of past performance data, drawings and specifications.

Commentary. Malfunction of sensors and associated circuitry, elongation and slippage of cables, shearing of gears, and binding of rotational elements have resulted in improper tracking and reduced performance of the collector array.

3.5.7 Control Wiring

Criterion. Design of control wiring, for exterior use, shall be suitable for weather exposure or protected from weathering. Control wiring shall be selected and installation specified to prevent damage and breakage of wiring.

Evaluation. Review drawings and specifications.

Commentary. Control wiring should be in general compliance with Section 725 of the National Electric Code [44]. All wires and cables should be supported along runs and electric cable should be securely anchored to junction boxes. Some control devices may require shielded control wires to prevent electromagnetic interference. Wire runs should be soldered (using rosin flux) to obtain the most accurate signal transmission. Some devices require protection from soldering termperatures.

3.6 Freeze Protection

Requirement. System components shall be protected from or tolerant of damage by freezing of heat transfer liquids at the lowest ambient temperatures that will be encountered in actual use.

Commentary. Various methods of freeze protection are available including the use of freeze-inhibited fluids such as glycol solutions and oils, warm water circulation and drain down. Antifreeze solutions and oils are incompatible with many standard seal materials. Studies of the freeze associated problems are detailed in Reference [45].

3.6.1 Antifreeze Concentration

Criterion. Systems using antifreeze solutions shall have an adequate concentration of antifreeze to prevent freezing at the coldest ambient temperatures expected to occur in the geographic location for which they are installed.

Evaluation. Review specifications and weather data.

Commentary. At the approach of cool weather, the antifreeze content should be checked for proper concentration. System leaks and improper solution make-up may result in inadequate concentrations. For this reason, the use of automatic water only make-up techniques are not recommended. See Criteria 6.1.5 and 6.2.1 and Requirements 4.1 and 4.2. Reference [45] provides detailed recommendations for antifreeze systems.

3.6.2 Draindown, Drainback Systems

Criterion. Systems using automatic drain down for freeze protection shall provide for complete and timely drainage of components exposed to freezing conditions by the proper combination of sensing and control mechanisms, valves, vents, pipe slopes, flow and pressure control.

Evaluation. Review drawings and specifications.

Commentary. Reference [20, 45] provide detailed recommendations for draindown systems. Draindown systems require control provisions to provide venting for draining and refill (see Criterion 3.2.7) and may require special provisions to prevent corrosion of system components during these operations. For this reason, pumps for open systems using water as the heat transfer liquid should be either bronze or stainless steel. Pumps in closed systems may be cast iron. See Criterion 3.2.10.

Automatic air vents, vacuum relief valves and drain down valves should be insulated to protect them from freezing. The rate of draindown should be such that ice blockages do not form in the process of draindown. It is important that draindown systems be designed and installed so that all lines are pitched to drain a minimum of ¼ inch per foot (21 mm/meter) since roof deflection can counter this by as much as ⅛ inch per foot (8 mm/meter) and that lines are adequately supported and that joints are leaktight. In air assisted draindown systems, moisture laden warm air may be drawn from storage into exterior components. If this is not prevented, the moist air can freeze a control valve or create blockage in the exposed collector loop resulting in more severe freeze problems.

Fail-safe freeze protection methods are desirable since, in the event of power failure, freeze protection methods involving pumps, heaters and valves that require electric power will be inoperative.

Draindown systems are frequently designed to drain at an outdoor temperature of about 38° F (3° C) and to refill at about 42° F (6° C). Such set points may be used but with the penalty of not collecting useful energy when solar radiation is available at the time of cold ambient temperatures. This problem can be avoided by initiating drain down based on the collector absorber plate temperature. The temperature sensor initiating drain down should be located on the component having the smallest thermal time constant. Collector panel time constants are available from the ASHRAE test [5]. However, the water pipe time constant would have to be calculated based on its heat capacity and insulation R-value.

The hardness or mineral content of the water used in drain down systems should be evaluated for the potential build-up of scaling products in piping, valves or collector passages. See Criterion 3.2.3.

The collector loop holding tank or the expansion tank should be properly located with respect to the system pumps and should be placed in a warm space. Water level indication should be marked on the storage tank clearly distinguishing between the appropriate water level during normal operation and level at drainback to allow adequate capacity for drainage. The control valves should be properly located, be air and water tight, and fail safe in a manner that assures system drainage.

3.6.3 Power Operated Protection

Criterion. Systems using the circulation of warm water or other methods that use electrical power for freeze protection shall have provisions for back-up protection of the system in the event of power failure. The method and degree of automation of back-up protection shall be related to the probability of concurrence of power failure with freezing conditions and the presence of operating personnel.

Evaluation. Review drawings and specifications.

Commentary. Continuous circulation of heat transfer fluid should not be used for freeze protection due to the excessive energy loss this causes. Pulse or intermittent warm water circulation or heat tapes may be justified in very mild climates where freezing temperatures are infrequent.

Back-up protection methods should be selected for the level of potential risk that is projected. If, for example, records indicate freezing will occur once every 20 years, the probability of this happening concurrently with a power failure and with no one present to manually drain the system is probably acceptably low and reliance on simple manual drain methods would be justified. For small HW systems, manual methods might be considered acceptable for somewhat more frequent freezing recurrence intervals. Larger systems would probably warrant consideration of more automated back-up provisions such as automatic drain down or possibly even stand-by electrical generation. Back-up stand-by power is probably most feasible where it is being considered for other back-up reasons as well. Reference [46] contains a detailed discussion of freeze protection for warm climates.

3.6.4 Freeze Tolerant Designs

Criterion. Components that will experience freezing conditions (based upon 20 year extreme weather data) and are not provided with specific freeze protection techniques shall be capable of withstanding freezing conditions and perform reliable after exposure to such conditions.

Evaluation. Review drawings and specifications. Freeze tolerance of collectors shall be tested in accordance with test method 7.6 of NBSIR 78–1305A [4].

Commentary. Stresses in collector assemblies caused by differential thermal expansion and contraction and to freezing of heat transfer fluids, if any, can cause permanent damage; distortions, dislocations and bursting of collector components. Care is necessary to insure that all components exposed to freezing conditions, not just collectors, be freeze tolerant. Also, differential controllers should not allow pumps to start when the upper part of the collector warms and melts while the lower part is still blocked with ice. Water wall units, drums, etc., normally thought to be protected may be exposed to freezing conditions during extreme conditions, i.e. when building is shutdown in the winter. Under ordinary operation conditions, these water walls would be protected by auxiliary back up.

Designs which utilize vacuum insulation for protection can freeze if this vacuum is lost due to leakage or for other reasons. Freeze tolerant designs should be tested for reliability. A proposed test for evaluating the freeze resistance of solar collectors under in-use conditions is described in test method 7.6 given in NBSIR 78–1305A [4].

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Chapter 4.—Safety and Health

4.1 Contamination hazards
- 4.1.1 Protection of potable water
- 4.1.2 Separation of circulation loops
- 4.1.3 Backflow prevention
- 4.1.4 Contamination of air
- 4.1.5 Growth of fungi

4.2 Control of hazardous substances
- 4.2.1 Toxic fluids
- 4.2.2 Identification of hazardous fluids
- 4.2.3 Detection of hazardous fluids
- 4.2.4 Disposal of hazardous fluids

4.3 Protection from physical hazards
- 4.3.1 Pressure and/or temperature relief devices
- 4.3.2 System failure prevention
- 4.3.3 Glazing materials
- 4.3.4 Scalding
- 4.3.5 Surface temperatures
- 4.3.6 Water storage hazards
- 4.3.7 Snow and ice
- 4.3.8 Lightning

4.4 Fire safety
- 4.4.1 Liquid flash point
- 4.4.2 Combustible liquids
- 4.4.3 Flame spread classification of insulation
- 4.4.4 Areas of application of insulation
- 4.4.5 Fire resistance requirements
- 4.4.6 Self-ignition of combustibles

4.5 Installation arrangement
- 4.5.1 Identification and location of controls
- 4.5.2 Emergency egress and access

4.6 Structural safety
- 4.6.1 Structural resistance of H/C/HW systems

References

Chapter 4.—Safety and Health

4.1 Contamination Hazards

Requirements. No material, form of construction, fixture appurtenance or item of equipment shall be employed that will support the growth of microorganisms or introduce toxic substances, impurities, bacteria or chemicals into potable water and air circulation systems in quantities

sufficient to cause disease or harmful physiological effects.

4.1.1 Protection of Potable Water

Criterion. Potable water shall not come in contact with materials that affect the taste, odor or physical quality and appearance of the water in an undesirable manner.

Evaluation. Review of plans and specifications. The quality of the water shall be in compliance with the National Interim Primary Drinking Water Regulation [1].*

Commentary. This criterion is not intended to preclude using dyes suitable for ingestion as a means for the detection and warning of leaks in the system.

4.1.2 Separation of Circulation Loops

Criterion. Potable water systems shall be separated from circulation loops of systems utilizing non-potable heat transfer or thermal storage fluids by a minimum of two physically separated walls or interfaces between the potable water supply and the non-potable liquid or shall be protected in such a manner that equivalent safety is provided. Alternative protection shall be provided in a manner acceptable to the applicable authority(ies) having jurisdiction.

Evaluation. Review drawings and specifications. Alternate levels of protection shall be directly related to the toxicity potential of the heat transfer fluid used. For example, a suggested guideline for levels of protection is currently being examined by ASME.[1]

Commentary. It is very difficult for the system designer to assess the safety of the heat transfer fluids that are currently on the market. It is also very difficult for the designer to determine the safeguards that must be taken to ensure safe system operation. Data are available in the literature that rank various heat transfer liquids on the basis of their relative toxicity.[2] These data do not indicate the cut-off points at which various degrees of protection must be taken; however, consensus standards (in development) [1] consider these relationships for solar applications. This problem is compounded by factors such as: (1) the use of additives to modify fluid properties; (2) the possible formation of harmful decomposition products, e.g. by thermal degradation; (3) dilution of the heat transfer fluid in the potable water stream, should failure occur, will help to reduce the level of toxicity hazard; (4) the fact that liquids are generally available in varying grades of chemical purity; (5) the possibility that the system will be refilled in the future with a hazardous liquid; and (6) the possibility that the circulation in a closed loop system for prolonged periods of time will even result in the contamination of potable liquids, e.g. by metal ion buildup. Thus, one must consider the attributes of the actual fluid as used in the system.

[1] The following guidelines, which relate degree of toxicity to the extent of protection provided, are drawn from a preliminary draft standard prepared by the ASME Solar Energy Standards Committee and may be superceded by future standards issued by ASME.

Single wall* separation is acceptable when used with tap water suitable for drinking or a heat transfer fluid with a probable oral lethal dose (human) above the level of 15 g/kg which contains a suitable indicator.**

Single wall* separation with two independent additional methods of protection*** is required then used with a heat transfer fluid with a probable oral lethal dose (human) between 5 and 15 g/kg which contains a suitable indicator** or for a fluid with a probable oral lethal dose of above 15 g/kg which does not contain a suitable indicator.**

Double wall* separation with one additional level of protection*** is required when used with a heat transfer fluid with a probable oral lethal dose between 5 and 15 g/kg which contains no suitable indicator.**

Double wall* separation assembled so as to provide a visual or physical detection of a leak in either wall to the atmosphere, is required with a heat transfer fluid with a probable oral lethal dose of 0.5 to 5 g/kg or that contains any substance known to be carcinogenic, mutagenic, tetratogenic or to bioaccumulate in humans or laboratory animals.

No heat transfer fluid which exceeds the toxicity level of a probable oral lethal dose of .5 g/kg shall be used.

*The materials used for separation walls must be compatible with the heat transfer fluid used so as to retard corrosion. Materials in contact with the potable water shall comply with the applicable plumbing code requirements for water piping. The performance, including corrosion resistance, of a double wall assembly shall be no less than that of double wall copper with each wall equivalent to type L water tubing (per ASTM B88 [2]). Each wall within an assembly shall be capable of withstanding the maximum working pressure and temperature of the unit.

**A suitable indicator is defined as any chemical indicator (color, taste or smell) that clearly announces the presence of the heat transfer fluid when the concentrations of fluid in the domestic hot water is 0.55 grams/liter or greater. A suitable indicator is one that is effective for the expected lifetime of the fluid and must not affect the potability of the water (in case of leakage).

***Additional levels of protection:

(a) Copper walls.

(b) Control of pressure by designing the system so the higher pressure is on the potable water side or other equivalent method.

(c) Electrical or mechanical detection of a leak.

[2] Toxicity ratings of commercial substances from two widely acknowledged sources, Gosselin [3] and Durham [4] are available. These have been summarized and tabulated in a convenient manner for many materials commonly used in solar systems in Reference [5]. Gosselin has developed classes as follows:

Toxicity rating or class	Probable oral lethal dose (human)	
	Dose	For 70 kg person (150 lb)
6 Super toxic	Less than 5 mg/kg	A taste (less and 7 drops).
5 Extremely tox	5–50 mg/kg	Between 7 drops and 1 tsp.
4 Very toxic	50–500 mg/kg	Between 1 tsp. and 1 oz.
3 Moderately toxic	0.5–5 g/kg	Between 1 oz. and 1 pt.
2 Slightly toxic	5–15 g/kg	Between 1 pt. and 1 qt.
1 Practically non-toxic	Above 15 g/kg	More than 1 qt.

Although the above references to toxicity level use the phrase "probable oral lethal dose (human)" assignment of a rating to a particular material is usually based on data obtained in laboratory animals. Human toxicity data should be used to determine the toxicity level where available. Using human data, ethylene glycol is at the probable oral lethal dose (human) level of 0.5–5 g/kg and using rat tests, propylene glycol falls at a level above 15 g/kg.

4.1.3 Backflow Prevention.

Criterion. Backflow of non-potable fluids into the potable water systems shall be prevented in a manner approved by the applicable authority.

Evaluation. Review drawings and specifications. Inspect assembled systems.

Commentary. Pollution of the potable water supply can occur by way of backflow caused by back pressure and/or backsiphonage within an inadvertent cross connection between the potable supply and non-potable fluid in the system.

Piping arrangements, backflow prevention and/or air gaps are commonly used to prevent contamination of potable water systems. A check valve is *not* a substitute for an approved backflow preventor and should not be used in its place. Reference [6] provides discussion as well as evaluation of some of the many backflow prevention devices available.

4.1.4 Contamination of Air.

Criterion. Materials which come in contact with air shall not affect the odor or biological quality of the air in an occupied space in an undesirable manner.

* Numbers in brackets [ ] indicate reference at end of this chapter.

Evaluation. Review drawings and specifications.

Commentary. Special consideration should be given to the presence of fungus, mold or mildew in air handling systems since such microorganisms are often allergenic. Filtering of air streams to reduce dust which may carry such microorganisms are desirable. Such provisions in passive systems with low air velocities may be impractical. Rock containing asbestos should not be used due to the potential carcinogenic hazard. Cleanliness of the rock storage medium is further covered in Criterion 3.3.5.

There is growing concern over the possible occurrence of harmful air pollutants in tightly sealed buildings. Release of radioactive radon gas in particular has been associated with some masonry and gypsum products such as those that may be used in large quantities in passive solar components or in rock storage bins. [7, 8, 9]. Release of formaldehyde gas to an air stream from ureau formaldehyde insulation or cements could be associated with heated air carrying components such as storage units or collectors.

Protection of air in occupied spaces from noxious fumes may be accomplished by the use of suitable, non-corrodible heat exchangers which maintain an absolute pressure in the secondary side higher than in the primary side.

4.1.5 Growth of Fungi.

Criterion. Components and materials used in the H/C/HW systems that come in contact with air being supplied to a conditioned space or with potable water and that operate under conditions that promote the growth of fungi, mold or mildew shall not support such growth.

Evaluation. The materials shall be capable of withstanding exposure to fungus as defined by either Method 10 of UL 181 [10] or Appendix D, Section E, of the MPS 4900.1 and 4910.1 [11, 12]. Review environmental and design operation conditions.

Commentary. Fungi can feed on some organic materials and generally thrive in warm, moist environments. The potential for fungus growth in a rock storage container which becomes damp due to the failure of waterproofing membrane around underground or exterior containers or other causes could be a substantial problem requiring periodic maintenance. Use of a fungicide in such maintenance could introduce another potential airborne hazard and, therefore, other methods may be preferable.

The formation of condensation is a related problem that is also a concern. Condensation may occur on materials when used for cooling storage in air systems as well as on aperture glazing and between glazing and movable insulation.

4.2 Control of Hazardous Substances.

Requirements. The use of hazardous substances within the solar energy system shall be controlled in such a manner to prevent any unreasonable risk or danger to the occupants, building or surrounding area.

Commentary. See the Terminology section for the definition of "hazardous substances" and the indicated reference providing guidelines to regulations regarding such substances.

4.2.1 Toxic Fluids.

Criterion. The use of toxic fluids shall comply with the Federal Hazardous Substances Act [13] and the requirements of the applicable authority. (See definition of "toxic" in Terminology section.)

Evaluation. Review specifications.

Commentary. Toxic fluids are those having the capacity to produce personal injury or illness to man through ingestion, inhalation or absorption through any body surface [13]. A compilation of the toxicity characteristics of materials used in solar systems has been prepared [5]. When evaluating the toxicological properties of fluids, special consideration should be given to the effect of a system failure on the occupants. The evaluation should include the effects from contacting both the liquid directly and the vapor given off by the liquid.

The toxicological effects of the fluid should be evaluated at the elevated temperatures expected during system operation as well as at ambient temperatures. Characteristics of the complete fluid mixture must be considered in determining toxicity. For example, the addition of inhibitors and/or buffers to antifreeze/water mixtures or to water may affect toxicity characteristics.

4.2.2. Identification of Hazardous Fluids.

Criterion. Systems using heat transfer fluids or thermal storage fluids that are designated as toxic or flammable by the supplier or the applicable authority, shall be identifiable, and drains and other designated fluid discharge or fill points in the solar system should be labeled with a warning identifying and summarizing the hazardous properties of the fluid, instructions concerning the safe handling of the fluid, safe means of disposal and emergency first aid procedures.

Evaluation. Review drawings, specifications and labeling (size, color, etc.) for compliance with the Federal Hazardous Substances Act [13].

Commentary. The original fluid containers will frequently be discarded after the system is charged which could result in no record of the fluid's properties being retained. The system drain is the point at which the owner or service personnel are most likely to contact the heat transfer fluid and permanent labeling should be retained at that point. Identification may be provided by attaching a tag containing the required information such as may be supplied by the heat transfer fluid manufacturer.

4.2.3 Detection of Hazardous Fluids

Criterion. Means shall be provided to indicate a failure of the fluid transfer system (e.g. leakage, pump failure or activation of relief valves) and the provision of warning when leaks occur if heat transfer fluids or thermal storage fluids that require special handling are used. The extent of warning (i.e. whether solely maintenance personnel or all of the occupants of a building) shall be determined on the basis of the degree of hazard presented by the fluid used and the type of occupancy.

Evaluation. Review drawings and specifications. Test detection and warning system(s), i.e. visibility of a dye or operation of warning device.

Commentary. It is common practice to relate toxicity and flammability ratings to the level of hazard created at ambient temperatures. Heat transfer fluids which do not present a hazard at ambient temperatures may be hazardous at the temperatures developed in the system. These substances may be treated in a manner similar to antifreeze and gases when providing for tell-tale indicators. For instance, antifreeze agents, such as ethylene glycol, may be treated with non-toxic dyes which distinguish them clearly.

4.2.4 Disposal of Hazardous Fluids

Criterion. Systems utilizing other than air or potable water as a heat transfer fluid or thermal storage fluid shall provide for the catchment and/or harmless removal and disposal of these fluids from drains, recharge points, vents or points of probable leakage (i.e. leakage from components that would not normally be expected to last the life of the system) as approved by applicable authority.

Evaluation. Review drawings and specifications and local disposal regulations.

Commentary. The discharge of toxic, corrosive, combustible or explosive fluids into sewers can create serious health and safety hazards both within the community and at a considerable distance along watercourses into which the sewers discharge. Safe disposal of these fluids requires, among other things, the consideration of the fluid composition, its concentration and frequency of discharge, and the nature of the sewage treatment and disposal system available to the site. In some instances, catchment of this discharge and removal to the specialized treatment facilities may be the only acceptable disposal method.

Under such conditions, adequately sized and protected catch basins must be provided.

The leakage of toxic fluids into the ground could contaminate ground water. In addition, leakage of some heat transfer fluids can damage roofing, sealants and other building materials. The leakage of combustible fluids may pose a fire hazard when exposed to external ignition.

4.3 Protection From Physical Hazards

Requirement. The H/C/HW systems shall not create a hazard to people greater than those found in conventional buildings.

4.3.1 Pressure and/or Temperature Relief Devices

Criterion. Pressure and/or temperature relief devices shall be provided in each portion of the system where excessive pressure and temperatures can develop and shall be set to open at not more than the maximum pressure and temperature for which the system is designed.

Evaluation. Review drawings and specifications and/or determine that methods, devices and materials to be used are approved by a recognized testing and evaluation agency as being suitable for the proposed use.

Commentary. Care should be taken in the design and layout of the fluid transport system to prevent conditions in which locally excessive pressures or temperatures are developed as a result of flow restrictions or air locks. Large pressure or temperature changes due to flow of vapors or boiling fluids should be considered in the selection and location of relief devices. Relief devices must be protected from freezing as conditions can occur when relief is needed and the relief valves are inoperable because they are frozen.

4.3.2 System Failure Prevention

Criterion. The control subsystem shall be designed so that, in the event of a power failure, or a failure of any of the components in the system, the temperatures and/or pressures developed in the H/C/HW systems will not present a danger to the occupants or damage any of the components of the system or the building.

Evaluation. Review drawings, specifications and design calculations.

Commentary. The excessive pressure and temperatures that can build up on collectors under "no-flow" conditions are an important consideration. Consideration should be given to the thermal shock which could occur when cool heat transfer fluids are introduced into collectors which have been exposed to solar radiation under "no-flow" conditions. Due to the possibility of large hydrostatic head pressures on tanks that may be greatly in excess of pressures elsewhere in the system, care should be taken in the selection of the location of safety devices. In systems which are designed for maximum temperatures less than the maximum no-flow temperature (see Appendix, Section 1) it is essential that some means of protection such as energy dumping be provided. System protection for failure at low temperature conditions is covered in Requirement 3.6, Freeze Protection.

4.3.3 Glazing Materials

Criterion. Glazed solar components with slopes less than 45° from the horizontal and which are lower than 6 feet (1.8 m) above a walking surface for unrestricted traffic adjacent to the component shall be safety glazed or otherwise protected against impact of persons falling against the glazing. Application of glazing materials in solar components that otherwise might present a risk of injury to persons because of falling or blowing of broken pieces or shards shall consist of safety glazing or be protected against breakage or restrained from falling.

Evaluation. Review plans and specifications for glazing locations and characteristics. Review compliance certification documents or test in accordance with procedures specified in "Federal Mandatory Standard for Architectural Glazing Materials" [14] and "Performance Specification and Method of Test for Safety Glazing Materials Use in Buildings" [15].

Commentary. These criteria are intended to reduce the risk of injuries to people from accidental contact with solar glazing materials. It is intended that they be applied to glazing materials in solar systems only in those areas where there is a likelihood that people might accidentally come in contact with the glazing, such as installations on which children might climb or against which a passerby might fall or which is overhead and susceptable to breakage.

An additional concern is for glazing materials presenting a risk of injury to persons because of broken, sharp pieces or sheets that could fall from their mounting or be picked up and driven by wind.

Glazing considered by this criterion include those used as covers for flat plate solar collectors, as tubes in solar collectors, as solar reflectors, as roof or wall panels in passive installations and as storage containers which are routinely accessible.

Traditionally, greenhouse type structures have been considered to provide adequate protection against the hazard of persons falling against them. It is not the intent of this criterion to impose new requirements on greenhouses of conventional design when used for solar applications.

For tublar type collectors, safety glazing may be inappropriate and should be considered on the basis of their particular design. In such cases other means of protection such as screening, etc., may be required where installations fall under this criteria.

Where large expanses of glazing are used, as in passive installations, the Federal safety standard for architectural glazing materials [14] should be reviewed for its applicability with respect to physical location and arrangement of the glazing and exposure risk of persons nearby.

Potential safety hazards should be considered in areas exposed to frequent hail storms, falling limbs or other projectiles with regard to installation of skylights, clearstory windows and collector arrays. Where safety glazing is not employed, consideration should be given to provisions to restrain or deflect broken glass which may slide off elevated solar system components over entrances and locations of pedestrian and vehicular traffic ways. It is not the intent of this criterion to completely prevent punching or local cracking of nonstructural elements such as cover plates of collector panels under hail impact, but rather to control damage by keeping it at a level which would not create hazards by excessive shattering of glazed elements.

Film-type glazing materials for the outermost cover plates, if unsupported, may be unacceptable if they undergo large deflection under load, e.g. a person's hand pushing against the glazing may present an opportunity for exposure of the film (and the person's hand) to hot surfaces such as the absorber plate, see Criterion 4.3.5.

4.3.4 Scalding

Criterion. Domestic hot water systems shall limit the temperature of the hot water for personal use at the tap to 140° ± 5° F (60° ± 3° C) except where other limits are established by applicable authority. See Criterion 2.3.1.

Evaluation. Review drawings and specifications.

Commentary. This may be accomplished, for example, by the use of tempering or mixing valves or by the use controls such as a high temperature cutoff on the solar energy storage device (which may result in wasteful energy loss). If other than the mixing valves or high temperature cutoff are used, it should be demonstrated that the required safe temperature limit will not be exceeded. This should be done by calculation of the temperatures in the system as a function of time throughout three successive clear sunny days in mid-July with the ambient temperature assumed at design conditions. The calculations should include the effect of water draw rate, tank heat losses and typical collector efficiency values.

The major concern is not only for dangerously high temperatures but also for the sudden rise to such temperature. It is generally suggested that mixing or tempering valves are the most cost effective means for providing for protection from scalding. See also Section 615–6.2 of the MPS [11] for controls and safety devices for all tankless indirect water heater installations and for installations in housing for the elderly.

The +5° F margin is given to allow a reasonable margin of error for the design temperature capability that must be provided (see Criterion 2.3.1) and the temperature limitations of this section.

4.3.5 Surface Temperature

Criterion. Components of the H/C/HW systems that are accessible, located in areas normally subjected to public traffic and which are operated at elevated temperatures shall either be insulated to maintain the exposed surface temperatures at or below 140° F (60° C) at all times during their operation or be suitably isolated. Any other exposed areas that are operated at hazardous temperatures shall be insulated or identified with appropriate warnings.

Evaluation. Review drawings and specifications.

Commentary. The temperature commonly accepted in domestic hot water installations without special protection is 140° F (60° C).

4.3.6 Water Storage Hazards

Criterion. Water storage containers larger than 200 gal. (755 L or .755 m^3) and located in or immediately adjacent to occupied spaces shall be adequately protected from damage and structurally restrained in such a manner to prevent rupture or collapse into the occupied spaces.

Evaluation. Review drawings and specifications.

Commentary. Large volumes of stored water are a potential hazard whether heated or not. The flood of water that may result from ruptured tanks as well as the mass of the water-filled containers are of concern. These containers, individually or collectively, may fail due to impact, faulty fabrication or possibly corrosion. The safety hazard is greatly increased if the water is heated. See Criterion 4.6.1 for structural design considerations.

4.3.7 Snow and Ice

Criterion. Provision shall be made over entrances and locations of pedestrian and vehicular ways to restrain or deflect accumulated snow and ice masses which may slide off elevated solar system components.

Evaluation. Review drawings and specifications.

Commentary. Solar system components may often include smooth slippery surfaces located in elevated positions at steep angles. These elements may heat up rapidly and loosen masses of snow or ice which may slide off. Means should be provided to prevent a hazard to people or property. Methods such as deflectors, restraints, low friction materials or design of "safe fall" areas (pedestrian or vehicular routes located away from the building) should be considered. This criterion is not intended to apply to areas where snow and freezing conditions do not normally occur.

4.3.8. Lightning

Criterion. As applicable, lightning protection shall be provided in accordance with the NFPA No. 78 Lightning Protection Code [16].

Evaluation. Review of calculations, drawings, and specifications.

Commentary. Damage to control components and the potential of fire are major concerns for lightning protection.

If solar system piping is used as grounding for lightning protection, there must be a continuous electrical path to ground. Care must be taken that this does not short circuit dielectric isolation and thus result in corrosion problems if dissimilar metals are used in the system.

4.4 Fire Safety.

Requirement. The design and installations of the H/C/HW systems and their components shall provide a level of fire safety consistent with applicable codes and standards.

Evaluation. Review of drawings and specifications for conformance with the local and nationally recognized codes and standards for fire safety including but not limited to applicable sections of:

NFPA 89M [17]
NFPA 90A [18] and 90B [19]
NFPA 211 [20]
NFPA 54 [21]
NFPA 30 [22]
NFPA 31 [23]
NFPA 256 [24]
The National Electrical Code [25]
ASTM E84 [26]

In cases where sufficient engineering information is not available, testing to show compliance may be required. Potential heat, rate of heat release, ease of ignition, and smoke generation will be considered in assessing the potential fire hazards.

Commentary. It is the intent of the requirements to (1) prevent the use of materials, equipment and fluids which present a fire hazard greater than that allowed for conventional systems; (2) provide proper clearance and venting of heat build-up for those system components that operate at elevated temperatures; and (3) give consideration to the combustibility of materials adjacent to high temperature components in determining the clearance and/or insulation required. Special consideration should be given to the fire safety features of innovative system designs particularly those utilizing insulation in a way which may present a greater hazard than with conventional designs such as passive system thermal control elements. Special consideration should also be given to the use of combustible glazing materials, particularly when those materials are used in large quantities and/or exposed to the building interior either directly or through air passages.

The type of testing that should be performed to evaluate the influence of solar collectors on the fire resistance of roof assemblies is described in test method 7.13 of NBSIR 78–1305A [27]. Collectors mounted so that there is a space between the collectors and the roof covering and particularly when the collectors are parallel to the roof may reduce the fire resistance classification of the roof covering even though the collector is of noncombustible construction.

4.4.1 Liquid Flash Point

Criterion. The flash point of a liquid heat transfer fluid shall equal or exceed the higher temperature determined from A and B below:

A. A temperature of 50° F (28° C) above the design maximum flow temperature of the fluid in the solar system;

B. (1) A temperature 200° F (111° C) below the design maximum no-flow temperature of the fluid attained in the collector provided the collector manifold assembly is located outside of the building and exposed to the weather and provided that relief valves located adjacent to the collector or collector manifold do not discharge directly or indirectly into the building and such discharge is directed away from flames and ignition sources; or,

(2) the design maximum no-flow temperature of the fluid in all other manifold and relief valve configurations.

A. "liquid heat transfer fluid" is defined as the operating or thermal storage liquid including water or other liquid base and all additives at the concentration used under operating conditions. The flash point shall be determined by the methods determined in NFPA No. 321, "Basic Classification of Flammable and Combustible Liquids" [28]. Flammable liquids shall not be used, and in systems using a gaseous heat transfer fluid, a flammable gas shall not be used. The design maximum flow temperature *of the fluid* is defined as the maximum fluid temperature that will be obtained when the heat transfer fluid is flowing through the system. The design maximum no-flow temperature *of the fluid* is defined as the maximum fluid temperature that will be obtained when the heat transfer fluid is not flowing through the system. Generally, this temperature will occur in the collector when it is receiving its maximum level of solar radiation at maximum ambient temperature.

Evaluation. Review drawings, specifications, design calculations and test data for flash point and collector stagnation and operating temperatures. An acceptable way of determining the design maximum flow temperature is to limit temperatures of control devices or relief valves, or through theoretical or test analysis of the system. A method of determining the maximum no-flow temperature is by measuring the fluid temperature under stagnation conditions. The no-flow, 30 days test is presented in Section 10 of the Appendix. The design maximum no-flow temperature of the fluid is equal to the plate temperature at stagnation. It should be noted that this method is not valid for collectors with very low loss coefficients.

Commentary. Flash point values listed in manufacturer's literature are frequently typical values and may be determined by an open cup flash point test. Flash point values used should be based on actual measurement or certified minimum values determined by the required closed cup flash point test method [28].

The flash point of aqueous solutions of organic materials depends on the percentage of water in the mixture. In the case of ethylene glycol, a flash point does not exist for certain percentages of ethylene glycol with water. When these mixtures are boiled and vapors allowed to escape, the flash point of the mixture usually will be reduced, ultimately approaching that of the pure substance. Care should be taken that the flash point of the solution is based on the anticipated percentage of water during actual use of the liquid in the system and not necessarily on the percentage as installed. A study of solar heat transfer fluid flash points and flash point criteria is presented in Reference [29].

4.4.2 Combustible Liquids

Criterion. The storage, piping and handling of combustible liquids shall be in accordance with the Flammable and Combustible Liquids Code NFPA No. 30 [22].

Evaluation. Review specifications or code compliance.

Commentary. This criterion applies to those liquids which have met Criterion 4.4.1 for flash point. See also Criteria 4.2.2, 4.2.3 and 4.2.4.

4.4.3 Flame Spread Classification of Insulation

Criterion. The flame spread classification index for all insulation materials except those installed underground and outside the structure shall not exceed the following values:

Plastic foam	75
Other insulation materials	150*

Insulation materials used for duct liners shall meet the requirements of either NFPA 90A [18] or 90B [19], whichever is applicable.

Evaluation. The ASTM E84 [26] flame spread test method shall be the basis for evaluating the surface burning characteristics of the insulation materials. Where materials with facings are to be used, the surface burning characteristics of the faced materials shall be measured.

Commentary. No single test is sufficient to provide a full estimate of performance of a product in a fire. Plastic foams and loose fill insulation are difficult to evaluate in ASTM E84. The requirement of flame spread classification of 75 maximum for plastic foams will provide as much safety assurance as is possible with current test methods. Such a classification shall not be construed as the equivalent of "non-combustible." Many insulation materials, including those consisting of cellulose, plastic foam and fibrous glass (containing organic binder) are combustible materials which will burn and release heat, especially when exposed to continuous large fire sources.

4.4.4 Areas of Application of Insulation

Criterion. Materials used for thermal insulation shall be in accordance with Criterion 4.4.3 and may be applied to the following areas: walls, roofs, ceilings, floors, pipes, ducts, vessels and equipment exposed to the external environment.

Exposed plastic foam (untreated or fire-retardant treated), Kraft-asphaltic vapor barrier on mineral and organic fiber insulations, and non-fire-retardant treated loose fill insulation shall not be permitted in habitable areas unless fully protected from the interior of the building by a thermal barrier having a finish rating of not less than 15 minutes as determined by NFPA 251 [30]. Thermal barriers shall be installed in a manner such that they will remain in place for a minimum of 15 minutes under the same test conditions.

Installed insulation and vapor barriers shall not make contact with pipes or pumps containing hot fluids, motors, fans, blowers, and heaters, unless the insulation and/or the heat producing appliances are specifically designed and rated for that purpose.

Evaluation. Review drawings and specifications.

Commentary. Although a degree of material combustibility is allowed, the intent is to allow insulating materials which are not more combustible (or flammable) than existing construction and insulation materials, and to preclude any increased fire hazard due to the retention of heat from energy dissipating objects. Electric fixtures and circuit wires which are surrounded by substantial thermal insulation may be subject to overheating especially for circuits loaded at or beyond their rated capacity. In areas where occupants are likely to be engaged in normal activities, or in spaces in contact with the air

*The Consumer Product Safety Commission "Interim Safety Standard for Cellulose Insulation," Federal Register, Volume 43, No. 153, P. 35240, became effective on September 8, 1978 and supercedes these requirements for cellulose insulation where applicable. Modifications to this standard are under consideration by CPSC.

stream, the insulation should perform its intended function without the increased risk of ignition, rapid flame spread, and heat and smoke generation. Attention should be given to the requirements as they pertain to innovative insulation systems such as movable and fixed insulation installed as part of passive systems. Insulation in concealed spaces may be a particular fire problem due to its susceptibility to smoldering and its inaccessibility for firefighting.

4.4.5 Fire Resistance Requirements

Criterion. Penetrations through fire-rated walls, partitions, floors, roofs, etc., shall not reduce the fire resistance required by local codes and ordinances.

Evaluation. Review drawings and specifications. Testing to show compliance in accordance with NFPA 251 [30] and applicable standards.

Commentary. It is the intent of this criterion to (1) prevent the passage of system components through fire-rated assemblies from adversely affecting the fire endurance rating of the assembly in terms of premature collapse of structural elements and (2) ensure that proper techniques are employed in constructing these components so that adequate protection can be provided. Because of the potential fire hazard, use of building elements such as walls, attics, and crawl spaces as plenums may be subject to restrictions in NFPA 90A [18], 90B [19] and local building codes. Consideration may be given to the use of approved smoke activated fire dampers as a means of providing the required penetration protection in cases where building elements are used as air passages.

4.4.6 Self-Ignition of Combustibles

Criterion. Combustible solids used in solar equipment and adjacent combustible solids shall not be exposed to elevated temperatures which may cause ignition.

Evaluation. Review calculations, drawings and specifications. Testing to show compliance were necessary.

Commentary. Exposure of wood and/or other fibrous materials as well as other combustible materials over an extended period of time may result in the material reaching and surpassing its self-ignition temperature. Such conditions may exist, for example, within active collectors framed in wood or inside attic collectors. The most common accepted ignition temperature of wood is on the order of 392° F (200° C). However, studies have indicated that wood may ignite when exposed to a temperature of 212° F (100° C) for prolonged periods of time. The ignition temperatures of plastics may be above or below those of wood or fibrous materials. Clearances for HVAC equipment, ducting and piping are discussed in NFPA No. 89M [17] and 90B [19]. Where applicable, clearances specified by a nationally recognized testing laboratory may be used.

4.5 Installation Arrangement

Requirement. The location provided for solar components shall not increase the accident potential to a greater extent than would be expected for a conventional non-solar building.

Commentary. Some examples can be given of how the presence of solar components might increase accident potential: (1) reflected rays from the collector could be distracted to drivers on adjacent highways or annoying to the occupants of nearby buildings, and (2) the ground around a storage unit might settle, creating a hazard because of the uneven ground.

4.5.1 Identification and Location of Controls

Criterion. Main shutoff valves and switches should be conspicuously marked and placed in locations that are readily accessible to those personnel who would normally be expected to operate them in the event of an emergency. These valves and switches shall be located in the same manner as specified in 250.25 of NFPA 70 [24] for electrical panels.

Evaluation. Review drawings and specifications.

Commentary. In large buildings, accessibility would normally be limited to qualified personnel; however, in small buildings, accessibility for the tenants should be provided.

In addition, controls which should only be adjusted by skilled personnel should not be located in areas subjected to normal occupant access.

4.5.2 Emergency Egress and Access

Criterion. The design and installation of the H/C/HW systems shall not impair the emergency movement of occupants of the building or emergency personnel to an extent greater than that allowed by NFPA 101 [31] and applicable codes and standards.

Evaluation. Review drawings and specifications. Evaluate alternative means for provision of equal safety protection.

Commentary. If operable windows or exterior doors, required by many codes for sleeping areas, are eliminated for increased thermal control, such rooms and adjacent corridors should have listed smoke detectors which are interconnected and a door opening directly into a corridor that has access to two remote exits in opposite directions.

The location of solar equipment on a roof could reduce the usability of that roof for firefighting or egress. Solar system components located outside the building but near a means of egress could block the means of egress if a fire occurs.

4.6 Structural Safety

Requirement. The H/C/HW system shall provide a level of structural safety consistent with applicable codes and standards.

Commentary. This requirement deals with the ability of systems and elements to maintain their structural integrity under in-service and extreme conditions. Factors such as wind, snow, operating, seismic, and thermal restraint loads are considered. Typical failures that are to be avoided might include: the collapse of a frame supporting solar collectors due to wind, snow, or earthquake; the leaning or collapse of an underground thermal storage tank; the blowing off or fracture of a glass cover plate due to wind or thermal stresses.

Note.—This applies to all elements of a solar system, not just those with a function of providing support for some other element. In this regard, there is an important distinction made between conventional elements, those elements for which design and construction procedures are contained in existing building regulatory documents, and non-conventional elements, those elements for which such procedures are not available. Elements made of materials documented in existing building regulatory documents, such as structural steel, aluminum, timber, glass, masonry and concrete, that will be exposed to service conditions that are normally considered in such documents are examples of conventional elements. Newer materials such as a new alloy of aluminum, or conventional materials exposed to an unusual environment such as welded steel subjected to unusually high or low temperatures, or plastics subject to high and low temperatures are examples of non-conventional elements. Elements with a structural support function will generally be conventional.

4.6.1 Structural Resistance of H/C/HW Systems

Criterion. The elements and connections of the H/C/HW systems shall safely support all loads expected during the design life of the system without failure.

The structural resistance of conventional elements shall be determined in accordance with generally accepted engineering practices for the appropriate material [32, 33, 34, 35].

When common building materials cannot be judged by conventional

criteria because they are exposed to unusual service conditions such as high temperatures, or where new materials are used structurally, the guide performance criteria in section 13.2.4 of Reference [36] should be used to determine structural resistance.

The design load shall include the following loads and shall be taken from and combined in accordance with ANSI Standard A58.1 [37] and as noted:

1. Dead loads. Include the weight of heat transfer fluid contained in the component except when using dead load to resist uplift or overturning.

2. Live loads. Include all static and dynamic loads caused by the operation of the solar energy system and all appropriate maintenance loads. Surfaces that must support maintenance personnel shall resist a single concentrated load of 250 lbs (113 kg) distributed over a 4 square inch (258 mm^2) area at the most critical locations. Also include vehicular loads as stipulated by AASHTO [38] on elements at or below grade subjected to traffic.

3. Soil and water pressures on buried elements.

4. Wind loads. Account for any unusual shape or exposure factors in accordance with accepted engineering practice. Reference [39] includes information on wind loads on solar collectors.

5. Snow and ice loads. Include any unusual loads due to drifting or slide-off. Solar components shall resist the appropriate surcharges, as defined in reference [37]. Reference [40] provides information on ice loads on slender elements.

6. Earthquake loads. For components and connections which cannot be evaluated within the scope of the referenced provisions, the value of "Cp" (horizontal force factor) shall be taken as 1.0 Reference [39] includes information on earthquake loads.

7. Constraint loads. Those loads caused by temperature changes, shrinkage, moisture changes, normal functioning of the system, time-dependent changes within the materials of the system and by differential movement of the supporting structure and foundation settlement shall be taken as the most severe likely to be encountered during the service life.

8. The load from ponding of water on large horizontal surfaces shall be considered.

Evaluation. Review drawings, specifications, calculations and testing.

Commentary. It is expected that most aspects of structural design for solar installations will fall within the domain of conventional engineering practice and that existing codes and standards may be applied to such. The intent of this criterion is that conventional elements and systems continue to be designed in accordance with applicable building code documents. The performance criteria in Section 13.2.4 of Reference [36] are specified for use in those situations in which accepted engineering standards are not applicable. Considerable care is required in determining the structural resistance in such situations. For structural testing of flat plate collectors, a test method has been proposed in Reference [27] for the following tests: positive live loads, negative and combination wind loads, and longitudinal loads.

It is recognized that some elements will be designed using the ultimate resistance and factored loads while others will be designed using an allowable resistance and unfactored loads.

The loads presented are those expected to occur in the projected lifetime of the installation. Particular attention should be given to the load caused by the thermal cycling of the system, both under normal conditions and "no-flow" conditions.

The following paragraphs of commentary are numbered corresponding to the loads listed under the criterion:

(1) The design dead load of mass storage materials (water tubes, drum walls, etc.) may in some instances need to be considered on other portions of the structure (floors, partitions, etc.). These loads can be quite important, particularly in retrofit application.

(2) The design live loads for roofs constitute minimum loading requirements needed primarily for human safety while the building is undergoing maintenance. Resistence to these loads need not be required for collector panels that are mounted on roofs without forming an integral part of the roof if adequate access is provided for service and maintenance personnel. For collectors which form an integral part of the roof, resistance to the design live roof loads should be required, because the roof will need to be repaired from time to time and must support the workman making the repairs.

(4) Wind load pressure coefficients for flat plate collectors are presented in reference [41] and a tabulation of extreme wind speeds is contained in reference [42].

Wind loads due to the presence of solar systems may be more severe than those normally acting on buildings and require special attention especially in retrofitting an existing building.

(5) Rows of solar collectors protruding from a roof are similar to a snow fence and may significantly increase the amount of snow retained on the roof, requiring special attention especially in retrofitting an existing building. Reference [39] provides design guidelines.

(6) The value of "Cp" supplied for elements that are not specified by the referenced provisions is consistent with conservative values for elements appended to structures.

(7) The possibility of stresses being imposed by thermal expansion or contraction, wind movement, seismic loads, vibratory loads, or foundation settlement need to be considered. Thermal expansion and contraction effects should be evaluated for the extreme operating temperature range; note particularly, pipe thrusts at anchors and elbows. Solar components vary in their ability to withstand the effects on their performance of differential settlement. For example, a rock storage bin can probably settle a great deal without affecting its performance; however, a plumbing connection may be able to withstand very little differential settlement.

Time dependent changes within materials or the system should include consideration of materials degradation. Of particular concern may be deterioration of plastics and organic materials, corrosion and electrolytic action between dissimilar metals such as between a collector and its support. Materails degradation is further discussed in Chapter 5.

In some circumstances, such as collectors framed in wood or attic collectors, wood and other fibrous materials may be subject to sustained or cyclic elevated temperatures for extended periods of time (years). Under such conditions, strength reduction of structural members may be very significant and should be considered [43, 44]. Uneven heating of such structural members may cause racking or twisting during the normal course of the day. This should be accounted for in the design of the structure.

(8) Ponding is defined as the retention of water due to the deflection of horizontal surfaces. Measures to resist ponding include providing sufficient stiffness to prevent excessive deflections, providing slope to carry excess water away, providing drains to remove water or providing overflow locations to limit the depth of water.

Chapter 4.—References

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[2] American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103.

[3] National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161.

[4] American Society of Heating, Refrigerating and Air Conditioning Engineers, Inc., 345 East 47th Street, New York, NY 10017.

[5] American National Standards Institute, Inc., 1430 Broadway, New York, NY 10018.

[6] National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

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Chapter 5.—Durability/Reliability

5.0 *Introduction*
5.1 Effect of external environment
5.1.1 Solar degradation
5.1.2 Moisture degradation
5.1.3 Pollutant degradation
5.2 Effect of temperature
5.2.1 Thermal degradation
5.2.2 Thermal cycling degradation
5.2.3 Thermal shock degradation
5.3 Effect of chemical compatibility of components
5.3.1 Materials/transfer fluid degradation
5.3.2 Dissimilar metals degradation
5.3.3 Compatibility of adjacent organic materials
5.4 Effects of wear
5.4.1 Degradation by wear
Table 5.1.a
Table 5.1.b
Table 5.1.c
Table 5.1.d
Table 5.2
References

Chapter 5.—Durability/Reliability

5.0 Introduction

The performance requirements and criteria in this chapter deal with the ability of materials and components to maintain satisfactory long-term performance under in-service and extreme conditions. Factors such as the effect of external environment, temperature, chemical compatibility, and wear and fatigue are addressed. A general guide for the consideration of each requirement and criterion for the various materials and components is contained in Table 5.1. If documentation of satisfactory long-term performance under in-use conditions or engineering analysis is not available, the material or component must be evaluated. Table 5.2 lists standards for materials and components for which specific evaluation methodologies or standards are available. Evaluations for materials listed in Table 5.2 shall be performed unless documentation of satisfactory in-service performance is available. Supplemental tests to those listed in Table 5.2 may also be performed if it is

desirable to assess a requirement which is not addressed by the procedures listed in the table. Materials and components not specifically addressed by Table 5.2 should be evaluated according to the procedures outlined in this chapter and in the Appendix. There is also a general discussion of evaluation methods for this chapter in Section 2 of the Appendix. A test procedure for a complete collector panel assembly for 30 day, no-flow conditions is given in section 10 of the Appendix.

5.1 Effect of External Environment

Requirement. The H/C/HW systems and their various components shall not be affected by external environmental factors to an extent that will significantly impair their function during their design life.

5.1.1 Solar Degradation

Criterion. Solar components or materials shall not be adversely affected by exposure to sunlight in service to an extent that will significantly impair their function during their design life.

When components or materials are exposed to ultraviolet radiation, there shall be no signs of excessive deterioration of optical, physical or mechanical properties, or any other changes that would significantly affect the performance of the components in the system.

Evaluation. Compliance may be documented with data on satisfactory long-term performance under in-use conditions or engineering analysis. Where adequate information is unavailable, testing using either the methodology outlined in Section 3 of the Appendix or other methods which can be shown to meet the intent of the criterion shall be used.

Commentary. Organic materials may be particularly susceptible to degradation resulting from prolonged exposure to solar radiation. Ultimate failure of these materials is frequently caused by physical impact, wind flutter, etc. components of particular concern include cover plates, coatings, sealants, gaskets, absorber surfaces, collector heat traps, exposed coupling hoses, coatings or coverings of exposed insulation, devices for controlling entrance of sunlight (shutters, shades, drapes, blinds, etc.), reflectors and collector casing assemblies.

5.1.2 Moisture Degradation

Criterion. Solar components or materials shall not be adversely affected by exposure to moisture in service to an extent that will significantly impair their function during their design life.

Evaluation. When components or materials are exposed to moisture, there shall be so signs of excessive material degradation or reduction in insulation effectiveness that would significantly affect the performance of the components or the system.

Compliance may be documented with data on satisfactory long-term performance under in-use conditions or engineering analysis. A provisional test described in test method 7.5 of NBSIR 78–1305A [1] can be used to assess rain penetration into a collector.* condensation or water vapor stability of materials can be determined by the method described in ASTM D2247–68 (1973) [2]. The use of an artificial weathering machine with a water spray cycle can also be used. Where adequate information is unavailable, methods which can be shown to meet the intent of the criterion shall be used.

Commentary. Moisture can exhibit itself in several forms, e.g. rainfall, melting snow and ice, condensation or vapor. The intent of this criterion is to ensure adequate performance of components or materials that are exposed to moisture from the external environment or exposed to condensation in the collector interior. Some components, such as collector insulation, are usually intended to be used in low moisture environments; however, it is still possible for them to be periodically exposed to moisture from condensation. Such components would not usually be expected to meet the intent of this criterion if moisture exposure could not occur, e.g. in collectors that are hermetically sealed. Guidance for the waterproofing of exposed insulation both above and below ground is given in the HUD MPS section 607–2 [3], and also the ASHRAE Handbook of Fundamentals Chapter 17 [4]. Salts extracted by moisture from some types of insulation or from organic components may cause corrosion of other system components in close proximity. Chlorides or sulfates that may be leached are of particular concern in regard to metallic corrosion. This criterion is not intended to address the effect that water in the heat transfer fluid can have on system components which contact the fluid.

Efflorescence on the absorber surface of masonry walls such as greenhouse and Trombe walls can cause the deterioration of the absorber coating. Efflorescence is commonly caused by high mineral content in water used for the production of masonry units or the mixing of mortar and is activated by the presence of moisture in the wall.

5.1.3 Pollutant Degradation

Criterion. Solar components and materials that are exposed to regionally prevalent air pollutants such as photochemical oxidents (ozone), sulphur dioxide, nitrogen oxides or salt spray shall not be adversely affected to the extent that will significantly impair their function during their design life.

Evaluation. Compliance may be documented with data on satisfactory long-term performance under in-use conditions or engineering analysis. Where adequate information is unavailable, testing using either the methodology outlined in Section 4 of the Appendix or other methods which can be shown to meet the intent of the criterion shall be used.

The maxmium pollutant levels in the geographic areas where the system will be installed shall be used to determine the pollutant levels required for testing. The pollutant levels shall be obtained from the most recent edition of "Air Quality Data—Annual Statistics Including Summaries with References to Standards" [5]. If components are to be used in areas where they are exposed to very low pollutant concentrations, then the degradation test(s) for pollutants need not be conducted.

When components or materials are tested in accordance with the procedure outlined in Section 4 of the Appendix, there shall be no signs of excessive deterioration of optical, physical or mechanical properties, or any other changes that would significantly affect the performance of the components of the system.

Commentary. The effects of solar radiation in combination with air pollutants may also be an important consideration in the dry as well as wet condition. Factors of concern include surface erosion and consequent transmission loss of cover plate, deterioration of coupling hoses, exposed seals and corrosion of metallic elements.

A potential problem with collectors in industrial atmospheres is that pollutants in condensate solution may cause permanent etching of the coyer plates, absorber surfaces and affected metallic components over a period of time. Such etching can permanently reduce optical properties and may cause deterioration of mechanical properties. When this possible condition exists, design consideration must be given to avoid the problem.

* Numbers in brackets [ ] indicate references at the end of this chapter

5.2 Effect of Temperature

Requirement. Solar components or materials and building elements with which they interact shall be capable of performing their intended function for their design life when exposed to temperatures that can be developed in the system.*

5.2.1 Thermal Degradation

Criterion. When exposed to maximum service temperatures, solar components or materials shall not degrade to the extent that will significantly impair their function during their design life.

Evaluation. Compliance may be documented with data on satisfactory long-term performance under in-use conditions or engineering analysis. Evaluation may occur at the collector, component and/or material level.

When adequate information is unavailable for a collector, the "no-flow" aging procedure described in Section 10 of the Appendix shall be used to evaluate degradation. If the above test results indicate an outgassing problem, an outgassing test should be used to evaluate collector materials.

When adequate information regarding thermal stability of materials or other system components is unavailable, testing using the procedures outlined in Section 5 of the Appendix or other methods which can be shown to meet the intent of the criterion shall be used.

To evaluate outgassing of materials, the test method described in Appendix D of NBSIR 77–1437 [6] or other methods which can be shown to meet the intent of the criterion may be used.

Where adequate information is unavailable to evaluate the long-term performance of heat transfer fluids under in-use conditions, testing using either the methodology outlined in Section 5 of the Appendix or other methods which can be shown to meet the intent of the criterion shall be used.

When components or materials are tested in accordance with the procedures outlined in Section 5 of the Appendix, there shall be no signs of excessive deterioration of optical, physical or mechanical properties or any other changes that would significantly affect the performance of the components or the system.

Commentary. Organic components in the system may be particularly susceptible to thermal degradation under prolonged exposure. Organic collector components of particular concern include glazing, absorbers, absorptive coatings, heat traps, insulation, sealants, gaskets and collector casing assemblies. Storage containers, piping, ducts, storage liners and coatings composed of organic materials may also be affected. Organic materials may change shape or dimensions and may lose strength or become more brittle.

Outgassing of condensible volatiles from components inside the collector could lead to deposits on the underside of the collector glazing reducing glazing transmissivity or other changes in the optical properties of collector components. Materials that have been observed to outgas in operational systems are gaskets and sealants, absorptive coatings and insulation.

Of major concern is the breakdown of some heat transfer fluids at elevated temperatures (250° F to 300° F or 120° C to 149° C for some hydrocarbons and the glycols) resulting in corrosive by-products and formations which create scale and sludge within the system.

If not considered in the design, viscosity changes in heat transfer fluids may lead to pumping problems, such as excessive pumping power requirements or overheating due to heat transfer fluid thickening.

5.2.2 Thermal Cycling Degradation

Criterions. The H/C/HW systems, their various components and building elements with which they interact shall be capable of withstanding the stresses induced by thermal cycling for their respective design life.

Evaluation. Compliance may be documented with data on satisfactory long-term performance under in-use conditions or engineering analysis. Evaluation may occur at the collector, component or materials level.

When adequate information is unavailable to assess the effects of thermal cycling on collectors, the provisional test described in Section 7.6 of NBSIR 78–1305A [1] may be used.

When adequate information is unavailable to assess the effects of thermal cycling on materials or components, testing using the procedures outlined in Section 6 of the Appendix or other methods which can be used to meet the intent of the criterion shall be used.

After components or materials have been exposed to thermal cycling between their maximum and minimum service temperatures, there shall be no signs of excessive deterioration of optical, physical, chemical or mechanical properties or any other changes that would significantly affect the performance of the components or the system.

Commentary. This criterion is intended to identify potential problems that may occur as a result of differential thermal movement. Physical restraints (including support conditions) that will be imposed on the system in actual use shall be considered when testing is required.

Permanent dimensional changes caused by expansion or contraction can result from thermal cycling.

If thermal expansion or contraction is cumulative in system or subsystem design, the test must be designed to reflect this condition. Areas of concern include cover plate/frame, collector/support, collector/collector, collector/piping, reflective surface/substrate, piping, solder joints, coupling hoses, sensors, the bond of tubing or coatings to absorber plates, and warping or shrinkage of cover plate or absorber.

Standardized methods to evaluate the durability of phase change thermal storage materials due to temperature cycling have not been developed. Evidence of the ability of a phase change material to remain stable through a number of cycles representative of a specified portion of its design life would be useful.

5.2.3 Thermal Shock Degradation

Criterion. Solar components and materials shall be capable of withstanding the stresses induced by thermal shock for their respective design lives.

Evaluation. Compliance may be documented with data on satisfactory long-term performance under in-use conditions, by engineering analysis or by review of plans and specifications.

When adequate information regarding thermal shock resistance of collectors is unavailable, the provisional tests in Section 10 of the Appendix or Section 7.4 (cold fill) of NBSIR 78–1305A [1] shall be used to evaluate degradation. Other tests which can be shown to meet the intent of this criterion may also be used.

After the thermal shock test, there shall be no signs of excessive deterioration of physical or mechanical properties or any other changes that would significantly affect the performance of the components, collectors or materials.

Commentary. The intent of the criterion is to determine the ability of the solar collector to withstand thermal shock caused by heavy rains falling on heated collectors and also to insure the reliability of solar collectors to withstand thermal shock induced through filling the hot collector with relatively cool heat transfer fluid during daytime start-up. It has been reported that cover plates have failed due to the thermal differential created in the glass

* Maximum and minimum service temperatures are defined in Section 1 of the Appendix.

by the rapid sliding off of snow cover, exposing cold collectors to the heat of solar radiation.

Other components such as relief valves, balancing valves, etc., may also be affected by cold start-up as may occur in drain down systems.

5.3 Effect of Chemical Compatibility of Components

Requirement. Materials used in the solar energy system, its various components and the building elements with which they interact shall have sufficient chemical compatibility to prevent corrosion, deterioration or wear that would significantly shorten their intended service life under in-use conditions.

5.3.1 Materials/Transfer Fluid Degradation

Criterion. Materials designed to be used in contact with heat transfer fluids or the fluids shall not be deteriorated or otherwise adversely affected by such contact to the extent that their function will be significantly impaired under in-use conditions during their design life.

Evaluation. Compliance may be documented with data on satisfactory long-term performance under in-use conditions or engineering analysis or testing.

Where adequate information is unavailable regarding metallic containment materials used with nonaqueous liquids or plastic containment materials, materials or components shall be tested using the methodology outlined in Section 7 of the Appendix or other methods which can be shown to meet the intent of the criterion. Evaluation methods for metallic containment materials used with aqueous liquids, rubber hoses and seals used in contact with liquids are provided in Table 5.2.

Commentary. This criterion is intended to address the compatibility of the heat transfer fluid and the materials and components in the energy transport system, i.e. collectors, piping, tanks, connectors, pumps, valves, heat exchangers and their related seals and gaskets. Metals and plastics are used in these applications. The heat transfer fluid may be water, aqueous-organic liquid solutions or organic fluids. All may contain various additives. Metals may be susceptible to corrosion in systems with aqueous or organic heat transfer fluids. See also discussion of problems created by the thermal degradation of heat transfer liquids in 5.2.1. Some plastic materials are sensitive to exposure to either aqueous or organic fluids. Corrosion of metals by heat transfer fluids could be a serious problem in solar energy systems. SAE Standard J447A (1964) [8] provides guidance in preventing corrosion. Experience indicates that tight closed loop systems help to minimize metallic corrosion by reducing the oxygen content of the transfer fluid.

Any use of inhibitors in heat transfer fluids should be keyed to the characteristics of all elements of the solar energy system which come in contact with the fluid including collectors, piping, connectors, tanks, pumps, valves, heat exchangers and their related seals and gasket. Inhibitors uses with non-toxic heat transfer fluids should be selected to comply with the fluid safety requirements of Requirement 4.1. Further discussion is included in Reference [9].

Although boiling can be prevented by pressurization, excessive temperatures can break down some constituents of the fluid to form organic acids. Buffers can counter the pH balance but only until they are exhausted. Changes in pH can be accepted but when the level is outside the allowable range, the transfer fluid or at least the butters must be renewed. This can be an acceptable maintenance requirement.

Thermal cycling may cause precipitation to occur which may lead to a build up of solids in pump seals and valve seats which may lead to malfunction.

When heat transfer fluids are used as absorbers, a bleaching of the fluid may significantly reduce system performance. See also Criterion 5.1.1.

Tables 3 and 4 in Section 11 of the Appendix are intended to provide general guidelines for the selection of metals or alloys for use in solar collectors. Various alloys of the same base metal may show significant variation in resistance to corrosion. Small concentration changes in a number of chemical elements may significantly change the corrosion behavior of a material at a specific temperature. A complete description of this behavior is not possible in this document. Generally unacceptable use conditions as stated should be avoided unless it has been demonstrated that the metal or alloy perform suitably in the anticipated use condition. Adequate performance is anticipated for normal operation in generally acceptable use conditions if these general guidelines are followed.

Since plastics are generally nonconductors, galvanic and electrochemical corrosion encountered with metals are nonexistent in plastic components. However, the physical and mechanical properties of some plastics can be affected significantly by heat transfer fluids. These effects are usually more pronounced at the elevated temperatures which accompany the heat transfer fluid in an operating solar system. Incompatibility can cause plastics to swell, delaminate, soften, crack, become brittle, lose strength, etc. The specific response is dependent upon the combination of polymer and heat transfer fluid. The Uni-Bell Plastic Pipe Association has developed a Handbook of PVC Pipe Design and Construction [10] which provides tables of the resistance of PVC pipe and elastomeric seals to reaction with or attack by the chemical agents. The information in it should be used as a guide only. Due to the complexity of some organic chemical reactions, additional long-term testing should be performed to determine performance of plastic components with fluids at elevated temperatures.

5.3.2 Dissimilar Metals Degradation

Criterion. Non-isolated dissimilar metals shall not be degraded to the extent that their function will be significantly impaired under in-use conditions during their design life.

Evaluation. Compliance may be documented with data on satisfactory long-term performance under in-use conditions or engineering analysis. Where adequate information is unavailable, testing using either the methodology outlined in Section 8 of the Appendix or other methods which can be shown to meet the intent of the criterion shall be used. Dissimilar metals used in contact with heat transfer or other fluids shall be tested to reflect this condition. Where protective finishes are normally provided, they shall be used on the specimens tested.

Commentary. The use of corrosion inhibitors and dielectric fittings that electrically isolate dissimilar metals is desirable. The use of dielectric fittings may conflict with electrical grounding or lightning protection requirements. The presence of pinholes in protective coatings may drastically accelerate corrosive action.

Attention should be paid to all elements of a solar system when considering compatibility of dissimilar metals. This should include energy transport system, structural support and connections, fabricated parts and roofing materials.

5.3.3 Compatibility of Adjacent Organic Materials

Criterion. Organic solids in contact with other organic solids or inorganic materials shall not be degraded to the extent that their function will be

significantly impaired during their design life.

Evaluation. Compliance may be documented with data on satisfactory long-term performance under in-use conditions or engineering analysis. Where adequate information is unavailable, testing using either the methodology outlined in Section 9 of the Appendix or other methods which can be shown to meet the intent of the criterion shall be used.

Commentary. Incompatibility can occur between organic materials and between organic materials and inorganic materials such as metals or phase change salts. Some sealants and gaskets are incompatible with plastic glazing materials. Plasticizer migration can result in discoloration, softening and other types of deterioration.

Inorganic phase change salts have been stored in plastic containers. Leakage in the containers can result from deterioration of the material caused by either mechanical (e.g. thermal expansion) or chemical incompatibility of the salt and plastic.

This criterion is not intended to address the compatibility of organic transfer fluids with adjacent materials covered in Criterion 5.3.1.

5.4 Effects of Wear.

Requirement. Components that involve moving parts shall, with normal maintenance, be capable of performing their intended function without excessive wear or deterioration for their design life.

5.4.1 Degradation by Wear

Criterion. Dampers, check valves, pressure regulators, pumps, control devices, collector tracking mechanisms, insulation movement mechanisms and assemblies, and similar components shall be capable of operating under in-use conditions without exhibiting wear or fatigue that would significantly impair their ability to perform their intended function over their design life.

Evaluation. Compliance may be documented with data on satisfactory long-term performance under in-use conditions, engineering analysis or testing using an experimental verification procedure which can be shown to meet the intent of the criterion.

Commentary. Inclusion of the heat transfer fluid during tests of components with moving parts may be necessary to met the intent of this criterion. Many of the components described in this criteria involve the use of conventional components in unusual applications. A record of satisfactory performance in conventional applications may not be sufficient to adequately predict performance in solar applications and careful evaluation is desirable. Components containing moving parts whose use rarely occurs, except for safety reasons such as pressure relief devices, vacuum breakers, etc., are of particular concern.

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TABLE 5.1a

COLLECTOR SUBSYSTEMS

Requirements	5.1 Effects of External Environment			5.2 Effects of Temperature			5.3 Effects of Chemical Compatibility			5.4 Effects of Wear
Criteria (Section)	Solar	Moisture	Pollutant	Thermal	Cycling	Shock	Materials/ Trans. Fluid	Dissimilar Metals	Compatibility of Adjacent Organic Materials	Wear
	5.1.1	5.1.2	5.1.3	5.2.1	5.2.2	5.2.3	5.3.1	5.3.2	5.3.3	5.4.1
COLLECTORS										
Cover Plates										
Glass	R	N.A.	O	R	R	R	N.A.	N.A.	N.A.	N.A.
Plastic	R	O	O	R	R	R	O	N.A.	O	N.A.
Absorber										
Metal	N.A.	R	N.A.	R	R	R	R	O	O	N.A.
Plastic	R	N.A.	N.A.	R	R	R	R	N.A.	R	N.A.
Absorber Coating	R	R	O	R	R	O	O	N.A.	N.A.	N.A.
Gaskets	O	R	R	R	R	R	R	N.A.	R	N.A.
Sealants	O	R	R	R	R	R	R	N.A.	R	N.A.
Coupling Hoses	O	O	O	R	R	R	R	R	R	N.A.
Insulation	O	R	N.A.	R	R	O	N.A.	N.A.	R	N.A.
Case Assembly (i.e. box)	R1/	O	R	O	R.	R	N.A.	R	O	N.A.
Reflectors	R	O	O	O	R	O	N.A.	N.A.	N.A.	N.A.

KEY:

R = Required
O = Optional, i.e. required only if material or component is subjected to above criterion
N.A. = Not applicable

1/ Organic case assembly materials only

TABLE 5.1b

ENERGY TRANSPORT SUBSYSTEMS

TABLE 5.1h

ENERGY TRANSPORT SUBSYSTEMS

	5.1 Effects of External Envrionment			5.2 Effects of Temperature			5.3 Effects of Chemical Compatibility			5.4 Effects of Wear
	Solar	Moisture	Pollutant	Thermal	Cycling	Shock	Materials/ Trans. Fluid	Dissimilar Metals	Compatibility of Adjacent Organic Materials	Wear
	5.1.1	5.1.2	5.1.3	5.2.1	5.2.2	5.2.3	5.3.1	5.3.2	5.3.3	5.4.1
ENERGY TRANSPORT										
Pipes										
Metals	N.A.	N.A.	O	N.A.	O	O	R	R	N.A.	N.A.
Plastic	O	N.A.	O	R	R	O	R	N.A.	R	N.A.
Ducts/Plenums										
Metals	N.A.	O	O	N.A.	O	O	N.A.	O	N.A.	N.A.
Plastic	O	N.A.	O	R	R	O	N.A.	N.A.	O	N.A.
Heat Transfer Fluid	O	N.A.	N.A.	R	N.A.	N.A.	R	R	R	N.A.
Pumps	N.A.	N.A.	N.A.	R	N.A.	N.A.	R	R	O	R
Blowers	N.A.	N.A.	O	R	N.A.	N.A.	N.A.	N.A.	N.A.	R
Filters	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	O	O	O	N.A.
Insulation & Coating	O	R	O	R	R	O	N.A.	N.A.	R	N.A.
Expansion Tank	R 1/	N.A.	O 1/	O 1/	O 1/	O 1/	R	N.A.	R 1/	N.A.

KEY:

R = Required
O = Optional, i.e. required only if material or component is subjected to above criterion
N.A. = Not applicable

1/ For organic expansion tanks only

TABLE 5.1c

STORAGE SUBSYSTEMS

	5.1 Effects of External Environment			5.2 Effects of Temperature			5.3 Effects of Chemical Compatibility			5.4 Effects of Wear
	Solar	Moisture	Pollutant	Thermal	Cycling	Shock	Materials/ Trans. Fluid	Dissimilar Metals	Compatibility of Adjacent Organic Materials	Wear
	5.1.1	5.1.2	5.1.3	5.2.1	5.2.2	5.2.3	5.3.1	5.3.2	5.3.3	5.4.1
STORAGE										
Container Units										
Inorganic	N.A.	R	O	N.A.	R	R	R	R	N.A.	
Organic	O	R	O	R	R	R	R	N.A.	O	N.A.
Liners	N.A.	O	N.A.	R	R	N.A.	R	R	R	N.A.
Insulation	O	R	O	R	R	R	N.A.	N.A.	O	N.A.
Gaskets & Sealants	O	O	O	R	R	R	R	N.A.	R	N.A.
Storage Medium										
Liquid	N.A.	N.A.	N.A.	R	R	N.A.	N.A.	R	R	N.A.
Solid	N.A.	R	O	N.A.	R	N.A.	N.A.	R	R	N.A.
Phase Change Mtl.	O	N.A.	N.A.	N.A.	R	R	N.A.	N.A.	R	N.A.
Heat Exchangers	N.A.	N.A.	N.A.	R	R	R	R	R	N.A.	N.A.

KEY:

R = Required
O = Optional, i.e. required only if material or component is subjected to above criterion
N.A. = Not applicable

TABLE 5.1d

CONTROL SUBSYSTEMS

TABLE 5.1d

CONTROL SUBSYSTEMS

	5.1 Effects of External Environment			5.2 Effects of Temperature			5.3 Effects of Chemical Compatibility			5.4 Effects of Wear
	Solar	Moisture	Pollutant	Thermal	Cycling	Shock	Materials/ Trans. Fluid	Dissimilar Metals	Compatibility of Adjacent Organic Materials	Wear
	5.1.1	5.1.2	5.1.3	5.2.1	5.2.2	5.2.3	5.3.1	5.3.2	5.3.3	5.4.1.
CONTROLS										
Control Units	N.A.	N.A.	N.A.	R	R	R	N.A.	N.A.	N.A.	R
Sensors	O	O	O	R	R	R	O	N.A.	N.A.	N.A.
Regulators	N.A.	N.A.	N.A	R	R	R	N.A.	N.A.	N.A.	R
Valves	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	R	R	O	R
Dampers	N.A.	N.A.	O	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	R
Tracking Devices	N.A.	O	O	R	R	R	N.A.	O	O	R
Movable Insulation	O	O	O	O	O	O	N.A.	N.A.	O	R

KEY:

R = Required
O = Optional, i.e. required only if material or component is subjected to above criterion
N.A. = Not applicable

TABLE 5.2

Materials or Components	Evaluation Procedures
Sealants and gaskets for flat plate collectors 1/	ASTM D3667
Seals and gaskets for use in contact with liquids 1/	ASTM D3832
Sealants and gaskets for concentrating collectors 1/	ASTM D3771
Seals and gaskets for use in air/heat transport 1/	ASTM D3903-80
Cover materials for flat plate solar collectors	ASTM E765-80 ASTM E782-81
Rubber hoses	ASTM D3952-80
Insulation for solar collectors	Appendix of NBSIR 79-1908
Metallic containment materials for use with liquids	ASTM E712-80 ASTM E745-80
Absorptive materials	ASTM E744-80 ASTM E781-81

1/ Required for active systems only. Seals for passive systems should meet requirements for building joint seals.

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Chapter 5—References

1. *Provisional Flat Plate Solar Collectors Testing Procedures*, First Revision, NBSIR 78–1305A, National Bureau of Standards, Washington, DC, June 1978, PB 283–721.[1]
2. *Standard Method for Testing Coated Metal Specimens at 100 Percent Relative Humidity*, ASTM D2247–68 (1973).[2]
3. *HUD Minimum Property Standards, One and Two Family Dwellings*, No. 4900.1, U.S. Department of Housing and Urban Development, Washington, DC, 1973.[3]
4. *ASHRAE Handbook of Fundamentals*—1977.[4]
5. *air Quality Date—Annual Statistics Including Summaries with Reference to Standards*, EPA–450–2–78–040.[5]
6. *Solar Energy Systems—Standards for Rubber Seals*, NBSIR 77–1437, National Bureau of Standards, Washington, DC, March 1978, PB 281–114.[1]
7. *Standard Specification for Rubber Seals Used in Flat-Plate Solar Collectors*, ASTM D3667–78, 1978.[2]
8. *Prevention of Corrosion of Metals*, Society of Automotive Engineers, Standard J447a, 1964.[6]
9. *State-of-the-Art Study of Heat Exchangers used with Solar Assisted Domestic Hot Water Systems*, F. E. Metz and M. J. Orloski, NBSIR 78–1542, June 1978, PB 287–410.[1]
10. *Hand Book of PVC Pipe Design and Construction*.[7]

[1] National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161.
[2] American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103.
[3] Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.
[4] American Society of Heating, Refrigerating and Air Conditioning Engineers, Inc., 345 East 47th Street, New York, NY 10017.
[5] U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards, Monitoring and Data Analysis Division, Research Triangle Park, NC 27711.
[6] Society of Automotive Engineers, Inc., Two Pennsylvania Plaza, New York, NY 10001
[7] Uni-Bell Plastic Pipe Association, 2655 Villa Creek Drive, Suite 164, Dallas, TX 75234.

Chapter 6.—Operation and Servicing

6. Introduction
6.1 Manuals and Instructions
6.1.1 Installation instructions
6.1.2 Operation and maintenance instructions
6.1.3 Maintenance plan
6.1.4 Maintenance hazards
6.1.5 Flushing of liquid system
6.1.6 Protection
6.1.7 Normal operation of occupant
6.2 Maintenance and servicing
6.2.1 Heat transfer liquid quality
6.2.2 Access for system maintenance
6.2.3 Servicing of H/C/HW systems
6.2.4 Maintainability of building and site
6.2.5 Maintainability of roof surfaces
6.3 system monitoring
6.3.1 Checkout
6.3.2 Minimum operating information
6.3.3 Access for system monitoring
References

Chapter 6.—Operation and Servicing

.6.0 Introduction

the installation, operation and servicing phases are most critical to the performance of solar energy systems. There has been consistent evidence that faulty actions during these phases are a primary cause of poor performance, accelerated deterioration and system damage. the difficulties of mandating performance criteria for installation, operation and maintenance is acknowledged; however, it is essential that owners and installers be provided with appropriate instructions for their systems and that good practice methods are followed.

This chapter complements and extends certain provisions in Chapter 3 such as: system balancing, 3.1.2; liquid quality, 3.2.3 draining and filling, 3.2.5; and freeze protection in general, 3.6. An initial checkout must verify that the system is installed correctly and that it functions properly in all modes of operation including proper flow rates. It is important the adequate information and access a high level of performance and to anticipate problems.

6.1 Manuals and Instructions

Requirements. A manual shall be provided containing instructions for the installation, operation and maintenance of the N/C/HW systems and/or components. The extent of detail of the manuals shall be consistent with the need for descriptive information to properly operate and maintain the system.

Commentary. This manual may consist in whole or in part of a series of instruction sheets provided by the various system or component manufacturers. It may be s single manual, or installation instructions may be separate from operation and maintenance. Complex installations should be provided with comprehensive manuals. A packaged hot water system conversely may require only a simple manual. The simplest passive system may warrant no more than an attached informative label or tag.

6.1.1 Installation Instructions

Criterion. Instructions shall be provided which describe the installation and removal (when required) of each solar energy system component in step-by-step fashion with appropriate detail.

These instructions shall describe the interconnection requirements of the various systems and components and their interface requirements with the building and site.

the instructions shall be available at the installation site or from normally accessible sources.

Evaluation. Review installation instructions.

Commentary. It is not the intent of this criterion to require the provision of complete, detailed system installation specifications. For active systems, such specifications would normally be project specific and part of the procurement process. Construction drawings and specifications may be required for passive and other site built systems.

Reference [1]* provides guidelines for installing, operating and servicing solar HW systems. Reference [2] provides standard practice of installation and service of solar space heating systems (H) for one-and two-family dwellings.

6.1.2 Operation and Maintenance Instructions

Criterion. Operation instructions shall be provided which describe operation in all modes, including start-up and shutdown under normal and emergency conditions. Description of important temperature, flow and pressure information for check points throughout the system shall be given. The maintenance manual shall provide a system schematic diagram and describe required periodic maintenance and detailed information for selected repair procedures such as removal and replacement of cover plates.

Evaluation. Review maintenance and operating instructions.

Commentary. for most active systems, flow diagrams and wiring diagrams should be included. In any system where preformance requirements are dependent upon specific maintenance procedures these should be tabulated. The manual should specify acceptable methods of cleaning glazed surfaces.

6.1.3 Maintenance Plan

Criterion. The manual shall include a comprehensive plan for maintaining the specified performance of the H/C/HW systems for their design service lives.

Evaluation. Review of maintenance plan.

Commentary. This criterion is applicable to both active and passive systems in new as well as existing buildings. The plan should include all the necessary ordinary maintenance, preventive maintenance and minor repair work, and projections for equipment replacement and

*Numbers in brackets [ ] indicate references at the end of this chapter.

maintenance of heat transfer fluid quality as appropriate. Periodic changing or cleaning of strainers and filters is one example of ordinary maintenance. Cleaning, repairing or replacing of cover plate materials should also be included.

6.1.4 Maintenance Hazards

Criterion. The manual shall provide prominently displayed warning against hazards that could arise in the maintenance of the system and shall fully describe the precautions that should be taken to avoid these hazards.

Evaluation. Review the maintenance instructions.

Commentary. Some systems contain toxic and/or combustible materials that could result in ill effects to maintenance personnel or result in fires, explosions or toxic fumes when repairs involving soldering or welding are undertaken. See Criterion 4.2.4 for handling and disposal of toxic fluids.

Hot pipes or valves and discharge points should be identified.

6.1.5 Flushing Liquid System

Criterion. The manual shall provide instructions for initial flushing as required and periodic flushing (cleaning), if required, of the liquid passages.

Evaluation. Review drawings, specifications and operation manual.

Commentary. Metal filings, flux, solder, silt and other contaminants should be flushed out of the system prior to operation. Water should not be used to flush systems that use hydrocarbon or silicone heat transfer fluids. Systems using oil as the heat transfer fluid should be flushed with a cleaner which is soluble with the solder flux used and then thoroughly dried before filling with the oil. Flux within the system may be caught in crevices. At this point, with elevated temperature, any moisture would rapidly oxidize the adjacent metal. See also Criterion 3.2.2.

6.1.6 Protection

Criterion. The instruction shall provide information for protection of the system during installation and maintenance.

Evaluation. Review installation and maintenance instructions.

Commentary. Collectors, controls and other components may require special protective measures during installation and shutdown for maintenance such as covering of collectors to prevent breakage of glazings and to prevent stagnation. Caution should be exercised in the selection and use of temporary coverings to avoid permanent damage of glazing such as etching and staining, and adhesive materials which may become difficult to remove.

6.1.7 Normal Operation by Occupant

Criterion. Instructions shall be written to inform the occupant of the minimum actions required for the normal operation of the solar energy system including the probable heat gains or losses dependent on occupant actions.

Evaluation. Review operation instructions.

Commentary. Required occupant activity such as operating movable insulation, shades or controls may be critical, especially for some passive installations. Required manual operations should be minimized and the occupant should be advised of the consequences of energy gained or lost and potential system or building damage (e.g. water freezing) for actions taken on a daily and seasonal basis including times of building vacancy.

6.2 Maintenance and Servicing

Requirement. The H/C/HW systems shall be designed, constructed and installed to provide sufficient access and appurtenances for general maintenance and convenient servicing.

6.2.1 Heat Transfer Liquid Quality

Criterion. Provisions shall be made to maintain the quality of the heat transfer liquid at a level that does not significantly impair its heat transfer function, reduce its compatibility with adjacent materials or reduce freeze protection.

Evaluation. Review specifications and monitoring of the heat transfer liquid for pH, buffering level, viscosity and concentration.

Commentary. Experience from demonstration programs indicate the importance of heat transfer liquids and their quality in preventing freeze-ups and corrosion, and for general system performance. When make-up water is of such a quality that excessive corrosion is known to exist, a suitable water treatment system as recommended by the Water Quality Association Industry Standards S–100–75 and S–200–73 should be provided [3]. The chemical composition of the heat transfer liquid should be maintained (perhaps by periodic replenishment of additives) at levels adequate to prevent unacceptable deposits on the heat transfer surfaces, corrosion of the surfaces with which the heat transfer liquid comes in contact, or loss of freeze resistance. Antifreeze solutions may lose their freeze protection capability over time due to deterioration in the addition of "make-up" water. Provisions for sampling the heat transfer liquid should be available. See Criteria 3.2.3 and 3.2.5 for maintenance related devices and Reference [4] for the influence of heat transfer fluid properties on thermal performance.

Heat transfer liquids should be tested and replaced at intervals suggested by the manufacturer. Some sources recommend checking water/glycol mixtures twice a year. See also Critrion 6.1.3. Water in unprotected steel drums or other metal containers in water storage walls should be deionized or distilled and buffered to reduce corrosion (pH>8 or <12 for steel).

6.2.2 Access for Systems Maintenance

Criterion. All individual items of equipment and components of the H/C/HW systems which may require periodic examination, adjusting, servicing and/or maintenance shall be accessible for inspection, service, repair, removal or replacement without dismantling of an adjoining major component or building element.

Evaluation. Review drawings and specifications.

Commentary. Accessibility as a function of component life is an important consideration. Individual collectors in an array should be replaceable or repairable without disturbing non-adjacent collectors in the array or other access provisions should be made. Cover plates and roof glazing, especially those susceptable to degradation by environmental exposure and hazards such as damage by falling hail, limbs, etc., should be readily accessible for repair or replacement without special skills or tools and without readily available materials. Provisions for recoating of Trombe walls and cleaning of glazing and spaces between glazing and wall should be considered. Access to collector glazings which require periodic recoating may be necessary.

Access to storage units may be necessary. Rock storage and liquid storage in both active and passive systems may require access for cleaning or replacement. Isolation valves may be necessary for the repair or replacement of system components. Dampers require access for maintenance, monitoring, adjusting and balancing. Information on access provisions is provided in Reference [5].

6.2.3 Servicing of H/C/HW Systems

Criterion. The H/C/HW systems shall be capable of being serviced with a minimum amount of special equipment by the appropriate existing trades (HVAC, plumbing, etc.) using a service manual.

Evaluation. Review drawings, specifications and service instruction manuals.

Commentary. The complexity and design of certain components may require their removal and replacement to accomplish repair of the system. Routine servicing of many systems may not require special personnel and equipment.

6.2.4 Maintainability of Building and Site

Criterion. The H/C/HW system shall not impair accessibility for or add significantly to the practical maintainability of the building or site.

Evaluation. Review maintenance plans, site plans and building and solar system drawings.

Commentary. Building materials adjacent to solar equipment should not be exposed to elevated temperatures that result in adverse physical, chemical mechanical or thermal changes causing additional maintenance problems or such materials should be selected to withstand these effects.

6.2.5 Maintainability of Roof Surfaces

Criterion. The installation of collectors and other solar energy components on the building roof should not reduce the ability of the roof covering to restrict the entrance of moisture and weather and be resistant to deterioration.

Evaluation. Review drawings and specifications.

Damage or other adverse conditions might occur during servicing as well as installation and measures to protect the roof should be taken.

Commentary. The presence of solar equipment on roofs my lead to numerous potential problems:

a. Reroofing in future years may be complicated by collectors mounted close to the surface, by supports, and pipe and wiring penetration.

b. Numerous penetrations of roof membranes mean greater maintenance problems and potential leakage.

c. Some heat transfer fluids will attack certain roofing materials, and leakage from the system may present problems of roof degradation and deterioration.

d. The growth of fungi (mold and mildew) is possible when collectors are applied to a roof surface. If the collectors are in contact with the membrane or held away from the membrane to allow for drainage, the shaded area can support the growth of a fungus leading to roofing deterioration. Special design considerations should be included to avoid this problem.

e. Hot collector surfaces and other heated components closely adjacent to the roof surface can cause softening of the roofing materials leading to deterioration.

f. The presence of solar equipment, its position relative to the roof and the various supports and penetrations used may increase the collection of debris such as branches and leaves, and required additional maintenance attention.

g. The ice and melt water that may occur due to the presence of solar equipment requires attention to the adequacy of roof moisture barriers under adverse conditions and avoidance of details likely to promote the accumulation of large quantities of ice, or likely to be damaged by the weight of expansive action of ice.

h. The foot traffic generated by solar system maintenance personnel may cause deterioration of the roof system.

6.3 System Monitoring

Requirement. Provision shall be made for system monitoring in accordance with the specifications of the operation and maintenance manual.

6.3.1 Checkout

Criterion. On completion of installation, the system operation shall be checked for adequate performance of all components as well as the system as a whole.

Evaluation. Inspection and testing shall be performed on the installation to verify that the system and components are capable of operating as specified in the design and the manuals defined in Requirement 6.1.

Commentary. Monitoring means may involve sensors and indicators or may be as simple as inspection.

Controls should be checked in operation to determine that components operate at the proper set points, that pumps and fans start and stop properly, and that fail safe devices work. Failure or improper operation of sensors and controls have caused many problems. It is recommended that means be provided during installation to allow temperatures and flow rates to be checked during operation of the system. Poor design and improper installation of components is a major cause of system malfunction. A large proportion of mechanical failures become apparent within a short period of operation. Incorrectly wired controls, improper control set points, improper component location, reversed components, improper sensor installation, etc., are examples of faulty design and/or installation.

It is important to check distribution systems to assure that all spaces intended to receive heating and cooling in the design receive it in the actual installation. This is particularly important with passive systems.

6.3.2 Minimum Operating Information

Criterion. Provisions shall be made to indicate to the user when the collector loop and/or the auxiliary energy system is operating.

Evaluation. Review drawings, specifications and operating instructions.

Commentary. A minimum level of information is essential to the user to assure that the solar system is functioning as intended. Monitoring means may involve sensors and indicators or may be as simple as observation and awareness of appropriate radiant temperatures and air movement.

6.3.3 Access for System Monitoring

Criterion. Appropriate access shall be provided for checking essential system parameters.

Evaluation. Review drawings and specifications for the placement of fittings and indicators of essential system parameters.

Commentary. Adequately located test fittings and indicators will permit system monitoring and expedite the maintenance and repair of equipment. Access for sensors and other techniques for monitoring parameters such as temperature, pressure and critical voltages are of concern in this provision.

Chapter 6.—References

1. *Installation Guidelines for Solar DHW Systems in One and Two Family Dwellings.* HUD–PDR–407, U.S. Department of Housing and Urban Development, April 1979.[1]

2. *Standard Practice for Installation and Service of Solar Space Heating Systems for One and Two Family Dwellings.* ASTM/ANSI E683–79, American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103, 1979.

3. *Industry Standard for Household, Commercial and Portable Exchanger Water Softeners,* S–100–75 and *Recommended Industry Standards for Household and Commercial Water Filters,* S–200–73, Water Quality Association, 447 East Butterfield Road, Lombard, IL 60148, 1974.

4. Chang, C., Singh, H., Chopra, P., *Influence of Solar-Fluid Properties on Thermal Performance Based on Nominal and Measured Values,* ANL/SDP–TM–79–6, SOLAR/0904–79/70.[2]

5. *Uniform Mechanical Code,* International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, CA 90601, 1973.

[1] Superintendent of Documents, Government Printing Office, Washington, DC 20402.

[2] Technical Information Center, P.O. Box Oak, Ridge, TN 37830

Appendix
Section 1 Temperature Conditions
Section 2 Evaluation Methods
Section 3 Test Methodology: Criterion 5.1.1 Solar Degradation
Aging Procedure 1 (Simulated Laboratory Exposure)
Aging Procedure 2 (Outdoor Exposure Using Concentrated Natural Radiation)
Aging Procedure 3 (Natural Weathering)
Property Assessment
Commentary
Section 4 Test Methodology: Criterion 5.1.3 Pollutant Degradation
Aging Procedure 1 (Resistance to Ozone)
Aging Procedure 2 (Resistance to Salt Spray)
Aging Procedure 3 (Resistance to SO_x and NO_x)
Property Assessment
Commentary
Section 5 Test Methodology: Criterion 5.2.1 Thermal Degradation
Aging Procedure 1 (Resistance of Fluids to Maximum Service Temperature)
Aging Procedure 2 (Resistance of Components and Materials to Maximum Service Temperature)
Aging Procedure 3 (Resistance of Fluids to Minimum Service Temperature)
Property Assessment
Commentary
Section 6 Test Methodology: Criterion 5.2.2 Thermal Cycling
Aging Procedure 1 (Resistance of Components and Materials to Thermal Cycling)
Property Assessment
Commentary
Section 7 Test Methodology: Criterion 5.3.1 Materials/Transfer Fluid Degradation
Aging Procedure 1 (Resistance of Metallic Containment Materials to Non-Aqueous Liquids)
Aging Procedure 2 (Resistance of Plastic Containment Materials to Liquids)
Property Assessment
Commentary
Section 8 Test Methodology: Criterion 5.3.2 Dissimilar Metals Degradation
Aging Procedure 1 (Resistance to Metallic Containment Materials to Liquids)
Aging Procedure 2 (Resistance to SO_x and NO_x)
Property Assessment
Commentary
Section 9 Test Methodology: Criterion 5.3.3 Compatibility of Adjacent Organic Materials
Aging Procedure 1 (Resistance to Dissimilar Organic Materials in Contact to Maximum Service Temperature
Property Assessment
Section 10 No-Flow 30-Day Degradation
Section 11 Materials Tables
Table 1a Property Assessment of Materials, Collector Components
Table 1b Property Assessment of Materials, Energy Transport Components
Table 1c Property Assessment of Materials, Storage Components
Table 2 List of Test Properties, Test Method Designations and Title
Table 3 Open System Parameters: Generally Acceptable and Unacceptable Use Conditions for Metals in Direct Contact with Heat Transfer Fluids
Table 4 Closed System Parameters: Generally Acceptable and Unacceptable Use Conditions for Metals in Direct Contact with Heat Transfer Liquids
Table 5 Properties of Typical Cover Plate Materials
Table 6 Characteristics of Absorptive Coatings
Table 7 Typical Properties of Selected Building Materials for Solar Application
Table 8 Examples of Typical Heat Transfer Liquid Properties
Technical Review Items
Abbreviations
SI Conversion Units
References
Composite Index

Section 1. Temperature Conditions

Many of the criteria given in Chapter 5 and this Appendix contain references to the maximum or minimum service temperatures in specifying the temperature at which testing should be performed. The *maximum service temperature* is the maximum temperature at which a system and its components are designed to operate, either with or without the flow of heat transfer fluid. The *minimum service temperature* refers to the minimum temperature at which a system and its components are designed to operate, with or without the flow of heat transfer fluid.

The minimum service temperature to which a component in the system will be exposed will generally occur when (1) the collector is not exposed to solar radiation, (2) the heat transfer fluid is not flowing through the system, and (3) the ambient temperature is at its lowest level. The no-flow condition mentioned above assumes the flow of the heat transfer fluid will be stopped when no useful energy can be removed from the collector to avoid pumping out heat energy. However, if the flow of fluid is not stopped at night, the minimum service temperature of some components may occur as nocturnal radiation and/or evaporative cooling takes place.

The maximum service temperature to which the collector and components that are in intimate contact with it will be exposed, will generally occur when the collector is receiving its maximum level of solar radiation at maximum ambient temperature and the heat transfer fluid is not flowing through the collector (design maximum no-flow temperature). Other components, such as those in the storage system will generally reach their maximum temperature when the collector is receiving its maximum level of solar radiation at maximum ambient temperature and the heat transfer fluid is flowing through the system (design maximum flow temperature). This temperature may be determined by limiting the temperature of control devices or relief valves or through theoretical or test analysis of the system. The design maximum no-flow temperature that will occur at various locations in the collector can be calculated by use of an analytical model and appropriate environmental conditions. Typical examples of this type of information are shown in Figures 1 through 4.

Figures 1 through 4 are intended to provide assistance in establishing the maximum no-flow temperature of critical components for four "typical" flat plate collector designs. Glazing and absorber plate temperatures are plotted as a function of ambient temperature for exposure to a solar radiation flux of 340 Btu/ft² hr (1070 W/m²). Data are shown for single and double covers and absorber surfaces of flat plate collectors assuming two types of cover glass materials (a typical window glass material and a more transparent glass material with a low iron oxide content) and two types of absorbers (spectrally flat and selective black absorber coatings). The calculations were performed with a transient thermal analysis computer program using finite difference techniques [1].* The calculations were based on the following assumptions:

(1) a glass cover plate thickness of ⅛ in. (0.32 cm); (2) air space thickness of ⅜ in. (0.95 cm) between the two glazings and between the absorber surface and the inner glazing; (3) zero edge and back losses; (4) incident solar radiation is normal to the collector; and (5) the following properties of the glass glazing:

	Conventional glass	Low iron oxide glass
Absorptance	0.08	0.02
Extinction Coefficient	0.07 per in. (2.76×10^{-3} per mm).	0.20 per in. (7.87×10^{-3} per mm)
Index of Refraction	1.52	1.52
Thermal Conductivity	0.589 BTU/ft.h.°F (1.019 W/m.°C).	0.589 BTU/ft.h.°F (1.019 W/m.°C)
Transmittance	0.86	0.90
Emittance	0.86	0.86

*Numbers in brackets [ ] indicate reference at end of this chapter.

It should be noted that the exposure conditions represent typical maximum conditions and that a higher solar radiation flux can be experienced under some atmospheric conditions or by the use of external reflectors. It is recommended that the temperature of critical components be experimentally established for a particular collector design whenever possible.

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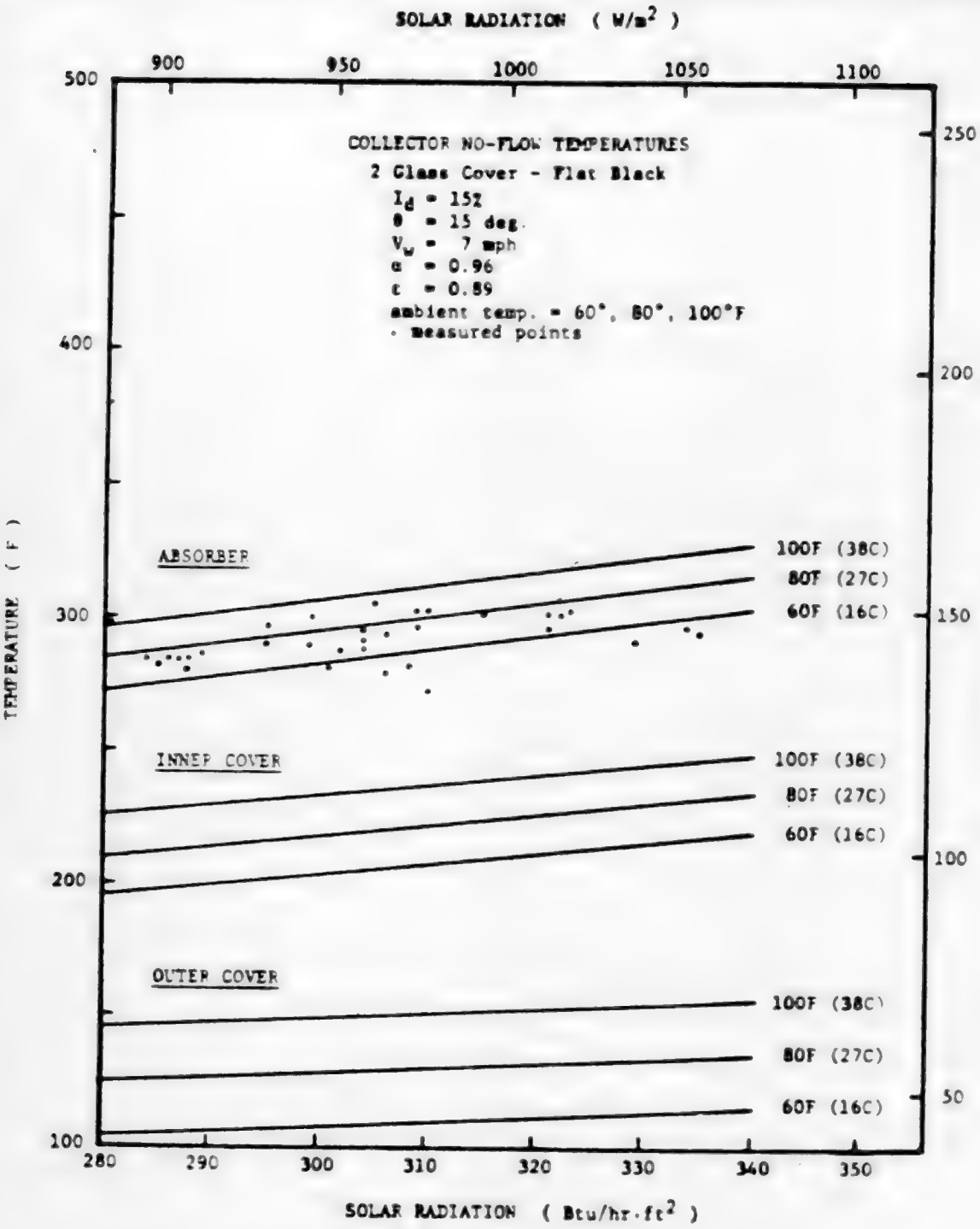

Figure 1 No Flow Temperatures at Various Locations in a Collector with a Flat Black Absorber and Two Glass Cover Plates.

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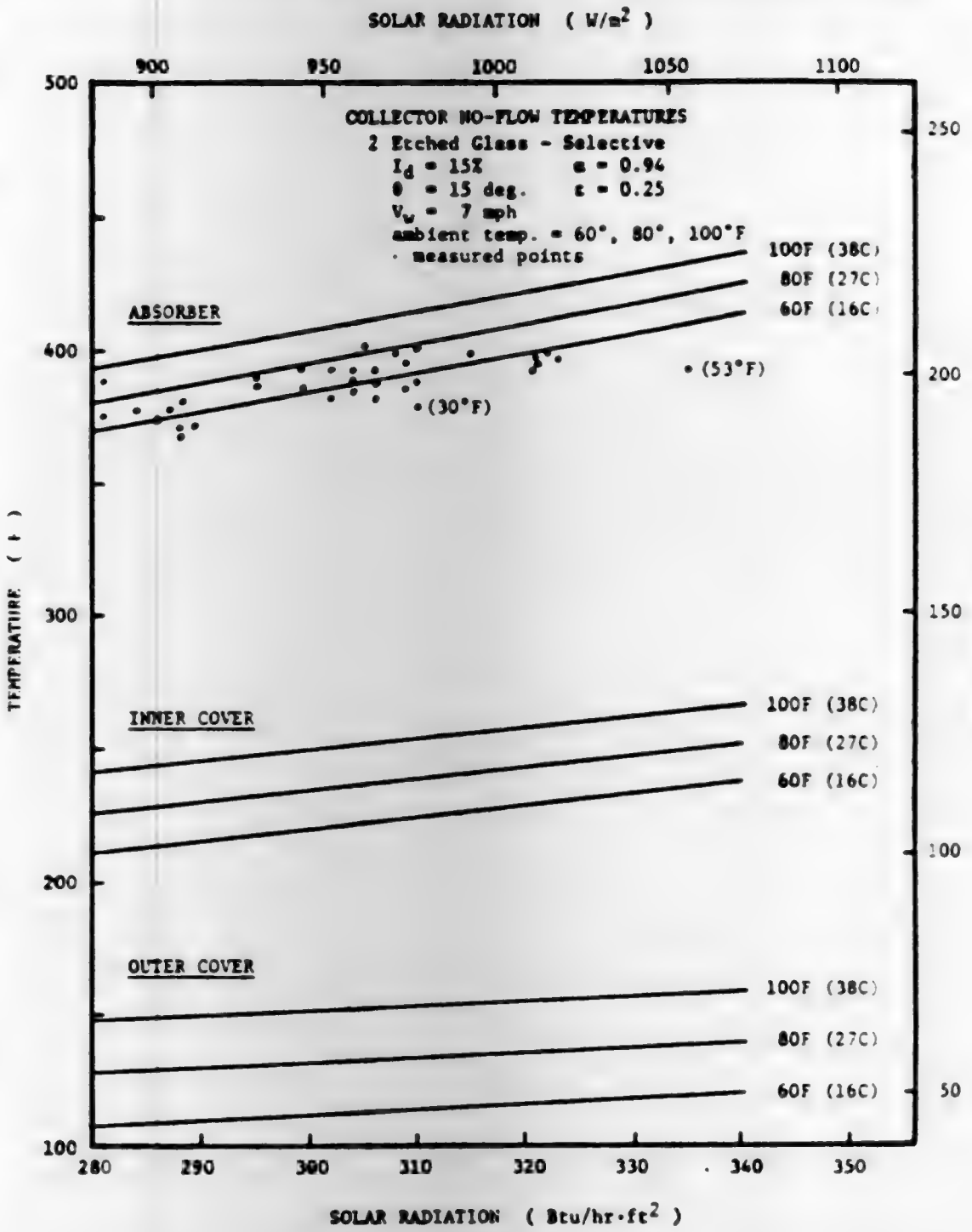

Figure 2 No Flow-Temperatures at Various Locations in a Collector with a Selective Absorber and Two Glass Cover Plates.

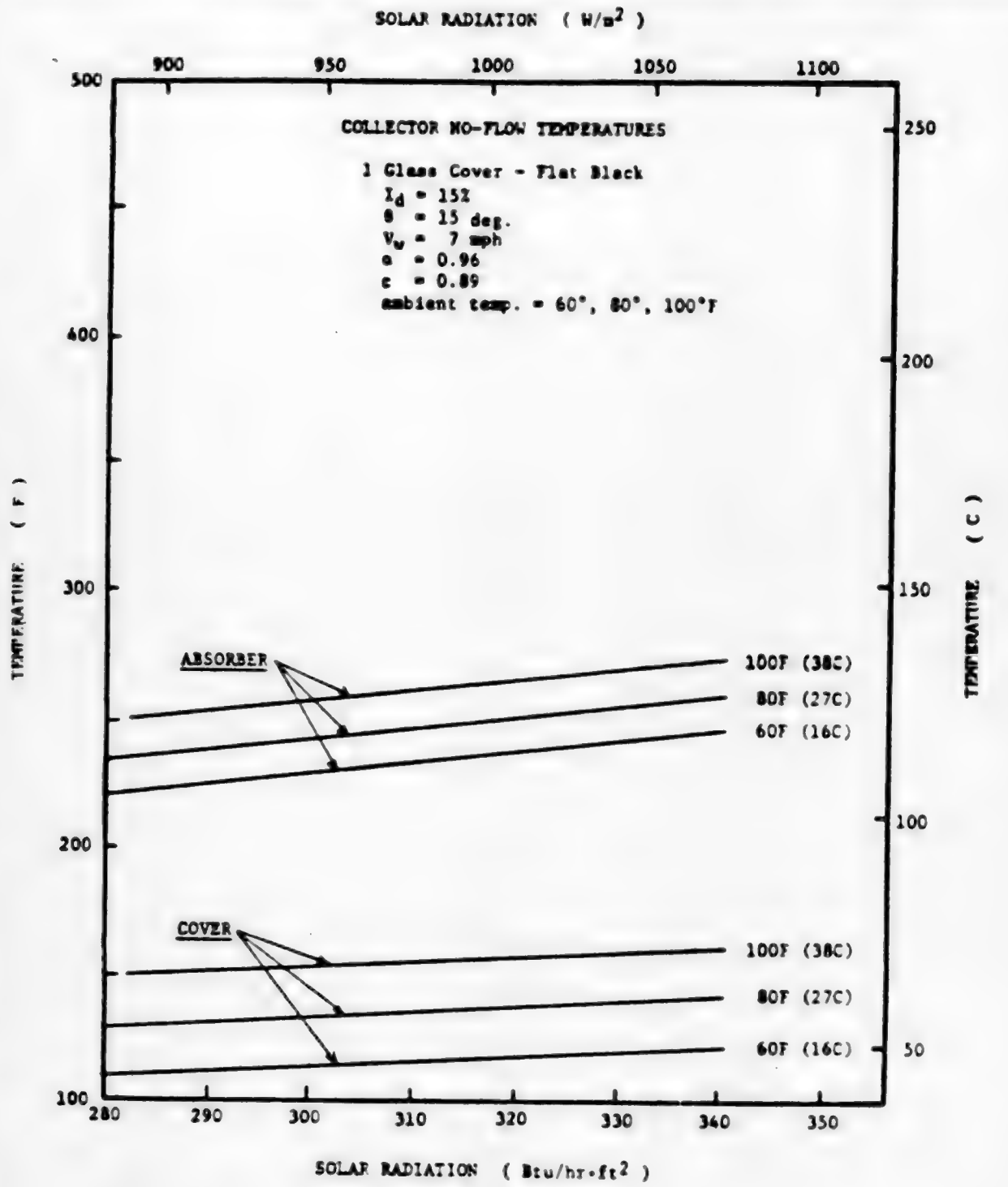

Figure 3 No Flow-Temperatures at Various Locations in a Collector with Flat Black Absorber and One Glass Cover Plate.

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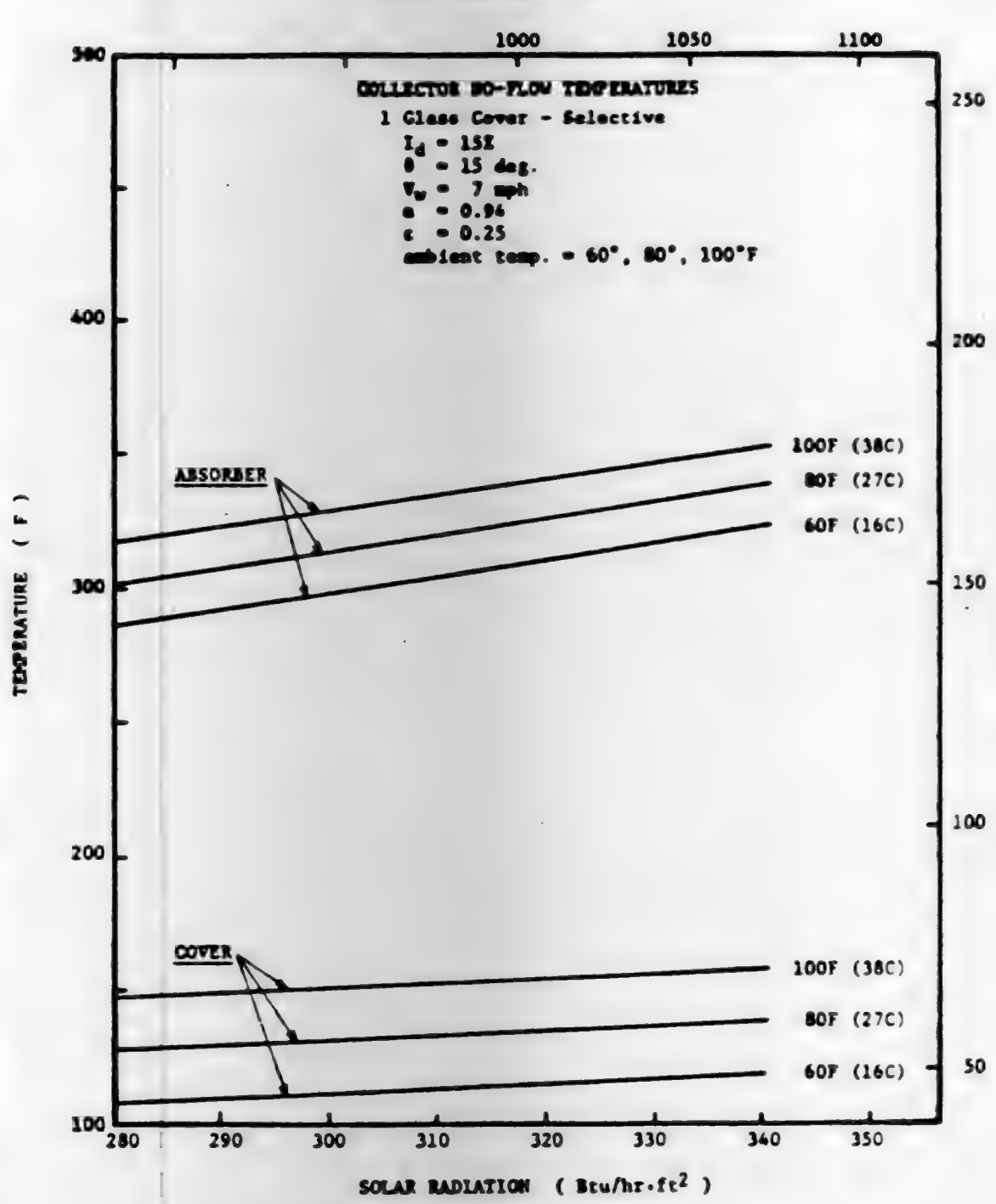

Figure 4 No Flow-Temperatures at Various Locations in a Collector with a Selective Absorber and One Glass Cover Plate.

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Section 2. Evaluation Methods

The evaluations given in Chapter 5 and Sections 3 through 9 of this Appendix are intended to provide a means of measuring the deterioration of materials which would occur during use. Deterioration of materials is a measure of their durability. Deterioration is a result of exposure of the material to an environment which causes changes in its properties. To screen materials and to assess durability, properties must be measured before and after exposure to an environmental aging procedure. Assessment of properties should include: visual inspection of surfaces plus measurement of appropriate optical, physical, mechanical or chemical properties. Important properties will depend upon the application and the type of material. Tables 1a–1c identify the properties which must be measured before and after aging for various materials and components. Methods to perform typical property tests are listed in Table 2. Other test methods may also be used, if necessary, to document performance. Recommended aging procedures and property assessment methods are included in Sections 3 through 9.

Section 3. Test Methodology: Criterion 5.1.1 Solar Degradation

Components or materials shall be tested using at least one aging procedure and appropriate property assessment methods (Table 1a).

Aging Procedure 1 (Simulated Laboratory Exposure)

Acceptable exposure procedures include ASTM G26–77, Operating Light Exposure Apparatus (Xenon-Arc Type) With and Without Water for Exposure of Non-Metallic Metals, [2] or ASTM D2565–75, Operating Xenon Arc-Type (Water Cooled) Light and Water Exposure Apparatus for Exposure of Plastics [3].

Expose components or materials to simulated solar radiation. With the Type A or AH apparatus, the exposure periods shall be 1400 hours. With the Type B or BH apparatus, the exposure periods shall be 1900 hours. The exterior surfaces of components which are exposed to rainfall in service shall be subjected to a water spray. The exposure cycle should be 90 minutes of light only, followed by 30 minutes of light with water spray. For components not exposed to moisture under normal operating conditions, the water spray shall not be included in the procedure.

Aging Procedure 2 (Outdoor Exposure Using Concentrated Natural Radiation)

Using concentrated natural solar radiation machines such as those referenced in paragraph 4.3.2 of ANSI Z97.1–1975 [4] expose components or materials to concentrated natural solar radiation until they have received a total incident radiant exposure of 5.4×10^5 Btu/ft^2 (6.0 GJ/m^2). Exterior surfaces exposed to moisture in service shall be subjected to water spray for a period of 8 minutes during each 60 minutes of sunlight exposure. The water spray should be at a rate of 1.75×10^{-2} gal/min.ft^2 (1.18×10^{-2} L/s.m^2) +20 percent. For components not exposed to rainfall under normal operating conditions, the water spray shall not be included in the procedure.

The test specimens shall be framed and off-mounted between ¼ and ½ in. (6 and 12 mm) from the target board. Cooling shall be provided to maintain the specimen temperature at not more than 59° F (33° C) above the upper specimen temperature that would be achieved when identically mounted and backed specimens are exposed at a normal incident angle to the same sun.

Aging Procedure 3 (Natural Weathering)

Expose components and materials to 12 months of solar radiation outdoors by the most appropriate againg procedure listed below. The average daily flux of the solar radiation, as obtained by averaging the daily fluxes over the 12 month period of outdoor exposure, shall be at least 1300 Btu/ft^2 (14.8 Mj/M^2).

Cover materials (flat plate collectors)	ASTM E782-81	Standard practice for exposure of cover materials for solar collectors to natural weathering under conditions simulating operational mode
Absorber coatings	ASTM E781-81	Standard practice for evaluating absorptive solar receiver materials when exposed to conditions simulating stagnation in solar collectors with cover plate(s)
Exterior paints (not absorber coatings)	ASTM D1006-73	Standard recommended practice for conducting exterior exposure tests of paints on wood
Exterior paints (not absorber coatings)	ASTM D1014-66 (reapproved 1973)	Standard method of conducting exterior exposure tests of paints on steel
Adhesive joints	ASTM D1828-70, ANSI Z197.24-1973	Standard recommended practice for atmospheric exposure of adhesive bonded joints and structures
Plastics	ANSI/ASTM D1435-75	Standard recommended practice for outdoor weathering of plastics
Non-metallic materials	ANSI/ASTM G7-77A	Standard practice for atmospheric environmental exposure testing of non-metallic materials
Pipeline coatings	ASTM G11-72	Standard test method for effects of outdoor weathering on pipeline coatings
Any material	ASTM G24-73	Standard recommended practice for conducting natural light exposures under glass

Property Assessment

Properties listed in Appendix Tables 1a–1c shall be measured to determine the effect of aging procedures on visual appearance and important optical, physical or mechanical properties of the components or materials. Other properties may be used for assessment as appropriate. Properties must be measured for both aged and unaged specimens to establish a basis of comparison.

Commentary

The tests are intended to permit estimations to be made of the effect of solar radiation in degrading collector components and in reducing the collector efficiency. The exposure period for the aging procedure is considered to provide approximately the same total energy below 400 nm as would be received in 12 months of actual solar exposure in Phoenix, Arizona.

Section 4. Test Methodology: Criterion 5.1.3 Pollutant Degradation

Aging Procedure 1 (Resistance to Ozone)

Coupon specimens of components shall be exposed for 21 days to an ozone atmosphere of 50+5 pphm/volume in a test chamber of 73.4+3.6° F (23+2° C). An ozone test chamber is described in ASTM D1149–77, "Rubber Deterioration—Surface Ozone Cracking in a Chamber (Flat Specimens)" [5]. Specimens should be stressed to simulate service conditions.

Aging Procedure 2 (Resistance to Salt Spray)

Coupon specimens of components shall be exposed for 21 days in accordance with ASTM Method B117–73, Salt Spray (Fog) [6].

Aging Procedure 3 (Resistance to SO_x and NO_x)

Coupon specimens of components shall be supported vertically in a closed chamber having openings for gas inlet and outlet and maintained at a temperature of 73.4 + 3.6° F (23 + 2° C) for a period of 21 days. An amount of (SO_x or NO_x) equivalent to 1 percent of the volume of the test chamber shall be introduced into the chamber each working day. A small amount of water is to be maintained at the bottom of the chamber.

Property Assessment

Properties listed in Tables 1a–1c shall be measured to determine the effect of the aging procedures on important optical, physical, mechanical or chemical properties. In addition, the surfaces of the test specimens shall be visually examined for signs of deterioration such as cracking, blistering or dimensional changes using a microscope with an eyepiece micrometer at 20X magnification. Other properties may be used for assessment, as appropriate. Properties must be measured for both aged and unaged specimens to establish a basis for comparison.

Commentary

These tests are intended to determine the resistance of components to airborne pollutants.

Section 5. Test Methodology: Criterion 5.2.1. Thermal Degradation.

Heat transfer fluids shall be tested using aging procedures 1 and 3. Other components and materials shall be tested using aging procedure 2. Property assessment methods listed in Table 1a–1c shall be performed before and after aging. Supplemental aging procedures are listed below and may be added where applicable. Section 1 of this appendix may be useful in determining the maximum service temperature.

Sealants	ASTM C792–75	Standard method of test for effects of heat aging on weight loss, cracking and chalking of elastomeric sealants
Rubber	ANSI/ASTM D454–53 (reapproved 1976)	Standard test method for rubber deterioration by heat and air pressure
Plastic	ANSI/ASTM D794–66 (reapproved 1977).	Standard recommended practice for determining permanent effect of heat on plastics
Plastic	ANSI/ASTM D1042–51 (reapproved 1979).	Standard test method for linear dimensional changes of plastics under accelerated service conditions
Plastic	ANSI/ASTM D1204–78.	Standard test method for linear dimensional changes of nonrigid thermoplastic sheeting or film at elevated temperatures
Plastic	ANSI/ASTM D1299–55 (Reapproved 1971).	Standard test method for shrinkage of molded and laminated thermosetting plastics at elevated temperature
Plastic	ANSI/ASTM D1203/87 (reapproved 1974).	Standard test method for loss of plasticizer from plastics (activated carbon methods)

Aging Procedure 1 (Resistance of Fluids to Maximum Service Temperature)

Expose the heat transfer fluids to their maximum service temperature for a period of 21 days. In some cases, this may require the use of an autoclave. The fluids shall contain turnings of the metal to be used in service in quantities of 10 g of metal turnings to 100 cc of fluid. Aeration shall be provided in fluids to be used in "open" systems. Fluid aeration need not be included for "closed" system usage. The test must be repeated separately for all metal materials that are present in the system.

Aging Procedure 2 (Resistance of Components and Materials to Maximum Service Temperature)

Components or coupon test specimens shall be subjected to heat aging for a period of 21 days at the maximum service temperature. Components and materials stressed in normal use should be stressed during the exposure.

Aging Procedure 3 (Resistance of Fluids to Minimum Service Temperature)

Expose the heat transfer fluids to their minimum service temperature for a period of 24 hours and remove and immediately examine for freezing.

Property Assessment

Properties listed in Tables 1a–1c shall be measured to determine the effect of the aging procedures on visual appearance and important optical, physical, chemical and mechanical properties of the components or materials. At the completion of aging procedure 1, the fluids shall be visually inspected for signs of undesired changes such as excessive precipitation or boiling. Other properties may be used for assessment as appropriate. Properties must be measured for both aged and unaged specimens to establish a basis for comparison.

Commentary

The tests are intended to permit estimations to be made of the effect of heat in degrading collector components and in reducing the system efficiency. Aging procedure 3 is intended to evaluate freezing of transfer fluids at the minimum service temperature. (See Criterion 3.6.1.)

Section 6. Test Methodology: Criterion 5.2.2 Thermal Cycling Degradation

Materials and components shall be subjected to the aging procedure and appropriate property assessment methods (Tables 1a–1c).

Aging Procedure 1 (Resistance of Components and Materials to Thermal Cycling)

Complete components or material test specimens shall be subjected to thermal cycling between the maximum service temperature and minimum service temperature for a total of 30 cycles. Each cycle shall consist of: 7.5 hours at the maximum service temperature; 0.5 hours at room temperature; 15.5 hours at the minimum service temperature; and 0.5 hours at room temperature.

Property Assessment

Properties listed in Tables 1a–1c shall be measured to determine the effect of thermal cycling on visual appearance and on important physical, mechanical and chemical properties of the components or materials. Other properties may be used for assessment as appropriate. Properties must be measured for aged and unaged specimens to establish a basis for comparison.

Commentary

These tests are intended to permit estimations to be made of the effect of thermal cycling in degrading collector components and materials.

Section 7. Test Methodology: Criterion 5.3.1 Materials/Transfer Fluid Degradation

Metallic containment materials used with non-aqueous liquids shall be tested using aging procedure 1 and plastic containment materials shall be tested using aging procedure 2. After aging, appropriate property assessment methods (Tables 1a–1c) shall be performed.

Aging Procedure 1 (Resistance of Metallic Containment Materials to Non-aqueous Liquids)

The apparatus for this test consists of heating tape with appropriate power and control systems, and a variable flow

pump with a reservoir for the heat transfer fluid.

The primary sample typically consists of a 36 in. (914 mm) length of tubing bent around an 8 in. (203 mm) diameter mandril so that each leg of the U-bend is of approximately equal length. Other specimen designs are permitted if they more closely approximate conditions of application. Care should be taken in making the U-bend so that fluid flow through the tube is not significantly restricted. The tubing sample is mounted with an inclination of the plane of the U-bend at about 45 degrees to horizontal during testing.

Secondary samples of similar or dissimilar metal tubing may be introduced in the loop. The test shall be carried out for a minimum period of 30 days. During the test, the temperature shall be maintained at the maximum service temperature.

Appropriate modifications including flow rate and degree of fluid aeration shall be included in the test. Protective coatings shall form a part of the test specimen if they are used in the actual system. Testing shall be followed by visual inspection. With appropriate modification, Standard TM-01-71, "Autoclave Corrosion Testing of Metal in High Temperature Water," [7] of the National Association of Corrosion Engineers for materials used in pressurized systems of ASTM D1384-76, "Corrosion Test for Engine Antifreezes in Glassware," [8] for materials used in systems at atmospheric pressure, may be used in the evaluation of metal coupons.

Aging Procedure 2 (Resistance of Plastic Containment Materials to Liquids)

Plastic containment materials shall be tested for 7 days at maximum service temperature in accordance with ASTM D543-67 (1978) [9] or ASTM D1239-55 (1971) [10]. The heat transfer fluid specified by the solar system manufacturer should be used. For organic based heat transfer fluids commonly used in aqeous solutions, the test reagents should include the concentrated heat transfer fluid and dilute solutions at concentrations similar to actual use.

Property Assessment

Following the test, the test specimens shall not show signs of pitting, crevices, erosion or exhibit other signs of general corrosive deterioration with the exception of discoloration.

Properties listed in Tables 1a-1c shall be measured to determine the effect of the aging procedures on visual appearance and on important chemical, physical or mechanical properties. Other properties may be used for assessment as appropriate. Properties must be measured for both aged and unaged specimens to establish a basis of comparison.

Commentary

These tests are intended to permit estimations to be made of the effect of chemical incompatibility of the heat transfer fluids and materials in the energy transport system. Data derived from these aging procedures and property assessment methods may be used as guidelines. Assurance of chemical compatibility of critical components may require additional long-term testing under conditions (temperature, pressure and flow rates) simulating actual use.

Section 8. Test Methodology: Criterion 5.3.2 Dissimilar Metals Degradation

Adjoining dissimilar metals used in contact with the transfer fluid should be tested using aging procedure 1. Adjoining dissimilar metals not used in contact with the transfer fluid should be tested using aging procedure 2. After aging, appropriate property assessment methods (Tables 1a-1c) shall be performed.

Aging Procedure 1 (Resistance of Metallic Containment Materials to Liquids)

Test specimens consisting of dissimilar metals in direct contact with one another shall be subject to the test as described in aging procedure 1 of Section 7.

Aging Procedure 2 (Resistance to SO_x and NO_x)

Test speciments consisting of dissimilar materials in direct contact with one another shall be subject to the test as described in aging procedure 3 of Section 4.

Property Assessment

Properties listed in Tables 1a-1c shall be measured to determine the effect of the aging procedures on visual appearance and on important chemical, physical or mechanical properties. Other properties may be used as appropriate. Properties must be measured for both aged and unaged specimens to establish a basis for comparison.

Commentary

These tests are intended to permit estimations to be made of the effect of corrosion on non-isolated dissimilar metals.

Section 9. Test Methodology: Criterion 5.3.3 Compatibility of Adjacent Organic Materials

Aging Procedure 1 (Compatibility of Adjacent Organic Materials)

Test specimens consisting of the dissimilar organic materials in direct contact with one another shall be exposed to the maximum service temperature for a period of 120 hours.

Property Assessment

Properties listed in Tables 1a-1c shall be measured to determine the effect of the aging procedure on visual appearance and on important chemical, physical or mechanical properties. Other properties may be used as appropriate. Properties must be measured for both aged and unaged specimens to establish a basis of comparison.

Section 10. No-flow 30-Day Degradation

Testing Procedure

Evaluation of changes in collector materials or performance due to environmental conditioning shall be determined in accordance with the test procedure described in ASHRAE Standard 93 (latest revision) either *before* and *after* or only *after* exposing the collector panel assembly to the Exposure Test described below. Both the *before* and *after* collector thermal performance tests (ASHRAE Standard 93) shall be performed utilizing the same test facility under similar climatic conditions.

Exposure Test

A. *Test specimen* shall consist of a complete air or liquid collector panel assembly.

B. *Pre-exposure preparation:*

1. *Air collector* duct openings shall be sealed to prevent cooling by convective air flow and the entry of dirt or precipitation. The collector shall be vented to prevent build-up of pressure.

2. *Liquid collectors intended for use in all systems* (with *or without draindown*) shall be completely filled with distilled water [1] following which the inlet shall be sealed and the outlet provided with a pressure relief valve set to a value between 0% and +10% over the manufactuere's recommended maximum operating pressure.

3. *Liquid collectors limited to use in systems that draindown when not operating* shall be completely filled with distilled water [1] following which the fluid shall be allowed to gravity drain

[1] Manufacturer's/designer's recommended fluid shall be used in those instances when they specifically prohibit the use of distilled water.

for 15 minutes with the collector mounted at a 45° tilt angle. The collector inlet shall then be protected to prevent entry of dirt or precipitation. The collector shall also be vented to prevent buildup of pressure.

C. *Exposure Conditions:*

1. Exposure conditions shall consist of 30 days of cumulative exposure to a minimum daily incident solar radiation flux of 1500 Btu/ft ².day (17,000 kj/m².day) as measured in the plane of the collector aperture.[2]

2. The exposure conditions shall include at least one consecutive 4-hour period or two 2½ hour periods with a minimum instantaneous flux of 300 Btu/ft².day (946 W/m²). the exposure test is only concluded after the requirements in the table following paragraph D.3. have been met.

a. Collector orientation changes to maximize the solar radiation or supplementary reflectors may be necessary to obtain the 300 Btu/ft².hr (946 W/m²) insolation level at certain locations. However, the maximum peak flux shall not exceed 370 Btu/ft².hr (1165 W/m²) under normal sun-sky or simulator exposure conditions.

b. A reflector my be used if it has sufficient width and height to uniformly irradiate the collector aperture during the 300 Btu/ft².hr exposure period. Solar irradiance measurements shall be performed in the plane of the collector to verify that the irradiance does not vary by more than 10 percent over the collector aperture and that the minimum instantaneous flux requirement is met.

c. A transparent enclosure may be used to raise the ambient temperature around the collector. The enclosure material shall have a total solar transmittance of at least 0.85 and a spectral transmittance of at least 0.80 in the wavelength band from 0.3 to 0.4 um. If used, the pyranometer shall be mounted within the enclosure and within the plane of the collector for measurement of the solar irradiance.

D. *Thermal Shock/Water Spray Penetration:* This test is intended to induce the thermal stresses that would occur when rain impinges on a heated collector to determine the penetration of rain into the collector and the effect of such penetration or moisture condensation, if any, on collector performance.

1. *Period of test:* The test shall be performed three times during the 30-day esposure period; once during the first 10 days of the exposure period as defined in paragraph C.1. and once each during the second and third 10 days of the exposure period.

2. *Pre-test exposure:* The spray test shall be conducted after at least one hour of radiant exposure with a minimum solar irradiance of 270 Btu/ft².hr (850 W/m²) measured in the plane of the collector.

3. *Apparatus:* The test apparatus consists of three or more spray heads in a water supply rack. the water pressure for all tests is maintained at a minimum of 5 psi (34.47 k Pa) at each spray head and is equivalent to simulating a rain of about 12 inches per hour or a water flow rate of 50 gallons per hour per nozzle. the supply water temperature shall not exceed 86°F (30°C). a complete description of the apparatus and procedure is presented in NBSIR 78-1305A [12].

Specific Test Requirements and Options

Test Requirement	Solar Radiation (min.)	Ambient Temperature	Time	Other
30-days at	1500 Btu/ft^2.day	-	24-hr period	Liquid collectors shall be exposed filled for at least one of these days.
4-hour period or two 2-1/2 hour periods	300 Btu/ft^2.hr or 300 Btu/ft^2.hr with 1 hr. min. of 225 Btu/ft^2.hr preceding each 2-1/2 hr. period	80 F or minimum of 70 F if the solar irradiance is greater than 300 Btu/ft^2.hr (see NBSIR 78-1305a for options.)	Continuous irradiance for either 4 hours or two 2-1/2 hour periods. Exposure to occur after collector has boiled dry or been drained.	Reflector and/or enclosure may be used to reach required irradiance or temperature.
Water spray	One hr. minimum of 270 Btu/ft^2.hr to precede each application	Above freezing	Each application for 15 min. continuous period.	Supply water temperature of 86 F or less

E. *Data Requirements:*

1. The exposure conditions including hourly irradiation, ambient temperature, wind velocity and daily precipitation shall be recorded to enable determination of the average daily values. Irradiance and ambient temperature values shall be recorded every 30 minutes during the 4-hour 300 Btu/ft ².hr (946 W/m ²) minimum flux exposure period.

2. A regularly scheduled weekly visual inspection shall be made and a record of changes in the physical construction or appearance of the collector maintained.

3. The results of the pre-test and post-test thermal performance shall be plotted on the same graph for comparison purposes. A written description of observed changes in the physical or optical appearance of the collector shall be reported and substantiated with photographs where appropriate.

4. For collectors receiving only a post-test thermal performance measurement, the collector shall be completely disassembled and inspected for any evidence of functional impairment or material deterioration which could result in an abnormally short collector life when operated under normal service conditions. Evidence of material degradation will require documented experimental test data indicating the ability of the material to withstand and continue to function under the conditions commensurate with the application and design lifetime.

Commentary

The purpose of this test is to identify, in a relatively short time, potential problems with collector materials or construction resulting from prolonged exposure to natural environments.

[2] For collectors governed by paragraph B.2., the filled collector shall be exposed to at least one day with a minimum daily incident solar radiation of 1500 Btu/ft².day. If freezing conditions are anticipated, the collector may be drained after exposure to this day. The pressure relief valve and inlet seal shall be removed when the collector is drained of all fluid. The collector inlet shall then be protected to prevent entry of dirt or precipitation and shall be vented to prevent pressure buildup. The collector shall be exposed for a total of thirty cumulative 1500 Btu/ft².days (either filled or unfilled) as described above. The filled exposure day(s) may occur at any time during the 30-day exposure if so desired.

Recognizing that elevated temperature is one of the most damaging environments, solar irradiance and ambient temperature levels have been selected which represent typical summer conditions in most U.S. climatic regions. These conditions will produce the temperatures that the various materials used in solar collectors (cover plates, absorptive coatings, sealants, etc.) will experience in use. Until adequate laboratory test procedures are adopted to insure the ability to select reliable materials and designs, an assembly level test is considered to be necessary for evaluating collector reliability.

A 4-hour or two 2½ hour exposure periods with a minimum flux of 300 Btu/ft².hr (946 W/m²) is specified in the test method. During this exposure period, it is intended that the collector be exposed to the normal peak profile that it would see on a fixed mount facing south.

The test procedure does not include provisions for evaluating tracking concentrating collectors or collectors designed for use with external reflectors to enhance solar radiation. Modifications to the exposure apparatus may be necessary to accommodate these collectors.

This test method may be superceded when a consensus standard, similar to the test outlined herein, is approved and/or a nationally accepted collector certification program is in operation.

Section 11

See following tables.

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TABLE 1a -PROPERTY ASSESSMENT OF MATERIALS

COLLECTOR COMPONENTS

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TABLE 1a -PROPERTY ASSESSMENT OF MATERIALS

COLLECTOR COMPONENTS

	Glazing		Absorber		Absorber Coating	Gasket[1]/ and Sealants	Coupling[1]/ Hoses	Insulation[1]/	Case Assembly (i.e. box)	Reflectors
	glass	plastic	metal[1]/	plastic						
Visual Inspection	X	X	X		X	X	X		X	X
Optical Properties										
Solar Transmittance	X	X	X							
Solar Reflectance		X			X					X
Emittance			X		X					X
Mechanical Properties										
Tensile		X	X			X	X			
Flexure							X			
Impact	X	X								
Fatigue			X							
Burst or Rupture			X			X	X			
Physical Properties										
Dimensional Stability	X		X			X	X	X	X	
Hardness						X	X			
Chemical Properties						X	X	X		

[1]/See Table 5-2 of Chapter 5

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TABLE 1b PROPERTY ASSESSMENT OF MATERIALS

ENERGY TRANSPORT COMPONENTS

	Pipes		Ducts/Plenums		Heat Transfer Fluid	Pumps	Blowers	Filters	Insulation & Coating	Expansion Tank	
	metal	plastic	metal	plastic						metal	plastic
Visual Inspection	X	X	X	X	X	X	X	X	X	X	X
Optical Properties											
Solar Transmittance											
Solar Reflectance											
Emittance											
Mechanical Properties											
Tensile		X									X
Flexure		X									X
Impact											
Fatigue		X									
Physical Properties											
Dimensional Stability	X	X		X							X
Viscosity					X						
Chemical Properties											
pH					X						
IR Spectra					X						

TABLE 1c - PROPERTY ASSESSMENT OF MATERIALS

STORAGE COMPONENTS

TABLE 1c - PROPERTY ASSESSMENT OF MATERIALS

STORAGE COMPONENTS

	Container		Liners	Insulation	Gaskets & Sealants[1]	Liquid	Solid	Phase Change Mtl.[2]	Heat Exchangers
	metal	plastic							
Visual Inspection	X	X	X	X		X	X		X
Optical Properties									
Solar Transmittance									
Solar Reflectance									
Emittance									
Mechanical Properties									
Tensile		X							
Flexure									
Impact									
Fatigue		X							
Physical Properties									
Dimensional Stability	X	X							
Viscosity						X			
Chemical Properties									
pH						X			
IR spectra									

[1] See evaluation methods in Table 5.2 of Chapter 5

[2] Methods to be developed

TABLE 2

LIST OF TEST PROPERTIES, TEST METHOD DESIGNATIONS AND TITLES

PROPERTY	TEST METHOD DESIGNATION NUMBER	TITLE
	VISUAL OBSERVATION	
Chalking	ASTM D659-74	Standard Method of Evaluating Degree of Chalking of Exterior Paints
Checking	ASTM D660-44 (Reapproved 1970)	Stanadard Method of Evaluating Degree of Checking of Exterior Paints
Cracking	ASTM D661-44 (Reapproved 1970)	Standard Method of Evaluating Degree of Cracking of Exterior Paints
Blistering	ASTM D714-56 (Reapproved 1974)	Standard Method of Evaluating Degree of Blistering of Paints
	OPTICAL PROPERTIES	
Solar Transmittance	ASTM E424-71 ANSI Z138.7-1973	Standard Test Method for Solar Transmittance and Reflectance (Terrestrial) of Sheet Materials
Solar Reflectance	ASTM E424-71 ANSI Z138.7-1973	Standard Test Method for Solar Transmittance and Reflectance (Terrestrial) of Sheet Materials
Emittance	ASTM E408-71	Standard Test Method for Total Normal Emittance on Surfaces Using Inspection-Meter Techniques

Emittance	ASTM E434-71	Standard Test Method for Calorimetric Determination of Hemispherical Emittance and the Ratio of Solar Absorptance to Hemispherical Emittance Using Solar Simulation
	PHYSICAL PROPERTIES	
Hardness	ANSI/ASTM D785-65 (Reapproved 1976)	Standard Test Method for Rockwell Hardness of Plastics and Electrical Insulating Materials
Hardness	ANSI/ASTM D2583-75	Standard Test Method for Indentation Hardness of Rigid Plastics by Means of a Barcol Impressor
Dimensional Stability	ANSI/ASTM D2122-76	Standard Method of Determining Dimensions of Thermoplastic Pipe and Fittings
	MECHANICAL PROPERTIES	
Tensile Strength	ANSI/ASTM D638-77a	Standard Test Method for Tensile Properties of Plastics
Tensile Strength	ANSI/ASTM D882-75b	Standard Test Method for Tensile Properties of Thin Plastic Sheeting
Tensile Strength	ASTM C297-61 (Reapproved 1970)	Standard Method of Tension Test of Flat Sandwich Constructions in Flatwise Plane
Tensile Strength	ANSI/ASTM D897-78	Standard Test Method for Tensile Properties of Adhesive Bonds
Tensile Strength	ANSI/ASTM D412-75	Standard Test Method for Rubber Properties in Tension
Loading or Compression Strength	ANSI/ASTM D695-77	Standard Test Method for Compressive Properties of Rigid Plastics

Loading or Compression	ANSI/ASTM D2412-77	Standard Test Method for External Loading Properties of Plastic Pipe by Parallel-Plate Loading
Flexure Strength	ANSI/ASTM C158-72 (Reapproved 1978)	Standard Method for Flexure Testing of Glass (Determination of Modulus of Rupture)
Flexure Strength	ASTM C393-62 (Reapproved 1970)	Standard Method of Flexure Test of flat Sandwich Constructions
Flexure Strength	ANSI/ASTM D790-71	Standard Test Method for Flexural Properties of Plastics and Electrical Insulating Materials
Fatigue	ANSI/ASTM D671-71 (Reapproved 1978)	Standard Test Method for Flexural Fatigue of Plastics by Constant Amplitude of Force
Burst or Rupture	ANSI/ASTM D1598-76	Standard Test Method for Time-to-Failure of Plastic Pipe Under Constant Internal Pressure
Burst or Rupture	ANSI/ASTM D1599-74	Standard Test Method for Short-Time Rupture Strength of Plastic Pipe, Tubing and Fittings
Burst or Rupture	ANSI/ASTM D2143-69 (Reapproved 1976)	Standard Test Method for Cyclic Pressure Strength of Reinforced Thermosetting Plastic Pipe

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Table 3 Open System Parameters: Generally Acceptable and Unacceptable Use Conditions for Metals in Direct Contact with Heat Transfer Fluids

Generally Unacceptable Use Conditions	Generally Acceptable Use Conditions [1]
Aluminum	
1. When in direct contact with untreated tap water with pH <5 or >9.	1. When in direct contact with distilled or deionized water which contains appropriate inhibitors and does not contact copper or iron.
2. When in direct contact with aqueous liquid containing less electro positive metal ions, such as copper or iron or halide ions.	2. When in direct contact with distilled or deionized water which contains appropriate inhibitors and a means of removing heavy metal ions obtained from contact with copper or iron.
3. When spectific data regarding the behavior of a particular alloy are not available, the velocity of aqueous liquid shall not exceed 4 ft/sec.	3. When in direct contact with stable anhydrous organic liquids.
4. When in direct contact with a liquid which is in contact with corrosive fluxes.	
Copper	
1. When in direct contact with aqueous liquid containing high concentrations of chlorides, sulfates or liquid which contains hydrogen sulfide.	1. When in direct contact with distilled, deionized or low chloride, low sulfate and low sulfide tap water.
2. When in direct contact with chemicals that can form copper complexes such as ammonium compounds.	2. When in direct contact with stable anhydrous organic liquids.
3. When in direct contact with an aqueous liquid having a velocity greater than 4 ft/sec. [2]	
4. When in direct contact with a liquid which is in contact with corrosive fluxes.	
5. When in contact with an aqueous liquid with a pH lower than 5.	
6. When the copper surface is initially locally covered with a copper oxide film or a carbonasceous film.	
7. When operating under conditions conducive to water line corrosion.	
Steel	
1. When in direct contact with untreated tap, distilled or deionized water with pH <8 or >12.	1. When in direct contact with distilled, deionized or low salt content water which contains appropriate corrosion inhibitors.

Table 3 (Contd.)

Generally Unacceptable Use Conditions	Generally Acceptable Use Conditions 1/
2. When in direct contact with a liquid which is in contact with corrosive fluxes.	2. When in direct contact with stable anhydrous organic liquids.
3. When in direct contact with an aqueous liquid having a velocity greater than 6 ft/sec. 2/	3. When adequate cathodic protection of the steel is used (practical only for storage tanks).
4. When operating under conditions conducive to water line corrosion.	
Stainless Steel	
1. When the grade of stainless steel selected is not corrosion resistant in the anticipated heat transfer liquid.	1. When the grade of stainless steel selected is resistant to pitting, crevice corrosion, intergranular attack and stress corrosion cracking in the anticipated use conditions.
2. When in direct contact with a liquid which is in contact with corrosive fluxes.	2. When in direct contact with stable anhydrous organic liquids.
Galvanized Steel	
1. When in direct contact with aqueous liquid containing copper ions.	1. When adequate cathodic protection of the galvanized parts is used (practical only for storage tanks).
2. When in direct contact with aqueous liquid with pH <8 or >12.	2. When in contact with stable anhydrous organic liquids.
3. When in direct contact with aqueous liquid with a temperature >55°C.	
Brass and Other Copper Alloys	
Binary copper-zinc brass alloys (CDA 2XXX series) exhibit generally the same behavior as copper when exposed to the same conditions. However, the brass selected should resist dezincification in the operating conditions anticipated. At zinc contents of 15% and greater, these alloys become increasingly susceptible to stress corrosion. Selection of brass with a zinc content below 15% is advised. There are a variety of other copper alloys available, notably copper-nickel alloys, which have been developed to provide improved corrosion performance in aqueous environments.	

1/ The use of suitable antifreeze agents and buffers is acceptable provided they do not promote corrosion of the metallic liquid containment system. The use of suitable corrosion inhibitors for specific metals is acceptable provided they do not promote corrosion of other metals present in the system. If thermal or chemical degradation of these compounds occurs, the degradation products shall not promote corrosion.

2/ The flow rates at which erosion/corrosion becomes significant will vary with the conditions of operation. Accordingly, the value listed is approximate.

Table 4 Closed System Parameters: Generally Acceptable and Unacceptable Use Conditions for Metals in Direct Contact with Heat Transfer Liquids

Generally Unacceptable Use Conditions	Generally Acceptable Use Conditions 1/
Aluminum	
1. When in direct contact with untreated tap water with pH <5 or >9.	1. When in direct contact with distilled or deionized water which contains appropriate corrosion inhibitors.
2. When in direct contact with liquid containing copper, iron or halide ions.	2. When in direct contact with stable anhydrous organic liquids.
3. When specified data regarding the behavior of a particular alloy are not available, the velocity of aqueous liquid shall not exceed 4 ft/sec.	
Copper	
1. When in direct contact with an aqueous liquid having a velocity greater than 4 ft/sec. 2/	1. When in direct contact with untreated tap, distilled or deionized water.
2. When in contact with chemicals that can form copper complexes such as ammonium compounds.	2. When in direct contact with stable anhydrous organic liquids.
	3. When in direct contact with aqueous liquids which do not form complexes with copper.
Steel	
1. When in direct contact with liquid having a velocity greater than 6 ft/sec. 2/	1. When in direct contact with untreated tap, distilled or deionized water with pH >8 or <12.
2. When in direct contact with untreated tap, distilled or deionized water with pH < 8 or >12.	2. When in direct contact with stable anhydrous organic liquids.
	3. When in direct contact with aqueous liquids of pH >8 or <12.
Stainless Steel	
1. When the grade of stainless steel selected is not corrosion resistant in the anticipated heat transfer liquid.	1. When the grade of stainless steel selected is resistant to pitting, crevice corrosion, intergranular attack and stress corrosion cracking in the anticipated use conditions.
2. When in direct contact with a liquid which is in contact with corrosive fluxes.	2. When in direct contact with stable anhydrous organic liquids.

Table 4 (Contd.)

Generally Unacceptable Use Conditions	Generally Acceptable Use Conditions [1]
Galvanized Steel	
1. When in direct contact with water with pH <8 or >12.	1. When in contact with water of pH >8 but <12.
2. When in direct contact with an aqueous liquid with a temperature >55°C.	
Brass and Other Copper Alloys	
Binary copper-zinc brass alloys (CDA 2XXX series) exhibit generally the same behavior as copper when exposed to the same conditions. However, the brass selected shall resist dezincification in the operating conditions anticipated. At zinc contents of 15% and greater, these alloys become increasingly susceptible to stress corrosion. Selection of brass with a zinc content below 15% is advised. There are a variety of other copper alloys available, notably copper-nickel alloys, which have been developed to provide improved corrosion performance in aqueous environments.	

[1] The use of suitable antifreeze agents and buffers is acceptable provided they do not promote corrosion of the metallic liquid containment system. The use of suitable corrosion inhibitors for specific metals is acceptable provided they do not promote corrosion of other metals present in the system. If thermal or chemical degradation of these compounds occurs, the degradation products shall not promote corrosion.

[2] The flow rates at which erosion/corrosion becomes significant will vary with the conditions of operation. Accordingly, the value listed is approximate.

Table 5 Properties of Typical Cover Plate Materials [1]

Material	Poly(vinyl	Poly(ethylene	Polycarbonate	Fiberglass Reinforced	Poly(methyl	Fluorinated	Clear Lime	Sheet Water

Table 5 Properties of Typical Cover Plate Materials 1/

Material / Property	Poly(vinyl fluoride)	Poly(ethylene terephthalate)	Polycarbonate	Fiberglass Reinforced Plastics	Poly(methyl methacrylate)	Fluorinated ethylene-propylene	Clear Lime Glass (Float)	Sheet Lime Glass	Water White Glass
% Solar Transmittance (for thickness listed below)	92-94	85	82-89	77-90	89	97	83-85	84-87	85-91
Maximum Operating Temperature °F (°C)	227 (108)	220 (104)	230-270 (110-132)	200 (93)	180-190 (82-88)	410 (210)	400 (204)	400 (204)	400 (204)
Tensile Strength psi (kN/m^2)	13000 (90,000)	24000 (170,000)	9500 (65,000)	15000-17000 (100,000-120,000)	10500 (72,000)	2700-3100 (19,000-21,000)	4000 (28000) annealed 10000 (69,000) tempered	4000 (28000) annealed 10000 (69,000) tempered	4000 (28000) annealed 10000 (69,000) tempered
Thermal Expansion Coefficient in/in/°Fx10^{-6} (cm/cm/°Cx10^{-6})	24 (43)	15 (27)	37.5 (67.5)	18-22 (32-40)	41.0 (73.8)	8.3-10.5 (14.9-18.9)	4.8 (8.6)	5.0 (9.0)	4.7-8.6 (8.5-15.5)
Elastic Modulus psix10^6 ($N/m2x10^9$)	.26 (1.8)	.55 (3.8)	.345 (2.38)	1.1 (7.6)	.45 (3.1)	.5 (3)	10.5 (72.4)	10.5 (72.4)	10.5 (72.4)
Thickness in (mm)	0.004 (0.1)	0.001 (0.03)	0.125 (3.17)	0.040 (1.0)	0.125 (3.17)	0.002 (0.05)	0.125 (3.17)	0.125 (3.17)	0.125 (3.17)
Weight lb/ft^2 (kg/m^2) For above thickness	0.028 (0.14)	0.007 (0.03)	0.77 (3.8)	0.30 (1.5)	0.75 (3.7)	0.002 (0.01)	1.63 (7.96)	1.63 (7.96)	1.65 (8.08)
Refractive Index	1.45	1.64	1.59		1.49	1.34	1.52	1.52	1.52

1/ These values were obtained from the following references:

Grimmer, D. P., Moore, S. W., "Practical Aspects of Solar Heating: A Review of Materials Used in Solar Heating Applications." LA-UR-75-1952, paper presented at SAMPE Meeting, October 14-16, 1975, Hilton Inn.

Kobayashi, T., Sargent, L., "A Survey of Breakage-Resistant Materials for Flat-Plate Solar Collector Covers," paper presented at U.S. Section-ISES Meeting, Ft. Collins, Colorado, August 20-23, 1974.

Scoville, A. E., "An Alternate Cover Material for Solar Collectors," paper presented at ISES Congress and Exposition, Los Angeles, California, July, 1975.

Clarkson, C. W., Herbert, J. S., "Transparent Glazing Media for Solar Energy Collectors," paper presented at U.S. Section-ISES Meeting, Ft. Collins, Colorado, August 21-23, 1974.

Modern Plastics Encyclopedia, 1975-1976, McGraw-Hill Publishing Company.

Jennings, R. B., "Integrated Solar Energy Collector Final Summary Report," LA 6141-MS, Los Alamos Scientific Laboratory, Los Alamos, New Mexico, November, 1975.

Table 6 Characteristics of Absorptive Coatings[1/]

Property / Material	Absorptance[2/] α	Emittance ε	α/ε	Breakdown Temperature °F (°C)	Comments
Anodic Aluminum	.94-.95	.3-.8			May Be Influenced By Moisture
Black Chrome	.87-.93	.1	~9		
Alkyd Enamel	.9	.9	1		Durability Limited at High Temperatures
Black Acrylic Paint	.92-.97	.8-.90	~1		
Black Inorganic Paint	.89-.96	.8-.93	~1		
Black Silicone Paint	.86-.94	.83-.89	~1		Silicone Binder
PbS/Silicone Paint	94	.4	2.5	662 (350)	Has a High Emittance for Thicknesses >10um
Flat Black Paint	.95-.98	.89-.97	~1		
Ceramic Enamel	.9	.5	1.8		Stable at High Temperatures
Black Zinc	.9	.1	9		
Copper Oxide over Aluminum	.93	.11	8.5	392 (200)	
Black Copper over Copper	.85-.90	.08-.12	7-11	842 (450)	Patinates with Moisture
Black Chrome over Nickel	.92-.94	.07-.12	8-13	842 (450)	Stable at High Temperatures
Black Nickel over Nickel	.93	.06	15	842 (450)	May be Influenced by Moisture at Elevated Temperatures
Ni-Zn-S over Nickel	.96	.07	14	536 (280)	
Black Iron over Steel	.90	.10	9		

1/ These values were obtained from the following references

G. E. McDonald, "Survey of Coatings for Solar Collectors", NASA TMO-71730, paper presented at Workshop on Solar Collectors for Heating and Cooling of Buildings, November 21-23, 1974, New York City"

G. E. McDonald, "Variation of Solar-Selective Properties of Black Chrome with Plating Time", NASA TMO-71731, May 1975

S. W. Moore, J. D. Balcomb, J. C. Hedstrom, "Design and Testing of a Structurally Integrated Steel Solar Collector Unit Based on Expanded Flat Metal Plates", LA-UR-74-1093, paper presented at U. S. Section-ISES Meeting, Ft. Collins, Colorado, August 19-23, 1974

D. P. Grimmer, S. W. Moore, "Practical Aspects of Solar Heating: A Review of Materials Use in Solar Heating Applications", paper presented at SAMPE Meeting, October 14-16, 1975, Hilton Inn.

R. B. Thenies, "Integrated Solar Energy Collector Final Summary Report", LA-6143-MS, Los Alamos Scientific Laboratory, Los Alamos, New Mexico, November 1975

C. L. Merrill, "Solar Heating Proof-of-Concept Experiment for a Public School Building", Honeywell Inc., Minneapolis, Minnesota National Science Foundation Contract No. C-870

D. L. Kirkpatrick, "Solar Collector Design and Performance Experience", for the Grover Cleveland School, Boston, Massachusetts, paper presented at Workshop on Solar Collectors for heating and Cooling of Buildings, November 21-23, 1974, New York City

2/ Dependent on thickness and vehicle to binder ratio

Table 7

TYPICAL PROPERTIES OF SELECTED BUILDING MATERIALS FOR SOLAR APPLICATIONS*

	Absorptance	Emittance	Specific Heat Btu/(lb)(F) [J/(g·K)]	Density lb/(ft)³ [kg/m³]	Thermal Conductivity Btu in/hr-(ft²-F [W/(m·K)]	Expansion Coefficient in/in/deg.F x 10⁻⁶ [cm/cm/deg.C x 10⁻⁶]
MASONRY						
Brick (Glazed, white to cream)	0.26 to 0.35	0.92	0.22 [921]	130 [2080]	1.3 to 3.8 [0.19 to 0.55] 5 to 9 [0.72 to 1.30]	3.6 to 8.5 [6.5 to 15.3]
Brick (Common, light red to red)	0.52 to 0.66	0.93	0.22 [921]	120 [1920]	Same	Same
Brick (Rolled purple to blue)	0.77 to 0.89	?	0.22 [921]	138 [2000]	Same	Same
Concrete, stone aggregate (Smooth, light)	0.60 to 0.65	0.88	0.16 [670]	120 to 140 [1920 to 2240]	0.9 to 12.0 [0.13 to 1.73]	5.5 [9.9]
Concrete, stone aggregate (Rough, light)	0.60 to 0.85	0.88	0.16 [670]	120 to 140 [1920 to 2240]	Same	Same
Concrete, stone aggregate (Pigmental, dark)	0.85 to 0.91	0.93	0.16 [670]	120 to 140 [1920 to 2240]	Same	Same
Stone (Light color)	0.35 to 0.56	0.36	0.21 to 0.25 [880 to 1050]	117 to 187 [1870 to 3000]	11 to 20 [1.59 to 2.88]	3.6 to 22 [6.5 to 39.6]
Stone (Dark color)	0.50 to 0.73	0.90	0.21 to 0.25 [880 to 1050]	117 to 187 [1870 to 3000]	Same	Same
Clay Floor Tile (Light color)	0.20 to 0.50	?	0.19 [800]	?	12 to 20 [1.73 to 2.88]	
Clay Floor Tile (Dark color)	0.50 to 0.80	?	0.19 [800]	?	Same	
METALS						
Aluminum (Polished)	0.10 to 0.40	0.03	0.21 [880]	171 [2740]	1404 [202.5]	13.9 [25.0]
Aluminum (Mill)	0.40 to 0.65	0.09	0.21 [880]	171 [2740]	1404 [202.5]	13.9 [25.0]
Copper (Bright)	0.30 to 0.40	0.02	0.09 [380]	556 [8910]	2688 [387.7]	9.2 [16.6]
Copper (Tarnished)	0.40 to 0.64	0.28	0.09 [380]	556 [8910]	2688 [387.7]	9.2 [16.6]
Iron (Oxidized)	0.80 to 0.92	0.75	0.12 [500] (212°F)	450 [7210]	384 [55.4]	6.7 [12.1]
Steel	See Table	See Table	0.12 [500]	489 [7834]	314 [45.3]	9.6 [17.3]
WOOD						
Hardwood		0.90	0.06 [251(0)]	21 to 70 [370 to 1130]	0.8 to 1.8 [0.12 to 2.6]	1.1 to 5.3 [2.0 to 9.6]
Softwood	0.60		0.6 to 0.7 [2510 to 2930]	22 to 46 [350 to 740]	0.7 to 1.1 [0.10 to 0.16]	Same
WATER						
Clear	**	?	1.00 [4.19]	62.4 [1.00]	4.1	Varies (Water expands about 4% in volume from 40 to 200°F)
Black (1/2% carbon suspension)	1.00	?	1.00 [4.19]	62.4 [1.00]	4.1	

* These values were taken from different sources, as referenced below, and are meant to serve as a guide only.

1/ "Handbook of Air Conditioning, Heating and Ventilating," Clifford Strock and Richard L. Koral, Industrial Press, Inc., New York, NY, Second Edition, 1965.

// "Handbook of Fundamentals," American Society of Heating, Refrigerating and Air Conditioning Engineers, New York, NY, ASHRAE 1977.

3/ "Building Construction Handbook," Chapter 2, McGraw-Hill Book Company, Third Edition.

4/ "Journal of Research of the National Bureau of Standards," Volume 6, page 1081.

5/ "Concrete Manual," Bureau of Reclamation, GPO.

** May vary with the water containment device.

Table 8 Examples of Typical Heat Transfer Liquid Properties[1/]

Property	Water	Glycols: 50% Ethylene Glycol/Water	Glycols: 50% Propylene Glycol/Water	Silicone Fluid	Hydrocarbons: Aromatics	Hydrocarbons: Paraffinic oil	Glycerine ("Glycerol") [50% Glycerine/Water
Freezing point, °F (°C)	32 (0)	-33 (-36)	-28 (-33)	—	-80 to 15 (-62 to -9)	15 (9)	-31 (-33)
Boiling point, °F (°C) (at atm. pressure)	212 (100)	230 (110) [387 (197) 100% glycol]	225 (106) [370 (180) 100% glycol]	None	350-640 (181-337)	700 (371)	230 (110)
Fluid Stability	Requires pH or inhibitor monitoring	Requires pH or inhibitor monitoring	Requires pH or inhibitor monitoring	Good	Good to Fair	Good to Fair	
Flash Point 2/ °F (°C)	None	None 3/ [233 (111) 100% glycol]	None [210 (99) 100% glycol]	450-600 (232-315)	132-405 (56-207)	380-455 (149-235)	None [350 (177) 99% glycerol]
Specific Heat Btu/(lb·°F)@77°F (J/kg·°K)@25°C	1.0 (4200)	0.80 (3300)	0.85 (3600)	0.34-0.48 (1400-2000)	0.36-0.38 (1500-2100)	0.43-0.63 (1800-2600)	0.80 (3300)
Thermal Conductivity Btu/(hr·ft²·°F/ft)@300°F (W/m²·k/m)@150°C	.3630)32°F (0.7@0°C)	.23 (0.3)	0.225 (0.39)	0.083 (1.4)	0.07 (1.3)	0.07 (1.3)	0.37 (0.6)
Viscosity cs@77°F ($m^2/s x 10^{-6}$)@25°C	0.9 (0.9)	3.4 (3.4)	5 (5)	20-50 (20-50)	0-50 (0-50)	1-80 (1-80)	2 (2)
Toxicity	Depends on inhibitor used	Moderate to high depends on inhibitor used	Slight depends on inhibitor used used	No unequivocal toxic effects are recognized	Moderate	Low	Slight
Lifetime Estimates	Depends on inhibitor used	Less than 2 years	Less than 2 years	More than 5 years	Ranges 1-20 years	On order of 10 years	More than 5 years

1/ These data are extracted from manufacturers literature to illustrate the properties of a few types of liquid that have been used as transfer fluids.

2/ It is important to identify the conditions of tests for measuring flash point. Since the manufacturers literature does not always specify the test, these values may not be directly comparable.

3/ One manufacturer of an inhibited ethylene glycol mixture (50/50 - 60/40 ethylene glycol/water) gives the following data: "Flash point COC ---- NONE
After 10% of initial volume evaporated --- 290°F"

BILLING CODE 4210-01-C

Technical Support Document

The following is a summary of the major technical issues in the Cycle 5 Proposed Determination. Each of these issues is discussed on page A-[illegible] of the TSD. The more marginal issues are those that required the most analysis. An analysis of the factors which proposed to perform

General

Type of
Category
Category
Building
heat
Project L
Nearest
Type of
appl

Space heating
Space cooling
Domestic hot water

Type of
Most effi
Most cos
Is system

Heating

Total He
Design T
°F ou
Winter U
Annual

Annual
Net Pass
Net Activ
Net Auxi
10⁶ B
—— Btu/

Cooling

Design T
°F ou
Annual C

Annual C
Net Pass
Net Activ
Net Auxi
10⁶ B

Technical Review Items

The following list of factors includes the major considerations used in the technical review of proposals in HUD's Cycle 5 Residential Solar Demonstrations. Used as a review form, each of the review items (beginning on page A-) was evaluated satisfactory, marginal or unsatisfactory and tracks the more detailed application form required of each of the grant applicants. An analysis and evaluation of these factors were used to determine if the proposed projects could be expected to perform reliably.

General Information

Type of Project:
Category 1 (Multi-family) ——
Category 2 (Single family) ——
Building Size: gross sq. ft. —— Net heated sq. ft. ——
Project Location —— Latitude ——
Nearest City ——
Type of Solar Energy System (check all applicable items)

	Active	Passive	If passive indicated	
Space heating	( )	( )	Sun tempered	( )
Space cooling	( )	( )	Direct gain	( )
Domestic hot water	( )	( )	Indirect gain	( )
	( )	( )	Isolated gain	( )

Type of Backup System
Most efficient system type ——
Most cost efficient fuel type ——
Is system over or under sized ——

Heating Conditions

Total Heating Degree Days —— DD/yr
Design Temperature —— °F inside —— °F outside
Winter UA Total ——
Annual Heating Loads (before solar) —— 10^6 Btu/yr —— Btu/DD/SF
Annual Heating Contributions:
Net Passive —— 10^6 Btu/yr
Net Active —— 10^6 Btu/yr
Net Auxiliary Fuel Requirements —— 10^6 Btu/yr —— Btu/yr/SF —— Btu/DD/SqFt

Cooling Conditions

Design Temperature —— °F inside —— °F outside
Annual Cooling Loads (before passive) —— 10^6 Btu/yr
Annual Cooling Contributions:
Net Passive —— 10^6 Btu/yr
Net Active —— 10^6 Btu/yr
Net Auxiliary Fuel Requirements —— 10^6 Btu/yr —— Btu/yr/Sq Ft

DHW Conditions

Total No. of People —— Gallons per person per day —— GPD/P
Cold Water Inlet Temperature —— °F
Distribution Temperature —— °F
Annual DWH Loads (before solar) —— 10^6 Btu/yr
Annual DHW Contributions:
Net Passive —— 10^6 Btu/yr
Net Active —— 10^6 Btu/yr
Net Auxiliary Fuel Requirements —— 10^6 Btu/yr

Review Items

A. Energy Conservation

1. Are the design temperatures, relative humidity, thermostat settings, etc., compatible with energy conservation?
2. *Protection from outside temperature variation:*
a. Compact building form—minimum surface exposure
b. Use of earth-berming or underground structures
c. Use of utility spaces as buffers between living spaces and outside
d. Is the building envelope well insulated?
Walls
Ceilings and roof
Windows, storm windows
Doors, vestibules
Perimeter insulation of floor slab—basement insulation
Glass area (double panes or insulated glass)
e. Use of movable insulation
f. Use of time lag effects
3. *Protection from infiltration and wind:*
a. Use of site and vegetation as wind breaks (trees, slope, earth-berming, etc.)
b. Use of building orientation and form for protection from the wind (small exposure of building to wind; proper placement of windows and doors. Use of utility spaces as buffers)
c. Proper caulking and weatherstripping to minimize infiltration
d. Cut down winter wind, but allow summer ventilation
4. *Protection from summer overheating:*
a. Proper siting and orientation to minimize exposure to summer sun. Small east and west glass areas
b. Natural shading devices (vegetation, earth berms)
c. Use of overhangs, recessed windows and doors
d. Use of natural and induced ventilation
e. Summer shading, but solar access in winter
5. *Proper humidity level:*
a. Avoiding excessive humidity in summer
b. Avoiding excessive dryness
c. Proper use of vapor barriers
6. *Use of natural light for lighting:*
7. *Are the load calculations and results given clearly and correctly?*
a. Cooling
b. Heating
c. Domestic hot water
d. Time lag
e. Optional
8. *Are the relevant climatic data given for the site (or another similar site)?*
9. *Are the appliance and equipment energy efficient?*
10. *Is the backup system energy efficient? Is it properly sized?*

B. Passive Solar Heating

1. *Proper site and orientation for passive solar heating:*
a. South facing exposure
b. No winter shading
2. *Clear description of system and passive solar methods used* (sun tempering, direct gain, indirect gain, isolated gain. Elements such as Trombe wall, Sunspace, etc.)
3. *Glazing:*
a. Adequate such facing glazing area
b. Has heat loss through glazing been minimized? (e.g. double glazing, shutters, movable insulation)
4. *Direct gain systems:*
a. Will the interior surfaces absorb sunlight sufficiently well?
b. Have glare problems been minimized?
5. *Passive storage:*
a. Clear description of kinds of storage used—location, dimensions and storage capacity of each
b. Sufficient storage capacity (thermal mass)
c. Is the massive wall, floor, etc., sufficiently exposed to direct sunlight through the day in winter?
d. Massive walls and floors: Is the thickness too little, too much or just right?
e. Is the insulation located properly?
f. Water walls: Have leakage problems been addressed?
6. *Heat distribution:*
a. If system depends on natural convection and radiation, are these adequate? (Are the air flow distances small? Will the air flow along the desired paths?)
b. If blowers are used, will the operating energy used be small?
c. Thermosiphoning device: Is collecting surface at a lower height than the storage by a proper amount?
7. *Passive system controls:*
a. Are the controls properly designed, simple and reliable?
b. Degree of occupant participation required

8. *Protection from overheating:* Proper use of storage sizing, venting, shading devices

9. Will the system be easy to install and maintain? (e.g. glazing easily accessible for cleaning, accessible for maintenance, no inaccessible pipes)

10. *Backup for passive system*

11. *Other considerations:*

a. Use of proper building materials, sealants, etc.

b. Weather proofing and moisture proofing

c. Problems from expansion and contraction

d. Freeze protection

e. Safety features—freedom from fire hazards

f. Structural integrity

12. *Are the passive solar heating calculations and results given clearly and correctly?*

C. Passive Cooling

1. *Clear description of passive cooling methods being used* (natural ventilation, induced ventilation, night sky radiation, evaporative cooling, desiccant cooling or dehumidification, use of earth for cooling)

2. *Are the proposed cooling methods appropriate to the climatic region?* (e.g. evaporative cooling in hot, arid climates, desiccant cooling in hot humid climates)

3. *Have humidity and condensation problems been addressed?* (e.g. in rock beds used for cooling)

4. *Have sufficient details of the calculations been provided?*

D. Passive Solar Domestic Hot Water

E. Active Solar Heating, DHW, and Cooling Systems

1. *Collectors* (MPS S–515–2, S–615–2) [11]—

a. Collector manufacturer

b. Collector model number [Test data (refer to stagnation checklist)]

c. Transfer medium—
Type Water
Air
Other ——
If Other:
Specific Heat —— Btu/lb°F
Density —— lb/cu. ft.

d. Design total flow rate —— gpm or —— cfm

e. Design flow rate per net—Sq. ft. of collector (guidelines) —— gpm or —— cfm

Note.—Does flow rate include allowances for heat transfer fluid specific heat and density?

f. Total area (guidelines) gross —— SF
Net (aperture) —— SF

g. Collector type (flat plate, concentrating, etc.)

h. Tilt [S–615–2.1.2]

i. Orientation (0° = True South)

j. Type of freeze protection

k. Maximum percent shading

l. Provisions for stagnation

m. Number of covers

n. Cover plate material

o. Absorber plate material

p. Liquid passage material

q. Absorber coating material

r. Overall construction

s. Ease of replacement [S–615–1.1.10]

t. Access for maintenance, repairs

u. Mounting (flashing, wind, vandalism/accidents)

v. Snow hang up; blockage of breather vents

w. Provisions for fill/drain/venting

x. Flow balance (reverse return, balance valves, etc.)

2. *Storage [S–515–7, S–601–12]*—

a. Storage type—rock ——, water ——, other ——

b. Specific heat—rock ——, water ——, other —— Btu/lb°F

c. Density—rock ——, water ——, other —— lb/ft³

d. Total storage volume —— gal. or —— cu. ft.

e. Volume per net sq. ft. collectors (guidelines)— —— gal. or —— cu. ft.

f. Construction

g. Insulation

h. Pressure/vacuum protection

i. Corrosion protection

j. Connection locations

k. Provisions for fill/drain/vent

l. Access, location

3. *Back-up system [S–615–11]*—

a. Fuel type

b. Type of heating distribution system

c. Design temperature of heating supply air or water for peak load

4. *Heat Exchangers [S–615–12]*—

a. Load loop exchanger sizing

b. Collector loop exchanger sizing

5. *Systems*—

a. Flow diagram

b. Controls and control diagram

c. Pump fan sizing. Note: Does pump/pipe sizing include allowance for heat transfer fluid viscosity?

d. Piping/ductwork sizing, materials

e. Dampers, proper type, location

f. Expansion/contraction provisions [S–615–10.3; S–615–10.9]
(1) Piping
(2) System fluids

g. Drain down provisions [S–615–10.9]

h. Potable/non-potable separation [S–615–10.1.1]

i. Backflow prevention [S–615–10.1.3]

j. Scald protection for DHW (mixing valve, etc.) [S–615–10.1.3]

k. Valving [S–615–10.7]

l. Solar system operating energy use

m. Simplicity

6. *Solar Cooling System (If Any)*—

a. Type of solar cooling system

b. Cooling capacity, in relation to cooling load

c. Temperature of solar heater delivered to absorption chiller

d. C.O.P. of cooling system

e. Operating energy usage

F. Overall System

1. *Had adequate use been made of energy conservation to reduce the loads?*

2. *Are the total loads (in Btu/DD/Sq. Ft. or Btu/Yr. Sq. Ft.) acceptable?*

3. *Is there a sufficient contribution of solar heat to the living space?*

4. *Are the different parts of the system (passive solar, active solar, back up system, and the building) well integrated?*

5. *Is the operating energy use kept relatively small?*

6. *Simplicity of overall system?*

7. *Conformity with the HUD Minimum Property Standards, local codes, etc.*

Abbreviations

(Code Groups, Associations and Gov't. Agencies)

AABC Associated Air Balance Council
AASHTO American Association of State Highway and Transportation Officials
ACCA Air-Conditioning Contractors of America
AIA American Institute of Architects
AIAA American Industrial Arts Association
ANL Argonne National Laboratory
ANSI American National Standards Institute, Inc.
ARI Air-Conditioning and Refrigeration Institute
ASHRAE American Society of Heating, Refrigerating and Air-Conditioning Engineers
ASME American Society of Mechanical Engineers, Inc.
ASPO American Society of Planning Officials
ASSE American Society of Sanitary Engineers
ASTM American Society for Testing and Materials
AWWA American Water Works Association
BOCA Building Officials and Code Administrators International, Inc.
CABO Council of American Building Officials
CDA Copper Development Association
CPSC Consumer Product Safety Commission
DoE U.S. Department of Energy
EPA U.S. Environmental Protection Agency
FHA Federal Housing Administration
FSEC Florida Solar Energy Center
HUD U.S. Department of Housing and Urban Development
IAPMO International Association of Plumbing and Mechanical Officials
ICBO International Conference of Building Officials
ISES International Solar Energy Society
LASL Los Alamos Scientific Laboratory
NACE National Association of Corrosion Engineers

NAHB National Association of Home Builders
NASA National Aeronautics and Space Administration
NBS National Bureau of Standards
NCSBCS National Conference of States on Building Codes and Standards
NEBB National Environmental Balancing Bureau
NFPA National Fire Protection Association
NOAA National Oceanographic and Atmospheric Agency
NWTI National Wood Tank Institute (ceased operations, standards available)
ORNL Oak Ridge National Laboratory
SAE Society of Automotive Engineers, Inc.
SAMPE Society for the Advancement of Material and Process Engineering
SBCC Southern Building Code Congress International
SEIA Solar Energy Industries Association, Inc.
SERI Solar Energy Research Institute
SEREF Solar Energy Research and Education Foundation
SMACNA Sheet Metal and Air-Conditioning Contractors' National Association, Inc.
UL Underwriters Laboratories, Inc.

SI Conversion Units

Length
1 in = 0.0254 meter (exactly)
1 ft = 0.3048 meter (exactly)
Area
1 $in^2 = 6.45 \times 10^{-4}$ $meter^2$
1 $ft^2 = 0.09290$ $meter^2$
Volume
1 $in^3 = 1.639 \times 10^{-5}$ $meter^3$
1 gal (U.S. liquid) = 3.785×10^{-3} $meter^3$
Mass
1 ounce-mass (avoirdupois) = 2.834×10^{-2} kilogram
1 pound-mass (avoirdupois) = 0.4536 kilogram
Pressure or Stress (Force/Area)
1 inch of mercury (60° F) = 3.377×10^{-3} pascal
1 pound-force/$inch^2$ (psi) = 6.895×10^{-3} pascal
Energy
1 foot-pound-force (ft/1bf) = 1.356 joule
1 Btu (International Table) = 1.055×10^3 joule
1 Kilowatt-hour = 3.600×10^6 joule = $3.412 = 10^3$ Btu
Power
1 watt = 1×10^7 erg/second
1 Btu/hr = 0.2929 watt
Temperature
$t_c = 5/9\ (t_{of} - 32)$
Heat
1 Btu.in/h.ft^2. °F = 1.442×10^{-1} W/m.K (thermal conductivity)
1 Btu/1bm. °F = 4.194×10^3 J/kg.K (specific heat)
1 langley = 4.184×10^4 J/m^2 = 1 cal/cm^2 = 3.69 Btu/ft^2

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Composite Index

Absorber
Degradation 3.1.1, 5.1.1, 5.1.2, 5.1.3, 5.2.1, 5.3.1
Heat transfer fluids 5.3.1
Placement and temperature probe 3.6.2
Protection 4.3.5
Special properties 3.3.5
Absorber Coatings
Exposed to pollutant 5.1.3
Thermal cycling degradation 5.2.2
Thermal degradation 5.2.1
Absorptance
Glazing 2.1.1
Thermal properties 2.1.2, 2.1.3
Absorption Chiller 2.8.4
Accessibility
Emergency shutoff 4.5.1
Life 6.2.2
System monitoring 6.3.3
Accident Potential
Location, components 4.5
Active Solar
Classification 4.0
Air Conditioning
Conventional energy 2.2.3
Air Handling Units
Leaks 2.6.1, 3.3.2
Sealing 3.3.2
Air Leakage
Damper 2.4.4
Thermal storage 2.5.1
Air Systems
Design 3.3
Leakage 3.3.2
Sealing 3.3.2
Antifreeze (*See* "Transfer Fluids, Heat")
Aperture
Movable insulation 3.4.2
Optimum 2.1.1, 2.1.2
Shading to prevent overheating 2.1.3
Thermal energy loss through 2.1.1
Thermal storage 2.1.2
Tilt 1.0, 2.1.1
Applicable Authority
Auxiliary cooling 2.2.4
Defined (*See* Terminology)
Depletable energy limit 2.9.1
Operating conditions 2.9.2
Temperature and relative humidity 2.2.3, 2.2.4
ASHRAE
Available codes and standards 3.0
Building heat loss 2.2.2
Clear sky data 2.1.1
Collector pressure drop 3.1.1
Comfort conditions 2.2.1
Cooling and calculations 2.2.4
Exterior envelope 1.3
Fundamentals 3.3.1, 5.1.2
Heat gain calculation 2.1.1
Heat loss calculation 2.2.1
Indoor design temperature 2.2.3
Insulation design and installation 3.1.3
Space heating systems 2.2.2
Thermal efficiency curve 2.4.5
Thermal load analysis 2.9.2
Winter outdoor design temperature 2.0
Atmospheres
Industrial 5.1.3
AUTO-IGNITION (Also self-ignition)
Wood and/or other fibrous materials 4.4.6
Auxiliary Energy
Addition, thermal storage 2.7.3
For space heating 2.2.2
HW load 2.8.2
Independence 2.8.4
Performance 2.8
Priority 2.7.3
Auxiliary Systems
Controls 3.5.5
Cooling (sizing) 2.2.4
Domestic hot water 2.3, 2.3.4
Heat pump 2.8.4
Independently of solar 2.2.2
Backflow
Idle loop 2.7.1
Prevention 4.1.3

Backsiphonage
Prevention 4.1.3
Blowers
Energy loss 2.6.1
Insulation 2.6.1, 3.4.2, 4.4.4
Location 2.6.1
Operating energy 2.0, 2.6.2, 2.9.2
Sealing, leakage 3.3.2
Size 2.6.2
Building
Design (*See* "Building Design")
Exhausts 1.4
Maintainability, site 6.2.4
Mass 1.3
Orientation 1.2
Overheating 2.1.3
Solar system interaction 1.4
Space 1.3
Building Design
Building considerations 1.3
Building/solar system interaction 1.4
Climate factors 1.1
Integration of passive solar 2.1
Natural factors 1.1
Orientation 1.2
Site consideration 1.2
Special functional requirements 2.2.3
Building Energy Performance Standards (BEPS) 2.0
Depletable energy limit 2.9.1
Direct gain 2.1.3
Energy budget 2.0
Priority gain 2.1.3
Window loss 2.1.1
Calculation, Solar Contribution
Heat loss 2.2.1, 2.4.4
Monthly 2.1.3
Northern hemisphere 2.1.1
Southern hemisphere 2.1.1
Chemical Compatibility
Adjacent organic materials 5.3.3
Components 5.3
Dissimilar metals 5.3.2
Galvanic and electrochemical/corrosion 5.3.1
Materials/transfer fluid 5.3.1
Closed Systems
Prevention of corrosion 3.2.10, 3.6.2
Coefficient
Heat transfer 2.1.4
Collectors, Active
Flow 2.4.2
Orientation 2.4.1
Performance 2.4.2
Selection 2.8.1
Shading 2.4.1, 1.2
Stagnation test, post 2.4.2
Tilt angle 2.4.1
Usability of roof for firefighting or egress 4.5.2
Collectors
Air leakage 2.4.3, 3.3.2
Architectural integration 2.4.1
Array performance 2.4
Chemical compatibility of components 5.3.1
Cleaning glazing 3.3.5
Degradation by wear 5.4.1
Effect of roof deterioration 6.2.5
Flow balance 2.4.2
Fluid circulation 2.7.2
Freeze protection 2.4.4
Heat loss during non-collection periods 2.4.4
Insulation 3.1.3
Leaks 2.4.3
Lightning protection 4.3.8
Orientation (tilt and azimuth angles) 2.1.1, 2.4.1
Panel performance in array 2.4.2
Pressure drop 3.1.1
Protection during installation and shutdown 6.1.6
Protection from snow and ice buildup 4.3.7
Rain penetration 5.1.2
Storage combination 2.4.6
Structural safety 4.6
Thermal cycling degradation 5.2.2
Thermal degradation 5.2.1
To storage losses 2.6.1
Collectors, Passive
Trombe walls 2.1.1
Water walls 2.1.1
Windows 2.1.1
Collector/Storage Combination 2.4.6
Combustible Liquid
Draining and filling 3.2.5
Handling 4.4.2
Combustible Materials
Adjacent to high temperature components 4.4
Auto-ignition 4.4.6
Flame spread 4.4.3
Warning to maintenance personnel 6.1.4
Comfort Conditions
Occupied space 2.2.1
Component/System
Interaction 2.8
Sealing 3.3.2
Thermal expansion 3.2.8
Computer Programs
Building design 2.1.1
F-Chart 2.5.2, 2.9.2
Handheld calculators 2.1.1, 2.1.3, 2.9.2
NBSLD 2.9.2
PASOLE 2.9.2
SINDA 2.9.2
SOLCOST 2.9.2
Thermal loads 2.9.2
TRNSYS 2.9.2
Condensation
Adverse effects (building or site) 1.4
Performance of components or materials 5.1.2
Conditioned Space
Overheating 2.1.3
Passive contribution 2.1.4
Shading 2.1.3
Containers, Storage
Safety hazards 4.2.6
Contamination
Air 4.1.4, 4.1.5
Backflow preventor 4.1.3
Dyes 4.1.1
Growth of fungi 4.1.5, 4.1
Hazards 4.1
National Interim Primary Drinking Water Regulation 4.1.1
Potable water 4.1.1
Controls
Accessibility 4.4.1
Auxiliary energy 2.7.3, 3.5.5
Domestic hot water 3.5.2
Effects of wear 5.4, 5.4.1
Emergency requirements 4.4.1
Fail safe 3.5.2
Incorrectly wired 6.3.1
Inhabited space 3.5.1
Installation 3.5.4, 3.5.7
Operating energy 2.6.2, 2.9.2
Passive solar components 2.1.3
Performance 2.7
Priority of energy use 2.7.3
Protection during installation and shutdown for maintenance 6.1.6, 3.5.3, 6.1.7
Sensor location 3.5.4
System checkout 6.3.1
Tracking 3.5.6
Convection
Forced or natural 2.1.2, 2.0
Piping (size) 3.2.1
Thermal storage 2.1.2
Corrosion
Air pollution 1.1, 5.1.3
Chemical compatibility 5.3, 5.3.1
Dissimilar metals 5.3.2
Extracted salts 5.1.2,
Galvinic 3.2.3, 3.2.8, 4.3.8, 4.6.1
Material at a specified temperature 5.3.1
Treatment of transfer fluid 3.2.3, 6.2, 6.2.1, 4.1.2
Cover Plates
Exposed to pollutants 5.1.3, 1.1
Film type 4.3.3
Injuries due to accidental contract 4.3.3
Operation and maintenance instructions 6.1.2
Physical impact 5.1.1
Solar degradation 5.1.1
Thermal cycling degradation 5.2.2
Thermal shock degradation 5.2.3
Coupling Hoses
Thermal cycling degradation 5.2.2
Dampers
Access for maintenance 6.2.2
Backdraft 2.4.4, 3.3.3, 3.4.1
Balancing 3.1.2
Effects of wear 5.4.1
Leakage 2.4.4, 2.7.3, 3.3.3, 3.3.4
Operating conditions 3.3.3
Sealing 3.3.3
Sizing 3.3.1
Smoke activated 4.4.5
Thermosiphoning 2.7.4
Deflection
Caused by loads 3.1.4, 4.3.3
Cover plates 4.3.3
Ponding 4.6.1
Roof 3.6.2
Degradation
Dissimilar metals 5.3.2
Moisture 5.1.2
Pollutant 5.1.3
Solar 5.1.1
Thermal 5.2.1
Thermal cycling 5.2.2
Thermal shock 5.2.3
Wear 5.4.1

Depletable Energy
Design energy limit 2.0
Design Life
Effect of temperature 5.2
Thermal degradation 5.2.1
Diagrams
Flow and wiring 6.1.2
Domestic Hot Water (DHW)
Auxiliary system 2.3.4
Charging rate 2.5.3
Controls 3.5.2
Daily water use rate 2.3.2
Energy limit 2.9.1
Fail safe 3.5.2
Passive or mechanical 2.3
Recovery rate (hourly) 2.3.3
Scalding 4.3.4
Single tank 2.5.2
Storage 2.3.4
Tap temperature 2.3.1
Drainback 3.6.2
Draindown
System 3.6.2
Ducts
Air leakage 2.4.3, 2.6.1, 3.3.4, 3.3.2
Design 3.3.1
Fibrous glass 3.1.3
Flow rates 3.1.2
Heat loss 2.4.4, 2.6.1
Insulation 2.6.1, 3.1.3, 4.4.4
Sealing 3.1.3
Thermal degradation 5.2.1
Economics of Solar
Life-cycle cost analysis 2.1.1
Efficiency Curve
Solar panel 2.4.2
Efflorescence
Absorber surface, trombe walls 5.1.2
Emergency Requirements
Egress and access 4.5.2
Identification and location of controls 4.5.1
Energy
Alternative limit approach 2.9
Blowers 2.0, 2.6.1, 2.9.2
Depletable energy used 2.0, 2.2.1, 2.2.2, 2.9.2
Depletable limit 2.9.1
Dumping 4.3.2
Efficiency rating (EER) 2.6.4
Excess discharges 2.1.1, 2.1.2
Loss due to damper leakage 2.4.4
Loss from thermal storage 2.5.1
Loss from transport system 2.6, 2.6.1
Operating 2.6.2
Rejection 2.4.5
Requirements for mechanical space cooling system 2.1.4
Total requirement 2.2.1
Transfer rate 2.6.4
Energy Transport
Air leakage 2.6.1
Combustible liquids 4.4.2
Flash point 4.4.1
Liquid quality 6.2.1
System balancing 3.1.2
Environment
External factors affecting solar systems 5.1
Excess Heat
Venting 2.1.1, 2.1.2
Fail-Safe Controls
Pressure and temperature relief devices 4.3.1
System failure prevention 4.3.2
F-Chart 2.9.2
Fire Safety
Auto-ignition (self-ignition) 4.4.6
Combustible liquids 4.4.2
Controls 4.4.1
Design and installation of H/C/HW systems 4.4
Insulation 4.4.3, 4.4.4, 4.4
Liquid flash point 4.4.1
Flame Spread
Insulation 4.4.3
Flammable and Combustible Liquids Code 4.4.2
Flash Point
Determination 4.4.1
Heat transfer fluids 4.4.1
Flow Rate
Balancing 3.1.2
Charging rate 2.5.3
Checkout 6.3.1
Collector loop 2.6.3
Heat transfer fluid 2.6.3
Liquid velocities 3.1.2
Loss in efficiency 2.4.2, 3.1.2, 3.3.1
Operating energy 2.6.2
System design 3.1
Variations 2.4.2, 2.6.3, 3.1.2
Ventilation air 2.1.3
Fluids, Heat Transfer
Circulation 2.7.2
Compatibility 3.2
Fire safety 4.4
Quality 3.2.3
Thermal expansion 3.2.4
Flushing of Liquid System 6.1.5
Freeze Protection
Back-up, power failure 3.6.2, 3.6.3
Control setpoints 2.7.5
Domestic hot water 2.3
Draindown 2.4.4, 2.6.3, 3.6.2
Heat loss 2.4.4
Maintaining chemical composition 3.6, 3.6.1, 6.2.1
Tolerant design 3.6.4
Fungi
Growth 4.1.5
Rock storage containers 4.1.5
Roof surface (mold and mildew) 6.2.5
Gaskets
Chemical compatibility of components 5.3.1, 5.3.3
Factory installed 3.3.2
Outgassing 5.2.1
Solar degradation 5.1.1
Glazing
Acceptable methods of cleaning 6.1.2
Access for recoating 6.2.2
Compatibility of adjacent materials 5.3.3
Condensation 3.4.2, 5 2.1
Deflection 4.3.3
Dirt deposits 1.1, 1.4, 3.3.5
Multiple 2.1.1, 3.4.2
Passive use 4.3.3
Reduce risk and injuries from accidental contact 3.1.4, 4.3.3
Safety (*See* "Safety of Dwelling and Site")
Single 2.1.1
Space between 2.1.3
Temporary coverings 6.1.6
Thermal degradation 3.1.1, 5.2.1
Transmissivity 2.1.1, 2.1.4, 5.2.1
Vertical (double) Baltimore 2.1.1
Hail
Glazing materials 4.3.3
Heat Exchanger
Blockage 3.2.3
Chemical compatibility of components 5.3.1
Discharging rate 2.5.4
Effectiveness 2.5.4, 2.6.3, 2.6.4
Insulation 2.6.1, 3.1.3
Pressure loss 3.3.1, 3.3.2
Safety and health 4.1.2, 4.1.4
Separation of circulation loops 4.1.2
Sizing 2.5.3, 2.6.4, 2.6.3
System balance 3.1.2
Heat Losses
Collector-to-storage 2.6.1
Due to freeze protection 2.4.4
Due to thermal capacitance 2.4.4
During non-collection periods 2.4.4, 2.3
During normal operating conditions 2.4.3
From passive system 2.1.1
From thermal storage 2.5.1, 2.5.2
Thermsiphoning, reverse 2.4.4, 2.7.4
Heat Pumps
Coefficient of performance 2.84
Heat Transfer Fluid
Quality 6.2.1
Velocity 2.6.3
Viscosity changes 5.2.1, 2.6.2
Heat Traps
Solar degradation 5.2.1
Heating System
Auxiliary heating system sizing 2.2.2
Building heat loss calculation 2.2.1
Design load calculation 2.2.1
Effect of passive (January) 2.1.1
Hoses
Compatibility with transfer fluids 5.3.1
Exposed to pollutants 5.1.3
Hybrid System (*See* "Passive Solar")
Installation Instructions
Availability and suitability 6.1.1
Protection of system during installation 6.1.6
Insulation
Blowers 2.6.1
Degradation and wear 5.4.1
Design and installation 3.1.3, 4.4.4
Exposed plastic foam 4.4.4
Exposure to sunlight 5.1.1
Fire hazard 4.4.4, 4.4
Flame spread classification 4.4.3
Formaldehyde gas 4.1.4
Heat loss 2.5.1, 2.6, 3.1.3
Internal movable 2.2.3, 2.3
Moisture degradation, 5.1.2
Movable 2.1.1, 2.2.2, 2.3, 3.4.2, 4.4.4, 6.1.7
Optimum thickness 2.4.3
Protection of exposed pipe and duct 3.1.3, 4.4.4, 3.2.1
System components 3.1.3, 2.4.3

Thermal degradation 5.2.1, 3.5.3
Thermal storage 2.5.1

Interior Items

Effects on thermal storage 1.4

Labeling

Identification of toxic fluids 4.2.2

Leaks

Air leaks 2.4.3
Allowable 2.4.3
Concentration (heat transfer fluid) 3.6.1
Control valve 2.7.4
Dampers 2.4.4, 2.7.4
Ducts and air handling units 2.6.1
Heat loss 2.4.3
Protection of potable water 4.1.1, 4.1.2, 4.1.3
Structural deflection 3.1.4
Testing 3.2.2, 3.3.2, 3.3.4
Thermal storage 2.5.1

Liquid Systems

Entrapped air 3.2.6
Flushing 3.2.5, 6.1.5
Performance 3.2

Maintainability

Building and site 6.2.4
Roof surfaces 6.2.5

Maintenance

Access 6.2.2
Hazards 6.1.4
Operation and maintenance instruction 6.1.2
Plan (active and passive systems) 6.1.3
Protection of system 6.1.6
Servicing 6.2

Maintenance Instructions

System schematic diagram 6.1.2

Make up Water

Excessive corrosion 6.2.1

Manifold

Duct design 3.3
Flow rates 2.4.2
Heat loss 2.4.3
Insulation 2.4.3
Relief valves 4.4.1
Sealing 3.3.2

Manual and Instructions

Installation operations and maintenance 6.1, 6.1.1, 6.1.2, 6.1.3
Occupant participation 6.1.7

Mechanical Equipment

Energy required for 2.0
Heating and cooling 2.2
Operated automatically 2.2

Mechanical System

Design load 2.2.1

Moisture Degradation

Collectors 5.1.2
Efflorescence 5.1.2

Monitoring

Access for system 6.3.3

No-Flow

Aging procedure 5.2.1
Excessive pressure and temperature 4.3.1, 4.3.2
Provisional tests 3.1.1
Temperature of fluid 4.4.1
Thermal cycling loads 5.2.2
30-day test, Appendix Section 10

Tracking collector, off focus 3.5.6

Nocturnal

Night sky 2.4.5
Radiation 2.2.3

Occupant

Manual of instruction 6.1.7
Required activity 6.1.7

Operating Energy

Blowers 2.0, 2.6.2, 2.9.2
Excessive 2.7.5
Normal conditions 2.6.2

Operation Instructions

Minimum operating information 6.3.2
Start up and shutdown 6.1.2

Outgassing

Thermal degradation 5.2.1

Orientation, Optimum 1.2

Passive Solar

Classification 2.0
Components 3.4
Contribution to conditioned space 2.1.4
Movable insulation 3.4.2
Net solar contribution 2.1.1, 2.1.4
Optimum aperture area 2.1.1
Overheating 2.1.3, 2.1
Panels—protection from accidental contact 4.2.3
Reduce space condition energy requirement 2.1
Seasonal contribution 2.1.1
Shading 2.1.4

Passive Demonstration Program

Components, manually operated 2.2.2
Positive January contribution 2.1.1

Passive Techniques

Disiccation 2.2.3
Evaporation 2.2.3
Nocturnal radiation 2.2.3

Penetrations

Buildings 1.4

Performance

Collector panel 2.4.2
Efficiency curves 2.4.2
Stagnation, post 2.4.2
System checkout 6.3.1

Phase Change Materials

Thermal cycling 5.2.2

Piping Assembly

Chemical compatibility of components 5.3.1
Design 3.2.1
Safety and health 4.1.3
Sizing 3.2.1
Thermal cycling degradation 5.2.2

Plastics

Effect of heat transfer fluids 5.3.1
Ignition temperature 4.3.6
Structural safety 4.5, 4.5.1

Pollutant Degradation

Effects of design life 5.1.3
Levels 5.1.3
Permanent etching components 5.1.3

Policy Decisions 1.0

Potable Water

Growth of microorganisms 4.1, 4.1.5
Leak testing 3.2.2

Protection 4.1.1, 4.1.2, 4.1.3
Quality 4.1.1
Separation of circulation loops 4.1.2

Pressure

Negative, heat loss 2.4.3
Negative, storage tanks 3.2.7

Pumps

Chemical compatibility of components 5.3.1
Effects of wear 5.4.1
Insulation 2.6.1
Performance 3.2.10
Size 2.6.2, 3.2.1
Viscosity changes 5.2.1, 3.2.10

Radiation

Clear sky solar 2.1.3
Collector selection 2.8.1
Conversion to thermal energy 2.4, 2.4.1
Depletable energy 2.9.1, 2.9.2
Energy flows 2.0
Exclusion during non-heating season 2.1
Incident 2.4.1
January contribution 2.1.1, 2.4.4
Monthly solar 2.1.3
Net solar contribution 2.1.1, 2.3.2
Nocturnal 2.2.3
No flow conditions 4.3.2, 4.4.1
Reduction 2.4.1
Reflectors 2.1.1
Seasonal/annual 2.4.1, 1.1
Shading devices 2.1.3
Site considerations 1.2
Solar degradation 5.1.1, 5.1.3
Thermal Storage exposure 2.1.2, 2.8.2

Reflectors

To increase incident solar radiation 2.1.1

Relief Devices

Pressure and temperature 4.3.1
Protection from freezing 4.3.1

Removal Instructions 6.1.1

Rock

Asbestos 4.1.4
Bins 2.1.2
Cleanliness 4.1.4
Size 2.5.3
Washing 3.3.5

Roof

Damage due to leaking heat transfer fluid 4.2.4
Maintainability of surfaces 6.2.5
Resistant to deterioration due to solar energy components 6.2.5

Safety Provisions

Emergency egress and access 4.5.2
Fire safety 4.4
Lightning 4.3.8
Liquid flash point 4.4.1
Structural 4.6, 4.6.1

Safety of Dwelling and Site

Glazing materials 4.3.3
Scalding 4.3.4
Snow and ice 4.3.7
Surface temperature 4.3.5
Water storage hazards 4.3.6

Seals

Chemical compatibility of components 5.3.1
Exposed to pollutants 5.1.3
Thermal degradation 5.2.1

Self-Ignition

Wood and/or other fibrous materials 4.4.6

Sensors

Location 2.7.1, 3.5.4
Thermal cyclying degradation 5.2.2

Setpoints

Collection Loop 2.7.5

Shading

Devices to reduce cooling load on passive 2.1, 2.1.3
During winter months 1.2
Fixed 2.1.3, 2.2.3

Site

Design 1.2
Influence of prevailing winds 1.2
Maintainability of building 6.2.4
Siting criteria 1.2

Snow and Ice

Buildup on collectors 4.3.7

Solar Arrays

Accident prevention—reflected rays 4.5
Lightning protection 4.3.8
Usability of roof for fire-fighting as egress 4.5.2

Solar Contribution

January 2.1.1
July 2.1.1
15th or 21st of month 2.1.3

Solar System/Building Interaction 1.4

Space Cooling System

Building unattended 2.2
F-Chart method not suitable 2.9.2
Maintain comfort conditions 2.2.3

Space Heating System

Auxiliary design 2.2.1, 2.2.2
Building unattended 2.2
Measured performance (F-Chart) 2.9.2
Operation and maintenance 6.1.2

Space, Interior

Planning and coordinating 1.3

Space, Occupied

Sedentary 2.2.3

Storage containers

Air leakage 2.5.1
Chemical compatibility of components 5.3.1
Corrosion 4.3.6
Drainage provisions 3.3.5
Energy loss 2.5.1, 2.3.2
Exposed to solar radiation 2.1.2
Glazing 4.3.3
Hazards—location 4.3.6
Insulation 3.1.3
Sizing 2.3.4, 2.8.2
Thermal degradation 5.2.1
Thermal stratification 2.5.2
Vacuum relief 3.2.7

Storage System

Thermal capacity 2.8.2

Stagnation

Maximum no flow temperature 4.4.1
Post 2.9.2, 2.8.1, 2.4.2
Protection (installation and maintenance) 6.1.6
Resistance to 3.1.1
Tracking collector, off focus 3.5.6

Stratification, Thermal

F/Chart 2.5.2
Mathematical models 2.5.2
Storage 2.5.2

Structural

Deflection compatibility 4.6.1, 3.1.4
Safety 4.6, 4.6.1

Structural Design Loads (Loads, Structural)

Constraint 4.6.1
Cyclic 4.6.1
Dead 4.6.1
Deflections, specified loads 4.6.1
Earthquake 4.6.1
Hail 4.3.3
Lie 4.6.1
Snow and ice 4.6.1
Wind 4.6.1

Sunshine Percentage 2.1.1

Temperature

Building materials due solar equipment 6.2.4
Effect 5.2
Hot water at tap 2.3.1
Load requirements 2.8.5
Overheating (passive) .2.1.3

Testing

Air leaks 3.3.4

Thermal Design Loads (Loads, Thermal)

Changed due to passive 2.2.3
Hot water 2.3
Loads requirement 2.8.5 (*See* "Temperature")
Mechanical systems 2.2.1
Space cooling 2.2.3
Space heating 2.2.1, 2.2.2

Thermal Properties

Storage materials 2.1.2

Thermal Storage

Access for cleaning or replacement 6.2.2
Addition of auxiliary energy 2.8.3
Air leakage 2.5.1, 3.3.2
Charging rate 2.5.3
Collector/storage combination 2.4.6
Discharging rate 2.5.4
Effect of interior items 1.4
Energy loss 2.5.1
Hot water load 2.5
In building mass 2.1.3
Insulation 2.5.1
Location 2.1.2
Performance 2.5
Potential for fungus growth 4.1.5
Sealing 3.3.2
Size 2.8.2
Size of aperture 2.1.2
Sizing and location 2.1.2, 2.8.2
Space cooling 2.5
Space heating 2.5
Stratification 2.5.2
Thermally-coupled area 2.1.2
Thickness of the mass layer 2.1.2
Trombe walls 2.4.6
Use of building mass 2.1.1, 2.1.2

Thermosiphon

Collection loop 2.3, 2.6.3, 2.7.2
Domestic hot water system 2.3, 2.4.4, 2.6.3, 3.2.1
Non-collection period losses 2.4.4, 2.7.1, 2.7.2
Prevention 2.7.2

Toxic Fluids

Detection of 4.2.3
Disposal of 4.2.4
Draining and filling 3.2.5
Identification of 4.2.2
Rating of commercial substances 4.1.2
The Federal Hazardous Substance Act 4.2.1
Toxicological properties 4.2.1
Warning labels for maintenance personnel 6.1.4

Transfer Fluids, Heat

Compatibility 3.2, 5.3, 5.3.3
Flash point 4.4.1
Fluid flow rates 2.6.3
Plastics 5.3.1
Treatment of 3.2.3, 6.2, 6.2.1

Transmissivity

Glazing 2.1.4

Transmittance

Glazing 2.1.1, 2.1.4

Transport Energy

Collector loop rate 2.6.3
Load transfer rate 2.6.4
Losses 2.6.1
Passive, mechanical devices 3.4.1
Performance 2.6

Transport System

Balancing 3.1.2

Trombe Walls

Efflorescence on absorber surfaces 5.1.2
Provision for recoating 6.2.2
Thermal storage 2.1.1

Ultraviolet Exposure

Deterioration 5.1.1
Deterioration of organic materials 5.1.1

Vandalism

Minimize 1.4

Valves

Check 2.4.4
Chemical compatibility of components 5.3.1
Effects of wear 5.4.1
Isolation, system maintenance 6.2.2
Operating conditions 3.2.9
Relief devices 4.3.1
Shutoff, conspicuously marked 4.5.1
Specification and location 3.2.9
Thermal shock degradation 5.2.3

Ventilation

Whole-house 2.1.3

Venting

Draindown systems 3.6.2
Mass wall 2.1.2
Piping, during filling operation 3.2.2
Reduces the net solar contribution 2.1.2, 2.1.3
Thermal expansion of fluids 3.2.4
To reduce cooling loads, passive 2.1, 2.1.1

Viscosity

Changes 5.2.1
Heat transfer fluids 2.6.2
Pump selection 3.2.10

Walls, Thermal Storage

Trombe walls 2.1.1
Water walls 2.1.1

Waste Heat Recovery and Storage in the Thermal Mass of Passive Solar Buildings 1.3
Waterproofing
Exposed insulation 5.1.2
Wear
Degradation 5.4.1
Windows
Impact on space cooling loads 2.1, 2.1.1
Solar radiation 2.1.1
Winds, Winter
Protection 1.3

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12. SPONSORING ORGANIZATION NAME AND COMPLETE ADDRESS (Street, City, State, ZIP) Department of Housing and Urban Development Office of Policy Development and Research Washington, D.C. 20410			13. Type of Report & Period Covered Preliminary 14. Sponsoring Agency Code

15. SUPPLEMENTARY NOTES

☐ Document describes a computer program; SF-185, FIPS Software Summary, is attached.

16. ABSTRACT (A 200-word or less factual summary of most significant information. If document includes a significant bibliography or literature survey, mention it here.) This performance criteria, developed for the Dept. of HUD, is a baseline document for criteria and standards for the design, development, technical evaluation, and procurement of solar heating and cooling systems for residential buildings in accordance with the requirements of Section 8 of Public Law 93-409, the "Solar Heating and Cooling Demonstration Act of 1974." The document is intended to establish minimum levels of performance with regard to health and safety and the various aspects of technical performance. The criteria for health and safety put primary emphasis on compliance with existing codes and standards. The criteria on thermal and mechanical performance, durability/reliability and operation/servicing present performance requirements considered to be representative of acceptable levels. By the use of performance language in the document, it is believed that sufficient latitude has been provided to allow the innovation and flexibility that is essential for the stimulation of a viable solar industry at this time and in the future.

17. KEY WORDS (six to twelve entries; alphabetical order; capitalize only the first letter of the first key word unless a proper name; separated by semicolons)

Buildings; cooling; heating; hot water; performance criteria; solar energy; standards.

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federal register

Wednesday
June 24, 1981

Part III

Department of the Interior

Office of Surface Mining Reclamation and Enforcement

Small Operator Assistance Program; List of Laboratories Qualified To Perform Work

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

List of Laboratories Qualified To Perform Work Under the Small Operator Assistance Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Update and correction notice of laboratories qualified to perform work under the Small Operator Assistance Program.

SUMMARY: OSM is informing the public and State regulatory authorities of laboratories that have been qualified as of March 1981, for work under the Small Operator Assistance Program (SOAP). During the interim and under permanent regulatory programs, qualified laboratories will provide the *determination* of probable hydrologic consequences and *statement* of the results of test borings for eligible small operators. The *determination* and *statement* are two important permit application requirements. This notice is published pursuant to 30 CFR 795.17(a)(2).

FOR FURTHER INFORMATION CONTACT: Further information can be obtained by contacting the following people:

Headquarters:
Donald W. Willen, Department of Interior, Office of Surface Mining, 1951 Constitution Avenue NW., Rm 5215L, Washington, D.C. 20240, (202) 343–9104.

Region I:
Keith Eggleston, Office of Surface Mining, 603 Morris Street, Charleston, West Virginia 25301, (304) 342–8125.

Region II:
Charles Ferst, Office of Surface Mining, Farragut Building, 530 Gay Street SW., Knoxville, Tennessee 37902, (615) 971–5100.

Region III:
Leroy Davis, Office of Surface Mining, Federal Building & Court House, 46 East Ohio Street, Indianapolis, Indiana 46204, (317) 269–2632.

Region IV:
Ronald Schwartz, Office of Surface Mining, Scarritt Building, 818 Grand Avenue, Kansas City, Missouri 6106, (816) 374–3920.

Region V:
Charles Harrison, Office of Surface Mining, Brooks Towers, 1020 15th Street, Denver, Colorado 80202, (303) 837–5966.

SUPPLEMENTAL INFORMATION: The laboratories listed below were qualified by OSM or State regulatory authorities as of March 1981 for work under the Small Operator Assistance Program (SOAP). This list updates and corrects the earlier list of qualified laboratories published in the **Federal Register** on January 23, 1981. The *determination* of probable hydrologic consequences of proposed mining and reclamation operations and *statement* of the results of test borings or core samplings are provided to eligible small operators under the SOAP. As defined in 30 CFR 795.17(a)(1), qualified laboratory is "a designated public agency, private consulting firm, institution, or analytical laboratory which can provide the *determination* or *statement* under this Program."

To qualify for work under the SOAP, laboratories have to satisfy conditions of personnel, experience, organization and facilities, and other criteria as set forth in 30 CFR 795.17(b). The laboratory qualification procedures consist of two phases: (1) Completion of an application form provided by the Office, and (2) an on-site inspection of laboratory personnel and facilities by the Office.

Two basic qualification categories are: 1. Prime contractors (for *determination* and/or *statement*) and; 2. subcontractors (for water quality and/or overburden and coal analysis). The prime contractors are qualified to provide hydrologic and geologic data collection and interpretative reports, and must be able to provide most of the services in-house. The subcontractors are qualified to provide analytical services to the prime contractors. In-house services must be provided by personnel employed full-time by the specific office of the laboratory requesting qualification. However, some services may be provided to the prime contractor by individual consultants (specialists) if their use has been approved by OSM during the qualification process. Lists of consultants will not be published in the **Federal Register**. Small business, women owned, minority owned, and certified 8(a) laboratories are indicated in the list.

The list of qualified laboratories will be published periodically in the **Federal Register**. Becoming qualified or being listed in the **Federal Register** does not guarantee contracts for work in the SOAP. Under procedures for Federal administration of the SOAP, contracts will be awarded to successful offerors to Request for Proposal (RFP) solicitations. RFPs will be issued periodically as the need arises. Qualified laboratories may compete for work in States other than those States in which they are located. States that administer the SOAP under interim or permanent regulatory programs may use this list of qualified laboratories, may use similar procurement procedures, and also may qualify laboratories.

Laboratories may be disqualified and dropped from the list of qualified laboratories for inadequate performance in contracts, conflicts of interest, or for changes in personnel, facilities or organization that cause the laboratory to no longer meet the requirements set forth in 30 CFR 795.17(b).

All laboratories will be qualified periodically.

Dated: June 17, 1981.

Andrew V. Bailey,

Acting Director, Office of Surface Mining Reclamation and Enforcement.

List of Qualified Laboratories

Type of Contractor

P = prime contractor
S = subcontractor

Qualification Category

D = field data collection, water quality analyses, data compilation and interpretation, and report writing to produce a *determination* of the probable hydrologic consequences of mining and reclamation operations
D[1] = same as above except that water quality analyses will be subcontracted
S = field data collection, overburden and coal analyses, data compilation and interpretation, and report writing to produce a *statement* of the results of test borings or core samplings
S[1] = same as above except that overburden and coal analyses will be subcontracted
W = water quality analyses
O = overburden and coal analyses

Classes of Business

1 = small business under the Engineering Services size standards
2 = woman-owned business
3 = minority owned as defined in Public Law 95–507
4 = certified 8(a) by the Small Business Administration

Qualifying Agency

Laboratories qualified by State regulatory authorities are identified by a letter in front of laboratory name. All other laboratories were qualified by OSM.

a = qualified by Ohio Department of Natural Resources.

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OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT
LIST OF LABORATORIES QUALIFIED TO PERFORM WORK UNDER THE SMALL OPERATOR ASSISTANCE PROGRAM

LABORATORY NAME | ADDRESS | CITY | ST | ZIP | TYPE OF QUAL BUSINESS CONTRTR CAT. | CLASS

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT
LIST OF LABORATORIES QUALIFIED TO PERFORM WORK UNDER THE SMALL OPERATOR ASSISTANCE PROGRAM

LABORATORY NAME	ADDRESS	CITY	ST	ZIP	TYPE OF CONTRTR	QUAL CAT.	BUSINESS CLASS
	******MONTANA******						
EARTH SCIENCE SERVICES	EXECUTIVE BUILDING 1115 NORTH SEVENTH AVE.	BOZEMAN	MT	59715	P	D	1
ENERGY LABORATORIES	1107 SO.BROADWAY,P.O.BOX 595	BILLINGS	MT	59103	S	W O	1
GEO. SERVICES WEST	P. O. BOX 7182 - 520 NORTH PLATTE STREET	MISSOULA	MT	59807	P	S'	1
GEO. WEST, INC.	P. O. BOX 1252 - 119-1/2 N. BROADWAY	BILLINGS	MT	59103	P	S'	1
HKM ASSOCIATES	P.O. BOX 31318 EXECUTIVE PLAZA, AIRPORT, INDUSTRIAL PARK	BILLINGS	MT	59107	P	D'S'	1
NORTHERN TESTING LABORATORIES	600 SOUTH 25TH STREET, P.O. BOX 30615	BILLINGS	MT	59107	S	W	
OLSON-ELLIOTT & ASSOCIATES	P. O. BOX 1209, POWER BLOCK, SUITE 616	HELENA	MT	59601	P	D'S'	1
	******NEW MEXICO******						
CPI	POST OFFICE BOX 1844	SANTE FE	NM	87501	P	D'S'	1
EARTH ENVIRONMENTAL CONSULTANTS, INC.	9426 INDIAN SCHOOL ROAD, N.E.	ALBUQUERQUE	NM	87112	P	D	1
	******OREGON******						
CENTURY-WEST ENGINEERING	61360 SOUTH H[illegible] 97, P. O. BOX 1174	BEND	OR	97701	P	D S	1
	******UTAH******						
UNITEX	4575 BERNADA [illegible]	SALT LAKE CITY	UT	84117	S	W O	1 4
UTE RESEARCH LABORATORIES	P. O. BOX 11[illegible]	FORT DUCHESNE	UT	84026	S	W O	1 4
	******WYOMING******						
IN-SITU CONSULTING, INC.	253 NO. THIRD	LARAMIE	WY	82070	P	S	1
INTERMOUNTAIN LAB, INC.	450 MAIN, NORTH	SHERIDAN	WY	82801	S	W O	1
WYOMING ANALYTICAL LABS, INC.	BOX 638 - 605 SOUTH ADAMS	LARAMIE	WY	82070	S	W O	1 2

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LABORATORY NAME	ADDRESS	CITY	ST	ZIP	TYPE OF CONTRTR	QUAL CAT.	BUSINESS CLASS
GEOSCIENTIFIC SYSTEMS AND CONSULTING	8405 PERSHING DRIVE SUITE 402	PLAYA DEL RAY	CA	80033	P	D'S'	1
HYDROCOMP	201 SAN ANTONIO CIRCLE	MOUNTAIN VIEW	CA	94040	P	D	1
TRUDSDAIL LABORATORIES, INC.	4101 N. FIGUEROA STREET	LOS ANGELES	CA	90065	S	W O	1
	******COLORADO*******						
BOOKCLIFF COMMERCIAL LAB., INC.	737 LINCOLN AVE., SUITE 300 BOX 505	STEAMBOAT SPGS.	CO	80477	S	W	
C H 2 M HILL	5995 SO. SYRACUSE STREET	ENGLEWOOD	CO	80111	P	D'S'	
CAMP DRESSER & MCKEE, INC.	11455 WEST 48TH AVENUE	WHEATRIDGE	CO	80033	P	D'S'	
CHARLES S. ROBINSON AND ASSOCIATES, INC.	622 GARDENIA COURT	GOLDEN	CO	80401	P	D'S'	1
COLORADO SCHOOL OF MINES RESEARCH INSTITUTE	P.O. BOX 112	GOLDEN	CO	80401	P	D S	1
COMMERCIAL TESTING & ENG. CO.	490 ORCHARD STREET	GOLDEN	CO	80401	S	W O	
DAMES & MOORE	605 PARFET STREET	DENVER	CO	80215	P	D'S'	
ENGINEERING SCIENCE	2785 N. SPEER, SUITE 140	DENVER	CO	80211	P	D'S'	
HITTMAN ASSOCIATES, INC.	600 SOUTH 25TH STREET, P.O. BOX 30615 5500 S. SYRACUSE CIRCLE	ENGLEWOOD	CO	80111	P	D O	
J. F. SATO AND ASSOCIATES	5898 SOUTH RAPP	LITTLETON	CO	80122	P	D'S'	1 4
LEONARD RICE CONSULTING WATER ENGINEERS	2695 ALCOTT	DENVER	CO	80215	P	D	1
NUS	720 S. COLORADO BLVD.	DENVER	CO	80222	P	S W	
SIMONS, LI & ASSOCIATES, INC.	DRAKE CREEKSIDE TWO 2625 REDWING RD., SUITE 350	FT. COLLINS	CO	80522	P	D'	
WILLARD OWENS, ASSOCIATES	7391 WEST 38TH AVENUE	WHEATRIDGE	CO	80033	P	D'S'	1
WOODWARD-CLYDE CONSULTANTS	2909 WEST 7TH AVENUE, P. O. BOX 4036	DENVER	CO	80204	P	D'S'	

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LABORATORY NAME	ADDRESS	CITY	ST	ZIP	TYPE OF CONTRIB	QUAL CAT.	BUSINESS CLASS
ENVIRONMENTAL CONTROL LABORATORY	P. O. BOX 274	NORMAN	OK	73070	S	W	1
ESPEY, HUSTON & ASSOCIATES	4545 LINCOLN BLVD.	OKLAHOMA CITY	OK	73105	P	D'S'	1 4
KAY, RAY AND ASSOCIATES	P. O. BOX 366	NOBLE	OK	73068	P	D S'	1 3
MID-STATES ANALYTICAL LAB., INC.	5460 S. 101ST EAST AVENUE	TULSA	OK	74145	S	W	1
PETRA, INC.	4505 E. 68TH ST.	TULSA	OK	74136	P	D'S'	1
STANDARD TESTING AND ENGINEERING COMPANY	3400 LINCOLN BLVD.	OKLAHOMA CITY	OK	73105	S	W O	1
WILLIAMS BROTHERS ENGINEERING CO.	6600 S. YALE AVENUE	TULSA	OK	74177	P	D S	
	******TEXAS******						
ANA-LAB CORPORATION	2600 DUDLEY ROAD	KILGORE	TX	75662	S	W O	1
CORE LABORATORIES, INC.	11061 SHADY TRAIL	DALLAS	TX	75229	P	D S	
FARNER & WINSLOW	10500 N.W. FREEWAY	HOUSTON	TX	77092	P	D'	1
SOUTHWESTERN LABORATORIES	222 CAVALCADE	HOUSTON	TX	77009	S	W O	
SOUTHWESTERN LABORATORY ANALYTICAL SERVICES DIVISION	P. O. BOX 10687	DALLAS	TX	75207	S	W O	
SOUTHWESTERN LABORATORY GEOTECHNICAL ENGINEERING DIV.	812 GREAT S.W. PARKWAY, P.O. BOX 1526	ARLINGTON	TX	76010	P	S	
SPECTRIX CORPORATION	7408 FANNIN	HOUSTON	TX	77054	S	W O	1
	REGION 5						
	******CALIFORNIA******						
CORE LABORATORIES, INC.	401 CANAL STREET	WILMINGTON	CA	09074	S	W O	
ESCA-TECH CORP.	3001 RED HILL AVENUE, BLDG.II, SUITE 212	COSTA MESA	CA	92626	P	D'S'	1 4
O. E. TEMPO	816 STATE STREET	SANTA BARBARA	CA	93101	P	D	1

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OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT
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LABORATORY NAME	ADDRESS	CITY	ST	ZIP	TYPE OF CONTRTR	QUAL CAT.	BUSINESS CLASS
MINNESOTA VALLEY TESTING LAB., INC.	35 WEST LINCOLN WAY	NEVADA	IA	50201	S	W O	1
	******KANSAS******						
COOK, FLATT & STROBEL	6111 S.W. 29TH STREET	TOPEKA	KS	66604	P	D'	1
ENVIRONMENTAL LABORATORIES, INC.	P. O. BOX 2368	TOPEKA	KS	66601	S	W	1
LANGSTON LABORATORIES, INC.	2005 WEST 103RD TERRACE	LEAWOOD	KS	66206	S	W	1 4
QUALITY WATER ANALYSIS LAB., INC.	121 E. FOURTH	PITTSBURG	KS	66762	P	S W	1
TALIAFERRO AND BROWNE	710 MINNESOTA	KANSAS CITY	KS	66101	P	D'	1 3
WOODWARD-CLYDE CONSULTANTS	5055 ANTIOCH ROAD	OVERLAND PARK	KS	66203	P	D'S	
	******MISSOURI******						
BOOKER ASSOCIATES, INC.	1139 OLIVE STREET	ST. LOUIS	MO	63101	P	D'	1 4
BRUCE WILLIAMS CONSULTING ENGINEERING AND ASSOCIATES	P.O. BOX 169	JOPLIN	MO	64801	S	W O	1 4
ENGINEERING SURVEYS & SERVICES	1113 FAY STREET	COLUMBIA	MO	65201	P	D S	1
INDUSTRIAL TESTING LABORATORIES, INC.	2350 SEVENTH BLVD	ST. LOUIS	MO	63104	S	W	
MID MISSOURI ENGINEERS, INC.	506 NICHOLS	COLUMBIA	MO	65201	S	W	1 4
SHANNON & WILSON, INC.	11500 OLIVE BLVD.	ST. LOUIS	MO	63141	P	D'S'	1
WOODWARD-CLYDE CONSULTANTS	1350 BAUR BLVD.	ST. LOUIS	MO	63132	P	S	
	******NEBRASKA******						
HOSKINS-WESTERN-SONDEREGGER, INC.	825 "J" STREET	LINCOLN	NE	68501	P	D S	1
	******OKLAHOMA******						
ENGINEERING ENTERPRISES, INC.	1225 WEST MAIN STREET	NORMAN	OK	73069	P	D'S'	1

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LIST OF LABORATORIES QUALIFIED TO PERFORM WORK UNDER THE SMALL OPERATOR ASSISTANCE PROGRAM

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OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT
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LABORATORY NAME	ADDRESS	CITY	ST	ZIP	TYPE OF CONTRTR	QUAL CAT.	BUSINESS CLASS
OHIO AGRICULTURE RESEARCH AND DEVELOPMENT CENTER		WOOSTER	OH	44691	S	O	
OHIO DEPT. OF HEALTH	OHIO STATE UNIVERSITY	COLUMBUS	OH	43210	S	W	
[a]OHIO MINING CONSULTANTS	240 HURON STREET	JACKSON	OH	45640	P	D'S'	
[a]REAM & HAAGER LABORATORIES	1226 KADERLY STREET, N.W.	NEW PHILADELPHIA	OH	44663	S	W O	
STILSON LABORATORIES, INC.	170 N. HIGH STREET	COLUMBUS	OH	04321	P	D S	1
[a]THE H. C. NUTTING COMPANY	4120 AIRPORT ROAD	CINCINNATI	OH	45226	P	D S	
[a]THE STANDARD TESTING COMPANY	610 WEST MAIN STREET	CANFIELD	OH	44406	S	W O	
THE TCW COMPANY	SOUTH MAIN STREET BOX 648	NEW LEXINGTON	OH	43764	P	D S'	1 3 4
TOLEDO TESTING LAB	1810 N. 12TH STREET	TOLEDO	OH	43624	P	D S	1 4
WAPORA, INC.	5700 HILLSIDE AVE.	CINCINNATI	OH	45233	P	D S	
	******WISCONSIN******						
DONOHUE AND ASSOCIATES, INC.	4738 NORTH 40TH STREET	SHEBOYGAN	WI	53081	P	D'S'	
OWEN AYRES & ASSOC.	1300 W. CLAIREMONT	EAU CLAIRE	WI	54701	P	D S	

REGION 4

	******ARKANSAS******						
AMERICAN INTERPLEX CORPORATION	3400 ASHER AVENUE	LITTLE ROCK	AR	72204	S	W O	1
ARKANSAS MINING & MINERALS RESOURCES INSTITUTE	MCEVER HALL SCIENCE BLDG. ARKANSAS TECH. UNIVERSITY	RUSSELLVILLE	AR	72801	P	S W	
	******IOWA******						
IOWA GEOLOGICAL SURVEY	123 NORTH CAPITOL STREET	IOWA CITY	IA	52242	P	D'S	
IOWA UNIVERSITY HYGIENIC LABORATORY	OAKDALE CAMPUS	IOWA CITY	IA	52242	S	W O	

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OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT
LIST OF LABORATORIES QUALIFIED TO PERFORM WORK UNDER THE SMALL OPERATOR ASSISTANCE PROGRAM

LABORATORY NAME	ADDRESS	CITY	ST	ZIP	TYPE OF CONTRTR	QUAL CAT.	BUSINESS CLASS
[a]ASSOCIATES MAPPING SERVICES, INC.	1450 SOUTHEAST PLAZA, FRANKLIN AVENUE	SALEM	OH	44460	P	D'S'	1 4
ATEC ASSOCIATES	11306 TAMARCO DRIVE	CINCINNATI	OH	45242	P	D'S'	1
BOWSER-MORNER TESTING LAB., INC.	420 DAVIS AVE.	DAYTON	OH	45401	P	D S	1
[a]BUCKEYE LAND SURVEYING, INC.	215 S. 5TH STREET	COSHOCTON	OH	43812	P	D'S'	
[a]BUCKEYE SERVICES	162 1/2 BROADWAY, P.O. BOX 546	NEW PHILADELPHIA	OH	44663	P	D S	1 4
[a]BURGESS & NIPPLE LIMITED	5058 REED ROAD	COLUMBUS	OH	43220	P	D S	
CLC LABS	1046 CRUPPER AVENUE BUSCH CORPORATE CENTER	COLUMBUS	OH	43229	S	W O	1
DAMES AND MOORE	1150 WEST 8TH STREET	CINCINNATI	OH	45203	P	D'S'	
ECO-DATA ANALYSIS, LTD.	11001 CEDAR AVE.	CLEVELAND	OH	44106	P	D S	1 3 4
[a]ENGINEERING SCIENCE	19101 VILLAVIEW ROAD SUITE 301	CLEVELAND	OH	44119	P	D S	
[a]ENVIRONMENTAL RESEARCH GROUP, INC.	777 EXCHANGE STREET	CLEVELAND	OH	44125	S	W O	
[a]ENVIRONMENTAL TESTING SERVICES	1599 OTSEGO AVENUE P.O. BOX 723	COSHOCHTON	OH	43812	S	W O	
[a]GLM MAPPING	236 EAST WASHINGTON STREET	LISBON	OH	44432	P	D'S'	1
[a]HERBERT B. EAGON, JR.	100 EAST WILSON BRIDGE ROAD	WORTHINGTON	OH	43085	P	S	
HOWARD LABORATORIES	3601 S. DIXIE AVENUE	DAYTON	OH	45439	S	W O	1
[a]JOHN V. LUND	134 WEST CENTER STREET	AKRON	OH	44308	P	D'S'	
M.A.S AND ASSOCIATES	11453 MARKET STREET	NORTH LIMA	OH	44452	P	D'S'	1
MID-EASTERN GEOTECHNICAL, INC.	BOX 587	MARIETTA	OH	45750	P	S'	1
[a]MINE SERVICES COMPANY	1286 WEST LANE AVENUE	COLUMBUS	OH	43221	P	D'S'	
[a]MINING AND RECLAMATION COMPANY	129 N. TENTH STREET	CAMBRIDGE	OH	43769	S	W O	
[a]MODERN CHEMICALS	100 KERR STREET	POMEROY	OH	45769	S	W O	

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AMERICAN TESTING ENGINEERING COMPANY	5150 EAST 65TH STREET	INDIANAPOLIS	IN	46220	P	D'S	1
CHEMICAL SERVICE LABORATORY, INC.	3408 INDUSTRIAL PARKWAY, BOX 22 0	JEFFERSONVILLE	IN	47130	S	W O	
CRAHOR LAND SERVICE	R.R.#1, BOX 127	RUSHVILLE	IN	46173	P	D'S'	1
D'APPOLONIA-DISTRICT OFFICE	MOUNTED ROUTE 522B	CHESTERTON	IN	46304	P	D'S'	
EMS LABORATORIES	7901 W. MORRIS STREET	INDIANAPOLIS	IN	46220	S	W O	1
ESEI SCIENCES, INC.	211 W. WASHINGTON ST.	SOUTH BEND	IN	46601	P	D'S'	1
ETS, INC.	6523 CARROLLTON AVE.	INDIANAPOLIS	IN	46220	P	S	
GEOSCIENCES RESEARCH ASSOC.	414 S.WALNUT STREET	BLOOMINGTON	IN	47401	P	D'S'	1
HOWARD NEEDLES TAMMEN & BERGENDOFF	3333 FOUNDERS [illegible]	INDIANAPOLIS	IN	46238	P	D'	
LAWSON-FISHER ASSOC.	101 JMS BUILDING	SOUTH BEND	IN	46601	P	D'S'	1
NATIONAL LABORATORIES, INC.	600 BOND STREET	EVANSVILLE	IN	47708	P	D S	1 4
NICTL	540 TYLER STREET	GARY	IN	46402	S	W O	
REID, QUEBE, ALLISON, WILCOX. AND ASSOCIATES	3901 INDUSTRIAL BLVD.	INDIANAPOLIS	IN	46254	S	W O	4 1
SIECO, INC.	309 WASHINGTON ST.	COLUMBUS	IN	47201	P	D S'	1 3 4
WILLIAMS LABORATORY SVCS.,INC	1843 COMMERCE DRIVE	SOUTH BEND	IN	46628	P	D S	1
	******MICHIGAN******						
AQUATIC SYSTEMS, INC.	120 WEST LUDINGTON AVE.	LUDINGTON	MI	49431	P	D S	1
BONEL ENTERPRISES	18159 DORSET	SOUTHFIELD	MI	48075	P	D S	1 3
JOHNSON AND ANDERSON, INC.	2300 DIXIE HWY., P. O. BOX 1166	PONTIAC	MI	48056	P	D'S'	1 4
SNELL ENVIRONMENTAL GROUP	1120 MAY STREET	LANSING	MI	48096	S	W O	1 4
	******OHIO******						
[a]A. R. ZAPLATA COMPANY	P. O. BOX 308	LISBON	OH	44432	P	D'S'	1 4

UMI 1 8 4 2 E C 6 4 V

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT
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CITY OF CARBONDALE WATER AND WASTEWATER CENTRAL LAB.	1001 S. WALL STREET	CARBONDALE	IL	62901	S	W O	
COAL EXTRATION & UTILIZATION RESEARCH CTR.	SOUTHERN ILLINOIS UNIVERSITY	CARBONDALE	IL	62901	P	D S	
COMMERCIAL TESTING & ENG. CO.	228 NORTH LASALLE ST.	CHICAGO	IL	60601	S	W O	
DAILY & ASSOC. ENGINEERS, INC.	1703 WEST LUTHY DRIVE	PEORIA	IL	61614	P	D S	1
DAMES & MOORE	1350 NORTHWEST HIGHWAY	PARK RIDGE	IL	60068	P	D'S'	
DELEUW, CATHER & CO.	165 WEST WACKER DRIVE	CHICAGO	IL	60601	P	D'S'	
ENERGY ENVIRONMENTAL CONSULTANT	820 DAVIS ST., SUITE 400	EVANSTON	IL	60201	S	W O	
ERLIN HIME & ASSOC.	811 SKOKIE ROAD	NORTHBROOK	IL	60093	S	O	1
ESCOR, INC.	1845 OAK STREET, SUITE 3	NORTHFIELD	IL	60093	P	D S'	1
HANSON ENGINEERS	1525 S. 6TH STREET	SPRINGFIELD	IL	62703	P	D'S'	1
HARDING LAWSON & ASSOC.	125 WINDSOR DRIVE, SUITE 107	OAK BROOK	IL	60521	P	D'S'	
HARZA ENGINEERING	150 S. WACKER DRIVE	CHICAGO	IL	60606	P	D S'	
KEY AGRICULTURAL SERVICES	114 SHADY LANE	MACON	IL	61455	S	W O	1 3
RANDOLPH & ASSOC., INC.	8901 N. INDUSTRIAL RD.	PEORIA	IL	61614	P	D S	
TRACE ELEMENTS, INC.	460 SOUTH NORTHWEST HIGHWAY	PARK RIDGE	IL	60062	S	W	1
WAPORA, INC	35 EAST WACKER DRIVE, SUITE 2380	CHICAGO	IL	60601	P	D'S'	
WOODWARD-CLYDE CONSULTANTS	SUITE 1500, 11 EAST ADAMS	CHICAGO	IL	60603	P	D'S'	
WOODWARD-CLYDE CONSULTANTS	901 CHARLESTON AVE.	MATTOON	IL	61938	P	D'S'	
	******INDIANA******						
A & L GREAT LAKES AGRICULTURAL LABS	5011 DECATUR ROAD	FORT WAYNE	IN	46806	P	D	1
ALTERNATIVE DESIGN, INC.	117 WEST TANNER STREET	BROWNTOWN	IN	47220	P	D'	
AMERICAN CONSULTING ENGINEERS	525 EAST 38TH STREET	INDIANAPOLIS	IN	46205	P	D'	1 2 4

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT
LIST OF LABORATORIES QUALIFIED TO PERFORM WORK UNDER THE SMALL OPERATOR ASSISTANCE PROGRAM

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ENVIRONMENTAL MGMT. PLANNING	151 ATHENS WAY	NASHVILLE	TN	37228	P	D	1
ENVIRONMENTAL PLANNING ENGR.	224 PETERS RD. RM 200	KNOXVILLE	TN	37923	P	D'S'	1
ENVIRONMENTAL TESTING CONSULTANTS	751 E. BROOKHAVEN COURT	MEMPHIS	TN	38117	S	W O	1
KENWILL, INC.	BOX 432	MARYVILLE	TN	37801	P	D S	1 2
LAW ENGINEERING	333 TROY CIRCLE	KNOXVILLE	TN	37919	P	S	
MILLER-WITHRY-LEE	1387 SOUTH FOURTH STREET	NASHVILLE	TN	37212	P	D'S'	
MINING CONSULTANTS	REYNOLDS RD.	FRANKLIN	TN	37064	P	D S'	
PLANNING DESIGN & RESEARCH ENGINEERS, INC.	P.O. BOX 887	BRENTWOOD	TN	37027	P	D'	
RUSSELL AXON	UNITED AMERICAN PLAZA	KNOXVILLE	TN	37929	P	D'	
SCIENCE APPLICATION	P. O. BOX 843	OAK RIDGE	TN	37830	P	D'	
STEWART LABORATORY	5815 MIDDLEBROOK PIKE	KNOXVILLE	TN	37921	S	W O	1 2
TECHNICAL LAB.	515 CHEROKEE BOULEVARD	CHATTANOOGA	TN	37405	S	W O	
TERRE-AQUA RESEARCH ENGINEERS	P. O. BOX 846	CROSSVILLE	TN	38555	P	D O	1
U.S. TESTING	3765 PREMIERE COVE	MEMPHIS	TN	38118	P	S W	
WOODSON-TENENT LAB	P.O. BOX 2135	MEMPHIS	TN	38101	S	W O	
	REGION 3						
	******ILLINOIS******						
AQUALAB, INC.	RT. 20 AT VALLEY LANE	STREAMWOOD	IL	60103	S	W O	1
BROWN & ROTHMAN ENGINEERS	500 W. POPLAR ST.	HARRISBURGH	IL	62946	P	D'S'	
CAMP DRESSER & MCKEE, INC.	302 E. JOHN ST.	CHAMPAIGN	IL	61820	P	D S	
CEPHEUS INDUSTRIES, INC.	BOX 525	MARION	IL	62959	S	W O	1

UMI 1 8 4 2 E C 6 4 V

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT
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RHODES AND ASSOCIATES	2627 REGENCY ROAD	LEXINGTON	KY	40503	P	D'S'	
S.M.R. ENGINEERS AND ENVIRONMENTAL	DRAWER NO. 70'	CENTRAL CITY	KY	42330	P	D S	1
SKELLY & LOY	2365 HARRODSBURG	LEXINGTON	KY	40504	P	D'S'	1
STANDARD LABS	BOX 606	WHITESBURG	KY	41858	S	W O	
STANDARD LABS	2101 S. MAIN	CORBIN	KY	40701	S	W O	
SUMMIT ENGINEERING	P.O. BOX 933	PIKEVILLE	KY	41501	P	D S	1
T.M. REGAN, INC.	377 WALLER AV.	LEXINGTON	KY	40504	S	W O	1
TEE ENGINEERING	1314 S. BROAD	LEXINGTON	KY	40504	P	D S'	1
TRI-STATE TESTING'	P. O. BOX 681	ASHLAND	KY	41101	S	W O	
VAUGHAN ENGINEERS	1002 N. MAIN STREET	MADISONVILLE	KY	42431	P	D'S'	1
VAUGHN AND MELTON	P. O. BOX 1425	MIDDLESBORO	KY	40965	P	D'	1
WATKINS & ASSOC.	P.O. BOX 951	LEXINGTON	KY	40588	P	D O	1
	******NORTH CAROLINA******						
OCEAN DATA SYSTEMS	4505 FRANKLIN AVENUE	WILMINGTON	NC	28403	P	D	1
RESEARCH AND ANALYTICAL LAB	P. O. BOX 473	KENERSVILLE	NC	27284	S	W	
	*****SOUTH CAROLINA******						
ENWRIGHT ASSOC., INC.	BOX 5287 STATION B	GREENVILLE	SC	29606	P	D S	1
J.E. SIRRINE	P.O. BOX 5456	GREENVILLE	SC	29606	P	D	
	******TENNESSEE******						
ARO, INC.	P.O. BOX 884	TULLAHOMA	TN	37388	S	W O	
CUMBERLAND TECHNICAL SERVICES	P.O. BOX 2569	CROSSVILLE	TN	38555	P	D'	
ENVIRONMENT SYSTEMS CORP.	200 TECH CENTER ROAD	KNOXVILLE	TN	37912	P	D S'	1

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DONAN ENGINEERING	P.O. BOX 528	MADISONVILLE	KY	42431	P	D*S*	1
EARTH LABORATORIES	P.O. BOX 571	CORBIN	KY	40701	S	W O	1
EKENCO, INC.	RR 3 BOX 16	HAZARD	KY	41701	P	S W	
ENGINEERING-SCIENCE	345 BLUE SKY PARKWAY	LEXINGTON	KY	40511	P	D*S*	
FULLER-MOSSBARGER	1315 LEESTOWN ROAD	LEXINGTON	KY	40508	P	D*S*	1
G. COX & ASSOCIATES	P. O. BOX 447	WILLIAMSBURG	KY	40769	P	D*S*	1
GEOLOGICAL ASSOCIATES	P.O. BOX 634, HWY. 27-S	SOMERSET	KY	42501	P	S*	1
HILL ENGINEERING	NORTH LAKE DRIVE	PRESTONBURG	KY	41653	P	D*S*	1
HILL-JACKSON LABS	P. O. BOX 548	PRESTONBURG	KY	41653	S	W	1
HITTMAN ASSOC.	1354 DEVONPORT	LEXINGTON	KY	40511	P	D*S*	
J. S. GRIFFIN AND ASSOCIATES	P. O. BOX 676	HENDERSON	KY	42420	P	S*	1
MATHTECH	3464 WARWICK COURT	LEXINGTON	KY	40502	P	D*S*	
MAYS-SUDDERTH-ETHEREDGE	568 DELZAN PLACE	LEXINGTON	KY	40503	P	D*S*	1
MCCOY & MCCOY	BOX 238	MADISONVILLE	KY	42431	S	W O	1
MILLER-WIHRY-LEE	1387 SOUTH FORTH STREET	LOUISVILLE	KY	40208	P	D*S*	1
NESBITT ENGINEERING	400 E. VINE ST.	LEXINGTON	KY	40507	P	D*S*	1
PARROTT, ELY & HURT	P.O. BOX 22738	LEXINGTON	KY	40522	P	D*	
PAUL D. LUNDY AND ASSOCIATES	1904 1/2 CUMBERLAND	MIDDLESBORO	KY	40965	P	D*S*	1
PRASAD ENGINEERING	P. O. BOX 360	WHITESBURG	KY	41858	P	D*S*	1 3
PRASAD ENGINEERING, INC.	1460 NEWTOWN PIKE	LEXINGTON	KY	40511	S	W O	3
PROCTOR-DAVIS-RAY	800 CORPORATE DRIVE	LEXINGTON	KY	40503	P	D*	1
R. R. CRAWFORD	P. O. DRAWER 929	WHITESBURG	KY	41858	P	D*S*	1
RESOURCE CONSULTANT	P. O. BOX 202	WILLIAMSBURG	KY	40769	P	S*	1

UMI 1 8 4 2 E L 6 4 V

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT
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TECHNICAL SERVICES	P. O. BOX 52329	JACKSONVILLE	FL	32201	S	W O	1
ZELLARS-WILLIAMS	4222 S. FLORIDA AVENUE	LAKELAND	FL	33803	P	D'S'	1
	******GEORGIA******						
APPLIED BIOLOGY	641 DEKALB IND. WAY	ATLANTA	GA	30033	S	W	1 2
ARMOUR & CAPE, INC.	2295 PARKLAKE DRIVE	ATLANTA	GA	30345	P	D'	1
ATEC ASSOC. OF GEORGIA	1190 HAYES INDUSTRIAL DRIVE, N.E.	MARIETTA	GA	30062	P	S	
CAMP-DRESSER-MCKEE	1945 THE EXCHANGE	ATLANTA	GA	30339	P	D'	
DAMES & MOORE	455 E. PACES FERRY	ATLANTA	GA	30305	P	D'S'	
KUN-YOUNG CHIU AND ASSOCIATES, INC.	109 E. ADAIR STREET	VALDOSTA	GA	31601	P	D'S'	1 3
LAW ENGINEERING	2749 DELK ROAD	MARIETTA	GA	30067	P	D S	
MAYS-SUDDERTH-ETHEREDGE	1775, THE EXCHANGE	ATLANTA	GA	30339	P	D'S'	1
SOIL AND MATERIAL ENGINEERING	1937 BRIARWOOD COURT	ATLANTA	GA	30329	P	D'S'	1
VERSITECH	6855 JIMMY CARTER	NORCROSS	GA	30071	P	D'S'	
WAPORA, INC.	5980 UNITY DRIVE, SUITE F	NORCROSS	GA	30071	P	D S	
	*******KENTUCKY*******						
BECK MAR LABS	4010 DUPONT CIRCLE	LOUISVILLE	KY	40207	S	W	1 2
BOOKER ASSOC. INC.	343 WALLER AVE.	LEXINGTON	KY	40504	P	D'	1
BOWSER-MORNER TESTING LABS., INC.	P. O. BOX 636	MAYSVILLE	KY	41056	P	D'S'	
CLAY LABORATORIES	RT. 3 BOX, 11.	MANCHESTER	KY	40962	S	W O	
COMMONWEALTH TECHNOLOGY	2520 REGENCY . . SUITE 104	LEXINGTON	KY	40503	P	D S	1
CUMBERLAND CHEMCIAL LAB	RT. 4, BOX 89.	WILLIAMSBURG	KY	40769	S	W O	1
DAMES AND MOORE	1015 RICHMOND ..	LEXINGTON	KY	40502	P	D'S'	

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P. E. LAMOREAUX	P. O. BOX 231[illegible]	TUSCALOOSA	AL	35401	P	D'S'	1
R. E. MALLETTE	2610 3RD AVEN[illegible]	BIRMINGHAM	AL	35233	P	D'S'	
SCIENTIFIC SERVICES	500 WYNN DRIVE	HUNTSVILLE	AL	35805	P	D S	1
T.L. DOUGLAS	1720-3RD AVENUE N	BESSEMER	AL	35020	P	D S	1
TUSCALOOSA TEST LAB	3516 GREENSBORO ROAD	TUSCALOOSA	AL	35403	P	D S	1
	******FLORIDA******						
AGRO SERVICES INTERNATIONAL	P. O. BOX 667	ORANGE CITY	FL	32763	P	S	1
ARDAMAN & ASSOCIATES	P. O. BOX 13003	ORLANDO	FL	32809	P	D'S'	1
BREEDLOVE & ASSOCIATES	618 NW 13TH AVE.	GAINESVILLE	FL	32601	P	D	1
CH2M HILL	P.O.BOX 1647	GAINESVILLE	FL	32602	P	D S	
CLARK ENGINEERS-SCI.	7520 S.W. 57TH AVENUE	MIAMI	FL	33143	P	D	1
ENVIRONMENTAL CENTER	JACKSONVILLE UNIVERSITY	JACKSONVILLE	FL	32211	P	D'	1
ENVIRONMENTAL SCIENCE AND ENGINEERING, INC.	P.O. BOX ESE	GAINESVILLE	FL	32602	P	D S'	
FLOWERS CHEMICAL LABS	P. O BOX 597	ALTAMNTE SPRINGS	FL	32701	P	S W	1
GREINER ENGINEERING SCIENCE	P. O. BOX 23646	TAMPA	FL	33623	P	D'S'	
HYDRO-SCIENCE RESEARCH GROUP	2928 FRANKLIN	LAKELAND	FL	33801	P	D'S'	1
JANMAL AND ASSOCIATES	P.O. BOX 339	WINTER PARK	FL	32790	P	D'	
JOYCE ENVIRONMENTAL CONSULTANTS	LIVE OAK BOULEVARD	CASSELBERRY	FL	32707	S	W	2
MISSIMER AND ASSOCIATES	1031 CAPE CORAL PARKWAY	CAPE CORAL	FL	33904	P	D'S'	
ORLANDO LABS., INC.	P. O. BOX 8008	ORLANDO	FL	32856	S	W O	1
P. E. LAMOREAUX	4313 S. FLORIDA AVENUE	LAKELAND	FL	33803	P	S W	1
PRIEDE SEDGEWICK,INC	P.O. BOX 8117	JACKSONVILLE	FL	32211	P	D'	1 3
SEABURN AND ROBERTSON	P. O. BOX 23184	TAMPA	FL	33623	P	D'S'	1

UMI 1 8 4 2 E C 6 4 V

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT
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VANDE LINDE, INC. ROBINSON & ROBINSON	1317 HANSFORD STREET	CHARLESTON	WV	25301	P	D'S'	1
VTN, INC.	100 KANAWHA BLVD., WEST, P.O. BOX 6280	CHARLESTON	WV	25302	P	D'S'	
WEST AUGUSTA COMPANY	334 RANDOLPH AVENUE, P. O. BOX 1303	ELKINS	WV	26241	P	D'S'	1
WHITLEY ENGINEERING COMPANY	910 4-TH AVE., SUITE 1001 WEST VIRGINIA BLDG.	HUNTINGTON	WV	25701	P	D'S'	1
	REGION 2						
	******ALABAMA*******						
ALMON & ASSOCIATES	P. O. BOX 2687	TUSCALOOSA	AL	35401	P	D'	1
ANALYTICAL LABS	2007 WHITESBURG DRIVE	HUNTSVILLE	AL	35801	S	W O	
BIO-CHEM ANALYSIS	4940 N. MEMORIAL PARKWAY	HUNTSVILLE	AL	35810	S	W O	
C.F. HAINS HYDROLOGY	P.O. BOX 238	NORTHPORT	AL	35476	P	D'	1
ENGINEERING AHALYSIS	2109 CLINTON AVENUE, W.	HUNTSVILLE	AL	35805	P	D'S'	1
FEDERER-BHATE ASSOCIATE	5217 5TH AVENUE, SOUTH	BIRMINGHAM	AL	35212	P	D'S'	1 3
FRANK HOLLIS & ASSOCIATES	P. O. BOX 911	ONEONTA	AL	35121	P	D'	
GEOLOGIC CONSULTANTS	P.O. BOX 745	FT PAYNE	AL	35967	P	S'	
GILBERT-FOSTER-BROOKS	3500 SKYLAND BOULEVARD, EAST	TUSCALOOSA	AL	35405	S	W O	1
GUARDIAN SYSTEMS	2809 CENTRAL AVENUE	BIRMINGHAM	AL	35209	S	W	
HARMON ENGINEERING	AUBURN IND. PARK	AUBURN	AL	36830	P	D S	
HYDROSCIENCE RESEARCH GROUP, INC.	2511 BRIDGE AVENUE	NORTHPORT	AL	35476	P	S'	1
LAW ENGINEERING	3608-7TH CT. SOUTH	BIRMINGHAM	AL	35222	P	D S	
METCO LABORATORIES	514 GAULT AVENUE, N.	FT. PAYNE	AL	35967	P	D S	1
MINING SERVICES	1429 - 39TH AVENUE, E.	TUSCALOOSA	AL	35404	P	D S	

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT
LIST OF LABORATORIES QUALIFIED TO PERFORM WORK UNDER THE SMALL OPERATOR ASSISTANCE PROGRAM

LABORATORY NAME	ADDRESS	CITY	ST	ZIP	TYPE OF CONTRTR	QUAL CAT.	BUSINESS CLASS

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LABORATORY NAME	ADDRESS	CITY	ST	ZIP	TYPE OF CONTRTR	QUAL CAT.	BUSINESS CLASS
TAMMEN & BERGENDOFF							
INDUSTRIAL LAB AHALYSIS	2240 WILLIAMSBURG FARM	GLENDALE	WV	26038	S	W O	1
JHM LABORATORIES	325 13-TH STREET	DUNBAR	WV	25064	S	W O	1
JOHNSON AND ANDERSON, INC.	1206 VIRGINIA AVE., EAST - SUITE 101	CHARLESTON	WV	25301	P	D'S	
KELLY, GIDLEY, BLAIR AND WOLFE	1260 GREENBRIER STREET	CHARLESTON	WV	25311	P	D'S'	1
MILAH/BCM ENGINEERING, INC.	1400 OHIO AVENUE	DUNBAR	WV	25064	P	D S	
MOUNTAIN STATE SURVEYING COMPANY	P. O. BOX 63	KINGWOOD	WV	26537	P	D S'	1
MOUNTAINEER TESTING LABORATORIES, *	P.O. BOX 767	LEWISBURG	WV	24901	S	W O	1
PEARLESS EAGLE COAL	P. O. BOX 488	SUMMERSVILLE	WV	26651	S	W O	
RELIANCE LABORATORIES, INC.	213 PHILADELPHIA AVENUE, E	BRIDGEPORT	WV	26330	S	W O	1
ROBINS AND ASSOCIATES	P.O. BOX 2332 1510 KANAWHA BLVD., EAST	CHARLESTON	WV	25328	P	D'S'	1
SCIENCE APPLICATIONS, INC.	SUITE 8, CHESTNUT RIDGE PROFESSIONAL BUILDING	MORGANTOWN	WV	26505	P	D'S'	
SCIENCE MANAGEMENT ENGINEERING	P. O. BOX 757	NITRO	WV	25143	P	D'S'	
SKELLY AND LOY	CHARLESTON NATIONAL PLAZA, SUITE 401	CHARLESTON	WV	25301	P	D'S'	1
STAGG ENGINEERING SERVICES, INC.	P. O. BOX 5217	CHARLESTON	WV	25311	P	D'S'	1
STANDARD LABORATORIES, INC.	3322 PENNSYLVANIA AVENUE	CHARLESTON	WV	25302	S	W O	1 2
STRUM ENVIRONMENTAL SERVICES	P.O. BOX 650	BRIDGEPORT	WV	26330	P	D S	1
TECHNICAL TESTING LABORATORIES, INC.	1263 GREENBRIER STREET	CHARLESTON	WV	25311	P	D S	1 3
TERRA/TECH. ASSOCIATES, INC.	GARDEN TOWERS BUILDING SUITE 203	KINGWOOD	WV	26537	P	D'S'	1
THE H. C. NUTTING CO.	912 MORRIS STREET	CHARLESTON	WV	25301	P	D'S'	
TRA-DET, INC., LABORATORIES	WHEELING-OHIO COUNTY AIRPORT	WHEELING	WV	26003	P	D S	1
UTD CORPORATION	BEVERLY PIKE, ROUTE 3, BOX 260	ELKINS	WV	26241	P	D S'	1

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT
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LABORATORY NAME	ADDRESS	CITY	ST	ZIP	TYPE OF CONTRTR	QUAL CAT.	BUSINESS CLASS
UNDERGROUND TECHNOLOGY DEVELOPMENT CORPORATION	8425 FRYE ROAD	ALEXANDRIA	VA	22309	P	D S'	1
VERSAR, INC.	6621 ELECTRONIC DRIVE	SPRINGFIELD	VA	22151	S	W O	1
WATER TESTING, INC.	P. O. BOX 979	WISE	VA	24293	S	W	1
	******WEST VIRGINIA******						
BERGER ASSOCIATES	1204 KANAWHA BLVD., EAST	CHARLESTON	WV	25301	P	D'S'	1
BERNARD G. SAMPSON COMPANY, INC.	P.O. BOX 368, 220 VIRGINIA STREET	FAIRMONT	WV	26554	P	D'S'	1
BLACK ROCK TEST LABORATORIES	P.O. BOX 5, EASTGATE PLAZA	MORGANTOWN	WV	26505	S	W O	1
BRACKENRICH AND ASSOCIATES	P. O. BOX 207	LEWISBURG	WV	24901	P	D S	1
BURGESS AND NIPLE, LIMITED	400 BERRY'S RUN ROAD	PARKERSBURG	WV	26101	P	D'S'	
COMMERCIAL TESTING & ENG. CO.	5793 MACCORKLE AVE., S.E. - P.O. BOX 808	CHARLESTON	WV	25323	S	W O	
DESCOALS, INC.	P. O. BOX 789	ELKINS	WV	26241	P	D'S'	1
DUNLAP SURVEYING, INC.	BOX 148	SUMMERSVILLE	WV	26651	P	D'S'	1
ENVIRONMENTAL EXPLORATION	165 SCOTT AVE., SUITE 104	MORGANTOWN	WV	26505	P	D'S'	1
ENVIRONMENTAL QUAITY CONTROL LABORATORIES & CONSULTING SVCS	P.O. BOX 1168	CRAB ORACHARD	WV	25827	S	W O	1
ESMER AND ASSOCIATES, INC.	P. O. BOX 397	BOOMER	WV	25031	P	D S	1 3
GEO CONSULTANTS, INC.	227 WASHINGTON AVENUE 3D SCHROATH BUILDING	CLARKSBURG	WV	26301	P	D'S'	1
GEOLOGICAL SERVICES, INC.	910 6-TH AVE, SUITE 1005 WEST VIRGINIA BLDG.	HUNTINGTON	WV	25701	P	D'S'	1
GREENHORNE AND O'MARA, INC.	604 S. OAKWOOD AVENUE	BECKLEY	WV	25801	P	D'S'	1
HANNAH AND ASSOCIATES, INC.	P.O. BOX 2058	ELKINS	WV	26241	P	D'S'	1
HARRAH ENGINEERING	P. O. BOX 309	SUMMERSVILLE	WV	26651	P	D'S'	1
HOWARD, NEEDLES,	1120 KANAWHA BLVD., E.	CHARLESTON	WV	25301	P	D'S'	

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LABORATORY NAME	ADDRESS	CITY	ST	ZIP	TYPE OF CONTRTR	QUAL CAT.	BUSINESS CLASS
	******VIRGINIA******						
APPALACHIAN ANALYTICAL. & WATER QUALITY LAB., INC.	391 SINKING CREEK ROAD	BRISTOL	VA	24201	S	W	1
CENTEC ANALYTICAL SVCS., INC.	P. O. BOX 956, 2160 INDUSTRIAL DRIVE	SALEM	VA	24153	S	W O	1
DEWBERRY, NEALON AND DAVIS	626 SOUTH MAIN STREET	MARION	VA	24354	P	D*S*	
ENGINEERING SCIENCE	7903 WESTPARK DRIVE	MCLEAN	VA	22102	P	D*S*	
ENVIRONMENTAL TECHNICAL SERVICES	204 MAIN STREET, P. O. BOX 689	WISE	VA	24293	S	W O	1
FOUNDATION ENGINEERING OF VIRGINIA, P.C.	106 FEATHERBED LANE	WINCHESTER	VA	22601	P	S	1
FROEHLING AND ROBERTSON, INC.	3015 DUMBARTON ROAD P.O.BOX 27524	RICHMOND	VA	23261	P	D S	1
HAYES, SEAY, MATTERN AND MATTERN	1351 FRANKLIN ROAD, S.W.	ROANOKE	VA	24016	P	D*S*	1
LEE LABORATORY	P. O. BOX 588	JONESVILLE	VA	24263	S	W	1 2
OLVER,INC	1531 N. MAIN STREET	BLACKSBURG	VA	24060	P	D S	1
PARAMONT MINING CORPORATION	P. O. BOX 800	WISE	VA	24293	S	W O	
PATTON, HARRIS, RUST & GUY	100 S. MAIN STREET	BRIDGEWATER	VA	22812	P	D*S*	
PATTON, HARRIS, RUST & GUY	100 S. MAIN STREET	BRIDGEWATER	VA	22812	P	D*S*	
POWELL VALLEY ENGINEERING	P. O. BOX 595	PENNINGTON GAP	VA	24277	P	D*S*	1
QUALITY TESTING, INC.	P. O. BOX 931	GRUNDY	VA	24614	S	W O	1
QUILLEN AND GILLENWATER	P. O. BOX 607	GATE CITY	VA	24251	P	D*S*	1
RESOURCE APPLICATIONS, INC.	226 MAPLE AVE.,WEST,SUITE 401	VIENNA	VA	22180	P	D*S*	1 3
STEARNS, CONRAD AND SCHMIDT	11800 SUNRISE VALLEY DRIVE, SUITE 432	RESTON	VA	22091	P	D*S*	1
THOMPSON AND LITTON, INC.	P. O. BOX 1307	WISE	VA	24293	P	D*S*	1
TRIANGLE RESEARCH, INC.	P. O. BOX 886	GRUNDY	VA	24614	S	W	1

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MAHAFFEY LABORATORY	P. O. BOX 28, BANNER RIDGE ROAD	MAHAFFEY	PA	15757	S	W	1
MEISER AND EARL, HYDROGEOLOGISTS	1512 WEST COLLEGE AVENUE	STATE COLLEGE	PA	16801	P	D'S'	1
MICHAEL BAKER, JR., INC.	301 DUTCH RIDGE ROAD, P. O. BOX 280	BEAVER	PA	15009	P	D S'	
MOODY AND ASSOCIATES, INC.	R.D. #4, COTTON ROAD	MEADVILLE	PA	16335	P	D'S'	1
MRM COMPANY ENGINEERING	918 PARK AVENUE	PITTSBURGH	PA	15234	P	D'S'	1 3 4
NUS CORPORATION	MANOR OAK TWO, 1910 COCHRAN ROAD	PITTSBURGH	PA	15220	P	D S	
OMNI CONSULTANTS, INC.	418 LAFAYETTE BUILDING	PHILADELPHIA	PA	19106	P	D'S'	
PENN ENVIRONMENTAL CONSULTANTS, INC.	FORT PITT PROF. BLDG., 1517 WOODRUFF ROAD	PITTSBURGH	PA	15220	P	D S	1
PENN-LAUREL COMPANY	R.D. #1, ROUTE 30	CENTRAL CITY	PA	15926	P	D'S'	1
REGINALD B. ADAMS LABORATORY	618 SWISSDALE AVENUE	PITTSBURGH	PA	15221	S	W	1
ROBINS AND ASSOCIATES	P O. BOX 170	MECHANICSBURG	PA	17055	P	D'S'	1
SCIENCE MANAGEMENT ENGINEERING	900 WEST VALLEY FORGE ROAD, P. O. BOX 190	KING OF PRUSSIA	PA	19406	P	D S	
SEWALD LABORATORIES	1403 WEST FOURTH STREET	WILLIAMSPORT	PA	17701	S	W	1
SKELLY AND LOY	2601 NORTH FRONT STREET	HARRISBURG	PA	17110	P	D S	1
SRW ASSOCIATES, INC.	638 IDLEWOOD AVENUE	CARNEGIE	PA	15106	P	D'S'	1
STEWART LABS	R.D. #1	STRATTANVILLE	PA	16258	S	W O	1 2
TALLAMY, VAN KUREN, GERTIS AND THIELMAN	LEGISLATIVE RD. HL 17065	LANSE	PA	16849	P	D'S'	1
THE CHESTER ENGINEERS	845 FOURTH AVENUE	CORAOPOLIS	PA	15108	P	D S	
VAPCO ENGINEERING CO., INC.	99 NORTH GILPIN STREET	PUNXSUTAWNEY	PA	15767	P	D'S'	1
VEP ASSOCIATES, INC.	543 BELMONT AVENUE, ROUTE 611	MT. POCONO	PA	18344	P	D'S'	1
WAPORA, INC.	511 OLD LANCASTER ROAD	BERWYN	PA	19312	P	D S	
Z & M LABORATORIES, INC.	R.D. #1, ROUTE 30	CENTRAL CITY	PA	15926	S	W	1

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BERGER ASSOCIATES	P.O. BOX 1943	HARRISBURG	PA	17105	P	D'S'	1
BROCKWAY ANALYTICAL LABORATORIES	R.D. #2 - BOX 840	BROCKWAY	PA	15824	S	W O	1
CENTRAL ENVIRONMENTAL SERVICES	12 WATER STREET	CLEARFIELD	PA	15230	S	W	1
D'APPOLONIA	10 DUFF ROAD	PITTSBURGH	PA	15235	P	D S	
ENERGY IMPACT ASSOCIATES	P. O. BOX 1899	PITTSBURGH	PA	15230	P	D'S'	1
FAIRWAY LABORATORIES, INC.	2900 FAIRWAY DRIVE, P.O. BOX 1925	ALTOONA	PA	16603	S	W	1
FAYETTE ENGINEERING COMPANY	103 S. MAIN STREET	UNIONTOWN	PA	15401	P	D'S'	1
FREE-COL DIVISION OF FREEPORT BRICK COMPANY	P. O. BOX 557, COTTON ROAD	MEADVILLE	PA	16335	S	W O	1
G & C COAL ANALYTICAL LABORATORY	RD #1	SUMMERVILLE	PA	15864	S	O	1
GAI CONSULTANTS, INC.	570 BEATTY ROAD	MONROEVILLE	PA	15146	P	D'S'	1
GANNETT FLEMING CORDDRY AND CARPENTER, INC.	P. O. BOX 1963	HARRISBURG	PA	17105	P	D S	
GARBART ENGINEERING COMPANY	R.D. #1, BOX 340	LEMONT FURNACE	PA	15456	P	D S'	1
GENERAL ENGINEERING	P. O. BOX 311, GREENVILLE AVENUE EXTENDED	CLARION	PA	16214	P	D'S'	1
GEO-TECHNICAL SERVICES	851 SOUTH 19TH STREET	HARRISBURG	PA	17104	P	D'S'	1 3
GEOMEGA, INC.	P. O. BOX 13127	PITTSBURGH	PA	15243	P	D'S'	1 3
GILBERT/COMMONWEALTH	P. O. BOX 1498	READING	PA	19603	P	D S	
GREEN INTERNATIONAL	504 BEAVER STREET	SEWICKLEY	PA	15143	P	D S	1
INDIANA-ANALYTICAL LABORATORIES, INC.	P. O. BOX 87	SHELOCTA	PA	15774	P	D S	1
JOHN T. BOYD COMPANY	400 OLIVER BUILDING	PITTSBURGH	PA	15222	S	W	1
L. ROBERT KIMBLE AND ASSOCIATES	615 W. HIGHLAND AVENUE	EBENSBURG	PA	15931	P	D S	
LANCASTER LABORATORIES, INC.	2425 NEW HOLLAND PIKE	LANCASTER	PA	17601	S	W	1
LEE-SIMPSON	DEPOSIT NATIONAL BANK	DUBOIS	PA	15801	P	D S'	1

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LABORATORY NAME	ADDRESS	CITY	ST	ZIP	TYPE OF CONTRTR	QUAL CAT.	BUSINESS CLASS
REGION 1							
******DISTRICT OF COLUMBIA******							
HOWARD UNIVERSITY, DEPT. OF CIVIL ENGINEERING	2400 6TH STREET, N.W.	WASHINGTON	DC	20059	S	W O	3
******MARYLAND******							
GREENHORNE AND O'MARA, INC.	6715 KENILWORTH AVENUE	RIVERDALE	MD	20840	P	D'S'	1
HITIMAN ASSOCIATES	9190 RED BRANCH ROAD	COLUMBIA	MD	21045	P	D S'	
NUS CORPORATION	4 RESEARCH DRIVE	ROCKVILLE	MD	20850	P	D S'	
PEER CONSULTANT	1160 ROCKVILLE PIKE, SUITE 101	ROCKVILLE	MD	20852	P	D'S'	1 2 3 4
PENNIMAN & BROWNE, INC.	6252 FALLS ROAD	BALTIMORE	MD	21209	S	O	1
******NEW JERSEY******							
ERTEC ATLANTIC, INC.	15 CAMPUS DRIVE, SUITE 100	SOMERSET	NJ	08873	P	D'S'	
WOODWARD-CLYDE CONSULTANTS	1425 BROAD STREET	CLIFTON	NJ	07012	P	D'S'	
******PENNSYLVANIA******							
AACKENHEIL AND ASSOCIATES GEO SYSTEMS, INC.	1000 BANKSVILLE ROAD	PITTSBURGH	PA	15216	P	D S	1
ALCHEMIS	AIRPORT ROAD, COMMERCIAL PARK, 4626 PARK DRIVE	BATH	PA	18014	S	W O	1
ANDREW S. MCCREATH AND SON, INC.	610 WILLOW STREET, P. O. BOX 1453	HARRISBURG	PA	17105	S	W O	
ATEC ASSOCIATES	75 ACCO DRIVE	YORK	PA	17402	P	D'S'	1
BASIC TECHNOLOGY CORPORATION	7125 SALTSBURG ROAD	PITTSBURGH	PA	15235	P	D'S'	1
BCM-BETZ-CONVERSE-MURDOCH, INC.	ONE PLYMOUTH MEETING MALL	PLYMOUTH MEETING	PA	19462	P	D S	

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BILLING CODE 4310-05-C

federal register

Wednesday
June 24, 1981

Part IV

Department of Education

National Institute of Handicapped Research; Closing Date for Transmittal of Fiscal Year 1981 Applications

DEPARTMENT OF EDUCATION

National Institute of Handicapped Research; Closing Date for Transmittal of Fiscal Year 1981 Applications

AGENCY: Department of Education.

ACTION: Notice of Closing Date for Transmittal of Fiscal Year 1981 Applications.

Applications are invited for new projects under the National Institute of Handicapped Research.

Authority for this program is contained in Section 204 of the Rehabilitation Act of 1973, as amended, by Public Law 95–602.

Under this program awards are issued to public and private agencies and organizations, including institutions of higher education.

The purpose of the awards is planning and conducting research, demonstration and related activities which bear directly on the development of methods, procedures, and devices to assist in the provision of vocational and other rehabilitation services to handicapped individuals, especially those with the most severe handicaps.

Closing Date for Transmittal of Applications: Applications for grant awards must be mailed or hand delivered by August 10, 1981.

Applications Delivered by Mail: An application sent by mail must be addressed to the U.S. Department of Education, Application Control Center, *Attention:* 84.133, Washington, D.C. 20202.

An applicant must show proof of mailing, consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the U.S. Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing:

(1) A private metered postmark, or

(2) A mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with his local post office.

An applicant is encouraged to use registered or at least first class mail. Each late applicant will be notified that its application will not be considered.

Amendments received after the closing date also will not be considered in the review of the application.

Applications Delivered by Hand: An application that is hand delivered must be taken to the U.S. Department of Education, Application Control Center, Room 5673, Regional Office Building #3, 7th and D Streets, S.W., Washington, D.C. 20202.

The Application Control Center will accept a hand delivered application between 8:00 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays, and Federal holidays. Applications that are hand delivered will not be accepted after 4:30 p.m. on the closing date.

EFFECTIVE DATE: Unless the Congress takes certain adjournments, these regulations will take effect 45 days after publication in the **Federal Register.** If you want to know the effective date of these priorities and selection criteria, call or write the Department of Education contact person. At a future date, the Secretary will publish a notice in the **Federal Register** stating the effective date of these regulations.

Waiver of Proposed Rulemaking Procedures: In view of the limited time remaining in this fiscal year for applicants to prepare and submit their applications and for selection of grantees, the Secretary has determined under 5 U.S.C. 553 that public comment on the priorities in this notice would be impracticable and contrary to the public interest.

Program Information: During fiscal year 1981 the National Institute of Handicapped Research expects to fund research projects that address each of the following project or center concepts. These concepts were developed by the Institute during its long-range planning process and are designed to respond to identified unmet national needs in rehabilitation research. Each project or center concept constitutes a research priority for fiscal year 1981. Funds have been set aside and earmarked to enable the awarding of at least one grant in each prioritized research area.

Project and center concepts are grouped in this Notice by research program. Proposals are being solicited under three separate programs. The selection criteria to be used this fiscal year for evaluating proposals under each of the programs is contained in Appendix A of this Notice. The selection criteria have been revised on the basis of comments received on proposed selection criteria pubished in the **Federal Register** on December 30, 1980. (45 FR 86317).

I. Handicapped Research: Rehabilitation Research and Training Centers (34 CFR Part 352)

1. *Rehabilitation Research and Training Center for the Deaf and Hearing Impaired.* To establish a Research and Training Center to conduct a program of rehabilitation research that focuses on the physical, psychological, social, vocational and personal adjustment problems resulting from deafness/impaired hearing and to disseminate and promote the use of these research findings through training.

One Center will be funded for one to five years ranging from $150,000 to $350,000 each year. (See Section 204(b)(1) of the Act).

2. *Blindness and Low Vision Research and Training Center (RTC).* To establish a Research and Training Center to conduct a program of rehabilitation research that focuses on the physical, psychological, social, vocational and personal adjustment problems resulting from blindness/visual impairment and to disseminate and promote the use of research findings through training.

One Center will be funded ranging from $150,000 to $350,000 each year for a maximum of five years. (See Section 204(b)(1) of the Act).

II. Handicapped Research: Rehabilitation Engineering Program (34 CFR Part 353)

1. *Rehabilitation Engineering Center for the Deaf and Hearing Impaired.* To establish a Rehabilitation Engineering Center to develop innovative methods and techniques for applying existing and emerging technology and psychological, social and vocational knowledge to solve rehabilitation problems of the deaf and hearing impaired. Research is to be conducted also to produce new knowledge, equipment, devices and systems needed by deaf and hearing impaired persons of any age.

One Center will be funded for one to five years ranging from $150,000 to $350,000 per year. (See Section 204(b)(2) of the Act).

2. *Prosthetics/Orthotics Program.* To undertake research in areas that address the unmet needs of prosthetics and orthotics.

One or two projects will be funded for one to three years ranging from $150,000 to $350,000 each year per project. (See Section 204(a) of the Act).

III. Handicapped Research: Knowledge Dissemination and Utilization Program (34 CFR Part 355)

1. *Utilization of Program Innovations and Information from International Rehabilitation.* To establish programs

for the exchange of information and experts between the United States and other nations for the purpose of sharing knowledge and methods about the rehabilitation of handicapped individuals.

One project will be funded for one to three years ranging from $150,000 to $250,000 each year. (See Section 204(a) of the Act).

Available Funds: The funding level for the National Institute of Handicapped Research is expected to be approximately $29,750,000 for fiscal year 1981. Approximately $750,000 is available for support of new projects during fiscal year 1981.

Application Forms. When requesting application forms, please indicate for which priority you are applying. Application forms and further information may be obtained by writing to or calling the National Institute of Handicapped Research, U.S. Department of Education, Switzer Office Building 3511, 400 Maryland Avenue, S.W., Washington, D.C. 20202. (Attention: Peer Review Unit); 202–472–6551.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information packages. Applicants are urged not to submit information that is not requested.

Applicable Regulations. Regulations governing the program include the following:

(1) Education Department General Administrative Regulations (EDGAR) (34 CFR Parts 75 and 77); and

(2) Regulations governing the National Institute of Handicapped Research (34 CFR Parts 350, 351, 352, 353, 354, 355, and 356) were published in proposed form on December 30, 1980 (45 FR 86317). When the regulations are published as final regulations and become effective, they will govern grants under the program. If changes that relate to the preparation of applications for fiscal year 1981 are made in final regulations governing this program, the Secretary may extend the closing date to permit applicants to amend their applications.

Applicants for fiscal year 1981 grants should base their applications on the priorities set forth in this Notice, the selection criteria contained in Appendix A of this Notice, and EDGAR.

FURTHER INFORMATION: For further information contact Ms. Deborah Linzer, National Institute of Handicapped Research, U.S. Department of Education, Switzer Office Building 3511, 400 Maryland Avenue, S.W., Washington, D.C. 20202. Telephone: 202–472–6551.

(Catalog of Federal Domestic Assistance No. 84.133, National Institute of Handicapped Research)

Dated: June 18, 1981.

T. H. Bell,

Secretary of Education.

Appendix A—Selection Criteria

Proposed selection criteria for programs in the National Institute of Handicapped Research were published in the **Federal Register** on December 30, 1980 (45 FR 86317) with a closing date of March 2, 1981 for receipt of comments. Comments have been analyzed (see Appendix B of this Notice of Closing Date) and changes made as follows for Fiscal Year 1981 only. At a later date this fiscal year, final regulations including revised selection criteria for Fiscal Year 1982 and succeeding years will be published in the **Federal Register.**

What selection criteria does the Secretary use in reviewing grant applications in Fiscal Year 1981?

(a) For an application that is to be funded under the Rehabilitation Engineering Program (34 CFR Part 353), during Fiscal Year 1981 only, the following selection criteria will be used:

(1) *Project or center concept* (10 points).

(i) The Secretary reviews each application for information that shows that the proposed project will address the prescribed project or center concept.

(ii) The Secretary looks for information that shows—

(A) An adequate review of the literature showing what research has already been conducted in areas related to the project or center concept. (5 of the 10 points);

(B) How well the applicant has utilized this knowledge of previous related research and the project or center concept as bases for conducting the proposed research (5 of the 10 points).

(2) *Research design* (35 points).

(i) The Secretary reviews each application for information that shows the quality of the research design of the project or center.

(ii) The Secretary looks for information that shows—

(A) Clearness and achievability of the project objectives (10 of the 35 points);

(B) Soundness of the procedures to be utilized in achieving each objective (5 of the 35 points);

(C) Precise definitions of terms where necessary (5 of the 35 points);

(D) Description of subject population and appropriateness of sample size (5 of the 35 points);

(E) Appropriateness of statistical methods and other instruments to be used (5 of the 35 points); and

(F) Adequacy of proposed data analysis and basis for the conclusions reached (5 of the 35 points).

(3) *Plan of operation* (15 points).

(i) The Secretary reviews each application for information that shows the quality of the plan of operation for the project or center.

(ii) The Secretary looks for information that shows—

(A) High quality in the operational design of the project or center (3 of the 15 points);

(B) An effective plan of management that insures proper and efficient administration of the project or center (3 of the 15 points);

(C) A clear description of how the objectives of the project or center relate to the purpose of the program (3 of the 15 points);

(D) The way the applicant plans to use its resources and personnel to achieve each objective (3 of the 15 points);

(E) A clear description of how the applicant will provide equal access and treatment for eligible project participants who are members of groups that have been traditionally underrepresented, such as—

(*1*) Handicapped persons;

(*2*) The elderly;

(*3*) Women; and

(*4*) Members of racial or ethnic minority groups (3 of the 15 points).

(4) *Evaluation plan* (5 points).

(i) The Secretary reviews each application for information that shows the quality of the evaluation plan for the project or center.

(ii) The Secretary looks for information that shows methods of evaluation that are appropriate for the project or center, and, to the extent possible, are objective, and produce data that are quantifiable.

(5) *Quality of key personnel* (10 points).

(i) The Secretary reviews each application for information that shows the quality of key personnel proposed for the project or center.

(ii) The Secretary looks for information that shows—

(A) The qualifications of the project or center director;

(B) The qualifications of each of the other key personnel to be used in the project or center;

(C) The time that each person referred to in paragraphs (A) and (B) of this section will commit to the project or center; and

(D) The extent to which the applicant as part of its non-discriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented such as—

(*1*) Handicapped persons;

(*2*) The elderly;

(*3*) Women; and

(*4*) Members of racial or ethnic minority groups.

(iii) To determine personnel qualifications, the Secretary considers the experience and training, in fields related to the objectives of the project or center, as well as other information that the applicant provides.

(6) *Adequacy of resources* (10 points).

(i) The Secretary reviews each application for information that shows that the applicant plans to devote adequate resources to the project or center;

(ii) The Secretary looks for information that shows—

(A) The facilities that the applicant plans to use are adequate; and

(B) The equipment and supplies that the applicant plans to use are adequate.

(7) *Research utilization plan* (10 points).

(i) The Secretary reviews each application for information that shows the quality of the research utilization plan.

(ii) The Secretary looks for information that shows—

(A) What would be delivered to the Department, including the format in which results, findings, products or outcomes will be presented;

(B) How research results may be applied and the costs of its application;

(C) The expected effect of using project or center findings;

(D) The possible limitations of the findings and any other factors that might promote or inhibit its use; and

(E) The degree of effort needed and the means necessary to promote use of the findings.

(8) *Budget and cost effectiveness* (5 points).

(i) The Secretary reviews each application for information that shows that the project or center has an adequate budget and is cost effective.

(ii) The Secretary looks for information that shows—

(A) The budget for the project or center is adequate to support the project or center activities; and

(B) Costs are reasonable in relation to the objectives of the project or center.

(The Secretary awards up to 100 possible points under these criteria.)

Section 202(e) and 202(i)(1); 29 U.S.C. 761a(e) and 761a(i)(1))

(b) For an application that is to be funded under the Research and Training Center Program (34 CFR Part 352), during fiscal year 1981 only, the following selection criteria will be used:

(1) *Center concept* (10 points). See criterion (a)(1).

(2) *Program of the center* (30 points).

(i) The Secretary reviews each application for information that shows the qulity of the proposed center program.

(ii) The Secretary looks for information that shows—

(A) The degree to which the research and training program will be organized around a group of related research core areas that contribute to the mission of the center and which meet the needs of the target populations served by the center;

(B) The scientific soundness of the center's methodological approach to conducting the research;

(C) The degree to which research results will be assessed in a service setting;

(D) The degree to which research results will be disseminated through an effective training program; and

(E) The degree to which the center will promote the utilization of new knowledge, technology and devices.

(3) *Plan of operation* (15 points). See criterion (a)(3).

(4) *Evaluation plan* (10 points). See criterion (a)(4).

(5) *Quality of key personnel* (10 points). See criterion (a)(5).

(6) *Adequacy of resources* (10 points). See criterion (a)(6).

(7) *Budget and cost effectiveness* (10 points). See criterion (a)(8).

(8) *Adequacy of the advisory council* (5 points).

(i) The Secretary reviews each application for information that shows the adequacy of its proposed advisory council.

(ii) The Secretary looks for information that shows—

(A) The degree to which the operation of the advisory council is an integral part of the center's organizational structure;

(B) The degree to which the proposed membership of the council includes representatives from rehabilitation-related public and voluntary agencies, labor, industry, consumers, regional offices of RSA (and other appropriate agencies) and State rehabilitation agencies; and

(C) The degree to which the council members can assist in identifying research and training priorities and communicating to their constituencies the concepts and techniques developed in the center's research and training activities.

(The Secretary awards up to 100 possible points under these criteria.)

(Section 202(e) and 202(i)(1); 29 U.S.C. 761a(e) and 761a(i)(1))

(c) For an application that is to be funded under the Knowledge Dissemination and Utilization Program (34 CFR Part 355) during Fiscal Year 1981 only, the following selection criteria will be used:

(1) *Project concept* (10 points). See criterion (a)(1).

(2) *Project design* (40 points).

(i) The Secretary reviews each application for information that shows the quality of the project design.

(ii) The Secretary looks for information that shows—

(A) Description of linkage system to prospective target populations (10 of the 40 points);

(B) Need assessment procedures (10 of the 40 points);

(C) That rehabilitation knowledge or devices will be adapted or modified to facilitate greater understanding and use by the rehabilitation community (10 of the 40 points); and

(D) Procedures for disseminating the rehabilitation knowledge or devices referred to in paragraph (C) (10 of the 40 points).

(3) *Plan of operation* (15 points). See criterion (a)(3).

(4) *Evaluation plan* (15 points). See criterion (a)(4).

(5) *Quality of key personnel* (10 points). See criterion (a)(5).

(6) *Adequacy of resources* (5 points). See criterion (a)(6).

(7) *Budget and cost effectiveness* (5 points). See criterion (a)(8).

(The Secretary awards up to 100 possible points under these criteria.)

(Section 202(e) and 202(i)(1); 29 U.S.C. 761a(e) and 761a(i)(1))

Appendix B—Analysis of Comments on Proposed Selection Criteria Published in the Federal Register on December 30, 1980 (45 FR 86317)

(a) Rehabilitation Engineering Program Selection Criteria (proposed 34 CFR 353.31; see also proposed 34 CFR 350.36 where the criteria are described in detail).

§ 350.36(a) *Project concept or national need.*

Comment. Several comments from Research and Training Centers and from two professional associations within the rehabilitation field suggested that the criterion "literature review" should be combined with this criterion because an

assessment of existing research in the project area is an essential first task in developing a sound scientific proposal.

Response. This comment has been accepted. The requirement for a literature review has therefore been combined with the first criterion which has been retitled "Project or Center Concept." This revised criterion emphasizes the applicant's understanding and use of previous related research and the project or center concept as bases for conducting the proposed research. This criterion has been adopted for both programs under which proposals are being solicited this fiscal year: Rehabilitation Engineering and Rehabilitation Research and Training Centers.

§ 350.36(b) *Research design.*

Comment. One commenter, a representative of a research committee from a professional association in the rehabilitation field suggested the addition of the world "methods" after the word "statistical" in § 350.36(b)(2)(v) and the addition of the word "proposed" before the word "data" in § 350.36(b)(2)(vi).

Response. These suggestions have been accepted because the additions help to clarify and sharpen the regulations.

Comment. This same commenter and one from another association suggested a lower weight for the criterion "research design."

Response. Although the same score of 35 points has been retained for the "research design" criterion because of its overall importance, there has been some adjustment in the point scores for other criteria. For example, there is now a lower score for the criterion "evaluation plan" (from 10 to 5 points), but a higher score for the criterion "adequacy of resources" (from 5 to 10 points).

§ 350.36(c) *Plan of operation.*

§ 350.36(d) *Evaluation plan.*

Comment. One commenter, who is a research scientist, suggested there is some duplication between these criteria and was somewhat unhappy with both.

Response. Previous rulemaking (34 CFR 75.202–206, Education Department General Administrative Regulations) established these two criteria, among others, as essential elements in any selection criteria used by programs within this Department. Therefore no change can be made. The Department believes, however, that these two criteria are not duplicative and are essential elements to be considered in the grant making process.

§ 350.36(g) *Research utilization plan.*

Comment. One commenter, a research utilization specialist, suggested combining the first two elements of this criterion (what will be delivered, and format of delivery) and adding other elements that address important concerns such as the application and costs of application of reasearch findings and the expected effect and possible limits of utilization.

Response. This comment has been accepted. The result is an expanded clearer criterion that offers more helpful guidance to applicants and emphasizes practical applications of any research to be conducted.

Comment. Two commenters from Research and Training Centers suggested that the selection criteria for the Rehabilitation Engineering Program should be the same as for the Rehabilitation Research and Training Center Program.

Response. Because the Rehabilitation Engineering Program (which contains all the technology research of the Institute) has both projects and centers and both are highly technology oriented, it is felt the criterion of "research design" is much more appropriate to the program than the criterion "program of the center." Therefore the suggestions could not be accepted.

(b) *Research and Training Center Program Selection Criteria* (proposed 34 CFR 352.31; see also proposed 34 CFR 350.36 where the criteria are described in detail).

Comment. A number of commenters suggested that because of the distinct nature, organization, and methods of research of a Research and Training Center (RTC), selection criteria for this program must be different from that of the other research programs.

Response. This comment has been accepted. Two new criteria have been developed that are unique to the Research and Training Center program: "program of the center," which replaces "research design," and "adequacy of the advisory council." These criteria will be discussed in more detail in this Appendix.

§ 350.36(b) *Research design.*

Comment. Several commenters suggested that this criterion was inappropriate for evaluation of a proposal to fund a Research and Training Center and that it be replaced by a criterion entitled "program of the center." This criterion would consist of such elements as the degree to which the center's program is based on a group of related research core areas that contribute to the goals of the center and that serve the needs of the affected target population; the soundness of the center's methodological approach to conducting its research; and the degree to which research results will be assessed in a service setting.

Response. This comment was accepted. The new selection criterion "program of the center" contains all of the elements suggested by the commenters.

§ 350.36(g) *Research utilization plan.*

Comment. Three commenters requested that this criterion be eliminated and its elements subsumed within the criterion "program of the center."

Response. This comment was accepted. Those aspects of research utilization that relate to dissemination and promoting the use of research results are now contained in the newly developed criterion "program of the center."

Comment. Several commenters asked that an additional criterion be developed for Research and Training Centers that requires each center to have an advisory council and that assesses the adequacy of that council in terms of broad-based membership and its ability to provide linkages with the rehabilitation community. It was pointed out that for many years this program has required each Research and Training Center to have an advisory council in order to assist in identifying research and training priorities and in communicating the research findings that result from the center's activities.

Response. These comments have been accepted. A new criterion entitled "adequacy of the advisory council" has been developed which fully reflects the concerns of the commenters.

(c) *Knowledge Dissemination and Utilization Program Selection Criteria* (proposed 34 CFR 355.31; see also proposed 34 CFR 350.36 where some of the criteria are described in more detail).

Comment. Two commenters suggested that different point scores be assigned to the various selection criteria in this program.

Response. This comment was not accepted. Although careful consideration was given to adjusting points for the various criteria, the Department believes the weights assigned in the proposed regulations best reflect the relative importance of each criterion.

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31635-
31869-
31999-
32227-
32425-
32551-

Reader Aids

Federal Register

Vol. 46, No. 121

Wednesday, June 24, 1981

INFORMATION AND ASSISTANCE

PUBLICATIONS

Code of Federal Regulations

CFR Unit	202-523-3419 523-3517
General information, index, and finding aids	523-5227
Incorporation by reference	523-4534
Printing schedules and pricing information	523-3419

Federal Register

Corrections	523-5237
Daily Issue Unit	523-5237
General information, index, and finding aids	523-5227
Public Inspection Desk	633-6930
Scheduling of documents	523-3187

Laws

Indexes	523-5282
Law numbers and dates	523-5282 523-5266
Slip law orders (GPO)	275-3030

Presidential Documents

Executive orders and proclamations	523-5233
Public Papers of the President	523-5235
Weekly Compilation of Presidential Documents	523-5235
Privacy Act Compilation	523-3517
United States Government Manual	523-5230

SERVICES

Agency services	523-3408
Automation	523-3408
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Chicago, Ill.	312-663-0884
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Public briefings: "The Federal Register—What It Is and How To Use It"	523-5235
Public Inspection Desk	633-6930
Regulations Writing Seminar	523-5240
Special Projects	523-4534
Subscription orders (GPO)	783-3238
Subscription problems (GPO)	275-3054
TTY for the deaf	523-5239

FEDERAL REGISTER PAGES AND DATES, JUNE

29239-29452	1
29453-29690	2
29691-29920	3
29921-30072	4
30073-30326	5
30327-30480	8
30481-30622	9
30623-30796	10
30797-30996	11
30997-31248	12
31249-31402	15
31403-31634	16
31635-31868	17
31869-31998	18
31999-32226	19
32227-32424	22
32425-32550	23
32551-32852	24

CFR PARTS AFFECTED DURING JUNE

At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Executive Orders:

May 9, 1898 (Revoked by PLO 5949)	29939
February 25, 1919 (Revoked in part by PLO 5959)	31894
April 4, 1922 (Revoked in part by PLO 5961)	31894
June 13, 1925 (Revoked in part by PLO 5957)	31893
February 6, 1926 (Revoked by PLO 5948)	29938
April 17, 1926 (Revoked in part by PLO 5950)	29939
February 14, 1933 (Revoked by PLO 5944)	29710
5451 (Revoked by PLO 5947)	29938
5907 (Revoked in part by PLO 5960)	31894
6618 (Revoked in part by PLO 5958)	31893
11476 (Amended by EO 12306)	29693
11835 (See EO 12306)	29693
12018 (See EO 2306)	29693
12198 (Amended by EO 12306)	29693
12233 (See EO 12306)	29693
12285 (Amended by EO 12307)	30481
12296 (Amended by EO 12309)	30997
12306	29693
12307	30483
12308	30485
12309 (Amends EO 12296)	30997
12310	31869

Proclamations:

4846	29691
4847	30483
4848	31403

Administrative Orders:

Presidential Determinations

No. 81-8 of June 2, 1981	30797
No. 81-9 of June 2, 1981	29921
No. 81-10 of June 9, 1981	31635

5 CFR

Ch. XIV	30327
213	31405
230	32425
930	31405
1200	30999

Proposed Rules:

Ch. I	31018

7 CFR

2	31871, 32227
20	32227
28	30073
29	32590
301	31999
354	32006
700	29453
800	30322
907	29923, 30799, 32425
908	32007, 32425
910	30012, 31249, 32008
911	32425
915	32425
917	30075, 30077, 32425
918	32425
923	32008
925	32425
945	32010
953	29454, 30487
979	29693
982	32012
984	31637
991	29693
1425	30327
1464	32591
1944	29239

Proposed Rules:

102	30620
201	30780, 31424
226	32026
907	32030
922	32031
948	32031
989	30645
993	29271
1125	31424
1133	31424
1701	32033

8 CFR

204	29923, 30078
214	29456
238	32551

9 CFR

78	30487
82	29456, 30486, 31249
92	29239, 29240

10 CFR

2	30328
51	29457

376 29680
390 29680
440 29242
1008 31637
1500 29924
1502 29924
1534 29924

Proposed Rules:
2 30349
30 29712
40 29712
70 29712
73 31267
500 31216
501 31216
503 31216
504 31216
505 31216

12 CFR

Ch. II 31406
204 32426
217 32426
220 31250
303 30079
523 32013
552 30488
570 30079
701 31871

Proposed Rules:
213 29245
220 ..... 32033, 32592
221 32592
225 32594
226 29246
332 31018
337 31018
526 30113
545 30114
569a 29246
615 32450
701 ..... 29247, 29482, 31651, 31654, 31660
720 29248

13 CFR

120 32430
124 29251

Proposed Rules:
105 32259
124 ..... 29276, 31899

14 CFR

39 ..... 29252, 29253, 29924–29926, 30332–30334, 30799, 30800, 31250, 31251, 31873–31879, 32228–32230
71 ..... 29254–29256, 29927, 30335, 30801–30806, 31250–31252, 32231–32233
73 ..... 29256, 30806
75 31253
97 ..... 29257, 30807
135 30968
152 30808
207 31000
208 31000
212 31000
221 32551
222 32552
291 32560
302 31001
384 32560
385 ..... 32560, 32563

Proposed Rules:
Ch. I 30352
39 ..... 31268, 31899, 31900, 32265, 32266
71 ..... 29278–29281, 29947–29951, 30353, 30354, 30833, 31269, 32267, 32269
73 30833
75 ..... 29280, 29281, 31278
121 ..... 32409, 32413
123 32409
127 32409
135 ..... 32409, 32413
323 29282
302 29718
399 ..... 29285, 29719, 29727

15 CFR

370 29457
371 32431
374 32563
376 ..... 31001, 31407, 32563
377 32431
379 32563
385 31407
399 ..... 31407, 32431
806 30336
908 32233
935 32014
936 32014

Proposed Rules:
330 29662
331 29662
332 29662
340 29662
341 29662
342 29662
343 29662
350 29662
351 29662
352 29662
353 29662
354 29662
373 30623

16 CFR

4 32435
13 ..... 29458, 29928, 30337, 32233, 32234
460 29256
1031 29928
1032 29928
1212 29696

Proposed Rules:
Ch. II 29951, 30115, 31901
13 ..... 30646, 32450
453 31662

17 CFR

15 29931
16 29931
17 29931
18 29931
21 29931
230 31880

Proposed Rules:
Ch. I 29952
270 32595

18 CFR

141 29459
271 ..... 29697, 29699, 30489–30491, 31253–31256, 32235–32238
284 30491
292 32238
375 29700
1301 31002
1309 30811

Proposed Rules:
Ch. I 31902
157 30505
271 ..... 30833, 32270, 32596, 32597
292 31663
375 30505

19 CFR

101 ..... 29462, 32436
103 32564
134 30338
152 32564
175 32564

Proposed Rules:
Ch. I 29953
200 29729

20 CFR

655 32437

Proposed Rules:
404 29953

21 CFR

5 31003
74 31004
101 31004
135 31004
166 31004
172 ..... 30080, 32015
173 ..... 30492, 30493
175 32015
178 31005–31007
193 ..... 30338, 30494, 31006, 32239
314 32016
444 31009
520 ..... 29464, 31010, 32017, 32438, 32439
524 32440
558 ..... 32018, 32019
561 ..... 30339, 31637
573 30081
1308 32019

Proposed Rules:
161 30505
180 ..... 31020, 32453
182 ..... 31020, 32453
430 30115
436 30115
440 30115
444 30115
448 30115
452 30115
1308 29484

22 CFR

41 30082

Proposed Rules:
171 30649

24 CFR

235 ..... 29256, 31257
570 29908

25 CFR

52 31880

26 CFR

1 ..... 29465, 31409, 31881, 32239
7a 30495
11 29465
35 30495

Proposed Rules:
20 32598
31 31278

27 CFR

4 29260
19 ..... 29261, 32224
70 29261
240 29261
245 29261
250 29261
270 29261
275 29261

Proposed Rules:
9 31020

28 CFR

0 ..... 29704, 29931
16 ..... 30495, 32021
301 31204

Proposed Rules:
31 29436
522 31210
527 31210
544 31210
545 31210

29 CFR

Ch. XXVI 32574
92 32214
778 32440
1910 ..... 31010, 32021
1928 32021
1952 32022
2610 ..... 31257, 32022

Proposed Rules:
530 29485

30 CFR

250 29932
700 31258
716 31258
785 31258
931 31638

Proposed Rules:
221 32454
715 32455
816 32455
817 32455

31 CFR

51 ..... 29261, 31409
535 ..... 30340, 31630

32 CFR

199 29704
294 29705
706 32023

Proposed Rules:
41 31669
298a 29486

33 CFR

25 29933
165 29933
204 29934

Proposed Rules:
100 29288
110 31278
117 ..... 30354, 30834
160 30835
162 29954

402 30636

34 CFR

324 31996
773 31866

36 CFR

13 31836

Proposed Rules:

1190 30639
272 31021

37 CFR

303 32576

Proposed Rules:

201 30649
202 30651

38 CFR

3 31011
21 ..... 29474, 32023

Proposed Rules:

Ch. I 31908
3 32086
21 31022

39 CFR

111 32578
601 30823

Proposed Rules:

10 30505

40 CFR

30 31259
35 31642
40 31259
52 ..... 29707, 30082, 30496, 31011, 31012, 31258–31261, 31881, 32440
60 29262
61 29262
62 30496
81 ..... 31013, 31886, 32582
86 ..... 30497, 31411
122 ..... 29708, 30624
123 29935
162 29708
180 ..... 30342, 30499, 30624, 31014, 31015, 31642, 32441, 32442
228 ..... 31412, 31413
260 29708
261 29708
264 ..... 29708, 30624
265 ..... 29708, 30624
413 30625

Proposed Rules:

52 ..... 29289, 29488, 30116, 30355–30366, 30653–30655, 31023, 31024, 31446, 31675, 31903, 32036, 32271, 32456
60 ..... 29955, 31904
61 32599
62 31026
81 ..... 29281, 30368, 30655, 31027, 32272
86 31677
123 ..... 29292, 31028, 31279
180 ..... 30506, 30662, 31279, 32038, 32273, 32457
192 32456
408 30663
420 32274
430 31028
431 31028
773 30300

41 CFR

7-1 ..... 31566, 31886
7-3 31886
7-6 31886
7-7 31886
7-10 31886
7-15 31886
7-30 31886
8-14 31262
8-74 31262
Ch. 12 30816
15-1 29709
15-3 31643
Ch. 18 (Parts 1, 2, 3, 6, 20, App. M) 32443
Ch. 18 (Parts 1, 3, 4, 13, 21) 32444
51-4 30084
51-5 30084
Ch. 101 ..... 31890, 31891

Proposed Rules:

Ch. 1 30389
1-4 30389
101-11 30389
101-37 30389
104-4 29955

43 CFR

5420 29262

Public Land Orders:

1281 (Revoked by 5883) 29263
1933 (Revoked by 5956) 31892
5169 (Amended by PLO 5386 and 5951) 29937
5179 (Amended by PLO 5250 and 5951) 29937
5180 (Amended by PLO 5418 and 5951) 29937
5250 (Amended by PLO 5951) 29937
5396 (Amended by PLO 5951) 29937
5418 (Amended by PLO 5951) 29937
5865 30500
5866 30500
5867 32240
5883 29263
5943 29710
5944 29710
5945 29939
5946 29939
5947 29938
5948 29936
5949 29939
5950 29939
5951 29937
5952 30086
5953 30817
5954 31892
5955 31892
5956 31892
5957 31893
5958 31893
5959 31894
5960 31894
5961 31894
5962 31895

Proposed Rules:

35 29955
230 32459

44 CFR

1 32583
64 ..... 29940, 29942, 30626, 31643, 32240, 32241
65 ..... 32243, 32247
67 ..... 30500, 30628, 31263, 31645, 31646
205 32587

Proposed Rules:

55 29292
61 29292
67 ..... 29729–29732, 29956, 30116, 30124, 30507, 30663, 30665, 31281–31285, 31680, 31686, 31692, 32275
300 29264

45 CFR

3 30343
46 29883
74 30500
235 29254

Proposed Rules:

71 29732
301 30372
304 29964
1300 31029

46 CFR

Proposed Rules:

310 30507
502 30666
510 32279
524 32459
547 30667

47 CFR

1 30818
2 ..... 31414, 31415
22 31417
61 ..... 29264, 30818
63 31418
64 ..... 29474, 32039
73 ..... 30086–30091, 30343, 30344, 31264, 31265, 31421, 31422, 31895, 32039
74 31265
81 31015
83 31015
90 ..... 31422, 31647, 32039
95 ..... 32039, 32416
97 31415

Proposed Rules:

Ch. I 30516, 30668, 31286
2 ..... 30124, 31290, 31693, 32280
21 32280
22 31292
23 30124
31 ..... 30150, 30152
63 31693
67 32281
73 ..... 29488, 30153, 30154, 30372, 30516–30518, 31029, 31290, 31695, 31909
87 32280
90 32280
94 30124

48 CFR

Proposed Rules:

4 32600
8 32600
47 32600

49 CFR

1 29269
172 ..... 29392, 32250
387 30974
531 29944
571 ..... 32251, 32254
575 29269
Ch. X 30092
1000 30502
1003 31016
1011 32449
1033 ..... 29480, 30502, 30632, 32588
1039 ..... 32025, 32257
1056 ..... 29711, 29945
1090 32257
1100 30832
1137 30832
1300 32257

Proposed Rules:

171 29967
172 ..... 29968, 29973
173 ..... 29967, 29968, 29973, 31294
175 29968
178 29973
192 32287
195 32287
571 31294
1004 ..... 30668, 32460
1047 30668
1048 31450
1057 32460
1127 30156
1201 ..... 30839, 32289
1241 30839
1248 30839

50 CFR

17 29481
36 31818
91 30633
219 31648
301 30345
651 30348
661 ..... 29733, 30633

Proposed Rules:

17 29490
20 31030
653 30674
682 30674

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/FSQS		DOT/FAA	USDA/FSQS
DOT/FHWA	USDA/REA		DOT/FHWA	USDA/REA
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/NHTSA	LABOR		DOT/NHTSA	LABOR
DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

REMINDERS

The "reminders" below identify documents that appeared in issues of the **Federal Register** 15 days or more ago. Inclusion or exclusion from this list has no legal significance.

Deadlines for Comments on Proposed Rules for the Week of June 28 through July 4, 1981

AGRICULTURE DEPARTMENT

Agricultural Marketing Service—

30645 6-10-81 / Classification of dipped seedless, and oleate and related seedless, raisins as separate varietal types; comments by 6-30-81

Animal and Plant Health Inspection Service—

23914 4-29-81 / Gypsy moth regulated areas; comments by 6-29-81

24930 5-4-81 / Procedures for importation of a single shipment of water buffalo from Trinidad into the U.S. through the Harry S. Truman Animal Import Center; (final rule); comments by 7-1-81

23754 4-28-81 / Texas (splenetic) fever in cattle; comments by 6-29-81

Food and Nutrition Service—

64068 9-26-81 / School lunch program and State administrative expense funds; assessment, improvement, and monitoring system; comments by 6-30-81

Food Safety and Quality Service—

23751 4-28-81 / Standards for grades of Gladiolus Corms (bulbs); comments by 6-29-81

[Corrected at 46 FR 26787, 5-15-81]

CIVIL AERONAUTICS BOARD

21185 4-9-81 / Air carriers; amendment of fuel cost and consumption reporting provisions; reply comments by 6-29-81

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration—

27501 5-28-81 / Availability of draft technical support document for environmental requirements for licensing ocean thermal energy conversion facilities and plantships; comments by 6-30-81

23924 4-29-81 / Channel Islands and Point Reyes-Farallon Islands National Marine Sanctuaries; partial suspension of regulations; comments by 6-30-81

COMMODITY FUTURES TRADING COMMISSION

23941 4-29-81 / Proposed definitions of "small entities" for purposes of the Regulatory Flexibility Act; comments by 6-29-81

DEFENSE DEPARTMENT

Defense Investigative Service—

29486 6-2-81 / Privacy Act; implementation; comments by 7-2-81

ENVIRONMENTAL PROTECTION AGENCY

29289 6-1-81 / Approval and promulgation of implementation plans; Mass.; comments by 7-1-81

29291 6-1-81 / Designation of areas for air quality planning purposes; attainment status designations; Wisc.; comments by 7-1-81

27314 5-18-81 / Grants for construction of treatment works; comments by 7-2-81

28871 5-29-81 / Proposed revision of the Maryland State Implementation Plan; comments by 6-29-81

28872 5-29-81 / State of Texas; ozone attainment designation for McLennan County; comments by 6-29-81

FEDERAL COMMUNICATIONS COMMISSION

27506 5-20-81 / Digital communications protocols; reply comments period extended to 7-1-81

[*See also* 45 FR 84140, 12-8-80]

30372 6-8-81 / FM broadcast stations in Beaumont, Lake Jackson and Port Lavaca, Texas; reply comments extended to 7-1-81

[*See also* 46 FR 22006, 4-15-80]

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23498 26513 26509 23496 31029 23497 26514 26511 23774 30124 23956 21397 28660 23939 23766 24607 28881 28192 14652 26661 28846 30156 23939

23498 4–27–81 / FM broadcast station in Brownsville, Edinburg, Harlingen, Raymondville, Rio Grande City, Texas; changes in table of assignments; reply comments by 6–29–81

26513 5–13–81 / FM broadcast station in Coxsackie, N.Y., proposed changes in table of assignments; comments by 6–30–81

26509 5–13–81 / FM broadcast station in Delta, Colo., proposed changes in table of assignments; comments by 6–30–81

23496 4–27–81 / FM broadcast station in Gurdon, Arkansas; changes in table of assignments; reply comments by 6–29–81

31029 6–12–81 / FM broadcast station in Lockhart, Tex.; reply comments extended to 7–1–81
[Originally published at 46 FR 22770, 4–21–81]

23497 4–27–81 / FM broadcast station in Milan, Georgia; changes in table of assignments; reply comments by 6–29–81

26514 5–13–81 / FM broadcast station in Minot, N. Dak.; proposed changes in table of assignments; comments by 6–30–81

26511 5–13–81 / FM broadcast station in Sandpoint, Idaho; proposed changes in table of assignments; comments by 6–30–81

23774 4–28–81 / FM broadcast station; Weed, Colo.; proposed change in table of assignments; reply comments by 6–29–81

30124 6–5–81 / Inquiry into the development of regulatory policy in regard to Interim Direct Broadcast Satellite Service; comments by 7–1–81

23956 4–29–81 / Inquiry relating to preparations for 1983 Region 2 Administrative Radio Conference on Broadcasting—Satellite Service and inquiry into the development of regulatory policy with regard to direct broadcast satellites; reply comments by 6–30–81

21397 4–10–81 / Radio service; sharing of certain frequencies by the Forest Products Radio Service; reply comments by 6–29–81

FEDERAL DEPOSIT INSURANCE CORPORATION

28660 5–28–81 / NOW account eligibility; comments by 6–29–81

GENERAL ACCOUNTING OFFICE

23939 4–29–81 / Collecting debts by offset; comments by 6–29–81

HEALTH AND HUMAN SERVICES DEPARTMENT

Food and Drug Administration—

23766 4–28–81 / Menstrual tampons; user labeling; comments by 6–29–81
[Originally published at 45 FR 69840, 10–21–80]

INTERIOR DEPARTMENT

Fish and Wildlife Service—

24607 5–1–81 / American alligators in Louisiana; change in legal status as an endangered or threatened species; comments by 6–30–81

28881 5–29–81 / Deletion of the permit requirement to import or export migratory birds; comments by 6–29–81

26192 5–26–81 / Export of American alligator and American ginseng taken in 1981–82 season; comments by 7–1–81

14652 2–27–81 / Wildlife classified as endangered or threatened in 1975 and 1976; review; comments by 6–29–81

Geological Survey—

26661 5–14–81 / Proposed revision and updating of provisions for formation and operation of Federal oil and gas units; comments by 6–29–81

National Park Service—

28846 5–29–81 / Glacier Bay small boat entry level; effective date; comments by 6–30–81

INTERSTATE COMMERCE COMMISSION

30158 6–5–81 / Standards for determining commuter rail service; continuation subsidies; comments by 7–3–81

JUSTICE DEPARTMENT

23939 4–29–81 / Collecting debts by offset; comments by 6–29–81

Drug Enforcement Administration—

23953 4–29–81 / Schedules of controlled substances; proposed placement of halazepam, alprazolam and triazolam into Schedule IV; comments by 6–29–81

LABOR DEPARTMENT

Employment Standards Administration—

29485 6–2–81 / Employment of homeworkers in certain industries; comments extended to 7–4–81
[Originally published at 46 FR 25108; 5–5–81]

12213 2–13–81 / Labor standards for Registration of Apprenticeship program; list of occupations meeting criteria; comments by 6–30–81
[Originally published at 45 FR 15571, 3–11–80]

Occupational Safety and Health Administration—

21368 4–10–81 / Conveyor standards; comment period extended to 6–30–81
[*See also* 39 FR 19507, 6–3–74; 45 FR 75238, 11–14–80; 46 FR 39116, 1–16–81; and 46 FR 25653, 5–6–81]

National Credit Union Administration—

29248 6–1–81 / Regulatory development; policy statement; comments by 7–1–81

NUCLEAR REGULATORY COMMISSION

30349 6–8–81 / Rules of practice for domestic licensing proceedings; modifications to the NRC hearing process; comments by 6–29–81

POSTAL SERVICE

35 1–2–81 / Third-class carrier route presort; comments extended to 7–1–81
[Originally published at 45 FR 79804, 12–2–80; corrected at 45 FR 81563, 12–11–80]

SECURITIES AND EXCHANGE COMMISSION

23942 4–29–81 / Regulatory flexibility agenda for purposes of the Regulatory Flexibility Act; comments by 6–30–81

TRANSPORTATION DEPARTMENT

Coast Guard—

26681 5–14–81 / Amendment of inland navigation rules on certificates of alternative compliance; comments by 6–29–81

27128 5–18–81 / Exemption from barge lighting requirements; Cumberland River; comments by 7–2–81

Office of the Secretary—

23500 4–27–81 / Relocation of boundary between eastern and central time in State of Indiana in order to move Starke County from central to eastern time; comments by 6–30–81

TREASURY DEPARTMENT

Customs Service—

23952 4–29–81 / Illegal discharge of oil and the pollution of coastal waters; comments by 6–29–81

Internal Revenue Service—

24595 5–1–81 / Employment taxes; sick pay, voluntary withholding; comments by 6–30–81

24595 5–1–81 / Excise taxes, windfall profit tax on domestic crude oil; changes in application of Energy Department regulations; comments by 6–30–81

Deadlines for Comments on Proposed Rules for the Week of July 5 through July 11, 1981

AGRICULTURE DEPARTMENT

Agricultural Marketing Service—

30075, 30077 6–5–81 / Fresh pears, plums, and peaches grown in Cal.; grade and size requirements; comments by 7–6–81

Animal and Plant Health Inspection Service—

26065 5–11–81 / Procedures for the approval of commercial bird quarantine facilities and recovery of costs of services; comments by 7–10–81

Federal Crop Insurance Corporation—

24954 5–4–81 / Insuring of both spring and fall-seeded barley in certain states; comments by 7–6–81

Food and Nutrition Service—

27960 5–22–81 / Amount of initial benefits; comments by 7–6–81

Rural Electrification Administration—

25096 5–5–81 / Proposed revision of REA Bulletin 181–1; Uniform System of Accounts Prescribed for Electric Borrowers; comments by 7–6–81

25096 5–5–81 / Public Information; Appendix A—REA Bulletins Specification for Aerial and Underground Telephone Cable, PE–22 Specification for Direct Burial Telephone Cable, PE–23 Specification for Filled Buried Wire, PE–54; comments by 7–6–81

CIVIL AERONAUTICS BOARD

25321 5–6–81 / Air carriers and foreign air carriers, Implementation of the Consumer Credit Protection Act; comments by 7–6–81

25637 5–8–81 / Fare summaries; revocation of requirement that certified air carriers provide at all ticketing locations; comments by 7–7–81

29285 6–1–81 / Standard Foreign Fare Level methodology; statements of general policy; comments by 7–10–81

CONSUMER PRODUCT SAFETY COMMISSION

25478 5–7–81 / Semiannual regulatory flexibility agenda; comments by 7–6–81

ENERGY DEPARTMENT

Federal Energy Regulatory Commission—

30833 6–11–81 / High-cost gas produced from tight formations; comments by 7–6–81

ENVIRONMENTAL PROTECTION AGENCY

25481 5–7–81 / Air quality; California State Implementation Plan revision; comments by 7–6–81

25483 5–7–81 / Air quality, California State Implementation Plan revision; San Joaquin Valley; comments by 7–6–81

25110 5–5–81 / Approval and promulgation of State Implementation Plan; Nonattainment area plans for Utah; comments by 7–6–81

30355 6–8–81 / California; Southeast Desert Air Basin nonattainment area plan, approval and promulgation of implementation plans; comments by 7–6–81

25655 5–8–81 / Hydrocarbons, National Ambient Air Quality Standards; proposed revocation of rule; comments by 7–7–81

30360 6–8–81 / Illinois; proposed approval of total suspended particulate State implementation plan for continental Grain Co.; comments by 7–6–81

30364 6–8–81 / Maine; Lead State Implementation Plan, approval and promulgation of Implementation Plans; comments by 7–6–81

30361 6–8–81 / Maine; Revision to State Implementation Plan, approval and promulgation of Implementation Plans; comments by 7–6–81

30365 6–8–81 / Massachusetts; Revision to State Implementation Plan; comments by 7–6–81

18561 3–25–81 / National emission standards for hazardous air pollutants; Benzene emission from benzene storage vessels; comments by 7–6–81

30662 6–10–81 / Polyvinyl Chloride (PVC) proposed exemption from the requirement of a tolerance; comments by 7–10–81

30506 6–9–81 / Proposed exemption for ammonium chloride from requirement of a tolerance; comments by 7–9–81

30654 6–10–81 / Proposed Revision of Maryland State implementation plan; comments by 7–10–81

28180 5–28–81 / Standards of performance for new stationary sources; asphalt processing and asphalt roofing manufacture; comments by 7–10–81

30368 6–8–81 / Texas; Approval of conditionally approved elements in the Texas plan for nonattainment areas; comments by 7–6–81

30368 6–8–81 / Vermont; Designation of areas for air quality planning purposes; attainment status redesignations; comments by 7–6–81

25323 5–6–81 / Wisconsin; Approval and promulgation of implementation plans; comments by 7–6–81

FEDERAL COMMUNICATIONS COMMISSION

27728 5–21–81 / FM broadcast station in Atoka, Okla.; proposed changes in table of assignments; comments by 7–10–81

29488 6–2–81 / FM broadcast station Kalla-Kona, Hawaii, proposed changes in table of assignments; comments by 7–10–81

27726 5–21–81 / FM broadcast station in Newport, Washington; proposed changes in table of assignments; comments by 7–10–81

27727 5–21–811 / FM broadcast station in Owensville, Missouri; proposed changes in table of assignments; comments by 7–10–81

63305 9–24–80 / Land mobile radio stations; additional technologies which can improve efficiency of radio spectrum use; reply comments by 7–10–81

[Comment period extended at 46 FR 17813 3–20–81]

31292 6–15–81 / Memphis, Tenn.; added to the table of assignments for Air-Ground Stations in the Domestic Public Land Mobile Radio Service; comments by 7–6–81

30516 6–9–81 / Overseas communications services; comment period extended to 7–10–81

[*See also* 45 FR 76498, 11–19–81]

28456 5–27–81 / Overseas communications services; reply comment period extended to 7–6–81

[*See also* 45 FR 76498, 11–19–80; 45 FR 82280, 12–15–80; 45 FR 9664, 1–29–81]

25661 5–8–81 / Telephone systems; license contract agreements and other intrasystem arrangements; comment period extended to 7–10–81

[*See also* 46 FR 12024, 2–12–81]

26507 5–13–81 / Television pickup on a secondary basis to the Local Television Transmission Service, amendment to make a certain frequency available; reply comments by 7–6–81

31290 6–15–81 / Use of the Subsidiary Communications Authorization of Utility Load Management; comments by 7–8–81

FEDERAL HOME LOAN BANK BOARD

30114 6–5–81 / Geographic restrictions on remote service unit operations; comments by 7–7–81

30113 6–5–81 / Ownership of NOW accounts; comments by 7–7–81

FEDERAL RESERVE SYSTEM

28560 5–27–81 / Proposed commentary which applies and interprets the requirements of Truth in Lending to open-end and closed-end consumer credit; comments by 7–10–81

FEDERAL TRADE COMMISSION

25476 5–7–81 / YKK (U.S.A.) Inc.; proposed consent agreement; comments by 7–6–81

HEALTH AND HUMAN SERVICES DEPARTMENT

Child Support Enforcement Office—

25660 5–8–81 / Child support enforcement program; payment of incentives to States which collect child support on their own behalf; comments by 7–7–81

Food and Drug Administration—

21368 4–10–81 / Animal drugs, feeds, and related products; medicated feed applications procedures; definitions and considerations; comment period extended to 7–8–81

[*See also* 46 FR 2456, 1–9–81]

25651 5-8-81 / Antibiotics for human use; revocation of monographs for drugs that are no longer marketed; comments by 7-7-81
[*See also* 46 FR 30115, June 5, 1981]
30081 6-5-81 / Food additives permitted in feed and drinking water of animals; crambe meal, heat toasted; objections by 7-6-81
30080 6-5-81 / Polydextrose; Food additivies permitted for direct addition to food for human consumption; objections by 7-6-81
27107 5-5-81 / Vaginal contraceptive drug products for over-the-counter use; establishment of a monograph; extension of time for comments; comments by 7-6-81
[Originally published at 45 FR 82014, 12-12-80]

INTERIOR DEPARTMENT

Geological Survey—
27968 5-22-81 / Oil and gas operating regulations; comments by 7-6-81
29955 6-4-81 / Outer continental shelf leasing; nondiscrimination against minority and women-owned businesses; comments by 7-6-81
National Park Service—
27969 5-22-81 / Big Cypress National Preserve; use of off-road vehicles; comments by 7-6-81

INTERSTATE COMMERCE COMMISSION

27732 5-21-81 / Classification, exceptions and rules tariff; investigation into motor carrier classification; comments by 7-6-81
30092 6-5-81 / Motor carrier rate bureaus; implementation; comments by 7-10-81

LABOR DEPARTMENT

Occupational Safety and Health Administration—
27358 5-19-81 / Occupational exposure to lead; quantitative fit testing provision; comments by 7-6-81

NATIONAL CREDIT UNION ADMINISTRATION

31661 6-17-81 / Deregulation of lending policies, amortization and payment of loans and lines of credit to members; comments by 7-10-81
31660 6-17-81 / Participation loans; purchase, sale, and pledge of eligible obligations; comments by 7-10-81
31654 6-17-81 / Real estate mortgage loans; fixed and adjustable rates; comments by 7-10-81

NAVAJO AND HOPI INDIAN RELOCATION COMMISSION

27967 5-22-81 / Commission operations and relocation procedures; comments by 7-7-81

POSTAL SERVICE

30505 6-9-81 / International express mail rates for Republic of South Africa; comments by 7-8-81

TRANSPORTATION DEPARTMENT

Coast Guard—
27724 5-21-81 / IMCO code governing shipment of bulk solids; comments by 7-6-81
Federal Aviation Administration—
25466 5-7-81 / Petitions for rulemaking; summary of petitions received and dispositions and petitions denied; comments by 7-7-81

TREASURY DEPARTMENT

Alcohol, Tobacco and Firearms Bureau—
24962 5-4-81 / Ingredient disclosure on labels of wine, distilled spirits, and malt beverages; comments by 7-6-81
Fiscal Service—
27969 5-22-81 / Service charges for allotments for pay to savings accounts of Federal civilian employees; comments by 7-10-81

Next Week's Meetings

AGRICULTURE DEPARTMENT

Forest Service—
30521 6-9-81 / Umatilla National Forest Grazing Advisory Board Pendleton, Oreg., 6-30-81
30521 6-9-81 / Umatilla National Forest Grazing Advisory Board, Pendleton, Oreg., 7-1-81

ARTS AND HUMANITIES, NATIONAL FOUNDATION

29574 6-2-81 / Dance Panel (Dance Touring Program), Washington, D.C. (partially open), 6-29 through 7-2-81
29575 6-2-81 / Theater Panel, Washington, D.C. (partially open), 6-30 and 7-1-81
29574 6-2-81 / Theater Panel (Playwrights Fellowships Section), Washington, D.C. (closed), 6-29-81
29575 6-2-81 / Theater Panel (Small Professional Companies), Washington, D.C. (closed), 7-2 and 7-3-81

CIVIL RIGHTS COMMISSION

30840 6-11-81 / Nebraska Advisory Committee, Omaha, Nebr. (open), 6-30-81

COMMERCE DEPARTMENT

International Trade Administration—
31298 6-15-81 / Computer Systems Technical Advisory Committee, Foreign Availability Subcommittee, Washington, D.C. (open), 6-30-81
31298 6-15-81 / Computer Systems Technical Advisory Committee, Hardware Subcommittee, Washington, D.C. (closed), 6-30-81
31041 6-12-81 / Computer Systems Technical Advisory Committee, Licensing Procedures Subcommittee, Washington, D.C. (open), 7-1-81
31040 6-12-81 / Computer Systems Technical Advisory Committee, Washington, D.C. (partially open), 7-1-81
National Oceanic and Atmospheric Administration—
28693 5-28-81 / Mid-Atlantic Fishery Management, Philadelphia Pa., (open) 6-30-81
29739 6-3-81 / Mid-Atlantic Fishery Management Council, Sea Scallop Resources Subpanel, Philadelphia, Pa. (open), 7-2-81
26806 5-15-81 / Mid-Atlantic Fishery Management Council's Scientific and Statistical Committee, Philadelphia, Pa. (open), 7-1-81
30679 6-10-81 / New England Fishery Management Council, Darvers, Mass. (open), 6-30 and 7-1-81
29739 6-3-81 / South Atlantic Fishery Management Council, Charleston, S.C. (open), 6-30, 7-1, and 7-2-81

DEFENSE DEPARTMENT

Navy Department—
31305 6-15-81 / Chief of Naval Operations Executive Panel Advisory Committee, Alexandria, Va. (closed), 6-30 and 7-1-81
Office of the Secretary—
30376 6-8-81 / Defense Advisory Committee on Military Personnel Testing, Washington, D.C. (open), 6-29 and 6-30-81
30682 6-10-81 / Defense Science Board Summer Study Panel, Operational Readiness with High Performance Systems, Arlington, Va. (closed), 6-29 and 6-30-81
31305 6-15-81 / Defense Science Board Task Force, Potable Water in Southwest Asia, Arlington, Va. (closed), 7-1-81

28695 5–28–81 / DOD advisory group on Electron Devices, Arlington, Va. (closed) 7–1–81 and 7–2–81

22923 4–22–81 / Wage Committee, Washington, D.C. (closed), 6–30–81

EDUCATION DEPARTMENT

28894 5–29–81 / Financing Elementary and Secondary Education Advisory Panel, Berkeley, Calif. (open), 6–30 and 7–1–81

ENERGY DEPARTMENT

32064 6–19–81 / International Energy Agency Industry Advisory Board, Subcommittee A, Paris, France (closed), 6–29–81

31470 6–16–81 / National Petroleum Council, Hazardous Wastes Task Group of the Committee on Environmental Conservation, Washington, D.C., (open), 7–1–81

31470 6–16–81 / National Petroleum Council, Synthetic Fuels Task Group of the Committee on Environmental Conservation, (open), 6–30–81

HEALTH AND HUMAN SERVICES DEPARTMENT

Alcohol, Drug Abuse and Mental Health Administration—

26699 5–14–81 / Basic Behavioral Processes Research Review Committee, Washington, D.C. (partially open), 6–29 and 7–1–81

Food and Drug Administration—

32081, 32082 6–19–81 / Consumer exchange meeting (open), Boston, Mass., 6–30–81 and Orlando, Fla., 7–1–81

26869 5–15–81 / Drug abuse advisory Committee, Rockville, Md. (open), 6–29–81

31061 6–12–81 / Miscellaneous Internal Drug Products Panel, Bethesda, Md. (open), 7–10, 7–11, and 7–12–81

31062 6–12–81 / Vaccines and Related Biological Products Advisory Committee, Bethesda, Md. (partially open), 6–29 and 6–30–81

National Institutes of Health—

27181 5–18–81 / Breast Cancer Task Force Committee, National Cancer Institute, Bethesday, Md. (open), 6–29 and 6–30–81

31076 6–12–81 / Cellular and Molecular Basis of Disease Review Committee, Chevy Chase, Md. (partially open), 6–29 and 6–30–81

29336 6–1–81 / General Clinical Research Centers Committee, Bethesda, Md (partially open), 6–28 through 6–30–81

24712 5–1–81 / Research Grants Division, Biochemical Endocrinology Study Section, Chevy Chase, Md. (partially open), 6–28 through 6–30–81

24712 5–1–81 / Research Grants Division, Bio-Psychology Study Section, Washington, D.C. (partially open), 6–30 through 7–3–81

24712 5–1–81 / Research Grants Division, Human Development Study Section, Washington, D.C. (partially open), 6–29 through 7–2–81

24712 5–1–81 / Research Grants Division, Human Embryology & Development Study Section, Rosslyn, VA. (partially open), 6–29 through 7–2–81

24712 5–1–81 / Research Grants Division, Nutrition Study Section, Bethesda, Md. (Partially open), 6–29 through 7–1–81

22466 4–17–81 / Working Group on Blood and its substitutes, Bethesda, Md. (open) 7–2–81

INTERIOR DEPARTMENT

5–28–81 / Land Management Bureau—

28754 Albuquerque District Advisory Council, Farmington, N. Mex. (open), 7–1–81

27773 5–21–81 / New Mexico & Colorado San Juan River Regional Coal Team, Farmington, N. Mex. (open), 6–21–81 and 6–30–81

29338 6–1–81 / Worland District Advisory Council, Worland, Wyo. (open), 7–1–81

INTERNATIONAL CONVENTION ADVISORY COMMISSION

28963 5–29–81 / Meeting, Washington, D.C. (open), 6–30–81

JOINT BOARD FOR THE ENROLLMENT OF ACTUARIES

30693 6–9–81 / Actuarial Examinations, Washington, D.C. (partially open), 6–29 and 6–30–81

LABOR DEPARTMENT

Pension and Welfare Benefit Programs Office—

29011 5–29–81 / Employee Welfare and Pension Benefit Plans Advisory Council, Washington, D.C. (open), 6–30–81

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION—

31120 6–12–81 / NASA Advisory Council, Space Science Advisory Committee, Washington, D.C. (open), 6–29, 6–30 and 7–1–81

NATIONAL SCIENCE FOUNDATION

29771 6–3–81 / Engineering and Applied Science Advisory Committee, Chemical and Process Engineering Subcommittee, Washington, D.C. (partially open), 6–29 and 6–30–81

NUCLEAR REGULATORY COMMISSION

31121 6–12–81 / Reactor Safeguards Advisory Committee, Comanche Peak Units 1 and 2 Subcommittee, Dallas/Ft. Worth, Tex. (open), 6–29–81

31546 6–16–81 / Reactor Safeguards Advisory Committee, Structural Engineers Subcommittee, Albuquerque, N.M., (open), 7–1–81

29805 6–3–81 / Technical Vacancies on the Licensing Board Panel, Screening Committee, Bethesda, Md. (closed), 6–30 and 7–1–81

OCEANS AND ATMOSPHERES, NATIONAL ADVISORY COMMITTEE

21507 4–10–81 / Meeting, Washington, D.C., (open), 6–29 and 6–30–81

31544 6–16–81 / Meeting, Washington, D.C., (open), 6–29 and 6–30–81

TRANSPORTATION DEPARTMENT

Federal Aviation Administration—

30017 6–4–81 / Radio Technical Commission for Aeronautics, Special Committee 137 on Airborne Area Navigation Systems, Washington, D.C. (open), 6–29 through 7–1–81

Nest Week's Public Hearing

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration—

30674 6–10–81 / Western Pacific Fishery Management Council, Lihue, Kauai, 6–29; Kahului, Maui, 6–30–81

DEFENSE DEPARTMENT

Navy Department—

19969 4–2–81 / Naval Discharge Review Board, San Diego, Calif., 6–28 through 7–4–81

EDUCATION DEPARTMENT

28894 5–29–81 / Financing Elementary and Secondary Education Advisory Panel, San Francisco and Berkeley, Calif., 6–29 and 6–30–81 respectively

ENVIRONMENTAL PROTECTION AGENCY

29329 6–1–81 / Proposed termination of state of Idaho's Federal air grant funding, Boise, Idaho, 7–2–81

TREASURY DEPARTMENT

Internal Revenue Service—

27968 5–22–81 / Income tax; Dollar-value LIFO inventory, Washington, D.C., 6–30–81

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

Last Listing June 19, 1981

Documents Relating to Federal Grant Programs

This is a list of documents relating to Federal grant programs which were published in the **Federal Register** during the previous week.

APPLICATIONS DEADLINES

31320 6-15-81 / ED—Grants for special educational programs for students whose families are engaged in migrant and other seasonal farmwork—college assistance migrant program; apply by 7-27-81

31316 6-15-81 / ED—Grants for special educational programs for students whose families are engaged in migrant and other seasonal farmwork—high school equivalency program; apply by 7-27-81

27749 5-21-81 / ED—School construction program; grant applications and proposal; apply by 6-30-81

32220 6-19-81 / HHS / CSEO—Child support enforcement research and demonstration grants; apply by 7-31-81 for fiscal year 1981 projects, 12-1-81 for fiscal year 1982 projects

31981 6-18-81 / DOT/UMTA—Managerial training grant short courses; proposals by 7-15-81

MEETINGS

31949 6-18-81 / NFAH—Humanities Panel, Washington, D.C. (closed), 7-8 through 7-10-81

31950 6-18-81 / NFAH—Humanities Panel, Washington, D.C. (closed), 7-16 and 7-17-81

OTHER ITEMS OF INTEREST

31642 6-17-81 / EPA—Class deviation from program grant regulations to allow EPA's share of the hazardous waste program to be 100% of the allowable cost for development activities for fiscal year 1982; effective 6-8-81

31866 6-17-81 / ED—College Resources Program (Title II-A HEA); resource developement grants; effective 8-3-81

28695 5-28-81 / ED—Special Education and Rehabilitive Services Rehabilitation long term training; training of interpreters for deaf individuals

V
4
6
J
E
2
4
8
1
UMI

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V 46 J E 24 81 1 UMI

6-25-81
Vol. 46 No. 122
Pages 32853-33018

federal register

Thursday
June 25, 1981

Highlights

32972 **Grant Programs** NFAH announces closing date for state governments to submit plans to designate state humanities councils eligible for FY 1982 funds.

32900 **Equal Access to Justice Act** Administrative Conference of the United States issues model rules to guide agencies in developing their own regulations.

32972 **Legal Services—Justice** Justice requests submission of draft research proposals to evaluate Early Representation by Defense Counsel Program.

32897 **Securities** SEC proposes to permit International Bank for Reconstruction and Development, the Inter-American Development Bank, and the Asian Development Bank to sell securities immediately upon filing certain information with the Commission.

32880 **Highway Safety** DOT/FHWA invites comments on requests for changes to the Manual on Uniform Traffic Control Devices.

32899 **Motor Vehicle Safety Standards** DOT/NHTSA terminates requirements for illumination of motorcycle headlamps and taillamps when the engine is running, and for special tests for waterproof boat trailer lamps.

CONTINUED INSIDE

Highlights

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

32885 **Outer Continental Shelf** Interior/GS requests comments on study of adequacy of existing safety and health regulations and of the technology available for exploration, drilling, development and production of oil and gas.

32983 **Aircraft** DOT/FAA announces availability of and requests comments on draft advisory circular on Designated Alteration Station Authorization Procedures.

32898 **Railroad Safety** DOT/FRA withdraws proposed rule amending track safety standards.

Privacy Act Documents

32866 Justice
32947 Interior

32991 **Sunshine Act Meetings**

Separate Parts of This Issue

33007 **Part II, USDA/AMS**

V 46 E 2 5 8 1 J UMI

Contents

Federal Register
Vol. 46, No. 122
Thursday, June 25, 1981

Administrative Conference of United States
NOTICES
32900 Equal Access to Justice Act; implementation; model rules

Agricultural Marketing Service
RULES
32860 Oranges (Valencia) grown in Ariz. and Calif.
PROPOSED RULES
Milk marketing orders:
33007 New York-New Jersey
32873, 32874 Southwestern Idaho-Eastern Oregon (2 documents)
32871 Peaches grown in Wash.
32872 Raisins produced from grapes grown in Calif.

Agriculture Department
See also Agricultural Marketing Service; Federal Crop Insurance Corporation; Federal Grain Inspection Service; Forest Service; Soil Conservation Service.
RULES
Authority delegations by Secretary and General Officers:
32853 Forest Service Chief; pesticide use approval for insect and disease control, etc.

Arts and Humanities, National Foundation
NOTICES
Grants; availability, etc.:
32972 State Humanities Councils; designation for 1982 FY funds

Civil Aeronautics Board
NOTICES
32990 Certificates of public convenience and necessity and foreign air carrier permits
Hearings, etc.:
32920 Air Florida additional points proceeding
32920 Alaska Island Air, Inc., fitness determination
32920 Atlanta Express Airline Corp., fitness determination
32921 Atlantic Air, fitness determination
32921 Bar Harbor Airlines, fitness determination
32919 Chautauqua Airlines, Inc., fitness determination
32921 Danbury Airways, Inc., fitness determination
32921 Emergency air transportation requirements; United Air Lines, Inc., et al.

Coast Guard
RULES
Boating safety:
32867 "OMC Sea Drive" power system applicability; interpretation
PROPOSED RULES
Drawbridge operations:
32887 Louisiana
Navigation requirements:
32886 COLREGS demarcation lines; Chesapeake Bay entrance, Va.; withdrawn

Commerce Department
See Economic Development Administration; International Trade Administration; National Oceanic and Atmospheric Administration; National Technical Information Service.

Defense Department
See Engineers Corps.

Economic Development Administration
NOTICES
Import determination petitions:
32923 Schrader Stoves of Nevada, Inc., et al.

Economic Regulatory Administration
NOTICES
Consent orders:
32933 Pyrofax Gas Corp.
Energy Supply and Environmental Coordination Act; prohibition orders, rescissions, etc.:
32932 Virginia Electric Power Co.

Energy Department
See also Economic Regulatory Administration.
NOTICES
Environmental statements; availability, etc.:
32931 Tucson Electric Power Co., Irvington Generating Station Units 1, 2, 3, and 4, Tucson Basin, Ariz.

Engineers Corps
NOTICES
Environmental statements; availability, etc.:
32931 Hilo Harbor navigation improvements, Hawaii

Environmental Protection Agency
RULES
Air pollution control; new motor vehicles and engines:
32868 Carbon monoxide emission standards; 1981–1982 model years; light-duty vehicles; waiver granted; correction
Pesticides; tolerances in food:
32865 Carbon dioxide, nitrogen, and combustion product gas
Toxic substances:
32868 Polychlorinated biphenyls (PCBs); concentrations below fifty parts per million; court order; correction
PROPOSED RULES
Toxic substances:
32887 Polychlorinated biphenyls (PCBs); concentrations below fifty parts per million; possible exclusion from manufacturing prohibition; advance notice; correction
NOTICES
Air pollutants, hazardous; national emission standards:
32933 IT Corporation; rotary kiln incinerators and liquids incinerator near Burnside, La.; application
Pesticides; temporary tolerances:
32935 Thidiazuron
Toxic and hazardous substances control:
32934 Premanufacture exemption applications

Federal Aviation Administration
RULES
Air carriers certification and operations:
32863 Flight crewmembers; elimination of duties and activities not required for safe operation of aircraft; deferral of effective date
Airworthiness directives:
32862 Kawasaki
32860 Teledyne Continental
32863 Control zones; final rule and request for comments
PROPOSED RULES
Airworthiness directives:
32875 British Aerospace
32876, 32879 Transition areas (4 documents)
NOTICES
32983 Designated alteration station authorization program (DAS); advisory circular; draft availability and inquiry
Meetings:
32983 Aeronautics Radio Technical Commission

Federal Communications Commission
RULES
Radio broadcasting:
32868 AM broadcast stations; conversion from measured patterns to "standard patterns"; correction
PROPOSED RULES
Radio services, special:
32888 Amateur service; revision of rules into "plain language"; extension of time
Radio stations; table of assignments:
32887 Maine; extension of time
NOTICES
Hearings, etc.:
32935 American Telephone & Telegraph Co.
Meetings:
32936 Radio Broadcasting Advisory Committee

Federal Crop Insurance Corporation
RULES
Crop insurance; various commodities:
32853 Citrus

Federal Deposit Insurance Corporation
NOTICES
32991 Meetings; Sunshine Act

Federal Election Commission
NOTICES
32991 Meetings; Sunshine Act

Federal Grain Inspection Service
RULES
Grain standards:
32859 Exports to Canada and Mexico; limited exemption from inspection and weighing requirements; interim

Federal Highway Administration
PROPOSED RULES
Engineering and traffic operations:
32880 Traffic control devices on public streets and highways; uniform standards manual; advance notice
NOTICES
Environmental statements; availability, etc.:
32984 District of Columbia; intent to prepare
32984 Flathead County, Mont.; intent to prepare

Federal Home Loan Bank Board
NOTICES
32991 Meetings; Sunshine Act

Federal Maritime Commission
NOTICES
Complaints filed:
32936 Boston Shipping Association, Inc. (2 documents)
32991 Meetings; Sunshine Act

Federal Railroad Administration
PROPOSED RULES
32888 State safety participation regulations
32898 Track safety standards; withdrawn

Federal Reserve System
NOTICES
Applications, etc.:
32936 AmSouth Bancorporation
32937 Clinton County Bancorp
32937 Westex Bancorp, Inc.
32937 Wood County Bancorporation, Inc.
Bank holding companies; proposed de novo nonbank activities:
32937 Security Pacific Corp.

Federal Trade Commission
NOTICES
Premerger notification waiting periods; early terminations:
32938 Von Galen, Ferdinand Graf

Fiscal Service
NOTICES
Surety companies acceptable on Federal bonds:
32989 Worldwide Underwriters Insurance Co.

Fish and Wildlife Service
NOTICES
32938 Marine mammal permit applications

Forest Service
NOTICES
Environmental statements; availability, etc.:
32915 Winema National Forest, land and resource management plan, Oreg.
Meetings:
32916 South Kaibab Grazing Advisory Board

Geological Survey
PROPOSED RULES
Outer Continental Shelf; oil, gas, and sulphur operations:
32885 Safety and offshore oil; advance notice

Historic Preservation, Advisory Council
NOTICES
Historic and cultural properties:
32915 Little Missouri National Grasslands, N. Dak.; energy exploration and development permits

Interior Department
See also Fish and Wildlife Service; Geological Survey; Land Management Bureau.

NOTICES
32947 Privacy Act; systems of records

International Trade Administration
RULES
Antidumping:
32864 Precipitated barium carbonate from West Germany
32864 Strontium nitrate from Italy
NOTICES
Antidumping:
32926 Clear plate and float glass from Japan
32927 Kraft condenser paper from France
32928 Large power transformers from France
32928 Spun acrylic yarn from Japan
32924 Sugar from European Communities
32925 Sugar from United Kingdom
Countervailing duty petitions and preliminary determinations:
32923 Spirits from Ireland
Scientific articles; duty free entry:
32923 University of Washington

International Trade Commission
NOTICES
Import investigations:
32971 Sodium gluconate from Belgium et al. (European Economic Community)

Interstate Commerce Commission
NOTICES
Motor carriers:
32952, 32953 Finance applications (2 documents)
32962, 32963 Permanent authority applications (2 documents)
32955, 32965 Permanent authority applications; restriction removals (2 documents)
Rail carriers:
32949 Chicago & North Western Transportation Co., contract tariff exemption
32951 Consolidated Rail Corp.; contract tariff exemption
Railroad operation, acquisition, construction, etc.:
32950 Consolidated Rail Corp.; abandonment at Providence, R.I.
Railroad services abandonment:
32949 Baltimore & Ohio Railroad Co.

Justice Department
See also National Institute of Justice.
RULES
32866 Privacy Act; implementation

Land Management Bureau
NOTICES
Applications, etc.:
32946 Wyoming
Coal leases, exploration licenses, etc.:
32945 Utah
Coal management program:
32939 Coal unsuitability study; Chaco-San Juan Planning Unit; northwestern New Mex.
Exchange of public lands for private land:
32942 California
32940 Oregon
32944 Montana
Meetings:
32941 Anchorage District Advisory Council
32939 Eugene District Advisory Council; field tour
32944 Las Vegas District Grazing Advisory Board; location change
32940 Rawlins District Grazing Advisory Board
Resource management plans:
32943 Grass Creek Resource Area grazing allotment categorization, Worland District, Wyo.
32939 Roswell Resource Area, Roswell District, New Mex.
Survey plat filings:
32942 California (2 documents)
Wilderness areas; characteristics, inventories, etc.:
32945 Montana
Withdrawal and reservation of lands, proposed, etc.:
32936 California
32946 Wyoming

Management and Budget Office
NOTICES
32976 Agency forms under review

National Council on the Handicapped
NOTICES
32991 Meetings; Sunshine Act

National Credit Union Administration
PROPOSED RULES
Federal credit unions:
32875 Lending policies, amortization and payment of loans and lines of credit; deregulation; and mortgage loans; fixed and adjustable; corrections

National Highway Traffic Safety Administration
PROPOSED RULES
Motor vehicle safety standards:
32899 Lamps, reflective devices, and associated equipment; motorcycle headlamps and taillamps, and waterproof boat trailer lamps

National Institute of Justice
NOTICES
Grants solicitation, competitive research:
32972 Early representation by defense counsel program

National Oceanic and Atmospheric Administration
RULES
Pacific Salmon Fisheries Commission, International:
32686 Fraser River sockeye and pink salmon fishery
NOTICES
Meetings:
32930 Mid-Atlantic Fishery Management Council
32930 Pacific Fishery Management Council

National Technical Information Service
NOTICES
32930 Inventions, Government-owned; availability for licensing

National Transportation Safety Board
NOTICES
32973 Accident reports, safety recommendations and responses, etc.; availability

Nuclear Regulatory Commission
NOTICES
Applications, etc.:
32973 Duke Power Co. et al.
32974 Virginia Electric & Power Co.
32992 Meetings; Sunshine Act

Occupational Safety and Health Review Commission
NOTICES
32992 Meetings; Sunshine Act (3 documents)

Oceans and Atmosphere, National Advisory Committee
NOTICES
32972 Meetings; agenda change

Pension Benefit Guaranty Corporation
RULES
32866 Employer liability for single employer plan terminations; correction
NOTICES
Employee benefit plans:
32980 Employer liability for plan terminations; payment procedure; correction

Postal Service
NOTICES
32992, 32993 Meetings; Sunshine Act (2 documents)

Research and Special Programs Administration, Transportation Department
NOTICES
Hazardous materials:
32985 Applications; exemptions, renewals, etc.

Securities and Exchange Commission
PROPOSED RULES
32879 Primary distribution of securities issued by multinational banks
NOTICES
32993 Meetings; Sunshine Act
Self-regulatory organizations; proposed rule changes:
32981 American Stock Exchange, Inc.
32981 Cincinnati Stock Exchange, Inc.

Small Business Administration
NOTICES
Applications, etc.:
32982 Affiliated Investment Fund, Ltd.
32982 Golder, Thoma Capital Co.
Disaster areas:
32982 Pennsylvania
32982 Texas

Soil Conservation Service
NOTICES
Environmental statements; availability, etc.:
32916 Blacktail Recreation Road PWB RC&D Measure, Idaho
32916 Cheboygan City-County Airport Critical Area Treatment and Land Drainage RC&D Measure, Mich.
32917 Corral Creek Critical Area Treatment RC&D Measure, Idaho
32917 Heart-O'Hills Camp Critical Area Treatment RC&D Measure, Okla.
32917 Lakeview Watershed, Tex.
32918 Little Whitestick-Cranberry Creeks Watershed, W.Va.
32918 Martin Lateral Wateshed, Utah
32919 Morgan County Schools Critical Area Treatment RC&D Measure, Ga.
32919 Sugar River Watershed, N.H.

Transportation Department
See Coast Guard; Federal Aviation Administration; Federal Highway Administration; Federal Railroad Administration; National Highway Traffic Safety Administration; Research and Special Programs Administration, Transportation Department.

Treasury Department
See also Fiscal Service.
NOTICES
Notes, Treasury:
32989 S-1983 series

Veterans Administration
NOTICES
Meetings:
32989 Education Allowances Station Committee

MEETINGS ANNOUNCED IN THIS ISSUE

AGRICULTURE DEPARTMENT
Forest Service—
32916 South Kaibab Grazing Advisory Board, Williams, Ariz. (open), 8-7-81

FEDERAL COMMUNICATIONS COMMISSION
32936 Radio Broadcasting Advisory Committee, Technical and Allocations Subgroups, Washington, D.C. (open), 7-8-81

INTERIOR DEPARTMENT
Bureau of Land Management—
32941 Anchorage District Advisory Council, Anchorage, Ala. (open), 7-21 and 7-22-81

TRANSPORTATION DEPARTMENT
Federal Aviation Administration—
32983 Radio Technical Commission for Aeronautics, Special Committee 147 on Active Beacon Collision Avoidance System, Washington, D.C. (open), 7-14 and 7-16-81

TRANSPORTATION DEPARTMENT
Federal Railroad Administration—
32888 Revision of state participation in railroad safety inspections and investigations, Washington, D.C., 7-30-81

VETERANS ADMINISTRATION
32989 Station Committee on Educational Allowances, Muskogee, Okla., 7-28-81

CHANGED MEETINGS

INTERIOR DEPARTMENT
Land Management Bureau—
32944 Las Vegas District Grazing Advisory Board, Las Vegas, Nev. (open), 7–23–81; change in meeting place

NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE
32972 Washington, D.C. (open), 6–29 and 6–30–81, agenda change

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

7 CFR
2.....32853
406.....32853
409.....32853
800.....32859
908.....32860
Proposed Rules:
921.....32871
989.....32872
1002.....33007
1135 (2 documents).....32873, 32874

12 CFR
Proposed Rules:
701.....32875

14 CFR
39 (2 documents).....32860, 32862
71.....32863
121.....32863
135.....32863
Proposed Rules:
39.....32875
71 (4 documents).....32876–32879

17 CFR
Proposed Rules:
285.....32879
286.....32879
287.....32879

19 CFR
353 (2 documents).....32864

21 CFR
193.....32865

23 CFR
Proposed Rules:
625.....32880
655.....32880

26 CFR
16.....32866

29 CFR
2613.....32866

30 CFR
Proposed Rules:
Ch. II.....32885

33 CFR
183.....32867
Proposed Rules:
82.....32886
117.....32887

40 CFR
86.....32868
761.....32868
Proposed Rules:
761.....32887

47 CFR
73.....32868
Proposed Rules:
73.....32887
97.....32888

49 CFR
Proposed Rules:
212.....32888
213.....32898
571.....32899

50 CFR
371.....32868

V 46 J E 25 81 UMI

Rules

This sectio
contains re
general app
of which a
the Code
published u
U.S.C. 151
The Code
by the Sup
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7 CFR Par

Revisions

AGENCY: D

ACTION: Fi

SUMMARY:
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Rules and Regulations

Federal Register
Vol. 46, No. 122
Thursday, June 25, 1981

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Part 2

Revisions of Delegation of Authority

AGENCY: Department of Agriculture.

ACTION: Final rule.

SUMMARY: This document revises the delegations of authority to the Chief, Forest Service, by rescinding the reservation to the Assistant Secretary for Natural Resources and Environment to approve the use of pesticides for insect and disease control in designated Wilderness Areas and the use of 2,4,5-T and other TCDD-containing herbicides on National Forests.

EFFECTIVE DATE: June 25, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. James L. Stewart, Director, Forest Pest Management Staff, Forest Service, USDA, P.O. Box 2417, Washington, DC 20013, (703) 235–1560.

SUPPLEMENTARY INFORMATION: This rule relates to internal agency management. Therefore, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and other public procedures with respect thereto are impractical and contrary to the public interest, and good cause is found for making this rule effective less than 30 days after publication in the Federal Register. Further, since this rule relates to internal agency management, it is exempt from the provisions of Executive Order 12291. Further, this action is not a rule as defined by Pub. L. 96–354, the Regulatory Flexibility Act, and thus is exempt from the provisions of that Act.

Accordingly, Part 2, Subtitle A, Title 7, Code of Federal Regulations is amended as follows:

Section 2.60 is amended by removing paragraph (b)(9) and by revising paragraph (a)(5) to read as follows:

§ 2.60 Chief, Forest Service.

(a) *Delegations.* * * *

(5) Administer forest insect, disease, and other pest control and eradication programs (16 U.S.C. 2104).

* * * * *

(b) Reservations. * * *

(9) [Removed]

(5 U.S.C. 301 and Reorganization Plan No. 2 of 1953)

Dated: June 13, 1981.

John B. Crowell, Jr.,

Assistant Secretary for Natural Resources and Environment.

[FR Doc. 81-18749 Filed 6-24-81; 8:45 am]

BILLING CODE 3410-11-M

Federal Crop Insurance Corporation

7 CFR Parts 406 and 409

Arizona-California Citrus Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Interim final rule.

SUMMARY: This interim final rule revises and reissues regulations for insuring citrus in Arizona (Desert Valley) and California in one CFR Part effective with the 1981 crop year. These regulations previously were contained in two separate CFR Parts (7 CFR Parts 406 and 409). This rule includes several changes designed to improve the insurance program on the basis of sound insurance principles, and to reissue the regulations in a clearer, shorter, and simpler document which will make the program more stable, easier to understand, and more effective administratively. This rule is promulgated under the authority contained in the Federal Crop Insurance Act, as amended.

DATE: Effective date: This interim rule is effective June 25, 1981.

COMMENT PERIOD DATES: The Federal Crop Insurance Corporation is soliciting public comment on this interim final rule for a period of 60 days following publication. Written comments, data, and opinions on the rule must be submitted not later than August 24, 1981, to be sure of consideration.

ADDRESS: Written comments on this interim final rule should be sent to the Manager, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250, telephone 202–447–3325.

The Impact Statement describing the options considered in developing this rule and the impact of implementing each option is available upon request from the above-named individual.

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures established in Secretary's Memorandum No. 1955 (August 25, 1978) and has been classified as "not significant."

Wayne A. Fletcher, Acting Manager, Federal Crop Insurance Corporation (FCIC) has determined that an emergency situation exists which warrants publication without opportunity for a public comment period because there is not sufficient time to conduct a public comment period before these regulations are required to be placed on file in the office for the county in order to be effective for the 1981 crop year. In addition, personal contact will, to the extent practicable, be established with each individual citrus policyholder in Arizona and California to explain the revised program.

Further, pursuant to the administrative provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this interim final action are impracticable and contrary to the public interest; and good cause is found for making this action effective less than 30 days after the publication of this document in the Federal Register.

Comments will be solicited until August 24, 1981, and this interim action will be scheduled for review so that a final document discussing comments received and any amendments required can be published in the Federal Register as soon as possible.

All written submissions made pursuant to this notice will be available for public inspection in the Office of the Manager during regular business hours, Monday through Friday.

The review date for this action has been established as August 24, 1981.

In addition to combining several documents into and application, policy, and appendix which will be easier to understand, the revised regulations for insuring citrus in Arizona (Desert Valley) and California are combined into one overall regulation under 7 CFR Part 409, which formerly contained regulations for insuring citrus in the Arizona Desert Valley (7 CFR Part 409 Arizona-Desert Valley Citrus Crop Insurance Regulations), appearing at 42 FR 39956 (August 8, 1977). Those regulations for insuring oranges in California as contained in 7 CFR Part 406 (California Orange Crop Insurance Regulations), appearing at 42 FR 39953 (August 8, 1977), are now contained in 7 CFR Part 409. 7 CFR Part 406 is removed.

In order to meet the mandate of the Federal Crop Insurance Act, as amended, to provide a program of insurance that is based on sound actuarial principles, it is necessary to make several changes in both programs for citrus crop insurance currently operating in Arizona and California. The present citrus and orange insurance programs in those States are steadily losing participation, proving costly to administer, experiencing high loss ratios, and not meeting the needs of growers in those areas. From 1969 to 1980, the number of orange contracts declined from 1,086 to 223, while the number of citrus contracts declined from 290 to 37. Research and discussions with growers and industry leaders indicate that the current program in both areas is not meeting the economic needs of the growers, resulting in many growers dropping their insurance. The present insurance program, which pays indemnities based on a percent of damage to the crop, could create inequities. Under the current program, two growers could suffer the same percent of damage to their crops and receive the same indemnity even though one may have twice the potential yield as the other. The provisions of the regulations contained in this interim rule action have been discussed with growers and industry leaders in the two-state area. The options considered were to adopt the plan in this action or to remain with the current program for another year. It was determined by all participants in the discussions that immediate changes should be made to the program to stengthen it and improve the benefits to policyholders.

As outlined below in the revised and reissued 7 CFR Part 409, the program is changed from a percent of damage program to a guaranteed production concept. In addition, insured causes of loss include unavoidable production loss resulting from adverse weather conditions, wildlife, earthquake or fire within the insurance period, and, for the first time, protection is offered against loss of production due to Mediterranean Fruit Fly damage. Other changes provide that (1) insurance will attach to acreage on which the trees have reached the sixth growing season after being set out, (2) by written agreement, insurance may attach on acreage with less than a 90 percent stand based on the original planting pattern, (3) production guarantees (as cartons of fresh fruit) are determined by multiplying 50, 65, or 75 percent, for coverage levels 1, 2, and 3, respectively, by the individual grower's most recent 6-year average yield, which reflects the grower's own yield rather than an area yield figure, (4) a premium adjustment table, providing maximum individual contract premium discounts for good insuring experience of up to 50 percent and premium increases for unfavorable insuring experience, replacing the good experience discounts provided for in the old policy, (5) any premium balance not paid by the termination date will receive a 9 percent charge with an additional 9 percent charge applying to any unpaid balance at the end of each subsequent 12-month period, (6) the 60-day period for filing a claim is eliminated, and (7) units may be divided according to applicable guidelines on file in the office for the county, or by written agreement.

It is expected that the revised and reissued program, as outlined below, will result in a strengthening of the economic position of insured growers and provided them with a better means to meet their financial obligations regardless of growing conditions. Further, the revised and reissued program more closely follows the intent of the Federal Crop Insurance Act, as amended, assuring continuance of the program to protect citrus growers' production costs.

The Acting Manager of FCIC has determined that (1) this action is not a major rule as defined by Executive Order No. 12291 (February 17, 1981), (2) this action does not increase the Federal paperwork burden for individuals, small businesses, and other persons in accordance with the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), and (3) this action conforms with the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), and other applicable law.

The title and number of the Federal Assistance Program to which this interim final rule applies is: Title—Crop Insurance; Number 10.450. This action will not have a significant impact specifically on area and community development; therefore, review as established by the Office of Management and Budget (OMB) Circular A-95 was not used to assure units of local government are informed of this action.

The information gathering and recordkeeping requirements of the revised and reissued regulations contained in 7 CFR Part 409 have been approved by OMB under the following control numbers:

RMS, OMB, NBR
0563-0001
0563-0003
0563-0007

It has been determined that this action constitutes a review as to need, currency, clarity, and effectiveness of these regulations under the provisions of Secretary's Memorandum No. 1955 (August 25, 1978), and "Improving Government Regulations" (43 FR 50986). The sunset review date for these regulations (7 CFR Part 409) is established as June 1, 1986.

Interim Final Rule

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), FCIC hereby amends 7 CFR Chapter IV as follows:

PART 406—CALIFORNIA ORANGE CROP INSURANCE [REMOVED]

1. 7 CFR Part 406 is removed and reserved.

PART 409—ARIZONA-CALIFORNIA CITRUS CROP INSURANCE

2. The Federal Crop Insurance Corporation hereby revises and reissues 7 CFR Part 409, effective with the 1981 crop year, to be known as the Arizona-California Citrus Crop Insurance Regulations, which shall remain in effect until amended or superseded, to read as follows:

PART 409—ARIZONA-CALIFORNIA CITRUS CROP INSURANCE

Subpart—Regulations for the 1981 and Succeeding Crop Years

Sec.

409.1 Availability of Arizona-California Citrus Insurance.
409.2 Premium rates, production guarantees, coverage levels, and prices at which indemnities shall be computed.
409.3 Reserved.
409.4 Creditors.
409.5 Good faith reliance on misrepresentation.
409.6 The contract.

Sec.

409.7 The application and policy.
Appendix A. Additional Terms and Conditions
Appendix B. Counties Designated for Arizona-California Citrus Crop Insurance

Authority: Secs. 506, 516, Pub. L. 75–430, 52 Stat. 72, as amended (7 U.S.C. 1506, 1516)

§ 409.1 Availability of Arizona-California Citrus Insurance.

Insurance shall be offered under the provisions of this subpart on citrus in counties within limits prescribed by and in accordance with the provisions of the Federal Crop Insurance Act, as amended. The counties shall be designated by the Manager of the Corporation from those approved by the Board of Directors of the Corporation. Before insurance is offered in any county, there shall be published in Appendix B to this part the names of the counties in which Arizona-California citrus insurance will be offered.

§ 409.2 Premium rates, production guarantees, coverage levels, and prices at which indemnities shall be computed.

(a) The Manager shall establish premium rates, production guarantees, coverage levels, and prices at which indemnities shall be computed for Arizona-California citrus which shall be shown on the county actuarial table on file in the office for the county and may be changed from year to year.

(b) At the time the application for insurance is made, the applicant shall elect a coverage level and price at which indemnities shall be computed from among those levels and prices shown on the actuarial table for the crop year.

§ 409.3 [Reserved]

§ 409.4 Creditors.

An interest of a person in an insured crop existing by virtue of a lien, mortgage, garnishment, levy, execution, bankruptcy, or an involuntary transfer shall not entitle the holder of the interest to any benefit under the contract except as provided in the policy.

§ 409.5 Good faith reliance on misrepresentation.

Notwithstanding any other provision of the Arizona-California citrus insurance contract, whenever (a) an insured person under a contract of crop insurance entered into under these regulations, as a result of a misrepresentation or other erroneous action or advice by an agent or employee of the Corporation, (1) is indebted to the Corportion for additional premiums, or (2) has suffered a loss to a crop which is not insured or for which the insured person is not entitled to an indemnity because of failure to comply with the terms of the insurance contract, but which the insured person believed to be insured, or believed the terms of the insurance contract to have been complied with or waived, and (b) the Board of Directors of the Corporation, or the Manager in cases involving not more than $20,000, finds (1) that an agent or employee of the Corporation did in fact make such misrepresentation or take other erroneous action or give erroneous advice, (2) that said insured person relied thereon in good faith, and (3) that to require the payment of the additional premiums or to deny such insured's entitlement to the indemnity would not be fair and equitable, such insured person shall be granted relief the same as if otherwise entitled thereto.

§ 409.6 The contract.

The insurance contract shall become effective upon the acceptance by the Corporation of a duly executed application for insurance on a form prescribed by the Corporation. Such acceptance shall be effective upon the date the notice of acceptance is mailed to the applicant. The contract shall cover the citrus crop as provided in the policy. The contract shall consist of the application, the policy, the attached Appendix A, and the provisions of the county actuarial table. Any changes made in the contract shall not affect its continuity from year to year. Copies of forms referred to in the contract are available at the office for the county.

§ 409.7 The application and policy.

(a) Application for insurance on a form prescribed by the Corporation may be made by any person to cover such person's insurable share in the citrus crop as landlord, owner-operator, or tenant. The application shall be submitted to the Corporation at the office for the county on or before the applicable closing date on file in the office for the county.

(b) The Corporation reserves the right to discontinue the acceptance of applications in any county upon its determination that the insurance risk involved is excessive, and also, for the same reason, to reject any individual application. The Manager of the Corporation is authorized in any crop year to extend the closing date for submitting applications or contract changes in any county, by placing the extended date on file in the office for the county and publishing a notice in the **Federal Register** upon the Manager's determination that no adverse selectivity will result during the period of such extension: *Provided, however,* That if adverse conditions should develop during such period, the Corporation will immediately discontinue the acceptance of applications.

(c) The provisions of the application and Arizona-California Citrus Insurance Policy for the 1981 and succeeding crop years, and the Appendix A to the Arizona-California Citrus Insurance Policy are as follows:

United States Department of Agriculture, Federal Crop Insurance Corporation, Application for 19— and Succeeding Crop Years, Arizona-California Citrus Crop Insurance Contract

(Contract Number) _____

(Identification Number) _____
(Name and Address) _____
(Zip Code) _____
(County) _____
(State) _____
Type of entity _____
Applicant is over 18 Yes — No — _____

A. The applicant, subject to the provisons of the regulations of the Federal Crop Insurance Corporation (herein called "Corporation"), hereby applies to the Corporation for insurance on the applicant's share in the citrus produced on insurable acreage as shown on the county actuarial table for the above-stated county. The applicant elects from the actuarial table the coverage level and price at which indemnities shall be computed. The Premium Rates and Production Guarantees Shall be Those Shown on the Applicable County Actuarial Table Filed in the Office for the County for Each Crop Year.

Level Election _____
Price Election by Type _____

Example: For the 19— Crop Year Only (100% Share)

Location/farm No.	Type	Guarantee per acre [1]	Percentage premium rate [2]	Practice	(A)

[1] Your guarantee will be a unit basis (acres x per acre guarantee x share).
[2] Your premium is subject to adjustment in accordance with section 5(c) of the policy.

B. When Notice of Acceptance of This Application is Mailed to the Applicant by the Corporation, the contract shall be in effect for the crop year specified above, unless the time for submitting applications has passed at the time this application is filed, and Shall Continue for Each Succeeding Crop Year Until

Canceled or Terminated as provided in the contract. This accepted application, the following Arizona-California citrus insurance policy, the attached Appendix A, and the provisons of the county actuarial table showing the production guarantees, coverage levels, premium rates, prices for computing indemnities, and insurable and uninsurable acreage shall constitute the contract. Additional information regarding contract provisions can be found in the county regulations folder on file in the office for the county. No term or condition of the contract shall be waived or changed except in writing by the Corporation.

(Signature of Applicant)
(Date)————, 19—

(Code No./Witness to Signature)
Address of Office for County:

Phone————
Location of Farm Headquarters:

Phone————

Arizona-California Citrus Crop Insurance Policy

Terms and Conditions

Subject to the provisions in the attached Appendix A:

1. Causes of Loss. (a) Causes of loss insured against. The insurance provided is against unavoidable loss of production resulting from adverse weather conditions, wildlife, earthquake, fire, or Mediterranean Fruit Fly damage occurring within the insurance period, subject to any exceptions, exclusions or limitations with respect to causes of loss shown on the actuarial table.

(b) Causes of loss not insured against. The contract shall not cover any loss of production, as determined by the Corporation, due to (1) the neglect or malfeasance of the insured, any member of the insured's household, the insured's tenants or employees, (2) failure to follow recognized good farming practices, (3) damage resulting from the backing up of water by any governmental or public utilities dam or reservoir project, or (4) any cause not specified as an insured cause in this policy as limited by the actuarial table.

2. Crop and Acreage Insured. (a) The crop insured shall be any of the insurable citrus types as defined in section 1(m) of Appendix A elected by the insured, located on insured acreage, for which the actuarial table shows a guarantee and a percentage premium rate, and in which the insured has a share on the date insurance attaches.

(b) The acreage insured for each crop year shall be that acreage of citrus located on insurable acreage as shown on the actuarial table, and the insured's share therein as reported by the insured or as determined by the Corporation, whichever the Corporation shall elect: *Provided,* That the trees have reached at least the sixth growing season after being set out.

(c) Insurance may attach only by written agreement with the Corporation on any acreage with less than 90 percent of a stand, based on the original planting pattern.

3. Responsibility of Insured to Report Acreage, Share and Yield. The insured shall submit to the Corporation on a form prescribed by the Corporation, a report showing (a) all acreage of each insured citrus type in the county (including a designation of any acreage to which insurance does not attach) in which the insured has a share, (b) the insured's share therein at the time insurance attached, and (c) the most recent year's production records for the insurable acreage on each unit. Such report shall be submitted each year not later than December 10.

4. Production Guarantees, Coverage Levels, and Prices for Computing Indemnities. For each crop year of the contract, the production guarantees, coverage levels, and prices at which indemnities shall be computed shall be those shown on the actuarial table.

5. Annual Premium. (a) The annual premium is earned and payable on the date insurance attaches and the amount thereof shall be determined by multiplying the insured acreage times the production guarantee per acre, times the price election per carton, times the percentage premium rate, times the insured's share on the date insurance attaches, times the applicable premium adjustment percentage in subsection (c) of this section.

(b) For premium adjustment purposes, only the years during which premiums were earned shall be considered.

(c) The premium shall be adjusted as shown in the following table:

Percent Adjustments for Favorable Continuous Insurance Experience

Loss Ratio[1] through previous crop year	Number of years continuous experience through previous year															
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15 or more
	Percentage Adjustment Factor for Current Crop Year															
.00 to .20	100	95	95	90	90	85	80	75	70	70	65	65	60	60	55	50
.21 to .40	100	100	95	95	90	90	90	85	80	80	75	75	70	70	65	60
.41 to .60	100	100	95	95	95	95	95	90	90	90	85	85	80	80	75	70
.61 to .80	100	100	95	95	95	95	95	95	90	90	90	90	85	85	85	80
.81 to 1.09	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100

[1] Loss Ratio means the ratio of indemnity(ies) paid to premium(s) earned.

Percent Adjustments for Unfavorable Insurance Experience

Loss Ratio[1] through previous crop year	Number of loss years through previous year[2]															
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
	Percentage Adjustment Factor for Current Crop Year															
1.10 to 1.19	100	100	100	102	104	106	108	110	112	114	116	118	120	122	124	126
1.20 to 1.39	100	100	100	104	108	112	116	120	124	128	132	136	140	144	148	152
1.40 to 1.69	100	100	100	108	116	124	132	140	148	156	164	172	180	188	196	204
1.70 to 1.99	100	100	100	112	122	132	142	152	162	172	182	192	202	212	222	232
2.00 to 2.49	100	100	100	116	128	140	152	164	176	188	200	212	224	236	248	260
2.50 to 3.24	100	100	100	120	134	148	162	176	190	204	218	232	246	260	274	288
3.25 to 3.99	100	100	105	124	140	156	172	188	204	220	236	252	268	284	300	300
4.00 to 4.99	100	100	110	128	146	164	182	200	218	236	254	272	290	300	300	300
5.00 to 5.99	100	100	115	132	152	172	192	212	232	252	272	292	300	300	300	300
6.00 and Up	100	100	120	136	158	180	202	224	246	268	290	300	300	300	300	300

[1] Loss Ratio means the ratio of indemnity(ies) paid to premium(s) earned.
[2] Only the most recent 15 crop years will be used to determine the number of "Loss Years". (A crop year is determined to be a "Loss Year" when the amount of indemnity for the year exceeds the premium for the year.)

(d) Any amount of premium for an insured crop which is unpaid on the day following the termination date for indebtedness for such crop shall be increased by a 9 percent service fee, which increased amount shall be the premium balance, and thereafter, at the end of each 12-month period, 9 percent simple interest shall attach to any amount of the premium balance which is unpaid: *Provided,* When notice of loss has been timely filed by the insured as provided in section 7 of this policy, the service fee will not be charged and the contract will remain in force if the premium is paid in full within 30 days after the date of approval or denial of the claim for indemnity; *however,* if any premium remains unpaid after such date, the contract will terminate and the amount of premium outstanding shall be increased by a 9 percent service fee, which increased amount shall be the premium balance. If such premium balance is not paid within 12 months immediately following the termination date, 9 percent simple interest shall apply from the termination date and each year thereafter to any unpaid premium balance.

(e) Any unpaid amount due the Corporation may be deducted from any indemnity payable to the insured by the Corporation or from any loan or payment to the insured under any Act of Congress or program administered by the U.S. Department of Agriculture, when not prohibited by law.

6. Insurance period. Insurance on insured acreage shall attach each crop

year on December 1 prior to such crop year and shall cease upon the earliest of harvest, total destruction of the insured citrus crop, or August 31 (Navel Oranges and Southern California Lemons), November 30 (Valencia Oranges), or July 31 (all other types of citrus) of the calendar year following the normal year of bloom.

7. Notice of damage or loss. (a) Any notice of damage or loss shall be given promptly in writing by the insured to the Corporation at the office for the county after insured damage to the citrus becomes apparent, giving the date(s) and cause(s) of such damage.

(b) If an indemnity is to be claimed on any unit, notwithstanding any prior notice of damage, the insured shall notify the office for the county of the intended date of harvest at least seven days prior to the start of harvest, and if damage occurs within the seven-day period prior to the start of or during harvest, notice of damage must be given immediately: *Provided,* That if harvest will begin after the calendar date for the end of the insurance period, the insured shall give written notice not later than the calendar date for the end of the insurance period. The Corporation reserves the right to provide additional time if it determines there are extenuating circumstances.

(c) The citrus on any insured acreage which is not to be harvested and upon which an indemnity is to be claimed shall be left intact until inspected by the Corporation.

(d) The Corporation may reject any claim for indemnity if any of the requirements of this section are not met.

8. Claim for indemnity. (a) It shall be a condition precedent to the payment of any indemnity that the insured (1) establish the total production of citrus on the unit and that any loss of production was directly caused by one or more of the insured causes during the insurance period for the crop year for which the indemnity is claimed and (2) furnish any other information regarding the manner and extent of loss as may be required by the Corporation.

(b) Indemnities shall be determined separately for each unit. The amount of indemnity for any unit shall be determined by (1) multiplying the insured acreage of citrus on the unit by the applicable guarantee per acre, which product shall be the guarantee for the unit, (2) subtracting therefrom the total production of citrus to be counted for the unit, (3) multiplying the remainder by the applicable price for computing indemnities, and (4) multiplying the result obtained in step (3) by the insured share: *Provided,* That if the premium computed on the insured acreage and share is more than the premium computed on the reported acreage and share, the amount of indemnity shall be computed on the insured acreage and share and then reduced proportionately: *Provided further,* That if the Corporation determines that frost protection equipment was not properly utilized or the use thereof not properly reported, the indemnity otherwise computed for the unit shall be reduced by the percentage of premium reduction allowed for frost protection equipment. It is the responsibility of the insured to provide the Corporation a record by dates showing each use of frost protection equipment including the starting and ending times for the period of use.

(c) The total production of cartons, as defined in Appendix A of this policy, to be counted for a unit shall be determined by the Corporation and shall include all harvested production which has been marketed as fresh packed fruit and all appraised production which, as determined by the Corporation, is marketable as fresh packed fruit.

(1) Any production shall be considered marketed or marketable as fresh packed fruit unless due to insurable causes, such production was not marketed or marketable as fresh packed fruit.

(2) In the absence of acceptable records to determine the disposition of harvested citrus, the Corporation shall determine such disposition and the amount of such production to be counted for the unit.

(3) Appraised production to be counted shall include: (i) any appraisals by the Corporation for potential production on any acreage and for uninsured causes and poor farming practices and (ii) not less than the applicable guarantee for any acreage which is abandoned or put to another use without prior written consent of the Corporation or damaged solely by an uninsured cause.

(4) The appraised potential production for acreage for which consent has been given to be put to another use shall be counted as production in determining the amount of loss under the contract. *However,* if consent is given to put acreage to another use and the Corporation determines that any such acreage (i) is not put to another use before harvest of the insured citrus type becomes general in the county, (ii) is harvested, or (iii) is further damaged by an insured cause before the acreage is put to another use, the indemnity for the unit shall be determined without regard to such appraisal and consent.

9. Misrepresentation and fraud. The Corporation may void the contract without affecting the insured's liability for premiums or waiving any right, including the right to collect any unpaid premiums if, at any time, the insured has concealed or misrepresented any material fact or committed any fraud relating to the contract, and such voidance shall be effective as of the beginning of the crop year with respect to which such act or omission occurred.

10. Transfer of right to indemnity on insured share. If the insured transfers any part of the insured share during the crop year, the insured may transfer the right to an indemnity on an approved form. The insured shall be liable for the premium if such form is or is not executed. If such form is executed, the transferee shall have the same rights and responsibilities as the original insured for the current crop year.

11. Records and access to farm. The insured shall keep or cause to be kept for two years after the time of loss, records of the harvesting, packout, storage, shipments, sale or other disposition of all citrus produced on each unit including separate records showing the same information for production from any uninsured acreage. Any persons designated by the Corporation shall have access to such records and the farm for purposes related to the contract.

12. Life of contract: Cancellation and termination. (a) The contract shall be in effect for the crop year specified on the application and may not be canceled for such crop year. Thereafter, either party may cancel the insurance on any type of citrus for any crop year by giving a signed notice to the other on or before the cancellation date preceding such crop year.

(b) Except as provided in section 5(d) of this policy, the contract will terminate as to any crop year if any amount due the Corporation under this contract is not paid on or before the termination date for indebtedness preceding such crop year: *Provided,* That the date of payment for premium (1) if deducted from an indemnity claim shall be the date the insured signs such claim or (2) if deducted from payment under another program administered by the U.S. Department of Agriculture shall be the date such payment was approved.

(c) Following are the cancellation and termination dates:

County	Cancellation date	Termination date for indebtedness
All counties	November 15	November 15.

(d) In the absence of a written notice from the insured to cancel, and subject to the provisions of subsections (a), (b) and (c) of this section, and section 7 of Appendix A, the contract shall continue in force for each succeeding crop year.

Appendix A (Additional Terms and Conditions)

1. Meaning of terms. For the purposes of Arizona-California citrus crop insurance:

(a) "Actuarial table" means the forms and related material for the crop year approved by the Corporation which are on file for public inspection in the office for the county, and which show the production guarantees, coverage levels, percentage premium rates, prices for computing indemnities, insurable and uninsurable acreage, and related information regarding citrus insurance in the county.

(b) "Carton," as to each insured citrus type, means the standard container for marketing fresh packed fruit as shown below by citrus type, and in the absence of marketing records on such a carton basis, production shall be converted to cartons on the basis of the following average net pounds of packed fruit in a standard packed carton.

Container size	Types of fruit	Pounds
Container No. 58	Navel oranges, Valencia oranges and Sweet oranges	38
Container No. 58	Lemons	40
Container No. 59	Grapefruit	32
Container No. 63	Tangennes (including tangelos) and Mandarin oranges	25

(c) "Contiguous land" means land which is touching at any point, except that land which is separated by only a public or private right-of-way shall be considered contiguous.

(d) "County" means the county shown on the application and any additional land located in a local producing area bordering on the county, as shown on the actuarial table.

(e) "Crop year" means the period beginning with the date insurance attaches to the citrus crop and extending through normal harvest time, and shall be designated by the calendar year in which the bloom is normally set.

(f) "Harvest" means any severance of citrus fruit from the tree either by pulling, picking, or severing by mechanical or chemical means, or picking up the marketable fruit from the ground.

(g) "Insurable acreage" means the land classified as insurable by the Corporation and shown as such on the county actuarial table.

(h) "Insured" means the person who submitted the application accepted by the Corporation.

(i) "Office for the county" means the Corporation's office serving the county shown on the application for insurance or such office as may be designated by the Corporation.

(j) "Person" means an individual, partnership, association, corporation, estate, trust, or other business enterprise or legal entity, and wherever applicable, a State, a political subdivision of a State, or any agency thereof.

(k) "Share" means the interest of the insured as landlord, owner-operator, or tenant in the insured citrus crop at the time insurance attaches as reported by the insured or as determined by the Corporation, whichever the Corporation shall elect, and no other share shall be deemed to be insured: *Provided*, That for the purpose of determining the amount of indemnity, the insured share shall not exceed the insured's share at the earliest of (1) the date of beginning of harvest on the unit, (2) the calendar date for the end of the insurance period, or (3) the date the entire crop on the unit is destroyed, as determined by the Corporation.

(l) "Tenant" means a person who rents land from another person for a share of the citrus crop or proceeds therefrom.

(m) "Type of citrus" means any of the following types of fruit: Type I, Navel oranges; Type II, Sweet oranges; Type III, Valencia oranges; Type IV, Grapefruit; Type V, Lemons; Type VI, Kinnow Mandarins; Type VII, Minneola Tangelos; and Type VIII, Orlando Tangelos.

(n) "Unit" means all insurable acreage of any one of the citrus types referred to in subsection (m) of this section, located on contiguous land, on the date insurance attaches for the crop year (1) in which the insured has a 100 percent share, or (2) which is owned by one entity and operated by another entity on a share basis. Land rented for cash, a fixed commodity payment, or any consideration other than a share in the citrus crop on such land shall be considered as owned by the lessee. Land which would otherwise be one unit may be divided according to applicable guidelines on file in the office for the county, or by written agreement between the Corporation and the insured. The Corporation shall determine units as herein defined when adjusting a loss, notwithstanding what is shown on the acreage report, and has the right to consider any acreage and share reported by or for the insured's spouse or child or any member of the insured's household to be the bona fide share of the insured or any other person having the bona fide share.

2. Acreage insured. (a) The Corporation reserves the right to limit the insured acreage of citrus to any acreage limitations established under any Act of Congress, provided the insured is so notified in writing prior to the date insurance attaches.

(b) If the insured does not submit an acreage report on or before December 10 of the calendar year in which insurance attaches, the Corporation may elect to determine by units the insured acreage and share or declare the insured acreage on any unit(s) to be "zero". If the insured does not have a share in any insured acreage in the county for any year, the insured shall submit a report so indicating. Any acreage report submitted by the insured may be revised only upon approval of the Corporation.

3. Irrigated acreage. (a) Where the actuarial table provides for insurance on an irrigated practice, the insured shall report as irrigated only the acreage for which the insured has adequate facilities and water to carry out a good irrigation practice at the time insurance attaches.

(b) Where irrigated acreage is insurable, any loss of production caused by failure to carry out a good irrigation practice, except failure of the water supply from an unavoidable cause occurring after the insurances attaches, as determined by the Corporation, shall be considered as due to an uninsured cause. The failure or breakdown of irrigation equipment or facilities shall not be considered as a failure of the water supply from an unavoidable cause.

4. Annual premium. (a) If there is no break in the continuity of participation, any premium adjustment applicable under section 5 of the policy shall be transferred to (1) the contract of the insured's estate or surviving spouse in case of death of the insured, (2) the contract of the person who succeeds the insured if such person had previously participated in the citrus operation, or (3) the contract of the same insured who stops operating a citrus grove in one county and starts operating a citrus grove in another county.

(b) If there is a break in the continuity of participation, any reduction in premium earned under section 5 of the policy shall not thereafter apply; *however*, any previous unfavorable insurance experience shall be considered in premium computation following a break in continuity.

5. Claim for and payment of indemnity. (a) Any claim for indemnity on a unit shall be submitted to the Corporation on a form prescribed by the Corporation.

(b) In determining the total production to be counted for each unit, production from units on which the production has been commingled will be allocated to such units in proportion to the liability on each unit.

(c) There shall be no abandonment to the Corporation of any insured citrus acreage.

(d) In the event that any claim for indemnity under the provisions of the contract is denied by the Corporation, an action on such claim may be brought against the Corporation under the provisions of 7 U.S.C. 1508(c), as amended: *Provided*, That the same is brought within one year after the date notice of denial of the claim is mailed to and received by the insured.

(e) Any indemnity will be payable within 30 days after a claim for indemnity is approved by the Corporation. *However*, in no event shall the Corporation be liable for interest or damages in connection with any claim for indemnity whether such claim be approved or disapproved by the Corporation.

(f) If the insured is an individual who dies, disappears, or is judicially declared incompetent, or the insured is an entity other than an individual and such entity is dissolved after insurance attaches for any crop year, any indemnity will be paid to the person(s) the Corporation determines to be beneficially entitled thereto.

(g) The Corporation reserves the right to reject any claim for indemnity if any of the

requirements of this section or section 6 of the policy are not met and the Corporation determines that the amount of loss cannot be satisfactorily determined.

6. Subrogation. The insured (including any assignee or transferee) assigns to the Corporation all rights of recovery against any person for loss or damage to the extent that payment hereunder is made by the Corporation. The insured thereafter shall execute all papers required and take appropriate action as may be necessary to secure such rights.

7. Termination of the contract. (a) The contract shall terminate if no premium is earned for five consecutive years.

(b) If the insured is an individual who dies or is judicially declared incompetent, or the insured entity is other than an individual and such entity is dissolved, the contract shall terminate as of the date of death, judicial declaration, or dissolution; *however*, if such event occurs after insurance attaches for any crop year, the contract shall continue in force through such crop year and terminate at the end thereof. Death of a partner in a partnership shall dissolve the partnership unless the partnership agreement provides otherwise. If two or more persons having a joint interest are insured jointly, death of one of the persons shall dissolve the joint entity.

8. Coverage level and price election. (a) If the insured has not elected on the application a coverage level and price at which indemnities shall be computed from among those shown on the actuarial table, the coverage level and price election which shall be applicable under the contract, and which the insured shall be deemed to have elected, shall be as provided on the actuarial table for such purposes.

(b) The insured may, with the consent of the Corporation, change the coverage level and/or price election for any crop year on or before the closing date for submitting applications for that crop year.

9. Assignment of indemnity. Upon approval of a form prescribed by the Corporation, the insured may assign to another party the right to an indemnity for the crop year and such assignee shall have the right to submit the loss notices and forms as required by the contract.

10. Contract changes. The Corporation reserves the right to change any terms and provisions of the contract from year to year. Any changes shall be mailed to the insured or placed on file and made available for public inspection in the office for the county at least 15 days prior to the cancellation date preceding the crop year for which the changes are to become effective, and such mailing or filing shall constitute notice to the insured. Acceptance of any changes will be conclusively presumed in the absence of any notice from the insured to cancel the contract as provided in section 12 of the policy.

Appendix B—Counties Designated for Arizona-California Citrus Crop Insurance

In accordance with the provisions of 7 CFR 409.1, the following counties are designated for citrus crop insurance:

Arizona
Maricopa

California
Fresno
Kern
Tulare

Approved by the Board of Directors on May 16, 1981.

Peter F. Cole,
Secretary, Federal Crop Insurance Corporation.

Approved by:

Wayne A. Fletcher,
Acting Manager.

Dated: June 16, 1981.

[FR Doc. 81-18774 Filed 6-24-81; 8:45 am]
BILLING CODE 3410-08-M

Federal Grain Inspection Service

7 CFR Part 800

Limited Exemption From Inspection and Weighing Requirements for Grain Shipped to Mexico and Canada

AGENCY: Federal Grain Inspection Service.

ACTION: Interim final rule.

SUMMARY: The Federal Grain Inspection Service (FGIS) is revising the regulations under the U.S. Grain Standards Act (7 U.S.C. 71, *et seq.*) (Act) to incorporate a decision by the Administrator to exempt from certain official inspection and weighing requirements all grain exported from the United States to Canada or Mexico by rail or truck.

DATES: Effective July 1, 1981; written comments must be submitted on or before August 24, 1981.

ADDRESS: Comments should be submitted in writing and in duplicate to the Director, Issuance and Coordination Staff, USDA, FGIS, Room 1127, Auditors Building, 1400 Independence Avenue SW., Washington, D.C. 20250, where they will be made available for public inspection during regular business hours.

FOR FURTHER INFORMATION CONTACT: J. T. Abshier, Director, Compliance Division, FGIS, Room 2405, Auditors Building, Washington, D.C. 20250; (202) 447-8282.

SUPPLEMENTARY INFORMATION: This final action has been issued in accordance with Executive Order 12291 and has been determined to be "nonmajor." Its purpose is to reduce a burden on the trading of grain between the United States and Canada and Mexico, without affecting the right of U.S. sellers or Canadian and Mexican buyers to obtain official inspection or weighing, if so desired. Kenneth A. Gilles, Administrator, has determined that this action will not have a significant impact on a substantial number of small entities, because its effect is to limit the applicability of certain official inspection and weighing requirements to which many small entities would otherwise be subject.

The Administrator has determined that a situation exists which warrants publication of this action as an interim final rule without prior opportunity for a public comment period. In recent years, a substantial number of elevator operators and grain merchandisers shipping grain to Canada or Mexico by truck or rail have exported less than 15,000 metric tons and so have qualified for a 15,000 metric-ton exemption from the inspection and weighing requirements of Section 5 of the Act. The exemption, set forth in section 800.19(a)(1) of the regulations, was established by FGIS to give economic relief from the official inspection and weighing requirements to small exporters, without impairing the objectives of the Act.

To date in 1981, rail and truck shipments of grain to Mexico have risen by 66 percent compared to a similar period last year—increasing from 1.19 to more than 1.98 million metric tons. Because of these increased exports, a substantial number of elevator operators and grain merchandisers shipping grain to Mexico by rail or truck will, within a short period of time, exceed the 15,000 metric-ton limit and no longer qualify for the exemption in section 800.19(a)(1). In order to ensure that such shippers can continue to export grain without incurring costs resulting from imposition of the official inspection and weighing requirements, a number of U.S. exporters have requested that the Administrator take necessary action without delay to broaden the exemption and exempt from such requirements all grain shipped by truck or rail from the United States to Mexico. The principal grain purchasing agency of the Mexican government has concurred with these requests. In reviewing the situation with regard to exports to Mexico, it appears to the Administrator that the same or similar conditions apply to grain shipped by rail or truck to Canada. Further, the Administrator has determined that at this time, such a limited exemption would not impair the objectives of the Act, because the class of shipments involved represents only a small percentage of U.S. grain exports overall. In order to prevent any interruption in the marketing of U.S. grain in Mexico or Canada, FGIS is amending section 800.19(a) of the regulations at this time.

Information presently available to FGIS indicates that Mexican and Canadian purchasers are not experiencing problems with the grain that they receive from U.S. sellers. Compared with overseas importers of U.S. grain, Mexican and Canadian purchasers of grain shipped by rail or truck deal with smaller lots of grain, which are more assessable than grain in shiplots. These purchasers thus appear to be in a better position than overseas importers to identify specifically any quality or weight discrepancies which might arise and resolve such discrepancies directly with the U.S. exporter, without the need for official inspection and weighing requirements.

Accordingly, this action is being implemented as an interim final rule, effective July 1, 1981. Under the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this action are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making this action effective July 1, 1981. Comments are solicited through August 24, 1981, and this action will be scheduled for review so that a final document discussing comments received and any amendments required can be published in the **Federal Register** as soon as possible.

This action revises section 800.19 of the regulations, published at 45 FR 15816 and codified in 7 CFR 800.19. As revised, section 800.19 will include a provision exempting from the inspection and weighing requirements of Section 5 of the Act all grain shipped by rail or by truck to Mexico or Canada.

There are no conditions attached to this exemption, and those elevator operators or grain merchandisers intending to export grain under the exemption will not be required to so notify FGIS.

Accordingly, a new subparagraph (4) is added to paragraph (a) of 7 CFR 800.19 to read as follows:

§ 800.19 Exemptions and waivers of the official inspection and class X weighing requirements.

(a) *Exemptions.* * * *

(4) Grain shipped by rail or truck to Canada or Mexico. Official inspection and Class X weighing requirements shall not apply to grain that is shipped by rail or by truck from the United States to Canada or to Mexico.

* * * * *

(Sec. 6, Pub. L. 94-582, 90 Stat. 2869 (7 U.S.C. 77))

Done in Washington, DC on June 23, 1981.

Kenneth A. Gilles,

Administrator.

[FR Doc. 81-18940 Filed 6-24-81; 8:45 am]

BILLING CODE 3410-02-M

Agricultural Marketing Service

7 CFR Part 908

[Valencia Orange Reg. 669]

Valencia Oranges Grown in Arizona and Designated Part of California; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona Valencia oranges that may be shipped to market during the period June 28–July 2, 1981. Such action is needed to provide for orderly marketing of fresh Valencia oranges for this period due to the marketing situation confronting the orange industry.

EFFECTIVE DATE: June 28, 1981.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, 202-447-5975.

SUPPLEMENTARY INFORMATION: *Findings.* This rule has been reviewed under USDA procedures and Executive Order 12291 and has been classified "not significant," and is not a major rule. This regulation is issued under the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). This action is based upon the recommendations and information submitted by the Valencia Orange Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1980-81 which was recommended by the committee following discussion at a public meeting on January 27, 1981. A regulatory impact analysis on the marketing policy is available from William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202-447-5975.

The committee met again publicly on June 23, 1981 at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of Valencias deemed advisable to be handled during the specified week. The committee reports the demand for Valencia oranges is improving.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary to effectuate the declared policy of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

Forms required for operation under this part are subject to clearance by the Office of Management and Budget and are in the process of review.

1. Section 908.969 is added as follows:

§ 908.969 Valencia Orange Regulation 669.

The quantities of Valencia oranges grown in Arizona and California which may be handled during the period June 28, 1981, through July 2, 1981, are established as follows:

(1) District 1: 306,000 cartons;

(2) District 2: 294,000 cartons;

(3) District 3: unlimited cartons.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: June 24, 1981.

D.S. Kuryloski

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 81-19051 Filed 6-24-81; 12:09 pm]

BILLING CODE 3410-02-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 81-SO-40; Amdt. No. 39-4140]

Airworthiness Directives; Teledyne Continental Motors 360 Series Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD) which requires inspection and, if necessary, replacement of the engine oil

pump drive gear on certain Teledyne Continental Motors (TCM) Models IO-360, TSIO-360, and LTSIO-360 series engines. The AD is prompted by reports of engine oil pump shaft failures which have resulted in inflight engine failures, subsequent emergency landings and aircraft accidents.

DATES: Effective June 30, 1981.

Compliance Schedule—As prescribed in body of AD.

ADDRESSES: The applicable sections of Teledyne Continental Motors Overhaul Manual, Form X-30030A, can be obtained from Teledyne Continental Motors, P.O. Box 90, Mobile, Alabama 36601.

A copy of the applicable sections of the TCM Overhaul Manual, Form X-30030A, is also contained in the Rules Docket, Room 275, Engineering and Manufacturing Branch, FAA, Southern Region, 3400 Norman Berry Drive, East Point, Georgia.

FOR FURTHER INFORMATION CONTACT:

Walter G. Stiner, ASO-214, Engineering and Manufacturing Branch, FAA, Southern Region, P.O. Box 20636, Atlanta, Georgia 30320, telephone (404) 763-7435.

SUPPLEMENTARY INFORMATION: There have been reports of TCM IO-360, TSIO-360 and LTSIO-360 series engine failures resulting from oil pump drive gear shaft failures at the Woodruff key slot. These oil pump failures have been attributed to improper torque on the retaining nut or tach drive adapter, whichever is applicable. When low torque exists, the driving force for the oil pump gear is applied at the Woodruff key, resulting in fatigue failure of the oil pump drive gear shaft. New engines are being assembled without the Woodruff key, and it is planned to omit key slot in the shaft on future gear production runs. An overtorque on the retaining nut or tach drive adapter can also cause failure of the oil pump drive gear shaft. Since this condition is likely to exist or develop on other engines of the same type design, an AD is being issued which requires inspection to determine the torque, retorquing and possible replacement of the engine oil pump drive gear with a serviceable part on certain TCM IO-360, TSIO-360 and LTSIO-360 series engines.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new Airworthiness Directive (AD):

Teledyne Continental Motors: Applies to the following Teledyne Continental Motors IO-360, TSIO-360, and LTSIO-360 series engines:

IO-360-C, IO-360-D, IO-360-G, IO-360-H, and IO-360-J, all serial numbers;
IO-360-K, all serial numbers, unless AD 80-07-03 already complied with;
IO-360-AB, IO-360-CB, and IO-360-DB, all serial numbers;
IO-360-GB, all serial numbers through Serial Number 352894;
IO-360-HB, all serial numbers through Serial Number 353351;
IO-360-JB, all serial numbers; and IO-360-KB, all serial numbers through Serial Number 356721.
TSIO-360-A, TSIO-360-B, TSIO-360-C, TSIO-360-D, TSIO-360-E, TSIO-360-F, TSIO-360-CB, and TSIO-360-DB, all serial numbers;
TSIO-360-EB, all serial numbers through Serial Number 311689;
TSIO-360-FB, all serial numbers through Serial Number 310810;
TSIO-360-GB, all serial numbers through Serial Number 309582;
TSIO-360-KB, all serial numbers through Serial Number 315050;
LTSIO-360-E, all serial numbers; LTSIO-360-EB, all serial numbers through Serial Number 312680;
LTSIO-360-KB, all serial numbers through Serial Number 314048.

Compliance is required within the next twenty-five (25) hours time in service after the effective date of this AD unless already accomplished. To prevent engine oil pump drive shaft failure and subsequent engine failure due to oil pressure loss, accomplish the following:

(a) Remove tach drive cover or tach drive adapter, as applicable, from the crankcase cover assembly.

(b) Measure the breakaway torque on the oil pump drive gear nut or the tach drive connector.

Note.—The oil pump drive gear, P/N 640926, used on the LTSIO-360 engines incorporates a left-hand thread. Thus, the breakaway torque must be measured on LTSIO-360 engines in a clockwise direction; the tightening torque must be applied in a counter-clockwise direction.

(c) If the breakaway torque is between 200 inch-pounds and 350 inch-pounds, retorque the oil pump drive gear nut or the tach drive connector, whichever is applicable, to 280-300 inch-pounds. Reinstall the tach drive cover or the tach drive adapter and make the appropriate entry in the engine maintenance records, indicating compliance with this AD.

(d) If the breakaway torque is less than 200 inch-pounds or greater than 350 inch-pounds, prior to further flight, accomplish either of the following:

(1) Replace the TCM oil pump drive gear, P/N 632550, 634010, or 640926, whichever is applicable, with a like serviceable part of the same part number. Omit the Woodruff key, P/N MS35756-1. (Refer to TCM Manuals Numbers X-30030A and X30031A), or

(2) Perform a magnetic particle inspection of the oil pump drive gear, P/N 632550, 634010, or 640926, whichever is applicable, in accordance with Section VI of the TCM Overhaul Manual Number X-30030A. Give particular attention to the Woodruff key slot and threaded area. If the oil pump gear is found cracked, damaged, or worn beyond limits, replace with a serviceable part of the same part number. Omit the Wodruff key, P/N MS35756-1. (Refer to TCM Manuals Numbers X-30030A and X30031A.)

(e) Install the oil pump drive gear nut or the tach drive connector, as applicable, and torque to 280-300 inch-pounds. Reinstall the tach drive cover or the tach drive adapter and make the appropriate entry in the engine maintenance records.

(f) For all oil pump drive gears found with less than 200 or more than 350 inch-pounds of torque during compliance with this AD, within 10 days mail a written report containing the Engine Model, Serial Number, time in service, and measured torque and results of drive gear inspection to: Federal Aviation Administration, ASO-214, Engineering and Manufacturing Branch, P.O. Box 20636, Atlanta, Georgia 30320. (Reporting approved by the Office of Management and Budget under OMB No. 04-R0174.)

An equivalent method of complying with this AD may be approved by the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, Southern Region, P.O. Box 20636, Atlanta, Georgia 30320.

This amendment becomes effective June 30, 1981.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89)

Note.—The FAA has determined that this regulation is an emergency regulation under the President's Memorandum of January 29, 1981, and an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified above under the caption "FOR FURTHER INFORMATION CONTACT."

Issued in East Point, Georgia on June 9, 1981.

George R. LaCaille,

Acting Director, Southern Region.

[FR Doc. 81-18442 Filed 6-24-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 21835, Amdt. 39-4149]

Kawasaki Heavy Industries, Ltd., Model KV 107-II/-IIA Helicopters; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires the inspection of certain pitch bearing housings and blade sockets, and the installation of crack detector wires on certain Kawasaki Heavy Industries, Ltd., Model KV 107-II/-IIA series helicopters. Cracks, if allowed to progress, could result in separation of the rotor blade from the aircraft.

DATES: Effective July 9, 1981. Compliance schedule—as prescribed in the body of the AD.

ADDRESS: The applicable service bulletin may be obtained from: Kawasaki Heavy Industries Ltd., Aircraft Division, Kawasakicho, Kakamigahara, Gifu Prefecture, Japan.

A copy of the service bulletin [1] is contained in the Rules Docket, Room 916, 800 Independence Avenue SW., Washington, DC 20591.

FOR FURTHER INFORMATION CONTACT: Gary K. Nakagawa, Chief, Airworthiness District Office, APC-210, FAA, Pacific-Asia Region, P.O. Box 50109, Honolulu, Hawaii 96850, Telephone: (808) 546-8650/8658, or J. McGrath, Acting Chief, Policy Standards Section, AWS-111, FAA, 800 Independence Avenue SW., Washington, DC 20591, Telephone: (202) 426-8192.

SUPPLEMENTARY INFORMATION: Amendment 39-2156, AD 64-21-06, required inspection of certain pitch bearing housings and blade sockets on the Boeing Vertol Model 107-II series helicopters. Amendment 39-3122 (43 FR 1295), AD 78-01-17, was issued on the Kawasaki Heavy Industries Models KV 107-II/-IIA series helicopters to cover 10 different service problems including requirements similar to AD 64-21-06 on the Boeing Vertol. Recently AD 64-21-06 was amended by Amendment 39-3827 (46 FR 45263) to include: installation of crack detector wires and inspection of the pitch bearing housings; a visual inspection of the blade sockets for cracks; and to establish a life limit for the pitch bearing housings. Failure of the pitch bearing housings or blade sockets could result in separation of the rotor blade and loss of control of the helicopter. In view of the similarity of the type design of the Kawasaki models and the Boeing Vertol Models, it is likely that the same unsafe condition exists on the Kawasaki helicopters. Since this condition is likely to exist or develop on other helicopters of the same type design, an airworthiness directive is being issued which requires installation of crack detector wires and inspection of the pitch bearing housings, visual inspection of the blade sockets and establishment of a life limit for the pitch bearing housing on certain Kawasaki Heavy Industries Model KV 107-II/-IIA series helicopters.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

Kawasaki Heavy Industries, Ltd. Applies to Model KV 107-II and KV 107-IIA helicopters, certificated in all categories.

Compliance required as indicated, unless already accomplished.

To prevent fatigue failure of the rotor pitch housing, accomplish the following:

(a) For aft rotor pitch bearing housings, P/N's 107R2553-8, -10, -14, and -16:

(1) Prior to the accumulation of 1,000 hours time in service, or within the next 50 hours time in service after the effective date of this AD, whichever occurs later, install crack detector wires on pitch bearing housings in accordance with Part I, "Installation Procedure," of Kawasaki Service Bulletin No. KSB-V107-615, dated September 10, 1980 (hereinafter referred to as the Service Bulletin), or an FAA-approved equivalent.

(2) Within the next 50 hours time in service after the effective date of this AD, inspect the lug area of the pitch bearing housings for cracks in accordance with Part II, "Inspection Procedure," of the Service Bulletin, or an FAA-approved equivalent, and continue to inspect at intervals not to exceed 25 hours time in service.

(b) For forward rotor pitch bearing housings, P/N's 107R2553-7, -8, -13, and -15:

(1) Prior to the accumulation of 2,000 hours time in service, or within the next 100 hours time in service after the effective date of this AD, whichever occurs later, install crack detector wires on pitch bearing housings in accordance with Part I, "Installation Procedure," of the Service Bulletin, or an FAA-approved equivalent.

(2) Within the next 100 hours time in service after the effective date of this AD, inspect the lug area of the pitch bearing housings for cracks in accordance with Part II, "Inspection Procedure," of the Service Bulletin, or an FAA-approved equivalent, and continue to inspect at intervals not to exceed 50 hours time in service.

(c) Conduct a visual inspection for cracks in the lug area of blade sockets, P/N's 42R1043-11, -12, -13, and -14, at intervals not to exceed 50 hours time in service. This may be accomplished without disassembly from the helicopter.

(d) If any cracks are found as a result of the inspections required by paragraphs (a), (b), and (c) of this AD, before further flight, replace with a serviceable part of the same part number, or an FAA-approved equivalent, and continue to inspect in accordance with this AD.

(e) Retire from service all rotor pitch bearing housings, P/N's 107R2553-7, -8, -9, -10, -13, -14, -15, and -16, prior to the accumulation of 5,000 hours time in service.

(f) If an equivalent means of compliance is used in complying with this AD, that equivalent means must be approved by the Chief, Airworthiness District Office, FAA, Pacific-Asia Region, Honolulu, Hawaii.

(g) Upon request of an operator and submission of substantiating data, the Chief, Airworthiness District Office, Pacific-Asia Region, may upon recommendation of the cognizant FAA aviation safety inspector adjust the compliance time specified in this AD.

This amendment becomes effective July 9, 1981.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Kawasaki Heavy Industries, Ltd., Aircraft Division, Kawasakicho, Kakamigahara, Gifu Prefecture, Japan. The documents may also be examined at the FAA, Pacific-Asia Region, Airworthiness District Office, 300 Ala Moana Blvd., Room 7321, Honolulu, Hawaii 96850, and Rules Docket, Room 916, 800 Independence Avenue, SW., Washington, DC 20591.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89)

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to

[1] Service Bulletin filed as part of original document.

follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified above under the caption "FOR FURTHER INFORMATION CONTACT."

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the courts of appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Washington, DC, on June 17, 1981.

M. C. Beard,

Director of Airworthiness.

[FR Doc. 81-18582 Filed 6-24-81; 8:45 am]

BILLING CODE 4510-13-M

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14 CFR Part 71

[Airspace Docket No. 81-ASW-26]

Alteration of Control Zone: Kingsville, Texas

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment alters the control zone at Kingsville, Tex. This amendment will return to public use airspace no longer required for the protection of aircraft arriving/departing the NAS Kingsville, Tex. The amendment is necessary since the current instrument approach procedures to the NAS Kingsville, Tex., have been modified with a crossing restriction, with the exception of the nondirectional radio beacon (NDB) approach to Runway 35R. Therefore, a portion of the controlled airspace can be canceled.

DATES: Effective date—October 1, 1981. Comments on the rule must be received before August 6, 1981.

ADDRESSES: Send comments on the action in triplicate to: Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region: Docket No. 81-ASW-26, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101.

FOR FURTHER INFORMATION CONTACT: Kenneth L. Stephenson, Airspace and Procedures Branch (ASW-535), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, telephone (817) 624-4911, extension 302.

SUPPLEMENTARY INFORMATION:

History

Federal Aviation Regulation Part 71, Subpart F 71.171 as republished in the **Federal Register** on January 2, 1981 (46 FR 455), contains the description of control zones designated to provide controlled airspace for the benefit of aircraft conducting instrument flight rules (IFR) activity. Alteration of the control zone at Kingsville, Tex., will necessitate an amendment to this subpart. A review of the necessary controlled airspace has revealed that a reduction in the dimensions can be made and continue to provide adequate protection for aircraft.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations (14 CFR 71) amends the dimensions of the Kingsville, Tex., control zone. Because this action reduces a burden on the public by releasing controlled airspace, I find that notice and public procedure and publication 30 days before the effective date are unnecessary; however, comments are invited on the rule. When the comment period ends, the FAA will use the comments and any other available information to review the regulation.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Section 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR 71) as republished (46 FR 455) is amended, effective 0901 GMT, October 1, 1981, as follows:

Kingsville, Texas

Within a 5-mile radius of the NAS Kingsville (latitude 27°30'10"N., longitude 97°48'48"); within 2 miles each side of the Kingsville UHF RBN 199° bearing, extending from the 5-mile radius area to 7 miles south of the UHF RBN. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective dates and time will thereafter be continuously published in the Airport/Facility Directory.

(Sec. 307(a), Federal Aviation Act of 1958, as amended (49 U.S.C. §§ 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. § 1655(c)); and 14 CFR 11/61(c))

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 1103; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal.

Issued in Fort Worth, Texas, on June 16, 1981.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 81-18580 Filed 6-24-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Parts 121 and 135

[Docket No. 20659; Amendment Nos. 121-172 and 135-16]

Elimination of Duties and Activities of Flight Crewmembers Not Required for the Safe Operation of Aircraft

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule, notice of change of effective date.

SUMMARY: This amendment amends the effective date of Amendments 121-168 and 135-11 issued on January 14, 1981. The effective dates are being postponed for an additional 30 days at the direction of the Office of Management and Budget in order that they be allowed to complete their review of these amendments as required by Section 7, paragraph (b), of Executive Order 12291.

EFFECTIVE DATE: As of June 18, 1981, the effective date of the regulations published at 46 FR 5500 is delayed until July 18, 1981.

FOR FURTHER INFORMATION CONTACT: Edward P. Faberman, Assistant Chief Counsel (AGC-200), Regulations and Enforcement Division, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, D.C. 20591; telephone (202) 426-3073.

SUPPLEMENTARY INFORMATION: On January 14, 1981, the FAA issued Amendment Nos. 121-168 and 135-11 (46 FR 5500, January 19, 1981). These amendments prohibit performance of nonessential duties and activities by flight crewmembers which are not required for the safe operation of aircraft during critical phases of flight. These amendments require operators and flight crewmembers to assure a flight deck environment that is free from distractions created by the performance of nonessential flight crewmember duties.

Executive Order 12291 was issued by the President on February 17, 1981. Section 7, paragraph (b), requires that

agencies report any regulation falling within the requirements of this section to the Director of the Office of Management and Budget (OMB) prior to the effective date of any rule that the agency had promulgated in final form, as of the date of the Executive Order, and that had not become effective. Since the effective date of Amendments 121–168 and 135–11 was May 18, 1981, it was necessary that the Director be notified of this rule. The General Counsel of the Department of Transportation notified OMB that this had been reconsidered under the Executive Order and should become effective.

On May 15, 1981 the Office of Information and Regulatory Affairs, OMB, notified the Office of the General Counsel of the Department of Transportation, by telephone, that they needed more time to review this rule and that, therefore, the effective date of the rule had to be postponed. In accordance with this direction, the effective date of this rule was postponed by 30 days to June 18, 1981. (46 FR 28305; May 26, 1981).

The FAA has not been advised that OMB has completed its review. Therefore, the effective date of this rule is further postponed to July 18, 1981.

Adoption of Amendment

In order to provide additional time for OMB to review this rule in accordance with Executive Order 12291, the effective dates of Amendments 121–168 and 135–11 are amended to be July 18, 1981.

(Secs. 313(a) and 601 through 605 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 through 1425); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Note.—Since this document only involves a change of effective dates, the FAA has determined that: (1) It is not a major regulation under Executive Order 12291; (2) It is not significant under the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) It does not warrant preparation of a regulatory evaluation as the impact is so minimal; and (4) It would not have a significant impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act since it is relieving in nature.

Issued in Washington, D.C. on June 17, 1981.

J. Lynn Helms,

Administrator.

[FR Doc. 81-18868 Filed 6-24-81; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF COMMERCE

International Trade Administration

19 CFR Part 353

Strontium Nitrate From Italy; Antidumping Duty Order

AGENCY: International Trade Administration, Commerce.

ACTION: Antidumping duty order.

SUMMARY: In separate investigations the U.S. Department of Commerce ("the Department") and the U.S. International Trade Commission ("ITC") have determined that strontium nitrate from Italy is being sold at less than fair value and that these sales are materially injuring a U.S. industry. Therefore, all unappraised entries of this merchandise made on or after February 18, 1981—the date from which final assessment of duty has been suspended—will be liable for the possible assessment of special dumping duties. Further, a deposit of estimated antidumping duties must be placed on all such entries made on and after publication of this order in the **Federal Register**.

EFFECTIVE DATE: June 25, 1981.

FOR FURTHER INFORMATION CONTACT: Michael Hudak, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202–377–3530).

SUPPLEMENTARY INFORMATION: On February 18, 1981, we published our preliminary determination that strontium nitrate imported from Italy was being, or was likely to be, sold in the United States at less than fair value (46 FR 12769). On May 7, 1981, we announced our final determination that these imports were being sold at less than fair value (46 FR 25496).

In accordance with section 735(b) of the Tariff Act of 1930, as amended ("the Act") (19 U.S.C. 1673d(b)), the ITC determined that an industry in the United States is being materially injured by reason of imports of strontium nitrate from Italy. On June 15, 1981, it notified us of this decision.

In accordance with section 736 of the Act (19 U.S.C. 1673e), I am directing U.S. Customs officers to assess an antidumping duty equal to the amount by which the foreign market value of the merchandise exceeds the U.S. price for all entries of strontium nitrate as herein defined, imported from Italy, subject to the "Suspension of Liquidation" notice published in the **Federal Register** on February 18, 1981 (46 FR 12769) and all future entries of said merchandise until further notice.

For the purpose of this notice, the term strontium nitrate applies to a chemical compound, currently classifiable under item 421.74 of the Tariff Schedules of the United States.

On or after the date of publication of this notice, Customs officers shall require, at the same time as importers deposit their estimated normal customs duties on the merchandise, an additional cash deposit of estimated dumping duties equal to 2.6 percent *ad valorem* of the f.o.b. value of the merchandise, pending final liquidation of entries.

PART 353, ANNEX 1 [AMENDED]

I hereby make public this determination, which constitutes an antidumping duty order with respect to strontium nitrate from Italy pursuant to section 736 of the Act (19 U.S.C. 1673e) and § 353.48 of the Commerce Regulations (19 CFR 353.48). Accordingly, we are amending Annex 1, Part 353 of Title 19 of the Commerce Regulations (45 FR 8208) by adding the following to the list of antidumping duty orders currently in effect:

Merchandise	Country	Decision
Strontium nitrate	Italy	(46 FR 32864).

B. W. Partridge,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 81-18867 Filed 6-24-81; 8:45 am]

BILLING CODE 3510-25-M

19 CFR Part 353

Precipitated Barium Carbonate From the Federal Republic of Germany; Antidumping Duty Order

AGENCY: International Trade Administration, Commerce.

ACTION: Antidumping duty order.

SUMMARY: In separate investigations the U.S. Department of Commerce ("the Department") and the U.S. International Trade Commission ("ITC") have determined that precipitated barium carbonate from the Federal Republic of Germany ("FRG") is being sold at less than fair value and that these sales are materially injuring a U.S. industry. Therefore, all unappraised entries of this merchandise made on or after February 18, 1981—the date from which final assessment of duty has been suspended—will be liable for the possible assessment of special dumping duties. Further, a deposit of estimated antidumping duties must be placed on all such entries made on and after

publication of this order in the Federal Register.

EFFECTIVE DATE: June 25, 1981.

FOR FURTHER INFORMATION CONTACT: Alain Letort, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-1273).

SUPPLEMENTARY INFORMATION: On February 18, 1981, we published our preliminary determination that precipitated barium carbonate imported from the Federal Republic of Germany ("FRG") was being, or was likely to be, sold in the United States at less than fair value (46 FR 12767). On May 7, 1981, we announced our final determination that these imports were being sold at less than fair value (46 FR 25494).

In accordance with section 735(b) of the Tariff Act of 1930, as amended ("the Act") (19 U.S.C. 1673d(b)), the ITC determined that an industry in the United States is being materially injured by reason of imports of precipitated barium carbonate from the FRG. On June 15, 1981, it notified us of this decision.

In accordance with section 736 of the Act (19 U.S.C. 1673e), I am directing U.S. Customs officers to assess an antidumping duty equal to the amount by which the foreign market value of the merchandise exceeds the U.S. price for all entries of precipitated barium carbonate, as herein defined, imported from the FRG, subject to the "Suspension of Liquidation" notice published in the Federal Register on February 18, 1981 (46 FR 12767) and all future entries of said merchandise until further notice.

For the purpose of this notice, the term "precipitated barium carbonate" applies to a chemical compound ($BaCO_3$), currently classifiable under item 472.06 of the Tariff Schedules of the United States.

On or after the date of publication of this notice, Customs officers shall require, at the same time as importers deposit their estimated normal customs duties on the merchandise, an additional cash deposit of estimated dumping duties equal to 9.9 percent *ad valorem* of the f.o.b. value of merchandise, pending final liquidation of entries.

PART 353, ANNEX 1 [AMENDED]

I hereby make public this determination, which constitutes an antidumping duty order with respect to precipitated barium carbonate from the FRG, pursuant to section 736 of the Act (19 U.S.C. 1673e) and § 353.48 of the Commerce Regulations (19 CFR 353.48). Accordingly, we are amending Annex 1, Part 353 of Title 19 of the Commerce Regulations (45 FR 8208) by adding the following to the list of antidumping duty orders currently in effect:

Merchandise	Country	Decision
Precipitated barium carbonate.	Federal Republic of Germany.	(46 FR 32865).

B. W. Partridge,
Deputy Assistant Secretary for Import Administration.
June 19, 1981.

[FR Doc. 81-18808 Filed 6-24-81; 8:45 am]
BILLING CODE 3510-25-M

ENVIRONMENTAL PROTECTION AGENCY

21 CFR Part 193

[FAP OH5271/OH5273/OH5274/R77; PH-FRL-1861-7]

Carbon Dioxide, Nitrogen, and Combustion Product Gas; Tolerances for Pesticides in Food Administered by the Environmental Protection Agency

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule amends 21 CFR Part 193 by establishing food additive regulations concerning the use of carbon dioxide, nitrogen, and combustion product gas. These regulations were requested by the Interregional Research Project No. 4 (IR-4). These regulations establish food additive regulations for the subject chemicals in or on all processed agricultural commodities when used postharvest as an insecticide.

EFFECTIVE DATE: Effective on June 25, 1981.

ADDRESS: Written objections may be submitted to the: Hearing Clerk, Environental Protection Agency, Rm. M-3708 (A-110), 401 M St. SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Donald Stubbs, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 502B, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-7123).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the Federal Register of March 3, 1981 (46 FR 14955) that the Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, has filed food additive petitions OH5271, OH5273, and OH5274 with the EPA on behalf of the IR-4 Technical Committee and the U.S. Department of Agriculture.

These petitions proposed that 21 CFR Part 193 be amended by establishing food additive regulations concerning the use of carbon dioxide, nitrogen, and combustion product gas in or on all processed agricultural commodities when used postharvest as an insecticide. No comments were received by the Agency in response to this notice of filing.

A document establishing exemptions from the requirement of a tolerance for carbon dioxide, nitrogen, and combustion product gas in or on all raw agricultural commodities was published in the Federal Register of November 17, 1980 (45 FR 75663).

The data submitted in the petitions and all other relevant material have been evaluated.

Carbon dioxide and nitrogen are currently recognized as multiple-purpose, generally recognized as safe (GRAS) food substances when used in accordance with good manufacturing practices (21 CFR 182.1240 and 182.1540, respectively). Combustion product gas is recognized to be safe as a secondary direct food additive when used to displace oxygen in the processing, storage, or packaging of beverages and other food, except red meat (21 CFR 173.350). The carbon monoxide content is not to exceed 4.5 percent by volume in this regulation.

The modified atmospheres will contain the same elements which constitute air except they are in different proportions. The usual data requirements (toxicological studies, metabolism studies, analytical methods, and residue data) for food additive petitions are not applicable to carbon dioxide, nitrogen, and combustion product gas and are thus waived.

The chemicals are considered useful for the purpose for which the regulations are sought, and it is concluded that the pesticides can be safely used in the prescribed manner when such use is in accordance with the label and labeling registered pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), amended (96 Stat. 973; 76 U.S.C. 136 et seq.).

Therefore, the regulations amending 21 CFR Part 193 are being established as set forth below.

Any person adversely affected by these regulations may, on or before July 27, 1981, file written objections with the Hearing Clerk, EPA, Rm. M-3708 (A-110), 401 M St. SW., Washington, DC 20460. Such objections should be

submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

As required by Executive Order 12291, EPA has determined that this rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this regulation from the OMB review requirement of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new food or feed additive levels, or conditions for safe use of additives, or raising such food and feed additive levels do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24945).

Effective on: June 25, 1981.

(Sec. 409(c)(1), 72 Stat. 1786, (21 U.S.C. 348(c)(1)))

Dated: June 11, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

Therefore, 21 CFR Part 193 is amended by adding §§ 193.45, 193.65, and 193.323 to read as follows:

§ 193.45 Carbon dioxide.

The food additive carbon dioxide may be safely used after harvest in modified atmospheres for stored product insect control on all processed agricultural commodities.

§ 193.65 Combustion product gas.

The food additive combustion product gas may be safely used after harvest in modified atmospheres for stored product insect control on all processed agricultural commodities (except fresh meat) with the following prescribed conditions:

(a) The combustion product gas is produced by the controlled combustion in air of butane, propane, or natural gas. The combustion equipment shall be provided with an absorption type filter capable of removing possible toxic impurities through which all gas used in the treatment of food shall pass and with suitable controls to insure that any combustion products failing to meet the specifications provided will be prevented from reaching the food being treated.

(b) The insecticide meets the following specifications:

(1) Carbon monoxide content not to exceed 4.5 percent by volume.

(2) It is used or intended for use to displace or remove oxygen in the storage of food, except fresh meat.

§ 193.323 Nitrogen.

The food additive nitrogen may be safely used after harvest in modified atmospheres for stored product insect control on all processed agricultural commodities.

[FR Doc. 81-18752 Filed 6-24-81; 8:45 am]

BILLING CODE 6560-32-M

DEPARTMENT OF JUSTICE

28 CFR Part 16

[AAG/A Order No. 68-81]

Production or Disclosure of Material or Information

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: This is a final rule implementing a proposed rule published by the Drug Enforcement Administration (DEA), Department of Justice, on August 6, 1980. The rule exempts a new Privacy Act system of records entitled "Regional Automated Intelligence Data System (RAIDS)," JUSTICE/DEA-028, from certain Privacy Act provisions. Exemption is required to ensure the confidentiality of information compiled for narcotics intelligence and narcotics law enforcement purposes.

DATE: The rule will be effective June 25, 1981.

ADDRESS: All comments should be addressed to the Administrative Counsel, Justice Management Division, Department of Justice, Room 6239, 10th and Constitution Avenue, N.W., Washington, D.C. 20530.

FOR FURTHER INFORMATION CONTACT: William J. Snider (202-633-3452).

SUPPLEMENTARY INFORMATION: On August 6, 1980 DEA issued proposed regulations exempting the new system of records from the provisions of 5 U.S.C. 522a(c)(3) and (4), (d), (e)(1), (2) and (3), (e)(4)(G) and (H), (e)(5) and (8), (f), (g) and (h) pursuant to 5 U.S.C. 522a(j) and (k). No comments have been received regarding the proposed regulations.

This rule is exempt from Executive Order 12291 because it relates to agency management.

Pursuant to the authority vested in the Attorney General by 5 U.S.C. 522a(j) and (k), and delegated to me by Attorney General Order No. 793-78, the proposed regulations published in the **Federal Register** on August 6, 1980, are adopted without change as set forth below.

Dated: June 17, 1981.

Kevin D. Rooney,

Assistant Attorney General for Administration.

Section 16.98 is amended by adding paragraph (c)(16).

§ 16.98 Exemption of Drug Enforcement Administration Systems.

* * * * *

(c) * * *

(16) Regional Automated Intelligence Data System (RAIDS) (JUSTICE/DEA-028).

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[FR Doc. 81-18735 Filed 6-24-81; 8:45 am]

BILLING CODE 4410-09-M

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Part 2613

Employer Liability for Single Employer Plan Terminations; Rules Pertaining to Withdrawals From and Terminations of Plans to Which More Than One Employer Contributes Other Than Multiemployer Plans

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule; correction.

SUMMARY: On January 28, 1981, the Pension Benefit Guaranty Corporation (PBGC) published in the **Federal Register** at 46 FR 9520, FR Doc. 81-2984, a final rule prescribing the rules for the determination and payment of employer liability under Sections 4062 and 4067 of the Employee Retirement Income Security Act of 1974, as amended by the Multiemployer Pension Plan Amendments Act of 1980. The final regulation contained an erroneous reference as to where within the PBGC plan sponsors of terminating defined benefit pension plans covered under the plan termination insurance program of Title IV should send their employer liability payments. This document corrects the error in the regulation.

EFFECTIVE DATE: June 25, 1981.

FOR FURTHER INFORMATION CONTACT: Ms. Nina R. Hawes, Staff Attorney, Office of the General Counsel, Pension Benefit Guaranty Corporation, Suite 7200, 2020 K Street, NW., Washington, D.C. 20006, 202-254-3010.

SUPPLEMENTARY INFORMATION: In FR Doc. 81-2984, appearing at page 9520,

January 28, 1981, on page 9528, column 3, § 2613.10(b), line 5 should read: "the Division of the Treasurer, Office of".

Robert E. Nagle,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 81-18824 Filed 6-24-81, 8:45 am]
BILLING CODE 7708-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 183

[CGD 81-001]

Standards for Boats and Associated Equipment; Applicability to the "OMC Sea Drive" Power System

AGENCY: Coast Guard, DOT.

ACTION: Interpretive Rule.

SUMMARY: The Coast Guard is issuing an interpretive rule to state how its standards for boats and associated equipment will be applied to Outboard Marine Corporation's recently introduced "OMC Sea Drive" power system and the boats on which it is installed.

EFFECTIVE DATE: This interpretive rule is effective on July 27, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Lars E. Granholm, Office of Boating, Public, and Consumer Affairs (G-BBT/42), U.S. Coast Guard Headquarters, Washington, D.C. 20593, (202) 426-4027.

SUPPLEMENTARY INFORMATION: Outboard Marine Corporation has recently introduced a new marine power system trademarked "OMC Sea Drive." This system consists of an engine and a mounting bracket that is permanently attached to the outside surface of a boat's transom. Outboard Marine Corporation has requested the Coast Guard to determine how the standards for boats and associated equipment in 33 CFR Part 183 will apply to this new system.

The Coast Guard has decided to treat the "OMC Sea Drive" essentially as an outboard motor. With the exception of the provisions specified below, any standard that applies to an outboard motor and an outboard motor boat shall apply to the "OMC Sea Drive" and the boats on which it is installed.

The requirement for displaying maximum horsepower capacity under 33 CFR 183.23 will not apply to boats equipped with the "OMC Sea Drive." The purpose of this requirement is to furnish boat owners with guidance for installing motors that are suitable for their boats. This information would be unnecessary on boats equipped with the "OMC Sea Drive," because these units will already be installed when the boats are purchased. For this reason the horsepower capacity may be omitted. However, horsepower capacity may be displayed at the manufacturer's option, or replaced with the "OMC Sea Drive" model designation. Because the installation will already be made at the time of sale, a boat may only be equipped with an "OMC Sea Drive" unit that is rated at or below its horsepower capacity.

Under 33 CFR 183, assumed weights for outboard motors of specified horsepower ratings are used in calculating persons capacity and in meeting flotation and stability standards. The weight that must be used is taken from a table in the regulations. Since the "OMC Sea Drive" engines will be installed with heavy mounting components, the weights listed in this table would not be representative. Therefore, the actual weight of these engines and related mounting hardware must be used in calculating persons capacity under 33 CFR 183.41. Actual weight must also be used in preconditioning boats for flotation, stability, and level flotation tests under 33 CFR 183.220.

Under 33 CFR 183.25, an entry for "XXX Pounds, persons, motor, gear" must be included in the display of capacity information for outboard boats. The word "motor" may be deleted from this entry on boats equipped with "OMC Sea Drive", provided the weight displayed is reduced by the actual weight of the "OMC Sea Drive", its related mounting hardware, and controls, and by the assumed weight of the battery taken from a table in the regulations. The actual weight of the "OMC Sea Drive" motor must include the weights of any components which are peculiar to this powering system. This will allow the operator to disregard the weight of the motor, controls and battery, in determining the maximum load the boat is capable of carrying.

Should similar units be introduced by Outboard Marine Corporation or other manufacturers, they will be evaluated by the Coast Guard in the same manner as the "OMC Sea Drive".

As this is an interpretive rule, it is exempted from the notice and comment requirements of 5 U.S.C. 553, and may be made effective in less than 30 days. This action merely defines how a new article of marine equipment will be treated under existing regulations. It establishes no requirements that would have an economic impact upon government entities, manufacturers, or the consuming public. Preparation of a final evaluation has therefore been found unnecessary under the Department of Transportation's Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5). This action has also been determined not to be a major rule under Executive Order 12291. Because no notice of proposed rulemaking is required under 5 U.S.C. 553, this action is exempt from the Regulatory Flexibility Act (94 Stat. 1164). However, the requirements of the Act were taken in consideration, and, for the reasons discussed above, this action will not have a significant effect on small entities.

DRAFTING INFORMATION: The principal persons involved in drafting this interpretive rule are Mr. Lars E. Granholm, Project Manager, Office of Boating, Public, and Consumer Affairs, and Mr. Coleman Sachs, Project Attorney, Office of the Chief Counsel.

In consideration of the foregoing, Part 183 of Title 33, Code of Federal Regulations is amended by adding a new Subpart N, as set forth below.

Subpart N—Special Provisions

Sec.

183.901 Applicability to "OMC Sea Drive" installations.

Authority: 46 U.S.C. 1454, 1458 and 1488; 49 CFR 1.46(n)(1).

§ 183.901 Applicability to "OMC Sea Drive" installations.

(a) All provisions in this Part that apply to outboard motors shall apply to the Outboard Marine Corporation's "OMC Sea Drive" power system, and all provisions in this Part that apply to outboard motor boats shall apply to any boat on which the "OMC Sea Drive" is installed, except:

(1) The requirement for display of maximum horsepower capacity under § 183.23. However, the manufacturer may display it or substitute "OMC Sea Drive, Model XXX" for the marking "XXX Horsepower, motor" prescribed in § 183.25(b)(1).

(2) The marking of "XXX Pounds, persons, motor, gear" prescribed in §183.25(b)(1) may be replaced by "XXX Pounds, persons, gear", provided that the weight displayed is reduced by the actual weight of the "OMC Sea-Drive" and its related mounting hardware and controls and by the appropriate battery weight listed in columns 3 of Table 4 in this Part.

(3) The requirement for using motor and control weights listed in any table

in this Part for calculating persons capacity under § 183.41, or for performing preconditioning for the test under § 183.220. The actual weight of the "OMC Sea Drive" and its related mounting hardware shall be used instead.

(b) No boat shall be equipped with an "OMC Sea-Drive" that exceeds its horsepower capacity, as determined under § 183.53.

(46 U.S.C. 1454, 1458 and 1488; 49 CFR 1.46(n)(1))

Dated: May 13, 1981.

H. W. Parker,

Rear Admiral, U.S. Coast Guard.

[FR Doc. 81-18796 Filed 6-24-81; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 86

[EN-FRL-1844-6]

Revised Motor Vehicle Exhaust Emission Standards for Carbon Monoxide (CO) for 1981 and 1982 Model Year Light-Duty Vehicles

Correction

In FR Doc. 81-17805, published at page 31411, on Tuesday, June 16, 1981, make the following corrections:

(1) On page 31412, in the third column, in the table under § 86.082-8, in the fourth line under "Engine Family" "316" should be corrected to read "326".

(2) In the same table the last two lines should read as two entries: "Toyota Motor Co., Ltd." beside "88.6 CID." and on a separate line "Volkswagen of America" beside "1.7 liter/FBC."

BILLING CODE 1505-01-M

40 CFR Part 761

[OPTS-62012; TS-FRL-1832-4]

Polychlorinated Biphenyls (PCB's); Court Order Regarding PCB's in Concentrations Below Fifty Parts Per Million

Correction

In FR Doc. 81-15043 appearing at page 27615 in the issue of Wednesday, May 20, 1981, on page 27616, the line reading: "Dated: May 14, 1981." should appear just above the signature reading, "Edward H. Clark II".

BILLING CODE 1505-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73
Radio Broadcast Services

[Docket No. 21473; FCC 81-45]

Conversion of Radiation Patterns for AM Broadcast Stations; Correction

AGENCY: Federal Communications Commission.

ACTION: Final Rule; Correction.

SUMMARY: This document corrects an error made concerning the effective date of the Final Rule in this proceeding regarding the rules governing the Conversion of Radiation Patterns for AM Broadcast Stations (46 FR 11983; published on February 12, 1981).

FOR FURTHER INFORMATION CONTACT: John Boursy, Broadcast Bureau, 632-6485.

On January 29, 1981, the Commission adopted a Final Rule (Report and Order, FCC Number 81-45) which appeared in the **Federal Register** on February 12, 1981 on page 46 FR 11983 concerning the above-mentioned Docket proceeding. Inadvertently, the effective date of the Report and Order was misquoted as being March 16, 1981. The correct date should read March 17, 1981.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 81-18739 Filed 6-24-81; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 371

Fraser River Sockeye and Pink Salmon Fishery

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of final rule.

SUMMARY: NOAA reprints the International Pacific Salmon Fisheries Commission's 1981 regulations to implement the Convention for Protection, Preservation, and Extension of the Sockeye Salmon and Pink Salmon Fisheries of the Fraser River System between the United States and Canada (Convention). The regulations discharge a foreign affairs obligation of the United States and are necessary to achieve the objectives of the Convention in 1981. The intended effect of the regulations is to ensure adequate escapement of each spawning unit and an equitable division of catch between U.S. and Canadian fishermen. These rules do not apply to Treaty Indians exercising treaty-secured fishing rights at the tribes' usual and accustomed fishing places.

EFFECTIVE DATE: 12:01 a.m. on June 21, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. H. A. Larkins, Regional Director, 1700 Westlake Avenue North, Seattle, Washington 98109, Telephone: (206) 442-7575.

SUPPLEMENTARY INFORMATION: On February 28, 1981, the International Pacific Salmon Fisheries Commission (the Commission) forwarded proposed regulations for the 1981 commercial fishing season for sockeye and pink salmon in Convention Waters to the Government of the United States for approval, as required by Article VI of the Convention for Protection, Preservation, and Extension of the Sockeye Salmon and Pink Salmon Fisheries of the Fraser River System (the Convention) between the United States and Canada. The United States has provisionally approved those regulations, with the exception that the regulations would not apply to Treaty Indians exercising treaty-secured fishing rights at the tribes' usual and accustomed fishing places. These fisheries are regulated by 25 CFR Part 256, published by the Department of Interior.

At the May 15, 1981, meeting of the IPSFC, the Commission approved revision of the regulations that were approved on February 6. The Commission also added a sockeye and pink salmon troll fishing regulation in United States Convention waters westerly of the Tatoosh Island—Bonilla Point (Vancouver Island) line. This notice of final rulemaking incorporates these changes and, thus, is the most recent information.

Regulations for 1981 are similar to regulations adopted by the Commission in previous years to implement the Convention. The regulations for 1980 were published at 45 CFR 43768. The 1981 regulations include pink salmon which returns every other year and which were not included in 1980 and amend the 1980 schedules of fishing by gillnets, purse seines and reef nets to 1981 calendar dates

The pre-season fishing schedule in 1980 established by the Commission, and approved by the U.S. Government, provided for a 7-week season with one day of fishing per week. In-season emergency changes in fishing schedules

by the Commission, in response to developing information on the abundances and migration routes and timing of the spawning races of Fraser River sockeye salmon, resulted in one day of fishing the first and third weeks, no fishing the second week, two days in the fourth week, and four days in the fifth week, after which fishing in U.S. waters was closed.

The 1981 pre-season regulations for sockeye salmon and pink salmon fishing provide for an 11-week season with one day of fishing per week for the all-citizen, or non-Indian, fishery. This pre-season schedule will undoubtedly be adjusted during the season by the Commission to meet the paramount objectives of the Convention with Canada: (1) conservation, i.e., adequate escapement through the fisheries of certain portions of the various races of salmon for spawning purposes, and (2) equal division of Convention Waters catches between fishermen of the two nations. Such changes in the fishing schedule often occur as the season progresses because fish abundance (run size), catches, racial compositions and migration routes are monitored and analyzed daily.

These regulations for the all-citizen fisheries will be effective in High Seas Convention Waters and in Convention Waters inside the Bonilla Point-Tatoosh Island line. These regulations are necessary to achieve the objectives of the Convention and provide for a rational fishery by U.S. fishermen.

Part 371 gives notice of the effectiveness and content of regulations adopted by an international commission and in force for the United States through the operation of the Convention. Reprinting the Commission's regulations here helps fulfill the United States treaty obligation to make the Commission's regulations effective and as such involves a foreign affairs function not subject to the requirements of E.O. 12291 or the Regulatory Flexibility Act.

Dated: June 19, 1981.

William H. Stevenson,

Deputy Assistant Administrator, National Marine Fisheries Service.

50 CFR Part 371 is amended as follows:

1. The authority citation for Part 371 reads as follows:

Authority: Sockeye Salmon or Pink Salmon Fishing Act of 1947, 16 U.S.C. 776–776f.

§ 371.6 [Amended]

2. Section 371.6 is amended by removing the telephone number "1–800–562–2670" and inserting in its place, the number "1–800–562–6513".

3. Section 371.9 and Appendix A are revised to read as follows:

§ 371.9 Commission regulations.

Appendix A sets forth regulations of the Commission for the 1981 fishing season. These regulations as may be modified from time to time by emergency orders of the Commission and disseminated pursuant to § 371.6 of this Part 371, are the "Regulations of the Commission," violation of which is unlawful under the Act.

Appendix A.—International Pacific Salmon Fisheries Commission Regulations

1. No person shall fish for sockeye or pink salmon with nets from the 21st day of June, 1981, to the 4th day of July, 1981, both dates inclusive.

2. (1) No person shall fish for sockeye or pink salmon with purse seines in Puget Sound Salmon Management and Catch Reporting Areas 4B, 5 and 6C:

(a) From the 5th day of July, 1981, to the 15th day of August, 1981, both dates inclusive, except from five o'clock in the forenoon to half past nine o'clock in the afternoon of Monday of each week; and

(b) From the 16th day of August, 1981 to the 12th day of September, 1981, both dates inclusive, except from five o'clock in the forenoon to nine o'clock in the afternoon of Monday of each week.

(2) No person shall fish for sockeye or pink salmon with gill nets in the waters described in subsection (1) of this section:

(a) From the 26th day of July, 1981 to the 1st day of August, 1981; and from the 9th day of August, 1981 to the 15th day of August, 1981, all dates inclusive, except from seven o'clock in the afternoon of Monday to half past nine o'clock in the forenoon of Tuesday of each week; and

(b) From the 5th day of July, 1981 to the 11th day of July, 1981; and from the 19th day of July, 1981 to the 25th day of July, 1981, all dates inclusive, except from seven o'clock in the afternoon of Sunday to half past nine o'clock in the forenoon of Monday of each week; and

(c) From the 16th day of August, 1981, to the 22nd day of August, 1981, and from the 30th day of August, 1981 to the 5th day of September, 1981, all dates inclusive, except from six o'clock in the afternoon of Sunday to nine o'clock in the forenoon of Monday of each week; and

(d) From the 23rd day of August, 1981, to the 29th day of August, 1981, and from the 6th day of September, 1981 to the 12th day of September, 1981, all dates inclusive, except from six o'clock in the afternoon of Monday to nine o'clock in the forenoon of Tuesday of each week.

(3) No person shall fish for sockeye or pink salmon with commercial trolling gear in the waters described in subsection (1) of this section from the 5th day of July, 1981, to the 12th day of September, 1981, both dates inclusive, except from Monday through Friday of each week on those days when purse seine fishing is permitted within that area.

3. (1) No person shall fish for sockeye or pink salmon with purse seines in Puget Sound Salmon Management and Catch Reporting Areas 6, 6A, 7, 7A and 7D:

(a) From the 5th day of July, 1981 to the 15th day of August, 1981, all dates inclusive, except from five o'clock in the forenoon to half past nine o'clock in the afternoon of Monday of each week; and

(b) From the 16th day of August, 1981 to the 19th day of September, 1981, both dates inclusive, except from five o'clock in the forenoon to nine o'clock in the afternoon of Monday of each week.

(2) No person shall fish for sockeye or pink salmon with reef nets in the waters described in subsection (1) of this section:

(a) From the 12th day of July, 1981, to the 18th day of July, 1981; from the 26th day of July, 1981, to the 1st day of August, 1981; and from the 9th day of August, 1981 to the 15th day of August, 1981, all dates inclusive, except from six o'clock in the forenoon to nine o'clock in the afternoon of Sunday of each week; and

(b) From the 5th day of July, 1981 to the 11th day of July, 1981; from the 19th day of July, 1981 to the 25th day of July, 1981, and from the 2nd day of August, 1981 to the 8th day of August, 1981, all dates inclusive, except from nine o'clock in the forenoon to half past nine o'clock in the afternoon of Sunday of each week; and

(c) From the 23rd day of August, 1981 to the 29th day of August, 1981, and from the 6th day of September, 1981 to the 12th day of September, 1981, all dates inclusive, except from half past five o'clock in the forenoon to nine o'clock in the afternoon of Sunday of each week.

(3) No person shall fish for sockeye or pink salmon with gill nets in the waters described in subsection (1) of this section:

(a) From the 12th day of July to the 18th day of July, 1981; from the 26th day of July, 1981, to the 1st day of August, 1981; and from the 9th day of August, 1981 to the 15th day of August, 1981, all dates inclusive, except from seven o'clock in the afternoon of Monday to half past nine o'clock in the forenoon of Tuesday of each week; and

(b) From the 5th day of July, 1981 to the 11th day of July 1981; from the 19th day of July, 1981, to the 25th day of July, 1981, and from the 2nd day of August, 1981, to the 8th day of August, 1981, all dates inclusive, except from seven o'clock in the afternoon of Sunday to half past nine o'clock in the forenoon of Monday of each week; and

(c) From the 16th day of August, 1981, to the 22nd day of August, 1981; from the 30th day of August, 1981 to the 5th day of September, 1981, and from the 13th day of September, 1981, to the 19th day of September 1981, all dates inclusive, except from six o'clock in the afternoon of Sunday to nine o'clock in the forenoon of Monday of each week; and

(d) From the 23rd day of August, 1981, to the 29th day of August, 1981, and from the 6th day of September, 1981 to the 12th day of September, 1981, all dates inclusive, except from six o'clock in the afternoon of Monday to nine o'clock in the forenoon of Tuesday of each week.

4. (1) No person shall fish for sockeye or pink salmon with nets in that portion of the waters described in subsection (1) of section 3 lying northerly and westerly of a straight

line drawn from Iwersen's Dock on Point Roberts in the State of Washington to Georgina Point Light at the entrance to Active Pass in the Province of British Columbia from the 30th day of August, 1981, to the 5th day of September, 1981, and from the 20th day of September, 1981, to the 3rd day of October, 1981, all dates inclusive.

(2) No person shall fish for sockeye or pink salmon with nets in that portion of waters described in subsection (1) of section 3 lying westerly of a straight line drawn from the low water range marker in Boundary Bay on the International Boundary through the east tip of Point Roberts in the State of Washington to the East Point Light on Saturna Island in the Province of British Columbia from the 6th day of September, 1981, to the 19th day of September, 1981, both dates inclusive.

5. The foregoing recommended regulations shall not apply to the following waters:

(1) Puget Sound Salmon Management and Catch Reporting Areas as follows:

(a) Commencing July 5, 1981, Area 7B.

(b) Areas 6B and 7C.

(2) Preserves previously established by the Director of Fisheries of the State of Washington for the protection of other species of food fish.

6. No person shall fish for sockeye or pink salmon by commercial trolling gear in that portion of Convention Waters westerly of a straight line drawn from Tatoosh Island Lighthouse in the State of Washington to Bonilla Point in the Province of British Columbia comprising the Territorial waters of the United States and those High Seas waters contained in the United States Fishery Conservation Zone from the first day of June 1981 to the 14th day of July 1981, both dates inclusive.

7. All times hereinbefore mentioned shall be Pacific Daylight Saving Time.

[FR Doc. 81-18838 Filed 6-24-81; 8:45 am]
BILLING CODE 3510-22-M

V 46 E 25 81 UMI

Proposed Rules

Federal Register
Vol. 46, No. 122
Thursday, June 25, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 921

Handling of Fresh Peaches Grown in Designated Counties in Washington; Proposed Grade and Size Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This notice invites written comments on a proposed regulation which would establish minimum grade and size requirements on shipments of fresh Washington peaches on and after August 1, 1981.

These requirements are designed to provide for orderly marketing in the interest of producers and consumers.

DATES: Comments must be received not later than July 10, 1981. Proposed effective date: August 1, 1981.

ADDRESS: Send two copies of comments to the Hearing Clerk, Room 1077, South Building, U.S. Department of Agriculture, Washington, D.C. 20250. All written submissions will be made available for public inspection during regular business hours (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

SUPPLEMENTARY INFORMATION: This proposed rule has been reviewed under USDA procedures and Executive Order 12291 and has been classified "not significant" and not a major rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would not measurably affect costs for the directly regulated handlers.

The proposed regulation would be issued under the marketing agreement and Order No. 921 (7 CFR Part 921) regulating the handling of fresh peaches grown in designated counties in Washington, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposed regulation was recommended by the Washington Fresh Peach Marketing Committee.

Under the terms of the proposed regulation the grade and size requirements would be effective on and after August 1, 1981. Although the regulation would be effective for an indefinite period the committee would continue to meet prior to each season and consider recommendation for continuation, modification, suspension or termination of the regulation. Prior to making any such recommendations the committee would submit to the Secretary a marketing policy for the season including an analysis of supply and demand factors having a bearing on the marketing of the crop. Committee meetings are open to the public and interested persons may express their views at these meetings. The Department will annually evaluate committee recommendations and information submitted by the committee and other available information and determine whether continuation, modification, suspension, or termination of regulation of shipments of peaches would tend to effectuate the declared policy of the act.

The recommendations of the committee reflect its appraisal of the crop and current and prospective market conditions. The committee expects fresh shipments of Washington peaches in 1981 to total 6,000 tons, compared with 9,436 tons last season. The proposed regulation is designed to prevent the handling of peaches of a lower quality or smaller size than specified and to provide for the shipment of good quality fruit in the interest of producers and consumers.

Information collection requirements (reporting or record keeping) under this part are subject to clearance by the Office of Management and Budget and are in the process of review. These information requirements shall not become effective until such time as clearance by the OMB has been obtained.

Such proposal reads as follows:

§ 921.318 Peach Regulation 18.

(a) On and after August 1, 1981, no handler shall handle any lot of peaches unless such peaches meet the following applicable requirements, or are handled in accordance with subparagraph (5) of this paragraph.

(1) *Minimum grade.* Such peaches shall grade at least Washington Extra Fancy Grade: *Provided,* That peaches which grade Washington Fancy Grade or better may be handled if they are packed in the western lug box or the standard peach box.

(2) *Minimum size.* (i) Such peaches of any variety, except peaches of the Elberta varieties, when packed in any container except the standard peach box, shall measure not less than 2⅝ inches in diameter;

(ii) Such peaches of any variety when packed in the standard peach box shall measure not less than 2¼ inches in diameter; and

(iii) Such peaches of the Elberta varieties when packed in any container shall measure not less than 2¼ inches in diameter.

(3) *Uniform firmness.* Such peaches in individual containers shall have a reasonably uniform degree of firmness.

(4) *Pack.* (i) Such peaches in loose or jumble packs shall be in containers of a capacity equal to or greater than that of a western lug box and shall contain not less than 26 pounds net weight of peaches: *Provided,* That such containers of peaches having less than 26 pounds net weight may be handled if such containers are well filled; and

(ii) Such peaches other than peaches in loose or jumble packs in any containers shall meet the standard pack requirements as set forth in the Washington Standards for Peaches (Order No. 1212), or the U.S. Standards for Peaches (7 CFR 2851.1210 et seq.).

(5) Notwithstanding any other provisions of this section, any individual shipment of peaches sold by the producer or at an established packinghouse which meets each of the following requirements may be handled without regard to the provisions of this paragraph, of § 921.41 (Assessments), and of § 921.55 (Inspection and Certification) if:

(i) The shipment consists of peaches sold for home use and not for resale; and

(ii) The shipment does not, in the aggregate, exceed 500 pounds, net weight, of peaches.

(b) The terms "Washington Extra Fancy Grade", and "Washington Fancy Grade", shall have the same meaning as when used in the Washington Standards for Peaches (effective October 18, 1971), issued by the State of Washington Department of Agriculture; the term "loose or jumble pack" shall mean that the peaches are not placed in the container in rows, cups, compartments, or otherwise are not placed in the containers in symmetrical order; the term "standard peach box" shall mean a container with inside dimensions of 4¼ to 6 by 11½ by 16 inches; the term "western lug box" shall mean any container with inside dimensions of 7 by 11½ by 18 inches; the term "well filled" shall mean the level of fruit is filled at least to the top edge of the container; the term "diameter" shall mean the greatest distance measured through the center of the peach at right angles to a line running from the stem to the blossom end; and all other terms shall have the same meaning as when used in the marketing agreement and order.

Dated: June 22, 1981.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 81-18809 Filed 6-24-81; 8:45 am]

BILLING CODE 3410-02-M

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7 CFR Part 989

Raisins Produced From Grapes Grown in California; Proposed Change in Subpart—Supplementary Regulations; Weight Dockage System

AGENCY: Agricultural Marketing Services, USDA.

ACTION: Proposed rule.

SUMMARY: This notice of proposed rulemaking invites written comments on changing the weight dockage system for immature raisins to make the system more precise. The weight dockage system is authorized by the Federal marketing order which regulates the handling of California raisins.

DATE: Written comments on this proposal must be received by July 10, 1981. Proposed effective date: August 1, 1981.

ADDRESS: Written comments should be submitted in duplicate to the Hearing Clerk, Room 1077, South Building, U.S. Department of Agriculture, Washington, D.C. 20250. All written submissions will be available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT: J. S. Miller, Chief, Specialty Crops Branch, Fruit and Vegetable Division, AMS, USDA, Washington, D.C. 20250, (202) 447-5697.

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures and Executive order 12291 and has been classified "not significant", and therefore, it is not a major rule.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would result in only minimal costs being incurred by the regulated 19 handlers.

Forms required for operation under this part are subject to clearance by the Office of Management and Budget and are in the process of review. The forms shall not become effective until such time as OMB clearance has been obtained.

J. S. Miller has determined that a comment period of less than 60 days is warranted. The final regulation should be effective August 1, 1981, which is the beginning of the 1981-82 crop year to minimize any changes of inequities among producers and handlers due to different requirements for different parts of the same crop year.

The proposal under consideration pertains to a change in 989.210(g) of Subpart—Supplementary Regulations (7 CFR 989.210-989.233; 45 FR 75164). This subpart is issued under the marketing agreement and Order No. 989, both as amended (7 CFR 989), regulating the handling of raisins produced from grapes grown in California. The marketing agreement and order are referred to collectively as the "order". The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The weight dockage system permits handlers to acquire as standard raisins any lot of Natural (sun-dried) Seedless, Golden Seedless, and Dipped and Related Seedless raisins even though the lots have been determined to be off-grade because they contain more than 8 percent, by weight, of substandard (immature) raisins. Immature raisins are removed during normal processing. The creditable weight of such lots is computed by multiplying the net weight of the lot by a factor from the dockage table in § 989.210(g). the factor reduces the weight of the lot by an amount approximating the weight of the substandard (immature) raisins needed to be removed from the lot in order for the balance to meet grade requirements.

The proposal would change the substandard percentage increments from .5 to .1 percent and the dockage factor increments from .005 to .001 percent. These increments would reflect more accurately the creditable weight of the lots acquired under the weight dockage system and should result in a more accurate determination of handler reserve and assessment obligations, and of the payments due handlers for services performed on reserve tonnage raisins.

It should result also in more equitable returns to producers. Currently, a producer delivering an 1-ton lot of raisins under the dockage system determined to have 8.1 percent substandard (immature) raisins would obtain the same creditable weight of 99.5 tons as a producer delivering an 100-ton lot with 8.5 percent substandard (immature) raisins. Under the proposal, the first producer would get credit for 99.9 tons, while the second producer's creditable weight would be 99.5 tons. Thus, the first producer would be rewarded for delivering better quality raisins and receive a little higher return.

Therefore, the proposal is to amend Subpart—Supplementary Regulations (7 CFR 989.210-989.233; 45 FR 75164) by revising paragraph (g) of § 989.210 to read as follows:

§ 989.210 Handling of natural (sun-dried) seedless, golden seedless, and dipped and related seedless raisins acquired pursuant to a weight dockage system.

* * * * *

(g) Dockage Table.

Percent substandard	Dockage factor
8.0 or less	(1)
8.1	0.999
8.2	.998
8.3	.997
8.4	.996
8.5	.995
8.6	.994
8.7	.993
8.8	.992
8.9	.991
9.0	.990
9.1	.989
9.2	.988
9.3	.987
9.4	.986
9.5	.985
9.6	.984
9.7	.983
9.8	.982
9.9	.981
10.0	.980

(1) No dockage.

Note.—Percentages in excess of 10 percent shall be expresed in the same increments as the foregoing, and the dockage factor for each such increment shall be .001 less than the dockage factor for the preceding increment.

Dated: June 19, 1981.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 81-18754 Filed 6-24-81; 8:45 am]
BILLING CODE 3410-02-M

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7 CFR Part 1135

[Docket No. AO-380-A1]

Milk in the Southwestern Idaho-Eastern Oregon Marketing Area; Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Public hearing on proposed rules.

SUMMARY: The hearing is being held to consider changes in the order that have been proposed by two dairy farmer cooperative associations. The proposals would revise the performance standards under which distributing plants qualify for pooling, and also would permit more milk not needed for fluid (bottling) use to move directly from farms to manufacturing plants and still be priced under the order. The cooperative associations contend that the requested order changes are needed to reflect changed marketing conditions and to insure orderly marketing in the area.

DATE: July 15, 1981.

ADDRESS: Holiday Inn, 3300 Vista Avenue, Boise, Idaho 83705.

FOR FURTHER INFORMATION CONTACT: Maurice M. Martin, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447-7183.

SUPPLEMENTARY INFORMATION: Notice is hereby given of a public hearing to be held at the Holiday Inn, 3300 Vista Avenue, Boise, Idaho 83705 beginning at 9:30 a.m. (local time) on July 15, 1981 with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Southwestern Idaho-Eastern Oregon marketing area.

The hearing is called pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

The purpose of the hearing is to receive evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

Evidence also will be taken to determine whether emergency marketing conditions exist that would warrant omission of a recommended decision under the rules of practice and procedure (7 CFR 900.12(d)) with respect to proposals No. 1 and 2. Evidence also will be taken to determine whether any such emergency conditions would warrant a temporary suspension of certain order provisions pending the completion of the rulemaking proceeding.

Beginning January 1, 1981, actions under the Federal milk order program became subject to the "Regulatory Flexibility Act" (Pub. L. 96-354). This act seeks to ensure that, within the statutory authority of a program, the regulatory and information requirements are tailored to the size and nature of small businesses. For the purpose of the Federal order program, a small business will be considered as one which is independently owned and operated and which is not dominant in its field of operation. Most parties subject to a milk order are considered as a small business. Accordingly, interested parties are invited to present evidence on the probable regulatory and informational impact of the hearing proposals on small businesses. Also, parties may suggest modifications of these proposals for the purpose of tailoring their applicability to small businesses.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Mountain Empire Dairymen's Association Inc. and Dairymen's Creamery Association, Inc.

Proposal No. 1

Revise § 1135.7(a)(2) to read as follows:

§ 1135.7 Pool plant.

* * * * * *

(a) * * *

(2) Total route disposition (except filled milk) during the month equal to not less than 30 percent of such receipts *provided* that all distributing plants operated by a handler may be considered as one plant for the purpose of meeting the percentage requirements of this subparagraph if the handler submits a written request to the market administrator prior to the delivery period for which such consideration is requested.

Proposal No. 2

Revise § 1135.13(f)(3) to read as follows:

§ 1135.13 Producer milk.

* * * * * *

(f) * * *

(3) The total quantity of milk diverted by a cooperative association during the month may not exceed 70 percent in the months of September through February, and 80 percent in other months, of the producer milk that the cooperative association causes to be delivered to or diverted from pool plants during the month. Two or more cooperative associations may have their allowable diversions computed on the basis of the combined deliveries of the producer milk which the associations cause to be delivered to pool plants or diverted from pool plants during the month if each association has filed a request in writing with the market administrator on or before the first day of the month the agreement is to be effective. This request shall specify the basis for assigning over-diverted milk to the producer deliveries of each cooperative according to a method approved by the market administrator;

Proposed by the Dairy Division, Agricultural Marketing Service

Proposal No. 3

Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the market administrator, James A. Burger, 16 West Harrison Street, Seattle, Washington 98119 or from the Hearing Clerk, Room 1077 South Building, United States Department of Agriculture, Washington, D.C. 20250 or may be there inspected.

From the time a hearing notice is issued and until the issuance of a final decision in a proceeding, Department employees involved in the decisional process are prohibited from discussing the merits of the hearing issues on an ex parte basis with any person having an interest in the proceeding. For this particular proceeding the prohibition applies to employees in the following organizational units:

Office of the Secretary of Agriculture.
Office of the Administrator, Agricultural Marketing Service.
Office of General Counsel.
Dairy Division, Agricultural Marketing Service (Washington Office only).

Office of the Market Administrator, Southwestern Idaho-Eastern Oregon marketing area.

Procedural matters are not subject to the above prohibition and may be discussed at any time.

Signed at Washington, D.C., on: June 22, 1981.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 81-18811 Filed 6-24-81; 8:45 am]
BILLING CODE 3410-02-M

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7 CFR Part 1135

Milk in the Southwestern Idaho-Eastern Oregon Marketing Area; Proposed Suspension of Certain Provisions

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed suspension of rules.

SUMMARY: This notice invites written comments on a proposed suspension of a portion of the pooling standards for distributing plants and the limit on how much milk not needed for fluid (bottling) use may be moved directly from farms to manufacturing plants and still be priced under the order. Based on available information concerning the market's current supply conditions, it appears that it may be necessary to suspend the provisions in question to accommodate the efficient and orderly disposition of reserve milk supplies that are available to the market. The proposed suspension would apply to July and August 1981.

DATE: Comments are due not later than June 30, 1981.

ADDRESS: Comments (two copies) should be filed with the Hearing Clerk, Room 1077, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Maurice M. Martin, Marketing Specialist, Dairy Division, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447-7183.

SUPPLEMENTARY INFORMATION: This proposed action has been reviewed under USDA procedures established to implement Executive Order 12291 and has been classified "not significant" and, therefore, not a major action.

It also has been determined that any need for suspending certain provisions of the order on an emergency basis precludes following certain review procedures set forth in Executive Order 12291. Such procedures would require that this document be submitted for review to the Office of Management and Budget at least 10 days prior to its publication in the **Federal Register**. However, this would not permit the completion of the required procedures and the inclusion of July 1981 in the suspension period if this is found necessary.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this proposed action would not have a significant economic impact on a substantial number of small entities. Such action would lessen the regulatory impact of the order on certain milk handlers and would tend to ensure that Grade A dairy farmers in the area would have their milk priced under the order and thereby receive the benefits that accrue from such pricing.

Notice is hereby given that, pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension of the following provisions of the order regulating the handling of milk in the Southwestern Idaho-Eastern Oregon marketing area is being considered for the months of July and August 1981:

1. In § 1135.7, paragraph (a)(2) in its entirety.

2. In § 1135.13 (f)(3), (4) and (5), the words "and 70 percent in other months".

All persons who want to send written data, views, or arguments about the proposed suspension should send two copies of their views to the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, not later than July 2, 1981. The period for filing comments is limited because a longer period would not provide the time needed to complete the required procedures and include July 1981 in the suspension period.

The comments that are sent will be made available for public inspection in the Hearing Clerk's office during normal business hours (CFR 1.27(b)).

Statement of Consideration

The proposed action would make inoperative for July and August 1981 (1) the provision that at least 40 percent of the receipts of milk at a pool distributing plant be disposed of as fluid milk products on routes and (2) the provisions limiting the amount of producer milk that a cooperative association or other handlers may divert from pool plants to nonpool plants. The order now provides that a cooperative association may divert up to 60 percent of its total member milk received at all pool plants or diverted therefrom during the months of September through February and 70 percent in other months. Similarly, the operator of a pool plant or a proprietary bulk tank handler may divert during the months of September through February up to 60 percent of their producer receipts that are not under the control of a cooperative association, and 70 percent in other months.

These provisions, which would apply for the first time when the new order becomes effective on July 1, were adopted for the purpose of facilitating the pooling of producer milk supplies that are available to meet the fluid needs of the market. The provisions were based on evidence developed at a public hearing that was completed in February 1980. It now appears that current marketing conditions are substantially different from those existing at the time the provisions in question were proposed.

Consequently, Mountain Empire Dairymen's Association, Inc., and Dairymen's Creamery Association, Inc., who represent a substantial number of producers associated with the market, requested that an emergency hearing be held to consider certain proposals to relax these pooling provisions. The basis of their request was that the present pooling provisions will prevent them from pooling under the order the milk of some of their members who are associated with the market. This is because of the present buildup in the milk supplies due to a substantial increase in milk production in the region. Therefore, a notice of hearing is being issued to consider the cooperatives' request on an emergency basis at a public hearing.

In view of the intensity of the pooling problem prompting the cooperatives' proposals, it appears that immediate action is necessary to assure that producers associated with the market will have their milk pooled and priced under the order. However, there is insufficient time to resolve the pooling problem for July and August 1981 on an emergency amendatory basis. Accordingly, a suspension order is being considered since it is the only practicable means of assuring producer status of certain dairy farmers associated with the market for July and August 1981.

Signed at Washington, D.C., on June 22, 1981.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 81-18810 Filed 6-24-81; 8:45 am]
BILLING CODE 3410-02-M

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 701

Deregulation of Lending Policies, Amortization and Payment of Loans, and Lines of Credit; Fixed Rate Mortgage Loans; Adjustable Rate Mortgage Loans; Correction

AGENCY: National Credit Union Administration.

ACTION: Proposed rules; correction.

SUMMARY: This document corrects statements made in the preambles of these recently proposed rules. Both preambles state that if Truth in Lending disclosures are made on a variable rate loan at the time of application then new disclosures are required at the time of consummation if the APR varies by more than ¼ of one percent. The references in both preambles should be to ⅛ of one percent, rather than to ¼ of one percent.

FOR FURTHER INFORMATION CONTACT: John L. Culhane, Jr., Senior Attorney, (701.21–6, 701.21–6B), or Barbara A. Burrows, Attorney Advisor (701.21–1, 701.21–2, 701.21–3), Office of General Counsel, National Credit Union Administration, 1776 G Street NW., Washington, D.C. 20456. Telephone: (202) 357–1030 (Mr. Culhane and Ms. Burrows).

SUPPLEMENTARY INFORMATION: In both its proposed regulation on loan amortization, 46 FR 31651 (1981), and in its proposed regulation on adjustable rate mortgages, 46 FR 31654 (1981), NCUA requests comments on which of two alternative disclosures for variable rate loans should be adopted in final regulations. Under the first alternative, disclosures would be made in accordance with the Truth in Lending Act and Regulation Z. Under the second alternative, a Federal credit union would be required to make the disclosures mandated by the Truth in Lending Act and Regulation Z either at the time of or within three days of application (in the case of mortgage loans) or at the time of application (in the case of all other loans). In addition, the credit union would be required to disclose at the same time the index to be used, how often an increase might take place, and how the increase would be calculated.

In discussing the second alternative, both preambles state that this alternative would not place any additional burdens on a Federal credit union making adjustable rate loans, since the credit union would not have to redisclose terms under Regulation Z if, at the time of consummation, the APR had not increased by more than ¼ of one percent. Both preambles go on to state that if the APR did increase by more than ¼ of one percent, only those terms that had changed would have to be redisclosed.

Under the Truth in Lending Act and Regulation Z, redisclosure is required in an "irregular" transaction if the APR varies by more than ¼ of one percent; redisclosure is required in a "regular" transaction if the APR varies by more than ⅛ of one percent. In its proposed official staff commentary, the Federal Reserve Board has clarified that a loan with a variable rate feature is considered to be a regular transaction, rather than an irregular transaction, as long as the initial disclosures are based on a regular amortization schedule over the life of the loan. This is so even though payments may later change because of the variable rate feature. 46 FR 28600 (1981). The references in the respective preambles should therefore be to ⅛ of one percent, rather than to ¼ of one percent.

Accordingly, the following corrections are made in FR Doc. 81–18027 beginning on page 31651 of the June 17, 1981 issue and in FR Doc. 81–18032 beginning on page 31654 of the June 17, 1981 issue.

Beatrix D. Fields,

Acting Secretary, NCUA Board.

June 22, 1981.

1. In FR Doc. 81–18027, on page 31653 in the second complete paragraph in the first column, the term "irregular transaction" is replaced by "variable rate transaction" and the figure "¼" is replaced by "⅛".

2. In FR Doc. 81–18032, on page 31658 in the first complete paragraph in the third column, the figure "¼" is replaced by "⅛" each time it appears.

[FR Doc. 81–18771 Filed 6–24–81; 8:45 am]

BILLING CODE 7535–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 21836]

British Aerospace, Aircraft Group, Scottish Division (Formerly Scottish Aviation Ltd.) Model H.P. 137 Jetstream Mk. I and Jetstream Series 200 Airplanes; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to adopt an airworthiness directive (AD) that would require repetitive inspections for cracking, and repair as necessary, of the nose gear actuator support structure and the front pressure bulkhead on British Aerospace, Aircraft Group (Scottish Aviation Ltd.) Model H.P. 137 Jetstream Mk. I and Jetstream Series 200 airplanes. This AD is necessary to detect cracks in the nose gear actuator support structure which could result in failure of the nose gear to retract, or the failure of the front pressure bulkhead, which could result in loss of cabin pressurization in flight.

DATE: Comments must be received on or before August 24, 1981.

ADDRESSES: Comments on the proposal may be mailed in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC–24), Docket No. 21836, 800 Independence Avenue, SW., Washington, D.C. 20591; or delivered in duplicate to: Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591. Comments delivered must be marked: Docket No. 21836. Comments may be inspected at Room 916 between 8:30 am and 5:00 pm. The applicable service bulletin may be obtained from: British Aerospace—Aircraft Group, Product Support Department, Prestwick Airport, Prestwick, Scotland KA 9 2RW. A copy of the service bulletin [1] is contained in the Rules Docket, Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: C. Christie, Chief, Aircraft Certification Staff, AEU–100, Europe, Africa, and Middle East Office, FAA, c/o American Embassy, Brussels, Belgium, telephone: 513.38.30, or C. Chapman, Chief, Technical Standards Branch, AWS–110, FAA, 800 Independence Avenue, SW., Washington, D.C. 20591, telephone: 202–426–8374.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of

[1] Service Bulletin filed as part of original document.

comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact, concerned with the substance of the proposed AD, will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit those comments and a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 21836." The postcard will be dated, time stamped and returned to the commenter.

There have been reports of cracks in the nose gear actuator support structure, and the front pressure bulkhead on the British Aerospace, Aircraft Group (formerly Scottish Aviation Ltd.) Model H.P. 137 Jetstream Mk. I and Jetstream Series 200 airplanes which could result in failure of the nose gear to retract, or loss of cabin pressurization at flight altitudes.

Since this condition is likely to exist or develop on other airplanes of the same type design, the proposed AD requires an inspection of the nose gear actuator support structure, repair as needed, placarding against pressurized flight, and repetitive inspections until a permanent repair is incorporated on British Aerospace (formerly Scottish Aviation Ltd.) Model H.P. 137 Jetstream Mk. I and Jetstream Series 200 airplanes.

The Proposed Amendment

Accordingly the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new airworthiness directive:

British Aerospace, Aircraft Group (formerly Scottish Aviation Ltd.). Applies to Model H.P. 137 Jetstream Mk. I and Jetstream Series 200 airplanes, certificated in all categories, which do not have British Aerospace Jetstream Modification No. 5127 incorporated.

Compliance is required as indicated, unless already accomplished.

To prevent failure of the nose landing gear actuator attachment and support structure or failure of the front pressure bulkhead, or both, accomplish the following:

(a) Prior to the accumulation of 1,600 landings or before the accumulation of 200 landings, after the effective date of this AD, whichever occurs later, and thereafter at intervals not to exceed 200 landings, inspect the nose landing gear actuator support structure, P/N 137139C–13 and P/N 137139C–25, and the membrane of the front pressure bulkhead for cracks using a dye penetrate method in accordance with Paragraph 3(a), "Action," of British Aerospace, Aircraft Group, Service Bulletin No. 6/5, dated September 4, 1978, or an FAA-approved equivalent.

(b) If no cracks are found during the inspection, return to service.

(c) If during the inspection of P/N 137139C–13, cracking is found, before further flight, replace with serviceable part of the same part number or repair in accordance with Chapter 5 of the Aircraft Maintenance Manual No. J/Mk I/MM (hereinafter referred to as the Maintenance Manual), or an FAA-approved equivalent, and return to service.

(d) If during the inspection of P/N 137139C–25—

(1) Cracking is found that does not extend more than one-half the full length of the fold line, and no cracking is found in P/N 137139C–13, or in the membrane of the front pressure bulkhead, the aircraft may continue in service;

(2) Cracking is found that does not extend more than one-half the full length of the fold line, and cracks are found in P/N 137139C–13, or in the membrane of the front pressure bulkhead, before further flight, repair in accordance with the Maintenance Manual, or an FAA-approved equivalent, and return to service; or

(3) Cracking is found in P/N 137139C–25 that extends more than one-half of the full length of the fold line, before further flight, repair P/N 137139C–25 in accordance with the Maintenance Manual, or an FAA-approved equivalent, and return to service.

(e) If during the inspection of the front pressure bulkhead—

(1) A crack of 6 inches or more in length is found in the membrane of the front pressure bulkhead, before further flight, repair the membrane in accordance with the Maintenance Manual, or an FAA-approved equivalent, and return to service.

(2) A crack of less than 6 inches in length is found in the membrane of the front pressure bulkhead, either—

(i) Repair in accordance with the Maintenance Manual, or an FAA-approved equivalent and return to service; or

(ii) Install, in clear view of the pilot, a placard which reads "Pressurization Inoperative" and deactivate the cabin pressurization system by securing the safety valve assembly, located on the front pressure bulkhead, in the open position. The valve may be secured "OPEN" in a manner recommeded by British Aerospace, Aircraft Group, Scottish Division, or in a manner approved by an FAA inspector. Return aircraft to service; or

(iii) Install British Aerospace, Jetstream Modification No. 5127, or an FAA-approved equivalent, and return to service, after which compliance with this AD is no longer required.

(f) For purposes of this AD, aircraft may be flown in accordance with FAR §§ 21.197 and 21.199 to a base where the inspection or repair can be performed.

(g) If an equivalent means of compliance is used in complying with this AD, that equivalent must be approved by the Chief, Aircraft Certification Staff, AEU–100, FAA, Europe, Africa, and Middle East Office, c/o American Embassy, Brussels, Belgium.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.85.)

Note.—The FAA has determined that this proposed regulation involves a regulation which is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979) and will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act since it involves inspections and repairs on only a few aircraft owned by small entities. A draft evaluation has been prepared for this proposed regulation and has been placed in the docket. A copy of it may be obtained by contacting the person identified under the caption "For Further Information Contact."

Issued in Washington, D.C., on June 17, 1981.

M. C. Beard,

Director of Airworthiness.

[FR Doc. 81-18593 filed 6-24-81, 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-EA-17]

Proposed Designation of Transition Area: Palmyra, N.Y.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to designate a Palmyra, N.Y., Transition Area over Palmyra Air Park Airport, Palmyra, N.Y. A new instrument approach has been developed for the airport which will require protection to aircraft executing the new instrument approach. An instrument approach procedure requires the designation of controlled airspace to protect instrument aircraft utilizing the instrument approach.

DATES: Comments must be received on or before August 13, 1981.

ADDRESSES: Send comments on the proposal in triplicate to: Chief, Airspace & Procedures Branch, AEA–530, Eastern Region, Federal Aviation Administration, Federal Building, Jamaica, New York 11430. The docket may be examined at the following location: FAA, Office of Regional Counsel, AEA–7, Federal Building, J.F.K. International Airport, Jamaica, New York 11430.

FOR FURTHER INFORMATION CONTACT: Al Reale, Airspace and Procedures Branch, AEA–530, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430, Telephone (212) 995–3391.

Comments Invited

Interested parties may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430.

All communications received on or before August 13, 1981, will be considered before action is taken on the proposed amendment. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Chief, Airspace and Procedures Branch, AEA-530, Eastern Region, Federal Aviation Administration, Federal Building, Jamaica, New York 11430, or by calling (212) 995-3391.

Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to designate a Palmyra, N.Y., Transition Area. The 700 foot area will be within a 5 mile radius of the airport with an extension to the west of approximately 11 miles in length and 10 miles in width.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposed to amend Section 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by designation of a Palmyra, New York, 700 foot floor transition area as follows:

Palmyra, New York

That airspace extending upward from 700 feet above the surface within a 5 mile radius of the center, 43°04'32"N., 77°14'01"W. of Palmyra Air Park, Palmyra, New York; and within 5 miles each side of the Rochester, New York, VORTAC, 098° radial extending from the 5 miles radius area to 5.5 miles east of the VORTAC.

Section 307(a) of the Federal Aviation Act of 1958 [72 Stat. 749; 49 U.S.C. 1348(a)] and of Section 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)]; and 14 CFR 11.65.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 45 days; and (5) at promulgation, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Jamaica, New York, on June 2, 1981

Murray E. Smith,

Director, Eastern Region.

[FR Doc. 81-18591 Filed 6-24-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-EA-18]

Proposed Designation of Transition Area; Marietta, Pa.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to designate a Marietta, Pa., Transition Area over Elizabethtown-Marietta Airport, Marietta, Pa. A new instrument approach has been developed for the airport and will require protection for aircraft executing the new instrument approach. An instrument approach procedure requires the designation of controlled airspace to protect instrument aircraft utilizing the instrument approach.

DATES: Comments must be received on or before August 13, 1981.

ADDRESSES: Send comments on the proposal in triplicate to: Chief, Airspace & Procedures Branch, AEA-530, Eastern Region, Federal Aviation Administration, Federal Building, Jamaica, New York 11430. The docket may be examined at the following location: FAA, Office of Regional Counsel, AEA-7, Federal Building, J.F.K. International Airport, Jamaica, New York 11430.

FOR FURTHER INFORMATION CONTACT:

Al Reale, Airspace and Procedures Branch, AEA-530, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430, Telephone (212) 955-3391.

Comments Invited

Interested parties may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430.

All communications received on or before August 13, 1981, will be considered before action is taken on the proposed amendment. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Chief, Airspace and Procedures Branch, AEA-530, Eastern Region, Federal Aviation Administration, Federal Building, Jamaica, New York 11430, or by calling (212) 995-3391.

Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to designate a Marietta, Pa., Transition Area. The 700-foot area will be within a 5 mile radius of the airport with an extension to the southwest, approximately 4 miles wide and 3 miles long.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposed to amend Section 71.181 of Part 71 of the Federal

Aviation Regulations (14 CFR Part 71) as follows:

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by designation of a Marietta, Pennsylvania, 700-foot floor transition area as follows:

Marietta, Pennsylvania

That airspace extending upward from 700 feet above the surface within a 5 mile radius of the center, 40°05'25"N., 76°34'35"W. of Elizabethtown-Marietta Airport, Marietta, Pennsylvania, within 2 miles each side of the 210° bearing for the Elizabethtown-Marietta Airport 5 mile radius area extending to 8 miles southwest of the airport.

Section 307(a) of the Federal Aviation Act of 1958 [72 Stat. 749; 49 U.S.C. 1348(a)] and of Section 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)]; and 14 CFR 11.65.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 45 days; and (5) at promulgation, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Jamaica, New York, on June 2, 1981.

Murray E. Smith,

Director, Eastern Region.

[FR Doc. 81-18589 Filed 6-24-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-GL-10]

Proposed Designation of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The nature of this Federal action is to designate controlled airspace near Gladwin, Michigan, in order to accommodate a new instrument approach into Gladwin Municipal Airport, Gladwin, Michigan, which was established on the basis of a request from the local Airport officials to provide that facility with instrument approach capability. The intended effect of this action is to insure segregation of the aircraft using this approach procedure in instrument weather conditions from other aircraft operating under visual conditions.

DATE: Comments must be received on or before July 25, 1981.

ADDRESS: Send comments on the proposal to FAA Office of Regional Counsel, AGL-7, Attention: Rules Docket Clerk, Docket No. 81-GL-10, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

FOR FURTHER INFORMATION CONTACT: Edward R. Heaps, Airspace and Procedures Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694-7360.

SUPPLEMENTARY INFORMATION: The floor of the controlled airspace in this area will be lowered from 1200' above ground to 700' above ground. The development of the proposed instrument procedure requires that the FAA lower the floor of the controlled airspace to insure that the procedure will be contained within controlled airspace. The minimum descent altitude for this procedure may be established below the floor of the 700-foot controlled airspace. In addition, aeronautical maps and charts will reflect the area of the instrument procedure which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Regional Counsel, AGL-7, Great Lakes Region, Rules Docket No. 81-GL-10, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before July 25, 1981, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, S.W., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to establish a 700-foot controlled airspace transition area near Gladwin, Michigan. Subpart G of Part 71 was republished in the **Federal Register** on January 2, 1981, (46 FR 540).

The Proposed Amendment

Accordingly, the FAA proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations as follows:

In § 71.181 (46 FR 540) the following transition area is added:

Gladwin, Michigan

That airspace extending upward from 700' above the surface within 6.5 miles of the Gladwin Airport (latitude 43°58'20"N, longitude 84°28'50"W) at Gladwin, Michigan, and 3 miles either side of the 81° bearing from the Gladwin Airport extending from 6.5 miles to 8.5 miles.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.61 of the Federal Aviation Regulations (14 CFR 11.61))

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 45 days; and (5) at promulgation, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Des Plaines, Illinois, on June 1, 1981.

Wayne J. Barlow,

Director, Great Lakes Region.

[FR Doc. 81-18440 Filed 6-24-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-GL-7]

Proposed Designation of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The nature of this Federal action is to designate controlled airspace near Cadillac, Michigan, in order to accommodate revised NDB and RNAV instrument approaches into the Wexford County Airport, Cadillac, Michigan. The intended effect of this action is to insure segregation of the aircraft using these approach procedures in instrument weather conditions from other aircraft operating under visual conditions.

DATES: Comments must be received on or before July 25, 1981.

ADDRESS: Send comments on the proposal to FAA Office of Regional Counsel, AGL-7, Attention: Rules Docket Clerk, Docket No. 81-GL-7, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

FOR FURTHER INFORMATION CONTACT: Edward R. Heaps, Airspace and Procedures Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694-7360.

SUPPLEMENTARY INFORMATION: The floor of the controlled airspace in this area will be lowered from 1200' above surface to 700' for a distance of approximately 1 mile beyond that now depicted. The development of the proposed instrument procedures requires that the FAA lower the floor of the controlled airspace to insure that the procedures will be contained within controlled airspace. The minimum descent altitude for these procedures may be established below the floor of the 700-foot controlled airspace. In addition, aeronautical maps and charts will reflect the area of the instrument procedures, which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Regional Counsel, AGL-7, Great Lakes Region, Rules Docket No. 81-GL-7, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before July 25, 1981, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, S.W., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to establish a 700-foot controlled airspace transition area near Cadillac, Michigan. Subpart G of Part 71 was republished in the **Federal Register** on January 2, 1981, (46 FR 540).

The Proposed Amendment

Accordingly, the FAA proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations as follows:

In § 71.181 (46 FR 540) the following transition area is added:

Cadillac, Michigan

That airspace extending upward from 700' above the surface within 8.5 miles of the Wexford County Airport (latitude 44°16'32"N, longitude 085°25'11"W) at Cadillac, Michigan, and within 4.5 miles either side of the 247° bearing of the Wexford County Airport from 8.5 miles to 9.5 miles.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.61 of the Federal Aviation Regulations (14 CFR 11.61))

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 45 days; and (5) at promulgation, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Des Plaines, Illinois, on June 1, 1981.

Wayne J. Barlow,

Director, Great Lakes Region.

[FR Doc. 81-18441 Filed 6-24-81; 8:45 am]

BILLING CODE 4910-13-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 285, 286, 287

[Release Nos. 33-6322, 34-17875, BWA-3, IAD-2, AD-2; File No. S7-887]

Primary Offerings by Multinational Banks

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rulemaking.

SUMMARY: The Commission proposes to amend three virtually identical exemptive regulations for primary distribution of securities issued by the International Bank for Reconstruction and Development, the Inter-American Development Bank, and the Asian Development Bank (the "Banks"). The proposed amendments would permit these Banks to sell their securities immediately upon filing certain information with the Commission instead of waiting a period of seven days.

DATE: Comments should be submitted on or before July 24, 1981.

ADDRESSES: Comments should be submitted in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Comment letters should refer to File No. S7-887. All comments received will be available for public inspection and

copying in the Commission's Public Reference Room, 1100 L Street NW., Washington, D.C. 20549.

FOR FURTHER INFORMATION CONTACT: Carl T. Bodolus (202) 272-3246, or Ronald Adee (202) 272-3250, Office of International Corporate Finance, Division of Corporation Finance, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: The Bretton Woods Agreements Act,[1] the Inter-American Development Bank Act,[2] and the Asian Development Bank Act [3] provide that securities issued or guaranteed by the International Bank for Reconstruction and Development, the Inter-American Development Bank and the Asian Development Bank, respectively, are exempt from registration under the Securities Act of 1933 [15 U.S.C. 77a et seq.] by Section 3(a)(2) thereof and the Securities Exchange Act of 1934 [15 U.S.C. 78g et seq.] by Section 3(a)(12) thereof. The Commission has authority to suspend these exemptions and can condition the exemption upon filing of necessary documents. These securities are exempt because of the nature of the Banks, the Commission's suspension power, and the requirement that the National Advisory Council on International Monetary and Financial Policies consent to all distributions of such securities made in the United States.[4] Regulations BW (17 CFR Part 285), IA (17 CFR Part 286), and AD (17 CFR Part 287) prescribe the reports to be filed with the Commission by the International Bank for Reconstruction and Development, the Inter-American Development Bank, and the Asian Development Bank, respectively.[5]

Each regulation contains a provision that the Bank must file with the Commission, at least seven days prior to a primary distribution of its securities, a report containing certain information regarding the offering.[6] The Commission proposes to amend those regulations to permit the Banks to sell their securities immediately upon filing the report. The recent adoption of short-forms for registration, the development of an integrated disclosure system, and an interpretation establishing a shelf registration procedure for filings on Schedule B permit certain registered offerings to be made soon after the registration statement is filed. The proposed revisions are consistent with these developments.

The Commission believes that the proposals are in the public interest and appropriate for the protection of investors.

PART 285—RULES AND REGULATIONS PURSUANT TO SECTION 15(A) OF THE BRETTON WOODS AGREEMENTS ACT

PART 286—GENERAL RULES AND REGULATIONS PURSUANT TO SECTION 11(A) OF THE INTER-AMERICAN DEVELOPMENT BANK ACT

PART 287—GENERAL RULES AND REGULATIONS PURSUANT TO SECTION 11(A) OF THE ASIAN DEVELOPMENT BANK ACT

Accordingly, it is proposed to amend 17 CFR 285.3, 286.3, and 287.3 to read as follows:

§ —.3 Reports with respect to proposed distribution of primary obligations.

The Bank shall file with the Commission, on or prior to the date on which it sells any of its primary obligations in connection with a distribution of such obligations in the United States, a report containing the information and documents specified in Schedule A below. The term "sell" as used in this section and in Schedule A means the making of a completed sale or a firm commitment to sell.

Authority

These amendments are being proposed pursuant to Section 15(a) of the Bretton Woods Agreements Act, Section 11(a) of the Inter-American Development Bank Act, Section 11(a) of the Asian Development Bank Act, and Section 19(a) of the Securities Act of 1933.

[Sec. 15(a), 63 Stat. 298, 22 U.S.C. 286k-1(a); Sec. 11(a), 73 Stat. 301, 22 U.S.C. 283h(a); Sec. 11(a), 80 Stat. 73, 22 U.S.C. 285h(a); Sec. 19(a), 48 Stat. 85, 15 U.S.C. 77s(a)]

By the Commission.

George A. Fitzsimmons,

Secretary.

June 19, 1981.

Regulatory Flexibility Act Certification

I, John S. R. Shad, Chairman of the Securities and Exchange Commission, hereby certify, pursuant to 5 U.S.C. 605(b), that the proposed rules relating to the exemptive regulations for the securities of the International Bank for Reconstruction and Development, the Inter-American Development Bank, and the Asian Development Bank (the "Banks") contained in Securities Act Release No. 6322 (June 19, 1981), "Primary Offerings by Multinational Banks" will not, if promulgated, have a significant economic impact upon a substantial number of small entities. The reason for this certification is that the proposals, if adopted, would apply only to the Banks but not to any other registrant.

John S. R. Shad,

Chairman.

June 19, 1981.

[FR Doc. 81-18808 Filed 6-24-81; 8:45 am]

BILLING CODE 8010-01-M

[1] 22 U.S.C. 286k-1(a).

[2] 22 U.S.C. 283h(a).

[3] 22 U.S.C. 285h(a).

[4] See generally, Hearings on S. 1664, 81st Cong., 1st Sess., (1949).

[5] Regulation BW was adopted in Securities Act Release No. 33-3364 (January 9, 1950). Regulation IA was adopted in Securities Act Release No. 33-4290 (October 25, 1960). Regulation AD was adopted in Securities Act Release No. 33-4889 (December 18, 1967).

[6] 17 CFR 285.3, 17 CFR 286.3, and 17 CFR 287.3.

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Parts 625 and 655

[FHWA Docket No. 81-5]

National Standards for Traffic Control Devices: Manual on Uniform Traffic Control Devices

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Advance notice of proposed amendments to the Manual on Uniform Traffic Control Devices.

SUMMARY: The FHWA is inviting comments on requests for changes to the Manual on Uniform Traffic Control Devices (MUTCD). The MUTCD contains the standards for traffic control devices and has been approved by the FHWA for use on all streets and highways open to public travel.

DATE: Comments must be received on or before February 15, 1982.

ADDRESS: Submit written comments, preferably in triplicate, to FHWA Docket No. 81-5, Federal Highway Administration, Room 4205, HCC-10, 400 Seventh Street, SW., Washington, D.C. 20590. All comments received will be available for examination at the above address between 7:45 a.m. and 4:15 p.m., ET, Monday through Friday. Those desiring notification of receipt of comments must include a self-addressed, stamped postcard.

FOR FURTHER INFORMATION CONTACT: Mr. James C. Partlow, Office of Traffic Operations, (202) 426-0411, or Mr. Lee J. Burstyn, Office of the Chief Counsel, (202) 426-0754, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m., ET, Monday through Friday.

SUPPLEMENTARY INFORMATION: The FHWA prepares and issues the national

standards for traffic control devices used on all streets and highways open to public travel. These standards are published in the MUTCD which has been incorporated by reference into title 23, Code of Federal Regulations (CFR), Parts 625 and 655. The MUTCD is available for inspection and copying as prescribed in 49 CFR Part 7, Appendix D. It may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (18.00). The FHWA both receives requests and initiates recommendations for changes (i.e., amendments) to the MUTCD.

This advance notice contains requests for changes to the MUTCD which were received or originated by the FHWA. These requests are being processed in accordance with the informal rulemaking procedure of the Administrative Procedure Act (5 U.S.C. 553) and the Department of Transportation's regulatory policies and procedures.

Each request has been assigned an identification number which indicates, by Roman numeral, the organizational part of the MUTCD affected and, by Arabic numeral, the order in which the request was received. This advance notice is being issued to provide the public with an opportunity to participate in the processing of requests for amendments to the MUTCD. Based upon comments received and on its own review, the FHWA will prepare a notice of proposed amendments which will provide recommendations for the disposition of the suggested amendments to the MUTCD. Any final amendments which result from that action will be published in the **Federal Register** and incorporated by reference into title 23, CFR.

Index of Requests

1. General Provisions (Part I)

Request I–1 (Chng.) Legal Authority.

2. Signs (Part II)

(a) Request II–57 (Chng.) Non-Illuminated Opaque Background Overhead Guide Signs.

(b) Request II–58 (Chng.) Median Mounted ONE-WAY Signs.

(c) Request II–59 (Chng.) Temporary Attention-Getting Devices.

(d) Request II–60 (Chng.) Preferential Lane Signing and Marking.

(e) Request II–61 (Chng.) Traffic Control for Reversible/Two-Way Left Turn Lanes.

(f) Request II–62 (Chng.) Alternate NEXT RIGHT Legend for ½ Mile Advance Guide Signs.

(g) Request II–63 (Chng.) Use of the Chevron Alignment Sign on Conventional Roads.

(h) Request II–64 (Chng.) Symbol Sign for NOAA Weather Information.

3. Markings (Part III)

Request III–25 (Chng.) Marking of Pedestrian Curb Ramps.

4. Signals (Part IV)

(a) Request IV–29 (Chng.) Warrants for Freeway Entrance Ramp Control Signals (Interim).

(b) Request IV–31 (Chng.) Periodic Darkening of Hazard Identification Beacons.

(c) Request IV–32 (Chng.) Flashing Operation of Newly Installed Traffic Signals.

(d) Request IV–33 (Chng.) Lane-Use Control Signals.

1. General Provisions (Part I)

Request I–1 (Chng.) Legal Authority. Parts II, V, VII and IX of the MUTCD have sections requiring that traffic control devices are to be placed only by the authority of a public body or official having jurisdiction. Although legal authority is necessary for the installation of all traffic control devices, Parts III, IV, VI, and VIII do not have sections on legal authority.

The FHWA believes that references to legal authority should be consistent throughout the MUTCD and applicable to each Part. This inconsistency can be resolved by either adding appropriate text to Parts III, IV, VI and VIII or deleting the existing references to legal authority and adding a new section with appropriate text to Part I. The FHWA favors adding a new section to Part I and invites comments on this approach.

2. Signs (Part II)

(a) *Request II–57 (Chng.) Non-Illuminated Opaque Background Overhead Guide Signs.* California has 13,000 overhead guide signs on its freeways and expressways, some 9,000 of which do not meet current standards of the MUTCD or the California Department of Transportation (CALTRANS) which require a reflectorized message and border. Most of these signs have opaque porcelain enamel backgrounds with external illumination and were installed prior to the requirement for reflectorized message and borders.

Because of the long life of the porcelain enamel signs installed in California and problems now being encountered with maintenance of the electrical components of the sign illumination systems, CALTRANS requested and received approval to evaluate the effectiveness of selected non-illuminated opaque background overhead guide signs having reflectorized border and message. More specifically, CALTRANS was seeking relief from the requirement to reflectorize backgrounds of overhead guide signs that are not independently illuminated. This experimentation was approved on May 21, 1979, by the FHWA as request II–25 (Expr.)—Overhead Guide Signs. The experimentation has been completed and the results included in the final report,[1] "Establishing Priorities for Operation and Maintenance of Overhead Guide Signs," dated March 1981. CALTRANS indicates that certain opaque background overhead guide signs, with reflectorized message and border, need not be illuminated to satisfactorily perform their intended purpose. The overhead guide sign performance under the environmental conditions and restrictive roadway geometrics observed during the study was reported to be fully adequate.

The study also concluded that all immediate action overhead guide signs at freeway off-ramps and those lane assignment signs which generate immediate lane changes should be illuminated. This would emphasize the color coding of the guide signs at points where it may provide some benefit. CALTRANS contends that illumination is not necessary for all advance guide signs nor for those lane assignment guide signs not requiring immediate action, provided they have reflectorized message and border. Having the green background visible to motorists at night, CALTRANS indicates, is not essential as the function of overhead guide signs is basically the same as unlighted roadside signs having non-reflectorized backgrounds.

As a result of these findings, CALTRANS is proposing that the MUTCD be modified to permit overhead guide signs to be either illuminated or non-illuminated and have either reflectorized or non-reflectorized backgrounds, the decision to be determined by an engineering study. An exception to this would be that overhead exit direction signs and those overhead lane drop or pull through signs requiring immediate driver responses would be required to have reflectorized backgrounds where they are not illuminated. The following is a summary

[1] Available for inspection and copying at the Federal Highway Administration, Office of Traffic Operations, Room 3419, 400 Seventh St. SW., Washington, D.C. 20590.

of current provisions as contained in various sections of the MUTCD:

The MUTCD standardizes both color and shape so that the several classes of traffic signs can be promptly recognized by the driver. The horizontal rectangular shape and the background color green is for guide signs. All guide sign letters, numerals, symbols, and borders are to be reflectorized. The background of guide signs may be reflectorized or non-reflectorized. However, all overhead freeway guide signs that are not independently illuminated shall have a reflectorized background. All overhead sign installations should be illuminated where an engineering study shows that reflectorization will not perform effectively. The mixing of signs with reflectorized and non-reflectorized backgrounds in the same general area is not recommended.

On June 15, 1976, the FHWA issued FHWA Notice N 5040.17 which established guidelines on reducing the needs for illuminating overhead guide signs at certain locations. This was done in light of highly reflective materials being marketed, the need to conserve energy and the expense of maintaining lighting systems, but retaining the intent of the MUTCD to provide the green background color as an aid to motorist recognition. These guidelines permitted the elimination of external sign lighting in rural areas where highly reflective material is used on overhead guide signs installed on tangent roadways having a constant grade approach for at least 1200 feet before the sign. In urban areas where conditions are such that satisfactory performance of fully reflectorized overhead guide signs can be expected, the elimination of external lighting on a limited basis was permitted.

The FHWA is seeking comments on the CALTRANS proposal and specifically, on the following two questions: (1) Should overhead guide signs be permitted to have opaque backgrounds when non-illuminated? (2) How important is it for a driver to view the green background of overhead (or roadside) guide signs during both daytime and nighttime conditions?

(b) *Request II–58 (Chng.) Median Mounted ONE-WAY Signs.* Section 2A–31 of the MUTCD provides that where roadways on a divided highway are separated by a median more than 30 feet wide, ONE-WAY signs (MUTCD sign R6–1) should be visible to each crossroad approach on the near right-hand and far left-hand corners of each intersection with the directional roadways.

The Texas Department of Highways and Public Transportation (TDHPT) noted that when an intersection is signed in this manner, a motorist on either crossroad approach may see two ONE-WAY signs in the median pointing at each other. One sign will be at the far corner of the median to the right of the crossroad and the other will be at the near corner of the median to the left of the crossroad. Since signs are normally erected from 6 to 12 feet from the edge of the median, these two ONE-WAY signs could be only 6 to 18 feet apart in the plane of a driver's vision when installed in a 30-foot wide median. This distance is often difficult to perceive even with normal depth perception. Drivers seeing two ONE-WAY signs pointing at each other might become confused.

The TDHPT requested a change in the MUTCD to permit omitting the ONE-WAY signs in the median when the signs would be so close to each other that it might confuse motorists. The TDHPT commented that the first sentence of paragraph 2 in Section 2B–29 would require modification for consistency and that Figure 2–3 should be modified for proper perspective.

The TDHPT also suggested that as an alternative to the request, the use of the DIVIDED HIGHWAY CROSSING sign (R6–3) may be considered as a supplemental sign for use on the approach roadway in lieu of the ONE-WAY signs in the median.

(c) *Request II–59 (Chng.) Temporary Attention-Getting Devices.* Drivers, especially daily commuters, are familiar with neighborhood roads and streets and are conditioned to the pattern of traffic control devices on them. Many such drivers may not immediately detect the installation of new, different, or additional traffic control devices. It is not uncommon to use flags or flashing beacons to help alert drivers to new installations or hazardous situations.

The Michigan Department of Transportation (MiDOT) suggested that temporary devices are needed to draw attention to changes and that flashing beacons use costly energy and are subject to vandalism and theft. MiDOT requested that the MUTCD be amended to provide for the optional and temporary use of three devices to draw motorists' attention to newly installed traffic controls. The three proposed temporary devices are:

1. A "NEW" sign consisting of a red reflectorized circle with the white reflectorized message NEW. The red circle would be surrounded by a 6-inch wide chartreuse fluorescent ring with 16 black radial stripes. The MiDOT proposes that the NEW sign would be displayed 1 inch above the main warning or regulatory sign. The outside diameter of the proposed sign would be 36 inches.

2. A grouping of three 16-inch square fluorescent red-orange flags attached above the warning or regulatory sign.

3. A 24-inch by 12-inch fluorescent red-orange panel attached 1 inch above the warning or regulatory sign.

(d) *Request II–60 (Chng.) Preferential Lane Signing and Marking.* Sections 2B–20 and 3B–19 of the MUTCD provide general information on the use of signing and marking preferential lanes. Preferential lanes are defined in the MUTCD as lanes where usage is limited according to class of vehicle or vehicle occupancy, for example, bus or carpool lanes.

Preferential treatments for high occupancy vehicles (HOVs) are an effective way of moving a greater number of people through a highway corridor. A high occupancy vehicle can be defined as any motor vehicle carrying more than just the driver. A minimum occupancy requirement of two, three, or four persons is established for each area or specific location of preferential treatment for HOVs.

Several types of preferential treatment for HOVs have been implemented in the United States. These include:

1. Concurrent flow lanes where one or more lanes are designated for exclusive use by HOVs in the normal direction of traffic.

2. Contraflow lanes where normally one lane in the underutilized off-peak direction is designated for use by peak direction HOVs (usually restricted to buses).

3. Ramp treatments which include exclusive use by HOVs and by-pass lanes at ramp meters.

4. Exclusive facilities and physically separated lanes. The exclusive treatments are often reversible.

Restrictions can be applied on a full-time basis or only during certain hours on certain days. The various treatments can also be restricted to a specific class of HOV such as buses only.

The MUTCD provides only the general signing characteristics of color, shape and the reserved diamond symbol for preferential treatment. It does not provide specific guidance for signing and marking of these various types of preferential treatment.

The FHWA is considering the posibility of expanding Section 2B–20 and 3B–19 of the MUTCD to provide more specific guidance on the type and frequency of signing and the accompanying pavement markings for all of the various HOV preferential treatments.

(e) *Request II-61 (Chng.) Traffic Control for Reversible/Two-Way Left Turn Lanes.* Reversible land and two-way left turn lane usage is gaining wider acceptance as a means of providing more traffic carrying capability for existing facilities. These treatments are most frequently used individually, although dual use of these treatments is being tried, with some success. The dual use does create complexities in the handling of traffic and special efforts are needed to provide motorists with clear and concise information with traffic control devices.

When the two uses are combined, traffic control is needed for three separate periods during the working day: peak period, inbound; peak period, outbound, and off-peak period. For example, on a 5-lane facility, the center land is used for the reversible flow during peak periods and a two way left turn land during the off-peak period.

Traffic control for this dual purpose is often handled through overhead lane use control signals. The installation of lane use control signals can be expensive. Many times local budgets are unable to handle such an outlay of funds, or conditions along the route preclude the use of the signals.

The FHWA is inviting comments on ways that the operation of dual use two-way left turn lanes and reversible flow lanes can be improved through signs, signals and markings.

(f) *Request II-62 (Chng.)—Alternate NEXT RIGHT Legend for ½ Mile Advance Guide Signs.* Before 1978, the MUTCD defined a guide sign (on freeways and expressways) located approximately ¼ to ½ mile in advance of the exit as an "exit direction sign." The legend NEXT RIGHT (NEXT LEFT) was required for signs at these locations. When an exit direction sign was located very close to an exit an upward pointing arrow instead of the legend NEXT RIGHT (NEXT LEFT) was required. The earlier MUTCD also defined "advance guide signs" and required that the legend on advance guide signs read EXIT 1 MILE or EXIT 2 MILES.

The 1978 MUTCD includes changes resulting from the adoption of Ruling Sn-47/107 (Chng.), which concerned guide signs on freeways and expressways. In this ruling, it was determined that there was ambiguity in the names and definitions of several types of guide signs. It was also determined that a guide sign with an upward pointing arrow should be required very close to the exit at all major and intermediate interchanges. The sign located ¼ to ½ mile from the exit was redefined as an advance guide sign with the required legend indicating mileage rather than NEXT RIGHT (NEXT LEFT). The philosophy behind the change in the 1978 MUTCD was that the advance guide signs should tell the drivers how far away the exit is and the Exit Direction sign should say here it is without unnecessary messages which add to driver confusion.

This request from an individual is for a change in the MUTCD to permit the legend NEXT RIGHT (NEXT LEFT) on advance guide signs (as defined in the 1978 MUTCD) located ¼ to ½ mile from an exit at major and intermediate interchanges. The requester stated that signs installed with the legend NEXT RIGHT (NEXT LEFT) under the provisions of the earlier MUTCD, and functioning properly, were made non-conforming by the 1978 MUTCD. The requester further states that it would be costly and unproductive to change the sign legends to comform with the 1978 MUTCD, that the legend NEXT RIGHT (NEXT LEFT) provides positive direction at closely spaced interchanges and that it is difficult for motorists to respond to mileage legends when interchanges are spaced less than ¼ mile apart.

(g) *Request II-63 (Chng.)—Use of the Chevron Alignment Sign on Conventional Roads.* Section 2C-10 of the MUTCD provides that the Chevron Alignment sign may be used only to supplement standard delineation treatments or as an alternate to the Large Arrow sign. This precludes the use of the Chevron Alignment sign on unmarked conventional roads that do not have other types of standard delineation treatments, such as delineators.

The FHWA is requesting comments on the desirability of identifying curves and other alignment changes on unmarked conventional roads with Chevron Alignment signs in lieu of supplementing delineators or other standard delineation treatments.

A "conventional road" is any road other than an expressway or freeway.

(h) *Request II-64 (Chng.)—Symbol Sign for NOAA Weather Information.* NOAA Weather Radio is a service of the National Oceanic and Atmospheric Administration (NOAA), U.S. Department of Commerce. It provides continuous broadcasts of the latest weather information directly from National Weather Service offices. Taped weather messages are repeated every 4 to 6 minutes and are routinely revised every 1 to 3 hours, or more frequently if needed. Most of the stations operate 24 hours daily.

During severe weather, National Weather Service forecasters can interrupt the routine weather broadcasts and substitute special warning messages. The forecasters can also activate specially designed warning receivers. Such receivers either sound an alarm indicating that an emergency exists, alerting the listener to turn the receiver up to an audible volume; or, when operated in a muted mode, are automatically turned on so that the warning message is heard.

The NOAA Weather Radio broadcasts can be useful to the general public, public safety officials, truckers and other highway travelers. The broadcasts are made on one of three high-band FM frequencies—162.40, 162.475, or 162.55 megahertz (MHz). The average car radio cannot receive these frequencies.

The National Weather Service will be operating about 350 stations by the end of 1981 with planned expansion to about 1000 within the next few years. Approximately 90 percent of the nation's population should be within listening range of a NOAA Weather Radio broadcast.

NOAA is promoting a program to install FM radio receivers in highway rest areas to dispense weather information to the public. Where receivers have been installed in rest areas excellent public acceptance has been reported. Additional radio installations are planned by various States.

Since the normal car radio cannot receive the weather information broadcast over these frequencies, such emergency weather reports would have to be obtained elsewhere. Rest areas having the receivers would need to be identified to the traveller by supplementing the existing rest area signing with a sign indicating WEATHER INFO or as proposed by NOA, a new symbol sign to identify a rest area having receivers.

The proposed symbol depicts, within a cartoon type speaking balloon, weather symbols (cloud, sun, rain, etc.) emanating from a radio speaker. The sign would have a white symbol and border on a blue background.

3. Markings (Part III)

Request III-25 (Chng.)—Marking of Pedestrian Curb Ramps. Pedestrian curb ramps are sloped areas through sidewalk curbing to permit access between the street and the sidewalk for persons using wheelchairs. Visually impaired persons have difficulty in detecting these ramps, which extend into the relatively level sidewalk area.

The New York State Department of Transportation (NYDOT) commented that the use of markings on these ramps

would improve their conspicuity, and requested that, if appropriate, national standards regarding color and marking patterns should be developed.

The FHWA notes that any standards developed for this purpose should include anti-skid requirements for the marking material.

4. Signals (Part IV)

(a) *Request IV–29 (Chng.)—Warrants for Freeway Entrance Ramp Control Signals (Interim).* Several years ago the Transportation Research Board (TRB) Committee on Freeway Operations prepared material on Warrants for Freeway Ramp Control Signals. These were incorporated into the MUTCD.

Section 4E–23, Warrants for Freeway Entrance Ramp Control Signals (Interim). The committee has further reviewed these warrants in the light of continuing, broader experience, and has suggested revisions to Section 4E–23 as a result of the review.

Based on further evaluation of these suggestions by the TRB committee, a change to Section 4E–23, Warrants for Freeway Entrance Ramp Control Signals (Interim), to incorporate the recommended revisions shown below is being considered. The proposed revisions are italicized.

There are too many variables that influence freeway capacity (number of lanes, trucks, gradients, merging, weather, etc.) to permit developing numerical *volume* warrants *that are* applicable to the wide variety of conditions found in practice. However, general guidelines have been identified for successful application of ramp control.

The installation of ramp control signals should be preceded by an engineering analysis of the physical and traffic conditions on the highway facilities likely to be affected. The study should include the ramps and ramp connections and the surface streets which would *be affected by the ramp control,* as well as the freeway section concerned. Types of traffic data which should be obtained include but are not limited to traffic volumes, traffic accidents, *freeway operating speeds,* travel time and delay on the freeway and on alternate surface routes.

Capacities *and demand/capacity relationships* should be determined *for each freeway section.* The locations and causes of capacity restrictions *and those sections where demand exceeds capacity* should be identified. From these and other data, estimates can be made of desirable metering rates, probable reductions in delay to freeway traffic, likely increases in delay to traffic on ramps, and *the potential impact on surface streets. The analysis should include an evaluation of storage capacities on the ramp for vehicles delayed at the signal, the impact of queued traffic on the local street intersection, and the availability of suitable alternate surface routes having adequate capacity to accommodate any additional traffic volume.*

Before installing ramp control signals, consideration should be given to *public acceptance potential and enforcement requirements of ramp control, as well as* alternate means of increasing the capacity, *reducing the demand,* or improving characteristics of the freeway.

Installation of freeway entrance ramp control signals may be warranted in the following instances:

1. *The total expected delay to traffic in the freeway corridor, including freeway ramps and local streets, is expected to be reduced with ramp control signals.*

2. There is recurring congestion on the freeway due to traffic demand in excess of the capacity; or there is recurring congestion or a severe accident hazard at the freeway entrance because of inadequate ramp merging area. *A good measure of recurring freeway congestion is freeway operating speed. An early indication of a developing congestion pattern would be freeway operating speeds less than 50 mph, occurring regularly for a period of half an hour. Freeway operating speeds less than 30 mph for a half-hour period would be an indication of severe congestion.*

3. *They are needed to accomplish transportation system management objectives identified locally for freeway traffic flow, such as: (a) maintenance of a specified freeway level of service or (b) priority treatments with higher levels of service for mass transit and carpools.*

4. *They are needed to reduce (predictable) sporadic congestion on isolated sections of freeway caused by short-period peak traffic loads from special events or from severe peak loads of recreational traffic.*

(b) *Request IV–31 (Chng.)—Periodic Darkening of Hazard identification Beacons*

Hazard identification beacons are used to supplement warning and regulatory signs or markers. The MUTCD contains guidelines for their use with traffic signals, School signs, and signs to identify work zones, and to identify narrow bridges and tunnels. A comparison of guidelines for the various uses of the hazard identification beacon indicates the MUTCD contains conflicting provisions concerning periodic darkening of these beacons.

Section 4B–19 would appear to preclude such darkening for hazardous beacon signals. Yet such darkening is specifically provided for in Signal Ahead signs (Section 4B–12(3)), School Speed Limit signs (Section 7B–12), and hazard identification beacons used with Emergency Traffic Signals (Section 4E–20). Further, Section 4E–5 provides that Hazard Identification Beacons should be operated only during those hours when the hazard exists.

To eliminate this conflict, the FHWA is considering the following changes in the MUTCD:

1. The fifth paragraph of Section 4B–19 would be changed to read: "The above provisions do not apply to emergency traffic signals, movable bridge signals, ramp control signals, or hazard identification beacons when used to supplement signs."

2. The fourth paragraph of Section 4E–5 would be changed to read: "Hazard identification beacons, when used to supplement signs, should be operated during those hours when the regulation governing their operation applies or the hazard exists. They may be darkened when the regulation does not apply or the hazard does not exist."

(c) *Request IV–32 (Chng.)—Flashing Operation of Newly Installed Traffic Signals.* The Michigan Department of Transportation requested a change in Section 4B–18 to provide for the flashing of a new traffic control signal during a period prior to stop and go operation. This measure is now used by several States to provide notice to motorists that a new signal operation is about to be placed in service.

Specifically the proposal would add a paragraph to the end of Section 4B–18 of the MUTCD:

When a traffic signal is initially installed it should be operated, where feasible, as a flashing device for an appropriate time period prior to stop and go operation. This period of time will allow motorists to adjust to the new signal.

(d) *Request IV–33 (Chng.)—Lane-Use Control Signals.* Reversible lane operation has been frequently used by traffic engineers to increase the capacity of streets or highways during peak demand periods. Reversing the use of the lanes is accomplished with the use of lane markings and overhead signs and/or signals.

It is a requirement of Section 3B–12 that lane-use control signals and/or signs be used with the required pavement markings to designate reversible lane operation. Section 4E–8,

Lane-Use Control Signals, does not include provisions for their use to support the requirements of Section 3B–12.

The FHWA is considering a revision to the second paragraph of Section 4E–8 by inserting after the last sentence: "Pavement markings for reversible lane operation (Section 3B–12) shall be used in conjunction with lane control signals and/or signing for reversible lanes."

This advance notice of proposed amendments to the MUTCD is issued under the authority of 23 U.S.C. 109(d), 315, and 402(a), and the delegation of authority in 49 CFR 1.48(b).

Note.—The Federal Highway Administration has determined that this document contains neither a major rule under Executive Order 12291 nor a significant regulation under the Department of Transportation's regulatory policies and procedures. Due to the preliminary nature of this inquiry, a regulatory evaluation has not been prepared at this time. The expected impact of the changes requested is so minimal that a full evaluation does not appear to be warranted. The need to further evaluate economic cosequences will be reviewed on the basis of the comments submitted in response to this notice.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The provisions of OMB Circular No. A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects apply to this program)

Issued on: June 23, 1981.

R. A. Barnhart,

Federal Highway Administrator.

[FR Doc. 81–18690 Filed 6–24–81; 8:45 am]

BILLING CODE 4910–22–M

DEPARTMENT OF THE INTERIOR

Geological Survey

30 CFR Ch. II

Safety and Offshore Oil

AGENCY: U.S. Geological Survey, Department of the Interior.

ACTION: Advanced notice of proposed rulemaking; request for comments.

SUMMARY: The U.S. Geological Survey (USGS), in consultation with the U.S. Coast Guard, is conducting a study of the adequacy of existing safety and health regulations and of the technology available for exploration, drilling, development, and production of oil and gas on the Outer Continental Shelf (OCS). This study is in response to enactment of the OCS Lands Act Amendments of 1978 (Pub. L. 95–372). By this notice, public comments are sought concerning the content of this study.

DATES: Written comments must be received on or before September 22, 1981.

ADDRESS: Written comments should be addressed to Chief, Conservation Division, U.S. Geological Survey, National Center, Mail Stop 640, Reston, Virginia 22092.

FOR FURTHER INFORMATION CONTACT: Mr. Richard J. Giangerelli, Chief, Best Available and Safest Technologies (BAST) Unit, Branch of Offshore Field Operations, U.S. Geological Survey, National Center, Mail Stop 640, Reston, Virginia 22092, (703) 860–7395. Author: Richard J. Giangerelli, U.S. Geological Survey, (703) 860–7395.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate by submitting written data, views, or suggestions. Commenters should include their affiliation, relationship to OCS oil/gas development, and reasons for their comments.

A previous request for comments was published in the **Federal Register** (Volume 45, No. 41, pp. 13127–13128) of February 28, 1980, indicating that the National Academy of Sciences, through its Marine Board, was in the process of preparing a major portion of the technical base and analysis for this study. The report entitled "Safety and Offshore Oil" prepared by the Committee on Assessment of the Safety of OCS Activities, a specially formed committee of the Marine Board of the Assembly of Engineering, National Research Council, National Academy of Sciences, has been completed. Copies are available for $11.00 per copy from: National Academy Press, 2101 Constitution Avenue, NW, Washington, D.C. 20418.

In addition, a limited supply of background papers prepared in support of this report are available from: Marine Board, National Research Council, 2101 Constitution Avenue, NW, Washington, D.C. 20418.

After the Marine Board's supply of background papers is exhausted, the background papers will be available from: National Technical Information Service (NTIS), U.S. Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161.

Discussion of Study

The growing demand for new energy sources in 1978 led to the passage of new amendments to the OCS Lands Act. A basic purpose of this legislation was "to promote the swift, orderly, and efficient exploitation of our almost untapped oil and gas resources in the OCS." Because the Government regulatory mechanisms dealing with the physical processes or exploiting OCS oil and gas resources had largely evolved before the tremendous recent advances in OCS technology, the 1978 amendments call for a comprehensive reassessment of these mechanisms. If found to be inadequate or inappropriate to deal with today's conditions, revisions may be proposed.

The mandate for this study is found in Section 21(a) of the Act which states:

"(a) Upon the date of enactment of this Section, the Secretary of the Interior and Secretary of the Department in which the Coast Guard is operating shall, in consultation with each other and, as appropriate, with the heads of other Federal departments and agencies, promptly commence a joint study of the adequacy of existing safety and health regulations and of technology, equipment, and techniques available for the exploration, development, and production of the minerals of the OCS. The results of such a study shall be submitted to the President who shall submit a plan to the Congress of his proposals to promote safety and health in the exploration and production of the minerals of the OCS."

The study will include all offshore activities, except diving. Diving is excluded from the study because it is specifically addressed in another part of the OCS Lands Act Amendments. Safety, health, technology, equipment, and techniques applying to both offshore operations and industrial activities connected with exploration, development, and production of oil and gas resources will be included in the study. This will include, but will not be limited to, such areas as drilling from floating and fixed structures, subsea completions, pipeline construction and pipelaying operations, and vessel and helicopter operations that directly affect safety of offshore activities and production operations.

The USGS, in the conduct of this study, has particular interest in the prevention of damage to, or waste of, any natural resource or injury to life or property with respect to oil and gas exploration, drilling, and production operations.

To assist the USGS in this study, comments are sought from the public, industry, State Governments, environmental groups, and others. Comments may be general or may discuss specific regulations or needs. General comments should be illustrated with specific examples. The following list of concerns include the types of questions that the study will attempt to address. This list is by no means exhaustive, and comments pointing to other areas of interest are welcomed.

1. *Technological Development.* What technologies have been prone to failure? What have been the consequences of failure? How could technologies and operational procedures be adequately evaluated for frontier offshore areas? How should poor performance be addressed?

2. *Human Element.* How can the regulatory system motivate and ensure safety and responsibility in the various levels of offshore organizations? Where should the emphasis be placed? What options are available to Government to enhance safety consciousness and performance? What actions can be taken to improve or enhance the technical and the enforcement capabilities of Government personnel, is it needed, and where is it needed? How should poor performance be addressed?

3. *Information.* What type and detail of information should be gathered by the Government? How should this information be reported, analyzed, utilized, and disseminated? Should poor performers be identified?

4. *Research.* What type of research should the Government conduct? In what type of research should the Government participate?

5. *Environment.* What types of studies should the Government perform? In what types of studies should the Government participate? When should these studies be performed? What type and detail of regulations are required? How should environmental concerns affect current or future OCS leases?

Dated: June 17, 1981.

Robert L. Rioux,

Deputy Division Chief, Offshore Minerals Regulation Conservation Division.

[FR Doc. 81-18636 Filed 6-24-81; 8:45 am]

BILLING CODE 4310-31-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 82

[CGD 80-096]

COLREGS Demarcation Line

AGENCY: Coast Guard, DOT.

ACTION: Withdrawal of proposed rule.

SUMMARY: The Coast Guard is withdrawing its proposed rule on COLREGS Demarcation Line, Chesapeake Bay Entrance, Virginia (45 FR 83,267, December 18, 1980). Strong public opposition to, and very little support for the proposal to move the demarcation line from its current position to one coinciding with the Chesapeake Bay Bridge-Tunnel has convinced the Coast Guard to take no further action on this or on National Transportation Safety Board (NTSB) recommendation M-79-77.

EFFECTIVE DATE: This withdrawal is effective immediately.

FOR FURTHER INFORMATION CONTACT: Ensign Edward G. LeBlanc, Project Manager, Office of Marine Environment and Systems (G-WWM-2), Room 1608, U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, D.C. 20593, (202) 426-4958.

DRAFTING INFORMATION: The principal persons involved in the drafting of this withdrawal are: Ensign Edward G. LeBlanc, Project Manager, Office of Marine Environment and Systems, and Lieutenant Walter J. Brudzinski, Project Counsel, Office of the Chief Counsel.

SUPPLEMENTARY INFORMATION: On December 18, 1980, the Coast Guard published a notice of proposed rulemaking in the **Federal Register** for these regulations (45 FR 83,267). Interested persons were requested to submit comments and thirty-eight comments were received.

DISCUSSION OF THE COMMENTS: Of the thirty-eight comments received, thirty-two were opposed to the proposal for a variety of reasons, three requested a public hearing, two supported it, and one was neutral and suggested only editorial changes. Of the two comments supporting the proposal, one was from the NTSB, reiterating their recommendation M-79-77. The other comment reflected the concerns of that same recommendation.

Those comments opposed to the proposal addressed a number of issues. Most frequently mentioned were the anticipated increases in insurance premiums for vessels that were insured only for navigation in inland waters. The COLREGS demarcation line delineates Inland from International waters only for the purpose of employing different sets of navigation rules. Those waters seaward of a COLREGS demarcation line are not under international jurisdiction but continue to be wholly U.S. waters out to the three mile limit. Demarcation lines are not relevant in determining areas of territorial jurisdiction. The Coast Guard contacted several insurance companies, and none indicated that insurance premiums would be increased simply by moving a COLREGS demarcation line.

Also frequently mentioned were changes in navigation light configurations that this proposal would have necessitated for small vessels. The Coast Guard believes that this is a valid concern, as some boaters may need to change lighting configurations to conform with these regulations. Some boaters may, however, have to change the lighting configurations near the end of this year to comply with the Inland Navigation Rules Act of 1980. This Act, which will become effective December 24, 1981 on these waters will replace the current Inland Navigation Rules, the Pilot Rules for Inland Waters, Rules of the Road for the Great Lakes and Western Rivers, and certain portions of the Motorboat Act of 1940. The Inland Navigation Rules Act unified the several diverse sets of Rules now in effect throughout the U.S. and will help to standardize the lighting configurations of the U.S. Inland Navigation Rules to the International Navigation Rules.

Other comments were concerned with the degree of vessel congestion around the Chesapeake Bay Bridge-Tunnel, the lack of COLREGS rules knowledge by all vessel operators, and the limitations of some operators' license to operate only in waters shoreward of a COLREGS demarcation line.

The Coast Guard realizes that professional mariners man the vessels operating in the pilotage area near the present COLREGS line. Most of the small vessels causing congestion at the Chesapeake Bay Bridge-Tunnel are manned by recreational boaters and/or sport fisherman. The Coast Guard believes that professional mariners are better able to cope with a rules-of-the-road change and, therefore, moving the demarcation line to the Chesapeake Bay Bridge-Tunnel is likely to increase the risk of a maritime causalty.

Some commentors stated their concern that certain state and local laws could not be adequately enforced if the line were moved shoreward. Although the comments did not specifiy which statutes may be affected, such a use is beyond the intended purpose of the demarcation lines.

Because of the nearly unanimous desire to keep the demarcation line at its current location, and due to the absence of substantial evidence that moving the line to the proposed location would enhance safety, the proposed rule is withdrawn from further consideration.

(Pub. L. 96-324, 94 Stat. 1020; 33 U.S.C. 151; 49 CFR 1.46(b))

Dated: June 18, 1981.

W. E. Caldwell,

Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc. 81-18707 Filed 6-24-81; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 117

[CGD 81-024]

Drawbridge Operation Regulations; Bayou Plaquemine Brule, La.

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: At the request of the Louisiana Department of Transportation and Development the Coast Guard is considering changing the regulations governing the State Route 91 pontoon bridge across Bayou Plaquemine Brule, mile 8.0, at Esterwood, Louisiana. The bridge now is required to open between 5 a.m. and 9 p.m. on signal and between 9 p.m. and 5 a.m. on at least 12 hours advance notice. The proposed change would require the bridge to open between 5 a.m. and 9 p.m. on at least 4 hours advance notice while retaining the 12 hour advance notice requirement for openings between 9 p.m. and 5 a.m. This proposal is being made because of the limited number of requests for opening the draw. The action should relieve the bridge owner of the burden of having a person constantly available from 5 a.m. to 9 p.m. to open the draw, and should still provide for the reasonable needs of navigation.

DATE: Comments must be received on or before July 27, 1981.

ADDRESS: Comments should be submitted to and are available for examination from 9 a.m. to 3 p.m., Monday through Friday, at the Eighth Coast Guard District, Bridge Administration Branch, Hale Boggs Federal Building, 500 Camp Street, New Orleans, Louisiana 70130.

FOR FURTHER INFORMATION CONTACT: Joseph Irico, Chief, Bridge Administration Branch, at the address given above, (504) 589-2965.

SUPPLEMENTARY INFORMATION: Interested parties are invited to participate in this rulemaking by submitting written views, comments, data, or arguments. Persons submitting comments should include their name and address, identify the bridge, and give reasons for concurrence with or any recommended change in the proposal. Persons desiring acknowledgement that their comments have been received should enclose a stamped, self-addressed postcard or envelope.

The Commander, Eighth Coast Guard District, will evaluate all communications received and determine a final course of action on this proposal. The proposed regulation may be changed in the light of comments received.

Drafting Information: The principal persons involved in drafting this proposal are: Joseph Irico, Project Manager, District Operations Division, and Steve Crawford, General Attorney, District Legal Office.

Discussion of the Proposed Regulation

Data submitted by the Louisiana Department of Transportation and Development (LDOTD) indicate that for the period January 1979 through January 1981, between 5 a.m. and 9 p.m., the bridge averaged 2.28 openings per month. These openings were for a one barge tow, exclusively. The need to provide four hours advance notice is not anticipated to have a significant economic impact on the operators of this tow, or any other commercial vessel that may use the waterway. There is a small boat passage through the bridge in the closed position, but it is seldom used, as the State maintains boat launch ramps on each side of the bridge. Based on these data, the Coast Guard feels that the proposed regulations should provide relief to the bridge owner and should still meet the reasonable needs of navigation.

These proposed regulations have been reviewed under the provisions of Executive Order 12291 and have been determined not to be a major rule. In addition, these proposed regulations are considered to be nonsignificant in accordance with guidelines set out in the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of 5-22-80). An economic evaluation has not been conducted since the impact is expected to be minimal for the reasons discussed above. In accordance with § 605(b) of the Regulatory Flexibility Act (94 Stat. 1164), it is also certified that these rules, if promulgated, will not have a significant economic impact on a substantial number of small entities.

In consideration of the foregoing, it is proposed that Part 117 of Title 33, Code of Federal Regulations be amended as set forth below.

§ 117.540 [Amended]

1. By removing "Bayou Plaquemine Brule, mile 8.0, S-91 highway drawbridge at Esterwood" from § 117.540(b).

2. By revising paragraph (j)(16) of § 117.245 to read as follows:

§ 117.245 Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.

* * * * *

(j) * * *

(16) Bayou Plaquemine Brule, LA:

(i) S-91 highway drawbridge at Esterwood. The draw shall open on signal if at least four hours notice is given from 5 a.m. to 9 p.m., and if at least 12 hours notice is given from 9 p.m. to 5 a.m.

(ii) Texas and New Orleans Railroad Company bridge near Midland. The draw shall open on signal if at least 24 hours notice is given.

* * * * *

(33 U.S.C. 499, 49 U.S.C. 1655(g)(2), 49 CFR 1.46(c)(5), 33 CFR 1.05-1(g)(3))

Dated: June 16, 1981.

W. H. Stewart,

Rear Admiral, U.S. Coast Guard Commander, Eighth Coast Guard District.

[FR Doc. 81-18785 Filed 6-24-81; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 761

[OPTS 62013; TS-FRL-1832-3]

Polychlorinated Biphenyls (PCBs); Manufacture of PCBs in Concentrations Below Fifty Parts Per Million; Possible Exclusion From Manufacturing Prohibition

Correction

In FR Doc. 81-15041 appearing on page 27617 in the issue of Wednesday, May 20, 1981; on page 27618, first column, fourteenth line from the bottom, "* * * EPA's approved * * *" should read "* * * EPA-approved * * *".

BILLING CODE 1505-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 81-168; RM-3561; RM-3608; RM-3899]

FM Broadcast Stations in Ellsworth, Maine, et al.; Order Extending Time for Filing Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; extension of reply comment period.

SUMMARY: Action taken herein extends the time for filing reply comments in a proceeding concerning the proposed assignment of FM channels to various communities in Maine. Petitioner, WXRV, Inc., states that additional time is needed to respond to a recently-filed counterproposal, as well as to the comments of numerous interested parties.

DATE: Reply comments must be filed on or before June 19, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: June 15, 1981.

Released: June 16, 1981.

By the Chief, Policy and Rules Division.

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Ellsworth, Farmington, Lewiston, Skowhegan and Boothbay-Boothbay Harbor, Maine) BC Docket No. 81-168; RM-3561; RM-3608; RM-3899.

1. On March 13, 1981, the Commission adopted a *Notice of Proposed Rule Making*, 46 FR 18743, published March 26, 1981, in the above-referenced proceeding concerning RM-3561 and RM-3608. The time for filing comments and reply comments have expired.

2. On May 20, 1981, the Commission issued a Public Notice (Report No. 1287), announcing the filing of a petition by Robert Cole ("Cole") in RM-3899, requesting the assignment of FM Channel 237A to Boothbay-Boothbay Harbor, Maine. The Commission therein advised that such petition would be treated as a counterproposal to the Docket No. 81-168 proceeding, and established that responsive statements thereto should be submitted by the date for filing reply comments.

3. On June 11, 1981, counsel for WXRV, Inc. ("WXRV"), the proponent in RM-3561, filed a motion for extension of time for filing reply comments to and including June 19, 1981, noting that the request is late under the time for filing extension requests, Section 1.46(b) of the Rules. Counsel states that additional time is needed to complete its comments, not only to the recently-filed Cole counterproposal, but also to the comments of the numerous interested parties in this proceeding.

4. Counsel for WXRV states that counsel for the other parties have been contacted and advised they will interpose no objection to this requested extension.

5. We are of the view that, under the circumstances mentioned, additional time is warranted. Therefore, we will waive the requirements of Section 1.46(b) since such extension will assure development of a sound and comprehensive record on which to base a decision in this proceeding.

6. Accordingly, it is ordered, that the date for filing reply comments in BC Docket No. 81-168 (RMs-3561, 3608 and 3899) is extended to and including June 19, 1981.

7. This action is taken pursuant to authority contained in Sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-18748 Filed 6-24-81; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 97

[PR Docket No. 80-729]

Amateur Radio Service Rules

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; extension of comment and reply comment period.

SUMMARY: This document extends time for filing comments and reply comments in this proceeding regarding the Amateur Radio Rules. Extension of the comment period was requested by the American Radio Relay League, Inc., who said it needed more time to assimilate the view of its members before submitting comments.

DATES: Comments are now due by August 21, 1981 and replies by October 21, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Maurice J. DePont, Private Radio Bureau, Washington, D.C. 20554 (202) 632-4964.

SUPPLEMENTARY INFORMATION:

Adopted: June 15, 1981.

Released: June 16, 1981.

By the Chief, Private Radio Bureau.

In the Matter of Revision of the Amateur Radio Service Rules into "Plain Language" PR Docket No. 80-729 (45 FR 83592; 12-19-80).

1. A request from the American Radio Relay League, Inc. (ARRL) to extend for six months the date for receipt of comments in this proceeding was denied on May 28, 1981.

2. On June 11, 1981, ARRL requested reconsideration of that action, and asked that the time for filing comments be extended only until August 21, 1981. ARRL said that its formulation of comments had progressed to the point where only the two-month extension would be needed.

3. It appears that the public interest would be served by this brief extension of time.

4. Accordingly, pursuant to the authority contained in Sections 0.331 and 1.106(a)(1) of the Commission's Rules, the request of the American Radio Relay League for an extension of time to file comments in PR Docket No. 80-729 is hereby granted. Comments in this proceeding are due on or before August 21, 1981, with reply comments due on or before October 21, 1981.

Carlos V. Roberts,

Chief, Private Radio Bureau.

[FR Doc. 81-18747 Filed 6-24-81; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Part 212

[FRA Docket No. RSSP-3 Notice No. 1]

Revision of State Safety Participation Regulations

AGENCY: Federal Railroad Administration (FRA), Department of Transportation.

ACTION: Notice of proposed rulemaking.

SUMMARY: The FRA proposes to revise its regulations on state participation in railroad safety inspections and investigations (49 CFR Part 212). The revisions are necessary to respond to the expanded state participation authority contained in the Federal Railroad Safety Authorization Act of 1980. The proposed rules would implement the new authority and make other changes in the regulations designed to facilitate expanded state participation while assuring proper coordination of Federal and state inspection activities.

DATES: (1) Written comments: Written comments must be received before August 14, 1981. Comments received after that date will be considered so far as possible without incurring additional expense or delay.

(2) Public hearing: A public hearing will be held at 10:00 a.m. on July 30, 1981. Any person who desires to make an oral statement should notify the Docket Clerk before July 24, 1981, by phone or by mail.

ADDRESSES: (1) Written comments: Written comments should identify the docket number and the notice number and must be submitted in triplicate to the Docket Clerk, Office of the Chief Counsel, Federal Railroad Administration, 400 Seventh Street SW., Washington, D.C. 20590. Written comments will be available for examination, both before and after the

closing date for written comments, during regular business hours (8:30 a.m.–5:00 p.m.) in Room 8211 of the Nassif Building at the above address.

(2) Public hearing: A public hearing will be held in Room 4234 of the Nassif Building. Persons desiring to make oral statements at the hearing should notify the Docket Clerk by telephone (202–426–8881) or by writing to: Docket Clerk, Office of the Chief Counsel, Federal Railroad Administration, 400 Seventh Street SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT: Principal Program Person: Bruce Fine, Office of Safety, Federal Railroad Administration, Washington, D.C. 20590 (Phone: 202–426–4345) Principal Attorney: Lawrence I. Wagner, Office of the Chief Counsel Federal Railroad Administration, Washington, D.C. 20590 (Phone: 202–426–8836).

SUPPLEMENTARY INFORMATION: Section 206 of the Safety Act initially provided for a state role in investigation and surveillance activities with respect to safety regulations issured by FRA solely under the Federal Railroad Safety Act of 1970 (45 U.S.C. 435) (Safety Act). This limitation did not permit state participation in effecting compliance with the older Federal railroad safety laws, the Safety Appliance Acts (45 U.S.C. 1–16), the Hours of Service Act (45 U.S.C. 61–64b), the Signal Inspection Act (49 U.S.C. 26) and the Locomotive Inspection Act (45 U.S.C. 22–34). The regulations implementing section 206 of the Safety Act, 49 CFR Part 212 (referred to as the State Safety Participation Program or Program) reflect this statutory limitation. The regulations were published on December 18, 1973 (38 FR 34 748) and amended on November 28, 1974 (40 FR 55508).

Section 4 of the Federal Railroad Safety Authorization Act of 1980, Pub. L. No. 96–423, 94 Stat 1812 (October 10, 1980) authorized FRA to expand the State Safety Participation Program to encourage state participation in effecting all Federal railroad safety statutes. This proposal would implement section 4 and make other changes to improve the strength and quality of the State Safety Participation Program.

The specific objectives of this revision are to:

(1) Expand the scope of the Program to permit the broadest range of state participation allowed by law;

(2) Clarify the policy framework within which the FRA and the states will develop operational arrangements;

(3) Conform the administrative details set forth in the regulations to existing delegations within FRA;

(4) Define strict, but realistic minimum qualification requirements for state inspection personnel engaged in all phases of the Program; and

(5) Reorganize and edit Part 212 to eliminate unnecessary verbage and make it more readable.

Section by Section Analysis

Subpart A—General Revisions

Section 212.1 through 212.5 would describe the purpose and scope of the revised regulations, and define certain terms.

Subpart B—State/Federal Roles

Section 212.101 would enunciate the basic principles of the national railroad safety program and describe in broad terms the intended contribution of the Program to this overall effort. The section states the dual commitment of the FRA to the success of the State Participation Program and to the maintenance of a nationwide Federal capability to be utilized in coordination with, and close support of, state inspection programs.

The thrust of this statement of principles is a fresh delineation of Federal and state roles. At a minimum, participating states are expected to provide an inspection capability adequate to effect basic coverage of all or part of the territory of the state, through planned compliance inspections. State agencies may also provide other investigative services, based on their level of staffing, capabilities of personnel, and desire to take on additional responsibilities. The FRA will maintain the capability to undertake additional investigations and assessments as deemed necessary.

This statement of basic philosophy is intended, in part, to correct the misimpression that each state is expected to operate a self-contained, insular program unrelated to national safety objectives and without the benefit of the support which the FRA field complement of 300 professionals can provide. While it is crucial that each participating state agency take on clearly defined responsibilities for providing inspection services, it is equally important to the success of participating states, and the FRA, that resources be applied in a coordinated and mutually supportive fashion to remedy identified safety problems. This basic philosophy already has the strong support of many participating states.

Section 212.105 would describe the scope of participation by agreement and prescribes procedures for the formation of an agreement.

The FRA proposes to make "agreement" the primary means by which states will participate, starting with the Federal fiscal year beginning October 1, 1981. Presently, "certification" is the primary means of participation. This change in approach appears to be desirable for several reasons.

First, the 1980 safety amendments provide that participation under the older safety laws shall be by agreement, permitting the FRA to reconcile proposed state funding levels with the existing FRA presence in a state or region. If certification were to be utilized as the primary form of participation, it would be necessary for each state engaged as a full participant to file both an annual certification with respect to regulations issued under the Safety Act and to execute an agreement with respect to activities under the older safety laws. Such an arrangement would lead to unnecessary paperwork and foster confusion over the source of investigative and surveillance authority.

Second, the history of state participation under the Program has taught both the FRA and the states that common purpose should predominate over rigid concepts of entitlement if the Program is to make a maximum contribution. Use of the agreement mechanism would emphasize the essentially cooperative nature of the program.

Third, while each certification must, by law, be renewed annually, agreements may be entered into for an indefinite duration, avoiding formalistic filings and assuring that investigative and surveillance authority does not lapse as a result of administrative delay or error.

Fourth, the agreement approach permits the FRA, in concert with the state agency, to determine the minimum level of inspection effort the state will provide based on the full range of real world considerations, rather than a universal formula. For instance, a state agency with responsibility for monitoring the compliance of one or two railroads with good safety records within a territory so compact as to require little extended travel, might wish to effect coverage of its territory with fewer personnel than a rigid national formula might indicate to be necessary. Under the agreement approach, FRA safety program managers could accommodate that state decision without the delays incident to waiver of the regulations.

Using the agreement approach to participate, a state would be identified as a "full participation state"—

• In track safety, if the state undertook responsibility for routine compliance activities under the Track Safety Standards;

• In equipmenty safety, if the state undertook responsibility for routine compliance activities under the Freight Car Safety Standards (and such inspections under the Safety Appliance Acts and Locomotive Inspection Act as might be agreed to by the state and FRA); and

• In operating practices safety, if the state undertook responsibility for routine compliance inspections under the operating practices regulations (49 CFR Parts 217, 218, 220, 221, 225) (and such investigations under the Hours of Service Act and the Signal Inspection Act as might be agreed to by the state and FRA).

A state providing investigative and surveillance activities less extensive than basic coverage of track, equipment, or operating practices under the Safety Act would be known as a "partial participation state".

The proposed section would preserve the existing use of agreements to assist the development of state programs through training and to accommodate those states that wish to provide only a part of the necessary planned inspections.

Most important from the point of view of program improvement, section 212.105 would permit the delegation of Federal safety inspection authority with respect to the Safety Appliance Acts (including the Power Brake Law), the Locomotive Inspection Act, the Hours of Service Act and Signal Inspection Act. While the section would not create any entitlement to participation in these areas, it is FRA's intention to utilize this authority liberally to supplement Federal inspection personnel already deployed and, to the extent states are prepared to shoulder this additional burden, to relieve FRA personnel of routine tasks. To the extent state agencies are willing to accept responsibility for investigating a portion of the large volume of complaints received by FRA each year, for instance, seasoned FRA personnel will be increasingly available for more comprehensive tasks such as assessing railroad training and supervision programs and undertaking major compliance initiatives that involve operations in more than one state.

The selective delegation of inspection authority under the older acts will also provide more efficient use of state personnel. State freight car safety inspectors are presently without authority to commence enforcement actions under the Safety Appliance Acts. This anomaly results in the underutilization of qualified state personnel, while necessitating duplicative FRA coverage of inspection points. Under the proposed section, it is hoped that each state participating in the equipment area will undertake at least limited responsibility for safety appliance and power brake inspections.

Section 212.107 identifies the qualified right of a state agency to participate through the filing of an annual certification. This mechanism is available only with respect to regulations and orders issued under the Safety Act. Under the proposed section, "certification" and "agreement" would be mutually exclusive. That is, FRA would not delegate authority under the older acts to a certified state. A state certification would be accepted only if the state had the current capability to provide the minimum level of inspection effort set forth in the applicable appendix to the rules through qualified personnel.

Section 212.109 provides for joint planning of inspection activities on an annual basis. This proposal, which is derived from the FRA System Safety Plan, is a part of an overall effort that involves an enhanced flow of accident and traffic data from the Office of Safety headquarters staff to the regions and the development of regional work plans identifying prospective state and FRA activities. Although proposed here as a regulatory requirement, this initiative is already being implemented by state agencies and the respective FRA Regional Directors of Railroad Safety.

It should be noted that a certified state wishing not to participate in the discipline of joint planning would be permitted to do so, so long as the state did not seek Federal funding.

Section 212.111 expresses general FRA policy with respect to monitoring and direct FRA inspection activity. Monitoring is conducted at the program level; supervision of individual personnel is the responsibility of the state agency. The FRA coordinates its direct investigative and inspection activities with the particular state agency, providing prior notice to the state agency whenever practicable.

Section 212.113 would require a state to provide thirty (30) days notice of its intention to terminate its participation.

The FRA, on its own initiative, may terminate a state agency's participation, after opportunity for hearing, if the state cannot establish that it has substantially complied with applicable law, regulations, and directives provided for the governance of the Program. This language would include state adherence to jointly developed plans for inspection activities under Section 212.109. The proposed section also contains language to make it explicit that an attempt by a state to enforce requirements preempted by Federal law is inconsistent with the obligations of a state under the Safety Act and is a basis for termination.

The FRA wishes to emphasize that no state has been terminated from this program in the past; and FRA hopes and expects that any difficulties that may arise in the future will be resolved through amicable discussions.

Section 212.115 provides that FRA reserves exclusive authority to execute enforcement actions recommended by state (and FRA) personnel, except to the extent the state agency may be entitled to proceed with its own attorneys pursuant to section 207 of the Safety Act, as amended by section 5, Pub. L. No. 96-423, 94 Stat. 1812 (45 U.S.C. 436). The FRA will endeavor to process all enforcement actions on a timely basis to assure maximum prospective effect and to assure that the Federal railroad safety laws and regulations are applied uniformly throughout the nation.

The section would also specify those FRA offices to which requests for legal action should be submitted.

Subpart C—State Inspection Personnel

This proposed subpart would, for the first time, prescribe qualification requirements for personnel engaged in operating practice inspections, and inspections under the older safety laws. In addition, the subpart would revise existing qualification requirements to put greater emphasis on actual skills, knowledge and ability.

The proposed qualification standards are intended to insure that, at a minimum, state inspection personnel are (1) fully competent to measure conditions and practices observed on the railroads against applicable Federal requirements; (2) capable of understanding the safety consequences of conditions and practices observed, and (3) able to communicate effectively in conversation and in written reports.

The proposal recedes, to a very limited degree, from the premise that each state inspector must have had the same duration of experience in the railroad industry that is expected of FRA inspectors. This "time in service" concept of the present regulations was intended to measure indirectly the overall familiarity of the inspector with the railroad environment and the inspector's depth of technical expertise that could be applied to more sophisticated problems of diagnosis and remediation. The requirement that each state inspector possess such expertise

was based on the assumption that FRA might withdraw its capability entirely from a participating state. However, the development of the Program has established both the necessity and desirability of FRA's remaining involved, in partnership with the state agencies, in safety operations across the nation.

This management concept provides ample room for contributions by highly experienced state personnel, as well as individuals with less industry experience who have demonstrated that they are fully competent to measure and report compliance with objective, minimum safety standards.

This notice does not propose to dilute the concept of "full competence" embodied in existing regulations. The proposed rules would require knowledge of governing Federal requirements, industry standards, personal safety rules of the railroads, and applicable technology and related nomenclature. The FRA, as well as the state agency, would participate in the qualification process; and each would have to be fully satisifed concerning the general competence and particular qualifications of the inspector candidate prior to acceptance into the Program.

At the same time, a highly qualified individual whose knowledge is derived from formal education and training, rather than years of employment in the railroad industry, would not be unduly impeded from progressing to inspector status.

The proposed rule identifies the basic qualifications that would be needed for all state inspectors and then identifies the particular qualifications that would be needed for an inspector who would be authorized to monitor compliance with a select group of Federal requirements. Additionally, the proposed rule would permit the creation of "apprentice" inspector positions (similar to "trainee" positions under the existing regulations) for each major discipline. To the extent of available resources, the FRA will endeavor to provide in-depth training to state apprentice inspectors. In addition, state agencies that already employ experienced and qualified inspectors will be able to use FRA developed training manuals to train their own apprentice inspectors. With the use of a structured training curriculum and the combined resources of the state agencies and FRA, a more rapid development of apprentices to the status of qualified inspector status can be achieved, dependent on an individual's ability.

Section 212.201 would prescribe those basic qualifications common to inspectors of all disciplines, and apprentice inspectors.

Sections 212.203 and 212.205 would prescribe qualification requirements for state track inspectors and apprentices.

Section 212.207 would prescribe qualification requirements for state signal and train control inspectors. A state inspector meeting these qualifications would monitor compliance with all provisions of the signal regulations.

Section 212.209 would prescribe qualification requirements for state train control inspectors. The train control inspector would only monitor compliance with requirements relating to those portions of automatic cab signal, trainstop and train control systems housed on board locomotives. Unlike the "signal and train control inspector", the train control inspector would not monitor the compliance of wayside signals and control systems.

Section 212.211 would prescribe entry requirements for the signal and train control inspector apprentice.

Section 212.213 would prescribe qualification requirements for the state motive power and equipment (MP&E) inspector. A state inspector meeting these qualifications would monitor compliance with the full range of regulations relating to railroad rolling stock safety, including freight cars, safety appliances, power brake, and locomotive standards. In order to perform the functions of an MP&E inspector, the inspector would have to be technically qualified in each of these areas.

Section 212.215, by contrast, describes the qualifications of a state locomotive inspector whose expertise and duties would be limited to locomotives; and *section 212.217* describes the qualifications for a state inspector whose expertise and duties would be limited to freight cars.

Section 212.219 would prescribe entry qualifications for an MP&E inspector apprentice.

Section 212.221 would define the duties and qualifications of a state operating practices inspector. Like the MP&E inspector, the operating practices inspector would have to demonstrate specialized knowledge of a broad range of regulatory fields, including carrier operating rules and programs, FRA Railroad Operating Rules (Radio Rules, Rear End Marking Device Regulations,) and the Hours of Service Act. The operating practices inspector, in short would have to demonstrate extensive knowledge of the operating environment and the ability to evaluate interacting conditions and practices.

Section 212.223, by contrast, would define the position of operating practices compliance inspector, whose duties would be limited to measuring particular mining compliance with the Track Safety Standards (49 CFR Part 213), to make reports of those inspections, and to recommend the institution of enforcement actions when appropriate to promote compliance.

(b) The track inspector shall demonstrate the following specific qualifications:

(1) A comprehensive knowledge of track nomenclature, track inspection techniques, track maintenance methods, and track equipment;

(2) The ability to understand and detect deviations from:

(A) Track maintenance standards accepted in the industry; and

(B) The Track Safety Standards (49 CFR Part 213).

(3) Knowledge of operating practices and vehicle/track interaction sufficient to understand the safety significance of deviations and combinations of deviations; and

(4) Specialized knowledge of the requirements of the Track Safety Standards, including the remedial action required to bring defective track into compliance with the standards.

Administrator to issue qualification requirements. For instance, should the FRA issue an emergency order involving a particular series of freight cars, FRA could involve the state in its enforcement by executing amendments to existing agreements and by requiring state MP&E and car inspectors to demonstrate familiarity with the technical problem to be addressed, the requirements of the emergency order, and FRA procedures for its implementation.

Subpart D—Grants in Aid

Section 212.301 notes that the Safety Act authorizes FRA to pay, out of funds appropriated for the purpose, up to 50 percent of the cost of personnel, equipment and activities reasonably required for a state agency to carry out investigative and surveillance activities prescribed by the FRA as necessary for enforcement of the Federal railroad safety laws and regulations.

Section 212.303 describes the annual funding process.

Section 212.305 refers to the State Safety Participation Program Manual, which contains administrative details related to reporting of inspection activities and documentation of expenditures.

Section 212.307 would describe how the FRA determines the minimum and

maximum levels of reimbursement that will be allowed for each state. Maximum levels for agreement states would be set by the Associate Administrator based on enumerated criteria, with the reimbursement levels set for certified states utilized as the floor below which the Associate Administrator may not go.

The reimbursement levels for certified states would be those set in Appendix A and Appendix B. A certified state must provide the minimum level of effort prescribed in each appendix. Reimbursement for the Federal share of the cost of invstigative and compliance activities with respect to the Track Safety Standards will be allowed up to a maximum reimbursement for man-years of effort prescribed in Appendix A. The levels with respect to the Freight Car Safety Standards are prescribed in Appendix B.

Appendix A. In determining the level of track inspection for each state that is contained in the existing regulation, FRA used a formula based on the determination that one inspector could adequately inspect no more than 2,200 miles of track in a year and that any given segment of track should be inspected once every two years. The total miles of track in a state was then divided by 4,400 to arrive at the minimum level of inspection effort. Once the minimum number of man-years was established for each state, FRA established a maximum level of man-years for Federal reimbursement by allowing up to one man-year of effort for reimbursement purposes in those instances where only a fraction of a man-year of effort would be required to meet the maximum inspection effort. FRA has utilized the same approach for this proposal but has revised the inspection effort of an individual to indicate inspection of only 2,000 miles in a given year. This revision is based on recent inspection data for state and Federal inspectors. The actual miles of track in each state was also revised to reflect changes in operations since the rules were last amended.

Appendix B. In determining the level of freight car inspection for each state that is contained in the existing regulation, FRA used a formula that included a determination that one inspector could adequately inspect no more than 14,280 freight cars in a year and that only a percentage sampling of the freight car fleet was appropriate. FRA has utilized the same approach for this proposal but has revised the inspection levels to reflect recent changes in the Freight Car Safety Standards and reductions in fleet size as well as drops in traffic volumes.

Should appropriated funds ever prove insufficient to make initial grant commitments for a fiscal year for the full 50 percent funding which has been provided since the inception of the program, FRA would determine the allocation of Federal funds to each state and specify the respective amounts in the grant approvals. The most likely method for dealing with a shortfall would be to reduce each state's allotment proportionally (e.g. 46 percent funding of each state program rather than 50 percent). However, in the case of a prolonged shortage of funds, the FRA, within the framework of the budget process, might distribute funds on other grounds.

The section notes that a state may elect to employ, at its own expense, qualified personnel to engage in investigative and surveillance activities under either agreement or certification. For instance, FRA might agree to provide 50 percent funding for only three track inspector positions in a state. That limitation on funding would not bar the state from employing six qualified track inspectors, based on its perception of safety needs within the state. However, three of the six positions would have to be wholly funded by the state. The FRA would evaluate all such candidates proffered for qualification under Subpart C, but might, for reasons of insufficient resources, require the state to provide all orientation and classroom training, including any relevant travel, at its own expense.

Regulatory Impact

This proposal has been evaluated in accordance with existing regulatory policies. This proposal will only affect state governments and will not have an adverse economic impact on any entity since it does not place any new requirements or burdens on the public. Based on these facts, it is certified that the proposal will not have a significant economic impact on a substantial number of small entities under the provisions of the Regulatory Flexibility Act (Pub. L. 95–354, 94 Stat. 1164, September 19, 1980). It does not constitute a major Federal action significantly affecting the quality of the human environment and, therefore, an environmental impact statement is not required. The proposal does not constitute a major rule under the terms of Executive Order 12291 and does not constitute a significant rule under the Department of Transportation regulatory policies and procedures. The proposal is minimal and it does not warrant a regulatory evaluation.

Public Participation

Interested persons are invited to participate in this proceeding by submitting written data, views or comments. Communications should identify the regulatory docket number and the notice number, and must be submitted in triplicate to the Docket Clerk, Office of the Chief Counsel, Federal Railroad Administration, 400 Seventh Street SW., Washington, D.C. 20590. Communications received before August 14, 1981, will be considered before final action is taken on the proposed rules. All comments received will be available for examination by interested persons at any time during regular working hours in Room 8211, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590.

In addition, FRA will conduct a public hearing on July 30, 1981, Room 4234, 400 Seventh Street SW., Washington, D.C. at 10:00 a.m. The hearing will be informal, and not a judicial or evidentiary hearing. There will be no cross examination of persons making statements. A staff member of FRA will make an opening statement outlining the matter set for hearing. Interested persons will then have the opportunity to present their oral statements.

At the completion of all initial oral statements, those persons who wish to make rebuttal statements will be given the opportunity to do so in the same order in which they make their initial statements. Additional procedures for conducting the hearing will be announced at the hearing.

Interested persons may present oral or written statements at the hearing. All statements will be made a part of the record of the hearing and will be a matter of public record. Any person who wishes to make an oral statement at the hearing should notify the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration 400 Seventh Street SW., Washington, D.C. 20590 (Phone: 202–426–8836), before July 24, 1981, stating the amount of time required for the initial statement.

In consideration of the foregoing, it is proposed to amend Chapter II, Title 49, Code of Federal Regulations by revising Part 212 to read as set forth below.

Issued in Washington, D.C. on June 16, 1981.

Robert W. Blanchette,

Administrator.

PART 212—STATE SAFETY PARTICIPATION REGULATIONS

Subpart A—General

Sec.

212.1 Purpose and scope

Sec.
212.3 Definitions
212.5 Filing

Subpart B—State/Federal Roles

212.101 Program principles
212.103 Investigative and surveillance authority
212.105 Agreements
212.107 Certification
212.109 Joint planning of inspections
212.111 Monitoring and other inspections
212.113 Program termination
212.115 Enforcement actions

Subpart C—State Inspection Personnel

212.201 General qualifications of inspection personnel
212.203 Track inspector
212.205 Track inspector apprentice
212.207 Signal and train control inspector
212.209 Train control inspector
212.211 Signal and train control inspector apprentice
212.213 Motive power and equipment (MP&E) inspector
212.215 Locomotive inspector
212.217 Car inspector
212.219 MP&E inspector apprentice
212.221 Operating practices inspector
212.223 Operating practices compliance inspector
212.225 Operating practices inspector apprentice
212.227 Inapplicable qualification requirements
212.229 Subsequent regulations and orders

Subpart D—Grants in Aid

212.301 Grant authority
212.303 Annual funding process
212.305 Reports
212.307 Maximum reimbursement levels

Appendix A—Track inspection.
Appendix B—Freight car inspection.

Authority: Secs. 202, 205, 206, 207, Pub. L. No. 91–458, 84 Stat. 971 *et seq.*, as amended by sections 4 and 5, Pub. L. No. 96–423, 94 Stat. 1812 (45 U.S.C. 431, 434, 435, 436).

Subpart A—General

§ 212.1 Purpose and scope.

This part establishes standards and procedures for state participation in investigative and surveillance activities under the Federal railroad safety laws and regulations.

§ 212.3 Definitions.

As used in this part:

(a) "Administrator" means the Federal Railroad Administrator or the Deputy Administrator or the delegate of either of them.

(b) "Associate Administrator" means the Associate Administrator for Safety, Frederal Railroad Administration (FRA), or the Deputy Associate Administrator for Safety, FRA.

(c) "FRA" means the Federal Railroad Administration.

(d) "Federal railroad safety laws" means the following enactments, together with regulations and orders issued under their authority:

(1) the Federal Railroad Safety Act of 1970, as amended (45 U.S.C. Sections 421, 431–441);

(2) the Safety Appliance Acts, as amended (45 U.S.C. Sections 1–16);

(3) the Locomotive Inspection Act, as amended (45 U.S.C. Sections 22–34);

(4) the Signal Inspection Act, as amended (49 U.S.C. Section 26);

(5) the Accident Reports Act, as amended (45 U.S.C. Sections 38–42); and

(6) the Hours of Service Act, as amended (45 U.S.C. Section 61–646).

(e) "Planned compliance inspections" means investigative and surveillance activities described in the annual work plan required by section 212.109 of this part that provide basic surveillance of railroad facilities, equipment and/or operations for the purpose of determining the level of compliance with relevant Federal safety requirements.

§ 212.5 Filing.

Each state agency desiring to conduct investigative and surveillance activities must submit to the Associate Administrator for Safety, Federal Railroad Administration, 400 Seventh Street, S.W., Washington, D.C. 20590, the documentation which contains the information prescribed by sections 212.105 and 212.107.

Subpart B—State/Federal Roles

§ 212.101 Program principles.

(a) The purpose of the national railroad safety program is to promote safety in all areas of railroad operations in order to reduce deaths, injuries and damage to property resulting from railroad accidents.

(b) (1) The national railroad safety program is carried out in part through the issuance of mandatory Federal safety requirements and through inspection efforts designed to monitor compliance with those requirements. FRA and state inspections determine the extent to which the railroads have fulfilled their obligations with respect to inspection, maintenance, training, and supervision. The FRA and participating states do not conduct inspections of track, equipment, signal systems and operating practices for the railroads.

(2) The national railroad safety program is also carried out through accident investigations, formal and informal educational efforts, complaint investigations, safety assessments, special inquiries, regulatory development, research and similar initiatives.

(c) It is the policy of the FRA to maintain direct oversight of railroad conditions and practices relevant to safety by conducting inspections and investigations throughout the national railroad system in coordination with participating state agencies.

(d) The principal role of the State Safety Participation Program in the national railroad safety effort is to provide an enhanced investigative and surveillance capability through assumption, by participating state agencies, of responsibility for planned compliance inspections. The FRA encourages further state contributions to the national railroad safety program consistent with overall program needs, individual state capabilities, and the willingness of the states to undertake additional investigative and surveillance activities.

(e) It is the policy of the FRA to promote the growth and vitality of the State Safety Participation Program through liaison with state governments, coordination of Federal and state investigative and surveillance activities, training of inspection personnel, and grants in aid.

§ 212.103 Investigative and surveillance authority.

(a) Subject to the requirements of this part, a state agency with jurisdiction under state law may participate in investigative and surveillance activities concerning Federal railroad safety laws and regulations by entering into an agreement for the exercise of specified authority under § 212.105.

(b) Subject to the requirements of this part, a state agency with jurisdiction under state law may participate in investigative and surveillance activities with respect to particular rules, regulations, orders or standards issued under the regulatory authority of the Federal Railroad Safety Act of 1970 by filing an annual certification under § 212.107.

§ 212.105 Agreements.

(a) *Scope.* The principal method by which states may participate in investigative and surveillance activities is by agreement with FRA. An agreement may delegate investigative and surveillance authority with respect to all or any part of the Federal railroad safety laws.

(b) *Duration.* An agreement may be for a fixed term or for an indefinite duration.

(c) *Amendments.* An agreement may be amended to expand or contract its scope by consent of FRA and the state.

(d) *Common terms.* Each agreement entered into under this section provides that:

(1) The state agency is delegated certain specified authority with respect to investigative and surveillance activities;

(2) The delegation is effective only to the extent it is carried out through personnel recognized by the state and the FRA (pursuant to Subpart C of this part) to be qualified to perform the particular investigative and surveillance activities to which the personnel are assigned; and

(3) The state agency agrees to provide the capability necessary to assure adequate coverage of facilities, equipment, and operating practices through planned compliance inspections for all, or a specified part of, the territory of the state.

(e) *Request for agreement.* A request for agreement shall contain the following information:

(1) An opinion of the counsel for the state agency stating that:

(i) The agency has jurisdiction over safety practices applicable to railroad facilities, equipment, rolling stock, and operations in that state;

(ii) The agency has the authority to conduct investigative and surveillance activities in connection with the rules, regulations, orders, and standards issued by the Administrator under the Federal Railroad Safety Act; and

(iii) State funds may be used for this purpose.

(2) A statement that the state agency has been furnished a copy of each Federal safety statute, rule, regulation, order, or standard pertinent to the state's participation;

(3) The names of the railroads operating in the state together with the number of miles of main and branch lines operated by each railroad in the state;

(4) The name, title and telephone number of the person designated by the agency to coodinate the program; and

(5) A description of the organization, programs, and functions of the agency with respect to railroad safety.

(f) *Development agreement.* Consistent with national program requirements, the Associate Administrator may enter into an agreement under this section prior to the qualification of inspection personnel of the state under Subpart C of this part. In such a case, the agreement shall specify the date at which the state will assume investigative and surveillance duties and refer to any undertaking by the FRA to provide training for state inspection personnel.

(g) *Action on request.* The Associate Administrator responds to a request for agreement by entering into an agreement based on the request, by declining the request, or by suggesting modification in the form of agrement.

§ 212.107 Certification.

(a) *Scope.* In the event the FRA and the state agency do not agree on terms for the participation of the state under section 212.105 of this part and the state wishes to engage in investigative and surveillance activities with respect to any rule, regulation, order or standard issued under the authority of the Federal Railroad Safety Act of 1970, the state may file an annual certification with respect to such activities.

(b) *Content.* The annual certification shall be filed not less than 60 days before the beginning of the Federal fiscal year to which it applies, shall contain the information required by section 212.105(e) of this part and, in addition, shall certify that:

(1) The state agency has the capability to conduct investigative and surveillance activities under the requirements of this part with respect to each rule, regulation, order or standard for which certification is submitted; and

(2) The state agency will, at a minimum, conduct planned compliance inspections meeting the level of effort prescribed in the applicable appendix to this part.

(c) *Action on certification.* The Associate Administrator responds to the filling of an annual certification within 60 days of its receipt by accepting it or by rejecting it for cause stated.

(d) *Delegation of Authority.* Acceptance of an annual certification will constitute a delegation of authority to conduct investigative and surveillance activities only to the extent that the delegation is carried out through personnel recognized by the state and the FRA (pursuant to Subpart C of this part) to be qualified to perform the particular investigative and surveillance activities to which the personnel are assigned.

§ 212.109 Joint planning of inspections.

Prior to the beginning of each Federal fiscal year, each participating state applying for grant assistance under Subpart D of this part shall develp, in conjunction with the FRA Regional Director of Railroad Safety for the region in which the state is located, an annual work plan for the conduct of investigative and surveillance activities by the state agency. The plan shall include a program of inspections designed to monitor the compliance of the railroads operating within the state (or portion thereof) with applicable Federal railroad safety laws and regulations.

§ 212.111 Monitoring and other inspections.

(a) The FRA may conduct such monitoring of state investigative and surveillance practices and such other inspection and investigation as may be necessary to aid in the enforcement of the Federal railroad safety laws.

(b) It is the policy of the FRA to monitor state investigative and surveillance practices at the program level.

(c) It is the policy of the FRA to coordinate its direct inspection and investgative functions in participating states with the responsible state agency, providing prior advice to the states whenever practicable.

§ 212.113 Program termination.

(a) A state agency participating in investigative and surveillance activities by agreement or certification shall provide thirty (30) days notice of its intent to terminate its participation.

(b) The Administrator may, on his own initiative, terminate the participation of a state agency if, after at least thirty (30) days notice and opportunity for oral hearing under section 553 of Title 5 U.S.C., the state agency does not establish that it has complied and is complying with:

(1) The requirements of this part;

(2) Relevant technical directives, enforcement manuals, and written interpretations of law and regulations provided by the FRA for guidance of the program; and

(3) The rule of national uniformity of laws, rules, regulations, orders, and standards relating to railroad safety as expressed in section 205 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 434).

§ 212.115 Enforcement actions.

(a) Except as provided in paragraph (b) of this section, the FRA reserves exclusive authority to assess and compromise penalties, to issue emergency orders and compliance orders, institute or cause to be instituted actions for collection of civil penalties or for injunctive relief, and to commence any and all other enforcement actions under the Federal railroad safety laws.

(b) (1) Section 207(a) of the Federal Railroad Safety Act of 1970, as amended (45 U.S.C. 436(a)), authorizes a participating state to bring an action for assessment and collection of a civil penalty in a Federal district court of proper venue, if the FRA has not acted on a request for civil penalty assessment originated by the state, within sixty (60) days of receipt, by assessing the penalty

or by determining in writing that no violation occurred.

(2) Section 207(b) of the Federal Railroad Safety Act of 1970, as amended (45 U.S.C. 436(b)), authorizes a participating state to bring an action or injunctive relief in a Federal district court of proper venue, if the FRA has not acted on a request to initiate such an action within fifteen (15) days of receipt, by referring the matter to the Attorney General for litigation, by undertaking other enforcement action, or by determining in writing that no violation has occurred.

(3) For purposes of this paragraph, a request for legal action is deemed to be received when a legally sufficient investigative report specifying the action requested is received by the designated FRA office(s).

(c) (1) Requests for civil penalty assessments and other administrative actions shall be submitted to the FRA Regional Director for Railroad Safety for the FRA region in which the state is located.

(2) Requests for the institution of injunctive actions shall be submitted simultaneously to (A) the FRA Regional Director for Railroad Safety for the FRA region in which the state is located and (B) the Enforcement Division, Office of Chief Counsel, FRA.

Subpart C—State Inspection Personnel

§ 212.201 General qualifications of state inspection personnel.

(a) This subpart prescribes the minimum qualification requirements for state railroad safety inspectors, compliance inspectors and inspector apprentices. A state agency may establish more stringent or additional requirements for its employees.

(b) An inspector, compliance inspector or inspector apprentice shall be recognized as qualified under this part by the state agency and the Associate Administrator prior to assuming the responsibilities of the position.

(c) Each inspector, compliance inspector and inspector apprentice shall be a bona fide employee of the state agency.

(d) Each inspector, compliance inspector and inspector apprentice shall demonstrate:

(1) The ability to read and comprehend written materials such as training and enforcement manuals, regulations, operating and safety rules of the railroad, and similar materials;

(2) The ability to compose narrative reports of investigative findings that are clear, complete, and grammatically acceptable;

(3) The ability to record data on standard report forms with a high degree of accuracy;

(4) The ability to communicate orally; and

(5) Basic knowledge of rail transportation functions, the organization of railroad companies, and standard railroad rules for personal safety.

(e) Each inspector shall demonstrate a thorough knowledge of:

(1) Railroad rules, practices, record systems, and terminology common to operating and maintenance functions; and

(2) The scope and major requirements of all of the Federal railroad safety laws and regulations.

(f) In addition to meeting the requirements of this section, each inspector, compliance inspector and inspector apprentice shall meet the applicable requirements of sections 212.203–212.225 of this subpart.

§ 212.203 Track inspector.

(a) The track inspector is required, at a minimum, to be able to conduct independent inspections of track structures for the purpose of determining compliance with the Track Safety Standards (49 CFR Part 213), to make reports of those inspections, and to recommend the institution of enforcement actions when appropriate to promote compliance.

(b) The track inspector shall demonstrate the following specific qualifications:

(1) A comprehensive knowledge of track nomenclature, track inspection techniques, track maintenance methods, and track equipment;

(2) The ability to understand and detect deviations from:

(i) Track maintenance standards accepted in the industry; and

(ii) The Track Safety Standards (49 CFR Part 213).

(3) Knowledge of operating practices and vehicle/track interaction sufficient to understand the safetly significance of deviations and combinations of deviations; and

(4) Specialized knowledge of the requirements of the Track Safety Standards, including the remedial action required to bring defective track into compliance with the standards.

§ 212.205 Track inspector apprentice.

(a) The track inspector apprentice must be enrolled in a program of training prescribed by the Associate Administrator leading to qualification as a track inspector. The track inspector apprentice may not participate in investigative and surveillance activities, except as an assistant to a qualified state or FRA inspector while accompanying that qualified inspector.

(b) A track inspector apprentice shall demonstrate basic knowledge of track inspection techniques, track maintenance methods, and track equipment prior to being enrolled in the program.

§ 212.207 Signal and train control inspector.

(a) The signal and train control inspector is required, at a minimum, to be able to conduct independent inspections of all types of signal and train control systems for the purpose of determining compliance with the Rules, Standards and Instructions for Railroad Signal Systems (49 CFR 236), to make reports of those inspections, and to recommend the institution of enforcement actions when appropriate to promote compliance.

(b) The signal and train control inspector shall demonstrate the following specific qualifications:

(1) A comprehensive knowledge of signal and train control systems, maintenance practices, test and inspection techniques;

(2) The ability to understand and detect deviations from:

(i) Signal and train control maintenance standards accepted in the industry; and

(ii) The Rules, Standards and Instructions for Railroad Signal Systems (49 CFR Part 236).

(3) The ability to examine plans and records and make inspections of signal and train control systems to determine adequacy of stopping distances from prescribed speeds;

(4) Knowledge of operating practices and signal systems sufficient to understand the safety significance of deviations and combination of deviations; and

(5) Specialized knowledge of the requirements of the Rules, Standards and Instructions for Railroad Signal Systems, including the remedial action required to bring signal and train control systems into compliance with the standards.

§ 212.209 Train control inspector.

(a) The train control inspector is required, at a minimum, to be able to conduct independent inspections of automatic cab signal, automatic trainstop, and automatic train control devices on board locomotives for the purpose of determining compliance with Subpart E of the Rules, Standards and

Instructions for Railroad Signal System (49 CFR 236) and to recommend the institution of enforcement action when appropriate to promote compliance.

(b) The train control inspector shall demonstrate the following specific qualifications:

(1) A comprehensive knowledge of the various train control systems used on board locomotives, locomotive air brake system and test and inspection procedures;

(2) The ability to understand and detect deviations from:

(i) Train control maintenance standard accepted in the industry; and

(ii) Subpart E of the Rules, Standards and Instructions for Railroad Signal Systems (49 CFR Part 236);

(3) Knowledge of operating practices and train control systems sufficient to understand the safety significance of deviations and combinations of deviations; and

(4) Specialized knowledge of the requirements of Subpart E of the Rules, Standards and Instructions for Railroad Signal Systems, including the remedial action required to bring train control systems used on board locomotives into compliance with the standards.

§ 212.211 Signal and train control inspector apprentice.

(a) The signal and train control inspector apprentice must be enrolled in a program of training prescribed by the Associate Administrator leading to qualification as a signal and train control inspector. The inspector apprentice may not participate in investigative and surveillance activities, except as an assistant to a qualified state or FRA inspector while accompanying that qualified inspector.

(b) Prior to being enrolled in the program the inspector apprentice shall demonstrate:

(1) Working knowledge of basic electricity and the ability to use electrical test equipment in direct current and alternating current circuits; and

(2) A basic knowledge of signal and train control inspection and maintenance methods and procedures.

§ 212.213 Motive power and equipment (MP&E) inspector.

(a) The MP&E inspector is required, at a minimum, to be able to conduct independent inspections of railroad equipment for the purpose of determining compliance with all sections of the Freight Car Safety Standards (49 CFR 215), Safety Glazing Standards (49 CFR 223), Locomotive Safety Standards (49 CFR 229), Safety Appliance Standards (49 CFR 231), and Power Brake Standards (49 CFR 232), to make reports of those inspections and to recommend the institution of enforcement actions when appropriate to promote compliance.

(b) The MP&E inspector shall demonstrate the following specific qualifications:

(1) A comprehensive knowledge of design construction, testing, inspecting and repair of railroad freight cars, locomotives and air brakes;

(2) The ability to understand and detect deviations from:

(i) Railroad equipment maintenance standards accepted in the industry;

(ii) The Freight Car Safety Standards, Safety Glazing Standards, Locomotive Safety Standards, Safety Appliance Standards and Power Brake Standards;

(3) The knowledge of railroad operating procedures associated with the operation of freight cars, locomotives and air brakes sufficient to understand the safety significance of deviations and combinations of deviations; and

(4) Specialized knowledge of proper remedial action to be taken in order to bring defective freight cars, locomotives, and air brakes into compliance with applicable Federal standards.

§ 212.215 Locomotive inspector.

(a) The locomotive inspector is required, at a minimum, to be able to conduct independent inspections of locomotives and air brake systems for the purpose of determining compliance with applicable sections of the Safety Glazing Standards (49 CFR 223), Locomotive Safety Standards (49 CFR 229), Safety Appliance Standards (49 CFR 231) and Power Brake Standards (49 CFR 232), to make reports of those inspections and to recommend the institution of enforcement actions when appropriate to promote compliance.

(b) The locomotive inspector shall demonstrate the following specific qualifications:

(1) A comprehensive knowledge of design construction, testing, inspecting and repair of locomotives and air brakes;

(2) The ability to understand and detect deviations from:

(i) Railroad equipment maintenance standards accepted in the industry; and

(ii) Safety Glazing Standards, Locomotive Safety Standards, Safety Appliance Standards and Power Brake Standards;

(3) The knowledge of railroad operating procedures associated with the operation of locomotives and air brakes sufficient to understand the safety significance of deviations and combinations of deviations; and

(4) Specialized knowledge of proper remedial action to be taken in order to bring defective locomotives, and air brakes into compliance with applicable Federal standards.

§ 212.217 Car inspector.

(a) The car inspector is required, at a minimum, to be able to conduct independent inspections of railroad rolling stock for the purpose of determining compliance with all sections of the Freight Car Safety Standards (49 CFR 215), Safety Glazing Standards (49 CFR 223), Safety Appliance Standards (49 CFR 231) and Power Brake Standards (49 CFR 232), to make reports of those inspections and to recommend the institution of enforcement actions when appropriate to promote compliance.

(b) The car inspector shall demonstrate the following specific qualifications:

(1) A comprehensive knowledge of the design, construction and testing of freight cars and air brakes;

(2) The ability to understand and detect deviations from:

(i) Railroad freight car maintenance standards accepted in the industry;

(ii) The Freight Car Safety Standards (49 CFR 215), Safety Glazing Standards (49 CFR 229), Safety Appliance Standards (49 CFR 231) and Power Brake Standards (49 CFR 232);

(3) The knowledge of railroad operating procedures and associated with the operation of freight cars and air brakes sufficient to understand the safety significance of deviations and combinations of deviations; and

(4) Specialized knowledge of proper remedial action to be taken in order to bring defective freight equipment and air brakes into compliance with applicable Federal standards.

§ 212.219 MP&E inspector apprentice.

(a) The MP&E inspector apprentice must be enrolled in a program of training prescribed by the Associate Administrator leading to qualification as an MP&E inspector. The apprentice may not participate in investigating and surveillance activities, except as an assistant to a qualified state or FRA inspector while accompanying that qualified inspector.

(b) An MP&E inspector apprentice shall demonstrate basic knowledge of railroad equipment and air brake inspection, testing and maintenance, prior to being enrolled in the program.

§ 212.221 Operating practices inspector.

(a) The operating practices inspector is required, at a minimum, to be able to

conduct independent inspections for the propose of determining compliance with all sections of the Federal operating practice regulations (49 CFR Parts 217, 218, 220, 221, 225 and 228) and the Hours of Service Act (45 U.S.C. Section 61–46b), to make reports of those inspections, and to recommend the institution of enforcement actions when appropriate to promote compliance.

(b) The operating practice inspector shall demonstrate the following specific qualifications:

(1) A comprehensive knowledge of railroad operating practices, railroad operating rules, duties of railroad employees, and general railroad nomenclature;

(2) The ability to understand and detect deviations from:

(i) Railroad operating rules accepted in the industry; and

(ii) Federal operating practice regulations;

(3) Knowledge of operating practices and rules sufficient to understand the safety significance of deviations; and

(4) Specialized knowledge of the requirements of the Federal operating practices regulations listed in paragraph (a) of this section, including the remedial action required to bring railroad operations into compliance with the regulations.

§ 212.223 Operating practices compliance inspector.

(a) The operating practices compliance inspector is required, at a minimum, to be able to conduct independent inspections for the purpose of determining compliance with the requirements of the following requirements:

(1) Operating Rules—Blue Flag (49 CFR 218);

(2) Rear End Marking Device Regulations (49 CFR 221);

(3) Railroad accidents/incidents: reports classification and investigations (49 CFR 225); and

(4) hours of Service Act and implementing regulations (49 CFR 228); to make reports of those inspections; and to recommend the institution of enforcement actions when appropriate to promote compliance.

(b) The compliance inspector shall demonstrate the following specific qualifications.

(1) A basic knowledge of railroad operations, duties of railroad employees and general railroad safety as it relates to the protection of railroad employees;

(2) A basic knowledge of railroad rules and practices;

(3) The ability to understand and detect deviations from the requirements set forth in paragraph (a) of this section; and

(4) Specialized knowledge of the requirements of Federal Operating Practices Regulations listed above including the remedial action required to bring defective conditions into compliance with the regulations.

§ 212.225 Operating practices inspector apprentice.

(a) The operating practices inspector apprentice must be enrolled in a program of training prescribed by the Associate Administrator leading to qualification as an inspector. The apprentice inspector may not participate in investigative and surveillance activities, except as an assistant to a qualified State or FRA inspector while accompanying that qualified inspector.

(b) An operating practices inspector apprentice shall demonstrate basic knowledge of railroad operating practices, railroad operating rules and general duties of railroad employees prior to being enrolled in the program.

§ 212.227 Inapplicable qualification requirements.

The Associate Administrator may determine that a specific requirement of this subpart is inapplicable to an identified position created by a state agency if it is not relevant to the actual duties of the position. The determination is made in writing.

§ 212.229 Subsequent regulations and orders.

The Associate Administrator may implement state participation with respect to future regulations and standards involving the subject matters of track, rolling stock, and operating practices by issuing any supplementary qualification requirements that may be necessary in the form of amendments to the State Safety Participation Manual.

Subpart D—Grants in Aid

§ 212.301 Grant authority.

The FRA is authorized to pay, out of funds appropriated for the purpose, up to 50 percent of the cost of the personnel, equipment, and activities reasonably required for a state agency to carry out investigative and surveillance activities prescribed by the FRA as necessary for enforcement of the Federal railroad safety laws and regulations.

§ 212.303 Annual funding process.

(a) A state agency that is participating in investigative and surveillance activities under this part by agreement or certification, or any state agency making application for such participation, may apply for funding under this subpart. An application for funding for a full fiscal year should be submitted to the Associate Administrator not later than sixty (60) days prior to commencement of that fiscal year.

(b) An application shall contain:

(1) Assurance satisfactory to the Associate Administrator that:

(i) The state agency will provide the remaining cost of the safety program conducted with respect to the agreement or certification entered into pursuant to this part; and

(ii) The aggregate expenditure of funds of the state, exclusive of Federal grants, for the safety program conducted with respect to the agreement or certification entered into pursuant to this part will be maintained at a level which does not fall below the average level of equivalent expenditures by the state for the two fiscal years preceding October 16, 1970.

(2) A description of the state safety program conducted with respect to the agreement of certification entered into pursuant to this part, including a description of the personnel, equipment and activities to be involved in the state program; and

(3) A summary of estimated program costs for the fiscal year.

(c) The Associate Administrator determines the apportionment of Federal funds to be paid to each state agency which submits a funding application under this subpart.

(d) Approval of a funding application, in whole or in part, constitutes a conditional obligation of funds in the approved amount. Payment is made in reimbursement of up to fifty (50) percent of allowable costs actually incurred, not to exceed the approved amount.

§ 212.305 Reports.

Each state agency receiving funding under this subpart shall submit periodic reports of investigative and surveillance activities, and expenses incurred in relation to those activities, as required by the State Safety Participation Program Manual.

§ 212.307 Maximum reimbursement levels.

(a) *Agreement.* (1) The maximum level of inspection effort for which funding will be authorized with respect to a state agency participating by agreement is determined by the Associate Administrator, subject to subparagraph (2) of this paragraph. In determining the maximum level of effort that will be funded, the Associate Administrator considers:

(i) The number of inspection points or miles of track requiring coverage;

(ii) Traffic levels of railroads operating in the state;

(iii) Accident history and accident potential of railroads in the state;

(iv) Any undertakings by the state agency to provide investigative and surveillance activities under the laws set forth at section 212.3(c)(2)–(5) of this part;

(v) The deployment of FRA personnel; and

(vi) Other relevant factors, including available obligational authority.

(2) The minimum level of effort authorized for funding for a state agency providing all planned compliance inspections under the Federal Railroad Safety Act by agreement is not less than that set forth in Appendices A and B to this part.

(b) *Certification.* The maximum level of inspection effort for which reimbursement may be authorized with respect to a state agency participating by certification is set forth in Appendices A and B to this part.

(c) *Allocation.* The FRA reserves the right to allocate available obligational authority among participating states in the event insufficient funds are appropriated to provide the full 50 percent Federal contribution authorized by the Federal Railroad Safety Act of 1970.

(d) *Additional participation.* A state agency participating by agreement or certification may elect to provide increments of inspection effort beyond the level established for purposes of maximum funding under this subpart. However, all investigative and surveillance activities conducted by a participating state agency must be carried out through personnel qualified under Subpart C of this part.

Appendix A.—Track Inspection

As provided in this part, the minimum level of investigative and surveillance effort for a state agency participating by certification and the maximum reimbursement level for the Federal share of such activities with respect to the Track Safety Standards are specified for each state and are expressed in terms of man-years of effort.

State	Minimum inspection effort	Maximum reimbursement level
Alabama	1.66	2
Arizona	.88	1
Arkansas	1.19	2
California	3.38	4
Colorado	1.2	2
Connecticut	.21	1
Delaware	.1	1
Florida	1.41	2
Georgia	1.96	2
Idaho	.93	1
Illinois	5.30	6
Indiana	2.63	3
Iowa	2.54	3
Kansas	2.76	3
Kentucky	1.53	2
Louisiana	1.43	2
Maine	.58	1
Maryland	.47	1
Massachusetts	.48	1
Michigan	2.80	3
Minnesota	2.40	3
Mississippi	1.18	2
Missouri	2.26	3
Montana	1.58	2
Nebraska	1.80	2
Nevada	.50	1
New Hampshire	.23	1
New Jersey	.78	1
New Mexico	.80	1
New York	2.15	3
North Carolina	2.32	3
North Dakota	1.64	2
Ohio	3.34	4
Oklahoma	1.65	2
Oregon	1.07	2
Pennsylvania	3.94	4
Rhode Island	.05	1
South Carolina	1.03	2
South Dakota	.99	1
Tennessee	1.24	2
Texas	4.94	5
Utah	.59	1
Vermont	.24	1
Virginia	1.52	2
Washington	1.92	2
West Virginia	1.54	2
Wisconsin	1.85	2
Wyoming	.70	1
North Carolina	.79	1
North Dakota	.23	1
Ohio	4.67	5
Oklahoma	.48	1
Oregon	.85	1
Pennsylvania	3.47	4
Rhode Island	.04	1
South Carolina	.44	1
South Dakota	.15	1
Tennessee	.82	1
Texas	2.94	3
Utah	.85	1
Vermont	.10	1
Virginia	1.66	2
Washington	1.90	2
West Virginia	1.40	2
Wisconsin	1.16	2
Wyoming	.40	1

Appendix B.—Freight Car Inspection

As provided in this part, the minimum level of investigative and surveillance effort for a state agency participating by certification and the maximum reimbursement level for the Federal share of such activities with respect to the Freight Car Safety Standards are specified for each state and expressed in terms of man-years of effort:

State	Minimum inspection effort	Maximum reimbursement level
Alabama	1.24	2
Arizona	.28	1
Arkansas	.50	1
California	1.76	2
Colorado	.51	1
Connecticut	.20	1
Delaware	.14	1
Florida	1.62	2
Georgia	1.19	2
Idaho	.41	1
Illinois	3.49	4
Indiana	1.77	2
Iowa	1.82	2
Kansas	.74	1
Kentucky	1.35	2
Louisiana	1.02	2
Maine	.33	1
Maryland	.54	1
Massachusetts	.40	1
Michigan	1.54	2
Minnesota	1.66	2
Mississippi	.47	1
Missouri	.99	1
Montana	.67	1
Nebraska	.54	1
Nevada	.13	1
New Hampshire	.07	1
New Jersey	.77	1
New Mexico	.18	1
New York	1.86	2

[FR Doc. 81-18880 Filed 6-24-81; 8:45 am]
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49 CFR Part 213

[Docket No. RST-3, Notice No. 2]

Track Safety Standards; Miscellaneous Proposed Revisions

AGENCY: Federal Railroad Administration (FRA); DOT.

ACTION: Withdrawal of proposed rule.

SUMMARY: On September 6, 1979, FRA published a notice of proposed rulemaking (NPRM) (44 FR 52104) proposing to amend the Track Safety Standards (49 CFR 213). This notice announces the withdrawal of that notice. The substantial discrepancies between the figures for rehabilitation costs and the widely differing assessment of the commenters concerning the necessity and impact of the proposed amendments have caused the FRA to conclude that it is not practicable to develop an appropriate final rule on the basis of this NPRM.

FOR FURTHER INFORMATION CONTACT:
Principal Program Person: Rolf Mowatt-Larssen, Office of Standards and Procedures, Room 7315, Federal Railroad Administration, 400 Seventh Street SW., Washington, D.C. 20590, phone (202–426–0924).

Principal Attorney: Edward F. Conway, Jr., Office of the Chief Counsel, Room 8211, Federal Railroad Administration, 400 Seventh Street SW., Washington, D.C. 20590, phone (202–426–8836).

SUPPLEMENTARY INFORMATION: FRA published a notice of proposed rule making (NPRM) on September 6, 1979, proposing to amend the track safety standards (44 FR 52104). Following the publication of the NPRM, FRA conducted public hearings on December

10 and 11, 1979,to provide an opportunity for interested persons and organizations to testify concerning the proposed amendments. At that hearing, testimony was presented by 5 railroads, the Association of American Railroads (AAR), The Railway Labor Executives Association (RLEA), 1 corporation, 3 state agencies, the Southeastern Pennsylvania Transportation Authority, the National Industrial Traffic League, and 1 Congressman. In addition, written comments were submitted by 6 railroads, 20 private corporations, 15 state agencies, 4 transportation organizations, 4 professional consultants, 7 railroad passenger associations, and 17 private parties.

Many of the comments indicated that the impact of implementing these proposed rules would be much greater than originally indicated by the FRA analysis.

The FRA staff analysis indicated that only four of the amended sections (§§ 213.9, 213.57, 213.109 and 213.237) would have a noticeable economic impact on the rail industry. FRA anticipated a total one-time track rehabiliation cost of $20.2 million and a total increase of $3.5 million in annual operating costs. On the other hand, AAR contended that these four and many of the other proposed track standards are economically infeasible and would cost $858.7 million in rehabilitation costs and $63.8 million in additional operating expenses.

The FRA believes that much of the difference between the FRA and AAR figures is due to the AAR's assumption that the implementation of proposed section 213.9 would require the railroads to upgrade most of their existing track. Based on this assumption, the AAR has estimated the total upgrade cost at $720 million and the annual maintenance cost at $14.4 million, whereas the FRA analysis estimated the cost to upgrade the track at $3.1 million.

Specifically, the AAR contends that the proposed changes in § 213.9 would require all track to be upgraded in order to maintain the present operating speed. However, a significant portion of the track in an FRA sampling already complied with higher class requirements and consequently would not require a massive rehabilitation expense.

The substantial discrepancies between these figures and the widely differing assessment of the commenters concerning the necessity and impact of the proposed amendments have caused the FRA to conclude that it is not practicable to develop an appropriate final rule on the basis of this NPRM. Accordingly, FRA is withdrawing the NPRM. However, FRA will continue to review the current Track Safety Standards with the goal of developing another NPRM. This review will be conducted in accordance with the requirements of Executive Order 12291 issued on February 17, 1981 (46 FR 1391). This notice is issued under the authority of sections 202 and 208 of the Federal Railroad Safety Act of 1970, as amended, 45 U.S.C. 431 and 437; Regulations of the Office of the Secretary of Transportation (49 CFR 1.49(n)).

Issued in Washington, D.C., on June 16, 1981.

Robert W. Blanchette,

Administrator.

[FR Doc. 81-18581 Filed 6-24-81; 8:45 am]

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National Highway Traffic Safety Administration

49 CFR Part 571

[Semi-Annual Regulations Agenda; Docket 80-11, Notice No. 2]

Federal Motor Vehicle Safety Standards; Lamps, Reflective Devices, and Associated Equipment

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Termination of rulemaking.

SUMMARY: This notice announces termination of rulemaking with respect to amending the Federal motor vehicle lighting standard to require illumination of motorcycle headlamps and taillamps when the engine is running, and to have special tests for waterproof boat trailer lamps (Docket 80-11).

FOR FURTHER INFORMATION CONTACT: W. Marx Elliott, Office of Rulemaking, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590 (202-426-1714).

SUPPLEMENTARY INFORMATION: In its recent semi-annual Regulations Agenda (see e.g. 45 FR 56538, August 25, 1980) the agency has indicated that it would issue a Notice of Proposed Rulemaking, in implementation of a granted rulemaking petition, to amend Motor Vehicle Safety Standards No. 108 to require the taillamps and headlamps of motorcycles to be illuminated at all times when the engine is running. The safety purpose of the amendment would be to improve conspicuity of motorcycles and their riders. Actuation of headlamps and taillamps has been an operational requirement in California for several years, and in some other jurisdictions as well. As a consequence, a NHTSA survey discovered that in 1979, 99.8 percent of all motorcycles manufactured for sale in the United States, other than motor driven cycles such as mopeds and motor scooters, were wired so that lamps were on when the ignition was on and the engine running. Further, the electrical charging systems on these vehicles appear to be adequate for the constant load imposed upon them. Thus, there appears to be no need for an amendment of this nature, and rulemaking with respect to it has been terminated.

On July 3, 1980, the agency issued a Notice of Request for Comments (45 FR 45334; Docket 80-11; Notice No. 1) regarding the need to amend Standard No. 108 to specify requirements and test procedures for boat trailer lamps. The notices specifically requested information regarding the safety need for regulation because the NHTSA had no accident statistics that would justify such a regulatory action. The notice elicted responses from five manufacturers, two trade associations, and the California Highway Patrol. Manufacturers of trailer lighting equipment emphasized that there were few complaints regarding the quality of lamps. Comments also indicated a lack of information showing whether boat trailers have a higher accident rate than other types of trailers. The agency has concluded, therefore, that there is no need for an amendment of this nature, and announces that rulemaking on this subject has been concluded.

(Secs. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegations of authority at 49 CFR 1.50 and 49 CFR 501.9)

Issued on June 16, 1981.

Michael M. Finkelstein,

Associate Administrator for Rulemaking.

[FR Doc. 81-18512 Filed 6-24-81; 8:45 am]

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Notices

Federal Register
Vol. 46, No. 122
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This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Equal Access to Justice Act: Agency Implementation

AGENCY: Office of the Chairman, Administrative Conference of the United States.

ACTION: Issuance of model rules.

SUMMARY: The Chairman, Administrative Conference of the United States, issued model rules for the guidance of Federal agencies in implementing the Equal Access to Justice Act (Pub. L. 96–481, 94 Stat. 2325). The Act, which takes effect October 1, 1981, provides for the award of attorney fees and other expenses to parties who prevail over the Federal government in certain administrative and court proceedings. It requires agencies conducting covered adjudications to establish uniform procedures for making awards, after consultation with the Chairman of the Administrative Conference. These model rules are intended to provide guidance for agencies in developing their own regulations.

FOR FURTHER INFORMATION CONTACT: Stephen L. Babcock, Executive Director, or Mary Candace Fowler, Staff Attorney, Administrative Conference of the United States, 2120 L Street NW., Suite 500, Washington, D.C. 20037; (202) 254–7020.

SUPPLEMENTARY INFORMATION: On March 4, 1981, the Chairman of the Administrative Conference of the United States requested public comment on draft model regulations for Federal agency implementation of the Equal Access to Justice Act, Pub. L. 96–481, 94 Stat. 2325 (46 FR 15895, March 10, 1981). The Act authorizes the award of attorney fees and other expenses to certain parties who prevail against the United States in adversary adjudications (proceedings under section 554 of the Administrative Procedure Act, 5 U.S.C. 554, in which the position of the United States is represented by counsel or otherwise) conducted by Federal agencies and in civil court proceedings other than tort actions. Eligible prevailing parties are entitled to awards of fees and expenses, unless the presiding officer or judge finds that the position of the United States was substantially justified or that special circumstances make an award unjust. Eligible parties include individuals with a net worth of no more than $1 million; sole owners of unincorporated businesses, partnerships, corporations, associations or organizations with a net worth of no more than $5 million and no more than 500 employees; and tax-exempt charitable, educational or religious organizations and agricultural cooperative associations with no more than 500 employees, regardless of net worth. The Act becomes effective on October 1, 1981, and will apply to proceedings pending on that date.

The Act directs agencies to establish uniform procedures for the award of fees in their administrative proceedings, after consultation with the Chairman of the Administrative Conference. To facilitate this process, we developed the draft model regulations, with the help of a task force of volunteers from numerous Federal agencies. We are now issuing final model regulations, revised in response to the comments we have received.

At the outset, we would like to clarify the effect of the model regulations and the role of the Administrative Conference in the implementation of the Act. Some commenting agencies expressed uncertainty about whether the model rules developed by this office might be binding on them. The Chairman's statutory role is consultative; as we made clear in the draft rules, the Act does not empower the Chairman to compel other agencies to adopt specific procedures or interpretations. The primary purpose of the model rules is to promote uniformity of procedures. Ultimately, questions of the Act's meaning will be resolved by the courts, and we cannot predict how an agency's adoption of, or departure from, the model rules' interpretations and procedures will affect the amount of deference a court accords its actions.

The Act does, however, mandate the establishment of uniform procedures. While identical rules government-wide are a practical impossibility, we expect agencies, in pursuit of this statutory objective, to give serious consideration to the model rules, as well as to the views of this office on the rules proposed by particular agencies.

We received numerous comments on the draft model rules from government agencies and other interested individuals and organizations. A discussion of the model rules and the related comments follows, as well as a section of notes to help agencies use the model rules. In developing the final model rules, we have tried to produce a scheme that is as clear, simple, and straightforward as possible, in view of the remedial purpose of the Act and its focus on small businesses and individuals. In addition to the changes specifically discussed below, we have made extensive editorial changes to help achieve this purpose. The rules have also been reorganized, and the number of subparts reduced. Material in subparts B and F of the draft rules now appears in § 0.106 and § 0.107, respectively, in subpart A of the final rules. Subpart E of the draft rules is now § 0.310 in subpart C of the final rules.

Subpart A—General Provisions

This subpart contains general provisions explaining the Equal Access to Justice Act and its coverage. Section 0.101 summarizes the purpose of the model rules; the draft provision briefly described the Act without referring to the Act's provision that an award may be denied where special circumstances would make one unjust. Several commenters suggested adding a reference to this provision, and we have done so. The Department of Health and Human Services (HHS) proposed a revision to clarify that the purpose of the Act is to reimburse expenses incurred, not to punish agencies. We do not believe the requested change is necessary. The broader issue of whether awards should be based on reimbursement of actual costs is discussed in connection with § 0.106, below.

Section 0.102 provides that the Act applies to adversary adjudications pending at any time between October 1, 1981 and September 30, 1984. The United States Postal Service (USPS) noted that,

as a technical matter, many proceedings in which that agency enters into compromise agreements remain pending indefinitely. USPS said that proceedings already in this status on October 1, 1981 should not be covered by the Act. We believe this is a reasonable interpretation of the Act, assuming the proceedings are not reopened during the Act's effective dates. Since we suspect that this is not a common situation, however, we have not revised the model rules to cover it. We think a special provision in the rules adopted by USPS, and any other agency in a similar situation, will suffice.

Proceedings Covered

Section 0.103 of the rules describes the types of proceedings covered by the Act. Several commenters discussed the draft rules' provision that proceedings in which agencies voluntarily use the formal procedures of section 554 of the Administrative Procedure Act, 5 U.S.C. 554, would be covered by the Act. The Equal Access to Justice Act provides, in 5 U.S.C. 504(b)(1)(C), that covered adversary adjudications are those "under section 554 of this title in which the position of the United States is represented by counsel or otherwise." Section 554 of the Administrative Procedure Act applies, with some exceptions, to "every case of adjudication required by statute to be determined on the record after opportunity for an agency hearing." Exactly what proceedings are encompassed by this language has long been a difficult legal question, and we proposed a broad interpretation of the reference to adjudications "under section 554" largely to avoid protracted debate about whether particular proceedings fall within its ambit. In addition, we reasoned that, considering the purposes of the Equal Access to Justice Act, questions of its coverage should turn on substance—the fact that a party has endured the burden and expense of a formal hearing—rather than technicalities.

Commenters including Division I (Administrative Law and Agency Practice) of the District of Columbia Bar, the Department of Transportation (DOT), the American Metal Stamping Association, the National Screw Machine Products Association, and the National Oil Jobbers Council endorsed this approach, but several government agencies disagreed. Where the use of formal hearing procedures is truly voluntary, they argued, the model rules' approach will give agencies an incentive not to use them, possibly to the detriment of the private party's interests. Where there are questions about the applicability of section 554, according to the commenters, this approach will not avoid disputes, but will merely change them from litigation issues to internal agency controversies. These commenters also contended that our tentative interpretation of the phrase "under section 554" was impermissibly broad, since waivers of sovereign immunity are to be construed narrowly, and that the draft model rules' liberal construction would distort the plain meaning of the phrase.

Giving agencies an incentive to provide informal procedures whenever they have a choice may not always disadvantage the private party; this will depend on the facts of the particular case. We are concerned, however, that the liberal interpretation of the draft model rules may provide for broader applicability than Congress intended. In some statutory schemes, Congess has provided that private parties in disputes with the Federal government are entitled to hearings as of right; in others, for whatever reasons, it has determined that hearings may be provided at the discretion of the government. On reflection, we have concluded that it is more consistent with the purpose of the legislation not to cover proceedings of the latter type than to include them. Moreover, if Congress did intend to restrict awards to cases required to be conducted under the procedures of section 554, then agencies have no legal authority to award fees under the Act in any other class of cases. We have decided, therefore, to drop the provision of the draft rules suggesting that awards will be available when agencies voluntarily use the procedures described in section 554.

There remains, however, the difficult question of what proceedings are "under section 554." Where it is clear that certain categories of proceedings are governed by this section, agencies should list the types of proceedings in their rules. Where the question is not definitively resolved, we believe the agency should determine, to the extent possible, whether section 554 applies before bringing the proceeding. In such situations, the document initiating any proceeding the agency believes to be covered by the Act should so state, and the rules provide for this. In view of the Act's remedial purpose, an applicant should not have to shoulder the burden of demonstrating in each case that the proceeding is covered. Of course, if an applicant believes that a proceeding is covered and the litigating unit of the agency disagrees, the applicant will have to argue the question before the agency, subject to possible judicial review.

The Federal Energy Regulatory Commission (FERC) and the Department of Justice objected to the draft rules' provision that adversary adjudications to determine the reasonableness of past rates or terms of service are covered by the Act, although Division I of the D.C. Bar supported this provision. FERC pointed out that almost all cases involving new rates also involve existing or "past" rates, and suggested that only enforcement or complaint cases should be covered by the Act. We agree that the draft rules oversimplified this issue. As revised, the model rules provide that any proceeding in which an agency may prescribe a lawful future or present rate is excluded from the Act. HHS said the rules should clarify whether initial license denials are covered by the Act; we believe that these fall clearly within the exception for initial licensing proceedings in the rules, so no additional clarification is needed.

USPS suggested revising paragraph (c) of § 0.103, concerning proceedings involving both covered and excluded issues, to provide that only legal fees and espenses incurred solely for the adjudication of covered issues should be recoverable. However, we prefer the draft rules' approach. In those rare cases where fees related to covered issues relate also to excluded issues, we believe the adjudicative officer can make any necessary judgment as to whether to reduce or deny an award for those fees, after considering the individual circumstances.

the International Trade Commission described its hybrid unfair import trade practices proceedings, which open with a section 554 adjudication to determine whether the law has been violated. If a violation is found, the Commission then holds a non-adjudicative proceeding to consider related policy issues. The Commission said that the model rules should make clear that only the initial phase of such a proceeding would be covered by the Act. We don't think the model rules should cover this relatively unusual situation explicitly. Matters of this type, related to specific agencies' unique procedures, are better handled in individual agency rules.

Some agencies asked the Conference to determine whether proceedings conducted by agency boards of contract appeals are covered by the Act, and the Department of Education asked whether the proceedings of its Education Appeal Board are covered. There is some indication in the Act that proceedings of boards of contract appeals are not

included. Section 204 of the Act (28 U.S.C. 2412(d)(3)) provides that courts shall award fees in actions for judicial review of adversary adjudications as defined in 5 U.S.C. 504 *or* of adversary adjudications subject to the Contract Disputes Act of 1978, thus implying that Congress did not regard the latter category of cases to be "under" section 554 for this purpose. As a general matter, however, we believe individual agencies are far better equipped to determine whether their proceedings are under section 554 of the Administrative Procedure Act than we are, since this determination requires knowledge of the particular laws administered by each agency.

Eligibility

Section 0.104 identifies those eligible for awards under the Act. USPS and DOT found the language in the draft provision describing a "party" as "the person or entity identified in the order or notice initiating the proceeding" unclear; we believe the sentence is unnecessary and have dropped it.

Net Worth: First Southern Federal Savings and Loan Association of Mobile, Alabama, objected to the $5 million limit on net worth, since banks must maintain certain net worth ratios. We are not in a position, however, to change the limit, which is explicitly set by the statute. The National Screw Machine Products Association said that assets acquired or obligations incurred during a proceeding should be excluded from net worth. We agree, and both the statute and the model rules provide that eligibility shall be determined as of the date the proceeding begins. The Civil Aeronautics Board (CAB) suggested that the eligibility provisions of this subpart include cross-references to the net worth provisions fo subpart B, but we don't believe that the text of the model rules is long enough to require such cross-references.

The Treasury Department proposed that we clarify that the net worth of sole owners of unincorporated businesses must include both their personal and business assets, and we have done so. In response to a Justice Department suggestion, we have also revised § 0.104(d) to provide that an applicant's status as an individual or a sole owner of an unincorporated business shall be determined based on the personal or business nature of the issues on which the applicant prevails, rather than all the issues in the case.

Employees: The CAB and the Nuclear Regulatory Commission (NRC) believe the draft rules' definition of 'employees" is too broad. NRC said the definition should include the concept of employer control, to avoid including independent contractors; similarly, the CAB said the draft definition might include travel agents as airline employees. The Federal Trade Commission (FTC), on the other hand, supports the draft definition, since it believes companies sometimes characterize workers who are really employees as "contractors." The Department of Energy (DOE) said the definition could properly exclude temporary and seasonal workers, but should be revised to include part-time workers explicitly.

While we agree that the definition in the draft model rules may be inadequate, the commenters generally did not offer specific alternatives, and we are concerned that a precise definition may be under-or over-inclusive. We have decided on a general definition that includes the concept of employer control, and we have provided for the inclusion of part-time employees on a proportional basis. Agencies that can anticipate dealing frequently with particular situations that may cause difficulty (*e.g.*, airline-travel agent relationships) should probably provide specific guidelines on these situations in their individual rules.

The American Metal Stamping Association and the National Screw Machine Products Association suggested that the number of employees of an applicant should be determined by looking at the average number of employees for the twelve month period before the start of the proceeding. While this is an interesting suggestion, we believe it goes beyond the statutory mandate that eligibility will be determined as of the date the proceeding in initiated.

Limits on Eligibility: The Department of Justice expressed concern about three provisions in the eligibility section of the draft rules: that providing for aggregation of the net worth of affiliated entities; that disregarding transactions solely for the purpose of meeting a net worth standard; and that disqualifying applicants because of their participation solely on behalf of others who are not eligible. Though it believes such provisions are desirable, the Department doubts whether the Act authorizes agencies to adopt such substantive standards by regulation. Instead, it proposes, factors like these could be considered on a case-by-case basis, as "special circumstances" that may make an award unjust.

We don't agree that agencies lack authority under the Act to adopt regulations such as these. The Act states that "each agency shall by rule establish uniform procedures for the submission and consideration of applications" (5 U.S.C. 504(c)(1)). If an agency proposes to adopt these standards for use in its consideration of applications, this statutory language strongly suggests that the agency should set them out in the form of regulations. Moreover, if an agency intends to apply such standards consistently, considerations of fairness and efficiency would dictate advance public notice of the standards.

The narrow construction of the statutory language reflected in the Department's position is not supported by the legislative history. The Conference Committee, for example, characterized the provision quoted above as one that directs agencies to adopt "uniform implementing regulations with respect to application by prevailing parties for an award * * *." (H.R. Rep. 96–1434, 96th Cong., 2d Sess., at 23.) The House Judiciary Committee's report on S. 265 (a bill substantially identical to the Act as passed) describes the provision as one that "directs each agency * * * to establish uniform procedures governing the awarding of fees." (H.R. Rep. 96–1418, 96th Cong., 2d Sess., at 16.) In order to administer a statute effectively, an agency must of necessity define certain terms and make initial interpretations of the statutory provisions, and the Act, in our view, provides ample authority for agencies to adopt such rules.

We have for other reasons, however, eliminated the draft model rules' provision on transactions for the purpose of meeting a net worth standard. Demonstrating the purpose of such a transaction would be extremely difficult. Moreover, if the transaction is genuine, the party is in fact eligible, regardless of its purpose. We believe agencies should disregard a transaction that reduces net worth only when it is a sham transaction, and we think this type of determination can best be made on a case-by-case basis.

Affiliates: Division I of the D.C. Bar and some government agencies supported the draft rules' provision for aggregating the net worth of affiliated entities. The American Metal Stamping Association, on the other hand, said affiliated entities should be treated separately unless more than one of them is involved in a particular proceeding, and agencies including the CAB, USPS, and the National Labor Relations Board (NLRB) believe affiliation should be determined on a case-by-case basis, considering individual facts. HHS and DOE both said affiliation rules should be applied to individuals and sole owners of businesses as well as to

entities. The SEC said that it is a standard accounting practice to consolidate net worth when one individual or business controls more than 50 percent of another business, and also proposed expansion of the rule to provide for affiliate treatment when a business has two or more 20 percent to 50 percent owners who together own a majority interest. The Justice Department, on the other hand, said the reference to "individuals" in the affiliation definition could be difficult to apply.

In our view, the intent of Congress in passing the Act was to aid truly small entities rather than those that are part of larger groups of affiliated firms. The final model rule, accordingly, requires aggregation of net worth and employees when an individual or entity holds a majority interest in an applicant and when an applicant holds a majority interest in another entity, unless the adjudicative officer determines that such treatment would be unjust in light of the actual relationship between the affiliated entities. When an applicant owns less than 50 percent of an entity, we believe that the employees should not be aggregated, and that inclusion of the interest itself (rather than the second entity's entire net worth) in the assets of the applicant will ordinarily be adequate to reflect the applicant's net worth. (We note that the reference to "individuals" in the model rule refers only to those who own or control entities that are applicants; individuals who are themselves applicants could not be "owned" or "controlled" within the meaning of the rule.) We believe this rule identifies a clear case in which aggregation of net worth and number of employees is almost always justified, and applicants who fall within this definition will know from the start that they must provide aggregated eligibility data. Since we agree that the rule may not include all situations in which individuals or entities should be treated as affiliated, however, we have made clear in the rule that relationships other than majority control may constitute special circumstances that would make an award unjust.

Participation for others: Paragraph (h) of § 0.104 of the draft rules provides that applicants will not eligible when they are participating only on behalf of ineligible individuals or entities. USPS and the CAB suggested that participating *"only"* on behalf of others is too restrictive a standard. We have expanded the provision (now paragraph (g)) to include all situations where a party is participating primarily on behalf of others who are ineligible.

In reference to this provision, we specifically requested comments on how the rules should treat trade associations. The FTC said trade associations should not be eligible for awards if their members, when aggregated, would not be eligible (Acting Chairman Clanton disagreed, believing that associations should be eligible if almost all of their members would be eligible individually). Similarly, the Consumer Product Safety Commission, the Treasury Department, and Division I of the D.C. Bar said that trade associations should be ineligible for awards if they have members that would be ineligible individually. The American Metal Stamping Association commented that associations' eligibility should be determined on the basis of their own net worth and employees, not their members; it also said, along with the National Screw Machine Products Association, that otherwise eligible applicants that consult with their trade association about litigation should not become ineligible on that account.

Of course, trade associations may sometimes become involved in litigation on their own account (*e.g.*, as employers) as well as in the interests of their membership. On reflection, we believe the best way of handling this situation is through the provision on participation on behalf of others. When a proceeding involves a trade association independent of its membership, the association's eligibility should be measured individually, like any other applicant's; when an association is representing primarily the interests of its members, the agency can examine the facts of the particular situation. One factor, for example, that an agency might consider is whether the association is financing its participation in the litigation out of its general budget or through special assessments against members that have agreed to participate. In the latter situation, the agency might look closely at the eligibility of the particular participating members.

We also asked for comments on how to treat situations in which an ineligible party and an eligible one are represented by the same counsel. Division I of the D.C. Bar believes that, in these situations, the ineligible party effectively represents the eligble one, and no award should be made. The FTC said the eligible party should be entitled to an award for the amount it agreed to pay before the proceeding began, while DOE thinks the award should be a *pro rata* share of the total fee, based on the total number of parties commonly represented. This approach, according to DOE, will avoid collusion whereby the eligible party agrees to pay a disproportionate share of the fee. We think the rules should not provide one solution for these situations: when they arise, the adjudicative officer can consider all the facts in determining whether and in what amount to make an award.

Intervenors: The National Screw Machine Products Association, the National Association of Manufacturers, and DOE suggested that the rules should limit or eliminate the eligiblility of intervenors. We don't believe that the Act provides for this. We note, however, that situations in which intervenors actually receive awards will probably be rare. The Act excludes rulemaking, licensing, and ratemaking proceedings, in which voluntary intervention is very likely. In adversary adjudications such as enforcement proceedings, intervention by parties without a direct financial stake in the outcome is relatively infrequent, so the Act seems unlikely to become a substantial source of funds for advocacy organizations promoting generalized points of view in agency proceedings.

The Department of Transportation (DOT) suggested, in response to a question in our request for comments, that the eligibility of intervenors should be determined as of the date of intervention, provided that agencies will disregard any transactions undertaken between the initiation of the proceeding and intervention solely in order to make the party eligible. As noted above, however, we have concluded that the statute requires a determination of eligibility as of the date the proceeding is initiated.

Standards for Awards.

In § 0.105, the draft model rules set forth the standards for making awards under the Act; we asked for comments on whether the rules should provide more detailed standards. No commenters recommended this approach; the NLRB, the SEC and Division I of the D.C. Bar agreed with our tentative conclusion that these standards would have to be developed on an agency-by-agency and case-by-case basis. Division I, in fact, suggested that we delete the definition of a substantially justified position as one that is "reasonable in law and fact." The phrase, however, is borrowed verbatim from the legislative history (*see* Conference Report on H.R. 5612, H.R. Rep. 96–1434, 96th Cong., 2d Sess., at 22). (The phrase was erroneously transcribed as "reasonable in fact and law" in the draft rules; we have reversed the order to conform to the legislative

history.) We believe it reflects the Congressional intent, and we have retained it. Several commenters stated that the rules' reference to a reasonable position "at relevant times" is confusing; we agree and have deleted this phrase.

The Treasury Department, the Justice Department, the Department of Education, DOT, USPS and the FTC were concerned with the rules' provision for awards based on the agency's position on ancillary or subsidiary issues. We have revised this rule and § 0.204 (concerning when applications may be filed); the reasons for our revision are discussed below, in connection with § 0.204.

USPS raised a number of questions about the agency's burden of proof of its substantial justification: is it merely a burden of producing evidence or is it a burden of persuasion? DOT reads the Act not to assign this burden of proof to the agency. The Act provides that an application for an award need include only an allegation that the agency's position was not substantially justified; the Conference Report (H.R. Rep. 96–1434, *supra*, at 22) states that "[a]fter a prevailing party has submitted an application for an award, the burden of proving that a fee award should not be made rests with the agency." This appears clearly to indicate that the burden of persuasion that an eligible prevailing applicant should not receive an award rests with the agency. Some commenters suggested that, if the rules mention burden of proof at all, they should provide explicity, that the applicant has the burden of proving eligibility. We have revised § 0.104, on eligibility, to make this clear.

The Interior Department said the draft rules incorrectly imply that some form of misconduct by an applicant is necessary for a finding that special circumstances make an award unjust. This was not our intent, and we have revised the provision.

According to the International Trade Commission, the rules should cover situations where private parties take the same position as the government (for example, third-party complaint cases in which the government supports one side). The Commission recommends that awards be limited to fees and expenses directly caused by the government. While there may certainly be cases in which the limited role of the government or the aggressive tactics of the private party would make such a limitation appropriate, agencies that have chosen to participate in proceedings should not be able to avoid awards by relying on private parties to support their positions. We think this problem should be handled on a case-by-case basis.

In response to several comments, we have eliminated the provision on awards of fees and expenses incurred before the beginning of the proceeding. We think such fees will occasionally be recoverable, since activities like the drafting of a complaint will necessarily occur before the proceeding begins. We agree, however, that inclusion of a specific provision on this subject may mislead applicants as to the scope of the fees available under the Act.

Allowable Fees and Expenses

Section 0.106 describes the fees and expenses awardable under the Act. Several commenters questioned its reference to "prevailing market rates" for the services of attorneys, agents and witnesses. Some contend that the purpose of the Act is reimbursement, and awards should never exceed the actual fees charged. (Based on similar reasoning, some commenters said actual attorney fees charged should be awarded even when they exceed the statutory cap of $75 per hour; the statute, however, authorizes fees in excess of $75 per hour only where agencies have so provided by rule.) Others believe that the "prevailing market rate" should not apply to in-house attorneys.

The Act explicitly provides for awards at "prevailing market rates for the kind and quality of the services furnished," up to the ceilings for attorneys and experts (5 U.S.C. 504(b)(1)(A)); the model rules follow the statutory mandate. On reflection, however, we are persuaded that the "prevailing rate" for in-house attorney services may be different from that for outside counsel, and this is reflected in the final rules.

The General Services Administration suggested that the Conference or the Justice Department should circulate reports of prevailing fees in various localities; we think, however, that this task would be unmanageable and would not take into account differences in rates for particular fields of legal practice. We agree with the SEC's suggestion that agencies work out their own standards for determining prevailing rates.

We requested comment on whether the rules should deal with awards for *pro se* representation and, if so, what they should provide. The NRC said the rules should offer guidance on this question, while the FTC said they should not. DOE commented that *pro se* services should be compensable only when the party is an attorney.

The courts have split on whether to award attorney fees to *pro se* litigants under existing statutes. Compare *Crooker* v. *Department of Justice*, 632 F. 2d 916 (1st Cir. 1980), with *Cox* v. *Department of Justice*, 601 F. 2d 1 (D.C. Cir. 1979). Moreover, Congress has provided no guidance on this question, either in the Act or in its legislative history. We have decided not to cover this issue in the model rules. We think agencies should deal with the question, if it arises, on a case-by-case basis.

The third paragraph of § 0.106 lists certain factors to be considered in determining the reasonableness of the fees requested, with the primary emphasis on the attorney's regular rate. (We have added, for in-house attorneys, a reference to fully allocated cost.) Division I of the D.C. Bar supported the rules' focus on the regular rate, while the Treasury Department, the Justice Department, and NASA noted that cases under other laws identify as many as twelve factors to be considered and suggested that the rule include some or all of these. Ordinarily, we think the lengthy lists of factors applied in court cases will be too elaborate and complex to be easily adapted to an administrative context. We did not intend for our listed factors to be exclusive, however; where warranted, an adjudicative officer should certainly be free to take additional factors into consideration. We have adopted NASA's suggestion that we explicitly state that the factors that may be considered are not limited to those listed.

DOE and Kenneth E. Malmborg, a Member of the Conference, suggested inclusion of an additional factor—whether the time spent was reasonable in relation to the value of the client's interests. While this may frequently be a relevant consideration, we are reluctant to identify it as a factor of major importance. The clear implication of the purpose clause of the Act, combined with its legislative history, is that litigants should not be forced to pay fines or otherwise settle litigation with the government when their legal position is sound, simply because the amount at stake is less than the cost of litigation. Emphasizing the suggested factor might imply that litigants are not entitled to fees when it would have been cheaper to settle.

The Justice Department, adopting a narrow interpretation of the statutory language, questioned whether expenses of attorneys are compensable under the Act. We believe that they are compensable. The Act provides for the award of "fees and other expenses" and explains, in 5 U.S.C. 504(b)(1)(A), that these include the reasonable expenses of expert witnesses and the reasonable

cost of studies or tests as well as reasonable attorney or agent fees. We think the purpose of this provision is expressly to cover specific items of expense that might not otherwise be included and that might be payable to someone other than an attorney, rather than to prohibit reimbursement of attorneys' out-of-pocket expenses. In other statutes providing for the award of fees, the phrase "reasonable attorney's fee" has been interpreted to include the attorney's out-of-pocket expenses ordinarily chargeable to clients as well as charges for the attorney's time. See *Northcross* v. *Board of Education*, 611 F. 2d 624, 639 (6th Cir. 1979), *cert. denied*, 447 U.S. 911 (1980). The House Judiciary Committee Report on S. 265 supports our conclusion that Congress intended to cover out-of-pocket expenses in the Equal Access to Justice Act as well. That report states that the $75 ceiling on fees applies only to the services of the attorneys themselves, and not to "their overhead expenses or other costs connected with their representation." (H.R. Rep. 96–1418, 96th Cong., 2d Sess., at 15.)

Several commenters said the model rules should identify particular expenses of attorneys and witnesses that are compensable, while the FTC and Division I of the D.C. Bar said individual agencies should make these determinations. Commenters also took varying positions on whether paralegal costs should be chargeable as expenses. We do not believe the rules should discourage the use of paralegals, which can be an important cost-saving measure. On the other hand, lawyers' practices with respect to charging for paralegal time, as with respect to other expenses such as duplicating, telephone charges and the like, vary according to locality, field of practice, and individual custom. We have decided not to designate specific items as compensable expenses. Instead, we will adopt a suggestion of the Treasury Department and revise the model rule to provide that expenses may be charged as a separate item if they are ordinarily so charged to the attorney's clients.

USPS and George Reichenbach objected to the inclusion of the $24.09 per hour cap on expert witness fees. USPS stated that the rules should simply track the statute in case some agencies are authorized to pay higher rates, and Mr. Reichenbach contended that it is unfair to authorize higher rates for attorneys than for expert witnesses. We included the $24.09 figure because we believe it will be widely applicable. It is in brackets, however, precisely because some agencies may be authorized to pay a different rate. Agencies should, of course, include in their own rules whatever figure is applicable to their activities. Mr. Reichenbach's complaint is with the Act, not the model rules; we do not have authority to equalize the ceilings for attorneys and expert witnesses.

The General Services Administration suggested that the rules provide for an interagency exchange of information to prevent multiple billings. We believe the circumstances in which this might occur are rare; when they do arise, existing informal channels of communication should be adequate to deal with the problem.

HHS proposed a provision that any reimbursement an applicant has already received from the government (for example, under funded participation programs) be deducted from any award. We certainly agree that applicants should not be entitled to double payment. Again, however, we believe that this situation will not arise with sufficient frequency that the model rules need contain a special provision to deal with it. If it does occur, we believe it can be handled under the Act's provision for denying awards in "special circumstances."

HHS also expressed concern that awards not be available for studies required by statute, such as the tests new drug sponsors must make to demonstrate their products' safety and effectiveness. We do not think this will be a problem. To be compensable, studies and tests must be necessary to the preparation of the party's case, which we interpret to mean conducted for that purpose. The specific drug tests mentioned, if found to be conducted for the purpose of litigation at all, would presumably be conducted in connection with initial licensing proceedings not covered by the Act. If problems of this type arise, however, we think they can best be dealt with by particular agencies familiar with the relevant statutory provisions.

The American Metal Stamping Association and the National Screw Machine Products Association said awards should include the full cost of studies and tests, regardless of "reasonableness." The Act, however, authorizes payment of only the "reasonable cost" of such items (5 U.S.C. 504 (b)(1)(A)).

Rulemaking on Hourly Rates

Section 0.107 of the model rules (§§ 0.601 and 0.602 of the draft rules) explains that agencies have authority to raise the ceiling on hourly rates of attorneys by rulemaking, and describes how petitions for rulemaking should be filed. Division I of the D.C. Bar supported the provision generally, suggesting addition of a deadline for completion of agency rulemaking proceedings begun in response to rulemaking petitions. The Treasury Department said the rulemaking provisions should be eliminated and the question of whether to raise the ceiling left to Congress in its 1984 review of the Act. The Interior Department proposed removal of the reference to rulemaking petitions, because it might suggest a greater receptivity to such petitions than actually exists and might duplicate existing rules.

We have decided to retain the substance of these provisions, revised and combined into a single section for clarity. While Congress can certainly reconsider the maximum rate, it explicitly authorized agencies to raise the ceiling if warranted. The Treasury Department's approach would read this provision out of the Act. There is some merit to the Interior Department's position; where agencies already have rules regarding petitions for rulemaking, they may not need to adopt the full text of the model rule. We believe, however, that at least a cross-reference to such general rules should be included in agencies' Equal Access to Justice regulations. Finally, we don't think a specific deadline of the type requested by Division I of the D.C. Bar is practicable. It is reasonable to commit an agency to decide whether to explore a rulemaking question within a definite amount of time, but the amount of time necessary to conduct that exploration and reach a final decision is simply too contingent on the issues in the proceeding, and on the status of the agency's entire agenda, to be predicted accurately.

HHS has asked that we include a provision that higher rates adopted in rulemaking proceedings should apply only to services provided on or after adoption of the rule. We believe this is an issue to be resolved in the rulemaking proceedings themselves, rather than by the model rules. HHS has also suggested that agencies be permitted to reconsider denials of rulemaking petitions, and that no appeal be permitted from final agency decisions on rulemaking petitions. The former provision is not really necessary, since agencies can simply initiate proceedings on their own motion; an agency that customarily entertains petitions for reconsideration of denials of rulemaking petitions, however, can do so here as well. As to the second point, we question whether an agency can legally restrict, by regulation or otherwise, any

right a party may have to appeal its decisions.

Proceedings Involving Two Agencies

Section 0.108 of the rules deals with awards in situations where one Federal agency participates in a proceeding before a second agency; the draft provision stated that agencies would condition other agencies' participation in their proceedings on the other agencies' agreement to honor any resulting award decisions. While some private commenters supported this provision, many government agencies expressed doubt about the wisdom of the provision and about their legal authority to limit other agencies' participation in this manner. Commenters did not agree on whether the Act applies in two-agency situations. The Federal Mine Safety and Health Review Commission, for example, said that it would be logical to interpret the Act to apply to proceedings the Department of Labor brings before the Review Commission, and Division I of the D.C. Bar, the American Metal Stamping Association, and the National Screw Machine Products Association also believe the Act applies in two-agency situations. The Justice Department and some other agencies, however, state that the Act refers to awards by "the agency" based on the position of "the agency," and cannot be construed to apply where two agencies are involved.

We continue to believe that two-agency situations are within the coverage of the Act. Section 203 of the Act (5 U.S.C. 504(b)(1)(C)) defines the adversary adjudications covered by the Act as those in which the position of "the United States" is represented, not just the position of the particular agency conducting the adjudication. Additionally, the Act provides in (5 U.S.C. 504(d)(1)) that awards may be paid by "any agency over which the party prevails," rather than by "the agency." While the question is a difficult one, we believe our interpretation is consistent with the language and purpose of the Act. Moreover, the testimony of witnesses at hearings on related bills and statements during the floor debate preceding passage of the Act include frequent references to OSHA proceedings, which involve two agencies—the Department of Labor as litigator and the Occupational Safety and Health Review Commission as decider. (*See e.g.*, Statement of Senator DeConcini, *Congressional Record*, September 26, 1980, at S.13690; Statement of Rep. Symms, *Congressional Record*, October 1, 1980, at H.10229.) This strongly suggests that Congress intended to include such proceedings. While there is no such explicit reference to proceedings involving litigating units of both the deciding agency and an intervening agency, we think these too are within the intendment of the Act. (In any event, we think the situations in which the position of such an intervening agency, which is not the primary litigator in the case, will justify an award will be rare.)

We agree, however, that the draft rules' provision conditioning participation on agreement to honor awards is impractical; in many situations in which two agencies will be involved, the agency that is a party to the proceeding will have a statutory right to participate. Accordingly, we have revised § 0.108 to provide that awards will be made against other agencies when their positions have led to the awards.

DOT has asked for guidance on how fee awards should be allocated when the Justice Department represents other agencies in court. Since this question does not relate to the part of the Act that applies to administrative proceedings, it is beyond the scope of the model rules.

Subpart B—Information Required From Applicants

This subpart of the model rules details the information an applicant should provide to demonstrate that it is entitled to an award. HHS said the Conference should develop and clear a standard application form. We don't believe the necessary information is sufficiently complicated to require a form, which seems a burdensome bureaucratic detail. The information can be clearly and completely presented in narrative form, like a simple legal pleading, with appropriate supporting material and exhibits.

Two commenters discussed the basic application described in § 0.201. The National Screw Machine Products Association said that an applicant should not have to state the specific issues on which the government's position was not substantially justified, while DOE said an applicant should have to explain why the government's position was unjustified. We have removed the reference to specific issues, which may be confusing. The rules retain, however, a requirement that the applicant identify the agency's allegedly unjustified position; we think this is not a burdensome requirement and will facilitate consideration of an application, especially where, for example, both covered and excluded claims are litigated in one proceeding, or more than one agency (or agency unit) participates in a proceeding. We believe the Energy Department's suggestion goes beyond the terms of the statute, which refers only to an "allegation" that the agency position is unjustified.

DOE also suggested that tax-exempt organizations be required to show that they are listed in IRS Bulletin 78 at the end of a proceeding as well as the beginning, in case the first listing is an error. However, we have revised this provision to refer to IRS rulings on tax-exempt status rather than to Bulletin 78.

We have added one item to the contents of the application on our own initiative—for applicants other than individuals, a brief description of the type of entity or business. We are seeking this information for use in our annual report to Congress, so that we will be able to describe the types of entities most frequently benefiting from the Act.

Net Worth Exhibits

Section 0.202 describes the contents of net worth exhibits (called "statements of net worth" in the draft rules) to be submitted by applicants other than tax exempt organizations and agricultural cooperatives. We have revised this section considerably from the draft provision, which prescribed a standard form statement with a specified breakdown of assets and liabilities and provided alternatively for submission of an optional form statement in a format convenient to the applicant. The final model rule eliminates the "standard form" concept in favor of having all applicants submit information on their net worth in a format of their own choice, whether a statement or schedule prepared for another purpose, such as a tax return or loan application, or an exhibit developed expressly for the application. Where the presentation made is insufficient, the rule provides that the adjudicative officer can request more information from the applicant. NASA suggested that the "optional form" approach would be too complicated, but we believe that allowing applicants some flexibility will be an effective way of reducing needless burdens on applicants that are obviously eligible, while still obtaining the information necessary to make an eligibility determination.

The SEC said the rules should not require detailed net worth information in any form. It believes this requirement will be burdensome to clearly eligible applicants; instead, the agency can ask for additional information when warranted. This approach, the SEC suggested, will also be a more effective way to protect the confidentiality of net

worth information than the measures proposed in the draft rules (discussed below). This proposal has some merit, and prompted our simplification of the net worth exhibit requirement. We are not willing to drop the net worth exhibit altogether, however, since we are concerned that a simple assertion of eligibility will not provide agencies with enough information to evaluate net worth, or even to decide when more information should be obtained. To meet their obligation to ensure that awards go only to eligible applicants, we think agencies should generally require the submission of some detailed information on net worth. On the other hand, where agencies have some independent means of verifying eligibility, the SEC approach would be workable and timesaving. For example, a regulatory agency that already keeps extensive financial data on the businesses it regulates, or that has legal authority to perform random audits on some applicants to verify eligibility, may prefer this approach, and we recommend it for such agencies. To provide adequate public notice, such an agency should describe in its own rules whatever alternative method may be available for an applicant to establish its eligibility.

USPS suggested that applicants verify eligibility with audited net worth exhibits. We think this requirement is too burdensome, however, especially for individuals and for applicants who are far below the eligibility ceilings. Nor will we adopt the Treasury Department's suggestion that an applicant attest specifically to its net worth exhibit; the rules require verification of the application, which includes statements concerning the applicant's eligibility, and we believe this is adequate.

Valuation of assets: One controversial aspect of the draft rule was its provision that determinations of net worth may be based on either acquisition cost or fair market value of assets. The exact meaning of "net worth" is not described in the Act or the Conference Report, although Committee reports on S. 265 state that acquisition cost should be used. We interpreted this as a Congressional intent to permit a low valuation, and provided for the use of fair market value where that is lower. The American Metal Stamping Association supported this approach, but NASA, the Treasury Department, the Justice Department and HHS objected to it. NASA believes all determinations should be based on fair market value. The other agencies said the legislative history of S. 265 should be followed exactly; they noted that acquisition cost would avoid the need for appraisals and would also exclude adjustments to basis for items like depreciation or capital additions. As a compromise, DOE suggested that fair market value be used only when it is lower and reasonably provable. In revising the rule to give applicants more flexibility in demonstrating their net worth, we have eliminated the reference to any standard of valuation. Applicants that are clearly eligible will probably be able to demonstrate eligibility regardless of the standard used and should be permitted to submit net worth information using whatever standard is convenient. Where there is a real question about eligibility, applicants and agencies may take into account the reference to acquisition cost in the legislative history of S. 265; in most cases, we believe this will work to the applicant's benefit.

Confidentiality: Several commenters discussed the draft rules' provision for confidential treatment for net worth exhibits. Division I of the D.C. Bar suggested that the rules provide greater protection for this information by permitting only *in camera* inspection of the exhibits, while the American Metal Stamping Association and the National Screw Machine Products Association recommended that net worth exhibits be reviewed only by neutral third parties, such as accountants. Several agencies were concerned that the rules appeared to prejudge Freedom of Information Act (FOIA) requests without reference to the particular information in question, and a few said that confidential treatment of net worth exhibits might complicate verification of net worth information and invite fraud.

We continue to believe that applicants should have an opportunity to seek confidential treatment of their net worth information, to the extent it is legally available; we understand, however, that this information may frequently not be exempt from disclosure under FOIA. Although the draft rule was not intended to preclude disclosure of net worth information when required by FOIA, it would impose considerable burdens on agencies by requiring special handling even for material ultimately found to be disclosable under that law. As suggested by the CAB, we have revised the rule to place on an applicant seeking confidential treatment for net worth information the burden of demonstrating that it is entitled to such treatment, in a motion presented to the adjudicative officer. If the adjudicative officer denies the motion, the material will be made public; otherwise, any FOIA request for the information will be handled under standard agency FOIA procedures.

Documentation of Fees and Expenses

Section 0.303 describes the documentation of fees and expenses to be submitted. USPS and HHS said the rule should provide for a breakdown of hours spent on issues not covered by the Act, as well as those covered, in cases where both types of issues are involved. We don't think this should be required as a general rule; where the fee request submitted in such a case seems excessive, the adjudicative officer can require such information. CSA asked that attorneys or witnesses certify to the accuracy of billing. This should not be necessary in most cases; an adjudicative officer can raise questions about the hours or rates shown if the figures presented seem unreasonable, and will in any event award only a reasonable amount for the services.

Prevailing Parties

Section 0.204 deals with when parties may file an application for an award; it presents some difficult legal questions. The draft rule provided that a party must apply for an award within 30 days after final disposition of a proceeding, and may also apply at any earlier time that the party believes it has prevailed with respect either to the entire proceeding or to a significant ancillary or subsidiary issue. The legislative history (*see* H.R. Rep. 96–1434, 96th Cong., 2d Sess., at 21–22) clearly indicates that Congress intended "prevailing" to include some situations in which the entire proceeding has not yet been fully disposed of, such as when a party obtains an interim order of central importance or wins an interlocutory appeal on a significant, separable issue. Application of these principles in an administrative context is difficult, the more so because the Act, in apparent contradiction to this legislative history, provides that agencies may not make awards in proceedings when judicial review has been sought (5 U.S.C. 504(c)(1)). As a result, some agencies have suggested that we provide that awards may never be sought before final disposition of all the issues in a proceeding, or that these questions be handled on a case-by-case basis, rather than through rules. The FTC, citing *Hanrahan v. Hampton*, 100 S. Ct. 1987 (1980), and *Smith v. University of North Carolina*, 632 F. 2d 316 (4th Cir. 1980), recommended either a case-by-case approach or revision of the rule to refer to significant, separable "substantive claims" rather than "ancillary or subsidiary issues."

We agree with the FTC that the current case law under other statutes apparently requires the final disposition of some substantive part of the case, rather than just a victory on a purely procedural issue, for a party to be considered "prevailing," and we have revised the rule accordingly. This is not inconsistent with 5 U.S.C. 504(c)(1), because of the requirements that the disposition be final and the portion of the proceeding be separable. If, for example, certain claims are finally dismissed or favorably settled while others go to hearing, a party may have prevailed with respect to the dismissed or settled claims, which will not ordinarily be subject to judicial review. Whether such separate treatment is appropriate will, of course, have to be decided on a case-by-case basis.

HHS contends that the rules apparently permit parties who win partial victories in final dispositions to be treated as "prevailing," and that they should not receive this treatment. While this question is not without difficulty, we disagree. If a party can prevail by winning on a separable claim before disposition of the rest of the case, then it can presumably do so by winning on the claim at the same time as the rest of the case is disposed of. Whether it has prevailed will perforce have to be decided on a case-by-case basis, taking into consideration the significance and nature of the claims involved in the proceeding and the relationships among them. Where several claims are related to a single incident or set of facts and the government wins most of them, for example, it may be determined that the private party has not "prevailed" even though the government lost the additional claims. On the other hand, where essentially unrelated claims of relatively equal significance have been handled together for administrative convenience, we think a party may prevail as to one although it loses the other.

USPS suggests that we include other possible final dispositions of cases in our listing. We have revised the provision to avoid any inadvertent exclusion of possible final dispositions; this is a complex area, however, and we recommend that agencies review the provision carefully to determine whether it accurately reflects their own practices. The Justice Department has suggested a different interpretation of the Act's reference to "final disposition" of a proceeding. Analogizing to judicial proceedings, it contends that final disposition occurs when the agency issues its final order, and not when the period for seeking reconsideration has passed. We think a party might reasonably file an application as soon as such an order has been entered. Since the 30-day deadline may well be interpreted by the courts as an unwaivable statutory bar to late filing, however, we think the fairer practice is to permit the filing of an application up until 30 days after the last date on which petitions for reconsideration could have been filed. If another party seeks reconsideration, the award proceeding would ordinarily be delayed in any event, pending an agency decision on reconsideration and possibly (if, for example, another private party is involved) judicial review. A new provision in the model rules (§ 0.204(b)) incorporates this point. Indeed, the applicant itself may be seeking reconsideration of some aspect of the decision, and thus be unlikely to conclude that a final disposition has occurred.

Subpart C—Procedures for Considering Applications

This subpart contains procedure to be used in the consideration of applications. Our goal on drafting these rules has been to keep the procedures as simple and as compatible with existing agency procedures as possible. Some commenters have suggested that the rules will conflict with existing agency procedures; the Treasury Department said that almost all of subpart C should be eliminated for this reason. We disagree. Inevitably, there may be overlaps or conflicts between these rules and some existing agency procedures; we would expect that individual agencies will resolve these by harmonizing the two sets of rules in whatever way seems most effective. In this area, agency practices vary so widely that complete uniformity will be impossible. For some agencies with extensive procedural rules, in fact, much of this subpart may be replaced by cross-references to existing rules. Other agencies, however, may have few formal proceedings and few detailed procedural rules. For the benefit of agencies like these, we think the model rules should include an essentially complete treatment of the formal procedural aspects of the awards process.

Similarly, we have retained specific time limits in the model rules even though some commenters said that the limits provided were too short, and that agencies should adopt their own limits based on actual practice. (We have, however, changed some particular time limits in response to the comments.) If the limits prove impracticable for individual agencies, they may, of course, modify them.

Other commenters made some general suggestions about subpart C. The American Metal Stamping Association and the National Screw Machine Products Association said that agencies should be required to include a notice about the Act and the procedure for applying for awards on all their citations or other documents initiating proceedings. This is an interesting suggestion, and agencies that deal frequently with parties who may not be familiar with the Act or with the agencies' own procedural regulations may wish to consider providing some sort of notice of the Act's existence. As a general matter, however, we don't believe such a notice is necessary; if agencies have regulations describing the Act and the relevant procedures, an attorney who has undertaken to represent a party before the agency should ordinarily be responsible for knowing about them. The National Screw Machine Products Association also asked the Conference to require agencies to publish their proposed rules by July 1, 1981; this would be beyond our statutory authority, however. Finally, HHS was confused by our use of the term "agency counsel," since agency lawyers may participate either as adversaries in a proceeding or as advisors to the deciding officer or body. As we explained in our request for comments, we have used the term "agency counsel" for convenience to designate the agency unit that is a party to a proceeding. For clarity, we recommend that individual agencies substitute the names of the relevant agency units or some other more specific term.

Pleadings and Time Limits

Section 0.403 of the draft rules set a deadline for agency answers to applications and described the types of answers that may be filed. This provision (now § 0.302) has been revised and simplified in response to the comments. Numerous agencies stated that 15 days would be inadequate time to prepare a complete answer, and we have substituted 30 days. At the suggestion of the Treasury Department, we have deleted the provision requiring the filing of a consent if the agency counsel does not object to an award. We have retained in somewhat modified form, however, the provision that agency counsel's silence will be treated as consent unless an extension of time has been requested. The Justice Department contended that this provision is equivalent to a default

judgment against the United States. While we do not agree, since the adjudicative officer of the agency will still have an opportunity to review the application and determine whether an award should be made, we have revised the provision to permit, but not require, treatment of failure to answer as consent.

We have also revised the provision permitting 30-day postponement of the filing of an answer pending settlement negotiations to clarify that it was not intended to limit such negotiations to 30 days. The SEC so interpreted the draft provision.

The CAB asked us to specify whether the time limits are calendar days or workdays. We intended calendar days. We are not including a provision to this effect because we anticipate that most agencies that conduct adversary adjudications will have such a rule in their general rules of procedure; if not, however, agencies may wish to specify calendar days. The CAB also suggested that the adverse effects on an applicant of a long award proceeding could be reduced by requiring the agency to tender any non-controversial part of an award within 60 days after receiving an application. This is an interesting idea that individual agencies may with to consider. However, since we are not sure it would be practicable for all or most agencies, we are not including it in the model rules.

The Treasury Department saw no need for the rules to provide for replies, as they do in § 0.303, since the agency counsel will be making an affirmative case on the issue of substantial justification, we believe the applicant should have an opportunity to respond, and we have retained the section.

Division I of the D.C. Bar supported the rule (now § 0.304) permitting other parties to a proceeding to comment on an application for an award or an answer. NASA and the Treasury Department contended that these parties should not participate in award proceedings in any way, while the Capital Legal Foundation said organizations not parties to a proceeding, such as other government agencies and public interest groups, should be allowed to comment. We believe the original draft rule provides the best approach. As a result of their participation in the proceeding, other parties to a proceeding may have some valuable information about a party's eligibility or insights into the justification of the government's position, but award proceedings should not be delayed by the intervention of new parties, nor by extensive participation of parties other than the applicant and the agency counsel. We have changed the time limit for comments on an application to conform to that for an answer.

Settlement Procedures

Section 0.305 of the rules permits a settlement of an award, either in connection with a settlement of the underlying issues or after the underlying proceeding has been concluded. DOT suggested that settlement negotiations on awards may prejudice later determinations of whether an agency's position is substantially justified. We think this problem can best be avoided by developing a sound agency policy on when to undertake settlement negotiations, rather than by forbidding settlements of awards. Capital Legal Foundation expressed concern about permitting award settlements to be included in settlements of the merits of a proceeding, because of increased pressure on the government to settle and because of possible conflicts of interest between attorneys and their clients. While these concerns are legitimate, we think these risks are unavoidable. In settling the merits of a case, both parties will have in mind the possibility that an award of attorney fees may follow. Where it is probable that no award will be made because the private party has not prevailed or the government's position is substantially justified, the possibility of an award should have little influence on the negotiations, and will not pressure an agency into an unfair settlement. But if an award is a likely possibility, it will affect settlement negotiations even if, as a technical matter, the settlement process involves two separate steps. The agency counsel could simply agree not to contest a later application for an award of a certain amount. The Justice Department agreed with this analysis and supported the rule as drafted; we have decided to retain it in that form.

DOE said that the model rules should provide special settlement procedures, since agencies' existing procedures vary so widely, and the Interior Department recommended that adjudicative officers review settlements, since they will be familiar with the record. We have decided not to change the draft rule in response to these comments. Precisely because agencies' settlement procedures vary, we think they should use their own normal procedures to approve award settlements. A separate procedure, differing from that generally applicable within the agency, will be burdensome and increase the costs of administering the Act. Some existing agency procedures already involve adjudicative officers in the settlement review process; agencies without such procedures may wish to gain the benefit of the officer's knowledge of the record and the attorneys' performance by voluntarily seeking an opinion or recommendation from the adjudicative officer. Without a sense of how time-consuming or cumbersome this would be in particular agencies, however, we are not disposed to include a requirement of consultation with the adjudicative officer in the model rules. (It should be noted that, if the agency counsel merely consents to the award requested, the application will be before the adjudicative officer for review in any event. Only where the proposed award is part of a negotiated settlement will the agency follow settlement procedures that may bypass the adjudicative officer.)

The Justice Department questioned why the rules provide that a proposed settlement of an award that is agreed upon before an application has been filed must be accompanied by an application. There are three reasons. First, the Act appears to require the filing of an application before an award may be made; second, the information in the application will permit the agency unit with authority to approve settlements to review the reasonableness of the settlement; and, finally, the information in applications will provide the data base for the annual reports to Congress that the Act requires the Chairman of the Administrative Conference to prepare. We have, accordingly, retained the requirement.

Further Proceedings; Decision

Section 0.306 describes the further proceedings to be conducted when necessary to develop a complete record on an application. DOT pointed out that elaborate proceedings will be costly, and that adjudicative officers should be able to handle all situations in which more information is necessary by ordering written submissions. While we agree that oral evidentiary hearings on award applications should almost never be necessary, we can imagine situations in which they should be held. We have, however, revised the rules to emphasize the simplest approaches and to make clear the extraordinary nature of extended or formal proceedings on award applications.

Four commenters discussed the draft rules' provision that adjudicative officers should issue award decisions as promptly as possible. The CAB and the Atlanta Regional Commission said the rules should include a firm time limit for decisions, while USPS said they should not; NASA suggested a change to "as

soon as practicable." We agree that firm limits are a good idea (see Administrative Conference Recommendation 78–3, *Time Limits on Agency Action*, 1 CFR § 305.78–3); not only should the deserving applicant be able to get an award promptly but, since the decision turns largely on factors within the judgment of the adjudicative officer, the decision should follow as closely as possible the proceeding on the merits. However, we don't think the model rules can realistically include a single uniform deadline for decision, since the workloads of individual agencies and the complexity of the particular types of cases they handle vary widely. We have accordingly revised the rule to provide for a specific time limit of each agency's choice.

Agency Review

Several agencies objected to § 0.409 of the draft rules, which provided that an adjudicative officer's decision is reviewable by the agency under ordinary standards, except that the decision as to certain issues explicitly assigned in the Act to the adjudicative officer is reversible only for abuse of discretion. HHS, the FTC, the NLRB, and the Treasury Department all said the Act should be interpreted to fall within 5 U.S.C. 557, providing broad agency authority to review and modify the decisions of administrative law judges, since there is no explicit indication to the contrary. They noted that use of an abuse of discretion standard for review of adjudicative officers' decisions on certain issues could result in arbitrary and erratic development of the law on those issues, since the agency would not be able to develop consistent standards through the review process, and that the term "adjudicative officer" may be interpreted to mean the agency itself, when it makes a final decision. Division I of the D.C. Bar, on the contrary, said the adjudicative officer's entire decision should be reversible only for abuse of discretion. The Justice Department, while expressing no opinion, noted that the Act can be read to provide that the adjudicative officer's decision is unreviewable except in court.

On reflection, we agree with those agencies that believe the standard of review in 5 U.S.C. 557 applies to decisions on applications for attorney fees, and the final model rule (§ 0.308) does not include a special standard of review. While the Act can admittedly be interpreted as the Justice Department has suggested, there is no clear indication that Congress intended to adopt such an unusual and potentially impractical procedure. Instead, we believe Congress mentioned the adjudicative officer in order to ensure that the initial ruling on an application would be made by someone with direct knowledge of the underlying proceeding. If Congress meant to depart so substantially from customary agency practice in adjudications under the Administrative Procedure Act, we believe it would have done so explicitly.

USPS and NASA raised questions about the section's provision that agency review is discretionary; USPS said the availability of review should parallel its availability in the underlying case, while NASA said review should be in the form of reconsideration by the original decider, not higher level review. We believe these concerns are related to problems unique to particular agencies and situations, and should accordingly be handled by the agencies involved.

In miscellaneous comments on § 0.308, USPS asked that we define "adjudicative officer" to include both the officer presiding over initial proceedings and the officer or officers presiding over review proceedings, and that we clarify that a decision on a fee award cannot be final until there is a final decision on the merits of the case. As to the first point, we do not agree as a general matter with USPS' interpretation. We believe that the "adjudicative officer" is ordinarily the person who hears the evidence and sees the efforts of the attorneys, rather than a reviewing body, although there may, of course, be situations in which a reviewing body or group of officers itself performs that function. The second point, we believe, needs no clarification. The rules already provide that a party prevails only when final disposition of a proceeding or a separable part of the proceeding has occurred. Finally, the Consumer Product Safety Commission said the rules should acknowledge an agency's authority to review the agency counsel's consent to an award as well as the adjudicative officer's decision. This is already provided for under the rules, since an award application to which the agency counsel has consented will be before the adjudicative officer for decision.

Section 0.309 of the rules contains a reference to the statutory provision for judicial review. The Atlanta Regional Commission said the rules should provide that fees for court review of an agency fee decision should be recoverable; this is a matter to be determined in the first instance by the courts, rather than by agency regulations. The National Screw Machine Products Association suggested that judicial review of awards should be in the Federal court closest to the applicant. This is a legislative matter, however, and not one within the agencies' competence.

Section 0.310 explains how applicants that have been granted awards may obtain payment. The Treasury Department noted that there is much confusion about the Act's provisions on payment of awards, and recommended that the rules include no payment provisions until the confusion is resolved. We agree that the Act's payment mechanism is complicated. It provides for payment by agencies or, alternatively, from a no-limit continuing-appropriation fund maintained for the payment of judgments against the United States. Under section 207 of the Act, however, no payment of awards may be made from this judgment fund unless there is a specific appropriation for that purpose. To date, no such appropriation has, to our knowledge, been proposed or made. Thus, as we interpret the Act, agencies will be liable to pay awards out of their own available funds; in comments on the draft rules, the Comptroller General of the United States also reached this conclusion. The model rules reflect this interpretation.

The Treasury Department, along with USPS and the Interior Department, also said that the 60-day deadline for payment of an award is impracticable; USPS noted that some statutes, such as the Contract Disputes Act, allow 120 days for judicial review, so an applicant might seek review after receiving an award. The American Metal Stamping Association and the National Screw Machine Products Association, on the other hand, said that awards should be payable within 30 days, or immediately. As noted above, there is some question whether administrative proceedings under the Contract Disputes Act fall within the Act. In any event, we think such a longer appeal period can best be handled, where it applies, in individual agency rules. We believe the 60-day period should be generally workable; a 30-day period, on the other hand, seems inadequate, and would also present the possibility that an applicant could receive payment and then seek judicial review.

NASA expressed concern that the rules imply that agencies may determine entitlement to an award while judicial review is pending on the merits of the proceeding; it believes this is barred by 5 U.S.C. 504(c)(1). We agree that an agency should not ordinarily conduct proceedings on an application for attorney fees if judicial review of the merits has been sought. However, there may be instances in which a simple award proceeding is completed, and

then another party seeks review of the merits. The rule is intended to cover these situations.

We requested comment on whether the rules should provide for interim payments to applicants. Several commenters said that they should not, since such a program goes beyond the statutory authority and would be extremely hard to administer, and we agree. We have therefore decided not to include such a provision.

Miscellaneous Comments

In addition to the specific items covered above, we received several miscellaneous comments on the draft model rules. The Treasury Department suggested a revision to the title of the model rules to clarify that they apply only to agency proceedings, which we have made. The Gate City Savings and Loan Association of Fargo, North Dakota, believes the rules are far too long. We have made efforts to simplify them, but we believe the material to be covered in the rules is complex and requires thorough treatment.

The Heritage Federal Savings and Loan Association of Daytona Beach, Florida, wrote objecting to the Act itself. We are not in a position, of course, to act in response to this comment.

Kenneth Malmborg said the rules should state who will pay an award when agency reorganizations result in the transfer of an agency unit in which an adjudication occurs before an award is paid. We believe this circumstance will be sufficiently unusual that it can be handled on an *ad hoc* basis if it arises. Finally, the Administrative Office of the United States Courts said the rules should provide for a specific data collection form, for the purpose of the annual report to Congress. We are now considering how best to collect from agencies the data necessary for that report; we don't believe, however, that this subject should be covered by the model rules, which are intended for agencies' use in developing their own implementing regulations.

Notes on Use of the Model Rules by Agencies

Model rules are, by their nature, general. In adopting the model rules to their own use, agencies should, where possible, make them more specific, including references to particular agency units, proceedings and procedures where appropriate, and eliminating irrelevant or redundant material. The following section-by-section notes on the model rules are intended to help agencies with this task by identifying matter that may need such revision.

0.101: Here and throughout the rules, the phrase "this agency" is used to indicate the agency promulgating the rules. Each agency should substitute its own name for "this agency."

0.103: Agencies that conduct no ratemaking proceedings may wish to delete the reference to such proceedings. Similarly, agencies that conduct no licensing proceedings may eliminate the sentence concerning those proceedings. Agencies should add to this section a list of their own covered proceedings. If an agency conducts no proceedings in which other Federal agencies participate, it may delete the references here and elsewhere in the rules to awards against other agencies.

0.015: For convenience, we have used the term "agency counsel" to refer to the litigating unit of the agency against which an award is sought. When an agency has only one litigating unit that participates in its covered proceedings, it should insert the name of that unit (e.g., "the Division of Enforcement"). When an agency itself has more than one litigating unit, or when other agencies participate in an agency's covered proceedings, the agency may wish to retain the term "agency counsel" or some similar term (such as "agency party" or "agency litigating unit") and add a definition section in which it explains the term and lists the agencies and agency units that may be covered by it.

0.106: Each agency should insert in § 0.106(b), where the model rules say "[$24.09 per hour]", its own highest rate for the compensation of expert witnesses. This section also contains the first use of the statutory term "adjudicative officer." Agencies may wish to include in their rules a definition of "adjudicative officer" identifying the agency personnel who may be in that role or if the adjudicative officer will virtually always be an administrative law judge, substitute that term for "adjudicative officer."

0.107: Agencies with standard rulemaking procedures may wish to substitute a cross-reference to those procedures for the procedural material contained in this rule.

0.109: This section is necessary only if an agency delegates authority to take final agency action, in adjudications covered by the Equal Access to Justice Act, to subsidiary officers or bodies.

0.202: A cross-reference to the agency's Freedom of Information Act procedures should be included in paragraph (b) of this section.

0.204: In this section and throughout subpart C of the rules, an agency with an intermediate review board should include references to it where appropriate. An agency with no such intermediate authority should delete the reference in this provision. An agency should also revise paragraph (c) of this section as necessary to identify the particular events that might constitute "final disposition" of its proceedings.

0.301: If an agency has a standard set of rules on filing and service for all proceedings, this provision may include a cross-reference to that set of rules.

0.305: If an agency has a uniform rule describing the procedure for settlement of proceedings, a cross-reference to the rule may be included here. Otherwise, the agency may wish to include a brief summary of settlement procedures. This rule's reference to a "proposed settlement" is based on the assumption that agency litigators must ordinarily obtain approval from an administrative law judge or from the agency in order to settle a proceeding. If an agency delegates to its litigators final authority to settle proceedings, the rule should be revised to reflect that authority.

0.307: This rule describes the adjudicative officer's decision on an application as an initial decision. If an agency believes it helpful, it may wish to include here a description of or cross-reference to rules on the significance and effect of an initial decisions. In addition, an agency should replace the brackets with a specific time limit for the adjudicative officer's decision.

0.308: An agency should include here a cross-reference to its procedures for review of initial decisions. It should also replace the brackets with the number of days after which an initial decision of which review has not been taken becomes a final decision of the agency.

0.310: An agency should include here the name and address of the agency office that will handle payment of awards.

In addition, we note that agencies may be required to comply with the Regulatory Flexibility Act (5 U.S.C. 601–612) and the Paperwork Reduction Act (44 U.S.C. 3504(h)) in promulgating their own rules under the Equal Access to Justice Act. In our view, these rules fall within § 605(b) of the Regulatory Flexibility Act, permitting agencies to certify that the rule "will not * * * have a significant economic impact on a substantial number of small entities" in lieu of preparing a regulatory flexibility analysis. While the Equal Access of Justice Act itself may have such an impact, the rules merely implement the Act's provisions and do not themselves impose significant economic burdens or benefits. Accordingly, agencies may wish to consider making such a certification under 5 U.S.C. § 605(b). To

facilitate any review that may be called for under the Paperwork Reduction Act, we are sending a copy of the model rules to the Director of the Office of Management and Budget.

The text of the model rules follows.

MODEL RULES

PART 0—IMPLEMENTATION OF THE EQUAL ACCESS TO JUSTICE ACT IN AGENCY PROCEEDINGS

Subpart A—General Provisions

0.101 Purpose of these rules.
0.102 When the Act applies.
0.103 Proceedings covered.
0.104 Eligibility of applicants
0.105 Standards for awards.
0.106 Allowable fees and expenses.
0.107 Rulemaking on maximum rates for attorney fees.
0.108 Awards against other agencies
0.109 Delegations of authority.

Subpart B—Information Required From Applicants

0.201 Contents of application
0.202 Net worth exhibit.
0.203 Documentation of fees and expenses
0.204 When an application may be filed

Subpart C—Procedures for Considering Applications

0.301 Filing and service of documents
0.302 Answer to application.
0.303 Reply.
0.304 Comments by other parties
0.305 Settlement.
0.306 Further proceedings.
0.307 Decision
0.308 Agency review
0.309 Judicial review.
0.310 Payment of award.

Authority: Sec. 203(a)(1), Pub. L. 96-481, 94 Stat. 2325 [5 U.S.C. 504(c)(1)].

Subpart A—General Provisions

0.101 Purpose of these rules.

The Equal Access to Justice Act, 5 U.S.C. 504 (called "the Act" in this part), provides for the award of attorney fees and other expenses to eligible individuals and entities who are parties to certain administrative proceedings (called "adversary adjudications") before this agency. An eligible party may receive an award when it prevails over an agency, unless the agency's position in the proceeding was substantially justified or special circumstances make an award unjust. The rules in this part describe the parties eligible for awards and the proceedings that are covered. They also explain how to apply for awards, and the procedures and standards that this agency will use to make them.

0.102 When the Act applies.

The Act applies to any adversary adjudication pending before this agency at any time between October 1, 1981 and September 30, 1984. This includes proceedings begun before October 1, 1981 if final agency action has not been taken before that date, and proceedings pending on September 30, 1984, regardless of when they were initiated or when final agency action occurs.

0.103 Proceedings covered.

(a) The Act applies to adversary adjudications conducted by this agency. These are adjudications under 5 U.S.C. 554 in which the position of this or any other agency of the United States, or any component of an agency, is presented by an attorney or other representative who enters an appearance and participates in the proceeding. Any proceeding in which this agency may prescribe a lawful present or future rate is not covered by the Act. Proceedings to grant or renew licenses are also excluded, but proceedings to modify, suspend, or revoke licenses are covered if they are otherwise "adversary adjudications." For this agency, the types of proceedings generally covered include: [Here list].

(b) This agency may also designate a proceeding not listed in paragraph (a) as an adversary adjudication for purposes of the Act by so stating in an order initiating the proceeding or designating the matter for hearing. This agency's failure to designate a proceeding as an adversary adjudication shall not preclude the filing of an application by a party who believes the proceeding is covered by the Act; whether the proceeding is covered will then be an issue for resolution in proceedings on the application.

(c) If a proceeding includes both matters covered by the Act and matters specifically excluded from coverage, any award made will include only fees and expenses related to covered issues.

0.104 Eligibility of applicants.

(a) To be eligible for an award of attorney fees and other expenses under the Act, the applicant must be a party to the adversary adjudication for which it seeks an award. The term "party" is defined in 5 U.S.C. 551(3). The applicant must show that it meets all conditions of eligibility set out in this subpart and in subpart B.

(b) The types of eligible applicants are as follows:

(1) An individual with a net worth of not more than $1 million;

(2) The sole owner of an unincorporated business who has a net worth of not more than $5 million, including both personal and business interests, and not more than 500 employees;

(3) A charitable or other tax-exempt organization described in section 501(c)(3) of the Internal Revenue Code [26 U.S.C. 501(c)(3) with not more than 500 employees;

(4) A cooperative association as defined in section 15(a) of the Agricultural Marketing Act (12 U.S.C. 1141j(a)) with not more than 500 employees; and

(5) Any other partnership, corporation, association, or public or private organization with a net worth of not more than $5 million and not more than 500 employees.

(c) For the purpose of eligibility, the net worth and number of employees of an applicant shall be determined as of the date the proceeding was initiated.

(d) An applicant who owns an unincorporated business will be considered as an "individual" rather than a "sole owner of an unincorporated business" if the issues on which the applicant prevails are related primarily to personal interests rather than to business interests.

(e) The employees of an applicant include all persons who regularly perform services for remuneration for the applicant, under the applicant's direction and control. Part-time employees shall be included on a proportional basis.

(f) The net worth and number of employees of the applicant and all of its affiliates shall be aggregated to determine eligibility. Any individual, corporation or other entity that directly or indirectly controls or owns a majority of the voting shares or other interest of the applicant, or any corporation or other entity of which the applicant directly or indirectly owns or controls a majority of the voting shares or other interest, will be considered an affiliate for purposes of this part, unless the adjudicative officer determines that such treatment would be unjust and contrary to the purposes of the Act in light of the actual relationship between the affiliated entities. In addition, the adjudicative officer may determine that financial relationships of the applicant other than those described in this paragraph constitute special circumstances that would make an award unjust.

(g) An applicant that participates in a proceeding primarily on behalf of one or more other persons or entities that would be ineligible is not itself eligible for an award.

0.105 Standards for awards.

(a) A prevailing applicant may receive an award for fees and expenses incurred in connection with a proceeding, or in a significant and discrete substantive portion of the proceeding, unless the position of the agency over which the

applicant has prevailed was substantially justified. The burden of proof that an award should not be made to an eligible prevailing applicant is on the agency counsel, which may avoid an award by showing that its position was reasonable in law and fact.

(b) An award will be reduced or denied if the applicant has unduly or unreasonably protracted the proceeding or if special circumstances make the award sought unjust.

0.106 Allowable fees and expenses.

(a) Awards will be based on rates customarily charged by persons engaged in the business of acting as attorneys, agents and expert witnesses, even if the services were made available without charge or at a reduced rate to the applicant.

(b) No award for the fee of an attorney or agent under these rules may exceed $75.00 per hour. No award to compensate an expert witness may exceed the highest rate at which this agency pays expert witnesses, which is [$24.09 per hour]. However, an award may also include the reasonable expenses of the attorney, agent, or witness as a separate item, if the attorney, agent or witness ordinarily charges clients separately for such expenses.

(c) In determining the reasonableness of the fee sought for an attorney, agent or expert witness, the adjudicative officer shall consider the following:

(1) If the attorney, agent or witness is in private practice, his or her customary fee for similar services, or, if an employee of the applicant, the fully allocated cost of the services;

(2) The prevailing rate for similar services in the community in which the attorney, agent or witness ordinarily performs services;

(3) The time actually spent in the representation of the applicant;

(4) The time reasonably spent in light of the difficulty or complexity of the issues in the proceeding; and

(5) Such other factors as may bear on the value of the services provided.

(d) The reasonable cost of any study, analysis, engineering report, test, project or similar matter prepared on behalf of a party may be awarded, to the extent that the charge for the service does not exceed the prevailing rate for similar services, and the study or other matter was necessary for preparation of the applicant's case.

0.107 Rulemaking on maximum rates for attorney fees.

(a) If warranted by an increase in the cost of living or by special circumstances (such as limited availability of attorneys qualified to handle certain types of proceedings), this agency may adopt regulations providing that attorney fees may be awarded at a rate higher than $75 per hour in some or all of the types of proceedings covered by this part. This agency will conduct any rulemaking proceedings for this purpose under the informal rulemaking procedures of the Administrative Procedure Act.

(b) Any person may file with this agency a petition for rulemaking to increase the maximum rate for attorney fees, in accordance with [cross-reference to, or description of, standard agency procedure for rulemaking petitions.] The petition should identify the rate the petitioner believes this agency should establish and the types of proceedings in which the rate should be used. It should also explain fully the reasons why the higher rate is warranted. This agency will respond to the petition within 60 days after it is filed, by initiating a rulemaking proceeding, denying the petition, or taking other appropriate action.

0.108 Awards against other agencies.

If an applicant is entitled to an award because it prevails over another agency of the United States that participates in a proceeding before this agency and takes a position that is not substantially justified, the award or an appropriate portion of the award shall be made against that agency.

0.109 Delegations of authority.

This agency delegates to [identify appropriate agency unit or officer] authority to take final action on matters pertaining to the Equal Access to Justice Act, 5 U.S.C. 504, in actions arising under [list statutes or types of proceedings.] This agency may by order delegate authority to take final action on matters pertaining to the Equal Access to Justice Act in particular cases to other subordinate officials or bodies.

Subpart B—Information Required From Applicants

0.201 Contents of application.

(a) An application for an award of fees and expenses under the Act shall identify the applicant and the proceeding for which an award is sought. The application shall show that the applicant has prevailed and identify the position of an agency or agencies in the proceeding that the applicant alleges was not substantially justified. Unless the applicant is an individual, the application shall also state the number of employees of the applicant and describe briefly the type and purpose of its organization or business.

(b) The application shall also include a statement that the applicant's net worth does not exceed $1 million (if an individual) or $5 million (for all other applicants, including their affiliates). However, an applicant may omit this statement if:

It attaches a copy of a ruling by the Internal Revenue Service that it qualifies as an organization described in section 501(c)(3) of the Internal Revenue Code (26 U.S.C. 501(c)(3)) or, in the case of a tax-exempt organization not required to obtain a ruling from the Internal Revenue Service on its exempt status, a statement that describes the basis for the applicant's belief that it qualifies under such section; or

(2) It states that it is a cooperative association as defined in section 15(a) of the Agricultural Marketing Act (12 U.S.C. 1141j(a)).

(c) The application shall state the amount of fees and expenses for which an award is sought.

(d) The application may also include any other matters that the applicant wishes this agency to consider in determining whether and in what amount an award should be made.

(e) The application shall be signed by the applicant or an authorized officer or attorney of the applicant. It shall also contain or be accompanied by a written verification under oath or under penalty of perjury that the information provided in the application is true and correct.

0.202 Net worth exhibit.

(a) Each applicant except a qualified tax-exempt organization or cooperative association must provide with its application a detailed exhibit showing the net worth of the applicant and any affiliates (as defined in § 0.104(f) of this part) when the proceeding was initiated. The exhibit may be in any form convenient to the applicant that provides full disclosure of the applicant's and its affiliates' assets and liabilities and is sufficient to determine whether the applicant qualifies under the standards in this part. The adjudicative officer may require an applicant to file additional information to determine its eligibility for an award.

(b) Ordinarily, the net worth exhibit will be included in the public record of the proceeding. However, an applicant that objects to public disclosure of information in any portion of the exhibit and believes there are legal grounds for withholding it from disclosure may submit that portion of the exhibit directly to the adjudicative officer in a

sealed envelope labeled "Confidential Financial Information," accompanied by a motion to withhold the information from public disclosure. The motion shall describe the information sought to be withheld and explain, in detail, why it falls within one or more of the specific exemptions from mandatory disclosure under the Freedom of Information Act, 5 U.S.C 552(b)(1)–(9), why public disclosure of the information would adversely affect the applicant, and why disclosure is not required in the public interest. The material in question shall be served on counsel representing the agency against which the applicant seeks an award, but need not be served on any other party to the proceeding. If the adjudicative officer finds that the information should not be withheld from disclosure, it shall be placed in the public record of the proceeding. Otherwise, any request to inspect or copy the exhibit shall be disposed of in accordance with this agency's established procedures under the Freedom of Information Act [insert cross reference to agency FOIA rules].

0.203 Documentation of fees and expenses.

The application shall be accompanied by full documentation of the fees and expenses, including the cost of any study, analysis, engineering report, test, project or similar matter, for which an award is sought. A separate itemized statement shall be submitted for each professional firm or individual whose services are covered by the application, showing the hours spent in connection with the proceeding by each individual, a description of the specific services performed, the rate at which each fee has been computed, any expenses for which reimbursement is sought, the total amount claimed, and the total amount paid or payable by the applicant or by any other person or entity for the services provided. The adjudicative officer may require the applicant to provide vouchers, receipts, or other substantiation for any expenses claimed.

0.204 When an application may be filed.

(a) An application may be filed whenever the applicant has prevailed in the proceeding or in a significant and discrete substantive portion of the proceeding, but in no case later than 30 days after this agency's final disposition of the proceeding.

(b) If review or reconsideration is sought or taken of a decision as to which an applicant believes it has prevailed, proceedings for the award of fees shall be stayed pending final disposition of the underlying controversy.

(c) For purposes of this rule, final disposition means the later of (1) the date on which an initial decision or other recommended disposition of the merits of the proceeding by an adjudicative officer or intermediate review board becomes administratively final; (2) issuance of an order disposing of any petitions for reconsideration of this agency's final order in the proceeding; (3) if no petition for reconsideration is filed, the last date on which such a petition could have been filed; or (4) issuance of a final order or any other final resolution of a proceeding, such as a settlement or voluntary dismissal, which is not subject to a petition for reconsideration.

Subpart C—Procedures for Considering Applications

0.301 Filing and service of documents.

Any application for an award or other pleading or document related to an application shall be filed and served on all parties to the proceeding in the same manner as other pleadings in the proceeding, except as provided in § 0.202(b) for confidential financial information.

0.302 Answer to application.

(a) Within 30 days after service of an application, counsel representing the agency against which an award is sought may file an answer to the application. Unless agency counsel requests an extension of time for filing or files a statement of intent to negotiate under paragraph (b) of this section, failure to file an answer within the 30-day period may be treated as a consent to the award requested.

(b) If agency counsel and the applicant believe that the issues in the fee application can be settled, they may jointly file a statement of their intent to negotiate a settlement. The filing of this statement shall extend the time for filing an answer for an additional 30 days, and further extensions may be granted by the adjudicative officer upon request by agency counsel and the applicant.

(c) The answer shall explain in detail any objections to the award requested and identify the facts relied on in support of agency counsel's position. If the answer is based on any alleged facts not already in the record of the proceeding, agency counsel shall include with the answer either supporting affidavits or a request for further proceedings under § 0.306.

0.303 Reply.

Within 15 days after service of an answer, the applicant may file a reply. If the reply is based on any alleged facts not already in the record of the proceeding, the applicant shall include with the reply either supporting affidavits or a request for further proceedings under § 0.306.

0.304 Comments by other parties.

Any party to a proceeding other than the applicant and agency counsel may file comments on an application within 30 days after it is served or on an answer within 15 days after it is served. A commenting party may not participate further in proceedings on the application unless the adjudicative officer determines that the public interest requires such participation in order to permit full exploration of matters raised in the comments.

0.305 Settlement.

The applicant and agency counsel may agree on a proposed settlement of the award before final action on the application, either in connection with a settlement of the underlying proceeding, or after the underlying proceeding has been concluded, in accordance with the agency's standard settlement procedure. If a prevailing party and agency counsel agree on a proposed settlement of an award before an application has been filed, the application shall be filed with the proposed settlement.

0.306 Further proceedings.

(a) Ordinarily, the determination of an award will be made on the basis of the written record. However, on request of either the applicant or agency counsel, or on his or her own initiative, the adjudicative officer may order further proceedings, such as an informal conference, oral argument, additional written submissions or an evidentiary hearing. Such further proceedings shall be held only when necessary for full and fair resolution of the issues arising from the application, and shall be conducted as promptly as possible.

(b) A request that the adjudicative officer order further proceedings under this section shall specifically identify the information sought or the disputed issues and shall explain why the additional proceedings are necessary to resolve the issues.

0.307 Decision.

The adjudicative officer shall issue an initial decision on the application within [ ] days after completion of proceedings on the application. The decision shall include written findings and conclusions on the applicant's

eligibility and status as a prevailing party, and an explanation of the reasons for any difference between the amount requested and the amount awarded. The decision shall also include, if at issue, findings on whether the agency's position was substantially justified, whether the applicant unduly protracted the proceedings, or whether special circumstances make an award unjust. If the applicant has sought an award against more than one agency, the decision shall allocate responsibility for payment of any award made among the agencies, and shall explain the reasons for the allocation made.

0.308 Agency review.

Either the applicant or agency counsel may seek review of the initial decision on the fee application, or the agency may decide to review the decision on its own initiative, in accordance with [cross-reference to agency's regular review procedures.] If neither the applicant nor agency counsel seeks review and the agency does not take review on its own initiative, the initial decision on the application shall become a final decision of the agency [30] days after it is issued. Whether to review a decision is a matter within the discretion of the agency. If review is taken, the agency will issue a final decision on the application or remand the application to the adjudicative officer for further proceedings.

0.309 Judicial review.

Judicial review of final agency decisions on awards may be sought as provided in 5 U.S.C. 504(c)(2).

0.310 Payment of award.

An applicant seeking payment of an award shall submit to the [comptroller or other disbursing official] of the paying agency a copy of the agency's final decision granting the award, accompanied by a statement that the applicant will not seek review of the decision in the United States courts. [Include here address for submissions at specific agency.] The agency will pay the amount awarded to the applicant within 60 days, unless judicial review of the award or of the underlying decision of the adversary adjudication has been sought by the applicant or any other party to the proceeding.

Dated: June 18, 1981.

Reuben B. Robertson,

Chairman.

[FR Doc. 81-18832 Filed 6-24-81; 8:45 am]

BILLING CODE 6110-01-M

ADVISORY COUNCIL ON HISTORIC PRESERVATION

Programmatic Agreement Regarding Permits for Energy Exploration and Development in the Little Missouri National Grasslands, North Dakota

AGENCY: Advisory Council on Historic Preservation.

ACTION: Notice.

SUMMARY: The Advisory Council on Historic Preservation proposes to execute a Programmatic Memorandum of Agreement pursuant to Sec. 800.8 of the regulations for the "Protection of Historic and Cultural Properties" (36 CFR Part 800) with the U.S. Department of Agriculture, Forest Service (Custer National Forest), and the North Dakota State Historic Preservation Officer concerning permits issued by the Custer National Forest for energy exploration and development in the Little Missouri National Grasslands. The agreement establishes a system that will ensure that adequate consideration is given to historic and cultural properties in planning and carrying out projects under such permits, in order to meet the requirements of Section 106 of the National Historic Preservation Act (16 U.S.C. 470).

COMMENTS DUE: July 22, 1981.

ADDRESS: Comments should be addressed to Executive Director, Advisory Council on Historic Preservation, 1522 K Street NW., Washington, D.C. 20005.

FOR FURTHER INFORMATION CONTACT: Mr. Charles Niquette, Archeologist, Western Division of Project Review, Advisory Council on Historic Preservation, 44 Union Blvd., Suite 616, Lakewood, Colorado 80228, 303–234–4946.

SUPPLEMENTARY INFORMATION: This notice of the proposed agreement invites comments from interested parties. Copies of the proposed agreement are available from the Council. The proposed agreement provides for development of a general historic preservation plan to guide decisionmaking in the issuance of permits for energy exploration and development in the Little Missouri National Grasslands. Case-by-case Council review of proposals to issue permits in conformance with the plan will be eliminated. The proposed agreement also provides interim measures for treating ridgetop lithic scatters, a common type a little-understood archeological site in the region, during the period until the plan is complete.

Dated: June 22, 1981.

Robert R. Garvey,

Executive Director.

[FR Doc. 81-18902 Filed 6-24-81; 8:45 am]

BILLING CODE 4310-10-M

DEPARTMENT OF AGRICULTURE

Forest Service

Forest Land and Resource Management Plan, Winema National Forest, Klamath County, Oreg.; Intent To Prepare an Environmental Impact Statement

Pursuant to the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, will prepare an environmental impact statement for the Winema National Forest Land and Resource Management Plan.

The proposed action is to prepare and implement an integrated management plan for the lands and resources of the Winema National Forest.

The Forest Land and Resource Management Plan will be prepared pursuant to the National Forest Management Act of 1976 and its implementing regulations (36 CFR Part 219). A range of management alternatives will be considered and described in draft and final environmental impact statements. The alternatives will reflect combinations of resource management practices designed to meet management objectives for the various multiple uses, including outdoor recreation, wilderness, wildlife and fish, range, timber, and water. Alternatives will be formulated according to the following guidelines: (1) each alternative will be capable of being achieved; (2) each alternative will provide for the orderly elimination of backlogs of needed treatments for the restoration of renewable resources as necessary to achieve the multiple-use objectives of the alternative; (3) each identified major public issue and management concern will be addressed in one or more alternatives; and (4) each alternative will represent the most cost efficient combination of management practices examined that can meet the objectives established in the alternaive. In addition, a no-action alternative will be formulated as the most likely condition expected to exist in the future if current management direction were to continue unchanged.

Federal, state, and local governments, Indian tribes, and the general public will be invited to participate in the scoping process which includes: (1)

identification of issues to be addressed in the Forest Land and Resource Management Plan; (2) identification of issues to be analyzed in depth; and (3) elimination of insignificant issues. Preliminary issues, concerns, and opportunities will be identified from previous public input to RARE II, unit plans and other activities. This information will be presented to the public for review and comment beginning in August 1981. Specific dates, times, and locations will be announced through local media and direct mailings.

R. E. Worthington, Regional Forester, Pacific Northwest Region, is the responsible official.

The draft environmental impact statement is expected to be available for public review by December 1982. The final environmental impact statement is scheduled for completion in June 1983.

Questions or comments on the proposed action and environmental impact statement should be addressed to Arthur W. DuFault, Forest Supervisor, or Lenard L. Morin, Forest Planner, Winema National Forest, P.O. Box 1390, Klamath Falls, Oregon 97601.

Dated: June 16, 1981.

Paul E. Buffam,

Acting Regional Forester.

[FR Doc. 81-18721 Filed 6-24-81; 8:45 am]

BILLING CODE 3410-11-M

Forest Service, Southwestern Region, South Kaibab Grazing Advisory Board; Meeting

June 18, 1981.

The South Kaibab Grazing Advisory Board will meet at 9:00 A.M., Friday, August 7, 1981, at the Ramada Inn Conference Room, Williams, Arizona.

The purpose of this meeting is:

1. Allotment Management Planning—

(a) Water Rights

(b) Wildlife Population, Trends, and Objectives

(c) Reforestation Objectives and Site Selection Criteria

(d) Range Condition and Trend Studies

2. Utilization of Range Betterment Funds—

The meeting will be open to the public. Persons who wish to attend should notify:

Forest Supervisor
Kaibab National Forest
800 South 6th Street
Williams, Arizona 86046
Telephone: (602) 635-2681

Those attending may express their views when recognized by the chairman.

Leonard A. Lindquist,

Forest Supervisor.

[FR Doc. 81-18765 Filed 6-24-81; 8:45 am]

BILLING CODE 3410-11-M

Soil Conservation Service

Blacktail Recreation Road PWB Recreation RC&D Measure, Idaho; Finding of No Significant Impact

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT:
Amos I. Garrison, Jr., State Conservationist, Soil Conservation Service, Room 345, 304 North Eighth Street, Boise, Idaho 83702, telephone (208) 334-1601.

Notice: Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Blacktail Recreation Road PWB RC&D Measure, Bonneville County, Idaho.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Amos I. Garrison, Jr., State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

Blacktail Recreation Road measure concerns a plan for providing adequate access to an existing water based recreation facility. The planned works of improvement consists of preparing suitable subbase and paving about 6 miles of an existing gravel road. Conservation practices will be to grade and seed the borrow areas to control existing erosion and provide improved aesthetics.

The Notice of Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Amos I. Garrison, Jr. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until July 27, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: June 15, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81-18812 Filed 6-24-81; 8:45 am]

BILLING CODE 3410-16-M

Cheboygan City-County Airport Critical Area Treatment and Land Drainage RC&D Measure, Mich.; Finding of No Significant Impact

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of a finding of no significant impact.

FOR FURTHER INFORMATION CONTACT:
Mr. Homer R. Hilner, State Conservationist, Soil Conservation Service, 1405 South Harrison Road, East Lansing, Michigan 48823, telephone 517-337-6702.

Notice: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, given notice that an environmental impact statement is not being prepared for the Cheboygan City-County Airport Critical Area Treatment and Land Drainage RC&D Measure, Cheboygan County, Michigan.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Homer R. Hilner, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for the installation of practices for critical area treatment and land drainage. Critical area treatment will include 6 grade stabilization structures, 5 sod chutes, approximately 1,100 cubic yards of excavation, and approximately 3.4 acres of critical area seeding. Land drainage will include outlet channel improvement, drainage channel improvements, and approximately

27,000 feet of underground drainage. total construction cost is estimated to be $72,000; $42,500 RC&D funds, and $29,500 local funds.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Homer R. Hilner. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will be not be initiated until July 27, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: June 16, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81-18813 Filed 6-24-81; 8:45 am]

BILLING CODE 3410-16-M

Corral Creek Critical Area Treatment RC&D Measure, Idaho; Finding of No Significant Impact

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of a Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT:

Mr. Amos I. Garrison, Jr., State Conservationist, Soil Conservation Service, Room 345, 304 North Eighth, Boise, Idaho 83702, telephone 208-334-1601.

Notice: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Corral Creek Critical Area Treatment RC&D Measure, Camas County, Idaho.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Amos I. Garrison, Jr., State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns first year plans to construct a gabion-type structure with training dikes to funnel flood flows through the structure. The second year, seven additional gabion-type structures will be installed in about 1,700 linear feet of channel below each structure. The channel will not be deepened or widened in this action.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Amos I. Garrison, Jr. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until July 27, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: June 16, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81-18814 Filed 6-24-81; 8:45 am]

BILLING CODE 3410-16-M

Heart-O'-Hills Camp Critical Area Treatment RC&D Measure, Okla.; Finding of No Significant Impact

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of a finding of no significant impact.

FOR FURTHER INFORMATION CONTACT:

Mr. Roland R. Willis, State Conservationist, Soil Conservation Service, Agricultural Center Office Building, Stillwater, Oklahoma 74074, telephone 405-624-4480.

Notice: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Heart-O'-Hills Camp Critical Area Treatment RC&D Measure, Cherokee County, Oklahoma.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Roland R. Willis, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a critical area treatment plan for erosion control. The planned works of improvement include diversion terraces, tiled drains, gabions, concrete stabilization structures, seeding and fertilizing.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Roland R. Willis. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until July 27, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: June 15, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81-18815 Filed 6-24-82; 8:45 am]

BILLING CODE 3410-16-M

Lakeview Watershed, Tex.; Finding of No Significant Impact

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of finding of no significant impact.

FOR FURTHER INFORMATION CONTACT:

George C. Marks, State Conservationist, Soil Conservation Service, 101 South Main, Temple, Texas 76501, telephone number (817) 774-1214.

Notice: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Lakeview Watershed, Hall and Donley Counties, Texas.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, George C. Marks, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for the installation of three floodwater retarding structures, two grade stabilization structures, and 2.9 miles of channel work.

The Notice of Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting George C. Marks. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until July 27, 1981

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: June 18, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81-18818 Filed 624-3410-81 8:45 am]

BILLING CODE 3410-16-M

Little Whitestick-Cranberry Creeks Watershed, W. Va.; Intent To Prepare an Environment Impact Statement

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of intent to prepare an environmental impact statement.

FOR FURTHER INFORMATION CONTACT: Mr. Craig M. Right, State Conservationist, Soil Conservation Service, 75 High Street, Room 301, Morgantown, West Virginia 26505, telephone 304-599-7151.

Notice: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is being prepared for the Little Whitestick-Cranberry Creeks Watershed, Raleigh County, West Virginia.

The environmental assessment of this federally assisted action indicates the project may cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Craig M. Right, State Conservationist, has determined that the preparation and review of an environmental impact statement are needed for this project.

The project concerns a plan for watershed protection and flood prevention. Alternative works of improvement under consideration include installation of land treatment measures, stream channel work, nonstructural measures, and stream corridor acquisition and preservation. The scoping process, as mandated by the Council on Environmental Quality Guidelines (40 CFR Part 1500), has included numerous onsite meetings. The most recent scoping meeting occurred on February 6, 1981, with the Soil Conservation Service, West Virginia Department of Natural Resources, and the U.S. Fish and Wildlife Service participating. Further scoping meetings will be held as necessary.

A draft environmental impact statement will be prepared and circulated for review by agencies and the public. The Soil Conservation Service invites participation of agencies and individuals with expertise or interest in the preparation of the draft environmental impact statement. The draft environmental impact statement will be developed by Mr. Craig M. Right, State Conservationist.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program. Office of Management and Budget circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: June 16, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81-18817 Filed 6-24-81; 8:45 am]

BILLING CODE 3410-16-M

Martin Lateral Watershed, Utah; Finding of No Significant Impact

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of finding of no significant impact.

FOR FURTHER INFORMATION CONTACT: Mr. George D. McMillan, State Conservationist, Soil Conservation Service, P.O. Box 11350, Salt Lake City, Utah 84147, telephone 801-524-5050.

Notice: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Martin Lateral Watershed, Uintah and Duchesne Counties, Utah.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. George D. McMillan, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The project concerns a plan for watershed protection. Planned actions include the installation of irrigation water measuring devices, irrigation pipeline with appurtenant devices for water control, and resource management systems on irrigated pasture and cropland. Conservation treatment elements of the resource management systems include land leveling, pasture and hayland planting and management, irrigation water management, and conservation cropping systems.

The Notice of Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. George D. McMillan. The FNSI has been sent to various Federal, State, and local agencies, and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until July 27, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: June 18, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81-18818 Filed 6-24-81; 8:45 am]

BILLING CODE 3410-16-M

Morgan County Schools Critical Area Treatment RC&D Measure, Ga.; Finding of No Significant Impact

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of a Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT:
Mr. Dwight M. Treadway, State Conservationist, Soil Conservation Service, Federal Building, 355 East Hancock Avenue, Athens, Georgia 30613, telephone 404–546–2273.

Notice: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Morgan County Schools Critical Area Treatment RC&D Measure, Morgan County, Georgia.

The environmental assessment of this federally-assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Dwight M. Treadway, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for the treatment of critically eroding school ground areas. The planned works as described in the Finding of No Significant Impact consists of the establishment of erosion control vegetation on 13.4 acres.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Dwight M. Treadway. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until July 27, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A–95 regarding State and local clearinghouse review of Federal and federally-assisted programs and projects is applicable)

Dated: June 15, 1981.

Joseph W. Haas,
Deputy Chief for Natural Resource Projects.

[FR Doc. 81–18619 Filed 6–24–81; 8:45 am]
BILLING CODE 3410–16–M

Sugar River Watershed, N.H.; Intent To Prepare a Supplement to the Environmental Impact Statement

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of intent to prepare a supplement to the environmental impact statement.

FOR FURTHER INFORMATION CONTACT:
Mr. Richard L. Porter, State Conservationist, Soil Conservation Service, Federal Building, Durham, New Hampshire 03824, telephone 603–868–7581.

Notice: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that a supplement to the environmental impact statement is being prepared for the Sugar River Watershed, Grafton, Sullivan, and Merrimack Counties, New Hampshire.

The environmental impact statement of this federally assisted action indicates that the project may cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Richard L. Porter, State Conservationist, has determined that the preparation and review of a supplement to the environmental impact statement are needed for this project.

The project concerns a plan for flood control for the towns of Croydon, Goshen, Grantham, Lempster and Newport, and the city of Claremont. The planned works of improvement include construction of six multipurpose floodwater retarding and recreation structures, four floodwater retarding structures, and land treatment measures.

A draft supplement to the environmental impact statement will be prepared and circulated for review by agencies and the public. The Soil Conservation Service invites participation of agencies and individuals with expertise or interest in the preparation of the draft supplement to the environmental impact statement.

Scoping meetings will be held at 2 p.m. and 7 p.m. on Tuesday, July 7, 1981, in the third floor conference room of the Newport Savings Bank Building, 9 Main Street, Newport, New Hampshire. All interested Federal, State, local agencies, and the public are invited to present their significant concerns.

The draft supplement to the environmental impact statement will be developed by Mr. Richard L. Porter, State Conservationist.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Floor Prevention Program. Office of Management and Budget Circular A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: June 15, 1981.

Joseph W. Haas,
Deputy Chief for Natural Resource Projects.

[FR Doc. 81–18620 Filed 6–24–81; 8:45 am]
BILLING CODE 3410–16–M

CIVIL AERONAUTICS BOARD

Fitness Determination of Chautauqua Airlines

AGENCY: Civil Aeronautics Board.

ACTION: Notice of commuter air carrier fitness determination—order 81–6–137, order to show cause.

SUMMARY: The Board is proposing to find that Chautauqua Airlines, Inc. is fit, willing and able to provide commuter air carrier service under section 419(c)(2) of the Federal Aviation Act, as amended; that it is capable of providing reliable essential air service; and that the aircraft used in this service conform to applicable safety standards. The complete text of this order is available, as noted below.

DATE: All interested persons wishing to respond to the Board's tentative fitness determination shall serve their responses on all persons listed below no later than July 7, 1981, together with a summary of the testimony, statistical data and other material relied upon to support the allegations.

ADDRESSES: Responses or additional data should be filed with Mr. Patrick V. Murphy, Jr., Chief, Essential Air Services Division, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, and with all persons listed in Attachment A of Order 81–6–137.

FOR FURTHER INFORMATION CONTACT:
Ms. Sherry L. Kinland, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428 (202) 673–5333.

SUPPLEMENTARY INFORMATION: The complete text of Order 81–6–137 is available from the Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 81–6–137 to the Distribution Section, Civil

Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: June 19, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-18833 Filed 6-24-81; 8:45 am]

BILLING CODE 6320-01-M

[81-6-129]

Air Florida Additional Points Proceeding; Order To Show Cause

AGENCY: Civil Aeronautics Board.

ACTION: Notice of order to show cause (81-6-129).

SUMMARY: The Board is instituting the *Air Florida Additional Points Proceeding*, Docket 39490, and is proposing to grant, under Subpart Q procedures, authority to Air Florida at twelve Florida points: Eglin Air Force Base, Ft. Pierce, Lakeland, Marco Island, Melbourne, Naples, Ocala, Ocean Reef, Punta Gorda, St. Augustine, Titusville, and Vero Beach. A one-stop restriction will be imposed between each of these points and Sarasota. The tentative findings and conclusions will become final if no objections are filed.

The complete text of this order is available as noted below.

DATES: All interested persons having objections to the Board issuing the proposed authority shall file, no later than July 23, 1981, a statement of objections, together with a summary of the testimony, statistical data and other material expected to be relied upon to support the stated objections.

ADDRESSES: Objections to the issuance of a final order should be filed in Docket 39490, which we have entitled the *Air Florida Additional Points Proceeding*. They should be addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

In addition, copies of such filings should be served upon Air Florida, the mayor and airport manager of each of the twelve cities to which the application refers, the Florida Department of Transportation, Aviation Bureau, the Florida Public Service Commission, and the City of Melbourne Airport Authority.

FOR FURTHER INFORMATION CONTACT: Donna Stright, Bureau of Domestic Aviation Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202)673-5215.

SUPPLEMENTARY INFORMATION: The complete text of Order 81-6-129 is available from our Distribution Section, Room 516, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 81-6-129 to that address.

By the Bureau of Domestic Aviation: June 18, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-18828 Filed 6-24-81; 8:45 am]

BILLING CODE 6320-01-M

[Order 81-6-138]

Fitness Determination of Alaska Island Air, Inc.; Order To Show Cause

AGENCY: Civil Aeronautics Board.

ACTION: Notice of commuter air carrier fitness determination—order 81-6-138, order to show cause.

SUMMARY: The Board is proposing to find that Alaska Island Air, Inc. is fit, willing, and able to provide commuter air carrier service under section 419 (c)(2) of the Federal Aviation Act, as amended; that it is capable of providing reliable essential air service; and that the aircraft used in this service conform to applicable safety standards. The complete text of this order is available, as noted below.

DATES: Responses: All interested persons wishing to respond to the Board's tentative fitness determination shall serve their responses on all persons listed below no later than July 9, 1981 , together with a summary of the testimony, statistical data, and other material relied upon to support the allegations.

ADDRESSES: Responses or additional data should be filed with the Essential Air Services Division, Room 921, Civil Aeronautics Board, Washington, D.C. 20428, and with all persons listed in Attachment A of Order 81-6-138.

FOR FURTHER INFORMATION CONTACT: Ms. Teresa Smith, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428 (202) 673-5348.

SUPPLEMENTARY INFORMATION: The complete text of Order 81-6-138 is available from the Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 81-6-138 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428

By the Civil Aeronautics Board: June 19, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-18829 Filed 6-24-81; 8:45 am]

BILLING CODE 6320-01-M

[Order 81-6-140]

Fitness Determination of Atlanta Express Airline Corporation, Order to Show Cause

AGENCY: Civil Aeronautics Board.

ACTION: Notice of commuter air carrier fitness determination—order 81-6-140, order to show cause.

SUMMARY: The Board is proposing to find that Atlanta Express Airline Corporation is fit, willing, and able to provide commuter air carrier service under section 419(c)(2) of the Federal Aviation Act, as amended, and that the aircraft used in this service conform to applicable safety standards. The complete text of this order is available, as noted below.

DATE: Responses: All interested persons wishing to respond to the Board's tentative fitness determination shall serve their responses on all persons listed below no later than July 7, 1981, together with a summary of the testimony, statistical data, and other material relied upon to support the allegations.

ADDRESS: Responses or additional data should be filed with Special Authorities Division, Room 915, Civil Aeronautics Board, Washington, D.C. 20428, and with all persons listed in Attachment A of Order 81-6-140.

FOR FURTHER INFORMATION CONTACT: Mr. James A. Lawyer, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428 (202) 673-5088.

SUPPLEMENTARY INFORMATION: The complete text of Order 81-6-140 is available from the Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 81-6-140 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: June 19, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-18830 Filed 6-24-81; 8:45 am]

BILLING CODE 6320-01-M

[Order 81-6-139]

Fitness Determination of Bar Harbor Airlines; Order to Show Cause

AGENCY: Civil Aeronautics Board.

ACTION: Notice of commuter air carrier fitness determination—order 81-6-139, order to show cause.

SUMMARY: The Board is proposing to find that Bar Harbor Airways, Inc., d.b.a. Bar Harbor Airlines is fit, willing, and able to provide commuter air carrier service under section 419(c)(2) of the Federal Aviation Act, as amended; that it is capable of providing reliable essential air service; and that the aircraft used in this service conform to applicable safety standards. The complete text of this order is available, as noted below.

DATE: Responses: All interested persons wishing to respond to the Board's tentative fitness determination shall serve their responses on all persons listed below no later than July 9, 1981, together with a summary of the testimony, statistical data, and other material relied upon to support the allegations.

ADDRESS: Responses or additional data should be filed with the Essential Air Services Division, Room 921, Civil Aeronautics Board, Washington, D.C. 20428, and with all persons listed in Attachment A of Order 81-6-139.

FOR FURTHER INFORMATION CONTACT: Thomas Chew, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428 (202) 673-5056.

SUPPLEMENTARY INFORMATION: The complete text of Order 81-6-139 is available from the Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 81-6-139 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: June 19, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-18833 Filed 6-24-81; 8:45 am]

BILLING CODE 6320-01-M

[Order 81-6-142]

Fitness Determination of Danbury Airways, Inc.; Order to Show Cause

AGENCY: Civil Aeronautics Board.

ACTION: Notice of commuter air carrier fitness determination—order 81-6-142, order to show cause.

SUMMARY: The Board is proposing to find that Danbury Airways, Inc. is fit, willing, and able to provide commuter air carrier service under section 419(c)(2) of the Federal Aviation Act, as amended, and that the aircraft used in this service conform to applicable safety standards. The complete text of this order is available, as noted below.

DATE: Responses: All interested persons wishing to respond to the Board's tentative fitness determination shall serve their responses on all persons listed below no later than July 10, 1981, together with a summary of the testimony, statistical data, and other material relied upon to support the allegations.

ADDRESS: Responses or additional data should be filed with Special Authorities Division, Room 915, Civil Aeronautics Board, Washington, D.C. 20428, and with all persons listed in Attachment A of Order 81-6-142.

FOR FURTHER INFORMATION CONTACT: Ms. Joyce A. Snovitch, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428 (202) 673-5074.

SUPPLEMENTARY INFORMATION: The complete text of Order 81-6-142 is available from the Distribution Section, Room 516, 1825 Connecticut Avenue, NW., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 81-6-142 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: June 19, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-18834 Filed 6-24-81; 8:45 am]

BILLING CODE 6320-01-M

[Order 81-6-141]

Fitness Determination of Eagle Air Charter, Inc., d.b.a. Atlantic Air; Order To Show Cause

AGENCY: Civil Aeronautics Board.

ACTION: Notice of commuter air carrier fitness determination—order 81-6-141, order to show cause.

SUMMARY: The Board is proposing to find that Eagle Air Charter, Inc. d.b.a. Atlantic Air is fit, willing, and able to provide commuter air carrier service under section 419(c)(2) of the Federal Aviation Act, as amended, and that the aircraft used in this service conform to applicable safety standards. The complete text of this order is available, as noted below.

DATE: Responses: All interested persons wishing to respond to the Board's tentative fitness determination shall serve their responses on all persons listed below no later than July 9, 1981, together with a summary of the testimony, statistical data, and other material relied upon to support the allegations.

ADDRESSES: Responses or additional data should be filed with Special Authorities Division, Room 915, Civil Aeronautics Board, Washington, D.C. 20428, and with all persons listed in Attachment A of Order 81-6-141.

FOR FURTHER INFORMATION CONTACT: Ms. Joyce Snovitch, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428 (202) 673-5074.

SUPPLEMENTARY INFORMATION: The complete text of Order 81-6-141 is available from the Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 81-6-141 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: June 19, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-18835 Filed 6-24-81; 8:45 am]

BILLING CODE 6320-01-M

[Order 81-6-148; Dockets 35084, etc.]

June 19, 1981.

United Air Lines, Inc., et al.; order granting emergency exemptions to provide air transportation services during strike or other job actions of the professional air traffic controllers organization issued under delegated authority.

In the matter of application of United Air Lines, Inc., Docket 35084, for an exemption pursuant to section 403 of the Federal Aviation Act of 1958; application of Transamerica Airlines, Inc., Docket 39715, for an emergency exemption from sections 401 and 403 of the Act; Emergency Air Transportation requirements, Docket 39722.

On June 18, 1981, the Board issued a notice to inform the airline industry and the public of the emergency measures it intends to take in the event of a strike or job action by the Professional Air Traffic Controllers Organization (PATCO) on or about June 22, 1981.[1]

[1] Published in the **Federal Register** (see 46 F.R. 32057, June 19, 1981.

Because of the anticipated reduction in the number of airline flights [2] and the resultant disruptions to the carriers' schedules, we believe that we must take extraordinary measures to give wide latitude to the carriers so that they may tailor their services as best they can under very extenuating circumstances that are beyond their control. We have, therefore, determined that broad relief from the tariff rules is necessary to allow carriers to set up emergency schedules and emergency operational arrangements in an attempt to provide the maximum amount of service allowable in the event of a PATCO strike. We are, therefore, granting all U.S. certificated carriers an exemption from the requirement to observe tariff rules (*e.g.*, Rule 240 of Airline Tariff Publishing Company Agency, CAB No. 352).[3]

We also believe that, because of the significant disruptions to the carrier's schedules that may result, the carriers should be exempt from the Board's denied boarding rule (Part 250) and the smoking rule (Part 252).[4] We believe that this relief is necessary to avoid compounding the difficulties that the carriers will be confronted with in processing passengers during this crisis.

Also, in this emergency situation, carrires may not be able to transport passengers on their charter or scheduled flights to their return destination. In order to avert hardships that may befall these passengers, we will grant an exemption to all U.S. certificated air carriers and all foreign air carriers from the provisions of sections 401, 402, and 403 of the Act and Part 221 of our Regulations to permit them to provide alternate transportation to any stranded charter or scheduled passenger on their charter flight (including ferry legs) at no additional charge.[5]

The provisions of this order will become effective in the event of a PATCO strike and for this reason we are issuing this order today to give the carriers sufficient lead time concerning our actions.

Finally, the implementation of priorities for persons and property shown in our notice and proposed order issued on June 18 rests upon the priorities and allocations authority of the Defense Production Act of 1950, as amended and the delegation of this authority from the Secretary of Transportation to the Chairman, Civil Aeronautics Board. However, the Secretary has not as yet delegated this authority to the Chairman. Should such a delegation be received, we will issue a separate order regarding the transportation of persons and property on a priority basis.

Accordingly, acting under authority delegated by the Board in the Board's Regulations, 14 CFR 385.16 and 385.26:

1. We exempt all certificates air carriers and commuters air carriers designated by the Board to provide essential air service from the provisions of Section 403 of the Act and Part 221 of our Regulations to the extent that they would be required to observe tariff rules and of Parts 250 and 252 to the extent that they would hinder a carrier's ability to operate during a PATCO strike, *provided* that this exemption shall not authorize any carrier to increase the price of any ticket which has been issued; [6]

2. We exempt all certificated air carriers and all commuter air carriers designated by the Board to provide essential air service from the appropriate provisions of sections 419 and 401(j) of the Act and appropriate Board orders to the extent that they would (a) prohibit flight reductions, terminations or suspensions of service required to comply with flight schedule plans established by the FAA for implementation by these carriers and (b) require 30-day, 60-day or 90-day notices of such terminations, reductions, or suspensions;

3. We exempt all U.S. certificated air carriers from the provisions of Section 401 and all foreign air carriers from the provisions of Section 402 of the Act to the extent necessary to permit them to provide the emergency transportation on any charter flight (including ferry legs) otherwise authorized by the carrier's certificate or permit, to any charter or individually-ticketed passenger who has been stranded as a result of the strike, *provided* that this exemption shall not authorize any foreign air carrier to engage in air transportation between United States points;

4. We exempt all U.S. certificated air carriers and foreign air carriers from the provisions of Section 403 of the Act and Part 221 of the Board's Economic Regulations, insofar as enforcement of Section 403 and Part 221 would prevent them from providing emergency transportation as described in paragraph 3, *provided* that such transportation shall be provided at no additional charge to the passenger;

5. Order 81–5–31, May 6, 1981, is hereby amended to the extent necessary to permit any carrier to transfer any of its own stranded charter passengers to any of its own scheduled flights;

6. The exemptions and amendments granted here shall become effective simultaneously with any PATCO strike;

7. The exemptions and amendments permitted by this order shall expire upon notification from the Secretary of Transportation that the strike is over; and

8. This order shall be served on all U.S. certificated air carriers, all commuter air carriers designated by the Board to provide essential air service, the Department of Transportation, the Federal Emergency Management Agency, the Federal Aviation Administration, the Professional Air Traffic Controllers Organization, the Postmaster General and the Department of Defense.

A copy of this order will be published in the **Federal Register.**

Persons entitled to petition the Board for review of this order under the Board's Regulations, 14 CFR 385.50, may file their petitions within 10 days after the date of service of this order.

This order shall be effective as noted above, and the filing of a petition for

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[2] The FAA has developed a system for flight movements under its Contingency Plan for Potential Strikes or other Job Actions by Air Traffic Controllers. (Published in the **Federal Register** (see 45 F.R. 75100, November 13, 1980)). Under the FAA plan, a reduced number of normally scheduled air carrier flights are tentatively identified to be allowed to operate under the flight priorities shown in the plan and within certain rigid constraints to maintain air safety. The FAA order of flight priority in general terms, is (1) air traffic movements required for national defense; (2) medical emergency flights; (3) long-range flights for which no reasonable alternative means of transportation exists; and (4) shorter-range flights capable of serving the most people or national needs. The exemmptions in this order are effective whether or not the contingency plan goes into effect at the beginning of the strike.

[3] This exemption from the observance of tariff rules is applicable only to those rules which would inhibit a carrier's operations during any strike, and does not apply to such rules as acceptance of baggage and baggage liability limits. In addition the exemption does not authorize a carrier to increase the price of any ticket which has been issued, nor does it relieve them from filing any price increases or reductions.

[4] While we are exempting the carriers from the smoking rules (14 CFR 252), we nonetheless expect them to make a reasonable effort to provide non-smoking sections aboard the aircraft.

[5] Transamerica Airlines, Inc. by application filed on June 18, 1980, Docket 39715, requested authority to provide this transportation, which we are granting here. Further, we are also amending Order 81–5–31, May 6, 1981, to the extent necessary to permit any carrier to transfer any of its own stranded charter passengers to any of its own scheduled flights.

[6] We fully expect the carriers to make a reasonable attempt to accommodate passengers who have reserved seats on regularly scheduled flights without discrimination as to fare category.

review shall not preclude such effectiveness.

By Barbara A. Clark,
Director, Bureau of Domestic Aviation.
Phyllis T. Kaylor,
Secretary.

[FR Doc. 81-18804 Filed 6-24-81; 8:45 am]
BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

Economic Development Administration

Petitions by Producing Firms for Determinations of Eligibility To Apply for Trade Adjustment Assistance

Petitions have been accepted for filing from the following firms: (1) Schrader Stoves of Nevada, Inc., 4750 Highway 50 East #3, Carson City, Nevada 89701, producer of heating stoves (accepted June 9, 1981); (2) Bradburn and Brooks, Box 2276 Highway 9, Mount Vernon, Washington 98273, producer of cedar shakes (accepted June 10, 1981); (3) Beck 'N' Sue Fashion Company, Inc., P.O. Box 325, Maysville, North Carolina 28555, producer of women's and girls' dresses, blouses and pantsuits (accepted June 11, 1981); (4) Steen Engineering, Inc., 920 S. Prairie Avenue, Waukesha, Wisconsin 53186, producer of metal parts for industrial equipment (accepted June 12, 1981); (5) Thorntown Textile Company, Thorntown, Indiana 46071, producer of women's tops (accepted June 16, 1981); (6) Unity Knitting Mill, Inc., P.O. Box 827, Wadesboro, North Carolina 28170, producer of men's, women's and children's underwear and shirts (accepted June 16, 1981); (7) Family Garment Company, 324 East Locust Street, Scranton, Pennsylvania 18508, producer of women's skirts (accepted June 16, 1981); (8) Kinestar, Inc., 9613 Oates Drive, Sacramento, California 95827, producer of loudspeaker, amplifiers and other sound equipment (accepted June 16, 1981); (9) Pantalones Manso, Inc., Box 7, San Sebastian, Puerto Rico 00755, producer of men's slacks (accepted June 17, 1981); (10) North Shore Shake, Inc., P.O. Box 363, Hoquiam, Washington 98550, producer of cedar shakes and shingles (accepted June 17, 1981); (11) Landes, Inc., 8930 Westpark, Houston, Texas 77063, producer of handbags, smocks, garment and laundry bags, eyeglass and jewelry cases, book covers, log carriers and stadium seats (accepted June 17, 1981); (12) The Nelson McCoy Pottery Company, 451 Gordon Street, Roseville, Ohio 43777, producer of tableware and other earthenware (accepted June 18, 1981); (13) Lehigh Dress Company, Inc., 919 Silk Mill Street, Bethlehem, Pennsylvania 18018, producer of women's dresses and blouses (accepted June 18, 1981); and (14) Novasac Sales Company, Inc., 416 West 13th Street, New York, New York 10014, producer of handbags, tote bags and cosmetic bags (accepted June 19, 1981).

The petitions were submitted pursuant to Section 251 of the Trade Act of 1974 (Pub. L. 93-618) and § 315.23 of the Adjustment Assistance Regulations for Firms and Communities (13 CFR Part 315).

Consequently, the United States Department of Commerce has initiated separate investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Certification Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business of the tenth calendar day following the publication of this notice.

The Catalogue of Federal Domestic Assistance official program number and title of the program under which these petitions are submitted is 11.309, Trade Adjustment Assistance. Inasfar as this notice involves petitions for the determination of eligibility under the Trade Act of 1974, the requirements of Office of Management and Budget Circular No. A-95 regarding review by clearinghouses do not apply.

Jack W. Osburn, Jr.,
Chief, Trade Act Certification Division, Office of Eligibility and Industry Studies.

[FR Doc. 81-18773 Filed 6-24-81; 8:45 am]
BILLING CODE 3510-24-M

International Trade Administration

University of Washington; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. in room 3109 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 80-00067. Applicant: University of Washington, Department of Zoology NJ-15, 24 Kincaid Hall, Seattle, Washington 98195. Article: Micromanipulator, SM-20 and Accessories. Manufacturer: Narishige Scientific Instrument Laboratory, Japan. Intended use of article: See Notice on page 2667 in the Federal Register of January 14, 1981.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides freedom from lateral motion or backlash and an advance precision of one micron. The Department of Health and Human Services advises in its memorandum dated March 28, 1980 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knowns of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

Frank W. Creel
Acting Director
Statutory Import Programs Staff

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

[FR Doc. 81-18786 Filed 6-24-81; 8:45 am]
BILLING CODE 3510-25-M

Spirits From Ireland; Final Results of Administrative Review of Countervailing Duty Order

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Notice of final results of administrative review of countervailing duty order.

SUMMARY: On April 20, 1981, the Department of Commerce published the preliminary results of its administrative review of the countervailing duty order

on spirits from Ireland. The review is based upon information for the period January 1, 1980 through December 31, 1980. Interested parties were given an opportunity to submit written or oral comments. We received no comments.

As a result of this review, the Department has determined to assess countervailing duties of 0.004 Irish pounds per liter of alcohol in plain spirits and 0.008 Irish pounds per liter of alcohol in compounded spirits.

EFFECTIVE DATE: June 25, 1981.

FOR FURTHER INFORMATION CONTACT: Paul J. McGarr, Office of Compliance, Room 2803, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-1167).

SUPPLEMENTARY INFORMATION:

Procedural Background

On May 25, 1914, in T.D. 34466, the Department of the Treasury imposed countervailing duties on certain classes of spirits imported directly or indirectly from the United Kingdom of Great Britain and Ireland. On June 20, 1935, in T.D. 47753, the Department of the Treasury stated that countervailing duties continued to be applicable to spirits from Ireland, notwithstanding the establishment of the Irish Free State.

On April 3, 1980, the International Trade Commission ("the ITC") notified the Department of Commerce ("the Department") that an injury determination had been requested under section 104(b) of the Trade Agreements Act of 1979. Therefore, following the requirements of that section, liquidation was suspended on April 3, 1980 on all shipments of spirits from Ireland entered, or withdrawn from warehouse, for consumption on or after that date.

On April 20, 1981, the Department published in the **Federal Register** a notice of "Preliminary Results of Administrative Review of Countervailing Duty Order" (46 FR 22632). The Department has now completed its administrative review of that countervailing duty order.

Scope of the Review

Imports covered by this review are plain spirits and compounded spirits from the Republic of Ireland. These imports are currently classifiable under items 168.96, 168.98, 169.19, 169.20, 169.46 and 169.47, Tariff Schedules of the United States. The review is based on information for the period January 1, 1980 through December 31, 1980.

Interested parties were afforded an opportunity to furnish oral or written comments. The Department received no such comments.

Final Results of the Review

Since we have received no comments, the final results of our review are the same as those presented in the preliminary results of the review. We therefore determine that the net subsidy conferred on spirits from Ireland is 0.004 Irish pounds per liter of alcohol in plain spirits and 0.008 Irish pounds per liter of alcohol in compounded spirits for the period Janury 1, 1980 through December 31, 1980.

The U.S. Customs Service shall assess countervailing duties at the rates stated above on all unliquidated entries of this merchandise entered, or withdrawn from warehouse, for consumption prior to April 3, 1980. In addition, should the ITC find that there is material injury or likelihood of material injury to an industry in the United States, the Department will instruct the Customs Service to assess countervailing duties at these rates on all unliquidated entries of plain and compounded spirits entered, or withdrawn from warehouse, for consumption from April 3, 1980 through December 31, 1980.

Further, as required by section 751(a)(1) of the Tariff Act of 1930, the Customs Service shall collect a cash deposit of the estimated countervailing duties listed above on all shipments entered, or withdrawn from warehouse, for consumption on or after the date of publication of these final results, and liquidation shall continue to be suspended on such shipments.

This deposit requirement will remain in effect until publication of the final results of the next administrative review. The Department intends to conduct the next review by the end of June, 1982.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act of 1930 (19 U.S.C. 1675(a)(1)) and § 355.41 of the Commerce Regulations (19 CFR 355.41).

B. Waring Partridge, III,

Acting Deputy Assistant Secretary for Import Administration.

June 22, 1981.

[FR Doc. 81-18775 Filed 6-24-81; 8:45 am]

BILLING CODE 3510-25-M

Sugar From the European Communities; Preliminary Results of Administrative Review of Countervailing Duty Order

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Notice of preliminary results of administrative review of countervailing duty order.

SUMMARY: The Department of Commerce has conducted an administrative review of the countervailing duty order on sugar from the European Communities ("the EC"). The review is based upon information for the period from July 1, 1979 through June 30, 1980. As a result of this review the Department has tentatively determined the rate of net subsidy to be 3.5¢ per pound of sugar. Interested parties are invited to comment on this decision.

EFFECTIVE DATE: June 25, 12981.

FOR FURTHER INFORMATION CONTACT: Joseph A. Black, Office of Compliance, Room 1126, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-1774).

SUPPLEMENTARY INFORMATION:

Procedural Background

On July 31, 1978 a notice of "Final Countervailing Duty Determination," T.D. 78-253, was published in the Federal Register (43 FR 33237). The notice stated that the Treasury Department had determined that exports of sugar from the EC received bounties or grants, within the meaning of section 303 of the Tariff Act of 1930 (19 U.S.C. 1303) ("the Act"). Accordingly, imports into the United States of sugar from the EC were subject to countervailing duties.

On January 1, 1980 the provisions of title I of the Trade Agreements Act of 1979 ("the TAA") became effective. On January 2, 1980, the authority for administering the countervailing duty law was transferred from the Treasury Department to the Department of Commerce ("the Department"). On April 4, 1980 the International Trade Commission ("ITC") notified the Department that the EC had requested an injury determination under section 104(b) of the TAA. Therefore, following the requirements of that section, liquidation was suspended on all shipments of sugar from the EC entered, or withdrawn from warehouse, for consumption on or after April 4, 1980. The Department published in the **Federal Register** of May 13, 1980 (45 FR 31455) a notice of intent to conduct administrative reviews of all outstanding countervailing duty orders. As required by section 751 of the Act, the Department has conducted an administrative review of the order on sugar from the EC.

Scope of Review

Imports covered by this review are sugar from the EC, which consisted of

Belgium, Denmark, the Federal Republic of Germany, France, Ireland, Italy, Luxemburg, the Netherlands, and the United Kingdom during our review period. Sugar is currently classifiable under items 155.20 and 155.30 of the Tariff Schedules of the United States. The review is based on information for the period from July 1, 1979 through June 30, 1980. The countervailable program cited in the final determination is restitution payments made under the guidance and guarantee fund which in turn is operated under the Common Agricultural Policy ("CAP") of the EC. On January 1, 1981 Greece became a member of the EC and was simultaneously covered by the CAP as it applies to sugar; therefore, our instructions regarding suspension of liquidation and deposit of estimated countervailing duty apply to sugar from Greece as of that date.

Analysis of Programs

The resolution payments made under the CAP vary in amount and are granted only when the world price of sugar as established on international markets is lower than the EC "threshold price". The world price of sugar has been higher than the threshold price since May, 1980, and as a consequence restitution payments were suspended by the EC as of June 1, 1980. Under the guidance and guarantee fund program, not all sugar exported form the EC benefits from the same level of export subsidies. Sugar produced in and exported form the EC is classified in one of three production quotas: A, B and C quota. Only A and B quota sugar are eligible for restitution payments. We verified the information submitted by the Delegation of the Commission of the European Communities through a review of public documents published by the EC, the U.S. Department of Agriculture, and data developed by an independent statistical gathering organization.

Preliminary Results of Review

As a result of our administrative review, we preliminarily conclude that the rate of net subsidy was 3.5¢ per pound of sugar for the period from July 1, 1979 through June 30, 1980. There are no known unliquidated entries of this merchandise entered, or withdrawn from warehouse, on or before June 30, 1980. The Department intends to instruct the Customs Service to collect an estimated countervailing duty of 3.5¢ per pound on shipments entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of the present administrative review. This deposit requirement will remain in effect until publication of the final results of the next administrative review. Pending the publication of the final results of the present review, a deposit of estimated dutes of 10.8¢ per pound shall continue to be required on each entry of the subject merchandise. The suspension of liquidation previously ordered will continue in effect until the ITC completes its injury investigation.

Interested parties may submit written comments on these preliminary results on or before July 27, 1981 and may request disclosure and/or a hearing on or before July 10, 1981. Any request for an administrative protective order must be made within 5 days of the date of publication. The Department will publish the final results of the administrative review after analysis of issues raised in written comments or at a hearing.

This administrative review and notice are in accordance with section 751(a)(1) of the Act (19 U.S.C. 1675(a)(1)) and § 355.41 of the Commerce Regulations (19 CFR 355.41).

B. Waring Partridge, III,

Acting Deputy Assistant Secretary for Import Administration.

June 22, 1981.

[FR Doc. 81-18776 Filed 6-24-81; 8:45 am]

BILLING CODE 3510-25-M

Sugar From The United Kingdom; Final Results of Administrative Review and Revocation of Countervailing Duty Order

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Notice of final results of administrative review and revocation of countervailing duty order.

SUMMARY: On March 26, 1981, the Department of Commerce published in the **Federal Register** a notice of "Preliminary Results of Administrative Review of Countervailing Duty Order and of Tentative Determination to Revoke" with respect to sugar from the United Kingdom. Reasons for the tentative determination were given in the notice and interested parties were afforded an opportunity to present written or oral views. The Department received no comments. Therefore, the Department is revoking this order on the grounds that the subsidy practices cited in the final determination have been terminated and that the merchandise remains covered by the order on sugar from the European Communities.

EFFECTIVE DATE: June 25, 1981.

FOR FURTHER INFORMATION CONTACT: Joseph A. Black or Josephine A. Russo, Office of Compliance, Room 2803, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-1774 or 377-1168)

SUPPLEMENTARY INFORMATION:

Procedural Background

On January 22, 1938, the Department of the Treasury, in T.D. 49355, imposed countervailing duties on refined sugar from the United Kingdom of Great Britain and Northern Ireland ("the UK"). On July 23, 1978, a notice of "Final Countervailing Duty Determination," T.D. 78-253, was published in the **Federal Register** (45 FR 33237) regarding exports of sugar from the European Communities ("the EC"). On March 26, 1981, the Department of Commerce ("the Department") published the preliminary results of its administrative review and a tentative determination to revoke the countervailing duty order on sugar from the UK (46 FR 18751).

Scope of the Review

Imports covered by this review are sugar from the UK. Sugar is currently classifiable under item numbers 155.20 and 155.30 of the Tariff Schedules of the United States. The countervailable program cited in the final determination was the excessive drawback of customs duties on imported raw sugar.

The preliminary results of the review stated that the imported merchandise no longer benefited from subsidies from the Government of the UK and that entries of this merchandise are presently covered by the subsequent countervailing duty order on sugar from the EC. Interested parties were afforded an opportunity to furnish oral or written comments. The Department received no such comments.

Final Results of the Review

As a result of the review, we conclude that the imported merchandise no longer benefits from net subsidies from the Government of the UK. Therefore, in accordance with § 355.42(c)(2) of the Commerce Regulations, the Department revokes the countervailing duty order concerning sugar from the UK (T.D. 49355) with respect to all merchandise entered, or withdrawn from warehouse, for consumption on or after March 26, 1981. There are no known unliquidated entries of this merchandise entered, or withdrawn from warehouse, for consumption prior to April 4, 1980, the date of suspension of liquidation of all entries covered by the countervailing duty order on sugar from the EC. Entries on or after April 4, 1980 of UK sugar will be included in the Department's

administrative review of the order on sugar from the EC.

We are discontinuing the practice of updating the table in Annex III to Part 355 of the Commerce Regulations. Instead, interested parties may contact the Director of the Office of Compliance, International Trade Administration, for copies of the updated list of countervailing duty orders.

This revocation, administrative review, and notice are in accordance with sections 751(a)(1) and (c) of the Tariff Act of 1930 (19 U.S.C. 1675(a)(1), (c)) and §§ 355.41 and 355.42 of the Commerce Regulations (19 CFR 355.41, 355.42).

B. Waring Partridge, III,

Acting Deputy Assistant Secretary for Import Administration.

June 22, 1981.

[FR Doc. 81-18777 Filed 6-24-81, 8:45 am]

BILLING CODE 3510-25-M

Clear Plate and Float Glass From Japan; Final Results of Administrative Review and Revocation of Antidumping Finding

AGENCY: Department of Commerce, International Trade Administration.

ACTION: Notice of Final Results of Administrative Review and Revocation of Antidumping Finding.

SUMMARY: On February 5, 1981, the Department of Commerce published the preliminary results of its administrative review and tentative determination to revoke the antidumping finding on clear plate and float glass from Japan. The scope of the review covered the three known exporters: Central Glass Co., Ltd., Nippon Sheet Glass Co., Ltd., and Asahi Glass Co., Ltd. For Central Glass, the review covered the period January 1, 1975 through February 17, 1977. For Nippon Sheet Glass and Asahi Glass, the review covered the period July 1, 1973 through February 17, 1977. Interested parties were provided an opportunity to submit written comments or request disclosure and/or a hearing. Based on comments made by the petitioner, the Department recalculated home market prices. Additional written comments were received subsequent to disclosure, but no further revisions were made. The revised figures continue to show that all sales by the three exporters covered by the finding were made at not less than fair value. Accordingly, we are revoking the finding.

EFFECTIVE DATE: June 25, 1981.

FOR FURTHER INFORMATION CONTACT: Jonathan Seiger, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-3986).

SUPPLEMENTARY INFORMATION:

Procedural Background

On May 18, 1971, a dumping finding with respect to clear plate and float glass from Japan was published in the **Federal Register** as Treasury Decision 71-130 (36 FR 9009). On February 5, 1981, the Department of Commerce ("the Department") published in the **Federal Register** the preliminary results of its administrative review and its tentative determination to revoke the finding (46 FR 10970-71).

The Department has now completed its administrative review of the finding.

Scope of the Review

Merchandise covered by this review is clear plate and float glass, currently classifiable under items 543.2100 through 543.3100 of the Tariff Schedules of the United States Annotated (TSUSA).

The Department knows of three Japanese exporters of clear plate and float glass to the United States: Central Glass Company, Ltd., Nippon Sheet Glass Company, Ltd., Asahi Glass Company, Ltd. For Central Glass, the review covered the period January 1, 1975 through February 17, 1977. For Asahi Glass and Nippon Sheet Glass, the review covered the period July 1, 1973 through February 17, 1977.

The Department received a timely request from the petitioner for disclosure. At the disclosure meeting, the petitioner submitted comments concerning the time periods over which weighted-average home market prices were calculated. As a result of this meeting, we recalculated weighted-average home market prices on a monthly basis.

Petitioner submitted additional comments concerning other adjustments to prices. The petitioner questioned the fact that home market packing is higher on a per unit basis than export packing. The difference in packing costs is accounted for by the fact that home market transactions involve individualized packing and that export sales to the U.S. involve use of pallets.

The petitioner also noted that inland freight charges for Central were higher than those for Nippon and Asahi. On that basis the petitioner suggested that we should make an adjustment to Central's inland freight costs to equal those of the other two companies. Additionally, the petitioner alleged that agent commissions for Nippon and Asahi should have been higher. The relative costs for inland freight and commissions among the three companies, however, have not changed from those given in the most recent prior submission.

We rejected petitioner's argument that it was inappropriate to use a factory net-back method to calculate home market price. Petitioner argued specifically that there should be no downward adjustment to foreign market value for home market packing costs which are higher than export packing costs. In a different case, *Brother Industries, Ltd.*, v. *United States*, Consol. No. 80-9-01436 (C.I.T., July 3, 1980), this argument is the subject of pending litigation. No recalculations were made resulting from petitioner's comments concerning use of a factory net-back method to calculate home market price, nor were recalculations made concerning costs for packing, inland freight, and commissions.

Final Results of Review

Adjustments made as a result of shortening the time periods for computing weighted-average home market prices had an insignificant effect on the results of the Department's preliminary calculations.

Therefore, the final results of our review indicate that all sales were made at not less than fair value by Central Glass Co., Ltd. for the period January 1, 1975 through February 17, 1977, and by Nippon Sheet Glass Co., Ltd., and Asahi Glass Co. for the period July 1, 1973 through February 17, 1977.

Determination

As a result of this review, the Department revokes the antidumping finding on clear plate and float glass from Japan.

This revocation applies to all unliquidated entries of this merchandise entered, or withdrawn from warehouse, for consumption on or after February 17, 1977. Since all sales by Central Glass between January 1, 1975 and February 17, 1977, and all sales by Nippon Sheet Glass and Asahi Glass between July 1, 1973 and February 17, 1977 were made at not less than fair value, the Department shall instruct the Customs Service to liquidate all entries between those dates without reqard to anitdumping duties. The Department will issue appraisement instructions directly to the Customs Service.

This administrative review, revocation, and notice are in accordance with sections 751(a)(1) and (c) of the Tariff Act of 1930 (19 U.S.C. 1675(a)(1),

(c)) and § 353.54 of the Commerce Regulations (19 CFR 353.54).

B. Waring Partridge, III,

Acting Deputy Assistant Secretary for Import Administration.

June 22, 1981.

[FR Doc. 81-18721 Filed 6-24-81; 8:45 am]

BILLING CODE 3510-25-M

Kraft Condenser Paper From France; Preliminary Results of Administrative Review of Antidumping Finding

AGENCY: Department of Commerce, International Trade Administration.

ACTION: Notice of preliminary results of administrative review of antidumping finding.

SUMMARY: The Department of Commerce has conducted an administrative review of the anitdumping finding on kraft condenser paper from France. The review covers the only known exporter of this merchandise to the United States, Papeteries Bollare S.A., Paris, France, for two consecutive time periods up to August 31, 1980. This review indicates for the first period the existence of weighted-average margins of 3.46% for one type of condenser paper and 31.32% for all other types, and no shipments of any type for the second period.

As a result of this review, the Department has preliminarily determined to assess dumping duties equal to the calculated differences between foreign market value and exporter's sales price or purchase price during the first time period. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: June 25, 1981.

FOR FURTHER INFORMATION CONTACT: Susan M. Crawford, Office of Compliance, International Trade Administration, U.S. Depatrment of Commerce, Washington, D.C., 20230 (202-377-2209).

SUPPLEMENTARY INFORMATION:

Procedural Background

On September 21, 1979, a dumping finding with respect to kraft condenser paper from France was published in the **Federal Register** as Treasury Decision 79-247 (44 FR 54696). On January 1, 1980, the provisions of title I of the Trade Agreements Act of 1979 became effective. Title I replaced the provisions of the Antidumping Act of 1921 ("the 1921 Act") with a new title VII to the Tariff Act of 1930 ("the Tariff Act"). On January 2, 1980, the authority for administering the antidumping duty law was transferred from the Department of the Treasury to the Department of Commerce ("the Department"). The Department published in the **Federal Register** of March 28, 1980 (45 FR 20511-20512) a notice of intent to conduct administrative reviews of all outstanding dumping findings. As required by section 751 of the Tariff Act, the Department has conducted an administrative review of the finding on kraft condenser paper from France. The substantive provisions of the 1921 Act and the appropriate Customs Service regulations apply to all unliquidated entries made prior to January 1, 1980.

Scope of the Review

Imports covered by this review are shipments of kraft condenser paper, meaning capacitor tissue or condenser paper containing 80% or more by weight chemical sulphate or soda wood pulp based on total fiber content. Kraft condenser paper is currently classifiable under items 252.4000, 252.4200, and 256.3080 of the Tariff Schedules of the United States Annotated (TSUSA). Papeteries Bollare S.A. is the only known exporter to the United States of French kraft condenser paper. This review covers two consecutive time periods from February 20, 1979, the date of suspension of liquidation, through August 31, 1980.

For the period January 1, 1980 through August 31, 1980, there were no known shipments to the United States.

Exporter's Sales Price

The Department used exporter's sales price, as defined in section 204 of the 1921 Act, for sales of unslit kraft condenser paper to a related U.S. purchaser. In this case, exporter's sales price was calculated on the basis of the related U.S. firm's selling price to unrelated U.S. purchasers, with adjustments for ocean freight, insurance, foreign and U.S. inland freight, customs duties and clearance charges, U.S. selling expenses, and any increased value resulting from further manufacture (through slitting) performed on the imported merchandise after importation and before its sale to an unrelated purchaser in the U.S. No other adjustments were claimed or made.

Purchase Price

The Department used purchase price, as defined in section 203 of the 1921 Act, for sales of kraft condenser paper to unrelated U.S. purchasers. In this case, purchase price was calculated on the basis of the delivered price to the unrelated U.S. customer, with deductions for ocean freight, insurance, foreign and U.S. inland freight, and customs duties and clearance charges. No other adjustments were claimed or made.

Foreign Market Value

In calculating foreign market value the Department used home market price, as defined in section 205 of the 1921 Act, since sufficient quantities of such or similar merchandise were sold in the home market to provide a basis for comparison. Papeteries Bollare sold in the home market at least 15% of its total sales (by quantity) and home market sales were at least 20% of the quantity sold for exportation to countries other than the U.S. In this case the home market prices are based on delivered prices to unrelated purchasers in the home market, with adjustments, where applicable, for foreign inland freight, and indirect selling expenses to offset the amount of selling expenses incurred in the United States, in accordance with § 153.10 of the Customs Regulations. Adjustments were also made, where applicable, for differences in the merchandise, in accordance with section 153.11 of the Customs Regulations, and for packing cost differences.

Papeteries Bollare claimed that foreign market value should be determined on the basis of third country sales, since the merchandise sold in the home market is not similar to that exported to the United States. Bollare alleged that the merchandise sold in the home market was inappropriate for comparison purposes due to the difference in the gauges and densities of the papers sold in each market. Since these differences are mainly in production and are able to be quantified, the Departmemt determined that the merchandise sold in the home market meets the definition of "similar" as set forth in section 212(c) of the 1921 Act. We denied a claimed adjustment for trade show expenses because they bear no direct relationship to the sales under consideration. No other adjustments were claimed or made.

Preliminary Results of the Review

As a result of our comparison of purchase price and exporter's sales price to foreign market value, we preliminarily determine that the following margins exist:

Paper types	Time period	Margins (pct)
Dried KCT Voltam 1.17	2/20/79-12/31/79	3.46
Air dry density	1/1/80-6/31/80	[1] 3.46
All others	2/20/79-12/31/79	31.32
	1/1/80-6/31/80	[1] 31.32

[1] No shipments during this period.

Interested parties may submit written comments on these preliminary results

on or before July 27, 19— and may request disclosure and/or a hearing July 10, 1981. Any request for an administrative protective order must be made no later than July 30, 1981. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

The Department shall determine, and the U.S. Customs Service shall assess, duties, where appropriate, on all entries made during the period. Individual differences between purchase price or exporter's sales price and foreign market value may vary from the percentages stated above. The Department will issue appraisement instructions directly to the Customs Service.

Further, as required by §353.48(b) of the Commerce Regulations, a cash deposit of 3.46% for dried KCT Voltam 1.17 air dry density paper and 31.32% for all other types, based upon the last known shipments, shall be required on all shipments of kraft condenser paper entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results. This requirement shall remain in effect until publication of the final results of the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and section 353.53 of the Commerce Regulations (19 CFR 353.53).

B. Waring Partridge, III,

Acting Deputy Assistant Scretary for Import Administration.

June 19, 1981.

[FR Doc. 81-18732 Filed 6-24-81; 8:45 am]

BILLING CODE 3510-25-M

Large Power Transformers From France; Preliminary Results of Administrative Review of Antidumping Finding

AGENCY: Department of Commerce, International Trade Administration.

ACTION: Notice of preliminary results of administrative review of antidumping finding.

SUMMARY: The Department of Commerce has conducted an administrative review of the antidumping finding on large power transformers from France. The review covers the only known exporter from France to the United States, Alsthom-Unelec, S.A., and the period October 1, 1972 through June 30 1980.

As a result of this review the Department has preliminary determined to postpone appraisement of shipments entered during the above period pending receipt of more specific information from the exporter regarding merchandise sold in the home market. For purpose of determining the cash deposit to be required on shipments of this merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this review, the Department will use the rate developed during the fair value investigation as the best information available.

EFFECTIVE DATE: June 25, 1981.

FOR FURTHER INFORMATION CONTACT: Sid Briggs, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-5346).

SUPPLEMENTARY INFORMATION:

Procedural Background

On June 14, 1972, a dumping finding with respect to large power transformers from France was published in the **Federal Register** as Treasury Decision 72-160 (37 FR 11772). On January 1, 1980, the provisions of title I of the Trade Agreements Act of 1979 became effective. Title I replaced the provisions of the Antidumping Act of 1921 ("the 1921 Act") with a new title VII to the Tariff Act of 1930 ("the Tariff Act"). On January 2, 1980, the authority for administering the antidumping duty law was transferred from the Department of the Treasury to the Department of Commerce ("the Department"). The Department published in the **Federal Register** of March 28, 1980 (45 FR 20511-12) a notice of intent to conduct administrative reviews of all outstanding dumping findings. As required by section 751 of the Tariff Act, the Department has conducted an administrative review of the finding on large power transformers from France. The substantive provisions of the 1921 Act and the appropriate Customs Service regulations apply to all unliquidated entries made prior to January 1, 1980.

Scope of the Review

Imports covered by this review are shipments of large power transformers, that is, all types of transformers rated 10,000 KVA (kilovolt-amperes) or above, used in the generation, transmission, distribution, and utilization of electric power. Such transformers are currently classifiable under items 682.0765 and 682.0775 of the Tariff Schedules of the United States Annotated (TSUSA).

The Department knows of one exporter of large power transformers from France to the United States, Alsthom-Unelec, S.A., which sells to the U.S. through its subsidiary, Cogenel, Inc. This review covers the period October 1, 1972 through June 30, 1980.

Preliminary Results of the Review

During the period of review there were seven known entries of large power transformers from France, the most recent one entering on November 28, 1975. These entries and any other during the period will be the subject of a subsequent review. Responses to our questionnaire from Alsthom-Unelec have been deficient for the purposes of our analysis. Alsthom has not provided a complete listing of transformer sales in the home market, from which the Department, using a more thorough methodology than previously used, will select suitable individual models for comparison to individual shipments to the U.S.

Interested parties may submit written comments on these preliminary results on or before July 27, 1981 and may request disclosure and/or a hearing on or before July 10, 1981. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

Further, as required by § 353.48(b) of the Commerce Regulations, a cash deposit based on the best evidence available, which is the 24% rate determined during the fair value investigation, shall be required on all shipments of large power transformers from France entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results. This requirement shall remain in effect until publication of the final results of the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and section 353.53 of the Commerce Regulations (19 CFR 353.53).

B. Waring Partridge, III,

Acting Deputy Assistant Secretary for Import Administration.

June 19, 1981.

[FR Doc. 81-18733 Filed 6-24-81; 8:45 am]

BILLING CODE 3510-25-M

Spun Acrylic Yarn From Japan; Final Results of Administrative Review of Antidumping Duty Order

AGENCY: Department of Commerce, International Trade Administration.

ACTION: Notice of final results of administrative review of antidumping duty order.

SUMMARY: On March 30, 1981, the Department of Commerce published the preliminary results of its administrative review of the antidumping duty order on spun acrylic yarn from Japan. The review covered the four known manufacturers and nine known exporters and the time period of July 13, 1979 through March 31, 1980.

Interested parties were given an opportunity to submit oral or written comments on these preliminary results. The Department received a request on behalf of Asahi Chemical Industry Co., Ltd. for an opportunity to present oral views. Accordingly, the Department held a hearing on April 24, 1981, concerning its administrative review of this order. As a result of that hearing, the Department has not changed the results published in the March 30, 1981 notice.

EFFECTIVE DATE: June 25, 1981.

FOR FURTHER INFORMATION CONTACT: Larry T. Hampel, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202–377–3058).

SUPPLEMENTARY INFORMATION:

Procedural Background

On April 9, 1980, an antidumping duty order with respect to spun acrylic yarn from Japan was published in the **Federal Register** (45 FR 24127). On March 30, 1981, the Department of Commerce ("the Department") published in the **Federal Register** the preliminary results of its administrative review of the order (46 FR 19287–8). The Department has now completed its administrative review of the antidumping duty order.

Scope of the Review

The imports covered by this review are spun acrylic plied yarn primarily for machine knitting. Spun acrylic yarn is currently classifiable under items 310.5015 and 310.5049 of the Tariff Schedules of the United States Annotated (TSUSA).

The Department knows of four manufacturers and nine exporters of Japanese spun acrylic yarn to the United States. The review covered the time period of July 13, 1979 through March 31, 1980 for all thirteen firms.

Interested parties were afforded an opportunity to furnish written or oral comments. One manufacturer, Asahi Chemical Industry Company, Ltd. ("Asahi"), requested a hearing in connection with this review. Accordingly, the Department held a hearing on April 24, 1981.

Analysis of Comments Received

The Department has analyzed the comments submitted by Asahi, and comments submitted on behalf of the American Yarn Spinners Association ("AYSA"), the petitioner in this proceeding.

All comments addressed the issue of whether or not the Department has the authority to establish the rate of deposit of estimated antidumping duties based upon the most recent information available, regarding the foreign market value and United States price of entries of merchandise subject to the order, for companies who had no shipments of such merchandise to the United States during the period covered by the administrative review.

Specifically, Asahi contends that, since the review disclosed that Asahi made no shipments to the United States during the period of review, section 751 of the Tariff Act of 1930 ("the Tariff Act") requires the Department to determine that the amount by which the foreign market value of each entry exceeds the United States price is zero, and that this amount be the basis for the deposit of estimated duties. Asahi further contends that no statutory authority exists for the Department to rely upon information from outside the period of review.

AYSA contends that, in the absence of shipments by a firm during the period of review, the Department may not determine that foreign market value does not exceed United States price. AYSA further contends that no statutory authority exists for the Department to establish a zero rate for the deposit of estimated duties, absent any shipments, and that legislative history and congressional intent obligate the Department to determine the rate of deposit based upon the margin found during the most recent period in which the firm made shipments.

The Department has considered these comments, and has determined that when an administrative review of an antidumping duty order discloses no record of shipments by a firm during the period of review, the Department is precluded from determining the foreign market value and United States price of each entry (there being none), and thus precluded from determining the amount by which the foreign market value exceeds the United States price of each entry. The absence of entries during a review period obviates the requirements to determine a basis for the assessment of antidumping duties.

Since the statute directs that duties and deposits be based upon price information, the Department has established and consistently applied the policy of resorting to the most recent price information available for firms not shipping during a review period to estimate information deemed necessary to determine deposits of estimated duties. That information is considered to be the latest appraisement instructions containing foreign market value and United States price information, or the foreign market value and United States price information found in the determination of sales at less than fair value, whichever is the most recent.

As stated in the notice of the preliminary results of the administrative review, this is the initial review of this order and there are no previous appraisement instructions. Therefore, for those companies having no shipments of spun acrylic yarn to the United States during the period of review, the estimated deposit rates for these companies are the rates found in the fair value investigation.

Final Results of the Review

For all companies, the final results of our review are the same as those presented in the preliminary results of the review. We therefore determine that for the time period of July 13, 1979 through March 31, 1980, the following margins exist:

Japanese exporter	Margin (pct)
Mitsui & Co., Ltd.	
(MFR: Kanegafuchi Chem. Ind. Co., Ltd.)	0
Diafibers Co., Ltd.	
(MFR: Japan Exlan Corp.)	[1] 18.33
(MFR: Mitsubishi Rayon Co., Ltd.)	[1] 20.26
C. Itoh & Co., Ltd.	
(MFR: Asahi Chem. Ind. Co., Ltd.)	[1] 29.05
(MFR: Mitsubishi Rayon Co., Ltd.)	[1] 20.26
Gunze Sangyo, Inc.	
(MFR: Asahi Chem. Ind. Co., Ltd.)	[1] 29.05
Toyo Shoji Kaisha, Ltd.	
(MFR: Asahi Chem. Ind. Co., Ltd.)	[1] 29.05
Itoman & Co., Ltd.	
(MFR: Japan Exlan Corp.)	[1] 18.33
Nissho Iwai Corp.	
(MFR: Japan Exlan Corp.)	[1] 18.33
Mitsubishi Corp.	
(MFR: Mitsubishi Rayon Co., Ltd.)	[1] 20.26
Nichimen Co., Ltd.	[1] 23.19

[1] No shipments during review period

The Department will issue appraisement instructions on the exporter with a shipment directly to the Customs Service. As required by § 353.48(b) of the Commerce Regulations, a cash deposit based upon the margins stated above, expressed as a percent of the entered value, shall be required on all shipments entered, or withdrawn form warehouse, for consumption on or after the date of publication of the final results of the next administrative review. The Department intends to conduct the next

administrative review by the end of April, 1982.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

B. Waring Partridge, III,

Acting Deputy Assistant Secretary for Import Administration.

June 19, 1981

[FR Doc. 81-18734 Filed 6-24-81; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

Mid-Atlantic Fishery Management Council; Agenda Amendment

AGENCY: National Marine Fisheries Service, Commerce.

ACTION: Notice of Additional Meeting Agenda Item.

SUMMARY: The agenda for the scheduled public meeting of the Mid-Atlantic Fishery Management Council, as published in the **Federal Register** (page 31299), June 15, 1981, has been changed to include the following item for discussion: The Council will also consider amendment #3 to the Surf Clam/Ocean Quahog Fishery Management Plan.

All other information remains unchanged.

FOR FURTHER INFORMATION CONTACT: Mid-Atlantic Fishery Management Council, Room 2115—Federal Building, North and New Streets, Dover, Delaware 19901, Telephone: (302) 674-2331.

Dated: June 22, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-18836 Filed 6-24-81; 8:45 am]

BILLING CODE 3510-22-M

Pacific Fishery Management Council; Public Meetings With a Partially Closed Session

AGENCY: National Marine Fisheries Service, Commerce.

SUMMARY: Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, as amended in 1976 by Public Law 94-409, notice is hereby given of public meetings with a partially closed session of the Pacific Fishery Management Council. The Council was established by Section 302 of the Magnuson Fishery Conservation and Management Act of 1976 (Public Law 94-265), 16 U.S.C. 1852) to manage and conserve America's fisheries as specified by the Act.

MEETING AGENDAS:

Council (open meeting)—consideration of the fiscal year 1982 Council budget; status of the 1981 salmon fisheries and 1981-1982 anchovy quota; conduct a public comment period beginning at 4 p.m., on July 8, 1981.

Council (closed session)—discussion of the status of maritime boundary and resource negotiations between the U.S. and Canada. Only those Council members and related staff having security clearances will be allowed to attend this closed session.

ADDRESS: The meetings will take place at the Red Lion Motor Inn, 2900 Chinden Boulevard, Boise, Idaho.

DATES:

Council (open meeting) July 8-9, 1981 (2 p.m. to 5 p.m., on July 8; 10 a.m. to 5 p.m., on July 9).

Council (closed session) July 9, 1981 (8 a.m. to 10 a.m.).

FOR FURTHER INFORMATION CONTACT: Pacific Fishery Management Council, 526 S.W. Mill Street, Second Floor, Portland, Oregon 97201, Telephone: (503) 221-6352.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration of the Department of Commerce, with the concurrence of the General Counsel, formally determined on June 19, 1981, pursuant to Section 10(d) of the Federal Advisory Committee Act, that the agenda item covered in the closed session is exempt from the provisions of the Act relating to open meetings and public participation therein, because the meeting will be concerned with matters that are within the purview of 5 U.S.C. 552b(c)(1), as information which will disclose matters that are (A) specifically authorized under criteria established by an executive order to be kept secret in the interests of national defense or foreign policy and (B) in fact properly classified pursuant to such an executive order. (A copy of the determination is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 5317, Department of Commerce.) All other portions of the meetings will be open to the public.

Dated: June 22, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-18837 Filed 6-24-81; 8:45 am]

BILLING CODE 3510-22-M

National Technical Information Service

U.S. Government-Owned Inventions; Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for domestic and, possibly, foreign licensing.

Copies of patents cited are available from the Commissioner of Patents & Trademarks, Washington, DC 20231, for $.50 each. Requests for copies of patents must include the patent number.

Copies of patent applications cited are available from the National Technical Information Service (NTIS), Springfield, Virginia 22161 for $5.00 each ($10.00 outside North American Continent). Requests for copies of patent applications must include the PAT-APPL number. Claims are deleted from patent application copies sold to avoid premature disclosure. Claims and other technical data will usually be made available to serious prospective licensees upon execution of a non-disclosure agreement.

Requests for information on the licensing of particular inventions should be directed to: Office of Government Inventions and Patents, U.S. Department of Commerce, P.O. Box 1423, Springfield, Virginia 22151.

Douglas J. Campion,

Program Coordinator, Office of Government Inventions and Patents, National Technical Information Service, U.S. Department of Commerce.

U.S. Department of the Air Force, AF/JACP, 1900 Half Street, S.W., Washington, DC 20324

Patent application 6-207,829
Diethynylbenzene-Ethynylpyrene Copolymers. Filed November 17, 1980.

U.S. Department of the Navy, Director, Navy Patent Program/Patent Counsel for the Navy, Office of Naval Research, Code 302, Arlington, VA 22217

Patent application 6-227,340: Potting Techniques for Fiber Optical Couplers Filed January 22, 1981.

Patent 4,238,083: Aircraft Launcher. Filed December 21, 1978, patented December 9, 1980. Not available NTIS.

Patent 4,238,464: Air Revitalization Materials. Filed August 9, 1978, patented December 9, 1980. Not available NTIS.

Patent 4,240,272: Arctic Canteen. Filed June 18, 1979, patented December 23, 1980. Not available NTIS.

Patent 4,240,599: Vehicle Launching Device. Filed April 30, 1979, patented December 23, 1980. Not available NTIS.

Patent 4,241,167: Electrolytic Blocking Contact to InP. Filed May 25, 1979, patented December 23, 1980. Not available NTIS.

Patent 4,243,024: G-Protection System Sensing a Change in Acceleration and Tilt Angle.

Filed April 2, 1979, patented January 6, 1981. Not available NTIS.

Patent 4,245,558: Infrared Proximity Fuze Electronic Amplifier. Filed September 26, 1963, patented January 20, 1981. Not available NTIS.

Patent 4,246,472: Controlled Store Separation System. Filed December 18, 1978, patented January 20, 1981. Not available NTIS.

Patent 4,246,571: High Resolution Quantizer. Filed March 23, 1978, patented January 20, 1981. Not available NTIS.

Patent 4,248,630: Method of Adding Alloy Additions in Melting Aluminum Base Alloys-for Ingot Casting. Filed September 7, 1979, patented February 3, 1981. Not available NTIS.

Patent 4,248,683: Localized Anodic Thinning. Filed April 22, 1980, patented February 3, 1981. Not available NTIS.

National Aeronautics and Space Administration, Assistant General Counsel for Patent Matters, NASA Code GP-4, Washington, DC 20546

Patent application 6-119,337: Partial Interlaminar Separation System for Composites. Filed February 7, 1980

Patent application 6-147,695: Receiving and Tracking Phase Modulated Signals. Filed May 7, 1980

Patent application 6-185,868: A Method and Technique for Installing Light-Weight Fragile, High-Temperature Fiber Insulation. Filed September 11, 1980.

Patent application 6-191,746: Improved Refractory Coatings. Filed September 29, 1980.

Patent application 6-191,747: Solar Power Satellite System. Filed September 29, 1980.

Patent application 6-195,547: An Electro-Optical Doppler Tracker Means and Method for Optical Correlation of Synthetic Aperture Radar Data. Filed October 9, 1980.

Patent application 6-198,093: Kinesimetric Method and Apparatus. Filed October 17, 1980.

Patent application 6-199,708: Thermoset-Thermoplastic Aromatic Polyamides. Filed October 23, 1980.

Patent application 6-210,832: Mechanical Bonding of Metal. Filed November 26, 1980.

Patent application 6-217,336: Improved Attachment System for Silica Tiles. Filed December 17, 1980.

Patent application 6-218,587: Texturing Polymer Surfaces by Transfer Casting. Filed December 19, 1980.

Patent application 6-219,639: A Method for Producing a Solidified Body of Silicon. Filed December 24, 1980.

Patent application 6-219,680: Method of Forming Frozen Spheres in a Force-Free Drop Tower. Filed December 24, 1980.

Patent application 6-219,681: Absorbent Product and Articles Made Therefrom. Filed December 24, 1980.

Patent application 6-220,212: Gyrotron Transmitting Tube. Filed December 24, 1980.

Patent application 6-220,214: An Improved Solid Electrolyte Cell. Filed December 24, 1980.

Patent application 6-224,231: CAT Altitude Avoidance System. Filed January 12, 1981.

Patent application 6-225,500: Tactile Sensing System. Filed January 16, 1981.

Patent 4,213,064: Redundant Operation of Counter Modules. Filed April 4, 1978, patented July 15, 1980. Not available NTIS.

Patent 4,213,884: System for Forming a Quadrified Image Comprising Angularly Related Fields of View of a Three Dimensional Object. Filed March 20, 1978, patented July 22, 1980. Not available NTIS.

Patent 4,216,542: Method and Apparatus for Quadriphase-Shift-Key and Linear Phase Modulation. Filed March 6, 1979, patented August 5, 1980. Not available NTIS.

Patent 4,219,203: Thermal Barrier Pressure Seal. Filed December 29, 1978, patented August 26, 1980. Not available NTIS.

Patent 4,220,171: Curved Centerline Air Intake for a Gas Turbine Engine. Filed May 14, 1979, patented September 2, 1980. Not available NTIS.

Patent 4,221,005: Pseudonoise Code Tracking Loop. Filed May 21, 1979, patented September 2, 1980. Not available NTIS.

Patent 4,225,102: Aerodynamic Side-Force Alleviator Means. Filed March 12, 1979, patented September 30, 1980. Not available NTIS.

Patent 4,229,182: Recovery of Aluminum from Composite Propellants. Filed September 29, 1978, patented October 21, 1980. Not available NTIS.

Patent 4,243,323: Interferometer. Filed November 30, 1978, patented January 6, 1981. Not available NTIS.

Patent 4,243,327: Double-Beam Optical Method and Apparatus for Measuring Thermal Diffusivity and Other Molecular Dynamic Processes in Utilizing the Transient Thermal Lens Effect. Filed January 31, 1979, patented January 6, 1981. Not available NTIS.

[FR Doc. 81-18720 Filed 6-24-81; 8:45 am]
BILLING CODE 3510-04-M

DEPARTMENT OF DEFENSE

Department of the Army

Notice of Intent

June 15, 1981.

To Prepare a Draft Environmental Impact Statement (DEIS) for the Hilo Area Comprehensive Study, Hilo Harbor Navigation Improvements.

AGENCY: U.S. Army Corps of Engineers, DoD, Honolulu District.

ACTION: Notice of Intent to Prepare a Draft Environmental Impact Statement.

SUMMARY: 1. The U.S. Army Engineer District, Honolulu, is studying the feasibility of improving Hilo Harbor on the east coast of the Island of Hawaii.

2. The study is investigating methods of reducing surge damages, improving navigational operation, and providing adequate improvements to accommodate existing and future vessels visiting Hilo Harbor.

3. The Corps has held a series of workships in Hilo since the initiation of the Hilo Area Comprehensive Study in 1977 to identify problems and needs and alternatives in formulating a plan of action. Local interest groups, private organizations and parties and Federal, State and County of Hawaii agencies are participating in the study. At this time, the DEIS will address the effects of the improvements on water quality, fish and wildlife resources, historic sites, ocean resources and social considerations identified by local residents at the public meetings and workshops. The U.S Fish and Wildlife Service will provide their opinion of the project effects on fish and wildlife resoruces for inclusion in the DEIS. Consultation with the U.S. Advisory Council on Historic Preservation, and State Historic Preservation Officer, State Department of Health, U.S. Environmental Protection Agency, National Marine Fisheries Service, State Harbor Division, State Department of Parks and County Department of Parks and Recreation will be completed during the study.

4. A scoping meeting is not planned at this time.

5. The DEIS will be made available for public review about August 1981.

ADDRESS: Questions about the proposed action and DEIS can be answered by: Eugene Dashiell, Study Manager, U.S. Army Engineer District, Honolulu, Building 230, Fort Shafter, Hawaii 96858, Telephone (808) 438-2240/2249.

Dated: June 15, 1981

Kenneth E. Sprague,

LTC, Corps of Engineers, Deputy Commander and Deputy District Engineer.

[FR Doc. 81-18709 Filed 6-24-81; 8:45 am]
BILLING CODE 3710-MN-M

DEPARTMENT OF ENERGY

No Significant Impact

The Department of Energy (DOE) has prepared an environmental assessment for the finalization of prohibition orders for Units 1, 2, 3 and 4 of the Irvington Generating Station. The Irvington facility is owned by Tucson Electric Power Company (TEP) and is located near the center of Tucson Basin, one mile south and east of Tucson, Arizona. On December 31, 1980, the Economic Regulatory Administration (ERA) of DOE issued proposed prohibition orders to Irvington pursuant to Section 301(c) of the Powerplant and Industrial Fuel Use Act of 1978. If finalized, the orders would prohibit the use of petroleum or natural gas in a mixture in excess of the maximum amounts necessary to maintain reliability of operation of the units and reasonable fuel efficiency. This would probably result in the

conversion of the facility to coal as the primary fuel.

Conclusion

Based on the information contained in the environmental assessment, DOE has determined that finalization of prohibition orders for the Irvington Station is not a major Federal action significantly affecting the quality of the human environment and therefore does not require preparation of an environmental impact statement.

Environmental Consequences of the Proposed Action

The environmental consequences of the prohibition orders and the conversion of the Irvington Generating Station to coal as the primary fuel relate primarily to the maintenance of air quality in Tucson and to the disposal of the solid waste generated by coal burning. Other environmental impacts include the potential effects on water, land, and community resources.

Air Quality Impacts:

The air quality impacts of coal-firing as measured against existing conditions are not considered significant for the following reasons:

- All applicable state and Federal emissions and ambient air quality standards will be met under the option that involves use of coal that would produce a maximum of 1.0 lb. of sulfur dioxide/10^6 Btu. In addition, ambient concentrations of pollutants will only vary slightly from existing conditions.
- Even if "worst-case coal" producing 1.18 lbs. of sulfur dioxide/10^6 Btu is used, ambient concentrations will meet all ambient air quality standards and will vary little from existing concentrations. In addition, short-term (3 hr. or 24 hr.) concentrations of sulfur dioxide may actually improve. (A change in the state sulfur dioxide emissions limit would be required for use of such coal.)
- Long-term (annual) concentrations of sulfur dioxide will improve in comparison to burning 100% oil because of the derating that results from conversion to coal. Compared to the historic oil/gas ratio utilized at the plant there will be a slight increase in annual average sulfur dioxide concentrations for worst-case coal.
- There will be an insignificant increase in particulate concentrations because the proposed particulate control device is very efficient, i.e., 99.8% removal of particulate matter.
- Small increases in emissions of carbon monoxide, nitrogen oxides, and volatile organic compounds as a result of coal-firing are not expected to increase ambient concentrations of carbon monoxide or ozone.
- Maintenance of the proposed opacity stipulations and particulate, sulfur dioxide and nitrogen oxide emission rates as proposed will ensure that the changes in visibility, if any, will be undetectable to the average human eye.
- Extensive measures will be implemented to control fugitive dust emissions. These measures will reduce potential emissions by 95% and to a level that will be an insignificant contribution to ambient concentrations.
- The increased stack height will mitigate existing downwash problems when burning oil and prevent downwash when burning coal.
- Under the state regulations, the permitting responsibilities for this proposed conversion will rest at the state, rather than the county level. Both an installation and an operating permit will be required. Tucson Electric has been working very closely with the Arizona Department of Health Services. In view of the anticipated environmental impacts described above and in order to ensure maintenance of this minimal impact level, the utility and the Arizona Department of Health Services have tentatively agreed to several emission limitations and monitoring stipulations. Annual renewal of the operating permit will be based on maintaining the emissions limitations, as demonstrated by the monitoring data.

Solid Waste Impacts:

- Conversion to coal as proposed would produce an estimated 25,000 tons per year of bottom ash and 75,000 tons per year of fly ash. If the ash is sold for commercial use off-site, there will be no disposal impacts. If the ash is disposed on site, there is adequate land available for ash burial at the plant and Tucson Electric Power has proposed an acceptable approach to construction of the on-site disposal area and appropriate groundwater protection methods. Therefore, no significant impact is anticipated from disposal of the solid waste from the proposed conversion.

Secondary Environmental Concerns:

- Conversion to coal-firing will require modifications to the existing plant and intensification of the current industrial use of the plant site. The primary impact to on-site land resources will be the disturbance of up to 379 acres and construction of the ash burial area, if needed. Since the surrounding area is primarily industrial, no significant impact is expected on land resources.
- Community resources will not be affected by the conversion except for temporary increases in truck traffic and noise from construction and coal and ash transport which will not exceed the Pima County zoning code for noise.
- The 102 foot increase in stack height will be the primary aesthetic impact of the conversion but is not considered to be significant because of the industrial nature of the surrounding area.

Single copies of the EA are available from: Kathleen J. Ewing, FUA Public Hearing Staff, Economic Regulatory Administration, Case Control Unit (FUA), Box 4529, 2000 M Street, N.W., Washington, D.C. 20461, 202–653–4258.

For Further Information Contact: Elizabeth V. Jankus, Department of Energy, Office of Environmental Protection, Safety, and Emergency Preparedness, Forrestal Building, Room 4G–057, 1000 Independence Ave., S.W., Washington, D.C. 20585, 202–252–6374.

Dated: June 18, 1981.

Barton R. House,

Acting Assistant Secretary for Environmental Protection, Safety, and Emergency Preparedness.

[FR Doc. 81–18717 Filed 6–24–81; 8:45 am]

BILLING CODE 6450–01–M

Economic Regulatory Administration

[Docket Nos. 53146–3803–01–84 and 53146–3803–02–84]

Virginia Electric Power Co. (Portsmouth Generating Station, Units 1 and 2); Issuance of Notice of Intention To Rescind Prohibition Orders

AGENCY: Department of Energy, Economic Regulatory Administration.

ACTION: Issuance of notice of intention to rescind ESECA prohibition orders.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives notice under 10 CFR 303.134 that, pursuant to the Energy Supply and Environmental Coordination Act of 1974 (ESECA), (15 U.S.C. 792(f)),[1] it intends to rescind the

[1] Energy Supply and Environmental Coordination Act of 1974, Pub. L. 93–319, (15 U.S.C. 791 *et seq.*) as amended by Pub. L. 94–163, Pub. L. 95–70, Pub. L. 95–91 and Pub. L. 95–620 (15 U.S.C. 761 *et seq.*), as amended by Pub. L. 94–332, Pub. L. 94–385, Pub. L. 95–70 and Pub. L. 95–91; Department of Energy Organization Act, Pub. L. 95–91 (42 U.S.C. 7101 *et seq.*), as amended by Pub. L. 95–509, Pub. L. 95–619, Pub. L. 95–620 and Pub. L. 95–621; Powerplant and

Continued

Prohibition Orders issued on June 30, 1975, to the Portsmouth Generating Station, Units 1 and 2. This action is taken in accordance with the provisions of 10 CFR 303.130(b) of the ESECA regulations.

DATES: Comments on the proposed rescision must be received on or before July 6, 1981.

ADDRESS: Comment on ERA's intention to rescind the Prohibition Orders for Portsmouth Units 1 and 2 is invited. Interested persons may submit written data, views, or arguments with respect to the proposed action to the Department of Energy, Economic Regulatory Administration, Case Control Unit (ESECA), Mail Stop Room 3214, 2000 M Street, N.W., Washington, D.C. 20461. All comments and other documents should be identified both on the outside of the envelope and on the document itself with the designation "Proposed Rescision of Prohibition Orders for Portsmouth Generating Station, Units 1 and 2 (Docket Nos. 53146-3803-01-84 and 53146-3803-02-84)." All written comments must be received no later than ten (10) days after publication of this notice. In making its decision regarding the proposed rescision action, DOE will consider all relevant information submitted to it or otherwise available to it.

Any information considered to be confidential by the person furnishing it must be so identified at the time of submission in accordance with 10 CFR 303.9(f). ERA reserves the right to determine the confidential status of the information and to treat it in accordance with that determination.

FOR FURTHER INFORMATION CONTACT:

Steven A. Frank, Office of Fuels Conversion, Economic Regulatory Administration, Department of Energy, Case Control Unit (ESECA), Mail Stop Room 3214, 2000 M Street NW., Washington, D.C. 20461, Tel. (202) 653-4187

L. Dow Davis IV, Office of General Counsel, Department of Energy, Forrestal Building, Room 6B-178, Washington, D.C. 20585, Tel. (202) 252-2967

Written questions should be identified on the envelope and in the correspondence with the designation set out above.

SUPPLEMENTARY INFORMATION: On June 30, 1975, the Federal Energy Administration (FEA)[2] issued Prohibition Orders for Portsmouth Generating Station, Units 1, 2, 3, and 4. The Prohibition Orders, if made effective by the issuance of a Notice of Effectiveness (NOE), would have prohibited these powerplants from burning petroleum products or natural gas as their primary energy source. However, in the intervening period since the prohibition orders in question have been issued, Portsmouth Units 3 and 4 have converted to coal and Units 1 and 2 have been placed in a cold reserve. Since cold reserve, Units 1 and 2 have not been used for the production of power due to an apparent management decision that it was not cost beneficial to continue to use the Units with either oil, gas or coal. In addition, the two units are now scheduled for retirement in 1987.[3] Accordingly, since there is no reasonable likelihood that these units will be operated at a sufficient capacity factor to warrant conversion to coal, ERA feels that the issuance of a Notice of Effectiveness for these units would not tend to further the objectives of ESECA. Because of these changed circumstances, under 10 CFR 303.136(c) ERA hereby proposes to rescind the previously-issued prohibition orders in accordance with 10 CFR 303.130(b). Comments on ERA's intention to rescind these prohibitions must be received no more than ten (10) days after the date of publication of this notice.

Issued in Washington, D.C. June 18, 1981.

Robert L. Davies,

Director, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 81-18626 Filed 6-24-81; 8:45 am]

BILLING CODE 6450-01-M

Industrial Fuel Use Act of 1978, Pub. L. 95-620 (42 U.S.C. 8301 *et seq.*); E.O. 11790 (39 FR 23185); E.O. 12009 (42 FR 46267).

[2] Effective October 1, 1977, the responsibility for implementing ESECA was transferred by Executive Order No. 12009 from the Federal Energy Administration to the Department of Energy (42 U.S.C. 7101 *et seq.*).

[3] Letter from James M. Kinaca to James R. Caverly (June 1, 1979). The units originally went commercial in 1951 and 1963 respectively and would have required 36-37 months for the installation of electrostatic precipitators. Letter from Daniel J. Snyder of EPA to Frank Zarb (July 26, 1976).

Pyrofax Gas Corp.; Action Taken on Consent Order

Pursuant to 10 CFR Section 205.199J, the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives notice of final action taken on a Consent Order. Under the terms of 10 CFR Section 205.199J(c), no Consent Order involving sums in excess of $500,000 shall become effective until ERA publishes notice of its execution and solicits and considers public comments with respect to its terms.

On April 20, 1981, ERA published a notice of a Proposed Consent Order which was executed between Pyrofax Gas Corporation and the ERA (46 FR 22636, April 20, 1981). With that notice, and in accordance with 10 CFR Section 205.199J, ERA invited interested persons to comment on the proposed Consent Order. Also, in that notice, and in accordance with 10 CFR Section 205.283, interested parties who believe that they have a claim to all or a portion of the refund were instructed to provide written notification to ERA.

Four parties submitted written notification of claim. After consideration of the comments received, the ERA has concluded that the Consent Order as executed between ERA and Pyrofax Gas Corporation is an appropriate resolution of the compliance proceedings described in the notice published April 20, 1981, and hereby gives notice that the Consent Order shall become effective as proposed, without modification, on *(date of publication)*.

For further information contact: Wayne I. Tucker, Southwest District Manager, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235.

Issued in Dallas, Texas this 12th day of June, 1981.

Wayne I. Tucker,

Southwest District Manager, Economic Regulatory Administration.

[FR Doc. 81-18716 Filed 6-24-81; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[EN-6-FRL-1862-1]

Region 6; Approval of NESHAP Application of IT Corporation

Notice is hereby given that on February 18, 1981, the Environmental Protection Agency approved the application of IT Corporation to construct and install two rotary kiln incinerators and one liquids incinerator which have the capability of incinerating wastewater treatment plant sludge at the proposed IT Corporation hazardous waste facility near Burnside, Louisiana.

This approval has been issued under and pertains only to EPA's National Emission Standards for Hazardous Air Pollutants (NESHAP), 40 CFR 61, Subparts A and E, which are standards for mercury applicable in part to stationary sources which incinerate or dry wastewater treatment plant sludge.

The letter of approval does not relieve IT Corporation of the legal responsibility to comply with NESHAP regulations applicable to mercury sources, 40 CFR 61, Subparts A and E, and to comply with other applicable federal, state and

local laws and regulations. It also does not in any way affect the construction status and permit obligations of IT Corporation under the Resource Conservation and Recovery Act (RCRA), under 40 CFR Part 52 pertaining to the Prevention of Significant Deterioration of Air Quality (PSD), and under state and local permit programs.

Approval of this application is reviewable under Section 307(a)(1) of the Clean Air Act only in the U.S. Court of Appeals for the Fifth Circuit. A petition for review must be filed on or before August 24, 1981. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Copies of the letter of approval issued to IT Corporation are available for public inspection upon request at the following locations:

Air Enforcement Branch, Environmental Protection Agency, Region 6, First International Building, 1201 Elm Street, Dallas, Texas 75270

Air Quality Division, Office of Environmental Affairs, Department of Natural Resources, 625 North Fourth, Baton Rouge, Louisiana 70804.

Dated: May 11, 1981.

Frances E. Phillips,

Acting Regional Administrator, U.S. Environmental Protection Agency, Region 6.

[FR Doc. 81-18757 Filed 6-24-81; 8:45 am]

BILLING CODE 6560-38-M

[OPTS-59053 (TSH-FRL-1862-5)]

Silicone Polyol; Premanufacture Exemption Application

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1)(A) of the Toxic Substances Control Act (TSCA) requires any person intending to manufacture or import a new chemical substance for a commercial purpose in the United States to submit a premanufacture notice (PMN) to EPA at least 90 days before he commences such manufacture or import. Under section 5(h) the Agency may, upon application, exempt any person from any requirement of section 5 to permit such person to manufacture or process a chemical for test marketing purposes. Secion 5(h)(6) requires EPA to issue a notice of receipt of any such application for publication in the **Federal Register.** This notice announces receipt of an application for an exemption from the premanufacture reporting requirements for test marketing purposes and requests comments on the appropriateness of granting the exemption.

DATE: The Agency must either approve or deny this application by July 13, 1981. Persons should submit written comments on the application no later than July 10, 1981.

ADDRESS: Written comments to: Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-401, 401 M St. SW., Washington, DC 20460 (202-426-2610).

FOR FURTHER INFORMATION CONTACT: Robert Jones, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-208, 401 M St. SW., Washington, DC 20460 (202-426-2601).

SUPPLEMENTARY INFORMATION: Under section 5 of TSCA (90 Stat. 2012 (15 U.S.C. 2604)), any person who intends to manufacture or import a new chemical substance for commercial purposes in the United States must submit a notice to EPA before the manufacture or imports begins. A "new" chemical substance is any chemical substance that is not on the Inventory of existing chemical substances compiled by EPA under section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notices of availability of the Inventory were published in the **Federal Register** on May 15, 1979 (44 FR 28558-Initial) and July 29, 1980 (45 FR 50544—Revised). The requirement to submit a PMN for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979.

Section 5(a)(1) requires each PMN to be submitted in accordance with section 5(d) and any applicable requirement of chemical substances that are subject to testing rules under section 4. Section 5(b)(2) requires additional information in PMN's for substances which EPA, by rules under section 5(b)(4), has determined may present unreasonable risks of injury to health or the environment.

Section 5(h), "Exemptions," contains several provisions for exemptions from some or all of the requirements of section 5. In particular, section 5(h)(1) authorized EPA, upon application, to exempt persons from any requirement of section 5(a) or section 5(b) to permit the persons to manufacture or process a chemical substance for test marketing purposes. To grant such an exemption, the Agency must find that the test marketing activities will not present any unreasonable risk of injury to health or the environment. EPA must either approve or deny the application within 45 days of its receipt, and the Agency must publish a notice of its disposition in the **Federal Register.** If EPA grants a test marketing exemption, it may impose restrictions on the test marketing activities.

Under section 5(h)(6), EPA must publish in the **Federal Register** a notice of receipt of an application under section 5(h)(1) immediately after the Agency receives the application. The notice identifies and briefly describes the application (subject to section 14 confidentiality restrictions) and gives interested persons an opportunity to comment on it and whether EPA should grant the exemption. Because the Agency must act on the application on or before August 10, 1981, interested persons should provide comments on or before July 10, 1981.

EPA has proposed Premanufacture Notification Requirements and Review Procedures published in the **Federal Register** of January 10, 1979 (44 FR 2242) and October 16, 1979 (44 FR 59764) containing proposed premanufacture rules and notice forms. Proposed 40 CFR 720.15 (44 FR 2268) would implement section 5(h)(1) concerning exemptions for test marketing and includes proposed 40 CFR 720.15(c) concerning the section 5(h)(6) **Federal Register** notice. However, these requirements are not yet in effect. In the meantime, EPA has published a statement of Interim Policy published in the **Federal Register** of May 15, 1979 (44 FR 28564) which applies to PMN's submitted prior to the promulgation of the rules and notice forms.

Interested persons may, on or before July 10, 1981, submit to the Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Rm. E-401, 401 M St. SW., Washington, DC 20460, written comments regarding this notice. Three copies of all comments shall be submitted, except that individuals may submit copies of comments. The comments are to be identified with the document control number "[OPTS-59053]". Comments received may be seen in Rm. E-401 at the above office between 8:00 a.m. and 4:00 p.m., Monday through Friday excluding legal holidays.

(Sec. 5, 90 Stat. 2012 (15 U.S.C. 2604))

Dated: June 19, 1981.

Edward A. Klein,

Director, Chemical Control Division.

TM-81-15

The following summary is taken from data submitted by the manufacturer in

the test marketing exemption application.

Close of Review Period. July 13, 1981.

Manufacturer's Identity. Claimed confidential business information. Organizational information provided:

Manufacturing site—Middle Atlantic, U.S.

Standard Industrial Classification Code—285; e.

Specific Chemical Indentity. Claimed confidential business information. Generic name provided: silicone polyol.

Use. Claimed confidential business information. Generic use information provided: open use that will release more than 50 but less than 5,000 kilograms (kg) per year into the environment with potential skin and eye exposure to chemical and nonchemical industry employees.

Production Estimates. The submitter estimates production of 950–2,900 kg for test marketing purposes.

Physical/Chemical Properties

Percent total solids—44.3 mg KOH/gm.

Viscosity (Gardner)—A.

Color (Gardner)—1.

Flash point—110° F.

(Values on a solution of the new substance at percent total solids indicated.)

Toxicity Data. No data were submitted.

Environmental Test Data. No data were submitted.

Exposure. The submitter states that at two manufacturing sites, a maximum of 33 workers may have skin and eye exposure 4 to 6 hr/da, 3 da/yr during the production of the new substance for test marketing purposes. In two user's sites, a maximum of ten workers may have skin and eye exposure 12 hr/da, 45 da/yr.

Environmental Release/Disposal. The manufacturer estimates that total sites environmental release of the new substance will be less than 40 kg/yr to air and water and up to 200 kg/yr to air and water and up to 200 kg/yr to land. Disposal of any waste material will be by incineration.

[FR Doc. 81-18756 Filed 6-24-81, 8:45 am]

BILLING CODE 6560-31-M

[PP 6G1807/T309 (PH-FRL-1861-8)]

Thidiazuron; Extension of Temporary Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice extends temporary tolerances for residues of the herbicide thidiazuron (*N*-phenyl-*N*'-1,2,3, thiadizol-5-ylurea) and its aniline-containing metabolites in or on the raw agricultural commodities: cottonseed at 0.2 part per million (ppm), milk at 0.05 ppm, eggs at 0.1 ppm, and the meat, fat, and meat byproducts of cattle, goats, hogs, horses, poultry, and sheep at 0.2 ppm.

DATE: These temporary tolerances expire July 1, 1982.

FOR FURTHER INFORMATION CONTACT: Richard F. Mountfort, Product Manager (PM) 23, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 412D, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703-557-7070).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the **Federal Register** of October 17, 1979 (44 FR 59956) that Nor-Am Agricultural Products, Inc., had submitted pesticide petition 6G1807 to the EPA. The petition requested the establishment of temporary tolerances for residues of the herbicide thidiazuron (*N*-phenyl-*N*'-1,2,3-thiadizol-5-ylurea) and its aniline-containing metabolites in or on the raw agricultural commodities cottonseed at 0.2 part per million (ppm), milk at 0.05 ppm, eggs at 0.1 ppm, and the meat, fat, and meat byproduct of cattle, goats, hogs, horses, poultry, and sheep at 0.2 ppm.

Nor-Am has requested a one-year extension of these temporary tolerances to permit the continued marketing of the above raw agricultural commodities when treated in accordance with an experimental use permit (2139-EUP-23) that has been issued under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (92 Stat. 819; 7 U.S.C.).

The scientific data reported and other relevant material have been evaluated and it has been determined that the temporary tolerances are extended on the condition that the pesticide be used in accordance with the experimental use permit with the following provisions:

1. The amount of the pesticide to be used will not exceed the amount authorized in the experimental use permit.

2. Nor-Am will immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The company will also keep records of production, distribution, and performance, and on request make these records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

These temporary tolerances expire July 1, 1982. Residues remaining in or on the raw agricultural commodities after the expiration date will not be considered actionable if the pesticide is legally applied during the term of, and in accordance with, the provisions of the experimental use permit and temporary tolerances.

These temporary tolerances may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicates that such revocation is necessary to protect the public health.

As required by Executive Order 12291, EPA has determined that this temporary tolerance is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this temporary tolerance from the OBM review requirement of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements does not have significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** on May 4, 1981 (46 FR 24950).

(Sec. 408(j), 68 Stat. 516 (21 U.S.C. 346a(j)))

Dated: June 10, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-18758 Filed 6-24-81, 8:45 am]

BILLING CODE 6560-32-M

FEDERAL COMMUNICATIONS COMMISSION

[CC Docket No. 81-236; Transmittal Nos. 13663, 13686]

American Telephone and Telegraph Co.; Order

Adopted: June 11, 1981.

Released: June 17, 1981.

By the Acting Chief, Common Carrier Bureau:

Revisions to Tariff F.C.C. No. 260, Series 7000, Type 7008 (Satellite Television Service).

1. Before the Bureau is a motion filed by the American Telephone and Telegraph Company (AT&T) requesting an extension of time in which to submit its direct case in the above-captioned proceeding (46 FR 23532; 4-27-81). AT&T's direct case is due on June 11, 1981, but it requests an extension to June

25. In support of its motion, the company states that it needs additional time to compile data required to address the issues designated for investigation. Good cause having been shown, we will grant the motion.

2. Accordingly, it is ordered, pursuant to authority delegated under Section 0.291 of the Commission's Rules, 47 CFR 0.291, that the motion is granted and the American Telephone and Telegraph Company shall submit its direct case on or before June 25, 1981.

3. It is further ordered, that this Order shall be published in the **Federal Register.**

Federal Communications Commission.

Joseph A. Marino,

Acting Chief, Common Carrier Bureau.

[FR Doc. 81-18751 Filed 6-24-81; 8:45 am]

BILLING CODE 6712-01-M

Meeting of the Advisory Committee on Radio Broadcasting and its Technical and Allocations Subgroups

June 18, 1981.

The following open meetings will be held on Wednesday, July 8, 1981, at the times stated below, in Room A-110 of the FCC Annex, 1229-20th Street, N.W., Washington, D.C.:

A. The fourteenth meeting of the Advisory Committee on Radio Broadcasting, starting at 9:30 a.m. the agenda will be:

1. Call to order by the Chairman;
2. Approval of minutes of previous meeting;
3. Announcements of progress in FCC preparations for Second Session of Region 2 Conference on AM Broadcasting;
4. Recess for conduct of meetings of the Subgroups on Allocations and Technical Matters;
5. Reconvening of meeting of the Advisory Committee;
6. Receipt of reports by Allocations Subgroup;
7. Receipt of reports by Technical Subgroup;
8. Other business;
9. Future meeting dates;
10. Adjournment.

B. The seventh meeting of the Subgroup on Radio Spectrum Allocations, starting after Item No. 4 of the Advisory Committee Agenda. The agenda for the subgroup will be:

1. Call to order;
2. Approval of minutes of previous meeting;
3. Transmittal of reports to the Advisory Committee;
4. Other business;
5. Adjournment.

C. The seventh meeting of the Subgroup on Technical Matters, starting upon conclusion of the seventh meeting of the Subgroup on Radio Spectrum Allocations. The agenda will be:

1. Call to order;
2. Approval of minutes of previous meeting;
3. Transmittal of reports to the Advisory Committee;
4. Other business;
5. Adjournment.

If it should not be possible to complete consideration of an entire agenda on the scheduled date, that meeting will be continued at an announced date and time.

All interested parties are invited to participate and may submit comments, addressed to Mr. Henry L. Baumann, Chairman, Advisory Committee on Radio Broadcasting, Federal Communications Commission, Washington, D.C. 20554.

William Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 81-18740 Filed 6-24-81; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL MARITIME COMMISSION

[Docket No. 81-30]

The Boston Shipping Association, Inc. v. New York Shipping Association, Inc. et al.; Filing of Amended Complaint

Notice is given that an amended complaint filed by The Boston Shipping Association against The New York Shipping Association et al. was served June 17, 1981. Complainant alleges that Rule 10 of the Master Contract negotiated by respondent with the International Longshoreman's Association, effective October 1, 1980, exacts charges or assessments in violation of Section 8 of the Merchant Marine Act, 1920, Section 205 of the Merchant Marine Act, 1936 and Sections 15, 16, 17, and 18 of the Shipping Act, 1916.

Initial decision in this matter will be issued on or before February 16, 1982 (Rule 75). Any hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matter in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record.

Joseph C. Polking,

Acting Secretary.

[FR Doc. 81-18822 Filed 6-24-81; 8:45 am]

BILLING CODE 6730-01-M

[Docket No. 81-31]

The Boston Shipping Association, Inc. v. New York Shipping Association, Inc. et al.; Filing of Amended Complaint

Notice is given that an amended complaint filed by The Boston Shipping Association, Inc. against New York Shipping Association, Inc. et al. was served June 17, 1981. Complainant alleges that Rule 10 of the Master Contract negotiated by respondent with the International Longshoremen's Association, effective October 1, 1977, exacted charges or assessments in violation of section 8 of the Merchant Marine Act, 1920, section 205 of the Merchant Marine Act, 1936 and sections 15, 16, 17 and 18 of the Shipping Act of 1916.

Hearing in this matter, if any is held, shall commence within the time limitations prescribed in 46 CFR 502.61. The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matter in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record.

Joseph C. Polking,

Acting Secretary.

[FR Doc. 81-18823 Filed 6-24-81; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

AmSouth Bancorporation; Acquisition of Bank

AmSouth Bancorporation, Birmingham, Alabama, has applied for the Board's approval under § 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares of The First National Bank of Autauga County, Prattville, Alabama. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta.

Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than July 15, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 18, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-18780 Filed 6-24-81, 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Proposed De Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and section 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, soley in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than July 17, 1981.

A. *Federal Reserve Bank of San Francisco* (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

Security Pacific Corporation, Los Angeles, California (insurance activities; Texas): to engage through its subsidiary, Security Pacific Mortgage Corporation, in acting as broker or agent for the sale of credit-related life, accident and health insurance. These activities would be conducted from an office in Dallas, Texas, serving the State of Texas.

B. *Other Federal Reserve Banks: None.*

Board of Governors of the Federal Reserve System, June 18, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-18784 Filed 6-24-81, 8:45 am]

BILLING CODE 6210-01-M

Clinton County Bancorp; Formation of Bank Holding Company

Clinton County Bancorp, Frankfort, Indiana, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 per cent, less directors' qualifying shares, of the voting shares of the successor by merger to Clinton County Bank and Trust Company, Frankfort, Indiana. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than July 17, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 18, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-18781 Filed 6-24-81; 8:45 am]

BILLING CODE 6210-01-M

Westex Bancorp, Inc.; Acquisition of Bank

Westex Bancorp, Inc., Del Rio, Texas, has applied for the Board's approval under § 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares of The First State Bank, Brackettville, Texas. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than July 17, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 18, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-18782 Filed 6-24-81, 8:45 am]

BILLING CODE 6210-01-M

Wood County Bancorporation, Inc.; Formation of Bank Holding Company

Wood County Bancorporation, Inc., Washington, D.C., has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent of the voting shares of Wood County Bank, Parkersburg, West Virginia. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Richmond. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than July 18, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 19, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-18783 Filed 6-24-81, 8:45 am]

BILLING CODE 6210-01-M

FEDERAL TRADE COMMISSION

Early Termination of the Waiting Period of the Premerger Notification Rules

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: Ferdinand Graf von Galen is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of certain voting securities of Bangor Punta Corp. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by von Galen. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: June 16, 1981.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580, (202) 523-3894.

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitioins to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummatioin of such plans. Sections 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register**.

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 81-18803 Filed 6-24-81; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Issuance of Permit Amendments for Marine Mammals

On May 8, 1981 a notice was published in the **Federal Register** (45 FR 25704), that applications had been filed with the Fish and Wildlife Service by the Denver Wildlife Research Center for amendments to increase the number of sea otters (*Enhydra lutris*) authorized to be taken from 35 to 50 per year under PRT 2-6669 and to authorize testing of marking and tagging techniques on captive manatees (*Trichechus manatus*) under PRT 2-6983.

Notice is hereby given that on June 15, 1981, as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the Fish and Wildlife Service amended permit PRT 2-6669 for sea otters and on June 17, 1981 amended PRT 2-6983 for manatees to authorize the activities requested subject to certain conditions set forth therein.

The permits are available for public inspection during normal business hours at the Fish and Wildlife Service's office in Room 601, 1000 N. Glebe Road, Arlington, Virginia.

Dated: June 19, 1981.

Robert J. Batky,

Acting Chief, Branch of Permits, Federal Wildlife Permit Office.

[FR Doc. 81-18778 Filed 6-24-81; 8:45 am]

BILLING CODE 4310-55-M

Bureau of Land Management

[CA-7380 WR, CA-7512 WR, CA-7516 WR, CA-7524 WR, S-4864 WR]

California; Proposed Continuation of Withdrawals and Opportunity for Public Hearing

June 17, 1981.

Pursuant to Section 204(1) of the Federal Land Policy and Management Act of 1976 (90 Stat. 2754; 43 U.S.C. 1714), The Bureau of Land Management, U.S. Department of the Interior, proposes to continue the withdrawals of the Public Water Reserves on the following lands:

1. Public Water Reserve No. 81, Executive Order of November 26, 1921, CA-7380 WR.

Mount Diablo Meridian, California

T. 32 N., R. 11 E.,
  Sec. 24, SE¼SE¼;
  Sec. 25, NE¼NE¼.
T. 32 N., R. 12 E.,
  Sec. 19, Lot 12;
  Sec. 30, Lot 5.
T. 33 N., R. 13 E.,
  Sec. 32, SE¼SW¼.

The areas described aggregate 177.74 acres in Lassen County, California.

2. Public Water Reserve No. 17, Executive Order of March 21, 1914, CA-7512 WR.

Mount Diablo Meridian, California

T. 32 N., R. 13 E.,
  Sec. 5, SW¼SW¼.
T. 37 N., R. 13 E.,
  Sec. 25, NE¼SE¼.
T. 37 N., R. 15 E.,
  Sec. 24, NE¼SW¼.
T. 37 N., R. 16 E.,
  Sec. 9, W½NW¼.

San Bernardino Meridian, California

T. 1 S., R. 4 E.,
  Sec. 32, NE¼SW¼.

The areas described aggregate 240.00 acres in Lassen and San Bernardino Counties, California.

3. Public Water Reserve No. 69, Executive Orders of January 28, 1920 and June 23, 1920, CA-7516 WR.

Mount Diablo Meridian, California

T. 35 N., R. 7 E.,
  Sec. 15, S½NE¼.
T. 35 N., R. 10 E.,
  Sec. 7, Lots 1 and 2.
T. 33 N., R. 12 E.,
  Sec. 33, NW¼SW¼.
T. 34 N., R. 12 E.,
  Sec. 24, SW¼NW¼.
T. 33 N., R. 13 E.,
  Sec. 12, SE¼SE¼.
T. 37 N., R. 16 E.,
  Sec. 14, Lot 1;
  Sec. 15, Lots 5, 6, and 7;
  Sec. 22, Lot 1.
T. 25 N., R. 16 E.,
  Sec. 30, NE¼NW¼.
T. 1 N., R. 28 E.,
  Sec. 14, All land lying within ¼ mile of Indian Spring, located approximately on what will be when surveyed the SE¼NW¼;
  Sec. 26, All land lying within ¼ mile of an unnamed spring, located approximately on what will be when surveyed the SW¼SW¼.

The areas described aggregate 677.54 acres in Lassen and Mono Counties, California.

4. Public Water Reserve No. 107, Interpretation of Executive Order of April 17, 1926, CA-7524 WR.

Mount Diablo Meridian, California

T. 32 N., R. 16 E.,
  Sec. 3, SE¼SW¼.
T. 29 N., R. 17 E.,
  Sec. 32, NW¼NW¼.
T. 31 N., R. 17 E.,
  Sec. 12, SE¼NW¼.

The areas described aggregate 160.00 acres in Lassen County, California.

5. Public Water Reserve No. 107, Interpretation of Executive Order of April 17, 1926, S-4864 WR.

Mount Diablo Meridian, California

T. 25 N., R. 16 E.,
  Sec. 13, SW¼SE¼.
T. 25 N., R. 17 E.,
  Sec. 3, Lot 1;
  Sec. 11, SE¼NW¼;
  Sec. 12, Lot 2;
  Sec. 15, NW¼SE¼;
  Sec. 23, Lot 2.
T. 26 N., R. 17 E.,
  Sec. 33, SE¼SE¼.
T. 25 N., R. 18 E.,
  Sec. 18, SW¼SE¼.

The areas described aggregate 300.39 acres in Lassen County, California.

The lands are segregated from settlement, non-metalliferous mineral location, sale or entry in order to preserve the public lands and the water thereon for general public use and benefit. No change in the segregative effect of the withdrawals or the use of the land is proposed.

Notice is hereby given that a public hearing may be afforded in connection with the proposed withdrawal continuations. All interested persons who desire to be heard on the proposal must submit a written request for a hearing to the undersigned on or before July 27, 1981. Upon a determination by the State Director, Bureau of Land Management, that a public hearing should be held, a notice will be published in the Federal Register giving the time and place of such hearing. Public hearings will be scheduled and conducted in accordance with BLM Manual 2351.16B. Additionally, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal continuation may present their views in writing to the undersigned authorized officer of the BLM on or before July 27, 1981.

The authorized officer of the BLM will undertake such investigations as are necessary and prepare a report for consideration by the Office of the Secretary of the Interior. The final determination on the continuation of the withdrawals will be published in the Federal Register. The existing withdrawals will continue until such final determination is made.

All communication in connection with the withdrawal continuations should be addressed to the undersigned, Bureau of Land Management, Room E–2841, Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

Joan B. Russell,

Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81–18724 Filed 6–24–81; 8:45 am]

BILLING CODE 4310–84–M

Eugene District Advisory Council; Field Tour

Notice is hereby given in accordance with Section 309 of the Federal Land Policy and Management Act of 1976 that a field tour for the Eugene District BLM Advisory Council will be held on August 10, 1981.

The tour will depart at 9:00 a.m. from the Lane County Extension Service Parking Lot at 950 W. 13th Street, Eugene. Tour stops will include Lake Creek Falls, a tree progeny site, a stand of 40-year-old timber, and other selected sites as time permits.

The tour is open to the public, however non-council members must provide their own transportation and lunch.

A summary of the tour proceedings will be prepared and available for review within 30 days following the tour.

Dwight Patton,

District Manager.

[FR Doc. 81–18725 Filed 6–24–81; 8:45 am]

BILLING CODE 4310–84–M

New Mexico; Application of Coal Unsuitability Criteria and Completion of Multiple Use Recommendations for the Chaco-San Juan Planning Update for Coal

Notice is hereby given that the Albuquerque District, Bureau of Land Management will solicit public comment until July 17, 1981 on the application of Coal Unsuitability Criteria (43 CFR 3461.1) and surface owner consultation in the Management Framework Plan for the Chaco-San Juan Planning Unit in northwestern New Mexico, and on the Multiple Use Recommendations of the Chaco land use plan.

Maps and materials will be available for review at the Farmington Resource Area Office during normal business hours up until July 2, 1981.

Maps and materials will also be available for review at Open Houses being conducted during this comment period at the following locations:

Pueblo Pintado Chapter House, July 7, 10 a.m. to 5 p.m.

Lake Valley Chapter House, July 8, 10 a.m. to 5 p.m.

Huerfano Chapter House (Carson), July 9, 10 a.m. to 5 p.m.

Albuquerque Convention Center, July 13, 3 p.m. to 9 p.m.

Taos, Kachina Lodge, July 15, 3 p.m. to 9 p.m.

Farmington, The Inn, July 16, 3 p.m. to 9 p.m.

For further information contact: Bob Calkins, Area Manager, Farmington Resource Area, 900 La Plata Highway, Farmington, New Mexico 87401 or call (505) 325–3581; or Lee Larson, Farmington Resource Area Planning Coordinator, at the same address and telephone; or Jeff Radford, Albuquerque District Information Officer, Bureau of Land Management, P.O. Box 6770, Albuquerque, New Mexico 87107 or call (505) 766–2890.

L. Paul Applegate,

District Manager.

June 18, 1981.

[FR Doc. 81–18726 Filed 6–24–81; 8:45 am]

BILLING CODE 4310–84–M

New Mexico; To Prepare a Resource Management Plan

The Bureau of Land Management (BLM), Roswell District, New Mexico will shortly begin preparation of a resource management plan (RMP), including an environmental impact statement (EIS) as an integral part of the planning process. The plan will make use and management decisions on approximately 1.4 million acres of public land administered by the Bureau in the Roswell Resource Area. The resource management planning process is described in Title 43 of the Code of Federal Regulations, Subpart 1601. The public is invited to participate in the planning process, beginning with the identification of issues.

Geographic Area of the Plan

The planning area includes seven southeastern New Mexico counties: Quay, Guadalupe, Curry, DeBaca, Roosevelt, Lincoln and part of Chaves county. The area encompasses 14,014,720 acres of which 10.6 percent (1,486,942 acres) is public land ownership and 16.9 percent (2,366,356 acres) is Federal mineral ownership.

Anticipated Issues

Significant resources issues will be identified during the first phase of the planning process. Issues to be resolved during planning are expected to include management of livestock grazing, oil and gas production, mineral extraction, wildlife, soil and water conservation, recreation, wilderness, caves, and land access.

The public is invited to comment and to suggest other concerns, needs, or opportunities for consideration during planning.

Resource Management Planning Process

The preparation of a resource management plan includes the following steps: (1) Identification of planning issues, (2) Development of planning criteria to guide the process, (3) Information collection, (4) Analysis of the management situation, (5) Formulation of areawide management alternatives, (6) Estimation of the effects of each alternative, (7) Selection of a preferred alternative, (8) Selection of a

resource management plan, and (9) Monitoring and evaluation of plan implementation after approval.

Interdisciplinary Team

The Roswell Area Resource Management Plan will be developed by a Planning Team made up of four components: the Team Leader, the Management Review Team, the Planning and Environmental Coordination Team and the Technical Support Team. Individuals who will participate from the agency will include the District and Area Managers, the Chief of the Planning and Environmental Staff, the planning coordinator, the environmental coordinator, the writer editor, an economist, an inventory coordinator, and specialists from the Area Office Staff and the District Resources Division as needed.

Public Participation

The Roswell District Advisory Council will be the focal point of public participation. The Advisory Council will be asked to review and comment on each aspect of the planning process, and may hold public workshops or facilitate other public input as needed during the development of the plan. Governmental units at all levels will also be asked to comment on planning products during the process. The following is a schedule of key dates for this planning effort:

Identification of planning issues: September 1981
Development of planning criteria: September 1981
Information collection: September 1983
Analysis of the management situation: December 1983
Alternatives formulation: September 1984
Estimation of effects of alternatives: September 1984
Selection of a preferred alternative: October 1984
Publication of draft RMP: November 1984
Publication of final RMP: July 1985
Approval and publication of decision: September 1885

Specific public participation events, dates, and locations will be announced later through mailings and in the media. Individuals may preserve their right to protest eventual planning decisions only through direct participation during the process. Draft planning documents will be available for review in public libraries and county courthouses throughout the planning area. Other planning process records will be available for inspection with the Planning and Environmental Coordination Staff at the Roswell District Office.

Additional Information

For more information, to offer assistance, or to be placed on the mailing list, please contact Phillip Moreland, Roswell Area Manager, or Tim Kreager, Chief of the Planning and Environmental Staff, U.S. Bureau of Land Management, 1717 West Second Street, P.O. Box 1397, Roswell, New Mexico 88201. The telephone number is (505) 622-7670.

Dated: June 16, 1981.

Charles W. Luscher,

State Director.

[FR Doc. 81-18727 Filed 6-24-81, 8:45 am]

BILLING CODE 4310-84-M

Rawlins District Grazing Advisory Board Meeting

AGENCY: District Grazing Advisory Board.

ACTION: Notice of meeting.

SUMMARY: Notice is hereby given in accordance with Pub. L. 94-579 that a meeting of the BLM, Rawlins District Grazing Advisory Board will be held at 10 a.m. Wednesday, July 22, 1981, at the Bureau of Land Management Office, 1300 Third Street, Rawlins, WY 82301.

The agenda will include: Draft Rangeland Management Program Policy, Proposed Rangeland improvement, Proposed FY 82 Budget for Range Improvement, Wild Horse Roundups, Arrangement for next meeting.

The meeting is open to the public. Interested persons may make oral statements to the Board between 1 p.m. and 1:30 p.m., or file written statements for the Board's consideration. Anyone wishing to make an oral statement must notify the District Manager at the above address by July 17, 1981. A per person time limit may be established for persons wishing to make oral statements.

Summary minutes of the meeting will be on file at the District Office and will be available for public review 30 days after the meeting.

David J. Walter,

District Manager.

[FR Doc. 81-18729 Filed 6-24-81, 8:45 am]

BILLING CODE 4310-84-M

Realty Action-Exchange OR 7278; Public Lands in Harney and Lake Counties, Oregon

The following described lands have been determined to be suitable for disposal by exchange under Section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716:

Public Lands, Willamette Meridian, Lake County, Oregon

T. 36 S., R. 22 E.,
Sec. 1, Lots 1 and 2, S½NE¼, and SE¼;
Sec. 12, NE¼NE¼.
T. 33 S., R. 23 E.,
Sec. 34, SE¼SW¼.
T. 34 S., R. 23 E.,
Sec. 2, SW¼NW¼, and SW¼;
Sec. 3, Lots 1, 2, 3, and 4, S½N½, and S½;
Sec. 4, SE¼NE¼, SE¼SW¼, and SE¼;
Sec. 9, All;
Sec. 10, All;
Sec. 11, NW¼NE¼, S½NE¼, NW¼, and S½;
Sec. 12, W½SW¼;
Sec. 13, W½, and SW¼SE¼;
Sec. 14, All;
Sec. 15, All;
Sec. 21, All;
Sec. 22, All;
Sec. 23, All;
Sec. 24, All;
Sec. 25, All;
Sec. 26, All;
Sec. 27, N½, N½SW¼, and SE¼;
Sec. 28, N½, and N½SE¼.
T. 35 S., R. 23 E.,
Sec. 29, S½;
Sec. 30, SE¼SW¼, and SE¼;
Sec. 31, Lots 1 to 7, inclusive, NE¼, E½NW¼, NE¼SW¼, and N½SE¼;
Sec. 32, Lots 1, 2, 3, and 4, N½, and N½S½.
T. 36 S., R. 23 E.,
Sec. 5, Lots 1, 2, 3, and 4, S½N½, and S½;
Sec. 6, Lots 1 to 7, inclusive, S½NE¼, SE¼NW¼, E½SW¼, and SE¼;
Sec. 7, Lot 1, NE¼, and NE¼NW¼;
Sec. 8, All;
Sec. 18, N½NE¼, SE¼SE¼.
T. 34 S., R. 24 E.,
Sec. 19, Lots 2, 3, and 4, and E½SW¼.

Total 14,197.93 acres.

Public Lands, Willamette Meridian, Harney County, Oregon

T. 31 S., R. 27 E.,
Sec. 21, E½NE¼, SE¼SW¼, and SE¼;
Sec. 22, All;
Sec. 23, S½S½NE¼, W½NW¼, S½SE¼NW¼, S½;
Sec. 25, W½W½SW¼;
Sec. 26, All;
Sec. 27, All;
Sec. 28, E½, N½NW¼, SE¼NW¼, and NE¼SW¼;
Sec. 33, E½, NE¼SW¼, and S½SW¼;
Sec. 34, All;
Sec. 35, All;
T. 32 S., R. 27 E.,
Sec. 1, W½ Lot 4, W½SW¼NW¼;
Sec. 2, Lots 1, 2, 3, and 4, and S½N½;
Sec. 3, Lots 1, 2, 3, and 4, S½N½, and N½S½;
Sec. 4, Lots 1, 2, 3, and 4, S½N½, and N½S½.

Total 6,240.95 acres.

Total Public Lands—Lake and Harney Counties 20,438.88 acres.

In exchange for these lands the federal government will acquire scattered tracts of state land in Lake and Harney Counties from the State of

Oregon, Division of State Lands described as follows:

State Lands, Willamette Meridian, Lake County, Oregon

T. 33 S., R. 22 E.,
Sec. 36, All.
T. 34 S., R. 22 E.,
Sec. 16, All.
T. 36 S., R. 22 E.,
Sec. 16, S½N½, and S½.
T. 35 S., R. 23 E.,
Sec. 16, All.
T. 36 S., R. 23 E.,
Sec. 36, All.
T. 37 S., R. 23 E.,
Sec. 16, All;
Sec. 36, N½, and N½S½.
T. 38 S., R. 23 E.,
Sec. 16, SW¼NE¼, W½, W½SE¼, and SE¼SE¼.
T. 35 S., R. 24 E.,
Sec. 23, W½SW¼;
Sec. 26, W½W½;
Sec. 27, E½NE¼, and SE¼;
Sec. 34, SE¼SW¼.
T. 34 S., R. 25 E.,
Sec. 36, S½SW¼, and SE¼.
T. 34 S., R. 28 E.,
Sec. 16, All;
Sec. 36, All.
T. 35 S., R. 28 E.,
Sec. 16, All.
Total 7,320.00 acres.

State Lands, Willamette Meridian, Harney County, Oregon

T. 32 S., R. 24 E.,
Sec. 16, W½.
T. 30 S., R. 25 E.,
Sec. 36, All.
T. 31 S., R. 25 E.,
Sec. 16, All.
Sec. 36, Lots 1, 2, 3, and 4, W½, and W½E½.
T. 32 S., R. 25 E.,
Sec. 16, All.
T. 30 S., R. 28 E.,
Sec. 16, All;
Sec. 36, All.
T. 31 S., R. 28 E.,
Sec. 16, All;
Sec. 36, All.
T. 29 S., R. 27 E.,
Sec. 16, All;
Sec. 36, All.
T. 30 S., R. 27 E.,
Sec. 16, All;
Sec. 36, All.
T. 31 S., R. 27 E.,
Sec. 16, All;
Sec. 36, E½, and E½W½.
T. 32 S., R. 27 E.,
Sec. 36, All.
T. 30 S., R. 28 E.,
Sec. 16, All;
Sec. 36, Lots 1, 2, 3, and 4, N½, and N½S½.
T. 31 S., R. 28 E.,
Sec. 16, All;
Sec. 36, All.
T. 32 S., R. 28 E.,
Sec. 16, All;
Sec. 36, All.
Total 13,595.96 acres.

Total State Lands—Lake and Harney Counties 20,915.96 acres.

Application (OR 7278) for this land exchange was filed on December 16, 1970 and amended on January 26, 1971 and June 8, 1977, by the State of Oregon, Division of State Lands, Salem, Oregon 97310. The purpose of the land exchange is to acquire state lands which will benefit and support a multiple use federal land and resource management program. These multiple use values include wildlife habitat, wilderness values, recreation values, and grazing. The proposed exchange will also consolidate scattered state lands into three large blocks to facilitate land and resource management. The exchange proposal is consistent with the Bureau's planning system and has been presented to the State Clearinghouse, State Land Board Representatives, Lake and Harney Counties Planning Commissions and County Commissioners. The public interest will be well served by making the exchange. The value of the lands to be exchanged are approximately equal and the acreage will be adjusted and/or money will be used to equalize the values upon completion of the final appraisal of the land. This notice continues the segregation of the public lands to the extent that they will not be subject to appropriation under the public land laws, including the mining laws. The segregative effect of this notice on the public lands shall terminate upon issuance of patent or other document of conveyance to such lands, upon publication in the Federal Register of a termination of the segregation, or 2 years from the date of its publication, whichever occurs first. Bureau of Land Management licensed grazing use on the public lands to be conveyed will be terminated upon consummation of the land exchange. The terms, conditions, covenants, and reservations applicable to the land exchange are: (1) The public and state lands described above will be subject to the value equalization, and acreage adjustment for any management reasons which may become apparent in the final stage of consummation of the land exchange. (2) In addition, the lands involved in the proposed exchange will be subject to the following specific terms: (a) The full fee estates will be exchanged subject to all valid, existing rights. (b) Proposed roads, and existing roads identified as BLM owned and which are necessary for public access and/or land management will be retained by requiring the proposed grantee to convey easements concurrently with issuance of patent, rather than reserving roads in the patent documents. Detailed information concerning the land exchange, including the Environmental Analysis, Official Land Report, and the record of public discussions, is available for review at the Lakeview District Office, 1000 South 9th Street (P.O. Box 151) Lakeview, Oregon 97630. For a period of 45 days interested parties may submit comments to the District Manager at the above address.

Richard A. Gerity,
District Manager.
June 15, 1981.

[FR Doc. 81-18728 Filed 6-24-81; 8:45 am]
BILLING CODE 4310-84-M

Anchorage District Advisory Council Meeting

AGENCY: Bureau of Land Management.

ACTION: Notice of public meeting.

SUMMARY: The Anchorage District Advisory Council will meet to consider the following issues: the proposal to reestablish a land disposal program for Bureau of Land Management lands in Alaska; a proposal to redraw the administrative boundaries of the two districts of the BLM in Alaska, and initiation of an oil and gas leasing program.

DATES: July 21, 1981, 8:00 a.m. to 4:00 p.m. If business remains at the close of the first day, the council shall reconvene at 8:00 a.m. July 22. Requests to present oral comments should be sent to the District Manager at the above address.

ADDRESS: The meeting will be held at the following location: BLM Anchorage District Office, 4700 East 72nd Avenue, Anchorage, Alaska 99507.

FOR FURTHER INFORMATION CONTACT: Joette Storm, Public Information Officer, (907) 276-1284.

SUPPLEMENTARY INFORMATION: Proposed Agenda—Sally Jones Suddock, Chairman.

8:00 Call to order and reading of the minutes
8:30 Discussion of proposed boundary changes
Noon: Lunch
1:00 Public comment period
2:00 Briefing on reestablishment of a land disposal program for BLM administered lands in Alaska
3:00 Briefing on proposed oil and gas leasing program

4:00 Adjournment

Richard J. Vernimen,

Acting District Manager

June 15, 1981.

[FR Doc. 81-18247 Filed 6-24-81; 8:45 am]

BILLING CODE 4310-84-M

[Group 604]

California; Filing of Plat of Survey

June 22, 1981.

1. A plat of survey of the following described land, accepted April 20, 1981, will be officially filed in the California State Office, Sacramento, California, effective at 10:00 a.m. on August 10, 1981.

Mount Diablo Meridian, California

T. 30 S., R. 41 E.,
Sections 6 and 7

2. The plat, in four sheets, represents the dependent survey of a portion of the north and west boundaries, a portion of the subdivisional lines, certain boundaries of mineral surveys and mineral survey exclusions and the survey of the subdivisions of sections 6 and 7, T. 30 S., R. 41 E., MDM.

3. The plat will become the basic record for describing the land for all authorized purposes at and after 10:00 a.m. of the above date. Unitl this date and time, the plat has been placed in the open files and is available to the public for information only.

4. This survey was executed to meet certain administrative needs of the Bureau.

5. All inquiries should be sent to the California State Office, Bureau of Land Management, Federal Office Building, Room E-2841, 2800 Cottage Way, Sacramento, California 95825.

Herman J. Lyttge,

Chief, Branch of Records & Data Management.

[FR Doc. 81-18713 Filed 6-24-81; 8:45 am]

BILLING CODE 4310-84-M

[Group 667]

California; Filing of Plat of Survey

June 22, 1981.

1. Plats of survey of the following land, accepted April 9, 1981, will be officially filed in the California State Office, Sacramento, California, effective at 10:00 a.m. on August 10, 1981:

San Bernardino Meridian, California

T. 1 N., R. 24 E. (1 sheet)
T. 1 N., R. 25 E. (2 sheets)
T. 2 N., R. 25 E. (1 sheet)
T. 2 N., R. 26 E. (2 sheets)
T. 1 S., R. 24 E. (2 sheets)
Tps. 2 S., Rs. 23 and 24 E. (2 sheets)

2. The plats represent the retracement of portions of the 1912 Colorado River Indian Reservation Boundary, and the dependent resurvey of a portion of the San Barnardino Base Line (south boundary), T. 1 N., R. 24 E.; a portion of the west boundary and subdivisional lines Tps. 1 and 2 N., Rs. 25 and 26 E.; a portion of the south boundary and subdivisional lines T. 2 N., R. 25 E.; a portion of the south and west boundaries and subdivisional lines, T. 1 S., R. 24 E.; the dependent resurvey of a portion of the 1975 Colorado River Indian Reservation boundary, Tps., 2 S., Rs. 23 and 24 E., and a portion of the west boundary and subdivisional lines and certain boundaries of mineral surveys, T. 2 S., R. 24 E. The surveys were executed to restore the corners in their true original locations according to the best available evidence, with the exception of T. 1 N., R. 2 E., MDM.

3. The plats will become the basic record for describing the land for all authorized purposes at and after 10:00 a.m. of the above date. Until the date and time, the plats have been placed in the open files and are available to the public for information only.

4. The surveys were executed to meet certain administrative needs of the Bureau of Indian Affairs.

5. All inquiries should be sent to the California State Office, Bureau of Land Management, Federal Office Building, Room E-2841, 2800 Cottage Way, Sacramento, California 95825.

Herman J. Lyttge,

Chief, Branch of Records and Data Management.

[FR Doc. 81-18714 Filed 6-24-81; 8:45 am]

BILLING CODE 4310-84-M

[Exchange CA 9674]

Public Lands in Humboldt County California; Notice of Realty Action

June 17, 1981.

The following described public land has been determined to be suitable for disposal under the provisions of Pub. L. 91-476, an Act to provide for the establishment of the King Range National Conservation Area (84 Stat. 1067), and Sec. 206 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2756).

Humboldt Meridian

T. 2 S., R. 2 W.,
Sec. 28, N½SW¼, and SE¼NW¼.
Containing 120 acres.

Briceland Corporation, P.O. Box 248, Whitethorn, California 95489, has filed an application to acquire the above-described public lands in exchange for the following privately owned lands.

Humboldt Meridian

T. 2 S., R. 2 W.,
Sec. 29, SE¼SW¼;
Sec. 30, SW¼SE¼;
Sec. 32, NE¼NW¼.
Containing 120 acres.

The public lands are determined to be valuable for oil and gas. Accordingly, there will be a reservation of oil and gas to the United States with the right to prospect, mine, and remove such deposits from the same under applicable laws. The mineral estate of the offered lands will not be conveyed to the United States in this proposed exchange.

The publication of this notice in the **Federal Register** shall segregate the applied for public lands from all other forms of appropriation under the public land laws, the mining laws, and the mineral leasing laws excepting the oil and gas under the Act of February 25, 1920, as amended and supplemented (30 U.S.C. 181 et seq.), for a period of two years. The exchange is expected to be consumated before the end of that period.

There will also be reserved to the United States in the applied for lands, a right-of-way thereon for ditches and canals constructed by the authority of the United States (43 U.S.C. 945)

The purpose of the exchange is to acquire non-Federal land within the King Range National Conservation Area, is in conformance with Bureau planning, and in the public interest.

Detailed information concerning the exchange, including the environmental analysis and the record of non-Federal participation, is available for review at the Ukiah District Office, BLM, 555 Leslie Street, Ukiah, California 95482.

For a period of 45 days from the first publication of this notice, interested parties may submit comments to California State Director, Bureau of Land Management, E-2841 Federal Office Building, 2800 Cottage Way, Sacramento, California 95825. Any adverse comments will be evaluated by the California State Director, who may vacate or modify this realty action and issue a final determination. In the absense of a vacation or modification, this realty action will become the final determination of the Bureau.

Joan B. Russell,

Chief, Lands Section, Branch of Lands and Minerals Operations.

[FR Doc. 81-18723 Filed 6-24-81; 8:45 am]

BILLING CODE 4310-84-M

Bureau of Land Management Worland District Requests Comment on Proposed Criteria for the Grass Creek Resource Area Grazing Allotments Under the Draft Rangeland Management Policy

The Bureau of Land Management, Worland District (Wyoming) is requesting written comment on the proposed criteria for Grass Creek Resource Area Grazing Allotment Categorization under the draft BLM Rangeland Management Policy. Only written comments, postmarked on or before July 13, 1981, will be accepted. Comment should be addressed to the District Manager, Worland District, Bureau of Land Management, P.O. Box 119, 1700 Robertson Avenue, Worland, Wyoming 82401.

The draft rangeland management policy divides range into three major categories: Maintenance, Custodial, and Improvement. The criteria for each category, as they are proposed for the Grass Creek Resource Area Grazing allotments, are described below. Also included are descriptions of Characteristics, Management Objectives, Management Actions, and Funding Sources for the proposed management policy.

Maintenance Category (M)

I. Characteristics

A. Present range condition is satisfactory.

B. Present management is satisfactory.

C. Allotment has potential for high vegetative productivity and is producing at or near its potential.

D. There are no, or very limited, land-use resource conflicts with livestock grazing.

E. Land ownership pattern may or may not be considered.

F. There may be positive economic return on public investments.

II. Category Criteria

A. Present range condition is good to excellent. Range condition can be maintained under present management.

B. Present range condition is at least fair and improving. Improvement can continue under current management.

C. Present range condition is fair or better. Range conditions can be maintained with present management. Opportuities for BLM management are limited due to land ownership pattern, small acreage and/or low percent public lands.

III. Management Objectives

A. Principal objective is to authorize actions that will maintain or improve the existing resource condition and productivity.

IV. Management Actions

A. Livestock use (numbers, class, season of use) will be permitted as presently authorized. Increases in use may be allowed when consistent with multiple use objectives.

B. Will prescribe flexibility in turnout and removal dates, and livestock numbers through consultation.

C. Range improvements will be authorized if they meet management objectives.

D. Low intensity use supervision and monitoring.

E. Monitoring will focus on livestock use changes, and changes in ownership.

V. Funding Source

A. Private investment in range improvements.

B. Range betterment funds (8100).

Improvement (I)

I. Characteristics

A. Present range condition is fair to poor, range condition and trend is static or apparently downward.

B. Present grazing management practices are inadequate to meet long-term resource objectives.

C. Allotment has potential for medium to high vegetative productivity, but is not producing at or near its potential.

D. Resource conflicts with livestock grazing are evident.

E. There is potential for positive economic return on public investments.

II. Category Criteria

A. Allotments that do not meet the (M) or (C) category criteria fall into the (I) category. Each of these allotments has a combination of some or all of the category (I) characteristics.

III. Management Objectives

A. Prinicipal objective is to implement actions that will improve existing resource conditions and productivity to enhance multiple use.

IV. Management Actions

A. Livestock use may be increased or decreased as needed to meet management objectives.

B. Prescribed grazing management and range improvement developed through consultation.

C. Range improvements will be authorized and installed as needed to meet management objectives.

D. Will use variable intensity use supervision and monitoring.

E. Monitoring will evaluate the effectiveness of actions taken toward achieving management objectives.

V. Funding Source

A. Private investment in range improvements.

B. Range betterment funds (8100).

C. Appropriated funds under the Federal Land Policy and Management Act and Public Rangeland Improvement Act.

Custodial (C)

(Alternative A)

I. Characteristics

A. Present range condition is variable.

B. Allotment has potential for low vegetative productivity and is producing at or near its potential.

C. Resource conflicts with livestock are limited.

D. There is not present likelihood of positive economic return on public investment.

II. Category Criteria

A. Production potential low (less than 8" annual precipitation).

Vegetative productivity below potential.

Range condition trend appears to be static or declining.

Grazing occurs during critical growth period for plants 4/1 to 6/15.

Land treatment opportunities are non-existent (low rainfall).

Resource conflicts with livestock grazing may be evident, or

B. Production potential low (8" to 10" annual precipitation in badlands or poor soils).

Vegetation production is below potential.

Range condition is fair to poor.

Grazing occurs during critical growth period for plants 4/1 to 6/15.

Land treatment opportunities non-existent due to topography.

Resource conflicts with livestock grazing may be evident.

III. Management Objectives

A. Principal objective is to manage lands in a custodial manner that will prevent deterioration of current resource condition and productivity.

IV. Management Actions

A. Livestock use will be permitted at the current level.

B. Season of grazing use will be changed to occur during the noncritical plant growth period—6/15 to 4/1 or livestock grazing will be excluded.

C. Will prescribe flexibility of turnout and removal dates and livestock numbers through consultation.

D. Range improvements will be authorized if they meet management objectives.

E. Low intensity use supervision and monitoring will occur.

F. Monitoring will focus on livestock use changes and changes in ownership.

V. Funding Source

A. Private investment in range improvements.

B. Range betterment funds (8100).

Custodial (C)

(Alternative B)

I. Characteristics

A. Present range condition is variable.

B. Allotment has potential for low vegetative productivity and is producing at or near its potential.

C. Resource conflicts with livestock are limited.

D. There is not present likelihood of positive economic return on public investment.

II. Category Criteria

A. Production potential low (less than 8" annual precipitation).

B. Vegetative productivity is below potential.

C. Range condition appears to be static or improving.

D. Grazing is occurring outside critical growth period for plants.

E. Land treatment opportunities are non-existent (low rainfall).

F. No resource conflicts with livestock grazing are evident.

III. Management Objectives

A. Principal objective is to manage lands in a custodial manner that will prevent deterioration of current resource condition and productivity.

IV. Management Actions

A. Livestock use will be permitted as currently authorized.

B. Will prescribe flexibility of turnout and removal dates and livestock numbers through consultation.

C. Range improvements will be authorized if they meet management objectives.

D. Low intensity use supervision and monitoring will occur.

E. Monitoring will focus on livestock use changes, and changes in ownership.

V. Funding Source

A. Private investment in range improvements.

B. Range betterment funds (8100).

Copies of the draft rangeland management policy can be seen at the Worland District Office.

John A. Kwiatkowski,

District Manager.

[FR Doc. 81-18722 Filed 6-24-81; 8:45 am]

BILLING CODE 4310-84-M

Las Vegas District Grazing Advisory Board Meeting

Change in Meeting Location

Notice of meeting of the Las Vegas District Grazing Advisory Board Meeting was published in the **Federal Register** during the week of June 14–20, 1981.

Place of this meeting has been changed from the Las Vegas District Conference Room, 4765 W. Vegas Drive, Las Vegas, NV to: Caliente Resource Area office, Caliente, NV.

All other information remains the same.

Kemp Conn,

District Manager.

[FR Doc. 81-18767 Filed 6-24-81; 8:45 am]

BILLING CODE 4310-84-M

Realty Action; Exchange of Public Lands in Missoula County and Private Lands in Powell County, Montana

Certain public lands in Missoula County have been examined and found suitable for exchange with Burlington Northern, Inc. This exchange is authorized under authority of Section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716.

The private lands to be acquired are as follows:

Principal Meridian Montana—Powell County

T. 13 N., R. 12 W.,
Sec. 19: Lots 1, 2, 3, 4, 5, NE¼NE¼, S½NE¼, E½W½, SE¼
T. 12 N., R. 13 W.,
Sec. 1: All
Sec. 3: Lots 1, 2, S½NE¼, SE¼
T. 13 N., R. 13 W.,
Sec. 25: All
Sec. 27: All
Sec. 29: All
Sec. 33: All
Sec. 35: All
Total: 4,180.50 acres

An equal value portion of public lands will be exchanged for the private lands. The public lands are described as follows:

Principal Meridian Montana—Missoula County

T. 12 N., R. 17 W.
Sec. 4: Lots 1, 2, 3, SW¼NE¼, SE¼NW¼
Sec. 6: All
T. 13 N., R. 17 W.
Sec. 18: Lots 4, 5, 6, 7, S½NE¼, SE¼NW¼, E½SW¼, SE¼
Sec. 20: All
Sec. 22: Lots 3, 4, W½, W½SE¼
Sec. 26: All
Sec. 28: N½, SE¼
Sec. 30: All
Sec. 31: Lots 6, 7, N½SE¼
Sec. 32: Lots 1, 2, 3, 4, W½NW¼, N½SW¼
Sec. 34: All
T. 12 N., R. 18 W.,
Sec. 1: Lots 1, 2, 3, E½SW¼
Total: 5,462.34 acres

The purpose of the land exchange is to facilitate multiple use management of the public lands and acquire private lands which will benefit and support a multiple use federal program and the economy. The multiple use values include but are not limited to timber, recreation, wildlife habitat and cultural resources. There are also economic benefits to the public.

This exchange is consistent with the Bureau's planning for the lands involved and has been discussed with local officials.

The publication of this notice segregates the public lands described above from settlement, sale, location and entry under the public land laws, including the mining laws, but not from exchange pursuant to Section 206 of the Federal Land Policy and Management Act of 1976.

The terms, conditions, covenants and reservations applicable to the land exchange are:

1. Both the surface and mineral estates will be exchanged.

2. The land will be exchanged subject to all valid existing rights, e.g., rights of way, easements and leases of record.

Detailed information concerning the exchange including the Environmental Assessment and Land Report are available for review at the Garnet Resource Area office, 715 Kensington (P.O. Box 4427), Missoula, Montana 59806 or the Butte District Office, 106 North Parkmont (P.O. Box 3388), Butte, Montana 59702.

For a period of 45 days from the date of this notice, interested parties may submit comments to the District Manager, Butte District Office, P.O. Box 3388, Butte, Montana 59702. Any adverse comments will be evaluated by the authorized officer, who may vacate or modify this realty action and issue a final determination. In the absence of any adverse comments, this realty action will become the final determination of the department.

Dated: June 17, 1981.

Jack A. McIntosh,

District Manager, Butte District.

[FR Doc. 81-18798 Filed 6-24-81; 8:45 am]

BILLING CODE 4310-84-M

Montana Wilderness Inventory Dismissal of Appeals From Montana State Director's Final Inventory Decision

June 18, 1981.

Notice is hereby provided that two appeals which affect five wilderness inventory units included in the Montana State Director's final wilderness inventory decision have been dismissed by the Interior Board of Land Appeals.

Pursuant to Section 603 of the Federal Land Policy and Management Act of 1976, the Montana State Office of the Bureau of Land Management has conducted an inventory of certain identified units of public land in Montana in order to ascertain whether such units should be classified as wilderness study areas. Four such inventory units located in the Butte BLM District were found to lack wilderness characteristics and were intended to be dropped from futher wilderness consideration by the Montana State Director's final wilderness inventory decision. The units are identified as Blacktail Mountains West (MT-076-003), Lima, Reservoir (MT-076-011), McCartney Mountain/Sandy Hollow (MT-076-025) and Missouri River Island (MT-075-123).

The final inventory decision to drop these units from further wilderness consideration was published in the **Federal Register** of February 22, 1980 (pages 11920 and 11921). This decision was protested during the official protest period. The protest was later denied by the Montana State Director. The protest denial was subsequently appealed to the Interior Board of Land Appeals.

The fifth inventory unit is located in the Lewistown BLM District and is identified as Ervin Ridge (MT-060-253). The final wilderness inventory decision was to designate 12,000 acres of this unit as a wilderness study area. This decision was announced in the **Federal Register** of November 14, 1980 (pages 75589 and 75590). The decision was protested; the protest was denied by the Montana State Director and the protest denial was appealed to the Interior Board of Land Appeals.

The appeals affecting the four wilderness inventory units in the Butte District was dismissed April 27, 1981. The appeal affecting the Ervin Ridge Unit in the Lewistown District was dismissed June 2, 1981.

The Blacktail Mountains West (MT-076-003), Lima Reservoir (MT-076-011) and Missouri River Island (MT-075-123) units are hereby released from the constraints of the BLM Wilderness Interim Management Policy (IMP). The McCartney Mountain/Sandy Hollow Unit (MT-076-025) is the subject of another unresolved appeal and continues to be subject to the IMP. The Ervin Ridge Unit will be managed under the constraints of the IMP while it is being studied for possible wilderness designation until such time as Congress acts on the BLM proposal for this unit.

Michael J. Penfold,

State Director.

[FR Doc. 81-18791 Filed 6-24-81; 8:45 am]

BILLING CODE 4310-84-M

Coal Lease Offerings Uinta-Southwestern Utah Federal Coal Production Region; Utah

U.S. Department of the Interior, Bureau of Land Management, Utah State Office, University Club Building, 136 East South Temple, Salt Lake City, Utah 84111. Notice is hereby given that certain coal resources in the tracts described below in Carbon and Emery Counties, Utah, will be offered for competitive lease by sealed bid of $25.00 or more per acre followed by oral auction to the qualified bidder of the highest cash amount per acre in accordance with the provisions of the Mineral Leasing Act of 1920 (41 Stat. 437), as amended, and the Department of Energy Organization Act of August 4, 1977 (91 Stat. 565, 42 U.S.C. 7101). The sale will be held at 1:00 p.m., July 30, 1981, in Room 220 of the Salt Palace, 100 South West Temple, Salt Lake City, Utah. No bids received after 12:00 p.m., July 30, 1981, will be considered.

Coal Offered, Tucker Canyon Tract, U-47973.

Bidders for this tract are limited to those qualifying as small businesses.

The coal resource to be offered is recoverable by underground methods in the following lands, located approximately 2 miles northwest of Scofield, Utah:

T. 12 S., R. 7 E., SLM, Utah
Sec. 30, lots 1, 2, S½NE¼NE¼, W½NW¼NE¼, SE¼NW¼NE¼, NE¼NW¼
Containing 161.40 acres.
Carbon County.

Coal in the tract is contained in the Blackhawk Formation of the Upper Cretaceous Mesaverde Group. Total recoverable reserves are estimated to be 860,000 tons of which 490,000 tons are in the Upper O'Connor Seam and 370,000 tons in the Flat Canyon Seam.

Coal in the Upper O'Connor Seam average 4.8 ft. in thickness and coal in the underlying Flat Canyon Seam, 5.6 ft. The seams are separated by about 55 ft.

Coal quality is expected to average, on an as received basis, 12,560 Btu/lb with 5.3 percent ash, and 0.6 percent sulfur in the Upper O'Connor Seam, and to average 12,430 Btu/lb, 6.6 percent ash, and 0.5 percent sulfur in the Flat Canyon Seam. The coal ranks as high-volatile B bituminous.

Coal Offered, Miller Creek Tract, U-47974.

The coal resource to be offered is recoverable by underground methods in the following lands, located approximately 4 miles southeast of Scofield, Utah:

T. 13 S., R. 7 E., SLM, Utah
Sec. 3, lots 9, 10, N½SW¼;
Sec. 9, NE¼, S½NW¼, E½SW¼, E½SE¼;
Sec. 10, all;
Sec. 15, all;
Sec. 16, E½E½.
Containing 1,999.06 acres.
Carbon County.

Coal in the tract is contained in the Blackhawk Formation of the Upper Cretaceous Mesaverde Group. Total recoverable reserves are estimated to be 17,320,000 tons of which 9,280,000 tons are in the Upper O'Connor Seam and 8,040,000 tons in the Lower O'Connor Seam.

Coal in the Upper O'Connor Seam averages 6.9 ft. in thickness and coal in the underlying Lower O'Connor averages 6.5 ft. The seams are separated by about 100 ft.

Coal quality is expected to average, on an as received basis, 12,100 Btu/lb with 6.8 percent ash, and 0.7 percent sulfur in the Upper O'Connor Seam, and to average 12,250 Btu/lb, 5.2 percent ash, and 0.5 percent sulfur in the Lower O'Connor Seam. The coal ranks as high volatile B bituminous.

Coal Offered, Gordon Creek Tract, U-47975.

The coal resource to be offered is recoverable by underground methods in the following lands, located approximately 12 miles west of Helper, Utah:

T. 13 S., R. 7 E., SLM, Utah
Sec. 1, SW¼NW¼, SW¼, W½SE¼, SE¼SE¼;
Sec. 2, all;
Sec. 3, lots 1, 2, 5-8, SW¼NE¼, NW¼SE¼;
Sec. 11, all;
Sec. 12, W½W½;
Sec. 13, S½S½NW¼NE¼, S½NE¼, W½, SE¼;
Sec. 14, all;
Sec. 23, all;
Sec. 24, N½N½, SW¼NW¼, NW¼SW¼.
T. 13 S., R. 8 E., SLM, Utah

Sec. 19, lots 1, 2, SE¼NW¼.
Containing 4,283.89 acres.
Carbon County.

Coal in the tract is contained in the Blackhawk Formation of the Upper Cretaceous Mesaverde Group. Total recoverable reserves are estimated to be 25,960,000 tons of which 4,160,000 tons are in the Bob Wright Seam, 1,080,000 tons in the Castlegate A Seam, 19,480,000 tons in the Hiawatha-Upper O'Connor Seam, and 1,240,000 tons in the Lower O'Connor Seam.

Coal in the Bob Wright Seam averages 6.6 ft. in thickness. The Castlegate A which underlies the Bob Wright by about 150 ft. averages 5.7 ft. in thickness. The Hiawatha-Upper O'Connor underlies the Castlegate A by 150–200 ft. and averages 6.3 ft. in thickness. The Lower O'Connor which underlies the Upper O'Connor by about 100 ft. averages 5.0 ft. in thickness.

Coal quality estimates are only available for the Castlegate A and the Hiawatha Seams. It is expected to average, on an as received basis, 12,686 Btu/lb, with 5.9 percent ash, and 0.45 percent sulfur in the Castlegate A Seam, and to average 12,114 Btu/lb, 6.5 percent ash, and 0.56 percent sulfur in the Hiawatha Seam. The coal ranks as high-volatile B bituminous.

Coal Offered, Cottonwood Tract, U-47978.

The coal resource to be offered is recoverable by underground methods in the following lands, located approximately 26 miles southeast of Price, Utah:

T. 17 S., R. 7 E., SLM, Utah
Sec. 27, S½NW¼, N½SW¼;
Sec. 28, S½N½, S½;
Sec. 29, S½N½, S½;
Sec. 30, lot 4, SE¼NE¼, NE¼SE¼, S½SE¼;
Sec. 31, lot 1, E½;
Sec. 32, all;
Sec. 33, N½, SW¼, W½SE¼;
Sec. 34, NW¼NW¼, S½NW¼.
T. 18 S., R. 7 E., SLM, Utah
Sec. 4, lots 2–4
Sec. 5, lots 1–4, S½NW¼.
Containing 3,347.31 acres.
Emery County.

Coal in the tract is contained in the Blackhawk Formation of the Upper Cretaceous Mesaverde Group. Total recoverable reserves are estimated to be 23,120,000 tons of which 6,400,000 tons are in the Blind Canyon Seam and 16,720,000 tons are in the Hiawatha Seam.

Coal in the Blind Canyon Seam averages 6.3 ft. in thickness and coal in the underlying Hiawatha Seam 9.7 ft. The seams are separated by from 65 to over 100 ft.

Coal quality estimates are only available for the Blind Canyon Seam. The estimate for this seam, on an as received basis, is 12,578 Btu/lb, 7.6 percent ash, and 0.58 percent sulfur. The coal ranks as high-volatile B bituminous

Coal Offered, Meetinghouse Canyon Tract, U-47979.

The coal resource to be offered is recoverable by underground methods in the following lands, located approximately 10 miles northwest of Huntington, Utah:

T. 16 S., R. 7 E., SLM, Utah
Sec. 34, S½NE¼, NE¼SW¼, S½SW¼, SE¼.
T. 17 S., R. 7 E., SLM, Utah
Sec. 3, lots 1–8, 10–12, SW¼, SW¼SE¼;
Sec. 4, lots 1, 8, 9, E½SE¼.
Containing 1,063.38 acres.
Emery County.

Coal in the tract is contained in the Blackhawk Formation of the Upper Cretaceous Mesaverde Group. Total recoverable reserves are estimated to be 12,400,000 tons of which 7,720,000 tons are in the Blind Canyon Seam and 4,680,000 tons in the Hiawatha Seam.

Coal in the Blind Canyon Seam averages 10.8 ft. in thickness and coal in the underlying Hiawatha Seam 6.3 ft. The seams are separated over most of the tract by from 30 to 50 ft.

Coal quality estimates are only available for the Blind Canyon Seam. The estimate for this seam, on an as received basis, is 12,800 Btu/lb, 6.0 percent ash, and 0.45 percent sulfur. The coal ranks as high-volatile B bituminous.

Rental and Royalty: Leases issued as a result of this offering will provide for payment of an annual rental of $3.00 per acre and a royalty payable to the United States of 8.0 percent of the value of coal produced by underground methods and 12.5 percent of any coal produced by strip or auger mining methods. The value of coal shall be determined in accordance with 30 CFR 211.63.

Notice of Availability: Bidding instructions for each tract offered are included in the Detailed Statements of Lease Sale. Copies of the Statements and of the proposed coal leases are available at the Utah State Office. Case file documents are also available for public inspection.

Since no discounted cash flow analyses were performed on any of these tracts, there are no non-proprietary economic statistics available.

Dean E. Stepanek,
Acting Utah State Director.
June 19, 1981.

[FR Doc. 81-18760 Filed 6-24-81; 8:45 am]
BILLING CODE 4310-84-M

[W-73983]

Wyoming; Application

Notice is hereby given that pursuant to Sec. 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Northwest Pipeline Corporation filed an application for a right-of-way to construct a 20" and 22" O.D. natural gas pipeline for the purpose of expanding its existing gathering system across the following described public lands:

Sixth Principal Meridian, Wyoming

T. 21 N., R. 118 W.,
Secs. 2, 11, 14, 15, 21, 22, 29, 31 and 32.
T. 17 N., R. 119 W.,
Secs. 4 and 20.
T. 18 N., R. 119 W.,
Secs. 6, 8 and 28.
T. 19 N., R. 119 W.,
Secs. 6, 7, 18, 19, 30 and 31.
T. 20 N., R. 119 W.,
Secs. 3, 10, 11, 14, 22, 23, 27, 28, 29, 31 and 32.
T. 19 N., R. 120 W.,
Sec. 25.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, Rock Springs, Wyoming.

Harold G. Stinchcomb,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-18702 Filed 6-24-81; 8:45 am]
BILLING CODE 4310-84-M

[W-060194]

Wyoming; Proposed Continuation of Withdrawal

June 17, 1981.

The Bureau of Land Management, U.S. Department of the Interior proposes to continue the existing withdrawal of the following public lands made by Public Land Order No. 1642 of May 22, 1958, for a 20 year period pursuant to Section 204 of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2751; 43 U.S.C. 1714):

Sixth Principal Meridian, Wyoming

T. 19 N., R. 81 W
Sec. 8, SW¼NE¼, NW¼SE¼.

The area described contains 80 acres in Carbon County, Wyoming.

The purpose of the withdrawal is a Bureau of Land Management Administrative Site used for the Elk Mountain radio facilities site. The lands are currently segregated from all forms of appropriation under the public land laws including the mining laws, but not the Mineral Material Act. No change in the segregative effect of the withdrawal or the use of the lands is proposed.

Comments, suggestions, or objections to this proposed withdrawal continuation must be submitted in writing to the undersigned authorized officer of the Bureau of Land Management, on or before June 25, 1981.

Notice is hereby given that an opportunity for a public hearing is afforded in connection with the proposed withdrawal continuation. All interested persons who desire to be heard on the proposal must submit a written request for a hearing to the undersigned before July 26, 1981. Upon determination by the State Director, Bureau of Land Management, that a public hearing will be held, a notice will be published in the **Federal Register** giving the time and place of such hearing. Public hearings are scheduled and conducted in accordance with BLM Manual, Section 2351.16B.

The authorized officer of the Bureau of Land Management will make necessary investigations to determine the existing and potential demands for the land and its resources and review the withdrawal rejustification to insure that continuation would be consistent with the statutory objectives of the programs for which the land is dedicated. He will also prepare a report for consideration by the Secretary of the Interior, the President, and Congress, who will determine whether or not the withdrawal will be continued and, if so, for how long. The final determination on the continuation of the withdrawal will be published in the **Federal Register.** The existing withdrawal will continue until such final determinaiton is made.

All communications in connection with this proposed withdrawal continuation should be sent to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, P.O. Box 1828, 2515 Warren Avenue, Cheyenne, Wyoming 82001.

Harold G. Stinchcomb,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-18783 Filed 6-24-81, 8:45 am]

BILLING CODE 4310-84-M

Office of the Secretary

Privacy Act of 1974; Revision of Notices of Systems of Records

Pursuant to the provisions of the Privacy Act of 1974 (5 U.S.C. 552a), notice is hereby given that the U.S. Fish and Wildlife Service proposes to revise three systems of records which are subject to the requirements of the Act. The three records systems are being revised to permit the maintenance of the records using computerized procedures. No other changes are being made. A complete system notice for each of the following records systems being revised is published below:

1. Endangered Species Licensee System—Interior, FWS–19 (Published at 46 FR 18373).

2. Investigative Case File System—Interior, FWS–20 (Published at 46 FR 18374).

3. Permits System—Interior, FWS–21 (Published at 46 FR 18375).

5 U.S.C. 552a(e) (4) and (11) provide that the public be provided a 30-day period in which to comment on these proposed changes. The Office of Management and Budget (OMB), which has oversight responsibilties under the provisions of the Act, requires a 60-day period in which to review system changes before they are implemented.

Written comments on these proposed changes can be submitted to the Departmental Privacy Act Officer, Office of Information Resources Management, Office of the Secretary, U.S. Department of the Interior, Washington, D.C. 20240. Copies of any comments received may be inspected in Room 7358, Main Interior Building, 18th and E Streets NW., Washington, D.C. If no comments are received, the system will be implemented without further notice in the **Federal Register.** All comments received on or before August 24, 1981 will be considered.

A report on these proposed changes has been provided to the Director, OMB, to the President of the Senate, and to the Speaker of the House of Representatives.

Dated: June 16, 1981.

William L. Kendig,

Deputy Assistant Secretary of the Interior.

Interior/FWS–19

SYSTEM NAME:

Endangered species Licensee System—Interior, FWS–19.

SYSTEM LOCATION:

(1) Division of Law Enforcement, U.S. Fish and Wildlife Service, Washington, D.C. 20240;

(2) Law Enforcement District Offices of the Fish and Wildlife Service (See Appendix for addresses).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who request a license to import or export fish and/or wildlife or products thereof. (The records contained in this system which pertain to individuals contain principally proprietary information concerning sole proprietorships. Some of the records in the system which pertain to individuals may reflect personal information, however. Only the records reflecting personal information are subject to the Privacy Act. The system also contains records concerning corporations and other business entities. These records are not subject to the Privacy Act.)

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains name, address, date of birth, height, weight, color of hair and eyes, business phone number, occupation and social security number of individual requesting license. Businesses are identified by type, name and title and phone number of principal officer and State of incorporation, if applicable.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Endangered Species Act of 1973 (16 U.S.C. 1538(d); 87 Stat. 884).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary use of the records is to identify licensees authorized to import or export fish and/or wildlife or products thereof. Disclosures outside the Department of the Interior may be made (1) to the U.S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) publication in the **Federal Register,** as required by law.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in folders, and on computer media or printouts.

RETRIEVABILITY:

Indexed by name.

SAFEGUARDS:

Maintained in segregated area secured by a locking device in accordance with 43 CFR 2.51.

RETENTION AND DISPOSAL:

Indefinite.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service, Washington, D.C. 20240.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Under the specific exemption authority provided by 5 U.S.C 552a(k)(2), the Department of the Interior has adopted a regulation, 43 CFR 2.79(b) which exempts this System from the provisions of 5 U.S.C. 522a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I) and (f) and the portions of 43 CFR Part 2, Subpart D which implement these provisions. The reasons for adoption of this regulation are set out at 40 FR 50432 (October 29, 1975).

Interior/FWS-20

SYSTEM NAME:

Investigative Case File System-Interior, FWS–20

SYSTEM LOCATION:

(1) Division of Law Enforcement, U.S. Fish and Wildlife Service, Washington, D.C. 20240;

(2) Law Enforcement District Offices of the Fish and Wildlife Service. (See Appendix for addresses).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Subjects of investigation relative to violation of fish and wildlife laws.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains name and address, place and date of birth plus other available data identifying the subjects of investigation in violation of the fish and wildlife laws as well as other information incidental to these investigations all of which carry criminal sanctions.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Assault Act (18 U.S.C. 111), Bald Eagle Act (16 U.S.C. 668–668d), Black Bass Act (16 U.S.C. 851–856), Lacey Act (18 U.S.C. 42–44), National Wildlife Refuge System Administration Act (16 U.S.C. 668dd–668ee), Migratory Bird Hunting Stamp Act (16 U.S.C. 718–718h), Migratory Bird Treaty Act (16 U.S.C. 703–711), Endangered Species Act (16 U.S.C. 1531–1543), Marine Mammal Act (16 U.S.C. 1361–1407), Upper Mississippi Refuge Act (16 U.S.C. 721–731), Bear River Refuge Act (16 U.S.C. 690), Fish and Wildlife Recreation Act (16 U.S.C. 460k–460k–4), Airborne Hunting Act (16 U.S.C. 742j), and Tariff Classification Act (19 U.S.C. 1527).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary use of the records is to include all investigative and enforcement information reported to and investigated by the Division of Law Enforcement, U.S. Fish and Wildlife Service. Disclosures outside the Department of the Interior may be made:

(1) To the U.S. Department of Justice when related to litigation or anticipated litigation;

(2) Of information indicating a violation or potential violation of a statute, regulation, rule, order or license to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders and on computer media or printouts.

RETRIEVABILITY:

Indexed by name.

SAFEGUARDS:

Maintained in segregated area secured by a locking device in accordance with 43 CFR 2.51.

RETENTION AND DISPOSAL:

Indefinite.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service, Washington, D.C. 20240.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Under the general exemption authority provided by 5 U.S.C. 552a(j)(2), Department of the Interior has adopted a regulation, 43 CFR 2.79(a), which exempts the system from all of the provisions of 5 U.S.C. 552a and the regulations in 43 CFR, Part 2, Subpart D, except subsections (b), (c) (1) and (2), (e)(4) (A) through (F), (e) (6), (7), (9), (10), (11) and (i) of 5 U.S.C. 552a and the portions of the regulations in 43 CFR, Part 2, Subpart D implementing these subsections. The reasons for adoption of this regulation are set out at 40 FR 37217 (August 26, 1975). Under the specific exemption authority provided by 5 U.S.C. 552a(k), the Department of the Interior has adopted a regulation, 43 CFR 2.79(b), which exempts this system from the provisions of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4) (G), (H), and (I) and (f) and the portions of 43 CFR, Part 2, Subpart D which implement these provisions. The reasons for adoption of this regulation are set out at 40 FR 50432 (October 29, 1975).

Interior/FWS-21

SYSTEM NAME:

Permits System—Interior, FWS–21

SYSTEM LOCATION:

(1) Division of Law Enforcement, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

(2) Law Enforcement District Offices of the Fish and Wildlife Service (See Appendix for addresses).

(3) Federal Wildlife Permit Office, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for permits to conduct certain activities in areas of fish and wildlife. (The records contained in this system which pertain to individuals contain principally proprietary information concerning sole proprietorships. Some of the records in the system which pertain to individuals may reflect personal information, however. Only the records reflecting personal information are subject to the Privacy Act. The system contains records concerning corporations and other business entities. These records are not subject to the Privacy Act.)

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains the name, address, date of birth, height, weight, color of hair and eyes, business phone number, occupation and social security number of persons applying for permit. Business agencies and institutions are identified by type, name, title and phone number of principal officer and State of incorporation, if applicable. Contains information on location of the activity and a briefing of the type of the proposed activity. May also include the qualifications, educational background and experience of the applicant.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

16 U.S.C. 668a, 16 U.S.C. 1539, 16 U.S.C. 704–711, 16 U.S.C. 1371, 18 U.S.C. 42–44, and 19 U.S.C. 1527.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary use of the records is to identify holders of permits which authorize otherwise illegal activity having to do with fish and/or wildlife. Disclosures outside the Department of the Interior may be made (1) to the U.S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies, responsible for investigating or prosecuting the violation or from enforcing or implementing the statute, rule, regulation order or license; (3) publication in the **Federal Register**, as required by law.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders, and on computer media or printouts.

RETRIEVABILITY:

Indexed by name.

SAFEGUARDS:

Maintained in segregated area secured by a locking device in accordance with 43 CFR 2.51.

RETENTION AND DISPOSAL:

Indefinite.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Division of Law Enforcement, or Chief, Wildlife Permit Office, U.S. Fish and Wildlife Service, Washington, D.C. 20240.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Under the specific exemption authority provided by 5 U.S.C. 552a(k)(2), the Department of the Interior has adopted a regulation, 43 CFR 2.79(b), which exempts the system from the provisions of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4) (G), (H), and (I) and (f) and the portions of 43 CFR, Part 2, Subpart D which implement these provisions. The reasons for adoption of this regulation are set out at 40 FR 37217 (August 28, 1975).

[FR Doc. 81-18718 Filed 6-24-81, 8:45 am]

BILLING CODE 4310-55-M

INTERSTATE COMMERCE COMMISSION

[Docket No. AB-19 (Sub-47F)]

Baltimore & Ohio Railroad Co.—Abandonment—In Clinton County, Ohio; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that by a decision dated June 16, 1981, the Commission, Review Board Number 3, found that the public convenience and necessity require or permit abandonment by The Baltimore and Ohio Railroad Company of its line of railroad between railroad valuation station 6751+43, Milepost 128.30, at or near Wilmington, OH, and railroad valuation station 7327+65, Milepost 139.21, at Clarksville, OH, in Clinton County, OH, a total distance of 10.91 miles, subject to the conditions of employee protection provided in *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 ICC 91 (1979). A certificate of abandonment will be issued to the Baltimore and Ohio Railroad Company permitting the abandonment unless within 15 days from the date of this publication the Commission also find that:

(1) A financially responsible person (or government entity) has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and

(2) It is likely that:

(a) If a subsidy, the assistance would cover the difference between the revenues attributable to the line and the avoidable cost of providing rail freight service on the line, together with a reasonable return on the value of the line, or

(b) If a purchase, the assistance would cover the acquisition cost of all or any portion of the line.

Any financial assistance offer must be filed with the Commission and served concurrently on the applicant, with copies to Ms. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice.

If the Commission makes the findings described above, the issuance of an abandonment certificate will be postponed. An offeror may request the Commission to set conditions and amount of compensation within 30 days after an offer is made. If no agreement is reached within 30 days of an offer, and no request is made for the Commission to set conditions or amount of compensation, an abandonment certificate will be issued. Upon notification to the Commission of the execution of a subsidy or purchase agreement, the Commission shall further postpone the issuance of a certificate for such time as the agreement is in effect. Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 (as amended by the Staggers Rail Act of 1980, Pub. L. 96-448) and 40 CFR 1121.38.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-18745 Filed 6-24-81, 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 367 (Sub-37)]

Chicago & North Western Transportation Co.; Exemption for Contract Tariff ICC-CNW-C-0004

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Provisional Exemption.

SUMMARY: Petitioner is granted a provisional exemption under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e) and may file this contract and contract tariff on one day's notice. This exemption may be revoked if protests are filed within 15 days of publication in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Richard B. Felder or Jane F. Mackall, (202) 275-7656.

SUPPLEMENTARY INFORMATION: The Chicago and North Western Transportation Company filed on June 15, 1981, a petition for exemption under 49 U.S.C. 10505 from the statutory notice provisions of 49 U.S.C. 10713(e). It requests that we permit it to make tariff ICC-CNW-C-0004 effective on June 15, 1981.

Under the contract, C&NW agrees to pay the shipper, Diamond Crystal Company, an allowance as contribution towards use of disposable dunnage bags in shipments of packaged salt in free running boxcars. This allowance is to be paid only if Diamond Crystal ships a specified minimum volume via C&NW prior to the end of this interim contract, August 15, 1981.

Under 49 U.S.C. 10713(e) contracts must be filed to become effective on not less than 30 nor more than 60 days' notice. There is no provision for waiving this requirement. Cf. former section 10762(d)(1). However, the Commission has granted relief under section 10505 exemption authority in exceptional situations.

C&NW shall be granted a waiver and may file its contract and contract tariff on one day's notice. Normally, package salt must be shipped in high per diem boxcars specially equipped with

bulkheads or crossbars to prevent shifting of loads while in transit. Loads can be held secure, however, in unequipped (XM) boxcars with the use of dunnage bags. A situation has developed in which the Port Huron and Detroit Railroad, the carrier serving the Diamond Crystal facility at Port Huron, MI, has on hand 200 unequipped (XM) boxcars. Advancement of the effective date will enable these idle cars to be used and will prevent untimely transportation delays waiting for specialized equipment. We thus conclude that this is the type of exceptional circumstance which warrants a provisional exemption. The contract and contract tariff can be made effective on one day's notice; because of the lateness in filing the petition, the June 15 date cannot be met.

We will apply the following conditions which have been imposed in similar exemption proceedings:

If the Commission permits the contract to become effective on one day's notice, this fact neither shall be construed to mean that this is a Commission approved contract for purposes of 49 U.S.C. 10713(g) nor shall it serve to deprive the Commission of jurisdiction to institute a proceeding, on its own initiative or on complaint, to review this contract and to disapprove it.

Subject to compliance with these conditions, under 49 U.S.C. 10505(a) we find that the 30-day notice requirement in these instances is not necessary to carry out the transportation policy of 49 U.S.C. 10101(a) and is not needed to protect shippers from abuse of market power. Further, we will consider revoking these exemptions under 49 U.S.C. 10505(c) if protests are filed within 15 days of publication in the **Federal Register**.

This action will not significantly affect the quality of the human environment or the conservation of energy resources.

Dated: June 18, 1981.

By the Commission, Division 1, Commissioners Clapp, Alexis, and Gilliam.

James H. Bayne,

Acting Secretary.

[FR Doc. 81-18743 Filed 6-24-81; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 29640]

Consolidated Rail Corp.—Abandonment of 1.76 Miles of East Junction Branch at Providence, R.I.

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Exemption.

SUMMARY: The Interstate Commerce Commission exempts the abandonment of a 1.76 mile segment of the East Junction Branch of Consolidated Rail Corporation (Conrail) from the requirement of prior Commission approval under 49 U.S.C. 10903.

DATE: Exemption effective 30 days from the date of this publication in the **Federal Register**. Petitions for reconsideration of this action must be filed within 20 days after this publication.

ADDRESS: Send pleadings to:

(1) Section of Finance, Room 5414, Interstate Commerce Commission, 12th St., and Constitution Ave. NW., Washington, DC 20423, and

(2) Petitioner's representative: Charles E. Mechem, 1138 Six Penn Center Plaza, Philadelphia, PA 19104.

Pleadings should refer to Finance Docket No. 29640.

FOR FURTHER INFORMATION CONTACT:

Ellen D. Hanson, (202) 275-7245.

SUPPLEMENTARY INFORMATION:

Exemption Request

Conrail has filed a petition to exempt the abandonment of a 1.76 segment of its East Junction Branch located in Providence and East Providence, RI, from the requirements of 49 U.S.C. 10903. The segment in question extends from the Providence passenger station to Valuation Station 2+85.16, on the eastern side of the Seekonk River.

Prior to February 1981, the involved portion of the East Junction Branch was used by Conrail as a means of access from the Amtrak Main Line (over which Conrail has trackage rights) to industries along the East Junction Secondary Track on the eastern side of the Seekonk River. Since that time, however, those industries have been provided freight service by Conrail from Readville, MA, a point north of Providence.

At this time no rail operations are being conducted on track proposed for abandonment, and there are no stations, public delivery tracks, or private sidings situated on the segment. Conrail maintains, therefore, that the abandonment of this segment will not affect any shippers or receivers of freight, nor will it have any measurable effect on Conrail's revenues or expenses. Further, it contends that there will be no adverse impact on its employees, energy consumption, the environment, other carriers, or the general public.

Upon abandonment, Conrail intends to sell the segment to the State of Rhode Island for use as a passenger railway providing service to downtown Providence.

The Statute

Rail abandonments require the approval and authorization of the Commission under 49 U.S.C. 10903. To obtain Commission approval, an application must be filed in compliance with *Abandonment of Railroad Lines and Discontinuance of Service*, 49 CFR Part 1121 (1978) (abandonment regulations). Conrail requests an exemption from 49 U.S.C. 10903 so that it will not have to file a formal application under the abandonment regulations.

Under 49 U.S.C. 10505, as modified by section 213 of the Staggers Rail Act of 1980 (Pub. L. 96-448, 94 Stat. 1895, October 14, 1980) (Staggers Act), the Commission is authorized to exempt a transaction when it finds that (1) continued regulation is not necessary to carry out the Rail Transportation Policy of 49 U.S.C. 10101a; and (2) either the transaction is of limited scope, or regulation is not necessary to protect shippers from the abuse of market power.

Discussion and Conclusions

Detailed scrutiny of this abandonment will not be necessary to accomplish the goals of the rail transportation policy set forth in Section 10101a. In enacting the Staggers Act, including Section 10505, Congress intended for us to eliminate unnecessary regulation. See, for example, H.R. Rep. No. 96-1430, 96th Cong., 2nd Sess., 104-105 (1980) and 49 U.S.C. 10101a(2). The power to exempt from regulation enables the Commission and railroads to commit their limited resources in areas where they are most needed by enabling the Commission effectively to deregulate those areas which have no significant bearing on the overall regulatory scheme. The proposed abandonment is the type of transaction which Congress intended us to exempt from our regulatory power.

The proposed abandonment is quite limited in scope as it will affect only a relatively short track segment which is currently not being used in any rail operations. Shippers continue to be served by Conrail via another line in virtually the same manner as in the past. No change in operations are involved and thus shippers, employees, and competitors should be unaffected.

Since the proposed transaction is of limited scope, it is not necessary to consider whether our regulation is needed to protect shippers from the abuse of market power.

Public Use Condition and Offers of Financial Assistance. In abandonment procedures filed pursuant to 49 U.S.C. 10903, the Commission is required to

consider two matters that have not been specifically considered in this exemption proceeding. First, 49 U.S.C. 10906 requires us to determine if the property to be abandoned is suitable for other public uses. If the property is suitable, we impose certain conditions to allow interested persons an opportunity to obtain the property. Second, 49 U.S.C. 10905, as modified by the Staggers Act, allows interested persons to make financial assistance offers to assure the continuation of operations over the line. Under the procedure provided by this section, financial offers may lead to continue subsidized operation of the line or sale of the line for continued operations by others.

Since the provisions of 49 U.S.C. 10905 and 10906 apply only to applications under Section 10903, we are not required to allow offers of financial assistance or impose any public use conditions when an exemption is given, because no application need be filed. We note, however, that Conrail has indicated an intent to sell the involved track segment to the State of Rhode Island for passenger rail service and this and other matters may be raised in petitions for reopening of this proceeding.

Labor Protection. In granting an exemption under Section 10505, we may not relieve a carrier of its obligation to protect the interests of employees as required by 49 U.S.C., Subtitle IV.[1] [See 49 U.S.C. 10505(g)(2)]. The proposed abanonment is not likely to have an impact on employees. Nevertheless, in accordance with Section 10505(g)(2), we will afford the same level of labor protection as is usually required in abandonment transactions. We have determined that the employee protective conditions developed in *Oregon Short Line R. Co.—Abandonment—Goshen,* 360 ICC 91 (1979), satisfy the statutory requirements for protection of employees involved in abandonment transactions. Therefore, the exemption will be granted subject to those protective provisions.

Energy and Environmental Considerations. Our initial review of the proposal indicates that the abandonment will not significantly affect energy consumption or the quality of the human environment. However, the Commission's Energy and Environment Branch has by letter notified all interested persons and State agencies within Rhode Island of their right to provide information concerning the energy and environment impact of the contemplated action. Consequently, in view of this action by the Commission, there will be no need here to require Conrail to once again notify the same parties of their right to seek reopening of this proceeding on environmental grounds.

We find:

(1) The application of the requirements of 49 U.S.C. 10903 to the abandonment by Consolidated Rail Corporation of the described 1.76 mile segment of its East Junction Branch is not necessary to carry out the transportation policy of 49 U.S.C. 10101a.

(2) This transaction is limited in scope.

(3) This decision will not operate to relieve any rail carrier from an obligation to provide contractual terms for liability and claims which are consistent with 49 U.S.C. 11707.

(4) This decision will not significantly affect energy consumption or the quality of the human environment.

It is ordered:

(1) Pursuant to 49 U.S.C. 10505, we exempt from the requirements of 49 U.S.C. 10903, the abandonment by Consolidated Rail Corporation of the 1.76 mile segment of its East Junction Branch, subject to the conditions for the protection of employees set forth in *Oregon Short Line R. Co.—Abandonment—Goshen,* 360 ICC 91 (1979).

(2) Notice of our action shall be given to the general public by delivery of a copy of this decision to the Director, Federal Register, for publication.

(3) This exemption will continue in effect for one year from the effective date of this decision. The abanonment of the line segment must occur during that time in order to take advantage of this exemption.

(4) This decision shall be effective 30 days following the date of its publication in the **Federal Register**.

(5) Petitions to stay the effective date of this decision must be filed no later than 10 days after the date of publication in the **Federal Register**.

(6) Petitions to reopen this proceeding for reconsideration of this decision must be filed no later than 20 days after the date of publicaiton in the **Federal Register.**

Decided: June 18, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-18741 Filed 6-24-81; 8:45 am]

BILLING CODE 7035-01-M

[1] The Brotherhood of Locomotive Engineers submitted a letter indicating opposition to Conrail's request to the extent that it might relieve the railroad of employee protection requirements mandated by 49 U.S.C. 11347. The Brotherhood maintains that the Commission, under Section 10505(g), may not exempt any rail carrier from those requirements. We believe that the action taken in this decision satisfies the Brotherhood's concerns.

[Ex Parte No. 387 (Sub-36)]

Consolidated Rail Corp.; Exemption for Contract Tariff ICC-CR-C-0020

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Provisional Exemption.

SUMMARY: Petitioner is granted a provisional exemption under 49 U.S.C.10505 from the notice requirements of 49 U.S.C. 10713(e). The previously filed contract and contract tariff can become effective on one day's notice. This exemption may be revoked if protests are filed within 15 days of publication in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT: Richard B. Felder or Jane F. Mackall, (202) 275-7656.

SUPPLEMENTARY INFORMATION: By petition filed June 10, 1981, Consolidated Rail Corporation (Conrail) has requested an exemption from the requirement of 49 U.S.C. 10713(e) that its contract tariff ICC-CR-C-0020 be made effective on a minimum of 30 days' notice. Conrail seeks to have the contract effective on one day's notice. The duration of the contract is 5 years

The contract involves a new movement of coke from Clairton, PA to Gary, IN, South Chicago,. IL, and Fairless, PA over the lines of Conrail in connection with Elgin, Joliet & Eastern Railway Company and Union Railroad Company. All parties involved will benefit from this contract, particularly Conrail and U.S. Steel. Conrail states that it needs the volume and revenue certainty that this agreement will provide at this critical stage of its existence.

Conrail does not expect any protests of the contract tariff. It contends that a 30 day notice period is not required to protect shipper from abuse of market power.

There is no provision for walving the section 10713(e) requirement that contracts must be filed to become effective on not less than 30 nor more than 60 days' notice. Cf. former section 10762(d)(1). However, we may address the same relief under our section 10505 exemption authority and we do so here.

We believe that this is the type of exceptional circumstance that warrants

an exemption. Much of the revenue this contract generates will be new revenue, revenue which Conrail urgently needs. Moreover, this will provide Conrail with a degree of certainty and dependabilty as to the involved traffic volumes and the revenues generated, thereby assisting it in making future plans. The contract and contract tariff can be made effective on one day's notice.

We will impose the following conditions:

If the Commission permits the contract to become effective on one day's notice, this fact neither shall be construed to mean that this is a Commission approved contract for purposes of 49 U.S.C. 10713(g) nor shall it serve to deprive the Commission of jurisdiction to institute a proceeding, on its own initiative or on complaint, to review the contract or to disapprove it.

Subject to compliance with the conditions set out above, under 49 U.S.C. 10505(a) we find that the 30 day notice requirement in this instance is not necessary to carry out the transportation policy of 49 U.S.C. 10101(a) and is not needed to protect shippers from abuse of market power. The contract tariff to be filed in conformity with our tariff publishing regulations may become effective on one day's notice. Further, we will consider revoking this exemption under 49 U.S.C. 10505(c) if protests are filed within 15 days of publication in the **Federal Register**.

This action will not significantly affect the quality of the human environment or the conservation of energy resources.

(49 U.S.C. 10505)

Decided: June 19, 1981.

By the Commission, Division 2. Commissioners Gresham, Trantum, and Alexis. Commissioner Alexis dissented

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-18742 Filed 6-24-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Decision Notice; Finance Applications

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find. Each transaction is exempt from section 11343 (formerly section 5) of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsiderations; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1132.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will indicate that consummation of the transfer will be presumed to occur on the 20th day following service of the notice, unless either applicant has advised the Commission that the transfer will not be consummated or that an extension of time for consummation is needed. The notice will also recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 30 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

By the Commission, Review Board Number 3, Members Krock, Joyce and Dowell.

MC-FC-35484. By decision of June 3, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1151, Review Board Number 3 approved the lease by American International Freight Forwarding, Inc., of Springfield, VA, of Permit No. FF-471 issued to Astro International Freight Forwarders, Inc., of Alexandria, VA, authorizing (a) *used household goods and unaccompanied baggage*, and (b) *used automobiles*, between points in the United States (including Hawaii but excluding Alaska), restricted in (b) above to the transportation of export-import traffic. The lease authority granted by the Board is for a one year period. Applicant's representative: Martin R. Martino, 333 S. Glebe Rd., Arlington, VA 22204. Transferee is not a carrier.

MC-FC-79077. Republication.* By decision of March 24, 1981 issued under 49 U.S.C. 1045.11, Review Board No. 3 approved the change of Control of Distributor Services, Inc., a broker of motor carrier freight transportation holding license No. MC-130744. Fifty percent of the common stock of the corporate was authorized to be transferred from William J. Farrell, Jr., to T. Lawrence Vigunens, Jr. As a result of the transaction T. Lawrence Vigunens, Jr., would own all the common stock of the corporation. Applicant's representative: Robert B. Einhorn, 12 South 12th Street, 3220 Press Building, Philadelphia, PA 19107.

MC-FC-79101. By decision of June 1, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to Wayne R. Propp, doing business as of Propp Farms, of Certificate No. MC-28174 (Sub-No. 3) issued May 12, 1970 to Dalton & Son Trucking Co., authorizing the transportation of (1) *plastic articles*, from Hamburg, IA, and Nebraska City, NE, to points in Illinois (except those in the Chicago, IL, Commericial Zone), Minnesota, Kansas, South Dakota, North Dakota, Iowa, Missouri, and Nebraska (except points in Iowa, Missouri, and Nebraska within 30 miles of Hamburg, IA), restricted to traffic originating at the facilities of Crown-Line Plastics, Inc., and originating at and destined to the named points; (2) *fertilizer* and *feed*, in bags, from St. Joseph, MO, to Hamburg, IA, restricted to traffic originating at or destined to Hamburg, IA, and St. Joseph, MO. Subject to the following conditions: if any. Applicants' representative: Wayne Propp, Hamburg, IA 51640, 712-382-1217.

MC-FC-79128. By decision of June 3, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to Stumps Refrigerated Express, Inc. of Certificate No. MC-126487 (Sub-Nos. 34F, 36F) issued February 19, 1980—34F and December 7, 1979—36F and to Gaston Feed Transports, Inc. authorizing in Sub-No. 34F, the transportation of (1) *animal feed* (except in bulk), from the facilities of Kalkan Foods at or near Matoon, IL, Terre Haute, IN, and Columbus, OH to points in the United States (except Alaska, Connecticut, Hawaii, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont and (2) *equipment and materials* used in the manufacture and distribution of animal food from the destination named in the above to the facilities of Kal-Kan Foods, Inc., at or near Matoon, IL, Terre Haute, IN, Columbus, OH and Hutchinson, KS, and in Sub-No. 36F, the transportation of (1) *mineral feed, mixtures, and feed ingredients*, (a) from points in Vance County, NC, to points in Alabama, Arkansas, Florida, Georgia, Illinois, Kentucky, Michigan, Minnesota, Mississippi, New Jersey, Ohio,

*Republished to correct errors in publication of June 8, 1981

Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia and Wisconsin, (b) from points in Decatur County, GA, to points in Alabama, Arkansas, Florida, Illinois, Indiana, Kentucky, Kansas, Louisiana, Mississippi, Missouri, New Jersey, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Utah, Washington, Wisconsin and Wyoming, and (2) *materials, and supplies used in the manufacture of the commodities in (1) above,* from points in Alabama, Arizona, Arkansas, California, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Jersey, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, South Carolina, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, Wisconsin and Wyoming, to points in Vance County, NC, Decatur County, GA, and Harrison County, TX. Applicants' representative: David A. Turano Esq., 100 East Broad Street, Columbus, OH 43215.

MC–FC–79179. By decision of June 1, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to Walter Nowatzski, Arden Boelter and David Abendroth d/b/a ABN Transit, Inc., of Permit No. MC–129148 (Sub-No. 1) issued January 28, 1969, to Roy F. Mirr, authorizing the transportation of *mechanical bean harvesting machinery* between points in Illinois and Wisconsin, under continuing contract(s) with Del Monte Corporation, Midwest Division, Rochelle, IL. Applicants' representative: Michael P. Lehner, 535 Water Street, Princeton, WI 54968.

MC–FC–79183. By decision of June 1, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to Kontrath Transportation of Certificate No. MC–144547 issued February 13, 1981 to Dura-Vent Transport Corp. authorizing the transporation of as a common carrier, by motor vehicle in interstate or foreign commerce, over irregular routes, transporting *wood burning stoves* between points in the United States. Applicants' representative: David HL Baker—Attorney for Kontrath Transportation, 888 17th Street, N.W., Washington, DC 20006.

MC–FC–79184. By decision of June 3, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to Stephen Werner of Certificate No. MC–21551 issued May 29, 1975 to Emanuel J. Werner doing business as Rego Park Moving & Storage Co. authorizing the transporation of *household goods* as defined by the Commission, between New York, NY, on the one hand, and, on the other, points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia. Applicant's representative is: Stephen Werner and Emanuel Werner, P.O. Box 133, Middle Village, NY 11379.

MC–FC–79185. By decision of June 1, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to Clyde Haynes, Jr., and Lanny Haynes, a Partnership, d/b/a Bakery Express, of Vidor, TX, of Permit No. MC–135114 (Sub-No. 1) issued to Harold Edmong Leathers, d/b/a Harold Leathers Truck Service, of Vidor, TX, authorizing *unfrozen, cooked bakery goods,* from Beaumont, TX, to Lake Charles and Lafayette, LA, under contract with ITT Continental Baking Company, Inc., of Dye, NY. Applicant's representative: Thomas J. Sibley, 304 Pearl St., Beaumont, TX 77704. TA lease is not sought. Transferee is not a carrier.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81–18740 Filed 6–24–81; 8:45 am]
BILLING CODE 7035–01–M

Motor Carrier Permanent Authority Decision-Notice; Finance Application

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349,* 363 I.C.C. 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the Federal Register. Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.241. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1100.241(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission 's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decison is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Dated: June 17, 1981.

By the Commission, Review Board Number 3. Members Krock, Joyce, and Dowell.

MC–F–14640, filed June 1, 1981. SOUTH HILLS MOVERS, INC. (SOUTH) (3132 Industrial Boulevard, Bethel Park, PA 15102)—CONTROL AND MERGER—HERITAGE VAN LINES, INC. (HERITAGE)(3132 Industrial Boulevard, Bethel Park, PA 15102. Representative: John A. Vuono, 2310 Grant Building, Pittsburgh, PA 15219. South seeks authority to acquire control of Heritage through the purchase of all of its outstanding capital stock and for the merger of all of the interstate operating rights and property of Heritage into South for ownership, management and operation. Robert Lee, sole stockholder of South, seeks authority to acquire control of said rights and property through the merger. Hertage's authority is contained in certificates issued in MC–22296 and sub-numbers thereunder, which authorize the transportation as a motor common carrier of *household goods*, in AL, AR, CT, DE, FL, GA, IL, IN, KY, LA, MD, MA, MI, MS, NJ, NY, NC, OH, OK, PA, RI, SC, TN, TX, VA, WV, and DC. South holds authority to operate as a motor common carrier pursuant to MC–72914 and MC–F–14119, which authorizes the transportation of *household goods*, between points in Beaver, Allegheny, Westmoreland, and Butler Counties, PA, on the one hand, and, on the other, points in OH, WV, NY, NJ, IL, WI, TN, VA, IN, MO, MA, KY, MI, CT, RI, DE, IA, KS, MD, NH, NC, OK, and DC, and between points in WV on the one hand, and, on the other, points in AR, CA, CO, MI, MN, NE, NV, RI, UT, and WI.

Notes.—(1) An application for temporary authority has been filed. (2) A directly related application has been filed in MC–72914 (Sub-No. 3), published in the same **Federal Register** issue,to eliminate gateways in order to provide a through service.

Decision-Notice

The following operating rights applications, filed on or after July 3, 1980, are filed in connection with pending finance applications under 49 U.S.C. 10926, 11343 or 11344. The applications are governed by Special Rule 252 of the Commission's General Rules of Practice (49 CFR 1100.252).

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Persons submitting protests to applications filed in connection with pending finance applications are requested to indicate across the front page of all documents and letters submitted that the involved proceeding is directly related to a finance application and the finance docket number should be provided. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. However, the Commission may have modified the application to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each applicant has demonstrated that its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements as to the finance application *or* to the following operating rights applications directly related thereto filed within 45 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except where the application involves duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice by effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Dated: June 17, 1981.

By the Commission, Review Board Number 3, Members Krock, Joyce, and Dowell.

MC 72914 (Sub-3), filed June 1, 1981. Applicant: SOUTH HILLS MOVERS, INC., 3132 Industrial Boulevard, Bethel Park, PA 15102. Representative: John A. Vuono, Esquire, Wick, Vuono & Lavelle, 2310 Grant Building, Pittsburgh, PA 15219, 412–471–1800. To operate as a *common carrier*, by motor vehicle, over *irregular routes*, transporting: *Household goods*, as defined by the Commission, (1) between points in Cabell, Mason and Wayne Counties, WV on the one hand, and, on the other, points in NY, NJ, WI, MO, MA, MI, CT, RI, DE, IA, KS, MD, NH, NC and DC. (Gateway eliminated: Beaver, Allegheny, Westmoreland and Butler Counties, PA.) (2) between points in Boyd, Greenup, Lawrence and Pike Counties, KY on the one hand, and, on the other, points in WI, MO, MA, MI, IA, KS, NH, NC and OK. (Gateway eliminated: Beaver, Allegheny, Westmoreland and Butler Counties, PA.) (3) between points in Lawrence and Scioto Counties, OH on the one hand, and, on the other, points in NC, OK and DC. (Gateway eliminated: Beaver, Allegheny, Westmoreland and Butler Counties, PA.); (4) between points in KY and TN on the one hand, and, on the other, points in WI, MO, MA, MI, IA, KS, NH, NC and OK. (Gateway eliminated: Beaver, Allegheny, Westmoreland and Butler Counties, PA.); (5) between points in IL on the one hand, and, on the other, points in WI, MO, MI, IA, KS, NH, NC and OK. (Gateway eliminated: Beaver, Allegheny, Westmoreland and Butler Counties, PA.); (6) between points in VA on the one hand, and, on the other, points in NY, NJ, WI, MO, MA, MI, CT, RI, DE, IA, KS, MD, NH, NC and DC. (Gateway eliminated: Beaver, Allegheny, Westmoreland and Butler Counties, PA.); (7) between points in IN and OH on the one hand, and, on the other, points in NY, NJ, WI, MO, MA, MI, CT, RI, DE, IA, KS, MD, NH, NC, OK and DC. (Gateway eliminated: Beaver, Allegheny, Westmoreland and Butler Counties, PA.); (8) between points in TX on the one hand, and, on the other, points in NY, NJ, IL, WI, TN, IN, MO, MA, KY, MI, CT, RI, DE, IA, KS, MD, NH, NC, OK and DC. (Gateway eliminated: Beaver, Allegheny, Westmoreland and Butler Counties, PA.); (9) between points in AR and OK on the one hand, and, on the other, points in OH, NY, NJ, IL, WI, TN, IN, MO, MA, KY, MI, CT, RI, DE, IA, KS, MD, NH, NC, OK and DC. (Gateway eliminated: Beaver, Allegheny, Westmoreland and Butler Counties, PA.); (10) between points in LA on the one hand, and, on the other, points in IL, WI, TN, IN, MO, KY, MI, IA, KS, NH, NC, and OK. (Gateway eliminated: Beaver, Allegheny, Westmoreland and Butler Counties, PA.); (11) between

points in AZ, CA, CO, MN, NE, NV and UT on the one hand, and, on the other, points in AL, AR, CT, DE, FL, GA, IL, IN, KY, MD, MA, MI, MS, NJ, NY, NC, OH, OK, PA, RI, SC, TN, TX, VA and DC. (Gateway eliminated: Cabell, Mason and Wayne Counties, WV.); (12) between points in RI on the one hand, and, on the other, points in AL, AR, CT, DE, FL, GA, IN, MD, MA, MI, MS, NJ, NY, NC, OH, OK, PA (except points in Bever Allegheny, Westmoreland and Butler Counties, PA), RI, SC, TX, VA and DC. (Gateway eliminated: Cabell, Mason and Wayne Counties, WV.); (13) between points in LA on the one hand, and, on the other, points in AZ, CA, CO, MI, MN, NE, NV, UT and WI. (Gateway eliminated: Cabell, Mason and Wayne Counties, WV.); (14) between points in WV on the one hand, and, on the other points in GA, NC, and SC. (Gateway eliminated: Lower Peninsula of MI.); (15) between points in IA, KS, MO, NH and WI on the one hand, and, on the other, points in AZ, CA, CO, MI, MN, NE, NV, RI, UT and WI. (Gateway eliminated: Beaver, Allegheny, Westmoreland and Butler Counties, PA and Cabell, Mason and Wayne Counties, WV.); (16) between points in WV on the one hand, and, on the other, points in NY, NJ, MO, MA, CT, DE, IA, KS, MD, NH, NC, OK and DC. (Gateway eliminated: Beaver, Allegheny, Westmoreland and Butler Counties, PA.); and (17) between points in MI and WI on the one hand, and, on the other, points in AL, AR, CT, DE, FL, GA, IL, IN, KY, MD, MA, MI, MS, NJ, NY, NC, OH, OK, PA (except points in Beaver, Allegheny, Westmoreland and Butler Counties, PA), RI, SC, TN, TX, VA, and DC. (Gateway eliminated: Cabell, Mason and Wayne Counties, WV.).

Note.—This Application is directly related to a simultaneously filed application for merger of Heritage Van Lines, Inc. into South Hills Movers, Inc. in MC–F–14640 published this same **Federal Register** issue.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–18790 Filed 6–24–81; 8:45 am]

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[Permanent Authority Decisions Vol. No. 107]

Motor Carrier Permanent Authority Restriction Removals; Decision-Notice

Decided: June 19, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 F.R. 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, restriction Removal Board, Members Sporn, Alspaugh, and Shaffer.

Agatha L. Mergenovich,

Secretary.

FF 82 (Sub 6)X, filed June 12, 1981. Applicant COAST CARLOADING CO., 2100 Alhambra Avenue, Los Angeles, CA 90031, Representative: S. S. Eisen, 370 Lexington Avenue, New York, NY 10017. Applicant seeks to remove restrictions from its freight forwarder Permit No. FF–82 to: (1) replace existing one-way authority with radial authority as follows: in part A(2) between points in CA, OR, WA, and ID on the one hand, and, on the other, points in AK; and in part A(3) between points in Los Angeles, Orange, Santa Barbara, and Ventura Counties, CA, on the one hand, and, on the other points in the United States (except points in CA); and (2) eliminate all exceptions except Classes A and B explosives from its general commodities authority in part (B) of its permit.

MC 52022 (Sub–15)X, filed June 5, 1981. Applicant: THE SEVEN BROTHERS AND THE SEVEN SANTINI BROTHERS, d.b.a. SANTINI BROS., INC., 1405 Jerome Ave., New York, NY 10452. Representative: Robert J. Gallagher, 1000 Connecticut Ave., NW, Suite 1200, Washington, DC 20036. Applicant seeks to remove restrictions in its Sub-No. 14 certificate to broaden the commodity description from household goods to "household goods and furniture and fixtures".

MC 55686 (Sub–22)X, filed June 11, 1981. Applicant: BLUE LINE TRANSFER CO., INC., 3rd & Broomall Sts. (P.O. Box 14), Chester, PA. Representative: Raymond A. Thistle, Jr., Five Cottman Ct., Homestead Rd. & Cottman St., Jenkintown, PA 19046. Applicant seeks to remove restrictions in its lead and Sub-Nos. 18, 19 and 21F certificates to (A) broaden the commodity description as follows: (a) in the lead (part 3) from steel and wrought iron and pipe to "metal products"; (b) in the lead (parts 4 and 7) and Sub-Nos. 18, 19 and 21F (part 1) from paper products, commodities used in the manufacture of paper products, toilet-papers holders, knocked-down cases, towel tubes and containers, and paper to "pulp, paper and related products"; (c) in the lead (part 5) and Sub-No. 21F (part 2) from rubber and expanded plastic materials to "rubber and plastic products"; (d) in the lead (part 6) from tractors, shovels, graders and parts therefore, and such commodities requiring special handling or rigging because of size or weight to "machinery and those commodities which because of their size or weight require use of special handling or equipment"; (e) in the lead (part 8) from petroleum and petroleum products, in containers, to "petroleum, natural gas and their products"; (f) in the lead (part 10) from household goods as defined in Practices of Motor Common Carriers of Household Goods, 17 M. C. C. 467 to "household goods"; and (g) in Sub-No. 21F (part 3) from furniture to "furniture and fixtures"; (B) remove all restrictions on commodities, except for the restriction against transporting dangerous explosives, such as "those of unusual value", "household goods as defined in Practice of Motor Common Carriers of Household Goods, 17 M.C.C. 467", "commodities in bulk", "in containers", (C) delete facility limitations in Sub-Nos. 18, 19, and 21F; (D) replace city-wide with county-wide authority wherever the following appear in each certificate: Chester and Marcus Hook with Delaware County, PA; Claymont with New Castle County, DE; Allentown with Lehigh County, PA; Pottstown, Conshohocken, Bridgeport with Montgomery County, PA; Reading with Berks County, PA; Atlantic City with Atlantic County, NJ; Piermont with Rockland County, NY; Bridgeton and Millville with Cumberland County, NJ; Bridgeport with Fairfield County, CT; Woodbind with Cape May County, NJ; Elkton with Cecil County, MD; Aberdeen with Harford County, MD; Springfield with Hampden County, MA; Worcester with Worcester County, MA; (E) authorize radial service where only

one-way authority exists between points in specified States located mainly in the Mid-Atlantic and New England areas; and (F) remove the originating at and destined to restriction in Sub-Nos. 18 and 19.

MC 57778 (Sub-36)X, filed May 18, 1981. Applicant: MICHIGAN REFRIGERATED TRUCKING SERVICE, INC., 6134 West Jefferson Avenue, Detroit, MI 48209. Representative: William B. Elmer, 624 Third Street, Traverse City, MI 49684. Applicant seeks to remove restrictions in its Sub-Nos. 6, 9, 10, 11, 16, 17, 18F, 20F, 21F, 23F, 25F, 27F, 28F, 30F, 32F, 33F, 34F, and 37F certificates and Sub-Nos. E1 and E2 E-Letter notices: (1) in all of the Sub-Nos. (except Sub-No. 11) broaden the commodity descriptions from frozen foods, foods, except frozen, anhydrated foods, candy products, offal, foodstuffs and materials and supplies used in the manufacture and distribution of foodstuffs, food handling equipment and supplies, salt, salt products and pepper, to "food and related products"; in Sub-No. 11 broaden the commodity description from meats, meat products and meat by-products, and articles distributed by meat packinghouses to "food and related products and chemicals and related products"; (2) in all of the Sub-Nos. and E-Letter notices replace one way with radial authority; (3) in Sub-Nos. 6 and 20F replace facility limitation at La Porte, IN with county wide (La Porte County) authority and remove restrictions in Sub-No. 6 limiting transportation to traffic originating at or destined to named facilities; (4) in Sub-Nos. 9 and 17, replace facility limitation at Greenville, MI with county wide Montcalm County authority; (5) in Sub-Nos. 10 and 16, replace facilities limitations at Deerfield, and Chicage, IL with county wide (Du Page, Cook and Lake Counties) authority; and in Sub-No. 10, remove restriction limiting transportation to traffic originating at and destined to named facilities; (6) in Sub-No. 11 replace facility limitation at Logansport, IN with county wide (Cass County) authority; remove restriction excepting hides and commodities in bulk and remove restriction limiting transportation to traffic originating at or destined to named facilities; (7) in Sub-Nos. 18F remove the restriction "in vehicles equipped with mechanical refrigeration"; and remove the restriction against service to Allentown and Camp Hill, PA and points in their commercial zones; (8) in Sub-No. 21F, remove the restriction "except commodities in bulk"; (9) in Sub-No. 23F, remove the restriction "except commodities in bulk"; and replace city wide (Marysville, MI) with county-wide (St. Clair County) authority; (10) in Sub-No. 25F, replace facility limitation at Croswell, MI with county wide (Sanilac County) authority; (11) in sub-No. 27F replace facilities limitations at Memphis, Bridgeport and Imlay City, MI, Millsboro, DE and Greenville, MS with county wide (St. Clair, Saginaw and Lapeer Counties, MI, Sussex County, DE and Washington County, MS) authority; (12) in Sub-No. 28F, replace facility limitations at Columbus, OH with county wide (Franklin County) authority; (13) in Sub-No. 30, replace facility limitations at Clifton, NJ with county wide (Passaic County) authority; (14) in Sub-No. 32F, replace facilities limitations at Orrville and Medina, OH with county wide (Wayne and Medina Counities) authority; and remove the restriction limiting transportation to traffic originating at or destined to named facilities; (15) in Sub-No. 33F, replace city wide (Warren, MI) with county wide (Oakland and Macomb Counties) authority; (16) in Sub-No. 34F replace city wide (Greenville, MS and Millsboro, DE) with county wide (Washington County, MS and Sussex County, DE) authority; and (17) in Sub-No. 37F, remove the in bulk restriction.

MC 67866 (Sub-41)X, filed May 4, 1981, previously noticed in the **Federal Register** of May 21, 1981, republished as follows: Applicant: FILM TRANSIT, INC., 3931 Homewood Road, Memphis, TN 38118. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Popular Ave., Memphis, TN 31837. Applicant seeks to remove restrictions in its lead and Sub-Nos. 6, 8, 9, 10, 11, 13, 16, 36F, and 37F certificates to (1) broaden the commodity descriptions from (a) general commodities, with exceptions to "general commodities (except classes A and B explosives)" in the lead and Sub-Nos. 13, 36F and 37F; (b) dated publications in the lead and Sub-Nos. 6 and 8, newspapers in Sub-No. 10, and commercial papers and documents (except cash letters), payroll and data processing and accounting information and forms and electromagnetically coded or impregnated bank forms and documents, in Sub-No. 10 to "printed matter"; (c) exposed and developed photographic film and plates and prints to "instruments or photographic goods, including optical goods, watches and clocks" in Sub-Nos. 9 and 11; and (d) newspaper, theatre films, magazines, and ice cream to "printed matter, theatre films, and food and related products" in Sub-No. 13 (page 2); (2) authorize service at all intermediate points between Menard, IL, and St. Louis, MO; St. Louis, MO, and Chester IL; and Ruma, IL, and Prairie du Rocher, IL, in Sub-No. 13; (3) change city to county-wide authority from Lilbourn to New Madrid County, MO, in Sub-Nos. 36F and 37F; (4) remove the restrictions against the transportation of shipments for any bank or banking institution in Sub-No. 16; and (5) remove the in packages requirement in Sub-No. 13.

Note.—The previous notice incorrectly stated that applicant seeks to remove certain appropriate weight restrictions in its Sub-Nos. 13, 36, and 37F.

MC 61977 (Sub-42)X, filed May 26, 1981. Applicant: ZERKLE TRUCKING COMPANY, Route 6, Box 18, South Point, OH 45680. Representative: N. W. Bowen, Jr. (same address as applicant). Applicant seeks to remove restrictions in its Sub-Nos. 9F, 13F, 19F, 22F, 23F, 24F, 30F, 31F, 32F, 34F and 36F certificates to (1) broaden the commodity description from flat glass in Sub-No. 9F, to "clay, concrete, glass or stone products"; from pipe, fittings, valves, and hydrants in Sub-No. 13F, to "rubber and plastic products, clay, concrete, glass or stone products and metal products"; from composition board and lumber in Sub-No. 19F, to "lumber and wood products and pulp, paper and related products"; from glass containers in Sub-No. 22F, glass containers and closures in Sub-Nos. 32 and 36, to "clay, concrete, glass or stone products"; from petroleum, petroleum products, vehicle body sealer, and sound deadening compounds (except commodities in bulk), in Sub-No. 23F, to "petroleum, natural gas and their products"; from iron and steel articles in Sub-No. 30F, to "metal products"; and from household appliances and materials, equipment and supplies used in the manufacture and distribution of thereof (except commodities in bulk), in Sub-No. 34, to "machinery"; (2) replace Clarksburg and Jerry Run, WV, with Harrison and Tyler Counties, WV, in Sub-No. 9F; Buckhannon, WV, with Upshur County, WV, in Sub-No. 13F; Charleston, Catawba, and Orangeburg, SC, with Berkeley, Charleston, Orangeburg, York, Chester, and Lancaster Counties, SC, in Sub-No. 19F; Henryetta, OK, with Okmulgee County, OK, Terre Haute, IN, with Vigo County, IN, Cliffwood, NJ, with Middlesex and Monmouth Counties, NJ, and Warner Robins, GA, with Houston County, GA, in Sub-No. 22F; Emlentown and Farmers Valley, PA, with McKean, Venango, and Elk Counties, PA and St. Marys and Congo, WV, with Hancock County, WV, in Sub-No. 23F; Cincinnati, OH, with Hamilton County, OH, in Sub-No. 24F; Canton, OH, with Stark and Summit Counties, OH, Charlotte, NC, with

Mecklenburg, Union, Cabarrus Counties, NC, and Seneca, SC, with Oconee County, SC, and Bristol, TN, with Washington County, VA, and Sullivan County, TN, in Sub-No. 30F; Joliet, IL, with Will County, IL, Vienna, WV, with Wood County, WV, and Conventry, RI, with Kent County, RI, in Sub-No. 32F; Louisville, and Appliance Park, KY, with Jefferson County, KY, in Sub-No. 34F; (3) replace one-way with radial authority in Sub-Nos. 9F, 13F, 22F, 23F, 30F, 32F, and 34F; and (4) remove an originating at or destined to restriction in Sub-No. 36F.

MC–86247 (Sub-30)X, filed March 2, 1981, noticed in the **Federal Register** of March 23, 1981, republished this issue. Applicant: INTERNATIONAL CARRIERS LIMITED, 1333 College Avenue, Windsor, Ontario, Canada. Representative: Maritn J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, MI 48167. Applicant seeks to remove restrictions in its Sub-No. 30X certificate to broaden its nonradial authority to serve points in Michigan within 18 miles of the Detroit River Tunnel, including Detroit, MI to "points in Wayne, Oakland and Macomb Counties, MI. The proposed modification follows a recent Commission decision indicating that such broadenings are considered reasonable.

MC–106001 (Sub-23)X, Filed June 11, 1981. Applicant: DENNIS TRUCKING COMPANY, INC., 6951 Norwitch Drive, Philadelphia, PA 19153. Representative: James W. Patterson, 1200 Western Savings Bank Bldg., Philadelphia, PA 19107. Applicant seeks to remove restrictions in its Sub-Nos. 11, 12F, 13F, 16F, and 18F certificates to (1) broaden the commodity descriptions: (a) from pipe to "clay, concrete, glass, or stone products, rubber and plastic articles and metal products", in Sub-No. 11, (b) from iron and steel articles to "metal products", in Sub-No. 12F, (c) from refractories, refractory products and commodities used or useful in the installation of refractories and refractory products and materials, equipment and supplies used in the production and distribution thereof to "clay, concrete, glass or stone products, ores and minerals, and metal products," in Sub-No. 13F, (d) from wire and wire products and materials, equipment, and supplies used in the manufacture and distribution of wire and wire products to "metal products and materials, equipment and supplies used in the manufacture and disribution of metal products", in Sub-No. 16F, and (e) from railroad car and locomotive wheels and materials and supplies use in the manufacture of railroad car and locomotive wheels to "transportation equipment and metal products", in Sub-No. 18F; (2) replace the facilities limitations or specific point authority with city or county-wide authority: (a) facilities a Ambler, PA, with Montgomery County, PA, in Sub-No. 11, (b) facilities at Baltimore, MD, with Baltimore, MD, in Sub-No. 12F, and (c) facilities at or near Philadelphia, Tarentum, Porter Township, PA, with Philadelphia, Allegheny and Clarion Counties, PA, Woodbridge, NJ, with Middlesex County, NJ, and Jackson, Oak Hill, and East Greenville, OH, with Darke and Jackson Counties, OH, in Sub-No. 13F, and (d) Quemahoning Township, PA, with Somerset County, PA, in Sub-No. 18F: (3) replace its one-way authority with radial authority: (a) between points in Montgomery County, PA, and points in CT, DE, NJ, NY, MD, MA, RI, VT, VA, WV, and DC, in Sub-No. 11, and (b) between Baltimore, MD, and, points in CT, MA, NH, NY, PA, and VT, in Sub-No. 12F, (4) remove commodities in bulk and size and weight restriction, in Sub-No.16F.

MC–107841 (Sub-6)X, Filed June 12, 1981. Applicant: CONTAINERFREIGHT TRANSPORTATION COMPANY, 2300 E. Sepulveda Blvd., Wilmington, CA 90744. Representative: Robert Fuller, 13215 E. Penn St., Ste. 310, Whittier, CA 90602. Applicant seeks to remove the restriction in its Sub-No. 5F; certificate limiting service to traffic having a prior or subsequent movement by water or rail.

MC 110878 (Sub-50)X, filed May 21, 1981. Applicant: ARGO TRUCKING COMPANY, INC., P.O. Box 955, Elberton, GA 30635. Representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, FL 32202. Applicant seeks to remove restrictions in its lead and Sub-Nos. 10, 11, 13, 15, 18, 20, 22, 23, 25, 28, 29, 30, 31, 32, 33, 37, 40, 41, 42, 43, 45, 46 and 47 certificates to (1) broaden the commodity descriptions to "clay, concrete, glass or stone products, and building materials" from granite and marble, damaged and defective shipments of granite and marble, roofing and roofing materials, prefabricated marble water closet stall partitions, complete, in the lead and Sub-No. 10; from granite and marble to "clay, concrete, glass or stone products", in Sub-Nos. 11, 13, 20, 30, 32 and 47F; from abrasives and polishing machines to " machinery", in Sub-No. 15; from oyster shells to "ores and minerals", in Sub-No. 18; to "clay, concrete, glass or stone products" from marble, monumental, and damaged and defective shipments of monumental marble, in Sub-No. 22; from marble, granite, limestone and marble and granite products, in Sub-No. 43F; to "food and related products and ores and minerals"from salt, in bags, cartons and blocks, in Sub-Nos. 23, 28 and 29; from salt and salt products (except in bulk) and materials, equipment and supplies (except in bulk), used in the agricultural, water treatment, food processing, wholesale grocery and institutional supply houses, in mixed shipments with salt and salt products, in Sub-No. 45F; from salt and salt products (except in bulk) to "food and related products", in Sub-No. 46F; from coke (in bulk) to "chemicals and related products", in Sub-No. 25; from abrasives to "chemicals and related products", in Sub-No. 33; to "building materials" from concrete building and roofing slabs, in Sub-No. 31; from ceramic tile, in Sub-No. 37; from concrete building slabs, in Sub-No. 41F; to "metal products" from iron and steel articles and materials and supplies in the manufacture of iron and steel articles, in Sub-No. 40F; to "pulp, paper and related products" from scrap paper, in Sub-No. 42F, (2) replace one-way authority with radial authority in the lead and in all Subs, broaden the territorial description by substituting county-wide authority for city wide authority as follows: Elbert and Pickens Counties, GA (for Elberton and points within 15 miles thereof and Tate and points within 20 miles thereof), in the lead, and Sub-No. 10; Cherokee and Pickens Counties, GA (for Nelson and Tate, GA), in Sub-No. 10; Kershaw County, SC (for Liberty Hill, SC and points within 25 miles thereof (except points in Richland and Fairfield Counties, SC), in Sub-No. 11; Kiowa County, OK (for Snyder, OK) and Pulaski County, AR (for North Little Rock, AR), in Sub-No. 13; Elbert County, GA (for Elberton, GA), in Sub-No. 15; Duval County, FL (for Jacksonville, FL), in Sub-No. 18; Jefferson County, AL (for Birmingham, AL) and Elbert County, GA (for Elberton, GA), in Sub-No. 25; Elbert County, GA (for Elberton, GA), in Sub-Nos. 31 and 41F; Lake County, FL (for Eustis, FL), in Sub-No. 33; Coleman County, TX (for Coleman, TX), in Sub-No. 37; Oconee County, GA (from Watkinsville, GA), in Sub-No. 40F; Bibb County, GA (for Macon, GA), in Sub-No. 42F; Talladega County, AL (for Gantts Quarry) in Sub-No. 43; Van Zandt County, TX (for Grand Saline, TX) and Ibera Parish, LA (for Weeks, LA), in Sub-No. 45F; Elbert County, GA (for Elberton, GA) and Hudson County, NJ (for Harrison, NJ), in Sub-No. 48.

MC 118019 (Sub-10)X, filed June 8, 1981. Applicant: PENN TRANSPORTATION CORP., 212 Beacham Street, Everett, MA 02149. Representative: Frank J. Weiner, 15

Court Square, Boston, MA 02108. Applicant seeks to remove restrictions in its lead and Sub-Nos. 2, 4, 6, 7, 8, and 9 to (1) broaden the commodity description from bananas to "food and related products" in the lead and Sub-Nos. 2, 4, and 6; from scrap metals and waste paper to "waste or scrap materials not identified by industry producing" in Sub-No. 7; from mattress springs, box springs, coils, and steel wire, to "metal products" in Sub-No. 8; and, from plastic articles and caps and covers to "rubber and plastic products" in Sub-No. 9; (2) replace Boston, MA with Suffolk, Middlesex, Norfolk, Essex, and Plymouth Counties, MA, in the lead and Sub-Nos. 2 and 7; Wilmington, DE, with New Castle County, DE, in Sub-Nos. 2 and 4; Fall River, MA with Bristol County, MA, in Sub-Nos. 2 and 4; Ispswich, MA with Essex County, MA in Sub-No. 4; Albany, NY with Albany, Saratoga, Schenectady, and Renssalaer Counties, NY in Sub-No. 6; Chelsea, MA, with Suffolk County, MA, Elizabeth, NJ with Union County, NJ, Fairless, PA, with Bucks County, PA, and Sparrows Point, MD with Baltimore County, MD, in Sub-No. 8; (3) authorize radial service in lieu of one-way authorities; and (4) remove the restriction of "shipments having an immediately prior movement by water and destined to Boston, MA" Sub-No. 2.

MC 119489 (Sub-68)X, filed June 11,1981. Applicant: CENTRAL TRANSPORTATION CO., INC., Box 249, Norfolk, NE 68701. Representative: Donald L. Stern, 7171 Mercy Road, Suite 610, Omaha, NE 68106. Applicant seeks to remove restrictions in its Sub-Nos. 4, 5, 6, 8, 9, 11, 12, 14, 16, 20, 24, 27, 29, 31, 33, 40, 42, 44, 45, 47, 52F, 59F, 61F, 62F, 63F, 64F, and 66F certificates to (1) broaden the commodity descriptions to (a) "chemicals and related products" from dry fertilizer in Sub-No. 8; chemicals and fertilizers in Sub-No. 11; anhydrous ammonia, urea, and fertilizer (except anhydrous ammonia and urea) in Sub-No. 16; fertilizer, fertilizer solutions and fertilizer compounds in Sub-No. 24; liquid fertilizer in Sub-Nos. 27 and 66F; and fertilizer in Sub-No. 44; (b) "commodities in bulk from specified commodities such as fertilizer and fertilizer compounds, acid, and chemicals, in bulk, anhydrous ammonia, in bulk, liquid fertilizer solutions, in bulk, asphalt, in bulk, tallow, in bulk, and petroleum products, in bulk, in Sub-Nos. 4, 5, 6, 9, 12, 14, 20, 31, 33, 42, 45, 47, 52F, 59F, 61F, 62F, 63F, and 64F; and (c) "Such commodities as are manufactured or distributed by meat packinghouses" from packinghouse offal, in Sub-No. 40; (2) remove "in tank vehicles" or "in hopper vehicles" restrictions in Sub-Nos. 4, 5, 6, 9, 20, 31, 33, 42, 45, 47, 52F, 59F, 61F, 63F, and 64F, and "in dump vehicles" restriction in Sub-No. 40; (3) remove the facilities limitations in Sub-Nos. 5, 6, 8, 9, 11, 12, 14, 20, 24, 27, 29, 33, 42, 44, 45, 47, 59F, 62F, 64F, and 66F; (4) change one-way to radial authority between points throughout the U.S., in the above named Sub-numbers except Sub-No. 63; and (5) replace cities with county-wide authority as follows: Fremont, NE, with Dodge County in Sub-No. 4; Beatrice, NE, with Gage County, in Sub-No. 5; Fort Dodge, IA, with Webster County in Sub-No. 6; Garner, IA, with Hancock County in Sub-No. 9; Blair, NE, with Washington County in Sub-No. 12; Lincoln, NE, with Lancaster County in Sub-No. 14; Borger, TX, with Hutchinson County, Conway, KS, with McPherson County, Greenwood, NE with Cass County, and Whiting, Early, and Garner, IA, with Monona, Sac, and Hancock Counties in Sub-No. 20; Fremont, NE, with Dodge County in Sub-No. 24; North Bend, Randolph, and Wakefield, NE with Dodge, Cedar, and Dixon Counties in Sub-No. 27; Hastings, NE with Adams County in Sub-No. 29; Doniphan, NE with Hall County in Sub-No. 31; Clay Center, KS with Clay County in Sub-No. 33; Gering, NE, with Scotts Bluff County in Sub-No. 40; Falls City, NE, with Richardson County in Sub-No. 42; Woodwood, OK, with Woodward County in Sub-No. 44, Spencer and Holstein, IA, with Clay and Ida Counties and David City, NE, with Butler County in Sub-No. 45; Cheyenne and Casper, WY, with Laramie and Natrona Counties in Sub-No. 52F; Schuyler, ME, with Colfax County in Sub-No. 59F; Perry, NE, with Red Willow County in Sub-No. 61F; Dakota and West Point, NE, with Dakota and Cuming Counties, Denison and Fort Dodge, IA, with Crawford and Webster Counties, Luverne, MN, with Rock County, and Emporia, KS, with Lyon County in Sub-No. 62F; Holcomb, KS, with Finney County in Sub-No. 64F; Friend, KS, with Finney County in Sub-No. 66F; and Optic, NE, with Buffalo County in Sub-No. 47.

MC 123133 (Sub-10)X, filed June 8, 1981. Applicant: DENNY TRANSPORT, INC., 3405 Industrial Parkway, Jeffersonville, IN 47130. Representative: John M. Nader, 1600 Citizens Plaza, Louisville, KY 40202. Applicant seeks to remove restrictions from its permits in MC-143233 Sub-Nos. 1, 3F, 4F, 5F, and 7F to (a) broaden the commodity description in Sub-Nos. 1, 3F, and 4F to "food and related products", from, respectively, (Sub 1) prepard goodstuffs, (Sub 3F) dry milk products, soy, flour and corn flour, and milk powder exempt from economic regulation, (Sub 4F) prepared foodstuffs, (b) broaden the commodity description in Sub 5F and Sub 7F to "such commodities as are dealt in by manufacturers, processors, or distributors of fats, greases, and oils", from, respectively, (Sub 5F) inedible animal grease, tallow oil, and stearine, and (Sub 7F) inedible animal grease, tallow, oil, and stearine, and tallow oil, (c) remove the restrictions in Sub-No. 1 and 4F to transportation in vehicles equipped with mechanical refrigeration; (d) remove the restriction against transportation in bulk in Subs 1 and 4F and the limitation to transportation in bulk in Subs 5F and 7F; (e) remove the limitation to traffic moving in mixed loads in Sub 3F; and (f), broaden the territorial description in each permit to between points in the U.S., under continuing contract(s) with named shippers.

MC 124141 (Sub-54)X, filed May 4, 1981, and noticed in the **Federal Register** of May 29, 1981, republished as corrected this issue. Applicant: JULIAN MARTIN, INC., P.O. Box 3348, Batesville, AR 72501. Representative: Timothy C. Miller, Suite 301, 1307 Dolley Madison Blvd., McLean, VA 22107. Applicant seeks to remove restrictions in its lead and Sub-Nos. 2F, 3F, 4F, 6F, 7F, 10F, 11F, 19F, 21F, 24F, 29F, 30F, 34F, 38F, 39F, 40F, 41F, 42F, 44F and 45F certificates and lead permit in MC-140717 and Sub-Nos. 1, 2, 3, 4, 7F, 8F, 9F, 10F, 13F, 18F, 19F, 21, 25M1F and 26F to (1) broaden the commodity descriptions to "lumber and wood products" from lumber in the lead certificate, from rough dimension stock lumber in Sub-No. 7F certificate; to "machinery" from electric motors, grinders, buffers, dental lathes, dust collectors, pedestals, parts, accessories and attachments in the base part of Sub-No. 2F certificate, from household and electrical appliances in Sub-No. 44F certificate; to "machinery and electrical equipment" from various commodities such as electric lamps, Christmas tree lamps, electric cord sets, dry cell batteries, lamp ballasts, portable battery chargers in Sub-No. 10 certificates; to "chemicals and related products and rubber and plastic products" from glues, adhesives, caulks, specialty chemicals, and empty plastic caps and containers in Sub-No. 19F certificate; to "chemicals and related products" from plastic materials (except in bulk) in Sub-No. 21F certificate; to "food and related products" from foodstuffs (except in bulk) in Sub-No. 3 certificate, from pickles and pickle products in Sub-No. 4 certificate, from canned goods in Sub-No. 6 certificate,

from foodstuffs in Sub-No. 24 certificate, and Sub-No. 25M1F permit from confectionery and confectionery products in Sub-No. 29 certificate, from margarine and margarine products (except in bulk), in Sub-No. 34 certificates, from alcoholic liquors (except in bulk) in the base authority in Sub-No. 38 certificate, from meat, meat products, and meat by-products (except hides and commodities in bulk) in Sub-No. 39 certificate, and Sub-Nos. 7, 8, 9, 10, 13, 18, 19, 21 permits, from canned foods and frozen fruits and vegetables in Sub-No. 45 certificate, from pork, pork products and pork by-products in the lead permit, from beef and beef products (except in bulk) in Sub-No. 4 permit, from pork and pork products (except in bulk) in Sub-No. 3 permit, from malt beverages in Sub-No. 41 certificate, from malt beverage and materials and supplies in Sub-No. 42 certificate; to "chemicals and related products" from shampoo in Sub-No. 26 permit; to "food and related products and pulp, paper and related products" from coffee and coffee filters in Sub-No. 40 certificate; to "rubber and plastic products" from plastic sheeting in Sub-Nos. 1 and 2 permits, (2) change city to county-wide authority (a) in the lead certificate from Harrisburgh, AR and Memphis, TN to Poinsett County, AR and Crittenden, AR, DeSoto County, MS and Shelby, Fayette and Tipton Counties, TN, (b) in Sub-No. 4 certificate from Bridgeport, Imlay City and Memphis, MI, Millsboro, DE, and Greenville, MS to Saginaw, Lapeer, and St. Clair Counties, MI, Bath County, DE, Chicot County, AR and Washington County, MS, (c) in Sub-No. 6 from Athens, AL to Limestone County, AL, (d) in Sub-No. 21 from Houston, TX, to Brazoria, Waller, Ft. Bend, Chambers, Harris, Galveston, and Montgomery Counties, TX, and from Chicago, IL, to Cook, DuPage, and Lake Counties, IL and Lake and Porter Counties, IN (e) in Sub-No. 24 from Hershey, Lancaster, and Mechanicsburgh, PA to Dauphin, Lancaster, Lebanon and Cumberland Counties, PA, (f) in Sub-No. 29 from Bethlehem, PA to Bucks, Lehigh, and Northampton Counties, PA, (g) in Sub-No. 34 from Osceola, AR to Mississippi County, AR, (h) in Sub-No. 38 from Ft. Smith, AR, Bardstown, KY, and Plainfield, IL, to Sabastian County, AR, Nelson County, KY and Will County, IL, and (i) in Sub-No. 39 from Palestine, TX to Anderson County, TX, (3) remove facilities limitation (a) in Sub-No. 2 certificate and replace Ft. Smith, AR with Sebastian County, AR, (b) in Sub-No. 3 certificate and replace Dunkirk, NY, Erie, PA, Atlanta, GA and Dallas, TX with Chautauqua County, NY, Erie County, PA, Fulton County, GA and Dallas County, TX, (c) in Sub-No. 7 and replace Vicksburgh, MS and Nashua, NH with Warren County, MS and Hillsboro County, NH, (d) in Sub-No. 10 certificate and replace Belleville, Bucyrus, Circleville, Cleveland, Ravenna, Warren and Youngstown, OH; Lexington, KY; Matoon and Danville, IL and St. Louis, and Fenton, MO with Huron, Crawford, Pickaway, Cuyahoga, Portage, Trumbull, Mahoning Counties, OH, Fayette County, KY; Coles and Vermilion Counties, IL; and St. Louis City and St. Louis County, MO, (e) in Sub-No. 11 certificate and replace Bentonville and Searcy, AR with Benton and White Counties, AR, (f) in Sub-No. 19 certificate and replace Columbus, OH with Franklin County, OH, (g) in Sub-No. 40 certificate, (h) in Sub-No. 44 and replace Little Rock, AR with Pulaski County, AR, (4) change territorial description in all permits to "between points in the US, under continuing contract(s) with named shippers, (5) remove the "originating at and/or destined to" named facilities restrictions in Sub-Nos. 3, 34 and 38 certificates, (6) remove in tank vehicle restrictions in Sub-No. 38 certificate, (7) remove in bulk restriction in Sub-Nos. 2, 3, 11, 19, 21, 24, 30, 34, 38, 39, 40, certificates and the lead permit and Sub-Nos. 3, 4, 7, 8, 9, 10, 13, 18, 19, 21, and 25M1F permits (8) remove "in mechanically refrigerated equipment" restriction in Sub-Nos. 3, 7, 19, and 24 certificates, and (9) change one-way to radial authority between various combinations of points throughout the US in all certificates except Sub-Nos. 2, and 38. The purpose of this republication is to correct certain proposed territorial and commodity modifications.

MC 134922 (Sub-342)X, filed June 9, 1981. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, AR 72118. Representative: Diane Price; Route 6, Box 15, North Little Rock, AR 72118. Applicant seeks to remove restrictions in its Sub-No. 337 certificate to (1) broaden the commodity description from general commodities, with exceptions, to "general commodities (except Classes A and B explosives)"; and (2) remove the restriction except AK and HI in connection with its authority to serve between points in the U.S.

MC 145104 (Sub-5)X, filed May 22, 1981. Applicant: MIL-CO TRUCKING, INC., 319 West Main St., West Unity, OH 43570. Representative: Boyd B. Ferris, 50 W. Broad ST., Columbus, OH 43215. Applicant seeks to remove restrictions in its Sub-No. 2F and authority acquired in MC–FC–78895 to (1) broaden the commodity description (a) to "such commodities as are dealt in or used by manufacturers and distributors of salt and salt products"from salt and salt products in Sub-No. 2, (b) to "such commodities as are dealt in or used by manufactures or distributors of furniture"from new furniture, returned shipments of new furniture and equipment, materials and supplies, and furniture parts and furniture stock, in parts 1–5 of MC–FC–78895, (c) to "metal and steel and metal and steel products" from uncrated tubular steel scaffolding and accessories, uncrated boarding ramps, uncrated maintenance stands and uncrated baggage loading stands in part 6 of MC–FC–78895, and (d) to "such commodities as are dealt in or used by manufacturers or distributors of agricultural machinery and implements" from agricultural machinery, implements and parts in part 7 of MC–FC–78895, (2) remove the mixed loads restriction in Sub-No. 2, (3) in MC–FC–78895 remove restrictions (a) in parts 1, 2, and 7 against the transportation of specified commodities from designated points and, (b) in parts 1, 2, and 7a to transportation of traffic originating at or destined to named points, (4) remove a facilities limitation in MC–FC–78895 and change city to county wide authority from Archbold and Stryker, OH to Fulton and Williams Counties, OH, (5) remove restriction against transportation to AK and HI in MC–FC–78895 and (6) change one-way to radial authority between (a) Chicage, IL, St. Joseph, MI and points in Fulton, Lucas and Hamilton Counties, OH, and, points in IN and MI in Sub-No. 2, and (2) in MC–FC–78895 to authorize such commodities as are dealt in by manufacturers or distributors of furniture, between points in Williams and Fulton Counties, OH, and, points in the US; metal and steel and metal and steel products between points in the US (except AL, FL, GA, IN, LA, MS, NC, SC, and TN); and such commodities as are dealt in or used by manufacturers and distributors of agricultural machinery and implements, between Fulton County, OH, and, points in 13 States.

MC–135895 (Sub-127)X, Filed May 29, 1981. Applicant: B & R DRAYAGE, INC., P.O. Box 8534, Battlefield Station, Jackson, MS 39204. Representative: Douglas C. Wynn, P.O. Box 1295, Greenville, MS 38701. Applicant seeks to remove restrictions from certain of its certificates as follows: [A] In Sub Nos. 2, 4, 5, 9, 10, 11, 12, 14, 16F, 18F, 25F, 26F, 34F, 46F, 64F, 79F, 36F and 88F, to expand one-way to radial authority between points in the southeast portion

of the U.S. [B] In Sub Nos. 2, 4, 5, 7, 9, 10, 11, 12, 14, 16F, 17F, 18F, 21F, 22F, 23F, 25F, 27F, 31F, 33F, 34F, 35F, 36F, 41F, 43F, 46F, 47F, 54F, 56F, 57F, 61F, 62F, 63F, 64F, 65F, 69F, 70F, 75F, 76F, 78F, 83F, 85F, 86F, 87F, 88F, 90F, 91F, 93F, 95F, 96F, 97F, 99F, 100F, 102F, 104F, 105F, 107F, 111F, 114F, and 115F, to eliminate restrictions "to transportation of traffic originating at and/or destined to" named facilities of shipper(s). [C] In Sub Nos. 2, 5, 7, 9, 11, 12, 14, 16F, 17F, 18F, 22F, 23F, 25F, 26F, 27F, 33F, 34F, 36F, 44F, 46F, 61F, 62F, 79F, 80F, 88F, 98F, 103F, 108F, 109F, 111F, 112F, 113F, 115F, 117F, 118F, 119F, and 120F, to expand Certificates by addition of authority to transport "materials, equipment and supplies used in the manufacture, assembly, sale and distribution" of commodities described in the Certificates, in both directions. [D] In Sub-Nos. 2, 7, 9, 11, 14, 16F, 17F, 18F, 21F, 22F, 25F, 27F, 30F, 31F, 33F, 34F, 25F,36F, 41F, 43F, 45F, 46F, 47F, 54F, 55F, 56F, 57F, 61F, 64F, 65F, 69F, 70F, 71F, 75F, 76F, 78F, 79F, 80F, 83F, 84F, 85F, 86F, 87F, 89F, 90F, 91F, 92F, 93F, 94F, 95F, 96F, 97F, 98F, 99F, 100F, 101F, 102F, 104F, 105F, 106F, 107F, 108F, 109F, 110F, 111F,112F, 113F, 114F, 115F, 116F, 117F, 118F, 119F, and 120F to eliminate restrictions requiring the transportation of specified commodities "in containers", and/or to eliminate exception(s) against transportation of (1) "commodities in bulk" and/or (2) "commodities (which because of size, weight or value require the use of) [or] (requiring) special equipment." [E] In Sub Nos. 53F, 85F, 97F, and 116F, to eliminate all exceptions to transportation of "general commodities" other than "(except classes A and B explosives)." [F] In addition, applicant seeks to broaden commodity descriptions and territorial authority from name locations to counties or cities, and to remove certain restrictive exceptions in the following Certificates: (1) in Sub Nos. 2 and 7 (part 2) to (a) broaden "agricultural insecticides" to "chemicals and related products" and (b) broaden Prairie, MS to Monroe County, MS. (2) In Sub Nos. 4, 7 (part 1), and 22 F to broaden "sand, sand products and mineral fillers" to "ores and minerals." (3) In Sub No. 7 (part 3) to broaden Florence, AL to Lauderdale County, AL. (4) In Sub-Nos. 5 and 18F to (a) broaden "paper and paper articles" to "pulp, paper and related products," and (b) to remove exception against transportation of "lime and limestone." (5) In Sub Nos. 9 and 21F to broaden "non-electric reflective traffic control products and glass abrasive products" to "clay, concrete, glass or stone products, and metal products" and to broaden Flowood, MS, to Rankin County, MS. (6) In Sub Nos. 10 and 12 to (a) broaden "glass containers and closures" to "clay, concrete, glass or stone products", and (b) in Sub No. 12 only, expand Gulfport, MS, to Harrison County, MS; Mineral Wells, MS, to Desoto County, MS; and Corsicana, TX, to Navarro County, TX. (7) In Sub Nos. 11 and 14 to broaden commodity description from "precast concrete products and steel reinforcement articles" to "clay, concrete, and glass or stone products and metal products." (8) In Sub-No 16F to broaden "beer", to "food and related products." (9) In Sub-No. 17F to (a) broaden "pre-stressed concrete products" to "clay, concrete, glass or stone products and metal products" and (b) broaden Biloxi, MS, to Harrison County, MS. (10) In Sub Nos. 7 (part 3) and 18F to broaden "paper and paper articles" to "pulp, paper and related products." (11) In Sub No. 21F to broaden Marietta, GA, to Cobb County, GA. (12) In Sub No. 23F to (a) broaden glass containers and closures" to "clay, concrete, glass or stone products," and (b) expand Corsicana, TX, to Navarro County, TX. (13) In Sub No. 25F to (a) broaden "agricultural insecticides and fungicides and ethylene dibromide" to "chemicals and related products, petroleum and natural gas and their products, and rubber and plastic products," and (b) broaden Magnolia, AR, to Columbia County, AR and Gulfports MS, to Harrison County, MS. (14) In Sub No. 26F to (a) broaden "malt beverages" to "food and related products," and (b) broaden Clarksdale, MS, to Coahoma County, MS; Cleveland, MS, to Bolivar County, MS; Hernando, MS, to Desoto County, MS; Natchez, MS, to Adams County MS; Newport, AR, to Jackson County, AR; Franklin, LA, to St. Mary Parish, LA; Thibodaux, LA, to LaFourche Parish, LA; Hattiesburg, MS, to Forest County, MS; Laurel, MS, to Jones County, MS; Perry, GA, to Houston County, GA; Greenville, MS, to Washington County, MS; Greenwood, MS, to Leflore County, MS; Harahan and Chalmette, LA, to Orleans and St. Bernard Parishes, LA; Kosciusko, MS, to Attala County, MS; Covington, LA, to St. Tammany Parish, LA; Houma, LA, to Terre Bonne Parish, LA. (15) In Sub-No 27F to (a) broaden "carbonated beverages" to "food and related products", and (b) broaden Kenner, LA, to Jefferson Parish, LA. (16) In Sub No. 30F to broaden "paper and paper articles" to "pulp, paper and related products." (17) In Sub-No.31F to (a) broaden "paper and paper articles" to "pulp, paper and related products" and broaden Ferguson, MS, to Lawrence County, MS. (18) In Sub-No. 33F to (a) broaden "ground clay, crude clay, floor sweeping compounds and absorbants" to "clay, concrete, glass or stone products" and (b) broaden Ripley, MS, to Tippah County, MS. (19) In Sub-No. 34F to (a) broaden "rubber articles, plastic articles, rubber materials and plastic materials" to "rubber and plastic products," and (b) broaden Irving, TX, to Dallas County, TX. (20) in Sub-No. 35F to (a) broaden "paper and paper products" to "pulp, paper and related products" and (b) broaden Monroe and West Monroe, LA, to Ouachita Parish, LA. (21) In Sub-No. 41F to (a) broaden "paper, paper articles, fibreboard, plastic containers and metal containers" to "pulp, paper and related products, rubber and plastic products, and metal products" and (b) broaden Kenner, LA, to Jefferson Parish, La. (22) In Sub-No. 43F to (a) broaden "charcoal, charcoal briquets, charcoal lighter fluid, hickory chips, barbecue items and wooden pallets" to "petroleum, natural gas, and their products, lumber and wood products, chemicals and related products, rubber and plastic products, leather and leather products, and metal products" and (b) broaden Meridian, MS, to Laurdale County, MS, Pachuta, MS, to Clarke County, MS; and Branson, MO, to Taney County, MO. (23) In Sub-No. 44F to broaden "metal, plastic and composition containers and closures" to "pulp, paper and related products, rubber and plastic products, and metal products". (24) In Sub-No. 46F to (a) broaden "glass containers and fibreboard materials" to "clay, concrete, glass or stone products, pulp, paper and related products" and (b) broaden Waco, TX, to McLennan County, TX. (25) In Sub-No. 47F to broaden "carbonated beverages" to "food and related products". (26) In Sub-No. 54F to broaden (1) "air filters, air filter media, and insulating materials" to "pulp, paper and related products, chemicals and related products, rubber and plastic products, metal products, and clay, concrete, glass or stone products" and (2) Kenner to Jefferson Parish, LA. (27) In Sub-No. 55F to broaden "paper and paper articles and wood pulp" to "pulp, paper and related products". (28) In Sub-No. 56F to (a) broaden "ground clay, crude clay, floor sweeping compounds and absorbents to "clay, concrete, glass or stone products" and (B) broaden Middleton, TN, to Hardeman County, TN. (29) in Sub-No. 57F to broaden "plastic containers and fittings and closures" to "rubber and plastic products, and metal products". (30) In Sub-No. 61F to (a) broaden "clay and clay products" to "clay, concrete glass or stone products", and (b) broaden

Meigs, GA, to Thomas County, GA. (31) In Sub-No. 62F to (a) broaden "wire and wire products and fence and fencing materials" to "metal products," and (b) broaden Van Buren, AR, to Crawford County, AR. (32) In Sub-No. 63F to (a) broaden "metal container (sic) and plastic containers" to "rubber and plastic products, and metal products," and (b) broaden Homerville, GA, to Clinch County, GA; Valdosta, GA, to Lowndes County, GA; and Picayune, MS, to Pearl River County, MS. (33) In Sub-No. 64F to broaden "petroleum products, vehicle body sealer, and sound deadener compound . . . and filters" to "natural gas, petroleum and their products, pulp, paper and related products, and clay, concrete, glass or stone products." (34) In Sub-No. 65F to (a) broaden "salt and salt products" to "chemicals and related products" and (b) broaden Weeks Island, LA, to Iberia Parish, LA. (35) In Sub-No. 68F to (a) broaden "glass containers and closures" to "clay, concrete, glass or stone products" (b) and broaden Gulfport, MS, to Harrison County, MS; Mineral Wells, MS to Desoto County, MS; and Corssicana, TX, to Navarro County, MS. (36) In Sub-No. 69F to (a) broaden "insulating materials" to "clay, concrete, glass or stone products" and (b) broaden Monticello, FL, to Jefferson County, FL. (37) In Sub-No. 70F to (a) broaden "glass containers and closures" to "clay, concrete, glass or stone products", and (b) broaden Okmulgee, OK, to Okmulgee County, OK. (38) In Sub-No. 71F to broaden "foodstuffs" to "food and related products". (39) In Sub-No. 75F to broaden DeRidder, LA, to Beauregard Parish, LA and Elizabeth, LA, to Allen Parish, LA. (40) In Sub-No. 76F to (a) broaden "glass containers" to "clay, concrete, glass or stone products" and (b) broaden Cliffwood, NJ, to Monmouth County, NJ; Warner Robins, GA, to Houston County, GA; and Terre Haute, IN, to Vigo County, IN. (41) In Sub-No. 78 to (a) broaden "paper, paper products and wood pulp to "pulp, paper and related products", and (b) broaden Calhoun, TN, to McMinn County, TN. (42) In Sub-No. 79F to (a) broaden "malt beverages" to "food and related products" and (b) broaden Perry, GA, to Houston County, GA; Albany, GA, to Dougherty County, GA; Eden, NC, to Rockingham County, NC; and Greenwood, MS, to LeFlore County, MS. (43) In Sub-No. 80F to Broaden "glass containers and closures" to "clay, concrete, glass or stone products." (44) In Sub-No. 83F to (a) broaden "wood furniture, plastic and plastic articles, rough steel forging, and metal products" to furniture and fixtures, rubber and plastic products, and metal products," and (b) broaden Collierville, TN, to Shelby County, TN, and Clarendon, AR, to Monroe County, AR. (45) In Sub-No. 86F to (a) broaden "reflective traffic control products" to "clay, concrete, glass or stone products, and metal products" and (b) broaden Smyrna, GA, Cobb County, GA. (46) In Sub-No. 87F to broaden "prefabricated fireplaces, metal stovepipes and fireplace fittings" to "metal products." (47) In Sub No. 88F to (a) broaden "plastic and metal containers" to "rubber and plastic products, and metal products," and (b) broaden Arlington, TN, to Shelby County, TN. (48) In Sub No. 89F to broaden "paper and paper products, plastic containers and metal containers" to "pulp, paper and related products, rubber and plastic products, and metal products". (49) In Sub No. 90F to (a) broaden "paper articles and plastic articles" to "pulp, paper and related products, rubber and plastic products," and (b) broaden Bardstown, KY, to Nelson County, KY; Springfield, MO, to Greene County, MO; and Holmdel, NJ, to Monmouth County, NJ. (50) In Sub No. 91F to (a) broaden "paper and paper articles" to "pulp, paper and related products," and (b) broaden Harahan, LA, to Orleans Parish, LA. (51) In Sub No. 92F to broaden "cleaning and bleaching materials" and in Sub No. 93F to broaden "fertilizer and fertilizer ingredients" to "chemicals and related products." (52) In Sub No. 94F to broaden "metal containers, closures and ends" to "metal products." (53) In Sub No. 95F to (a) broaden "paper, paper articles and wood pulp" to "pulp, paper and related products," and (b) broaden Calhoun, TN, to McMinn County, TN. (54) In Sub No. 96F to (a) broaden "paper and paper articles" to "pulp, paper and related products" and (b) broaden Magnolia, MS, to Pike County, MS. (55) In Sub No. 97F to broaden Corinth, MS, to Alcorn County, MS. (56) In Sub No. 98F to (a) broaden "iron and steel articles" to "metal products, and machinery," and (b) broaden Vicksburg, MS, to Warren County, MS. (57) In Sub No. 99F to (a) broaden " aluminum and copper wire and fluorescent lamp ballast" to "metal products, and machinery," and (b) broaden Blytheville, AR, to Mississippi County, AR; Mendenhall, MS, to Simpson County, MS; Gallman, MS, to Copiah County, MS; and Bridgeport, CT, to Fairfield County, CT. (58) In Sub No. 100F to broaden "paper and paper articles" to "pulp, paper and related products." (59) In Sub. 102F to (a) broaden "paper and paper articles, bagging and bale ties" to "pulp, paper and related articles, textile mill products, and metal products," and (b) broaden Crowley, LA, to Acadia Parish, LA. (60) In Sub No. 103F to broaden "glass containers and closures" to "clay, concrete, glass or stone products." (61 In Sub No. 104F to (a) broaden "chemicals, toilet preparations, shampoo, soap" to "chemicals and related products," and (b) remove the restriction against transportation of "food stuffs, meat" therefrom. (62) In Sub No. 105F to (a) broaden "non-electric reflecive traffic control products and glass abrasive products" to "clay, concrete, glass or stone products, and metal products" and (b) broaden Flowood, MS, to Jackson County, MS. (63) In Sub No. 106F to (a) broaden "paper and paper articles" to "pulp, paper and related products." (64) In Sub No. 107F to (a) broaden "motor vehicle exhaust mufflers, muffler assemblies, tailpipe assemblies and flexible tubing" to "metal products, and rubber and plastic products," and (b) broaden Aberdeen, MS, to Monroe County, MS; Arden, NC, to Buncombe County, NC; Jonesboro, AR, to Craighead County, AR; Seward, NE, to Seward County, NE; and Greenville, TX, to Hunt County, TX. (65) In Sub No. 108F to broaden "plastic, metal containers and fittings and closures" to "metal products, rubber and plastic products". (66) In Sub No. 109F to broaden "paper products, plastic articles and building materials" to "pulp, paper and related products, rubber and plastic products, and building materials." (67) In Sub No. 110F to broaden "paper and paper articles" to "pulp, paper and related products." (68) In Sub No. 111F to (a) broaden "plastic articles, and plastic containers and closures" to "rubber and plastic articles, and metal products," and (b) broaden Reserve, LA, to St. John the Baptist Parish, LA. (69) In Sub No. 112F to broaden "paper and paper products" to "pulp, paper and related products". (70) In Sub No. 113F to broaden "paper and paper products, and wood pulp" to "pulp, paper and related products." (71) In Sub No. 114F to (a) broaden "foodstuffs" to "food and related products", and (b) broaden Greenville, MS, to Washington County, MS; Imlay City, MI, to Lapeer County, MI; Bridgeport, MI, to Saginaw County, MI; Memphis, MI, to St. Clair County, MI; and Millsboro, DE, to Sussex County, DE. (72) In Sub No. 115F to (a) broaden "clay, floorsweeping compounds and absorbents" to "clay, concrete, glass or stone or stone products," and (b) broaden Ochlocknee, GA, to Thomas County, GA; Ripley, MS, to Tippah county, MS; and Middleton, TN, to Hardeman County, TN. (73) In

Sub No. 117F to (a) broaden commodity description from "insulating materials," to "textile mill products, clay, concrete, glass and stone products, and pulp, paper and related products," and (b) broaden Fruita, CO, to Mesa County, CO, and Grambling, LA, to Lincoln Parish, LA. (74) In Sub No. 118F to broaden "outdoor recreational equipment and home heating and air conditioning equipment" to lumber and wood products, furniture and fixtures, textile mill products, rubber and plastic products, leather and leather products, clay, concrete, glass or stone products, metal products, and machinery." (75) In Sub No. 119F to broaden "air filters, air filter media and insulating materials," to "metal products, clay, concrete, glass or stone products, pulp, paper and related products and rubber and plastic products." (76) In Sub No. 120F to broaden "bicycles, bicycle parts and accessories" to "metal products".

MC 149100 (Sub-12)X, filed June 8, 1981. Applicant: JAMES V. PALMER, d.b.a. JIM PALMER TRUCKING, Missoula, MT 59801. Representative: William E. Seliski, 2 Commerce POB 8255, Missoula, MT 59807. Applicant seeks to remove restrictions in its Sub-Nos. 1, 5, 9F, 11F, 13F, 15F, and 18 permits in No. MC-134201 to: (1) broaden its commodity descriptions in Sub-No. 5 from roofing, roofing materials and supplies and asbestos board to "building materials"; in Sub-No. 11F from iron and steel articles to "metal products"; in Sub-No. 13F from building materials and asbestos cement pipe, plastic pipe, insulation board to "construction and building materials"; in Sub-No. 15F from roofing and roofing materials and supplies to "building materials"; In Sub-No. 18 from lumber to "lumber and wood products; (2) broaden its territorial descriptions in Sub-Nos. 1, 5, 9F, 13F, 15F, and 18 to between points in the U.S. under continuing contract(s) with named shippers.

MC 151860 (Sub-2)X, filed June 11, 1981. Applicant: HETEM BROS., INC., 601 Commerce Road, Linden, NJ 07036. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. Applicant seeks to remove restrictions in MC-136109 Sub-No. 2 permit to: (1) broaden the commodity description from petroleum products and chemicals, in bulk, in tank vehicles to "petroleum or coal products and chemicals and related products"; (2) broaden the territorial description to between all points in the US under continuing contract(s) with named shippers; and (3) remove the restriction in bulk in tank vehicles.

[FR Doc. 81-18791 Filed 6-24-81; 8:45 am]
BILLING CODE 7035-01-M

[Permanent Authority Decisions Vol. No. OP1-181]

Motor Carrier Permanent Authority Decisions; Decision-Notice

Decided: June 18, 1981.

The following applications, filed on or after February 9, 1981, are governed by Special Rule 251 of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 1. Members Parker, Chandler and Fortier.

Agatha L. Mergenovich,

Secretary.

Note:—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

MC 141281 (Sub-2), filed June 8, 1981. Applicant: MINNESOTA LINES, INC., Rural Route 2, Albert Lea, MN 56007. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501, (402) 475-6761. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 145380 (Sub-3), filed June 8, 1981. Applicant: CALIFORNIA-PACIFIC FREIGHT, INC., P.O. Box 7286, Los Angeles, CA 90022. Representative: Dean McCormick (same address as applicant), (213) 726-4013. (1) Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S., and (2) transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 156460, filed June 8, 1981. Applicant: TIGER INTERMODAL SERVICES, INC., d.b.a. SEATIGER, 1888 Century Park East, Los Angeles, CA 90067. Representative: Thomas B. Liesy (same address as applicant), (213) 552-

6300. As a *broker* of *general commodities* (except household goods), between points in the U.S.

MC 156470, filed June 11, 1981. Applicant: REGISTER VAN AND STORAGE, INC., 1371 Jacquline Drive, Columbus, GA 31906. Representative: W. H. Tomlinson, 1601 13th St., Suite B, Columbus, GA 31901 (404) 322–8404. Transporting *used household goods* for the account of the United States Government incident to the performance of a pack-and-crate service on behalf of the Department of Defense, between points in the U.S.

[FR Doc. 81-18798 Filed 6-24-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foregin commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract" (for status call 202–275–7326).

Volume No. OPY–2–106

Decided: June 10, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Member Parker not participating.)

MC 47002 (Sub-11), filed June 8, 1981. Applicant: EARL E. LOFLAND, INC., d.b.a. ATLANTIC TRANSER & STORAGE, 601 Garasches Lane, Wilmington, DE 19801. Representative: John C. Bradley, Suite 1301, 1600 Wilson Blvd., Arlington, VA 22209, (703) 522–0900. Transporting *household goods*, between points in AL, CT, DE, FL, GA, IL, IN, KY, ME, MD, MA, MO, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, WV, and DC.

MC 47583 (Sub-148), filed June 8, 1981. Applicant: TOLLIE FREIGHTWAYS, INC., 1020 Sunshine Road, Kansas City, KS 66115. Representative: D. S. Hults, P.O. Box 225, Lawrence, KS 66044, (913) 843–0110. Transporting *general commodities* (except classes A and B explosives), between the facilities and stores of Western Auto Supply Company, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 73533 (Sub-17F), filed May 29, 1981. Applicant: KEY WAY TRANSPORT, INC., 820 S. Oldham St., Baltimore, MD 21224. Representative: Steven H. Dorne, 4 Professional Dr., Suite 145, Gaithersburg, MD 20760. Transporting *such commodities* as are dealt in by retail department stores between points in the U.S., under continuing contract(s) with May Department Stores Corporation T/A Hecht's, of Silver Spring, MD.

MC 87113 (Sub-19F), filed May 28, 1981. Applicant: WHEATON VAN LINES, INC., 8010 Castleton Road, Indianapolis, IN 46250. Representative: Alan F. Wohlstetter, 1700 K Street, NW., Washington, DC 20006, (202) 833–8884. Transporting (1) *furniture and fixtures and* (2) *germicide* between the facilities of Sterilaire Medical, Inc., and its affiliates, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 127303 (Sub-89), filed June 4, 1981. Applicant: ZELLMER TRUCK LINES, INC., P.O. Box 343, Granville, IL 61326. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St. NW., Washington, DC 20001, (202) 628–9243. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of containers, between points in Vigo County, IN, Scott County, MN, and Okmulgee County, OK, on the one had, and, on the other, points in AR, IL, IN, IA, KS, KY, MI, MN, MO, NE, ND, OH, OK, SD, TN, and WI.

MC 139822 (Sub-9), filed June 8, 1981. Applicant: FOOD CARRIER, INC., P.O. Box 2287, Savannah, GA 31402 Representative: Edward G. Villalon, 1032 Pennsylvania Building, Pennsylvania Avenue and 13th St. NW., Washington, D.C. 20004, (202) 628–4600. *Food and related products*, between Richmond, VA, and points in Calhoun and Kalamazoo Counties, MI, and Union County, SD, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 140643 (Sub-6), filed June 8, 1981. Applicant: EIGHT BALL LINE TRUCKING, INC., 2717 Goodrick Ave., Richmond, CA 94801. Representative: Robert Fuller, 13215 E. Penn St., Suite 310, Whittier, CA 90602, (213) 945–3002. Transporting *building and construction materials*, between points in the U.S., under continuing contract(s) with CertainTeed Corporation, of Valley Forge, PA.

MC 148143 (Sub-8), filed June 4, 1981. Applicant: MID–AMERICAN FARM LINES, INC., M.P.O. Box 71, Springfield, MO 65801. Representative: John M. Ringenberg (same address as applicant), (417) 862–7460. Transporting *general commodities* (except classes A and B explosives), between Boston, MA, Charlotte, NC, Dalton, GA, Jersey City, NJ, and Los Angeles, CA, on the one

hand, and, on the other, points in Anoka, Hennepin, Ransey, Scott, Dakota, and Washington Counties, MN.

MC 156333, filed June 4, 1981. Applicant: PAPA ENTERPRISES, INC., Suite 301, 4601 Excelsior Blvd. Representative: Stanley C. Olsen, Jr., 5200 Willson Rd., Suite 307, Minneapolis, MN 55424. (612) 927–8855. Transporting *general commodities* (except classes A and B explosives), between points in MN, on the one hand, and, on the other, points in the U.S.

Volume No. OPY–2–107

Decided: June 17, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Taylor.

MC 16903 (Sub-88F), filed June 5, 1981. Applicant: MOON FREIGHT LINES, INC., P.O. Box 1275, Bloomington, IN 47401. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240, (317) 846–6655. Transporting *clay, concrete, glass, or stone products*, between points in the U.S.

MC 29963 (Sub-6), filed June 8, 1981. Applicant: B. & E. TRANSPORTATION, INC., RFD #4, Putnam Pike, Esmond, RI 02917. Representative: Martin M. Temkin, 40 Westminster St., 20th Floor, Providence, RI 02903. Transporting *general commodities* (except classes A and B explosives), between points in CT, MA and RI.

MC 58923 (Sub-68), filed April 28, 1981. Applicant: GEORGIA HIGHWAY EXPRESS, INC., 2090 Jonesboro Road SE., Atlanta, GA 30315. Representative: William W. West (same as applicant), (404) 627–7331. Regular Routes: Transporting *general commodities* (except classes A and B explosives), (1) between Lebanon, TN, and New Bern, NC, over U.S. Hwy 70; (2) between Chattanooga, TN, and Wilmington, NC: from Chattanooga over U.S. Hwy 64 to junction U.S. Hwy 74, then over U.S. Hwy 74 to Wilmington, and return over the same route; (3) between Knoxville, TN, and Greensboro, NC: from Knoxville over U.S. Hwy 11E to junction U.S. Hwy 421, then over U.S. Hwy 421 to Greensboro, and return over the same route; (4) between Asheville NC, and Charleston, SC: from Asheville over U.S. Hwy 25 to junction U.S. Hwy 76, then over U.S. Hwy 76 to junction U.S. Hwy 176, then over U.S. Hwy 176 to junction U.S. Hwy 52, then over U.S. Hwy 52 to Charleston, and return over the same route; (5) between Aiken, SC and Henderson, NC: from Aiken over U.S. Hwy 1 to junction U.S. Hwy 76, then over U.S. Hwy 76 to junction U.S. Hwy 301, then over U.S. Hwy 301 to junction U.S. Hwy 401, then over U.S. Hwy 401 to junction U.S. Hwy 1, then over U.S. Hwy 1 to Henderson and return over the same route; (6) between Bamberg, SC and Charleston, SC, over U.S. Hwy 78; (7) between Mount Airy, NC, and Charleston, SC, over U.S. Hwy 52; (8) between Anderson, SC and Danville, VA, over U.S. Hwy 29; (9) between Elizabeth City, NC and Savannah, GA, over U.S. Hwy 17; (10) between Charlotte, NC and Columbia, SC, over U.S. Hwy 21; (11) serving all intermediate points in connection with routes (1) through (10), (12) serving points in NC as off-route points in connection with routes (1) through (10), (13) serving points in SC as off-route points in connection with routes (4) through (10), (14) serving those points in TN on and east of a line beginning at the GA–TN state line and extending along U.S. Hwy 411 to junction TN Hwy 33, then along TN Hwy 33 to junction U.S. Hwy 441, then along U.S. Hwy 441 to junction U.S. Hwy 25W, then along U.S. Hwy 25W to the KY–TN state line as off-route points in connection with routes (1) through (3); irregular routes: between points in the commercial zones of Asheville, Charlotte, and Greensboro, NC and Charleston, Columbia and Greenville, SC.

MC 108473 (Sub-56), filed June 10, 1981. Applicant: ST. JOHNSBURY TRUCKING CO., INC., 87 Jeffrey Ave., Holliston, MA 01746. Representative: Harry J. Jordan, Suite 502, Solar Bldg., 1000 16th St. NW., Washington, DC 20036, (202) 783–8131. Transporting *general commodities* (except classes A and B explosives), between points in MA, NH, VT, CT, RI, NY, NJ, DE, MD, VA, WV, PA, OH, IN, IL, and DC, on the one hand, and, on the other, points in the U.S.

MC 118612 (Sub-16), filed June 10, 1981. Applicant: COLUMBIA TRUCKING, INC., 700 131st Place, Hammond, IN 46320. Representative: Richard A. Kerwin, 180 North La Salle St., Chicago, IL 60601, (312) 332–5106. Transporting *Hazardous and toxic waste materials*, between points in IA, IL, IN, MI, MN, and WI. Condition: To the extent any certificate issued in this proceeding authorizes the transportation of hazardous materials, it shall be limited to a period expiring 5 years from its date of issuance.

MC 123133 (Sub-11), filed June 8, 1981. Applicant: DENNY TRANSPORT, INC., 3405 Industrial Parkway, Jeffersonville, IN 47130. Representative: John M. Nader, 1600 Citizens Plaza, Louisville, KY 40202, (502) 589–5400. Transporting *such commodities* as are dealt in by manufacturers or distributors of greeting cards and paper products, between points in the U.S., under continuing contract(s) with American Greetings Corporation, of Cleveland, OH.

MC 140643 (Sub-5), filed June 8, 1981. Applicant: EIGHT BALL LINE TRUCKING, INC., 2717 Goodrick Ave., Richmond, CA 94801. Representative: Robert Fuller, 13215 E. Penn St., Suite 310, Whittier, CA 90602, 213–945–3002. Transporting *metal products*, between points in the U.S., under continuing contract(s) with CUROCO, of Albany, CA.

MC 143043, filed June 8, 1981. Applicant: WATSON COMPANY, Rt. 2, Box 440, Colfax, LA 71417. Representative: Billy R. Reid, 1721 Carl St., Fort Worth, TX 76103, (817) 332–4718. Transporting *chemicals and related products*, between points in AR, LA, and MS, on the one hand, and, on the other, points in the U.S.

MC 148632 (Sub-5F), filed June 4, 1981. Applicant: DIXON MOTOR FREIGHT, INC., 2620 Old Egg Harbor Rd., Lindenwold, NJ 08021. Representative: Gary V. Dixon, 2620 Old Egg Harbor Rd., Lindenwold, NJ 08021, (609) 767–5885. Transporting *wire and cable products*, between points in the U.S., under continuing contract(s) with American Cable Corporation, of Neverly, NJ.

MC 149183 (Sub-3), filed June 8,1981. Applicant: MARION D. KELSO, d.b.a. KELSO TRUCKING, 708 Upland Blvd., Las Vegas, NV 89107. Representative: Marion D. Kelso (same address as applicant) (702) 878–1640. Transporting *food and related products*, between points in CA, on the one hand, and, on the other, points in NV.

MC 156052, filed June 8, 1981. Applicant: INSTALLATIONS, INC., 312 Huron Blvd., East, Marysville, MI 48040. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517, 717–344–8030. Transporting *furniture and fixtures*, between points in St. Clair County, MI, and Orange County, CA, on the one hand, and, on the other, points in the U.S.

MC 156403, filed June 8, 1981. Applicant: JAMES J. CAMALICK, d.b.a. J. and J. CARTAGE, 18658 Henry St., Lansing, IL 60438. Representative: Robert C. Collins, Jr., 850 Burnham Ave., Calumet City, IL 60409, (312) 862–5800. Transporting *recyclable materials*, between points in IL, IN, MI, OH, and WI.

MC 156413, filed June 9, 1981. Applicant: ARCTIC EXPRESS LIMITED, 1320 Graham Blvd., Suite 110, Montreal, Quebec, Canada H3P 3C8. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108, (617) 742–3530. Transporting *food and related*

products, between ports of entry on the international boundary line between the U.S. and Canada in ME, NH, VT, NY, and MI, on the one hand, and, on the other, points in ME, NH, VT, MA, RI, CT, NY, NJ, PA, DE, MD, OH, and MI.

MC 156433, filed June 10, 1981. Applicant: PETER J. SCHMITT TRANSPORT COMPANY, INC., 678 Bailey Ave., Buffalo, NY 14206. Representative: Gregory L. Davis (same address as applicant), (716) 821–1430. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with (a) Z&W Foods, Inc., (b) Peter J. Schmitt Co., Inc., both of Buffalo, NY, and (c) National Tea Company, of Rosemont, IL.

Volume No. OPY–4–329

Decided: June 19, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 13028 (Sub-12), filed June 9, 1981. Applicant: STEWART TRUCKING, INC., R.D. #3, McDonald, PA 15057. Representative: William A. Gray, 2310 Grant Bldg., Pittsburgh, PA 15219, (412) 471–1600. Transporting (1) *metal products*, and (2) *commodities in bulk*, between points in OH, WV, MD, NY, and PA.

MC 105006 (Sub-13), filed June 9, 1981. Applicant: L. L. SMITH TRUCKING, P.O. Box 566, Powell, WY 82435. Representative: Lee E. Lucero, 450 Capitol Life Center, Denver, CO 80203, (303) 861–8046. Transporting (1) *ores and minerals*, (2) *chemicals and related products*, (3) *Mercer commodities*, and (4) *commodities in bulk*, between those points in the U.S. in and west of MN, IA, MO, AR, and LA.

MC 118028 (Sub-8), filed June 10, 1981. Applicant: PALMER GREGORY & SONS, INC., Route 4, Springfield, TN 37172. Representative: James Clarence Evans, 1800 Third National Bank Bldg., Nashville, TN 37219, (615) 244–1440. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Conwood Corporation, of Memphis, TN, and its affiliates.

MC 118776 (Sub-73), filed June 8, 1981. Applicant: GULLY TRANSPORTATION, INC., 3820 Wisman Lane, Quincy, IL 62301. Representative: L. F. Blackstun (same address as applicant), (217) 224–2665. Transporting *food and related products*, between Columbus, OH, Detroit, MI, Fort Wayne, IN, Memphis, TN, St. Louis, MO, St. Paul, MN, on the one hand, and, on the other, points in IL, IA, and MO.

MC 123476 (Sub-67), filed June 9, 1981. Applicant: CURTIS TRANSPORT, INC., P.O. Box 388, Arnold, MO 63010. Representative: David G. Dimit (same address as applicant), (314) 464–1300. Transporting *building materials*, between points in KS, IL, KY, and TN, on the one hand, and, on the other, points in MO.

MC 123476 (Sub-68), filed June 8, 1981. Applicant: CURTIS TRANSPORT, INC., P.O. Box 388, Arnold, MO 63010. Representative: David G. Dimit (same address as applicant) (314) 464–1300. Transporting *adhesives, coatings, plastics, and chemicals*, between the facilities of Estech Specialty Chemicals Corporation, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 143276 (Sub-38), filed June 9, 1981. Applicant: WEAVER TRANSPORTATION COMPANY, 5452 Oakdale Rd., Smyrna, GA 30080. Representative: Jack Weaver (same address as applicant) (404) 794–7646. Transporting *general commodities* (except classes A and B explosives), between the facilities of Armstrong World Industries, Inc., at points in PA, MA, NC, NY, SC, MS, IL, FL, GA, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, CO, and NM.

MC 147676 (Sub-7), filed June 8, 1981. Applicant: KEATON TRUCK LINES, INC., 1000 S. Lelia St., P.O. Box 1187, Texarkana, TX 75504. Representative: Patsy R. Washington (same address as applicant) (214) 793–3991. Transporting *carpets*, between points in the U.S., under continuing contracts(s) with the Spears Carpet Mills, Inc., of Hope, AR.

MC 143776 (Sub-25), filed June 8, 1981. Applicant: C.D.B., INCORPORATED, 155 Spaulding Avenue SE., Grand Rapids, MI 49506. Representative: C. Michael Tubbs (same address as applicant) (800) 253–9527. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Fasano Pie Company, of Chicago, IL.

MC 156386, filed June 5, 1981. Applicant: LEISURE TRAVEL LIMITED, 4516 Bestor Dr., Rockville, MD 20853. Representative: Mary Anne Davis (same address as applicant) (301) 460–4964. To engage in operation, in interstate or foreign commerce as a broker at Woodbine, MD, to arrange, for the transportation, by motor vehicles, of *passengers and their baggage*, beginning and ending at points in MD, and extending to points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-18792 Filed 6-25-81; 8:45 am]

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[Permanent Authority Decisions Vol. No. 106]

Motor Carrier Permanent Authority Decisions; Restriction Removals; Decision-Notice

June 19, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Alspaugh, and Shaffer.

Agatha L. Mergenovich,

Secretary.

MC 1931 (Sub-21)X, filed June 2, 1981. Applicant: VON DER AHE VAN LINES, INC., 600 Rudder Avenue, Fenton, MO 63026. Representative: Robert J. Gallagher, 1000 Connecticut Avenue, N.W., Suite 1200, Washington, D.C. 20036. Applicant seeks to remove restrictions in its Sub-No. 20F certificate to broaden the commodity description from household goods to "household goods and furniture and fixtures" on its

radial authority between points in the U.S.

MC 3281 (Sub-17)X, filed June 1, 1981. Applicant: POWELL TRUCK LINE, INC., 800 South Main Street, Searcy, AR 72143. Representative: R. Connor Wiggins, Jr., 100 N. Main Bldg., Suite 909, Memphis, TN 38103. Applicant seeks to remove restrictions in its Sub-Nos. 7, 10, and 11F certificate to (1) broaden territorial authority to authorize service at all intermediate points on its regular routes between Little Rock, AR and Memphis, TN, and (2) authorize county-wide off-route point authority to replace existing shipping facilities at Harrisburg and Colt, AR with Poinsett and St. Francis Counties, AR.

MC 13253 (Sub-6)X, filed June 11, 1981. Applicant: STEUBENVILLE TRANSFER CO., Two Ridge Road, P.O. Box 2248, Wintersville, OH 43952. Representative: Andrew Jay Burkholder, 275 East State St., Columbus, OH 43215. Applicant seeks to remove restrictions in its lead and Sub-No. 1 certificates to broaden its commodity descriptions from general commodities (with exceptions), to "general commodities (except classes A and B explosives)", in both certificates.

MC 16536 (Sub-7)X, filed June 12, 1981. Applicant: STANDARD FORWARDING CO., INC., 2925 Morton Drive, East Moline, IL 61244. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602. Applicant seeks to remove restrictions in its Sub-No. 6F permit to (1) remove the "except commodities in bulk" restriction, and (2) broaden the territorial description to between points in the United States, under continuing contract(s) with a named shipper.

MC 23441 (Sub-24)X, filed May 29, 1981. Applicant: LAY TRUCKING COMPANY, INC., 104 Hawthorne Street, LaPorte, IN 46350. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Applicant seeks to remove restrictions in its lead and Sub-Nos. 1, 2, 5, 14, 15, 21, and 23F certificates to (1) broaden the commodity description to "machinery and materials, equipment and supplies used in the manufacture and distribution of machinery" from (a) road graders, combine harvesters separators, clover hullers, tractors, plows, cultivators, and parts thereof, in the irregular route portion of the lead certificate, (b) hay presses and windrow pickups combined, forage or ensilage harvesters, dump blowers with pipes and attachments, corn pickers and huskers combined, rakes with teeth attached and folded, manure spreaders or loaders, mowers and hay loaders knocked down, in Sub-No. 1, (c) hay crushers or conditioners and parts thereof, when moving in mixed shipments with presently authorized shipments of road graders, combine harvesters, separators, clover hullers, tractors, plows, cultivators, hay presses and windrow pickups, combined, forage or ensilage harvesters, dump blowers with pipes and attachments, corn pickers and huskers, combined, rakes, with teeth attached folded, manure spreaders or loaders, mowers, and hay loaders, knocked down, and parts for hay crushers or conditioners, when moving in the same vehicle therewith or in separate shipments, in Sub-No. 2, (d) agricultural machinery, implements, and parts other than hand (except such machinery implements and parts which, because of size or weight require the use of special equipment as described in appendix XII of the report in the Descriptions case and equipment materials and supplies in Sub-Nos. 5 and 15, (e) wheels, rims, hubs, and spindles, in Sub-No. 14, (f) mowers, tractor cultivators, agricultural implements, trailers, snow removal equipment, tractors, not to exceed 4,000 pounds and attachments and accessories for use with tractors, in Sub-No. 21, and (g) agricultural implement parts, in Sub-No. 23F; (2) eliminate the AK and HI service restrictions, in Sub-No. 21; (3) eliminate the "originating at and/or destined to" restriction, in Sub-Nos. 2, 5, 14, 15 and 21; (4) authorize county-wide authority to replace existing facilities and city wide service; (a) LaPorte, IN with LaPorte County, IN, in the lead (irregular route portion) and Sub-Nos. 1, 2, 5 and 15 (b) Walcott, IA, with Scott County, IA, Romulus and Romeo, MI, with Wayne and Macomb Counties, MI, in Sub-No. 14, (c) Milwaukee, WI, with Milwaukee County, WI, Carlisle, PA, with Cumberland County, PA, and South Bend, IN, with Saint Joseph County IN, in Sub-No. 21 and (d) Walcott, IA, with Scott County, IA and West Allis, WI, with Milwaukee County, WI, in Sub-No. 23F; and, (5) authorize radial authority to replace existing one-way service, in the above numbered authorities.

MC 29805 (Sub-12)X, filed June 2, 1981. Applicant: WHITE HEAVY HAULERS, INC., P.O. Box 6175, Jackson, MS 39208. Representive: Harold D. Miller, Jr., 17th Floor, Deposit Guaranty Plaza, P.O. Box 22567, Jackson, MS 39205. Applicant seeks to remove restrictions in its Sub-No. 7 certificate to (1) broaden the commodity description from machinery, equipment, materials, and supplies used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water or sewerage to the *Mercer* description: "(a) machinery, equipment, materials, and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and (b) machinery, materials, equipment and supplies used in, or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof"; and (2) remove the restriction requiring traffic to move to or from pipeline rights-of-way between LA, TX, AR, OK, and MS.

MC 58923 (Sub-72)X, filed May 29, 1981. Applicant: GEORGIA HIGHWAY EXPRESS, INC., 2090 Jonesboro Road, S.E., Atlanta, GA 30315. Representative: William W. West (same as applicant). Applicant seeks to remove restrictions in its Sub-No. 31 certificate to (1) broaden the commodity descriptions from general commodities, (with exceptions), to general commodities, except classes A and B explosives; (2) remove the restriction in the regular route portion of the certificate which requires the transportation of traffic from, to, or through Atlanta, La Grange, Albany, or Rome, GA; and (3) remove the restriction against interchanging with other motor carriers at Atlanta, GA, traffic originated at or destined to points in that part of GA bounded on the north by U.S. Hwy 23, on the west by U.S. Hwy 41, and on the south by U.S. Hwy 80.

MC 105007 (Sub-80)X, filed June 4, 1981. Applicant: MATSON TRUCK LINES, INC., P.O. Box 328, 1407 St. John Ave., Albert Lea, MN 56007. Representative: Robert S. Lee, 1600 TCF Tower, 121 S. 8th St., Minneapolis, MN 55402. Applicant seeks to remove restrictions in its Sub-No. 76X certificate to replace Waseca County, MN, with Waseca, Le Sueur, Rice, Steele, Blue Earth, and Freeborn Counties, MN, in parts A (1–4). Waseca County, MN, originally replaced the description Waseca, MN, and points within 18 miles thereof as shown in its Sub-No. 21 certificate, and changed to Waseca County in Sub-No. 76X.

MC 115669 (Sub-206)X, filed, May 8, 1981. Applicant: DAHLSTEN TRUCK LINE, INC., P.O. Box 95, Clay Center, NE 68933. Representative: Marshall D. Becker, Suite 610, 7171 Mercy Road, Omaha, NE 68106. Applicant seeks to remove restrictions in its Sub-Nos. 1, 134, 138, 146, 148, 160, 165, 170F, 179F.

188F, 189F certificates and letter notices E50, E51, E52, and E53 to (1) broaden the commodity description (a) from various commodities such as salt and salt compounds, on sheets 4, 7, 12, 19, dry fertilizer compounds on sheet 19, feed grade urea compounds and technical grade urea on sheet 3, dry fertilizer on sheets 8, 16, 19, 27, dry ammonium nitrate fertilizer on sheet 19, manufactured fertilizer and fertilizer compounds on sheets 3, 4, anhydrous ammonia on sheets 5, 14, 15, animal and poultry feed, and flyspray, mange oil on sheets 5, 6, ammonium phosphate fertilizer and compounds thereof on sheet 6, pepper (ground) and mineral mixtures on sheets 9, herbicides, fungicides and insecticides on sheets 7, 8, 22, poultry health products on sheets 7, 8, acids and chemicals (except cryogenic liquids) on sheet 10, fertilizer ingredients on sheet 10, agricultural chemicals on sheets 11, 18, fertilizer materials on sheet 12, animal and poultry mineral feed mixture on sheets 12, 13, 14, dry phosphatic animal and poultry feed ingredients and blends thereof on sheet 12, nitrogen fertilizer on sheet 20, potash on sheet 20, dry chemicals on sheet 22; to "chemicals and related products" from various commodities such as fresh fruits and vegetables, on sheet 1, soybean products on sheet 11, soybeans, soybean meal products and animal and poultry feed ingredients, on sheets 7, 8, cottonseed products on sheet 11, meat, meat products, meat by-products, and articles distributed by meat packinghouses on sheet 12, flour, flour products on sheet 16, corn products to "food and related products", from lubricating oil and grease on sheet 2, lignite on sheet 6, used (spent) silica-alumina catalyst on sheet 14 to: "petroleum and coal products" from various commodities such as cement on sheet 3, bentonite type clays on sheet 5, clay brick and clay tile on sheet 11, bentonite on sheet 16, processed volcanic ash on sheet 17 to "clay, concrete, glass or stone products"; from gypsum building materials on sheet 3 to "building materials"; from soybean oil meal on sheet 3 to "soybean oil or by products", from crushed and ground oyster shells on sheet 6 to "fresh fish or marine products", from bone meal, animal, bird and poultry feed, animal hides and pelts, tails and switches, greases, hoofs, horns, meat scrap, soap stocks, stomach linings, tallow, tankage, and paunch materials on sheet 11, to "commodities dealt in by meat packinghouses"; from dehydrated alfalfa and alfalfa products on sheet 11 to "farm products", from various commodities such as dry animal and poultry feed and feed ingredients, and dry ingredients thereof on sheet 13, and bird feed ingredients on sheet 16, to "animal, poultry and bird feed ingredients"; from liquid animal and poultry feed supplements on sheet 17 to "animal and poultry feed supplements"; from materials and supplies used in the agricultural, water treatment, food processing, wholesale grocery and institutional supply industries on sheet 20 to "such commodities as are used by the agricultural, water treatment, food processing, wholesale grocery and institutional supply industries" in Sub-No. 1 (b) from various commodities such as dry animal and poultry feed ingredients to "animal and poultry feed ingredients" in Sub-Nos. 134, 148, 160, part of 165, (c) from insecticides, dry earth paint and dry animal and poultry feeds to "chemicals and related products" and from livestock and poultry feeders and equipment to "machinery" in Sub-No. 138, (d) from soybean meal, soybean mill run, and soybean hulls, to "soybean oil or byproducts" in Sub-No. 146, (3) from bone chips, dried blood, meat meal, blood meal and bone meal to "such commodities as are dealt in by meat packinghouses", from pesticides to "chemicals and related products", from processed grain products, processed soybean products and soy flour to "food and related products" in Sub-No. 165, (f) from dry bone chips to "animal byproducts" in Sub-No. 170, (g) from canned and preserved foodstuffs to "food and related products" in Sub-No. 188 and (h) from iron and steel articles to "metal products" in Sub-No. 189, (2) remove the in bulk and/or in bags or other container restriction in Sub-Nos. 1, 165, and 170, (3) remove the 20,000 pound restriction in Sub-No. 138, (4) remove the restriction against the transportation of dry chemicals, in bulk between named points in NE and TX in Sub-No. 160, (5) remove the mixed shipment restriction in Sub-Nos. 1 and 165 part 4, (6) remove the "originating at and/or destined to" named points in Sub-Nos. 1 and 89, (7) in Sub-No. 1 (a) remove restriction limiting the transportation of traffic having a prior movement by water or rail in Sub-No. 1 (b) remove the restriction against transportation of various types of fertilizer in liquids on sheets 3 and 4, (c) remove the in tank vehicle restriction, (d) remove the in packages restriction, (e) remove the restriction against named commodities in liquid from, (f) remove the restriction against cryogenic liquids in tank or hopper type vehicles on sheet no. 10, (g) remove the restriction to foreign commerce only on sheet 11, (h) remove the restriction against transportation in hopper and tank vehicles on sheet 11, (i) remove the restriction to traffic having a prior movement by barge or rail on sheet 12, (j) remove restriction against transportation of urea from Memphis, TN and dry feed ingredients, in bulk, to points in IA on sheet 13, (k) remove the restriction against the transportation of shipment in bags only on sheet 14, (l) remove exception of anhydrous ammonia and urea on sheet 14, (m) remove exception to material derived from petroleum on sheet 16, (n) remove exceptions to salt and urea on sheet 16, (o) remove exception to other than edible flour on sheet 18, (p) remove the restrictions against salt, soybean meal, urea, feed grade sugar and cottonseed products on sheet 19, (q) remove the restriction against transportation of wheat milling products originating at a named point on sheet 19, (r) remove the restriction against transportation of meats, frozen foods, molasses, in bulk and petroleum products on sheet No. 20, (s) remove restrictions to only quick or hydrate lime on sheet No. 20 and (t) remove restriction against transportation of dry fertilizer in bulk, in tank vehicles, to named points sheet Nos. 21 and 22, (7) change city to county-wide authority (a) in Sub-No. 1 from Hutchinson, Kanopolis and Lyons, KS to Reno, Ellsworth, and Rice Counties, KS from Ackley, Belmond, Buckingham, Des Moines, Galt, Hampton, Marshalltown, Roland, Sioux City, Walker and Waverly, IA to Hardin, Wright, Tama, Franklin, Marshall, Story, Linn, and Bremer Counties, IA; from Hastings, Mitchell and Scottsbluff, NE to Adams and Scottsbluff Counties, NE; from Grand Junction, Hotchkiss and Palisade, CO to Mesa and Delta Counties CO; from Beloit, KS to Mitchell County, KS; from McPherson, KS and Alma, NE to McPherson County, KS and Harlan County, NE; from Superior, NE and Colby, Hays, Osborne, and Phillipsburgh, KS to Nuckalls County, NE and Thomas, Ellis, Osborne, and Phillips Counties, KS; from Ft. Dodge, IA and points within 10 miles thereof to Webster County, IA; from Redfield, IA to Dallas County, IA; from Pryor, OK to Mayes County, OK; from Muskogee, OK to Muskogee County, OK; from Lawrence, KS to Douglas County, KS; from Burlington, WI to Racine County, WI; from Tulsa, OK to Tulsa County, OK; from Gascoyne, ND, Belle Fourche, SD and Upton, WY to Bowman County, ND, Butte County, SD and Weston County, WY; from Mason City, IA, Grand Island, Falls City, McCook and Norfolk, NE and Carroll and Waterloo,

IA to Cerro Gordo County, IA and Hall, Richardson, Red Willow, Stanton and Madison Counties, NE; and Carroll and Black Hawk Counties, IA; from Fremont, NE and Yankton, SD to Dodge County, NE and Yankton County, SD; from Perry, IA to Dallas County, IA; from Jefferson, IA to Greene County, IA; from Danville IL to Vermillion County, IL; from Moorehead, MN to Clay County, MN, from St. Joseph,

Carthage, and Mexico, MO to Buchanan, Jasper and Audrain Counties, MO; from Des Moines, IA, Grand Island, NE and Salina, KS to Polk and Warren Counties, IA, Hall County, NE and Saline County, KS; from Wellington, KS to Sumner County, KS; from Collinsville, Oklahoma City and Tulsa, OK to Tulsa and Oklahoma Counties, OK; from Nebraska City, NE to Otoe County, NE; from Coffeyville, KS to Montgomery County, KS; from Sioux Falls, SD to Minnehaha County, SD; from Fairbury, IL, Anita, NE, and Indianola, IA to Livingston County, IL, Lancaster, NE and Warren County, IA; from Crete, NE to Saline County, NE; from South Beloit, IL, Brighton and Burlington, CO and Riverton and Wheatland, WY to Winnebago County, IL, Adams and Kit Carson Counties, CO and Fremont and Platte Counties, WY; from Humboldt, IA to Humboldt County, IA; from Muscatine, IA to Muscatine County, IA; from Clinton, IA to Clinton County, IA; from Leoti, KS to Wichita County, KS; from Military, KS to Cherokee County, KS; and from the Port of Castoosa, OK to Rogers County, OK; from Estherville, IA and Fulton, IL to Emmet County, IA and Whiteside County, IL; (b) in Sub-No. 134 from Van Buren, AR to Crawford County, AR, (c) in Sub-No. 138 from Cameron, Clarence, Pilot Grove, and Villa Ridge, MO to Clinton, Shelby, Cooper and Franklin Counties, MO, (d) in Sub-No. 148 from Concordia, MO and Muscatine, IA to Lafayette County, MO and Muscatine County, IA, (e) in Sub-No. 160 from Nebraska City, NE to Otoe County, NE, (f) in Sub-No. 165 part 5 from Crete, NE to Saline County, NE and in parts 6 and 7 from Hutchinson, KS, to Reno County, KS, (g) in E letter notices E50, E51, E52, and E53 from Des Moines, IA to Polk and Warren Counties, IA, (8) remove facilities limitations (a) in Sub-No. 1 and replace Lawrence, KS with Douglas County, KS; replace Junction City, KS and Tulsa, OK with Geary County, KS and Tulsa County, OK; replace Pryor, OK with Mayes County, OK; replace Pawnee Rock, KS with Barton County, KS; replace Hastings, NE with Adams County, NE; replace Garden City, KS with Finney County, KS; replace Mankato, KS with Jewell County, KS; replace Dubuque, IA with Dubuque County, IA; replace Kanopolis, KS with Ellsworth County, KS; replace Marshalltown, IA, Conway, KS, Greenwood, NE and Whiting, Early, Garner and Spencer, IA with Marshall County, IA, McPherson County, KS, Cass County, NE and Monona, Sac, Hancock and Clay Counties, IA; replace Blair, NE with Washington County, NE; replace Beatrice, NE with Gage County, NE; replace Colony, WY with Crook County, WY; replace Hannibal, MO and Marblehead, IL with Marion County, MO and Adams County, IL; and replace St. Joseph, MO and Fairbury, NE, with Buchanan County, MO and Jefferson County, NE, (b) in Sub-Nos. 138 and 179, (c) in Sub-No. 146 and replace Sergeant Bluff, IA with Woodbury County, IA; replace Buffalo and Chanute, KS with Wilson and Neosho Counties, KS, (d) in Sub-No. 165 and replace Amarillo, TX, Emporia, KS and Sergeant Bluff, IA to Potter County, TX, Lyon County, KS and Woodbury County, IA; in parts 1 and 2 replace Chanute and Buffalo, KS with Neosho and Wilson Counties, KS in part 3, (e) in Sub-No. 170 and replace Sergeant Bluff, IA with Woodbury County, IA, and (f) in Sub-No. 188 and replace Iowa City and Muscatine, IA with Johnson and Muscatine Counties, IA, and (9) change one-way to radial authority between various combinations of points through the central portion of the United States in all subs and E letter notices.

MC 119767 (Sub-370)X, filed June 3, 1981. Applicant: BEAVER TRANSPORT CO., 100 Waukegan Road, P.O. Box 1000, Lake Bluff, IL 60044. Representative: Michael V. Kaney (same address as applicant). Applicant seeks to remove restrictions in its Sub-Nos. 245, 261, 267, and 309 certificates to (1) broaden the commodity descriptions from meats, meat products and meat by-products and articles distributed by meat packinghouses as described in Sections A and C of Appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, and skins and hides) in Sub-Nos. 245, 261 and 267 and frozen meat and meat by-products unfit for human consumption (except commodities in bulk) in Sub-No. 309 to "meats, packinghouse products and commodities used by packinghouses" as described in Appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (2) replace its facilities authorities with county-wide authority: in Sub-No. 245, Evansville, Indianapolis, and Washington, IN, and Louisville, KY, with Boone, Clark, Daviess, Floyd, Hamilton, Hancock, Hendricks, Johnson, Marion, Morgan, Shelby, Vanderburgh and Warrick Counties, IN, and Bullitt, Henderson, Jefferson, and Oldham Counties, KY; in Sub-No. 261, Joslin, IL with Rock Island County, IL; in Sub-No. 267, Ft. Madison, IA with Lee County, IA; in Sub-No. 309, Beaver Dam and Milwaukee, WI with Dodge County, WI and Milwaukee, WI; (3) change its one-way authority with radial authority between named cities and counties, and points in several specified mid-eastern and eastern states; (4) remove the restriction against commodities in bulk from Sub-Nos. 261, 267 and 309; (5) to remove the restriction against the transportation of hides and skins from Sub-Nos. 261 and 267 and, (6) remove the restriction to commodities unfit for human consumption from Sub-No. 309 (part 2).

MC 123048 (Sub-495), filed June 3, 1981. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 5021—21st St., Racine, WI 53406. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602. Applicant seeks to remove restrictions in its Sub-Nos. 459F and 487F certificates: in Sub-No. 459F, in connection with its authority to transport general commodities, with exceptions, between Houston, TX and points in the U.S., to (a) broaden the commodity description to general commodities (except Classes A and B explosives); (b) replace the facility limitation at Houston, TX with city-wide authority; (c) remove the service to AK and HI points restriction, and the restriction limiting service to the transportation of traffic having a prior or subsequent movement by water; in Sub-No. 487F, in connection with its authority to transport such commodities as are dealt in or used by manufacturers and distributors of cast iron products (1) between points in the U.S. (except AK, HI and IA) and (2) from points in the U.S. (except AK and HI) to points in Iowa, to: (a) remove the except commodities in bulk restriction (b) remove the AK and HI and IA restrictions in parts (1) and (2), so as to authorize service between points in the U.S.

MC 124170 (Sub-170)X, filed June 9, 1981. Applicant: FROSTWAYS, INC., 3000 Chrysler Service Drive, Detroit, MI 48207. Representative: William J. Boyd, 2021 Midwest Road, Suite 205, Oak Brook, IL 60521. Applicant seeks to remove restrictions in its Sub-No. 102F certificate to (1) broaden the commodity description to "food and related products" from meats, meat products

and meat by-products, and articles distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766; (2) remove the "except commodities in bulk" restriction; (3) expand one-way to radial authority between Wayne, Macomb and Oakland Counties, MI, and, points in CO, AZ, CA, UT, NV, WA, and OR; and (4) eliminate the restriction to transportation of traffic originating at the indicated origins.

MC 124170 (Sub-172)X, filed June 12, 1981. Applicant: FROSTWAYS, INC., 3000 Chrysler Service Drive, Detroit, MI 48207. Representative: William J. Boyd, 2021 Midwest Road, Suite 205, Oak Brook, IL 60521. Applicant seeks to remove restrictions from its Sub-No. 114F certificate as follows: (1) broaden the commodity description from laboratory reagents and culture media to "chemicals and related products"; (2) replace Irving, TX with Dallas and Tarrant Counties, TX; (3) remove AK and HI exception; and (4) substitute radial authority in place of one-way authority between Dallas and Tarrant Counties, TX, on the one hand, and, on the other, points in the United States.

MC 124673 (Sub-62)X, filed May 21, 1981. Applicant: FEED TRANSPORTS, INC., P.O. Box 818, Hugoton, KS 76591. Representative: Austin L. Hatchell, P.O. Box 2165, Austin, TX 78768. Applicant seeks to remove restrictions from its Sub-Nos. 19, 22, 39, 51, 52, 53, 55, 56 and 57 certificates to (1) broaden the commodity description (a) in Sub-No. 55F from animal and poultry feed to "animal and poultry feed, feed ingredients and feed supplements"; (b) in Sub-No. 53F from liquid fertilizer ingredients and fertilizer solutions to "liquid fertilizer, liquid fertilizer ingredients and liquid fertilizer solutions"; (2) remove "in bulk" restrictions in Sub-Nos. 22, and 51; (3) remove restriction against "in bulk" in Sub-Nos. 39 and 52; (4) remove restriction to transportation to AK and HI in Sub-Nos. 39 and 52; (5) remove plantsite limitations in (a) Sub-No. 22 and replace Flagstaff, AZ with Cocomino County, AZ, (b) in Sub-No. 39 and replace Dodge City, KS with Ford County, KS, (c) in Sub-No. 51 and replace Amarillo, TX and Emporia, KS with Potter County, TX and Lyon County, TX and (d) in Sub-No. 52 and replace Liberal, KS with Seward County, KS, (6) remove the "originating at and destined to" named points restrictions in Sub-Nos. 39 and 57, (7) remove restriction against the transportation of hides in Sub-No. 39, (8) change city to county-wide authority in Sub-No. 57 from Hutchinson, KS to Reno County, KS and from Alma, Albion, Alliance, Arapahoe, Ashland, Ashton, Aurora, Bancroft, Battle Creek, Beatrice, Bellwood, Blair, Bloomfield, Broken Bow, Central City, Chadron, Columbus, Crete, Crawford, David City, Daykin, Eddyville, Eldorado, Elkhorn, Emerson, Exeter, Fairbury, Fairmont, Franklin, Fremont, Grand Island, Greenwood, Gresham, Gretna, Genoa, Humphrey, Imperial, Irwin, Lexington, Lincoln, Kearney, McCook, McCool Junction, Milford, Nebraska City, Neligh, Newman Grove, Norfolk, North Bend, North Platte, Ogallala, Omaha, O'Neill, Orchard, Osmond, Palisade, Red Cloud, Schuyler, Scottsbluff, Scribner, Shelby, South Sioux City, Silver Creek, Sidney, Stromsburg, Superior, Valentine, Wauneta, Wausa, Westpoint and York, NE to Antelope, Box Butte, Buffalo, Butler, Cass, Chase, Cherry, Cheyenne, Colfax, Cumings, Custer, Dakota, Davis, Dawson, Dodge, Douglas, Fillmore, Franklin, Furnas, Gage, Hall, Hamilton, Harlan, Hitchcock, Holt, Jefferson, Keith, Knox, Lancaster, Lincoln, Madison, Merrick, Nance, Nuckolls, Otoe, Pierce, Platte, Polk, Red Willow, Saline, Sarpy, Saunders, Scotts Bluff, Seward, Washington, Webster and York Counties, NE, and (9) change one-way to radial authority between (a) 1 KS county, and, 11 States, and between 1 KS county, and, points in the US in Sub-No. 39, (b) 1 TX county and 1 KS county, and, 4 States in Sub-No. 51, (c) 1 KS county, and, points in the US in Sub-No. 52, (d) 2 OK counties, and 1 KS county, and, 5 states in Sub-No. 53, and (e) 1 KS county, and the NE counties in (8) above, and 4 NE cities in Sub-No. 57.

MC 124692 (Sub-370)X, filed June 4, 1981. Applicant: SAMMONS TRUCKING, P.O. Box 4347, Missoula, MT 59801. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Applicant seeks to remove restrictions in its Sub-No. 241 certificate to (1) broaden the commodity description from iron and steel articles to "metal products"; (2) remove facilities at and replace Camden, NJ, with Camden County, NJ, Savannah, GA, with Chatham County, GA, Cannonsburg, PA, with Washington County, PA, and Wilmington, DE, with New Castle County, DE, (3) remove facilities at Chicago, IL, Houston, TX, New Orleans, LA, Los Angeles, CA, and Jersey City, NJ; (4) remove restrictions requiring traffic to move in foreign commerce only and to have a prior or subsequent movement by rail; (5) remove originating at or destined to restrictions; and (6) replace one-way with radial authority.

MC 135283 (Sub-71)X, filed May 27, 1981. Applicant: GRAND ISLAND MOVING & STORAGE CO., INC., 432 South Stuhr Road, Grand Island, NE 68802. Representative: Lloyd A. Mettenbrink, 432 South Stuhr Road, Grand Island, NE 68802. Applicant seeks to remove restrictions in its Sub-Nos. 60F and 64F certificates to (1) broaden the commodity description to "food and related products" from meat, meat products, meat byproducts and articles distributed by meat packinghouses in Sub-No. 60F and from frozen meat and barbecue sauce in Sub-No. 64F, (2) remove the restriction against the transportation of hides and commodities in bulk in Sub-No. 60F, (3) remove the "originating at and/or destined to" named points restriction in both subs, (4) remove the facilities limitation (a) in Sub-No. 60F and replace Norfolk, NE, St. Joseph, MO, Schuyler and Fremont, NE and Spencer, IA with Madison, Colfax and Dodge County, NE, Buchanon County, MO and Clay County, IA and (b) in Sub-No. 64F, and (5) change one-way to radial authority between (a) points in a described portion of NE and the above named counties, and a described portion of the U.S., in Sub-No. 60F and (b) Minneapolis, MN, and a described portion of the U.S. in Sub-No. 64F.

MC 135283 (Sub-72)X, filed June 1, 1981. Applicant: GRAND ISLAND MOVING & STORAGE CO., INC., 432 South Stuhr Road, Grand Island, NE 68802. Representative: Lloyd A. Mettenbrink, 432 South Stuhr Road, Grand Island, NE 68802. Applicant seeks to remove restrictions from its Sub-No. 61 certificate to (1) remove all exceptions from its general commodity authority except classes A and B explosives; (2) delete facilities limitation at Lexington, NE; (3) remove exceptions to AK, HI, and NE; and (4) replace city-wide authority with county-wide authority as follows: Grand Island and Alda with Hall County, NE; and Lexington with Dawson County, NE.

MC 142711 (Sub-3)X, filed June 12, 1981. Applicant: BERRYMAN TRANSFER & STORAGE COMPANY, INC., 1830 Mound Road, Joliet, IL 60436. Representative: Anthony E. Young, Suite 350, 29 South LaSalle Street, Chicago, IL 60603. Applicant seeks to remove restrictions in its Sub-No. 2 permit to (1) broaden the commodity description to "pulp, paper and related products, and supplies and materials and machinery used in the manufacture, sale and distribution of these products" from corrugated paper and corrugated paper products, and supplies and materials

and machinery used in the manufacture, sale and distribution of corrugated paper and corrugated paper products; and (2) expand the territorial authority to between points in the U.S., under continuing contract(s) with a named shipper.

MC 142827 (Sub-12)X, filed June 5, 1981. Applicant: DE MARLIE TRUCKING, INC., P.O. Box 338, Reynolds, IL 61279. Representative: Daniel O. Hands, 205 W. Touhy Ave., Suite 200A, Park Ridge, IL 60068. Applicant seeks to remove restrictions in its Sub-Nos. 3, 4, 7F and 8F certificates to (1) broaden the commodity description in all four certificates to "food and related products" from "meat, meat products and meat products and by-products, and articles distributed by meat packinghouses, as described in sections A and B Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), (2) replace one-way with radial authority in all four Sub-Nos.; (3) remove facilities limitations at Chicago, IL, in Sub-No. 3; (4) replace facilities limitations at Joslin, IL, with Rock Island County, IL, in Sub-No. 4; at Monmouth and Peoria, IL, with Warren and Peoria Counties, IL, in Sub-No. 7F; and at Cedar Rapids, IA, with Linn County, IA, and Monmouth, IL, with Warren County, IL, in Sub-No. 8F; (5) replace Kenosha, WI, with Kenosha County, WI, in Sub-No. 7F; (6) in Sub-Nos. 3, 4, and 8F remove the restriction limiting service to the transportation of traffic originating at the named origins and destined to the named destinations.

MC 143077 (Sub-5)X, filed June 3, 1981. Applicant: GERARD S. REDER, d.b.a. BERKSHIRE ARMORED CAR SERVICE CO., 343 Pecks Road, Pittsfield, MA 01201. Representative: James M. Burns, 1383 Main Street, Suite 413, Springfield, MA 01103. Applicant seeks to remove restrictions in part (1) of its (Sub-No. 3F) permit that requires armored vehicles escorted by armed guards be used in the transportation of such commercial papers, documents, and written instruments (except currency and negotiable securities), as are used in the business of banks and banking institutions.

MC 146414 (Sub-3)X, filed June 3, 1981. Applicant: COOL TRANSPORTS, INCORPORATED, 6300 Alondra Blvd., Paramount, CA 90723. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. Applicant seeks to remove restrictions in its Sub-No. 2F certificate to (1) change its commodity description from petroleum and petroleum products, in bulk, to "commodities in bulk"; (2) remove exceptions of liquid asphalts, road oils, and fuel oils; (3) delete exceptions to Colton and Niland from its California territorial description; and (4) authorize radial authority between points in CA (except points in Los Angeles County) and, points in AZ.

MC 147159 (Sub-2)X, filed May 28, 1981. Applicant: PIPE HAULERS, INC., 2045 South High St., Columbus, OH 43207. Representative: Frank L. Calvary, 3066 N. Star Rd., Columbus, OH 43221. Applicant seeks to remove restrictions in its lead certificate to (1) broaden the commodity description to "(a) clay, concrete, glass or stone products and metal products and (b) materials, equipment, and supplies used in the manufacture, erection, and installation of the commodities in (a)" from concrete products, reinforcing steel, wire mesh, casting channels and materials, equipment and supplies used in manufacture, erection and installation of concrete products, (2) remove the restrictions against commodities in bulk and in tank vehicles, (3) change city to county-wide authority from Dayton, Delaware, Amherst, and Massillon, OH to Greene, Montgomery, Delaware, Lorain and Stark Counties, OH and (4) remove the restriction to traffic originating at or destined to named facilities.

MC 148448 (Sub-4)X, filed May 26, 1981. Applicant: DAVIS & SON MOBILE HOME MOVERS, INC., Route No. 1, Box 160, Glade Hill, VA 24092. Representative: Wilmer B. Hill, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, DC 20001. Applicant seeks to remove restrictions from its Sub-No. 1F and Sub-No. 3F certificates to (1) broaden the commodity description to "transportation equipment" from (a) trailers designed to be drawn by passenger automobiles, in initial movements, in truckaway service, and (b) buildings, in sections mounted on wheeled under carriages in both Subs, (2) change city to county-wide authority Franklin County, VA, for Rocky Mount, VA in Sub-No. 1 and Rockingham County, NC, for Reidsville, NC in Sub-No. 3F; and change one-way to radial authority between (a) Franklin County, VA, and, points in 11 States, and DC in Sub-No. 1 and, (b) Rockingham County, NC, and, 11 States and DC in Sub-No. 3F.

MC 148564 (Sub-7)X, filed June 2, 1981. Applicant: G. KAY, INC., P.O. Box 222, Geneva, NE 68361. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Applicant seeks to remove restrictions in its lead and Sub-Nos. 4F and 6F certificates and MC-52556 permit to (1) broaden the commodity descriptions as follows: to "chemicals and related products" from fertilizer compounds in the lead permit; to "pulp, paper and related products" from wastepaper in part (1) and to "food and related products" from malt beverages (except commodities in bulk), in part (2) of Sub-No. 4F; to "chemicals and related products" from fertilizer and fertilizer materials in Sub-No. 6F; to "food and related products" from flour and feed in the lead permit; and to "chemicals and related products" from salt in the lead permit; (2) replace city authority and facility limitation with county-wide authority: Fairbury with Jefferson County, NE in the lead certificate and Hutchinson with Reno County, KS in Sub-No. 4F; (3) replace one-way with radial authority in all the authorities except that in Sub-No. 6F; and (4) broaden the territorial description to authorize service between points in the U.S. under continuing contract with unnamed shipper in the lead permit.

MC 150698 (Sub-54)X, filed May 28, 1981. Applicant: LOUIS J. KENNEDY TRUCKING COMPANY, 342 Schuyler Avenue, Kearny, NJ 07032. Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048. Applicant seeks removal of restrictions in its No. MC-125575 (Sub-Nos. 5 and 6) permits, and in its No. MC-115353 and Sub-Nos. 5, 10, 11, 14, 15, 18, 22, 23, 24, 25, 28, 29, 30F, 33F, 34F, 35F, 36F, 40F, 41F, 43F, 45F, 46F, 47, 48F, and 49F permits. It seeks to (A) expand commodity descriptions: In MC-115353, to "ores and minerals, clay, concrete, glass or stone products, and chemicals and related products" from gypsum and gypsum products: to "pulp, paper and related products" from gypsum board paper, and pulpboard: to "ores and minerals, clay, concrete, glass or stone products, chemicals and related products, and waste and scrap materials not identified by industry producing" from lime and lime products: to "lumber and wood products, pulp, paper and related products, metal products, and rubber and plastic products" from pallets: to "metal products, machinery, and commodities which because of size or weight require special equipment" from iron and steel building materials, machine parts, and hoisting equipment: to "metal products, machinery, building materials, lumber and wood products, rubber and plastic products, clay, concrete, glass or stone products, petroleum, natural gas and their products, and containers" from iron and

steel casting, forged metal articles, bar steel, electrical equipment and supplies, lockwashers, windows, window sash, window glass in frames, oil in drums, and empty oil drum containers: to "metal products" from iron and steel sheets, strip, bars, pipe and tubing rods, plates, strapping, banding, wire mesh, and structurals and aluminum sheets, bars, angles, rods, tubing and plates; Sub-Nos. 10 and 35, to "building materials, lumber and wood products, rubber and plastic products, pulp, paper and related products, clay, concrete, glass or stone products, textile mill products, and chemicals and related products" from building, wall, and insulating board, plastic products, and materials, supplies and equipment used in connection with their installation, and refractory products; Sub-Nos. 11 and 14, to "ores and minerals, clay, concrete, glass or stone products, and chemicals and related products" from gypsum and gypsum products, paint products, and lime; Sub-No. 15, to "clay, concrete, glass or stone products, and chemicals and related products" from gypsum products; Sub-No. 18, to "metal products" from fabricated metal products, and iron and steel coils and sheets; Sub-Nos. 22 and 30, to "clay, concrete, glass or stone products" from refractory products; Sub-No. 23, to "building meterials, lumber and wood products, rubber and plastic products, clay, concrete, glass or stone products, pulp, paper and related products, and textile mill products" from wallboard, building board, insulation board, fibreboard, and pulpboard; Sub-Nos. 24 and 40, to "metal products" from finished cast iron products; Sub-No. 25, to "metal products, building materials, clay, concrete, glass or stone products, machinery, and commodities which because of size or weight require special equipment" from steel pipe, piling, rails, railway track accessories, bridge and highway railing, pile drivers, pile extractors, and parts; Sub-Nos. 28, 48, and 49, remove all restrictions in the general commodities authority "except classes A and B explosives"; Sub-Nos. 29 and 34, to "building materials, metal products, and petroleum, natural gas and their products" from roofing: to "lumber and wood products, rubber and plastic products, clay, concrete, glass or stone products, building materials, pulp, paper and related products, and chemicals and related products" from composition board, insulating material, roofing and roofing materials, urethane and urethane products and accessories: to "clay, concrete, glass or stone products, and chemicals and related products" from gypsum products: and to "lumber and wood products, and building materials" from composition board; Sub-No. 33, to "clay, concrete, glass or stone products" from prestressed concrete; Sub-No. 41, to "metal products" from wire mesh; Sub-No. 43, to "such commodities as are dealt in or used by manufacturers and distributors of plastic products" from expanded plastic products; Sub-No. 45, to "such commodities as are dealt in or used by manufacturers and distributors of pipe" from reinforced concrete pressure pipe; Sub-No. 46, to "metal products" from steel and iron articles; and in MC–125575 (Sub-Nos. 5 and 6) to "metal products" from wire and wire mesh; (B) remove exceptions excluding "commodities in bulk" and "those requiring special equipment," wherever they appear; and also remove restrictions against the transportation of "commodities in bulk, in tank vehicles" in Sub-Nos. 29 and 47, against the transportation of named commodities in dump vehicles, from and to certain points, in Sub-No. 11, and against the transportation of mercer commodities in Sub-No. 24; and (C) expand the territorial authority in all permits to authorize service between points in the U.S., under continuing contract(s) with the named shippers.

MC 151422 (Sub-4)X, filed June 2, 1981. Applicant: MINN-DAK TRANSPORT, INC., P.O. Box 98, Audubon, MN 56511. Representative: Thomas J. Van Osdel, 502 First National Bank Bldg., Fargo, ND 58126. Applicant seeks to remove restrictions in its Sub-No. 1 certificate to (1) broaden the commodity description from meats, meat products, and meat by-products to "food and related products"; (2) change city to county-wide authority: from Fargo, ND to Cass County, ND and Clay County, MN; and (3) remove the restriction against service to AK and HI.

MC 151569 (Sub-1)X, filed May 26, 1981. Applicant: WILLIAM CRANDELL TRUCKING, INC., 5225 N. Minnesota Avenue, Portland, OR 97217. Representative: Russell M. Allen, 1200 Jackson Tower, Portland, OR 97205. Applicant seeks to remove restrictions in its lead Certificate to (1) broaden the commodity description to "food and related products" from beer and wine and to "lumber and wood products" from shakes; (2) change city to county-wide authority from Ridgefield, WA to Clark County, WA; (3) remove facility limitation at Vancouver, WA and replace with Clark County, WA, and (4) change one-way to radial authority between Clark County, WA and points in CA; and, 4 CA counties, and, Clark County, WA.

MC 153942 (Sub-1)X, filed June 2, 1981. Applicant: RICHARD A. QUICK AND JAMES C.QUICK, d.b.a. QUICK TRANSPORTATION, P.O. Box 222, Geneva, NE 68361. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Applicant seeks to remove restrictions in its No. MC–126489 Sub-Nos. 12 and 23 certificates, which were acquired in No. MC–FC–79003, to (1) broaden the commodity descriptions to "food and related products" from dry cottonseed products and processed grain products; (2) remove the restriction against feed and feed ingredients and edible flour in Sub-No. 23; (3) remove the plantsite restriction in Sub-No. 23; (4) authorize service to McPherson County, KS in place of McPherson, KS in Sub-No. 23; (5) authorize radial service between specified points located mainly in the Central portion of the U.S.

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INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–69 thru 78 (Preliminary)]

Sodium Gluconate From Belgium, Denmark, the Federal Republic of Germany, France, Greece, Ireland, Italy, Luxembourg, The Netherlands, and the United Kingdom; Institution of Preliminary Countervailing Duty Investigations and Scheduling of Conference

AGENCY: United States International Trade Commission.

ACTION: Institution of preliminary countervailing duty investigations to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry is materially retarded, by reason of allegedly subsidized imports from Belgium (Inv. No. 701–TA–69); Denmark (Inv. No. 701–TA–70); the Federal Republic of Germany (Inv. No. 701–TA–71); France (Inv. No. 701–TA–72); Greece (Inv. No. 701–TA–73); Ireland (Inv. No. 701–TA–74); Italy (Inv. No. 701–TA–75); Luxembourg (Inv. No. 701–TA–76); The Netherlands (Inv. No. 701–TA–77); and the United Kingdom (Inv. No. 701–TA–78) of sodium gluconate, provided for in item 437.52 of the Tariff Schedules of the United States.

EFFECTIVE DATE: June 16, 1981.

FOR FURTHER INFORMATION CONTACT: John MacHatton, Supervisory Investigator (202–523–0439).

SUPPLEMENTARY INFORMATION:

Background

These investigations are being instituted following receipt of a petition on June 16, 1981, filed by Pfizer, Inc., New York, New York. The petition alleges that the European Economic Community provides subsidies for the production and exportation of sodium gluconate, and that, by reason of imports of this allegedly subsidized product, an industry in the United States is being materially injured or threatened with material injury.

Authority

Section 703(a) of the Tariff Act of 1930 (19 U.S.C. 1671b) requires the Commission to make a determination of whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of the merchandise which is the subject of the investigation by the administering authority. Such a determination must be made within 45 days after the date on which a petition is filed under section 702(b) or on which notice is received from the Department of Commerce of an investigation commenced under section 702(a). Accordingly, the Commission, on June 19, 1981, instituted preliminary countervailing duty investigations Nos. 701–TA–69 thru 78. These investigations will be subject to the provisions of part 207 of the Commission's Rules of Practice and Procedure (19 CFR 207, 44 FR 76457) and particularly, subpart B thereof.

Written submissions

Any person may submit a written statement of information pertinent to the subject matter of these investigations to the Commission on or before July 20, 1981. A signed original and nineteen copies of such statements must be submitted.

Any business information which a submitter desires the Commission to treat as confidential shall be submitted separately and each sheet must be clearly marked at the top "Confidential Business Data". Confidential submissions must conform with the requirements of section 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6). All written submissions, except for confidential business data, will be available for public inspection.

Conference

The Director of Operations of the Commission has scheduled a conference in connection with these investigations for 10:00 a.m., e.d.t., on July 14, 1981, at the U.S. International Trade Commission Building, 701 E Street, NW., Washington, D.C. Parties wishing to participate in the conference should contact the Supervisory Investigator for these investigations, Mr. John MacHatton (202–523–0439). It is anticipated that parties in support of the petition for countervailing duties and parties opposed to such petition will each be collectively allocated one hour within which to make an oral presentation at the conference. Further detail concerning the conduct of the conference will be provided by the Supervisory Investigator.

Inspection of petition

The petition in this case is available for public inspection at the Office of the Secretary, U.S. International Trade Commission.

By order of the Commission.

Kenneth R. Mason,

Secretary.

June 22, 1981.

[FR Doc. 81–18738 Filed 6–24–81; 8:45 am]

BILLING CODE 7020–02–M

DEPARTMENT OF JUSTICE

National Institute of Justice

Notice of Solicitation

The National Institute of Justice announces a competitive research solicitation to evaluate a field test of the *Early Representation By Defense Counseil Program*. The purpose of this evaluation award is to assess the operational impact and effectiveness of this program. The evaluation objectives are:

1. *To Assess the Impact of Early Representation Management Policies on the Timing and Range of Services Provided.*
2. *To Assess the Impact of Early Representation on the Attorney-Client Relationship.*
3. To Assess the Impact of Early Representation on the Criminal Justice System.

The solicitation asks for the submission of draft proposals. A formal application will be requested following peer review process in accordance with the criteria set forth in the solicitation. In order to be considered all papers must be *postmarked* no later than July 31, 1981. This cooperative agreement is planned for award in September, 1981. It is expected that the evaluation will take place over a twenty-four month period and should not exceed $450,000. To maximize competition for the award, both profit making and non-profit organizations are eligible to apply; however, a fee will not be paid.

Further information and copies of the solicitation can be obtained by contacting Frank Vaccarella or Diann Stone at the Office of Program Evaluation, NIJ, 633 Indiana Avenue, N.W., Washington, D.C. 20531, or phone (301) 492–9085.

Dated: June 12, 1981.

Harry M. Bratt,

National Institute of Justice.

[FR Doc. 81–18719 Filed 6–24–81; 8:45 am]

BILLING CODE 4410–18–M

NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE

Meeting Addendum Change

A change has been made to the agenda for the June 29–30 meeting of the National Advisory Committee on Oceans and Atmosphere (NACOA), published in the **Federal Register** of June 16, 1981 (Page 46 FR 31544). The change is as follows:

Monday June 29, 1981

11 a.m.–12 noon—Guest Speaker: Thomas R. Kitsos, Senior Professional Staff Member, Committee on Merchant Marine and Fisheries, U.S. House of Representatives.

Additional information concerning this portion of the meeting may be obtained through the Committee's Executive Director, Steven N. Anastasion, whose mailing address is: National Advisory Committee on Oceans and Atmosphere, 3300 Whitehaven Street, NW. (Room 438, Page Building #1), Washington, DC 20235. The telephone number is (202) 653–7818.

Dated: June 22, 1981.

Steven N. Anastasion,

Executive Director

[FR Doc. 81–18621 Filed 6–24–81; 8:45 am]

BILLING CODE 3510–12–M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

State Humanities Council; Grants

AGENCY: National Endowment for the Humanities.

ACTION: Notice of grants to State humanities councils.

SUMMARY: This notice specifies the closing date for submission of plans by

state governments wishing to designate a state humanities council eligible for Fiscal Year 1982 funds.

DATE: In order to exercise option (1) (below) for Fiscal Year 1982 (beginning on October 1, 1981), governors are required to submit to the National Endowment for the Humanities, Division of State Programs, Mail Stop 404, Washington, DC 20506, no later than September 1, 1981, a plan for establishment of the state agency, consistent with the statutory requirements. Additional guidance is available from the Endowment regarding the requirements, and also concerning the separate application for funds which must also be submitted. The application may be submitted with the plan or at a later time.

SUPPLEMENTARY INFORMATION: This program is authorized under the National Foundation on the Arts and the Humanities Act of 1965, as amended by Pub. L. 96-496 (20 U.S.C. 956(f)). The authorization provides two ways for a state government to strengthen its relationship with the existing private citizens' humanities council in the state:

(1) A state government may designate the existing private citizens' humanities council as a state agency, if the state provides from newly-appropriated state funds either 50% of the minimum state grant (normally 50% of $200,000) or 25% of the council's total grant from the National Endowment for the Humanities, whichever is greater. The governor could then appoint new members to the state council as the terms of present members expire. The state agency would be required, by statute, to use Federal funds for public humanities programs only.

(2) If a governor does not exercise option (1), the private citizens' council will continue to be eligible for National Endowment for the Humanities funds. The governor may appoint up to four members of the council if the appointments do not exceed 20% of the total council membership.

FOR FURTHER INFORMATION CONTACT:
Donald Gibson, Acting Director, Division of State Programs, National Endowment for the Humanities, MS 404, Washington, DC 20506. Telephone (202) 724-0286.

Dated: June 18, 1981.

Joseph D. Duffey,

Chairman.

[FR Doc. 81-18712 Filed 6-24-81; 8:45 am]
BILLING CODE 7536-01-M

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 81-26]

Reports, Recommendations, Responses; Availability

Aircraft Accident Report—*Kellogg Company, Avions Marcel Dassault Breguet Falcon 10, N253K, Meigs Field, Chicago, Illinois, January 30, 1980 (NTSB-AAR-81-6).*—During its investigation of this accident, the Board last March 26 issued safety recommendations A-81-32 and -33 to the Federal Aviation Administration; see 46 FR 21284, Apr. 9, 1981.

Aircraft Accidents Reports—*Brief Format U.S. Civil Aviation, Issue No. 4, 1980 Accidents (NTSB-BA-81-5).*

Pipeline Accident Report—*The Pipelines of Puerto Rico, Inc., Petroleum Products Pipeline Rupture and Fire, Bayamon, Puerto Rico, January 30, 1980 (NTSB-PAR-80-6).*—Early in the investigation, the Board on April 28, 1980, issued to the Governor of the Commonwealth of Puerto Rico recommendations P-80-23 through -25 (45 FR 30574, May 8, 1980). The Board subsequently closed out P-80-23. After investigation was completed, the Board on February 26, 1981, issued the following recommendations to—

The Pipelines of Puerto Rico, Inc.: Coordinate with the Public Service Commission, local fire departments, and other utilities to develop procedures to employ during pipeline emergencies. (P-80-75)

Immediately update the list of parties to be contacted in an emergency, and institute a procedure to insure that the list is updated at least annually. (P-80-76)

Install additional permanent pipeline markers sufficient to comply with 49 CFR 195.410. (P-80-77)

Install new pipeline identification labels on permanent markers in accordance with 49 CFR 195.410(a)(2). (P-80-78)

In cooperation with other operators of underground facilities, help establish an island-wide "one-call" excavation notification system. (P-80-79)

Instruct its pipeline inspectors of the importance of remaining at the construction site and closely monitoring the contractor's work as it approaches the pipeline (P-80-80)

Public Service Commission of the Commonwealth of Puerto Rico: Train its pipeline safety personnel to effectively assess compliance by petroleum products pipeline operators with applicable Federal pipeline safety requirements. (P-80-81)

Encourage training of local fire, police, and other public agencies regarding petroleum products pipeline emergencies, and coordinate with them during emergencies (P-80-82)

Establish requirements for a petroleum products pipeline damage prevention program which includes the use of a "one-call"excavation notification system. (P-80-83)

Initiate a petroleum products pipeline safety program which would include sending personnel to appropriate pipeline safety institutes. (P-80-84)

Assign at least one full-time qualified professional to the duties of pipeline safety so that the tasks of inspections and investigations can be carried out in compliance with Federal regulations. (P-80-85)

Governor of the Commonwealth of Puerto Rico: Direct the Public Service Commission of Puerto Rico to send professional personnel to conferences, seminars, training courses, and other activities regarding petroleum products pipeline safety. (P-80-86)

Direct the appropriate utilities and agencies of Puerto Rico to establish an island-wide "one-call" excavation notification system. (P-80-87)

Puerto Rico Telephone Company: In cooperation with other operators of underground facilities, help establish an island-wide "one-call" excavation notification system in Puerto Rico. (P-80-88)

Research and Special Programs Administration of the U.S. Department of Transportation: Amend 49 CFR Part 195 to include a section similar to proposed 49 CFR 192.614, Damage Prevention Program, to require that all liquid pipeline operators develop, implement, and monitor the effectiveness of an excavation damage prevention program. (P-80-89)

Amend 49 CFR Part 195 to include a section similar to 49 CFR 192.615, Emergency Plans, that will require operators to establish written procedures to minimize the hazards resulting from a liquid pipeline emergency. (P-80-90)

Recommendation P-80-76, above, is designated "Class I, Urgent Action;" all others are "Class II, Priority Action."

Responses from the Federal Aviation Administration—

A-74-105 through -114 (June 10).—Re emergency evacuation slides: FAA reports publication of a proposed rule at 46 FR 5484, Jan. 19, 1981, Operations Review Program, Notice 11 (A-74-105) and a final rule at 44 FR 61323, Oct. 25, 1979, Operations Review Program, Amendment 10, amending 14 CFR 25.809 (A-74-107); amendment to 14 CFR 121.310 (also A-74-107) was removed from further consideration by Operations Review Program Notice 10 (43 FR 37956, Aug. 24, 1978) since retrofit is not cost effective; proposed amendment to 14 CFR 121.310 (A-74-108) was withdrawn at 46 FR 5500, Jan. 19, 1981. Re emergency lighting (A-74-109): FAA at 44 FR 61323 withdrew proposed changes to §§ 25.812 and 121.310(h)(1)(iii). Re use of megaphones (A-74-110): FAA at 46 FR 5500 withdrew proposed amendment to § 121.309(f). Amendment of 14 CFR 121.318, public address systems (A-74-111), is addressed in Operations Review Program Notice 11. Re passenger briefings on operation of emergency exists (A-74-112): FAA at 46 FR 5500 withdrew proposal to

amend § 121.571. The Board has closed out A–74–106, –113, and –114.

A–80–44 (June 16).—FAA has begun study of general aviation and commuter accidents and incidents and will evaluate bird strike history and review windshield designs to determine effect of windshield heat on windshield structural strength. (Ref. 45 FR 60053, Sept. 11, 1980.)

A–81–24 and –25; A–79–95 and A–79–80 (reiterated) (June 10).—FAA continues to urge small twin-engine airplane manufacturers to comply with GAMA Specification No. 1; FAA is reviewing 14 CFR Part 23, Airworthiness Standards: Normal, Utility, and Acrobatic Category Airplanes; prior consideration is being given to requirement for specific takeoff performance data; added emphasis in FAA orders and handbooks is being placed on training for potential power failure on takeoff; FAA plans to revise Advisory Circular AC 135.3B (A–81–24 and –25). FAA continues its efforts under its safety charter, Federal Aviation Act of 1958 as amended, and has disseminated Accident Prevention Program publications FAA–P8740–19 and 25 regarding light twin-engine aircraft operation (A–79–95). FAA has insured that safe operating knowledge and practices are acquired through a combination of increased experience reflected in 14 CFR 135.244 and approved pilot training programs; Change 6 to Chapter 3, Section 8, FAA Order 8320.12, gives instructions for weight and balance control for Part 135 operators of aircraft certificated for nine or less passengers (A–79–80). (Ref. 46 FR 18823, Mar. 26, 1981; 45 FR 85532, Dec. 29, 1980.)

Responses from the U.S. Coast Guard—

M–79–39 (Part 5) through –44 (June 9).—Providing guidance in the operating manual as to expected results of exceeding the design limits for jacking operations or any vessel operation, will not improve overall vessel safety (M–79–39(5)). USCG does not concur in requiring operating limits for self-elevating mobile offshore drilling to be specified in terms of motion amplitudes and periods, or in requiring on-board motion sensing and recording instruments to determine actual unit motions. (M–79–41). A 7-step R&D program for structural and motion monitoring is set for completion in 1986 (M–79–42). USCG reports that IMCO's "Training Qualifications of Crews Serving on Mobile Offshore Units" (STW XIV/WP.4), Jan. 21, 1981, covering various duties/training qualifications of person-in-charge and others, will be reviewed formally by the Subcommittee on Standards of Training and Watchkeeping in February 1982 (M–79–43 and –44). (Ref. 45 FR 52519, Aug. 7, 1980).

M–80–36 (June 11).—On Jan. 12, 1981, representatives of Sabine Pilots, Maritime Industry, and USCG amended and ratified the "Voluntary Traffic Control Agreement of the Maritime Industry of the Sabine Waterways." USCG has a position statement from the Corps of Engineers regarding Chapter 1, Tidal Hydraulics Committee Report No. 3, 1965. (45 FR 62234, Sept. 18, 1980.)

Note: Single copies of Board reports are available without charge as long as limited supplies last. Copies of recommendation letters, responses and related correspondence are also free of charge. All requests must be in writing, identified by recommendation or report number. Address requests to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C 20594.

Multiple copies of Board reports may be purchased from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va., 22161.

(49 U.S.C. 1903(a)(2), 1906)

Margaret L. Fisher,

Federal Register Liaison Officer.

June 19, 1981.

[FR Doc. 81–18750 Filed 6–24–81; 8:45 am]

BILLING CODE 4910–58–M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–413, 50–414]

Duke Power Co., et al.; Notice of Receipt of Application for Facility Operating Licenses; Availability of Applicants' Environmental Report; Consideration of Issuance of Facility Operating Licenses; and Notice of Opportunity for Hearing

Notice is hereby given that the Nuclear Regulatory Commission (the Commission) has received an application for facility operating licenses from Duke Power Company, for itself and as agent for North Carolina Municipal Power Agency Number 1, North Carolina Electric Membership Corporation, and Saluda River Electric Cooperative, Inc. (the applicants), to possess, use, and operate the Catawba Nuclear Station, Units 1 and 2, two pressurized water nuclear reactors (the facilities), located on the shore of Lake Wylie in York County, South Carolina. The reactors are designed to operate at a steady-state power level of 3411 megawatts thermal, with an equivalent net electrical output of approximately 1145 megawatts.

The applicants have also filed, pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in 10 CFR Part 51, an environmental report which discusses environmental considerations related to the proposed operation of the facilities. This report is being made available at the State Clearinghouse, Office of the State Auditor, P.O. Box 11333, Columbia, South Carolina 29211, and at the Catawba Regional Planning Council, P.O. Box 862, Rock Hill, South Carolina 29730.

After the environmental report has been analyzed by the Commission's staff, a draft environmental statement will be prepared. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the **Federal Register**, a notice of availability of the draft statement, requesting comments from interested persons on the draft statement. The notice will also contain a statement to the effect that any comments of Federal agencies and State and local officials will be made available when received. The draft environmental statement will focus only on any matters which differ from those previously discussed in the final environmental statement prepared in connection with the issuance of the construction permits. Upon consideration of comments submitted with respect to the draft environmental statement, the Commission's staff will prepare a final environmental statement, the availability of which will be published in the **Federal Register.**

The Commission will consider the issuance of facility operating licenses for Catawba Unit 1 to Duke Power Company, North Carolina Electric Membership Corporation and Saluda River Electric Cooperative, Inc., and for Catawba Unit 2 to Duke Power Company and North Carolina Municipal Power Agency Number 1. These licenses would authorize the applicants to possess, use and operate the Catawba Nuclear Station in accordance with the provisions of the licenses and the technical specifications appended thereto, upon: (1) the completion of a favorable safety evaluation of the application by the Commission's staff; (2) the completion of the environmental review required by the Commission's regulations in 10 CFR Part 51; (3) the receipt of a report on the applicants' application for facility operating licenses by the Advisory Committee on Reactor Safeguards; and (4) a finding by the Commission that the application for the facility licenses, as amended, complies with the requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations in 10 CFR Chapter 1. Construction of the facilities was authorized by Construction Permit Nos. CPPR–116 and CPPR–117, issued by the Commission on August 7, 1975. Construction of Unit 1 is anticipated to be completed by March 1, 1984, and Unit 2 by September 1, 1985.

Prior to issuance of any operation licenses, the Commission will inspect the facilities to determine whether they have been constructed in accordance with the application, as amended, and the provisions of the construction permits. In addition, the licenses will not be issued until the Commission has made the findings reflecting its review

of the application under the Act, which will be set forth in the proposed licenses, and has concluded that the issuance of the licenses will not be inimical to the common defense and security or to the health and safety of the public. Upon issuance of the licenses, the applicants will be required to execute an indemnity agreement as required by Section 170 of the Act and 10 CFR Part 140 of the Commissions's regulations.

By July 27, 1981, the applicants may file a request for a hearing with respect to issuance of the facility operating licenses and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary of the Commission, or designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitoner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intevene or who has been admitted as a party may amend his petition, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, the petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity.

A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, or may be delivered to the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., by July 27, 1981. A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C., 20555, and to J. Michael McGarry, III, Esq., Debevoise and Liberman, 1200 Seventeenth Street, N.W., Washington, D.C. 20036, attorney for the applicants. Any questions or requests for additional informaton regarding the content of this notice should be addressed to the Chief Hearing Counsel, Office of the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Nontimely filings of petions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer, or the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petieioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR 2.714 (a)(1)(i)–(v) and §2.714(d).

For further details pertinent to the matters under consideration, see the application for the facility operating licenses and the applicants' environmental report dated June 8, 1981, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the York County Library, 325 South Oakland Avenue, Rock Hill, S.C. 29730. As they become available, the following documents may be inspected at the above locations: (1) the safety evaluation report prepared by the Commission's staff; (2) the draft environmental statement; (3) the final environmental statement; (4) the report of the Advisory Committee on Reactor Safeguards on the application for facility operating licenses; (5) the proposed facility operating licenses; and (6) the technical specifications, which will be attached to the proposed facility operating licenses.

Copies of the proposed operating licenses and the ACRS report, when available, may be obtained by request to the Director, Division of Licensing, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Copies of the Commission's staff safety evaluation report and final environmental statement, when available, may be purchased at current rates, from the National Technical Information Service, Department of Commerce, 5285 Port Royal Road, Springfield, Va. 22161.

For the Nuclear Regulatory Commission.

Dated: June 12, 1981.

Elinor G. Adensam,

Acting Chief, Licensing Branch No. 4, Division of Licensing.

[FR Doc. 18793 Filed 6-24-81, 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-280 and 50-281]

Virginia Electric and Power Co.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 70 to Facility Operating License No. DPR-32 and Amendment No. 70 to Facility Operating License No. DPR-37 issued to Virginia Electric and Power Company (the licensee), which revised Technical Specifications for operation of the Surry Power Station, Unit Nos. 1 and 2, respectively, (the facilities), located in Surry County, Virginia. The amendments are effective as of the date of issuance.

These amendments revise the Technical Specifications to change the heat flux hot channel factor (F_Q) to 2.18 for Units 1 and 2. These amendments also make editorial changes to the Technical Specifications.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since these amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant

to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated April 28, 1981, as supplemented May 15, 1981, (2) Amendment Nos. 70 and 70 to License Nos. DPR-32 and DPR-37, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Swem Library, College of William and Mary, Williamsburg, Virginia 23185. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 16th day of June, 1981.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 81-18794 Filed 6-24-81; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

Background

June 22, 1981.

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Paperwork Reduction Act (44 U.S.C., Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the Act also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions (burden change), extensions (no change), or reinstatements. The agency clearance officer can tell you the nature of any particular revision you are interested in. Each entry contains the following information:

The name and telephone number of the agency clearance officer (from whom a copy of the form and supporting documents is available);
The office of the agency issuing this form;
The title of the form;
The agency form number, if applicable;
How often the form must be filled out;
Who will be required or asked to report;
The Standard Industrial Classification (SIC) codes, referring to specific respondent groups that are affected;
Whether small businesses or organizations are affected;
A description of the Federal budget functional category that covers the information collection;
An estimate of the number of responses;
An estimate of the total number of hours needed to fill out the form;
An estimate of the cost to the Federal Government;
An estimate of the cost to the public;
The number of forms in the request for approval;
An indication of whether Section 3504(h) of Pub. L. 96-511 applies;
The name and telephone number of the person or office responsible for OMB review; and
An abstract describing the need for and uses of the information collection.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. Our usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the **Federal Register**, but occasionally the public interest requires more rapid action.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review. If you experience difficulty in obtaining the information you need in reasonable time, please advise the OMB reviewer to whom the report is assigned. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Jim J. Tozzi, Deputy Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

DEPARTMENT OF AGRICULTURE

Agency Clearance Officer—Richard J. Schrimper—202-447-6201

New

• Agricultural Marketing Service
Assessment Form—Refund Application
Quarterly
Businesses or Other Institutions
Wheat end prod. mfgrs. (prim. whlsl bkrs), etc.
SIC: 205 204 209
Small businesses or organizations
Agricultural research and services: 2,500 responses; 208 hours; 2 forms; not applicable under 3504(h)
Charles A. Ellett, 202-395-7340

Forms are needed to (1) collect assessments to fund a wheat and wheat foods research and nutrition education program and (2) refund assessments to those who do not wish to fund the program.

Extensions (Burden Change)

• Food and Nutrition Service
Monthly Report of the Child Care and Summer Food Program for Children
FNS-44
Monthly
State or local governments
State administering agencies
Public assistance and other income supplements: 1,512 responses; 6,048 hours; $138,110 Federal cost; 1 form; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202-426-5030

Form FNS-44, monthly report of the child care food program and summer food service program for children is prepared by State agencies and used by FNS to determine the level of payment of claims submitted by States and to assess program growth. Without these forms, FNS would have no means whereby payments to States could be adjusted to coincide with cumulative expenditures by States.

• Food and Nutrition Service

Application and Agreement—NSLP, SBP, and SNP
FNS–67, 66, and 66–1
Annually
State or local governments
Nonpublic, nonprofit schools and residential child care insts.
SIC: 821 943
Food and nutrition assistance: 4,690 responses; 3,655 hours; $384,484 Federal cost; 3 forms; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

The FNS–66 and 66–1 are used by applicant organizations to apply for participation in the national school lunch, school breakfast and special milk programs. FNS executes grant agreements with schools approved for participation via the FNS–67.

DEPARTMENT OF EDUCATION

Agency Clearance Officer—Wallace McPherson—202–426–5030

New

• Office of Postsecondary Education
Lender's Manifest for Federally Insured Loans—Guaranteed
Student loan program
Monthly
Businesses or other institutions
Companies and schools not engaged in deposit banking
SIC: 822 601 602 603 604 605
Small businesses or organizations
Higher education: 228,000 responses; 64,000 hours; $5,000 Federal cost; 1 form; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

The lender uses this form to report the amount of disbursements made on loans. It is also used to report conversions and loans paid in full. In addition, it is used to maintain insurance premiums to be paid at a later date.

DEPARTMENT OF ENERGY

Agency Clearance Officer—Irene Montle—202–633–9464

New

• Departmental and Others
Educational Programs and Facilities in Nuclear Science and Engineering
ER–736
Nonrecurring
Businesses or other institutions
Colleges, univ. and junior colleges offering nuclear training
SIC: 822
Multiple functions: 355 responses; 533 hours; $14,000 Federal cost; 1 form; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

The purpose of this survey is to obtain data necessary (collated with data from other studies) to evaluate the ability of U.S. institutions to train professionals to operate the controls of nuclear powerplants and other facilities. A by-product of the survey will be the publication of "educational programs and facilities in nuclear science and engineering."

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency Clearance Officer—Joseph Strnad—202–245–7488

New

• Human Development Services
Assessment Study of Case Review System
Nonrecurring
State or local governments
Informants, etc. clients in 25 public social agencies.
SIC: 832
Social services: 4,680 responses; 1,560 hours; $216,972 Federal cost; 3 forms; not applicable under 3504(h)

Gwendolyn Pla, 202–395–6880

The purpose of this phase of the study is to assist the States with their block grant programs as they apply to foster care. Accordingly, three questionnaires have been developed to compare the strengths and weaknesses of various components of 12 State case review systems. The results of the study will assist HDS to develop improved supportive services to the States.

Revisions

• Departmental Management
Recipient Survey for the Monthly Reporting and Retrospective Accounting Study in Illinois
OS–6–81
Nonrecurring
Individuals or households
Recipients and former recipients of the AFDC program
Other income security: 4,830 responses; 3,762 hours; $150,000 Federal cost; 2 forms; not applicable under 3504(h)
Gwendolyn Pla, 202–395–6880

MR systems are major change in AFDC clients providing information to agencies. Interview of AFDC clients will determine extent and nature of problems with MR form, degree to which form increases time and costs of reporting in terms of incidence of failure to provide benefits when needed and benefits to eligible households, effects on quality of nonfinancial services provided to clients, and way in which system changes client interaction with agency personnel.

Extensions (Burden Change)

• Centers for Disease Control
National VD Epidemiology Program
HSM 9.54, CDC 9.2936A, CDC 9.2936B, CDC 9.54, CDC 9.97, CDC 9.64, CDC 9.2127, CDC 9.63
Monthly, quarterly
State or local governments
State and local health departments
Health: 60,660 responses; 18,553 hours; $83,000 Federal cost; 7 forms; not applicable under 3504(h)
Gwendolyn Pla, 202–395–6880

Statistical data are provided to assess the effectiveness of the epidemiologic programs in terms of geographic variation, disease intervention achieved, epidemiologic success and failure, time factors, and other measures of casefinding efficiency.

DEPARTMENT OF THE INTERIOR

Agency Clearance Officer—Vivian A. Keado—202–343–6191

New

• Bureau of Land Management
Uniform Federal Transportation and Utility System Application
On occasion
Individuals or households/State or local governments/farms/businesses or other institutions
Applies to any individual either local, State or Federal.
SIC: All
Small businesses or organizations
Conservation and land management: 300 responses; 900 hours; $170,000 Federal cost; 1 form; not applicable under 3504(h)
Robert Shelton, 202–395–7340

Use of the attached form is mandated by title XI of the Alaska National Interest Lands Conservation Act (P.L. 96–487). Section 1104(a) of the act states that unless the approval or disapproval of a transportation system is based on the consolidated form, the approval or disapproval will have no force or effect, thus the need.

DEPARTMENT OF LABOR

Agency Clearance Officer—Paul E. Larson—202–523–6331

New

• Employment and Training Administration
Employer Furnished Housing and Facilities
ETA 338
Annually
Farms
Employ. service interstate clearance system Ag. recruiters
SIC: 019

Training and employment: 4,000 responses; 16,000 hours; $128,000 Federal cost; 1 form; not applicable under 3504(h)
Arnold Strasser, 202–395–6880

Federal regulations and court orders require agricultural employers who recruit workers through the ES clearance system to provide free housing sufficient to accommodate workers being recruited. Housing must meet certain health and safety standards established by DOL and State laws. The ETA 338 is used for that purpose and also provides information so that the workers can determine if the facilities are suitable for their needs.

• Employment and Training Administration
ETA Summaries—UI Trust Fund Activities
ETA 2112, 8401, 8403, 8405, 8413, 8414
On occasion, monthly
State or local governments
State employment security agencies
SIC: 944,602
Multiple functions: 636 responses; 15,264 hours; $60,000 Federal cost; 6 forms; not applicable under 3504 (h)
Arnold Strasser, 202–395–6880

Information is used to monitor State agency unemployment trust fund transactions and activities.

Revisions

• Bureau of Labor Statistics
Information for industry price indexes
BLS 473, 473A, 473E & 473R
Monthly, annually
Businesses or other institutions
U.S. mining, manufacturing, telephone & railroad companies
SIC: Multiple
Other labor services: 102,420 responses; 17,250 hours; $715,000 Federal cost; 4 forms; not applicable under 3504 (h)
Off. of Federal Statistical Policy & Standard, 202–673–7974

The form is used to collect price information for the producer price index, which is one of the nation's most important economic indicators.

Extensions (No Change)

• Bureau of Labor Statistics
Employment, Wages and Contributions Report
BLS–3031 & ES–202
Quarterly
State or local governments
State employment security agencies
SIC: 944
Other labor services: 212 responses; 530,000 hours; $1,659,000 Federal cost; 1 form; not applicable under 3504 (h)
Off. of Federal Statistical Policy & Standard, 202–673–7974

The ES–202 program is a quarterly summary of the employment and wages of workers covered by unemployment insurance (UI) programs. Besides being crucial to the administration of UI programs, these data serve as the sampling frame and employment benchmark for all BLS Federal-State programs, as inputs in GNP and personal income estimates, and are used extensively for economic analysis, fund allocations, and program administration.

Reinstatements

• Employment and Training Administration
Assessing the Impact of the New Employment Service
Regulations Structure on Employment Service
Operations
MT–302
Nonrecurring
State or local governments
Selected staff in State Employ. service central & local off.
SIC: 944
Tranining and employment: 420 responses; 315 hours; $240,000 Federal cost; 2 forms; not applicable under 3504 (h)
Arnold Strasser, 202–395–6880

For 40 years the uses has codified its policies and procedures for State ES operations in the ES manual and supplementary documents. Uses has recently completed a new guidance structure, consisting of regs and tags. The new guidance structure is intended to provide a more logical, consistent, and understandable basis for program administration. The present evaluation is designed to document the impact of the new guidance structure on ES operations.

DEPARTMENT OF THE TREASURY

Agency Clearance Officer—Ms. Joy Tucker—202–634–5394

Extensions (Burden Change)

• Internal Revenue Service
Employer's Quarterly Tax Return and Continuation Sheet for Schedule A of Form 941NMI
941NMI & 941A
Quarterly
Individuals or households / State or local governments / farms / businesses or other institutions
All Northern Mariana Islands employers
SIC: All
Small businesses or organizations
Central fiscal operations: 2,480 responses; 3,353 hours; $12,081 Federal cost; 2 forms; not applicable under 3504 (h)
Kevin Broderick, 202–395–6880

This form is required under P.L. 94–241, covenant to establish a commonwealth with the U.S. It is used by employers and self-employed persons to report earnings and taxes due to the Northern Mariana Islands social security retirement system. Information is used to determine that the correct tax has been paid and that the earnings of the employees has been property to the NMI social security retirement system.

ACTION

Agency Clearance Officer—Mr. Don Romine—202–254–8523

New

• Technical Evaluation of Selected Low Cost No Cost Energy Conservation Steps.
Nonrecurring
Individuals or households
Household communities involved in community energy projects
Social Services: 160 responses; 80 hours; $41,977 Federal cost; 2 forms; not applicable under 3504(H)
Diane Wimberly, 202–395–6880

To determine the energy conserved as a result of implimenting inexpensive residential conservation measures under Action's community energy project. Approx. 80 households will be interviewed in two communities beginning in august 1981. The information is critically needed to determine the effectiveness of the projects and the extent that participants were helped for future planned improvements.

CIVIL AERONAUTICS BOARD

Agency Clearance Officer—Clifford M. Rand—202–673–6042

New

CAB Form 222—Foreign Air Carrier Application for Statement of Authorization for Intermodal Services
222
On occasion Businesses or other institutions
Businesses or other institutions
Foreign air carriers
SIC: 451
Small businesses or organizations
Air transportation: 20 responses; 10 hours; 1 form; not applicable under 3504(h)
Terry Grindstaff, 202–395–7340

Requires foreign air carriers to apply for statments of authorization to conduct intermodal (air/truck) services. Approval of applications will depend on whether a foreign carrier's Government had granted U.S. carriers reciprocal

rights or on broader international aviation policy considerations.

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Clearance Officer—Panos Konstas—202-389-4481

Extensions (No Change)

- Consolidated Report of Income—Mutual Savings Banks

6040/51
Semiannually
Businesses or other institutions
Mutual savings bks—insured and noninsured
SIC: 603
small businesses or organizations
Mortgage credit and thrift insurance: 2,332 responses; 45,200 hours; 1 form; not applicable under 3504(H)
Kevin Broderick, 202-395-6880

Reports are filed in accordance with section 7 of the FDI Act and part 304.2 of the FDIC rules and regulations. Data is used to monitor the financial condition and earnings performance of individual savings banks as well as the entire savings banks industry. Data is also used for research, insurance assessments and for FDIC publications.

- Consolidated Domestic and Foreign Report of Condition

6040/13 6040/17
Quarterly
Businesses or other institutions
Commercial banks—insured and noninsured
SIC: 602
Mortgage credit and thrift insurance: 55,576 responses; 426,682 hours; $2,407,000 Federal cost; 2 forms; not applicable under 3504(H)
Kevin Broderick, 202-395-6880

Reports are filed in accordance with section 7 of the FDI Act and part 304.2 of the FDIC rules and regulations. Data is used to monitor the financial condition and earnings performance of individual banks as well as the entire banking industry. Data is also used for research, insurance assessments and for FDIC publications.

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency Clearance Officer—Ms. Melita Yearwood—202-632-0084

new

- Survey of Attitudes Toward Overseas Agricultural Development

Assignments: A. Faculty and B. Institutional
Nonrecurring
Businesses of other institutions
Title XII univ. and faculty prim. of the sch. of agriculture
SIC: All
Foreign economic and financial assistance; 3,276 responses; 544 hours; $15,000 Federal cost; 1 form not applicable under 3504 (H)
Federal Education Data Acquistion Council, 202-426-5030

Aid and the board for international food and agricultural development (BIFAD) require more specific data on factors which make specific agricultural development assistance assignments overseas more or less attractive. The proposed survey is designed to obtain that data and to assess existing and necessay incentives—financial and non-financial needed to induce the requisite numbers and quality of faculty from eligible universities to respond to aid's agricultural development.

Revisions

- Statement of Support, Revenue and Expenditures

AID 1550-2
Annually
Businesses or other institutions
Private and voluntary organizations overseas activities
Foreign economic and financial assistance: 155 responses; 155 hours; $5,824 Federal cost; 1 form; not applicable under 3504(h)
Phillip T. Balazs, 202-395-4814

Data provides only record of magnitude of income and expenditures of U.S. private and voluntary organizations engaged in voluntary foreign aid.

- Voluntary Agency Quarterly Report of Shipping Activity

AID 1550-6
Annually
Businesses or other institutions
Private and vol. org. engaged in overseas activities.
Foreign economic and financial assistance: 140 responses; 1,120 hours; $1,133 Federal cost; 1 form; not applicable under 3504(h)
Phillip T. Balazs, 202-395-4814

This report is the means by which those agencies receiving freight reimbursement record and report the shipments made with A.I.D. ocean freight funds by flag vessel, country and volume.

RAILROAD RETIREMENT BOARD

Agency Clearance Officer—Pauline Lohens—312-751-4692

New

- Debtor's Financial Statement

G-423
On occasion
Individuals or households
Individuals
General retirement and disability insurance: 1,550 responses; 775 hours; $77,500 Federal cost; 1 form; not applicable under 3504(h)
Barbara F. Young, 202-395-6880

Under the RRA and the RUIA, the board has authority to secure from a debtor a statement of the individual's assets and liabilities. The information will be used for determining means for recovery of overpayment of benefits.

SECURITIES AND EXCHANGE COMMISSION

Agency Clearance Officer—George G. Kundahl—202-272-2142

New

- Supplemental Material to Registration or Exemption

Statements of Exchanges—Rule 6A-3
On occasion, monthly
Businesses or other institutions
Registered or exempted national securities exchanges
SIC: 623
Small businesses or organizations
Other advancement and regulation of commerce: 1,250 responses; 625 hours; $6,250 Federal cost; 1 form; not applicable under 3504(h)
Robert Veeder, 202-395-4814

Under sections 6 and 19 of the Securities Exchange Act of 1934, a registered or exempted exchange must be organized and have the capacity to carry out the purposes of the act and must have rules designed to protect investors and the public interest. Rule 6A-3 adopted in 1950, is designed to enable the Commission to carry out its oversight functions and to assure that such exchanges continue to be in compliance with the act.

- Annual Amendments to Registration or Exemption Statements of Exchanges—Rules 6A-2 and Form 1A

486
Annually
Businesses or other institutions
Registered or exempted national securities exchanges
SIC: 623
Other advancement and regulation of commerce; 10 responses; 900 hours; $8,100 Federal cost; 1 form; not applicable under 3504(h)
Robert Veeder, 202-395-4814

Under sections 6 and 19 of the Securities Exchange Act of 1934, a registered or exempted exchange must be organized and have the capacity to carry out the purposes of the act and must have rules designed to protect investors and the public interest. Rule 6A-2 and form 1A, adopted in 1950, are designed to enable the commission to

carry out its oversight functions and to assure that such exchanges continue to be in compliance with the act.

VETERANS ADMINISTRATION

Agency Clearance Officer—R. C. Whitt—202–389–2146

New

• Fiduciary Agreement
27–4703
On occasion
Businesses or other institutions
Fiduciaries or legal custodians
SIC: 811
Other veterans benefits and services: 21,250 responses; 177 hours; $39,656 Federal cost; 1 form; not applicable under 3504(h)
Robert Neal, 202–395–6880

This form is used when payment of VA benefits is to be made to a fiduciary on behalf of a beneficiary who is incompetent, a minor, or under some other legal disability. It is an agreement to the use of VA derived funds, and when completed by the VA and signed by the fiduciary it constitutes a legal binding contract (38 USC 3202).

• Escrow Agreement for Postponed Exterior Onsite Improvements
26–1849
On occasion
Businesses or other institutions
Lenders, builders, escrow agents
SIC: 612, 616, 152
Small businesses or organizations
Veterans housing: 32,000 responses; 16,000 hours; $162,240 Federal cost; 1 form; not applicable under 3504(h)
Robert Neal, 202–395–6880

Legal agreement between builder/seller, lender, and escrow agent covering escrow of funds for unfinished exterior onsite improvements of newly constructed housing proposed for guaranteed financing under 38 U.S.C. 1810. Execution of such agreement permits VA guaranty of veteran's home loan and his/her occupancy of property.

• Appointment of Veterans Service Organization As Claimant's Representative
23–22
On occasion
Individuals or households
Veterans
Small businesses or organizations
Other veterans benefits and services: 325,000 responses; 54,166 hours; $365,000 Federal cost; 1 form; not applicable under 3504(h)
Robert Neal, 202–395–6880

This form is used by veterans to appoint a veterans service organization as his/her recognized representative in the preparation, presentation and prosecution of benefit claims with the VA (38 U.S.C. 244(2) 3402(B)(2)).

• Statement of fee Appraisers and Compliance Inspectors
26–6684
On occasion
Individuals or households
Fee appraisers and compliance inspectors
Veterans housing: 8,000 responses; 1,333 hours; $50,160 Federal cost; 1 form; not applicable under 3504(h)
Robert Neal, 202–395–6880

Statement on conflict of interest required for execution by newly designated fee appraisers and annually thereafter while on the VA fee appraiser roster under authority of 38 U.S.C. 210 and 213. Statement provides notice of prohibited activities which if pursued by fee appraisers while on the fee roster, could disadvantage veterans or VA.

Verification of Pursuit of Course Leading to a Standard College Degree
22–6553
On occasion
Individuals or households/businesses or other institutions schools and veteran students
SIC: 941
Veterans education, training, rehabilitation: 500,000 responses; 41,667 hours; $25,000 Federal cost; 1 form; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

This form is used by schools to certify enrollment information previously submitted to the Veterans Administration. (38 U.S.C. 1780(A)(1) and 1780(G), 38 CFR 31.4204(A).

• Supplemental Physical Examination Report
29–8100 (series)
On occasion
Businesses or other institutions
Physicians
SIC: 801
Small businesses or organizations
Income security for veterans: 3,500 responses; 700 hours; $8,639 Federal cost; 8 forms; not applicable under 3504(h)
Robert Neal, 202–395–6880

These forms are used to obtain complete information as to the physicial and/or mental condition of a veteran who has submitted an application for insurance and/or reinstatement. (38 CFR 6.90 and 8.64).

• Certification of Delivery of Advance Payment and Enrollment
22–1999V
On occasion
State or local governments
Certifying officials at schools
SIC: 822, 824
Veterans education, training, and rehabilitation: 360,000 responses; 30,000 hours; $18,000 Federal cost; 1 form; not applicable under 3504(h)
Federal Education Data Acquisition council, 202–426–5030

No further benefits can be paid unless this card is completed and filed as required by law (38 U.S.C. 1780). Information on card is used to confirm the students's receipt of advance payment of benefits and confirm enrollment.

Revisions

• Appeal to Board of Veterans Appeals
1–9
On occasion
Individuals or households
Appellants for VA benefits
Other veterans benefits and services: 34,500 responses; 34,500 hours; $1,380 Fereral cost; 1 form; not applicable under 3504(h)
Robert Neal, 202–395–6880

38 U.S.C. 4005(D) (3) requires that a substantive appeal be filed in order to perfect the appeal. This form is judicial in nature and designed to afford appellants a "piece of paper" upon which to write their arguments for consideration by the appeals board. It's also used to provide the appellant useful information concerning appeals review.

C. Louis Kincannon,

Assistant Administrator for Reports Management.

[FR Doc. 81–18827 Filed 6–24–81, 8:45 am]

BILLING CODE 3110–01–M

PENSION BENEFIT GUARANTY CORPORATION

Payment of Employer Liability for Plan Terminations Initiated Before April 1, 1981; Correction

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notification of change in procedure for payment of employer liability; correction.

SUMMARY: On January 28, 1981, the Pension Benefit Guaranty Corporation (PBGC) published in the **Federal Register** at 46 FR 9545, FR Doc. 81–2986, as a companion document to 29 CFR Part 2613, a notification of change in procedures for payment of employer liability. That notice provides guidelines for the payment of employer liability imposed by Section 4062 of the Employee Retirement Income Security Act of 1974, as amended by the Multiemployer Pension Plan Amendments Act of 1980. The notice also provides for the assessment of interests on unpaid employer liability

with respect to pension plans for which the plan termination was initiated prior to the effective date of the PBGC's regulation on employer liability. The notice contained an erroneous reference as to where within the PBGC payments of employer liability should be sent. This document corrects the error in that notice.

EFFECTIVE DATE: June 25, 1981.

FOR FURTHER INFORMATION CONTACT: Ms. Nina R. Hawes, Staff Attorney, Office of the General Counsel, Pension Benefit Guaranty Corporation, Suite 7200, 2020 K Street, NW, Washington, D.C. 20006, 202-254-3010.

SUPPLEMENTARY INFORMATION: In FR Doc. 81-2986, appearing at page 9545, January 28, 1981, column 2, third full paragraph, line 10 should read: "to Division of the Treasurer Office of".

Robert E. Nagle,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 81-18825 Filed 6-24-81; 8:45 am]

BILLING CODE 7708-01-M

SECURITIES AND EXCHANGE COMMISSION

Securities Exchange Act of 1934; Order Approving Proposed Rule Change

[Release No. 17883 SR-Amex-80-33]

June 22, 1981.

On December 30, 1980, the American Stock Exchange, Inc. 86 Trinity Place, New York, New York 10006, filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1) ("Act") and Rule 19b-4 thereunder, copies of a proposed rule change which eliminates the requirement that the registered address of every floor member be in the vicinity of the exchange.[1]

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by issuance of a Commission Release (Securities Exchange Act Release No. 17434, January 9, 1981) and by publication in the **Federal Register** (46 FR 4013, January 16, 1981). No comments were received with respect to the proposed rule filing.

[1] In its filing, the Amex consented to an extension of the time period for Commission consideration of the proposed rule change, as specified in Section 19(b)(2) of the Act, until 35 days after it filed an amendment specifically notifying the Commission that the regular members of the exchange had voted on and approved the proposed Constitutional amendment. On June 8, 1981, Amex amended its filing to indicate that the proposed rule change was approved by the exchange membership on May 28, 1981.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and, in particular, the requirements of Section 6 and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-18787 Filed 6-24-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-17874; File No. SR-CSE-81-3]

Self-Regulatory Organizations; Proposed Rule Change by the Cincinnati Stock Exchange, Inc.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1), notice is hereby given that on June 4, 1981, the Cincinnati Stock Exchange filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change amends the Exchange's Listing Fee Schedule. In general, each corporation which applies to list its securities on the Exchange will be charged $250.00 for the first 25,000 shares of each class of stock of an initial listing or $250.00 for the first $1,000,000 par value of each issue of bonds or any part thereof. The proposed rule change would simply increase the maximum fees charged for the initial and additional listings of securities. As amended, the List Fee Schedule would impose a $1,000 maximum charge on an initial listing of a single class or issue of a security, and a $500 maximum charge for an initial listing of each additional class or issue of a security. When a corporation increases the class of its already listed securities, a maximum fee of $1,000 would be charged for the listing at one time of such additional shares of a single class of securities, and a $500 fee would be charged for each listing at that time of the additional shares of each such additional class.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

Fees charged to issuers which list their securities is one of the revenue sources of the Exchange. The purpose of this proposed rule change is to offset in part the increased costs of supplying specific services provided by the Exchange to those issuers. These services include the manpower, automation, utilities and other costs associated with providing marketplace facilities and services and regulatory operations. Listing fees have not been increased since 1986. The average annual rate of growth of expenses since that time has been in excess of 10 percent. The statutory basis for the proposed rule change is Section 6(b)(4) of the Securities Exchange Act of 1934 (the "Act") which requires the rules of the Exchange to provide for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers and other persons using its services.

B. Self-Regulatory Organization's Statement on Burden on Competition

The amended Listing Fee Schedule will apply uniformly to all issuers which list securities on the Exchange and the amount of the charge will be directly related to the number of securities so listed. The Exchange does not believe that the proposed rule change will impose or create any burden on competition not necessary or appropriate to further the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

On or before July 30, 1981, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reason for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

A. By order approve such proposed rule change, or

B. Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before July 16, 1981

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: June 17, 1981.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-18798 Filed 6-24-81; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[License No. 04/04-0118]

Affiliated Investment Fund, Ltd.; Filing of Application for Approval of Conflict of Interest Transaction

Notice is hereby given that Affiliated Investment Fund, Ltd. (Affiliated), 225 Shurfine Drive, College Park, Georgia 30337, a Federal Licensee under the Small Business Investment Act of 1958, as amended (Act), has filed an application with the Small Business Administration (SBA) pursuant to Section 312 of the Act and covered by Section 107.1004 of the SBA Rules and Regulations, governing Small Business Investment Companies (13 FR 107.1004 (1980)) for approval of conflict of interest transaction falling within the scope of the above Section of the Act and Regulations.

Subject to such approval, Affiliated proposes to provide funds to Tucker Thriftown, Inc., for the purpose of R. Kelly Roberts purchasing the interest of Jerome S. Merlin in Tucker Thriftown, Inc., a retail grocery outlet located at 4312 Chamblee-Tucker Road, Tucker, Georgia 30084.

The proposed financing is brought within the purview of Section 107.1004(b)(1) of the Regulations because Mr. Jerome S. Merlin is a member of the Board of Directors of Associated Grocers Co-op. Inc., the sole shareholder of Affiliated, and also on the Board of Directors of Affiliated Investment Fund, Ltd., and therefore is considered an Associate of Affiliated as defined by Section 107.3 of the Regulations.

Notice is hereby given that any interested person may, not later than July 5, 1981, submit written comments on the proposed transaction to the Acting Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, N.W., Washington, D.C. 20416.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: June 19, 1981.

Peter F. McNeish,

Acting Associate Administrator for Investment.

[FR Doc. 81-18801 Filed 6-24-81; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area No. 1994]

Pennsylvania; Declaration of Disaster Loan Area

As a result of the President's major disaster declaration, I find that Clarion, Crawford, Jefferson, Mercer and Venango counties and adjacent counties within the State of Pennsylvania constitute a disaster area because of damage resulting from severe storms and flooding beginning on June 8, 1981. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on August 14, 1981, and for economic injury until close of business on March 15, 1982, at: Small Business Administration, District Office, 1000 Liberty Avenue, Pittsburgh, Pennsylvania 15222, or other locally announced locations. For recent changes in disaster loan eligibility, see 46 **Federal Register** (March 25, 1981).

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: June 19, 1981.

Donald R. Templeman,

Acting Administrator.

[FR Doc. 81-18799 Filed 6-24-81; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area No. 1992; Amdt. No.1]

Texas; Declaration of Disaster Loan Area

The above numbered declaration (46 FR 30453) is hereby amended by extending the incidence period to include additional rains and flooding on June 12–16, 1981, in Travis County and adjacent counties within the State of Texas. All other information remains the same.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: June 19, 1981.

Donald R. Templeman,

Acting Administrator.

[FR Doc. 81-18799 Filed 6-24-81; 8:45 am]

BILLING CODE 8025-01-M

[Application No. 05/05-0158]

Golder, Thoma Capital Co.; Application for a License To Operate as a Small Business Investment Co.

Notice is hereby given of the filing of an application with the Small Business Administration (SBA) pursuant to Section 107.102 of the regulations governing small business investment companies (13 CFR 107.102 (1980)), by Golder, Thoma Capital Company (the Applicant), 120 South LaSalle Street, Suite 630, Chicago, Illinois 60603, for a license to operate as a limited partnership small business investment company (SBIC) under the provisions of the Small Business Investment Act of 1958, as amend (the Act) (15 U.S.C. 661 et seq.), and the Rules and Regulations promulgated thereunder. The formation and licensing of a limited partnership SBIC is subject to the provisons of Section 107.4 of the Regulations.

The initial investors and their percent of ownership of the Applicant are as follows:

SCB & Co., 120 South LaSalle St., Chicago, Illinois 60603, general partner, .06 percent

The Golder, Thoma Fund, 120 South LaSalle St., Chicage, Illinois 60603, limited partner, 99.60 percent

Golder, Thoma & Co., 120 South LaSalle St., Chicago, Illinois 60603, limited partner, .34 percent

SCB & Co., an Illinois general partnership, will serve as the Applicant's sole general partner. The individual partners of SCB & Co., are:

General Partners and Partnership Interest

Stanley C. Golder, 576 Arbor Vitae Road, Winnetka, Illinois 60093, 33⅓ percent

Carl D. Thoma, 632 Melrose Avenue, Kenilworth, Illinois 60043, 33⅓ percent

Bryan C. Cressey, 3705 North Kenmore Avenue, Chicago, Illinois 60603, 33⅓ percent

The Golder, Thoma Fund, and Illinois limited partnership (the Fund), was established as a venture capital fund in August 1980 and has 22 limited partners. Golder, Thoma & Co., an Illinois limited partnership (GTC), serves as the Fund's sole general partner. The three individual partners of SCB & Co. also serve as the general partners of GTC. None of the Fund's 22 limited partners owns in excess of 10 percent of the aggregate limited partnership interests in the Fund.

The applicant will commence operations with an intial private capital of $5.0 million. The Applicant plans to seek investments in small businesses engaged in various communications industries (such as cable TV and radio broadcasting), but such investments will not exceed 70 percent of its portfolio.

Matters involved in SBA's consideration of the application include the general business reputation and character of the three individual partners of SCB & Co., and the probability of successful operation of the Applicant under their managment, including adequate profitability and financial soundness, in accordance with the Act and Regulations.

Notice is further given that any person may, on or before July 10, 1981, submit written comments on the proposed SBIC to the Acting Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, N.W., Washington, D.C. 20416.

A copy of this Notice will be published in a newspaper of general circulation in Chicago, Illinois.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: June 19, 1981

Peter F. McNeish,

Acting Associate Administrator for Investment.

[FR Doc. 81-18800 Filed 6-24-81; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Radio Technical Commission for Aeronautics (RTCA), Special Committee 147—Active Beacon Collision Avoidance System (BCAS); Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of RTCA Special Committee 147 on Active Beacon Collision Avoidance System (BCAS) to be held on July 14-16, 1981 in Conference Rooms 5A-B, Air Transport Association of America, 1709 New York Avenue, N.W., Washington, D.C. commencing at 9:30 a.m.

The Agenda for this meeting is as follows: (1) Chairman's Introductory Remarks; (2) Approval of Minutes of the Second Meeting Held on April 23-24, 1981; (3) Consideration of Report Material Prepared by Drafting Groups; (4) Summary of Task Assignments; and (5) Other Business.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, 1717 H Street, NW., Washington, D.C. 20006; (202) 296-0484. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, D.C., on June 15, 1981.

Karl F. Bierach,

Designated Officer.

[FR Doc. 81-18425 Filed 6-24-81; 8:45 am]

BILLING CODE 4910-13-M

Advisory Circular on Designated Alteration; Station Authorization Procedures

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of availability of draft advisory circular and request for comments.

SUMMARY: The draft advisory circular announces the FAA's Designated Alteration Station (DAS) authorization program; provides acceptable means of compliance with the DAS eligibility, personnel qualifications, and procedural requirements; provides information on FAA's participation in design change approval projects conducted under DAS procedures; and describes the FAA's DAS audit procedures. On May 12, 1980, the FAA issued a notice suspending the issuance of new DAS authorizations and the extension of existing DAS authorizations beyond their current scope The FAA intends to withdraw the notice of suspension upon final issuance of the advisory circular.

DATES: Comments must be received on or before August 24, 1981.

ADDRESSES: Comments on the draft advisory circular may be mailed in duplicate to the Federal Aviation Administration, Office of Airworthiness, Attention: Flight Test Branch (AWS-160), 800 Independence Avenue SW., Washington, D.C. 20591, or delivered in duplicate to Room 330, 800 Independence Avenue SW., Washington, D.C. 20591. Comments must be marked "file number AC 21.431-1." Comments may be inspected in Room 330 between 8:30 a.m. and 5:00 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Mr. Arthur J. Hayes, Jr., AWS-120, Aircraft Engineering Division, Office of Airworthiness, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591 (telephone (202) 426-8383).

SUPPLEMENTARY INFORMATION:

Comments Invited

Comments are solicited on all aspects of the draft advisory circular. A copy of the draft advisory circular may be obtained by contacting the person identified under "FOR FURTHER INFORMATION CONTACT."

Background

On May 12, 1980, the Administrator issued a "Notice of Policy Regarding Issuance of Designated Alteration Station Authorizations" (45 FR 32155) which suspended issuance of new DAS authorizations and extension of existing DAS authorizations beyond their current scopes pending a review of regulations pertaining to such operations and a review of activities conducted under these authorizations. The suspension was deemed necessary for safety reasons to give the FAA time to assess the need for tighter controls over supplemental type certificate (STC) activities under the DAS program. Under the extensive delegation of the DAS program, a DAS may issue STCs as a

representative of the Administrator for major and significant alterations made to an existing design. Therefore, the Administrator determined that there was a need to review the actual practices involved in the program, the adequacy of standards related to DAS authorization holders' technical staffing, and FAA's participation in the program.

The FAA has completed its review of operations conducted under DAS authorizations and the regulations related thereto. The FAA has found no major safety deficiencies in STCs issued under the DAS program, but believes there is need for additional FAA guidance material on procedures, DAS technical staffing qualifications, and FAA participation, including definitive FAA audit procedures. This draft advisory circular is intended to provide appropriate guidance material.

The draft advisory circular summarizes the controls necessary, possible, and used in practice under the existing DAS authorization regulations. In addition to the minimum qualification requirements of § 21.439(b), qualifications are suggested for other persons who are available as staff to the DAS and who can determine compliance with the applicable airworthiness regulations. In addition to the initial and recurrent FAA inspections of a DAS authorization holder's facilities, products, and records, details are outlined for FAA's findings of compliance involving design areas critical to safety, new design concepts, service experience, policy and procedural changes, rule changes, and acoustical changes.

After resolution of any comments and upon issuance of the final advisory circular, the FAA intends to withdraw the suspension announced in the "Notice of Policy Regarding Issuance of Designated Alteration Station Authorizations" (45 FR 32155) published May 15, 1980.

Issued in Washington, D.C., on June 18, 1981

M. C. Beard,

Director of Airworthiness.

[FR Doc. 81-18582 Filed 6-24-81; 8:45 am]

BILLING CODE 4910-13-M

Federal Highway Administration

Environmental Impact Statement; Washington, D.C.

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement (EIS) will be prepared for a proposed highway project in the District of Columbia.

FOR FURTHER INFORMATION CONTACT:

William A. Sussmann, Jr., Field Operations Engineer, Federal Highway Administration, 666 11th Street, N.W., McLachlen Bldg., Room 1000, Washington, D.C. 20001; Telephone (202) 724-3379

Patricia Fairbairn, Project Manager, District of Columbia Department of Transportation, 415 12th Street, N.W., Rm. 519, Washington, D.C. 20004; Telephone (202) 727-5779.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the District of Columbia Department of Transportation, will prepare an EIS on a proposal to provide eastbound-to-northbound and southbound-to-westbound connections between the Southeast Freeway (Interstate Highway 695) in the vicinity of Barney Circle and the Anacostia/Kenilworth Avenue Freeway. The proposed project will be part of the District of Columbia's planned Interstate Highway system.

The main purpose of the proposed highway facility is to provide a direct freeway route between central Washington D.C. and points to the north and east. The study will also address reducing through-traffic on local streets providing service to the Robert F. Kennedy Memorial Stadium-Armory Complex, and examining compatibility with objectives for Anacostia Park. Possible alternatives for connecting the Anacostia and Southeast Freeways will be developed and evaluated including the no-build alternate, ramp additions to existing bridges, as well as a new Anacostia River crossing. Also included will be evaluation of transportation efficiency measures such as high occupancy vehicle lanes.

The EIS preparation process will include public participation, identification of evaluation criteria, and formation of a steering committee. Possible alternates will be studied and screened based on the determined evaluation criteria and public input.

No scoping meeting is planned at this time. To ensure the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA and DC DOT as indicated above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The provisions of OMB Circular No. A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects apply to this program)

Issued on June 19, 1981.

William A. Sussmann, Jr.,

Field Operations Engineer, Washington, D.C.

[FR Doc. 81-18711 Filed 6-24-81; 8:45 am]

BILLING CODE 4910-22-M

Environmental Impact Statement: Flathead County, Mont.

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in Flathead County, Montana.

FOR FURTHER INFORMATION CONTACT:

Mr. Jerry L. Budwig, Division Engineer, Central Direct Federal Division, P.O. Box 25246, Denver, CO 80225, Attention: Mr. Robert Arensdorf or Mr. E. C. Samuelson, (303) 234-4798.

SUPPLEMENTARY INFORMATION: The Montana Forest Highway Program agencies (FHWA-lead agency, U.S. Forest Service, Montana Department of Highways) and Flathead County are proposing to improve approximately 12 miles of the North Fork Flathead River Road (Forest Highway 61 and Flathead County Route 486) from the end of previous improvements at Canyon Creek (about 10 miles north of Columbia Falls) to the junction with Glacier National Park Road Route 8 which crosses the North Fork Flathead River near Camas Creek. The project area crosses and serves both Flathead National Forest and private lands. The proposed action generally would follow the alignment of the existing 15- to 30-foot wide gravel road and includes regrading, widening, improving drainage features, improving the structure section, and surfacing to enhance the capacity and safety features of the existing road. The existing road parallels the North Fork Flathead River—a designated "recreation river" component of the National Wild and Scenic River System. Road improvements would generally be on the side away from the river and will include provisions to minimize encroachment and impacts on the computed 100-year flood plain of the river. The proposed project area also crosses or accesses habitat areas of the grizzly bear and gray wolf which are protected under the federal Endangered Species Act.

Alternatives currently being considered for this proposed action include:

Alternative A—No action, maintain the existing road with no structural or geometric improvement;

Alternative B—Reconstruct the road to a 50 mph standard with asphalt surface, generally on or near the existing road alignment;

Alternative C—Reconstruct the road to a 35 mph standard with asphalt surface, closely following the existing road alignment;

Alternative D—Reconstruct the road to a 35 mph standard with gravel surface, closely following the existing road alignment;

Alternative E—Reconstruct the road on existing alignment at critical locations only (spot safety improvements);

Provide other transportation modes—to serve the transportation needs in this corridor.

The scoping process for this proposed project was begun in 1979 with an interagency meeting and field review in August 1979 and two informal public meetings in September 1979 to obtain public and governmental agency input to project development. Several interagency meetings were held in 1980 to discuss issues of the proposed project, particularly involvement with endangered or threatened species and other wildlife habitat. A newsletter describing the status of the proposed project status and requesting comments will be sent to interested federal, state, and local agencies and individuals/groups in June 1981. Further interagency meetings will be held if needed and an additional public meeting will be held to obtain public input in July 1981. The Forest Highway Program agencies are presently conducting environmental and engineering studies for the project which will be documented in a Draft EIS to be issued in November 1981. A corridor/design public hearing is tentatively scheduled for January 1982 followed by completion of a Final EIS and Record-of-Decision documenting the final decision. Questions or comments concerning the proposed project can be addressed to the individuals noted above.

(Catalog of Federal Assistance Program Number 20.205, Highway Research, Planning, and Construction. The provisions of OMB Circular A-95 regarding state and local clearinghouse review of federal and federally-assisted programs and projects apply to this program)

Issued on: June 17, 1981.

J. L. Budwig,

Division Engineer, Central Direct Federal Division, Denver, Colorado.

[FR Doc. 81-18709 Filed 6-24-81; 8:45 am]

BILLING CODE 4910-22-M

Research and Special Programs Administration

Grants and Denials of Applications for Exemptions

AGENCY: Materials Transportation Bureau, D.O.T.

ACTION: Notice of Grants and Denials of Applications for Exemptions.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given of the exemptions granted in April 1981. The modes of transportation involved are identified by a number in the "Nature of Exemption Thereof" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo-only aircraft, 5—Passenger-carrying aircraft. Application numbers prefixed by the letters EE represent applications for Emergency Exemptions.

Renewal and Party to Exemptions

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
1862-X	DOT-E 1862	Greer Hydraulics, Inc., Los Angeles, CA	49 CFR 173.302(a)(1), 175.3	To authorize shipment of nitrogen in hydraulic accumulators. (Modes 1, 2, 3, and 4.)
2706-X	DOT-E 2706	Union Carbide Cor., Tarrytown, NY	49 CFR 173.315(a), 173.316	To authorize shipment of a flammable liquefied compressed gas in non-DOT specification cargo tanks. (Mode 1.)
2805-X	DOT-E 2805	SunOlin Chemical Co., Claymont, DE	49 CFR 172.101, 173.315(a)(1)	To authorize shipment of liquefied ethylene in non-DOT insulated cargo tanks. (Mode 1.)
3330-X	DOT-E 3330	General Electric Co., Schenectady, NY	49 CFR 173.214(d)	To authorize use of packaging not presently prescribed in Hazardous Materials Regulations for certain flammable Solids. (Modes 1 and 2.)
3330-X	DOT-E 3330	Babcock and Wilcox Co., Lynchburg, VA	49 CFR 173.214(d)	To authorize use of packaging not presently prescribed in Hazardous Materials Regulations for certain flammable solids. (Modes 1 and 2.)
4177-X	DOT-E 4177	Hydrodyne Industries, Inc., Hauppauge, Long Island, NY.	49 CFR 173.302(a)(1), 175.3	To authorize use of a non-DOT specification pressure vessel containing a nonflammable, nonliquefied gas. (Modes 1, 2, 3, and 4.)
4242-X	DOT-E 4242	U.S. Department of Defense, Washington, DC.	49 CFR 173.134, 173.87	To authorize use of a non-DOT specification pressure vessel containing a certain pyroforic mixture. (Mode 1.)
4338-X	DOT-E 4338	Stauffer Chemical Co., Westport, CT	49 CFR 173.119(m), 173.245a, 173.247	To authorize use of DOT specification 3AA2015 cylinders and DOT Specification 51 portable tanks for shipment of corrosive and a flammable liquid. (Modes 1, 2, and 3.)
4453-P	DOT-E 4453	Margraf Explosives, Inc., Rancho Cordova, CA.	49 CFR 173.114a(h)(3)	To become a party to Exemption 4453. (Mode 1.)
4575-X	DOT-E 4575	ICI Americas, Inc., Wilmington, DE	49 CFR 173.314(c), 173.315(a)(1)	To authorize use of DOT specification and non-DOT specification cargo tanks and tank car tanks for shipment of certain liquefied compressed gases. (Modes 1, 2, and 3.)
4575-X	DOT-E 4575	Union Carbide Corp., New York, NY	49 CFR 173.314(c), 173.315(a)(1)	To authorize use of DOT specification and non-DOT specification cargo tanks and tank car tanks for shipment of certain liquefied compressed gases. (Modes 1, 2, and 3.)
4684-X	DOT-E 4684	Honeywell, Inc., Minneapolis, MN	49 CFR 173.202, 173.206, 175.3	To authorize the shipment of a flammable solid in valve actuators sealed in metal bellows contained in metal housing overpacked in a fiberboard box. (Modes 1, 2, and 4.)
4845-X	DOT-E 4845	Graviner Ltd., Slough, England	49 CFR 173.304	To authorize use of non-DOT specification foreign made steel cylinders for shipment of a nonflammable, nonliquefied compressed gas. (Modes 1 and 2.)
5643-X	DOT-E 5643	Union Carbide Corp., Tarrytown, NY	49 CFR 172.101, 173.315(a)(1)	To authorize shipment of a nonflammable gas in vacuum insulated non-DOT specification portable tanks. (Modes 1 and 3.)

Renewal and Party to Exemptions—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
6007-X	DOT-E 6007	Pennwalt Corp., Philadelphia, PA	49 CFR 173.391(b)(5), 175.3	To authorize the transportation of radioactive devices containing polonium-210 (Modes 1, 2, 3, 4 and 5.)
6007-X	DOT-E 6007	Falcon Safety Products, Inc., Mountainside, NJ	49 CFR 173.391(b)(5), 175.3	To authorize the transportation of radioactive devices containing polonium-210 (Modes 1, 2, 3, 4 and 5.)
6007-X	DOT-E 6007	Nuclear Products Co., El Monte, CA	49 CFR 173.391(b)(5), 175.3	To authorize the transportation of radioactive devices containing polonium-210 (Modes 1, 2, 3, 4 and 5.)
6215-X	DOT-E 6215	E. I. du Pont de Nemours & Co., Inc., Wilmington, DE	49 CFR 173.315(a)	To authorize use of insulated non-DOT specification cargo tanks for shipment of a nonflammable gas (Mode 1.)
6253-X	DOT-E 6253	Atlantic Cargo Services, Gothenberg, Sweden	49 CFR 173.119, 173.125, 173.245, 173.247, 173.266, 173.294, 173.346, 173.365	To authorize shipment of various hazardous materials in non-DOT specification intermodal portable tanks. (Modes 1, 2, and 3.)
6253-X	DOT-E 6253	Hapag-Lloyd, Hamburg, Germany	49 CFR 173.119, 173.125, 173.245, 173.247, 173.266, 173.294, 173.346, 173.365	To authorize shipment of various hazardous materials in non-DOT specification intermodal portable tanks. (Modes 1, 2, and 3.)
6253-X	DOT-E 6253	Akzo Zout Chemie Nederland, Amsterdam, Holland	49 CFR 173.119, 173.125, 173.245, 173.247, 173.266, 173.294, 173.346, 173.365	To authorize shipment of various hazardous materials in non-DOT specification intermodal portable tanks. (Modes 1, 2, and 3.)
6253-X	DOT-E 6253	Leschaco, Inc., Houston, TX	49 CFR 173.119, 173.125, 173.245, 173.247, 173.266, 173.294, 173.346, 173.365	To authorize shipment of various hazardous materials in non-DOT specification intermodal portable tanks. (Modes 1, 2, and 3.)
6267-X	DOT-E 6267	Bio-Lab, Inc., Conyers, GA	49 CFR 173.217(a)	To authorize the shipment of certain oxidizing materials in non-DOT specification double-faced fiberboard boxes. (Modes 1, 2, and 3.)
6267-P	DOT-E 6267	Airwick Industries, Inc., Carlstadt, NJ	49 CFR 173.217(a)	To become a party to Exemption 6267. (Modes 1, 2, and 3.)
6293-X	DOT-E 6293	Olin Corp., East Alton, IL	49 CFR 173.21(b), 173.245(a)(31)	To authorize shipment of specific corrosive material in DOT Specification MC-311 or MC-312 tank motor vehicles. (Mode 1.)
6418-P	DOT-E 6418	Simplot Soilbuilders, Moses Lake, WA	49 CFR 173.357(b)	To become a party to Exemption 6418. (Mode 1.)
6443-X	DOT-E 6443	Montana Sulphur & Chemical Co., Billings, MT	49 CFR 173.315(a)(1)	To authorize the use of DOT specification MC-331 insulated cargo tanks not presently authorized for shipment of a flammable gas. (Mode 1.)
6557-X	DOT-E 6557	General Fire Extinguisher Corp., Northbrook, IL	49 CFR 175.3, 178.36-4(c), 178.37-4(c), 178.50-4(c)	To authorize deviation from the requirements of the inspector's report for DOT Specification 3A, 3AA, and 4B cylinders for shipment of certain nonflammable compressed gases. (Modes 1, 2, 3, 4, and 5.)
6626-X	DOT-E 6626	Airco Welding Products, Springfield, NJ	49 CFR 173.34(e)(15)(i), 175.3	To authorize the use of DOT Specification 3A or 3AA cylinders and cylinders marked ICC-3, 3A, or 3AA for shipment of certain compressed gases. (Modes 1, 2, 3, 4, and 5.)
6752-X	DOT-E 6752	Pennwalt Corp., Philadelphia, PA	49 CFR 173.301(d)(3), 173.304(a)(2)	To authorize use of DOT specifications 3A2400 cylinders forming part of a tube trailer for shipment of a liquefied flammable compressed gas. (Mode 1.)
6773-X	DOT-E 6773	E. I. du Pont de Nemours & Co., Inc., Wilmington, DE	49 CFR 173.314(c)	To authorize the shipment of a compressed gas to be transported in a DOT Specification tank car. (Mode 2.)
6774-X	DOT-E 6774	Hydraulic Research Textron, Pacoima, CA	49 CFR 173.302(a)(2), 175.3	To authorize use of non-DOT specification cylinders complying with DOT Specification 3HT for shipment of a nonflammable gas. (Modes 1, and 4.)
6923-X	DOT-E 6923	Dow Chemical Co., Midland, MI	49 CFR 172.101, 173.315(a)(1)	To authorize the use of non-DOT specification insulated cargo tanks for shipment of a flammable gas. (Mode 1.)
6958-X	DOT-E 6958	Great Lakes Chemical Corp., El Dorado, AR	49 CFR 173.252(a)(5)	To authorize the shipment of elemental bromine in a portable tank not presently authorized in the regulations. (Modes 1 and 3.)
7005-P	DOT-E 7005	Logemafer, Paris, France	49 CFR 173.119, 173.141(a)(10), 173.245(a)(30), 173.346, 173.620, 173.630, 46 CFR 90.05-35.	To become a party to Exemption 7005. (Modes 1, 2, and 3.)
7010-X	DOT-E 7010	Dow Chemical Co., Midland, MI	49 CFR 173.252(a)(4)	To authorize the shipment of bromine in non-DOT specification lead lined portable tanks. (Modes 1, 2, and 3.)
7011-X	DOT-E 7011	Advanced Chemical Technology, City of Industry, CA.	49 CFR 173.239(a), 173.245b(a)(8)	To authorize the transportation of caustic soda bead, a corrosive solid and ammonia perchlorate in non-DOT specification polyethylene containers not exceeding 57-gallon capacity. (Modes 1, 2, and 3.)
7052-X	DOT-E 7052	Industrial Solid State Controls, Inc., York, PA.	49 CFR 172.101, 175.3	To authorize the shipment of batteries containing lithium and other materials, classed as flammable solids. (Modes 1, 2, 3, and 4.)
7071-X	DOT-E 7071	Philip A. Hunt Chemical Corp., Palisades Park, NJ.	49 CFR 172.101, 173.245	To authorize packagings in a quantity not provided for in the regulation for use with a corrosive liquid. (Modes 1, 2, and 3.)
7252-X	DOT-E 7252	E. I. du Pont de Nemours & Co., Inc., Wilmington, DE.	49 CFR 173.93	To authorize the transportation of Pourvex and Tovex Extra (Class B explosive) in packagings not provided for in Hazardous Materials Regulations. (Mode 3.)
7259-P	DOT-E 7259	Exxon Chemical Inernational Supply, Florham Park, NJ.	49 CFR 176.76(g)(5)	To become a party to Exemption 7259. (Mode 3.)
7259-P	DOT-E 7259	Monsanto Co., St. Louis, MO	49 CFR 176.76(g)(5)	To become a party to Exemption 7259. (Mode 3.)
7413-X	DOT-E 7413	Chilton Metal Products Division, Western Industries, Inc., Chilton, WI.	49 CFR 173.302(a), 173.304(a)(1), 175.3, 178.42	To authorize the transportation of carbon dioxide or nitrogen in a non-DOT specification brazed steel cylinder. (Modes 1, 2, and 4.)
7446-X	DOT-E 7446	Kaiser Aluminum and Chemical Corp., Erie, PA.	49 CFR 173.302(a)(1), 178.36	To authorize the shipment of dry powder-fire extinguishant charged with compressed air or nitrogen in non-DOT specification seamless aluminum cylinders. (Modes 1, 2, and 3.)
7451-X	DOT-E 7451	Union Carbide Corp., Tarrytown, NY	49 CFR 173.304, 173.315	To authorize the use of non-DOT specification pressure vessel for shipment of a nonflammable gas. (Modes 1 and 3.)
7503-X	DOT-E 7503	Lowaco, S.A., Geneva, Switzerland	49 CFR 172.101, 173.119, 173.141, 173.245(a), 173.295(a), 173.346(a), 46 CFR 90.05-35	To authorize the shipment of various hazardous materials in non-DOT specification IMCO Type 1 portable tanks. (Modes 1 and 3.)
7513-X	DOT-E 7513	MG Burdett Gas Products Co., Inc., Reading, PA.	49 CFR 173.315(a)(1)	To authorize the shipment of pressurized liquid oxygen in DOT Specification MC-331 cargo tanks. (Mode 3.)
7671-P	DOT-E 7671	Logemafer, Paris, France	49 CFR 173.119, 173.125, 173.126(a), 173.129, 173.131(a)(1), 173.132(a)(1), 173.245(a), 173.32(a)(2), 173.346(a), 173.510, 173.605(a), 173.630(b), 46 CFR 90.05-35	To become a party to Exemption 7671. (Modes 1, 2, and 3.)
7731-X	DOT-E 7731	Minnesota Valley Engineering, New Prague, MN	49 CFR 172.101, 173.315(a)(1)	To manufacture, mark, and sell non-DOT specification super-insulated portable tanks for shipment of pressurized liquid helium. (Modes 1 and 3.)
7849-X	DOT-E 7849	Southern Oxygen Supply Co., Atlanta, GA	49 CFR 173.315(a)	To authorize the sue of non-DOT specificaton cargo tanks for the shipment of certain nonflammable gases. (Mode 1.)

Application No.
7872-X
8002-P
8005-X
8005-X
8050-X
8136-X
8159-X
8159-P
8159-X
8163-X
8163-X
8184-X
8203-X
8203-X
8225-X
8307-X
8308-X
8308-X
8308-X
8323-P
8362-P
8401-P
8441-P
8445-P
8468-X
8471-P
8471-P
8479-P
8499-X
8556-X

Application No.
8471-N
8479-N

Renewal and Party to Exemptions—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
7872-X	DOT-E 7872	Magna Corp., Houston, TX	49 CFR 173.122(a)(6)	To authorize a portable tank capacity in excess of that set forth in the regulations for a tank transporting a flammable liquid (Modes 1, 2, and 3.)
8002-P	DOT-E 8002	Logemafer, Paris, France	49 CFR 173.119, 173.141(a)(10), 173.245(a)(30), 173.346, 173.620, 173.630, 46 CFR 90.05-35.	To become a party to Exemption 8002. (Modes 1, 2, and 3.)
8005-X	DOT-E 8005	Hugonnet, S.A., Paris, France	49 CFR 173.266	To authorize the shipment of hydrogen peroxide in non-DOT specification portable tanks. (Modes 1, 2, and 3.)
8005-X	DOT-E 8005	Intael Corp., New York, NY	49 CFR 173.266	To authorize the shipment of hydrogen peroxide in non-DOT specification portable tanks. (Modes 1, 2, and 3.)
8050-X	DOT-E 8050	XMAS Corp., Tulsa, OK	49 CFR 173.306(b)(4)	To authorize the transportation of nonliquefied sulfur hexafluoride in certain X-ray machines. (Modes 1, 2, 3, 4, and 5.)
8136-X	DOT-E 8136	Eastman Kodak Co., Rochester, NY	49 CFR 173.245, 173.277	To authorize the use of DOT Specification 57 stainless steel portable tanks for the shipment of certain corrosive solutions or acid. (Mode 1.)
8159-X	DOT-E 8159	Fauvet-Girel, Paris, France	49 CFR 173.266	To authorize the use of non-DOT specification portable tanks for the shipment of a hydrogen peroxide solution. (Modes 1, 2, and 3.)
8159-P	DOT-E 8159	SLEMI, Paris, France	49 CFR 173.266	To become a party to Exemption 8159. (Modes 1, 2, and 3.)
8159-X	DOT-E 8159	Transport International Containers, Paris, France.	49 CFR 173.266	To authorize the use of non-DOT specification portable tanks for the shipment of hydrogen peroxide solution. (Modes 1, 2, and 3.)
8163-X	DOT-E 8163	Transport Internationaux Containers, Paris, France.	49 CFR 173.119, 173.125, 173.126, 173.135, 173.141, 173.144, 173.145, 173.146, 173.147, 173.245, 173.347.	To authorize the use of non-DOT specification portable tanks for the shipment of certain flammable, corrosive, class B poisons and combustible liquids. (Modes 1, 2, and 3.)
8163-X	DOT-E 8163	Fauvet-Girel, Paris, France	49 CFR 173.119, 173.125, 173.126, 173.135, 173.141, 173.144, 173.145, 173.146, 173.147, 173.245, 173.347.	To authorize the use of non-DOT specification portable tanks for the shipment of certain flammable, corrosive, class B poisons and combustible liquids. (Modes 1, 2, and 3.)
8184-X	DOT-E 8184	International Minerals and Chemical Corp., Allentown, PA.	49 CFR 173.65	To authorize the transport of flake TNT in non-DOT specification composite type bags. (Modes 1, 2, and 3.)
8203-X	DOT-E 8203	Pennwalt Corp. Philadelphia, PA	49 CFR 173.119, 173.154, 173.245, 173.247, 173.268, 173.346, 46 CFR 90.05-35.	To authorize the use of certain non-DOT specification portable tanks for the shipment of various poison, flammable, oxidizer, or corrosive liquids. (Modes 1, 2, and 3)
8203-X	DOT-E 8203	Eastern Mediterranean (Containers) Co., Ltd., London England.	49 CFR 173.119, 173.154, 173.245, 173.247, 173.268, 173.346, 46 CFR 90.05-35.	To authorize the use of certain non-DOT specification portable tanks for the shipment of various poison, flammable, oxidizer, or corrosive liquids. (Modes 1, 2, and 3).
8225-X	DOT-E 8225	Hoover Universal, Inc., Beatrice, NB	49 CFR 173.245, 173.249, 173.249a, 173.257, 173.263, 173.264, 173.265, 173.266, 173.272, 173.276, 173.277, 173.283, 173.288, 173.289, 173.292, 178.19, 178.253.	To authorize the use of a non-DOT specification rotationally molded, cross-linked polyethylene portable tank for the shipment of corrosive liquids and an oxidizer. (Modes 1 and 2.)
8307-X	DOT-E 8307	U. S. Department of Energy, Washington, DC.	49 CFR 173.21, 173.247, 173.25(b), 173.305(a), 175.3.	To authorize shipment of non-pyrotechnic mixture of certain corrosive materials, gas and an explosive charge in a non-DOT specification container. (Modes 1, 2, 3, and 4)
8308-X	DOT-E 8308	New England Nuclear Corp., Boston, MA	49 CFR 177.842(a), 177.842(b)	To authorize carriage of radioactive materials aboard highway vehicle when the combined transport index exceeds 50 and/or the separation criteria cannot be met. (Mode 1.)
8308-X	DOT-E 8308	Sky Cab Inc., East Brunswick, NJ	49 CFR 177.842(a), 177.842(b)	To authorize carriage of radioactive materials aboard highway vehicle when the combined transport index exceeds 50 and/or the separation criteria cannot be met. (Mode 1.)
8308-X	DOT-E 8308	Associated Couners, Inc., Maryland Heights, MO.	49 CFR 177.842(a), 177842(b)	To authorize carriage of radioactive materials aboard highway vehicle when the combined transport index exceeds 50 and/or the separation criteria cannot be met. (Mode 1.)
8323-P	DOT-E 8323	Contrans Hamburg, West Germany	49 CFR 173.119, 173.245, 173.249	To become a party to Exemption 8323. (Modes 1, 2, and 3.)
8362-P	DOT-E 8362	Bunker Ramo Corp. Westlake Village, CA	49 CFR 172.101, 173.206, 173.247	To become a party to Exemption 8362. (Mode 1.)
8401-P	DOT-E 8401	Maritime Helicopters Homer, AK	49 CFR 175.3, 175.310(c)(3), 175.310(d)	To become a party to Exemption 8401. (Mode 5.)
8441-P	DOT-E 8441	U.S. Department of Energy, Washington, D.C.	49 CFR 172.101	To become a party to Exemption 8441. (Mode 1.)
8445-P	DOT-E 8445	Owens-Corning Fiberglass Corp., Granville, OH.	49 CFR Part 173, Subpart D, E, F, H	To become a party to Exemption 8445. (Mode 1.)
8468-X	DOT-E 8468	Hedwin Corp., Baltimore, MD	49 CFR 173.119, 173.125, 173.272, 173.288, 173.346.	To manufacture, mark and sell DOT specification 34 drums for shipment of certain flammable, poison B, corrosive liquids, and organic peroxides. (Modes 1, 2, and 3.)
8471-P	DOT-E 8471	Sea Containers, Inc., New York, NY	49 CFR 173.119, 173.245, 173.247, 173.346.	To become a party to Exemption 8471. (Modes 1, 2, and 3.)
8471-P	DOT-E 8471	Hoyer S.A.G.L., Chasso, Switzerland	49 CFR 173.119, 173.245, 173.247, 173.346.	To become a party to Exemption 8471. (Modes 1, 2, and 3.)
8479-P	DOT-E 8479	Liquor Control Board of Ontario, Toronto, Canada.	49 CFR 173.119, 173.125	To become a party to Exemption 8479. (Modes 1, 2, and 3.)
8499-X	DOT-E 8499	Hedwin Corp., Baltimore, MD	49 CFR 173.119, 173.125, 173.272, 173.288, 173.346.	To manufacture, mark and sell DOT Specification 34 polyethylene drums for shipment of certain flammable corrosive, and poison B liquids. (Modes 1, 2, and 3.)
8558-X	DOT-E 8558	International Minerals and Chemical Corp., Allentown, PA.	49 CFR 173.53	To authorize the transport of a pharmaceutical described as an initiating explosive in a non-DOT specification polyethylene pail, overpacked in a 15 gallon DOT Specification 37A steel drum. (Mode 1.)

New Exemptions

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
8471-N	DOT-E 8471	Containers and Pressure Vessel Ltd., Clones, Ireland.	49 CFR 173.119, 173.245, 173.247, 173.346.	To authorize shipment of flammable, combustible, corrosive and Poison B liquids in non-DOT specification IMCO Type 1 portable tanks. (Modes 1, 2, and 3.)
8479-N	DOT-E 8479	M1 Engineering, Ltd., Bradford, England	49 CFR 173.119, 173.125	To authorize shipment of alcohol, n.o.s., classed as flammable liquids in non-DOT specification IMCO Type II portable tanks. (Modes 1, 2, and 3.)

New Exemptions—Continued

Application No	Exemption No	Applicant	Regulation(s) affected	Nature of exemption thereof
8487-N	DOT-E 8487	Brunswick Corp., Lincoln, NB	49 CFR 173.302, 178.44	To manufacture, mark and sell non-DOT specification fiberglass reinforced plastic pressurized containers with welded aluminum liners for shipment of various non-flammable compressed gases. (Modes 1, 2, 3, 4, and 5.)
8493-N	DOT-E 8493	Gibson Cryogenics, Lakeside, CA	49 CFR 172.101	To manufacture, mark and sell vacuum insulated, non-DOT specification portable tank for shipment of liquid nitrogen (Mode 3.)
8505-N	DOT-E 8505	Tsuji Heavy Industries Co., Ltd., Nagusaki, Japan	49 CFR 173.118(a), 173.119, 173.245, 173.346	To authorize shipment of various flammable liquids, combustible liquids, corrosive materials, poison B liquids and ORM-A materials in non-DOT specification IMCO Type I portable tanks. (Modes 1, 2, and 3.)
8508-N	DOT-E 8508	Dow Chemical Co. Midland, MI	49 CFR 173 Subpart D, E, F, 173 Subpart H, 178.102-2(c)	To authorize use of a DOT Specification 6D cylindrical steel overpack constructed with two holes below the top chime for shipment of those materials presently authorized in a DOT Specification 6D. (Modes 1, 2, and 3.)
8507-N	DOT-E 8507	U.S. Department of Energy, Washington, D.C.	49 CFR 173.302, 175.3	To authorize use of non-DOT specification stainless steel welded conical pressure vessel for shipment of a compressed gas. (Modes 1, 2, 4, and 5.)
8510-N	DOT-E 8510	Dow Chemical Co., Freeport, TX	49 CFR 173.154	To authorize shipment of salt-coated magnesium granules in a non-DOT specification wax-impregnated, intermediate bulk, fiberboard box with an inside polyethylene bag. (Modes 1, 2, and 3.)
8523-N	DOT-E 8523	Fauvet-Girel Paris, France	49 CFR 173.304, 173.315	To authorize shipment of various flammable and non-flammable compressed gases in non-DOT specification IMCO Type 5 portable tanks. (Modes 1, 2, and 3.)
8526-N	DOT-E 8526	Economics Laboratory, Inc., St. Paul, MN	49 CFR 177.834(L)(2)(i)	To authorize the shipment of flammable liquids and/or flammable gases in temperature controlled equipment. (Mode 1.)
8532-N	DOT-E 8532	Container and Pressure Vessels Ltd., Clones, Ireland.	49 CFR 173 Subpart D, 173 Subpart F, 173 Subpart H	To authorize the use of non-DOT specification IMCO Type 1 portable tanks for the shipment of various hazardous materials. (Modes 1, 2, and 3.)
8533-N	DOT-E 8533	Container and Pressure Vessels Ltd., Clones, Ireland.	49 CFR 173 Subpart D, 173 Subpart F, 173 Subpart H	To authorize the use of non-DOT specification IMCO Type 1 portable tanks for various hazardous materials. (Modes 1, 2, and 3.)
8550-N	DOT-E 8550	Environmental Sciences Associates, Inc., Bedford, MA	49 CFR 173.119(m)(6), 175.3	To authorize shipment of a hydrochloric acid/propanol mixture, classed as a flammable liquid in non-DOT specification 1 pint polyethylene bottles not to exceed 6 bottles to one outside DOT Specification 12B fiberboard box. (Modes 1, 2, 3, 4, and 5.)
8554-N	DOT-E 8554	E. I. du Pont de Nemours & Co., Inc., Wilmington, DE	49 CFR 173.114a, 173.93	To authorize shipment of propellant explosives and blasting agents in DOT Specification MC-306, MC-307 and MC-312 cargo tanks. (Mode 1.)
8561-N	DOT-E 8561	HTL Industries Inc. Duarte, CA	49 CFR 173.304(a)(1), 175.3, 178.44	To manufacture, mark and sell non-DOT specification stainless steel cylinders similar to a DOT Specification 3HT, except for girth weld, type of steel, and other variations, for shipment of oxygen. (Modes 1, 2, and 4.)
8564-N	DOT-E 8564	Altus Corp. San Jose, CA	49 CFR 173.206, 173.247	To authorize shipment of lithium/thionyl chloride batteries in DOT Specification 19 wooden boxes. (Mode 1.)
8565-N	DOT-E 8565	Olin Corp. Stamford, CT	49 CFR 173.217(a)(3), 178.224	To authorize shipment of calcium hypochlorite mixture, dry, classed as oxidizers, in a DOT Specification 21C drum having an inner ply consisting of a lamination of polyester film mounted on the aluminum foil. (Modes 1 and 3.)
8571-N	DOT-E 8571	MCB Manufacturing Chemists Inc., Norwood, OH	49 CFR 173.119(a)(28), (b)	To authorize shipment of various flammable liquids packaged in a DOT Specification 12A80 corrugated fiberboard box with two inside metal containers not over 10 liters capacity each. (Mode 1.)
8573-N	DOT-E 8573	Shenango enterprises, Inc., fountain Valley, CA	49 CFR 173.2179(a)(6)	To manufacture, mark and sell DOT Specification 12B double-wall corrugated fiberboard boxes for shipment of certain solid oxidizers. (Modes 1, 2, and 3.)
8574-N	DOT-E 8574	Enterprise Steel Drum Corp., Berlin, NJ	49 CFR 173.28(o), 175.3, 178.118-10(a)	To authorize conversion of non-DOT specification 55-gallon steel drum to an open-head, DOT Specification 17H drum, except for marking location, for shipment of certain hazardous materials. (Modes 1, 2, 3, and 4.)
8575-N	DOT-E 8575	Cincinnati Drum Service, Inc., Ludlow, KY	49 CFR 173.28(o), 175.3, 178.118-10(a)	To authorize conversion of non-DOT specification 55-gallon steel drum to an open-head, DOT Specification 17H drum for shipment of certain hazardous materials. (Modes 1, 2, 3, and 4.)
8582-N	DOT-E 8582	Missouri Pacific Railroad Co., St. Louis, MO	49 CFR Part 100-177	To authorize transportation of railway track torpedoes and fusees packed in metal kits, in motor vehicles by railroad maintenance crews as non-regulated rail carrier equipment. (mode 1.)
8583-N	DOT-E 8583	Process Engineering, Inc., Plaistow, NH	49 CFR 172.101,173.315(a)	To manufacture, mark and sell non-DOT specification insulated cargo tanks for shipment of certain flammable gases. (Mode 1.)
EE 6809-X	DOT-E 6809	H. J. Baker & Bros., Inc. New York, NY	49 CFR 173.182(b)(6)(ii)	To authorize the shipment of potassium nitrate in polyethylene inner/polypropylene outer bags. (Modes 1 and 3.)
EE 8308-X	DOT-E 8308	Caspersen Inc. Glencoe, IL	49 CFR 177.842(a), 177.842(b)	To authorize carriage of radioactive materials aboard highway vehicle when the combined transport index exceeds 50 and/or the separation criteria cannot be met. (Mode 1.)
EE 8618-N	DOT-E 8618	Alaska International airlines, Anchorage, AK	49 CFR 172.101 column (6)(b), 175.30(a)	To authorize the transportation of flammable liquids in DOT Specification 17H drums having capacity exceeding the net quantity limitation for cargo only aircraft. (Mode 4.)
EE 8619-N	DOT-E 8619	Evergreen International Airlines, Newberg, OR	49 CFR 172.101 column (6)(b) 175.30(a)(1)	To authorize the transportation of oil well cartridges, cordeau detonant fuse, high explosives, and electric blasting caps in the same aircraft. (Mode 4.)
EE 8641-N	DOT-E 8641	Warner-Lambert Co., Morris Plains, NJ	49 CFR 173.387(b)	To authorize the use of non-prescribed packaging for a one time shipment of microbiological cultures. (Mode 1.)

Withdrawals

Application No.	Applicant	Regulation(s) affected	Nature of exemption thereof
8310-N	Exxon Chemical Co., Houston, TX	49 CFR	To authorize use of a non-attended, TV monitored tank truck loading & unloading rack for shipping and receiving dilute isoprene

Denials

6793-X—Request by Trafpak Limited, Aylesbury, England to transport cumene hydroperoxide, classed as an organic perioxide, in portable tanks denied April 15, 1981.

8515-N—Request by Fruehauf Corporation, Omaha, NB to authorize shipment of flammable liquids, n.o.s., and combustible liquids, n.o.s., in non-DOT specification portable tanks denied April 8, 1981.

Issued in Washington, D.C., on June 17, 1981.

J. R. Grothe,

Chief, Exemptions Branch, Office of Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 81-18707 Filed 6-24-81; 8:45 am]

BILLING CODE 4910-60-M

DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Circ. 570, 1980 Rev., Supp. No. 32]

Surety Companies Acceptable on Federal Bonds

A certificate of authority as an acceptable surety on Federal bonds is hereby issued to the following company under Sections 6 to 13 of Title 6 of the United States Code. An underwriting limitation of $656,000 has been established for the company.

Name of Company:
Worldwide Underwriters Insurance Company

Business Address:
2000 Westwood Drive
Wausau, Wisconsin 54401

State of Incorporation:
Wisconsin

Certificates of authority expire on June 30 each year, unless renewed prior to that date or sooner revoked. The certificates are subject to subsequent annual renewal so long as the companies remain qualified (31 CFR, Part 223). A list of qualified companies is published annually as of July 1 in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact surety business and other information. Federal bond-approving officers should annotate their reference copies of the Treasury Circular 570, 1980 Revision, at page 44513 to reflect this addition. Copies of the circular, when issued, may be obtained from the Audit Staff, Bureau of Government Financial Operations, Department of the Treasury, Washington, D.C. 20226.

Dated: June 18, 1981.

W. E. Douglas,

Commissioner, Bureau of Government Financial Operations.

[FR Doc. 81-18759 Filed 6-24-81; 8:45 am]

BILLING CODE 4810-35-M

Office of The Secretary

[Supplement to Dept. Circular on Public Debt Series No. 17-81]

Notes Designated Series S-1983; Interest Rates

The Secretary announced on June 18, 1981, that the interest rate or the notes designated Series S-1983, described in Department Circular—Public Debt Series—No. 17-81, dated June 11, 1981, will be 14⅝ percent. Interest on the notes will be payable at the rate of 14⅝ percent per annum.

Paul H. Taylor,

Fiscal Assistant Secretary.

Supplementary Statement

The announcement set forth above does not meet the Department's criteria for significant regulations and, accordingly, may be published without compliance with the departmental procedures applicable to such regulations.

[FR Doc. 81-18795 Filed 6-24-81; 8:45 am]

BILLING CODE 4810-40-M

VETERANS ADMINISTRATION

Station Committee on Educational Allowances; Meeting

Notice is hereby given pursuant to Section V, Review Procedure and Hearing Rules, Station Committee on Educational Allowances that on July 28, 1981, at 10 a.m., the Muskogee Station Committee on Educational Allowances shall at Room 2A20, 125 South Main Street, Muskogee, Oklahoma, conduct a hearing to determine whether Veterans Administration benefits to all eligible persons enrolled in Carl Albert Junior College, Highway 271 South, Poteau, Oklahoma, should be discontinued, as provided in 38 CFR 21.4134, because a requirement of law is not being met or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the committee at that time and place.

Dated: June 18, 1981.

Ray E. Smith,

Director, VA Regional Office.

[FR Doc. 81-18764 Filed 6-24-81; 8:45 am]

BILLING CODE 8320-01-M

CIVIL AERONAUTICS BOARD

Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits

In the matter of notice of applications for certificates of public convenience and necessity and foreign air carrier permits filed under Subpart Q of the board's procedural regulations (see, 14 CFR 302.1701 et seq.), week ended June 19, 1981.

Subpart Q Applications

The due date for answers, conforming application, or motions to modify scope are set forth below for each application. Following the answer period the board may process the application by expedited procedures. Such procedures may consist or the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Date filed	Docket No.	Description
June 15, 1981	39711	British Caledonian Airways Limited, c/o Leonard N. Bebchick, Martin, Whitfield, Simon & Bebchick, 1701 Pennsylvania Avenue N.W., Suite 1102, Washington, D.C. 20006. Application of British Caledonian Airways Limited, pursuant to Section 402 of the Act and Subpart Q of the Board's Procedural Regulations requests amendment of its foreign air carrier permit so as to add San Juan, Puerto Rico as an additional U.S. coterminal point on its existing Paragraph A route authorization. B.Cal intends to operate both scheduled and charter services over the San Juan route. It plans to inaugurate twice-weekly DC-10 London/San Juan scheduled service on October 24, 1981. B.Cal initially will serve San Juan as an intermediate point on its routes from London to Venezuela, Columbia, Ecuador and Peru. Answers to Application may be filed by July 13, 1981.
June 15, 1981	39719	Columbia Air, Inc., P.O. Box 8602, Baltimore-Washington International Airport, Maryland 21240. Application of Columbia Air, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests issuance of a certificate of public convenience and necessity which would authorize it to engage in scheduled air transportation of passengers, property, and mail, as follows: Atlanta, Ga., Baltimore, Md.-Washington, D.C., Boston, Mass., Buffalo, N.Y., Charleston, W. Va., Charlotte, N.C., Chicago, Ill., Cincinnati, Ohio, Cleveland, Ohio, Columbia, S.C., Columbus, Ohio, Detroit, Mich., Greensboro-High Point, N.C., Hartford, Conn.-Springfield, Mass., Indianapolis, Ind., Islip, N.Y., Louisville, Ky., Miami, Fla., Nashville, Tenn., New York, N.Y.-Newark, N.J., Norfolk, Va., Orlando, Fla., Pittsburgh, Pa., Providence, R.I., Raleigh-Durham, N.C., Rochester, N.Y., St. Louis, Mo., Savannah, Ga., Syracuse, N.Y., and the terminal point Tampa, Florida. Conforming Applications, motions to modify scope, and Answers may be filed by July 13, 1981.
June 17, 1981	39723	Fast Air Carrier Ltda., Suite 330, 7220 N.W. 36th Street, Miami, Florida 33166. Application of Fast Air Carrier Ltda. pursuant to Section 402 of the Act and Subpart Q of the Board's Procedural Regulations, requests the Board to amend Fast Air's foreign air carrier permit to allow the carrier to operate scheduled all-cargo services between a point or points in the Republic of Chile and the United States (Los Angeles, California and Houston, Texas) via intermediate points including Lima, Peru. Answers may be filed by July 15, 1981.
June 17,1981	39726	Scanair, c/o Robert Reed Gray, Hale Russell & Gray, Suite 400, 1025 Connecticut Avenue NW., Washington, D.C. 20036. Application of Scanair pursuant to Section 402 of the Act and Subpart Q of the Board's Procedural Regulations requests a foreign air carrier permit for the following charter authority. Between any point or points in Denmark, Norway of Sweden and any point or points in the State of Florida in the United States, either directly or via intermediate points in other countries, with or without stopovers. The authority requested is limited to passenger charters (and accompanying baggage) originating at Scandinavian points and operated in accordance with applicable charter regulations of Denmark, Norway and Sweden. Answers may be filed by July 15, 1981.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 81-18832 Filed 6-24-81; 8:45 am]

BILLING CODE 6320-01-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 122
Thursday, June 25, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

CONTENTS

	Items
Federal Deposit Insurance Corporation	1
Federal Election Commission	2
Federal Home Loan Bank Board	3
Federal Maritime Commission	4
National Council on the Handicapped	5
Nuclear Regulatory Commission	6
Occupational Safety and Health Review Commission	7, 8, 9
Postal Service	10, 11
Securities and Exchange Commission	12

1

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Agency Meeting.

Pursuant to subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at 9:35 p.m. on Friday, June 19, 1981, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to (1) accept sealed bids for the purchase of certain assets of and the assumption of the liability to pay deposits made in Northwest Commerce Bank, North Bend, Oregon, which was closed on June 19, 1981 by the Oregon Superintendent of Banks; (2) accept the bid for the transaction submitted by Citizens Bank of North Bend, North Bend, Oregon, a newly-chartered State member bank organized by a subsidiary of Citizens Valley Bank, Albany, Oregon; (3) provide such financial assistance, pursuant to section 13(e) of the Federal Deposit Insurance Act (12 U.S.C. 1823(e)), as was necessary to effect the purchase and assumption transaction; and (4) appoint a liquidator for such of the assets of the closed bank as were not purchased by Citizens Bank of North Bend.

In calling the meeting, the Board determined, on motion of Chairman Irvine H. Sprague, seconded by Director William M. Isaac (Appointive), concurred in by Director Charles E. Lord (Acting Comptroller of the Currency), that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting pursuant to subsections (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

Dated: June 22, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-981-81 Filed 6-23-81; 11:45 am]

BILLING CODE 6714-01-M

2

FEDERAL ELECTION COMMISSION.

DATE AND TIME: Tuesday, June 30, 1981 at 10 a.m.

PLACE: 1325 K Street, N.W., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Personnel. Compliance. Litigation. Audits. FOIA Appeal.

* * * * *

DATE AND TIME: Thursday, July 2, 1981 at 10 a.m.

PLACE: 1325 K Street, N.W., Washington, D.C. (fifth floor).

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Setting of dates for future meetings
Correction and approval of minutes
Certifications
Advisory opinions:
Draft AO 1981–24: William C. Oldaker, American Federation of State, County and Municipal Employees (AFSCME) (continued from June 18, 1981 meeting)
Draft AO 1981–27: Bill Archer, Member of Congress
Pending legislation
Appropriations and budget
Classification actions
Routine administrative matters

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Public Information Officer; Telephone: 202–523–4065.

Marjorie W. Emmons,

Secretary of the Commission.

[S-980-81 Filed 6-23-81; 3:30 pm]

BILLING CODE 6715-01-M

3

FEDERAL HOME LOAN BANK BOARD.

TIME AND DATE: 10 a.m., Tuesday, June 30, 1981.

PLACE: 1700 G Street N.W., board room, sixth floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202–377–6679).

MATTERS TO BE CONSIDERED: Proposed Acquisition of Control of—Financial Federation Inc., Los Angeles, California by Great Western Financial Corporation, Beverly Hills, California and its wholly owned subsidiary, Great Western Savings and Loan Association, Beverly Hills, California—Merger of Eleven Insured Subsidiaries of Financial Federation Inc. into Great Western Savings and Loan Association.

No. 504, June 23, 1981.

[S-986-81 Filed 6-23-81; 2:41 pm]

BILLING CODE 6720-01-M

4

FEDERAL MARITIME COMMISSION.

TIME AND DATE: 9 a.m., June 30, 1981.

PLACE: Hearing Room One, 1100 L Street, N.W., Washington, D.C. 20573.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Agreement No. 10410: U.S. Gulf-Amazon Basin Discussion Agreement between American Atlantic Shipping, Inc. and Frota Amazonica, S.A.
2. Marine Engineers' Beneficial Association's Submission to the President's Task Force on Regulatory Relief—Concerning Maritime Regulation.

Docket No. 80–13: Licensing of Independent Ocean Freight Forwarders—Petitions for Reconsideration of Final Rules.

CONTACT PERSON FOR MORE INFORMATION: Joseph C. Polking, Acting Secretary (202) 523–5725.

[S-987-81 Filed 6-23-81; 2:41 pm]

BILLING CODE 6730-01-M

5

NATIONAL COUNCIL ON THE HANDICAPPED.

TIME AND DATE:

9:30 a.m.—5:30 p.m., Thursday, July 16, 1981
9:30 a.m.—2:00 p.m., Friday, July 17, 1981

PLACE: Capitol Holiday Inn, (202) 479–4000, 550 C Street, S.W. (Saturn/Venus Room), Washington, D.C. 20024

STATUS: Open meeting.

MATTERS TO BE CONSIDERED: The purpose of this meeting is to provide the National Council with a status report on Congressional activity concerning federally-funded or assisted programs for handicapped persons.

CONTACT PERSON FOR MORE INFORMATION: Carol Berman, National Council on the Handicapped, (202) 245–3498.

Carol Berman,

Executive Director.

[S-960-81 Filed 6-23-81; 1:43 pm]

BILLING CODE 4000-01-M

6

NUCLEAR REGULATORY COMMISSION.

DATE: Week of June 22, 1981.

PLACE: Commissioners Conference Room, 1717 H Street, N.W., Washington D.C.

STATUS: Open/closed.

MATTERS TO BE CONSIDERED:

Wednesday, June 24:

2 p.m.

1. Commission Meeting on McGuire (public meeting)

Thursday, June 25:

1 p.m.

1. Affirmation/Discussion Session (approximately 15 minutes, public meeting)
   Items to be affirmed and/or discussed:
   a. Significant Changes Decision in Summer Antitrust Matter (delayed from June 19)
   b. 10 CFR Part 61, "Licensing Requirements for Land Disposal of Radioactive Waste" (delayed from June 19)
2. Continuation of Discussion and Possible Vote on Operating License for McGuire (closed meeting) (continued from June 19)

ADDITIONAL INFORMATION: The Affirmation/Discussion Session held on June 19 was partially closed. Discussion and Possible Vote on Operating License for McGuire, scheduled for the morning of June 19, was delayed until 2:30 that afternoon.

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR SCHEDULE UPDATE: (202) 634–1498. Those planning to attend a meeting should reverify the status on the day of the meeting.

CONTACT PERSON FOR MORE INFORMATION: Walter Magee (202) 634–1410.

Walter Magee,

Office of the Secretary.

[S-969-81 Filed 6-23-81; 3:58 pm]

BILLING CODE 7590-01-M

7

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION.

TIME AND DATE: 10 a.m., July 16, 1981.

PLACE: Room 1101, 1825 K Street, N.W., Washington, D.C.

STATUS: Because of the subject matter, it is likely that this meeting will be closed.

MATTERS TO BE CONSIDERED: Discussion of specific cases in the Commission adjudicative process.

CONTACT PERSON FOR MORE INFORMATION: Mrs. Patricia Bausell (202) 634–4015.

Dated: June 23, 1981.

[S-980-81 Filed 6-23-81; 11:56 am]

BILLING CODE 7600-01-M

8

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION.

TIME AND DATE: 10 a.m., July 23, 1981

PLACE: Room 1101, 1825 K Street, N.W., Washington, D.C

STATUS: Because of the subject matter, it is likely that this meeting will be closed.

MATTERS TO BE CONSIDERED: Discussion of specific cases in the Commission adjudicative process.

CONTACT PERSON FOR MORE INFORMATION: Mrs. Patricia Bausell (202) 634–4015.

Dated: June 23, 1981.

[S-983-81 Filed 6-23-81; 11:56 am]

BILLING CODE 7600-01-M

9

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION.

TIME AND DATE: 10 a.m., July 30, 1981.

PLACE: Room 1101, 1825 K Street, N.W., Washington, D.C.

STATUS: Because of the subject matter, it is likely that this meeting will be closed.

MATTERS TO BE CONSIDERED: Discussion of specific cases in the Commission adjudicative process.

CONTACT PERSON FOR MORE INFORMATION: Mrs. Patricia Bausell (202) 634–4015.

Dated: June 23, 1981.

[S-984-81 Filed 6-23-81; 11:57 am]

BILLING CODE 7600-01-M

10

POSTAL SERVICE.

(Board of Governors).

Notice of vote to close meeting.

On June 22, 1981, the Governors of the United States Postal Service voted to close to public observation a portion of its meeting. The portion closed involved a discussion of those aspects of the Opinion and Recommended Decision upon Reconsideration of the Postal Rate Commission dated June 4 which would be likely to specifically concern the Postal Service's participation in civil litigation.

The Governors determined, pursuant to 5 U.S.C. 552b(c)(10) that the portion of the meeting to be closed was exempt from the open meeting requirement of the Sunshine Act in that it was likely to specifically concern agency participation in a civil action or proceeding

The Governors voting in favor of closing this portion of the meeting were: Babcock, Camp, Ching, Hardesty, Hughes, Hyde, and Sullivan. Governor Jenkins dissented.

Prior to the June 22 meeting, the board of Governors gave due public notice of its intention to hold the meeting, the notice and the proposed agenda for the meeting having been published in the **Federal Register** on June 17, 1981 (46 FR 31808–9). On June 22 the Governors determined that the timely discharge of their responsibilities required that the portion of the meeting in question should be closed, notwithstanding the fact that the published agenda for the meeting had not stated that this portion would be closed.

The Governors determined that the public interest did not require that this portion of the meeting be open to the public, since a failure to discuss litigation strategies without the inhibitions to candor that might result from holding such a discussion in public (quite possibly with opposing counsel in attendance) would be inconsistent with the public's interest in having the Governors arrive at their Decision only after a candid analysis of how the various alternatives open to them might best be analyzed in the light of pending litigation.

In accordance with 5 U.S.C. 552b(c)(10), the General Counsel of the United States Postal Service certified that in his opinion the portion of the meeting to be closed might properly be closed to public observation.

Louis A. Cox,

Secretary.

[S-979-81 Filed 6-23-81; 10:18 am]

BILLING CODE 7710-12-M

11

POSTAL SERVICE.

(Board of Governors).

Notice of Meeting.

The Board of Governors of the United States Postal Service, pursuant to its Bylaws (39 CFR 7.5) and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice that it intends to hold a meeting at Postal Service Headquarters, 475 L'Enfant Plaza, S.W., Washington, D.C. 20260 at 4:00 P.M. on June 29, 1981. The meeting is a continuation of the discussion of the Postal Rate Commission's Opinion and Recommended Decision upon Reconsideration, dated June 4, 1981, captioned "Postal Rate and Fee Changes, 1980" (Docket No. R80-1) which was commenced but not completed in closed session on June 22, 1981. The continuation of the discussion will likewise be in closed session, the Board having duly determined to close its discussion of this agenda item to public observation, in accordance with the provisions of the Sunshine Act. Docket No. 80-1 is the only agenda item to be considered at this meeting.

Louis A. Cox,

Secretary.

[S-980-81 Filed 6-23-81; 10:19 am]

BILLING CODE 7715-12-M

12

SECURITIES AND EXCHANGE COMMISSION.

DATE AND TIME: June 24, 1981, 10:00 a.m.

PLACE: Room 825, 500 North Capitol Street, Washington, D.C.

STATUS: Closed meeting.

The Commission will hold a closed meeting on Wednesday, June 24, 1981, at 10:00 a.m.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the closed meeting. Certain staff members who are responsible for the calendered matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meeting may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b (c) (4) (8) (9) (A) and (10) and 17 CFR 200.402(a) (4) (8) (9) (i) and (10).

Chairman Shad and Commissioners Loomis and Evans determined to hold the aforesaid meeting in closed session.

The subject matter of the closed meeting scheduled for Wednesday, June 24, 1981, at 10:00 a.m., will be:

Formal order of investigation.
Litigation matter.
Institution and settlement of administrative proceedings of an enforcement nature.
Consideration of *amicus* participation.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Paul Lowenstein at (202) 272-2092.

June 22, 1981.

[S-978-81 Filed 6-23-81; 10:14 am]

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federal register

Thursday
June 25, 1981

Part II

Department of Agriculture

Agricultural Marketing Service

Milk in the New York-New Jersey Marketing Area; Amendments to Marketing Agreement and Order

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1002

[Docket No AO-71-A73]

Milk in the New York-New Jersey Marketing Area; Amendments to Marketing Agreement and Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This final decision provides changes in the order based on industry proposals considered at a public hearing in June 1980. The principal changes increase the transportation allowances for milk handlers to reflect more nearly the cost of assembling milk from dairy farms and transporting it to plants for processing. The changes are necessary to reflect current marketing conditions and to assure orderly marketing in the New York-New Jersey area.

FOR FURTHER INFORMATION CONTACT: Clayton H. Plumb, Marketing Specialist, Dairy Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C. 20250 (202/447-6273).

SUPPLEMENTARY INFORMATION: This administrative action is governed by the provisions of Sections 556 and 557 of Title 5 of the United States Code and, therefore, is excluded from the requirements of Executive Order 12291.

Prior documents in this proceeding:

Notice of Hearing: Issued May 13, 1980; published May 16, 1980 (45 FR 32321).

Recommended Decision: Issued March 12, 1981; published March 18, 1981 (46 FR 17207).

Preliminary Statement

A public hearing was held upon proposed amendments to the marketing agreement and the order regulating the handling of milk in the New York-New Jersey marketing area. The hearing was held, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice (7 CFR Part 900), at Albany, New York, on June 10-18, 1980. Notice of such hearing was issued on May 13, 1980 (45 FR 32321).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Marketing Program Operations, on March 12, 1981, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision are hereby approved and adopted and are set forth in full herein, subject to the following modifications:

Index of Changes

1. Under the heading *"Transportation differential and direct delivery differential"*—a new paragraph is inserted after paragraph 10, and three new paragraphs are inserted after paragraph 13.

2. Under the heading *"Pool credit and tank truck service charge"*—three new paragraphs are inserted after paragraph 7 and one new paragraph is inserted after paragraph 16.

3. Under the heading *"Other proposals not adopted"*—four new paragraphs are added at the end.

4. The paragraph beginning with the heading *"Omission of the recommended decision"* is revised.

The material issues on the record of the hearing relate to whether changes should be made in the following provisions for the purpose of permitting a more equitable competitive situation, on both an intermarket and intramarket basis, for Order 2 handlers.

a. Transportation differentials.

b. Pool transportation credit to handlers for bulk tank milk.

c. Tank truck service charge.

d. Direct delivery differential.

e. Class I price differential.

Findings and Conclusions

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

Modification of transportation allowances. The New York-New Jersey order transportation allowances should be amended in the following manner:

First, the transportation differential rate of 1.8 cents per hundredweight for each 10-mile zone less distant than the 201-210 mile zone that is now used to adjust the Class I and uniform prices for location should be increased to 2.2 cents per zone.

Second, the present 15-cent per hundredweight direct delivery differential for the 1-70 mile zone should be changed to an additional 15-cent fixed transportation differential on Class I and uniform prices applicable within the 1-70 mile zone.

Third, the present 15-cent per hundredweight limit on tank truck service charges to producers should be modified by allowing handlers to negotiate with producers or their cooperatives a tank truck service charge with respect to any farm-to-first plant hauling cost that is in excess of: (1) the 15-cent per hundredweight transportation credit on bulk unit pool milk plus (2) the amount that the class use value of the milk at the location of the plant of first receipt is in excess of its class use value at the location where the milk was received in the bulk tank unit from which the milk was transferred.

These amendments would adjust hauling allowances for handlers under the order to more closely relate the location value of milk to the costs incurred in transporting milk from farms and country plants to distributing plants in the major consuming centers of the market. The changes are necessary to reflect current marketing conditions and to permit a more equitable competitive situation for regulated handlers, both on an intramarket and intermarket basis.

Present transportation provisions. Under the present terms of the order milk from bulk tank producers (99.6 percent of the milk in the market) is priced essentially at the location of the farms where it is picked up in a tank truck (and thereby received) by handlers. Farms in each township are included in a price zone based on the distance, in 10-mile increments, between the township and the nearest of several basing points in the metropolitan New York City area. For pooling, accounting and pricing purposes, handlers establish farms in bulk tank units. Milk transferred from a bulk tank unit is classified in the unit according to its use at the plants to which it is transferred during the month. The handler operating the bulk tank unit accounts for the milk in the unit at its classified use value for the location of the unit. The price zone location of the unit is the weighted average zone location of the volume of milk received from farms in the unit.

Separate transportation differential rates apply to Class I and Class II prices. Prices are adjusted from the 201-210 mile base zone. The Class I milk price is increased 1.8 cents for each 10-mile zone less distant than the 201-210 mile zone and reduced 1.5 cents for each 10-mile zone more distant than the 201-210 mile zone. The Class II milk price is increased 1 cent for each 25-mile zone less distant than the 201-210 mile zone and decreased 1 cent for each 25-mile zone more distant than the 201-225 mile zone, except the adjustment is limited to minus 8 cents for all locations in the 401 and over mile zone. The uniform price to producers is adjusted the same as the Class I milk price.

In addition to these transportation differentials a direct delivery differential of 15 cents per hundredweight is applicable to bulk tank unit milk received from farms in the 1–10 mile zone through the 61–70 mile zone. The direct delivery differential is applicable also to milk received in cans at a plant in the 1–70 mile zone.

Transportation allowances are provided under the order for farm-to-first plant hauling of bulk tank milk. A pool transportation credit to handlers of 15 cents per hundredweight is provided on milk received by a handler in a bulk tank unit. Also, handlers are permitted to negotiate with producers or their cooperatives a tank truck service charge of up to 15 cents per hundredweight with respect to any farm-to-first plant hauling costs not recovered through the 15-cent pool transportation credit on farm bulk tank milk.

Summary of hearing proposals. The basic purpose of the hearing was to consider proposals that would amend the transportation allowances provided in the order to reflect current costs of assembling and transshipping milk from farms to plants under the farm township pricing provisions of the order to assure intramarket and intermarket alignment of Class I milk and Class II milk procurement costs among competing handlers. Witnesses contended that transportation allowances provided in the order do not cover current costs of hauling milk from farms to plants and that increases in hauling costs are being borne largely by handlers. This, they contended, increases handlers' cost of milk in the amount of any increase in hauling costs.

With respect to intermarket competition, witnesses alleged that handlers in other order markets have not borne the burden of increased hauling costs, since milk is priced at the first plant at which it is received and producers pay the farm-to-plant hauling costs. Thus, when Order 2 handlers compete with handlers in other markets for the sale of milk products, witnesses contend there is a disparity in the cost of milk to handlers under Order 2 and other orders.

With respect to the intramarket competitive situation for handlers, witnesses claimed that hauling costs tend to vary among bulk tank units operated by handlers. Thus, in a situation where hauling costs are in excess of the transportation allowances provided in the order, there tends to be a variation in the amount of hauling costs borne by competing handlers. Witnesses indicated that this is particularly the case with respect to long-distance shipments of milk from the production areas to distributing plants in the major metropolitan area, since the transportation differential rate under the order does not reflect actual hauling costs associated with the distance milk is moved.

Proprietary handlers and producer groups offered a number of proposals which they believed would minimize the competitive problems of which they complained. The basic thrust of the proposals was to increase the transportation allowances under the order for both farm-to-first plant hauling and hauling from country plants to distributing plants in the major metropolitan area.

With respect to farm-to-first plant transportation allowances, several proposals pertained to modification of the present 15-cent pool credit and modification of the 15-cent limit on the negotiable hauling deductions from payments to producers. An association of proprietary handlers, certain individual handlers, and cooperative associations all made proposals to increase the pool credit to 20 cents per hundredweight. One handler proposed a 30-cent pool credit. Another handler proposed a 25-cent pool credit in any case where farm bulk tank pick-up is limited by the producer to a six-day per week basis. However, one producer group proposed that the pool credit be deleted from the order.

All proponents of modification of the pool credit made companion proposals with respect to the limit on hauling deductions from payments to producers. The association of proprietary handlers proposed that the 15-cent limit be removed. Certain proprietary handlers, in addition to those represented by the association, also proposed elimination of the limit on hauling deductions. One producer group proposed that the limit be removed along with its proposal to delete the pool credit. However, cooperative associations proposed that the 15-cent limit be increased to 25 cents in conjunction with their proposal to increase the pool credit to 20 cents per hundredweight.

Several cooperative associations proposed a further modification to the hauling deduction that may be negotiated with producers. Such modification would require a handler to reduce the amount negotiated by the amount that the location value of the milk at the plant of first receipt exceeds its location value in the bulk tank unit. Such disallowed hauling deduction would be in addition to the amount of any reimbursement that the handler receives through the pool transportation credit.

At the hearing several handler witnesses proposed that if a limit on the amount of the hauling deduction is adopted under the order, the hauling limit should be made subjet to an automatic adjustment based on changes in the price of diesel fuel. The adjustment suggested would increase the limit 1-cent per hundredweight for every 5-cent per gallon increase in the cost of fuel.

Witnesses for the proponents of proposed changes in the pool transportation credit on bulk tank milk and the negotiable hauling deduction from payments to producers indicated that the proposals were for the purpose of updating the order terms to accommodate increasing costs of farm-to-first plant hauling of bulk tank milk. Proponents contended that the order should permit handlers to recover their costs of farm-to-first plant hauling of milk. They pointed out that in most cases farm-to-first plant hauling costs are now more than the 30 cents per hundredweight that they are permitted to recover through the 15-cent pool credit and the 15-cent negotiable charge to producers. For example, the witness for the association of proprietary handlers stated that the farm-to-country plant hauling cost for the bulk tank units operated by its member handlers ranged from 27.5 cents to 44.5 cents per hundredweight in May 1980. The weighted average hauling cost for all units operated by the association's members in May 1980 was stated to be 33.7 cents per hundredweight compared to 26.9 cents in May 1979. With respect to shipments of milk directly from farms to city plants, the association's witness indicated that member handlers' costs of hauling ranged from 40.1 cents to $1.00 per hundredweight in May 1980. The witness stated that the weighted average of these hauling costs was 77.9 cents per hundredweight compared to 55.3 cents per hundredweight in May 1979.

The handler association took the position that the limit on the amount of the hauling cost that is negotiable with producers should be removed to accommodate increasing hauling costs, including anticipated increased costs in the future. The association witness contended that producers would be adequately protected against excessive hauling deductions through (1) the requirement of written consent from the producer or his cooperative, (2) limiting negotiated deductions to the amount that actual hauling costs exceed the amount of the pool transportation credit, and (3) the effectiveness of competition for producer patronage as a ceiling on

hauling deductions. The witness pointed out also that any limit on hauling deductions would be effective only with respect to proprietary handlers, since a cooperative association has the opportunity to make whatever payment arrangements it desires between the association and its member producers.

Cooperative associations opposed the handler association's proposal to simply increase the pool transportation credit to 20 cents per hundredweight and delete the 15-cent limit on the negotiable hauling deduction from producers. The cooperatives contended that the handler association's proposals could result in misalignment of costs to handlers and threaten the opportunity for cooperatives to sell bulk milk to handlers. Cooperative association witnesses argued that this handler proposal would permit handlers to purchase milk at the farm zone price and charge the producers for hauling the milk to the 1–10 mile zone. They pointed out that the order requires handlers who purchase milk from a bulk tank unit operated by a cooperative to pay the cooperative the prices applicable at the location of the receiving handler's plant. In this circumstance, they noted, the cooperative has to charge a plant operator in the 1–10 mile zone the prices applicable at the plant location rather than the lower farm zone prices applicable to the bulk tank unit. Therefore, cooperatives took the position that the order should provide a limit on the hauling deduction that can be negotiated with producers and proposed that the amount of any increase in the location pricing value of milk at the plant of first receipt above its value at the location of the bulk tank unit be disallowed as a hauling deduction. The cooperatives argued that such a proposal was necessary to price milk purchased by a handler directly from producers on the same basis as milk purhcased from a cooperative association.

Another major proposal by cooperative associations relates to the recovery of costs for long-haul shipments of bulk milk. The proposal would increase the Class I and uniform price transportation differential rate between the 201–210 mile zone and the 1–10 mile zone to 2.2 cents per 10-mile zone rather than the current 1.8 cents per zone. Proponent witnesses stated that the proposal would update the transportation differential rate to the current costs associated with distance in hauling milk from the production area to plants in the 1–10 mile zone. They indicated that the rate increase would tend to make the cost of direct-shipped milk more comparble to the cost of reloaded milk from country plants. Also, they claimed that the resultant increase of 8 cents in the Class I location adjustment for the 1–10 mile zone (20 zones × 0.4) would provide better alignment between the Order 2 Class I price and the Class I price under the neighboring Middle Atlantic Federal milk order (Order 4).

Another major proposal would apply the 15-cent direct delivery differential for the 1–70 mile zone to all milk direct-shipped to plants in the 1–70 mile zone irrespective of the location of the farms on which the milk is produced. Presently the direct delivery differential is to be paid to bulk tank producers whose farms are located within the 1–70 mile zone and for milk from can producers that is delivered to a plant within the 1–70 mile zone. Also any handler whose plant is within the 1–70 mile zone and who purchases milk on a direct-shipped basis from a cooperative is subject to the direct delivery differential on such milk received at that plant.

Producer groups that were proponents of this proposal argued that the proposal was needed to effect uniform pricing to handlers whose plants are located in the 1–70 mile zone. They pointed out that in recent years many 1–70 mile zone handlers have been obtaining direct-shipped bulk tank milk from independent producers' farms outside the 1–70 mile zone and thereby avoiding the direct delivery differential. They contended that this practice has resulted in unequal costs of milk to metropolitan New York City handlers, since many handlers have to pay the direct delivery differential for direct-shipped milk from cooperatives. Cooperative association witnesses stated that the proposed 15-cent direct delivery differential was needed in conjunction with the transportation differential rate of 2.2 cents per 10-mile zone to effect alignment of Class I prices to Order 2 and Order 4 handlers.

Proprietary handler witnesses testified in opposition to the direct delivery differential, especially on the basis of its impact on the cost of Class II milk. They stated that it inflates the cost of Class II milk at 1–70 mile zone plants, and thereby creates a disparity in Class II pricing between Order 2 and Order 4 handlers. Handler witnesses suggested that the direct delivery differential be deleted, particularly with respect to Class II milk.

Other major modifications to the order were proposed by a federation of cooperatives in the Order 4 market. The federation proposed that Order 2 be changed to plant location pricing, that the direct delivery differential be reduced to 5 cents, and that the Class I differential in the 201–210 mile base zone be increased from $2.25 to $2.40. Proponents' witness contended that this package of order modifications would provide proper alignment of pricing between Orders 2 and 4.

Several Order 2 handler witnesses indicated on the record that they were in favor of plant point pricing in principle, but preferred that the matter be given more intensive future study. Order 2 cooperatives opposed the consideration of any complete change to plant location pricing on the basis of this hearing.

The need for order modifications. It is clear that marketing conditions have changed since the present transportation allowances under the order were adopted. The transportation provisions of the New York-New Jersey order were last reviewed at a public hearing held in February 1976. The amendments resulting from that proceeding became effective on November 1, 1977, and were based on transportation costs and marketing patterns which existed in 1975. Since those amendments were effectuated, significant shifts in marketing patterns and increases in milk transportation costs have occurred.

The current transportation provisions of the order were designed to accommodate the marketing pattern existing in 1975. At that time, only 19 percent of the Class I milk at plants in the 1–70 mile zone was received directly from farms, while 81 percent was reloaded at country plants for transshipment to distributing plants within the 1–70 mile zone, from which over 80 percent of the market's Class I milk is now sold. Under the current marketing pattern in the market, a majority of the milk moved to distributing plants in the 1–70 mile zone is received directly from farms. For example, by October 1979, 52 percent of the Class I milk at plants within the 1–70 mile zone was received directly from farms, and only 48 percent was reloaded. Moreover, the record indicates that the Order 2 handlers whose plants are located in northern New Jersey, and who are in intermarket sales competition with Order 4 handlers, receive most of their milk supplies directly from farms, as do the Order 4 handlers. Thus, intermarket price alignment needs to be structured primarily in light of costs of obtaining direct-shipped milk, in contrast to an emphasis on the cost of obtaining reloaded milk under Order 2 compared to direct-shipped milk under Order 4 as was the case with the 1977 amendments to the transportation provisions of Order 2.

Nevertheless, since a substantial proportion of the milk assembled for Class I use in the 1–70 mile zone of the New York-New Jersey market is still reloaded, it is important that the order transportation provisions be structured in a manner that tends to equate the costs of direct-shipped milk to the cost of reloaded milk for handlers in the major population center of the market. On the basis of December 1979 data, the average cost of hauling milk between plants is 59 cents per hundredweight for a distance of 200 miles. The order establishes a difference of 36 cents in Class I prices for this distance between the 201–210 mile zone and the 1–10 mile zone. In addition, the order establishes a 15-cent direct delivery differential for milk procurred from farms in the 1–70 mile zone near the metropolitan New York City area. Thus, with respect to nearby direct-shipped milk, the minimum order Class I pricing structure reflects a price in the 1–10 mile zone that is 51 cents per hundredweight higher than the 201–210 mile zone price, but 8 cents less than the cost of transporting reloaded milk from the 201–210 mile zone to the 1–10 mile zone. Moreover, with respect to direct-shipped milk from farms beyond the 1–70 mile zone where the 15-cent direct delivery differential does not apply (except on milk purchased from a cooperative association bulk tank handler), the minimum order Class I pricing structure reflects a 1–10 mile zone price that is 23 cents below the transportation cost on reloaded milk from the 201–210 mile zone.

Under the price structure adopted in 1977, there was a strong incentive for handlers in the 1–70 mile zone to seek supplies of direct-shipped milk from beyond the 1–70 mile zone. The record indicates that as of October 1979 handlers in the 1–70 mile zone were obtaining nearly as much direct-shipped milk as they were reloaded milk from beyond the 1–70 mile zone. In that month plants inside the 1–70 mile zone received 25 million pounds of Class I milk direct-shipped from farms inside the 1–70 mile zone and 145 million pounds from farms outside the 1–70 mile zone. Reloaded Class I milk for 1–70 mile zone plants from plants outside the 1–70 mile zone amounted to 157 million pounds in October 1979.

The hauling costs being borne by metropolitan area handlers for direct-shipped milk from beyond the 1–70 mile zone had become equivalent to the hauling cost on reloaded milk by December 1979. For example, hauling cost data for December 1979 that were obtained by audit of handlers' records show that the average cost of hauling milk from 181–190 mile zone farms to 1–70 mile zone plants was 87 cents per hundredweight. Handlers recovered 30 cents per hundredweight of this cost through the 15-cent pool credit and the 15-cent negotiable transportation charge to producers. The resultant 57 cents per hundredweight average cost to the handlers is equivalent to the average cost of moving reloaded milk from plants in the 181–190 mile zone to plants in the 1–70 mile zone. In these circumstances, the effective Class I differential cost of distant direct-shipped milk to 1–70 mile zone handlers can be expressed in terms of the order Class I differential applicable for the farm zone where the milk was procured and adding the amount of the hauling cost borne by the handlers. The Class I differential in the 181–190 mile zone is $2.286 and the direct-shipped hauling cost borne by handlers is $.57 for a total of $2.856.

Several examples of effective Class I differential costs of direct-shipped milk to 1–70 mile zone handlers were placed in the record based on December 1979 hauling costs from various farm price zones. All such examples revealed an effective Class I differential cost to 1–70 mile zone handlers within a few cents of $2.84, which is the Class I differential cost under the neighboring Middle Atlantic Federal milk order (Order 4) at plants located within 55 miles of Philadelphia.

Since May 1978 when a large-volume Class I handler at Flemington, New Jersey, shifted regulation from the Middle Atlantic order to the New York-New Jersey order, intermarket shipments of packaged fluid milk products have been about 20 million pounds per month in each direction. For example, in April 1980 Order 2 handlers' packaged fluid milk sales in the Order 4 marketing area were 19.3 million pounds compared to 20.8 million pounds in May 1978. Similarly, in April 1980 Order 4 handlers' sales of packaged fluid milk in the Order 2 marketing area were 18.8 million pounds compared to 17.8 million pounds in May 1978. The potential still exists for the Flemington, New Jersey, handler to shift regulation between these orders. Because of the intermarket competition, it is essential that the Class I prices under the two orders be reasonably aligned.

Under the present circumstances, Order 2 handlers are concerned that increasing hauling costs could place them at a competitive disadvantage relative to Order 4 handlers. This is because under the present terms of Order 2, handlers are faced with having to absorb any further increases in farm-to-plant hauling costs, but under the terms of Order 4, milk is priced at the plant of first receipt and producers pay the cost of hauling their milk from farm to plant. This interorder difference in the treatment of hauling costs is critical with respect to the cost of Class II milk as well as Class I milk for handlers.

The cost of Class II milk to Order 2 handlers is affected by the amount of milk transportation costs borne by the handlers. For example, in the case of direct-shipped milk procured from the 181–190 mile zone, the 57-cent per hundredweight hauling cost borne by the handlers in the 1–70 mile zone would be applicable irrespective of the use made of the milk. Class I handlers cannot avoid having a proportion of their milk in Class II uses, such as shrinkage, route returns, and cream from standardization of milk to a lower butterfat content.

Under Orders 2 and 4, the price for Class II milk is based on the same basic formula price (the Minnesota-Wisconsin price). However, other factors affect a handler's cost of Class II milk. Both orders provide for seasonal adjustments to the basic formula price, which average 2 cents higher under Order 4 than under Order 2. Also, there is a direct delivery differential under Order 4 of 6 cents per hundredweight that is applicable at plants within 55 miles of Philadelphia. Under Order 2, there is a transportation differential on Class II milk in the amount of 1 cent for each 25-mile zone less distant than the 201–210 mile zone, or plus 8 cents for the 1–25 mile zone, in addition to the 15-cent direct delivery differential for the 1–70 mile zone. Thus, the cost of Class II milk to Order 2 metropolitan area handlers is at least 15 cents higher than the cost of Class II milk for Philadelphia area handlers under Order 4.

With respect to Class II milk costs at more distant zones under Order 2, the transportation differential of 1 cent for each 25-mile zone is reduced beyond the 201–225 mile zone, but is limited to a minus 8 cents. However, this minus differential would be offset by any amount of farm-to-first plant hauling costs borne by the receiving handler. In most cases, Order 2 handlers are faced with such costs, even on short-distance movements of milk between the farm and plant of first receipt.

Based on a December 1979 hauling cost audit conducted by the Office of the Market Administrator, 165 million pounds of bulk tank milk, or only 20 percent of the 821 million pounds of milk received in bulk tank units, was hauled at a cost of 30 cents or less per

hundredweight. Thus, for 80 percent of the milk the hauling cost was in excess of the 30 cents reimbursable to handlers through the 15-cent pool credit and the 15-cent negotiable charge to producers. For all short-distance movements of milk (less than 5 10-mile zones between the bulk tank unit zone and the plant zone), the average hauling cost was 35.3 cents in December 1979. Consequently, handlers are faced with having to absorb on the average more than 5 cents of the cost of assembly of bulk tank milk at country plants for processing into Class II products. In addition, this extra cost would be absorbed by handlers with respect to bulk tank milk reloaded at country plants for shipment to other plants. As previously stated, 157 million pounds of Class I milk was reloaded for shipment to plants in the 1–70 mile zone in October 1979.

On the basis of hauling cost data in the record, it is apparent that Order 2 handlers in the 1–70 mile zone are faced with costs for direct-shipped Class I milk that are comparable to the Class I milk costs for competing handlers under Order 4. However, under the present transportation provisions of Order 2, the Order 2 handlers will have to absorb any further increases in hauling costs, which would create a competitive disparity in Class I pricing for Order 2 handlers who compete with Order 4 handlers for sales accounts. Also, with respect to reloaded milk moved to metropolitan New York City area handlers for Class I use, the present limit on farm-to-first plant hauling costs is forcing handlers to absorb an average of at least 5 cents per hundredweight higher transportation cost than on direct-shipped milk. This extra 5-cent cost plus any further increases in hauling costs need to be passed back to producers if comparable Class I milk costs are to be maintained between Orders 2 and 4.

Transportation allowances under Order 2 need to be changed also with respect to Class II milk costs to Order 2 handlers. Presently, on Class II milk Order 2 handlers in the 1–70 mile zone are paying at least 15 cents more than handlers under Order 4, or the amount of the direct delivery differential for the 1–70 mile zone. In the case of country manufacturing plants which process most of the Class II milk in the market, the limit on hauling deductions is forcing an average increase in milk costs of about 5 cents per hundredweight. Any further increase in hauling costs would also accrue to handlers under the present terms of the order. The basic formula price for Class II milk is the same as is used in other Federal milk orders for milk processed into hard manufactured milk products. Thus, farm-to-first plant transportation costs need to be borne by producers under Order 2 if Class II milk costs are to be maintained in alignment with other orders.

Order modifications. As previously indicated, the transportation differential, direct delivery differential, and tank truck service charge provisions of the order should be modified.

Transportation differential and direct delivery differential. The transportation differential rate of 1.8 cents per hundredweight for each 10-mile zone less distant than the 201–210 mile zone that is used to adjust the Class I and uniform prices for location should be increased to 2.2 cents per zone. Also, the present 15-cent direct delivery differential for the 1–70 mile zone should be changed to an additional 15-cent fixed transportation differential on Class I and uniform prices within the 1–70 mile zone.

The combination of these changes in the transportation differentials will reflect the current variable and fixed transportation costs in moving reloaded milk to the 1–70 mile zone. A witness for the Office of the Market Administrator presented the results of a hauling cost analysis for milk reloaded outside the 1–70 mile zone and shipped to plants inside the 1–70 mile zone in December 1979. The analysis was based on a hauling cost audit conducted by the Office of the Market Administrator in which data were obtained from plants transferring in excess of 500,000 pounds of bulk milk using contract haulers. A total of 72 million pounds of milk was shipped between 15 transfer plants and 13 receiving plants. The distances traveled between plants ranged from 122 miles to 364 miles. A statistical analysis was made of the data to determine what proportion of total hauling costs represented fixed costs or the amount not associated with distance traveled and those costs attributable to 10-mile increments of distance traveled. The results of the analysis revealed a fixed cost of 15.26 cents per hundredweight and a variable cost of 2.22 cents per 10-mile increment of distance per hundredweight.

On the basis of this hauling cost analysis, the present transportation differential rate of 1.8 cents per 10-mile zone is 0.4 cents per zone less than the variable costs being incurred by handlers in obtaining milk from distant plants. Cooperative association proponents of increasing the variable transportation differential rate to 2.2 cents per 10 miles urged that the proposal be adopted in order to price direct-delivered milk in line with the cost of obtaining reloaded milk, an increase in the transportation costs for shipping milk from distant plants to the 1–70 mile zone creates a corresponding increase in the value of direct-shipped milk from nearby farms relative to the value of milk from farms located more distant from the major population center of the market, particularly when the cost of long-distance hauling of direct-shipped milk increases as well.

The record demonstrates that long-distance direct-shipped hauling costs have been increasing. For example, the weighted average cost for one group of handlers for hauling bulk milk from farms directly to city plants increased from 38.4 cents per hundredweight in May 1976 to 55.3 cents per hundredweight in May 1979, and to 77.9 cents per hundredweight in May 1980. Moreover, it is apparent that the cost of direct-shipping milk increases with the distance shipped in about the same amount as for reloaded milk.

Hauling costs for milk produced beyond the 1–70 mile zone and delivered directly to plants in the 1–70 mile zone during December 1979 for various distances between the bulk tank unit and the plant were as follows: 101–110 miles, $0.696; 151–160 miles, $0.804; and 181–190 miles, $0.870. The 17.4-cent difference in hauling costs between 101–110 miles and 181–190 miles averages 2.175 cents per 10 miles. The 10.8-cent difference in hauling costs between 101–110 miles and 151–160 miles averages 2.16 cents per 10 miles. The 6.6-cent difference in hauling costs between 151–160 miles and 181–190 miles averages 2.2 cents per 10 miles. Thus, the proposed transportation differential rate of 2.2 cents per 10-mile zone closely reflects the added costs per 10-mile increase in the distance that milk was direct-shipped during December 1979.

Accordingly, adoption of a transportation differential rate of 2.2 cents per 10-mile zone will tend to permit handlers to recover the hauling costs associated with distance in moving Class I milk from the production area to metropolitan area processing plants for both direct-shipped and reloaded milk. In addition, uniform prices to producers would be adjusted more closely in line with the decreasing fluid use value that milk produced at increased distances from the market center has to metropolitan area handlers because of increased hauling costs in moving the milk to their plants.

At the hearing and in their brief, a proprietary handler association opposed any increase in the transportation differential rate because it would

increase the Class I price by 0.4 cents per hundredweight per 10-mile zone nearer the metropolitan center than the 201–210 mile zone. Also, the association argued that the transportation differential rate inside the 201–210 mile zone should not be different than the 1.5-cent transportation differential rate beyond the 201–210 mile zone or the 1.5-cent location adjustment rate under the neighboring Middle Atlantic order.

The 1.5-cent transportation differential rate beyond the 201–210 mile zone is the rate commonly used under other Federal orders. Cooperative association proponents of the 2.2-cent rate inside the 201–210 mile zone stated that they did not propose any change in the rate beyond the 201–210 mile zone because a change in the 1.5-cent rate could disrupt intermarket price alignment and that they did not believe it would be desirable to provide further inducement to move the more distant supplies of milk to the 1–70 mile zone.

With respect to intermarket price alignment beyond the 201–210 mile zone, in western New York and Pennsylvania the production area for the New York-New Jersey market is adjacent to the production area for the Eastern Ohio-Western Pennsylvania Federal order market. Thus, a change in the Order 2 transportation differential rate for those zones beyond the 201–210 mile zone would change the interorder milk procurement situation between Order 2 and the neighboring Federal order markets to the west. The competitive milk procurement relationships between the Eastern Ohio-Western Pennsylvania market and the New York-New Jersey market were not revealed in any significant detail on this hearing record. Thus, a meaningful indication of the probable impacts that a change in the transportation differential rate beyond the 201–210 mile zone could have on the milk marketing competition between these order markets is not feasible on this record.

With respect to the cooperatives' position that no further inducement should be made through the transportation differential rate beyond 210 miles to ship milk to the 1–70 mile zone, such position is supported by record evidence. In October 1979, a month of seasonally high Class I utilization, 327 million pounds of Class I milk were moved to plants within the 1–70 mile zone. During that month 474 million pounds of producer milk were produced on farms within the 1–210 mile zone. This amount exceeded not only the Class I needs of handlers in the 1–70 mile zone but also the Class I use in the entire market. Also, total milk production in the market of 812 million pounds in October 1979 exceeded total Class I use by 399 million pounds. Thus, more milk (399 million pounds) needed to be processed into manufactured dairy products than was needed for Class I use (327 million pounds) inside the 1–70 mile zone. Under these conditions, substantial transportation savings would be realized if milk produced on farms located closest to Class I outlets were used for Class I purposes and milk produced on farms located more distant from Class I outlets were used in manufactured dairy products. This would tend to be encouraged by adoption of a 2.2-cent per hundredweight transportation differential for each 10-mile zone less distant than 201–210 miles and not increasing the 1.5-cent per 10-mile rate for zones beyond 210 miles.

In its exceptions to the recommended decision a proprietary handler association urged that the 1.5-cent per 10-mile rate for zones beyond 210 miles be increased to 2.2 cents per zone. The association contended that there would not be any adverse intermarket price alignment problem in using a 2.2-cent rate for all zones, since the only intermarket packaged fluid milk product sales competition is in areas less distant than the 201–210 mile zone. This may be so, but a change in the transportation differential beyond the 201–210 mile zone would reduce the Class I and uniform prices in the most distant segment of the production area where there is bulk milk procurement competition with the production area for the Eastern Ohio-Western Pennsylvania market. Consequently, a change in the rate for zones beyond the 201–210 mile zone would impact on the milk procurement competition between the markets. Accordingly, for the reasons stated previously there is a sound economic basis for increasing the transportation differentials inside the 201–210 mile zone only.

The 2.2-cent per 10-mile rate inside the 201–210 mile zone will also result in better intermarket Class I price alignment between Order 2 and Order 4. A 2.2-cent rate for the 20 zones inside the 201–210 mile zone would add 44 cents to the $2.25 Class I differential for a total of $2.69 in the 1–10 mile zone. The $2.69 plus the amount of the direct delivery differential of 15 cents would result in a Class I milk differential price of $2.84 for direct-shipped milk in the 1–10 mile zone. this is the same as the Class I differential cost of milk at plants within 55 miles of Philadelphia under Order 4 ($2.78 Class I differential plus a 6-cent direct delivery differential).

However, the amount of the 15-cent direct delivery differential under Order 2 should be changed to a fixed transportation differential for the 1–70 mile zone, to effect comparable Class II pricing between Order 2 and Order 4, as well as alignment of Class I prices between these orders. Moreover, the 15-cent fixed transportation differential is needed under Order 2 to maintain comparable costs between direct-shipped milk and reloaded milk for handlers in the 1–70 mile zone. As previously indicated, analysis of the costs of hauling reloaded milk during December 1979 under Order 2 revealed a fixed transportation cost of 15.26 cents per hundredweight. Consequently, this fixed cost needs to be reflected in the Class I price of direct-shipped milk to maintain comparable hauling allowances for handlers on both direct-shipped and reloaded milk.

Proponents of application of the direct delivery differential to all direct-shipped milk irrespective of whether it is produced on farms inside or outside the 1–70 mile zone recognized that milk has the same plant location value to a 1–70 mile zone Class I handler regardless of the location of the farm where produced. Uniform pricing to handlers cannot be maintained effectively when producers located outside the 1–70 mile zone are left to rely on their bargaining strength to obtain a price competitive with the higher cost of reloaded milk or the higher price of direct-delivered milk from farms within the 1–70 mile zone, as is presently done under the order.

In its comments on the recommended decision, a group of proprietary handlers excepted to the 15-cent fixed transportation cost being reflected in the order as an additional transportation differential within the 1–70 mile zone. They pointed out that there are some handlers who package milk at plants beyond the 1–70 mile zone that compete for sales accounts with handlers whose plants are within the 1–70 mile zone. In view of such competitive conditions, they contended that the 15-cent fixed transportation differential should be applied to all packaged milk disposition within the 1–210 mile zone or, alternatively, that such fixed transportation costs be reflected in the order as a pool credit for bulk shipments of milk from outside the 1–70 mile zone to plants located within the 1–70 mile zone.

The 15-cent fixed transportation differential relates to the cost of transporting reloaded milk from distant production areas to plants within the 1–70 mile zone. There is no indication on the record that plants located outside

the 1–70 mile zone obtain any reloaded milk. Thus, there would not be a sound hauling cost basis for providing a fixed transportation differential at plants located in areas where milk is not obtained through reloading operations. However, the record does indicate that it costs as much to transport milk in packaged form as it does in bulk form. Also, it is logical that there would be fixed costs associated with trucking packaged milk as is the case with reloaded bulk milk. Consequently, it is questionable whether there is any transportation-related advantage in moving packaged milk from distant plants compared to shipping it in bulk form for packaging at plants in the metropolitan area.

With respect to the suggested adoption of a pool transportation credit on shipments of bulk milk and not packaged milk, this would raise the issue of nonuniformity in pricing of Class I milk at distant plant locations. Moreover, it would tend to be inequitable to provide a pool subsidy for movement of milk to the metropolitan area in one form and not other forms. Accordingly, it is concluded that no departure from the recommended transportation provisions should be made on the basis of this hearing record.

Alignment of minimum order Class II pricing on an intermarket and intramarket basis would be improved by removal of the impact of the direct-delivery differential on Class II milk, as proposed at the hearing by proprietary handlers. As previously discussed, the 15-cent direct delivery differential results in a cost of Class II milk to Order 2 handlers that is 15 cents above the cost of Class II milk to Order 4 handlers whose plants are located within 55 miles of Philadelphia. With respect to intramarket competition the effective minimum order cost of Class II milk varies among handlers in accordance with the amount of hauling cost for which handlers are not reimbursed through the 15-cent pool credit and the 15-cent negotiable hauling deduction from producers. Further detail on this matter is included later in this decision.

Pool credit and tank truck service charge. The combination of the 15-cent bulk tank unit pool credit to handlers and the 15-cent limit on the negotiable hauling charges to producers relates to the proportion of farm-to-first plant hauling cost to be borne by producers and the proportion to be borne by handlers. The bulk tank unit pool credit should be continued at the 15-cent rate. However, the limit on the negotiable hauling charge to producers should be modified by permitting handlers to recover any farm-to-first plant hauling costs that are in excess of the pool credit and the amount of any increase in class use location value of the milk at the plant of first receipt over its class use location value in the bulk tank unit from which it was transferred.

The proposals to increase the amount of the pool credit and the proposal to delete the pool credit should not be adopted. Proponents of an increase in the pool credit supported it on the basis that hauling costs have increased and the minimum farm-to-first plant hauling cost in the market is now about 20 cents per hundredweight. The proponent of deletion of the pool credit stated that the use of a pool credit tends to keep an equivalent amount of hauling costs hidden from producers. Proponent argued that producers should be charged directly for all hauling costs so that they will better realize what such costs are rather than having a portion of such costs hidden in the form of a reduced pay price.

One of the impacts of the use of a pool credit is a reduction in the amount of the announced uniform price under the order. If the pool credit were eliminated the announced uniform price would be 15 cents higher. Thus, the amount of the hauling cost represented by the pool credit is borne by producers. Accordingly, total net returns to producers would be the same if the pool credit were deleted and the hauling charge directly to producers were increased a like amount. In this circumstance, it would seem that the pool credit should be changed to an increase in hauling charges directly to producers, since it has only a psychological impact on producers. However, the record does not reveal the extent to which producers may understand that they are paying for part of farm-to-first plant hauling in the form of a reduced pay price. If producers are not generally aware of this impact of the present pool credit, it could result in unrest among producers if hauling charges were abruptly increased by 15 cents per hundredweight through deletion of this pool credit.

The hauling cost problems faced by handlers can be alleviated with the continuation of a pool credit, but there could be adverse impacts if the amount of the pool credit were increased. If the credit were set at an amount in excess of the minimum hauling cost it would result in a windfall profit to bulk tank unit operators in an amount that hauling costs are less than the amount of the credit. For example, the proposed 30-cent pool credit would have exceeded the actual farm-to-first plant hauling cost in December 1979 for 164.5 million pounds of milk. The proposed 25-cent pool credit would have overcompensated handlers with respect to 39.9 million pounds of milk that was hauled during December 1979. Also, witnesses indicated that there is still some milk being hauled from farm to plant for less than the proposed 20-cent pool credit.

Moreover, an increase in the pool credit would tent to limit the flexibility handlers would be permitted to exercise in adopting hauling charges that reflect the wide variations inherent in the cost of hauling milk among producers within a bulk tank unit. If the pool credit were set at the average hauling cost for all milk in a bulk tank unit, the handlers would not be permitted to make any hauling deduction and producers in the unit would all be paying the same hauling cost in the form of a reduced uniform price. However if the pool credit were to be kept at the lowest cost of hauling for any producer in the unit, then handlers would be permitted to adopt a hauling schedule that reflected the full variation in costs of hauling for milk of individual producers in the unit.

The record indicates that cooperative associations in the market have employed the use of a stop charge in their hauling schedule for member producers. Thus, producers with large volumes of production tend to realize a lower per unit cost of hauling than small-volume producers. Also, producers whose milk is picked up every day are charged more per unit than producers who are on a every-other-day pickup. In order for proprietary handlers to use this stop charge type of hauling scheme, the pool credit needs to be kept at the per unit hauling cost of the lowest cost producer in the unit. However, a pool credit at such low level would not preclude a handler from applying the same per hundredweight hauling charge for all producers in the unit.

Handler and cooperative association witnesses indicated that under the present terms of the order there is allowance for exercising some variability in the type of hauling charge schedule used and they proposed that it be continued. In view of the above considerations, it is concluded that no change should be made at this time in the amount of the bulk tank unit pool credit.

Certain producer groups excepted to the conclusion in the recommended decision that no change should be made in the pool credit. Cooperative association proponents for an increase in the amount of the pool credit argued that the pool credit should be increased

for the purpose of limiting the amount of flexibility a proprietary handler could use in his hauling charge schedule. The cooperatives reasoned that, otherwise proprietary handlers would be encouraged to be selective in their procurement by seeking the large volume producers. The producer group that proposed the elimination of the pool credit contended in its exception that the use of the pool credit makes it more difficult for producers to compare alternative order market prices.

The provisions adopted do provide proprietary handlers with the flexibility to use a stop charge in their hauling scheduled. However, an increase in the pool credit would not tend to interfere with this unless it were increased to an amount in excess of what it costs to haul the milk of the lowest hauling cost producer. As previously stated, if the pool credit were increased to the point where it exceeded hauling costs, handlers would realize a net profit on hauling the milk of large volume producers and, thus, would be encouraged to limit their procurement to such producers. In any event the provisions adopted tend to remove any influence that the order transportation provisions may have on whether a handler obtains milk from large or small volume producers. This should discourage segregation of milk hauling routes by volume of production.

As previously stated, the 15-cent pool credit is not expected to have any impact on producers or handlers, except for a possible psychological impact on producers if the provison were deleted. Since for the most part the industry proposed continuation of a pool credit in the transportation provisons it would be more appropriate that its removal be based on an indication of broader support on the part of producers.

The limit on the total amount of the negotiable hauling deduction from producers should be changed to effect uniform class prices to handlers at a given plant location. This can be accomplished by adoption of the proposal by cooperatives to subtract from the negotiable hauling deduction from producers the amount of the pool credit and the amount that the class use location value of the milk at the plant of first receipt exceeds its class use location value in the bulk tank unit from which the milk was transferred. The adjustment of hauling charges in this manner is necessary to preclude handlers from obtaining a double credit for the transportation differential under the order.

As previously discussed, transportation differentials for adjusting class prices are employed under the order to afford handlers transportation cost allowances for moving milk from the production area to metropolitan New York City processing plants. With respect to bulk tank unit milk, class prices are reduced for the location of the farms included in the bulk tank unit. Handlers are obligated to account to the producer settlement fund at the classified use value of milk at the location of the bulk tank unit. Thus, in this manner handlers receive the benefit of the transportation differential employed in the order. In this circumstance, if a handler is permitted to charge producers for hauling milk to a plant in a higher-priced zone than the bulk tank unit the handler would benefit twice from the transportation differentials provided in the order. Accordingly, it is appropriate that handlers incur the transportation differential amount of hauling costs associated with moving direct-shipped milk from a bulk tank unit to a plant in a higher-priced zone. This can effectively be accomplished through the disallowances of any charge to producers for the amount that the transportation differential value of milk at the plant of first receipt exceeds its transportation differential value in the bulk tank unit.

Such hauling allowance provisions will also provide assurance that costs of direct-shipped milk are uniform to handlers at the plant of first receipt as adjusted for location by the transportation differentials. Under the present terms of the order, handlers tend to receive the benefit of any farm-to-city plant hauling costs that are less than a competing handler's hauling costs. Thus, the effective costs to city handlers tend to vary with any variations in the costs of direct-shipping milk from the zone of the bulk tank unit to the city plant. Under the adopted amendments, such hauling costs variations will tend to accrue to producers.

Under the present transportation allowance scheme in the order, proprietary handlers have had an incentive to seek out those direct-shipped producer milk supplies that are the least costly to haul to their plants since the hauling allowances do not cover the full hauling costs. Typically such producer milk supplies are from farms located on good highways and from large-volume producers. Contrariwise, there has been an incentive for proprietary handlers to avoid obtaining milk from small-volume producers or from farms located on poor roads, or on roads with lower truck weight limits, or in hilly areas, all of which involve higher hauling costs. Thus, in many cases bulk tank hauling routes have been segregated according to the cost of hauling milk from farms. The witness for one producer group contended that variations in hauling costs among farms should be reflected in hauling costs to producers rather than in the hauling costs incurred by handlers. The witness pointed out that for the most part producers have incurred an increased capital investment in farms located on good roads and with farmstead lanes that facilitate the use of the larger more efficient tank trucks for picking up their milk. Moreover, the witness contended that property taxes are higher for farms that are on the better roads and that have farm lanes in a condition that permits easy access to the milk house by large tank trucks. In these circumstances, the efficiency of hauling routes tends to be related to conditions at the farm and therefore it is appropriate that the transportation provisions of the order permit the reflection of variations in costs of hauling back to producers individually.

The proposals to remove the limit on the amount of actual hauling costs that may be negotiated between handlers and producers would allow for the reflection of variations in hauling costs among farms in a bulk tank unit. Also, handlers would be assured that the terms of the order would not force them to absorb hauling costs that would effect higher than minimum order class use values of milk at the plant of first receipt.

The proposals to maintain a maximum limit on the negotiable hauling deduction could threaten the ability of producers on farms from which milk hauling costs are somewhat higher than for neighboring farms to maintain an outlet for their milk. Witnesses indicated that this has been the case under the present hauling limit. Obviously, this type of problem would tend to be alleviated by setting the hauling deduction limit at a higher amount. However, most witnesses contended that hauling costs could be expected to continue increasing. Thus, the problems attributable to the limit could be expected to recur at a future date, particularly if the farm-to-first plant hauling allowances were increased from the present 30 cents to only 45 cents per hundredweight as proposed by cooperatives.

The farm-to-first plant hauling cost audit conducted by the Office of the Market Administrator reveals that in December 1979 hauling costs exceeded an average of 45 cents per hundredweight for some bulk tank units

for which milk was shipped less than 50 miles between the unit location and the plant location. A total of 77.5 million pounds of milk was included in such units. Accordingly, adoption of the maximum limit proposed by cooperatives would fall short of covering the present range of farm-to-first plant hauling costs.

A major impact of the hauling limit has been to preclude handlers from benefiting twice from the transportation differential structure under the order in the case of milk direct-shipped long distances from the production area to plants in the 1–70 mile zone. This impact under the order would be taken care of by the adoption of the previously discussed modification to the negotiable hauling charge. Thus, a maximum limit would no longer be needed to preclude handlers from realizing a double credit for the hauling allowances reflected in the transportation differentials under the order.

Moreover, as pointed out by those proposing the removal of the limit on hauling deductions, producers have the protection of handlers having to get a producer's or his cooperative's advance written approval for a hauling charge. Also, producers would always have the option of changing market outlets to obtain a more favorable hauling rate. Thus, competition among haulers should tend to protect the interest of producers with respect to hauling costs that they incur. In view of the above considerations, it is concluded that a maximum limit on negotiable hauling deductions should not be maintained under the order.

In its exception to the recommended decision a cooperative argued that a limit on the negotiable hauling deduction should be maintained to prevent excessive hauling costs resulting from inefficient hauling route arrangements. The cooperative contended that there are occasions when alternate market outlets are not readily available and in such circumstances some producers could be faced with having to accede to an unusually high hauling charge. This could well happen, but it would be better than not having any market outlet if the handler receiving the milk were to refuse to market the milk on the basis that he could not afford to absorb hauling costs that resulted in an effective price in excess of the minimum class prices at which he may otherwise obtain sufficient milk supplies.

The adoption of the combination of the aforementioned amendments to the order should tend to effect the recovery of transportation costs by handlers in a manner that results in proper alignment of handlers' costs of milk on an intramarket and intermarket basis. It is recognized, however, that no action is taken with respect to milk assembly costs not associated with transportation costs. There was discussion on the record with respect to the cost of reloading milk at country plants which could result in a higher total cost to handlers for reloaded milk than for direct-shipped milk. No proposals were made with respect to matters other than transportation costs.

Other proposals not adopted. The proposal made at the hearing to adjust the negotiable hauling deduction limit by use of a diesel fuel formula is rendered moot by the elimination of a fixed limit on hauling deductions.

The proposal for a complete change to plant location pricing should not be adopted. The amendments provided herein tend to effect plant pricing with respect to the classified prices to handlers. However, farm zone pricing is retained with respect to uniform prices to producers. In these circumstances, the basic substantive difference between the adopted provisions and plant pricing is the order's impact on movement of milk to higher-priced zones for Class II use. Under plant pricing the minimum uniform price payable to producers applies at the location of the plant of first receipt and handlers are credited from the producer settlement fund at such uniform price. Accordingly, such application of the order would provide a greater incentive to haul direct-shipped milk to city plants for Class II use, since there would be a credit from the pool for the full amount that the uniform price transportation differential at the city plant exceeds the transportation differential for the zone of the bulk tank unit.

In such circumstances, adoption of plant pricing would tend to provide encouragement to move milk long distances toward the city for manufacturing use. Since manufactured products are a much more concentrated form of dairy products than fluid milk, transportation savings can be realized if manufactured products are processed at plants nearby producers' farms and shipped to the city in manufactured form. The pricing scheme adopted will tend to discourage the long distance shipment of milk toward higher-priced zone plants for Class II use, since handlers will be in a position of having to convince the producer to pay the extra cost of hauling milk to their plants compared to the cost of hauling milk to a plant near the producer's farm.

Under the present terms of the order, handlers are discouraged from moving milk long distances for Class II use since they incur the extra hauling costs. This situation will be essentially the same under the provisions adopted, since producers would have the option of obtaining an alternative outlet for their milk at manufacturing plants in the production area, rather than agreeing to pay the extra cost of having their milk hauled to the city for Class II use. Order 2 cooperative association witnesses argued that the order provisions should continue to be structured in a manner that discourages the movement of milk to the city for Class II use. For this reason, complete plant pricing should not be adopted at this time.

The proposals to increase the Class I differential by 15 cents and reduce the direct delivery differential to 5 cents were supported on the basis that they would result in proper alignment of prices between Order 2 and Order 4. These proposals would result in reducing the transportation allowance under the order to 49 cents between the 201–210 mile zone and the 1–10 mile zone. This is 2 cents less than under the present terms of the order and 10 cents less than the actual transportation cost on reloaded milk. Moreover, it would provide a Class I differential cost of $2.89 in the 1–10 mile zone. Such $2.89 Class I differential cost plus the shortfall of 10 cents in covering the transportation costs on reloaded milk would result in an effective Class I differential milk cost of $2.99 at the 1–10 mile zone. This is 15 cents higher than the Class I differential cost under the adjacent Order 4 at plants within 55 miles of Philadelphia. In this circumstance, there would be a disparity in pricing under the orders that would tend to favor Order 4 handlers. Accordingly, these proposals should not be adopted.

An exception to the recommended decision suggested that the Class I differential be increased to $2.35 and the fixed transportation differential be set at 5 cents rather than 15 cents. This suggestion has essentially the same shortcomings as the proposal discussed above that would increase the Class I differential to $2.40 and reduce the direct delivery differential to 5 cents.

A proprietary handler association urged in its comments on the recommended decision that the Class II transportation differentials be amended by deleting the plus adjustments and eliminating any impact of the minus adjustments on transfers of milk between bulk tank units and plants. No proposal concerning Class II transportation differentials was included in the hearing notice. Thus it would not be appropriate to revise such

differentials on the basis of this hearing record.

Another suggestion made by the handler association in its comments on the recommended decision was to reduce the 15-cent fixed transportation differential in the 1–70 mile zone to 6 cents to offset the costs handlers incur in handling daily and seasonal reserve milk supplies. Such type of offset to the transportation differential structure in the order would not be appropriate. Handlers outside the 1–70 mile zone and handlers in the neighboring Order 4 market have similar "supply-balancing" costs. Thus such proposal could adversely impact on intramarket and intermarket price alignment.

In a comment on the recommended decision a producer questioned whether it would be appropriate to increase class prices to offset any increased hauling costs to be borne by producers under the amendments adopted. As previously indicated it is necessary that producers absorb increased hauling costs rather than handlers in order to maintain appropriate alignment of milk costs between Order 2 handlers and Order 4 handlers.

Issuance of a recommended decision. A recommended decision was issued in this proceeding. A proprietary handler association urged at the hearing that their proposed amendments be adopted on an emergency basis by omitting the usual issuance of a recommended decision for review and comments by interested parties before a final decision is issued. However, in its brief the association stated that it wished to have the benefit of commenting on a recommended decision if any amendments other than those that the association proposed were adopted. In these circumstances, the issue was moot, since amendments other than those proposed by the association were adopted in the recommended decision.

Rulings on Proposed Findings and Conclusions

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General Findings

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on Exceptions

In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing Agreement and Order

Annexed hereto and made a part hereof are two documents, a Marketing Agreement regulating the handling of milk, and an ORDER amending the order regulating the handling of milk in the New York-New Jersey marketing area which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That this entire decision, except the attached marketing agreement, be published in the **Federal Register**. The regulatory provisions of the marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which is published with this decision.

Referendum Order To Determine Producer Approval; Determination of Representative Period; and Designation of Referendum Agent

It is hereby directed that a referendum be conducted and completed on or before the 30th day from the date this decision is issued, in accordance with the procedure for the conduct of referenda (7 CFR 900.300 *et seq.*), to determine whether the issuance of the attached order as amended and as hereby proposed to be amended, regulating the handling of milk in the New York-New Jersey marketing area is approved or favored by producers, as defined under the terms of the order (as amended and as hereby proposed to be amended), who during the representative period were engaged in the production of milk for sale within the aforesaid marketing area.

The representatve period for the conduct of such referendum is hereby determined to be February 1981.

The agent of the Secretary to conduct such referendum is hereby designated to be Norman K. Garber.

Signed at Washington, D.C., on: June 22, 1981.

C. W. McMillan,

Assistant Secretary for Marketing and Transportation Services.

Order [1] amending the order, regulating the handling of milk in the New York-New Jersey marketing area.

Findings and Determinations

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determninations are hereby ratified and affirmed, except insofar as much findings and determinations may be in conflict with the findings and determinations set forth herein.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

(a) *Findings.* A public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the New York-New Jersey marketing area. The hearing was held pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure (7 CFR Part 900).

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the New York-New Jersey marketing area shall be in conformity to and in compliance with the terms and conditions of the order, as amended, and as hereby amended, as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Deputy Administrator, Marketing Program Operations, on March 12, 1981, and published in the **Federal Register** on March 18, 1981 (46 FR 17207), shall be and are the terms and provisions of this order, amending the order, and are set forth in full herein:

1. The introductory text preceding paragraph (a) in § 1002.50a is revised to read as follows:

§ 1002.50a Class prices.

For pool milk received during each month from dairy farmers or cooperative associations of producers, each handler shall pay per hundredweight not less than the prices set forth in this section, subject to the differentials and adjustments in §§ 1002.51 and 1002.81. Any handler who purchases or receives milk during any month from a cooperative association of producers but does not operate the plant or unit receiving this milk from producers shall pay the cooperative association on or before the 19th day of the following month for such milk at not less than the class prices pursuant to this section subject to the differentials and adjustments set forth in §§ 1002.51 and 1002.81 applicable at the plant at which the milk is first received from the cooperative association. Such payments to a cooperative association shall be deemed not to have been made until the payments have been received by the cooperative association.

* * * * *

2. In § 1002.51, paragraph (c) is revised to read as follows:

§ 1002.51 Transportation differentials.

* * * * *

(c) The differential rates applicable at plants shall be as set forth in the following schedule.

A	B	C
Freight zone	Classes I-A and I-B	Class II
(Miles)	(Cents per hundredweight)	
1-10	+59.0	+8
11-20	+56.8	+8
21-25	+54.6	+8
26-30	+54.6	+7
31-40	+52.4	+7
41-50	+50.2	+7
51-60	+48.0	+6
61-70	+45.8	+6
71-75	+28.6	+6
76-80	+28.6	+5
81-90	+26.4	+5
91-100	+24.2	+5
101-110	+22.0	+4
111-120	+19.8	+4
121-125	+17.6	+4
126-130	+17.6	+3
131-140	+15.4	+3
141-150	+13.2	+3
151-160	+11.0	+2
161-170	+8.8	+2
171-175	+6.6	+2
176-180	+6.6	+1
181-190	+4.4	+1
191-200	+2.2	+1
201-210		
211-220	-1.5	
221-225	-3.0	
226-230	-3.0	-1
231-240	-4.5	-1
241-250	-6.0	-1
251-260	-7.5	-2
261-270	-9.0	-2
271-275	-10.5	-2
276-280	-10.5	-3
281-290	-12.0	-3
291-300	-13.5	-3
301-310	-15.0	-4
311-320	-16.5	-4
321-325	-18.0	-4
326-330	-18.0	-5
331-340	-19.5	-5
341-350	-21.0	-5
351-360	-22.5	-6
361-370	-24.0	-6
371-375	-25.5	-6
376-380	-25.5	-7
381-390	-27.0	-7
391-400	-28.5	-7
401 and over	-30.0	-8

* * * * *

§ 1002.53 [Amended]

3. In § 1002.53, the reference "§§ 1002.51 and 1002.82(b)" is changed to "§ 1002.51."

4. In § 1002.80, paragraph (a) (2) and (3) are revised to read as follows:

§ 1002.80 Time and rate of payments.

(a) * * *

(2) Proper deductions for the month that were authorized in writing by producers from whom the handler received milk (except as specified in paragraph (a)(3) of this section);

(3) For milk received in a bulk tank unit and for which transportation was provided by the handler or at his expense, there may be deducted, as proper and as authorized in writing by the producer, or by a cooperative association authorized to act on behalf of such producer, a tank truck service (transportation) charge. This charge may include any farm-to-first plant transportation costs for which the handler was not reimbursed through the transportation credit pursuant to § 1002.55, but such charge shall be reduced by the amount that the class use location value of milk at the plant of first receipt exceeds its class use location value where the milk was accounted for as a receipt in the bulk tank unit from which the milk was transferred. Any such deduction, plus the transportation credit, and plus the amount of the increase in class use location value of the milk at the plant compared to the unit shall not exceed the actual transportation costs incurred. Any such deduction also must be made by the handler not later than the date on which the producer is required to be paid for such milk. If authorization for such deduction is cancelled by the producer or by the cooperative by notifying the handler in writing, such cancellation shall be effective on the first day of the month following its receipt by the handler; and

* * * * *

§ 1002.82 [Amended]

5. In § 1002.82 paragraph (b) is removed.

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Federal Register

Vol. 46, No. 122

Thursday, June 25, 1981

INFORMATION AND ASSISTANCE

PUBLICATIONS

Code of Federal Regulations

CFR Unit	202-523-3419 523-3517
General information, index, and finding aids	523-5227
Incorporation by reference	523-4534
Printing schedules and pricing information	523-3419

Federal Register

Corrections	523-5237
Daily Issue Unit	523-5237
General information, index, and finding aids	523-5227
Public Inspection Desk	633-6930
Scheduling of documents	523-3187

Laws

Indexes	523-5282
Law numbers and dates	523-5282 523-5266
Slip law orders (GPO)	275-3030

Presidential Documents

Executive orders and proclamations	523-5233
Public Papers of the President	523-5235
Weekly Compilation of Presidential Documents	523-5235
Privacy Act Compilation	523-3517
United States Government Manual	523-5230

SERVICES

Agency services	523-3408
Automation	523-3408
Dial-a-Reg	
Chicago, Ill.	312-663-0884
Los Angeles, Calif.	213-688-6694
Washington, D.C.	202-523-5022
Magnetic tapes of FR issues and CFR volumes (GPO)	275-2867
Public briefings: "The Federal Register—What It Is and How To Use It"	523-5235
Public Inspection Desk	633-6930
Regulations Writing Seminar	523-5240
Special Projects	523-4534
Subscription orders (GPO)	783-3238
Subscription problems (GPO)	275-3054
TTY for the deaf	523-5239

FEDERAL REGISTER PAGES AND DATES, JUNE

29239-29452.....1
29453-29690.....2
29691-29920.....3
29921-30072.....4
30073-30326.....5
30327-30480.....6
30481-30622.....9
30623-30796.....10
30797-30996.....11
30997-31248.....12
31249-31402.....15
31403-31634.....16
31635-31868.....17
31869-31998.....18
31999-32226.....19
32227-32424.....22
32425-32550.....23
32551-32852.....24
32853-33018.....25

CFR PARTS AFFECTED DURING JUNE

At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Executive Orders:
May 9, 1898 (Revoked by PLO 5949).....29939
February 25, 1919 (Revoked in part by PLO 5959).....31894
April 4, 1922 (Revoked in part by PLO 5961).....31894
June 13, 1925 (Revoked in part by PLO 5957).....31893
February 6, 1926 (Revoked by PLO 5948).....29938
April 17, 1926 (Revoked in part by PLO 5950).....29939
February 14, 1933 (Revoked by PLO 5944).....29710
5451 (Revoked by PLO 5947).....29938
5907 (Revoked in part by PLO 5960).....31894
6618 (Revoked in part by PLO 5958).....31893
11476 (Amended by EO 12306).....29693
11835 (See EO 12306).....29693
12018 (See EO 2306).....29693
12198 (Amended by EO 12306).....29693
12233 (See EO 12306).....29693
12285 (Amended by EO 12307).....30481
12296 (Amended by EO 12309).....30997
12306.....29693
12307.....30483
12308.....30485
12309 (Amends EO 12296).....30997
12310.....31869

Proclamations:
4846.....29691
4847.....30483
4848.....31403

Administrative Orders:
Presidential Determinations:
No. 81-8 of June 2, 1981.....30797
No. 81-9 of June 2, 1981.....29921
No. 81-10 of June 9, 1981.....31635

5 CFR

Ch. XIV.....30327
213.....31405
230.....32425
930.....31405
1209.....30999

Proposed Rules:
Ch. I.....31018

7 CFR

2.....31871, 32227, 32853
20.....32227
28.....30073
29.....32590
301.....31999
354.....32006
406.....32853
409.....32853
700.....29453
800.....30322, 32859
907.....29923, 30799, 32425
908.....32007, 32425, 32860
910.....30012, 31249, 32008
911.....32425
915.....32425
917.....30075, 30077, 32425
918.....32425
923.....32008
925.....32425
945.....32010
953.....29454, 30487
979.....29693
982.....32012
984.....31637
991.....29693
1425.....30327
1464.....32591
1944.....29239

Proposed Rules:
102.....30620
201.....30780, 31424
226.....32026
907.....32030
921.....32871
922.....32031
948.....32031
989.....30645, 32872
993.....29271
1002.....33007
1125.....31424
1133.....31424
1135.....32873, 32874
1701.....32033

8 CFR

204.....29923, 30078
214.....29456
238.....32551

9 CFR

78.....30487
82.....29456, 30488, 31249
92.....29239, 29240

10 CFR

2 30328
51 29457
376 29680
380 29680
440 29242
1008 31637
1500 29924
1502 29924
1534 29924

Proposed Rules:

2 30349
30 29712
40 29712
70 29712
73 31267
500 31216
501 31216
503 31216
504 31216
505 31216

12 CFR

Ch. II 31406
204 32426
217 32426
220 31250
303 30079
523 32013
552 30488
570 30079
701 31871

Proposed Rules:

213 29245
220 ..... 32033, 32592
221 32592
225 32594
226 29246
332 31018
337 31018
526 30113
545 30114
569a 29246
615 32450
701 ..... 29247, 29482, 31651, 31654, 31660, 32875
720 29248

13 CFR

120 32430
124 29251

Proposed Rules:

105 32259
124 ..... 29276, 31899

14 CFR

39 ..... 29252, 29253, 29924–29926, 30332–30334, 30799, 30800, 31250, 31251, 31873–31879, 32228–32230, 32860, 32862
71 ..... 29254–29256, 29927, 30335, 30801–30806, 31250–31252, 32231–32233, 32863
73 ..... 29256, 30806
75 31253
97 ..... 29257, 30807
121 32863
135 ..... 30968, 32863
152 30808
207 31000
208 31000
212 31000
221 32551
222 32552
291 32560
302 31001
384 32560
385 ..... 32560, 32563

Proposed Rules:

Ch. I 30352
39 ..... 31268, 31899, 31900, 32265, 32266, 32875
71 ..... 29278–29281, 29947–29951, 30353, 30354, 30833, 31289, 32267, 32269, 32876–32879
73 30833
75 ..... 29280, 29281, 31278
121 ..... 32409, 32413
123 32409
127 32409
135 ..... 32409, 32413
323 29282
302 29718
399 ..... 29285, 29719, 29727

15 CFR

370 29457
371 32431
374 32563
376 ..... 31001, 31407, 32563
377 32431
379 32563
385 31407
399 ..... 31407, 32431
806 30336
908 32233
935 32014
936 32014

Proposed Rules:

330 29662
331 29662
332 29662
340 29662
341 29662
342 29662
343 29662
350 29662
351 29662
352 29662
353 29662
354 29662
373 30623

16 CFR

4 32435
13 ..... 29458, 29928, 30337, 32233, 32234
460 29256
1031 29928
1032 29928
1212 29696

Proposed Rules:

Ch. II 29951, 30115, 31901
13 ..... 30646, 32450
453 31662

17 CFR

15 29931
16 29931
17 29931
18 29931
21 29931
230 31880
285 32879
286 32879
287 32879

Proposed Rules:

Ch. I 29952
270 32595

18 CFR

141 29459
271 ..... 29697, 29699, 30489–30491, 31253–31256, 32235–32236
284 30491
292 32236
375 29700
1301 31002
1309 30811

Proposed Rules:

Ch. I 31902
157 30505
271 ..... 30833, 32270, 32596, 32597
292 31663
375 30505

19 CFR

101 ..... 29462, 32436
103 32564
134 30338
152 32564
175 32564
353 32864

Proposed Rules:

Ch. I 29953
200 29729

20 CFR

655 32437

Proposed Rules:

404 29953

21 CFR

5 31003
74 31004
101 31004
135 31004
166 31004
172 ..... 30080, 32015
173 ..... 30492, 30493
175 32015
178 31005–31007
193 ..... 30338, 30494, 31008, 32239, 32865
314 32016
444 31009
520 ..... 29464, 31010, 32017, 32438, 32439
524 32440
558 ..... 32018, 32019
561 ..... 30339, 31637
573 30081
1308 32019

Proposed Rules:

161 30505
180 ..... 31020, 32453
182 ..... 31020, 32453
430 30115
436 30115
440 30115
444 30115
448 30115
452 30115
1308 29484

22 CFR

41 30082

Proposed Rules:

171 30649

23 CFR

Proposed Rules:

625 32880
655 32880

24 CFR

235 ..... 29256, 31257
570 29908

25 CFR

52 31880

26 CFR

1 ..... 29465, 31409, 31881, 32239
7a 30495
11 29465
35 30495

Proposed Rules:

20 32598
31 31278

27 CFR

4 29260
19 ..... 29261, 32224
70 29261
240 29261
245 29261
250 29261
270 29261
275 29261

Proposed Rules:

9 31020

28 CFR

0 ..... 29704, 29931
16 ..... 30495, 32021, 32866
301 31204

Proposed Rules:

31 29438
522 31210
527 31210
544 31210
545 31210

29 CFR

Ch. XXVI 32574
92 32214
778 32440
1910 ..... 31010, 32021
1928 32021
1952 32022
2610 ..... 31257, 32022
2613 32866

Proposed Rules:

530 29485

30 CFR

250 29932
700 31258
716 31258
785 31258
931 31638

Proposed Rules:

Ch. II 32885
221 32454
715 32455
816 32455
817 32455

31 CFR

51 ..... 29261, 31409
535 ..... 30340, 31630

32 CFR

199 29704
294 29705
706 32023

Proposed Rules:

41 31663
298a 29486

33 CFR

25 29709
165 29709
183 29709
204 29709

Proposed

82 29712
100 29712
110 29712
117 29712
160 29712
162 29712
402 29712

34 CFR

324 29712
773 29712

36 CFR

13 29712

Proposed

1190 29712
272 29712

37 CFR

303 29712

Proposed

201 29712
202 29712

38 CFR

3 29712
21 29712

Proposed

Ch I 29712
3 29712
21 29712

39 CFR

111 29712
601 29712

Proposed

10 29712

40 CFR

30 29712
35 29712
40 29712
52 ..... 29712, 31011, 31014
60 29712
61 29712
62 29712
81 29712
86 29712
122 29712
123 29712
162 29712
180 ..... 29712, 31014, 31015
228 29712
260 29712
261 29712
264 29712
265 29712
413 29712
761 29712

Proposed

52 ..... 29712, 30355–30357, 31023, 31024, 31903, 31904

33 CFR

25 29933
165 29933
183 32867
204 29934

Proposed Rules:

82 32886
100 29288
110 31278
117 ..... 30354, 30834, 32887
160 30835
162 29954
402 30838

34 CFR

324 31996
773 31866

36 CFR

13 31836

Proposed Rules:

1190 30839
272 31021

37 CFR

303 32576

Proposed Rules:

201 30649
202 30651

38 CFR

3 31011
21 ..... 29474, 32023

Proposed Rules:

Ch. I 31903
3 32036
21 31022

39 CFR

111 32578
601 30623

Proposed Rules:

10 30505

40 CFR

30 31259
35 31642
40 31259
52 ..... 29707, 30082, 30496, 31011, 31012, 31258-31261, 31881, 32440
60 29262
61 29262
62 30496
81 ..... 31013, 31886, 32582
86 ..... 30497, 31411, 32868
122 ..... 29708, 30624
123 29935
162 29708
180 ..... 30342, 30499, 30624, 31014, 31015, 31642, 32441, 32442
228 ..... 31412, 31413
260 29708
261 29708
264 ..... 29708, 30624
265 ..... 29708, 30624
413 30625
761 32868

Proposed Rules:

52 ..... 29289, 29488, 30116, 30355-30366, 30653-30655, 31023, 31024, 31446, 31675, 31903, 32036, 32271, 32456
60 ..... 29955, 31904
61 32599
62 31026
81 ..... 29281, 30368, 30655, 31027, 32272
86 31677
123 ..... 29292, 31028, 31279
180 ..... 30506, 30662, 31279, 32038, 32273, 32457
192 32458
408 30663
420 32274
430 31026
431 31028
761 32887
773 30300

41 CFR

7-1 ..... 31566, 31886
7-3 31886
7-6 31886
7-7 31886
7-10 31886
7-15 31886
7-30 31886
8-14 31262
8-74 31262
Ch. 12 30816
15-1 29709
15-3 31643
Ch. 18 (Parts 1, 2, 3, 8, 20, App. M) 32443
Ch. 18 (Parts 1, 3, 4, 13, 21) 32444
51-4 30084
51-5 30084
Ch. 101 ..... 31890, 31891

Proposed Rules:

Ch. 1 30369
1-4 30369
101-11 30369
101-37 30369
104-4 29955

43 CFR

5420 29262

Public Land Orders:

1281 (Revoked by 5883) 29263
1933 (Revoked by 5956) 31892
5169 (Amended by PLO 5396 and 5951) 29937
5179 (Amended by PLO 5250 and 5951) 29937
5180 (Amended by PLO 5418 and 5951) 29937
5250 (Amended by PLO 5951) 29937
5396 (Amended by PLO 5951) 29937
5418 (Amended by PLO 5951) 29937
5865 30500
5866 30500
5867 32240
5883 29263
5943 29710
5944 29710
5945 29939
5946 29939
5947 29938
5948 29938
5949 29939
5950 29939
5951 29937
5952 30086
5953 30817
5954 31892
5955 31892
5956 31892
5957 31893
5958 31893
5959 31894
5960 31894
5961 31894
5962 31895

Proposed Rules:

35 29955
230 32459

44 CFR

1 32583
64 ..... 29940, 29942, 30626, 31643, 32240, 32241
65 ..... 32243, 32247
67 ..... 30500, 30628, 31263, 31645, 31646
205 32587

Proposed Rules:

55 29292
61 29292
67 ..... 29729-29732, 29956, 30116, 30124, 30507, 30663, 30665, 31281-31285, 31680, 31686, 31692, 32275
300 29264

45 CFR

3 30343
46 29883
74 30500
235 29264

Proposed Rules:

71 29732
301 30372
304 29964
1300 31029

46 CFR

Proposed Rules:

310 30507
502 30666
510 32279
524 32460
547 30667

47 CFR

1 30818
2 ..... 31414, 31415
22 31417
61 ..... 29264, 30818
63 31418
64 ..... 29474, 32039
73 ..... 30086-30091, 30343, 30344, 31264, 31265, 31421, 31422, 31895, 32039, 32868
74 31265
81 31015
83 31015
90 ..... 31422, 31647, 32039
95 ..... 32039, 32416
97 31415

Proposed Rules:

Ch. I 30516, 30668, 31286
2 ..... 30124, 31290, 31693, 32280
21 32280
22 31292
23 30124
31 ..... 30150, 30152
63 31693
67 32281
73 ..... 29488, 30153, 30154, 30372, 30516-30518, 31029, 31290, 31695, 31909, 32887
87 32280
90 32280
94 30124
97 32888

48 CFR

Proposed Rules:

4 32600
8 32600
47 32600

49 CFR

1 29269
172 ..... 29392, 32250
387 30974
531 29944
571 ..... 32251, 32254
575 29269
Ch. X 30092
1000 30502
1003 31016
1011 32449
1033 ..... 29480, 30502, 30632, 32588
1039 ..... 32025, 32257
1056 ..... 29711, 29945
1090 32257
1100 30832
1137 30832
1300 32257

Proposed Rules:

171 29967
172 ..... 29968, 29973
173 ..... 29967, 29968, 29973, 31294
175 29968
178 29973
192 32287
195 32287
212 32888
213 32898
571 ..... 31294, 32899
1004 ..... 30668, 32460
1047 30668
1048 31450
1057 32460
1127 30156
1201 ..... 30839, 32289
1241 30839
1248 30839

50 CFR

17 29481
36 31818
91 30633
219 31648
301 30345
371 32868
651 30348
661 ..... 29733, 30633

Proposed Rules:

17 29490
20 31030
653 30674
682 30674

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/FSQS		DOT/FAA	USDA/FSQS
DOT/FHWA	USDA/REA		DOT/FHWA	USDA/REA
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/NHTSA	LABOR		DOT/NHTSA	LABOR
DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
Comments should be submitted to the

Day-of-the-Week Program Coordinator,
Office of the Federal Register,
National Archives and Records Service,
General Services Administration,
Washington, D.C. 20408.

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

Last Listing June 19, 1981

V 46 N 25 8 1 UMI

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V 4 6 E 2 5 8 1 J
UMI

6-26-81
Vol. 46 No. 123
Pages 33019-33216

federal register

Friday
June 26, 1981

Highlights

33133 **Grant Programs—Juvenile Delinquency** Justice/JJDPO publishes funding policy for balance of fiscal year 1981.

33020 **Energy Impacted Area Development Assistance Program** USDA/FmHA changes eligibility and funds disbursement procedures under program to assist communities affected by increased coal or uranium production, processing, or transportation.

33032 **Veterans' Burial Benefits** VA removes requirement for outside shipping box and eleminates local transportation expense as a chargeable cost.

33146 **Telecommunications** National Communications System asks for comments on June 1, 1981 drafts of proposed Federal Standards 1025 and 1026 on data communications interoperability and security requirements.

33053 **Bread** HHS/FDA reopens proposed rulemaking and comment period on reduced calorie labeling.

33027 **Canned Peaches** HHS/FDA changes standard of identity to permit marketing of "chunky" peaches.

33055 **Regulatory Flexibility** EEOC issues plan for periodic review of rules.

CONTINUED INSIDE

Highlights

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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There are no restrictions on the republication of material appearing in the **Federal Register**.

Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

33198 **Environmental Protection** USDA/FS intends to revise Forest Service Manual containing its National Environmental Policy Act implemention procedures. (Part III of this issue)

33102 **Federal Pay** Federal Prevailing Rate Advisory Committee announces availability of 1980 annual report.

33170 **Minimum Wages** Labor/ESA publishes minimum wages for Federal and Federally assisted construction. (Part II of this issue)

Privacy Act Documents

33105 HHS/HDSO
33106 HHS/PHS
33070, 33073 DOD/Navy (2 documents)
33074 DOD/Sec'y
33057, 33069 DOD/Army (2 documents)

33166 **Sunshine Act Meetings**

Separate Parts of This Issue

33170 **Part II, Labor/ESA**
33198 **Part III, USDA/FS**

V 46 6 JUN 26 8 1 UMI

Contents

Federal Register
Vol. 46, No. 123
Friday, June 26, 1981

Agency for International Development
NOTICES
Meetings:
33132 International Food and Agricultural Development Board

Agricultural Marketing Service
RULES
33020 Lemons grown in Ariz. and Calif.

Agriculture Department
See Agricultural Marketing Service; Farmers Home Administration; Forest Service.

Alaska Natural Gas Transportation System, Office of Federal Inspector
PROPOSED RULES
33053 Economic impact; certification to Office of Advocacy

Army Department
PROPOSED RULES
33057 Privacy Act; implementation
NOTICES
33069 Privacy Act; systems of records

Arts and Humanities, National Foundation
NOTICES
Meetings:
33146 Humanities Panel

Blind and Other Severely Handicapped, Committee for Purchase from
RULES
33032 Procurement; authority citation corrected
NOTICES
33068, 33069 Procurement list, 1981; additions and deletions (3 documents)

Bonneville Power Administration
NOTICES
Environmental statements; availability, etc.:
33078 Wholesale power rate increase; proposed

Civil Aeronautics Board
RULES
Accounts and reports for certificated air carriers; uniform system:
33022 Public disclosure of service segment data
NOTICES
Hearings, etc.:
33064 Westair Jet Fitness investigation

Commerce Department
See International Trade Administration; National Oceanic and Atmospheric Administration; National Telecommunications and Information Administration.

Defense Department
See Army Department; Navy Department.
NOTICES
33074 Privacy Act; systems of records

Economic Regulatory Administration
NOTICES
Consent orders:
33084 Bolin Oil Co.
Powerplant and industrial fuel use; prohibition orders, exemption requests, etc.:
33082 Chesapeake Corp.
33084 Gulf States Utilities Co.

Education Department
NOTICES
Meetings:
33077 Indian Education National Advisory Council

Employment and Training Administration
NOTICES
33135 Employment transfer and business competition determinations; financial assistance applications

Employment Standards Administration
NOTICES
33170 Minimum wages for Federal and federally-assisted construction; general wage determination decisions, modifications, and supersedeas decisions (Alaska, Ark., Fla., Ill., Ind., Iowa, La., Md., Mich., Miss., Mont., N. Mex., Pa., S.C., Tex., and Wyo.)

Energy Department
See also Bonneville Power Administration; Economic Regulatory Administration; Federal Energy Regulatory Commission.
NOTICES
International atomic energy agreements; civil uses; subsequent arrangements:
33097 European Atomic Energy Community and Sweden
Remedial orders:
33086 Conoco, Inc.

Environmental Protection Agency
RULES
Air quality planning purposes; designation of areas:
33031 New Mexico
PROPOSED RULES
Air quality implementation plans approval and promulgation; various States, etc.:
33058 Kansas
Air quality planning purposes; designation of areas:
33059 Alabama
Pesticide chemicals in or on raw agricultural commodities; tolerances and exemptions, etc.:
33060 2-Chloroallyldiethyldithiocarbamate; correction
NOTICES
Environmental statements; availability, etc.:
33098 Agency statements; weekly receipts

Equal Employment Opportunity Commission
RULES
Procedural regulations:
33030 Charges deferred to appropriate State and local agencies; designated 706 agencies; technical amendments and corrections

PROPOSED RULES
33055 Regulatory flexibility plan

Farmers Home Administration
RULES
Rural development:
33020 Energy impacted area development assistance program (Section 601)

Federal Communications Commission
RULES
Radio stations; table of assignments:
33033 Arizona; correction
33033 Illinois
33034, 33035 Kansas (2 documents)
33036, 33037 Minnesota (2 documents)
33037 Washington
NOTICES
33099 AM broadcast applications accepted for filing and notification of cut-off date
33099 FM broadcast applications accepted for filing and notification of cut-off date
Hearings, etc.:
33100 Airsignal International, Inc., et al.
33100 Rulemaking proceedings filed, granted, denied, etc.; petitions by various companies
33101 Rulemaking proceedings filed, granted, denied, etc.; petitions by various companies; extension of time
33100 Television broadcast applications accepted for filing and notification of cut-off date (2 documents)
33101 Television translator applications ready and available for processing and notification of cut-off date

Federal Contract Compliance Programs Office
RULES
33033 Government contractors; affirmative action; further deferral of effective date

Federal Emergency Management Agency
PROPOSED RULES
Flood elevation determinations:
33062 Alabama; correction
33060 Massachusetts
33061 New Jersey; correction
33062 New York; correction
33061 Pennsylvania; correction
NOTICES
Disaster and emergency areas:
33101 Ohio

Federal Energy Regulatory Commission
RULES
Natural Gas Policy Act of 1978; ceiling prices for high cost natural gas produced from tight formations; various States:
33023 Alabama
33024 Colorado
33024 West Virginia
Public Utility Regulatory Policies Act of 1978:
33025 Small power production and cogeneration facilities; ownership criteria for qualifying facilities
NOTICES
Hearings, etc.:
33086 ANR Production Co.
33086 Arkansas Louisiana Gas Co.
33087 Channel Industries Gas Co. et al.
33088 Dow Pipeline Co.
33088 El Paso Natural Gas Co.
33089 Energy Gathering, Inc., et al.
33089, 33090 Florida Gas Transmission Corp. (2 documents)
33090 Hach Energy Systems, Inc.
33091 Indiana & Michigan Electric Co.
33091 Intermountain Rural Electric Association et al.
33091 Iowa Public Service Co.
33091 Michigan Wisconsin Pipe Line Co.
33092 Mississippi River Transmission Corp.
33092 Northern Lights, Inc.
33093 Northern Natural Gas Co.
33094 Pennsylvania Gas & Water Co. et al.
33094, 33095 Southern Natural Gas Co. (3 documents)
33095 Tarpon Transmission Co.
33096 Tennessee Gas Pipeline Co.
33096 Texas Eastern Transmission Corp. et al.
33097 United Gas Pipe Line Co.
33097 Western Refining Co.
Meetings:
33093 Joint State Board, Pacific Northwest Electric Power Planning and Conservation Act; rates for sales to Bonneville Power Administration
33166 Meeting; Sunshine Act
Natural Gas Policy Act of 1978:
33090 Jurisdictional agency determinations (Gulf Oil Corp.)

Federal Home Loan Bank Board
NOTICES
33166 Meetings; Sunshine Act (2 documents)

Federal Labor Relations Authority and Federal Service Impasses Panel
RULES
Sub-regional office addresses, listing:
33019 Virginia; jurisdiction under Atlanta Regional Office

Federal Maritime Commission
NOTICES
Energy and environmental statements; availability, etc.:
33102 Port Authority of New York and New Jersey and Universal Maritime Service Corp.; supplement lease

Federal Prevailing Rate Advisory Committee
NOTICES
33102 Annual report, 1980; availability

Federal Register, Administrative Committee
RULES
33019 Weekly Compilation of Presidential Documents; subscription rate increase

Federal Reserve System
RULES
Authority delegations:
33022 General Counsel; approval of exceptions under Regulation L; correction
NOTICES
Applications, etc.:
33102 Bancshares of the South, Inc.

33102 Boatmen's Bancshares, Inc.
33104 Centennial/Valley State Bancorp
33103 First Healdton Bancorporation, Inc.
33103 Southwest Bancorporation
Bank holding companies; proposed de novo nonbank activities:
33103 Chemical New York Corp.
33103 Manufacturers Hanover Corp.
33166 Meetings; Sunshine Act

Fish and Wildlife Service
PROPOSED RULES
Endangered and threatened species:
33063 Wiest's sphinx moth

Food and Drug Administration
RULES
Animal drugs, feeds, and related products:
33029 Benzathine cloxacillin
33028 Monensin blocks
33027 Peaches, canned; identity standards
PROPOSED RULES
33053 Bread; reduced calorie labeling; reopening of comment period
33055 Peaches, canned; quality standard; reopening of comment period
NOTICES
Meetings:
33104 Advisory committees, panels, etc.; Miscellaneous Internal Drug Products Panel, date change
33104, 33105 Consumer information exchange (2 documents)
33104 Sodium in foods with interested food-related trade associations

Forest Service
NOTICES
Meetings:
33064 Carson National Forest Grazing Advisory Board
33198 National Environmental Policy Act; implementation

Health and Human Services Department
See Food and Drug Administration; Human Development Services Office; Public Health Service.

Human Development Services Office
NOTICES
33105 Privacy Act; systems of records

Interior Department
See Fish and Wildlife Service; Land Managment Bureau; National Park Service; Surface Mining Reclamation and Enforcement Office.

International Development Cooperation Agency
See Agency for International Development

International Trade Administration
NOTICES
Antidumping:
33064 Clear sheet glass from Japan
33065 Polyvinyl chloride sheet and film from Taiwan
Scientific articles; duty free entry:
33067 National Radio Astronomy Observatory
33067 University of Georgia
33067 Yale University

International Trade Commission
NOTICES
Import investigations:
33133 Food slicers and components

Interstate Commerce Commission
NOTICES
Motor carriers:
33111 Fuel cost recovery, expedited procedures
33112 Intercorporate hauling operations; intent to engage in
33113, 33127 Permanent authority applications (2 documents)
33131 Permanent authority applications; correction
33117 Permanent authority applications; operating rights applications; republication
33117 Permanent authority applications; restriction removals
Railroad operation, acquisition, construction, etc.:
33131 Wolfeboro Railroad Associates
Railroad services abandonment:
33112 Baltimore & Ohio Railroad Co.

Justice Department
See Juvenile Justice and Delinquency Prevention Office.

Juvenile Justice and Delinquency Prevention Office
NOTICES
33133 Grants; continuation policy

Labor Department
See also Employment and Training Administration; Employment Standards Administration; Federal Contract Compliance Programs Office; Mine Safety and Health Administration; Pension and Welfare Benefit Programs Office.
NOTICES
Adjustment assistance:
33136 C.J. Bachner & Sons, Inc.
33136 GRM Industries, Inc.
33137 I.R.C. Fibers Co.

Land Management Bureau
NOTICES
Alaska native claims selections; applications, etc.:
33110 Cook Inlet Region, Inc.
Coal leases, exploration licenses, etc.:
33109 Utah
Coal unsuitability assessment report:
33109 Camp Swift Military Reservation, Tex.
Environmental statements; availability, etc.:
33108 Camp Swift lignite leasing, Texas
33110 Outer Continental Shelf; offshore Southern California; oil and gas lease sale; extension of time
Withdrawal and reservation of lands, proposed, etc.:
33111 Wyoming; correction

Mine Safety and Health Administration
NOTICES
Petitions for mandatory safety standard modifications:
33135 Thomas & Miller Coal Co.

National Communications System
NOTICES
Telecommunications standards:
33146 Interoperability and security requirements for use of data encryption standards in data communication systems; inquiry

National Credit Union Administration
NOTICES
33166, 33167 Meetings: Sunshine Act (2 documents)

National Mediation Board
NOTICES
33167 Meetings; Sunshine Act

National Oceanic and Atmospheric Administration
RULES
Fishery conservation and management:
33038 Groundfish, Gulf of Alaska; foreign and domestic fishing
33041 Salmon, high seas, off Alaska; emergency interim regulations and request for comments
NOTICES
Meetings:
33068 Gulf of Mexico Fishery Management Council

National Park Service
RULES
33031 Alaska National Park System units; correction

National Telecommunications and Information Administration
NOTICES
Meetings:
33068 Electromagnetic Radiation Management Advisory Council

Navy Department
NOTICES
33070, 33073 Privacy Act; systems of records (2 documents)

Nuclear Regulatory Commission
NOTICES
Applications, etc.:
33147 Arkansas Power & Light Co. (2 documents)
33147 Baltimore Gas & Electric Co.
33148 California Polytechnic State University
33148 Connecticut Yankee Atomic Power Co.
33149 Duke Power Co.
33149 Power Authority of State of New York
33150 Tennessee Valley Authority
Meetings:
33150 Reactor Safeguards Advisory Committee

Pension and Welfare Benefit Programs Office
NOTICES
Employee benefit plans; prohibited transaction exemptions:
33137 Citizens Bank Employees' Stock Bonus Plan
33138 City Investing Co. et al.
33141 Hardy Coal Co. Employees' Pension Plan & Trust
33143 Richard S. Ehrenfeld, Inc. Money Purchase Pension Plan, et al.
33144 Supra Products, Inc. Employees Profit Sharing Retirement Trust
33146 Thompson Steel Co., Inc.; correction
Employee benefit plans; proposed alternative methods of compliance:
33145 National Western Life Insurance Co.

Public Health Service
NOTICES
33106 Privacy Act; systems of records

Securities and Exchange Commission
NOTICES
Hearings, etc.:
33150 Convertible Fund of Japan, Ltd.
33151 Municipal Fund for Temporary Investment
33153 Nationwide Life Insurance Co. et al.
33155 Offerman Money Market Fund, Inc.
33157 Syntex Corp.
33167 Meetings; Sunshine Act
Self-regulatory organizations; proposed rule changes:
33157 Midwest Stock Exchange, Inc.
33158 Municipal Securities Rulemaking Board
33159–33161 National Association of Securities Dealers, Inc. (3 documents)
33161 Pacific Stock Exchange, Inc.
33162 Philadelphia Stock Exchange, Inc.
Self-regulatory organizations; unlisted trading privileges:
33151 Midwest Stock Exchange, Inc.

Surface Mining Reclamation and Enforcement Office
PROPOSED RULES
Permanent program submission; various States:
33056 Colorado et al.

Trade Representative, Office of United States
NOTICES
Import quotas and exclusions, etc.:
33163 Sugar imports; non-member; clarification
33163 Video matrix display systems, large, and components; inquiry
Meetings:
33163, 33164 Services Policy Advisory Committee (2 documents)

Veterans Administration
RULES
33032 Procurement; mortuary services
NOTICES
Environmental statements; availability, etc.:
33164 Long Beach, Calif.; 160-bed spinal cord injury nursing care unit
33164 Washington, D.C.; entrance road improvement

MEETINGS ANNOUNCED IN THIS ISSUE

AGRICULTURE DEPARTMENT
Forest Service—
33064 Carson National Forest Grazing Advisory Boards (open), Canjilon, N. Mex., 7–18–81 (West Carson) and Penasco, N. Mex., 8–1–81 (East Carson)

ARTS AND HUMANITIES, NATIONAL FOUNDATION
33146 Humanities Panel, Washington, D.C. (closed), 7-14-81

COMMERCE DEPARTMENT
National Oceanic and Atmospheric Administration—
33068 Gulf of Mexico Fishery Management Council, Naples, Fla. (open), 7-6 and 7-7-81
National Telecommunications and Information Administration—
33068 Electromagnetic Radiation Management Advisory Council, Washington, D.C. (open), 7-8 and 7-9-81

EDUCATION DEPARTMENT
33077 Indian Education National Advisory Council, San Diego, Calif. (open), 8-4 through 8-6-81

HEALTH AND HUMAN SERVICES DEPARTMENT
Food and Drug Administration—
33104 Consumer participation (open), Chicago, Ill., 7-16 and St. Louis, Mo., 7-14-81
33104 Sodium in foods, Washington, D.C. (open), 6-30-81

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY
Agency for International Development—
33132 International Food and Agricultural Development Board, Washington, D.C. (open), 7-14 and 7-15-81

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE
33163 Services Policy Advisory Committee, Washington, D.C. (closed), 7-15-81

AMENDED MEETING

NUCLEAR REGULATORY COMMISSION
33150 Reactor Safeguards Advisory Committee, Comanche Peak Units 1 and 2 Subcommittee, Irving, Tex. (open) 6-29-81

CHANGED MEETING

HEALTH AND HUMAN SERVICES DEPARTMENT
Food and Drug Administration—
33104 Miscellaneous Internal Drug Products Panel, Rockville, Md. (open), 7-10 through 7-12-81 changed to 7-10-81 only (telephone conference call)

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue

1 CFR
3 33019

5 CFR
Ch. XIV 33019

7 CFR
910 33020
1948 33020

10 CFR
Proposed Rules:
1504 33053

12 CFR
265 33022

14 CFR
241 33022

18 CFR
271 (3 documents) 33023, 33024
292 33025

21 CFR
145 33027
510 33028
520 33028
540 33029
Proposed Rules:
105 33053
145 33055

29 CFR
1601 33030
Proposed Rules:
Ch. XIV 33055

30 CFR
Proposed Rules:
906 33056
920 33056
931 33056
934 33056
944 33056
948 33056
950 33056

32 CFR
Proposed Rules:
505 33057

36 CFR
13 33031

40 CFR
81 33031
Proposed Rules:
52 33058
81 33059
180 33060

41 CFR
8-4 33032
51-1 33032
51-2 33032
51-3 33032
51-4 33032
51-5 33032
60-1 33033
60-2 33033
60-4 33033
60-20 33033
60-30 33033
60-50 33033
60-60 33033
60-250 33033
60-471 33033

44 CFR
Proposed Rules:
67 (5 documents) 33060-33062

47 CFR
73 (7 documents) 33033-33037

50 CFR
611 33038
672 33038
674 33041
Proposed Rules:
17 33063

V 46 6 JE 26 81 UMI

Rule

This sect
contains
general
of which
the Code
published
U.S.C. 15
The Code
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Prices of
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1 CFR P

Services
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ACTION:

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Rules and Regulations

Federal Register
Vol. 46, No. 123
Friday, June 26, 1981

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

ADMINISTRATIVE COMMITTEE OF THE FEDERAL REGISTER

1 CFR Part 3

Services to the Public; Weekly Compilation of Presidential Documents Subscription Rate

AGENCY: Administrative Committee of the Federal Register.

ACTION: Final rule.

SUMMARY: This document raises the annual subscription price and price of individual copies of the Weekly Compilation of Presidential Documents because of increased production and distribution costs.

EFFECTIVE DATE: July 1, 1981.

FOR FURTHER INFORMATION CONTACT: Ms. Denise Normandin, Office of the Federal Register, National Archives and Records Service, Washington, DC 20408, 202–523–5240.

SUPPLEMENTARY INFORMATION: Production and distribution costs have increased substantially in the seven years since the last change in prices for this publication. The Administrative Committee of the Federal Register, which establishes prices for Office of the Federal Register publications, has determined that an annual subscription price for this publication shall be $35.00 and the price of individual copies shall be $1.00. In addition, the annual subscription price for first class mailing will be $79.00.

Accordingly, under the authority vested in the Committee, 44 U.S.C. 1506; sec. 6, E.O. 10530, 19 FR 2709; 3 CFR 1954–1958 Comp., p. 189; the Committee revises § 3.4(b)(7) of 1 CFR as follows:

§ 3.4 Subscriptions and availability of Federal Register publications.

* * * * *

(b) * * *

(7) Weekly Compilation of Presidential Documents—(i) *Non-priority mailing.* Issues will be furnished by mail to subscribers for $35.00 per year payable in advance to the Superintendent of Documents, Government Printing Office.

(ii) *First-class mailing.* Issues will be furnished to subscribers by first-class mail for $79 per year payable in advance to the Superintendent of Documents, Government Printing Office. Individual issues may be obtained for $1.00 per copy from the Superintendent of Documents, Government Printing Office.

Robert M. Warner,
Chairman.
Samuel L. Saylor,
Member.
Stephen J. Wilkinson,
Member.

Approved:
William French Smith,
Attorney General.
Ray Kline,
Acting Administrator of General Services.

[FR Doc. 81-18995 Filed 6-25-81; 8:45 am]
BILLING CODE 1505-02-M

FEDERAL LABOR RELATIONS AUTHORITY, GENERAL COUNSEL OF THE FEDERAL LABOR RELATIONS AUTHORITY, AND FEDERAL SERVICE IMPASSES PANEL

5 CFR Ch. XIV

Current Addresses and Geographic Jurisdictions

AGENCY: Federal Labor Relations Authority (including the General Counsel of the Federal Labor Relations Authority) and Federal Service Impasses Panel.

ACTION: Final rule.

SUMMARY: This document amends Appendix A to 5 CFR Ch. XIV—Current Addresses and Geographic Jurisdictions. Paragraph (f) sets forth the geographic jurisdictions of the Regional Directors of the Federal Labor Relations Authority (Authority). The amendment provides that the State of Virginia, except the counties of Alexandria, Arlington, Fairfax, Fauquier, Loudoun and Prince William, are within the geographic jurisdiction of the Atlanta Regional Office. The amendment results from a careful review of overhead costs, travel costs and the need for effective supervision of field personnel.

DATES: Effective Date: June 15, 1981.

Comment Date: Written comments will be considered if received no later than July 15, 1981.

ADDRESS: Send written comments to the Federal Labor Relations Authority, Office of the General Counsel, 1900 E Street NW, Washington, D.C. 20424.

FOR FURTHER INFORMATION CONTACT: S. Jesse Reuben, Deputy General Counsel (202) 254–8305.

SUPPLEMENTARY INFORMATION: Effective January 28, 1980, the Authority, General Counsel and Panel published, at 45 FR 3482, final rules and regulations to govern the processing of cases by the Authority, General Counsel and Panel under chapter 71 of title 5 of the United States Code. These rules and regulations are required by Title VII of the Civil Service Reform Act of 1978. At 5 CFR Ch. XIV, Appendix A, paragraph (f) sets forth the geographic jurisdictions of the Regional Directors of the Federal Labor Relations Authority. Under paragraph (f) of Appendix A, the State of Virginia is listed to be within the geographic jurisdiction of the Authority's Washington, D.C. Regional Office. Based upon a careful review of overhead costs, travel costs and the need for effective supervision of field personnel, it has been concluded that it would be in the best interest of optimizing the transaction of Authority business through the most effective and efficient manner by placing the State of Virginia, except for the counties of Alexandria, Arlington, Fairfax, Fauquier, Loudon and Prince William, within the geographic jurisdiction of the Authority's Atlanta Regional Office. The address of the Atlanta Regional Office, as set forth in Appendix A, Paragraph (d)(4) of the rules and regulations (45 FR 3522) is as follows:

(4) *Atlanta Regional Office*, 1776 Peachtree Street NW., Suite 501, North Wing, Atlanta, Georgia 30309, Telephone: FTS–257–2324, Commercial (404) 881–2324 or 881–2325.

Accordingly, in 5 CFR Appendix A to Ch. XIV paragraph (f) is amended, by revising the entry for "Virginia" to read as follows:

Appendix A to 5 CFR Ch. XIV—Current Addresses and Geographic Jurisdictions

. . . . .

(f) The geographic jurisdictions of the Regional Directors of the Authority, are as follows:

State or other locality	Regional office
Virginia	Washington, D.C./Atlanta *

* Washington, D.C. includes the following Virginia counties: Alexandria, Arlington, Fairfax, Fauquier, Loudoun and Prince William. All other counties in Virginia are in the jurisdiction of Atlanta.

. . . . .

(5 U.S.C. 7134)

Dated: June 22, 1981.

For the Authority.

James J. Shepard,

Executive Director.

S. Jesse Reuben,

Deputy General Counsel.

Federal Labor Relations Authority.

[FR Doc. 81-19000 Filed 6-25-81; 8:45 am]

BILLING CODE 6727-01-M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 910

[Lemon Regulation 311; Lemon Regulation 310, Amendment 1]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action establishes the quantity of California-Arizona lemons that may be shipped to the fresh market during the period June 28–July 4, 1981, and increases the quantity of lemons that may be shipped during the period June 21–27, 1981. Such action is needed to provide for orderly marketing of fresh lemons for the periods specified due to the marketing situation confronting the lemon industry.

DATES: The regulation becomes effective June 28, 1981, and the amendment is effective for the period June 21–27, 1981.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, 202–447–5975.

SUPPLEMENTARY INFORMATION:

Findings

This rule has been reviewed under USDA procedures and Executive Order 12291 and has been classified "not significant," and not a major rule. This regulation and amendment are issued under the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommendations and information submitted by the Lemon Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1980–81. The marketing policy was recommended by the committee following discussion at a public meeting on July 8, 1980. A regulatory impact analysis on the marketing policy is available from William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

The committee met again publicly on June 23, 1981, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of lemons deemed advisable to be handled during the specified weeks. The committee reports the demand for lemons is active.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation and amendment are based and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting, and the amendment relieves restrictions on the handling of lemons. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective times.

Information collection requirements (reporting or record keeping) under this part are subject to clearance by the Office of Management and Budget and are in the process of review. These information requirements shall not become effective until such time as clearance by the OMB has been obtained.

1. Section 910.611 is added as follows:

§ 910.611 Lemon Regulation 311.

The quantity of lemons grown in California and Arizona which may be handled during the period June 28, 1981, through July 4, 1981, is established at 300,000 cartons.

2. Section 910.610, Lemon Regulation 310 (46 FR 32008), is revised to read as follows:

§ 910.610 Lemon Regulation 310.

The quantity of lemons grown in California and Arizona which may be handled during the period June 21, 1981, through June 27, 1981, is established at 375,000 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 25, 1981

D. S. Kuryloski

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 81-19153 Filed 6-25-81; 11:35 am]

BILLING CODE 3410-02-M

Farmers Home Administration

7 CFR Part 1948

Energy Impacted Area Development Assistance Program

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration (FmHA) amends its regulations for the Section 601 Energy Impacted Area Development Assistance Program, which is designed to provide assistance to areas impacted by increased coal or uranium production, processing, or transportation. This action is taken primarily to implement changes in eligibility requirements for this program that are contained in the FY 1981 Department of Interior and Related Agencies Appropriations Act. Its primary effect will be to extend, with the concurrence of the Governor, eligibility to public special purpose districts or authorities and public or private nonprofit corporations. Additionally, it well clarify procedures concerning distribution of funds recovered upon the sale of sites acquired or developed with assistance under this program and correct an error in the designation criteria for the program.

DATES: Effective date: June 26, 1981 and shall apply to all applications received or to be received. Comment date: Comments must be received on or before August 27, 1981.

ADDRESSES: Submit written comments in duplicate to the Office of the Chief, Directives Management Branch, Farmers Home Administration, USDA, Room 6348, South Building, Washington, DC

20250. All written comments made pursuant to this notice will be available for public inspection at the address given above.

FOR FURTHER INFORMATION CONTACT: Mr. Paul R. Kugler, Director, Energy Impact Assistance Division, Farmers Home Administration, USDA, Room 5449–S, Washington, DC 20250, Telephone (202) 447–2573.

SUPPLEMENTARY INFORMATION: This final action has been reviewed and been classified as "non-significant" under Secretary's Memorandum 1955 and classified as a "non-major action" under Executive Order 12291. The emergency nature of this action warrants publication of this final action without completion of a Final Impact Statement. A Final Impact Statement will be developed after public comments have been received.

The Section 601 Energy Impacted Area Development Assistance Program provides grants to States, councils of local governments, and local governments. In previous fiscal years, FmHA earmarked funds for some special authorities and districts with the understanding that they were included within the definition of the term "local governments." Subsequently, it was determined that such entities were not eligible for assistance under the existing authority and regulations. The fiscal year 1981 Department of Interior and Related Agencies Appropriations Act included language which extends, for this program, the term "local government" to include, with the concurrence of the Governor, public special purpose districts or authorities and public or private nonprofit corporations. This Appropriations Act extension of eligibility for assistance applies to funds appropriated for fiscal year 1981, and retroactively, to funds appropriated for fiscal year 1979 and fiscal year 1980. The primary effect of this action is to implement changes in eligibility which will include all eligible grantees and reflect Congressional intent for the use of these fiscal year 1981 and previous fiscal year funds. Additionally, this action will clarify the procedures concerning distribution of funds upon the sale of sites acquired or developed with assistance under this program. In some individual cases, distribution procedures have been adopted which would allow recovery by a grantee of its contributed share of project funds prior to the recovery by the Federal Government of its share. This practice is not in compliance with FmHA instructions, the authorizing legislation of the program, or Attachment N of OMB Circular A–102. This action will preclude such abuses. Finally, a typographical error in the procedures for designation of energy impact areas has allowed some areas experiencing minimal impact from energy development to become designated and approved as energy impact areas. This action will correct that error.

Dwight O. Calhoun, Acting Administrator, FmHA, has determined that an emergency situation exists which warrants publication without opportunity for a public comment period on this final action because the changes in applicant eligibility effected by this final action may be applied retroactively; this retroactivity affects a large number of pending applications and makes rapid implementation of these changes imperative. There is an immediate need in energy impact areas for the delivery of assistance provided by funds available to the Section 601 program. In many of these rural areas, special authorities and districts are the only local entities with the authority to undertake the activities which can be supported by this program. Publication of these changes as a proposed rule with a comment period would perpetuate threats to public health and safety which currently exist and which will be created by energy development in many energy impact areas. In those cases where FmHA has earmarked funds for communities and both FmHA and the community intend to pursue the projects, additional delays in the publication of a final rule may threaten the proposed projects in other ways. Many of these projects are being held up pending publication of a final rule. Some of the applicants have nearly-expired options to purchase land for Section 601 projects; in some cases, local funds expended by these communities will be lost if further delay is experienced. For other applicants further delay will cause the loss of funding from other sources. Further, nearly every pending project is experiencing two effects which may threaten ultimate completion: inflation of construction expenses beyond available funding and delay of the commencement of construction beyond the time of year during which weather will allow its completion.

Additionally, clarification of the procedures concerning distribution of funds upon the sale of sites acquired or developed with assistance under this program will preclude program abuses in this area. Finally, correction of a typographical error in the designation criteria will appropriately restrict designation as an energy impact area to those areas experiencing adverse impact as a result of eligible energy development.

Further, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this emergency final action are impracticable and contrary to the public interest; and good cause is found for making this emergency final action effective less than 30 days after publication of this document in the **Federal Register**. Comments have been solicited for 60 days after publication of this document, and this emergency final action will be scheduled for review so that a final document discussing comments received and any amendments required can be published in the **Federal Register** as soon as possible.

Dwight O. Calhoun, Acting Administrator, FmHA, has determined that this action will not have significant economic impact on a substantial number of small entities because it does not impose any new significant reporting or regulatory requirements on small entities.

The FmHA programs and projects which are affected by this Instruction are subject to State and local A–95 clearinghouse review in the manner delineated in 7 CFR Part 1901, Subpart H, of this Chapter. The Catalog of Federal Domestic Assistance number for the Section 601 Energy Impacted Area Development Assistance Program is 10.430.

This document has been reviewed in accordance with 7 CFR Part 1901, Subpart G, "Environmental Impact Statements." It is the determination of FmHA that the proposed action does not constitute a major Federal action significantly affecting the quality of the human environment, and in accordance with the National Environmental Policy Act of 1969, Pub. L. 91–190, an Environmental Impact Statement is not required.

Therefore, Title 7, Chapter XVIII, Part 1948, Subpart B of the Code of Federal Regulations is amended as follows:

1. In Section 1948.53, paragraph (o) is revised to read as follows:

§ 1948.53 Definitions.

* * * * *

(o) *Local government.* Any county, parish, city, town, township, village, or other general purpose political subdivision of a State with the power to levy taxes and expend Federal, State, and local funds and exercise governmental powers and which is located in, or has authority over, the energy impact area. With the

concurrence of the Governor, the term may also include such school, water, sewer, highway, or other public special purpose districts or authorities, or public or private nonprofit corporations as may be appropriate to carry out the purpose for which a grant is being made. These corporations or special purpose districts or authorities may apply (including applications previously received) for grants from fiscal year 1981 and earlier fiscal year funds only.

* * * * *

2. Section 1948.54 is revised to read as follows:

§ 1948.54 Eligible applicants.

Organizations eligible for grants include local governments, councils of local government, and State governments that have the legal authority necessary to undertake the proposed project.

§ 1948.68 [Amended]

3. Section 1948.68 (a)(2) is amended by inserting the words "* * * at least 100 workers and one-half of one percent * * *" in place of the words "* * * at least 100 workers or one-half of one percent * * *"

4. Section 1948.84 is amended by adding paragraph (d)(13) to read as follows:

§ 1948.84 Application procedure for site development and acquisition grants.

* * * * *

(d) * * *

(13) Specific concurrence of the Governor if the proposed applicant is neither a council of local governments nor a general purpose political subdivision of a State;

* * * * *

5. Section 1948.90 is amended by revising paragraph (b)(3) and adding paragraphs (b)(4) and (b)(5) to read as follows:

§ 1948.90 Land transfers.

* * * * *

(b) * * *

(3) Transfer of real property by a recipient of assistance under this subpart to a person must be by contract which: acknowledges the use of funds provided under this Subpart to acquire or develop the site; specifies the date of performance prior to delivery of the deed; provides for FmHA concurrence before changes or modifications; and assures FmHA that the real property will be used for the purposes under which the grant was made.

(4) Proceeds derived from the sale of land acquired or developed through the use of a grant provided under this Subpart must be divided between the grantee and FmHA on a pro rata basis. A grantee may not recover its costs from sale proceeds to the exclusion of FmHA. The amount to be returned to FmHA is to be computed by applying the percentage of FmHA grant participation in the total cost of the project to the proceeds from the sale. Funds will be transmitted to the Finance Office in accordance with FmHA Instruction 1951–B, paragraph 1951.58(j), available in FmHA offices.

(5) All funds received by FmHA from real property transfers shall be deposited in the U.S. Treasury.

Authority: 42 U.S.C. 8401; delegation of authority by the Secretary of Agriculture, 7 CFR 2.23; delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70.

Dated: June 20, 1981.

Dwight O. Calhoun,

Acting Administrator, Farmers Home Administration.

[FR Doc. 16924 Filed 6–25–81, 8:45 am]

BILLING CODE 3410-07-M

FEDERAL RESERVE SYSTEM

12 CFR 265

[Docket No. R–0359]

Delegation of Authority; Correction

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule; correction.

SUMMARY: This document corrects a final regulation amending the Board's Rules Regarding Delegation of Authority that appeared at page 28398 in the **Federal Register** of Wednesday, May 27, 1981 (46 FR 28398). The action is necessary to correct typographical errors in the document.

FOR FURTHER INFORMATION CONTACT: Bronwen Mason, Senior Counsel (202/452–3564) or Melanie L. Fein, Attorney (202/452–3594), Legal Division, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

The following corrections are made in FR Doc. 81–15678 appearing on page 28398 in the issue of May 27, 1981:

1. On page 28398, column 3, and page 28399, columns 1 and 2, each reference to "212.3(b)" is changed to "212.4(b)."

2. On page 28399, column 1, first paragraph is corrected by changing "12 U.S.C. 3206" to "12 U.S.C. 3207."

Board of Governors of the Federal Reserve System, June 18, 1981.

James McAfee,

Assistant Secretary of the Board.

[FR Doc. 81–18020 Filed 6–25–81, 8:45 am]

BILLING CODE 6210-01-M

CIVIL AERONAUTICS BOARD

14 CFR Part 241

[Amendment No. 42 to Part 241; Docket 39688]

Amendment of Disclosure Practices for Service Segment Data

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The CAB is eliminating the requirement that service segment data relating to operations during a specific time period shall not be disclosed to the public until reports for that time period have been received from all reporting carriers and processed by the Board. This action is taken at the Board's own initiative, because the provision unnecessarily delays release of information without serving any regulatory purpose.

DATES: Adopted: June 4, 1981.

Effective: June 26, 1981.

FOR FURTHER INFORMATION CONTACT: Clifford M. Rand or Bernard Davis, Data Requirements Division, Office of Comptroller, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428, (202) 673–6042.

SUPPLEMENTARY INFORMATION: ER–973 (41 FR 46582, October 22, 1976) added a new paragraph 19–6(b) to Part 241, *Uniform System of Accounts and Reports for Certificated Air Carriers.* That paragraph provides that service segment data relating to operations during a specified time period shall not be subject to general public disclosure until reports for that time period have been received from all reporting carriers and processed by the Board. When this rule was adopted, all service segment data was submitted in machine-readable form only. The purpose of this rule was to avoid undue burdens on the Board's limited ADP resources that would have been caused by numerous public requests for access to these data. In addition, the provision in section 19–6(b) made it possible for the Board to receive and process the reports and transmit the service segment data file to the National Archives and Records Service of the General Services Administration which, under an agreement with the Board, has provided

the data to the public upon request. Under this arrangement the data has been generally made available to the public in about 30 days after it was received by the Board. Because all carriers generally submitted their reports on time, this arrangement allowed NARS to provide public access to the data in a manner which has adequately served the needs of the users. This arrangement will continue for service segment data.

Since the passage of the Airline Deregulation Act of 1978, many carriers have been certificated. As a result, they have been required to submit service segment data on tapes or cards or nonstop market data on Schedule T–9. Being unfamiliar with this reporting, some of these carriers are having difficulties in preparing their data, and as a consequence, the reports are not only filed late but contain various discrepancies which must be corrected before they can be processed. Because § 241.19–6(b) prohibits disclosure of the information until all the carriers have filed their reports, public access to this information has been unnecessarily delayed. The information, therefore, is not as current or useful as it might be. This amendment will remove the restriction that is causing delays in the release of Schedule T–9 and service segment reports to the public.

We find notice and public procedure on this amendment impracticable and contrary to the public interest. Although small carriers have been required to file Schedule T–9 reports since October 1, 1980, the Board has been unable to release any of this information because of the prohibition in § 241.19–6(b). During the same period, however, the Board has released the service segment data of the larger carriers. This procedure has resulted in a significant and unintended competitive disadvantage to the larger carriers. Immediate elimination of § 241.19–6(b) is required to correct this inequity so that the general purpose of service segment reports is not thwarted.

Since this rule eliminates a restriction and does not impose any additional burden, we find that the change may take effect upon publication in the Federal Register. No final regulatory flexibility analysis is required under Pub. L. 96–354 because this final rule was not preceded by a Notice of Proposed Rulemaking.

Accordingly, the Civil Aeronautics Board amends 14 CFR Part 241, *Uniform System of Accounts and Reports for Certificated Air Carriers*, as follows:

1. The authority for Part 241 is:

Authority: Sec. 204, 401, 407, Pub. L. 85–726, as amended, 72 Stat. 743, 766, 92 Stat. 1710; 49 U.S.C. 1324, 1371, 1377.

§ 241.19–6 [Removed]

2. Paragraph (b) of § 241.19–6, *Public disclosure of service segment data* is removed and reserved.

By the Civil Aeronautics Board:

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81–18952 Filed 6–25–81; 8:45 am]

BILLING CODE 6320–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 271

[Docket No. RM79–76 (Alabama—1); Order No. 161]

High-Cost Gas Produced from Tight Formations; Final Rule

Issued June 23, 1981.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR § 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This final order adopts the recommendation of the State Oil and Gas Board of Alabama that the Basal Pennsylvanian Sand Formation be designated as a tight formation under § 271.703(d).

EFFECTIVE DATE: This rule is effective June 23, 1981.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357–8307, or Walter Lawson, (202) 357–8556.

The Commission hereby amends § 271.703(d) of its regulations to include the Basal Pennsylvanian Sand Formation in Alabama as a designated tight formation eligible for incentive pricing under § 271.703. The amendment was proposed in a Notice of Proposed Rulemaking by Director, OPPR, issued April 9, 1981 (46 FR 22004, April 15, 1981) [1] based on a recommendation by the State Oil and Gas Board of Alabama (Alabama) in accordance with § 271.703(c), that the Basal Pennsylvanian Sand Formation be designated as a tight formation.

Evidence submitted by Alabama supports its assertion that the Basal Pennsylvanian Sand Formation meets the guidelines contained in § 271.703(c)(2). The Commission adopts the Alabama recommendation.

This amendment shall become effective immediately. The Commission has found that the public interest dictates that new natural gas supplies be developed on an expedited basis, and therefore, incentive prices should be made available as soon as possible. The need to make incentive prices available immediately establishes good cause to waive the thirty-day publication period.

(Department of Energy Organization Act, 42 U.S.C. § 7101 *et seq.*; Natural Gas Policy Act of 1978, 15 U.S.C. § 3301–3342; Administrative Procedure Act, 5 U.S.C. 553)

For the reasons stated herein, Part 271 of Subchapter I, Title 18, *Code of Federal Regulations*, is amended as set forth below, effective June 23, 1981.

By the Commission.

Kenneth F. Plumb,

Secretary.

Section 271.703(d) is amended by adding new subparagraph (39) to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.* The following formations are designated as tight formations. A more detailed description of the geographical extent and geological parameters of the designated tight formations is located in the Commission's official file for Docket No. RM79–76, subindexed as indicated, and is also located in the official files of the jurisdictional agency that submitted the recommendation.

* * * * *

(39) *Basal Pennsylvanian Sand Formation in Alabama.* RM79–76 (Alabama–1).

(i) *Delineation of formation.* The Basal Pennsylvanian Sand Formation is found in Townships 14, 15, and 16 South, Ranges 2, 3, and 4 West, and Townships 15, 16, 17, and 18 South, Ranges 5, 6, and 7 West, in Jefferson, Walker and Tuscaloosa Counties, Alabama.

(ii) *Depth.* The Basal Pennsylvanian Sand Formation is a series of massive

[1] Comments were invited on the proposed and none were received. No party requested a hearing in this matter, and no hearing was held.

sand 300 to 600 feet thick, extending from the base of the Black Creek coal seam to the base of the Pennsylvanian series.

[FR Doc. 81-18999 Filed 6-25-81; 8:45 am]
BILLING CODE 6450-85-M

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18 CFR Part 271

[Docket No. RM79-76 (Colorado—15); Order No. 160]

High-Cost Gas Produced From Tight Formations; Final Rule

Issued June 23, 1981.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This final order adopts the recommendation of the Colorado Oil and Gas Conservation Commission that the Dakota Formation be designated as a tight formation under § 271.703(d).

EFFECTIVE DATE: This rule is effective June 23, 1981.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357-8307, or Victor Zabel, (202) 357-8616

The Commission hereby amends § 271.703(d) of its regulations to include the Dakota Formation in Colorado as a designated tight formation eligible for incentive pricing under § 271.703. The amendment was proposed in a Notice of Proposed Rulemaking by the Director, OPPR, on May 4, 1981 (46 FR 25644, May 8, 1981),[1] based on a recommendation by the Colorado Oil and Gas Conservation Commission (Colorado) that the Dakota Formation should be designated as a tight formation in accordance with § 271.703(c).

Evidence submitted by Colorado and the commenter supports Colorado's assertion that the Dakota Formation meets the guidelines contained in § 271.703(c)(2). The Commission adopts the Colorado recommendation.

This amendment shall become effective immediately. The Commission has found that the public interest dictates that new natural gas supplies be developed on an expedited basis, and therefore, incentive prices should be made available as soon as possible. The need to make incentive prices available immediately establishes good cause to waive the thirty-day publication period.

(Department of Energy Organization Act, 42 U.S.C. 7101 *et seq.*; Natural Gas Policy Act of 1978, 15 U.S.C. §§ 3301-3342; Administrative Procedure Act, 15 U.S.C. 553.)

For the reasons stated herein, Part 271 of Subchapter I, Title 18, Code of Federal Regulations, is amended as set forth below, effective June 23, 1981.

By the Commission.

Kenneth F. Plumb,

Secretary.

Section 271.703(d) is amended by adding new subparagraph (40) to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.* The following formations are designated as tight formations. A more detailed description of the geographical extent and geological parameters of the designated tight formations is located in the Commission's official file for Docket No. RM79-76, subindexed as indicated, and is also located in the official files of the jurisdictional agency that submitted the recommendation.

* * * * *

(40) *Dakota Formation in Colorado.* RM79-76 (Colorado—15).

(i) *Delineation of formation.* The Dakota Formation is found in Mesa, Garfield, and Rio Blanco Counties, Colorado, and consists of all or portions of Townships 3 through 8 South, Ranges 98 through 103 West, 6th P. M.

(ii) *Depth.* The depth to the top of the Dakota Formation ranges from 5,480 feet to 9,225 feet, and averages 6,993 feet. The base of the Dakota Formation is found at the top of the Cedar Mountain Sandstone Formation.

[FR Doc. 81-19000 Filed 6-25-81; 8:45 am]
BILLING CODE 6450-85-M

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18 CFR Part 271

[Docket No. RM79-76 (West Virginia—1); Order No. 162]

High-Cost Gas Produced from Tight Formations; Final Rule

Issued June 23, 1981.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR § 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This final order adopts the recommendation of the State of West Virginia Office of Oil and Gas that the Ravencliff, Injun-Squaw, Weir and Berea Formations be designated as tight formations under § 271.703(d).

EFFECTIVE DATE: This rule is effective June 23, 1981.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357-8307, or Walter Lawson, (202) 357-8556.

The Commission hereby amends § 271.703(d) of its regulations to include the Ravencliff, Injun-Squaw, Weir and Berea Formations in West Virginia as designated tight formations eligible for incentive pricing under § 271.703. The amendment was proposed in a Notice of Proposed Rulemaking by Director, OPPR, issued March 9, 1981 (46 FR 16914, March 16, 1981)[1] based on a recommendation by the State of West Virginia Office of Oil and Gas (West Virginia) in accordance with § 271.703(c) that the Ravencliff, Injun-Squaw, Weir and Berea Formations be designated as tight formations.

Evidence submitted by West Virginia supports its assertion that these formations meet the guidelines contained in § 271.703(c)(2). The Commission adopts the West Virginia recommendation.

This amendment shall become effective immediately. The Commission has found that the public interest dictates that new natural gas supplies be developed on an expedited basis, and therefore, incentive prices should be made available as soon as possible. The need to make incentive prices available

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[1] Comments were invited on the proposed and one was received. No party requested a hearing in this matter, and no hearing was held

[1] Comments on the proposed rule were invited and none were received. One party requested a public hearing in this matter and then withdrew the request

immediately establishes good cause to waive the thirty-day publication period.

(Department of Energy Organization Act, 42 U.S.C. § 7101 *et seq.*; Natural Gas Policy Act of 1978, 15 U.S.C. §§ 3301–3342; Administrative Procedure Act, 5 U.S.C. § 553)

For the reasons stated herein, Part 271 of Subchapter I, Title 18, *Code of Federal Regulations*, is amended as set forth below, effective June 23, 1981.

By the Commission.

Kenneth F. Plumb,

Secretary.

Section 271.703(d) is amended by adding new subparagraphs (41) through (44) to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.* The following formations are designated as tight formations. A more detailed description of the geographical extent and geological parameters of the designated tight formations is located in the Commission's official file for Docket No. RM79–76, subindexed as indicated, and is also located in the official files of the jurisdictional agency that submitted the recommendation.

* * * * *

(41) *Ravencliff Formation in West Virginia.* RM79–76 (West Virginia—1).

(i) *Delineation of formation.* The Ravencliff Formation underlies portions of Fayette and Raleigh Counties, West Viriginia.

(ii) *Depth.* The Ravencliff Formation lies below the Princeton Sandstone and above the Maxton Sandstone. The Ravencliff Formation ranges in thickness from thin sand stringers in the eastern portion of the two counties, to a maximum thickness of 140 feet in the central portion of the designated area.

(42) *Injun-Squaw Formation in West Virginia.* RM79–76 (West Virginia—1).

(i) *Delineation of formation.* The Injun-Squaw Formation underlies portions of Fayette and Raleigh Counties, West Virginia.

(ii) *Depth.* The Injun-Squaw Formation lies below the Big Lime-Keener Formation and above the Weir Formation. The Injun-Squaw Formation ranges in thickness from a maximum of 20 feet in northwestern Fayette County, to thin stringers to the south and east.

(43) *Weir Formation in West Virginia.* RM79–76 (West Virginia—1).

(i) *Delineation of formation.* The Weir Formation underlies portions of Fayette and Raleigh Counties, West Virginia.

(ii) *Depth.* The Weir Formation lies approximately 200 feet below the Injun-Squaw Formation and approximately 200 feet above the Berea Formation. The Weir Formation ranges in thickness from 50 to 80 feet in the northeastern portion of the designated area, to 100 feet in the southern portion of the area.

(44) *Berea Formation in West Virginia.* RM79–76 (West Virginia—1).

(i) *Delineation of formation.* The Berea Formation underlies portions of Fayette and Raleigh Counties, West Virginia.

(ii) *Depth.* The Berea Formation lies approximately 200 feet below the Weir Formation. The Berea Formation ranges in thickness from 55 feet in northwestern Fayette County, to thin shaley sandstone stringers in the southern portion of designated area.

[FR Doc. 81–19001 Filed 6–25–81; 8:45 am]

BILLING CODE 6450–85–M

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18 CFR Part 292

[Order No. 70–E; Docket No. RM79–54]

Small Power Production and Cogeneration

Issued June 18, 1981.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Amendment to final rule.

SUMMARY: The Federal Energy Regulatory Commission hereby amends the final rule issued in Docket No. 79–54 regarding qualification of small power production and cogeneration facilities. This amendment removes the interim exclusion from qualifying status for new diesel and dual-fuel cogeneration facilities presently contained in § 292.203 of the Commission's rules. Such facilities will be allowed to obtain qualifying status on a generic basis subject to the general requirements for qualification contained in Part 292 of the Commission's rules.

EFFECTIVE DATE: This rule becomes effective on or before July 27, 1981.

FOR FURTHER INFORMATION CONTACT:

Glenn Berger, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, (202) 357–8033;

or

Michael Kessler, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, (202) 357–8033.

Issued June 18, 1981.

On March 13, 1980, the Federal Energy Regulatory Commission (Commission) issued a final rule in Docket No. RM79–54 (Final Rule).[1] The Final Rule established criteria and procedures whereby an owner or operator of a small power production or cogeneration facility could determine if the facility were eligible to obtain qualifying status. This amendment to the Final Rule removes the interim exclusion from qualifying status for new diesel and dual-fuel cogeneration facilities. Such facilities will be allowed to obtain qualifying status on a generic basis subject to the general requirements for qualification contained in § 292.203 of the Commission's rules.

I. Background

Qualifying status enables a facility to be exempted from regulation under certain provisions of the Federal Power Act (FPA),[2] from regulation under the Public Utility Holding Company Act of 1935 (PUHCA)[3] and from certain state law and regulation,[4] and allows certain facilities to obtain the "avoided cost" rate for power purchased by an electric utility.

During the initial rulemakings implementing sections 201 and 210 of PURPA, the Commission performed an Environmental Assessment (EA). The EA analyzed the market penetration and environmental effects of all the technologies expected to be encouraged by the Commission's rules. Based on data developed by the EA the Commission determined that only diesel and dual-fuel commercial cogenerators in the New York City area had the potential to cause environmentally significant effects.[5] Pending completion of a Final Environmental Impact Statement (FEIS) by the Commission, new diesel cogeneration facilities were excluded in the Final Rule from obtaining qualifying status.[6]

On May 15, 1980, the Commission issued an order on rehearing of the Final Rule.[7] In that order, the Commission, *inter alia*, amended § 292.203(c) of its rules to require that new dual-fuel

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[1] Order No. 70, "Final Rule Establishing Requirements and Procedures for a Determination of Qualifying Status for Small Power Production and Cogeneration Facilities", 45 FR 17959 (March 20, 1980).

[2] 16 U.S.C. 792 *et seq.*, 18 CFR § 292.601.

[3] 15 U.S.C. 79 *et seq.*, 18 CFR § 292.602(b).

[4] 18 CFR § 292.602(c).

[5] *See* Notice of No Significant Impact and Notice to Prepare Environmental Impact Statement, March 31, 1980, Docket No. RM79–54.

[6] 18 CFR § 292.203(c). A new diesel cogeneration facility is one which: (1) derives its useful power output from a diesel engine, and (2) the installation of which began on or after March 13, 1980. 45 FR 17959, 17964 (March 20, 1980).

[7] Order Granting in Part and Denying in Part Rehearing of Order Nos. 69 and 70, and Amending Regulations, 45 FR 33958 (May 21, 1980).

cogeneration facilities obtain qualification only on a case-by-case basis pursuant to the procedures established in § 292.207(b) of the Commission's rules. The Commission stated that before it would permit a new dual-fuel cogeneration facility to qualify, it would consider the emission characteristics of the facility and the number of qualifying cogeneration facilities in the vicinity of the applicant.[8]

Interim Exclusion of Diesel and Dual-Fuel Cogeneration Facilities

The Commission prepared a Draft EIS which analyzed the potential environmental effects of all the technologies encouraged by PURPA. The Draft EIS was circulated for comment in June 1980.[9]

The comprehensive review in the DEIS of all technologies encouraged by PURPA and the Commission's rules was intended to give an overview of the entire cogeneration and small power production program and was not intended to imply that PURPA encouragement of these technologies required an EIS.

According to the EA, the only technology which had the potential to cause environmentally significant effects, and for which an EIS was required, was diesel and dual-fuel cogeneration. The EA also found that the only area of the country where this potential existed was in the New York City area. Based on the findings of the EA and Draft EIS, an FEIS was prepared for diesel and dual-fuel cogeneration in the Mid-Atlantic Region. The FEIS responded to the comments on the Draft EIS and further analyzed the environmental effects, including air quality impacts, of diesel and dual-fuel cogeneration facilities.

The FEIS found that an increased population of diesel and dual-fuel cogeneration facilities in an air regime may cause significant environmental effects on air quality in the near term.[10] The FEIS concluded, however, that sufficient authority presently exists at the national, state, and local levels to regulate the construction and manner of operation of such facilities. Moreover, the FEIS concluded that no significant effect on air quality will occur in the New York City area and that the operation of all cogeneration facilities projected for this area would not violate nitrogen dioxide standards and would not consume the available increment of nitrogen dioxide.[11]

The Commission believes that it is the ability congenerators have to avoid municipal taxes, and not the rates available to them under PURPA, which is the primary force behind the development of diesel and dual-fuel cogeneration in New York City. The Commission notes that a substantial portion of Consolidated Edison's retail rate is used to collect taxes for the City of New York. This situation creates an economic incentive for industrial and commercial establishments in New York City to generate their own electric energy and to drop from the Consolidated Edison system in order to avoid the tax payment component in Consolidated Edison's retail rate. While it is true that PURPA provides for nondiscriminatory back-up and supplementary rates for cogenerators, New York law also provides for such non-discriminatory treatment.[12]

II. Summary of Rule Amendment

A. Revocation of Interim Exclusion

Based on the findings and conclusions contained in the FEIS, the Commission is revoking the interim exclusion for both diesel and dual-fuel cogeneration facilities established in the Final Rule. Diesel and dual-fuel cogeneration facilities will be allowed to qualify on a generic basis, pursuant to § 292.207 of the Commission's rules.

The Commission believes it is appropriate to adopt the Proposed Action suggested in the FEIS, i.e., to qualify all diesel and dual-fuel cogeneration facilities that meet the criteria established pursuant to section 201 of PURPA.[13] Although environmental controls are already in place on the State and Federal level to protect the environment against any adverse effects of diesel and dual-fuel cogeneration, the Commission will assess the extent of the market penetration by these technologies. The assessment will identify the concentration of diesel and dual-fuel qualifying cogeneration facilities as well as the pace at which such facilities are seeking qualifying status. A compilation will be made available to national and regional offices of the Environmental Protection Agency and State and local air quality agencies as appropriate. The compilation will also be available to other agencies and the public.

The Commission notes that the attainment of qualifying status by any cogeneration or small power production facility, including diesel or dual-fuel cogeneration facilities, is neither a license nor a permit to operate the facility. Qualifying status only entitles a facility to the rate for purchases and exemptions set out in section 210 of PURPA and the Commission's rules. A qualifying facility is not exempt from any applicable Federal, state or local environmental, siting or smilar requirements.

B. Conversion of Utility Boilers to Coal in New York City

In response to the Notice of Proposed Rulemaking [14] (NOPR) preceding the issuance of the Final Rule [15] some commenters stated that allowing qualifying cogeneration facilities to use oil, particularly in diesel engines, will use up available air quality increments for nitrogen dioxide thereby preventing the conversion of large utility oil-fired boilers to coal.[16] This issue is uniquely important to future development of diesel cogeneration in New York City.

The Commission specifically notes that Consolidated Edison has undertaken substantial activity, both in terms of economic investment and seeking regulatory approval, to convert to coal its Ravenswood power plant, located in Queens Borough, New York. Consolidated Edison anticipates completing conversion as early as November 1982, but no later than March 1984. The Ravenswood facility is located in an Air Quality Control Region where the air quality is acceptable, but where the ambient level of certain criteria pollutants is approaching non-attainment.[17] Consolidated Edison has

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[8] 45 FR 33958, 33963 (May 21, 1980). *See* 18 CFR § 292.203(c)(3).

[9] Federal Energy Regulatory Commission, Draft Environmental Impact Statement, June, 1980, Docket Nos. RM79-54 and RM79-55.

[10] Federal Energy Regulatory Commission, Final Environmental Impact Statement, April, 1981, Docket Nos. RM79-54 and RM79-55 at I-7a

[11] *Id.* See n. 17, *infra*

[12] N.Y. Transportation Corporations Law § 12 (McKinney) (Com. Supp. 1980-81), N.Y. Public Service Law § 65 (McKinney) (1975 and Com. Supp 1980-81).

[13] *See* FEIS at V-1a

[14] 44 FR 38872 (July 3, 1979).

[15] In the NOPR, the Commission proposed rules which would enable diesel and dual-fuel cogeneration facilities to obtain qualifying status. The Commission received comments, both written and oral, regarding this proposal. The Commission considered these comments in formulation of its Final Rule. Furthermore, all interested parties had an opportunity to comment on the Draft EIS which was prepared prior to the FEIS. The Commission believes, therefore, that all interested persons have had adequate opportunity to comment on qualification of diesel and dual-fuel cogeneration facilities.

[16] 45 FR at 17963-64.

[17] Standards for acceptable air quality are required under Section 109 of the Clean Air Act, 42 U.S.C. 1857 *et seq.* These standards set an acceptable level for any criteria pollutant. Air quality control regions which meet the level are considered to be attainment areas. Regions which exceed the levels are designated non-attainment for that criteria pollutant. Areas which do not meet the

Continued

expressed concern to the Commission that blanket approval of diesel and dual-fuel cogeneration facilities in New York City may prevent reconversion of the Ravenswood facility. Consolidated Edison was primarily concerned that qualification of such facilities may have a significant air quality impact.

The FEIS found that the operation of all cogeneration facilities projected for the New York City area would not consume the available increment for nitrogen dioxide and, therefore, would not endanger the conversion to coal of the Ravenswood facility.[18] The Commission believes, however, that it is in the public interest to ensure that Consolidated Edison's Ravenswood facility be allowed to convert to coal. Through the program discussed previously, the Commission will track the market penetration of qualifying diesel and dual-fuel cogeneration facilities in the New York City area. If the market penetration of qualifying diesel or dual-fuel cogeneration facilities is greater than expected, and if the Commission determines Consolidated Edison's reconversion of the Ravenswood facility is threatened, the Commission may restrict qualification of diesel and dual-fuel cogeneration facilities in the New York City area in the future.

III. Summary of the Rulemaking

This amendment to the final rule deletes paragraph (c) of § 292.203 of the Commission's rules in its entirety. Paragraph (c) provided an interim exclusion from qualifying status for all new diesel cogeneration facilities. New dual-fuel cogeneration facilities qualified only on a case-by-case basis.

The effect of this amendment is to allow diesel and dual-fuel cogeneration facilities to qualify on a generic basis, subject to the requirements of § 292.203 of the Commission's rules. A corresponding amendment is made to § 292.203(b)(1) of the Commission's rules.

The Commission notes that on May 19, 1980, Elizabethtown Gas Company filed a Petition for Review of Order No. 70 and of the Commission's Order on Rehearing of Orders Nos. 69 and 70 in the United States Court of Appeals for the District of Columbia Circuit. On June 30, 1980 the Commission filed with the Court the certificate of Record in Lieu of Record. Under section 313(b) of the Federal Power Act that Court has exclusive jurisdiction to modify those orders. Accordingly, this order is issued subject to the Court's permission.

IV. Effective Date

The amendment to the regulations promulgated in this are effective on or before July 27, 1981.

(Public Utility Regulatory Policies Act of 1978, 16 U.S.C. § 2601, *et seq.*, Energy Supply and Environmental Coordination Act, 15 U.S.C. § 791 *et seq.*, Federal Power Act, as amended, 16 U.S.C. § 792 *et seq.*, Department of Energy Organization Act, 42 U.S.C. § 7101 *et seq.*, 12009, 3 CFR Part 142 (1978))

In consideration of the foregoing, the Commission amends Part 292 of Chapter I, Title 18, Code of Federal Regulations, as set forth below, effective 30 days after publication in the **Federal Register**.

By the Commission.

Kenneth F. Plumb,

Secretary.

1. Section 292.203 is amended in paragraph (b)(1) to read as follows:

§ 292.203 General requirements for qualification.

* * * * *

(b) *Cogeneration facilities.* (1) A cogeneration facility, including any diesel and dual-fuel cogeneration facility, is a qualifying facility if it:

(i) * * *

2. Section 292.203 is further amended by removing paragraph (c) in its entirety.

[FR Doc. 81-18998 Filed 6-25-81; 8:45 am]

BILLING CODE 6450-85-M

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standards must provide a means to overcome obstacles to meeting attainment status.

[18] FEIS at 1-7a.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 145

[Docket No. 77P-0300]

Canned Peaches; Standard of Identity

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the standard of identity for canned peaches to provide for a new optional style of peaches designated as "chunky". This action will promote honesty and fair dealing in the interest of consumers.

DATES: Effective July 1, 1983, for all affected products initially introduced or initially delivered for introduction into interstate commerce on or after this date. Voluntary compliance may begin August 25, 1981. Objections by July 27, 1981.

ADDRESS: Written objections to the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:

F. Leo Kauffman, Bureau of Foods (HFF-214), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-245-1164.

SUPPLEMENTARY INFORMATION: A proposal to amend the standards of identity and quality for canned peaches based on a petition submitted by Libby, McNeill & Libby, Inc., to provide for a new optional style of peaches designated as "chunky" was published in the **Federal Register** of August 26, 1980 (45 FR 56823). The proposal also considered the quality aspects of the Recommended International Standard for Canned Peaches developed by the Codex Alimentarius Commission; requests by the Canners League of California (CLC) and the United States Department of Agriculture (USDA), that the requirements for minimum size and uniformity of size be deleted from the U.S. standard of quality; and, in addition, a request by CLC that the Codex limitation on pits and pit fragments not be adopted.

FDA received comments from CLC and the National Food Processors Association (NFPA). Both comments recommend that the standard of identity be amended to provide for a "chunky" style before the 1981 canning season so that canners may pack "chunky" style peaches without obtaining temporary marketing permits but requested additional time to comment on the proposed amendment of the standard of quality. A notice reopening the comment period regarding the proposed amendment of the standard of quality for canned peaches appears elsewhere in this issue of the **Federal Register**.

In consideration of the petition by Libby, McNeill & Libby, Inc., together with comments received in response to the proposal, FDA concludes that to amend the standard of identity for canned peaches as set forth below will promote honesty and fair dealing in the interest of consumers.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 401, 701(e), 52 Stat. 1046 as amended, 70 Stat. 919 (21 U.S.C. 341, 371(e))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)), Part 145 is amended in § 145.170 by revising paragraph (a) (2)(iii) and (4)(ii) to read as follows:

§ 145.170 Canned peaches.

(a) * * *

(2) * * *

(iii) *The optional styles of the peach ingredients—*

(*a*) *Whole*—consisting of whole peeled unpitted peaches.

(*b*) *Halves*—consisting of peeled pitted peaches cut into two approximately equal parts.

(*c*) *Halves and pieces*—consisting of a mixture in which the peeled pitted peach halves are more than 50 percent by weight.

(*d*) *Quarters*—consisting of peeled pitted peaches cut into four approximately equal parts.

(*e*) *Slices*—consisting of peeled pitted peaches cut into wedge-shaped sectors.

(*f*) *Dice*—consisting of peeled pitted peaches cut into cube-like parts.

(*g*) *Chunky*—consisting of peeled pitted peaches cut into parts 13 millimeters (0.5 inch) or greater in the smallest dimension and 44 millimeters (1.75 inches) or less in the largest dimension.

(*h*) *Pieces or irregular pieces*—consisting of peeled pitted peaches cut into parts of irregular shapes and sizes.

* * * * *

(4) * * *

(ii) The color type and style of the peach ingredient as provided for in paragraph (a)(2) (ii) and (iii) of this section and the name of the packing medium specified in paragraph (a)(3) (i) and (ii) of this section, preceded by "In" or "Packed in" or the words "Solid pack", where applicable, shall be included as part of the name or in close proximity to the name of the food, except that "Halves" may be alternately designated as "Halved", "Halves and pieces" as "Halved and pieces", "Quarters" as "Quartered", "Slices" as "Sliced", and "Dice" as "Diced". Pieces or irregular pieces shall be designated "Pieces", "Irregular pieces", or "Mixed pieces of irregular sizes and shapes". "Chunky" may be designated as "Chunks". The terms "Cling" and "Free" may be used as optional designations for "Clingstone" and "Freestone", respectively. When the packing medium is prepared with a sweetener(s) which imparts a taste, flavor, or other characteristic to the finished food in addition to sweetness, the name of the packing medium shall be accompanied by the name of such sweetener(s); as for example in the case of a mixture of brown sugar and honey, an appropriate statement would be "——— sirup of brown sugar and honey" the blank to be filled in with the word "light", "heavy", or "extra heavy" as the case may be. When the liquid portion of the packing media provided for in paragraph (a)(3) (i) and (ii) of this section consists of fruit juices(s), such juice(s) shall be designated in the name of the packing medium as:

(*a*) In the case of a single fruit juice, the name of the juice shall be used in lieu of the word "fruit";

(*b*) In the case of a combination of two or more fruit juices, the names of the juices in the order of predominance by weight shall either be used in lieu of the word "fruit" in the name of the packing medium, or be declared on the label as specified in paragraph (a)(4)(iii) of this section; and

(*c*) In the case of a single fruit juice or a combination of two or more fruit juices any of which are made from concentrate(s), the words "from concentrate(s)" shall follow the word "juices(s)" in the name of the packing medium and in the name(s) of such juice(s) when declared as specified in paragraph (a)(4)(iii) of this section.

* * * * *

Any person who will be adversely affected by the foregoing regulation may at any time on or before July 27, 1981 submit to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Four copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this regulation. Received objections may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. Except as to any provisions that may be stayed by the filing of proper objections, compliance with this final regulation, including any required labeling changes, may begin August 25, 1981, and all affected products initially introduced or initially delivered for introduction into interstate commerce on or after July 1, 1983, shall fully comply. Notice of the filing of objections or lack thereof will be published in the **Federal Register.**

(Secs. 401, 701(e), 52 Stat. 1046 as amended, 70 Stat. 919 (21 U.S.C. 341, 371(e)))

Dated: June 23, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-19006 Filed 6-25-81; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Parts 510 and 520

Animal Drugs, Feeds, and Related Products; Monensin Blocks

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by Farmland Industries, Inc., providing for safe and effective use of a medicated block containing monensin for increased rate of weight gain in pasture cattle and to add the firm to the list of approved NADA sponsors.

EFFECTIVE DATE: June 26, 1981.

FOR FURTHER INFORMATION CONTACT: William D. Price, Bureau of Veterinary Medicine (HFV–123), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3442.

SUPPLEMENTARY INFORMATION: Farmland Industries, Inc., Kansas City, MO 64116, filed an NADA (118–509) providing for use of a 33⅓-pound block containing 175 milligrams of monensin per pound for increased rate of weight gain in slaughter, stocker, and feeder cattle on pasture. Approval of this NADA partly relies upon safety and effectiveness data contained in Elanco Products Co.'s approved NADA's 95–735 and 38–878. The NADA's provide for use of monensin premixes for making finished animal feeds. The feeds are also used for increased rate of weight gain. Use of the data in NADA's 95–735 and 38–878 to support this NADA has been authorized by Elanco. Because this approval provides for use of the block as an alternative form for administering monensin, the Bureau of Veterinary Medicine (the Bureau) concludes that it poses no increased human risk from exposure to residues of the drug nor does it change the conditions of the drug's safe use in the target animal species. Accordingly, under the Bureau's supplemental approval policy (42 FR 64367; December 23, 1977), approval of this original NADA has been treated as

would an approval of a Category II supplement and did not require reevaluation of safety and effectiveness data in NADA 95–735 or safety data in NADA 38–878.

Farmland Industries, Inc., has not previously been included in the regulations under the list of approved sponsors. The regulations are amended to reflect this approval and to include this firm in the list of sponsors.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The agency has determined pursuant to 21 CFR 25.24(d)(1)(i) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This action is governed by the provisions of 5 U.S.C. 556 and 557 and is therefore excluded from Executive Order 12291 by section 1(a)(1) of the Order.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Parts 510 and 520 are amended as follows:

1. In Part 510, § 510.600 is amended by adding a new sponsor alphabetically to paragraph (c)(1) and numerically to paragraph (c)(2), to read as follows:

§ 510.600 Names, addresses, and drug labeler codes of sponsors of approved applications.

* * * * *

(c) * * *

(1) * * *

Firm name and address	Drug labeler code
Farmland Industries, Inc., Kansas City, MO 64116	021676

(2) * * *

Drug labeler code	Firm name and address
021676	Farmland Industries, Inc., Kansas City, MO 64116

2. In Part 520, § 520.1448 is amended by adding new paragraph (c), to read as follows:

§ 520.1448 Monensin blocks.

* * * * *

(c)(1) *Specifications.* Each pound of protein block contains 175 milligrams of monensin (0.038 percent) as monensin sodium.

(2) *Sponsor.* See 021676 in § 510.600(c) of this chapter.

(3) *Related tolerances.* See § 556.420 of this chapter.

(4) *Conditions of use*—(i) *Amount.* 40 to 200 milligrams of monensin (0.25 to 1.13 pounds or 4 to 18 ounces of block) per head per day.

(ii) *Indications for use.* Increased rate of weight gain.

(iii) *Limitations.* Blocks to be fed free choice to pasture cattle (slaughter, stocker, and feeder) weighing more than 400 pounds. Provide at least 1 block per 4 head of cattle. Do not allow cattle access to salt or mineral while being fed this product. Ingestion by cattle of monensin at levels of 600 milligrams per head per day and higher has been fatal. Do not allow horses or other equines access to formulations containing monensin (ingestion of monensin by equines has been fatal). Block's effectiveness in cull cows and bulls has not been established.

Effective date. June 26, 1981.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: June 18, 1981.

Gerald B. Guest,

Acting Director, Bureau of Veterinary Medicine.

[FR Doc. 81-18598 Filed 6-25-81; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 540

Penicillin Antibiotic Drugs for Animal Use; Benzathine Cloxacillin for Intramammary Infusion

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration amends the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed by Beecham Laboratories for use of benzathine cloxacillin infusion for prevention and treatment of mastitis in nonlactating cows.

EFFECTIVE DATE: June 26, 1981.

FOR FURTHER INFORMATION CONTACT: Patricia N. Cushing, Bureau of Veterinary Medicine (HFV–104), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3460.

SUPPLEMENTARY INFORMATION: Beecham Laboratories, Division of Beecham, Inc., Bristol, TN 37620, filed a supplemental NADA (55–069) providing for use of benzathine cloxacillin for intramammary infusion in cows after the last milking of lactation. The sponsor previously had an approved application for such use. However, at the sponsor's request approval was withdrawn by an order published in the **Federal Register** of January 7, 1977 (42 FR 1462). The firm now requests that the approval for use of the product be reinstated. The supplemental application is approved, and the regulations are amended to codify the approved use of this product under § 540.814 *Benzathine cloxacillin for intramammary infusion* (21 CFR 540.814).

Beecham Laboratories presently holds an approval for use of a product under § 540.814a *Sterile benzathine cloxacillin for intramammary infusion* (21 CFR 540.814a) which is identical to the product being approved under § 540.814 except the product approved under § 540.814a is sterile and the product being approved under § 540.814 is pathogen-free whereby the testing for microbial limits is more extensive than a routine sterility test. Because no change in the final product use or specification is being made, this is a Category II change under the Bureau of Veterinary Medicine's supplemental approval policy (42 FR 64367; December 23, 1977), approval of which does not require reevaluation of the safety and effectiveness data in the parent application.

The agency has determined pursuant to 21 CFR 25.24(d)(1)(i) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This action is governed by the provisions of 5 U.S.C. 556 and 557 and is therefore excluded from Executive Order 12291 by section 1(a)(1) of the Order.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 540 is amended in § 540.814 by adding paragraph (c)(2)(ii) and (3)(ii) to read as follows:

§ 540.814 Benzathine cloxacillin for intramammary infusion.

* * * * *

(c) *Conditions of marketing*—(1) * * *

(2) * * *

(ii) See No. 000029 in § 510.600(c) of this chapter, for use as in paragraph (c)(3)(ii) of this section.

(3) * * *

(ii)(*a*) The drug is used for treatment and prophylaxis of bovine mastitis in nonlactating cows due to *Streptococcus agalactiae* and *Staphylococcus aureus*.

(*b*) It is administered at one dose in each quarter immediately after last milking.

(*c*) For use in dry cows only.

(*d*) Not to be used within 4 weeks (28 days) of calving.

(*e*) Animals infused with this product must not be slaughtered for food use for 4 weeks (28 days) after the latest infusion.

(*f*) Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Effective date. This regulation is effective June 26, 1981.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: June 18, 1981.

Robert A. Baldwin,

Associate Director for Scientific Evaluation.

[FR Doc. 81-18597 Filed 6-25-81 8:45 am]

BILLING CODE 4110-03-M

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

29 CFR Part 1601

Employment Practices Agencies; Current List

AGENCY: Equal Employment Opportunity Commission.

ACTION: Final rule; amendment and correction.

SUMMARY: The Equal Employment Opportunity Commission amends and corrects its Oct. 17, 1980, Vol. 45, No. 203, pages 68933–68934 regulations on designation of certain State and local fair employment practices agencies in order to make current its listing of agencies.

EFFECTIVE DATE: June 26, 1981.

FOR FURTHER INFORMATION CONTACT: Franklin F. Chow, Equal Employment Opportunity Commission, Office of Field Services, State and Local Division, 2401 E St., NW., Washington, D.C. 20506, telephone 202/634–6040.

SUPPLEMENTARY INFORMATION: Publication of the following information will bring up to date our last listing of 706 agencies dated October 17, 1980, Vol. 45, No. 203, pages 68933–68934: The name "East Chicago (IL) Human Relations Commission" is changed to "East Chicago (IL) Human Rights Commission," the "Idaho Commission on Human Rights" is changed to "Idaho Human Rights Commission," the "Iowa Commission on Civil Rights" is changed to "Iowa Civil Rights Commission," the "Jacksonville (FL) Community Relations Commission" is changed to "Jacksonville (FL) Equal Employment Opportunity Commission," the "Michigan Civil Rights Commission" is changed to "Michigan Department of Civil Rights," the "Montana Commission for Human Rights" is changed to "Montana Human Rights Division," the "St. Petersburg (FL) Office of Human Rights" is changed to "St. Petersbufg (FL) Human Relations Division," the "Tacoma (WA) Human Rights Commission" is changed to "Tacoma (WA) Human Relations Commission" and the "Utah Industrial Commission" is changed to "Utah Industrial Commission, Anti-Discrimination Division."

The name of the "Huntington (WV) Human Relations Commission" was inadvertently omitted and should be included.

With the changes and the addition of the above mentioned agencies 29 CFR 1601.74 (a) and (b) are revised to read as follows:

§ 1601.74 Designated and notice agencies.

(a) The designated 706 agencies are:

Alaska Commission for Human Rights
Alexandria (Va.) Human Rights Office
Allentown (Pa.) Human Relations Commission
Anchorage (Alaska) Equal Rights Commission
Arizona Civil Rights Division
Augusta/Richmond County (Ga.) Human Relations Commission
Austin (Tex.) Human Relations Commission
Baltimore (Md.) Community Relations Commission
Bloomington (Ill.) Human Relations Commission
Bloomington (Ind.) Human Rights Commission
Broward County (Fla.) Human Relations Commission
California Department of Fair Employment and Housing
Charleston (W. Va.) Human Rights Commission
Clearwater (Fla.) Office of Community Relations
Colorado Civil Rights Commission
Colorado State Personnel Board
Commonwealth of Puerto Rico Department of Labor
Connecticut Commission on Human Rights and Opportunity
Corpus Christi (Tex.) Human Relations Commission
Dade County (Fla.) Fair Housing and Employment Commission
Delaware Department of Labor
District of Columbia Office of Human Rights
East Chicago (Ind.) Human Rights Commission
Evansville (Ind.) Human Relations Commission
Fairfax County (Va.) Human Rights Commission
Florida Commission on Human Relations
Fort Wayne (Ind.) Metropolitan Human Relations Commission
Fort Worth (Tex.) Human Relations Commission
Gary (Ind.) Human Relations Commission
Georgia Office of Fair Employment Practices
Hawaii Department of Labor and Industrial Relations
Howard County (Md.) Human Rights Commission
Huntington (WV.) Human Relations Commission
Idaho Human Rights Commission
Illinois Department of Human Rights
Indiana Civil Rights Commission
Iowa Civil Rights Commission
Jacksonville (Fl.) Equal Employment Opportunity Commission
Kansas Commission on Human Rights
Kentucky Commission on Human Rights
Lexington-Fayette (Ky.) Urban County Human Rights Commission
Lincoln (Neb.) Commission on Human Rights
Madison (Wi.) Equal Opportunities Commission
Maine Human Rights Commission
Maryland Commission on Human Relations
Massachusetts Commission Against Discrimination

Michigan Department of Civil Rights
Minneapolis (Minn.) Department of Civil Rights
Minnesota Department of Human Rights
Missouri Commission on Human Rights
Montana Human Rights Division
Montgomery County (Md.) Human Relations Commission
Nebraska Equal Opportunity Commission
Nevada Commission on Equal Rights of Citizens
New Hampshire Commission for Human Rights
New Hanover (NC) Human Relations Commission
New Jersey Division of Civil Rights, Department of Law and Public Safety
New Mexico Human Rights Commission
New York City (N.Y.) Commission on Human Rights
New York State Division on Human Rights
North Carolina State Personnel Commission
North Dakota Department of Labor
Ohio Civil Rights Commission
Oklahoma Human Rights Commission
Omaha (Neb.) Human Relations Department
Oregon Bureau of Labor
Orlando (Fla.) Human Relations Department
Pennsylvania Human Relations Commission
Philadelphia (Pa.) Commission on Human Relations
Pittsburgh (Pa.) Commission on Human Rights
Prince George's County (Md.) Human Relations Commission
Rhode Island Commission for Human Rights
Rockville (Md.) Human Rights Commission
St. Louis (Mo.) Civil Rights Enforcement Agency
St. Paul (Mn.) Department of Human Rights
St. Petersburg (Fla.) Human Relations Division
Seattle (Wash.) Human Rights Commission
Sioux Falls (S.D.) Human Relations Commission
South Carolina Human Affairs Commission
South Dakota Division of Human Rights
Springfield (Ohio.) Human Relations Department
Tacoma (Wash.) Human Relations Division
Tennessee Commission for Human Development
Utah Industrial Commission, Anti-Discrimination Division
Vermont Attorney General's Office, Civil Rights Division
Virgin Islands Department of Labor
Washington Human Rights Commission
West Virginia Human Rights Commission
Wheeling (W. Va.) Human Rights Commission
Wichita (Kans.) Commission on Civil Rights
Wisconsin Equal Rights Division, Department of Industry, Labor and Human Relations
Wisconsin State Personnel Commission
Wyoming Fair Employment Practices Commission

(b) The designated Notice Agencies are:

Arkansas Governor's Committee on Human Resources
Ohio Director of Industrial Relations
Raleigh (N.C.) Human Resources Department, Civil Rights Unit

Signed at Washington, D.C. this 19th day of June, 1981.

For the Commission.

John E. Rayburn,

Director, State and Local Division.

[FR Doc. 81-18928 Filed 6-25-81; 8:45 am]

BILLING CODE 6570-06-M

DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Part 13

National Park System Units in Alaska

Correction

In FR Doc. 81-17994 appearing at page 31835 in the issue for Wednesday, June 17, 1981, please make the following correction:

On the Part III cover page (see page 31835), "Fish and Wildlife Service" should have read "National Park Service".

BILLING CODE 1505-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[A-6-FRL 1842-5]

State of New Mexico Designation of Areas for Air Quality Planning Purposes

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This notice approves the New Mexico Environmental Improvement Division (NMEID) redesignation request to change the existing nonattainment designation for carbon monoxide (CO) for the Santa Fe area to attainment. This action is taken based upon the State's request to revise its original designation of the Santa Fe area. The intended effect will provide for more efficient and effective air quality management.

EFFECTIVE DATE: June 25, 1981.

FOR FURTHER INFORMATION CONTACT: Estela Wackerbarth, Chief, Implementation Plan Section, Air and Hazardous Materials Division, Environmental Protection Agency, Region 6, Dallas, Texas 75270, (214) 767-1518.

SUPPLEMENTARY INFORMATION: The New Mexico Environmental Improvement Division (NMEID) submitted to EPA on November 15, 1979, their redesignation request to change the existing nonattainment designation for carbon monoxide (CO) for the Santa Fe area to attainment.

EPA reviewed the redesignation request and on September 8, 1980 at 45 FR 59197, EPA published a notice of proposed rulemaking and solicited public comment. No comments were received, therefore, EPA is redesignating the Santa Fe area from nonattainment to attainment.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this action is available *only* by filing of a petition for review in the United States Court of Appeals for the appropriate circuit on or before August 25, 1981. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may *not* be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

EPA finds that good cause exists for making this action immediately effective. The redesignation of an area from nonattainment to attainment relieves the state of the necessity to develop, submit and obtain EPA approval of an implementation plan designed to demonstrate attainment of the standard. Relief from this requirement is a benefit which should be made available to the State and its citizens as soon as possible.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not Major because it is merely approving a State action. It will impose no new regulatory action.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291. Any comments from OMB to EPA

and any EPA response to those comments are available for public inspection at the Environmental Protection Agency, Public Information Reference Unit (PM-213), Library Systems Branch, 401 "M" St., SW, Washington, D.C. 20460.

This notice of final rulemaking is issued under the authority of Section 107(d) of the Clean Air Act, as amended, 42 U.S.C. 7407(d).

Dated: June 17, 1981.

Anne M. Gorsuch,

Administrator.

Subpart G of Part 81 of Chapter 1, Title 40 of the Code of Federal Regulations is amended as follows:

§ 81.332 [Amended]

1. In § 81.332—New Mexico, the attainment status designation table for carbon monoxide is amended by revising the designation for the Narrow Corridor in Santa Fe from "does not meet primary standards" to "cannot be classified or better than national standards." The amended portion of the CO table for § 81.332 reads as set forth below:

New Mexico—CO

Designated area	Does not meet primary standards	Cannot be classified or better than national standards
• • • • •		
AQCR 157:		
Narrow Corridor in Santa Fe		X
Remainder of AQCR		X
• • • • •		

[FR Doc. 81-18836 Filed 6-25-81; 8:45 am]

BILLING CODE 6560-38-M

VETERANS ADMINISTRATION

41 CFR Part 8-4

Special Types and Methods of Procurement; Mortuary Services

AGENCY: Veterans Administration.

ACTION: Final regulation.

SUMMARY: This revision to the VA Procurement Regulations eliminates the requirement for an outside shipping box as a prerequisite to interment in a National Cemetery and eliminates the cost of transportation to place of local burial as a cost chargeable against the $300 statutory allowance for a complete funeral and burial service.

It has recently been determined that outside shipping boxes are not necessary for proper interment. Eliminating the cost of local transportation as a cost chargeable against the statutory allowance is the result of a legal opinion.

This change is intended to bring VA Procurement Regulations into conformance with law, and to eliminate costs for items now considered nonessential for proper interment in National Cemeteries.

EFFECTIVE DATE: This rule is effective June 22, 1981.

FOR FURTHER INFORMATION CONTACT: Chris A. Figg, Policy and Interagency Service, Office of Supply Services, Veterans Administration, 810 Vermont Avenue, NW, Washington, D.C. 20420, Telephone (202) 389-2334.

SUPPLEMENTARY INFORMATION: This revision appeared as a second notice of proposed rulemaking on page 17232 of the **Federal Register** of March 18, 1981. No comments have been received and the regulations are hereby adopted as they were proposed.

This revision removes the restriction of the additional transportation allowance to "other than local burials," and eliminates transportation costs as an item chargeable against the $300 ceiling for a burial package as designated in 38 U.S.C. 903(a). The requirement that an outside box be provided if the interment is to be made in a National Cemetery which does not use grave liners is eliminated. Clarification is added so that arrangements will be made with the nearest National Cemetery having available space.

This proposed regulation has been reviewed pursuant to the requirements of Executive Order 12291 and the Regulatory Flexibility Act (Pub. L. 96-354), and it is determined that the regulation is nonmajor and has no impact upon small business or state and local governments. The regulation does not place any new requirements upon small business.

Approved: June 22, 1981.

Donald L. Custis,

Acting Administrator.

Section 8-4.5102, *"Funeral authorization."* is revised to read as follows:

§ 8-4.5102 Funeral authorization.

(a) When a veteran dies while receiving care in a Veterans Administration health care facility or in a non-Veterans Administration institution at Veterans Administration expense and the decedent's remains are unclaimed, the Chief, Medical Administration Service, will forward to the Chief, Supply Service, a properly executed VA Form 10-2065, Funeral Arrangements, requesting that funeral and burial services for the deceased be procured. Burial will be made in the nearest National Cemetery having available gravespace.

(b) The contracting officer will enter into negotiations with local funeral directors to procure a complete funeral and burial service within the statutory allowance of $300. This service will consist of:

(1) Preparation of the body, embalming.

(2) Clothing.

(3) Casket.

(4) Securing all necessary permits.

(c) An additional allowance for transportation of the body to the place of burial is provided in 38 U.S.C. 903(a)(2). This allowance will cover the transportation cost of shipment of the body by common carrier or by hearse from the VA facility to the funeral home and to the place of burial, any charges for an outside (shipment) box, and the charges for securing all necessary permits for removal or shipment of the body. These costs are not chargeable against the $300 allowance.

(38 U.S.C. 210(c); 40 U.S.C. 486(c))

[FR Doc. 81-18823 Filed 6-25-81; 8:45 am]

BILLING CODE 8320-01-M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

41 CFR Ch. 51

Authority Citations; Correction

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Correction.

SUMMARY: This is to correct the citation of authority in the first five parts of the Committee's regulations. The citations of authority to the United States Code in Parts 51-1 through 51-5 of Title 41, Chapter 51 of the Code of Federal Regulations now read "41 U.S.C. 46-48." When the Wagner-O'Day Act was amended by Pub. L. 92-28 (85 Stat. 77), three new Sections were added to the Act. These were codified in 41 U.S.C. as Sections 48a, 48b, and 48c. This action corrects the citations of authority to the United States Code in the Committee's regulations to reflect these added Sections.

EFFECTIVE DATE: June 26, 1981.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street, North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT:
C. W. Fletcher, (703) 557–1145.

Accordingly the citations of authority in 41 CFR, Parts 51–1, 51–2, 51–3, 51–4, and 51–5 are amended to read as follows:

Authority: Pub. L. 92–28, 85 Stat. 77 (41 U.S.C. 46–48c)

C. W. Fletcher,

Executive Director.

[FR Doc. 81–18916 Filed 6–25–81; 8:45 am]

BILLING CODE 6820–33–M

DEPARTMENT OF LABOR

Office of Federal Contract Compliance Programs

41 CFR Parts 60–1, 60–2, 60–4, 60–20, 60–30, 60–50, 60–60, 60–250, and 60–741

Government Contractors; Affirmative Action Requirements; Further Deferral of Effective Date of Regulations

AGENCY: Office of Federal Contract Compliance Programs, Labor.

ACTION: Notice of further deferral of effective date of final rule.

SUMMARY: This notice further defers the effective date of certain OFCCP regulations regarding affirmative action requirements for Government Contractors from June 29, 1981 until July 15, 1981. This action is taken in order to permit the impending completion of the reconsideration of these rules in accordance with Executive Order 12291. This reconsideration will result in the publication of proposed rulemaking on or before July 15 after expiration of the time mandated for consultation with the Equal Employment Opportunity Commission and other agencies under Executive Order 12067.

DATES: The effective date is deferred until July 15, 1981.

FOR FURTHER INFORMATION CONTACT:
James W. Cisco, Acting Director, Division of Program Policy, Office of Federal Contract Compliance Programs, Room C–3324, U.S. Department of Labor, Washington, D.C. 20210, Telephone (202) 523–9426.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of January 28, 1981 (46 FR 9084), the Department of Labor published a notice deferring the effective date of amendments published on December 30, 1980 (45 FR 86216) and corrected on January 23, 1981 (46 FR 7332) to Parts 60–1, 60–2, 60–4, 60–20, 60–30, 60–50, 60–60, 60–250 and 60–741 of Title 41 of the Code of Federal Regulations until April 29, 1981. This action was taken in response to a request from President Reagan in order to allow for a full and appropriate review of these rules. On April 28, 1981, the Department published a notice (46 FR 23742) deferring the effective date of these regulations until June 29, 1981.

This document further defers the effective date of these regulations until July 15, 1981 in order to permit the impending completion of the reconsideration of these regulations in accordance with Executive Order 12291. In addition, the time period mandated for consultation under Executive Order 12291. In addition, the time period mandated for consultation under Executive Order 12067 with the Equal Employment Opportunity Commission and other agencies regarding proposed rulemaking will not expire prior to the effective date. The time required for these activities constitutes good cause for this deferral. For this reason and because these rules are scheduled to become effective very shortly, additional notice and public procedure on this change of effective dates is impracticable, unnecessary and contrary to the public interest and good cause exists for making this postponement effective immediately. This finding is made pursuant to 5 U.S.C. 553(b)(3)(B).

(E.O. 11246 (30 FR 12319), as amended by E.O. 11375 (32 FR 14303) and by E.O. 12086 (43 FR 46501); Section 402 of the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended (38 U.S.C. 2012); Section 503 of the Rehabilitation Act of 1973 (29 U.S.C. 793), as amended by Section 111(a), Pub. L. 93–516, 88 Stat. 1619 (29 U.S.C. 706), and by Sections 119 and 122 of the Rehabilitation Comprehensive Services and Development Disabilities Amendment of 1978, Pub. L. 95–602, 92 Stat. 2955, and E.O. 11758)

Signed at Washington, D.C. this 24th day of June, 1981.

Raymond J. Donovan,

Secretary of Labor.

[FR Doc. 81–19114 Filed 6–25–81; 8:45 am]

BILLING CODE 4510–27–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 81–31; RM–3672]

Radio Broadcast Services; FM Broadcast Stations in McNary and Whiteriver, Ariz.; Changes Made in Table of Assignments

Correction

In FR Doc. 81–17751, at page 31264, in the issue of Monday, June 15, 1981, on page 31265, in the first column, correct the "Channel No." in the table from "210A" to "201A".

BILLING CODE 1505–01–M

47 CFR Part 73

[BC Docket No. 80–427; RM–3588]

FM Broadcast Station in Petersburg, Ill.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns FM Channel 249A to Petersburg, Illinois, in response to a petition filed by New Salem Enterprises, Inc. The assignment could provide Petersburg with a first local aural broadcast service.

DATE: Effective August 18, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:
Mark N. Lipp, Broadcast Bureau, (202) 632–7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), table of assignments, FM broadcast stations (Petersburg, Illinois); Report and order (proceeding terminated).

Adopted: June 9, 1981.

Released: June 19, 1981.

By the Chief, Policy and Rules Division.

1. Before the Commission is a *Notice of Proposed Rule Making*, 45 FR 52848, published August 8, 1980, proposing the assignment of FM Channel 249A to Petersburg, Illinois, as that community's first local aural broadcast service, in response to a petition filed by New Salem Enterprises, Inc. ("petitioner"). Supporting comments were filed by the petitioner in which it reaffirmed its intent to file for the channel, if assigned. No oppositions to the proposal were received.

2. Petersburg (population 2,632),[1] in Menard County (population 9,685), is located approximately 29 kilometers (18 miles) northwest of Springfield, Illinois. The channel could be assigned to Petersburg provided the transmitter site is located approximately 9 kilometers (5.5 miles) northeast of that community to comply with the minimum distance separation requirements of Section 73.207 of the Commission's Rules.

3. In support of its proposal, petitioner had submitted information with respect

[1] Population figures are taken from the 1970 U.S. Census.

to Petersburg which is persuasive as to its need for a first local aural broadcast service.

4. We believe that the public interest would be served by the assignment of Channel 249A to Petersburg, Illinois. An interest has been shown for its use and such assignment could provide the community with a first local aural broadcast service.

5. Accordingly, it is ordered, That effective August 18, 1981, § 73.202(b) of the Commission's Rules, the FM Table of Assignments, is amended with regard to the following community:

City	Channel No.
Petersburg, Illinois	249A

6. Authority for the adoption of the amendment herein is contained in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules.

7. It is further ordered, That this proceeding is terminated.

8. For further information concerning the above, contact Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-18971 Filed 6-25-81; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 80-428; RM-3558]

FM Broadcast Station in Hugoton, Kans.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns Class C FM Channel 294 to Hugoton, Kansas, in response to a petition filed by Grant County Broadcasting Company, Inc. The proposed station would provide a first local FM broadcast service to Hugoton and significant first and second FM and nighttime aural service to the surrounding area.

DATE: Effective August 18, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), table of assignments, FM broadcast stations (Hugoton, Kansas); Report and order (proceeding terminated).

Adopted: June 9, 1981.

Released: June 19, 1981.

By the Chief, Policy and Rules Division.

1. Before the Commission is a *Notice of Proposed Rule Making*, 45 FR 52846, published August 8, 1980, proposing the assignment of Class C FM Channel 294 to Hugoton, Kansas, as its first FM assignment. The *Notice* was issued in response to a petition filed by Grant County Broadcasting Co., Inc. (petitioner), licensee of AM Station KULY, Ulysses, Kansas. Petitioner filed supporting comments and restated its intent to apply for the channel, if assigned. Comments were also filed by Lawrence E. Steckline, licensee of AM Station KSLS, Liberal, Kansas, and petitioner for a Class channel to Liberal, Kansas (Docket No. 81-37).

2. Hugoton (population 2,739), seat of Stevens County (population 4,198) [1] is located in the southwest corner of Kansas, approximately 536 kilometers (335 miles) southwest of Topeka. It has no local aural broadcast service.

3. Lawrence E. Steckline, in comments, states that he does not oppose the assignment of an FM channel to Hugoton. Nevertheless, he contends that the first and second FM and nighttime aural services which could be rendered (see para. 5 and 6 of the *Notice*) should be evaluated in light of the fact that at least one, and as many as three, Class C FM channels may be assigned to Liberal, the dominant city in southwestern Kansas. As a result of these possible assignments, the first and second service showings would be substantially reduced.

4. As a separate matter, petitioner noted a pending petition to assign Channel 294 to Norton, Kansas, and contends that the Norton and Hugoton proposals preclude each other from assignment. Grant claims that the assignment to both cities would be a great error, and requests the Commission to give priority to its application, thereby disallowing the petition for an assignment to Norton.

5. As stated in the *Notice*, the assignment of Channel 294 to Hugoton would cause preclusion on the co-channel and all six adjacent channels in all or parts of eight counties in Colorado, thirty-five counties in Texas, three counties in Oklahoma, and four counties in New Mexico. There is at least one alternate channel available to the communities in the precluded areas, with a population greater than 1,000. We also stated that Class C channels are not usually assigned to communities the size of Hugoton; however, we proposed the assignment based on the substantial first and second FM and nighttime aural service to the surrounding area.[2] Although there is a possibility that one or more Class C channels could be assigned to Liberal which would also serve Hugoton, an interest has been expressed in only one FM assignment at Liberal. The established criteria set forth in the *Roanoke Rapids* case, 9 FCC 2d 672 (1967), takes into account only existing assignments, not potential assignments. We believe that the presumption of additional Class C assignments to Liberal should not be weighed against the substantial first service that can be provided by the Hugoton assignment. Furthermore, as for petitioner's concern, a staff study has confirmed that the assignment of Channel 294 to Norton and Hugoton, Kansas, would not be short-spaced. The distance between the cities is approximately 200 miles, whereas only 180 miles is required.

6. We have given careful consideration to the proposal and believe that Channel 294 should be assigned to Hugoton, Kansas. Although a community this size is not normally assigned a Class C channel, the proposed assignment would provide substantial first and second services. Since alternate channels are available to the precluded areas, we believe the preclusion impact is insignificant. The channel can be assigned in accordance with the minimum distance separation requirements.

7. In view of the foregoing and pursuant to the authority contained in sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules, it is ordered, That effective August 18, 1981, the FM Table of Assignments, § 73.202(b) of the Commission's Rules, is amended, with regard to Hugoton, Kansas, as follows:

[1] Population figures are taken from the 1970 U.S. Census.

[2] As stated in the *Notice*, the Hugoton assignment could provide a first FM service to 12,440 persons in a 5,216 square kilometer (2,037 square mile) area; a first nighttime aural service to 2,646 persons in a 1,514 square kilometer (591 square mile) area; a second FM service to 4,070 persons in a 1,285 square kilometer (502 square mile) area and a second nighttime aural service to 13,880 persons in a 5,450 square kilometer (2,129 square mile) area.

City	Channel No.
Hugoton, Kansas	294

8. It is further ordered, That this proceeding is terminated.

9. For further information concerning this proceeding, contact Montrose H. Tyree, Broadcast Bureau, (202) 632–7792.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-18870 Filed 6-25-81; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 80-336; RM-3551]

FM Broadcast Stations in Wichita and Winfield, Kansas; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns FM Channel 287 to Wichita, Kansas, as that community's sixth FM assignment, at the request of Stereo 105, Inc. This action also substitutes Channel 232A for Channel 288A at Winfield, Kansas, and modifies the license of Station KWKS, Winfield, to specify operation on Channel 232A.

DATE: Effective August 18, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Michael A. McGregor, Broadcast Bureau, (202) 632–7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), table of assignments, FM broadcast stations. (Wichita and Winfield, Kansas); Report and order (proceeding terminated).

Adopted: June 9, 1981.

Released: June 19, 1981.

By the Chief, Policy and Rules Division.

1. Before the Commission is the *Notice of Proposed Rule Making and Order to Show Cause*, 45 FR 46455, published July 10, 1980, proposing the assignment of Class C FM Channel 287 to Wichita, Kansas, as that community's sixth FM assignment, and the substitution of Channel 232A for Channel 288A at Winfield, Kansas. The *Notice* also proposes to amend the license of Station KWKS, Winfield, to specify operation on Channel 232A. Comments in response to the *Notice* were filed by the petitioner, Stereo 105, Inc. ("petitioner"), and by Hawks Communications, Inc. ("Hawks"), the licensee of Station KWKS, Winfield.

2. In its comments petitioner maintains its assertion that Wichita needs an additional FM assignment and states that if Channel 287 is assigned as requested, it will promptly apply for a construction permit. Petitioner states that it is aware of the obligation to reimburse Station KWKS should it be the eventual permittee on Channel 287, and agrees to cooperate with the licensee of Station KWKS in establishing the proper amount of reimbursement. Hawks states in its comments that it does not object to the proposed channel substitution so long as the eventual permittee of Channel 287 in Wichita is responsible for reimbursing its expenses incurred in changing frequencies.

3. Wichita (population 276,554),[1] seat of Sedgwick County (population 350,694), is located approximately 200 kilometers (125 miles) southwest of Topeka, Kansas. Wichita is served locally by five FM stations, five fulltime AM stations, and one daytime-only AM station.

4. We have determined that the public interest would be served by making the assignments as proposed in the *Notice*. Petitioner has demonstrated the desirability of assigning a sixth FM channel to Wichita, and has stated that it will apply for the channel. Furthermore, no interest has been expressed in a channel for any of the communities precluded by the assignment, and it appears that additional channels are available for assignment to those communities should an interest develop in the future. The assignment of Channel 287 to Wichita requires the substitution of Channel 232A for Channel 288A at Winfield.[2] We shall make this substitution and modify the license of Station KWKS to specify operation on Channel 232A with the stipulation that the eventual permittee for Channel 287 in Wichita will be responsible for reimbursing Hawks for the costs associated with the frequency change.

5. Accordingly, it is ordered, That effective August 18, 1981, the FM Table of Assignments, Section 73.202(b) of the Commission's Rules, is amended with respect to the following communities:

City	Channel No.
Wichita, Kansas	236, 250, 267, 279, 287, 297
Winfield, Kansas	232A

6. It is further ordered, pursuant to the authority contained in Section 316 of the Communications Act of 1934, as amended, the license of Station KWKS, Winfield, Kansas, is modified to specify operation on Channel 232A, subject to the following provisions:

(a) At least 30 days before operating on Channel 232A, the licensee shall submit to the Commission the technical information normally required of an applicant for a construction permit on Channel 232A;

(b) At least 10 days prior to commencing operation on Channel 232A, the licensee shall submit the measurement data required of an applicant for an FM broadcast station license; and,

(c) The licensee shall not commence operation on Channel 232A without prior Commission authorization.

7. Furthermore, nothing contained herein shall be construed to authorize a major change in transmitter location or the necessity of filing an environmental impact statement pursuant to § 1.1301 of the Commission's Rules.

8. Authority for the actions taken herein is contained in Sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules.

9. It is further ordered, That the Secretary of the Commission shall send a copy of this *Order* by certified mail, return receipt requested, to Hawks Communications, Inc., 104½ West 9th, Winfield, Kansas 67156.

10. It is further ordered, That this proceeding is terminated.

11. For further information concerning this proceeding, contact Michael A. McGregor, Broadcast Bureau, (202) 632–7792.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C 154, 303)

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-18868 Filed 6-25-81; 8:45 am]

BILLING CODE 6712-01-M

[1] Population figures are taken from the 1970 U.S. Census.

[2] The Commission's minimum distance separation provisions require a separation of 168 kilometers (105 miles) between a Class C station and a first adjacent Class A station. The distance between the transmitter site of Station KWKS and the proposed site for Channel 287 is approximately 73 kilometers (46 miles).

47 CFR Part 73

[BC Docket No. 80-495; RM-3593]

FM Broadcast Station in International Falls, Minnesota; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns FM Channel 258 to International Falls, Minnesota, as that community's second FM assignment, at the request of Minnesota Christian Broadcasters, Inc., and substitutes Channel 281 for Channel 232A at International Falls. The license of Station KSDM(FM), International Falls, is modified to specify operation on Channel 281.

DATE: Effective August 18, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Michael A. McGregor, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), table of assignments, FM broadcast stations (International Falls, Minnesota); report and order (proceeding terminated).

Adopted: June 9, 1981.

Released: June 19, 1981.

By the Chief, Policy and Rules Division.

1. The Commission has under consideration a *Notice of Proposed Rule Making and Order to Show Cause*, 45 FR 65637, published October 3, 1980, proposing the assignment of Class C Channel 258 to International Falls, Minnesota, as that community's second FM assignment, the substitution of Channel 281 for Channel 232A at International Falls, and the modification of the license of Station DSDM to specify operation on Channel 281. Comments were filed by Minnesota Christian Broadcasters, Inc. ("petitioner"), and by KGHS, Inc. ("KGHS"), the licensee of Station KSDM in International Falls. No reply comments were received.

2. In its comments, petitioner incorporates by reference the information contained in its petition for rule making and restates its intention to apply for authority to construct and operate a station on Channel 258, if assigned. Petitioner also reaffirms its promise to reimburse KGHS for the expenses necessary for the frequency change of Station KSDM. KGHS states in its comments that it does not object to modification of its license, but asks that it not be required to modify its facilities until a construction permit is granted for Channel 258. KGHS requests this delay so that it can receive prompt reimbursement of expenses from the eventual licensee.

3. International Falls (population 6,439),[1] seat of Koochiching County (population 17,131), is located on the U.S.-Canada border approximately 400 kilometers (250 miles) north of Minneapolis, Minnesota. International Falls is presently served by fulltime AM Station KGHS and FM Station KSDM, both of which are licensed to KGHS.

4. Petitioner has submitted persuasive evidence regarding International Falls and its need for a second FM service. The channel will provide a first FM service to 4,047 square kilometers (1,581 square miles) and will result in no significant preclusion to other communities with populations over 1,000. Therefore, we shall assign FM Channel 258 to International Falls, Minnesota, as that community's second FM channel. To avoid intermixture with the Class A channel at International Falls, we shall also substitute Channel 281 for Channel 232A and modify the license of Station KSDM to specify operation on Channel 281. Station KSDM is entitled to be reimbursed for the frequency change only by the eventual permittee of Channel 258. See *Mitchell, South Dakota*, 62 F.C.C. 2d 70 (1976).

5. Concerning the request of KGHS to delay its change in frequencies until a permittee has been chosen for Channel 258, the Commission generally does not impose a deadline for a frequency change except to coordinate the switch with the issuance of a construction permit on the channel which is subject to a reimbursement condition. Therefore, the required frequency shift of Station KSDM need not be made until the issuance of a construction permit for Channel 258. *Knoxville, Tennessee, et al.*, 78 F.C.C. 2d 1208 (1980); *Mayfield and Wickliffe, Kentucky, et al.*, 48 RR 2d 1232 (Broadcast Bureau, 1981). Once the permit is issued, KGHS will be expected to complete its frequency shift expeditiously.

6. Canadian concurrence in the assignments has been received.

7. Accordingly, it is ordered, That effective August 18, 1981, the FM Table of Assignments, Section 73.202(b) of the Commission's Rules, is amended with respect to International Falls, Minnesota, as follows:

City	Channel No.
International Falls, Minnesota	258,281

8. It is further ordered, pursuant to the authority contained in Section 316 of the Communications Act of 1934, as amended, That the license of Station KSDM, International Falls, Minnesota, is modified, to specify operation on Channel 281, subject to the following conditions:

(a) At least 30 days before operating on Channel 281, the licensee shall submit to the Commission the technical information normally required of an applicant for a construction permit on Channel 281;

(b) At least 10 days prior to commencing operation on Channel 281, the licensee shall submit the measurement data required of an applicant for an FM broadcast station license; and

(c) The licensee shall not commence operation on Channel 281 without prior Commission authorization.

9. Furthermore, nothing contained herein shall be construed to authorize a major change in transmitter location or the necessity of filing an environmental impact statement pursuant to § 1.1301 of the Commission's Rules.

10. Authority for the action taken herein is contained in Sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules.

11. It is further ordered, That the Secretary of the Commission shall send a copy of this *Order* by certified mail, return receipt requested, to KGHS, Inc., P.O. Box 591, International Falls, Minnesota 56649.

12. It is further ordered, That this proceeding is terminated.

13. For further information concerning this proceeding, contact Michael A. McGregor, Broadcast Bureau, (202) 632-7792.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-18660 Filed 6-25-81; 8:45 am]

BILLING CODE 6712-01-M

[1] Population figures are taken from the 1970 U.S. Census.

47 CFR Part 73

[BC Docket No. 80-517; RM-3572]

FM Broadcast Station North Mankato, Minnesota; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns FM Channel 244A to North Mankato, Minnesota, in response to a petition filed by Minnesota Valley Broadcasting Company. The assignment could provide North Mankato with a first local aural service.

DATE: Effective August 18, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), table of assignments, FM broadcast stations (North Mankato, Minnesota); Report and order (proceeding terminated).

Adopted: June 9, 1981.

Released: June 19, 1981.

By the Chief, Policy and Rules Division.

1. The Commission has under consideration the *Notice of Proposed Rule Making* herein, 45 FR 58618, published September 4, 1980, which proposed the assignment of FM Channel 244A to North Mankato, Minnesota, as that community's first FM assignment, in response to a petition filed by Minnesota Valley Broadcasting Company ("petitioner"). Supporting comments were filed by petitioner in which it reaffirmed its intent to file for the channel, if assigned. Comments in opposition were filed by KYSM Radio ("KYSM"), licensee of Stations KYSM(AM) and KYSM-FM, Mankato, Minnesota.

2. North Mankato (population 7,347),[1] in Nicollet County (population 24,795), is located approximately 136 kilometers (85 miles) southwest of Minneapolis-St. Paul. It is separated from Mankato by the Minnesota River, and is located in a different county. Channel 244A could be assigned to North Mankato provided the transmitter site is located 9 kilometers (5.65 miles) northwest of the center of the community to comply with the minimum distance separation requirements of § 73.207 of the Commission's Rules.

[1] Population figures are taken from the 1970 U.S Census.

3. KYSM, in comments, contends that North Mankato is already sufficiently served by existing area stations, and therefore, the proposed assignment should be reserved for a community in that general area in need of an "on-site" radio facility. Additionally, those comments appear to be directed to a possible economic impact the proposed assignment could have, since KYSM argues that the bulk of the retail business from which the proposed station would seek advertising is located in Mankato.

4. With respect to the assertion of service from existing stations, it should be noted that in establishing and implementing the FM Table of Assignments, the Commission has consistently given high priority to providing each community with at least one FM assignment, especially if a community, such as the instant one, lacks local aural service. Even if the Mankato stations do provide coverage and offer programming directed to North Mankato, that is not a basis for denying a request for a first local broadcast outlet. Assignment of an FM channel in this situation provides a city with a local station to present programs designed to meet its special needs, interests and issues. Any station owing a primary obligation to another locality could not be expected to provide the equivalent of such local service. *Clinton, Louisiana*, 45 RR 2d 1587-88 (Broadcast Bureau, 1979).

5. If, indeed, KYSM's concern is geared toward the possible economic impact a potentially competitive assignment could have on its station, that is a matter which should be raised at the application stage where it would be feasible to investigate and consider the merits of various allegations, rather than in a rule making proceeding. *See also Beaverton, Michigan*, 44 RR 2d 55 (Broadcast Bureau, 1978).

6. Accordingly, the Commission believes it would be in the public interest to assign FM Channel 244A to North Mankato, Minnesota, as that community's first FM assignment.

7. Accordingly, It is ordered, That effective August 18, 1981, § 73.202(b) of the Commission's Rules, the FM Table of Assignments, is amended with regard to the following community:

City	Channel No.
North Mankato, Minnesota	244A

8. Authority for the adoption of the amendment contained herein appears in Sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules.

9. It is further ordered, That this proceeding is terminated.

10. For further information concerning the above, contact Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-18866 Filed 6-25-81; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 80-285; RM-3511 and RM-3755]

FM Broadcast Stations in Yakima, Ellensburg, and Quincy, Washington; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns FM Channel 257A to Yakima, Channel 276A to Ellensburg, and substitutes Channel 244A for Channel 276A at Quincy (all Washington communities). The allocations would provide a fifth local FM assignment to Yakima, and a second FM channel for Ellensburg.

DATE: Effective August 18, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), table of assignments, FM broadcast stations (Yakima, Ellensburg, and Quincy, Washington); Report and order (proceeding terminated).

Adopted: June 9, 1981.

Released: June 19, 1981.

By the Chief, Policy and Rules Division.

1. In the *Notice of Proposed Rule Making* herein, 45 FR 43812, published June 30, 1980, issued in response to a petition filed by Read Broadcasting ("Read"), we proposed to assign Channel 257A to Yakima, Washington, as that city's fifth FM assignment. A counterproposal was filed by Tri-County Broadcasting ("Tri-County"), seeking the assignment of the same channel to Ellensburg, as that community's second FM assignment, and proposing the

assignment of Channel 228A to Yakima instead of Channel 257A.

2. Read responded to the counterproposal and suggested that the conflict with Channel 257A could be resolved instead by reassigning Channel 276A to Ellensburg, from Quincy, Washington, and substituting either Channel 224A or 244A for the proposed deletion at Quincy. Tri-County responded favorably to the revised proposal, thereby withdrew its previous objection to the Channel 257A assignment to Yakima, and reaffirmed its intention to apply for the Ellensburg assignment.

3. A *Further Notice of Proposed Rule Making* herein, 46 FR 10775, published February 4, 1981, was issued proposing to assign Channel 257A to Yakima, Channel 276A to Ellensburg, and substituting Channel 244A for Channel 276A at Quincy, Washington.

4. Comments were filed by Read, in which it stated that due to changed circumstances, it is no longer interested in filing an application for Channel 257A. However, another party, Mr. Andrew Vallejo, a resident of Federal Way, Washington, has expressed an interest in the assignment. Mr. Vallejo, who is of Hispanic descent, states that if the assignment is made to Yakima, he will apply for the channel, or be a controlling part of a corporation formed for that purpose.

5. Yakima (population 45,588), in Yakima County (population 144,971),[1] is located approximately 170 kilometers (110 miles) southeast of Seattle, Washington. Channel 257A could be assigned to Yakima provided the transmitter site is situated approximately 8.5 kilometers (5.3 miles) southeast of the community to comply with the minimum distance separation requirements of Section 73.207 of the Commission's Rules.

6. Ellensburg (population 13,568), in Kittitas County (population 25,029), is located approximately 150 kilometers (92 miles) southeast of Seattle, Washington. A site restriction of 1.1 kilometers (0.7 miles) east of Ellensburg is required here also to comply with the minimum distance separation requirements.

7. A preclusion study was made for the Yakima assignment assuming that the transmitter site for Channel 257A is located 8.5 kilometers (5.3 miles) southeast of the community. Preclusion would occur on the co-channel only. The following two communities of over 1,000 population are located in the precluded area: Ellensburg, which has aural services, and Wapata, which has no aural service. Petitioner states that alternative channels are available for assignment to Wapata.

8. The request for a fifth commercial FM assignment to Yakima exceeds the FM population guidelines. It was asserted by Read that the population of Yakima has increased to 51,000, but in any event, since preclusion here is insignificant, there is a basis for our considering an exception to our population guidelines. See, *Poplar Bluff, Arkansas*, BC Docket No. 78-188, 45 Fed. Reg. 21636, published April 2, 1980; *North Platte, Nebraska*, BC Docket No. 79-114, 44 Fed. Reg. 67666, published November 27, 1979; and *St. Simons Island, Georgia*, BC Docket No. 79-149, 45 Fed. Reg. 25806, published April 16, 1980.

9. The preclusion study submitted by Tri-County indicates that the assignment of Channel 276A to Ellensburg will cause preclusion on Channel 275, within 105 miles; Channel 276A, within 65 miles; and Channel 277, within 105 miles. It notes that four communities with populations in excess of 1,000 are located within the precluded area, but that alternative channels are available.

10. In view of the expressed interest in the above-mentioned channel allocations, the demonstrations of need for additional service, and the fact that the preclusion impact does not appear to be significant for either proposal, we believe that the public interest would be served by the grant of the requested assignments.

11. Canadian concurrence in the assignments has been obtained.

12. Accordingly, it is ordered, That effective August 18, 1981, § 73.202(b) of the Commission's Rules, the FM Table of Assignments, is amended with respect to the communities listed below as follows:

City	Channel No.
Yakima, Washington	233, 252A, 257A, 281, 297
Ellensburg, Washington	237A, 276A
Quincy, Washington	244A

13. Authority for the adoption of the amendments contained herein appears in Sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules.

14. It is further ordered, That this proceeding is terminated.

15. For further information regarding the above, contact Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-18907 Filed 6-25-81; 8:45 am]

BILLING CODE 6712-01-M

[1] All population figures are taken from the 1970 U.S. Census.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 611 and 672

Foreign Fisheries and Groundfish of Gulf of Alaska

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule.

SUMMARY: This rule establishes retention and apportionment among United States and foreign fishermen of certain optimum yield reserves in the Eastern Bering Sea and Gulf of Alaska groundfish fisheries. Retention and apportionment of the reserves is required by regulations governing these fisheries. This action will promote orderly conduct of these fisheries by increasing foreign and domestic catch limits to avoid premature closures of the fisheries.

DATES: Effective from June 23, 1981 until December 31, 1981.

FOR FURTHER INFORMATION CONTACT: Robert W. McVey, Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, Alaska 99802, 907-586-7221.

SUPPLEMENTARY INFORMATION:

Background

The preliminary fishery management plan (PMP) for the Trawl Fisheries and Herring Gillnet Fishery of the Eastern Bering Sea and Northeast Pacific and the fishery management plan (FMP) for Groundfish of the Gulf of Alaska establish, within the optimum yields (OYs), amounts of various groundfish species groups which are reserved. Regulations to implement the FMP and the PMP set out procedures by which the Alaska Regional Director, National Marine Fisheries Service, (NMFS) may apportion the reserves to either the domestic annual processing (DAP) or the joint venture processing (JVP) portions of the domestic annual harvest (DAH), if

United States fishermen harvest amounts of these species greater than the DAP and JVP amounts currently specified.

The amounts originally specified in the PMP and the FMP were determined by NMFS and the North Pacific Fishery Management Council, based on surveys of the U.S. fishing industry's capacity and intent to harvest and deliver fish to U.S. and foreign processors. Using standards specified in § 672.20(c)(3)(ii) and § 611.93(b)(3)(iii)(B), the Regional Director has determined that specific amounts of fish will be needed to supplement DAH. Amounts of fish that will not be harvested by United States fishermen are apportioned to the total allowable level of foreign fishing (TALFF), and made available for harvest by foreign fishermen.

This notice also clarifies that the DAHs for other species and thornyhead rockfish in the Gulf of Alaska have been apportioned among the DAP, JVP, and DNP (domestic nonprocessed fish) components of the DAHs. The apportionments are shown in Part 4 of Appendix 1 of § 611.20.

Determination of Amounts of Reserve Apportionment

The Regional Director has determined that United States fishermen will harvest the following reserve amounts for delivery at sea to foreign processing vessels during the 1981 fishing year, and that these amounts should be apportioned to the JVP component of DAH:

Bering Sea/Aleutian Islands Area—Twenty percent of the initial pollock reserve in Areas I, II, and III, combined, or 10,000 mt.

Gulf of Alaska—Ninety percent of the initial pollock reserve in the central regulatory area, or 20,000 mt.

Based upon the same standards, the Regional Director has determined that the following reserve amounts will not be harvested by United States fishermen during the 1981 fishing year, and that these amounts should be apportioned to TALFF:

Bering Sea/Aleutian Islands Area—Fifty percent of the initial turbot reserve in the Bering Sea and Aleutian Areas (Areas I–IV) and fifty percent of the sablefish reserve in the Aleutian area (Area IV), or 2,250 mt and 75 mt, respectively.

Gulf of Alaska

1. Forty percent of the initial sablefish and Pacific cod reserves in the eastern regulatory area, or 662 mt and 924 mt, respectively.

2. Forty percent of the initial sablefish reserves in the central regulatory area, or 355 mt.

3. Forty percent of the initial sablefish reserves in the western regulatory area, or 196 mt.

4. Forty percent of the initial thornyhead rockfish reserve for the entire Gulf of Alaska, or 350 mt.

In making this determination the Regional Director considered that U.S. fishermen have caught a large portion of the initially specified JVP amount of DAH for pollock in both the Bering Sea and the central regulatory area of the Gulf of Alaska. He has, therefore, determined that 10,000 mt and 20,000 mt of pollock reserves in the Bering Sea/Aleutian Islands area and the central regulatory area, respectively, are needed to supplement DAH. U.S. fishermen have also expressed their intent to harvest large amounts of Pacific cod, flounders, including yellowfin sole, and Atka mackerel. U.S. fishermen have sufficient fishing capacity to harvest these amounts. Although fishing for these species by U.S. vessels has been minimal to date, it is expected that effort will increase significantly. Reserves of these species may be needed later to supplement DAH, and are being retained at this time rather than being allocated immediately to TALFF or to DAH.

Only reserve amounts that the Regional Director has determined will not be harvested by fishermen are being apportioned to TALFF at this time in accordance with the established reserve release schedule. The Regional Director has found that reserve amounts being allocated to JVP will not be utilized by U.S. fish processors.

Response to Public Comments

Two comments were received that addressed reserve apportionment.

1. Comment: All reserves of Pacific cod and sablefish eligible for apportionment in the Gulf of Alaska should be apportioned to TALFF.

Response: Forty percent of the initial sablefish reserves in the eastern, central, and western regulatory areas in the Gulf of Alaska and forty percent of the Pacific cod reserves in the eastern regulatory area are considered surplus to the requirements of U.S. fishermen and are being apportioned to TALFF. Reserves of Pacific cod in the central and western regulatory areas are being retained at this time due to uncertainty as to the extent to which they may be needed to supplement DAH later during this fishing year. A U.S. Pacific cod fishery has strong potential in both the Bering Sea and parts of the Gulf of Alaska, and adequate amounts of Pacific cod are needed for incidental catch to support the strong U.S. pollock fishery. It would thus be inappropriate to apportion Pacific cod to TALFF at this time. Not all of the existing TALFF for Pacific cod has been allocated among foreign nations. These nonallocated amounts are available to meet the needs of foreign fisheries independent of the reserves.

2. Comment: All reserves of Atka mackerel eligible for apportionment in both the Bering Sea/Aleutian Islands areas and the Gulf of Alaska will be needed to support a U.S. fishery for that species and should be retained.

Response: Reserves of Atka mackerel are being retained at this time because of uncertainty as to the extent to which they may be needed to supplement DAH.

National Environmental Policy Act

Environmental impact statements were prepared for the PMP and FMP and are on file with the Environmental Protection Agency (EPA). Environmental assessments and negative determinations of significant environmental impact were prepared on the current regulations implementing the PMP and FMP, and are also on file with the EPA.

Classification

The Acting Administrator, NOAA, has determined that this rule is not a "major rule" requiring a regulatory impact analysis under Executive Order 12291, because it will not result: (1) in an annual effect on the economy of $100 million or more; (2) in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and (3) in significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. This rule can be expected to enhance investment in and the productivity of the U.S. fishing industry by making additional amounts of fish available for harvest by U.S. fishermen. Recent increases in U.S. capacity and intent support this action. The Acting Administrator has also determined that this rule will not have a significant economic impact on a substantial number of small entities and, therefore, does not require a regulatory flexibility analysis under the terms of 5 U.S.C. 601 *et seq.* The rule promotes expansion of U.S. fishing activities peviously envisioned in the FMP and PMP.

This rule does not contain a collection of information requirement, and does not involve any agency in conducting or sponsoring the collection of information (44 U.S.C. 3501 *et seq.*).

Dated: June 23, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

§ 611.20 Total allowable level of foreign fishing.

For reasons set forth in the preamble, 50 CFR Parts 611 and 672 are amended as follows:

1. The authority citation for Parts 611 and 672 reads as follows:

Authority: 16 U.S.C. 1801 *et seq.*

2. In § 611.20, Appendix I is amended to read as follows:

Appendix 1.—*Optimum Yield (OY), Domestic Annual Harvest (DAH), Domestic Annual Processing (DAP), Joint Venture Processing (JVP), Domestic Nonprocessed (DNP), Reserve, and Total Allowable Level of Foreign Fishing (TALFF), All in Metric Tons*

Species	Species code	Areas	OY	DAH	DAP	JVP	DNP	Reserve	TALFF
. . . . .									
. .									
Alaska Fisheries									
A. Bering Sea and Aleutian Islands Groundfish Fishery									
Pollock	701	Bering Sea [1]	1,000,000	29,550	10,500	18,050		40,000	930,450
		Aleutians [2]	100,000	0	0	0		0	100,000
Yellowfin sole	720		117,000	26,200	1,200	25,000		5,850	84,950
Turbots	721, 118		90,000	1,075	1,000	75		2,250	86,675
Other flounders	129		61,000	4,200	1,200	3,000		3,050	53,750
Pacific ocean perch [4]	780	Bering Sea [1]	3,250	1,380	550	830		162	1,708
		Aleutians [2]	7,500	1,380	550	830		375	5,745
Other rockfish	849		7,727	1,550	1,100	450		500	5,677
Sablefish	703	Bering Sea [1]	3,500	700	500	200		350	2,450
		Aleutians [2]	1,500	700	500	200		150	650
Pacific cod	702		78,700	24,265	7,200	17,065		22,935	31,500
Atka mackerel	207		24,800	100	0	100		1,240	23,460
Squid	509		10,000	50	0	50		500	9,450
Other species [3]	499		74,249	2,000	18,000	200		3,712	68,537
B. * * *									
C. * * *									
D. * * *									
E. Gulf of Alaska Groundfish Fishery:									
Pollock	701	Western [5]	66,500	6,737	29	6,708		13,300	46,463
		Central [5]	111,066	35,540	8,277	9,263		2,213	73,313
		Eastern [6]	19,367	2,584	611	1,773		3,874	12,909
		Total	196,933	44,861				9,387	132,685
Pacific cod	702	Western	19,320	2,193	280	1,213	700	3,884	13,263
		Central	39,130	7,058	4,080	1,586	1,400	7,826	24,246
		Eastern	11,550	2,415	327	666	1,400	1,366	7,749
		Total	70,000	11,666				13,076	45,258
Flounders	129	Western	12,133	816	116	700		2,427	8,890
		Central	17,150	1,307	350	957		3,430	12,413
		Eastern	9,800	1,587	1,050	537		1,960	6,253
		Total	39,083	3,710				7,817	27,556
Pacific ocean perch [4]	780	Western	3,150	402	29	373		630	2,118
		Central	9,217	1,485	344	1,121		1,843	5,909
		Eastern	16,800	1,534	93	1,441		3,360	11,906
		Total	29,167	3,401				5,833	19,933
Other rockfish [8]	849	Total	8,887	1,050				1,773	6,044
Sablefish [7]	703	Western	2,450	315	117	198		294	1,841
		Central	4,433	1,423	1,167	256		532	2,478
		Yakutat District [5]	3,986	1,610	1,377	233		994	1,362
		Southeast Outside [5]	3,500	3,395	3,290	105		0	105
		Total	14,349	6,743				1,820	5,786
Atka mackerel	207	Western	5,458	338	0	338		1,092	4,028
		Central	24,309	1,260	0	1,260		4,862	18,187
		Eastern	3,717	817	0	817		743	2,157
		Total	33,484	2,415				6,697	24,372
Squid	509	Total	5,833	175	0	175		1,167	4,491
Other species [8]	499	Total	18,900	2,007	351	723	933	3,780	13,113
Thornyhead rockfish	749	Total	4,375	7	7	0		525	3,843

3. In § 672.20(a) Table 1 is revised to read as follows:

§ 672.20 Optimum yield.

Table I.—*OY, DAH, DAP, DNP, JVP, Reserve, and TALFF by Regulatory Area* [1]

Species	Species code	Area	OY	DAH	DAP	JVP	(DAH DAP)	DNP	Reserve	TALFF
Pollock	701	Western	66,500	6,737	29		6,708		13,300	46,463
		Central	111,066	35,540	6,277		29,263		2,213	73,313
		Eastern	19,367	2,584	611		1,773		3,874	12,909
		Total	196,933	44,861					19,387	132,685
Pacific cod	702	Western	19,320	2,193	280		1,213	700	3,864	13,263
		Central	39,130	7,058	4,060		1,596	1,400	7,826	24,246
		Eastern	11,550	2,415	327		888	1,400	1,398	7,749
		Total	70,000	11,666					13,076	45,258
Flounders	129	Western	12,133	816	116		700		2,427	8,890
		Central	17,150	1,307	350		957		3,430	12,413
		Eastern	9,800	1,587	1,050		537		1,960	6,253
		Total	39,083	3,710					7,817	27,556
Pacific ocean perch [2]	780	Western	3,150	402	29		373		630	2,118
		Central	9,217	1,485	344		1,121		1,843	5,909
		Eastern	16,800	1,534	93		1,441		3,360	11,906
		Total	29,167	3,401					5,833	19,933
Other rockfish [3]	849	Total	8,867	1,050					1,773	6,044
Sablefish	703	Western	2,450	315	117		198		294	1,841
		Central	4,433	1,423	1,167		256		532	2,478
		Yakutat District [4]	3,966	1,610	1,377		233		994	1,362
		Southeast Outside [4]	3,500	3,395	3,290		105		0	105
			14,349	6,743				1,820	5,786	
Atka mackerel	Total 207	Western	5,458	336	0		336		1,092	4,028
		Central	24,309	1,260	0		1,260		4,862	18,187
		Eastern	3,717	817	0		817		743	2,157
		Total	33,484	2,415					6,697	24,372
Squid	509	Total	5,833	175					1,167	4,491
Other species [5]	499	Total	18,900	2,007	351		723	933	3,780	13,113
Thornyhead rockfish	749	Total	4,375	7	7		0		525	3,843

[1] See 672.2 for a description of Regulatory Areas and Districts.
[2] The category "Pacific ocean perch" includes *Sebastes* species *S. alutus* (Pacific ocean perch), *S. polyspinus* (northern rockfish), *S. aleutianus* (rougheye rockfish), *S. borealis* (shortraker rockfish), and *S. zacentrus* (sharpchin rockfish).
[3] The category "other rockfish" includes all fish of the genus *Sebastes* except the category "Pacific ocean perch" as defined above and "Thornyhead Rockfish," *Sebastolobus*.
[4] Excludes values for the Southeast Inside District, which is not governed by these regulations.
[5] The category "other species" includes sculpins, sharks, skates, eulachon, smelts, capelin, and octopus.

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50 CFR Part 674

High Seas Salmon Fishery Off Alaska

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Emergency interim rule with request for comments; and notice of availability of plan amendment.

SUMMARY: The Acting Administrator, NOAA, has initially approved Amendment No. 2 to the fishery management plan for the High Seas Salmon Fishery Off the Coast of Alaska East of 175 Degrees East Longitude. NOAA issues emergency regulations under Section 305 of the Magnuson Fishery Conservation and Management Act to implement the amendment on an interim basis with a request for comments to aid in the development of final rules. These regulations reduce the Southeast Alaska catch of Chinook salmon, facilitate data collection, distribute the burden of conservation more equitably between hand trollers and power trollers, and coordinate Federal regulations with State of Alaska salmon regulations. Amendment No. 2 and these regulations will contribute to the rebuilding of Chinook salmon stocks, increase salmon production, and provide long-term positive net economic benefits to the Southeast Alaska and other Pacific Coast salmon fisheries.

EFFECTIVE DATE: June 23, 1981 until August 10, 1981. Comments on the emergency interim regulations and amendments should be submitted in writing by August 10, 1981.

ADDRESS: Comments on the emergency interim rule may be sent to: Robert McVey, Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, Alaska 99802, Telephone: (907) 586-7221.

Copies of the amendment, final supplemental environmental impact statement, and regulatory impact review/regulatory flexibility analysis (RIR/RFA) are available at the address above.

FOR FURTHER INFORMATION CONTACT: William L. Robinson, Regional Salmon FMP Coodinator, (907) 586-7229.

SUPPLEMENTARY INFORMATION:

Regulatory History

On May 18, 1979, the National Marine Fisheries Service published interim emergency regulations implementing the approved portion of the fishery management plan (FMP) for the High Seas Salmon Off the Coast of Alaska East of 175 Degrees East Longitude (44 FR 29040). The FMP was published in its entirety in the **Federal Register** on June 8, 1979 (44 FR 33250). The emergency regulations were reissued on July 11, 1979 (44 FR 40519), were amended once on July 17, 1979 (44 FR 41467), and were published as final regulations on September 6, 1979 (44 FR 51988).

Amendment No. 1 to the FMP was published in the **Federal Register** with proposed implementing regulations on May 21, 1980 (45 FR 34020). Emergency regulations were published on May 20, 1980 (45 FR 33638), and then repromulgated on July 16, 1980 (45 FR 47690). Final regulations to implement Amendment No. 1 were issued on September 8, 1980 (45 FR 59172).

The Acting Administrator, NOAA, has

initially approved Amendment No. 2 to the FMP. The Assistant Administrator for Fisheries, NOAA, has determined that this amendment to the FMP is necessary and appropriate to the conservation of high seas salmon resources off Alaska, and that it is consistent with the national standards and other provisions of the Magnuson Fishery Conservation and Management Act (Magnuson Act), as well as other applicable law.

Classification

The Acting Administrator has determined that regulations to implement Amendment No. 2 are non-major for the purposes of Executive Order (E.O.) 12291, but that they are significant under the Regulatory Flexibility Act.

The Assistant Administrator finds for good cause that the opportunity for public comment and the 30-day delayed effectiveness period required by the Administrative Procedure Act (5 U.S.C. 553) prior to the effective date of the emergency regulations are impracticable, unnecessary, and contrary to the public interest. The reasons for this finding are set forth below.

1. A delay in the effective date of these emergency regulations is not practicable, since the authority of power trollers to fish in the fishery conservation zone (FCZ) expired on April 14, 1981. Further, the reporting and landing requirements of the regulations issued here would not be effective, hindering the ability to obtain the data necessary for monitoring the catch and in-season management.

2. The public had advance notice of this impending action, is familiar with it, and was afforded a reasonable opportunity to participate in the development of the amendment at meetings of the North Pacific Fishery Management Council (NPFMC) in September 1980, and January and March, 1981.

3. A delay in the effective date of these emergency regulations would be contrary to the public interest. As mentioned above, without these emergency regulations, the FCZ will remain closed to fishing by the power trollers who form the major part of the fishery there, despite their expectation that the season would open May 15 as provided by State regulations. Failure to open the season promptly could adversely affect the fishermen and the economies of the communities which depend on them.

The Acting Administrator also finds that an emergency exists in this fishery which requires promulgation of emergency regulations under Section 305(e) of the Magnuson Act. A major objective of the FMP is to achieve the Chinook and Coho salmon OYS as mandated by National Standard 1 of the Magnuson Act. In order to achieve this objective, the fishery must begin as soon as possible and there is insufficient time for normal promulgation of implementing regulations.

Failure to place regulations in effect as soon as possible would further delay the opening of the fishery and could cause irreparable economic damage to the Southeast Alaska fishing community. The scheduled season from May 15 through September 20 is already designed to implement a 15 percent reduction in Chinook OY, which will result in short-term negative economic impacts. To delay the beginning of the season far beyond May 15 could reduce the Chinook harvest more than 15 percent. This would allow Canada to intercept a greater number of fish, would significantly reduce U.S. fishermen's incomes, and would also cause subsequent "ripple" effects throughout the Southeast Alaska fishing industry. Emergency regulations are also needed to ban the use of treble hooks which may pose a threat to the resource.

Regulatory Impact Review/Regulatory Flexibility Analysis

A draft regulatory analysis, prepared on the proposed regulatory program to implement Amendment No. 2 in accordance with the requirements of E.O. 12044, was made available to the public on February, 6, 1981. Subsequently, E.O. 12291 superseded E.O. 12044 and the Regulatory Flexibility Act became law.

The draft regulatory analysis has been revised to incorporate the requirements of E.O. 12291 and the Regulatory Flexibility Act. It is available to the public as a regulatory impact review/regulatory flexibility analysis (RIR/RFA) at the Regional Director's office (address above). The RIR/RFA describes the problems addressed by the amendment and presents an analysis of the proposed and alternative regulatory options.

After reviewing the criteria set forth in Section 1(b) of E.O. 12291, the Acting Administrator has determined that the regulations to implement the amendment do not constitute a major rule requiring the preparation of a Regulatory Impact Analysis because they are not likely to result in: (1) an annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The Regulatory Flexibility Analysis was prepared because the Acting Administrator determined that the Amendment No. 2 will have a significant economic impact on a substantial number of small domestic entities.

Paperwork Reduction

A new provision of the amendment will require fishermen intending to sell their catch outside of Alaska to submit an Alaska Department of Fish and Game (ADF&G) fish sales ticket or equivalent information in writing at an Alaska port prior to leaving Alaskan waters. This reporting requirement may constitute a "collection of information" under the Paperwork Reduction Act. For this reason, the proposed regulations were submitted to the Director of OMB for review, and authorization sought for collection of the information prior to completion of that review. The information will be collected prior to receipt of interim authorization under the terms of Section 3507(g) of the Paperwork Reduction Act.

Environmental Impact Statement

A draft supplemental environmental impact statement (DSEIS) required by the National Environmental Policy Act of 1969 was filed with the Environmental Protection Agency (EPA) and made available to the public on February 6, 1981. Comments were received until March 23, 1981. Comments received on the DSEIS were responded to in the final supplemental environmental impact statement (SEIS) which was filed with the EPA and made available to the public on May 1, 1981.

General Information

Amendment No. 2 would reduce the Southeast Alaska catch of chinook salmon by 15 percent in order to gradually increase spawning escapements into Southeast Alaskan rivers and ultimately to achieve spawning escapement goals, and to contribute to the conservation and management of non-Alaskan chinook stocks caught off Alaska, especially Columbia River upriver "bright" fall chinook. In addition, Amendment No. 2 would facilitate the timely collection of data necessary for management of the fishery and bring Federal management of salmon fishing in the FCZ into conformity with State of Alaska salmon management within State waters, to the extent permitted under the Magnuson Act.

Specifically, Amendment No. 2 will:

(1) modify the objectives of the FMP;

(2) reduce the current chinook salmon acceptable biological catch (ABC) and optimum yield (OY) ranges in the eastern area (east of Cape Suckling) by 15 percent to provide for an ABC and OY range of 243,000–272,000 chinook and treat the upper limit of the OY range as a harvest ceiling;

(3) establish the chinook, chum, pink, and sockeye salmon trolling season from May 15-September 20 in the eastern area;

(4) limit hand trollers fishing in the FCZ off Alaska to a maximum of two lines and gurdies or four sport poles;

(5) require fishermen intending to sell their catch outside of Alaska to submit an ADF&G fish sales ticket or equivalent information in writing (e.g. Alaska or Federal permit number, vessel name, number of salmon on board by species, proposed port of landing, etc.) at an Alaskan port prior to leaving Alaskan waters;

(6) require fishermen to land all adipose fin-clipped chinook and coho salmon with heads on; and

(7) ban the possession of treble hooks while fishing in the FCZ off Alaska.

Management Objectives

The proposed modifications to the FMP's management objectives will place greater emphasis on: (1) the conservation of all wild stocks of salmon harvested in Southeast Alaska; (2) the control and ultimate reversal of fishing effort increases in the FCZ off Alaska; (3) the management of commingled wild and hatchery stocks; (4) the protection of immature, sublegal size chinook; and (5) the development of a coastwide plan for Pacific Coast salmon fisheries. The modifications to the management objectives are necessary to address several continuing problems in the management of the Southeast Alaska salmon troll fishery.

Wild stocks of chinook salmon have declined coastwide. Conservation of wild chinook stocks is of critical importance because, despite the increased number of hatchery-produced salmon, the wild stocks are still the dominant group harvested by the Southeast Alaskan salmon fisheries. Continuing overharvest of wild stocks due to increased fishing effort in the FCZ off Alaska and outer coastal areas has resulted in spawning escapements declining to a critical degree in Southeast Alaska and has contributed to coastwide conservation and management problems, especially within the Columbia River and other Washington coastal areas. Although chinook and coho salmon are currently the most critical examples, the conservation of all wild stocks of salmon (primarily through controlling fishing effort and catch) is probably the most serious fishery management problem in Southeast Alaska. Increasing the coastwide hatchery production of salmon requires long-range objectives in order to develop harvest strategies that allow a greater harvest rate on hatchery fish while preserving a lesser harvest of commingled wild stocks. Much of the coastwide decline of wild chinook and coho salmon stocks can be attributed to excessively high harvest of commingled hatchery and wild stocks. Although hatchery stocks can support high harvest rates because high fresh water survival requires fewer spawning fish, wild stocks need a greater number of spawners to compensate for lower fresh water survival.

Management strategies designed to reduce the catch and hooking mortalities on small, immature salmon are necessary to increase the poundage and economic yield to the fishery and to increase survival of small fish until they reach a harvestable size. Moreover, coastwide cooperation among fisheries management entities is essential to insure that management actions taken by each group are not detrimental to other areas and that common coastwide fisheries problems can be addressed in a coordinated manner.

As a response to the fisheries management problems briefly described above, and as a basis for the regulatory proposals implementing Amendment No. 2, the following new objectives replace the FMP's current management objectives:

(1) Manage the troll fishery in conjunction with other Southeast Alaska salmon fisheries to obtain the number and distribution of spawning fish capable of producing the optimum total harvest on a sustained basis from all wild salmon stocks harvested in Southeast Alaska.

(2) Allocate the optimum yield to the various Southeast Alaska user groups as directed by the Alaska Board of Fisheries and North Pacific Fishery Management Council.

(3) Decrease directed and incidental harvest of smaller, immature fish and reduce sublegal chinook hook/release mortalities where possible, consistent with allocation decision and with the objective of maximizing benefits to user groups.

(4) Control and reverse recent trends of expanding effort and catch in outer coastal and offshore Southeast Alaskan waters to accomplish conservation goals.

(5) Develop fishery management techniques which will allow full utilization of salmon returning to supplemental production systems while providing necessary protection for intermingling natural runs which must be harvested at lower rates.

(6) Work toward the development of an integrated coastwide management plan for chinook salmon.

Fifteen Percent ABC/OY Reduction

Scientific information (summarized in greater detail in the Final Supplemental Environmental Impact Statement and RIR/RFA) indicates that most wild stocks of chinook salmon harvested in the salmon fisheries off Southeast Alaska are depressed, especially Southeast Alaskan and Columbia River "bright" fall chinook stocks. Based on maximum spawning counts during the years of low populations since the 1950's, the ADF&G has established spawning escapement goals for Southeast Alaskan chinook stocks of 66,000–80,000 chinook per year. The North Pacific Fishery Management Council's (NPFMC) Scientific and Statistical Committee verified the appropriateness of these escapement goals by an independent methodology. Actual spawning escapement into Southeast Alaska streams ranged from 25,000–34,000 chinook during 1978–80, less than 50 percent of the spawning escapement goal.

Spawning escapement goals for the Columbia River "bright" fall chinook stock have been achieved only once since 1974. Declining returns of "brights" to the mouth of the Columbia River have significantly decreased harvests in the Columbia River freshwater fishery, and have created conservation and fishery management problems within the river. Since approximately 36 percent of the total ocean harvest of "bright" chinook occurs in the Southeast Alaska troll fishery, reducing the catch here could allow more "brights" to reach the mouth of the Columbia River.

The NPFMC considered a range of reductions of the chinook salmon ABC/OY, from 10 percent to 55 percent. The various levels of ABC/OY reductions were based primarily on different time schedules to rebuild both Alaskan and non-Alaskan stocks, and to resolve fishery management problems within the Columbia River. Also considered was the possibility that a portion of the harvest foregone off Alaska would be intercepted by Canadian fishermen. The socioeconomic impact on the Southeast Alaska troll salmon fishery and the many local communities dependent upon that fishery was estimated for

various levels of harvest reduction. Having considered these factors, the NPFMC concluded that a 15 percent reduction in the salmon fisheries off Alaska is in the best interest of the nation. Over a reasonable time span, this percentage balances the long-term conservation and management objectives for Alaskan and non-Alaskan stocks with the short-term negative socioeconomic impact on Southeast Alaskan fishermen. A 15 percent reduction in Southeast Alaska chinook harvest will reduce the ABC/OY to 243,000–272,000 chinook salmon, from the current ABC/OY of 286,000–320,000 chinook salmon. The upper end of the range of the 15 percent ABC/OY reduction (272,000 chinook) is slightly more conservative than the harvest guideline recently adopted by the Alaska State Board of Fisheries (285,000 chinook). The Council has concluded that the lower OY range (243,000–272,000) is more appropriate and has elected to reduce the time period for rebuilding Alaskan chinook stocks and to give greater protection to other non-Alaskan stocks.

Complete escapement goals for Southeast Alaska chinook stocks will be achieved by about 1995 and will produce an annual harvestable surplus of about 73,000 chinook by the year 2000.

By reducing the Southeast Alaskan chinook salmon catch for a conservation purpose, the United States is taking action compatible with objectives sought in U.S.-Canada negotiations to find ways of limiting the interception by one country of Pacific Salmon produced by the other country. Conservation of the resource is the foremost management consideration. This action may influence Canada also to act in a similar manner, thereby decreasing Canadian interceptions of these chinook stocks. Such action by the Canadians would greatly benefit U.S. fisheries and the escapement of chinook stocks into U.S. rivers, especially the Columbia River.

Present Value Analysis

A 15 percent ABC/OY reduction will benefit spawning escapements of many other non-Alaskan chinook salmon stocks from British Columbia to Oregon, especially Columbia River "bright" stocks. A December 1980 analysis indicates that a 15 percent ABC/OY reduction will increase the annual return of "brights" to the Columbia River by 7,700 fish over a 3–5 year period and allow the annual in-river harvest of an additional 16,900 fish released from hatcheries. A more recent analysis indicates that these estimates may be slightly overestimated, but no alternative figures are available.

The RIR/RFA contains an estimate of the present value of a 15 percent ABC/OY reduction. The analysis indicates that, at a 3 percent real annual discount rate, a short-term loss to Southeast Alaskan fishermen of less than $20 million (discounted real value) through 1995 will occur. This will be offset by long-term gains from the production of harvestable surpluses from Southeast Alaskan and Columbia River "bright" chinook stocks of $42 million (discounted real value) after 50 years (2030). The break-even year when benefits offset losses is 2006. Additional positive benefits continue accruing annually thereafter. These positive benefits must be considered absolute minima since additional benefits will accrue from increased production resulting from increased spawning escapements of all other non-Alaskan stocks. Both the total net market value estimates and the break-even time for a 15 percent ABC/OY reduction indicate a more favorable revenue stream than for either a 10 percent or a 30 percent ABC/OY reduction. The present value analyses of OY reductions larger than 15 percent indicate that the greater the reduction, the longer the time required for benefits to balance losses.

May 15–September 20 Chinook Chum, Pink, and Sockeye Season

The 15 percent reduction in the Southeast Alaskan chinook salmon harvest will be accomplished by reducing ABC/OY to 243,000–272,000 chinook. This will be implemented primarily by a delayed season opening and by time and area restrictions designed to achieve the chinook OY while allowing coho salmon to be harvested during July and August. If in-season analysis of fishery performance indicates that time/area closures are necessary to maintain coho harvest flexibility, such chinook closures would most likely occur in late June or early July. The most favorable transfer rate of "bright" chinook back to the Columbia River probably occurs at this time. Southeast Alaskan fishermen would be allowed to harvest chinook in August, the month in which chinook are significantly more valuable, according to the Alaska Trollers Association.

Amendment No. 2 will change the troll season for chinook, chum, pink and sockeye salmon from April 15–October 31 to May 15–September 20. The delayed opening (one month) will implement a portion of the ABC/OY reduction at a time which would maximize spawning escapement of mature Southeast Alaskan spring chinook. Mature Alaskan spring chinook are available to the Southeast Alaskan salmon fisheries only until May or June, when they enter their spawning streams. The delay of the season opening from April 15 to May 15, or as soon as possible thereafter, is coordinated with similar restrictions within State waters. It is estimated that the delayed opening, as an integral part of the ABC/OY reduction, will result in an increased annual escapement into Southeast Alaskan rivers of about 8,800 chinook within 3–5 years, and will result in a gradual rebuilding of chinook runs. The season closure on September 20 is designed to prevent trollers from resuming the chinook fishery after the coho season closes. In addition, it is estimated that the ABC/OY for chinook will have been taken by this date.

Restricting Hand Trollers to Two Lines and Gurdies or Four Sport Poles

Amendment No. 2 limits the amount of gear a hand troller may use to fish for salmon in the FCZ to a maximum of two lines and gurdies (the spool by which each line is retrieved) or four sport poles. The two line/gurdy limitation for hand trollers is designed to spread the burden of conservation of chinook and coho salmon stocks proportionately between hand and power trollers. The equitable distribution of this conservation burden is appropriate because power trollers have been subjected to limited entry since 1974 and have been restricted to 4 lines south and 6 lines north of Cape Spencer in the FCZ since 1979. This limitation imposes a significant conservation and economic burden on those power trollers who traditionally fished more than 4 or 6 lines. Many power troll vessels are capable of fishing 8 or 10 lines, although many traditionally fished only 4 to 6. This efficiency restriction on power trollers is justified by the need to reduce effort and harvest of severely declining chinook stocks in the FCZ, as well as the excessively large harvest of offshore coho.

Hand trollers were exempted from limited entry in 1974, allowing the number of hand trollers and their catch to increase dramatically. The regulations implementing the current FMP allow hand trollers to use the same number of lines as power trollers in the FCZ. Most hand trollers, whether fishing in State of Alaska waters or in the FCZ, normally fish two lines or less, or several sport poles. Most hand troll vessels are small (18–30') and capable of no greater amount of gear. Some hand trollers, however, who could not qualify for a power troller limited entry permit, have utilized the exemption of hand

trollers from limited entry in 1974 as a loophole to compete with the power troller. These relatively small but increasingly numerous hand trollers are generally still limited by the physical capacity of their vessels to a maximum of 4 lines. Nevertheless, they expend significant fishing effort.

For example, in 1974 only one hand troller landed over 10,000 lbs of salmon, while 36 landed over 10,000 lbs apiece by 1978. The lack of a gear restriction equitably balanced with that borne by power trollers has encouraged a small group of hand trollers to utilize the full capacity of their vessels and gear. This has contributed to the conservation problems created by excessive effort and harvest on mixed chinook and coho stocks in the FCZ. Although the number of hand trollers fishing more than two lines is thought to be relatively small, just as the number of power trollers who historically fished greater than 4 or 6 lines was small, the power troller has borne the greater conservation restriction while the hand troller has borne virtually no conservation burden. Restricting hand trollers to a maximum of two lines simply makes the conservation restriction borne by each group equitable.

No major economic barriers exist to prevent a hand troller who wishes to fish more than 2 lines in the FCZ from purchasing a power troll limited entry permit. The State of Alaska offers a low-interest 10-year loan program requiring 10 percent down payment to purchase a limited entry permit for power trolling. At the current permit price of $25,000–$30,000, a hand troller wishing to enter the power troll fleet would only require $2,500–$3,000, plus conversion costs.

It has been argued that restricting the total catch to a specific harvest quota (OY) and closing the fishery after that OY has been reached eliminates the need for any gear restrictions which might reduce efficiency. Without efficiency restrictions, however, effort could concentrate in specific areas and OY could be harvested over a shorter season than the FMP contemplates. This could result in overfishing of chinook and coho stocks found in those areas at those times, and contribute to already severe problems with escapement both to inshore fisheries and to spawning areas. Although management by an OY harvest quota is a valid approach, some efficiency restrictions are still necessary to distribute the harvest throughout a greater time and area. The NPFMC has concluded that both power and hand trollers should share those efficiency restrictions equitably. Further rationale for spreading the harvest over a longer time span is the need to preserve management flexibility to harvest the coho salmon OY from July through September. If the chinook salmon OY were achieved too quickly, the season closure would prevent achievement of the coho OY. Economic advantages will also accrue to trollers harvesting chinook late in the season, when chinook are normally more valuable due to higher ex-vessel price, larger average size, and a greater proportion of red-meated fish.

It also might be argued that an equitable gear limitation for hand trollers would be 2 lines south and 3 lines north of Cape Spencer; in other words, in direct proportion to the 4/6 lines allowed power trollers. However, the 6-line limitation for power trollers north of Cape Spencer is a special exception designed solely to allow power trollers to fish the offshore Fairweather grounds as they have traditionally. Since there are no records of hand trollers fishing the Fairweather grounds, there is no reason for granting the same exception.

This action will provide compatible line limitations for hand trollers in both Federal and State waters, thus improving efficiency of enforcement. The Alaska Board of Fisheries recently rescinded the one line/gurdy limitation, adopted in January 1981, in favor of two lines and gurdies.

In Person Reporting Requirements for Fishermen Intending To Sell Their Catch Outside Alaska

The amendment will require fishermen intending to sell their catch outside of Alaska to submit at an Alaskan port before they leave Alaska waters an Alaskan fish sales ticket or the following equivalent written information to the ADF&G: name, Alaska or Federal permit number, vessel name, total number of salmon on board by species, catch area statistical number, number of lines used, and proposed port of landing. Once the fish have been sold, the operator of the fishing vessel must also report to the ADF&G within one week of the sale by way of a completed fish ticket of Alaska or of the State where landed.

The FMP specifies that the fishery will be managed to achieve ABC/OY by a combination of regulations established prior to the fishing season and by in-season management based upon the latest information on stock abundance and fishery performance. Managers are presently unable to obtain catch information on fish sold outside of Alaska in time to use the information in-season. Since most fishermen intending to leave Alaskan waters to sell their catch return to an Alaskan port for fuel and supplies before leaving, this would not impose an unduly harsh burden for compliance.

Previously, the FMP required fishermen to submit landing information within one week of landing their catch outside of Alaska. No reports were received during 1979 and no reports were received during 1980 until October, although some fishermen began selling their catch outside of Alaska in early July. The precision required to manage for a specific OY harvest ceiling requires more timely collection of harvest data than the regulations currently require.

All fishermen selling their catch outside Alaska utilize vessels with freezing capacity. These vessels are the larger vessels in the fleet, with hold and freezing capacities for 600–800 or more fish. Approximately 10–15 percent of the troll fleet is estimated to have freezing capacity, although all do not sell their catch outside of Alaska. In some recent years, 20–30 vessels landed approximately 8,000–12,000 chinook salmon outside Alaskan waters, mainly in the State of Washington. The number of salmon troll vessels with freezing capacity is steadily increasing, and the potential exists for a much greater portion of the catch to be sold outside of Alaska than previously, should it become economically profitable. Such an increase, undetected, could result in overfishing.

The geography of the Southeast Alaska coastline and the weather and sea conditions off the coast result in most vessels using the inside passage to transit between Alaska, Canada, Washington and Oregon. After fishing in the FCZ, virtually all of these vessels stop at Alaskan ports for rest, fuel and supplies prior to beginning the long trip south, thus, there will be almost no additional costs incurred in submitting the required information. Vessels which do not intend to stop for fuel and supplies would not likely pass any farther than 50 miles, and probably not more than 25 miles, from Alaskan ports such as Petersberg or Ketchikan; therefore, the fuel costs incurred by detouring to an Alaskan port will not be great.

This reporting requirement does not require fishermen intending to sell their catch outside Alaska to leave heads-on, fin-clipped salmon at the Alaskan port where the information was submitted. Such fish must be landed with heads on at the port where the catch is to be sold, and made available there for retrieval of the coded wire tags.

The NPFMC considered reporting by radio as an alternative for fishermen

who do not wish to detour into an Alaskan port. However, the NPFMC rejected this option after Alaska Board of Fisheries members testified that the State has encountered numerous problems with the accuracy and reliability of radio reporting. Moreover, it would be difficult, if not impossible, to insure confidentiality of the data required to be reported by radio.

The State of Alaska now requires submission of a fish sales ticket or equivalent information in an Alaskan port for all vessels fishing in State waters. Failure to adopt a similar rule for vessels fishing in the FCZ would result in incompatible reporting requirements between the State and Federal jurisdictions and create unnecessary confusion and burdens for the large number of fishermen who fish both in the FCZ and in State waters.

Landing Adipose Fin-Clipped Chinook and Coho Salmon With Heads on

The amendment returns to the original 1979 FMP requirement that all adipose fin-clipped chinook and coho salmon be landed with heads on. In 1980, the regulations required that all chinook and coho salmon be landed with heads on. This proposal is designed to insure recovery of coded wire tags implanted in the nose of adipose fin-clipped salmon while lessening the economic burden on trollers. The heads-on all chinook and coho salmon requirement caused additional handling and expense to fishermen and processors, since heads had to be removed and the fish reglazed after landing and checking for tags. The recovery of tagged fish is vitally important to management, but adequate recoveries will occur if trollers comply with the regulation. It is intended that this regulation will allow a trial period of one year during which tag recoveries will be evaluated. The regulation is identical to that adopted by the State of Alaska.

Treble Hook ban

The NPFMC considered a large amount of contradictory public testimony concerning both the hooking efficiency and the hooking mortalities of single versus treble hooks. Some fishermen claimed treble hooks should be banned because they inflicted greater hooking mortality on sublegal shaker chinook than did single hooks, while other disputed that claim. Some fishermen claimed it was necessary to fish with treble hooks because they were more efficient than single hooks, while others disagreed. The scientific literature is also inconclusive on both issues.

The Alaska Board of Fisheries recently adopted a ban on the possession of treble hooks while fishing in State waters.

Although the scientific literature and public testimony was inconclusive, the NPFMC concluded that conformity with the State of Alaska regulations was necessary to maintain coordinated and compatible State and Federal management regimes.

Other Regulatory Changes

These regulations also contain a new provision at Section 674.4(a)(3), requiring that a person engaged in personal use fishing hold a valid State of Alaska sport fishing license. The FMP adopted the State of Alaska's sport fishing regulations, which include a requirement that a person who is sport fishing must hold a valid sport fishing license. The addition of paragraph (a)(3) is intended to bring the regulations implementing the FMP into conformance with State regulations, as contemplated by the FMP.

Certain other revisions to the regulations will make them more understandable and easier to read. The majority of these changes are in Section 674.4; in particular, the paragraphs under subsection (c) pertaining to transfers of permits and appeals from decisions of the Regional Director are reworded.

Section 674.23(b)(2)(iv) has also been revised to provide for a 30-day period for public comment on field orders issued by the Regional Director, rather than the 60-day period now provided. The 60-day period originally was established because of E.O. 12044, which has now been rescinded. Few comments on field orders have been submitted, and experience has shown that a 30-day comment period is sufficient.

Minority Report

On April 22, 1981, the Secretary of Commerce received a minority report submitted by the Washington State Department of Fisheries (WDF). Citing depressed Columbia River stocks and a deficit in salmon treaty obligations to Northwest Indian tribes, the WDF requests a 29 percent reduction in OY (i.e., a chinook harvest level of 227,000) and a 24-day closure of the chinook fishery off Southeast Alaska during June when the interceptions of Columbia River salmon are highest. In its minority report, the WDF advances five reasons as to why it believes the amendment is deficient.

First, the WDF states that serious conservation problems exist for chinook stocks harvested off Southeast Alaska. This is acknowledged by the amendment and is the basic justification for reducing the OY by 15 percent.

Second, the WDF states that a 15 percent reduction in OY will be insufficient to offset the predicted decline in 1981 returns of upper Columbia River bright fall chinook, and would not significantly increase the returns of other lower U.S. chinook stocks, thereby failing to respond significantly to critical conservation problems. While there is merit in this argument, the NPFMC's regulatory scheme balances the conservation needs of the resource against the socio-economic costs to the Alaskan fishing industry. In 1980, upper Columbia River "bright" fall chinook spawning escapement goals could have been achieved if an unusually high inter-dam fish loss (30,000 fish) had not occurred. If inter-dam losses are normal in 1981, spawning escapement goals should be achieved without further restrictions to commercial fisheries.

The amendment does not violate National Standard 1, as contended by WDF, since it seeks to provide some degree of protection for most of the stocks harvested off Southeast Alaska while recognizing that it might be inadequate for some. It does not violate National Standard 3 by failing to manage, to the extent practicable, an individual stock of fish as a unit throughout its range since this is done "to the extent practicable" as required by the standard. The chinook stocks harvested off Southeast Alaska contribute to fisheries in various different Federal, Canadian, and State jurisdictions, and the Council is attempting to coordinate its management with the Pacific Fishery Management Council and Pacific Northwest States.

Third, the WDF points out that a significant change in harvest sharing of upper Columbia River "brights" and Washington coastal chinook stocks has occurred in recent years, with the Alaska fishery almost doubling its proportion of the U.S. harvestable surplus. The WDF believes that the amendment would result in an inequitable allocation of these stocks to the Southeast Alaska fishery.

Since the Pacific Council has restricted the Washington-Oregon ocean fisheries, many trollers who might otherwise have fished there have switched to the Southeast Alaska fishery. Consequently, the shift in the catch sharing balance between Alaska and Washington-Oregon includes, to some unknown degree, catch by the

same individual fishermen in a new area and there is no clear case for inequity.

Fourth, the WDF concludes that increased harvest rates in the Southeast Alaska troll fishery have seriously restricted Columbia River net fishery harvest opportunities on both stocks, thereby exacerbating Columbia River conservation and allocation problems.

The Secretary recognizes the conservation and allocation problems of the Columbia River salmon fisheries. He agrees with the Council that a 15 percent reduction in OY for chinook salmon, as implemented by these regulations, is the appropriate management response. A result of this measure will be increased escapement of "bright" fall chinook salmon to the Columbia River.

Fifth, the WDF believes that the amendment weakens U.S. credibility with the Canadian government regarding the seriousness of chinook conservation problems in the northern British Columbia and Southeast Alaska troll fisheries, despite our efforts to meet specific conservation problems with respect to Fraser River chinook.

This conservation basis of this action strengthens, rather than weakens, U.S. credibility with the Canadian government regarding the seriousness of Alaska's approach to conservation problems.

The Secretary has considered the minority report and is concerned about the serious resource problems in the Columbia River and coastal Washington area. However he finds that the amendment satisfies the requirements of the Magnuson Act and other applicable law, and has therefore approved it as submitted.

Signed at Washington, this 23rd day of June 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

50 CFR 674 is amended to read as follows:

1. The authority citation for Part 674 reads as follows:

Authority: 16 U.S.C. 1801 *et seq.*

2. For the reasons set out in the preamble, Part 674 is revised to read as follows:

PART 674—HIGH SEAS SALMON FISHERY OFF ALASKA

Subpart A—General

Sec.

674.1 Purpose and scope.
674.2 Definitions.
674.3 Relation to other laws.
674.4 Permits.
674.5 Recordkeeping and reporting requirements.
674.6 [Reserved]
674.7 Prohibitions.
674.8 Enforcement.
674.9 Penalties.

Subpart B—Management Measures

674.20 General.
674.21 Time and area limitations.
674.22 Catch limitations.
674.23 Modifications of time and area limitations.
674.24 Gear restrictions.

Authority: 16 U.S.C. 1801–1882.

Subpart A—General

§ 674.1 Purpose and scope.

(a) The purpose of this Part is to implement the fishery management plan (FMP) for the High Seas Salmon Fishery off the Coast of Alaska East of 175 Degrees East Longitude. The FMP was developed by the North Pacific Fishery Management Council and approved by the Assistant Administrator for Fisheries of NOAA under the Magnuson Fishery Conservation and Management Act, as amended; 16 USC 1801–1882 (the Act).

(b) This Part governs fishing for salmon by fishing vessels of the United States in the fishery conservation zone (FCZ) seaward of Alaska east of 175° E. longitude. All provisions of this Part shall remain in effect until modified, revoked, or superseded.

§ 674.2 Definitions.

Most of the terms used in this Part are defined in the Act. Additional terms are defined below. (Some terms defined in the Act are repeated or clarified to aid understanding of this Part).

ADF&G means the Alaska Department of Fish and Game.

Act means the Magnuson Fishery Conservation and Management Act, as amended; 16 USC 1801–1882.

Assistant Administrator means the Assistant Administrator for Fisheries, NOAA, or an individual to whom appropriate authority has been delegated.

Authorized Officer means: (a) Any commissioned, warrant, or petty officer of the United States Coast Guard;

(b) Any certified enforcement or special agent of the National Marine Fisheries Service;

(c) Any officer designated by the head of any Federal or State agency which has entered into an agreement with the Secretary and the Commandant of the Coast Guard to enforce the provisions of the Act; or

(d) Any Coast Guard personnel accompanying and acting under the direction of any person described in paragraph (a) of this definition.

Commercial fishing means fishing for fish for sale or barter.

Fishery conservation zone (FCZ) means that area contiguous to the territorial sea of the United States which, except where modified to accommodate international boundaries, encompasses all waters lying between the seaward boundary of each of the coastal States (the "three-mile limit") and a line each point of which is 200 nautical miles from the baseline from which the territorial sea of the United States is measured.

Fishing means any activity other than scientific research which involves:

(a) The catching, taking, or harvesting of fish;

(b) The attempted catching, taking, or harvesting of fish;

(c) Any other activity which can reasonably be expected to result in the catching, taking, or harvesting of fish; or

(d) Any operations at sea in support of, or in preparation for, any activity described above.

Fishing vessel means any vessel, boat, ship, or other craft which is used for, equipped to be used for, or of a type which is normally used for: (a) fishing; or (b) aiding or assisting one or more vessels at sea in the performance of any activity relating to fishing, including, but not limited to, preparation, supply, storage, refrigeration, transportation, or processing.

Hand troll gear means one or more lines with lures or hooks attached, drawn through the water behind a moving vessel, and retrieved by hand or hand-cranked reels or gurdies and not by any electrically, hydraulically, or mechanically-powered device or attachment.

Management area means the two areas described below:

(a) *West Area* means the waters of the FCZ seaward of Alaska between 175° E. longitude and 143°53'36" W. longitude (Cape Suckling);

(b) *East Area* means the waters of the FCZ seaward of Alaska east of 143°53'36" W. longitude.

NMFS means the National Marine Fisheries Service, NOAA.

NOAA means the National Oceanic and Atmospheric Administration, United States Department of Commerce.

Operator, with respect to any vessel, means the master or other individual on board and in charge of that vessel.

Optimum yield means that amount of any species of salmon which will provide the greatest overall benefit to the Nation, with particular reference to food production and recreational opportunities, as specified in the FMP.

Owner, with respect to any vessel, means:

(a) Any person who owns that vessel in whole or in part;

(b) Any charterer of the vessel, whether for bareboat, time, or voyage;

(c) Any person who acts in the capacity of a charterer, including but not limited to a party to a management agreement, operating agreement, or any similar agreement that bestows control over the destination, function, or operation of the vessel; or

(d) Any agent designated as such by any person described in paragraph (a), (b), or (c) of this definition.

Person means any individual (whether or not a citizen or national of the United States), any corporation, partnership, association, or other entity (whether or not organized or existing under the laws of any State), and any Federal, State, local, or foreign government or any entity of any such government.

Personal use fishing means fishing other than commercial fishing.

Power troll gear means one or more lines, with hooks or lures attached, drawn through the water behind a moving vessel, and originating from a power gurdy or power-driven spool fastened to the vessel, the extension or retraction of which is directly to the gurdy or spool.

Regional Director means the Director, Alaska Region, NMFS, P.O. Box 1668, Juneau, Alaska 99802, telephone 907–586–7221, or an individual to whom the Regional Director has delegated appropriate authority.

Salmon means the following species:

Chinook (or king) salmon (*Oncorhynchus tshawytscha*);

Coho (or silver) salmon (*O. kisutch*);

Pink (or humpback) salmon (*O. gorbuscha*);

Sockeye (or red) salmon (*O. nerka*); and

Chum (or dog) salmon (*O. keta*).

Vessel of the United States means: (a) A vessel documented or numbered by the Coast Guard under United States law; or

(b) A vessel, under five net tons, which is registered under the laws of any State.

§ 674.3 Relation to other laws.

(a) *Federal law.* For regulations concerning fishing for Tanner crab see 50 CFR 671; for regulations concerning fishing for groundfish in the Gulf of Alaska see 50 CFR 672; and for regulations concerning fishing for halibut see regulations of the International Pacific Halibut Commission (IPHC) at 50 CFR 301. This Part 674 does not apply to fishing conducted under the North Pacific Fisheries Act of 1954, as amended, 16 U.S.C. 1021–1035, which is the only directed fishing for salmon by vessels other than vessels of the United States which may be conducted in the FCZ seaward of Alaska. 50 CFR 661 concerns fishing for salmon seaward of California, Oregon, and Washington.

(b) *State law.* This Part will be administered in close coordination with ADF&G's administration of the State of Alaska's regulations governing the salmon troll fishery off Southeast Alaska. Because no commercial fishing for salmon is permitted in the FCZ west of Cape Suckling, all commercial salmon fisheries west of Cape Suckling will take place within the territorial sea and be subject to the management authority of the State of Alaska. Certain responsibilities concerning the enforcement of this Part will be carried out by employees of the State of Alaska under an agreement with NMFS and the United States Coast Guard.

(c) *Delegation.* The Assistant Administrator has delegated to the Regional Director authority to take actions under sections 674.4 and 674.23 of this Part.

§ 674.4 Permits.

(a) *General.*

(1) *Commercial fishing using power troll gear.* Commercial fishing for salmon in the management area using power troll gear may be engaged in by any operator of a fishing vessel who:

(i) held a valid State of Alaska power troll permanent entry permit on May 15, 1979, or is a transferee under paragraph (c) of this section of an operator who held such a permit on that date;

(ii) held a valid State of Alaska power troll interim use permit on May 15, 1979; or

(iii) holds a permit issued by the Regional Director under paragraph (b) of this section.

(2) [Reserved]

(3) *Personal use fishing.* Personal use fishing in the management area may be engaged in by any person who at the time of such fishing holds a valid State of Alaska sport fishing license.

(4) No person may engage in power trolling for salmon in the management area unless that person is described in paragraph (a)(1) of this section; except that no permit is required of a crew member or other person assisting in commercial salmon fishing operations if a person described in paragraph (a)(1) of this section is on board the same fishing vessel and engaged in commercial fishing. No person may engage in personal use fishing for salmon in the management area unless that person is described in paragraph (a)(3) of this section.

(5) The authority to engage in fishing for salmon in the management area that is granted by this paragraph (a) constitutes a use privilege which may be revoked or modified without compensation.

(b) *Permits issued by the Regional Director.*

(1) *Eligibility.* (i) Except as provided in paragraph (b)(1)(ii) of this section, any person is eligible for a permit described in paragraph (a)(1)(iii) of this section if that person, during any one of the calendar years 1975, 1976, or 1977: (A) Operated a fishing vessel in the management area; (B) engaged in commercial fishing for salmon in the management area; (C) caught salmon in the management area using power troll gear; and (D) landed such salmon.

(ii) The following persons are not eligible: (A) Persons described in paragraphs (a)(1)(i) or (a)(1)(ii) of this section; (B) persons who once held but no longer hold a State of Alaska power troll permanent entry or interim-use permit; and (C) persons already holding a permit under this paragraph (b).

(2) *Application.* (i) Each applicant for a permit under this paragraph shall submit a written application to the Regional Director at least 30 days prior to the date on which the applicant desires to have the permit made effective.

(ii) Each applicant shall provide the following information: (A) The applicant's name, mailing address, and telephone number; (B) the name of the fishing vessel; (C) the fishing vessel's United States Coast Guard documentation number or State registration number; (D) the home port of the fishing vessel; (E) the length and registered tonnage of the fishing vessel; (F) the color of the fishing vessel; (G) the type of fishing gear used by the fishing vessel; and (H) the signature of the applicant.

(iii) The information required by paragraphs (b)(2)(ii)(A)–(G) shall be provided for each vessel which the applicant intends to use for commercial fishing under this Part. Any changes in such information occurring after a permit is issued shall be reported to the Regional Director within 30 days of that change.

(iv) Each applicant shall submit State fish tickets or other equivalent documents showing the actual landing of salmon taken in the management area by the applicant with power troll gear during any one of the years 1975–1977.

(3) *Issuance.* (i) Upon receipt of a properly completed application and any document required under paragraph (b)(2)(iv) the Regional Director shall

promptly determine whether permit eligibility conditions have been met, and if so, shall issue a permit. If the permit is denied, the Regional Director shall notify the applicant in accordance with paragraph (d) of this section.

(ii) If an incomplete or improperly completed permit application is filed, or if any document required under paragraph (b)(2)(iv) has not been filed, the Regional Director shall promptly notify the applicant of the deficiency. If the applicant fails to correct the deficiency within 30 days following the date of receipt of notification, the application shall be considered abandoned.

(4) *Alteration.* No person shall alter, erase, or mutilate any permit. Any permit that has been altered, erased, or mutilated shall be invalid.

(5) *Replacement.* Replacement permits may be issued to replace lost or unintentionally mutilated permits. An application for a replacement permit shall not be considered a new application.

(c) *Transfer of Authority to Fish for Salmon in the Management Area.*

(1) *Holders of State of Alaska power troll permanent entry permits.* (i) The authority of any person described in paragraph (a)(1)(i) of this section to engage in commercial fishing for salmon using power troll gear in the management area shall expire upon the transfer of that person's State of Alaska power troll permanent entry permit to another and shall be transferred to the new holder of that permit.

(ii) Any person to whom transfer of a State of Alaska power troll permanent entry permit is denied by the State of Alaska may apply, with the consent of the current holder of that permit, to the Regional Director for transfer to the applicant of the current holder's authority to engage in commercial fishing for salmon using power troll gear in the management area. The Regional Director shall approve the transfer if it is determined that the applicant had the ability to participate actively in the fishery at the time the application for transfer of the permit was filed with the State of Alaska; that the applicant has access to power troll gear necessary for participation in the fishery; that the State of Alaska has not instituted proceedings to revoke the permit on the ground that it was fraudulently obtained; and that the proposed transfer of the permit is not a lease. The application shall be filed with the Regional Director within thirty days of the denial by the State of Alaska of transfer of the permit. The application shall include all documents and other evidence submitted to the State of Alaska in support of the proposed transfer of the permit and a copy of the State of Alaska's decision denying the transfer of the permit. The Regional Director may request additional information from the applicant or from the State of Alaska to assist in the consideration of the application. Upon approval of the application by the Regional Director, the authority of the permit holder to engage in commercial fishing for salmon in the management area using power troll gear shall expire, and that authority shall be transferred to the applicant.

(2) *Other permits.* Except as provided in paragraph (c)(3) of this section, the authority of any person described in paragraph (a)(1)(ii), (a)(1)(iii), or (a)(3) of this section to fish for salmon in the management area may not be transferred to any other person. Except for emergency transfers, the authority to engage in commercial fishing for salmon which was transferred under paragraph (c)(1)(ii) of this section may not be transferred to any other person except the current holder of the State of Alaska power troll permanent entry permit from which that authority was originally derived. That authority may be transferred to the current holder of that permit upon receipt of written notification of the transfer by the Regional Director, from which time the transferee under paragraph (c)(1)(ii) of this section shall no longer be authorized to engage in commercial fishing for salmon using power troll gear in the management area.

(3) *Emergency transfers—authority to use power troll gear.* The authority of any person described in paragraph (a)(1) of this section to engage in commercial fishing for salmon using power troll gear in the management area may be transferred to another for a period not lasting beyond the end of the calendar year of the transfer when sickness, injury, or other unavoidable hardship prevents the holder of that authority from engaging in such fishing. Such a transfer shall take effect automatically upon approval by the State of Alaska of an emergency transfer of a State of Alaska power troll entry permit, in accordance with the terms of the permit transfer. Any person to whom emergency transfer of a State of Alaska power troll entry permit is denied by the State of Alaska and any person desiring to obtain emergency transfer of a Federal commercial power troll permit previously issued by the Regional Director may apply, with the consent of the current holder of that permit, to the Regional Director for transfer to the applicant of the current holder's authority to engage in commercial fishing for salmon using power troll gear in the management area for a period not lasting beyond the calendar year of the proposed transfer. The Regional Director shall approve the transfer if he determines that sickness, injury, or other unavoidable hardship prevents the current permit holder from engaging in such fishing; that the applicant had the ability to participate actively in the fishery at the time the application for emergency transfer of the permit was filed with the State of Alaska or, in the case of a Federal permit, with the Regional Director; that the applicant has access to power troll gear necessary for participation in the fishery; and that the State of Alaska has not instituted proceedings to revoke the permit on the ground that it was fraudulently obtained. The application in the case of a State of Alaska permit shall be filed with the Regional Director within thirty days of the denial by the State of Alaska of emergency transfer of the permit. The application shall include all documents and other evidence submitted to the State of Alaska in support of the proposed emergency transfer of the permit and a copy of the State of Alaska's decision denying the emergency transfer of the permit. The Regional Director may request additional information from the applicant or from the State of Alaska to assist in the consideration of the application. Upon approval of the application by the Regional Director, the authority of the permit holder to engage in commercial fishing for salmon using power troll gear in the management area shall expire for the period of the emergency transfer, and that authority shall be transferred to the applicant for that period.

(d) *Appeals and Hearings.* (1) A decision by the Regional Director: (i) To deny a permit under paragraph (b)(3)(i) of this section; or (ii) to deny transfer of authority to engage in commercial fishing for salmon in the management area under paragraph (c) of this section, shall be in writing, shall state the facts and reasons therefor, and shall advise the applicant of the rights provided in this paragraph (d).

(2) Any such decision of the Regional Director shall be final thirty days after receipt by the applicant, unless an appeal is filed with the Assistant Administrator within that time. Failure to file a timely appeal shall constitute waiver of the appeal. (Address: Assistant Administrator, National Marine Fisheries Service, Room 400, Page 2 Building, 3300 Whitehaven Street, NW., Washington, D.C. 20235). Appeals

under this paragraph shall be in writing, shall set forth the reasons why the appellant believes the Regional Director's decision was in error, and shall include any supporting facts or documentation. At the time the appeal is filed with the Assistant Administrator, the appellant may request a hearing with respect to any disputed issue of material fact. Failure to request a hearing at this time shall constitute a waiver of the hearing. If a request for a hearing is filed, the Assistant Administrator may order a hearing if it is determined that a hearing is necessary to resolve material issues of fact and shall so notify the appellant. If the Assistant Administrator orders a hearing, that order shall also serve to appoint a hearing examiner to conduct an informal fact finding inquiry into the matter. Following the hearing, the hearing examiner shall promptly furnish the Assistant Administrator with a report and appropriate recommendations. As soon as practicable after considering the matters raised in the appeal, and any report or recommendation of the hearing examiner in the event a hearing is held under this section, the Assistant Administrator shall notify the appellant in writing of the final decision. The notice shall summarize the findings of the Assistant Administrator and set forth the basis of the decision. The decision of the Assistant Administrator shall be final and unappealable.

(e) *Display.* Any permit or license described in paragraph (a)(1), or (a)(3) of this section shall be on board the vessel at all times while the vessel is in the management area, and shall be displayed for inspection upon request by an authorized officer.

(f) For purposes of this section, the term "person" excludes any nonhuman entity.

§ 674.5 Recordkeeping and reporting requirements.

(a) *Salmon Landed In Alaska.* For each sale or delivery in the State of Alaska of salmon caught in the management area, the operator of the vessel landing the salmon or the purchaser of the salmon, at the vessel operator's option, shall submit an accurately completed State of Alaska fish ticket to the local ADF&G representative within one week of the sale or delivery. For purposes of this paragraph, "purchaser" means any person who receives salmon for a commercial purpose from the operator of the vessel landing the salmon.

(b) *Salmon to be Landed Outside Alaska.* (1) If a person intends to sell or deliver salmon caught in the management area at a place outside the State of Alaska, that person shall first take that salmon to a port in the State of Alaska. There, the operator of the vessel from which the salmon were caught shall submit to the local ADF&G representative an accurately completed State of Alaska fish ticket or the following equivalent information in writing: name, Alaska or Federal permit number, vessel name, total number of salmon on board by species, catch area statistical number, number of lines used, and proposed port of landing. Further, the vessel operator shall permit any authorized officer to inspect the vessel and its contents, with or without warrant or other process, to the extent deemed necessary by that officer for the enforcement of this Part. The entry of a vessel into the State of Alaska for purposes of compliance with this paragraph shall not constitute a ground for treatment of that vessel as a vessel registered under the laws of the State of Alaska for any purposes under the Act, and the State of Alaska may not impose any permit, license, registration, fee, or other requirement as a condition of such entry or of subsequent departure from that State.

(2) In addition to the requirements of paragraph (b)(1) of this section, the operator of any fishing vessel subject to this Part whose port of landing is in the United States but outside Alaska, or who sells, transfers or delivers salmon in the FCZ, shall submit a completed Alaska fish ticket, or a completed fish ticket of the State where the salmon are landed, containing all of the information required on an Alaska fish ticket, to the ADF&G within one week after the date of each sale, transfer, or delivery. (ADF&G address: Director, Commercial Fish Division, Alaska Department of Fish and Game Headquarters, Subport Building, Juneau, Alaska 99801.)

§ 674.6 [Reserved]

§ 674.7 Prohibitions.

It is unlawful for any person:

(a) To fish for, take, or retain any salmon in violation of the Act or this Part, including but not limited to the following:

(1) During closed seasons or in closed areas specified in Subpart B of this Part;

(2) By means of gear or methods prohibited by Subpart B of this Part;

(3) If such salmon are less than the minimum length specified in Subpart B of this Part; or

(4) In number exceeding the limit for personal use fishing as specified in Subpart B of this Part.

(b) To engage in fishing for salmon in the management area except to the extent authorized by § 674.4(a) of this Part.

(c) To possess, have custody or control of, ship, transport, offer for sale, sell, purchase, import, land, or export any salmon taken in violation of the Act, this Part, or any other regulations issued under the Act.

(d) To refuse to permit an authorized officer to board a fishing vessel subject to such person's control for purposes of conducting any search or inspection in connection with the enforcement of the Act, this Part, or any other regulations issued under the Act.

(e) Forcibly to assault, resist, oppose, impede, intimidate, or interfere with any authorized officer in the conduct of any search or inspection described in paragraph (d) of this section.

(f) To resist a lawful arrest for any act prohibited by this Part.

(g) To interfere with, delay, or prevent, by any means, the apprehension or arrest of another person knowing that such other person has committed any act prohibited by this Part.

(h) To transfer directly or indirectly, or attempt to so transfer, any salmon harvested by a vessel of the United States to any foreign fishing vessel, while such foreign vessel is within the FCZ, unless the foreign fishing vessel has been issued a permit under section 204 of the Act which authorizes receipt by that foreign fishing vessel of salmon harvested by a vessel of the United States.

(i) To violate any other provision of the Act, this Part, or any other regulation issued under the Act.

§ 674.8 Enforcement

(a) *General.* Any person authorized under this Part to engage in fishing for salmon in the management area and the owner or operator of any vessel suitable for use in such fishing shall comply immediately with instructions issued by any authorized officer to facilitate safe boarding and inspection by the authorized officer of that person's vessel and its gear, equipment, logs, documents, and catch for purposes of enforcing the Act and this Part.

(b) *Boarding Procedures.* Any vessel signalled by an authorized officer to stop or heave to for boarding and inspection under paragraph (a) of this section shall:

(1) Stop immediately and lay to or maneuver in such a way as to permit the authorized officer and his party to come aboard;

(2) Provide sufficient illumination when necessary to facilitate boarding and inspection; and

(3) Take such other actions as may be necessary to ensure the safety of the authorized officer and his party, and to facilitate the boarding and inspection.

§ 674.9 Penalties.

Any person or fishing vessel committing or used in the commission of a violation of this Part shall be subject to the civil and criminal penalty provisions, civil forfeiture provisions, and permit sanction provisions of the Act, and to Parts 620 and 621 of this Title.

Subpart B—Management Measures

§ 674.20 General.

The management measures prescribed in this Subpart shall apply to all fishing for salmon in the management area.

§ 674.21 Time and area limitations.

(a) *Commercial fishing.*

(1) *West Area.* Commercial fishing for salmon in the West area is not permitted at any time.

(2) *East Area.* (i) Commercial fishing for chinook, pink, chum, and sockeye salmon in the East area is permitted from 12:01 a.m., Pacific Daylight Time, on May 15 to 11:59 p.m., Pacific Daylight Time, on September 20.

(ii) Commercial fishing for coho salmon in the East area is permitted from 12:01 a.m., Pacific Daylight Time, on June 15 to 11:59 p.m., Pacific Daylight Time, on September 20.

(b) *Personal use fishing.* Personal use fishing in the east and west areas is permitted at all times.

(c) The time and area limitations prescribed in this section may be modified in accordance with section 674.23 of this Part.

§ 674.22 Catch limitations.

(a) *Size restrictions.*

(1) *Minimum size limit.*

(i) *Chinook salmon.* No chinook salmon less than 28 inches in length with the head on, or less than 23 inches in length with the head off, may be retained. (See Figure 1.)

(ii) *Other salmon.* There is no minimum size limit for coho, pink, chum or sockeye salmon.

(2) *Method of measurement.* For purposes of paragraph (a)(1)(i) of this section, a salmon with its head on shall be measured in a straight line from the tip of the snout to the midpoint of a straight line between the upper and lower tips of the tail in its natural open position. for the same purposes, a salmon with its head off shall be measured in a straight line from the midpoint of the cleithral (gill) arch to the midpoint of a straight line between the upper and lower tips of the tail in its natural open position. (See Figure 1.)

(3) *Mutilation.* No person in the management area shall mutilate or disfigure a chinook salmon in any manner that would interfere with the determination of that salmon's length in accordance with paragraphs (a)(1) and (a)(2) of this section.

(b) *Personal use daily catch limit.* No person may catch and retain more than six (6) salmon during any day for personal use, and no more than three (3) of those salmon may be chinook salmon. No person in the management area may possess more than twelve (12) salmon for personal use, and no more than three (3) of these salmon may be chinook salmon.

(c) *Possession of prohibited salmon species.* When a part of the management area has been closed to fishing for a species of salmon, no person in that part of the management area may possess a salmon of that species while engaged in commercial fishing.

(d) *Landing requirements.* Every salmon satisfying minimum size limits that is caught in the management area which has had its adipose fin removed or clipped (See Figure 1) shall be retained and landed with its head on. This salmon shall be made available for retrieval of the coded wire tag by an appropriate official at the port of landing.

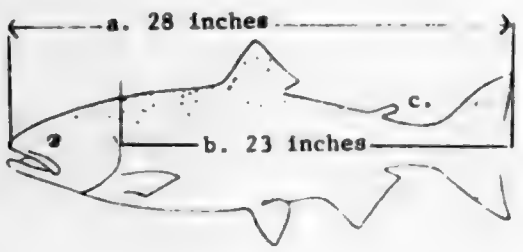

Figure 1. Chinook salmon with lines indicating, (a) the minimum legal length for a whole chinook salmon, (b) the minimum legal length for a chinook salmon with its head removed, and (c) the adipose fin.

§ 674.23 Modifications of time and area limitations.

(a) *Standards governing modifications.*

(1) Following consultation with ADF&G, the Regional Director may modify the time and area limitations prescribed in section 674.21 of this Part by issuing a field order in accordance with paragraph (b) of this section. Any such modification shall be based upon a determination by the Regional Director that: (i) the condition of any salmon species in any part of the management area is substantially different from the condition anticipated in the FMP; and (ii) this difference reasonably requires a modification of time or area limitations if salmon of any species are to be adequately conserved and managed. In making this determination, the Regional Director may consider any of the following factors:

(A) the effect of overall fishing effort within any part of the management area;

(B) catch-per-unit-of-effort and rate of harvest;

(C) relative abundance of salmon stocks within the management area;

(D) condition of salmon stocks throughout their ranges; and

(E) any other factors relevant to the conservation of salmon.

(2) Following consultation with ADF&G, the Regional Director shall prohibit fishing for one or more species of salmon in all or part of the management area if such a prohibition is necessary to prevent the total harvest of any species of salmon for the year from exceeding the maximum amount of the optimum yield for that species that is specified in the FMP. The Regional Director shall do this by issuing a field order in accordance with paragraph (b) of this section.

(b) *Field Orders.*

(1) Any field order issued by the Regional Director under this section shall include the following:

(i) a description of the modification of time and area limitations;

(ii) the reasons for the modification; and

(iii) the effective date of the modification.

(2) No field order issued under this section may take effect until:

(i) it has been filed for publication with the **Federal Register**;

(ii) it has been posted for 48 hours, and otherwise made available to the public, in accordance with procedures customarily used by ADF&G for posting and publicizing similar notices of opening or closure;

(iii) it has been broadcast for 48 hours at those time intervals, channels and frequencies customarily used by ADF&G to broadcast similar notices of opening or closure; and

(iv) the public has been offered the opportunity to comment on the modification for a period of at least thirty (30) days, a final field order responding to any comments received has been published in the **Federal Register**, and a further waiting period of thirty (30) days has passed, unless the Regional Director finds good cause for dispensing with these requirements in accordance with 5 U.S.C. 553.

(3) If the Regional Director determines under 5 U.S.C. 553 that there is good cause for issuing a field order without affording prior opportunity for public comment, he shall receive and consider public comments for a period of thirty (30) days after the effective date of the field order. During this period, the Regional Director shall make available for public inspection during business hours the aggregate data upon which the modification effected by the field order was based. As soon as practicable after the end of this period, the Regional Director shall reconsider the necessity of the modification, and shall publish in the **Federal Register** either a notice of the continued effectiveness of the field order or an amendment or rescission of the field order in accordance with the standards and procedures prescribed in this section, unless the field order has already expired or has been rescinded.

(4) Any field order issued under this section shall remain in effect until rescinded by the Regional Director in accordance with the standards and procedures prescribed in this section, or until any expiration date stated in the field order, whichever is earlier.

§ 674.24 Gear restrictions.

(a) *Commercial fishing.*

(1) Commercial fishing for salmon in the management area may be engaged in only through the use of power troll gear or hand troll gear.

(2) No vessel engaged in commercial fishing for salmon in the management area using power troll gear may at any one time utilize more than four (4) lines south of the line segments connecting the following points:

Latitude	*Longitude*
58°12'45" N.	136°39'30" W. (Cape Spencer)
58°12'45" N.	138°00' W.
58°00' N.	138°00' W.
58°00' N.	143°33'38" W.

North of these line segments, no vessel engaged in commercial fishing for salmon in the management area using power troll gear may at any one time utilize more than six (6) lines. No vessel that is equipped for use in commercial fishing for salmon using power troll gear may at any one time while in the management area have more than six (6) gurdies mounted and in operational condition.

(3) No vessel engaged in commercial fishing for salmon in the management area using hand troll gear may at any one time utilize more than two (2) lines and gurdies or four (4) sport rods; and no vessel that is equipped for use in such fishing may at any one time while in the management area have more than two (2) gurdies mounted and in operational condition.

(4) No vessel engaged in commercial fishing for salmon in the management area using power troll or hand troll gear may use or have on board any treble hook.

(b) *Personal use fishing.* No person engaged in personal use fishing for salmon in the management area may at any one time utilize more than one (1) line held in the hand or attached to a hand-held or closely attended rod. This line may not at any one time have attached to it more than one (1) artificial lure or two (2) flies or two (2) single hooks.

[FR Doc. 81-18893 Filed 6-24-81; 8:45 am]

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Proposed Rules

Federal Register
Vol. 46, No. 123
Friday, June 26, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

OFFICE OF THE FEDERAL INSPECTOR FOR THE ALASKA NATURAL GAS TRANSPORTATION SYSTEM

10 CFR Part 1504

Certification to Office of Advocacy

AGENCY: Office of the Federal Inspector for the Alaska Natural Gas Transportation System.

ACTION: Notice of Certification that Proposed Rule Does Not Have a Significant Economic Impact on a Substantial Number of Small Entities.

SUMMARY: Take notice that on June 23, 1981, the Federal Inspector certified that a proposed rule, published by the Office of the Federal Inspector (OFI) on April 16, 1981, on OFI information regulations (46 FR 22340) has no significant economic impact on a substantial number of small entities. This certification, to the Office of Advocacy at the Small Business Administration, is rendered pursuant to the Regulatory Flexibility Act (RFA), Pub. L. 96–354, 5 U.S.C. 605(b).

FOR FURTHER INFORMATION CONTACT: Mr. Ned Hengerer, General Counsel, Office of the Federal Inspector, ANGTS, Room 3407, Post Office Building, 1200 Pennsylvania Ave., N.W., Washington, D.C. 20044, (202) 275–1144.

The proposed rule, 10 CFR Part 1504, is the OFI's regulations for gathering, handling, and disclosing information. This rule should not impose significant economic impact. Any impact that does occur, however, will fall on the three companies sponsoring ANGTS, the largest privately-financed construction project in U.S. history: By definition, they are not small business entities.

Dated: June 23, 1981.

John T. Rhett,

Federal Inspector.

[FR Doc. 81–19116 Filed 6–25–81; 8:45 am]
BILLING CODE 6820–AW–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 105

[Docket No. 78P–0207]

Special Dietary Foods Label Statements: Misleading Statements; Reduced Calorie Labeling for Bread; Revocation of Withdrawal of Proposed Rule

AGENCY: Food and Drug Administration.

ACTION: Revocation of the withdrawal of a proposed rule on reduced calorie labeling for bread and reopening the comment period.

SUMMARY: The Food and Drug Administration (FDA) is revoking the withdrawal of the proposal to allow bread that has achieved a 25-percent reduction in calories to be labeled as "reduced calorie" bread. In addition, FDA is reopening the comment period so that interested persons may comment further on the proposal. This action is being taken in response to an objection and request for hearing filed by Interstate Brands Corp., a bread manufacturer.

DATES: Comments by August 25, 1981; tentative effective date of final rule based on the proposal is July 1, 1983.

ADDRESS: Send comments to: Dockets Management Branch (HFA–305), Food and Drug Administration, Room 4–62, 5600 Fishers Lane, Rockville, Md. 20857.

FOR FURTHER INFORMATION CONTACT: Taylor M. Quinn, Bureau of Foods (HFF–300), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–245–1243.

SUPPLEMENTARY INFORMATION: FDA proposed a regulation on "label statements relating to usefulness in reducing or maintaining caloric intake or body weight" that was issued in the **Federal Register** of June 20, 1962 (27 FR 5815). The regulation is now codified in § 105.66 (21 CFR 105.66). Comments were received, and FDA issued a final regulation in the **Federal Register** of June 18, 1966 (31 FR 8521).

During the 30-day period following issuance of the final regulation, objections and requests for a public hearing were filed under section 701(e) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 371(e)). On December 14, 1966 FDA revised the final regulation and stayed its effective date (31 FR 15730). The agency then scheduled a public hearing (April 2, 1968; 33 FR 5268) and appointed a hearing examiner (May 4, 1968; 33 FR 6828). A hearing was conducted between May 21, 1968, and May 14, 1970. The stayed regulation, as revised, provided in part that a food could be represented as being for special dietary use because of its lower calorie content and be labeled with the statement "For calorie restricted diets" only if the food had a minimum 50-percent reduction in calories when compared to the regular food for which it substituted.

On January 25, 1971, the hearing examiner issued his report and found, in part, that a 50-percent minimum reduction in calories was unreasonable. He recommended instead a 35-percent reduction as the minimum required for a food to be labeled as "reduced in calories."

In the **Federal Register** of July 19, 1977 (42 FR 37166), FDA published its proposed statement of reasons, proposed findings of fact, proposed conclusions, and tentative order. The agency accepted the hearing examiner's findings and recommendations in essence, but set the minimum reduction requirement slightly lower at 33⅓ percent because it could be expressed as a proportioned reduction of one-third, a figure that is more familiar and understandable to the public. Under the tentative regulation a food could be labeled as "reduced calorie", "reduced in calories", or "a reduced calorie food", only if it is similar in all its organoleptic properties to the regular food for which it substitutes.

FDA also provided a procedure, not included in the stayed regulation, for making exceptions, where appropriate, to the requirement that a food labeled as "reduced in calories" must have at least a one-third reduction in calories. Specifically, tentative § 105.66(d)(3) stated that in response to a petition, the agency could establish by regulation acceptable alternative criteria for labeling a food as "reduced in calories" in cases in which a one-third calorie reduction was not technologically feasible. Interstate Brands excepted to the July 19, 1977 tentative order and petitioned to establish a separate regulation to permit bread with a 25-

percent minimum calorie reduction to be labeled as "reduced in calories."

In the **Federal Register** of September 22, 1978 (43 FR 43248), the agency published a final rule setting forth, among others, the regulation now codified in § 105.66, which incorporates most of the provisions of the tentative regulation discussed above. The final regulation relaxed the requirement that a food labeled as "reduced in calories" be similar in all organoleptic properties to the regular food with which it is compared and provided that all material organoleptic differences have to be prominently disclosed.

In the same issue of the **Federal Register** (43 FR 43261), the agency published portions of Interstate Brands' petition and proposed a separate regulation permitting bread with a 25-percent minimum calorie reduction to be labeled as "reduced in calories." The petition stated that "although it is technologically feasible to make bread with a greater calorie reduction (than 25 percent), the food would not be as palatable and acceptable to consumers".

In the **Federal Register** of June 20, 1980 (45 FR 41652), FDA withdrew the proposal. The notice announced that a total of 13 comments from 3 manufacturers, 2 trade associations, and 4 individuals had been received in response to the proposed exemption. The comments from all four consumers opposed the proposal, stating that bread with a one-third reduction in calories is currently being marketed and is acceptable to consumers. One trade association opposed the proposal; the other neither supported nor opposed it. One manufacturer submitted four comments in opposition to the proposal. Another manufacturer submitted two comments supporting the proposal. The third manufacturer commented on the comments received and supported the proposal.

The notice reported that some comments from the baking industry admitted that it is technologically feasible to make bread with at least a one-third reduction in calories, but contended that bread with a one-third calorie reduction is not similar in organoleptic properties to the product for which it substitutes and is not acceptable to consumers. The notice reported that "to better evaluate these statements," FDA had conducted a limited test comparing the organoleptic properties of a bread with a one-third reduction in calories to regular bread. FDA stated that "although the test results were not definitive as to consumer acceptance of a bread with a one-third reduction in calories, they did indicate the technological feasibility of producing a product with a one-third reduction in calories organoleptically similar to bread" (45 FR at 41653). The notice concluded that "the agency has determined from the comments received that the production of bread with a calorie reduction of at least one-third is feasible and that such a bread is acceptable to those consumers interested in or participating in weight control programs" (45 FR at 41653).

Finally, some industry comments disclosed that there is controversy concerning the proper method of determining the utilizable calorie content of foods such as bread, because the estimation of utilizable calories will vary depending on the procedure used. FDA regulations require that calorie content be determined by the Atwater method. (21 CFR 101.9(c)(3).)

Request for Reconsideration

Interstate Brands filed with the Dockets Management Branch (formerly the Hearing Clerk's office) on July 18, 1980, an objection and request for hearing, contending that it was entitled to object and request a public hearing upon such objection under section 701(e) of the act. The agency is treating the objection and request for hearing as a request for reconsideration under § 10.33 of the regulations (21 CFR 10.33). On September 18, 1980, within the time limit imposed for judicial review under section 701(e) of the act, Interstate Brands filed a petition for review with the U.S. Court of Appeals for the Eighth Circuit.

In a letter to the firm dated February 18, 1981, the agency granted the petition for reconsideration. Although the June 20, 1980 notice withdrawing the proposal specifically stated that FDA was acting on the basis of comments received (45 FR at 41653), the agency recognizes that the reference to the test in the June 20, 1980 notice may have led to the impression that it was used in the agency's decisionmaking process. For this reason FDA decided to grant the request for reconsideration and to reopen the rulemaking proceeding begun by the proposal issued in the **Federal Register** of September 22, 1978 (43 FR 43261). As part of its reconsideration, the agency has further decided to reopen the administrative record for additional comment. Accordingly, the June 20, 1980 notice withdrawing the proposal is hereby revoked, and the comment period on the September 22, 1978 proposal is reopened for additional comment.

Subjects for Comment

The agency particularly seeks comments on the following subjects:

1. Information concerning methods of analysis for determining the calorie content of bread. Comments should discuss the Atwater method of analysis, as well as any other method which might be used to determine the calorie content of a product high in fiber.

2. Information on all currently marketed breads that are labeled as having a 25-percent or higher reduction in calories when compared with regular breads, including submission of the label and labeling; identification of the type of bread with which it is compared or for which it is intended to substitute; any available analytical or formula information that substantiates the claimed calorie reduction, particularly the method of analysis used to determine calorie content, including a determination of water content; and information on consumer acceptability of that bread.

3. Information which shows the feasibility or lack of feasibility of producing a bread that is one-third reduced in calories and is acceptable to consumers.

4. Economic consequences of the type described in Executive Order 12291 and the impact of the regulation on small businesses. While the agency particularly seeks comment on these subjects, all relevant comments may be submitted and will be considered. Comments already submitted need not be resubmitted.

Based on its experience with the earlier limited comparison test, FDA does not consider such tests to be useful for measuring consumer acceptability. The agency will not rely on the results of the already conducted test and does not intend to conduct additional tests. FDA considers consumer acceptability to be best determined by whether consumers will make repeated purchases of a particular bread.

Products subject to the September 22, 1978 proposal (43 FR 43261) may be labeled in reliance on that proposal and will have at least 1 year from the publication of a final regulation in this reopened rulemaking proceeding to comply with any final regulation or a withdrawal of the proposal.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(n), 403(a), 701(a), 52 Stat. 1041, 1047 as amended, 1055 (21 U.S.C. 321(n), 343(a), 371(a))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)) the June 20, 1980 notice withdrawing the September 22, 1978 proposal to amend Part 105 by the addition of a paragraph in § 105.66 to allow reduced calorie labeling for bread

based on a one-quarter calorie reduction is revoked and the comment period is reopened so that interested persons may comment further on the proposal.

Interested persons may, on or before August 25, 1981, submit to the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this proposal. Four copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: June 18, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-18806 Filed 6-25-81; 8:45 am]

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21 CFR Part 145

[Docket No. 77P–0300]

Canned Fruits; Proposed Revision of Standard of Quality for Canned Peaches; Reopening of Comment Period

AGENCY: Food and Drug Administration.

ACTION: Reopening of comment period.

SUMMARY: The Food and Drug Administration (FDA) is reopening the comment period on a proposed rule that would revise the standard of quality for canned peaches. This action is based on requests from the Canners League of California and the National Food Processors Association.

DATE: Comments by April 27, 1982.

ADDRESS: Written comments to the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: F. Leo Kauffman, Bureau of Foods (HFF–214), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–245–1164.

SUPPLEMENTARY INFORMATION: A proposal to amend the standard of quality for canned peaches (21 CFR 145.170(b)) in consideration of the quality aspects of the Recommended International Standard for Canned Peaches developed by the Codex Alimentarius Commission; requests by the Canners League of California (CLC) and the United States Department of Agriculture (USDA), that the requirements for minimum size and uniformity of size be deleted from the U.S. standard of quality; and, in addition, a request by CLC that the Codex limitation on pits and pit fragments not be adopted was published in the **Federal Register** of August 26, 1980 (45 FR 56823). The proposal also considered a request by Libby, McNeill and Libby, Inc., to amend the standards of identity and quality to provide for a new optional style of peaches designated as "chunky".

FDA received requests from CLC and the National Food Processors Association (NFPA) for an extension of the comment period on the quality aspects of the proposal. However, both associations endorsed amendment of the standard of identity to provide for the additional optional style designated as "chunky". A final rule amending the standard of identity for canned peaches to provide for "chunky" as an optional style of canned peaches appears elsewhere in this issue of the **Federal Register**.

Both associations stated that additional time for comment on the quality requirements is needed because the proposal was published during the height of the packing season, and there was not sufficient opportunity adequately to review and evaluate the proposal. The comments noted that sufficient data and information on the requirements for uniformity of size and the limitation on pits and pit fragments need to be developed during one complete canning season before the effects on industry can be determined.

The agency concludes that CLC and NFPA have given sufficient grounds to support the need for additional time to comment.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 401, 701(e), 52 Stat. 1046 as amended, 70 Stat. 919 (21 U.S.C. 341, 371(e))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)), the comment period on the proposal to amend the standard of quality for canned peaches is reopened and extended to April 27, 1982.

Interested persons may on or before April 27, 1982, submit to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this proposal. Four copies of all comments shall be submitted, except that individuals may submit single copies of comments, and shall be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: June 18, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-19005 Filed 6-25-81; 8:45 am]

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EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

29 CFR Ch. XIV

Plan for Periodic Review of Rules Having a Significant Economic Impact Upon a Substantial Number of Small Entities

AGENCY: Equal Employment Opportunity Commission.

ACTION: Plan for Periodic Review of Rules Required by the Regulatory Flexibility Act of 1980.

SUMMARY: This plan announces the review actions that EEOC plans to take during the period, July 1981 to July 1983. The purpose of the review is to determine whether such rules should be continued without change, or should be amended or rescinded, consistent with the stated objectives of Title VII to minimize any significant economic impact of the rules upon small entities. The Commission's purpose in publishing this plan is to allow interested small entities a meaningful opportunity to participate in all stages of the Commission's review.

FOR FURTHER INFORMATION CONTACT: Frederick D. Dorsey, Director, or Raj. K. Gupta, Supervisory Attorney, Office of Policy Implementation, Equal Employment Opportunity Commission, 2401 E Street, N.W., Washington, D.C. 20506; Telephone: 202–634–7060.

Signed at Washington, D.C., this 23d day of June 1981.

For the Commission.

J. Clay Smith, Jr.,

Acting Chairman.

Equal Employment Opportunity Commission Regulatory Flexibility Act of 1980

Plan for Periodic Review of Rules

1. Review the recordkeeping regulations located at 29 CFR Part 1602 *et seq.* Every employer, employment agency, labor organization, and State and local government entity subject to Title VII of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000e *et seq.)* Must make and keep records relevant to the determination of whether practices

made unlawful by Title VII have been or are being committed. Proposed amendments to the Commission's regulations were published for notice and comment in the **Federal Register** on July 25, 1978 (43 FR 32280). Their publication as final rules is still pending. This review is expected to be completed by July 1983.

[FR Doc. 81-18882 Filed 6-25-81; 8:45 am]
BILLING CODE 6570-06-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Parts 906, 920, 931, 934, 944, 948, 950

Permanent State Regulatory Programs of Colorado, Maryland, New Mexico, North Dakota, Utah, West Virginia and Wyoming

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Proposed rules.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSM) is considering modifying the deadlines for seven States to meet conditions on their approved State permanent regulatory programs under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). These States are Colorado, Maryland, New Mexico, North Dakota, Utah, West Virginia and Wyoming. Since the Secretary's approval of these programs, circumstances have changed in several respects. Based on the requests of these seven States, the Secretary is proposing to extend the schedule for these States to meet certain conditions in their programs.

DATE: Comments must be received by July 27, 1981 at the address below, no later than 5 p.m.

ADDRESSES: Written comments must be mailed or hand-delivered to the Office of Surface Mining, U.S. Department of the Interior, Room 153, South Building, 1951 Constitution Avenue, N.W., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTRACT: Carl C. Close, Assistant Director, State and Federal Programs, Office of Surface Mining, U.S. Department of the Interior, 1951 Constitution Avenue NW., Washington, D.C. 20240, (202) 343-4225.

SUPPLEMENTARY INFORMATION: Under 30 CFR 732.13(i), the Secretary may conditionally approve a State permanent regulatory program which contains minor deficiencies where the deficiencies are of such a size and nature as to render no part of the program incomplete, the State is actively proceeding with steps to correct the deficiencies, and the State agrees to correct the deficiencies according to a schedule set in the notice of conditional approval. The curing of each deficiency is a condition of the approval. The conditional approval terminates if the conditions are not met according to the schedule. The dates are established in consultation with the State, based on the regulatory and administrative needs of the State's permanent program and SMCRA and the time required for changes to be adopted under State procedures or legislative schedules. There are currently 13 States with conditionally approved permanent regulatory programs.

Since the Secretary's conditional approval of these programs, circumstances have changed in several respects. The Secretary is considering whether to revise the permanent program rules. It is on the basis of these rules as well as SMCRA itself, that the Secretary evaluated State programs. Thus, the States with conditionally approved programs may be expending valuable time pursuing program amendments to meet Federal requirements which may change. In addition, some of those States have indicated that they are having difficulty in making the changes within the scheduled times. For these reasons, the Office of Surface Mining has asked each State regulatory authority to identify those conditions for which it would like an extension of time. Based on the requests of seven States, the Secretary is proposing to extend the schedule for those States to meet certain conditions in their programs. Where the States have indicated that they do not wish extensions of the deadlines in meeting their schedules, none is being proposed today. The seven States that have requested extensions are Colorado, Maryland, New Mexico, North Dakota, Utah, West Virginia, and Wyoming.

The Colorado program was conditionally approved on December 15, 1980, 45 FR 82173–82214. In that document, the Secretary published the schedule for resolving each of the 45 conditions on the State program approval. The Colorado Department of Natural Resources has indicated that it wishes an extension for meeting all of the conditions. The Secretary proposes to allow the State until December 1, 1982, rather than December 1, 1981, to meet those conditions for which the State plans to seek statutory amendment, and until June 1, 1982, rather than June 1, 1981, to meet those conditions which the State expects to meet by regulatory amendment. This extension would give the State an additional year beyond the present schedule.

The Maryland program was conditionally approved on December 1, 1980, 45 FR 79430–79451. In that document, the Secretary published the schedule for the State to meet the 34 conditions on the State program. The Maryland Department of Natural Resources has indicated that it wishes an extension for making changes to meet certain conditions within the required time. The conditions were tentatively identified as letters (a), (e), (l) and (p) as listed at 45 FR 79449–79450. The Secretary proposes to allow the State until April 1, 1983, rather than October 1, 1981, to meet conditions (a) and (e), and until October 1, 1982, rather than April 1, 1981, to meet conditions (l) an (p).

The New Mexico program was conditionally approved on December 31, 1980, 45 FR 86459–86490. In that document, the Secretary published a schedule for the State to meet each of the 12 conditions on the State program. The New Mexico Energy and Minerals Department, Division of Mining and Minerals, has indicated that it wishes an extension for meeting all of the conditions. The Secretary proposes to allow the State an additional eight months, until February 28, 1982, to meet conditions (a)-(d) and (f)-(l) as listed at 45 FR 86489–86490. Condition (e) is not included because that condition already has a deadline of February 28, 1982.

The North Dakota program was conditionally approved on December 15, 1980, 45 FR 82214–82248. In that document, the Secretary published a schedule for the State to meet each of the 13 conditions on the State program. North Dakota has indicated that it wishes an extension of time for meeting certain conditions within the required time. The conditions have been identified as letters (e), (f), (g), (h) and (m) as listed at 45 FR 82247–82248. The Secretary proposes to allow the State until January 1, 1983, rather than July, 1981, to meet those conditions.

The Utah program was conditionally approved on January 21, 1981, 46 FR 5899–5915. In that document, the Secretary published a schedule for the State to meet each of the 12 conditions on the State program. The Utah Division of Oil, Gas, and Mining has indicated that it wishes an extension of time in meeting three conditions by the required date of July 1, 1981. The conditions identified are letters (f), (g) and (h) as listed at 46 FR 5914. The Secretary proposes to allow the State an

additional six months, until January 1, 1982, to meet these conditions.

The West Virginia program was conditionally approved on January 21, 1981, 46 FR 5915–5956. In that document, the Secretary published a schedule for the State to meet each of the 35 conditions on the State program, 46 FR 5955–5956. The State's Department of Natural Resources has indicated that it wishes an extension of time in making changes to West Virginia's statute, and would prefer that the deadline for such changes be extended until the next session of the State legislature. For this reason, the Secretary is proposing to extend the schedule for meeting those conditions in West Virginia's program which the State intends to meet by a statutory change. These conditions are tentatively identified as numbers 1, 4, 5, 19, 24, 26, 27, 28, 29, 31, 32, 33 and 34 as listed at 46 FR 5955–5956. Comments are specifically requested on whether there are any other conditions which should be resolved by statutory amendments. Number 3 is not included because that condition already has an extended deadline of April 1, 1982. The Secretary proposes to allow the State until November 1, 1982, rather than the various dates set in the January 21, 1981, notice to meet the conditions for which an extension is proposed, thus allowing two sessions of West Virginia's legislature to take place before the conditions must be met. West Virginia requested that an extension also be granted for conditions identified as numbers 2, 6–17, 21–24, 30 and 35. An extended deadline of November 1, 1982, is also proposed for meeting these conditions.

The Wyoming program was conditionally approved on November 26, 1980, 45 FR 78637–78684. In that document, the Secretary published a schedule for the State to meet each of the seven conditions on the State program. The Wyoming Department of Environmental Quality has indicated that it wishes an extension of time for meeting certain conditions. The conditions have been tentatively identified as letters (b) and (c) as listed at 45 FR 78684. The Secretary proposes to allow the State until September 26, 1982, rather than within four months of November 26, 1980, to meet these conditions.

The Secretary believes that extension of these deadlines does not render the deficiencies major. Most of them involve standards and requirements which will not become operative for some time. Operators normally do not have to meet the permanent program performance standards for at least eight months after program approval (and in West Virginia, this time period will be further delayed because a State court has enjoined the State from enforcing most of its permanent program). However, the Secretary specifically requests comments on whether extension of the deadlines would render any particular deficiency major, as that term is used in 30 CFR 732.17(i).

The Secretary is continuing to review, with the States, all of the outstanding conditions on their programs. A final rule implementing these proposed extensions may include extensions of time for other conditions besides those proposed now. In addition, the final revised deadlines may, in response to public comment, be different from the ones proposed today.

I have determined that, pursuant to § 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on these rules. I also have determined that these rules are not major rules under Executive Order 12291. I have further certified that the proposed rules will not have a significant economic effect on a substantial number of small entities as the rules are essentially a timing change with no direct or indirect impact on small entities.

Dated: June 9, 1981.

William P. Pendley,

Deputy Assistant Secretary, Energy and Minerals.

The following are proposed amendments to CFR Title 30, Chapter VII, Subchapter T:

PART 906—COLORADO

§ 906.11 [Amended]

30 CFR 906.11 is proposed to be amended by substituting "December 1, 1982" for December 1, 1981, each time it appears, and substituting "June 1, 1982" for June 1, 1981 each time it appears.

PART 920—MARYLAND

§ 920.11 [Amended]

1. 30 CFR 920.11 (a) and (e) are proposed to be amended by substituting "April 1, 1983" for October 1, 1981, each time it appears.

2. 30 CFR 920.11 (l) and (p) are proposed to be amended by substituting "October 1, 1982" for April 1, 1981, each time it appears.

PART 931—NEW MEXICO

§ 931.11 [Amended]

30 CFR 931.11 is proposed to be amended by substituting "February 28, 1982" for July 1, 1981, each time it appears.

PART 934—NORTH DAKOTA

§ 934.11 [Amended]

30 CFR 934.11 (e), (f), (g), (h) and (m) are proposed to be amended by substituting "January 1, 1983" for July 1, 1981, each time it appears.

PART 944—UTAH

§ 944.11 [Amended]

30 CFR 944.11 (f), (g), and (h) are proposed to be amended by substituting "January 1, 1982" for July 1, 1981, each time it appears.

PART 948—WEST VIRGINIA

§ 948.11 [Amended]

30 CFR 948.11 (1), (2), (4)–(17), (19), (21)–(24), and (26)–(35) are proposed to be amended by substituting "November 1, 1982" for each date contained therein.

PART 950—WYOMING

§ 950.11 [Amended]

30 CFR 950.11 (b) and (c) are proposed to be amended by substituting "May 26, 1982" for November 26, 1980, each time it appears.

[FR Doc. 81-18897 Filed 6-25-81; 8:45 am]

BILLING CODE 4310-05-M

DEPARTMENT OF DEFENSE

Department of the Army

32 CFR Part 505

[Army Reg. 340-21]

Personal Privacy and Rights of Individuals Regarding Personal Records; Exemptions

AGENCY: Department of the Army.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Army proposes to delete the exemption rules for system of records AO726.04aDAAG, entitled "Casualty Case Files," and AO228.01DAMH, entitled "Historian's Background Material."

DATE: Comments must be received on or before July 27, 1981.

ADDRESS: Comments may be submitted to Headquarters, Department of the Army, The Adjutant General's Office (DAAG–AMR–R), Washington, D.C. 20310.

FOR FURTHER INFORMATION CONTACT: Mrs. Dorothy Karkanen, telephone: 703/325–6163.

SUPPLEMENTARY INFORMATION: In FR Doc. 81–16678 (46 FR 29981), June 4, 1981, system of records AO726.04aDAAG, was proposed for deletion thus negating

need for the exemption rule and system of records AO228.01DAMH, no longer requires a specific exemption rule.

Accordingly, § 505.9 of 32 CFR is proposed to be amended by deleting the present exemptions for systems AO726.04aDAAG and AO228.01DAMH.

§ 505.9 [Amended]

Section 505.9 is amended by deleting the exemptions for systems AO726.04aDAAG and AO228.01DAMH.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington, Headquarters Services, Department of Defense.

June 23, 1981.

[FR Doc. 81-19070 Filed 6-25-81; 8:45 am]

BILLING CODE 3710-08-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-7-FRL-1853-5]

Approval and Promulgation of Kansas State Implementation Plan for Lead

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed rulemaking.

SUMMARY: As required by Section 110 of the Clean Air Act and the October 5, 1978 (43 FR 46246) promulgation of National Ambient Air Quality Standards (NAAQS) for lead, the State of Kansas has submitted for approval to EPA a State Implementation Plan (SIP) for lead. The lead SIP shows that all areas of the State of Kansas are presently, and will remain, in attainment of the lead NAAQS. EPA is proposing to fully approve the Kansas lead SIP.

EPA invites public comments on the proposed action, and on the consistency of the SIP with respect to the attainment of the lead NAAQS and other requirements of the Clean Air Act.

DATES: Comments must be received by August 25, 1981.

ADDRESSES: Comments should be sent to: Ken Greer, Air, Noise and Radiation Branch, EPA, Region VII, 324 East 11th Street, Kansas City, Missouri 64106. Copies of the proposed rulemaking, the SIP, the public hearing minutes, and the technical support memo (which explains the rationale for EPA's actions) are available for public review at the above location and at the following locations.

Kansas Department of Health and Environment, Bureau of Air Quality and Occupational Health, Forbes Field, Topeka, Kansas 66620

Kansas Department of Health and Environment, North Central District Office, 2501 Market Place, Salina, Kansas 67401

Kansas Department of Health and Environment, Northwest District Office, 1014 Cody Avenue, Hays, Kansas 67601

Kansas Department of Health and Environment, Southwest District Office, 203 West McArtor Road, Dodge City, Kansas 67801

Kansas Department of Health and Environment, South Central District Office, 202 Century Plaza, 111 East Douglas, Wichita, Kansas 67211

Kansas Department of Health and Environment, Southwest District Office, 1 West Ash, Box 566, Chanute, Kansas 66720

Public Information Reference Unit, EPA Library, Room 2922, PM 213, 401 M Street, S.W., Washington, D.C. 20460

FOR FURTHER INFORMATION CONTACT: Ken Greer at (816) 374-3791 (FTS 758-3791).

SUPPLEMENTARY INFORMATION:

I. Background

On October 5, 1978, the NAAQS for lead were promulgated by EPA (43 FR 46246). Both the primary and secondary standards were set at a level of 1.5 micrograms lead per cubic meter of air (ug lead/m^3), averaged over a calendar quarter. As required by section 110(a)(1) of the Clean Air Act (CAA), within nine months after promulgation of a NAAQS each State is required to submit a SIP which provides for attainment and maintenance of the primary and secondary NAAQS within the State. The State of Kansas has developed and submitted a SIP for the attainment of the lead NAAQS. The SIP shows that all areas of the State are presently, and will remain, in attainment of the NAAQS.

The basic requirements for a SIP in general are outlined in Section 110(a)(2) of the CAA and EPA regulations at 40 CFR Part 51, Subpart B. These provisions require the submission of air quality data, emission inventory data, air quality modeling, a control strategy, a demonstration that the NAAQS will be attained within the time frame specified by the CAA, and provisions for ensuring maintenance of the NAAQS. Specific requirements for developing a SIP for lead are outlined in 40 CFR Part 51, Subpart E. The deadline for attainment of the lead NAAQS, stated in the lead standard final rulemaking (43 FR 46246, October 5, 1978), is no later than October 31, 1982.

II. Description of Kansas Lead SIP

On February 17, 1981, the Governor of Kansas submitted to EPA the state's SIP for attainment of the NAAQS for lead. The SIP includes the following.

(1) A summary of lead air quality data measured since 1974, a description of the methods used to collect and analyze the data, and a description of the State's plans for continued lead monitoring. No monitored exceedences of the lead NAAQS have been observed in Kansas since 1974.

(2) A baseline emission inventory for the year 1977 for all point sources of lead in the State of Kansas.

(3) A summary of projected lead emissions for the years 1982 and 1987 for major stationary sources of lead emissions in Kansas.

(4) A summary of calculated lead emissions for the years 1976, 1982 and 1987 for mobile source emissions for the cities of Kansas City, Kansas, Topeka, and Wichita.

(5) A description of the control strategy for maintenance of the lead NAAQS throughout Kansas.

(6) A description of the Kansas regulations for new source review of lead sources.

(7) A description of the resources available in the state agency to implement the lead SIP.

(8) A description of the intergovernmental cooperation that the state agency has allowed in development of the SIP, and will allow if any future revisions to the lead SIP are needed.

(9) A description of the opportunities that the public had to comment on the lead SIP.

III. EPA's Proposed Actions

After evaluating the Kansas lead SIP as to whether it meets all requirements for an approvable lead SIP, EPA proposes to fully approve the SIP. Two parts of the SIP should be mentioned as differing from EPA requirements for a lead SIP.

One issue concerns the lead-acid battery manufacturing plants located in Kansas. Of the four plants, three have daily production rates of 2000 or more batteries. As stated in 40 CFR 51.84, the SIP must include calculations of the maximum lead air quality concentrations around lead-acid battery manufacturing plants producing 2000 or more batteries per day. The calculations are intended to assist the State in showing that the lead NAAQS is not being exceeded around all significant point sources of lead, including battery plants producing 2,000 or more batteries per day. EPA believes that battery plants of this size, along with the other point sources listed in 40 CFR 51.80 and 51.84, would normally have lead

emissions of 5 tons or greater per year, and therefore would have the potential to exceed the lead NAAQS in areas around the source.

The State has shown in the emission inventory in the SIP that the total controlled lead emissions from each battery plant ranges from 0.06 tons per year to 1.19 tons of lead per year, with none of the plants located in the same city. Since the State has shown that each source is well below the cutoff level (5 tons per year of lead emissions) for sources having the potential to violate the lead NAAQS, EPA believes that calculations of the maximum lead air quality concentrations for each of these sources need not be included in the Kansas lead SIP. Also, since the SIP shows that the battery plants are neither close to each other nor have significant lead emissions, EPA believes that the SIP meets the requirements of 40 CFR 51.80, which requires that the SIP show that the lead NAAQS will be attained and maintained in areas in the vicinity of significant point sources of lead, which for Kansas, are the lead-acid battery manufacturing plants.

The other issue to be mentioned concerns the review of new sources of lead emissions in Kansas, as required by section 110(a)(2) of the Clean Air Act and 40 CFR 51.18, relating to state plans to ensure that new pollution sources would not cause or contribute to a violation of an applicable NAAQS. The State of Kansas has committed to allow for public comment prior to the State's approval or disapproval of the construction or modification of stationary sources of lead emissions. The State intends to review all new sources of lead having emission rates of five tons or more of lead per year. The State believes that their existing regulation requiring review and control of all new particulate sources with emissions of 4.4 tons or more of particulates per year will allow for review and control of new lead sources with emissions of 5 tons or more of lead per year, since the State believes that most of the significant lead emissions from point sources are in the form of particulate matter. EPA has reviewed the State's existing regulations, and the State's intentions and commitments concerning the review of new sources of lead emissions, and EPA believes that the State's lead SIP is adequate concerning this issue.

EPA notes that the Kansas new source review regulations, as they pertain to control of new lead sources, do not allow the State to impose source-specific emission limitations and other conditions in instances where sources would not prevent attainment or maintenance of the lead standard, but would, in connection with other lead source emissions, contribute to concentrations which would cause such sources to interfere with attainment and maintenance of the lead standard. The SIP indicates that the State new source review regulations will be revised in the future as part of a general SIP revision covering lead sources and other sources. EPA does not believe the difference between the State lead regulations and EPA requirements for a lead SIP is serious at this time, because the lead standards are being attained in Kansas, and any new source of lead which would cause new violations of the standards would prevent attainment and maintenance (within the meaning of the Kansas new source regulations), and could not be permitted to construct. However EPA believes that the Kansas new source review regulations must be modified, to authorize the State to deny construction approval or impose requirements on new sources to ensure that such sources will not interfere with attainment and maintenance of the standards. While EPA is proposing to approve the lead SIP for Kansas, EPA will work with the State to correct the deficiency noted in the new source review regulations.

To summarize, EPA believes that the lead SIP is adequate to attain and maintain the lead NAAQS, and EPA is proposing to fully approve the Kansas lead SIP.

IV. Public Comments

The Regional Administrator hereby issues this notice setting forth EPA's approval of the Kansas lead SIP as a proposed rulemaking and advises the public that interested persons may participate by submitting written comments to the Region VII office. Comments received on or before the date listed in the DATES section will be considered. Comments received will be available for public inspection at the EPA Region VII Office and at the locations listed in the Addresses Section of this notice.

The Administrator's decision to approve or disapprove the Kansas lead SIP will be based on the comments received and on a determination whether the SIP meets the requirements of Section 110(a)(2) of the Clean Air Act and 40 CFR Part 51, Requirements for Preparation, Adoption and Submittal of State Implementation Plans.

The Kansas Department of Health and Environment has certified that the public hearing requirements of 40 CFR Part 51.4 have been met.

Under Executive Order 12291, EPA must judge whether a rule is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This rule if promulgated, would not be "major" because it would only approve State actions and would impose no additional substantive requirements which are not currently applicable under State law. Hence it would be unlikely to have an annual effect on the economy of $100 million or more, or to have other significant adverse impacts on the national economy.

This rule was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator has certified that SIP approvals under Section 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities (46 FR 8709, January 27, 1981). The attached rule if promulgated, constitutes a SIP approval under section 110 within the terms of the January 27 certification. This action would only approve state actions. It would impose no new requirements.

(Sections 110 and 301(a) of the Clean Air Act as amended (42 U.S.C. 7410 and 7601(a)))

Dated: June 3, 1981.

William W. Rice,

Acting Regional Administrator.

[FR Doc. 81-18691 Filed 6-25-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 81

[A-4-FRL 1861-5]

Designation of Areas for Air Quality Planning Purposes; Alabama: Proposed Redesignation for Etowah County

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: On February 27, 1981, the Alabama Air Pollution Control Commission submitted to EPA eight quarters of total suspended particulate (TSP) data from the Etowah County area. These data show no violations of the primary TSP standards. EPA is today proposing to approve the state's request for redesignation of Etowah County from primary nonattainment for TSP to a secondary nonattainment classification.

DATE: To be considered, comments must be submitted on or before July 27, 1981.

ADDRESSES: The Alabama submittal may be examined during normal business hours at the following EPA offices:

Public Information Reference Unit, Library Systems Branch, Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460

Library, Environmental Protection Agency, Region IV, 345 Courtland Street, N.E., Atlanta, Georgia 30365

In addition, the Alabama revision may be examined at the Office of the Alabama Air Pollution Control Commission, Division of Air Pollution Control, 645 South McDonough Street, Montgomery, Alabama 36130. Comments should be addressed to Mr. Jerry Preston, EPA, Region IV, Air Programs Branch, 345 Courtland Street, N.E., Atlanta, Georgia 30365.

FOR FURTHER INFORMATION CONTACT:

Jerry Preston, Air Programs Branch, EPA, Region IV at the above address or telephone 404/881-3286 or FTS 257-3286.

SUPPLEMENTARY INFORMATION: On June 10, 1980, EPA promulgated a nonattainment status designation for a portion of Etowah County, Alabama. This designation was primary and secondary nonattainment for particulates near Gadsden, Alabama.

EPA policy for Section 107 redesignation criteria was issued on June 12, 1978, and stated that for redesignation of a nonattainment area by use of monitoring data, data must be below the standard for the pollutant measured for a reporting period of no less than eight quarters.

The TSP data submitted by the Alabama Air Pollution Control Commission on February 27, 1981, showed no violations for the annual primary standard and only one exceedance of the 24-hour primary standard. The eight quarters of data submitted were from the 1979 and 1980 calendar years. All data have been documented, shown to be representative, and have been subjected to an accepted quality assurance program.

Gadsden TSP Data

[Units: Micrograms per cubic meter]

SAROAD No	Year	Annual geometric mean	Maximum 24-hour reading	2d Maximum reading	Number of readings greater than 150	Number of readings greater than 260
01-1480-001	1979	51	114	102		
	1980	57	107	107		
01-1480-003	1979	69	175	164	3	
	1980	70	139	135		
01-1480-005	1979	54	119	111		
	1980	56	134	123		
01-1480-006F05	1979	75	350	184	3	1
	1980	74	172	168	4	

Pursuant to the provisions of 5 U.S.C. 605(b) I hereby certify that this proposed rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. This action imposes no regulatory requirements but only changes area air quality designations. Any regulatory requirements which may become necessary as a result of this action will be dealt with in a separate action.

Under Executive Order 12291, EPA must judge whether a regulation is major and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because it merely ratifies State actions and imposes no new burden on sources.

This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

(Sec. 107, Clean Air Act (42 U.S.C. 7407))

Dated: June 15, 1981.

John A. Little,

Acting Regional Administrator.

[FR Doc. 81-18917 Filed 6-25-81; 8:45 am]

BILLING CODE 6560-30-M

40 CFR Part 180

[PH-FRL-1833-6; PP 7E1978/9E2242/P171]

2-Chloroallyldiethyldithiocarbamate; Proposed Tolerance

Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

In FR Doc 81-15382 appearing at page 27973 in the issue for Friday, May 22, 1981, the following corrections should be made:

1. On page 27973, in the second column fifth paragraph, 12th line, the words "at the" should be deleted.

2. On page 27974, in § 180.247 in the first column, in the table headed "Commodities" and "Parts per million" the list should include the word "chickory" listed alphabetically and the figure "0.2 (N)" listing the parts per million of chickory.

BILLING CODE 1505-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA 6091]

National Flood Insurance Program; Proposed Elevations, Road Name, Special Flood Hazard Area, and Floodway for the City of Pittsfield, Mass.

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed elevations, road name, special flood hazard area, and floodway described below.

The proposed elevations, road name, special flood hazard area, and floodway will be the basis for the floodplain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be

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Source of flooding
Housatonic River.
Housatonic River.

ninety (90) days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

ADDRESSES: Map and other information showing the detailed outlines of the floodprone areas and the proposed elevations, road name, special flood hazard area, and floodway are available for review at the Mayor's Office, Pittsfield, Massachusetts.

Send comments to: The Honorable Charles Smith, Mayor of Pittsfield, City Hall, 70 Allen Street, Pittsfield, Massachusetts 02101.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street, S.W., Washington, D.C. 20410, (202) 755–6570.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed elevations, road name, special flood hazard area, and floodway for the City of Pittsfield, Massachusetts in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968, Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a) (presently appearing at its former section, 24 CFR 1917.4(a)).

The proposed elevations, road name, special flood hazard area, and floodway, together with the floodplain management measures required by § 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. The proposed elevations, road name, special flood hazard area, and floodway will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation (feet)
Housatonic River	Southern corporate limits	962 (NGVD).
Housatonic River.	Point approximately 2,250 feet upstream of southern corporate limits.	963 (NGVD).

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 26, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: June 9, 1981.

Robert G. Chappell, P.E.,

Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81-18804 Filed 6-25-81; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 67

[Docket No. FEMA-5845]

National Flood Insurance Program; Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule; correction.

SUMMARY: This document corrects a Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the Township of Swatara, Dauphin County, Pennsylvania, previously published at 45 FR 46119 on July 9, 1980.

EFFECTIVE DATE: June 26, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Federal Emergency Management Agency, Federal Insurance Administration, National Flood Insurance Program (202) 755–5585, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the correction to the Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the Township of Swatara, Dauphin County, Pennsylvania, previously published at 45 FR 46119 on July 9, 1980, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a).

The Source of Flooding of Swatara Creek listed locations which more precisely belong under that portion of the creek known by the community as Beaver Creek. In an effort to more correctly identify the areas affected by these Sources of Flooding, the following corrected locations are offered, which correspond to the Flood Insurance Study and Rate Map for the Township of Swatara.

Source of flooding	Location	Elevation (feet)
Swatara Creek.	Downstream Corporate Limits	325
	Upstream U.S. Route 322	327
	Upstream Corporate Limits	328
Beaver Creek.	Upstream Confluence with Swatara Creek.	328
	Upstream Conrail	333
	Downstream Corporate Limits	335

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 26, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: June 12, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-18801 Filed 6-25-81; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 67

[Docket No. FEMA-6014]

National Flood Insurance Program; Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule; correction.

SUMMARY: This document corrects a Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the Borough of Ringwood, Passaic County, New Jersey, previously published at 46 FR 18731 on March 26, 1981.

EFFECTIVE DATE: June 26, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Federal Emergency Management Agency, Federal Insurance Administration, National Flood Insurance Program (202) 755–5585, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the correction to the Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the Borough of Ringwood, Passaic County, New Jersey, previously published at 46 FR 18731 on March 26, 1981, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a).

In order for the following location to be correctly identified with the corresponding Flood Insurance Study (profile) and Flood Insurance Rate Map for the Source of Flooding Cupsaw

Brook Branch 3 in the Borough of Ringwood, Passaic County, New Jersey, the elevation for the location "confluence with Cupsaw Brook" should be amended to read 390.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: June 16, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-18902 Filed 6-25-81, 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA-6014]

National Flood Insurance Program; Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule; correction.

SUMMARY: This document corrects a Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the Town of Somerset, Niagara County, New York, previously published at 46 FR 18733 on March 26, 1981.

EFFECTIVE DATE: June 26, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Federal Emergency Management Agency, Federal Insurance Administration, National Flood Insurance Program (202) 755–5585, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the correction to the Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the Town of Somerset, Niagara County, New York, previously published at 46 FR 18733 on March 26, 1981, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a).

In order for the following locations under the Source of Flooding of Fish Creek in the Town of Somerset, New York, to be more easily identified with the corresponding Flood Insurance Study (profile) and Rate Map, the locations and elevations listed below have been amended to read as follows. The remainder of the Notice of Proposed Base Flood Elevations was correct as published.

Source of flooding	Location	Elevation in feet national geodetic vertical datum
Fish Creek	Confluence with Lake Ontario	250
	Downstream of Lower Lake Road	258

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: June 16, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-18903 Filed 6-25-81, 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA-6027]

National Flood Insurance Program; Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule; correction.

SUMMARY: This document corrects a Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the unincorporated areas of Franklin County, Alabama, previously published 46 FR 21028 on April 8, 1981.

EFFECTIVE DATE: April 8, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., National Flood Insurance Program (202) 755–5585, Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the correction to the Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the unincorporated areas of Franklin County, Alabama, previously published at 46 FR 21028 on April 8, 1981, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a)).

For the location of "Just downstream of Southern Railway" under the source of flooding of Mud Creek, the elevation of 653 feet NGVD is incorrect. The location should be "Just upstream of Southern Railway", with an elevation of 654 feet NGVD.

The listing appears correctly as follows:

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
Alabama	Unincorporated areas of Franklin County	Mud Creek	Just upstream of Southern Railway	*654

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968) as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority of Federal Insurance Administrator

Issued: June 17, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-18918 Filed 6-25-81, 8:45 am]

BILLING CODE 6718-03-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Petition Acceptance and Status Review for Wiest's Sphinx Moth

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Advance notice of proposed rule.

SUMMARY: Notice is given that a petition from Dr. Karolis Bagdonas of the University of Wyoming to add Wiest's sphinx moth (*Euproserpinus wiesti*) to the U.S. list of Endangered and Threatened Wildlife has been accepted. The Director has determined that substantial evidence to support the petition has been presented. The petition was received on December 23, 1980, and was supported by a report submitted by Dr. Bagdonas on March 2, 1981. A status review has been conducted and is summarized in this notice. The Service anticipates preparation of a proposed rule to list Wiest's sphinx moth as Endangered. The moth is presently known from only one site in northeastern Colorado. The Service is requesting comments on the status and distribution of Wiest's sphinx moth, as well as information on environmental and economic impacts and effects on small entities that would result from listing the moth as an Endangered species. The Service also seeks comments on possible alternatives to the listing.

DATE: Persons wishing to comment on this notice should submit their data and other relevant information to the Director by September 24, 1981.

ADDRESSES: Director (OES) U.S. Fish and Wildlife Service, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Mr. John L. Spinks, Jr., Chief, Office of Endangered Species, Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240 (703/235–2771).

SUPPLEMENTARY INFORMATION: Dr. Karolis Bagdonas of the Department of Zoology and Physiology of the University of Wyoming petitioned the service to list Wiest's sphinx moth as Endangered or Threatened in a letter dated December 23, 1980. The letter was supplemented by a report provided to the Service by Dr. Bagdonas on March 2, 1981. After reviewing the petition and report, the Service had determined that sufficient information exists to justify consideration of the listing of this species as Endangered.

Status Review

Wiest's sphinx moth was scientifically described in 1939. It has only been collected at two sites; in Weld County, northeastern Colorado; and near Albuquerque, New Mexico. The species has not been collected in the Albuquerque area since the 1950's. The moth was rediscovered in Colorado in 1979. Studies by Dr. Bagdonas found that 200–300 adult moths were present during the flight season in 1979, but only 40–50 individuals were seen in 1980. On July 6, 1980, pesticide spraying for grasshopper control accidentally affected the site, killing all the moth larvae being studied by Dr. Bagdonas and his students. The studies had indicated that the moth was almost completely confined to a 25 by 600 meter sandy wash where the larval foodplant, the primrose *Oenothera latifolia*, grew. It is believed that at the time of the spraying some of the larvae had already entered the soil and pupated, thus escaping the effects of the grasshopper spraying. Dr. Bagdonas has obtained funding from the World Wildlife Fund to continue studies on Wiest's sphinx moth in the summer of 1981.

References

Bagdonas, K. 1981. The life history and ecology of *Euproserpinus wiesti* Sperry. Progress report for IUCN/WWF project No. 1793. 16 p.

Hodges, R. W. 1971. Sphingoidea. In Dominick, R. B. *et al.*, The Moths of America north of Mexico, fascicle 21, p. 143.

Sperry, J. L. 1939. Two apparently new western moths. Bulletin of the Southern California Academy of Sciences 38:126.

The Service has reviewed the status of Wiest's sphinx moth, and based on information presently available, is of the opinion that this species may qualify for Endangered status as defined by the 1973 Endangered Species Act. At this time, the Service is requesting comments on status and distribution of the moth. Also, the Service is requesting information on environmental and economic impacts and effects on small entities (including small businesses, small organizations, and small governmental jursidictions) that would result from listing Wiest's sphinx moth as an Endangered species, and information on possible alternatives to the listing. This information will aid the Service in complying with the requirements of the National Environmental Policy Act, Executive Order 12291 on Federal Regulation, and the Regulatory Flexibility Act, and in preparing any required analyses of effect. An additional comment period will be provided if this species is proposed for listing.

The primary author of this notice is Dr. Michael M. Bentzien, Fish and Wildlife Service, Office of Endangered Species, Washington, D.C. (703/235–1975).

Dated: June 12, 1981.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 81–18965 Filed 6–25–81; 8:45 am]

BILLING CODE 4310–55–M

Notices

Federal Register
Vol. 46, No. 123
Friday, June 26, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Carson National Forest Grazing Advisory Boards; Meetings

The West Carson Grazing Advisory Board will meet at 10:00 a.m. on July 18, 1981, at the Canjilon Ranger Station in Canjilon, New Mexico.

The East Carson Grazing Advisory Board will meet at 10:00 a.m. on August 1, 1981, at the Panasco Ranger Station, Penasco, New Mexico.

The purpose of these meetings will be to discuss the expenditure of Range Betterment Funds and the status of Management Plans.

The meetings will be open to the public. Persons wishing to attend should notify Ken Bishop, Telephone 505/758–2237, P.O. Box 558, Taos, New Mexico 87571.

Written Statements may be filed before or within one week after the meeting.

Dated: June 17, 1981.

Kent Dunstan,

Acting Forest Supervisor.

[FR Doc. 81–18638 Filed 6–25–81; 8:45 am]

BILLING CODE 3410–11–M

CIVIL AERONAUTICS BOARD

[Docket 39705]

Westair Jet Fitness Investigation; Notice of Assignment of Proceeding

This proceeding is hereby assigned to Administrative Law Judge William A. Pope, II. Future communications should be addressed to Judge Pope.

Dated at Washington, D.C., June 22, 1981.

Joseph J. Saunders,

Chief Administrative Law Judge.

[FR Doc. 81–18953 Filed 6–25–81; 8:45 am]

BILLING CODE 6320–01–M

DEPARTMENT OF COMMERCE

International Trade Administration

[A–588–018]

Clear Sheet Glass From Japan; Administrative Review of Antidumping Finding and Tentative Determination To Revoke

AGENCY: U.S. Department of Commerce, International Trade Administration.

ACTION: Notice of preliminary results of administrative review of antidumping finding and of tentative determination to revoke.

SUMMARY: The Department of Commerce has conducted an administrative review of the antidumping finding on clear sheet glass from Japan. The review covers the three known exporters of this merchandise to the United States and the period January 1, 1975, through February 11,1977. The review indicates the absence of dumping margins for two of the manufacturers, Asahi Glass Co., Ltd. and Nippon Sheet Glass Co., Ltd., and *de minimis* margins on a few sales of the third manufacturer, Central Glass Co., Ltd. There is no indication of any sales at less than fair value since that time.

As a result of this review the Department has tentatively determined to revoke the finding. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: June 26, 1981.

FOR FURTHER INFORMATION CONTACT: Al Jemmott, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202) 337–4794.

SUPPLEMENTARY INFORMATION:

Procedural Background

On May 18, 1971, a dumping finding with respect to clear sheet glass from Japan was published in the **Federal Register** as Treasury Decision 71–131 (36 FR 9010). On February 11, 1977, the Department of the Treasury published in the **Federal Register** a notice of "Tentative Determination to Modify or Revoke Dumping Finding" with respect to this merchandise (42 FR 8740). Reasons for the tentative determination were given in the notice and interested parties were given an opportunity to present writen and oral views. The petitioner presented arguments opposing revocation. However, petitioner failed to supply additional information requested by Treasury as necessary to confirm these arguments; thus, Treasury discontinued investigation of the opposing arguments but took no further action on the proposed revocation prior to January 1, 1980.

On January 1, 1980, the provisions of title I of the Trade Agreements Act of 1979 became effective. Title I replaced the provisions of the Antidumping Act of 1921 ("the 1921 Act") with a new title VII to the Tariff Act of 1930 ("the Tariff Act"). On January 2, 1980, the authority for administering the antidumping duty law was transferred from the Department of the Treasury to the Department of Commerce ("the Department"). The Department published in the **Federal Register** on March 28, 1980 (45 FR 20511–20512) a notice of intent to conduct administrative reviews of all outstanding dumping findings. As required by section 751 of the Tariff Act, the Department has conducted an administrative review of the finding on clear sheet glass from Japan. The substantive provisions of the 1921 Act and the appropriate Customs Service regulations apply to all unliquidated entries made prior to January 1, 1980.

Scope of the Review

Imports covered by this review are shipments of clear sheet glass, currently classifiable under items 542.3120–542.4835 of the Tariff Schedules of the United States Annotated (TSUSA).

The Department knows of three exporters of clear sheet glass to the United States. These firms are Asahi Glass Co., Ltd., Nippon Sheet Glass Co., Ltd. and Central Glass Co., Ltd. The review covers the period from January 1, 1975, through February 11, 1977, the date of the tentative revocation, for all three firms. The Treasury Department previously reviewed all earlier periods covered by the finding and issued appraisement instructions ("master lists") for these periods.

The issue of the Department's obligation to conduct administrative review of entries, unliquidated as of January 1, 1980 and covered by previously issued master lists, is under review. Liquidation has been suspended pending disposition of the issue.

A written request for a ruling as top the applicability of the dumping finding

to extra thin sheet glass was received and reviewed. It is our opinion that the finding does not cover extra thin sheet glass.

Purchase Price

The Department used purchase price, as defined in section 203 of the 1921 Act, as all sales were to unrelated purchasers. Purchase prices here are ex-factory, packed and are based on the United States delivered price or, as applicable, the United States delivered, duty paid price, with deductions for cash discounts, rebates (as applicable), U.S. and foreign inland freight, U.S. and foreign brokerage and port charges, commissions to unrelated parties, U.S. duty, marine insurance, ocean freight and currency surcharges (in the case of Asahi Glass Co., Ltd.) No other adjustment were claimed or allowed.

Foreign Market Value

In calculating foreign market value, the Department used home market price, as defined in section 205 of the 1921 Act, since all of the manufacturers sold in the home market more than 90% of their production of this merchandise. Foreign market values here are packed ex-factory prices, based on delivered prices with adjustments for discounts, regates, inland freight, aid to distributors, selling expenses as an offset to U.S. commission, differences in credit terms and compensation for breakage in accordance with section 153.10 of the Customs Regulations. Claims for adjustments for warehousing charges and sales branch expenses, not shown to be sales related, and advertising expenses, not shown to be for the benefit of the ultimate buyer, were not allowed.

Preliminary Results of the Review

As a result of our comparison of purchase price of foreign market value, we preliminarily determine that only *de minimis* margins exist on some shipments from Central Glass Co., Ltd. and no margins exist for the other exporters. Therefore we determine that no dumping margine exist for the period January 1, 1975, through February 11, 1977.

As provided for in section 353.54(e) of the Commerce Regulations the manufacturers have agreed in writing to an immediate suspension of liquidation and reinstatement of the finding if circumstances develop which indicate that clear sheet glass thereafter imported into the United States is being sold at less than fair value.

Tentative Determination

As a result of our review, we tentatively determine to revoke the finding on clear sheet glass from Japan. If the finding is revoked, it shall apply with respect to unliquidated entries of this merchandise entered, or withdrawn from warehouse, for consumption on or after February 11, 1977. Interested parties may submit written comments on these preliminary results within 30 days of the date of publication of this notice and may request disclosure and/or a hearing within 15 days of the date of publication. Any request for an administrative protective order must be made no later than 5 days after the date of publication. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing. The Department will issue appraisement instructions for each exporter directly to the Customs Service.

This administrative review, tentative determination to revoke, and notice are in accordance with section 751(a)(1) and (c) of the Tariff Act (19 U.S.C. 1675(a)(1), (c)) and section 353.54 of the Commerce Regulations (19 CFR 353.54).

Leonard M. Shambon,

Acting Deputy Assistant Secretary for Import Administration.

[FR Doc. 81-18814 Filed 6-25-81; 8:45 am]

BILLING CODE 3510-25-M

[A-583-081]

Polyvinyl Chloride Sheet and Film From Taiwan; Preliminary Results of Administrative Review of Antidumping Finding and Tentative Determination To Revoke in Part

AGENCY: U.S. Department of Commerce, International Trade Administration.

ACTION: Notice of preliminary results of administrative review of antidumping finding and of tentative determination to revoke in part.

SUMMARY: The Department of Commerce has conducted an administrative review of the antidumping finding on polyvinyl chloride sheet and film from Taiwan. The review covers the 50 known manufacturers and exporters of this merchandise to the United States covered by the finding. The analyses cover separate time periods for each exporter up to May 31, 1980. This review indicates the existence of dumping margins in particular periods for certain manufacturers and exporters.

As a result of this review the Department has preliminarily determined to assess dumping duties for individual exporters equal to the calculated differences between United States price and foreign market value or constructed value on each of their shipments during the period of review.

In addition, the Department has tentatively determined to revoke the finding with respect to Nan Ya Plastics Corporation. There have been no imports of polyvinyl chloride sheet and film from Taiwan produced and sold by Nan Ya Plastics Corporation at less than fair value from October 7, 1977, the date of suspension of liquidation, through May 31, 1980.

Where company-supplied information was inadequate or no information was received, the Department has used the best information available.

Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: June 26, 1981.

FOR FURTHER INFORMATION CONTACT: Betty L. Hood, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, (202-377-5222).

SUPPLEMENTARY INFORMATION:

Procedural Background

On June 30, 1978, a dumping finding with respect to polyvinyl chloride ("PVC") sheet and film from Taiwan was published in the **Federal Register** as Treasury Decision 78-219 (43 FR 28457). On January 1, 1980, the provisions of title I of the Trade Agreements Act of 1979 became effective. Title I replaced the provisions of the Antidumping Act of 1921 ("the 1921 Act") with a new title VII to the Tariff Act of 1930 ("the Tariff Act"). On January 2, 1980, the authority for administering the antidumping duty law was transferred from the Department of the Treasury to the Department of Commerce ("the Department"). The Department published in the **Federal Register** of March 28, 1980 (45 FR 20511-20512) a notice of intent to conduct administrative reviews of all outstanding dumping findings. As required by section 751 of the Tariff Act, the Department has conducted an administrative review of the finding on PVC sheet and film from Taiwan. The substantive provisions of the 1921 Act and the appropriate Customs Service regulations apply to all unliquidated entries made prior to January 1, 1980.

Scope of the Review

Imports covered by this review are shipments of unsupported, flexible, calendered polyvinyl chloride sheet, film, and strips, over 6 inches in width

and over 18 inches in length, and at least 0.002 inch but not over 0.020 inch in thickness, currently classifiable under item number 771.4312 of the Tariff Schedules of the United States Annotated (TSUSA).

The Department knows of a total of 49 Taiwanese firms and 1 transshipper engaged in the manufacture and exportation of PVC sheet and film to the United States and covered by the finding. This review covers separate time periods for each of the firms up to May 31, 1980. The Treasury Department reviewed all prior time periods.

The issue of the Department's obligation to conduct administrative review of entries, unliquidated as of January 1, 1980 and covered by previously issued appraisement instructions ("master lists"), is under review. Liquidation has been suspended pending disposition of the issue.

Two manufacturers of PVC sheet and film from Taiwan are not covered by this review: Ocean Plastics Co., Ltd. was excluded from the finding, and China Gulf Plastics Corporation was "discontinued" in accordance with section 153.33 of the Customs Regulations.

Eight exporters stated that they did not export PVC sheet and film to the U.S. during the periods reviewed. The estimated deposit rate for these firms shall be the most recent information for each firm. Twenty-seven exporters failed to respond to our questionnaire for the most recent time period. For these non-responsive exporters we used the best information available to determine the assessment and estimated deposit rates. Since none of these firms were investigated during the fair value investigation, the best information available is the most recent rate (master list) for the firm, if higher than the rates for responding firms in the current period, or, if no information is available, the highest fair value rate, if higher than the rates for responding firms in the current period.

Nan Ya Plastics Corporation did not sell PVC sheet and film at less than fair value from October 7, 1977, the date of suspension of liquidation, through May 31, 1980. In addition, Nan Ya has agreed in writing, as provided for in section 353.54(e) of the Commerce Regulations, to an immediate suspension of liquidation and reinstatement of the finding if circumstances develop which indicate that the merchandise thereafter imported into the United States is being sold at less than fair value. Cathay Plastic Industry Co., Ltd. also requested a revocation from the finding. Since we found sales of less than fair value for Cathay in the last two years, we are denying this application for revocation.

United States Price

In calculating United States price the Department used purchase price, as defined in section 772 of the Tariff Act or section 203 of the 1921 Act, as appropriate.

Purchase price was based on the packed price, either to an unrelated purchaser in the United States or to an unrelated Taiwanese trading company for export to the United States, as appropriate. Where applicable, deductions were made for ocean freight, insurance, and U.S. and foreign inland freight. Additions were made for both harbor dues and customs duties on imported raw materials not collected by reason of subsequent exportation in a finished product. Additions were also made for the amount of sales tax, stamp tax and education tax rebated upon exportation, but only to the extent that such taxes were incurred with respect to home market sales and were added to or included in the price of such or similar merchandise. Adjustments were also made for currency conversion expenses and export license fees. No other adjustments were claimed or allowed.

Foreign Market Value

In calculating foreign market value the Department used home market price, or constructed value when sufficient sales did not exist in the home market or to purchasers in third countries, all as defined in section 773 of the Tariff Act, or sections 205 or 206 of the 1921 Act. The foreign market values were adjusted, where applicable, for inland freight, quantity and other discounts, a packing differential, and technical assistance, in accordance with §§ 353.14 and 353.15 of the Commerce Regulations and §§ 153.9 and 153.10 of the Customs Regulations. Adjustments were claimed for bad debts, sales returns and allowances, and advertising and sales promotion. These were all disallowed since they were not directly related to the sales.

Preliminary Results of the Review

As a result of our comparison of United States price to foreign market value, we preliminarily determine that the following margins exist:

Manufacturer/exporter	Time period	Margin (percent)
Asiam International Inc	10/1/78-5/31/80	11.37
Bt. & GY International Co., Ltd	7/1/78-5/31/80	
Brave Dragon Industry Ltd	9/1/78-5/31/80	5.9
Bueno Manufacturing Co	5/1/79-5/31/80	[1]5.9
Caleco Industries Inc	9/1/78-10/6/79	
	10/7/79-5/31/80	
Cathay Plastic Industry Co., Ltd	10/1/77-8/31/78	3.06
	9/1/78-8/30/79	.97
	7/1/79-9/30/79	1.04
	10/1/79-5/31/80	14
Cheng Hsung Corp	10/1/79-5/31/80	
Chia Shiu Enterprise Co., Ltd	7/1/78-5/31/80	
Chien YW Enterprises Corp	7/1/78-5/31/80	11.37
Chu Kang Enterprises	9/1/78-5/31/80	5.9
Collins Co	1/1/79-5/31/80	5.9
Digest International Development Corp	9/1/78-10/6/79	
	10/7/79-5/31/80	
Dirkson Inc	9/1/78-10/6/79	
	10/7/79-5/31/80	
Essex Sporting Goods	4/1/79-5/31/80	5.9
Fair Enterprises Corp	8/1/79-5/31/80	
Fashion Plastics Fabricating Co., Ltd	9/1/78-5/31/80	5.9
Formosa Shoes Industry	10/1/77-5/31/80	11.37
Foremost Worldwide (Taiwan) Co., Ltd	9/1/78-10/6/79	
	10/7/79-5/31/80	
Fuji Industries Co., (Taiwan) Ltd	10/1/77-5/31/80	5.9
Gets & Co	9/1/78-10/6/79	
	10/7/79-5/31/80	
G. Goily International Corp	9/1/78-10/6/79	
	10/7/79-5/31/80	
Goss Plastic Film Corp	10/1/79-5/31/80	
Haney Enterprising Co., Ltd	9/1/78-5/31/80	11.37
Heyward & Co., Ltd	9/1/78-10/6/79	
	10/7/79-5/31/80	(1)
Holdcfleer Corp., Ltd	7/1/78-5/31/80	
Hotsun Industrial Corp	7/1/78-5/31/80	5.9
Interbond, Ltd	8/1/79-5/31/80	[1]5.9
Jamecie Corp	9/1/78-10/6/79	
	10/7/79-5/31/80	11.37
Jiffy Trading Co., Ltd	10/1/79-5/31/80	(1)
Jump International Corp	9/1/78-10/6/79	
	10/7/79-5/31/80	(1)
K.E. & Kingstone Co	9/1/78-10/6/79	
	10/7/79-5/31/80	
Key Song International Co., Ltd	9/1/78-5/31/80	11.37
Le Yang Inc	10/1/79-5/31/80	
Long Joy Enterprises Co., Ltd	9/1/78-5/31/80	5.9
Lot Heng (PVC Co.) Ltd	10/1/77-5/31/80	11.37
Nan Lung Plastics Co., Ltd	10/1/77-5/31/80	11.37
Nan Ya Plastics Corp	10/1/79-5/31/80	
Nippon Industries Inc	9/1/78-10/6/79	
	10/7/79-5/31/80	
Odin Industrial Co., Ltd	10/1/77-5/31/80	11.37
Paulko Enterprises	9/1/78-10/6/79	
	10/7/79-5/31/80	
Phoenix Enterprises Inc	9/1/78-10/6/79	
	10/7/79-5/31/80	11.37
Progress Plastics Co., Ltd	9/1/79-5/31/80	11.37
Richard Soong & Co., Ltd	9/1/79-5/31/80	11.37
San Ching Plastics	9/1/78-5/31/80	11.37
San Jing Enterprises Corp	9/1/79-5/31/80	[1]5.9
Sequence Co., Ltd	4/1/79-5/31/80	(1)
St. Solid Co., Ltd	9/1/79-5/31/80	[1]5.9
Taiwan Eva Industrial Co., Ltd	1/1/79-5/31/80	5.9
Taiwan Upholstery Furniture Export Supplies Ltd	9/1/78-10/6/79	
	10/7/79-5/31/80	11.37
Tarner Enterprises Co	9/1/78-10/6/79	
	10/7/79-5/31/80	11.37
Team Worldwide Corporation	9/1/78-10/6/79	
	10/7/79-5/31/80	
Union Industries Ltd	9/1/79-5/31/80	11.37
Wen Fung Industrial Co., Ltd	4/22/79-5/31/80	5.9
Yen Shan Plastic Co., Ltd	5/1/79-5/31/80	11.37
Yung Cheh Enterprise Co., Ltd	10/1/77-5/31/80	11.37
Yunloon Enterprises Co., Ltd	7/1/78-5/31/80	11.37

[1] No shipments during period

The Department was unable to locate Brave Dragon Industry Ltd. and the manufacturer of the merchandise exported by Fuji Industries Co. (Taiwan), Ltd. in time to complete its

review of these companies. Therefore, for appraisement purposes they will be covered in a subsequent review. For these two firms the above figures will be used for cash deposit purposes only.

Also, as a result of our review we tentatively determine to revoke the finding on polyvinyl chloride sheet and film from Taiwan, produced and sold by Nan Ya Plastics Corporation. If this action is made final it shall apply to unliquidated entries of this merchandise entered, or withdrawn from warehouse, for consumption or after the date of publication of this notice.

Interested parties may submit written comments on these preliminary results on or before July 27, 1981 and may request disclosure and/or a hearing within 15 days of the date of publication. Any request for an administrative protective order must be made no later than 5 days after the date of publication. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

The Department shall determine, and the U.S. Customs Service shall assess, dumping duties on all entries made with purchase dates during the time periods involved. Individual differences between United States price and foreign market value may vary from the percentages stated above. The Department will issue appraisement instructions separately on each exporter directly to the Customs Service.

Further, as required by section 353.48(b) of the Commerce Regulations, a cash deposit based upon the most recent of the margins calculated above shall be required on all shipments of PVC sheet and film entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results. This requirement shall remain in effect until publication of the final results of the next administrative review.

This administrative review, tentative determination to revoke in part, and notice are in accordance with sections 751(a)(1) and (c) of the Tariff Act (19 U.S.C. 1675(a)(1), (c)) and sections 353.53 and 353.54(e) of the Commerce Regulations (19 CFR 353.53 and 353.54(e)).

B. Waring Partridge, III,

Acting Deputy Assistant Secretary for Import Administration.

June 22, 1981.

[FR Doc. 81-18913 Filed 6-25-81; 8:45 am]

BILLING CODE 3510-25-M

National Radio Astronomy Observatory; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 2119 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230

Docket No. 81-00031. Applicant: National Radio Astronomy Observatory, Associated Universities, Inc., 2010 N. Forbes Blvd., Suite 100, Tucson, AZ 85705. Article: Rapair of Klystron Type VRB 2113A30. Manufacturer: Varian Canada Inc., Canada. Intended use of article: See Notice on page 11695 in the **Federal Register** of February 10, 1981.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides a frequency range of 80 to 110 gigahertz. The National Bureau of Standards advises in its memorandum dated May 6, 1981 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

Stanley P. Kramer, Ph.D.,

Acting Director, Statutory Import Programs Staff.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

[FR Doc. 81-18979 Filed 6-25-81; 8:45 am]

BILLING CODE 3510-25-M

University of Georgia; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 2119 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 81-00010. Applicant: University of Georgia, Microbiology Department, Athens, GA 30602. Article: Iatroscan Th-10 TLC/FID Analyser. Manufacturer: Newman Howells Assoc., Ltd., United Kingdom. Intended Use of Article: See Notice on page 9685 in the **Federal Register** of January 29, 1981.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides an automated quantitative detection system with a hydrogen flame ionization detector. The Department of Health and Human Services advises in its memorandum dated May 5, 1981 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

Stanley P. Kramer, Ph. D.

Acting Director, Statutory Import Programs Staff.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

[FR Doc. 81-18980 Filed 6-25-81; 8:45 am]

BILLING CODE 3510-25-M

Yale University, Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the

regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 2119 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 81–00029. Applicant: Yale University, Department of Chemistry, 225 Prospect Street, New Haven, Conn. 06511. Article: Excimer Laser, EMG 102. Manufacturer: Lambda Physik GmbH, West Germany. Intended use of article: See Notice on page 11695 in the **Federal Register** of February 10, 1981.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides 5 watts average power using xenon fluoride gas. The National Bureau of Standards advises in its memorandum dated May 6, 1981 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

Stanley P. Kramer, Ph.D.,

Acting Director, Statutory Import Programs Staff.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

[FR Doc. 81–18981 Filed 6–25–81; 8:45 am]

BILLING CODE 3510–25–M

National Oceanic and Atmospheric Administration

Gulf of Mexico Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

SUMMARY: The Gulf of Mexico Fishery Management Council, established by Section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94–265), will meet to review status reports on the development of fishery management plans; consider foreign fishing applications, if any, and conduct other fishery management business.

DATES: The public meetings will convene on Tuesday, July 6, 1981, at approximately 1:30 p.m., and adjourn at approximately 5 p.m.; reconvene on Wednesday, July 7, 1981, at approximately 8:30 a.m., and adjourn at approximately 3 p.m.

ADDRESS: The meetings will take place at the Naples Beach Hotel and Golf Club, 851 Golf Shore Boulevard, North, Naples, Florida.

FOR FURTHER INFORMATION CONTACT: Gulf of Mexico Fishery Management Council, Lincoln Center—Suite 881, 5401 West Kennedy Boulevard, Tampa, Florida 33609. Telephone: (813) 228–2815.

Dated: June 23, 1981.

Robert K. Crowell,

Deputy Executive Director National Marine Fisheries Service.

[FR Doc. 81–18972 Filed 6–25–81; 8:45 am]

BILLING CODE 3510–22–M

National Telecommunications and Information Administration

Electromagnetic Radiation Management Advisory Council; Open Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1976) notice is hereby given that the Electromagnetic Radiation Management Advisory Council (ERMAC) will meet from 9:00 a.m. to 5:00 p.m. on July 8–9, 1981, in the Forum Room at the National Telecommunications and Information Administration, 1325 G Street, N.W., Washington, D.C. (Public entrance to the building is on G Street, between 13th Street and 14th Street, N.W.)

The Council was established on December 11, 1968. Its objective is to advise the Secretary of Commerce on side effects and the adequacy of control of electromagnetic radiation arising from telecommunications activities. It reviews, evaluates and recommends potential measures to investigate and mitigate possible undesirable effects on the environment, biological and physical, including equipment and materials, from the use of the radio frequency spectrum, and develops recommended policy guidance in these areas. The Council consists of 14 members whose knowledge of telecommunications and its effects is balanced in the areas of medicine, biology, physics, biophysics, and engineering.

The agenda items will be principally reviews of agency programs in being, as well as future plans affecting ERMAC objectives.

The meeting will be open to public observation; and a period will be set aside for oral comments or questions by the public which do not exceed 10 minutes each per member of the public. More extensive questions or comments should be submitted in writing before July 7, 1981. Other public statements regarding Council affairs may be submitted at any time before or after the meeting. Approximately 15 seats will be available for the public on a first-come first-served basis.

Copies of the minutes will be furnished upon request when available.

Inquiries may be addressed to the Council Control Officer, Mr. Eugene Zucker, National Telecommunications and Information Administration, Room 278, 1325 G Street, N.W., Washington, D.C. 20005, telephone (202) 724–3301.

Dated: June 6, 1981.

Cloyd C. Dodson,

Committee Liaison Officer, National Telecommunications and Information Administration.

[FR Doc. 81–18978 Filed 6–25–81; 8:45 am]

BILLING CODE 3510–60–M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List 1981 Addition

AGENCY: Committee for Purchase From the Blind and Other Severely Handicapped.

ACTION: Addition to Procurement List.

SUMMARY: This action adds to Procurement List 1981 a service to be provided by workshops for the blind and other severely handicapped.

EFFECTIVE DATE: June 26, 1981.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher (703) 557–1145.

SUPPLEMENTARY INFORMATION: On April 24, 1981, the Committee for Purchase from the Blind and Other Severely Handicapped published a notice (46 FR 23281) of proposed addition to Procurement List 1981, November 12, 1980 (45 FR 74836).

After consideration of the relevant matter presented, the Committee has determined that the service listed below is suitable for procurement by the Federal Government under 41 U.S.C. 46–48c, 85 Stat. 77.

Accordingly, the following service is hereby added to Procurement List 1981:

SIC 7699

Rebuilding of Typewriters
GSA Self-Service Stores
Chicago, Illinois

C. W. Fletcher,

Executive Director.

[FR Doc. 81-18898 Filed 6-25-81; 8:45 am]

BILLING CODE 6820-33-M

Procurement List 1981 Proposed Additions

AGENCY: Committee for Purchase From the Blind and Other Severely Handicapped.

ACTION: Proposed additions to procurement list.

SUMMARY: The Committee has received proposals to add to Procurement List 1981 commodities to be produced by workshops for the blind and other severely handicapped.

COMMENTS MUST BE RECEIVED ON OR BEFORE: July 29, 1981.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher, (703) 557-1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed action.

If the Committee approves the proposed additions, all entities of the Federal Government will be required to procure the commodities listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following commodities to Procurement List 1981, November 12, 1980 (45 FR 74836):

Class 2540

Cushion Assembly, Back Rest
2540-00-737-3308

Class 7210

Mattress, Bed, Foam Rubber
7210-00-290-8297
7210-00-052-7327
7210-00-889-3733
7210-00-275-5873
7210-00-275-5874
7210-00-290-8298
7210-00-290-8299
7210-00-290-8300

Class 7340

Flatware, Plastic, Picnic
7340-00-170-8374
7340-00-205-3187
7340-00-205-3342
(For GSA Regions 1, 8, 9, 10)

Class 7920

Towel, Paper
7920-00-823-9772
(For GSA Regions 4, 6, 7 only)

C. W. Fletcher,

Executive Director.

[FR Doc. 81-18899 Filed 6-25-81; 8:45 am]

BILLING CODE 6820-33-M

Procurement List 1981 Proposed Deletions

AGENCY: Committee for Purchase From the Blind and Other Severely Handicapped.

ACTION: Proposed deletions from procurement list.

SUMMARY: The Committee has received proposals to delete from Procurement List 1981 a commodity produced by and a service provided by workshops for the blind or other severely handicapped.

COMMENTS MUST BE RECEIVED ON OR BEFORE: July 29, 1981.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher (703) 557-1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed action.

It is proposed to delete the following commodity and service from Procurement List 1981, November 12, 1980 (45 FR 74836):

Class 6230

Light, Desk
6230-00-843-2077

SIC 7641

Furniture Rehabilitation
Metal and Wood Portions
Fairbanks, Alaska, plus 30-mile radius

C. W. Fletcher,

Executive Director.

[FR Doc. 81-18900 Filed 6-25-81; 8:45 am]

BILLING CODE 6820-33-M

DEPARTMENT OF DEFENSE

Department of the Army

Privacy Act of 1974; Amendments to Systems of Records

AGENCY: Department of the Army, DOD.

ACTION: Proposed deletions and amendment of systems of records.

SUMMARY: The Department of the Army proposes to amend its inventory of systems notices by deleting 3 and amending 1 systems of records subject to the Privacy Act of 1974. Specific changes to the system of records being amended are set forth below, followed by printing the system in its entirety as amended.

DATE: Actions shall be effective as proposed on July 27, 1981 unless comments are received which would result in a further determination and republication.

ADDRESS: Written public comments are invited and may be submitted to Headquarters, Department of the Army, ATTN: DAAG-AMR-R, Room 1146, Hoffman Building I, Alexandria, VA 22331, prior to July 27, 1981.

FOR FURTHER INFORMATION CONTACT: Mrs. Dorothy Karkanen, Office of The Adjutant General (DAAG-AMR-R), HQDA, at the above address; telephone: (703) 325-6163.

SUPPLEMENTARY INFORMATION: Department of the Army systems of records appear in the following editions of the **Federal Register**:

FR Doc 79-37052 (44 FR 73729), December 17, 1979
FR Doc 81-85 (46 FR 1002), January 5, 1981
FR Doc 81-897 (46 FR 6460), January 21, 1981
FR Doc 81-3374 (46 FR 9692), January 29, 1981
FR Doc 81-5885 (46 FR 13544), February 23, 1981
FR Doc 81-7250 (46 FR 15531), March 6, 1981
FR Doc 81-7621 (46 FR 16111), March 11, 1981
FR Doc 81-10724 (46 FR 21220), April 9, 1981
FR Doc 81-10791 (46 FR 21221), April 9, 1981
FR Doc 81-12660 (46 FR 23523), April 27, 1981
FR Doc 81-15109 (46 FR 27518), May 20, 1981
FR Doc 81-16678 (46 FR 29981), June 4, 1981

System being amended does not fall within the criteria of 5 USC 552a(o), as implemented by Transmittal Memoranda 1 and 3 to OMB Circular A-108.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

June 23, 1981.

DELETIONS

AO905.03USAREUR

System name:

Claims Inventory of Active Claims for Medical Care under CHAMPUS (44 FR 73 FR 73920), December 17, 1979.

Reason:

Records are covered by Department of Defense system of records DOCHA 07 (46 FR 31317), June 15, 1981.

AO905.04USAREUR

System name:

Cross Reference List Report of Claims for CHAMPUS (44 FR 73920), December 17, 1979.

Reason:

Records are covered by Department of Defense system of records DOCHA 07 (46 FR 31317), June 15, 1981.

AO905.05DAAG

System name:

Active Claims for Medical Care Provided Under CHAMPUS File (46 FR 6477), January 21, 1981.

Reason:

Records are covered by Department of Defense system or records DOCHA 07 (46 FR 31317), June 15, 1981.

AMENDMENT

AO102.02aDAAG

System name:

Office Business Visitor Files (45 FR 20992), March 31, 1980.

Changes:

System name:

Delete "Business"; after "Visitor", insert: "/Commercial Solicitor".

Categories of individuals covered by the system:

Change to read: "Visitors to Army installations/activities and/or commercial solicitors who . . . Army."

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

After "Visitor's", insert: "/solicitor's".

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Safeguards:

Delete "Division and Branch Chiefs" and substitute therefor: "officials".

AO102.02aDAAG

SYSTEM NAME:

Office Visitor/Commercial Solicitor Files

SYSTEM LOCATION:

Segments may be maintained at Headquarters, Department of the Army, staff and field operating agencies, commands, installations, and supporting activities.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any person who represents an individual, firm, corporation, academic institution, or other enterprise involved in official or business transactions with the Department of the Army and/or its members.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain information which reflect the individual's name, name and address of firm represented, person/office visited, purpose of visit, and status of individual as regards past or present affiliation with the Department of Defense.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C. section 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To provide information to officials of the Army responsible for monitoring/controlling visitor's/solicitor's status and determining purpose of visit so as to preclude conflict of interest.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING FO RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

By name of visitor/solicitor.

SAFEGUARDS:

Records are maintained in file cabinets with access limited to officials having primary interest.

RETENTION AND DISPOSAL:

Retained for 1 year after which records are destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

The Adjutant General, Headquarters, Department of the Army (DAAG-PSI), Washington, DC 20310.

NOTIFICATION PROCEDURE:

Information may be obtained from the commander/supervisor maintaining the information.

RECORD ACCESS PROCEDURES:

Requests should be addressed to appropriate commander. Official mailing addresses are in the Directory of Army addresses preceding the annual compilation of Army system notices published in the **Federal Register**.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

From the individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 81-19043 Filed 6-25-81, 8:45 am]

BILLING CODE 3710-08-M

Department of the Navy

Privacy Act of 1974; Amendment and Deletion of Systems of Records

AGENCY: Department of the Navy (DON), DOD.

ACTION: Amendments to and deletion of system notices.

SUMMARY: The Department of the Navy is amending two system notices and deleting a system notice from its inventory of systems of records subject to the Privacy Act of 1974.

DATE: The proposed actions will be effective without further notice on July 27, 1981, unless comments are received which would result in a contrary determination.

ADDRESSES: Any comments, to include written data, views or arguments concerning the actions proposed should be addressed to the systems managers identified in the systems notices.

FOR FURTHER INFORMATION CONTACT:

Mrs. Gwendolyn R. Aitken, Privacy Act Coordinator, Office of the Chief of Naval Operations (OP-09B1P), Department of the Navy, The Pentagon, Washington, DC 20350. Telephone: 202/694-2004

SUPPLEMENTARY INFORMATION: The Department of the Navy inventory of systems or records notices as prescribed by the Privacy Act of 1974, Title 5 United States Code Section 552a (Pub. L. 93-579; 88 Stat. 1896, et. seq.) have been published in the **Federal Register** at:

FR. Doc. 81-897 (46 FR 6896) January 21, 1981
FR. Doc. 81-3277 (46 FR 9893) January 29, 1981
FR. Doc. 81-10892 (46 FR 21226) April 9, 1981
FR. Doc. 81-13803 (46 FR 25337) May 6, 1981
FR. Doc. 81-14976 (46 FR 27370) May 19, 1981
FR. Doc. 81-17204 (46 FR 30680) June 10, 1981

The proposed corrections are not within the purview of the provisions of 5 U.S.C. 552a(o) of the Act which requires the submission of an altered system report.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

June 23, 1981.

DELETIONS

N61339 WA1144

System name:

Design of Training System Data Base-Instructor File (46 FR 6772), January 21, 1981.

Reason:

This system has been discontinued.

N00600 1NAVTIS

System name:

NAVSCOLS/TIS, USMC Aviation Training Supsys (46 FR 6765), January 21, 1981

Changes:

System name:

Change the system name to read "NAVSCOLS/TIS, USMC Training Support System."

Authority for maintenance of the system:

Change the authority to read: "10 U.S.C. 5031".

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

In line 7, delete the word "aviation".

N96021-431

System name:

Employee Relations Including Discipline, Employee Grievances, Complaints, etc. (46 FR 6805), January 21, 1981.

Changes:

System location:

Add the following to the end of the first sentence: ". . . Commandant of the Marine Corps (Codes MPC-30/HQSG), and Marine Corps field activities employing civilians."

Categories of individuals covered by the system:

After the word "Navy" in lines 1, 4, and 7, insert the words "Marine Corps."

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

After the word "Navy's" in line 15, insert the words, "Marine Corps' ".

System manager(s) and address:

Add the following sentence to the paragraph: "for Marine Corps civilian personnel, the Commandant of the Marine Corps (Code M), Headquarters, U.S. Marine Corps, (Arlington Annex) Washington, DC 20380."

Notification procedures:

Revise the first sentence to read: "Requests should be addressed to the Chief of Naval Operations (OP-14), Department of the Navy, Washington, DC 20350 or the Commandant of the Marine Corps (Code M), Headquarters, U.S. Marine Corps, (Arlington Annex) Washington, DC 20380, Commanding Officers or Heads of Navy or Marine Corps Staff Headquarters and Field Activities." Revise the third sentence to read: "The individual may visit the Chief of Naval Operations (OP-14) or the Commandant of the Marine Corps (Code M), Washington, DC 20380 or the Navy or Marine Corps Activity at which the individual is employed."

N96021-431

SYSTEM NAME:

Employee Relations Including Discipline, Employee Grievances, Complaints, etc.

SYSTEM LOCATION:

Chief of Naval Operations (OP-14), Naval Civilian Personnel Command (NCPC), NCPC Field Divisions, Navy and Navy Staff Headquarters and Field Activities employing Civilians, Commandant of the Marine Corps (Codes MPC-30/HQSG), and Marine Corps field acitivities employing civilians. Mailing addresses are provided in the Department of the Navy Directory, published in the **Federal Register.**

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Navy and Marine Corps civilian employees, paid from appropriated funds serving under career, career-conditional temporary and excepted service appointments on whom dicipline, grievances, and complaints records exist. Discrimination complaints of Navy and Marine Corps civilian employees, paid from appropriated and non-appropriated funds, applicants for employment and former employees in appropriated and non-appropriated positions. Appeals of Navy and Marine Corps civilian employees paid from appropriated funds. Filipino employee appeal case files (Filipinos who are lawfully admitted residents.) Cases reviewed by CINCPAC under Filipino Employment Policy Instructions.

CATEGORIES OF RECORDS IN THE SYSTEM:

Manual files, maintained in paper folders, contain copies of documents and information pertaining to discipline, grievances, complaints, and appeals. Management operation record system consisting of manual file maintained by immediate supervisors and high level managers concerning employee performance, capability, informal discipline, attendance, leave and tardiness, work assignments, and similar work related employee records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 9830, amending the Civil Service Rules and Providing for federal personnel administration, amended by Executive Order 10577 and Executive Order 12106; Executive Order 12107; 5 U.S.C. 1205, 1206, 1302, 3301, 3302, 7105, 7512, relevant portions of the Civil Service Reform Act, Pub. L. 95-454; 42 U.S.C. Sec. 2000e-116 et. seq.; Equal Employment Opportunity Act of 1972, Pub. L. 93-259, amendment to the Fair Labor Standards Act, 29 U.S.C. Sec. 201, et. seq.; Age Discrimination and Employment Act, 29 U.S.C. Sec. 633a; the Rehabilitation Act of 1978 as amended, 29 U.S.C. 791, 794a.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Officials of the Department of the Navy in the performance of their official duties related to the management of civilian employees in the processing, administration, and adjudication of discipline, grievances, complaints, appeals, litigation, and program evaluation. Representatives of the United States Office of Personnel Management on matters relating to the inspection, survey, audit or evaluation of Navy civilian personnel management programs or personnel actions, or such other matters under the Jurisdiction of the Office of Personnel Management. Appeals officers and complaints examiners of the Merit Systems Protection Board and Equal Opportunity Commission for the purpose of conducting hearings in connection with employees appeals from adverse actions and formal discrimination complaints. The Comptroller General or any of his authorized representatives, in the course of the performance of duties of the General Accounting Office relating to the Navy's and Marine Corps' civilian manpower management programs. The Attorney General of the United States or his authorized representatives in connection with litigation, law enforcement, or other matters under the direct jurisdiction of the Department of Justice or carried out as the legal representative of the Executive Branch

agencies. The Senate or the House of Representatives of the United States or any member, committee or subcommittee of joint committees on matters within their jurisdiction relating to the above programs. The records may also be used to disclose information to any source from which additional information is requested in the course of processing a grievance or appeal to the extent necessary to identify the individual, inform the source of the purpose(s) of the request and identify the type of information requested. The records may also be used to disclose information to a federal agency in response to its request in connection with the hiring or retention of an employee, the issuance of a security clearance, the conducting of a security or suitability investigation of an individual, the classifying of jobs, the letting of a contract or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary. The records may be used by the National Archives and Records Service (General Services Administration) in records management inspection conducted under authority of 5 U.S.C. 2904 and 2906. The records may be used to disclose, in response to a request for discovery or for appearance of a witness, information that is relevant to the subject matter involved in the pending judicial or administrative proceeding. The records may also be used to provide information to officials of labor organizations recognized under the Civil Service Reform Act when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices and matters affecting working conditions.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual records are stored in paper folders.

RETRIEVABILITY:

Manual records are filed by last name.

SAFEGUARDS:

All records are stored under strict control, and are available only to authorized personnel having a need to know.

RETENTION AND DISPOSAL:

Manual records are destroyed upon separation of the employee from the activity, or in accordance with appropriate record disposal schedule.

SYSTEM MANAGER(S) AND ADDRESS:

Chief of Naval Operations (OP–14), Department of the Navy, Washington, DC 20350. For the Marine Corps civilian personnel, the Commandant of the Marine Corps (Code M), Headquarters, U.S. Marine Corps, (Arlington Annex) Washington, DC 20380.

NOTIFICATION PROCEDURES:

Requests should be addressed to the Chief of Naval Operations (OP–14), Department of the Navy, Washington, DC 20350 or the Commandant of the Marine Corps (Code M), Headquarters, U.S. Marine Corps, (Arlington Annex) Washington, DC 20380, Commanding Officers or Heads of Navy or Marine Corps Staff Headquarters and Field Activities. The letter should contain the full name, social security number, and signature of the requester. The individual may visit the Chief of Naval Operations (OP–14) or the Commandant of the Marine Corps (Code M), Washington, DC 20380 or the Navy or Marine Corps activity at which the individual is employed. The addresses of these activities are provided in the Department of the Navy Directory, published in the **Federal Register**.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Supervisors or other appointed officials designated for this purpose.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

N00600 1 NAVTIS

SYSTEM NAME:

NAVSCOLS/TIS, USMC Training Support System

SYSTEM LOCATION:

Schools and other training activities or similar organizational elements of the Department of the Navy and Marine Corps as listed in the directory of Department of Navy activities.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Records of present, former, and prospective students at Navy and Marine Corps schools and other training activities or associated educational institution of Navy sponsored programs; instructors, staff and support personnel; participants associated with activities of the Naval Education and Training Command, including the Navy Campus for Achievement and other training programs; tutorial and tutorial volunteer programs; dependents's schooling.

CATEGORIES OF RECORDS IN THE SYSTEM:

Schools and personnel training programs administration and evaluation records. Such records as basic identification records i.e., social security number, name, sex, date of birth, personnel records i.e., rank/rate/grade, branch of service billet, expiration of active obligated service, professional records i.e., Navy enlisted classification, military occupational specialty for Marines subspecialty codes, test scores, basic test battery scores, and Navy advancement test scores. Educational records i.e., education levels, service and civilian schools attended, degrees, majors, personnel assignment data, course achievement data, class grades, class standing, and attrition categories. Academic/training records, manual and mechanized, and other records of educational and professional accomplishment.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 5031.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Schools and training programs administration and evaluation. Student performance, progression and prediction; instructors performance, organizational and administrative control. Internal Navy users are Chief of Naval Personnel, Naval Education and Training Command Activities Staff Personnel and the Commandant of the Marine Corps and his designated officials in the performance of their duties relating to training/assignments. Type commanders; Health/Science Education Training Center; Chief, Bureau of Medicine and Surgery; Commander Naval Recruiting Command, and to other Department of the Navy officials in the performance of personnel training functions. Information may be used to determine course and training demands, requirement, and achievements; analyze student groups or courses; provide academic and performance evaluation in response to official inquiries; guidance and counseling of students; preparation of required reports, and for other training administration and planning purposes. Internal users are

staff and faculty. Information is provided to officials of the Department of Defense on "need-to-know" basis in the performance of their official duties; and for reporting to other governmental agencies, such as the Department of Education. It may be provided to such civilian contractors and their employees as are or may be operating in accordance with an approved official contract with the U.S. Government.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in microform or in file folders, card files, file drawers, cabinets, or other filing equipment. Automated records may be stored on magnetic tape, discs, punched cards, etc.

RETRIEVABILITY:

Social security number and name.

SAFEGUARDS:

Access is provided on a "need-to-know" basis and to authorized personnel only. Records are maintained in controlled access rooms or areas. Data is limited to personnel training associated information. Computer terminal access is controlled by terminal identification and the password or similar system. Terminal identification is positive and maintained by control points. Physical access to terminals is restricted to specifically authorized individuals. Password authorization, assignment and monitoring are the responsibility of the functional managers. Information provided via batch processing is of a predetermined and rigidly formatted nature. Output is controlled by the functional managers who also control the distribution of output.

RETENTION AND DISPOSAL:

Records disposal manual.

SYSTEM MANAGER(S) AND ADDRESS:

The commanding officer of the activity in question. See the directory of Navy and Marine Corps activities mailing addresses.

NOTIFICATION PROCEDURES:

Apply to system manager. Requester should provide his/her full name, social security number, military or civilian duty status, if applicable, and other data when appropriate, such as graduation date. Visitors should present drivers license, military or Navy civilian employment identification card, or other similar identification.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Individuals, schools and educational institutions, Chief of Naval Personnel, staff of Naval Education and Training Command and other activities and the Commandant of the Marine Corps; instructor personnel; and Commander, Naval Recruiting Command.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 81-19040 Filed 6-25-81; 8:45 am]
BILLING CODE 3810-71-M

Privacy Act of 1974; Addition of New System of Records

AGENCY: Department of the Navy (DON), DOD.

ACTION: Addition of a new system of records.

SUMMARY: The Department of the Navy proposes to add a new system of records to its inventory of systems of records subject to the Privacy Act of 1974. The system notice for the system of records is set forth below.

DATES: The proposed action will be effective without further notice (30 days after publication), unless comments are received which would result in a contrary determination.

ADDRESSES: Any comments, to include written data, views or arguments concerning the actions proposed should be addressd to the system manager identified in the systems notices.

FOR FURTHER INFORMATION CONTACT: Mrs. Gwendolyn R. Aitken, Privacy Act Coordinator, Office of the Chief of Naval Operations (OP-09B1P), Department of the Navy, The Pentagon, Washington, D.C. 20350. Telephone: 202/694-2004.

SUPPLEMENTARY INFORMATION: The Department of the Navy inventory of systems of records notices as prescribed by the Privacy Act of 1974, Title 5, United States Code, Section 552a (Pub. L. 93-579; 88 Stat et seq.) have been published in the **Federal Register** at;

FR Doc. 81-897 (46 FR 6696) January 21, 1981
FR Doc. 81-3277 (46 FR 9693) January 29, 1981
FR Doc. 81-10892 (46 FR 212267) April 9, 1981

The Navy submitted a new system report for this system under the provisions of 5 U.S.C. 552a(o) on May 18, 1981.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters services, Department of Defense.

June 23,1981.

N7500 STAFS

SYSTEM NAME:

NIF RDT&E Standard Automated Financial System (STAFS).

SYSTEM LOCATION:

Naval Industrial Fund Research, Development, Test and Evaluation Activities (NIF RDT&E): (1) Naval Air Development Center (NADC), Warminster, Pennsylvania; (2) Naval Coastal Center (NCSC), Panama City, Florida; (3) Naval Surface Weapons Center (NSWC), Dahlgren, Virginia; (4) David W. Taylor Naval Ship Research and Development Center (DTNRDC), Bethesda, Maryland; (5) Naval Ocean Systems Center (NOSC), San Diego, California; (6) Naval Underwater Systems Center (NUSC), Newport, Rhode Island; (7) Naval Weapons Center (NWC), China Lake, California; (8) Naval Air Engineering Center (NAEC), Lakehurst, New Jersey; (9) Naval Air Propulsion Center (NAPC), Trenton, New Jersey; (10) Naval Air Test Center (NATC), Patuxent River, Maryland; (11) Pacific Missile Test Center (PMTC), Pt. Mugu, California; (12) Civil Engineering Laboratory (CEL), Pt. Hueneme, California; and (13) Naval Research Laboratory (NRL), Washington, D.C. Official mailing addresses are in the Navy's Address Directory in the appendix to the Navy Department's systems notices appearing in the **Federal Register**.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Records of present, former, and prospective military personnel assigned to, and civilian personnel employed by the 13 activities listed above.

CATORIES OF RECORDS IN THE SYSTEM:

Personnel, payroll, travel and locator records, and work history for billing for services provided to other naval activities.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 2208, Title IV.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Employees of the Department of the Navy in the peformance of their duties relating to the preparation of rosters and locators, contact with appropriate personnel in emergencies, continuity of operations planning and execution, determination of clearance for access control, budget and manpower control, minority and occupation statistics, labor costing, customer billing, watch bill preparation, civilian grade control, and similar administrative uses requiring personnel information, reimburse travelers for travel expenses, historic file and audit trail for payments made by the Navy, respond to inquiries from travels on status of claims, control travel advances, pay, record and account for government expenditures for personal services of Navy employees, time and attendance information, federal, state and city tax information.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders, magnetic tape, magnetic disc.

RETRIEVABILITY:

By name, SSN, organization, job order, values and ranges of values, other relationships defined by the system manager.

SAFEGUARDS:

Password controlled system, file, and element access based on predefined need to know. Physical access to terminals, terminal rooms, buildings and activities' grounds are controlled by locked terminals and rooms, guards, personnel screening and visitor registers.

RETENTION AND DISPOSAL:

Records are retained locally for two years, shipped to remote storage for four years, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Commanding Officer of the activity in question. See directory of Department of the Navy mailing addresses.

NOTIFICATION PROCEDURES:

Apply to system manager.

RECORDS ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Individuals concerned, other records of the activity concerned, other records of activity supervisors, investigators, witnesses, correspondents.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 81-19041 Filed 6-25-81; 8:45 am]

BILLING CODE 3810-71-M

Office of the Secretary

Privacy Act of 1974; Amendments and Deletions of System Notices

AGENCY: Office of the Secretary of Defense (OSD).

ACTION: Notice of amendments and deletions of system notices.

SUMMARY: The Office of the Secreatary of Defense proposes to delete the notices for two systems of records and individually combine them with two existing systems which are subject to the Privacy Act of 1974. In addition the system notice for another system of records in being amended. The specific amendments to these system notices are set forth below followed by the amended system notices in their entirety.

DATE: These shall be effective without further notice on July 27, 1981, unless comments are received which would result in a contrary determination.

ADDRESSES: Send any comments to the System Manager identified in the system notices.

FOR FURTHER INFORMATION CONTACT: Norma Cook, Privacy Act Officer, ODASD(A), Room 5C-315, Pentagon, Washington, D.C. 20301. Telephone: 202/695-0970.

SUPPLEMENTARY INFORMATION: The Office of the Secretary of Defense (OSD) systems of records notices as prescribed by the Privacy Act have been published in the **Federal Register** at:

FR Doc. 81-897 (46 FR 6427) January 21, 1981
FR Doc. 81-5568 (46 FR 12772) February 16, 1981
FR Doc. 81-6246 (46 FR 14031) February 25, 1981
FR Doc. 81-6491 (46 FR 14154) February 26, 1981
FR Doc. 81-7597 (46 FR 16114) March 11, 1981
FR Doc. 81-8041 (46 FR 16928) March 16, 1981
FR Doc. 81-8127 (46 FR 17074) March 17, 1981
FR Doc. 81-8281 (46 FR 17243) March 18, 1981
FR Doc. 81-8282 (46 FR 17243) March 18, 1981
FR Doc. 81-10201 (46 FR 20280) April 3, 1981
FR Doc. 81-11473 (46 FR 22257) April 16, 1981
FR Doc. 81-11785 (46 FR 22832) April 20, 1981

Only the amendments to system DWHS P02 fall within the purview of subsection 552a(o) of the Privacy Act of 1974, Title 5, United States Code Section 552a (Pub. L. 93-579; 88 Stat. et seq.) a report of an altered system was submitted for DWHS P02 on May 20, 1981.

M.S. Healy,
OSD Federal Register Liaison Officer, Department of Defense.
June 23, 1981.

Deletions

DWHS P10

System Name:

Long Term Training Program Files.

Reason:

Combined with system DWHS P30, entitled; "Executive Development Program and Training Files," as amended.

DWHS P30

System Name:

Labor Management Relations Records System

Reason:

Combined with system DWHS P37, entitled: "Grievance and Unfair Labor Practices Records," as amended.

DWHS P02

System name:

Job Opportunity Announcements (46 FR 6427, January 21, 1981).

Changes:

Storage:

Delete the period at the end of the entry, and insert: "and in a stand alone Word Processing Machine (IBM SYSTEM 6) on floppy disks.".

Safeguards:

At the end of the entry, insert: "Computer files are stored on floppy disks in the same area.".

Amendments

DWHS P12

System name:

Executive Development Programs File (46 FR 6427, January 21, 1981).

Changes:

System name:

Delete the above system name, and insert: "Executive Development Program and Training File.".

Categories of individuals covered by the system:

Insert "and training" after the word "development".

Categories of records in the system:

After the word "plans," on the first line, insert: "optional forms 37 and 170, DD Form 1556, SD forms 446 and 447, training record card file,".

Internal users, uses, and purposes:

Delete the period at the end of the entry, and insert: "and training assignments.".

DWHS P37

System name:

Grievance Records (46 FR 6427, January 21, 1981).

Changes:

System name:

Insert "and Unfair Labor Practices" after the word "Grievance".

Categories of individuals covered by the system:

Delete the word "procedure." at the end of the entry, and insert: "procedure, to include E.O. 11491, as amended.".

Categories of records in the system:

Insert the following sentence at the end of the entry: "Folder contains all information pertaining to a specific arbitration case or specific unfair labor practice complaint, including a manual roster of local union officials and union stewards.".

Authority for maintenance of the system:

Delete the period at the end of the entry and insert: ", and E.O. 11491.".

External users, uses, and purposes:

Insert a new paragraph at the end of the entry:

"j. To provide information to the Comtroller General or any of his authorized representatives, in the course of the performance of duties of the General Accounting Office relating to the Labor Management Relations Program.".

Retrievability:

Delete the entry under the above heading, and insert:

"These records are retrieved by case subject, case number, and/or individual employee names.".

Retention and disposal:

Delete the entry under the above heading, and insert:

"Case files are permanently maintained. Other records are normally destroyed after supersession.".

Contesting record procedures:

Delete the last two lines of the entry under the above heading, and insert: "CFR Part 286b, and OSD Administrative Instruction No. 81.".

Record source categories:

Delete the entry under the above heading, and insert:

"Information in this system of records is provided by the individual on whom the record is maintained; by testimony of witnesses; by Agency officials; from related correspondence from organizations or persons; or from Arbitrator's Office, Office of the Assistant Secretary of Labor for Labor-Management Relations, Union Headquarters Officers.".

DWHS P02

SYSTEM NAME:

Job Opportunity Announcements.

SYSTEM LOCATION:

Directorate for Personnel and Security, Washington Headquarters Services (WHS), Department of Defense, Pentagon, Room 3B347, Washington, D.C. 20301.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any applicant for employment who applies for a specific vacancy.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains copies of SF–171's plus any attachments submitted by applicant, copies of supervisory appraisals, copies of Job Opportunity Announcement, original certificate of eligibles, rating sheet for all applicants, rating schedule or definition of "best qualified" and copies of nonselection and not certified letters.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 3301

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

INTERNAL USERS, USES, AND PURPOSES:

Personnel and Security Directorate—To advertise vacant positions and to solicit applications for employment from qualified individuals for organizations serviced. Armed Forces Information Service (AFIS), Court of Military Appeals (COMA), Defense Advanced Research Projects Agency (DARPA), Defense Security Assistance Agency (DSAA), Office of Dependents Education, Organization of the Joint Chiefs of Staff (OJCS), TriService Medical Information System (TRIMIS), and Washington Headquarters Services (WHS), are part of rountine users.

EXTERNAL USERS, USES, AND PURPOSES:

See Office of the Secretary of Defense (OSD) Blanket Routine Uses at the head of this Component's published system notices.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, AND RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Documents filed in folders by Job Opportunity Announcement (JOA) number and title, series and grade of position.

STORAGE:

Paper records in file folders and in a stand alone Word Processing Machine (IBM SYSTEM6) on floppy disks.

RETRIEVABILITY:

Filed by Job Opportunity Announcement (JOA) number and title.

SAFEGUARDS:

Building employs security guards. Records are maintained in file cabinets in areas accessible only to authorized personnel who are properly screened and trained. Computer access is in controlled areas. Dial-up computer terminal access is controlled by user passwords that are periodically. changed. Computer files are stored on floppy disks in the same area.

RETENTION AND DISPOSAL:

Records are maintained for a two-year period or Office of Personnel Managment (OPM) inspection, whichever occurs earlier. Then they are destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Director for Personnel and Security, WHS, Room 3B347, Pentagon, Washington, D.C. 20301.

NOTIFICATION PROCEDURE:

Information may be obtained from: Directorate for Personnel and Security, WHS, Room 3B347, Pentagon, Washington D.C. 20301. Telephone 202–697–3305.

RECORD ACCESS PROCEDURES:

Request from individuals should be addressed to the above System Manager.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32

CFR Part 286b and OSD Administrative Instruction No. 81.

RECORD SOURCE CATEGORIES:

Application and related forms from the individual applying for position, supervisory appraisals from current or previous employers, forms completed by persons whose names are given as reference, ratings and correspondence from Directorate for Personnel and Security, WHS, and supervisory officials.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

DWHS P12

SYSTEM NAME:

Executive Development Program and Training Files.

SYSTEM LOCATION:

Directorate for Personnel and Security, Washington Headquarters Services (WHS), Department of Defense, Room 3B347, Pentagon, Washington, D.C. 20301.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees applying for executive development and training programs.

CATEGORIES OF RECORDS IN THE SYSTEM:

Optional Form 69 individual development plans, optional forms 37 and 170, DD form 1556, SD forms 446 and 447, Training Record Card File, SF 171, SF59, which contain name, social security number, date of birth, home address, annual salary, and office and home telephone numbers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 4101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

INTERNAL USERS, USES, AND PURPOSES:

Personnel and Security Directorate—To determine eligibility for specialized development programs and training assignments.

EXTERNAL USERS, USES, AND PURPOSES:

The Office of Personnel Management (OPM) for information necessary for OPM to carry out its Government-wide personnel management fuctions.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

To ensure that complete records are maintained for program evaluation purposes.

STORAGE:

Metal five drawer legal size file cabinet without lock.

RETRIEVABILITY:

Filed by training program name and employee name.

SAFEGUARDS:

Building has security guards. File is maintained in an area which is secured during nonworking hours.

RETENTION AND DISPOSAL:

Records are permanent.

SYSTEM MANAGER(S) AND ADDRESS:

Director for Personnel and Security, WHS, Room 3B347, Pentagon, Washington, D.C. 20301.

NOTIFICATION PROCEDURE:

Information may be obtained from: Directorate for Personnel and Security, WHS, Room 3B347, Pentagon, Washington, D.C. 20301. Telephone: 202-697-3305.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to the above System Manager.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 CFR Part 286b, and OSD Administrative Instruction No. 81.

RECORD SOURCE CATEGORIES:

Employees submit application forms.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

DWHS P37

SYSTEM NAME:

Grievance and Unfair Labor Practices Records.

SYSTEM LOCATION:

Directorate for Personnel and Security, Washington Headquarters Services (WHS), Department of Defense, Room 3B347, Pentagon, Washington, D.C. 20301

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current or former Federal employees who have submitted grievances in accordance with 5 U.S.C.2302, and 5 U.S.C. 7121, or a negotiated procedure, to include E.O. 11491, as amended.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains records relating to grievances filed by Office of the Secretary of Defense (OSD) employees under 5 U.S.C. 2302, and 5 U.S.C. 7121. These case files contain all documents related to the grievances, including statements of witnesses, reports of interviews and hearings, examiner's findings and recommendations, a copy of the original and final decision, and related correspondence and exhibits. This system includes files and records of internal grievance and arbitration systems that OSD may establish through negotiations with recognized labor organizations. Folder contains all information pertaining to a specific arbitration case or specific unfair labor practice complaint, including a manual roster of local union officials and union stewards.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 2302, 5 U.S.C. 7121, and E.O. 11491.

ROUTINES USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING THE CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

INTERNAL USERS, USES, AND PURPOSES:

This information is used by the Office of the Secretary of Defense (OSD) in the creation and maintenance of records of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related work force studies. While published statistics and studies do not contain individual identifiers, in some instances the selection of elements of data included in the study may be structured in such a way as to make the data individually identifiable by reference.

EXTERNAL USERS, USES, AND PURPOSES:

These records and information in these records are used:

a. To disclose pertinent information to the appropriate Federal, state, or local agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation.

b. To disclose information to any source from which additional information is requested in the course of processing a grievance, to the extent necessary to identify the individual, inform the source of the purpose(s) of the request, and identify the type of information requested.

c. To disclose information to a Federal agency, in response to its request, in connection with the hiring or retention of an employee; the issuance of a

security clearance; the conducting of a security or suitability investigation of an individual; the classifying of jobs; the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to requesting the Agency's decision on the matter.

d. To provide information to a Congressional office from the record of an individual, in response to an inquiry from that Congressional office, made at the request of that individual.

e. To disclose information to another Federal agency or to a court when the Government is party to a judicial proceeding before the court.

f. By the National Archives and Records Service (General Services Administration) in records management inspections conducted under authority of 44 U.S.C. 2906.

g. To disclose information to officials of the Merit Systems Protection Board, including the Office of the Special Counsel; the Federal Labor Relations Authority and its General Counsel; or the Equal Employment Opportunity Commission, when requested in performance of their authorized duties.

h. To disclose in response to a request for discovery or for appearance of a witness, information that is relevant to the subject matter involved in a pending judicial or administrative proceeding.

i. To provide information to officials of labor organizations reorganized under the Civil Service Reform Act when relevant and necessary to their duties, exclusive representation concerning personnel polices, practices, and matters affecting work conditions.

j. To provide information to the Comptroller General or any of his authorized representatives, in the course of the performance of duties of the General Accounting Office relating to the Labor Management Relations Program.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records maintained in file folders.

RETRIEVABILITY:

These records are retrieved by case subject, case number, and/or individual employee names.

SAFEGUARDS:

These records are maintained in locked metal file cabinets, to which only OSD authorized personnel have access.

RETENTION AND DISPOSAL:

Case files are permanently maintained. Other records are normally destroyed after supersession.

SYSTEM MANAGER(S) AND ADDRESS:

Director for Personnel and Security, Washington Headquarters Services (WHS), Department of Defense, Room 3B347, Pentagon, Washington, D.C. 20301.

NOTIFICATION PROCEDURE:

Information may be obtained from Directorate for Personnel and Security, Washington Headquarters Services (WHS), Department of Defense, Room 3B347, Pentagon, Washington, D.C. 20301. Telephone: 202-697-3305.

RECORD ACCESS PROCEDURES:

Request for access to records may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 CFR Part 286b, and OSD Administrative Instruction No. 81.

RECORD SOURCE CATEGORIES:

Information in this system of records in provided by the individual on whom the record is maintained; by testimony of witnesses; by Agency officials, from related correspondence from organizations or persons; or from Arbitrator's Office, Office of the Assistant Secretary of Labor for Labor-Management Relations, Union Headquarters Officers.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 81-19042 Filed 6-25-81; 8:45 am]
BILLING CODE 3810-70-M

DEPARTMENT OF EDUCATION

National Advisory Council on Indian Education; Meeting

AGENCY: National Advisory Council on Indian Education.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the scheduled and proposed agenda of a forthcoming preliminary hearing of the Legislative, Rules and Regulations Committee of the National Advisory Council on Indian Education concerning the Reauthorization of Indian Education Act, Public Law 92-318, which expires September 30, 1983. Written testimony is required. Oral testimony is limited to a 5-10 minute summary of the written testimony. Notice of this meeting is required under section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the general public of their opportunity to attend.

DATES: Preliminary Hearing: August 4, 1981, 9:00 a.m. to 5:00 p.m. Strategy/Planning Session: August 5, 1981, 9:00 a.m. to 5:00 p.m., and August 6, 1981, 9:00 a.m. to 5:00 p.m.

ADDRESSES: San Diego State University, North Education Building, Room 60, Intersection of College Avenue and Interstate 8, San Diego, California 92182 for the August 4, 1981, hearing (714-265-6991). Howard Johnson's Motel, 4545 Waring Road, San Diego, California 92120 for the August 5-6, 1981, strategy/planning session (714-286-7000).

FOR FURTHER INFORMATION CONTACT: Dr. Michael P. Doss, Executive Director, National Advisory Council on Indian Education, 425 13th Street, N.W., Suite 326, Washington, D.C. 20004 (202/376-8882).

SUPPLEMENTARY INFORMATION: The National Advisory Council on Indian Education is established under Section 442 of the Indian Education Act, Title IV of Pub. L. 92-318, (20 U.S.C. 1221g). The Council is established to:

(1) submit to the Secretary of Education a list of nominees for the position of Deputy Assistant Secretary for Indian Education;

(2) advise the Secretary of Education with respect to the administration (including the development of regulations and of administrative practices and policies) of any program in which Indian children or adults participate from which they can benefit, including Title III of the Act of September 30, 1950 (P.L. 81-874) and Section 810, Title VIII of the Elementary and Secondary Education Act of 1965 (as added by Title IV of P.L. 92-318 and amended by P.L. 93-380), and with respect to adequate funding thereof;

(3) review applications for assistance under Title III of the Act of September 30, 1950 (P.L. 81-874), Section 810 of Title VIII of the Elementary and Secondary Education Act of 1965 as amended and Section 314 of the Adult Education Act (as added by Title IV of P.L.92-318), and make recommendations to the Secretary with respect to their approval;

(4) evaluate programs and projects carried out under any program of the Department of Education in which Indian children or adults can participate or from which they can benefit and, disseminate the results of such evaluations;

(5) provide technical assistance to local educational agencies and to Indian educational agencies, institutions and organizations to assist them in improving the education of Indian children;

(6) assist the Secretary of Education in developing criteria and regulations for the administration and evaluation of grants made under Section 303(b) of the Act of September 30, 1950 (P.L. 81–874) as added by Title IV, Part A, of P.L. 92–318;

(7) submit to the Congress not later than June 30 of each year a report of its activities, which shall include any recommendation it may deem necessary for the improvement of Federal education programs in which Indian children and adults participate, or from which they can benefit, which report shall include a statement of the Council's recommendations to the Secretary with respect to the funding of any such programs; and,

(8) be consulted by the Secretary of Eduction regarding the definition of term "Indian," as follows:

Sec. 453 [Title IV, P.L. 92–318]. For the purpose of this title, the term "Indian" means any individual who (1) is a member of a tribe, band or other organized group of Indians, including those tribes, bands or groups terminated since 1940 and those recognized now or in the future by the State in which they reside or, who is a descendant, in the first or second degree, of any such member; or, (2) is considered by the Secretary of the Interior to be an Indian for any purpose; or, (3) is an Eskimo or aleut or other Alaska Native; or, (4) is determined to be an Indian under regulations promulgated by the Secretary, after consultation with the National Advisory Council on Indian Education which regulations shall further define the term "Indian."

The hearing and the strategy/planning session will be open to the public. The proposed agenda includes: Preliminary public hearings of the reauthorization of the Indian Education Act, Public Law 92–318 and, a strategy/planning session for the Reauthorization of the Indian Education Act.

Records shall be kept of all Council proceedings and shall be available for public inspection at the office of the National Advisory Council on Indian Education located at 425 13th Street, NW, Suite 326, Washington, D.C. 20004.

Date: June 15, 1981. Signed at Washington, D.C.

Dr. Michael P. Doss,

Executive Director, National Advisory Council on Indian Education.

[FR Doc. 81–18954 Filed 6–25–81; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Bonneville Power Administration

Proposed 1981 Wholesale Rate Increase; Finding of No Significant Impact

AGENCY: Bonneville Power Administration, Department of Energy.

ACTION: Finding of No Significant Impact, Bonneville Power Administration's Proposed 1981 Wholesale Power Rate Increase.

SUMMARY: Bonneville Power Administration (Bonneville) proposes to increase its revenues by 78.5 percent ($492.0 million) to (1) meet repayment obligations for Federal Columbia River Power System resources, (2) pay the cost of new resources acquired by the Administrator to meet his firm power supply obligations pursuant to Section 5 of the Pacific Northwest Electric Power Planning and Conservation Act (Regional Act), and (3) to pay the cost of the Administrator's transmission, conservation, and other programs pursuant to the Regional Act, the Federal Columbia River Transmission System Act, and the Bonneville Project Act. An additional amount of annual revenue (estimated to be between $351 million and $488 million) will be derived beginning in October 1981 from Bonneville's direct-service industrial customers in order to recover the cost of residential exchange resources acquired by the Administrator under Section 5(c) of the Regional Act. The exact amount will not be determined until an average system cost methodology is developed in a separate approval process. Bonneville proposes to recover its increased revenue requirement by raising wholesale power rates charged for electricity produced, acquired, and transmitted by Bonneville.

Bonneville has prepared an environmental assessment on the proposed wholesale rate increase. A draft environmental assessment was circulated for public review. A final environmental assessment was prepared on the basis of the draft and comments received on the draft. This Finding of No Significant Impact is based on the information in the final environmental assessment.

SUPPLEMENTARY INFORMATION:

I. Description of the Proposal

Bonneville's proposed rates would result in a revenue increase from the sale of power produced by Federal base system resources and new resources acquired by the Administrator pursuant to Section 5 of the Regional Act of 78.5 percent. The increase in projected revenue to be recovered from Bonneville's preference customers will average approximately 59 percent. Because Bonneville has not previously provided service under the (7)(f) rate of the residential exchange there is no base on which to calculate an increase. The increase in revenue from direct-service industries will range from 175 percent to 250 percent. The exact amount of the increase in rates to direct-service industrial customers is presently unknown. It will depend on which utilities participate in the residential exchange, the amounts of power exchanged, and the determination of the average sysem costs of participants.

In developing the rate structures to recover Bonneville's revenue requirement, a number of considerations were reflected in the rate development process. The results of Bonneville's (1) Time-Differentiated Pricing, (2) Long Run Incremental Cost and (3) Cost-of-Service Analyses were used in designing the proposed rate schedules.

As a result of the use of the above mentioned studies in the rate development process, Bonneville's proposed rates reflect seasonal and diurnal differences in the cost of providing service, as well as the costs incurred to provide service to each class of service. Certain adjustments in the allocation of excess revenues from nonfirm energy sales reflect the relationship between the long run incremental costs of energy and capacity. The classification of Bonneville's generation costs to capacity and energy also reflects the results of its Long Run Incremental Cost Analysis. The reflection of these studies resulted in rates which contained higher energy charges, but lower capacity charges, than rates based solely on an embedded cost classification method.

Nine separate rate schedules are contained in the wholesale power rate proposal. The PF–1 rate schedule would apply to the sale of firm power to utilities participating in the residential exchange for service of 60 percent of their residential and small farm loads and to preference customers for service of their total net requirements exclusive of large new single loads as identified in Section 3(13) of the Regional Act. The PF–1 rate contains diurnally and seasonally differentiated charges for capacity and seasonally differentiated rates for energy.

The RP–1 rate schedule would be applied to the sale of firm power required to meet unanticipated load growth of existing customers, sales to customers which have no contracts in

force with Bonneville, and sales which Bonneville determines are covered under no other rate schedule. The schedule has separate charges for demand and energy. The capacity charge is seasonally differentiated and is based on Bonneville's long run incremental cost of capacity. The energy charge is uniform throughout the year and is based on Bonneville's long run incremental cost of energy.

The IP–1 rate schedule would be applied to the sale of industrial firm power to Bonneville's existing direct-service industrial customers. Prior to October 1, 1981, the IP–1 rate would be the same as the PF–1 priority firm rate, minus an adjustment to reflect the credit assigned to the direct-service industries in recognition of the reserves which they provide to Bonneville. Commencing on October 1, 1981, the IP–1 rate would be increased by an amount sufficient to recover the cost of residential exchange resources acquired by the Administrator pursuant to the provisions of Section 5(c) of the Regional Act.

The MP–1 rate schedule would be applied to the sale of modified firm power and the sale of authorized increase power on either an intermittent or contract demand basis to existing direct-service industrial customers. The MP–1 rate would be identical to the IP–1 rate except that it would reflect no adjustment relative to the value of reserves.

The CF–1 rate schedule would be applied to the sale of firm capacity on a contract demand basis either during a contract year or during a contract season (June 1 through October 31). An additional variable charge is applied in the event a purchaser's demand duration during a month exceeds nine hours. The monthly contract year charge is equal to the average of the monthly winter and summer peak period charges for capacity contained in the PF–1 firm power rate schedule. The contract season charge is based on a 20.9 percent general inflation rate escalation of the summer charge contained in the existing F–7 Rate schedule.

The CE–1 rate schedule would be applied to the sale of emergency capacity to a purchaser when Bonneville determines that an emergency condition exists on the purchaser's system and Bonneville has capacity available to serve the purchaser's needs. The CE–1 rate is based on the CF–1 rate per kilowattyear divided by the number of weeks in a year multiplied by 1.15 (in order to cover additional administrative and general costs). An additional cost based charge is made for deliveries made over the Pacific Northwest/Pacific Southwest Intertie.

The FE–1 rate schedule would be applied to the sale of firm energy for uses, in amounts, and during periods specified by contract. The FE–1 rate is based on the annual average cost of firm power assuming a 100 percent load factor at the PF–1 rate.

The NF–1 rate schedule would be applied to the sale of energy on a nonfirm basis. The NF–1 rate is designed to reflect the cost of resources used to produce nonfirm energy which may include the following: (1) the diurnally differentiated cost of hydroelectric power, (2) the cost of purchase power, (3) the cost of other resources which have been operated, or (4) a weighted average based on costs from the preceding categories. A charge of two mills per kilowatthour representing the average cost of transmission is added to this charge.

The NR–1 rate schedule would be applied to the sale of firm power to investor-owned utilities to meet existing deficits and load growth and to public bodies and cooperatives to serve large new single loads. The NR–1 rate is based on the costs of new resources acquired by the Administrator adjusted downward based on revenues received from the sale of nonfirm energy from these resources. The demand charge was set equal to the PF–1 demand charge. The energy charge was designed to recover all remaining costs recoverable under the rate. Both the demand and energy charges are seasonally differentiated proportionate to the seasonal differentiation in the PF–1 rate. The demand charge is diurnally differentiated proportionate to the differentiation in the PF–1 demand charge.

Alternative revenue levels and rate designs were considered by Bonneville in developing the draft and final environmental assessments. Alternative revenue levels for the Federal base system resources which were analyzed included a no-action alternative, a 30-percent revenue increase based on an assumed limitation of the costs of net-billed nuclear facilities for which Bonneville is responsible, and a 720-percent increase which would result from long run incremental cost pricing.

Due to their inability to permit Bonneville to meet its statutorily mandated repayment requirements, the no action and 30 percent increase alternatives were not proposed. Adoption of the long run incremental cost alternative would result in violation of the requirement the Bonneville provide power at rates designed to encourage the widest possible use of electricity at the lowest cost consistent with sound business principles.

Alternative rate designs which Bonneville considered include rates designed to reflect the inverse elasticity rule, tiered rates, fixed or share-the-savings rates for nonfirm energy, fixed or time-differentiated firm capacity rates, and differing values for the reserve credit applied to the industrial firm power rate.

Due to the insufficiency and questionable reliability of existing estimates of the price elasticities of demand of Bonneville's customer groups, rates based on the inverse elasticity rule were not proposed. Due to the inconclusive nature of currently available evidence concerning their potential for encouraging conservation, tiered rates were not proposed. Because they would be less consistent than the proposed rate with Bonneville's objective to design rates to reflect cost causation while allowing the agency to respond prudently to varying market conditions, fixed and share-the-savings rates for nonfirm energy were not proposed. Fixed or time-differentiated firm capacity rates were considered less consistent with Bonneville's general cost causation approach to rate design than the design of the proposed firm capacity rate. The alternative values of reserve credit considered were judged less consistent with both the value of the reserves and the price at which the direct-service industrial customers are eligible to purchase power from Bonneville than is the case for the proposed value of reserves adjustment.

The alternative revenue levels and alternative rate designs are discussed in greater detail in the Environmental Assessment.

II. Discussion of Impacts

Two factors must be taken into account in evaluating the potential impact of Bonneville's wholesale power rates. The first of these is revenue level. Revenue level refers to the total amount of revenue projected to be recovered under a given set of power rates. Bonneville's rates are designed to achieve a revenue level which will permit Bonneville to meet its repayment requirement. The repayment requirement is a reflection of the legal guidelines of cost recovery under which Bonneville operates. These guidelines are set forth in the Bonneville Project Act, Authorization for the Third Powerhouse at Grand Coulee, the Federal Columbia River Transmission System Act, and the Pacific Northwest Electric Power Planning and Conservation Act (Regional Act).

The second factor in rate development is that of rate design. Once Bonneville's

revenue requirement is established, it is possible to recover the designated amount of revenue in a variety of ways. The process of rate design involves the development of specific rate structures which will recover the required amount of revenue in ways which are consistent with Bonneville's rate objectives. In essence, rate design determines the pattern of revenue recovery which will occur in the process of recovering Bonneville's repayment requirement.

Bonneville considered the potential of both revenue level and rate design for creating significant environmental impacts in preparing its draft and final environmental assessments.

Bonneville focused on two stages of impact in evaluating the potential of its rate proposal for significantly impacting the environment. The first stage addresses the direct effects which the proposed rates would have on Bonneville's customers in terms of their use of electricity and their ability to adapt to increases in the cost of electricity. The second stage considers the effects which changes in the use of and demand for electricity would have on various aspects of the physical environment.

A. *Direct Effects on Customer Groups.* Bonneville serves basically three customer groups: (1) preference customers, (2) investor-owned utilities, and (3) direct-service industries. Analyses of direct impact were performed for each of these groups.

1. *Impacts on Preference Customers.* As previously indicated, Bonneville's proposed rates would result in an increase of approximately 59 percent in revenues derived from preference customers. An analysis of the effect of this increase on consumption of electricity by these customers indicated a probable decrease of approximately 280,000 megawatthours per year by 1998 (see Table 14 of the Final Environmental Assessment).

Although the proposed rates would produce an increase of approximately 59 percent in preference customer revenues, they would require a significantly smaller percent increase in rates to retail customers, because wholesale power costs represent only a portion of the total costs recovered through retail power rates. Although the exact percent retail level increase needed to cover the increase in wholesale power costs would vary somewhat from customer to customer, the average percent increase would be near 20 percent. For most residential customers this would represent an increase of approximately $3.50 to $5.25 per 1,000 kilowatthours per month (see Tables 12 and 13 of the Final Environmental Assessment).

Assuming preference customers distribute their increase in wholesale power costs uniformly across retail customer classes, commercial and industrial customers would also experience power cost increases averaging about 20 percent. In most cases, electricity purchases account for less than three percent of value added in the industrial sector and less in the commercial sector. Thus, the increase in the cost of goods and services resulting from Bonneville's proposed rate increase would generally be less than one percent (see Section III(B)(1)(a) of the Final Environmental Assessment).

2. *Impacts on Investor-Owned Utilities.* The Regional Act requires that Bonneville provide resources on an exchange basis to meet 60 percent of the residential and small farm loads in the region of investor-owned utilities during the rate period at a rate equal to that charged preference customers. In addition, Bonneville must serve any existing regional investor-owned utility deficits and load growth to the extent requested, at a rate reflective of the cost of new resources acquired by Bonneville.

The general parameters under which service to the investor-owned utilities must be provided are established by the Regional Act. Although the specific rates under which the service will be provided are established by the Administrator, insufficient information regarding the participants to the exchange and the amounts of load involved precludes development of reliable estimates of the effect of Bonneville's proposed rates on the retail rates charged by investor-owned utilities within the region. Correspondingly, it is not possible to arrive at valid estimates of the effects of Bonneville's proposed rates on consumption by customers served by investor-owned utilities.

Since the percent of investor-owned utility residential and small farm load eligible for service under the priority firm rate is limited to 60 percent of total residential and small farm load during the rate period, the proposed rates would have a smaller impact on consumption by these customers than that previously discussed for residential customers of preference customers.

The availability of power from Bonneville to serve investor-owned utility deficits and load growth would be expected to minimize the costs of the investor-owned utilities for meeting load growth. The amount of purchases which will be made from Bonneville is currently unknown, thus preventing reliable estimates concerning potential consumption effects. The relatively high charge for this power, as well as the fact that it would represent only a minor fraction of investor-owned utility resources, leads to the conclusion that the impact on retail customer costs, and therefore on consumption, would be small (see Section III)(B)(1)(c) of the Final Environmental Assessment).

3. *Impacts on Direct Service Industries.* The direct-service industries would experience the largest increase in power costs of any of Bonneville's customer groups as a result of the proposed rates. Rates to these customers are expected to increase by between 175 and 250 percent depending on the cost of exchange resources obtained from investor-owned utilities. Based on requirements of the Regional Act, the exchange costs will be recovered from the direct-service industries during the period the proposed rates would be in effect.

Although the proposed rates could result in production cost increases as high as 25 percent for some direct-service customers, none of the direct-service industries are expected to suspend or significantly alter their operations as a result of the proposed rates. Northwest aluminum producers would continue to maintain a competitive edge in variable production costs over plants located in other parts of the country (see Section III(B)(1)(c) of the Final Environmental Assessment).

B. *Indirect Effects on the Physical Environment.* Although Bonneville's proposed rates would have no direct effect on the physical environment, Bonneville considered the possibility that its proposal could indirectly impact the environment through its effects on consumption of electricity and the use of alternative forms of energy.

1. *Effects on Energy Use.* Studies by Bonneville and National Economic Research Associates (see Section III(B)(2)(a) of the Final Environmental Assessment) indicate approximately one-third of the projected reduction in consumption of electricity associated with electricity price increase is due to conservation. The remaining two-thirds is due to fuel switching. Given the previously indicated estimate of a decrease of 280,000 megawatthours per year for preference customers by 1998 due to Bonneville's proposed rates, that portion attributable to conservation would amount to approximately 95,000 megawatthours per year.

Rate induced conservation by customers of investor-owned utilities, although not specifically quantifiable, would be considerably less than that by

preference customers given the limited nature of Bonneville's service to the investor-owned utilities (see Section III(B)(2)(a) of the Final Environmental Assessment).

The results of a study by the Department of Commerce indicate the demand for electricity of Bonneville's direct-service industrial customers is inelastic (see Section III(B)(2)(a) of the Final Environmental Assessment). Furthermore, any conservation by these industries is expected to result in expansion of production capability rather than reduction of electricity consumption. Therefore, the proposed rates would have little effect on consumption by these customers.

2. *Effects on Use of Alternative Energy Resources.* Bonneville performed an econometric analysis of the likely effect of its proposed rates on consumption of electricity substitutes by the customers of its preference customers. Consumption of natural gas was projected to increase by a fraction of a percent by test year 1998. The proposed increase is expected to have virtually no effect on the consumption of oil (see Table 15 of the Final Environmental Assessment).

3. *Effects on the Need for Generation.* As previously indicated, the primary reduction in consumption of electricity resulting from Bonneville's proposed rates would be associated with the preference customers. The projected 280,000 megawatthour reduction in consumption of electricity associated with these customers would represent less than four percent of the output of a conventional 1,100 megawatt thermal plant operating at a 70-percent load factor. The physical environmental impacts associated with such a plant are set forth in Tables 16, 17, and 18 in the Final Environmental Assessment.

4. *Effects on River Operations.* Certain features of Bonneville's rates are expected to discourage use of capacity during peakload periods. This could produce a decrease in river fluctuation associated with the operation of the hydroelectric facilities of the Federal Columbia River Power System. This effect would be expected to be extremely minor relative to the total range of fluctuation which will occur. Any reduction in river fluctuation would be expected to have a beneficial effect on fish, wildlife and recreation (see Section III(B)(2)(d) of the Final Environmental Assessment).

5. *Effects Associated with Agricultural Development.* Irrigation farming can impact the physical environment by altering land use, by causing siltation and chemical pollution of streams and by altering wildlife habitat. Bonneville's proposed rates are not expected to force existing irrigated acreage out of production. It is projected that the amount of new irrigated acreage developed over the next 20 years would be approximately 10 percent less given Bonneville's proposed rates than under the existing rates. The effects of this decreased development would be dispersed over a wide geographical area (see Section III(B)(2)(e) and Table 19 of the Final Environmental Assessment).

6. *Long Term, Cumulative, and Unavoidable Adverse Impacts.* Long term impacts would include potential reductions in the production of nuclear waste, the mining of uranium, and the combustion and mining of coal. These effects include a decrease in the risk of exposure to harmful levels of radioactivity, avoidance of adverse air quality and water quality impacts, and a reduction in visual scarring of land and destruction of natural vegetation. Detailed analysis of these effects is presented in Tables 16, 17, and 18 in the Final Environmental Assessment.

The types of impacts described with respect to the proposed rates have also been associated with Bonneville's recent previous rate increases. The proposed rate increase would be larger than previous increases. The combination of impacts of the proposed increase with those associated with previous increases would not result in significant impacts to the physical environment.

No unavoidable adverse impacts to the physical environment are expected to occur as a result of Bonneville's proposed rate increase. Long term, cumulative, and unavoidable adverse socioeconomic impacts are described in Sections III(B)(3), (4), and (5) of the Final Environmental Assessment.

III. Explanation of the Finding of No Significant Impact

A finding of no significant impact relative to Bonneville's proposed rates is supported by the following findings:

A. No change is anticipated in the operations of Bonneville's direct-service industrial customers as a result of the proposed rate increase.

B. Bonneville's estimate of a conservation effect for the proposed rates by preference customers in 1998 of 95,000 megawatthours per year represents slightly more than one percent of the output of a conventional 1,100 megawatt thermal power facility.

C. Conservation effects on customers of investor-owned utilities are expected to be less than those for preference customers.

D. Use of alternative energy sources is expected to increase by only a small fraction of a percent as a result of the proposed rate increase.

E. Potential effects on river fluctuation would be extremely minor relative to the total range of fluctuation. Therefore, no significant impact would be expected to occur to fish, wildlife, or recreational resources dependent on the river system.

F. The reduction in development of irrigated agriculture would result in a reduction of adverse impacts associated with irrigation. However, these impacts are expected to occur over a wide geographical area. Their concentration would therefore not be expected to reach a significant level either locally or regionally.

Finding: It is the finding of the Department of Energy that Bonneville's proposal, described in greater detail in Bonneville's Environmental Assessment, would not significantly affect the quality of the human environment. Therefore, it is the determination of the Department of Energy that an environmental impact statement is not required on this proposal.

This finding will be made available to the public through the following agencies or groups:

Federal agency headquarters and regional offices
State clearinghouses and historic preservation offices
Regional clearinghouses and counties in the States of Idaho, Montana, Oregon, Washington, and Wyoming
Interest groups in the States of Idaho, Montana, Oregon, and Washington

In addition, copies will be sent to all Bonneville customers and to a number of interested private citizens on Bonneville's mailing list.

FOR FURTHER INFORMATION CONTACT:

Ms. Donna Lou Geiger, Public Involvement Coordinator, P.O. Box 12999, Portland, Oregon 97212, 503–234–3361, ext. 4261. Toll-free numbers for Oregon callers, 800–452–8429; for callers from Washington, Idaho, Montana, Utah, Nevada, Wyoming, and California, 800–547–6048.

Mr. John H. Jones, Area Manager, Suite 288, 1500 NE. Irving Street, Portland, Oregon 97208, 503–234–3361, ext. 4551.

Mr. Ladd Sutton, District Manager, Room 206, 211 East Seventh Street, Eugene, Oregon 97401, 503–345–0311.

Mr. Ronald H. Wilkerson, Area Manager, Room 561, West 920 Riverside Avenue, Spokane, Washington 99201, 509–456–2518.

Mr. Gordon H. Brandenburger, District Manager, P.O. Box 758, Kalispell, Montana 59901, 406–755–6202.

Mr. Ronald K. Rodewald, District Manager, Suite 117, 23 South Wenatchee, Wenatchee, Washington 98801, 509–662–4377, ext. 379.
Mr. Randall W. Hardy, Area Manager, Room 250, 415 First Avenue North, Seattle, Washington 98109, 206–442–4130.
Mr. Roy Nishi, Area Manager, West 101 Poplar, Walla Walla, Washington 99362, 509–525–5500, ext. 701.
Mr. Robert N. Laffel, District Manager, 531 Lomax Street, Idaho Falls, Idaho 83401, 208–523–2706.

Dated: June 23, 1981.

Barton R. House,

Acting Assistant Secretary for Environmental Protection, Safety, and Emergency Preparedness.

[FR Doc. 81-19071 Filed 6-25-81; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

[Docket No. ERA-FC-81-014; OFC Case No. 55056-3787-10-12]

Notice of Acceptance of Petition for Exemption From the Prohibitions of the Powerplant and Industrial Fuel Use Act of 1978 and Notice of Availability of Tentative Staff Analysis

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of acceptance of petition for exemption from the prohibitions of the Powerplant and Industrial Fuel Use Act of 1978 and notice of availability of tentative staff analysis.

SUMMARY: On June 8, 1981, the Chesapeake Corporation (Chesapeake) filed a petition with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) seeking a permanent exemption for a major fuel burning installation (MFBI) from the prohibitions of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C 8301 *et seq.*, (FUA or the Act), which prohibit the use of petroleum and natural gas as a primary energy source in certain new MFBI's. Criteria and the procedures for petitioning for an exemption from the prohibitions of FUA are contained in 10 CFR Parts 500 and 501 and 10 CFR Part 503 published on June 6, 1980, at 45 FR 38276 and 38302 respectively.

Chesapeake requested a permanent fuels mixture exemption in order to burn petroleum (No. 6 fuel oil) or natural gas in a mixture with wood waste in a new field-erected boiler under construction at its kraft pulp and paper mill at West Point, Virginia.

Under the authority of section 212(d) of the Act, 10 CFR 503.38 sets forth eligibility criteria and evidentiary requirements governing a permanent exemption for the use of petroleum or natural gas in a mixture with alternate fuels. Under 10 CFR 503.38(d), a certification alternative is available for MFBI's which will not burn more than 25 percent petroleum or natural gas in a mixture with an alternate fuel. Chesapeake utilized the certification alternative in its permanent fuels mixture exemption petition. ERA's decision in this proceeding will determine whether Chesapeake will be granted the requested permanent exemption to use petroleum or natural gas in a mixture with wood waste in the new MFBI in which the amount of petroleum and natural gas used will not exceed 25 percent of the total annual Btu heat input of the primary energy sources of the unit.

ERA has determined that Chesapeake's petition is complete and is accepted as filed in accordance with 10 CFR 501.3(d). Additionally, the ERA staff has reviewed and analyzed the information presently contained in the record of this proceeding, and has completed a Tentative Staff Analysis which recommends that ERA issue an order which would grant Chesapeake the requested exemption. In order to expedite the processing of the petition, and pursuant to 10 CFR 501.64, notice of availability of the Tentative Staff Analysis is hereby issued simultaneously with this notice of acceptance of Chesapeake's petition for exemption. A review of the petition and a summary of the Tentative Staff Analysis is provided in the SUPPLEMENTARY INFORMATION section below.

As provided for in section 701(c) and (d) of FUA and 10 CFR 501.63 and 501.34(b), interested persons are invited to submit written comments in regard to this matter, and any interested person may submit a written request that ERA convene a public hearing on the exemption petition. As provided for in 10 CFR 501.64, interested persons may also submit written comments or request a public hearing on the Tentative Staff Analysis noticed herein. Any hearing requested must include a description of the interest in the issue or issues involved and an outline of the anticipated content of the presentations.

DATE: Written comments on the acceptance of Chesapeake's petition for exemption are due on or before August 10, 1981. Any request for public hearing must also be made within the same 45-day period. The 14-day period to submit written comments or request a public hearing on the Tentative Staff Analysis, as prescribed in 10 CFR 501.64, is also included within and will run concurrently with the above 45-day comment period. Accordingly, any such written comments or requests for public hearing on the Tentative Staff Analysis must also be filed with ERA on or before the expiration of the 45-day period provided for acceptance of Chesapeake's petition.

ADDRESSES: Fifteen copies of written comments or a request for a public hearing should be submitted to: Economic Regulatory Administration, Case Control Unit (Fuel Use Act), Box 4629, Room 3214, 2000 M Street NW., Washington, D.C. 20461

Docket Number ERA–FC–81–014 should be printed on the outside of the envelope and on the document contained therein.

FOR FURTHER INFORMATION CONTACT:

Edward J. Peters, Jr., Acting Chief, New MFBI Branch, Office of Fuels Conversion, Economic Regulatory Administration, 2000 M Street, NW., Room 3128, Washington, D.C. 20461, Phone (202) 653–3934
Robert Goodie, Case Manager, New MFBI Branch, Office of Fuels Conversion, Economic Regulatory Administration, 2000 M Street, NW., Room 3128, Washington, D.C. 20461, Phone (202) 653–4257
Christina Simmons, Office of the General Counsel, Department of Energy, Forrestal Building, Room 6B–178, 1000 Independence Avenue, SW., Washington, D.C. 20585, Phone (202) 252–2967

SUPPLEMENTARY INFORMATION: The MFBI for which the petition for exemption has been filed is a field-erected boiler under construction at Chesapeake's kraft pulp and paper mill at West Point, Virginia. The new MFBI, designated as the No. 10 power boiler by Chesapeake (hereafter, No. 10 P.B.), is scheduled for startup in December 1981 and will have a design heat input rate of 659 million Btu's per hour and will, under normal operation, burn 100 percent wood waste with supplement oil (No. 6 fuel oil) used only as necessary for flame stabilization or to meet mill process demands.

Chesapeake has utilized the certification alternative for the permanent fuel mixtures exemption provided for in 10 CFR 503.38(d) and has included in its petition a description of the fuel mixture, component elements, and percentage and quantity of each component to be utilized; and the following duly executed certifications:

(1) That the amount of petroleum or natural gas to be used in the fuels

mixture in the No. 10 P.B. will not exceed 25 percent of the total annual Btu heat input of the primary energy sources of the installation;

(2) That, pursuant to 10 CFR 503.15(b), Chesapeake will, prior to operating the No. 10 P.B. under the exemption, secure all applicable environmental permits and approvals pursuant to but not limited to, the following: Clean Air Act, Clean Water Act, Rivers and Harbors Act, Coastal Zone Management Act, Safe Drinking Water Act and the Resource Conservation and Recovery Act;

(3) The information required by the Environmental Checklist pursuant to 10 CFR 503.15(b); and

(4) That it will, upon grant of the requested exemption, agree to the following terms and conditions specified in 10 CFR 503.38(e):

The amount of petroleum and natural gas to be used in the mixture will not exceed 25 percent of the total annual Btu heat input of the primary energy sources of the installation;

The quality of any petroleum to be burned in the unit will be the lowest grade available, which is technically feasible and capable of being burned consistent with applicable environmental requirements;

All steam pipes will be insulated and all steam traps properly maintained; and

That it will comply with any terms and conditions which may be imposte pursuant to the environmental requirements of 10 CFR 503.15(b).

ERA hereby gives notice that Chesapeake's petition for a permanent fuels mixture exemption for its No. 10 P.B. has been determined to be complete as filed and is accepted. Pursuant to 10 CFR 501.3(d), acceptance of a petition and its supporting documents does not constitute an approval of an exemption, nor does it foreclose ERA from requesting further information during the course of the proceeding. Failure to provide any requested additional information could ultimately result in the denial of the request for an exemption.

Tentative Staff Analysis: The ERA staff has examined the aforementioned certifications made by Chesapeake in its petition, and other information contained therein, and has determined that the petition fulfills the requirements of 10 CFR 503.38(d). Accordingly, the ERA staff has completed a Tentative Staff Analysis which recommends that an order be issued, subject to the terms and conditions specified below, which would grant Chesapeake the requested permanent fuels mixture exemption for its No. 10 P.B. This tentative recommendation also takes into account the purposes for which the minimum percentage of petroleum or natural gas provided by a fuels mixture exemption are to be used, i.e. to maintain reliability of operation, consistent with maintaining a reasonable level of fuel efficiency. Therefore, should this exemption be granted, ERA will not exclude any fuel from the definition of primary energy source for the purposes of unit ignition, startup, testing, flame stabilization and control uses for the No. 10 P.B.

Terms and Conditions: Section 214(a) of FUA gives ERA the authority to attach terms and conditions to any order granting an exemption which are appropriate and consistent with the purposes of the Act. By petitioning for an exemption under the provisions of 10 CFR 503.38(d), Chesapeake, in accordance with 10 CFR 503.38(e), agreed, upon grant of the exemption, to the standard terms and conditions specified in that subsection. Such terms and conditions, as enumerated below, will accordingly be attached to any order which would grant the requested exemption.

(1) The amount of petroleum (No. 6 fuel oil) or natural gas to be used in a mixture with an alternate fuel in the No. 10 P.B. will not exceed 25 percent of the total annual Btu heat input of the primary energy sources of that unit.

(2) The quality of any petroleum to be burned in the No. 10 P.B. will be the lowest grade available, which is technically feasible, and capable of being burned consistent with applicable environmental requirements.

(3) Prior to operating the No. 10 P.B. Chesapeake will secure all applicable environmental permits and approvals pursuant to, but not limited to, the following: Clean Air Act, Clean Water Act, Rivers and Harbors Act, Coastal Zone Management Act and the Resource Conservation and Recovery Act.

Reporting Requirements: In addition to the above standard terms and conditions, Chesapeake will pursuant to 10 CFR 503.38(g), certify to ERA the date the No. 10 P.B. is first operated under the provisions of this order, and will file with ERA annually thereafter, within 30 days of the anniversary date, a certification that the amount of petroleum and natural gas used in the No. 10 P.B. during the preceding year did not exceed 25 percent of the total annual Btu heat input of the primary energy sources of that MFBI. Such certifications shall be executed by a duly authorized representative of Chesapeake. Cite OFC Case Number 55056–3787–10–12 on each certification and send to: Economic Regulatory Administration, Case Control Unit (Fuel Use Act), Attn: OFC Case No. 55056–3787–10–12, Box 4629, Room 3214, 2000 M Street, NW., Washington, D.C. 20461.

NEPA Categorical Exclusion Guidelines: On August 11, 1980, DOE published in the **Federal Register** (45 FR 53199) a notice of proposed amendments to guidelines for compliance with the National Environmental Policy Act of 1969 (NEPA). Pursuant to the guidelines, the granting or denial of certain FUA permanent exemptions, including the permanent fuels mixture exemption by certification, was identified as an action which normally does not require the preparation of an Environmental Impact Statement or an Environmental Assessment pursuant to NEPA (categorical exclusion). This classification raises a rebuttable presumption that the granting or denial of the exemption will not significantly affect the quality of the human environment. Chesapeake has certified that it will secure all applicable permits and approvals prior to commencement of operation of the new NFBI under exemption. The Environmental Checklist completed and certified to by Chesapeake pursuant to 10 CFR 503.15(b) has been reviewed by DOE's Office of Environment, in consultation with the Office of the General Counsel. Chesapeake's responses to the questions contained therein indicate that the operation of the new No. 10 P.B. will have no significant impact on those areas regulated by specified laws that impose consultation requirements on DOE, and otherwise affirm the applicability of the catagorical exclusion to this FUA action. No contrary information has come to the attention of ERA. Therefore, unless substantial question regarding the application of the categorical exclusion in this instance is raised during the proceeding on Chesapeake's petition which would indicate otherwise, no additional environmental review is deemed to be required.

This Tentative Staff Analysis does not constitute a decision by ERA to grant the requested exemption. Such a decision will be made in accordance with 10 CFR 501.68 on the basis of the entire record of this proceeding, including any comments received on the Tentative Staff Analysis.

The public file containing documents on this proceeding and supporting materials is available for inspection upon request at EFA, Room B–110, 2000 M Street, NW., Washington, D.C., Monday–Friday, 8:00 a.m.–4:30 p.m.

Issued in Washington, D.C. on June 19, 1981.

Robert L. Davies,

Director, Office of Fuels Conversion, Economic Regulatory Administration

[FR Doc. 81-18847 Filed 6-25-81; 8:45 am]

BILLING CODE 6450-01-M

Bolin Oil Co.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy

ACTION: Notice of action taken and opportunity for comment on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces action taken to execute a Consent Order and provides an opportunity for public comment on the Consent Order and on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

EFFECTIVE DATE: May 20, 1981.

COMMENTS BY: July 27, 1981.

ADDRESS: Send comments to: Wayne I. Tucker, Southwest District Manager, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235, Phone: 214/767-7745.

FOR FURTHER INFORMATION CONTACT: Wayne I. Tucker, Southwest District Manager, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235, Phone: 214/767-7745.

SUPPLEMENTARY INFORMATION: On May 20, 1981 the Office of Enforcement of the ERA executed a Consent Order with Bolin Oil Company of Wichita Falls, Texas. Under 10 CFR 205.199J(b) a Consent Order which involves a sum of $500,000 or less in the aggregate excluding penalties and interest, becomes effective upon its execution.

Because the DOE and Bolin Oil Company wish to expeditiously resolve this matter as agreed and to avoid delay in the payment of refunds, the DOE has determined that it is in the public interest to make the Consent Order with Bolin effective as of the date of its execution by the DOE and Bolin.

I. The Consent Order

Bolin Oil Company (Bolin) is a firm engaged in the production of crude oil and was subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR Parts 210, 211, and 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of Bolin the Office of Enforcement, ERA and Bolin entered into a Consent Order, the significant terms of which are as follows:

1. During the period September 1, 1973 through December 31, 1979 Bolin allegedly sold crude oil above the allowable prices specified at 10 CFR Part 212, Subpart D.

2. Bolin and the DOE have agreed to a settlement of $27,500. This amount will be refunded by Bolin within 30 days of the effective date of the Consent Order. The negotiated settlement was determined to be in the public interest as well as the best interest of the DOE and Bolin.

3. This Consent Order constitutes neither an admission by Bolin that ERA regulations have been violated nor a finding by the ERA that Bolin has violated ERA regulations.

4. The provisions of 10 CFR 205.199J, including the publication of this Notice, are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

In this Consent Order, Bolin agrees to refund in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA arising out of the transactions specified in I.1. above, the sum of $27,500 in the manner specified in I.2. above. Refunded overcharges will be in the form of certified checks made payable to the United States Department of Energy and will be delivered to the Assistant Administrator for Enforcement, ERA. The funds will remain in a suitable account pending the determination of their proper disposition.

The DOE intends to distribute the refund amounts in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "persons" (as defined in 10 CFR 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system, it is likely that overcharges have either been passed through as higher prices to subsequent purchasers or offset through devices such as the Old Oil Allocation (Entitlements) Program, 10 CFR 211.67. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199I(a).

III. Submission of Written Comments

A. *Potential Claimants:* Interested persons who believe that they have a claim to all or a portion of the refund amount should provide written notification of the claim to the ERA at this time. Proof of claims is not being required. Written notification of the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

B. *Other Comments:* The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order. You should send your comments or written notification of a claim to Wayne I. Tucker, Southwest District Manager, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235. You may obtain a free copy of this Consent Order by writing to the same address or by calling 214/767-7745.

You should identify your comments or written notification of a claim on the outide of your envelope and on the documents you submit with the designation "Comments on the Bolin Oil Company Consent Order". We will consider all comments we received by 4:30 p.m., local time, July 27, 1981. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Dallas, Texas on the 12th day of June, 1981.

Wayne I. Tucker,

Southwest District Manager, Economic Regulatory Administration.

[FR Doc. 81-18880 Filed 6-25-81; 8:45 am]

BILLING CODE 6450-01-M

[ERA Case No. 51209-1393-28-22; Docket No. ERA-FC-81-004]

Gulf States Utilities Co.; Availability of Tentative Staff Analysis

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of availability of Tentative staff analysis.

SUMMARY: On February 12, 1981, Gulf States Utilities Company (GSU)

petitioned the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) for a permanent peakload powerplant exemption from the provisions of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. § 8301 *et seq.* (FUA or the Act), which prohibit the use of petroleum or natural gas as a primary energy source in new powerplants. A final rule setting forth the procedure for petitioning and the criteria for exemptions from the prohibitions of FUA is published at 10 CFR Part 500 *et seq.* (45 FR 38276, June 6, 1980).

GSU plans to install an 83,470 kilowatt natural gas or oil-fired combustion turbine unit to be known as Roy S. Nelson Unit No. 8 at Westlake, Louisiana. GSU certifies that the unit will be operated solely as a peakload powerplant and will be operated only to meet peakload demand for the life of the plant.

ERA accepted the petition pursuant to 10 CFR §§ 501.3 and 501.63 on March 26, 1981, and published notice of its acceptance in the **Federal Register** on April 2, 1981 (46 FR 19973). Publication of the notice of acceptance commenced a 45-day public comment period pursuant to section 701 of FUA and 10 CFR §§ 501.31 and 501.33, during which time interested persons were also afforded an opportunity to file comments and to request a public hearing on the petition. The comment period ended May 18, 1981. No comments or requests for a public hearing were received.

Based upon ERA's review and analysis of the information presently contained in the record of this proceeding, a Tentative Staff Analysis has been made. The analysis recommends that ERA issue an order which would grant the requested peakload powerplant exemption.

DATES: Written comments on the Tentative Staff Analysis and requests for a public hearing are due on or before July 13, 1981.

ADDRESSES: Fifteen copies of written comments and any requests for a public hearing should be submitted to: Department of Energy, Case Control Unit, Box 4629, Room 3214, 2000 M Street N.W., Washington, D.C. 20461. Docket Number ERA–FC–81–004 should be printed clearly on the outside of the envelope and on the document contained therein.

FOR FURTHER INFORMATION CONTACT:

Jack C. Vandenberg, Office of Public Information, economic Regulatory Administration, Department of Energy, 2000 M Street, NW., Room B–110, Washington, D.C. 20461, Phone (202) 653–4055.

Louis T. Krezanosky, Economic Regulatory Administration, Department of Energy, Room 3012B, 2000 M Street, NW., Washington, D.C. 20461, Phone (202) 653–4208.

Christina Simmons, Office of General Counsel, Department of Energy, 1000 Independence Avenue SW., Room 6B–178, Washington, D.C. 20585, Phone (202) 252–2967.

The public file containing a copy of the Tentative Staff Analysis and other documents and supporting materials is available upon request at: ERA Room B–110, 2000 M St., NW, Washington, D.C., Monday through Friday, 8:00 a.m.–4:30 p.m.

SUPPLEMENTARY INFORMATION: GSU plans to install an 83,470 KW natural gas/oil-fired combustion turbine to be known as Roy S. Nelson Unit No. 8 at Westlake, Louisiana.

GSU submitted a sworn statement with its petition, signed by Mr. J. H. Derr, Jr., Vice President of GSU, as required by 10 CFR § 503.41(b)(1). In his statement, Mr. Derr certified that the unit will be operated solely as a peakload powerplant and will be operated only to meet peakload demand for the life of the plant. He also certified that the maximum design capacity of the unit is 83,470 KW; and that the maximum generation that the unit will be allowed during any 12-month period is the design capacity times 1,500 hours or 125,205,000 Kwh.

Under the requirements of 10 CFR § 503.41(b)(1)(ii), if a petitioner proposes to use natural gas, or to construct a powerplant to use natural gas in lieu of an alternate fuel as a primary energy source, it must obtain an air quality certification from the Administrator of the Environmental Protection Agency or the Director of the appropriate state air pollution control agency. However, since ERA has determined that there are no presently available alternate fuels which may be used in the proposed powerplant, no such certification can be made. The certification requirement is therefore waived with respect to this petition.

Tentative Staff Analysis

On the basis of GSU's sworn statements and information provided, the staff recommends that ERA grant the requested peakload powerplant exemption.

On August 11, 1980, DOE published in the **Federal Register** (45 FR 53199) a notice of proposed amendments to the guidelines for compliance with the National Environmental Policy Act of 1969 (NEPA). Pursuant to the guidelines, the granting or denial of certain FUA permanent exemptions, including the permanent exemption by certification for a peakload powerplant, was identified as an action which normally does not require an Environmental Impact Statement or an Environmental Assessment pursuant to NEPA (categorical exclusion).

This classification raises a rebuttable presumption that the granting or denial of the exemption will not significantly affect the quality of the human environment. GSU has certified that it will secure all applicable permits and approvals prior to commencement of operation of the new unit under exemption. The Environmental Checklist, completed and certified to by GSU pursuant to 10 CFR § 503.15(b), has been reviewed by DOE's Office of Environment in consultation with the Office of the General Counsel. It has been determined that GSU's responses to the questions therein indicate that the operation of the peakload powerplant will have no impact on those areas regulated by specified laws that impose consultation requirements on DOE, and otherwise affirms the applicability of the categorical exclusion to this FUA action. Therefore, no additional environmental review is deemed to be required.

This Tentative Staff Analysis does not constitute a decision by ERA to grant the requested exemption. Such a decision will be made in accordance with 10 CFR § 501.68 on the basis of the entire record of this proceeding, including any comments received on the Tentative Staff Analysis.

Terms and Conditions

Section 214(a) of the Act gives ERA the authority to attach terms and conditions to any order granting an exemption. Based upon the information submitted by GSU and upon the results of the staff analysis, the staff of ERA recommends that any order granting the requested peakload powerplant exemption should, pursuant to section 214(a) of the Act, be subject to the following terms and conditions.

A. GSU shall not produce more than 125,205,000 Kwh during any 12-month period with Roy S. Nelson Unit No. 8. GSU shall provide annual estimates of the expected periods (hours during specific months) of operation of the unit for peakload purposes (e.g., 8:00–10:00 a.m. and 3:00–6:00 p.m. during the June-September period, etc.). Estimates of the hours in which GSU expects to operate Roy S. Nelson Unit No. 8 during the first 12-month period shall be furnished within 30 days from the date of this order.

B. GSU shall comply with the reporting requirements set forth in 10 CFR § 503.41(d).

C. The quality of any petroleum to be burned in the unit will be the lowest grade available which is technically feasible and capable of being burned consistent with applicable environmental requirements.

D. GSU shall comply with the terms and conditions which may be imposed pursuant to the environmental requirements set forth at 10 CFR § 503.15(b).

Issued in Washington, D.C. on June 19, 1981.

Robert L. Davies,

Director, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 81-18879 Filed 6-25-81; 8:45 am]

BILLING CODE 6450-01-M

Proposed Remedial Order; Conoco, Inc.

AGENCY: Department of Energy.

ACTION: Notice of proposed remedial order to Conoco, Inc. and of opportunity for objection.

Pursuant to 10 CFR 205.192(c), the Office of Special Counsel for Compliance (Special Counsel) of the Economic Regulatory Administration (ERA), Department of Energy, hereby gives Notice that a Proposed Remedial Order was issued to Conoco, Inc. (Conoco), Stamford, Connecticut on June 8, 1981. The Proposed Remedial Order sets forth findings of fact and conclusions of law concerning Conoco's pricing of first sales of crude oil, produce and sold in the United States, in excess of maximum lawful prices, in violation of the Phase IV Petroleum Price Regulations formerly at 6 CFR Part 150 and the Mandatory Petroleum Price Regulations set forth at 10 CFR Parts 210, 211, and 212. These regulations were in effect prior to January 28, 1981. The amount of overcharges on audited properties by Conoco during the period September 1973 through May 31, 1979 and interest thereon to May 31, 1981 totals not less than $36,299,811.13. In addition, OSC has reserved the right to proceed against Conoco for projected overcharges from unaudited properties and projected overcharges during unaudited time periods in the range of $19,402,524.09 plus interest to date of $7,252,807.44, pending outcome of related administrative proceedings.

In accordance with 10 CFR 205.192(c), any person may obtain a copy of the Proposed Remedial Order, with confidential information, if any, deleted, from the ERA. On or before July 13, 1981, any aggrieved person may file a Notice of Objection in accordance with 10 CFR 205.193. A person who fails to file a Notice of Objection shall be determined to have admitted the findings of fact and conclusions of law as stated in the Proposed Remedial Order. If a Notice of Objection is not filed as provided by 10 CFR 205.193, the Proposed Remedial Order may be issued as a final order. Such Notice Should be filed with: Office of Hearings and Appeals, Department of Energy, Room 8014, 2000 M Street NW., Washington, D.C. 20461.

Copies of the Proposed Remedial Order may be obtained by written request addressed to: Milton Jordan, Director, Division of Freedom of Information and Privacy Act Activities, Department of Energy, Forrestal Building, Room AD-43, 1000 Independence Avenue SW., Washington, D.C. 20585, Attention: George W. Young, Jr.

Copies of the Proposed Remedial Order may be obtained in person from: Office of Freedom of Information, Reading Room, Forrestal Building, Room 1E-190, 1000 Independence Avenue SW., Washington, D.C. 20585.

Issued in Washington, D.C. June 18, 1981.

Avrom Landesman,

Acting Special Counsel.

[FR Doc. 81-18878 Filed 6-25-81; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. GP81-26-000]

ANR Production Co.; Application for Authorization To Collect Production Related-Costs

June 22, 1981.

Take notice that on May 18, 1981, ANR Production Company (ANR), Suite 1100 West, 5075 Westheimer, Galleria Towers, Houston, Texas, 77056, filed with the Federal Energy Regulatory Commission (Commission) an application for the recovery of production-related costs under section 110 of the Natural Gas Policy Act of 1978 (NGPA) and §§ 271.1104 and 271.1105 of the Commission's regulations (18 CFR 271.1104, 271.1105).

Specifically, ANR states that it sells gas from its Gwinville Gas Unit No. 203 and 201-B Wells (Gwinville Field, Jefferson Davis County, Mississippi) to United Gas Pipe Line Company (United). Both wells have received determinations from the Mississippi State and Oil and Gas Board that gas produced therein qualifies for the NGPA section 102 rate.

Section 271.1104(c) provides for the application for the recovery of "costs of processing . . . to the extent they exceed the amount attributable to meeting the following standards: . . . (d) carbon dioxide (percent by volume)-3 . . ."[1]

ANR states that it is required by the terms of its contract with United to reduce the carbon dioxide content of the gas from the Gwinville Field from 3% to 2%. ANR therefore requests authorization to charge and collect for its sale of gas from the two wells in question the amount, in addition to the first sales price, necessary to recover the costs incurred by it to reduce the carbon dioxide content of the gas sold from such wells from 3% to 2%. ANR also states that it has contractual authority to collect the production-related costs here involved.

ANR therefore requests authorization to collect from United 65.3 cents/Mcf from August 13, 1980 to March 26, 1981 for the gas sold from the Gwinville Gas Unit No. 203 Well. For the period beginning March 27, 1981,[1] on which date the Gwinville Unit No. 201-B Well commenced opertion, ANR proposes that the charge be reduced to 21.8 cents/Mcf and that ANR be permitted to collect this lower amount from that point forward.

Any person desiring to be heard or to protest this proceeding should, on or before July 27, 1981, file with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.W., Washington, D.C., 20426, in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered but will not make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-18850 Filed 6-25-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-352-000]

Arkansas Louisiana Gas Co.; Application

June 23, 1981.

Take notice that on May 29, 1981, Arkansas Louisiana Gas Company

[1] ANR's application contains the erroneous date of March 1, 1981. The date was corrected to March 27, 1981, during a telephone conversation between ANR and the Commission Staff on June 16, 1981.

(Applicant), P.O. Box 21734, Shreveport, Louisiana 71151, filed in Docket No. CP81-352-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities in southwest Arkansas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that a group of small communities in southwest Arkansas have for many years been served with natural gas by a municipally-owned integrated distribution system. It is further stated that the City of DeQueen, Arkansas, has traditionally arranged for the purchase of gas supplies for such system from Louisiana Nevada Transit Company (LNT) and that LNT's certificated service to DeQueen is limited to a maximum of 5,000 Mcf of natural gas per day.

Applicant submits that because its pipelines virtually surround the subject communities it has been requested by state and local authorities to acquire and operate the aforementioned distribution system. Applicant further submits that it intends to acquire the ownership and operation of such system along with the gas supply arrangement under which LNT has been supplying gas for such system. Applicant asserts that all gas which enters this system is consumed in the system and that it intends to continue using said facilities in precisely the same distribution service. Applicant further asserts, therefore, that the aforementioned facilities are nonjurisdictional and no certificate is required for their acquisition and operation. It is submitted that LNT has agreed to continue supplying gas to Applicant at the point of delivery near Okay, Arkansas.

Applicant specifically proposes, then, to construct and operate approximately 923 feet of 6-inch pipe, a meter station and miscellaneous valves and fittings in order to connect Applicant's existing system in Howard County, Arkansas, with the above-described distribution system. Such an interconnection, it is stated, would enable Applicant to augment the supply of gas which would continue to be available from LNT when necessary.

Applicant estimates the cost of the connecting facilities to be $43,650 which would be financed with funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 13, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-18857 Filed 6-25-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. ST81-314-000 and ST81-315-000]

Channel Industries Gas Co. and United Texas Transmission Co.; Applications

June 19, 1981.

Take notice that on June 16, 1981, Channel Industries Gas Company (Channel), 720 Two Allen Center, Houston, Texas 77002, and United Texas Transmission Company (United Texas), 711 Louisiana Street, Suite 1300, Houston, Texas 77002, filed in Docket Nos. ST81-314-000 and ST81-315-000, respectively, applications pursuant to Section 311(a)(2) of the Natural Gas Policy Act of 1978 and the rules and regulations of the Commission thereunder, for prior approval of natural gas transportation services to be rendered on behalf of a local distribution company served by an interstate pipeline for a fixed period terminating on January 31, 1982, and for approval of their proposed transportation rates, all as more fully set forth in the applications, which are on file with the Commission and open to public inspection.

Channel and United Texas state that they are intrastate pipeline companies within the meaning of Section 2(16) of the Natural Gas Policy Act of 1978, seeking authorization to transport, for the account of Energy Gathering, Inc. (Energy) certain quantities of natural gas, which Energy has arranged to purchase from Natural Gas Pipe Line Company of America (Natural) and sell to Houston Lighting & Power Company (HL&P). Channel states that it will transport the subject gas from the existing interconnection point between its pipeline and Natural's pipeline, located near Devers, Liberty County, Texas, to the existing meter on its pipeline at Cedar Bayou, Chambers County, Texas. United Texas says that it will transport the subject gas from the existing interconnection point between its pipeline and that of Channel in Chambers County, Texas, to the facilities of HL&P at Cedar Bayou, Chambers County, Texas. Applicants propose to transport up to approximately 100,000 Mcf of gas per day (measured at 14.65 psia) for a primary term commencing on the effective date of the Commission's approval of the application and terminating on January 31, 1982, subject to extension by mutual consent of the parties and approval of the Commission. Channel and United Texas state that they will take delivery of the subject gas for Energy's account at the above described points of interconnection and redeliver equivalent MMBtu's at 14.65 psia dry at said points of redelivery.

It is stated that Energy will compensate Channel and United Texas for the proposed transportation services by paying a fee of nine cents per Mcf redelivered to Channel and one cent per Mcf redelivered to United Texas. Applicants state that the proposed transportation rates are fair and equitable and not in excess of the rate which an interstate pipeline would be permitted to charge for providing similar transportation service. As justification thereof, Applicants state that the proposed rate is based upon a rate for similar service to an interstate pipeline currently on file with the Railroad Commission of Texas in their respective rate proceedings.

Channel and United Texas further state that their Gas Transport Agreements with Energy provide that the transportation arrangements are

subject to the provisions of Subpart C of Part 284 of the Commission's Regulations under the Natural Gas Policy Act of 1978.

Any person desiring to be heard or to make any protest with reference to said applications should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, Washington, D.C. 20426, on or before July 10, 1981, in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10).

All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules of Practice and Procedure.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at any hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-18840 Filed 6-25-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ST79-75-001]

Dow Pipeline Co.; Filing of Extension Report

June 23, 1981.

Take notice that on May 29, 1981, Dow Pipeline Company (Applicant), P.O. Box 4286, Houston, Texas 77210, filed in Docket No. ST79-75-001 an extension report pursuant to Section 284.126 (c) of the Commission's Regulations giving notice of Applicant's intention to extend its transportation agreement with Houston Pipe Line Company (HPL) for an additional two-year period, all as more fully set forth in the extension report which is on file with the Commission and open to public inspection.

Applicant states that it entered into a gas transportation agreement with HPL and now proposes to extend such agreement for a term of two years ending July 25, 1983.

Applicant asserts that under the terms of its agreement with HPL, Applicant would perform a portion of the transportation service which HPL has contracted to provide to Northern Natural Gas Company, Division of InterNorth, Inc. (Northern).

Applicant states that as an intrastate pipeline engaged in transportation service on behalf of another intrastate pipeline, Applicant believes that it has no obligation to file the reports prescribed by Part 284 of the Regulations. Applicant, therefore, explains that the submission herein is conditional in nature and requests guidance from the Commission as to its true filing responsibilities.

Applicant estimates that the quantities to be transported during the term of the gas transportation agreement would be 73 trillion Btu total and 50 billion Btu per day or at such greater flow rate up to 150 billion Btu per day which Northern shall elect upon thirty days notice.

Applicant asserts that it would provide transportation service from its existing interconnection with Tenngasco, Inc. at Juliff, Brazoria County, Texas, and its interconnection with the A-S pipeline Brazoria County, Texas, to its existing interconnection with Oasis Pipe Line Company in the Katy Field, Waller County, Texas.

Applicant states that the rate to be charged for the transportation would be $.006 per million Btu.

Any person desiring to be heard or to make any protest with reference to said extension report should on or before July 13, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in connection with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-18858 Filed 6-25-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-360-000]

El Paso Natural Gas Co.; Application

June 23, 1981.

Take notice that on June 8, 1981, El Paso Natural Gas Company (Applicant), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP81-360-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the modification of certain existing meter stations on Applicant's pipeline system and for budget-type authorization for future modifications as may be required, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant specifically proposes to:

(1) replace the 250B 250 psig case positive displacement meter at its Joseph City meter station, Navajo County, Arizona, with a 500B 250 psig case positive displacement meter;

(2) install an additional 500B 250 psig positive displacement meter at its Kirkland meter station, El Paso County, Texas;

(3) replace the 250B 250 psig case positive displacement meter at its Buford Gin meter station with a combination station consisting of a 500B 350 psig case positive type displacement meter and one 4½-inch O.D. standard orifice meter run;

(4) replace the dual 4½-inch O.D. standard orifice meter runs at its Cortaro City Gate meter station, Pina County, Arizona, with dual 6⅝-inch O.D. standard orifice meter runs; and

(5) replace the existing dual 8⅝-inch O.D. standard orifice meter runs at its Glendale City Gate meter station, Maricopa County, Arizona, with dual 10¾-inch O.D. standard orifice meter runs.

Applicant asserts that the above-described modifications are required in order to enhance the measurement capability of those meter station facilities so as to provide accurately measured natural gas deliveries.

The total cost of the specific modifications proposed herein is estimated to be $163,017 which would be financed through use of internally generated funds.

In addition, Applicant requests budget-type authorization to make further modifications of existing meter station facilities as may be required in the future.

Applicant states that it seeks such budget authority in order to avoid delays inherent in the preparation and processing of numerous applications for separate authorizations.

Applicant asserts that such budget-type meter modifications would be performed by Applicant only at those locations where modifications are required for accurate measurement of peak hour loads and no change in authorized delivery quantities would result. It is further submitted that

Applicant would continue to file separate and specific certificate applications in all cases where modifications to existing measurement facilities would entail a change in authorized service.

Applicant further requests that the Commission establish a $250,000 single project cost limitation for metering facility modifications during a twelve-month period and a total calendar year dollar limit of $750,000.

Applicant also requests that the budget-type authority be granted on a calendar year basis for an indefinite period of time.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 13, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to becomed a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary

[FR Doc. 81-16859 Filed 6-25-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-43-000 and Docket No. CP80-520]

Energy Gathering, Inc. and Natural Gas Pipeline Co. of America; Intent To Initiate, Service and Request for Expedited Consideration of Related Applications

June 19, 1981.

Take Notice that on June 16, 1981, Energy Gathering, Inc. (Energy), P.O. Box 165, Corpus Christi, Texas 78403, filed in Docket Nos. CP81-43-000 and CP80-520 a notice of intent to initiate service authorized by the orders issued January 27, 1981, in these proceedings, and a request for expedited consideration of the related applications by Channel Industries Gas Company (Channel) in Docket No. ST81-314-000 and United Texas Transmission Company (United Texas) in Docket No. ST81-315-000 for authorization to transport natural gas for the account of Energy pursuant to Section 311(a)(2) of the Natural Gas Policy Act of 1978 (NGPA), all as more fully set forth in the notice and request, which is on file with the Commission and open to public inspection.

Energy states that it has entered into a contract with Houston Lighting & Power Company (HL&P) for the resale of gas purchased by it from Natural Gas Pipeline Company of America (Natural). The gas, according to Energy, will be used by HL&P for the purpose of electric generation and will be used during peak requirement periods during the summer and winter months.

It is stated that the gas to be sold to HL&P will be transported pursuant to separate NGPA Section 311(a) arrangements between two intrastate pipelines (Channel and United Texas) and Energy, which the Commission has determined to be a local distribution company served by an interstate pipeline. According to Energy, under the first arrangement, the gas will be delivered by Natural to Channel for the account of Energy at the interconnection of Natural's system with the system of Channel located near Devers, Liberty County, Texas. This delivery point, it says, was described to the Commission in a December 15, 1980, filing by Energy as one of the four possible delivery points for the sale from Natural to Energy.

Following the receipt of the gas by Channel for the account of Energy, Channel will transport the gas to a point near the Cedar Bayou electric generating facility of HL&P, according to Energy. It is further stated that, at that point, the gas will be delivered to United Texas for final transport to the HL&P facilities.

Energy says that, although the sale by it to HL&P does not require further Commission consideration, the NGPA Section 311 arrangements between it, Channel and United Texas appear to require specific prior Commission authorization. Energy requests that the filings by Channel and United Texas in Docket Nos. ST81-314-000 and ST81-315-000, respectively, be given expedited consideration by the Commission.

Any person desiring to be heard or to make any protest with reference to said notice and request should on or before July 10, 1981 file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-16841 Filed 6-25-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TC81-55-000]

Florida Gas Transmission Corp.; Tariff Filings

June 19, 1981.

Take notice that on June 9, 1981, Florida Gas Transmission Corporation (FGT), P.O. Box 44, Winter Park, Florida 32790, filed in Docket No. TC81-55-000 the following tariff sheets, as part of its FERC Gas Tariff, Original Volume No. 1, to be effective July 1, 1981:

Third Revised Sheet Nos. 20-M and 20-O
Fourth Revised Sheet Nos. 22-I and 22-J
Second Revised Sheet Nos. 24 and 29
Substitute Fourth Revised Sheet Nos. 32, 33, 34, and 35
Substitute Sixth Revised Sheet No. 36

Also filed were revised service agreements with all "G" and "I" customers. The filings are available for public inspection at the Commission.

FGT states that the filings reflect the assignments of direct sales contracts to new purchasers, extend the primary terms of the "G" and "I" service agreements through July 1, 1999, and reflect recognition on the part of FGT's customers that FGT does not currently

have sufficient reserves to fulfill the extended service agreements and may not be able to acquire sufficient reserves to do so in the future.

With respect to the inclusion of language relating to the adequacy of reserves, FGT states that the specific purpose is to make certain that the customers are aware of FGT's supply situation to preclude any argument that FGT would be contractually liable in the event FGT does not have gas available through 1999. FGT does not view the inclusion of the language as necessarily constituting a change in its contractual relationship with its customers. Further, it is stated, this is not a case in which FGT has attempted to modify or limit its liability to its customers by seeking to have a condition imposed by the Commission on unwilling customers but rather FGT and its customers have mutually agreed to include the exculpatory language in the service agreements.

Any person desiring to be heard or to make any protest with reference to said filings should on or before July 2, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-18842 Filed 6-25-81, 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP75-79-009]

Florida Gas Transmission Co.; Proposed Tariff Changes

June 22, 1981.

Public notice is hereby given that on June 2, 1981, Florida Gas Transmission Company (FGT) filed, pursuant to Section 154.11 of the Commission's Rules and Regulations, a revised service agreement with the City of Sunrise, Florida, as directed by the Commission in its Opinion No. 98, together with the following revised tariff sheets:

Third Revised Sheet No. 20-H
Fourth Revised Sheet No. 22-J.1
Substitute Fifth Revised Sheet No. 36

FGT states that in Opinion No. 98, the Commission directed FGT to increase the volumetric entitlement for the City of Sunrise from 1,981,570 therms per year to 2,721,770 therms in order to accommodate high priority growth on Sunrise's system (Opinion No. 98, at Ordering Paragraph (G)). FGT adds that the instant filing reflects the increase in the appropriate sections of its tariff.

Additionally, FGT requests that the Commission waive the notice requirements of 18 CFR 154.51 in order to allow the instant tariff sheets to become effective on March 1, 1981, the effective date of the Opinion No. 98 curtailment plan. In support of the request for waiver, FGT states that the service agreement was not executed until April 2, 1981, and hence an earlier filing was not possible.

Copies of the filing were served upon FGT's jurisdictional customers and the Florida Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before July 6, 1981.

Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene; provided, however, that any person who has previously filed a petition to intervene in this proceeding is not required to file a further petition. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-18860 Filed 6-25-81, 8:45 am]

BILLING CODE 6450-85-M

[Docket No. GP81-27-000]

Gulf Oil Corp.; Petition To Vacate Final Well Category Determination and Request for Withdrawal

Issued: June 22, 1981.

In the matter of State of Texas, Section 108 NGPA Determination, Gulf Oil Corporation, Cap Yates Well No. 8, JD No. 79-17112.

On November 24, 1980 Gulf Oil Corporation (Gulf) filed with the Federal Energy Regulatory Commission (Commission) a Petition To Vacate and Permit Withdrawal of the Final Well Category Determination for the Cap Yates Well No. 8 pursuant to the Commission's authority under the Natural Gas Policy Act of 1978 (NGPA), 15 U.S.C. 3301-3432 (Supp. II 1978).

Gulf states that the Texas Railroad Commission made an affirmative determination that the subject well qualified as a stripper well under section 108 of the NGPA and that the determination became final on October 2, 1979, forty-five days after the Commission received notice pursuant to § 275.202(a) of the Commission's regulations. Gulf further states that the subject well did not qualify as a stripper well but does not include its reasons for the requested withdrawal.

Any person desiring to be heard or to protest this petition should file on or before July 27, 1981 with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, a protest or a petition to intervene in accordance with § 1.8 or § 1.10 of the Commission's Rules of Practice and Procedure. All protests filed with the Commission will be considered, but will not make the protestants parties to the proceeding. Any person wishing to become a party to the proceeding or to participate as a party in any hearing must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-18852 Filed 6-25-81, 8:45 am]

BILLING CODE 6450-85-M

[Docket No. QF81-34-000]

Hach Energy Systems, Inc.; Application for Commission Certification of Qualifying Status of a Small Power Production Facility

June 22, 1981.

On June 2, 1981, Hach Energy Systems, Inc., of Elkader, Iowa, filed with the Federal Energy Regulatory Commission an application to be certified as a qualifying small power production facility pursuant to § 292.207 of the Commission's rules.

The facility is a Jacobs 10 kilowatt Wind Electric System to be located in Elkader, Iowa. The primary energy source of the facility is wind. No electric utility, electric utility holding company or any combination thereof has any ownership interest in the facility.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C.

20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-18843 Filed 6-25-81, 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. ER78-181 and ER81-48-000]

Indiana and Michigan Electric Co.; Refund

June 22, 1981.

The filing company submits the following:

Take notice that Indiana and Michigan Electric Company (I&M Elec.) filed a refund report on June 1, 1981, with this Commission. Such report resulted from a settlement in Docket No. ER78-381 involving Richmond Power and Light Company.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 14, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-18844 Filed 6-25-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. ER78-507 and EL81-15-000]

Intermountain Rural Electric Association v. Public Service Company of Colorado, Inc.; Filing

June 22, 1981.

The filing company submits the following:

Take notice that on May 29, 1981, the Intermountain Rural Electric Association (IREA) filed a motion to defer Commission action on its Petition to Reopen Proceedings and Complaint filed April 21, 1981, in Docket No. ER78-507. The Petition and Complaint alleged that Public Service Company of Colorado, Inc., had violated various provisions of the Federal Power Act and had failed to lower its wholesale rates to IREA to reflect the rate settlement in Docket No. ER78-507.

In anticipation of an overall settlement of the issues raised by its Complaint in Docket No. ER78-507, IREA has requested that the Commission defer all action with regard to IREA's Petition and Complaint until it notifies the Commission within 45 days that full settlement of this controversy has been achieved, or that it has determined that settlement is not possible.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street N.E., Washington D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 7, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-18845 Filed 6-25-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ES81-26-001]

Iowa Public Service Co.; Amended Application

June 19, 1981.

Take notice that on June 18, 1981, Iowa Public Service Company filed an amendment to its application pursuant to Section 204 of the Federal Power Act, seeking authority to increase the amount of unsecured short-term debt authorized from $50 million to $60 million, with no change in the issuance dates or maturity dates.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 29, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-18846 Filed 6-25-81, 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-209-010]

Michigan Wisconsin Pipe Line Co.; Amendment to Application

June 23, 1981.

Take notice that on June 2, 1981, Michigan Wisconsin Pipe Line Company (Applicant), One Woodward Avenue, Detroit, Michigan 48226, filed in Docket No. CP80-209-010 an amendment to its pending application in the instant docket filed pursuant to Section 7(c) of the Natural Gas Act so as to reflect modifications in its transportation agreement with Northern Natural Gas Company, Division of InterNorth, Inc. (Northern) and to reflect a change in proposed compression facilities, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

It is submitted that on April 10, 1981, Applicant and Northern amended their transportation agreement dated November 11, 1980, so as to delete the points of delivery originally defined in such agreement and to include the following:

(1) a proposed interconnection between the pipeline transmission systems of Applicant and Northern located in Sections 16, 17, and 20 (T28S, R19W), Kiowa County, Kansas (Greensburg);

(2) an existing interconnection between the pipeline transmission systems of Applicant and United Gas Pipe Line Company (United) located in Section 48 (T15S, R10E), St. Mary Parish, Louisiana (St. Mary), where redeliveries would be made by Applicant for the account of Northern; and

(3) such other delivery points as may be established from time to time by mutual agreement of Applicant and Northern.

Applicant states that the maximum daily volume redelivered at all points of delivery would not exceed an aggregate of 170,000 Mcf of gas per day.

Applicant further states that the rate for transporting gas for Northern would be $8.60 per month per Mcf of contract demand.

It is further submitted that Applicant and Northern have agreed that the

Greensburg delivery point would be utilized to make redeliveries pursuant to their transportation agreement until such time as the pipeline facilities of Northern Border Pipeline Company are available for service. Thereafter, it is asserted, redeliveries would be made by Applicant to United for the account of Northern pursuant to a transportation/displacement and exchange agreement between Northern and United.

Applicant states that in its original application it proposed to install an aggregate of 13,000 horsepower of compression at its Grand Chenier measurement station in Cameron Parish, Louisiana. Applicant now proposes to install a pair of combined cycle centrifugal units having an aggregate rating of 16,200 horsepower. It is asserted that such proposed units would provide both the lowest installed project cost and the lowest annual cost of service with respect to subsequent operation. Applicant estimates no increase in construction costs.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before July 13, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-18861 Filed 6-25-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP78-77-006 (Reserved Issues)]

Mississippi River Transmission Corp.; Proposed Tariff Changes and Refund Report

June 22, 1981.

Take notice that on June 3, 1981 Mississippi River Transmission Corporation ("Mississippi") tendered for filing revised tariff sheets to its FERC Gas Tariff as listed on the attached Appendix, and a Refund Report.

The purpose of the filing is to implement the applicable provisions of the Stipulation and Agreement at Docket No. RP78-77 (Reserved Issues), approved by Commission letter order dated April 30, 1981. The revised tariff sheets modify Mississippi's PGA provisions with respect to the cost of storage gas and reduce its base tariff rates to reflect a reduced storge working capital allowance in rate base. The Refund Report sets forth the cash distribution made to Mississippi's customers under Rate Schedules CD-1, PI-1, and SWS-1 also in accordance with the Stipulation and Agreement.

Mississippi states that copies of its filing have been served on all jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 6, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-18847 Filed 6-25-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 2752]

Northern Lights, Inc.; Order Providing for Hearing

Issued: June 19, 1981.

On November 30, 1978 Northern Lights, Inc. filed an application, pursuant to sections 4(e) and 23(b) [1] of the Federal Power Act, for a license to construct, operate and maintain its proposed Kootenai River Project, FERC Project No. 2752. The project would be located, in part, in the Kootenai National Forest.

The proposed project would be constructed on the Kootenai River at river mile 193 in Lincoln County, Montana, between the towns of Troy and Libby, Montana. The 144 megawatt conventional hydroelectric facility would consist of: (1) a dam with a spillway elevation of 2,000 feet msl; (2) a 3.5 to 4.5 mile long, 150 acre reservoir (at normal maximum water surface elevation); (3) an intake and outlet structure; (4) an access portal and tunnel; (5) a head tunnel, underground powerhouse and tail tunnel; (6) an underground switchyard and bus; (7) recreational facilities; (8) an access road and (9) other appurtenant facilities. Construction of the project would require approximately 4½ years.

Pursuant to the National Environmental Policy Act [2] and Commission regulations,[3] the Commission's staff has prepared an environmental impact statement (EIS) evaluating the Kootenai Project.[4] A draft EIS was issued in May 1980 and circulated for public and agency comment; comments were received from over 50 agencies, groups, and individuals. A final EIS was issued by the staff in April 1981.

Eleven agencies, associations and individuals have been granted intervention in the proceeding. These intervenors are:

Cabinet Resources Groups
Libby Rod and Gun Club
Save the Kootenai Association
Confederated Salish and Kootenai Tribes of the Flathead Reservation, Montana
Kootenai Tribe of Idaho
League of Women Voters of Montana
Montana Wildlife Federation
National Wildlife Federation
Lower Kootenai Band of Canada
Lucy Caye
United States Department of Interior

The parties and participants in this proceeding, as well as others who have submitted comments on the Draft EIS, have raised significant factual issues concerning the Kootenai Project. These issues include the Kootenai Project's impact on the scenic quality of Kootenai Falls, over which a substantially reduced volume of water would flow; the project's impact on aquatic life in the 3.5 to 4.5 mile stretch of the Kootenai River which would become the project reservoir; the project's impact on sites of religious significance to the Kootenai and other native American Indians; the suitability of various alternatives to the project; and whether there is a need for the project's power at all. Several parties have requested a hearing to resolve these factual disputes.

Resolution of these factual questions is necessary to determine whether a license should be issued for the project.

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[1] 16 U.S.C. 797(e) and 817 (1976).

[2] 42 U.S.C. 4332(2)(C) (1978).

[3] 18 CFR 2.80-2.82 (1980).

[4] The Rural Electrification Administration, United States Forest Service, and Bonneville Power Administration have been designated as cooperating agencies in the preparation of the EIS.

Accordingly, we find that it is appropriate and in the public interest that an evidentiary hearing be held to determine whether a license should be issued for the Kootenai River Project, and, if so, upon what conditions. The hearing shall consider all evidence relevant to the issues concerning the proposed project, including evidence on alternatives to the project.

Three of the intervenors have requested that if any hearings are held in this proceeding, they be held in Montana, in order to accommodate local witnesses and counsel. In fixing the time and place of hearing, the Presiding Judge shall give due regard to the convenience and necessity of the parties and their attorneys so far as time and the proper execution of the Commission's functions permit, and may, in his or her discretion, hold a portion of the hearing, including a session for statements from the general public, in the project vicinity. *See* 18 CFR 1.19(b) (1980); 5 U.S.C. 554(b) (1976).

The Commission Orders

(A) Pursuant to the provisions of the Federal Power Act, particularly sections 4(e), 10(a), 10(g), 308, and 309, and the Commission's Rules of Practice and Procedure, a hearing shall be held concerning all issues relevant and material to the application by Northern Lights, Inc. for a major license for the Kootenai River Project, FERC Project No. 2752.

(B) A Presiding Administrative Law Judge, to be designated by the Chief Administrative Law Judge, shall preside at the hearing in this proceeding. The Presiding Judge shall convene a prehearing conference in this proceeding at a date, time and place to be specified.

(C) The Secretary shall cause prompt publication of this order in the **Federal Register** and shall otherwise give appropriate notice in accordance with § 1.19(b) of the Commission's Rules of Practice and Procedure.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-18848 Filed 6-25-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-355-000]

Northern Natural Gas Co., Division of InterNorth, Inc.; Application

June 23, 1981.

Take notice that on June 3, 1981, Northern Natural Gas Company, Division of InterNorth, Inc. (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP81-355-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation and delivery of natural gas to certain facilities for conditioning, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant submits that it currently receives natural gas from reserves purchased under contract in Irion, Sterling and Tom Green Counties, Texas, and that such gas is transported through either the Middle Concho System or the Irion County Transmission System which intersects the Middle Concho line to a point of tie-in with Applicant's existing 16-inch pipeline at Section 103, Block 14 H&TC RR Survey, Irion County, Texas.

Applicant proposes to deliver such gas to a proposed conditioning plant located on the Middle Concho supply line connecting to Applicant's existing facilities just prior to the point of interconnection with Applicant's 16-inch line.

Applicant states that the proposed plant would be constructed, owned and operated by various producers in the area and Northern Gas Products Company, a wholly-owned subsidiary of InterNorth, Inc. It is asserted that the operation of the proposed conditioning plant would eliminate the need for Applicant to construct required conditioning or dehydrating facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 13, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to becomed a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-18882 Filed 6-25-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. EL81-20-000]

Pacific Northwest Electric Power Planning and Conservation Act; Rates for Sales to Bonneville Power Administration; Meeting

June 19, 1981.

Take notice that a meeting of the representatives appointed to serve as members on a Joint State Board under Section 9(g) of the Pacific Northwest Power Planning and Conservation Act (the Act) (Pub. L. No. 96-501, 94 Stat. 2697, *et seq.*), will commence at 9 a.m. on July 9, 1981. The meeting will be held at room 380 of the Federal Building, 915 Second Avenue, Seattle, Washington 98174. This meeting will continue on July 10, 1981, if business from the first day is not finished.

The meeting will deal primarily with procedural and organizational matters. Also, at 10 a.m., representatives of the Bonneville Power Administration will give a presentation of the draft proposals for the "average system cost methodology" to be developed pursuant to section 5(c) of the Act. The purpose of the Joint State Board will be to assist the Commission in reviewing rates for the sale of electric power from investor-owned utilities to the Administrator of the Bonneville Power Administration.

Members of the public may attend, but may not participate in, the meeting of July 9, 1981.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-18849 Filed 6-25-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-353-000]

Pennsylvania Gas and Water Co., Applicant; Transcontinental Gas Pipe Line Corp., Respondent; Application

June 19, 1981.

Take notice that on June 2, 1981, Pennsylvania Gas and Water Company (Applicant), 39 Public Square, Wilkes-Barre, Pennsylvania 18711, filed in Docket No. CP81-353-000 an application pursuant to Section 7(a) of the Natural Gas Act for an order directing Transcontinental Gas Pipe Line Corporation (Respondent) to establish a new delivery point with Applicant, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it presently purchases natural gas from Respondent and receives such gas from Respondent at five delivery points: Three (Dallas, Saylor Avenue and Wyoming) from which Applicant distributes gas in the Scranton and Wilkes-Barre market areas and two (Old Lycoming and Pennsdale-Muncy) from which Applicant receives gas for distribution and resale in the Williamsport/Susquehanna market area. It is submitted that these two groups of existing delivery points are approximately 52 miles apart.

Applicant specifically requests that Respondent be directed to construct a tap on a point on Respondent's pipeline approximately 15 miles southwest of Wilkes-Barre in Salem Township, Luzerne County, Pennsylvania. Applicant states that it intends to connect with the requested new delivery point and existing facilities to serve Applicant's central Susquehanna market area. It is stated that these markets have been subject to interruption in recent years due to their remoteness from existing delivery points and the age and condition of the existing facilities.

Applicant asserts that the new delivery point coupled with the new pipeline would greatly enhance Applicant's ability to serve these existing markets.

Applicant contends that no additional supply of gas is requested and that Respondent's operations would only be changed to the extent of shifting a portion of gas deliveries from the Pennsdale-Muncy delivery point to the requested new delivery point in Salem Township.

Applicant estimates the total cost of this project to be approximately $4,917,500.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 29, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.9). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-18850 Filed 6-25-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP70-7-018 (Phase II)]

Southern Natural Gas Co.; Petition To Amend

June 23, 1981.

Take notice that on May 29, 1981, Southern Natural Gas Company (Petitioner), P.O. Box 2563, Birmingham, Alabama 35202, filed in Docket No. CP70-7018 a petition to amend the order issued October 29, 1969,[1] in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to change the applicable rate schedule under which it sells natural gas to the Pickens County Natural Gas District (Pickens), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that by the order issued October 29, 1969, in the instant docket it was authorized to sell and deliver a contract demand of 1,510 Mcf of natural gas per day to Pickens pursuant to the terms and conditions of its Rate Schedule OCD-2. It is further stated that Petitioner currently renders service to Pickens under such Rate Schedule.

Petitioner submits that Pickens has requested an amendment to its currently effective service agreement with Petitioner so as to change the applicable rate schedule from the Rate Schedule OCD-2 to Rate Schedule G-2.

Petitioner asserts that the proposed change in rate schedule would allow Pickens to reduce its purchased gas cost. It is further asserted that the proposed modification would not affect the maximum daily amount of gas which Petitioner would be obligated to deliver to Pickens.

Petitioner, therefore, proposes that the applicable rate schedule under which it sells natural gas to Pickens be changed from the OCD-2 to G-2.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before July 13, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-18851 Filed 6-25-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP70-7-018 (Phase II)]

Southern Natural Gas Co.; Petition To Amend

June 13, 1981.

Take notice that on May 29, 1981, Southern Natural Gas Company (Petitioner), P.O. Box 2563, Birmingham, Alabama 35202, filed in Docket No. CP70-7-018 a petition to amend the order issued October 29, 1969,[1] in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to change the applicable rate schedule under which it sells natural gas to the Pickens County Natural Gas District (Pickens), all as more fully set forth in the petition to amend which is on file with the Commission and open to the public inspection.

Petitioner states that by the order issued October 29, 1969, in the instant docket it was authorized to sell and deliver a contract demand of 1,510 Mcf of natural gas per day to Pickens pursuant to the terms and conditions of its Rate Schedule OCD-2. It is further stated that Petitioner currently renders service to Pickens under such Rate Schedule.

[1] This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the Commission.

[1] This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the Commission.

Petitioner submits that Pickens has requested an amendment to its currently effective service agreement with Petitioner so as to change the applicable rate schedule from the Rate Schedule OCD–2 to Rate Schedule G–2.

Petitioner asserts that the proposed change in rate schedule would allow Pickens to reduce its purchased gas cost. It is further asserted that the proposed modification would not affect the maximum daily amount of gas which Petitioner would be obligated to deliver to Pickens.

Petitioner, therefore, proposes that the applicable rate schedule under which it sells natural gas to Pickens be changed from the OCD–2 to G–2.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before July 13, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–18863 Filed 6–25–81; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. CP81–354–000]

Southern Natural Gas Co.; Application

June 23, 1981.

Take notice that on June 3, 1981, Southern Natural Gas Company (Applicant), P.O. Box 2563, Birmingham, Alabama 35202, filed in Docket No. CP81–354–000 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon its Marrero No. 1 receiving station (Marrero No. 1), approximately 3,300 feet of its 6-inch Marrero field line and appurtenant facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is submitted that Marrero No. 1 was located at or near the upstream starting point (mile post 0.00) of Applicant's 6-inch Marrero field line in Marrero Field, Jefferson Parish, Louisiana. Applicant states that Marrero No. 1 and the Marrero field line were originally installed to attach and receive new gas reserves committed to it in Marrero Field. It is asserted that production connected to Marrero No. 1 ceased in June 1980 and on March 4, 1981, Applicant removed and salvaged Marrero No. 1's remaining facilities and secured the station.

Applicant states that it currently receives gas at its Marrero No. 2 receiving station (Marrero No. 2) and would continue to use its 6-inch Marrero field line to transport such gas. Applicant proposes to abandon that section of the Marrero field line extending from the Marrero No. 1 site to a point on such line upstream of Marrero No. 2, located at mile post 0.631 on the Marrero field line.

Applicant asserts that the proposed abandonment would not affect the daily system design capacity of Applicant's system or result in any termination of service on its pipeline system.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 13, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–18864 Filed 6–25–81; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. RP81–76–000]

Tarpon Transmission Co.; Proposed Changes in FERC Gas Tariff

June 22, 1981.

Take notice that Tarpon Transmission Company (Tarpon) on June 10, 1981 tendered for filing First Revised Sheet No. 29 to be incorporated in its FERC Gas Tariff, Volume No. 1, effective July 10, 1981.

The proposed change would decrease revenues from jurisdictional transportation services by approximately $3,660,314 annually based on actual deliveries for the twelve months ended December 31, 1980, as adjusted.

Tarpon states that the rate change is in compliance with a condition contained in its certificate order issued August 4, 1977, in Docket No. CP77–315.

Copies of the filing were served upon the Company's sole jurisdictional customer and interested State Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 6, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–18853 Filed 6–25–81; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. CP80-83-001]

Tennessee Gas Pipeline Co., a Division of Tenneco Inc.; Petition To Amend

June 23, 1981.

Take notice that on May 20, 1981, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Petitioner), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP80-83-001 a petition pursuant to Section 7(c) of the Natural Gas Act and Section 157.7(b) of the Commission's Regulations (18 CFR 157.7(b)) to amend the order issued January 28, 1980, in the instant docket so as to authorize either an increase in Petitioner's budget-type expenditures for calendar year 1981 from $20 million to $50 million or, in the alternative, the construction of certain projects so that the cost of such projects would not be charged to petitioner's 1981 expenditures, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

It is stated that by order issued January 28, 1980, in the instant docket, Petitioner was authorized to construct and operate certain natural gas supply facilities in accordance with Section 157.7(b) of the Commission's Regulations. Petitioner submits that the total expenditures for such budget-type facilities in calendar year 1981 were not to exceed $20,000,000.

Petitioner asserts that in order to attach gas supplies which it expects to acquire during 1981, it would need to construct facilities costing in excess of the $20,000,000 ceiling on budget-type facilities. Petitioner estimates the total cost of the proposed facilities to be approximately $50,000,000 which would be financed initially by funds on hand, borrowings under revolving credit arrangements or short-term financing. Petitioner, therefore, proposes a total project cost limitation of $50,000,000 or, in the alternative, authorization for projects listed in Categories I and II and/or authorization for the projects listed in Categories II and III so that these projects would not be counted toward the limit on Petitioner's 1981 budget expenditures.

Category I

[Construction completed or in progress]

Project	
From	To
1 Guernsey Field Point "A"	MP209-2 + 10.0
2 G. Chenier McCall #1	MP507A-106 + 4.35
3 SS 67	SV523M-2801
4 Seclusion Field	SV13F-102.
5 Cypress Field #2	SV20M-101-3

Category I—Continued

[Construction completed or in progress]

Project	
From	To
6. SS 156C	Sub-sea SV523M-901
7 SS 170A	SV523M-112
8. N. Delhi	SV20A-101.3, Tap and Meter
9. Dixon Bay	SV526A-103, Tap and Meter
10 SS 177	Sub-sea SV 523M-801
11. Jay-Mar	MP203-2 + 5.0, Tap and Meter
12. Chesterville	MP17C-201 + 2.8, Tap and Meter
13. Splendora	SV24B-101.3, Meter Only.
14 Belle Bower (Sawmill #2)	SV705E-101, Meter Only
15 Nebo-Hemphill	MP830-1 + 14.0, Tap and Meter

Category II

[Gas purchase agreement executed or to be executed by June 1, 1981, but construction not yet initiated]

Project	
From	To
1 V156A	BWP System
2. Magnet Withers	SV17B-581
3. N. Caledonia	MP547B-101 + 0.47
4 Lyles Field	MP823H-101 + 1.0.
5. E1294	CNT System
6. Sayre Field	Natural Gas Pipe Line Company
7 MP 311A and B	Southern Natural Gas.
8. EC 42C	EC33A.
9. Easter Field	15A-200 Line.
10 N. Raceland Field	United Gas.
11 Wilkinson Co., MS	Mid-La Gas.

Category III

[Prospects]

Project	
From	To
1 Minnie Bock Field	SV1D-102
2. Little Lake Field	SV524A-1402.
3. Edna Field	MP507-1 + 4.0.
4 La Salle Field	SV11A-102
5. Tucker Estate #1	MP34-1 + 5.14.
6. McKinley Creek and Hamil Fields	SV547B-202.
7 Grand Island 30	GI32(Sub-sea).
8 Wells Field (Chism #1)	MP546-1 + 11.5.
9 Landry #1	MP507G-104 + 7.5
10 Deer Island	Halter Island Line.
11 Eugene Island 345	SV523M-3911.
12 Ship Shoal 133	BWP System.
13. So. Caledonia Vaughn #1	MP546-1 + 13.75
14. Monticello Field Hauberg #1	United Gas Pipeline Co.
15. Monticello Field Dickey #1	United Gas Pipeline Co.
16. Lake Washington	SV526B-303.
17 Blind Bay	SV526A-1000, Tap and Meter
18 Edna Field	SV507G-111
19 Stavinoha #1	SV17C-821
20 Vienna Field	MP14E-102 + 10.0.
21 Naborton Field	MLV703-1.
22 Little Lake	SV524A-1002, Meter Only.
23 Edna	MP507-1 + 4.0, Meter Only.

Petitioner explains that expenditures for the attachment of new supplies have increased due to an increase in domestic drilling and to an increase in the cost of construction.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before July 13, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-18883 Filed 6-25-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP80-73, et al.]

Texas Eastern Transmission Corp., et al.; Filing of Pipeline Refund Reports and Refund Plans

June 22, 1981.

Take notice that the pipelines listed in the Appendix hereto have submitted to the Commission for filing proposed refund reports or refund plans. The date of filing, docket number, and type of filing are also shown on the Apendix.

Any person wishing to do so may submit comments in writing concerning the subject refund reports and plans. All such comments should be filed with or mailed to the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before July 6, 1981. Copies of the respective filings are on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-18866 Filed 6-25-81; 8:45 am]

BILLING CODE 6450-85-M

Appendix

Filing date	Company and Docket No.	Type filing
5/28/81	Texas Eastern Transmission Corp.—RP80-73	Report.
6/8/81	Natural Fuel Gas Supply Corp.—RP80-135-008.	Report.
6/8/81	Transcontinental Gas Pipe Line Corp.—RP74-48.	Report.
6/8/81	Columbia Gulf Transmission Co.—RP76-94-013	Report.
6/8/81	Columbia Gulf Transmission Co.—RP78-19-012	Report.

[Docket No. CP81-351-000]

United Gas Pipe Line Co.; Application

June 23, 1981.

Take notice that on May 29, 1981, United Gas Pipe Line Company (Applicant), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP81-351-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a tap to enable Willmut Gas and Oil Company (Willmut) to provide gas service in Forrest County, Mississippi, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to install a two-inch tap on its existing Baxterville-Petal 16-inch line in order to establish an additional city gate station located in Forest County, Mississippi.

Applicant states that it entered into a service agreement with Willmut dated October 18, 1979, under which Applicant presently provides up to 53,581 Mcf of natural gas per day to Willmut for resale at the Collins-Hattiesburg, Mississippi, delivery points which volumes include supply for rural customers provided through farm taps and rural service lines in the adjoining environ.

Applicant submits that by letter dated April 21, 1981, Willmut indicated that it has been having operating pressure problems on its system serving the Collins-Hattiesburg, Mississippi, service areas due to a continuous population movement in said area. It is further submitted that Willmut requested an additional tap so as to permit a load shift on its system service area which would alleviate the pressure problems allowing Willmut to provide service for all its customers as the population continues to shift.

Applicant estimates the cost of the proposed installation to be $1,260 which would be financed with available funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 13, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it is determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-18867 Filed 6-25-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RA81-60-000]

Western Refining Co.; Filing of Petition for Review

June 19, 1981.

Take notice that Western Refining Company on June 16, 1981, filed a Petition for Review under 42 U.S.C. 7194(b) (1977) Supp. from an order of the Secretary of Energy (Secretary).

Copies of the petition for review have been served on the Secretary and all participants in prior proceedings before the Secretary.

Any person who participated in the prior proceedings before the Secretary may be a participant in the proceeding before the Commission without filing a petition to intervene. However, any such person wishing to be a participant is requested to file a notice of participation on or before July 6, 1981, with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. Any other person who was denied the opportunity to participate in the prior proceedings before the Secretary or who is aggrieved or adversely affected by the contested order, and who wishes to be a participant in the Commission proceeding, must file a petition to intervene on or before July 6, 1981, in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.40(e)(3)).

A notice of participation or petition to intervene filed with the Commission must also be served on the parties of record in this proceeding and on the Secretary of Energy through John McKenna, Office of General Counsel, Department of Energy, Room 6H-025, 1000 Independence Avenue, S.W., Washington, D.C. 20585.

Copies of the petition for review are on file with the Commission and are available for public inspection at Room 1000, 825 North Capitol St., N.E., Washington, D.C. 20426.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-18854 Filed 6-25-81; 8:45 am]

BILLING CODE 6450-85-M

Office of the Secretary

International Atomic Energy Agreements; Proposed Subsequent Arrangement; European Atomic Energy Community

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C 2160) notice is hereby given of a proposed "subsequent arrangement" under the Additional Agreement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended, and the Agreement for Cooperation Between the Government of the United States of America and the Government of Sweden Concerning Civil Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreements involves approval for the retransfer from Sweden to the Federal Republic of Germany of 5.000 kilograms of uranium, containing 175 kilograms of U-235 (3.5 percent enrichment) as scrap for purification. After purification, it is intended to return the material to Sweden.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that approval of this retransfer, designated as RTD/EU(SW)-58 will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

Dated: June 23, 1981.

For the Department of Energy.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 81-18948 Filed 6-25-81; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-1868-7]

Availability of Environmental Impact Statements

AGENCY: Office of Federal Activities (A-104), U.S. Environmental Protection Agency.

PURPOSE: This notice lists the environmental impact statements (EISs) which have been officially filed with the EPA and distributed to Federal agencies and interested groups, organizations and individuals for review pursuant to the Council on Environmental Quality's regulations (40 CFR Part 1506.9) during the week of June 15, 1981 to June 19, 1981.

REVIEW PERIODS: The 45-day review period for draft EISs' listed in this notice is calculated from June 26, 1981 and will end on August 10, 1981. The 30-day review period for final EISs' as calculated from June 26, 1981 will end on July 27, 1981.

EIS AVAILABILITY: To obtain a copy of an EIS listed in this notice you should contact the Federal agency which prepared the EIS. If a Federal agency does not have the EIS available upon request you may contact the Office of Federal Activities, EPA, for further information. Copies of EIS's previously filed with EPA or CEQ which are no longer available from the originating agency are available with charge from the following source: Information Resources Press, 1700 North Moore Street, Arlington, Virginia 22209, (703) 558-8270.

FOR FURTHER INFORMATION CONTACT: Kathi L. Wilson, Office of Federal Activities, Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, (202) 245-3006.

Dated: June 23, 1981.

William N. Hedeman, Jr.,

Director, Office of Federal Activities.

Department of Agriculture

FS: Draft—Pacific Southwest Region, Management Activities, California, Hawaii, American Samoa, Guam and the Western Pacific Territories, the review period has been extended until September 26, 1981 (EIS Order #810486)

REA: Final—Cajun Oxbow, Unit 1/Oxbow Lignite Surface Mine, Desota, Red River and Natchitoches Counties, Louisiana (EIS Order #810479)

SCS: Draft—Upper Yocona River Watershed Flood Control Project, Lafayette, Calhoun and Pontotoc Counties, Mississippi (EIS Order #810482)

EXTENSION: FS: Draft—Mill Creek Wilderness Designation, Jefferson National Forest, Giles County, Virginia—Published **Federal Register** June 5, 1981—the review period for this EIS has been extended until August 24, 1981 (EIS Order #810411)

EXTENSION: FS: Draft—Mountain Lake Wilderness Study, Jefferson National Forest, Craig and Giles Counties, Virginia and Monroe County, West Virginia—published Federal Register June 5, 1981—the review period for this EIS has been extended until August 24, 1981 (EIS Order #810412)

Army Corps of Engineers

Final—Stockton Channel Navigational Improvements, Contra Costa, Sacramento, San Joaquin and Solano Counties, California (EIS Order #810490)

Final—St. Johns County Beach Erosion Control, Florida (EIS Order #810437)

Draft Supplement—Bettendorf Flood Protection, Mississippi River, Scott County, Iowa (EIS Order #810480)

Department of Energy

BPA: Final—Alumax Aluminum Reduction Plant, Construction and Operation, Umatilla and Morrow Counties, Oregon and Benton and Franklin Counties, Washington (EIS Order #810474)

Department of Housing and Urban Development

Final—Cottonwood Housing Development, Mortgage Insurance, Douglas County, Colorado; the review period for this EIS has been extended until July 31, 1981 (EIS Order #810475)

104H: Draft—West Marion Revitalization Project, CDBG, McDowell County, North Carolina (EIS Order #810488)

104H: Final—Gilbert Lindsey Village Green, CDBG, Los Angeles County, California (EIS Order #810489)

Department of The Interior

BLM: Draft—Norton Sound OCS Oil and Gas Lease Sale #57, Alaska (EIS Order #810487)

FWS: Draft—Salt and Gila Rivers Vegetation Clearing, Maricopa County, Arizona; the review period for this EIS has been extended until September 15, 1981 (EIS Order #810485)

EXTENSION: BLM: Draft Supplement—Five Year OCS Oil and Gas Lease Sale Schedule—published in **Federal Register** June 12, 1981—the review period has been extended until August 10, 1981 (EIS Order #810446)

Department of Transportation

FHWA: Draft—U.S. 51 Construction, Maroa to Bloomington, Macon, DeWitt and McLean Counties, Illinois (EIS Order #810473)

FHWA: Draft—MD-702 Extension, Eastern Avenue to Back River Neck Road, Baltimore County, Maryland (EIS Order #810483)

FHWA: Draft—Appalachian Corridor G, Holden to Godby Heights, Logan County, West Virginia; the review period for this EIS has been extended until August 17, 1981 (EIS Order #810484)

UMTA: Draft—Daly City Station Turnback Improvement, San Mateo and San Francisco Counties, California (EIS Order #810478)

EXTENSION: FHWA: Draft—Dulles Airport Access Road, Outer Parallel Toll Roads, Loudon and Fairfax Counties, Virginia—published **Federal Register** April 24, 1981—the review period for this EIS has been extended until June 30, 1981 (EIS Order #810297)

Correction: FHWA: Draft—US 264 Bypass of Wilson, Wilson to Greenville, Wilson County, North Carolina—published **Federal Register** June 5, 1981—published with incorrect title—the correct title is U.S. 264 Bypass of Wilson, Wilson County, North Carolina (EIS Order #810405)

Environmental Protection Agency

EPA2: Draft—Upper Passaic River Basin 201 Facilities Plan, Union, Morris and Somerset Counties, New Jersey; the review period for this EIS has been extended until September 4, 1981 (EIS Order #810491)

Federal Energy Regulatory Commission

Draft—North Fork Payette River Hydroelectric Project, License, Boise, Gem and Valley Counties, Idaho (EIS Order #810477)

Final—Tyee Lake Hydroelectric Project #3015, License, Alaska (EIS Order #810481)

General Services Administration

Draft—Second International Border Station and Access Road, San Diego County, California; this EIS has been extended until August 14, 1981 (EIS Order #810476)

[FR Doc. 81-18950 Filed 6-25-81; 8:45 am]

BILLING CODE 6560-37-M

FEDERAL COMMUNICATIONS COMMISSION

[File No. 21941-A-CD-P-1-80, CG 001653, et al.]

Airsignal International Inc., et al.; Consolidated Hearings on Stated Issues

Memorandum Opinion and Order

Adopted: June 15, 1981.

Released: June 22, 1981.

By the Common Carrier Bureau:

In the matter of Airsignal International, Inc. For construction permit for new one-way station on frequency 35.22 MHz in the Domestic Public Land Mobile Radio Service at Venice, Florida: [File No. 21941-A-CD-P-1-80]; Airsignal International, Inc. For construction permits for new one-way

stations on frequency 35.22 MHz in the Domestic Public Land Mobile Radio Service at Punta Gorda, and Fort Meyers, Florida; [CG Docket No. 81-389; File No. 21941-B-CD-P-1-80]; Mobile Radio Telephone & Paging Service, Inc. For construction permit for new one-way station on frequency 35.22 MHz in the Domestic Public Land Mobile Radio Service at Lehigh Acres, Florida; [CC Docket No. 81-390; File No. 21367-CD-P-1-80].

1. Presently before the Chief, Mobile Services Division, pursuant to delegated authority, are the captioned applications of Airsignal International, Inc. and Mobile Radio Telephone & Paging Service, Inc. The applications of Airsignal International, Inc. for stations at Punta Gorda and Fort Meyers are electrically mutually exclusive with the application of Mobile Radio Telephone & Paging, Inc. Therefore, a comparative hearing will be held to determine which applicant would best serve the public interest. We find the applicants to be otherwise qualified to construct and operate the proposed facilities.

2. The application of Airsignal International, Inc. for a station at Venice, Florida, is not electrically mutually exclusive with the application of Mobile Radio Telephone & Paging, Inc. We find that File No. 21367-CD-P-1-80 are designated for hearing in a consolidated proceeding upon the following issues:

(a) to determine on a comparative basis, the nature and extent of service proposed by each applicant, including the rates, charges, maintenance, personnel, practices, classifications, regulations, and facilities pertaining thereto;

(b) to determine on a comparative basis, the areas and populations that each applicant will serve within the prospective 43 dBu contours, based upon the standards set forth in Section 22.504(a) of the Commission's Rules,[1] and to determine the need for the proposed service in said areas; and

(c) to determine, in light of the evidence adduced pursuant to the foregoing issues, what disposition of the referenced applications would best serve the public interest, convenience and necessity.

4. It is further ordered, That the hearing shall be held at a time and place and before an Administrative Law Judge to be specified in a subsequent order.

5. It is further ordered, That the Chief, Common Carrier Bureau, is made a party to the proceeding.

6. It is further ordered, That the applicants may avail themselves of an opportunity to be heard by filing with the Commission pursuant to Section 1.221(c) of the Rules within 20 days of the release date hereof, a written notice stating an intention to appear on the date for the hearing and present evidence on the issues specified in this Memorandum Opinion and Order.

7. It is further ordered, That the application of Airsignal International, Inc., File No. 21941-CD-P-1-80, for a facility at Venice, Florida, is granted.

8. The Secretary shall cause a copy of this Order to be published in the **Federal Register.**

Sheldon M. Guttmann,

Chief, Mobile Services Division, Common Carrier Bureau.

[FR Doc. 81-18935 Filed 6-25-81; 8:45 am]

BILLING CODE: 6712-01-M

[1] Section 22.504(a) of the Commission's Rules and Regulations describes a field strength contour of 43 decibels above one microvolt per meter as the limits of reliable service area for base stations engaged in one-way signaling service. Propagation data set forth in Section 22.504(b) are the proper bases for establishing the location of service contours (F(50, 50)) for the facilities involved in this proceeding.

[Report No. B-20]

AM Broadcast Applications Accepted for Filing and Notification of Cut-Off Date

Released: June 22, 1981.

Cut-off date: July 27, 1981.

Notice is hereby given that the following applications have been accepted for filing. Because they are in conflict with applications previously accepted for filing and subject to cut-off dates for conflicting applications, no application which would be in conflict with them will be accepted for filing.

Petitions to deny these applications must be file with the Commission not later than the close of business on July 27, 1981.

Minor amendments to these applications, and to those they are in conflict with, may be filed as a matter of right not later than the close of business on July 27, 1981.

BP-810126AB (new), North Las Vegas, Nevada, Juarez Communications Corporation, Req: 650 kHz, 10 kW, DA-1, U.

BP-810410AB (new), Rancho Cordova, California, Minority Communications of California, Inc., Req: 650 kHz, 5 kW, 25 kW-LS, DA-2, U.

BP-810410AC KLIX, Twin Falls, Idaho, Sawtooth Radio Corp., Has: 1310 kHz, 2.5 kW, 5 kW-LS, DA-N, U, Req: 650 kHz, 25 kW, 50 kW-LS, DA-N, U.

BP-810410AX (new), Tonopah, Nevada, Tonopah Broadcasters, Inc., Req: 650 kHz, 10 kW, 25 kW-LS, DA-N, U.

BP-810518AD (new), Selah, Washington, Robert E. Reece, Raymond V. Naught, and Donald L. Harris d.b.a. Tri-Co, Req: 1020 kHz, 500 W, 10 kW-LS, U.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 81-18932 Filed 6-25-81; 8:45 am]

BILLING CODE 6712-01-M

[Report No. B-14]

FM Broadcast Applications Accepted for Filing and Notification of Cut-off Date

Released: June 23, 1981:

Cut-off date: July 31, 1981.

Notice is hereby given that the applications listed in the attached appendix are accepted for filing. Because the applications listed in the attached appendix are in conflict with applications which were accepted for filing and listed previously as subject to a cut-off date for conflicting applications, no appliction which would be in conflict with the applications listed in the attached appendix will be accepted for filing.

Petitions to deny the applications listed in the attached appendix and minor amendments thereto must be on file with the Commission not later than the close of business on July 31, 1981. Any application previously accepted for filing and in conflict with the applications listed in the attached appendix may also be amended as a matter of right not later than the close of business on July 31, 1981. Amendments filed pursuant to this notice are subject to the provisions of Section 73.3572(b) of the Commission's Rules.

William J. Tricarico,

Secretary, Federal Communications Commission.

Appendix

BPH-800828AH (new); Montevide, Minnesota; O & I Broadcasting; Req: 105.5 MHz; Channel No. 288A; ERP: 3kW; HAAT: 300 ft.

BPH-801003AB (new); Carthage, Texas; K-106, Inc.; Req: 98.9 MHz; Channel No. 255C; ERP: 100kW; HAAT: 620 ft.

BPH-801003AH (new); Sweet Home, Oregon; Sweet Home Stereo, Req: 107.1 MHz; Channel No. 296A; ERP: 1.78kW; HAAT: 370 ft.

BPH-801203AK KIEE; Harrisonville, Missouri; Professional Communications, Inc.; Has: 100.7 MHz; Channel No. 264C; ERP: 26 kW; HAAT: 255 ft. (Lic); Req: 100.7 MHz; Channel No. 264C; ERP: 100kW; HAAT: 664 ft.

BPH-801211AD (new); West Plains, Missouri; Dr. Ambrose T. Walker, M.D.; Req: 102.3 MHz; Channel No. 272A; ERP: 3kW; HAAT: 300 ft.

BPH-810112AE (new); Mexia, Texas; Summit Broadcasting Associates, Inc.; Req: 104.9

MHz; Channel No. 285A; ERP: 3kW; HAAT: 300 ft.
BPH–810204AB (new); Mountain Home, Arkansas; Mountain Valley Broadcasters, Inc.; Req: 105.5 MHz; Channel No. 288A; ERP: .794kW; HAAT: 585 ft.
BPH–810204AD (new); North Platte, Nebraska; Mid Plains Broadcasting, Inc.; Req: 103.5 MHz; Channel No. 278C; ERP: 100kW; HAAT: 479 ft.
BPH–810205AA (new); Mexia, Texas; Bi-Stone Radio Co., Inc.; Req: 104.9 MHz; Channel No. 285A; ERP: 3kW; HAAT: 300 ft.
BPH–810210AD (new); Mountain Home, Arkansas; Dr. Ambrose T. Walker, M.D. Req: 105.5 MHz; Channel No. 288A; ERP: 1kW; HAAT: 480 ft.
BPH–810226AB (new); Needles, California, Murphy Broadcasting Inc.; Req: 97.9 MHz; Channel No. 250B; ERP: 50kW; HAAT: −281 ft.
BPH–810302AJ (new); Leadville, Colorado, Sears Broadcasting of Colorado, Inc.; Req: 93.5 MHz; Channel No. 228A; ERP: 3kW; HAAT: 42 ft.
BPH–810309AH (new); Mission, Texas; Mission Broadcast Enterprises; Req: 105.5 MHz; Channel No. 288A; ERP: 3kW; HAAT: 300 ft.
BPH–810313AB (new); Needles, California; Colorado River Radio, Inc.; Req: 97.9 MHz; Channel No. 250B; ERP: 2.8kW; HAAT: 1,573 ft.
BPH–810313AC (new); Needles, California; Veach & Associates, a limited partnership; Req: 97.9 MHz; Channel No. 250B; ERP: 14kW; HAAT: −250 ft.
BPH–810313AD (new); Mt. Zion, Illinois; Mary Ellen Burns; Req: 99.3 MHz; Channel No. 257A; ERP: 3kW; HAAT: 300 ft. (allocated to Decatur, Illinois)
BPH–810507AE (new); Tye, Texas; Griffis Broadcasting Company; Req: 99.3 MHz; Channel No. 257A; ERP: 0.54kW; HAAT: 714.5 ft. (allocated to Abilene, Texas)
BPED–800214AF (new); Gaffney, South Carolina; Limestone College; Req: 91.1 MHz; Channel No. 216C; ERP: 98kW; HAAT: 577 ft.
BPED–810130AB (new); Kansas City, Missouri; Mid-Coast Radio Project, Inc.; Req: 90.1 MHz; Channel No. 211C; ERP: 100kW; HAAT: 527 ft.
BPED–800130AN (new); Orangeburg, South Carolina; South Carolina State College; Req: 90.3 MHz; Channel No. 212C; ERP: 100kW; HAAT: 214 ft.

[FR Doc. 81–18933 Filed 6–25–81; 8:45 am]
BILLING CODE 6712–01–M

[Report No. 1294]

Petitions for Reconsideration of Actions

June 23, 1981.

The following listings of petitions for reconsideration filed in Commission rulemaking proceedings is published pursuant to 47 CFR 1.429(e). Oppositions to such petitions for reconsideration must be filed within 15 days after publication of this Public Notice in the **Federal Register**. Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

Subject: Amendment of Section 73.202(b), Table of Assignments, FM Broadcast Stations. (Clarksville, Virginia) (RM–3715)
Filed by: James E. Greeley & Peter Gutmann, Attorneys for Cape Fear Broadcasting Company on 6–5–81.
Subject: Commission Policy Concerning the Noncommercial Nature of Educational Broadcast Stations. (Docket No. 21136)
Filed by: Wilhelmina Reuben Cooke for The Committee to Save KQED, The Association of Independent Video and Filmmakers, Inc., The Citizens Committee on the Media, Chicago Citizens Cable Coalition, Public Media Center & Committee to Make Public Television Public on 6–18–81.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 81–18934 Filed 6–25–81; 8:45 am]
BILLING CODE 6712–01–M

[Report No. A–30]

TV Broadcast Applications Accepted for Filing and Notification of Cut-Off Date

Released: June 18, 1981.
Cut-off Date: August 6, 1981.

Notice is hereby given that the applications listed in the attached appendix are accepted for filing. They will be considered to be ready and available for processing after August 6, 1981. An application, in order to be considered with any application appearing on the attached list or with any other application on file by the close of business on August 6, 1981 which involves a conflict necessitating a hearing with any application on this list, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C. no later than the close of business on August 6, 1981.

Petitions to deny any application on this list must be on file with the Commission not later than the close of business on August 6, 1981.

Applications for new stations may not be filed against any application on the attached list which is designated by an asterisk (*).

William J. Tricarico,

Secretary, Federal Communications Commission.

BPET–810512KE (new), Lexington, Kentucky, Kentucky Authority for Educational TV, Channel 62, ERP: Vis. 537 kW; HAAT: 812.5 feet.
BPCT–810513KF (new), Jackson, Mississippi, Media South Broadcasting Corp., Channel 40, ERP: Vis. 4385 kW; HAAT: 1,070 feet.
BPCT–810527KE (new), Racine, Wisconsin, Racine Telecasting Company, Channel 49, ERP: Vis. 1600 kW; HAAT: 900 feet.
BPCT–810529KF (new), Lexington, Kentucky, FBC, Incorporated, Channel 62, ERP: Vis. 2333 kW; HAAT: 1067 feet.

[FR Doc. 81–18930 Filed 6–25–81; 8:45 am]
BILLING CODE 6712–01–M

[Report No. B–25]

TV Broadcast Applications Accepted for filing and Notification of Cut-off Date

Released: June 18, 1981.
Cut-off date: August 6, 1981.

Notice is hereby given that the applications listed in the attached appendix are accepted for filing. Because the applications listed in the attached appendix are in conflict with the applications which are accepted for filing and listed previously as subject to a cut-off date for conflicting applications, no application which would be in conflict with any application listed in the attached appendix will be accepted for filing.

Petitions to deny the applications listed in the attched appendix and minor amendments thereto must be on file with the Commission not later than the close of business on August 6, 1981. Any application previously accepted for filing and in conflict with any application listed in the attached appendix may also be amended as a matter of right not later than the close of business on August 6, 1981. Amendments filed pursuant to this notice are subject to the provisions of Section 73.3572(b) of the Commission's Rules.

William J. Tricarico,

Secretary, Federal Communications Commission.

Report No. B–25

BPCT–810310KE (new), Salt Lake City, Utah, Intermountain Broadcasting, Inc. Channel 13. ERP: Vis. 102 kW; HAAT: 3876 feet.
BPCT–810511KJ (new), Decatur, Illinois, Jackson Telecasters, Inc., Channel 23. ERP: Vis. 3281 kW; HAAT: 1087.5 feet.
BPCT–810511KK (new), Salt Lake City, Utah, Salt Lake City Family Television, Inc. Channel 13. ERP: Vis. 8 kW; HAAT: 3881 feet.
BPCT–810511KL (new), Salt Lake City, Utah, Mountain West Television Company. Channel 13. ERP: Vis. 60 kW; HAAT: 3900 feet.
BPCT–810511KM (new), West Valley City, Utah (Salt Lake City allocation), West Valley City Television, Associates Limited Partnership. Channel 13. ERP: Vis. 63.1 kW; HAAT: 3705 feet.
BPCT–810511KN (new), Salt Lake City, Utah, Rocky Mountain Broadcasting Company.

Inc. Channel 13. ERP: Vis. 44.7 kW: HAAT: 2992 feet.
BPCT-810511KP (new), Salt Lake City, Utah. Salt Lake City Utah T.V., Inc. Channel 13. ERP: Vis. 87.5 kW; HAAT: 3947 feet.
BPCT-810511KQ (new), Salt Lake City, Utah. American Television of Utah, Inc. Channel 13. ERP: Vis. 56.2 kW; HAAT: 3853 feet.

[FR Doc. 81-18931 Filed 6-25-81; 8:45 am]
BILLING CODE 6712-01-M

TV Translator Applications Ready and Available for Processing and Notification of Cut-Off Date; Erratum

June 19, 1981.

On June 4, 1981, the Commission released a Public Notice captioned *"TV Broadcast Applications Accepted for Filing and Notification of Cut-Off Date."* The Notice stated that the date for filing competing applications and petitions to deny is July 15, 1981 (Mimeo No. 001234), published in the **Federal Register** on June 17, 1981 (46 FR 31782).

The Notice is hereby corrected to read, *"TV Translator Applications Ready and Available for Processing and Notification of Cut-Off Date."* The date for filing competing applications and petitions to deny with respect to applications listed in the Notice is hereby extended to *July 31, 1981.* This action is necessary in order to assure that a full thirty (30) days expire from the date the list first appears in the Federal **Register.**

Additionally, the following applications listed on the notice released June 4, 1981, are hereby deleted:

BPTTL-801202IH (new), Anchorage, Alaska. Bobbi Suga Grimm and Communicators of America, Inc., d/b/a/ Communicators of Anchorage. Req: Channel 57, 728-743 MHz, 1000 watts.
BPTTL-810107IQ (new), Anchorage, Alaska. Summit Communications, Inc. Req: Channel 14, 470-476 MHz, 1000 watts.
BPTTL-801118IP (new), Anchorage, Alaska. Graphic Scanning Corporation. Req: Channel 55, 716-722 MHz, 1000 watts.
BPTTL-810122IY (new), Anchorage, Alaska. North American Television Network. Req: Channel 22, 518-524 MHz, 1000 watts.
BPTTL-810217MI (new), Anchorage, Alaska. H. Frank Dominquez, et al. Req: Channel 49, 680-686 MHz, 1000 watts.
BPTTL-810409KA (new), Anchorage, Alaska. Alaska Public Television, Inc. Req: Channel 38, 614-620 MHz, 100 watts.
BPTVL-810210IC (new), Fairbanks, Alaska. Mr. David Eugene Brown. Req: Channel 7, 174-180 MHz, 100 watts.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 81-18929 Filed 6-25-81; 8:45 am]
BILLING CODE: 6712-01-M

47 CFR Part 31

[CC Docket No. 79-105; RM-3017]

Uniform System of Accounts for Class A and Class B Telephone Companies; Accounting for Station Connections, Optional Payment Plan Revenues and Related Capital Cost, Customer Provided Equipment and Sale of Terminal Equipment; Order Extending Time for Filing Replies to Oppositions to Petition for Reconsideration

AGENCY: Federal Communications Commission.

ACTION: Petition for reconsideration; extension of time for filing replies to oppositions.

SUMMARY: The People of the State of California requested and were granted permission for an extention of time to reply to American Telephone & Telegraph Company (AT&T) and General Telephone & Electronics Company (GTE), opposition to California's Petition for Reconsideration in the above docket concerning the Uniform System of Accounts for Class A and Class B Telephone Companies.

DATE: Replies to oppositions to petitions should be filed on or before June 26, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Sanford Margolin, Common Carrier Bureau, (202) 632-3863.

In the matter of amendment of Part 31, Uniform System of Accounts for Class A and Class B Telephone Companies, of the Commission's Rules and Regulations with respect to accounting for station connections, optional payment plan revenues and related capital costs, customer provided equipment and sale of terminal equipment (46 FR 26693; 5-14-81).

Adopted: June 18, 1981.

Released: June 22, 1981.

By the Chief, Accounting and Audits Division:

1. The People of the State of California and the Public Utilities Commission of the State of California (CPUC) have filed a request for an extension of time to file a response to any opposition to the CPUC Petition for Reconsideration in the above docket, and the Petition for Clarification filed by the National Association of Regulatory Commissioners.

2. In support of its request the CPUC asserts that an extension of time is warranted because the attorney for the CPUC did not receive the opposition papers until June 18, 1981. In addition, the lengthy opposition of the American Telephone and Telegraph Company (AT&T) contains 24 pages of text and a 33 page appendix.

3. We will grant the request of the CPUC because of the delay experienced in receiving the opposition responses. We believe that the extra time requested is not unreasonable because of the legal questions involved.

4. Accordingly it is ordered, pursuant to authority delegated in §§ 0.291 and 0.91 of the Commission's Rules and Regulations, 47 CFR 0.291 and 0.91 (1979), that the request of the People of the State of California and the Public Utilities Commission of California for an extension of time is granted.

5. It is further ordered that interested parties shall file replies to oppositions to these petitions on or before June 26, 1981.

Federal Communications Commission.

Gerald P. Vaughan,

Acting Chief, Accounting and Audits Division.

[FR Doc. 81-19004 Filed 6-25-81; 8:45 am]
BILLING CODE 6712-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-642-DR]

Ohio; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for the State of Ohio (FEMA-642-DR), dated June 16, 1981, and related determinations.

DATED: June 16, 1981.

FOR FURTHER INFORMATION CONTACT: Sewall H. E. Johnson, Disaster Response and Recovery, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 634-7800.

Notice: Pursuant to the authority vested in the Director of the Federal Emergency Management Agency by the President under Executive Order 12148 effective July 15, 1979, and delegated to me by the director under Federal Emergency Management Agency Delegation of Authority, and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that, in a letter of June 16, 1981, the President declared a major disaster as follows:

The damage in certain areas of the State of Ohio resulting from severe storms, tornadoes and flooding beginning on June 13, 1981, is of

sufficient severity and magnitude to warrant a major disaster declaration under Pub. L. 93–288. I therefore declare that such a major disaster exists in the State of Ohio.

In order to provide Federal assistance, you are hereby authorized to allocate, from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses. Consistent with the requirement that Federal assistance be supplemental, the Federal funds under Pub. L. 93–288 will be limited to 75 percent of any eligible public assistance in designated areas except for technical assistance which will be funded at 100 percent. However, pursuant to Section 408(b) of Pub. L. 93–288, you are authorized to advance to the State such 25 percent share of eligible public assistance, to be repaid to the United States by the State when it is able to do so.

The time period prescribed for the implementation of Section 313(a), Priority to Certain Applications for Public Facility and Public Housing assistance, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of Federal Emergency Management Agency under Executive Order 12148, and delegated to me by the Director under Federal Emergency Management Agency Delegation of Authority, I hereby appoint Mr. Leo McNamee of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following area of the State of Ohio to have been affected adversely by this declared major disaster.

Morrow County for Individual Assistance and Public Assistance.

(Catalog of Federal Domestic Assistance No. 83.300, Disaster Assistance. Billing Code 6718–02)

James P. Dokken,

Acting Associate Director, Disaster Response and Recovery, Federal Emergency Management Agency.

[FR Doc. 81–18894 Filed 6–25–81; 8:45 am]

BILLING CODE 6718–01–M

FEDERAL MARITIME COMMISSION

[Agreement No. T–3930–A]

Supplement Lease Between the Port Authority of New York and New Jersey and Universal Maritime Service Corporation; Availability of Finding of No Significant Impact

Upon completion of an environmental assessment, the Federal Maritime Commission's Office of Energy and Environmental Impact has determined that the Commission's decision on Agreement No. T–3930–A will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*, and that preparation of an environmental impact statement is not required. The agreement is a supplement lease between the Port Authority of New York and New Jersey (the Port Authority) and Universal Maritime Service Corporation (UMS). Under the terms of the lease, the Port Authority would add a small amount of open area to the existing premises and provide an additional container crane for UMS's operations at the Red Hook Terminal, Port of New York.

This Finding of No Significant Impact (FONSI) will become final within 20 days of publication of this Notice in the **Federal Register** unless a petition for review is filed pursuant to 46 CFR 547.6(b).

The FONSI and related environmental assessment are available for inspection on request from the Office of the Secretary, Room 11101, Federal Maritime Commission, Washington, D.C. 20573, telephone (202) 523–5725.

Joseph C. Polking,

Acting Secretary.

[FR Doc. 81–18896 Filed 6–25–81; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL PREVAILING RATE COMMISSION

Federal Prevailing Rate Advisory Committee; Annual Report; Availability

Pursuant to the provisions of section 10(d) of the Federal Advisory Committee Act (Pub. L. 92–463) and Circular A–63, revised, of the Office of Management and Budget—notice is hereby given to the availability of the Federal Prevailing Rate Advisory Committee 1980 Annual Report.

The report summarizes the activities and recommendations of the Committee to the Director, Office of Personnel Management in dealing with the Federal prevailing rate systems for craft, trade, and labor employees paid from either appropriated or nonappropriated funds during calendar year 1980.

Single copies of the report will be furnished without charge. Multiple copies can be furnished at a fair and equitable fee upon written request addressed to the Chairman, Federal Prevailing Rate Advisory Committee, Office of Personnel Management, Room 1340, 1900 E Street NW., Washington, D.C. 20415.

The report may be otherwise examined and/or copies obtained at the above office and address between the hours of 8:15 a.m. and 4:45 p.m. Monday through Friday, legal holidays excluded.

Jerome H. Ross,

Chairman, Federal Prevailing Rate Advisory Committee

June 18, 1981.

[FR Doc. 81–18882 Filed 6–25–81; 8:45 am]

BILLING CODE 6325–01–M

FEDERAL RESERVE SYSTEM

Bancshares of the South, Inc.; Formation of Bank Holding Company

Bancshares of the South, Inc., Baton Rouge, Louisiana, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 90 per cent or more of the voting shares of Bank of the South, Baton Rouge, Louisiana. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than July 21, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are is dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 22, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81–18884 Filed 6–25–81; 8:45 am]

BILLING CODE 6210–01–M

Boatmen's Bancshares, Inc.; Acquisition of Bank

Boatmen's Bancshares, Inc., St. Louis, Missouri, has applied for the Board's approval under § 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 90 per cent or more of the voting shares of Mountain Grove National Bank, Mountain Grove, Missouri. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis.

Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than July 21, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 22, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-18885 Filed 6-25-81; 8:45 am]

BILLING CODE 6210-01-M

First Healdton Bancorporation, Inc.; Formation of Bank Holding Company

First Healdton Bancorporation, Inc., Healdton, Oklahoma, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 98 per cent of the voting shares of Bank of Healdton, Healdton, Oklahoma. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than July 21, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 22, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

FR Doc. 81-18886 Filed 6-25-81; 8:45 am]

BILLING CODE 6210-01-M

Southwest Bancorporation; Formation of Bank Holding Company

Southwest Bancorporation, Minneapolis, Minnesota, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 98 percent of the voting shares of First American State Bank of Brownsdale, Brownsdale, Minnesota. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than July 21, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 22, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-18887 Filed 6-25-81; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Proposed de Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. § 1843(c)(8)) and section 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than July 21, 1981.

Federal Reserve Bank of New York (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

Chemical New York Corporation, New York, New York (financing and insurance activities; Georgia): to continue to engage, through its subsidiary, Sunamerica Corporation, in the previously approved activities of making direct loans, purchasing installment sales finance contracts, and acting as agent or broker for the sale of credit related insurance. These activities will be conducted from an office in Augusta, Georgia, servicing the city of Augusta and its environs. This application is for the relocation of an office within the same city.

Other Federal Reserve Banks: None.

Board of Governors of the Federal Reserve System, June 22, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-18888 Filed 6-25-81; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Co.; Notice of Proposed "De Novo" Nonbank Activity

The bank holding company listed in this notice has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. § 1843(c)(8)) and section 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to the application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on the application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be

presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for the application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than July 18, 1981.

Federal Reserve Bank of New York (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045: Manufacturers Hanover Corporation, New York, New York (mortgage banking activities (office relocation and service area expansion); Ohio): to continue to engage through its subsidiary, Manufacturers Hanover Mortgage Corporation ("MHMC"), in originating mortgage loans. Such activities will be relocated from an office at First National Bank Building, One First National Plaza, Suite 1236, Dayton, Ohio, to an office at Financial South Office Park, 5335 Far Hills Avenue, Dayton, Ohio. The geographic area to be served will expand from Montgomery County to include, in addition, Green and Warren Counties, in Ohio.

Other Federal Reserve Banks: None.

Board of Governors of the Federal Reserve System, June 19, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-18906 Filed 6-25-81; 8:45 am]

BILLING CODE 6210-01-M

Centennial/Valley State Bancorp Formation of Bank Holding Co.

Centennial/Valley State Bancorp, Eugene, Oregon, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 per cent of the voting shares of Centennial Bank Springfield, Oregon, and of Valley State Bank, Eugene, Oregon. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 USC 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than July 18, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any question of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 19, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-18908 Filed 6-25-81; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Consumer Participation; Open Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming consumer exchange meeting to be chaired by William R. Clark, District Director, Chicago District Office, Chicago IL.

DATE: The meeting will be held from 1 p.m. to 3 p.m., Thursday, July 16, 1981.

ADDRESS: The meeting will be held at the Main Post Office Bldg., Rm. 1204, 433 W. Van Buren St., Chicago, IL 60607.

FOR FURTHER INFORMATION CONTACT: Patricia M. Kozak, Consumer Affairs Officer, Food and Drug Administration, 433 W. Van Buren St., Chicago, IL 60607, 312-353-7126.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to encourage dialogue between consumers and FDA officials, to identify and set priorities for current and future health concerns, to enhance understanding and exchange information between local consumers and FDA's Chicago District Office, and contribute to the agency's policymaking decisions on vital issues.

Dated: June 19, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-18709 Filed 6-25-81; 8:45 am]

BILLING CODE 4110-03-M

Consumer Participation; Open Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming consumer exchange meeting to be chaired by Ronald M. Johnson, Chief, St. Louis Station, St. Louis, MO.

DATE: The meeting will be held from 2 p.m. to 4 p.m., Tuesday, July 14, 1981.

ADDRESS: The meeting will be held at the Food and Drug Administration, 808 N. Collins, Laclede's Landing, St. Louis, MO 63102.

FOR FURTHER INFORMATION CONTACT: Mary Margaret Richardson, Consumer Affairs Officer, Food and Drug Administration, 808 N. Collins, Laclede's Landing, St. Louis, MO 63102, 314-425-5021.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to encourage dialogue between consumers and FDA officials, to identify and set priorities for current and future health concerns, to enhance understanding and exchange information between local consumers and FDA's St. Louis Station, and contribute to the agency's policymaking decisions on vital issues.

Dated: June 19, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-18710 Filed 6-25-81; 8:45 am]

BILLING CODE 4110-03-M

Sodium in Foods; Open Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: Secretary Richard S. Schweiker, Department of Health and Human Services (HHS), and Commissioner Arthur Hull Hayes, Jr., Commissioner of Food and Drugs, announce a forthcoming meeting.

DATE: The meeting will be held from 10 a.m. to 12 m., Tuesday, June 30, 1981.

ADDRESS: The meeting will be held in the HHS Building Auditorium, 330 Independence Ave., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Jan Younger, Bureau of Foods (HFF-326), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-245-1523.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to discuss the agency's program concerning sodium in foods with interested food-related trade associations. The agency requests that attendees be limited to no more than two per trade association.

Dated: June 19, 1981.

Mark Novitch,

Acting Commissioner of Food and Drugs.

[FR Doc. 81-18706 Filed 6-22-81; 10:00 am]

BILLING CODE 4110-03-M

Miscellaneous Internal Drug Products Panel; Meeting Change

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces a change in date of a meeting of the Miscellaneous Internal Drug Products Panel scheduled for July 10, 11, and 12, 1981. The meeting was announced in the **Federal Register** of June 12, 1981 (46 FR 31061). The meeting will be a telephone conference call and will be held only on July 10, 1981, Conference Rm. F, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD, from 10 a.m. until approximately 5 p.m.

FOR FURTHER INFORMATION CONTACT: John R. Short, Bureau of Drugs (HFD–510), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–6156.

Dated: June 23, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-19013 Filed 6-24-81; 10:40 am]

BILLING CODE 4110-83-M

Office of Human Development Services

1981 White House Conference on Aging: Privacy Act of 1974; Report of System of Records

AGENCY: White House Conference on Aging, HDS, HHS.

ACTION: Notification of new system of records.

SUMMARY: In accordance with 5 U.S.C. 552a(e)(4), we are issuing public notice of our intent to establish a new system of records: Data Bank on Delegates and Observers/1981 White House Conference on Aging, HHS, HDS, WHCoA, 09–80–0021. We are proposing also to include routine uses of records in the system in accordance with 5 U.S.C. 552a(e)(11). The proposed new system will permit the Conference to monitor its progress in achieving the guidelines set forth for a representative delegation for the Conference. In addition, the system of records will facilitate communication with delegates and observers regarding logistical arragements and distribution of background materials necessary for preparing for the National Meeting. We invite public comment on the routine uses on or before July 27, 1981.

DATE: We filed a report of the new system of records with the President of the Senate, the Speaker of the House of Representatives, and the Director, Office of Management and Budget on June 16, 1981.

A request for waiver of the OMB advance notice requirement was approved June 23, 1981. The system, except for the routine uses, is effective June 23, 1981. The routine uses will become effective July 27, 1981, unless HDS receives comments which would result in a contrary determination.

ADDRESS: Address comments to the HDS Privacy Act Coordinator, Department of Health and Human Services, Room 736E, Hubert H. Humphrey Building, 200 Independence Avenue, S.W., Washington, D.C. 20201. We will make comments received available for public inspection in Room 734D at the above address.

FOR FURTHER INFORMATION CONTACT: Ms. Jo Harris, Director, Office of Operations, 1981 White House Conference on Aging, 330 Independence Avenue, S.W., Room 4059, Washington, D.C. 20201 (202) 245–1904.

SUPPLEMENTARY INFORMATION: We are proposing a system of records to assist the Conference leadership in making further decisions regarding the allocation of delegate and observer seats. The system is not to be utilized to pass judgment on any nominees that are presented to the Conference from individuals or groups to whom an official allocation of delegate and/or observer seat(s) has been offered.

The Privacy Act allows us to disclose information without the consent of the individual for "routine uses," that is, disclosure for purposes which are compatible with the purposes for which we collected the information. This notice sets forth the purposes for which the information is being collected and gives the "routine uses" for disclosure. Accordingly, routine uses of this system include the distribution of names and mailing addresses of observers and delegates to groups requesting them in order for such groups to share information with the Conference participants. Telephone numbers, unless individuals have indicated their desire to the contrary, will be shared upon request with State White House Conference Coordinators who request such information to facilitate quick communication in some cases.

Groups having an interest in selected sub-groups of the delegates and observers, (such as sex, address, age, race/ethnicity, and/or rural/urban), will also be provided lists broken out according to the specified characteristics requested which are included in the system of records. Upon request, press will also be provided information which is contained in the system of records on the delegates and observers.

We will maintain system security for this system in accordance with National Bureau of Standards guidelines and the Department's Automatic Data Processing *System Manual*, "Part 6, ADP System Security." WHCoA employees may access data elements which will be included in this system only on a "need-to-know" basis. The Privacy Act prescribes specific penalties for unauthorized disclosures and these provisions have been explained to all individuals working with the records, both manually and through the computer.

Since this system of records is being established in accordance with the requirements and principles of the Privacy Act, we anticipate no untoward effect on the privacy or other personal rights of individuals.

Dated: June 16, 1981.

Dorcas R. Hardy,

Assistant Secretary for Human Development Services.

09–80–0021

SYSTEM NAME:

Data Bank on Delegates & Observers/ 1981 White House Conference on Aging HHS/HDS/WHCoA.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Room 4511, 330 Independence Avenue, S.W., Washington, D.C. 20201.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals officially nominated, through the allocation plan, to be observers and delegates to the 1981 White House Conference on Aging.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information forms submitted by nominator(s) including names, addresses, phone numbers, and sex; whether nominees are over or under 55 years of age, reside in urban or rural area, are representative of a minority group, have any special needs such as assistance for the handicapped, personal support services, and translation services, type of nominee such as Congressional or Gubernatorial, membership in major aging organizations, housing and transportation plans for Conference, committee preferences and assignment, and authorization to release information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pub. L. 95–478, Comprehensive Older Americans Act Amendments of 1978, Title II, 1981 White House Conference on Aging Act.

PURPOSE(S):

To select delegates and observers for the Conference and provide them with information they will need to participate. The Conference also takes the position that names and mailing addresses of delegates and observers should be available, upon request, to the general public, as these official participants in the Conference have a public responsibility and accountability. In addition, the Conference expects that the press, special groups, and organizations will want to know which delegates are representative of particular interests such as urban/rural residency and minority status.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure may be made as follows:

1. Individuals, organizations, and the press, having an active interest in the White House Conference, will be provided with the following information on delegates/observers:

a. Address;

b. Age;

c. Race/Ethnicity;

d. Rural/Urban.

2. Disclosure may be made to a Congressional Office from the record of an individual in response to an inquiry from the Congressional Office made at the request of that individual.

3. In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Data will be maintained both in notebooks and through automatic data processing, which will include actual on line disc storage.

RETRIEVABILITY:

Data can be accessed by name of the individual, sex, address, age, race/ethnicity, and/or rural/urban.

Uses of the system within the Department will be to select delegates and observers for the Conference and provide them with information they will need to participate.

SAFEGUARDS:

We will maintain system security for this system in accordance with National Bureau of Standards guidelines and the Department's ADP *System Manual*, "Part 6, ADP System Security." Conference employees may access data elements on a "need-to-know" basis. Only staff trained to access the terminal can do so. The software package is designed to require special inquiry for information that the individual has requested not be shared outside of the Conference.

Access to and use of these records are limited to those persons whose official duties require access. The completed forms are filed in notebooks which are locked in file cabinets.

RETENTION AND DISPOSAL:

Records will be maintained from time of entry through the National Meeting and up to close out of the Conference Office, which is expected to be in May, 1982. This will allow for the use of updated mailing lists for observers and delegates of post-Conference materials such as the final Conference Report.

Hard copy records will be destroyed following the National Meeting itself. Names and addresses of delegates and observers will be placed in the archival records, with a retention time of 11 years.

SYSTEM MANAGER AND ADDRESS:

Director, Office of Operations, 1981 White House Conference on Aging, 330 Independence Avenue, SW., Room 4059, Washington, D.C. 20201.

NOTIFICATION PROCEDURE:

Any inquiries regarding this system of records should be in writing and should be addressed to the System Manager. When requesting notification, an individual should provide his or her name, state of residence, and who nominated the individual to be a delegate or observer.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. Notification and access requests, where appropriate, should be made at the same time by the requester.

CONTESTING RECORD PROCEDURES:

Same as notification and access procedures. Requesters should also reasonably identify the record and specify the information to be contested.

RECORD SOURCE CATEGORIES:

Records are obtained from the official individuals or groups invited to nominate delegates or observers, or from the individuals themselves, who are chosen to be observers or delegates.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 81–18416 Filed 6–25–81; 8:45 am]

BILLING CODE 4110–92–M

Public Health Service

Privacy Act of 1974

AGENCY: Department of Health and Human Services; Public Health Service.

ACTION: Notification of an altered system of records, 09–37–0005, "PHS Commissioned Corps Board Proceedings," HHS/OASH/OM.

SUMMARY: In accordance with the requirements of the Privacy Act, the Public Health Service (PHS) is publishing notice of a proposal to alter system 09–37–0005, "PHS Commissioned Corps Board Proceedings," HHS/OASH/OM. The categories of records in the system are being expanded to include records associated with the newly established Board for Correction of Public Health Service Commissioned Corps Records. Also a second system manager is being added, and the authorities for maintenance of the system, the record source categories, and the safeguards are being expanded to accommodate the proposed subsystem. PHS invites interested persons to submit comments on the proposed alterations, and on the existing routine uses as applied to the proposed new subsystem, on or before July 27, 1981.

DATES: PHS has sent a Report of Altered System of Records to Congress and to the Office of Management and Budget (OMB) on June 18, 1981. PHS has requested that OMB grant a waiver of the usual requirement that a revision to a system of records not be put into effect

until 60 days after the report is sent OMB and Congress. If this waiver is granted, PHS will publish a notice to that effect.

ADDRESS: Comments should be addressed to the following official: Chairman, Board for Correction of Public Health Service, Commissioned Corps Records, Room 17–53, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857. Comments received will be available for review at the above address from 8:30 a.m. until 5:00 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Dominick Onorato, Director, Office of Organization and Management Systems/OM/PHS, Room 17–53, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, Telephone: (301) 443–2084.

SUPPLEMENTARY INFORMATION: System 09–37–0005 is being altered to include records pertaining to the newly established Board for Correction of Public Health Service Commissioned Corps Records. The records to be created will be utilized in processing actions taken on applications for correction of other Commissioned Corps personnel records, or to arrive at a full and equitable resolution of matters brought before the Board.

This system of records was established to cover PHS Commissioned Corps Awards Board proceedings. The alteration undertaken is solely for the inclusion of records necessary to the operation of the newly established Board for Correction of Public Health Service Commissioned Corps Records. The alteration of the existing system in lieu of the establishment of a new system of records was determined to be the preferred course of action, since both Boards are compatible and related; i.e., changes in the database of one can impact on the database of the other, and duplication of some record materials from Awards Board records may be avoided if the existing system of records is expanded to accommodate the proposed subsystem.

The proposed subsystem will be managed independently from the Commissioned Corps Operations Division to ensure that decisions of the Board for Correction are in interest of justice and are not a simple concurrence of prior decisions made.

Records will be stored in a metal filing cabinet located in an inner office which is occupied continuously during working hours, and locked before and after working hours. Access to these records is limited to the Board Examiners, support staff, the Commissioned Personnel Operations Division, and the Director, Office of Management, PHS. Individuals requesting access will be closely screened. The Parklawn Building, where the records are stored, also has a guard force on duty and entry into the building before or after normal working hours is controlled.

The system notice was last published in the **Federal Register** on December 22, 1980, Vol. 45, No. 247, page 84524. It has been revised to reflect the proposed alterations and is republished in its entirety below.

Dated: June 19, 1981.

Jack N. Markowitz,

Acting Director, Office of Management.

09–37–0005

SYSTEM NAME:

PHS Commissioned Corps Board Proceedings. HHS/OASH/OM.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of the Director, Commissioned Personnel Operations Division, Office of Personnel Management/OM/PHS, Room 4A–15, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857

General Services Administration, Federal Records Center, 111 Winnebago Street, St. Louis, MO 63118

Board for Correction of Public Health, Service Commissioned Corps, Records/OM/OASH, Room 17–53, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Commissioned Officers and applicants to the Commissioned Corp of the Public Health Service.

CATEGORIES OF RECORDS IN THE SYSTEM:

Commissioned Officers Awards Board files consisting of nominations, citations and related documents. Records of board proceedings relating to appointment, promotion, separation reduction in grade, retirement, and special pay (Variable Incentive and Continuation Pay) and supportive material. Also, Board for Correction of Public Health Service Commissioned Corps Records files, consisting of applications; case briefs; findings, conclusions, recommendations; and related documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Act Section 201 et seq. (42 U.S.C. 202 et seq.); 5 U.S.C. 4501. For Board for Correction, the authorities are 10 U.S.C. 1552; 42 U.S.C. 213 a(a)(12); and Executive Order 9397, dated November 22, 1943.

PURPOSE(S):

Used by HHS employees who process or participate in Awards Board actions which recommend or decide on appropriate actions in the categories listed, and in the preparation of the Commissioned Officer and Promotion Seniority Roster. With regard to the Board for Correction, records are used to review and act on claims of errors or injustices in personnel records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claims, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Metal file cabinets in locked room.

RETRIEVABILITY:

Alphabetical files by names of persons.

SAFEGUARDS:

Building guard force. In addition, records of the Board for Correction will be stored in a metal filing cabinet located in an inner office which is occupied continuously during working hours, and locked before and after working hours. Access to these records is limited to the Board Examiners, support staff, Commissioned Personnel Operations Division staff who demonstrate a need-to-know, and the Director, Office of Management, PHS, who has been delegated authority for

approval or disapproval of all actions of this Board.

RETENTION AND DISPOSAL:

Records may be retired to a Federal Records Center and subsequently disposed of in accordance with the OASH records control schedule. The records control schedule may be obtained by writing to the System Manager.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Commissioned Personnel Operations Division (See System location above). Also, Chairman, Board for Correction of Public Health Service Commissioned Corps Records, at the address indicated under System location above.

NOTIFICATION PROCEDURE:

Write to the responsible System Manager to determine if a record exists.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. Access to record systems which have been granted an exemption from the Privacy Act access requirement may be made at the discretion of the System Manager. Denial of access may be appealed to the Director, Office of Management.

CONTESTING RECORD PROCEDURES:

If access has been granted, contact the official at the address specified under notification procedures above, reasonably identify the record, specify the information to be contested, and state the corrective action sought.

RECORD SOURCE CATEGORIES:

From individuals themselves or their service records, including efficiency and progress reports, from references, and from supervisors. In addition, Examiners may present findings and recommendations to the Board for Correction of Public Health Service Commissioned Corps Records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Individuals will be provided information from the above record system except, when in accordance with the provisions of 5 U.S.C. 552a(k)(5), 1) disclosure of such information would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or 2) if the information was obtained prior to the effective date of Section 3, P. L. 93–579, disclosure of such information would reveal the identity of a source who provided information under an implied promise that the identity of the source would be held in confidence. Pursuant to 5 U.S.C. 552a(k)(6) all material and information in this system of records about an individual that meet the criteria stated in 5 U.S.C. 552a(k)(6) are exempt from the requirements of 5 U.S.C. 552a(c)(3); (d); (e)(4)(G), (H), and (I); and (f) relating to access and contest, making an accounting of disclosure to the Individual named in the record, and provisions regarding agency rules in that portion of this system that relate to testing and examination materials that are used solely to determine individual qualifications for appointment or promotion in the U.S. Public Health Service Commissioned Corps. The specific material that is exempted is as follows:

a. Answer keys.
b. Ratings given for the purpose of validating examinations.
c. Rating sheets.
d. Rating schedules, including crediting plans.
e. Transmutation tables.
f. Test booklets.
g. Test item files.

[FR Doc. 81-18912 Filed 6-25-81; 8:45 am]

BILLING CODE 4110-85-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Texas; Availability of Final Environmental Impact Statement for Proposed Camp Swift Lignite Leasing, Bastrop County, Texas

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, notice is hereby given that the Bureau of Land Management (BLM), Department of the Interior, has prepared a final environmental impact statement (EIS) for the proposed competitive leasing of Federal lignite reserves at the Camp Swift Military Reservation, in Bastrop County, Texas.

ADDRESSES: Single copies of the final EIS may be obtained from the New Mexico State Office, Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87501, or the Office of Public Affairs, Bureau of Land Management, 18th and C Streets, NW, Washington, D.C. 20240.

Review copies of the EIS are also on file at the locations specified in the SUPPLEMENTARY INFORMATION section of this notice.

FOR FURTHER INFORMATION CONTACT: Carol MacDonald, New Mexico State Office (922), Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87501, (505) 988–6214.

SUPPLEMENTARY INFORMATION: The EIS analyzes the site-specific and cumulative environmental, social, and economic impacts that would result from the leasing and development of lignite reserves at the 11,740-acre Camp Swift Military Reservation, in Bastrop County, Texas. The EIS addresses three leasing alternatives: Proposed Action (leasing of approximately 6,348 acres), Larger Area Alternative (leasing of approximately 6,444 acres), and No Action Alternative (no leasing).

Copies of the draft EIS were sent to approximately 600 Federal, State, and local government agencies, nongovernmental organizations, and private citizens for their review and comment. Public heairngs were held in Bastrop, Austin, and San Antonio, Texas. All substantive comments on the adequacy of the draft EIS received during the public review process have been addressed in the revised Consultation and Coordination section of the final EIS.

Copies of the Camp Swift Final EIS, along with copies of the Technical Reports Volume (back-up material), are on file and available for public inspection at the following locations:

Office of Public Affairs, Bureau of Land Management, Room 5623, Interior Bldg., 18th and C Streets, N.W., Washington, D.C. 20240
Roswell District Office, Bureau of Land Management, Featherstone Farm Bldg., Roswell, New Mexico 88201
New Mexico State Office, Bureau of Land Management, Public Information Office, Post Office and Federal Bldg., Santa Fe, New Mexico 87501
General Library, University of Texas at Austin, Austin, Texas 78712
Bastrop Public Library, 1008 Water Street, Bastrop, Texas 78602
Smithville Public Library, Main at 6th Street, Smithville, Texas 78957
John Peace Library, University of Texas at San Antonio, San Antonio, Texas 78284
Elgin Public Library, 114 Depot Street, Elgin, Texas 78621
Railroad Commission of Texas, 1124 S. IH 35, Austin, Texas 78704

Dated: June 23, 1981.

Ed Hastey,

Associate Director, Bureau of Land Management.

[FR Doc. 81-18936 Filed 6-25-81; 8:45 am]

BILLING CODE 4310-84-M

Texas; Availability Unsuitability Assessment Report

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Land Management, in accordance with Federal regulation 43 CFR 3461, has prepared a coal unsuitability assessment report on the proposed leasing of Federal lignite reserves at Camp Swift Military Reservation, Bastrop County, Texas. The report evaluates areas of Camp Swift which may be unsuitable for surface mining. The report contains maps showing (1) areas to which one or more unsuitability criteria apply, (2) areas identified as unsuitable for mining after application of exceptions, and (3) areas identified as suitable for mining after application of exceptions. The Unsuitability Assessment Report has been published as Appendix 1 of the Proposed Camp Swift Lignite Leasing Final Environment Impact Statement (FEIS).

DATE: Written comments on the Unsuitability Assessment Report will be accepted on or before August 3, 1981.

ADDRESS: Single copies of the FEIS are available from State Director (920), New Mexico State Office, Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87501. Interested parties may submit comments on the Unsuitability Assessment Report to the same address.

FOR FURTHER INFORMATION CONTACT: Carol MacDonald, New Mexico State Office (922), Bureau of Land Management, P.O. Box 1449, Sante Fe, New Mexico 87501, telephone (505) 988–6214.

Dated: June 23, 1981.

Ed Hastey,

Associate Director, Bureau of Land Management.

[FR Doc. 81–18937 Filed 6–25–81; 8:45 am]

BILLING CODE 4310–84–M

Utah Lease Sale Schedule for Federal Coal in the Uinta-Southwestern Utah Federal Coal Production Region

AGENCY: Bureau of Land Management, Interior.

ACTION: Announcement of Regional Lease Sale Schedule.

SUMMARY: In accordance with 43 CFR 3420.7–1 and in compliance with 40 CFR 1505.2, this notice contains the Secretary of the Interior's decision for a regional lease sale schedule, as announced on June 12, 1981, for Federal coal lease tracts in the Uinta-Southwestern Utah Federal Coal Production Region.

DATES: The first sale is scheduled for July 30, 1981, with a second sale to be held in February 1982.

ADDRESS: The lease sales will be held at the Bureau of Land Management's Utah State Office, University Club Building, 136 East South Temple, Salt Lake City, Utah 84111.

FOR FURTHER INFORMATION CONTACT: Max Nielson, Project Manager, Utah State Office, Bureau of Land Management, address as above, (801) 524–5326.

SUPPLEMENTARY INFORMATION: This notice, as required by 43 CFR 3420.7–1 and 40 CFR 1505.2, is to inform the public that the Secretary of the Interior has selected 10 tracts located in the Uinta-Southwestern Utah Federal Coal Production Region and has announced the schedule for the competitive sale of those tracts. The legal descriptions for the tracts to be offered for sale are listed in the appendix to this notice. (The legal description for the North Horn Mountain tract is subject to change following completion of the Geological Survey drilling program.)

The first sale will be on July 30, 1981, with the second sale to be held in February 1982.

The 10 tracts for sale in 1981 and 1982 have been scheduled as follows:

First Sale—July 30, 1981

Tucker Canyon (small business tract)
Gordon Creek
Miller Creek
Cottonwood
Meetinghouse Canyon

Second Sale—February 1982

Emery North
Emery Central
Emery South

The Rilda Canyon and North Horn Mountain tracts are also to be offered for competitive sale if certain conditions are met. Additional drilling on the North Horn Mountain tract must be completed and the involved agencies must concur on final tract delineation. A hydrology study on the Rilda Canyon tract must be completed and the U.S. Forest Service must concur with leasing this tract before it can be offered. If these tasks are completed in sufficient time, both tracts may be offered at the February 1982 sale; if not, the tracts will be offered as soon as possible after completion of the study and the drilling.

In addition to the lease sale decision, the Secretary rejected an exchange proposed by the Utah Power and Light Company that involved the North Horn Mountain, Cottonwood, and Meetinghouse Canyon tracts. An evaluation by the Geological Survey found no equitable economic value associated with the exchange proposal. By rejecting the exchange proposal, the Secretary made these three tracts available for competitive sale.

Eleven tracts, along with the exchange proposal, were analyzed in the regional lease sale environmental impact statement (EIS). The 10 tracts being offered for sale contain an estimated 555 million tons of estimated Federal in-place reserves that could add an average of 6.3 million tons of coal to the Nation's annual production level.

The Secretarial Issue Document that includes the Secretary's decision and discusses the alternatives for leasing and the national policies considered in reaching the decision is available upon request from the BLM State Director, at the above address.

Dated: June 18, 1981.

Ed Hastey,

Associate Director, Bureau of Land Management.

Legal Description of Federal Coal in the Miller Creek Tract

T. 13 S., R. 7 E., SLM, Utah,
Sec. 3, Lots 9, 10, N½SW¼;
Sec. 9, NE¼, S½NW¼, E½SW¼, E½SE¼;
Sec. 10, All;
Sec. 15, All;
Sec. 16, E½E½.

Containing 1,999.06 acres in Carbon County, Utah.

Legal Description of Federal Coal in the Gordon Creek Tract

T. 13 S., R. 7 E., SLM, Utah.
Sec. 1, SW¼NW¼, SW¼, W½SE¼, SE¼SE¼;
Sec. 2, All;
Sec. 3, Lots 1, 2, 5–8, SW¼NE¼, NW¼SE¼;
Sec. 11, All;
Sec. 12, W½W½;
Sec. 13, S½S½NW¼NE¼, S½NE¼, W½, SE¼;
Sec. 14, All;
Sec. 23, All;
Sec. 24, N½N½, SW¼NW¼, NW¼SW¼.
T. 13 S., R. 8 E., SLM, Utah.
Sec. 19, Lots 1, 2, SE¼NW¼.

Containing 4,283.89 acres in Carbon County, Utah.

Legal Description of Federal Coal in the Cottonwood Tract

T. 17 S., R. 7 E., SLM, Utah.
Sec. 27, S½NW¼, N½SW¼;
Sec. 28, S½N½, S½;
Sec. 29, S½N½, S½;
Sec. 30, Lot 4, SE¼NE¼, NE¼SE¼, S½SE¼;
Sec. 31, LotE½;
Sec. 32, All;
Sec. 33, N½, SW¼, W½SE¼;
Sec. 34, NW¼NW¼, S½NW¼.
T. 18 S., R. 7 E., SLM, Utah,

Sec. 4, Lots 2–4;
Sec. 5, Lots 1–4, S½NW¼.

Containing 3,347.31 acres in Emery County, Utah.

Legal Description of Federal Coal in the Meetinghouse Canyon Tract

R. 16 S., R. 7 E., SLM, Utah,
Sec. 34, S½NE¼, NE¼SW¼, S½SW¼, SE¼.
T. 17 S., R. 7 E., SLM, Utah,
Sec. 3, Lots 1–8, 10–12, SW¼, SW¼SE¼;
Sec. 4, Lots 1, 8, 9, E½SE¼.

Containing 1,063.38 acres in Emery County, Utah.

Legal Description of Federal Coal in the Tucker Canyon Tract

T. 12 S., R. 7 E., SLM, Utah,
Sec. 30, Lots 1, 2, S½NE¼NE¼, W½NW¼NE¼, SE¼NW¼NE¼, NE¼NW¼.

Containing 161.40 acres in Carbon County, Utah.

Legal Description of Federal Coal in the Rilda Canyon Tract

T. 16 S., R. 7 E., SLM, Utah,
Sec. 32, All.

Containing 640.00 acres in Emery County, Utah.

Legal Description of Federal Coal in the Emery North Tract

T. 22 S., R. 6 E., SLM, Utah,
Sec. 1, Lots 1, 2, S½NE¼, SE¼;
Sec. 10, SE¼SE¼;
Sec. 11, NE¼, SE¼NW¼, E½SE¼;
Sec. 12, NE¼, S½;
Sec. 13, E½, N½NW¼, SW¼NW¼, N½SE¼NW¼, S½NE¼SW¼, W½SW¼, SE¼SW¼;
Sec. 14, SW¼NW¼, NW¼SW¼, SE¼SW¼, S½SE¼;
Sec. 15, NE¼NE¼;
Sec. 22, SW¼NW¼, N½SW¼, SE¼SW¼;
Sec. 23, NE¼NW¼.

Containing 2,161.00 acres in Emery County, Utah.

Legal Description of Federal Coal in the Emery Central Tract

T. 22 S., R. 6 E., SLM, Utah,
Sec. 34, S½;
Sec. 35, All;
T. 23 S., R. 6 E, SLM, Utah,
Sec. 3, All;
Sec. 4, Lot 1, SE¼NE¼, E½SE¼;
Sec. 10, All;
Sec. 11, W½E½, W½;
Sec. 15, NW¼NE¼, NE¼NW¼.

Containing 2,967.65 acres in Emery County, Utah.

Legal Description of Federal Coal in the Emery South Tract

T. 24 S., R. 6 E., SLM, Utah,
Sec. 4, Lots 4–7, SW¼NE¼, S½NW¼, N½SW¼, NW¼SE¼;
Sec. 5, Lots 1, 2, 7, 8, S½NE¼, N½SE¼.

Containing 748.49 acres in Emery County, Utah.

Legal Description of Federal Coal in the North Horn Mountain Tract (Preliminary)

T. 18 S., R. 6 E., SLM, Utah,
Sec. 3, SW¼SW¼;
Sec. 4, S½S½;
Sec. 5, SE¼SE¼;
Sec. 8, E½E½;
Sec. 9, All;
Sec. 10, W½W½, SE¼SW¼, S½SE¼, S½NE¼SE¼;
Sec. 11, S½S½, S½N½SW¼, NW¼SE¼;
Sec. 12, SW¼SW¼, SE¼SE¼;
Sec. 13, E½NE¼, SE¼NW¼NE¼, E½SW¼NE¼, W½W½, SE¼SW¼, SE¼;
Sec. 14, All;
Sec. 15, All;
Sec. 16, All;
Sec. 17, E½E½;
Sec. 21, N½NW¼, E½;
Sec. 22, All;
Sec. 23, All;
Sec. 24, All;
Sec. 25, All;
Sec. 26, All;
Sec. 27, All;
Sec. 28, E½;
Sec. 33, E½;
Sec. 34, All;
Sec. 35, All;
Sec. 36, All.
T. 18 S., R. 7 E., SLM,
Sec. 7, Lot 4, SE¼SW¼, S½SE¼;
Sec. 17, NE¼SW¼, S½SW¼, NW¼SE¼, S½SE¼;
Sec. 18, All;
Sec. 19, All;
Sec. 20, All;
Sec. 21, Lot 4, SW¼NW¼, SW¼;
Sec. 28, W½;
Sec. 29, All;
Sec. 30, All;
Sec. 31, All;
Sec. 32, All;
Sec. 33, SW¼NE¼, W½SE¼, W½.
T. 19 S., R. 6 E., SLM,
Sec. 1, All;
Sec. 2, All;
Sec. 3, All;
Sec. 4, E½.
T. 19 S., R. 7 E., SLM,
Sec. 4, W½;
Sec. 5, E½NE¼, W½E½, W½;
Sec. 6, N½NW¼, SW¼NW¼, W½SW¼.

Containing 20,219.48 acres in Emery County, Utah.

[FR Doc. 81-18938 Filed 6-25-81; 8:45 am]
BILLING CODE 4310-84-M

Outer Continental Shelf Oil and Gas Lease Sale; Extension of Comment Period on Draft Environmental Impact Statement for OCS Sale No. 68, Offshore Southern California

The availability of the Draft Environmental Impact Statement (DEIS) regarding a proposed 1982 oil and gas lease sale on the Outer Continental Shelf (OCS) offshore southern California (OCS Sale No. 68) was announced by **Federal Register** notice on May 29, 1981. In that notice, it was announced that comments on the DEIS should be submitted on or before August 7, 1981.

The purpose of this notice is to announce that the comment period has been extended to August 14, 1981. Please submit comments on the DEIS to the Office of the Manager, Pacific Outer Continental Shelf Office, 1340 West Sixth Street, Room 200, Los Angeles, California 90017, on or before August 14, 1981.

Ed Hastey,

Associate Director, Bureau of Land Management.

June 22, 1981.

[FR Doc. 81-18880 Filed 6-25-81; 8:45 am]
BILLING CODE 4310-84-M

[AA-41916]

Alaska Native Claims Selection

On February 4, 1981, Cook Inlet Region, Inc., filed selection application AA-41916 under the provisions of Sec. 12(b)(6) of the act of January 2, 1976 (89 Stat. 1151), and I.C.(2) of the Terms and Conditions for Land Consolidation and Management in the Cook Inlet Area, as clarified August 31, 1976, for the surface and subsurface estates of certain lands in Homer, Alaska.

Section 12(b)(6) of the act of January 2, 1976, authorizes conveyance of lands to Cook Inlet Region, Inc., from a selection pool established by the Secretary of the Interior and the General Services Administrator.

The lands are located inside the boundaries of Cook Inlet Region. By notice dated May 20, 1980, the lands and improvements within selection AA-41916 were placed in the pool of properties for selection by Cook Inlet Region, Inc., subject to valid existing rights.

The selection application of Cook Inlet Region Inc., as to the lands described below, is properly filed and meets the requirements of the act and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with Federal laws leading to acquisition of title.

In view of the foregoing, the surface and subsurface estates of the following described lands located in Sec. 20, T. 6 S., R. 13 W., Seward Meridian, are considered proper for acquisition by Cook Inlet Region, Inc., and are hereby approved for conveyance pursuant to Sec. 12(b)(6) of the act of January 2, 1976:

From the ¼ corner common to Sections 19 and 20, T. 6 S., R. 13 W., Seward Meridian, in village of Homer, Alaska, go East 238.5 feet to a 2-inch iron pipe and the point of beginning; thence North 834 feet to a 2" iron pipe; thence East 600 feet; thence South 30 feet; thence East 234 feet; thence South 804 feet to a 2"

iron pipe; thence West 834 feet to the point of beginning.

Containing approximately 15.63 acres.

There are no easements to be reserved to the United States pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act (ANCSA).

The grant of the above-described lands shall be subject to:

1. Issuance of a patent confirming the boundary description of the lands hereinabove granted after approval and filing by the Bureau of Land Management of the official plat of survey covering such lands;

2. Valid existing rights therein, if any including but not limited to those created by any lease (including a lease issued under Sec. 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 341; 48 U.S.C. Ch. 2, Sec. 6(g))), contract, permit, right-of-way, or easement, and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him. Further, pursuant to Sec. 17(b)(2) of the Alaska native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 708; 43 U.S.C. 1601, 1616(b)(2)) (ANCSA), any valid existing right recognized by ANCSA shall continue to have whatever right of access as is now provided for under existing law; and

3. The following third-party interest, if valid, created and identified by the Federal Aviation Administration, as provided by Sec. 14(g) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1613(g)):

Permit No. DOT–FA77AL–8540 issued to the State of Alaska, Department of Education, Alaska Public Broadcasting Commission and Kachemak Bay Broadcasting, Inc., for use of the land and facilities associated with the FAA's decommissioned Nondirectional Beacon (NDB) system at Homer, Alaska.

Section 12(b)(6) of Pub. L. 94–204 provides that conveyances pursuant to this section shall be made in exchange for lands or rights to select lands outside the boundaries of Cook Inlet Region as described in Sec. 12(b)(5) of this act and on the basis of values determined by appraisal. The lands described above have been appraised at a value of $670,345. Under Sec. I.C.(2)(e) of the Terms and Conditions, this property constitutes 1,340.69 acre/equivalents. Upon acceptance of title to these lands, Cook Inlet Region, Inc., will relinquish its selection rights to 1,340.69 acres of its out-of-region entitlement. Conveyance of the remaining entitlement to Cook Inlet Region, Inc., shall be made at a later date.

There are no inland water bodies considered to be navigable within the lands described.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the **Federal Register** and once a week, for four (4) consecutive weeks, in the *Anchorage Times.*

Any party claiming a property interest in lands affected by this decision, an agency of the Federal government, or regional corporation may appeal the decision to the Alaska Native Claims Appeal Board, provided, however, pursuant to Pub. L. 96–487, this decision constitutes the final administrative determination of the Department of the Interior concerning navigability of water bodies.

Appeals should be filed with the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510, with a copy served upon both the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513, and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501. Time limits for filing an appeal are:

1. Parties receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, and parties who failed or refused to sign the return receipt shall have until July 27, 1981 to file an appeal.

Any party known or unknown who is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 "C" Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the party to be served with a copy of the notice of appeal is: Cook Inlet Region, Inc., P.O. Drawer 4–N, Anchorage, Alaska 99509.

Ann Johnson,

Chief, Branch of Adjudication.

[FR Doc. 81–18922 Filed 6–25–81; 8:45 am]

BILLING CODE 4310–84–M

[W–0317252]

Wyoming; Proposed Continuation of Withdrawal

Correction

In FR Doc. 81–16973, on page 30576, in the issue of Tuesday, June 9, 1981, in the middle column, the second paragraph, the second line, correct "1,344.9" to "1,334.9".

BILLING CODE 1505–01–M

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 311]

Expedited Procedures for Recovery of Fuel Costs

Decided: June 23, 1981.

In our recent decisions, an 18.5-percent surcharge was authorized on all owner-operator traffic, and on all truckload traffic whether or not owner-operators were employed. We ordered that all owner-operators were to receive compensation at this level.

The weekly figure set forth in the appendix for transportation performed by owner-operators and for truckload traffic is 18.3-percent. Accordingly, we are authorizing that the surcharge for this traffic remain at 18.5-percent. All owner-operators are to receive compensation at this level.

No change is authorized on the 3.1-percent surcharge on less-than-truckload (LTL) traffic performed by carriers not utilizing owner-operators, the 2.1-percent surcharge for United Parcel Service, or the 6.8-percent surcharge for the bus carriers.

Notice shall be given to the general public by mailing a copy of this decision to the Governor of each State and to the Public Utilities Commission or Boards of each State having jurisdiction over transportation, by depositing a copy in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection and by delivering a copy to the Director, Office of the Federal Register for publication therein.

It is ordered: This decision shall become effective Friday 12:01 a.m. June 26, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp,

Trantum, and Gilliam. Commissioner Trantum was absent and did not participate.

Agatha L. Mergenovich,

Secretary.

Appendix.—*Fuel Surcharge*

June 22, 1981

Base date and price per gallon (including tax)

January 1, 1979 ..... 83.5¢

Date of current price measurement and price per gallon (including tax)

June 22, 1981 ..... 132.1¢

	Transportation performed by—			
	Owner operator[1]	Other[2]	Bus carriers	UPS
	(1)	(2)	(3)	(4)
Average percent fuel expenses (including taxes) of total revenue	16.9	2.9	6.3	3.3
Percent surcharge developed	18.3	3.1	6.8	[3]2.9
Percent surcharge allowed	18.5	3.1	6.8	[4]2.1

[1] Apply to all truckload rated traffic.
[2] Including less-than-truckload traffic.
[3] The precentage surcharge developed for UPS is calculated by applying 81 percent of the percentage increase in the current price per gallon over the base price per gallon to UPS average percent of fuel expense to revenue figure as of January 1, 1979 (3.3 percent).
[4] The developed surcharge is reduced 0.8 percent to reflect fuel-related increases already included in UPS rates.

[FR Doc. 81-18939 Filed 6-25-81; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-19 (Sub-No. 56F)]

Baltimore and Ohio Railroad Co.; Abandonment Between Norton and County Road 53, in Randolph County, W. Va.; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that by a Certificate and Decision decided June 22, 1981, a finding, which is administratively final, was made by the Commission, Review Board Number 3, stating that, the present and future public convenience and necessity permit the abandonment by the Baltimore and Ohio Railroad Company of the following line of railroad known as Norton Branch, from railroad milepost 0.00 at or near Norton, to milepost 1.68, at the end of the line near County Road 53, a total distance of 1.68 miles, in Randolph County, W. Va., subject to the conditions for the protection of employees discussed in *Oregon Short Line R. Co—Abandonment Goshen*, 360 I.C.C. 91 (1979), and further that B&O shall keep intact all of the right-of-way underlying the track, including all the bridges and culverts for a period of 120 days from June , 1980, to permit any state or local government agency or other interested party to negotiate the acquisition for public use of all or any portion of the right-of-way.

A certificate of public convenience and necessity permitting abandonment was issued to the Baltimore and Ohio Railroad Company. Since no investigation was instituted, the requirement of Section 1121.38(b) of the Regulations that publication of notice of abandonment decisions in the **Federal Register** be made only after such a decision becomes administratively final was waived.

Upon receipt by the carrier of an actual offer of financial assistance, the carrier shall make available to the offeror the records, accounts, appraisals, working papers, and other documents used in preparing Exhibit I (Section 1121.45 of the Regulations). Such documents shall be made available during regular business hours at a time and place mutually agreeable to the parties.

The offer must be filed with the Commission and served concurrently on the applicant, with copies to Ms. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice. The offer, as filed, shall contain information required pursuant to Section 1121.38(b)(2) and (3) of the Regulations. If no such offer is received, the certificate of public convenience and necessity authorizing abandonment shall become effective 30 days from the service date of the certificate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-18944 Filed 6-25-81; 8:45 am]

BILLING CODE 7035-01-M

Intent To Engage in Compensated Intercorporate Hauling Operations

This is to provide notice as required by 49 U.S.C. 10524 (b)(1) that the named corporations intend to provide or to use compensated intercorporate hauling operations as authorized in 49 U.S.C. 10524(b).

1. Parent corporation and address of principal office: Alter Company, 2333 Rockingham Road, Davenport, IA 52808.

2. Wholly-owned subsidiaries which will participate in the operations, and address of their respective principal offices:

Builders Lime & Cement Company, 104 Western, Davenport, IA 52801
Azalea Fleet, Inc., 9600 River Road, Waggaman, LA 70031
Alter Export Sales Corporation, 2333 Rockingham Road, Davenport, IA 52808
Alter Metal Company, 2333 Rockingham Road, Davenport, IA 52808
Alter Minnesota, Inc., 680 Barge Channel Access Road, St. Paul, MN 55107
Builders Sand & Gravel Company, 104 Western, Davenport, IA 52801
Alter Trading Company, Inc., 2333 Rockingham Road, Davenport, IA 52808
Alter Barge Line, Inc., 2333 Rockingham Road, Davenport, IA 52808
Alter Council Bluffs, Inc., 2603-9th Avenue, Council Bluffs, IA 51502
Louisiana Scrap Metal Company, 3666 France Road, New Orleans, LA 70128

3. In addition to the above, the owners of the Alter Company, Bernard Goldstein, together with members of his immediate family, also own Alter Trucking and Terminal Corporation and Alter Trucking and Terminal Corporation will also participate in compensated intercorporate hauling operations with the Alter Company and the above-named companies. The address of Alter Trucking and Terminal Corporation is 2333 Rockingham Road, Davenport, IA 52808. The following companies are wholly-owned subsidiaries of Alter Trucking and Terminal Corporation who will also participate in compensated intercorporate hauling operations with the Alter Company and the above-named companies:

AGS Chartering Company, 2333 Rockingham Road, Davenport, IA 52808
Rock Island River Terminal Corporation, 2333 Rockingham Road, Davenport, IA 52808

1. The parent corporation is: James River Corporation, Tredegar Street, P.O. Box 2218, Richmond, Virginia 23217

2. The wholly-owned subsidiaries which will participate in the operations are as follows:

Riverside Transportation, Inc., (Formerly Riverside Trucking, Co.), 1900 East Belt Boulevard, Richmond, Virginia 21224
James River Paper Company, Tredegar Street, P.O. Box 2218, Richmond, Virginia 23217
James River-Curtis, Adams Division, 115 Howland Avenue, Adams, Massachusetts 01220
James River-Rochester, Inc., Rochester Division, 340 Mill Street, Rochester, Michigan 48663
Riegel Products Corporation, Frenchtown Road, Milford, New Jersey 08848
Curtis Paper Division, Paper Mill Road, Newark, Delaware Mill, Newark, Delaware 19711
Curtis Paper Division, Ypsilanti, Michigan Mill, 100 North Huron, Ypsilanti, Michigan 48197

James River-Fitchburg, Inc., Old Princeton Road, Fitchburg, Massachusetts 01220
*James River-Massachusetts, Inc., 701 Westminster Street, Fitchburg, Massachusetts 01420
*James River-Graphics, Inc., 28 Gaylord Street, South Hadley, Massachusetts 01075
James River-Otis, Inc., P.O. Box 10, Jay, Maine 04239
James River-KVP, Inc., Island Avenue, Parchment, Michigan 49008
James River-Patapar, Inc., 7900 N. Radcliff St., P.O. Box 230, Bristol, Pennsylvania 19007
*James River Board and Carton Company, 243 East Paterson Street, Kalamazoo, Michigan 49007
James River-Berlin/Gorham, Inc., 650 Main Street, Berlin, New Hampshire 03570
James River-New Hampshire Electric, Inc., 650 Main Street, Berlin, New Hampshire 03570
Paterson Services Company, 243 East Paterson Street, Kalamazoo, Michigan 47007
Industrial Leaseholds, Inc., 243 East Paterson Street, Kalamazoo, Michigan 47007
James River-Gilco, Inc., 28740 Glenwood, Perrysberg, Ohio 43551
Minerva Wax Paper Co., 310 Grant Blvd., Minerva, Ohio 44657

The above subsidiaries indicated by an asterick (*) each have truck fleets of their own, therefore compensated intercorporate hauling operations will be performed by and between the subsidiaries of James River Corporation.

1. Parent Corporation and address of principal office: Lexington Quarry Company, Inc., Catnip Hill Pike, Nicholasville, KY 40356.

2. Wholly-owned Subsidiary which will participate in the operation, and State of Incorporation: Universal Haulers, Inc., Catnip Hill Pike, Nicholasville, KY 40356, incorporated in the Commonwealth of Kentucky.

1. Parent Corporation and Address of Principal Office: Valley Industries, Inc.—a New Jersey corporation, 900 Walnut Street, St. Louis, MO 63102.

2. Wholly-owned subsidiaries which will participate in the operations, and the States of Incorporation:

Available Pipe & Tube Company, 305 East 152nd Street, Harvey, IL 60426, an Illinois corporation
Butler Larkin Company, South Brooklyn Avenue, Wellsville, NY 14895, a New York corporation
Dredge Masters International, Number One Dredge Park, Hendersonville, TN 37075, a Tennessee corporation
Valley International, 900 Walnut Street, St. Louis, MO 63102, a Missouri corporation
Valley Steel Products Company, 900 Walnut Street, St. Louis, MO 63102, a Missouri corporation
Valley Steel Products Company, Redevelopment Corporation, 900 Walnut Street, St. Louis, MO 63102, a Missouri corporation

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-18941 Filed 6-25-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions

The following applications, filed on or after February 9, 1981, are governed by Special Rule 251 of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 00109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract". (For status calls, please contact 202-275-7326.)

Vol. No. OPY-4-210

Decided: June 22, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 35807 (Sub-116), filed June 5, 1981. Applicant: WELLS FARGO ARMORED SERVICE CORPORATION, P.O. Box 4313, Atlanta, GA 30302. Representative: Francis J. Mulcahy (same address as applicant), (404) 256-0540. Transporting *coin, currency, securities, and other valuables*, between points in the U.S., under continuing contract(s) with the Federal Reserve Bank of St. Louis, its branches and other banks and banking institutions.

MC 42537 (Sub-68), filed June 5, 1981. Applicant: CASSENS TRANSPORT COMPANY, P.O. Box 427, Edwardsville, IL 62025. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240, (317) 846-6655. Transporting *transportation equipment*, between points in the U.S.

MC 145317 (Sub-15), filed June 9, 1981. Applicant: QUALITY SERVICE TANK LINES, INC., 9022 Perrin Beitel Rd., San Antonio, TX 78217. Representative: Timothy Mashburn, 1806 Rio Grande, Austin, TX 78768, (512) 476-6391. Transporting *commodities in bulk*, between points in the U.S.

MC 147547 (Sub-17), filed June 8, 1981. Applicant: R&D TRUCKING COMPANY, INC., 4401 Mars Hill Rd., Lauderdale Industrial Park, Florence, AL 35630. Representative: Roland M. Lowell, 618

United American Bank Bldg., Nashville, TN 37219, (615) 255–6576. Transporting *general commodities* (except classes A and B explosives), between the facilities of Ralston Purina Company, and its subsidiaries, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 156437, filed June 9, 1981. Applicant: RUSH MOTOR TRANSIT, 350 S. Lake Ave., #200, Pasadena, CA 91101. Representative: Milton McKay (same address as applicant), (213) 793–0625. Transporting *petroleum and petroleum products*, (1) between points in Los Angeles, Riverside, San Bernardino, Ventura, Orange, San Diego, and Kern Counties, CA, and (2) between points in Alameda, Contra Costa, San Francisco, and Sacramento Counties, CA, on the one hand, and, on the other, points in Yuma, Maricopa, Coconino, and Pima Counties, AZ, Bernalillo County, NM, Clark and Washoe Counties, NV, Salt Lake County, UT, and Pioneer County, OR.

Vol. No. OPY–4–208

Decided: June 17, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 30657 (Sub-30), filed June 8, 1981. Applicant: DIXIE HAULING COMPANY, a corporation, 540 Englewood Ave. SE., Atlanta, GA 30315. Representative: John P. Tucker, Jr., Suite 202, 2200 Century Parkway, Atlanta, GA 30345, (404) 321–1765. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of pulp, paper, paper products, plastic products, and containers and related products, between those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 30657 (Sub-31), filed June 5, 1981. Applicant: DIXIE HAULING COMPANY, 540 Englewood Ave. SE., Atlanta, GA 30315. Representative: John P. Tucker, Jr., Suite 202, 2200 Century Parkway., Atlanta, GA 30345, (404) 321–1765. Transporting *iron and steel articles*, between those points in the U.S. in and east of WI, IL, MO, AR, and TX.

MC 30867 (Sub-221), filed March 16, 1981, previously published in the **Federal Register** issue of April 2, 1981, at page 2000 as MC 30867 Sub-215. Applicant: CENTRAL FREIGHT LINES, INC., 5601 W. Waco Dr., Waco, TX 76703. Representative: Timothy Mashburn, P.O. Box 2207, Austin, TX 78768, (512) 476–6391. Over *regular routes*, transporting *general commodities* over five described routes between Texarkana, AR, and Atlanta, Linden, Naples, and New Boston, TX and between Corsica and Tyler, TX. Condition: To the extent this grant of authority authorizes the transportation of classes A and B explosives, it is limited in point of time to a period of 5 years from the date of issuance.

Note.—The republication is to reflect the fact that applicant seeks to transport classes A and B explosives.

MC 30867 (Sub-222), filed March 16, 1981, and previously notices in the **Federal Register** issue of April 16, 1981 at pages 22283 to 22289 inclusive as MC 30867 (Sub-216). Applicant: CENTRAL FREIGHT LINES, INC., 5601 W. Waco Dr., Waco, TX 76703. Representative: Phillip Robinson, P.O. Box 2207, Austin, TX 78768 (512) 476–6391. Over *regular routes*, transporting *general commodities* over 248 described routes extending generally between Wichita Falls, Fort Worth, Dallas, Beaumont, Port Arthur, Houston, Galveston, Corpus Christi, Brownsville, Laredo, San Antonio, Austin, and Brownwood, TX. Condition: To the extent this grant of authority authorizes the transportation of classes A and B explosives, it is limited in point of time to a period of 5 years from the date of issuance.

Note.—This republication is to reflect the fact that applicant seeks to transport classes A and B explosives and to correct the following factual errors: (14) between Hearne and Milano, TX, over U.S. Hwy 190. (27) between Liberty and Anahuac, TX, over Farm Rd. 563, serving all intermediate points and serving the off-route points of the facilities of Texas Gulf Sulphur Company, Tennessee Gas Transmission Company and Stanolind Oil Company. (29) service off-route points of Humble Oil & Refining Company and Smith Dryer Company and Koppers Company in connection with existing regular route between Nederland, TX and Port Arthur, TX. (61) between Bryan and San Augustine, TX, over TX Hwy 21. (65) between Jacksonville and Carthage, TX, over U.S. Hwy 79, serving Henderson as an intermediate point. (74) between junction TX Hwy 103 and TX Hwy 147 and San Augustine, TX, and over TX Hwy 147. (101) between Bryan and Crockett, TX, over TX Hwy 21 to Crockett, serving the intermediate point of Madisonville, TX only. (118) between Rusk and Mount Enterprise, TX, over U.S. Hwy 84. (130) serving routes (110) through (130) as alternate routes for operating convenience only. (143) between Livingston and Woodville, TX, over U.S. Hwy 190, serving the intermediate point of the Alabama and Coushatta Indian Reservation. (149) between Hearne and Buffalo, TX, over U.S. Hwy 79, serving Buffalo for the purpose of joinder only. (159) between Quitman and Winnsboro, TX, from Quitmen over, Farm Rd. 2088 to Perryville, then over Farm Rd. 852 to Winnsboro, serving the plantsite and warehouse facilities of Kendon of Dallas, Kendon Industries, Bronzecraft and United Marketing Associates at or near Perryville via Farm Rd. 852 and unnumbered county road. (165) between Crockett and Latex, TX, over TX Hwy 19. (166) (1)(b) points on and south of State Hwy 44 between Encinal and Corpus Christi, including Corpus Christi, and Portland and Gregory (except intermediate points on U.S. Hwy 83 between Laredo and Mission, intermediate points on State Hwy 16 between Hebbronville and Zapata, intermediate points between Robstown and Raymondville on U.S. Hwy 77, intermediate points between Riviera and Falfurrias on TX Hwy 285, Port Mansfield and intermediate points on TX Hwy 186 between Port Mansfield and Raymondville, intermediate points between Harlingen and junction Farm Rd. 1420 and TX Hwy 186, and intermediate points between Brownsville and Pharr on U.S. Hwy 281). (199) between Victoria and Kenedy, TX from Victoria over U.S. Hwy 87 to Cuero, TX, then over TX Hwy 72 to Kenedy, TX. (202) between Victoria and Port Lavaca, TX, over U.S. Hwy 87. (208) between Victoria and Giddings, TX, over U.S. Hwy 77. (242) between Seguin and junction TX Hwy 123 and U.S. Hwy 181, over TX Hwy 123, serving the intermediate point of Nixon, TX. (247) between Linden and Bivins, TX from Linden, TX over Farm Rd. 1841 to Bivens, serving all intermediate points in connection with carrier's otherwise authorized regular route authority except as restricted.

MC 72997 (Sub-28), filed June 8, 1981. Applicant: LIBERTY TRUCKING CO., a corporation, 5000 W. Pershing Rd., Chicago, IL 60650. Representative: Carl L. Steiner, 39 So. LaSalle St., Chicago, IL 60603, (312) 236–9375. Transporting *general commodities* (except classes A and B explosives), between points in IL and WI, on the one hand, and, on the other, points in MO, IN, IA, MI, OH, and KY.

MC 118537 (Sub-28), filed June 8, 1981. Applicant: MARX TRUCK LINE, INC., 220 Lewis Blvd., Sioux City, IA 51101. Representative: Robert L. Marx (same address as applicant), (712) 252–4334. Transporting *malt beverages*, between points in Shelby County, TN, on the one hand, and, on the other, points in IA and SD.

MC 128837 (Sub-38), filed June 9, 1981. Applicant: TRUCKING SERVICE, INC., P.O. Box 229, Carlinville, IL 62626. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701, (217) 544–5468. Transporting (1) *lumber and wood products*, and (2) *plastic products*, between points in the U.S.

MC 128927 (Sub-8), filed June 8, 1981. Applicant: MARTIN TRUCKING COMPANY, INC., Box 406, Tomah, WI 54600. Representative: James A. Spiegel, Olde Towne Office Park, 6333 Odana Rd., Madison, WI 53719, (608) 273–1003. Transporting *malt beverages*, between points in La Crosse County, WI, and Ramsey County, MN, on the one hand, and, on the other, points in Will County, IL.

MC 143807 (Sub-4), filed June 8, 1981. Applicant: EARL GASS AND ALVIN

WALLACE, d.b.a. G & W RIGGING AND ERECTION CO., Rt. 13, Box 14A Greenville, TN 37743. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137, (901) 767–5600. Transporting *those commodities* which because of their size or weight require the use of special handling or equipment, between those points in TN on and east of U.S. Hwy 27, on the one hand, and, on the other, points in the U.S.

MC 145997 (Sub-39), filed June 9, 1981. Applicant: JEM EQUIPMENT, INC., P.O. Box 396, Alma, AR 72921. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72701, (501) 521–8121. Transporting *food and related products*, between the facilities of Vernon Calhoun Packing Company, at points in Anderson County, TX, on the one hand, and, on the other, points in the U.S.

MC 146637 (Sub-8), filed June 5, 1981. Applicant: YANKEE REFRIGERATED XXPRESS, INC., 5500 Tacony St., Philadelphia, PA 19137. Representative: Eugene D. Anderson, 910 Seventeenth St., NW., Suite 428, Washington, D.C. 20006, (202) 296–2550. Transporting *food and related products*, between points in the U.S.

MC 151707 (Sub-11), filed June 8, 1981. Applicant: PIONEER TRUCKING, INC., 1105 N. Market St., 15th Fl., Wilmington, DE 19801. Representative: Dennis Kupchik (same address as applicant), (215) 985–6853. Transporting *electrical equipment and parts*, between points in the U.S., under continuing contract(s) with General Electric Company of Cleveland, OH.

MC 152187 (Sub-3), filed June 8, 1981. Applicant: GORDON TRUCKING, INC., 2205 Pacific Hwy E, Tacoma, WA 98424. Representative: Kenneth R. Mitchell, 2317 Milwaukee Way, Tacoma, WA 98421, (206) 922–5822. Transporting (1) *pulp, paper and related products*, (2) *printed matter*, and (3) *waste paper*, between points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA, and WY.

MC 154347 filed June 4, 1981. Applicant: R. J. HALFMAN, 2401 Winnebago Dr., Fond du Lac, WI 54935. Representative: James R. Evans, 145 W. Wisconsin Ave., Neenah, WI 54956. Transporting *pulp, paper and related products*, between points in the U.S., under continuing contract(s) with Wright Brothers Paper Box Co., Inc., of Fond du Lac, WI.

MC 154667 (Sub-1), filed June 8, 1981. Applicant: B. I. TRANSPORTATION, INC., P.O. Box 691, Burlington, NC 27215. Representative: J. Franklin Fricks, Jr. (same address as applicant), (919) 228–2239. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Heublein, Inc., of Harford, CT.

MC 156007 (Sub-1), filed June 4, 1981. Applicant: P. I. B. TRUCKING, INC., 26 Locust St., Danvers, MA 01923. Representative: John F. O'Donnell, 60 Adams St., P.O. Box 238, Milton, MA 02187, (617) 696–7610. Transporting (1) *lumber*, between points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KS, KY, MA, MD, ME, MI, MS, NC, NH, NJ, NY, OH, PA, RI, SC, TN, VA, VT, WI, WV, and DC, (2) *wood and metal products*, between points in AR, CT, IL, IN, MA, MD, ME, MO, NH, NY, OH, PA, RI, SC, TN, and VT, and (3) *chemicals and related products*, between points in A., GA, ME, NC, and VA.

MC 156387, filed June 9, 1981. Applicant: JIM L. LANGENFELD, d.b.a. D & J ENTERPRISES, R.R. #2, Dow City, IA 51528. Representative: James F. Crosby, 7363 Pacific St., Suite 210B, Omaha, NE 68114, (402) 397–9900. Transporting *such commodities* as are dealt in by meat packinghouses, between points in Crawford County, IA, on the one hand, and, on the other, points in IL, KS, MN, MO, NE and WI.

MC 156397, filed June 4, 1981. Applicant: SENTRY LEASING, INC., P.O. Box 540, Hyde Park, NY 12538. Representative: Michael R. Warner, P.O. Box 1409, 167 Fairfield Rd., Fairfield, NJ 07006. Transporting (1) *batteries*, (2) *metal and metal products* and (3) *aluminum and aluminum products*, between points in CT, RI, MA, ME, VT, NH, NY, NJ, PA, OH, DE and MD.

Volume No. OPY–4–211

Decided: June 22, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams. (Member Williams not participating.)

MC 153896, filed June 8, 1981. Applicant: LONNIE POWELL, d.b.a. PACIFIC TANK LINES, 325 W. Olympic Blvd., Montebellow, CA 90640. Representative: Lowell Powell (same address as applicant), (213) 726–1251. Transporting *chemicals and related products*, between points in CA, on the one hand, and, on the other, points in AZ, ID, NV, OR, UT, and WA.

MC 76266 (Sub-149), filed June 8, 1981. Applicant: ADMIRAL-MERCHANTS MOTOR FREIGHT, INC., 215 South 11th St., Minneapolis, MN 55403. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118, (612) 332–4819. Transporting *pulp, paper and related products*, between the facilities of Orchid Paper Products Corporation, at points in the U.S., on the one hand, and, on the other, points in the U.S.

Volume No. OPY–5–86

Decided: June 16, 1981.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 52298 (Sub-2), filed April 29, 1981. Applicant: C. W. SPARKS, d.b.a. KARST'S STAGE, 511 North Wallace, Bozeman, MT 59715. Representative: Richard Vollmer (same address as applicant), (406) 586–2343. Transporting *passengers and their baggage*, in charter operations, beginning and ending at points in Lewis and Clark Counties, MT, and extending to points in the U.S.

MC 120639 (Sub-2), filed April 17, 1981. Applicant: RHODY TRANSPORATION, INC., 71 Derry St., Providence, RI 02908. Representative: James M. Burns, 1383 Main St., Suite 413, Springfield, MA 01103, (401) 273–8210. Transporting *general commodities* (except classes A and B explosives), between points in CT, MA, NH, and RI. Condition: The purpose of this application is to convert applicant's certificate of registration to a certificate of public convenience and necessity, and is conditioned upon prior or coincidental cancellation, at applicant's written request, of certificate of registration in MC 120639 Sub 1 issued December 6, 1963.

MC 121598 (Sub-20), filed June 4, 1981. Applicant: SHELBYVILLE EXPRESS, INC., Old Railroad Avenue, Shelbyville, TN 37160. Representative: James G. Caldwell, P.O. Box 100906, Nashville, TN 37210, (615) 242–5552. Over *regular* routes transporting, *general commodities* (except classes A and B explosives), between Nashville, TN and Tupelo, MS, (a) from Nashville over Interstate Hwy 40 to junction U.S. Hwy 45, then over U.S. Hwy 45 to Tupelo and return over the same routes, serving those points in MS on U.S. Hwy 45 as intermediate points, (b) from Nashville over Interstate Hwy 40 to junction U.S. Hwy 78, then over U.S. Hwy 78 to Tupelo, and return over the same routes, serving no intermediate points, and (c) from Nashville over Interstate Hwy 40 to junction TN Hwy 22, then over TN Hwy 22 to junction U.S. Hwy 45, then over U.S. Hwy 45 to Tupelo, and return over the same routes, serving those points in MS on U.S. Hwy 45, and serving in routes (a), (b) and (c) above all intermediate points.

Note.—Applicant intends to tack this authority with its presently held authority in MC–121598 and subs thereunder.

MC 123279 (Sub-9), filed June 2, 1981. Applicant: CHARTER EXPRESS, INC., 8418 Talmadge Rd., Ravenna, OH 44266. Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P.O. Box

1240, Arlington, VA 22210, (703) 525–4050. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of bricks, between the facilities of The Belden Brick Company, in the U.S., on the one hand, and, on the other, points in the U.S.

MC 136828 (Sub-43), filed June 1, 1981. Applicant: COOKE TRANSPORTS, INC., P.O. Box 6362–A, Birmingham, AL 35217. Representative: John R. Frawley, Jr., Suite 200, 120 Summit Parkway, Birmingham, AL 35209, 205–942–9116. Transporting *building and construction materials and construction equipment,* between points in Jefferson and Shelby Counties, AL, on the one hand, and, on the other, points in the U.S.

MC 138219 (Sub-3), filed June 3, 1981. Applicant: U.S. INDUSTRIES, INC., P.O. Box 760, Lenoir, NC 28645. Representative: J. W. Bradshaw (same address as applicant), (704) 728–3231. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of furniture, between points in Shasta County, CA, Marion and Jackson Counties, OR, and Clark County, WA, on the one hand, and, on the other, points in AL, AR, IN, LA, MO, OK, NC, TN, TX, WV, and VA.

MC 142559 (Sub-170), filed June 1, 1981. Applicant: BROOKS TRANSPORTATION, INC., 3830 Kelley Ave., Cleveland, OH 44114. Representative: John P. McMahon, 100 E. Broad St., Columbus, OH 43215, 614–228–1541. *Such commodities* as are used or dealt in by chain grocery and food business houses, between points in the U.S., under continuing contract(s) with General Foods Corporation, of White Plains, NY.

MC 143059 (Sub-179), filed May 19, 1981. Published initially in the **Federal Register** on June 2, 1981. Applicant: MERCER TRANSPORTATION CO., P.O. Box 35610, 12th and Main St., Louisville, KY 40232. Representative: Edward G. Villalon, 1032 Pennsylvania Bldg., Pennsylvania Ave. and 13th Street NW., Washington, DC 20004, 202–628–4600. Transporting *machinery, equipment, materials and supplies* such as is used in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipelines, including the stringing and picking up of pipe, and pipe fittings and accessories, between points in the U.S.

Note.—This application is republished to show the exact broader commodity description rather than the limited mercer commodities.

MC 143209 (Sub-19), filed May 18, 1981. Applicant: HOUSTON FREIGHTWAYS, INC., 10010 Clinton Drive, Galena Park, TX 77546. Representative: C. W. Ferebee, 720 N. Post Oak, Suite 230, Houston, TX 77024, 713–688–6110. Transportiing (1) *clay, concrete, glass or stone products,* and (2) *rubber and plastic products,* between points in Palo Pinto County, TX, on the one hand, and, on the other, points in NM, OK, CO, KS, AR, LA, MO, MS, and TN.

MC 144709 (Sub-12), filed May 7, 1981. Applicant: MINERAL CARRIERS, INC., P.O. Box 110, Bound Brook, NJ 08805. Representative: Paul J. Keeler, P.O. Box 253, South Plainfield, NJ 07080, 201–757–3478. Transporting *chemicals and related products* between points in the U.S., under continuing contract(s) with NL Chemicals/NL Industries, Inc., of Hightstown, NJ.

MC 144969 (Sub-35), filed June 1, 1981. Applicant: WHEATON CARTAGE COMPANY, a corporation, 3rd & G Sts., Millville, NJ 08332. Representative: Laurence J. DiStefano, Jr., 1101 Wheaton Ave., Millville, NJ 08332, (609) 825–1400, ext. 2414. Transporting *ores and minerals, coal and coal products, chemicals and related products, rubber and plastic products, clay, concrete, glass or stone products, metal products, machinery,* and *printed matter,* between points in Chester County, PA, Steuben County, NY, Mason County, WV, Guernsey County, OH, Mineral and Esmeraldo Counties, NV, Cleveland County, NC, Scott County, VA, Humphreys County, TN, and Lee County, IA, on the one hand, and, on the other, points in the U.S.

MC 146699 (Sub-5), filed May 27, 1981. Applicant: DESOTA TRAIL, INC., 282 E. Main St., Franklin, NC 28734. Representative: Bruce E. Mitchell, Fifth Floor, Lenox Towers South, 3390 Peachtree Rd., NE, Atlanta, GA 30326, (404) 262–7855. Transporting *such commodities* as are dealt in or used by manufacturers or distributors of conveyor belts, between points in the U.S., under continuing contract(s) with Georgia Duck & Cordage Mill, of Scottdale, GA.

MC 147118 (Sub-3), filed June 3, 1981. Applicant: TRACY TRANSPORT, INC., 348 West 162nd St., South Holland, IL 60473. Representative: William H. Shawn, 1730 M Street, N.W., Suite 501, Washington, DC 20036, (202) 296–2900. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of salt and salt products, between points in IL, IN, MI, WI, and OH.

MC 147148 (Sub-4), filed May 29, 1981. Applicant: GOLDEN TRIANGLE TRANSPORTATION, INC., Highway 82 East, P.O. Box 2043, Columbus, MS 39701. Representative: John A. Crawford, 17th Floor Deposit Guaranty Plaza, P.O. Box 22567, Jackson, MS 39205, 601–948–5711. Transporting *such commodities* as are dealt in, or used by, distributors of glass, between points in the U.S. under continuing contract(s) with Amworth Industries Corp of West Palm Beach, FL.

MC 147468 (Sub-1), filed May 13, 1981. Applicant: HAROLD W. SPIVEY, d.b.a. SPIVEY TRUCK LINES, P.O. Box 3146, East Dublin, GA 31021. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Blvd., Atlanta, GA 30349, (404) 996–6266. Transporting (1) *coil steel,* between points in Butler County, OH, on the one hand, and, on the other, points in Laurens County, GA, and (2) *metal products,* between points in Laurens County, GA, on the one hand, and, on the other, points in AL, CT, DE, FL, GA, IL, IN, KY, MD, MA, MS, NJ, NY, NC, OH, PA, SC, TN, VA, WV, and NH.

MC 150509 (Sub-11), filed June 4, 1981. Applicant: BULLET EXPRESS, INC., 5600 First Ave., Brooklyn, NY 11220. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201) 435–7140. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Johnson & Johnson, Inc., of New Brunswick, NJ.

MC 150939 (Sub-17), filed June 4, 1981. Applicant: GEMINI TRUCKING, INC., 1533 Broad St., Greensburg, PA 15601. Representative: William A. Gray, 2310 Grant Bldg., Pittsburgh, PA 15219, 412–471–1800. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with DeSoto, Inc., of Des Plaines, IL.

MC 151438 (Sub-2), filed June 4, 1981. Applicant: MID AMERICA TRANSPORT CO., 6041 Benore Rd., Toledo, OH 43612. Representative: Michael H. Briley, P.O. Box 2088, Toledo, OH 43603, 419–255–8220. Transporting *metal products* between points in the U.S., under continuing contract(s) with Form-Tech Steel, Inc., of Temperance, MI. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. § 11343(A) or submit an affidavit indicating why such approval is unnecessary, to the Secretary's office. In order to expedite issuance of any authority, please submit a copy of the affidavit or proof of filing the application(s) for common control to Team 5, Room 6370.

MC 151788 (Sub-7), filed June 4, 1981. Applicant: MEL JARVIS CONSTRUCTION CO., INC., 2934

Arnold Ave., Salina, KS 67401. Representative: William B. Barker, 641 Harrison St., P.O. Box 1979, Topeka, KS 66601, 913–234–0565. Transporting *hides* between points in Goshen County, WY, and Dickinson County, KS, on the one hand, and, on the other, points in the U.S.

MC 152439 (Sub-2), filed June 4, 1981. Applicant: WILLETT INTERSTATE SYSTEM, INC., 700 South Des Plaines St., Chicago, IL 60607. Representative: Carl L. Steiner, 39 South LaSalle St., Chicago, IL 60603, 312–236–9375. Transporting *general commodities* (except classes A and B explosives), between points in IL, IN, IA, KY, MI, MN, MO, OH, and WI.

MC 153189, filed June 1, 1981. Applicant: T–90 TRUCKS, INC., P.O. Box 7917, Louisville, KY 40207. Representative: Paul Lynch, Sr., 209 So. 5th St., Suite 400, Louisville, KY 40217, 502–637–3370. Transporting (1) *Metal products*, and (2) *machinery*, between points in Clark County, IN and Jefferson County, KY, on the one hand, and, on the other, points in the U.S.

MC 153938 (Sub-4), filed June 4, 1981. Applicant: ENERGY EXPRESS, INC., 2125 North Redwood Rd., Salt Lake City, UT 84116. Representative: William S. Richards, P.O. Box 2465, Salt Lake City, UT 84110, 801–531–1777. Transporting *petroleum and petroleum products* between points in UT, WY, and CO.

MC 154959, filed May 29, 1981. Applicant: ROCKY AND RENO TRUCKING, INC., RR 6, Box 314, Lot 34, Rapid City, SD 57701. Representative: Thomas J. Simmons, 5301 North Cliff Ave., P.O. Box 480, Sioux Falls, SD 57101, (605) 341–5174. Transporting *beer*, between points in Pennington County, SD, on the one hand, and, on the other, Milwaukee, WI, St. Paul, MN, and St. Louis, MO.

MC 155928, filed May 12, 1981. Applicant: WAYNE GLEGHORN TRUCKING, INC., 3236 Slaton Hwy, Lubbock, TX 79404. Representative: Richard Hubbert, P.O. Box 10236, Lubbock, TX 79408, (806) 763–9555. Transporting (1) *textile mill products* and (2) *metal products* between the facilities of Buffalo Bag Company at points in Lubbock and Harris Counties, TX, on the one hand, and, on the other, points in GA, SC, AL, and FL, (3) *animal feed ingredients*, between points in KS, NE, MO, AZ, CO, OK, and NM, on the one hand, and, on the other, points in TX, OK, and NM, and (4) *such commodities* as are dealt in or used by grocery and food business houses, between points in Lubbock County, TX, on the one hand, and, on the other, points in CA, AZ, IL, ME, MO, OK, OR, CO, and AR.

MC 156229, filed May 28, 1981. Applicant: COLLVER MILLER COMPANY, 650 Adair Ave., Zanesville, OH 43701. Representative: Jack D. Brown, P.O. Box 6166, Hilton Head Island, SC 29938, (803) 842–6000. To engage in operations, in interstate or foreign commerce as a *broker*, at Zanesville, OH, in arranging for the transportation by motor vehicle, of *passengers and their baggage*, in charter or special operations, between points in OH, on the one hand, and, on the other, points in SC.

MC 156319, filed June 4, 1981. Applicant: GALEN O. KING, d.b.a. G.O.K. TRUCKING, 4792 S. State Rt. 97, Tiffin, OH 44883. Representative: Richard H. Branden, P.O. Box 97, 220 W. Bridge St., Dublin, OH 43017, 614–889–2531. Transporting *fertilizer* between points in OH and IN.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81–18942 Filed 6–25–81; 8:45 am]
BILLING CODE 7035–01–M

[Volume No. OP2–67]

Permanent Authority; Republications of Grants of Operating Rights Authority Prior to Certification

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the **Federal Register**.

An original and one copy of opposing verified statements must be filed with the Commission within 30 days after the date of this **Federal Register** notice. Applicant may file a verified statement in rebuttal within 60 days of publication. Such pleadings shall comply with 49 CFR 1100.247 addressing specifically the issue(s) indicated as the purpose for republication. Special Rule 247 was published in the **Federal Register** of July 3, 1980, at 45 FR 45539.

By the Commission.

Agatha L. Mergenovich,
Secretary.

MC 107912 (Sub-35) (republication), filed December 30, 1980, published in the **Federal Register** issue of January 28, 1981, and republished this issue. Applicant: REBEL MOTOR FREIGHT, INC., 3934 Homewood, P.O. Box 181028, Memphis, TN 38118. Representative: Douglas C. Wynn, P.O. Box 1295, Greenville, MS 38701. A Decision of the Commission, *Review Board No. 3*, decided May 1, 1981, served May 19, 1981, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce, over regular routes, as a *common carrier*, by motor vehicle, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Oxford and Tremont, MS, from Oxford over Mississippi Hwy 6 to Tupelo, MS, then from Tupelo over U.S. Hwy 78 to Tremont, MS, and return over the same route, serving all intermediate points; that applicant is fit, willing, and able properly to perform the granted service and to conform to statutory and administrative requirements. The purpose of this republication is to broaden applicant's scope of authority.

[FR Doc. 81–18943 Filed 6–25–81; 8:45 am]
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[Volume No. 108]

Motor Carrier; Permanent Authority Decisions; Restriction Removals Decision

Decided: June 23, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Alspaugh, and Shaffer.

Agatha L. Mergenovich,

Secretary.

MC 39073 (Sub-11)X, filed June 10, 1981. Applicant: BUDRECK TRUCK LINES, INC., 9330 South Constance Avenue, Chicago, IL 60617. Representative: Richard A. Kerwin, 180 North La Salle Street, Chicago, IL 60601. Applicant seeks to remove restrictions in its lead and Sub-Nos. 3, 5, 6, 7, 9F, and 10F certificates to (1) broaden the commodity descriptions from (a) commodities which are directly produced, processed, compounded and distributed by persons engaged in the slaughtering of animals and the packing and sale of meats and also of advertising matter furnished by such persons for use in the sale of such commodities as are handled by them to "food and related products, printed matter, and miscellaneous products of manufacturing" in the lead; (b) canned foods, flour, frozen foods, and fruit juices to "food and related products" in the lead and Sub-Nos. 5 and 9F; (c) glycerine, soap, toilet articles and toilet preparations to "chemicals and related products" in the lead and Sub-No. 3; (d) meats, meat products, meat by-products, dairy products, and articles distributed by meat packinghouses and foodstuffs to "food and related products and chemicals and related products" in Sub-Nos. 6, 7, and 10F; and (e) glass or plastic bottles to "rubber and plastic products and clay, concrete, glass or stone products" in Sub-No. 9F; (2) eliminate the facilities limitation in Sub-Nos. 6, 7, 9F, and 10F; (3) expand city-wide to county-wide authority: from Calumet City, Blue Island, and Melrose Park, IL, to Cook County, IL, in the lead and Sub-No. 9F; Rochelle, IL, to Ogle County, IL, in Sub-No. 6; Logansport, IN, to Cass County, IN in Sub-No. 7; and Rockville to Parke County, IN, in Sub-No. 10F; (4) expand one-way to radial authority between specified points in 8 named States; and (5) remove the "originating at and destined to" restrictions in Sub-Nos. 6 and 7; exceptions against hides and commodities in bulk in Sub-Nos. 6, 7 and 10F; and the "in mechanically refrigerated equipment" in Sub-No. 10F.

MC 47336 (Sub-14)X, filed June 3, 1981. Applicant: ECLIPSE MOTOR LINES, INC., P.O. Box 507, Bridgeport, OH 43912. Representative: James Robert Evans, 145 W. Wisconsin Avenue, Neenah, WI 54956. Applicant seeks to remove restrictions in its lead and Sub-Nos. 4, 5, 7, 10, 12 and 13 certificates to: (1) broaden the commodity descriptions to "general commodities (except Classes A and B explosives)", from general commodities (with exceptions) in the lead and Sub-Nos. 4 and 5; to "chemicals and related products" from chemicals in the lead; to "metal products" from iron and steel articles, non-ferrous metals, metal ingots, steel, tin plate, black plate, terne plate, steel pipe, steel roofing, steel sheets and steel strip in the lead and Sub-Nos. 10, 12 and 13; to "waste or scrap materials not identified by industry producting" from scrap in the lead; and to "machinery" from refrigerators, freezers and coolers in Sub-No. 7; (2) authorize service at all intermediate points in connection with regular-route operations between Washington, PA and Wellsburg, WV in the lead; (3) broaden city to county-wide authority; Painesville to Lake County, OH in the lead; Pittsburgh to Allegheny County, PA in the lead; Follansbee to Brooke County, WV in the lead; Harrisburg to Dauphin County, PA in the lead; Butler to Butler County, PA in the lead; Erie to Erie County, PA in the lead; Sharon to Mercer County, PA in the lead; New Castle to Lawrence County, PA in the lead; Beallsville to Washington County, PA in the lead; Avonmore to Westmoreland County, PA in the lead; Chambersburg to Franklin County, PA in the lead; Buffalo to Erie County, NY in the lead; Jamestown to Chautauqua County, NY in the lead; Toronto to Jefferson County, OH in the lead; Rochester to Monroe County, NY in the lead; Mabscott to Raleigh County, WV in the lead; Wheeling to Ohio County, WV in the lead and Sub-Nos. 7 and 12; points in WV, OH and PA within 45 miles of Wheeling, WV to Brooke, Hancock, Marshall and Wetzel Counties, WV, Belmont, Carroll, Guernsey, Harrison, Jefferson, Monroe and Noble Counties, OH and Allegheny, Greene and Washington Counties, PA in the lead; Connersville to Fayette County, IN in Sub-No. 7; Steubenville to Jefferson County, OH in Sub-Nos. 10 and 12; Weirton to Hancock County, WV in Sub-No. 10; Cambridge to Dorchester County, MD in Sub-No. 10; Benwood to Marshall County, WV in Sub-No. 12; Yorkville to Jefferson County, OH in Sub-No. 12; Martins Ferry to Belmont County, OH in Sub-No. 12; Beech Bottom to Brooke County, WV in Sub-No. 12; and Bridgeport to Belmont County, OH in Sub-No. 13; (4) authorize radial authority to replace existing one-way service between counties, cities and states named in (3) above in the lead and Sub-Nos. 7, 10, 12 and 13; (5) broaden off-route descriptions in connection with regular route operations, to county-wide authority from Aliquippa, Ambridge, Apollo, Baden, Beaver, Beaver Falls, Burgettstown, Ellwood City, New Castle, Freedom, Midland, Monaca, New Brighton, New Kensington, Rochester, Vandergrift and Zelienople, PA, Moundsville, New Cumberland, Newell and Chester, WV, and Dillonvale, Salineville, Smithfield and East Palestine, OH, and points and places on OH Hwy 7 between East Liverpool, OH and Bellaire, OH to Armstrong, Beaver, Butler, Lawrence, Washington and Westmoreland Counties, PA, Hancock and Marshall Counties, WV, and Belmont, Columbiana and Jefferson Counties, OH in the lead; and (6) remove the restriction against service in truckload lots only for various off-route points named in (5) above (except Aliquippa, Ambridge and Burgettstown, PA) in the lead.

MC 56082 (Sub-81)X, filed May 19, 1981. Applicant: DAVIS AND RANDALL, INC., P.O. Box 390, Fredonia, NY 14063. Representative: Anthony C. Vance, Suite 301, 1307 Dolley Madison Blvd., McLean, VA 22101. Applicant seeks to remove restrictions in MC-56082 and Sub-Nos. 1, 10, 13, 14, 16, 18, 19, 20, 21, 24, 25, 28, 29, 31, 33, 34, 36, 38, 41, 42, 43, 45, 46, 53, 55, 58, 60, 61, 62, 67, 71, 73, 77, 78, and 79 certificates to (1) broaden commodity descriptions (a) from malt beverages, frozen fruits, frozen berries, and frozen vegetables, and prerserved and canned foodstuffs, to "food and related products" in its lead and Sub-Nos. 1, 10, 13, 14, 16, 18, 19, 20, 21, 24, 25, 28, 29, 31, 34, 36, 38, 41, 42, 43, 45, 53, 55, 58, 60, 63, 71, 73, and 79; (b) from oil to "petroleum, natural gas and their products" in its lead; (c) from veneer and plywood to "lumber and wood products" in Sub-No. 33; from particle board to "building materials" in Sub-No. 46; from castings and radiator components to "metal products and machinery" in Sub-No. 78; from materials, supplies and equipment and in the manufacture, sale and distribution of malt beverages, and empty malt beverage containers to "such commodities as are used in the manufacture, sale and distribution of food and related products" in Sub-No. 67; (2) expand one-way authorities to two-way authorities; (3) broaden city to county authority (a) from Cleveland to Cuyahoga County, OH in Sub Nos. 1, 10, 18 and 20; (b) from Pittsburgh to Allegheny County, PA, from Jamestown and Utica, NY, to Oneida and Chautauqua Counties, NY, in Sub-No. 13; (c) from Oceans, Hornell and Jamestown, NY, to Cattaraugus, Steuben and Chautauqua Counties, NY in Sub-No. 14; (d) from points in Tioga County,

PA, west to U.S. Hwy 15 to points in Tioga County, PA in Sub-No. 20; (e) from Dunkirk, NY to Chautauqua County, NY, in Sub-No. 28; (f) from Jamestown, NY, to Chautauqua County, NY, in Sub-No. 33; (g) from Hornell, NY, to Steuben County, NY, in Sub-No. 36; (h) from Cumberland, MD, to Allegany County, MD, in Sub-Nos. 38 and 41; (i) from Hoboken, NJ, to Hudson County, NJ, in Sub-No. 42; (j) from Syracuse, NY to Onondaga County, NY in Sub-No. 43; (k) from East Hartford to Hartford County, CT, and from Boyertown, PA, to Berks County, PA, in Sub-No. 45; (l) from Town of Carroll, Chautauqua County, NY, to Chautauqua County, NY in Sub-No. 46; (m) from Norristown, PA to Montgomery County, PA, in Sub-No. 58; (n) from South Bend, IN, to St. Joseph County, IN, and from Wilmington, DE, to New Castle County, DE, in Sub-No. 60; from South Volney, NY, to Oswego County, NY, in Sub-No. 67; (o) from Coleman, Eden, Gillett, New Richmond, Oakfield, Poynette and Waunakee, WI, to Marinette, Fond du Lac, Oconto, St. Croix, Columbia and Dane Counties, WI, in Sub-No. 73; (p) from the facilities of a named company at Dunkirk, NY, to Chautauqua County, NY, in Sub-No. 77; (q) from Dunkirk, NY, to Chautauqua County, NY, and from Zanesville, OH, to Muskingum County, OH, in Sub-No. 78; and (r) from Rochester, NY, to Monroe County, NY in Sub-No. 79; (4) expand from specified ports of entry on the United States-Canadian boundary line in NY and MI to all ports of entry in NY and MI in Sub-No. 25; (5) remove in bulk or in tank trailers exceptions in Sub-Nos. 53, 58, and 67 and, except frozen commodities in Sub-No. 77; and (6) authorize all intermediate point service at all points along its regular routes in its lead.

MC 75406 (Sub-54)X, filed May 4, 1981, previously noticed in the FR of June 2, 1981, published as corrected this issue. Applicant: SUPERIOR FORWARDING COMPANY, INC., 2600 South Fourth Street, St. Louis, MO 63118. Representative: Joseph E. Rebman, 314 North Broadway, Suite 1300, St. Louis, MO 63102. Applicant seeks to remove restrictions from the lead and Sub-Nos. 10, 12, 17, 18, 19, 24, 26, 27, 29, 31, 32, 33, 34, 36, 37, 38, 39, 40, 43, 44, 46, 49F and 51F certificates to (1) broaden its commodity description from general commodities with exceptions to "general commodities" in the lead and Sub-Nos. 17, 18, 26, 27, 29 and 31; from general commodities with exceptions to "general commodities except Classes A and B explosives" in its Sub-Nos. 10, 12, 19, 24, 32, 33, 34, 36, 37, 38, 39, 40, 43, 44, 46 and 49F; from "agricultural insecticides and agricultural fungicides and tree and weed killing compounds (except commodities in bulk)" to "chemicals and related products" in Sub-No. 51F; (2) authorize service at all intermediate points in connection with regular route operations in AR, IL, MO, and MS in its lead and Sub-Nos. 12 (part 1), 26, 29, 33, 39, 40, 43 and 49F; (3) authorize round trip authority in lieu of one way authority on its regular route in its Sub-No. 39 certificate; and (4) remove "for purpose of joinder only" restriction in Sub-No. 29. The purpose of this republication is to provide notice of authorizing service at intermediate points in MS, which was inadvertently omitted in part (2).

MC 82063 (Sub-124)X, filed April 24, 1981, previously noticed in the FR of May 20, 1981, republished as corrected in this issue. Applicant: KLIPSCH HAULING CO., 10795 Watson Road, Sunset Hills, MO 63127. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St. NW., Washington, DC 20001. Applicant seeks to remove restrictions in its Sub-Nos. 39, 47, 52, 54, 59, 62, 82, 87, 94, 98, 106, 108, 111, 115, 116, 117, 118, and 120 certificates to (A) broaden the commodity description: to "chemicals and related products" from printing ink and liquid chemicals, in bulk, in Sub-Nos. 39, 94, 111, and 117; and to "commodities in bulk" from hydroflusilicic acid, chemicals (with some exceptions), phosphoric acid, liquid chemicals (with various exceptions), calcium bromide, petroleum oils and petrochemicals, cleaning and washing compounds, and bromine, all in bulk, in Sub-Nos. 47, 52, 54, 59, 62, 82, 87, 98, 106, 108, 115, 116, 118, and 120; (B) remove exceptions excluding service in AK, HI, and IA in Sub-Nos. 52 and 82, and AK and HI in Sub-Nos. 87, 94, 106, 111, 117, and 120; (C) delete restriction against service originating at a certain pipeline terminal near West Memphis, AR in Sub-No. 59, and delete "originating at and destined to" restrictions in Sub-Nos. 82 and 94; (D) expand plantsites and towns to city or county-wide authority, and change one-way service to radial service between: Sub-No. 39, Kansas City, KS-Kansas City, MO, commercial zone (North Kansas City, MO), and, points in 12 States; Sub-No. 47, St. James Parish, LA (Uncle Sam, LA), and, points in four States; Sub-No. 52, Muscatine County, IA and Rock Island County, IL (facilities near Muscatine, IA), and, points in the U.S. (except the St. Louis, MO/East St. Louis, IL commercial zone); Sub-No. 54 (a) Muscatine and Scott Counties, IA and Rock Island County, IL (Montpelier, IA), and, points in eight States and IL (except the East St. Louis, IL commercial zone), and (b) Sequoyah and Muskogee Counties, OK (Gore, OK), and points in three States; Sub-No. 59, Shelby, Fayette and Tipton Counties, TN, St. Francis, Lee and Crittenden Counties, AR, and DeSoto, Marshall and Tunica Counties, MS (Memphis, TN), and, described parts of the U.S., and points in six States; Sub-No. 62 (sheet 2), Davidson, Rutherford, Robertson, Cheatham, Williamson, Wilson and Sumner Counties, TN (Nashville, TN), and, points in a MS county and an AL county; Sub-No. 82, Johnson County, IA (facilities at Iowa City, IA), and, points in the U.S.; Sub-No. 87, Pettis County, MO (Sedalia, MO), and, points in the U.S. (except the St. Louis, MO/East St. Louis, IL commerical zone); Sub-No. 94, Brazoria County, TX (facilities in Brazoria County), and, points in the U.S.; Sub-No. 98, Harrison County, MS (facilities near Gulfport, MS), and, points in two States; Sub-No. 106, Haywood County, TN (Brownsville, TN), and, points in the U.S.; Sub-No. 108, Harris, Brazoria, Galveston, Chambers, Liberty, San Jacinto, Fort Bend, Montgomery and Waller Counties, TX (facilities near Chocolate Bayou, Texas City, and Houston, TX), and, those points in the U.S. in and east of five States; Sub-No. 111, Calcasieu Parish, LA (facilities at Lake Charles, LA), and Jefferson, Orange, Hardin and Harris Counties, TX (Beaumont and LaPorte, TX), and, points in the U.S.; Sub-No. 115, Adams County, MS (Natchez, MS), and, points in nine States; Sub-No. 116, Hamilton County, OH (facilities at Ivorydale, OH), and Cook, Lake, DuPage, Will and Kane Counties, IL and Lake and Porter Counties, IN (Chicago, IL), and Lee County, IA and Hancock IL (Fort Madison, IA); Sub-No. 117, Liberty (facility in Liberty County, TX), and, points in the U.S.; Sub-No. 118, Columbia County, AR (facilities near Magnolia, AR), and, those points in the U.S. east of Hwy 85; and Sub-No. 120, Orange and Victoria Counties, TX and Calcasieu and Cameron Parishes, LA (facilities near Orange and Victoria, TX). The purpose of this republication is to give notice of territorial expansions which were omitted in the initial publication.

MC 88368 (Sub-52)X, filed June 12, 1981. Applicant: CARTWRIGHT VAN LINES, INC., 11901 Cartwright Avenue, Grandview, MO 64030. Representative: James F. Flint, 406 World Center Building, 918—16th Street NW., Washington, DC 20006. Applicant seeks to remove restrictions in its Sub-Nos. 27G and 31 certificates to (1) broaden

the commodity descriptions from household goods to "household goods and furniture and fixtures" in Sub-No. 27G; empty household goods containers to "containers" in Sub-No. 31; and (2) remove the exception of service to AK and HI in both Sub-Nos.

MC 106707 (Sub-26)X, filed May 26, 1981. Applicant: ADAMS TRUCKING, INC., 1711 W. Second Street, Webster City, IA. Representative: Thomas J. Beener, 67 Wall Street, Suite 2510, New York, NY 10005. Applicant seeks to remove restrictions in its lead and Sub-Nos. 6, 8, 11, 12, 17, 19F, 20F, 21, 22F, 23F and 24F certificates to (A) broaden the commodity descriptions to (1) in the lead certificate, regular route portion, "wagons and machinery" from wagons and agricultural implements and parts thereof, on sheet no. 2, (2) in the lead certificate, irregular route portion, (a) "food and related products" from seed corn, on sheet no. 2, (b) "machinery, and textile mill products" from farm implements and machinery and parts thereof, twine and rope, on sheet no. 2, (c) "livestock, farm products and machinery" from livestock, farm products, and farm machinery and parts thereof, on sheet no. 3, (d) "machinery" from farm machinery, on sheet no. 4, (e) food and related products" from feed, on sheet no. 4, (f) "machinery, building materials, and textile mill products" from farm machinery, roofing and building materials and binder twine, on sheet no. 5, (g) "building materials" from roofing and building materials, on sheet no. 5, (h) "metal products" from iron and steel articles and fencing materials, on sheet no. 5, (i) "machinery" from tractors (except truck-tractors) agricultural implements and machinery and attachments for and equipment designed for use with the articles described above when moving in mixed loads with the articles described above, on sheet no. 5, (3) "machinery" from agricultural implements and machinery, in Sub-No. 6, (4) "machinery, such merchandise as is dealt in by lawn and leisure garden stores and textile mill products" from (a) tractors (except truck tractors) and agricultural machinery and implements in mixed loads with attachments for commodities described above, (b) such merchandise as is dealt in by lawn and garden stores (except chemicals in bulk) and twine and attachments for (a) above, (c) such merchandise as is dealt in by lawn and garden stores (except chemicals in bulk) and twine in mixed loads with the commodities described in (a) above, in Sub-No. 8, (5) "such commodities as are dealt in, or used by, machinery, and lawn and leisure products manufacturers and dealers" from such commodities as are dealt in, or used by, agricultural equipment, industrial equipment, and lawn and leisure products manufacturers and dealers (except commodities in bulk), in Sub-No. 11, (6) "machinery, metal products, and building materials" from grain and feed handling equipment and storage bins, steel building, feed mixing mills, grain dryers and parts and accessories, and materials and supplies for the above-named commodities, in Sub-No. 12, (7) "metal products" from iron and steel articles, in Sub-No. 17, (8) "clay, concrete, glass or stone products" from glass and glass products, in Sub-No. 19F, (9) "machinery" from stationary on mobile refuse compactors, trash receiving containers and carts and parts and accessories, materials and supplies used in the manufacturing of the commodities named above, in Sub-No. 20F, (10) "such commodities as are dealt in by machinery manufacturers and dealers" from such commodities as are dealt in by agricultural equipment manufacturers and dealers (except commodities in bulk), in Sub-No. 21, (11) "forest products and lumber and wood products" from lumber, lumber products, wood products and forest products, in Sub-No. 22F, (12) "metal products" from iron and steel articles, in Sub-No. 23F, and, (13) "such commodities as are used in the manufacture and distribution of machinery" from such commodities as are used in the manufacture and distribution of agricultural and industrial equipment, in Sub-No. 24F; (B) eliminate the originating at and/or destined to named points, in the lead sheet no. 6, and Sub-Nos. 6, 8, 11, 12, 17, 20F, 22F and 23F; (C) eliminate the facilities restriction, in the lead sheet no. 5, and Sub-Nos. 11, 19F, 21 and 22F, (D) eliminate the AL and HI restriction, in Sub-No. 12, (E) authorize county-wide authority to replace existing city-wide service (1) in the lead, regular-route portion, Kossuth County, IA, for Algona, IA, on sheet no. 1, (2) Clay County, IA, for Spencer, IA, on sheet no. 2, (3) in the lead, irregular route portion, Kossuth County, IA, for Algona, IA, on sheet no. 2, (4)(a) LaSalle, Henry, Whiteside, and Fulton Counties, IL, for Streator, Kewanee, Rock Falls, and Canton, IL; Faribault, Martin, and Steele Counties, MN for Blue Earth, Delavan, Fairmont, Huntley, Kiester, Minnesota Lake, Northrop, Sherburn, Triumph, Truman, Welcome, Wells and Winnebago, MN, at bottom of sheet 2 and top of sheet 3, (b) Cerro Gordo, Kossuth Counties, IA, and Faribault County, MN, for Mason City and Algona, IA, and Blue Earth, MN, on sheet no. 3, (c) Faribault County, MN for Winnebago, MN, on sheets nos. 3 and 4, (d) Hamilton and Wright Counties, IA for Webster City and Eagle Grove, IA, on sheet no. 4, (e) Hardin, Franklin, Webster, Wright, Humbolt, Boone, Story and Hamilton Counties, IA, for points within 20 miles of Webster City, IA, on sheet no. 4, (f) Faribault, Martin, Blue Earth, Watonnan, and Waseca Counties, MN, for points within 25 miles of Winnebago, MN, on sheet no. 4 (g) Hamilton County, IA for Webster City, IA, on sheet no. 5, (h) Webster, Pocahontas and Hamilton Counties, IA for Fort Dodge, Pocahontas and Webster City, IA, on sheet no. 5, (i) Whiteside County, IL for Sterling, IL, on sheet no. 5, (j) Fulton County, IL for Canton, IL Sub-Nos. 6 and 11, (k) Wells, and Montgomery Counties, IN, Hamilton County, IA, Hall and Buffalo Counties, NE for Bluffton and Crawfordsville, IN, Webster City, IA, Grand Island and Elm Creek, NE; Washington County, MS, York County, NE, Wells and Montgomery Counties, IN, Hamilton County, IA, and Hall and Buffalo Counties, NE, for Greenville, MS, York, NE, Bluffton and Crawfordsville, IN, Webster City, IA, and Grand Island and Elm Creek, NE; and York County, NE, for York, NE, in Sub-No. 12, (l) Jackson County, MI, for Jackson, MI, in Sub-No. 20F, and, (m) Fulton County, IL, for Canton, IL in Sub-No. 21; and (F) authorize radial authority to replace existing one-way service between points in various combinations of States throughout the U.S., in the lead and Sub-Nos. 6, 8, 12, 17, 19F, 20F, 22F and 23F.

MC 108119 (Sub-285)X, filed June 8, 1981. Applicant: E. L. MURPHY TRUCKING COMPANY, 3303 Terminal Drive, P.O. Box 43010, St. Paul, MN 55164. Representative: James L. Nelson, 1241 Pierce Butler Route, St. Paul, MN 55104. Applicant seeks to remove restrictions in its Sub-Nos. 40, 43, 63, 74, 78F, 79F, 88F, 93F, 100F, 107F, 109F, 141F, 143F, 182F, 187F, 191F, 221F, 223F, 232F, 233F, 242F, 259F, 263F, and 265F certificates to (1) eliminate all exceptions in its general commodities authorities except "classes A and B explosives" in Sub-Nos. 40 and 43 (Sheet No. 1); (2) eliminate the restrictions "in containers or in trailers" and "having an immediately prior or subsequent movement by water, or by water-rail or by air" in Sub-No. 40; (3) eliminate the restrictions against service at intermediate points and against the transportation of traffic originating at or destined to Vancouver, WA, on described regular route between Vancouver, WA, and Portland, OR, in Sub-No. 43 (Sheet No. 2); (4) broaden the commodity descriptions from wooden

skids, heavy-timbers, wood piling, lumber and wood construction poles, pre-cut buildings, knocked down, pre-cut log buildings, knocked down, and pre-cut log buildings to "lumber and wood products, and building materials" in Sub-Nos. 43 (Sheet No. 3), 63, 74, 78F, 79F, and 93F; from bentonite clay and fiberglass products to "clay, concrete, glass, or stone products" in Sub-Nos. 88F, 191F, and 223F; from lignite coal to "coal" on Sub-No. 88F; from dry hydro-desulphurization catalyst and drilling mud additives to "chemicals and related products" in Sub-Nos. 141F and 223F; from self-propelled vehicles, trailers, mobile home axles and rims, bridge erection boats, electronic maintenance vans, aircraft, aircraft engines, and aerospace craft, materials and equipment used in the maintenance, servicing, operation, and manufacture of aircraft and aerospace craft, and parts, to "transportation equipment" in Sub-Nos. 143F, 182F, 232F, and 242F; from buildings and building components to "buildings and building materials" in Sub-No. 143F; from belt conveyor material handling equipment, topograhic support systems, and pumping assemblies to "machinery and metal products" in Sub-Nos. 182F and 232F; from mounted tires, plastic pipe and fittings, and hose line outfits to "rubber and plastic products" in Sub-Nos. 182F and 187F; from fabricated iron and steel articles and iron and steel articles to "metal products" in Sub-No. 182F; from pipeline equipment and materials and supplies used in the installation and repair of pipeline equipment to "Mercer commodities" in Sub-No. 221F; from knocked down steel buildings and parts to "metal products and building materials" in Sub-No. 259F; from pipe and pipe fittings (except iron and steel pipe) to "rubber and plastic products, and clay, concrete, glass, or stone products" in Sub-No. 263F; and from air or tension support structures to "miscellaneous products of manufacturing" in Sub-No. 265F; (5) remove the bulk restrictions in Sub-Nos. 100F, 141F, 223F and 242F; (6) remove the facilities limitations in Sub-Nos. 74, 88F, 93F, 107F, 143F, 182F, 187F, 191F, 223F, 259F, and 265F, and replace authority to serve named points to county-wide authority, Rogers County, OK, for Claremore, OK, in Sub-Nos. 63 and 79F; Calhoun and Liberty Counties, FL, for Blountstown, FL, in Sub-No. 74; Surry County, NC, for Elkin, NC, and Henderson and Buncombe Counties, NC, for Fletcher, NC, in Sub-No. 78F; Apache County, AZ, for McNary, AZ, in Sub-No. 93F; Seminole County, OK, for Seminole, OK, in Sub-No. 100F; Benewah County, ID, for Jaype, St. Maries, and Santa, ID, Nez Perce County, ID, for Lewiston and Spalding, ID, Kootenai County, ID, for Post Falls and Coeur d'Alene, ID, and Lewis County, ID, for Kamiah, ID, in Sub-No. 107F; Harris County, TX, for Pasadena, TX, in Sub-No. 141F; Riverside County, CA, for Riverside, CA, and Buncombe County, NC, for Asheville, NC, in Sub-No. 143F; Marion County, AL, for Winfield, AL, Grayson County, TX, for Sherman, TX, Catawba County, NC, for Newton, NC, and Magoffin County, KY, for Saylersville, KY, in Sub-No. 182F; Los Angeles, Orange, and Kern Counties, CA, for Sun Valley, Santa Ana, and Bakersfield, CA, respectively, and Cuyahoga County, OH, for Cleveland, OH, and DeKalb County, GA, for Stone Mountain, GA, in Sub-No. 187F; Salt Lake County, UT, for Salt Lake City, UT, in Sub-No. 191F; Butte and Custer Counties, SD, for Belle Fourche and Custer, SD, respectively, and Weston and Big Horn Counties, WY, for Upton and Lovell, WY, respectively, in Sub-No. 223F; Lyon County, NV, for Carson City, NV, in Sub-No. 259F; Merced County, CA, for Gustine, CA in Sub-No. 263F; and San Mateo County, CA, for Redwood City, CA, in Sub-No. 265F; (7) remove originating at restrictions in Sub-Nos. 187F, 191F, 233F, 263F, and 265F, and originating at or destined to restrictions in Sub-Nos. 97F, 107F, 143F, and 182F; (8) remove AK and HI exceptions in Sub-Nos. 40, 97F, 141F, 143F, 182F, 187F, 191F, 221F, 223F, 232F, 233F, 259F, 263F, and 265F, the HI exception in Sub-No. 242F, the AK, AZ, and HI exception in Sub-No. 93F, the AK, HI, and OK exceptions in Sub-No. 79F, the AK, HI, and WY exceptions in Sub-No. 88F, the FL exception in Sub-No. 74F, and the NC exception in Sub-No. 78F; and (9) authorize radial operations in place of one-way authority in Sub-Nos. 63, 74, 78F, 79F, 88F, 93F, 100F, 107F, 109F, 141F, 187F, 191F, 221F, 223F, 233F, and 265F between various combinations of the above counties and points in the U.S.

MC 112801 (Sub-260)X, filed May 27, 1981. Applicant: TRANSPORT SERVICE CO., 15 Salt Creek Lane, Hinsdale, IL 60521. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., NW, Washington, DC 20001. Applicant seeks removal of restrictions in its Sub-Nos. 26, 27 91, 96, 129, 137, 142, 147, 153, 163, 167, 170, 172, 183, 184, 185, 187, 189, 197F, 198F, 199F, 200F, 203F, 205F, 206F, 207F, 213F, 214F, 215F, 217F, 218F, 226F, 229F, 243F, 244F, 246F, 247F, 252F, and 256F certificates, and Sub-Nos. E-9, E-10, E-11, E-12, E-13, E-14, E-15, E-16, E-17, E-18, E-19, E-23, E-24, E-25, E-26, E-27, E-28, E-29, and E-30 letters notices. It seeks to expand its commodity description, as follows: to "chemicals and related products" from liquid fertilizers, solutions and ingredients in Sub-Nos. 28 and 96, from anhydrous ammonia, urea, nitric and sulphuric acids in Sub-No. 27, from cleaning compounds in Sub-No. 147, from aqua ammonia, and hydrofluosilicic and muriatic acids in Sub-No. 170, from liquid chemicals (except liquefied natural gas) in Sub-No. 189, from liquid chemicals in Sub-Nos. 206, 215, 243, and 252, from acids and chemicals in Sub-No. 214, from chemicals in Sub-Nos. 226 and 246, and hydrochloric acid in Sub-No. 229; to "chemicals and related products, and rubber and plastic products" from acids, chemicals, and plastics in Sub-No. 153, and from dry plastics in Sub-No. 199; to "food and related products" from edible vegetable oils in Sub-Nos. 91, E-11, E-12, E-13, E-14, E-15, E-16, E-17, E-18, E-19, E-23 and E-24, from soybean solubles in Sub-Nos. 129 and 137, from oleomargarine, shortening, salad, cooking and vegetable oils, and animal fats in Sub-No. 172, from molasses, liquid feed supplements in Sub-No. 197, from vegetable oils in Sub-Nos. 198 and 213, from soybean oil in Sub-No. 200, from corn syrup, blends of corn syrup and sugar in Sub-Nos. 203 and 244, from sugar in Sub-No. 247, from fruit juice, concentrate, and wine in Sub-No. 256; to "petroleum, natural gas and their products" from liquefied petroleum gas in Sub-No. 218; to "food and related products, chemicals and related products, clay, concrete, glass or stone products, and ores and minerals" from soybean products and limestone in Sub-No. 167; to "chemicals and related products, and forest products" from chemicals, detergents, floor finishes, emulsions, liquid cleaners, and latex in Sub-No. 187; to "chemicals and related products, and petroleum, natural gas, and their products" from recycled, spent or waste liquid chemicals and petroleum products in Sub-No. 163, from liquid chemicals and petroleum products in Sub-No. 205, from blended wax, wax products and materials and supplies used in their manufacture in Sub-No. 207, from rolling processing fluids, wire drawing compounds, lubricating oils, and materials, equipment and supplies used in their manufacture and distribution in Sub-No. 217; to "food and related products, and chemicals and related products" from corn products (except corn oil) in Sub-No. 142, from corn products and blends containing corn products in Sub-No. 183, from corn, cane and beet products in Sub-No. 184, from sugar and corn products in Sub-No.

185, and from edible and inedible oil (except petroleum or oils with petroleum base) in Sub-Nos. E–9, E–10, E–25, E–26, E–27, E–28, E–29 and E–30; and delete commodity and vehicle restrictions, "in bulk" and "in tank or hopper-type vehicles" in all certificates. Applicant also seeks to expand its territorial authority by (A) changing one-way service to radial service; (B) removing the "originating at, and destined to" restrictions in Sub-Nos. 137, 142, 153, 163, 167, 183, 205, and 244; (C) removing exceptions excluding service in AK and HI in Sub-Nos. 183, 185, 213, and 226, in AL, AK and HI in Sub-No. 184, in WI, AK and HI in Sub-No. 207, and in OH, AK and HI in Sub-No. 217; (D) expanding plantsites and municipalities to county-wide authority: Sub-No. 26, Hamilton and Marion Counties, IN (Carmel, IN); Sub-No. 27, Marion County, MO (plantsite at South River, MO); Sub-Nos. 91, E–11, E–12, E–13, E–14, E–15, E–16, E–17, E–18, E–19, E–23 and E–24, Lancaster County, NE (facilities near Lincoln, NE); Sub-No. 96, Hardin, Union and Logan Counties, OH (plantsites at Kenton and Mt. Victory, OH); Sub-Nos. 129 and 137, Jasper, Benton and White Counties, IN (plantsite, Remington, IN); Sub-No. 142, Montgomery, Greene and Miami Counties, OH (Dayton, OH); Sub-No. 147), Jefferson and Dodge Counties, WI (Watertown, WI); Sub-No. 153, Posey County, IN and Henderson County, KY (facilities near Mt. Vernon, IN); Sub-No. 163), Lake County, IN (Griffith, IN); Sub-No. 167, Cass County, IN (facilities near Logansport, IN); Sub-No. 170, La Porte County, IN (Kingsbury, IN); Sub-Nos. 172, 229, E–25, E–26, E–27, E–28, E–29 and E–30, Monroe, Madison and St. Clair Counties, IL and St. Charles, St. Louis and Jefferson Counties, MO and St. Louis, MO (facilities near St. Louis, MO); Sub-No. 183, Tippecanoe County, IN (facilities near Lafayette, IN); Sub-No. 184, Morgan, Lawrence and Limestone Counties, AL (facilities at Decatur, AL); Sub-No. 185, Wyandotte, Johnson and Leavenworth Counties, KS and Cass, Jackson, Clay and Platte Counties, MO (Kansas City, KS-Kansas City, MO commercial zone); Sub-No. 187, Waukesha County, WI (Merton, WI); Sub-No. 189 Kenosha County, WI (facilities at Bristol, WI); Sub-No. 197, Shelby, Fayette and Tipton Counties, TN, Crittenden County, AR, and DeSota, Tunica and Marshall Counties, MS (Memphis, TN); Sub-No. 198, Clinton County, IN (Frankfort, IN); Sub-No. 199, Marion, Johnson, Morgan, Hendricks, Boone, Hamilton, Hancock and Shelby Counties, IN (Indianapolis, IN); Sub-No. 200, Shelby County, OH (facilities near Sidney, OH); Sub-Nos. 203 and 229, Hamilton, Butler, Clermont and Warren Counties, OH and Boone, Kenton and Campbell Counties, KY (Cincinnati, OH); Sub-No. 203, St. Louis, MO and St. Louis, St. Charles, and Jefferson Counties, MO (St. Louis, MO); Sub-No. 205, Wayne County, MI (facilities in Wayne County, MI); Sub-Nos. 206 and 215, Bay, Saginaw and Midland Counties, MI (Bay City and Midland, MI); Sub-No. 207, Winnebago County, WI (Oshkosh, WI); Sub-No. 213, Blue Earth, Nicolett and LeSueur Counties, MN (Mankato, MN); Sub-No. 214, Muskegon County, MI (Montague, MI); Sub-No. 217, Franklin, Pickaway, Madison, Fairfield, Licking, Delaware and Union Counties, OH (facilities near Columbus, OH); Sub-No. 218, Lake County, IN and Cook County, IL (East Chicago, IN); Sub-No. 226, Kalamazoo, Van Buren, Allegan and Barry Counties, MI (Kalamazoo, MI); Sub-No. 243, Jefferson County, IN and Trimble and Carroll Counties, KY (Madison, IN); Columbiana and Jefferson Counties, OH, Handcock County, WV, and Beaver County, PA (East Liverpool, OH); Sub-No. 244, Allen County, IN (facilities at Fort Wayne, IN); Sub-No. 246, New Castle County, DE (Atlas Point, DE); Sub-No. 247, Carver and Scott Counties, MN (Chaska, MN); and Sub-No. 252, Allen County, IN (facilities near New Haven, IN); and (E) remove the restriction against tacking in Sub-No. 27

Note.—Applicants authority to tack will be governed by 49 CFR 1042.10(b).

MC 113325 (Sub-167)X, filed June 1, 1981. Applicant: SLAY TRANSPORTATION CO., INC., 2001 South Seventh Street, St. Louis, MO 63104. Representative: T. M. Tahan (same as applicant). Applicant seeks removal of restrictions in its lead, and Sub-Nos. 4, 6, 8, 10, 11, 14, 15, 16, 18, 21, 24, 25, 26, 28, 33, 43, 46, 47, 50, 51, 54, 56, 58, 59, 61, 64, 65, 66, 69, 72, 74, 77, 90, 99, 108, 113, 115, 116, 117, 119, 121, 124, 126, 128, 129, 130, 131, 134, 135, 136, 137, 142, 145, 147, 149, 150, 152, 154, 155, 157, and 161 certificates. It seeks to (A) remove all restrictions in the general commodities authority in the lead certificate, "except classes A and B explosives," and broaden its other commodity descriptions: to "commodities in bulk" in Sub-Nos. 4, 8, 10, 18, 26, 28, 43, 50, 58, 61, 117, 130, 131, 134, 136, 137, 145, 149, 154, 161, 6, 11, 16, 46, 150, 56, 14, 113, 15, 54, 77, 116, 65, 121, 72, 119, 135, 99, 115, 129, 124, 142, 145, 147, and 152 from all bulk commodities, in bags, tank, hopper-type or shipper-owned vehicles, such as: Liquid or dry acids and chemicals, resins, lime and limestone products, trichlorosilane, ethylene, anhydrous ammonia, ammonium nitrate, urea, nitric acid, sulphuric acids, fertilizer materials, animal and poultry feed ingredients, sodium and diammonium phosphates, fertilizer, alum, sodium aluminate and rosin, edible animal fats and oils, soda ash, and agricultural pesticides; to "yeast, yeast blends, and yeast derivatives" in Sub-No. 21 from liquid yeast; to "anhydrous ammonia, fertilizer and fertilizer ingredients" in Sub-No. 33 from anhydrous ammonia, fertilizer solution, and dry fertilizer; to "such commodities as are dealt in or used by the printing industry" in Sub-No. 51 from liquid printers ink; to "food and related products" in Sub-Nos. 90 and 157 from liquid sugars and blends, and sweeteners; to "food and related products, and farm products" in Sub-No. 108 from corn syrup, starch, dextrin, steepwater, corn oil and corn flour; to "fertilizers, and fertilizer ingredients" in Sub-No. 126 from dry fertilizer; and, to "oxides" in Sub-No. 155 from magnesium oxide; in Sub-Nos. 24 and 25, remove "in bulk" to allow "yeast, yeast blends, and yeast derivatives"; and delete exceptions of varied commodities from the commodity description in Sub-Nos. 28, 43, 50, 58, 99, and 137; (B) change one-way service to radial service in all certificates; (C) remove exceptions of "AK and HI" in Sub-Nos. 24, 25, 108, 117, 137, 152, 157, 161, and 163, and remove the exception of "Kingsport, TN, AK and HI" in Sub-No. 50; (D) remove restrictions limiting service to that originating at and destined to the named origins and destinations in Sub-Nos. 28, 43, 50, 61, 64, 108, 116, 117, 119, 121, 124, 126, and 134; (E) remove restrictions against transportation of specific commodities from, to, and between points in the described territory in Sub-Nos. 8, 10, 18, 28, and 117; (F) remove exceptions of "Kingsport, TN" on service to TN in Sub-No. 10, of "Lapel, IN" on service to IN in Sub-No. 11, of "Springfield, MA" on service to MA in Sub-No. 61, and of "area from Memphis, TN and points in its commercial zone" on service from Memphis, TN in Sub-No. 121; and (G) broaden the plantsites and municipalities to city-wide or county-wide authority, as follows: Sub-Nos. 6 and 46, Ste. Genevieve County, MO (Mosher, MO); Sub-Nos. 14, 113, and 131, St. Charles County, MO (plantsite near St. Peters, MO), and Tyler County, WV (Sistersville, WV); Sub-No. 15, Galveston County, TX (plantsite at Texas City, TX), and St. Louis County, MO (plantsite at Greve Coeur, MO); Sub-No. 21, Knox County, IL (Galesburg, IL); Sub-No. 24, St. Clair County, IL (Belleville, IL); Sub-No. 25, St. Francis

County, MO (Bonne Terre, MO); Sub-No. 28, Madison County, IL (Tri City Regional Port District, Madison County, IL); Sub-No. 43, Union County, AR (plantsites near El Dorado, AR), Richmond County, GA (Augusta, GA), Hampden and Middlesex Counties, MA (Springfield and Everett, MA), Muscatine County, IA (Muscatine, IA), St. Charles Parish, LA (Luling, LA), Wayne County, MI (Trenton, MI), Gloucester and Hudson Counties, NJ (Bridgeport and Kearny, NJ), Hamilton County, OH (Addyston, OH), Maury County, TN (Columbia, TN), Brazoria and Galveston Counties, TX (Alvin and Texas City, TX), Kanawha County, WV (Nitro, WV), and St. Louis, MO-East St. Louis, IL commercial zone (plantsite in same); Sub-No. 47, Webster County, IA (cooperative association near Fort Dodge, IA); Sub-No. 54, Marion County, MO (plantsite at South River, MO); Sub-No. 58, St. Charles Parish, LA (plantsite near Taft, LA); Sub-No. 59, Peoria County, IL (plantsite near Peoria, IL), and Lee County, IA (plantsite near Burlington, IA); Sub-Nos. 64 and 137, Muscatine County, IA (plantsite near Muscatine, IA); Sub-No. 65, Muscatine County, IA (plantsite near Montpelier, IA); Sub-No. 66, Union County, IA (plantsite near Creston, IA); Sub-No. 69, Will County, IL (plantsite at Joliet, IL); Sub-No. 72, Orange County, CA (Long Beach, CA); Sub-No. 74, Hancock County, IA (plantsite near Garner, IA); Sub-No. 77, Phillips County, AR (plant in Phillips County, AR); Sub-No. 90, Jefferson County, KY (Louisville, KY); Sub-No. 99, Hancock County, IL (plantsite near Niota, IL); Sub-No. 108, Tippecanoe County, IN (Lafayette, IN); Sub-No. 115, Union County, AR (plantsite at El Dorado, AR), Will County, IL (Elwood and Joliet, IL), Marshall and Kanawha Counties, WV (Natrium and South Charleston, WV); Sub-No. 116, Morgan County, IL (plant near Meredosia, IL); Sub-No. 117, St. Charles Parish, LA (plantsite near Luling, LA); Sub-No. 119, Bureau, McLean and Cook Counties, IL (Depue, Colfax, and Riverdale, IL), and Polk County, IA (Des Moines, IA); Sub-No. 121, Dubuque County, IA (Dubuque, IA), Shelby, Fayette and Tipton Counties, TN, Crittenden County, AR, DeSoto, Tunica and Marshall Counties, MS (Memphis, TN), and Sarpy, Douglas and Washington Counties, NE, and Mills and Pottawattamie Counties, IA (Omaha, NE); Sub-No. 124, Berkshire County, MA (plantsite in Adams, MA); Sub-No. 126, Union County, AR (plantsite at El Dorado, AR); Sub-No. 128, Marion County, MO (plantsite near Palmyra, MO); Sub-No. 129, Jefferson County, MO (Herculaneum, MO); Sub-No. 130, Douglas County, IL (plantsite at Tuscola, IL); Sub-No. 134, Calhoun County, AL (plantsite near Anniston, AL); Sub-No. 135, Greene County, MO (Springfield, MO); Sub-No. 136, Middlesex and Hampden Counties, MA (plantsites at Everett and Springfield, MA), Gloucester and Hudson Counties, NJ (Bridgeport and Kearney, NJ), and Wyandotte, Johnson and Leavenworth Counties, KS, and Cass, Jackson, Clay and Platte Counties, MO (Kansas City, KS); Sub-No. 145, Mississippi County, AR (Blytheville, AR), Bureau and La Salle Counties, IL (Depue and Marseilles, IL), Genesee, Kent, Macomb, St. Clair and Wayne Counties, MI (Flint, Grand Rapids, Mt. Clemens, Port Huron, and Warren, MI), and Pike County, MO (Louisiana, MO); Sub-No. 147, Douglas County, KS (plantsite at Lawrence, KS); Sub-No. 149, Wayne County, MI (facilities at Trenton, MI); Sub-No. 150, Greene County, MO (plantsite near Sequoita, MO), and Union County, NJ (Bayway, NJ); Sub-No. 152, Woodford County, IL (facilities near El Paso, IL); Sub-No. 154, Limestone County, AL (Decatur, AL); Sub-No. 155, Manister County, MI (Manistee, MI); Sub-No. 161, Harris, Brazoria, Galveston, Fort Bend, Montgomery, Chambers and Waller Counties, TX (facilities near Chocolate Bayou, Texas City, and Houston, TX); and Sub-Nos. 10, 18, 21, 26, 50, 51, 72, 130, 142 and 157, change to read "St. Louis, MO-East St. Louis, IL commercial zone" from (plantsites, St. Louis, MO). Applicant also seeks removal of restrictions against tacking or joining in Sub-Nos. 54, 99, and 115. NOTE: Carrier's authority to tack will be governed by 49 CFR 1042.10(b).

MC 115496 (Sub-137)X, filed May 26, 1981. Applicant: LUMBER TRANSPORT, INC., P.O. Box 111, Cochran, GA 31014. Representative: Kim G. Meyer, P.O. Box 872, Atlanta, GA 30301. Applicant seeks to remove restrictions in its Sub-Nos. 6, 11,13, 16, 17, 19, 21, 27, 28, 29F, 31, 35, 37, 39, 40, 41, 42, 43, 45, 48, 51, 52, 54, 56, 57, 59, 60, 62, 63, 64, 65, 67, 70, 72, 73, 74, 76, 77, 80, 81F, 83, 85, 87, 88F, 89, 92F, 93F, 95, 96F, 97F, 98F, 99, 100F, 105F, 106F, 107F, 108F, 109F, 111F, 112F, 114F, 115F, 117F, 118F, 123F, 124F, 125F, 127F, 129F, 130F, 131F, 132F, 134F, to I(A) change the commodity description from (1) lumber in Sub-Nos. 6, 16, 19, 21, 27, 31, 37, 39, 41, 42, 52, 56, 64, 85, and 87, lumber (except plywood and veneer) in Sub-No. 13, and hardwood flooring in Sub-No. 81 to "lumber and wood products"; (2) composition wood and wood products in Sub-No. 11, particleboard in Sub-Nos. 17, 43, and 109, plywood, composition board, paneling in Sub-Nos. 45, 57, 65 and 107, composition board in Sub-Nos. 77 and 95F, gypsum board, paneling accessories and related materials in Sub-No. 67, lumber, fiberboard, or composition board in Sub-Nos. 100F, 112F and 115F, sheathing, siding and particleboard in Sub-No. 117, prefabricated buildings in Sub-No. 99, building wall, insulation board, molding hardboard, and particleboard in Sub-No. 108 to "lumber, wood products and construction materials"; (3) roofing and building materials in Sub-Nos. 60 and 72, roofing and roofing materials in Sub-Nos. 62, 124, and 130, construction materials in Sub-No. 118F, building materials in Sub-Nos. 89, 92F, 123, 125 and 127, asphalt, building and roofing materials in Sub-No. 129 to "construction materials"; (4) pipe, castings, valves and related materials in Sub-No. 63, cast iron pipe, fittings, and related materials in Sub-No. 93, wire and wire mesh in Sub-No. 105, aluminum articles in Sub-No. 132 to "metal products"; (5) plastic, plastic articles in Sub-No. 73, plastic pipe, fittings, and materials and supplies in Sub-Nos. 76, 80, 83, 97, 106 and 134, plastic pipe in Sub-No. 29F, expanded urethane panels and plastic materials in Sub-No. 114 to "rubber and plastic products"; (6) polyvinyl chloride pipe and fittings in Sub-No. 74 to "chemical products"; (7) iron and steel wire, rods, and bars in Sub-No. 96, to "iron and steel articles"; (8) iron, steel, zinc, lead articles or products thereof in Sub-No. 70 to "iron and steel, ores and minerals"; (9) waste paper or paper scrap in Sub-Nos. 35 and 131, paper and paper products in Sub-No. 48, newsprint paper and waste newspapers in Sub-No. 111 to "pulp, paper and related products"; (10) air conditioners, air coolers, heaters, furnaces and heating equipment in Sub-No. 51 to "machinery"; (11) prestressed concrete and concrete building members in Sub-No. 88 and finished gypsum board in Sub-No. 28 to "clay, concrete, glass or stone products"; (12) materials and parts used in the manufacture of motor homes, mobile homes and lumber in Sub-No. 40 to "transportation equipment and lumber and wood products"; (13) malt beverages in Sub-No. 54 to "food and related products"; I (B) remove restrictions against bulk commodities in Sub-Nos. 40, 51, 60, 62, 70, 72, 73, 76, 83, 89, 92F, 111F, 118F, 123F, 127F, 129F; I (C) remove service restrictions which preclude the transportation of specified commodities within specified territories in Sub-Nos. 87F, 115F, and 117F; I (D) eliminate the facilities restrictions in Sub-Nos. 11, 13, 17, 19, 21, 27, 28, 31, 35, 37, 39, 40, 41, 42,

43, 45, 51, 52, 54, 56, 57, 59, 62, 63, 64, 65, 67, 70, 73, 74, 80, 81F, 83, 85F, 88, 89, 92, 93F, 97F, 98F, 99F, 100F, 105, 106F, 107F, 108F, 109F, 112, 117F, 118F, 123F, 124F, 125F, 129F, 131F, 132F; I (E) eliminate restrictions limiting service to transportation "originating at or destined to" points in the involved States in Sub-Nos. 11, 13, 42, 43, 45, 62, 63, 65, 70, 72, 73 and 115F; I (F) expand the territorial description from named city or plantsite locations to county-wide authority: from Adel, GA to Cook County, GA in Sub-No. 11, from Union City and Toomsboro, GA to Fulton and Wilkinson Counties, GA in Sub-No. 13, from the facilities of Edmundson-Griffin to Bleckley County, GA in Sub-No. 16; from Thomson, GA to McDuffie County, GA in Sub-No. 17; from facilities of International Paper Company to Putnam County, GA, and Georgetown County, SC in Sub-Nos. 19 and 21; from Blackshear and Dudley, GA to Pierce and Laurens Counties, GA, in Sub-Nos. 27 and 56 and from Maxville, FL to Duval County, FL, in Sub-No. 56; from Plains, GA to Sumter County, GA, in Sub-No. 28; from Thomasville, GA to Thomas County, GA, in Sub-No. 29; from facilities of Conwall, Inc. to Richmond and Wilkes Counties, GA, in Sub-No. 31; from Savannah, Cedar Springs and St. Marys, GA to Chatham, Early and Camden Counties, GA, in Sub-No. 35; from Folkston, Higgston and Meldrim, GA to Charlton, Montgomery and Effingham Counties, GA, in Sub-No. 37; from Greenville, GA to Meriwether County, GA, in Sub-No. 39; from Conway, SC and Rieglewood, NC, to Horry County, SC, and Columbus, County, NC, in Sub-No. 41; from Albertville, AL, to Marshall County, AL, in Sub-No. 42; from Clayton, AL, to Barbour County, AL, in Sub-No. 43; from Waycross, GA, to Ware County, GA, in Sub-No. 45; from St. Mary's, GA, to Camden County, GA, in Sub-No. 48; from Milledgeville, GA to Baldwin County, GA, in Sub-No. 51; from Hazelhurst and Statesboro, GA, to Jeff Davis and Bulloch Counties, GA, in Sub-No. 52; from facilities of Pabst Brewing to Houston County, GA, in Sub-No. 54; from facilities of Day Companies, Inc. to Randolph County, GA, in Sub-No. 57; from Darlington, SC, to Darlington County, SC, in Sub-No. 59; from Franklin OH, to Warren County, OH, in Sub-No. 60; from Meridian, MS to Lauderdale County; MS, in Sub-No. 62; from Holt, AL, to Tuscaloosa County, AL, in Sub-No. 63; from Jacksonville, FL, to Duval County, FL, in Sub-Nos. 64 and 67; from Orangeburg and Charleston, SC, to Orangeburg and Charleston Counties, SC, in Sub-No. 65; from Blue Island and Joliet, IL, to Cook and Will Counties, IL, and from Centerville, IA, to Appanoose County, IA, in Sub-No. 70, from Tuscaloosa, AL, to Tuscaloosa County, AL, in Sub-No. 72; from Anderson, SC, to Anderson County, SC, and Vestal, NY, to Broome County, NY, in Sub-No. 73; from Colfax, NC, to Guilford County, NC, in Sub-No. 74; from Monticello, GA, to Jasper County, GA, in Sub-No. 77; from Riviera Beach, FL, to Palm Beach County, FL, in Sub-No. 80; from Buckhannon, WV, to Upshur County, WV, in Sub-No. 83; from Waynesboro, GA, to Burke County, GA, in Sub-No. 85; from Jonesboro, GA, to Henry County, GA, in Sub-No. 88; from Macon, GA, to Bibb County, GA, in Sub-Nos. 89 and 131F; from Charleston Heights, SC to Charleston County, SC, in Sub-No. 92; from North Birmingham and Bessemer, AL, to Jefferson County, AL, and Mobile, AL to Mobile County, AL, in Sub-No. 93; from Blountstown, FL, to Liberty County, FL in Sub-No. 95F; from Georgetown, SC, to Georgetown County, SC, in Sub-No. 96; from Charlotte and Bakers, NC, to Union and Mecklenburg Counties, NC, in Sub-No. 97; from Canfield, Mingo Junction, Martins Ferry, Steubenville and Yorkville, OH to Mahoning, Jefferson and Belmont Counties, OH, and from Beechbottom, Benwood, Follansbee and Wheeling, WV to Wheeling, Brooke, Marshall and Ohio Counties, WV, from Allenport and Monessen, PA, to Washington and Westmoreland Counties, PA, in Sub-No. 98; from Fletcher, NC to Henderson County, NC, in Sub-No. 99; from Walterboro and Holly Hill, SC, to Colleton and Orangeburg Counties, SC, in Sub-No. 100F; from Mt. Airy, NC, to Surry County, NC, in Sub-No. 105; from Birmingham, AL to Jefferson County, AL, in Sub-No. 106; from Jasper, FL, to Hamilton County, FL, in Sub-No. 108; from Ashtabula, OH, to Ashtabula County, OH, in Sub-No. 112; from Diboll and Pineland, TX, to Angelina and Sabine Counties, TX, and from Monroeville, AL, to Monroe County, AL, in Sub-No. 117; from Elizabethtown, KY, and Lockland, OH, to Harlin County, KY, and Hamilton County, OH, in Sub-No. 118; from facilities of Certain Teed facilities to Granville County, NC, in Sub-No. 123; from Savannah, GA, to Chatham County, GA, in Sub-Nos. 124 and 129; from Hampton, GA, to Henry County, GA, in Sub-No. 125; from Frederick, MD, to Frederick County, MD, in Sub-No. 127F; from Peachtree City, GA, to Fayette County, GA, in Sub-No. 130F; from the facilities of Alumax of South Carolina, Inc. to Berkley County, SC, in Sub-No. 132; I (G) replace one-way authority with radial authority between various combinations of points throughout the U S. in Sub-Nos. 6, 11, 13, 16, 17, 19, 21, 27, 28, 29F, 31, 35, 37, 39, 40, 41, 42, 43, 45, 48, 51, 52, 54F, 56, 57, 59, 60, 62, 63, 64, 65, 67, 70, 72, 73, 74, 76, 77, 81F, 83F, 85F, 87, 88F, 89F, 92F, 95, 96F, 97F, 98F, 99F, 100F, 105F, 106F, 107F, 108F, 109F, 111F, 112F, 114F, 115F, 117F, 118F, 124F, 129F, 130F, 131F; I (H) eliminate the exception to AK and HI in the territorial descriptions which appear in Sub-Nos. 51, 72, 73 and 132; I (I) remove restrictions against the transportation of traffic having a subsequent movement by water in Sub-No. 93F; I (J) eliminate various exceptions to commodity descriptions, such as "except size and weight commodities," "except pig iron and scrap metals, in dump vehicles" wherever they appear in each certificate.

MC 116279 (Sub-6)X, filed June 8, 1981. Applicant: BLACK TRANSFER, INC., 206 West Main Street, Appalachia, VA 24216. Representative: John Edward Black (same as above). Applicant seeks to remove restrictions from its lead permit to: (1) broaden the territorial description to between points in the United States under continuing contract(s) with named shippers and (2) broaden the commodity description in part 2 from toilet preparations, cosmetics, waxes and polishes, brushes and household specialty items to "materials, equipment, and supplies distributed by Stanley Home Products, Inc."

MC 117384 (Sub-11)X, filed June 8, 1981. Applicant: DAVIDSON BROTHERS (a partnership), R. D. Route 3, Bellefonte, PA 16823. Representative: Theodore Polydoroff, 1307 Dolley Madison Blvd., McLean, VA 22101. Applicant seeks to remove restrictions in its lead and Sub-Nos. 2, 4, 5F, 6F, 7F, 8F, 9F, and Sub-No. 10 certificates to: (1) broaden commodity descriptions, from limestone to "ores and minerals" in Lead and Sub-No. 2; from limestone products to "clay, concrete, glass or stone products" in Lead, and Sub-Nos. 2, and 8F; from coal, in bulk, to "ores and minerals" in Sub-No. 4; from zinc, zinc oxide, zinc dust, zinc dross, zinc residue, zinc skimmings, lead sheet, and metallic cadmium (spelled "cadium" erroneously in certificate) to "metal products, ores and minerals, and chemicals and related products," in Sub-No. 5F; from roofing, roofing materials, and materials used in their manufacture (except in bulk) to "building materials" in Sub-No. 6F; from electrical equipment, iron and steel articles, machinery, machine parts, and tools, to "metal products, and machinery" in Sub-No. 7F; from metal

and metal products to "metal products" in Sub-No. 9F; and from ferro alloys, desulphurizer compounds, and iron and steel purifiers to "metal products, and chemicals and related products" in Sub-No. 10; (2) expand city and partial-county authorities to count-wide authorities, from Bellefonte, PA, and points within 10 miles thereof, to Centre County, PA, in Lead certificate; from points in Centre County south of Interstate Highway 80, to Centre County, PA, in Sub-No. 2; from facilities in Josephtown (Joseph Town), to Beaver County, PA, in Sub-No. 5F; from facilities at Spring Township, Centre County, to Centre County, PA, in Sub-No. 7F; and from facilities in Centre County, to Centre County, PA, in Sub-No. 9F; (3) remove "facilities" limitations and replace with origins in Beaver County, PA, in Sub-No. 5F and with Centre County, PA, in Sub-Nos. 7f and 9F; and remove originating-at/destined-to restriction in Sub-No. 8F; (4) change one-way to radial authorities between various points and areas in the Lead and Sub-Nos. 2 and 4; and (5) remove equipment restrictions against "in bulk" when to Michigan in Sub-No. 2, requiring "in bulk" in Sub-No. 4, and "except in bulk" in Sub-No. 6F, and against service to AK and HI in Sub-No. 7F and 9F.

MC 118202 (Sub-176)X, filed June 4, 1981. Applicant: SCHULTZ TRANSIT, INC., 323 Bridge Street, P.O. Box 406, Winona, MN 55987. Representative: Robert S. Lee, 1600 TCF Tower, 121 So. 8th Street, Minneapolis, MN 55402. Applicant seeks to remove restrictions in its Sub-No. 166X certificate to eliminate the restriction prohibiting service between Ottumwa, IA, Jeffersonville, IN, Alliance, Salem and Monroe, OH, Nevada and Neosha MO, Ferguson KY and Shamokin, PA, to authorize the radial transportation of specified commodities between points in MN, SD, and WI, and, points in the U.S.

MC 119660 (Sub-4)X, filed June 2, 1981. Applicant: ALASKA AGGREGATE CORPORATION, d.b.a. PACIFIC WESTERN LINES, 660 Ocean Dock Road, Anchorage, AK 99501. Representative: Alan F. Wohlstetter, 1700 K Street, NW, Washington, DC 20006. Applicant seeks to remove restriction in its Sub-No. I certificate to (A) broaden the commodity description from general commodities (with the usual exceptions), to "general commodities, except classes A and B explosives and household goods", and (B) broaden the territorial description from between points in Anchorage, AK, and between Anchorage, AK, on the one hand, and on the other, points on and within 25 miles of (1) Alaska Highway 1 between and including Homer and Tok, AK, (2) Alaska Highway 2 between and including Tok, and Tofty, AK, (3) Alaska Highway 4 between and including Valdez and Buffalo Center, AK, (4) Alaska Highway 6 between and including Fairbanks and Circle, AK, and (5) Alaska Highway 9 between and including the junction of Alaska Highways 1 and 9 (northwest of Moose Pass) and Seward, AK, to "between points in the Second, Third and Forth Judicial Districts of Alaska.

MC 119944 (Sub-15)X, filed April 21, 1981, published in the **Federal Register** of May 21, 1981, republished as follows: Applicant: BROCKWAY FAST MOTOR FREIGHT, INC., 568 Central Avenue, Bridgewater, NJ 08807. Representative: Eugene M. Malkin, Suite 1832, Two World Trade Center, New York, NY 10048. Applicant seeks to remove restrictions in its lead, and Sub-Nos. 1, 6, 10, 11, 13, and 14 certificates and Sub-No. E–1 gateway elimination notice to (A) broaden the commodity descriptions to: lead certificate, "building materials, lumber and wood products, clay, concrete, glass or stone products, pulp, paper and related products, metal products, and textile mill products" from roofing and building materials, "petroleum, natural gas and their products" from oils and solvents, "rubber and plastic products" from rubber, and "chemicals and related products" from glycerine, soap, paints, acids, disinfectants, insecticides, and aluminum sulphate; Sub-No. 1, "clay, concrete, glass or stone products" from brick (except fire brick); Sub-No. 4, "chemicals and related products" from polyethylene, ploypropylene and silica gel catalyst; Sub-No. 6, "ores and minerals, and clay, concrete, glass or stone products" from talc; Sub-No. 10, "rubber and plastic products" from dry plastic; Sub-Nos. 11 and E–1, "clay, concrete, glass or stone products" from brick, crushed stone, and gravel, and "ores and minerals" from sand, and remove the exclusion of lumber from building materials; Sub-No. 13, "chemicals and related products" from dry adipic acid; and Sub-No. 14, "rubber and plastic products" from plastic pipe, ducts, and tubes, "metal products" from related fittings and attachments, and "chemicals and related products" from materials and supplies used in their installation; and remove the "in bulk" and vehicle and container restrictions in the lead, and Sub-Nos. 4, 6, 10, 11, 13, and E–1; (B) delete the restrictions to shipments having a prior movement by rail and water in Sub-Nos. 4, 10, and 13; (C) substitute raidial authority in lieu of existing one-way authority; and (D) broaden the territorial descriptions from plantsites and towns to city-or county-wide authority, as follows: lead certificate, Morris County, NJ (Boonton, NJ), New Castle County, DE (Claymont, DE), Delaware County, PA (Marcus Hook, PA), and Westchester County, NY (Pleasantville, NY), and Fairfax, Prince William, Loudoun, and Arlington Counties, VA (points in Virginia within 15 miles of DC); Sub-No. 1, Middlesex County, NJ (plantsite at Sayreville, NJ); Sub-Nos. 4 and 10, Newark, NJ (Port Newark, NJ), Elizabeth, NJ (Port Elizabeth, NJ), and Somerset County, NJ (Bridgewater Township, NJ); Sub-No. 6, Windsor County, VT (West Windsor, VT); Sub-No. 11, New Jersey and points in NY on and south of Sullivan, Ulster and Dutchess Counties, NY (Cliffwood, NJ, and points in NJ and NY within 100 miles of Cliffwood); Sub-No. 13, Somerset County, NJ (Somerville, NJ), and Kent County, MD (Chestertown, MD); Sub-No. 14, Northampton County, PA (Nazareth, PA); and Sub-No. E–1 (a) Warren County, NJ (Points in Warren County on and south of Interstate Hwy 80 within 100 miles of Cliffwood, NJ), (b) Fairfax, Prince William, Loudoun, and Arlington Counties, VA (points in Virginia within 15 miles of DC); and (c) points in and south of Sullivan, Ulster and Dutchess Counties, NY (points in NY within 100 miles of Cliffwood, NJ), Morris County, NJ (points in Morris County on and south of NJ Hwy 24), and Monmouth and Mercer Counties, NJ (points in Monmouth and Mercer Counties within 100 miles of Cliffwood, NJ). The purpose of this republication is to expand the milage radii in the lead, Sub-Nos. 11 and E–1 certificates to counties.

MC 124692 (Sub-369)X, filed June 4, 1981. Applicant: SAMMONS TRUCKING, P.O. Box 4347, Missoula, MT 59801. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Applicant seeks to remove restrictions in its Sub-No. 262 certificate to broaden the commodity description from (1) commodities, the transportation of which because of size or weight require the use of special equipment, and related machinery parts and related contractor's materials and supplies when their transportation is incidental to the transportation of commodities which by reason of size or weight require special equipment, (2) general commodities (except motor vehicles and motor vehicle cabs and bodies, and except classes A and B explosives), moving in the same vehicle and at the same time in mixed loads with commodities the transportation of

which, because of size or weight require the use of special equipment (otherwise authorized), when the mixed load moves on a single bill of lading from a single consigner, restricted in the commodity description in (2) above the operations shall not be severable, by sale or otherwise, from carrier's authority to transport commodities the transportation of which because of size or weight, requires the use of special equipment, (3) self-propelled vehicles, each weighing 15,000 pounds or more (except motor vehicles as defined in Section 203(a)(13) of the Interstate Commerce Act, and vehicles moving in driveaway service) and related machinery, tools, parts, and supplies moving in connection therewith, and (4) iron and steel articles, as described in Appendix V to the report of the Commission in Ex Parte 45, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 to "general commodities (except classes A and B explosives)" in its radial authority between OR and WA, and, MT and UT.

MC 125519 (Sub-6)X, filed May 29, 1981. Applicant: RALPH MOYLE, INC., P.O. Box 248, Mattawan, MI 49071. Representative: William B. Elmer, 624 Third Street, Traverse City, MI 49684. Applicant seeks to remove restrictions in its Sub-Nos. 1, 2, 3, 4 and 5, certificates to (1) broaden the commodity description from (a) butter, eggs, fruit, vegetables, feeds, fertilizer and creamery supplies to "food and related products, chemicals and related products and farm products" in Sub-No. 1, and (b) from wine in Sub-Nos. 2 and 3, from foodstuffs (except in bulk) in Sub-No. 4 and from preserved and pickled vegetables (in packages) in Sub-No. 5 to "food and related products" (2) allow service to all intermediate points in connection with its regular route between Chicago, IL, and Decatur, MI, in Sub-No. 1 (3) change territorial description from points within 25 miles of Decatur, MI, to points in Allegan, Berrien, Cass, Kalamazoo, St. Joseph and Van Buren Counties, MI in Sub-No. 1, (4) remove restriction to pick-up and delivery only in Sub-No. 1, (5) change city to county-wide authority from Paw Paw, MI to Van Buren County, MI in Sub-No. 2 (6) remove plantsite limitation (a) in Sub-Nos. 3 and 4 and replace Paw Paw, MI, with Van Buren County, MI, and (b) in Sub-No. 5 and replace Kalamazoo, MI with Kalamazoo County, MI, (7) remove the "originating at and/or destined to" restriction in Sub-Nos. 2, 3, 4, and 5 (8) remove the "in bulk" restriction in Sub-Nos. 2, 3 and 4, (9) remove the restriction against the transportation of specified commodities from named IL and IN points, and points in their commercial zones in Sub-No. 2, and (10) change one-way to two-way authority between (a) Decatur, MI, and Chicago, IL in Sub-No. 1, (b) Van Buren County, MI, and 3 States in Sub-No. 2, (c) Van Buren County, MI, and, points in 8 States in Sub-No. 3, (d) Van Buren County, MI, and, 4 States in Sub-No. 4, and (e) Kalamazoo County, MI, and, 4 States in Sub-No. 5.

MC 128462 (Sub-10)X, filed June 16, 1981. Applicant: PRAIRIE REFRIGERATED EXPRESS, INC., P.O. Box 36, Long Prairie, MN 56347. Representative: Robert N. Maxwell, P.O. Box 2471, Fargo, ND 58108. Applicant seeks to remove restrictions in its Sub-Nos. 3, 6, and 8F permits to (1) broaden the commodity description to (a) "food and related products" from frozen meats, and meats, meat products, meat byproducts and articles distributed by meat packinghouses, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61, M.C.C. 209 and 766, in Sub-No. 3, and (b) "clay, concrete, glass or stone products", from agricultural limestone, in Sub-No. 6 and refractory cement, in packages, in Sub-No. 8F; (2) broaden its territorial descriptions to between points in the U.S. under a continuing contract(s) with named shippers; and (3) remove "except hides, frozen food and commodities in bulk" and "in vehicles equipped with mechanical refrigeration" restrictions in Sub-No. 3.

MC 133805 (Sub-65)X, filed June 12, 1981. Applicant: LONE STAR CARRIERS, INC., Rt. 1, Box 48, Tolar, TX 76476. Representative: Harry F. Horak, Suite 115, 5001 Brentwood Stair Rd., Fort Worth, TX 76112. Applicant seeks to remove restrictions in its Sub-No. 64 certificate to broaden the commodity description from chemicals to "chemicals and related products".

MC 138635 (Sub-131X), filed June 10, 1981. Applicant: CAROLINA WESTERN EXPRESS, INC., P.O. Box 3995, Gastonia, NC 28052. Representative: Eric Meierhoefer, Suite 1000, 1029 Vermont Avenue, NW., Washington, DC 20005. Applicant seeks to remove restrictions (1) in Certificate No. MC–138635 (Sub-No. 96F) to: (a) broaden the commodity description from general commodities (with the usual exceptions) to "general commodities (except classes A and B explosives)" and (b) remove the restriction limiting transportation to traffic moving on bills of lading of freight forwarders; and (2) in Permit No. MC–136464 (Sub-No. 23) to: (a) broaden the commodity description from textiles, and textile products, furniture, lamps and lamp shades to "textile mill products, furniture and fixtures, machinery, metal products, rubber and plastic products and clay, concrete, glass or stone products", and (b) expand the territorial description to between points in the U.S., under continuing contract(s) with a named shipper.

MC 141148 (Sub-2)X, filed June 5, 1981. Applicant: WILLIAM E. PHILLIPS, d.b.a. PHILLIPS TRUCKING COMPANY, Box 511, Hebron, MD 21830. Representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth St., NW, Washington, DC 20005. Applicant seeks to remove restrictions in its Sub-No. 1 certificate to (1) change the commodity description from wood chips to "lumber and wood products"; (2) delete the "in bulk" restriction from the commodity authority; (3) remove facilities limitations; (4) authorize radial service between specified points in MD, and, points in NJ and PA; and (5) expand Sharptown, MD, to Dorchester County, MD.

MC 141889 (Sub-13)X, filed June 8, 1981. Applicant: RONALD DEBOER, d.b.a. RON DEBOER TRUCKING, Route 1, Box 82, Sherry Station, Milladore, WI 54454. Representative: Wayne W. Wilson, 150 East Gilman Street, Madison, WI 53703. Applicant seeks to remove restrictions from its Sub-Nos. 1F, 5F, 7F, 8F, and 9F certificates to: (1) broaden the commodity description in Sub-No. 1F, from paper and paper products to "pulp, paper, and related products"; in Sub-No. 7F, from foodstuffs to "food and related products"; in Sub-No. 8F, from pre-built fireplaces to "metal products and clay, concrete, glass or stone products"; in Sub-No. 9F, from paper, paper products, plastic film, foil, cellulose products, and lignin pitch to "pulp, paper, and related products and rubber and plastic products"; (2) replace facilities limitations and/or specific point authority with county-wide authority as follows: (a) in Sub-No. 1F Outagamie County for Appleton and Combined Locks, WI; (b) in Sub-No. 7F Dunn, Wood, Eau Claire, and Barron Counties for Menomonie, Vesper, Cameron, Wisconsin Rapids, and Eau Clair, WI; (c) in Sub-No. 8F Portage and Wood Counties for Stevens Point and Wisconsin Rapids, WI; and (d) in Sub-No. 9F Winnebago and Marathon Counties for Neenah, Menasha, Rothschild, and Wausau, WI; (3) eliminate the "except commodities in bulk" restrictions in Sub-Nos. 5F and 9F; (4) eliminate the "originating at and destined to" restrictions in Sub-Nos. 7F and 9F; and (5) replace existing one-way authority with radial authority between

the above named counties and several western states.

MC 143032 (Sub-40)X, filed June 1, 1981. Applicant: THOMAS J. WALCZYNSKI, d.b.a. WALCO TRANSPORT, 3112 Truck Center Drive, Duluth, MN 55806. Representative: James B. Hovland, 525 Lumber Exchange Bldg., Ten South Fifth Street, Minneapolis, MN 55402. Applicant seeks to remove restrictions in its Sub-Nos. 2, 3, 5F, 6F, 7F, 16, 17F, 18F, 19F, 21, 25F, 28, 29F, 31, and 33 certificates to (1) broaden commodity descriptions: (a) to "coal and coal products, and petroleum and petroleum products" from heating briquets and petroleum coke in Sub-Nos. 2 and 3, and from snowmobile oil in Sub-No. 6; (b) to "metal products" from baghouse fume and steel grinding balls in Sub-No. 5, and from iron and steel articles in Sub-Nos. 19, 25, 28, and 29; (c) to "transportation equipment, and textile mill products" from snowmobiles, motorcycles, parts and accessories, and snowmobile clothing in Sub-No. 6; (d) to "wood products" from hardboard and accessories in Sub-No. 7; (e) to "building materials, stone products, and metal products" from roofing granules, crushed stone, and granulated slag; (f) to "lumber and wood products, and building materials" from lumber, lumber products, wood products, and building materials in Sub-No. 18; (g) to "stone products" from crushed stone in Sub-No. 21; (h) to "lumber and wood products, and forest products" from lumber, lumber products, wood products and forest products in Sub-No. 31; and (i) to "concrete products, ores and minerals, and chemicals" from lime and salt in Sub-No. 33; and remove exceptions of "commodities in bulk" and "in tank vehicles" in Sub-Nos. 6, 7, 18, and 21; (2) change one-way authority to radial authority in all certificates; (3) remove exclusions against service to AK and HI in Sub-Nos. 3, 5, 6, and 28; (4) remove restrictions limiting service to that originating at and destined to specified origins and destinations in Sub-Nos. 7, 28, and 31; and (5) expand the designated plantsites and municipalities to city-wide or county-wide authority, as follows: Sub-Nos. 2, 5, 6, 7, 18, and 19, St. Louis, Cook, Carlton and Pine Counties, MN and Douglas County, WI (facilities, Duluth, MN); Sub-Nos. 2, 3, and 7, Douglas County, WI (facilities, Superior, WI); Sub-No. 5, Anoka, Hennepin, Dakota, Ramsey, Washington, Scott and Carver Counties, MN (facilities, St. Paul, MN); Sub-No. 17, Marathon County, WI (Wausau, WI), Scott, Carver and Hennepin Counties, MN (Shakopee, MN), Cook County, IL (Chicago Heights, IL), Lake County, IN (Gibson, IN); Sub-No. 21, Marinette County, WI (facilities near Pembine, WI), Warren County, OH (Franklin, OH), and Anoka, Hennepin, Dakota, Ramsey, Washington, Scott and Carver Counties, MN (Minneapolis, MN); Sub-No. 25, Whiteside County, IL (Sterling and Rock Falls, IL); Sub-No. 28, Washington County, MN (Newport, MN); Sub-No. 29, Lake County, IN (facilities near Gary, IN), and Chicago, IL (South Chicago, Joliet and Waukegan, IL); and Sub-No. 31, Minnesota (for facilities in Minnesota).

MC 144676 (Sub-9)X, filed June 2, 1981. Applicant: M & S TRANSPORT LINES, INC., P.O. Box 417, Sultana, CA 93666. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, D.C. 20001. Applicant seeks to remove restrictions in its No. MC–143616 (Sub-No. 18F) permit to (A) broaden the commodity description to "chemicals and related products, and pulp, paper and related products" from ink and ink ingredients, pulp wallpaper, and chemicals (except in bulk); and (B) broaden the territorial description to authorize service between points in the U.S., under continuing contract(s) with a named shipper.

MC 145610 (Sub-9)X, filed June 2, 1981. Applicant: TRUCK AIR OF GEORGIA, INC., 576 Lake Mirror Road, College Park, GA 30349. Representative: Robert E. Born, Suite 508, 1447 Peachtree Street, NE., Atlanta, GA 30309. Applicant seeks to modify Sub-No. 4F Certificate to (1) broaden the commodity description from general commodities (with exceptions) to "general commodities (except Classes A and B explosives)"; (2) broaden the territorial scope by replacing Hartsfield International Airport at Atlanta, GA with Atlanta, GA; replacing Birmingham Municipal Airport at Birmingham, AL with Jefferson County, AL; replacing Huntsville-Madison County Airport at Huntsville, AL with Madison and Limestone Counties, AL; replacing John F. Kennedy International Airport at Jamaica, NY and LaGuardia Airport at New York, NY with New York, NY; replacing Newark International Airport at Newark, NJ with Newark, NJ; replacing Logan International Airport at Boston, MA with Boston, MA; replacing O'Hare International Airport at Chicago, IL with Chicago, IL; replacing Lambert International Airport at St. Louis, MO with St. Louis, MO; replacing Kansas City International Airport at Kansas City, KS with Kansas City, MO–KS; replacing Dayton International Airport at Vandalia, OH with Montgomery County, OH; replacing New Orleans International Airport at New Orleans, LA with New Orleans, LA; replacing Knoxville Municipal Airport at Knoxville, TN with Knox County, TN; replacing Lovell Field Airport at Chattanooga, TN with Hamilton County, TN; replacing Nashville Metropolitan Airport at Nashville, TN with Davidson County, TN; replacing Memphis International Airport at Memphis, TN with Shelby County, TN; and replacing Tri-Cities Airport at Bristol, Kingsport, and Johnson City, TN with Bristol, Kingsport, and Johnson City, TN; and (3) remove the restriction limiting transportation to that having a prior or subsequent movement by air.

MC 146403 (Sub-5)X, filed June 2, 1981. Applicant: ROGER LOVE, d.b.a., ROGER LOVE TRUCKING, Route 3, East Grand Forks, ND 56721. Representative: William J. Gambucci, 525 Lumber Exchange Bldg., Ten South Fifth Street, Minneapolis, MN 55402. Applicant seeks to remove restrictions in its Sub-No. 2F certificate to (1) broaden the commodity description from coal to "coal and coal products," and, (2) authorize county-wide and radial authority to replace existing city-wide and one-way authority between St. Louis County, MN and Douglas County, WI, (for Duluth, MN), and points in ND.

MC 147978 (Sub-6)X, filed June 2, 1981. Applicant: SYSTEM REEFER SERVICE, INC., 4614 Lincoln Avenue, Cypress, CA 90630. Representative: Charles E. Creager, 1329 Pennsylvania Avenue, P.O. Box 1417, Hagerstown, MD 21740. Applicant seeks to remove restrictions in its No. MC–133097 (Sub-No. 16) permit to (A) broaden the commodity description to "such commodities as are dealt in or used by manufacturers of motor vehicles" from truck parts; and (B) broaden the territorial description to authorize service between points in the U.S., under continuing contract(s) with a named shipper.

[FR Doc. 81–18945 Filed 6–25–81; 8:45 am]
BILLING CODE 7035–01–M

Motor Carrier; Permanent Authority Decisions, Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request

and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminary, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effectiveness notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 1, Members Parker, Chandler and Fortier.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract."

(For status calls, please contact 202–275–7326.)

Volume No. OPI–180

Decided: June 18, 1981.

MC 45910 (Sub-4), filed June 10, 1981. Applicant: ROBERT C. HILTZ, INC., Cape Ann Industrial Park, Gloucester, MA 01930. Representative: Alan F. Wohlstetter, 1700 K St. NW., Washington, DC 20006, (202) 833–8884. Transporting *household goods*, between points in MA, on the one hand, and, on the other, points in CT, DE, FL, GA, MD, ME, NC, NH, NJ, NY, OH, PA, RI, SC, VA, VT, WV, and DC.

MC 59241 (Sub-14), filed June 8, 1981. Applicant: JOHN GIBBONS, INC., 1400 Industrial Hwy., Eddystone, PA 19013. Representative: Maxwell A. Howell, 1100 Investment Bldg., 1511 K St., NW., Washington, DC 20005 (202) 783–7900. Transporting *general commodities* (except classes A and B explosives), between points in ME, NH, VT, MA, CT, NY, NJ, OH, DE, MD, VA, PA, RI, and DC.

MC 75840 (Sub-165), filed June 10, 1981. Applicant: MALONE FREIGHT LINES, INC., P.O. Box 11103, Birmingham, AL 35202. Representative: William P. Jackson, Jr., P.O. Box 1240, Arlington, VA 22210 (703) 525–4050. Transporting *general commodities* (except classes A and B explosives), between those points in the U.S. in and east of WI, IL, MO, OK, and TX.

MC 82841 (Sub-318), filed June 8, 1981. Applicant: HUNT TRANSPORTATION, INC., 10770 "I" St., Omaha, NE 68127. Representative: William E. Christensen (same address as applicant) (1–402) 339–3003. Transporting *metal products* between St. Joseph, MO, on the one hand, and, on the other, points in MT, WY, UT, CO, ND, SD, NE, KS, OK, MO, IA, MN, and Rock County, WI.

MC 91951 (Sub-12), filed June 9, 1981. Applicant: HENRY F. OWENS, INC., 130 Fawcett St., Cambridge, MA 02138. Representative: Wesley S. Chused, 15 Court Square, Boston, MA 02108 (617) 742–3530. Transporting *general commodities* (except classes A and B explosives), between those points in the U.S. in and east of MN, IA, MO, AR and LA.

MC 108631 (Sub-23), filed June 8, 1981. Applicant: BOB YOUNG TRUCKING, INC., Schoenersville Road at Industrial Drive, Bethlehem, PA 18017. Representative: Alan Kahn, 1430 Land Title Bldg., Philadelphia, PA 19110 (215) 561–1030. Transporting *machinery and metal products*, between New York, NY, and points in Delaware and Lehigh Counties, PA, on the one hand, and, on the other, points in the U.S.

MC 118270 (Sub-14), filed June 10, 1981. Applicant: PRODUCE TRANSPORT SERVICE, INC., 181 W. Rampo St., Mahwah, NJ 07430. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517 (717) 344–8030. Transporting *such commodities* as are dealt in by wholesale and retail grocery stores, between points in Erie, Niagara Wyoming, Genesee, Steuben, and Allegheny Counties, NY, on the one hand, and, on the other, New York, NY, points in NJ, and those in Sullivan, Orange, Rockland, West Chester, Suffolk and Nassau Counties, NY.

MC 124170 (Sub-171), filed June 9, 1981. Applicant: FROSTWAYS, INC., 3000 Chrysler Service Dr., Detroit, MI 48207. Representative: William J. Boyd, 2021 Midwest Rd., Suite 205, Oak Brook, IL 60521 (312) 629–2900. Transporting *general commodities* (except classes A and B explosives) between points in the U.S., under continuing contract(s) with General Foods Corporation, of White Plains, NY.

MC 133350 (Sub-6), filed June 9, 1981. Applicant: AQUA GULF CORPORATION, 63–69 Hook Road, Bayonne, NJ 07002. Representative: Roy A. Jacobs, 550 Mamaroneck Ave., Harrison, NY 10528 (914) 835–4411. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Georgia-Pacific Corporation, of Darien, CT.

MC 134730 (Sub-30), filed June 8, 1981. Applicant: METALS TRANSPORT, INC., 528 South 108th St., West Allis, WI 53214. Representative: M. H. Dawes (same address as applicant) (414) 258–9998. Transporting *machinery* and *metal products*, between points in the U.S., under continuing contract(s) with Miller-Bradford and Risberg, Inc., of Milwaukee, WI.

MC 134890 (Sub-13), filed June 9, 1981. Applicant: MARION TRANSFER, INC., 3011 North 30th St., Milwaukee, WI 53210. Representative: Richard C. Alexander, 710 North Plankinton Ave., Milwaukee, WI 53203, (414) 273–7410. Transporting *chemicals and related products*, and *hazardous materials*, between points in IL and WI, on the one hand, and, on the other, points in IL, IN, MA, NH, NJ, NY, OH, PA, and VA. Condition: To the extent that the certificate in this proceeding authorizes the transportation of hazardous materials, it will expire 5 years from the date of issuance.

MC 138000 (Sub-93), filed June 10, 1981. Applicant: ARTHUR H. FULTON, INC., P.O. Box 99, Stephens City, VA 22655. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740, (301) 797–6060. Transporting *rubber and plastic articles*, between points in the U.S., under continuing contract(s) with Rubbermaid Commercial Products, Inc., of Winchester, VA, Rubbermaid Incorporated, Home Products Division, of Wooster, OH, and Rubbermaid Applied Products, of Statesville, NC.

MC 145011 (Sub-15), filed June 8, 1981. Applicant: R. F. WESTBURY, P.O. Box 498, Sandston, VA 23150. Representative: Carroll B. Jackson, 1810 Vincennes Rd., Richmond, VA 23229. Transporting (1) *chemicals and related products*, (2) *food and related products*, (3) *lumber and wood products*, (4) *machinery*, (5) *pulp, paper and related products*, and (6) *rubber and plastic products*, between points in the U.S., under continuing contract(s) with Interbake Foods, Inc., of Richmond, VA.

MC 145571 (Sub-2), filed June 8, 1981. Applicant: RALPH AARON, JAMES BARTHOLOMEW, AND AUBREY WILLIS, d.b.a. ABW TRUCKING COMPANY, P.O. Box 190, Collierville, TN 38017. Representative: Roland M. Lowell, 618 United American Bank Bldg., Nashville, TN 37219, (615) 244–8100. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Clyde Owen Sand & Gravel, Inc., of Collierville, TN.

MC 146440 (Sub-10), filed June 4, 1981. Applicant: BOSTON CONTRACT CARRIER, INC., 34 Market St., Everett, MA 02149. Representative: Alan Bernson (same address as applicant), (617) 389–5207. Transporting (1) *lumber and wood products*, (2) *chipboard*, (3) *clay, concrete, glass or stone products*, (4) *building materials*, and (5) *appliances*, between points in VT, on the one hand, and, on the other, points in the U.S.

MC 147900 (Sub-6), filed June 9, 1981. Applicant: COLLINS WHOLESALE SUPPLY, INC., d.b.a. COLLINS FREIGHT SERVICE, 4073 Hooker Road, Roseburg, OR 97470. Representative: Kerry D. Montgomery, 400 Pacific Bldg., Portland, OR 97204, (503) 228–5275. Transporting *building materials*, between points in OR, WA, CA, NV, UT, and ID.

MC 151511 (Sub-4), filed June 10, 1981. Applicant: TOM O'CONNOR d.b.a. KERRY MOTOR SERVICE, 4433 South Halsted St., Chicago, IL 60609. Representative: Tom O'Connor (same address as applicant) (312) 538–0700. Transporting *general commodities* (except classes A and B explosives), between Chicago, IL, Omaha, NE, and St. Louis, MO, on the one hand, and, on the other, points in AL, AR, CO, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, VT, VA, WV, WI, and DC.

MC 152640, filed June 10, 1981. Applicant: RAPID DISTRIBUTION SERVICE, INC., 2392 North DuPont Highway, Dover, DE 19901. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 Fifteenth St., NW., Washington, DC 20005 (202) 296–3555. Transporting (1) *lumber and wood products* and (2) *rubber and plastic products*, between points in the U.S., under continuing contract(s) with John Thomas Batts, Inc. of Zeeland, MI.

MC 152671 (Sub-4), filed June 9, 1981. Applicant: ALL FREIGHT TRANSPORTATION, INC., P.O. Box 6699, Boise, ID 83707. Representative: Timothy R. Stivers, P.O. Box 1576, Boise, ID 83701 (208) 343–3071. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Becton, Dickinson & Co., of Rutherford, NJ, ICI Americas, Inc., of Wilmington, DE, Pacific Resins & Chemicals, Inc., of Tacoma, WA, and Oil-Dri Corp. of Americas and its subsidiary Oil-Dri West, Inc., both of Chicago, IL.

MC 153601 (Sub-1), filed June 10, 1981. Applicant: ITO LTD., 121 West Doty St., Madison, WI 53703. Representative: W. A. Myllenbeck, 1947 West County Road C, St. Paul, MN 55113 (612) 633–2661. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Pioneer Rim and Wheel Co., of Minneapolis, MN, Sewell Gear Manufacturing Company, of St. Paul, MN, White Farm Equipment, subsidiary of TIC Investment Corp., of Oak Brook, IL, and Fairway Foods, Inc., of Northfield, MN.

MC 154690, filed June 8, 1981. Applicant: NEAL FERTILIZER, INC., R.R. #1, Box 148, Dexter, IA 50070. Representative: Richard D. Howe, 600 Hubbell Building, Des Moines, IA 50309 (515) 244–2329. Transporting *roofing and roofing materials*, between Kansas City, MO, on the one hand, and, on the other, points in Madison, Clarke, Union, Story, Polk, Jasper, Dallas, and Warren Counties, IA.

MC 154791, filed June 8, 1981. Applicant: JUDSON E. GRIGGS, d.b.a. JUDSON D. GRIGGS HAULING, 1053 Bethel Road, Boothwyn, PA 19061. Representative: James H. Sweeney, P.O. Box 9023, Lester, PA 19113 (215) 365–5141. Transporting *chemicals and related products*, between Philadelphia, PA, on the one hand, and, on the other, points in DE, MD, NJ, NY and OH.

MC 156051, filed June 10, 1981. Applicant: CUMBERLAND TRANSPORT, INC., P.O. Box 492, Kingsland, GA 31548. Representative: John J. Ossick, Jr., P.O. Box 1087, Kingsland, GA 31548 (912) 729–5864. Transporting (1) *commodities in bulk* and (2) *chemicals and related products*, between points in the U.S., under continuing contract(s) with Union Carbide Agricultural Products Company, Inc. of New York, NY.

MC 156440, filed June 11, 1981. Applicant: PETRA TRANSPORTATION CORPORATION, 4608 South Garnett, Suite 400, Tulsa, OK 74145. Representative: Jack R. Anderson, 305 Reunion Center, 9 East Fourth St., Tulsa, OK 74103 (918) 583–9000. Transporting *Mercer commodities*, between points in KS, LA, OK, and TX.

Volume No. OPI–182

Decided: June 19, 1981.

MC 65781 (Sub-9), filed June 9, 1981. Applicant: BARRETT MOVING & STORAGE, INC., 7100 Washington Ave. South, Eden Prairie, MN 55344. Representative: Andrew R. Clark, 1600 TCF Tower, 121 South 8th St., Minneapolis, MN 55402 (612) 333–1341. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Control Data Corporation of Minneapolis, MN.

MC 156350, filed June 10, 1981. Applicant: LOU'S DELIVERY SERVICE, INC., 190 W. Old Higgins Road, Des Plaines, IL 60018. Representative: Joel H. Steiner, 39 South LaSalle Street, Suite 600, Chicago, IL 60603 (312) 236–9375. Over regular routes, transporting *general commodities* (except classes A and B explosives), (1) between Chicago, IL and Milwaukee, WI, (a) from Chicago over U.S. Hwy 41 to junction IL Hwy 173, then over IL Hwy 173 to junction WI Hwy 32, then over WI Hwy 32 to Milwaukee, and return over the same route; and (b) over Interstate Hwy 94, serving all intermediate points in (1) (a) and (b) above.

Volume No. OPY–2–109

Decided: June 19, 1981.

MC 39963 (Sub-63), filed June 5, 1981. Applicant: JOSEPH P. ELMS, d.b.a. ARVADA TRANSFER, 18683 Weld County Rd, #15, Johnstown, CO 80534. Representative: Robert R. Redmon, 4701 Sangamore Rd., Bethesda, MD 20016. 301–320–5500. Transporting *general commodities* (except classes A and B

explosives), between points in Adams, Arapahoe, Boulder, Denver, Douglas, Elbert, El Paso, Jefferson, Larimer, Logan, Morgan, Pueblo, and Weld Counties, CO, and Albany, Carbon, and Laramie Counties, WY.

MC 83243 (Sub-4), filed June 3, 1981. Applicant: MORGAN STORAGE AND VAN COMPANY, 2141 S. Foster Ave., Wheeling, IL 60090. Representative: Steven M. Rogers, One N. Northwest Hwy., Park Ridge, IL 60068 (312) 825–5581. As a *broker*, in arranging for the transportation of *general commodities, including household goods*, between points in the U.S.

MC 87103 (Sub-93), filed June 10, 1981. Applicant: MILLER TRANSFER AND RIGGING CO., P.O. Box 322, Cuyahoga Falls, OH 44222. Representative: Walter Keal (same address as applicant) 216–325–2521. Transporting *metal products*, between points in Armstrong, Westmoreland, Allegheny and Chester Counties, PA, Henry County, IN, and New Haven County, CT, on the one hand, and, on the other, points in the U.S.

MC 89153 (Sub-8), filed June 10, 1981. Applicant: GAYLE T. McGARRY, d.b.a. EAGLE TRANSFER & STORAGE CO., P.O. Box F, Lewiston, ID 83501. Representative: Charles E. Johnson, P.O. Box 2578, Bismarck, ND 58502 (701) 258–8550. Transporting *materials, equipment, and supplies* used in the manufacture and distribution of nonalcoholic beverages, between points in the U.S., on the one hand, and, on the other, points in ID, MT, WA, and OR.

MC 107012 (Sub-725), filed June 9, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant) 219–429–2110. Transporting *food and related products*, between points in Fond du Lac County, WI, on the one hand, and, on the other, points in the U.S.

MC 109763 (Sub-13), filed May 28, 1981. Applicant: WOLF'S BUS LINES, INC., P.O. Box 235, York Springs, PA 17372. Representative: Lloyd R. Persun, P.O. Box 729, Harrisburg, PA 17108, 717–232–6701. Transporting *passengers and their baggage*, in the same vehicle with passengers, in round-trip charter and special operations, beginning and ending at points in Cumberland County, PA, and extending to points in the U.S. (including AK but excluding HI).

MC 113362 (Sub-418), filed June 8, 1981. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, IA 50533. Representative: Milton D. Adams, P.O. Box 429, Austin, MN 55912, 507–433–3427. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of hardwood, between those points in the U.S., in and east of ND, SD, NE, KS, OK, and TX.

MC 113362 (Sub-419), filed June 11, 1981. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, IA 50533. Representative: Milton D. Adams, P.O. Box 429, Austin, MN 55912, (507) 433–3427. Transporting *general commodities* (except classes A and B explosives) between the facilities of Bowater Southern Paper Company at those points in the U.S. in and east of ND, SD, NE, KS, OK and TX.

MC 134002 (Sub-35), filed June 11, 1981. Applicant: ZIPCO TRUCKING, INC., P.O. Box 715, West Bend, WI 53095. Representative: Charles E. Dye, P.O. Box 971, West Bend, WI 53095, (414) 677–2586. Transporting (1) *machinery*, (2) *transportation equipment*, and (3) *such commodities* as are dealt in by wholesale and retail automotive supply, plumbing and heating supply and discount stores, between points in WI, on the one hand, and, on the other, points in the U.S.

MC 134612 (Sub-6), filed June 10, 1981. Applicant: FAST MOTOR SERVICE, INC., 9100 Plainfield Road, Brookfield, IL 60513. Representative: Albert A. Andrin, 180 North La Salle St., Chicago, IL 60601, (312) 332–5106. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Boyle-Midway, a Division of American Home Products Corporation, of Chicago, IL.

MC 140273 (Sub-33F), filed June 9, 1981. Applicant: BUESING BROS. TRUCKING, INC., 2285 Daniels St., Long Lake, MN 55356. Representative: Val M. Higgins, 1600 TCF Tower, 121 S. 8th St., Minneapolis, MN 55402 (612) 333–1341. Transporting *pulp, paper and related products*, between points in Morrison County, MN, on the one hand, and, on the other, points in the U.S.

MC 143762 (Sub-3F), filed June 8, 1981. Applicant: RIGGS & ALLEN TRANSPORTATION, INC., P.O. Box 182, Sacramento, CA 95691. Representative: Steve Allen (same address as applicant). Transporting (1) *lumber and wood products*, (2) *pulp, paper and related products*, (3) *metal products*, and (4) *building materials*, between points in the U.S., under continuing contract(s) with Louisiana-Pacific Corporation, of Samoa, CA.

MC 143993 (Sub-9), filed June 1, 1981. Applicant: BLACK HILLS TRUCKING, INC., 106 River Cross Rd., Casper, WY 82601. Representative: Manuel A. Lojo (same address as applicant) 307–266–0319. Transporting *Mercer commodities*, between points in NM, NV, UT, CO, and WY.

MC 144622 (Sub-208F), filed June 8, 1981. Applicant: GLENN BROS. TRUCKING, INC., P.O. Box 9343, Little Rock, AR 72219. Representative: J. B. Stuart, P.O. Box 179, Bedford, TX 76021 (817) 282–8344. Transporting *food and related products*, between points in the U.S. under continuing contract(s) with Campbell Soup Company and its divisions and subsidiaries, of Camden, NJ.

MC 144622 (Sub-209F), filed June 8, 1981. Applicant: GLENN BROS. TRUCKING, INC., P.O. Box 9343, Little Rock, AR 72219. Representative: J. B. Stuart, P.O. Box 179, Bedford, TX 76021 (817) 282–8344. Transporting *chemicals and related products*, between points in Midland and Wayne Counties, MI, St. Louis County, MO, Wake County, NC, and Union County, NJ, on the one hand, and, on the other, points in Los Angeles County, CA, Duval County, FL, Fulton County, GA, Cook County, IL, Cuyahoga County, OH, Dallas County, TX, and King County, WA.

MC 146402 (Sub-34), filed June 11, 1981. Applicant: CONALCO CONTRACT CARRIER, INC., P.O. Box 968, Jackson, TN 38301. Representative: Charles W. Teske (same address as applicant) (901) 423–2408. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Halstead Industries, Inc., of Zelienople, PA.

MC 147712 (Sub-28F), filed June 8, 1981. Applicant: MID-WESTERN TRANSPORT, INC., 14625 Carmenita Rd., Norwalk, CA 90650. Representative: Joseph Fazio (same address as applicant) (213) 921–7474. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with West Coast Plywood, Inc., of Azusa, CA.

MC 151422 (Sub-5), filed June 9, 1981. Applicant: MINN-DAK TRANSPORT, INC., P.O. Box 98, Audubon, MN 56511. Representative: Cameron Haukedahl (same address as applicant) 218–439–6186. Transporting (1) *metal products* and (2) *machinery*, between points in IL, IN, IA, KY, MI, MN, MO, MT, NE, NY, NC, OH, SD, SC, WI, VA and ND. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. § 11343(A) or submit an affidavit indicating why such approval is

unnecessary to the Secretary's office. In order to expedite issuance of any authority please submit a copy of the affidavit or proof of filing the application(s) for common control to team 2, Room 2379.

MC 155322, filed June 8, 1981. Applicant: HANDY ROYALTY, dba ROYALTY TRUCKING, 2311 Starling Rd., Bethel, OH 45106. Representative: Norbert B. Flick, 2250 Beechmont Ave., Cincinnati, OH 45230 (513) 231–4831. Transporting *metal products* and *transportation equipment* between points in OH and KY.

MC 155472, filed June 8, 1981. Applicant: TAYLOR TRUCKING COMPANY, 17180 Dix Highway, Wyandotte, MI 48192. Representative: Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, MI 48167 (313) 349–3980. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under a continuing contract(s) with Hickman, Williams & Company, of Cincinnati, OH.

MC 156452, filed June 10, 1981. Applicant: BIRNIE BUS SERVICE INC., 7944 Upper West Thomas St., Rome, NY 13440. Representative: Timothy Brian O'Shea, 107 West Liberty St., Rome, NY 13440 (315) 336–4500. Transporting *passengers and their baggage*, in the same vehicle with pasengers, in round-trip charter and special operations, beginning and ending at points in Herkimer, Oneida, Madison, Lewis, and Onondaga Counties, NY, and extending to points in the U.S.

[FR Doc. 81-18909 Filed 6-25-81; 8:45 am]

BILLING CODE 7035-01-M

[Vol. No. OPI-160]

Motor Carrier; Permanent Authority Decisions; Decision-Notice; Correction

This is to correct the notice of June 3, 1981 which published the incorrect rules governing the applications. This is to indicate the correct rules as fitness rules in lieu of non-fitness rules as previously published.

Decided: May 26, 1981.

The following applications, filed on or after February 9, 1981, are governed by Special Rule 251 of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract."

MC 155130 (Sub-2), filed April 24, 1981. Applicant: B & D TRANSPORT, INC., 11621 Kanis Rd., Little Rock, AR 72211. Representative: Larry Brown (same address as applicant) (501) 225–3688. Transporting *general commodities* between Holly Springs, Fuquay-Varina and Stokesdale, NC, Radcliffee, Aurora, Ellsworth and Lawn Hill, IA, Henry, and Clark, SD, Esmond, IL, Shell Lake, Cumberland, Gillett and Green Valley, WI, Elgin, NE, Benton, Barlow, LaCenter, Oak Ridge, Philpot, Deanefield, Thompsonville, Masonville and Edgoten, KY, Kenwood, Hickory Point, Doddsville, Fox Bluff, Chapmansboro, Ashland City, Scottsboro, Jordonia and Riverside, TN, Edina, Lewistown, Hurdland and Ewing, MO, Crandall, Kaufman, Kemp, Mabank, Reklaw, Mobeetie, Briscoe and Allison, TX, Reydon, Cheyenne, Strong City, Hammon and Butler, OK, on the one hand, and, on the other, points in the U.S.

Note.—The purpose of this application is to substitute motor carrier for abandoned rail carrier service.

[FR Doc. 81-18908 Filed 6-25-81; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 29409]

Wolfeboro Railroad Associates; Applications to Acquire and Operate a Railroad Line, and to Issue Securities

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Interstate Commerce Commission exempts (1) the acquisition and operation of a rail line by Wolfeboro Railroad Associates (Associates) from the requirements of prior Commission approval under 49 U.S.C. 10901 and (2) the issuance of securities and assumption of obligations by Associates from the requirements of prior Commission approval under 49 U.S.C. 11301.

DATE: Effective on June 26, 1981.

FOR FURTHER INFORMATION CONTACT: Ellen Hanson (202) 275–7245.

SUPPLEMENTARY INFORMATION:

Background

Wolfeboro Railroad Associates (Associates) filed a petition under 49 U.S.C. 10505 to exempt: (1) its acquisition and operation of a 12-mile line of railroad, formerly known as Wolfeboro Rail Road Co., Inc. (Wolfeboro) from the requirements of obtaining our prior approval under 49 U.S.C. 10901; and its issuance of securities and assumption of obligations from the requirements of 49 U.S.C. 11301. Notice of the petition was published at 45 FR 77187 on November 21, 1980, requesting comments on the proposed exemption. No comments have been filed.

The Transactions

Wolfeboro owns a 12-mile rail line between Wolfeboro and Sanbornville, in Carroll County, NH. We authorized abandonment of the line in Docket No. AB–208F, *Wolfeboro Rail Road Co., Inc.—Entire Line Abandonment Near Sanbornville at Wolfeboro, In Carroll County, NH* (not printed), decided September 24, 1979. No steps have been taken to effect abandonment.

Associates is a limited partnership, with 2 general partners (WMC, Inc. and Wolfeboro Railroad Management Corp.) and 20 individual limited partners. It was organized for the purpose of acquiring, rehabilitating and operating the Wolfeboro line. In November, 1979, Associates purchased all of Wolfeboro's stock, acquired certain related land, and assumed certain liabilities for total consideration of $200,000. Associates later leased all of Wolfeboro's real estate and operating equipment in order to resume operations. Associates also issued partnership shares to the 22 partners for total consideration of $660,000. No public offering of securities was involved. These transactions were entered into upon the advice of counsel that Commission approval was not necessary. After discovering that our approval was necessary, Associates filed this petition.

Associates believes the transactions qualify for exemption. The line has only one connection, with Boston and Maine Corporation at Sanbornville. The railroad's main business will be tourism, with some local freight and passenger service anticipated. Petitioners believes Wolfeboro's tour operations will stimulate the local economy and benefit the surrounding communities, but that the limited nature and volume of service will not significantly affect national or regional transportation. The partnership essentially will step into Wolfeboro's shoes.

The Statute

The acquisition and operation by a noncarrier of a railroad requires our approval under 49 U.S.C. 10201.[1] To obtain approval, an application must be filed in compliance with procedures set forth at 49 CFR Part 1120 (1979). The issuance of securities by a carrier requires our approval under 49 U.S.C. 11301.

This petition was filed on July 3, 1980, before enactment of the Staggers Rail Act of 1980 (Pub. L. 96–488, § 213, 94 Stat. 1895, October 14, 1980) amended 49 U.S.C. 10505. As a general rule, administrative agencies must apply the law in effect at the time of decision in pending cases. See *Ziffrin Inc.* v. *United States*, 318 U.S. 73 (1943); and *Potomac Electric Power Co.* v. *United States*, 584 F. 2d 1058, 1066–1067 (D.C. Cir. 1978). Therefore, we will apply the law as amended by the 1980 Act.

Section 10505, as amended, authorizes the Commission to exempt a transaction when (1) continued regulation is not necessary to carry out the Rail Transportation Policy of 49 U.S.C. 10101a, and (2) the transaction is of limited scope, or regulation is not necessary to protect shippers from the abuse of market power.

Discussion and Conclusion

A detailed review of Associates'—proposal is not necessary to carry out the Rail Transportation Policy. Rather, these exemptions would promote the policies of minimizing regulation and reducing regulatory barriers to entry into the rail industry. See 49 U.S.C. 10101a (2) and (7).

The transactions are limited in scope because (1) they involve a small railroad and local operations over a very short segment of track, and (2) the securities will be in the hands of the partners only, and are not for public offering, and involve only a small amount of money.

Having found the transactions to be of limited scope, we need not determine whether regulation is necessary to protect shippers from abuse of market power. However, the exemptions should benefit shippers in the area since it will provide them with rail service they otherwise might not have.

Labor Protection. In granting an exemption under section 10505, we may not relieve a carrier of its obligation to protect the interests of its employees. 49 U.S.C. 10505(g)(2). Since Wolfeboro has no employees, protective conditions are not needed and will not be imposed.

Prior Criteria. In addition to meeting the criteria of section 10505, as amended by the Staggers Act, this proposal also meets the criteria of former section 10505. We have already indicated that these transactions are of limited scope. Furthermore, our review is not necessary to further the National Transportation Policy of 49 U.S.C. 10101. Because of the transactions' limited scope, the lack of any opposition to the proposal, and the resources required to prepare and review formal applications under 49 U.S.C. 10901 and 11301, our detailed scrutiny of the transactions would be an unreasonable burden on petitioner, and would serve little or no useful public purpose.

This decision does not significantly affect either the quality of the human environment or energy consumption.

It is ordered:

1. Pursuant to 49 U.S.C. 10505, we exempt: (a) the acquisition and operation by Associates of the 12-mile line of railroad between Wolfeboro and Sanbornville in Carroll County, NH, from the requirements of 49 U.S.C. 10901; and (b) the issuance by Associates of a maximum of $660,000 in securities from the requirements of 49 U.S.C. 11301.

2. Associates shall, within 60 days of the effective date of this decision, furnish the Commission with 3 copies of a sworn statement showing all journal entries required to record the transaction.

3. This decision will be effective for one year. The petitioner must consummate the transactions during that time to take advantage of this exemption.

4. This decision shall be effective on the date of publication in the **Federal Register**.

Decided: June 18, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-18911 Filed 6-25-81; 8:45 am]

BILLING CODE 7035-01-M

[1] *Prairie Trunk Railway—Acquisition and Operation*, 348 ICC 832, 860–861 (1977).

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

Joint Research Committee of the Board for International Food and Agricultural Development; Meeting

Pursuant to Executive Order 11769 and the provisions of Section 10(a)(2), Pub. L. 92–463, Federal Advisory Committee Act, notice is hereby given of the thirty-ninth meeting of the Joint

Research Committee (JRC) of the Board for International Food and Agricultural Development (BIFAD) on July 14 and 15, 1981.

The purpose of the meeting is to act on recommendations from the Work Group on Alternate Models on Organizing Research and consider research priorities, review the Collaborative Research Support Program, science and technology in AID, and implications of the General Accounting Office report on JRC.

The meeting will convene from 1:00 p.m. to 4:00 p.m. on July 14, and 8:30 a.m. to 3:00 p.m. on July 15. The meeting will be held in Room 1207, New State Department Building, 22nd and C Streets NW., Washington, D.C. The meeting is open to the public. Any interested person may attend, may file written statements with the Committee before or after the meeting, or may present oral statements in accordance with procedures established by the Committee, and to the extent the time available for the meeting permits. An escort from the "C" Street Information Desk (Diplomatic Entrance) will conduct you to the meeting room.

Dr. James Nielson, BIFAD Support Staff is the designated AID Advisory Committee Representative at the meeting. It is suggested that those desiring further information write to him in care of the Agency for International Development, BIFAD Support Staff, Department of State, Washington, D.C. 20523 or telephone him at (202) 632–7935.

Dated: June 22, 1981.

James Nielson,

AID Advisory Committee Representative, Joint Research Committee, Board for International Food and Agricultural Development.

[FR Doc. 81–18094 Filed 6–25–81; 8:45 am]

BILLING CODE 4710–02–M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–76]

Certain Food Slicers and Components Thereof; Termination of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Termination of investigation.

SUPPLEMENTARY INFORMATION: Upon receipt of a complaint filed on November 5, 1979, the Commission on December 21, 1979, published a notice of institution of an investigation (44 FR 75738), pursuant to section 337 of the Tariff Act of 1930, 19 U.S.C. 1337, of alleged unfair methods of competition and unfair acts in the unauthorized importation and sale of certain food slicers and components thereof.

On June 15, 1981 the Commission unanimously determined that there was no violation of section 337 in investigation No. 337–TA–76 in the importation or sale of certain food slicers and components thereof.

Copies of the Commission's determination and order and all other public documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202–523–0161.

FOR FURTHER INFORMATION CONTACT: Warren H. Maruyama, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202–523–0375.

Issued: June 22, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81–18083 Filed 6–25–81; 8:45 am]

BILLING CODE 7020–02–M

DEPARTMENT OF JUSTICE

Office of Juvenile Justice and Delinquency Prevention

Publication of Office of Juvenile Justice and Delinquency Prevention Funding Policy for the Balance of Fiscal Year 1981

AGENCY: Office of Juvenile Justice and Delinquency Prevention, Justice.

ACTION: Publication of Office of Juvenile Justice and Delinquency Prevention Funding Policy for the balance of fiscal year 1981.

SUMMARY: The Office of Juvenile Justice and Delinquency Prevention (OJJDP), in carrying out the continuation policy set out at 46 FR 7109 (January 22, 1981), and planning for the possible implementation of the Administration's proposed phaseout of programs funded under Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 in Fiscal Year 1982, will utilize remaining unobligated Fiscal Year 1981 categorical grant funds primarily to fulfill binding Fiscal Year 1981 grant continuation commitments. The Office will fund no new categorical programs or projects for the balance of this fiscal year unless they are determined by the Administrator to be priorities consistent with the Administration's future plans or constitute, in the Administrator's judgment, an exceptional circumstance. The Catalog of Federal Domestic Assistance reference for Special Emphasis and Technical Assistance programs is 16.541, and for the National Institute for Juvenile Justice and Delinquency Prevention is 16.542.

This annoucement does not require a Regulatory Impact Analysis under § 3d of Executive Order 12291, or a regulatory flexibility analysis under the Regulatory Flexibility Act, Pub. L. 354.

EFFECTIVE DATE: June 26, 1981.

FOR FURTHER INFORMATION CONTACT: Charles A. Lauer, Acting Administrator, Office of Juvenile Justice and Delinquency Prevention; Telephone: 202/724–7751.

SUPPLEMENTARY INFORMATION: The Office of Juvenile Justice and Delinquency Prevention was established by Title II of the Juvenile Justice and Delinquency Prevention Act of 1974. The Title II grant program consists of formula grants to the States and categorical grants made directly by the Office. The Administration's budget proposal for Fiscal Year 1982 provides no additional funds for new or continuation grants or other Title II program activities administered by the Office of Juvenile Justice and Delinquency Prevention. No continuations of the Office's categorical grant programs and projects, which would otherwise be eligible for continuation consideration in Fiscal Year 1982 or 1983, can be anticipated from direct Federal fund sources.

The Office published a proposed regulation in the **Federal Register** for public comment on May 12, 1981 (46 FR 26403). This proposal stated that it was the intention of the Office to fulfill the public interest and to act in a manner consistent with the Administration's proposed Fiscal Year 1982 budget with those Title II funds that remain available for the balance of Fiscal Year 1981. Of primary concern to the Office is the need to assure responsible financial accountability and administration of Fiscal Years 1979–1981 funds which will continue to be available for obligation or expenditure by recipients in Fiscal Years 1982–83. Even without new appropriations for categorical programs on or after October 1, 1981, the Office will avoid premature grant termination actions (except for cause) and will attempt to make the best possible use of available funds by honoring commitments, completing currently funded project activities, and targeting remaining funds in narrow priority funding areas. It is not in the best interest of the Federal government to begin or continue projects which cannot

be completed with currently available funds or to begin new cycles of other currently funded service, training, or other project activity. To expedite this policy, the general funding plan will be to forego funding of new activities and to complete or bring to a useable stage as many ongoing activities as possible. This plan will be carried out as specified in this policy except to the extent that formal rescissions or deferrals of current spending authority are approved by Congress.

Response to Public Comment

The Office received six telephone calls for information on the continuation policy and four comments.

Comment No. 1—The first comment requested the rationale for the restriction on no cost extensions. The proposal was viewed by this commentator as an attempt to recapture program funds. The rationale for the extension policy was not to attempt to recapture program funds. The rationale, as stated, was based upon the possibility that the Office would have no personnel to administer grant extensions. Exceptions are provided for in the extension policy and, to the extent that the Office has staff available, they will continue to process and administer justified extensions. However, the policy that a grantee has no right to a "no cost extension" will remain in effect.

Comment No 2—One commentator questioned the legality and the premise of the proposed policy as follows: "Assuming merely *arguendo* that such an approach to the agency's funding policy is legally permissible (*but see, e.g., Local 2677 v. Phillips*, 358 F.Supp. 60 (D.D.C. 1973)), the premises of the proposed policy have been invalidated by the actions taken this week by the Senate Judiciary Committee and the House Education and Labor Committee in respectively recommending Fiscal Year 1982 appropriations for OJJDP of $44,00,000 and $86,500,000."

Because the operative Fiscal Year 1981 policy provides for the obligation and expenditure of all (100%) available funds, it cannot be said to constitute an illegal impoundment. The premises of the proposed policy have not been invalidated by any preliminary actions of the standing committees of the House or Senate. Neither Appropriation Committee has as yet taken action on the Administration's proposal.

Comment No. 3—One commentator pointed out that it did not make sense to continue the previously published continuation policy in effect when the Administration's position and the Budget Committee's actions to date did not provide for a continuation of the program. In addition, it has become clear that should a continuation of the program be enacted the total amount of funds available or the nature of the program could be subject to broad changes. We agree. Consequently, the continuation policy set forth at 46 FR 7109 (January 22, 1981) will no longer be useful and is canceled by this regulation.

Comment No. 4—One commentator requested an explanation of the balances of available funds affected by this policy. Special Emphasis funds and Research and Training program funds are governed by this policy.

The National Institute for Juvenile Justice and Delinquency Prevention has a remaining balance of $2,603,000. These funds have all been allocated, but not obligated. The allocations have been made in accord with this regulation. Funds will be used to complete six ongoing evaluations of existing juvenile justice programs and nine other research projects relating to such items as high risk behavior, minority research, sexual exploitation of children, school discipline, problems of secure care, etc. The Special Emphasis program has an existing balance of $6,910,000. However, a rescission of $2,931,000 was approved by the House Appropriations Committee (Cong. Rec. H 2593, June 3, 1981). The rescission will be derived from either Part B formula grant funds if a number of States do not qualify for such funds by August 1, 1981, or from the Special Emphasis fund category. The allocations which are anticipated (but may be reduced because of the rescission) include $870,000 to restitution programs, $3,617,000 to Part II of the violent offender program, $600,000 for Alternative Education, $880,000 to information and standards programs and a survey of facilities, $192,000 to an anti-shoplifting program, and the balance to projects relating to services for the children of Atlanta, serious and violent offender programs and projects, and other Administration priorities. These allocations may change within the context of this regulation depending upon the resolution of administrative appeals and the source of funds for the rescission action.

Policy

Continuation Grants—This policy of the Office of Juvenile Justice and Delinquency Prevention on continuation funding, announced at 46 FR 7109 (January 22, 1981) is canceled. The allocations of funds for the balance of Fiscal Year 1981 are based primarily on OJJDP's interest in completing recent major successful programs and facilitating the orderly phaseout of the OJJDP program consistent with the Administration's budget proposal, now pending before the Congress. The proposed selection of programs for continuation reflects criterion 6 of the canceled policy, "Circumstances indicate that continued funding would be in the best interests of the government." OJJDP will consider the adoption of a revised general continuation policy, with a focus on which particular projects should be continued within an eligible program, if appropriations for such functions are provided for Fiscal Year 1982.

The categorical grant programs of the Office generally provide for a fixed term of activity under the "project period" system of award. Under this system, grant activities are approved for a fixed "project period" constituting the entire activity of the grant and are funded by separate awards under shorter "budget periods." The major Special Emphasis program slated for refunding of an additional budget period within an existing project period in Fiscal Year 1981 is the Restitution program. The final budget period for Restitution projects will be funded to the maximum extent funds have been allocated and are available for these commitments.

Miscellaneous Special Emphasis grant projects awarded outside of or prior to the adoption of the project period system will not be considered for continuation funding unless there is a written commitment incorporated in the grant award to provide continuation funding beyond the current expiration date of the grant, or if the project meets the criteria set forth below for funding of new grant applications. This restriction is necessary because project period continuations have a higher funding priority under established agency policy and adequate Fiscal Year 1981 continuation funds are not available to be set aside for the refunding of all projects which were not awarded under the project period system.

Research and training programs of the National Institute for Juvenile Justice and Delinquency Prevention have undergone review to determine those activities which are currently due for refunding and can be completed or brought to a useful stage with the remaining Fiscal Year 1981 funds available. No new activities will be started except as required by law or in accordance with competitive research grant programs announced in prior fiscal years. No training projects that have met their current objectives or completed their project period will be considered for refunding except those which provide direct training of juvenile justice system personnel or law related

education. Long range research or training efforts with no reasonable expectation of successful implementation without multi-year funding will not be refunded. These restrictions on eligibility for refunding of Institute categorical grants are necessary for the reasons set forth above.

"No Cost" Extensions—No categorical grantee has a right to a "no cost" extension beyond the initial scheduled termination date of a grant. With the expected phaseout of Office staff and available support activities, it is the policy of the Office that "no cost" extensions will not normally be granted. However, for good cause, the Office will consider "no cost" extensions on a case-by-case basis. Good cause will include the potential for cost assumption by other fund sources or the completion of activities so that cost assumption can be given consideration by State budget offices, State legislatures, or other potential continuation fund sources.

New Grant Applications—The Office does not anticipate the award of new categorical grants for the balance of this fiscal year. No program announcements for new grants are being issued. Exceptions will only be considered where the Administrator determines that there is a public safety emergency, a pre-existing legal commitment, or where significant program models or activities near completion should be completed. Grant or contract activities which are consistent with the Administration's budget proposal or which otherwise constitute a high priority of the Administration will also be considered for funding as a partial exception. Examples include programs relating to juvenile victims of crime, serious or violent criminal activity, and programs that were previously started and require completion or refinement so that the Administration can make decisions which may affect future activity in these areas. Activities requiring reprogrammed funds to phaseout State, Office of Juvenile Justice and Delinquency Prevention, and Department of Justice responsibilities in the Title II formula grant program may also require funding and will be considered to the extent funds can be made available.

Dated: June 23, 1981.

W. Modzeleski,

Acting Administrator, Office of Juvenile Justice and Delinquency Prevention.

[FR Doc. 81-18993 Filed 6-25-81; 8:45 am]

BILLING CODE 4410-18-M

DEPARTMENT OF LABOR

Employment and Training Administration

Employment Transfer and Business Competition Determinations; Applications

The organizations listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the locations listed. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 U.S.C. 1924(b), 1932, or 1942(b).

The Act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commerical or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75. In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in which the proposed facility will be located.

2. Employment trends in the same industry in the local area.

3. The potential effect of the new facility upon the local labor market, with particular emphasis upon its potential impact upon competitive enterprises in the same areas.

4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).

5. In the case of applications involving the establishment of branch plants or facilities, the potential effect of such new facilities on other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding these applications are invited to submit such information in writing within two weeks of publication of this notice. Comments received after the two-week period may not be considered. Send comments to: Administrator, Employment and Training Administration, 601 D Street, NW., Washington, D.C. 20213.

Signed at Washington, D.C., this 17th day of June 1981.

Luis Sepulveda,

Acting Director, Office of Program Services.

Applications Received During the Week Ending June 20, 1981

Name of applicant and location of enterprise	Principal product or activity
LeGardeur International, Inc., Belle Chasse, Louisiana.	Marine structure design and construction.

[FR Doc. 81-18736 Filed 6-25-81; 8:45 am]

BILLING CODE 4510-30-M

Mine Safety and Health Administration

[Docket No. M-81-116-C]

Thomas & Miller Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Thomas and Miller Coal Company, P.O. Box 268, Whitwell, Tennessee 37397 has filed a petition to modify the application of 30 CFR 75.1719 (illumination) to its No. 17-1 Mine located in Marion County, Tennessee. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that lighting devices be installed on the mine's electric face equipment.

2. The coal seam varies in height from pencil thickness to 36 inches.

3. Petitioner states that application of the standard would result in a diminution of safety for the miners affected because:

a. Installataion of the prescribed lighting system would cause an abrupt change in light intensity, causing the

equipment operator and nearby miners to be temporarily blinded;

b. Glare results from these lights, impairing the miners' vision.

4. For these reasons, petitioner requests a modification of the standard.

Request for Comment

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before July 27, 1981. Copies of the petition are available for inspection at that address.

Dated: June 18, 1981.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-18681 Filed 6-25-81; 8:45 am]

BILLING CODE 4510-43-M

Office of the Secretary

[TA-W-9220]

C. J. Bachner & Sons, Inc., Gloversville, N.Y., Certification Regarding Eligibility To apply for Worker Adjustment Assistanace

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. It is determined in this case that all of the requirements have been met.

The investigation was initiated on July 7, 1980 in response to a petition which was filed by the Amalgamated Clothing and Textile Workers Union on behalf of workers at C. J. Bachner & Sons, Incorporated, Gloversville, New York. The Workers produce ladies' gloves.

U.S. imports of dress gloves and mittens increased relative to domestic production in 1979 compared to 1978. U.S. imports of sport gloves increased both absolutely and relative to domestic production in 1979 compared to 1978. The ratio of imported dress gloves and mittens to domestically produced dress gloves and mittens was 682.9 percent in 1979.

A survey was conducted by the Department of Labor of major coustomers of C.J. Bachner and Sons. Incorporated. Most of the responding customers indicated purchases of imported gloves. Several surveyed customers decreased purchases from C.J. Bachner and increased purchases of imported gloves in 1979 compared to 1978 and in 1980 compared to 1979.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with ladies' gloves produced at C.J. Bachner & Sons Incorporated, Gloversville, New York contributed importantly to the decline in sales or production and to the total or partial separation of workers of the firm. In accordance with the provisions of the Act, I make the following certification:

All workers of C.J. Bachner & Sons, Incorporated, Gloversville, New York who became totally or partially separated from employment on or after June 20, 1979 are eligible to apply for adjustment assistance under section 223 of the Trade Act of 1974.

Signed at Washington, D.C., this 17th day of June 1981.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 81-18649 Filed 6-25-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-8063]

GRM Industries, Inc., Grand Rapids, Mich.; Notice of Negative Determination Regarding Application for Reconsideration

By an application dated April 20, 1981, a worker requested administrative reconsideration of the Department of Labor's Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance in the case of workers and former workers producing automobile components at GRM Industries, Inc., Grand Rapids, Michigan. The determination was published in the **Federal Register** on March 20, 1981 (46 FR 17929).

Pursuant to 20 CFR 90.18(c), reconsideration may be granted under the following circumstances:

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) If it appears that the determination complained of was based on a mistake in the determination of facts previously considered; or

(3) If, in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justifies reconsideration of the decision.

A worker claimed in his application for reconsideration that GRM Idustries, Inc., of Grand Rapids, Michigan lost about two-thirds of its rear window slide assemblies for pick-up trucks to a domestic competitor's production in Canada. Further, he noted that workers for certain General Motors-owned parts plants have been certified as eligible for trade adjustment assistance.

The Department's review revealed that the worker petition did not meet the increased import criterion of the Trade Act of 1974 for ashtray and ashtray parts, dashboards, brake discs, instrument panels, hood hinges, fuel filler assemblies, glove boxes and inner body stampings U.S. imports of brake discs decreased absolutely in model year 1980 compared with model year 1979. U.S. imports of the remaining products are negligible. Also, the worker petition did not meet the "contributed importantly" test for rear window assemblies. The Department's survey showed that major customers of GRM either did not import rear window assemblies or that imports decreased. One customer who showed an increase in imports of vent windows accounted for only an insignificant share of GRM vent window sales.

The Department's investigation does not support the worker's claim that GRM lost two-thirds of its rear window slide assemblies to imports from a domestic competitor's plant in Canada. The Department found that the rear window assemblies made in Canada by the domestic competitor were only for the Canadian market and were installed on trucks in a nearby Canadian truck assembly plant. None of the rear window assemblies were imported into the United States. If, therefore, GRM lost sales because of this domestic competitor, they would have been export sales and would not provide a basis for certification of GRM workers.

As noted in the original denial, the Department cannot base a certification of employees of an independent parts-producing plant on increased imports of final articles, e.g., automobiles, which may incorporate parts similar to parts produced by the petitioning workers. In the case of workers who produce parts and who are also employees of a firm which produces automobiles, e.g., General Motors, however, the Department is able to consider GM as the worker's firm under Section 222(3) of the Act and can base a certification on increased imports of automobiles like or directly competitive with, automobiles produced by General Motors.

Conclusion

After review of the application and the investigative file, I conclude that there has been no error or misinterpretation of fact or misinterpretation of the law which would justify reconsideration of the Department of Labor's prior decision. The application is, therefore, denied.

Signed at Washington, D.C., this 17th day of June 1981.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 81-18948 Filed 6-25-81, 8:45 am]

BILLING CODE 4510-28-M

[TA-W-11,762]

I.R.C. Fibers Co., Painesville, Ohio; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on November 24, 1980 in response to a worker petition received on November 18, 1980 which was filed by the Amalgamated Clothing and Textile Workers Union on behalf of workers at I.R.C. Fibers Company, Painesville, Ohio.

A negative determination applicable to the petitioning group of workers was issued on November 28, 1980 (TA-W-10,401). The negative determination was based on the fact that U.S. imports of tire cord are negligible. No new information is evident which would result in a reversal of the Department's previous determination. Consequently, further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed in Washington, D.C., this 17th day of June 1981.

Marvin Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 81-18950 Filed 6-25-81, 8:45 am]

BILLING CODE 4510-28-M

Pension and Welfare Benefit Programs

[Application No. D-2405]

Proposed Exemption for Certain Transactions Involving the Citizens Bank Employees' Stock Bonus Plan Located in Bloomsbury, N.J.

AGENCY: Department of Labor.

ACTION: Notice of Proposed Exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt the sale on March 22, 1978, of two mortgages by the Citizens Bank Employees' Stock Bonus Plan (the Plan) to Citizens Bank, N.A. (the Employer). The proposed exemption, if granted, would affect the participants and beneficiaries of the Plan, the trustees of the Plan, the Employer, and the American National Bank and Trust Company of New Jersey (American), with the which the Employer merged on March 6, 1981.

DATE: Written comments and requests for a public hearing must be received by the Department on or before August 21, 1981.

EFFECTIVE DATE: If the proposed exemption is granted, the exemption will be effective March 22, 1978.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216, Attention: Application No. D-2405. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue NW., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Mrs. Miriam Freund of the Department, telephone (202) 523-8671. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of section 406(a), 406(b)(1), and 406(b)(2) of the Act and from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code. The proposed exemption was requested in an application filed on behalf of the trustees of the Plan, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. The Plan, which will terminate as part of the merger of the Employer with American, covered 48 participants as of January 30, 1981. The Plan became effective January 1, 1978, superseding a profit sharing plan for employees of the Employer. All assets under the profit sharing plan became part of the Plan. Each participant's benefit in the profit sharing plan was transferred to the Plan. Under section 4.01 of the Plan, each participant was given an opportunity to elect irrevocably in writing to convert the then current value of his account into Employer stock or to have the account invested in the same manner as under the profit sharing plan.

2. At the time of the conversion of the profit sharing plan into the Plan, the profit sharing trust owned as investments two mortgages:

(a) Mortgage made April 2, 1976, on behalf of Thomas F. and Delores F. Martynowski, mortgagors, in the principal amount of $23,000.00, bearing interest at the rate of 9¼% per year, due April 2, 1991, and providing for monthly payments; and

(b) Mortgage made May 20, 1977, on behalf of Beverley G. Ferguson, mortgagor, in the principal amount of $16,000.00, bearing interest at the rate of 8¾% per year, due May 20, 1997, and providing for monthly payments. On March 22, 1978, the balances due (principal plus accrued interest) were $20,250.78 on the Martynowski mortgage, and $15,893.47 on the Ferguson mortgage.

3. The Plan sold both mortgages on March 22, 1978, to the Employer at the price of the balances due. The sales prices were paid in a single lump sum cash payment on March 22, 1978. The Plan did not incur any cost in connection with the sale of the mortgages. All monies received from the sale were used to purchase Employer stock on the same day received.

4. It is represented that the sole purpose of the sale of the mortgages to the Employer was to accommodate the Plan participants and that the Employer did not profit from its purchase as it had available other sources to invest its monies at least as profitably as in the purchase of the subject mortgages. It is further represented that the Employer was the one party available to purchase

the mortgages at par without any legal costs or commissions or other costs to the Plan and that the Employer did not realize that the sale was a prohibited transaction under the Act. While no effort was made at the time to sell the mortgages to third parties, the Plan trustees believe that selling to third parties would have involved costs and probably some reduction in price and that selling to the Employer was thus more favorable to the Plan than selling to third parties would have been.

5. On April 15, 1981, Michael G. Morris Associates, appraiser and consultant, stated that the interest rates on the subject mortgages at the time of the sale from the Plan to the Employer were in the range of those interest rates for which the Employer was then issuing mortgages. Mr. Morris, who states that he is a qualified and certified appraiser within the State of New Jersey, concludes that the purchase of these mortgages by the Employer was on terms and conditions then available in the market place and therefore should be considered a fair transaction. Although Mr. Morris includes the Employer among his list of clients, he states that the income he received in 1980 from the Employer amounted to less then ½ of 1% of his total gross income.

6. In summary, the applicants represent that the sale of the mortgages described above satisfied the criteria of section 408(a) of the Act due to the following:

(a) They were one-time transactions for cash;

(b) The sales were necessary to implement the Plan participants' elections to convert the assets in their accounts under the superseded profit sharing plan into Employer stock to be held under the Plan;

(c) The Plan did not incur any cost in connection with the sale of the mortgages;

(d) The Plan trustees believed that the sales prices of the mortgages were not less than their fair market values at the time of the sale; and

(e) An independent qualified appraiser has concluded that the purchase of the mortgages by the Employer was on terms and conditions then available in the market place and therefore should be considered a fair transaction.

Notice to Interested Persons

Within 20 days of the date this notice of pendency is published in the **Federal Register**, the applicants will notify all interested persons of the pendency of this application for exemption. Interested persons include Plan participants and beneficiaries. The notice will contain a copy of the notice published in the **Federal Register** and will inform interested persons of their rights to comment and to request that a hearing be held with respect to the proposed exemption. The notice will be delivered by mail or by enclosure with the employee's current wage payment.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(a), 406(b)(1), and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to the sale on March 22, 1978, of the two mortgages described above by the Plan to the Employer, provided that the amount the Plan received for each mortgage was not less than its fair market value on that date.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction which is the subject of this proposed exemption.

Signed at Washington, D.C., this 22d day of June 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 81-18973 Filed 6-25-81; 8:45 am]

BILLING CODE 4510-29-M

[Application No. D-2425]

Proposed Exemption for Certain Transactions Involving City Investing Co. and Its Affiliates Located in New York, N.Y.

AGENCY: Department of Labor, P&WBP.

ACTION: Notice of Proposed Exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act). The

proposed exemption would exempt, under certain conditions, the reinsurance by Federal Home Life Insurance Company, (the Reinsurer), a party in interest with respect to certain welfare plans (the Plans) for employees of City Investing Company and Its Affiliates (the Employers), of insurance contracts issued by the Prudential Insurance Company of America (the Insurer) to fund benefits under the Plans. The proposed exemption, if granted, would affect the Employers, participants and beneficiaries of the Plans, the Reinsurer, and other persons participating in the transaction.

EFFECTIVE DATE: If the proposed exemption is granted, it will be effective January 1, 1978.

DATE: Written comments and requests for a public hearing must be received by the Department on or before August 14, 1981.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of labor, 200 Constitution Avenue NW., Washington, D.C. 20216, Attention: Application No. D–2425. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of the Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N–4677, 200 Constitution Avenue NW., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Mrs. Miriam Freund of the Department, telephone (202) 523–8671. (This is not a tollfree number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of section 406 (a) and (b) of the Act. The proposed exemption was requested in an application filed on behalf of the Reinsurer, pursuant to section 408(a) of the Act and in accordance with procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975).

Preamble

On August 7, 1979, the Department published a class exemption [Prohibited Transaction Exemption 79–41 (PTE 79–41), 44 FR 46365] which permits insurance companies that have substantial stock or partnership affiliations with employers establishing or maintaining employee benefit plans to make direct sales of life insurance, health insurance or annuity contracts which fund such plans, if certain conditions are satisfied.

In PTE 79–41, the Department stated its view that if a plan purchases an insurance contract from a company that is unrelated to the employer pursuant to an arrangement or understanding, written or oral, under which it is expected that the unrelated company will subsequently reinsure all or part of the risk related to such insurance with an insurance company which is a party in interest with respect to the plan, the purchase of the insurance contact would be a prohibited transaction.

The Department further stated that as of the date of publication of PTE 79–41, it had received several application for exemption under which a plan or its employer would contract with an unrelated company for insurance, and that unrelated company would, pursuant to an arrangement or understanding, reinsure part for all of the risk with (and cede part or all of the premiums to) an insurance company affiliated with the employer maintaining the plan. The Department felt that if would not be appropriate to cover the various types of reinsurance transactions for which it had received applications within the scope of the class exemption, but would instead consider such applications on the merits of each individual case.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicants.

1. City Investing Company (the Company) is a large publicly held corporation, incorporated in the State of Delaware, which is engaged in the business of controlling and managing subsidiary corporations engaged in many diverse industries.

2. The Reinsurer is a wholly owned subsidiary of the Company. The Reinsurer is a stock life insurance companay, incorporated in 1910 in the State of Indiana, and is now qualified to do business in 49 states and the District of Columbia. At the end of 1979, it had capital paid up of $1,100,000 and surplus of $23,306,075. The Reinsurer actively solicits life insurance business from the general public in the states where it is licensed and also accepts reinsurance from selected insurers. It is rated A (Excellent) by "Best's Insurance Reports/Life Health" 75th Edition, 1980, pages 636–7.

3. The Plans are employee welfare benefit plans which provide life and health insurance benefits to employees of the Employers. There are approximately 26,000 participants in the Plans providing life insurance and approximately 31,800 participants in the Plans providing health insurance. A large number of participants are covered both by Plans providing health insurance and by Plans providing life insurance. The Plans are funded entirely through the purchase of group insurance policies at competitive rates from the Insurer. The Insurer is not related to the Company or the Reinsurer. Among mutual and stock life insurance companies, the Insurer is the largest insurance company in the world based on assets and total insurance in force. It is rated A+ (Excellent) by "Best's Insurance Reports/Life Health" 75th Edition, 1980, pages 1601–03.

4. The Insurer, as direct insurer of the Plans, has entered into a reinsurance contract with the Reinsurer with respect to certain risks it insures under the Plans. The reinsurance contract was executed in May 1979 and is effective as of January 1, 1978. Under the reinsurance contract, the Insurer pays the Reinsurer 50 percent of the group life premiums and 80 percent of the group health premiums received from the Plans, in exchange for which the Reinsurer reinsures the Insurer for 50 percent of the risk of group life business and 80 percent of the risk of group health business. The reinsurance contract in no way affects the Insurer's liability for all of the benefits promised under its insurance contracts with the Plans. The Plans are not parties to the reinsurance contract.

5. The applicant represents that the subject reinsurance transactions have met or will meet all of the conditions of PTE 79–41, covering direct insurance transactions:

(a) The Reinsurer is a party in interest as described in section 3(14)(G) of the Act by reason of stock affiliation with the Company, one of the Employers.

(b) The Reinsurer is licensed to sell insurance in at least one of the United States.

(c) The reinsurer has obtained a certificate of compliance from the Department of Insurance of the State of Indiana.

(d) The Reinsurer has undergone a financial examination by the Department of Insurance of the State of Indiana for calandar years 1975 and 1978.

(e) The Reinsurer has undergone a financial examination by an independent certified public accountant for the calendar years 1978 and 1979 and previous years, and will continue to undergo such an examination in the future.

(f) The Plans pay no more than adequate consideration for the insurance contracts. Premiums for the group insurance here involved are subject to a retrospective rating formula and ultimately are a function of three factors: (i) actual losses of the group; (ii) state premium taxes; and (iii) a "retention" charge, which is a percentage designed to compensate the Insurer for all administrative services, as well as provide it with a small profit factor. Because the Insurer is one of the largest group insurance underwriters in the country and enjoys substantial economies of scale in overall policy administration, the retention charge (in 1979, 6.9 percent of premiums) in respect to the Plans is highly competitive. The subject reinsurance transactions are not a factor in the premium computations and thus do not in any way increase the costs to the Plans.

(g) After December 31, 1981, no commissions will be paid in connection with either the direct sale of the insurance contracts or with respect to the reinsurance contract between the Insurer and the Reinsurer.

(h) The Reinsurer does not provide insurance or reinsurance for any plans to which it is a party in interest other than the Plans. The gross premiums and annuity considerations received by the Reinsurer in 1979 and 1980 from both direct insurance and reinsurance for life and health contracts for the Plans and the Employers did not exceed 50 percent of the gross premiums and annuity considerations received for all lines of insurance in 1979 and 1980 by the Reinsurer. Such premiums amounted to approximately 23 perecent of all the Reinsurer's gross premiums received in 1979. Although the Reinsurer anticipates reinsuring additional contracts of the Employers in the future, the Reinsurer will limit such additional contracts if necessary to avoid exceeding the 50 percent ratio mentioned above.

6. In summary, the applicant represents that the subject transactions meet the statutory criteria of section 408(a) of the Act because:

(a) The insurance could not be purchased by the Plans directly from the Reinsurer more economically than the Plans purchase it from the Insurer;

(b) Plan participants and beneficiaries are afforded insurance protection by the Insurer, one of the largest and most experienced group insurers in the United States, at competitive rates arrived at through arm's-length negotiations;

(c) The Reinsurer is a sound, viable insurance company which has been in business for many years and which does a substantial amount of business outside its affiliated group of companies; and

(d) Each of the protections provided to the Plans and their participants and beneficiaries by PTE 79–41 has been, or will be, met under the subject reinsurance transactions.

Notice to Interested Parties

Notice of the proposed exemption will be provided to all participants and beneficiaries of the Plans on or before July 10, 1981. In the case of participants who are currently employed, notice will be provided by means of announcement posted on the Employers' bulletin boards. In the case of retired participants and beneficiaries of deceased participants, notice will be provided by first class mail. The notice will contain a copy of the notice of proposed exemption and a statement advising the interested persons of their rights to comment and to request a hearing on the proposed exemption.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act does not relieve a fiduciary or other party in interest from certain other provisions of the Act, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act which, among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act;

(2) Before an exemption may be granted under section 408(a) of the Act, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries, and protective of the rights of participants and beneficiaries of the plan; and

(3) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted, effective January 1, 1978, the restrictions of section 406 (a) and (b) of the Act shall not apply to the reinsurance of risks and the receipt of premiums therefrom by the Reinsurer from the group health and group life insurance contracts sold by the Insurer to the Employers to provide benefits to the Plans, provided the following conditions are met:

(a) The Reinsurer—

(1) Is a party in interest with respect to the Plans by reason of a stock or partnership affiliation with the Employers that is described in section 3(14) (E) or (G) of the Act;

(2) Is licensed to sell insurance in at least one of the United States or in the District of Columbia;

(3) Has obtained a certificate of compliance from the Department of Insurance of its domiciliary state, Indiana, which has neither been revoked nor suspended; and

(4)(A) Has undergone a financial examination by an independent certified public accountant for its last completed taxable year immediately prior to the taxable year of the reinsurance transaction; or

(B) Has undergone a financial examination (within the meaning of the law of its domiciliary state, Indiana) buy the Department of Insurance of the State of Indiana within five years prior to the end of the yar preceding the year in which the reinsurance transaction occurred;

(b) The Plans pay no more than adequate consideration for the group insurance contracts;

(c) No commissions are paid with respect to the direct sale of such contracts, or the reinsurance thereof, after December 31, 1981; and

(d) For each taxable year of the Reinsurer, the gross premiums and annuity considerations received in that taxable year by the Reinsurer for life

and health insurance of annuity contracts for all employee benefit plans (and their employers) with respect to which the Reinsurer is a party in interest by reason of a relationship to such employer described in section 3(14) (E) or (G) of the Act, does not exceed 50 percent of the gross premiums and annuity considerations received for all lines of insurance in that taxable year by the Reinsurer. For purposes of this condition (d):

(1) The term "gross premiums and annuity considerations received" means the total of premiums and annuity considerations received, both for the subject reinsurance transactions as well as for any direct sale of life insurance, health insurance, or annuity contracts to such plans (and their employers) by the Reinsurer. This total is to be reduced (in both the numerator and denominator of the fraction) by experience refunds paid or credited in that taxable year by the Reinsurer.

(2) All premiums and annuity considerations written by the Reinsurer for plans which it alone maintains are to be excluded from both the numerator and denominator of the fraction.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in this application are true and complete, and that the application accurately describes all material terms of the transactions which are the subject of this proposed exemption.

Signed at Washington, D.C., this 22d day of June 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 81-18674 Filed 6-25-81; 8:45 am]

BILLING CODE 4510-29-M

[Application No. D-2211]

Proposed Exemption for Certain Transactions Involving Hardy Coal Company Employees' Pension Plan & Trust Located in Sugarcreek, Ohio

AGENCY: Department of Labor, P&WBP.

ACTION: Notice of proposed exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt the contribution to the Hardy Coal Company Employees' Pension Plan and Trust (the Plan) on September 11, 1979 of two parcels of real property by Holmes Land Company (Holmes), a wholly-owned subsidiary of GEX Hardy, Inc. (the Employer), the Plan sponsor, in satisfaction of the minimum required contribution to the Plan for the year ending December 31, 1978. The proposed exemption, if granted, would affect the participants and beneficiaries of the Plan, Holmes and the Employer.

DATE: Written comments and requests for a public hearing must be received by the Department on or before August 10, 1981.

EFFECTIVE DATE: If the proposed exemption is granted, the exemption will be effective September 11, 1979.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, Attention: Application No. D-2211. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Horace C. Green of the Department, telephone (202) 523-8196. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of sections 406(a), 406(b)(1) and (b)(2) of the Act and from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code. The proposed exemption was requested in an application filed by the Employer, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 31, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. The Plan is a defined benefit pension plan that had 159 participants and total assets of $483,608 as of December 31, 1978. A pension committee (the Committee) directs the investments for the Plan. The individuals who comprise the Committee and make the investment decisions for the Plan are as follows: Paul Gorsky, employee of the Employer; Fred Phillippi, president of the Employer; and C. N. Bailey, vice president of the Employer. The assets of the Plan are held by Reeves Banking and Trust Company, a directed trustee (the Trustee), located in Dover, Ohio. However, with respect to the transaction involved, the Trustee acted in an independent manner.

2. In mid-1972, the Employer, located in Sugarcreek, Ohio, became a wholly-owned subsidiary of General Exploration Company (the Company). The business of the Company consists primarily of (a) the domestic production and sale of coal through surface mining in Ohio and underground mining in Utah, Colorado and Kentucky; and (b) the domestic and foreign exploration for and development and production of oil and gas. The Employer performs all of the Company's coal surface mining operations.

3. In 1978, the Employer suffered a $490,000 loss from its operations as a result of a reduction in sales. In addition, the Employer began experiencing severe cash flow difficulties. As a result of the above financial difficulties, the Employer lacked sufficient financial resources to satisfy the minimum required cash contribution of $69,439 for the Plan for the year ending December 31, 1978.

4. In mid-August of 1979, Holmes offered to transfer two parcels of real property (the Helen Plotner Tract and Vernon Beachy Tract, collectively, the Properties) to the Plan, in satisfaction of the minimum required cash contribution of $69,439 to the Plan for the year ending December 31, 1978. The Properties, which are fully reclaimed mining real property were each appraised by E. J. Bowers, an independent appraiser, on August 23, 1979. The Helen Plotner Tract, which is located in Sugarcreek, Ohio, was valued at $43,000. There was a caretaker tenant on it who paid a nominal rental of $1,200 per year. The Vernon Beachy Tract, which is located in Sugarcreek Ohio, was valued at $57,500. The Vernon Beachy Tract was unimproved and did not produce any income.

5. The Trustee states that, after reviewing the financial condition of the Employer and the needs of the Plan, it made an independent determination that it would be in the best interests of the Plan participants and beneficiaries to accept the Properties in satisfaction of the Plan's minimum required contribution of $69,439 for the year ending December 31, 1978. The Trustee believed that the Plan would be able to quickly dispose of the Properties for a cash amount in excess of $69,439 and reinvest this amount in assets earning a greater return than the return on the Properties. On September 11, 1979, the Properties were transferred to the Plan.

6. Shortly after the Properties were transferred to the Plan, the Employer's legal counsel determined that the transfer of the Properties constituted a prohibited transaction. As a result of that discovery, the Employer voluntarily filed an exemption application on October 2, 1979, for the contribution of the Properties by Holmes to the Plan.

7. The Trustee, acting in its sole discretion on the Plan's behalf, sold each of the Properties to unrelated parties. The Helen Plotner Tract was sold on March 14, 1980 for $50,000 and the Vernon Beachy Tract was sold on May 23, 1980 for $37,500. The Plan paid sales commissions on the Properties which amounted to $5,915.55.

8. The Trustee represents that the contribution of the Properties was beneficial because it was able to quickly dispose of the Properties at a price that was $12,145.45 in excess of the minimum required cash contribution of $69,439 for the year ending December 31, 1978, and the money received was invested in assets earning a greater return than the Plan was earning on the Properties. The Trustee further represents that all of the monthly rentals due on the Helen Plotner Tract from the caretaker were collected on schedule prior to its sale.

9. In summary, it is represented that the contribution of the Properties by Holmes to the Plan met the statutory criteria for an exemption under section 408(a) of the Act because: (a) The Trustee, acting independently, determined that the contribution of the Properties was appropriate for the Plan and was in the best interests of the Plan participants and beneficiaries; (b) the Employer was experiencing financial difficulties and was unable to make a cash contribution; (c) the fair market value of the Properties on the date of contribution was determined by an independent appraiser; and (d) the amount the Plan secured from the sale of the Properties to unrelated parties exceeded the minimum required cash contribution amount.

Notice to Interested Persons

Notice of the proposed exemption will be given to all present participants and beneficiaries within 15 days of the date the notice of pendency of such exemption is published in the **Federal Register** by hand delivery or by first-class mail. Such notice shall include a copy of the notice of pendency and shall inform interested persons of their right to comment and to request a hearing regarding the requested exemption within the period set forth in the notice of pendency.

General Information

The attention of interested persons is directed to the following: (1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of sections 406(a), 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the contribution on September 11, 1979 of the Properties by Holmes to the Plan in satisfaction of the minimum required contribution for the Plan for the year ending December 31, 1978, provided that: (1) the Employer's federal tax deduction for the contribution of the Properties to the Plan was not greater than the fair market value of the Properties on the date of contribution; and (2) the contribution was valued at its fair market value by the Plan on the date of contribution.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction that is the subject of the exemption.

Signed at Washington, D.C., this 22d day of June 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 81–18079 Filed 6–25–81; 8:45 am]

BILLING CODE 4510–29–M

[Application Nos. D-2166 and D-2167]

Proposed Exemption for Certain Transactions Involving the Richard S. Ehrenfeld, Inc. Money Purchase Pension Plan and the Richard S. Ehrenfeld, Inc. Defined Benefit Pension Plan Located in Newport Beach, California

AGENCY: Department of Labor, P & WBP.

ACTION: Notice of proposed exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain sanctions imposed by the Internal Revenue Code of 1954 (the Code). The proposed temporary exemption would exempt for a period of five years the placement of second trust deeds with the Richard S. Ehrenfeld, Inc. Money Purchase Pension Plan and the Richard S. Ehrenfeld, Inc. Defined Benefit Pension Plan (the Plans), and the guarantees of repurchase from the Plans of second trust deeds which are in default, by Richard S. Ehrenfeld, Inc. (the Employer) and Richard S. Ehrenfeld (Mr. Ehrenfeld), disqualified persons with respect to the Plans. The proposed exemption, if granted, would affect Mr. Ehrenfeld, the Employer, and beneficiaries of the Plans.

Since Mr. Ehrenfeld is the sole stockholder and employee of the Employer and the only participant in the Plans, there is no jurisdiction under Title I of the Employee Retirement Income Security Act of 1974 (the Act) pursuant to 29 CFR 2510.3–3(c)(1). However, there is jurisdiction under Title II of the Act under section 4975 of the Code.

DATES: Written comments and requests for a public hearing must be received by the Department on or before July 24, 1981.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, Attention: Application Nos. D–2166 and D–2167. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N–4677, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Alan H. Levitas of the Department, Telephone (202) 523–8884. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (F) of the Code. The proposed exemption was requested in an application filed by legal counsel for the Plans, pursuant to section 4975(c)(2) of the Code, and in accordance with procedures set forth in Rev. Proc. 75–26, 1975–1 C.B., 722. Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Temporary Nature of the Exemption

The proposed exemption is temporary and, if granted, will expire five years after the date of grant.[1] Should the applicant wish to continue these transactions beyond the five year period, the applicant may submit another application for an exemption.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. Mr Ehrenfeld is the sole shareholder and employee of the Employer and the sole participant and trustee of the Plans. The Plans have total assets of approximately $97,000 as of November 30, 1980.

2. The Employer is a mortgage broker, licensed by the California State Department of Real Estate, specializing in the placement of second trust deeds.[2] The Employer's income is derived from sales commissions paid by borrower's for the placement of second trust deeds.

3. The Employer proposes to place second trust deeds with the plans. No second trust deeds, however, will be placed with the Plans which would represent extensions of credit to disqualified persons as defined in section 4975(e)(2) of the Code. In order not to receive any financial benefit from any second trust deed placed with Plans, the Employer will contribute an amount equal to its commission to the Plans.[3] Further the Employer and Mr. Ehrenfeld will guarantee in writing to repurchase (for an amount equal to the outstanding principal plus accrued interest) any second trust deed that is placed with the Plans that is in default in excess of 90 days.[4] The Employer as of November 30, 1980 had total assets of approximately $105, 195. Mr. Ehrenfeld as of May 13, 1981 has a total net worth of approximately $665,000.

4. The second trust deeds to be placed by the Employer with the Plans will have the following characteristics. The deeds will be short term, interest only obligations, with a maturation date that is not in excess of 24 months. Financial information pertaining to the borrower (including a credit report), a title report and a fire and casualty insurance policy, is required with respect to each transaction. The security for the loan is in most cases high quality southern California residential property (generally single family residences or multi-unit residential complexes) and occasionally commercial property. The property securing the loans will be geographically dispersed within southern California. In connection with each loan, an independent appraisal of the property securing the loan is obtained. At least 25 percent protective equity is required for each loan (i.e. amount of loan together with all prior encumbrances may not exceed 75 percent of property's appraised value). Each loan purchased by the Plans will earn interest at a rate that is not less than the current rate earned on comparable loans placed by the Employer with third parties. The loans will be serviced at no cost to the Plans by the Simon Ehrenfeld Group.

5. The Plans will not at any time have more than 50 percent of the current value of their investments in loans placed through the Employer. In addition, no more than 25 percent of the Plans' assets will be invested in any one loan.

6. Prior to the placement of any loan with the Plans, Mr. Robert Goldberger, a

[1] In order that the repurchase guarantee made to the Plans will not be frustrated by the temporary nature of the exemption, exemptive relief will be extended for the repurchase of second trust deeds by the Employer from the Plans after the five year term of the exemption which were placed with the Plans during the term of the exemption.

[2] A trust deed takes the place of and serves the same purpose as a common/law mortgage.

[3] The Employer is prohibited under California law (CAL. B. & P.C.A. § 10137) from assigning its commission income to a third party who is not a licensed real estate broker or salesman. However, in order that the Employer will not benefit financially from second trust deeds placed with the Plans, the Employer will contribute to the Plans an amount equal to the commissions earned on such loans.

[4] The Department has traditionally viewed a guarantee to repurchase from a plan by a disqualified person as a prohibited transaction under ERISA.

party unrelated to the Plans or the Employer, will determine whether each transaction is a suitable investment for the Plans and that the terms of each transaction are at least as favorable to the Plans as those which the Plans would receive in the same type of transaction with an unrelated party. In addition, he will monitor the loans placed with the Plans, to ensure compliance with all the terms and conditions of the exemption. Mr. Goldberger, previously a trust officer in the pension department of United California Bank, is a financial planner with fifteen years experience providing investment and estate planning advice to corporations and individuals.

7. The Employer represents that the contributions to the Plans (including contributions of commissions earned by the Employer on loans placed with the Plans) will not exceed the limitations prescribed by section 415 of the Code.

8. In summary, the applicants represent that the proposed transactions meet the criteria for an exemption under section 4975(c)(2) of the Code because (1) the proposed transactions will be approved and monitored by an independent party; (2) the exemption will be a temporary exemption for five years; (3) the Employer will guarantee repurchase of second trust deeds in default; (4) the dollar amount of all second trust deeds placed in the Plans will be limited to 50 percent of the Plans' assets; and (5) the trustee represents that the proposed transactions would be beneficial to and in the best interests of the Plan and its participant and beneficiaries.

Notice to Interested Persons

Since Mr. Ehrenfeld is the only participant in the Plan and 100 percent stockholder of the Employer, it has been determined that there is no need to distribute the notice of pendency to interested persons.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 4975(c)(2) of the Code does not relieve a fiduciary or disqualified person from certain other provisions of the Code, including any prohibited transaction provisions to which the exemption does not apply, nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) Before an exemption may be granted under section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(3) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based of the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 4975(c)(2) of the Code and in accordance with the procedures set forth in Rev. Proc. 75–26. If the exemption is granted, the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (F) of the Code shall not apply to the placement of second trust deeds with the Plans by the Employer and to the repurchase guarantees by the Employer and Mr. Ehrenfeld with respect to second trust deeds which are in fault, provided that the terms of each transaction are at least as favorable to the Plans as those obtainable in an arm's length transaction with an unrelated party.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application are true and complete, and that the application accurately describes all material terms of the transactions to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 22nd day of June, 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 81-18877 Filed 6-25-81; 8:45 am]

BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 81-63; Exemption Application No. D-2420]

Exemption From the Prohibitions for Certain Transactions Involving the Supra Products, Inc. Employees Profit Sharing Retirement Trust Located in Salem, Oregon

AGENCY: Department of Labor, P & WBP.

ACTION: Grant of individual exemption.

SUMMARY: This exemption permits the proposed sale of certain real property by the Supra Products Profit Sharing Retirement Trust (the Plan) to Iral and Gwen Barrett (the Barretts), parties in interest with respect to the Plan.

FOR FURTHER INFORMATION CONTACT: Richard Small of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216. (202) 523–8881. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On April 24, 1981, notice was published in the **Federal Register** (46 FR 23344) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Employee Retirement Income Security Act of 1974 (the Act) and from the sanctions resulting from the application of section 4975 of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1)(A) through (E) of the Code, for the proposed sale of certain real property by the Plan to the Barretts. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. The applicants have represented that they have satisfied the provisions of the

notice to interested persons as set forth in the notice of pendency. No public comments and no requests for a hearing were received by the Department. The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plan.

Accordingly the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to the cash sale of the 12th Place Lots by the Plan to the Barretts for $128,750 provided that this amount is at least the fair market value of the 12th Place Lots at the time of sale.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 22nd day of June, 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 81-18975 Filed 6-25-81; 8:45 am]
BILLING CODE 4510-29-M

[ORPS Application No. P-1559]

Employee Benefit Plans; Alternative Method of Compliance for the Builders, Contractors and Employees Retirement Trust and Plan Sponsored by National Western Life Insurance Co.

AGENCY: Department of Labor, P&WBP.

ACTION: Grant of alternative method of compliance.

SUMMARY: The Department of Labor (the Department) hereby grants an alternative method of compliance with the requirements of the Employee Retirement Income Security Act of 1974 (the Act) for the Builders, Contractors and Employees Retirement Trust and Plan sponsored by the National Western Life Insurance Company.

EFFECTIVE DATE: July 27, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. John Christensen, of the Department, (202) 523–8684. (This is not a toll free number).

SUPPLEMENTARY INFORMATION: On January 30, 1981, notice was published in the **Federal Register** (46 CFR 10022) of the pendency before the Department of an alternative method of compliance with the annual reporting requirements of the Employee Retirement Income Security Act of 1974 (ERISA) for the Builders, Contractors and Employees Retirement Trust and Plan (the Master Plan) as adopted by participating employers. The alternative method of compliance was requested in a petition filed by National Western Life Insurance Company, the sponsor of the Master Plan, pursuant to section 110(a) of the Act. The notice set forth a summary of the facts and representations contained in the petition for an alternative method of compliance and referred interested persons to the petition on file with the Department for a complete statement of the facts and representations. The petition has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested alternative method of compliance to the Department and the petitioner has represented that it has complied with the requirements of the notification to interested persons as set forth in the notice of pendency.

No public comments were received by the Department on the notice, and the Department has decided to grant the proposed alternative method of compliance. The Department cautions, however, that nothing contained either herein or in the notice of pendency should be construed as relieving the employers participating in the Master Plan from any reporting or other requirements they may have under the Davis-Bacon Act of 1931, as amended (40 U.S.C. 276(a)).

Alternative Method of Compliance

In accordance with section 110(a) of the Act and based upon the entire record, the Department makes the following determinations:

(1) the use of the alternative method is consistent with the purposes of Title I of the Act and provides adequate disclosure to the Plans' participants and beneficiaries and adequate reporting to the Department.

(2) the application of the annual reporting requirements would increase the costs to the Plans or impose unreasonable administrative burdens with respect to the operation of the Plans, and

(3) the application of the annual reporting requirements of the Act would be adverse to the interests of the Plans' participants in the aggregate.

Accordingly, the Department hereby grants the following alternative method of compliance:

The administrator for the Builders, Contractors and Employees Retirement Trust and Plan sponsored by National Western Life Insurance Company (Master Plan) as adopted by a participating employer is relieved of the obligation to file a full annual report for a given year for such plan if: (1) National Western Life Insurance Company files a master Form 5500 for the entire Master Plan with the Internal Revenue Service (IRS) for its fiscal year ending with or within such employer's plan year (including required schedules); (2) the participating employer files an abbreviated form 5500 (completing only items 1, 2, 3, 4(e), 5, 6, 9, and 17) or form 5500–C (completing only items 1, 2, 3, 4(e), 5, 6, 9, and 26).

The availability of this alternative method of compliance is subject to the express conditions that the material facts and representations contained in the petition are true and complete and that the petition accurately describes all factors material to the granting of the alternative method of compliance.

Signed at Washington, D.C. this 18th day of June, 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor

[FR Doc. 81-18883 Filed 6-25-81; 8:45 am]

BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 81-44 Exemption Application No. D-1268]

Exemption From the Prohibitions for Certain Transactions Involving the Thompson Steel Co., Inc., Pension Trust A Located in Canton, Mass.

Correction

In FR Doc. 81-17163 appearing on page 31106 in the issue for Friday, June 12, 1981, the heading should have read as set forth above.

BILLING CODE 1505-01-M

NATIONAL COMMUNICATION SYSTEM

Office of the Secretary

National Communications System Telecommunications: Interoperability and Security Requirement for Use of the Data Encryption Standard in Data Communication Systems

The Administrator of the General Services Administration (GSA) is responsible, under the provisions of the Federal Property and Administrative Services Act of 1949, as amended, for the Federal Standardization Program. On August 14, 1972, the National Communications System (NCS) was designated by the Administrator, GSA, as the responsible agent for the development of telecommunication standards for NCS interoperability and the computer-communications interface. Further information on the NCS can be found in Department of Defense Directive 5100.41, "Arrangements for Discharge of Executive Agent Responsibilities for the NCS," and in an NCS Information Brochure available upon request from the National Communications System.

The purpose of this Notice is to solicit comments on the June 1, 1981, drafts of proposed Federal Standards 1025 and 1026. These draft Federal standards have been prepared under the Federal Telecommunication Standards Program (FTSP) by the National Communications System's Office of Technology and Standards. Earlier drafts of proposed Federal Standard 1026 were announced as being available in the January 8, 1979, issue of the **Federal Register** (page 1770) and announced for public comment in the July 2, 1980, issue of the **Federal Register** (page 45041). Since that time, the original draft has been split into two draft standards. These drafts are: Proposed Federal Standards 1025, "Telecommunications: Interoperability and Security Requirements for use of the Data Encryption Standard in the Network and Transport Layers of Data Communications," and proposed Federal Standard 1026, "Telecommunications: Interoperability and Security Requirements for Use of the Data Encryption Standard in the Physical and Data Link Layers of Data Communications."

The two purposes of proposed Federal Standards 1025 and 1026 are to facilitate the interoperability of telecommunication systems and networks of the Federal Government and to describe techniques which aid in achieving required security objectives. Copies of proposed Federal Standards 1025 and 1026 may be obtained from the Office of Technology and Standards, NCS.

Prior to formal coordination and adoption of these proposed Federal standards, it is considered essential that proper consideration be given to the needs and views of industry, the public, and State and local governments. Interested parties may submit their comments to the Office of Technology and Standards, National Communications System, Washington, D.C. 20305. All comments should be submitted within 90 days of the date of this Notice. Telephone inquiries and requests for copies of the proposed standard should be directed to Mr. Robert M. Fenichel, telephone (202) 692-2124.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

June 23, 1981.

[FR Doc. 81-18880 Filed 6-25-81; 8:45 am]

BILLING CODE 3810-05-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Humanities Panel; Meeting

AGENCY: National endowment for the Humanities.

ACTION: Notice of meeting.

SUMMARY: Pursuant to the provision of the Federal Advisory Committee Act (Public Law 92-463, as amended), notice is hereby given that the following meeting of the Humanities Panel will be held at 806 15th Street, N.W., Washington, DC 20506:

Date: July 14, 1981
Time: 9 a.m. to 5:30 p.m.
Room: 314
Program: this meeting will review applications submitted for the Endowment's program of support to Centers for Advance Study, to begin after January 1, 1982.

The proposed meeting is for the purpose of Panelreview, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. Because the proposed meeting will consider information that is likely to disclose,

(1) trade secrets and commercial or financial information obtained from a person and priviledged or confidential;

(2) information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; and

(3) information the disclosure of which would significantly frustrate implementation of proposed agency action;

pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated January 15, 1978, I have determined that this meeting will be closed to the public pursuant to subsections (c)(4), (6) and (9)(B) of section 552b of Title 5, United States Code.

Further information about this meeting can be obtained from Mr. Stephen J. McCleary, Advisory Committee Management Officer, National Endowment for the Humanities, Washington, DC 20506, or call (202) 724-0367.

Stephen J. McCleary,

Advisory Committee, Management Officer.

[FR Doc. 81-18855 Filed 6-25-81; 8:45 am]

BILLING CODE 7536-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-313]

Arkansas Power & Light Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 57 to Facility Operating License No. DPR-51, issued to Arkansas Power & Light Company (the licensee), which revised the Technical Specifications for operation of Arkansas Nuclear One, Unit No. 1 (ANO-1) located in Pope County, Arkansas. The amendment is effective as of its date of issuance.

The amendment modifies the ANO-1 Appendix A Technical Specifications by providing a redefinition of the term "Operable" and the addition of general Limiting Conditions for Operation.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4), and environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the licensee's application dated November 28, 1980, (2) Amendment No. 57 to License No. DPR-51, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Arkansas Tech University, Russellville, Arkansas. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 18th day of June 1981.

For the Nuclear Regulatory Commission.

John F. Stolz,

Chief, Operating Reactors Branch No. 4, Division of Licensing.

[FR Doc. 81-18857 Filed 6-25-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-368]

Arkansas Power & Light Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 23 to Facility Operating License No. NPF-6, issued to Arkansas Power & Light Company (the licensee), which revised the Technical Specifications for operation of Arkansas Nuclear One, Unit No. 2 (ANO-2) located in Pope County, Arkansas. The amendment is effective as of the date of issuance.

The amendment modifies the ANO-2 Appendix A Technical Specifications dealing with the operability requirements for fire detectors in the containment penetration rooms.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of the amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of the amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of the amendment.

For further details with respect to this action, see (1) the application for the amendment dated June 1, 1981, (2) Amendment No. 23 to License No. NPF-6, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Arkansas Tech University, Russellville, Arkansas. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 16th day of June, 1981.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 81-18858 Filed 6-25-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-317 and 318]

Baltimore Gas and Electric Co.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 55 and 38 to Facility Operating Licenses Nos. DPR-53 and DPR-69, issued to Baltimore Gas and Electric Company, which revised Technical Specifications for operation of the Calvert Cliffs Nuclear Power Plant, Units Nos. 1 and 2. The amendments are effective on July 1, 1981.

The amendments incorporate the decay heat removal capacity requirements and make corrections to one or both unit's Technical Specifications to make them consistent.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of the amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of the amendments.

For further details with respect to this action, see (1) the application for amendment dated January 8, 1981, as corrected February 5, March 24 and April 9, 1981, (2) Amendment Nos. 55 and 38 to License Nos. DPR-53 and DPR-69, and (3) the Commission's related letter dated June 16, 1981. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. and at the Calvert County Library, Prince Frederick, Maryland. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington,

D C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 16th day of June, 1981.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 81-18959 Filed 6-25-81, 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-394]

California Polytechnic State University; Proposed Issuance of Orders Authorizing Dismantling of Facility, Disposition of Component Parts and Termination of Facility License

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of orders authorizing the California Polytechnic State University (the licensee), to dismantle the AGN-201, Serial No. 100, Training Reactor (the facility), a nuclear research reactor located on the licensee's campus, San Luis Obispo, California, to dispose of the component parts in accordance with the plan set out in the licensee's application dated April 30, 1981, and to terminate the facility license. The reactor is covered by Facility License No. R-121.

Prior to issuance of any order, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations.

By July 27, 1981, the licensee may file a request for a hearing with respect to issuance of the subject orders and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR § 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the action under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene shall be filed with the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, or may be delivered to the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner or representative for the petitioner promply so inform the Commission by a toll-free telephone call to Western Union at (800) 325-6000 (in Missouri (800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to John Stolz: (petitioner's name and telephone number); (date petition was mailed); (CPSU AGN-201 Reactor); and (publication date and page number of this **Federal Register** notice). A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to R. W Adamson, Reactor Administrator, California Polytechnic State University, San Luis Obispo, California 93407.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR § 2.714(a)(i)-(v) and § 2.714(d).

For further details with respect to this action, see the licensee's application dated April 30, 1981, as may be supplemented by future submittals, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C.

Dated at Bethesda, Maryland, this 22th day of June 1981.

For the Nuclear Regulatory Commission.

John F. Stolz,

Chief, Operating Reactors Branch No. 4, Division of Licensing.

[FR Doc. 81-18960 Filed 6-25-81, 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-213]

Connecticut Yankee Atomic Power Co.; Haddam Neck Plant, Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 39 to Facility Operating License No. DPR-61, issued to Connecticut Yankee Atomic Power Company (the licensee), which revised the Technical Specifications for operation of the Haddam Neck Plant (the facility) located in Middlesex County, Connecticut. The amendment is effective as of its date of issuance.

The amendment adds requirements to provide for redundancy in decay heat removal capability in all modes of operation.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of the amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of the amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated October 16, 1980, (2) Amendment No. 39 to License No. DPR-61, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Russell Library, 119 Broad Street, Middletown, Connecticut 16457. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 22d day of June 1981.

For the Nuclear Regulatory Commission.

Dennis M. Crutchfield,

Chief, Operating Reactors Branch No. 5, Division of Licensing.

[FR Doc. 81-18881 Filed 6-25-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-369]

Duke Power Co.; Issuance of Amendment to Facility Operating License No. NPF-9

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 1 to Facility Operating License No. NPF-9. This amendment was issued to Duke Power (licensee) for diesel generator testing requirements and a correction to listing of fire detection instrumentation. The McGuire Nuclear Station, Unit 1 is located near Charlotte, North Carolina in Mecklenburg County. This amendment is effective as of its date of issuance.

The application of the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's requirements. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards considerations.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR Section 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment, dated June 17, 1981; (2) Facility Operating License NPF-9, dated June 12, 1981; and (3) the Commission's related Safety Evaluation. All of these documents are available for public inspection at the Commission's Public document room, located at 1717 H Street, NW, Washington, D.C. 20555 and at the Atkins Library, University of North Carolina, Charlotte (UNCC Station), North Carolina 28223 or may be requested by writing to U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Technical Information and Document Control.

Dated at Bethesda, Maryland, this 19th day of June 1981.

For the Nuclear Regulatory Commission.

K. Jabbour,

Acting Chief, Licensing Branch No. 4, Division of Licensing.

[FR Doc. 81-18882 Filed 6-25-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-333]

Power Authority of the State of New York; Issuance of Amendment to Facility Operating License, and Negative Declaration

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 55 to Facility Operating License No. DPR-59, issued to the Power Authority of the State of New York (the Licensee), which revised the Technical Specifications for operation of the James A. FitzPatrick Nuclear Power Plant (the facility) located in Oswego County, New York. The amendment is effective as of the date of issuance.

This amendment will allow an increase in the spent fuel storage capability up to a maximum of 2244 fuel assemblies by use of high density spent fuel racks.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Notice of Consideration of Proposed Modification to Facilities Spent Fuel Storage Pool in connection with this action was published in the Federal Register on September 12, 1978 (43 FR 40580). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

The Commission has prepared an environmental impact appraisal of the action being authorized and has concluded that an environmental impact statement for this particular action is not warranted because there will be no significant environmental impact attributable to the action other than that which has already been predicated and described in the Commission's Final Environmental Statement for the facility.

For further details with respect to this action, see (1) the application for amendment dated July 26, 1978, as supplemented by letters dated May 15, June 22, September 25, October 10, and November 29, 1979, April 1, April 31, and October 31, 1980, (2) Amendment No. 55 to License No. DPR-59, (3) the Commission's concurrently issued Safety Evaluation, and (4) the Commission's concurrently issued Environment Impact Appraisal. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C., and at the Penfield Library, State University College at Oswego, Oswego, New York 13126. A single copy of items (2), (3), and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 18th day of June 1981.

For the Nuclear Regulatory Commission.

Thomas A. Ippolito,

Chief, Operating Reactors Branch #2, Division of Licensing.

[FR Doc. 81-18883 Filed 6-25-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-260, 50-260, and 50-296]

Tennessee Valley Authority; Issuance of Amendments to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 71 to Facility Operating License No. DPR-33, Amendment No. 68 to Facility Operating License No. DPR-52, and Amendment No. 43 to Facility Operating License No. DPR-68 issued to Tennessee Valley Authority (the licensee), which revised Technical Specifications for operation of the Browns Ferry Nuclear Plant, Units Nos. 1, 2, and 3, located in Limestone County, Alabama. The amendments are effective as of the date of issuance.

These changes to the Technical Specifications involve incorporation of certain of the TMI-2 Lessons Learned Category "A" requirements. These requirements concern (1) Emergency Power Supply/Inadequate Core Cooling, (2) Valve Position Indication, (3) Containment Isolation, (4) Shift Technical Advisor, (5) Systems Integrity Measurements Program, and (6) Improved Iodine Measurements Capability.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated September 9, 1980, as supplemented by letter dated February 10, 1981, (2) Amendment No. 71 to License No. DPR-33, Amendment No. 68 to License No. DPR-52, and Amendment No. 43 to License No. DPR-68, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. and at the Athens Public Library, South and Forrest, Athens, Alabama 35611. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 18th day of June 1981.

For the Nuclear Regulatory Commission.

Thomas A. Ippolito,

Chief, Operating Reactors Branch #2, Division of Licensing.

[FR Doc. 81-18064 Filed 6-25-81, 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards Subcommittee on Comanche Peak Units 1 and 2; Change of Location

The June 29, 1981 meeting of the ACRS Subcommittee on Comanche Peak Units 1 and 2, scheduled to be held at the Braniff House Hotel, W. Airport Drive, Dallas/Ft. Worth, TX will be held instead at the *Holiday Inn, Dallas/Ft. Worth Airport South, 4440 West Airport Freeway, Irving, TX 75061.*

Notice of this meeting was published in the **Federal Register** on June 12, 1981 (46 FR 31121) and all items remain the same, including the date and time (1:00 p.m.) as announced in that notice.

Dated: June 24, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81-19136 Filed 6-25-81, 11:12 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 11823; 811-2831]

Convertible Fund of Japan, Ltd.; Filing of Application for an Order Declaring That Applicant Has Ceased To Be an Investment Company

June 22, 1981.

Notice is hereby given that The Convertible Fund of Japan, Ltd., 1 Wall Street, New York, NY 10005 ("Applicant"), an open-end, diversified, management investment company registered under the Investment Company Act of 1940 ("Act"), filed an application on March 23, 1981, and an amendment thereto on May 22, 1981, seeking an order of the Commission, pursuant to Section 8(f) of the Act, declaring that Applicant has ceased to be an investment company within the meaning of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that it was organized on January 27, 1978, under the laws of Maryland and is presently a corporation in good standing. Applicant further states that it registered under the Act on May 22, 1978, and that a registration statement was filed on February 14, 1979, pursuant to the Securities Act of 1933, for 3,000,000 shares of common stock. According to the application, that registration statement became effective on April 24, 1979, and a public offering of its shares commenced thereafter.

Applicant states that its assets, as of March 16, 1981, were $805,244, comprised of $501,601 in investments at market value, $14,822 in cash, $43,771 in receivables, and $45,050 in other assets. Applicant further states that its debts, as of the same date, were $38,001, comprised of $36,429 in accounts payable and accrued expenses and $1,572 in redemptions payable. Applicant avers that it is not party to any litigation or administrative proceeding, that no assets have been transferred into a separate trust and that no distribution to any of its security-holders is contemplated.

According to the application, Applicant had 56 shareholders as of March 19, 1981. Applicant declares that it does not have a current prospectus and would like to withdraw its registration and operate as a private company. Applicant avers that it is not making and does not presently propose to make a public offering of its securities, and that none of its shareholders is a company which owns 10 percent or more of its outstanding securities. Applicant represents that it will take all appropriate steps to avoid having more than 100 beneficial owners of its outstanding securities.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company as defined in the Act, it shall so declare by order and, upon the taking effect of such order, the registration of such company under the Act shall cease to be in effect. Section 3(c)(1) of the Act, in pertinent part, excludes from the Act's definition of "investment company" any issuer whose outstanding securities (other than short-term paper) are beneficially owned by not more than one hundred persons and which is not making and does not presently propose to make a public offering of tis securities.

Notice is further given that any interested person may, not later than

July 16, 1981, at 5:30 p.m., submit to the Commission in writing, a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–18994 Filed 6–25–81; 8:45 am]

BILLING CODE 8010–01–M

Midwest Stock Exchange, Inc.; Applications for Unlisted Trading Privileges and Opportunity for Hearing

June 23, 1981.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the following stocks:

Associated Madison Companies Inc., Common Stock, $.40 Par Value (File No. 7–5951).

Shaw Industries Incorporated, Common Stock, No Par Value (File No. 7–5952).

These securities are listed and registered on one or more other national securities exchanges and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before July 9, 1981 written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–18995 Filed 6–25–81; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 11822; 812–4469]

Municipal Fund for Temporary Investment; Filing of an Application for an Order

Notice is hereby given that Municipal Fund for Temporary Investment, Suite 204, Webster Building, Concord Plaza, 3411 Silverside Road, Wilmington, Delaware 19810 ("Applicant"), registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified, management investment company, filed an application on May 1, 1979, and amendments thereto on August 10, 1979, September 25, 1980, March 18, 1981, and June 15, 1981, seeking an order of the Commission pursuant to Section 6(c) of the Act exempting Applicant from the provisions of Section 12(d)(3) of the Act to the extent necessary to permit Applicant to acquire rights to sell its portfolio securities to brokers or dealers and from the provisions of Section 2(a)(41) of the Act and Rules 2a–4 and 22c–1 thereunder to the extent necessary to permit Applicant to value in the manner described in the application such rights acquired from banks, brokers or dealers. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

According to the application, Applicant was organized by Shearson Loeb Rhoades, Inc. ("Shearson"), Applicant's administrator and distributor, to be a "companion" to two money market funds also sponsored by Shearson in order to provide institutions the alternative of earning tax-exempt income on the investment of short-term cash reserves. Applicant states that its investment objective, which is to provide as high a level of current interest income exempt from federal income taxes as is consistent with relative stability of principal, is pursued by investing in short-term obligations issued by or on behalf of states, territories and possessions of the United States and the District of Columbia, or their political subdivisions, agencies, instrumentalities or authorities, the interest from which, in the opinion of counsel to the issuer, is exempt from federal income tax ("Municipal Bonds"). Accordingly, Applicant states that it may not purchase "money-market" or other taxable obligations, and that during defense periods or when suitable tax-exempt obligations are unavailable, it may hold uninvested cash reserves. Applicant further states that it does not seek profits through short-term trading but intends to hold its portfolio securities to maturity.

Applicant represents that, as permitted by a prior exemptive order received from the Commission (Investment Company Act Release No. 11500, December 19, 1980), subject to certain conditions, it has maintained a $1.00 constant net asset value per share and a relatively stable daily dividend by keeping its average weighted portfolio maturity under 120 days, excluding realized and unrealized gains and losses from dividends, and calculating net asset value per share by using the amortized cost method of portfolio valuation.

Applicant states that in addition to a constant net asset value per share, its shareholders require the ability to receive same-day redemption proceeds in federal funds. As described in Applicant's prospectus, redemption orders received before 12:00 noon, Wilmington time, will be effected at the net asset value determined at noon and shareholders will receive same-day redemption proceeds in federal funds. The federal funds wire closes for transmission purposes at 3:00 p.m. Therefore, Applicant states that it has little time to obtain (either from maturing portfolio securities or settlements arranged that day on sales of securities) the cash needed to meet net redemptions. Because the maturity dates of the Municipal Bonds held in Applicant's portfolio are relatively infrequent and non-negotiable, Applicant maintains that it cannot rely on scheduled maturities to meet net redemptions. In addition, Applicant asserts that regular settlement on sales of portfolio securities takes five business days; thus, unless prior arrangements assuring immediate

liquidity have been made, the negotiation of same-day settlements on sales of portfolio securities within the brief time available is frequently impossible or may require Applicant to receive a less favorable execution price on a sale even though the securities sold have a short remaining maturity. Applicant states that the investment techniques used by taxable money market funds to obtain liquidity are not viable options because they are prohibitively expensive (borrowing) or would produce taxable income (repurchase agreements).

Applicant proposes to improve its portfolio liquidity by assuring same-day settlements on portfolio sales (and thus facilitate the same-day payments of redemption proceeds in federal funds) through the acquisition of "Stand-by Commitments." As described by Applicant, a Stand-by Commitment is a right of a fund, when it purchases a Municipal Bond for its portfolio from a broker, dealer or other financial institution, to sell the same principal amount of such securities back to the seller, at the fund's option, at a specified price. Stand-by Commitments are also known as "puts." Applicant states that its investment policies will permit the acquisition of Stand-by Commitments solely to facilitate portfolio liquidity, and that the acquisition or exercisability of a Stand-by Commitment will not affect the valuation or maturity of its underlying portfolio, which will continue to be valued in accordance with its amortized cost order, as it may be amended.

Applicant states that the Stand-by Commitments will have the following features: (1) they will be in writing and will be physically held by Applicant's custodian; (2) they may be acquired when the remaining maturity of the underlying securities is greater than 60 days but would not become exercisable by Applicant until the period commencing 60 days prior to the underlying security's maturity; (3) Applicant's rights to exercise them will be unconditional and unqualified; (4) they will be entered into only with dealers, banks and broker-dealers who in the investment adviser's opinion present a minimal risk of default; (5) although they will not be transferable, municipal securities purchased subject to such commitments could be sold to a third party at any time, even though the commitment was outstanding; and (6) their exercise price will be (i) Applicant's acquisition cost of the municipal securities which are subject to the commitment (excluding any accrued interest which Applicant paid on their acquisition), less any amortized market premium or plus any amortized market or original issue discount during the period Applicant owned the securities, plus (ii) all interest accrued on the securities since the last interest payment date during the period the securities were owned by Applicant. Applicant further states that since it values Municipal Bonds on an amortized cost basis, the amount payable under a Stand-by Commitment will be substantially the same as the value assigned by Applicant to the underlying securities. Moreover, Applicant submits that there is little risk of an event occurring which would make amortized cost valuation of its portfolio securities inappropriate; however, Applicant represents that in the unlikely event that the market or fair value of securities in its portfolio were not substantially equivalent to their amortized cost value, the securities would be valued on the basis of available market information and held to maturity. Applicant represents that it expects to refrain from exercising the Stand-by Commitments in such a situation to avoid imposing a loss on a dealer and jeopardizing Applicant's business relationship with that dealer.

According to the application, Applicant expects that Stand-by Commitments generally will be available without the payment of any direct or indirect consideration. However, if necessary or advisable, Applicant states that it will pay for Stand-by Commitments, either separately in cash or by paying a higher price for portfolio securities which are acquired subject to the commitment. As stated by Applicant, as a matter of policy, the total amount "paid" in either manner for outstanding Stand-by Commitments held in its portfolio will not exceed ½ of 1% of the value of its total assets calculated immediately after any Stand-by Commitment is aquired.

As stated in the application, it is difficult to evaluate the likelihood of use or the potential benefit of a Stand-by Commitment. Therefore, Applicant states that the trustees will determine that Stand-by Commitments have a "fair value" of zero, regardless of whether any direct or indirect consideration was paid. Where Applicant has paid for a Stand-by Commitment, its cost will be reflected as unrealized depreciation for the period during which the commitment is held. In addition, Applicant states that for purposes of complying with the condition of its amortized cost order that the dollar-weighted average maturity of its portfolio shall not exceed 120 days, the maturity of a portfolio security shall not be considered shortened or otherwise affected by any Stand-by Commitment to which such security is subject.

Applicant states that the Infernal Revenue Service ("IRS") has issued a favorable private ruling to the effect that a registered investment company will be the owner of municipal securities acquired subject to a put option and that interest on the securities will be tax-exempt to the company; however, Applicant does not intend to seek a favorable ruling from the IRS with respect to its Stand-by Commitments. Applicant further states that there is no assurance that Stand-by Commitments will be available to it nor has is assumed that such commitments would continue to be available under all market conditions.

In relevant part, Section 2(a)(41) of the Act defines value to mean: (i) with respect to securities for which market quotations are readily available, the market value of such securities, and (ii) with respect to other securities and assets, fair value as determined in good faith by the board of directors. Rule 22c-1 under the Act provides, in part, that no registered investment company issuing any redeemable security, and no principal underwriter thereof, shall sell, redeem or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of tender of the security. Rule 2a-4 under the Act provides, in relevant part, that the "current net asset value" of a redeemable security issued by a registered investment company used in computing its price for the purpose of distribution, redemption and repurchase shall be an amount which reflects calculations made in accordance with provisions of the rule and that portfolio securities with respect to which market quotations are readily available shall be valued at current market value and other securities and assets shall be valued at fair value as determined in good faith by the board of directors.

Section 6(c) of the Act provides, in part, that the Commission may, upon application, conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities or transactions, from any provision or provisions of the Act or the rules thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicant requests an order pursuant to Section 6(c) of the Act exempting it from the

provisions of Section 2(a)(41) of the act and Rules 2a–4 and 22c–1 thereunder to the extent necessary to permit it to value the Stand-by Commitments as proposed.

Section 12(d)(3) of the Act, in relevant part, prohibits any registered investment company from purchasing or otherwise acquiring any security issued by or any other interest in the business of any person who is a broker, a dealer, is engaged in the business of underwriting, or is an investment adviser. Therefore, Applicant also requests an order pursuant to Section 6(c) of the Act exempting it from the provisions of Section 12(d)(3) of the Act to the extent necessary to permit its acquisition of Stand-by Commitments from brokers or dealers.

Applicant asserts that the requested relief is appropriate, is in the public interest, and is consistent with the protection of investors. Applicant submits that the proposed acquisition of Stand-by Commitments will not affect the calculation of its net asset value per share and will not pose new investment risks, but rather will improve its liquidity and ability to pay redemption proceeds the same day in federal funds. In addition, Applicant submits that its reliance upon the credit of dealers, banks and brokers from which it purchases commitments will be secured to the extent of the value of the underlying municipal securities which are subject to the commitment. Therefore, Applicant assert that a Stand-by Commitment will present substantially less risk than a bank certificate of deposit and will be qualitatively no greater a risk than the risk of loss faced by any investment company which is holding securities pending settlement after having agreed to sell the securities to a broker or dealer in the ordinary course of business. Moreover, Applicant represents that its investment adviser intends to evaluate periodically the credit of institutions issuing Stand-by Commitments. For that reason and in light of the fact that Stand-by Commitments will not be ascribed value for purposes of determining Applicant's net assets value, Applicant asserts that the acquisition of such commitments will not meaningfully expose its assets to the entrepreneurial risks of the investment banking business, nor require it to evaluate the credit of dealers in determining its net asset value.

Notice is further given That any interested person may, not later than July 14, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, and order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-18098 Filed 6-25-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 11821; 812–4891]

Nationwide Life Insurance Company and MFS Variable Account; Application for an Amended Order Approving Certain Offers of Exchange

Notice is hereby given that Nationwide Life Insurance Company One Nationwide Plaza, Columbus, OH 43216 ("Nationwide Life"), a stock life insurance company organized under the laws of the State of Ohio, and its MFS Variable Account (the "Variable Account"), registered under the Investment Company Act of 1940 (the "Act") as a unit investment trust (hereinafter "Applicants"), filed an application on June 10, 1981, pursuant to Section 11 of the Act for an amended order approving certain offers of exchange, and pursuant to Section 6(c) of the Act, for an order amending certain exemptions previously granted from Sections 2(a)(32), 2(a)(35), 22(c), 26(a)(2)(C), 27(c)(1), 27(c)(2), 27(d) and Rule 22c–1 of the Act, insofar as such exemptions are necessary to permit the transactions described below. All interested persons are referred to the Application on file with the Commission for a statement of the representations made therein, which are summarized below.

Under the combination fixed and variable annuity contracts (the "Contracts"), proposed to be amended, the purchasers are not assessed a traditional frontend sales load at the time purchase payments are made. A purchaser may make a single purchase payment, an irregular series of periodic purchase payments, or a regular series of periodic purchase payments. The amount and frequency of purchase payments is discretionary with the purchaser, and no requirements are imposed except for minimum amounts of the initial purchase payments ($1,500 for non-qualified contracts and $300 on an annualized basis for the first contract year for qualified contracts). The purchaser may allocate all or a portion of each purchase payment among one or more of nine sub-accounts of the Variable Account, each consisting of the shares of one of nine mutual funds managed by Massachusetts Financial Services Company, of Boston, or to the general account of Nationwide Life. The Contracts provide for the accumulation of such purchase payments with accrued earnings, until the annuity commencement date selected by the purchaser, at which time annuity payments begin as designated by the contract owner.

The contract owner may, at any time prior to the annuity commencement date, withdraw some or all of the accumulated contract value, subject to a contingent deferred sales charge, which is applied in the case of certain withdrawals by a contract owner from the contract value. The contingent deferred sales charge equals 5 percent of the lesser of (1) all purchase payments received during the 96 months immediately prior to the valuation period during which the surrender is requested; or (2) the amount surrendered. The cumulative sum of all such charges, per contract owner, does not exceed 5 percent of that owner's purchase payments received during the 96 months immediately prior to the valuation period during which the surrencer is requested; and no such charge is made against any values which have been held under the Contracts for at least 96 months. The contigent deferred sales charge is retained by Nationwide Life to reimburse it for the expenses incurred in connection with the sale of the Contracts. These expenses include commissions, promotional costs, sales administration, and similar sales related expenses.

An exception to the contingent deferred sales charge currently permits certain surrenders without the imposition of a charge after the beginning of the third Contract year. Under the exception, a contract owner may redeem up to 10 percent of purchase payments made within 96 months immediately prior to the valuation period during which the surrender is requested without imposition of the contingent deferred sales charge. Therefore, the contingent deferred sales charge currently applies only after an amount equal to 10 percent of such purchase payments has been redeemed free of such charges.

Applicants propose a modification in the imposition of the contingent deferred sales charge when the Contract Owner requests certain partial surrenders of Contract Values under the following circumstances: For each purchase payment made under Contracts issued on or after January 1, 1981, and for additional purchase payments made on or after January 1, 1981, under Contracts issued before that date, the Contract Owner may, after the first year from the date of each purchase payment, withdraw without a contingent deferred sales charge, up to 5% of that purchase payment, less the amount of such purchase payment previously surrendered free of charge, for each year that the purchaser payment has remained on deposit.

Other charges assessed by Nationwide Life under the Contracts which are not changed by the modifications of the withdrawal provision, include an annual contract maintenance charge of $30 per Contract and an asset charge equal, on an annual basis, to 1.3 percent of the daily net asset value of the assets of the Variable Account. The asset charge is composed of a mortality risk premium, equal to .8 percent, and on expense risk charge, equal to .5 percent. These charges are calculated solely to reimburse Nationwide Life for costs related to administration of the Contracts and the assumption or mortality and expense risks.

Applicants assert that none of the original rationale for the earlier granting of the exemption is in any way changed by the proposed modification of the provisions for certain withdrawals without contingent deferred sales charge. In this regard, reference is made to the original application of Applicants, sought to be amended by this Application, which was noticed on January 15, 1979, in Release No. 40–10557, and granted on February 12, 1979, in Release No. 40–10590.

Section 2(a)(35). Section 2(a)(35) of the Act defines "sales load" as the difference between the price of a security to the public and that portion of the proceeds from its sale which is received and invested or held for investment by the issuer, less any portion of such difference deducted for trustee's or custodian's fees, insurance preminums, issue taxes or administrative expenses or fees which are not properly chargeable to sales or promotional activities. Applicants assert that the contingent deferred sales charge is not made inconsistent with the intent of the definition of "sales load" contained in the Act, by virtue of the proposed modification of the withdrawal provision. The contingent deferred sales charge would still fit within the Section 2(a)(35) definition of sales load, but for the timing of the imposition of the charge. Nevertheless, Applicants have requested an exemption from the provisions of Section 2(a)(35), to the extent necessary, to implement the proposed revision of the Contracts.

Section 22(c) and Rule 22c–1. Rule 22c–1 promulgated under Section 22(c) of the Act, in pertinent part, prohibits a registered investment company issuing a redeemable security from selling, redeeming, or repurchasing any such security except at a price based on the curent net asset value of such security. Applicants submit that implementation of the proposed change in the free withdrawal provision will in no way make the contingent deferred sales charge violative of Section 22(c) or Rule 22c–1 promulgated therunder. When a surrender is requested to effect a cash withdrawal, the price on redemption will be based on the current net asset value. The contingent deferred sales charge, when applicable, will merely be deducted at the time of redemption in arriving at the contract owner's proportionate share or account value. However, Applicants have requested an amended exemption from the provisions of Section 22(c) and Rule 22c–1 thereunder, to the extent necessary, to implement the change in the withdrawal provision of the Contracts.

Sections 26(a)(2)(C) and 27(c)(2). Section 26(a)(2)(C) provides that no payment to the depositor of, or a principal underwriter for, a registered unit investment trust shall be allowed the trustee or the custodian as an expense. Applicants assert that the contingent deferred sales charge is not the typical kind of "expense" contemplated by Section 26(a)(2) and submit that the requirements of this section were not intended to preclude the depositor of a unit investment trust from taking a sales load. Applicants also assert that the contingent defferred sales charge is intended specifically and solely to reimburse Applicants for sales related expenses. The deferral of the imposition of this charge, and making it contingent upon an event which may never occur, and the proposed change in the provision of the Contracts for certain withdrawals without charge, do not change the basic nature of this charge as a sales charge to which Section 26(a)(2)(C) was not intended to apply.

Section 27(c)(2) of the Act makes it unlawful to sell any periodic payment plan certificate unless the proceeds of all payments on such certificates are deposited with a custodian having the qualifications described in Section 26(a)(1), and are held by such custodian under an agreement containing substantially the provisions required in Sections 26(a) (2) and (3) of the Act. Section 27(c)(2) excepts deductions for sales load from the requirement that the proceeds be deposited with a custodian. Applicants assert that the contingent deferred sales charge is a sales load to which this exception should apply, and that deferring the imposition of the charge, making it contingent upon an event which might never occur, and permitting certain withdrawals without the charge should in no way be construed as violative of Section 27(c)(2).

While Applicants assert that the sections should be construed as set forth above, they nevertheless have requested amendment of their original exemptive order from Sections 26(a)(2)(C), and 27(c)(2), to the extent necessary, to permit the proposed change in the Contract provision for certain withdrawals without charge.

Applicants consent to the amended exemptions requested from Sections 26(a)(2)(C) and 27(c)(2) being made subject to the following conditions: (1) that the charges to variable annuity contract owners for administrative services shall not exceed such reasonable amounts as the Commission shall prescribe, jurisdiction being reserved for such purpose, and (2) that the payments of sums and charges out of the assets of the Account shall not be deemed to be exempted from regulation by the Commission by reason of the requested order, provided that the Applicants' consent to this condition shall not be deemed to be a concession to the Commission of authority to regulate the payment of sums and charges out of such assets other than charges for administrative services; and Applicants reserve the right in any

proceeding before the Commission or in any suit or action in any court, to assert that the Commission has no authority to regulate the payments of such other sums or charges.

Section 27(c)(1). Section 27(c)(1) of the Act prohibits restrictions on the redemption of contracts of the nature of those which are the subject of this Application. Applicants submit that the proposed change in the withdrawal provision of the Contracts does not make the assessment of a contingent deferred sales charge upon certain redemptions, which is fully disclosed in the prospectus, such a restriction on redemption.

Sections 2(c)(32) and 27(d). Section 2(a)(32) of the Act defines "redeemable security" as any security under the terms of which the holder, upon its presentation to the issuer, is entitled to receive approximately his proportionate share of the issuer's current net assets, or the cash equivalent thereof. Section 27(d) of the Act requires that the holder of a periodic payment plan certificate be able to surrender the certificate under certain circumstances with the recovery of certain front-end sales charges. Applicants submit that the imposition of the contingent deferred sales charge does not violate Section 2(a)(32) or Section 27(d), and that this assertion is not altered by the proposed change in the withdrawal provision of the contracts. Nevertheless, Applicants have requested amendment of their original exemptive order from Sections 2(a)(32) and 27(d), to the extent necessary to permit the proposed change in the Contract provision for certain withdrawals without charge.

Applicants suggest that the amended exemptions requested are appropriate and in the public interest, are consistent with the protection of investors, and are consistent with the purposes fairly intended by the policy and provisions of the Act.

Section 11. Section 11(a) of the Act provides that it shall be unlawful for any registered open-end company or any principal underwriter for such company to make or cause to be made an offer to the holder of a security of such company or any other open-end investment company to exchange his security for a security in the same or another such company on any basis other than the relative net asset values of the respective securities to be exchanged, unless the terms of the offer have first been submitted to and approved by the Commission. Section 11(c) provides that, irrespective of the basis of exchange, the provisions of Section 11(a) shall be applicable to any type of offer of the exchange of the securities of registered unit investment trusts for the securities of any other investment company.

Applicants request an amended order pursuant to Sections 11(a) and 11(c) to permit contract owners, upon written request, to transfer part or all of their contract value from the Variable Account to Nationwide Life's general account, or up to 25 percent of their fixed account contract value from Nationwide Life's general account to the Variable Account within any twelve month period; and also to permit transfers of Variable Account contract values among the sub-accounts of the Variable Account, pursuant to such terms and conditions as may be imposed by their mutual funds comprising the sub-accounts of the Variable Account. Both of such types of transfers described above are effected at net asset value, with no assessment of any kind of transaction or sales charge against owners for effecting such transfers.

Applicants assert that the transfer rights, the offering of which has been approved by the Commission's previous order, are in no way affected by the proposed change in the withdrawal provision of the Contracts; nevertheless, Applicants are requesting amendment of their original order pursuant to Section 11, to the extent deemed necessary, to permit the offer of transfer rights described above.

Section 6(c). Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities or transactions from any provision of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given That any interested person may, not later than July 14, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his/her interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he/she may request that he/she be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued, as of course, following July 14, 1981, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-18987 Filed 6-25-81; 9:45 am]

BILLING CODE 8010-01-M

[Release No. 11824 812-4854]

Offerman Money Market Fund, Inc.; Filing of Application for an Order

June 22, 1981

Notice is hereby given That Offerman Money Market Fund, Inc., 5100 Gamble Drive, Minneapolis, MN 55481 ("Applicant"), an open-end, diversified, management investment company, filed an application on March 27, 1981, and an amendment thereto on June 4, 1981, requesting an order of the Commission, pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act"), exempting Applicant from the provisions of Section 2(a)(41) of the Act and Rules 2a-4 and 22c-1 thereunder, permitting Applicant to compute its net asset value per share, for the purpose of effecting sales, redemptions, and repurchases of its shares, using the amortized cost method of valuation. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that it is a corporation which was organized under the laws of Minnesota on March 12, 1981. Applicant has filed a Notification of Registration under the Act and a registration statement under the Act and the Securities Act of 1933, as amended. The registration statement has not yet been declared effective and, therefore, Applicant states it has not commenced distribution of its shares. Applicant represents that it is a "money market" fund designed as an investment vehicle for individuals, fiduciaries, and institutions with temporary cash balances or cash reserves. Applicant also represents that its investment

objective will be to provide maximum current income to the extent consistent with stability of principal through investment in money market instruments maturing in 12 months or less.

As here pertinent, Section 2(a)(41) of the Act defines value to mean: (1) with respect to securities for which market quotation are readily available, the market value of such securities, and (2) with respect to other securities and assets, fair value as determined in good faith by an investment company's board of directors.

Rule 22c–1 provides, in part, that no registered investment company or principal underwriter therefor issuing any redeemable security shall sell, redeem or repurchase any such security except at a price based on the current net assure value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase of to sell such security. Rule 2a–4 provides, as here relevant, that the current net asset value of a redeemable security issued by a registered investment company used in computing its price for the purpose of distribution, redemption and repurchase shall be an amount which reflects calculations made substantially in accordance with the provisions of that rule, with estimates used where necessary or appropriate. Rule 2a–4 further states that portfolio securities with respect to which market quotations are readily available shall be valued at current market value, and that other securities and assets shall be valued at fair value as determined in good faith by an investment company's board of directors. Prior to the filing of the application, the Commission expressed its view that, among other things, Rule 2a–4 under the Act requires that portfolio instruments of "money market" funds be valued with reference to market factors, and it would be inconsistent generally with the provisions of Rule 2a–4 for a "money market" fund to value its portfolio instruments on an amortized cost basis (Investment Company Act Release No. 9786, May 31, 1977).

According to the application, Applicant desires to offer its shares to the public at a constant net asset value per share of $1.00 for purposes of sale, redemption, and repurchase. Applicant states that it believes the maintenance of a constant net asset value per share will afford its investors the convenience of being able to determine the value of their investment simply by knowing the number of shares they own. Applicant represents that its board of directors has determined that the best method currently available for maintaining a stable $1.00 net asset value per share, without having to include in a daily dividend realized and unrealized short-term gains and losses on securities in its portfolio, is the amortized cost method. The application states that Applicant's management believes that it is essential that Applicant be permitted to use the amortized cost method of valuation in order to be competitive with other money market funds. In addition, Applicant represents that its board of directors has determined in good faith that, absent unusual circumstances, amortized cost value will reflect the fair value of the portfolio securities of Offerman and that adherence to certain conditions to which Applicant consents as a condition of any order issued in this matter will substantially reduce the likelihood of dilution of the assets or income of investors, or of other detrimental effects resulting from overvaluation or undervaluation of its shares.

Section 6(c) of the Act provides, in part, that upon application the Commission may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions from any provision or provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisins of the Act.

Applicant states that it believe the requested relief is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Accordingly, Applicant requests that the Commission issue an order pursuant to Section 6(c) of the Act exempting Applicant from the provisions of Section 2(a)(41) of the Act and Rules 2a–4 and 22c–1 thereunder to the extent necessary to permit Applicant to compute its net asset value per share for the purposes of effecting sales, redemptions, and repurchases of its shares, using the amortized cost method. Applicant agrees that the following conditions may be imposed in any order granting the exemptions requested hereby:

1. In supervising the operations of Applicant and delegating special responsibilities involving portfolio management to the investment adviser of Applicant, the board of directors of Applicant undertakes—as a particular responsibility within the overall duty of care owed to its shareholders—to establish procedures reasonably designed, taking into account current market conditions and Applicant's investment objective, to stabilize Applicant's net asset value per share, computed for the purpose of distribution, redemption and repurchase, at $1.00 per share.

2. Included within the procedures to be adopted by the board of directors shall be the following:

(a) Review by the board of directors, at it deems appropriate and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, of the net asset value per share as determined by using available market quotations from Applicant's $1.00 amortized cost price per share, and the maintenance of records of such review. To fulfill this condition, Applicant intends to use actual quotations or estimates of market value reflecting current market conditions chosen by the board of directors in the exercise of its discretion to be appropriate indicators of value, which may include, *inter alia*, (1) quotations or estimates of market value for individual portfolio instruments, or (2) values obtained from yield data relating to classes of money market instruments published by reputable sources.

(b) In the event such deviation from Applicant's $1.00 amortized cost price per share exceeds ½ of 1 percent, a requirement that the board of directors will promptly consider what action, if any, should be initiated.

(c) If the board of directors believes the extent of any deviation from Applicant's $1.00 amortized cost price per share may result in material dilution or other unfair results to investors or existing shareholders, it shall take such action as it deems appropriate to eliminate or to reduce to the extent reasonably practicable such dilution or unfair results, which may include: Selling portfolio instruments prior to maturity to realize capital gains or losses or to shorten Applicant's average portfolio maturity; withholding dividends; redemption of shares in kind; or utilizing a net asset value per share as determined by using available market quotations.

3. Applicant will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable net asset value per share; provided, however, that Applicant will not (a) purchase any instrument with a remaining maturity of greater than one year or (b) maintain a

dollar-weighted average portfolio maturity which exceeds 120 days. If the disposition of a portfolio instrument should result in a dollar-weighted average portfolio maturity in excess of 120 days, Applicant will invest its available cash in such a manner as to reduce such average maturity to 120 days or less as soon as reasonably practicable.

4. Applicant will record, maintain, and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in paragraph 1 above, and Applicant will record, maintain, and preserve for a period of not less than six years (the first two years in an easily accessible place) a written record of the board of directors' considerations and actions taken in connection with the discharge of its responsibilities, as set forth above, to be included in the minutes of the board of directors' meetings. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31(b) of the Act, as if such documents were records required to be maintained pursuant to rules adopted under Section 31(a) of the Act.

5. Applicant will limit its portfolio investments, including repurchase agreements, to those United States dollar-denominated instruments which its board of directors determines present minimal credit risks, and which are of "high quality" as determined by any major rating service, or in the case of any instrument that is not rated, of comparable quality as determined by its board of directors.

6. Applicant will include in each quarterly report, as an attachment to Form N-1Q, a statement as to whether any action pursuant to paragraph 2(c) above was taken during the preceding fiscal quarter and, if any such action was taken, will describe the nature and circumstances of such action.

Notice is further given, That any interested person may, not later than July 16, 1981, at 5:30 p.m., submit to the Commission in writing, a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-18866 Filed 6-25-81; 8:45 am]

BILLING CODE 8010-01-M

[File No. 1-4269]

Syntex Corp.; Application To Withdraw From Listing and Registration

In the Matter of Syntex Corporation Common Stock, $1 Par Value, File No. 1-4269, Securities Exchange Act of 1934, Section 12(d).

The above named issuer has filed an application with the Securities and Exchange Commission pursuant to Section 12(d) of the Securities Exchange Act of 1934 (the "Act") and Rule 12d2-2(d) promulgated thereunder, to withdraw the specified security from listing and registration on the American Stock Exchange, Inc. ("Amex").

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

1. The common stock of Syntex Corporation ("Company") is listed and registered on the Amex. Pursuant to a Registration Statement on Form 8-A which became effective on May 8, 1981, the Company is also listed and registered on the New York Stock Exchange ("NYSE"). The Company has determined that there is no particular advantage in the dual listing and that the direct and indirect costs and expenses do not justify maintaining the dual listing of the common stock on Amex and the NYSE.

2. This application relates solely to withdrawal of the common stock from listing and registration on the Amex and shall have no effect upon the continued listing of such stock on the NYSE. The Amex has posed no objection to this matter.

Any interested person may, on or before July 9, 1981, submit by letter to the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-18869 Filed 6-25-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-17882; File No. SR-MSE-81-6]

Midwest Stock Exchange, Inc.; Proposed Rule Change by Self-Regulatory Organizations Relating to Trading by a Member Corporation in Its Own Securities

Comments requested on or before July 17, 1981.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on June 5, 1981 the Midwest Stock Exchange, Incorporated, filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

(a) Article VIII, Rule 20 of the Rules of the Midwest Stock Exchange, Incorporated is hereby amended as follows:

Additions Italicized—[Deletions Bracketed]

ARTICLE VIII

Trading by a Member Corporation in Its Own or Its Parent Firm's Securities

Rule 20. [A member corporation shall not trade in (except on an unsolicited basis) or make recommendations with respect to its own securities, the securities of its parent firm, if any, or the

securities of other subsidiaries of such parent firm.] *After the completion of a distribution of its securities, no member corporation which has any publicly held security outstanding shall effect any transaction (except on an unsolicited basis) for the account of any customer in, or make any recommendation with respect to, any such security issued by such member corporation or make any recommendation of any such security issued by any corporation controlling, controlled by or under common control with such member corporation.*

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The proposed rule change relates to the ability of a member corporation to effect transactions in or make recommendations with respect to its own securities. The existing rule provides a blanket prohibition of a member corporation from trading in or recommending its own securities or those of any parent or sister corporation. This rule effectively precludes a member firm from participating in any distribution of its own securities.

The proposed rule change will prohibit a firm from trading in its own securities only after any distribution is completed. This will allow these firms to participate in a distribution and act as an underwriter for the distribution, subject to any applicable laws, particularly SEC Rule 10b–6.

Dual member corporations which would like to act as underwriter for a distribution of its own securities are allowed to do so under New York and American Stock Exchange rules but not under the MSE rules. This rule change will bring MSE's restrictions in line with the current industry practice.

The statutory basis for the adoption of the proposed rule change is found in Section 6(b)(5) of the Act. The rule change will remove an impediment to the mechanism of a free and open market and is designed so that the rules of the Exchange will not regulate matters not related to Section 6 of the Act or the administration of the Exchange.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Midwest Stock Exchange, Incorporated does not believe that any burdens will be placed on competition as a result of the proposed rule change.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Comments have neither been solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before July 17, 1981.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority

George A. Fitzsimmons,

Secretary.

June 22, 1981.

[FR Doc. 81-18873 Filed 6-25-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-17876; File No. SR-MSRB-81-7]

Self-Regulatory Organizations

Proposed Rule Changes By Municipal Securities Rulemaking Board Relating to Professional Qualifications

Comments requested on or before July 17, 1981.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on June 15, 1981, the Municipal Securities Rulemaking Board filed with the Securities and Exchange Commission the proposed rule changes as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule changes from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Changes

(a) The Municipal Securities Rulemaking Board ("Board") is filing herewith amendments (hereafter referred to as the "proposed rule change") to rule G–3 relating to classification and testing of principals and representatives as follows:[1]

G–3. Classification of Principals and Representatives; Numerical Requirements; Testing

(a) through (e) No change.

(f) Qualification Requirements for Municipal Securities Sales Principals.

(i) Except as otherwise provided in this section (f), every municipal securities sales principal shall take and pass *the General Securities Sales Supervisor Qualification Examination* [an appropriate examination designated by the Board] prior to acting in such capacity. The passing grade shall be determined by the Board. [Until the Board designates such an examination, every municipal securities sales principal shall be required to qualify as a municipal securities principal in accordance with the provisions of section (c) of this rule.]

(ii) through (vi) No change.

(g) through (h) No change.

[1] Italics indicate new language; [brackets] indicate deletions.

II. Self-Regulatory Organization's Statement on the Purpose of, and Statutory Basis for, the Proposed Rule Changes

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Changes.

(1) On May 15, 1981, the Securities and Exchange Commission approved a proposed rule change (SR–MSRB–81–2) which, among other things, amended rule G–3 to add a new qualification category of "municipal securities sales principal." Securities Exchange Act Release No. 17807. A municipal securities sales principal may be a person associated with a securities firm whose activities relating to municipal securities are limited to supervising customer sales and purchases. Pursuant to new subsection (f) of rule G–3, which provides that municipal securities sales principals may qualify by taking and passing an appropriate examination to be designated by the Board, the Board is designating, by the proposed rule change, the General Securities Sales Supervisor Qualification Examination as satisfying the Board's requirements for qualifying as a municipal securities sales principal.

(2) The Board has adopted the proposed rule change pursuant to Section 15(b)(2)(A) of the Act which provides that the Board may appropriately classify municipal securities brokers and municipal securities dealers and their associated personnel and require persons in any such class to pass tests prescribed by the Board, and which prohibits municipal securities brokers and municipal securities dealers from effecting any transactions in municipal securities unless that broker or dealer meets such standards of training, experience, competence, and such other qualifications as the Board finds necessary or appropriate in the public interest or for the protection of investors.

B. Self-Regulatory Organization's Statement on Burden on Competition. The Board has concluded that any burden on competition between municipal securities professionals imposed by its requirements that such professionals take and pass qualifications examinations is necessary and appropriate under the Act for the protection of investors under Section 15(b)(2)(A) of the Act.

C. Self-Regulatory Organization's Statement of Comments on the Proposed Rule Change Received From Members, Participants or Others. The Examination has been constructed by a joint industry/SRO committee composed of representatives of the Board, The American Stock Exchange, the Chicago Board Options Exchange, National Association of Securities Dealers, Inc., New York Stock Exchange, and the Philadelphia Stock Exchange. At the time the Board proposed the creation of a category of municipal securities sales principals, it stated an intention to designate the Examination as satisfying its qualification requirements. Several commentators[2] endorsed the establishment of a municipal securities sales principal qualification category and the development of a joint examination as a needed step in the reduction of unnecessary regulation.[3] The Board is satisfied that the municipal securities areas to be covered on the Examination are those relevant to the activities of the level of personnel to be tested. The specifications of the Examination will be filed with the Commission by the NASD shortly.

III. Date of Effectiveness of the Proposed Rule Changes and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule changes that are filed with the Commission, and all written communications relating to the proposed rule changes between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before July 17, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: June 19, 1981.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-18877 Filed 6-25-81; 8:45 am]

BILLING CODE 8010-01-M

[2] Copies of the comment letters to previous filing are on file at the offices of the Board and the Commission.

[3] American Bar Association (Subcommittee on Municipal and Governmental Obligations of Securities Committee); Office of Comptroller of the Currency; Crowell, Weedon & Co.; the Public Securities Association; Salomon Brothers; Shufro, Rose & Ehrmann; Stifel, Nicolaus & Company, Incorporated; and Tucker, Anthony & R. L. Day, Inc.

[Release No. 34—17877; File No. SR-NASD-81-11]

National Association of Securities Dealers, Inc., Proposed Rule Change By Self-Regulatory Organizations Relating to Changes in the Charges for Qualification Examinations

Comments requested on or before July 17, 1981. Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on June 12, 1981, the National Association of Securities Dealers, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Association proposes to amend Schedule C of the By-Laws to provide an $80.00 fee for persons desiring to take the General Securities Sales Supervisor Examination and to raise the service charge for failing to keep a previously-scheduled examination appointment to $15.00.

II. Self-Regulatory Organization's Statements Regarding the Proposed Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received

on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) *Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change.* This rule change will establish a fee for the qualification examination for a new class of registration, Limited Principal—General Securities Sales Supervisor. Since this examination is being recognized for certain purposes by other self-regulatory organizations, members should realize a net reduction in qualification examination expenses. The rule change also recognizes an increase in the charge to the Association for persons not appearing for previously-scheduled computer-based administration of qualification examinations.

(B) *Self-Regulatory Organization's Statement on Burden on Competition.* The Association anticipates no significant burden on competition.

(C) *Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others.* Comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (e) of Securities Exchange Act Rule 19b–4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before July 17, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: June 19, 1981.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-18871 Filed 6-25-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-17876; File No. SR-NASD-81-12]

National Association of Securities Dealers, Inc., Proposed Rule Change by Self-Regulatory Organizations Relating to the Plans and Specifications for the General Securities Sales Supervisor Examination

Comments requested on or before July 17, 1981.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on June 12, 1981, the National Association of Securities Dealers, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Association has filed plans and specifications for the General Securities Sales Supervisor Examination.

II. Self-Regulatory Organization's Statements Regarding the Proposed Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

This examination will be used to qualify persons seeking registration as Limited Principles—General Securities Sales Supervisors.

(B) Self-Regulatory Organization's Statement on Burden on Competition

Inasmuch as this new examination will facilitate qualification of sales supervisory personnel, the Association does not envision a burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, NW., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions

of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before July 17, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: June 19, 1981.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-16872 Filed 6-25-81, 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-17876; File No. SR-NASD-81-13]

National Association of Securities Dealers, Inc. Proposed Rule Change by Self-Regulatory Organizations Relating to Proposed New Class of Registration for General Securities Sales Supervisors

Comments requested on or before July 17, 1981.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on June 12, 1981, the National Association of Securities Dealers, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Association proposes to amend Schedule C of its By-Laws and Appendix E to its rules of Fair Practice to create a new class of registration, Limited Principal—General Securities Sales Supervisor, as an alternate class of registration for those persons required to become registered as principals, but whose duties are limited to supervision of sales personnel.

II. Self-Regulatory Organization's Statements Regarding the Proposed Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

This new class of registration is the result of a cooperative effort among various securities self-regulatory organizations to develop an industry-wide uniform qualification examination for sales supervisory personnel.

(B) Self-Regulatory Organization's Statement on Burden on competition

Inasmuch as this new class of registration will facilitate qualification of sales supervisory personnel, the Association does not envision a burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, N.W., Washington, D.C. copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before July 17, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: June 19, 1981.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-16876 Filed 6-25-81, 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-17881; File No. SR-PSE-81-13]

Pacific Stock Exchange Incorporated Proposed Rule Change by Self-Regulatory Organizations Relating To Clearing the PSE Post Prior to the Entry of Orders into the ITS System

Comments requested on on before July 17, 1981.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on June 16, 1981, The Pacific Stock Exhange Incorporated filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change was set out in a *Notice to Floor Members* dated June 10, 1981, which informed members of their responsibilities regarding clearing the post. Under the rule, a broker must request a market quote from the specialist prior to entering a commitment into the ITS System for another market, and an alternate specialist is required, after requesting the specialist's market quote, to make a bid or offer for the price and size of his intended interest, prior to entering a commitment into the ITS System.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the proposed rule change is to inform the floor members that directly inputting an order into the ITS system without first clearing the PSE post may result in a violation of the PSE Rules.

The bypassing of the PSE market by directly inputting orders into the ITS system is inconsistent with the very nature of an exchange auction-type market inasmuch as a true auction market cannot exist on the Exchange Floor if all orders are not intergrated and exposed to all other orders which may be in existence at a given moment in time. The clearing of the PSE post prior to ITS entry will ensure: (1) the compliance of the floor member's fiduciary responsibility to seek the best price execution of an order and; (2) the subsequent best price execution of such orders, avoiding a "trade-through" of the PSE market quotation.

The statutory basis for the proposed rule change is found in Sections 6(b)(1) and 6(b)(5) of the Act in that the rule will help the Exchange to enforce compliance by its members and persons associated with its members with the provisions of Section 6, the rules and regulations thereunder, and the Rules of the Exchange. The rules change will encourage floor members to seek out and obtain execution of customer orders in the best market thus promoting just and equitable principles of trade, the protection of investors and the public interest.

(B) Self-Regulatory Organization's Statement On Burden on Competition

The Pacific Stock Exchange Incorporated does not believe that any burdens will be placed on competition as a result of the proposed rule change.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Comments on the proposed rule change were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (e) of the Securities Exchange Act Rule 19b–4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors , or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, 1100 L Street, NW, Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned, self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before July 17, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: June 22, 1981.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-18874 Filed 6-25-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-17880; File No. SR-PHLX 81-12]

Philadelphia Stock Exchange, Inc., Proposed Rule Change by Self-Regulatory Organizations Relating to Service of Past President of Exchange as ex Officio Member of Board of Governors

Comments requested on or before July 17, 1981.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1), notice is hereby given that on June 16, 1981, the Philadelphia Stock Exchange, Inc., filed with the Securities and Exchange Commission the proposed rule change as described in Items, I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change would permit the past President of the Exchange, retired as President as of May 1, 1981, to serve at the pleasure of the Board of Governors as an ex officio member thereof with vote.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B) and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of and Statutory Basis for the Proposed Rule Change

The President of the Exchange, retiring as of May 1, 1981, has served in such office for sixteen years. To receive continued benefit from his experience and knowledge in the industry, the rule change is proposed to allow him to serve ex officio as a governor of the Exchange at the pleasure of the Board. His relative independence and recognized qualifications will assist the Exchange in the discharge of its

statutory duty, under section 6(b)(1) of the Act, to have the organization and capacity to comply with and enforce the Act, the rules and regulations thereunder, and its own rules.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change will impose no burden on competition or have any direct relation thereto.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No comments were received on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (e) of the Securities Exchange Act Rule 19b–4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if its appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 "L" Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before July 17, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: June 22, 1981.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-18875 Filed 6-25-81; 8:45 am]

BILLING CODE 8010-01-M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Determination of the United States International Trade Commission Regarding Certain Video Matrix Display Systems and Components Thereof; Request for Comments

On June 19, 1981, the United States International Trade Commission (the Commission) issued an order excluding from entry into the U.S. imports of large video matrix display systems and components thereof manufactured by SSIH Equipment S.A. of Bienne, Switzerland and its related businesses. The excluded video matrix display systems had been found to be infringing the claims of U.S. Letters Patent Nos. 3,594,762; 3,941,926; or 4,009,335 and causing substantial injury to an efficiently and economically operated domestic industry. The Commission issued the exclusion order following its investigation No. 337–TA–75, under section 337 of the Tariff Act of 1930 (the Tariff Act) (19 U.S.C. 1337).

Section 337(g) of the Tariff Act provides that, within 60 days following receipt of the Commission's determination, the President may disapprove the determination for domestic or foreign policy reasons, terminating the exclusion order on the day the Commission receives notice of his disapproval. The President also may approve the determination expressly, making the order final on the date the Commission receives notice, or he may take no action, allowing the order to become final following the 60 day period provided for review.

Interested parties are invited to submit comments concerning domestic or foreign policy issues which should be considered in the review of the Commission determination and order. The original and 19 copies of the submission should be delivered to the Secretary, Trade Policy Staff Committee, 600 17th Street, NW, Room 413, Washington, D.C. 20506. To be considered, comments must be received no later than the close of business, Friday, July 17, 1981. For further information, call Alice Zalik (202) 395–3432.

Alice T. Zalik,

Chairman, Section 337 Committee.

[FR Doc. 81-18861 Filed 6-25-81; 8:45 am]

BILLING CODE 3190-01-M

Clarification of Procedures for Administration of Non-Member Import Quota Program Under the Terms of the International Sugar Agreement

The following information has been provided by the Office of the United States Trade Representative to the U.S. Customs Service for the administration of the non-member import quota program under the terms of the International Sugar Agreement, 1977.

1. The U.S. non-member import quota as stated by the International Sugar Organization is 6,967 metric tons. The International Sugar Organization assures us that 6,967 metric tons is the correct amount.

2. Non-member import quotas became effective on April 21, 1981, and will remain in effect until December 31, 1981. However, since quota imposition is related to the ISA price, movement of that price to certain levels could cause removal of quotas. The Office of the United States Trade Representative will notify the U.S. Customs Service if there is any change in the quota program.

3. The quota period does apply to sugar, syrups, and molasses entered, and withdrawn from warehouse, for consumption on and after April 23, 1981.

4. The non-member quota provision does not apply to Taiwan. A separate quota of 95,729 metric tons has been established for Taiwan. This appears in a document prepared by the International Sugar Organization, Memo (80) 55—Limitations on Imports from Non-members in 1980.

David R. Macdonald

Deputy U.S. Trade Representative.

[FR Doc. 81-18825 Filed 6-25-81; 8:45 am]

BILLING CODE 3190-01-M

Services Policy Advisory Committee; Meeting

Pursuant to the Federal Advisory Committee Act, 5 U.S.C. App., notice is hereby that a meeting of the Services Policy Advisory Committee will be held Wednesday, July 15, 1981, from 2:00 p.m. to 5:00 p.m. at the Old Executive Office Building, Indian Treaty Room. The meeting of the Services Committee will be closed to the public, because it will be concerned with matters the disclosure of which would seriously compromise the Government's

negotiating objectives or bargaining positions and with matters listed in Section 552b(c) of Title 5 of the United States Code.

More detailed information can be obtained by contracting Phyllis O. Bonanno, Director, Office of Private Sector Liaison, Office of the United States Trade Representative, Executive Office of the President, Washington, D.C. 20506.

Phyllis O. Bonanno,

Director, Office of Private Sector Liaison.

[FR Doc. 81-18926 Filed 6-25-81; 8:45 am]

BILLING CODE 3190-01-M

Services Policy Advisory Committee; Determination of Closing of Meeting

The meeting of the Services Policy Advisory Committee (the Advisory Committee) to be held Wednesday, July 15, 1981, from 2:00 p.m. to 5:00 p.m. will involve a review and discussion of the current issues involving the trade policy of the United States, as it relates to the U.S.G. initiative to liberalize trade in services. The review and discussion will deal with information submitted in confidence by the private sector members of the Committee under Section 135(g)(1)(A) of the Trade Act of 1974, as amended, (the Act), information submitted by government officials under Section 135(g)(2) of the Act the disclosure of which could be reasonably expected to prejudice United States negotiating objectives, information the disclosure of which would be likely to significantly frustrate implementation of proposed government action, and information properly classified pursuant to Executive Order 12065 and specifically required by such Order to be kept secret in the interests of national security (i.e., the conduct of foreign relations) of the United States. All members of the Advisory Committee have all necessary security clearances. Consistent with previous determinations concerning other advisory committees established under Section 135(c) of the Act, I hereby determine that the meeting of the Advisory Committee will be concerned with matters listed above and with matters listed in Section 552b(c) of Title 5 of the United States Code. Therefore, the meeting of the Services Policy Advisory Committee will be closed to the public.

William E. Brock,

United States Trade Representative.

[FR Doc. 81-18927 Filed 6-25-81; 8:45 am]

BILLING CODE 3190-01-M

VETERANS ADMINISTRATION

160-Bed Spinal Cord Injury Nursing Care Unit, Veterans Administration Medical Center, Long Beach, Calif.; Finding of No Significant Impact

The Veterans Administration (VA) has assessed the potential environment impacts that may occur as a result of a 160-Bed Spinal Cord Injury Nursing Care Unit at the Veterans Administration Medical Center (VAMC), Long Beach, California.

This project proposes construction of a 160-Bed Spinal Cord Injury (SCI) Nursing Unit. The proposed plan is to construct a three story addition adjacent to the main ward building, No. 122. This addition would connect to Wings D, E, & F of that building at the first floor level. The wings will be renovated for some support functions of the 160-Bed SCI. Currently, Wings D, E, & F contain spinal cord injury beds. The 160-Bed proposed addition consists of 120 intensive/sustaining care beds and 40 long term care beds. New construction will provide 110,282 gross square feet and renovation will provide an additional 50,543 gross square feet.

Alternative sites were taken into consideration for the separation of the 40 long term care beds from the 120 intensive/sustaining care beds. The first site studied was the courtyard between the canteen, clinic and chapel complex building, No. 2 and the main ward building No. 122. This site is too small to accommodate a logically designed structure for the 40-Bed Unit. Also, the site is presently an attractive and heavily used patient and employee relaxation and eating area. Loss of this site would significantly alter the open space area of the medical center. The second site studied is the present location of a wheelchair athletic field. This site is a considerable distance from the related SCI support functions in Wings D, E, & F of building No. 122. Neither site would accommodate the 40-Bed long term care unit as efficiently as the selected site. Both the 120 intensive/sustaining care bed unit and 40 long term care bed unit can be combined in one building adjacent to the existing support function for spinal cord injuries on this site.

If the no action alternative was selected the existing space allocated for SCI treatment in Wings D, E, & F of building No. 122 would not meet the expanding needs of the medical center.

Development of the projects will have impacts on the human and natural environment affecting air quality relating to construction dust, soil erosion and visual effects related to building design, in relation to both construction and operation. The project will be built in accordance with applicable federal, state and local air quality standards, and will meet or exceed local erosion protection standards. Mitigation will occur during project development. Construction contract documents will include environmental protection specifications. This section addresses the action which will be undertaken to avoid adverse environmental effects and the impacts identified above. The significance of the identified impacts has been evaluated relative to the consideration of both context and intensity, as defined by the Council on Environmental Quality (Title 40 CFR 1508.27).

This Environmental Assessment has been performed in accordance with the requirements of the National Environmental Policy Act Regulations, Sections 1501.3 and 1508.9. A "Finding of No Significant Impact" has been reached based on the information presented in this assessment.

The assessment is being placed for public examination at the Veterans Administration, Washington, D.C. Persons wishing to examine a copy of the document may do so at the following office: Mr. Willard Sitler, P.E., Director, Office of Environmental Affairs (003A), Room 950, Veterans Administration, 1425 K Street, NW., Washington, D.C., (202-389-2526). Questions or requests for single copies of the Environmental Assessment may be addressed to: Director, Office of Environmental Affairs (003A), 810 Vermont Avenue, NW., Washington, D.C. 20420.

Dated: June 22, 1981.

Donald L. Custis,

Acting Administrator.

[FR Doc. 81-18891 Filed 6-25-81; 8:45 am]

BILLING CODE 8320-01-M

Improve Entrance Road, Veterans Administration Medical Center, Washington, D.C.; Finding of No Significant Impact

The Veterans Administration (VA) has assessed the potential impact associated with the development of the project to Improve Entrance Road at the Veterans Administration Medical Center (VAMC), Washington, D.C.

The proposed project will realign First Avenue NW., as it passes between the VA campus and the Washington, D.C. Medical Center. The realignment project will straighten the existing First Avenue roadway and widen it resulting in safer, more efficient traffic flow. There were

no alternatives considered for this realignment other than No Action.

There are no long term adverse impacts associated with this project. Short term impacts will exist during the construction phase. The Environmental Protection Section of the VA Construction Specifications will be applied to mitigate, to the greatest extent possible, construction impacts such as fugitive dust, fumes, noise, erosion, and visual impacts. The specifications require the most practicable applications of proper engineering and maintenance procedures to control these potential environmental problems. The project will comply with the required Federal, State, and local codes and regulations. There are no significant environmental issues unresolved at this time.

The significance of the identified impacts has been evaluated relative to the considerations of both context and intensity, as defined by the Council on environmental Quality (Title 40 CFR 1508.27).

This Environmental Assessment has been performed in accordance with the requirements of the National Environmental Policy Act Regulations, §§ 1501.3 and 1508.9. A "Finding of No Significant Impact" has been reached based on the information presented in this assessment.

The assessment is being placed for public examination at the Veterans Administration, Washington, D.C. Persons wishing to examine a copy of the document may do so at the following office: Mr. Willard Sitler, P.E., Director, Office of Environmental Affairs, Room 950, Veterans Administration, 1425 K Street, NW., Washington, D.C. Questions or requests for single copies of the Environmental Assessment may be addressed to: Director, Office of Environmental Affairs (003A), 810 Vermont Avenue, NW., Washington, D.C. 20420, (202) 389-2526.

Dated: June 16, 1981.

Donald L. Custis,

Acting Administrator.

[FR Doc. 81-18892 Filed 6-25-81; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 123
Friday, June 26, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

	Items
Federal Energy Regulatory Commission	1
Federal Home Loan Bank Board	2, 3
Federal Reserve System (Board of Governors)	4
National Credit Union Administration	5, 6
National Mediation Board	7
Securities and Exchange Commission	8

1

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46 FR 32374, June 22, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., June 24, 1981.

CHANGE IN THE MEETING: The following items have been added:

Item No., Docket No., and Company

CAG-27. CP80-383, Transcontinental Gas Pipe Line Corp.
CAG-28. CP80-318, Columbia Gulf Transmission Co.
CAG-29. CP80-399, Michigan Wisconsin Pipe Line Co.
CAG-30. CP77-216, Distrigas Corp.; TA81-2-12-000 (PGA81-2), Distrigas of Massachusetts Corp.

Kenneth F. Plumb,
Secretary.

[S-994-81 Filed 6-24-81, 11:58 am]
BILLING CODE 6450-85-M

2

FEDERAL HOME LOAN BANK BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: To be announced.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., Tuesday, June 30, 1981.

PLACE: 1700 G Street NW., board room, sixth floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION:
Mr. Marshall (202-377-6679).

CHANGES IN THE MEETING: The following item has been added to the open portion of the Bank Board meeting.

Merger: Increase of Accounts of an Insurable Type—Nebraska Federal Savings & Loan Association, Omaha, Nebraska (Mutual) *and* Omaha Federal Savings & Loan Association, Omaha, Nebraska (Mutual) *into* American Charter Federal Savings & Loan Association, Lincoln, Nebraska (Mutual).

No. 506, June 24, 1981.

[S-999-81 Filed 6-24-81, 10:33 am]
BILLING CODE 6720-01-M

3

FEDERAL HOME LOAN BANK BOARD.

TIME AND DATE: 10 a.m., Thursday, July 2, 1981.

PLACE: 1700 G Street N.W., board room, sixth floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202-377-6679).

MATTERS TO BE CONSIDERED: The following items will be on the July 2, 1981 Bank Board meeting.

Service Corporation Activity (Underwriting Credit Life, mortgage life, title, health and accident insurance)—Pennsylvania Mortgage Insurance Company (PAMICO), Blue Bell, Pennsylvania
Semi-annual Agenda
Preliminary Application for Conversion on Basis of Merger; Maintenance of Branch Office; Cancellation of Membership and Insurance and Transfer of Stock—Salem Building & Loan Association, Salem, Illinois *into* Home Federal Savings & Loan Association of Centralia, Centralia, Illinois
Branch Office Application—Dallas Federal Savings & Loan Association, Dallas, Texas
Request for Regulatory Waiver of Subparagraph (b)(5) of Insurance Regulation 563.8-1—Midwest Federal Savings & Loan Association, Minneapolis, Minnesota
Payment of Interest on Federal Home Loan Bank Demand Deposits
Final Amendment of Regulation on Futures Transactions
Pricing of Federal Home Loan Bank Services

No. 505, June 24, 1981.

[S-997-81 Filed 6-24-81, 10:34 am]
BILLING CODE 6720-01-M

4

FEDERAL RESERVE SYSTEM.

TIME AND DATE: 10 a.m., Wednesday, July 1, 1981

PLACE: 20th Street and Constitution Avenue, NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Proposed expenditure by two Reserve Banks with respect to retention of personnel and purchase of equipment and services.
2. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
3. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION:
Mr. Joseph R. Coyne, Assistant to the Board (202) 452-3204.

Dated: June 23, 1981.

James McAfee,
Assistant Secretary of the Board.

[S-995-81 Filed 6-24-81, 12:48 pm]
BILLING CODE 6210-01-M

5

NATIONAL CREDIT UNION ADMINISTRATION.

Notice of Changes in Subject of Meeting

The National Credit Union Administration Board has determined that its business requires that the previously announced open meeting on June 25, 1981 include an additional item and delete an item.

Added: Proposed regulation—Section 748 of the NCUA Rules and Regulations regarding minimum security devices and procedures.
Deleted: 2. Requests from three CDCUs for assistance under Section 705 of the NCUA Rules and Regulations—Community Development Credit Union Program.

Earlier announcement of these changes was not possible.

The previously announced items were:

1. Review of Central Liqidity Facility Lending Rate.
2. Requests from three CDCUs for assistance under Section 705 of the NCUA Rules and Regulations—Community Development Credit Union Program
3. Reports of actions taken under delegations of authority.
4. Applications for charters, amendments to charters, bylaw amendments, mergers as may be pending at that time.

The meeting will be held at 9:30 a.m., in the seventh floor Board Room, 1776 G Street N.W., Washington, DC.

FOR MORE INFORMATION CONTACT: Joan O'Neill, Program Assistant, Telephone (202) 357–1100.

[S-992-81 Filed 6-24-81; 11:21 am]

BILLING CODE 7535-01-M

6

NATIONAL CREDIT UNION ADMINISTRATION.

TIME AND DATE: 10 a.m., Monday, June 29, 1981.

PLACE: Seventh floor board room, 1776 G Street N.W., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Deregulation of Share and Share Certificate Accounts.
2. Deregulation of IRA and Keogh Accounts.
3. Interest Rate Ceiling.

FOR MORE INFORMATION CONTACT: Joan O'Neill, Program Assistant, telephone (202) 357–1100.

[S-993-81 Filed 6-24-81; 11:21 am]

BILLING CODE 7535-01-M

7

NATIONAL MEDIATION BOARD.

TIME AND DATE: 2 p.m., Wednesday, July 1, 1981.

PLACE: Board hearing room, eighth floor, 1425 K Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

(1) Ratification of Board actions taken by notation voting during the month of June, 1981.

(2) Other priority matters which may come before the Board for which notice will be given at the earliest practicable time.

SUPPLEMENTARY INFORMATION: Copies of the monthly Report of the Board's notation voting actions will be available from the Executive Secretary's office following the meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Rowland K. Quinn, Jr., Executive Secretary: Tel: (202) 523–5920.

Date of notice: June 24, 1981.

[S-997-81 Filed 6-24-81; 2:34 pm]

BILLING CODE 7550-01-M

8

SECURITIES AND EXCHANGE COMMISSION.

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meetings during the week of June 29, 1981, in Room 825, 500 North Capitol Street, Washington, D.C.

Closed meetings will be held on Tuesday, June 30, 1981, at 10:00 a.m. and on Thursday, July 2, 1981, following the 10:00 a.m. open meeting.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the closed meetings. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meetings may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4), (8), (9)(A) and (10) and 17 CFR 200.402(a)(4), (8), (9)(i) and (10).

Chairman Shad and Commissioners Loomis and Evans determined to hold the aforesaid meetings in closed session.

The subject matter of the closed meeting scheduled for Tuesday, June 30, 1981, at 10:00 a.m., will be:

Litigation matters.
Access to investigative files by Federal, State, or Self-Regulatory authorities.
Freedom of Information Act appeals.
Formal order of investigation.
Settlement of injunctive action.
Institution of injunctive actions.
Institution of administrative proceedings of an enforcement nature.
Consideration of *amicus* participation.

The subject matter of the closed meeting scheduled for Thursday, July 2, 1981, following the 10:00 a.m. open meeting, will be:

Administrative proceeding of an enforcement nature.
Settlement of administrative proceedings of an enforcement nature.
Report of investigation.

The subject matter of the open meeting scheduled for Thursday, July 2, 1981, at 10:00 a.m., will be:

1. Consideration of whether to grant the request of Reed Smith Shaw & McClay for a waiver of imputed disqualification pursuant to Rule 8(d) of the Commission's Conduct Regulation, 17 CFR 200.735–8(d). For further information, please contact Theodore S. Bloch at (202) 272–2802.

2. Consideration of whether to rescind Rule 19b–1 under the Securities Exchange Act of 1934. For further information, please contact Michael J. Simon at (202) 272–2889.

3. Consideration of whether to issue a release announcing the adoption of amendments to Rules 15c3–1d(c)(6) and 17a–5(1) which would eliminate the requirements to file copies of (1) subordination agreements with the Regional Offices, and (2) applications for an extension of time to file an audited report with the Commission's headquarters office. For further information, please contact Ellen Kerrigan at (202) 272–2368.

4. Consideration of whether to grant an application filed by Hutton Investment Partnership I in connection with its proposed operation as an employees' securities company for the exclusive benefit of certain employees of the E. F. Hutton Group Inc. and its subsidiaries. For further information, please contact Brion R. Thompson at (202) 272–3012.

5. Consideration of whether to issue an accounting series release which describes certain misapplications of the last-in, first-out ("LIFO") method of accounting for inventories and provides guidance as to appropriate supplemental disclosures by companies that use the LIFO method. For further information, please contact Arthur J. Schmeiser at (202) 272–2133.

6. Consideration of whether to adopt amendments to (1) Regulation S–X, Forms N–1 and N–2 under the Securities Act of 1933 and the Investment Company Act of 1940, and Rule 30d–1 under the 1940 Act which would reconcile the differences in financial statement requirements in management investment company registration statements and reports to shareholders, and (2) whether to propose amendments to Rule 465 under the 1933 Act regarding automatic effectiveness of post-effective amendments filed by certain investment companies. The proposed amendments would facilitate the use by open-end investment companies of a prospectus as the equivalent of a report to shareholders. For further information, please contact Susan P. Hart at (202) 272–2098.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact Bruce Mendelsohn at (202) 272–2091.

June 24, 1981.

[S-996-81 Filed 6-24-81; 2:00 pm]

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federal register

Friday
June 26, 1981

Part II

Department of Labor

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and Supersedeas Decisions to General Wage Determination Decisions

Modifications and supersedeas decisions to general wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedeas decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Office of Government Contract Wage Standards, Division of Government Contract Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Determination Decision.

New General Wage Determination Decisions

None.

Modifications to General Wage Determination Decisions

The number of the decisions being modified and their dates of publication in the **Federal Register** are listed with each State.

Arkansas:		
	AR81-4039	June 19, 1981.
	AR81-4040	June 19, 1981.
	AR81-4041	June 19, 1981.
	AR81-4042	June 19, 1981.
	AR81-4043	June 19, 1981.
Illinois:		
	IL79-2060	Sept. 14, 1979.
	IL81-2005	Mar. 27, 1981
	IL81-2006	Apr. 3, 1981.
Iowa:		
	IA80-4043	Aug. 8, 1980.
	IA80-4041	Aug. 1, 1980.
	IA80-4042	Aug. 1, 1980.
	IA80-4044	Aug. 8, 1980.
Louisiana:		
	LA81-4002	Jan. 6, 1981.
	LA81-4024	May 1, 1981.
	LA81-4027	May 1, 1981.
Maryland:		
	MD81-3026	Apr. 24, 1981
Montana:		
	MT81-5114	May 8, 1981.
	MT81-5115	May 8, 1981.
New Mexico:		
	NM80-4101	Dec. 19, 1980.
Pennsylvania:		
	PA80-3055	Oct. 3, 1980
	PA78-3037	Apr. 21, 1978.
	PA80-3074	Dec. 12, 1980.
	PA80-3010	Apr. 4, 1980
	PA79-3006	Mar. 30, 1979.
	PA80-3012	Feb. 15, 1980.
	PA80-3033	Oct 3, 1980.
	PA80-3058	Oct. 3, 1980.
	PA80-3059	Oct. 3, 1980.
	PA80-3011	Feb. 22, 1980.
Texas:		
	TX81-4006	Jan. 6, 1981
	TX81-4007	Jan. 6, 1981
	TX81-4036	June 5, 1981
Wyoming:		
	WY81-5106	Apr. 3, 1981
Alaska:		
	AK81-5110	Apr. 10, 1981

Supersedeas Decisions to General Wage Determination Decisions

The numbers of the decisions being superseded and their dates of publication in the **Federal Register** are

listed with each State. Supersedeas decision numbers are in parentheses following the numbers of the decisions being superseded.

Florida:	
FL77-1138 (FL81-1255)	Dec. 23, 1977
FL78-1072 (FL81-1252)	Sept. 1, 1978.
FL79-1094 (FL81-1256)	June 8, 1979.
FL79-1111 (FL81-1254)	July 20, 1979
Illinois	
IL79-2036 (IL81-2037)	May 11, 1979.
Indiana	
IN79-2062 (IN81-2036)	Oct. 5, 1979.
Michigan	
MI80-2042 (MI81-2031)	July, 18, 1980
MI80-2053 (MI81-2030)	July 11, 1980.
Mississippi	
MS81-1160 (MS81-1251)	Jan 6, 1981
South Carolina.	
SC79-1102 (SC81-1253)	June 29, 1979.
Texas	
TX80-4096 (TX81-4044)	Dec. 5, 1980.

Cancellation of General Wage Determination Decisions

None.

Signed at Washington, D.C., this 19th Day of June 1981.

Dorothy P. Come,

Assistant Administrator, Wage and Hour Division.

BILLING CODE 4510-30-M

MODIFICATION PAGE 2

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and or Appr. Tr.
DECISION #AR81-4039-Mod. #1 46FR June 19, 1981 Sebastian, Crawford and Washington Counties, Arkansas					
CHANGE:					
SEBASTIAN, CRAWFORD COS.:					
ELEVATOR CONSTRUCTORS	$12.04	1.345	.95	a+b	.035
ELEVATOR CONSTRUCTORS HELPER	70%JR	1.345	.95	a+b	.035
CEMENT MASONS	11.40	.35			.03
DECISION #AR81-4040-Mod. #1 46FR June 19, 1981 Union & Ouachita Counties, Arkansas					
CHANGE:					
CEMENT MASONS	11.40	.35			.03
DECISION #AR81-4041-Mod. #1 46FR June 19, 1981 Garland, Clark & Hot Springs Counties, Arkansas					
CHANGE:					
ELEVATOR CONSTRUCTORS:					
Journeymen	12.04	1.345	.95	a+b	.035
Helpers	70%JR	1.345	.95	a+b	.035
DECISION #AR81-4042-Mod. #1 46FR June 19, 1981 Pulaski County, Arkansas					
CHANGE:					
ELEVATOR CONSTRUCTORS:					
Journeymen	12.04	1.345	.95	a+b	.035
Helpers	70%JR	1.345	.95	a+b	.035
MARBLE, TILE & TERRAZZO WORKERS	10.50		.50		
DECISION #AR81-4043-Mod. #1 46FR June 19, 1981 Jefferson County, Arkansas					
CHANGE:					
ELEVATOR CONSTRUCTORS:					
Journeymen	12.04	1.345	.95	a+b	.035
Helpers	70%JR	1.345	.95	a+b	.035
MARBLE, TILE & TERRAZZO WORKERS	10.50		.50		

MODIFICATION PAGE 2

DECISION NO. IL79-2080 - MOD. #1 (44 FR 53654 - September 14, 1979) Alexander, Franklin, Gallatin, Hardin, Jackson, Johnson, Massac, Perry, Pope, Pulaski, Randolph, Saline, Union, & Williamson Counties, Illinois	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and or Appr. Tr.
Change:					
Power Equipment Operators:					
Perry & Randolph Cos.:					
Group I	$13.42	.87	1.51		.10
Group II	11.14	.87	1.51		.10
Group III	10.49	.87	1.51		.10
Group IV	10.39	.87	1.51		.10
Group V	10.14	.87	1.51		.10
Group VI:					
a	15.62	.87	1.51		.10
b	15.92	.87	1.51		.10
c	12.29	.87	1.51		.10
d	12.79	.87	1.51		.10
DECISION NO. IL-1-2085 - MOD. #1 (46 FR 19125 - March 27, 1981) Madison & St. Clair Counties, Illinois					
Change:					
Power Equipment Operators:					
Group I	13.42	.87	1.51		.10
Group II	11.14	.87	1.51		.10
Group III	10.49	.87	1.51		.10
Group IV	10.39	.87	1.51		.10
Group V	10.14	.87	1.51		.10
Group VI:					
a	15.62	.87	1.51		.10
b	15.92	.87	1.51		.10
c	12.29	.87	1.51		.10
d	12.79	.87	1.51		.10

MODIFICATION PAGE 3

MODIFICATION PAGE 3

DECISION NO, IL81-2006 - MOD, #1
(46 FR 20426 - April 3, 1981)
Bond, Calhoun, Clinton, Greene, Jersey, Macoupin, Monroe, Montgomery, Randolph, & Washington Counties, Illinois

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
Change:					
Power Equipment Operators:					
Group I	$13.42	.87	1.51		.10
Group II	11.14	.87	1.51		.10
Group III	10.49	.87	1.51		.10
Group IV	10.39	.87	1.51		.10
Group V	10.14	.87	1.51		.10
Group VI:					
a	15.62	.87	1.51		.10
b	15.92	.87	1.51		.10
c	12.29	.87	1.51		.10
d	12.79	.87	1.51		.10

DECISION NO. IA80-4043 - Mod. #3.
(45 FR 53042 - Aug. 8,1980)
Clinton County, Iowa
Building Construction

CHANGE:

CARPENTERS:					
Carpenters	$12.73	.75	1.25		.06
Piledrivermen	13.23	.75	1.25		.06
ELECTRICIANS:					
Electricians	16.34	.70	8%		.06
Cable splicers	17.34	.70	8%		.06
IRONWORKERS	16.60	.75	1.125		.30
PAINTERS:					
Brush	13.77	.70	1.50		.22
Spray; Structural steel	14.27	.70	1.50		.22
SOFT FLOOR LAYERS	12.73	.75	1.25		.06
SPRINKLER FITTERS	15.10	.95	1.40		.08
POWER EQUIPMENT OPERATORS:					
GROUP 1	14.80	1.00	.90		.08
GROUP 2	13.40	1.00	.90		.08
GROUP 3	12.35	1.00	.90		.08

MODIFICATION PAGE 3

DECISION NO. IA80-4041 - Mod. #3
45 FR 51408 - Aug. 1, 1980
Black Hawk Co., Iowa
Building Construction

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
CHANGE:					
Asbestos workers	$14.66	.60	1.10		.20
Ironworkers	14.11	.90	1.00		.06
Laborers:					
Group 1	10.00	.65	.45		.05
Group 2	10.15	.65	.45		.05
Group 3	10.35	.65	.45		.05
Plumbers and Steamfitters	14.96	.95	1.86		.14
Roofers	12.15				

DECISION NO. IA80-4042 - Mod. #3
45 FR 51409 - Aug. 1, 1980
Cerro Gordo County, Iowa
Building Construction

CHANGE:

Asbestos workers	$15.45	1.04	1.275		.10
Bricklayers	13.99		1.15		.02
Ironworkers	13.02	.92	1.26		.06
Plumbers & steamfitters	14.49	.80	.61		.04
Sprinkler fitters	15.10	.95	1.40		.08

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MODIFICATION PAGE

DECISION NO. IA80-4044 - Mod. #3
45 FR 53044 - August 8, 1980
Des Moines County, Iowa
Building Construction

CHANGE:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr
IRONWORKERS	$14.95	.80	1.05		.06
PAINTERS:					
Group 1 - Brush	13.00		.50		
Group 2 - Rollers	13.10		.50		
Group 3 - Sign	13.50		.50		
Group 4 - structural steel over 25 ft. from the ground or floor, bridges, water towers & stage work	13.70		.5[illegible]		
Group 5 - spray gun & Sandblasting	14.00		.50		
PLUMBERS & PIPEFITTERS	15.15	.70	1.65		.05
ROOFERS	13.13				
SPRINKLER FITTERS	15.10	.95	1.40		.08
POWER EQUIPMENT OPERATORS:					
GROUP 1	14.80	1.00	.90		.08
GROUP 2	13.40	1.00	.90		.08
GROUP 3	12.35	1.00	.90		.08

MODIFICATION PAGE

DECISION NO. LA81-4002 - MOD. #6 (46 FR 1520 - January 6, 1981) Allen, Beauregard, Bossier, Caddo, Calcasieu, Cameron, Jefferson, Jefferson Davis, Orleans, Plaquemines, St. Bernard & St. Charles Parishes, Louisiana	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and or Appr. Tr.
CHANGE:					
Electricians:					
Zone 2 - Electricians	$14.40	.60	3%+.50		.05
Cable splicers	14.40	.60	3%+.50		.05
Line construction:					
Zone 1 - Group 1	14.40	.60	3%+.50		.05
Group 2	75%JR	.60	3%+.50		.05
Group 3	65%JR	.60	3%+.50		.05
Group 4	45%JR	.60	3%+.50		.05
Group 5	50%JR	.60	3%+.50		.05
DECISION NO. LA81-4024 - MOD. #3 (46 FR 24820 - May 1, 1981) Statewide Louisiana					
CHANGE:					
Electricians:					
Zone 5 - Electricians	14.40	.60	3%+.50		.05
Cable splicers	14.40	.60	3%+.50		.05
Ironworkers - Zone 3	12.50	.60	1.45		.06
Line construction:					
Zone 1 - Group 1	14.40	.60	3%+.50		.05
Group 2	75%JR	.60	3%+.50		.05
Group 3	65%JR	.60	3%+.50		.05
Group 4	45%JR	.60	3%+.50		.05
Group 5	50%JR	.60	3%+.50		.05
Plumbers & pipefitters:					
Zone 2	14.145	1.26	.955		.09

MODIFICATION PAGE

MODIFICATION PAGE

DECISION NO. LA81-4027 - MOD. #2 (46 FR 24834 - May 1, 1981) Bossier, Caddo & Calcasieu Parishes, Louisiana	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and or Appr. Tr.
CHANGE:					
Cement masons:					
Bossier & Caddo Pars.	$10.85	.60			
Ironworkers:					
Bossier & Caddo Pars.	12.50	.60	1.45		.06
DECISION NO. MD81-3026 - MOD. #2 (46 FR 23382 - April 24, 1981)					
Counties of Anne Arundel (excluding the D.C. Training School), Baltimore, Baltimore City, Maryland and for Heavy Construction Projects in Harford and Howard Counties, Maryland					
ADD:					
SIGN ERECTORS	9.18		38	g	1%
CHANGE:					
STEAMFITTERS	14.62	.87	1.54		.16

FOOTNOTE:
g. Holidays: A through F, H, Friday after Thanksgiving, and employee's birthday, vacation: One week per year after 1 year of service, 2 weeks after 3 years of service and 3 weeks after 10 years of service

DECISION NUMBER #MT81-5114 Mod. # 2
(46 FR 25925 - May 8, 1981)

STATEWIDE, MONTANA	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and or Appr. Tr.
ADD:					
To Painters in Volume 46, Federal Register page 31178, Modification 1, to read Area 2.					
CHANGE:					
Painters Area 2 Brush, Roller on steel and roofs; Pot Tender; and Paperhanger.	$11.81	$ .78	$ .50		$ .10

DECISION NUMBER MT81-5115 Mod. # 2
(46 FR 25934 - May 8, 1981)

STATEWIDE, MONTANA	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and or Appr. Tr.
CHANGE:					
Painters Area 1 Brush, roller on steel and roofs; Pot tender; Paperhanger	$ 11.81	$ .78	$ .50		$ .10

MODIFICATION PAGE 9

DECISION NO. NM80-4101 - Mod. #3
45 FR 83811 - December 19, 1980
Statewide, New Mexico

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
CHANGE:					
POWER EQUIPMENT OPERATORS:					
Group I	$6.68	.15	.10		.01
Group II	6.88	.15	.10		.01
Group III	7.46	.15	.10		.01
Group IV	7.48	.15	.10		.01
Group V	7.48	.15	.10		.01
Group VI	7.63	.15	.10		.01
Group VII	7.68	.15	.10		.01
Group VIII	7.83	.15	.10		.01
Group IX	8.33	.15	.10		.01
Group X	9.13	.15	.10		.01
DECISION NO. PA80-3055					
MOD. NO. -					
(45 FR 65902 - October 3, 1980)					
Bucks, Chester, Delaware, Montgomery, Philadelphia Counties, Pennsylvania					
CHANGE:					
Building, Heavy & Highway Construction:					
Electricians:					
Zone 1					
Commercial	$15.16	.91	3%+.91		.27
Painters:					
Zone 2					
Commercial, brush	13.28	1.24	1.25		
Commercial, spray	13.78	1.24	1.25		

MODIFICATION PAGE 10

DECISION NO. PA78-3037 -
MOD. #12
(43 FR 17239 - April 21, 1978)
Blair County, Pennsylvania

DECISION NO. PA80-3010 -
MOD. #8
(45 FR 23270 - April 4, 1980)
Bedford, Cambria, Cameron, Clarion, Clearfield, Jefferson, Crawford, Venango Counties, Pennsylvania

DECISION NO. PA80-3012 -
MOD. #9
(45 FR 10595 - February 15, 1980)
Armstrong, Allegheny, Beaver, Butler, Fayette, Indiana, Washington, Westmoreland Counties, Pennsylvania

DECISION NO. PA80-3058 -
MOD. #4
(45 FR 65898 - October 3, 1980)
Lawrence and Mercer County, Pennsylvania

DECISION NO. PA80-3074 -
MOD. #5
(45 FR 81981 - December 12, 1980)
Clinton, Centre, Huntingdon, Fulton & Mifflin Counties, Pennsylvania

DECISION NO. PA79-3006 -
MOD. #10
(44 FR 19099 - March 30, 1979)
Franklin County, Pennsylvania

DECISION NO. PA80-3033 -
MOD. #4
(45 FR 65891 - October 3, 1980)
Elk, Forest, McKean & Warren Counties, Pennsylvania

DECISION NO. PA80-3059 -
MOD. #4
(45 FR 65895 - October 3, 1980)
Erie County, Pennsylvania

DECISION NO. PA80-3011
MOD. #9
(45 FR 12118 - February 22, 1980)
Greene, Somerset & Potter Counties, Pennsylvania

MODIFICATION PAGE 11

MODIFICATION PAGE 12

DECISION NO. T-81-4006 -

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
CHANGE:					
POWER EQUIPMENT OPERATORS:					
Group I	$6.68	.15	.10		.01
Group II	6.88	.15	.10		.01
Group III	7.46	.15	.10		.01
Group IV	7.48	.15	.10		.01
Group V	7.48	.15	.10		.01
Group VI	7.63	.15	.10		.01
Group VII	7.68	.15	.10		.01
Group VIII	7.83	.15	.10		.01
Group IX	8.33	.15	.10		.01
Group X	9.13	.15	.10		.01

MODIFICATION PAGE 11

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
OMIT:					
Description of Work: Heavy & Highway Construction					
Heavy & Highway CARPENTERS					
CARPENTERS - BURNER					
CARPENTERS - WELDER					
CEMENT MASONS					
PILEDRIVERMEN					
PILEDRIVERMEN - WELDER					
IRONWORKERS: Reinforcing					
LABORERS					
POWER EQUIPMENT OPERATOR					
TRUCK DRIVERS					

MODIFICATION PAGE 12

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
DECISION NO. T-81-4006 - MOD. #4 (46 FR 1547 - January 6, 1981) Brazos County, Texas					
CHANGE: Carpenters: Carpenters	$12.80				
Millwrights	14.835				
DECISION NO. TX81-4007 - MOD. #4 (46 FR 1548 - January 6, 1981) Ector & Midland Counties, Texas					
OMIT ALL RATES & CLASSIFICATIONS FOR PLUMBERS & PIPEFITTERS					
ADD: Plumbers & pipefitters	12.51	.50	.55		.04
DECISION NO. TX81-4038 - MOD. #2 (46 FR 30287 - June 5, 1981) Collin, Dallas, Denton, Ellis, Grayson, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Rockwall, Tarrant & Wise Counties, Texas					
CHANGE: Lathers	13.40				.04
DECISION NO. WY81-5108 - Mod. #2 (46 FR 20477- April 3, 1981) Converse, Goshen, Laramie, Natrona, Niobrara, and Platte Counties, Wyoming					
Change: Plumbers; Steamfitters: Area 2:					
Zone 1	$14.28	.90	$1.10	2.00+c	.03
Zone 2	15.15	.90	1.10	2.00+c	.03
Zone 3	16.00	.90	1.10	2.00+c	.03
Zone 4	17.31	.90	1.10	2.00+c	.03
Zone 5	18.30	.90	1.10	2.00+c	.03

MODIFICATION PAGE 13

DECISION NUMBER AK81-5110 Mod. #5
(46 FR 21526 - April 10, 1981)

STATEWIDE, ALASKA	Basic Hourly Rates	Fringe Benefit Payments: H & W	Pensions	Vacation	Education and or Appr. Tr.
OMIT:					
Carpenters (Statewide Residential)					
Carpenter	$13.51	.90	2.00		.25
Radial Arm Saw Operator	13.81	.90	2.00		.25
Flood and Fire Work	13.81	.90	2.00		.25
ADD:					
Residential Carpenters Areas 2 and 3					
Carpenter	13.51	.90	2.00		.25
Radial Arm Saw Operator	13.81	.90	2.00		.25
Flood and Fire Work	13.81	.90	2.00		.25

SUPERSEDEAS DECISION

STATE: Florida
COUNTY: Broward
DECISION NUMBER: FL81-1255
DATE: Date of Publication
Supersedes Decision No. FL77-1138 dated December 23, 1977 in 42 FR 64509
DESCRIPTION OF WORK: Heavy Construction

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and or Appr. Tr.
Bricklayers	5.25				
Carpenters	6.40				
Cement Masons	9.65	.63	.55		.04
Ironworkers:					
Structural	7.975				
Reinforcing	9.75	.75	.58		.04
Laborers					
Pipelayers	5.00				
Unskilled	3.50				
Piledrivermen	8.70	.70	.55		.05
Pipefitters	5.75				
Truck Drivers	4.00				
Welders - Rate for craft					
POWER EQUIPMENT OPERATORS					
Group I	10.59	.64	.80		.17
Group II	10.44	.64	.80		.17
Group III	9.94	.64	.80		.17
Group IV	9.79	.64	.80		.17
Group V	9.64	.64	.80		.17
Group VI	9.54	.64	.80		.17
Group VII	9.44	.64	.80		.17
Group VIII	9.34	.64	.80		.17
Group IX	9.24	.64	.80		.17

Group I - All tower cranes (must have 2 operators; mobile, rail, climbers, static-mount), cranes with boom length 250ft. & over (with or without jib), derricks, helicopters, all types of flying cranes & all nuclear powered equipment, single station hydro cranes over 18 tons but not more than 50 tons, finish grader

Group II- All cranes with boom length 150ft. & over(with or without jib, friction, hydro, electric or otherwise), cranes 150 tons and over with boom length less than 250ft., gantry & overhead cranes

FL81-1255 cont.

Group III - Cranes with boom length less than 150 ft. (with or without

SUPERSEDEAS DECISION

STATE: Florida
COUNTIES: See Below
DECISION NUMBER: FL81-1252
DATE: Date of Publication

FLB1-1255 cont.

SUPERSEDEAS DECISION

Group III - Cranes with boom length less than 150 ft. (with or without jib), single station hydro cranes 18 tons & under and over 50 tons. dual station hydro cranes, clamshell, shovel, backhoe, tradall, dragline, piledriver, drilling of piling, tugger (all types), hoist (all types), mechanic, sideboom or tractor boom, concrete mixer, cableway
Group IV - Boring & Drilling machine, concrete pumping machine (all types), batching plant (on job sites), forklift (with vertical lift of over 20')
Group V - Locomotive operator, motor mixing pump (all types), winch truck, A-frame truck, grease truck operator, frontend loader, bulldozer, pan, motor grader, forklift
Group VI - Trenching & ditching machine, roller, fireman, distributor (bituminous), finish machine (paving), wellpoint system (installation and/or operation), siphon, vacuum pump, tractor, conveyor
Group VII - Utility operator (any combination of equipment up to and including four (4) pieces of equipment listed in Group VIII), welding machines (3-4)
Group VIII - Pump(s) or any combination over 2½", compressor(s) or any combination over 125 CFM, generator(s) or any combination over 5 KW
Group IX - Oiler, fuel truck driver, mechanic helper, boom hauling truck driver, & lowboy truck driver.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii))

STATE: Florida COUNTIES: See Below
DECISION NUMBER: FL81-1252 DATE: Date of Publication
Supersedes Decision No. FL78-1072 dated September 1, 1978 in 43 FR 39249
DESCRIPTION OF WORK: RESIDENTIAL CONSTRUCTION consisting of single family homes and apartments up to and including four stories

Bay, Escambia, Okaloosa, Santa Rosa & Walton Counties, Florida	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
A/C & Heating Mechanics	6.50				
Bricklayers	8.00				
Carpenters	5.43				
Cement Masons	6.00				
Drywall Hanger	6.31				
Drywall Finisher	7.00				
Electricians	5.50				
Glaziers	5.29				
Laborers:					
Unskilled	3.60				
Pipelayers	4.75				
Plasterers' Tenders	5.00				
Painters	6.00				
Plasterers	7.53				
Plumbers & Pipefitters	5.80				
Roofers	5.26				
Sheet Metal Workers	5.50				
Soft Floor Layers	5.00				
Tile Setters	6.20				
Truck Drivers	3.60				
Welders - Rate for craft					
POWER EQUIPMENT OPERATORS					
Backhoe	4.93				
Bulldozer	4.76				
Crane & Dragline	5.43				
Grader	4.91				
Loader	5.25				
Paving Machine	4.53				
Roller	4.38				
Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii))					

SUPERSEDEAS DECISION

STATE: Florida COUNTY: Dade
DECISION NUMBER: FL81-1256 DATE: Date of Publication
Supersedes Decision No. FL79-1094 dated June 8, 1979 in 44 FR 33328
DESCRIPTION OF WORK: Heavy Construction (excluding Storm, Sanitary, Sewer Line & Water Line projects).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Bricklayers & Cement Masons	12.80	.80	.80		.07
Carpenters	11.35	.90	.55		.08
Electricians	11.25	.51	.34	.96	
Ironworkers	12.80	1.13	1.10		.15
Laborers:					
Unskilled	4.97				
Pipelayers	5.97				
Millwrights	12.67	.70	.70		.10
Painters	10.15	.55	.60		.07
Piledrivermen	11.75	.70	.70		.10
Plumbers & Piperitters	14.06	1.02	1.30		.15
Truck Drivers	4.65				
Welders - Rate for craft					
POWER EQUIPMENT OPERATORS					
Class A	11.69	.50	.45		.05
Class B	10.40	.50	.45		.05
Class C	10.31	.50	.45		.05
Class D	9.61	.50	.45		.05
Class E	8.94	.50	.45		.05

Class A - Cranes & Derricks
Class B - Dragline, backhoe, mechanic, graders, combination operator, oiler fireman
Class C - Bulldozer & front end loader
Class D - Winch truck operator, forklift, pumps 3 inches or larger, combination of five or less pumps, air compressors or other equipment, air compressors above 125 CFM, scrapers, trenching machines, distributor
Class E - Rollers, finishing machines, tractors, oiler driver, oiler on crawler crane

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii))

SUPERSEDEAS DECISION

STATE: Florida COUNTY: Bay
DECISION NUMBER: FL81-1254 DATE: Date of Publication
Supersedes Decision No. FL79-1111 dated July 20, 1979 in 44 FR 42858
DESCRIPTION OF WORK: Building Construction Projects (does not included single family homes and apartments up to and including four stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Bricklayers	8.00				
Carpenters	5.43				
Carpet Layers	5.00				
Cement Masons	6.00				
Drywall Hanger	6.31				
Electricians	13.00	.55	3%		½ of 1%
Ironworkers	8.77	.30	.35		
Laborers:					
Unskilled	3.60				
Plasterers' Tenders	5.00				
Painters	6.00				
Plasterers	7.53				
Plumbers & Pipefitters	6.00				
Roofers	5.26				
Sheet Metal Workers	6.00				
Soft Floor Layers	5.00				
Sprinkler Fitters	12.65	.85	1.20		.13
Tile Setters	6.20				
Truck Drivers	3.60				
Welders - Rate for craft					
POWER EQUIPMENT OPERATORS					
Bulldozers	4.76				
Crane	5.43				

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii))

SUPERSEDEAS DECISION

STATE: ILLINOIS COUNTIES: PEORIA & TAZEWELL

DECISION NO. IL81-2037

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.

SUPERSEDEAS DECISION

STATE: ILLINOIS COUNTIES: PEORIA & TAZEWELL
DECISION NUMBER: IL81-2037 DATE: Date of Publication
Supersedes Decision No.IL79-2036,dated May 11, 1979 in 44 FR 27864
DESCRIPTION OF WORK: Building (Including Residential) Construction Projects

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$17.00	1.145	1.645		.06
BOILERMAKERS	14.65	1.275	1.00		.03
BRICKLAYERS; Stonemasons	14.84	.80	1.65		.02
CARPENTERS:					
Commercial:					
Peoria Co. (Chillicothe & Vic.)					
Carpenters; Piledrivermen; & Soft Floor Layers	13.48	1.00	1.00		.03
Millwrights	13.73	1.00	1.00		.03
Tazewell & Peoria (Rem. of Co.) Cos.:					
Carpenters; & Soft Floor Layers	14.36	.75	1.50		.07
Millwrights; Piledrivermen	15.06	.75	1.50		.07
Residential:					
Peoria Co. (Chillicothe & Vic.)	12.13	1.00	1.00		.03
Tazewell & Peoria (Rem. of Co.) Cos.	14.13	.75	1.50		.07
CEMENT MASONS	14.31	1.20	1.20		.05
ELECTRICIANS	16.00	.55	3%+1.00		1%
ELEVATOR CONSTRUCTORS:					
Mechanics	13.625	1.195	.82	a&b	.035
Helpers	70%JR	1.195	.82	a&b	.035
Helpers (Prob.)	50%JR				
GLAZIERS	15.14	.60	.60		.01
IRONWORKERS	15.23	1.065	1.175		.025
LATHERS	12.67	.65	.50		.01
MARBLE SETTERS; Terrazzo Workers; & Tile Setters	14.52	.80	1.65		.02
MARBLE, TERRAZZO, & TILE FINISHERS:					
Marble & Tile Finishers	13.60	.80	1.00		
Terrazzo Finishers & Floor Machine Operators	13.73	.80	1.00		
Base Machine Operators	13.98	.80	1.00		
PAINTERS:					
Brush	14.37	.70	.70		.03
Spray; Structural Steel	15.22	.70	.70		.03
PLASTERERS	14.46	1.20	1.30		

DECISION NO. IL81-2037

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLUMBERS; Pipefitters; & Steamfitters:					
Peoria & Tazewell (North of Highway #98) Cos.	$16.23	.80	1.30		.13
Tazewell Co. (Rem. of Co.)	13.55	.51	1.02		.11
ROOFERS	12.85	.70	.40		.025
SHEET METAL WORKERS	15.29	.80+c	1.26		.17
SPRINKLER FITTERS	15.31	.95	1.40		.08
WELDERS - Receive rate prescribed for craft performing operation to which welding is incidental.					

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Day After Thanksgiving Day; & G-Christmas Day

FOOTNOTES:
a. Six Paid Holidays: A through G
b. Employer contributes 8% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 6% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.
c. 3% of gross earnings to SASMI

DECISION NO. IL81-2037

LABORERS: PEORIA COUNTY & THE CITY OF EAST PEORIA IN TAZEWELL COUNTY	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
CLASS 1	$13.64	.65	1.00		.05
CLASS 2	13.765	.65	1.00		.05
CLASS 3	13.89	.65	1.00		.05
CLASS 4	13.815	.65	1.00		.05
CLASS 5	14.015	.65	1.00		.05

CLASS 1: Bricklayers' Tenders; Carpenter Tenders; Cement Mason Tenders; Common Laborers; Concrete Form Dismantler; Curing Concrete; High Pressure Hose; Stone & Tile Derrickmen; Tool Crib Men; Wall Men & House Movers; Window Washers; & Wrecking & Dismantling Old Buildings

CLASS 2: Air Tamper; Cement Men & Sack Shakers; Chain Saw; Compactor, Rammer Type; Concrete Saw; Dismantler in Composite Crew With Carpenters; Drill Operator; Jackhammer; Kettlemen & Carriers; Men Handling Hot Stuff; Paving Breaker; Plasterers' Tenders; Setting Up & Using Laser Beam Equipment; & Signalling & Spotting of Buckets on Rig or Rig Men

CLASS 3: Gunnite Pumpmen & Pots; Sandblasting Pump Men & Pots; Setting Up & Using Concrete Burning Bars; Tile Layers or Lateral Sewer; Underpinning & Shoring of Existing Buildings; & Unloading & Handling of Creosote Materials

CLASS 4: Power Wheel Barrow or Buggies

CLASS 5: Cutting & Acetylene Torch; Gunnite Nozzle Men; Sandblasting Nozzle Men; & Woodblock Setters

DECISION NO. IL81-2037

LABORERS: REMAINDER OF TAZEWELL COUNTY	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
UNSKILLED	$13.94	.75	.60		.05
SEMI-SKILLED	14.14	.75	.60		.05
SKILLED	14.34	.75	.60		.05

CLASSIFICATIONS

UNSKILLED LABORERS-Carpenters Tender, Tool Cribmen, Cleaning & Oiling Machinery & Tools, Fireman or Salamander Tenders, Flagmen, Gravel Box Men, Form Handlers, Material Handlers, Fencing Laborers, Cleaning Lumber, Pit Men, Material Checkers, Dispatchers, Landscapers, Unloading Explosives, Laying of Sod, Planting of Trees, Removal of Trees, Piledriver Helpers, Asphalt Plant Helpers, Wrecking Laborers, Fireproofing Laborers, Surveyors & Instrument Men Helpers, Janitors, Unloading & Carrying of Rebars, Caisson Top Man Helper, Mason Tenders, Scaffold Workers, Laborers w/dewatering systems, Plaster Tenders & Tunnel Laborers (Free Air).

SEMI-SKILLED-Handling of Materials treated w/oil & creosote, Asphalt and/or Foreign Material harmful to skin & clothing handled by any mode or method, Track Laborers, Cement Handlers, Signaling & Spotting of Rigs & Equipment, Chloride Handlers, Wet Concrete Workers, Tunnel Helpers in Free Air, Batch Dumpers, Kettle & Tar Men, Tank Cleaners, Plastic Installers, Motorized Buggies or Motorized Units used for Wet Concrete or Building Materials, Sewer Workers (excluding Pipe Layer & Helper), Vibrator Operators, Mortar Mixer Opr., Cement Silicia, Clay, Fly Ash, Lime & Plaster Handlers (Bulk or Bag), Cofferdam Workers, Work on Concrete Paving, Placing, Cutting & Tying of Reinforcing, Deck Hand, Dredge Hand & Shore Laborers, Bank Men on Floating Plant, Asphalt Workers & Layers with Machine, Grade Checker, Dumpmen & Spotter where Grade is to be established, Power Tools, Chain Saw Operator, Jackhammer & Drill Operators, Air Tamping Hammerman, Caisson Top Man, Gunnite Pot Man, Batterboard Setter, Digging Bell Holes, Driving of Stakes & Setting Stringlines for all Machinery.

SKILLED-Caisson or Tunnel Miners & Muckers, Gunnite Nozzlemen, Welders, Cutters, Burners & Torchmen, Tile or Pipelayers & Helpers, Steel Form Setters-Street & Highway, Concrete Saw Operator, Screenman on Asphalt pavers, Front-End Man on Chip Spreader, Laborers Tending Masons with Hot Materials or/where Foreign Matter or Materials are used, Multiple Concrete Duct-Leadman, Luteman, Curb Asphalt Machine Operator, Ready Mix Scalemen, Permanent Portable or Temporary Plant, Laborers handling Master-Plate or similar Materials, Laser Beam Opr., [illegible]
[illegible]

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$15.82	.75	.80		.05
Group 2	15.62	.75	.80		.05
Group 3	15.245	.75	.80		.05
Group 4	14.97	.75	.80		.05
Group 5	14.36	.75	.80		.05

Group 1: Cranes, Escalated rate on Crane, Derricks, Booms, $.01 per hour per foot, After 80 feet or Boom including Jib, Overhead Cranes, Gradall, Cherry Pickers (and similar types, over 15 ton lifting capacity (require oiler), Mechanics, Central Concrete Mixing Plant Operator, Road Pavers (27E-dual drum-tri batchers), Blacktop Plant Operators and Plant Engineers, 3 Drum Hoist, Derricks, Hydro Cranes, Shovels Skimmer Scoops, Koehring Scoopers, Draglines, Backhoe, Hoptoes-Crane-Type that require Oilers, Derrick Boats, Pile Drivers and Skid Rigs, Clamshells, Locomotive Cranes, Dredge (all types), Motor Patrol, Power Blades Dumore-Elevating and similar types Tower Cranes (crawler mobile) and Stationary, Crane-Type Backfiller, Drott Yumbo and similar types Considered as Cranes, Caisson Rigs (require oilers) Dozer, Tourna-Dozer, Work Boats, Ross Carrier and Helicopter

Group 2: Trench Machine, Pumpcrete-Belt Crete-Squeeze Cretes-Screw-Type Pumps and Gypsum Bulker and Pump, Dinkeys, Power Launches, Tournapulls (all), Multiple Unit, Earth Movers, $.25 per hour for each Scoop over one, Scoops (all sizes), Push Cats, Endloaders (all types), Side Boom, P-H one pass Soil-Cement Machine (all similar types), Wheel Tractors (industrial) or Farm type w/dozer-Hoe-End-Loader or other attachments), Pugmill with Pump Backfillers, Asphalt Surfacing Machine, Euclid Loader, Forklifts, Formless Finishing Machine, Jeeps w/Ditching Machine, or other attachments, Tune-Luger, Rock Crushers, Automatic Cement and Gravel Batching Plants, Mobile Drills (soil testing and similar types), (require oiler), Flaherty Spreader or similar types (require oiler), Heavy Equipment Greaser (top greaser on spread), Gurries and similar type), 1 and 2 Drum Hoists (buck Hoists and similar types Freight and Passenger Elevators Chicago Boom, Boring Machine and Pipe Jacking, Machine, Hydro Boom, Starting Engineer on Pipeline, C.M.I. and similar types (require oiler) Straw Blower, Hydro Seeder and F.W.D. and similar types

POWER EQUIPMENT OPERATORS (CONT'D)

Group 3: Tractor (track type) without power unit pulling rollers, Rollers on Asphlat, Brick or Macadam, Concrete Breakers, Concrete Spreaders, Mule Pulling Rollers, Center Stripper, Cement Finishing Machines, Barber Greene or similar Loaders, Vibro Tamper (all similar types), Self-Propelled, Winch or Boom Truck, Mechanical Bull Floats, Mixer over 3 bags to 27E, Tractor Pulling Power Blade or Elevating Grader, Porter Rex Rail, Clary Screed, Pugmill (without pump) Screed Man on Laydown Machine, Firemen and Spray Machine on Paving

Group 4: Air Compressor, All Air and Steam Valves, Power Subgrader, Oil Distributor, Straight Tractor, Trac-Are without attachments, Curb Machine, Truck Cranes Oiler, and Truck type Hoptoe Oilers

Group 5: Herman Nelson Heater, Drovo, Warner, Silent Glo, & similar types, One Engineer will operate 1-5 and after 5, Two Operators will be required, Self-Propelled Concrete Saws, Assistant Heavy Equipment Greaser on Spread, Roller, 5 tons and under on Earth or Gravel, Form Grader, Pump 1 or 2, Generator (1) or (2), Welding Machine (1) or (2) - 300 amp. or over, Mixer (3) bag and under (standard capacity) Bulk Cement Plant, Crawler Crane and Skid Rig Oilers

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DECISION NO. IL81-2037

TRUCK DRIVERS

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	$13.65	1.00	$ 46.00a		
GROUP II	14.05	1.00	46.00a		
GROUP III	14.25	1.00	46.00a		
GROUP IV	14.50	1.00	46.00a		

GROUP I: Drivers on 2 Axles hauling less than 9 tons; Air Compressor & Welding Machine incl. those pulled by separate units; Fork Lifts up to 6,000 lbs. cap.; Mechanic Tenders; Pick-ups when hauling materials, tools, or men to and from and on the job site; & Truck Driver Tenders

GROUP II: 2 or 3 Axles hauling more than 9 tons, but hauling less than 16 tons; A-Frame Winches; Fork Lifts over 6,000 lbs. cap.; 4-Axle Combination units; Hydrolifts or similar equipment when used for transportation purposes; & Winches

GROUP III: 2, 3 or 4 Axles hauling 16 tons or more; Dispatcher; 5-Axles or more combination units; Mechanics & Working Foreman; & Water Pulls

GROUP IV: Drivers on Oil Distributors; & Drivers on Semi-Lowboys when moving equipment

FOOTNOTE:
a. Per Week Per Employee

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii)).

SUPERSEDEAS DECISION

STATE: INDIANA
COUNTIES: HENDRICKS, MORGAN AND PUTNAM COUNTIES
DECISION NO.: IN81-2038
DATE: DATE OF PUBLICATION
Supersedes Decision No. IN79-2082, dated October 5, 1979 in 44 FR 57628
DESCRIPTION OF WORK: Residential Construction Projects Consisting of single family homes and apartments up to and including 4 stories

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
AIR CONDITIONING MECHANIC	$ 6.60				
BRICKLAYERS	10.63				
CARPENTERS	9.45				
CEMENT MASONS	8.47				
DRYWALL HANGERS	10.00				
DRYWALL TAPERS/FINISHERS	10.00				
ELECTRICIANS	6.63				
INSULATORS	4.99				
LABORERS	4.85				
HOD CARRIERS	6.50				
PAINTERS	8.44				
PLUMBERS	7.00				
ROOFERS	6.03				
SOFT FLOOR LAYERS	7.80				
TRUCK DRIVERS	7.63				
POWER EQUIPMENT OPERATORS:					
BACKHOE OPERATOR	8.36				
BULLDOZER OPERATOR	7.14				

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: Michigan
COUNTIES: Statewide
DECISION NO. MI81-2031
DATE: Date of Publication
Supersedes Decision No. MI80-2041, dated July 18, 1980 in 45 FR 48317
DESCRIPTION OF WORK: Residential Construction Projects Consisting of single family homes and apartments up to and including 4 stories

DECISION No. MI81-2031

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
CARPENTERS (CONT'D)					
Area 3	$ 9.45				
Area 4	9.45				
Area 5	9.45				
Area 6	9.45				
Area 7	9.45				
Area 8	9.45				
Area 9	9.45				
Area 10	9.45				
Area 11	9.45				
Area 12	9.45				
Area 13	9.45				
Area 14	9.45				
Area 15	9.45				
Area 16	9.45				
Area 17	9.45				
Area 18	9.45				
Area 19	9.45				
Area 20	9.45				
Area 21	9.45				
Area 22	9.45				
Area 23	9.45				
Area 24	9.45				
Area 25	9.45				
Area 26	9.45				
Area 27	9.45				
Area 28	9.45				
Area 29	9.45				
Area 30	9.45				
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Area 84	9.45				
Area 85	9.45				

SUPERSEDEAS DECISION

STATE: Michigan
DECISION NO. MI81-2031
Supersedes Decision No. MI80-2042, dated July 18, 1980 ... 45 FR 48117.
DESCRIPTION OF WORK: Highway, Bridge, Airport and Sewer Construction Projects exclusive of Buildings

COUNTIES: Statewide
DATE: Date of Publication

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
CARPENTERS:					
ZONE 1					
MACOMB, MONROE, OAKLAND, ST. CLAIR & WAYNE COUNTIES: in LIVINGSTON COUNTY The Townships of Brighton, Deerfield, Genoa, Hartland, Osceola & Tyrone, In SANILAC COUNTY That part East of a line projected North & continuing the East Lapeer & West St. Clair county lines to South Huron County line	$12.78	1.00	11%	11%	.04
ZONE 2E					
ARENAC, BAY, CLARE, CLINTON, GENESEE, GLADWIN, GRATIOT HURON, INGHAM ISABELLA, IOSCO, JACKSON, LAPEER, LENAWEE, MIDLAND, OGEMAW, SAGINAW, SHIAWASSEE, TUSCOLA & WASHTENAW COUNTIES: the Remainder of LIVINGSTON & SANILAC COUNTIES: in EATON COUNTY, All but the Townships of Bellevue, Kakamo, Vermontville & Walton; in IONIA COUNTY, the Townships of Danby, Orange, Portland & Sevewa	12.68	.75	.90		.05
ZONE 2W					
ALLEGAN, BARRY, BRANCH, CALHOUN CASS HILLSDALE, KALAMAZOO, KENT, LAKE, MANISTEE, MASON, MESOCTA, MONTCALM, MUSKEGON, NEWAYGO, OCEANA, OTTAWA, ST. JOSEPH & VAN BUREN COUNTIES; the Remainder of EATON & IONIA COUNTIES; in BERRIEN COUNTY, all but the Townships of Chicaming, New Buffalo & 3 Oaks; in BENZIE COUNTY, the Townships of Blaine, Colfax, Crystal, Lake Gimore, Joyfield & Weldon	12.55	.75	.90		.05

DECISION No. MI81-2031

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
CARPENTERS (CONT'D)					
ZONE 3LP					
ALCONA, ALPENA, ANTRIM, CHARLEVOIX, CHEBOYGAN, CRAWFORD, EMMET, GRAND TRAVERSE, KALKASKA, LEELANAU, MISSAUKEE, MONTMORENCY, OSEOLA, OSCADA, OTSEGO, PRESQUE, ISLE ROSCOMMON & WEXFORD COUNTIES & The remainder of BENZIE COUNTY	$12.44	.75	.90		.05
ZONE 3UP					
ALGER, BARAGA, CHIPPEWA, DELTA, DICKINSON. GOGEBIC HOUGHTON, IRON, KEWEENAW, LUCE, MACKINAC, MARQUETTE, MONOMINEE, ONTONAGON & SCHOOLCRAFT COUNTIES	12.39	.75	.90		.05
ZONE 4					
THE REMAINDER OF BERRIEN COUNTY	13.53	.75	.82		.05
CEMENT MASONS:					
ZONE 1					
GENESEE, LIVINGSTON, MACOMB, MONROE, OAKLAND, SAGINAW, WASHTENAW & WAYNE COUNTIES Cement masonry related to Highway, Road & Street Construction	14.32	.90	1.00		.02
ZONE 2 - Remainder of State	13.77	.90	1.00		.02
PAINTERS:					
KENT, MONTCALM, MECOSTA & the West ½ of IONIA COUNTIES only: Brush	11.25	.65	.40		.02
Bridges over Highway or Railroads	11.50	.65	.40		.02
Bridge Work over Rivers Lakes & Electrical Sub Stations	11.75	.65	.40		.02
Spray, Pressure Roller, Steam Cleaning, Sand-blasting or Waterblasting	12.00	.65	.40		.02

DECISION No. MI81-2031

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
IRONWORKERS: Structural & Reinforcing					
ZONE 1					
Alger, Baraga, Chippewa, Delta, Dickinson Gogebic, Houghton, Iron, Keweenaw, Luce, Mackinac Marquette, Menominee, Ontonagon Schoolcraft Counties	$13.05	1.30	1.25	2.25	.06
ZONE 2					
Emmet, Charlevoix, Antrim, Leelanau, Benzie, Grand Traverse, Kalkaska, Mason, Manistee, Wexford, Missaukee, Lake, Osceola Oceana, Mecosta, Newaygo, Muskegon, Kent, Montcalm, Ottawa, Ionia, Allegan, Barry, Eaton, Van Buren, Kalamazoo, Calhoun, St. Joseph, Branch & Hillsdale Counties	14.97	1.86	1.40		.20
ZONE 3					
Remainder of State					
Structural	14.98	11%	18%	18%	.09
Reinforcing	13.08	1.98	19%	19%	.64%

DECISION No. MI81-2031 Page 4

LABORERS: HIGHWAY, BRIDGE, AIRPORT & SEWER CONSTRUCTION	Basic Hourly Rates ZONE 1	Basic Hourly Rates ZONE 2	Basic Hourly Rates ZONE 2A	Basic Hourly Rates ZONE 3	Basic Hourly Rates ZONE 3A
CLASS A	$12.13	$11.41	$11.00	$10.87	$10.69
CLASS B	11.87	11.12	10.74	10.51	10.33
CLASS B-1	11.71	11.24	10.83	10.84	10.66
CLASS B-2	11.49	11.02	10.61	10.63	10.45
CLASS C	11.63	10.93	10.53	10.45	10.27
CLASS D	11.49	10.74	10.34	10.21	10.03
CLASS E	11.40	10.68	10.27	10.04	9.91
CLASS F	11.37	10.57	10.17	10.03	9.85
CLASS G	11.37	10.57	10.17	10.03	9.85
CLASS H	8.37	7.57	7.17	7.03	6.85
.75 Health & Welfare					
.65 Pension					
.85 Vacation & Holiday					
.04 Apprentice Training					

CLASS A - Line Form Setter for curb or pavement
CLASS B - Pipe Layers, Oxygen Gun
CLASS B-1 - Asphalt Raker
CLASS B-2 - Asphalt Tamper and Asphalt Raker Helper
CLASS C - Tunnel Miner (highway work only), Finishers Tenders, Guard Rail Builder, Highway and Median Barrier Installer, Fence Erector, Bottom Man, Powderman, Wagon Drill and Air Track Operators, Curb and Side Rail Setters' Helpers, Diamond and Core Drills.
CLASS D - Mixer Operator (less than 4 sacks), Air or Electric Tool Operator (Jackhammer, etc) Spreader, Boxman (asphalt, stone, gravel, etc.), Concrete Paddler Power Chain Saw Operator, Paving Batch Truck Dumper, Asphalt Screed Checker, Grade Checker and Tunnel Mucker (highway work only), Concrete Saw (under 40 h.p.) and Dry Pack Machine
CLASS E - Cement Handler or Dockman. Topman, Asphalt Dust Handler
CLASS F - Asphalt Shoveler, or Loader, Asphalt Plant Misc., Axe Man, Batch Bin (no power), Burlap Man, Carpenter Tenders, Subgrade Labor (hand tools), Yard Man, Guard Rail Builders Tenders, Highway and Median Barrier Installer's Tenders, Fence Erector Tenders, Dumper (wagon, truck, etc.), Jetting Labor, Joint Filling Labor, Unskilled Labor, Powder Monkey Tenders, Sprinkler Labor, Form Setting Labor, Pavement Reinforcing, Handling and Placing (e.g. wire mesh, steel mats, dowell Boards, etc.), Mason or Bricklayer tender on manhole, headwall, etc.
CLASS G - Pavement Markers
CLASS H - Cone Setters

ZONE DEFINITIONS
ZONE 1 - Genesee, Macomb, Monroe, Oakland, Washtenaw & Wayne Counties
ZONE 2 - Allegan, Barry, Bay, Berrien, Branch, Calhoun, Cass, St. Clair, Clinton, Eaton, Gratiot, Hillsdale, Huron, Ingham, Jackson, Kalamazoo, Lapeer, Lenawee, Livingston, Midland, Muskegon, St. Joseph, Saginaw, Sanilac, Shiawassee, Tuscola, & Van Buren
ZONE 2A - Ionia, Kent Montcalm, & Ottawa Counties
ZONE 3 - Alcona, Alger, Alpena, Antrim, Arenac, Baraga, Benzie, Charlevoix, Cheboygan, Chippewa, Clare, Crawford, Delta, Dickinson, Emmet, Gladwin, Gogebic Grand Traverse, Houghton, Iosco, Iron, Isabella, Kalkaska, Keweenaw, Lake, Leelanau, Luce, Mackinac, Manistee, Marquette, Mason, Menominee, Missauke, Montmorency, Newaygo, Oceana, Ogemaw, Ontonagon, Oscoda, Otsego, Presque Isle, Roscommon, Schoolcraft, and Wexford Counties
ZONE 3A - Mecosta and Osceola Counties

DECISION No. MI81-2031

LABORERS:
OPEN CUT CONSTRUCTION

SW LAB OC

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 1 - WAYNE, OAKLAND & MACOMB COUNTIES					
CLASS A	$12.13	1.30	1.25	2.25	.06
CLASS B	11.87	1.30	1.25	2.25	.06
CLASS B-1	11.71	1.30	1.25	2.25	.06
CLASS B-2	11.49	1.30	1.25	2.25	.06
CLASS C	11.63	1.30	1.25	2.25	.06
CLASS D	11.49	1.30	1.25	2.25	.06
CLASS E	11.40	1.30	1.25	2.25	.06
CLASS F	11.37	1.30	1.25	2.25	.06
CLASS G	11.37	1.30	1.25	2.25	.06
CLASS H	8.37	1.30	1.25	2.25	.06
ZONE 2 - GENESEE COUNTY					
CLASS A	$11.41	1.86	1.40		.20
CLASS B	11.12	1.86	1.40		.20
CLASS B-1	11.24	1.86	1.40		.20
CLASS B-2	11.02	1.86	1.40		.20
CLASS C	10.93	1.86	1.40		.20
CLASS D	10.74	1.86	1.40		.20
CLASS E	10.68	1.86	1.40		.20
CLASS F	10.57	1.86	1.40		.20
CLASS G	10.57	1.86	1.40		.20
CLASS H	7.57	1.86	1.40		.20
ZONE 3 - REMAINDER OF STATE					
CLASS A	$11.00	11%	18%	18%	.09
CLASS B	10.74	11%	18%	18%	.09
CLASS B-1	10.83	11%	18%	18%	.09
CLASS B-2	10.61	11%	18%	18%	.09
CLASS C	10.53	11%	18%	18%	.09
CLASS D	10.34	11%	18%	18%	.09
CLASS E	10.27	11%	18%	18%	.09
CLASS F	10.17	11%	18%	18%	.09
CLASS G	10.17	11%	18%	18%	.09
CLASS H	7.17	11%	18%	18%	.09

DECISION No. MI81-2031

LABORERS:

SW LAB OC

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 2A - IONIA, KENT MONTCALM, & OTTAWA COUNTIES					
CLASS A	$11.00	1.86	1.40		.20
CLASS B	10.74	1.86	1.40		.20
CLASS B-1	10.83	1.86	1.40		.20
CLASS B-2	10.61	1.86	1.40		.20
CLASS C	10.53	1.86	1.40		.20
CLASS D	10.34	1.86	1.40		.20
CLASS E	10.27	1.86	1.40		.20
CLASS F	10.17	1.86	1.40		.20
CLASS G	10.17	1.86	1.40		.20
CLASS H	7.17	1.86	1.40		.20
ZONE 3 - ALCONA, ALGER, ALPENA, ANTRIM, ARENAC, BARAGA, BENZIE, CHARLEVOIX, CHEBOYGAN, CHIPPEWA, CLARE, CRAWFORD, DELTA, DICKINSON, EMMET, GLADWIN, GOGEBIC GRAND TRAVERSE, HOUGHTON, IOSCO, IRON, ISABELLA, KALKASKA, KEWEENAW, LAKE, LEELANAU, LUCE, MACKINAC, MANISTEE, MARQUETTE, MASON, MENOMINEE, MISSAUKE, MONTMORENCY, NEWAYGO, OCEANA, OGEMAW, ONTONAGON, OSCODA, OTSEGO, PRESQUE ISLE, ROSCOMMON, SCHOOLCRAFT, AND WEXFORD COUNTIES					
CLASS A	$11.00	11%	18%	18%	.09
CLASS B	10.74	11%	18%	18%	.09
CLASS B-1	10.83	11%	18%	18%	.09
CLASS B-2	10.61	11%	18%	18%	.09
CLASS C	10.53	11%	18%	18%	.09
CLASS D	10.34	11%	18%	18%	.09
CLASS E	10.27	11%	18%	18%	.09
CLASS F	10.17	11%	18%	18%	.09
CLASS G	10.17	11%	18%	18%	.09
CLASS H	7.17	11%	18%	18%	.09
ZONE 3A - MECOSTA AND OSCEOLA COUNTIES					
CLASS A	$10.87	11%	18%	18%	.09
CLASS B	10.51	11%	18%	18%	.09
CLASS B-1	10.84	11%	18%	18%	.09
CLASS B-2	10.63	11%	18%	18%	.09
CLASS C	10.45	11%	18%	18%	.09
CLASS D	10.21	11%	18%	18%	.09
CLASS E	10.04	11%	18%	18%	.09
CLASS F	10.03	11%	18%	18%	.09
CLASS G	10.03	11%	18%	18%	.09
CLASS H	7.03	11%	18%	18%	.09

DECISION No. MI81-2031

LABORERS: OPEN CUT CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 1 - WAYNE, OAKLAND & MACOMB COUNTIES					
CLASS 1	$10.06	$ 1.10	1.15	1.15	.04
CLASS 2	10.14	1.10	1.15	1.15	.04
CLASS 3	10.19	1.10	1.15	1.15	.04
CLASS 4	10.24	1.10	1.15	1.15	.04
CLASS 5	10.29	1.10	1.15	1.15	.04
ZONE 2 - WASHTENAW & SOUTH EAST PART OF LIVINGSTON COUNTY					
CLASS 1	10.01	.75	.50	.65	.04
CLASS 2	10.09	.75	.50	.65	.04
CLASS 3	10.14	.75	.50	.65	.04
CLASS 4	10.19	.75	.50	.65	.04
CLASS 5	10.24	.75	.50	.65	.04
ZONE 3 - SANILAC, ST. CLAIR & MONROE COUNTIES					
CLASS 1	10.02	.75	.50	.65	.04
CLASS 2	10.12	.75	.50	.65	.04
CLASS 3	10.22	.75	.50	.65	.04
CLASS 4	10.27	.75	.50	.65	.04
CLASS 5	10.37	.75	.50	.65	.04
ZONE 4 - JACKSON, HILLSDALE & LENAWEE COUNTIES					
CLASS 1	9.69	.75	.50	.65	.04
CLASS 2	9.79	.75	.50	.65	.04
CLASS 3	9.89	.75	.50	.65	.04
CLASS 4	9.94	.75	.50	.65	.04
CLASS 5	10.04	.75	.50	.65	.04

DECISION No. MI81-2031

LABORERS: OPEN CUT CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 5 - CLINTON, EATON, INGHAM, WESTERN PART OF LIVINGSTON & CITY OR PORTLAND IN IONIA COUNTY					
CLASS 1	$10.02	.75	.50	.65	.04
CLASS 2	10.12	.75	.50	.65	.04
CLASS 3	10.22	.75	.50	.65	.04
CLASS 4	10.27	.75	.50	.65	.04
CLASS 5	10.37	.75	.50	.65	.04
ZONE 6 - GENESEE, LAPEER & SHIAWASSEE COUNTIES					
CLASS 1	9.67	.75	.50	.65	.04
CLASS 2	9.77	.75	.50	.65	.04
CLASS 3	9.87	.75	.50	.65	.04
CLASS 4	9.92	.75	.50	.65	.04
CLASS 5	10.37	.75	.50	.65	.04
ZONE 7 - SAGINAW, BAY, MIDLAND GRATIOT, TUSCOLA, ISABELLA, HURON, CLARE, GLADWIN, ARENAC, ROSCOMMON & OGEMAW COUNTIES					
CLASS 1	9.96	.75	.50	.65	.04
CLASS 2	10.06	.75	.50	.65	.04
CLASS 3	10.16	.75	.50	.65	.04
CLASS 4	10.21	.75	.50	.65	.04
CLASS 5	10.31	.75	.50	.65	.04
ZONE 8 - BARRY, CALHOUN, BRANCH, ALLEGAN, KALAMAZOO, ST. JOSEPH, VAN BUREN, BERRIEN, CASS, MUSKEGON, OCEANA, NEWAYGO, S.W. PART OF EATON TO CITY OF OLIVET & EASTERN PART OF LAKE COUNTY					
CLASS 1	8.86	.75	.50	.65	.04
CLASS 2	8.96	.75	.50	.65	.04
CLASS 3	9.06	.75	.50	.65	.04
CLASS 4	9.11	.75	.50	.65	.04
CLASS 5	9.21	.75	.50	.65	.04

DECISION No. MI81-2031

SW LAB OC

LABORERS OPEN CUT CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and or Appr. Tr.
ZONE 9 - OSCELA, MECOSTA, KENT, MONTCALM, OTTAWA, IONIA, (EXCEPT CITY OF PORTLAND) COUNTIES					
CLASS 1	$ 8.25	.75	.50	.65	.04
CLASS 2	8.35	.75	.50	.65	.04
CLASS 3	8.45	.75	.50	.65	.04
CLASS 4	8.50	.75	.50	.65	.04
CLASS 5	8.60	.75	.50	.65	.04
ZONE 10 - MANISTEE, MASON, EMMET, CHEBOYGAN, ANTRIM, CHARLEVOIX, OTESGO, LEELANAU, BENZIE, GRAND TRAVERSE, KALKASKA, CRAWFORD, WEXFORD, MISSAUKEE, PRESQUE ISLE, MONTMORENCY, ALPENA, OSCODA, ALCONA & IOSCO COUNTIES					
CLASS 1	7.90	.75	.50	.65	.04
CLASS 2	8.00	.75	.50	.65	.04
CLASS 3	8.10	.75	.50	.65	.04
CLASS 4	8.15	.75	.50	.65	.04
CLASS 5	8.25	.75	.50	.65	.04
ZONE 11 ENTIRE UPPER PENINSULA					
CLASS 1	8.99	.75	.50	.65	.04
CLASS 2	9.09	.75	.50	.65	.04
CLASS 3	9.19	.75	.50	.65	.04
CLASS 4	9.24	.75	.50	.65	.04
CLASS 5	9.29	.75	.50	.65	.04

LABORERS: OPEN CUT CONSTRUCTION

CLASS 1 - Construction Laborer
CLASS 2 - Mortar & Material Mixers, Concrete Form Man, Signal Man, Well Point Man, Manhole, Headwall & Catch Basin Builder, Guard Rail Builders & Fence Erectors
CLASS 3 - Air, Gasoline, Electric Tool Opr., Vibrator Opers., Driller, Pumpman Tar Kettle Opr., Bracers, Rodder - Reinforced Steel or Mesh (under 40 H.P.) Windlass & Tugger Man
CLASS 4 - Trench or Excavating Grade Man
CLASS 5 - Pipelayers (inclu.crock, metal pipe, multi-plate or other counduits)

DECISION No. MI81-2031

SW LAB TSC

LABORERS: TUNNEL, SHAFT & CAISSON CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 1 - WAYNE, OAKLAND & MACOMB COUNTIES					
CLASS 1	$10.12	1.10	1.15	1.15	.04
CLASS 2	10.20	1.10	1.15	1.15	.04
CLASS 3	10.25	1.10	1.15	1.15	.04
CLASS 4	10.40	1.10	1.15	1.15	.04
CLASS 5	10.60	1.10	1.15	1.15	.04
CLASS 6	10.85	1.10	1.15	1.15	.04
ZONE 2 - ALL COUNTIES IN THE UPPER & LOWER PENINSULA OF MICHIGAN EXCLUDING WAYNE, OAKLAND, MACOMB, GENESEE, SHIAWASSEE & LAPEER COUNTIES					
CLASS 1	10.76	.75	.50	.65	.04
CLASS 2	10.84	.75	.50	.65	.04
CLASS 3	10.89	.75	.50	.65	.04
CLASS 4	11.04	.75	.50	.65	.04
CLASS 5	11.24	.75	.50	.65	.04
CLASS 6	11.49	.75	.50	.65	.04

DECISION No. MI81-2031

SW LAB TSC

LABORERS:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 1 - WAYNE, OAKLAND & MACOMB COUNTIES					
CLASS 1	$10.12	1.10	1.15	1.15	.04
CLASS 2	10.20	1.10	1.15	1.15	.04
CLASS 3	10.25	1.10	1.15	1.15	.04
CLASS 4	10.40	1.10	1.15	1.15	.04
CLASS 5	10.60	1.10	1.15	1.15	.04
CLASS 6	10.85	1.10	1.15	1.15	.04
ZONE 2 - ALL COUNTIES IN THE UPPER & LOWER PENINSULA OF MICHIGAN EXCLUDING WAYNE, OAKLAND, MACOMB, GENESEE, SHIAWASSEE & LAPEER COUNTIES					
CLASS 1	10.76	.75	.50	.65	.04
CLASS 2	10.84	.75	.50	.65	.04
CLASS 3	10.89	.75	.50	.65	.04
CLASS 4	11.04	.75	.50	.65	.04
CLASS 5	11.24	.75	.50	.65	.04
CLASS 6	11.49	.75	.50	.65	.04

DECISION No. MI81-2031

HIGHWAY CONSTRUCTION: PLANTING OF TREES & SHRUBS ONLY	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 1 - WAYNE, OAKLAND & MACOMB COUNTIES					
CLASS 1	$10.12	1.10	1.15	1.15	.04
CLASS 2	10.20	1.10	1.15	1.15	.04
CLASS 3	10.25	1.10	1.15	1.15	.04
CLASS 4	10.40	1.10	1.15	1.15	.04
CLASS 5	10.60	1.10	1.15	1.15	.04
CLASS 6	10.85	1.10	1.15	1.15	.04
ZONE 2 - ALL COUNTIES IN THE UPPER & LOWER PENINSULA OF MICHIGAN EXCLUDING WAYNE, OAKLAND, MACOMB, GENESEE, SHIAWASSEE & LAPEER COUNTIES					
CLASS 1	10.76	.75	.50	.65	.04
CLASS 2	10.84	.75	.50	.65	.04
CLASS 3	10.89	.75	.50	.65	.04
CLASS 4	11.04	.75	.50	.65	.04
CLASS 5	11.24	.75	.50	.65	.04
CLASS 6	11.49	.75	.50	.65	.04

DECISION No. MI81-2031

SW LAB TSC

LABORERS: TUNNEL, SHAFT & CAISSON CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 3 - GENESEE, SHIAWASSEE & LAPEER COUNTIES					
CLASS 1	$10.41	.75	.85	.65	.04
CLASS 2	10.49	.75	.85	.65	.04
CLASS 3	10.54	.75	.85	.65	.04
CLASS 4	10.69	.75	.85	.65	.04
CLASS 5	10.89	.75	.85	.65	.04
CLASS 6	11.14	.75	.85	.65	.04

CLASS 1 - Tunnel, Shaft & Caisson Laborer, Dump Man, Shanty Man, Hog House Tender, Testing Man (on gas)

CLASS 2 - Manhole, Headwall, Catch Basin Builder, Bricklayer Tender, Mortar Man, Material Mixers, Fence Erector & Guard Rail Builder

CLASS 3 - Air Tool Operator (Jackhammerman, Brush Hammerman & Grinding Man) First Bottom Man, Second Bottom Man, Gage Tender, Car Pusher, Carrier Man, Concrete Man, Concrete Form Man, Concrete Repair Man, Cement Invert Laborer, Cement Finisher, Concrete Shoveler, Conveyor Man, Floor Man, Gasoline & Electric Tool Operator, Gunnite Operator, Pump Man Outside Lock Tender, Scaffold Man, Top Signal Man, Switch Man, Track Man, Tugger man, Utility Man, Winch Operator, Concrete Saw Operator (Under 40 H.P.)

CLASS 4 - Tunnel, Shaft & Caisson Mucker, Bracer, Man, Under Plate Man, Long Haul Dinky Driver & Well Point Man

CLASS 5 - Tunnel, Shaft & Caisson Miner, Drill Runner, Keyboard Operator Power Knife Operator, Reinforced Steel or Mesh Man (Wire Mesh, Steel Mats, Dowell Bars, Etc.)

CLASS 6 - Dynamite Man & Powderman

DECISION No. MI81-2011

HIGHWAY CONSTRUCTION: PLANTING OF TREES & SHRUBS ONLY LANDSCAPE LABORERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 1 Washtenaw, Genesee, Lapeer, Shiawassee, Oakland, Wayne Monroe, Livingston, St. Clair & Macomb Counties					
ZONE 2 Remainder of Counties					
CLASS A Landscape Specialist, including air, gas diesel, electric tool and/or equipment					
Zone 1	$ 8.36				
Zone 2	7.93				
CLASS B Landscape Laborer, Truck Driver, Material Haulers & Small Power Equipment					
Zone 1	6.36				
Zone 2	5.94				

DECISION No. MI81-2031

HWY LC 2-I & II

LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and or Appr. Tr.
ZONE 1 - Huron, Lapeer, Macomb, St. Clair, Sanilac, Tuscola & Wayne Counties; Ingham County - The townships of Leroy, Locke, Wheatfield, White Oak, & Williamson: Lenawee County - Townships of Clinton & Macon; Livingston County - All but the Townships of Tyrone, Cohoctah, Deerfield and Unadilla; Monroe County - all but the Townships of Bedford, Erie, Lasalle and Whiteford Washtenaw County - all but the Townships of Lyndon, Manchester, Sharon, Sylvan & Remainder of Oakland County.					
Linemen- Technician	$17.58	1.50	11%		4%
Cable Splicer	18.32	1.50	11%		4%
Combination Equip. Operator & Groundman	14.14	1.50	11%		4%
Combination Drivers - Groundman	13.32	1.50	11%		4%
Groundman	12.29	1.50	11%		4%
ZONE 2 - Remainder of State					
Linemen & Technician	13.72	.45	7%	5%+a	.5%
Cable Splicers	14.28	.45	7%	5%+a	.5%
Combination Digger Operator Tractor Operator - Groundman	10.72	.45	7%	5%+a	.5%
Light Equipment Operator; Distribution Line Truck Driver Operator- Groundman	9.42	.45	7%	5%+a	.5%
Combination Winch Truck Driver Groundman	8.99	.45	7%	5%+a	
Combination Truck Driver - Groundman	7.62	.45	7%	5%+a	.5%

FOOTNOTE: a - 7 paid holidays: New Year's Day; Memorial Day; Independence Day; Labor Day, Thanksgiving Day; Day after Thanksgiving & Christmas Day, Providing the employee worked the scheduled work day preceding and the next work day following the day observed.

MICH -10-PEO-3

DECISION No. MI81-2031
HIGHWAY, BRIDGE AIRPORT & HIGHWAY CONSTRUCTION

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and or Appr. Tr.
ZONE 1 Wayne, Monroe, Washtenaw Oakland, Macomb & Genesee					
CLASS 1	$11.89	1.50	2.00	13%	*.20
CLASS 2	11.41	1.50	2.00	13%	*.20
CLASS 3	10.96	1.50	2.00	13%	*.20
CLASS 4	10.83	1.50	2.00	13%	*.20
ZONE 2 - Remainder of State					
CLASS 1	11.89	1.50	2.00	13%	*.20
CLASS 2	11.29	1.50	2.00	13%	*.20
CLASS 3	10.85	1.50	2.00	13%	*.20
CLASS 4	10.60	1.50	2.00	13%	*.20

*.05 - Retiree Benefit Fund added AP.TR. Fund

CLASS 1 - Asphalt Plant, Cranes, Draglines, Shovels, Locomotives, Pavers (5 bags or more), Elevating Graders, Pile Driver, Roller (asphalt); Blade Grader, Trenching Mach. (ladder or wheel), Auto-Grader, Slip Form Paver, Self-Propelled or Tractor drawn, Scraper, Conveyor Loader (nuclid type), Endloader (1 yd, & over), Bulldozer, Hoisting Eng., Tractor, Finishing (asphalt), Mechanic, Pump (6" discharge or over, gas, diesel powered or generator 300 amp or more), Shouldering or Gravel Dist. Mach. (self-propelled), Backhoe (over 3/8 yd. bucket), Side Boom Tractor (type D-4 or larger), Tube Finisher (slip form paving), Gradall & Similar Mach., Self-Propelled Asphalt Planer, Concrete Batch Plant, Asphalt, Slurry Mech., Self-Propelled Asphalt Paver, Concrete Pump (3" and over).

CLASS 2 - Sweeper (wayne type & similar equipment), Screening Plant, Washing Plant, Crusher, Backhoe(3/8 yd.Bucket or less), Side boom tractor (smaller than D-4 or equivalent).

CLASS 3 - Air Compressor (600 cu. ft. per min. or more), Air Compressor (2 or more less than 600 cfm), Wagon Drill, Concrete Breaker, Farm Tractor (w/attachments).

CLASS 4 - Oiler, Firemen. Mechanic Helper, Trencher (service) Flexplanes, Cleftplane, Graders Selfpropelled Fine Grade Form (concrete), Concrete Finishing Mach., Boom or Winch Hoist Truck, Endloader (under 1 yd. cap.), Roller (other than asphalt), Curing Equipment (self-propelled), Concrete Saw (40 HP up), Power Bin, Asphalt Plant Driver, Vibratory Compaction Equipment., Power Driver Guard Post Driver, Mulching Equipment, Stump Remover, Boiler Firemen, Concrete Dump (under 3"), Self Propelled Mesh Installer, Farm Type Tractor.

DECISION No. MI81-2031

POWER EQUIPMENT OPERATORS: UNDERGROUND CONSTRUCTION

MICH-8-PEO-U-2-1

ZONE 1	Basic Hourly Rates	Fringe Benefits Payments			
					Education
Cable Splicer	$18.32				
Groundman	14.14				

DECISION No. MI81-2031

SIGN INSTALLERS

	Basic	Fringe Benefits Payments

DECISION No. MI81-2031

MICH-8-PDO-U-2-1

POWER EQUIPMENT OPERATORS: UNDERGROUND CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
ZONE 1 Wayne, Oakland, Macomb, Monroe, Lenawee, Hillsdale, Branch, Calhoun, Jackson, Washtenaw, Livingston, Ingham, Eaton, Clinton, Shiawassee, Genesee, Lapeer, St. Clair, Sanilac, Tuscola, Saginaw, Gratiot, Midland, Bay & Huron Counties					
CLASS I	$12.88	1.05	*1.80	12%	.10
CLASS II	12.63	1.05	*1.80	12%	.10
CLASS III	11.97	1.05	*1.80	12%	.10
CLASS IV	11.46	1.05	*1.80	12%	.10
ZONE 2 - Remainder of State					
CLASS I	11.35	1.05	*1.80	12%	.10
CLASS II	10.96	1.05	*1.80	12%	.10
CLASS III	10.51	1.05	*1.80	12%	.10
CLASS IV	10.26	1.05	*1.80	12%	.10

CLASS I - Power Shovel, Crane (Crawler, truck type or Pile Driving), Dragline, Backhoe, Clamshell Trencher (over 8' digging capacity), Mechanic Endloader (over 1½ cu. yd. cap.), Scraper (selfpropelled or Tractor drawn), Dozer (9 blade & over), Concrete Paver (2 drum or larger), Side Boom Tractor (type D-4 or equivalent 7 larger), Elevating Grader, Roller (asphalt), Gradall (and similar type machine), Batch Plant Oper., (concrete), Backfiller Tamper. Well Drilling Rig, Slip Form Paver, Slope Paver, Conveyor Loader (euclid type) Grader

CLASS II - Trencher (8' digging capacity & smaller), Endloader (1½ cu. yd. capacity & smaller), Dozer (less than 9' blade), Side Boom Tractor (smaller or diesel powered or powered by generator of 300 amps or more - inclusive of other than Backhoe or Front Endloader), Crusher

CLASS III - Air Compressor (2 or more - less thtn 600 CFM), Air Compressors (600 cu. ft. per min or larger), Pumperete Machine (and similar equipment) Mechanic Helper, Maintenance Man, Boom Truck (non-swinging, non-powered type boom), Welding Machine or Generator (2 or more-300 amp or larger - gas or diesel powered), Pump (2 or more 4" up to 6" discharge - gas or diesel powered - excluding submersible pumps), Concrete Paver (1 drum ½ yd. or larger), Wagon Drill (multiple), Elevator (other than passenger), Concrete Breaker (self-propelled or truck mounted - includes compressor)

CLASS IV - Hydraulic Pipe Pushing Machine, Pumps (2 or more up to 4" discharge if used 3 hours or more a day - Gas or Diesel Powered - excluding equipment, Self Propelled (6' wide or over), Stump Remover, Mulching Equipment, Farm Tractor (with attachment), Finishing Machine (concrete), Roller (other than asphalt, curing machine (self-propelled), Concrete Saw (40 H.P. or over)

DECISION No. MI81-2031

SIGN INSTALLERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
CLASS A Performs all necessary labor and uses all tools & equipment required to construct & set concrete forms required in the installation of highway street signs:					
ZONE 1	$11.497	a39.50	a46.00	.15	
ZONE 2	10.697	a39.50	a46.00	.15	
CLASS B Performs all miscellaneous labor, uses all hand power tools and operates all other equipment mobile or otherwise, required for the complete installation of highway and street signs:					
ZONE 1	11.247	a39.50	a46.00	.15	
ZONE 2	10.447	a39.50	a46.00	.15	

FOOTNOTE:

a. Per week Per employee

ZONE 1 - Genesee, Macomb, Monroe, Oakland, Washtenaw & Wayne Counties
ZONE 2 - Remainder of State

DECISION No. MI81-2031

MICH-SWH-TD

TRUCK DRIVERS - HIGHWAY, BRIDGE, AIRPORT & SEWER CONST	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and or Appr. Tr.
ZONE 1					
Genesee, Lapeer, Lenawee, Livingston. Macomb, Monroe Oakland, St. Clair, Washtenaw & Wayne					
CLASS 1	$12.44	39.50a	51.00a	.50	
CLASS 2	12.54	39.50a	51.00a	.50	
CLASS 3	12.69	39.50a	51.00a	.50	
ZONE 2					
CLASS 1	12.34	39.50a	51.00a	.50	
CLASS 2	12.44	39.50a	51.00a	.50	
CLASS 3	12.59	39.50a	51.00a	.50	

TRUCK DRIVERS - ZONES 1 & 2

CLASS 1 - Truck Driver (on all trucks except dump trucks of 8 cubic yds. capacity or over, Tandem Axle Trucks, Transit Mix and Semis, Euclid Type Equipment, Double Bottoms and Low Boys)

CLASS 2 - Truck Drivers on Dump Trucks of 8 Cubic yards capacity or over (including Tandem Axle Trucks, Tandem Axle Water Trucks, Transit Mix and Semis.)

CLASS 3 - Euclid Type Equipment, Double Bottoms and Low Boys for hauling heavy equipment

FOOTNOTE:
a. Per week, Per employee

DECISION No. MI81-2011

MICH-SWH-TD

TRUCK DRIVERS:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and or Appr. Tr.
UNDERGROUND CONSTRUCTION					
Wayne, Oakland, Macomb, Washtenaw, Monroe, St. Clair & Genesee Counties					
CLASS 1	$10.31	36.50a	37.00a		
CLASS 2	10.44	36.50a	37.00a		
CLASS 3	10.64	36.00a	37.00a		
Lapeer & Shiawassee Counties:					
CLASS 1	10.21	36.50a	37.00a		
CLASS 2	10.34	36.50a	37.00a		
CLASS 3	10.54	36.50a	37.00a		
Jackson, Lenawee & Hillsdale Counties					
All Truck Drivers	7.30	10.00a	22.00a		

CLASS 1 - Truck Driver (except dump trucks of 8 cubic yards capacity or over), Pole Trailers, Semis, Low Boys, Euclid, Double Bottom & Fuel Trucks.
CLASS 2 - Truck Driver on Dump Trucks of 8 cubic yards capacity or over, Pole Trailers, Semis & Fuel Trucks
CLASS 3 - Low Boy, Euclid & Double Bottom Driver

FOOTNOTE:
a. Per week Per employee

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii))

SUPERSEDEAS DECISION

STATE: Michigan
DECISION NUMBER: MI81-2030

COUNTY: Kent
DATE: Date of Publication

SUPERSEDEAS DECISION

STATE: MISSISSIPPI

COUNTIES: Calhoun, Carroll, Grenada, Holmes, Lafayette, LeFlore, Montgomery, Panola, Tallahatchie, and Yalobusha

SUPERSEDEAS DECISION

STATE: Michigan COUNTY: Kent
DECISION NUMBER: MI81-2030 DATE: Date of Publication
Supersedes Decision No. MI80-2053 dated July 11, 1980 in 45 FR 47015.
DESCRIPTION OF WORK: Building Construction Projects (excluding single family homes and apartments up to and including 4 stories.)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$ 7.50				
BOILERMAKERS	11.07	1.10	1.20	1.50	.03
BRICKLAYERS & STONEMASONS	7.45				
CARPENTERS	5.96				
CEMENT MASONS	6.12				
ELECTRICIANS	12.85	.75	3%+.35		.01
ELEVATOR CONSTRUCTORS	9.90	.545	.35	4%+a&b	.02
IRONWORKERS:					
Structural & Ornamental	5.86				
Reinforcing	5.92				
LABORERS - Unskilled	4.89				
LABORERS - Mason Tenders	5.15				
PAINTERS - Brush	11.25	.65	.40		.02
PAINTERS - Tapers	11.25	.65	.40		.02
PLASTERERS	7.80				
PLUMBERS & STEAMFITTERS	14.89	.70	1.50		.02
ROOFERS	5.55				
SHEET METAL WORKERS	14.10	.92	1.20	1.00	.04
TRUCK DRIVERS	5.62				
POWER EQUIPMENT OPERATORS:					
Backhoe Operator	7.15				
Bulldozer Operator	8.35				
Crane Operator	5.27				
Finishing Machine Operator	5.50				
Front End Loader	7.02				
Scraper	7.00				
WELDER - Rate for Craft					

FOOTNOTES:
a. 6 Paid Holidays: New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day.
b. Employer contributes 4% or regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years & 2% for employee in business less than 5 years.
c. $5.00 per month - Life Insurance

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii)).

SUPERSEDEAS DECISION

STATE: MISSISSIPPI COUNTIES: Calhoun, Carroll, Gronada, Holmes, Lafayette, LeFlore, Montgomery, Panola, Tallahatchie, and Yalobusha
DECISION NUMBER: MS81-1251 DATE: Date of Publication
Supersedes Decision No.: MS81-1160, January 6, 1981 in 46 FR 1528
DESCRIPTION OF WORK: Residential Construction consisting of single family homes and apartments up to and including four stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
AIR CONDITIONING MECHANICS	$6.50				
BRICKLAYERS	7.00				
CARPENTERS	5.87				
CEMENT MASONS	5.00				
DRYWALL FINISHERS	6.00				
DRYWALL HANGERS	5.00				
ELECTRICIANS	6.58				
INSULATORS	5.00				
IRONWORKERS, Structural & Ornamental	4.50				
IRONWORKERS, Reinforcing	5.00				
LABORERS	3.67				
PAINTERS, Brush	5.64				
PLUMBERS & PIPEFITTERS	6.52				
POWER EQUIPMENT OPERATORS:					
Asphalt Spreader	5.00				
Backhoe	6.00				
Bulldozer	5.50				
Front End Loader	5.50				
Motor Grader	5.00				
Paver	5.00				
Roller	4.50				
Tractor	6.00				
Trenching Machine	5.00				
ROOFERS	5.00				
SHEET METAL WORKERS	6.09				
SOFT FLOOR LAYERS	5.00				
TILE SETTERS	5.00				
TRUCK DRIVERS	3.67				
WELDERS - Rate for Craft					

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: SOUTH CAROLINA
COUNTIES: ABBEVILLE, GREENWOOD, LAURENS, McCORMICK, NEWBERRY, & SALUDA.
DECISION NUMBER: SC81-1053 DATE: DATE OF PUBLICATION
Supersedes Decision Number SC79-1107, dated June 29, 1979, in 44 FR 38105.
DESCRIPTION OF WORK: RESIDENTIAL CONSTRUCTION ER HEVY - consisting of single family homes and apartments up to and including four stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
AIR CONDITIONING & HEATING MECHANICS	$ 5.72				
BRICKLAYERS	7.50				
CARPENTERS	5.00				
CEMENT MASONS	6.00				
DRYWALL FINISHERS	5.50				
DRYWALL HANGERS	5.00				
ELECTRICIANS	5.96				
INSULATION INSTALLERS	4.14				
IRONWORKERS	4.60				
LABORERS:					
Unskilled	3.90				
Pipe layers	4.00				
Mason tenders	4.25				
PAINTERS	5.00				
PLUMBERS & PIPEFITTERS	5.50				
ROOFERS	5.00				
SHEET METAL WORKERS	5.15				
SOFT FLOOR LAYERS	5.50				
TILE SETTERS	6.50				
TRUCK DRIVERS	4.27				
WELDERS - Rate for craft.					
POWER EQUIPMENT OPERATORS:					
Backhoe	5.17				
Bulldozer	5.00				
Front end loader	5.25				
Motor grader	6.13				
Pan - Scraper	4.75				
Paver - Spreader	4.76				
Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR 5.5 (a) (1) (ii)).					

SUPERSEDEAS DECISION

STATE: Texas COUNTY: Bowie
DECISION NO. TX81-4044 DATE: Date of Publication
Supersedes Decision No. TX80-4098, dated December 5, 1980, in 45 FR 80643
DESCRIPTION OF WORK: Building Projects (does not include single family homes and apartments up to and including 4 stories).
(Use current heavy and highway general wage determination for paving & utilities Incidental to Building Construction)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
ASBESTOS WORKERS	$13.675	.835	1.20		.045
BOILERMAKERS	12.70	1.275	1.00		.03
BRICKLAYERS	8.15	.40	.35		.04
CARPENTERS:					
Carpenters	11.25				.05
Millwrights	13.95				.05
Piledrivermen	12.25				.05
CEMENT MASONS	6.82				
ELECTRICIANS	12.02	.60	3%+.50		4%
ELEVATOR CONSTRUCTORS:					
Mechanics	11.14	1.195	.82	a+b	.035
Helpers	70%JR	1.195	.82	a+b	.035
Helpers (Prob)	50%JR				
GLAZIERS	5.30				
IRONWORKERS	12.50	.60	1.45		.06
LABORERS, UNSKILLED	3.70				
LINE CONSTRUCTION:					
Linemen	14.45		3%		4%
Cable Splicers	14.88		3%		4%
Hole digger op., heavy equipment ops. (or pole cat equivalent); powderman	13.15		3%		4%
Line truck driver (winch op.)	11.85		3%		4%
Jackhammer man	10.84		3%		4%
Groundman	9.68		3%		4%
Truck driver (flat bed, ton & half & under)	10.26		3%		4%
PAINTERS	5.50				
PLUMBERS & PIPEFITTERS:					
Within a 25 mile radius of Texarkana	13.85	.68	.70		.05
Outside a 25 mile radius of Texarkana	14.25	.68	.70		.05
ROOFERS	5.71				
SHEET METAL WORKERS	5.99				
SOFT FLOOR LAYERS	7.50				
SPRINKLER FITTERS	14.68	.95	1.40		.08
TRUCK DRIVERS	5.00				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

DECISION NO. TX81-4044

FOOTNOTES FOR ELEVATOR CONSTRUCTORS

DECISION NO. TX81-4044

FOOTNOTES FOR ELEVATOR CONSTRUCTORS
a - 1st 6 mos. - none; 6 mos. to 5 years. - 6%; over 5 yrs. - 8% basic hourly rate,
b - paid Holidays A thru G

PAID HOLIDAYS FOR ELEVATOR CONSTRUCTORS
A- New Years' Day B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-the Friday after Thanksgiving Day; G-Christmas Day.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
GROUP 1	$7.765	.65	1.00		.15
GROUP 2	12.49	.65	1.00		.15
GROUP 3	12.89	.65	1.00		.15

GROUP 1 - Oiler-Fireman
GROUP 2 - Air compressor, Pumps, Welding Machines, Throttle Valves, Light Plants; Conveyor; Wagon drill, Elevators Building; Form Graders; Hoist, Single Drum; Ford Tractor including blade and mower on rear; Mixers, less than 14 cubic feet; Screening Plants; Crushing Plants; Fork Lifts (short, under 25 feet); Concrete Pumps (all Types); Bobcat type equipment
GROUP 3 - Ford Tractor or like with any attachment (except blade and mower on rear); Drilling Machine (all types); Scoopmobile; Hoist, two drums or more; Forklifts (over 25 ft.); Winch Truck; Six Wheel Truck, when used continuously for 5 days; Mixermobile Locomotives; Mixers, 14 cubic feet or over; Blade Graders, self-propelled; Cableways; Cranes - power operated to 100 ft.; Derricks, power operated (all types); Gradall; Hy-Ho; Hop-To; Paving Mixers (all types); Pile Drivers; Mobile Concrete Mixers over 14 cu ft.; Bulldozers; Loaders, Tractovators; Scrapers and Pulls; Welders; Trenching Machines; Roller, ten tons or over; Air Compressors & Air Tugger; Boilers, two or more fired by one man

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

[FR Doc. 81-18607 Filed 6-25-81; 8:45 am]
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federal register

Friday
June 26, 1981

Part III

Department of Agriculture

Forest Service

National Environmental Policy Act; Revised Implementing Procedures

DEPARTMENT OF AGRICULTURE

Forest Service

National Environmental Policy Act; Revised Implementing Procedures

AGENCY: USDA, Forest Service.

ACTION: Notice of proposed revised Forest Service NEPA implementing procedures.

SUMMARY: This notice proposes changes in Forest Service Manual (FSM) 1950, The Forest Service National Environmental Policy Act (NEPA) Process. The procedures being revised were published in the **Federal Register** on July 30, 1979, 44 FR 44718, and were subsequently amended in February 1980

DATE: Comments must be received by August 30, 1981.

ADDRESS: Comments should be sent to Chief, R. Max Peterson, USDA Forest Service, P.O. Box 2417, Washington, D.C 20013.

FOR FURTHER INFORMATION CONTACT: Ralph Solether, Environmental Coordination Specialist, USDA, Forest Service, P.O. Box 2417, Washington, D.C 20013. Telephone (202) 447–4708. FTS 447–4708.

SUPPLEMENTARY INFORMATION: FSM 1950 contains Forest Service policy on NEPA implementing procedures as required by the Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500–1508) as published in the **Federal Register** November 29, 1978. The proposed revision of FSM 1950, when in final form, is intended to reduce paperwork and delay while fully meeting NEPA, CEQ regulations and USDA NEPA policies and procedures, (7 CFR Part 3100).

The present text in FSM 1950 was approved by CEQ and published in the **Federal Register** on July 30, 1979, 44 FR 44718. During the past two years, it became apparent that by more closely following the CEQ regulations the purpose and goals of NEPA would be better served.

In order to cover the extent of the proposed revised procedures, it is necessary to review both Forest Service Manual 1950 and the portions of Forest Service Handbook (FSH) 1909.15 which are included in this notice. The most significant proposed changes are that:

1. Detailed procedures and guidance direction is included in the Handbook The revised Manual is more nearly policy direction.

2. Only policies in addition to the USDA policies and procedures and CEQ NEPA regulations are included in FSM 1950.3 Policy.

3. NEPA process definitions and terminology have been placed in FSH 1909.15.

4. Categorical exclusions are revised.

5. When to prepare an environmental assessment has been redefined.

6. Information on environmental analysis has been moved from FSM 1950 to FSH 1909.15.

7. Direct quotations from the CEQ regulations have replaced throughout the manual and the handbook with references to the CEQ Regulations 40 CFR 1500–1508.

8. Environmental analysis is described as a component of Forest Service planning and decisionmaking rather than the Forest Service planning and decisionmaking process.

9. Environmental assessments may be prepared in any format provided that CEQ content requirements are met.

10. The interdisciplinary approach used in preparing environmental assessments is expanded to include those situations where an individual may be assigned the task for preparing a simple assessment, provided information from other disciplines is considered.

11. Tiering and adoption are expanded to include environmental assessments.

12. The CEQ format is prescribed for environmental impact statements.

Ambiguities between environmental analysis, decisionmaking, and planning are removed. Prodedural details formerly in FSM 1950 now appear in FSH 1909.15. Comments on the proposed revisions are invited. To be considered in preparation of the final revision of the implementing procedures, comments must be received by August 30, 1981.

Dated: June 19, 1981

R. Max Peterson,

Chief.

June 22, 1981.

Title 1900—Planning

CHAPTER 1950—NATIONAL ENVIRONMENTAL POLICY ACT IMPLEMENTING PROCEDURES

Contents

1950.1 Authorities.
1950.2 Objectives.
1950.3 Policies.
1950.4 Responsibilities.
1950.5 Definitions.
1951 Categorical Exclusions.
1952 When to Prepare an Environmental Assessment.
1953 When to Prepare an Environmental Impact Statement.
1954 Emergencies.
1955 Procedures Related to Other Documents.
1955.1 Notice of Intent.
1955.2 Finding of No Significant Impact.
1955.3 Record of Decision.
1955.4 Decision Notice.

Chapter 1950—National Environmental Policy Act Implementing Procedures

This chapter and FSH 1909.15, the NEPA Implementing Procedures Handbook, constitute Forest Service supplemental procedures for implementing the National Environmental Policy Act (NEPA) as amended (42 U.S.C. 4321–4347 (1976)) under Department of Agriculture (USDA) NEPA Policies and Procedures and Council on Environmental Quality (the Council's) Regulations. See Chapter 500, FSH 1909.15, the NEPA Implementing Procedures, for the Council's Regulations, 40 CFR 1500–1508, and USDA NEPA Policies and Procedures, 7 CFR 3100.

These implementing procedures supplement and are not a substitute for the Council's Regulations.

1950.1 Authorities

The Forest Service is encouraged by NEPA to carry out its programs in ways that will create and maintain conditions under which man and nature can exist in productive harmony and fulfill social and economic needs of present and future generations.

NEPA requires that a systematic interdisciplinary approach be used in planning and decisionmaking which may have an impact on the human environment. NEPA also requires detailed statements on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment.

1950.2 Objectives

(See FSM 1900)

The objective of the Forest Service NEPA procedures is to integrate the requirements of NEPA with planning and decisionmaking.

1950.3 Policy

1. Environmental documents must be concise, written in plain language, and address the issues pertinent to the decision being made.

2. Environmental documents may replace or be combined with other reports which serve to facilitate decisionmaking.

3. Costs of analyses and documents for in-Service originated programs are a part of the regular budgetary process for the plan, program, or project. Costs are, therefore, borne by the benefiting activity(ies) unless special provision is made at the Washington Office level.

4. For out-Service originated activities, project proponents may be required to provide data and documentation, subject to the requirements of 40 CFR

1506.5(b). When an applicant is permitted or a contractor is employed to prepare an environmental assessment (EA) or an environmental impact statement (EIS), their activities shall be limited to those shown as the usual role of participants for staff, specialists, or interdisciplinary team in chapter 100 of FSH 1909.15. Applicants or contractors shall be required to comply with the requirements of FSM 1900 and 1950.

5. The Chief, Regional Foresters, Area and Station Directors, and Forest Supervisors shall designate a person in their offices to serve as Environmental Coordinator who shall be responsible for providing information on status of EIS's and other elements of the NEPA process.

6. Environmental documents, decision notices, and records of decision must be provided and/or made available for review by the public free of charge to the extent practicable.

7. An environmental assessment may be prepared in any format useful to facilitate planning and decisionmaking.

8. The concepts of tiering and adoption applicable to environmental impact statements are also applicable to environmental assessments.

1950.4 Responsibilities

1950.41 Chief

The Chief is responsible for environmental analysis and documentation relating to legislation and national policies, plans, programs, and projects including but not limited to those affecting areas involved in pending legislation for wilderness designation or study.

1950.42 Director of Environmental Coordination

The Director is the staff official responsible for the establishment of national standards, procedures and coordination necessary to carry out the policies and implementation of NEPA for the Forest Service.

1950.43 Regional Foresters, Station Directors, and Area Directors

Officials delegated responsibility for proposed actions are responsible for environmental analyses and documentation. Delegations of authority are specified in FSM 1230.

Regional Foresters, Station Directors, and Area Directors are authorized to file environmental impact statements directly with the EPA for actions within their authority. This authority may be redelegated, as appropriate.

1950.5 Definitions

(See FSH 1909.15, Section 410)

1951 Categorical Exclusions

(See 40 CFR 1508.4)

In addition to the actions listed by the Department as catergorical exclusions in 7 CFR 3100.22, the classes of actions listed below are also categorically excluded from documentation in an environmental assessment or environmental impact statement. These are actions which, based on previous experience, have been found to have limited context and intensity (40 CFR 1508.27 (a) and (b)) and produce little or no environmental effects to either the biological or physical components of the human environment.

1. Routine operations and maintenance actions. Routine operations are ongoing or recurring actions which are limited in scope with respect to environmental change to the biological or physical components of the human environment. These actions include operations that do not alter existing conditions—such as administration of ongoing operations, equipment purchases, custodial actions, posting of signs, and station and area surveillance.

Routine maintenance means the repair, renovation, and upkeep of facilities and improvements at the same location for the same purpose. Some routine operations or activities, such as rights-of-way maintenance involving the use of pesticides or storage of toxic substances, may be of sufficient scope to require environmental documents.

2. Actions with short-term effects. A few examples of actions within this class are granting and/or renewal of permits for: gathering fire wood, collecting plant materials, siting of bee hives, mountain climbing, and river floating.

3. Actions of limited magnitude: Actions which may fall within this class are: small timber sales, small thinning and pruning projects, small seeding and planting projects, and range and wildlife improvement projects such as water trough installation or short lengths of fences.

Not withstanding the categorical exclusions listed above, the responsible official may determine that circumstances dictate the need to prepare an environmental document.

The responsible official may prepare a decision notice to document the exclusion of a particular action.

1952 When To Prepare an Environmental Assessment (EA)

An environmental assessment must be prepared for actions other than those categorically excluded, specifically and adequately analyzed and discussed by another environmental impact statement or environmental assessment, or for which a decision has already been made to prepare an environmental impact statement.

1953 When To Prepare an Environmental Impact Statement (EIS)

EIS's must be prepared for:

1. Proposals for legislation recommended by the Forest Service which are determined to be a major Federal action significantly affecting the quality of the human environment.

2. Regional and Forest land and resource management plans.

3. Other major Federal actions significantly affecting the quality of the human environment that have not been adequately addressed in another environmental impact statement.

"Major" actions and "significant" effects are difficult to define precisely and uniformly because of the great variation in social, economic, physical, and biological conditions. The responsible official shall determine when an environmental impact statement is needed.

(See 40 CFR 1508.18 and 1508.27)

1954 Emergencies

(See 40 CFR 1506.11)

Some individual actions may require immediate attention, such as those covered in Forest Service Manuals 1590 and 3540, to prevent or reduce risk to public health or safety or serious resource loss. These include but are not limited to fire suppression, oil or toxic substance spills, search and rescue, avalanche abatement, or reduction of impending fire losses. Normally, these actions will not require environmental documentation unless called for by the responsible line officer. The Director of Environmental Coordination will consult with the Council as necessary under 40 CFR 1506.11.

1955 Procedures Related to Other Documents

1955.1 Notice of Intent

In addition to requirements of 40 CFR 1508.22, the name and title of the responsible official(s) and the estimated dates for filing the draft and final environmental impact statement must be given.

1955.2 Finding of No Significant Impact

(See 40 CFR 1508.13)

1955.3 Record of Decision

A record of decision is a separate document which records the decision of the responsible official. In addition to

the requirements in 40 CFR 1505.2, the location, administrative unit, and a statement indicating whether or not the decision is subject to administrative review (36 CFR 211.19) must be provided in the record of decision.

For decisions that are subject to administrative review, the responsible official must sign and date the record of decision on the date that it and the final environmental impact statement are transmitted to the Environmental Protection Agency and made available to the public.

For decisions that are not subject to administrative review, the record of decision shall not be signed and dated until 30 days after the Environmental Protection Agency publishes the notice of availability of the final environmental impact statement in the **Federal Register**.

1955.4 Decision Notice

At the time of decision the responsible official shall sign and date a decision notice indicating what the decision was in cases where an environmental assessment has been prepared. The decision notice also must include the reasons for the decision and a statement on appeal rights (36 CFR 211.19) as appropriate.

The responsible official shall notify the public of the decision or availability of the decision notice as appropriate.

U.S. Department of Agriculture—Forest Service FSH 1909.15

NEPA Implementing Procedures Handbook

The Forest Service National Environmental Policy Act (NEPA) process consists of all measures necessary for compliance with the requirements of Section 2 and Title 1 of the National Environmental Policy Act, as amended. This handbook provides procedural guidelines for implementing the Council on Environmental Quality (the Council) Regulations 40 CFR 1500-1508, as they pertain to Forest Service activities.

Environmental analyses, environmental documents, decision, and implementation and monitoring are the primary subjects addressed. Objectives, policies, responsibilites, and identification of typical classes of actions which require or do not require environemntal documents are addressed in FSM 1950.

U.S. Department of Agriculture—Forest Service

NEPA Implementing Procedures Handbook

Contents

Chapter
100 Environmental Analysis.
200 Environmental Assessments.
300 Environmental Impact Statements.
400 References.

NEPA Implementing Procedures Handbook

Chapter 100.—Environmental Analysis

Contents

Chapter
110 Definitions.
120 Analysis Actions.
120.1 Identify Purpose and Need.
120.2 Develop Criteria.
120.3 Collect Data.
120.4 Interpret Data.
120.5 Formulate Alternatives.
120.6 Estimate Effects.
120.7 Evaluate Alternatives and Identify the Forest Service Preferred Alternative.

Chapter 100.—Environmental Analysis

Environmental analysis is the process necessary for the preparation of an environmental assessment or environmental impact statement. It is an analysis of alternative actions, and their predictable short- and long-term environmental effects, which include physical, biological, economic and social factors and their interactions. If an action is determined to be categorically excluded, no environmental analysis is required (see FSM 1951).

The usual relationships between the environmental analysis, the environmental documents, the decision documents, and implementation are shown below:

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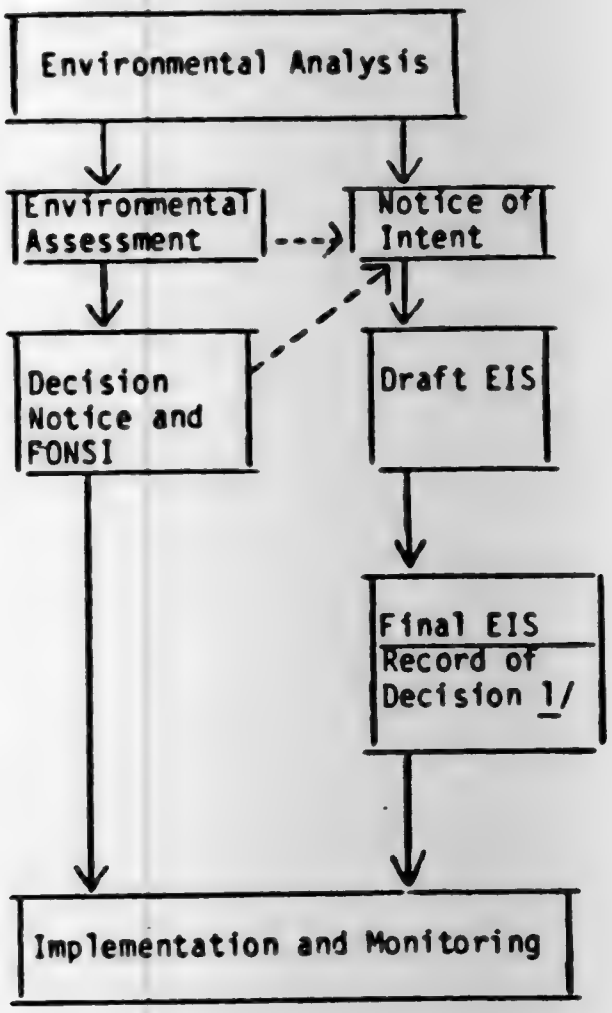
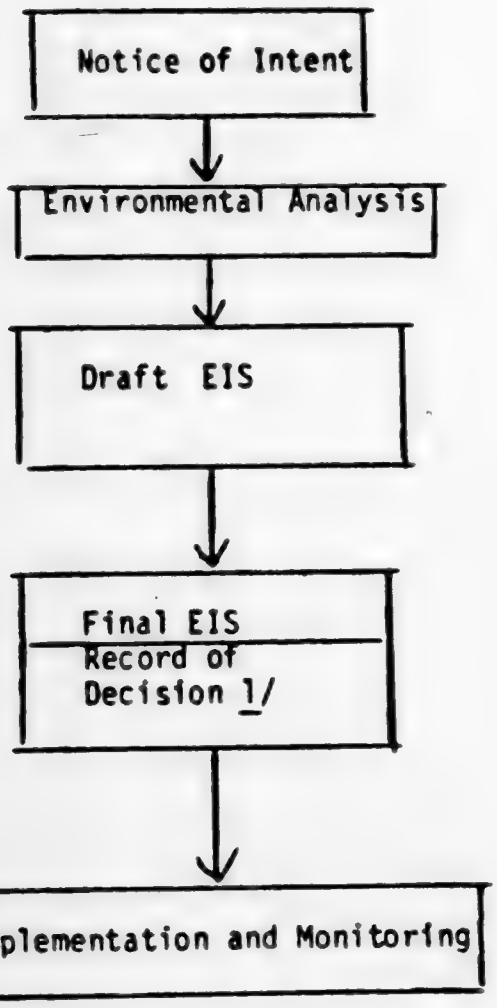
100-2

NEPA IMPLEMENTING PROCEDURES HANDBOOK

If the need for an EIS has not been determined:



If the need for an EIS has been determined: (FSM 1953)



1/ If the decision is not subject to administrative review (36 CFR 211.19), the record of decision is signed and dated no sooner than 30 days after the notice of availability of the final EIS has been published in the Federal Register.

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A model of the NEPA Process illustrating environmental analysis, documentation, decision, implementation and monitoring, and usual role of participants is shown below:

Usual Role of Participants

NEPA process	Responsible official	Staff, specialist or interdisciplinary team	Agencies, organizations, and individuals
1 Environmental analysis actions [1] [2]			
A Identify purpose and need	Approval	Responsible	Recommend
B Develop criteria	Approval	Responsible	Recommend
C Collect data	Review	Responsible	Provide information
D Interpret data analyze the situation	Review	Responsible	Provide information
E Formulate alternatives	Review	Responsible	Recommend
F Estimate effects	Review	Responsible	Provide information
G Evaluate alternatives	Review	Responsible	Provide information
H Identify the FS preferred alternative [3]	Responsible	Recommend	Recommend
2 Documentation	Review	Responsible	Review
3 Decision	Responsible	Recommend	Review
4 Implementation and monitoring	Responsible	Assist	Assist

[1] Analysis actions may be combined as appropriate to the situation.
[2] Unless categorically excluded.
[3] When an EIS is required.

110 Definitions

Definitions and terminology for the NEPA process are included in Section 410.

120 Analysis Actions

Environmental analysis uses a systematic interdisciplinary approach to examine a proposed action and alternatives, and their effects, as an aid to identify a preferred course of action. The process is intended to be an integrated component of planning and decisionmaking for actions for which the preparation of an environmental assessment or environmental impact statement has been determined to be necessary. Therefore, the environmental analysis process should provide the information and opportunity for exchange of ideas involved in the development of an environmental assessment or an environmental impact statement at a meaningful stage in decisionmaking.

Because the nature and complexity of the proposed action determines the scope and intensity of the analysis required, no single preferred technique is required or prescribed. Various steps of the process outlined in this handbook may be combined or omitted as appropriate. The disciplines involved in an analysis should be appropriate to the scope of the proposed action and issues identified. In each analysis, use should be made of previously documented information to avoid duplication of efforts. The responsibility for determining the scope and intensity of an environmental analysis rests with the line officer responsible for the decision on the action being proposed.

If the need to complete the analysis is eliminated (that is, if a project application is withdrawn, or for other reasons), the analysis should be terminated and the interested parties informed.

When an environmental analysis deals with the establishment of standards, criteria, and guidelines as discussed in 36 CFR 216, required documentation is in accordance with Interim Directive No. 6, FSM 1626.

120.1 Identify Purpose and Need

Environmental analyses begin by identifying the objectives, issues, concerns, and opportunities to be addressed and the need for a decision.

120.2 Develop Criteria

Criteria and standards that are used to guide the process should be agreed upon early.

At the outset, the responsible official or designated staff determines from documentation already available and other prior experience related to the proposed action, the approximate extent of analysis which will be required to provide a basis for an informed decision. This preliminary determination will assist in the choice of whether it will be necessary to create an interdisciplinary team of preparers or reviewers to carry out the remainder of the analysis process, or whether a much less formal interdisciplinary approach will suffice (see 220.1). This initial appraisal also contributes to and guides subsequent steps in the analysis process. The following considerations are among those appropriate in this initial step.

1. Actions adequately addressed by another environmental document such as in an environmental impact statement for a Forest Plan. For such actions, it is possible to prepare a record of decision or a decision notice and finding of no significant impact adopting the previously prepared EA or EIS with no further analysis necessary.

2. Environmental effects or other information discussed in another environmental document or other records may narrow the scope of the environmental analysis necessary and be incorporated by reference in the environmental documents prepared for the proposed action (See 220.4 (Tiering), 220.5 (Adoption), 330.6 (Incorporation by Reference)).

Forest Service objectives established in policies and plans are considered in establishing criteria and standards. The objectives may help in the identification of significant, issues, concerns, and opportunities to be addressed in detail during the analysis and determine the criteria for the subsequent steps in the analysis.

Criteria are frequently needed in regard to the following items:

1. The kind, detail, and accuracy of data,
2. The depth or level of analysis, and
3. The formulation and evaluation of alternatives.

Criteria are adjusted throughout the process as necessary.

120.3 Collect Data

The type and amount of data to be collected depends on the situation, objectives, issues, concerns, opportunities, and scope of anticipated effects. Data collection should focus on the present and expected future conditions of those physical, biological, economic, and social factors affecting and affected by the decision. Assumptions and methods used in the analysis should be recorded for subsequent use in documentation. Sources of data should be documented. Worst-case analysis procedures for environmental impact statements should be followed in the event that essential information to a reasoned choice is not known or is not available. (See 40 CFR 1502.22).

120.4 Interpret Data

Data and information should be interpreted to provide an understanding of current and expected future conditions related to the objectives, issues, and concerns. This may include supply and demend relationships and other relevant physical, biological, economic, and social factors.

120.5 Formulate Alternatives

A reasonable range of alternatives is developed to provide different ways to address the objectives and significant issues, concerns, and opportunities.

Objectives from legislation or higher-order Forest Service plans, programs, and policies guide but do not necessarily limit the range of alternatives. The range of alternatives must be broad enough to respond to significant objectives, issues, concerns and opportunities. All reasonable alternatives are considered in the process of developing the reasonable range.

"the phrase 'all reasonable alternatives' is firmly established in the case-law interpreting the NEPA. The phrase has not been interpreted to require that an infinite or unreasonable number of alternatives be analyzed." (Supplementary information for the Council's Regulations, Federal Register Vol. 43, No. 230, Nov. 29, 1978, p. 55983).

The alternative of taking no action must always be considered. Two distinct interpretations of "no action" are often possible depending on the nature of the proposal being evaluated. The first situation might involve an action such as updating a land management plan where ongoing programs initiated under existing legislation and regulations will continue, even as new plans are developed. In these cases "no action" is "no change" from current management direction or level of management intensity. To construct an alternative that is based on no managment at all would be a useless academic exercise. Therefore, the "no-action" alternative may be thought of in terms of continuing with the present course of action until that action is changed. Consequently, projected impacts of alternative management schemes would be compared to those impacts projected for the existing plan. In this case, alternatives would ordinarily include management plans of both greater and lesser intensity, especially greater and lesser levels of resource development.

The second interpretation of "no action" is illustrated in instances involving Federal decisions on proposals for projects. "No action" in such cases would mean the proposed activity would not take place. The resulting environmental effects from taking no action would be compared with the effects of permitting the proposed activity or an alternative activity to go forward.

In this case the analysis can provide a benchmark, enabling decisionmakers to compare the magnitude of environmental effects of the action alternatives. Reasonable alternatives outside the jurisdiction of the Forest Service are also considered when environmental impact statements are involved (see 40 CFR 1502.14).

Alternatives should be fully and impartially developed. Care should be taken to ensure that the range of alternatives does not prematurely foreclose options which might protect, restore, and enhance the environment.

Alternatives are often modified and/or new alternatives may be developed as the analysis proceeds.

Alternatives should be formulated to include management requirements, mitigation measures, and monitoring of environmental effects.

120.6 Estimate Effects

(See 40 CFR 1508.8)

The appropriate effects of implementing each alternative is estimated. Direct, indirect, and cumulative effects should be considered. Effects are expressed in terms of changes in the physical, biological, economic, and social components of the environment for each alternative. The changes should be those associated with implementation of alternatives and when possible should be analyzed in terms of differences from the present condition, magnitude, duration, and significance. See Section 420 for a list of environmental factors which may change as a result of implementation of the various alternatives. It is not always necessary to deal with all factors and components of the environment. The effects considered in detail should be those of significance to the objectives, issues, concerns, and opportunities.

Unquantified environmental amenities and values should be given appropriate consideration.

If the information relevant to adverse impacts is essential to a reasoned choice among alternatives being considered in an environmental impact statement is not known, see 40 CFR 1502.22.

If indicators of economic efficiency are appropriate, they are developed in this step. When this is done, the relationship of economic efficiency and any analysis of unquantified environmental impacts, values, and amenities should be identified.

Although separate analysis is not necessary, the following are considered for all alternatives:

1. Effects on consumers, civil rights, minority groups and women. (Secretary's memorandum 1662, supplement 8 and OMB Circular A–19, FSM 1730).

2. Effects upon prime farmland, rangeland, and forest land.

3. Effects upon wetlands and flood plains.

4. Effects upon threatened and endangered species.

5. Cultural resources.

120.7 Evaluate Alternatives and Identify the Forest Service Preferred Alternative

Using evaluation criteria, alternatives are compared. This evaluation provides a basis for identifying preferable alternative(s) and the need for an environmental impact statement (EIS)—if not otherwise required.

When the need for an EIS has not already been established (FSM 1953.), the significance of effects should be considered in terms of context and intensity in determining the need for an EIS. (See 40 CFR 1508.27, "significantly" for definition of context and intensity).

Chapter 200.—Environmental Assessments

Contents

Chapter
210 Documentation.
210.1 Format and Content.
210.2 Processing Environmental Assessments (Reserved).
220 Other Considerations.
220.1 Interdisciplinary Approach
220.2 Public Involvement.
220.3 Responsibilities (When Applicants and Contractors Are Involved).
220.4 Tiering.
220.5 Adoption.
220.6 Incorporation by Reference.
230 Decision.
230.1 Decision Notice.
230.2 Finding of No Significant Impact.
230.3 Unprecedented Action Similar to Those Which Normally Require an EIS.
230.4 Actions Involving Flood Plains and Wetlands.
230.5 Actions with Effects of National Concern
230.6 Distribution.
240 Implementation and Monitoring.

Chapter 200.—Environmental Assessments

This section provides implementing procedures concerning environmental assessments. (See 40 CFR 1508.9.)

210 DOCUMENTATION

(See FSM 1952.)

If environmental analysis reveals that an action significantly affects the quality of the human environment, then an environmental impact statement is needed and a notice of intent is published. Although the actual length and detail of documentation in an environmental assessment may vary, an environmental assessment normally should not exceed 15 pages.

210.1 Format and Content

(See 40 CFR 1508.9(b))

An environmental assessment may be prepared in any format useful to facilitate planning and decisionmaking. It must include brief discussion of:

1. The need for the proposal,
2. Alternatives as required by Section 102(2)(E) of NEPA, and
3. Environmental impacts of the proposed action and alternatives.
4. The assessment must also include a listing of agencies and persons consulted.

220.1 Interdisciplinary Approach

NEPA requires a systematic, interdisciplinary approach which will ensure an integrated use of the natural and social sciences and the environmental design arts in planning and decisionmaking which may have an impact on the human environment.

The interdisciplinary approach used in environmental analysis for those actions documented in environmental assessments will vary according to the judgment of the responsible official. It is not necessary to establish interdisciplinary teams for all analyses. For example, if an individual assigned to do a simple environmental assessment, he or she must consider the physical, biological, economic, and social factors pertinent to the decision in order to meet interdisciplinary requirements. The more complex a decision is, the greater the likelihood that a team of preparers (more than one individual) and/or reviewers should be used. See section 350.1 for additional information if interdisciplinary teams are involved

Any approach that fosters interdisciplinary exhange of information concerning the analysis, the assessement, and the decision is preferred.

220.2 Public Involvement

(See 40 CFR 1506.6.)

The responsible official may determine in certain cases to apply the scoping concept to the preparation of an environmental assessment.

220.3 Responsibilities. (When Applicants and Contractors are Involved)

(See 40 CFR 1506.5(b).)

Project proponents may be required to provide data and documentation. When an applicant is permitted to prepare an environmental assessment or a contractor is employed, their activities should be limited to those shown as the usual role of participants for staff, specialists, and interdisciplinary teams in the table shown in Chapter 100 of this Handbook.

Applicants or contractors may be required to conduct studies to determine the impact of the proposed action on the human environment.

220.4 Tiering

(See 40 CFR 1502.20 and 1508.28.)

Tiering is appropriate to environmental assessments as well as environmental impact statements. (See also section 352.).

220.5 Adoption.

(See 40 CFR 1506.3.)

Adoption is appropriate to environmental assessments as well as environmental impact statements.

220.6 Incorporation by Reference.

(See 40 CFR 1502.21.)

230 Decision

230.1 Decision Notice

A decision notice may be a separate document or combined with a finding of no significant impact which is attached to the environmental assessment.

The decision notice may also be an integral part of simple environmental assessments. See Exhibit 1 of this chapter for a sample combined decision notice and finding of no significant impact.

See Exhibit 2 of this chapter for a sample combined environmental assessment, decision notice, and finding of no significant impact.

The responsible official signs and dates the decision notice and notifies the public as appropriate. For those actions subject to administrative review (appeals) (36 CFR 211.19), the appeal period begins with the date of the decision. The decision notice briefly states:

1. what the decision was and the date,
2. the reasons for the decision,
3. the finding of no significant impact (when combined with the decision notice, see Section 230.1 above) and,
4. the appeal rights (36 CFR 211.19), as appropriate.

In most situations involving environmental assessments, implementation can take place immediately after the decision notice is signed.

230.2 Finding of No Significant Impact

(See 40 CFR 1508.13.)

A finding of no significiant impact may be included as an integral part of the decision notice.

Exhibit 1.—Sample Decision Notice and Finding of No Significant Impact

Decision Notice and Finding of no Significant Impact (Lower Star River Recreation Project, Summit County, Colorado)

USDA Forest Service, Star Mountain National Forest

An environmental assessment that discusses proposed recreation development on 150 acres of National Forest lands adjacent to six (6) miles of the Star River is available for public review in the Forest Service Office in Central, Colorado. This project involves the flood plains and wetlands adjacent to the Star River.

It is my decision to adopt Alternative B for the recreation development and management for these National Forest System lands. This alternative calls for moderate development and use, including two day-use picnic sites, 40 developed camping sites, and 12 miles of nature trails. Alternative B provides for recreation development and use with minimum environmental impacts near a metropolitan area with rapidly increasing demand for recreational opportunities.[1] Other alternatives considered were (A) the no-action alternative which would continue present management, (C) maximum development and use to accommodate 10,000 persons at one time, and (D) an alternative that would allow for day-use only. The assessment evaluates the site-specific design and construction necessary to implement some of the management decisions contained in the Star Mountalun National Forest Plan.

The District Ranger is directed to modify Alternative B to initiate a monitoring program to determine annually the effects of project implementation upon the water quality of the Lower Star River. In addition, the use of the area shall be limited to not more than 5,000 persons at one time. Mitigation measures to avoid environmental harm are specified in the environmental assessment.

Alternative B, with specified mitigation measures and monitoring, provides the best combination of physical, biological, social, and economic benefits and is considered to be the environmentally preferable alternative.

I have determined that this is not a major Federal action that would significantly affect the quality of the human environment. Therefore, an environmental impact statement is not

[1] Decision and reasons for the decision.

needed. This determination was made considering the following factors: (a) construction of roads and day-use recreational facilities on 150 acres will have only a slight effect on the ecosystem; (b) there are no irreversible resource commitments or irretrievable loss of timber production on lands used for roads and parking lots; (c) there are no apparent adverse cumulative or secondary effects; (d) the physical and biological effects are limited to the area of planned development and use; and (e) no known threatened or endangered plants or animals are within the affected area.[2]

Project implementation will take place no sooner that 30 days from the date of this decision.[3]

This decision is subject to administrative review (appeal) pursuant to 36 CFR 211.19.

Dated: September 1, 1984.

William E. Hill,

Forest Supervisor.

Exhibit 2.—Sample Environmental Assessment, Decision Notice, and Finding of No Significant Impact

Environmental Assessment Decision-Notice Finding of no Significant Impact—Pretaining to Right-of-Way Acquisition for the Deer Park Work Center, North Side Ranger District, Summit County, Colorado

USDA Forest Service, Star Mountain National Forest

It has been determined through a land survey that a small portion of the road that provides access to the Deer Park Work Center is located on private land. Moreover, other Forest Service constructed improvements including a weather station and a fence are also located on the private land.

The affected private land consists of a small triangular-shaped parcel, approximately 0.08 acre in size which is wedged between the federally owned administrative site and County Highway Number 136. The shape of the parcel and its small size result from the fact that most of the subdivision lot of which it was once a part was acquired for County Highway purposes. The parcel is a part of Lot 1, Block 1, Deer Park Subdivision in Section 6, T.6S., R.70W., 6th PM.

Occupancy of the private land is occurring at the will of the landowner. However, the landowner desires resolution of the matter.

The practical alternatives available to the Forest Service for resolving the situation are:

1. relocate the access road and improvements,
2. purchase a right-of-way easement for road purposes and relocate the other improvements,
3. purchase a right-of-way in fee which would include all of the parcel, and
4. purchase the parcel in fee through land purchase authorities and purchase a right-of-way easement.

The alternatives of no action and land exchange were identified, but considered impractical. The no-action alternative is not legally appropriate, and land exchange would not be practical because of the very small acreage involved.

Each of the alternatives were evaluated on the basis of applicable laws and policies, physical opportunities, relative costs, and social benefits.

The relocation alternative would require obliteration of the existing road entryway, construction of a new entryway northwest of the existing, and construction of a new site for the weather station. Construction at the alternate roadway location would require a substantial amount of road fill, and result in a winding road alignment. The resulting traffic circulation pattern would not be as safe or convenient as the existing pattern. The private parcel would no longer be occupied by Forest Service improvements; however, because of its shape, small size, and location, the parcel appears unsuitable for any other beneficial use. This alternative would cost about $50,000.

The alternative of purchasing a right-of-way easement would permit continued use of the present entryway, but necessitate relocation of the weather station. Because of the small size and configuration of the parcel and the impact of road use, acquisition of a partial interest for a road right-of-way would prevent any other effective use of the parcel and would result in severence damages equivalent to the value of the fee estate, This alternative would cost about $5,000.

The alternative of purchasing a right-of-way in fee that would include all of the parcel would permit continued use of the entryway and weather station. It would also result in the establishment of straight and logical property lines, and the most beneficial use of the land. This alternative would involve the least cost (about $500).

The alternative of purchasing the parcel in fee under authorities for the acquisition of administrative sites would provide the same results as the previous alternative, except that it would entail more cost to the government due to future administrative costs. Provision for use of these authorities must be made in applicable appropriations. Consequently, the acquisition process is more extended and complicated.

Because of limited access opportunity to the Work Center and the layout of Forest Service buildings in relation to the location of the existing entryway, the Forest Service desires to acquire rights to the property rather than relocate the road and other improvements. The County Highway Department and Summit County Commissioners were consulted concerning the right-of-way acquisition and had no objections.

It is my decision to proceed with the alternative of purchasing a right-of-way in fee. This alternative will provide the most suitable and safe access to the Work Center at the least cost and is considered the environmentally preferred alternative. In addition, it will improve property lines and result in the most beneficial use of this parcel of land. While it is the general policy (FSM 5461.03a.3.) to acquire right-of-way easements, the authority to acquire rights-of-way is broad enough to acquire a right-of-way area in fee. It is evident from the circumstances of this situation that fee acquisition is appropriate.

This proposal would create no adverse resource impact in the area. There are no known threatened or endangered species or wetlands or flood plains present in the affected area.

Based on the facts and circumstances discussed herein, it is determined that there will be no significant impact on the quality of the human environment; therefore, an environmental impact statement will not be prepared.

Implementation of the right-of-way acquisition may take place immediately. Implementation is subject to administrative review (appeal) pursuant to 36 CFR 211.19. The 45-day period for administrative review begins with the date of this decision.

Questions regarding this decision should be sent to the Regional Forester,

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[2]Factors that were considered in making the determination than an environmental impact statement (EIS) was not required (finding of no significant impact).

[3]Date when implementation may start. For this example wetlands and flood plains are involved. The "brief review period before taking any action" required by Executive Order 11988 and Executive Order 11990 will be met by the 30-day waiting period before implementation.

USDA Forest Service, 8434 W. Custer Ave., Summit, Colorado 80225.

William Watson,

Regional Forester.

230.3 Unprecedented Actions or Actions Similar to Those Which Normally Require an EIS

(See 40 CFR 1501.4e)

Decisions are not implemented until after the decision notice and finding of no significant impact have been available for public review (including State and areawide clearinghouses) for 30 days when:

1. the proposed action is or is closely similar to one which normally requires preparation of an environmental impact statement or

2. the nature of the proposed action is without precedent.

At the end of the 30-day period the action may be implemented or a notice of intent to prepare an environmental impact statement may be published.

230.4 Actions Involving Flood Plains and Wetlands

The decision notice is signed and dated. It states that implementation will not take place until 30 days have elapsed to allow a reasonable period of public review as required by Executive Order 11988 and Executive Order 11990.

230.5 Actions with Effects of National Concern

If the responsible official determines that an environmental impact statement is not needed but the effects of the action are of national concern, the decision notice and finding of no significant impact are published in the **Federal Register** and sent to State and areawide clearinghouses.

230.6 Distribution

Environmental assessments, decision notices, and findings of no significant impact are distributed in a manner that the responsible official deems appropriate.

240 Implementation and Monitoring

240.1 Implementation

Implementation of actions documented in a decision notice not involving the situations described in Sections 230.3 and 230.4 may take place immediately after the decision notice is signed and dated. Implementation includes responding to any requirements for mitigation or monitoring included in the environmental assessment or decision notice.

240.2 Monitoring

Actions are monitored to ensure that:

1. environmental safeguards are executed according to plan,

2. necessary adjustments are made to achieve desired environmental effects, and

3. anticipated results are achieved.

Chapter 300.—Environmental Impact Statements

Contents

Chapter
310 Scoping.
320 Documentation
321 Notice of Intent (NOI).
321.1 Composite Lists.
330 Environmental Impact Statement (EIS)
330.1 When To Prepare.
330.11 Proposals for Legislation
330.2 Page Limits
330.3 Writing.
330.4 Format.
330.5 Content
330.6 Incorporation by Reference
330.7 Incomplete or Unavailable Information
330.8 Cost-Benefit Analysis.
330.9 Methodology and Scientific Accuracy
331 Processing Environmental Impact Statements.
332 Corrections, Supplements, or Revisions
332.1 Draft Environmental Impact Statements.
332.2 Final Environmental Impact Statements.
340 Review of Environmental Impact Statements.
341 Forest Service Environmental Impact Statements.
341.1 Draft Environmental Impact Statements.
341.2 Final Environmental Impact Statements.
342 Other Agency Environmental Impact Statements.
342.1 Referrals.
350 Other Requirements.
350.1 Interdisciplinary Approach and Interdisciplinary Teams.
350.2 Public Involvement.
350.3 Environmental Review and Consultation Requirement.
350.4 Elimination of Duplication With State and Local Jurisdiction and Special Expertise.
350.5 Federal and State Agencies With Legal Jurisdiction or Special Expertise.
350.6 Limitations on Actions During the NEPA Process.
310 Scoping.
340 Review of Environmental Impact Statements.
351 Responsibilities (When Applicants and Contractors Are Involved).
352 Tiering.
353 Adoption.
354 Lead Agency.
355 Cooperating Agency.
356 Distribution.
356.1 Draft Environmental Impact Statement.
356.2 Final Environmental Impact Statement.
356.3 Distribution Lists.
356.31 State and Local Agencies.
356.32 Organizations.
356.33 Individuals.
356.34 Federal Agencies.
360 Decision
360.1 Record of Decision.
360.2 Distribution.
370 Implementation and Monitoring
370.1 Implementation.
370.2 Monitoring.

Chapter 300.—Environmental Impact Statements

This chapter provides implementing procedures for environmental impact statements.

310 Scoping

(See 40 CFR 1501.7)

The scoping process is an integrated combination of public participation and coordination, document research, and administrative activities which lay a foundataion for environmental analyses The actions that make up the scoping process may vary depending upon whether the decision is made, prior to scoping, to prepare an environmental impact statement (EIS).

The scoping process may result in a decision to prepare an environmental assessment rather than an EIS.

The concept of scoping, as discussed in 40 CFR 1501.7 is intended to be a means of identifying issues early in the NEPA decisionmaking process to ensure thorough analysis of issues associated with the proposed action to determine the scope or extent of the analysis, and to take several other issue-related administrative actions. Several of the actions related to scoping and discussed briefly in this section are discussed in greater detail in later sections of the chapter.

Following scoping, the responsible official should provide prompt feedback to participants summarizing his or her understanding of the scope of the issues to be addressed and the significant issues to be analyzed in depth in the EIS.

Scope defines the bounds or extent of the environmental analysis as related to:

1. actions that may be taken, may be connected or dependent upon other actions, may be cumulative, or may be similar to other proposed actions,

2. alternatives which include a no-action alternative, other reasonable courses of actions, mitigation measures not in the proposed action; and

3. impacts which may be direct, indirect or cumulative.

320 Documentation

321 Notice of Intent

(See 40 CFR 1508.22 and 1506.6)

In addition to the requirements of 40 CFR 1508.22, the responsible official(s),

is identified and estimated dates for filing the draft and final environmental impact statements (EIS's) are provided. The notice of intent should be published as soon as it is determined that an EIS will be prepared. One copy of the notice of notice of intent must be sent to the Washington Office Director of Environmental Coordination for use in reporting to the Department. Notices of intent are used to develop lists of EIS's under preparation. (See Exhibit 3 for a sample notice of intent).

The official responsible for preparation of the EIS notifies the appropriate Washington, Regional, Station, or Area Environmental Coordinator whenever information shown in the notice of intent changes. (See 40 CFR 1501.7 and 1507.3(e)).

Significant changes may require publication of a revised notice of intent. If a notice of intent has been distributed and the project application is withdrawn or for some other reason a decision is no longer necessary, the process is terminated by publication of a cancellation notice which is distributed in the same manner as the notice of intent. The cancellation notice refers to any previously published notice of intent or notice of availability of an EIS. (See Exhibit 4 of this section for sample cancellation notice).

Exhibit 3.—Sample Notice of Intent

3410-11 [1]

Department of Agriculture Forest Service, Cloud Top Mountain Alpine Winter Sports Site, Star Mountain National Forest, Summit County, Colorado

Notice of Intent To Prepare an Environmental Impact Statement

The Department of Agriculture, Forest Service, will prepare an environmental impact statement for the development of the proposed Cloud Top Mountain Alpine Winter Sports Site on the Galaxy Ranger District.

The Star Mountain National Forest Land and Resource Management Plan has been prepared. One of the management decisions in the Plan was to study further the development of an Alpine Winter Sports Site on Cloud Top Mountain.

A range of alternatives for this site will be considered. One of these will be non-development of the site. Other alternatives will consider different sizes of development—ranging from 4,000 to 10,000 persons at one time. Alternative locations for uphill facilities, ski runs, and support facilities will be considered.

Federal, State and local agencies, potential developers, and other individuals or organizations who may be interested in or affected by the decision will be invited to participate in the scoping process. This process will include:

1. identification of those issues to be addressed.
2. identification of issues to be analyzed in depth.
3. elimination of insignificant issues or those which have been covered by a previous environmental review, and
4. determination of potential cooperating agencies and assignment of responsibilities.

The Fish and Wildlife Service of the Department of the Interior will be invited to participate as a cooperating agency to evaluate potential impacts on threatened and endangered species habitat if any such species are found to exist in the potential winter sports site.

The Forest Supervisor will hold public meetings in his office at 1:00 p.m., Saturday, November 3, 1981, and at the Summit County Community Center in Central, Colorado, at 7:00 p.m., Wednesday, November 14, 1981.

William Watson, Regional Forester of the Rocky Mountain Region in Denver, Colorado, is the responsible official.

The analysis is expected to take about 10 months. The draft environmental impact statement should be available for public review by June 1982. The final environmental impact statement is scheduled to be completed in October 1982.

Written coments and suggestions concerning the analysis should be sent to William Hill, Forest Supervisor, Star Mountain National Forest, Central, Colorado 80000 by December 15, 1981.

Questions about the proposed action and environmental impact statement should be directed to Phil Graham, Recreation Staff Officer, Star Mountain National Forest, phone 303-234-3800.

William Watson,
Regional Forester.

October 13, 1981.

Exhibit 4.—Sample Cancellation Notice

3410-11 [1]

Department of Agriculture, Forest Service (Environmental Impact Statement for The North Slope Unit Plan, Star Mountain National Forest, Summit County, Colorado)

Cancellation Notice

A draft environmental impact statement (EIS) for the North Slope Unit Plan was distributed to the public and filed with the Environmental Protection Agency on July 19, 1979.

I am terminating the EIS process because the Land and Resource Management Plan for the Star Mountain National Forest will consider the issues and concerns involved in the North Slope Unit Plan.

The Forest Plan will be developed according to the regulations for land and resource management plans for the National Forest System (36 CFR Part 219).

This Forest Plan will be completed by December 31, 1983, in accordance with the schedule published in the **Federal Register**, Vol. 44, No. 85, p. 47861, July 30, 1979.

William Watson,
Regional Forester.

321.1 Composite Lists

A list of environmental impact statements (EIS's) under preparation in each Region, Station, and Area is kept in that office and at the Washington Office. Lists are updated as new notices of intent, revised notices of intent, and cancellation notices are published. The line officer responsible for preparing the EIS notifies the appropriate Regional, Station, or Area Environmental Coordinator and the Washington Office Director of Environmental Coordination whenever information in the notice of intent changes. (See Exhibit 5 of this section for a sample composite list of EIS's under preparation.)

330 Environmental Impact Statement

330.1 When To Prepare

(See FSM 1952.2)

330.11 Proposals for Legislation

(See 40 CFR 1506.8 and FSM 1924)

330.2 Page Limits

(See 40 CFR 1502.7)

330.3 Writing

(See 40 CFR 1502.8)

330.4 Format

(See 40 CFR 1502.10)

330.5 Content

1. *Cover sheet.* (See 40 CFR 1502.11).

The name and title of the responsible official is provided in addition to the Council's requirements. A sample cover sheet is shown in Exhibit 6 of this section.

321.1 Composite Lists

A list of environmental impact statements (EIS's) under preparation in each Region, Station, and Area in kept

[1] Forest Service billing code is shown on all **Federal Register** publications.

[1] Forest Service billing code is shown on all **Federal Register** publications.

in that office and at the Washington Office. Lists are updated as new notices of intent, revised notices of intent, and cancellation notices are published. The line officer responsible for preparing the EIS notifies the appropriate Regional, Station, or Area Environmental Coordinator and the Washington Office Director of Environmental Coordination whenever information in the notice of intent changes. (See Exhibit 5 of this section for a sample composite list of EIS's under preparation.)

330 Environmental Impact Statement

330.1 When To Prepare

(See FSM 1953)

330.11 Proposals for Legislation

(See 40 CFR 1506.8 and FSM 1924)

330.2 Page Limits

(See 40 CFR 1502.7)

330.3 Writing

(See 40 CFR 1502.8)

330.4 Format

(See 40 CFR 1502.10)

330.5 Content

1. *Cover sheet.* (See 40 CFR 1502.11).

The name and title of the responsible official is provided in addition to the Council's requirements. A sample cover sheet is shown in Exhibit 6 of this section.

Exhibit 5.—Sample Composite List

(Environmental Impact Statements Under Preparation)

Rocky Mountain Region		Black Mountain NF [1]		Date: October 1, 1981		
Title [2]	Nature of proposal [3]	Location [4]	Responsible official [5]	For information contact [6]	Date Draft or estimated date Draft	Final [7]
Balo Mountain	Resource Development (Winter Sports).	Colorado, Summit County	Regional Forester	Recreation Planner, 1000 7th St., Summit, CO 80000, 303-796-7870	5/81	10/81
Black Mountain	Land Management Plan.	Colorado, Mineral County, Hinsdale County, Gunnison County	Regional Forester	Forest Planner, 398 Simms St., Grand Junction, CO 80000, 303-298-3790	12/81	1/82
Moose Creek Wilderness Proposal	Legislative	Colorado, Hinsdale County	Chief	Recreation Staff Officer, 819 W 4th Ave., Colorado City, CO 80000, 303-973-6980	7/82	3/83

[1] Insert the name of the Region, National Forest, etc., as appropriate
[2] Use the local name of the proposal.
[3] Identify the nature of the proposal
[4] Show States and Counties where the plan, program, or project is located.
[5] Show title of the person who is responsible for the decision.
[6] Show title, address and phone number of the person who can answer questions about the proposed action and the environmental impact statement.
[7] Show month and year

Exhibit 6.—Sample Cover Sheet

Draft Environmental Impact Statement (Star Mountain National Forest Land and Resource Management Plan; Summit, Comet, and Garfield Counties, Colorado)

Lead Agency: USDA—Forest Service
Cooperating Agencies: USDI—Bureau of Land Management, 321 No. Fern Street, Central, Colorado 80000; Colorado Fish and Game Department, 1700 Alder Street, Garfield, Colorado 80017
Responsible Official: William Watson, Regional Forester, Rocky Mountain Region (for NFS lands)
For Further Information Contact: Ms. Ruth Gibson, Forest Planner, Star Mountain National Forest, 123 So. Fern Street, Central, Colorado 80000, (303-555-1515)

Abstract: Five alternatives for development of a Land and Resource Management Plan for the 2,500,000 acre Star Mountain National Forest are described and evaluated. The alternatives are: (A) moderate increase in commodity production; (B) a continuation of present management direction with no change in the level of outputs or activities; (C) dispersed recreation emphasis; (D) commodity emphasis; and (E) amenity emphasis. Alternative A is the Forest Service preferred alternative, and the rationale for this preference is described. The plan will guide management of the Forest for the decade 1984–1993.

Comments must be received by September 15, 1981.

2. *Summary.* (See 40 CFR 1502.12).

3. *Table of Contents.* (self-explanatory).

4. *Purpose and Need.* (See 40 CFR 1502.13).

5. *Alternatives Including the Proposed Action.* (See 40 CFR 1502.14, and 1506.2(d)).

6. *Affected Environment.* (See 40 CFR 1502.15).

7. *Environmental Consequences.* (See 40 CFR 1502.16 and 1502.22).

The expected outputs—in terms of goods, services, and uses—that will result from implementing each alternative should be expressed in Service-wide standard terminology. (See FSH 1309.11, Management Information Handbook). Use the Resources Planning Act program planning time-periods where appropriate.

8. *List of Preparers.* (See 40 CFR 1502.17).

9. *List of Agencies, Organizations, and Persons to Whom Copies of the Statement are Sent.* (self-explanatory).

10. *Index.*

Environmental impact statements (EIS's) include indexes. The purpose of an index is to make the information in the EIS fully available to the reader without delay. See section 430 for preparation of indexes.

11. *Appendix.* (See 40 CFR 1502.18 and 40 CFR 1503.4).

Copies of all comments from Federal, State, and local agencies on a draft EIS are included in the appendix of the final EIS.

330.6 Incorporation by Reference

(See 40 CFR 1502.21)

330.7 Incomplete or Unavailable Information

(See 40 CFR 1502.22)

330.8 Cost-Benefit Analysis

(See 40 CFR 1502.23)

330.9 Methodology and Scientific Accuracy

(See 40 CFR 1502.24)

331 Processing Environmental Impact Statements (EIS)

After a draft EIS has been prepared:

1. Circulate the draft EIS to agencies and the public and file it with the Environmental Protection Agency (EPA) in Washington, D.C.

2. Conduct public participation sessions, if appropriate.

3. Review, analyze, evaluate, and respond to substantive comments on the draft EIS. Copies of all review comments should be available for public and in-Service review in the office of the

responsible official or administrative unit affected by the policy, plan, program, or project. (See 40 CFR 1506.9).

4. Prepare a final EIS. File the final EIS with EPA along with all substantive comments or summaries thereof on the draft EIS. Circulate the final EIS to other agencies and the public. (See 40 CFR 1506.10).

Responsible officials shall circulate the entire draft and final EIS's. However, if the statement is unusually long, a summary may be circulated instead. If a summary is distributed as a separate document, it must:

a. State how the complete EIS can be obtained or reviewed

b. Have a cover sheet attached.

See 40 CFR 1502.19 for circulation of EIS's.

When the EIS is filed with the EPA, the responsible official shall ensure that a reasonable number of copies of the statement is available free of charge. "Statements shall be filed with EPA no earlier than they are also transmitted to commenting agencies and made available to the public" (40 CFR 1506.9).

This means that the scheduled distribution is completed at the same time as or before the EIS is filed with EPA.

Statements involving legislation, regulations, multiagency actions at the national level, and Service-wide policies are filed with EPA by the Washington Office (WO). If the Chief is the responsible official, other levels of the Forest Service may assist with the analysis and preparation of documents. If the final EIS deals with plans or projects which make allocation to nonwilderness uses in RARE II "Further Planning" areas, the responsible official makes public distribution and files the final EIS with EPA the same as for other EIS's. Five copies of the final EIS are sent to the WO Director of Environmental Coordination for transmittal to congressional committees. These five copies are in addition to the 15 copies normally provided to the WO.

332 Corrections, Supplements, or Revisions

(See 40 CFR 1502.9)

Environmental impact statements (EIS's) may be corrected through use of errata sheets or modified by supplements. Draft EIS's may be revised. Supplements or revisions are prepared, circulated, filed, and reviewed the same as the document being modified.

332.1 Draft Environmental Impact Statements

(See 40 CFR 1502.9 and 1502.10)

A revision to a draft environmental impact statement is necessary when, in the judgment of the responsible official, comments on the draft clearly indicate that meaningful analysis was not possible.

332.2 Final Environmental Impact Statements

(See 40 CFR 1502.9)

340 Review of Environmental Impact Statements

341 Forest Service Environmental Impact Statements

341.1 Draft Environmental Impact Statements

(See 40 CFR 1503.1(a))

Comments on the draft environmental impact statement (EIS) may be received after the review period is closed and before the final EIS is filed. If it is too late to incorporate them in the final EIS, they should be made available to the responsible official for consideration prior to making the decision.

341.2 Final Environmental Impact Statements

(See 40 CFR 1502.9(b) and 1503.4)

When the responsible official determines that a summary of the response is appropriate, the summary must accurately reflect all substantive comments received on the draft environmental impact statement (See Exhibit 7). Comments that are pertinent to the same subject may be aggregated by categories, but the summarization specifically identifies the comment. A general summary should be avoided.

342 Other Agency Environmental Impact Statements

(See 40 CFR 1503.2 and 1503)

When requested to do so because of special expertise, the Forest Service reviews and comments on environmental impact statements (EIS's) prepared by other agencies. Unless otherwise assigned by the Chief, review and comment on legislative or Service-wide policies, regulations, or national program proposals is made by the Wahington Office (WO). All other draft and final EIS's are reviewed by the Regional Forester or Area Director in whose Region or Area the proposal is located. When an EIS affects both Regional and Area program responsibilities, the Area Director determines who will assume the land for responding.

Exhibit 7.—Summary of Substantive Comments [1]

"The concept of scoping was one of the innovations in the proposed regulations most uniformly praised by members of the public ranging from business to environmentalists. There was considerable discussion of the details of implementing the concept. Some commenters objected to the formality of the scoping process, expressing the view that compliance with this provision in every case would be time-consuming, would lead to legal challenges by citizens and private organizations with objections to the agency's way of conducting the process, and would lead to paperwork since every issue raised during the process would have to be addressed to some extent in the environmental impact statement. These commenters stated further that Federal agencies themselves were in the best position to determine matters of scope, and that public participation in these decisions was unnecessary because any scoping errors that were made by such agencies could be commented upon when the draft EIS was issued (as was done in the past) and corrected in the final document. These commenters urged that scoping at least be more open-ended and flexible and that agencies be merely encouraged rather than required to undertake the process. Other commenters said that the Council had not gone far enough in imposing uniform requirements. These commenters urged the Council to require that a scoping meeting be held in every case, rather than only when practicable; that a scoping document be issued which reflected the decisions reached during the process; and that formal procedures be established for the resolution of disagreements over scope that arise during the scoping process. These commenters felt that more stringent requirements were necessary to ensure that agencies did not avoid the process."

Comments on these other EIS's are submitted directly to the appropriate agency by the responsible field unit. One copy of the comments is sent to the WO Director of Environmental Coordination. When another agency's EIS involves more than one Region, the responses are coordinated by the WO Director of Environmental Coordination.

[1] Taken from the preamble to the Council on Environmental Quality Nov. 29, 1978 **Federal Register** notice on the final regulations for implementation of the National Environmental Policy Act.

342.1 Referrals

(See 40 CFR 1504.3)

When it has been determined, after review of another agency's environmental impact statement (EIS) that the proposal would be environmentally unsatisfactory, the matter is referred to the Council on Environmental Quality (the Council) through the Office of Environmental Quality (OEQ), Office of the Secretary. Referrals should reflect a careful determination that the proposed action raises significant environmental issues of national importance. However, referrals are only made to the Council after concerted, timely, but unsuccessful attempts to resolve the differences have been made with the proposing agency.

If an agreement cannot be reached, the lead agency is informed at the earliest possible time, in a letter signed by the Secretary of Agriculture, of the Department's intent to refer a proposal to the Council. Such information is included in Forest Service comments on the lead agency's draft EIS unless the draft EIS contains insufficient information to permit an analysis of the proposal's environmental acceptability. When such needed information is not contained in the draft EIS, the Forest Service identifies the needed information and requests that it be made available by the lead agency at the earliest possible time.

The referral package is sent to the Washington Office Director of Environmental Coordination. It consists of the draft letter to be signed by the Secretary informing the lead agency of the referral and the reasons for it, as well as requesting that the lead agency take no action to implement the proposal until the referral is acted upon by the Council. The letter (to the lead agency) includes a statement supported by evidence as to specific facts, or controverted facts, leading to the conclusion that the proposal is unsatisfactory from the standpoint of public health or welfare or environmental quality (see 40 CFR 1504.3). Also included in the package is a letter to the Council.

The referral is delivered by the Secretary's Office to the Council not later than 25 days after the final EIS is made available to the Environmental Protection Agency, commenting agencies, and the public, except where an extension has been granted by the lead agency. The 25-day time period is extremely short; therefore, referral documentation begins when another agency's draft EIS proposes an environmentally unacceptable action. The Forest Service official responsible for commenting on the statement should notify the originating agency that a referral will be recommended to the Secretary if the condition is not remedied in the final EIS. Upon receipt of the final EIS, if the condition is not remedied, documentation and request for referral should be sent immediately to the Chief for handling.

350 Other Requirements

350.1 Interdisciplinary Approach and Interdisciplinary Teams

(See section 102(2)(A) of the National Environmental Policy Act, (NEPA) as amended and 40 CFR 1502.6)

If appropriate, interdisciplinary teams may be used to do environmental analyses and are required for preparing Regional and Forest Plans (36 CFR 219).

The interdisciplinary approach for preparing an environmental impact statement often begins with the responsible official designating an interdisciplinary team and leader. The team is responsible for conducting the environmental analysis, subject to review and approval of the responsible official, and for preparing the environmental documents. A team can integrate its collective knowledge of the physical, biological, economic, and social sciences and environmental design arts into the decision process. Interaction among team members often provides insight that otherwise would not become apparent.

The manner in which a team operates has a great deal to do with job satisfaction of team members, the relationship of the team to the responsible official, the relationship to out-Service people, efficiency, and the adequacy and quality of the analysis. When teams are used, factors such as those listed below are also important to the success of the analysis effort.

1. the role and leadership style of the team leader,
2. the composition of the team with respect to different disciplines needed and represented,
3. group size,
4. individual team member qualifications, and
5. knowledge of how people react and work in team situations.

Team leadership should be assigned to an individual possessing a working knowledge of the NEPA process and the ability to communicate effectively with team members. Facilitating interaction among team members who are experts in their field toward team goals is an art that is not well defined.

Disciplines to be represented in an interdisciplinary team should be selected on the basis of the nature and complexity of the decision addressed in the analysis effort. Individual team members must have knowledge and experience in the field they represent, should be able to conceptualize problems, seek solutions, communicate in group interaction situations, and must have an understanding of the environmental analysis process.

3550.2 Public Involvement

(See 40 CFR 1506.6)

350.3 Environmental Review and Consultation Requirements

(See 40 CFR 1502.25)

350.4 Elimination of Duplication With State and Local Procedures

(See 40 CFR 1506)

350.5 Federal and Federal-State Agencies With Legal Jurisdiction or Special Expertise

(See 40 CFR 1503.1)

See chapter 440.1 for addresses and recommended document distribution. See chapter 440 for Council on Environmental Quality's list of agencies with jurisdiction by law or special expertise.

350.6 Limitations on Actions During the NEPA Process

(See 40 CFR 1506.1)

"Required" as used in 40 CFR 1506.1 means required by law as opposed to a voluntary or discretionary environmental impact statement.

351 Responsibilities (When applicants and contractors are involved.

Project proponents may be required to provide data and documentation. When an applicant is permitted to conduct environmental analysis or prepare an environmental impact statement, or a contractor is employed, their activities should be limited to those shown as the usual role of participants for the interdisciplinary team in the table shown in Chapter 100 of this handbook. Applicants or contractors may be required to conduct studies which are deemed necessary and appropriate in order to determine the impact of the proposed action on the human environment.

352 Tiering

(See 40 CFR 1502.20)

When an alternative other than the no-action alternative has been selected in a broad program document and a record of decision prepared, that no-action alternative need not be described in subsequent environmental documents

tiered to the parent document unless new information has emerged. These documents may refer to the evaluation of the no-action alternative in the broad program document. However, the decision on site-specific actions must consider the no-action alternative appropriate to that decision.

353 Adoption

(See 40 CFR 1506.3)

354 Lead Agency

(See 40 CFR 1501.5)

A Forest Service request that the Council on Environmental Quality determines which Federal agency shall be the lead agency is sent to the Director of Environmental Coordination in Washington, D.C. for processing. Where National Forest System lands are involved, the Forest Service should exert a strong role in environmental analysis and document preparation.

355 Cooperating Agencies

(See 40 CFR 1501.6)

When National Forest System lands are involved and the Forest Service is not the lead agency, the Regional Forester should request that the Forest Service be a cooperating agency. There may be other circumstances where the Forest Service should be a cooperating agency.

If the Forest Service is requested to be a cooperating agency and other program commitments preclude the requested involvement, a reply to this effect shall be prepared by the Regional Forester, Area Director, or Station Director. A copy of the reply must be sent to the Director of Environmental Coordination in Washington, D.C. within 10 working days of the date that the letter is transmitted. The Director will advise the USDA Office of Environmental Quality.

356 Distribution

356.1 Draft Environmental Impact Statement

When the responsible official is the Regional Forester, Station or Area Director,[1] send:

1. Five (5) copies to the Environmental Protection Agency (EPA) in Washington, D.C., for filing purposes.

2. Fifteen (15) copies to the Washington Office[2] (WO).

3. Two (2) copies of the transmittal letter to EPA to the WO. (See Exhibit 8 of this section for a sample transmittal letter to EPA).

When the responsible official is the Chief, send:

1. Twenty (20) copies to the WO (WO will file 5 copies with EPA).

2. One (1) original and two (2) copies of the transmittal letter to EPA to the WO for the Chief's signature.

(Seventy (70) copies are needed for wild and scenic river studies.)

356.2 Final Environmental Impact Statement

When the responsible official is the Regional Forester, Station or Area Director, send:

1. Five (5) copies to the Environmental Protection Agency (EPA) in Washington, D.C. for filing purposes.

2. Fifteen (15) copies to the Washington Office (WO). (For projects or plans involving RARE II "Further Planning" areas, send an additional five copies to the WO for distribution to congressional committees).

3. Two (2) copies of the transmittal letter to EPA to the WO.

When the responsible official is the Chief, send:

1. Twenty (20) copies to the WO.

2. One (1) original and two (2) copies of the transmittal letter to EPA to the WO for the Chief's signature.

(Seventy (70) copies are needed for wild and scenic river studies.)

356.3 Distribution Lists

Responsible officials should ensure that lists of individuals, groups, organizations, and government agencies which may be interested in reviewing Forest Service environmental impact statements (EIS's) are maintained. Regions should develop specific distribution lists.

State and areawide clearinghouses should be used, by mutual agreement, for securing reviews of the draft EIS. The responsible official may also communicate directly with appropriate State or local officials or agencies if clearinghouses are unwilling or unable to handle this phase of the process. However, clearinghouses should always receive copies of EIS's.

356.31 State and Local Agencies

Regions, Stations, and Areas should develop and maintain lists of State and local agencies as supplements to this section.

356.32 Organizations

Regions, Stations, and Areas should develop and maintain lists of organizations as supplements to this section.

356.33 Individuals

Regions, Stations, and Areas should develop and maintain, as supplements to this section, lists of individuals who have expressed an interest in receiving Forest Service environmental impact statements.

356.34 Federal Agencies

Following is the manadatory distribution list for all environmental impact statements (EIS's) prepared by the Forest Service: (See Section 440.1 for number of copies).

Environmental Protection Agency, Mail Code A–104, Room 2119, Waterside Mall, 401 M Street, SW, Washington, DC 20460

Environmental Protection Agency, Appropriate Regional Offices

Department of the Interior, Interior Building, Room 4256, Washington, DC 20240

Copies of the EIS's sent to the Environmental Protection Agency and the Department of the Interior are always sent by certified mail—return receipt requested, or by other methods of delivery where receipt can be verified. This method may also be desirable for others on the mailing list.

See section 440.1 for lists of addresses, phone numbers, and number of copies. Any other distribution to Federal agencies should be determined according to agency expertise and legal jurisdiction. Regions, Stations, and Areas should use this list and distribute EIS's as appropriate. When review and comments are to be requested from any of these agencies, the indicated number of copies to be provided is shown.

Exhibit 8.—Sample Transmittal Letter

Return Address [1]

1950 [2]

August 4, 1981.

Director, Office of Federal Activities
Environmental Protection Agency
Mail Code A–104, EIS Registration Section
Room 2119, Waterside Mall
401 M Street, SW
Washington, DC 20460

Dear Sir: Five copies of the Draft Environmental Impact Statement on the Snow Top Mountain Ski Area proposed development, Star Mountain National Forest, Summit, Comet, and Garfield Counties, Colorado, are enclosed.

[1] Authority to file statements directly with EPA may be redelegated by Regional Foresters, Area and Station Directors as appropriate (Sec. 382.1).

[2] Washington Office Director of Environmental Coordination.

[1] When the Chief is the responsible official, return address should be the WO address: P.O. Box 2417, Washington, DC 20013.

[2] Use 1950 file designation to ensure proper distribution of EIS's within the Forest Service.

The responsible official is Regional Forester William Watson of the Rocky Mountain Region in Denver, Colorado.

Sincerely,

William Watson,

Regional Forester.

Enclosures

360 Decision

360.1 Record of Decision

(See 40 CFR 1505.2)

A record of decision is a separate document which states the decision of the responsible official. The name, location, and administrative unit, and a statement indicating whether or not the decision is subject to administrative review, (if so, cite 36 CFR 211.19 and include the date the appeal period ends counting from the date the record of decision is signed) are required in addition to the requirements of the Council on Environmental Quality regulations.

For those decisions subject to administrative review (appeal), the record of decision establishes the date of decision and is signed and dated on the date that it and the final environmental impact statement (EIS) are transmitted to the Environmental Protection Agency (EPA) and made available to the public. See Exhibit 9 for a sample record of decision.

For decisions not subject to administrative review, the record of decision is signed, dated and distributed no earlier than 30 days after the EPA publishes the notice of availability of the final EIS in the **Federal Register**. The record of decision is distributed in the same manner as the final EIS.

When joint lead agencies are identified in an EIS, the responsible official from each agency signs and dates the record of decision for those actions within their authority. A separate record of decision may be prepared by each responsible official. See Exhibit 10 in this section for a list of conditions that must be met prior to a decision and implementation.

Exhibit 9.—Sample Record of Decision

Record of Decision—USDA Forest Service (Star Mountain National Forest Land and Resource Management Plan; Summit, Comet, and Garfield Counties, Colorado)

Final Environmental Impact Statement

Based on the analysis in the Final Environmental Impact Statement for the Star Mountain National Forest Land and Resource Management Plan, it is my decision to adopt Alternative A as the plan for management for these National Forest System lands. Alternative A provides for a moderate level increase over the next five years in timber harvest and developed site recreational use. Livestock grazing will remain at the present level.

The other alternatives considered included (1) a continuation of present management direction with no change in outputs or activities; (2) dispersed recreation emphasis; (3) commodity emphasis with maximum development of the Forest transportation system; and, (4) an amenity emphasis alternative with a substantial increase in acreage in visual quality objective classes of preservation and retention. Alternative A is consistent with the Regional Plan and although it will not be the least expensive to implement, it is the most responsive to the social and economic needs of the affected area. It is also environmentally preferable to the other alternatives when the physical, biological, economic, and social factors are weighed on balance.

The decision to adopt Alternative A was made in light of the Forest Service mission as defined by legislative mandate of the Multiple Use Sustained-Yield Act of 1960 and the Forest and Rangeland Renewable Resources Planning Act of 1974 (RPA), as amended by the National Forest Management Act of 1976 (NFMA).

The President's Statement of Policy on the RPA Program was transmitted to Congress on June 22, 1980, and established national resource management policies and output and activity targets for the period 1981–85. The Regional Plan is responsive to RPA and provides standards and guidelines for management of the Star Mountain National Forest.

The alternative selected provides adequate mitigation to avoid environmental harm. A monitoring program described in detail in the Final Environmental Impact Statement and the Forest Plan is adopted. State and national standards for ambient air quality over the Star Mountain National Forest will be met or exceeded. Water quality will continue to meet existing State standards.

This decision is subject to administrative review in accordance with the provisions of 36 CFR 211.19. A request for review must be filed no later than December 15, 1983, or within 30 days of the date of receipt of the decision by persons entitled to notification of the decision under 36 CFR 211.19(d)(1).

Implementation of the Plan will take place December 16, 1983.

Dated: October 31, 1983.

William Watson,

Regional Forester.

Exhibit 10

If an EIS is required for	These conditions must be met prior to a decision	These conditions must be met prior to implementation
I Land and Resource Management Plans for units of the National Forest System. (36 CFR 219)		
A That *do not* involve RARE II *Further Planning* areas	1. 90 days have elapsed since the notice of availability of the draft EIS was published in the FEDERAL REGISTER by EPA 2. A final EIS that responds to comments on the draft EIS has been prepared	1. 30 days have elapsed since the date of publication of the notice of availability of the final EIS in the FEDERAL REGISTER by EPA. (The record of decision accompanies the EIS)
B That *do* involve RARE II *Further Planning* areas	1. 90 days have elapsed since the notice of availability of the draft EIS was published in the FEDERAL REGISTER by EPA 2. A final EIS that responds to comments on the draft EIS has been prepared	1. 30 days have elapsed since the date of publication of the notice of availability of the final EIS in the FEDERAL REGISTER by EPA. 2. 90 days while Congress is in session have elapsed since the date of publication of the notice of availability of the final EIS in the FEDERAL REGISTER 3. An extension of time has not been requested by the appropriate congressional committee chairman. 4. The WO has notified the responsible official that condition 3 has been met
II Plans (other than land management plans), programs or projects adversely affecting the existing wilderness character of RARE II *Further Planning* areas	1. 60 days have elapsed since the notice of availability of the draft EIS was published in the FEDERAL REGISTER by EPA 2. A final EIS that responds to comments on the draft EIS has been prepared	1. 30 days have elapsed since the date of publication of the notice of availability of the final EIS in the FEDERAL REGISTER by EPA. 2. 90 days while Congress is in session have elapsed since the date of publication of the notice of availability of the final EIS in the FEDERAL REGISTER 3. An extension of time has not been requested by the appropriate congressional committee chairman. 4. The WO has notified the responsible official that condition 3 above has been met.

Exhibit 10—Continued

If an EIS is required for	These conditions must be met prior to a decision	These conditions must be met prior to implementation
III Land management or other plans, programs or projects affecting areas involved in pending legislation for wilderness designation in which either the House or Senate has passed a bill to designate all or any portion of an inventoried roadless area for wilderness or for wilderness study.	1. 90 days have elapsed since the notice of availability of the draft EIS was published in the FEDERAL REGISTER by EPA. 2. A final EIS that responds to comments on the draft EIS has been prepared.	1. 30 days have elapsed since the date of publication of the notice of availability of the final EIS in the FEDERAL REGISTER by EPA. 2. The WO has notified the responsible official that the Department has no objections and that obligations to the Congress to postpone implementation have been met.
IV Other plans, programs or projects subject to administrative review (appeal) (36 CFR 211.19).	1. 90 days have elapsed since the notice of availability of the draft EIS was published in the FEDERAL REGISTER by EPA. 2. A final EIS that responds to comments on the draft EIS has been prepared.	1. 30 days have elapsed since the date of publication of the notice of availability of the final EIS in the FEDERAL REGISTER by EPA.
V Actions not subject to administrative review, for example, Regional Plans, State and Private Forestry and Research programs, etc. (36 CFR 211.19).	1. 90 days have elapsed since the notice of availability of the draft EIS was published in the FEDERAL REGISTER by EPA. 2. A final EIS that responds to comments on the draft EIS has been prepared. 3. 30 days have elapsed since the notice of availability of the final EIS was published in the FEDERAL REGISTER by EPA[1]	1. A record of decision has been signed and dated.

[1] The 90-day period and the 30-day period may run concurrently if a 45-day period for public comment is provided.

360.2 Distribution

The record of decision is distributed to those who have received or requested to receive the final environmental impact statement. In addition, the public may be notified as indicated in 40 CFR 1506.6.

370 Implementation and Monitoring

370.1 Implementation

(See 40 CFR 1506.10)

Conditions listed in Exhibit 10 must be met prior to implementation of the decision if an environmental impact statement (EIS) is required. Implementation specifically includes responding to any commitments for mitigation or monitoring included in the final EIS and record of decision.

370.2 Monitoring

(See 40 CFR 1505.3)

Actions will be implemented and monitored to ensure that (1) environmental safeguards are executed according to plan, (2) necessary adjustments are made to achieve desired environmental effects, and (3) anticipated results and projections are reviewed.

Chapter 400.—References

Contents

Chapter
410 Definitions.
420 Environmental Factors List.
430 Indexing and Indexes.
440 List of Federal Agencies and Federal-State Agencies With Jurisdiction by Law or Special Expertise on Environmental Quality Issues.
450 List of Federal and Federal-State Agencies for Distribution Purposes.
460 Laws—National Environmental Policy Act of 1969.
470 Regulations and Supplementary Information.
470.1 Council in Environmental Quality (CEQ) NEPA Regulations (40 CFR 1500–1508.28).
470.11 CEQ Supplementary Information (November 29, 1978 **Federal Register**).
470.12 CEQ 40 Questions.
470.13 CEQ Scoping Guidance.
470.2 Department of Agriculture (USDA) NEPA Policies and Procedures (7 CFR 3100).
480 Executive Orders 11514—Protection and Enhancement of Environmental Quality.
490 Office of Management and Budget Circulars (Reserved).
491 State and Local [Reserved].

Chapter 400.—References

410 Definitions

1. *Categorical exclusion:* (See 40 CFR 1508.4).

2. *Cooperating agency:* (See 40 CFR 1508.5).

3. *Cumulative impact:* (See 40 CFR 1508.7).

4. *Decision notice:* A concise public record of the responsible official's decision.

5. *Effects:* (See 40 CFR 1508.8).

6. *Environmental analysis:* A process necessary for preparation of an environmental assessment or an environmental impact statement. It is an analysis of alternative actions and their predictable short- and long-term environmental effects, which include physical, biological, economic, and social factors and their interactions.

7. *Environmental assessment:* (See 40 CFR 1508.9).

8. *Environmental design arts:* Those disciplines which directly influence the biological and physical environment as a result of the design of projects of all kinds.

9. *Environmental documents:* (See 40 CFR 1508.10).

10. *Environmental impact statement:* (See 40 CFR 1508.11).

11. *Environmentally preferable alternative:* That alternative (or alternatives) that best meets the goals of Section 101 of NEPA.

12. *Finding of no significant impact:* (See 40 CFR 1508.13).

13. *Flood plains:* "Lowland and relatively flat areas adjoining inland and coastal water including as a minimum, that area subject to a one percent or greater chance of flooding in any given year (Executive Order 11988)."

14. *Human environment:* (See 40 CFR 1508.14).

15. *Irreversible:* Applies primarily to the use of nonrenewable resources, such as minerals or cultural resources or to those factors which are renewable only over long time spans, such as soil productivity. Irreversible also includes loss of future options.

16. *Irretrievable:* Applies to losses of production, harvest or use of renewable natural resources. For example, some or all of the timber production from an area is irretrievably lost while an area is being used as a winter sports site. If the use is changed, timber production can be resumed. The production lost is irretrievable, but the action is not irreversible.

17. *Issue:* A point of discussion, debate, or dispute.

18. *Jurisdiction by law:* (See 40 CFR 1508.15).

19. *Lead agency:* (See 40 CFR 1508.16).

20. *Legislation:* (See 40 CFR 1508.17).

21. *Major Federal action:* (See 40 CFR 1508.18).

22. *Matter:* (See 40 CFR 1508.19).

23. *Mitigation:* (See 40 CFR 1508.20).

24. *NEPA process:* (See 40 CFR 1508.21).

25. *Notice of intent:* (See 40 CFR 1508.22).

26. *Opportunities:* Possible actions, measures, or treatments identified which may be taken to address goals and objectives.

27. *Proposal:* (See 40 CFR 1508.23).

28. *Record of decision:* A concise public record of the responsible official's decision on actions for which an

environmental impact statement was prepared. (See 40 CFR 1505.2).

29. *Referring agency:* (See 40 CFR 1508.24).

30. *Scope:* (See 40 CFR 1508.25).

31. *Scoping:* (See 40 CFR 1501.7).

32. *Special expertise:* (See 40 CFR 1508.26).

33. *Significantly:* (See 40 CFR 1508.27).

34. *Substantive comment:* A comment which provides factual information, professional opinion, or informed judgment which is germane to the decision being considered.

35. *Tiering:* (See 40 CFR 1508.28).

36. *Wetlands:* "Areas that are inundated by surface or ground water with a frequency sufficient to support and under normal circumstances, does or would support a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction" (Executive Order 11990).

440.1 List of Federal and Federal-State Agencies for Distribution Purposes

	Number of copies
Advisory Council on Historic Preservation (ACHP) Office of Architectural and Environmental Preservation, Advisory Council on Historic Preservation 1522 K Street, NW., Suite 430, Washington, DC 20005, 202-254-3954	1
Agriculture, U.S. Department of (USDA)	
Animal and Plant Health Inspection Service, PPD (APHIS), U.S. Department of Agriculture, Hyattsville MD FP, 202-447-3668	1
Office of Equal Opportunity (OEO), U.S. Department of Agriculture, Room 242-E, Washington, DC 20250, 202-447-4256	1
Rural Electrification Administration (REA), Director, Environment and Energy Division, Washington, DC 20250, (For copies of Regional and Forest Plans only)	1
Rural Electrification Administration (REA), Management Analysis and Services Branch, U.S. Department of Agriculture, Room 4024, Washington DC 20250, 202-447-4531	1
Science and Education Administration (SEA), U.S. Department of Agriculture, Room 307-A, Washington, DC 20250, 202-447-3801	1
Soil Conservation Service (SCS), Environmental Services Division, U.S. Department of Agriculture, Room 6103, Washington, DC 20250, 202-447-3839	1
Commerce, U.S. Department of (DOC) Assistant Secretary for Environmental Affairs, U.S. Department of Commerce, Room 3425, Washington, DC 20230, 202-377-2186 (Commerce will make distribution to its agencies)	5
Defense, U.S. Department of (DOD)	
Deputy Assistant Secretary of Defense, Energy Environment and Safety (M, Ra and L), Room 3D833, Pentagon, Washington, DC 20301, 202-695-7820	2
U.S. Air Force (USAF), Department for Environment and Safety (SAF/MIQ), Washington, DC 20330, 202-697-1147	1
Chairman, Department of Defense, Explosives Safety Board, 2461 Eisenhower Avenue, Alexandria, VA 22331 703-352-0152	1
Army Corps of Engineers (COE), Headquarters, ATTN: DAEN-ZCE, Washington, DC 20310, 202-694-3434	2
U.S. Navy (USN), Office of Chief of Navy Operations, Environmental Protection Division, OP-45, Room BD766, Pentagon, Washington, DC 20350, 202-697-3689	1
Office of Chief Oceanographer of the Navy, Environment Protection Division, OP-952, Room 4E482, Washington, DC 20350, 202-695-3777	3
Delaware River Basins Commission Head Environment Unit, Delaware River Basin Commission, P.O. Box 360, Trenton, NJ 08603, 609-883-9500 ext. 268	1
Economic Opportunity, Office of (OEO) Office of the Deputy General Counsel, Equal Employment Opportunity Commission, 2401 E Street, NW., Washington, DC 20506, 202-634-6831	1
Energy U.S. Department of (DOE) Acting Director, Division of NEPA Affairs, U.S. Department of Energy, Mail Station E-201, GTN, Washington, DC 20545, 202-566-9760	3
Environment Protection Agency (EPA)	
For EIS's pertaining to national programs, regulatory actions, legislation, or programmatic actions, EIS's should also be transmitted to the EPA headquarters office listed below. This is in addition to the five (5) copies transmitted for filing purposes	
Assistant Director, Resource Liaison Development Staff, Office of Environmental Review Mail Code A-104, Rm. 2119, 401 M Street, SW., Washington, DC 20460	5
In order to fulfill the requirements under Section 309 of the Clean Air Act, five (5) copies of each EIS must be transmitted to each appropriate EPA Regional Office simultaneously with the official filing	

	States
EIS Review Coordinator, Environmental Protection Agency, Region I, John F. Kennedy Federal Bldg., Rm. 2303, Boston, MA 02203	Connecticut, Maine, Massachusetts, Rhode Island, Vermont.
EIS Review Coordinator, Environmental Protection Agency, Region II, 26 Federal Plaza, Rm. 908 New York, NY 10007	New Jersey, New York, Puerto Rico, Virgin Islands
EIS Review Coordinator, Environmental Protection Agency, Region III, Curtis Bldg., 6th Floor, Philadelphia, PA 19106	Delaware, District/Columbia, Maryland, Pennsylvania, Virginia, West Virginia
EIS Review Coordinator Environmental Protection Agency, Region IV, 1421 Peachtree Street, NE., Atlanta GA 30309	Alabama, Florida, Georgia, Kentucky, Mississippi, No Carolina, So Carolina, Tennessee
EIS Review Coordinator, Environmental Protection Agency Region V, 1 North Wacker Drive, Chicago, IL 60606	Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin.
EIS Review Coordinator (6ASAF), Environmental Protection Agency, Region VI, 1201 Elm Street, Dallas, TX 75270	Arkansas, Louisiana, New Mexico, Texas, Oklahoma
EIS Review Coordinator, Environmental Protection Agency, Region VII, 324 E 11th Street, Kansas City, MO 64105	Iowa, Kansas, Missouri, Nebraska
EIS Review Coordinator Environmental Protection Agency Region VIII, 1860 Lincoln Street Denver CO 80203	Colorado, Montana, No Dakota, So Dakota, Utah Wyoming
EIS Review Coordinator Environmental Protection Agency, Region IX, 215 Fremont Street, San Francisco, CA 94105	American Samoa, Arizona, California, Guam, Hawaii, Nevada, Trust Terr. of Pacific Islands, Wake Island
EIS Review Coordinator, Environmental Protection Agency, Region X, 1200 6th Avenue, Seattle, WA 98101	Alaska, Idaho, Oregon, Washington

	Number of copies
Federal Energy Regulatory Commission (FERC): Advisor on Environmental Quality, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20406, 202-357-8118.	Draft 3, final 2
General Services Administration (GSA) Environmental Affairs Division, General Services Administration, 18th and F Streets, NW., Washington, DC 20405, 202-566-0405.	3
Great Lakes Basin Commission: For statements affecting lands within the Basin: Executive Director, Great Lakes Basin Commission, P.O. Box 999, Ann Arbor, MI 48106, 313-769-7243	Draft 1, final 3
Health, Education, and Welfare, U.S. Department of (HEW) Director, Office of Environmental Affairs, U.S. Department of Health, Education, and Welfare, Room 524, FS HEW South, Washington, DC 20201, 202-245-7243.	1
Housing and Urban Development, U.S. Department of (HUD) Statements regarding legislative proposals, regulations, or policy documents of national significance or national or multi-State programmatic EIS's. Director, office of Environmental Quality, U.S. Department of Housing and Urban Development, Washington, DC 20410, 202-755-8910.	2
Other statements:	
Regional Administrator I, Environmental officer, U.S. Department of Housing and Urban Development, John F. Kennedy Federal Bldg., Rm. 800, Boston, MA 02203 617-223-4066.	2
Regional Administrator II, Environmental Officer, U.S. Department of Housing and Urban Development, 26 Federal Plaza, New York, NY 10007, 212-264-8068	2
Regional Administrator III, Environmental Officer, U.S. Department of Housing and Urban Development, Curtis Bldg., 6th and Walnut Streets, Philadelphia, PA 19106, 215-597-2560	2
Regional Administrator IV, Environmental Officer, U.S. Department of Housing and Urban Development, Richard B. Russell Bldg., 75 Spring Street, SW., Atlanta, GA 30303, 404-526-5585	2
Regional Administrator V, Environmental Officer, U.S. Department of Housing and Urban Development, 300 South Wacker Drive, Chicago, IL 60606, 312-353-5680	2
Regional Administrator VI, Environmental Officer, U.S. Department of Housing and Urban Development, 222 W. Lancaster Avenue, P.O. Box 2905, Fort Worth, TX 76113, 817-334-2867	2
Regional Administrator VII, Environmental Officer, U.S. Department of Housing and Urban Development, Federal Office Bldg., 911 Walnut Street, Rm. 300, Kansas City, MO 64106, 816-374-2661	2
Regional Administrator VIII, Environmental Officer, U.S. Department of Housing and Urban Development, 1405 Curtis Street, Executive Tower Bldg., Denver, CO 80202, 303-837-4061	2
Regional Administrator IX, Environmental Officer, U.S. Department of Housing and Urban Development, 450 Golden Gate Avenue, P.O. Box 36003, San Francisco, CA 94102, 415-556-4752	2
Regional Administrator X, Environmental Officer, U.S. Department of Housing and Urban Development, 3003 Arcade Plaza Bldg., 1321 Second Avenue, Seattle, WA 98101, 206-583-5415	2
Interior, U.S. Department of the (USDI)	
For projects east of Mississippi	12
For projects west of Mississippi	18
Director, Environmental Project Review, U.S. Department of the Interior, Interior Bldg., Rm. 4256, Washington, DC 20240	
Interstate Commerce Commission (ICC) Chief, Section of Energy and Environment, Interstate Commerce Commission, Washington, DC 20423, 202-275-7692	1

	Number of copies
Labor, U.S. Department of, Assistant Secretary of Policy, Evaluation and Research, Occupational Safety and Health, Rm. N-3673, U.S. Department of Labor, Washington, DC 20210, 202-523-8076	1
Missouri River Basins Commission. For statements affecting lands within their geographical area: Executive Secretary, Missouri River Basins Commission, 10050 Regency Circle, Suite 403, Omaha, NB 68114.	1
National Endowment for the Arts, Office of Architectural and Environmental Arts Program, National Endowment for the Arts, 2401 E Street NW, Washington, DC 20506, 202-634-6369	1
New England River Basins Commission, Staff Director, New England River Basins Commission, 55 Court Street, Boston, MA 02108, 617-223-6244	1
Ohio River Basin Commission, Executive Director, Ohio River Basin Commission, 36 East 4th Street, Suite 208, Cincinnati, OH 45202, 513-684-3831	1
Pacific Northwest River Basins Commission, Planning Director, PNW River Basins Commission, P.O. Box 908, One Columbia River, Vancouver, WA 98666, 206-694-2581	1
Susquehanna River Basin Commission, U.S. Commissioner, Susquehanna River Basin Commission, Interior Bldg., Rm. 6246, Washington, DC 20240, 202-343-4091	1
Tennessee Valley Authority (TVA), Director, Environmental Planning, Tennessee Valley Authority, 720 Edney Bldg., Chattanooga, TN 37401	18
Transportation, U.S. Department of (DOT):	
Assistant Secretary for Systems Development, U.S. Department of Transportation, 400 7th Street, SW., Washington, D.C. 20590, 202-426-4000	2
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Federal Aviation Administration (FAA). Send EIS's only to the appropriate Region(s):	
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[FR Doc. 81-18805 Filed 6-25-81, 8:45 am]

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Laws

Indexes
Law num

Slip law

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Executive
Public Pa
Weekly C

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Los An
Washin
Magnetic
volume
Public bri
What I
Public Ins
Regulation
Special P
Subscripti
Subscripti
TTY for

FEDERA

29239-294
29453-296
29691-299
29921-300
30073-303
30327-304
30481-306
30623-307
30797-309
30997-312
31249-314
31403-316
31635-318
31869-319
31999-322
32227-324
32425-325
32551-328

Reader Aids

Federal Register

Vol. 46, No. 123

Friday, June 26, 1981

INFORMATION AND ASSISTANCE

PUBLICATIONS

Code of Federal Regulations

CFR Unit	202-523-3419 523-3517
General information, index, and finding aids	523-5227
Incorporation by reference	523-4534
Printing schedules and pricing information	523-3419

Federal Register

Corrections	523-5237
Daily Issue Unit	523-5237
General information, index, and finding aids	523-5227
Public Inspection Desk	633-6930
Scheduling of documents	523-3187

Laws

Indexes	523-5282
Law numbers and dates	523-5282 523-5266
Slip law orders (GPO)	275-3030

Presidential Documents

Executive orders and proclamations	523-5233
Public Papers of the President	523-5235
Weekly Compilation of Presidential Documents	523-5235
Privacy Act Compilation	523-3517
United States Government Manual	523-5230

SERVICES

Agency services	523-3408
Automation	523-3408
Dial-a-Reg	
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Washington, D.C.	202-523-5022
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Public Inspection Desk	633-6930
Regulations Writing Seminar	523-5240
Special Projects	523-4534
Subscription orders (GPO)	783-3238
Subscription problems (GPO)	275-3054
TTY for the deaf	523-5239

FEDERAL REGISTER PAGES AND DATES, JUNE

29239-29452	1
29453-29690	2
29691-29920	3
29921-30072	4
30073-30326	5
30327-30480	8
30481-30622	9
30623-30796	10
30797-30996	11
30997-31248	12
31249-31402	15
31403-31634	16
31635-31868	17
31869-31998	18
31999-32226	19
32227-32424	22
32425-32550	23
32551-32852	24
32853-33018	25
33019-33216	26

CFR PARTS AFFECTED DURING JUNE

At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

1 CFR

3 33019

3 CFR

Executive Orders:

May 9, 1898 (Revoked by PLO 5949) 29939
February 25, 1919 (Revoked in part by PLO 5959) 31894
April 4, 1922 (Revoked in part by PLO 5961) 31894
June 13, 1925 (Revoked in part by PLO 5957) 31893
February 6, 1926 (Revoked by PLO 5948) 29938
April 17, 1926 (Revoked in part by PLO 5950) 29939
February 14, 1933 (Revoked by PLO 5944) 29710
5451 (Revoked by PLO 5947) 29938
5907 (Revoked in part by PLO 5960) 31894
6618 (Revoked in part by PLO 5958) 31893
11476 (Amended by EO 12306) 29693
11835 (See EO 12306) 29693
12018 (See EO 2306) 29693
12198 (Amended by EO 12306) 29693
12233 (See EO 12306) 29693
12285 (Amended by EO 12307) 30481
12296 (Amended by EO 12309) 30997
12306 29693
12307 30483
12308 30485
12309 (Amends EO 12296) 30997
12310 31869

Proclamations:

4846 29691
4847 30483
4848 31403

Administrative Orders:

Presidential Determinations

No. 81-8 of June 2, 1981 30797
No. 81-9 of June 2, 1981 29921
No. 81-10 of June 9, 1981 31635

5 CFR

Ch. XIV 30327, 33019
213 31405
230 32425
930 31405
1200 30999

Proposed Rules:

Ch. I 31018

7 CFR

2 ..... 31871, 32227, 32853
20 32227
28 30073
29 32590
301 31999
354 32006
406 32853
409 32853
700 29453
800 ..... 30322, 32859
907 ..... 29923, 30799, 32425
908 ..... 32007, 32425, 32860
910 ..... 30012, 31249, 32008, 33020
911 32425
915 32425
917 ..... 30075, 30077, 32425
918 32425
923 32008
925 32425
945 32010
953 ..... 29454, 30487
979 29693
982 32012
984 31637
991 29693
1425 30327
1464 32591
1944 29239
1948 33020

Proposed Rules:

102 30620
201 ..... 30780, 31424
226 32026
907 32030
921 32871
922 32031
948 32031
989 ..... 30645, 32872
993 29271
1002 33006
1125 31424
1133 31424
1135 ..... 32873, 32874
1701 32033

8 CFR

204 ..... 29923, 30078
214 29456

238 32551

9 CFR

78 30487
82 ..... 29456, 30488, 31249
92 ..... 29239, 29240

10 CFR

2 30328
51 29457
376 29680
390 29680
440 29242
1008 31637
1500 29924
1502 29924
1534 29924

Proposed Rules:

2 30349
30 29712
40 29712
70 29712
73 31267
500 31216
501 31216
503 31216
504 31216
505 31216
1504 33053

12 CFR

Ch. II 31406
204 32426
217 32426
220 31250
265 33022
303 30079
523 32013
552 30488
570 30079
701 31871

Proposed Rules:

213 29245
220 ..... 32033, 32592
221 32592
225 32594
226 29246
332 31018
337 31018
526 30113
545 30114
569a 29246
615 32450
701 ..... 29247, 29482, 31651, 31654, 31660, 32875
720 29248

13 CFR

120 32430
124 29251

Proposed Rules:

105 32259
124 ..... 29276, 31899

14 CFR

39 ..... 29252, 29253, 29924–29926, 30332–30334, 30799, 30800, 31250, 31251, 31873–31879, 32228–32230, 32860, 32862
71 ..... 29254–29256, 29927, 30335, 30801–30806, 31250–31252, 32231–32233, 32863
73 ..... 29256, 30806
75 31253
97 ..... 29257, 30807
121 32863
135 ..... 30968, 32863
152 30808
207 31000
208 31000
212 31000
221 32551
222 32552
241 33022
291 32560
302 31001
384 32560
385 ..... 32560, 32563

Proposed Rules:

Ch. I 30352
39 ..... 31268, 31899, 31900, 32265, 32266, 32875
71 ..... 29278–29281, 29947–29951, 30353, 30354, 30833, 31269, 32267, 32269, 32876–32879
73 30833
75 ..... 29280, 29281, 31278
121 ..... 32409, 32413
123 32409
127 32409
135 ..... 32409, 32413
323 29282
302 29718
399 ..... 29285, 29719, 29727

15 CFR

370 29457
371 32431
374 32563
376 ..... 31001, 31407, 32563
377 32431
379 32563
385 31407
399 ..... 31407, 32431
806 30336
908 32233
935 32014
936 32014

Proposed Rules:

330 29662
331 29662
332 29662
340 29662
341 29662
342 29662
343 29662
350 29662
351 29662
352 29662
353 29662
354 29662
373 30623

16 CFR

4 32435
13 ..... 29458, 29928, 30337, 32233, 32234
460 29256
1031 29928
1032 29928
1212 29696

Proposed Rules:

Ch. II 29951, 30115, 31901
13 ..... 30646, 32450
453 31662

17 CFR

15 29931
16 29931
17 29931
18 29931
21 29931
230 31880
285 32879
286 32879
287 32879

Proposed Rules:

Ch. I 29952
270 32595

18 CFR

141 29459
271 ..... 29697, 29699, 30489–30491, 31253–31256, 32235–32238, 33023, 33024
284 30491
292 ..... 32238, 33025
375 29700
1301 31002
1309 30811

Proposed Rules:

Ch. I 31902
157 30505
271 ..... 30833, 32270, 32596, 32597
292 31663
375 30505

19 CFR

101 ..... 29462, 32436
103 32564
134 30338
152 32564
175 32564
353 32864

Proposed Rules:

Ch. I 29953
200 29729

20 CFR

655 32437

Proposed Rules:

404 29953

21 CFR

5 31003
74 31004
101 31004
135 31004
145 33027
166 31004
172 ..... 30080, 32015
173 ..... 30492, 30493
175 32015
178 31005–31007
193 ..... 30338, 30494, 31008, 32239, 32865
314 32016
444 31009
510 33028
520 ..... 29464, 31010, 32017, 32438, 32439, 33028
524 32440
540 33029
558 ..... 32018, 32019
561 ..... 30339, 31637
573 30081
1308 32019

Proposed Rules:

105 33053
145 33055
161 30505
180 ..... 31020, 32453
182 ..... 31020, 32453
430 30115
436 30115
440 30115
444 30115
448 30115
452 30115
1308 29484

22 CFR

41 30082

Proposed Rules:

171 30649

23 CFR

Proposed Rules:

625 32880
655 32880

24 CFR

235 ..... 29256, 31257
570 29908

25 CFR

52 31880

26 CFR

1 ..... 29465, 31409, 31881, 32239
7a 30495
11 29465
35 30495

Proposed Rules:

20 32598
31 31278

27 CFR

4 29260
19 ..... 29261, 32224
70 29261
240 29261
245 29261
250 29261
270 29261
275 29261

Proposed Rules:

9 31020

28 CFR

0 ..... 29704, 29931
16 ..... 30495, 32021, 32866
301 31204

Proposed Rules:

31 29438
522 31210
527 31210
544 31210
545 31210

29 CFR

Ch. XXVI 32574
92 32214
778 32440
1601 33030
1910 ..... 31010, 32021
1928 32021
1952 32022
2610 ..... 31257, 32022
2613 32866

Proposed Rules:

Ch. XIV 33055
530 29485

30 CFR

250 29932

700 31258
716 31258
785 31258
906 33056
920 33056
931 ..... 31638, 33056
934 33056
944 33056
948 33056
950 33056

Proposed Rules:
Ch. II 32885
221 32454
715 32455
816 32455
817 32455

31 CFR

51 ..... 29261, 31409
535 ..... 30340, 31630

32 CFR

199 29704
294 29705
706 32023

Proposed Rules:
41 31663
298a 29486
505 33057

33 CFR

25 29933
165 29933
183 32867
204 29934

Proposed Rules:
82 32886
100 29288
110 31278
117 ..... 30354, 30834, 32887
160 30835
162 29954
402 30838

34 CFR

324 31996
773 31866

36 CFR

13 ..... 31836, 33031

Proposed Rules:
1190 30839
272 31021

37 CFR

303 32576

Proposed Rules:
201 30649
202 30651

38 CFR

3 31011
21 ..... 29474, 32023

Proposed Rules:
Ch. I 31903
3 32036
21 31022

39 CFR

111 32578
601 30623

Proposed Rules:
10 30505

40 CFR

30 31259
35 31642
40 31259
52 ..... 29707, 30082, 30496, 31011, 31012, 31258-31261, 31881, 32440
60 29262
61 29262
62 30496
81 ..... 31013, 31886, 32582, 33031
86 ..... 30497, 31411, 32868
122 ..... 29708, 30624
123 29935
162 29708
180 ..... 30342, 30499, 30624, 31014, 31015, 31642, 32441, 32442
228 ..... 31412, 31413
260 29708
261 29708
264 ..... 29708, 30624
265 ..... 29708, 30624
413 30625
761 32868

Proposed Rules:
52 ..... 29289, 29488, 30116, 30355-30366, 30653-30655, 31023, 31024, 31446, 31675, 31903, 32036, 32271, 32456, 33058
60 ..... 29955, 31904
61 32599
62 31026
81 ..... 29281, 30368, 30655, 31027, 32272, 33059
86 31677
123 ..... 29292, 31028, 31279
180 ..... 30506, 30662, 31279, 32038, 32273, 32457, 33060
192 32458
408 30663
420 32274
430 31028
431 31028
761 32887
773 30300

41 CFR

7-1 ..... 31566, 31886
7-3 31886
7-6 31886
7-7 31886
7-10 31886
7-15 31886
7-30 31886
8-4 33032
8-14 31262
8-74 31262
Ch. 12 30816
15-1 29709
15-3 31643
Ch. 18 (Parts 1, 2, 3, 8, 20, App. M) 32443
Ch. 18 (Parts 1, 3, 4, 13, 21) 32444
51-1 33032
51-2 33032
51-3 33032
51-4 ..... 30084, 33032
51-5 ..... 30084, 33032
60-1 33033
60-2 33033
60-4 33033
60-20 33033
60-30 33033
60-50 33033
60-60 33033
60-250 33033
60-471 33033
Ch. 101 ..... 31890, 31891

Proposed Rules:
Ch. 1 30369
1-4 30369
101-11 30369
101-37 30369
104-4 29955

43 CFR

5420 29262

Public Land Orders:
1281 (Revoked by 5883) 29263
1933 (Revoked by 5956) 31892
5169 (Amended by PLO 5396 and 5951) 29937
5179 (Amended by PLO 5250 and 5951) 29937
5180 (Amended by PLO 5418 and 5951) 29937
5250 (Amended by PLO 5951) 29937
5396 (Amended by PLO 5951) 29937
5418 (Amended by PLO 5951) 29937
5865 30500
5866 30500
5867 32240
5883 29263
5943 29710
5944 29710
5945 29939
5946 29939
5947 29938
5948 29938
5949 29939
5950 29939
5951 29937
5952 30086
5953 30817
5954 31892
5955 31892
5956 31892
5957 31893
5958 31893
5959 31894
5960 31894
5961 31894
5962 31895

Proposed Rules:
35 29955
230 32459

44 CFR

1 32583
64 ..... 29940, 29942, 30626, 31643, 32240, 32241
65 ..... 32243, 32247
67 ..... 30500, 30628, 31263, 31645, 31648
205 32587

Proposed Rules:
55 29292
61 29292
67 ..... 29729-29732, 29956, 30116, 30124, 30507, 30663, 30665, 31281-31285, 31680, 31686, 31692, 32275, 33060-33062
300 29264

45 CFR

3 30343
46 29883
74 30500
235 29264

Proposed Rules:
71 29732
301 30372
304 29964
1300 31029

46 CFR

Proposed Rules:
310 30507
502 30666
510 32279
524 32460
547 30667

47 CFR

1 30818
2 ..... 31414, 31415
22 31417
61 ..... 29264, 30818
63 31418
64 ..... 29474, 32039
73 ..... 30086-30091, 30343, 30344, 31264, 31265, 31421, 31422, 31895, 32039, 32868, 33033-33037
74 31265
81 31015
83 31015
90 ..... 31422, 31647, 32039
95 ..... 32039, 32416
97 31415

Proposed Rules:
Ch. I 30516, 30668, 31286
2 ..... 30124, 31290, 31693, 32280
21 32280
22 31292
23 30124
31 ..... 30150, 30152
63 31693
67 32281
73 ..... 29488, 30153, 30154, 30372, 30516-30518, 31029, 31290, 31695, 31909, 32887
87 32280
90 32280
94 30124
97 32888

48 CFR

Proposed Rules:
4 32600
8 32600
47 32600

49 CFR

1 29269
172 ..... 29392, 32250
387 30974
531 29944
571 ..... 32251, 32254
575 29269
Ch. X 30092
1000 30502
1003 31016

1011 32449
1033 ..... 29480, 30502, 30632, 32588
1039 ..... 32025, 32257
1056 ..... 29711, 29945
1090 32257
1100 30832
1137 30832
1300 32257

Proposed Rules:
171 29967
172 ..... 29968, 29973
173 ..... 29967, 29968, 29973, 31294
175 29968
178 29973
192 32287
195 32287
212 32888
213 32898
571 ..... 31294, 32899
1004 ..... 30668, 32460
1047 30668
1048 31450
1057 32460
1127 30156
1201 ..... 30839, 32289
1241 30839
1248 30839

50 CFR

17 29481
36 31818
91 30633
219 31648
301 30345
371 32868
611 33038
651 30348
661 ..... 29733, 30633
672 33038
674 33041

Proposed Rules:
17 ..... 29490, 33063
20 31030
653 30674
682 30674

V 4 6 J E 2 6 8 1 UMI

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The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

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DOT/FAA	USDA/FSQS		DOT/FAA	USDA/FSQS
DOT/FHWA	USDA/REA		DOT/FHWA	USDA/REA
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/NHTSA	LABOR		DOT/NHTSA	LABOR
DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
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DOT/UMTA			DOT/UMTA	
CSA			CSA	

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REMINDERS

List of Public Laws

This is a continuing listing of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (telephone 202–275–3030).

Last Listing June 19, 1981

S. 1213 / Pub. L. 97-16 To amend title I of the Marine Protection, Research, and Sanctuaries Act, as amended (June 23, 1981; 95 Stat. 100) Price: $1.50.

V
4
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J
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2
6
8
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UMI

V 46 J E 26 8 1 UMI

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6-29-81
Vol. 46 No. 124
Pages 33217-33508

federal register

Monday
June 29, 1981

Highlights

33249 **Postal Service** PS amends ZIP Code provisions to prepare for ZIP plus four-digit add-on code.

33468 **Low Income Housing** HUD/FHC establishes new construction prototype limits for development of low-income public housing and Indian housing projects. (Part III of this issue)

33293 **Commodities** CFTC proposes pilot program on domestic exchange-traded commodity options.

33238 **Natural Gas** DOE/FERC publishes incremental pricing acquisition cost thresholds for July, 1981.

33365 **Motor Vehicles** EPA announces workshop on concepts for potential revision to motor vehicle emission compliance program.

33502 **Hazardous Waste** EPA allows some disposal of containerized liquid ignitable waste in landfills until 11-19-81. (Part IV of this issue)

33401 **Small Businesses** SBA announces maximum annual cost of money to small business concerns for financing by small business investment companies.

33401 **Railroad Safety** DOT/FRA grants temporary waiver of standards to permit safety and reliability study of locomotive power brake equipment.

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Highlights

33246 **Grants—Museums** ED expands types of Federal financial assistance offered under Museum Services Program.

33454 **Noise Control** DOT/FAA amends noise level rules for turbojet and propeller-driven airplanes. (Part II of this issue)

33413 **Procurement—Excessive Profits** Treasury/FS announces Renegotiation Board interest rate for the period 7–1–81 to 12–31–81.

33245 **Freedom of Information** DOD/Sec'y amends procedures on public availability of DMA records.

33277 **Motor Carriers** ICC adopts new minimum amounts of insurance for motor carriers of property.

33351 **Tobacco** USDA/CCC publishes price support rates applicable to eligible grades of 1981-crop flue-cured tobacco.

33284 **Aircraft and Airmen** DOT/FAA withdraws proposal on fees for aircraft registration, conveyance recording and airman certification.

33413 **Imports—Tuna Fish** Treasury/Customs sets 1981 tariff-rate quota.

33341 **Marine Safety** DOT/CG considers improving standards for stability of inflatable liferafts.

Privacy Act Document

33399 OMB

Regulatory Flexibility Plans

33352 CAB
33287 SEC
33404 DOT/Sec'y
33395 NASA

33415 **Sunshine Act Meetings**

Separate Parts of This Issue

33454 **Part II, DOT/FAA**
33468 **Part III, HUD/FHC**
33502 **Part IV, EPA**

V 46 J E 29 81 1 UMI

Contents

Federal Register

Vol. 46, No. 124

Monday, June 29, 1981

Agriculture Department
See Commodity Credit Corporation; Science and Education Administration.

Alcohol, Tobacco and Firearms Bureau
NOTICES
33410 Firearms, granting of relief

Army Department
NOTICES
Meetings:
33356 Rifle Practice Promotion National Board

Arts and Humanities, National Foundation
NOTICES
Meetings:
33396 Humanities National Council Advisory Committee

Civil Aeronautics Board
NOTICES
33352 All-cargo air service certificate applications
Hearings, etc.:
33353 Westair Jet fitness investigation
33352 Mail rates; domestic service priority and nonpriority
33353 Regulatory flexibility plan

Coast Guard
PROPOSED RULES
Equipment, construction, and materials; specifications and approval:
33341 Lifesaving equipment; inflatable liferafts, stability; improved standards

Commerce Department
See also National Oceanic and Atmospheric Administration.
RULES
33238 Voluntary standards, Federal participation in development and use; procedures for listing and delisting voluntary standards bodies and for voluntary dispute resolution service; deferral of effective date

Commodity Credit Corporation
RULES
Loan and purchase programs:
33217 Tobacco
NOTICES
33351 Loan and price support programs; 1981 determinations; flue-cured tobacco
33415 Meetings; Sunshine Act

Commodity Futures Trading Commission
PROPOSED RULES
33293 Domestic exchange-traded commodity options; pilot program

Consumer Product Safety Commission
NOTICES
33354 Ceiling light fixtures; mandatory safety standard regarding fire risk associated with thermal insulation installation around fixtures; petition denied

Copyright Office, Library of Congress
RULES
Claims registration:
33248 Copyright notice; pictorial, graphic, and sculptural works; etc.

Customs Service
NOTICES
Tariff-rate quotas:
33413 Tuna fish, canned

Defense Department
See also Army Department.
RULES
33245 Freedom of Information Act; implementation; Defense Mapping Agency
NOTICES
Meetings:
33356 Science Board (3 documents)
33356 Science Board task forces

Economic Regulatory Administration
NOTICES
Consent orders:
33359 Cajun Energy, Inc.
Natural gas; fuel oil displacement certification applications:
33360 Long Island Lighting Co.
Powerplant and industrial fuel use; prohibition orders, exemption requests, etc.:
33357 Champion International Corp.
Remedial orders:
33361 Don's Shell et al.

Education Department
RULES
33246 Museum services program

Energy Department
See also Economic Regulatory Commission; Federal Energy Regulatory Commission; Hearings and Appeals Office, Energy Department.
NOTICES
International atomic energy agreements; civil uses; subsequent arrangements:
33357 European Atomic Energy Community and Sweden
33357 European Atomic Energy Community and Switzerland

Environmental Protection Agency
RULES
Air quality planning purposes; designation of areas:
33269 Texas

Hazardous waste:
33502 Treatment, storage, and disposal facilities; interim status standards for owners and operators; containerized liquid ignitable wastes disposal in landfills
Pesticide chemicals in or on raw agricultural commodities; tolerances and exemptions, etc.:
33269 Boiled linseed oil
PROPOSED RULES
Air quality implementation plans; approval and promulgation; various States, etc.:
33334 Illinois
33335 Washington
33333 West Virginia
NOTICES
Environmental statements; availability, etc.:
33365 Biscayne Aquifer, Broward County, Fla.; review of highway project
33365 Motor vehicle compliance program; workshop
Toxic and hazardous substances control:
33364 Premanufacture notification requirements; test marketing exemption approvals

Equal Employment Opportunity Commission
NOTICES
33415 Meetings; Sunshine Act (2 documents)

Federal Aviation Administration
RULES
33465 Airport noise compatibility planning; interim rule and request for comments; correction
Airworthiness directives:
33217-33223 British Aerospace (3 documents)
33219 Embraer
33225 Hughes
33223 Maule
33228 Pratt & Whitney
33228 Short Brothers
Noise standards:
33454 Turbojet engine powered airplanes and large propeller-driven airplanes
33236 Standard instrument approach procedures
33229 Terminal control areas
33235 Transition areas
33235 VOR Federal airways
PROPOSED RULES
Aircraft registration:
33284 Fees for conveyance recording and airman certification, etc.; withdrawn
Airworthiness directives:
33282 British Aerospace
33280 Garrett (AiResearch)
33284-33286 Transition areas (3 documents)

Federal Communications Commission
NOTICES
33415 Meetings; Sunshine Act (2 documents)

Federal Emergency Management Agency
RULES
Flood insurance; communities eligible for sale:
33275 Connecticut et al.
PROPOSED RULES
Flood elevation determinations:
33337 Illinois
NOTICES
Disaster and emergency areas:
33369 Ohio

Federal Energy Regulatory Commission
RULES
Natural Gas Policy Act of 1978:
33238 Incremental pricing; acquisition cost thresholds
NOTICES
33361 Oil pipelines, interstate; tentative basic valuations

Federal Home Loan Bank Board
NOTICES
33417 Meetings; Sunshine Act

Federal Maritime Commission
NOTICES
33370 Agreements filed; modifications; circular letter
33369 Alaska Pipeline; certificates of financial responsibility; list

Federal Railroad Administration
NOTICES
33401 Locomotive test program; proposed temporary waiver
Petitions for exemptions, etc.:
33401 Green Mountain Railroad

Federal Reserve System
NOTICES
Applications, etc.:
33370 United Central Bancshares, Inc.

Fiscal Service
NOTICES
33413 Renegotiation interest rate for excessive profits and refund

Fish and Wildlife Service
RULES
Endangered and threatened species:
33278 Final rules; deferral of effective dates and request for comments
NOTICES
33371-33372 Endangered and threatened species permit applications (5 documents)
Environmental statements; availability, etc.:
33372 Fishery resources program

General Services Administration
RULES
Procurement:
33270 Subcontracting report forms 294 and 295; temporary

Health and Human Services Department
See Health Services Administration; National Institutes of Health.

Health Services Administration
NOTICES
Meetings; advisory committees:
33370 August

Hearings and Appeals Office, Energy Department
NOTICES
Applications for exception:
33361, 33362 Decisions and orders (2 documents)

Housing and Urban Development Department
RULES
Low income housing:
33468 Public housing development; processing procedures; prototype cost determination

Indian Affairs Bureau
RULES
Off-reservation treaty fishing:
33241 Fraser River Convention sockeye and pink salmon fishery; emergency regulation

Interior Department
See Fish and Wildlife Service; Indian Affairs Bureau; Land Management Bureau.

Internal Revenue Service
NOTICES
Authority delegations:
33413 Assistant Commissioner (Technical) et al.; application of rulings without retroactive effect

Interstate Commerce Commission
RULES
Motor carriers:
33277 Property carriers; liability insurance; minimum amounts of bodily injury and property damage
NOTICES
Motor carriers:
33374-33382 Permanent authority applications (2 documents)
33375 Permanent authority applications; restriction removals
33383 Temporary authority applications
Railroad operation, acquisition, construction, etc.:
33373 Gold Triangle Railroad et al.

Justice Department
NOTICES
Pollution control; consent judgments:
33395 Hopewell, Va.; et al.

Labor Department
See Occupational Safety and Health Administration.

Land Management Bureau
RULES
Public land orders:
33275 Colorado; correction
NOTICES
Meetings:
33372 Fairbanks District Advisory Council

Management and Budget Office
NOTICES
33399 Privacy Act; systems of records; Professional Staff Roster

National Aeronautics and Space Administration
NOTICES
33395 Regulatory flexibility plan

National Institutes of Health
NOTICES
Committees; establishment, renewals, terminations, etc.:
33371 Public advisory committees
Meetings:
33370 Cancer Institute, National; Annual Cancer Centers Director's Meeting

National Oceanic and Atmospheric Administration
PROPOSED RULES
Fishery conservation and management:
33350 Atlantic groundfish; development of interim plan; hearings
NOTICES
Meetings:
33354 Mid-Atlantic Fishery Management Council

Nuclear Regulatory Commission
NOTICES
Applications, etc.:
33396 Carolina Power & Light Co.
33396, 33397 Florida Power & Light Co. (2 documents)
33397 General Electric Co.
33397 Maine Yankee Atomic Power Co. (2 documents)
33398 Tennessee Valley Authority
33398 Virginia Electric & Power Co.

Occupational Safety and Health Administration
RULES
Health and safety standards:
33244 Lead, occupational exposure to; deferral of effective date

Postal Service
RULES
Domestic Mail Manual:
33249 ZIP plus 4 code
NOTICES
33417 Meetings; Sunshine Act

Science and Education Administration
NOTICES
Meetings:
33352 Food and Agricultural Sciences Joint Council (2 documents)

Securities and Exchange Commission
PROPOSED RULES
33287 Regulatory flexibility plan
NOTICES
Hearings, etc.:
33400 Lifemark Corp.

Small Business Administration
NOTICES
Small business investment companies:
33401 Maximum annual cost of money to small business concerns; Federal Financing Bank rate

Tennessee Valley Authority
NOTICES
33418 Meetings; Sunshine Act

Transportation Department
See also Coast Guard; Federal Railraod Administration.
NOTICES
33404 Regulatory flexibility plan

Treasury Department
See Alcohol, Tobacco and Firearms Bureau; Customs Service; Fiscal Service; Internal Revenue Service.

United States Railway Association
NOTICES
33418 Meetings; Sunshine Act

MEETINGS ANNOUNCED IN THIS ISSUE

AGRICULTURE DEPARTMENT
Science and Education Administration—
33352 Joint Council on Food and Agricultural Sciences, Arlington, Va. (open), 7–15, 7–16, and 7–17–81
33352 Joint Council on Food and Agricultural Sciences Executive Committee, Arlington, Va. (open), 7–15–81

ARTS AND HUMANITIES, NATIONAL FOUNDATION
33396 Humanities National Council Advisory Committee, Washington, D.C. (closed), 7–30–81

COMMERCE DEPARTMENT
National Oceanic and Atmospheric Administration—
33354 "Phonic Code System" (open), Salisbury, Md., 7–15–81; Tom's River, N.J., 7–16–81

DEFENSE DEPARTMENT
Army Department—
33356 National Board for the Promotion of Rifle Practice (NBPRP), Washington, D.C. (open), 7–9–81
Office of the Secretary—
33356 Defense Science Board, San Diego, Calif. (closed), 8–3 through 8–7–81
33356 Defense Science Board, San Diego, Calif. (closed), 8–10 through 8–14–81
33356 Defense Science Board Summer Study Panel on Operational Readiness with High Performance Systems, Arlington, Va. (closed), 7–23 and 7–24–81
33356 Defense Science Board Task Force on EW, Washington, D.C. (closed), 7–27–81

ENVIRONMENTAL PROTECTION AGENCY
33364 Revised Motor Vehicle Compliance Program, Washington, D.C. (open), 7–29 and 7–30–81

HEALTH AND HUMAN SERVICES DEPARTMENT
Health Services Administration—
33370 National Health Service Corps National Advisory Council, St. Louis, Missouri (open), 8–27 and 8–28–81
National Institutes of Health—
33370 Annual Cancer Centers Director's Meeting, Bethesda, Md. (open), 7–15–81

INTERIOR DEPARTMENT
Fish and Wildlife Service—
33372 Fishery Resources Program, Kansas City, Missouri (open), 8–5–81
Land Management Bureau—
33372 Fairbanks District Advisory Council, Fairbanks, Alaska (open), 7–28 through 7–30–81

HEARINGS

COMMERCE DEPARTMENT
National Oceanic and Atmospheric Administration—
33350 New England Fishery Management Council, various locations, various dates

TRANSPORTATION DEPARTMENT
Coast Guard—
33341 Lifesaving Equipment, Washington, D.C., 9–1–81

CFR PAR

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the Reade

7 CFR
1464.....
14 CFR
36.....
39 (8 docu
71 (3 docu
97.....
150.....
Proposed R
39 (2 docu
47.....
49.....
61.....
63.....
65.....
67.....
71 (3 docu
143.....
187.....
15 CFR
19.....
17 CFR
Proposed R
Ch. II.....
1.....
17.....
33.....
18 CFR
282.....
24 CFR
841.....
25 CFR
256.....
29 CFR
1910.....
32 CFR
295.....
34 CFR
64.....
37 CFR
201.....
202.....
39 CFR
111.....
40 CFR
81.....
180.....
265.....
Proposed R
52 (3 docu
41 CFR
Ch. I.....
43 CFR
Public Land
5904.....
44 CFR
64.....
Proposed R
67.....
46 CFR
Proposed R
160.....
49 CFR
1003.....

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

7 CFR
1464 33217

14 CFR
36 33454
39 (8 documents) 33217–3328
71 (3 documents) 33229–33235
97 33236
150 33465

Proposed Rules:
39 (2 documents) 33280–33282
47 33284
49 33284
61 33284
63 33284
65 33284
67 33284
71 (3 documents) 33284–33286
143 33284
187 33284

15 CFR
19 33238

17 CFR

Proposed Rules:
Ch. II 33287
1 33293
17 33293
33 33293

18 CFR
282 33238

24 CFR
841 33468

25 CFR
256 33241

29 CFR
1910 33244

32 CFR
295 33245

34 CFR
64 33246

37 CFR
201 33248
202 33248

39 CFR
111 33249

40 CFR
81 33269
180 33269
265 33502

Proposed Rules:
52 (3 documents) 33333–33336

41 CFR
Ch. I 33270

43 CFR

Public Land Orders:
5904 33275

44 CFR
64 33275

Proposed Rules:
67 33337

46 CFR

Proposed Rules:
160 33341

49 CFR
1003 33277
1043 33277

50 CFR
17 33278

Proposed Rules:
651 33350

V
4
6
J
E
2
9
8
1
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This section
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7 CFR Part

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SUMMARY:
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Rules and Regulations

Federal Register
Vol. 46, No. 124
Monday, June 29, 1981

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

7 CFR Part 1464

Tobacco Loan Program

AGENCY: Commodity Credit Corporation, Department of Agriculture (USDA).

ACTION: Final rule.

SUMMARY: This rule deletes the regulations codified at 7 CFR Part 1464.16 through 1464.27 (Loan Schedules). Loan schedules for the kinds of tobacco eligible for price support are published each year in the Federal Register and are also later codified in the Code of Federal Regulations. In order to avoid having to amend the Code of Federal Regulations each time a change is made in the loan schedules, the annual crop year loan schedules will no longer be codified in the Code of Federal Regulations beginning with loan schedules for 1981-crop tobacco but will be published in the **Federal Register** in the notice section.

EFFECTIVE DATE: June 29, 1981.

FOR FURTHER INFORMATION CONTACT: Robert L. Tarczy, Program Specialist, (ASCS) Price Support and Loan Division, U.S. Department of Agriculture, P.O. Box 2415, Washington, D.C. 20013, (202) 447-6733.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed in conformance with Executive Order 12291 and has been classified as "not major rule." This rule has been classified as "not major" since it does not have an annual effect on the economy of $100 million or more. I have determined that it is impracticable for the Commodity Credit Corporation (CCC) to follow the public rulemaking requirements of Secretary's Memorandum 1955 and U.S.C. 553 with respect to this rule since this action makes no substantive change but merely deletes the loan schedules previously published in the Code of Federal Regulations; however, the loan schedules previously appearing in §§ 1464.16 through 1464.27 remain applicable to the crop to which each refers. Previously, loan schedules were published in the **Federal Register** as proposed rules and final rules. The same loan schedules were later codified in the Code of Federal Regulations. Effective with the 1981 crops of tobacco, support rates will appear only as notices in the **Federal Register.**

Accordingly §§ 1464.16 through 1464.27 (Loan Schedules) of Title 7 are hereby removed from the Code of Federal Regulations.

(Secs. 4, 5, 62 Stat. 1020, as amended, (15 U.S.C. 714b, 714c), secs. 101, 106, 401, 403, 63 Stat. 1051, as amended, (7 U.S.C. 1441, 1425, 1421, 1423))

Signed at Washington, D.C. on June 25, 1981.

Everett Rank,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 81-19161 Filed 6-26-81; 8:45 am]

BILLING CODE 3440-05-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 81-CEF-2-AD; Amdt. 39-4150]

British Aerospace, Aircraft Group, Scottish Division Models HP.137 Jetstream MK-1 and Series 200 Airplanes; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This Amendment revises Airworthiness Directive (AD) 81-09-03, applicable to British Aerospace, Aircraft Group, Scottish Division, Models HP.137 Jetstream MK-1 and Series 200 airplanes, by including rudder pedal mounting bracket P/N 13723E-3, by relaxing the repetitive inspection interval, and by specifying a temporary repair of cracked mounting brackets. This amendment is needed because, based on investigations conducted by the manufacturer, the AD 81-09-03 repetitive inspection interval has been determined to be unnecessarily restrictive. Additionally, the AD did not include the -3 mounting bracket and an approved method to repair cracked mounting brackets.

EFFECTIVE DATE: July 6, 1981.

FOR FURTHER INFORMATION CONTACT: C. Christie, Chief, Aircraft Certification Staff, AEU-100, Europe, Africa and Middle East Office, Federal Aviation Administration, c/o American Embassy, Brussels, Belgium, Telephone 513.38.30, or Earsa L. Tankesley, Chief, Airworthiness Standards Program, ACE-215, 601 East 12th Street, Kansas City, Missouri 64106; Telephone (816) 374-6937.

SUPPLEMENTARY INFORMATION: AD 81-09-03, Amendment 39-4115 (46 FR 27095), applicable to British Aerospace Models HP.137 Jetstream MK-1 and Series 200 airplane rudder pedal mounting brackets P/N 13723E-5, requires, after initial inspections, repetitive inspections for cracks at intervals not to exceed 25 hours time-in-service. In addition, the AD requires replacement of cracked mounting brackets prior to further flight, with a serviceable part of the same part number and continued repetitive inspections for cracks at intervals not to exceed 25 hours time-in-service.

Subsequent to issuance of AD 81-09-03, British Aerospace (the manufacturer) determined that airworthiness action should also apply to mounting brackets P/N 13723E-3 as well as the -5 brackets and that eddy current procedures could also be used to detect cracks. The P/N 13723E-3 mounting bracket is an earlier version of the P/N 13723E-5 bracket and has a slight difference in tolerances to the -5 bracket, but the two brackets are interchangeable. Further, based on the manufacturer's investigation of failed parts and the crack propagation characteristics of failed mounting brackets, there is justification to extend the AD repetitive inspection interval to 100 hours time-in-service. In addition, the manufacturer issued a temporary repair scheme No. 1379138R for cracked mounting brackets to be used in the interim time that new reinforced mounting brackets can be developed and installed. Since the new reinforced mounting brackets are not yet available, the FAA has no basis to include the new brackets in this revision of the AD. The FAA did, however, determine there is a

need to clarify paragraph (C) of AD 81-09-03 to specify temporary repair scheme No. 1379138R as an FAA-approved repair and also to include that equivalent repairs must be approved by the Chief, Aircraft Certification Staff, AEU-100, Europe, Africa and Middle East Office.

Since this amendment is, in part, relieving and clarifying in nature, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days after the date of publication in the Federal Register.

Adoption Of The Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by further amending Airworthiness Directive 81-09-03 (Amendment 39-4115, 46 FR 27095) as follows:

(1) Revise the existing applicability statement to read:

"**British Aerospace, Aircraft Group, Scottish Division:** Applies to Models HP.137 Jetstream MK-1 and Series 200 airplanes, all serial numbers, certificated in any category."

(2) Revise paragraph A)1. and A)2. to read:

"A) Prior to further flight, unless previously accomplished under AD 81-09-03:

1. Refer to British Aerospace Illustrated Parts Manual, Chapter 9-1, page 12, Figure 4, item 6 for Model HP.137 Jetstream MK-1 aircraft, and Manual JS/2-1PC 3/79, Chapter 19.20, page 10, Figure 4, item 8 for model Jetstream Series 200 aircraft, and locate mounting bracket (P/N 13723E-3 or -5) (magnesium castings). The area of inspection is on the aft face of the bracket (both the pilot's and the copilot's sides) extending from 0.1 inch to 1.5 inches above the bushing flange (shaft assemby, pedal adjusting) and across full width of the bracket

2. Thoroughly clean the area of inspection and visually inspect the mounting bracket (P/N 13723E-3 or -5) for cracks using a magnifying glass of at least 5X magnification and flashlight."

(3) Revise paragraphs B) and B)1. to read:

"B) Within the next 5 hours time-in-service after the effective date of this AD, unless previously accomplished under AD 81-09-03, or unless paragraph C) has been accomplished, and thereafter at intervals not to exceed 100 hours time-in-service from the last inspection, inspect as follows:

1. Remove the paint from the inspection area described in paragraph A)1. above and conduct an inspection of the mounting bracket (P/N 13723E-3 or-5) for cracks using dye penetrant method or eddy current technique."

(4) Revise paragraph C) to read:

"C) If cracks are found during the accomplishment of paragraph A) or B), prior to further flight, repair that part in accordance with British Aerospace Temporary Repair Scheme No. 1379138R or an equivalent repair approved by the Chief, Aircraft Certification Staff, FAA, Europe, Africa and Middle East Office, or replace it with a serviceable part of the same part number (P/N 13723E-3 and -5 are interchangeable) and continue the repetitive dye penetrant or eddy current inspections required by Paragraph B."

This amendment becomes effective on July 6, 1981.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421 and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.89 of the Federal Aviation Regulations (14 CFR Sec. 11.89))

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified under the caption "For Further Information Contact."

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the courts of appeals of the United States, or the United States Court of Appeals of the District of Columbia

Issued in Kansas City, Missouri, on June 17, 1981

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 81-19019 Filed 6-26-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 81-NW-31-AD; Amdt. 39-4151]

British Aerospace Model AW-650 Series Argosy Airplanes; Airworthiness Directive

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adds a new Airworthiness Directive (AD) which requires inspection of the left and right tail booms for cracks on British Aerospace AW-650 airplanes. These inspections are necessary to detect cracks in the flanges of frame 28 which if left undetected may result in the loss of a tail fin.

DATE: Effective date July 8, 1981.

ADDRESSES: The service bulletin specified in this Airworthiness Directive may be obtained upon request to British Aerospace Public Ltd., Aircraft Group, Manchester Division, Product Support Department, Woodford, England (telex number 667545), or may be examined at the FAA Northwest Region, 9010 E. Marginal Way South, Seattle, Washington 98108.

FOR FURTHER INFORMATION CONTACT: Mr. Harold N. Wantiez, Project Engineer, Foreign Aircraft Certification Branch, ANW-150S, Federal Aviation Administration, Seattle Area Aircraft Certification Office, 9010 E. Marginal Way South, Seattle, Washington 98108, Telephone (206) 767-2530.

SUPPLEMENTARY INFORMATION: One operator of an Argosy aircraft has reported finding cracks in tailboom frame 28 on both left and right booms on two airplanes. Frame angles both forward and aft of the frame web were cracked on both frames adjacent to the stringer supports. Frame 28 is an extension of the fin front spar. If undetected cracks are allowed to grow in this frame a situation may be reached in which the fin structure will separate from the airplane.

Since this condition is likely to exist or develop on other airplanes of the same type design, an airworthiness directive is being issued which requires inspection and repair, if necessary, of frame 28 on all British Aerospace AW-650 series Argosy airplanes.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impractical and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Section 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

British Aerospace: Applies to British Aerospace (formerly Armstrong Whitworth) Model AW-650 series Argosy airplanes certified in all categories. Compliance required as indicated.

To prevent possible loss of the vertical fin, accomplish the following: Within the next ten days, unless previously accomplished,

visually inspect the tailboom frame 28 on the left and right booms for cracks in accordance with paragraphs 5 through 7 and 9 of British Aerospace Alert Service Bulletin Number A55/39 dated May 26, 1981, or in a manner approved by the Chief, Seattle Area Aircraft Certification Office, FAA, Northwest Region.

A. If no cracks are found, reinspect at intervals not to exceed 50 flight hours by visual and eddy current methods in accordance with paragraphs 5 through 9 of British Aerospace Alert Service Bulletin Number A55/39 dated May 26, 1981, or later FAA approved revisions or in a manner approved by the Chief, Seattle Area Aircraft Certification Office, FAA, Northwest Region.

B. If cracking is found during the inspections, repair before further flight, in accordance with a method approved by the Chief, Seattle Area Aircraft Certification Office, FAA, Northwest Region.

C. Airplanes may be flown in accordance with FAR 21.197 to a maintenance base for accomplishment of the inspection required by this AD.

D. Alternate methods of compliance with this AD may be used when they are approved by the Chief, Seattle Area Aircraft Certification Office, FAA, Northwest Region.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to the addresses listed above. These documents may also be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108.

This amendment becomes effective July 8, 1981.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423; Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c); 14 CFR 11.89)

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Executive Order 12291. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as apropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation in not required). A copy of it, when filed, may be obtained by contacting the person identified above under the caption "For Further Information Contact."

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the courts of apeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Seattle, Washington, on June 18, 1981.

Charles R. Foster,

Director, Northwest Region.

[FR Doc. 81-19020 Filed 6-26-81; 8:45 am]

BILLING CODE 4110-09-M

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14 CFR Part 39

[Docket No. 81-SO-35; Amdt. No. 39-4145]

Embraer Models EMB-110P1 and EMB-110P2 Series Airplanes; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD) which requires inspection for cracks in the rudder upper hinge support (fin side) on certain Embraer Models EMB-110P1 and EMB-110P2 airplanes. This AD is needed to prevent failure of the rudder upper hinge support which could result in loss of control of the airplane.

DATES: Effective July 1, 1981.

Compliance Schedule—As prescribed in body of AD.

ADDRESSES: The Embraer Service Bulletin, 110-55-017, may be obtained from Empresa Brasileira de Aeronautica (Embraer), S/A, P.O. Box 343-CEP 12.200, San Jose dos Campos, SP, Brazil.

A copy of the service bulletin is also contained in the Rules Docket, Room 275, Engineering and Manufacturing Branch, FAA, Southern Region, 3400 Norman Berry Drive, East Point, Georgia 30344.

FOR FURTHER INFORMATION CONTACT:

Charles L. Perry, Aerospace Engineer, Engineering and Mnaufacturing Branch, FAA, Southern Region, P.O. Box 20636, Atlanta, Georgia 30320, telephone (404) 763-7407.

SUPPLEMENTARY INFORMATION: There have been reports of cracks in the rudder upper hinge support on the fin side of certain Embraer Models EMB-110P1 and EMB-110P2 airplanes which could result in failure of that support and loss of control of the airplane. Since this condition is likely to exist or develop on other airplanes of the same type design, an Airworthiness Directive is being issued which requires inspection of the rudder upper hinge support on the fin side and, if necessary, reinforcement or replacement on certain Embraer Models EMB-110P1 and EMP-110P2 airplanes.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new Airworthiness Directive (AD):

Embraer: Models EMB-110P1 and EMB-110P2, Serial Numbers 110001 through 110226, certificated in all categories.

Compliance is required as indicated, unless already accomplished.

To prevent failure of the rudder upper hinge support and associated structure of the vertical stabilizer, accomplish the following within the next 100 hours time in service after the effective date of the AD:

(a) Remove the two existing rudder leading edge fairings adjacent to the rudder upper hinge and conduct a dye-penetrant inspection of the entire rudder upper hinge support (fin side).

(b) If the inspection reveals no cracks or only small cracks limited to Area "A" (See Figure 1), reinforce the support as indicated in Figure 2 and in accordance with the instructions contained in Embraer Service Bulletin Number 110-55-017, dated December 11, 1980.

(c) If one or more cracks are found in other areas of the hinge support, replace the rudder upper hinge support with a new support (P/N 110-3348) in accordance with the instructions contained in Embraer Service Bulletin Number 110-55-017, dated December 11, 1980.

(d) Make appropriate maintenance record entry.

An equivalent method of compliance may be approved by the Chief, Engineeering and Manufacturing Branch, Federal Aviation Administration, Southern Region.

This amendment becomes effective July 1, 1981.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89)

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an

emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified above under the caption "For Further Information Contact."

Issued in East Point, Georgia, on June 15, 1981.

George R. LaCaille,

Acting Director, Southern Region.

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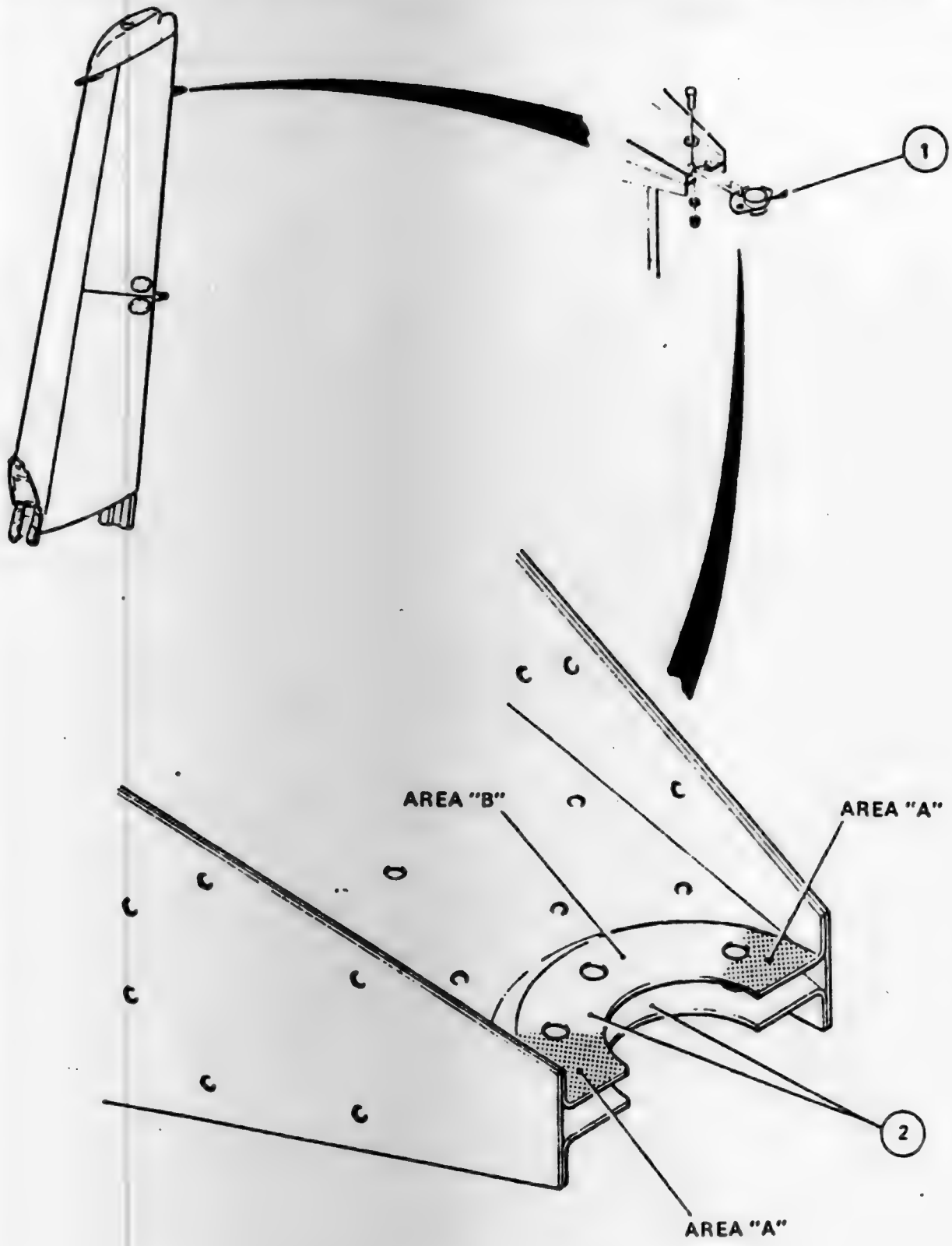

FIGURE 1 – SUPPORT INSPECTION

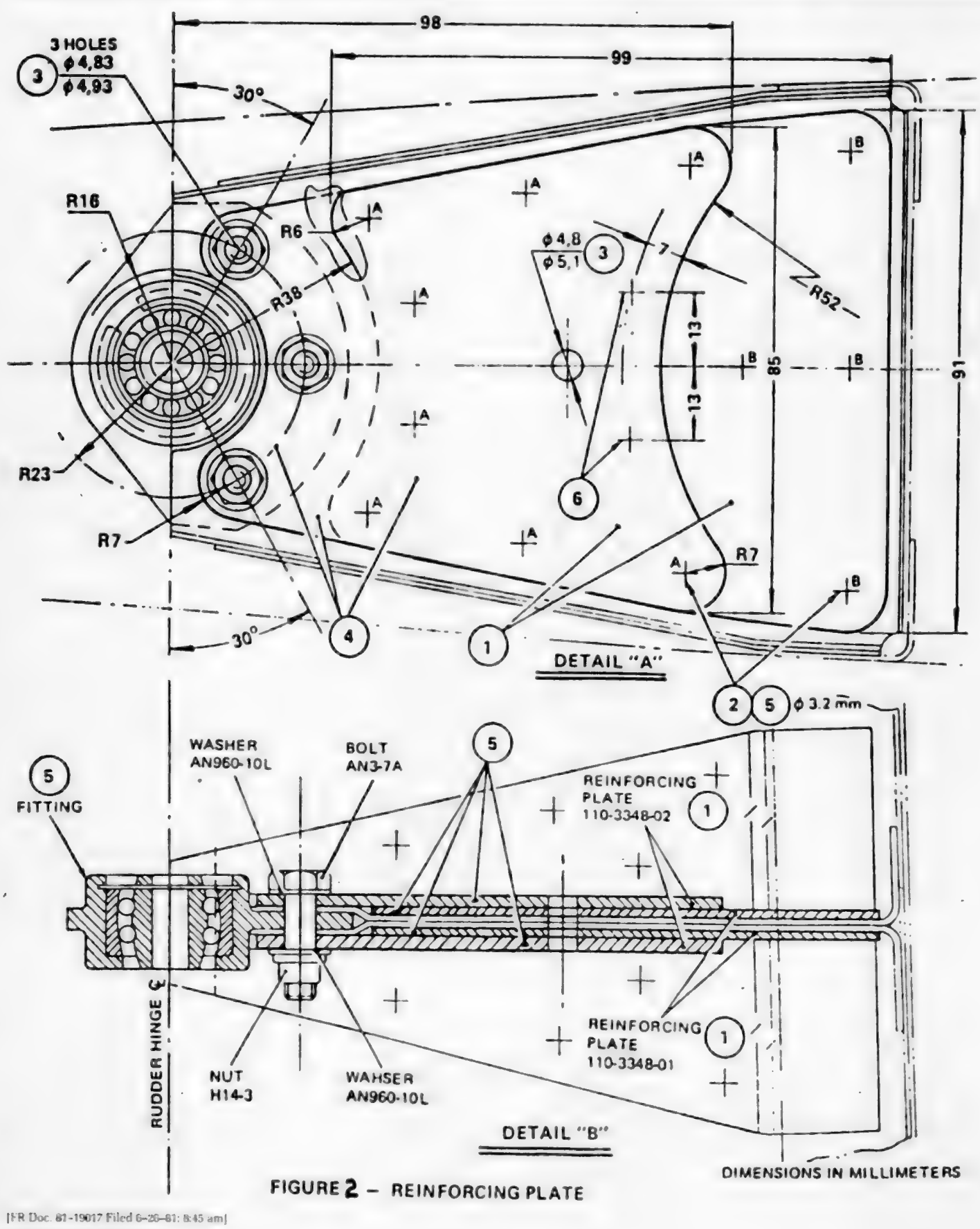

FIGURE 2 – REINFORCING PLATE

[FR Doc. 81-19017 Filed 6-26-81; 8:45 am]

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14 CFR Part 39

[Docket No. 81-SO-36; Amdt. No. 39-4146]

Maule Models M-4/M-5 Series Airplanes; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires inspection, reinforcement, and if cracks are found, replacement of the rudder pedal V-bar tube and its attachment points on certain Maule Aircraft Corporation Models M-4 and M-5 series airplanes. This AD is needed to prevent failure of the rudder pedal V-bar tube which would result in loss of rudder control and possible loss of control of the airplane.

DATES: Effective July 1, 1981.

Compliance required within the next 25 hours time in service after the effective date of this AD, unless already accomplished.

ADDRESSES: The applicable Maule Service Bulletin may be obtained from Maule Aircraft Corporation, Spence Air Base, Moultrie, Georgia 31768, telephone (912) 985-2045.

A copy of the Service Bulletin is also contained in the Rules Docket, Room 275, Engineering and Manufacturing Branch, FAA, Southern Region, 3400 Norman Berry Street, East Point, Georgia 30344.

FOR FURTHER INFORMATION CONTACT: Charles L. Perry, Aerospace Engineer, Engineering and Manufacturing Branch, FAA, Southern Region, P.O. Box 20636, Atlanta, Georgia 30320, telephone (404) 763-7407.

SUPPLEMENTARY INFORMATION: There have been two reports of split tubes in the rudder pedal V-bar section of the rudder bar on certain Maule Models M-4 and M-5 series airplanes which could result in loss of rudder control. Since this situation is likely to exist or develop on other airplanes of the same type design, an Airworthiness Directive is being issued which requires inspection, reinforcement, and/or replacement of defective parts as necessary on certain Maule M-4 and M-5 series airplanes.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

Adoption Of The Amendment

Accordingly, jpursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new Airworthiness Directive (AD):

Maule Aircraft Corporation: Applies to M-4 and to M-5 series airplanes certificated in all categories.

M-4 Series. M-4, S/N 4 through 94, 1001 through 1045, 1S through 3S, 1T through 3T, 1C through 11C; M-4-210C, S/N 1001C through 1117C; M-4-220S, S/N 2001S; M-4-220C, S/N 2001C through 2190C; M-4-180C, S/N 3001C through 3006C.

M-5 Series. M-5-220C, S/N 5001C through 5057C; M-5-210C, S/N 6001C through 6204C; M-5-235C, S/N 7001C through 7254C; M-5-180C, S/N 8001C and M-5-210TC, S/N 9001C.

Compliance is required as indicated, unless already accomplished.

To prevent failure of the rudder pedal V-bar and associated structure of the rudder bar, within 25 hours time in service after the effective date of this AD accomplish the following:

(a) Visually inspect the rudder pedal V-bar tube for cracks with at least a 10-power magnifying glass. NOTE: Instructions for access to the rudder bar are outlined in Maule Aircraft Corporation Service Bulletin No. 2, dated 2/17/81.

(b) If no cracks are found, modify the rudder bar assembly in accordance with the Maule Service Bulletin #2, dated 2/17/81.

(c) If a crack is found, prior to further flight accomplish either 1 or 2 below, as appropriate:

1. If the crack is one inch or less in length, install modified rudder bar, P/N 4130F-12, in accordance with the instructions contained in Maule Service Bulletin #2, dated 2/17/81, or stop drill at the end of the crack, weld and reinforce in accordance with the instructions provided in the Maule Service Bulletin #2, dated 2/17/81, and Advisory Circular 43.13-1A, Chapter 2, Aircraft Metal Structure, Section 2, Welding.

2. If the crack exceeds one inch in length, install modified rudder bar, P/N 4130F-12, in accordance with the instructions contained in Maule Service Bulletin #2, dated 2/17/81.

d. Make appropriate maintenance record entry.

An equivalent method of compliance may be approved by the Chief, Engineering and Manufacturing Branch, FAA Southern Region.

This amendment becomes effective July 1, 1981.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89).

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified above under the caption "For Further Information Contact."

Issued in East Point, Georgia, on June 15, 1981.

George R. LaCaille,

Acting Director, Southern Region.

[FR Doc. 81-19018 Filed 6-26-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 21840; Amdt. 39-4153]

Airworthiness Directives; British Aerospace, Aircraft Group (Formerly British Aircraft Corporation); Model BAC 1-11 200 and 400 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which supersedes an existing AD applicable to British Aerospace, Aircraft Group, Model BAC 1-11 200 and 400 Series airplanes to require inspection for cracks, and replacement as necessary, of flap track attachment brackets. The AD is needed to detect cracking which could result in failure of the brackets and possible loss of the flap.

DATES: Effective July 13, 1981. Compliance schedule—as prescribed in body of AD.

ADDRESSES: The applicable service bulletin may be obtained from: British Aerospace, Aircraft Group, 13850 McLearen Road, Herndon, Virginia 22070, Telephone: (703) 435-9100.

A copy of the service bulletin [1] is contained in the Rules Docket, Room 916, 800 Independence Avenue, SW., Washington, DC 20591.

FOR FURTHER INFORMATION CONTACT: C. Christie, Chief, Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Office, FAA, c/o American Embassy, Brussels, Belgium, Telephone: 513.38.30, or C. Chapman, Acting Chief, Technical Standards Branch, AWS-110, FAA, 800 Independence Avenue, SW.,

[1] Service Bulletin filed as part of original document.

Washington, DC 20591, Telephone: 202–426–8374.

SUPPLEMENTARY INFORMATION: This amendment supersedes Amendment 39–1348 (36 FR 22365), AD 71–25–01, which requires repetitive inspections, and replacement as necessary, of the flap track attachment brackets on certain British Aerospace, Aircraft Group, Model BAC 1–11 200 and 400 Series airplanes. After issuing Amendment 39–1348, the FAA determined that the modified brackets which AD 71–25–01 lists as replacement parts have also experienced cracking. Therefore, the AD 71–25–01 is being superseded by a new AD which requires repetitive inspections of both the original brackets and the replacement brackets, and repair or replacement as necessary, on certain British Aerospace, Aircraft Group, Model BAC 1–11 200 and 400 Series airplanes.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

British Aerospace, Aircraft Group.

Applies to Model BAC 1–11 200 and 400 Series airplanes, certificated in all categories.

Compliance required as indicated, unless already accomplished.

To prevent possible failures of flap track attachment brackets, accomplish the following:

(a) Inspect flap track attachment brackets (hereinafter referred to as brackets) for cracks at flap track location 4 (LH) which do not have British Aerospace, Aircraft Group, Modification 57–PM4948 Part (a) or (c) incorporated, and brackets at flap track location 4 (RH) which do not have Modification 57–PM4948 Part (b) or (d) incorporated, in accordance with paragraph (e) of this AD as follows:

(1) For 200 Series airplanes, within the next 50 landings after the effective date of this AD, or before the accumulation of 10,000 landings, whichever occurs later, unless already accomplished within the last 800 landings, and thereafter at intervals not to exceed 850 landings from the last inspection.

(2) For 400 Series airplanes, within the next 50 landings after the effective date of this AD, or before the accumulation of 8,000 landings, whichever occurs later, unless already accomplished within the last 800 landings, and thereafter at intervals not to exceed 850 landings from the last inspection.

(b) Inspect brackets for cracks at flap track location 4 (LH) which have British Aerospace, Aircraft Group, Modification 57–PM4948 Part (a) or (c) incorporated, and brackets at flap track location 4 (RH) which have Modification 57–PM4948 Part (b) or (d) incorporated, in accordance with paragraph (e) of this AD as follows:

(1) For both 200 and 400 Series airplanes, on which the brackets were modified after the original manufacture (i.e., Modification 57–PM4948 Part (a) or (b)), within the next 300 landings after the effective date of this AD, or before the accumulation of 5,000 landings, whichever occurs later, unless already accomplished within the last 2,100 landings, and thereafter at intervals not to exceed 2,400 landings from the last inspection.

(2) For both 200 and 400 Series airplanes, on which the modified brackets were installed at the time of original manufacture (i.e., Modification 57–PM4948 Part (c) or (d)), within the next 300 landings after the effective date of this AD, or before the accumulation of 10,000 landings, whichever occurs later, unless already accomplished with the last 2,100 landings, and thereafter at intervals not to exceed 2,400 landings from the last inspection.

(c) Inspect brackets for cracks at flap track location 2 (LH and RH) which do not have British Aerospace, Aircraft Group, Modification 57–PM3065 Part (a) or (b) incorporated, and brackets at flap track location 3 (RH and LH) which do not have Modification 57–PM3065 Part (c) or (d) incorporated, in accordance with paragraph (e) of this AD as follows:

(1) For 200 Series airplanes, within the next 50 landings after the effective date of this AD, or before the accumulation of 15,000 landings, whichever occurs later, unless already accomplished within the last 800 landings, and thereafter at intervals not to exceed 850 landings from the last inspection,

(2) For 400 Series airplanes, within the next 50 landings after the effective date of this AD, or before the accumulation of 12,000 landings, whichever occurs later, unless already accomplished within the last 800 landings, and thereafter at intervals not to exceed 850 landings from the last inspection.

(d) Inspect brackets for cracks at flap track location 2 (LH and RH) which have British Aerospace, Aircraft Group, Modification 57–PM3065 Part (a) or (b) incorporated, and brackets at flap track location 3 (LH and RH) which have Modification 57–PM3065 Part (c) or (d) incorporated, in accordance with paragraph (e) of this AD as follows:

(1) For both 200 and 400 Series airplanes, on which the brackets were modified after the original manufacture (i.e., Modification 57–PM3065 Part (a) or (c)), within the next 600 landings after the effective date of this AD, or before the accumulation of 10,000 landings, whichever occurs later, unless already accomplished within the last 1,800 landings, and thereafter at intervals not to exceed 2,400 landings from the last inspection.

(2) For both 200 and 400 Series airplanes, on which the modified brackets were installed at the time of original manufacture (i.e., Modification 57–PM3065 Part (b) or (d)), within the next 600 landings after the effective date of this AD, or before the accumulation of 20,000 landings, whichever occurs later, unless already accomplished within the last 1,800 landings, and thereafter at intervals not to exceed 2,400 landings from the last inspection.

(e) Inspect the flap track attachment brackets for cracks in accordance with paragraphs 2.1.1 (flap track location 4, pre-Modification 57–PM4948); 2.2.3 (flap track location 4, post Modification 57–PM4948); 2.3.1 (flap track location 3, both pre and post Modification 57–PM3065); and 2.5.1 (flap track location 2, both pre and post Modification 57–PM3065) of British Aerospace, Aircraft Group, Model BAC 1–11 Alert Service Bulletin 57–A–PM4948, Issue 4, dated July 18, 1977 (hereinafter referred to as the service bulletin), or an FAA-approved equivalent.

(f) If cracks are found during any of the inspections required by this AD which do not exceed the allowable lengths specified in Table 1, Column (1) and "Qualifying Remarks" (for the appropriate flap track location), of the service bulletin, or an FAA-approved equivalent, the bracket may remain in service provided it is inspected in accordance with paragraph (e) of this AD at intervals not to exceed 200 landings from initial crack detection.

(g) If cracks are found during any of the inspections required by this AD which exceed the allowable limits of Table 1, Column (1), and "Qualifying Remarks," but do not exceed the allowable limits of Table 1, Column (2), and "Qualifying Remarks for Increased Crack Lengths Special Cases" (for the appropriate flap track location) of the service bulletin, or an FAA-approved equivalent, the bracket may remain in service provided it is inspected in accordance with paragraph (e) of this AD at intervals not to exceed 25 landings from the initial crack detection.

(h) Cracked brackets may be repaired in accordance with the limitations specified in Table 2 (for the appropriate flap track location) of the service bulletin, or an FAA-approved equivalent. Inspect repaired brackets in accordance with paragraph (e) of this AD at intervals not to exceed 850 landings from the time of repair.

(i) If cracks are found during any of the inspections required by this AD which exceed the allowable limits specified in Table 1 (for the appropriate flap track location) of the service bulletin, or an FAA-approved equivalent, before further flight, except that the airplane may be flown in accordance with FAR §§ 21.197 and 21.199 to a base where the repairs can be performed, replace the bracket with a new bracket to post Modification 57–PM4948 or 57–PM3065 standard, as appropriate. Thereafter, continue to inspect the bracket in accordance with the inspection requirements of this AD.

(j) When both brackets of a pair at the same flap track location are required to be inspected at different intervals, inspect both brackets using the inspection interval specified for the bracket of the pair which has the shorter intervals between inspections.

(k) When both brackets of a pair at the same flap track location are to post Modification 57–PM4948 or 57–PM3065 standard, as appropriate, the threshold for initial inspection of the later installed bracket must be based on the installation date of the earlier installed bracket.

(l) For the purpose of complying with this AD, where the number of landings for the affected part have not been recorded, subject to acceptance by the assigned FAA maintenance inspector, the number of landings may be determined by dividing the total number of airplane flight hours in service since installation of the part by the operator's BAC 1–11 fleet average time from takeoff to landing.

(m) Upon request of an operator and submission of substantiating data, the Chief, Aircraft Certification Staff, FAA, Europe, Africa and Middle East Office, may upon recommendation of the cognizant FAA aviation safety inspector, adjust the inspection intervals.

(n) If an equivalent means of compliance is used in complying with this AD, that equivalent must be approved by the Chief, Aircraft Certification Staff, Europe, Africa and Middle East Office, c/o American Embassy, Brussels, Belgium.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to British Aerospace, Aircraft Group, 13850 McLearen Road, Herndon, Virginia 22070. These documents may be examined at FAA Headquarters, Room 916, 800 Independence Avenue, SW., Washington, DC 20591.

This amendment becomes effective July 13, 1981.

This amendment supersedes Amendment 39–1348 (36 FR 22365), AD 71–25–01.

(Secs. 313(a), 601 and 603, Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89)

Note.—The FAA has determined that this regulation is an emergency regulation under the President's memorandum of January 29, 1981, and an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified above under the caption "FOR FURTHER INFORMATION CONTACT".

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the courts of appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Washington, DC, on June 22, 1981.

M. C. Beard,

Director of Airworthiness.

[FR Doc. 81–19047 Filed 6–26–81; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 81–WE–5–AD; Amdt. 39–4144]

Airworthiness Directives; Hughes Helicopters Model 369D Series Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action publishes in the **Federal Register** and makes effective to all persons an amendment adopting a new Airworthiness Directive (AD) which was previously made effective on certain Hughes Helicopters Model 369D series helicopters. All known United States operators were notified by priority mail AD 81–10–08, issued May 5, 1981. The AD requires repetitive inspection of certain main rotor strap pack laminates for corrosion and/or cracks and replacement, if necessary, on certain Hughes Helicopter Model 369D series helicopters. The AD is prompted by reports of main rotor strap pack laminate failures which could result in failure of the main rotor retention system and loss of helicopter control.

DATES: Effective June 30, 1981, and was effective upon receipt for recipients of priority mail AD 81–10–08, issued May 5, 1981. Compliance schedule—As prescribed in the body of the AD unless already accomplished.

ADDRESSES: The applicable service information may be obtained from: Hughes Helicopters, Inc., Centinela and Teale Streets, Culver City, California 90230.

Also, a copy of the service information may be reviewed at, or a copy obtained from: FAA Headquarters, Rules Docket in Room 916, FAA, 800 Independence Avenue, S.W., Washington, D.C. 20591, or FAA Western Region, Rules Docket in Room 6W14, 15000 Aviation Boulevard, Hawthorne, California 90261.

FOR FURTHER INFORMATION CONTACT:

Robert T. Razzeto, Executive Secretary, Airworthiness Directive Review Board, Federal Aviation Administration, Western Region, P.O. Box 92007, World Way Postal Center, Los Angeles, California 90009. Telephone: (213) 536–6351.

SUPPLEMENTARY INFORMATION: An emergency AD was issued on May 5, 1981 by priority mail AD 81–10–08, and made effective immediately upon receipt to all known United States operators of Hughes Helicopters Model 369D series helicopters, certified in all categories, equipped with main rotor retention straps (commonly referred to as strap packs), Part No. 369D21210–501, serial numbers 8531 through 9531. It has been subsequently determined that the end serial number, 9531 should be 9135.

To date, there have been nine reports of early main rotor retention strap failures due to corrosion and cracking. These strap packs are made from material that has been retempered by the vendor which resulted in questionable material integrity. The failures occurred anywhere from 11 to 268 hours total time in service. It has been determined that the affected serial number parts may be installed on helicopters or on overhauled main rotor hub assemblies Part No. 369D21200 delivered after April 1, 1980. Failure of the main rotor strap pack could cause failure of main rotor hub assembly and loss of control of the helicopter. Since this condition is likely to exist or develop on other helicopters of the same type design, an Airworthiness Directive is being issued which requires repetitive inspection of the main rotor strap pack Part No. 369D21210–501 for corrosion, cracks or breaks on certain Hughes Helicopters Model 369D series helicopters.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impracticable and contrary to the public interest and good cause existed to make the AD effective immediately. These conditions still exist and the AD is hereby published in the **Federal Register** as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended, by adding the following new Airworthiness Directive:

Hughes Helicopters: Applies to Models 369D series helicopters, certified in all categories, equipped with main rotor

blade retention straps Part No. 369D21210–501, serial numbers 8531 through 9135.

Compliance required as indicated, unless already accomplished.

To prevent failure of the main rotor blade retention system, accomplish the following:

(a) Prior to further flight, after effective date of this AD or receipt of the priority mail AD 81–10–08, issued May 5, 1981, whichever occurs first, inspect the laminates of the main rotor blade retention straps, Part No. 369D21210–501 (commonly referred to as strap pack), in the area of, and within the pitch housing where the straps are accessible to view, for corrosion, cracks or breaks in the main rotor strap pack using a light and a mirror. If three or more laminates in either the lead or the lag leg of any one of the five strap packs are cracked or broken (See Figure 1), replace the main rotor hub Part No. 369D21200 with a serviceable hub prior to further flight.

(b) Repeat the inspection required by paragraph (a) of this AD at intervals not to exceed 25 hours of time in service or 30 days from the last such inspection, whichever occurs sooner.

Note.—The repetitive inspections required by this AD are in addition to inspections required by AD 77–15–09R1.

(c) Terminating action for this AD is the installation of a main rotor hub Part No. 369D21200 with main rotor retention straps Part No. 369D21210–501 that are serial numbers other than 8531 through 9135.

Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate aircraft to a base for the accomplishment of inspections or modifications required by this AD.

Alternative inspections, modifications or other actions which provide an equivalent level of safety may be used when approved by the Chief, Engineering and Manufacturing Branch, FAA Western Region.

This amendment becomes effective June 30, 1981, to all persons, except to those to whom it was made immediately effective by priority mail AD 81–10–08, issued May 5, 1981.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89)

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the courts of appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Los Angeles, California on June 12, 1981.

John D. Mattson,

Director, FAA Western Region.

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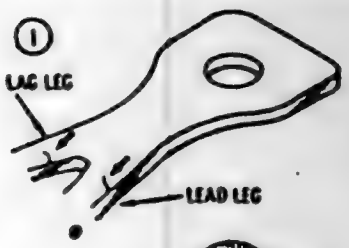

LAMINATE HAS FAILED IF CRACKS OCCUR ON BOTH LEAD AND LAG LEGS OF SAME LAMINATE.

LAMINATE HAS FAILED IF CRACK OCCURS IN TONGUE OF LAMINATE (SHADED AREA SHOWN BEYOND JOINT OF STRAP PACK LEGS).

CAUTION:
DO NOT DISASSEMBLE STRAP PACK ASSEMBLY - LAMINATIONS ARE SHOWN SEPARATED ONLY TO DEPICT POSSIBLE CRACK LOCATIONS.

TWO LAMINATE FAILURES AS DEFINED IN (1) AND/OR (1) ARE ALLOWED IN EACH STRAP PACK ASSEMBLY. (TOTAL OF TEN LAMINATE FAILURES PER HUB ASSEMBLY.)

STRAP PACK IS REJECTED IF THREE OR MORE LAMINATES IN SAME PACK HAVE FAILED AS DEFINED IN (1) AND/OR (1) ABOVE.

FAILED LAMINATE IF CRACK IS FOUND ON EITHER EDGE OF LAMINATE.
IF ONE LAMINATE IS FAILED, REMOVE HUB.

STRAP PACK IS REJECTED IF THREE OR MORE LAMINATES IN SAME PACK ARE CRACKED IN THE SAME LEG (LEAD OR LAG).

NOTE:
ANY CRACK IN LAMINATE IS CONSIDERED A BREAK. THE LAMINATE HAS NOT FAILED HOWEVER, UNLESS BOTH LEAD AND LAG LEGS ARE CRACKED, OR CRACK IS LOCATED IN TONGUE AREA OF LAMINATE.

88-459

Figure 1. Strap pack lamination inspection

[FR Doc. 81-19049 Filed 6-26-81; 8:45 am]
BILLING CODE 4910-13-C

14 CFR Part 39

[Docket No. 79-NE-18 Amdt. 39-4148]

Airworthiness Directives; Pratt & Whitney Aircraft JT8D-1, -1A, -1B, -7, -7A, and -7B Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comment.

SUMMARY: This amends an existing airworthiness directive (AD) applicable to Pratt & Whitney JT8D-1, -1A, -1B, -7, -7A, and -7B turbofan engine second stage compressor blades by expanding the compliance requirement to include one additional part, P/N 695932. The AD is needed to detect material defects, surface damage, or cracks in the blade attachment straps which could result in strap fracture and possible noncontained blade liberation and fire.

DATE: Effective June 30, 1981. Comments on the rule must be received on or before August 31, 1981. Compliance/applicability dates—as prescribed in the test of the AD.

ADDRESS: The applicable Alert Service Bulletin may be obtained from the manufacturer upon request to: Pratt & Whitney Aircraft, Commercial Products Division, 400 Main Street, East Hartford, CT 06108.

Send comments on the rule to: Federal Aviation Administration, Office of the Regional Counsel, New England Region, Attention: Rules Docket No. 12, New England Executive Park, Burlington, Massachusetts 01803.

Comments may be examined in the Rules Docket weekdays, except Federal holidays, between 8:00 a.m. and 4:30 p.m.

Copies of the service bulletins are contained in the Rules Docket, Federal Aviation Administration, Office of the Regional Counsel, 12 New England Executive Park, Burlington, Massachusetts 01803.

FOR FURTHER INFORMATION CONTACT: Chung C. Hsieh, Engine Projects Section, ANE-214E, Engineering and Manufacturing Branch, Flight Standards Division, New England Region, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803, telephone (617) 273-7347.

SUPPLEMENTARY INFORMATION:

Prior Regulatory History

AD-80-11-03, Amendment 39-3773, July 18, 1980, required the inspection, prior to December 31, 1981, of the second stage fan blade to detect material defects, surface damage, or cracks at the base of the second stage fan blade attachment strap and inner diameter of the strap pinholes. The inspection is to prevent noncontained blade failure and possible fire. After issuing the Amendment 39-3773, it has been determined that there still exists a potentially defective service reidentified second stage fan blade, P/N 695932, which is not included in the original amendment and that it is also installed on the JT8D engines. Therefore, the FAA is amending Amendment 39-3773 by expanding the compliance requirement to include this additional part number blade installed on the affected Pratt & Whitney Aircraft JT8D engines. Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedures hereon are impractical, and good cause exists for making this amendment effective in less than 30 days.

Request for Comments on the Rule

Although this action is in the form of a final rule, which involves requirements affecting immediate flight safety and, thus, was not preceded by notice and public procedure, comments are invited on the rule. When the comment period ends, the FAA will use the comments submitted, together with other available information, to review the regulation. After the review, if the FAA finds that changes are appropriate, it will initiate rulemaking proceedings to amend the regulation. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in evaluating the effects of the rule and determining whether additional rulemaking is needed. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by amending the Amendment 39-3773 (AD 80-11-03) as follows:

§ 39.13 [Amended]

1. By revising the paragraph beginning with the words "To detect material defects . . ." to change the phrase "noncontained strap fracture" to read "noncontained blade failure."

2. By revising the paragraph beginning with the words "At next blade exposure but not later than . . ." to change the phrase "and derivative blade P/Ns 645732, 645902, 759922, and 759902" to read "and derivative blade P/Ns 645732, 645902, 759922, 759902, and 695932."

3. Under the caption "NOTE", change "JT8D Engine Manual P/N 481672, Section 72-33-1" to read "JT8D Restructured Engine Manual P/N 481672, Section 72-33-23."

This amendment becomes effective June 30, 1981.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89)

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 24, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

This rule is a final Order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the Court of Appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Burlington, Massachusetts, on June 17, 1981.

Robert E. Whittington,

Director, New England Region.

[FR Doc. 81-19027 Filed 6-26-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 81-NW-32-AD; Amdt. 39-4152]

Airworthiness Directives; Short Brothers Limited Model SD3-30 Series Airplanes Equipped With Certain Menasco Manufacturing Main Landing Gear Actuators

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adds a new Airworthiness Directive (AD) which requires modification of the main

landing gear retraction actuators on certain Short Brothers Limited Model SD3–30 Series Airplanes. The AD is necessary to prevent a gear-up landing from occurring as a result of the retract actuator failing to unlock from the up position. One gear-up landing incident has occurred due to this problem.

DATES: Effective date July 8, 1981.

ADDRESSES: The service bulletin specified in this Airworthiness Directive may be obtained upon request to Short Brothers Limited, P.O. Box 241, Airport Road, Belfast BT 3 9DZ, Northern Ireland, Attention: Product Support Manager or may be examined at the FAA Northwest Region, 9010 E. Marginal Way South, Seattle, Washington 98108.

FOR FURTHER INFORMATION CONTACT: Mr. Harold N. Wantiez, Project Engineer, Foreign Aircraft Certification Branch, ANW–150S, Federal Aviation Administration, Seattle Area Aircraft Certification Office, 9010 E. Marginal Way South, Seattle, Washington 98108, Telephone (206) 767–2530.

SUPPLEMENTARY INFORMATION: One Short Brothers Limited Model SD3–30 series airplane experienced a main landing gear-up incident as a result of failure of the retract actuator to unlock. Examination revealed that a hydraulic lock existed in the spring cavity area of the piston because of a seal leak. As a result of this incident, Menasco Manufacturing, the manufacturer of the actuator, developed a modification, consisting of cutting a venting groove in the profiled washer to allow for the drainage of hydraulic fluids and thus prevent a hydraulic lock.

Since this condition is likely to exist or develop on other airplanes of the same type design, an airworthiness directive is being issued which requires modification of the main landing gear retract actuator on Short Brothers Limited Model SD3–30 airplanes.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impractical and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

Short Brothers Limited

Applies to Model SD3–30 series airplanes, certificated in all categories, which have Menasco Manufacturing main landing gear actuator assembly P/N 17900, Serial numbers MMC–003 through MMC–111, installed.

To prevent gear-up landing caused by the main landing gear actuator's inability to unlock, accomplish the following within 500 landings after the effective date of this AD, unless already accomplished:

Rework the actuator by cutting a venting groove across the contoured face of the profiled washer in accordance with Short Brothers Limited Service Bulletin No. SD3–32–86 Rev. 2 dated March 4, 1981, or later FAA approved revisions, or in a manner acceptable to the Chief, Seattle Area Aircraft Certification Office, FAA Northwest Region.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to the addresses listed above. These documents may also be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108.

This amendment becomes effective July 8, 1981.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c); 14 CFR 11.89))

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Executive Order 12291. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified above under the caption "FOR FURTHER INFORMATION CONTACT."

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the courts of appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Seattle, Washington, on June 18, 1981.

Charles R. Foster,

Director, Northwest Region.

[FR Doc. 81–19026 Filed 6–26–81; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 71

[Airspace Docket No. 18605/80–AWA–23]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Alteration of Group II Terminal Control Area, San Diego, Calif.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment reconfigures the Group II Terminal Control Area (TCA) at San Diego, Calif., which first became effective on May 15, 1980. In the preamble to the initial amendment, the FAA stated that it would continue to work cooperatively with local user groups to ensure that the TCA was as effective as practicable for all users by identifying any adjustments or modifications that appear necessary. Through joint FAA and user cooperation, safety factors and problem areas in need of improvement were identified. This action adopts modifications developed by the user listening group established to monitor the effectiveness of the San Diego TCA. Further, this action reduces the amount of airspace contained in the TCA, reduces the area in which the requirements for operating in a Group II TCA apply, and makes it easier, safer, and more economical for aircraft wishing to avoid flying in the TCA to do so. The TCA configuration will also continue to provide a high level of safety for aircraft operating within the TCA.

EFFECTIVE DATE: August 6, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. B. Keith Potts, Airspace and Air Traffic Rules Division (AAT–200), Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591, telephone: (202) 426–3731.

SUPPLEMENTARY INFORMATION:

History

On January 29, 1981, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to modify the San Diego, Calif., TCA (46 FR 9631). These modifications are the result of recommendations made by a joint FAA/user group established to evaluate the effectiveness of the TCA. The recommendations improve safety and efficiency of the TCA by modifying several areas of the TCA. However, other minor modifications are included.

The TCA effectiveness will continue to be evaluated by the FAA/user group and more extensive modifications may be forthcoming from the evaluation effort.

Discussion of Comments

The FAA received a total of 11 comments in response to the proposed modifications. Most comments were generally favorable although several submitted minor recommendations to the alterations contained in the notice. All suggestions will be reviewed later by the FAA/user listening group monitoring the effectiveness of the TCA. FAA intends to work closely with that group in our effort to continue refining the TCA configuration to meet the needs of the users. In this respect, FAA anticipates that more extensive modifications may be proposed in the future to meet this goal.

FAA responses to the suggestions submitted by the public are as follows:

Suggestion 1. Upgrade the San Diego TCA to Group I.

Response: The existing San Diego TCA proposal was to modify the current Group II TCA. Any additional requirements incident to a Group I TCA, including an altitude encoding transponder and a private pilot rating or better, would require supplemental notice and procedures and could not be adopted without compelling public interest basis. The FAA is monitoring the effectiveness of the San Diego TCA and will continue to consider making whatever changes are necessary to provide an improvement. At this time, operational experience has not indicated that a Group I TCA with its additional requirements is warranted.

Suggestion 2. Extend Areas E and J to the eastern boundary of Area F and eliminate that portion of Area F that exists north of Areas E and J.

Response: A significant portion of Area F has been deleted in the present proposal. Further reduction in this area would not provide sufficient TCA airspace for aircraft arrivals from the northeast.

Suggestion 3. Amend Area H to include only the 13 NM arc.

Response: Extending Area H to the 17 NM arc of MZB VORTAC provides for optimum containment of Lindbergh arrivals on Runway 9 and departure traffic on Runway 27. In the past, a higher base altitude in this area has created a containment problem. The current proposal alleviates that problem. The impact on general aviation is negligible due to the low volume or absence of VFR traffic in this area.

Suggestion 4. Extend Area H to W-291, eliminating Area S.

Response: The airspace below the 5,800-foot base altitude of Area S is not needed for aircraft containment in the TCA. Releasing this airspace is consistent with the FAA goal of not arbitrarily restricting aircraft unless absolutely necessary. This area as proposed allows naval aircraft greater access to this airpace for military operations.

Suggestion 5. Raise the base altitude of Area K.

Response: The base altitude of Area K was lowered to provide additional safety factors for aircraft operating in this offshore area. Aircraft departing NAS Miramar maintain 2,000 feet until crossing the MZB 310° radial. If the floor of Area K was raised to 2,500 feet, these aircraft would be operating below the floor of the TCA airspace until reaching 2,500 feet. It is, therefore, necessary for Areas K and O to be designed with the same floor altitude. Additionally, aircraft proceeding to Runway 09 (landing to the east) at San Diego Lindbergh Airport operate at 2,000 feet within the confines of Area K in order to properly execute an instrument approach. The impact on general aviation aircraft was considered and determined to be minimal because this area is situated entirely over water and is rarely, if ever, used by general aviation aircraft. The use of a 1,500-foot base also provides general aviation aircraft requesting TCA service the option of remaining within TCA airspace at altitudes below stratus cloud conditions. This change also reduces the design complexity by establishing the same floor altitude for both Areas K and O. The use of different base altitudes would merely stair-step the two segments without providing any operational advantage to either the air traffic control system or the user.

Suggestion 6. Redefine Area K utilizing the MZB VORTAC 279° T radial. Raise the base altitude in Areas K and O to 2,500 feet MSL to reduce congestion and compression in the Mt. Soledad area. Lower the base altitude of Area L to 2,500 feet MSL.

Response: The reasoning used to establish a base altitude of 1,500 feet for Area K is included in our response to Suggestion 5. There is no operational need nor advantage to lowering the base altitude of Area L from 2,800 to 2,500 feet. The added simplicity of TCA design alluded to in this suggestion is recognized, but considered offset by the complexity factor of an additional shelf added south of the MZB 279° T radial. Area O's lower altitude stratum was established to contain NAS Miramar departures that cross the Pacific Coast shoreline at 2,000 feet. To raise the base altitude from 1,500 to 2,500 feet would require raising the ceiling of the lower segment to 3,500 feet to provide containment of NAS Miramar departures. The aircraft would then be required to cross the Pacific coastline at 3,000 feet. High performance turbojet aircraft (except formation flights) could reach the 3,000-foot altitude prior to entering the lateral confines of Area O, but it is questionable if large aircraft, i.e., C-9, C-130, DC-8, etc., and low performance reciprocating powered aircraft could comply with this altitude requirement. Additionally, the 3,500-foot altitude presently contained in the NAS Miramar terminal radar service area would no longer be available for use by non-TCA participating VFR aircraft as a southeast bound VFR cruising altitude. The congestion and compression problem in the vicinity of Mt. Soledad is being addressed by the redesign of the Area A (surface to 12,500 feet) and removing previous restrictions east of the MZB 325° T radial which allow for VFR nonparticipating flight in this area below 1,500 feet.

Suggestion 7. Lower the ceiling of the TCA to 7,000 or 8,000 feet.

Response: This recommendation has support from several facets of the aviation community. Lowering the TCA ceiling was not a part of the present proposal. This recommendation is being considered by an FAA/user listening group for possible inclusion in the future TCA modification proposal.

Suggestion 8. The FAA should conduct a simulation study of the traffic flows in the San Diego area.

Response: The FAA conducted a 4-week study on traffic flows in the San Diego area. Two weeks of this study occurred prior to the implementation of the TCA in 1980, and 2 weeks of the study was conducted after the TCA had been in effect for approximately two months. An intent of the study was to determine the effect of the TCA on the flow of VFR traffic. The results of this study are being analyzed, and will be available later. The outcome will be used to determine whether additional modifications to the San Diego TCA should be considered. We believe that the current traffic flow study obviates the need for a simulation study at this time.

Suggestion 9. Eliminate negative environmental impact on the Chateau neighborhood area.

Response: Recently, a procedural change was made that required aircraft to fly a 270° heading when departing Montgomery Field. These aircraft, for the most part, had previously used a 250° heading. This situation was subsequently corrected with the development of new departure procedures again utilizing a 250° heading

for Montgomery Field. The changes to the TCA contained in this proposal will not create an adverse impact on the Chateau neighborhood area.

Local Benefits

The modifications of the Group II TCA increase the capability of aircraft electing not to operate within the TCA to circumnavigate the TCA and provide additional non-TCA airspace beneath the floor, to the northwest, and to the east of the TCA by reducing the TCA size. Consequently, this action is expected to reduce the number of inadvertent penetrations of the TCA without appropriate ATC authorization presently being recorded, thereby increasing safety. All turbopowered aircraft and IFR arrival and departure profiles will continue to be contained within TCA airspace for air safety purposes. The TCA's adverse impacts on aircraft not required to be under air traffic control will be minimized due to this action.

Economic Impacts

The costs of modifying the San Diego TCA were considered as part of the regulatory decisions being adopted. Since all turbine-powered and IFR aircraft will be contained in the TCA as reconfigured, there will be no change in economic effect for those flights. Uncontrolled aircraft operators will have a larger amount of airspace in which to conduct their activities and therefore will have an increased degree of flexibility to plan their flights to use more economic routes or altitudes. Any adverse economic impact that has existed will be the same or reduced as available airspace is increased for traffic not operating within the TCA.

Environmental Impacts

The major change in the TCA configuration is the raising of base altitudes of several segments of the TCA. VFR aircraft departing Montgomery Field and Gillespie Airports will have higher altitudes in which to operate, thereby creating the potential for noise reduction on the ground. Aircraft departing in other directions will observe the same TCA base altitudes as those used before this change, unless a clearance through the TCA is received. Aircraft emissions will be virtually the same with the new configuration. Fuel use should decrease because the VFR pilot will have greater flexibility in choosing altitudes and routes and therefore may choose more direct routes and thus, more fuel efficient routes, while still avoiding the TCA. IFR arrival and departure routes for airports in the San Diego area will remain substantially the same with no change in fuel consumption for IFR aircraft. The revised TCA will not cause any change in flight paths below 3,000 feet AGL.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.401(b) of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 768) is amended effective August 6, 1981, by revising the San Diego, Calif., TCA, to read as follows:

Subpart K—Terminal Control Areas

§ 71.401 Designation.

* * * * *

(b) Group II. Terminal Control Areas:

* * * * *

San Diego, Calif., Terminal Control Area

Primary Airports

1. San Diego, Calif. (Lindbergh Field). (Lat. 32°43'58" N., Long. 117°11'14" W.).
2. Miramar NAS, Miramar, Calif. (Lat. 32°52'30" N., Long. 117°08'15" W.).

Boundaries. Based on the Mission Bay VORTAC ("Mission Bay") (Lat. 32°46'57" N., Long. 117°13'29" W.) arcs, DME distances, and radials and the Miramar NAS TACAN (Lat. 32°52'11" N., Long. 117°09'14" W.) Julian VORTAC (Lat. 33°08'26" N., Long. 116°35'06" W.) Oceanside VORTAC (Lat. 33°14'26" N., Long. 117°25'01" W.) Santa Catalina VORTAC (Lat. 33°22'30" N., Long. 118°25'08" W.)

Southern TCA Boundary. A straight line beginning at the intersection of Julian 175° radial and a point 3 miles north of the Mexico Border to Lat. 32°33'07" N., Long. 117°30'45" W.

Area A. That airspace extending upward from the surface to and including 12,500 feet MSL within an area bounded on the west by a 5-mile radius arc of Mission Bay to the intersection of the Mission Bay 279° radial; then direct to Mission Bay; then easterly on the Mission Bay 099° radial to a 10-mile radius arc from Mission Bay; then clockwise along this 10-mile radius arc to the intersection of the Lindbergh Field/NAS North Island Control Zone east extension; then northwest along this extension to the Lindbergh Field/NAS North Island Control Zone boundary extended west to intersect the 5-mile radius arc of Mission Bay excluding (VFR Corridor) that airspace from 3,300 feet to 4,700 feet MSL in an area bounded on the north by the Mission Bay 099° radial, and on the west by the intersection of Interstate 5 and the Mission Bay 099° radial then south along Interstate 5 to Interstate 8; then direct to Lat. 32°44'15" N., Long. 117°12'30" W., direct to Lat. 32°41'00" N., Long. 117°10'45" W., to intersect and proceed along the Silver Strand Highway to intersect the Mission Bay 10-mile radius arc, then counterclockwise along the Mission Bay 10-mile radius arc to Interstate 5 and the Mission Bay 10-mile radius arc, then north along Interstate 5 and to Highway 163; then northwest along Highway 163 to the Mission Bay 099° radial.

Area B. That airspace extending upward from 1,800 feet MSL to and including 12,500 feet MSL between the Mission Bay 10-mile and 13-mile radii arcs bounded on the north by the Mission Bay 099° radial and on the south by an extension of the Lindbergh Field/NAS North Island Control Zone line.

Area C. That airspace extending upward from 3,000 feet MSL to and including 12,500 feet MSL between the Mission Bay 13-mile and 15-mile radii arcs bounded on the north by the Mission Bay 099° radial and on the south by an extension of the Lindbergh Field/NAS North Island Control Zone line.

Area D. That airspace extending upward from 3,500 feet MSL to and including 12,500 feet MSL between the Mission Bay 15-mile and 20-mile radii arcs bounded on the north by the Mission Bay 099° radial and on the south by the Lindbergh Field/NAS North Island Control Zone line extension to the Southern TCA Boundary; then via the Mission Bay 17.8-mile radius arc to Mission Bay 120° radial; then to the Mission Bay 115° radial/20 DME fix; and then counterclockwise along the 20-mile radius arc to the Mission Bay 099° radial.

Area E. That airspace extending upward from 5,800 feet MSL to and including 12,500 feet MSL bounded on the north beginning at the intersection of Lat. 32°49'50" N., and the Mission Bay 28-mile radius arc to Lat. 32°49'45" N., and the 23-mile radius arc; then along the 23-mile radius arc to the Southern TCA Boundary; and then east along the boundary to the 28-mile radius arc and counterclockwise to point of beginning.

Area F. That airspace extending upward from 7,800 feet MSL to and including 12,500 feet MSL beginning where the Mission Bay 28-mile radius arc intersects the Southern TCA Boundary; then counterclockwise along the 28-mile radius arc to intersect Lat. 32°49'50" N.; then direct to the intersection of Lat. 32°55'00" N., and the Oceanside 115° radial; then southeast along the Oceanside 115° radial to the intersection of the Julian 175° radial; and then south on the 175° radial to the Southern TCA Boundary; and then west

along the Southern TCA Boundary to the point of beginning.

Area G. That airspace extending upward from 7,800 feet MSL to and including 12,500 feet MSL bounded on the west by a line from the Mission Bay 17.8-mile radius arc between Lindbergh Field/NAS North Island Control Zone line extension intersecting the Southern TCA Boundary and the Mission Bay 120° radial, on the north by a line between the Mission Bay 120° radial/17.8 DME fix and the Mission Bay 115° radial/20 DME fix, on the east by a line between the Mission Bay 115° radial/20 DME fix and Mission Bay 23-mile radius arc on the Southern TCA Boundary, and on the south by the Southern TCA Boundary.

Area H. That airspace extending upward from 2,800 feet MSL to and including 12,500 feet MSL beginning at Lat. 32°35'07" N., Long. 117°07'55" W., on the Southern TCA Boundary; then north along the shoreline to the 10-mile radius arc of Mission Bay; then counterclockwise along this 10-mile radius arc to the intersection of the Lindbergh Field/NAS North Island Control Zone line extension; then northwest along this line to, and; then west along an extension of the Lindbergh Field/NAS North Island Control Zone to a 17-mile radius arc of Mission Bay; and then along this 17-mile radius arc to its intersection with the Southern TCA Boundary to point of beginning, excluding the corridor described in Area A.

Area I. That airspace extending upward from 5,800 feet MSL to and including 12,500 feet MSL beginning at the intersection of the Southern TCA Boundary and the extension of Lindbergh Field/NAS North Island Control Zone line; then northwest along the Lindbergh Field/NAS North Island Control Zone line extension to the Mission Bay 10-mile DME arc; then clockwise to the intersection of the shoreline, then south along the shoreline to Lat. 32°35'07" N., Long. 117°07'55" W., on the Southern TCA Boundary; and then along the Southern TCA Boundary to the point of beginning.

Area J. That airspace extending upward from 4,800 feet MSL to and including 12,500 feet MSL bounded on the south beginning at Mission Bay, east on the 099° radial to the 20-mile DME fix; then clockwise on the 20-mile radius arc to the Mission Bay 115° radial; then on the 115° radial to a point on the Southern TCA Boundary at the 23-mile radius arc of Mission Bay; then north along the 23-mile radius arc to Lat. 32°49'45" N., and the Mission Bay 23-mile radius arc; then to the most southeastern part of the NAS Miramar Control Zone; then along the southern boundary of the control zone until intersecting the 5-statute mile radius arc of the Miramar Control Zone; then to the intersection of Mission Bay 325° radial and the 5.5 DME fix; then along the 325° radial to point of beginning.

Area K. That airspace extending upward from 1,500 feet MSL to and including 12,500 feet MSL beginning at Mission Bay northwest on the Mission Bay 325° radial to a 17-mile radius arc; then counterclockwise to the west extension of Lindbergh Field/NAS North Island Control Zone; then east to the Mission Bay 5-mile radius arc; then clockwise along the 5-mile radius arc to Mission Bay 279° radial; and then to starting point.

Area L. That airspace extending upward from 2,800 feet MSL to and including 12,500 feet MSL between Mission Bay 17-mile and 21-mile radii arcs bounded on the northeast by the Mission Bay 325° radial, on the south by the Lindbergh Field/NAS North Island Control Zone west extension to Lat. 32°43'33" N., Long. 117°36'32" W., and on the west to Lat. 32°46'45" N., Long. 117°38'22" W., at the intersection of the 21-mile radius arc of Mission Bay.

Area M. That airspace extending upward from 4,800 feet MSL to and including 12,500 feet MSL from Mission Bay 21-mile radius arc beginning at Lat. 32°46'45" N., Long. 117°38'22" W.; then direct to Lat. 32°53'00" N., Long. 117°41'40" W.; then direct to Lat. 33°04'07" N., Long. 117°51'30" W., at the intersection of Oceanside 245° radial; then along the 245° radial to the intersection of Mission Bay 325° radial; then along the 325° radial to the intersection of the 21-mile radius arc of Mission Bay; and then along that 21-mile radius arc to point of beginning.

Area N. That airspace extending upward from 6,800 feet MSL to and including 12,500 feet MSL beginning at the Mission Bay 325° radial/17 mile DME fix; then on the Mission Bay 325° radial to the intersection of the Santa Catalina 105° radial; then east along the 105° radial to the intersection of the Mission Bay 005° radial; then direct to a point at the intersection of the 5-statute mile radius of the NAS Miramar Control Zone and a line 2-statute miles north and parallel to the NAS Miramar TACAN 078° radial; then counterclockwise along the control zone to the intersection of the NAS Miramar TACAN 305° radial; and then direct to point of beginning.

Area O. That airspace extending upward from 1,500 feet MSL to and including 2,500 feet MSL and that airspace extending upward from 6,800 feet MSL to and including 12,500 feet MSL beginning at the Mission Bay 325° radial 5.5 mile DME fix; then northwest on the Mission Bay 325° radial to the intersection of the 17-mile DME fix; then to the intersection of Miramar TACAN 305° radial and the Miramar Control Zone 5-statute mile radius; then counterclockwise along the 5-statute mile radius to the northern boundary of Area J; and then west along this boundary to point of beginning.

Area P. That airspace extending upward from the surface to and including 3,500 feet MSL and that airspace from 6,800 feet MSL to and including 12,500 feet MSL within a 5-statute mile radius arc of NAS Miramar, excluding the area south of the boundary of Area J.

Area Q. That airspace extending upward from the surface to and including 6,000 feet MSL within 2 statute miles on each side of the NAS Miramar TACAN 078° radial extending from the 5-statute mile radius zone to 8 NM east of the TACAN.

Area R. That airspace extending upward from 1,800 feet MSL to and including 6,000 feet MSL within 2 statute miles on each side of the NAS Miramar TACAN 078° radial extending from 8 NM east of the TACAN to 12 statute miles east of the TACAN.

Area S. That airspace extending upward from 5,800 feet MSL to and including 12,500 feet MSL starting at the west end of the Southern TCA Boundary; then along the Southern TCA Boundary to the 17-mile radius arc of Mission Bay; then along this 17-mile radius arc to the intersection of the Lindbergh Field/NAS North Island Control Zone line extended; then direct to Lat. 32°43'33" N., Long. 117°36'32" W.; and then to point of beginning.

(Secs. 307(a), 313(a), and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348(a), 1354(a), and 1510); Executive Order 10854 (24 FR 9565); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

The FAA has determined that this document involves a regulation which is a minor adjustment to an existing TCA, and it will have minimal impact. The FAA has, therefore, concluded it: (1) is not a major regulation under Executive Order 12291; (2) is not significant under the Department of Transportation

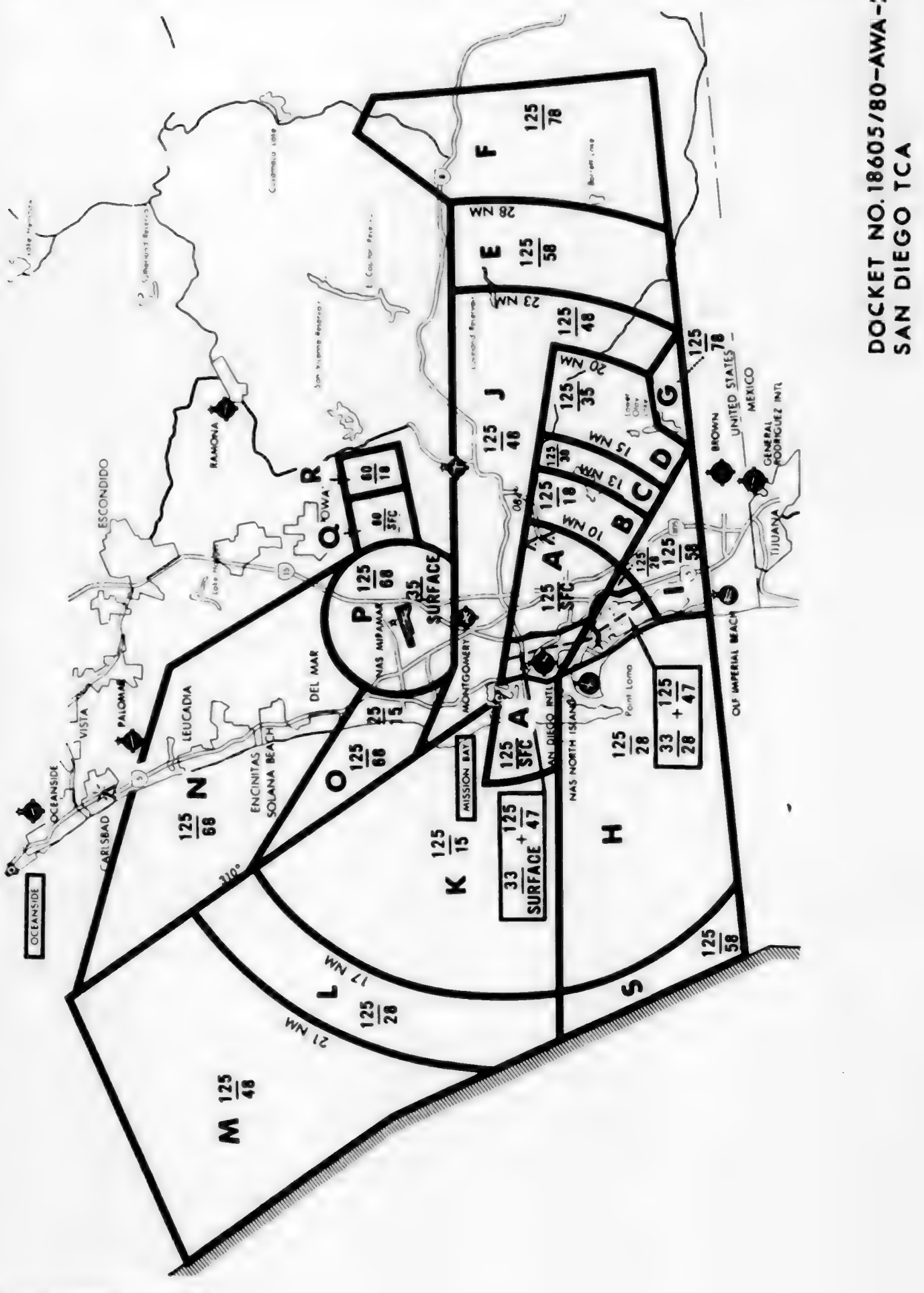
Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the regulatory evaluation prepared for this action is contained in the Washington and Regional dockets.

Issued in Washington, D.C., on June 23, 1981.

R. J. Van Vuren,

Director, Air Traffic Service.

BILLING CODE 4910-13-M



[FR Doc. 81-19045 Filed 6-26-81; 8:45 am]

BILLING CODE 4910-13-C

14 CFR Part 71

[Airspace Docket No. 81-AWE-1]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Designation of VOR Federal Airways

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment designates new VOR Federal Airways V–393 and V–395 from Tucson, Ariz., to Hermosillo, Mexico, via Nogales, Ariz. This action enhances the new border crossing requirements, aids flight planning, and increases flight safety in the area.

EFFECTIVE DATE: August 6, 1981.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace Regulations and Obstructions Branch (AAT–230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426–8783.

SUPPLEMENTARY INFORMATION:

History

On February 23, 1981, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to designate new VOR Federal Airways V–393 and V–395 from Tucson, Ariz., to Hermosillo, Mexico, via Nogales, Ariz. (46 FR 13524). The new airways enhance traffic flow at the U.S./Mexico border crossing and permit additional flexibility for operations in the area. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. Of the comments received, none were objections. This amendment is that proposed in the notice. Section 71.123 was republished on January 2, 1981 (46 FR 409).

The Rule

This amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) designates new VOR Federal Airways V–393 and V–395 from Tucson, Ariz., to Hermosillo, Mexico, via Nogales, Ariz. This action enhances the traffic operation at the U.S./Mexico border crossing.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 409), is amended, effective 0901 GMT, August 6, 1981, as follows:

V–393 and V–395 [New]

By adding new Federal Airways V–393 and V–395 as follows:

"V–393 From Tucson, Ariz., via Nogales, Ariz. (3 miles east and 4 miles west of centerline); to Hermosillo, Mexico. The segment within Mexico is excluded."

"V–395 From Tucson, Ariz., via INT Tucson 198° and Nogales, Ariz., 338° radials; Nogales; INT Nogales 198° and Hermosillo, Mexico 355° radials; to Hermosillo. The segment within Mexico is excluded."

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(c)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69.)

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal.

Issued in Washington, D.C., on April 7, 1981.

B. Keith Potts,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81–19046 Filed 6–26–81; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 81-ACE-2]

Designation of Federal Airways, Area Low Point Routes, Controlled Airspace and Reporting Points; Alteration of Transition Area—Lyons, Kans.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this Federal action is to alter the 700-foot transition area at Lyons, Kansas, to provide additional controlled airspace for aircraft executing a new VOR/DME–A instrument approach procedure to the Lyons-Rice County Municipal Airport, Lyons, Kansas.

EFFECTIVE DATE: October 1, 1981.

FOR FURTHER INFORMATION CONTACT: Charles M. Bumstead, Airspace Specialist, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE–532, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374–3408.

SUPPLEMENTARY INFORMATION: To enhance airport usage a new instrument approach procedure to the Lyons-Rice County Municipal Airport, Lyons, Kansas, is being established utilizing a new VOR/DME–A instrument approach procedure as a navigational aid. The establishment of an instrument approach procedure based on this approach aid entails the alteration of the transition area at Lyons, Kansas, at and above 700 feet above the ground (AGL) within which aircraft are provided air traffic control service. The intended effect of this action is to ensure segregation of aircraft using the new instrument approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

Discussion of Comments

On pages 24194 and 24195 of the **Federal Register** dated April 30, 1981, the Federal Aviation Administration published a Notice of Proposed Rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Lyons, Kansas. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No objections were received as a result of the Notice of Proposed Rulemaking.

Accordingly, Subpart G, § 71.181 of the Federal Aviation Regulations (14 CFR 71.181) as republished on January 2, 1981 (46 FR 540), is amended effective 0901 GMT October 1, 1981, by altering the following transition area:

Lyons, Kansas

That airspace extending upwards from 700 feet above the surface within a 5 mile radius of the Lyons-Rice County Airport (38°20'33" N/98°13'35" W) and 3 miles each side of the 349° bearing of the Lyons nondirectional beacon (NDB) (38°20'50" N/98°13'36" W) extending from the 5 miles radius to 8.5 miles northwest; and 3 miles each side of the Hutchinson VORTAC (37°59'48.8" N/97°56'01.7" W) 326° radial and extending from the 5 mile radius to 5.5 miles southeast, excluding that airspace that overlies the Hutchinson, Kansas, transition area.

(Sec. 307(a), Federal Aviation Act of 1958 as amended (49 U.S.C. 1348); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.69 of the Federal Aviation Regulations (14 CFR 11.69))

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is

not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Kansas City, Missouri, on June 17, 1981.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 81-18889 Filed 6-26-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 97

[Docket No. 21837; Amdt. No. 1193]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATE: An effective date for each SIAP is specified in the amendatory provisions.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, D.C. 20591;

2. The FAA Regional Office of the region in which the affected airport is located; or

3. The Flight Inspection Field Office which originated the SIAP.

For Purchase

Individual SIAP copies may be obtained from:

1. FAA Public Information Center (APA-430), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, D.C. 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription

Copies of all SIAPs, mailed once every 2 weeks, may be ordered from Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. The annual subscription price is $135.00.

FOR FURTHER INFORMATION CONTACT: Donald K. Funai, Flight Procedures and Airspace Branch (AFO-730), Aircraft Programs Division, Office of Flight Operations, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426-8277.

SUPPLEMENTARY INFORMATION: This amendment to Part 97 of the Federal Aviation Regulations (14 CFR Part 97) prescribes new, amended, suspended, or revoked Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR Part 51, and § 97.20 of the Federal Aviation Regulations (FARs). The applicable FAA Forms are identified as FAA Forms 8260-3, 8260-4 and 8260-5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form document is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

This amendment to Part 97 is effective on the date of publication and contains separate SIAPs which have compliance dates stated as effective dates based on related changes in the National Airspace System or the application of new or revised criteria. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPs). In developing these SIAPs, the TERPs criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs is unnecessary, impracticable, or contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Part 97 of the Federal Aviation Regulations (14 CFR Part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 G.m.t. on the dates specified, as follows:

1. By amending § 97.23 VOR-VOR/DME SIAPs identified as follows:

* * * *Effective August 6, 1981*

Mobile, AL—Brookley, VOR Rwy 14, Amdt. 2
Nogales, AZ—Nogales Intl, VOR-A, Original
Nogales, AZ—Nogales Intl, VOR/DME-B, Original
Camden, AR—Harrell Field, VOR/DME Rwy 18, Original
Long Beach, CA—Long Beach/Daugherty Field, VOR or TACAN Rwy 30, Amdt. 4
Santa Maria, CA—Santa Maria Public, VOR/DME-B, Amdt. 10
Chester, CT—Chester, VOR-A, Amdt. 1
Plant City, FL—Plant City Muni, VOR Rwy 27, Amdt. 2
Pine Mountain, GA—Callaway Gardens-Harris County, VOR-A, Amdt. 3
Lihue, HI—Lihue, VOR or TACAN-B, Amdt. 3
Lihue, HI—Lihue, VOR/DME or TACAN-A, Amdt. 6
Aurora, IL—Aurora Muni, VOR Rwy 36, Amdt. 4
Aurora, IL—Aurora Muni, VOR-A Amdt. 8
Marion, IL—Williamson County, VOR Rwy 20, Amdt. 12
Washington, IA—Washington Muni, VOR/DME-A, Original
Baton Rouge, LA—Ryan, VOR Rwy 4, Amdt. 13
Baton Rouge, LA—Ryan, VOR/DME Rwy 22, Amdt. 5

Leonardtown, MD—St. Marys County, VOR Rwy 29, Amdt. 1
Chatham, MA—Chatham Muni, VOR-A Amdt. 7
Battle Creek, MI—W. K. Kellogg Regional, VOR Rwy 4 (TAC), Amdt. 14
Battle Creek, MI—W. K. Kellogg Regional, VOR Rwy 22 (TAC), Amdt. 12
Battle Creek, MI—W. K. Kellogg Regional, VOR Rwy 31 (TAC), Amdt. 9
Detroit, MI—Detroit City, VOR Rwy 33, Amdt. 21
Gulfport, MS—Gulfport-Biloxi Rgnl, VOR Rwy 31 (TAC), Amdt. 16
Neosho, MO—Neosho Meml, VOR-A, Amdt. 5
Skaneateles, NY—Lake Pines Aviation, VOR-A, Original
Washington, NC—Warren Field, VOR/DME Rwy 5, Original
Pryor Creek, OK—Pryor, VOR/DME-A, Amdt. 2
Conway, SC—Conway-Horry County, VOR/DME-B, Amdt. 1
Loris, SC—Twin City, VOR/DME-A Amdt. 1
North Myrtle Beach, SC—Grand Strand, VOR Rwy 5, Amdt. 14
North Myrtle Beach, SC—Grand Strand, VOR/DME or TACAN Rwy 5, Amdt. 1
North Myrtle Beach, SC—Grand Strand, VOR Rwy 23, Amdt. 15
North Myrtle Beach, SC—Grand Strand, VOR/DME or TACAN Rwy 23, Amdt. 1
Pulaski, TN—Abernathy Field, VOR/DME Rwy 33, Amdt. 2

* * * *Effective June 17, 1981*

Lake Village, AR—Lake Village Muni, VOR-A, Amdt. 5
Lake Village, AR—Lake Village Muni, VOR-B, Amdt. 3

* * * *Effective June 16, 1981*

Norfolk, NE—Karl Stefan Memorial, VOR Rwy 1, Amdt. 1
Norfolk, NE—Karl Stefan Memorial, VOR Rwy 13, Amdt. 1
Norfolk, NE—Karl Stefan Memorial, VOR Rwy 19, Amdt. 1
Norfolk, NE—Karl Stefan Memorial, VOR Rwy 31, Amdt. 1

* * * *Effective June 4, 1981*

Parsons, KS—Tri-City, VOR Rwy 13, Amdt. 1

2. By amending § 97.25 SDF-LOC-LDA SIAPs identified as follows:

* * * *Effective August 6, 1981*

Santa Maria, CA—Santa Maria Public, LOC/DME BC-A, Amdt. 8
Gainesville, FL—Gainesville Regional, LOC BC Rwy 10, Amdt. 4
Battle Creek, MI—W. K. Kellogg Regional, LOC BC Rwy 4, Amdt. 11
Gillette, WY—Gillette-Campbell County, LOC Rwy 33, Amdt. 1

* * * *Effective June 16, 1981*

Jefferson City, MO—Jefferson City Memorial, LOC Rwy 30, Amdt. 2
Norfolk, NE—Karl Stefan Memorial, LOC Rwy 1, Amdt. 4

* * * *Effective June 15, 1981*

Petersburg, AK—Petersburg, LDA/DME-D, Amdt. 3

Note.—The FAA published an amendment in Docket No. 21811, Amdt. No. 1192 to Part 97 of the Federal Aviation Regulations (Vol. 46, FR No. 112, Page 30808; dated June 11, 1981) under section 97.25 effective August 6, 1981, which is hereby amended as follows: Oneida, TN—Scott Muni, NDB Rwy 23, original procedure should be identified as Oneida, TN—Scott Muni, SDF Rwy 23, original effective August 6, 1981.

3. By amending § 97.27 NDB/ADF SIAPs identified as follows:

* * * *Effective August 6, 1981*

Russellville, AR—Russellville Muni, NDB-A, Amdt. 2
Long Beach, CA—Long Beach/Daugherty Field, NDB Rwy 30, Amdt. 6
Dalton, GA—Dalton Muni, NDB Rwy 14, Amdt. 1
Pine Mountain, GA—Callaway Gardens-Harris County, NDB Rwy 9, Amdt. 7
Carbondale-Murphysboro, IL—Southern Illinois, NDB Rwy 18, Amdt. 8
Marion, IL—Williamson County, NDB Rwy 20, Amdt. 6
Washington, IA—Washington Muni, NDB Rwy 31, Amdt. 2
Baton Rouge, LA—Ryan, NDB Rwy 13, Amdt. 21
Battle Creek, MI—W. K. Kellogg Regional, NDB Rwy 22, Amdt. 11
Detroit, MI—Detroit City, NDB Rwy 15, Amdt. 17
Detroit, MI—Detroit Metropolitan-Wayne County, NDB Rwy 3C, Amdt. 7
Detroit, MI—Detroit Metropolitan-Wayne County, NDB Rwy 27, Amdt. 6
Brookhaven, MS—Brookhaven-Lincoln County, NDB Rwy 22, Original
Louisville, MS—Louisville Winston County, NDB Rwy 17, Amdt. 1
Jacksonville, NC—Albert J. Ellis, NDB Rwy 5, Amdt. 3
Ardmore, OK—Downtown Ardmore, NDB Rwy 35, Original
Chandler, OK—Chandler Muni, NDB Rwy 17, Original
Tulsa, OK—Richard Lloyd Jones Jr., NDB Rwy 36L, Original
Hemingway, SC—Hemingway-Stuckey, NDB Rwy 11, Amdt. 1
Loris, SC—Twin City, NDB Rwy 26, Amdt. 2
Marion, SC—Marion County, NDB Rwy 4, Amdt. 2
North Myrtle Beach, SC—Grand Strand, NDB Rwy 23, Amdt. 6
Lafayette, TN—Lafayette Municipal, NDB Rwy 18, Original
Center, TX—Center Muni, NDB Rwy 14, Original
Pineville, WV—Kee Field, NDB Rwy 7, Original

* * * *Effective July 23, 1981*

Lubbock, TX—Lubbock Intl, NDB Rwy 8, Amdt. 1, cancelled
Lubbock, TX—Lubbock Intl, NDB Rwy 26, Original
Lubbock, TX—Lubbock Intl, NDB Rwy 26, Amdt. 1, cancelled

4. By amending § 97.29 ILS-MLS SIAPs identified as follows:

* * * *Effective August 6, 1981*

Monterey, CA—Monterey Peninsula, ILS Rwy 10, Amdt. 21
Long Beach, CA—Long Beach/Daugherty Field, ILS Rwy 30, Amdt. 29
Windsor Lock, CT—Bradley Intl, ILS Rwy 24, Amdt. 1
Windsor Lock, CT—Bradley Intl, ILS Rwy 33, Amdt. 1
Atlanta, GA—The William B. Hartsfield Atlanta Intl, ILS Rwy 9R, Amdt. 13
Carbondale-Murphysboro, IL—Southern Illinois, ILS Rwy 18, Amdt. 8
Marion, IL—Williamson County, ILS Rwy 20, Amdt. 7
Baton Rouge, LA—Ryan, ILS Rwy 13, Amdt 22
Baton Rouge, LA—Ryan, ILS Rwy 22, Amdt. 3
Battle Creek, MI—W. K. Kellogg Regional, ILS Rwy 22, Amdt. 11
Detroit, MI—Detroit City, ILS Rwy 15, Amdt. 3
Detroit, MI—Detroit Metropolitan-Wayne County, ILS Rwy 27, Amdt. 5
Jacksonville, NC—Albert J. Ellis, ILS Rwy 5, Amdt. 3
Tulsa, OK—Tulsa Intl, ILS Rwy 17R, Original
North Myrtle Beach, SC—Grand Strand, ILS Rwy 23, Amdt. 4

* * * *Effective July 23, 1981*

Lubbock, TX—Lubbock Intl, ILS Rwy 26, Original

5. By amending § 97.31 RADAR SIAPs identified as follows:

* * * *Effective August 6, 1981*

Windsor Locks, CT—Bradley Intl, RADAR-1, Amdt. 6
Gastonia, NC—Gastonia Muni, RADAR-1, Amdt. 3

6. By amending § 97.33 RNAV SIAPs identified as follows:

* * * *Effective August 6, 1981*

Long Beach, CA—Long Beach/Daugherty Field, VNAV Rwy 30, Amdt. 1, cancelled
Aurora, IL—Aurora Muni, RNAV Rwy 9, Amdt. 7
Aurora, IL—Aurora Muni, RNAV Rwy 27, Amdt. 1
Washington, IA—Washington Muni, RNAV Rwy 31, Original
Neosho, MO—Neosho Meml, RNAV Rwy 19, Amdt. 2

[Secs. 307, 313(a), 601, and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348, 1354(a), 1421, and 1510); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.49(b)(3)]

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Note.—The incorporation by reference in the preceding document was approved by the Director of the Federal Register on December 31, 1980.

Issued in Washington, D.C., on June 19, 1981.

John S. Kern,

Chief, Aircraft Programs Division.

[FR Doc. 81-19064 Filed 6-26-81; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF COMMERCE

Office of the Secretary

15 CFR Part 19

Federal Interaction With Voluntary Standards Bodies; Procedures; Deferral of Effective Date

AGENCY: Assistant Secretary of Commerce for Productivity, Technology and Innovation, Commerce.

ACTION: Final rule (Deferral of effective date).

SUMMARY: The Department of Commerce published at 46 FR 1574 on January 6, 1981, "Procedures on Federal Interaction With Voluntary Standards Bodies", to become effective on February 5, 1981. The effective date of these procedures was postponed until March 30, 1981, by a notice published on February 10, 1981 at 46 FR 11657. The effective date was again postponed until April 29, 1981 by a notice published on March 30, 1981 at 46 FR 19227. The Department, in an accompanying notice published at 46 FR 19266, solicited public comment on the alternatives of: (1) whether to suspend the procedures indefinitely pending reexamination, or (2) whether the procedures should be allowed to have an interim effect while they were under review. The Department on April 29, 1981, further postponed the effective date until June 29, 1981 to allow time for the analysis of the many comments received in response to the March 30, 1981 notice. The Department, after considering all of the comments filed in response to the March 30, 1981 notice, has decided that the procedures should be suspended pending the completion of the reexamination of those procedures. Therefore, the Department is postponing the effective date of the procedures until further notice, as explained below.

EFFECTIVE DATE: The effective date of 15 CFR Part 19 is postponed until further notice in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Mr. Robert B. Ellert, Acting Assistant Secretary for Productivity, Technology and Innovation, Room 3859, U.S. Department of Commerce, Washington, D.C. 20230, telephone (202) 377-5394; or Mr. Donald M. Malone, Deputy Assistant General Counsel for Productivity, Technology and Innovation, Room 3859, U.S. Department of Commerce, Washington, D.C. 20230, telephone (202) 377-5394.

SUPPLEMENTARY INFORMATION: The Department of Commerce issued, on December 31, 1980, Part 19 of Title 15, entitled "Federal Interaction With Voluntary Standards Bodies; Procedures." This part appeared in the **Federal Register** for January 6, 1981. These procedures were issued in response to Section 7a(1)(a) of OMB Circular A-119, entitled "Federal Participation in the Development and Use of Voluntary Standards." In response to President Reagan's memorandum of January 29, 1981 entitled, "Postponement of Pending Regulations," the effective date of the procedures was postponed to March 30, 1981 (see 46 FR 11657, February 10, 1981).

During the period of postponement ordered in the President's memorandum of January 29, 1981, comments were received questioning the appropriateness of the procedures. A decision was therefore made to reexamine the procedures and the effective date was postponed again until April 29, 1981 in order to consider the comments received. Notice of this decision was published at 46 FR 19227 on March 30, 1981. In the same issue of the **Federal Register**, the Department solicited public comment on two alternatives concerning the final effective date of the procedures (46 FR 19266). The first alternative involved the indefinite suspension of the procedures pending completion of the reexamination, while the second alternative involved the implementation of the procedures on an interim basis during the period of reexamination.

The Department received 130 comments in response to the March 30, 1981 notice. In order to allow sufficient time for the analysis of these comments, the Department delayed the effective date of the procedures until June 29, 1981 in a notice published in the **Federal Register** on April 29, 1981 (46 FR 23922).

The Department has analyzed the comments received as a result of the March 30, 1981 **Federal Register** notice. Of the 130 comments, 59 recommended that the procedures be suspended pending their reexamination, 69 supported the release of the procedures, and 3 suggested that the procedures take effect on an interim basis. Of the 23 comments received from those technical and professional organizations which are considered to be voluntary standards organizations, 19 recommended suspension of the procedures pending reexamination. All of the 17 comments received from trade associations involved in voluntary standards activities recommended suspension of the procedures pending reexamination.

The Department believes that the comments of the standards development organizations and the trade associations involved in standards development activities deserve particular consideration because these bodies are most directly affected by the procedures. In view of the fact that 17 of the comments from the standards-development organizations and 13 of the comments from the trade associations expressed opposition to the procedures or recommended revisions of the procedures, the Department has concluded that the effective date of the procedures should be suspended until such time as reexamination of them is completed.

Accordingly, the Department is postponing the effective date of the procedures until further notice. When reexamination of the procedures is completed, a notice will be placed in the **Federal Register** announcing the action which is most appropriate in light of the results of the reexamination. If deemed appropriate at that time, the notice could set a new effective date for the procedures, or undertake further rulemaking under 5 U.S.C. 553.

Therefore, the Department has decided to postpone the effective date of the procedures until further notice in the **Federal Register**.

Issued: June 23, 1981.

Robert B. Ellert,

Acting Assistant Secretary for Productivity, Technology and Innovation.

[FR Doc. 81-19103 Filed 6-26-81; 8:45 am]

BILLING CODE 3510-13-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 282

[Docket No. RM79-14]

Order of the Director, OPPR of Publication of Incremental Pricing Acquisition Cost Thresholds Under Title II of the NGPA

AGENCY: Federal Energy Regulatory Commission.

ACTION: Order Prescribing Incremental Pricing Thresholds.

SUMMARY: The Director of the Office of Pipeline and Producer Regulation is

issuing the incremental pricing acquisition cost thresholds prescribed by Title II of the Natural Gas Policy Act and 18 CFR 282.304. The Act requires the Commission to compute and publish the threshold prices before the beginning of each month for which the figures apply. Any cost of natural gas above the applicable threshold is considered to be an incremental gas cost subject to incremental pricing surcharging.

EFFECTIVE DATE: July 1, 1981.

FOR FURTHER INFORMATION CONTACT: Kenneth A. Williams, Federal Energy Regulatory Commission, 825 N. Capitol Street, NE., Washington, D.C. 20426 (202) 357–8500.

Issued June 23, 1981.

Section 203 of the NGPA requires that the Commission compute and make available incremental pricing acquisition cost threshold prices prescribed in Title II before the beginning of any month for which such figures apply.

Pursuant to that mandate and pursuant to section 375.307(1) of the Commission's regulation, delegating the publication of such prices to the Director of the Office of Pipeline and Producer Regulation, the incremental pricing acquisition cost threshold prices for the month of July 1981, is issued by the publication of a price table for the applicable month.

Louis W. Mendonsa,

Deputy Director, Office of Pipeline and Producer Regulation.

BILLING CODE 6450-85-M

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Table I - Incremental Pricing Acquisition Cost Threshold Prices
Calendar Year 1980

	January	February	March	April	May	June	July	August	September	October	November	December
Incremental Pricing Threshold	$1.702	$1.738	$1.750	$1.762	$1.776	$1.790	$1.804	$1.819	$1.834	$1.849	$1.863	$1.877
NGPA Section 102 Threshold	2.358	2.381	2.404	2.428	2.453	2.478	2.504	2.532	2.560	2.588	2.614	2.640
NGPA Section 109 Threshold	1.786	1.799	1.812	1.825	1.839	1.853	1.867	1.883	1.899	1.915	1.929	1.943
130% of No. 2 Fuel Oil in New York City Threshold	7.170	7.260	7.410	7.110	7.380	8.040	7.840	7.380	7.400	7.400	7.450	7.580

Calendar Year 1981

	January	February	March	April	May	June	July	August	September	October	November	December
Incremental Pricing Threshold	$1.891	$1.908	$1.925	$1.942	$1.954	$1.967	$1.980					
NGPA Section 102 Threshold	2.667	2.698	2.729	2.761	2.787	2.813	2.840					
NGPA Section 109 Threshold	1.957	1.975	1.993	2.011	2.024	2.037	2.050					
130% of No. 2 Fuel Oil in New York City Threshold	7.610	7.960	8.260	9.010	9.510	9.430	9.360					

[FR Doc. 81-19081 Filed 6-26-81; 8:45 am]
BILLING CODE 6450-85-C

DEPART

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25 CFR P

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AGENCY:
Interior.
ACTION:

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DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

25 CFR Part 256

Off-Reservation Treaty Fishing Fraser River Convention; Sockeye and Pink Salmon Fishery

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Emergency regulations.

SUMMARY: These regulations implement the 1981 treaty Indian fishery for sockeye and pink salmon in treaty fishing areas located in waters coming under the United States Convention with Canada for the protection, preservation, and extension of the Sockeye and Pink Salmon Fishery of the Fraser River System.

On February 26, 1981 the International Pacific Salmon Fisheries Commission (IPSFC) forwarded its proposed regulations for the 1981 commercial fishing season for sockeye and pink salmon in Convention Waters to the Government of the United States for approval, as required by Article VI of the Convention. The United States has approved those regulations, with the exception that the regulations will not apply to Indian tribes exercising treaty-secured fishing rights at the tribes' usual and accustomed fishing places. Consequently, the instant regulations implement domestic law of the United States to provide treaty Indian tribes the full opportunity to harvest one-half of the United States' share of sockeye salmon in Convention waters in a manner consistent with the United States' obligations to Canada under the Fraser River Convention. The regulations are promulgated by the Department of the Interior to apply only to Indians exercising fishing rights secured to them by treaties of the United States. The all-citizen Fisheries are regulated by 50 CFR Part 371, published by the Department of Commerce.

EFFECTIVE DATE: 0001 a.m. on June 1, 1981.

FOR FURTHER INFORMATION CONTACT: Robert D. Ringo, Fishery Management Biologist, Olympia Area Office Fisheries Assistance Office, U.S. Fish and Wildlife Service, 2625 Parkmont Lane, Bldg. A, Olympia, Washington 98502, (206) 753–9460.

SUPPLEMENTARY INFORMATION: The Department of the Interior is responsible for the supervision and management of Indian Affairs under 43 U.S.C. § 1457, 25 U.S.C. 2 and 9, and the Reorganization Plan No. 3 of 1950 (64 Stat. 1262), including the protection and implementation of off-reservation fishing rights secured by the Treaty of Point Elliott, 12 Stat. 927 (1859); Treaty with the Makah, 12 Stat. 939 (1859); and Treaty of Point No Point, 12 Stat. 933 (1859) as affirmed in *Washington* v. *Fishing Vessel Association*, 443 U.S. 658 (1979). Such treaty Indian fisheries include a sockeye and pink salmon fishery in treaty fishing places in waters coming under the United States Convention with Canada respecting the sockeye and pink salmon fisheries of the Fraser River System.

The International Pacific Salmon Fisheries Commission has forwarded to the Governments of Canada and the United States, for the approval required by the Convention, the regulations applicable in Convention waters during the 1981 fishing season. On March 31, 1981, the United States, acting through the Department of State, approved the regulations except as to treaty Indians fishing in accordance with regulations promulgated by this Department providing for the exercise of fishing rights secured by the United States treaties. The International Pacific Salmon Fisheries Commission assumes control over U.S. Convention waters on June 21, 1981, and the fishing season in Convention waters begins on July 4, 1981. These regulations are necessary to implement the fishing rights of certain Northwest Washington Indian tribes in that fishery and to meet the United States' obligations to Canada under the Fraser River Convention.

The United States has two primary obligations to Canada under the Fraser River Convention. The first such obligation is to assure the proper escapement of sockeye and pink salmon into the Fraser River. The second obligation is to assure the equal division of the catch between Canadian and United States fishermen fishing in the Convention Waters. The United States also has treaty obligations to certain Northwest Indian tribes to assure that such tribes have the full opportunity to harvest one-half of the fish that pass through tribal usual and accustomed fishing areas.

As in the 1980 Fraser River Convention fishery, regulation of the treaty Indian fishery in 1981 will be consistent with fulfilling the United States' obligation to provide the treaty tribes full opportunity to catch one-half of the American share and to comply with the United States' obligations to Canada under the Convention.

The definition of "treaty Indian tribe" in section 256.12(q) has been revised to include the Jamestown Clallam Tribe of Indians pursuant to the May 4, 1981 order of the District Court in *United States* v. *Washington*, Civil No. 9213 (W.D. Wash.), Final Decree and Order Re Treaty Status of Jamestown Clallam Tribe of Indians. The fishing assistance provisions of section 256.19 have been revised in order to clarify who may and who may not participate in treaty Indian fishing under these regulations and to clarify that "fishing assistance" includes "fishing instruction" for purposes of this rule.

The United States' action and these regulations implement the regulatory system which the United States has used since 1977 to meet its obligations both to Canada and to U.S. treaty Indians. The Supreme Court approved this regulatory system in *Washington* v. *Fishing Vessel Ass'n*, 443 U.S. 658 (1979). This year, as in previous years, the affected treaty tribes will regulate their fisheries concurrently and in a manner consistent with the regulations of the Department.

In order to allow the affected tribes to exercise their treaty fishing rights in a timely manner, these regulations are issued on an emergency basis. Similarly, the Department of the Interior hereby and for good cause finds that the formal advance notice, public comment procedures, and delayed effectiveness procedures of 5 U.S.C. 553 are impracticable and contrary to the public interest. These regulations are therefore effective immediately.

The BIA has determined that this rule is not major within the terms of Executive Order 12291 and that it does not have a significant economic effect on a substantial number of small entities within the terms of the Regulatory Flexibility Act.

An environmental assessment has been completed and it has been concluded that the implementation of a treaty Indian fishery by these regulations is not a major Federal action which would significantly affect the environment within the meaning of Section 102(2)(c) of the National Environmental Policy Act of 1969.

Finally, this action does not increase the Federal paperwork burden for individuals, small business and other persons (Paperwork Reduction Act of 1980).

The primary author of this document is Robert D. Ringo, Fishery Management Biologist, Fisheries Assistance Office, U.S. Fish and Wildlife Service, 2625 Parkmont Lane, Olympia, Washington 98502, (206) 753–9460.

Comments are invited at the address indicated above and will be considered

with respect to amendments to this subpart.

25 CFR Part 256, Subpart B is revised to read as follows:

PART 256—OFF-RESERVATION TREATY FISHING

* * * * *

Subpart B—Fraser River Convention Sockeye and Pink Salmon Fishery

Sec.

256.11 Purpose of this subpart: compliance.
256.12 Definition of terms.
256.13 Other laws and regulations.
256.14 Identification.
256.15 Fishing assistance.
256.16 Reporting requirements.
256.17 Fishing seasons.
256.18 Emergency orders.
256.19 Treaty tribe fishing regulations.
256.20 Unlawful possession.
256.21 Forceable assault on enforcement officer.

Authority: The provisions of subpart B are issued under the authority of 25 U.S.C. 2, 9; 5 U.S.C. 301; 43 U.S.C. 1451 et. seq.; 25 CFR 256.

Subpart B—Fraser River Convention Sockeye and Pink Salmon Fishery

§ 256.11 Purpose of this subpart: compliance.

(a) This subpart governs fishing for sockeye and pink salmon by any treaty Indian who is fishing at his tribe's treaty fishing places in U.S. Convention waters during the time the Commission exercises control over the Fraser River Convention sockeye and pink salmon fishery.

(b) Any treaty Indian shall comply with this subpart when fishing for sockeye and pink salmon at his tribe's treaty fishing places in U.S. Convention waters during the time the Commission exercises control over the Fraser River Convention sockeye and pink salmon fishery. Fishing by any person which is not in accordance with these regulations is governed by 50 CFR Part 371 and violations thereof are subject to the penalties of the Act.

§ 256.12 Definition of terms.

(a) Act means: the Sockeye Salmon or Pink Salmon Fishing Act of 1947, 16 U.S.C. 776–776f.

(b) Authorized assistant means: any person described in Section 256.15 and thereby authorized to assist or instruct the treaty Indian in fishing.

(c) Commission means: the International Pacific Salmon Fisheries Commission provided for by Article II of the convention.

(d) Convention means: the convention between the United States and Canada for the Protection, Preservation, and Extension of the Sockeye and Pink Salmon Fisheries of the Fraser River System, signed at Washington on the 26th day of May 1930, as amended by the protocol to include pink salmon, signed at Ottawa on the 28th day of December 1956.

(e) Convention waters mean: those waters described in Article I of the Convention.

(f) Enforcement Officer means:

(1) Any enforcement agent of the National Marine Fisheries Service;

(2) Any commissioned, warrant, or petty officer of the Coast Guard;

(3) Any Coast Guard personnel accompanying and acting under direction of any persons described in (2) of this paragraph (f);

(4) Any tribal enforcement officer authorized to enforce treaty tribal regulations described under section 256.19 of this subpart.

(5) Any state enforcement officer authorized to enforce the Commission's regulations, 50 CFR Part 371, or consistent state regulations implementing the Commission's regulations.

(6) any other person authorized by the Regional Director, Northwest Region, National Marine Fisheries Service to enforce the provisions of the Convention, the Commission's regulations, the Act, or 50 CFR Part 371.

(7) any other person authorized by the Secretary of the Interior to enforce the provisions of 25 CFR 256 Subpart A or B.

(g) Fish, fishing means: the fishing for, catching, or taking, or the attempted fishing for, catching, or taking, of any sockeye or pink salmon in Convention waters.

(h) Fishing gear means: any net, trap, hook, or other device, appurtenance or equipment, of whatever kind or description, used or capable of being used for the capturing of sockeye or pink salmon.

(i) Lawful gear means: any gill net, purse seine, reef net, troll line, beach seine, or stake net, as defined under Washington Administrative Code Chapter 220–16 and 220–47–301 through 304 or under tribal regulations.

(j) Person includes: individuals, partnerships, associations and corporations.

(k) Pink salmon means: that species of salmon known by the scientific name Oncorhynchus gorbuscha.

(l) Sockeye salmon means: that species of salmon known by the scientific name Oncorhynchus nerka.

(m) State areas means: fishing areas defined as Puget Sound Salmon Management and Catch Reporting Areas in Washington Administrative Code Chapter 220–22.

(n) Stretch measure means: the distance between the inside of one knot to the outside of the opposite (vertical) knot in one mesh. Measurement shall be taken when the mesh is stretched vertically while wet, by using a tension of ten (10) pounds on any three (3) consecutive meshes, then measuring the middle mesh of the three while under tension.

(o) Treaty Indian means: any member of a treaty Indian tribe which has treaty fishing places in U.S. Convention waters.

(p) Treaty Indian identification means: identification issued by the Bureau of Indian Affairs or a treaty Indian tribe identifying the holder as a member of the issuing tribe. The identification card shall include the name and address of the tribal member, the member's enrollment number (if any), date of birth, and the member's photograph.

(q) Treaty Indian tribe means: any tribe which has been found by the United States District Court for the Western District of Washington to be entitled to exercise treaty-secured fishing rights in U.S. Convention waters. Currently these tribes are the Mekah Tribe, Lower Elwha Band Clallam Tribe, Port Gamble Band Clallam Tribe, Jamestown Clallam Tribe, Suquamish Tribe, Lummi Tribe, Nooksack Tribe, the Swinomish Indian Tribal Community, and Tulalip Tribe.

(r) Treaty fishing places (of an Indian tribe) means: any location which shall have been previously determined by the United States District Court for the Western District of Washington in *U.S. v. Washington* to be a place at which that treaty tribe may take fish under rights secured by a treaty of the United States with such tribe or its predecessor in interest.

(s) Washington Administrative Code means: only those chapters and sections of the Washington Administrative Code that were in effect as of June 1, 1981.

(t) Vessel means: every type or description of water craft or other contrivance used, or capable of being used, as means of transportation in water.

§ 256.13 Other laws and regulations.

Nothing in this subpart shall be construed to relieve a treaty Indian or his authorized assistant from any applicable requirement lawfully imposed by a tribe, the United States, or the State of Washington. Nor shall anything herein authorize any treaty Indian or his authorized assistant to act contrary to any restriction or requirement of applicable tribal laws.

§ 256.14 Identification.

(a) Any treaty Indian fishing under the authority of this subpart shall have in his possession at all such times treaty Indian identification required by 25 CFR 256.3 and by applicable tribal law.

(b) Any person assisting a treaty Indian under the authority of § 256.15 of this subpart shall have in his possession at all such times an identification card issued by the Bureau of Indian Affairs or by a treaty Indian tribe, identifying the holder as a person qualified to assist a treaty Indian. The identification card shall include the name of the issuing tribe, the name, address, date of birth, and photograph of the assistant, and the name and enrollment number (if any) of the treaty Indian the assistant is qualified to assist.

(c) Identification described in paragraphs (a) or (b) shall be shown on demand to an enforcement officer by the treaty Indian or authorized assistant.

(d) Any treaty Indian fishing under this subpart shall comply with the treaty Indian vessel and gear identification requirements of Decision No. 1 and subsequent Orders of the U.S. District Court for the Western District of Washington in *U.S. v. Washington.*

§ 256.15 Fishing assistance.

Notwithstanding 25 CFR 256.5, any treaty Indian fishing under this subpart may, if authorized by the treaty Indian's tribe, receive fishing assistance from and only from the treaty Indian's spouse, forbears, children, grandchildren, and siblings, authorized by the District Court for the Western District of Washington in *United States v. Washington.* For purposes of this subpart B, "fishing assistance" means help or instruction in fishing.

§ 256.16 Reporting requirements.

(a) Any person receiving or purchasing fish caught by any treaty Indian fishing under this subpart shall comply with Decision No. 1 and subsequent Orders of the U.S. District Court for the Western District of Washington in *U.S. v. Washington* as implemented by the treaty tribes and in Washington Administrative Code Chapter 220–69.

(b) Any treaty Indian who sells fish caught under the authority of this subpart directly to a consumer, restaurant, boathouse, or any other retail outlet shall comply with Decision No. 1 and subsequent Orders of the U.S. District Court for the Western District of Washington in *U.S. v. Washington* as implemented by Washington Administrative Code Chapter 220–69.

(c) No person receiving or purchasing sockeye and pink salmon caught in U.S. Convention waters during the time the Commission exercises control over fishing for sockeye and pink salmon shall fail to permit enforcement officers to inspect records or reports required by WAC 220–69 or to inspect fish landing, holding or storage areas under the control of this person.

§ 256.17 Fishing seasons.

(a) Treaty Indian fishing for sockeye and pink salmon will be allowed with troll gear in U.S. High Seas Convention waters from June 1, 1981 to July 14, 1981, both dates inclusive.

(b) No treaty Indian shall fish for sockeye or pink salmon with nets in U.S. Convention Waters (State Areas 4B, 5, 6C, 6, 6A, 7, 7A, and 7D) from June 21, 1981 to June 26, 1981, both dates inclusive, except for treaty Indian test fisheries in State Areas 4B and 5 from June 21, 1981 to June 26, 1981, if specifically authorized by emergency regulations issued under 256.18 of this Subpart.

(c) No treaty Indian shall fish for sockeye or pink salmon in U.S. Convention waters in State Areas 4B and 5 except with lawful gear from:

(1) June 27, 1981 to July 3, 1981, both dates inclusive, from 5:00 a.m. on Saturday, to 9:30 a.m. on Friday.

(2) July 3, 1981 to July 10, 1981, both dates inclusive, from 7:00 p.m. on Friday to 9:30 a.m. on Thursday.

(3) July 11, 1981 to July 17, 1981, both dates inclusive, from 5:00 a.m. on Saturday to 9:30 a.m. on Friday.

(4) July 17, 1981 to July 24, 1981, both dates inclusive, from 7:00 p.m. on Friday to 9:30 a.m. on Thursday.

(5) July 25, 1981 to July 31, 1981, both dates inclusive, from 5:00 a.m. on Saturday to 9:30 a.m. on Friday.

(6) July 31, 1981 to August 7, 1981, both dates inclusive, from 7:00 p.m. on Friday to 9:30 a.m. on Thursday.

(7) August 8, 1981 to August 14, 1981, both dates inclusive, from 5:00 a.m. on Saturday to 9:30 a.m. on Friday.

(8) August 15, 1981 to August 28, 1981, both dates inclusive, from 5:00 a.m. on Saturday to 9:30 a.m. on Friday.

(9) August 29, 1981 to September 4, 1981, both dates inclusive, from 5:00 a.m. on Saturday to 9:00 a.m. on Friday.

(10) September 5, 1981 to September 10, 1981, both dates inclusive, from 5:00 a.m. on Saturday to 9:00 a.m. on Thursday.

(d) No treaty Indian shall fish for sockeye or pink salmon in U.S. Convention waters in State Areas 6C, 6, 6A, 7, 7A, and 7D with purse seines, reef nets and beach seines except from:

(1) July 4, 1981 to July 10, 1981 both dates inclusive, from 5:00 a.m. to 9:30 p.m. each day, on Saturday through Tuesday.

(2) July 11, 1981 to July 24, 1981, both dates inclusive, from 5:00 a.m. to 9:30 p.m. each day, on Saturday through Tuesday of each week.

(3) July 25, 1981 to August 14, 1981, both dates inclusive, from 5:00 a.m. to 9:30 p.m. each day, on Saturday through Tuesday of each week.

(4) August 15, 1981 to September 4, 1981, both dates inclusive, from 5:00 a.m. to 9:00 p.m. each day, on Saturday through Friday of each week.

(5) September 5, 1981 to September 11, 1981, both dates inclusive, from 5:00 a.m. to 9:00 p.m. each day, on Saturday through Thursday.

(6) September 12, 1981 to September 18, 1981, both dates inclusive, from 5:00 a.m. to 9:00 p.m. each day, on Saturday through Wednesday.

(e) No treaty Indian shall fish for sockeye and pink salmon in U.S. Convention waters in State Areas 6C, 6, 6A, 7, 7A, and 7D with gill nets except from:

(1) July 3, 1981 to July 10, 1981, both dates inclusive, from 7:00 p.m. on Friday to 9:30 p.m. on Tuesday.

(2) July 11, 1981 to July 16, 1981, both dates inclusive, from 5:00 a.m. on Saturday to 9:30 a.m. on Wednesday.

(3) July 17, 1981 to July 24, 1981, both dates inclusive, from 7:00 p.m. on Friday to 9:30 a.m. on Tuesday.

(4) July 25, 1981 to July 30, 1981, both dates inclusive, from 5:00 a.m. on Saturday to 9:30 a.m. on Wednesday.

(5) July 31, 1981 to August 7, 1981, both dates inclusive, from 7:00 p.m. on Friday to 9:30 p.m. on Tuesday.

(6) August 8, 1981 to August 14, 1981, both dates inclusive, from 5:00 a.m. on Saturday to 9:30 a.m. on Wednesday.

(7) August 15, 1981 to September 5, 1981, both dates inclusive, from 6:00 p.m. on Saturday to 6:00 p.m. on Saturday.

(8) September 5, 1981 to September 11, 1981, both dates inclusive, from 6:00 p.m. on Saturday to 9:00 p.m. on Thursday.

(9) September 12, 1981 to September 18, 1981, both dates inclusive, from 5:00 a.m. on Saturday to 9:00 a.m. on Thursday.

(f) Notwithstanding the foregoing provisions, no treaty Indian shall fish for sockeye or pink salmon in U.S. Convention waters lying westerly and northerly of the straight line drawn from Iwerson's Dock on Point Roberts to Georgina Point Light at Active Pass, from August 30, 1981 to September 5, 1981, and from September 20, 1981 to October 3, 1981, all dates inclusive.

(g) Notwithstanding the foregoing provisions, no treaty Indian shall fish for sockeye or pink salmon in U.S.

Convention waters lying westerly and northerly of a straight line drawn from the low water range marker in Boundary Bay on the International Boundary across the east tip of Point Roberts to the East Point Light on Saturna Island from September 6, 1981 to September 19, 1981, both dates inclusive.

(h) The foregoing regulations shall not apply to the following United States Convention waters:

(1) State Areas 6B, 6D, 7B and 7C.

(2) Preserves previously established by the Director of Fisheries of the State of Washington for the protection and preservation of other species of food fish.

§ 256.18 Emergency orders.

(a) These regulations are subject to frequent change by emergency order, particularly with respect to permissible fishing times. Notice of the basis of the emergency and anticipated change will be transmitted immediately to the Northwest Indian Fisheries Commission for the treaty tribes, in order that the treaty tribes may amend tribal fishing regulations in response to the emergency.

(b) Notice of a change in these regulations and tribal regulations referred to in § 256.19 will be provided through the Northwest Indian Fisheries Commission and is available by calling the Northwest Indian Fisheries Hot-Line (1–800–562–6142). Emergency orders will be published in the **Federal Register** as quickly as possible.

(c) Emergency orders are effective at the time notice is provided to the Northwest Indian Fisheries Commission or as otherwise stated in the order, whichever time is later.

§ 256.19 Treaty tribe fishing regulations.

To the extent that they are consistent with this subpart, treaty tribe fishing regulations governing treaty Indian sockeye and pink salmon fishing in U.S. Convention waters during the time the Commission exercises control, which are approved under 25 CFR 256.2(b), and emergency orders under such treaty tribe fishing regulations, are incorporated herein and are effective for all purposes as part of this subpart.

§ 256.20 Unlawful possession.

No treaty Indian shall possess sockeye or pink salmon on board a fishing vessel which is engaged in a fishery for other species in U.S. Convention waters during the times Convention waters are closed to sockeye and pink salmon fishing by the regulations in this subpart.

§ 256.21 Forcible assault on enforcement officer.

No person fishing under this subpart shall assault, resist, oppose, impede, intimidate, or interfere with an enforcement officer engaged in enforcing this subpart.

Dated: June 24, 1981.

Roy H. Sampsel,

Deputy Assistant Secretary—Indian Affairs.

[FR Doc. 81-19169 Filed 6-26-81; 8:45 am]

BILLING CODE 4310-02-M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1910

[Docket No. H–004E]

Occupational Exposure to Lead; Supplemental Statement of Reasons and Amendment of Standard; Notice of Deferral of Effective Date

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice of further deferral of effective date of final rule.

SUMMARY: This notice defers the effective date of the Supplemental Statement of Reasons and Amendment of the Lead Standard until August 31, 1981. The action is necessary to allow additional time to consider the appropriateness of the lengthy and complex document in light of the numerous petitions for administrative review which have been received, and to allow time for final disposition of complicated issues before the Supreme Court.

DATE: The effective date is deferred until August 31, 1981.

FOR FURTHER INFORMATION CONTACT: Dr. Robert Beliles, Occupational Safety and Health Administration, Room N3617, U.S. Department of Labor, Washington, D.C. 20210 (202) 523–7081.

SUPPLEMENTARY INFORMATION: On January 21, 1981, OSHA published in the **Federal Register** (46 FR 6134) a supplemental statement of reasons assessing the technological and economic feasibility of meeting the permissible exposure level for lead contained in the lead standard (29 CFR 1910.1025), in 46 industries. The document was prepared in response to a remand order from the U.S. Court of Appeals for the D.C. Circuit, in the "United Steelworkers of America v. Marshall," No. 79–1048 (August 15, 1980). The supplemental statement of reasons covered nearly 100 pages in the **Federal Register**, and was originally scheduled to be effective on February 20, 1981. On February 6, 1981, the effective dates of several final regulations were deferred until March 30, 1981 pursuant to a Presidential Memorandum to the Secretary of Labor and other cabinet officials (46 FR 11253). On March 27, 1981 (46 FR 18973) OSHA further deferred the effective date, for a period of 30 days, so that it might have additional time to consider the numerous petitions for administrative review of the supplemental statement of reasons—a very lengthy and complex document.

In response to the D.C. Circuit's opinion to the lead standard several petitions for certiorari were filed with the Supreme Court. The agency responded on April 17, 1981, stating that the petitions for certiorari should be granted, that the judgment of the court of appeals should be vacated, that the case should be remanded with directions to return the record to the agency for further administrative proceedings, and that the standard that is currently effective should be left undisturbed. On the same day, OSHA filed with the **Federal Register** an advance notice of proposed rulemaking, published on April 21, 1981 (46 FR 22764), which stated the agency's intention to review the technological and economic feasibility of the lead standard, and to reevaluate several other important issues concerning the lead standard. Interested parties were invited to comment on the advance notice by June 1, 1981. Finally, on April 28, 1981 (46 FR 23741), the effective date was again deferred until June 30, 1981.

In light of the above, and since the Supreme Court has yet to dispose of the petitions before it dealing with the reevaluation of the lead standard, additional time is needed to make an appropriate and coordinated decision on the supplemental statement of reasons. Therefore, the effective date of the supplemental statement is hereby deferred until August 31, 1981. Due to the short deferral period, notice and opportunity for public comment on the deferral is impractical and unnecessary under 5 U.S.C. 533 and 29 U.S.C. 655(b).

Signed at Washington, D.C. this 25th day of June, 1981.

Thorne G. Auchter,

Assistant Secretary of Labor.

[FR Doc. 81-19230 Filed 6-26-81; 8:45 am]

BILLING CODE 4510-26-M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 295

[DMA Instruction 5400.7]

Defense Mapping Agency Freedom of Information Act Program

AGENCY: Defense Mapping Agency, DOD.

ACTION: Final rule.

SUMMARY: In FR Doc. 75-3730 appearing in the **Federal Register** on February 11, 1975 (40 FR 6336) the Defense Mapping Agency (DMA) published Part 295 establishing the policy of the Defense Mapping Agency regarding the availability to the public of DMA information and implementing 5 U.S.C. 552, The Freedom of Information Act. This rule states the policy of the DMA with regard to making DMA records available to members of the public and implements Department of Defense Directive 5400.7 and Department of Defense Regulation 5400.7-R, DOD Freedom of Information Act Program, Part 286. These amendments will provide the public with the addresses of persons from whom information may be obtained; the procedures for making such requests; and the appellate procedures and judicial action.

EFFECTIVE DATE: July 29, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Edward J. Obloy, (202) 254-4431.

SUPPLEMENTARY INFORMATION: In FR Doc. 75-3730 appearing in the **Federal Register** on February 11, 1975 [40 FR 6336] the Defense Mapping Agency (DMA) published Part 295 of this title establishing the policy of the Defense Mapping Agency regarding the availability to the public of DMA information and implementing 5 U.S.C. 552. This rule states the policy of the DMA with regard to making DMA records available to members of the public and implements Department of Defense Directive 5400.7 and Department of Defense Regulation 5400.7-R, DOD Freedom of Information Act Program.

Accordingly, 32 CFR Part 295 is amended as follows:

1. By revising § 295.1 to read as follows:

§ 295.1 Purpose.

This part implements 5 U.S.C. 552, as amended, DOD Directive 5400.7 and DOD Regulation 5400.7-R (Part 286 of this chapter) and describes established facilities at which, the officials from whom, and the procedures whereby, members of the public may inspect and copy or obtain copies of unclassified DMA records.

2. By revising § 295.3 to read as follows:

§ 295.3 Policy.

It is the policy of DMA to make available to the public the maximum amount of information concerning its operations and activities. This basic policy is subject to the exemptions recognized in 5 U.S.C. 552(b) and Part 286 of the chapter. However, notwithstanding such permissible exemptions, it is DMA policy that an exempt record under FOIA will be made available to the public when its disclosure would not be inconsistent with statutory requirements and when no significant and legitimate governmental purpose would be served by withholding the information. Part 286 of this chapter provides additional policy guidance regarding FOIA releasability of DOD and DMA records. If the request is for classified records, the additional procedures outlined in 32 CFR Part 159 should be observed.

3. By revising § 295.4 to read as follows:

§ 295.4 Availability of records.

Requests for identifiable records may be initially denied only when a DMA official designated in § 295.5 determines, after consultation with Counsel at a DMA Component with Counsel, or with the Assistant General Counsel, Headquarters DMA, for all other Components, that such a denial is authorized by 5 U.S.C. 552(b).

4. By revising § 295.5 to read as follows:

§ 295.5 DMA Officials authorized to release documents requested by members of the public.

Authority to make initial determinations of whether to deny release of DMA records to members of the public is, in the case of Headquarters DMA, vested in the Assistant General Counsel or the Chief of Staff; in the case of DMA Components such authority is vested in the Component Counsel or Component Director; in all other cases authority is vested in the DMA Assistant General Counsel or Component Director.

5. By revising § 295.6 (b) and (c) to read as follows:

§ 295.6 Procedure for submission of requests for DMA records by members of the public.

* * * * *

(b) *Addressing requests.* Requesters should address their inquiries to the appropriate official as follows:

(1) Director, Defense Mapping Agency, Bldg. 56, U.S. Naval Observatory, Washington, D.C. 20305.

(2) Director, DMA Aerospace Center, St. Louis Air Force Station, Missouri 63118.

(3) Director, DMA Hydrographic-Topographic Center, Washington, D.C. 20315.

(4) Director, DMA Office of Distribution Services, Washington, D.C. 20315.

(5) Director, Defense Mapping School, Fort Belvoir, Virginia 22060.

(6) Director, DMA Inter American Geodetic Survey, Bldg. 605, Fort Sam Houston, Texas 78234.

If the requester is not certain to which DMA Component his inquiry should be addressed, it may be submitted to the Director, Defense Mapping Agency, Building 56, U.S. Naval Observatory, Washington, D.C. 20305 where prompt action will be taken to direct it into proper channels. The requester should always ensure that the words "Freedom of Information Act Request" are conspicuously placed on the front of the envelope of each FOIA request.

(c) *Facilities for inspection and copying of records.* (1) Subject to the exemptions contained in Part 286 of this chapter, Headquarters DMA shall, in accordance with the procedures established in Part 286 of this chapter make available for public inspection and copying in an appropriate facility or facilities the materials described in Part 286 of this chapter, unless such materials are published and copies offered for sale. The public may inspect and copy or have copied available materials in this facility or reading room. The reading facility at Headquarters DMA fulfills the public inspection requirement for Headquarters DMA, DMA Hydrographic/Topographic Center, Defense Mapping School and Office of Distribution Services. The Director, DMA Aerospace Center and the Director, DMA Inter American Geodetic Survey shall provide a reading room and make that facility available to the public.

(2) The General Counsel, DMA will make available for public inspection and copying current indexes providing identifying information for the public as to any matter issued, adopted or promulgated after July 4, 1967 and required by Part 286 of this chapter to be made available or published. It is hereby determined pursuant to 5 U.S.C. 552(a)(2), with respect to such indexes, that publication thereof in the **Federal Register** is, in the case of the Defense Mapping Agency, unnecessary and impracticable. In this regard, it should

be noted that the mission of the DMA does not include any direct responsibility for "regulatory" or "rule-making" activities in the sense that these are performed by, for example, the public utility type regulatory agencies. All unclassified DMA regulations and related materials, and indexes thereof, will be maintained in current fashion in established facilities.

(3) Use of DMA inspection and copying facilities by members of the public will be on an appointment basis only. Appointments will normally be requested by letter.

6. By revising § 295.7 to read as follows:

§ 295.7 Fees.

The fees described in Part 286 of this chapter pertain to FOIA requests and reflect direct search and duplication costs, recovery of which are permitted by the FOIA. Minimum fees will not be charged and when direct search and duplication costs for a single FOIA request total less than $30.00, fees ordinarily will be waived.

7. By revising § 295.8 to read as follows:

§ 295.8 Material that may be withheld from disclosure.

Only those records subject to the FOIA and falling within the specific exemptions listed in 5 U.S.C. 552(b), and Part 286 of this Chapter may be withheld from members of the public. Therefore, a request for a record subject to, and made pursuant to 5 U.S.C. 552 and this part, may be denied only by a DMA official designated in § 295.5, and only upon a determination that:

(a) The record is subject to one or more of the exemptions set forth in 5 U.S.C. 552(b) and Part 286 of this Chapter, and a significant and legitimate governmental purpose is served by withholding it;

(b) The Record cannot be found because it has not been described with sufficient particularity to enable the DMA to locate it with a reasonable amount of effort; or

(c) The requester has unreasonably failed to comply with the procedural requirements imposed by this Part.

8. By revising § 295.9 to read as follows:

§ 295.9 Expedited handling required.

The handling of all requests from members of the public to inspect or copy records will be in strict accordance with the procedures prescribed in Part 286 of this Chapter. The initial determination of whether to release a record upon request will normally be made and a decision reported to the requester within ten (10) working days of the date a request is received by the official designated to respond for the type of record sought, provided the requester indicates a willingness to reimburse the Agency for any search and duplication costs involved. Forwarding of the requested information must be accomplished promptly and in the normal case will be sent with the decisional letter. Any delay beyond this initial ten day period may not exceed ten additional working days and will be authorized only for the reasons described in Part 286 of this Chapter. When the record requested was originated by another Agency or Component, the request will be *promptly* referred to the originating Agency or Component for disposition. The period allowed for responding to the request misdirected by the requester shall not begin until the request is received by originating Agency or Component that manages the records requested. In such cases, the requester will be promptly notified of the referral.

9. By revising § 295.10 to read as follows:

§ 295.10 Appeals.

Any person who is denied a request for a record, in whole or in part, will in accordance with Part 286 of this Chapter be given a written explanation of the basis for such determination by an appropriate official designated in § 295.5, and advised of his right to appeal the denial to the General Counsel, Defense Mapping Agency, Building 56, U.S. Naval Observatory, Washington, D.C. 20305, within forty (40) working days from the date of the denial letter. The name and title or position of the official responsible for the denial will be included in the writtten response to the requester. Final determinations of appeals will normally be made within twenty (20) working days of receipt thereof by the General Counsel or the Deputy Director, DMA. If, due to unusual circumstances, additional time is needed to decide the appeal, the final determination may be delayed for the number of working days, not to exceed ten (10), which were not utilized as additional time for responding to the initial request. Final denials to provide a requested record will be made in writing by the General Counsel or the Deputy Director, in accordance with appeal procedures prescribed in Part 286 of this Chapter.

Edward J. Obloy,

General Counsel.

[FR Doc. 19085 Filed 6-26-81; 8:45 am]

BILLING CODE 3810-70-M

DEPARTMENT OF EDUCATION

34 CFR Part 64

Museum Services Program

AGENCY: Department of Education.

ACTION: Final rule.

SUMMARY: The Secretary of Education amends the regulations of the Institute of Museum Services which govern a program of Federal financial assistance under the Museum Services Act. The amendment expands the types of assistance offered under the program to include assistance for institutional assessment of programs and operations by generally accepted professional standards. This program will enable IMS to better use its resources to improve museum services.

EFFECTIVE DATE: These regulations will take effect July 29, 1981.

FOR FURTHER INFORMATION CONTACT: John B. Lyons, Room 4008, Switzer Building, 330 C Street, S.W., Washington, D.C. 20202, telephone (202) 245-0413.

SUPPLEMENTARY INFORMATION:

Nature of Program

The Museum Services Program is authorized by the Museum Services Act, which is Title II of the Arts, Humanities, and Cultural Affairs Act of 1976. The Museum Services Act ("the Act") was enacted on October 8, 1976. The purpose of the Act is stated in section 202. 20 U.S.C. 961, as follows:

> It is the purpose of this (Act) to encourage and assist museums in their educational role, in conjunction with formal systems of elementary, secondary, and post-secondary education and with programs of nonformal education for all age groups; to assist museums in modernizing their methods and facilities so that they may be better able to conserve our cultural, historic, and scientific heritage; and to ease the financial burden borne by museums as a result of their increasing use by the public

The Act establishes an Institute of Museum Services (IMS) consisting of a National Museum Services Board (NMSB) and a Director. A more detailed description of the structure of the Institute and the provisions of the Act may be found in 43 FR 45166 (September 29, 1978).

Proposed Addition to the Regulations; Museum Assessment Summary of Program

A notice of proposed rulemaking (NPRM) for the Museum Assessment Program was published in the **Federal Register** of January 22, 1981 (46 FR 7002).

The NPRM proposed amending the program regulations by adding a new subpart B which would provide rules for the award of grants to museums to assist and encourage them to obtain institutional assessment, and invited public comment. The assessment process generally involves review of a museum's overall programs and operations; diagnosis of their strengths and weaknesses; recommendations for long-range planning; and suggestions for further technical assistance requests. Assessment is carried out by qualified surveyors (through arrangements with the American Association of Museums or another designated professional organization) in accordance with accepted professional standards. Grants may not exceed $600.00.

A museum may use a grant under the proposed subpart for expenses of assessment such as registration fees, surveyor honorariums, travel and other expenses of a surveyor, and technical assistance materials.

Following careful consideration of this issue by the National Museum Services Board, the Secretary has concluded that assisting and encouraging museums to obtain the services involved in the assessment process will help participating museums to improve their services; to enhance their institutional capacity; and to increase their level of financial support from private and other non-federal sources.

Finally, this program will enable IMS to use its resources to reach a significant number of additional museums which could not otherwise participate in IMS programs, thus helping to improve museum services in a wider geographic area.

Questions Raised

A question has been raised as to the role of the American Association of Museums and other professional organizations. Evaluations will normally be arranged by the American Association of Museums, at the request of grantee museums. However, if any specialized museums cannot be adequately served by AAM, the National Museum Services Board is prepared to more actively involve additional professional organizations. The Board, composed of professionals who broadly represent the museum field, will meet and assess each association's capacity on a case by case basis. The designation of any additional professional organizations will be published in the **Federal Register** as provided in 34 CFR § 64.24(c). It should be emphasized, however, that grants are made to museums, not professional organizations.

A question has been raised regarding the purpose of the program. Section 206 of the Museum Services Act authorizes the Director of IMS, subject to the policy direction of NMSB, "to make grants to museums to increase and improve museum services." 20 U.S.C. 965. The purpose of this subpart, in furtherance of the objectives set out in sections 202 and 206 of the Act, is to aid museums in improving their services by providing them with the means, at least in part, to obtain expert assistance in evaluating those services, through the assessment process. When such an evaluation is complete, the museum can use what it has learned to serve its community more effectively. It is believed that such assistance will enable a museum to improve existing programs and to enhance its capacity to obtain private funding in order to increase its services. Favorable comments received on the regulations, as summarized below, suggest that these expectations are shared by the museum community.

Comments Received

One hundred twenty-eight letters from museums and professional associations in forty-six states were received concerning this amendment. Commenters remarked that this type of on-site technical assistance is one of the most critical needs of museums today and that support for this assistance is long overdue. Typical of the many comments are the following statements. One commenter felt that an assessment of the services of his museum by an expert in the field would insure proper expenditure of their present budget and other resources and would prevent the waste of money and resources through good planning. Another commenter noted that this evaluation would be invaluable in enabling his museum to structure a positive course of action for attracting private funding. Questions posed by one commenter are discussed in paragraphs above. There were no negative comments received. Since no substantive change is being made in these regulations, it appears unnecessary in respond to each comment.

The provisions of these regulations are basically the same as those of the NPRM. The Secretary waives the financial report and the performance report pursuant to 34 CFR § 74.72(f) and 34 CFR § 74.82(b). The professional museum service organization (e.g. the American Association of Museums) will provide quarterly reports on the status of the museums involved in the assessment program. The aggregate amount available for these grants has been increased from $200,000 to $240,000.

Invitation To Comment

To assist the Department in complying with the specific requirements of Executive Order 12291 and its overall requirement of reducing regulatory burden, public comments is invited on whether there may be further opportunities to reduce any regulatory burdens found in these regulations.

REGULATORY FLEXIBILITY ACT: The Secretary certifies that these regulations will not have a significant economic impact on a substantial number of small entities. The only small entitities affected are small museums. The regulations require them to carry out a minimal number of reporting, recordkeeping, and other compliance procedures.

CITATION OF LEGAL AUTHORITY: A citation of statutory or other legal authority is provided for the information of readers in parentheses on the line following each substantive provision.

Dated: June 22, 1981.

T. H. Bell,

Secretary of Education.

(Catalog of Federal Domestic Assistance No. 84.115 Museum Services Program)

The Secretary of Education adds a new Subpart B to Part 64 of Title 34 of the Code of Federal Regulations to read as follows:

PART 64—INSTITUTE OF MUSEUM SERVICES

* * * * *

Subpart B—Museum Assessment

Sec.
64.20 Purpose of program.
64.21 Eligibility.
64.22 Allowable costs.
64.23 Form of assistance; limitation on amount.
64.24 Conditions of participation.
64.25 Funding and award procedures.
64.26 Responsibility of museum.

Subpart D–F [Reserved]

Subpart G—Meeting of the National Museum Services Board

Authority: Secs. 201–210, Pub. L. 94–462, 90 Stat. 1975 (20 U.S.C. 961–968); (5 U.S.C. 552b).

Subpart B—Museum Assessment

§ 64.20 Purpose of program.

The Secretary makes grants under this subpart to assist museums in carrying out institutional assessments. The grants enable museums to obtain technical assistance in order to evaluate their programs and operations by generally accepted professional standards.

(20 U.S.C. 961, 965)

§ 64.21 Eligibility.

(a) A museum as defined in § 64.3 may apply for assessment assistance under this subpart.

(b) A museum which receives a grant for assessment assistance under this subpart for a fiscal year may not receive another grant for assessment assistance in the same or a subsequent fiscal year.

(20 U.S.C. 961, 965)

§ 64.22 Allowable costs.

A museum may use a grant under this subpart for expenses of institutional assessment, such as registration fees; surveyor honorariums; travel and other expense of a surveyor; and technical assistance materials.

(20 U.S.C. 961, 965)

§ 64.23 Form of assistance; limitation on amount.

(a) The Secretary makes payments to a museum under this subpart in advance.

(b) The amount of a grant to a museum under this subpart may not exceed $600.00.

(c) The aggregate amount of the grants under this subpart may not exceed $240,000 for a fiscal year.

(20 U.S.C. 961, 965)

§ 64.24 Conditions of participation.

The Secretary considers an application (on a form supplied by IMS) by a museum for a grant under this subpart for assessment assistance only if:

(a) The museum applies for assessment to an appropriate professional organization as defined in this section and

(b) That organization notifies IMS that the application for the assessment assistance is complete and that the museum applying is eligible to participate.

An appropriate professional organization for purposes of this subpart means (1) the American Association of Museums or (2) other professional organizations that are determined to be capable of arranging for a program of assessment services for a category of museums and so designated by notice published in the **Federal Register**.

(20 U.S.C. 961, 965)

§ 64.25 Funding and award procedures.

(a) The Secretary approves applications meeting the requirements of this subpart on a first-come, first-served basis, in the order in which it is determined that such requirements have been met, until a date in the fiscal year to be established by publication in the **Federal Register**.

(b) There are no selection criteria.

(c) Section 64.16 (IMS share of the cost of a proposal) does not apply to grants under this subpart.

(d) The following sections of the Education Department General Administrative Regulations, 34 CFR Part 75, relating to selection criteria and grantmaking procedures, do not apply to the museum assessment program:

(1) Selection criteria, §§ 75.200–75.222; and

(2) Grantmaking procedures, §§ 75.230–75.234.

(e) A museum receiving assistance under this subpart need not submit a financial report or a performance report pursuant to 34 CFR § 74.72(f) and 34 CFR § 74.82(b).

(20 U.S.C. 961, 965)

§ 64.26 Responsibility of museum.

Except in unusual circumstances, a museum which receives a grant under this subpart must take the steps normally expected of it to complete the assessment process for which it has received assistance. Section 64.13(h) (a criterion for evaluation of general operational support applications) applies to the use of funds under this subpart.

(20 U.S.C. 961, 965)

[FR Doc. 81-19117 Filed 6-26-81; 8:45 am]
BILLING CODE 4000-01-M

LIBRARY OF CONGRESS

Copyright Office

37 CFR Parts 201 and 202

Catalog of Copyright Entries; Preparation of Catalog Card; Recordation of Agreements Between Copyright Owners and Public Broadcasting Entities; Copyright Notice; Pictorial, Graphic, and Sculptural Works

AGENCY: Library of Congress, Copyright Office.

ACTION: Final regulations.

SUMMARY: This notice is issued to advise the public that the Copyright Office of the Library of Congress is adopting final regulations that amend §§ 201.9, 202.2, and 202.10, and remove § 201.3, 201.7, 202.12, 202.14, and 202.18. Section 201.9(b) is amended to remove a provision that is no longer applicable. Section 202.2 is amended to state correctly the copyright notice requirements and to make them applicable for the interim, pending new regulations, to work published before January 1, 1978. Section 202.10 is amended by changing its heading and adding to it the text of former §§ 202.12 and 202.14, that are being removed. Sections 201.3, 201.7, and 202.18 are obsolete and are being removed.

EFFECTIVE DATE: July 1, 1981.

FOR FURTHER INFORMATION CONTACT: Dorothy Schrader, General Counsel, Copyright Office, Library of Congress, Washington, D.C. 20559, Telephone (202) 287–8380.

SUPPLEMENTARY INFORMATION: (1) *Catalog of Copyright Entries.* The Copyright Catalog is still available, but the parts and prices given are no longer correct. Therefore, section 201.3 is being removed. Information regarding published catalogs may be obtained from the Information and Reference Division of the Copyright Office.

(2) *Preparation of Catalog Card.* Since a catalog card is no longer required to accompany a work of foreign origin, as it was under section 215 of the 1909 Copyright Act, section 201.7 is obsolete. Therefore, we are removing section 201.7 from the Copyright Office regulations.

(3) *Recordation of Agreements between Copyright Owners and Public Broadcasting Entities.* It is no longer possible to record such agreements before January 1, 1978, and the fee to be charged for agreements recorded before that date in § 201.9(b) may, therefore, be removed.

(4) *Copyright Notice.* Sections 401 and 402 of the Copyright Act of 1976 provide that notice is required whenever a work or sound recording "protected under this title is published in the United States or elsewhere by authority of the copyright owner." Although the notice is still required on all publicly distributed copies or phono records under the Copyright Act of 1976, copyright is not immediately lost in a work published without notice, as was true under the 1909 Copyright Act. Copyright may be secured by registration before publication or within five years of publication. However, works published before January 1, 1978, are still governed by the notice provisions and regulations applicable under the 1909 Act, and it is important that this be reflected in the regulations. Section 202.2 is amended to indicate that it is applicable only to works published before January 1, 1978. In a later proceeding we will propose regulations relating to the notice requirement for works first published on or after January 1, 1978.

Another change concerns the reference to works eligible for ad

interim registration found in § 202.2(a)(3). Since the 1976 Act eliminated ad interim copyright, section 202.2(3) is amended to correct the implication that ad interim registration can still be made, but nevertheless retain its force for works first published abroad before January 1, 1978.

(5) *Pictorial, Graphic, and Sculptural Works.* Since the headings of §§ 202.10, 202.12, 202.14 and certain statements in them refer to classes of works under the 1909 Act, amendments are necessary to eliminate such references. The heading of § 202.10 is changed. Sections 202.12 and 202.14 are removed as such but their textural content is added to § 202.10.

(6) *Notice of Use.* The 1976 Act no longer requires the recordation of notices of use; therefore, § 202.18 is obsolete and is being removed.

All of the above amendments are simply technical or clarifying in nature. Their basic purpose is to correct technical deficiencies in the regulations; the changes are not substantive. Accordingly, these amendments are issued as final regulations effective July 1, 1981, without advance notice to the public.

PART 201—GENERAL PROVISIONS

Part 201 of 37 CFR Chapter II is amended:

§§ 201.3 and 201.7 [Removed].

1. By removing § 201.3 and § 201.7 in their entirety but reserving the numbers.

* * * * *

2. By revising § 201.9(b) to read as set forth below:

§ 201.9 Recordation of agreements between copyright owners and public broadcasting entities.

(a) * * *

(b) For a document consisting of six pages or less covering no more than one title, the basic recordation fee is $10; an additional charge of 50 cents is made for each page over six and each title over one.

(c) * * *

PART 202—REGISTRATION OF CLAIMS TO COPYRIGHT

Part 202 of 37 CFR Chapter II is amended:

§§ 202.12, 202.14, and 202.18 [Reserved].

1. By removing § 202.12, § 202.14 and § 202.18, but reserving the numbers.

* * * * *

2. By revising § 202.2 to read as follows:

§ 202.2 Copyright notice.

(a) *General.*

(1) With respect to a work published before January 1, 1978, copyright was secured, or the right to secure it was copyright, at the date of publication, i.e., the date on which copies are first placed on sale, sold, or publicly distributed, depending upon the adequacy of the notice of copyright on the work at that time. The adequacy of the copyright notice for such a work is determined by the copyright statute as it existed on the date of first publication.

(2) If before January 1, 1978, publication occurred by distribution of copies or in some other manner, without the statutory notice or with an inadequate notice, as determined by the copyright statute as it existed on the date of first publication, the right to secure copyright was lost. In such cases, copyright cannot be secured by adding the notice to copies distributed at a later date.

(3) Works first published abroad before January 1, 1978, other than works for which ad interim copyright has been obtained, must have borne an adequate copyright notice. The adequacy of the copyright notice for such works is determined by the copyright statute as it existed on the date of first publication abroad.

(b) *Defects in notice.* Where the copyright notice on a work published before January 1, 1978, does not meet the requirements of Title 17 of the United States Code as it existed on December 31, 1977, the Copyright Office will reject an application for copyright registration. Common defects in the notice include, among others the following:

(1) * * *
(2) * * *
(3) * * *
(4) * * *
(5) * * *
(6) * * *
(7) * * *
(8) * * *
(9) * * *
(10) * * *
(11) * * *

* * * * *

3. By revising § 202.10 to read as follows:

§ 202.10 Pictorial, graphic, and sculptural works.

(a) In order to be acceptable as a pictorial, graphic, or sculptural work, the work must embody some creative authorship in its delineation or form. The registrability of such a work is not affected by the intention of the author as to the use of the work or the number of copies reproduced. The potential availability of protection under the design patent law will not affect the registrability of a pictorial, graphic, or sculptural work, but a copyright claim in a patented design or in the drawings or photographs in a patent application will not be registered after the patent has been issued.

(b) A claim to copyright in a scientific or technical drawing, otherwise registrable as a pictorial, graphic, or sculptural work, will not be refused registration solely by reason of the fact that it is known to form a part of a pending patent application. Where the patent has been issued, however, the claim to copyright in the drawing will be denied copyright registration.

(c) A claim to copyright cannot be registered in a print or label consisting solely of trademark subject matter and lacking copyrightable matter. While the Copyright Office will not investigate whether the matter has been or can be registered at the Patent and Trademark Office, it will register a properly filed copyright claim in a print or label that contains the requisite qualifications for copyright even though there is a trademark on it. However, registration of a claim to copyright does not give the claimant rights available by trademark registrations at the Patent and Trademark Office.

Dated: June 23, 1981.

David Ladd,

Register of Copyrights.

Approved:

William J. Welsh,

The Acting Librarian of Congress.

[FR Doc. 81-19129 Filed 6-26-81; 8:45 am]

BILLING CODE 1410-03-M

POSTAL SERVICE

39 CFR Part 111

Amendments to ZIP Code Provisions To Explain the ZIP + 4 Code

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: These amendments to the ZIP Code regulations explain what the four-digit add-on to the ZIP Code means, show how to use it, and add conforming references to the ZIP + 4 code in addressing provisions alongside existing references to the five-digit ZIP Code. These changes are in preparation for the distribution of the new four-digit add-on numbers for voluntary use in mailing addresses and return addresses. The ZIP + 4 code retains the 5-digit ZIP Code and adds a hyphen and four more digits. While use of the ZIP + 4 code is completely voluntary, the Postal Service hopes that mailers will adjust their addressing practices on a schedule appropriate to their needs to begin to use it over the next several years. Widespread use, particularly by business

mailers, will enable mail processing to become more efficient and economical, thus helping to hold down the frequency and size of future rate increases. On April 21, 1981, the Postal Service filed with the Postal Rate Commission its proposal for new subclasses of First-Class Mail for volume mailings of letters and cards using the ZIP + 4 code. The proposed rates for pieces in those subclasses would be a half cent lower than for regular First-Class Mail.

EFFECTIVE DATE: July 29 1981.

FOR FURTHER INFORMATION CONTACT: Mr. J. Fred Eggleston, (202) 245–4636.

SUPPLEMENTARY INFORMATION: On November 28, 1980, the Postal Service published in the **Federal Register** (45 FR 79104) a notice and request for comments on the proposal to amend postal regulations as described in the Summary above. Comments were received from 22 organizations or individuals.

None of the commenters took issue with the proposed amendments to the ZIP Code regulations. These amendments are in the nature of explanatory, technical and conforming changes. Moreover, they impose no substantive requirements on mailers. Use of the ZIP + 4 code is and will remain voluntary. For these reasons, the Postal Service has determined to adopt, with certain minor and editorial changes, the amendments to the ZIP Code regulations that were published on November 28, 1980.

While not dealing with the proposed amendments, the comments took the occasion to discuss the ZIP + 4 program and plans generally, as well as the draft "Regulatory Analysis" which had been published for comment at the request of a Member of Congress. A final "Regulatory Impact Analysis" is published at the conclusion of this document. The various comments are discussed below.

Several of the comments were flawed by the incorrect impression that the ZIP + 4 code is intended to be or would eventually become mandatory. The Postal Service has stressed and emphasizes again here that the use of the ZIP + 4 code is totally voluntary; it will not be required now or in the future. Use of the ZIP + 4 code will afford mailers an additional option which they can evaluate for themselves in light of their own individual circumstances. We think it is to their advantage to use it because it will help the Postal Service to hold down its costs and postage rates. The Postal Service has filed with the Postal Rate Commission a proposal for new subclasses of bulk First-Class Mail for letters and cards with a half-cent reduced rate for use of the 4-digit add-on on non-presorted and on 3- and 5-digit ZIP Code presorted bulk mailings. Once these new subclasses are approved, each individual mailer for whom it may be somewhat expensive to adapt address files to the ZIP + 4 code will be able to evaluate for itself whether, how, and at what pace the adjustments needed to take advantage of the ZIP + 4 rate incentives should be made.

Only one commenter provided specific estimates of its direct and indirect costs to convert to use of the ZIP + 4 code, and opposed it on that basis. The cost estimates given were higher than the Postal Service estimate for the average volume mailer, as presented in the draft "Regulatory Analysis". We do not find this commenter's statement a sufficient reason for not going ahead with the ZIP + 4 program. This mailer can avoid incurring even a penny in additional costs simply by choosing not to use the ZIP + 4 code. We have recognized that some business First-Class mailers will not use it. We also believe that as usage spreads, many mailers will benefit from the experience of those who use it first to find ways to adjust to use it themselves more economically than they believed at first.

In contrast to the comment just discussed, another commenter said that it "has already made a substantial investment to enable itself to prepare its mail in accordance with the expanded ZIP Code system", that it "is sure that other large mailers are similarly able to begin the use of the new system in the immediate future", and that it "urges the Postal Service to put the proposed nine-digit ZIP Code into effect on an optional basis at the earliest possible time."

A number of commenters stated that they were generally in favor of the plan to take the best advantage of our new automated mail processing system through the implementation of the ZIP + 4 program, but would reserve final judgment on the matter until the question of financial incentives is settled. As stated above, the Postal Service has filed a request with the Postal Rate Commission for a recommended decision on two new subclasses of First-Class Mail for letters and cards bearing a ZIP + 4 code that can be processed and read by machine, when presented to the Postal Service in minimum lots of 500 pieces. The proposed rate for non-presorted pieces and for 3- and 5-digit ZIP Code presorted pieces is a half cent less than the non-ZIP + 4 rates. Mailers who believe that larger or smaller incentives are justified will have the opportunity to try to make that showing in the proceeding before the Commission.

Some commenters suggested that the Service should encourage greater use of the 5-digit ZIP Code and carrier-route presort programs and abandon the ZIP + 4 program. We do not regard these as mutually exclusive alternatives. The existing presort programs are beneficial to mailers and the Postal Service. We will continue to stress them, and are proposing the same ZIP + 4 reduced rate for 3- and 5-digit presort First-Class Mail as for non-presorted First-Class Mail. However, many mailers may be unable to participate in these existing programs because they lack the necessary mail volumes and densities for the various presort categories. The ZIP + 4 program will enable these mailers to contribute to greater efficiency and productivity in the processing of their mail as the pesent programs have done for a smaller group of mailers.

Some comments dismissed or doubted our assurances that automation will save money for the Postal Service. These conclusions seemed based primarily on unexplained skepticism or on our asserted "track record". We believe that the record of the Postal Service in streamlining its operations with mechanization to do more with less, as outlined in the "Regulatory Analysis", provides an excellent foundation for confidence that automation will provide the means to further gains in productivity and greater cost savings.

Several comments objected to the ZIP + 4 code on the ground that mailers would not be able to remember the longer numbers. We find it difficult to believe that very many mailers currently base their use of very many 5-digit ZIP Codes on memory. We are not suggesting that mailers learn more 4-digit add ons than perhaps their own; others that may be needed can be added to address lists.

One commenter asked whether it would be important to use the ZIP + 4 code on second- and fourth-class mail. The optical character reader/channel sorter (OCR/CS) and bar code automation is aimed initially at bulk First-Class business letter mail. Second- and fourth-class bulk mail (periodicals and parcels) cannot be processed by automated machinery at this time. The Postal Service encourages the use of ZIP + 4 codes even on this mail, however, since the add-on numbers may reduce the need for memorized scheme knowledge by postal clerks, which would reduce the costs of training. We recognize that immediate adjustment of

mailing practices without an immediate rate benefit may not be cost justifiable for many of these mailers, but hope that they will convert at their own pace as it makes sense over the next several years. Mailers who use one address list for all types of mail would be able to use the ZIP + 4 codes on all mail.

Another commenter generally opposed the new automation on the mistaken notion that the Postal Service had not tested it in action. In fact, however, the Service did the very things the commenter says we should have done. From November 1979 until August 1980 we tested OCR/CS's leased from five manufacturers; we processed over 30 million pieces of U.S. mail over the equipment. We also performed mail flow studies at 40 facilities in 1980; we developed the costs for labor, maintenance, transportation, equipment, etc. As a result of the latter study, we determined that the return on investment would be a very favorable 22 percent, even if only five-digit ZIP Code mail were processed, and that the return on investment would be considerably larger if the ZIP + 4 code were used.

One commenter supposed that the Postal Service had turned to the solution of adding four digits to the existing ZIP Code without looking at alternative coding systems, such as letters or a combination of letters and numbers. In our June 3, 1980 notice (45 FR 37572–37573), we pointed out that many ZIP Code configurations were considered. In brief, the Service chose to add numbers at the end of the existing ZIP Code numbers because: (1) numbers can be read by an OCR/CS more successfully and with fewer technical problems; (2) numbers are more adaptable to present letter sorting machine keying and training procedures; and (3) some alphabet characters are too similar to be distinguished easily by machine.

A commenter suggested that the bar code should be imprinted by the OCR/CS on the back instead of the front of the envelope for two reasons: (1) many business envelopes contain printing on the face of the envelope which would interfere with the bars; and (2) since window locations on business envelopes are not uniform, additional costs would be required to redesign envelopes to gain uniformity.

We do not believe either of these reasons is factually accurate as a description of present mailing practices. Business envelopes with printing that would interfere with placement of bar codes are contrary to longstanding postal regulations on addressing. Section 122.22 of the Domestic Mail Manual provides that "at least 3½ inches of clear space should be left, from top to bottom, at the right end of the address side of the envelopes * * * *". It is in this space, below the address, that the OCR/CS would imprint the bar codes. See also, as to business reply letters, DMM 917.52b(3)(b), which reserves the bottom ⅝-inch for bar codes. Window envelopes with windows that wander away from the lower portion of the address side of the envelope also are contrary to longstanding postal regulations on window envelopes. See DMM 129.3b, 129.3g(1).

Moreover, adoption of this suggestion would require the Service to impose restrictions on printing on the back of envelopes so as to leave room for bar codes. It seems likely that the many mailers who use the back side of envelopes to print messages would object to such restrictions. In addition, this alternative would require more expensive OCR/CS equipment which would have to scan both sides of the envelope—the address side when it read the ZIP Code, the back side to make sure it does not imprint a bar code over a preexisting bar code.

Another commenter suggested that the Postal Service hold a conference to discuss details of the procedural aspects of the ZIP + 4 plans. During 1981 several kinds of presentations are being made available. Each of the five postal regions is conducting National Postal Forums that will include business sessions on the ZIP + 4 program. Many local postal customer councils have already held meetings to discuss the ZIP + 4 program, and more meetings are planned. On request, trade associations or individual companies may have it explained to them at group meetings. Finally, postmasters or their Customer Services Representatives are available to discuss it individually with any business customer.

One commenter suggested that the Postal Service should publish standards for the address line for OCR acceptance. In January 1981 the Postal Service published a brochure, entitled "Addressing for Optical Character Recognition" (Notice 165), which describes the requirements for preparing letter mail to be read by an OCR/CS. The publication is being reprinted and will be available from local post offices.

One commenter said that an important value of the ZIP + 4 system is that it would make it possible to discontinue the Carrier Route Information System (CRIS) file and the related system of maintaining current carrier route data in mailers' files. The commenter said this would be possible because the Postal Service would be able to create a special file arranged in ZIP + 4 sequence, with carrier route data shown for each ZIP + 4 code. Since the Postal Service has decided that the existing presort programs will be continued, nothing of value would be gained now by integrating the CRIS file and ZIP + 4 data.

A commenter said that the ZIP Code directory will contain the ZIP + 4 code for only 80 to 90 percent of all addresses. Accordingly, he said the Service should permit a substantial percentage of uncoded pieces to be included in a bulk mailing with ZIP + 4 codes and that the uncoded pieces should receive the discount. The commenter is mistaken. Every delivery address in the country has been assigned a 4-digit add-on, and all ZIP + 4 codes are contained in the computerized directory. Since conversion of address records is possible, and since the Postal Service gains no processing advantages from handling uncoded mail, it would not be sensible to extend a reduced rate to uncoded mail.

One commenter warned that the new magnetic tape directories must be as close to 100 percent accurate as possible. Otherwise, the conversion of mailing lists would be more costly for mailers. The Postal Service performed an extensive line-by-line verification of all data and found the file to be more than 99 percent accurate.

One commenter asked why the Postal Service has stated it will not sort mail delivered to large mailers which have unique 5-digit ZIP Codes into separations based on the add-on numbers. The Postal Service does not perform sorting that is not necessary to complete delivery. For the Postal Service to provide sorting for internal offices of these large firms would require an extra handling step which would increase processing costs, and thereby reduce the savings initially gained from processing ZIP + 4 code mail. As ZIP + 4 implementation moves further along, the Postal Service could consider providing this service for a fee based on equipment availability. The Postal Service will assist such mailers by assigning 4-digit add-on codes which they can use to automate their own internal sorting of incoming mail. Bar code reader/sorters readily available in the marketplace can perform this automated sorting with significant cost savings in many cases.

The conforming changes to various sections of the Domestic Mail Manual follow:

DMM Sections

122.821 Change "the ZIP Code" to "either the ZIP + 4 code or the five-digit ZIP Code".

122.822 Change "the ZIP Code" to "either the ZIP + 4 code or the five-digit ZIP Code".

122.823 Change "the ZIP Code" to "either the ZIP + 4 code or the five-digit ZIP Code".

137.28 Change "the ZIP Code number" to "either the ZIP + 4 code or the five-digit ZIP Code".

141.242 Change " ZIP Code" to "either the ZIP + 4 code or the five-digit ZIP Code".

143.421(a) Change "ZIP Code" to "either the ZIP + 4 code or the five-digit ZIP Code".

322.32(b) Change " ZIP Codes" to "either ZIP + 4 codes or five-digit ZIP Codes".

361.3 Change "the ZIP Code" to "either the ZIP + 4 codes five-digit ZIP Code".

461.1(f) Change "ZIP Code" to "either the ZIP+4 code or the five-digit ZIP Code".

462.31 Change the initial "the ZIP Code" to "either the ZIP+4 code or the five-digit ZIP Code". Amend the phrase following *"Exception:"* to read: "addresses on pieces bearing a simplified address in accordance with 122.41 do not need to include a ZIP Code".

467.223 Change "Lowest ZIP Code" to "Lowest five-digit ZIP Code".

493 Change "ZIP Code" to "either the ZIP + 4 code or the five-digit ZIP Code".

561.1(f) Change "ZIP Code" to "either the ZIP+4 code or the five-digit ZIP Code".

562.31 Change the initial "the ZIP Code" to "either the ZIP+4 code or the five-digit ZIP Code". Amend the phrase following *"Exception:"* to read: "addresses on pieces bearing a simplified address in accordance with 122.41 do not need to include a ZIP Code".

567.223 Change "Lowest ZIP Code" to "Lowest five-digit ZIP Code".

593 Change "ZIP Code" to "either the ZIP+4 code or the five-digit ZIP Code".

661.2 Change the initial "the ZIP Code" to "either the ZIP+4 code or the five-digit ZIP Code". Amend the phrase following *"Exception:"* to read "addresses on pieces bearing a simplified address in accordance with 122.41 do not need to include a ZIP Code".

661.331 Change "ZIP Codes" to "either the ZIP+4 codes or five-digit ZIP Codes".

667.132(b) Change "Lowest ZIP Code" to "Lowest five-digit ZIP Code".

761.11 Change "a complete ZIP Code" to "either the ZIP+4 code or the five-digit ZIP Code".

767.222 Change "Lowest ZIP Code" to "Lowest five-digit ZIP Code".

767.6a Change "ZIP Code of the" to "ZIP+4 code or five-digit ZIP Code of both the".

917.52a(5) Change the initial "the ZIP Code" to "either the ZIP+4 code or the five-digit ZIP Code". Amend the phrase following *"Exception:"* to read: "addresses on pieces bearing a simplified address in accordance with 122.41 do not need to include a ZIP Code".

945.5 Change heading of 945.5 and change 945.51 to read as follows:

.5 Coding Mailing Lists.

.51 Unique Five-Digit ZIP Code Offices. It is the mailer's responsibility to code mailing lists by ZIP Code for the unique five-digit ZIP Code post offices and the multi five-digit ZIP Code post offices described in 122.632 (see also 122.633).

945.52 Change "Multi-ZIP-Coded Post Offices" in the heading and in the first sentence to "Multi Five-Digit ZIP Code Post Offices"; change references from 122.633 and 122.634 to 122.632 and 122.633 respectively.

.52a Change the initial "ZIP Codes" to "five-digit ZIP Codes"; change "single ZIP-Coded offices" to "unique five-digit ZIP Code offices".

.52b Change "local ZIP Code areas" to "five-digit ZIP Code areas".

After careful consideration of all the comments, the Postal Service adopts the following changes to the ZIP Code System regulations in the Domestic Mail Manual, which is incorporated by reference in the **Federal Register**, 39 CFR 111.1.

Part 122—Addresses

Revise 122.6 to read as follows:

122.6 ZIP Code System

.61 Description. The ZIP Code system is a numbered coding system which facilitates efficient processing of mail. The most complete ZIP Code is a nine-digit number divided by a hyphen between the fifth and sixth digits. The Postal Service has adopted the term "ZIP+4" as its trademark for the 9-digit ZIP Code. The first three digits identify the delivery area of the sectional center facility (SCF) or major city post office serving the area in which the address is located. The next two digits (the fourth and fifth digits) identify the delivery area of the associate post office or branch or station of the major city post office serving the address. The sixth and seventh digits (the first two digits following the hyphen) identify an area known as a *sector*. The eight and ninth digits identify a smaller area known as a *segment*. The final four digits of the ZIP+4 code identify specific geographic units such as: a side of a street between intersections; both sides of a street between intersections; individual buildings; a floor or group of floors in a large building; a firm within a building; a span of boxes on a rural route; or a group of post office boxes in which mail delivery will be made by a single postal employee.

.62 Purpose. The ZIP Code system enables the Postal Service to achieve greater accuracy, speed, and economy in the processing and delivery of mail.

.63 Assignment of ZIP Codes.

.631 General. Each segment-sized geographical area served by the Postal Service is assigned a unique ZIP Code representing the SCF or major city post office in whose delivery area the segment is located (three-digit ZIP Code area), the associate post office or branch or station of the major city post office serving the area (five-digit ZIP Code area), and the sector and segment number assigned to the area. Sufficient sector and segment numbers have been reserved in each five-digit ZIP Code area to allow for future growth.

.632 Assignment of ZIP Codes to Five-Digit ZIP Code Areas. Each delivery area is assigned a unique five-digit ZIP Code which consists of the first five digits of the ZIP Code of each address within the area. All post offices are assigned at least one such unique five-digit ZIP Code. Larger post offices are assigned two or more five-digit ZIP Codes if two or more handlings are required for the distribution of mail to delivery routes and box sections. These post offices are called *multi five-digit ZIP Code offices* and are listed in Exhibit 122.633. Separate five-digit ZIP Codes are assigned to each delivery unit at these offices. Bulk mailings of second- and third-class mail, presorted special fourth-class, and presorted First-Class Mail must be presorted by the mailer to specified ZIP Code and other destinations as prescribed in Chapters 360, 460, 560, 660, and 760.

.633 Assignment of ZIP Codes to Three-Digit ZIP Code Area. The first three digits of the ZIP Code identify the SCF serving the delivery area in which the address is located. Major city post offices are also assigned three-digit ZIP Codes which are unique to those post offices. These offices are called *unique three-digit ZIP Code offices* and are listed in Exhibit 122.634.

.634 Directory Assistance. Starting in the fall of 1981, the Postal Service will begin testing a directory assistance system to aid the public in obtaining appropriate ZIP Codes for addresses. Publication 65, the *National ZIP Code and Post Office Directory*, now lists the five-digit ZIP Codes assigned to each five-digit ZIP Code area.

.64 Placement of ZIP Code Digits.

.641 The ZIP Code should appear on the last line of both the address of destination and return address following the city and State. All mailers are encouraged to use the ZIP+4 code whenever possible. A space not less than 1/10 of an inch nor more than 2/10 of an inch should be left between the last letter of the State name and the first digit of the ZIP Code. A comma should not be inserted between the State name and the ZIP Code. *Example:* Mr. Henry Brown, 3484 Wyandotte Street, Baton Rouge, LA 70805–5868.

Note.—When the State name is abbreviated, the use of a period after the name is optional so long as a space precedes the ZIP Code.

.642 For mail on which space or other factors make the positioning shown in 122.641 impractical, the ZIP Code may be carried as the bottom line of the address, provided it is immediately beneath the city and State and no characters or digits precede or follow it. *Example:*

Mr. Harold Jones
4740 Jean Street
Baton Rouge, LA
70805–6945

.65 Post Office Assistance to Mailers. Mailers may ask their local postmasters for information about the ZIP Code system and for guidance in bringing their mailing practices into compliance with the ZIP Code provisions. Postmasters will, upon request by mailers, send post office representatives to help mailers make arrangements for coding mailing lists by ZIP Code and for packaging and sacking bulk mailings by ZIP Code.

A transmittal letter making these changes in the pages of the Domestic Mail Manual will be published and will be transmitted to subscribers automatically. A notice of these changes will be published in the **Federal Register** as provided in 39 CFR 111.3.

(39 U.S.C. 401, 403)

W. Allen Sanders,

Associate General Counsel, General Law and Administration.

Appendix—Final Regulatory Impact Analysis

Date: June 23, 1981.

Agency: Postal Service.
Contact: Lynn A. Kidd.
Phone: (202) 245–5257.

1. *Title*—Plan for Automating Mail Processing with the Aid of ZIP + 4 Code.

2. *Nature of Action:* The Postal Service is amending its rules on the ZIP Code system (Domestic Mail Manual, 122.6), as part of a program to maximize net benefits from the automation of mail processing through the introduction of a voluntary extension of the ZIP Code.

Interest that has been expressed in an examination of the ZIP + 4 program in the format of a "Regulatory Impact Analysis" [1] has led us to provide such a document focusing on the capital investment and mail processing decisions at the heart of the ZIP + 4 program. This analysis, following a discussion of the problem which gives rise to the ZIP + 4 program, focuses on three major alternatives: (A) no change in letter mail sorting, (B) full automation with the ZIP + 4 program, and (C) limited automation with no mailer option to use the ZIP + 4 code. The analysis of these alternatives shows that the ZIP + 4 alternative—the least "regulatory" option in the sense that it affords the mailer the most choices in the marketplace—is also the alternative which affords the highest net social benefits, even if the most conservative reasonable assumptions are applied.

3. *Need for Action:* The central need which the Postal Service seeks to address is to find ways to continue to improve its productivity by applying advances in technology to make postal operations more efficient. The specific need which has been identified is to automate much of the current letter mail processing operations, thereby making possible savings in manpower and helping to stabilize postal rates.

The need for this proposal is based in the Postal Reorganization Act of 1970, which requires the Postal Service "to maintain an efficient system of collection, sorting, and delivery of the mail nationwide", 39 U.S.C. 403(b)(1). The Postal Service is authorized to make the expenditures, acquire the equipment, develop the services, and take such other steps as are appropriate to achieve this requirement, 39 U.S.C. 401 (2), (3), (5), (6), (10), 403(a), 404(a)(1). In the past ten years, the Postal Service has met this requirement in part by steadily increasing the amount of letter-size mail it handles mechanically. In 1970 the Service handled mechanically only 20 pieces of such mail out of every 100 pieces at the larger offices. Today it processes by machine more than 70 out of every 100 letter-size pieces at the 225 mechanized offices.

As a result of this mechanization and other cost-saving efforts, mailers have been saved literally billions of dollars in postage from improved Postal Service productivity during periods of rapid cost inflation. Since fiscal year 1970, productivity measured by the number of pieces processed per workyear has increased in the aggregate 34 percent. The Postal Service is now processing about 20 billion more pieces of mail per year with about 74,000 fewer employees.

Although existing letter mail sorting machines have helped the Postal Service to accomodate simultaneous increases in workload and reductions in workyears, this technology has now been fully deployed and offers very little hope for continuing this kind of improvement.

Recognizing the limitations of existing machinery, the Postal Service has been working for a number of years to improve its mail processing equipment in order to continue productivity growth. The only promising technology which has been identified is the optical character reader/channel sorter (OCR/CS), which has the capacity to read certain address information and, by applying a bar code, permit further automated sorting based on the bar code.

If appropriate information is included in the bar code, an inexpensive bar code sorter (BCS) at the post office of the addressee could sort the bar coded mail directly to carrier routes, box sections, and firms, thereby completely avoiding expensive manual sorting or keyboard sorting based on memorized routing schemes. The information included in the five-digit ZIP Code, however, only directs the mail to the office where the sorting to delivery carrier will be performed. It would permit the outgoing and intermediate sorting steps to be automated, but not the incoming sorting to the carrier.

In April 1976 the Postal Service established a special task force to review these possibilities and make firm recommendations for ways to improve productivity. The outcome of that review was an endorsement of the concept of

[1] Executive Order 12291 provides for the preparation of a Regulatory Impact Analysis as part of the regulatory decision process in the development of "major rules" as defined in the order. The Postal Service does not understand that requirement to apply to this rulemaking for a number of reasons; for one, the capital investment and mail processing decisions described in the present document do not require "major rule" changes or "rule" changes as defined by the order. The rule changes adopted today are informative and conforming in character and are peripheral to the decision process outlined in this document, as an examination of the document will show.

deploying optical character reader and bar code sorting equipment and a recommendation that the ZIP Code be extended by four additional digits to permit full automation.

4. *Public notice of the action.* In September 1978 the Postmaster General publicly announced his intention to proceed to develop an expanded ZIP Code. Progress reports were reflected in the Annual Report of the Postmaster General for fiscal years 1978 and 1979, which is transmitted to the President and the Congress pursuant to 39 U.S.C. 2402, and in the annual Comprehensive Statement on Postal Operations submitted to Congress in January 1979 and in January 1980 in accordance with 39 U.S.C. 2401(g).

On June 3, 1980, the Postal Service published in the **Federal Register** (45 FR 37571) a description of its plan for the implementation of the ZIP + 4 coding system. Twenty commenters replied to the notice. In addition to expressing general support or opposition, the commenters asked many questions on various aspects of the plan. The response of the Postal Service to each of the questions appeared in the Supplementary Information of the proposed rulemaking published November 28, 1980 (45 FR 79104) to which a draft "regulatory analysis" was appended. Twenty-two commenters responded to the proposal. The response of the Postal Service to the commenters appears in the Supplementary Information of the final rule published today, to which this final "Regulatory Impact Analysis" is attached.

On September 17, 1980, a hearing on the plan for the ZIP + 4 program was held by the House Subcommittee on Government Information and Individual Rights. In response to a request by a member of the Subcommittee, the witness for the Postal Service agreed to prepare and submit to the Subcommittee a regulatory analysis. After publication of the requested initial draft analysis, the Office of Management and Budget requested and received for review in draft form this final "Regulatory Impact Analysis."

5. *Options.* A description of each of three principal options including an assessment of the effects of each option is presented below. All options focus exclusively on that portion of First-Class Mail which is suitable for machine processing, approximately 54 billion pieces of the total mailstream of over 106 billion pieces per year.

Option A: Retain the Present System with No Change.

(a) *Description.* The present five-digit mail processing system employs keyboard-operated multi-position letter sorting machines (MPLSM's) and manual sorting cases. This system typically relies upon employees reading the five-digit code in order to direct the mail to the office where it will be sorted to the mail carrier, and then reading the street address and relying upon memorized delivery schemes for the sort to the carrier. Chart I, a simplified representation of the present five-digit processing system, depicts how mail flows through this equipment.

First, originating mail which is subject to machine processing ("machinable") is normally sorted on an MPLSM. (Non-machinable mail, most of which cannot be handled by machine because of size or shape, must be sorted manually.) MPLSM operators must key a combination of digits of the present 5-digit ZIP Code. Based on the data entered, the MPLSM will then direct the mail to the proper sorting bin, which corresponds either to a distant post office or to a zone or office within close range of the origin city. Outbound mail which will be delivered in another city requires additional sorting at the city of delivery and in some cases also requires intermediate sorting at an Area Distribution Center (ADC). Finally, at the delivery office the mail will be sorted to the carrier, box section, or firm on the MPLSM or manual sorting cases using memorized routing schemes.

From the above brief description of the present five-digit ZIP Code mail flow, it is apparent that sorting mail requires numerous handlings. In addition, this sorting process requires operators to memorize addresses and delivery points (secondary schemes) in order to sort mail to carriers, box sections, and firms. This final sorting operation has a relatively low productivity and a tendency for somewhat high error rates.

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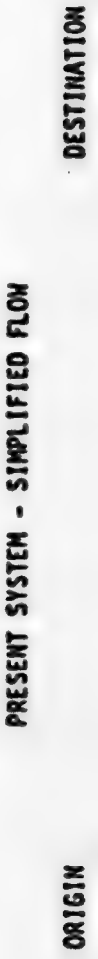

PRESENT SYSTEM - SIMPLIFIED FLOW

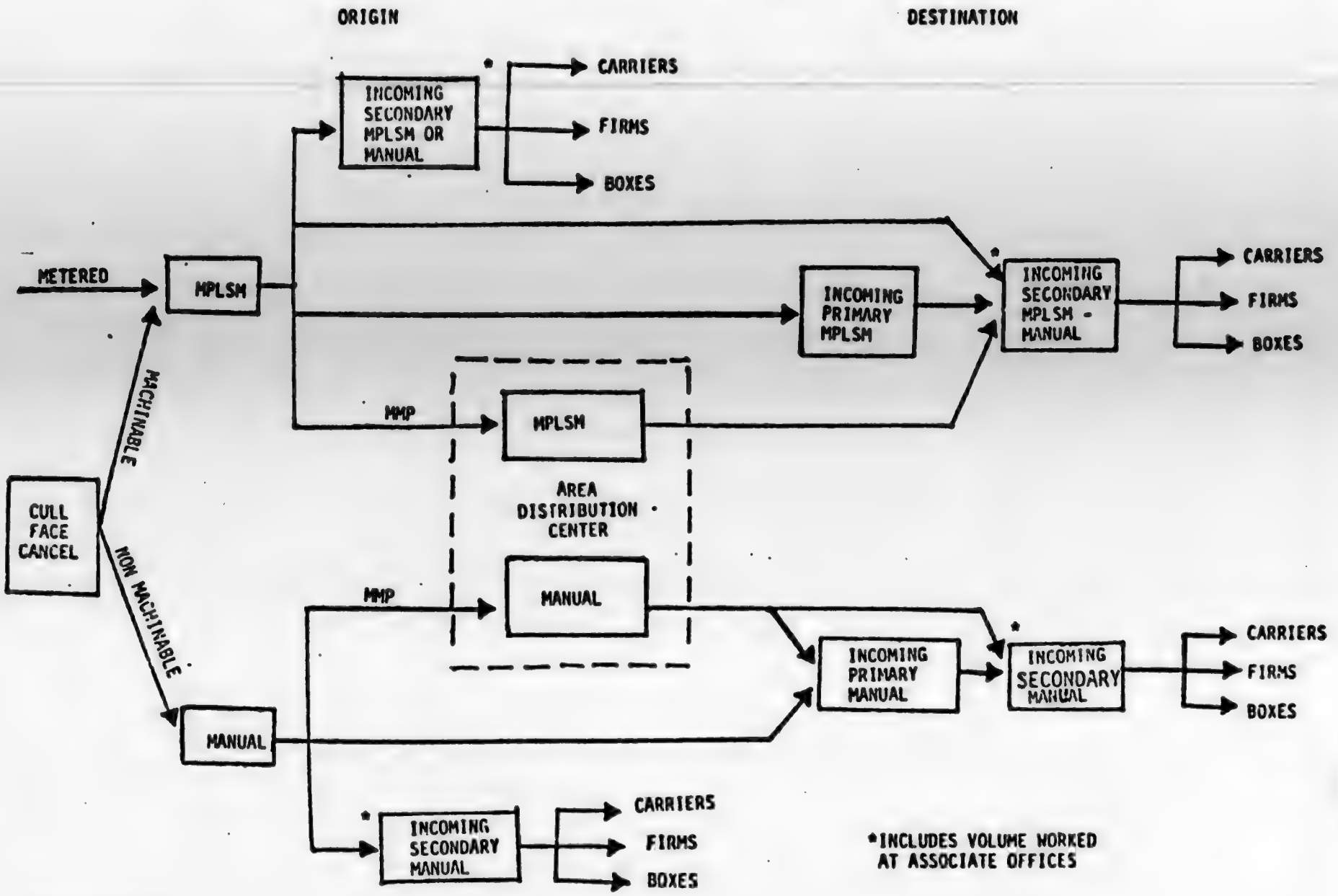

CHART I

BILLING CODE 7710-12-C

The following productivity rates are being achieved in the present system:

Operation	Productivity pieces per workhour
Outgoing and managed mail (MPLSM)	1600–1850
Incoming secondary (MPLSM)	1300–1450
Incoming secondary (Manual)	700–1000

In the five-digit ZIP Code system, over seventy percent of the originating First-Class letter volume is initially sorted through MPLSM's in mechanized offices and approximately forty percent of the final sorting to carriers is done by MPLSM. Except for a few isolated instances, the potential for productivity gains through deployment of additional MPLSM's is limited because of the low mail volumes at non-mechanized offices.

For a number of years, the Postal Service has tried to develop an automated system that would not need a numerical code in the address. This research has sought to develop a four-line address reader which would read the street address as well as city and state. This research has revealed little possibility that a practical, cost-effective system for general use in reading the entire address will be available within the time frame subject to present planning.

(b) *Cost-Benefit Analysis.* If present technology is not substantially improved, the outlook for further improvement in the productivity of the mail processing system will be bleak. As inflation and other factors continue to drive up labor costs, the partial offset against the need for rate increases which greater mechanization has provided in the past will disappear. In other words, Option A does not cope with the identified problem at all. While the social effect of such a development would be decidedly negative, we have used the mail processing *status quo* as a baseline from which to compute the costs and benefits of the other two altenatives.

Option B: Automation with the Introduction of Voluntary ZIP + 4 Options.

(a) *Description.* Option B follows the recommendations contained in the 1976 Task Force Report, to use optical chartacter reading and bar code sorting technology to automate mail sorting all the way to the carrier, box section, or firm. This will require the additional sorting information provided by mailers using the ZIP + 4 code voluntarily. Use of the extended code will be encouraged by a reduced rate for volume mailings subject to automated processing and by other programs to assist mailer. conversion of address files.

The ZIP + 4 code is the present ZIP Code with a four-digit add-on code developed for each block face which receives city delivery services. Four-digit codes have also been assigned for certain business firms, portions of rural routes, and lock box sections. These four numbers, when combined with the existing five-digit ZIP Code to produce the ZIP + 4 code, provide all the information needed for automated sorting of mail to the carrier route level. With this system, changes in the sorting schemes caused by route restructuring will require only a reprogramming of the sorting equipment. Under the five-digit ZIP Code system, route changes require a relearning process by distribution clerks. This is a time-consuming and expensive requirement, and is subject to errors especially during the initial stages.

A simplified flow for the new mail processing operation is provided in Chart II. It should be noted that in both the five-digit and the ZIP + 4 system, the non-machinable mail will continue to be processed manually. With the ZIP + 4 system, trayed and bundled metered mail, business reply mail, and lose metered mail from the cancelling operation will be processed through the OCR Channel Sorter (OCR/CS).

The OCR/CS will read the ZIP + 4 code, print a bar code on the letter, verify that bar code is correct for the number read, and sort this mail into a limited number of channels or stackers. If the OCR/CS is unable to read the code, then the letter will be sent to the MPLSM operation. There it will follow the traditional MPLSM processing path. Mail to which a bar code has been applied will be taken from the channels and processed through the bar code sorter (BCS), which will read the bar code and sort to the correct destination. The BCS machines, when programmed with an outgoing sorting scheme, will be used to sort letters to other post offices for delivery. On the other hand, if mail is to be delivered from the originating post office, then the BCS machines will be programmed to sort to carriers, firms, and box sections using a BCS incoming scheme.

If intermediate sorting is required at an Area Distribution Center (ADC), then mail will be dispatched from the origin office, sorted by a BCS at the ADC, and dispatched to the office of delivery for BCS sorting to a carrier, firm, or box section. Mail may also be dispatched directly from the origin office to the office of delivery without ADC processing. In either case, mail will be sorted by a BCS instead of a comparatively higher-cost MPLSM or manual operation.

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PROPOSED SYSTEM - SIMPLIFIED FLOW

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PROPOSED SYSTEM - SIMPLIFIED FLOW

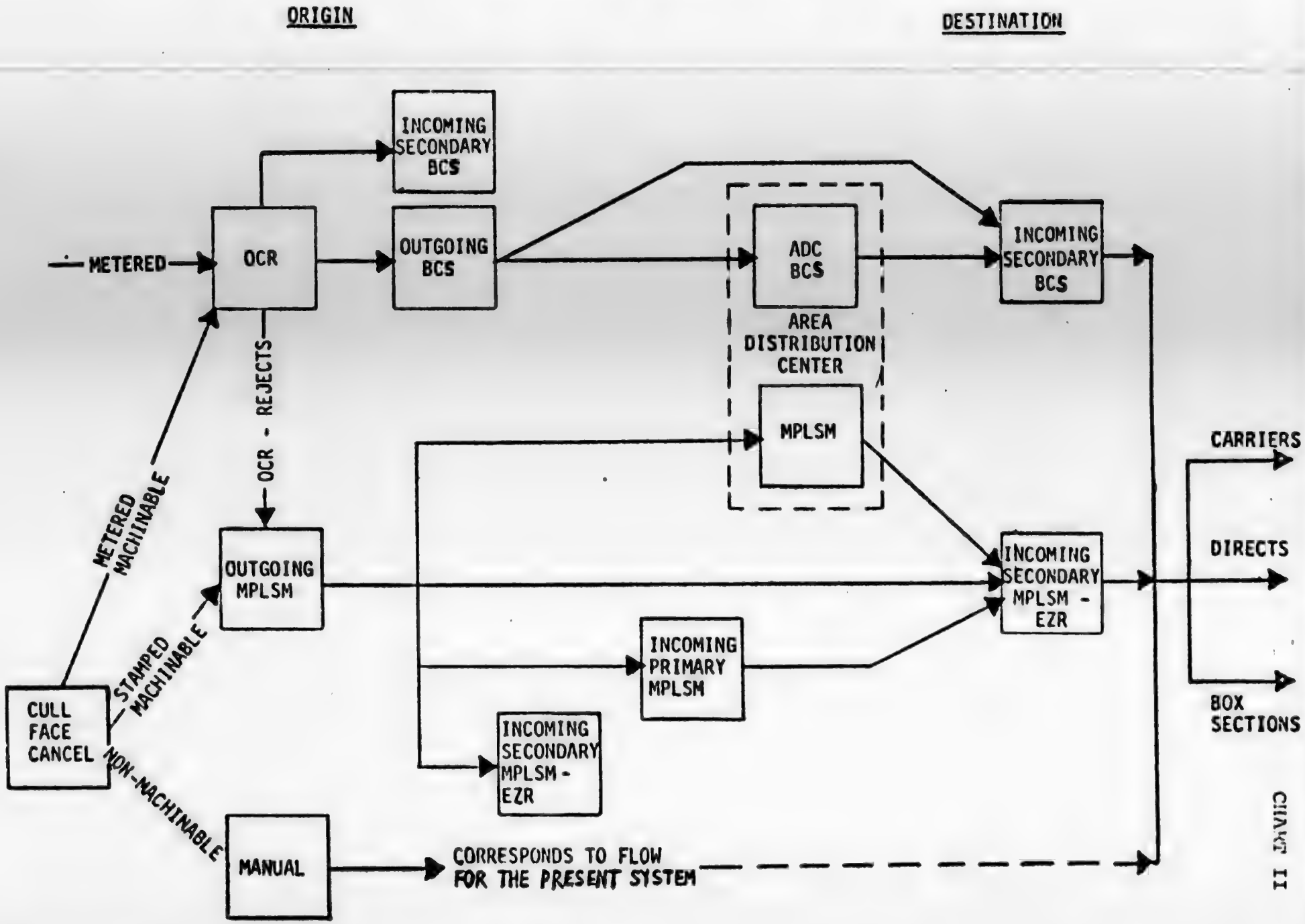

CHART II

BILLING CODE 7710-12-C

Mail that has not been bar coded will be processed on the MPLSM. These machines will be modified with an Expanded ZIP Code Retrofit (EZR) kit to enable the operators to key the added four digits in place of using memorized sorting schemes. The machine's computer will direct the mail piece to the separation for final delivery.

(b) *Cost-Benefit Analysis.* The Postal Service performed equipment tests in which over 33 million pieces of actual mail were read and bar coded by leased OCRs. Through extensive test analyses, we developed data on the number of pieces processed per hour and the machine acceptance rates (percentage read and coded) and error rates (percentage correctly coded and sorted) for each of the major types of First-Class Mail.

The data from the above tests were used to determine equipment requirements and related cost savings at 40 selected post offices. These offices included many of the major facilities along with a number of relatively small mail processing offices. At each of these offices detailed mail volume, arrival profiles, dispatch schedules, and equipment simulation studies were completed. The results of these studies provided automation requirements and projected cost savings. These same in-depth studies have now been completed in a total of 108 offices, which account for over 80 percent of the total Option B savings; and the results are essentially the same as those provided in the original estimates.

Based upon these studies the Postal Service developed a detailed plan for the phased deployment of OCR and BCS equipment at 211 offices (See Appendix I). These offices generate about 90 percent of all mail. The results of these analyses are summarized in Chart III. This summary then forms the basis both for sensitivity analyses of the ZIP+4 system and for analysis of the automated 5-digit system (Option C, below).

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CHART III

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CHART III

SOCIAL RETURN - CASH FLOW
n ($000)

NOTE: () = CASH OUTFLOW

	YEAR 0 1981	1 1982	2 1983	3 1984	4 1985	5 1986	6 1987	7 1988	8 1989	9 1990	10 1991	11 1992	12 1993	13 1994	14 1995	15 1996	TOTAL
HARDWARE INVESTMENT	(13,000)	(129,100)	(126,420)	(168,758)	(186,362)	(138,273)	--	--	--	--	--	--	--	--	--	--	(761,913)
PROGRAM EXPENSE COSTS	(4,477)	(22,162)	(21,064)	(26,472)	(29,088)	(21,587)	--	--	--	--	--	--	--	--	--	--	(124,870)
MAINTENANCE LABOR	(52,385)	(61,011)	(71,649)	(77,986)	(85,116)	(94,192)	(91,656)	(98,538)	(105,941)	(113,900)	(122,459)	(131,666)	(141,565)	(152,215)	(163,670)	(175,988)	(1,739,937)
MAINTENANCE TRAINING	(5,737)	(10,169)	(9,401)	(10,037)	(9,889)	(9,269)	(4,442)	(4,767)	(5,216)	(5,491)	(5,894)	(6,326)	(6,790)	(7,289)	(7,824)	(8,399)	(113,740)
MAINTENANCE PARTS	(2,790)	(3,576)	(6,982)	(10,349)	(14,302)	(18,561)	(20,235)	(22,258)	(24,484)	(26,934)	(29,628)	(32,588)	(35,847)	(39,431)	(43,374)	(47,712)	(379,000)
SUB-TOTAL OF COSTS	(78,389)	(226,038)	(235,516)	(293,602)	(324,557)	(278,882)	(116,333)	(125,563)	(135,641)	(146,323)	(157,978)	(170,580)	(184,202)	(198,935)	(214,828)	(232,099)	(3,119,466)
OUTGOING CLERK SAVINGS	--	2,007	24,790	52,089	82,047	117,511	--	--	--	--	--	--	--	--	--	--	278,444
SYSTEM CLERK SAVINGS (INTERIM)	--	--	20,479	69,619	157,465	295,987	--	--	--	--	--	--	--	--	--	--	543,550
SYSTEM CLERK SAVINGS (TOTAL)	--	--	--	--	--	--	597,283	661,482	688,952	739,934	796,089	853,496	916,655	984,487	1,057,339	1,135,582	8,409,899
SUB-TOTAL OF SAVINGS	--	2,007	45,269	121,688	239,512	413,498	597,283	661,482	688,952	739,934	796,089	853,496	916,655	984,487	1,057,339	1,135,582	9,231,873
BASELINE SAVINGS	59,057	63,360	67,701	72,814	78,320	84,049	90,579	97,479	104,865	112,810	121,361	130,567	140,477	151,140	162,624	174,981	1,712,182
CASH FLOW (USPS)	(19,332)	(160,671)	(122,546)	(99,100)	(6,725)	218,665	571,529	613,398	658,176	706,421	758,072	813,483	872,930	936,692	1,005,133	1,078,464	7,824,589
INSTITUTIONAL COSTS	(28,085)	(30,436)	(15,766)	--	--	--	--	--	--	--	--	--	--	--	--	--	(74,287)
INCENTIVE PAID TO MAILERS	--	(38,700)	(54,600)	(76,500)	(95,700)	(120,600)	(140,300)	(140,300)	(140,300)	(140,300)	(140,300)	(140,300)	(140,300)	(140,300)	(140,300)	(140,300)	(1,788,900)
NET SOCIAL RETURN	(47,417)	(229,807)	(192,912)	(175,600)	(102,425)	98,265	431,229	473,098	517,876	566,121	617,772	673,183	732,630	796,392	864,833	938,164	5,961,402

ROI = 31.3%
P.V. @ 10% = $1,801,810,000
P.V. @ 15% = 977,515,000
P.V. @ 20% = 497,426,000

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The economic analysis of the costs and benefits of the full ZIP+4 system to the nation as a whole is developed from the cash flows in Chart III. Each line in the table is explained below, together with a brief summary of the sources of data used and assumptions made.

Hardware Investment—The procurement plan calls for a two-phase program of investments in OCRs, BCSs and EZR kits (modification to MPLSMs). Phase I deploys OCR/CS and BCS equipment at 114 offices, from 1981–1983. Phase II, which expands deployment to the full 211-office system, will be reserved for decision by 1984, to provide an opportunity for evaluation of actual experience with Phase I. For purposes of the present analysis, implementation of both phases was assumed; the deployment schedule for each type of equipment is given in Appendix I. The unit cost for each type of equipment was determined from preliminary estimates from various manufacturers. (Contracts have just been awarded for the Phase I OCRs at a price slightly less than the estimate.) Each entry on the cash flow for hardware investments was derived by multiplying the quantities of each equipment type by the equipment cost including a 33 percent (10 percent per year) escalation factor for Phase II procurement.

Program Expense Costs—This line item includes Site and Depot Spares, calculated at 10 percent (based on standard engineering estimates) of the equipment acquisition cost for each year; Operations and Maintenance Manuals; Drawing Configuration; Equipment Modification to comply with USPS safety standards; Equipment Installation, calculated at 5 percent of equipment acquisition costs for each year; and Site Preparation. Program expense costs vary for each year depending upon the quantity of equipment and documentation required.

Maintenance Labor—This is the direct cost of providing equipment maintenance for the various types and quantities of equipment for each year, including both automated equipment as it is deployed and existing equipment as it is phased out, modified, or retained.

Maintenance Training—This represents the cost of training required to maintain both the existing and the automated equipment including new training course development and training facilities.

Maintenance Parts—This is the annual cost for replacement of recurring spare parts for both the existing and the automated equipment. The cost of parts is assumed to increase 10 percent per year. The above maintenance cost estimates were developed on the basis of experience with the leased test equipment.

Savings—Savings arise from reduced labor requirements in various steps of the mail sorting process. OCR processing was studied using leased automation equipment in operation sorting "live" mail in post offices. The savings derived from these studies are included in Chart III as equipment is to be deployed. Labor rates for clerks, including fringe benefits, were $12.84 per hour in 1980 and are assumed to increase 7.42 percent annually. (The same escalation factor is applied to maintenance labor and training costs above.) The increases in productivity that make these savings possible are reflected in the following table (compare with Option A, page 8):

Operation	Productivity pieces per workhour
Optical character reader	10,000
Bar code sorter	4,000
Incoming secondary—EZR (MPLSM)	1300–1450

Since the ZIP+4 automated system is planned for gradual implementation over a period of approximately five years, the workhour reductions can be achieved through a reduction in overtime, reduced hiring for volume growth, and attrition. The FY–80 separation rate for USPS clerical employees was 8.4 percent, or about 22,000 employees. In the implementation plan for ZIP+4 automation, the maximum workyear reduction in any one year is 4,378. Total workyear reductions achievable with full implementation of the program (1987) are 15,600, or less than clerk separations in a single year. Year-by-year workyear savings are shown in Appendix I.

As noted at the beginning of this section, the level of cost savings is derived from a complex analysis of the characteristics of mail flow among and within post offices.

Outgoing Clerk Savings—By examining studies of a number of individual sites, we estimated outgoing savings to be 24 percent of the total savings. This percentage was calculated by dividing the savings associated with processing only originating volumes by the total savings. The percentage of outgoing savings was then matched with the phased-in deployment of OCR's.

System Clerk Savings (Interim)—These savings are realized from the processing of bar-coded mail at Area Distribution Centers and destinating post offices. The savings account for 76 percent of the total system savings (100 percent minus 24 percent for originating mail savings) and are matched with BCS deployment for each year.

System Clerk Savings (Total)—Total clerk savings (outgoing, intermediate, and incoming) for the full system.

Baseline Savings—This represents the cost of maintenance, labor, training, and parts that would have been required to support the present system of mechanization. The maintenance support costs for items of equipment from the present system that will be retained in the automated system have been included in the maintenance line items described above.

Institutional Costs—These costs include various Postal Service expenses required to support the ZIP+4 system such as the ZIP Code inquiry system for customer use in determining the ZIP+4 code for individual addresses ($47,682 over 3 years), the cost of developing the ZIP+4 code for all delivery addresses nationwide ($8,335 in 1981), and the promotional costs for advertising and customer notification of the mailer's own ZIP+4 codes ($20,270 over two years).

Costs of Converting Address Lists—The conversion of addresses to ZIP+4 codes involves significant costs not borne by the Postal Service. Any such conversion is voluntary, but substantial usage of ZIP+4 codes is necessary if the program is to be successful in realizing its full potential cost savings. To provide an incentive for the conversion of address lists by mailers, the Postal Service has proposed before the Postal Rate Commission a rate reduction of ½ cent per letter for ZIP+4 coded mail submitted in lots of 500 pieces or more and suitable for processing by the OCR machines (Docket No. MC81–3).

The voluntary nature of the program leaves to the mailer the decision on whether to convert its address files. Any given mailer will convert to ZIP+4 codes if the savings in postage from repeated use of the rate incentive outweighs the cost of conversion. For this reason, the discounted present value of the entire stream of rate savings made available by the Postal Service can be taken as an over-estimate of conversion costs. In fact, the over-estimate is substantial since many mailers will realize postage savings far in excess of their conversion costs. The volume of mail qualifying for the incentive is projected to rise from 7.7 billion pieces in 1982 to more than 28 billion pieces in 1987. Using this approach and assumptions about the growth of ZIP+4 usage over time that are described below, the Social Return on Investment for the full ZIP+4 system is conservatively calculated as not less

than 31 percent. The present value at a 15 percent discount rate is $977 million.

As an alternative approach for estimating non-Postal Service conversion costs, it was noted that there are about 80 million addresses in the country. Each address might, for example, be on 100 mailing lists, large or small; 90 percent of mail generated from these lists would need to be converted to achieve the 90 percent of ZIP+4 usage assumed in configuring the system. At an average cost of 2 cents for each conversion (probably an over-estimate for large mailers and an under-estimate for small mailers—see below), the total cost would be 90 percent of $160 million or $144 million. If $80 million of this were incurred in 1982 and $16 million were incurred in each of the next four years, the social rate of return would be 38 percent, with a net present value of $1.458 billion at a 15 percent discount rate higher than that obtained by using the stream of incentive rate savings as an estimate of conversion costs.

The figure of 100 lists per address used above is simply a plausible round number, but it appears to be a generous estimate. Currently, there are about 41 billion pieces of machinable First-Class Mail with meter or permit-paid postage (see below). If each converted address list were used monthly, 90 percent ZIP+4 usage on this volume of mail would require the conversion of only 39 lists per addresss rather than the 100 lists assumed above.

Since the ZIP+4 program is voluntary, each mailer will perform its own cost-benefit assessment to determine the net cost or saving from using the ZIP+4 code in general and for particular mailings.

To reduce the cost of converting large, computerized mailing lists, the Postal Service has prepared a magnetic tape ZIP+4 directory file which it will make available to mailers on either a national or state-by-state basis to enhance computerized list-conversion activities.

We estimate that the cost to update a computerized address file will range from one half cent to one cent per address, based on the current costs of matching mailer address lists against the Carrier Route Information System tapes, and estimated received from several large list processing companies through our participation with the Computer Interface Subcommittee of the Mailers Technical Advisory Committee. This estimate cost is the price that these list-processing companies expect to charge for converting a mailer's computerized file.

We recognize that these computerized mailers will incur costs associated with the conversion from the five-digit to the ZIP+4 code other than the computer address matching costs. These costs will vary from company to company depending on file structures, program sophistication, programming capabilities, etc. We estimate that these costs should be about equal to the actual computer conversion cost.

Using the estimate for total conversion costs of two cents per address, and a rate incentive of one half cent per mailing, the mailer would recoup its investment in 12 months with only 4 mailings per year per address.

Even if the cost were considerably larger, monthly mailers could still recover full cost in a year. We have taken as an example a smaller-size computerized mailer with 200,000 address records who mails a monthly bill or statement to each address. If the mailer contracts with a service bureau, the charge might be as high as $10 per thousand, or $2,000. Added to that would be other miscellaneous internal costs of conversion, such as programming to modify record layout formats and other addressing software. This should be about the same as the service bureau charge on the average, but might range from $2,000 to $10,000 for this smaller mailer. So the total cost of conversion could be between $4,000 and $12,000.

If such a mailer sends a monthly statement to each of the 200,000 names in its file, then it mails 2.4 million pieces of First-Class Mail annually. Applying the half-cent incentive to each piece results in a total reduced postage of $12,000. That figure, less conversion costs which range between $4,000 and $12,000, would bring this mailer to a break-even point in as little as four months, and probably no more than a year. It is important to note, however, that this is only one example. The actual time needed to break even depends on the complexity of each mailer's files, the programming needed, and the frequency of mailings.

Smaller companies and organizations have a number of options. Those that presort according to the five-digit ZIP Code or the three-digit ZIP Code prefix will be able to choose for themselves whether to continue their present practices without change or penalty, to begin using the ZIP + 4 code with the incentives to be offered, or both. The Postal Service will supply computer tapes to those who have the capability for computerized file conversion, and will also assist other mailers to adapt their lists. For example, the Postal Service will provide free ZIP + 4 one-time conversion to manual list owners. To qualify for this service, lists submitted must contain more than 500 addresses, be typed or printed on flat sheets of paper, conform to standardized address formats, and be arranged in 5-digit ZIP Code sequence. This service will be initially offered on a one time basis.

We expect the other conversion costs for these mailers will be approximately four cents to eight cents per address, based on Postal Service costs for keying similar address information into its Carrier Route Information System and Computerized Forwarding System. The return on investment for these mailers, and how quickly they participate in the ZIP + 4 program, will depend on the frequency of mailings.

In those situations where the mailer uses an addressing system such as addressograph which requires a substantial investment for new stock, we expect that the mailer will choose to convert its file over a period of several years as normal plate replacement occurs.

There would, of course, be other conversion costs, such as the cost of revising envelopes to provide sufficient space for the extra digits, the cost of revising forms, etc. Costs such as these appear to be relatively minor and could be phased in gradually as existing stocks of envelopes and forms are used up and new supplies are ordered. The ZIP + 4 system is designed to accommodate change. It does not have to be adopted by mailers all at once. They can use the five-digit ZIP Code until such time as they are ready to make a partial or complete switch-over. As noted above and discussed in more detail below, all First-Class Mail, with or without the ZIP + 4 Code, will be processed to meet the same dispatch schedules and service standards. Mailers who delay converting to ZIP + 4 will not be subject to any deterioration in service. As mailers begin to switch over to the ZIP + 4 code, the Postal Service can schedule its OCR–CS and BCS machines to process mail in accordance with the ZIP + 4 system as the volume of such mail warrants.

The Postal Service will not be able to undertake to update small manual lists (less than 500 names). Those who wish to convert these lists to the ZIP + 4 system are encouraged to do so at their own pace. They can get the add-on numbers from their correspondents or through a toll-free call-in system. It should be emphasized, however, that the ZIP + 4 system is voluntary. Mail which cannot be sorted automatically still generates some savings if it carries a ZIP + 4 code because the Electronic ZIP Retrofit modifications to keyboard letter

sorting machinery will enable such mail to be sorted to carrier somewhat more efficiently than through manual sorting. While mailers of individual letters and very small mailings can contribute toward holding down costs and postage rates by using the expanded code voluntarily, this effect will not be large enough or come quickly enough to justify an advance rate reduction for mailings of less than 500 pieces.

Unquantified Costs and Benefits—The Postal Service recognizes that people tend to resist the addition of new numbers to their lives. Numbers are impersonal and sometimes hard to remember. They may seem to subordinate the human element to the requirement of technology. Use of the ZIP + 4 code is voluntary, however; those who find it personally oppressive need not use it. Furthermore, the expanded ZIP Code numbers are no longer than Social Security numbers and are shorter than long-distance phone numbers and many credit card numbers and bank numbers. The ZIP + 4 program is not pitched to the individual mailer, since individual letters, for the most part, will not be subject to automated processing. The Postal Service sees little, if any, measurable economic cost to individuals, even if they decide for themselves to add four more digits to their existing five-digit ZIP Code.

In addition to the savings that have been identified, there are other savings that will accrue. Expected benefits of the ZIP + 4 program and automated system include a reduction in initial scheme training costs (memorization of addresses on carrier routes) because much incoming sorting will be accomplished by automation; a reduction in recurring costs associated with sorting scheme changes (caused by carrier route adjustments); an increase in the amount of "direct mail" already bundled for carriers when received at the incoming office; some improvement in service consistency, through a reduction in the human error factor associated with scheme memory and keyboard operation; and greater accuracy in management information with the use of machine data recording functions. No allowance for these unquantified savings has been made in any of our rate of return estimates.

Volume of ZIP + 4 Usage and Cost Savings—The Postal Service projects that the use of ZIP + 4 codes will ultimately reach about 90 percent on "machinable" First-Class Mail, i.e. letter mail with height, width, and thickness that permit it to be processed on current MPLSMs. About 90 percent of all First-Class Mail meets these standards. The system was configured on this basis, and the cost savings given in Chart III are calculated on the assumption that 90 percent usage on machinable mail is reached by 1987. Although some cost savings will be realized from ZIP + 4 codes even on mail that has hand-written addresses and stamps requiring cancellation, much larger per-piece savings will be obtained from mail with printed or computer-generated addresses and meter or permit-paid postage.

For this reason, it is useful to describe the composition of First-Class Mail. It will become apparent that a very large portion of the projected cost savings can be obtained even if there is negligible ZIP + 4 usage on stamped mail. Since many household bill payments are made in preprinted, pre-addressed envelopes, however, stamped mail cannot be disregarded as a source of ZIP + 4 use even for mail addressed by large mailers.

Approximate Distribution of First-Class Mail

[FY 1980 mail volumes (billions)]

	(1) Volume nation-wide	(2) Volume at sites to have OCR's (90% of (1))
1 First-class mail volume	60	54.0
2 Less non-machinable [1] (10%)	6	5.4
3 Machinable letter mail	54	48.6
a. Large-volume meter and permit mail,[2] including presorted mail	24.0	21.6
b. Small bundles of metered-mail [3]	17.3	15.7
c. Loose stamped and meter letter mail	12.7	11.4

[1] Non-machinable on current MPLSMs as well as new equipment, largely for reasons of size or thickness.

[2] This mail is delivered to the post office by the mailer in trays and, if suitably presorted, qualifies for reduced postage rates. Each tray holds about 500 pieces of mail.

[3] Some of this mail is placed in trays while much of the rest is bundled by the mailer so that it can be removed from loose collection mail in order to bypass the cancelling machine since meter imprints do not require cancellation.

Source: U.S. Postal Service, Origin-Destination Information System and Revenue Cost Analysis System.

The cost savings in Chart III are calculated on the assumption that about 37 billion pieces of mail are processed by OCRs each year from 1987 onward and that 90 percent of these pieces have ZIP+4 codes. Non-stamped mail at OCR sites (Col. (2), rows 3a & b) totals 37.3 billion pieces. If this mail has 90 percent ZIP+4 usage, the principal requirement for achieving the projected cost savings will be met.

For large-volume mailers (line 3a), ZIP+4 usage will probably exceed 90 percent. However, for the purposes of calculating conversion costs and incentive payments in Chart III, it has been assumed that about 50 percent of such mail converts to ZIP+4 by the end of 1982 and that an additional 10 percent converts during each of the following four years. This is a faster pace of conversion in the early years than is actually necessary to realize the cost savings ("system clerk savings") in Chart III. For example, no system savings are assumed for 1982 in Chart III. Because conversion costs are entered sooner than conversion needs to take place to generate cost savings, the rate of return in Chart III is conservative.

For small bundles of meter mail, roughly 40 percent has been assumed to qualify for the rate incentive, although ZIP+4 usage is again projected to reach 90 percent. It is believed that most small mailers will find it worthwhile to convert, either early through the free Postal Service conversion of printed lists mentioned above or gradually as address changes and additions occur. Some of these mailers will qualify for incentives on most of their mailings (and convert their files for all mailings) while others will qualify on some of their mailings, perhaps through the practice of combining mail from several mailers to obtain 500 pieces for submission to the Postal Service.

For reference in connection with the sensitivity analyses presented later in this document, it should be noted that more than 50 percent ZIP+4 usage on 37 billion machinable pieces annually would be obtained from 90 percent usage on just the 21.5 billion pieces from large volume mailers, without any usage by other mailers.

Other Issues

1. *Inter-relationships between per-piece incentive discounts, ZIP+4 usage, and per-piece savings.* General economic theory suggests that larger rate incentives will produce higher ZIP+4 usage, and that this might in turn produce higher per-piece savings. In theory, there would then be an optimal per-piece incentive (*i.e.*, one that would maximize the net social return from ZIP+4 usage). However, no exploration of the response of ZIP+4 usage to differing incentive levels is included here, for two reasons:

(1) The Postal Service does not have authority to establish rate incentives as part of the present rulemaking proceeding for which the Regulatory Impact Analysis is being done. These incentives are required to be considered in a formal evidentiary proceeding now being conducted before the Postal Rate Commission. Formal rulemaking of this character is expressly excluded from the

Regulatory Impact Analysis requirement by Executive Order 12291.

The half-cent incentive proposed before the Postal Rate Commission is based upon estimated labor cost savings ("cost avoidance") in a "test year", as documented in the testimony of Postal Service witnesses (Docket No. MC81–3).

(2) More information would be required to quantify the response of ZIP + 4 usage to different incentive levels than is available. Each possible incentive level would presumably generate a different time-path of ZIP + 4 usage, and possibly a different ultimate level of usage.

While it is not possible to investigate the response of ZIP + 4 usage to different levels of the incentive, it is possible roughly to estimate the response of cost savings to different levels of ZIP + 4 usage. Since the time-path and ultimate level of ZIP + 4 usage may be influenced by a large number of factors whose effects are not quantifiable in practice (including the per-piece incentive), a sensitivity analysis assuming that ZIP + 4 usage stabilizes at 50 percent in 1984 was conducted, as explained below. This showed a social ROI of 33.5 percent. This is higher than the 31 percent in Chart III because, as explained below, if ZIP + 4 usage is only 50 percent, this will be almost entirely from large-volume mailers. Thus, the sensitivity analysis incorporates higher acceptance rates on the OCRs and a 2-cent-per-address conversion cost rather than the very conservative stream of incentive payments. Thus, wide differences in volume (whether due to different incentives or to other factors) do not destroy the economic viability of the ZIP + 4 program.

2. *Current-Dollar vs. Constant-Dollar Calculations.* In conformance with standard Postal Service capital investment procedures, anticipated current-dollar values are used in all of the supporting analyses for the ZIP + 4 system. These procedures impose an assumption that labor rates increase 7.42 percent per year and require investments to show at least a 15 percent ROI.

In addition, equipment costs were assumed to increase 33 percent (10 percent per year) for Phase II procurement.

All labor rates (clerk, maintenance, and training) were assumed to increase 7.42 percent annually. All equipment items, including initial spares and replacement parts, are assumed to increase in price 10 percent annually. All other items (Institutional Costs and certain Program Expenses) are budgeted in current dollars.

Note that the escalation rate assumed for equipment, which is a cost, is higher than that for labor, which is a net savings (expenditures on maintenance labor for the new equipment are far outweighed by reduced requirements for mail sorting labor). Thus, the calculated rate of return is lower than would have been generated by assuming a uniform escalation rate for both equipment and labor.

No explicit assumptions about the general level of inflation have been made in the analysis, and no obvious implicit assumption is inherent in the differing escalation rates for equipment and labor. If, nevertheless, it were desired to generate constant-dollar results, it would seem unreasonable to assume an inflation rate greater than the 7.42 percent escalation factor applied to labor rates.

3. *Preservation of Service for 5-Digit ZIP Coded Mail.* The ZIP + 4 system will not result in any degradation of service on mail bearing only a 5-digit ZIP Code. From the beginning of our planning process for the ZIP + 4 system, one of the program objectives was to provide at least the same level of service as that provided now. To insure that this objective is achieved, the ZIP + 4 system was planned on a site-by-site basis, incorporating present volume arrival profiles and dispatch times. Both in the analysis and in practice, sufficient amounts of both present mechanization and proposed automation are required to be deployed so that mail bearing only a 5-digit ZIP Code will maintain present service performance. Since machinable mail bearing a 5-digit ZIP Code will be sorted along with ZIP + 4 coded mail through automation to the destination office, the significant difference in processing will be sorting to the final delivery point at the destination office. Sufficient quantities of equipment are planned in the ZIP + 4 system to accommodate scheme distribution of 5-digit ZIP Code mail to carriers, box sections, and firms. In addition, our present service monitoring system (Origin-Destination Information System) will continue to be based on all mail bearing the first 5 ZIP Code digits.

While automation will help to improve service performance somewhat by eliminating some human sorting errors, this factor will benefit automated five-digit sorting as well as ZIP + 4 sorting. Because ZIP + 4 coded mail will receive more automated processing than the five-digit coded volume will, it should benefit somewhat more. No benefits from service improvement are quantified in this analysis. Because of these factors, and in order not to give the wrong impression that 5-digit service will suffer, the Postal Service has refrained from emphasizing the service improvement aspect of the ZIP + 4 program, which we regard as a productivity and cost-saving measure. To continue to dispel any incorrect impression that any service will decline as a result of the ZIP + 4 program, we expect to continue to publicize the program as a purely voluntary one for which choices should be made on the basis of efficiencies and savings rather than service.

Sensitivity Analyses

a. *50 Percent ZIP + 4 Usage.* The major variable not substantially controllable by the Postal Service is the usage of the ZIP + 4 code by mailers. The ½ cent rate discount will provide an incentive toward its use, and the conversion cost estimates in the previous section suggest that this incentive will be more than adequate to cover the conversion costs of large mailers.

To provide a rough analysis of the effects of lower than expected ZIP + 4 usage, a sensitivity analysis was conducted assuming that usage leveled off at 50 percent. As noted above, 90 percent conversion just by the large volume meter and permit mailers will produce more than 50 percent ZIP + 4 usage on machinable mail as a whole. For these mailers, the two-cents-per-address conversion cost should be an upper estimate of conversion costs. Half these mailers were assumed to convert in 1982 and an additional 10 percent in each of the following four years. No savings from reduced equipment investment were assumed, but an adjustment was made for the fact that computer-generated mail, which is typical of large volume mailers, was shown during the tests to have a higher acceptance rate on the OCRs than machinable mail in general. In fact, to qualify for the rate incentive, mail must both have the ZIP + 4 code and be OCR-readable. Consistent with the test results and the qualification requirements for the incentive, the 80 percent average acceptance rate for large-volume metered mail used under Option B was upgraded to 95 percent. The resulting cash flows are shown in Appendix II, Part I; the social rate of return is 33.5 percent.

b. *Volume Losses.* It has been suggested that other forms of communication, *e.g.*, electronic mail, could reduce the volume processed through the proposed ZIP + 4 system (or through an automated 5-digit system).The volumes used in the return

calculations in this document have assumed zero volume growth. Sensitivity analyses have been conducted to determine the break-even point of the proposed ZIP + 4 system. The system will achieve break-even in 1989, which is three years after the full deployment in 1986. Therefore, if significant volume reductions occur after 1989, the system will have paid for the initial investment, assuming a 15 percent cost of capital. Furthermore, if significant volume reductions occurred before the Phase II automation deployment ends in 1986, the size of the investment could be substantially reduced. It bears noting that fiscal year 1980 brought the highest single-year increase in total mail volume in history—6.5 billion additional pieces. Postal Service volume analysts believe that mail volume will continue to grow in absolute numbers throughout the time frame covered by this analysis, even if growth in the relative share of the communications market occupied by electronic mail accelerates.

c. *Delay in Equipment Deployment.* Another sensitivity analysis was conducted to determine the impact upon the social ROI of delaying the equipment deployment by one year. In this case the cash flow was modified by moving the Postal Service internal cash flow forward one year and allowing the institutional costs and mailer conversion costs to be incurred in the years they were originally planned. As shown in Appendix II, Part II, the return for this analysis is 27 percent.

d. *Joint Analysis of 50 percent ZIP + 4 Usage and Equipment Delay.* The combined effects of 50 percent ZIP + 4 usage, explained in (a) above, and equipment delay, explained in (c) above, are presented in Appendix II, Part III. The social rate of return is 31 percent.

Option C: Deploy OCR/CS and BCS equipment for use with the five-digit ZIP Code.

(a) *Description:* Those parts of the primary mail processing operations which require operators of MPLSMs to key the first three or last two digits of the five-digit ZIP Code could be automated for a large portion of the mail through use of OCR/CS and BCS equipment. Without the four additional digits in the ZIP Code, sorting to the carrier at the destination office would continue to be done by employees through scheme memorization.

(b) *Cost-Benefit Analysis:* The cash flow for the total automated system with the ZIP + 4 Code is presented in Chart III, Option B, above. If only five-digit ZIP Code processing were automated, then the cash flow should be modified by two major changes.

First, the savings will be reduced. With five digit processing the mail will still be read and coded by OCR's at the origin office. The mail will then be sorted on the Bar Code Sorters (BCS) and either held for local processing or dispatched to other offices for additional sorting. A review of offices which were studied for purposes of the capital investment analysis showed that the "outgoing" operations account for 24 percent of the total system savings. These outgoing savings can be credited to the five-digit processing, since they would be obtained even if the extended code is not present on the letter.

Another analysis was conducted to determine the amount of savings associated with intermediate sorting after the mail leaves the outgoing office to route it to the incoming office. This intermediate sorting is performed by the managed mail processing or Area Distribution Center (ADC) operations. The savings from automating these operations also can be obtained if only the present five-digit code is used. Analysis indicated that these operations account for 14 percent of the total savings. Putting the savings from automation of outgoing and intermediate processing together, it was projected that 38 percent of the total Option B clerk labor savings could be achieved using only the five-digit code.

A second factor is the amount of equipment required and the correspondence capital investment. Requirements for the major capital item—the OCR/CS equipment which reads the ZIP Code, encodes the mail with a bar code, and performs the first sort—would be the same as under Option B. The number of Bar Code Sorters would be reduced because this equipment could not be used to perform the incoming sort to carrier routes, box sections, and firms. The present mix of letter sorting machines and manual cases would be used to process the incoming secondary volumes. We would therefore do without the new generation BCS machines and the last 118 BCS machines which were scheduled for deployment in 1986. (See Appendix I, Part I).

Finally, no Postal Service or mailer conversion costs would be required, so that "institutional costs" and conversion costs do not appear in Chart IV.

With these changes to the basic cash flow, the return on investment was calculated as presented in Chart IV. The return is over 22 percent.

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CHART IV

CHART IV

5-DIGIT ONLY CASH FLOW

x ($000)

	YEAR 0 1981	1 1982	2 1983	3 1984	4 1985	5 1986	6 1987	7 1988	8 1989	9 1990	10 1991	11 1992	12 1993	13 1994	14 1995	15 1996	TOTAL
POSTAL SERVICE CASH FLOW *	(19332)	(160671)	(122546)	(99100)	(6725)	218665	571529	613398	658176	706421	758072	813483	872930	936692	1005133	1078464	7824589
OCR INVESTMENT REDUCTION (STARTS IN 1984)	--	--	690	12864	6432	91085	--	--	--	--	--	--	--	--	--	--	111,071
LESS SYSTEM CLERK SAVINGS (INTERIM)	--	--	(20479)	(69619)	(157465)	(295987)	--	--	--	--	--	--	--	--	--	--	(543,550
MMP SAVINGS ONLY (REPLACES ABOVE CLERK SAVINGS)	--	--	629	14174	37708	77890	--	--	--	--	--	--	--	--	--	--	130,401
38 PERCENT OF TOTAL SAVINGS OR 62 PERCENT REDUCTION	--	--	--	--	--	--	(370315)	(397719)	(427150)	(458759)	(492707)	(529151)	(568326)	(610321)	(655330)	(704061)	(5,214,120)
5-DIGIT NET CASH FLOW	(19332)	(160671)	(141,706)	(141681)	(126050)	91653	201214	215679	231026	247662	265365	284332	304604	326310	349803	374403	2,308,391

* Excludes Institutional and Mailer Conversion Cost.

ROI = 22%
P.V. @ 10% = 598,251,000
P.V. @ 15% = 263,666,000
P.V. @ 20% = 71,938,000

BILLING CODE 7710-12-C

No changes in mailing practices would be needed by individuals, small companies and organizations, and major mailers. However, the reduced return on investment in the equipment would produce much more modest productivity gains and postal savings, and consequently greater increases in postage rates as labor costs rise. The 22 percent return on investment is enough to justify the purchase but it is much less than the expected return associated with the ZIP + 4 code. In terms of labor costs, the Postal Service and the mailing public would have to forgo approximately $380 million in savings in 1987 and increased amounts each year thereafter. Also, potential future savings in training and carrier operations, which are not presently quantifiable, would be greatly reduced.

Other Options: Certain other options described in the draft analysis published in the November 28, 1980 document have been omitted from this final document because they failed to provide viable options for the reasons stated in the published draft and because they were not supported by any of the public comments received.

6. *Conclusion.* In summary, the major issue is whether to select Option B or C. This question can best be answered with the following incremental analysis concerning the benefits provided by the ZIP+4 code (Option B) less those benefits that could be obtained with only five digit processing (Option C).

By subtracting the 5-digit cash flow in Chart IV from the ZIP+4 cash flow in Chart III, one can obtain the incremental cash flow. The incremental costs are the additional equipment (BCS) purchases by the Postal Service and the address conversion costs borne both by mailers and by the Postal Service (including the preparation of ZIP+4 address tapes, and the ZIP+4 inquiry system, which will provide ZIP+4 codes through a toll-free number, and free conversion of printed lists containing 500 or more addresses). The incremental benefits are in the form of greatly reduced labor requirements for sorting the mail. ZIP+4 automation permits mail to be sorted to the individual carrier route whereas five-digit automation can only be used to the individual post office (or other five-digit area). The social rate of return on the incremental costs of ZIP+4 automation is 43 percent, with a new present value of $713 million at a discount rate of 15 percent. This incremental present value is 72 percent of the total present value in Chart III. Put differently, 5-digit automation achieves only 28 percent of the *net* benefits achievable with ZIP+4 automation.

BILLING CODE 7710-12-M

APPENDIX I - SCHEDULE OF CAPITAL INVESTMENTS AND WORKYEAR SAVINGS

I. SCHEDULE OF CAPITAL INVESTMENTS

APPENDIX I - SCHEDULE OF CAPITAL INVESTMENTS AND WORKYEAR SAVINGS

I. SCHEDULE OF CAPITAL INVESTMENTS

X($000)

TOTAL UNITS	YEAR 0 1981	1 1982	2 1983	3 1984	4 1985	5 1986	TOTAL	EQUIPMENT DEPLOYMENT 1981	1982	1983	1984	1985	1986
561 OPTICAL CHARACTER READER (OCR)	9,100	76,700	78,000	103,800	103,800	59,685	431,085	14	118	120	120	120	69
382 SMALL BAR CODE READER (SBCR)	3,900	35,400	18,000	-	-	-	57,300	26	236	120	-	-	-
354 LARGE BAR CODE READER (PEMTU)	-	2,000	24,000	47,952	74,592	78,588	227,132	-	4	48	72	112	118
47 LARGE BAR CODE READER (NEW GEN.)	-	15,000	600	11,186	5,593	-	32,379	-	25	1	14	7	-
289 EXPANDED ZIP RETROFIT (EZR)	-	-	5,820	5,820	2,377	-	14,017	-	-	120	120	49	-
TOTAL COSTS	13,000	129,100	126,420	168,758	186,362	138,273	761,913						

II. SCHEDULE OF WORKYEAR SAVINGS *

1981	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996
(3)	(90)	1,244	3,626	6,927	11,305	15,600	15,600	15,600	15,600	15,600	15,600	15,600	15,600	15,600	15,600

*Net effect of added maintenance and reduced clerk requirements.

Appendix II - Sensitivity Analyses

I. 50 Percent ZIP + 6 Usage Rate

x ($000)

	YEAR 0 1981	1 1982	2 1983	3 1984	4 1985	5 1986	6 1987	7 1988	8 1989	9 1990	10 1991	11 1992	12 1993	13 1994	14 1995	15 1996	TOTAL
CASH FLOW (USPS)	(19,332)	(160,671)	(122,546)	(99,100)	(6,725)	218,665	571,529	631,398	658,176	706,421	758,072	813,483	872,930	936,692	1,005,133	1,078,464	7,824,589
INSTITUTIONAL COSTS	(28,085)	(30,436)	(15,766)	-	-	-	-	-	-	-	-	-	-	-	-	-	(74,287)
50% USAGE RATE REDUCTION	-	-	(8,192)	(27,848)	(62,986)	(118,395)	(238,913)	(256,593)	(275,581)	(295,974)	(317,876)	(341,398)	(366,662)	(393,795)	(422,936)	(454,233)	(3,581,362)
MAILER CONVERSION COSTS	-	(60,000)	(8,000)	(8,000)	(8,000)	(8,000)	-	-	-	-	-	-	-	-	-	-	(72,000)
INCREASED ACCEPT RATES	-	281	6,338	17,036	33,532	56,890	83,620	89,808	96,453	103,591	111,256	119,486	128,322	137,838	148,077	159,981	1,252,659
TOTAL	(47,417)	(250,826)	(148,166)	(117,912)	(44,179)	150,160	416,236	444,013	479,048	514,038	551,452	591,571	634,590	680,735	730,234	783,212	5,389,379

NOI = 55.5%
P.V. @ 10% = 1,099,500,000
P.V. @ 15% = 956,637,000
P.V. @ 20% = 514,401,000

II. EQUIPMENT DELAY

CASH FLOW (USPS)	-	(19,332)	(160,671)	(122,546)	(99,100)	(6,725)	218,665	571,529	613,398	658,176	706,421	758,072	813,483	872,930	936,692	1,005,133	6,746,125
INSTITUTIONAL COSTS	(28,085)	(30,436)	(15,766)	-	-	-	-	-	-	-	-	-	-	-	-	-	(74,287)
INCENTIVE PAID TO MAILERS	-	(38,700)	(54,600)	(76,500)	(95,700)	(120,600)	(140,800)	(140,800)	(140,800)	(140,800)	(140,800)	(140,800)	(140,800)	(140,800)	(140,800)	(140,800)	(1,780,900)
TOTAL	(28,085)	(88,468)	(231,037)	(199,046)	(194,800)	(127,325)	77,865	430,729	472,598	517,376	565,621	617,272	672,683	732,130	795,892	864,333	4,892,938

NOI = 40.9%
P.V. @ 10% = 1,323,130,000
P.V. @ 15% = 849,150,000
P.V. @ 20% = 471,230,000

III. COMBINED SENSITIVITIES

CASH FLOW (USPS)	-	(19,332)	(160,671)	(122,546)	(99,100)	(6,725)	218,665	571,529	613,398	658,176	706,421	758,072	813,483	872,930	936,692	1,005,133	6,746,125
INSTITUTIONAL COSTS	(28,085)	(30,436)	(15,766)	-	-	-	-	-	-	-	-	-	-	-	-	-	(74,287)
50% USAGE RATE REDUCTION	-	-	-	(8,192)	(27,848)	(62,986)	(118,395)	(238,913)	(256,593)	(275,581)	(295,974)	(317,876)	(341,398)	(366,662)	(393,795)	(422,936)	(3,127,369)
MAILER CONVERSION COSTS	-	(60,000)	(8,000)	(8,000)	(8,000)	(8,000)	-	-	-	-	-	-	-	-	-	-	(72,000)
INCREASED ACCEPT RATE	-	-	281	6,338	17,036	33,532	57,890	83,620	89,808	96,453	103,591	111,256	119,486	128,331	137,838	148,027	1,133,678
TOTAL	(28,085)	(89,768)	(184,156)	(132,400)	(117,912)	(44,179)	158,160	416,236	446,613	479,048	514,038	551,452	591,571	634,599	680,735	730,224	4,999,167

NOI = 31.4%
P.V. @ 10% = 1,362,900,000
P.V. @ 15% = 780,449,000
P.V. @ 20% = 367,140,000

[FR Doc. 81-19062 Filed 6-26-81; 8:45 am]
BILLING CODE 7710-12-C

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[A-6-FRL-1836-4]

State of Texas: Designation of Areas for Air Quality Planning Purposes

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This notice approves the Texas Air Control Board (TACB) redesignation request to change the existing nonattainment designation for ozone for the Ector County area to attainment. This action is taken based upon the State's request to revise its original designation of the Ector County area. The intended effect will provide for more efficient and effective air quality management.

EFFECTIVE DATE: June 29, 1981.

FOR FURTHER INFORMATION CONTACT: Estela S. Wackerbarth, Chief, Implementation Plan Section, Air and Hazardous Materials Division, Environmental Protection Agency, Region VI, Dallas, Texas 75270, (214) 767-1518.

SUPPLEMENTARY INFORMATION: The Texas Air Control Board (TACB) submitted to EPA on February 6, 1980, their redesignation request in TACB Resolution R80-1 to change the existing nonattainment designation for ozone for the Ector County area to attainment.

EPA has reviewed the redesignation request and on August 26, 1980 at 45 FR 56848, EPA published a notice of proposed rulemaking and solicited public comment. No comments were received, therefore, EPA is redesignating the Ector County area from nonattainment to attainment.

Under Section 307(b)(1) of the Clean Air Act judicial review of this final rulemaking notice is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of June 29, 1981. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may *not* be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

EPA finds that good cause exists for making this action immediately effective. The redesignation of an area from nonattainment to attainment relieves the state of the necessity to develop, submit and obtain EPA approval of an implementation plan designed to demonstrate attainment of the standard. Relief from this requirement is a benefit which should be made available to the State and its citizens as soon as possible.

Pursuant to the provision of 5 U.S.C. 605(b), the Administrator has certified that attainment status redesignation under Section 107(d) of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. 46 FR 8709 (January 27, 1981). The attached rule constitutes an attainment status redesignation under Section 107(d) within the terms of the January 27 certification. This action imposes no regulatory requirements but only changes area air quality designations. Any regulatory requirement which may become necessary as a result of this action will be dealt with in a separate action.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not Major because it is merely approving a State action. It will impose no new regulatory action.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

(Sec. 107(d) of the Clean Air Act, as amended, 42 U.S.C. 7407(d))

Dated: June 9, 1981.

Anne M. Gorsuch,

Administrator.

Subpart C of Part 81 of Chapter 1, Title 40 of the Code of Federal Regulations is amended as follows:

1. In § 81.344—Texas, the attainment status designation table for ozone is amended by revising the designation for Ector County from "does not meet primary standards" to "cannot be classified or better than national standards". The amended portion of the O_x (continued) table for § 81.344 reads as set forth below.

§ 81.344 Texas.

* * * * *

Texas—O_x *(Continued)*

Designated area	Does not meet primary standards	Cannot be classified or better than national standards
AQCR 218:		
Ector County	X	
Remainder of AQCR	X	

[FR Doc. 81-19087 Filed 6-26-81; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 180

[OPP-300044A; PH-FRL-1869-3]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Boiled Linseed Oil

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes an exemption from the requirement of a tolerance for the inert ingredient "boiled" linseed oil in a formulation of *S*-ethyl hexahydro-1*H*-azepine-1-carbothiate applied to growing rice before edible parts form. This regulation was requested by Stauffer Chemical Co.

EFFECTIVE DATE: Effective on June 29, 1981.

ADDRESS: Written objections may be submitted to the: Hearing Clerk, Environmental Protection Agency, Rm. M-3708, (A-110), 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: John A. Shaughnessy, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 514D, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703-557-7110).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the **Federal Register** of March 18, 1981 (46 FR 17230) that Stauffer Chemical Co., 1200 S. 47th St., Richmond, CA 94894 requested the establishment of an exemption from the requirement of tolerance for boiled linseed oil ("boiled" refers to drying by use of 0.33 percent of managanese naphthenate and 0.33 percent cobalt naphthenate) when used as an inert ingredient in a formulation for *S*-ethyl hexahydro-1*H*-azepine-1-carbothioate applied to growing rice before edible parts form.

No comments or requests for referral to an advisory committee were received in response to this notice of proposed rulemaking. It has been concluded that the regulation will protect the public health, and therefore, the amendment to

the regulation is established as set forth below.

Any person adversely affected by this regulation may, on or before July 29, 1981, file written objections with the Hearing Clerk, Environmental Protection Agency, Rm. M–3708, (A–110) , 401 M St., SW, Washington, DC 20460. Such objections must be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

As required by Executive Order 12291, EPA has determined that this rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this regulation from the OMB review requirement of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexbility Act (Pub. L. 96–534, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have significant economic impact on a substantial number of small entities. A certification statement to this effect was publsihed in the **Federal Register** of May 4, 1981 (46 FR 24950).

Effective on June 29, 1981.

(Sec. 408(e), 68 Stat. 514; (21 U.S.C. 346a(e)))

Dated: June 18, 1981.

James M. Conlon,

Acting Deputy Assistant Administrator for Pesticide Programs.

Therefore, Subpart D of 40 CFR Part 180 is amended by adding § 180.1056 to read as follows:

§ 180.1056 Boiled linseed oil; exemption from requirement of tolerance.

Boiled linseed oil (containing no more than 0.33 percent manganese naphthenate and no more than 0.33 percent cobalt naphthenate) is exempt from the requirement of a tolerance when used as a coating agent for *S*-ethyl hexahydro-1*H*-azepine-1-carbothioate. No more than 15 percent of the pesticide formulation may consist of "boiled linseed oil." This exemption is limited to use on rice before edible parts form.

[FR Doc. 81–19061 Filed 6–26–81; 8:45 am]

BILLING CODE 6560–32–M

GENERAL SERVICES ADMINISTRATION

41 CFR Ch. 1

[FPR Temp. Reg. 59]

Subcontracting Report Forms, Standard Forms 294 and 295

AGENCY: General Services Administration.

ACTION: Temporary regulation.

SUMMARY: This regulation incorporates Standard Form 294, Subcontracting Report for Individual Contracts, and Standard Form 295, Summary Subcontract Report, and their reporting requirements into the Federal Procurement Regulations (FPR). This addition was requested by the Office of Federal Procurement Policy to provide a basis for evaluating subcontracting programs. The intended effect of this change is to provide a basis for evaluating subcontracting programs.

DATES: Effective date: April 1, 1981. Expiration date: April 1, 1983.

FOR FURTHER INFORMATION CONTACT: Philip G. Read, Director, Federal Procurement Regulations Directorate (VR), Office of Acquisition Policy (703–557–8947).

SUPPLEMENTARY INFORMATION: Standard Forms 294 and 295 are prescribed for use by agencies. If practicable, the forms should be used to collect data for the third quarter of fiscal year 1981. New solicitations should reference the forms and contractors with existing contracts should be encouraged to use them. Time did not permit the incorporation of some desirable refinements into these forms. These matters will be addressed in conjunction with development of a permanent amendment to the FPR.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

In 41 CFR Chapter 1, the following temporary regulation is listed in the appendix at the end of the chapter.

Federal Procurement Regulations, Temporary Regulation 59

June 19, 1981.

To: Heads of Federal agencies.

Subject: Subcontracting report forms, Standard Forms 294 and 295.

1. *Purpose.* This temporary regulation incorporates Standard Forms 294 and 295 and their reporting requirements into the Federal Procurement Regulations.

2. *Effective date.* This regulation is effective April 1, 1981.

3. *Expiration date.* This regulation expires on April 1, 1983.

4. *Background.*

a. The Office of Federal Procurement Policy (OFPP) requested development of Standard Form 294, Subcontracting Report for Individual Contracts, and Standard Form 295, Summary Subcontract Report, to provide a basis for evaluating the effectiveness of subcontracting programs. These forms replace Optional Form 61, Subcontracting Program Quarterly Report of Participating Large Company on Subcontract Commitments.

b. Time did not permit the incorporation of some desirable refinements into these forms. These matters will be addressed in conjunction with development of a permanent amendment to the FPR.

5. *Action required.* Standard Forms 294 and 295 are prescribed for use by agencies. If practicable, the forms should be used to collect data for the third quarter of fiscal year 1981. New solicitations should reference the forms and contractors with existing contracts should be encouraged to use them.

6. *Effect on other issuances.* Optional Form 61 is canceled.

7. *Availability of forms.* Initial supplies of the forms are being provided to members of the Interagency Procurement Policy Committee pending issuance of a stock number. The forms are illustrated in Attachment A.

8. *Solicitation of comments.* Notwithstanding the provisions of this temporary regulation, the views of agencies and other interested parties are invited regarding the policy and procedures that should be adopted in the future. All comments received on or before September 28, 1981 will be considered.

Gerald P. Carmen,

Administrator of General Services.

BILLING CODE 6820–61–M

June 19, 1981

FPR Temp. Reg. 59
Attachment A

SUBCONTRACTING REPORT FOR INDIVIDUAL CONTRACTS

(Report to be submitted semi-annually. See back of form for instructions)

FORM APPROVED OMB NO. 3090-0052

1. REPORTING PERIOD FROM (Date)	TO (Date)	2. REPORT NO.	3. TYPE OF CONTRACT	4. DATE SUBMITTED
			☐ PRIME CONTRACT ☐ SUBCONTRACT	

GENERAL INFORMATION

5. AGENCY/CONTRACTOR AWARDING CONTRACT (Name & Address)	7. REPORTING CONTRACTOR (Name and Address)

6. PRIME CONTRACT NO. (And Subcontract No., if applicable)	8. BUSINESS CLASS. CODE	9. DUNS NO. (If applicable)

10. ADMINISTERING AGENCY	11. DATE OF LAST GOVERNMENT REVIEW	12. REVIEWING AGENCY

13. DOLLAR VALUE OF PRIME OR SUBCONTRACT.	14. ESTIMATED DOLLAR VALUE OF COMMITMENTS AS IN PLAN.	15 GOALS	DOLLARS	PERCENT
		a. SMALL BUSINESS CONCERNS		
		b. SMALL DISAD. BUSINESS CONCERNS		

SUBCONTRACT AND PURCHASE COMMITMENTS

COMMITMENTS	THIS REPORTING PERIOD DOLLARS	THIS REPORTING PERIOD PERCENT	CUMULATIVE DOLLARS	CUMULATIVE PERCENT
16. TOTAL DIRECT SUBCONTRACT COMMITMENTS (Sum of a & b)		100		100
a. TOTAL SMALL BUSINESS CONCERNS				
(1) SMALL DISADVATAGED BUSINESS CONCERNS (% of 16)				
(2) OTHER SMALL BUSINESS CONCERNS (% of 16)				
b. LARGE BUSINESS CONCERNS (% of 16)				
17. TOTAL INDIRECT COMMITMENTS (Sum of a & b)				
a. TOTAL SMALL BUSINESS CONCERNS				
(1) SMALL DISADVANTAGED BUSINESS CONCERNS (% of 17)				
(2) OTHER SMALL BUSINESS CONCERNS (% of 17)				
b. LARGE BUSINESS CONCERNS (% of 17)				

18. REMARKS:

19. TYPE THE NAME AND TITLE OF THE INDIVIDUAL ADMINISTERING CONTRACT	SIGNATURE	TELEPHONE NO. (and Area Code)
20. TYPE THE NAME AND TITLE OF THE APPROVING OFFICER	SIGNATURE	

29 79-990 0157

STANDARD FORM 294 (4-81)
Prescribed by GSA (FPR Temporary Regulation 59)

FPR Temp. Reg. 59
Attachment A

June 19, 1981

INSTRUCTIONS

GENERAL INSTRUCTIONS

1. This reporting form is prescribed for use in the collection of subcontract data from all Federal contractors and subcontractors which, pursuant to the Small Business Act of 1958, as amended by Public Law 95-507, are required to establish plans for subcontracting with small and small disadvantaged business concerns. Reports shall be submitted to the contracting officer semiannually as of March 31 and September 30, as well as at contract completion. This report is due by the 25th day of the month following the close of the reporting periods, in accordance with instructions contained in the contract or subcontract, or as directed by the contracting officer.

2. This report is not required to be submitted by small business concerns.

3. This report is not required for commercial products for which a company-wide annual plan has been approved. The Summary Subcontract Report is required for commercial products in accordance with the instructions on that form.

4. Only subcontract and purchase commitments involving performance within the U.S., its possessions, Puerto Rico, and the Trust Territory of the Pacific Islands will be included in this report.

SPECIFIC INSTRUCTIONS

ITEM 1 – Specify the period covered by this report (e.g., April 1, 1981 - September 30, 1981).

ITEM 2 – Specify the sequential report covering this contract. The initial report shall be identified as Report Number 1. Add "Final Report" for the last report being made.

ITEM 3 – Specify whether this report covers either a Prime Contract awarded by a Federal Department or Agency or a Subcontract awarded by a Federal prime contractor or subcontractor.

ITEM 5 – Enter the name and address of the Federal Department or Agency or Prime Contractor awarding the Prime or Subcontract.

ITEM 6 – Enter the prime contract number. If this report covers a subcontract, enter both the prime contract and subcontract numbers.

ITEM 7 – Enter the name and address of the Prime Contractor or Subcontractor submitting the report.

ITEM 8 – Enter the Business Classification Code as follows:

Code	Definition
LB	Large Business
NP	Non-Profit Organization (including Educational Institutions).

ITEM 9 – Enter Dun and Bradstreet Universal Numbering System (DUNS) number (if available).

ITEM 10 – Identify Federal agency administering the contract. For Department of Defense, identify appropriate military department, i.e., Army, Navy, Air Force, or Defense Logistics Agency. Civilian agencies should be identified as noted in the contract award document, i.e., NASA, DOE, GSA, HHS, SBA, etc.

ITEM 11 & 12 – Enter the date of the last formal surveillance review conducted by the cognizant Department or Agency Small and Disadvantaged Business Specialist or other review personnel. For DOD, also identify the military department or Defense Contract Administration Service, as appropriate, that conducted the review. In those cases where the Small Business Administration conducts its own review, show the date and "SBA".

ITEM 13 – Specify the face value of the Prime or Subcontract covered by this report. If the value changes, the face value shall be adjusted accordingly.

ITEM 14 – Enter the estimated dollar value of subcontract and purchase commitments as set forth in the Subcontract Plan.

ITEM 15 – Specify in the appropriate blocks the dollar amount and percent of the reporting contractor's total subcontract awards contractually agreed upon as goals for subcontracting with Small Business and Small Disadvantaged Business concerns. NOTE: Should the original goals agreed upon at contract awards be either increased or decreased as a result of a contract modification, the amount of the revised goals shall be indicated.

ITEM 16 – Specify in the appropriate block the total amount of all direct subcontract commitments and the dollar amount and percentage of the total placed with the subcontractor classification indicated in a and b, both for this period and cumulative. Do not include in this report purchase commitments made in support of commercial business being performed by reporting contractor.

ITEM 17 – Complete Item 17 only if indirect contract commitments were included in establishing the small and small disadvantaged business goals for the contract being reported. Specify in the appropriate block the total allocable dollar amount of indirect commitments and the dollar amount and percentage of the total placed with the subcontractor classifications indicated in a(1), a(2), and b, both for this period and cumulative.

ITEM 18 – Enter any remarks. If the goals were not met, explain why on the final report.

ITEM 19 – Enter name and title of company individual responsible for administering contract.

ITEM 20 – The approving officer shall be the senior official of the company, division, or subdivision (plant or profit center) responsible for contract performance.

DEFINITIONS

1. A Small Business Concern is a concern that meets the pertinent criteria established by the Small Business Administration.

2. (a) A Small Disadvantaged Business means any small business concern:

(1) which is at least 51 per centum owned by one or more socially and economically disadvantaged individuals, or, in the case of any publicly-owned business, at least 51 per centum of the stock of which is owned by one or more socially and economically disadvantaged individuals, and

(2) whose management and daily business operations are controlled by one or more of such individuals.

(b) The contractor shall presume that socially and economically disadvantaged individuals include Black Americans, Hispanic Americans, Native Americans, Asian-Pacific Americans, and other minorities, or any other individual found to be disadvantaged by the Small Business Administration pursuant to Section 8(a) of the Small Business Act. "Native Americans" include American Indians, Eskimos, Aleuts, and native Hawaiians. "Asian-Pacific Americans" include U.S. citizens whose origins are from Japan, China, the Philippines, Vietnam, Korea, Samoa, Guam, the Trust Territory of the Pacific Islands, Northern Marianas, Laos, Cambodia, and Taiwan.

(c) Contractors acting in good faith may rely on written representations by their subcontractors certifying their status as either a small business concern or a small business concern owned and controlled by socially and economically disadvantaged individuals.

(d) The Office of Minority Small Business and Capital Ownership Development in the Small Business Administration will answer inquiries from prime contractors and others relative to the class of eligibles and has final authority to determine the eligibility of a concern to be designated as a small disadvantaged business.

3. Commercial Products means products sold in substantial quantities to the general public and/or industry at established catalog or market prices.

4. Commitments as used herein is defined as a contract, purchase order, amendment, or other legal obligation executed by the reporting corporation, company, or subdivision for goods and services to be received by the reporting corporation, company, or subdivision.

5. Direct Commitments are those which are identified with the performance of a specific government contract, including allocable parts of awards for material which is to be incorporated into products under more than one Government contract.

6. Indirect Commitments are those which, because of incurrence for common or joint purposes, are not identified with specific Government contracts; these awards are related to Government contract performance but remain for allocation after direct awards have been determined and identified to specific Government contracts.

June 19, 1981

FPR Temp. Reg. 59
Attachment A

SUMMARY SUBCONTRACT REPORT

(Report to be submitted quarterly. See Instructions on reverse) (Type or Print)

FORM APPROVED OMB NO. 3090-0053

1. CONTRACTING AGENCY		2. ADMINISTERING AGENCY	
3. DATE OF LAST GOVERNMENT REVIEW	4. REVIEWING AGENCY	5. DUNS NO.	6. REPORT SUBMITTED AS: ☐ PRIME CONTRACTOR ☐ SUBCONTRACTOR ☐ BOTH
7. CORPORATION, COMPANY, OR SUBDIVISION COVERED *(Name, Address, ZIP Code)*		8. MAJOR PRODUCTS OR SERVICE LINES: a. b. c.	

CUMULATIVE COMMITMENTS

Subcontract and Purchase Commitments for the Period October 1, 19 ____ through _____, 19 ____

COMMITMENTS	CURRENT FISCAL YEAR *(To date)*		SAME PERIOD LAST YEAR	
	DOLLARS	PERCENT	DOLLARS	PERCENT
9. TOTAL *(Sum of a and b)*		100		100
a. SMALL BUSINESS CONCERNS				
b. LARGE BUSINESS CONCERNS				
10. SMALL DISADVANTAGED BUSINESS CONCERNS *(8 & % of 9)*				
11. LABOR SURPLUS AREA CONCERNS *(8 & % of 9)*				

SUBCONTRACT GOAL ACHIEVEMENT

GOALS	NO OF CONTRACTS	$ VALUE OF SUBCONTRACTS (000)	$ VALUE OF SUBCONTRACT GOALS	ACTUAL GOAL ACHIEVEMENT	
				DOLLARS	%
12. CONTRACTS WITH SMALL BUSINESS SUBCONTRACT GOALS					
a. ACTIVE CONTRACTS					
b. CONTRACTS COMPLETED THIS QUARTER WHICH NET GOALS					
c. CONTRACTS COMPLETED THIS QUARTER NOT MEETING GOALS					
13. CONTRACTS WITH SMALL DISADVANT. BUS. SUBCONTRACT GOALS					
a. ACTIVE CONTRACTS					
b. CONTRACTS COMPLETED THIS QUARTER WHICH NET GOALS					
c. CONTRACTS COMPLETED THIS QUARTER NOT MEETING GOALS					

14. REMARKS *(Enter a short narrative explanation if: (a) Zero is entered in Blocks 9a or 10 for current fiscal year, (b) the percent entry in Block 9a for current fiscal year is more than 5 percentage points below the percent reported for same period last year, or (c) the percent entry in Block 10 for current fiscal year is lower than the percent reported for same period last year.)*

15. NAME AND TITLE OF LIAISON OFFICER	SIGNATURE	DATE	TELEPHONE NO. *(and Area Code)*
16. NAME AND TITLE OF APPROVING OFFICIAL	SIGNATURE	DATE	

STANDARD FORM 295 (4-81)
Prescribed by GSA (FPR Temporary Regulation 59)

FPR Temp. Reg. 59
Attachment A

June 19, 1981

INSTRUCTIONS

GENERAL INSTRUCTIONS

1. This reporting form is prescribed for use in the collection of subcontract data from Federal contractors and subcontractors which hold one or more contracts over $500,000 ($1 million for construction) and are required to subcontract with small and small disadvantaged business concerns under a subcontract plan as required by the Small Business Act of 1958, as amended by Public Law 95-507. (See Items 9 and 10 of Specific Instructions).

2. The report may be submitted on a corporate, company, or subdivision (e.g., plan or division operating as a separate profit center) basis unless otherwise directed. After submission of the first report on this form, succeeding reports shall be submitted on the same basis.

3. Reports shall be submitted by the 25th day of the month following the close of the reporting period, as follows: (a) quarterly, in accordance with instructions below, or as directed by the contracting activity, or (b) annually for subcontracts covered by an approved company-wide annual subcontracting plan for commercial products. The annual report should summarize all Federal contracts for commercial products performed during the year and should be submitted in addition to required quarterly reports, for other than commercial products, if any. Show in Item 14 or in an attachment to the report, the share of this total attributable to each agency from which contracts for such commercial products were received. Send a copy of this report to each listed agency.

4. If a contractor is performing work for more than one Federal agency, a separate report shall be submitted to each agency covering its contracts. However, for DOD contracts, see paragraph 5, below.

5. (a) For reports covering contracts awarded by the military departments or agencies of the Department of Defense (DOD) or subcontracts awarded by DOD prime contracts, each reporting corporation, company, or subdivision (except contractors involved in maintenance, repair, and construction) shall report its total DOD business on one report (i.e., it shall not segregate subcontracts arising from work for the Army, Navy, Air Force, or Defense Agencies). All contractors shall submit:

(i) The original of each report directly to the Office of the Deputy Secretary of Defense, Attention: Director of Small and Disadvantaged Business Utilization, The Pentagon, Washington, DC 20301.

(ii) A copy of the report to the office listed below whose military activity is responsible for contract administration of the contractor:

ARMY — Director of Small and Disadvantaged Business Utilization, Office of the Secretary of the Army, Washington, DC 20360

NAVY — Director of Small and Disadvantaged Business Utilization, Office of the Secretary of the Navy, Washington, DC 20360

AIR FORCE — Director of Small and Disadvantaged Business Utilization, Office of the Secretary of the Air Force, Washington, DC 20330

DLA — Staff Director of Small and Disadvantaged Business Utilization, HQ Defense Logistics Agency (Attention U) Cameron Station, Alexandria, VA 22314

(iii) A copy of the report, in accordance with instructions contained in the contract or subcontract, to the Federal agency or military department or defense agency, which is administering the prime or subcontractor.

(b) Contractors involved in maintenance, repair and construction shall also submit this report, similarly on a quarterly basis, to the appropriate construction contract administration activity. If a construction contractor is involved with more than one contract administration activity, this report should be submitted to each activity reflecting the contract awards under the supervision of the particular contract administration activity.

6. For NASA contracts forward reports to NASA - Office of Procurement (HM-1) Washington, DC 20546. For Department of Energy, forward reports to DOE - Small Business Division, Washington, DC 20585. For reports covering contracts awarded by other Federal Departments or Agencies and subcontracts placed by prime contractors of such departments or agencies, the original copy shall be sent to the Department or Agency Director of Small and Disadvantaged Business Utilization or as otherwise provided for in instructions issued by the Department or Agency.

7. Only subcontract or purchase commitments involving performance within the U.S., its possessions, Puerto Rico, and the Trust Territory of the Pacific Islands will be included in this report.

8. This report is not required to be submitted by small business concerns.

SPECIFIC INSTRUCTIONS

ITEM 1. Enter the agency which awarded the prime contract (e.g., DOD, HUD, GSA, etc.)

ITEM 2. Enter the department or agency administering the contracts (if different from Item 1). For DOD contracts enter the military department or agency which has responsibility for the subcontracting program of the corporation or plant (i.e., Army, Navy, Air Force, or Defense Logistics Agency), not the "Office of the Deputy Secretary of Defense."

ITEMS 3 & 4. Enter the date of the last formal surveillance review conducted by the cognizant department or agency Small and Disadvantaged Business Specialist or other review personnel. For DOD, also identify the military department or Defense Contract Administration Service, as appropriate, that conducted the review. In those cases where the Small Business Administration conducts its own review, show "SBA" and the date.

ITEM 5. Enter Dun and Bradstreet Universal Numbering System (DUNS) number (if available).

ITEM 6. Check whether reporting business is performing as a prime or subcontractor or both.

ITEM 7. Enter the name and address of the reporting corporation, company, or subdivision thereof (e.g., division or plant) which is covered by the data submitted.

ITEM 8. Identify the major product or service lines of the reporting corporation, company, or subdivision.

ITEMS 9 & 10. Report all commitments and purchase orders, regardless of dollar value, made by the reporting organization under all Federal prime contracts and subcontracts (whether or not prime contracts are over $500,000 ($1 million for construction) and small and small disadvantaged business subcontracting plans and goals are required). Report on a quarterly cumulative basis until the end of the fiscal year on September 30 after which a new quarterly reporting cycle is to be initiated commencing with the first quarter from October 1 through December 31. Dollar amounts reported should include direct awards and the appropriate prorated portion of the prime contractor's indirect awards (see definition below) contracted with small and small disadvantaged business concerns and other than small business concerns. The indirect award portion should be based on the percentages of the Federal department or agency work being performed by the reporting contractor in relation to other work performed for other departments or agencies. Particular care should be taken not to include in quarterly reports purchase commitments made in support of commercial business being performed by the contractor.

ITEM 11. Show dollar amount of commitments valued over $10,000 placed with labor surplus area (LSA) concerns (i.e., those that will perform substantially in labor surplus areas). Prime contractors are also encouraged to include awards valued less than $10,000 if such additional reporting does not impose a burden upon the contractor. LSA's are identified in the Department of Labor (DOL) publication "Labor Surplus Area Listings" which can be obtained from the Federal Agency contracting officer or by writing to Employment and Training Administration, (Attention: TPPL), Department of Labor, 601 "D" Street, NW, Washington, DC 20213.

ITEMS 12 & 13. Enter the information as indicated regarding contracts with small and small disadvantaged business goals. For each item (as applicable), enter the number of contracts, the dollar value of subcontracts, the dollar value of subcontract goals (as expressed in the subcontract plans) and actual goal achievement expressed in dollars and percent of goal. This item does not apply to reports covering commercial products.

ITEM 14. The approving official shall be the chief executive officer or, in the case of a separate division or plant, the senior individual responsible for overall division or plant operations.

DEFINITIONS

1. A Small Business Concern is a concern that meets the pertinent criteria established by the Small Business Administration.

2. (a) A Small Disadvantaged Business means any small business concern—
(i) which is at least 51 per centum owned by one or more socially and economically disadvantaged individuals; or, in the case of any publicly-owned business, at least 51 per centum of the stock of which is owned by one or more socially and economically disadvantaged individuals; and
(ii) whose management and daily business operations are controlled by one or more of such individuals.

(b) The contractor shall presume that socially and economically disadvantaged individuals include Black Americans, Hispanic Americans, Native Americans, Asian-Pacific Americans, and other minorities, or any other individual founds to be disadvantaged by the Small Business Administration pursuant to Section 8(a) of the Small Business Act. "Native Americans" include American Indians, Eskimos, Aleuts, and native Hawaiians. "Asian-Pacific Americans" include U.S. citizens whose origins are from Japan, China, the Philippines, Vietnam, Korea, Samoa, Guam, Trust Territory of the Pacific Islands, Northern Marianas, Laos, Cambodia, and Taiwan.

(c) Contractors acting in good faith may rely on written representations by their subcontractors certifying their status as either a small business concern or a small business concern owned and controlled by socially and economically disadvantaged individuals.

(d) The Office of Minority Small Business and Capital Ownership Development in the Small Business Administration will answer inquiries from prime contractors and others relative to the class of eligibles and has final authority to determine the eligibility of a concern to be designated as a small disadvantaged business.

3. Commercial Products means products sold in substantial quantities to the general public and/or industry at established catalog or market prices.

4. Commitments as used herein is defined as a contract, purchase order, amendment, or other legal obligation executed by the Reporting corporation, company, or subdivision for goods and services to be received by the reporting corporation, company, or subdivision.

5. Direct Commitments are those which are identified with the performance of a specific government contract, including allocable parts of awards for material which is to be incorporated into products under more than one Government contract.

6. Indirect Commitments are those which, because of incurrence for common or joint purposes, are not identified with specific Government contracts; these awards are related to Government contract performance but remain for allocation after direct awards have been determined and identified to specific Government contracts.

7. A contract is considered to be completed when the supplies or services which are required to be delivered under the contract have been provided to the Government.

[FR Doc. 81-19021 Filed 6-26-81; 8:45 am]

BILLING CODE 6820-61-C

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 5904

[C-12818]

Colorado; Partial Revocation of Reclamation Withdrawals

Correction

In FR Doc. 81-15799, appearing at page 28404, in the issue for Wednesday, May 27, 1981, in the third column under the "Sixth Principal Meridian" land description, line 13, "SW¼SE¼" should be changed to read "SW¼SW¼".

BILLING CODE 1505-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA 6092]

List of Communities Eligible for the Sale of Insurance Under the National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: This rule lists communities participating in the National Flood Insurance Program (NFIP). These communities have applied to the program and have agreed to enact certain flood plain management measures. The communities' participation in the program authorizes the sale of flood insurance to owners of property located in the communities listed.

EFFECTIVE DATES: The date listed in the fifth column of the table.

ADDRESSES: Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Phone: (800) 638-6620.

FOR FURTHER INFORMATION CONTACT: Mr. Gary Johnson, National Flood Insurance Program, (202) 755-5581 or EDS Toll Free Line 800-638-6620 for Continental U.S. (except Maryland); 800-638-6831 for Alaska, Hawaii, Puerto Rico, and the Virgin Islands; and 800-492-6605 for Maryland, Room 5270, 451 Seventh Street, SW., Washington, DC 20410.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Since the communities on the attached list have recently entered the NFIP, subsidized flood insuranoe is now available for property in the community.

In addition, the Federal Insurance Administrator has identified the special flood hazard areas in some of these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the sixth column of the table. In the communities listed where a flood map has been published, Section 102 of the Flood Disaster Protection Act of 1973, as amended, requires the purchase of flood insurance as a condition of Federal or federally related financial assistance for acquisition or construction of buildings in the special flood hazard area shown on the map.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

The Catalog of Domestic Assistance Number for this program is 83.100 "Flood Insurance." This program is subject to procedures set out in OMB Circular A-95.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule, if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice stating the community's status in the NFIP and imposes no new requirements or regulations on participating communities.

In each entry, a complete chronology of effective dates appears for each listed community. The entry reads as follows:

Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

§ 64.6 List of eligible communities.

State and county	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified
Connecticut:				
Tolland	Bolton, town of	090109B	June 1, 1981, suspension withdrawn	June 7, 1974 and Aug. 20, 1976.
Hartford	Burlington, town of	090145B	do	July 19, 1974 and Nov. 12, 1976.
Hawaii: Maui	Unincorporated areas	150003B	do	Dec. 6, 1977
Illinois:				
Cook	Burnham, city of	170070B	do	Mar. 24, 1974 and Jan. 30, 1976.
Do	Inverness, village of	170111B	do	Mar. 22, 1974 and Aug. 6, 1976.
Do	Lansing, village of	170116D	do	Feb. 1, 1974 and Apr. 23, 1976, July 23, 1976 and Dec. 30, 1977
Louisiana: Acadia and St. Landry	Eunice, city of	220168B	do	May 31, 1974 and Nov. 7, 1975
Massachusetts: Hampden	Monson, town of	250145A	do	Sept. 14, 1974
Minnesota: Brown	Unincorporated areas	270034B	do	Aug. 15, 1977
New Jersey:				
Burlington	Medford Lakes, borough of	340103B	do	May 31, 1974 and Apr. 23, 1976.
Morris	Morris, township of	340350B	do	May 31, 1974 and Aug. 20, 1976.
Do	Morris Plains, borough of	340351B	do	June 28, 1974 and July 2, 1976.
New York:				
Livingston	Caledonia, village of	360381A	do	Feb. 7, 1975.
Do	Caledonia, town of	361411A	do	Jan. 10, 1975.
North Carolina: Mecklenburg	Unincorporated areas	370158A	do	Oct. 22 1976.
Oklahoma: Craig	Vinita, city of	400050B	do	May 24, 1974 and May 28, 1976.
Pennsylvania: Lycoming	Fairfield, township of	420972B	do	Mar. 1, 1974 and Oct. 8, 1976.
South Carolina: Florence	Lake City, city of	450079C	do	May 31, 1974 and Apr. 30, 1976 and June 27, 1980.
Tennessee: Florence	Rossville, city of	470050B	do	July 19, 1974 and June 11, 1976.
Texas				
Maverick	Eagle Pass, city of	480471B	do	May 24, 1974 and Jan. 2, 1976.
Bell	Nolanville, city of	480032B	do	May 24, 1974 and Mar. 26, 1976.
Cameron	Rio Hondo, town of	480112B	do	May 10, 1974 and Apr. 9, 1976
Bell	Troy, city of	480709A	do	Nov. 29, 1976.
Vermont: Chittenden	Jericho, town of	500037B	do	June 14, 1974 and Nov. 19, 1976

State and county	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified
Wisconsin:				
Dodge	Mayville, city of	550103B	do.	Nov. 30, 1973 and Aug. 15, 1975.
Buffalo	Mondovi, city of	550031B	do	Jan. 9, 1974 and Apr. 23, 1976.
Ohio: Shelby	Russia, village of	390660, new	June 3, 1981, emergency	Do.
New York: Allegany	Birdsall, town of	361362	June 4, 1981, emergency	Jan. 3, 1975.
Texas: Williamson	Cedar Park, city of	481282A	do, emergency	Nov. 15, 1977.
Illinois: Putnam	Unincorporated areas	170993A	June 5, 1981, emergency	Feb. 28, 1979.
Montana:				
Broadwater	do	300145	June 3, 1981, emergency	Do.
Jefferson	do	300154A	do, emergency	Jan. 24, 1978.
Powell	do	300059B	June 3, 1981, emergency; June 3, 1981, regular	Sept. 16, 1980 and June 3, 1981
Meagher	do	300045	June 4, 1981, emergency	Do.
Texas: Ellis	Midlothian, city of	480801	June 11, 1981, emergency	July 9, 1976.
Indiana: St. Joseph	Indiana Village, town of	480801	June 11, 1981, emergency; June 11, 1981, regular	Oct. 18, 1974 and Apr. 15, 1981
Tennessee: Marshall	Unincorporated areas	4701198	June 11, 1981, emergency	Feb. 2, 1979 and Feb. 1, 1980.
Illinois: Greene	Eldred, village of	1702518	June 15, 1981, emergency; June 15, 1981, regular	Dec. 17, 1973, Jan. 16, 1976 and May 5, 1981.
Alabama: Shelby	Alabaster, city of	0101928	June 15, 1981, suspension withdrawn	June 4, 1976.
Arkansas:				
Craighead	Jonesboro, city of	0500988	do	Oct. 26, 1973 and Oct. 8, 1976.
Benton and Washington	Springdale, city of	0502198	do	Apr. 5, 1974 and Mar. 5, 1976.
Connecticut: New London	East Lyme, town of	0900968	do	Sept. 13, 1974 and Dec. 24, 1976.
Florida:				
Martin	Ocean Breeze Park, town of	1201638	do	Aug. 2, 1974 and Apr. 2, 1976
Martin	Unincorporated areas	1201618	do	July 29, 1977.
Georgia: Dekalb	Clarkston, city of	130067A	do	Feb. 21, 1975
Do	Pine Lake, city of	130070B	do	Apr. 12, 1974 and Apr.16, 1976
Illinois				
Dupage and Cook	Bartlett, village of	1700698	do	Apr. 12, 1974 and Aug. 6, 1976.
Cook	Des Plaines, city of	170081C	do	May 4, 1973 and June 28, 1974 and July 16, 1976.
Fulton	Liverpool, village of	170762C	do	Dec. 28, 1973 and Aug. 1, 1975 and Dec. 28, 1979.
Lake	Waukegan, city of	170397B	do	May 10, 1974 and July 9, 1976.
Iowa: Story	Cambridge, city of	1902558	do	Aug. 16, 1974 and July 11, 1975.
Kentucky: Boone	Unincorporated areas	2100138	do	Dec. 27, 1974 and Dec. 30, 1977
Maryland: Somerset	Crisfield, city of	240062A	do	Jan. 23, 1976.
Massachusetts:				
Worcester	East Brookfield, town of	2503038	do	June 7, 1974 and June 11, 1976
Berkshire	Monterey, town of	2500808	do	Mar. 15, 1974 and Aug. 13, 1976.
Michigan: Washtenaw	Ypsilanti, township of	2605428	do	Apr. 8, 1977.
Minnesota: Morrison	Unincorporated areas	2706178	do	Apr. 21 1978
Michigan: Barry	Hastings, township of	2606468	do	Dec. 16, 1977.
Missouri: Adair	Novinger, city of	290003B	do	June 7, 1974 and Dec. 12, 1975.
New Jersey: Bergen	Montvale, borough of	3400628	do	Sept. 6, 1974 and June 16, 1976.
New York:				
Yates	Dresden, village of	360966A	do	Feb. 20, 1976.
Chemung	Wellsburg, village of	360167B	do	June 1, 1973 and June 25, 1976.
Ohio:				
Cuyahoga	Bratenahl, village of	390734A	do	July 11, 1975
Do	Brooklyn Heights, village of	390101B	do	Feb. 6, 1974 and Apr. 23, 1976.
Montgomery	Miamisburg, city of	390413B	do	Mar. 1, 1974 and July 23, 1976.
Cuyahoga	Shaker Heights, city of	390129A	do	Aug. 1, 1975.
Oklahoma: Tulsa and Osage	Sand Springs, city of	4002118	do	July 26, 1974 and Apr. 22, 1977
Pennsylvania:				
Allegheny	Bethel Park, borough of	420012A	do	Dec. 18, 1978.
Washington	California, borough of	420648A	do	Oct. 8, 1976.
Washington	Centerville, borough of	422558A	do	Feb. 28, 1975.
Berks	Brecknock, township of	421053B	do	Sept. 13, 1974 and May 14, 1976.
Allegheny	Penn Hills, township of	421092B	do	Sept. 20, 1974 and Dec. 26, 1975.
Luzerne	Pittston, township of	421534B	do	Jan. 24, 1975 and Feb. 15, 1980.
Bucks	Riegland, township of	421095B	do	Oct. 25, 1974 and June 18, 1976.
Beaver	Rochester, township of	421322A	do	Dec. 27, 1974.
Adams	Reading, township of	420004B	do	Jan. 23, 1974 and Dec. 31, 1976.
York	West Manchester, township of	422233B	do	Nov. 15, 1974 and Oct. 17, 1975.
South Carolina:				
Lexington	Unincorporated areas	4501298	do	Sept. 6, 1974 and June 30, 1978.
Dorchester	Summerville, town of	450073C	do	June 14, 1974 and Apr. 19, 1976 and June 3, 1977.
Clinton	Colebrook, township of	420024C	do	Mar. 22, 1974 and Dec. 24, 1976 and Jan. 20, 1980.
Luzerne	Dupont, borough of	422250A	do	Feb. 14, 1975.
Beaver	Economy, borough of	4201098	do	Apr. 5, 1974 and June 4, 1976.
Erie	Edinboro, borough of	4204468	do	June 7, 1974 and June 4, 1976.
Blair	Frankstown, township of	421387A	do	Dec. 13, 1974.
Allegheny	Heidelburg, borough of	4200438	do	Feb. 1, 1974 and June 4, 1976.
Lackawana	Lehigh, township of	4224598	do	Feb. 28, 1975 and Apr. 11, 1980.
Cumberland	Middlesex, township of	4203638	do	Feb. 8, 1974 and Apr. 15, 1977.
Tennessee: Shelby	Bartlett, city of	4701758	do	Feb. 24, 1974 and June 3, 1977
Texas: Atascosa	Unincorporated areas	4800148	do	Jan. 17, 1975 and Nov. 29, 1977
Washington: King	Kirkland, city of	5300818	do	June 28, 1974 and Sept. 12, 1975.
Wisconsin:				
Calumet	Brillion, city of	550099C	do	Mar. 8, 1974 and Apr. 4, 1975 and Mar. 11 1977.
Outagamie	Combined Locks, village of	5603048	do	June 21, 1974 and Sept. 19, 1975.
Dodge	Unincorporated areas	5500948	do	Jan. 3, 1975 and Feb 9, 1979.
Outagamie	Little Chute, village of	5600078	do	June 14, 1974 and Aug. 29, 1975.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: June 16, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-18821 Filed 6-26-81; 8:45 am]

BILLING CODE 6718-03-M

INTERSTATE COMMERCE COMMISSION

49 CFR Parts 1003 and 1043

[Ex Parte No. MC–5 (Sub–1)]

Motor Carriers of Property; Minimum Amounts of Bodily Injury and Property Damage Liability Insurance

AGENCY: Interstate Commerce Commission.

ACTION: Final rules.

SUMMARY: Sections 29 and 30 of the Motor Carrier Act of 1980, require the Commission to adopt minimum amounts of insurance as prescribed by the Secretary of Transportation for motor carriers of property. These rules modify our regulations to reflect the new amounts and revise form B.M.C. 90, the Endorsement for Motor Carrier Policies of Insurance for Automobile Bodily Injury and Property Damage Liability.

EFFECTIVE DATE: July 1, 1981.

FOR FURTHER INFORMATION CONTACT: Phyllis Gunn, (202) 275–7475.

SUPPLEMENTARY INFORMATION: Section 29 of the Motor Carrier Act of 1980, amended 49 U.S.C. 10927(a)(1) to require motor carriers to file with the Commission a bond, insurance policy, or other type of security, in an amount not less than such amount prescribed by the Secretary of Transportation pursuant to the provisions of Section 30 of the Motor Carrier Act of 1980 (49 U.S.C. 10927 note).

In the June 11, 1981, **Federal Register** pages 30974 to 30987, the Secretary of Transportation prescribed insurance amounts for motor carriers of property for a two year phase-in period extending from July 1, 1981 to June 30, 1983. Insurance amounts required as of July 1, 1983, are those prescribed in Section 30 of the Motor Carrier Act of 1980 (49 U.S.C. 10927 note). Part 1043 of Title 49, Code of Federal Regulations, is amended to reflect the new amounts.

Form B.M.C. 90, the Endorsement for Motor Carrier Policies of Insurance for Automobile Bodily Injury and Property Damage Liability, which is attached to the insurance policy, is revised to incorporate the new amounts by reference to 49 CFR 1043.2, and to eliminate the sentence requiring the insurance company to furnish a copy of the policy upon the Commission's request. A copy of the revised form is being provided to each Commission approved insurance company, and is available for public inspection at the Interstate Commerce Commission, Washington, D.C.

Motor carriers of property must attach the revised form B.M.C. 90 executed by their insurance companies to their policies of insurances on or before September 28, 1981.

Appendix A contains a notice to all affected insurance companies regarding filing of certificates of insurance (Form B.M.C. 91).

Regulatory Flexibility Analysis

Adoption of increased insurance amounts for motor carriers of property was mandated by Congress under the Motor Carrier Act of 1980. This Commission is required to adopt insurance minimums not less than those prescribed by the Secretary of Transportation. Those minimums were published by the Secretary under BMCS Docket No. MC–94 on June 11, 1981, 46 FR 30974, which included a regulatory flexibility analysis.

This Commission is not changing any of its procedures regarding insurance filings and is merely adopting new insurance amounts as determined by the Secretary of Transportation and required by the Motor Carrier Act of 1980.

A copy of this notice of final rules will be served on the Administrator of the Small Business Administration.

Amendments

We amend Parts 1043 and 1003, Subtitle B, Chapter X of Title 49, of the Code of Federal Regulations, as follows.

In § 1043.2, paragraph (a) is revised to read as follows:

§ 1043.2 Insurance, minimum amounts.

* * * * *

(a) *Motor carriers: bodily injury liability and property damage liability.* (1) The liability amounts for freight vehicles with gross vehicle weight ratings of 10,000 pounds or more are those prescribed under Bureau of Motor Carrier Safety Docket No. MC–94, codified as 49 CFR 387, and set forth as follows:

Kind of equipment	Commodity transported	Single limit requirement	
		July 1, 1981	July 1, 1983
Freight vehicles of 10,000 lb or more GVW.	(1) Property (nonhazardous)	$500,000	$750,000
	(2) Hazardous substances, as defined in 49 CFR 171.8 and designated by the letter E in the first column of the Hazardous Materials Table found at 49 CFR 172.101, transported in cargo tanks, portable tanks, or hopper-type vehicles with capacities in excess of 3,500 water gallons; or in bulk Class A and B explosives, poison gas (Poison A), liquefied compressed gas, compressed gas, or large quantity radioactive materials as defined in 49 CFR 173.389.	1,000,000	5,000,000
	(3) Oil listed in 49 CFR 172.101, hazardous waste, hazardous materials and hazardous substances defined in 49 CFR 171.8 and listed in 49 CFR 172.101, but not mentioned in (2) above.	500,000	1,000,000

(2) The liability amounts for freight vehicles with gross vehicle weight ratings of less than 10,000 pounds and for all passenger vehicles are as follows:

(1) Kind of equipment	(2) Limit for bodily injuries to or death of one person	(3) Limit for bodily injuries to or death of all persons injured or killed in any one accident (subject to a maximum of $100,000 for bodily injuries to or death of one person)	(4) Limit for loss or damage in any one accident to property of others (excluding cargo)
Freight vehicles under 10,000 lb GVW	$100,000	$300,000	$50,000
Passengers equipment (seating capacity): 12 passengers or less	100,000	300,000	50,000
More than 12 passengers	100,000	500,000	50,000

* * * * * * *

2. Section 1003.1(b) is amended by revising the entry for "B.M.C. 90 * * *" to read as follows:

§ 1003.1 Motor Carrier and Broker Forms.

* * * * * * *

(b) Insurance and Surety Bond Forms.

* * * * *

B.M.C. 90—Endorsement for Motor Carrier Policies of Insurance for Automobile Bodily Injury and Property Damage Liability under 49 U.S.C. 10927.

* * * * * * *

(49 U.S.C. 10321, 10927 and 5 U.S.C. 553)

Decided: June 23, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam. Commissioner Trantum was absent and did not participate.

Agatha L. Mergenovich,

Secretary.

Appendix A.—Notice to Insurance Companies Having Filed Motor Carrier Automobile Bodily Injury and Property Damage Certificates of Insurance With the Interstate Commerce Commission

In compliance with Section 10927, Title 49 of the United States Code, the Interstate Commerce Commission provides for the filing of a motor carrier automobile bodily injury and property damage liability certificate of insurance which certifies that the Interstate Commerce Commission's prescribed motor carrier automobile bodily injury and property damage liability endorsement form is attached to the insurance policy.

The Interstate Commerce Commission has revised the endorsement Form B.M.C. 90, to prescribe an increase in the minimum required bodily injury and property damage insurance limits of liability for motor carriers of property, to be effective July 1, 1981.

To avoid the necessity for filing new certificates of insurance for motor property carriers in lieu of those now on file with the Commission, beginning on and after August 7, 1981, 12:01 a.m. (standard time at the address of the insured stated in each policy of insurance), the Commission will deem any certificates of insurance (B.M.C. 91) which are on file for motor carriers of property, to certify that the insurance policy provides protection for the public to the full amounts and extent, and subject to all of the terms, conditions, rights, and privileges, provided in revised Form B.M.C 90, regardless of whether the prescribed endorsement has been attached physically to the policy, and regardless of any contrary term, condition, stipulation, or agreement contained in the policy or any endorsement or notation thereof. This should allow adequate time to file with the Commission a notice of cancellation of the policy (B.M.C. 35), or to terminate the certificate on the basis of a replacement certificate of insurance.

Any certificate of insurance for a motor carrier of property received by the Commission on or after July 1, 1981, will incorporate the increased amounts of insurance effective on July 1, 1981.

The motor carrier bodily injury and property damage liability surety bond, B.M.C. 82, does not need to be revised because it incorporates the insurance amounts by reference to the Commission's insurance rules and regulations in the Code of Federal Regulations. Because the bond itself is filed with the Commission, the new surety bonds must be executed on July 1, 1981, and filed with the Commission by August 1, 1981, 12:01 a.m. (standard time at the address of the motor carrier principal stated in each surety bond) to provide insurance protection for the public to the increased amounts prescribed under 49 CFR 1043.2, amended July 1, 1981.

[FR Doc. 81-19135 Filed 6-26-81; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Deferral of Effective Dates for Final Rules; Request for Comments

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Deferral of effective dates for final rules with request for comments.

SUMMARY: The Department of the Interior is deferring the effective date of rules issued in final form but not yet in effect to permit reconsideration of the rules under Executive Order 12291. The deferred rules relate to the Hawaiian Tree Snails, the Texas Poppy-mallow, gypsum wild buckwheat and the Todsens pennyroyal. The Department is also requesting comments on whether the rules listed are major under Executive Order 12291.

DATES: The rules are deferred until July 31, 1981. This deferral is effective June 30, 1981. Comments must be received on or before July 17, 1981.

ADDRESSES: Written comments should be sent to Mr. John L. Spinks, Jr.; Chief, Office of Endangered Species; Fish and Wildlife Service; Department of the Interior; Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Mr. John L. Spinks, Jr.; Chief, Office of Endangered Species; Fish and Wildlife Service; Department of the Interior; Washington, D.C. 20240 (703/235–2771) or Ms. Patricia Bangert; Office of the Solicitor; Department of the Interior; Washington, D.C. 20240 (202/343–2172).

SUPPLEMENTARY INFORMATION: The President's Memorandum of January 29, 1981, directed Federal agencies to defer the effective dates of regulations issued in final form but not yet in effect for a 60-day period. In notices published February 4, 1981 (46 FR 10707); February 17, 1981 (46 FR 12496); March 30, 1981 (46 FR 19233); April 30, 1981 (46 FR 24186); and June 2, 1981 (46 FR 29481); the Department of the Interior deferred the effective dates of the regulations listed below to June 30, 1981. Executive Order 12291, issued by the President on February 17, 1981 (published 46 FR 13193; February 19, 1981), directed agencies to suspend or postpone the effective dates of all major rules that had not yet become effective to the extent necessary to permit reconsideration of the rules in accordance with the Order. The Department of the Interior is further deferring the effective dates of the rules listed below to July 31, 1981, to allow the Department sufficient time to determine whether the rules are major and to comply with the terms of the Order.

Rule	Date published and FR page	Effective date
Fish and Wildlife Service 50 CFR Part 17, Endangered and Threatened species.	Jan 13, 1981 46 FR 3178, 3184 (2 documents)	July 31, 1981
Hawaiian (Oahu) Tree Snails to be endangered.		
Callhoe scabriuscula (Texas poppy-mallow to be Endangered)		
Fish and Wildlife Service 50 CFR Part 17, Endangered and Threatened species.	Jan 19, 1981, 46 FR 5730	July 31, 1981
Eriogonum gypsophilum (gypsum wild buck wheat) to be Threatened.		
Hedeoma todsenii (Todsen's pennyroyal) to be Endangered.		

The Department of Interior is requesting public comment on whether the rules listed are major under Executive Order 12291. Written comments must be sent to the address given above on or before July 17, 1981.

Dated: June 12, 1981.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 81-19063 Filed 6-26-81; 8:45 am]

BILLING CODE 4310-55-M

Proposed Rules

Federal Register
Vol. 46, No. 124
Monday, June 29, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 81-WE-8-AD]

Airworthiness Directives; Garrett (AiResearch) TFE 731 -2, -3, -3R, -3A, -3B Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to adopt an Airworthiness Directive (AD) that would require an inspection of the rear mount weld attachments to the engine interstage turbine duct on Garrett TFE 731 -2, -3, -3R, -3A, -3B engines. The proposed AD is needed to detect and remove from service, ducts with engine mount clevises which were improperly welded during manufacture. Separation of the rear mount on certain aircraft may result in an unsafe engine installation.

DATE: Comments must be received on or before August 27, 1981.

ADDRESSES: Send comments on the proposal in duplicate to: Department of Transportation, Federal Aviation Administration, Western Region, Attention: Regional Counsel, Airworthiness Rule Docket, P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009.

The applicable service information may be obtained from: Garrett Turbine Engine Company, P.O. Box 5217, Phoenix, AZ 85010.

A copy of each of the applicable service documents [1] is contained in the Rules Docket, Room 916, 800 Independence Avenue, S.W., Washington, D.C. 20591 and Western Region Rules Docket, Room 6W14, 15000 Aviation Boulevard, Hawthorne, California 90261.

FOR FURTHER INFORMATION CONTACT: Robert T. Razzeto, Executive Secretary, Airworthiness Directive Review Board, Federal Aviation Administration, Western Region, P.O. Box 92007, World Way Postal Center, Los Angeles, California 90009, Telephone (213) 536-6351.

[1] Service Bulletin filed as part of original document.

SUPPLEMENTARY INFORMATION:

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Interested persons are also invited to comment on the economic, environmental and energy impact that might result because of adoption of the proposed rule. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact, concerned with the substance of the proposed AD, will be filed in the Rules Docket.

There have been two reports of failures of the Garrett TFE 731 rear engine mount. One failure was found with the engine installed on the aircraft and the other was found during routine inspection at a maintenance shop. These failures resulted from fatigue cracking of the electron beam weld attaching the rear mount clevis to the turbine interstage turbine duct (hereafter referred to simply as the duct). These weld attachments were cracked due to lack of weld penetration during the original manufacture of the ducts. Weld penetration can be determined by x-ray inspection. After February 1979, all duct mount welds were x-ray inspected. Before this time these electron beam welds were inspected on a sampling basis. The manufacturer has issued a service bulletin which identifies the part number and serial number of all ducts which have passed x-ray inspection. These units are excluded from the AD. This bulletin provides instructions to x-ray inspect the welds at any one of several qualified inspection facilities to assure adequate weld penetration. The manufacturer has developed an interim proof load, "pull test" inspection which may be accomplished at any one of several engine service centers. Ducts which successfully pass the inspection criteria of this proof load inspection will be authorized to continue in service for periods not to exceed 1050 additional engine operating hours. The proof load inspection may be accomplished a second and final time if desired.

In addition, the manufacturer is making available an aft mount auxiliary bracket which, when installed, is capable of supporting all engine mount loads currently approved for the existing rear mount. This auxiliary bracket requires a longer rear engine mount bolt which is a new aircraft part. Therefore, each type aircraft will require an FAA approved aircraft service bulletin to complete the installation.

Since this condition is likely to exist or occur on other engines of the same type design, the proposed AD would require an inspection and repair or modification, if necessary, of all rear engine mount weld joints on Garrett TFE 731-2, -3, -3R, -3A, and -3B engines.

Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new Airworthiness Directive:

Garrett Turbine Engine Company (formerly the AiResearch Manufacturing Company of Arizona): Applies to all Model TFE 731-2, -3, -3R, -3A, and -3B, turbofan engines installed in aircraft certified in all categories equipped with turbine interstage transition ducts, Part Number 3071486 -3, -4, -5, -6, or 3072318-1, (hereafter referred to as duct(s)).

Compliance required as indicated, unless already accomplished.

To prevent separation of the engine rear mount from the duct, accomplish the following:

(a) Prior to the accumulation of 350 hours additional time in service from the effective date of this AD, determine from aircraft records or physical inspection whether or not the installed engine model number and serial number is included in the list of engines identified in paragraph 2.C. (Table 1) of Garrett Service Bulletin TFE 731-72-3159 dated April 23, 1981, hereafter referred to as Bulletin -3159. Comply with paragraph (b) or (c) of this AD, as applicable. The engines listed had acceptable ducts installed during manufacture.

(b) For the TFE 731 engines listed in paragraph 2.C. of Bulletin –3159, for which it can be ascertained that the duct has not been replaced since manufacture; prior to the accumulation of 1050 hours additional time in service from accomplishment of paragraph (a), determine the part number and serial number of the installed duct by inspection of the duct identification marking.

(1) Determination that the installed duct, by specific part number and serial number, is one of the listed ducts in paragraph 2.D. of Bulletin –3159, constitutes terminating action for this AD.

(2) All other part numbers 3071486–3, –4, –5, –6 and 3072318–1 ducts require accomplishment of paragraph (c)(2) of this AD prior to return to service.

(c) After accomplishment of paragraph (a) and with a determination that the installed TFE 731 engine is not one of those listed in paragraph 2.C. of Bulletin –3159; or is listed in paragraph 2.C. of Bulletin –3159 but the duct has been replaced or has an unknown history, determine the installed duct part number and serial number from aircraft records or inspection of the duct identification marking.

(1) Determination that the installed duct, by specific part number and serial number, is one on the list of serviceable ducts in paragraph 2.D. of Bulletin –3159 constitutes terminating action for this AD.

Note.—The ducts listed in paragraph 2.D. of Bulletin –3159 have been radiographic (X-ray) inspected during the manufacturing process and may be continued in service with no further action required by this AD.

(2) All other Part Numbers 3071486–3, –4, –5, –6, and 3072318–1 ducts must be replaced with a serviceable duct, or X-ray inspected in accordance with paragraph (d), or proof load inspected in accordance with paragraph (e), or modified by installing an aft mount auxiliary bracket in accordance with paragraph (f) of this AD, before the engine may be returned to service.

(d) Radiographic (X-ray) inspect the electron beam weld attachment of all three engine rear mount clevises on each duct in accordance with instruction provided in paragraph 2.D. of Bulletin –3159.

(1) If the X-ray inspection of all three engine mount clevises is acceptable, reidentify the duct with identifier code of the X-ray facility and new part number as follows:

Part Number 3072318–1 is reidentified as Part Number 3072318–3
Part Number 3071486–3 is reidentified as Part Number 3071486–7
Part Number 3071486–4 is reidentified as Part Number 3071486–8
Part Number 3071486–5 is reidentified as Part Number 3071486–9
Part Number 3071486–6 is reidentified as Part Number 3071486–10

(2) If the X-ray inspection of the three engine mount clevises reveals an unsatisfactory weld penetration at a position which is not used to mount the engine to the aircraft, the mount is to be destroyed by cutting through the unsatisfactory clevis mounting bolt hole and the duct reidentified. The bolt hole cut through and duct reidentification must be in accordance with Paragraph 2.F. of Bulletin –3159 as follows:

Part Number 3072318–1 is reidentified as Part Number 3076070–1
Part Number 3071486–3 is reidentified as Part Number 3071486–11
Part Number 3071486–4 is reidentified as Part Number 3071486–12
Part Number 3071486–5 is reidentified as Part Number 3071486–13
Part Number 3071486–6 is reidentified as Part Number 3071486–14

(3) If the X-ray inspection of the three engine mount clevises reveals an unsatisfactory weld penetration at a position which is used to mount the engine to the aircraft, the duct must either be rejected or modified by incorporating an aft mount auxiliary bracket in accordance with paragraph (f) of this AD. All unsatisfactory engine mount clevises not used to mount the engine are to have those unsatisfactory clevis mounting bolt holes cut through in accordance with Paragraph 2.F.(1) of Bulletin –3159. Reidentify ducts in accordance with paragraph (f) of this AD.

(e) Inspect the electron beam weld attachment of all three engine rear mount clevises on the duct by performing a proof load inspection in acoordance with instructions provided in Paragraph 2.E. of Bulletin –3159.

(1) If the proof load inspection of all three engine mount clevises is acceptable, reidentify the duct by electrochemically etching "PL1" (0.0004 inch maximum depth) as a suffix to the existing duct part number. The duct may then be returned to service for a period not to exceed 1050 hours additional time in service, at which time either reinspect the duct by performing the proof load inspection again, or perform a radiographic (X-ray) inspection in accordance with Paragraph (d) of this AD, or modify the duct using the aft mount auxiliary bracket in accordance with Paragraph (f) of this AD, or replace with a serviceable duct.

(2) If a second proof load inspection of all three engine mount clevises is acceptable, reidentify the duct by electrochemically etching "PL2" (0.0004 inch maximum depth) as a suffix to the existing duct part number. The duct may be returned to service for a second and final period not to exceed 1050 hours additional time in service. At or before the completion of this additional period of service, the duct must be either inspected by radiographic (X-ray) inspection in accordance with Paragraph (d) of this AD, or modified using the aft mount auxiliary bracket in accordance with Paragraph (f) of this AD, or replaced with a serviceable duct.

"PL1" adjacent to the unchanged duct part number indicates the first successful accomplishment of the proof load inspection of all three engine mount clevises. "PL2" adjacent to "PL1" following the unchanged duct part number indicates the second successful accomplishment of the proof load inspection of all three engine mount clevises.

(3) If the proof load inspection of the three engine mount clevises reveals an unsatisfactory weld penetration at a position which is not used to mount the engine to the aircraft, provided the engine mount clevis which is to be used for aircraft installation is found acceptable, the ducts are to be modified by cutting through the unacceptable mounting bolt hole of the engine mount clevis in accordance with paragraph 2.F.(1) of Bulletin –3159. Ducts are to be reidentified by electrochemically etching a new part number thereon, (0.0004 inch maximum depth) as follows:

Part Number 3072318–1 is reidentified as Part Number 3076070–1 PL1
Part Number 3071486–3 is reidentified as Part Number 3071486–11 PL1
Part Number 3071486–4 is reidentified as Part Number 3071486–12 PL1
Part Number 3071486–5 is reidentified as Part Number 3071486–13 PL1
Part Number 3071486–6 is reidentified as Part Number 3071486–14 PL1

The duct may be returned to service for a period not to exceed 1050 hours additional time in service, at which time the duct must be replaced with a serviceable duct, reinspected by a second proof load inspection (PL2), inspected by radiographic (X-ray) inspection in accordance with paragraph (d) of this AD, or modified using the auxiliary aft mount bracket, in accordance with paragraph (f) of this AD.

(i) Ducts with a second satisfactory proof load inspection of the engine mount clevis used for aircraft installation are to be reidentified by electrochemically etching "PL2" as suffix to the previously reidentified duct part number, i.e., 3071486–14 PL1 PL2.

At of before a period not to exceed 1050 hours additional time in service after the second proof load inspection of the engine mount clevis the duct must be replaced with a serviceable duct, radiographic (X-ray) inspected in accordance with paragraph (d) of this AD, or modified using the aft mount auxiliary bracket, as allowed in paragraph (f) of this AD.

(ii) Ducts which fail the second proof load inspection must comply with paragraph (d) or (f) of this AD or be removed from service.

(4) If the proof load inspection of the three engine mount clevises reveals an unsatisfactory weld penetration at a position which is used to mount the engine to the aircraft on which it is to be installed, the duct may be modified by incorporating an aft mount auxiliary bracket in accordance with paragraph 2.B., omitting paragraph 2.B.(10), of Garrett Service Bulletin TFE 731–72–3170, dated April 23, 1981. Reidentify as designated in following paragraph. Engine mount clevises found to have unsatisfactory weld penetration at other positions not used to mount the engine are to have those unsatisfactory clevis mounting bolt holes cut through in accordance with paragraph 2.F(1) of Bulletin –3159.

Ducts modified by incorporating an aft mount auxiliary bracket after failing proof load inspection are to be reidentified by electrochemically etching (to a maximum depth of 0.0004 inch) the duct with the following part numbers:

Old part No.	Auxiliary bracket location looking forward along engine axis from the rear	New part No.
3071486-3/-4/-5/-6	Left	3073368-1 PL1 PL2 as applicable
3071486-3/-4/-5/-6	Top	3073362-2 PL1 PL2 as applicable
3071486-3/-4/-5/-6	Right	3073362-3 PL1 PL2 as applicable
3072318-1	Left	3073362-4 PL1 PL2 as applicable
3072318-1	Top	3073362-5 PL1 PL2 as applicable
3072318-1	Right	3073362-6 PL1 PL2 as applicable

The aft mount auxiliary bracket requires a longer rear engine mount bolt which is a new aircraft part. Therefore, each type aircraft will require an FAA approved service bulletin to complete the installation. If an FAA approved aircraft service bulletin is not available for the particular installation required, the duct must be returned to the engine manufacturer.

(f) Modify the duct by installing an aft mount auxiliary bracket at the mount clevis position which is to be used to mount the engine to the aircraft in accordance with paragraph 2.B. of Garrett Service Bulletin TFE 731-72-3170 dated April 23, 1981.

The aft mount auxiliary bracket requires a longer rear engine mount bolt which is a new aircraft part. Therefore, each type aircraft will require an FAA approved service bulletin to complete the installation.

If an approved aircraft service bulletin is not available for the particular installation required, the duct must be returned to the engine manufacturer.

Ducts which are modified by incorporating this aft mount auxiliary bracket may not have the bracket removed and be returned to service unless the radiographic (X-ray) inspection of all three engine mount clevises in accordance with paragraph (d)(1) of this AD is performed satisfactorily. If the X-ray inspection of all three engine mount clevises is acceptable, reidentify the duct with identifier code of the X-ray facility and new part number as provided for in paragraph 2.D.(4) of Bulletin -3150.

(g) Ducts with an engine mount clevis found to have improper weld penetration or which have had by clevis cut through in accordance with paragraph 2.F. of Bulletin -3150 may be returned to the engine manufacturer.

The duct may be returned to service when it is determined to be serviceable.

Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of inspections or modifications required by this AD.

Alternative inspections, modifications or other actions which provide an equivalent level of safety may be used when approved by the Chief, Engineering and Manufacturing Branch, FAA Western Region.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 553(a)(1). All persons affected by this directive, who have not already received these documents from the manufacturer, may obtain copies upon request to: Garrett Turbine Engine Company, P.O. Box 5217, Phoenix, Arizona 85010.

These documents may also be examined at: FAA Western Region Office, Rules Docket in Room 6W14, 15000 Aviation Boulevard, Hawthorne, California 90261; and at: FAA Headquarters, Rules Docket in Room 916, 800 Independence Avenue S.W., Washington, D.C. 20591.

A historical file on this AD, which includes the incorporated material in full, is maintained by the FAA at its Headquarters in Washington, D.C. and at FAA Western Region Office.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.85)

Note.—The FAA has determined that this proposed regulation involves a regulation which is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979) and will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act since it involves engines used on only a few aircraft owned by small entities. A draft evaluation has been prepared for this proposed regulation and has been placed in the docket. A copy of it may be obtained by contacting the person identified under the caption "For further information contact."

Issued in Los Angeles, California on June 12, 1981.

John D. Matteson,

Director, FAA Western Region.

[FR Doc. 81-19048 Filed 6-26-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 21841]

Airworthiness Directives; British Aerospace, Aircraft Group (Formerly British Aircraft Corporation) Model BAC 1-11 200 and 400 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to adopt an airworthiness directive (AD) that would require repetitive inspection for cracks, and repair or replacement as necessary, of the passenger and service door inner operating handles and endfittings on certain British Aerospace, Aircraft Group, Model BAC 1-11 200 and 400 series airplanes. The AD is needed to prevent cracks and subsequent failure of the door inner handle and endfittings which would prevent opening of the door and result in undue hazard to passengers in the event of an emergency evacuation of the airplane.

DATE: Comments must be received on or before August 28, 1981.

ADDRESSES: Mail comments on the proposal in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (ACC-24) Docket No. 21841, 800 Independence Avenue, SW., Washington, D.C. 20591, or deliver in duplicate to: Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591.

Comments delivered must be marked: Docket No. 21841.

Comments may be inspected at Room 916 between 8:30 am and 5:00 pm.

The applicable service bulletin may be obtained from: British Aerospace, Inc., Box 17414, Dulles International Airport, Washington, D.C. 20041.

A copy of the service bulletin [1] is contained in the Rules Docket, Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: C. Christie, Chief, Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Office, Federal Aviation Administration, c/o American Embassy, Brussels, Belgium, telephone: 513.38.30, or C. Chapman, Chief, Technical Standards Branch, AWS-110, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591, telephone: 202-426-8374.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will

[1] Service Bulletin filed as part of original document.

be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact, concerned with the substance of the proposed AD, will be filed in the Rules Docket.

Commenters wishing the Federal Aviation Administration to acknowledge receipt of their comments submitted in response to this notice must submit those comments and a self-addressed, stamped post card on which the following statement is made: "Comments to Docket Number 21841." The post card will be date/time stamped and returned to the commenter.

There have been reports of the failure of a passenger door inner operating handle from cracks in the inner door handles and endfittings on certain British Aerospace, Aircraft Group, Model BAC 1–11 200 and 400 series airplanes. When the inner handle or endfitting fails, the handle can still be moved but the door remains shut, creating a hazard to passengers if an emergency evacuation of the aircraft is required. Since this condition is likely to exist or develop on other airplanes of the same type design, the proposed AD would require repetitive inspections, and replacement as necessary, of existing handles and endfittings with serviceable parts of the same part number, or steel parts installed in accordance with British Aerospace Modification PM 5703. Upon incorporation of this modification, the repetitive inspections required by this AD are no longer required.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new airworthiness directive:

British Aerospace, Aircraft Group (formerly British Aircraft Corporation): Applies to Model BAC 1–11 200 and 400 series airplanes, certificated in all categories, which have not incorporated British Aerospace Modification PM 5703.

Compliance required as indicated.

To detect cracking and prevent possible failures of the passenger and service door inner operating handles and endfittings, accomplish the following:

(a) On airplanes which have not incorporated British Aerospace Modification PM 5176, within the next 600 hours time in service after the effective date of this AD, unless already accomplished within the last 300 hours time in service, remove the passenger door inner handle and inspect the handle tube and reinforcing liners and handle for cracks in accordance with paragraph 2.1, "Accomplishment instructions," of British Aerospace Alert Service Bulletin 52–A–PM5703, Issue 1, dated September 3, 1979 (hereinafter referred to as the Service Bulletin), or an FAA-approved equivalent.

(b) On airplanes which incorporate British Aerospace Modification PM 5176, prior to the accumulation of 10,000 hours time in service since the incorporation of this modification, or within the next 600 hours time in service after the effective date of this AD, whichever occurs later, unless already accomplished within the last 600 hours time in service, remove the passenger door inner handle and inspect the handle tube and reinforcing liners in accordance with paragraph 2.2, "Accomplishment instructions," of the Service Bulletin, or an FAA-approved equivalent.

(c) On airplanes which have not incorporated British Aerospace Modification PM 5176, prior to the accumulation of 10,000 hours time in service, or within the next 600 hours time in service after the effective date of this AD, whichever occurs later, unless already accomplished within the last 600 hours time in service, remove and inspect the endfitting, P/N AB24–4269, for cracks in accordance with paragraph 2.3, "Accomplishment instructions," of the Service Bulletin, or an FAA-approved equivalent.

(d) If no cracks are found during the inspections required by paragraphs (a), (b), or (c) of this AD, repeat these inspections at intervals not to exceed 1600 hours time in service from the last inspection.

(e) If, during the inspection required by paragraph (a) or (b) of this AD, no cracks are found in the handle tube on either side of the reinforcing liner, but cracks are found in the reinforcing liners which are 0.10 inches in length or less, return the handle assembly to service and continue the inspection required by paragraph (a) or (b) of this AD at intervals not to exceed 300 hours time in service from the last inspection.

(f) If, during the inspection required by paragraph (a) or (b) of this AD, cracks are found in the reinforcing liner with any crack exceeding 0.10 inches in length, or any cracks are found in the handle tube on either side of the reinforcing liner, before further flight, either—

(1) Replace the handle and reinforcing liner assembly with a serviceable assembly and continue the inspection required by paragraphs (a) or (b) of this AD at intervals not to exceed 1600 hours time in service from the last inspection; or

(2) Perform temporary repairs to the handle and reinforcing liner assembly in accordance with paragraph (i) of this AD and continue the inspections required by paragraphs (a) or (b) of this AD at intervals not to exceed 300 hours time in service from the last inspection.

(g) If, during the inspection required by paragraph (c) of this AD, cracks are found in the endfitting running inboard or outboard from the taper pin hole, with the length of each crack 0.30 inches or less, either—

(1) Replace the endfitting with a serviceable part and continue the inspection required by paragraph (c) of this AD at intervals not to exceed 1600 hours time in service from the last inspection; or

(2) The endfitting may remain in service if the cracks are stop-drilled and inspected in accordance with paragraph 2.3.1, "Accomplishment instructions," of the Service Bulletin, or an FAA-approved equivalent, at intervals not to exceed 300 hours time in service from the last inspection.

(h) If, during the inspection required by paragraph (c) of this AD, cracks are found in the endfitting running outboard or inboard from the taper pin hole, with the length of any crack greater than 0.30 inches, before further flight, either—

(1) Replace the endfitting with a serviceable part and continue the inspection required by paragraph (c) of this AD at intervals not to exceed 1600 hours time in service from the last inspection; or

(2) Perform temporary repairs to the endfitting in accordance with paragraph (i) of this AD and continue the inspections required by paragraph (c) of this AD at intervals not to exceed 300 hours time in service from the last inspection.

(i) If serviceable spares are not available, temporary repairs of inner handles or endfittings may be made in accordance with paragraphs 2.1.4., 2.2.3. or 2.3.4., "Accomplishment instructions," of the Service Bulletin, or an FAA-approved equivalent.

(j) Upon incorporation of British Aerospace Modification PM 5703, compliance with this Ad is no longer required.

(k) For the purpose of complying with paragraphs (f) and (h) of this AD, the airplane may be flown in accordance with FAR §§ 21.197 and 21.199 to a base where the inspection, repair or replacement can be performed.

(l) If an equivalent means of compliance is used in complying with this AD, that equivalent means must be approved by the Chief, Aircraft Certification Staff, AEU–100, Europe, Africa and Middle East Office, FAA, c/o American Embassy, Brussels, Belgium.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.85)

Note.—The FAA has determined that this proposed regulation involves a regulation which is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979) and will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act since it involves only a few aircraft owned by small entities. A draft evaluation has been prepared for this proposed regulation and has been placed in the docket. A copy of it may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

Issued in Washington, D.C., on June 19, 1981.

M. C. Beard,

Director of Airworthiness.

[FR Doc. 81-19086 Filed 6-26-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Parts 47, 49, 61, 63, 65, 67, 143, and 187

[Docket No. 17859; Ref. Notice No. 78-6]

Aircraft Registration and Conveyance Recording and Airman Certification

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Withdrawal of Notice of Proposed Rulemaking (NPRM).

SUMMARY: This action withdraws Notice No. 78-6 (43 FR 16924; April 20, 1978) in which the FAA proposed to revise exisiting FAA fees for aircraft registration and for recording conveyances affecting title to, or any interest in, aircraft. In addition, the notice proposed to establish fees for FAA certification of airmen, including medical certification, to recover expenses that the FAA incurs in these activities.

DATE: Effective immediately.

FOR FURTHER INFORMATION CONTACT: John Rodgers, Policy Analysis Division (APO-200), Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591, telephone: 202-426-8837.

SUPPLEMENTARY INFORMATION: On April 14, 1978, the FAA issued Notice No. 78-6 (43 FR 16924; April 20, 1978). In that notice the FAA solicited comments on its proposal to revise existing FAA fees for aircraft registration and for recording conveyances affecting title to, or any interest in, aircraft. In addition, the proposal established fees for FAA certification of pilots, instructors, and other airmen, including medical certification, in order to provide for the recovery of expenses that the FAA incurs in these activities.

As indicated in the NPRM, the Congress has directed Federal agencies to be self-sustaining "to the fullest extent possible" in their provisions of products or services to the general public. This sense of Congress was clearly stated in Title V of the Independent Offices Appropriation Act of 1952 (31 U.S.C. 483a). To implement the objective of financial self-sufficiency, Section 483a provides: "The head of each Federal agency is authorized by regulation (which, in the case of agencies in the Executive Branch, shall be as uniform as practicable and subject to such policies as the President may prescribe) to prescribe therefore such fee, charge, or price, if any, as he shall determine, in case none exists, or redetermine, in case of any existing one, to be fair and equitable taking into consideration direct and indirect cost to the Government, value to the recipient, public policy or interest served and other pertinent facts." Notice No. 78-6 was proposed to conform to this sense of Congress.

Given Congressional interest in this subject area, a draft copy of Notice No. 78-6 was submitted to relevant Congressional Committees by the Secretary of Transportation shortly before its publication in April 1978. Subsequently, the Congress provided in the Airline Deregulation Act of 1978 (section 45, Pub. L. 95-504; October 24, 1978) that no new or increased fee, charge, or price may be collected by the FAA unless first reviewed and approved by Congress.

The public response to Notice No. 78-6 was considerable, amounting to over 8,000 comments. Comments received from the general public provided helpful suggestions and raised legitimate concerns about the proposal. However, because of the time that has elapsed since the publication of the NPRM (April 20, 1978), the proposal itself and the economic data supporting the proposed fees are no longer current. It must be reevaluated in light of the comments received, the current costs involved, and the impact of such a proposal on the economy.

As indicated in the NPRM, construction of a fee structure for FAA certification of pilots, instructors, and other airmen, including medical certification, requires use of current estimates of operating costs for each certification procedure. In the 33 months since publication of Notice No. 78-6, FAA costs have increased as have general price levels for the entire economy. Therefore, while the reasons which justified the issuance of Notice No. 78-6 are still valid, the cost input used by the FAA in calculating fees are no longer appropriate. Moreover, since publication of Notice No. 78-6 some revisions have been made to the certification requirements of the Federal Aviation Regulations. Therefore, comments received in response to the notice are not current and no longer constitute adequate public participation in the rulemaking action.

For these reasons, the FAA has determined that rulemaking action on the establishment of fees for certification services is not appropriate at the present time and that Notice No. 78-6 should be withdrawn.

The withdrawal of this notice, however, does not preclude the FAA from issuing similar notices in the future nor does it commit the FAA to any course of action.

Accordingly, the NPRM published in the **Federal Register** on April 20, 1978, and circulated at Notice No. 78-6, entitled "Aircraft Registration and Conveyance Recording and Airman Certification" is hereby withdrawn.

(Secs. 313, 503, 505, 601, 602, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354, 1401, 1403, 1421, and 1422); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)), Title V; Independent Offices Appropriation Act of 1952 (31 U.S.C. 483a))

Note.—The FAA has determined that this withdrawal pertains to a rulemaking action which is significant under the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979), but is not a major regulation under Executive Order 12291. In addition, the FAA has determined that the expected impact of this withdrawal is so minimal that it does not require an evaluation.

Issued in Washington, D.C., on May 8, 1981.

J. Lynn Helms,

Administrator.

[FR Doc. 81-18113 Filed 6-26-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-GL-15]

Alteration of Transition Area; Fergus Falls, Minn.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The nature of this Federal action is to designate controlled airspace near Fergus Falls, Minnesota, in order to accommodate a revised instrument approach procedure into the Fergus Falls Municipal Airport, which was established on the basis of a request from the local Airport officials. The intended effect of this action is to insure segregation of the aircraft using this approach procedure in instrument weather conditions from other aircraft operating under visual conditions.

DATES: Comments must be received on or before August 1, 1981.

ADDRESS: Send comments on the proposal to FAA Office of Regional Counsel, AGL-7, Attention: Rules Docket Clerk, Docket No. 81-GL-15, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

FOR FURTHER INFORMATION CONTACT: Edward R. Heaps, Airspace and Procedures Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region,

2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694–7360.

SUPPLEMENTARY INFORMATION: The floor of the controlled airspace in this area will be lowered from 1200' above ground to 700' above ground. The development of the proposed instrument procedure requires that the FAA lower the floor of the controlled airspace to insure that the procedure will be contained within controlled airspace. The minimum descent altitude for this procedure may be established below the floor of the 700-foot controlled airspace. In addition, aeronautical maps and charts will reflect the area of the instrument procedure which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Regional Counsel, AGL–7, Great Lakes Region, Rules Docket No. 81–GL–15, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before August 1, 1981, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA–430, 800 Independence Avenue, SW, Washington, D.C. 20591, or by calling (202) 426–8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11–2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to establish a 700-foot controlled airspace transition area near Fergus Falls, Minnesota. Subpart G of Part 71 was republished in the **Federal Register** on January 2, 1981, (46 FR 540).

The Proposed Amendment

Accordingly, the FAA proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations as follows:

In § 71.181 (46 FR 540) the following transition area is added:

Fergus Falls, Minn.

That airspace extending upward from 700' above the surface within 6½ miles of the Fergus Falls Municipal Airport (latitude 46°17'15" N, longitude 096°09'45" W) at Fergus Falls, Minnesota, and 1½ miles either side of the 138° (true) radial of the FFM VOR extending from 6½ miles to 7 miles and 3 miles either side of the 186° (true) radial of the FFM VOR extending 6½ miles to 8½ miles and 3 miles each side of the 343° (true) radial of the FFM VOR from 6½ miles to 8 miles.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.61 of the Federal Aviation Regulations (14 CFR 11.61))

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 45 days; and (5) at promulgation, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Des Plaines, Illinois, on June 17, 1981.

Wayne J. Barlow,

Director, Great Lakes Region.

[FR Doc. 81–18630 Filed 6–26–81; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 81–ASW–16]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Alteration of Transition Area: Zuni, N. Mex.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Aviation Administration proposes to alter the transition area at Zuni, New Mexico. The intended effect of the proposed action is to provide additional controlled airspace for aircraft executing new instrument approach procedures to the Black Rock Airport. This action is necessary to protect aircraft holding on the Zuni VORTAC and executing a new instrument aproach procedure from the VORTAC to the Black Rock Airport.

DATE: Comments must be received on or before July 29, 1981.

ADDRESSES: Send comments on the proposal in triplicate to: Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8 a.m. and 4:30p.m. The FAA Rules Docket is located in the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Texas.

FOR FURTHER INFORMATION CONTACT: Kenneth L. Stephenson, Airspace and Procedures Branch, ASW–535, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101; telephone: (817) 624–4911, extension 302.

SUPPLEMENTARY INFORMATION:

History

Federal Aviation Regulation Part 71, Subpart G 71.181 as republished in the **Federal Register** on January 2, 1981 (46 FR 540), contains the description of transition areas designated to provide controlled airspace for the benefit of aircraft conducting instrument flight rules (IFR) activity. Alteration of the transition area at Zuni, New Mexico, will necessitate an amendment to this subpart. This amendment will be required at Zuni, New Mexico, since there is a proposed change in IFR procedures to the Black Rock Airport.

Comments Invited

Interested persons are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the facutal basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposals. (Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposals.) Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those

comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 81-ASW-16." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, or by calling (817) 624-4911, extension 302. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should contact the office listed above.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the FAA proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

Zuni, N. Mex.

That airspace extending upward from 700 feet above the surface within a 7.0-mile radius of the Black Rock Airport (latitude 35°04'51"N., longitude 108°47'56"W.) and airspace extending upward from 8,200 feet MSL within 7 miles north and 10 miles south of the Zuni VORTAC 221° and 041° radials extending from 12 miles northeast to 20 miles southwest of the VORTAC, excluding the portion within the State of New Mexico.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655 (c)); and 14 CFR 11.61(c))

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 1103; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal.

Issued in Fort Worth, Texas, on June 17, 1981.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 81-18755 Filed 6-26-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-GL-18]

Proposed Alteration of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The nature of this Federal action is to designate additional controlled airspace near Howell, Michigan, to accommodate a VOR Runway 31 instrument approach procedure into the Livingston County Airport, Howell, Michigan, which was established on the basis of a request from the Livingston County Airport officials to provide that airport with an additional instrument approach procedure. The intended effect of this action is to insure segregation of the aircraft using this approach procedure in instrument weather conditions from other aircraft operating under visual weather conditions.

DATE: Comments must be received on or before August 1, 1981.

ADDRESS: Send comments on the proposal to FAA Office of Regional Counsel, AGL-7, Attention: Rules Docket Clerk, Docket No. 81-GL-18, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

FOR FURTHER INFORMATION CONTACT: Edward R. Heaps, Airspace and Procedures Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694-7360.

SUPPLEMENTARY INFORMATION: The floor of the controlled airspace will be lowered from 1200 feet above surface to 700 feet for a distance of approximately one-half mile beyond that now depicted. The development of the proposed procedure requires that the FAA alter the designated airspace to insure that the procedure will be contained within controlled airspace. The minimum descent altitudes for this procedure may be established below the floor of the 700 foot controlled airspace. In addition, aeronautical maps and charts will reflect the area of the instrument procedure which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Regional Counsel, AGL-7, Great Lakes Region, Rules Docket No. 81-GL-18, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before August 1, 1981, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No.11-2 which describes the applications procedures.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the transition area airspace near Howell, Michigan. Subpart G of Part 71 was republished in the **Federal Register** on January 2, 1981 (46 FR 540).

The Proposed Amendment

Accordingly, the FAA proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations as follows:

In § 71.181 (46 FR 540) the following transition area is amended to read:

Howell, Mich.

That airspace extending upward from 700 feet above the surface within a 6.5 mile radius of Howell, Michigan, Livingston County Airport (latitude 42°37'30" N., Longitude 83°58'45" W.), and within 2 miles each side of the Salem, Michigan, 308° radial

extending from the 6.5 mile radius area to 7.5 miles southeast of the airport.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); sec. 11.61 of the Federal Aviation Regulations (14 CFR 11.61))

The FAA has determined that this proposed regulations only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is no a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 45 days; and (5) at promulgation, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Des Plaines, Illinois, on June 5, 1981.

Wayne J. Barlow,

Director Great Lakes Region.

[FR Doc. 81-18979 Filed 6-26-81; 8:45 am]

BILLING CODE 4910-13-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Ch. II

[Release No. 33-6323, 34-17891, 35-22101, 39-637, IC-11625 and IA-760; File No. S7-888]

Plan for Periodic Review of Commission Rules for Purposes of the Regulatory Flexibility Act

AGENCY: Securities and Exchange Commission.

ACTION: Publication of plan for periodic review of Commission rules for purposes of the Regulatory Flexibility Act.

SUMMARY: The Securities and Exchange Commission is today publishing, pursuant to Chapter Six of the Administrative Procedure Act, a plan for the periodic review of Commission rules. The plan provides a ten-year schedule for the review of identified Commission rules. The Commission is also publishing a description of the rules which are to be reviewed during the next twelve months. The Commission is seeking public comment on the identified rules scheduled for review in the next twelve months.

DATE: Comments are due by August 31, 1981.

ADDRESS: Person wishing to submit written views should file four copies thereof with George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Room 892, 500 North Capitol Street, Washington, D.C. 20549. All submissions should refer to File No. S7-888 and will be available for public inspection at the Commission's Public Reference Section, Room 6101, 1100 L Street, N.W., Washington, D.C. 20549.

FOR FURTHER INFORMATION CONTACT: Jeffry L. Davis, Acting Director, Directorate of Economic and Policy Analysis, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act (Pub. L. No. 96-354, 94 Stat. 1164 (September 19, 1980)) ("RFA") added a new Chapter Six to the Administrative Procedure Act (5 U.S.C. 601 *et seq.*). Among other things the RFA requires that the Commission publish a plan for the periodic review of all rules issued by the agency which have or will have a significant economic impact upon a substantial number of small entities. The purpose of the review is to determine whether such rules should be continued without change, or should be amended or rescinded, consistent with the stated objectives of applicable statutes, to minimize any significant economic impact of such rules upon a substantial number of small entities. The plans is to provide for the review of all such rules in effect on January 1, 1981 within ten years of that date and for the review of rules adopted thereafter within ten years of the publication of their adoption as final rules. [1]

In conducting this review, the Commission is required to consider the following factors:

(i) the continued need for the rule;
(ii) the nature of complaints or comments received concerning the rule from the public;
(iii) the commplexity of the rule;
(iv) the extent to which the rule overlaps, duplicates or conflicts with other Federal rules, and to the extent feasible, with state and local government rules; and
(v) the length of time since the rule has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule. [2]

With respect to those rules which will be reviewed in the near-term, the RFA requires that the Commission publish each year a list of such rules to be reviewed during the succeeding twelve months. The list is to include a brief description of each rule, a statement of the need for and legal basis for each such rule, and a solicitation of public comment.

In a separate action, the Commission has proposed to define the terms "small business" and "small organization" for purposes of the RFA as those terms may apply to entities that are issuers of securities or otherwise engaged in securities or other business activities subject to disclosure and reporting requirements or regulation by the Commission pursuant to the Securities Act of 1933, 15 U.S.C. 77a *et seq.* ("Securities Act"), the Securities Exchange Act of 1934, 15 U.S.C. 78a *et seq.* ("Exchange Act"), the Public Utility Holding Company Act of 1935, 15 U.S.C. 79a *et seq.* ("Holding Company Act"), the Trust Indenture Act of 1939, 15 U.S.C. 77aaa *et seq.* ("Trust Indenture Act"), the Investment Company Act of 1940, 15 U.S.C. 80a *et seq.* ("Investment Company Act"), or the Investment Advisers Act of 1940, 15 U.S.C. 80b-1 *et seq.* ("Advisers Act"). [3] In conducting the review called for by the Commission's plan, the staff will rely on the definitions of the terms "small business" and "small organization" which are finally adopted by the Commission.

I. Periodic Review of Rules

Although 5 U.S.C. 610(a) requires an agency to publish a periodic review plan which applies only to those rules which have or will have a significant economic impact on a substantial number of small entities, the Commission's plan generally provides for the review of a much broader class of rules. This approach was adopted primarily because the Commission staff had already targeted certain blocks of rules for its own internal review. It was determined in such cases that staff resources would be economized by simply expanding the scope of the planned reviews to accommodiate the review requirements of the RFA. In other cases it was the staff's judgment that the initial determination as to whether certain rules or blocks of rules had a significant economic impact on a substantial number of small entities should receive further analysis. Thus, for each of the rules listed below, the Commission's plan contemplates a review which, at a minimum, will involve an analysis to determine more definitively whether such rule has a significant economic impact on a substantial number of small entities. The rules identified as having such an impact will be subjected to a review

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[1] 5 U.S.C. 610(a).
[2] 5 U.S.C. 610(b).

[3] See Securities Act Release No. 6352 (March 20, 1980) (46 FR 19251).

which will take into consideration all of the factors required to be considered by 5 U.S.C. 610(b). In certain instances, only the review required by the RFA will be conducted; however, for the majority of the rules listed below the Commission staff intends to conduct a broader review, with a view to identifiying those rules in need of modification or even rescission. Such reviews would be conducted by the staff regardless of whether such rules have been determined to have a significant economic impact on a substantial number of small entities.

Accordingly, the Commission's plan for the periodic review of its rules is as follows:

17 CFR	Title
Rules Scheduled for Review in 1981	
210.1-02(v)	Definition of significant subsidiary
210.3-01—210.3-05	Separate financial statements of the registrant
210.3-07	Past successions to other businesses
210.3-08	Future successions to other businesses.
210.3-09	Financial statements of subsidiaries not consolidated and 50 percent or less owned persons
210.3-10	Financial statements of affiliates whose securities collateralize an issue registered or being registered.
210.3A-02(e)	Consolidated financial statements of the registrant and its subsidiaries—separate financial statements of certain subsidiaries
210.3A-03	Group financial statements of subsidiaries not consolidated and 50 percent or less owned persons.
210.3A-05	Reconcillation of investment of a person in subsidiaries not consolidated and 50 percent or less owned persons accounted for by the equity method, and equity of such person in their net assets.
210.4-08(e)	Restrictions on dividends availability
210.5-04 (Schedule III)	Condensed financial information of registrant
210.6-01—210.6-34	Management investment companies, unit investment trusts, face amount certificate investment companies and employee stock purchase, savings and similar plans
210.7-01—210.7a-06.	Insurance companies other than life and title insurance companies
210.9-01—210.9-05	Banks and bank holding companies
210.12-04	Investments in, equity in earnings of, and dividends received from affiliates and other persons
230.146	Rule 146—Transactions by an issuer deemed not to involve any public offering.
230.240	Rule 240—Exemption of certain limited offers and sales by closely-held issuers
230.242	Rule 242—Exemption of limited offers and sales by qualified issuers
230.251—230.264	Regulation A—General exemptions from registration
230.400—230.494.	Regulation C—Registration requirements.
239.11	Form S-1—General from of registration statements.
239.26	Form S-7—Short form Securities Act registration for securities of certain issuers
239.27	Form S-16—Registration of securities of certain issuers offered pursuant to certain types of transactions
239.28	Form S-18—Optional form for the registration of securities to be sold to the public by the issuer for an aggregate cash price not to exceed $5,000,000
239.90—239.95	Forms 1-A—6-A—Regulation A notifications and consents
239.146	Form 146—Report of offerings made in reliance on Rule 146
239.240	Form 240—Notice of sales of securities pursuant to Rule 240
239.242	Form 242—Notice of sales of securities pursuant to Rule 242
240.3a40-1	Designation of financial responsibility rules
240.15b5-1	Extension of registration for purposes of the Securities Investor Protection Act of 1970 after cancellation or revocation.
240.15b-10	Execution of investment company portfolio transactions
240.15c2-11	Initiation or resumption of quotations without specified information
240.17Ac2-1, 249b.100	Application for registration of transfer agents and description of transfer agent registration form
240.19h-1	Notice by a self-regulatory organization of proposed admission to or continuance in membership or participation or association with a member of any person subject to a statutory disqualification and applications to the Commission for relief therefrom.
250.7(a)	Companies deemed not to be electric or gas utility companies.
270.5b-1	Definition of "total assets"
270.5b-2	Exclusion of certain guarantees as securities of the guarantor.
270.6b-1	Exemption of employees' securities company pending determination of application.
274.11	Form N-1—Registration statement of open-end management investment companies
275.204-1	Amendments to applications for registration of investment advisers.
275.204-2	Books and records to be maintained by investment advisers
275.204-3	Written disclosure statements
279-1	Form ADV—application for registration as an investment adviser
279.3	Form ADV-S—annual supplement for registered investment advisers.
Rules Scheduled for Review in 1982	
210.4-01—210.4-08 (except 210.4-08(e)).	Regulation S-X, Article 4—Rules of general application.
210.5-01—210.5-04	Regulation S-X, Article 5—Commercial and industrial companies.
210.5A-01—210.5A-02	Regulation S-X, Article 5A—Companies in the development stage
210.8-01—210.8-03	Regulation S-X, Article 8—Committees issuing certificates of deposit.
210.12-01—210.12-43	Regulation S-X, Article 12—Form and content of schedules
230.145	Rule 145—Reclassifications of securities, mergers, consolidations or acquisitions of assets
230.300—230.346	Regulation B—Exemptions relating to fractional undivided interests in oil or gas rights
239.17	Form S-10—Registration statement for oil or gas interests or rights.
239.23	Form S-14—Registration statement for certain transactions under rule 145
239.101	Form 1-G—Report of sale of oil or gas rights; Form 3G—Report of results of offering
240.6a-1—240.6a-3	Registration and exemption of exchanges
240.10b-8	Distribution through rights.
240.14a-1—240.14a-12.	Regulation 14A—Solicitation of proxies
240.14a-101	Schedule 14A—Information required in proxy statement
240.14a-102	Scheduled 14B—Information to be included in statements filed by or on behalf of a participant (other than the issuer) pursuant to 240.14a-11(c)
240.14c-1—240.14c-7	Regulation 14C—Distribution of information pursuant to Section 14(c) of the Exchange Act
240.14c-101	Schedule 14C—Information required in information statement
240.15b1-1	Application for registration of broker or dealer
240.15b1-3	Registration of successor to registered broker or dealer
240.15b1-4	Registration of fiduciaries.
240.15b1-5	Consent to service of process by non-resident brokers or dealers
240.15b2-1	Adoption of application filed by predecessor
240.15b3-1	Amendments to applications.
240.15b6-1	Withdrawal from registration
240.15b6-1	Qualifications and fees relating to broker-dealers who are not members of a national securities association
240.15c3-1	Net capital requirements for brokers and dealers.
240.17f-2	Fingerprinting of securities industry personnel
240.17Ac3-1	Withdrawal from registration as a transfer agent.
240.19c-3	Off-board principal and agency transactions in newly listed securities
249.1—249.1a.	Forms for registration and exemption of securities exchanges
249.501—249.510	Forms for registration of brokers and dealers
249b.101	Form TA-W—Notice of withdrawal from registration as a transfer agent.
270.3c-2	Definition of beneficial ownership in small business investment companies
270.3c-3	Definition of certain terms used in Section 3(c)(1) of the Investment Company Act with respect to certain debt securities offered by small business investment companies
270.3c-4	Definition of "common trust fund" as used in Section 3(c)(3) of the Investment Company Act
270.17d-1	Applications regarding joint enterprises or arrangements and certain profit-sharing plans
270.18c-1	Exemption of privately-held indebtedness
270.18c-2	Exemptions of certain debentures issued by small business investment companies
270.18i-2	Fair and equitable treatment for holders of each class of series of stock of series investment companies.
270.31a-1	Records to be maintained by registered investment companies, certain majority-owned subsidiaries thereof, and other persons having transactions with registered investment companies.
270.31a-2	Records to be preserved by registered investment companies, certain majority owned subsidiaries thereof, and other persons having transactions with registered investment companies.
270.31a-3	Records prepared or maintained by persons other than those required to maintain and preserve them.
274.11a-1	Form N-2—Registration statement of closed end management investment companies
275.206(4)-2	Custody or possession of funds or securities of clients.
275.206(4)-3	Cash payments for client solicitations
Rules Scheduled for Review in 1983	
210.1-01	Application of Regulation S-X
210.1-02 (except 210.1-02(v)).	Definitions of terms used in Regulation S-X
210.2-01—210.2-05.	Qualifications and reports of accountants
210.3-01—210.3-18	General instructions as to financial statements
210.3A-01—210.3A-08	Consolidated and combined financial statements.
230.144	Rule 144—Persons deemed not to be engaged in a distribution and therefore not underwriters.
230.147	Rule 147—"Part of an issue," "person resident," and "doing business within" for purposes of Section 3(a)(11) of the Securities act.
230.148	Rule 148—Persons not deemed to be underwriters of securities issued or sold in connection with bankruptcy proceedings.
240.3a12-1, 240.3a12-2, 240.3a12-8	Miscellaneous Exchange Act exemptive rules regarding certain mortgage securities and securities guaranteed by States or political subdivisions thereof.
240.8c-1	Hypothecation of customers' securities
240.12a-5	Temporary exemption of substituted or additional securities.
240.15a-2—240.15a-5	Exemptions from broker-dealer registration
240.15b10-8	Standards for public offerings of securities of SECO broker-dealers
240.15b10-9	Self-underwriting by SECO broker-dealers
240.15c3-2	Use of customers' free credit balances.
240.15c3-3	Customer protection—reserves and custody of securities.

17 CFR	Title
240.16a-1—240.16a-10	Reports of directors, officers and principal stockholders.
240.16b-1—240.16b-11.	Exemption of certain transactions from Section 16b of the Exchange Act.
240.16c-1—240.16c-3.	Exemption of certain securities from Section 16c of the Exchange Act.
240.16e-1	Arbitrage Transactions.
240.17Ad-1—240.17Ad-7	Rules pertaining to transfer agents.
249.26	Notification of the admission to trading of a substituted or additional class of security under Rule 12a-5.
249.103—249.104	Forms 3 and 4—Reports required of officers, directors and principal stockholders pursuant to Section 16.
270.2a-1	Valuation of portfolio securities in special cases.
270.2a-2	Effect of eliminations upon valuation of portfolio securities.
270.2a-3	Definition of "investment adviser" of an investment company for purposes of Section 12(d)(3) of the Investment Company Act.
270.2a-4	Definition of "current net asset value" for use in computing periodically the current price of a redeemable security.
270.2a-5	Certain persons not deemed interested persons
270.2a-6	Certain transactions not deemed assignments.
270.15a-1	Exemption from stockholders' approval of certain small investment advisory contracts.
270.15a-2	Annual continuance of contracts.
270.15a-3	Exemption for initial period of investment adviser of certain registered separate accounts from requirement of security holder approval of investment advisory contract.
270.15a-4	Temporary exemption for certain investment advisers.
270.22c-1	Pricing of redeemable securities for distribution, redemption and repurchase.
274.5	Form N-5—Registration statement for small business investment companies under the Securities Act and the Investment Company Act
274.105	Form N-5R—Annual reports of small business investment companies pursuant to Section 30 of the Investment Company Act and Section 13 or 15(d) of the Exchange Act.
275.203-2	Withdrawal from registration.
275.203-3	Fees for registrants and applicants.
275.206(3)-2	Agency cross transactions for advisory clients.

Rules Scheduled For Review in 1984

210.10-01	Interim financial statements.
210.11-01—210.11A-02	Statement of source and application of funds.
230.100—230.143; 230.149—230.156; 230.161; 230.170; 230.174; and 230.175.	Defined terms for purposes of the Securities Act and miscellaneous Securities Act rules.
230.651—230.656	Regulation F—Exemption for assessment on assessable stock and for assessable stock offered or sold to realize amount of assessment thereon.
240.3a12-3	Rule 3a12-3—Exemption from Sections 14(a), 14(b), 14(c), 14(f) and 16 for securities of certain foreign issuers.
240.3b-4	Rule 3b-4—Definition of "foreign government", "foreign issuer" and "foreign private issuer".
240.3b-5	Rule 3b-5—Non-exempt securities issued under governmental obligations.
240.10b-7	Stabilizing to facilitate a distribution.
240.11A2-1	National market system securities.
240.11Aa3-1	Tape reporting.
240.11Ac1-1	Quote reporting.
240.11Ac1-2	Vendor display rule.
240.12d2-1	Suspension of trading.
240.12d2-2	Removal from listing and registration of matured, redeemed or retired securities.
240.13a-16; 240.15d-16.	Reports of foreign issuers on Form 6-K.
240.15b9-1—240.15b9-2.	Fees and annual assessments for SECO broker-dealers.
240.17a-2	Reports on stabilizing activities.
240.17a-17	Notices and reports by block positioners.
240.17a-19	Reports by national securities exchanges and registered national securities associations of changes in membership status of any of thier members.
240.17f-1	Requirements for reporting and inquiry with respect to missing, lost, counterfeit or stolen securities.
240.19b-3	Prohibiting fixing of rates of commission by exchanges.
240.19b-4	Filings with respect to proposed rule changes by self-regulatory organizations.
240.19g2-1	Enforcement of compliance by national securities exchanges and registered securities associations with the Act and rules and regulations thereunder.
249.819a	Form for proposed rule changes by self-regulatory organizations.
249.25	Form 25—Removal of securities from listing and registration.
249.212	Form 12—Registration of securities by issuers which file reports with certain other federal agencies.
249.218—249.220F; 249.308; 249.318—249.319.	Forms 18, 19 and 20F for registration of foreign securities. Forms 6K, 18K and 19K for periodic reports by foreign issuers.
249.504n; 249.505.	Forms SECO-4-80 and SECO-5—Assessment and information forms for SECO broker-dealers.
249.633	Form X-17A-17—Report by block positioners.
249.635	Form X-17A-19—Report of change in membership status.
249.717	Reports of stabilizing activities.
249.1200	Form X-17F-1A—Report for missing, lost, counterfeit or stolen securities.
270.8b-16	Amendments to registration statements.
270.10f-1	Conditional exemption of certain underwriting transactions.
270.17a-1	Exemption of certain underwriting transactions exempted by 270.10f-1.
270.17a-2	Exemption of certain purchase, sale, or borrowing transactions.
270.17a-3	Exemption of transactions with fully-owned subsidiaries.
270.17a-4	Exemption of transactions pursuant to certain contracts.
270.17a-5	Pro rata distribution neither "sale" nor "purchase."
270.17a-6	Exemption of transactions with certain affiliated persons.
270.17a-7	Exemption of certain purchase or sale transactions between affiliated registered investment companies.
270.17a-8	Mergers of certain affiliated investment companies.
270.22d-4	Sale of redeemable securities pursuant to certain mergers with private investment companies.
270.22d-5	Exemption from Section 22(d) of the Investment Company Act for certain offers of exchange by certain registered investment companies.
270.30a-1	Annual reports.
270.30-2(a)	Annual report requirement for registered management investment companies.
270.30a-3	Annual report requirement for totally-held registered investment company subsidiary of registered investment company.
274.101	Form N-1R—Annual report of registered management investment company under the Investment Company Act and the Exchange Act.
275.202-1	Exclusion of certain persons who offer investment advice to their employer-sponsored employee benefit plans.
275.206(3)-1	Exemption of investment advisers registered as broker-dealers in connection with the provision of certain investment advisory services.

Rules Scheduled for Review in 1985

230.234—230.237.	Miscellaneous exemptive rules under the Securities Act.
239.12—239.13.	Forms S-2 and S-3 for registration of securities of development stage corporations.
239.145	Notice of proposed sale of securities pursuant to Rule 237.
240.3a12-5	Exemption of certain investment contract securities from Exchange Act Sections 7(c) and 11(d)(1).
240.3b-1	Definition of "listed."
240.7c2-1	Exemption from Exchange Act Section 7(c)(2) of certain securities exempted from registration or admitted to trading on exchanges exempted from registration.
240.10b-16	Disclosure of credit terms in margin transactions
240.11d1-1	Exemption of certain securities from Exchange Act Section 11(d)(1).
240.12a-1—240.12a-6.	Exemptions from exchange registration
240.12b-1—240.12b-36.	Regulation 12B—Registration and reporting rules.
240.12f-1—240.12f-6.	Rules pertaining to unlisted trading privileges.
240.12g-1—240.12h-4.	Registration of over-the-counter securities.
240.15b10-1—240.15b10-7; 240.15b10-12.	Rules pertaining to SECO broker-dealers
240.15c2-4	Transmission or maintenance of payments received in connection with underwritings
240.17a-7	Records of non-resident brokers and dealers.
240.17d-1	Examination for compliance with applicable financial responsibility rules
240.17d-2	Program for allocation of regulatory responsibilities.
240.17ab-2	Registration of clearing agencies.
240.19c-1	Off-bound agency transactions.
249.27—249.28.	Forms 27 and 28—Unlisted trading privileges.
249.208a	Form 8A—Registration of additional securities.
249.208b	Form 8B—Successor to issuer of registered securities.
249.210	Form 10—General form for registration of securities pursuant to Section 12(b) or 12(g) of the Exchange Act.
249.214	Form 14—Application for registration of certificates of deposit issued by a committee.
249.216	Form 16—Application for registration of voting trust certificates.
249.480	Form 8—Amendment to application or report.
249b.200	Form CA-1—Registration of clearing agency.
270.11a-1	Definition of "exchange" for purposes of Section 11 of the Investment Company Act.
270.12d-1	Conditional exemption of certain purchases or acquisitions of securities from the prohibitions of Section 12(d)(3) of the Investment Company Act.
270.13a-1	Exemption for change of status by temporarily diversified company.
270.14a-1	Use of notification pursuant to regulation E under the Securities Act.
270.14a-2	Exemption from Section 14(a) of the Investment Company Act for certain registered separate accounts and their principal underwriters.
270.14a-3	Exemption from Section 14(a) of the Investment Company Act for certain registered unit investment trusts and their principal underwriters.
270.30a-2(b)	Annual report requirement of unit investment trusts which are currently issuing securities.
274.10	Form N-8A—Notification of registration.
274.12	Form N-8B-2—Registration statement for unit investment trusts which are currently issuing securities.
274.14	Form N-8B-4—Registration statements for face amount certificate companies.
274.102	Form N-30A-2—Annual report of unit investment trusts which are currently issuing securities.
274.214—274.217.	Forms for service of process on non-resident investment advisers and non-resident general partners of investment advisers.

17 CFR	Title
275.0-2	Consent to service of process to be furnished by non-resident investment advisers and by non-resident investment general partners or managing agents of investment advisers
275.0-3	References to rules and regulations.
275.0-4	General requirements of papers and applications.
275.0-5	Procedure with respect to applications and other matters.
275.0-6	Incorporation by reference in applications.
275.205-1	Definition of "investment performance" of an investment company and "investment record" of an appropriate index of securities prices.
275.205-2	Definition of "specified period" over which the asset value of the company or fund under management is averaged.
279.2	Form ADV-W—Notice of withdrawal from registration as investment adviser.
279.4—279.7	Forms for service of process on non-resident investment advisers and non-resident general partners of investment advisers.

Rules Scheduled for Review in 1986

229.1—229.20-12.	Regulation S-K—Standard instructions for filing forms under the Securities Act and the Exchange Act.
239.16b	Form S-8—Securities offered to employees pursuant to certain plans.
239.29	Form S-15—Registration of securities to be issued in certain business combination transactions.
240.0-4	Non-disclosure of information obtained in the course of examinations and investigations.
239.61	Form SR—Report of sale of securities and use of proceeds therefrom.
240.3b-3	Definition of "short sale."
240.10a-1	Short sales.
240.10a-2	Requirements for covering purchases
240.10b-10	Confirmation of transactions.
240.11Ab2-1	Securities information processors—description of form application and amendments.
240.12d1-1—240.12d1-6.	Rules pertaining to certification by exchange.
240.13a-1—240.13b-2.	Rules regarding periodic reports by issuers.
240.15b1-2	Statement of financial condition to be filed with application for registration as a broker or dealer
240.15b10-11.	Fidelity Bonds.
240.15c2-5	Disclosure and other requirements when extending or arranging credit in certain transactions.
240.15d-1—240.15d-17	Regulation 15D—Reports of registrants under the Securities Act.
240.17Ad-9	Securities position listings.
240.24b-2	Non-disclosure of information filed with the Commission and with any exchange.
249.308A	Form 10-Q—Quarterly Report.
249.310	Form 10-K—General form of annual report.
249.1001	Form SIP—Application for registration as securities information processor
270.0-1—270.0-5; 270.0-7	Rules of general application.
270.6e-2	Exemptions for certain variable life insurance separate accounts.
270.17e-1	Brokerage transactions on a securities exchange
270.17f-1	Custody of securities with members of national securities exchanges.
270.17f-2	Custody of investments by registered management investment company
270.17f-3	Free cash accounts for investment companies with bank custodians.
270.17f-4	Deposits for securities in securities depositories.
270.17g-1	Bonding of officers and employees of registered management investment companies.
270.27d-3	Quarterly report of issuers of periodic payment plan certificates subject to the surrender right of Section 27(d) of the Investment Company Act.
270.27e-1	Requirements for notice to be mailed to certain purchasers of periodic payment plan certificates sold subject to Section 27(d) of the Investment Company Act.
270.27f-1	Notice of right of withdrawal required to be mailed to periodic payment plan certificate holders and exemption from Section 27(f) of the Investment Company Act for certain periodic payment plan certificates.
270.30e-2(c)	Annual report requirement of unincorporated management investment companies currently issuing periodic payment plan certificates.
274.13	Form N-8B-3—Registration statement for unincorporated management investment companies currently issuing periodic payment plan certificates.
274.103	Form N-30A-3—Annual report for unincorporated management investment companies currently issuing periodic payment plan certificates.
274.127d-1	Form N-27D-1—Accounting of segregated trust account.
274.127d-2	Form N-27D-2—Issuers of periodic payment plan certificates subject to the surrender right of Section 27(d) of the Investment Company Act.
274.127e-1	Form N-27E-1—Notice to periodic payment plan certificate holders of 18-month surrender rights with respect to periodic payment plan certificates.
274.127f-1	Form N-27F-1—Notice to periodic payment plan certificate holders of 45-day withdrawal right with respect to periodic payment plan certificates.
274.13	Form N-8B-3—Registration statement of unincorporated management investment companies currently issuing periodic payment plan certificates.
274.103	Form N-30A-3—Annual report of unincorporated management investment companies currently issuing periodic payment plan certificates.
274.301	Form N-6EI-1—Notification of claim of exemption of certain separate accounts of insurance companies funding certain variable life insurance contracts pursuant to 270.6e-2
274.302	Form N-27I-1—Notice of right of withdrawal and refund for variable life insurance contract-holders required pursuant to 270.6e-2.
274.303	Form N-27I-2—Notice of withdrawal right and statement of charges for variable life insurance contract-holders required pursuant to 270.6e-2.

Rules Scheduled for Review in 1987

240.15b-8-2	Disqualification based on association or exchange disciplinary action.
240.15c2-4	Transmission or maintenance of payments received in connection with underwritings.
240.15c2-7	Fictitious over-the-counter quotations.
240.17a-10	Report on income and expenses.
240.17a-13	Quarterly security counts to be made by certain exchange members, brokers and dealers.
240.19d-1—240.19d-3	Rules pertaining to disciplinary actions by self-regulatory organizations
240.24b-1	Documents to be kept public by exchanges.
240.24b-3	Information filed by issuers and others under Exchange Act Sections 12, 13, 14 and 16.
270.8b-1—270.8b-32.	Rules relating to registration statements filed pursuant to Section 8 of the Investment Company Act.
270.8c-1	Previously filed material.
270.10f-2	Exercise of warrants or rights received on portfolio securities.
270.19a-1	Written statement to accompany dividend payments by management companies.
270.19b-1	Frequency of distribution of capital gains.
270.20a-1	Solicitation of proxies, consents and authorizations.
270.20a-2	Information pertaining to investment adviser and investment advisory contract.
270.20a-3	Information as to certain transactions.
270.23c-2	Call and redemption of securities issued by registered closed-end companies.
270.24b-1—270.24f-2.	Investment company rules relating to registration statements filed pursuant to the Securities Act.

Rules Scheduled for Review in 1988

239.4	Form C-2—Registration statement for certain types of certificates of interest in securities.
239.5	Form C-3—Registration statement for American certificates against foreign issues and for the underlying securities.
239.6	Form D-1—Registration statement for certificates of deposit.
239.7	Form D-1A—Registration statement for certificates of deposit issued by issuer for securities called for deposit.
239.18	Form S-11—Registration statement for securities of certain real estate companies.
239.19	Form S-12—Registration statement for American Depository Receipts issued against outstanding foreign securities.
239.25	Form S-13—Registration statement for voting trust certificates.
240.13d-1—240.13d-7.	Regulations 13D and 13G pertaining to beneficial ownership.
240.13d-101	Schedule 13D.
240.13d-102	Schedule 13G.
240.13e-1	Purchase of securities by issuer.
240.13e-3	Going private transactions.
240.13e-100	Schedule 13E-3.
240.15a12-1	Proceedings under Section 15A(l)(2) of the Exchange Act.
240.17a-9; 240.17a-12; and 240.17a-16.	Reports by market-makers.
240.17a-11	Supplemental current financial and operational reports to be made by certain exchange members, brokers and dealers.
240.19b-1	Qualified non-member market-makers.
249.621	Form X-17A-11—Information required pursuant to Rule 17A-11.
270.6c-1	Exemption for subsidiaries organized to finance the foreign operations of domestic companies.
270.6c-3	Exemptions for certain registered variable life insurance separate accounts.
270.6c-4(T)	Temporary exemption for certain money market funds and other persons and companies.
270.6c-5(T)	Temporary exemptions for certain money market funds and certain affiliated persons thereof.
270.6d-1	Exemption for certain closed-end investment companies.
270.8f-1	Form for application by certain registered investment companies for orders declaring that such companies have ceased to be investment companies as defined by the Investment Company Act.
270.30f-1	Filing of statements pursuant to Section 30(f) of the Investment Company Act.
274.202	Form 3—Initial statement of beneficial ownership of securities.
274.203	Form 4—Statement of changes in beneficial ownership of securities.
274.218	Form N-8F—Application by certain registered investment companies for order pursuant to Section 8(f) of the Investment Company Act declaring that such a company has ceased to be an investment company.

Rules Scheduled for Review in 1989

231 Release 33-4936.	Registration Statement Guide 60—Preparation of registration statements relating to interests in real estate limited partnerships.
239.18	Form S-11—Registration statement for certain real estate companies.
240.11a-1—240.11b-1	Regulation of floor trading and specialists.
240.11a1-1(T)—240.11a2-2(T)	Rules pertaining to exchange trading.
240.13e-4	Tender offers by issuers.
240.13e-101	Schedule 13e-4—Tender offer statement pursuant to Section 13(e)(1) of the Exchange Act and Rule 13e-4 thereunder.
240.14d-1—240.14f-1.	Regulations 14D and 14E—Disclosure requirements and minimum time for tender offers.
240.15Bc7-1	Availability of examination reports.
240.17a-5	Reports to be made by certain brokers and dealers.
240.17a-20	Monitoring effect of competitive commission rates.

17 CFR	Title
249.502	Form U-4—Personnel form to be filed by registered brokers and dealers not members of a registered national securities association or associated persons of such brokers and dealers.
249.617	Form X-17A-5—Information required of certain brokers and dealers.
270.17d-2	Form for report by small business investment company and affiliated bank.
270.18f-1	Exemption from certain requirements of Section 18(f) of the Investment Company Act for registered open-end investment companies which have the right to redeem in kind.
270.23c-1	Repurchase of securities by closed-end companies.
270.27a-1	Conditions for compliance with and exemptions from certain provisions of Section 27(a)(1) and Section 27(h)(1) of the Investment Company Act for certain registered separate accounts.
270.27a-2	Exemption from Section 27(a)(3) and Section 27(h)(3) of the Investment Company Act for certain registered separate accounts.
270.27a-3	Exemption from Section 27(a)(4) and Section 27(h)(5) of the Investment Company Act for certain registered separate accounts.
270.27c-1	Exemption from Section 27(c)(1) and Section 27(d) of the Investment Company Act during annuity payment period of variable annuity contracts participating in certain registered separate accounts.
270.27d-1	Reserve requirements for principal underwriters and depositors to carry out the obligations to refund charges required by Section 27(d) and Section 27(f) of the Investment Company Act.
270.27d-2	Insurance company undertaking in lieu of segregated trust account.
270.27g-1	Election to be governed by Section 27(h) of the Investment Company Act
270.27h-1	Exemptions from Section 27(h)(4) of the Investment Company Act for certain payments.
270.28b-1	Investment in loans partially or wholly guaranteed under the Servicemen's Readjustment Act of 1944, as amended.
274.51	Form N-18F—Notification of election pursuant to 270.18f-1.
274.200	Form N-17D-1—Report filed by small business investment company (SBIC) registered under the Investment Company Act and an affiliated bank, with respect to investments by the SBIC and the bank, submitted pursuant to paragraph (d)(3) of 270.17d-1.
274.201	Form N-23C-1—Statement by registered closed-end investment company with respect to purchases of its own securities pursuant to Rule 23c-1 during the last calendar month.

Rules Scheduled for Review in 1990

240.0-1, 240.0-2, 240.0-6, 240.0-8, and 240.0-9.	Rules of general application.
240.15b2B-1, 240.15Ba2-1—240.15Ba2-2, 240.15Ba2-4—240.15Ba2-6; and 240.15Bc3-1.	Rules pertaining to municipal securities dealers.
240.15b7-1; 240.15c2-8, 240.19a3-1; and 240.31-1.	Miscellaneous rules governing proceedings under the Exchange Act.
240.15Aa-1; 240.15Aj-1.	Rules pertaining to a national or affiliated securities association.
240.17a-1; 240.17a-3—240.17a-4; 240.17a-8; and 240.17a-21.	Rules pertaining to certain records to be made and preserved by broker-dealers or self-regulatory organizations.
249.801—249.809.	Forms X-15AA-1, X-15AJ-1 and X-15AJ-2—Forms pertaining to a national or affiliated securities association.
249.1100; and 249.1110.	Forms MSD and MSDW—Application for registration and notice of withdrawal from registration as a municipal securities dealer.
270.7d-1	Specification of conditions and arrangements for Canadian management investment companies requesting order permitting registration.
270.16a-1	Exemption for initial period of directors of certain registered accounts from requirements of election by security holders.
270.17j-1	Prevention of certain unlawful activities with respect to registered investment companies.
270.22a-1	Exemption from Section 22(e) of the Investment Company Act during annuity payment period of variable annuity contracts participating in certain registered separate accounts.
270.30b1-1—270.30b1-2.	Rules relating to quarterly reports to the Commission.
270.30b2-1; 270.30d-1; 270.30d-2.	Rules relating to reports to shareholders.
270.32a-1	Exemption of certain companies from affiliation provisions of Section 32(a) of the Investment Company Act.
270.32a-2	Exemption for initial period from vote of security holders on independent public accountant for certain registered separate accounts.
270.45a-1	Confidential treatment of names and addresses of dealers of registered investment company securities.
270.57b-1	Exemption for downstream affiliates of business development companies.
270.60a-1	Exemption for certain business development companies.
274.10a	Form N-1Q—Quarterly report of registered management investment companies.

Any rule or form adopted after the date of this release will be reviewed by the Commission within ten years of its adoption if such rule or form is found to have a significant economic impact on a substantial number of small entities.

III. Rules To Be Reviewed During the Next 12 Months

As required by 5 U.S.C. 610(c), the following is a list of the rules the Commission plans to review during the next 12 months.[4]

[4] As indicated in Part I of this release, the Commission is conducting a review of its rules which is broader in scope than that required by the RFA. Thus, inclusion of a rule in this listing and brief description of rules to be reviewed in the next 12 months does not imply that the rule has already been determined to have a significant economic impact on a substantial number of small entities.

17 CFR	Rule description
210.1-02(v); 210.3-03—210.3-05; 210.3-07—210.3-10; 210.3A-02(a); 210.3A-02; 210.3A-05; 210.4-08(e); 210.5-04; 210.12-04.	Regulation S-X, of which these rules are a part, governs the form and content of financial statements filed with the Commission. These particular rules relate to requirements for (i) various separate financial statements, and (ii) pro forma financial statements under certain circumstances. The rules were considered necessary and were adopted to provide investors with additional useful financial information when consolidated financial statements were considered insufficient.
210.6-01—210.6-34; 210.7-01—210.7a-09; 210.9-01—210.9-05.	Articles 6, 7, 7A and 9 of Regulation S-X specify the specialized form and content of financial statements required of management investment companies, unit investment trusts, face amount certificate investment companies, employee stock purchase, savings and similar plans, insurance companies and banks and bank holding companies. These rules are needed to assure that investors in these entities are provided with useful financial information. Legal Authority: The rules in Regulation S-X have been adopted pursuant to authority in Sections 6, 7, 8, 10 and 19(a) of the Securities Act, Sections 12, 13, 14, 15(d) and 23(a) of the Exchange Act, Sections 5b, 14 and 20(a) of the Holding Company Act and Sections 8, 30, 31(c) and 38(a) of the Investment Company Act.
230.146	Rule 146 provides that transactions involving the offer and sale of securities shall be deemed not to involve any public offering within the meaning of Section 4(2) of the Securities Act if they are part of an offering which meets all the conditions of the Rule. The rule was adopted in an effort to identify with certainty the circumstances in which the private offering exemption is available. Legal Authority: Section 4(2) and 19(a) of the Securities Act.
230.240	Rule 240 provides a conditional exemption from registration for limited offers and sales of small dollar amounts of securities by small, closely-held businesses. Rule 240 is needed by and particularly beneficial to the small local issuer who is seeking funds from friends and relatives. Legal Authority: Sections 3(b) and 19(a) of the Securities Act.
230.242	Rule 242 exempts certain corporate issuers from the registration provisions of the Securities Act for transactions involving offers and sales of a limited amount of securities to an unlimited number of accredited investors and 35 non-accredited persons. Rule 242 was considered needed by small issuers and adopted by the Commission to alleviate some of their concerns regarding certain problems in complying with Rule 146. Legal Authority: Sections 4(2) and 19(a) of the Securities Act.
230.251-230.264; 239.90-239.95.	These rules and associated forms comprise Regulation A, a general exemption from the registration requirements of the Securities Act. Regulation A provides a method by which a variety of different types of issuers may issue a limited amount of securities without the necessity of filing a registration statement under that Act. Regulation A appears to be needed and particularly beneficial to start-up companies and smaller issuers. Legal Authority: Sections 3(b) and 19(a) of the Securities Act.
230.400-230.494.	Regulation C consists of these 74 rules which govern the mechanics of securities registration under the Securities Act. The rules are necessary to facilitate efficient registration of securities offerings since they provide a centralized compendium of rules governing the Securities Act registration process. Legal Authority: Sections 19(a) of the Securities Act.

17 CFR	Rule description
239.11	Form S-1 is the registration form used when no other form is authorized or prescribed. Form S-1 is a necessary component of the standardized registration process. Legal Authority: Sections 7, 10 and 19(a) of the Securities Act.
239.26; 239.27.	Forms S-7 and S-16 enables issuers which are already subject to the continuous reporting requirements of Sections 12(b) or 15(d) of the Exchange Act to use shorter and less detailed registration forms than would otherwise be allowed. Form S-16, in addition, allows substantial incorporation by reference from previously filed Exchange Act documents. The forms are necessary to minimize burdens of registration disclosures on issuers when information is already available in the marketplace. Legal Authority: Sections 6, 7, 10 and 19(a) of the Securities Act.
239.28	Form S-18 is an optional form for the registration of securities to be sold to the public which can be used by certain issuers for an aggregate cash price not to exceed $5,000,000. Form S-18 is needed to provide simplified registration and reporting procedures for small businesses. Legal Authority: Sections 6, 7, 8, 10 and 19(a) of the Securities Act.
239.146	Form 146 is required to be filed with the Commission when offerings are made in reliance on Rule 146. Form 146 is needed by the Commission to gather certain information on the use of Rule 146. Legal Authority: Sections 4(2) and 19(a) of the Securities Act.
239.240	Form 240 is required to be filed with the Commission when sales of securities are made in reliance on Rule 240. Form 240 is needed by the Commission to gather certain information on the use of Rule 240. Legal Authority: Sections 3(b) and 19(a) of the Securities Act.
239.242	Form 242 is required to be filed with the Commission for the purpose of reporting sales of securities made in reliance on Rule 242. Since Rule 242 was adopted by the Commission on an experimental basis, Form 242 is needed by the Commission to collect empirical data which will provide a basis for further rulemaking action by the Commission. Legal Authority: Sections 3(b) and 19(a) of the Exchange Act.
239.3a40-1	Rule 3a40-1 designates those rules which are financial responsibility rules for the purposes of the Securities Investor Protection Act of 1970 ("SIPA"). The need for this designation, and thus the rule, is to clarify the circumstances in which the Securities Investor Protection Corporation ("SIPC"), pursuant to Section 5 of the SIPA, may seek a protective decree on behalf of customers and defines the authority of self-regulatory organizations to examine SIPC members, pursuant to Section 13 of the SIPA, for compliance with the financial responsibility rules. Legal Authority: Sections 3, 15(c)(3), 17(a), and 23(a) of the Securities Act.
240.15b5-1	Rule 15b5-1 extends the effective date of the cancellation or revocation of a broker or dealer's registration for six months for purposes of applying certain sections of the SIPA to customer claims arising prior to the date of revocation or cancellation. This six-month extension is needed to allow SIPC to protect customers who assert claims against a broker-dealer after the broker's or dealer's registration has been terminated. Legal Authority: Sections 15(b) and 23(a) of the Exchange Act.
240.15b10-10.	15b10-10 prohibits broker-dealers who are not members of a registered national securities association from distributing or selling shares of an open-end investment company on the basis of brokerage commissions received, demanded, or promised. Non-member broker-dealers are also prohibited from executing fund portfolio transactions on the basis of their sales of fund shares. The rule is comparable to subsection (k) under Section 26 of Article III of the Rules of Fair Practice of the NASD, which is intended to regulate the reciprocal brokerage practices of investment company managers. Rule 15b10-10 ensures that member and non-member broker-dealers are subject to similar rules concerning reciprocal brokerage practices. Legal Authority: Sections 15(b) and 23(a) of the Exchange Act.
240.15c2-11	Rule 15c2-11 generally provides that it shall be a fraudulent, manipulative and deceptive practice for a broker or dealer to publish any quotation for a security unless it has specified financial and other information concerning the issuer and the security. The rule is needed to protect investors who otherwise might be induced to purchase the security on the basis of inadequate information. Legal Authority: Sections 15(c)(2), 17(a), and 23(a) of the Exchange Act.
240.17Ac2-1; 249b.100.	Rule 17Ac2-1 requires a transfer agent for which the Commission is the appropriate regulatory agency to file an application for registration with the Commission on Form TA-1 and to update certain information on the form when that information becomes inaccurate, misleading or incomplete. This rule and form prescribe the procedures to be followed by those persons applying for registration as transfer agents with the Commission. The information on the form is needed, to determine, among other things, whether the Commission should allow an application for registration to become effective or should deny, accelerate or postpone registration. Legal Authority: Sections 2, 17, 17a and 23(a) of the Securities Act.
240.19h-1	Rule 19h-1 requires that any self-regulatory organization that takes any action to condition or limit membership, participation or association with a member or access to services based on a statutory disqualification, as defined in Section 3(a)(39) of the Exchange Act, where the self-regulatory organization and the parties involved agree on the conditions or limitations, provide the Commission with notice and certain information related to the action. This rule is needed to provide a routine mechanism for the Commission to review such actions taken by self-regulatory organizations. Amendments to Rule 19h-1 have recently been proposed in Securities Exchange Act Release No. 17615 (March 10, 1981) (46 FR 17219). Legal Authority: Sections 2, 15, 15A, 17, 17A, 19 and 23(a) of the Securities Act.
250.7(a)	Rule 7(a) provides an exemption from the status of a "gas utility company" or an "electric utility company" for companies primarily engaged in other businesses whose annual gross utility revenues do not exceed $100,000. The rule is necessary to avoid subjecting companies which are not primarily utility companies to possible regulation as gas or electric utility companies under the Holding Company Act. In connection with its review, the Commission may propose an amendment raising the permitted utility revenue to $1,000,000 per annum. Legal Authority: Holding Company Act Section 2(a)(3) and 2(a)(4).
270.5b-1	Rule 5b-1 defines the term "total assets" and is needed to simplify the computations which a management investment company must make in order to determine whether it is properly classified as "diversified" or "non-diversified" under the Investment Company Act. Legal Authority: Sections 5(b), and 38(a) of the Investment Company Act.
270.5b-2	Since the term "security" is defined in the Investment Company Act to include a guarantee of a security, the securities of "any one issuer" include guarantees of securities of other companies by such issuer. This situation presents difficult problems for the investment company in the valuation of guarantees and guaranteed securities in determining whether its investments meet the diversification standards of the Investment Company Act. Rule 5b-2 is needed to alleviate this difficulty and provides, in effect, that diversified investment companies may invest in guaranteed securities on the basis that the guarantor is not the issuer of the securities, provided that the aggregate value of its investment in the direct issues of a company and the issues guaranteed by such company does not exceed 10% of the value of the total assets of the investment company. Legal Authority: Sections 5(b) and 38(a) of the Investment Company Act.
270.6b-1	Section 6(b) of the Investment Company Act provides that the Commission may exempt employees' securities companies, upon application, from the provisions of the Act to the extent such exemption is consistent with the protection of investors. Rule 6b-1 affords any employees' securities company which files an application for permanent exemption under Section 6(b) of the Investment Company Act a temporary exemption pending final determination of the application. The rule is needed to avoid temporarily subjecting applicants to the provisions of the Investment Company Act while their applications for permanent exemption are pending consideration by the Commission. Legal Authority: Sections 6(b), 6(c) and 38(a) of the Investment Company Act.
274.11; 239.15.	Form N-1 is an integrated registration statement form by which open-end management investment companies register their securities under the Securities Act, register as investment companies under the Investment Company Act, or both, and update their Investment Company Act registration statements annually pursuant to rule 8b-16 under the Investment Company Act. Registration of securities under the Securities Act by an open-end management investment company is a necessary step in the public offering of such securities by the company. Similarly, an investment company must register under the Investment Company Act in order to conduct any business in interstate commerce. The combined form is needed to minimize the burden of compliance with the two Acts. Legal Authority: Sections 5, 7 and 10 of the Securities Act, and Sections 7 and 8 of the Investment Company Act.
275.204-1—275.204-3.	Rule 204-1—This rule prescribes the time at which amendments to an investment adviser's Form ADV must be filed and is needed to maintain current investment adviser information. Rule 204-2—This rule describes the books and records an investment adviser must maintain and preserve pertaining to its advisory activities. The rule is needed to facilitate periodic review of these records by Commission personnel, which is a major element of the Commission's investment adviser regulatory program. Rule 204-3—This rule generally requires investment advisers to deliver to their clients and prospective clients a written disclosure statement describing the adviser's background and business practices. The rule also requires investment advisers annually to deliver or offer to deliver such a statement to existing clients. This rule is needed to ensure that investment advisers provide existing and prospective clients certain relevant information which should be useful in selecting an investment adviser or continuing an advisory relationship. Legal Authority: Sections 206, 204 and 206(4) of the Advisers Act.

17 CFR	Rule description
279.1; 279.3	Form ADV—This form is the application for registration with the Commission as an investment adviser. It contains basic information about the investment adviser and is needed by the Commission to determine whether registration should be granted. Form ADV-S—This form is an annual report investment advisers must file with the Commission. It is needed by the Commission to determine whether an investment adviser is still engaged in advisory activities and where the investment adviser is located. Legal Authority: Sections 208 and 204 of the Advisers Act.

III. Public Comment

The Commission invites public comment relating to its periodic review plan or the list of rules it plans to review during the next 12 months.

By the Commission.

George A. Fitzsimmons,

Secretary.

June 24, 1981.

[FR Doc. 81-19110 Filed 6-29-81; 8:45 am]

BILLING CODE 8010-01-M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Parts 1, 17 and 33

Regulation of Domestic Exchange-Traded Commodity Options

AGENCY: Commodity Futures Trading Commission.

ACTION: Proposed rules.

SUMMARY: The Commodity Futures Trading Commission ("Commission") is proposing regulations for a pilot program under which commodity options on certain commodity futures contracts will be permitted to be traded under closely controlled conditions on and through domestic boards of trade licensed by the Commission as domestic commodity option exchanges for a period not to exceed three years. The purpose of the pilot program will be to gather data and information which will enable the Commission to determine whether, and in what manner, exchange option trading should be permitted to continue after the pilot program period has ended.

The rules which the Commission is proposing are, in many respects, similar to regulations which the Commission proposed in October, 1977. However, because of events which have transpired in the interim, the resources available to the Commission, and the Commission's concerns with regard to customer protection, the present proposal is more restrictive than the prior one. For example, the Commission no longer proposes to include commodity options traded on foreign boards of trade. This proposal limits the pilot program to options on futures contracts on three selected commodities and restricts the offer and sale of these options to certain limited categories of futures commission merchants ("FCMs"). The Commission is, however, requesting comments regarding the expansion of the pilot program to include options on other futures contracts and on physical commodities.

In addition, the Commission is proposing significant new requirements for the protection of customers, including a requirement that a licensed commodity option exchange bear the responsibility for the supervision and disciplining of persons offering or selling options.

DATES: Comments must be received on or before July 29, 1981.

ADDRESS: Comments on the proposal should be sent to: Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581. Attention: Secretariat.

FOR FURTHER INFORMATION CONTACT: Lawrence B. Patent, Special Counsel, or Kenneth M. Rosenzweig, Assistant Chief Counsel, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street N.W., Washington, D.C. 20581. Telephone: (202) 254-8955.

SUPPLEMENTRY INFORMATION: On October 17, 1977, the Commission published a revised proposal to amend its interim option regulations and to adopt a three-year pilot program for option trading in the United States. 42 FR 55538.[1] The interim regulations were designed to provide basic customer protections and generally set forth the terms and conditions under which commodity option transactions would be permitted involving those commodities that first became subject to regulation under the Commodity Exchange Act ("the Act") in 1974.[2] Before the proposed amendments to the interim rules could be adopted, the Commission, effective June 1, 1978, suspended the offer and sale of commodity options in the United States, with certain limited exceptions, because of pervasive fraudulent and unsound practices. 43 FR 16153 (April 17, 1978).[3]

Following the Commission's action suspending option sales, Congress imposed a general statutory prohibition on commodity option transactions. On Octoter 1, 1978, the Futures Trading Act of 1978 ("1978 Act"), Pub. L. No. 95-405, 92 Stat. 865 *et seq.* (September 30, 1978), became effective. Among other things, the 1978 Act added Section 4c(c) to the Act, which prohibits commodity option transactions involving any commodity that first became subject to regulation under the 1974 amendments to the Act, thereby codifying the Commission's suspension. 7 U.S.C. 6c(c). Certain trade option transactions are, however, exempted from the Congressional prohibition. *Id.* In addition, Section 4c(d) of the Act, as amended by the 1978 Act, directs the Commission to issue regulations permitting grantors and futures commission merchants to grant and offer options on physical commodities (so-called "dealer options") if they comply with conditions specified in the Act and with such additional uniform and reasonable conditions as the Commission may prescribe. 7 U.S.C. 6c(d).[4]

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[1] Amendments to the interim rules proposing the three-year pilot program were first published on April 5, 1977 (42 FR 18246). The Commission solicited comments and held public hearings on the proposed regulations and published its revised proposal on October 17, 1977. On April 13, 1978, the Commission proposed to allow the offer or sale of commodity options only through registered futures commission merchants that are members of the exchange that is licensed for transactions in that particular option (44 FR 22088). The Commission considers all of these prior proposals, and the comments received on them, to be part of the present rulemaking proceeding.

[2] Option transactions in the previously-regulated commodities have been prohibited since 1936. *See* Section 4c(a) of the Act, 7 U.S.C. 6c(a). The interim regulations imposed registration, financial, segregation, disclosure, recordkeeping and other requirements and were proposed by the Commission on October 8, 1976 (41 FR 44500). The Commission adopted the regulations, substantially in the form proposed, on November 24, 1976 (41 FR 51808). Prior proposals and actions of the Commission concerning commodity options are set forth at 40 FR 18187 (April 25, 1975); 40 FR 26504 (June 24, 1975); 40 FR 49980 (October 22, 1975); and 41 FR 7774 (February 20, 1976). The interim regulations were subsequently amended to make clear that, under the existing law, individuals could not lawfully solicit or accept orders for commodity options, or supervise those engaged in that activity, on behalf of persons not registered under the Act as futures commission merchants. 42 FR 61661 (December 6, 1977).

[3] The Commission published its proposed rule to suspend the offer and sale of commodity options on February 8, 1978 (43 FR 4869). On April 17, 1978, the Commission adopted regulation 32.11 (17 CFR 32.11), generally suspending the offer and sale of commodity options as of June 1, 1978. 43 FR 16153. On May 11, 1978, the Commission received a petition for interim rulemaking requesting an amendment to regulation 32.11 to allow options on physical commodities (so-called dealer options) to continue to be sold pursuant to the interim regulations after the June 1, 1978 effective date of the general suspension. 43 FR 21022 (May 16, 1978). This petition was granted in a substantially modified form by the addition to the interim regulations of new § 32.12. 43 FR 23704 (June 1, 1978).

[4] The enactment of Section 4c(d) codified the Commission's exemption of dealer option transactions from its general suspension of the offer and sale of commodity options. *See* note 3, *supra*. Additional Commission proposals and actions

Continued

Option transactions prohibited by Section 4c(c) may not be lawfully effected until (1) the Commission transmits to its Congressional oversight committees documentation of its ability to regulate successfully such transactions, including its proposed regulations, and (2) the expiration of thirty calendar days of continuous session of Congress after the transmittal. Option transactions not covered by any transmittal which the Commission might make to Congress would, of course, remain unlawful. Section 4c(c) also provides that the Commission "is not precluded from transmitting, at any time, documentation relating to its ability to regulate such transactions regarding individual commodities, classes of commodities, or regulation of such transactions on specific boards of trade."

Consistent with the authority contained in section 4c(c) of the act, review of comments received on the October 17, 1977 proposal, and further consideration, the Commission is now proposing regulations for a pilot program not to exceed three years under which options on certain commodity futures contracts will be permitted to be offered and sold under rigidly controlled conditions through boards of trade licensed by the Commission as donmestic commodity option exchanges. The purpose of the proposed regulations is to provide data which will permit the Comission to determine whether and, if so, under what conditions the trading of commodity options on or subject to the rules of commodity exchanges should be permitted to continue in the United States after the pilot program has ended. The recordkeeping and reporting provisions proposed below are designed to provide the Commission with the information necessary to make a detailed economic analysis of the pilot program in the three prinipal areas: (1) the degree and type of commercial use of options; (2) the effect of option trading on the underlying futures and cash markets; and (3) the economic characteristics of the option pricing process.

In proposing the pilot program the Commission is cognizant of the need to exercise a strong degree of control over all aspects of commodity option trading. Such control is mandated by Section 4c(c). Moreover, the Commission firmly believes that it is necessary to prevent a recurrence of the pervasive fraud that accompanied the offer and sale of commodity options under the interim regulations. The proposed regulations therefore require the industry and, in particular, the licensed commodity option exchanges, to bear significantly greater self-regulatory duties and responsibilities than is presently the case for contract markets in futures.

As discussed more fully below, although there are some differences, many of the regulations proposed to apply to the domestic exchange-traded option program parallel existing regulatory concepts.[5] Specifically, the following proposed regulations are modeled on the language contained in existing regulations: [6] § 33.3 (§ 32.3(b)(1) and (2), (c), (d) and (e)); § 33.4 (§ 32.4(b)); § 33.5 (§§ 1.38, 1.41, 1.50, 1.51, 1.55 and Part 180 of the regulations); § 33.6 (§§ 1.41, 1.50, 1.51 and 1.53); § 33.7 (§ 1.41a); § 33.15 (§§ 1.31, 1.33(a) and (c), and 32.5); § 33.18 (§§ 1.18, 1.31, 1.32, 1.33(a) and (c), 1.34, 1.35, 1.36, 1.37, 1.55 and 32.7); § 33.19 (§ 1.46); § 33.20 (§ 1.50); § 33.22 (§ 1.50, and Parts 16 and 17 of the regulations); § 33.23 (§ 16.02); § 33.24 (§§ 1.31 and 32.7); § 33.25 (Part 21 of the regulations); § 33.27 (§§ 1.39, 155.2 and 155.3); and § 33.29 (§ 32.9). In addition, the proposed regulations would, among other things, amend various sections of the Commission's existing rules relating to the segregation of customer's funds [7] to permit the commingling for segregation purposes of options and futures funds pursuant to Section 4d(2) of the Act,[8] and would incorporate provisions relating to option transactions into the minimum financial rules.

Major Differences Between the Present Proposal and That of October 17, 1977

(1) *Enforcement of the proposed rules will be rigorous.* Before the Commission suspended their sale, the offer of options to the public was characterized by illegal and unsound practices. The Commission will, therefore, closely monitor compliance by all exchanges, firms and individuals who engage in activities subject to these rules. The Commission believes further that the public interest requires that a licensed commodity option exchange establish and maintain a vigorous, affirmative enforcement program to prevent a recurrence of the type of activity which led to the prohibition against options. The Commission will diligently enforce compliance with both these rules and the requirement that an exchange be vigilant in detecting and taking appropriate action against violation of these rules by its members. The Commission wishes to make clear that it will view any violation hereunder as serious, and will regard as particularly grave a violation for failure to direct a violation of the antifraud, antimanipulative, dislcosure or segregation provisions of these rules.

If any person is found to have violated these rules, or if it is shown that any exchange has failed to enforce the rules of the exchange, the Commission will impose substantial sanctions. When it assesses such sanctions, the Commission will consider: (1) whether the respondent has previously violated the Act or the rules thereunder; (2) the degree of willfulness of the violation; (3) the extent of loss to members of the public caused by the violation; (4) whether the violation demonstrates a continuing disregard of the law; and (5) whether the respondent has been rehabilitated and has taken action to prevent the recurrence of the violation. The Commission intends to impose significant civil money penalties and to suspend or revoke a registrant's or an exchange's license for substantial or repeated violations. In addition, if the practices which caused the Commission to suspend the offer and sale of options recur in the pilot program or if the Commission finds that any licensed exchange is unable or unwilling to carry out its responsibilities to have an adequate enforcement program, the Commission will consider the prompt termination of the pilot program.

(2) *Restriction of pilot program regulations to options on futures contracts traded on domestic commodity option exchanges.* The Commission believes that priority should be given to adopting and implementing regulations which will permit trading of commodity options involving contracts for future delivery on domestic exchanges. Therefore, the proposed regulations do not cover foreign commodity option exchanges or exchange options on physical commodities.

The Commission is, however, considering permitting the trading of options on physical commodities on licensed domestic commodity option exchanges during the pilot program. The

concerning dealer options are set forth at 43 FR 37715 (August 24, 1978); 43 FR 47492 (October 16, 1978); 43 FR 52467 (November 13, 1978); 43 FR 54220 (November 21, 1978); 43 FR 59353 and 59396 (December 20, 1978); 46 FR 23469 (April 27, 1981); and 46 FR 25106 (May 5, 1981).

[5] The Commission previously proposed to implement the pilot program by amending 17 CFR Part 32, the interim commodity option regulations. (42 FR 55538 (October 17, 1977)). However, in view of the fact that the offer and sale of dealer options is presently being conducted pursuant to Part 32 (*see* note 3, *supra*), the Commission proposes to designate a new Part 33 for its rules relating to domestic exchange option trading.

[6] For purposes of clarity, the proposed regulation appears first and is followed by the pertinent existing regulation or regulations in parentheses.

[7] 17 CFR 1.20–1.30.

[8] 7 U.S.C. 6d(2).

Commission requests comments on this issue, and specifically invites commentators to address the following points: (1) whether options on physicals should be restircted to the same commodities for which options on futures contracts would be allowed; (2) what type of regulatory framework should be established for the exchange trading of options based on physicals, specifying what sections of the proposed regulations need to be amended, and what further amendments would be appropriate if exchange-traded options on physicals were permitted; and (3) whether, for purposes of making delivery on such options, a grantor should be able to draw on the same deliverable supply which can be used for making deliveries on futures contracts. If a commentator responds affirmatively to the third point, the following matters should be discussed: (a) Whether options on physicals should be permitted to be traded on a board of trade not designated as a contract market for the futures contract which draws on the same deliverable supply; (b) If so, whether rules for the joint surveillance of the same deliverable supply should be required, and whether the licensed domestic commodity option exchange and the affected contract market should be required to coordinate their rules with respect to such matters as daily price limits and position limits; (c) What should be the relationship between the expiration date of an option on a physical, the last trading day or first notice date of a futures contract on the same underlying commodity, and the expiration date for an option on such a futures contract. If a commentator responds negatively to the third point, the commentator should discuss whether the Commission or a licensed domestic commodity option exchange should specify standards for determining the deliverable supply which may be used to fulfill an option based on a physical upon excercise, and what guidelines the Commission or an exchange should use in setting such standards.

It is however, the policy of the Commission that, to the extent practicable and consistent with the requirements of the Act, there should be parity of treatment with respect to regulation of option transactions. Accordingly the Commission anticipates that final regulations governing foreign commodity options or exchange-traded options on physical commodities would be no less stringent or demanding than final regulations governing domestic exchange-traded options on futures contracts. The Commission also notes in this regard that the licensing procedure being proposed for domestic exchanges would not be appropriate for foreign exchanges and another form of regulation would, therefore, have to be devised should options originating on a foreign exchange be permitted to be offered and sold in the United States.

(3) *Added responsibilities for self-regulatory organizations.* Proposed regulation 33.5 requires each board of trade to maintain an adequate affirmative action program to secure compliance with the provisions of the proposed regulations and with all of the bylaws, rules, regulations and resolutions which the board of trade is required to enforce by the proposed regulations. As part of these affirmative action duties, the exchange must have a surveillance system which can reasonably be expected to detect congestion, manipulation, other price distorting market situations, or any other trade practice abuses. To accomplish these objectives, the board of trade must have available to it a system of records which enables it successfully to investigate and resolve potentially improper trading practices. This system of records is commonly referred to as an "audit trail."

Specifically, the Commission believes that a satisfactory audit trail is necessary to allow the domestic commodity option exchanges to trace, detect, and ultimately prevent such abuses as price manipulation, the improper allocation of trades, wash sales and other types of non-competitive and price-distorting trading. The commission specifically requests that the commentors, and, in particular, those self-regulatory organizations which intend to apply for licensing as a domestic commodity option exchange, indicate what measures they believe are necessary to detect and to prevent such abuses. The Commission further requests that the commentators specify what records they believe must be generated in order to provide a satisfactory audit trail to permit the detection and prevention of not only the types of abuses described above, but also other improper and illegal trade practices.

In this connection, the Commission is proposing in the accompanying regulations a number of recordkeeping requirements, including a requirement that the domestic commodity option exchanges divide their hours of trading into consecutive time periods that are separately identified each no longer than thirty minutes. (Proposed § 33.28(j)(1)(xi), (k).) The Commission is requesting comments, however, on whether it should instead require each exchange to verify each option transaction to the nearest minute and, in addition, as to whether it should adopt a rule which provides that in order for an option transaction to clear at the board of trade, the floor broker or floor trader and the clearing member on one side of the transaction must match with the floor broker or floor trader and clearing member on the other side of the transaction ("four-way match").

The Commission wishes to give notice that based upon the comments it receives on these matters (including the comments it receives on the appropriate elements of an exchange surveillance system and the records necessary to create an adequate audit trail), the Commission may, if it deems it appropriate to do so after further consideration, adopt final rules which require the adoption of whatever measures are necessary for the establishment and maintenance of an effective surveillance system.

(4) *Commodity futures contracts underlying domestic, exchange-traded options.* Due to its limited surveillance and enforcement resources, the Commission is proposing to limit the underlying commodity futures contracts upon which options can be offered at this time. Although the Commission is now proposing to permit option trading in only one commodity from each of the three major groups eligible for option trading—metals and other natural resources, financial instruments, and those agricultural commodities which are not enumerated in Section 2(a)(1) of the Act (7 U.S.C. 2)—the Commission nonetheless specifically invites comments as to whether it should allow the trading of options on futures contracts in other commodities. The Commission believes that the limitation of the pilot program to three commodities may be necessary to insure that the option pilot program can be rigidly controlled, and to insure that the program can be successfully monitored and regulated so that the public is adequately protected from the abuses which have in the past been associated with the offer and sale of commodity options.

In selecting the underlying commodities, the Commission believes that the inclusion of at least one commodity from each of the three major groups will be useful to test the extent and nature of commercial use of commodity options by different industrial categories, whether options on different types of commodities provide any (or different) price discovery information, and whether the effects of

option trading on underlying markets is discernibly different for different types of commodities. The Commission further believes that the commodities chosen within these categories should come from among the highest volume futures markets in which there have not been problem liquidations or other significant surveillance and trading difficulties in the recent past. (*See* proposed § 33.5(a)(4).) In view of these criteria, the Commission is proposing in § 33.2(b) to allow option trading solely on gold, sugar and GNMA futures contracts traded on contract markets which are presently designated to trade futures contracts in those commodities.

(5) *Persons allowed to offer or sell domestic exchange-traded commodity options.* To insure effective regulation of the offer and sale to members of the public of commodity options traded on domestic exchanges, the Commission is proposing to revise § 33.3(c)(1)(i) to allow such activity by only those FCMs: (i) which are members of or submit to the jurisdiction of and are regulated by (including the payment of reasonable fees for such regulation) the exchange on which the option is traded; or (ii) which are members of a registered futures association.[9]

Notice of a similar approach was first published in a supplemental notice of proposed rulemaking,[10] which would have allowed the offer or sale of commodity options only through FCMs that are members of the exchange that is licensed for transactions in that particular option. As described in that release, the restriction is intended, in part, to

> Enable the Commission to focus its oversight and enforcement programs directly on the exchanges and member firms retailing those options. More importantly, the proposal will permit the exchanges to discharge more efficiently their responsibilities as self-regulatory organizations to monitor and control the conduct of those futures commission merchants over whom they have disciplinary jurisdiction.[11]

The Commission received several comments on that proposal, a number of which stressed its potential impact on competition and suggested that less restrictive alternatives be considered. The Commission has carefully considered each of those comments and, as will be discribed in more detail below, has revised its proposal. The Commission believes that the proposal, as revised, minimizes any potential anti-competitive impact consistent with the necessity to regulate the option pilot program successfully.

(6) *"Cold call solicitations."* In its October 17, 1977 release, the Commission proposed to ban "cold call solicitations." This proposal was made because of the abuses which had previously been associated with this practice. The Commission is still concerned about this practice but has decided that rather than banning it outright, the better approach is to provide for strict regulation of such solicitation.

(7) *Uniform Customer Identification Number.* The Commission previously proposed the use of a uniform customer identification number system. Each domestic commodity option exchange would have been required to maintain, or to cause its clearing organization to maintain, on the trade register "a uniform non-variable account identification number system which [would] identify all transactions executed on each domestic commodity option exchange for or on behalf or each option customer." (Formerly proposed as § 32.18(k)(2)). After review of the comments on the proposal and further deliberation, the Commission has decided to eliminate this requirement. Accordingly, the Commission is also deleting the requirement that a commercial indicator be carried on the trade register, but is substituting a requirement that exchanges furnish the Commission with a monthly report on the option open interest held by commercial accounts at month-end.

(8) *Margin.* The Commission believes an option grantor who, at the time an option is granted, or at any subsequent time during the life of that option, does not have a futures contract which would satisfy the grantor's obligation (*i.e.*, a grantor who grants an uncovered option) must maintain adequate margin to secure performance of the option. The Commission has not at this time proposed rules as to who should determine margin with respect to uncovered options, or as to what would constitute an adequate level of margin. This is based on the assumption that the domestic commodity option exchanges would determine the margin level since the contract markets determine the level of margin in commodity futures transactions. The Commission notes, however, that with respect to options on equity securities, margin levels for uncovered positions are set by the Board of Governors of the Federal Reserve System ("Federal Reserve Board")[12] and not the Options Clearing Corporation or the exchanges upon which the options are traded. The Commission is, therefore, requesting comments on: (1) whether the Commission or a domestic commodity option exchange upon which an option is traded should establish margins for uncovered option positions; and (2) if the commentator believes that the Commission should establish margin requirements, what factors should be considered by the Commission in determining the appropriate margin levels. After consideration of the comments, the Commission may adopt regulations in this area.

(9) *Position limits.* On December 2, 1980, the Commission published in the **Federal Register** a proposed new § 1.61 of the Commission's regulations, which would require contract markets to adopt rules establishing speculative position limits for all futures contracts which are not currently subject to either Commission- or exchange-imposed limits (45 FR 79631). For the reasons set forth in that release, the Commission believes that it may also be appropriate to require position limits for exchange-traded commodity options if such option trading is instituted.

To assist the Commission in its consideration of the issue of position limits for exchange-traded options, the Commission is specifically inviting comments addressing the following points: (1) whether position limits should be established for any or all of the options which may be traded on a licensed domestic commodity option exchange; (2) if so, whether such limits should be established by the Commission or by a licensed domestic commodity option exchange; (3) what guidelines or types of economic analyses should be used by the Commission or by an exchange in determining the appropriate position limits; (4) whether there should be any limit on the total futures and option positions with respect to any one commodity; (5) what aggregation rules should be applied; and (6) whether there should be any exemptions from such position limits, such as for "bona fide hedging" transactions (commentators addressing this latter point are asked to propose a definition of such a transaction with respect to options), or

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[9] The Commission has published standards to govern its review of applications for registration as a futures association and requirements for registration statements (17 CFR Part 170).

[10] 44 FR 22088 (April 13, 1979).

[11] *Id.* at 22089. The Commission's present proposal would require exchanges, as part of their option licensing applications, to submit the standards by which they will accept or reject firms to retail their options(s), as well as a description of their compliance programs, particularly in the sales practice area. Proposed § 33.5(d)(4). A similar submission would be required of an approved futures association which monitored the option-related activities of its members.

[12] *See, e.g.*, Federal Reserve Board Regulation T, 12 CFR 220.3(i) and 220.8(j).

for positions which are established and liquidated the same day.

(10) *Suitability.* The Commission is requesting comments regarding the adoption of a rule relating to the suitability of option transactions for particular customers. Such a rule has not previously been proposed as part of the option pilot program.[13] Specifically, the Commission requests comments as to whether the associated person who is responsible for an option customer's account must determine that option transactions are not unsuitable before commodity option orders are executed for that account.[14] The Commission anticipates that such a rule could require the futures commission merchant and associated person responsible for an option customer's account to obtain, or have sufficient information to determine, that the customer understands the risk of the transaction, is financially able to sustain those risks, and that option transactions are not otherwise unsuitable for the customer. The Commission wishes to give notice that based upon the comments it receives and after further consideration, the Commission may adopt regulations in this area.

PART I—DEFINITIONS

As will be discussed, the Commission has proposed to incorporate the requirements for segregation of funds of commodity option customers previously contained in proposed § 32.16 into the existing provisions for segregation of funds of futures customers in §§ 1.20–1.30. To facilitate this process, the definition of "clearing member" in § 1.3(c) would be revised and definitions of "commodity customer funds," "option customer," and "domestic option customer funds" would be added in §§ 1.3(gg), 1.3(hh), and 1.3(ii), respectively.

Because of proposed amendments to the Commission's minimum financial regulations relating to option transactions, the definition of "self-regulatory organization" in § 1.3(ee) would be amended to include domestic commodity option exchanges.

Previously, the Commission proposed changes in the definition of "clearing organization" in § 1.3(d), the definition of "floor broker" in 1.3(n) and the definition of "floor trader" in 1.3(x). No comments were received on these proposals and those changes are being reproposed in substantially the same form.

Revision of Minimum Financial Rules

The Commission's April 10, 1978 proposal with regard to minimum financial requirements (43 FR 15072) contained certain proposed provisions relating to domestic exchange-traded options. When the Commission adopted the minimum financial requirements (43 FR 39956 (September 8, 1978)), it deleted these provisions and stated that "[i]n the event Congress authorizes exchange-traded commodity options and rules are adopted relating to such options, the financial regulations as here adopted will be amended as necessary to reflect this development." Thus, the Commission is reproposing the minimum financial regulations which were previously proposed to implement exchange-traded options.[15]

Section 1.16[16]*—Qualifications and Reports of Accountants*

Certain paragraph within § 1.16 would be amended to expand references to commodity customers to include option customers as well.

Section 1.17—Minimum Financial Requirements—Futures Commission Merchants

Paragraphs (c)(1) (ii) and (iii) of § 1.17 would be amended to make it clear that commodity options which are traded on a domestic commodity option exchange are to be marked to their market value based upon the current market value of the option.

Section 1.17(c)(5) of the regulations concerns the safety factor or "haircut" charges which are deducted from net capital in computing adjusted net capital. Certain paragraphs would be amended to include safety factor charges on certain commodity options. For undermargined customer grantor commodity options, the safety factor would be the amount of funds required in each such account to meet the maintenance margin requirements of the applicable domestic commodity option exchange or, if there are no such maintenance margin requirements, then the clearing organization margin requirements applicable to such positions, after applications of calls for margin or other required deposits which are outstanding three business days or less. For undermargined noncustomer and omnibus grantor commodity option accounts, the safety factor will be the amount of funds required in each such account to meet the maintenance margin requirements of the applicable domestic commodity option exchange or, if there are no such maintenance margin requirements, clearing organization margin requirements applicable to such positions after applications of calls for margin or other required deposits which are outstanding two business days or less. See § 1.17(c)(5) (viii) and (ix).[17]

Section 1.17(c)(5)(x) would be amended to require the following safety factor charges on grantor commodity options held in proprietary accounts[18] which are not covered by a position held by the futures commission merchant:

(A) For an FCM which is a clearing member of a clearing organization for the grantor commodity options cleared by such member, the applicable maintenance margin requirements of the applicable clearing organization;

(B) For an FCM which is a member of a self-regulatory organization, 150% of the applicable maintenance margin requirements of the applicable domestic commodity option exchange or clearing organization, whichever is greater; and

(C) For all other FCMs, 200% of the applicable maintenance margin requirements of the applicable domestic commodity option exchange or clearing organization, whichever is greater.

Paragraph (c)(5)(xi) of § 1.17 would be amended to make clear that the safety factor charge for a purchaser of a commodity option, who has used the commodity option premium to increase adjusted net capital, is the original amount of the commodity option premium—not the market value of the commodity option premium as of the capital computation date. In the case of an FCM which is a grantor of a commodity option, the regulation has been changed to make clear that the amount of any commodity option premium that may be used to reduce the safety factor is the original amount of the commodity option premium which has not previously been recognized in income—not the current market value of the capital computation date.

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[13] The Commission has previously proposed a suitability rule as part of its commodity futures customer protection rules. 42 FR 44742, 44743–44745 (September 6, 1977). The Commission did not adopt the proposed rule when it adopted the customer protection rules, but stated that it might decide to adopt a suitability rule at a later time. 43 FR 31886, 31889 (July 24, 1978).

[14] The Commission further requests comments as to whether, if such a rule were to be adopted, the rule should require a suitability determination to be made prior to the execution of each commodity option order for the customer.

[15] The Commission is also proposing certain technical amendments to the Form 1–FR (financial report for FCMs) to reflect the proposed amendments to the minimum financial and segregation sections of the regulations.

[16] All section references are to 17 CFR.

[17] Sections 1.17(c)(5) (viii) and (ix) were recently amended and the Commission has proposed further amendments to those sections. 45 FR 79416, 79423 (December 1, 1980) (final rules); 45 FR 79498, 79500 (December 1, 1980) (proposed rules).

[18] This term is defined for purposes of § 1.17 in § 1.17(b)(3).

The Commission would add a new paragraph (c)(5)(xiii) to § 1.17 to require an FCM which is the purchaser of an exchange-traded commodity option to deduct the same safety factor it would deduct if it were the grantor of the option in accordance with § 1.17(c)(5)(x). The safety factor may not, however, be greater than the market value attributable to such option, less the *original* commodity option premium amount of such option. The remaining paragraphs in § 1.17(c)(5) would be renumbered.

Section 1.17(j) concerns the definition of the term "cover" as it is used in § 1.17 (the minimum financial requirements). The paragraph would be amended to allow the ownership or fixed-price purchase of a commodity to be covered by the granting of a call commodity option on the same commodity if the market value of the actual commodity or futures contract which is the subject of such option is more than the strike price (*i.e.*, the call option is "in the money"). A fixed price sale commitment of a commodity could be covered by the grant of a put commodity option of the same commodity which is "in the money." In addition, the term "cover" would be amended to state that a grant of a call commodity option which does not exceed in quantity the ownership or fixed-price purchase of the same commodity and the grant of a put commodity option which does not exceed in quantity the fixed-price sale of the same commodity need not be "in the money" to be considered covered for the purposes of paragraph (c)(5)(x) of § 1.17 (the safety factor charges on grantor commodity options).

Amendments to Section 1.19

The Commission previously proposed the revocation of § 1.19 which prohibits futures commission merchants from underwriting, issuing or assuming any financial responsibility for commodity option transactions. It is now proposing to amend that section to make it inapplicable to commodity option transactions conducted in accordance with the new Part 33. Section 1.19 would, however, remain in effect with regard to all other commodity option transactions.

Segregation Requirements

The Commission's proposed rule changes to govern commodity option transactions included a separate segregation regulation (§ 32.16) for options.[19] Proposed § 32.16 was intended, among other things, "to conform * * * to the requirements for the segregation of commodity customer funds (*i.e.*, customers trading futures contracts) required by Section 4d(2) of the Act and Commission regulations 17 CFR §§ 1.20 through 1.30 * * *."[20]

Proposed § 32.16 would have required that domestic option customer funds be separately segregated from the funds of customers trading domestic futures contracts. In making this proposal, the Commission expressed the view that such separate segregation should be required to avoid possible adverse effects on the integrity of segregated futures funds and to be consistent with the provisions of (the then-effective) Section 4d(2) of the Act.[21]

Many commentators expressed opposition to the proposed separate segregation of option and futures funds. The primary complaint was that such separation would require useless bookkeeping to shift funds from one segregation category to another and that this shifting could in turn lead to errors in the accounts of customers who traded both futures and options.

In view of these comments, the Commission sought and obtained an amendment to Section 4d(2) of the Act,[22] expressly authorizing the agency to prescribe regulations to permit the commingling of "commodity customer funds" and "domestic option customer funds."[23] Accordingly, the Commission is now proposing regulations to permit such commingling.

In proposing the exchange option regulations, the Commission has sought, to the extent possible, to provide self-contained regulations to avoid the excessive use of cross-references within the proposed rules and to facilitate their deletion in the event it is determined, in light of the experience with the option pilot program, that such trading should be prohibited. Based upon the fact that the Commission is now proposing to permit the commingling of option and futures funds as described above, it believes that to have two wholly independent regulations governing the same account would be unduly repetitive and possibly confusing; therefore, the Commission is now proposing that the option segregation requirements be combined with the existing segregation requirements for futures.[24] The Commission wishes to to combine these regulations it does not wish to convey the impression that it views the option provisions as permanent. The segregation rules could be amended to reflect a possible Commission decision in the future with respect to the necessity to restrict or terminate the option pilot program.

Section 1.52—Self-Regulatory Organization Adoption and Surveillance of Minimum Financial Requirements

This section would be amended to allow a self-regulatory organization to delegate the responsibility of examining the books and records kept by a futures commission merchant relating to its business of dealing in commodity options, insofar as such business relates to its dealing on a domestic commodity option exchange, as required by §33.18, to a designated self-regulatory organization.

Scope of Rules

In the October 17, 1977 release, the Commission proposed to implement the pilot program by amending 17 CFR Part 32, the interim regulations relating to commodity option transactions.[25] However, in view of the fact that the offer and sale of dealer options is presently being conducted pursuant to Part 32,[26] the Commission now proposes to create a new Part 33 for its rules relating to domestic exchange commodity option trading. The provisions of this new Part would apply to all commodity option transactions with the exception of those transactions which are governed by the provisions of Part 32. *See* proposed §33.01.[27]

In this release, the Commission will refer to proposed pilot program rules by their Part 33 numbers unless a specific reference is being made to the October 17, 1977 notice or to a proposed rule which was contained in that notice but which is not now being proposed.

Definitions

In response to one comment, the proposed definition of "option customer" in §1.3(hh) has been clarified to indicate that granting an option can mean the same thing as selling an option contract. The Commission is proposing to amend further the definition in §1.3(hh) to take into account the fact that the provisions for segregation of funds of commodity option customers have been incorporated in §§1.20–1.30 of the Commission's regulations.

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[19] 42 FR 55538, 55567–69 (October 17, 1977).

[20] *Id.* at 55546.

[21] *Id.* at 55547.

[22] Futures Trading Act of 1978, Pub. L. No. 95–405, § 4, 92 Stat. 869.

[23] These terms are defined in proposed §§ 1.3(gg) and 1.3(ii), respectively.

[24] Certain definitions, as described above, have also been added or modified to permit defined terms to be used in the sections, as amended, and thereby simplify the regulations.

[25] 42 FR 55538 (October 17, 1977).

[26] 43 FR 23704 (June 1, 1978).

[27] The Commission has recently proposed amendments to Part 32 of its regulations. 46 FR 23489 (April 27, 1981); 46 FR 25106 (May 5, 1981).

Two commentators suggested that the proposed definition of "strike price" in §33.1(g) be changed so that strike prices would be quoted on a per-unit basis only, rather than on a total-unit basis. A per-unit price, it was argued, would be less confusing, facilitate comparison of different option contracts, and most likely conform to exchange price quotations. The definition does not, however, preclude persons from expressing the strike price on a per unit as well as on a total units basis. Therefore, the Commission sees no need to change the definition at this time.

The Commission is eliminating the definitions of "foreign commodity option exchange" and "foreign option customer funds" previously proposed as §§32.1(l) and (m), respectively, in the October 17, 1977 release. As stated above, the Commission has decided to give priority to adopting and implementing regulations to permit option trading on domestic exchanges under a three-year pilot program and therefore is not proposing regulations to provide for the offer or sale in the United States of options traded on foreign exchanges.

Two commentators suggested changes in the definition of "proprietary option account" in §33.1(j).[28] They suggested that this should be done by eliminating certain categories of persons listed in §1.3(y)(i)–(viii), which defines the term "proprietary account," thereby narrowing that definition. The commentators further suggested that these changes should be incorporated by reference in the definition of "proprietary option account." The Commission has since amended the definition of proprietary account in §1.3(y).[29] The effect of that amendment is that one or a combination of more than one of the persons listed in §1.3(y)(i)–(viii) must own ten percent or more of an account before it is classified as a proprietary account. Prior to the amendment, if any of those persons owned any part of an account, it was classified as proprietary. In proposing this amendment to the definition of proprietary account in §1.3(y),[30] the Commission solicited comments on certain other issues relating to that definition. Those issues included the points raised by the two commentators with respect to the definition of "proprietary option account." When the Commission amended §1.3(y), it adopted the amendment as proposed (*i.e.*, the ten percent requirement), but did not at that time address the other issues raised in the release proposing the amendments.[31] The proposed definition of " proprietary option account" is therefore being amended to conform to §1.3(y), as amended, and if further changes are made in that section, the Commission would expect to incorporate similar changes into §33.1(j).

Prohibited Transactions

One commentator objected to the exclusion of certain commodities such as wool, vegetable oil and soybean meal which are traded on the London markets. It was suggested that trade users should again be free to transact option business on the London markets in these commodities. However, section 4c(a) of the Act expressly prohibits commodity option transactions involving commodities such as wool, vegetable oil and soybean meal which were specifically enumerated in Section 2(a)(1) prior to the 1974 amendments to the Act.

Unlawful Commodity Option Transactions

In response to several comments, the phrase "such solicitation occurs in the United States" is being deleted from proposed § 333.3(c)(1). This change will facilitate participation in the domestic commodity option market by non-United States residents but will not remove any of the regulatory obligations imposed by Part 33 with respect to such activity.

One commentator requested clarification of the term "person" as used in § 33.3(c) to ensure that only natural persons, as opposed to separate firms or other business entities, can be associated with registered futures commission merchants. The Commission believes that proposed § 33.3(c)(1)(ii) makes clear that only a natural person can be a registered associated person for option trading.

To insure effective regulation of the offer and sale of commodity options traded on domestic exchanges to members of the public, the Commission is revising proposed § 33.3(c)(1)(i) to permit such offer and sale only by those FCMs which either (1) are members of or submit to the jurisdiction of and are regulated by (including the payment of reasonable fees for such regulation) the exchange on which the option is traded,[32] or (2) are members of an approved futures association. The original proposal would have been more restrictive, permitting the offer and sale of commodity options only by FCMs that are members of the exchange that is licensed for transactions in that particular option. The Commission received several comments on that proposal, a number of which stressed its potential impact on competition and suggested that less restrictive alternatives be considered. The Commission has carefully considered all of the comments on the proposal and has revised it as indicated above. The Commission believes that the revised proposal properly balances the need to permit competition in the offer and sale of commodity options with the Commission's objective of focusing its oversight and enforcement programs directly on the exchanges and member firms retailing those options. More importantly, the proposal will permit the exchanges to discharge more efficiently their responsibilities as self-regulatory organizations to monitor and control the conduct of those futures commission merchants over whom they have disciplinary jurisdiction.[33]

One commentator stated that proposed § 33.3(g) (registration of associated persons and floor brokers for option transactions) was unnecessary if an FCM gave general notice to the Commission, under proposed § 33.3(f) (registration of FCMs for option transactions), of its intention to solicit option transactions. The Commission disagrees. The Commission believes that § 33.3(g) is necessary to insure that it is aware of those persons who may be engaging in option transactions for customers.

Exemptions

The regulations contained in § 32.4(a), as proposed on October 17, 1977, are now contained in existing § 32.4, which provides an exemption to the ban on commodity option transactions for transactions involving so-called trade options. These provisions are, therefore, deleted from this Part.

One contract market stated, in commenting on proposed § 33.4(b), that exchanges should not be prohibited from experimenting with different types of trading procedures simply because the pilot program regulations do not allow

[28] The definition was contained in §32.1(k) in the October 17, 1977 proposals.

[29] 44 FR 29448 (May 21, 1979).

[30] 43 FR 56804 (December 5, 1978).

[31] The Commission noted that two commentators had addressed these possible further amendments and stated that those comments would be made part of the record for consideration in connection with a possible further rulemaking proceeding concerning the definition of proprietary account. 44 FR 29448, 29449, n.1 (May 21, 1979).

[32] This section does not, however, require an exchange to permit nonmembers to offer or sell options listed on that exchange.

[33] 44 FR 22088, 22089 (April 13, 1979). If an exchange were to choose to permit non-members to offer or sell options listed on that exchange the Commission would require it, as part of its option licensing application, to submit the standards by which it would accept or reject firms to retail its option(s). Proposed § 33.5(d)(4). A similar submission would be required of an approved futures association which monitors the option-related activities of its members.

for variations in the mechanics of trading. It was suggested that § 33.4(b) should clearly state that the Commission will grant an exemption if the objective of a regulation is achieved even though the mechanics used to meet that objectives are not the same as those set forth in the regulation.

The Commission does not agree that proposed § 33.4(b) should be made more explicit. Any request for an exemption would have to be considered on a case-by-case basis and the Commission would have to find that granting the request would not be contrary to the public interest. In making such a determination, the Commission would take into consideration, among other things, the effect any exemption might have on surveillance activities and the effect any variation in uniform treatment would have on the data base used to evaluate the pilot program.

Licensing of Domestic Commodity Option Exchanges

Section 33.5 sets forth the requirements which a board of trade must meet if it is to be licensed as a domestic commodity option exchange. As stated in its October 17, 1977 **Federal Register** release, the Commission intends to allow the trading of both puts and calls on domestic commodity option exchanges. This section has been amended, however, by deleting provisions relating to options on physicals, deleting a provision concerning exchange disclosure statements, deleting a provision requiring an exchange audit program for monitoring compliance with segregation requirements, and conforming disciplinary provisions to Part 8 of the Commission's regulations.[34] Section 33.5 has also been amended by the addition of provisions requiring each domestic commodity option exchange to oversee the option-related activities of futures commission merchants subject to its jurisdiction in areas such as disclosure, customer complaints, sales practices, and discretionary accounts.

Section 33.5(a)(1) provides that the full premium must be paid when an option is purchased, thus prohibiting the margining of premiums by option purchasers. The comments on this proposed regulation were conflicting. Several parties stated that while it was appropriate to prohibit the margining of premiums by members of the public, such a prohibition would not be appropriate for members of the trade. Others commented that requiring the full premium could impair market liquidity when premiums become high. The Commission has reconsidered these arguments but is not pursuaded by them. Therefore, the Commission has decided, for the present, to retain the prohibition on margining of premiums for all option purchases.

Section 33.5(a)(2), which limits option trading on futures contracts to exchanges designated to trade those contracts, was criticized by several persons as unduly limiting licensing to a few exchanges and thus inhibiting competition. Indeed, one commentator thought there should be as many varied systems of trading as possible (for example, trading at exchanges other than those designated in the underlying future) for purposes of comparison in the pilot program. The Commission has considered these comments, but it believes it would be difficult for an exchange which was licensed to trade the option but not designated to trade the underlying futures contract to conduct adequate surveillance of that futures market. Also, the close proximity of the option market and the underlying futures market should increase market efficiency by assuring that market information is rapidly transmitted between the two markets and thus taken into account in the price structure of both markets. For these reasons, and because the Commission believes that it is imperative that there be a focused, rigidly controlled pilot program, it is retaining the requirement that option trading take place on a board of trade which is designated as a contract market in the underlying futures contract.

Formerly proposed § 32.5(a)(3), which dealt with option trading on physical commodities, has been reserved (as § 33.5(a)(3)). Amendments to § 33.5(a)(4) would alter the economic criteria for licensing of a commodity option contract. Section 33.5(a)(4)(ii) formerly provided that trading in all contract months of the future for which an option license is sought must have averaged 1,000 contracts per week for the 12 months preceding the application for a license. After considering comments, the Commission has decided that while the average of 1,000 contracts per week over the past 12 months is a useful guideline to sufficent liquidity, there may be cases where it is appropriate to license an exchange to trade options on a contract market which does not meet this numerical criterion. For instance, there may be evidence which indicates the volume in a contract market will in the future exceed the specified standard even though the average volume for the past 12 months does not exceed 1,000 contracts per week. More importantly, the Commission believes that in some cases, liquidity in the cash market on which the futures contract is based will be sufficient to prevent the trading of options on futures from disrupting the contract market. Accordingly, the Commission is modifying § 33.5(a)(4)(ii) to permit options to be traded on a contract market which does not meet the numberical criterion if the exchange can demonstrate that the liquidity in the underlying cash and futures markets is sufficient to prevent disruption of the contract market upon which the option is traded.

Section 33.5(a)(4)(iii), as formerly proposed, would have required that to be licensed as a domestic commodity option exchange, a board of trade demonstrate, with respect to the particular commodity for which a license was being sought, that there was a readily available deliverable supply, accurate statistics on deliverable supply, an efficiently functioning delivery system, and a reliable mechanism available to the public for determining cash prices of the commodity. This section has been changed so that a demonstration of the existence of the above factors is not mandatory. Under § 33.5(a)(4)(iii), as amended, if an exchange believes one of the four economic criteria is not applicable to a particular option contract, the exchange need only make a demonstration to this effect. Such a showing would have to be supported by convincing documentary evidence. The Commission has made these changes because it does not believe that each of these criteria should necessarily be applied to every eligible futures contract.

The Commission has further amended § 33.5(a)(4)(iii) by altering subsection (D) which states in regard to a particular option contract that there should be "a reliable mechanism available to the public for determining cash prices of such commodity (cash price series)." The Commission has decided that it is not necessary for a cash price series to be available to the public, although it must be available to the exchange and the Commission for surveillance purposes. Therefore, the words "to the public" have been deleted.

Proposed § 33.5(d)(1) states that a board of trade must adopt rules which prescribe in regard to strike price series: (i) the dollar amount of the strike price intervals at which, absent extraordinary circumstances, series of options will be introduced (*e.g.*, at intervals of every dollar for futures trading below ten dollars per unit of the physical commodity, etc.); (ii) the strike prices at

[34] 17 CFR Part 8.

which trading in a new option maturity will be introduced (*e.g.*, the exchange selects the two strike prices bracketing the market price of the underlying future) and the circumstances under which an exception to this procedure might be followed (*e.g.*, if the market price of the underlying future is at or very close to a standard strike price, as established in (i) above, three strike prices might be selected); (iii) the point, in terms of the price of the underlying future, at which an option series with a new strike price will be introduced in any option maturity which is already open for trading; and (iv) how close to expiration of an option new strike price series may be introduced. (The terms "expiration date" and "maturity" are used interchangeably in this proposal.)

Proposed § 33.5(d)(2) provides that a board of trade must adopt rules concerning "deep-out-of-the-money" options (*e.g.*, inspection of the records of futures commission merchants for evidence of patterns of concentrated activity in such options, collection of data on clearing members' gross option positions (by series), and collection of option position data for large traders (by series)).

The Commission is proposing to adopt § 33.5(d)(2), in part, because of its concern about regulating trading in deep-out-of-the-money options and because the Commission does not believe it is appropriate to impose a general requirement that transactions in such options be restricted before option trading begins. For several reasons, the Commission feels that it would be impractical to impose general restrictions at this time. First, it is difficult to establish a rigid definition of a deep-out-of-the-money option because of the problems in accurately determining the point at which such an option ceases to serve a significant function. Second, the liquidity of options which are defined as deep-out-of-the-money might be adversely impacted by a general restriction. Third, without a record which demonstrates that the regulatory approach outlined above combined with disclosure of the risks involving such options [35] is not adequate, the Commission believes the imposition of a general restriction would be premature. The Commission therefore believes that a regulatory and disclosure structure is preferable at this time to a general restriction and to that end, is proposing to require licensed option exchanges to have rules governing activity in deep-out-of-the-money options. The Commission wishes to point out, however, that if evidence of undesirable trading patterns in deep-out-of-the-money options is developed as experience is gained, the Commission will reevaluate this area and take whatever steps are necessary at that time.

Under new § 33.5(d)(6), each board of trade desiring to trade options regulated by the Part would have to adopt a rule that requires all futures commission merchants subject to its jurisdiction to keep records of the customer complaints received and the disposition thereof. The futures commission merchants would be required to send a copy of the customer complaint to the board of trade upon receipt of such complaint, and to send a copy of its record of the disposition thereof when the matter is finally settled.

Proposed §§ 33.5(d) (7), (8), and (9) require each board of trade intending to become licensed for the sale of options under this Part to adopt rules requiring futures commission merchants subject to its jurisdiction to submit written procedures by which the FCM can adequately supervise its option sales program, to give the board of trade immediate written notification of disciplinary action taken against it or any of its associated persons by the Commission or another self-regulatory organization, and to enforce the disclosure requirements of § 33.15, respectively. Proposed § 33.5(d)(10) requires a board of trade to provide arbitration or other dispute settlement procedures for matters arising out of option transactions, as is provided in Part 180 of the Commission's regulations (17 CFR Part 180) for disputes arising out of futures trading. However, the fees or costs would have to be borne by the board of trade, and not apportioned among the parties or assessed to the losing party, as provided in 17 CFR 180.2(e).

Proposed § 33.5(d)(11) requires a board of trade to provide a rule controlling the handling of discretionary accounts in option transactions by futures commission merchants subject to the board of trade's jurisdiction. Futures commission merchants would be required to provide a full explanation of the nature and risks of the strategy to be used in a customer's discretionary account. An officer, general partner, or sole proprietor of the futures commission merchant would be required to approve the discretionary authority before any trading takes place, and such officer would also have to approve, initial, and date each discretionary order. However, this latter review would not need to take place before the order is executed. The officer, general partner, or sole proprietor who approves discretionary authority would make a record on the basis for this determination which would be readily available at the futures commission merchant's office at all times. Each discretionary order would have to be identified as discretionary at the time of entry. Discretionary accounts would also have to be reviewed frequently.

Proposed § 35.5(e) requires the board of trade to adopt rules establishing procedures by which it will conduct sales practice audits covering, at a minimum, the areas enumerated in that section.

Proposed §§ 33.5(c) (1) and (2) require a board of trade to provide for an ongoing assessment of whether the option market is serving a legitimate economic purpose and the prevention of manipulation of option prices.

Proposed § 33.5(c)(3) provides that a board of trade which is a contract market and seeks designation as a domestic commodity option exchange must provide specific and appropriate rules, by-laws, and procedures, including provisions for emergency actions to temporarily or permanently terminate option trading, to protet its futures market from the option market, so as to prevent or correct congestion, manipulation, corners, squeezes and any other market disturbance. In its October 17, 1977 release, the Commission suggested that this might be accomplished by physically separating the option and futures trading areas. Upon reconsideration, the Commission has determined that physical separation of the two trading areas is not required. In this connection, the Commission has decided not to probibit brokers from trading in both futures and options on those futures on the same day. If, however, these practices lead to trading abuses, the Commission may find it necessary to alter this position.

The Commission's October 1977 proposal would have required a board of trade to affirm that its proposed option contracts will not have an adverse effect on the underlying futures contract. (Proposed §32.5(c).) Commentators stated that this was adopting a protective posture towards futures trading which was anti-competitive in nature, and that it was impractical to attempt to predict the effect options would have on futures trading before option trading got underway. The Commission has deleted that portion of its former proposal and is now proposing, as § 33.5(c)(4), to require a board of trade to provide that it will

[35] *See* number six in the Disclosure Statement proposed in § 33.15(b).

act to ensure that option trading is not contrary to the public interest.

Section 33.5(g)(1), which formerly stated that a board of trade was required to justify the expiration date of an option contract relative to the delivery period on the underlying futures contract, has been altered to require such justification only if the expiration date is less than ten business days before the earlier of the last trading day or the first notice day of the underlying futures contract. The Commission realizes that the longer the period between the expiration of the option and the expiration of the underlying futures contract, the less valuable the option contract may be for commercial risk management. However, if the option and the underlying future expire at approximately the same time, there is potential for congestion in the underlying futures market if a sizeable number of options are exercised. The Commission believes that the ten-day time period reasonably takes into account these two considerations. Therefore, the Commission's proposal does not require a justification from a board of trade for an expiration date in a proposed option contract unless that date is less than ten business days before the earlier of the last trading day or the first notice day of the underlying futures contract.

Proposed § 33.5(g)(2) provides that a board of trade must submit a justification for the conditions precedent to the exercise of a commodity option and the method by which an option may be exercised. In regard to the method of exercising an option, the Commission understands that there exists the potential for congestion or disorder in markets for the underlying futures contract if delivery of such contracts upon exercise of options may be accomplished only by the grantor establishing a position in the appropriate futures contract, to be accompanied by instructions to the clearing organization of the contract market to tranfer that futures position to the person exercising the option. This would require an uncovered grantor to effect a transaction on the floor of the applicable futures exchange. The potential for congestion or disorder in the underlying futures market could arise if, as is expected, exercises were concentrated just prior to the option's expiration date. In such circumstances, demand for the underlying futures contract could be unrelated to fundamental market forces. The Commission is, therefore, considering adopting regulations which would require a specific method of fulfilling a commodity option transaction upon exercise. The two methods which the Commission is considering are as follows: (1) A new futures contract would be created by book-entry on the books of the clearing organization of the applicable contract market. The two parties to the option transaction would then each acquire either a long or short futures position, as appropriate, and neither party would have to acquire such position by effecting a transaction on the floor of the exchange. (2) A transfer of ownership of an existing futures position from an option grantor to an option purchaser on the books of the clearing organization of the applicable contract market would be required. (This would oblige a grantor who has not previously acquired a futures contract deliverable on the option to establish such a futures position by effecting a transaction on the floor of the exchange).[36] The Commission specifically requests comments on these two methods of fulfilling a commodity option transaction upon exercise and invites suggestions as to other possible methods.

One commentator objected to proposed § 32.5(e)(4), which calls for review of the justification for initial and variation margin requirements for option grantors. The Commission has decided at this time not to review justifications for margin requirements for option grantors. Although § 32.5(e)(4) is being deleted, the Commission, as noted above, is requesting comments regarding the setting of levels of margin for uncovered option grantors.

Another commentator thought that § 33.5(g)(7), which requires a board of trade to submit a justification for any proposed strike price series, should be changed to require a description of how strike prices are established. The Commission disagrees and notes that implicit in a justification of a strike price series would be a description of how strike prices are selected.[37] Proposed § 33.5(g)(7) is, therefore, not being so changed. Section 33.5(g) is amended, however, by the deletion of subparagraph (10), which dealt with options on physicals.

Formerly proposed § 32.5(f), which required that a board of trade submit a standardized disclosure statement for Commission review, has been deleted. A standardized disclosure statement has been proposed in § 33.15.

Proposed § 33.5(h) requires a board of trade to maintain an affirmative action program to secure compliance with the provisions of Part 33 and with all bylaws, rules, regulations, and resolutions of the board of trade. Section 33.5(h)(1) would require a board of trade to have a compliance staff to carry out the affirmative action program. The Commission has deleted a clause from this section (formerly § 32.5(g)(1) relating to the degree of control the board of trade was to exert over the compliance staff because this language would conflict with Part 8 of the Commission's regulations which pertains to disciplinary procedures.[38]

Proposed § 33.5(h)(2) provides that a domestic commodity option exchange's affirmative action program is to include daily surveillance of futures and option market activity to comply with the provisions of proposed § 33.5(c) and to determine indications of possible congestion, manipulation or other price-distorting market situations, including the identification and analysis of the economic relationships among cash, futures, and option market variables.

The Commission has proposed amendments to both § 33.5(h)(6), which relates to investigations of rule violations at a board of trade, and § 33.5(h)(7), which relates to disciplinary procedures at a board of trade, to make them consistent with Part 8 of the Commission's regulations. Finally, the Commission is deleting formerly proposed § 32.5(g)(8), which concerned an audit program within the affirmative action program for the monitoring of compliance with segregation requirements. The Commission has elected not to require such an audit program at this time.

Section 32.5(h) formerly provided that a board of trade wishing to be licensed as a domestic commodity option exhange must provide for the general quotation and dissemination of bids, offers, volume, and last sale price information on a timely basis for the commodity option for which licensing is sought and the underlying futures contracts. Based upon further review of exchange capabilities, the Commission has decided to delete the requirement for the quotation of bids and offers. The Commission believes that at this time such a requirement would be unworkable in an active market.

New § 33.5(m) would require a board of trade to submit a comprehensive list of occupations or business categories of

[36] Contract markets for the underlying futures contract would have to submit rules providing for either procedure under Section 5a(12) of the Act and § 1.38 of the Commission's regulations (17 CFR 1.38).

[37] The Commission also notes the addition of proposed § 33.5(d)(1), discussed above, relating to the procedures for establishing strike prices and the introduction of new series.

[38] 17 CFR Part 8.

commercial users of the physical commodity underlying the contract for future delivery for which the board is seeking licensing to trade options. The Commission would use this list as a basis for generating a standardized occupational or business coding system. For purposes of testing commercial participation in the pilot program, the Commission would consider traders as commercials if their occupation or business corresponds to one on the list. In addition, the Commission will use these codes when making special calls for market survey information. As noted below, the Commission is proposing that § 33.18(b)(2) require FCMs to keep as a part of a customer's record the code for the occupation or business of a trader if it corresponds to one on the list. This should allow an FCM which uses data processing equipment expeditiously to provide market survey information on call.

Requirements for Domestic Commodity Option Exchanges

Proposed § 33.6(a) sets forth the procedures by which a domestic commodity option exchange is to submit its rules relating to option transactions for Commission approval. The Commission has altered the definition of the term "rule" in this section to follow § 1.41(a) of its regulations,[39] which pertains to the submission of futures rules by contract markets. Because the Commission wants to exercise extensive control over this trial program in domestic exchange-traded options, it has proposed to broaden the definition of the "rule" to be submitted for its approval so that it is as wide-ranging as possible and would provide the sort of detailed review of domestic commodity option exchanges which is necessary for the degree of control the Commission wants to exert and the type of analysis the Commission wants to make of the option pilot program.

Several parties commented that the language of § 33.6(a) varies from that in § 1.41 of the Commission's regulations, the basis for § 33.6(a). The Commission has drafted § 33.6(a) to take account of the procedures provided by the combination of the provisions of Section 5a(12) of the Act [40] and § 1.41 of the regulations with respect to the submission of rules for contract markets.

The Commission has proposed a broader standard for disapproving the rules of domestic commodity option exchanges under § 33.6(a) than is expressly set forth for disapproving the rules of contract markets under Section 5a(12) of the Act. Section 5a(12) states that the Commission shall disapprove a proposed rule which is in violation of a provision of the Act or the regulations thereunder. Proposed § 33.6(a) expressly provides that the Commission may disapprove a proposed option rule if the Commission determines that the rule is not in accordance with just and equitable principles of trade or if it is otherwise inconsistent with the interests of option customers, or if the rule is contrary to the public interest. The Commission believes that this authority is necessary for adequate regulation of the option pilot program.

The last sentence of § 33.6(a), which concerns operational or administrative rules, temporary emergency rules, and physical emergency rules has been rephrased. This has been done for the sake of clarity; there is no substantive change.

Under proposed § 33.6(b), a domestic commodity option exchange is required to keep all books, records, minutes, and journals of the exchange, its governing board, and any committee or clearing organization thereof which clearly reveal any matters discussed and action taken by such body. This section authorizes any representative of the Commission to inspect and copy these books, records, minutes, and journals at any time. One party commented that the right to copy such books and records could prove burdensome to the exchanges, and therefore any request for copying should go through a Commission official who would be specified in the rule. The Commission disagrees and wishes to make clear that it must provide sufficient authority in this proposed section to permit necessary oversight of the industry.

Proposed § 33.6(c) requires a domestic commodity option exchange to enforce its rules which have been approved by the Commission, and to revoke and not enforce those rules which have been disapproved by the Commission. Previously, this rule was inconsistent with § 33.6(a) in that it required an exchange to enforce a rule which had not been approved by the Commission. Section 33.6(c) has been amended to correct the inconsistency.

Former § 32.6(d), which related to standardized disclosure statements prepared by exchanges, has been deleted because the exchanges will not be required to provide these statements. Former § 32.6(f), which dealt with options on physicals, has also been deleted.

Section 32.6(e) formerly provided that upon exercise of an option on a futures contract, the exchange would be required to give notice to the option grantor of the exercise. Several commentors noted that, in practice, the clearing association will notify the clearing members of the exercise of options, and the clearing members will notify the individual customers. Proposed § 33.6(e) is amended to reflect this fact.

A new § 33.6(f) has been added and would require a licensed domestic commodity option exchange to submit to the Commission each quarter a report which describes its investigations and other activities during the quarter to determine that cold call abuse is not occurring, that the exchange is complying with proposed § 33.5(c), and a summary, by category, of all option-related customer complaints received by it and by FCMs subject to its jurisdiction.

Delegation of Authority

Several commentators noted that Part 33 contained no delegation of authority for reviewing operational or administrative rules equivalent to that in § 1.41a [41] of the Commission's regulations. In response thereto, the Commission has proposed a new § 33.7, which states that the Executive Director, the Director of the Division of Trading and Markets, or the designee of either, shall exercise the delegation of authority set forth in § 1.41a in reviewing operational or administrative rules of domestic commodity option exchanges and their clearing organizations.

Application for Licensing as a Domestic Commodity Option Exchange

In response to one comment, proposed § 33.8 has been amended to make clear that a board of trade must be licensed as a domestic commodity option exchange for each commodity option contract it intends to trade. As previously proposed, this section could have been interpreted as authorizing the licensing of a domestic commodity option exchange for all commodities rather than the licensing of a board of trade as a domestic commodity option exchange in a particular commodity option contract.

As proposed, § 33.8(c) provides that the effective period for a license as a domestic commodity option exchange shall extend for a period not to exceed three years from the effective date of the license. Several commentators voiced opinions that the three-year period for licenses should not commence until the date trading begins or at least until the licenses are granted. The Commission has previously stated that it does not

[39] 17 CFR 1.41(a).
[40] 7 U.S.C. 7a(12).
[41] 17 CFR 1.41a.

expect trading in options on domestic commodity option exchanges to commence immediately after adoption of these regulations; [42] since this time period may in fact be substantial, the Commission is proposing to amend § 33.8(c) to provide for a three-year license, commencing with licensing as a domestic commodity option exchange. The section also provides for a shorter licensing period which the Commission would expect to apply to exchanges licensed after the first exchange is licensed. The shorter period would be set to expire when the first exchange's license expires and would prevent a staggered termination of the option pilot program.

Vacation of License as a Domestic Commodity Option Exchange

Consistent with the revisions made to § 33.8, proposed § 33.9 has been modified to allow a board of trade to vacate its license as to a particular commodity option contract without vacating its license as a domestic commodity option exchange.

One commentator stated that § 33.9 should be amended to make clear that an exchange, when vacating its license, may order the liquidation of open option positions when it believes this necessary for orderly trading. The Commission believes that such an amendment to the regulations is unwarranted. The action contemplated is an emergency action and must be codified in reviewable rules of a board of trade which are submitted to, and approved by, the Commission. The rules of a board of trade may allow the liquidation of open option positions when an occurence or circumstance threatens the fair and orderly trading in a commodity option. To exercise this authority, however, the board of trade rules must specifically define an emergency and what action may be taken as a result.[43] The Commission reiterates that it will not permit a domestic commodity option exchange to ignore its existing obligations to option customers with open option positions even if such exchange elects to cease trading a particular option contract.[44]

Suspension or Revocation of License as a Domestic Commodity Option Exchange

One commentator stated that § 33.10(c), which authorizes a suspension or revocation of an exchange license if any violation of the Act is committed by any director, officer, agent, or employee of the exchange, is excessively and indiscriminately broad and that chargeable violations should not encompass activities unrelated to those persons' duties. The Commission, however, consistent with its intention to regulate carefully the pilot option program, has determined not to amend proposed § 33.10(c).

Two commentators suggested that § 33.10(b) was unnecessary and should be deleted since § 33.10(c) also provides generally for revocation or suspension of a license of any exchange. The Commission disagrees with this suggestion. While proposed § 33.10(b) provides solely for exchange compliance with § 33.6, proposed § 33.10(c) requires the exchange and its directors, officers, agents, and employees to comply with the Act, rules, regulations or orders of the Commission. The Commission believes that these are separate responsibilities and should be enforced as such.

Two comments focused on § 33.10(d) and the Commission's economic purpose test. Both commentators suggested that the Commission's criteria should be widened to include other potential economic benefits resulting from option trading. The Commission has previously responded that it is aware of arguments that some economic benefits may be derived from the trading of commodity options; however, it has also stated that it has an insufficient basis to substantiate the nature and magnitude of any such benefits and that during the pilot program it intends to make a full study of the commercial use of option trading to facilitate the production, marketing and processing of commodities, the economic effects of option trading, and the public interest served thereby.[45] Thus, the Commission may consider other potential economic benefits resulting from options trading, but will place primary emphasis on the economic purpose test set forth in proposed § 33.10(d).

Proposed § 33.10 is being amended to provide for the suspension of a domestic commodity option exchange's license pending completion of a proceeding under this section if, in the Commission's judgment, continuation of the activities of the licensee pursuant to the license presents a substantial risk to the public interest.

One commentator remarked that while proposed § 33.10 details the conditions under which the Commission may suspend or revoke the license of a board of trade as a domestic commodity option exchange, it provides no equivalent to Sections 6b and 6c of the Act (7 U.S.C. 13a, 13a–1). Without such authority, the commentator stated, the only enforcement powers available to the Commission would be extremely harsh. Under Sections 6(b), 6(c) and 6c of the Act, the Commission has the authority to enter cease and desist orders, impose civil penalties and seek injunctions for any violation of this Part by any person (7 U.S.C. 9, 13b, 13a–1). Therefore, a regulation paralleling these statutory provisions would be superfluous.

Prohibition of Trading by Persons in Commodity Options

No comments were received on this section and no changes were made.

Supplementing Domestic Commodity Option Exchange Rules

Proposed § 33.13 authorizes the Commission to supplement the rules and practices of a domestic commodity option exchange if the Commission requests that an exchange make specific changes in those rules or practices, the exchange does not do so, and the Commission determines, after opportunity for a hearing, that the changes are necessary or appropriate. Parties commenting stated that this section, although based on Section 8a(7) of the Act,[46] is much too broad in that it applies to the setting of levels of margin and does not include the last qualifying sentence of Section 8a(7).[47] The Commission is aware that to the extent it deals with margin, proposed § 33.13 is broader than Section 8a(7) of the Act; however, to monitor and control the proposed exchange-traded commodity option pilot program, the Commission believes it should not limit its authority with respect to exchange rules.

Emergency Actions

Proposed § 33.14 authorizes the Commission to take appropriate action if it has reason to believe there is an emergency or potential emergency which threatens the domestic exchange-traded option market or the underlying futures market. Because of comments

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[42] *See* 42 FR 55538 (October 17, 1977).

[43] *See* Commission regulations 1.41(a)(4) and 1.41(f) as applied to futures markets for a guide as to the type of emergency rule required (17 CFR 1.41(a)(4), (f)). *See also* proposed § 33.5(c)(3) which requires a board of trade to provide specific and appropriate rules to protect its futures market from its commodity option market so as to prevent congestion, manipulation, corners, squeezes, or any other market disturbance.

[44] *See* 42 FR 55538, 55545 (October 17, 1977).

[45] *See* 42 FR 18246, 18248 (April 5, 1977). *See also* 42 FR 55538, 55545 (October 17, 1977).

[46] 7 U.S.C. 12a(7).

[47] That sentence lists examples of situations in which the Commission may make changes. It is, therefore, only illustrative of the types of rules the Commission may order.

received and to conform the section more closely to Section 8a(9) of the Act (7 U.S.C. 12a(9)), the Commission has added a paragraph to proposed § 33.14 which defines the term "emergency" slightly more broadly than the term is defined in Section 8a(9) and it has not restricted the action it may take in such a situation. The Commission has taken this approach to retain wide latitude in regulating the option pilot program and reacting to unforseeable problems which may arise once the program has begun.

Disclosure

To insure that cutomers have available to them full, fair and accurate information concerning the nature and risks of a particular option prior to entering a transaction involving that option, proposed § 32.15(a) would have required the exchanges to prepare and distribute separate disclosure documents for each option traded. The Commission remains concerned that such information be provided; however, it has carefully reconsidered the proposal and determined that the best approach initially is to provide a uniform disclosure statement which requires the futures commission merchant to provide specified information about the particular option transaction that a customer is contemplating. This statement, as now proposed in § 33.15(a) and § 33.15(b), establishes the requirement that the FCM provide the additional information specified in the statement. There were numerous suggested amendments to the proposed statement and the Commission has carefully considered each such comment in proposing the uniform statement.

Various commentators recommended that the language in formerly proposed §§ 32.15 (e) and (f) regarding confirmation statements be changed from the requirement that such statements be furnished within 24 hours after an option transaction or expiration to a requirement that they be transmitted to option customers not later than the next business day. This change, it was argued, would prevent firms from having to dispatch confirmations on weekends or holidays. The commentators further argued that such a change would also make clear that firms would not be required to insure that confirmations were received within the time allowed, but that they were only responsible for issuing them within that time. The Commission agrees with these comments and has amended proposed §§ 33.15 (e) and (f) to take those comments into account.

A separate paragraph § 33.15(h) has been proposed to make it clear that FCMs must carry out the disclosure requirements under §33.15.

Promotional Material

In § 33.17, the Commission proposed a five-year requirement for retention of promotional material.[48] The Commission's general recordkeeping regulation, § 1.31, requires five-year retention for all books and records required to be kept by the Act or regulations promulgated thereunder (17 CFR 1.31). Two commentators, however, objected to the proposed retention period as being too long. The Commission nonetheless believes that option promotional material should be retained for the same length of time as other required records.[49] The five-year retention period for promotional material and other records is designed to assist the Commission and the self-regulatory organizations in their surveillance and data gathering activities, as well as to preserve records for potential litigation that may arise. Further, the retention and ready availability of records is intended to facilitate evaluation of the three-year option pilot program. Therefore, the proposal has not been changed.

These same commentators also objected to the provision in proposed § 33.17 requiring retention of the "true source of or any authority for" information contained in promotional material. As it stated previously, the Commission believes that "[t]his requirement should assist the Commission's enforcement efforts to ascertain whether the statements contained in promotional material are accurate."[50] In light of the importance the Commission places on such underlying source documentation, it believes that such documentation should be retained for the same five-year period required for the promotional material itself.

Advertising

The Commission is requesting comments as to whether a domestic commodity option exchange should be required to adopt rules which would specify that futures commission merchants subject to the jurisdiction of that exchange submit to the exchange all promotional material relating to option trading on the exchange. The Commission is also requesting comments as to whether, if such a rule were to be adopted, the exchange should be required to approve all such promotional material in writing and what should be the effect of any such approval (*e.g.*, should approval by the exchange constitute a certification of the truthfulness of the material). The Commission wishes to give notice that based upon the comments it receives on the foregoing proposal and after further consideration, the Commission may adopt regulations in this area.

Recordkeeping

As the Commission stated in its April 5, 1977,[51] and October 17, 1977, releases,[52] the Commission's recordkeeping proposals for commodity option transactions on domestic exchanges have been closely patterned after the corresponding recordkeeping provisions regarding futures transactions contained in §§ 1.31–1.37 of the Commission's regulations (17 CFR 1.31–1.37), with appropriate modifications (*e.g.*, recording strike prices). Major differences are:

1. Ready and immediate access to records would generally be required for three years instead of two;

2. In addition to recording the time an order is received and the time the order is reported back as executed, the time such order is transmitted for execution would also have to be recorded;

3. FCMs and members of domestic commodity option exchanges would be required to keep a record in permanent form for each commodity option account which would show the principal occupation and/or type of business of the account controller, as well as of the person for whom such account is carried, the names of the persons who have solicited and are responsible for each option customer's account, and symbols indicating whether the option customer is a producer, processor, merchant or consumer engaged in commercial use of the commodity underlying the option purchased or granted;

4. All orders, including those received from another floor broker or trader, would be reduced to writing prior to execution;

5. The journals or records required of each FCM and clearing member of a domestic commodity option exchange

[48] The term "promotional material" is defined in proposed § 33.1(l).

[49] Proposed § 33.18 would mandate retention of all books and records required to be kept by the regulations contained in Part 33 for a period of five years, with ready access to such books and records during the first three years of the five-year period. Under proposed §§ 1.20, 1.26 and 1.27, however, and consistent with the Commission's current requirements, the records relating to the segregation of customers' funds would have to be readily accessible only during the first two years of the five-year period.

[50] 42 FR 55538, 55547 (October 17, 1977).

[51] 42 FR 18246, 18255.

[52] 42 FR 55538, 55547.

on a daily basis would have to show the complete details of all commodity option and cash commodity transactions in terms of *each* commodity option customer; and

6. The monthly statement required to be furnished to option customers concerning unrealized profits or losses on open commodity option transactions would have to contain information calculated for each open position and there would be no exemption for members' house and hedge accounts.

Specific changes which have been made to proposed § 33.18 since the October 17, 1977 proposal are as follows:

As proposed, § 32.18(k)(2) required domestic commodity option exchanges to provide "a uniform non-variable account identification number system which will identify all transactions executed on each domestic commodity exchange for or on behalf of each option customer." The Commission proposed the requirement as a means of achieving several regulatory goals. Specifically, the identification number would have provided a means of:

1. Establishing an audit trail for option orders and transactions, particularly orders placed through omnibus accounts;

2. Obtaining transaction information from the trade register for specific accounts rather than obtaining the information via an on-site inspection of an FCM's books and records; and

3. When used in conjunction with a commercial indicator, developing analyses of the use of option markets by commercial participants.

Fifteen comments were received with respect to this provision, all of which opposed it. Commentators cited the enormous cost and difficulty of adopting and maintaining such a system. In addition, they noted that there would be significant problems with maintaining the confidentiality of a customer number on the floor of the exchange and that problems of disclosure might exist under the Privacy Act of 1974 (5 U.S.C. 552a). The Commission, however, also recognizes the importance of efficiently achieving the goals for which the uniform identification number had been proposed. The Commission, nevertheless, believes that many of these goals can be as well met if the uniform identification number proposal is deleted but replaced with the following requirements:

(1) That either a floor order number or a customer account number appear on the trade register (proposed § 33.18(j)(l)(xiv));

(2) That in addition to books and records being open to inspection by a representative of the Commission, information concerning specific transactions be made available to the Commission on call by the Executive Director or his designee, at a time and place and in a form and manner as may be specified in the call (proposed § 33.18(a)); and

(3) That option orders originated through an omnibus account contain separately the option trades for each customer of the originating FCM, identified by the customer's account number when transmitted to and from the floor of the exchange (proposed § 33.18 (c), (d)(1) and (d)(3)). This procedure should make it more difficult for an FCM improperly to allocate trades among its customers. In addition, it would assist the Commission in tracing option trades back through one or more omnibus accounts to the customer initiating the trade.

In addition to the changes noted above, the Commission is also proposing that if orders are placed for an omnibus account, the written record of the order must contain information showing the number of purchases or sales which offset existing positions carried on the books of the person originating the omnibus account and which of the purchases or sales result in new open positions. Proposed § 33.18(c). This requirement will allow future commission merchants who carry omnibus accounts to maintain accurate records reflecting total open long and short positions in the omnibus account.

As a result of deleting its requirement for a uniform identification number, the Commission is also deleting its requirements that a commercial indicator be carried on the trade register (formerly proposed as § 32.18(b)(ix)(E)). As noted above, when used in conjunction with the identification number, these data would provide a basis for determining the use made of option markets by commercials. Since the commercial indicator is no longer required to be carried on the trade register, the Commission is deleting the requirement that written records of orders accepted by futures commission merchants include a commercial indicator. To determine commercial participation, the Commission, as discussed below, will rely on month-end reports submitted by the exchanges showing open interest held by commercial and non-commercial traders. In order for exchanges to obtain the necessary information from FCMs to make month-end reports to the Commission concerning commercial participation, the Commission is proposing that § 33.18(c) require each FCM to assign indicators to each option account. Such indicators will show, for each of the commodities underlying contracts for future delivery on which options are traded, whether that account is carried for a commercial trader with respect to such underlying commodity. In addition, the Commission is proposing that § 33.18(b)(2) require FCMs to assign business or occupation codes to an account from a list of such codes that would be promulgated by the Commission. As noted above, proposed § 33.5(m) requires exchanges which seek designation as a domestic commodity option exchange in a commodity to provide a list of occupational categories for commercial users of the physical commodity underlying the option market. The Commission will use the exchange-submitted list (or lists) to generate a standardized occupation or business coding system. Traders whose occupations correspond to one on the list would be considered by the Commission as commercial traders for purposes of testing commercial participation in the option pilot program. Occupations on the list would also correspond to those which the Commission will specify in special calls for market survey information. The Commission believes that it can expedite the completion of market surveys by using standardized occupation codes.

Two commentators expressed objections to § 32.18(d) as proposed on October 17, 1977. Section 32.18(d) specified the records which must be prepared on an exchange floor concerning the receipt, execution and report of an order. They stated that the prior proposal imposed obligations on floor brokers and floor traders that were inconsistent with the facts, since (1) floor traders do not report out executions, because they are trading for their own accounts; (2) it is usually an FCM's employee, not a floor broker, who reports the execution of a order from the floor; and (3) members do not act as floor brokers when executing personal trades. One of the commentators suggested that the initial line of § 32.18(d) be changed to "Each member of a domestic commodity option exchange" from "Each floor broker or floor trader." Proposed § 33.18 has been changed accordingly.[58]

References to foreign options in § 33.18 have been deleted due to the Commission's decision to restrict the

[58] This will make the proposed § 33.18(d) correspond to the parallel regulations for futures transactions. §§ 1.35(a-1) (2) and (4) and § 1.35(a) (17 CFR 1.35(a-1) (2) and (4), 1.35(a)).

instant proposal to the pilot program for domestic commodity option exchanges. References to the previously proposed § 32.16 regarding segregation have been changed to §§ 1.20–1.30 (17 CFR 1.20–1.30) to take into account the incorporation of the option segregation requirements with those for futures. Similarly, the previously proposed § 32.18(h) has been deleted since its requirements are presently contained in the proposed amendment to § 1.27.

Changes have been made to proposed § 33.18(i) (formerly proposed as § 32.18(j)) so that the listing of all open commodity positions must be compiled as of the last business day of the month. The phrase "or any regular monthly date selected" has been deleted. The uniform record date will facilitate data collection on the subject of, and evaluation of, the option pilot program.

Except as noted above, the Commission is leaving proposed § 33.18(a) unchanged. The record retention time requirement of that paragraph is identical to that for futures transactions, except that the ready access and hard-copy retention provisions will be three years instead of two, due to the three-year term of the option pilot program.

Two commentators suggested changes in proposed § 33.18(a)(3)(iii), one requesting that some limitation be placed on Commission personnel authorized to request copies of documents, the other requesting that the word "immediately" be replaced by the phrase "as promptly as is feasible." The Commission disagrees inasmuch as proposed § 33.18(a)(3)(iii) is substantively identical to § 1.31(c)(3) of the Commission's regulations, which the Commission finds to be appropriate and consistent with its oversight and other obligations under the Act.

One contract market objected to the records required by proposed § 33.18(b)(1). Virtually all of these records are required to be kept for futures transactions (*see* principally § 1.35(a), as well as § 1.18, § 1.33, and § 1.55), and the Commission is leaving § 33.18(b)(1) unchanged.

One commentator objected to the provision in § 32.18(b)(2) requiring the names of persons who have solicited and are responsible for each option customer's account to be included on the required record "immediately adjacent" to such customer's name, stating that such a provision allowed no flexibility in designing such records. The Commission is deleting the "immediately adjacent" provision from proposed § 33.18(b)(2), but wishes to emphasize that such information must be clearly displayed on the required record.

Proposed § 33.18(d) would require that a written record of an order be prepared in all instances immediately upon receipt and prior to execution. Two commentators stated an objection to the requirement; however, the Commission believes that this additional recordkeeping requirement is a necessary aid to the Commission's ability to construct audit trails for trade practice investigations and enforcement and that the requirement will not be unduly burdensome.

Two commentators objected to the requirement in proposed § 33.18(d)(2) that the trading card show the opposite floor broker or floor trader and the opposite clearing member. One person argued that nothing is gained by this requirement as long as each broker or trader records his own clearing member's name on his trade record and also records the name of the opposite broker or trader, since the clearing member's clerk, or the traders themselves, could then obtain the name of the opposite clearing member at the earliest convenient moment. This commentator believed that the goals of avoiding allocation of trades by the opposite side and assuring that each trade "has a home" with a clearing member are met by this procedure. The Commission is not persuaded by these comments. After due consideration, the Commission is still of the opinion that the most effective means of avoiding allocation of trades is to require that both parties to the trade promptly identify the opposite broker and opposite clearing member. The Commission holds the view that complete, systematic records are essential to proper surveillance of the option pilot program, as well as to adequate evaluation of the program to determine whether it should be permitted to continue. Further, the Commission now believes that central to a satisfactory audit trail of such transactions is the necessity for the customer identification or order number to be placed on the trading card. This requirement is being added to proposed § 33.18(d)(2).

One commentator requested clarification of the requirements of proposed § 33.18(e)(1) regarding a financial ledger. In response to that comment, the Commission wishes to make clear that it would be permissible under that section to indicate on the ledger the cost of purchasing the option and the proceeds upon liquidation without relating one to the other.

In response to a comment, proposed § 33.18(h)(1)(i) (previously § 32.18(i)(1)(i)) is being amended to require that the monthly statement furnished to customers include the date of exercise or the date of expiration of any commodity option in the customer's account. The commentator stated that, as proposed, the use of the word "and" instead of "or" was confusing because an option which has been exercised will not also have an expiration date.

One clearing organization and one contract market suggested that proposed § 33.18(j)(1) (formerly § 32.18(k)(1)), which in general sets forth items of required information with respect to commodity option transactions, require the inclusion of certain additional information to assist in the clearing and regulatory functions. The Commission agrees and is, therefore, proposing to require three additional items of information: (1) the premium paid for the option contract; (2) whether the transaction was executed for a customer account or a proprietary option account; and (3) the identifying number assigned to the transaction. The clearing organization also asked the Commission to define what is meant by "transfer trades" in proposed § 33.18(j)(1)(x) (formerly § 32.18(k)(1)(xi)). the Commission has listed the two types of transactions to be included: (1) transferring existing trades from one account to another within the same FCM where no change in ownership is involved; and (2) transferring existing trades from the books of one FCM to the books of another FCM where no change in ownership is involved.

Several contract markets objected to the requirement in proposed § 32.18(k)(1)(xii) that the time of execution of each commodity option transaction be mechanically or electronically verified to at least the nearest minute. The Commission is now proposing that domestic commodity option exchanges divide their hours of trading into consecutive time periods, commonly known as "bracket" periods, that are separately identified and each no longer than thirty minutes. Proposed § 33.18(j)(1)(xi), (k). *See* "Added responsibilities for self-regulatory organizations," *supra*.

Several contract markets also objected to proposed § 33.18(j)(4) (formerly § 32.18(k)(5)) regarding maintenance of records. The language of the subparagraph has been changed so that it is virtually identical to that of the corresponding provision for futures (17 CFR 1.35(e)). The effect of this change will be to put a 60-day limit on the time during which the domestic commodity option exchange must maintain the records and information required by

§ 33.18(j) in computer-readable form on compatible magnetic tapes or discs. The requirement that information provided by means of data processing tapes or discs be accompanied by a printout of such information, signed by an exchange officer or other designee for that purpose, has been eliminated.

Application and Closing Out of Offsetting Option Positions

As proposed, § 32.19 stated that if a customer buys or sells an option contract and at the time of such purchase or sale has an opposite option position with the same specifications (underlying future, strike price, and expiration) with his futures commission merchant, those positions are to be offset and the futures commission merchant is promptly to furnish the customer an account statement showing the financial result of the transaction. If the customer's former open position is larger than his new position after the above-described offset, the oldest option contracts will be closed out first unless the customer or the person controlling the account provides specific instructions otherwise. It was pointed out in the comments that § 32.19, which is based on Commission rule 1.46 [54] does not provide exceptions for purchases or sales during the delivery period for the purpose of making delivery comparable to those provided in § 1.46 for futures trading.

The exception for sales during the delivery period which is contained in § 1.46 relates to delivery of the actual commodity which, of course, does not occur upon exercise of an option on contracts for future delivery. Thus, this exception was not contained in proposed § 32.19. However, the comments on this matter have brought to the Commission's attention the possibility that § 1.46 of its regulations should be amended to allow persons to purchase a futures contract for purposes of making delivery on an option without liquidating any short positions held in their account at that time and the Commission is proposing to amend § 1.46(d)(4) of its regulations to remove this restriction.

One commentator noted that the failure of the proposed § 32.19 to allow the holding in one account of both long and short positions could present technical problems in handling option exercise notices and might preclude the use of omnibus accounts. The Commission has considered this comment and does not believe that the language of the proposed § 32.19 would preclude the use of omnibus accounts. However, the Commission believes that the provision could make the assignment of exercise notices more difficult, and more importantly, has reconsidered this point in light of amendments to § 1.37 and Part 17 of its regulations (*see* 44 FR 25431 (May 1, 1979)) for purposes of obtaining gross long and short open positions for accounts traded through omnibus accounts.

Based upon this reconsideration, the Commission is proposing that trading in omnibus accounts be done only on an "instruct" basis. Proposed § 33.19 requires futures commission merchants to offset open long and short positions in omnibus accounts only if the positions are offset on the books of the person orginating the omnibus account. In addition, as noted previously, the Commission is proposing amendments to § 33.18 which would require written records of orders for omnibus accounts to contain information on whether particular purchases or sales are offsetting or new transactions. This proposed requirement in § 33.18 would insure that persons carrying omnibus accounts would receive the information necessary to reflect accurately gross long and short positions in such accounts.

Filing of Information by Domestic Commodity Option Exchanges

Proposed § 33.20 provides that the Commission may request a written report from a domestic commodity option exchange to be filed within 60 days or such other period as the Commission may specify which describes how the exchange is complying with the requirements of §§ 33.5 and 33.6. The Commission has retained the 60-day time period for filing the report, consistent with § 1.50,[55] which authorizes the same type of request from contract markets for futures trading. In response to a comment which expressed concern over what the written report is to include, the Commission has added more specificity as the form of the report, consistent with § 1.50. In further following § 1.50, the Commission has added language to proposed § 33.20 which allows for an extension of the filing date upon showing of good cause by the exchange, and which provides that failure or refusal to file the written report will constitute cause for revocation or suspension of a domestic commodity option exchange's license, pursuant to § 33.10.

Reports—General Provisions

Proposed § 33.1 sets forth definitions of certain terms as used in the regulations relating to reporting by option exchanges, futures commission merchants and option traders. These include definitions of the terms "foreign option broker," "reportable option position," "option trader," and "type of account." In addition, proposed § 33.1(n) fixes the reporting level for options at 25 contracts. Persons commenting on the October 1977 proposal noted that the definition of a reportable position was not adequately specified and expressed concern that the 25-contract reporting level was too low.

The Commission previously proposed to define a reportable position as "any open contract position in any particular option on any domestic commodity option exchange, which at the close of the market on any business day, equals or exceeds [the reporting level] * * *." Commentators noted that the proposed definition did not specify whether options should be grouped by exchange, by series, by class or by strike price in determining a reportable position.

In addition, the Commission has noted that requiring exchanges to furnish information on option traders that hold reportable positions, as previously proposed, would require the exchanges routinely to collect reports from the traders themselves rather than from FCMs and non-FCM members as originally intended. This would occur when an option trader held or controlled positions in accounts with more than one FCM where the accounts were not separately reportable but which, in the aggregate, exceeded the reporting level.

In view of the above, the Commission is changing its proposed definition of "reportable option position" in § 33.1(n) to mean any open contract position in the put option or separately in the call option of a specified option expiration month on any one option exchange, which is carried at any one FCM or held by a non-FCM member, and which, at the close of the market on any business day, equals or exceeds the reporting level. Under this definition, a trader's positions carried on the books of a single FCM would be aggregated, regardless of strike prices, to determine if they were reportable.

With respect to reporting levels, commentators suggested that the minimum level should be 50 or 100 contracts rather than the proposed 25-contract level. These persons believed that a 25-contract level "will produce reams of useless data."

[54] 17 CFR 1.46.

[55] 17 CFR 1.50.

The Commission has considered these comments and is also concerned about imposing reporting burdens that produce data of little value. However, prior to the initiation of option trading, there are few objective criteria upon which to base a determination concerning reporting levels. In order to begin receiving position data on large option traders while open interest is building, the Commission is proposing to leave the initial reporting level at 25 contracts. It has, however, changed the language of proposed § 33.1(n) to provide that the reporting level shall be 25 contracts *except as otherwise approved by the Commission.* This will allow exchanges participating in the pilot program individually to request that reporting levels be raised when actual trading experience indicates that a higher level is appropriate. In addition, as discussed below, the Commission is proposing other modifications to the option reporting system which will result in a substantial reduction in the number of reports which must be filed.

The Commission is proposing to add a new definition concerning "type of account" [56] since this term is used in §§ 33.22(c) and 33.25(a). Information concerning types of accounts is necessary to provide adequate identification of option traders' accounts.

Activities of Clearing Members

Section 32.22(a), as proposed in October 1977, would have required exchanges to report, for each clearing member, certain information to the Commission on a daily basis by put, by call, by expiration date, and by strike price.

No major modifications were suggested by persons commenting on this section of the proposed regulations. The Commission is, however, proposing additional requirements in § 33.22(a) due to certain modifications now proposed to be made to the large option trader reporting system.

In addition to providing the required information by put, by call, by expiration date and by strike price, the Commission is proposing to require that the exchanges report clearing member information by proprietary option and customer accounts. The daily reports concerning clearing member positions will be used for market surveillance purposes. To be useful for daily surveillance, however, the information concerning clearing members must be shown by proprietary option positions and by customer option positions. In this connection, the Commission notes that many exchanges currently provide the positions of clearing members in futures markets by proprietary and customer accounts even though they are not required to do so by regulation (*see* 17 CFR 16.00).

One of the methods which the Commission believes would be an acceptable means of exercising options is by book-entry. Certain questions, however, have been raised concerning the market effects of the creation of futures contracts by this means. If the Commission decides to permit the exercise of options by book-entry, the Commission intends to require the exchanges to include in their clearing member reports the number of options exercised by book-entry.

The Commission is also deleting the requirement that exchanges provide the identity of opposite clearing members when reporting transfer trades and exercises.

Option Trading Statistics

As proposed in October 1977, an option exchange would have been required to publish and make available to the Commission daily reports on opening and closing ranges of premiums and the high and low premiums for each day by put, by call, by expiration month, and by strike price.

One person commenting on the requirements for a daily report on premiums recommended that the section be deleted since "it would require two lines of print for each put or call and would make the report lengthy and cluttered." Although daily reports may be lengthy because of the requirement that premiums be included, the Commission considers public dissemination of this information to be an important feature of the pilot program for exchange-traded options. Widely disseminated price data tend to promote competition by allowing the public a means of determining the actual cost of buying or selling an option. Publication of certain prices occurring during the trading session also allows the public to compare prices they receive on execution of their option trades with prices as observed and reported by exchange officials.

In addition, the Commission considers certain premium information to be essential to its daily surveillance program. In this respect, the Commission has reconsidered its original proposal and is revising it in order to obtain essential premium information uniformly from each domestic commodity option exchange. (*See* proposed § 33.23.) As currently proposed, the exchanges would be required to publish and make available to the Commission on a daily basis for each option contract the high and low premiums for the day and the settlement premiums by put, by call, by expiration month and by strike price. In addition, for the opening and closing periods of trading, exchanges would be required to provide either (1) the highest premium or lowest offer, whichever is lower, and the lowest premium or highest bid whichever is higher, that accurately reflect market conditions as determined by the exchange, or (2) if there are no transactions or bids or offers during the opening or closing period of trading, the first price and the last price occurring during the trading session. In determining which bids or offers or prices should be published, proposed § 33.23(a)(5)(i)(A) specifies that the exchanges should not consider bids or offers which have been vacated or withdrawn. A bid is considered vacated if followed by a higher bid or a trade at a higher price. An offer is considered vacated if followed by a lower offer or a trade at a lower price. Bids and offers and the first and last prices would have to be clearly indicated as such.

Persons commenting on the requirements for a monthly report objected to providing trading volume generated by commercial traders. As discussed previously, the Commission has revised proposed § 33.18(k) by deleting the requirement that a commercial indicator be carried on the trade register. Because of its decision to delete this requirement, the Commission will not require the exchanges to provide a monthly report on commercial volume. The Commission does, however, have need of information from which it can gauge commercial participation in the option pilot program.

Therefore, the Commission is now proposing in § 33.22(b) that option exchanges be required to provide the Commission with a monthly listing showing option positions held at month end classified as commercial and non-commercial, separately by clearing member, option market, put, call, long and short position, strike price, and expiration. This monthly report will cover all accounts, not just the accounts of "large traders," and all outstanding option series (*i.e.*, all expirations and strike prices), but it will not identify the ownership of positions. These monthly reports will provide data on the extent of commercial use of the option markets. Since this information is generally to be used for evaluation of the pilot program, the Commission at this time sees no need to require that it be published by the exchanges.

[56] *See* proposed § 33.1(p).

The Commission has reconsidered the need for information showing monthly volume, exercises during the month, contracts open on the last day of the month, and the high and low premiums occurring during the month. The Commission has concluded that it is unnecessary to require the exchanges to prepare a monthly recapitulation of information which they will, in any event, be required to publish and provide to the Commission on a daily basis. The Commission is, therefore, deleting these requirements from its current proposal.

Large Option Trader Reports

All commentators opposed the proposed requirement that exchanges submit large option trader reports. The commentators questioned the need for a large-trader reporting system in options, the rationale for requiring exchanges to maintain the reporting system, the capability of exchanges to implement such a system, particularly with respect to obtaining reports from non-member FCMs, and the ability of exchanges to maintain the confidentiality of such data.

One person commented that the absence of speculative limits for option trading make a large option trader reporting system unnecessary. This comment misperceives the purpose of the large trader reporting system in the futures markets. The data collected through this system are used to determine total levels and concentrations of speculative and hedging positions and are needed to assess potential market problems as they develop, particularly in the maturing future. The Commission believes these data are needed no less in options than they are in futures.

In this respect, the Commission has proposed certain standards in order for an exchange to be licensed as an option market. Among other things, these standards require that an exchange have a program which provides for surveillance of futures and option market activity for indications of possible congestion or other market situations conducive to possible price distortions. The Commission has reviewed alternate methods by which exchanges might meet this standard and by which the Commission might perform its oversight function in this area. The Commission continues to believe that access to large option trader position data in options and futures is essential for both the Commission and the exchanges.

In determining that exchanges should collect large option trader data, the Commission notes that there would be a significantly higher resource cost to the Commission if it, rather than the exchanges, were to maintain an option reporting system. At this time, there seems to be no compelling reason in terms of public benefits to justify additional commitments of Commission resources in this area. Moreover, the Commission has stated in the past that the exchanges should assume more of the responsibility for collecting and providing basic information required for an effective self-policing program. The option program is a natural environment in which to initiate improved data collection by the exchanges.

The Commission disagrees with the comments concerning confidentiality of the data. The exchanges currently obtain futures position data for individual traders either routinely or on an *ad hoc* basis. The Commission is not aware of any problems that the exchanges have had to date in maintaining the confidentiality of these data.

As noted previously, the Commission has determined to delete its requirement for a uniform account identification number. However, since the Commission maintains its own reporting system by use of a trader identification number, it cannot agree with those commentators which stated that the exchanges' use of such a number is unworkable for an option reporting system. Under the Commission's system, FCMs are required to aggregate all accounts owned or controlled by a trader and, if reportable, to report these positions using a single number (17 CFR 17.01). Generally, this number is an account number used by the FCM. Accounts owned or controlled by the same trader but carried at different FCMs are aggregated under a single number assigned by the CFTC.

In order to ensure that option position data supplied by the exchanges can be integrated easily into the Commission's existing system, the Commission is now proposing in new §33.22(c)(2) that the exchanges require FCMs to aggregate all option positions controlled by the same trader to determine the trader's reporting status and to report these positions to the respective exchanges using a single number. If an FCM is reporting futures positions of a trader to the Commission using a certain number, then the exchange will be required to obtain the same number from the FCM for reporting the option positions of that trader to the Commission. The Commission is also proposing to change §17.01 so that if an FCM is reporting option positions of a trader to the exchanges using a certain number and the trader becomes reportable in futures, the FCM will report the futures positions to the Commission using the same number.

Because the Commission's proposal allows the retailing of exchange-traded options only by FCMs who are members of the exchange on which the option is traded or who have otherwise agreed in some manner to regulation by the exchanges, or who are members of an approved futures association, exchanges will be able to gather large-trader data from non-member FCMs.

Data submitted to the Commission would consist of a report generated by the exchanges using reports they receive from FCMs, foreign option brokers and non-FCM members. The Commission is proposing that the Executive Director or his designee approve the form and manner in which the report to the Commission is prepared. In addition, exchanges would be required to provide information on all reportable traders in machine-readable form. The Commission would use this information for generating other reports which it might require.

The Commission has further concluded that routine weekly reports should be adequate to detect most potential problems in option markets, particularly if the exchanges have the ability and determination to obtain data more frequently on special call if needed. The Commission may need more frequent reports in emergency situations and may want to require routine daily reporting in cases where an option expires close to the delivery period for the underlying future.

In addition, the Commission has determined that data collection should focus on traders who control positions in the expiring option or an option expiring within six weeks. The Commission is therefore proposing that the weekly large-trader reports be compiled and submitted starting when an option becomes the one which will expire next and, in any case, at least six weeks prior to an option's maturing date. The report would include only traders who control a reportable position in the above maturity. However, in addition to reporting the positions controlled by a trader in that particular maturity, the Commission is proposing that the exchanges also report the positions that such trader controls in the next-deferred option maturity, the combined positions controlled by the trader in all other more distant option maturities, and the total positions controlled by the trader in all option maturities. Positions in the maturity for which the report is required would be

reported separately by strike price. In addition, positions would be reported by FCM or non-FCM member and also on a combined basis covering all FCMs and members.

Trader Identification

In October 1977, the Commission proposed that reportable traders in options be identified by FCM and non-FCM member on a CFTC Form 102 or its equivalent. The Commission is now proposing in new § 33.22(d) the specific information which the exchanges must submit to the Commission in order to identify reportable traders. This information generally parallels the information required on CFTC Form 102 and must be submitted by the end of the business day following the first time the option trader's position is reported to the Commission. Proposed § 33.22(d) also requires the information to be updated every 12 months if the option trader is in reportable status or when there is a change in the information.

Surveys and Special calls

In October 1977, the Commission proposed that the exchanges provide information on special call by the Commission. FCMs, foreign option brokers and members of domestic commodity option exchanges were also required by that proposal to provide information on call. Special calls would be used by the Commission to obtain information on all or selected traders in a market either because of a potential market problem or to develop information on market characteristics.

Persons commenting on these proposals objected to their lack of specificity. Commentators noted that they should know in advance the information which would be required on special call so that they could develop the necessary computer programs. The Commission agrees with these commentators. The proposed special call provisions specify the information which would be required in the call.

In addition, the Commission has determined that the exchanges should conduct certain market-wide surveys. It is therefore proposing a new § 33.22(e) which would require exchanges to provide tabulated results of market surveys to the Commission on call. The manner in which these tabulations would be compiled and the time at which they would be required would be specified in the call. At present, the Commission plans to require three market-wide surveys during the pilot program of each market trading options.

In addition, exchanges would be required to provide survey information on individual traders as specified by the Commission, as well as their names and addresses. The Commission plans to interview a limited number of traders included in each survey to determine their use of the option market.

The Commission is also proposing to retain its authority to make special calls on domestic commodity option exchanges and directly on FCMs, foreign option brokers and members of domestic commodity option exchanges in order to obtain information. It is therefore proposing a new § 33.25 which would require domestic commodity option exchanges, FCMs, foreign option brokers and members of option exchanges to provide specified information on call by the Commission.

Use of Data Processing Media

In its October 1977 **Federal Register** release, the Commission proposed that information required from domestic option exchanges in proposed § 33.22 be provided on compatible data processing media using a format and coding structure approved by the Commission and accompanied by an accurate printout of the information. The information was also required to be reproduced in hard-copy form using a format approved by the Commission. Commentators objected to the requirements that exchanges provide "massive information" in both machine-readable and hard-copy form. The Commission has determined at this time to retain its proposed requirements that certain of the information required in § 33.22 be supplied in machine-readable form.

Information to be Furnished by Traders

As proposed in October 1977, individual reportable option traders were required to submit certain identification information to the Commission. In addition, reportable traders were required to keep books and records of commodity option transactions and related futures and cash transactions and to provide pertinent information from these books and records upon request by the Commission.

The Commission is now proposing to delete the requirements that option traders provide identification information. The Commission intends to rely instead on trader identification information supplied to the exchanges pursuant to proposed § 33.22 and on data obtained on request directly from the traders.

In addition, all option traders who own or control a total of 25 or more option positions in a put option or separately in a call option of a specified option expiration date would have to keep books and records showing the details of positions and transactions in the option, in futures contracts, and in the physical commodity underlying the option. Proposed § 33.24.[57]

Trading Requirements

Section 33.27 has been retained as previously proposed with two major amendments. As originally proposed, § 33.27 did not permit a broker to cross simultaneous buy and sell orders of different principals or to take the opposite side of another person's order. Several comments were received in opposition to this proposal, noting that Section 4b of the Act, (7 U.S.C. 6b) and § 1.39 of the regulations (17 CFR 1.39) permit such transactions in futures. Upon reconsideration, the Commission has determined not to treat the matter of cross trading differently for options trading than for futures trading. Accordingly, § 33.27 has been amended to incorporate provisions identical to § 1.39 and § 155.2(e) (17 CFR 155.2(e)) so as to allow a member of a domestic commodity option exchange to cross simultaneous buy and sell orders of different principals in accordance with the conditions and requirements set out in § 33.27(d) and pursuant to written rules of the exchange which have been approved by the Commission under §33.6.

Proposed §33.27(e)(5) permits a floor broker to take the opposite side of another person's order with that person's prior written consent and in conformity with domestic commodity option exchange rules approved by the Commission pursuant to § 33.6. This proposed section is a counterpart to § 155.2(e), and the explanations and interpretations of that regulation will thus apply to proposed § 33.27(e)(5). *See* 41 FR 55887 (December 23, 1976); 42 FR 35004 (July 7, 1977).

Unlawful Activities

Section 33.28, which addresses unlawful activities in option trading, is, with three exceptions, substantially the same as proposed in October, 1977. As proposed, paragraph (c) made it unlawful to fail unreasonably to secure prompt execution of an order for a commodity option transaction after receipt thereof. The Commission believes that § 33.28(c) should give the person who receives the order the discretion to accept or reject the order before the responsiblity for prompt execution attaches, and its present

[57] By contrast, the reporting and aggregation requirements of proposed § 33.22(c) apply only to those option traders who control a "reportable option position," as defined in proposed §33.1(n).

proposal amends that section accordingly. That section is also proposed to be amended to require prompt notification of a customer in the event of rejection of an order. In addition, by a deletion in paragraph (e), the Commission has lifted the ban on "cross trades" in exchange-traded options. Several comments were received in support of this action.

One party commented that paragraph (a) of § 33.28 was unduly restrictive in preventing a person who is registered with the Commission in accordance with Part 33 from representing that the Commission has directly or indirectly approved that person or a commodity option transaction solicited or accepted by that person. The Commission explained in an earlier release that it cannot conduct investigations to insure the accuracy or adequacy of the information contained in every application for registration, and thus registration cannot and does not indicate Commission approval of the registrant or the transactions in which it may engage. However, the Commission stated that this provision does not preclude a futures commission merchant or an associated person from stating that it is registered, if that is true, and if such statement is not misleading under the circumstances in which it is made.[38]

The Commission is also proposing a new § 33.28(f) which explicitly prohibits the bucketing of an option order.

Options Transactions Entered into Prior to the Efective Date of This Part and Antifraud

Proposed § 32.29 (the antifraud provision) has been renumbered as § 33.29 and is proposed to be amended to reflect the fact that a separate Part 33 has been created for domestic exchange-traded commodity options.

Proposed § 32.30 is no longer necessary and has been deleted.

Certification Under the Regulatory Flexibility Act

The Commission has recently published its proposed determination that neither a board of trade nor a futures commission merchant is a "small entity" within the meaning of the Regulatory Flexibility Act, Pub. L. No. 96–354, 94 Stat. 1166 (5 U.S.C. 601(6)). 46 FR 23940 (April 29, 1981). For the reasons stated therein, and pursuant to Section 3(a) of that Act, 94 Stat. 1168 (5 U.S.C. 605(b)), the Chairman, on behalf of the Commission, hereby certifies that the rules proposed herein, if promulgated, will not have a significant economic impact on a substantial number of small entities. Notwithstanding that proposed determination, the Commission welcomes comments on this matter.

In consideration of the foregoing, the Commission, pursuant to the authority contained in Sections 2(a)(1), 4c(a), 4c(b), 4c(c), 4d, 4f, 4g, 8a and 17 of the Act, 7 U.S.C. 2 and 4, 6c(a), 6c(b), 6c(c), 6d, 6f, 6g, 12a and 21 (1976 & Supp. III 1979), hereby proposes to amend Chapter 1 of Title 17 of the Code of Federal Regulations by revising §§ 1.3(c), 1.3(d), 1.3(n), 1.3(x), 1.3(ee), by adding a new § 1.3(gg), § 1.3(hh) and § 1.3(ii), by revising § 1.16, § 1.17, § 1.19, §§ 1.20–1.30, § 1.46, § 1.52, and § 17.01, by adding a new Part 33, and by revising Form 1–FR as follows:

PART 1—GENERAL REGULATIONS UNDER THE COMMODITY EXCHANGE ACT

1. Section 1.3 is proposed to be amended by revising paragraphs (c), (d), (n), (x), (ee), and by adding new paragraphs (gg), (hh) and (ii), to read as follows:

§ 1.3 Definitions.

* * * * *

(c) *Clearing member.* This term means any person who is a member of, or enjoys the privilege of clearing trades in his own name through, the clearing organization of a contract market or a domestic commodity option exchange.

(d) *Clearing organization.* This term means the person or organization which acts as a medium for clearing transactions in commodities for future delivery or commodity option transactions, or for effecting settlements of contracts for future delivery or commodity option transactions, for and between members of any board of trade or any domestic commodity option exchange.

* * * * *

(n) *Floor broker.* This term means any person who, in or surrounding any pit, ring, post or other place provided by a contract market for the meeting of persons similarly engaged, shall purchase or sell for any other person any commodity for future delivery on or subject to the rules of any contract market and shall include any person required to register as a floor broker under the Act by virtue of Part 33 of this chapter.

* * * * *

(x) *Floor trader.* This term means a member of a contract market or domestic commodity option exchange who, on the floor of such contract market or domestic commodity option exchange, executes a futures trade or a commodity option transaction for his own account or an account controlled by him, or has such futures trade or commodity option transaction made for him.

* * * * *

(ee) *Self-regulatory organization.* This term means a contract market (as defined in §1.3(h)), a domestic commodity option exchange (as defined in §33.1(h)) or a registered futures association under section 17 of the act.

* * * * *

(gg) *Commodity customer funds.* This term means all money, securities, and property received by a futures commission merchant from its commodity costomers to margin, guarantee, or secure contracts for future delivery on or subject to the rules of a contract market and all money accruing to such customers as the result of such contracts.

(hh) *Option customer.* This term means any person who, directly or indirectly, purchases or grants (sells), or otherwise acquires or disposes of any interest in a commodity option for value, but does not include: (1) for purposes of §§1.17, 1.20–1.30, 33.15 and 33.17 of this chapter, the owner or holder of a proprietary option account (as defined in §33.1(j) of this chapter); (2) except for purposes of §§1.17, 1.20–1.30, 33.5, 33.7, 33.15(e), (f) and (g), and 33.18 of this chapter, a person registered as a futures commission merchant under the Act or required to be registered as a futures commission merchant by the Act or the regulations thereunder; and (3) for the purpose of §§1.20–1.30, option customers whose option transactions are executed other than through the facilities of a domestic commodity option exchange (as defined in §33.1(h) of this chapter);

(ii) *Domestic option customer funds.* This term means all money, securities and property received by a futures commission merchant or clearing organization of a domestic commodity option exchange (as defined in §33.1(h) of this chapter) in connection with a commodity option transaction on or subject to the rules of that exchange—

(1) To be used as a premium for the purchase of a commodity option for an option customer;

(2) As a premium payable to an option customer;

(3) To guarantee or secure performance of a commodity option by an option customer; or

(4) Representing accruals to an option customer.

2. Section 1.16 is proposed to be amended by revising paragraphs (d)(1),

[38] 41 FR 44560, 44565 (October 8, 1976).

(d)(2), (d)(2)(i), (e)(2), (f)(1), and (b)(1)(vii)B to read as follows:

§1.16 Qualifications and reports of accountants.

* * * * *

(d) *Audit objectives.* (1) The audit must be made in accordance with generally accepted auditing standards and must include a review and appropriate tests of the accounting system, the internal accounting controls, and the procedures for safeguarding commodity customer, option customer and firm assets in accordance with the provisions of the act and the regulations thereunder, since the prior examination date. The audit must include all procedures necessary under the circumstances to enable the independent licensed or certified public accountant to express an opinion on the financial statements and schedules. The scope of the audit and review of the accounting system, the internal controls, and procedures for safeguarding commodity customer, option customer and firm assets must be sufficient to provide reasonable assurance that any material inadequacies existing at the date of the examination in (i) the accounting system, (ii) the internal accounting controls, and (iii) the procedures for safeguarding commodity customer, option customer and firm assets (including the segregation requirements of section 4d(2) of the Act and these regulations) will be discovered. Additionally, as specified objectives the audit must include reviews of the practices and procedures followed by the registrant in making (*a*) periodic computations of the minimum financial requirements pursuant to §1.17 and (*b*) daily computations of the segregation requirements of section 4d(2) of the Act and these regulations.

(2) A material inadequacy in the accounting system, the internal accounting controls,the procedures for safeguarding commodity customer, option customer and firm assets, and the practices and procedures referred to in paragraph (d)(1) of this section which is to be reported in accordance with paragraph (e)(2) of this section includes any conditions which contributed substantially to or, if appropriate corrective action is not taken, could reasonably be expected to:

(i) Inhibit an applicant or registrant from promptly completing transactions or promptly discharging his responsibilties to commodity customers, option customers or other creditors;

* * * * *

(e) * * *

(2) If during the course of an audit or interim work, the independent public accountant determines that any material inadequacies exist in the accounting system, in the internal accounting controls, in the procedures for safeguarding commodity customer, option customer or firm assets, or as otherwise defined in paragraph (d) of this section, he must call such inadequacies to the attention of the applicant or registrant, who has the responsibiltiy to inform the commission and the designated self-regulatory organization, if any, in accordance with paragraph (d) of §1.12. The applicant or registrant must also furnish the accountant with a copy of said notice to the Commission within three business days. If the accountant fails to receive such notice from the applicant or registrant within three business days, or if he disagrees with the statements contained in the notice of the applicant or registrant, the accountant must inform the Commission and the designated self-regulatory organization, if any, by reporting the material inadequacy within three business days thereafter. Such report from the accountant must, if the applicant or registrant failed to file a notice, describe the material inadequacies found to exist. If the applicant or registrant filed a notice, the accountant must file a report detailing the aspects, if any , of the applicant's or registrant's notice with which the accountant does not agree.

(f) *Extension of time for filing audited reports.* (1) In the event any applicant or registrant finds that it cannot file its certified financial statements and schedules for any year within the time specified in § 1.10 without substantial undue hardship, it may file with the principal office of the Commission in Washington, D.C., an application for extension of time to a specified date not more than 90 days after the date as of which the certified financial statements and schedules were to have been filed. Notice of such application must be sent to the designated self-regulatory organization, if any. The application must be made by the applicant or registrant and must: (i) state the reasons for the requested extension; (ii) indicate that the inability to make a timely filing is due to cirucmstances beyond the control of the applicant or registrant, if such is the case, and describe briefly the nature of such circumstances; (iii) be accompanied by the latest available formal computation of his adjusted net capital and minimum financial requirements computed in accordance with § 1.17; (iv) be accompanied by the latest available computation of required segregation and by a computation of the amount of money, securities, and property segregated on behalf of commodity customers and options customers as of the date of the latest available computation; (v) contain an agreement to file the report on or before the date specified by the applicant or registrant in the application; (vi) be received by the principal office of the Commission in Washington, D.C., and by the designated selfregulatory organization, if any, prior to the date on which the report is due; and (vii) be accompanied by a letter from the independent public accountant answering the following questions:

A. * * *

B. On the basis of that part of your audit to date, do you have any indication that may cause you to consider commenting on any material inadequacies in the accounting system, internal accounting controls or procedures for safeguarding commodity coustomer, option customer or firm assets?

* * * * *

3. Section 1.17 is proposed to be amended by revising paragraphs (b)(2), (b)(5), (c)(1) (ii) and (iii), (c)(2)(ii)(C), (c)(5)(viii)–(xii), by adding paragraph (c)(5)(xiii), by redesignating paragraphs (c)(5)(xiii) and (c)(5)(xiv) as paragraphs (c)(5)(xiv) and (c)(5)(xv), and by revising paragraphs (d)(1)(ii), (e), and (j)(2) to read as follows:

§ 1.17 Minimum financial requirements—futures commission merchants.

* * * * * *

(b) * * *

(2) "Customer" means customer (as defined in § 1.3(k)) and option customer (as defined in § 1.3(hh)).

* * * * *

(5) "Commodity option," "premium," "strike price," and "domestic commodity option exchange" have the same meaning as in Part 33 of these regulations.

* * * * *

(c) * * *

(1) * * *

(ii) All long and all short positions in commodity options which are traded on a domestic commodity option exchange and listed security options shall be marked to their market value and all long and all short securities and commodities positions shall be marked to their market value;

(iii) The value attributed to any commodity option which is not traded on a domestic commodity option exchange shall be the difference between the option's strike price and the market value for the actual commodity or futures contract which is the subject

of the option. In the case of a call commodity option which is not traded on a domestic commodity option exchange, if the market value for the actual commodity or futures contract which is the subject of the option is less than the strike price of the option, it shall be given no value. In the case of a put commodity option which is not traded on a domestic commodity option exchange, if the market value for the actual commodity or futures contract which is the subject of the option is more than the strike price of the option, it shall be given no value; and

* * * * *

(2) * * *

(ii) * * *

(C) Receivables from "clearing organizations," foreign clearing organizations and securities clearing organiztions;

* * * * *

(5) * * *

(viii) For undermargined customer commodity futures accounts and commodity option customer accounts the amount of funds required in each such account to meet maintenance margin requirements of the applicable board of trade or domestic commodity option exchange or if there are no such maintenance margin requirements clearing organization margin requirements applicable to such positions, after application of calls for margin, or other required deposits which are outstanding three business days or less. If there are no such maintenance margin requirements or clearing organization margin requirements, then the amount of funds required to provide margin equal to the amount necessary after application of calls for margin or other required deposits outstanding three days or less to restore original margin when the original margin has been depleted by 50 percent or more. Provided, to the extent a deficit is excluded from current assets in accordance with paragraph (c)(2)(i) of this section such amount shall not also be deducted under this parragraph (c)(5)(viii). In the event that an owner of a customer commodity futures or commodity option customer account has deposited an asset other than cash to margin, guarantee or secure his account, the value attributable to such asset for purposes of this subparagraph shall be the lesser of (A) the value attributable to the asset pursuant to the margin rules of the applicable board of trade, or (B) the market value of the asset after application of the percentage deductions specified in this paragraph (c)(5);

(ix) For undermargined commodity futures and commodity option non-customer and omnibus accounts the amount of funds required in each such account to meet maintenance margin requirements of the applicable board of trade or domestic commodity option exchange or if there are no such maintenance margin requirements or clearing organization margin requirements applicable to such positions, after application of calls for margin or other required deposits which are outstanding two business days or less. If there are no such maintenance margin requirements or clearing organization margin requirements, then the amount of funds required to provide margin equal to the amount necessary after application of calls for margin, or other required deposits outstanding two days or less to restore orginal margin when the initial margin has been depleted by 50 percent or more. Provided, to the extent a deficit is excluded from current assets in accordance with paragraph (c)(2)(i) of this section such amount shall not also be deducted under this paragraph (c)(5)(ix). In the event that an owner of a commodity futures or commodity option non-customer or omnibus account has deposited an asset other than cash to margin, guarantee or secure his account the value attributable to such asset for purposes of this subparagraph shall be the lesser of (A) the value attributable to such asset pursuant to the margin rules of the applicable board of trade, or (B) the market value of such asset after application of the percentage deductions specified in this paragraph (c)(5);

(x) In the case of open futures contracts and grantor commodity options held in proprietary accounts carried by the applicant or registrant which are not covered by a position held by the applicant or registrant or which are not the result of a "changer trade" made in accordance with the rule of a contract market:

(A) For an applicant or registrant which is a clearing member of a clearing organization for the positions cleared by such member, the applicable margin requirement of the applicable clearing organization;

(B) For an applicant or registrant which is a member of a self-regulatory organization 150% of the applicable maintenance margin requirement of the applicable board of trade, domestic commodity option exchange or clearing organization, whichever is greater;

(C) For all other applicants or registrants, 200% of the applicable maintenance margin requirement of the applicable board of trade, domestic commodity option exchange or clearing organization whichever is greater; or (D) For open contracts for which there is no applicable maintenance margin requirements, 200 percent of the applicable initial margin requirement. Provided, the equity in any such proprietary account shall reduce the deduction required by this paragraph (c)(5)(x) if such equity is not otherwise includable in adjusted net capital;

(xi) In the case of an applicant or registrant which is a purchaser of a commodity option, the original amount of any commodity option premium which has been used to increase adjusted net capital (however, in the case of an applicant or registrant which is a grantor of a commodity option, the safety factor may be reduced by the original amount of any commodity option premium which has not been previously recognized as income);

(xii) In the case of an applicant or registrant which is a purchaser of a commodity option not traded on a domestic commodity option exchange which has value and such value is used to increase adjusted net capital, ten percent of the market value of the commodity which is the subject of such option but in no event more than the value attributed to such option;

(xiii) In the case of an applicant or registrant which is a purchaser of a commodity option which is traded on a domestic commodity option exchange the same safety factor as if the applicant or registrant were the grantor of such option in accordance with paragraph (c)(5)(x) of this section, but in no event shall the safety factor be greater than the market value attributed to such option less the original premium amount of such option;

(xiv) Five percent of all unsecured receivables includable under paragraph (c)(2)(ii)(D) of this section used by the applicant or registrant in computing "net capital" and which are not receivable from (A) a registered futures commission merchant, or (B) a broker or dealer which is registered as such with the Securities and Exchange Commission; and

(xv) For securities brokers and dealers, all other deductions specified in § 240.15c3–1 of this title.

* * * * *

(d) * * *

(1) * * *

(ii) In the case of a partnership, the sum of its capital accounts of partners (inclusive of such partners' commodities, options and securities accounts subject to the provisions of paragraph (e) of this section), and unrealized profit and loss.

* * * * *

(e) No equity capital of the applicant or registrant or a subsidiary's or

affiliate's equity capital consolidated pursuant to paragraph (f) of this section, whether in the form of capital contributions by partners (including amounts in the commodities, options and securities trading accounts of partners which are treated as equity capital but excluding amounts in such trading accounts which are not equity capital and excluding balances in limited partners' capital accounts in excess of their stated capital contributions), par or stated value of capital stock, paid-in capital in excess of par or stated value, retained earnings or other capital accounts, may be withdrawn by action of a stockholder or partner or by redemption or repurchase of shares of stock by any of the consolidated entities or through the payment of dividends or any similar distribution, nor may any unsecured advance or loan be made to a stockholder, partner, sole proprietor, or employee if, after giving effect thereto and to any other such withdrawals, advances, or loans and any payments of payment obligations (as defined in paragraph (h) of this section) under satisfactory subordination agreements and any payments of liabilities excluded pursuant to paragraph (c)(4)(v) of this section which are scheduled to occur within six months following such withdrawal, advance or loan, either adjusted net capital of any of the consolidated entities would be less than the greatest of 120 percent of the appropriate minimum dollar amount required by § 1.17, or 7 percent of the amount required to be segregated pursuant to the Act and these regulations or, for securities brokers or dealers, 7 percent of the aggregate debit items computed pursuant to § 240.15c3–3 of this title, or in the case of any applicant or registrant included within such consolidation, if equity capital of the applicant or registrant (inclusive of satisfactory subordination agreements which qualify as equity under paragraph (d) of this section) would be less than 30 percent of the required debt-equity total as defined in paragraph (d) of this section. *Provided,* That this provision shall not preclude an applicant or registrant from making required tax payments or preclude the payment to partners of reasonable compensation. The Commission may, upon application of the applicant or registrant, grant relief from this paragraph (e) if the Commission deems it to be in the public interest or for the protection of non-proprietary accounts.

* * * * *

(j) * * *

(2) *Enumerated cover transactions.* The definition of covered transactions and positions in paragraph (j)(1) of this section includes, but is not limited to, the following specific transactions and positions:

(i) Ownership or fixed-price purchase of any commodity which does not exceed in quantity (1) the sales of the same commodity for future delivery on a board of trade or (2) the ownership of a put commodity option of the same commodity for which the market value for the actual commodity or futures contract which is the subject of the option is less than the strike price of the option or (3) the ownership of a commodity option position established by the sale (grant) of a call commodity option of the same commodity for which the market value for the actual commodity or futures contract which is the subject of the option is more than the strike price of the option; *Provided,* That for purposes of paragraph (c)(5)(x) of this section the market value for the actual commodity or futures contract which is the subject of such option need not be more than the strike price of that option;

(ii) Fixed-price sale of any commodity which does not exceed in quantity (1) the purchase of the same commodity for future delivery on a board of trade or (2) the purchase of a call commodity option of the same commodity for which the market value for the actual commodity or futures contract which is the subject of such option is more than the strike price of the option or (3) ownership of a commodity option position established by the sale (grant) of a put commodity option of the same commodity for which the market value for the actual commodity or futures contract which is the subject of the option is less than the strike price of the option; *Provided,* That for purposes of paragraph (c)(5)(x) of this section the market value for the actual commodity or futures contract which is the subject of such option need not be less than the strike price of that option; and

(iii) Ownership or fixed-price contracts of a commodity described in paragraphs (j)(2)(i) and (j)(2)(ii) of this section may also be covered other than by the same quantity of the same cash commodity, provided that the fluctuations in value of the position for future delivery or commodity option are substantially related to the fluctuations in value of the actual cash position.

4. Section 1.19 is proposed to be revised as follows:

§ 1.19 Prohibited trading in certain "puts" and "calls."

No futures commission merchant may make, underwrite, issue, or otherwise assume any financial responsibility for the fulfillment of, any transaction which is of the character of, or is commonly known to the trade as a "option," "privilege," "indemnity," "bid," "offer," "put," "call," "advance guaranty," or "decline guaranty," in any commodity except for commodity options offered or sold in accordance with Part 33 of this chapter.

5. Sections 1.20–1.30 are proposed to be revised as follows:

§ 1.20 Customers' money, securities, and property to be segregated and separately accounted for.

(a) All commodity customer funds and domestic option customer funds shall be separately accounted for and be segregated as belonging to commodity or option customers. Such funds when deposited with any bank, trust company, clearing organization or another futures commission merchant shall be deposited under an account name which clearly identifies them as such and shows that they are segregated as required by the Act and these regulations. Each registrant shall obtain and retain in his files for the period provided in § 1.31 of this chapter an acknowledgment from such bank, trust company, clearing organization, or futures commission merchant, that it was informed that the commodity customer funds and domestic option customer funds deposited therein are those of commodity or option customers and are being held in accordance with the provisions of the Act and these regulations. Under no circumstances shall any portion of commodity customer funds or domestic option customer funds be obligated to the clearing organization, or to any member of a contract market, or member of a domestic commodity option exchange, a futures commission merchant, or any depository except to purchase, margin, guarantee, secure, transfer, adjust or settle trades, contracts or commodity option transactions of commodity or option customers. Nor shall any such funds be held, disposed of, or used as belong to the depositing futures commission merchant or any person other than the commodity or option customers of such futures commission merchant.

(b) All money, securities, and property received by a clearing organization from a member of the clearing organization to purchase, margin, guarantee, secure or settle the trades, contracts or

commodity options of the clearing member's commodity or option customers and all money accruing to such commodity or option customers as the result of trades, contracts or commodity options so carried shall be separately accounted for and segregated as belonging to such commodity or option customers, and a clearing organization shall not hold, use or dispose of such money, securities, and property except as belonging to such commodity or option customers. Such money, securities, and property when deposited in a bank or trust company shall be deposited under an account name which clearly shows that they are the money, securities, and property of the commodity or option customers of clearing members, segregated as required by the Act and these regulations. The clearing organization shall obtain and retain in its files for the period provided by § 1.31 of this chapter an acknowledgment from such bank or trust company that it was informed that the money, securities, and property deposited therein are those of commodity or option customers of its clearing members and are being held in accord with the provisions of the Act and these regulations.

(c) Each futures commission merchant shall treat and deal with an option customer's domestic option customer funds as belonging to such option customer. All commodity customers funds and domestic option customer funds shall be separately accounted for, and shall not be commingled with the money, securities or property of a futures commission merchant or of any other person, or be used to secure or guarantee the trades, contracts or commodity options, or to secure or extend the credit, of any person other than the one for whom the same are held: *Provided, however,* That domestic option customer funds and commodity customer funds treated as belonging to the commodity or option customers of a futures commission merchant may for convenience be commingled and deposited in the same account or accounts with any bank or trust company, with another person registered as a futures commission merchant, or with a clearing organization and that such share thereof as in the normal course of business is necessary to purchase, margin, guarantee, secure, transfer, adjust, or settle the trades, contracts or commodity options of such commodity or option customers or resulting market positions, with the clearing organization or with any other person registered as a futures commission merchant, may be withdrawn and applied to such purposes, including the payment of premiums to option grantors, commissions, brokerage, interest, taxes, storage and other fees and charges, lawfully accruing in connection with such trades, contracts or commodity options: *Provided, further,* That money which is domestic option customer funds may be invested in obligations described in § 1.25 and that such investments shall be segregated, separately accounted for, and treated in all ways as domestic option customer funds and that the proceeds from any sale of such obligations shall be redeposited in such separate account or accounts.

(d) No person, including any clearing organization or any depository, that has received commodity customer funds or domestic option customer funds for deposit in a separate account, as provided in this section, may hold dospose of, or use any such funds as belonging to any person other than the option or commodity customers of the futures commission merchant which deposited such funds.

§ 1.21 Care of money and equities accruing to customer.

All money received directly or indirectly by, and all money and equties accruing to, a futures commission merchant from any clearing organization or from any clearing member or from any member of a contract market or a domestic commodity option exchange incident to or resulting from any trade, contract or commodity option made by or through such futures commission merchant in behalf of any commodity or option customer shall be considered as accruing to such commodity or option customer within the meaning of the Act and these regulations. Such money and equities shall be treated and dealt with as belonging to such commodity or option customer in accordance with the provisions of the Act and these regulations. Money and equities accruing in connection with commodity or option customers' open trades, contracts, or commodity options need not be separately credited to individual accounts but may be treated and dealt with as belonging undivided to all commodity or option customers having open trades, contracts, or commodity options positions which if closed would result in a credit to such commodity or option customers.

§ 1.22 Use of money, securities, or property of customer restricted.

No futures commission merchant shall use, or permit the use of, the commodity customer funds or domestic option customer funds of one commodity and/or option customer to purchase, margin, or settle the trades, contracts, or commodity options or to secure or extend the credit, of any person other than such customer. Commodity customer funds and domestic option customer funds shall not be used to carry trades or positions of the same commodity and/or option customer in goods or property other than commodities or commodity options traded through the facilities of a contract market or a domestic commodity option exchange.

§ 1.23 Interest of futures commission merchant in segregated funds, additions and withdrawals.

The provision in section 4d(2) of the Act and the provision in § 1.20(c) which prohibit the commingling of commodity or domestic option customer funds with the funds of a future merchant shall not be construed to prevent a futures commission merchant from having a residual financial interest in the commodity customer funds and domestic option customer funds segregated and set apart for the benefit of commodity or option customers, nor shall such provisions be construed to prevent a futures commission merchant from adding to commodity or domestic option customers' segregated funds from his own funds such amount or amounts of money as he may deem necessary to insure any and all commodity or domestic option customers' accounts from becoming undermargined at any time. The books and records of a futures commission merchant shall at all times accurately reflect his interest in commodity or domestic option customers' segregated funds. A futures commission merchant may draw upon such segregated funds to his own order to the extent of his actual interest therein. Such withdrawal shall not result in the commodity customer funds or domestic option customer funds of one commodity and/or option customer being used to purchase, margin or carry the trades, contracts or commodity options, or extend the credit of any other commodity customer, option customer or other person.

§ 1.24 Segregated funds; exclusions therefrom.

Money held in a segregated account by a futures commission merchant shall not include: (a) money invested in obligations or stocks of any clearing organization or in memberships in or obligations of any contract market or domestic commodity option exchange; or (b) money held by any clearing

organization which it may use for any purpose other than to purchase, margin, guarantee, secure, transfer, adjust, or settle the contracts, trades, or commodity options of the commodity or option customers of such futures commission merchant.

§ 1.25 Investment of commodity or option customers' funds.

No futures commission merchant and no clearing organization shall invest funds belonging to commodity or option customers except in obligations of the United States, in general obligations of any State or of any political subdivision thereof, or in obligations fully guaranteed as to principal and interest by the United States. Such investments shall be made through an account or accounts used for the deposit of commodity customer funds or domestic option customer funds and proceeds from any sale of such obligations shall be redeposited in such account or accounts.

§ 1.26 Deposit of obligations purchased with commodity customers' funds or domestic option customers' funds

(a) Each futures commission merchant who invests money belonging or accruing to commodity or option customers in obligations described in § 1.25 shall separately account for such obligations and segregate such obligations as belonging to such commodity or option customers. Such obligations when deposited with a bank, trust company, clearing organization or another futures commission merchant, shall be deposited under an account name which clearly shows that they belong to commodity or option customers and are segregated as required by the Act and these regulations. Each futures commission merchant upon opening such an account shall obtain and retain in his files an acknowledgment from such bank, trust company, clearing organization or other futures commission merchant that it was informed that the obligations belong to commodity or option customers and are being held in accord with the provisions of the Act and these regulations. Such acknowledgment shall be retained in accordance with § 1.31. Such bank, trust company, clearing organization or other futures commission merchant shall allow inspection of such obligations at any reasonable time by representatives of the Commission.

(b) Each clearing organization which invests money belonging or accruing to commodity or option customers of its clearing members in obligations described in § 1.25 shall separately account for such obligations and segregate such obligations as belonging to such commodity or option customers. Such obligations, when deposited with a bank or trust company, shall be deposited under an account name which will clearly show that they belong to commodity or option customers and are segregated as required by the Act and these regulations. Each clearing organization upon opening such an account shall obtain and retain in its files an acknowledgment from such bank or trust company that it was informed that the obligations belong to commodity or option customers of clearing members and are being held in accord with the provisions of the Act and these regulations. Such acknowledgment shall be retained in accordance with § 1.31. Such bank or trust company shall allow inspection of such obligations at any reasonable time by representatives of the Commission.

§ 1.27 Record of investments.

(a) Each futures commission merchant who invests money belonging or accruing to commodity or option customers, and each clearing organization which invests money belonging or accuring to commodity or option customers of its clearing members, shall keep a record showing the following:

(1) The date on which such investments were made;

(2) The name of the person through whom such investments were made;

(3) The amount of money so invested;

(4) A description of the obligations in which such investments were made;

(5) The identity of the depositories or other places where such obligations are segregated;

(6) The date on which such investments were liquidated otherwise disposed of and the amount of money received on such disposition, if any; and

(7) The name of the person to or through whom such investments were disposed of.

(b) Each clearing organization which receives documents from its clearing members representing investment of commodity customer funds or domestic option customer funds shall keep a record showing separately for each clearing member the following:

(1) The date on which such documents were received from the clearing member;

(2) A description of such documents; and

(3) The date on which such documents were returned to the clearing member or the details of disposition by other means.

(c) Such records shall be retained in accordance with § 1.31. No such investments shall be made except in obligations described in § 1.25.

§ 1.28 Appraisal of obligations purchased with customers' funds.

Futures commission merchants who invest commodity customer funds or domestic option customer funds in obligations described in § 1.25 shall include such obligations in segregated accounts at values which at no time shall be greater than current market value, determined as of the close of the market on the last preceding market day.

§ 1.29 Increment or interest resulting from investment of customers' funds.

The investment of commodity customer funds or domestic option customer funds in obligations described in § 1.25 shall not prevent the futures commission merchant or clearing organization so investing such funds from receiving and retaining as its own any increment or interest resulting therefrom.

§ 1.30 Loans by futures commission merchants; treatment of proceeds.

Nothing in these regulations shall prevent a futures commission merchant from lending its own funds to commodity or option customers on securities and property pledged by such commodity or option customers, or from repledging or selling such securities and property pursuant to specific written agreement with such commodity or option customers. The proceeds of such loans used to purchase, margin, guarantee, or secure the trades, contracts, or commodity options of commodity or option customers in any commodity for future delivery or commodity option shall be treated and dealt with by a futures commission merchant as belonging to such commodity or option customers, in accordance with and subject to the provisions of section 4d(2) of the Act and these regulations.

6. Section 1.46 is proposed to be amended by adding paragraph (d)(4) to read as follows:

§ 1.46 Application and closing out of offsetting long and short positions.

* * * * *

(d) * * *

(4) Purchases of futures contracts for the purpose of making delivery upon exercise of options on futures contracts on a licensed domestic commodity option exchange, if such purchases are accompanied by instructions and other documents necessary to effectuate such delivery.

7. Section 1.52 is proposed to be amended by revising paragraph (c)(2) to read as follows:

§ 1.52 Self-regulatory organization adoption and surveillance of minimum financial requirements.

* * * * *

(c) * * *

(2) Receiving the financial reports necessitated by such minimum financial and related reporting requirements.

Such a plan may also delegate the responsibility of examining the books and records kept by such registered futures commission merchant relating to its business of dealing in: (i) commodity futures and cash commodities, insofar as such business relates to its dealings on contract markets, as required by § 1.51(a)(3); or (ii) commodity options, insofar as such business relates to its dealings on domestic commodity option exchanges, as required by § 33.5.

* * * * *

8. Section 17.01 is proposed to be amended by revising paragraph (a) to read as follows:

PART 17—REPORTS BY FUTURES COMMISSION MERCHANTS AND FOREIGN BROKERS

§ 17.01 Special Account designation and identification.

(a) *Designation of Special Account.* For the purpose of reporting, each futures commission merchant and each foreign broker shall assign a number to each Special Account and shall report such account only by such number; *Provided,* That if a futures commission merchant or foreign option broker has assigned a number for purposes of reporting commodity option positions of an option trader to a domestic commodity option exchange, the futures commission merchant or foreign option broker shall use this same number for reporting futures positions of that option trader to the Commission. An account number shall not be changed nor assigned to another account without the prior approval of the Commission.

* * * * *

9. Part 33 is proposed to be added to 17 CFR Chapter I to read as follows:

PART 33—REGULATION OF EXCHANGE-TRADED DOMESTIC COMMODITY OPTION TRANSACTIONS

Sec.

33.01 Scope of rules.
33.1 Definitions.
33.2 Prohibited transactions.
33.3 Unlawful commodity option transactions.
33.4 Exemptions.
33.5 Licensing of domestic commodity option exchanges.
33.6 Requirements imposed on domestic commodity option exchanges.
33.7 Delegation of authority to the Executive Director and the Director of the Division of Trading and Markets.
33.8 Application for licensing as a domestic commodity option exchange.
33.9 Vacation of license as a domestic commodity option exchange.
33.10 Suspension or revocation of license as a domestic commodity option exchange.
33.11 [Reserved]
33.12 Prohibition of transactions by persons in commodity options.
33.13 Supplementing domestic commodity option exchange rules.
33.14 Emergency actions.
33.15 Disclosure.
33.16 [Reserved]
33.17 Promotional material.
33.18 Recordkeeping
33.19 Application and closing out of offsetting option positions.
33.20 Filing of information by domestic commodity option exchanges.
33.21 [Reserved]
33.22 Reports by domestic commodity option exchanges.
33.23 Volume, open contracts, premiums and exercises.
33.24 Option trader books and records.
33.25 Special calls for information from domestic commodity option exchanges, futures commission merchants, foreign option brokers, and members of domestic commodity option exchanges.
33.26 [Reserved]
33.27 Trading requirements.
33.28 Unlawful activities.
33.29 Fraud in connection with commodity option transactions.

Authority: Secs. 2(a)(1), 4c(a), 4c(b), 4c(c), 4d, 4f, 4g, 8a and 17 of the Act, 7 U.S.C. 2 and 4, 6c(a), 6c(b), 6c(c), 6d, 6f, 6g, 12a and 21 (1976 & Supp. III 1979).

§ 33.01 Scope of rules.

The provisions of this Part apply to commodity option transactions except for such transactions which are governed by Part 32 of this chapter.

§ 33.1 Definitions.

As used in this part—

(a) "Commodity option transaction" and "commodity option" each mean any transaction or agreement in interstate commerce which is or is held out to be of the character of, or is commonly known to the trade as, an "option," "privilege," "indemnity," "bid," "offer," "call," "put," "advance guaranty," or "decline guaranty" involving any commodity regulated under the Act other than wheat, cotton, rice, corn, oats, barley, rye, flaxseed, grain sorghums, mill feeds, butter, eggs, onions, Solanum tuberosum (Irish potatoes), wool, wool tops, fats and oils (including lard, tallow, cottonseed oil, peanut oil, soybean oil and all other fats and oils), cottonseed meal, cottonseed, peanuts, soybeans, soybean meal, livestock, livestock products and frozen concentrated orange juice;

(b) "United States" means the jurisdictional entities comprising the United States of America, including its states, territories, possessions and the District of Columbia;

(c) [Reserved]

(d) [Reserved]

(e) "Purchase price" means the total actual cost paid or to be paid, directly or indirectly, by a person to acquire a commodity option;

(f) "Premium" means the money, securities or property paid or to be paid to a person for granting a commodity option;

(g) "Strike price" means the total price at which a person may purchase or sell the contract of sale of a commodity for future delivery which is the subject of a commodity option (*i.e.*, price per commodity unit times the number of commodity units);

(h) "Domestic commodity option exchange" means any board of trade located in the United States licensed by the Commission as such in accordance with the provisions of § 33.5;

(i) "Promotional material" includes (1) any text of a standard oral presentation, or any communication for publication in any newspaper, magazine or similar medium or for broadcast over television, radio, or other electronic medium which is disseminated or directed to an option customer or prospective option customer concerning a commodity option transaction, (2) any standardized form of report, letter, circular, memorandum, or publication which is disseminated or directed to an option customer or perspective option customer, and (3) any other written material disseminated or directed to an option customer or prospective option customer for the purpose of soliciting entry into an option transaction, including any disclosure statement required by § 33.15.

(j) "Proprietary option account" means a commodity option trading account carried on the books of a person required to register as a futures commission merchant in accordance with this Part for, or of which, an aggregate of ten percent or more of the account is owned by one or more of the persons listed in § 1.3(y) of this chapter.

(k) [Reserved]

(l) [Reserved]

(m) "Foreign option broker" means any person located outside of the United States who carries an account in commodity options on any domestic commodity option exchange for any other person;

(n) "Reportable option position" means any open contract position in the

put option or separately in the call option of a specified option expiration date, which is carried on the books of any one futures commission merchant or foreign broker or which is held by a member who is not a futures commission merchant on any one commodity option exchange, and which, at the close of the market on any business day, equals or exceeds 25 option contracts, except as otherwise approved by the Commission;

(o) "Option trader" means a person who, for his own account or for an account which he controls, makes transactions in commodity options or has such transactions made;

(p) "Type of account" shall mean the following distinct accounts:

(1) Accounts controlled by the futures commission merchant, foreign option broker or member who is not a futures commission merchant who is reporting the accounts of officers, partners, employees or agents thereof;

(2) In the case of omnibus accounts:

(i) An omnibus account of another futures commission merchant or member through which trades are executed for proprietary accounts carried by the futures commission merchant or member;

(ii) A customer omnibus account of another futures commission merchant;

(iii) An omnibus account of a foreign option broker through which trades are executed for proprietary accounts carried by the foreign option broker; and

(iv) A customer omnibus account of a foreign option broker; and

(3) In the case of accounts controlled by persons other than those persons named in paragraph (p)(1) of this section:

(i) Accounts of individuals;

(ii) Jointly held or partnership accounts other than commodity pools;

(iii) Accounts of corporations, associations or trusts other than commodity pools;

(iv) Commodity pool accounts; or

(v) Accounts not otherwise specified.

§ 33.2 Prohibited transactions.

No person may offer to enter into, enter into, confirm the execution of, or maintain a position in, any transaction in interstate commerce involving—

(a) Wheat, cotton, rice, corn, oats, barley, rye, flaxseed, grain sorghums, mill feeds, butter, eggs, onions, Solanum tuberosum (Irish potatoes), wool, wool tops, fats and oils (including lard, tallow, cottonseed oil, peanut oil, soybean oil and all other fats and oils), cottonseed meal, cottonseed, peanuts, soybeans, soybean meal, livestock, livestock products, and frozen concentrated orange juice; or

(b) Any contract of sale of any commodity for future delivery traded on or subject to the rules of any contract market or involving the prices of such contracts, except for such contracts involving gold, sugar or Government National Mortgage Association mortgage-backed certificates traded under the terms and conditions prescribed in this Part; if the transaction is or is held out to be of the character of, or is commonly known to the trade as, an "option," "privilege," "indemnity," "bid," "offer," "put," "call," "advance guaranty," or "decline guaranty."

§ 33.3 Unlawful commodity option transactions.

(a) It shall be unlawful for any person to offer to enter into, enter into, confirm the execution of, or maintain a position in, any commodity option transaction subject to the provisions of this Part 33 unless the commodity option involved is traded on or subject to the rules of a domestic commodity option exchange and by or through a member thereof in accordance with the provisions of this Part 33.

(b) It shall be unlawful for any person to accept any money, securities, or property (or to extend credit in lieu thereof) from an option customer as payment of the purchase price in connection with a commodity option transaction or to guarantee or secure performance of a commodity option unless such person is registered as a futures commission merchant under the Act and such registration shall not have expired, been suspended (and the period of suspension has not expired) or been revoked.

(c) It shall be unlawful for:

(1) Any person to solicit or accept orders (other than in a clerical capacity) for the purchase or sale of any commodity option, or to supervise any person or persons so engaged, unless such person is

(i) Registered as a futures commission merchant under the Act, and either:

(A) Is a member of, or submits to the jurisdiction of and is regulated by (including the payment of reasonable fees for such regulation), the exchange on which the option is traded, or

(B) Is a member of a futures association registered under section 17 of the Act, or

(ii) If such person is an individual, registered as an associated person of a specified person registered as a futures commission merchant under the Act who meets the requirements of paragraph (c)(1)(i) of this section, and such registration shall not have expired, been suspended (and the period of suspension has not expired) or been revoked;

(2) Any person registered or required to be registered as a futures commission merchant under the Act to permit another person to become or remain associated with such person as a partner, officer, employee, agent or representative (or in any status or position involving similar functions) in any capacity involving the solicitation or acceptance of orders (other than in a clerical capacity) for the purchase or sale of any commodity option, or the supervision of any person or persons so engaged, if such person knows or should know that such other person is or was not registered as required by this Part or that such registration has expired, been suspended (and the period of suspension has not expired) or been revoked.

(d) It shall be unlawful for any person in or surrounding any "pit," "ring," "post," or other place provided by a domestic commodity option exchange for the purchase or sale of commodity options, or similar place provided by a domestic commodity option exchange, to purchase or sell for any other person any commodity option on or subject to the rules of such exchange, unless such person is registered as a floor broker under the Act and such registration shall not have expired, been suspended (and the period of suspension has not expired) or been revoked.

(e) A person required to register as a futures commission merchant, as a floor broker, or as an associated person in accordance with this Part which furnishes the services specified in that portion of section 2(a)(1) of the Act defining the term "commodity trading advisor" shall not be included in the term commodity trading advisor if:

(1) At the time such services are furnished, such person is registered as a futures commission merchant, as a floor broker, or as an associated person under the Act, and such registration shall not have expired, been suspended (and the period of suspension has not expired) or been revoked; and

(2) The furnishing of such services is solely incidental to the conduct of such person's activities relating to commodity option transactions.

(f) A person already registered as a futures commission merchant under the Act need not reregister as such in order to comply with this Part, but shall immediately notify the Commission in writing at the Commission's principal business office in Washington, D.C., specifying the date such person commenced or intends to commence engaging in activities otherwise requiring registration under this Part.

(g) A person already registered as an associated person or as a floor broker under the Act, who is required to register as an associated person by virtue of this Part, need not register as such in order to comply with this Part, but the person registered as a futures commission merchant under the Act employing such person shall immediately notify the Commission in writing at the Commission's principal business office in Washington, D.C., specifying the date such person commenced or intends to commence engaging in activities otherwise requiring registration under this Part.

(h) A person already registered as a floor broker under the Act, need not reregister as such in order to comply with this Part, but shall immediately notify the Commission in writing at the Commission's principal business office in Washington, D.C., specifying the date each such person commenced or intends to commence engaging in activities otherwise requiring registration under this Part: *Provided, however,* That if such person is employed by a person registered as a futures commission merchant under the Act, such futures commission merchant shall provide the information.

§ 33.4 Exemptions.

The Commission may, in its discretion, by order, upon written request or upon its own motion, exempt any person, either unconditionally or on a temporary or other conditional basis, from any provisions of this Part, other than §§ 33.2(a), 33.27, 33.28, or 33.29, if it finds that it would not be contrary to the public interest to grant such exemption.

§ 33.5 Licensing of domestic commodity option exchanges.

The Commission may license any board of trade located in the United States as a domestic commodity option exchange when the Commission determines that the applicant complies with the following conditions and requirements with respect to the commodity option for which the license is sought:

(a) Such board of trade—

(1) Applies for a license for trading "put" and/or "call" options which:

(i) Are not capable of being transferred, assigned or otherwise disposed of other than on or subject to the rules of the board of trade, and;

(ii) Provide for payment of the full amount of the premium at the time the option is purchased;

(2) Is designated as a contract market for the commodity underlying the contract of sale for future delivery which is the subject of the option for which the license is sought, and submits, if so requested by the Commission, the information called for by § 1.50 of this chapter (relating to continued compliance with the conditions and requirements for designation as a contract market) for the specified futures contract underlying the option for which the license is sought, and the Commission finds the applicant to be in continued compliance with the requirements for designation as a contract market for such commodity;

(3) [Reserved]

(4) Demonstrates that:

(i) Commercial interests have participated in formulating the option contract for which the license is sought and have expressed an interest in using such contract in connection with their businesses;

(ii) The volume of trading in all contract months for future delivery of the commodity for which the option license is sought has averaged at least 1,000 contracts per week for the 12 months preceding the date of application for the license, or, alternatively, that there is sufficient liquidity in the cash and futures markets underlying the option for which licensing is being sought to prevent disruption of those markets by the trading of options; and

(iii) With respect to the commodity specified in the option for which the license is sought, there is:

(A) A readily available deliverable supply,

(B) Accurate statistics available concerning deliverable supply,

(C) An efficiently functioning delivery system, and

(D) A reliable mechanism for determining cash prices of such commodity (cash price series)

To support trading in both commodity options and, contracts for future delivery in that commodity. If a board of trade believes that one of these standards is inapplicable for the option contract for which a license is sought, demonstration to this effect must be presented.

(b) [Reserved]

(c) Such board of trade provides:

(1) Ongoing assessment of whether the option market is serving a legitimate economic purpose;

(2) For the prevention of manipulation of option prices;

(3) Specific and appropriate rules, by-laws and procedures including provisions for emergency actions to temporarily or permanently terminate option trading to protect its futures markets from its commodity option markets so as to prevent or correct congestion, manipulation, corners, squeezes, or any other market disturbance;

(4) That it will act to ensure that option trading is not contrary to the public interest.

(d) Such board of trade adopts rules which:

(1) Prescribe in regard to strike price series:

(i) The dollar amount of the strike price intervals at which series of options will be introduced;

(ii) The strike prices at which trading in a new option maturity will be introduced;

(iii) The point, in terms of the price of the underlying future at which a new strike price series will be introduced in any option maturity which is already open for trading; and

(iv) The period of time before the expiration of an option maturity at which no new strike price series may be introduced.

(2) Identify and govern deep-out-of-the-money options.

(3) Provide for making effective the final orders entered pursuant to the provisions of § 33.12, and for compliance in all other respects with the requirements applicable to such board of trade under this Part.

(4) If it elects to permit non-member futures commission merchants to offer or sell options listed thereon, the rules by which it will accept or reject such non-members, and the program which the board of trade proposes to institute to ensure compliance by such non-members with its rules, particularly in the sales practice area.

(5) [Reserved]

(6) Require each futures commission merchant subject to its jurisdiction which engages in the offer or sale of option contracts regulated under this Part to retain all written customer complaints and make and retain written records of oral customer complaints, as well as a record of the date the complaint was received, the associated person who serviced the account, a general description of the matter complained of, and what, if any, action was taken by the futures commission merchant in regard to the complaint. Upon receipt of the customer complaint, the futures commission merchant shall immediately send a copy thereof to the board of trade, and upon final disposition of the complaint, the futures commission merchant shall immediately send a copy of its record thereon to the board of trade.

(7) Require each futures commission merchant subject to its jurisdiction which engages in the offer and sale of

option contracts regulated under this Part to submit written procedures pursuant to which it will be able to supervise adequately its option sale program.

(8) Require each futures commission merchant subject to its jurisdiction which engages in the offer or sale of option contracts regulated under this Part to give immediate written notification to the board of trade of any disciplinary action taken against the futures commission merchant or any of its associated persons by the Commission or by another self-regulatory organization.

(9) Require each futures commission merchant subject to its jurisdiction which engages in the offer or sale of option contracts regulated under this Part to enforce the disclosure requirements set forth in § 33.15 of this Part.

(10) Provide for arbitration or other dispute settlement procedures, as set forth in Part 180 of this chapter, for disputes arising out of option transactions on that board of trade. Notwithstanding the provisions of § 180.2(e) of this chapter, the fees or costs of such arbitration or other dispute settlement procedures must be borne by the board of trade, and not apportioned among the parties or assessed to the losing party.

(11) Require the futures commission merchants subject to its jurisdiction which engage in the offer or sale of option contracts regulated under this Part to do the following in regard to discretionary accounts for option trading:

(i) The futures commission merhcant must provide the customer with a full explanation of the nature and risks of the strategy or strategies to be used in connection with the customer's account;

(ii) An officer, general partner, or sole proprietor of the futures commission merchant must approve, in writing, the discretionary authority prior to any trading for the account involved;

(iii) An officer, general partner, or sole proprietor of the futures commission merchant must approve, initial, and date all discretionary orders;

(iv) an officer, general partner, or sole proprietor of the futures commission merchant who approves a discretionary order must make a written record of the basis for his determination, which must be made readily available at the futures commission merchant's place of business at all times;

(v) The futures commission merchant must identify as discretionary each discretionary order on the order at the time of entry; and

(iv) The futures commission merchant must provide for the frequent review of discretionary accounts.

(12) Prohibit unsolicited oral sales communications of futures commission merchants subject to its jurisdiction relating to the offer or sale of option contracts regulated under this Part, which are fraudulent, misleading, or high-pressure sales practices.

(e) Such board of trade adopts rules establishing procedures by which it will conduct sales practice audits of futures commission merchants subject to its jurisdiction which engage in the offer or sale of option contracts regulated under this Part. These sales practice audits will include, at a minimum, investigation for churning, abuse of discretion, internal supervision, abusive unsolicited oral sales communications, compliance with disclosure requirements, improper handling and disposition of customer complaints, and, where applicable, the futures commission merchant's offer or sale of deep-out-of-the-money options.

(f) Such board of trade furnishes the Commission with copies of all bylaws, rules, regulations, and resolutions made or issued by it or by its governing board, and any committee or clearing organization thereof, relating to commodity option transactions, including those which contain the terms and conditions of the option contract for which the license is sought.

(g) In determining whether to approve option contract terms and conditions, the Commission may consider the justification submitted for such terms and conditions, including, without limitation:

(1) The expiration date of the commodity option, if that date is less than ten business days before the earlier of the last trading day or the first notice day of the underlying contract for future delivery;

(2) The conditions precedent to the exercise of the commodity option and the method by which the option may be exercised;

(3) The nature of the clearing mechanism to be utilized for the commodity option, and the differences, if any, between the clearing mechanism for options and that utilized for the contract of sale for future delivery underlying the option;

(4) Specific notice periods, including the periods from the date notice of intent to exercise an option is given until exercise is accomplished;

(5) The default provisions and procedures of the option contract, if any;

(6) Any strike price series proposed; and

(7) Permitted deviations from or substitutes for compliance with the terms and conditions set forth in paragraphs (g)(1) through (6) of this section.

(h) Such board of trade maintains an adequate affirmative action program to secure compliance with the provisions of this Part and with all of the bylaws, rules, regulations and resolutions which the board of trade is required by this Part to enforce. The applicant board of trade must submit a detailed description of its program which shall include at a minimum:

(1) A suitable staff consisting of full-time paid employees, or persons hired on a contract basis, with no conflict of interest on the part of such employees or persons, to be responsible for the implementation and operation of a rule enforcement program;

(2) Daily surveillance of futures and option market activity to comply with the provisions of § 33.5(c) and to determine indications of possible congestion, manipulation or other price-distorting market situations. Surveillance shall include the identification and analysis of the economic relationships among cash, futures, and option market variables;

(3) Surveillance of trading practices on the floor of such board of trade;

(4) Examination of the books and records kept by members of such board of trade relating to their business in commodity options on such board of trade;

(5) Investigation of compliants received from option customers concerning their accounts or orders, including, when appropriate, examining records and documents, interviewing members and their employees and agents, and making whatever other inquiries are necessary;

(6) Investigation of alleged or apparent violations of the bylaws, rules, regulations and resolutions of such board of trade, in compliance with the requirements of Part 8 of this chapter;

(7) A prompt and effective disciplinary procedure for any violations of the bylaws, rules, regulations and resolutions of such board of trade found to have been committed, which procedure complies with the requirements of Part 8 of this chapter;

(8) [Reserved]

(9) Such other surveillance, record examination and investigation as is necessary to enforce the bylaws, rules, regulations and resolutions of such board of trade; and

(10) The maintenance of full, complete and systematic records stating, fully describing and documenting any action taken under the requirements of this section. These records shall fully

disclose all elements of the exchange's affirmative action program required by this paragraph (h).

(i) Such board of trade provides for the general quotation and dissemination of volume and last sale price information on a timely basis with respect to the commodity option contracts for which licensing is sought and with respect to the underlying futures contract.

(j) Such board of trade demonstrates that clearance and processing of option transactions on or subject to the rules of the board of trade will not adversely affect the clearance and processing of any transactions for future delivery on or subject to the rules of the board of trade.

(k) [Reserved]

(l) Such board of trade undertakes to comply, on a continuing basis, with all the requirements of this section and of § 33.6

(m) The board of trade provides a comprehensive list of occupational or business categories of commercial users of the physical commodity underlying the contract for future delivery upon which the board of trade is seeking licensing to trade options.

§ 33.6 Requirements imposed on domestic commodity option exchanges.

Each domestic commodity option exchange shall—

(a) Submit to the Commission for its approval, in the same manner as provided in § 1.41 of this chapter (relating to the submission of rules of a contract market), copies of all proposed rules, as defined in § 1.41(a)(1) of this chapter, relating to commodity option transactions made or issued by the domestic commodity option exchange, its governing board or any committee or clearing organization thereof not less than thirty days prior to the proposed effective date thereof or within such shorter period of time as the Commission shall permit. No such rule shall become effective unless approved by the Commission. The Commission shall approve a rule subject to such modifications as are agreed to between the Commission and the domestic commodity option exchange, unless the Commission determines that the rule is in violation of the provisions of the Act or the regulations thereunder, is not in accordance with just and equitable principles of trade, or is otherwise inconsistent with the interests of option customers or contrary to the public interest, in which case the Commission shall disapprove the rule after appropriate notice and opportunity for hearing. Such approval shall be made within thirty days after the receipt of the rule, unless the Commission notifies the domestic commodity option exchange of the Commission's inability to make a determination within such period of time. In the event the Commission disapproves a rule is shall not become effective, except upon such conditions as the Commission may prescribe. A domestic commodity option exchange may put operational or administrative rules and temporary emergency rules into effect without prior Commission approval, or it may take action to deal with a physical emergency, pursuant to the procedures in § 1.41 of this chapter.

(b) Keep all books, records, minutes and journals of proceedings of such domestic commodity option exchange, and its governing board, and any committee or clearing organization thereof in a manner that will clearly describe all matters discussed by such dometic commodity option exchange, governing board, committee or clearing organization and reveal any action taken in such matters, and allow inspection and copying, in accordance with § 33.18(a), at all times by any authorized representative of the Commission or the Department of Justice of all such books, records, minutes and journals of proceedings.

(c) Enforce all rules made or issued by it or its governing board, or a committee or clearing organization thereof relating to commodity option transactions on such domestic commodity option exchange which have been approved by the Commission pursuant to this Part, and revoke and not enforce any such rule made, issued, or proposed to be issued, which has been disapproved by the Commission.

(d) [Reserved]

(e) Upon exercise of each option on a contract of sale for future delivery, require that notification thereof be given to the option grantor.

(f) Submit a report each calendar quarter which describes its investigations and other activities during such quarter:

(1) [Reserved]

(2) To determine if a futures commission merchant subject to its jurisdiction which engages in the offer or sale of commodity options regulated under this Part has engaged in unsolicited oral sales communications in regard to options which are fraudulent, misleading, or high-pressured;

(3) To comply with the provisions of § 33.5(c).

Such report shall set forth a summary by categories of all option-related customer complaints received by it and the futures commission merchants subject to its jurisdiction which engage in the offer and sale of option contracts regulated under this Part. In this report the exchange must certify (i) that it has an affirmative action program to regulate each of the areas covered in this paragraph; (ii) that it has used due diligence in monitoring and reviewing such areas during the quarter; and (iii) that it has properly addressed or that it will address all such problems.

(g) Furnish such information relating to commodity option transactions effected on or subject to the rules of the exchange as the Commission may from time to time request.

§ 33.7 Delegation of authority to the Executive Director and the Director of the Division of Trading and Markets.

The Executive Director or the Director of the Division of Trading and Markets, or any employee of the Commission under the supervision of either Director or as either such Director may designate, shall exercise the delegation of authority set forth in § 1.41a of this chapter in reviewing operational or administrative rules submitted by domestic commodity option exchanges pursuant to this Part. For the purposes of this section, the term contract market, as defined in § 1.41(a)(3) of this chapter, shall include a domestic commodity option exchange and a clearing organization that clears trades for any such domestic commodity option exchange.

§ 33.8 Application for licensing as a domestic commodity option exchange.

(a) Any board of trade desiring to be licensed as a domestic commodity option exchange for a particular commodity option contract shall make application to the Commission and accompany the same with a written showing that it meets the conditions set forth in, and provides all the information and materials required by, § 33.5.

(b) Subject to § 33.2, the Commission shall not refuse to license any board of trade as a domestic commodity option exchange for a particular commodity option contract without affording such board of trade notice and an opportunity for hearing, provided that pending the conclusion of any such hearing such license shall not be granted.

(c) The effective period for a license as a domestic commodity option exchange for a particular commodity option contract under this Part shall be for a period not to exceed three years from the effective date of the license, or for such shorter period as the Commission shall specify at the time the license is granted, and in any event shall be of no further force or effect should

the Commission, by rule or regulation, repeal the provisions of this Part under which such license is granted.

§ 33.9 Vacation of license as a domestic commodity option exchange.

Any board of trade may have its license as a domestic commodity option exchange in a particular commodity option contract vacated and set aside by giving notice in writing to the Commission, which notice shall be submitted at least 90 days prior to the date set forth therein as the date when the vacation of the license shall take effect. Upon receipt of such notice the Commission shall forthwith order the vacation of the license of such board of trade as a domestic commodity option exchange in the particular commodity option contract, effective upon the date set forth in the notice, and shall forthwith send a copy of the notice and its order to all other domestic commodity option exchanges. From and after the date upon which the vacation became effective the said board of trade may thereafter be licensed again as a domestic commodity option exchange in that particular commodity option contract by making application to the Commission in the manner provided in this Part for an original application.

§ 33.10 Suspension or revocation of license as a domestic commodity option exchange.

The Commission may, after notice and opportunity for hearing, suspend or revoke the license of any board of trade as a domestic commodity option exchange in an option contract for which it is licensed if the Commission determines that—

(a) Cause exists which would warrant the denial of a license under § 33.5;

(b) [Reserved]

(c) The domestic commodity option exchange, or any director, officer, agent or employee thereof, has violated, is violating, or is about to violate any of the provisions of the Act, or any of the rules, regulations, or orders of the Commission thereunder;

(d) The option market is not used on more than an occasional basis for other than speculative purposes by producers, processors, merchants or consumers engaged in handling or utilizing the commodity (including the products, by-products or source commodity thereof) underlying the contract of sale for future delivery on which the option is traded, in interstate commerce;

(e) Option trading on the domestic commodity option exchange in that contract is contrary to the protection of option customers on the underlying futures or cash markets, or is otherwise contrary to the public interest; *Provided*, That pending completion of any proceeding under this section, the Commission may suspend such license for the duration of the proceedings if in the Commission's judgment continuation of the activities of the licensee pursuant to the license presents a substantial risk to the public interest.

§ 33.11 [Reserved]

§ 33.12 Prohibition of transactions by persons in commodity options.

If the Commission has reason to believe that any person is violating or has violated any of the provisions of the Act or of the rules, regulations, or orders of the Commission thereunder, it may, in accordance with the procedures provided in paragraph (b) of Section 6 of the Act, determine whether to prohibit such person from offering to enter into, entering into, confirming the execution of, or maintaining a position in, any commodity option transaction in the United States and require all domestic commodity option exchanges to refuse such person all trading privileges thereon for such period as may be specified in the Commission's order.

§ 33.13 Supplementing domestic commodity option exchange rules.

The Commission may alter or supplement the rules and practices of a domestic commodity option exchange, its governing board, or any committee or clearing organization thereof, by rule or regulation or by order if, after making a request in writing to the domestic commodity option exchange that such exchange effect specified changes in such rules and practices and after affording appropriate notice and an opportunity for a hearing, the Commission determines that such domestic commodity option exchange, its governing board, or any committee or clearing organization thereof, has not made the changes so required, and that such changes are necessary or appropriate for the protection of option customers or of persons producing, handling, processing or consuming any commodity which is the subject of a commodity option transaction on such domestic commodity option exchange, or the products or by-products thereof, or for the protection of the underlying futures or cash markets, including persons trading thereon, or to insure fair dealing in commodity options traded on such domestic commodity option exchange.

§ 33.14 Emergency actions.

The Commission, whenever it has reason to believe that an emergency or potential emergency exists which threatens the interests of option or commodity customers in the United States or jeopardizes the orderly functioning of the option or futures markets in the United States, may take, and direct others to take, such action in the option markets as, in the Commission's judgment, is necessary to protect such interests, or to maintain or restore orderly trading in, or liquidation of, any commodity option contract or any contract for the sale of a commodity for future delivery, including suspending the further offer and sale of such option contract in the United States for such period as the Commission shall determine.

For purposes of this section, the term "emergency" includes, but is not limited to, threatened or actual market manipulations and corners, any act of the United States or a foreign government affecting a commodity, or any other market disturbance which prevents the domestic exchange-traded options market from accurately reflecting the forces of supply and demand for such commodity.

§ 33.15 Disclosure.

(a) No futures commission merchant may open a commodity option account for an option customer unless the futures commission merchant (1) furnishes the option customer with a separate written disclosure statement as set forth in this section and (2) receives from the option customer an acknowledgment signed and dated by the customer that he received and understood the disclosure statement. This acknowledgment shall be retained by the futures commission merchant as required in accordance with § 33.18. The disclosure statement must be as set forth in paragraph (b) of this section, double spaced (except for parts (i)–(viii) under "Description of Commodity Options" which may be single spaced), typed in, or printed in type of, not less than 10-point size, and, where indicated, in all capital letters.

(b) The disclosure statement must read as follows:

OPTIONS DISCLOSURE STATEMENT

BECAUSE OF THE VOLATILE NATURE OF THE COMMODITIES MARKETS, THE PURCHASE AND GRANTING OF COMMODITY OPTIONS INVOLVE A HIGH DEGREE OF RISK. COMMODITY OPTION TRANSACTIONS ARE NOT SUITABLE FOR MANY MEMBERS OF THE PUBLIC. SUCH TRANSACTIONS SHOULD BE ENTERED INTO ONLY BY PERSONS WHO HAVE READ AND UNDERSTOOD THIS DISCLOSURE STATEMENT AND WHO UNDERSTAND THE NATURE AND EXTENT OF THEIR RIGHTS AND OBLIGATIONS AND OF THE RISKS INVOLVED IN THE

OPTION TRANSACTIONS COVERED BY THIS DISCLOSURE STATEMENT. A PERSON SHOULD NOT PURCHASE A COMMODITY OPTION UNLESS HE IS ABLE TO SUSTAIN A TOTAL LOSS OF THE PREMIUM AND TRANSACTION COSTS OF PURCHASING THE OPTION. A PERSON SHOULD NOT GRANT A COMMODITY OPTION UNLESS HE IS ABLE TO MEET ADDITIONAL CALLS FOR MARGIN WHEN THE MARKET MOVES AGAINST HIS POSITION AND, IN SUCH CIRCUMSTANCES, TO SUSTAIN A VERY LARGE FINANCIAL LOSS. CUSTOMERS SHOULD BE AWARE THAT IN A NUMBER OF CIRCUMSTANCES, SOME OF WHICH WILL BE DESCRIBED IN THIS DISCLOSURE STATEMENT, IT MAY BE DIFFICULT OR IMPOSSIBLE TO OFFSET AN EXISTING OPTION POSITION ON AN EXCHANGE.

THE COMMODITY FUTURES TRADING COMMISSION REQUIRES THAT ALL CUSTOMERS RECEIVE AND ACKNOWLEDGE RECEIPT OF A COPY OF THIS DISCLOSURE STATEMENT BUT DOES NOT INTEND THIS STATEMENT AS A RECOMMENDATION OR ENDORSEMENT OF EXCHANGE-TRADED COMMODITY OPTIONS.

Contents of Disclosure Statement

1. Some of the risks of option trading
2. Description of commodity options
3. The mechanics of option trading
4. Margin requirements
5. Profit potential of an option position
6. Deep-out-of-the-money options
7. Glossary of terms [1]

(1) *SOME OF THE RISKS OF OPTION TRADING:*

THE GRANTOR OF AN OPTION SHOULD BE AWARE THAT A COMMODITY OPTION MAY BE EXERCISED AT ANY TIME FROM THE TIME IT IS GRANTED UNTIL IT EXPIRES.

THE HOLDER OF A PUT OR A CALL IS SUBJECT TO THE RISK OF LOSING THE ENTIRE PURCHASE PRICE OF THE OPTION—THAT IS THE PREMIUM HE PAID FOR THE OPTION PLUS ALL TRANSACTION COSTS.

Specific market movements of the underlying future cannot be predicted accurately.

The grantor of a call option who does not own the underlying futures contract is subject to risk of loss should the price of the underlying contract increase by an amount greater than the premium he receives, decreased by his transaction costs, for granting the call option.

The grantor of a call option who has a long position in the underlying future is subject to the full risk of a decline in price of his underlying position. In exchange for the premium he receives for granting a call option, the option grantor gives up all of the gain resulting from an increase in the price of the underlying futures contract above the option strike price if the option is exercised against the grantor.

The grantor of a put option is subject to risk of loss should the price of the underlying futures contract decrease by an amount in excess of the premium he receives, decreased by his transaction costs, for granting the put.

The grantor of a put option who is short the underlying futures contract is subject to the risk of unlimited loss in his underlying position to the extent the price of such underlying position rises above the amount of premium received for granting the put.

(2) *DESCRIPTION OF COMMODITY OPTIONS:*

Prior to entering into any transaction involving a commodity option, an individual should thoroughly understand the nature and type of option and underlying futures contract involved. The futures commission merchant is required to provide, and the individual contemplating an option transaction should at the least obtain, the following information:

(i) The futures contract which is the subject of the option;

(ii) The quantity of the underlying futures contract which may be purchased or sold upon exercise of the option;

(iii) The procedure for exercise of the option contract, including the expiration date and latest time on that date for exercise. (The latest time on an expiration date when an option may be exercised may vary; therefore, option market participants should ascertain from their futures commission merchant ("FCM") the latest time the firm accepts exercise instructions with respect to a particular option.);

(iv) A description of the purchase cost of the option including the premium, commissions, costs, fees and other charges (Since commissions and other charges may vary widely among futures commission merchants, option customers may find it advisable to consult more than one firm when opening an option account.);

(v) A description of all costs in addition to the purchase cost which may be incurred if the commodity option is exercised, including the amount of storage, interest, commissions (whether termed sales commissions or otherwise), and all similar fees and charges which may be incurred;

(vi) An explanation and understanding of an option grantor's initial margin requirement and obligation to put up additional margin in connection with such an option position or a position in the underlying futures contract;

(vii) A clear explanation and understanding of any clauses in the option contract and of any items included in the option contract explicitly or by reference which might affect the customer's obligations under the contract. This would include any policy of the futures commission merchant or rule of the exchange on which the option is traded that might affect the customer's ability to fulfill the option contract or to offset the option position in a closing purchase or closing sale transaction (for example, due to unforeseen circumstances that require suspension or termination of trading); and

(viii) The loss (or profit) that could be generated by the option position by a limit move (or a series of limit moves) in the underlying future, both in total dollars and as a percentage of the total cost of the option.

(3) *THE MECHANICS OF OPTION TRADING:*

Before entering any exchange-traded option transaction, an individual should obtain a description of how commodity options are traded.

An option customer should clearly understand that there is no guarantee that his option position may be offset by either a closing purchase or closing sale transaction on a domestic commodity option exchange. In this circumstance, the option grantor would be subject to the full risk of his position until it expired, and the holder of a profitable option might have to excercise the option to realize his profit.

An individual should clearly understand the relationship between exchange rules governing option transactions and exchange rules governing the underlying futures contract. For example, an individual should understand what action, if any, the exchange will take in the option market when trading in the underlying futures market is restricted or the futures prices have made a "limit move."

(4) *MARGIN REQUIREMENTS:*

Commodity Futures Trading Commission rules require the buyer of an option to pay the full option premium when the option position is opened.

Before granting an option, an individual should fully understand the applicable margin requirements, and particularly he should be aware of his obligations to put up additional margin money if the market moves against his position.

(5) *PROFIT POTENTIAL OF AN OPTION POSITION:*

An option customer should carefully calculate the price which the underlying future would have to reach for his option position to become profitable. This price would include the amount by which the underlying future would have to rise above or fall below the strike price to cover the sum of the premium and all other costs incurred in entering into and exercising or closing the commodity option position.

(6) *DEEP-OUT-OF-THE-MONEY OPTIONS:*

A person contemplating purchasing a deep-out-of-the-money (that is an option with a strike price significantly above, in the case of a call, or significantly below, in the case of a put, the current price of the underlying futures contract) should be aware that the chance of such an option becoming profitable is ordinarily remote.

On the other hand, a potential grantor of a deep-out-of-the-money option should be aware that such options normally provide small premiums while exposing the grantor to all of the potential losses described in section 1 of this disclosure statement.

7. *GLOSSARY OF TERMS:*

(i) *Domestic commodity option exchange*—Any board of trade located in the United States licensed by the Commodity Futures Trading Commission to list a commodity option for trading.

(ii) *Exchange-traded option; put option; call option*—The options discussed in this Disclosure Statement are limited to those which may be traded on a domestic commodity option exchange. These options (subject to certain exceptions) give an option purchaser the right to buy in the case of a call

[1] For those readers not familiar with the option terminology used in this disclosure statement, a glossary is included at the end. The glossary does not purport to contain legal definitions.

option, or to sell in the case of a put option, the underlying futures contract covered by the option at the stated strike price prior to the expiration time of the option. Each exchange-traded option is distinguished by the underlying futures contract, strike price, and whether the option is a put or a call.

(iii) *Underlying futures contract*—The futures contract subject to being purchased or sold upon the exercise of the option.

(iv) *Class of options*—Options of the same type (*i.e.*, put or call) covering the same underlying futures contract.

(v) *Series of options*—Options of the same class having the same strike price and expiration date.

(vi) *Exercise price*—*See* strike price.

(vii) *Expiration date*—The last day when an option may be exercised into the underlying futures contract.

(viii) *Premium*—The price paid or to be paid to a person for granting a commodity option.

(ix) *Strike price*—The price at which a person may purchase or sell the underlying futures contract upon exercise of a commodity option. This term has the same meaning as the term "exercise price."

(x) *Short option position*—*See* grantor, writer, seller.

(xi) *Long option position*—*See* holder, purchaser.

(xii) *Types of option transactions*—

(A) *Opening purchase transaction*—A transaction in which an individual becomes the holder of an option.

(B) *Opening sale transaction*—A transaction in which an individual becomes the grantor of an option.

(C) *Closing purchase transaction*—A transaction in which an individual with a short option position liquidates his position. This is accomplished by a closing purchase transaction for an option of the same series as the option previously granted. Such a transaction may be referred to as an offset transaction.

(D) *Closing sale transaction*—A transaction in which an individual with a long option position liquidates his position. This is accomplished by a closing sale transaction for an option of the same series as the option previously purchased. Such a transaction may be referred to as an offset transaction.

(xiii) *Purchase price*—The total actual cost paid or to be paid, directly or indirectly, by a person to acquire a commodity option. This price includes all commissions and other fees, in addition to the option premium.

(xiv) *Grantor, writer, seller*—An individual who sells an option, such a person is said to have a short position.

(xv) *Holder, purchaser*—An individual who buys an option, such a person is said to have a long position.

(c) Prior to the entry into a commodity option transaction on or subject to the rules of a domestic commodity option exchange, a futures commission merchant or the person soliciting or accepting the order therefor must provide an option customer with all of the information required under the disclosure statement: *Provided, further,* That the futures commission merchant must provide current information to an option customer if the information provided previously has become inaccurate.

(d) Prior to the entry into a commodity option transaction on or subject to the rules of a domestic commodity option exchange, each option customer or prospective option customer shall, to the extent the following amounts are known or can reasonably be approximated, be informed by the person soliciting or accepting the order therefor of the amount of the premium, and any mark-ups thereon, if applicable, commissions, costs, fees and other charges to be incurred in connection with the commodity option transaction, as well as the strike price and all costs to be incurred by the option customer if the commodity option is exercised; in addition, the limitations, if any, on the transfer of an option customer's account to a futures commission merchant other than the one through whom the commodity option is to be executed shall also be provided in writing.

(e) Not later than the next business day after the execution of a commodity option transaction on or subject to the rules of a domestic commodity option exchange, each futures commission merchant which deals directly with an option customer and which places, or causes to be placed, the order for a commodity option transaction on behalf of its option customer, shall transmit to such option customer, by mail or other generally accepted means of communication, a written confirmation statement containing at least the following information:

(1) The option customer's account identification number;

(2) A separate listing of the actual amount of the premium, as well as each mark-up thereon, if applicable, and all other commissions, costs, fees and other charges incurred in connection with the commodity option transaction;

(3) The strike price;

(4) Specification of the total quantity and grade of the commodity which underlies the contract of sale for future delivery which may be purchased or sold, upon exercise of the commodity option;

(5) The expiration date, and the final exercise date, if different, of the commodity option purchased or sold, and the final trading date on the contract for future delivery underlying the option; and

(6) The date the commodity option transaction was executed.

(f) Not later than the next business day after the expiration or exercise of any commodity option, each futures commission merchant referred to in paragraph (e) of this section shall transmit to the option customer a written confirmation statement thereof, which statement shall include the date of such occurance, a description of the option involved, and in the case of exercise, the details of the gains and losses and credits or charges which resulted therefrom.

(g) In the case of a controlled account, as defined in § 1.3(j) of this chapter, the confirmation statements required by paragraphs (e) and (f) of this section shall be sent to the controller of the account, if the futures commission merchant knows or reasonably should know the controller's identity, as well as to the option customer for whom such account is carried; *Provided, however,* That such confirmation need not be sent to the controller of the account if such person is the parent, spouse or child of the option customer for whom such account is carried.

(h) A futures commission merchant must establish the necessary procedures and supervision to insure that the requirements of § 33.15 are met.

§ 33.16 [Reserved]

§ 33.17 Promotional material.

Each futures commission merchant shall retain for a period of at least five years all promotional material used by it in its commodity option activities with option customers and the true source of authority for the information contained therein and shall upon request furnish to or otherwise make such promotional and source material available for inspection by any authorized representative of the Commission or the Department of Justice.

§ 33.18 Recordkeeping.

(a) All books, records and other documents required to be kept by this Part shall be kept for a period of 5 years from the date thereof and shall be readily accessible during the first 3 years of the 5-year period. All such books and records shall be open to inspection by any representative of the Commission or the Department of Justice. A copy of any book or record required to be kept by this Part shall be provided, at the expense of the person required to keep the book or record, to a Commission representative upon the representative's request. Instead of furnishing a copy, such person may provide the original book or record for reproduction, which the representative may temporarily remove from such

person's premises for this purpose. All copies or originals shall be provided promptly. Upon request, the Commission representative shall issue a receipt provided by such person for any copy or original book or record received. At the request of the Commission representative, such person shall upon the return thereof issue a receipt for any copy or original book or record returned by the representative. In addition, information concerning specific transactions shall be made available to the Commission on call by the Executive Director or his designee at a time and place and in a form and manner as may be specified in the call. Unless otherwise required by this Part, reproduction on microfilm may be substituted for hard copy as follows:

(1) Computer, accounting machine or business machine-generated records may be immediately produced or reproduced on microfilm and kept in that form; other records may be immediately produced or reproduced on microfilm and kept in that form if prepared by any means from source documents which are retained in hard copy form for three years as provided in paragraph (a)(2) of this section;

(2) For all other books and records, microfilm reproductions thereof may be substituted for the hard copy for the final two years of the 5-year period.

(3) if such microfilm substitution for hard copy is permitted and made, the person required to keep such records shall:

(i) At all times have available for examination of such records facilities for immediate, easily readable projection of the microfilm and for producing easily readable facsimile enlargements;

(ii) Arrange, index and file the films in such manner as to permit the immediate location of any particular record; and

(iii) Be ready at all times to provide immediately at the expense of the person required to keep such records, any facsimile enlargements of such records which any authorized representative of the Commission or the Department of Justice may request.

(b) Each futures commission merchant and each member of a domestic commodity option exchange shall:

(1) Keep full, complete, and systematic records, together with all pertinent data and memoranda, of all transactions relating to his business of dealing in commodity options and cash commodities and furnish true and correct information and reports as to the contents or the meaning thereof when and as requested by any authorized representative of the Commission or the Department of Justice. Included among such records shall be: all option orders (filled, unfilled, or cancelled); trading cards; signature cards; daily trade records (street books); journals; ledgers; cancelled checks; copies of confirmations; copies of statements of purchase and sale, exercise and expiration; copies of month-end statements, monthly trial balances, and a monthly listing of open option positions; reports, letters and disclosure statements (as described in § 33.15); and all other records, data and memoranda which have been prepared in the course of the business of the futures commission merchant or member concerning commodity options and cash commodities;

(2) Keep a record in permanent form which shall show for each option customer's account carried by such futures commission merchant or member (i) the true name and address of the person for whom such account is carried; (ii) the principal occupation and/or type of business of the person for whom such account is carried; (iii) the appropriate occupational code or codes for such person from the list of such codes that may be promulgated by the Commission; (iv) the name of any other person who assumes or purports to assume any financial responsibility for or operational control of such account; (v) the names of the persons who have solicited and are responsible for each option customer's account; and (vi) symbols indicating whether the option customer is a commercial or non-commercial for each commodity market for which commodity option positions are carried for the customer.

(c) Each futures commission merchant who receives or accepts for execution an option customer's order shall, immediately upon receipt and prior to transmitting the order for execution, prepare a written record of such order, including an account identification and order number, and shall record thereon, by time-stamp or other timing device, the date and (1) the time, to the nearest minute,the order is received and accepted; (2) the time, to the nearest minute, the order is transmitted for execution; and (3) the time, to the nearest minute, the order is reported back to the futures commission merchant as executed; *Provided*, that if the order is for an omnibus account, the written record shall show separately the option trades for each option customer of the person in whose name the omnibus account is carried and identify each trade by the account identification number assigned to that customer by the originator of the omnibus account. In addition, the written record of an order for an omnibus account shall show, by appropriate symbol, the number of purchases or sales which offset positions carred on the books of the person originating the omnibus account and the number of purchases or sales which result in new positions carried on the books of the person originating the omnibus account.

(d) Each member of a domestic commodity option exchange—

(1) Who on the floor of a domestic commodity option exchange receives a order for a commodity option transaction from an option customer, which order is not in the form of a written record which includes the account identification number (if the order is for an ominbus account, the option trades of each option customer of the person in whose name the omnibus account is carried, and each option trade identified by the account identification number assigned by the originator of the omnibus account), order number and the date and time, to the nearest minute, such order was transmitted or received on the floor of such domestic commodity option exchange, shall immediately upon receipt and prior to the execution thereof prepare a written record of such order, including the account identification and order number, as noted above, and shall record thereon, by time-stamp or other timing device, the date and the time, to the nearest minute, the order is received;

(2) Who, in the place provided by a domestic commodity option exchange for the meeting of persons similarly engaged, executes purchases or sales of any commodity option on or subject to the rules of such domestic commodity option exchange, shall prepare regularly and promptly a trading card or other record showing details of such executions. Such trading cards or records shall show the member's name, the name of the member firm clearing each transaction, the date of each execution, the price of the option, the strike price, quantity, underly contract for future delivery and the delivery month of that future, the option customer identification or order number, and by appropriate sign or symbol shall clearly identify the opposite floor broker or floor trader with whom such transaction was executed, and the oppposite clearing member;

(3)Who reports the execution of an option cutomer's order from the floor of a domestic commodity option exchange shall record on a written record of such order, the account identification and order numbers, and by time-stamp or other timing device, the date and time,

to the nearest minute, such report of the execution is made; *Provided, however,* That if the order is for an omnibus account, the written record shall show separately the option trades for each customer of the person in whose name the omnibus account is carried and identify each trade by the account identification number assigned to that option customer by the originator of the omnibus account.

(e) Each futures commission merchant and each clearing member of a domestic commodity option exchange shall, as a minimum requirement, prepare regularly and promptly, and keep systematically and in permanent form, the following:

(1) A financial ledger which will show separately for each option customer's account all charges against and credits to such option customer's account, including but not limited to all credits and charges resulting from gains and losses on closed commodity option transactions, and all domestic option customer funds deposited, withdrawn, or transferred.

(2) A record of transactions which will show separately for each option account, including proprietary accounts, all commodity option transactions executed for such account, including the date of execution, whether the transaction involved a put or call, expiration date, quantity, underlying contract for future delivery, the strike price, and details of the purchase price of the option, including premium, mark-up, commission and fees; and

(3) A record or journal which will show separately for each business day complete details of all commodity option transactions executed on that day, including the date of execution, whether the transaction involved a put or call, the strike price, the expiration date, the quantity, underlying conract for future delivery, details of the purchase price of the commodity option, including premium, mark-up, commission and fees, and the person for whom such transaction was made. For each clearing member this daily record shall also identify, by appropriate sign or symbol, the floor broker or floor trader executing each transaction, the opposite floor broker or floor trader, the member clearing the transaction and the opposite clearing member with whom it was made.

(4) Where reproductions on microfilm of the records required by this paragraph (e) are substituted for hard copy in accordance with the provisions of paragraph (a) of this section, the requirements of paragraphs (e)(1) and (e)(2) of this section will be considered met if the person required to keep such records is ready at all times to provide, and immediately provides in the same city as that in which such person's commodity option books and records are maintained, at the expense of such person, reproduced copies which show the records as specified in paragraphs (e)(1) and (e)(2) of this section, on request by any representative of the Commission or the Department of Justice.

(f) Each futures commission merchant shall—

(1) Maintain a record of all securities and property received from option customers in lieu of money to margin, purchase, guarantee or secure the commodity option transactions and positions of such option customers. Such record shall show separately for each option customer a description of the securities or property received, the name and address of such option customer, the dates when the securities or property were received, the identity of the depositories or other places where such securities or property are segregated, the dates of deposits and withdrawals from such depositories, and the dates of return of such securities or property to such option customer, or other disposition thereof, together with the facts and circumstances of such other disposition. In the event any futures commission merchant deposits with the clearing organization of a domestic commodity option exchange, whether such deposit be made directly or with a bank or trust company acting as custodian for such clearing organization, or with another futures commission merchant, securities or property which are domestic option customer funds and which belong to a particular option customer, such futures commission merchant shall obtain written acknowledgment from the clearing organization or futures commission merchant that it was informed that such securities or property belong to the particular option customer. For purposes of this paragraph (f)(1), the term option customer shall not include the owner or holder of a proprietary option account.

(2) If required to segregate domestic option customer funds pursuant to § 1.20 of this chapter, compute as of the close of each business day and record prior to the opening of business on the next business day:

(i) The total amount of such domestic option customer funds on deposit in segregated accounts on behalf of option customers;

(ii) The total amount of domestic option customer funds required by § 1.20 of this chapter to be on deposit in segregated accounts on behalf of such option customers; and

(iii) The amount of the futures commission merchant's residual interest in such domestic option customer funds.

(g) Each clearing organization of a domestic commodity option exchange which receives from its members securities or property belonging to option customers (excluding owners or holders of proprietary option accounts) of such members, in lieu of money to margin, purchase, guarantee or secure the commodity option transactions of such option customers, or receives notice that any such securities or property have been received by a bank or trust company acting as custodian for such clearing organization, shall maintain a record which will show separately for each member, the dates when such securities or property were received, a description of the securities or property, the identity of the depositories or other places where such securities or property are segregated, and the dates such securities or property were returned to the member, or otherwise disposed of, together with the facts ands circumstances of such other disposition including the authorization therefor.

(h) Each futures commission merchant shall furnish in writing directly to each option customer:

(1) As of the close of the last business day of each calendar month or as of any regular monthly date selected, a statement which clearly shows:

(i) All commodity option transactions effected for the option customer during the monthly reporting period, including the dates of exercise or expiration of any commodity option and purchases or sales of any commodity option;

(ii) The open commodity option positions carried for the option customer, with strike prices and the prices at which acquired, the dates of execution and the expiration dates;

(iii) The unrealized profit or loss on all open commodity option positions marked to the market;

(iv) The net ledger balance carried in the option customer's account as of the monthly closing date and a complete description of any domestic option customer funds held for the option customer;

(v) A detailed accounting of all financial charges and credits to the previous ledger balance during the monthly reporting period, including all domestic option customer funds received from or disbursed to the option customer, premiums charged and received, commissions and fees, and realized profits and losses; and

(vi) Any securities or other property which the option customer has

deposited with the futures commission merchant that represent domestic option customer funds to margin, guarantee or secure his option account.

(2) With respect to any option account controlled by any person other than the option customer for whom the account is carried, except such option customer's spouse, parent or child, a copy of the statements required by paragraph (h)(1) of this section shall be sent to the controller of the account as well as to the option customer for whom such account is carried.

(i) Each futures commission merchant shall prepare, as of the last business day of each calendar month, a listing of all open commodity option positions carried for option customers. Such listing of positions shall be by underlying contract for future delivery and by option expiration and strike price, and shall include the following details with respect to each open commodity option position:

(1) The underlying futures contract and the delivery month of that future;

(2) the date of execution and strike price;

(3) The expiration date;

(4) Details of the price of the commodity option, including premium, and all commissions and other charges; and

(5) The net unrealized profit or loss on such open commodity option positions.

(j) Each domestic commodity option exchange shall:

(1) Maintain or cause to be maintained by its clearing organization a single record which shall show complete details for each commodity option transaction executed through its facilities, including but not limited to:

(i) The date of execution;

(ii) Underlying contract for future delivery and the delivery month of that future;

(iii) Number of option contracts;

(iv) Strike price;

(v) Floor broker or floor trader buying;

(vi) Clearing member buying;

(vii) Floor broker or floor trader selling;

(viii) Clearing member selling;

(ix) Symbols indicating whether the buyer and grantor each:

(A) Was trading for his own account or an account which he controlled;

(B) Was trading for his member's or clearing member's house account;

(C) was trading for another member present on the exchange floor, or an account controlled by such other member; or

(D) Was trading for any other type of person;

(X) By appropriate and uniform symbols, the following types of trades and transactions cleared on dates other than the date of execution:

(A) Transferring existing trades from one account to another within the same futures commission merchant where no change in ownership is involved; or

(B) Transferring existing trades from the books of a futures commission merchant to the books of another futures commission merchant where no change in ownership is involved.

(xi) The mechanically or electronically verified time period (as described in paragraph (k) of this section) within which the commodity option transaction was executed;

(xii) The premium paid for the option contract;

(xiii) Whether the transaction was executed for an option customer account or a proprietary option account; and

(xiv) The floor order number or option customer account number identifying the transaction.

(2) Provide for the identification of floor brokers, floor traders, and clearing members in the records required to be kept by paragraphs (d)(2), (e)(3) and (j)(1) of this section, by the use of a distinctive, nonvariable designation for each such floor broker, floor trader, and clearing member.

(3) Establish and maintain a record of all changes in the price of commodity option transactions executed on the floor of the domestic commodity option exchange. This price change register shall include the time of all changes in price to at least the nearest sixty seconds.

(4) The records and information required by paragraph (j) of this section must be maintained using a format and coding structure that has been approved by the Commission (i) in hard copy or on microfilm as specified in paragraph (a) of this section and (ii) for 60 days in computer-readable form on compatible magnetic tapes or discs, or other medium acceptable to the Commission.

(k)(1) Each domestic commodity option exchange shall divide its trading day into consecutive, separately identified time periods. Such periods shall be no more than thirty minutes long. A domestic commodity option exchange may establish such superior time sequence indicia as may otherwise be authorized by the Commission.

(2) A domestic commodity option exchange, in order to demonstrate that it is exercising due diligence in maintaining the continuing affirmative action program required of it by the Act and §33.5(h), shall submit to the Commission such reports as the Director of the Division of Trading and Markets requests concerning the accuracy of all information recorded under §33.18(j)(1)(xi) and the use of such information in the exchange's affirmative action program.

§ 33.19 Application and closing out of offsetting option positions.

(a) With respect to purchases and sales which are not for omnibus accounts:

(1) Any futures commission merchant who, on or subject to the rules of a domestic commodity option exchange:

(i) Purchases a put or call option for the account of an option customer when the account of such customer at the time of such purchase has a short option position with the same specifications as that purchased, or

(ii) Sells a put or call option for the account of an option customer when the account of such customer at the time of such sale has a long put or call option position with the same strike price and expiration date as that sold

Shall on the same day apply such purchase or sale against such previously held long or short option position, as the case may be, and shall promptly furnish such option customer a purchase and sale statement, or account statement, showing the financial result of the transactions involved.

(2) In all instances wherein the short or long position in an option customer's account immediately prior to such offsetting purchase or sale is greater than the quantity purchased or sold, the futures commission merchant shall apply such offsetting purchase or sale to the oldest portion of the previously held short or long position: *Provided, however,* That upon specific instructions from the option customer the offsetting transactions shall be applied as specified by the option customer without regard to the date of acquisition of the previously held position. Such instructions may also be accepted from any person who, by power of attorney or otherwise, actually directs trading in the option customer's account unless the person directing the trading is the futures commission merchant (including any partner thereof), or is an officer, employee, or agent of the futures commission merchant. With respect to every such offsetting transaction that, in accordance with such specific instructions, is not applied to the oldest portion of the previously held position, the futures commission merchant shall clearly show on the purchase and sale statement issued to the option customer in connection with the transaction, that because of the specific instructions given by or on behalf of the option customer, the transaction was not applied in the usual manner, *i.e.*, against

the oldest portion of the previously held position. However, no such showing need be made if the futures commission merchant has received such specific instructions in writing from the option customer for whom such account is carried.

(3) Nothing in this section shall be deemed to require the application of purchases or sales closed out during the same day (commonly known as "in-and-out trades" or "day trades") against short or long option positions carried forward from a prior day.

(b) Any futures commission merchant who on or subject to the rules of a domestic commodity option exchange:

(1) Purchases a put or call option for an omnibus account when such account at the time of such purchase has a short option position with the same specifications as that purchased, or

(2) Sells a put or call option for an omnibus account when such account at the time of such sale has a long put or call option position with the same strike price and expiration date as that sold

Shall on the same day apply such purchase or sale against such previously held gross long or gross short option position in the omnibus account, in conformity with whether such purchase or sale offsets positions carried on the books of the person originating the omnibus account in accordance with paragraph (a) of this section.

§ 33.20 Filing of information by domestic commodity option exchanges.

(a) Each domestic commodity option exchange shall file with the Commission within 60 days of a Commission request, or within such other period as the Commission may specify in the request, a written report containing such supporting data, and other information and documents the Commission may specify, that clearly demonstrates that the exchange is complying with the requirements of §§ 33.5 and 33.6. At the Commission's discretion, the information required hereby may be limited to selected terms and conditions of specified option contracts.

(b) Upon showing of good cause by a domestic commodity option exchange, the Commission may extend for a reasonable time the filing date for any report under this section. Any failure or refusal to file the information required by this regulation shall be cause for suspension or revocation of the license of a domestic commodity option exchange under § 33.10 or for such other action as the Commission may deem appropriate pursuant to its authority under the Act and these regulations.

§ 33.21 [Reserved]

§ 33.22 Reports by domestic commodity option exchanges.

(a) *Clearing Member Report.* Each domestic commodity option exchange shall submit a report in hard copy form to the Commission for each business day showing the following information by commodity, by put, by call, by expiration date, by strike price and by clearing member, reported separately by proprietary and option customer accounts. Reports shall be submitted on the business day following the day for which the reports are prepared and shall be filed with the regional office for the region in which the exchange is located and in accordance with the instructions of the Commission's Director of Market Surveillance.

The reports shall include—

(1) The total of all: (i) long open option contracts, and (ii) short open option contracts;

(2) The quantity of commodity options bought and sold during the day covered by the report;

(3) The quantity of purchase transfer trades or office trades and the quantity of sale transfer trades or office trades, which are included in the total quantity of option contracts bought and sold during the day covered by the report;

(4) The quantity of options exercised by the clearing member during the day covered by the report; and

(5) The quantity of options exercised against the clearing member during the day.

(b) *Month-End Reports.* Each domestic commodity option exchange shall submit to the Commission, for each month, a report in hard copy form showing long and short open option positions held at month-end in all accounts, reported separately for commercial and non-commercial option traders, by put, by call, by expiration month, by strike price and by clearing member. Such information shall be provided not later than the fifth business day following the month-end to which the information relates and shall be filed with the regional office for the region in which the domestic commodity option exchange is located in accordance with the instructions of the Commission's Director of Market Surveillance.

(c) *Large Option Trader Reports.* (1) When an option becomes the option which will expire next, and, in any case, at least 6 weeks prior to an option's expiration date, each domestic commodity option exchange shall submit a weekly report to the Commission containing the following information for each option trader controlling a reportable option position in the nearby option or controlling a reportable option position in an option which will expire in 6 weeks or less:

(i) With respect to each put and call and each long and short, the following position information shown separately by futures commission merchant or member and combined for all futures commission merchants and members:

(A) All positions controlled by the option trader in the option which is next to expire, by strike price;

(B) All positions in any other options which expire within six weeks, by strike price;

(C) All positions controlled by the option trader in the next-deferred option expiration month, regardless of strike prices;

(D) All positions controlled by the option trader in all other more distant option expiration months regardless of strike prices;

(E) The total position controlled by the option trader in all option maturities regardless of strike prices; and

(ii) Identifying information, including name of the reportable option trader, state or country of residence, member firm or futures commission merchant carrying the account, number assigned by the futures commission merchant or member, type of account, and an indicator of whether the option trader is classified as commercial or noncommercial.

(2) In reporting option position information required by paragraph (c)(1) of this section, domestic commodity option exchanges shall report all positions controlled by a reportable option trader that are carried at the same futures commission merchant or held by a member who is not registered as a futures commission merchant under a single number which is assigned by the futures commission merchant or member. If a futures commission merchant or member has assigned a number to an option trader under which futures positions are reported to the Commission, the futures commission merchant or member shall assign the same number to the reportable option trader, and the exchange shall use that same number in reporting the option trader positions to the Commission.

(3) Each domestic commodity option exchange shall report the information required in paragraph (c)(1) of this section as of Wednesday, or Tuesday if Wednesday is a holiday. The exchange shall file the report by the business day following the date as of which the report is prepared with the regional office for the region in which the domestic commodity option exchange is located. If the Commission directs, a domestic

commodity option exchange shall obtain option trader positions more frequently than weekly and shall file such reports as the Commission directs.

(4) The information required in paragraph (c)(1) of this section shall be submitted in hard copy form to an office of the Commission, as directed by the Executive Director or his designee, and in a format and in such manner as approved by the Executive Director or his designee.

(d) *Option Trader Identification.* Each domestic commodity option exchange shall obtain the following information to identify each trader controlling a reportable option position:

(1) The name of the reporting option trader;

(2) Address of the reporting option trader;

(3) Member firm or futures commission merchant carrying the option trader's position;

(4) Account number assigned by the futures commission merchant or member;

(5) type of account;

(6) Names of any persons having a financial interest of 10% or more in the account controlled by the option trader;

(7) Business or occupation of the reporting option trader; and

(8) Whether the option trader is classified as commercial or noncommercial by commodity option traded.

This information for each option trader shall be provided to the appropriate regional office of the Commission within one business day of the day the trader's position is first reported to the Commission. This information shall be updated to the Commission whenever there is a significant change thereto, or, in any event, if at the time an option trader controls a reportable position, the information has not been supplied to the Commission during the previous 12 months.

(e) *Exchange Surveys.* Upon call by the Commission, a domestic commodity option exchange shall conduct market surveys of such exchange and for such accounts of option traders as may be specified in the call and shall provide the following information to the Commission concerning option traders in such form as the Commission shall prescribe:

(1) Open option positions in the specified market, separately by long or short position, call or put, expiration date and strike price;

(2) the number of open futures positions controlled by an option trader in the commodity underlying the option, shown separately by future and long or short position;

(3) State or country of residence;

(4) Type of account; and

(5) Whether the option trader is classified as commercial or noncommercial in the commodity option surveyed.

(6) As the Commission specifies, the domestic commodity option exchange shall provide such information on individual option traders as the Commission requires in the call, including their name and addresses, and the business or occupation of the option trader, from a list of occupations promulgated by the Commission.

(f) Any domestic commodity option exchange discovering any errors or omissions in any report which has been filed with the Commission shall promptly inform the Commission with respect thereto.

(g) Unless otherwise approved by the Executive Director or his designee, the information required to be filed by domestic commodity option exchanges under paragraphs (a), (b), and (c) of this section shall be provided on compatible data processing magnetic tapes, magnetic discs, or other media approved by the Executive Director or his designee, using a format and coding structure that have been approved by the Executive Director or his designee.

§ 33.23 Volume, open contracts, premiums and exercises.

(a) Each domestic commodity option exchange shall make readily available to the news media and the general public, in printed form and without charge, at the office and trading floor of the domestic commodity option exchange not later than the business day following the day for which publication is made, the following information by put, by call, by expiration month and strike price for each commodity option for which it is licensed:

(1) The total volume of trading, excluding transfer trades and office trades;

(2) The total number exercised;

(3) the total number that expired unexercised;

(4) The total number of open contracts;

(5) Concerning the premium:

(i) For the opening and closing periods of trading either (A) the highest premium or lowest offer, whichever is lower, and the lowest premium or highest bid, whichever is higher, that accurately reflect market conditions as determined by the exchange during the period of trading. Bids and offers if vacated or withdrawn shall not be used in making this determination. A bid is vacated if followed by a higher bid or premium and an offer is vacated if followed by a lower offer or premium; or (B) if there are no transactions, bids or offers, the first and last price of the day. Bids, offers and the first and last price of the day shall be clearly identified as such;

(ii) The highest premium occurring during the trading session;

(iii) The lowest premium occurring during the trading session; and

(iv) The settlement premium for the day.

(b) Unless otherwise approved by the Executive Director or his designee, each domestic commodity option exchange shall provide the information required to be published in paragraph (a) of this section to the Commission on compatible data processing magnetic tape, magnetic disc or other media approved by the Executive Director or his designee, using a format and coding structure that have been approved by the Executive Director or his designee.

§ 33.24 Option trader books and records.

Every option trader who owns or controls a total of 25 or more open option positions in a put option or separately in a call option of a specified option expiration date shall keep books and records showing all details concerning all positions and transactions in the commodity option, in contracts of sale for future delivery in the underlying commodity on all contract markets, and in the physical commodity (or its products and byproducts) underlying the commodity option. These books and records shall be open at all times to inspection by any representative of the Commission or the Department of Justice. Such option traders shall, upon request, furnish to the Commission or the Department of Justice any pertinent information concerning such positions and transactions.

§ 33.25 Special calls for information from domestic commodity option exchanges, futures commission merchants, foreign option brokers, and members of domestic commodity option exchanges.

(a) Upon special call by the Commission, each domestic commodity option exchange, futures commission merchant, foreign option broker or member of a domestic commodity option exchange who is not registered as a futures commission merchant shall furnish to the Commission the following information concerning accounts of option traders owning or controlling such option positions as may be specified in the call:

(1) The name and address of the person for whom each account is carried;

(2) The principal business or occupation of the person for whom the account is carried, as specified in the call;

(3) The type of account;

(4) The name, address and principal business or occupation of any person who controls the trading of each account;

(5) The name and address of any person having a financial interest of 10% or more in each account;

(6) The number of open option positions carried in each account shown separately by option market, long or short position, call or put, expiration date and strike price;

(7) The number of open futures positions carried in each account in the commodity underlying the option shown separately by future and long or short position; and

(8) Whether the option trader is classified as commercial or noncommercial by commodity option traded.

(b) All information required upon special call shall be prepared in such form and manner and in accordance with such instructions, and shall be transmitted at such time and to such office of the Commission, as may be specified in the call.

§ 33.26 [Reserved].

§ 33.27 Trading requirements.

(a) For purposes of this section, the term "affiliated person" of a futures commission merchant means any general partner, officer, director, owner of more than ten percent of the equity interest of such futures commission merchant, any individual or other person associated with the futures commission merchant in any capacity specified in § 33.3, or any relative or spouse of any of the foregoing perons, or any relative of such spouse, who shares the same home as any of the foregoing persons.

(b) All purchases and sales of commodity options on or subject to the rules of a domestic commodity option exchange shall be executed openly and competitively by open outcry in the trading pit or ring or similar place provided by the domestic commodity option exchange, during the regular hours prescribed by the domestic commodity option exchange for trading in such commodity options: *Provided, however,* That this requirement shall not apply to such transactions as are executed noncompetitively in accordance with written rules of the domestic commodity option exchange, which have been submitted to and approved by the Commission, specifically providing for the noncompetitive execution of such transactions.

(c) Every person handling, executing, clearing, or carrying transactions or positions on or subject to the rules of a domestic commodity option exchange which are not competitively executed, including transfer trades or office trades, shall identify and mark by appropriate symbol or designation all such trnsactions or contracts and all orders, records, and memoranda pertaining thereto.

(d) A member of a domestic commodity option exchange who shall have in hand at the same time both buying and selling orders of different principals for the same option (with the same underlying contract for future delivery, the same expiration date and the same strike price) may execute such orders for and directly between such principals at the market price, if such execution is in conformity with written rules of the domestic commodity option exchange which have been approved by the Commission pursuant to § 33.6: *Provided, however,* That—

(1) Such orders are first offered openly and competitively by open outcry in such trading pit or ring by both bidding and offering at the same price and neither such bid or offer is accepted;

(2) Such member executes such order in the presence of an official representative of such domestic commodity option exchange designated to observe such transactions and, by appropriate descriptive words or symbol, clearly identifies all such transactions on his trading card or other similar record, made at the time of execution, and notes thereon the exact time of execution and promptly presents said record to such official representative for verification and initialing;

(3) Such domestic commodity option exchange keeps a record in permanent form of each such transaction showing the date, price of the option, striking price, quantity, underlying contract for future delivery and delivery month of that future, by whom executed, and the exact time of execution; and

(4) Neither the futures commission merchant receiving nor the member executing such orders has any interest therein, directly or indirectly, except as a fiduciary.

(e) Each domestic commodity option exchange shall adopt and submit to the Commission for approval, pursuant to § 33.6, a set of rules which shall, at a minimum, with respect to each member of the domestic commodity option exchange who acts as a floor broker:

(1) Prohibit such member from purchasing any commodity option for his own account, or for any account in which he has an interest, while holding an order of another person for the purchase of the same commodity option which is executable at the market price or at the price at which such purchase can be made for the member's own account or the account in which he has an interest;

(2) Prohibit such member from selling any commodity option for his own account, or for any account in which he has an interest, while holding an order of another person for the sale of the same commodity option which is executable at the market price or at the price at which such sale can be made for the member's own account or the account in which he has an interest;

(3) Prohibit such member from executing any option transaction for any account of another person for which buying and/or selling option orders can be placed or originated, or for which option transactions can be executed by such member without the prior specific written consent of the owner of the option account, regardless of whether the general authorization for such orders or transactions is pursuant to a written agreement, except that orders for such an account may be placed with another member for execution;

(4) Prohibit such member from disclosing at any time that he is holding an option order of another person or from divulging any option order revealed to him by reason of his relationship to such person, except pursuant to paragraph (e)(3) of this section or at the request of an authorized representative of the Commission or the domestic commodity option exchange;

(5) Prohibit such member from taking, directly or indirectly, the other side of any option order of another person revealed to him by reason of his relationship to such other person, except with such other person's prior written consent and in conformity with domestic commodity option exchange rules approved by the Commission pursuant to § 33.6;

(6) Prohibit such member from making any purchase or sale of an option which has been directly or indirectly prearranged;

(7) Prohibit such member from allocating option trades among accounts, except in accordance with domestic commodity option exchange rules that have been approved by the Commission pursuant to § 33.6;

(8) Prohibit such member from withholding or withdrawing from the market any option order or part of an option order of another person for the convenience of another member;

(9) Require that every execution of an option transaction on the floor by such member be confirmed promptly with the opposite floor broker or floor trader which such confirmation must identify price, quantity, expiration date and respective clearing members.

(f) Each futures commission merchant shall, at the minimum, establish and enforce internal rules, procedures and controls with respect to transactions executed on or subject to a domestic commodity option exchange to:

(1) Insure, to the extent possible, that each option order received from an option customer which is executable at or near the market price is transmitted to the floor of the appropriate domestic commodity option exchange before any order in the same commodity option for any proprietary account or any other account in which an affiliated person has an interest or for which an affiliated person may originate option orders without the prior specific written consent of the account owner is transmitted or caused to be transmitted to the floor of a domestic commodity option exchange by the futures commission merchant or by any affiliated person who gains knowledge of such option customer's order prior to its transmission to the floor of the appropriate domestic commodity option exchange; and

(2) Prevent affiliated persons from placing option orders, directly or indirectly, with another futures commission merchant in a manner designed to circumvent the provisions of paragraph (f)(1) of this section.

(g) No futures commission merchant or affiliated person of such futures commission merchant may disclose that an option order of another person is being held by the futures commission merchant or any of its affiliated persons, unless such disclosure is necessary to the effective execution of such order or is made at the request of an authorized representative of the Commission, or the Department of Justice, the domestic commodity option exchange on which such order is to be executed, or a futures association registered with the Commission pursuant to Section 17 of the Act.

(h) No futures commission merchant shall knowingly handle an option account of any affiliated person of another futures commission merchant unless the futures commission merchant:

(1) Receives written authorization from a person designated by such other futures commission merchant with responsibility for the surveillance over such option account pursuant to paragraph (f)(2) of this section;

(2) Prepares immediately upon receipt of an option order for such account a written record of such order, including the account identification and order number, and records thereon, by time-stamping or other timing devices, the date and time, to the nearest minute, the order is received; and

(3) Transmits on a regular basis to such other futures commission merchant copies of all statements for such option account and of all written records prepared upon the receipt of option orders for such account pursuant to paragraph (h)(2) of this section.

(i) No affiliated person of a futures commission merchant shall have an option account, directly, or indirectly, with another futures commission merchant unless:

(1) Such affiliated person receives authorization to maintain such an option account from a person designated by the futures commission merchant with which such person is affiliated, who has responsibility for the surveillance over such account pursuant to paragraph (f)(2) of this section; and

(2) Copies of all statements for such account and of all written records prepared by such other futures commission merchant upon receipt of orders for such account pursuant to paragraph (h)(2) of this section are transmitted on a regular basis to the futures commission merchant with which such person is affiliated.

§ 33.28 Unlawful activities.

It shall be unlawful for any person—

(a) Required to be registered with the Commission in accordance with this Part expressly or impliedly to represent that the Commission, by declaring effective the registration of such person or otherwise, has directly or indirectly approved such person, or any commodity option transaction solicited or accepted by such person;

(b) In or in connection with an offer to enter into, the entry into, the confirmation of the execution of, or the maintenance of any commodity option transaction, expressly or impliedly to represent that compliance with the provisions of this Part constitutes a guarantee of the fulfillment of the commodity option transaction;

(c) Upon acceptance of an order for a commodity option transaction, fail unreasonably to secure prompt execution of such order or upon rejection of an order to fail to notify the person whose order has been rejected of such rejection;

(d) To manipulate or attempt to manipulate the market price of any commodity option on or subject to the rules of any domestic commodity option exchange: *Provided, however,* That any action taken by any domestic commodity option exchange pursuant to a rule approved by the Commission or any emergency action which a domestic commodity option exchange is permitted to take pursuant to § 33.14 shall not be deemed to be a manipulation for purposes of this paragraph;

(e) To offer to enter into, enter into, or confirm the execution of, any commodity option transaction, if such transaction is, is of the character of, or is commonly known to the trade as, a "wash sale," or "accommodation trade," or is a fictitious sale; or

(f) Upon acceptance of an order for a commodity option transaction to bucket such order.

§ 33.29 Fraud in connection with commodity option transactions.

It shall be unlawful for any person directly or indirectly—

(a) To cheat or defraud or attempt to cheat or defraud any other person;

(b) To make or cause to be made to any other person any false report or statement thereof or cause to be entered for any person any false record thereof;

(c) To deceive or attempt to deceive any other person by any means whatsoever; in or in connection with an offer to enter into, the entry into, or the confirmation of the execution of, any commodity option transaction.

10. Form 1–FR is proposed to be revised as follows.*

Form 1–FR

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FCM: /Firm Employer
ID No. ———

FORM 1–FR.—Statement of Financial Condition as of———

[Liabilities and ownership equity]

	Liabilities	Equity
19	Bank loans payable	
	A Secured	$
	B Unsecured	
20	Securities sold under repurchase agreement	
21	Payable to clearing organizations	
	A Securities accounts	
	B Commodities accounts:	
	i Customer segregated	
	ii Customer non-segregated	
	iii Noncustomer & firm	
22	Payable to other futures commission merchants or brokers	
	A Payables relating to securities transactions (attach details or the FOCUS report)	

*Form 1–FR does not appear in the Code of Federal Regulations

FORM 1-FR.—Statement of Financial Condition as of———Continued

[Liabilities and ownership equity]

Liabilities	Equity
B Payables relating to commodities transactions	
i Customer segregated	
ii Customer non-segregated	
iii Noncustomer & firm	
23 Payable to customers:	
A Securities accounts	
B Commodities accounts:	
i. Regulated futures and exchange traded options	
ii Dealer options	
iii. Non-regulated	
* * * * *	
14 Undermargined commodity futures and commodity option accounts—amount in each account required to meet maintenance margin requirements less the amount of current margin calls in that account:	
(A) Customer accounts	
(B) Noncustomer accounts	
(C) Omnibus accounts	
15 Uncovered open futures contracts and grantor commodity options in proprietary accounts—percentage of margin requirements applicable to such contracts	
Less equity in proprietary accounts not otherwise includable in adjusted net capital	
16 Amount of any original commodity option premiums used to increase adjusted net capital where registrant or applicant is a taker of a commodity option	
17. Amount of any original commodity option premium which has not been previously recognized as income by a grantor of commodity options	
18 A. Ten percent (10%) of the market value of commodities which are the subject of commodity options not traded on a domestic commodity option exchange carried long by the applicant or registrant which has value and such value increased adjusted net capital (this charge is limited to the value attributed to such options)	
B. Commodity options which are traded on domestic commodity option exchanges and carried long in proprietary accounts Charge is the same as would be applied if applicant or registrant was the grantor of the options (this charge is limited to the value attributed to such options less the original premiums)	

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FCM: /Firm Employer
ID No. ———

Schedule of Segregation Requirements and Funds in Segregation as of———

[Commodity customer funds and domestic option customer funds]

Liabilities	Equity
Segregation Requirements	
1 Net ledger balance:	
A. Cash	$
B Securities (at market)	
2. Net unrealized profit (loss) in open futures contracts and option transactions	
3. Net equity (deficit) (Total of 1 and 2)	
4. Add accounts liquidating to a deficit and accounts with debit balances with no open trades	
5 Amount required to be segregated (Total of 3 and 4)	
Funds on Deposit in Segregation	
6 Deposited in segregated funds bank accounts.	
A. Cash	
B. Securities representing investments of customers' funds (at market)	
C. Securities held for particular customers in lieu of cash margins (at market)	

Schedule of Segregation Requirements and Funds in Segregation as of——— Continued

[Commodity customer funds and domestic option customer funds]

Liabilities	Equity
7. Margins on deposit with clearing organizations of contract markets and domestic commodity option exchanges:	
A. Cash	
B. Securities representing investments of customers' funds (at market)	
C. Securities held for particular customers in lieu of cash (at market)	
8. Settlement due from (to) clearing organizations of contract market and domestic commodity option exchanges	
9. Net equities with other FCMs	
10 Segregated funds on hand:	
A. Cash	
B. Securities representing investments of customers' funds (at market)	
C. Securities held for particular customers in lieu of cash (at market)	
11. Total amount in segregation (Total of 6 through 10)	
12. Excess (insufficiency) funds in segregation (11 minus 5)	

FCM: /Firm Employer
ID No. ———

Form 1-FR.—Schedule of Segregation Requirements and Funds in Segration as of———

Liabilities	Equity
1. Amount required to be segregated in accordance with Commission regulation 32.6	$
2. Funds in segregation:	
A. Cash	
B. Securities (at market)	
C. Total of A and B	
3. Excess funds in segregation (2 minus 1)	

(Sec. 4c, 4d, 4f, 4g, 5a, 8a and 17 of the Commodity Exchange Act (7 U.S.C. §§ 6c, 6d, 6f, 6g, 7a, 12a, and 21 (1976 & Supp. III 1979)))

* * * * *

Issued in Washington, D.C. on June 22, 1981, by the Commission

Jane k. Stuckey,

Secretary of the Commission, Commodity Futures Trading Commission.

[FR Doc. 81-18915 Filed 6-26-81; 8:45 am]

BILLING CODE 6351-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-3—FRL 1860-8]

State of West Virginia; Proposed Revision of the West Virginia State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Proposed rulemaking.

SUMMARY: On August 14, 1980, at 45 FR 54042, EPA approved, with certain conditions, West Virginia's revised State Implementation Plan (SIP) for the attainment of air quality standards. One of the conditions EPA established was that West Virginia submit a test method for the prevention and control of air pollution from the emission of volatile organic compounds from bulk gasoline terminals (Regulation XXIII) to EPA as a SIP revision. EPA has received this test method from West Virginia and is proposing its approval in this notice.

DATE: Comments must be submitted on or before July 29, 1981.

ADDRESSES: Copies of West Virginia's test method for Regulation XXIII are available for public inspection during normal business hours at the following locations:

U.S. Environmental Protection Agency, Region III, Curtis Building, Tenth Floor, Sixth and Walnut Streets, Philadelphia, PA 19106, Attn.: Mr. Raymond Chalmers

West Virginia Air Pollution Control Board, 1558 Washington Street, East, Charleston, West Virginia, Attn.: Mr. Carl Beard

Public Information Reference Unit, Room 2922, EPA Library, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460

The Office of the Federal Register, 1100 L Street, NW., Room 8401, Washington, D.C.

All comments on the proposed revision submitted on or before July 29, 1981 will be considered and should be directed to: Mr. W. Ray Cunningham, Chief, Air Media and Energy Branch, Air, Toxics and Hazardous Materials Division, U.S. Environmental Protection Agency, Region III, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106, Attn.: AH300FWV

FOR FURTHER INFORMATION CONTACT: Raymond D. Chalmers (3AH13), U.S. Environmental Protection Agency, Region III, 6th & Walnut Streets, Philadelphia, PA 19106, telephone number 215/597-8309.

SUPPLEMENTARY INFORMATION: The Clean Air Act (CAA) Amendments of 1977 required States to submit revised State Implementation Plans (SIPs) for all areas where National Ambient Air Quality Standards (NAAQS) had not been attained. West Virginia submitted a SIP revision to EPA as required. EPA approved this SIP revision, with certain conditions, in a notice published at 45 FR 54042 (1980).

One of the concerns EPA had regarding West Virginia's SIP revision was that West Virginia had submitted one regulation, Regulation XXIII, entitled *To Prevent and Control Air Pollution From the Emission of Volatile*

Organic Compounds From Bulk Gasoline Terminals, without also submitting a test method needed to make it enforceable. Accordingly, EPA conditioned its approval of West Virginia's SIP revision on West Virginia submitting a test method for this regulation.

West Virginia submitted a test method for Regulation XXIII to EPA on November 6, 1980. This test method specifies procedures for quantifying emissions from bulk gasoline loading terminals.

EPA has reviewed West Virginia's test procedure and believes it to be acceptable. Therefore, EPA is proposing to approve this test method as a revision of the West Virginia SIP.

EPA invites the public to comment on whether the test method should be approved. Comments should be submitted to the address given above.

EPA's final decision to approve or disapprove the proposed revision will be based on the comments received and on a determination of whether the revision conforms to the requirements of section 110(a)(2) of the Clean Air Act and of 40 CFR Part 51.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator has certified that SIP approvals under Sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. 46 FR 8709 (January 27, 1981). The rule if promulgated would constitute a SIP approval under Sections 110 and 172 within the terms of the January 27 certification. Under Executive Order 12291, EPA also must judge whether a regulation is "major" and therefore subject to the requirement of a regulatory impact analysis. This rule is not "major" for the same reasons it would not have significant economic impact: This action would only approve State actions, and would impose no new requirements of its own.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

(42 U.S.C. 7401–642)

Dated: May 12, 1981.

Jack J. Schramm,

Regional Administrator.

[FR Doc. 81-19002 Filed 6-25-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 52

[A-5-FRL 1858-7]

Approval and Promulgation of State Implementation Plans; Illinois

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rulemaking.

SUMMARY: This notice proposes to approve a revision to the Illinois State Implementation Plan (SIP) for total suspended particulate (TSP) for the Caterpillar Tractor Co. (Caterpillar). The revision grants Caterpillar a variance for nine boilers, from Illinois Pollution Control Board Rules (203(g)(1)(A), 203(g)(1)(C)(i), and/or 203(g)(1)(D)) which regulate particulate emissions for new and existing sources. The purpose of this notice is to discuss EPA's evaluation of the revision and to solicit public comments on the revision and on EPA's proposed action.

DATE: Comments on this revision and on EPA's proposed action must be received by July 29, 1981.

ADDRESS: Copies of the SIP revision are available at the following addresses for review:

Ilinois Environmental Protection Agency, 2200 Churchill Street, Springfield, Illinois 62706

Public Information Reference Unit, Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460.

and by appointment at: Air Programs Branch Docket Room, 11th floor, Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 353–2211.

Written comments should be sent to: Mr. Gary Gulezian, Chief, Regulatory Analysis Section, Air Programs Branch, Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Susanne S. Karacki at 312–353–2211.

SUPPLEMENTARY INFORMATION: On November 29, 1979, Caterpillar obtained a variance from Illinois Pollution Control Board (IPCB) Rule 203(g)(1) for particulate emissions for thirteen coal-fired industrial boilers equipped with flue gas desulfurization systems (FGD) at its East Peoria, Joliet, Mossville, and Mapleton, Illinois plants. The variance, in the form of a Final Order (Order) was amended on January 24, 1980 and on February 7, 1980. On April 4, 1980, the State of Illinois submitted the Order to EPA as a revision to the Illinois SIP. The purpose of this notice is to discuss EPA's evaluation of the revision and to solicit public comment on the revision and on EPA's proposed approval.

In the early 1970's Caterpillar determined that in order to burn Illinois coal it would be necessary to install FGD on its boilers. Caterpillar chose the regenerative double alkali FGD system to control both sulfur dioxide (SO_2) and TSP from the boiler emissions. After spending over 22 million dollars on the FGD installation at the plants, Caterpillar found that while the system was sufficient to meet the SO_2 emission limitations, it was not sufficient to meet the TSP limitations.

Caterpillar filed a regulatory petition (R79–11) with the IPCB which sought the adoption of a particulate emission limitation of 0.25 lbs/MMBtu for coal-fired industrial boilers equipped with FGD. This petition is still under consideration by the IPCB. On September 5, 1979 Catepillar filed four Petitions for Variance from Rule 203(g)(1) for particulate emissions from thirteen boilers at its East Peoria, Joliet, Mapleton and Mossville plants, while the IPCB was proceeding with the regulatory petition. On November 29, 1979, as amended on January 24, 1980 and on February 7, 1980, the IPCB granted Catepillar a variance from Rule 203(g)(1) for the following sources:

Facility	County	Attainment status	Boiler	Present regulation	Present emission limit in lbs/MMBtu	Proposed variance in lbs/MMBtu
East Peoria	Tazewll	Primary nonattainment	19	Rule 203(g)(1)(C)(i)	0.1556	.25
			20	Rule 203(g)(1)(C)(i)	1556	.25
			21	Rule 203(g)(1)(D)	.1	.32
			22	Rule 203(g)(1)(D)	1	.32
Joliet	Will	Primary nonattainment	2	Rule 203(g)(1)(A)	.1	.25
			3	Rule 203(g)(1)(A)	.1	.28

Facility	County	Attainment status	Boiler	Present regulation	Present emission limit in lbs/MMBtu	Proposed variance in lbs/MMBtu
Mossville	Peoria	Secondary nonattainment	4	Rule 203(g)(1)(D)	.1	.25
			5	Rule 203(g)(1)(D)	.1	.27
Mapleton	Peoria	Secondary nonattainment	1	Rule 203(g)(1)(D)	.1	.25

The IPCB also granted Caterpillar a variance for Mapleton Boilers # 2, 3, 4, and 5 and Illinois also submitted a SIP revision request for these four boilers. However, EPA has determined that these boilers are subject to Section 111 of the Clean Air Act, as amended, as defined in 40 CFR Part 60—Standards of Performance for New Stationary Sources (NSPS) for Fossil-Fuel Fired Steam Generators and, as such, are not eligible for SIP relaxations under Section 110 of the Clean Air Act. Such alterations of the regulations for sources subject to NSPS must be handled through the provisions of Section 111.

The IPCB Order, as amended, contains the following provisions:

"It is the Order of the Pollution Control Board that Caterpillar Tractor Co. be granted variance from Rules 203(g)(1)(A), 203(g)(1)(C)(i), and 203(g)(1)(D) of Chapter 2 of the Illinois Pollution Control Board Rules and Regulations for the coal-fired boilers located at Caterpillar's facilities located in East Peoria, Joliet, Mapleton, and Mossville, Illinois until December 31, 1982 or until final Board action on R79–11, whichever occurs first, under certain conditions:

(A) Caterpillar Tractor Co. shall operate its scrubbers at all times during boiler use except when applicable permit conditions allow otherwise.

(B) Caterpillar Tractor Co. shall continue its efforts to reduce particulate emissions from its facilities and to minimize the impact of its emissions on the air quality. Such efforts shall include at a minimum, the following:

(1) Reviewing procedures for the more efficient operation of existing control equipment.

(2) Studying alternatives to fly ash reinjection.

(3) Reviewing all relevant studies or actions now planned or undertaken by it relative to particulate emissions from the boilers.

(C) Caterpillar Tractor Co. shall submit to the Agency's Division of Air Pollution Control, Division Manager's Office, within six months of the grant of this variance and every six months thereafter, a report outlining the status of its efforts to reduce particulate emissions and to minimize the impact of its emissions on the air quality. The Agency may request one summary report during the duration of this variance and Caterpillar Tractor Co. shall submit said report within 60 days of receipt of such a request.

(D) Particulate emissions from those Caterpillar Tractor Co.'s facilities not listed below shall not exceed an interim standard of 0.25 lbs/MMBtu. Notwithstanding the previous sentence, the following Caterpillar Tractor Co.'s facilities shall not exceed the following interim standards:

(1) East Peoria boilers #21 and #22, 0.32 lbs/MMBtu.

(2) Joliet boiler #3, 0.28 lbs/MMBtu.

(3) Mossville boiler #5, 0.27 lbs/MMBtu."

Caterpillar has submitted extensive documentation to support their claim that the regenerative double alkali system which they installed on their boilers to control both SO_2 and particulates, constitutes reasonably available control technology (RACT). The IPCB supported Caterpillar's claim that failure to grant a variance would create an arbitrary or unreasonable hardship.

Pursuant to Part D of the Clean Air Act, as amended, each State is required to revise its SIP in nonattainment areas to demonstrate attainment of the TSP National Ambient Air Quality Standards by December 31, 1982. Absent a rigorous attainment demonstration, an acceptable alternative SIP for nonattainment area must include provisions for applying RACT to stationary sources and studying the nature and extent of nontraditional particulate sources in the area. Since the four facilities are located in nonattainment areas for TSP, these requirements would apply to the Caterpillar SIP revision. The State of Illinois has not submitted a rigorous attainment demonstration for this SIP revision; however, EPA has reviewed the proposed SIP revision and finds the SIP revision for the East Peoria Boilers #19, 20, 21 and 22, Joilet Boilers #2 and 3, Mossville Boilers #4 and 5, and Mapleton Boiler #1 approvable for the following reasons:

(1) The regenerative double alkali scrubber system, which Caterpillar installed on its boilers to control SO_2 and particulates, satisfies the technical and economic feasibility requirements of RACT and

(2) Illinois has initiated an acceptable study of nontraditional sources of fugitive dust in nonattainment areas.

With reference to variance condition (A), any permit that contains condition(s) that exempt the boilers from the emission limitations contained herein at any time, must be submitted to the EPA for approval. Mapleton Boilers #'s 2, 3, 4, and 5 are not covered by this proposed action.

Copies of Caterpillar's documentation and EPA's detailed evaluation are available at the addresses listed in the beginning of this notice.

Final promulgation of this revision will follow analysis of the comments received and will depend on consistency with Sections 110 and 172 *et seq.* of the Clean Air Act.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator has certified that SIP approvals under Sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. 46 FR 8709 (January 27, 1981). The attached rule, if promulgated, constitutes a SIP approval under Sections 110 and 172 within the terms of the January 27 certification.

This action only approves state actions. It imposes no new requirements.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. Today's action does not constitute a major regulation since it proposes to approve a variance to a regulation which was requested by Caterpillar. Today's action will not impose any additional requirements above these which are presently required by the State.

This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

Section 110, 172 and 301(a) of the Clean Air Act, as amended (42 U.S.C. 7410, 7502 and 7601))

Dated: May 28, 1981.

Valdas V. Adamkus,

Acting Regional Administrator.

[FR Doc. 81-19133 Filed 6-26-81; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 52

[A-10-FRL-1855-2]

Washington; Approval and Promulgation of State Implementation Plan

AGENCY: Enviromental Protection Agency (EPA).

ACTION: Proposed rulemaking.

SUMMARY: The purpose of this Notice is to indicate EPA's proposed action on regulation revisions submitted by the Washington Department of Ecology to provide for control of Volatile Organic Compound (VOC) emissions for source categories covered by Group II of the VOC Control Techniques Guidelines. These additional controls are required as part of the ozone nonattainment area control strategies developed to meet the requirements of Part D of the Federal Clean Air Act (hereafter referred to as the Act).

In the same manner as the EPA proposed rulemaking for the initial State Implementation Plan (SIP) (44 FR 65084, Nov. 9, 1979), including Group I VOC regulations, this Notice will identify deficiencies in the State regulations and describe appropriate corrections to be submitted to EPA prior to final EPA rulemaking. Comment is sought on the appropriateness of the basic approach and of the time allowed for corrections to be made.

DATE: Comments must be received on or before July 29, 1981.

ADDRESSES: Copies of the materials submitted to EPA may be examined during normal business hours at:

Central Docket Section (10A-80-9), West Tower Lobby, Gallery I, Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460

Air Programs Branch, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101

State of Washington, Department of Ecology, 4224 Sixth Ave., S.E., Lacey, Washington 98503

COMMENTS SHOULD BE ADDRESED TO: Laurie M. Kral, Air Programs Branch, M/S 625, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101.

FOR FURTHER INFORMATION CONTACT: Richard F. White, Air Programs Branch, M/S 625, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101, Telephone No. (206) 442-1226, FTS 399-1226.

SUPPLEMENTARY INFORMATION:

I. Background

This proposal and the subsequent Federal rulemaking will augment EPA's earlier rulemaking actions (45 FR 37821 and 45 FR 50749) pertaining to the approval of the Washington SIP. Those earlier rulemaking actions describe fully the development of the Part D SIP and will not be restated here.

The following section on regulation review will indicate EPA's proposed action on the requirements developed to meet RACT. The relationship of the State regulations to the recommended control levels in the CTG's is fully described in the June 5, 1980 **Federal Register** (45 FR 37821).

II. Regulation Review

In the following discussion EPA will identify each State regulatory provision along with the related CTG category and describe the nature of the proposed action:

A. WAC 173-490-200—Petroleum Refinery Equipment Leaks: Proposed Approval.

B. WAC 173-490-201—Petroleum Liquid Storage in External Floating Roof Tanks: Proposed Approval.

C. WAC 173-490-202—Leaks from Gasoline Transport Tanks and Vapor Collection Systems: Proposed Approval.

D. WAC 173-490-203—Perchloroethylene Dry Cleaning Systems: Proposed Conditional Approval.

The State regulation exempts dry cleaning systems with an average monthly loss of 25 gallons. The State must demonstrate that this level of control is not significantly different from the presumptive norm as described in the CTG or that this level represents RACT. EPA proposes to approve this portion of the regulation provided the State submits the required demonstration prior to final EPA action.

E. WAC 173-490-204—Graphic Arts Systems: Proposed Conditional Approval.

It is unclear whether the regulation includes provisions for specialty printing. The State must clarify which portion of the regulation covers specialty printing. EPA proposes to approve this portion of the regulation provided the State submits the required clarification prior to final EPA action. Comment: Section 204(3)(a)(iii) does not specify a final compliance date for low solvent technology. One specified requirement for an extended schedule is that "major reductions" must be achieved by January 1, 1983. The regulation, however, does not identify what a "major reduction" is. As written, this regulation does not include a categorical schedule for low solvent inks; therefore, all alternative schedules would have to be submitted as SIP revisions.

F. WAC 173-490-205—Surface Coating of Miscellaneous Metal Parts and Products: Proposed Conditional Approval.

The State regulation exempts paint specified by Federal requirements, i.e. Federal Drug Administration—interior paint for refrigerated box cars. The State must show that the resulting level of control is not significantly different than the presumptive norm described in the CTG or that the exemption applies only where no alternative federal specifications exist. EPA proposes to approve this portion of the regulation provided the State submits the required demonstration prior to final EPA action.

G. WAC 173-490-207—Synthesized Pharmaceutical Products: No Sources in Washington. This regulation will be deleted.

H. WAC 173-490-208—Surface Coating of Flat Wood Paneling: Proposed Approval.

I. Manufacture of Pneumatic Rubber Tires: No Sources in Washington.

J. WAC 173-490-040—Requirements (Source Compliance): One general deficiency in the Washington VOC regulations is in the area of source compliance determination. At this point methods on file with the Department of Ecology are incomplete. Reference to this deficiency was made previously in regard to the Janury 15, 1981 proposed action by EPA on final approval of Group I VOC regulations (46 FR 3569). In that action EPA proposed final approval based on the submittal of approvable methods for source compliance determination by July 1, 1981. For Group II, and to be consistent, EPA will also propose to approve the regulations, based upon submittal by July 1, 1981 of acceptable methods for determining compliance with emission limits for each VOC source category in Group II.

EPA finds that good cause exists for providing only a 30-day comment period for the following reasons: (1) The public has had adequate notice of the guidelines for preparation of State Implementation Plans (SIP) and has had several opportunities to comment on those guidelines, (2) the **Federal Register** notice of receipt and request for public comments was published on March 5, 1981 (45 FR 15284) and (3) the impact of this rulemaking is limited only to the State of Washington. Therefore, EPA is

soliciting public comments for 30 days on its proposed approval of various Washington SIP revisions.

Pursuant to the provisions of 5 U.S.C. Section 605(b) the Administrator has certified that SIP approvals under Sections 110 and 172 of the Clean Air Act will not have a significant impact on a substantial number of small entities (46 FR 8709 (January 27, 1981)). Today's proposed action, if promulgated, constitutes a SIP approval under Sections 110 and 172 within the terms of the January 27 certification.

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of regulatory impact analysis. This regulation is not major because it only proposes approval of a State action. It imposes no regulatory requirements.

Interested parties are invited to comment on all aspects of this proposed approval of the Washington SIP. Comments should be submitted, preferably in triplicate, to the address listed in the front of this Notice. Public comments postmarked by (30 days after publication) will be considered in any final action EPA takes on this proposal.

This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

(Section 110, 172, Clean Air Act (42 U.S.C. 7410(b) and 7502))

Dated: April 28, 1981.

Donald P. Dubois,

Regional Administrator.

[FR Doc. 81-19134 Filed 6-26-81; 8:45 am]

BILLING CODE 6560-38-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA-5920]

National Flood Insurance Program Revision of Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Unincorporated Areas of Du Page County, Illinois.

Due to recent engineering analysis, this proposed rule revises the proposed determinations of base (100-year) flood elevations published in the *Elmhurst Press* on September 17, 1980 and September 24, 1980, and at 45 FR 67700 on October 14, 1980, and hence supersedes those previously published rules.

DATE: The period for comment will be ninety (90) days following the second publication of this notice in a newspaper of local circulation in the above named community.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 755–5585, Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: Proposed base (100-year) flood elevations are listed below for selected locations in the Unincorporated Areas of Du Page County, Illinois, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR 67.4 (a)).

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Proposed Base (100-Year) Flood Elevations

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Illinois	(Uninc.), Du Page County	Des Plaines River	At the southern county boundary	*594
			At the eastern county boundary	*596
		East Branch Du Page River	At the southern county boundary	*649
			Just upstream of 75th Street	*655
			About 0.23 mile upstream of Maple Avenue	*664
			About 0.23 mile downstream of State Route 5	*669
			About 100 feet downstream of State Route 53, near Arboretum Road.	*672
			About 0.17 mile upstream from the confluence of East Branch Tributary No. 4.	*682
			Just upstream of the State Route 53 second crossing	*687
			Just upstream of St. Charles Road	*692
			Just upstream of North Avenue	*696
			About 1.1 miles upstream of North Avenue	*701
			Just upstream of Illinois Central Gulf Railroad	*711
			About 0.98 mile upstream of Illinois Central Gulf Railroad.	*712
		East Branch Tributary No. 1	Mouth at East Branch Du Page River	*694
			About 710 feet downstream of Swift Road	*697
			About 600 feet downstream of Swift Road	*700
			Just upstream of Swift Road	*706
			About 100 feet upstream of North Avenue	*719
		East Branch Tributary No. 2	About 1,200 feet downstream of Eastern Avenue	*693
			About 100 feet upstream of Eastern Avenue	*705
			Just downstream of Goodrich Avenue	*715
			Just upstream of Park Boulevard	*716
			About 290 feet upstream of Main Street	*724
		East Branch Tributary No. 4	About 450 feet downstream of Sunny Brook Road	*580
			Just upstream of Bryant Road	*710
			About 1,000 feet upstream of Bryant Road	*715
			Just upstream of 22nd Street	*728

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			About 0.27 mile upstream of Sheffield Road	*731
			About 2,100 feet upstream of Sheffield Road	*736
		East Branch Tributary No. 6	Mouth at East Branch Du Page River	*671
			About 0.16 mile upstream of mouth	*671
			About 0.20 mile upstream of mouth	*679
			About 0.38 mile upstream of mouth	*680
			About 370 feet downstream of Arboretum Road	*686
			About 320 feet upstream of Arboretum Road	*689
			About 0.29 mile upstream of Arboretum Road	*692
			About 60 feet downstream of Leask Lane	*697
			About 0.19 mile upstream of Leask Lane	*703
			About 0.42 mile upstream of Leask Lane	*714
			About 0.17 mile downstream of Butterfield Road	*725
			Just downstream of Butterfield Road	*740
			Just upstream of Butterfield Road	*746
			About 100 feet upstream of Naperville-Wheaton Road	*750
		East Branch Tributary No. 7	About 680 feet upstream of mouth	*656
			Just upstream of Greene Road	*668
			About 0.20 mile upstream of Greene Road	*669
			Just upstream of Palomino Drive	*726
		West Branch Du Page River	At the southern county boundary	*646
			About 0.55 mile upstream of the southern county boundary.	*650
			About 0.29 mile downstream of 75th Street	*655
			Just downstream of 75th Street	*657
			About 320 feet upstream of Hobson Road	*660
			About 0.70 mile upstream of Hobson Road	*662
			About 1.2 miles downstream of Ogden Avenue	*677
			Just upstream of Ogden Avenue	*681
			Just downstream of Fawell Dam	*682
			Just upstream of Fawell Dam	*691
			Just upstream of State Route 5	*692
			About 0.29 mile downstream of Williams Street	*698
			About 750 feet downstream of Geneva Road	*720
			Just upstream of abandoned railroad located about 0.71 mile downstream of North Avenue.	*726
			Just downstream of St. Charles Road	*730
			About 290 feet upstream of Army Trail Road	*738
			Just upstream of the Illinois Central Gulf Railroad located about 0.35 mile upstream of Schick Road.	*746
			Just upstream of Jefferson Road	*767
			About 400 feet downstream of Lake Street	*774
			About 100 feet downstream of the Chicago, Milwaukee, St. Paul and Pacific Railroad.	*781
			At the northern county boundary	*785
		West Branch Tributary No. 1	About 0.44 mile downstream of cloverdale Road	*769
			Just downstream of Cloverdale Road	*770
			Just upstream of Gary Avenue	*772
		West Branch Tributary No. 2	About 1,000 feet downstream of Stearns Road	*762
			About 750 feet downstream of Stearns Road	*765
			Just upstream of Stearns Road	*767
			About 0.68 mile upstream of Stearns Road	*779
			About 1.09 miles upstream of Stearns Road	*782
		West Branch Tributary No. 3	Mouth at West Branch Du Page River	*726
			About 0.14 mile downstream of Prince Crossing Road	*726
			Just downstream of Prince Crossing Road	*729
			Just upstream of Prince Crossing Road	*733
			About 25 feet upstream of Chicago and North Western Railroad.	*734
			About 0.49 mile upstream of Chicago and North Western Railroad.	*735
			About 5.80 feet downstream of Woodcrest Drive	*750
			Just downstream of Woodcrest Drive	*751
		West Branch Tributary No. 4	Mouth at West Branch Du Page River	*726
			About 0.21 mile upstream of mouth	*727
			Just downstream of North Avenue	*735
			Just upstream of North Avenue	*738
			Just upstream of St. Charles Road	*740
			About 0.34 mile upstream of Timber Lane	*746
		West Branch Tributary No. 5	Mouth at West Branch Du Page River	*710
			Just upstream of Lester Street	*710
			Just upstream of Bolles Avenue	*717
			Just downstream of Donald Avenue	*718
			About 50 feet upstream of Chicago and North Western Railroad.	*725
		West Branch Tributary No. 6	Mouth at West Branch Du Page River	*660
			About 350 feet upstream of mouth	*660
			About 0.47 mile upstream of mouth	*685
		West Branch Tributary No. 7	Mouth at West Branch Du Page River	*657
			About 360 feet upstream of mouth	*657
			Just upstream of unnamed road, about 470 feet downstream of Oxford Lane.	*669
			About 0.28 mile upstream of Oxford Lane	*687
		Brewster Creek	Just upstream of Munger Road	*774
			About 0.28 mile upstream of Munger Road	*774
		Ferry Creek	Mouth at West Branch Du Page River	*691
			About 1,200 feet upstream of Ferry Road	*692
			About 0.7 mile upstream of Ferry Road	*695

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			About 650 feet downstream of Home Avenue	*707
			About 200 feet downstream of Home Avenue	*708
			Just downstream of Home Avenue	*711
			About 80 feet upstream of State Route 59	*712
			About 0.4 mile upstream of State Route 59	*716
		Ferry Creek Tributary No. 1	Mouth at Ferry Creek	*691
			About 850 feet upstream of River Road	*692
			About 0.46 mile upstream of McDowell Road	*704
		Klein Creek	About 0.43 mile above mouth	*722
			About 320 feet downstream of Farm Road	*725
			About 250 feet upstream of Farm Road	*729
			Just upstream of County Farm Road	*735
			About 0.23 mile upstream of County Farm Road	*736
			Just upstream of St. Charles Road	*743
			Just upstream of Kuhn Road	*746
			About 0.29 mile upstream of Kuhn Road	*746
			Just upstream of Lies Road	*755
			About 110 feet downstream of Illinois Central Gulf Railroad	*756
			Just upstream of Illinois Central Gulf Railroad	*761
			Just upstream of Schmale Road	*767
			About 0.30 mile upstream of Schmale Road	*769
		Klein Creek Tributary No. 1	About 240 feet upstream of mouth	*722
			About 100 feet downstream of Prairie Road	*726
			About 0.23 mile upstream of Prairie Road	*726
			About 600 feet downstream of County Farm Raod	*738
			Just upstream of County Farm Road	*738
			About 710 feet upstream of Center Avenue	*752
			Just upstream of Pleasant Hill Road	*767
		Klein Creek Tributary No. 3	Mouth at Klein Creek	*756
			Just upstream of unnamed bridge, about 1,000 feet upstream of Gary Avenue.	*762
			About 0.41 mile upstream of Gary Avenue	*767
		Kress Creek	About 0.34 mile above the mouth	*706
			About 600 feet downstream of Joy Road	*715
			Just upstream of Joy Road	*720
			Just upstream of Elgin, Joliet and Eastern Railway	*724
			Just upstream of Town Road	*727
			About 0.5 mile upstream of Town Road	*728
			Just upstream of Road A	*734
			Just upstream of Burlington Northern Railroad	*738
			Just downstream of Roosevelt Road	*745
			Just upstream of Indian Boundary Road	*750
			About 50 feet upstream of Industrial Drive	*753
			About 70 feet upstream of Powis Road	*756
		Unnamed Tributary to Kress Creek	Just upstream of Town Road	*736
			About 170 feet upstream of Town Road	*737
		Lacey Creek	About 0.26 mile above the mouth	*677
			About 0.77 mile downstream of Finley Road	*679
			About 0.54 mile downstream of Finley Road	*682
			Just upstream of Finley Road	*689
			About 400 feet downstream of Highland Avenue	*697
			About 0.42 mile upstream of Highland Avenue	*697
		Meacham Creek	Just downstream of Medinah Country Club Road	*703
			About 0.51 mile upstream of Medinah Country Club Road	*705
			Just upstream of Chicago, Milwaukee, St. Paul and Pacific Railroad.	*714
			Just downstream of Medinah Road.	*716
		Norton Creek Tributary	Just upstream of Chicago and North Western Railroad.	*745
			Just downstream of Powis Road	*747
			Just upstream of Powis Road	*749
		Prentiss Creek	About 830 feet upstream of mouth	*658
			About 150 feet upstream of State Route 53	*665
			About 1,850 feet upstream of State Route 53	*669
			About 200 feet upstream of Hobson Road	*697
			About 0.36 mile upstream of Hobson Road	*700
			About 0.75 mile upstream of Hobson Road	*709
		St. Joseph Creek	Just upstream of Main Street	*670
			About 0.65 mile upstream of Burlington Northern Railroad	*680
			About 0.6 mile downstream of Lee Street	*693
			About 0.4 mile upstream of Lee Street	*698
			Just upstream of 59th Street	*730
			Just downstream of 61st Street	*734
		Salt Creek	About 1,800 feet downstream of Roosevelt Road	*661
			Just upstream of the Illinois Central Gulf Railroad	*672
			About 0.91 mile upstream of Interstate 90	*677
			About 0.82 mile downstream of Thorndale Avenue	*680
			At the northern county boundary	*683
		Sawmill Creek	About 0.20 mile upstream of mouth	*595
			About 0.17 mile downstream of Eastwood Drive	*652
			About 150 feet downstream from confluence of Sawmill Creek Tributary No. 1.	*674
			At the southern corporate limits of the City of Darien	*688
		Sawmill Creek Tributary No. 1	Mouth at Sawmill Creek	*675
			About 200 feet upstream of Clarendon Hills Road	*695
			Just downstream of 79th Street	*700

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
		Sawmill Creek Tributary No. 3	Mouth at Des Plaines River	*584
			About 760 feet upstream of Atchison, Topeka and Santa Fe Railroad	*598
			Just upstream of Forest Preserve Road	*616
			About 900 feet upstream of Forest Preserve Road	*632
			About 80 feed downstream of Bluff Road	*647
			Just upstream of Bluff Road	*652
			Just upstream of Front Street	*657
			About 900 feet upstream of Cass Avenue	*670
			About 1,750 feet downstream of 91st Street	*701
			Just upstream of 91st Street	*706
		Wards Creek	Mouth at Sawmill Creek	*666
			About 0.28 mile downstream of Interstate 55	*689
			About 320 feet upstream of Interstate 55	*704
			About 1.10 miles upstream of Interstate 55	*727
		Winfield Creek	About 150 feet downstream of Roosevelt Road	*720
			Just upstream of Roosevelt Road	*722
			About 2.75 miles upstream of mouth	*727
			About 2.98 miles upstream of mouth	*728
			About 1,180 feet downstream of Gary Avenue	*732
			About 1,055 feet upstream of Gary Avenue	*732
			About 0.56 mile downstream of Bloomingdale Road	*747
			About 0.21 mile downstream of Bloomingdale Road	*748
			About 100 feet downstream of Bloomingdale Road	*756
			Just downstream of Bloomingdale Road	*764
		Ginger Creek	At the downstream Oak Brook corporate limit	*684
			About 1,600 feet downstream of concrete dam	*688
			About 950 feet downstream of concrete dam	*693
			About 850 feet upstream of concrete dam	*695
			About 950 feet upstream of concrete dam	*699
		Crabtree Creek	Just upstream of State Route 53	*661
			About 0.34 mile upstream of State Route 53	*676
		Unnamed Creek North of 22nd Street.	About 0.76 mile upstream of mouth	*694
			About 1.02 miles upstream of mouth	*703
		Waubansee Creek	About 8.01 miles upstream of mouth	*678
			About 8.06 miles upstream of mouth	*679
		Winding Creek	About 0.65 mile downstream of Modaff Road	*672
			About 580 feet downstream of Modaff Road	*685
			Just downstream of Modaff Road	*686
		Sugar Creek	About 940 feet downstream of Ardmore Avenue	*672
			Just downstream of Ardmore Avenue	*679
		Spring Brook No. 1	About 150 feet downstream of Morris Court	*699
			Just upstream of Pamela Road	*707
			Just downstream of Essex Road	*720
			About 0.75 miles upstream of Essex Road	*724
			Just downstream of Gables Boulevard	*726
			About 180 feet upstream of Hawthorne Lane	*730
		Spring Brook No. 2	At the county boundary	*657
			Just upstream of Naperville Road	*668
			About 1.16 miles upstream of Naperville Road	*673
			Just upstream of 75th Street	*682
			Just upstream of Ogden Avenue	*691
		Tributary A	About 0.23 miles downstream of Warrenville Road	*683
			About 100 feet downstream of Warrenville Road	*690
			Just downstream of Warrenville Road	*696
		Tributary B	About 160 feet upstream of mouth	*677
			Just upstream of Burlington Northern Railroad	*685
			About 1,400 feet upstream of mouth	*685
		Armitage Ditch	Mouth at East Branch Du Page River	*698
			About 1,220 feet upstream of mouth	*707
		63rd Street Drich	About 2,200 feet downstream of Madison Street	*691
			About 1,900 feet downstream of Madison Street	*693
			Just upstream of Madison Street	*711
			About 3,800 feet upstream of Madison Street	*719
		Spring Brook	About 500 feet upstream of Interstate 90	*688
			About 1,850 feet upstream of State Route 53	*689
			About 900 feet downstream of Pine Avenue	*749
			About 2,800 feet upstream of Pine Avenue	*773
		Westwood Creek	At Addison Avenue	*676

Maps available for inspection at the Planning Commission Office, Du Page Center, 421 North County Farm Road, Wheaton, Illinois 60187.

Send comments to Honorable Jack T. Knuepfer, Chairman of the County Board, Du Page County, Du Page Center, 421 North County Farm Road, Wheaton, Illinois 60187

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator.)

Issued: June 17, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-18919 Filed 6-26-81; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Part 160

[CGD 80-113]

Lifesaving Equipment; Improved Standards for Stability of Inflatable Liferafts

AGENCY: Coast Guard, DOT.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Coast Guard is considering proposing amendments to the regulations for Coast Guard approved inflatable liferafts that would significantly improve their stability in heavy seas by requiring large ballast water chambers on the bottom of the rafts. Such ballast chambers should significantly improve the performance of the raft as a survival platform. Casualty reports and tests indicate that conventional lightly ballasted liferafts can be capsized by high winds or heavy seas, and that liferafts with large ballast water chambers are less likely to be capsized under the same conditions. Rafts with large ballast water chambers can also be designed to self-right in case they do capsize. Capsizing causes the inside of the liferaft to flood, exposing the occupants to injury or death from drowning and exposure. This advance notice of proposed rulemaking is being issued to provide an early opportunity for public participation in the development of inflatable liferaft stability standards.

DATES: Comments must be received on or before September 28, 1981. A public hearing is scheduled for September 1, 1981, 9:30 a.m. to 12:00 noon. Washington, DC. Requests to present oral testimony at the hearing must be received on or before August 20, 1981.

ADDRESSES: 1. Comments should be mailed to the Commandant (G-CMC/44) (CGD 80-113), U.S. Coast Guard, Washington, DC 20593. Comments may be delivered to, and are available for inspection and copying at the Marine Safety Council (G-CMC/44), Room 4402, U.S. Coast Guard Headquarters, 2100 Second St., S.W., Washington, D.C. 20593, (202-426-1477), between the hours of 7 a.m. and 5 p.m., Monday through Thursday, except holidays.

2. The hearing will be held at U.S. Coast Guard Headquarters, Room 3201, 2100 Second St., S.W. (Corner of Second and V Sts., S.W.), Washington, DC.

3. Request to present oral testimony at the public hearing should be mailed or delivered to the Marine Safety Council at the address listed in Item 1.

4. Copies of the technical reports discussed in this notice (Reports A through F listed in the "SUPPLEMENTARY INFORMATION" section) have been placed in the docket and are available for inspection at the Marine Safety Council (G-CMC/44) at the address and during the hours listed in Item 1. Copies of the five reports with accession numbers (A through E) may be purchased from the National Technical Information Service, Springfield, VA 22151, (703) 557-4650. A limited number of free copies of reports A, B, C, and E are available from the Commandant (G-MMT-3/12), U.S. Coast Guard Headquarters, Washington, DC 20593 as long as the supply lasts (one copy per person or organization). The "1979 Fastnet Race Inquiry" (Report F) is available from the U.S. Yacht Racing Union, Box 209, Newport, RI 02840, cost $8.50.

FOR FURTHER INFORMATION CONTACT: Mr. M. R. Daniels, Jr., Merchant Marine Technical Division (G-MMT-3/12), Rm. 1210, U.S. Coast Guard Headquarters, 2100 Second St., S.W., Washington, DC 20593, (202) 426-1444. Normal business hours are 7 a.m. to 5 p.m., Monday through Thursday, except holidays.

SUPPLEMENTARY INFORMATION: A number of test reports and studies contain information relevant to the issues discussed in this notice. These include:

A. "Study of Inflatable Liferaft Stability", Report No. CG-D-81-79, Accession No. AD-A091-986, dated September 1979.

B. "Inflatable Liferaft Tests in the Pacific Ocean Off the Columbia River Bar", Report No. CG-M-4-78, Accession No. AD-A055-323, dated May 3, 1978.

C. "Preliminary Tests of Inflatable Liferafts for Stability in High Winds", Report No. CG-M-1-78, Accession No. AD-A048-722, dated December 1, 1977.

D. "Group Survival Equipment Effectiveness", Report No. CG-D-15-76, Accession No. AD-A022-606, dated January 1976.

E. "A Study of Requirements for Commercial Vessel Survival Systems", Report No. CG-D-80-75, Accession No. AD-A009-893, dated February 20, 1975.

F. "1979 Fastnet Race Inquiry", report of H. Forbes, M. Laing and J. Myatt to the Council of the RYA and the Committee of the RORC, 1979.

Interested persons are invited to participate in this rulemaking by submitting written views, data, or arguments. Persons submitting comments should include their names and addresses, identify this notice (CGD 80-113) and provide reasons for their comments. Those desiring acknowledgement that their comments have been received should enclose a stamped, self-addressed envelope or post card. All comments received before the expiration of the comment period will be considered in any future action that is taken on this rulemaking.

Interested parties will also have the opportunity to present oral testimony at the public hearing that will be held on this rulemaking, as discussed in the preceding DATES and ADDRESSES sections.

Drafting Information

The principal persons involved in drafting this advance notice are: Mr. M. R. Daniels, Jr. and Mr. R. L. Markle, Jr., Office of Merchant Marine Safety, and Mr. Coleman Sachs, Office of the Chief Counsel.

Discussion: General

This discussion applies to Coast Guard approved liferafts meeting the requirements in 46 CFR 160.051 (Code of Federal Regulations, Title 46, Subpart 160.051, "Inflatable Liferafts"). The Coast Guard originated this specification regulation in 1959 (24 FR 5548) on the basic of requirements contained in the International Convention for the Safety of Life at Sea, 1960 (SOLAS 1960). These rafts are required to be used on certain Coast Guard inspected merchant vessels, such as tank, cargo, passenger, mobile offshore drilling, and oceanographic vessels. Other vessels which carry liferafts voluntarily, such as certain yachts and fishing vessels, do not have to carry Coast Guard approved liferafts and therefore would not be directly affected by the potential regulation change discussed in this notice. The majority of inflatable liferafts now in use in the Unites States are carried voluntarily. Voluntary users may be indirectly affected since some of these users may prefer to use Coast Guard approved liferafts, or might be influenced in their selection of liferafts by Coast Guard requirements. Manufacturers of nonapproved rafts might also decide to adopt any specifications that may be developed if they believe that there is an advantage in doing so.

The primary purpose of a liferaft is to provide a floating platform for survivors of a marine casualty. Even a simple float could provide such a platform. The function of this platform can be enhanced by refinements that enable persons to survive for longer periods and assist in their detection. Visual

distress signals, bright-colored raft canopies, canopy lights, retroreflective material, and Emergency Position Indicating Radiobeacons (EPIRBs) can improve the chances that the raft will be detected by rescuers. Food and water can extend survival time. If the survivors can be kept dry, they will be less likely to suffer from hypothermia (exposure), thus extending their survival time. Refinements such as insulated floors and insulated weatherproof canopies help to keep the occupants warm and dry. The addition of heavy ballast to a liferaft would be another refinement that would lessen the chances that the occupants would enter the water. Entering the water would shorten their survival time due to more rapid onset on hypothermia.

Inflatable liferaft stability in high winds and heavy seas has been of concern to the Coast Guard for some time. Two studies done for the Coast Guard indicated as early as 1974 that inflatable liferafts could not be used in a number of casualties since they were capsized or carried away before they could be used (Reports D and E under "SUPPLEMENTARY INFORMATION"). A number of casualty reports and tests indicate that conventional liferafts with small ballast water chambers or no chambers may capsize in high winds and heavy seas. Existing regulations require that "water pockets to improve stability and reduce drifting shall be fitted on the underside of the floor" (46 CFR 160.051–4(b)). No further guidance on liferaft stability is provided in the regulations. The size and arrangement of their water pockets are not specified, nor is any performance requirement specified for them.

Size and weight are important considerations in the design of liferafts since they are stowed in compact containers which must not weigh more than 400 lbs. when loaded with the raft and all required emergency equipment, as provided in 46 CFR 160.051–3(b) and the International Convention for the Safety of Life at Sea, 1974 (SOLAS 1974). Consequently, the water pockets have tended to be small, resulting in lightly ballasted liferafts (see Figure 1).

In recent years, heavily ballasted liferafts have been developed and sold primarily to fishing vessels. The first and most prevalent design incorporates a hemispherical ballast bag under the raft encircled by a smaller upper chamber providing a "two-stage" system (see Figure 2). Another design is a "toroidal system" which is a ballast chamber ring around the periphery of the bottom of the raft, divided into a number of individual chambers (see Figure 3).

For the hemispherical design, the diameter of the bag is the same as the diameter of the raft, so that the amount of water in the bag is on the order of several hundred gallons. On a six person liferaft, this amounts to 2000 to 3000 lbs. of water. This compares to the most lightly ballasted Coast Guard approved raft with less than 13 gallons or 110 lbs. of water under the raft. When this larger ballast bag is under water, the water inside the bag contributes nothing to the weight of the raft, but does tend to prevent the raft from blowing downwind, thus allowing it to follow the current flow more closely. When wind or wave forces tend to lift the raft out of the water, the weight of the water trapped in the ballast bag resists the tendency of the raft to lift out and overturn. The advantage of having a lift-out resistance on the order of 3000 lb. instead of 110 lbs. is apparent.

A toroidal system for the underwater ballasting of a liferaft consists of a ring divided into a number of individual compartments, as shown in Figure 3. Each compartment of the ring is weighted to improve its opening when the raft inflates in the water. The designers of some toroidal systems believe in the necessity for openings between the adjacent compartments of the ring as a means of preventing air from being trapped below the bottom of the raft if it lifts partially from the water. The same separations also give an outlet to any wind striking the concave surface formed on the bottom of the raft by the ring of pockets. Proponents of the toroidal stability system claim that it imparts improved stability to a raft with only a minimal addition of weight. Testing has generally validated these contentions.

One of the early applications of heavy ballasting was made by the National Aeronautics and Space Administration (NASA). Specially constructed inflatable rafts were used to keep the space capsules afloat and to recover the astronauts and capsules after splash-down. Helicopters were used extensively in these recovery operations, and the wind they generated at the water surface would have blown unballasted or lightly ballasted rafts away. Heavy ballasting solved the problem. Heavy ballasting of inflatable liferafts is an adaptation of this theory for survival purposes. The main difference in the application is that in a survival situation, the raft may encounter heavy seas as well as high winds. In the recovery of space capsules, NASA specifically chose areas where the seas were calm.

Evaluations, Studies, and Tests

Although the advantage of the heavily ballasted liferaft is clear in concept, very little has been done in the way of technical analysis. When the heavy ballast system first appeared, questions were raised as to what could happen in heavy seas. Could the ballast system be torn apart in violent waves, or even worse, would the liferaft itself be torn apart by by the ballast system? What would happen to the occupants and the raft if it was buried in a breaking wave? Could the raft be paddled or towed away from wreckage or fire on the water? Without the answers to these questions and operational confirmation of the raft's performance, the Coast Guard could not require heavily ballasted rafts, even though the concept seemed to have merit. In spite of the problems that were noted in some casualties involving lightly ballasted inflatable liferafts, it was also clear that in the majority of cases, the inflatable liferaft was responsible for saving the lives of the survivors.

The primary evidence supporting heavy ballasting has been in the form of survivor testimonials. While the psychological stress arising from a casualty at sea may limit the reliability of a survivor's observations, the number of these testimonials, and supporting evidence as to weather and sea conditions by others in nearby vessels, indicates that heavily ballasted rafts have performed well in very severe conditions. For example, two persons in a heavily ballasted raft survived through hurricane Fico in April, 1979. They were in hurricane force winds for an estimated 48 hours, and in that time passed through the inner wall of the storm, into the eye, and back through the inner wall on the other side. This would have exposed them to the most severe conditions in the storm. The interviewed survivor estimated that the raft was in 120 knot winds and waves up to 50 ft. for two to five hours, and that during the course of the storm, the raft was knocked over and rerighted 25 to 50 times. The National Weather Service reported that this storm had sustained winds of 95 knots with gusts ot 120 knots.

In August, 1980, four men survived hurricane Allen in a heavily ballasted raft. The survivors reported that seas ran 25 to 30 feet and that the raft was sometimes six or eight feet under breaking waves and rolled to as much as 80 degrees. The ship that rescued them after two days reported recorded

winds of 170 knots with gusts to 190 knots.

While no confirmed cases exist to allow side-by-side comparison to the performance of heavily ballasted rafts and lightly ballasted rafts, the available case data indicates that lightly ballasted rafts have capsized or been carried away in comparable conditions.

In order to gain a better technical understanding of liferaft stability, the Coast Guard sponsored a study and two demonstrations (Reports A, B, and C under "SUPPLEMENTARY INFORMATION"). In one series of tests (Report C) rafts were set adrift in calm waters and subjected to wind forces generated by helicopters overhead and fixed-wing aircraft on a seaplane ramp near the floating rafts. The tests showed that unloaded lightly ballasted rafts would capsize or become unstable when the wind lifted an edge out of the water. These rafts were less likely to capsize when they were partially or fully loaded. Some lightly ballasted liferafts were also observed to capsize or become unstable in spite of using sea anchors. In the same test series, heavily ballasted rafts showed much better stability. There were no incidents of capsizing and these rafts were subject to more severe conditions since their ballast prevented them from being quickly blown away from the aircraft as was the case for the lightly ballasted rafts.

Another test involved two different designs of heavily ballasted liferafts that were set adrift at sea off the Columbia River Bar near Cape Disappointment, Washington (Report B). Both rafts performed well until one of them drifted dangerously close to a jetty before it could be recovered. This raft subsequently capsized in the vicinity of the jetty. When the raft was recovered, its ballast chamber was discovered to be damaged in a manner that would have rendered it ineffective. It could not be conclusively determined, however, whether the damage occurred prior to or during the capsizing.

Report (A) covers wind tunnel and wave tank tests of idealized rigid models of inflatable liferafts having various kinds of stability appendages. Flat-bottomed rafts, rafts with small pockets, and rafts with various patented toroidal and hemispherically-shapped ballast chambers were tested in a variety of wind and wave simulations. Model testing in the wind tunnel produced lift, drag and moment coefficients. These were followed by wave tank tests in an effort to correlate the calculated static stability with dynamic performance when the rafts were water-borne.

Approval of rafts having special features designed to enable them to resist overturning from wind and wave forces would require qualification testing as proof of their compliance with an established standard for stability. Since a stability standard for this purpose is presently lacking in 46 CFR 160.051, requirements dealing with the proof of the stability of a raft need to be added to this specification. A possible method of such qualification testing would be to set liferafts adrift in severe wind and sea conditions and determine their stability purely on observed results. Such an effort was made in February 1980 as a joint exercise of the governments of Iceland and the United Kingdom in waters off the northwest coast of Iceland with an assortment of rafts, each of 10-person capacity, and equipped with sea anchors of various designs. The purpose of the exercise was to determine the suitability of various types of sea anchors and the contribution of water ballast to liferaft stability. The rafts used in the exercise all had ballast contained in pockets of various sizes arranged around the periphery of the bottoms of the rafts, as in Figure 1. Some of these rafts were fitted with enlarged ballast pockets especially for the test. Total ballast weight varied from very little (actual amount not reported) to 792 lbs. making them lightly to moderately ballasted within the context of the preceding discussion. The unpublished reports show that sea anchors experienced a number of difficulties, including tearing, breaking of swivels, and fouling of lines. These problems were apparently solved by using a longer sea anchor line, stronger swivels, a modified cylindrical sea anchor for better stability, and a net on the sea anchord shroud lines to prevent fouling. The results of the tests are summarized in Table I. The results show good correlation between ballast quantities and resistance to capsizing within wave height groupings. Sea anchors were used on all tests and did not prevent capsizing.

Table I.—Summary of Liferaft Tests off Iceland

[Grouped by Wave Height]

Wave height	Total ballast	Winds	Approximate Duration	Results
13–16 ft	(small)	28–40 kt		Lost. Presumed capsized
	132 lb	28–40 kt	26 hr	No capsizing apparent
	255 lb	28–40 kt	29 hr	Capsized 3 times.
	330 lb	28–40 kt	29 hr	Capsized at least once. Two ballast bags torn off
	339 lb	28–40 kt	26 hr	No capsizing apparent
	513 lb	28–40 kt	26 hr	No capsizing apparent.
23–33 ft	513 lb	41–47 kt	3 hr	Capsized in breaking wave
	740 lb	34–40 kt	23 hr	No capsizing apparent.
	792 lb	41–47 kt	6 hr	No capsizing apparent.
33–36ft	740 lb	34–86 kt	7 days	Capsized in breaking wave after 21 hr., but was rerighted by sea anchor. Recovered seven days later in good condition.

On the basis of these tests, the Icelandic Directorate of Shipping will require liferafts to have at least six separate ballast pockets around the bottom edge of the raft. No minimum size for these pockets has been established.

Suitably conducted sea trials such as these offer an alternative to using calculations based on theoretical data to determine the optimum sizes of ballast chambers. But the sea trial method is also more expensive, time consuming, and subject to the variations of weather and sea. When the Coast Guard conducted similar trials in February 1978 with rafts set adrift from the Cutter EVERGREEN, the loss of rafts was extremely high—five rafts lost of six set adrift—and the trials were on the whole relatively unproductive. One of the lightly ballasted rafts was observed to capsize from a distance and was carried away before it could be recovered. A heavily ballasted raft was recovered, but its ballast chamber had been severely damaged from unknown causes. The effect of chance and uncontrolled conditions limits the utility of the full scale sea trial as a means for acquiring design and performance information.

The Coast Guard's investigation of raft stability has also included an extensive examination of casualty records. Some of the casualties studied are summarized in Reports (D) and (E) under "SUPPLEMENTARY INFORMATION". Others were reflected in individual casualty investigation reports on file with the Coast Guard. Some of these reports describe inflatable liferafts launched with varying degrees of success under adverse weather conditions.

A total of 66 casualty reports from Coast Guard records were identified where the use of liferafts was not totally sucessful. Of these cases, 8 were identified where the lack of stability in severe weather and sea was a factor. Sixteen other cases were identified where raft stability may have been a factor. In the remaining 42 cases, stability was not a factor, or else the casualty report did not contain enough information to conclude whether or not stability was a problem. There are known to be many more cases where liferafts have been used successfully, but the number of these can not be readily identified from existing casualty data.

Only one case of a heavily ballasted liferaft capsizing without rerighting in actual use is known to the Cost Guard. In this case, the raft's ballast chamber was found to have been damaged. The cause of the damage has not been conclusively determined; however, the raft was secured to the capsized vessel for some time in heavy seas before it was released. This may have contributed to the damage.

Another report involving inflatable liferafts is the "1979 Fastnet Race Inquiry" (Report F). This is an investigation of numerous abandonments of yachts involved in a race held in the southern waters between England and Ireland. The Fastnet report is unusual because of the large number of abandonments that took place at the same time under essentially the same weather and sea conditions.

The report of the Fastnet race summarizes the results from 235 questionnaires obtained from a total of 303 yachts starting the race. Of the 303, five were lost, and 19 abandoned and later recovered. Fifteen lives were lost. All of the liferafts used were either lightly ballasted or unballasted. The report gives the following statistics relating to the use of inflatable liferafts:

Yachts reported on	235
Number of rafts aboard	235
Rafts launched and boarded	15
Rafts capsizing one or more times	4
Total number of raft capsizings	6
Lives lost in raft-related incidents	[1]7
Lives saved by liferafts	14
Rafts torn apart or severely damaged	2

[1] In three rafts

Winds in the area of the casualty were estimated between 50 and 65 knots. These winds are comparable to those generated by the aircraft in Report (C) discussed previously. Maximum wave heights were estimated to be from 50 to 60 feet. Significant wave height (the average height of the highest one-third of observed waves) was estimated to range from 20 to 39 feet. These wind and wave estimates are comparable to some found in the sampling of Coast Guard casualty reports and the Icelandic tests. A combination of 40-knot winds and 35-foot seas clearly can be considered hazardous to the upright flotation of inflatable liferafts.

The Fastnet report contains the following statement: "Liferafts clearly failed to provide the safe refuge which many crews expected. Seven lives were lost in incidents associated with rafts of which three were directly attributable to the failure of the raft and the yachts which these seven people abandoned were subsequently found afloat and towed to harbour. However, 14 lives were saved in incidents in which survivors took to rafts from yachts which have not been recovered. Many crews used the rafts successfully to transfer from yachts to helicopters or other vessels. If is asking a great deal of any very small craft to expect it to provide safe refuge in conditions which overwhelm a large yacht but this is what liferafts are expected to do."

The Fastnet report describes mixed reactions among the yachtsmen concerning their experience with sea anchors for (1) reducing the rate of drift, (2) stabilizing a raft's attitude to the wind, and (3) stabilizing the attitude of any stability pockets on the raft to the sea. One survivor in a 6-person raft (afloat eight hours and continuously upright) reported that the sea anchor lasted less than one hour. The raft was half-filled with water from breaking waves, but did not capsize. If the sea anchor had lasted, it could have been used to keep the raft entrance away from the weather side to prevent entry of water. It is possible that the water in this raft may have functioned as a heavy ballast bag, thereby aiding the stability of the raft. The survivor felt that in storm conditions, a raft is more comfortable and less at risk if it is allowed to drift at the same rate as the waves.

In the Fastnet race, 33% of the raft survivors began to stream their sea anchors immediately after boarding the rafts. The number of survivors who felt this improved raft performance was equal to the number who did not, 20% each way with 60% not answering.

Proposals, Considerations, and Questions

In summary, it does appear that heavy ballasting of liferafts does contribute to their stability in high winds and seas. Accordingly, the Coast Guard is considering amending the specification regulation for inflatable liferafts (46 CFR 160.051) to require some form of heavy ballasting.

Certain design and performance requirements would have to be specified in 46 CFR 160.051 for the ballast system. Examples of the kinds of requirements and tests under consideration are as follows:

a. The ballast system would be required to contain a volume of water within a specified range. This volume range would probably be the same for all sizes of rafts. Evidence to date indicates that the tendency to capsize does not necessarily increase with the capacity of the raft.

b. The ballast system would be required to fill with water within a specified period of time after inflation is initiated. This requirement might be on the order of three to four minutes.

c. At some angle of heel in calm water (45 deg.?), the liferaft would be required to have a minimum freeboard at the low side and would have to have a skirt (the ballast chamber) extending vertically on the high side from the lower flotation tube to the waterline (see Figure 4).

d. Some minimum vertical force would be required to lift one edge of the raft out of the water to some angle of heel (45 deg.?).

e. A test or tests wold be required to assure that the ballast system has some minimum strength, but is still the weak point of the raft structure. That is, if forces are encountered at sea that are strong enough to destroy some part of the raft, that part should be the main ballast system, rather than the main body of the raft.

f. The ballast system would be required to be in at least two parts, so that the raft contains ballast water even if one compartment is damaged.

g. The raft would have to be capable of being towed at five knots without damaging the ballast system.

h. The raft would have to be capable of being paddled some distance in a specified time by two persons.

i. The raft should self-right after being rotated 135 deg. in relation to the water surface.

j. The inside of the raft should be fitted with tie-downs or safety belts for each person. Casualty and test reports indicate that the motion of a heavily ballasted raft in heavy seas is severe and can lead to the occupants being thrown about inside.

k. The raft would have to be packed with its doors closed and capable of being opened from the outside by a survivor in the water. Indirectly related to the stability issue is the problem that results if a raft inflates upside down. In

this case, the canopy may fill with water and prevent the raft from being righted. In this case, the canopy acts something like a ballast bag for the inverted raft. If the doors of the raft are required to be closed when the raft is packed, then the ingress of water might be slowed and the problem reduced.

In responding to the above proposals commenters are invited to consider the following:

a. Inflatable liferafts are primarily platforms for the survivors of a vessel casualty. Even if the raft capsizes, the platform remains. Indeed, there have been a number of cases where survivors have been rescued from the bottom of capsized rafts. Any other features added to the liferaft serve to enhance its performance as a rescue platform. Keeping a liferaft from capsizing would mean that those inside would not be forced to enter the sea, and would therefore stand a better chance of surviving.

b. If 46 CFR 160.051 were to be changed to require heavy ballasting devices, a 10 to 15% increase in each raft's weight could be expected. For rafts of less than 25-person capacity such a change would pose no insurmountable difficulty, but for the 25-person size added weight would put the raft's total weight over the 400-lb. limit currently imposed by SOLAS 1974. In addition to the extra fabric and attachments needed for larger stability appendages, the change would require an increase in the size of the containers that are used to store the rafts on deck.

c. The drift of a raft results from wind and current. When a raft is fixed in the water by a heavy ballast system, the influence of the wind on the drift of the raft is vastly reduced. As a consequence, estimating the position of a raft may be easier for search and rescue operations, thereby enhancing the possibility of rescue and lessening the expenditure of rescue of resources.

d. "Seakindliness" may have to be considered in addition to stability. Tests and survivor reports indicate that heavily ballasted rafts provide a hard or even violent ride in heavy seas.

e. While the performance of heavily ballasted liferafts in heavy seas is not fully understood, performance in wind alone is clear. The "skirt" that the ballast chamber forms below the raft prevents wind from getting underneath the raft and greatly increasing the lift leading to capsizing. Rescue helicopters can approach the raft closely and the raft will not blow away or capsize, as indicated in Report (C). This means that it is possible for the helicopter to hoist survivors directly out of the raft rather than making it necessary for them to enter the water in order to be hoisted. The practical application of this theory was demonstrated on February 1, 1980 when a Coast Guard helicopter rescued 3 survivors of the sunken F/V DIANNE HOLLY by approaching within 25 ft. of their heavily ballasted raft and hoisting them aboard.

f. Since heavy ballast systems keep the raft with the current, the need for sea anchors will be less critical. Note that a ballast system does not orient the raft in a particular direction as a sea anchor does.

g. Various formulations enabling stability appendages to be evaluated quickly by calculation would be an advanage over extended testing, especially at-sea testing.

h. Alternatives to calculations or at-sea tests might permit the stability of a raft to be evaluated by physical measurements conducted under controlled conditions.

i. Working pressures, relief valve settings, etc. may have to be increased to account for higher stressing of ballasted rafts in heavy seas.

j. Difficulties might arise related to the addition of larger stability appendages in the rafts, including their manufacture, packing, servicing, deployment, towing, or righting if capsized.

k. The attributes of various forms of heavy ballasting for the improved stability of inflatable rafts should be evaluated.

l. The resolution of this raft stability problem is not restricted to the use of a heavy ballast system. Designs involving concepts other than ballasting may be equally effective in keeping a raft upright against wind and wave forces. The stability requirements that ultimately result from this Notice will apply equally to the performance of both ballasted rafts and rafts whose stability is obtained by other means.

The Coast Guard welcomes all relevant comments and suggestions concerning the proposals in this advance notice. Specific recommendations for performance criteria and tests are requested. Answers to the following questions are also sought:

a. Are the benefits that might accrue from these proposals sufficient to justify the costs involved?

b. Is it appropriate to amend the regulations to raise the design standard for liferaft stability or should the current minimum be maintained, leaving the development of potentially safer products to the demands of the market place? Liferafts with improved ballast systems are available to the shipping community. Several models in smaller sizes are approved and it is anticipated that larger sizes will be approved in the near future.

The proposals in this Advance Notice are not expected to be significant regulations under the Department of Transportation's Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5), nor are they expected to be major rules under Executive Order 12291. Comments are nevertheless requested on the economic consequences that may result from these proposals so that they may be properly evaluated under these directives. Comments are also specifically requested on the economic effects these proposals would have on small businesses so that they may be properly evaluated under the Reguatory Flexibility Act (94 Stat. 1164)

Dated: June 22, 1981.

(43 U.S.C. 1333; 46 U.S.C. 481; 49 U.S.C. 1655(b); 49 CFR 1.46(b))

Clyde T. Lusk, Jr.,

Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

BILLING CODE 4910-14-M

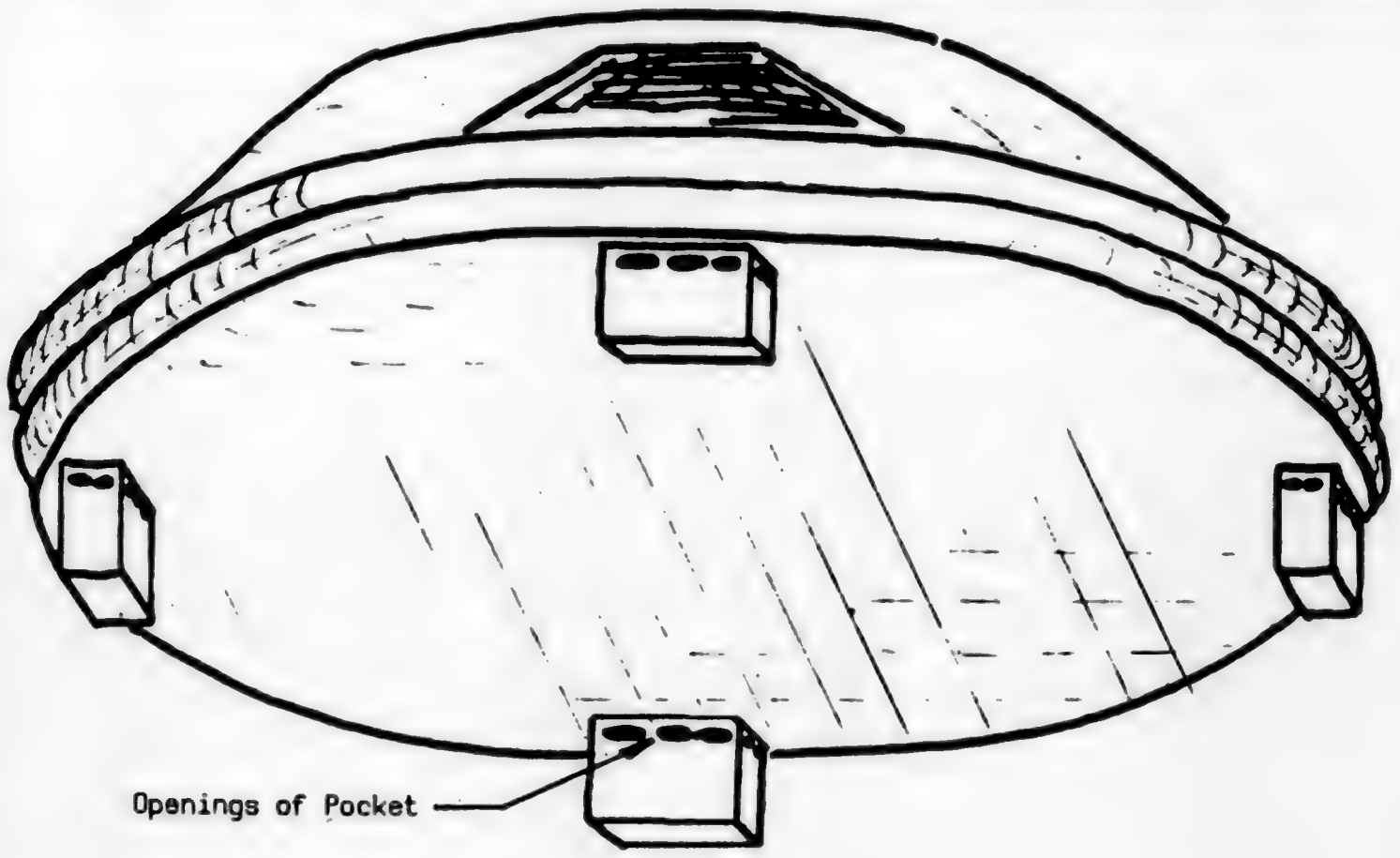

Figure 1 Underside View of Lightly Ballasted Raft with Water Pockets

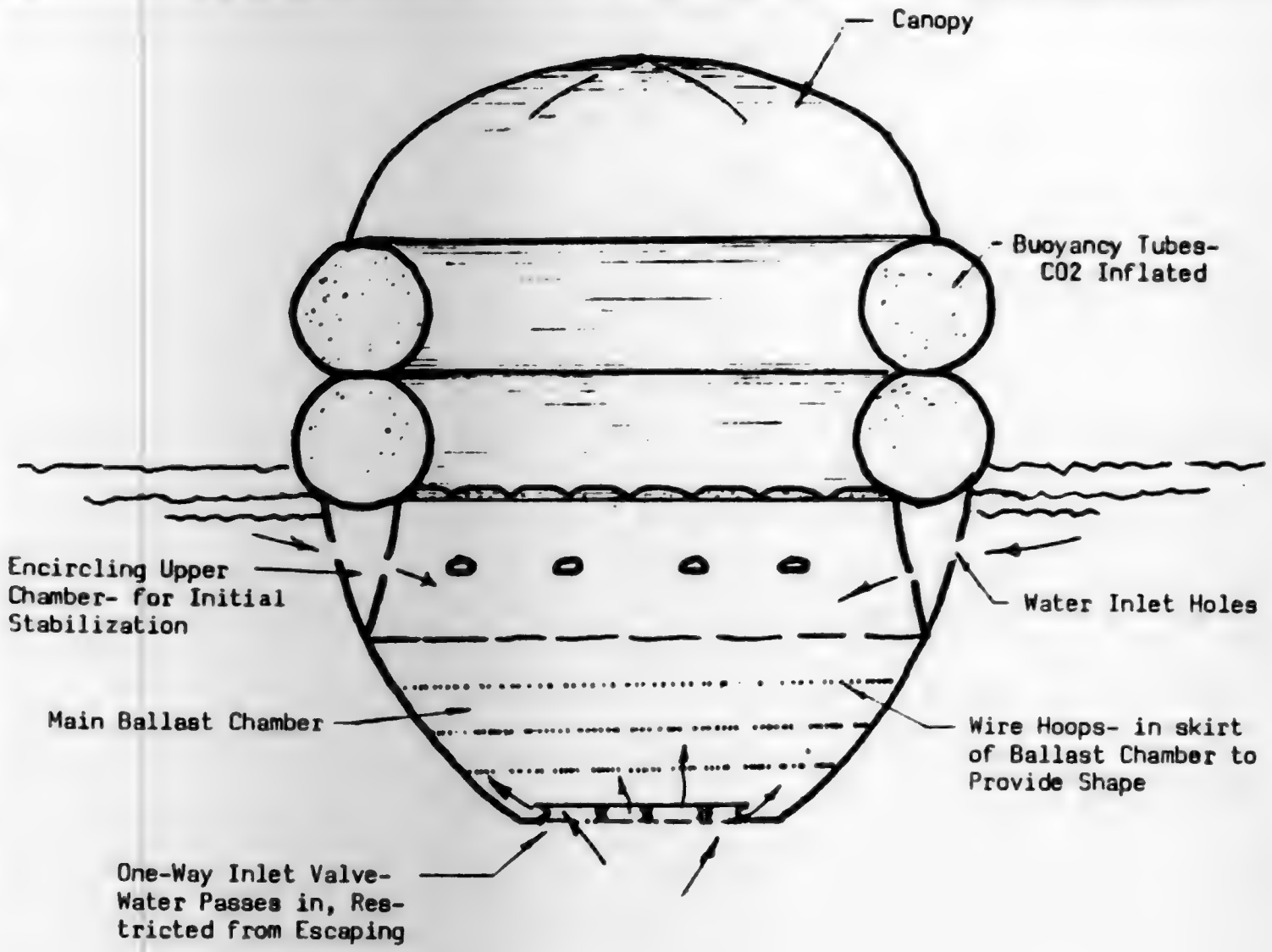

Figure 2 Cross Section of Raft With Hemispherical Heavy Ballast System

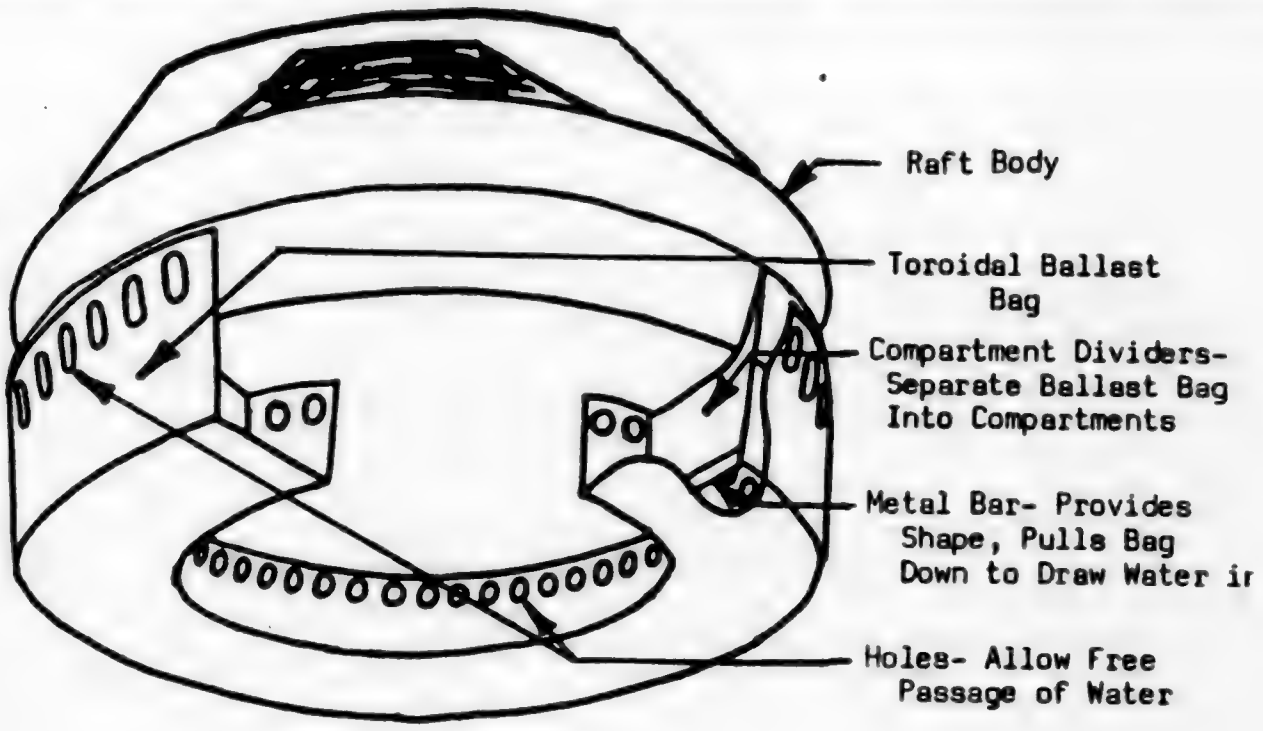

Figure 3 Underside View of Raft With Toroidal Heavy Ballast System

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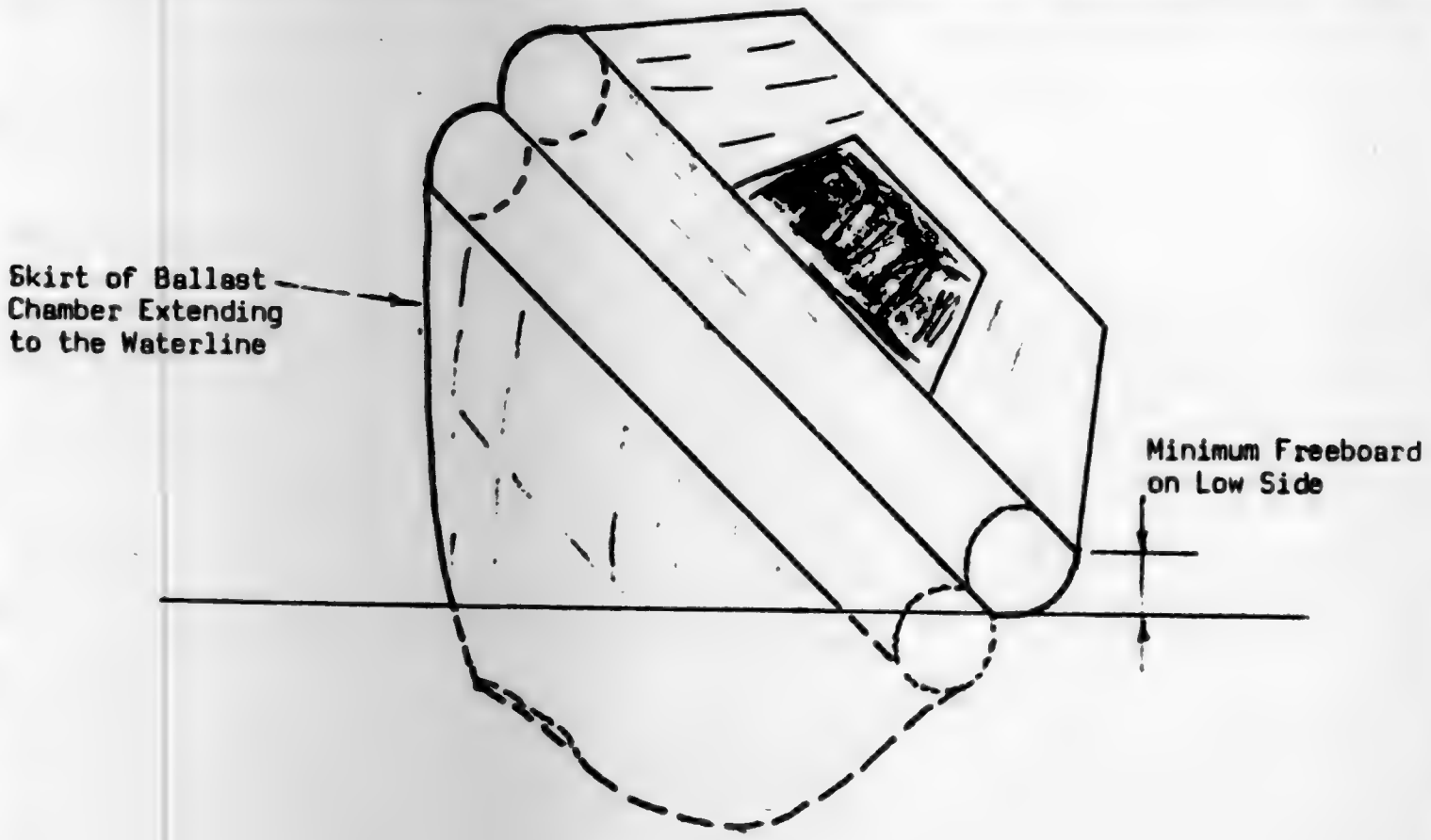

Figure 4 Heavily Ballasted Raft at 45 deg. Angle of Heel

[FR Doc. 81-19104 Filed 6-26-81, 8:45 am]
BILLING CODE 4910-14-C

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 651

New England Fishery Management Council; Atlantic Groundfish; Public Hearings

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice of public hearings.

SUMMARY: The New England Fishery Management Council will hold public hearings to receive comments on management measures to be included in the Interim Plan for the Management of Atlantic Groundfish. Such management measures were adopted formally on April 28, 1981, by the New England Fishery Management Council. The public hearings may also cover any other matters that are relevant to the final content of the Plan, its approval, and implementation.

DATES: Comments must be received on or before July 24, 1981. Individuals or organizations wishing to comment may do so at public hearings to be held as follows:

July 13, 1981—Ellsworth, Maine
July 14, 1981—Portland, Maine
July 16, 1981—Gloucester, Massachusetts
July 17, 1981—Boston, Massachusetts
July 20, 1981—Hyannis, Massachusetts
July 21, 1981—New Bedford, Massachusetts
July 22, 1981—Galilee, Rhode Island
July 23, 1981—Hauppauge, New York

ADDRESS: Send comments to: Chairman, New England Fishery Management Council, Suntaug Office Park, 5 Broadway (Rt. 1), Saugus, Massachusetts 01906. Public hearing locations:

July 13, 1981—Holiday Inn, U.S. Route 1 and Route 3, Ellsworth, Maine.
July 14, 1981—Holiday Inn (Downtown), 88 Spring Street, Portland, Maine.
July 16, 1981—Gloucester City Hall, Dale Avenue, Gloucester, Massachusetts.
July 17, 1981—Logan Hilton, Logan International Airport, Boston, Massachusetts.
July 20, 1981—Dunfey Hyannis Hotel, Route 28, Hyannis, Massachusetts.
July 21, 1981—Holiday Inn, Hathaway Road, New Bedford, Massachusetts.
July 22, 1981—Dutch Inn, Great Island Road, Galilee, Rhode Island.
July 23, 1981—Holiday Inn, 1740 Express Drive, South, Long Island Expressway, Hauppauge, New York.

All of the public hearings are to begin promptly at 7:00 p.m. and adjourn at approximately 10:00 p.m. Each hearing may be lengthened or shortened as necessary depending on extent of discussion. A printed document summarizing Council decisions to date on the Plan will be available at each hearing and may be obtained in advance upon request to the Council at the address above.

FOR FURTHER INFORMATION CONTACT: Mr. Douglas G. Marshall, Executive Director, New England Fishery Management Council, Suntaug Office Park, 5 Broadway (Route 1), Saugus, Massachusetts 01906, Telephone: (617) 231-0422.

SUPPLEMENTARY INFORMATION: The development of the Interim Plan for the Management of the Atlantic Groundfish Fishery (Plan) began in the fall of 1979. The notice of intent to prepare an Environmental Impact Statement and notice of a scoping meeting was published on October 25, 1979 (44 FR 61047). Pursuant to Executive Order 12044, a work plan for the preparation of the Plan was prepared and submitted on December 18, 1979. The work plan was approved by the Assistant Administrator on May 30, 1980.

On July 3, 1980, the New England Fishery Management Council (Council) scheduled a series of public meetings to allow individuals and organizations to comment on the purpose and scope of the proposed Plan (45 FR 45336). Public comments of July 1980 have been the subject of Council deliberations and discussion. The Council also has carried out a review and analysis of other pertinent data on the operation of the Atlantic groundfish fishery and the possible impacts of various management provisions on such operations.

The Council proposes to include in its Plan the measures listed below:

(1) *Mesh/Area Measures.*—A trawl net with a cod-end mesh no smaller than 5⅛ inches, measured stretched wet after use, shall be required of all vessels engaged in the directed groundfish fishery when such vessels are operating in a designated large-mesh area. In other areas there is no minimum net mesh size contemplated.

The mesh provision shall be in full force and effect for the period beginning on the day of implementation of the provision and ending one calendar year thereafter. Upon the expiration of one calendar year, the permitted cod-end mesh size for vessels engaged in the directed groundfish fishery within the designated area shall be 5½ inches measured stretched wet after use. Diagrams showing the location of the large-mesh area will be available at the hearings.

(2) *Optional Settlement Program.*—Within the designated large mesh area, any large vessel wishing to engage in a fishing operation directed at species other than cod, haddock, or yellowtail flounder, shall first seek the approval to conduct such a fishery of the Regional Director, National Marine Fisheries Service. Upon the approval of the Regional Director, the vessel shall enter into an Optional Settlement Agreement subject to such terms and conditions as may be established by the Regional Director. A vessel found to be operating in the specified large-mesh area with a trawl net cod-end smaller than 5⅛ inches (measured stretched wet after use), and which has not entered into an Optional Settlement Agreement, shall be in violation of the provisions of the Plan.

(3) *Minimum Fish Size.*—The minimum legal length of cod and haddock in possession of harvestors and processors shall be seventeen inches total length. The minimum legal length of yellowtail flounder in possession of harvestors and processors shall be eleven inches total length.

(4) *Data Reporting and Collection System.*—A data collection system shall be an expanded weigh-out system supplemented by voluntary sea sampling and voluntary logbooks submitted by vessels, individuals, and organizations electing to participate.

The Council did not adopt or recommend that the Plan contain a management provision establishing limits on the total catch of cod, haddock, or yellowtail flounder species which can be harvested by a vessel on an individual trip. The Council did agree to take to public hearings and to accept public comment on an alternative management provision establishing such a limit. The alternative provision is as follows:

> Upon implementation of the Interim Plan, there be an initial 60,000 pound trip limit consisting of any combination of cod, haddock, and yellowtail founder, except that yellowtail flounder will not exceed 33% of the trip limit in force, and that the trip limit be increased by 5,000 lbs. every three months with the removal of all trip limits effective with the implementation of 5½ inch minimum mesh (i.e., one calendar year from the first day of implementation of the Interim Plan).

Dated: June 23, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-19066 Filed 6-26-81; 8:45 am]

BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 46, No. 124
Monday, June 29, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

1981 Flue-Cured Tobacco, Price Support Rates

AGENCY: Commodity Credit Corporation.

ACTION: Notice of determination of 1981 flue-cured tobacco price support rates.

SUMMARY: This notice of determination sets forth the price support rates applicable to eligible grades of 1981-crop flue-cured tobacco. The support rates have been determined in order to make price support available to eligible producers on such grades, as required by the Agricultural Act of 1949, as amended.

DATE: Effective June 29, 1981.

ADDRESS: Director, Price Support and Loan Division, ASCS, USDA, Room 3741 South Building, P.O. Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: Robert L. Tarczy, ASCS, (202) 447–6733.

This determination sets forth the rates at which eligible grades of 1981-crop flue-cured tobacco will be supported. These rates reflect the national average support level which is prescribed by law. Since there are no options associated with this determination, an Impact Analysis has not been prepared.

SUPPLEMENTARY INFORMATION: This notice of determination has been reviewed under USDA procedures required by Executive Order 12291 and has been classified "not major." It has been determined that these program provisions will not result in an annual effect on the economy of $100 million or more.

The title and number of the federal assistance program to which this notice applies are: Title: Commodity Loan and Purchases; Number: 10.051. This action will not have a significant impact specifically on area and community development. Therefore, review as established by Office of Management and Budget (OMB) Circular A–95 was not used to assure that units of local government are informed of this action.

Harold L. Jamison, Director, Price Support and Loan Division, Agricultural Stabilization and Conservation Service, has determined that an emergency situation exists which warrants publication of this notice of determination without opportunity for public participation as required by Secretary's Memorandum No. 1955 and by 5 U.S.C. 553. Growers of flue-cured tobacco need to know immediately the support rates applicable to 1981 crop flue-cured tobacco so they can make plans on how they wish to market their tobacco. The Secretary of Agriculture has no discretion in determining the level of support for 1981 crop flue-cured tobacco which is to be established in accordance with the formula prescribed by section 106 of the Agricultural Act of 1949, as amended. The support rates determined by the Secretary for the various grades of 1981 crop flue-cured tobacco reflect the required support level.

Price support for flue-cured tobacco is each year made available by Commodity Credit Corporation (CCC) through a cooperative marketing association in accordance with regulations codified at 7 CFR Part 1464. Price support is mandatory at the level determined in accordance with section 106 of the Agricultural Act of 1949, as amended. Under this provision the level of support for the 1981 crop of tobacco is determined by multiplying the support level for the 1959 crop of such kind of tobacco by the ratio of the average of the index of prices paid by farmers for the three calendar years 1978–80 (which is 851) to the average index of prices paid by farmers for the 1959 calendar year (which is 298). The resulting ratio is 2.86. The support level for the 1981 crop of each eligible kind of tobacco is, therefore, 286 percent of the 1959 level.

Accordingly, the Secretary has determined that the following support rates will be in effect for 1981-crop flue-cured tobacco:

Determinations

[Rate per pound] [1]

Grade	Rate
A1F	$2.04
A1L	2.04

Determinations—Continued

[Rate per pound] [1]

Grade	Rate
B1L	1.94
B2L	1.90
B3L	1.87
B4L	1.83
B5L	1.75
B6L	1.69
B1F	1.94
B2F	1.90
B3F	1.87
B4F	1.83
B5F	1.75
B6F	1.69
B1FR	1.92
B2FR	1.86
B3FR	1.85
B4FR	1.82
B5FR	1.74
B6FR	1.67
B4R	1.61
B5R	1.53
B3K	1.79
B4K	1.73
B5K	1.66
B6K	1.58
B3V	1.75
B4V	1.70
B5V	1.61
B3S	1.67
B4S	1.63
B5S	1.57
B3KL	1.66
B4KL	1.62
B5KL	1.56
B6KL	1.47
B3KF	1.68
B4KF	1.62
B5KF	1.56
B6KF	1.47
B3KM	1.70
B4KM	1.66
B5KM	1.60
B6KM	1.49
B3KR	1.76
B4KR	1.72
B5KR	1.63
B3KV	1.59
B4KV	1.49
B5KV	1.39
B4G	1.52
B5G	1.46
B6G	1.34
B5GR	1.34
B4GK	1.47
B5GK	1.43
B6GK	1.34
B5GG	1.19
H3L	1.89
H4L	1.86
H5L	1.78
H6L	1.73
H1F	1.96
H2F	1.92
H3F	1.89
H4F	1.86
H5F	1.78
H6F	1.73
H4FR	1.82
H5FR	1.75
H6FR	1.68
H4K	1.72
H5K	1.67
H6K	1.59
C1L	1.96
C2L	1.93
C3L	1.90
C4L	1.86
C5L	1.78
C1F	1.96
C2F	1.93
C3F	1.90
C4F	1.86
C5F	1.78

Determinations—Continued

[Rate per pound] [1]

Grade	Rate
C4V	1.72
C4S	1.68
C4KL	1.64
C4KM	1.67
C4KR	1.73
C4G	1.55
C4GK	1.49
X1L	1.91
X2L	1.85
X3L	1.78
X4L	1.67
X5L	1.51
X1F	1.91
X2F	1.85
X3F	1.78
X4F	1.67
X5F	1.51
X3V	1.66
X4V	1.60
X3S	1.61
X4KL	1.48
X4KF	1.48
X4KV	1.44
X3KR	1.67
X4KR	1.61
X3KM	1.58
X4KM	1.51
X4G	1.46
X5G	1.40
X4GK	1.40
P2L	1.37
P3L	1.29
P4L	1.18
P2F	1.37
P3F	1.29
P4F	1.18
P4G	1.08
M4F	1.48
M5F	1.45
M4KR	1.39
M4KM	1.36
M5KM	1.31
M4GK	1.33
M5GK	1.25
N1K	1.21
N1R	1.11
N1GF	1.11
N1GR	1.05
N1KV	1.10
N1GG	1.02
N1BO	1.03

[1] The rates listed are applicable to bed and untied flue-cured tobacco which is (1) eligible tobacco as defined in 7 CFR 1464.8 and (2) identified by a marketing card which does not bear the notation "Discount Variety-Limited Support." Rates for eligible tobacco identified by a marketing card, which bears the notation "Discount Variety-limited Support," are 50 percent of the rate listed plus fifty cents ($0.50) per hundred pounds. Any grade to which the special factor "sand" or "dirt" is added (denoting a moderate amount of sand or dirt in excess or normal) may be accepted at 90 percent, rounded to the nearest dollar, of the rate listed. From these rates, an amount to be applied against approved overhead costs, as provided for in the agreement between CCC and the cooperative marketing association, will be deducted.

Tobacco graded "W" (doubtful keeping order), "U" (unsound), "N2," "no-G," "No-G-F," "No-G-F-sand," "No-G-F-dirt," P5F, P5L, P5G, NIGL, NIXO, NIPO, NIL, NIXL, or "scrap" will not be accepted. Only the original producer of tobacco is eligible to receive price support on such tobacco.

(Secs. 4 and 5, 62 Stat. 1070 as amended (15 U.S.C. 714b, 714c); secs. 101, 106, 401, 403, 63 Stat. 1051, as amended, 1054, 74 Stat. 6 (7 U.S.C. 1441, 1445, 1421, 1423))

Signed at Washington, D.C. on June 25, 1981.

Everett Rank,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 81-19163 Filed 6-26-81; 8:45 am]

BILLING CODE 3410-05-M

Science and Education Administration

Joint Council on Food and Agricultural Sciences; Meeting

According to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776), the Science and Education Administration announces the following meeting:

Name: Joint Council on Food and Agricultural Sciences
Date: July 15-17, 1981
Time and place: Key Bridge Marriott Hotel, 1401 Lee Highway, Arlington, Virginia, 22209; July 15, 1:00 p.m.-5:00 p.m.; July 16, 8:30 a.m.-5:00 p.m.; July 17, 8:30 a.m.-3:00 p.m.
Type of meeting: Open to the public. Persons may participate in the meeting as time and space permit.
Comments: The public may file written comments before or after the meeting with the contact person below
Purpose: Interact with Secretary of Agriculture John Block and Assistant Secretaries regarding priority issues in science and education; hear updates from Joint Council committees on Program Structure, Energy, Integrated Pest Management; discuss concerns of Extension, Experiment Station, and Resident Instruction Committees on Policy
Contact person: Susan G. Schram, Executive Secretary, Joint Council on Food and Agricultural Sciences, Science and Education Administration, U.S. Department of Agriculture, Room 351-A, Administration Building, Washington, D.C. 20250, telephone (202) 447-6651.

Done at Washington, D.C., this 15th day of June 1981.

John G. Stovall,

Executive Director, Joint Council on Food and Agricultural Sciences.

[FR Doc. 81-19052 Filed 6-26-81; 8:45 am]

BILLING CODE 3410-03-M

Joint Council on Food and Agricultural Sciences Executive Committee; Meeting

According to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776), the Science and Education Administration announces the following meeting:

Name: Executive Committee of the Joint Council on Food and Agricultural Sciences
Date: July 15, 1981
Time and place: 8:30 a.m.-noon; Key Bridge Marriott Hotel, 1401 Lee Highway, Arlington, Virginia 22209
Type of meeting: Open to the public. Persons may participate in the meeting as time and space permit
Comments: The public may file written comments before or after the meeting with the contact person below
Purpose: Review report of Joint Council Program Structure Study Group and Joint Council Committee on Minority Affairs; discuss Joint Council white paper on Agricultural Productivity; review procedures for July Joint Council meeting
Contact person: Susan G. Schram, Executive Secretary, Joint Council on Food and Agricultural Sciences, U.S. Department of Agricultural, Room 351-A, Administration Building, Washington, D.C. 20250, telephone (202) 447-6651.

Done at Washington, D.C., this 15th day of June, 1981.

John G. Stovall,

Executive Director, Joint Council on Food and Agricultural Sciences.

[FR Doc. 81-19053 Filed 6-26-81; 8:45 am]

BILLING CODE 3410-03-M

CIVIL AERONAUTICS BOARD

Application for an All-Cargo Air Service Certificate

June 23, 1981.

In accordance with Part 291 (14 CFR 291) of the Board's Economic Regulations (effective November 8, 1978), notice is hereby given that the Civil Aeronautics Board has received an application, Docket 39677, from air Continental, Inc., 44050 Russia Road, Elyria, Ohio 44035, for an all-cargo air service certificate to provide domestic cargo transportation.

Under the provisions of section 291.12(c) of Part 291, interested persons may file an answer in opposition to this application on or before July 20, 1981. An executed original and six copies of such answer shall be addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. It shall set forth in detail the reasons for the position taken and must relate to the fitness, willingness, or ability of the applicant to provide all-cargo air service or to comply with the Act or the Board's orders and regulations. The answer shall be served upon the applicant and state the date of such service.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-19067 Filed 6-26-81; 8:45 am]

BILLING CODE 6320-01-M

Orders Concerning Mail Rates

Order 81-6-134, June 19, 1981, Docket 37294, proposes final domestic service mail rates for the period July 1 through December 31, 1981.

Order 81–6–135, June 19 1981, Docket 37392, proposes final international service mail rates for the period July 1 through December 31, 1981.

Copies of the orders are available from the C.A.B. Distribution Section, Room 516, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. Persons outside the Washington, Metropolitan area may send a postcard request.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81–19108 Filed 6–26–81; 8:45 am]

BILLING CODE 6320–01–M

Regulatory Flexibility Act Review Plan

AGENCY: Civil Aeronautics Board.

ACTION: Publication of plan for review of rules.

SUMMARY: This is the CAB's plan for review of its rules in accordance with the Regulatory Flexibility Act.

DATE: Adopted: June 23, 1981.

FOR FURTHER INFORMATION CONTACT: Mark Schwimmer, Office of the General Counsel, Rules and Legislation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; 202–673–5442.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act, Pub. L. 96–354, requires each agency to publish in the **Federal Register** by June 30, 1981, a plan for the periodic review of the agency's rules that "have or will have a significant economic impact on a substantial number of small entities." The plan must provide for review of all such rules within 10 years. In addition, the agency must publish annually in the **Federal Register** a list of those rules to be reviewed during the following 12 months, with an invitation for public comments on them. The purpose of the review is to determine whether such rules should be continued without change, or should be amended or rescinded, consistent with the stated objectives of applicable statutes, to minimize any significant economic impact of the rules upon a substantial number of such small entities. (5 U.S.C. 610)

This notice constitutes the Board's review plan. The annual list will be published each December.

The Civil Aeronautics Board is in a unique position with regard to review of its rules because the agency is scheduled for sunset. Under the scheme established in the Airline Deregulation Act of 1978 and currently in effect, various Board functions are scheduled to terminate or transfer to other agencies on December 31, 1981, and January 1, 1983. On January 1, 1985, the Board itself sunsets, with some remaining functions transferred to other agencies. (49 U.S.C. 1551) Legislation has recently been introduced in Congress (H.R. 3562) to sunset this agency earlier than 1985.

In connection with the statutory scheme, some rules will necessarily terminate; some may be amended or terminated early as transition measures; and some may be inherited by other agencies in their current or amended form. In preparation for sunset, therefore, the Board is reviewing all its rules, not merely those that meet the impact criterion of the Regulatory Flexibility Act. This complete review will include opportunities for public comment through notices of proposed rulemaking. The review will include the concerns raised by the Regulatory Flexibility Act and will be finished well within the Act's 10-year limit. The review is already in progress for many rules, as indicated in the Board's most recent semiannual Agenda of Significant Regulations, 46 FR 24201, April 29, 1981. The first annual regulatory flexibility review list that the Board will publish in December 1981 will include the most important rules that the Board has not already begun to review in individual proceedings. The main rules that are now under review and the current status of the review are as follows:

1. *Denied boarding compensation* (14 CFR Part 250). In notice of proposed rulemaking EDR-401A, Docket 38108, 46 FR 8561, January 27, 1981 (comments due March 30, 1981), the Board is reviewing the applicability of its denied boarding compensation rules to small aircraft operations. For a general review of this subject, an advance notice of proposed rulemaking is in preparation, in response to a petition filed in Docket 39376 by Transmerica Airlines, Inc.

2. *Smoking on airplanes* (14 CFR Part 252). A range of alternatives to the Board 's existing rule has been proposed in several notices in Docket 29044. In notice of proposed rulemaking EDR–420, 46 FR 11827, February 11, 1981, the Board expanded the proceeding to include the following additional alternatives: banning smoking on airplanes, and eliminating all CAB regulation of in-flight smoking. Comments were due April 13, 1981, and oral argument was held on May 13, 1981.

3. *Rules tariffs and notice to passengers of conditions of carriage* (14 CFR Part 221). Earlier notices of proposed rulemaking on this subject were EDR–396, Docket 38021, 45 FR 25817, April 16, 1980 (comments due September 3, 1980), and EDR–404, Docket 38348, 45 FR 42629, June 25, 1980 (comments due September 23, 1980). A supplemental notice of proposed rulemaking that would consolidate these proceedings is in preparation.

4. *Charters* (14 CFR Parts 207, 208, 212, 380). The Board is reconsidering all its rules on charter flights in light of deregulation, and a notice of proposed rulemaking is in preparation.

5. *Baggage liability in domestic air transportation.* The Board is reviewing the current baggage liability limits and rules in airlines' tariffs in order to determine which provisions, if any, should be placed in the regulations. A notice of proposed rulemaking is in preparation.

6. *Registration procedures for Canadian charter air taxi operators.* In notice of proposed rulemaking EDR–414, Docket 39000, 45 FR 80117, December 3, 1980 (comments due February 17, 1981), the Board proposed to eliminate the requirement that Canadian charter air taxi operators obtain foreign air carrier permits under section 402 of the Federal Aviation Act. Instead of the extensive information normally required by 14 CFR Part 211, these small carriers would merely have to register with the Board, a quicker and easier process.

7. *Registration of foreign charter operators.* In notice of proposed rulemaking EDR–398, Docket 38023, 45 FR 26084, April 17, 1980 (comments due June 16, 1980), the Board proposed to substitute a simple registration procedure for the requirement that foreign charter operators obtain a foreign air carrier permit.

By the Civil Aeronautics Board:

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81–19109 Filed 6–26–81; 8:45 am]

BILLING CODE 6320–01–M

[Docket 39705]

Westair Jet Fitness Investigation; Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held July 7, 1981 at 10 a.m. (local time) in Room 1003, Hearing Room B, Universal Building North, 1875 Connecticut Avenue, N.W., Washington, D.C. before the undersigned administrative law judge.

Order 81–6–87 defined the issues for this proceeding and determined that additional request for evidence and requests to intervene should be filed in the Docket Section no later than July 1, 1981.

In order to facilitate the conduct of the conference, the parties are instructed to

submit to the judge and each party, by July 6, 1981: (1) proposed stipulations, (2) proposed statement of position, (3) proposed procedural dates, and (4) proposals for organizing cross-examination or otherwise expediting the hearing.

Dated at Washington D.C., June 23, 1981

William A. Pope, II,

Administrative Law Judge.

[FR Doc. 81-19089 Filed 6-26-81, 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Phonic Code System; Public Meeting

AGENCY: National Oceanic and Atmospheric Administration/ Department of Commerce.

ACTION: Notice of Public Meeting.

SUMMARY: Representatives of the Mid-Atlantic Fishery Management Council and the National Marine Fisheries Service, Southeast Region, will meet and discuss the procedures and use of the "Phonic Code System."

DATE: Individuals or organizations wishing to obtain information and material on the "Phonic Code System" may do so at the hearings which will be held from 7:00 p.m. to 10:00 p.m. as follows: July 15, 1981 Salisbury, Maryland; July 16, 1981 Tom's River, New Jersey.

ADDRESS: Hearing Locations. July 15, 1981, Sheraton Salisbury Inn, Urban River Plaza, 300 South Salisbury Boulevard, Salisbury, Maryland. July 16, 1981, Holiday Inn, 290 State Highway 37 East, Tom's River, New Jersey.

FOR FURTHER INFORMATION CONTACT: John Bryson, Executive Director, Mid-Atlantic Fishery Management Council, Federal Building, Room 2115, North and New Streets, Dover, Delaware 19901, (302) 674-2331 or C. Peter Marini, National Marine Fisheries Service, Southeast Region, 9450 Koger Boulevard, St. Petersburg, Florida 33702, (813) 893-3145.

SUPPLEMENTARY INFORMATION: The National Marine Fisheries Service, Southeast Region, St. Petersburg, Florida has developed a "Phonic Code System" to provide ways and means of communications in situations related essentially to fishing operations, especially when language difficulties arise. The Service believes that all fishermen should be aware that the code exists. Since foreign vessels operate in the U.S. Fisheries Conservation Zone, and the possibility of a gear conflict exists, it may be appropriate for U.S. fishing vessels to have a copy of the Phonic Code System on board. Interested vessel owners may obtain the information and material at these meetings.

Dated: June 23, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-19012 Filed 6-26-81, 8:45 am]

BILLING CODE 3510-22-M

CONSUMER PRODUCT SAFETY COMMISSION

[Petition No. CP 81-2]

Ceiling Light Fixtures; Denial of Petition

AGENCY: Consumer product Safety Commission.

ACTION: Denial of petition.

SUMMARY: In this notice, the Commission denies a petition to develop a mandatory safety standard for ceiling light fixtures to address the risk of fire associated with the installation of thermal insulation around these fixtures. The Commission denies the petition since it has found that a mandatory standard is not necessary or appropriate at this time to address the risk of injury from fires. Voluntary standards have the potential to address adequately the risk of injury from fire presented by these products. In addition, the Commission's labeling requirement for cellulose insulation and voluntary labeling provisions for other types of insulation, as well as information and education activities, should help address the hazard caused by installing insulation too close to existing ceiling light fixtures.

FOR FURTHER INFORMATION CONTACT: Ronald L. Medford, Project Manager, Office of Program Management, Consumer Product Safety Commission, Washington, D.C. 20207 (301) 492-6557.

SUPPLEMENTARY INFORMATION: On December 16, 1980, the Commission received a petition (CP 81-2) from the Cellulose Manufacturers' Association requesting the Commission to establish a standard under section 7 of the Consumer Product Safety Act (15 U.S.C. 2056) to address the risk of injury from fires associated with ceiling light fixtures. According to the petitioner, when thermal insualation is installed too close to these light fixtures heat energy builds up so that the fixtures, wiring, or surrounding structure may begin to smolder or ignite. In support of the requested action, the petition refers to fire incident data involving light fixtures and insulation. The petition also refers to the Commission's information concerning the risk from cellulose insulation that is improperly installed around recessed light fixtures, including the information forming the basis for the Commission's disclosure requirement for the installation of cellulose insulation (16 CFR 1404).

The Commission has carefully considered the information submitted by the petitioner, as well as additional relevant information described below concerning fire incidents and injuries, and voluntary standards and building code requirements for ceiling lighting fixtures.

(1) *Available Fire Incident and Injury Information.* The Commission has reviewed the most current fire incident and injury information from the U.S. Fire Administration and the National Fire Protection Association relevant to the petition. Based on these data, the Commission estimates that in 1978 there were 8,250 residential fires, 150 civilian injuries, and 80 civilian deaths in the United States involving the "lighting fixture" product category that includes ceiling light fixtures.

These figures represent approximately 1 percent of all residential structural fires and about 1 percent of all civilian deaths and injuries in residential fires. Thermal insulation was reported as the first item to ignite in abut 750 (9%) of these fires. Of the estimated 750 fires involving the lighting fixture category and insulation, about 340 fires (45%) occurred in concealed ceiling/roof or ceiling/floor spaces. The actual number of fires associated with light fixtures and thermal insulation may be somewhat larger than the estimated 750 fires since the data do not include fires where themal insulation may have contributed to the heat build-up but was not the first material to ignite. In addition to the residential fires, the Commission estimates that in 1978 there were approximately 200 non-residential fires involving both lighting fixtures and insulation. The 200 fires represent 2% of the estimated total of non-residential fires involving the lighting fixture product category.

(2) *Information Concerning Voluntary Standards.* Undewriters Laboratory (UL) currently has a standard (UL 57) for electrical lighting fixtures that covers all types of surface mounted and recessed light fixtures. On April 1, 1982, UL 57 will be replaced by three new standards: UL Standard 1570 for Fluorescent Lighting Fixtures, UL Standard 1571 for Incandescent Lighting

Fixtures, and UL Standard 1572 for High Intensity Discharge Lighting Fixtures. Of these three standards, UL 1571 is the standard most relevant to the petition.

UL 57 and UL 1571 generally require surface mounted fixtures to be temperature tested under a simulated ceiling containing thermal insulation. Before August 1978, these fixtures were not required to be tested with thermal insulation. Fixtures manufactured after August 1978 which meet the specified test requirements are considered to be suitable for use under insulated ceilings and carry a label specifying "Type IC" or insulated ceiling.

UL 57 requires recessed light fixtures to be temperature tested in a box without thermal insulation. However, UL 1571 will require recessed fixtures to be labeled as "Type IC", or "Non-Type IC" (not suitable for use under such ceilings). "Type IC" fixtures are temperature tested in a box filled with insulation and must not exceed specified temperature limits. "Non-Type IC" fixtures are tested under both normal and abnormal temperature conditions. In the normal temperature tests, the fixture is tested in a box without insulation. In the abnormal temperature test, the fixture is placed in a container partially filled with cellulose insulation. The fixture is equipped with a thermal protection device that will shut off the power before the temperature of the fixture housing reaches 160° C. After the fixture cools, the power will come back on. The fixture is also marked to alert the consumer that a blinking light indicates an over temperature condition.

UL 57 requires surface mounted and recessed light fixtures to be marked for the maximum wattage bulb for use with the fixture. UL 1571 requires "Non-Type IC" recessed fixtures to be marked with a warning not to install insulation within 3 inches of the fixture or wiring compartment so as to entrap heat.

(3) *Tests Conducted by the Commission Staff and NBS.* The Commission has reviewed tests conducted by the National Bureau of Standards (NBS) on surface mounted lighting fixtures that were not "IC" rated (manufactured before August 1978). The results of these tests showed that UL temperature limits were greatly exceeded with the addition of minimal insulation above the fixture. NBS tests of various types of heat barriers intended to be installed around recessed lighting fixtures to prevent contact with insulation showed that properly installed barriers can be effective in preventing heat build-up; however, covering the barrier could prevent heat from dissipating.

The Commission tested "Type IC" surface mounted fixtures installed with insulation over the fixture and found that the temperatures were generally much lower than the temperatures for the older "Non-Type IC" fixtures and that adding additional insulation (up to R-33) resulted in only a slight increase (3-5° C) in temperature. Some of the fixtures tested exceeded the temperature rating of the wire. However, these fixtures were early models of "Type IC" fixtures from one manufacturer and may not be representative of the industry's current production.

The Commission also has reviewed a report prepared for the Department of Energy (DOE) concerning the testing of a "Type IC" recessed light fixture. This report concluded that safe operating conditions were maintained on the surface of the fixture, although temperatures in excess of the wire rating occurred in the electrical connection box.

(4) *National Electrical Code Requirements.* The 1981 edition of the National Electrical Code (NEC) requires that combustible materials around the fixture not be subject to temperatures greater than 90° C. In addition, the NEC requires that "Non-Type IC" recessed fixtures include a thermal protective device. The NEC also requires that a three inch clearance for thermal insulation be maintained around "Non-Type IC" recessed fixtures.

(5) *Additional Provisions.* Under DOE's Residential Conservation Service Program, recessed lighting fixtures must be installed with a barrier to prevent contact with thermal insulation. Also, in addition to the Commission's mandatory disclosure notice concerning the installation of cellulose insulation (16 CFR 1404) many manufacturers of other types of thermal insulation provide installation and warning instructions that can help to reduce the instances of improper installation of thermal insulation around existing ceiling light fixtures.

(6) *Information and Education Activities.* The Commission's information and education program for consumers and insulation installers will continue to address the hazards caused by installing insulation too close to light fixtures already installed in homes. Since November, 1979, the Commission has distributed over 200,000 copies of publications which contain specific warnings against installing insulation within three inches of light fixtures. Distribution of these materials will continue in the future.

Conclusion

After having carefully considered the petition as well as the additional information described above, the Commission concludes that a mandatory standard to regulate the design and manufacture of ceiling light fixtures is not necessary or appropriate at this time to address the risk of injury from fires. Accordingly, the Commission, by a unanimous vote, denies the petition.

The Commission's decision to deny the petition is based on the fact that current voluntary standards contain provisions intended to address the risk of fire associated with ceiling lighting fixtures. The new voluntary standards, which become effective April 1, 1982, contain additional provisions, as described earlier, that would increase the amount of protection from the risk of fire. The provisions of the voluntary standards are further augmented by the NEC requirements. The Commission believes that these standards have the potential to address adequately the risk of injury from fire associated with ceiling light fixtures.

In denying the petition, the Commission also recognizes that the requirements of a mandatory standard would not apply to ceiling light fixtures that have already been installed. The Commission's mandatory disclosure requirement for the proper installation of cellulose insulation, voluntary installation instructions and labels used by manufacturers of other types of thermal insulation, and the Commission's efforts to inform and educate the public about the proper installation of thermal insulation around lighting fixtures, should help reduce the risk of fires involving retrofit installation and ceiling light fixtures.

In connection with its work on projects concerning the general safety of home wiring, the Commission staff will continue to monitor the progress of voluntary standards organizations to achieve safer lighting fixtures. The Commission staff will also continue its work to educate the public on the proper method for installing insulation around existing light fixtures.

(Sec. 10 of the CPSA, Pub. L. 92-573, 15 U.S.C. 2059)

Dated: June 22, 1981.

Sheldon D. Butts,

Acting Secretary, Consumer Product Safety Commission.

[FR Doc. 81-19033 Filed 6-26-81 8:45 am]

BILLING CODE 6355-01-M

DEPARTMENT OF DEFENSE

Department of the Army

National Board for the Promotion of Rifle Practice Executive Committee; Open Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following committee meeting:

Name of committee: Executive Committee of the National Board for the Promotion of Rifle Practice (NBPRP)
Date of meeting: 9 July 1981
Place: Secretary of the Army Conference Room, Room 2E687, The Pentagon
Time: 0900 Hours

Proposed Agenda

1. Executive Officer's Report
2. Ad Hoc Five Year Program and Budget Committee Report
3. Improved Accuracy of Service Match Ammunition
4. Appointment Procedures for Members of the NBPRP
5. Revision of Title 10, U.S. Code
6. Smallbore Distinguished Program
7. Caliber .30 ammunition available to the DCM

This meeting is open to the public.

Persons desiring to attend the meeting should contact the Officer of the Director of Civilian Marksmanship (202) 272–0810 prior to 9 July 1981 to arrange admission to the Pentagon.

Persons unable to make prior arrangements should call X75673 *upon* arrival at the Pentagon.

Jack R. Rollinger,

Colonel, Infantry, Executive Officer

[FR Doc. 81–19031 Filed 6–26–81; 8:45 am]

BILLING CODE 3710–08–M

Office of the Secretary

Defense Science Board Task Force on EW; Notice of Advisory Committee Meeting

The Defense Science Board Task Force on EW will meet in closed session 27 July 1981 at the Pentagon, Washington, D.C.

The Mission of the Defense Science Board Task Force is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on overall research and engineering and to provide long-range guidance in these areas to the Department of Defense.

The Task Force will provide an analysis of the electromagnetically controlled weapons employed or projected for employment by potentially hostile forces and identify electronic warfare countermeasures that might be of significant help if the Department of Defense were required to counter those forces.

In accordance with 5 U.S.C. App. I § 10(d) (1976), it has been determined that the Defense Science Board Task Force meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1976), and that accordingly this meeting will be closed to the public.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

June 19, 1981.

[FR Doc. 81–19025 Filed 6–26–81; 8:45 am]

BILLING CODE 3810–70–M

Defense Science Board Summer Study Panel on Operational Readiness with High Performance Systems; Advisory Committee Meeting

The Defense Science Board Summer Study Panel on Operational Readiness with High Performance Systems will hold its second meeting in closed session on 23–24 July in The Pentagon, Arlington, VA.

The mission of the Defense Science Board is to advise the Under Secretary of Defense for Research and Engineering on scientific and technical matters as they affect the prescribed needs of the Department of Defense.

At its meeting on 23–24 July 1981 the Defense Science Board Summer Study Panel on Operational Readiness with High Performance Systems will continue reviewing the impact of high performance systems on the current state of readiness of U.S. forces.

In accordance with 5 U.S.C. App. 1 10(d) (1976), it has been determined that this Defense Science Board Summer Study Panel meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1976), and that accordingly, this meeting will be closed to the public.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

June 19, 1981.

[FR Doc. 81–19024 Filed 6–26–81; 8:45 am]

BILLING CODE 3810–70–M

Defense Science Board; Advisory Committee Meeting

The Defense Science Board will meet in closed session on 10–14 August 1981 at the Naval Ocean Systems Center, San Diego, California.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on scientific and technical matters as they affect the perceived needs of the Department of Defense.

At the meeting to be held 10–14 August 1981 the Board will examine the substance, interrelationships, and U.S. national security implications of three critical areas identified and tasked to the Board by the Secretary of Defense and the Under Secretary of Defense for Research and Engineering. The subject areas are Technology Base, Strategic Defense, and Operational Readiness with High Performance Systems. The period of study is anticipated to culminate in the formulation of specific recommendations to be submitted to the Secretary of Defense, via the Under Secretary of Defense for Research and Engineering, for his consideration in determining resource policies, short- and long-range plans, and in shaping appropriate implementing actions as they may affect the U.S. national defense posture.

In accordance with 5 U.S.C. App. I section 10(d)(1976), it has been determined that this Defense Science Board meeting concerns matters listed in 5 U.S.C 552b(c)(1)(1976), and that accordingly this meeting will be closed to the public.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Service, Department of Defense.

June 23, 1981.

[FR Doc. 81–19082 Filed 6–26–81; 8:45 am]

BILLING CODE 3810–70–M

Defense Science Board; Advisory Committee Meeting

The Defense Science Board will meet in closed session on 3–7 August 1981 at the Naval Ocean Systems Center, San Diego, California.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on scientific and technical matters as they affect the perceived needs of the Department of Defense.

At the meeting to be held 3–7 August 1981 the Board will examine the substance, interrelationships, and U.S. national security implications of three critical areas identified and tasked to the Board by the Secretary of Defense and the Under Secretary of Defense for Research and Engineering. The subject areas are Technology Base, Strategic Defense, and Operational Readiness with High Performance Systems. The period of study is anticipated to culminate in the formulation of specific recommendations to be submitted to the Secretary of Defense, via the Under

Secretary of Defense for Research and Engineering, for his consideration in determining resource policies, short- and long-range plans, and in shaping appropriate implementing actions as they may affect the U.S. national defense posture.

In accordance with 5 U.S.C. App. I section 10(d)(1976), it has been determined that this Defense Science Board meeting concerns matters listed in 5 U.S.C. 552b(c)(1)(1976), and that accordingly this meeting will be closed to the public.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Service, Department of Defense.

June 23, 1981.

[FR Doc. 81-19083 Filed 6-26-81; 8:45 am]

BILLING CODE 3810-70-M

DEPARTMENT OF ENERGY

Office of Assistant Secretary for International Affairs

International Atomic Energy Agreements; Civil Uses; Proposed Subsequent Arrangement between the U.S. and the European Atomic Energy Community

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Additional Agreement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended, and the Agreement for Cooperation Between the Government of the United States of America and the Government of Switzerland Concerning Civil Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreements involves approval for the retransfer of irradiated fuel elements to the Federal Republic of Germany from Switzerland for separation and recovery of molybdenum-99. The fuel elements contain 473.12 grams of uranium, enriched to 91.097% in U-235. The molybdenum-99 is to be used as a tracer in medical applications. The uranium which is to be recovered will be used for fabrication of targets.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that approval of this retransfer, designated as RTD/EU(SD)-36 will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than July 14, 1981.

For the Department of Energy.

Dated: June 24, 1981.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 81-19076 Filed 6-26-81; 8:45 am]

BILLING CODE 6450-01-M

International Atomic Energy Agreements; Civil Uses; Proposed Subsequent Arrangements Between U.S. and European Atomic Energy Community

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of proposed "subsequent arrangements" under the Additional Agreement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended, and the Agreement for Cooperation Between the Government of the United States of America and the Government of Sweden Concerning Civil Uses of Atomic Energy, as amended.

The subsequent arrangements to be carried out under the above mentioned agreements involve approval of the following retransfers:

RTD/EU(SW)-60, retransfer from Sweden to Italy of 2 irradiated fuel test elements, containing 127.532 kilograms of uranium, 2.480 kilograms $U-^{235}$, and 129 grams of Plutonium, for storage and disposal following irradiation tests in Sweden.

RTD/EU(SW)-61, retransfer from Sweden to Italy of 16 irradiated fuel rods, containing 58.690 grams Uranium, 628 grams of $U-^{235}$, and 586 grams of Plutonium, for storage and disposal following irradiation tests in Sweden.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the approval of these retransfers will not be inimical to the common defense and security.

These subsequent arrangements will take effect no sooner than July 14, 1981.

For the Department of Energy.

Dated: June 24, 1981.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 81-19077 Filed 6-26-81; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

[Docket No. ERA-FC-81-011; OFC Case No. 61040-8203-01-12, 61040-8203-02-12]

Champion International Corp.; Acceptance of Petitions for Permanent Fuels Mixtures Exemptions From the Prohibitions of the Powerplant and Industrial Fuel Use Act of 1978 and Availability of Tentative Staff Analysis

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of acceptance of petitions for permanent fuels mixtures exemptions from the prohibitions of the Powerplant and Industrial Fuel Use Act of 1978 and notice of availability of tentative staff analysis.

SUMMARY: On May 21, 1981, Champion International Corporation (CIC) filed petitions with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) for an order exempting two new major fuel burning installations (MFBIs) from the provisions of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.* (FUA or the Act), which prohibit the use of petroleum and natural gas as a primary energy source in certain new MFBI's unless an exemption for such use has been granted by DOE. Pertinent criteria and procedures for petitioning for an exemption from the prohibitions of FUA are contained in 10 CFR Parts 500 and 501 and 10 CFR Part 503 published on June 6, 1980, at 45 FR 38276 and 38302 respectively.

CIC is seeking permanent exemptions for both a Kraft Recovery Boiler and a Wood Refuse Boiler to be constructed at its Quinnesec, Michigan, papermaking facility. Eligibility and evidentiary requirements governing the use of petroleum and natural gas in a mixture with alternate fuels as authorized under section 212(d) of FUA, are set forth at 10 CFR 503.38. Under subsection (d) of 10 CFR 503.38, a certification alternative is available for MFBI's which will use a mixture of an alternate fuel and an amount of petroleum or natural gas which will not exceed 25 percent of the unit's total annual Btu heat input of its primary energy sources. CIC has petitioned for permanent exemptions from the prohibitions of Title II of FUA under 10 CFR 503.38(d) based upon the use of a fuels mixtures containing not more than 25 percent natural gas or petroleum in each boiler. ERA's decision in this proceeding will determine whether CIC will be granted the requested permanent exemptions to use

petroleum or natural gas in a mixture with black liquor in the recovery boiler and to use petroleum or natural gas in a mixture with wood and coal in the wood refuse boiler. In both cases, the amount of petroleum or natural gas used will not exceed 25 percent of the total annual Btu heat input of the primary energy sources of the units.

ERA has determined that CIC's petitions are complete and acceptable as filed in accordance with 10 CFR 501.3(d). Additionally, the ERA staff has reviewed and analyzed the information presently contained in the record of this proceeding, and has completed a Tentative Staff Analysis which recommends that ERA issue an order which would grant CIC the requested exemptions. In order to expedite the processing of the petition, and pursuant to 10 CFR 501.64, notice of availability of the Tentative Staff Analysis is hereby issued simultaneously with this notice of acceptance of CIC's petitions for exemption. A review of the petitions and a summary of the Tentative Staff Analysis is provided in the SUPPLEMENTARY INFORMATION section below.

As provided for in section 701(c) and (d) of FUA and 10 CFR 501.63 and 501.34(b), interested persons are invited to submit written comments on CIC's petitions and any interested person may submit a written request that ERA convene a public hearing on the exemption petitions. As provided for in 10 CFR 501.64, interested persons may also submit written comments or request a public hearing on the Tentative Staff Analysis noticed herein. Any hearing requested must include a description of the interest in the issue or issues involved and an outline of the anticipated content of the presentations.

DATES: Written comments on the acceptance of CIC's petitions for exemption are due on or before August 13, 1981. Any request for public hearing must also be made within the same 45-day period. The 14-day period to submit written comments or request a public hearing on the Tentative Staff Analysis, as prescribed in 10 CFR 501.64, is also included within and will run concurrently with the above 45-day comment period. Accordingly, any such written comments or requests for public hearing on the Tentative Staff Analysis must also be filed with ERA on or before the expiration of the 45-day period provided for acceptance of the CIC petitions.

ADDRESSES: Fifteen copies of written commments or a request for a public hearing should be submitted to: Economic Regulatory Administration, Case Control Unit (Fuel Use Act), Box 4629, Room 3214, 2000 M Street, NW, Washington, D.C. 20461.

Docket Number ERA–FC–81–011 should be printed on the outside of the envelope and on the document contained therein.

FOR FURTHER INFORMATION CONTACT:

Ellen Russell, Case Manager, New MFBI Branch, Office of Fuels Conversion, Economic Regulatory Administration, Department of Energy, 2000 M Street, NW, Room 3128, Washington, D.C. 20461, Phone (202) 653–4477

L. Dow Davis, IV, Office of General Counsel, Department of Energy, Forrestal Building, Room 6B–178, 1000 Independence Avenue, SW, Washington, D.C. 20585, Phone (202) 252–2967

Jack Vandenberg, Office of Public Information, Economic Regulatory Administration, Department of Energy, 2000 M Street, NW, Room B–110, Washington, D.C. 20461, Phone (202) 653–4033

SUPPLEMENTARY INFORMATION: The MFBI's for which the petitions for exemption have been filed are two field-erected boilers to be constructed at CIC's Michigan Kraft Market Pulp Mill in Quinnesec, Michigan. The Wood Refuse Boiler, capable of burning wood waste and coal as alternate fuels, will have a heat input rate of 590 million Btu's per hour. The Kraft Recovery Boiler will have a heat input rate of 822 million Btu's per hour and will be capable of burning black liquor, an alternate fuel, as its primary energy source.

CIC has utilized the certification alternative for the permanent fuels mixture exemptions provided for in 10 CFR 503.38(d) and has included in its petition a description of the fuels mixture, component elements, percentages and quantities of each component to be utilized, and the following duly executed certifications for each boiler:

(1) That the amount of petroleum or natural gas to be used in the fuels mixture in both the Wood Refuse Boiler and the Kraft Recovery Boiler will not exceed 25 percent of the total annual Btu heat input of the primary energy sources of the installation;

(2) That pursuant to 10 CFR 503.15(b), CIC will, prior to operating either boiler under the exemptions, secure all applicable environmental permits and approvals pursuant to but not limited to, the following: Clean Air Act, Clean Water Act, Rivers and Harbors Act, Coastal Zone Management Act, Safe Drinking Water Act, and the Resource Conservation and Recovery Act;

(3) The information required by the Environmental Checklist pursuant to 10 CFR 503.15(b); and

(4) That it will, upon grant of the requested exemptions, agree to the following terms and conditions specified in 10 CFR 503.38(e):

(a) The amount of petroleum or natural gas to be used in the mixture will not exceed 25 percent of the total annual Btu heat input of the primary energy sources of the installations;

(b) The quality of any petroleum to be burned in the unit will be the lowest grade available, which is technically feasible, and capable of being burned consistent with applicable environmental requirements;

(c) All steam pipes will be insulated and all steam traps properly maintained; and

(d) That it will comply with any terms and conditions which may be imposed pursuant to the environmental requirements of 10 CFR 503.15(b).

ERA hereby gives notice that CIC's petitions for permanent fuels mixture exemptions for its Wood Refuse Boiler and Kraft Recovery Boiler have been determined to be complete as filed and are accepted. Pursuant to 10 CFR 501.3(d), acceptance of a petition and its supporting documents does not constitute an approval of an exemption, nor does it foreclose ERA from requesting further information during the course of the proceeding. Failure to provide any requested additional information could ultimately result in the denial of the request for an exemption.

Tentative staff analysis: The ERA staff has examined the aforementioned certifications made by CIC in its petitions, and other information contained therein, and has determined that the petitions fulfill the requirements of 10 CFR 503.38(d). Accordingly, the ERA staff has completed a Tentative Staff Analysis which recommends that an order be issued, subject to the terms and conditions specified below, which would grant CIC the requested permanent fuels mixture exemptions for its Wood Refuse Boiler and its Kraft Recovery Boiler. This recommendation also takes into account the purposes for which the minimum percentage of petroleum or natural gas provided by a fuels mixture exemption is to be used, i.e., to maintain reliability of operation, consistent with maintaining a reasonable level of fuel efficiency. Therefore, should these exemptions be granted, ERA will not exclude any fuel from the definition of primary energy source for the purposes of unit ignition.

startup, testing, flame stabilization and control uses for the boilers.

Terms and Conditions: Section 214(a) of FUA gives ERA the authority to attach terms and conditions to any order granting an exemption which are appropriate and consistent with the purposes of the Act. By petitioning for an exemption under the provisions of 10 CFR 503.38(d), CIC, in accordance with 10 CFR 503.38(e), agreed, upon grant of the exemptions, to the standard terms and conditions, as enumerated below, which will accordingly be attached to any order which would grant the requested exemptions.

(1) The amount of petroleum or natural gas to be used in a mixture with an alternate fuel(s) in the Wood Refuse Boiler and the Kraft Recovery Boiler will not exceed 25 percent of the total annual Btu heat input of the primary energy sources of those units.

(2) The quality of any petroleum to be burned in the boiler will be the lowest grade available, which is technically feasible, and capable of being burned consistent with applicable environmental requirements.

(3) Prior to operating either the Wood Refuse Boiler or the Kraft Recovery Boiler, CIC will secure all applicable environmental permits and approvals pursuant to, but not limited to, the following: Clean Air Act, Clean Water Act, Rivers and Harbors Act, Coastal Zone Management Act and the Resource Conservation and Recovery Act.

Reporting Requirements: In addition to the above standard terms and conditions, CIC will, pursuant to 10 CFR 503.38(g), certify to ERA the date the Wood Refuse Boiler and the Kraft Recovery Boiler are first operated under the provisions of the order, and will annually thereafter, at no later than 30 days after each anniversary of that date, file with ERA a certification that the amount of petroleum or natural gas used in the bark boiler during the preceding year did not exceed 25 percent of the total annual Btu heat input of the primary energy sources of that MFBI. Such certifications shall be executed by a duly authorized representative of CIC. Cite OFC Case No. 61040–9203–01–12 for the Wood Refuse Boiler and OFC Case No. 6100–9203–02–12 for the Kraft Recovery Boiler on each certification and send to: Economic Regulatory Administration Case Control Unit (Fuel Use Act) Attn: OFC Case No. 61040–9302–01,02–12, Box 4629, Room 3214, 2000 M Street, NW, Washington, D.C. 20461.

Environmental requirements: On August 11, 1980, DOE published in the **Federal Register** (45 FR 53199) a notice of proposed amendments to guidelines for compliance with the National Environmental Policy Act of 1969 (NEPA). Pursuant to the guidelines, the granting or denial of certain FUA permanent exemptions, including the permanent fuels mixture exemption by certification in which the use of petroleum or natural gas in a mixture with an alternate fuel(s) will not exceed 25 percent of the exempted MFBI's total annual Btu heat input of its primary energy sources, were identified as classes of actions which normally do not require the preparation of an Environmental Impact Statement or an Environmental Assessment.

This classification raises a rebuttable presumption that the granting or denial of the exemption will not significantly affect the quality of the human environment. CIC has certified that it will secure all applicable permits and approvals prior to commencement of operation of both new MFBIs under exemption. The Environmental Checklist completed and certified to by CIC pursuant to 10 CFR 503.15(b) has been reviewed by DOE's Office of Environmental Protection, Safety, and Emergency Preparedness. They determined that the granting of these exemptions will not significantly affect the quality of the human environment and that therefore no further review for NEPA purposes is required.

This Tentative Staff Analysis does not constitute a decision by ERA to grant the requested exemptions. Such a decision will be made in accordance with 10 CFR 501.68 on the basis of the entire record of this proceeding, including any comments received on the Tentative Staff Analysis.

The public file containing documents on this proceeding, supporting materials and the Tentative Staff Analysis is available for inspection upon request at ERA, Room B–110, 2000 M Street, NW, Washington, D.C., Monday–Friday, 8:00 a.m.–4:30 p.m.

Issued in Washington, D.C. on June 19, 1981.

Robert L. Davies,

Director, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 81–19078 Filed 6–26–81; 8:45 am]

BILLING CODE 6450–01–M

Cajun Energy, Inc.; Proposed Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of action taken and opportunity for comment on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces action taken to execute a Consent Order and provides an opportunity for public comment on the Consent Order and on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

EFFECTIVE DATE: June 8, 1981.

COMMENTS BY: On or before July 29, 1981.

ADDRESS: Send comments to: Wayne I. Tucker, Southwest District Manager, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235, Phone: 214/767–7745.

FOR FURTHER INFORMATION CONTACT: Wayne I. Tucker, Southwest District Manager, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235, phone: 214/767–7745.

SUPPLEMENTARY INFORMATION: On June 8, 1981 the Office of Enforcement of the ERA executed a Consent Order with Cajun Energy, Inc. of Opelousas, Louisiana. Under 10 CFR 205.199J(b) a Consent Order which involves a sum of $500,000 or less in the aggregate excluding penalties and interest, becomes effective upon its execution. However, this Consent Order shall become effective upon notice to that effect published in the **Federal Register**. Prior to its effective date, the DOE will publish notice in the **Federal Register** pursuant to 10 CFR 205.199J(c) that it has entered into this Consent Order and will provide not less than thirty (30) days wherein public comment on the Order and written notification of potential claims against the refund amount may be made. After expiration of the thirty (30) day period and prior to the effective date of this Consent Order, the DOE reserves the right to withdraw its consent to this Order for any reason, in which case this Order will have no further effect.

I. The Consent Order

Cajun Energy, Inc. (Cajun) is a reseller with respect to sales of crude oil and was subject to the Department of Energy Organization Act, 42 U.S.C. Section 7151 and 10 CFR Sections 205.199J and 205.199I. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of Cajun the Office of Enforcement, ERA and Cajun entered into a Consent Order, the significant terms of which are as follows:

1. During the period July 1980 through December 1980 Cajun allegedly sold crude oil above the allowable prices specified at 10 CFR Part 212, Subpart L.

2. Cajun and the DOE have agreed to a settlement of $45,000.00, plus interest and a civil penalty in the amount of $2,500.00. Cajun shall make 12 monthly installments of $4,557.28. The initial payment shall be made within five (5) days of the date on which the Consent Order becomes effective. The negotitated settlement was determined to be in the public interest as well as the best interest of the DOE and Cajun.

3. This Consent Order constitutes neither an admission by Cajun that ERA regulations have been violated nor a finding by the ERA that Cajun has violated ERA regulations.

4. The provisions of 10 CFR 205.199J and 205.199I including the publication of this Notice, are applicable to the Consent Order.

II. Dispositon of Refunded Overcharges

In this Consent Order, Cajun agrees to refund in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA arising out of the transactions specified in I.1. above, the sum of $45,000, plus interest and a civil penalty in the amount of $2,500 in the manner specified in I.2. above. Refunded overcharges will be in the form of certified checks made payable to the United States Department of Energy and will be delivered to the Assistant Administrator for Enforcement, ERA. The funds will remain in a suitable account pending the determination of their proper disposition.

The DOE intends to distribute the refund amounts in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "persons" (as defined at 10 CFR 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system, it is likely that overcharges have either been passed through as higher prices to subsequent purchasers or offset through devices such as the Old Oil Allocation (Entitlements) Program, 10 CFR 211.67. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossiblity to identify specific, adversely affected persons, in which case dispostion of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199I(a).

III. Submission of Written Comments

A. *Potential Claimants:* Interested persons who believe that they have a claim to all or a portion of the refund amount, should provide written notification of the claim to the ERA at this time. Proof of claims is not being required. Written notification of the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are indentified, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

B. *Other Comments:* The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order. You should send your comments or written notification of a claim to Wayne I. Tucker, Southwest District Manager, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235. You may obtain a free copy of this Consent Order by writing to the same address or by calling 214/767-7745.

You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation "Comments on the Cajun Energy, Inc. Consent Order". We will consider all comments we received by 4:30 p.m., local time (30 days after publication). You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Dallas, Tex., on the 16th day of June 1981.

Herbert F. Buchanan,

Deputy Southwest District Manager, Economic Regulatory Administration.

[FR Doc. 81-19010 Filed 6-26-81; 8:45 am]

BILLING CODE 6450-01-M

Long Island Lighting Co.; Application for Certification of the Use of Natural Gas To Displace Fuel Oil

On June 12, 1981, Long Island Lighting Company (LILCO), 250 Old Country Road, Mineola, New York 11501, filed an application with the Administrator of the Economic Regulatory Administration (ERA) for certification of an eligible use of natural gas to displace fuel oil at two of its electric generating plants in New York: the E. F. Barrett Electric Plant in Island Park and the Glenwood Electric Plant in Glenwood Landing, pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). More detailed information is contained in the application on file with the ERA and available for public inspection at the ERA, Devision of Natural Gas Docket Room, room 7108, 2000 M Street, N.W., Washington, D.C. 20461, from 8:30 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

In its application, LILCO states that the volume of natural gas for which it requests certification is up to 11,000,000 dekatherms (approximately 11,000,000 Mcf) to be purchased from the effective date through December 31, 1981. This volume is estimated to displace the use of approximately 1,350,000 barrels of residual fuel oil (1.5 percent sulfur) and 90,000 barrels of No. 2 fuel oil (0.3 percent sulfur) at the E. F. Barrett Plant and 360,000 barrels of residual fuel oil (1.0 percent sulfur) at the Glenwood Plant between the effective date and December 31, 1981.

The eligible seller is Equitable Gas Company, 420 Boulevard of the Allies, Pittsburgh, Pennsylvania 15219, and the gas will be transported by Texas Eastern Transmission Corporation, P.O. Box 2521, Houston, Texas 77001.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Room 7108, RG-13, 2000 M Street NW., Washington, D.C. 20461, Attention: Lynne H. Church, within ten (10) calendar days of the date of publication of this notice in the **Federal Register.**

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's interest, and, if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary. If ERA determines that an oral presentation is necessary, further notice will be given to LILCO and any persons filing comments and will be published in the **Federal Register.**

Issued in Washington, D.C., on June 22, 1981.

F. Scott Bush,

Acting Director, Office of Program Operations, Economic Regulatory Administration.

[FR Doc. 81-19007 Filed 6-26-81; 8:45 am]

BILLING CODE 6450-01-M

San Bruno Shell, et al.; Proposed Remedial Orders

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration of the Department of Energy hereby given Notice that the following Proposed Remedial Orders have been issued. These Proposed Remedial Orders allege violations of applicable law as indicated.

A copy of the Proposed Remedial Orders, with confidential information deleted, may be obtained from Thomas M. Holleran, Program Manager for Product Retailers, 2000 M Street, NW, Washington, DC 20461, phone 653-3517. On or before July 14, 1981, any aggrieved person may file a Notice of Objection with the Office of Hearing and Appeals, 2000 M Street, NW., Washington, DC 20461, in accordance with 10 CFR 205.193.

Issued in Washington, DC on the 22d day of June, 1981.

Robert D. Gerring,

Director, Enforcement Program Operations Division, Economic Regulatory Administration.

Proposed Remedial Orders—Western District

Station	Address	Date	Violation amount	Cents per gallon in violation
San Bruno Shell	788 El Camino Real, San Bruno, CA 94066.	Mar 31, 1981	$3,616.24	4.8
Frank's Airport Chevron	300 So. Airport Blvd., So San Francisco, CA 94080.	do	3,412.61	4.8
Ray's Auto Service Center	788 Rengstorff N., Mountain View, CA 94043.	do	2,476.78	5.0
Leo Krieger's Chevron	1699 Saratoga-Sunnyvale Rd., San Jose, CA 95129.	do	9,841.45	6.2
Kent Brooks Chevron	1671 Camden Ave., San Jose, CA 95124.	do	15,873.80	10.2
Barbara Shell Service	710 El Camino Real, So. San Francisco, CA 94080.	do	1,005.82	5.8
Chipe Chevron Service	18151 Hwy 108, Jamestown, CA 94520.	do	25,256.49	9.0
Steve's Exxon	1253 Portola Ave., Livermore, CA 94550.	do	5,470.30	5.1
Camden Arco	16253 Camden Ave., San Jose, CA 95124.	do	4,446.69	6.9
Everett St. Exxon	2501 Santa Clara Ave., Alameda, CA 94501.	do	5,154.73	10.8
Don's Shell	1097 W. Tennyson Rd., Hayward, CA 94544	do	4,208.40	7.9
Lombard Chevron	1790 Lombard St., San Francisco, CA 94123	do	4,662.68	3.2
Broadway Shell Service	4496 Broadway, Oakland, CA 94611	do	7,366.04	1.5
Half Moon Bay Exxon	120 San Mateo Road, Half Moon Bay, CA 94019.	do	10,180.18	7.1
Arco Service	2050 W. Manchester Blvd., Los Angeles, CA 90047.	Mar 26, 1981	10,878.84	6.7
Fallows Exxon Service	1792 E. Walnut Ave., Pasadena, CA 91106.	do	2,344.99	6.9
Joe's Service Station-Mobile	724 West Washington St., San Diego, CA 92103.	do	4,554.24	4.0
Craig's Exxon	2701 N. Grand Ave., Santa Ana, CA 92701	Mar 27, 1981	21,407.44	11.5
Bob's Broadway Shell	220 W. 17th Street, Santa Ana, CA 92706.	Mar 26, 1981	19,996.74	11.9

[FR Doc. 81-19011 Filed 6-26-81; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. PV-1488-000 et al.]

Mobil Eugene Island Pipeline Co. et al.; Tentative Basic Valuations

June 24, 1981.

In the matter of Mobil Eugene Island Pipeline Co. Docket No. PV—1448-000 Seaway Pipeline, Inc. Docket No. PV—1450-000 Pogo Offshore Pipeline Co. Docket No. PV—1458-000.

Notice is hereby served that the Federal Energy Regulatory Commission is considering tentative basic valuations for the following interstate oil pipelines:

Mobil Eugene Island Pipeline Company, 1201 Elm Street, P.O. Box 900, Dallas, Texas 75221—effective December 31, 1977.

Seaway Pipeline, Inc., 370 Adams Building, Bartlesville, Oklahoma 74004—effective December 31, 1977.

Pogo Offshore Pipeline Company, P.O. Box 2504, Houston, Texas—effective December 31, 1977.

On or before July 31, 1981, persons other than those specifically designated in Section 19a(h) of the Interstate Commerce Act may file with Federal Energy Regulatory Commission, pursuant to rule 70 of the Interstate Commerce Commission's "General Rules of Practice" (49 CFR 1100.70), an original and three copies of petitions for leave to intervene in these proceedings. The petitioner shall attach to the petition a certificate of service as prescribed in rule 20 (49 CFR 1100.20).

If the petition for leave to intervene is granted, the petitioner is eligible to protest the valuation. Persons designated in Section 19a(h) of the Act may protest without filing a petition.

Francis J. Connor,

Administrative Officer, Oil Pipeline Board.

[FR Doc. 81-19080 Filed 6-26-81; 8:45 am]

BILLING CODE 6450-85-M

Office of Hearings and Appeals

Issuance of Proposed Decisions and Orders; Week of May 25 Through May 29, 1981

During the week of May 25 through May 29, 1981, the proposed decisions and orders summarized below were issued by the Office of Hearings and Appeals of the Department of Energy with regard to applications for exception.

Under the procedural regulations that apply to exception proceedings (10 CFR Part 205, Subpart D) any person who will be aggrieved by the issuance of a proposed decision and order in final form may file a written notice of objection within ten days of service. For purposes of the procedural regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date an aggrieved person receives actual notice, whichever occurs first.

The procedural regulations provide that an aggrieved party who fails to file a Notice of Objection within the time period specified in the regulations will be deemed to consent to the issuance of the proposed decision and order in final form. An aggrieved party who wishes to contest a determination made in a proposed decision and order must also file a detailed statement of objections within 30 days of the date of service of the proposed decision and order. In the statement of objections, the aggrieved party must specify each issue of fact or

law that it intends to contest in any further proceeding involving the exception matter.

Copies of the full text of these proposed decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B–120, 2000 M Street, N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays.

June 23, 1981.

George B. Breznay,

Director, Office of Hearings and Appeals.

Herbert C. Bridges Donalsonville, Georgia, BEE–1659, reporting requirements

Herbert C. Bridges filed an Application for Exception in which he requested that he be relieved of the requirement to file Form EIA–9A, No. 2 Distillate Price Monitoring Report. On May 27, 1981, the Department of Energy issued a Proposed Decision and Order which found that Bridges is medically incapacitated and unable to operate his firm and determined that the exception request should therefore be granted.

Brennan Oil and Heating Co., North Providence, Rhode Island, BEE–1629, reporting requirements, Allee Oil Co. Red Bluff, California, BEE–1636, reporting requirements

Brennan Oil and Heating Company, Inc. and Allee Oil Company filed Applications for Exception in which they requested that they be relieved of the requirement to complete and file Form EIA–9A, No. 2 Distillate Price Monitoring Report. Allee also requested that it be exempt from the reporting requirements of Form EIA–9, No. 2 Fuel Oil Telephone Price Monitoring Report. On May 26, 1981, the Department of Energy issued a Proposed Decision and Order which determined that the exception requests be denied.

Johnny's Petroleum Products, Inc., New Berlin, Wisconsin, BEE–1609, reporting requirements

Johnny's Petroleum Products, Inc. filed an Application for Exception from the requirement that it file Form EIA–9A, No. 2 Distillate Price Monitoring Report. The exception request, if granted, would relieve Johnny's Petroleum Products, Inc. of its obligation to prepare and submit Form EIA–9A for the 1980–1981 heating season. On May 24, 1981, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be denied.

[FR Doc. 81–19008 Filed 6–26–81; 8:45 am]

BILLING CODE 6450–01–M

Issuance of Decisions and Orders; Week of May 11 Through May 15, 1981

During the week of May 11 through May 15, 1981, the decisions and orders summarized below were issued with respect to appeals and applications for exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Appeals

Allied Materials Corporation, May 14, 1981, BEA–0172, BEG–0038, BED–0092, BEG–0044.

Allied Materials Corporation filed an Appeal of a determination issued by the ERA which denied the firm's application for an emergency allocation of crude oil under the DOE Crude Oil Buy/Sell Program, 10 CFR 211.65. In considering the Appeal, the DOE rejected Allied's contention that a supply of crude oil is "lost" for purposes of the emergency Buy/Sell Program when the firm cannot profitably process that crude oil. Accordingly, Allied's Appeal was denied. In addition, Allied filed two Petitions for Special Redress seeking compensation for the ERA's allegedly improper action concerning the firm's applications for emergency allocations of crude oil under the Buy/Sell Program. In considering those Petitions, the DOE found no improper delay on the part of ERA in considering Allied's applications. Accordingly, the Petitions for Special Redress were denied. Finally, in connection with the Petitions, Allied filed a Motion for Discovery in which the firm sought to depose two ERA officials concerning the alleged delay. Since Allied was unable to present evidence of bad faith or improper motive on the part of those officials, the DOE denied the Motion for Discovery.

Borton, Petrini & Conron, May 12, 1981, BFA–0658.

The law firm of Borton, Petrini, & Conron filed an Appeal from a partial denial by the ERA Assistant Administrator for Enforcement of a Request for Information which the firm had submitted under the Freedom of Information Act. In considering the Appeal, the DOE found that specific documents sought by the firm were available for public inspection and therefore were not properly the subject of a FOIA request. However, the DOE noted that the Assistant Administrator was continuing his search for documents responsive to the firm's request. Accordingly, the DOE ordered the Assistant Administrator promptly to complete his search and either release any documents found or issue a determination that such documents are exempt from mandatory disclosure and that their release would not be in the public interest.

Christopher B. Cohen, May 12, 1981, BFA–0660.

Christopher B. Cohen filed an Appeal from a denial by the DOE Director of Personnel of a Request for Information which Mr. Cohen had submitted under the Freedom of Information Act (FOIA). In considering the Appeal, the DOE found that individuals who apply for an employment position with the DOE are entitled to anonymity and privacy pursuant to Exemption 6 and that Mr. Cohen's stated public interest in the names, *i.e.*, to make a comparison among the qualifications of the applicants in order to evaluate DOE personnel activities, perhaps could be accomplished by less intrusive means. Accordingly, Mr. Cohen's Appeal was denied.

Marathon Oil Company, May 11, 1981, BEA–0260, BEA–0261, BEA–0261.

The Marathon Oil Company filed Appeals of three Orders for the Redirection of Product issued to the firm by the ERA Region IV Office of Fuels Regulation. In considering Marathon's Appeals, the DOE found that ERA Orders contained the necessary factual findings to support the issuance of a redirection order and that the firms to which Marathon was directed to sell product did not have practical access to surplus product. The DOE therefore concluded that Marathon's Appeals should be denied.

Oil, Chemical and Atomic Workers International Union, May 15, 1981, BFA–0638.

The Oil, Chemical, and Atomic Workers International Union filed an Appeal from a partial denial by the Acting Assistant Manager for Administration of the Oak Ridge Operations Office of the DOE of a Reuest for Information that the Union had submitted under the Freedom of Information Act. The DOE found that documents relating to salary and benefit information of Union Carbide Corporation were exempt from mandatory disclosure under Exemption 4. Accordingly, the DOE determined that the Union's Appeal should be denied.

Remedial Order

Shatz Brothers Marine Center, Inc., May 11, 1981, BRO–1272.

Shatz Brothers Marine Center, Inc., filed a Statement of Objections to a Proposed Remedial Order (PRO) which had been issued to it by the ERA Northeast District Office of Enforcement. The PRO found that Shatz had sold motor gasoline to its customers at prices in excess of its maximum lawful selling price. In considering Shatz's objections, the DOE determined that marinas are subject to the price regulations contained in 10 CFR 212.93. Accordingly, the PRO was issued as a final Remedial Order.

Motion for Modification and/or Rescission

Tulsa Daily World, May 13, 191, BER–0105.

On March 6, 1981, the Tulsa Daily World filed a Motion for Reconsideration of a Freedom of Information Act (FOIA) Appeal Decision issued to the firm on January 9, 1981. In that Decision, the DOE had determined that the Director of Contract Execution Division B of the DOE Office of Procurement Operations had properly refused to release to Tulsa most portions of a cost proposal pursuant to Exemption 4 of the FOIA. However, the DOE had ordered certain portions released. In considering Tulsa's Motion, the DOE determined that certain additional portions of the cost proposal should be released to Tulsa, but that the remainder of the proposal was properly withheld, since its release would be likely to

cause competitive harm to the submitter of the proposal. Important issues that were considered in the Decision were (i) the applicability of Exemption 4 to cost proposals and (ii) the appropriateness of considering a Motion for Reconsideration of an FOIA Appeal Decision.

Requests for Exception

Consumers Power Company, May 14, 1981, DPI-0001.

Consumer Power Company filed an Application for Exception in which the firm sought the refund of license fees which it had paid with respect to residual fuel oil imported from Canada. In considering the request, the DOE found that the firm had failed to demonstrate that it or its customers had buffered a serious hardship or gross inequity as a result of the firm's payment of import license fees. Accordingly, exception relief was denied.

Congleton Oil Company, Inc., May 11, 1981, BEE-1645.

Congleton Oil Company, Inc., filed an Application for Exception from the reporting requirements set forth in Form EIA-9 ("No. 2 Heating Oil Supply/Price Monitoring Report"). In considering the Congleton request, the DOE determined that the benefits to the DOE's effort to monitor the supply and rice of No. 2 heating oil from the filing of the form significantly outweighed the burden which filing placed on the firm. The DOE also noted that the burden placed upon Congleton wa no greater than the burden placed on other firms that filed the form. Consequently, the Congleton request was denied.

Phillips Puerto Rico Core, Inc., May 14, 1981, BEE-1235.

Phillips Puerto Rico Core, Inc. filed an Application for Exception in which it sought an increase in the level of entitlements benefits which the firm would receive under the Naphtha Entitlements Program, 10 CFR § 211.67(d)(5), for the period October through December 1980. In considering Core's request, the DOE found that an amendment to the Naphtha Entitlements Program had substantially increased the level of entitlements benefits that Core would receive. It was therefore concluded that Core was longer suffering a gross inequity due to the DOE regulations. The DOE also found that the firm was not suffering serious financial hardship. Consequently, Core's exception request was denied.

Sage Creek Refining Co., May 15, 1981, EXE-1384.

Sage Creek Refining Co., filed an Application for Exception from the provisions of 10 CFR Part 211.67 in which the firm sought exception relief from its entitlements purchae obligations during the period September 1980 through January 1981. In considering the request, the DOE determined that the firm's updated financial data should be considered in view of the impending termination of the Entitlements Program. The DOE concluded that based on it latest financil information, Sage Creek qualified for exception relief under the *Delta* standards. Accordingly, exception relief was granted.

Texaco, Inc., May 11, 1981, DXE-7359.

Texaco, Inc. filed an Application for Exception from the provisions of 10 CFR Part 212 in which the firm sought an extension of exception relief previously approved by the DOE. In considering the firm's present request, the DOE found that further exception relief was necessary in order to provide a sufficient economic incentive for Texaco to continue production at the Government Grave Lease in Campbell County, Wyoming. Accordingly, the DOE approved an extension of exception relief to Texaco for an additional six month period.

Western Refining Co., May 15, 1981, BEE-0263.

Western Refining Co. filed an Application for Exception from the provisions of CFR § 211.67 (the Entitlements Program). In its Application, the firm sought to be relieved of its obligation to purchase entitlements for the period June through December 1979. In considering the request, the DOE found that the firm had failed to show that the refining and marketing operations of Western and its affiliated companies must be considered together in determining whether exception relief is appropriate. Accordingly, exception relief was denied.

Wm. T. Burton Industries, Inc., May 13, 1981, DEE-0098.

Wm. T. Burton Industries, Inc. filed an Application for Exception from the provisions of 10 CFR Part 212, Subpart D in which the firm sought permission to recertify as new crude oil a portion of the crude oil produced from the Simon Pass field located in St. Martin Parish, Louisian during the period September 1973 through July 1977. In considering the request, the DOE held that Burton had failed to establish the the DOE crude oil price regulations had created a serious hardship or a gross inequity for the firm. The DOE also rejected Burton's contention that the crude oil price regulations were so ambiguous as to make unclear the responsibility of every crude oil producer to certify its production properly within the two month period following the month of production and sale. Accordingly, exception relief was denied.

Wilson Oil Company, May 15, 1981, DEO-0124.

Wilson Oil Company filed an Application for Exception from the provisions of 10 CFR § 212.93 in which the firm sought retroactive price increase for covered products. In considering the request, the DOE found that the firm had not shown that it would have been granted prospective exception relief if it had filed a timely application. Accordingly, exception relief was denied.

Motion for Discovery

Bridewell, Cobb, Jeffers & Whyte, May 15, 1981, BRD-0116, BRH-0116.

Bridewell, Cobb, Cobb, Jeffers & White filed a Motion for Evidentiary Hearing and Motion for Discovery in connection with a Statement of Objections to a Proposed Remedial Order issued to the firm on July 17, 1979. In considering the firm's Motion for Evidentiary Hearing, the DOE found that Bridewell had failed to follow the procedures specified in 10 CFR § 205.199(b) for filing a Motion for Evidentiary Hearing, and that the issues upon which Bridewell sought an evidentiary hearing were irrelevant to the validity of the PRO. In considering the firms Motion for Discovery, the DOE found that the firm failed to demonstrate that the evidence sought was relevant and material to the validity of the PRO. Accordingly, the DOE determined that the firm's Motion for Evidently Hearing and Motion for Discovery be denied.

Interlocutory Order

Office of Special Counsel Texaco, Inc., May 15, 1981, BRZ-0092, BRZ-0089.

The Office of Special Counsel for Compliance sought an Order adopting certain factual findings made in a Proposed Remedial Order issued to Texaco, Inc. and relieving the OSC of the obligation to respond to Texaco's partial Statements of Factual Objections to that PRO. Texaco sought an Order compelling the OSC to supplement its response to an interrogatory filed by the firm. In considering the OSC's request, the DOE determined that certain factual allegations in the PRO which Texaco had failed to controvert would be deemed to have been admitted by Texaco. The DOE also directed Texaco to file documentary evidence supporting factual representations made by the firm its partial statements. Accordingly, the OCS's request was granted in part. In considering Texaco's request, the DOE determined that OSC's response to an interrogatory filed by the firm was fully responsive. Accordingly, Texaco's request was denied.

Supplemental Orders

Asamera Oil (U.S.) Inc., May 18, 1981, BEX-0206.

On May 11, 1981, the DOE modified a Decision and Order which was issued to Asamera Oil (U.S.) Inc. on April 27, 1981. The April 27 Decision granted the firm's request for discovery of crude oil supply and cost information pertaining to its principal competitors. In the May 11, 1981 Supplemental Order, the DOE determined that the ERA should provide the information described in the April 27 Decision to the Office of Hearings and Appeals, rather than Asamera, and that the Office of Hearings and Appeals would, by further Order, issue a determination on the issues raised in the pending stay proceedings concerning the release of the information to Asamera.

Saint George Oil Corporation, May 13, 1981, BEX-0205.

On May 13, 1981, the DOE issued a Supplemental order which rescinded a Decision and Order issued to Saint George on April 30, 1981, and dismissed the firm's Application for Exception. This action was taken because the DOE learned of an agreement reached between Saint George and its supplier which made the Decision and Order unnecessary.

Protective Orders

The following firms filed an Applicant for Protective Order. The application, if granted, would result in the issuance by the DOE of the proposed Protective Order submitted by the firms. The DOE granted the following

application and issued the requested Protective Order as an Order of the Department of Energy:

Name	Case No
Tosco Corp. Chevron U.S.A. Inc.	BEJ-0197

Dismissals

The following submissions were dismissed without prejudice:

Name	Case No
Champlin Petroleum Co.	BER-0126
Farmland Industries, Inc.	DEE-8061
	DEL-8061
Gleason Oil Co.	BEE-1657
United Oil Co.	DRO-0241

Copies of the full text of these decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B-120, 2000 M Street, N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

George B. Breznay,

Director, Office of Hearings and Appeals

June 23, 1981.

[FR Doc. 81-19009 Filed 6-26-81; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-59049A TSH-FRL 1857-7]

Polyurethane Millable Gum Approval of Test Marketing Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces approval of a test marketing exemption (TM-81-10) from the premanufacture notification requirements of section 5 of the Toxic Substances Control Act (TSCA) submitted on April 8, 1981 by Uniroyal Chemical Company.

EPA has determined that the manufacturer's test marketing of the chemical substance will not present any unreasonable risk of injury to health or the environment. Therefore, the Agency has granted the manufacturer an exemption from the TSCA premanufacture reporting requirements for test marketing of the substance in the manner described in the application.

EFFECTIVE DATE: The test marketing exemption is effective on June 22, 1981.

FOR FURTHER INFORMATION CONTACT: Carrie E. Berlin, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-221, 401 M St., SW., Washington, DC 20460, (202-755-8815).

SUPPLEMENTARY INFORMATION: Under section 5 of TSCA, anyone who intends to manufacture or import a new chemical substance for commercial purposes in the United States must submit a notice to EPA before manufacture or import begins. A "new" chemical substance is one that is not on the Inventory of existing chemical substances compiled by EPA under section 8(b) of TSCA. Section 5(a)(1) requires each premanufacture notice (PMN) to be submitted in accordance with section 5(d) and any applicable requirements of section 5(b). Section 5(d)(1) defines the contents of a PMN and section 5(b) contains additional reporting requirements for certain new chemical substances.

Section 5(h), "Exemptions," contains several provisions for exemptions from some or all of the requirements of section 5. In particular, section 5(h)(1) authorizes EPA, upon application, to exempt persons from any requirement of section 5(a) or section 5(b), to permit them to manufacture or process chemical substances for test marketing purposes. To grant an exemption, the Agency must find that the test marketing activities will not present any unreasonable risk of injury to health or the environment. EPA must either approve or deny the application within 45 days of its receipt, and under section 5(h)(6) the Agency must publish a notice of its decision in the **Federal Register**. If EPA grants a test marketing exemption, it may impose restrictions on the test marketing activities.

The substance is described generically as polyurethane millable gum. The polymeric substance is intended to be sold to one company which specializes in compounding and fabricating of industrial products such as conveyor belts. The Uniroyal Company will intermittently produce a maximum of 55,000 lbs (25,000 kg) of the new substance in small batches over a time interval not to exceed five months. EPA has established that the test marketing of the new substance, under the conditions set out in the application, will not present any unreasonable risk of injury to health or the environment. There were no significant health or environmental concerns for the new substance. No significant worker exposure is expected. Two operators will be involved in the batch manufacture process. The system is ventilated and there is no significant operator contact with the reactants of the polymeric reaction. During handling and packaging, operators will wear gloves.

At the customer's plant, eight to ten workers may be dermally exposed during processing and fabrication of the product. No consumers will be exposed to either the millable gum or the fabricated end article. The submitter states that there will be no significant environmental release of reactants or products during manufacture. Scrap materials are recycled into a subsequent batch. Waste disposal, if any, will be in an appropriate landfill oeration.

Based on the facts and information obtained and reviewed, EPA grants the manufacturer a test marketing exemption for TM-81-10 subject to all conditions set out in the exemption application, and those enumerated below:

1. This exemption is granted solely to this manufacturer.

2. The applicant must maintain records of the date(s) of shipment(s) to the customer specified in the application who will test market the substance, and the quantities shipped in each shipment, and must make these records available to EPA upon request.

3. Each bill of lading that accompanies a shipment of the substance during the test marketing period must state that the use of the substance is restricted to that described to EPA in the test marketing exemption application.

4. The production volume of the new substance may not exceed the quantity of 55,000 pounds described in the test market application.

5. The test marketing activity approved in this notice is limited to a five-month period.

6. The number of workers involved and exposure should not exceed that specified in the application.

7. The Agency reserves the right to rescind its decision to grant this exemption should any new information come to its attention which casts significant doubt on the Agency's conclusion that the test marketing of the new substance will not present an unreasonable risk of injury to human health or the environment.

Dated: June 22, 1981.

Anne M. Gorsuch,

Administrator.

[FR Doc. 81-19055 Filed 6-26-81; 8:45 am]

BILLING CODE 6560-31-M

[W-4-FRL-1969-2]

Review of Highway Project Located in the Biscayne Aquifer Area, Broward County, Fla.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of intent.

SUMMARY: The EPA is issuing this notice to advise the public that a review pursuant to Section 1424(e) of the Safe Drinking Water Act will take place for a highway project in Broward County, Florida. The review will coincide with the preparation of an Environmental Impact Statement (EIS) which was announced by the Federal Highway Administration in the January 8, 1981, **Federal Register** (Vol. 46 No. 5).

FOR FURTHER INFORMATION CONTACT:
Curt Fehn, Chief Groundwater Section, EPA, Region IV, 345 Courtland Street, NE., Atlanta, Georgia 30365, Telephone (404) 881-3866.

SUPPLEMENTARY INFORMATION: The EPA will review the proposed improvement to State Road 820 in Broward County, Florida to determine if the project may contaminate the Biscayne Aquifer so as to create a significant hazard to public health. The proposed improvement would involve the reconstruction of State Road 820 (Hollywood Boulevard) from Interstate Route 75 to State Road 7, a distance of eight miles.

Alternatives under consideration include (1) taking no action; (2) widening to a six or eight-lane divided roadway; (3) widening to six lanes plus frontage roads on the portion of the project west of State Road 817; and (4) alternative corridors.

To the extent possible the project review will be coordinated with the EIS preparation utilizing those public participation procedures which include public information meetings to be held during the development of the EIS and a public hearing. Public notices will be given of the time and place of the meetings and hearings.

As soon as pertinent information is known a fact sheet will be prepared by EPA and made available to any interested party. The fact sheet will include the location and description of the project in addition to outlining any ways in which the public may participate in the final decision.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning the project's impact on the Biscayne Aquifer should be directed to EPA at the address provided above.

Comments will be received and reviewed until such time as the public is notified of the availability of a draft EIS. The notice will announce a new comment period of a specified length.

Dated: June 18, 1981.

John A. Little,
Acting Regional Administrator.

[FR Doc. 81-19050 Filed 6-26-81 8:45 am]
BILLING CODE 6560-29-M

[AMS-FRL-1870-5; Docket No. A-81-17]

Revised Motor Vehicle Compliance Program; Public Workshop

AGENCY: Environmental Protection Agency.

ACTION: Notice of public workshop.

SUMMARY: This notice announces the time, place, and preliminary list of issues for a workshop on concepts for a potential revision to the motor vehicle emission compliance program which would incorporate such primary features as in-use vehicle testing, emissions averaging, and noncompliance fees. This workshop is part of the Environmental Protection Agency's (EPA's) continuing effort to improve the efficiency and effectiveness of its motor vehicle emission control programs. The workshop will be conducted informally with Mr. Michael P. Walsh, Deputy Assistant Administrator for the Office of Mobile Source Air Pollution Control, EPA, as the moderator. EPA will also be represented by its Office of Enforcement, Office of General Counsel, and Office of Planning and Management.

DATE: The workshop will be convened at 9:00 a.m., Wednesday, July 29, 1981, and reconvene at 9:00 a.m., Thursday, July 30, 1981. Sessions will be adjourned at 5:00 p.m. each day or at a later time if necessary to complete the business of the workshop.

Requests to make a presentation, as described below, should be submitted to EPA by July 20, 1981. The record of the workshop will be left open for 30 days following the close of the workshop for subsequent written submissions and thus will close on August 31, 1981.

ADDRESS: The workshop will be held at the Environmental Protection Agency, Room 3906-3908, Waterside Mall, 401 M Street S.W., Washington, D.C. 20460.

Supporting material relevant to this workshop is available in Public Docket No. A-81-17. The docket is located in the U.S. Environmental Protection Agency, Central Docket Section, West Tower Lobby, Gallery I, 401 M Street, S.W., Washington, D.C. 20460. The docket may be inspected between 8:00 a.m. and 4:00 p.m. on weekdays and a reasonable fee may be charged for copying. The docket material which was prepared by EPA staff is for the purpose of examining possible alternatives to the mobile source compliance program and is included in the docket to facilitate discussion. It should not be construed as necessarily representing the Agency's positions, policies, or preferences.

FOR FURTHER INFORMATION CONTACT:
Thomas M. Ball, U.S. Environmental Protection Agency, Certification Division, 2565 Plymouth Road, Ann Arbor, Michigan 48105, (313) 668-4280.

SUPPLEMENTARY INFORMATION:
Overview—This notice announces a workshop to discuss the feasibility, advantages, and disadvantages of a possible alternative program for determining manufacturers' compliance with motor vehicle emission standards. The alternative program under consideration would use emission test data from a sample of typical vehicles being operated in use, determine manufacturer compliance based on the average emission levels of these sampled vehicles, and use economic incentives in the form of fines levied by the Federal government to encourage noncomplying manufacturers to quickly bring their vehicles into compliance. This alternative program would greatly impact three major elements of the current EPA compliance program: (1) the certification program, (2) the selective enforcement audit (SEA) program, and (3) the recall program. These three elements of the current program could be significantly restricted or perhaps eliminated entirely in favor of the alternative program. EPA oversight would be greatly reduced and manufacturers' costs for demonstrating compliance to EPA could be virtually eliminated. While such an alternative program does not represent the only option for revising the current program, preliminary review by the EPA staff suggests that an alternative with these features may have the highest potential for meeting the goal of a significantly less costly emission compliance program which does not sacrifice air quality goals established by the Clean Air Act.

The Clean Air Act currently requires manufacturers to demonstrate prior to production that vehicle designs are capable of meeting emission standards (certification program). Further, it authorizes the Administrator to conduct tests to determine compliance with standards by vehicles coming off the assembly line (selective enforcement

audit) and in-use (the recall program). As emissions standards stabilize, concerns have been raised about the need for emphasis on testing and rigid enforcement of the standards before, during, and after vehicle production with the attendant resource drain on both EPA and the industry.

From an air quality standpoint, the average level of in-use emissions from the entire fleet is more significant than emissions from individual cars. An "every car must comply" program may preclude approaches which are potentially more economically sound such as averaging emissions from high and low emitters. The current statute and program regulations also often require explicit and firm enforcement mechanisms that experience indicates may not always allow the manufacturer to choose the least costly remedy to an emissions problem. In all of these concerns, it is appropriate to review the fundamental design of the entire program, much of which was last comprehensively reviewed more than 10 years ago.

This alternative program investigation is part of the Agency's effort to improve the cost effectiveness of its compliance program and exemplifies its commitment to regulatory reform. We recognize that specific elements of the potential program being considered in this workshop would require changes in the authority and mandates of the Clean Air Act before implementation. However, this does not limit our public investigation of an alternative which could prove superior to the current program. Thus, the workshop discussion should not feel constrained by the current Clean Air Act provisions.

Since we are still at the stage of developing and considering alternatives to the current program, it is premature to focus on specific changes required to the Clean Air Act. Similarly, while many other, quite diverse approaches to an alternative compliance program are feasible, we would rather this workshop concentrate on examining the particular approach outlined here. Persons wishing to comment on uniquely different approaches to determining motor vehicle compliance with the emission standards are encouraged to provide their written suggestions to the Office of Mobile Source Air Pollution Control, Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460.

Concepts to Consider for an Alternative Compliance Program

An alternative compliance program could include at least three basic elements—compliance based on in-use testing, compliance based on average emission performance, and economic incentives aimed at assuring compliance by all manufacturers in a timely fashion.

Compliance Based on In-Use Testing—The current program includes prototype vehicle testing (the certification program) and assembly line testing (the SEA program) as a means of screening designs to improve the likelihood that only vehicles with satisfactory emission performance will be offered for sale and driven in use. The third major element, recall testing, samples vehicles from most large volume vehicle classes to detect and then further test those designs which have in-use emission problems which were not detected by the certification program and SEA program screening process. Alternatively, a compliance program could focus all of its compliance testing directly where emission performance is most important—in use.

A comprehensive in-use testing program which included testing vehicles near the end of their useful life could provide at least an as effective evaluation of the emission performance of a manufacturer's product line as the current certification, SEA, and recall testing programs. Furthermore, the industry has over ten years of experience implementing the certification program. With stabilized standards expected in the near term, the industry will feel less pressure to develop and produce new emission control technology in order to meet what has historically been rapidly increasing stringency of standards. Manufacturers may then be in a position to satisfactorily evaluate their designs without continual EPA preproduction oversight as long as adequate incentive is provided for them to assure that their vehicles comply with the emission requirements in actual use. Similarly, the industry seems to have developed sufficient production quality control programs to assume full responsibility for producing vehicles with satisfactory emission performance as they come off the assembly line. Thus, with stabilized standards and manufacturers assuming greater responsibility to design and produce vehicles with satisfactory emission performance, EPA may be able to implement a compliance program relying exclusively on comprehensive in-use vehicle testing and economic incentives to encourage compliance. The preproduction, assembly line audit, and current recall programs could be eliminated while still maintaining control of in-use vehicle emissions.

Compliance Based on Average Emission Performance—Emission levels vary from vehicle to vehicle within a design, due, for example, to the stackup of production tolerances and from design to design due to characteristically different emission performance of the designs. A compliance program requiring *all* vehicles to be at or below emission standards leads manufacturers to design their vehicles to emission levels significantly below standards to reduce the possibility of any vehicle exceeding standards. An averaging approach to emission compliance would recognize these expected differences in emission performance between vehicles allowing vehicles with emissions above the standard to be offset by other vehicles with emissions below the standard. Requiring every vehicle to pass the emission standards is more stringent than allowing some vehicles to exceed the standard. Averaging would provide manufacturers greater flexibility in designing the mix of vehicles, perhaps with cost savings in development, vehicle hardware, and production quality control.

Several forms of averaging are being considered:

Averaging Within Design—Recognizing variability in emission performance between vehicles due to the differences in how production tolerances stack up, this option would allow all emission tests on vehicles of nominally the same design (e.g., vehicle configuration) to be averaged together before establishing the emission compliance of the vehicles within the design.

Averaging Between Designs—Emission performance may characteristically differ from design to design, for example, due to differences in initial calibration, emission control equipment, component wear, etc. Allowing averaging between designs such as between different calibrations or engine displacements could allow the manufacturer to target the emission performance of each design at different emission levels—some above the emission standards and others below the standards. Ultimately, this form of averaging could be extended into a manufacturer's average program wherein compliance is determined based on the average performance of a manufacturer's whole product line.

Averging Across Mileage—Different vehicles in use are typically driven different amounts during a year such that at any point in time, vehicles produced at approximately the same time will be at a range of in-use mileages. Emission levels tend to change with mileage (HC and CO have

historically increased with increased mileage). Testing vehicles of a particular design whose mileages range, for example, from zero to 50,000 miles and averaging the test results would allow compliance to be determined based on the average emission performance of that design at an average of approximately 25,000 miles. Averaging in this manner could allow a manufacturer to offset excess (above standards) emission levels produced later in a vehicle design's life with better than required (below standards) emissions produced early in its life.

Averaging Across Time—An in-use program could test vehicles of a particular design at several points in time, for example, when they are 2, 3, and 4 years old, thus tracking the design's emission performance as vehicles age. Alternatively, vehicles of a particular age (say, all four-year-old vehicles) could be tested each year and averaged across the years to determine an average emission performance across model years. In either case, the resulting average would determine average emission performance at an average age of in-use vehicles.

Averaging Across Manufacturers—As an additional expansion of the principle of averaging, manufacturers could agree to average the emission results determined for one manufacturer with those of another. In its broadest sense, averaging test results across manufacturers could be extended into an industry-wide determination of average emission performance, allowing higher than average emissions of some manufacturers to be offset by lower than average emissions of others.

In discussing the various forms of emissions averaging, several accounting terms are commonly used:

Credits refer to the amounts by which manufacturers' product lines (or parts of product lines) are determined to have emission performance below the applicable standard. Credits could be calculated, for example, by the fleet average emissions estimate multiplied by the total fleet size. Thus, for example, a manufacturer with an in-use fleet of 1,000 vehicles and an average emission level calculated at 1.0 gram per mile below the standard would have a calculated credit of 1,000 grams/mile.

Debits are simply the opposite of credits and refer to the amount by which manufacturers' product lines (or parts of product lines) are determined to have emission performance above the standard.

Banking refers to the practice of holding onto credits (or debits) to be used to offset debits (or credits) potentially incurred in the future. Basically, banking allows a manufacturer to exchange credits determined for one test group with debits determined for another. For example, low mileage credits could be held or "banked" by a manufacturer to offset potential debits at high mileage or credits from one model year of vehicles could be banked to offset potential debits of future model year vehicles.

Trading (or selling) refers to the practice of a manufacturer selling credits to another manufacturer, most probably to allow the second manufacturer to offset debits determined for its fleet.

Economic Incentives—Economic sanctions can be used to encourage manufacturers to comply with the emission regulations and standards. EPA could penalize manufacturers who are in noncompliance by assessing "emission fees." If manufacturers perceive this economic penalty to be high enough such that it would be less costly to be in compliance, they most likely will seek the most economically appropriate option (that is, compliance and no penalty) in order to maximize profits.

In a sense, the current program embodies economic incentives for compliance. The Clean Air Act currently prohibits a manufacturer from producing vehicles for sale in the United States without a certificate of conformity. Thus, if a manufacturer cannot obtain a certificate through successfully completing the certification program or subsequently has the certificate revoked (e.g., due to an SEA failure), the manufacturer is legally prohibited from pursuing potential profits from the u.S. market. Additionally, the current Clean Air Act has provision for fines up to $10,000 per vehicle for offering for sale vehicles not covered by a certificate. These economic sanctions are so severe, however, that the manufacturer has no practical choice, even in the short term, except to fully comply; marginal noncompliance results in a practical loss of any profits. Thus, much of the current program could be described as a permit-based program; without the permit (the certificate of compliance), a vehicle cannot be offered for sale in the United States.

In addition, the Clean Air Act requires EPA to order manufacturers to recall and repair in-use vehicles if it determines that a substantial number, though properly maintained and used, fail to meet emission requirements. To the extent that manufacturers incur costs in conducting recall campaigns, they are experiencing the equivalent of economic sanction, although in these cases the amount of the sanction is not necessarily commensurate with the degree of the violation. A relatively marginal noncompliance could require a very costly repair to correct in use.

A more direct and cost effective system of economic incentives could be adopted. A manufacturer could be fined (required to pay money to the Federal government) each time it was determined to be in noncompliance. The amount of the fine would be based on the amount of noncompliance. While not directly prohibiting the continued sale of noncomplying vehicles or requiring action designed to remedy in-use noncomformities for specific vehicle groups, the amount of the penalty could be set high enough so that, at least in the long run, it would be more economical for the manufacturer to design and produce vehicles which are in compliance with the standards. Although perhaps not as economically threatening or uncertain a system as the current system is with respect to noncompliance penalties, a compliance program assessing fines for noncompliance could provide sufficient incentive to assure compliance in the longer term while providing the manufacturer some short-term flexibility and time to bring its vehicles into compliance.

Additional Sources of Information

The preceding briefly described the elements of an alternative compliance program. The public docket for this workshop contains considerably more detailed information which should help in understanding and evaluating this alternative program. In particular, we encourage review of the draft discussion papers prepared by EPA staff as they focus on some of the more significant issues involved in developing and implementation of such an alternative program. One paper ("Proposed Motor Vehicle Emission Control Program for the 1980's") in part describes a detailed example of an alternative program which includes the basic concepts of in-use testing, averaging, and fines for noncompliance.

Workshop Discussion

In general, we would like commenters to address the feasibility and usefulness of an alternative compliance program which includes the elements discussed above. Discussion should include the impact on manufacturers' design flexibility and development costs and on compliance demonstration costs.

Additionally, commenters should address how such an alternative could affect the competitive position of the various members of the industry and

what controls or limitations would be recommended to minimize or eliminate any increase in anti-competitive pressures.

Comments are also requested on the general potential for such an alternative program (including the potential elimination of the current certification, SEA, and mandatory recall programs) to adequately assess manufacturers' compliance and effectively sanction against noncompliance such that air quality would not suffer. We will appreciate discussion of any problems or potential pitfalls of an alternative program which includes the elements discussed above and suggestions on how to improve upon our general concept.

We have also identified a number of specific issues that we would like to discuss at this workshop.

1. Heavy-duty engines and motorcycles—To date, most in-use testing has been on light-duty vehicles and trucks. Heavy-duty engines and motorcycles have not, for example, been tested in the recall program. Particularly in the case of heavy-duty engines, the current test procedure (an engine dynamometer test requiring the engine to be removed from the truck) would be very expensive to implement in use. Should heavy-duty engines and motorcycles be included in a manufacturer's in-use compliance program? If so, should heavy-duty engines and motorcycles be treated separately from light-duty vehicles and trucks or should all be combined to make compliance determinations? Alternatively, are there advantages to continuing a certification-type of program or implementing an assembly-line oriented program for heavy-duty engines and motorcycles, perhaps with averaging and fines for noncompliance?

2. Averaging gasoline-fueled and diesel vehicles—The characteristic emission performance differs between gasoline-fueled and diesel vehicles. For example, gasoline-fueled engines require considerable emission control hardware including catalysts in order to approach the low CO levels which are characteristic of diesel engines. On the other hand, particulate emissions represent a significant constituent in the exhaust of diesel engines while in comparison gasoline-fueled engine exhaust contains no appreciable amount of particulates. In fact, there is no gasoline-fueled engine particulate standard. Because of this characteristic difference in emission performamce, it may be appropriate to prohibit averaging of diesel and gasoline-fueled vehicle emissions. Rather, we may wish to calculate a separate average for each type of engine and determine their compliance separately. (General Motors has recommended including only diesel vehicles when determining compliance with the particulate standard; see page 21 of the General Motors' report, "Summary Report: Mobile Source Emission Control Program," January 13, 1981, available in the public docket referenced above.) Should averaging together of diesel and gasoline-fueled engine emissions be restricted (e.g., allow averaging of diesel and gasoline-fueled hydrocarbons and oxides of nitrogen but determine CO averages separately and calculate particulate emissions only based on diesel engine test data)? Should averaging of diesel and gasoline-fueled engine emissions not be allowed at all?

3. Ceilings—Under an averaging approach, individual vehicle emissions could be allowed to go as high as a manufacturer wished (e.g., to uncontrolled levels) or a maximum allowable level (a ceiling) could be set. Moreover, average emission levels of a manufacturer's in-use fleet may approach uncontrolled levels if the manufacturer is willing to pay the excess emission fine (that is, the case where economic incentive is insufficient to prevent very high emissions). Are individual vehicle ceilings advisable to, for example, minimize the possibility of localized emission problems where uncontrolled vehicles could congregate? Do ceilings serve other useful purposes such as minimizing anti-competitive pressure? What would be appropriate levels for ceilings? What would be appropriate sanctions or remedies for ceiling violations (e.g., mandatory recall, warranty liability)?

4. Separate averages for high altitude and California—Without special control measures which compensate for change in altitude, emissions at high altitude are much higher than at low altitude. Without effective controls, high-altitude areas could have a localized vehicles emission problem. Should a separate compliance program (a separate average) similar to the general alternative program be established just to assure satisfactory compliance at high altitude? Are other sufficiently effective but less costly options available? Does California represent a similar case due to its particular air quality problems?

5. Vehicle eligibility—The manufacturer compliance program under consideration could test vehicles which have been properly maintained and used, a standard employed in EPA's current in-use compliance (recall) testing program. Vehicles which have been tampered or fuel switched (e.g., unleaded fuel vehicle operated on leaded fuel) are excluded from the current program on the assumption that any resulting emission problems are not the responsibility of the manufacturer. Should any other categories of vehicles be excluded (e.g., commercial vehicles such as delivery trucks or taxicabs)? What criteria should we use for identifying vehicles which should be excluded prior to in-use testing to determine compliance?

6. Vehicle selection technique—To determine manufacturers' in-use compliance, vehicles could be selected randomly. Alternatively, vehicles could be selected using a stratified sampling technique to assure, for example, representation of each vehicle design in direct proportion to its sales volume. Or, EPA could target its testing on specific vehicle designs which it believes would have the worst emission performance. Is random sampling an appropriate procedure to select test vehicles to establish average in-use emission performance or should some other sampling technique be adopted? What are the advantages associated with the various selection techniques? What are the equity implications of the selection techniques; that is, are all manufacturers treated fairly and appropriately? How do testing burdens compare between the alternatives.

7. Compliance determination—Could compliance be determined on the average emission level of the test vehicle sample? Alternatively, we could determine noncompliance only if we are, for example, 95 percent confident that the manufacturer's true averages exceed the standards. This latter option can protect the manufacturer from being erroneously fined for noncompliance due to sampling error. Sampling to measure in-use compliance should take into account distributional shape, test level variance, sampling bias and any effect upon the amount of testing such a program may require. What is the most appropriate technique for determining compliance? What impacts on air quality are likely to be associated with compliance determinations at different confidence levels? What kind of emission level variability would be expected from vehicles selected for compliance testing in use?

8. Test vehicle mileage—Emission performance tends to deteriorate with increased mileage. Assuming a standard based on emission performance at 50,000 miles (that is, the current standard for light-duty vehicles), the test fleet should have average odometer readings as close to 50,000 miles as

possible. If the average mileage were significantly less than 50,000 miles, we would be tending to underpredict the manufacturer's average emission performance at 50,000 miles. We are considering two sampling schemes to alleviate this problem: (1) testing vehicles within a range of miles around the 50,000-mile point, for example, from 25,000 to 75,000, such that the average is approximately 50,000 miles; or (2) testing vehicles approaching but not exceeding 50,000 miles, for example, between 40,000 miles and 50,000 miles. What are the pros and cons of each scheme and why might either be preferable? How difficult would it be to procure representative test vehicles under these alternatives? Are other, more advantageous schemes available?

9. Level of the fine—The fine is intended to provide economic incentives to encourage compliance. EPA could establish a fine schedule in the regulations so that all affected persons would realize up front the economic consequence of noncompliance. The level of the fine could be set very high (such as above the full cost of compliance) so that the penalty would be severe and encourage continual compliance. Or, the level of the initial fine payment could be set low (such as at a percentage of the full cost of compliance), but annual payments could be required until the manufacturer brought its fleet into compliance. This latter case may provide the manufacturer some time flexibility for correcting a noncompliance problem. In the latter case, since the fine would be less than the cost of compliance, the fine should logically not absolve the manufacturer of its responsibility to bring its vehicles into compliance and the fine would continue to be assessed annually until compliance is achieved. The larger fine (the former case) could similarly be used as an economic incentive to bring vehicles into compliance. Alternatively, the larger fine payment could be used to offset the manufacturers noncompliance, absolving him of any further responsibility for that noncompliance (that is, allowing the manufacturer to pay money rather than comply with the standards). Which type of fine is most appropriate—the penalty fine or the pay-to-pollute fine? What factors should be included in calculating the appropriate level of the fine?

10. Recall—Should a mandatory recall program be continued to assure compliance? If so, under what circumstances (upon what criteria) should a recall be ordered? Alternatively, should a voluntary recall or field fix program remain available for a manufacturer to reduce the emissions of its in-use fleet? What are the comparative benefits of mandatory versus voluntary recall programs under the general in-use averaging concept for determining emission compliance.

11. Warranty—How would the manufacturer's warranty requirements and responsibilities be defined under an in-use averaging concept for determining emission compliance? Would a Section 207(b) type of in-use emission performance warranty be most appropriately tied to an assessment of noncompliance with the statutory (Section 202) standards or to the ceiling levels discussed above? What other warranty issues would come up as a result of implementing the type of alternative compliance program being considered here?

12. Fuel Economy Program—The current fuel economy program relies heavily on test data from certification vehicles and other prototype vehicles. How should the fuel economy program be changed if an in-use averaging program is adopted which eliminates the current prototype vehicle certification program?

Public Participation

The workshop will be conducted informally, with all interested persons provided an opportunity to participate. EPA may question the participants for information beyond their formal presentation. Likewise, participants may ask questions of EPA to clarify the issues and alternatives under consideration. Any person desiring to make a presentation at the workshop or to suggest agenda items should submit a written request to the address given above at least ten days in advance of the workshop. Please indicate whether you will need any audiovisual equipment in your presentation. Also, be sure to provide sufficient copies of materials presented at the workshop for all participants. Please indicate whether you intend to present an alternative concept. If so, we request that you limit the alternative concept presentations to 30 minutes. An audience area will be available for nonparticipating observers. A transcript of the proceedings will be made. Persons desiring to purchase copies of the transcript for their own use should make arrangements with the transcription service at the workshop.

The information received via this workshop and other information provided in writing concerning compliance program revisions will be considered as the Agency analyzes alternatives for improving the efficiency and effectiveness of its compliance program.

Dated: June 23, 1981.

Edward F. Tuerk,

Acting Assistant Administrator for Air, Noise, and Radiation.

[FR Doc. 81-19171 Filed 6-26-81; 8:45 am]

BILLING CODE 6560-25-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-642-DR]

Ohio; Amendment to Notice of Major Disaster Declaration

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice amends the Notice of a major disaster for the State of Ohio (FEMA-642-DR), dated June 16, 1981, and related determinations.

DATE: June 21, 1981.

FOR FURTHER INFORMATION CONTACT: Sewall H. E. Johnson, Disaster Response and Recovery, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 634-7800.

NOTICE: The Notice of a major disaster for the State of Ohio dated June 16, 1981, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of June 16, 1981.

Hancock, Putnam and Wyandot Counties for Individual Assistance only.

(Catalog of Federal Domestic Assistance NO. 83.300, Disaster Assistance. Billing Code 6718-02.)

James P. Dokken,

Acting Associate Director, Disaster Response and Recovery, Federal Emergency Management Agency.

[FR Doc. 81-19075 Filed 6-26-81; 8:45 am]

BILLING CODE 4210-23-M

FEDERAL MARITIME COMMISSION

Certificates of Financial Responsibility (Alaska Pipeline); Certificates Revoked

Notice of voluntary revocation is hereby given with request to Certificates of Financial Responsibility (Alaska Pipeline) which had been issued by the Federal Maritime Commission, covering the below indicated vessels, pursuant to Part 543 of Title 46 CFR, as amended, and subsection (c) of section 204, Trans-Alaska Pipeline Authorization Act.

Certificate No.	Operator and Vessels
99001	Atlantic Richfield Company *Arco Enterprise, Arco Endeavour, Sinclair Texas, Arco Fairbanks, Arco Juneau, Arco Anchorage, Arco Prudhoe Bay, Arco Sag River, Arco Heritage, Arco Prestige*
99009	Mathiasen's Tanker Industries, Inc. *Sohio Resolute, Sohio Intrepid*
99010	Aquila Shipping Co. Inc. *Aquila*
99011	Globe Seaways, Inc. *Overseas Anchorage*
99015	Alaska Bulk Carriers, Inc. *Glacier Bay*
99017	B.P. Tanker Company Limited *British Resolution, British Renown*
99018	Albatross Tanker Corporation *Erna Elizabeth*
99020	Sound Shipping, Inc. *Prince William Sound*
99028	United Tanker Corporation *Eagle Charger, Eagle Leader*
99035	United Towing Company *Barge 25*
99048	Kristel Tankers, Inc. *Kansas*
99051	Bulk Food Carriers, Inc. *Michelle F*
90053	Chestnut Shipping Company *Chestnut Hill*
99055	Ocean TankShips Corporation *Overseas Vivian*
99057	Marine Alaska, Inc. *S T Alaska*
99060	Newport Tankers Corporation *Achilles*
99063	Long Beach Tugboat Company *Skilak*
99064	Bolton Shipping Co. Inc. *Pisces*
99065	Colby Shipping Co. Inc. *Virgo*
99066	Kingston Shipping Co. Inc. *Capricorn*
99067	Amherst Shipping Co. Inc. *Aries*
99068	East River Steamship Corporation *Brooklyn*
99096	Kingsway Tankers, Inc. *Williamsburgh*
99097	Keystone Shipping Co. *Santa Clara*
99102	Arch Tankers, Inc. *Arco Alaska*

By the Commission.

Joseph C. Polking,

Acting Secretary.

[FR Doc. 81-19079 Filed 6-26-81; 8:45 am]

BILLING CODE 6730-01-M

Issuance of Circular Letter No. 2-81

Notice is hereby given that on June 24, 1981, the following Circular Letter was issued to parties filing modifications to agreements for approval pursuant to section 15, Shipping Act, 1916:

The purpose of this letter is to direct the attention of persons filing modifications to approved agreements, pursuant to section 15 of the Shipping Act, 1916, to the requirement that:

Whenever an approved agreement shall have been modified by three consecutive modifications . . . the next succeeding modification shall be accomplished by restating the entire agreement, incorporating all previous modifications, and showing the latest change. . . .

[46 CFR 552.4(b)]

Experience has shown that parties filing modifications to agreements are failing to adhere to this requirement. Failure to restate agreements after three or more modifications in many instances renders the agreement unclear and unmanageable. Accordingly, notice is given that the restatement requirements of 46 CFR 522.4(b) will be strictly enforced.

Any modifications henceforth filed with the Commission will be returned to the filing party if its format does not conform with the requirements of 46 CFR 522.4(b). In addition, parties to agreements having more than three approved modifications which have not been restated in accordance with the Commission's regulations, should take immediate steps to bring the agreement into compliance by filing a restated agreement incorporating all approved modifications. Failure to do so could result in appropriate action being taken against the agreement.

If you have any questions concerning this Circular Letter, please contact the Commission's Bureau of Agreements in writing or by telephone at Area Code 202-523-5787.

Dated: June 24, 1981.

Francis C. Hurney,

Acting Managing Director.

[FR Doc. 81-19034 Filed 6-26-81; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

United Central Bancshares, Inc.; Acquisition of Bank

United Central Bancshares, Inc., Des Moines, Iowa, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire indirectly 90.9 percent or more of the voting shares of Valley State Bank, Sioux City, Iowa, by acquiring 100 percent of the voting shares of its parent, Perry Development Company, Sioux City, Iowa. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than July 14, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 25, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-19176 Filed 6-26-81; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Services Administration

Advisory Committee; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following National Advisory body scheduled to meet during the month of August 1981:

Name: National Advisory Council on the National Health Service Corps.

Date and time: August 27-28, 1981, 9:00 a.m.-12:00 Noon.

Place: The Sheraton St. Louis Hotel, 910 North 7th Street, St. Louis, Missouri 63101.

Open for entire meeting.

Purpose: The Council will advise and make appropriate recommendations on the National Health Service Corps (NHSC) program as mandated by legislation. It will also review and comment on proposed regulations promulgated by the Secretary under provisions of the legislation.

Agenda: Agenda items include: a report on the budget proposal for fiscal year 1982 and discussions of administrative requirements of NHSC professionals, and the status of the NHSC legislation.

The meeting is open to the public for observation and participation. Anyone wishing to participate, obtain a roster of members, or other relevant information, should write to or contact **MS. CHARLOTTE WALCH**, National Health Service Corps, Health Services Administration, Presidential Building, Room 3-21, 6525 Belcrest Road, Hyattsville, Maryland 20782. Telephone: (301) 436-5780.

Agenda items are subject to change as priorities dictate.

Dated: June 22, 1981.

William H. Aspden, Jr.,

Associate Administrator for Management.

[FR Doc. 81-19056 Filed 6-26-81; 8:45 am]

BILLING CODE 4110-84-M

National Institutes of Health

Annual Cancer Centers Director's Meeting; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Annual Cancer Centers Director's Meeting, (Division of Resources, Centers and Community Activities), July 15, 1981, Building 10, Masur Auditorium, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20205.

The entire meeting will be open to the public from 9:00 a.m. to adjournment, to review the new revised Guidelines for Cancer Center Support (Core) Grants and discuss each section of the Guidelines for possible ambiguities or differences of interpretation. Also

discussed will be review criteria and procedures. No scientific content will be involved. Attendance by the public will be limited to space available.

Dr. Donald M. Pitcairn, National Cancer Institutes, Blair Building, Room, 714, Silver Spring, Maryland 20910 (301/427–8663) will furnish substantive program information, upon request.

Dated: June 17, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81-19039 Filed 6-26-81; 8:45 am]

BILLING CODE 4110-08-M

Renewal of NIH Public Advisory Committees

Pursuant to the Federal Advisory Committee Act (Public Law 92–463, 86 Stat. 770–776, October 6, 1972), the National Institutes of Health announces the renewal by the Secretary, HHS, with the concurance of the Committee Management Secretariat, General Services Administration, of the following committees:

Advisory Committee to the Director, NIH
Allergy and Immunology Study Section
Bacteriology and Mycology Study Section
Biochemistry Study Section
Biomedical Library Review Committee
Biophysical Chemistry Study Section
Board of Regents of the National Library of Medicine
Board of Scientific Counselors, NIADDKD
Board of Scientific Counselors, NICHD
Board of Scientific Counselors, NIEHS
Cell Biology Study Section
Endocrinology Study Section
General Medicine A Study Section
Human Development and Aging Study Section
Maternal and Child Health Research Committee
Mental Retardation Research Committee
Molecular and Cellular Biophysics Study Section
National Advisory Child Health and Human Development Council
National Advisory Environmental Health Sciences Council
National Arthritis, Diabetes, and Digestive and Kidney Diseases Advisory Council
Oral Biology and Medicine Study Section
Orthopedics and Musculoskeletal Study Section
Population Research Committee

Authority for the above committees will expire on May 31, 1981, unless the Secretary formally determines that continuance is in the public interest.

Dated: June 16, 1981.

Donald S. Fredrickson,

Director, National Institutes of Health.

[FR Doc. 81-19038 Filed 6-26-81; 8:45 am]

BILLING CODE 4110-08-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Endangered Species Permit; Receipt of Application

Applicant: Duke University Primate Center, Durham, North Carolina.

The applicant requests a permit to import two (2) male and three (3) female captive-bred lesser mouse lemurs (*Microcebus murinus*) from the Rotterdam Zoo, Holland, for purposes of enhancement of propagation and survival.

Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the U.S. Fish and Wildlife Service, Federal Wildlife Permit Office, P.O. Box 3654, Arlington, VA 22203.

This application has been assigned file number PRT 2–8006. Interested persons may comment on this application within 30 days of the date of this publication by submitting written data, views, or arguments to the Director at the above address. Please refer to the file number when submitting comments.

Dated: June 24, 1981.

Larry LaRochelle,

Acting Chief, Branch of Permits, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc. 81-19090 Filed 6-26-81; 8:45 am]

BILLING CODE 4310-55-M

Endangered Species Permit; Receipt of Application

Applicant: Jackson Zoological Park, Jackson, Mississippi.

The applicant requests a permit to import one male and one female captive-born bactrian camels (*Camelus bactrianus*) from Ontario, Canada for enhancement of propagation.

Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the U.S. Fish and Wildlife Service, Federal Wildlife Permit Office, P.O. Box 3654, Arlington, VA 22203.

This application has been assigned file number PRT 2–8080. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address. Please refer to the file number when submitting comments.

Dated: June 23, 1981.

Larry LaRochelle,

Acting Chief, Branch of Permits, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc. 81-19092 Filed 6-26-81; 8:45 am]

BILLING CODE 4310-55-M

Endangered Species Permit; Receipt of Application

Applicant: J. Travis Skinner, III, Durham, North Carolina.

The applicant requests a permit to purchase in interstate commerce one male captive-bred ocelot (*Felis pardalis*), for enhancement of propagation, from Mr. David Meeks, Wellford, South Carolina.

Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the U.S. Fish and Wildlife Service, Federal Wildlife Permit Office, P.O. Box 3654, Arlington, VA 22203.

This application has been assigned file number PRT 2–7895. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address. Please refer to the file number when submitting comments.

Dated: June 24, 1981.

Larry LaRochelle,

Acting Chief, Branch of Permits, Federal Wildlife Permit Office.

[FR Doc. 81-19094 Filed 6-26-81; 8:45 am]

BILLING CODE 4310-55-M

Endangered Species Permit; Receipt of Application

Applicant: Lafayette Zoological Park, Norfolk, Virginia.

The applicant requests a permit to purchase in interstate commerce one male and one female Mayotte Island lemur (*Lemur macaco mayottensis*) from the St. Louis Zoological Park, St. Louis, Missouri for enhancement of propagation.

Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by

writing to the U.S. Fish and Wildlife Service, Federal Wildlife Permit Office, P.O. Box 3654, Arlington, VA 22203.

This application has been assigned file number PRT 2-8123. Interested persons may comment on this application within 30 days of the date of this publication by submitting written data, views, or arguments to the Director at the above address. Please refer to the file number when submitting comments.

Dated: June 22, 1981.

Larry LaRochelle,

Acting Chief, Branch of Permits, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc. 81-19093 Filed 6-26-81; 8:45 am]

BILLING CODE 4310-55-M

Endangered Species Permit; Receipt of Application

Applicant: Mike Goodson, Ft. Collins, Colorado.

The applicant requests a permit to harass bald eagles (*Haliaeetus leucocephalus*) to determine their response to disturbances such as snowmobiling near feeding areas, skiing or walking nearby. The purpose of this scientific study is to gain baseline data to be used for recovery of the species.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the U.S. Fish and Wildlife Service, Federal Wildlife Permit Office, P.O. Box 3654, Arlington, VA 22203.

This application has been assigned file number PRT-2-8119. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address. Please refer to the file number when submitting comments.

Dated: June 23, 1981.

Larry LaRochelle,

Acting Chief, Branch of Permits, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc. 81-19091 Filed 6-26-81; 8:45 am]

BILLING CODE 4310-55-M

Intent To Prepare an Environmental Impact Statement on the Fishery Resources Program of the U.S. Fish and Wildlife Service.

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: This notice advises the public that the Service intends to gather information necessary for the preparation of an Environmental Impact Statement (EIS) for its Fishery Resources Program. A public meeting regarding this proposal and preparation of the EIS will be held. This notice is being furnished in compliance with the National Environmental Policy Act (NEPA) Regulations (40 CFR 1501.7) to obtain suggestions and information from other agencies, organizations, and the public on the scope of the issues to be addressed in the EIS. Comments and participation in this scoping process are solicited.

DATES: Written comments should be received on or before August 28, 1981. A public meetng will be held on August 5 (beginning at 8:30 a.m.) and 6, 1981, at the Holiday Inn, Fairway Room, 1301 Wyandotte Street, Kansas City, Missouri 64105; telephone AC 816/221-8800.

ADDRESS: Comments should be addressed to: Director (HFM), Fish and Wildlife Service, United States Department of the Interior, Washington, D.C. 20240.

FURTHER INFORMATION CONTACT: U.S. Fish & Wildlife Service, Division of Hatcheries and Fishery Resource Management Attn: Stephen H. Taub, 18th and C Streets NW., Washington, D.C. 20240, Telephone: AC 202/632-5166 7:45 a.m. to 4:15 p.m. EDST Monday—Friday.

SUPPLEMENTARY INFORMATION: Stephen H. Taub will be the primary author of this document.

The major activities of the fisheries program to be examined in the EIS are national fish hatcheries and fisheries assistance, primarily on Federal properties. In addition, the program funds and cooperates in fisheries research and law enforcement. The program administers the Anadromous Fish Conservation Act. Fish construction related to the aforementioned are a part of the program. Further, the program is actively involved with cooperative fishery activities of other Federal agencies and the States.

The following information is provided to assist written responses to this notice; participants at the August 5 and 6, 1981, scoping meeting; and the Fish and Wildlife Service.

1. The Fish and Wildlife Service has major responsibilities for the conservation of the Nation's fishery resources. The Service continually monitors and examines its existing programs to ascertain whether or not modifications would better serve National interests. This programmatic fishery resources environmental statement will further ensure public participation.

2. The major proposed alternatives identified to date are:

(a) Continue existing program unchanged.

(b) Increase the existing program, if funds are available.

(c) Modify present program by establishing new and/or different priorities.

(d) Relinquish all resident fishery parts of the existing program, but retain the entire anadromous fishery portions.

(e) Relinquish the entire program to other governmental and private entities.

3. The Service has not identified the preferred alternative(s). Therefore, we are not now in a position to state the environmental impacts of the preferred alternative(s).

4. Significant issues to be covered during the scoping and planning process are:

(a) Delineation of how broad/narrow the environmental statement should be.

(b) Identification of alternatives.

(c)Environmental impacts of identified alternatives.

5. Current, existing applicable documents will be cited by reference. The environmental review of this project will be conducted in accordance with the requirements of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 et. seq.); Council on Environmental Quality Regulations (40 CFR Parts 1500-1508); other appropriate Federal Regulations, and Department of the Interior and Fish and Wildlife Service procedures for compliance with these regulations.

It is estimated that the draft environmental impact statement will be available to the public on September 30, 1982.

Galen Buterbaugh,

Associate Director—Fishery Resources.

June 22, 1981.

[FR Doc. 81-19035 Filed 6-26-81; 8:45 am]

BILLING CODE 4310-55-M

Bureau of Land Management

Fairbanks District Advisory Council Public Meeting and Field Trip

The Fairbanks District Advisory Council of the Bureau of Land Management will conduct a general meeting on July 27, 1981 through July 30, 1981. The meeting will include a public comment period on agenda items on July 27, 1981 from 7 to 9 p.m. The location of the public meeting is the second floor training room at the BLM offices at Ft. Wainwright, Gaffney and Marks Road, Fairbanks, Alaska 99707.

The remainder of the meeting will involve a field trip on the road system from Fairbanks to Prudhoe Bay. Travel will commence at 8 a.m. on July 28, 1981 and end at 9 p.m. on July 30, 1981. Discussion topics will include:

1. Mining activity in the Corridor and the application of 3809 regulations.
2. Present and future public use of federal lands in the Corridor. Discussion of facility development environmental analysis and the decision rationale.
3. Off-road vehicle use in the Corridor and status of ORV planning.
4. Issues concerning land status, private land owners and other federal and state land holders.
5. Issues concerning BLM managed lands and the proposed gas pipeline.
6. Present and future rights-of-way needs in the Corridor.
7. Plans and progress of the Central Arctic Management Area project.

All meetings and activities of the Advisory Council are open to the public, however, travel aboard the vehicles used in the field trip are limited to the Advisory Council members and BLM employees directly concerned with Council activities. Members of the media will also be included as space permits.

Carl D. Johnson,

District Manager.

[FR Doc. 81-19030 Filed 6-26-81; 8:45 am]

BILLING CODE 4310-84-M

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 29579]

Golden Triangle Railroad, Burlington Northern Inc., and Illinois Central Gulf Railroad Co.—Petition for Exemption Under 49 U.S.C. 10505 From 49 U.S.C. 10901 and 11343

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Interstate Commerce Commission exempts from the requirement of its prior review and approval: (1) under 49 U.S.C. 10901, the construction and operation of approximately 1,108 feet of interchange connection track in Lowndes County, MS—between the Golden Triangle Railroad (GTR) line and the Illinois Central Gulf Railroad Company (ICG) mainline, and between the ICG and Burlington Northern, Inc. (BN) mainlines; and (2) under 49 U.S.C. 11343, the acquisition of trackage rights, upon the terms and conditions agreed by the parties.

DATES: Exemption effective 30 days after the date of this publication in the **Federal Register**. Petitions for reconsideration of this action must be filed within 20 days of this publication.

ADDRESSES: Send pleadings to:

(1) Interstate Commerce Commission, Section of Finance, Room 5414, 12th and Constitution Ave., NW., Washington, D.C. 20423, and

(2) Petitioner's representatives:

D. E. Ranson, Burlington Northern, Inc., 906 Olive Street, St. Louis, MO 63101;

Howard D. Koontz, Illinois Central Gulf Railroad Company, 233 North Michigan Ave., Chicago, IL 60601;

Robert A. Dowdy, Law Department, Weyerhaeuser Company, Tacoma, WA 98477; and

John Guandolo, Thomas N. Willess, Suite 502, Solar Building, 1000 16th Street, NW., Washington, D.C. 20036.

Pleadings should refer to Finance Docket No. 29579.

FOR FURTHER INFORMATION CONTACT: Ellen D. Hanson, (202) 275-7245.

SUPPLEMENTARY INFORMATION: BN, ICG, and GTR filed a joint petition on February 4, 1981, requesting that we use our authority under 49 U.S.C. 10505 to exempt certain transactions from the provisions of 49 U.S.C. 10901(a) and 11343.

Exemption Request

On October 9, 1980, GTR filed an application to construct and operate an 8.8 mile rail line in Lowndes County, MS. Three companion applications were filed shortly thereafter for approval of trackage rights agreements over 7.5 miles of connecting track of BN and ICG,[1] a stock issuance, and control of GTR by its parent, Weyerhaeuser Company (Weyerhaeuser). These four proceedings represent an effort to secure rail service at a pulp and paper mill complex being built by Weyerhaeuser in Lowndes County.

While generally granting these applications, Review Board No. 5 pointed out that the filings were deficient in several minor respects. ICG, not GTR, will be responsible for constructing two small segments of connecting track. Since ICG had not filed an appropriate construction application, the Board did not authorize the ICG construction. The Board conditioned its approval of the trackage rights upon lawful construction of these segments by ICG.

To remedy the problems created by the earlier oversight BN, ICG, and GTR filed this petition for an exemption under 49 U.S.C. 10505. They request that the construction and operation of these connecting segments, and their use under trackage rights by BN, ICG, and GTR be exempted from the application of 49 U.S.C. 10901(a) and 11343. The track segments involved have an approximate total combined length of only 1,108 feet.

Petitioners point out that the proposed GTR operation has been subject to Commission scrutiny and found to be in the public interest. The only impediment to implementation of operations is the construction of connecting track, and petitioners assert that full application proceedings under 49 U.S.C. 10901(a) and 11343 would unduly and unnecessarily burden the Commission and the parties.

The Statute

The construction and operation of a line of railroad requires Commission approval under 49 U.S.C. 10901. To obtain approval, an application must be filed in compliance with the procedures outlined in 49 CFR 1120 (1967). Similarly, acquisition by a rail carrier of trackage rights over, or joint ownership in or joint use of, a railroad line owned or operated by another carrier requires Commission approval 49 U.S.C. 11343. The pertinent regulations covering trackage rights agreements are found at 49 CFR 1111.

Under 49 U.S.C. 10505, as modified by section 213 of the Staggers Rail Act of 1980 (Pub. L. No. 96-448, 94 Stat. 1895, October 14, 1980), we are authorized to exempt a transaction from these requirements when (1) our regulation is not necessary to carry out the Rail Transportation Policy of 49 U.S.C. 10101a, and (2) either the transaction is of limited scope, or regulation is not necessary to protect shippers from the abuse of market power.

Discussion and Conclusions

The proposed transactions satisfy the criteria of section 10505. The rail transportation policy of 49 U.S.C. 10101a enumerates 15 objectives in rail carrier regulation. The proposed exemption does not violate any of these stated principles. Our scrutiny of the transactions under a detailed application process is not necessary to carry out the goals of section 10101a. The transactions are of limited scope because they involve a small geographical area and short segments of track.

This connecting track, which will be used under trackage rights, represents but a part of the overall operations proposed by GTR which have already

[1] The trackage rights agreements involve 5.25 miles of ICG trackage and 2.25 miles of trackage of the former St. Louis-San Francisco Railway Company (which has been merged into BN). See *Burlington Northern Inc.—Control and Merger—St. Louis-San Francisco Railway Company*, 360 I.C.C. 784 (980).

been examined by the Commission and found to be in the public interest and required by the public convenience and necessity. As the Board previously noted, the connection between BN and ICG is necessary to bring about efficient rail operation while, at the same time, meeting the needs of the public and promoting energy conservation. Moreover, the proposed operation allows coordination between rail carriers and other modes of transportation and will foster sound economic conditions in Lowndes County. Further regulatory scrutiny is not required here.

In granting an exemption under section 10505, we may not relieve a carrier of its obligation to protect the interests of employees as otherwise required by 49 U.S.C. Subtitle IV. See 49 U.S.C. 10505(g)(2). We have determined that the employee protective provisions developed in *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified by *Mendocino Coast Ry. Inc.—Lease and Operate*, 360 I.C.C. 653 (1980) satisfy the statutory requirements of 49 U.S.C. 11347 for protection of employees involved in rail transactions concerning trackage rights agreements for which approval is sought under 49 U.S.C. 11343. Accordingly, these employee protective provisions will be imposed here as a condition to exemption of the trackage rights agreement transaction.

We find no need, however, to require employee protection in connection with the involved construction and operation. The imposition of labor protection in situations governed by 49 U.S.C. 10901 is discretionary. [See 49 U.S.C. 10901(e) as amended by the Staggers Rail Act of 1980.] In the past, we have imposed employee protective conditions in section 10901 transactions only when a need for such protection has been shown. There is nothing in this record to indicate a need for imposing such conditions here.

This action will not significantly affect either energy consumption or the quality of the human environment.

It is ordered

(1) Pursuant to 49 U.S.C. 10505, we exempt:

(A) the construction and operation of approximately 1,108 feet of interchange connection track in Lowdnes County, MS, between the GTR line and ICG's main line and between ICG and BN mainlines from the requirements of 49 U.S.C. 10901;

(B) the acquisition of the described trackage rights, upon the terms and conditions agreed by the parties, from the requirements of 49 U.S.C. 11343, subject to the conditions for the protection of railroad employees set forth in *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), or modified by *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980).

(2) BN, ICG, and GTR shall have 60 days after consummation of the transaction to submit three copies of a sworn statement showing all journal entries required to record the transaction.

(3) Notice of our action shall be given to the general public by delivery of the copy of this decision to the Director, **Federal Register**, for publication.

(4) This exemption will continue in effect for one year from the effective date of this decision. The parties must consummate the transaction during that time in order to take advantage of the exemption.

(5) This decision shall be effective 30 days following the date of its publication in the **Federal Register**.

(6) Petitions to stay the effective date of this decision must be filed no later than 10 days after the date of publication in the **Federal Register**.

(7) Petitions to reopen this proceeding for reconsideration of this decision must be filed no later than 20 days after the date of publication in the **Federal Register**.

Decided: June 22, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-10068 Filed 6-26-81, 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Please direct status inquiries to the Ombudsman's Office, (202) 275-7326.

By the Commission, Review Board No. 2, Members Carleton, Fisher and Williams.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OPY-3-098

Decided: June 19, 1981.

MC 745 (Sub-1), filed June 1, 1981. Applicant: HAGEY'S BUS SERVICE,

INC., Souderton-Harleysville Pike, Franconia, PA 18924. Representative: J. Bruce Walter, P.O. Box 1146, Harrisburg, PA 17108, (717) 233–5731. Transporting *passengers and their baggage*, in the same vehicle with passengers, in round-trip charter and special operations, beginning and ending at points in Montgomery and Bucks Counties, PA, and extending to points in the U.S.

MC 1515 (Sub-300), filed June 8, 1981. Applicant: GREYHOUND LINES, INC., Greyhound Tower, Phoenix, AR 85077. Representative: R. L. Wilson (same address as applicant), (602) 248–5016. Over regular routes, transporting *passengers and their baggage and express and newspapers*, in the same vehicle with passengers, between Kingman, AZ and Seligman, AZ over Interstate Hwy 40.

Note.—Applicant intends to tack this authority with its existing regular route authority.

MC 14215 (Sub-99), filed June 9, 1981. Applicant: SMITH TRUCK SERVICE, INC., 1118 Commercial, Mingo Junction, OH 43938. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215, (614)–228–1541. Transporting *general commodities* (except classes A and B explosives), between points in Cuyahoga, Lake and Mahoning Counties, OH and Brooks County, WV, on the one hand, and, on the other, points in the U.S.

MC 57434 (Sub-3), filed June 9, 1981. Applicant: TRANS–STAR TRUCKING CO., INC., 25 Industrial Rd., Walpole, MA 02081. Representative: Jack L. Schiller, 502 Flatbush Ave., Brooklyn, NY 11225, (212) 941–9291. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. under continuing contracts with Uddeholm Steel Corp., of Canton, MA, Emerson-Swan, Inc., of Norwood, MA, Midas International Corporation, of Norwood, MA, and Bird-Johnson Co., of Walpole, MA.

MC 66505 (Sub-6), filed June 9, 1981. Applicant: PEERLESS STAGES, INC., 2040 Castro St., Oakland, CA 94612. Representative: Irwin J. Borof, 2133 San Pablo Ave., Oakland, CA 94612. Transporting *passengers and their baggage*, in special and charter operations, beginning and ending at Carson City, NV and points in Alameda, San Mateo, Santa Clara, Monterey, San Benito, Santa Cruz, Contra Costa, San Joaquin, Marin, Napa, Sonoma, Sutter, Merced, Lake, Stanislaus, Nevada, Amador, Mendocino, Salano, Yolo, Sacramento, San Francisco, EL Dorado and Placer Counties, CA, and Washoe, Douglas, and Storey Counties, NV, and extending to points in the U.S.

MC 109154 (Sub-26), filed June 8, 1981. Applicant: BAYLOR TRUCKING, INC., R.R. 1, Milan, IN 47031. Representative: Robert W. Loser II, 1101 Chamber of Commerce Bldg., 320 N. Meridian St., Indianapolis, IN 46204, (317) 635–2339. Transporting *clay, concrete, glass or stone products*, between points in the U.S., under continuing contract(s) with Knauf Fiber Class, GmbH, of Shelbyville, IN.

MC 121385 (Sub-2), filed June 9, 1981. Applicant: LITTLE DIXIE XPRESS, LTD., 927 S.W. Sixth, P.O. Box 05252, Oklahoma City, OK 73109. Representative: C. L. Phillips, Room 248, Classen Terrace Bldg., 1411 N. Classen, Oklahoma City, OK 73106, (405) 235–1531. Transporting: *general commodities* (except classes A and B explosives), between points in OK. Condition: issuance of a certificate in this proceeding is subject to prior or coincidental cancellation of Certificate of Registration MC–121385 Sub 1 at applicant's written request.

Note.—Applicant states the purpose of this application is to convert its existing Certificate of Registration authority in MC–121385 Sub 1 to a certificate of public convenience and necessity.

MC 134134 (Sub-96), filed June 10, 1981. Applicant: MAINLINER MOTOR EXPRESS, INC., 4202 Dahlman Ave., Omaha, NE 68107. Representative: James F. Crosby, 7363 Pacific St., Suite 210B Omaha, NE 68114, (402) 397–9900. Transporting *chemicals and related products*, between points in St. Clair County, IL, on the one hand, and, on the other, points in the U.S.

MC 138134 (Sub-11), filed June 8, 1981. Applicant: DONALD HOLLAND TRUCKING, INC., 1300 Main St., Keokuk, IA 52632. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501, (515) 682–8154. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. under continuing contract(s) with Keokuk Steel Castings, Division of Kast Metals, Inc., of Keokuk, IA.

MC 138875 (Sub-302), filed June 8, 1981. Applicant: SHOEMAKER TRUCKING COMPANY, a corporation, 11900 Franklin Rd., Boise, ID 83709. Representative: Patricia A. Russell (same address as applicant), (208) 376–5757. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Morrison-Knudsen Company, Inc., and its subsidiaries, of Boise, ID.

MC 140294 (Sub-29), filed June 9, 1981. Applicant: GENERAL FREIGHTS, INC., P.O. Box 1946, Hagerstown, MD 21740. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740, (301) 797–6060. Transporting *general commodities* (except classes A and B explosives), between points in DE, NJ, NY, PA, MD, WV, VA, and DC.

MC 144884 (Sub-9), filed June 8, 1981. Applicant: ARTHUR E. JOHNSTON & MICHAEL A. JOHNSTON, d.b.a. JOHNSTON TRUCKING, P.O. Box 325, Spearfish, SD 57738. Representative: Thomas J. Simmons, P.O. Box 480, Sioux Falls, SD 57101, (605) 339–3629. Transporting *metal products*, between the facilities of Keenan Supply Co., in the U.S., on the one hand, and, on the other, points in the U.S.

MC 145194 (Sub-10), filed June 9, 1981. Applicant: WOOSTER MOTOR WAYS, INC., 1357 Mechanicsburg Road, P.O. Box 436, Wooster, OH 44691. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215, (614) 228–1541. Transporting *general commodities* (except classes A and B explosives), between points in OH, Allen, Monroe and Washington Counties, IN, Du Page, Kane and Marshall Counties, IL, and Jefferson and Marshall Counties, KY, on the one hand, and, on the other, points in the U.S. in and east of WI, IL, KY, TN and AL.

MC 146065 (Sub-4), filed June 9, 1981. Applicant: DAY TRANSFER, INC., 1245 South West St., P.O. Box 1426, Indianapolis, IN 46206. Representative: John H. Day, 3909 South Lynhurst Dr., Indianapolis, IN 46241, (317) 856–3333 Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Master Fit Corp., of Indianapolis, IN.

MC 146675 (Sub-1), filed June 8, 1981. Applicant: KINCAID COACH LINES, INC., 5639 Merriam Drive, Merriam, KS 66203. Representative: Frank W. Taylor, Jr., 1221 Baltimore Ave., Suite 600, Kansas City, MO 64105, (816) 221–1464. Transporting *passengers, baggage, express and newspapers*, in charter operations, between points in Shawnee and Douglas Counties, KS, on the one hand, and, on the other, points in the U.S.

MC 148325 (Sub-2), filed June 4, 1981. Applicant: ROBERT K. FARR, d.b.a. Farr's Trucking, Box 33A, RFD 1, Underhill, VT 05489. Representative: James M. Burns, 1383 Main St., Suite 413, Springfield, MA 01103. Transporting *bakery products and equipment*, between points in the U.S., under

continuing contract(s) with Fassett's Bakery, Inc., of South Burlington, VT.

MC 148494 (Sub-3), filed June 8, 1981. Applicant: QUALITY READY MIX CONCRETE CO., a corporation, 1415 14th Ave., Fulton, IL 61252. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701, (217) 544–5468. Transporting *fertilizer*, between points in Scott, Clinton, and Des Moines Counties, IA, LaSalle and Rock Island Counties, IL, and Crawford County, WI, on the one hand, and, on the other, points in IA, IL, and WI.

MC 149114 (Sub-9), filed June 9, 1981. Applicant: NATIONAL TRANSPORT SERVICE CO., INC., 100 Industrial Avenue, Edison, NJ 08837. Representative: Brian H. Siegel, 1101 Connecticut Avenue, NW., Suite 100, Washington, DC 20036. Transporting *frozen food products*, between points in the U.S., under continuing contract(s) with Gold Shield Foods, Inc., of Monticello, N.Y.

MC 150505 filed June 8, 1981. Applicant: VERMAD TRUCKING, INC., 6306 Vergos Drive North, Eight Mile, AL 36613. Representative: James David Mills, P.O. Box 2664, Mobile, AL 36652, (205) 432–0701. Transporting *building materials*, between points in the U.S., under continuing contract(s) with Gulf Atlantic Corporation, Coastal Specialties, Inc., and William Henry Contracting, Inc., all of Mobile, AL; Coastal Insulation of Pensacola, Inc., and West Florida Sash & Door, Inc., both of Pensacola, FL, West Cash & Carry, Inc., and Insulation Contractors, Inc., both of Birmingham, AL, and Fiberglass Insulators, Inc., of Summerville, SC.

MC 151714 filed June 8, 1981. Applicant: CENTRAL ARKANSAS CARTAGE, INC., 2104 John Harden, Jacksonville, AR 72076. Representative: Ron Harvey (same address as applicant) (501) 982–4776. Transporting *general commodities* (except classes A and B explosives), between Jacksonville, AR, on the one hand, and, on the other, Kansas City, MO.

MC 152395 (Sub-2), filed June 8, 1981. Applicant: KRUEGER TRUCKING, INC., 1330 Bellevue St., Green Bay, WI 54308. Representative: Norman A. Cooper, 145 W. Wisconsin Ave., Neenah, WI 54956. (414) 722–2848. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of paper, paper products, and plastic products, between points in the U.S., under continuing contract(s) with Little Rapids Corporation, and its subsidiaries, Graham Baycare, and Shawano Paper Mill, all of Green Bay, WI.

MC 153134 (Sub-2), filed June 8, 1981. Applicant: HI COUNTRY CARRIERS, INC., 4061 South Broadway, Englewood, CO 80110. Representative: Charles J. Kimball, Capitol Life Center, 1600 Shermand St., Room 865, Denver, CO 80203, (303) 839–5856. Transporting (1) *clay, concrete, glass or stone products*, between points in Wichita County, TX, on the one hand, and, on the other, those points in the U.S. in and west of MT, WY, CO, and NM, and (2) *metal products*, between points in San Bernadino County, CA, on the one hand, and, on the other, points in the U.S.

MC 156185, filed June 8, 1981. Applicant: GARY SPARKS, d.b.a. SPARKS TRUCKING CO., P.O. Box 234, Wilburton, OK 74578. Representative: Greg E. Summy, P.O. Box 1540, Edmond, OK 73034, (405) 348–7700. Transporting *nonmetallic minerals*, between points in Latimer County, OK, on the one hand, and, on the other, points in AR.

MC 156404, filed June 8, 1981. Applicant: QUALITY TRANSPORT, INC., P.O. Box 4065, Fremont, CA 94538. Representative: George H. Hart, 1100 IBM Building, Seattle, WA 98101, (206) 624–7373. Transporting *commodities in bulk*, between points in WA, OR, CA, NV, UT, CO, AZ, ID, MT, WY, NM, TX and LA.

Volume No. OPY–4–212

Decided: June 22, 1981.

MC 46007 (Sub-7), filed June 9, 1981. Applicant: J. W. BROWNETT, INCORPORATED, 70 Canal St., Jersey City, NJ 07302. Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048, (212) 466–0220. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with John C. Cramer, Inc., of Brookside, NJ.

MC 105007 (Sub-81), filed June 8, 1981. Applicant: MATSON TRUCK LINES, INC., P.O. Box 328, 1407 St. John Ave., Albert Lea, MN 56007. Representative: Robert S. Lee, 1600 TCF Tower, 121 S. 8th St., Minneapolis, MN 55402, (612) 333–1341. Transporting (1) *paper and paper products, textile mill products*, and *rubber and plastic products*, between points in IA and NJ, on the one hand, and, on the other, points in CA, IL, IN, IA, KS, MI, MN, MO, NE, OH, WA, and WI, and (2) *food and related products*, between points in MO, on the one hand, and, on the other, points in AR, CO, IL, IN, IA, KY, MI, MN, NE, ND, OH, OK, SD, TX, and WI.

MC 154257, filed June 10, 1981. Applicant: FRANKFORT & CINCINNATI RAILROAD COMPANY, Clinton & Regan Sts., P.O. Box 475, Frankfort, KY 40602. Representative: John P. Levine, 100 Federal St., Boston, MA 02110, (617) 357–4100. Transporting *general commodities*, between Louisville, KY on the one hand, and, on the other, points in Franklin, Woodford, and Fayette Counties, KY. Condition: To the extent the certificate granted in this proceeding authorizes the transportation of classes A and B explosives, it shall be limited in point of time to a period expiring 5 years from its date of issue.

MC 156147, filed June 10, 1981. Applicant: TRANS-ALLIED CORP., Dundalk Marine Terminal, Baltimore, MD 21222. Representative: Michael P. Angelos (same address as applicant) (301) 285–7110. Transporting *modular buildings*, between points in the U.S., under continuing contract(s) with Hendrich Corp., of Edinboro, PA.

MC 156417, filed June 9, 1981. Applicant: GREAT SMOKIES FREIGHT LINES, INC., 2281 Edgemon Forest Lane, Chattanooga, TN 37421. Representative: David L. Capps, P.O. Box 924, Douglasville, GA 30133, (404) 949–7756. Transporting *such commodities* as are dealt in or distributed by department stores, between points in AL, FL, GA, NC, OH, SC, TN, and VA.

MC 156467, filed June 5, 1981. Applicant: APOLLO MOTOR EXPRESS, INC., 155 Hartford Pike, Shrewsbury, MA 01545. Representative: Robert W. Beckwith, Whitins Rd., P.O. Box 259, Manchaug, MA 01526, (617) 234–8729. Transporting *general commodities* (except classes A and B explosives), between points in MA, on the one hand, and, on the other, points in RI and CT.

[FR Doc. 81–19107 Filed 6–26–81; 8:45 am]

BILLING CODE 7035–01–M

[Volume No. 109]

Motor Carriers Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: June 23, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137, Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to

conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Alspaugh, and Shaffer.

Agatha L. Mergenovich,

Secretary.

MC 4024 (Sub-15)X, filed June 16, 1981. Applicant: HORN TRUCKING CO., 300 Schmetter Road, Highland, IL 62249. Representative: Edward D. McNamara, Jr., Leslieann G. Maxey, 907 South Fourth Street, Springfield, IL 62703. Applicant seeks to remove restrictions from its Sub-Nos. 4F, 9F, 11F, and 14X certificates to (1) replace authority to serve named points with county-wide authority as follows: (a) in Sub-No. 4F Staunton with Macoupin County, IL, (b) in Sub-No. 14X Gerald and Union with Franklin County, MO; and (2) authorize two-way service in place of one-way service in Sub-Nos. 4F, 9F, and 11F, between indicated points in IL and MO and points in several States.

MC 2421 (Sub-37)X, filed June 5, 1981. Applicant: NEWTON TRANSPORTATION CO., INC., P.O. Box 678, Lenoir, NC 28645. Representative: Edward G. Villalon, 1032 Pennsylvania Building, Penna. Ave. and 13th St. NW., Washington, DC 20423. Applicant seeks to remove restrictions in its Sub-Nos. 31F and 33F certificates to (A) broaden the commodity description to "furniture and fixtures" from new furniture and furniture parts, in Sub-No. 31; (B) replace the named facilities and points with county-wide authority in Sub-No. 31, to serve: Burke, Cleveland, Davie, Guilford and McDowell Counties, NC (facilities at Drexel, Marion, Shelby, Mocksville, Hildebran, and High Point, NC), and Burke County, NC (Morganton, NC); and (C) change one-way authority to radial authority in each certificate.

MC 14215 (Sub-98)X, filed June 2, 1981. Applicant: SMITH TRUCK SERVICE, INC., 1118 Commercial, Mingo Junction, OH 43938. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215. This application proposes to remove restrictions from its Subs 8, 9, 10, 11, 13F, 16, 18F, 23F, 24F, 26F, 27F, 31F, 34F, 36F, 48F, 49F, 50F, 53F, 54F, 62F, 63F, 64F, 73F, 74F, 78F, 79F, 80F, 82F, 83F, 84F, 85F, 86F, 87F, 89F and 90F certificates to (1) broaden the commodity descriptions from ammonium sulphate and iron oxide in Sub-No. 8, ferro-alloys and silicon products in Sub-No. 16 to "ferro-alloys and metal products"; from iron and steel articles in Sub-Nos. 23F, 24F, 27F, 31F, and 36F, from iron and steel articles and materials, equipment and supplies used in the manufacture of iron and steel articles (with exceptions) in Sub-Nos. 50, 53F, 54F, and 73F to "metal products", from ferro nickel alloy, electrolytic nickel cathode, granular nickel, cobalt cathodes, and copper (except commodities in bulk, in tank vehicles), in Sub-No. 63F to "ferro-alloys and metal products"; from aluminum ingots and zinc alloy ingots, and aluminum in Sub-No. 64F, from pipe, fittings, valves and hydrants, and accessories therefor, in Sub-No. 74F, from mine roof bolts, in Sub-No. 78F, to "metal products"; from alloys and silicon metals in Sub-No. 79F to "alloys and metal products"; from metal skimmings in Sub-No. 80F and from aluminum articles to "metal products"; from aluminum and aluminum products and materials, equipment, and supplies in Sub-No. 83F, metal and metal products and equipment, materials, and supplies used in the manufacture of metal and metal products"; from zinc articles and materials, equipment and supplies used in the manufacture and distribution of zinc articles in Sub-No. 86F, to "metal products"; from ammonium sulphate and iron oxide in Sub-No. 9 to "chemicals"; from activated carbon in bulk in dump vehicles, spent carbon, in bulk, in dump vehicles, coal, and coconut shells in Sub-No. 10 to "chemicals, coal, and food and related products"; from coal tar pitch in Sub-No 11 to "petroleum or coal products"; from cement pipe to "pipe" and from insulation board to "building materials" in Sub-No. 26F; from sand and gravel insulating materials to "building materials and stone products" in Sub-No. 48F; from lumber and composition board in Sub-No 49F, to "lumber and wood products"; from refractories and refractory products in Sub-No. 62, to "clay and refractory products"; from coal carbon pitch in Sub-No. 80 to "petroleum or coal products"; from alloys, ores, and metals, in Sub-No. 84F to "metal products and ores and minerals"; from used carbon blocks and carbon dust, in dump vehicles in Sub-No. 85, to "carbon and carbon products"; (2) remove facilities limitations and replace Brilliant Philo and Mongo Junction, OH, with Jefferson and Muskingum Counties, OH in Sub-No. 8; Weirton, WV, with Hancock County, WV in Sub-No. 9; Cattlettsburg, KY, with Boyd County, KY, Neville Island, PA, with Allegheny County, PA, and Bayport, TX, with Harris County, TX, in Sub-No. 10; Youngstown, OH, with Mahoning County, OH, Follansbee, WV, with Brooke County, WV, Loyer, MD, with Frederick County, MD, and Catlettsburg, KY, with Boyd County, KY, in Sub-No. 11; Gibsonburg and Woodville, OH, with Sandusky County, OH, and Weirton, WV, with Hancock County, WV, in Sub-No. 13F; Powhatan, OH, with Belmont County, OH, in Sub-No. 16; Follansbee, WV, with Brooke County, WV, and Monessen, PA, with Westmoreland County, PA, in Sub-No. 78F; Rock Falls and Sterling, IL, with Whiteside County, IL, in Sub-No. 23F; Canfield, Martins Ferry, Mingo Junction, Steubenville and Yorkville, OH, with Mahoning, Marshall and Ohio Counties, OH, Beech Bottom, Benwood, Follansbee, and Wheeling, WV, in Sub-No. 34F; Waukegan and Rockdale, IL, with Lake and Joilet Counties, IL, in Sub-No. 26F; Alquippa and Pittsburgh, PA with Allegheny and Beaver Counties, PA, in Sub-No. 27F; Cleveland, OH, with Cuyahoga, County, OH, in Sub-No. 36F; Ashtabula, OH, with Ashtabula County, OH, in Sub-49F; Steubenville, OH, with Jefferson County, OH, and Weirton, WV, with Hancock County, WV, in Sub-No. 50F; Canfield, Martins Ferry, Mingo Junction, Steubenville and Yorkville, OH, Beech Bottom, Benwood, Follansbee, and Wheeling, WV, and Allenport and Monessen, PA, with Mahoning, Belmont, and Jefferson Counties, OH, Brooke and Marshall Counties, WV, and Washington and Westmoreland Counties, PA, in Sub-No. 53F; Braddock, Clairton, Dravosburg, Duquesne, Homestead, Irvine, Johnstown, McKees Rocks, Pittsburgh, and Vandergrift, PA, with Allegheny, Warren, Cambria, and Westmoreland Counties, PA, and Cleveland, Lorain, and Youngstown, OH, in Sub-No. 54F; Maple Heights, OH, with Cuyahoga County, OH in Sub-No 64F; Huntington, WV, with Cabell County, WV, in Sub-No. 73F; Buckhannon, WV, with Upshur County, WV, in Sub-No 74F; Mingo Junction, OH, with Jefferson County, OH, Tazewell, VA with Tazewell County, VA, and Luzerne, PA, with Luzerne County, PA, in Sub-No. 78F; Philo and Powhattan, OH, with Muskingum and Belmont Counties, PA

in Sub-No. 79F; Cleveland, OH, with Cuyahoga County, OH, and Buckeystown, MD, with Frederick County, MD, in Sub-No. 80F; Ravenswood, WV, with Jackson County, WV, in Sub-No. 82F; Frederick, MD, with Frederick County MD, in Sub-No. 83F; East Liverpool, OH, with Columbiana County, OH, in Sub-No. 84F; Buckeystown, MD, with Frederick County, MD, in Sub-No. 85F; Spelter and Meadowbrook, WV, with Harrison County, WV, in Sub-No. 86F; Dundee, OH, with Tuscarawas County, OH, in Sub-No. 87F; and Dearborn, MI, with Wayne County, MI, Fairport Harbor, OH, with Lake County, OH, and named facilities with Baltimore, MD, in Sub-No. 89F; (3) replace one-way with radial authority in Sub-Nos. 8, 9, 10, 11, 13F, 16, 18F, 23F, 24F, 26F, 27F, 31F, 34F, 36F, 48F, 49F, 50F, 53F, 63F, 64F, 73F, 74F, 79F, 80F, 82F, 83F, 85F, 86F, 87F and 89F; and (4) remove bulk service restrictions in Sub-Nos. 9, 10, 11, 13F, 48F, 63F, 80F, 85F and 90F.

MC 14321 (Sub-13)X, filed June 2, 1981. Applicant: ENGEL VAN LINES, INC., 901 Julia St., Elizabeth, NJ 07201. Representative: Robert J. Gallagher, 1000 Connecticut Avenue NW., Suite 1200, Washington, DC 20036. Applicant seeks to remove restrictions from its lead and Sub-Nos. 1, 4, 8, 9G, 10 and 12 certificates to broaden the commodity description from household goods to "household goods and furniture and fixtures" in all certificates.

MC 52680 (Sub-12)X, filed June 12, 1981. Applicant: D.A. EXPRESS, INC., 11937 S. Page Avenue, Calumet Park, IL 60643. Representative: Stephen H. Loeb, 33 N. LaSalle Street, Suite 2027, Chicago, IL 60602. Applicant seeks to remove restrictions in its Sub-No. 6 certificate to broaden the commodity description from (1) iron and steel articles, and (2) wheels and hubs to "metal products, and transportation equipment."

MC 62601 (Sub-9)X, filed June 12, 1981. Applicant: ALBERT L. RING, ANDREW C. RING, BERNARD J. RING, AND RONALD J. RING (a partnership), d.b.a. FRANK RICHARD RING, P.O. Box 96, Neola, IA 51559. Representative: James F. Crosby, 7363 Pacific St., Oak Park Office Building, Suite 210B, Omaha, NE 68114. Applicant seks to remove restrictions in its No. MC-135133 Sub-Nos. 1, 2, and 3F permits to (1) broaden its commodity descriptions in all of the above sub-numbers to "machinery, and materials, equipment, and supplies used or distributed by the electronic data and communications industries", from used telephones and communication equipment; telephones and communication equipment, and parts, accessories and installation materials, equipment and supplies thereof (except commodities in bulk); and computing machines, and materials and supplies used in the manufacture and distribution thereof (except commodities in bulk); and (2) broaden its territorial authority to between points in the U.S., under continuing contract(s) with named shippers, in all of the above sub-numbers.

MC 88368 (Sub-51)X, filed June 5, 1981. Applicant: CARTWRIGHT VAN LINES, INC., 11901 Cartwright Avenue, Grandview, MO 64030. Representative: Thomas R. Kingsley, 10614 Amherst Avenue, Silver Spring, MD 20902. Applicant seeks to remove restrictions from its Sub-Nos. 35F, 43F, and 48F certificates to (1) broadening the commodity descriptions (a) in Sub-No. 35F from commercial and institutional furniture, furnishings and fixtures to "furniture, furnishings and fixtures," (b) in Sub-No. 43F from bar, kitchen and foodservice furniture, fixtures and furnishings to "furniture, furnishings and fixtures" and "kitchen, bar and food-service equipment," and (c) in Sub-No. 48F from bar, kitchen and food service equipment, furniture, furnishings and fixtures to "furniture, furnishings and fixtures" and "kitchen, bar and foodservice equipment"; (2) remove the bulk commodities and foodstuffs restrictions from Sub-Nos. 35F, 43F and 48F; (3) expand the cities to counties in Sub-No. 35F, replacing Kansas City, MO, with Clay, Cass, Jackson, and Platte Counties, MO, and Johnson, Leavenworth, and Wyandotte Counties, KS, and replacing Baxter Springs, KS, with Cherokee County, KS, and Ottawa County, OK; (4) authorize radial in lieu of one-way in Sub 43F, between points in IL, IN, MO, OH and WI, and, points in the United States; and (5) remove the restriction against service to AK and HI in Sub-No. 43F.

MC 90373 (Sub-32)X, filed June 12, 1981. Applicant: R.L.S. TRUCKING CORP., 208 Inman Avenue, Avenel, NJ 07001. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. Applicant seeks to remove restrictions in its lead permit to (1) broaden the commodity description from petroleum products, in containers, and display racks, to "petroleum, natural gas and their products, and display racks", and (2) broaden the territorial description to between points in the U.S., under contract(s) with unnamed shippers.

MC 95876 (Sub-402)X, filed May 26, 1981. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue No., St. Cloud, MN 56301. Representative: William L. Libby, 5200 Willson Road, Ste. 307, Edina, MN 55424. Applicant seeks to remove restrictions in its Sub-No. 373 certificate to broaden the commodity description from iron and steel articles to "metal products" between various points in the United States.

MC 105045 (Sub-161)X, filed June 2, 1981. Applicant: R. L. JEFFRIES TRUCKING CO., INC., 1020 Pennsylvania Street, Evansville, IN 47701. Representative: Richard C. McGinnis, 711 Washington Building, Washington, DC 20423. Applicant seeks to remove restrictions to (1) broaden the commodity descriptions to (a) "metal products" from aluminum, and aluminum products or articles which because of their size or weight require the use of special equipment in Sub-Nos. E–65 through E–82 and E–153 through E–242 letter notices; (b) "metal products" from iron and steel articles in its Sub-No. 121 certificate; and (c) "those commodities which because of their size or weight require the use of special handling or equipment" from fabricated steel articles in its Sub-No. 149 certificate; (2) remove exceptions of "commodities in bulk" wherever they appear in the letter notices; (3) remove exception excluding service in AK and HI in Sub-No. 149; (4) replace one-way authority with radial authority; and (5) substitute county-wide authority in place of the named towns and plantsites, as follows: Sub-No. 121, Baltimore, MD (facilities at Baltimore, MD); Sub-No. 149, Harrison County, TX (facilities at Scottsville, TX); Sub-Nos. E–154 and E–213, Hancock County, KY (plantsite near Hawesville, KY); and Sub-Nos. E–235, E–236, E–237 and E–238, St. Clair County, AL (facilities near Steele, AL).

MC 105886 (Sub-36)X, filed June 9, 1981. Applicant: MARTIN TRUCKING, INC., East Poland Avenue, Bessemer, PA 16112. Representative: Donald J. Balsley, Jr., 2310 Grant Building, Pittsburgh, PA 15219. Applicant seeks to remove restrictions in its lead and Sub-Nos. 3, 9, 10, 11, 15, 18, 19, 21, 24, 26, 27F, 29F, 31F, 32F, 33F and 34F certificates to (1) eliminate the facilities limitations in Sub-Nos. 11, 19, 24, 26, 27F, 29F, and 32F; (2) expand city to county-wide authority from Frisco and Darlington Township to Beaver County, PA, in the lead and Sub-No. 15; New Beaver Borough and Wampum to Lawrence County, PA, in Sub-Nos. 10 and 21; Branchton, Cherry Township and Winfield Township to Butler County, PA, in Sub-Nos. 18, 19, 24, and 33F; Coeymans to Albany County, NY, in Sub-No. 26; Neville Island and

Harman Township to Allegheny County, PA, in Sub-Nos. 27F, 31F, and 32F; and Pleasant Gap to Centre County, PA, in Sub-No. 29F; (3) replace one-way with radial authority between numerous points in the U.S. in the lead and Sub-Nos. 3, 10, 11, 15, 18, 19, 21, 24, 26, 27F, 29F, 31F, 32F, 33F, and 34F; and (4) remove the in bulk, tank vehicles, dump trucks, in packages and containers restrictions in the lead, and Sub-Nos. 3, 10, 19, 24 and 31F; and remove the restriction limiting service to shipments having prior movement by rail or water in Sub-No. 9.

MC 108631 (Sub-22)X, filed May 26, 1981. Applicant: BOB YOUNG TRUCKING, INC., Schoenersville Road at Industrial Drive, Bethlehem, PA 18017. Representative: Alan Kahn, 1430 Land Title Building, Philadelphia, PA 19110. Applicant seeks to remove restrictions in its lead and Sub-Nos. 2, 9, 11, 12, 15, 16 and 19 certificates to (1) broaden the commodity description from structural steel and equiment used in the assemblage thereof in the lead, steel and contractors' equipment in Sub-No. 2 and steel transmission poles in Sub-No. 9 to "metal products and those commodities, which because of their size or weight require the use of special equipment"; from boilers, furnaces, heat transfer units, forgings, castings, weldments, filter presses, material handling and processing equipment and commodities, the transportation of which, because of size or weight, require special equipment in Sub-No. 11 and from steam condenser parts, heat exchangers and parts for heat exchangers in Sub-No. 15 to "machinery and those commodities which because of their size or weight require the use of special equipment"; from iron and steel articles (except commodities in bulk) to "metal products", in Sub-Nos. 12 and 16; and from malt beverages and malt beverage containers to "food and related products" in Sub-No. 19; (2) change city to county-wide authority from Bethlehem, PA and Bingen, PA to Lehigh and Northampton Counties, PA, in the lead and Sub-No. 2; (3) remove facilities limitation (a) in Sub-Nos. 9 and 11, (b) and replace Easton, PA with Northampton County, PA, in Sub-Nos. 11 and 15, (C) and replace Sinking Spring, PA with Berks County, PA in Sub-No. 12, (d) and replace Elizabeth, NJ with Union County, NJ in Sub-No. 15, (e) and replace Steelton and Bethlehem, PA with Dauphin and Northampton Counties, PA in Sub-No. 16, and (f) and replace Fogelsville, PA with Lehigh County, PA in Sub-No. 19, and (4) change one-way to two-way authority between (a) Northampton County, PA, and, 7 NJ counties, in the lead, (b) Northampton County, PA, and, NJ and NY, in part of Sub-No. 2; (c) Northampton County in PA, and, points in the United States, in Sub-No. 11, (d) Northampton County, PA and Union County, NJ and, a described portion of the U.S. in Sub-No. 15 and (e) Dauphin and Northampton Counties, PA, and points in CT, MA and NY in Sub-No. 16.

MC 111611 (Sub-55)X, filed June 1, 1981. Applicant: NOERR MOTOR FREIGHT, INC., 205 Washington Ave., Lewistown, PA 17044. Representative: William D. Taylor, 100 Pine St., Suite 2550, San Francisco, CA 94111. Applicant seeks to remove restrictions in its lead and Sub-Nos. 28, 30, 31, 37F, 45F, and 47F, certificates to (1) broaden its commodity descriptions to "textile mill products", from various commodities such as rayon, rayon yarn, fiberglass yarn, rayon tire cord yarn, synthetic fibre, and synthetic strapping, in the lead, irregular route portion, and Sub-Nos. 28, 30, 31, and 47F; from oil and grease, in containers, to "petroleum and petroleum products" in the lead; from steel, brass rods, and unfinished brass shapes, to "metal products", in the lead and Sub-No. 37F Part (1); from new furniture, to "furniture and fixtures", from wooden patterns used in the manufacture of iron or steel castings, uncrated, to "materials and supplies used in the manufacture of iron or steel products", from textile products, machinery, and equipment and supplies used in the manufacture thereof, except bulk commodities, to "textile mill products, and machinery", in the lead; from swimming pool product, to "chemicals and related products", in Sub-No. 45F; (2) replace facilities and cities with county-wide authority: in the lead, Lewistown, Burnham, and Belleville, PA with Mifflin County, PA, Parkersburg, WV and Marcus Hook, PA with Wood County, WV and Delaware County, PA, Paulsboro, NJ with Glocester County, NJ, Huntingdon, PA with Huntingdon County, PA, Cedartown, Barnesville, and Thomaston, GA with Polk, Lamar, and Upson Counties, GA, and Front Royal and Roanoke, VA with Warren County and Roanoke, VA; in Sub-No. 28, facilities at Radford, VA with Radford, VA; in Sub-No. 30, facilities at or near Carteret, NJ, Middleport and Buffalo, NY, Baltimore, MD, and Nitro and South Charleston, WV with Middlesex County, NJ, Niagara and Eire Counties, NY, Baltimore, MD, and Kanawha County, WV; and facilities at or near Lewistown, PA with Mifflin County, PA; in Sub-No. 31, facilities at Lewistown, PA, Front Royal, VA, and Nitro, WV with Mifflin County, PA, Warren County, VA, and Kanawa County, WV; in Sub-No 39F, facilities at or near Bellefonte, PA and Weyers Cave, VA with Centre County, PA and Augusta County, VA; and in Sub-No. 45F, facilities at or near Livonia, MI with Wayne County, MI; and (3) change the one-way to radial authority between the above named cities and counties, and specified points in the U.S., In the lead (irregular route), and all of the above sub-numbers except Sub-No. 47F.

MC 116915 (Sub-147)X, filed June 11, 1981. Applicant: ECK MILLER TRANSPORTATION CORP., Route #1, Box 248, Rockport, IN 47635. Representative: Fred F. Bradley, P.O. Box 773, Frankfort, KY 40602. Applicant seeks to remove restrictions in its Sub-Nos. 121F, 127, 128F, 129, and 130F certificates to (1) broaden its commodity descriptions to "metal products", from iron and steel articles and non-ferrous metal and non-ferrous metal products, in all of the above sub-numbers; and (2) replace facilities at Pittsburgh and Aliquippa PA, with Allegheny and Beaver Counties, PA, in Sub-No. 129.

MC 119767 (Sub-371)X, filed June 3, 1981. Applicant: BEAVER TRANSPORT CO., 100 Waukegan Road, P.O. Box 1000, Lake Bluff, IL 60044. Representative: Michael V. Kaney (same address as applicant). Applicant seeks to remove restrictions in its Sub-Nos. 344F, 350F and 358F certificates, which authorize the transportation of such commodities as are dealt in by grocery and food business houses, drugstores and department stores, to (A) remove the commodity restriction excluding "foodstuff and commodities in bulk," and the vehicle restriction "in vehicles equipped with mechanical refrigeration"; (B) in Sub-No. 344, remove the restriction limiting service to that originating at or destined to the named facilities; substitute county-wide authority in place of the facilities location; and change one-way service to radial service, between Racine County, WI (facilities at Waxdale, WI), and, points in 11 States.

MC 119917 (Sub-68)X, filed May 27, 1981. Applicant: DUDLEY TRUCKING COMPANY, INC., 724 Memorial Drive, SE., Atlanta, GA 30316. Representative: Charles Ephraim, 406 World Center Building, 918–16th Street NW., Washington, D.C. 20006. Applicant seeks to remove restrictions in its Sub-Nos. 60F and 65 certificates to broaden the commodity description to "food and related products" from foodstuffs and materials, equipment and supplies used in the manufacture and distribution of foodstuffs (except commodities in bulk).

MC 121517 (Sub-17)X, filed June 3, 1981. Applicant: ELLSWORTH MOTOR FREIGHT LINES, INC., P.O. Box 15627, Tulsa, OK 74112. Representative: Jerry C. Slaughter (same as applicant). Applicant seeks to remove restrictions in its Sub-No. 8 certificate to (1) broaden the commodity description from fly ash to "metal products", (2) remove facilities limitation and replace Ponca City and Oologah, OK with Rogers, Noble and Kay Counties, OK, and (3) change one-way to radial authority between the above counties, and, 5 States.

MC 124821 (Sub-117)X, filed June 8, 1981. Applicant: GILCHRIST TRUCKING, INC., 105 North Keyser Avenue, Old Forge, PA 18518. Representative: Daniel W. Krane, Box 626, 2207 Old Gettysburg Rd., Camp Hill, PA 17011. Applicant seeks to remove restrictions in its lead and Sub-Nos. 3F, 5F, 35F, 43F, 46F, 58F, 61F, 62F, 66F, 67F, 74F, 77F, 85F, 91F, 92F, 95F, 101F, and 103F to: (1) broaden the commodity describtions (a) from malt beverages in containers, in Sub-No. 3F, from foodstuffs in Sub-No. 35F, from part (2) salt in packages in Sub-No. 58F, from canned goods in Sub-No. 74, from part (1) foodstuffs, pet foods and animal feeds in Sub-No. 77F, to "food and related products"; (b) from construction materials in Sub-No. 43F, from tile, facing or flooring in Sub-No. 46F, from part (1) building board, wallboard and insulating board in Sub-No. 62F, from fibrous glass products and materials, mineral wool, mineral products and materials, insulated air ducts, insulating products and materials, glass fiber rovings, yarn and strands, glass fiber mats and matting in Sub-No. 85F, to building materials; (c) from glass bottles in Sub-Nos. 66F (part (1)) and 91F, to "clay, concrete, glass or stone products"; (d) from part (1) rock salt in packages in Sub-No. 58F, from part (1) chemicals (except in bulk) in Sub-No. 67F, from household cleaning products (except in bulk) in Sub-No. 92F, to "chemicals and related products;" (e) from general commodities (with exceptions) in Sub-Nos. 101F, 61F, 95F, 103F, to general commodities (except Classes A and B explosives); (2) replace one way with radial authority in Sub-Nos. 3F, 5F, 35F, 43F, 46F, 58F, 62F, 66F, 67F, 74F, 85F, 91F, and 92F; (3) replace facilities limitations and city wide authority with county-wide authority as follows: Wilkes-Barre, PA, with Luzerne County, PA, in the lead; Milwaukee, WI, with Milwaukee County, WI, Rochester, NY, with Monroe County, NY, and Bethehem, PA, with Northampton County, PA, in Sub-No. 3F; Jersey City, NJ, with Hudson County, NJ, in Sub-No. 35F; Sunbury, PA, with Northumberland County, PA, in Sub-No. 43F; Chicago, IL, with Chicago, IL, in Sub-No. 46F; Retsof, NY, with Livingston County, NY, Taylor, PA, with Luckawanna County, PA, Watkins, NY, with Schuyler County, NY, and Horseheads, NY, with Cheming County, NY, in Sub-No. 58F; Pittston, PA, with Luzerne County, PA, in Sub-No. 62F; Vienna, WV, with Wood County, WV, and Joliet, IL, with Will County, IL, in Sub-No. 66F; Meredosia, IL, with Morgan County, IL, in Sub-No. 67F; Hamlin, NY, with Monroe County, NY, Holley, NY, with Orleans, NY, Williamson, NY, with Wayne County, NY, in Sub-No. 74F; Mountaintop, PA, with Luzerne County, PA, and Williamstown Junction, NJ, with Camden County, NJ, in Sub-No. 85F; Coventry, RI, with Kent County, RI, Providence and Woonsocket, RI, with Providence County, RI, Westboro, MA, with Worcester County, MA, in Sub-No. 91F; Bristol, PA, with Bucks County, PA, Brockport, NY, with Monroe County, NY, London, OH, with Madison County, OH, Auburndale, FL, with Polk County, FL, in Sub-No. 92F; and (4) remove restriction limiting transportation to traffic originating at named facility in NJ and destined to MI in Sub-No. 35F.

MC 125375 (Sub-22)X, filed June 8, 1981. Applicant: F. B. G. TRANSPORT, INC., Route 5, Box 298, Covington, GA 30209. Representative: Ralph B. Matthews, Ste. 1200, Atlantic Gaslight Tower, 235 Peachtree St., N.E., Atlanta, GA 30303. Applicant seeks to remove restrictions in its Sub-Nos. 19F and 20F permits to (1) broaden the commodity descriptions to "food and related products" from fruit juices, processed fruit sections, fruit sections, fruit salads, and frozen fruit juice concentrate, and (2) broaden the territorial description to between points in the United States, under continuing contract(s) with named shippers.

MC 126045 (Sub-38)X, filed June 16, 1981. Applicant: ALTER TRUCKING AND TERMINAL CORPORATION, 1010 South Farragut St., Box 3122, Davenport, IA 52808. Representative: Edward G. Bazelon, 39 South La Salle St., Chicago, IL 60603. Applicant seeks to remove restrictions in its permit No. MC–133880 Sub-Nos. 2, 4, and 5F to broaden its commodity description from scrap metal, and machinery and supplies used in the processing of scrap metal, when moving in mixed loads, and except liquid commodities in bulk and in tank vehicles, to "metal products, and machiery and supplies used in the processing of metal products", in all of the above sub-numbers; (2) broaden its territorial authority to between points in the U.S., under continuing contract(s) with a named shipper, in all of the above sub-numbers; and (3) eliminate the AK and HI exception in Sub-No. 5F.

MC 126091 (Sub-11)X, filed May 27, 1981. Applicant: FRALEY & SCHILLING, INC., General Delivery, Rushvile, IN 46173. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Applicant seeks to remove restrictions in its lead permit to (1) broaden the commodity description to "ores, minerals and metal products" from ferro alloys and silicon metal (in bulk) and (2) broaden the territorial description to between points in the United States, under continuing contract(s) with named shippers.

MC 127550 (Sub-9)X, filed May 27, 1981. Applicant: BOSCH TRUCKING COMPANY, INC., 5600 South Washington Street, Burtonville, IL 61607. Representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, IL 60603. Applicant seeks to remove restrictions in its lead and Sub-Nos. 2 and 5 permits to (1) broaden the commodity descriptions to "metal products" from iron and steel articles, in the lead and Sub-No. 2; to "metal products and rubber and plastic products" from furnace pipe, elbows, duct work, register boots, register boxes, wall stack, gutter and rain carrying accessories and materials, equipment and supplies used in the manufacture and distribution of the above commodities (except commodities in bulk), in Sub-No. 5, and (2) broaden the territorial description to between points in the U.S. under continuing contract(s) with named shippers.

MC 128205 (Sub-107)X, filed June 2, 1981. Applicant: BULKMATIC TRANSPORT COMPANY, 12000 S. Doty Avenue, Chicago, IL 60628. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, NW., Washington, D.C. 20001. Applicant seeks to remove restrictions in its Sub-Nos. 4, 10, 17, 33, 44, 54, 57, 62, 65, 72, 79, 84, 90, 95, and 96 certificates to (1) broaden the commodity description to "chemicals and related products", from diammonium phosphate in Sub 4, salt, in Sub-Nos. 10, 17, and 33, lead oxide in Sub 44, sodium phosphate, sodium sesquicarbonate, and soda ash in Sub-No. 54, salt in Sub-Nos. 57, 62, and 65, fertilizer in Sub-NO. 72, soda ash in Sub-No. 79, salt in Sub-No. 84, phosphates, phosphate products, and phosphate by-products in Sub-No. 90, ammonium nitrate fertilizer in Sub-No. 95, and from sulfuric acid and sulfur dioxide in Sub-No. 96; (2) delete the in bulk restrictions in all subs; (3) delete in

tank vehicles restrictions in Sub-Nos. 4, 17, 54, 65, 95, and 96; (4) delete the restriction limiting service to that having prior or subsequent movement by rail in Sub-Nos. 54, 95, and 96; (5) delete the "originating at" named points restriction in Sub-Nos. 72; (6) change city to country-wide authority (a) in Sub-No. 4 from Depue, Colfax, and Riverdale, IL and Des Moines, IA to Bureau, and McLean Counties, IL and Chicago, IL, and Polk, Dallas, Warren, and Madison Counties, IA, (b) in Sub-10 from Manistee, Port Huron and St. Clair, MI to Manistee and St. Clair Counties, MI, (c) in Sub-No. 17 and 33 from St. Louis, MI to Gratiot County, MI, (d) in Sub-No. 44 from Brazil, IN to Clay County, IN, (e) in Sub-No. 57 from Manistee, MI to Manistee County, MI (f) in Sub-No. 62 from Akron, OH to Medina, Wayne, Portage, Stark and Summit Counties, OH, (g) in Sub-No. 90 from Riverdale, IL to Chicago, IL and (h) in Sub-No. 95 from Seneca, IL to La Salle County, IL, (7) remove facilities limitations (a) in Sub-Nos. 54 and 65 (b) in Sub-No. 72 and replace Erie, Cordova, Lemont, Belvedere and Seneca, IL with Whiteside, Rock Island, Cook, Boone, and La Salle Counties, IL, and (c) in Sub-No. 84 and replace Rittman, OH with Wayne County, OH and (8) change one way to radial authority between (a) 3 IL counties and 4 IA counties, and, 12 States in Sub-No. 4, (b) 2 MI counties, and, 3 States in Sub-No. 10, (c) Gratiot County, MI, and, 4 States in Sub-No. 17, (d) Gratiot, MI, and, 2 States in Sub-No. 33 (e) Clay County, IN, and, Chicago, IL in Sub-No. 44, (f) Chicago, IL, and, St. Louis, MO and 6 States in Sub-No. 54, (g) Manistee County, MI, and, points in 3 States, in Sub-No. 57 (h) 5 OH counties, and 3 States in Sub-No. 62, (i) Chicago, IL, and, 2 States in Sub-No. 65 (j) 5 IL counties and Chicago, IL, and 4 States in Sub-No. 72, (k) Chicago, IL, and points in 7 States in Sub-No. 79, (l) Wayne County, OH and, points in 4 States in Sub-No. 84, (m) Chicago, IL, and, 12 States in Sub-No. 90, (n) La Salle County, IL, and, Chicago, IL in Sub-No. 95, and (o) Cook County, IL, and, 6 States in Sub-No. 96.

MC 128742 (Sub-3)X, filed June 8, 1981. Applicant: HALLWAY, INC., P.O. Box 2480, Springfield, IL 62705. Representative: Steven J. Rosenberg, 111 W. Washington St., Chicago, IL 60602. Applicant seeks to remove restrictions in its Sub-No. 2F certificate to (1) broaden the commodity description from liquid fertilizer and fertilizer ingredients to "chemicals and related products"; and (2) change one-way to radial authority between points in IL, and, points in 6 States.

MC 129290 (Sub-6)X, filed June 16, 1981. Applicant: CHIPPEWA TRANSPORT CO., 1500 Pine Street, Essexville, MI 48732. Representative: William B. Elmer, 624 Third Street, Traverse City, MI 49684. Applicant seeks to remove restrictions in its lead and Sub-No. 4 certificates to (1) broaden the commodity descriptions from cement, in bulk, in tank vehicles, to "clay, concrete, glass, or stone products" in both Sub-Nos.; (2) delete plantsite restrictions in both Sub-Nos.; (3) broaden cities to counties: Essexville, MI, to Bay County, MI, in both Sub-Nos.; (4) broaden the ports of entry on the US-CN Boundary line located in Detroit and Sault Saint Marie, MI, to all ports of entry in MI, in both Sub-Nos.; (5) eliminate the restrictions limiting transportation to traffic destined to the Province of Ontario, CN, in both Sub-Nos.; and (6) authorize radial service in lieu of existing one-way authority between Bay County, MI, and points in IN, OH, and the ports of entry on the US-CN Boundary line in MI, in both Sub-Nos.

MC 129764 (Sub-5)X, filed June 4, 1981 Applicant: H. A. HASTINGS COMPANY, INC., P.O. Box 361, Hebron, MD 21830. Representative: Chester A Zyblut, 366 Executive Building, 1030 Fifteenth Street, NW., Washington, DC 20005. Applicant seeks to remove restrictions in its Sub-No. 1 permit to (1) broaden the commodity description from wood chips to "pulp, paper and related products" in part 1 and from wood chips to "pulp, paper and related products and lumber and wood products" in part 2 and (2) broaden territorial description to between points in the U.S. under contract(s) with named shippers.

MC 133133 (Sub-22)X, filed June 8, 1981. Applicant: FULLER MOTOR DELIVERY CO., 802 Plum Street, Cincinnati, OH 45202. Representative: Nobert B. Flick, 2250 Beechmont Avenue, Cincinnati, OH 45230. Applicant seeks to remove restrictions in its lead and Sub-Nos. 7, 8, 13, and 20F certificates to (1) broaden the commodity description from salt in Sub-Nos. 7 and 20F, and salt products in Sub-No. 8 to "salt and salt products"; (2) eliminate the facilities limitation in Sub-Nos. 7 and 13; (3) replace one-way with radial authority in all sub-nos. between points in several midwestern and eastern States; and (4) remove the originating at, named points and the except in bulk restrictions in Sub-No. 7.

MC 142393 (Sub-3)X, filed June 12, 1981. Applicant: ROBBIE D. WOOD, INC., P.O. Box 125, Dolomite, AL 35061. Representative: Gerald D. Colvin, Jr., 603 Frank Nelson Bldg., Birmingham, AL 35203. Applicant seeks to remove restrictions in its Sub-No. 2 certificate to (A) broaden the commodity description from coke and coal to "ores and minerals and coal and coal products"; and (B) replace one way with radial authority between points in AL, and, points in and east of ND, SD, NE, KS, OK, and TX.

MC 143621 (Sub-57)X, filed June 16, 1981. Applicant: TENNESSEE STEEL HAULERS, INC., P.O. Box 100991, Nashville, TN 37210. Representative: Kim D. Mann, 7101 Wisconsin Avenue, Suite 1010, Washington, DC 20014. Applicant seeks to remove restrictions in its Sub-Nos. 32F, 40F, and 53F certificates to (1) broaden the commodity descriptions (a) in Sub-No 32, from iron and steel articles and materials, equipment and supplies, to "metal products, and materials, equipment, and supplies used in the manufacture and distribution of metal products"; (b) in Sub-No. 40, from central heating and air conditioning units, and accessories and parts to "machinery"; (c) in Sub-No. 53, from primary metal products (except coating or other allied processing), fabricated metal products (except ordnance) and machinery (except electrical) to "metal products and machinery"; (2) authorize radial service in lieu of existing one-way authority between portions of TN, and points in the US, in Sub-No. 40; (3) replace specified origin and destination point authority (including plantsite) with appropriate county-wide authority: (a) in Sub-No. 32, from Knoxville and Nashville to Knox, Jefferson, Sevier, Blount, Anderson, Campbell, Union, Grainger, Rutherford and Davidson Counties, TN; (b) in Sub-No. 40, from named facility at or near Nashville, TN, to Davidson and Rutherford Counties, TN; and (4) remove the exception of service to AK and HI, in Sub-No. 40.

MC 145371 (Sub-8)X, filed June 1, 1981. Applicant: MFCH, INC., Route 1, Kings, IL 61045. Representative: Daniel O. Hands, 205 W. Touhy Avenue, Suite 200–A Park Ridge, IL 60068. Applicant seeks to remove restrictions in its Sub-Nos. 1F and 4F certificates to (1) broaden the commodity description to "food and related products" from foodstuffs, (except frozen foods and bananas), in Sub-No. 1F part (1), (2) remove the restriction against the transportation of commodities in bulk in both subs, (3) remove plantsite limitations and replace cities with countywide authority (a) from De Kalb, Mendota and Rochelle, IL, Sleepy Eye and Wells, MN and Arlington, Markesan and Plover, WI to De Kalb, La Salle, and

Ogle Counties, IL, Brown and Faribault Counties, MN and Columbia, Green Lake and Portage Counties, WI in Sub-No. 1F part (1)(b), and (b) from Cheboygan, MI, Neelys Landing, MO, Lima and Toledo, OH and Green Bay, WI to Cheyboygan County, MI, Cape Girardeau County, MO Allen and Lucas Counties, OH and Brown County, WI, (4) remove the "originating at and destined to" restriction in both Subs. and (5) change one-way to radial authority between (a) 3 IL counties, 2 MN counties, and 3 WI counties, and, points in 14 states in Sub-No. 1, (part 1b), and (b) Cheboygan County, MI, Cape Girardeau County, MO, 2 OH Counties, and Brown County, WI, and, 12 States.

MC 145835 (Sub-2)X, filed June 8, 1981. Applicant: TODAY CARTAGE, INC., P.O. Box 49B, Route 2, Plano, IL 60515. Representative: James R. Madler, 120 W. Madison St., Chicago, IL 60602. Applicant seeks to remove restrictions in its Sub-No. 1 certificate to (1) remove the "in bulk" restriction in its authority to transport sand, (2) remove the facilities restriction and the restriction to the transportation of traffic originating at the named origin and (3) replace one-way authority with radial authority between points in La Salle County, IL and Berrian County, MI and points in numerous States.

MC 146336 (Sub-21)X, filed June 4, 1981. Applicant: WESTERN TRANSPORTATION SYSTEMS, INC., 1609–109th St., Grand Prairie, TX 75050. Representative: Edwin M. Snyder, P.O. Box 45538, Dallas, TX 75235. Applicant seeks to remove restrictions in Sub-Nos. 5F, 10F, 11F, 14F, 15F and 16F permits to (1) broaden the commodity descriptions from hospital and medical supplies in Sub-No. 5F, disposable surgical supplies in Sub-No. 15F, and dental, hospital and surgical supplies in Sub-No. 16F to "instruments and photographic goods" from copying machines in Sub-No. 10F, and electronic visual systems and component parts for flight simulators in Sub-No. 14F to "machinery" from automobile air conditioners, air conditioner parts, radios, cruise controls and accessories in Sub-No. 12F to "transportation equipment" and (2) broaden territorial description to between points in the U.S. under continuing contract(s) with named shippers in all subs.

MC 147144 (Sub-1)X, filed April 23, 1981 and noticed in the **Federal Register** of May 8, 1981, republished as corrected in this issue. Applicant: INTERNATIONAL CARRIERS, INC., 4300 N.W. 37th Avenue, Miami, FL 33142. Representative: Ronald N. Cobert, 1730 M Street N.W., Suite 501, Washington, DC 20036. Applicant seeks to remove restrictions in its lead certificate to (1) broaden the commodity description from general commodities (with the usual exceptions) to "general commodities (except classes A and B explosives)"; (2) broaden the territorial description to county-wide, radial authority to replace existing one-way authority from facilities: between Bergen, Essex, Hudson, and Union Counties, NJ and Bronx, Kings, New York, Queens, and Richmond Counties, NY (for Jersey City, NJ), Cook, DuPage and Lake Counties, IL and Lake and Porter Counties, IN (for Chicago, IL), and Essex, Middlesex, Norfolk, Plymouth and Suffolk Counties, MA (for Boston, MA), and, points in FL. The purpose of this republication is to correct certain proposed territorial modifications.

MC 147993 (Sub-6)X, filed June 3, 1981. Applicant: C.H. MASLAND & SONS, 50 Spring Rd., Box 40, Carlisle, PA 17013. Representative: J. Roger Gratz (same as applicant). Applicant seeks to remove restriction in its Sub-Nos. 2F, 3F and 4F permits to broaden the territorial description to "between points in the U.S.," under continuing contract(s) with named shippers.

MC 148341 (Sub-4)X, filed June 8, 1981. Applicant: MASS TRANSIT, INC., 2450 Orange Ave., Signal Hill, CA 90806. Representative: Milton W. Flack, 8383 Wilshire Blvd., Suite 900, Beverly Hills, CA 90211. Applicant seeks to remove restrictions in its MC–147161F and Sub-Nos. 1F, 7F and 8F permits and its No. MC–148341 (Sub-No. 2F) certificate to (1) broaden the commodity description from steel fasteners to "metal products" in Sub-No. 1F, and from steel pipe and pipe fittings to "metal products" in Sub-No. 7F, (2) delete the facilities restrictions in the lead permit and Sub-Nos. 1F and 8F, (3) delete the commodities in bulk exception in Sub-No. 8F, and (4) change the territorial description in each permit to between points in the U.S. under contract(s) with named shippers; in No. MC–148341 Sub-No. 2F (5) remove all exceptions from its general commodities description other than "classes A and B explosives", (6) remove the restriction limiting transportation "to traffic moving on bills of lading of freight forwarders; (7) remove the restriction against service to AK, CA and HI, and (8) replace its one-way authority with radial authority between Los Angeles, CA, on the one hand, and, on the other, points in the U.S.

MC 153027 (Sub-4)X, filed June 1, 1981. Applicant: SOUTH CENTRAL EXPRESS, INC., 160 North Perkins Avenue, Memphis, TN 38117. Representative: Henry E. Seaton, 929 Pennsylvania Building, 425 Thirteenth St., NW, Washington, DC 20004. Applicant seeks to remove restrictions in its lead and Sub-No. 1F certificates, which authorize radial service between Memphis, TN, and, points in the U.S., to broaden the commodity descriptions, in part (1) of the lead certificate, to "machinery, and pulp, paper and related products" from material handling equipment and containers; and in part (1) of Sub-No. 1F to "metal products, and those commodities which because of their size or weight require the use of special handling or equipment" from pumps, pipes, tubing and parts.

[FR Doc. 81-19106 Filed 6-26-81; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. OPY-3-100]

Motor Carriers—Permanent Authority Decisions; Decision-Notice

Decided: June 19, 1981.

The following applications, filed on or after February 9, 1981, are governed by Special Rule 251 of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must folllow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to

perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Please direct status inquiries to the Ombudsman's Office, (202) 275–7326.

By the Commission, Review Board No. 2, Members Carleton, Fisher and Williams.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a name shipper "under contract".

MC 108194 (Sub-27), filed June 8, 1981. Applicant: WILLIAM B. MEYER, INCORPORATED, P.O. Box 4206, Bridgeport, CT 06607. Representative: Michael A. Wargula, 2550 Main Place Tower, Buffalo, NY 14202, (716) 845–6066. Transporting for or on behalf of the U.S. Government, (1) *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S., (2) *used household goods*, for the account of the U.S. Government incident to the performance of a pack-and-crate service on behalf of the Department of Defense, between points in the U.S., and (3) *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 146674 (Sub-7), filed May 19, 1981, previously published in the **Federal Register** on June 8, 1981. Applicant: K.I.T. MOTOR EXPRESS, INC., P.O. Box 4004, Louisville, KY 40204. Representative: Edward J. Kiley, 1730 M St., N.W., Suite 501, Washington, DC 20036, (202)–296–2900. Transporting, for or on behalf of the U.S. Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

Note.—This republication corrects the commodity description.

MC 156335, filed May 29, 1981. Applicant: MILTON SNEDEKER CORPORATION, One World Trade Center, Suite 2167, New York, NY 10048. Representative: Robert Snedeker (same address as applicant), (212) 432–1300. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 156405, filed June 8, 1981. Applicant: BRUCE SNAPP, Rt 4, Box 314B, The Dalles, OR 97058. Representative: Bruce Snapp (same address as applicant), (503)–478–3759. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 156435, filed June 10, 1981. Applicant: GEORGE J. WARD, d.b.a. G & R TRANSPORTATION, P.O. Box 357, Clinton, CT 06413. Representative: Michael A. Wargula, 2550 Main Place Tower, Buffalo, NY 14202, (716)–845–6066. As a *broker*, of *general commodities* (except household goods), between points in the U.S.

[FR Doc. 81–19106 Filed 6–26–81; 8:45 am]

BILLING CODE 7035–01–M

Motor Carrier Temporary Authority Application

Important Notice: The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an orginal and two (2) copies of protests to an application may be filed with the Regional Office named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register**. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. F–132

The following applications were filed in region I. Send protests to: Interstate Commerce Commission, Regional Authority Center, 150 Causeway Street, Room 501, Boston, MA 02114.

MC 153279 (Sub-1–3TA), filed June 4, 1981. Applicant: BONWAY SERVICE TRANSPORT, INC., 54 Fulton St., Buffalo, NY 14204. Representative: Anthony J. Zaleski (same as applicant). *Chemicals and related products, and food and kindred products (except hazardous waste)*, between Erie County, NY, and Livingston County, NY on the one hand, and, on the other points in the US. Supporting shipper(s): Penwalt Corp., 1740 Military Rd., Buffalo, NY 14240.

MC 138510 (Sub-1–8TA), filed June 8, 1981. Applicant: RICCI TRANSPORTATION CO., INC., Odessa Ave. and Aloe St., Pomona, NJ 08240. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517. *Contract carrier:* Irregular routes: *Malt beverages, in containers*, from Merrimack, NH, Jacksonville & Tampa, FL and Syracuse, NY to Pleasantville, NJ and from Fogelsville, PA to Pleasantville and Wildwood, NJ under continuing

contract(s) with Harrison Beverage Co. of Pleasantville, NJ and South Jersey Distributor's, Inc. of Pleasantville, NJ. Supporting shipper(s): Harrison Beverage Co., Delilah Rd., Pleasantville, NJ 08232; South Jersey Distributor's Inc., Canal Dr., Pleasantville Ind. Park, Pleasantville, NJ 08232

MC 156429 (Sub-1-1TA), filed June 9, 1981. Applicant: THE OVERNIGHT CONNECTION, INC., 50 Broadway, New York, NY 10004. Representative: Stanley Roy Root (same as applicant). *Contract carrier:* Irregular routes: *Printed matter, computer and video tapes,* from New York, NY to points in CT, RI, MA, NJ, PA, DE, MD and Washington, DC under continuing contract(s) with Land Air Systems, of New York, NY. Supporting shipper(s): Land Air Systems, 311 East 45th St., New York, NY 10017.

MC 153 (Sub-1-2TA), filed June 9, 1981. Applicant: SCHENCK TOURS, INC, 372 Jericho Turnpike, Floral Park, NY 11002. Representative: David E. Schwab II, Esq., 1185 Avenue of the Americas, Rm. 3655, New York, NY 10036. *Passengers and their baggage in charter service and special operations* beginning and ending at points in Nassau and Suffolk Counties and New York City, NY, and extending to points in the US, including AK but excluding HI. Supporting shipper(s): Coachman Tours, Inc., 56 Willow Park Center, Farmingdale, NY 11735; Biss Tours, Inc., 62-85 Woodhaven Blvd., Rego Park, NY 11374.

MC 57434 (Sub-1-2TA), filed June 10, 1981. Applicant: TRANS-STAR TRUCKING CO., INC., 25 Industrial Rd., Walpole, MA 02081 Representative: Jack Schiller, 502 Flatbush Ave., Brooklyn, NY 11225. *Contract carrier:* Irregular routes: *Hydraulic actuators,* from the facilities of Bird-Johnson Co., located at or near Walpole, MA to New York, NY, service restricted to shipments have a subsequent movement by water, under continuing contract(s) with Bird-Johnson Co., of Walpole, MA. Supporting shipper(s): Bird Johnson Co., 110 Norfolk St., Walpole, MA 02081.

MC 34087 (Sub-1-4TA), filed June 10, 1981. Applicant: NORMAN HILLS, Route 60, Fredonia, NY 14063. Representative: Norman Hills (same as applicant). *Contract carrier:* Irregular routes: *Glass bottles,* between points in Washington County, PA on the one hand, and on the other, points in Livingston County, NY, under continuing contract(s) with Heinz USA, Division of H. J. Heinz Co. of Pittsburgh, PA. Supporting shipper(s): Heinz USA, Division of H. J. Heinz Co., P.O. Box 57, Pittsburgh, PA 15230.

MC 145679 (Sub-1-5TA), filed June 11, 1981. Applicant: A & A TRANSPORT, INC., Mapletree Industrial Park, Palmer, MA 01069. Representative: Robert S. Barouxis, P.O. Box 509, Palmer, MA 01069. *Manufactured fertilizer,* from Portland, CT to points in MD, NY, OH, PA. Supporting shipper(s): Estech General Chemicals Corporation, 30 North LaSalle, Chicago, IL 60602.

MC 156490 (Sub-1-1TA), filed June 12, 1981. Applicant: JACKSON FREIGHT LINES, INC., 29 Norman Drive, Bloomfield, CT 06002. Representative: Charles W. Jackson, Jr. (same as applicant). *General commodities, usual exceptions including hazardous wastes,* between points in ME, VT, NH, MA, RI, CT, NY, PA, NJ, DE, DC, VA, WV, KY, OH, IN, IL, MI, WI, TN, MS, AL, GA, FL, MD, NC, and SC. Supporting shipper: Heublein, Inc., 330 New Park Avenue, Hartford, Ct 06106.

MC 156474 (Sub-1-1TA), filed June 12, 1981. Applicant: JOSEPH T. UVA, d.b.a. J & J DELIVERY SERVICE, N. Raymond Road, P.O. Box 23, Gray, ME 04039. Representative: Guy H. Postell, Postell & Hall, P.C., Suite 713, 3384 Peachtree Road NE., Atlanta, GA 30326. *Contract,* irregular, *Merchandise, equipment and supplies used, sold or distributed by a manufacturer of cosmetics,* between Gray, ME, on the one hand, and, on the other, points in ME, under continuing contract(s) with Avon Products, Inc., New York, NY. Supporting shipper: Avon Products, Inc., 2100 Ogletown Rd., Newark, DE 19711.

MC 124905 (Sub-1-4TA), filed June 12, 1981. Applicant: GARY W. GRAY, P.O. Box 48, Delaware, NJ 07823. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517. *Contract carrier:* Irregular routes: *Pennsylvania crude oil sludge,* (1) from McKean, Potter, Clinton, Lycoming, Columbia and Carbon Counties, PA to Changewater, NJ and (2) from Changewater, NJ to Delware City, DE, under continuing contract(s) with Getty Refining & Marketing, Inc., of Tulsa, OK. Supporting shipper(s): Getty Refining and Marketing, Inc., P.O. Box 1650, Tulsa, OK 74101.

MC 156489 (Sub-1-1TA), filed June 12, 1981. Applicant: CARWIN CORP., 24 Winslow Street, Riverside, RI 02915. Representative: William F. Poole, 41 Bea Drive, North Kingstown, RI 02852. *Food and related products* between Philadelphia, PA and CT, DE, MA, MD, ME, PA, RI, and VT under continuing contract with Penn Packing of Philadelphia, PA. Supporting shipper: Penn Packing, 1300 E. Butler, Philadelphia, PA 19106.

MC 146508 (Sub-1-1TA), filed June 12, 1981. Applicant: LANG TRANSPORTATION, INC., Red Gate Lane, Meredith, NH 03253. Representative: Raymond P. D'Amante, Esq., 246 Loudon Road, P.O. Box 494, Concord, NH 03301. *Contract carrier:* irregular routes: *Petroleum products, oil and gas, in bulk, in tank vehicles,* from points in MA, on the one hand, and, on the other, points in NH, under continuing contract(s) with Charles A. Carr Company, Inc. of Bristol, NH. Supporting shipper: Charles A. Carr Company, Inc., 13 Pleasant Street, Bristol, NH 03222.

MC 156510 (Sub-1-1TA), filed June 15, 1981. Applicant: J LINE, INC., Gibson Hill Road, Greene, RI 02827. Representative: Howard L. Feldman, 500 Industrial Bank Bldg., Providence, RI 02903. *Contract carrier:* irregular routes: *Copper wire,* from Lincoln, RI to points in the U.S. (except AK and HI) under continuing contract(s) with Collyer Insulated Wire Co. of Lincoln, RI. Supporting shipper: Collyer Insulated Wire Co., 100 Higginson Ave., Lincoln, RI 02865.

MC 87451 (Sub-1-26TA), filed June 15, 1981. Applicant: CARGO TRANSPORT, INC., 91 Mountain Road, Burlington, MA 01803. Representative: Samuel A. Bithoney, Jr. (same as applicant). *Contract carrier:* irregular route: *Lumber and lumber products, and materials, equipment and supplies used in the manufacture, sale and distribution thereof (except commodities in bulk),* between points and places in the US (except AK and HI), under continuing contract(s) with Webb Lumber of Rocky River, OH. Supporting shipper: Room 506, 21010 Center Ridge Road, Rocky River, OH.

MC 156511 (Sub-1-1TA), filed June 15, 1981. Applicant: ANTHONY J. ULGIATI, d.b.a. A. J. Transportation, 24 Lincoln Avenue, Rochester, NY 14611. Representative: Raymond A. Richards, 35 Curtice Pk., Webster, NY 14580. *Computers and component parts, electrical machinery, components, equipment and apparatus, motors, switches, relays; also steel houses (bungalows), containing electronic apparatus and component parts, and/or electrical machinery, components, equipment and apparatus* between points in NY, on the one hand, and, on the other, points in DE, FL, GA, MD, NJ, NY, NC, PA, SC, VA, and DC. Supporting shipper: General Railway Signal Company, 801 West Ave., Rochester, NY 14611.

MC 90373 (Sub-1–4TA), filed June 15, 1981. Applicant: R L S TRUCKING CORP., 208 Inman Avenue, Avenel, NJ 07001. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. *Contract carrier:* irregular routes: *Asphalt in bulk in tank vehicles* between points in CT, MA, NJ and NY, under continuing contract(s) with Peckham Materials Corp. of White Plains, NY. Supporting shipper: Peckham Materials Corp., 20 Haarlem Ave., White Plains, NY 10603.

MC 25562 (Sub-1–2TA), filed June 15, 1981. Applicant: A. R. GUNDRY, INC., 445 Earlwood Avenue, Oregon, OH 43616. Representative: William P. Fromm (same as applicant). *Asphalt, in bulk, in tank vehicles* from Stamford, CT to the following point in NY: Newburg, Maybrook, Goshen, Bridgeville, Liberty, Fosterdale, Athens and Clinton Point. Supporting shipper: Peckham Industries, Inc., P.O. Box 424, Catskill, NY 12414.

MC 156291 (Sub-1–1TA), filed June 16, 1981. Applicant: TAYLOR PUMPING SERVICE, INC., Homestead Road, R. D. #3, Belle Mead, NJ 08502. Representative: Harry L. Starrett, Esq., Starrett & Klinghoffer, 111 Northfield Avenue, West Orange, NJ 07052. *Hazardous waste and/or toxic material* from point of collection to point of protective disposal burial and/or treatment facility, between points and places in NJ, PA and NY, on the one hand, and, on the other, points and places in PA, NJ, NY, OH and SC. Supporting shipper(s): J & J Baby Products Co., Grandview Rd., Skillman, NJ 08858; Stork Bowen Engineering, Inc., 7 Finderne Avenue, Bridgewater, NJ 08807; American Nu Color, Inc., 1501 Kennedy Blvd., Manville, NJ 08835; Summit Research Labs Inc., 297 Davidson Ave., Somerset, NJ 08873.

MC 143110 (Sub-1–4TA), filed June 16, 1981. Applicant: K AND B EXPRESS, INC., P.O. Box 801, Union, NJ 07083. Representative: A. Dayton Schell, 6 Eileen Way, Edison, NJ 08837. *Contract carrier:* irregular routes: *General commodities (with the usual exceptions including hazardous waste)* between all points in the US under continuing contract(s) with Frank Bilotti d/b/a FEB Freight Systems, Rahway, NJ. Supporting shipper: Frank Bilotti d.b.a FEB Freight Systems, 1410 Pinewood St., Rahway, NJ 07065.

MC 99443 (Sub-1–1TA), filed June 17, 1981. Applicant: CURRIER'S EXPRESS, INC., 30 Lowell Jct. Road, Andover, MA 01810. Representative: Hughan R. H. Smith, 26 Kenwood Place, Lawrence, MA 01841. *General commodities except classes A & B explosives, hazardous materials and household goods as defined by the Commission,* between points in MA and points in RI, CT, VT, ME and NH. Supporting shipper(s): Mystic Warehouse, Inc., Lowell Jct Road, Andover, MA 01810.

MC 156563 (Sub-1–1TA), filed June 17, 1981. Applicant: ATOMIC CARTAGE, INC., 400 Norman Street, Ville St. Pierre, P.Q., CD H8R 1A1. Representative: W. Norman Charles, P.O. Box 724, Glens Falls, NY 12801. *Structural steel,* from port of entry on the US/CD boundary line at or near Highgate Springs, VT, to Bennington and Burlington, VT. Supporting shipper: Marshall Steel, Ltd., 807 Marshall Street, Laval, Quebec, CD H7S 1J9.

MC 156564 (Sub-1–1TA), filed June 17, 1981. Applicant: WINTERGREEN TRANSPORT CORP. LTD., 92 St. Michel Blvd., C.P. 38, Joliette, Quebec, CD J6E 3Z3. Representative: Mel P. Booker, Jr., Hernly & Booker, P.C., P.O. Box 1281, Alexandria, VA 22313. *Contract carrier:* irregular route: *Cement in bags,* between ports of entry on the International Boundary Line between the US and CD at Rouses Point, NY and Philippsburg, VT, on the one hand, and, on the other, points in NH, VT and NY, under continuing contract(s) with Independent Cement Corp. of Albany, NY. Supporting shipper: Independent Cement Corp., P.O. Box 12–310, Albany, NY 12212.

The following applications were filed in region 2: Send protest to: ICC, Federal Reserve Bank Building, 101 N. 7th St., Rm. 620, Philadelphia, PA 19106.

MC 149230 (Sub-II–6TA), filed June 18, 1981. Applicant: BRAMCO TRANSPORT, INC., 5600 Lewis Rd., Sandston, VA 23150. Representative: Paul D. Collins, 7761 Lakeforest Dr., Richmond, VA 23235. Contract, irregular: *(1) Drugs, Toilet preparations, animal feeds, animal supplies glassware, light bulbs, abrasive cloth, paper and paper articles, notions, shells, thermometers, adhesives, wheat germ, plastic and rubber articles, toys, displays, and materials, supplies and equipment used in the sale, distribution and manufacture* thereof, bet. Richmond, VA and pts. in Henrico County, VA, on the one hand, and, on the other, Chicago, Des Plaines, IL; Garden Grove, Los Angeles, and San Francisco, CA; Las Vegas, NV; Houston & Dallas, TX; Cherry Hill, NJ; Denver, CO; Jacksonville, Miami & Orlando, FL; Atlanta, GA and Baltimore, MD; *(2) Assemblies, journal roller railway car or locomotive, & material, supplies & equipment used in the mfg., sale and dist. thereof,* bet. Petersburg, VA & pts. in Prince George County, VA, on the one hand, and, on the other, pts. in AL, GA, IL, IN, IA, KY, MO, NE, OH, OR, PA, SC, TX, WA, & WV; *(3) Wrapping paper, woodpulp board, woodpulp, scrap paper, & materials, supplies and equipment used in the mfg., sale & dist. thereof,* bet. West Point, VA, on the one hand, and, on the other, pts. in CT, DE, IN, IL, MA, MI, MD, NY, NJ, OH, PA, WV & DC, under continuing contracts with A. H. Robbins & Subsidiaries, Richmond, VA; Brenco Inc., Petersburg, VA; and The Chesapeake Corp. of VA, West Point, VA, for 270 days. An underlying ETA seeks 120 days authority. Supporting Shippers: A. H. Robbins & Subsidiaries, 1407 Cummings Dr., Richmond, VA; Brenco Inc., P.O. Box 389, Petersburg, VA; The Chesapeake Corp. of VA, Box 311, West Point, VA 23181.

MC 488 (Sub-II–12TA), filed June 16, 1981. Applicant: BREMAN'S EXPRESS CO., 318 Haymaker Rd., Monroeville, PA 15146. Representative: Leslie S. Breman (same as applicant). *Contract; irregular: metal scrap, wastes, or tailings,* between points in the US, under continuing contract(s) with All Metals, Inc., Monroeville, PA for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: All Metals, Inc., 2520 Mosside Blvd., Monroeville, PA 15146.

MC 488 (Sub-II–13TA), filed June 17, 1981. Applicant: BREMAN'S EXPRESS CO., 318 Haymaker Rd., Monroeville, PA 15146. Representative: Leslie S. Breman (same address as applicant). *Miscellaneous machinery or parts* between the facilities of Genuine Motor Parts of Pa., Inc., Pittsburgh, PA, on the one hand, and, on the other, points in OH, PA, VA, and UT, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Genuine Motor Parts of PA., Inc., 4925 Baum Blvd., Pittsburgh, PA 15213.

MC 150214 (Sub-II–3TA), filed June 16, 1981. Applicant: J. N. CARR TRANSPORT, INC., 351 Market St., Espy, PA 17815. Representative: Wilmer B. Hill, 805 McLachlen Bank Bldg., 666 Eleventh Street NW., Washington, DC 20001. *Dairy products,* from Grover, PA to points in CT, DE, MD, MA, NJ, NY, and RI for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Eastern Milk Producers, 6567 Kinne Rd., Syracuse, NY 13214.

MC 156065 (Sub-II–1TA), filed June 18, 1981. Applicant: FREDERICK LIMOUSINE INC., P.O. Box 98, Braddock Heights, MD 21714. Representative: Annette C. Reynolds, 7017 Ridge Road, Frederick, MD 21701. *Passengers having prior or subsequent air travel and their baggage in special operations* between points in Frederick County, MD and Washington National

Airport (Gravelly Point, VA), for 180 days. An underlying ETA seeks 120 days authority. Supporting shipper: Sheraton Inn of Frederick, Francis Scott Key Mall, Frederick, MD 21701.

MC 156578 (Sub-II–1TA), filed June 17, 1981. Applicant: C. R. HOLDREN & SONS INC., Route 3, Box 187, Bedford, VA 24523. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168. (1) *Petroleum Products, Cleaning Compounds and Chemicals,* from Baltimore, MD to points in VA; (2) *Feed, feed ingredients and flour,* between Roanoke, VA, on the one hand, and, on the other, points in FL, MD, NC, NJ, TN, VA, WV, and DC; (3) *Fertilizer and fertilizer materials,* between Henrico County, VA, on the one hand, and, on the other, points in MD, NC, and WV; (4) *coke,* between points in Bedford County, VA, on the one hand, and, on the other, points in AL, FL, GA, NC, PA, SC, and WV; (5) *General Commodities, except Classes A and B explosives,* (a) between Lynchburg, VA, on the one hand, and, on the other, points in AL, GA, IL, KY, MD, MS, NC, NJ, NY, OH, PA, TN, VA, and WV, and (b) between Roanoke County, VA, on the one hand, and, on the other, points in MD, MI, NC, OH, PA, VA, WI, and WV for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: There are 6 supporting shippers. Their statements may be examined at the ICC Reg. Ofc., Phila., PA.

MC 116280 (Sub-II–3TA), filed June 18, 1981. Applicant: W. C. McQUAIDE, INC., 153 Macridge Ave., Johnstown, PA 15904. Representative: Christian V. Graf, 407 N. Front St., Harrisburg, PA 17101. *Printed matter: pulp, paper and related products,* between points in IN, on the one hand, and, on the other, Upshur County, WV, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Moore Business Forms, Inc., Moore Ave., Buckhannon, WV.

MC 149484 (Sub-II–25TA), filed June 17, 1981. Applicant: MUMMA FREIGHT LINES, INC., 6495 Carlisle Pike, Mechanicsburg, PA 17055. Representative: E. J. Mumma Jr. (same as applicant). *General commodities (except Classes A and B explosives),* between points in the U.S. (except AK and HI) for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Consolidated Shippers, 6495 Carlisle Pike, Mechanicsburg, PA 17055.

MC 156603 (Sub-II–1TA), filed June 17, 1981. Applicant: JAMES H. VINCENT, d.b.a. PARKERSBURG DELIVERY SERVICE, 3500 Camden Ave., Parkersburg, WV 26101. Representative: Robert J. McCloy, 402 Juliana St., Parkersburg, WV 26101. Contract, irregular: *Plastic pellets, machinery and equipment, liquids in drums, other plastic materials, and miscellaneous general commodities on an expedited, immediate, emergency courier service basis,* between Parkersburg and Washington, WV, on the one hand, and, on the other, points in and east of MN, IA, MO, AR, and LA, under continuing contracts with E. I. du Pont de Nemours & Co., Inc., Wilmington, DE and Borg-Warner Chemicals, Inc., Parkersburg, WV, for 270 days. Supporting shippers: E. I. du Pont de Nemours & Co., Inc., 1007 Market St., Wilmington, DE 19898; Borg-Warner Chemicals, Inc., International Center, Parkersburg, WV 26101.

MC 147855 (Sub-II–12TA), filed June 17, 1981. Applicant: PAYNE, INC., P.O. Box 112, Brandy Station, VA 22714. Representative: Daniel B. Johnson, 4304 East-West Highway, Washington, DC 20014. *Pressure treated lumber* from Culpeper County, VA, to pts in CT, DE, MD, MA, NH, NJ, NY, NC, OH, PA, VT, and DC, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Culpeper Wood Preservers, Inc., P.O. Box 819, Culpeper, Virginia 22701.

MC 150339 (Sub-2–37TA), filed June 17, 1981. Applicant: PIONEER TRANSPORTATION SYSTEMS, INC., 151 Easton Blvd., Preston, MD 21655. Representative: Stephen J. Hammer (same as applicant). *Contract; irregular: Furniture and fixtures,* from Wayland, NY, to Houston, TX, Dallas, TX, and Whittier, CA, under continuing contract(s) with Gunlocke Mfg. Co., Wayland, NY, 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Gunlocke Mfg. Co., Wayland, NY 14572.

MC 142359 (Sub-II–3TA), filed June 17, 1981. Applicant: PORT EAST TRANSFER, INC., Pulaski Highway & 68th St., Baltimore, MD 21237. Representative: Mel P. Booker, Jr., P.O. Box 1281, Alexandria, VA 22313. *General commodities* (except classes A and B explosives, household good as defined by the Commission, commodities in bulk and those requiring special equipment) in containers or trailers, between (1) Boston, MA and points in its commercial zone, on the one hand, and, on the other, points in MA, NY and RI and (2) New York, NY; Philadelphia, PA; Baltimore, MD; Norfolk, VA; Charleston, SC; Savannah, GA; and Jacksonville, FL and points in their commercial zones, on the one hand, and, on the other, points in FL, GA, KY, SC, TN, WV and points in NC, on and west of Interstate Hwy 95, restricted to traffic having an immediately prior subsequent movement by water or rail for 270 days. Note: Applicant intends to tack the authority sought with its Sub-7 authority which permits service between points in NY, CT, OH, PA, NJ, VA, MD, DE and DC and those in NC, on and east of Interstate Hwy 95. Supporting shipper: United States Lines, Inc., 27 Commerce Drive, Cranford, NJ 07016.

MC 144910 (Sub-II–7TA), filed June 18, 1981. Applicant: TY PRUITT TRUCKING, INC., 6717 Quad Ave., Baltimore, MD 21237. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 15th Street NW., Washington, DC 20005. *General commodities (except classes A and B explosives and articles of unusual value), (a) in containers or in trailers* and *(b) empty used containers, used trailers and trailer chassis,* between Jacksonville, FL, Norfolk, VA, and Baltimore, MD, on the one hand, and, on the other, points in the U.S. located in and east of WI, IL, MO, AR, and LA, for 270 days. Restriction: Restricted to traffic having a prior or subsequent movement by water or rail. Supporting shippers: Midwest Container Service, Cleveland, OH 44127; Atlantic Container Line, New York, NY 10005; Allied Van Lines International, Chicago, IL 60680; S. R. Teimouri & Co., Baltimore, MD 21202; Wheels Consolidators, Inc., Jacksonville, FL 32206.

MC 113158 (Sub-II–9TA), filed June 18, 1981. Applicant: TODD TRANSPORT COMPANY, INC., Secretary, MD 21664. Representative: James H. Sweeney, P.O. Box 9023, Lester, PA 19113. *Food or kindred products, materials, equipment and supplies used in the manufacture and distribution of food or kindred* products, between Shenandoah Co., VA on the one hand, and, on the other, points in TX, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Bowman Apple Products Co., Inc., P.O. Box 247, Mount Jackson, VA 22842.

MC 155113 (Sub-II–2TA), filed June 16, 1981. Applicant: TRANSIRE, INC., 633 Matzinger Rd., Toledo, OH 43612. Representative: James Duvall, P.O. Box 97, 220 W. Bridge St., Dublin, OH 43017. *Machine parts,* between points in Lucas County, OH, on the one hand, and, on the other, points in Genesee, Jackson, Lapeer, Lenawee, Livingston, Macomb, Monroe, Oakland, St. Clair, Washtenaw and Wayne Counties, MI for 270 days. Supporting shipper: Teledyne CAE Corp. 1330 Laskey Rd., Toledo, OH.

The following applications were filed in region 3. Send protests to ICC.

Regional Authority Center, P.O. Box 7600, Atlanta, GA 30357.

MC 153922 (Sub-3–2TA), filed June 15, 1981. Applicant: M. A. TRANSPORTATION, INC., P.O. Box 2322, Peachtree City, GA 30269. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Boulevard, Atlanta, GA 30349. *Contract carrier:* irregular routes: *Extruded plastic film used in food, chemical and industrial packaging,* from Senoia, GA to all points in the US, except AK and HI under a continuing contract with Flex-On, Inc., 219 Andrews Parkway, Peachtree City, GA 30276. Supporting shipper: Flex-On, Inc., 219 Andrews Parkway, Peachtree City, GA 30276.

MC 146447 (Sub-3–5TA), filed June 15, 1981. Applicant: TANBAC, INC., 2841 SW 1st. Terr., Ft. Lauderdale, FL 33315. Representative: Richard B. Austin, 320 Rochester Building, 8390 NW 53d St., Miami, FL 33166, (305) 592–0036. *Contract carrier,* irregular route: *General commodities (except classes A & B explosives)* between points in the U.S. under continuing contract(s) with InterRoyal Corp., Plainfield, CT and The Charter Oak Shippers Cooperative Association, Inc., Darien, CT. Supporting shippers: InterRoyal Corp., Community Avenue, Plainfield, CT, 06374; The Charter Oak Shippers Cooperative Association, Inc., 1 Parkland Drive, Darien, CT 06820.

MC 31389 (Sub-3–11TA), filed June 12, 1981. Applicant: McLEAN TRUCKING COMPANY, P.O. Box 213, Winston-Salem, NC 27154. Representative: Daniel R. Simmons, P.O. Box 213, Winston-Salem, NC 27154. *Contract Carrier:* Irregular: *Such commodities as dealt in by manufacturers and distributors of games and toys and related products,* from the facilities of Mattel Toys, located at or near City of Industry, CA and Edison (Middlesex Cy.), Metuchen and South Plainfield, NJ to points in AL, AZ, AR, CO, CT, DE, DC, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NM, NY, NC, OH, OK, OR, PA, RI, SC, TN, TX, VT, VA, WA, WV & WI, under continuing contract or contracts with Mattel Toys, Hawthorne, CA. Supporting shipper: Mattel Toys, 5150 Rosecrans Ave., Hawthorne, CA 90250.

MC 153509 (Sub-3–13TA), filed June 15, 1981. Applicant: KENTUCKY DISPATCH, INC., 3303 Camp Ground Road, Louisville, KY. 40216. Representative: James B. Murphy, Suite 102, Interchange Bldg., 835 West Jefferson Street, Louisville, KY 40202. *Contract;* irregular: *food and related products,* between Manistee, MI.; Williston, ND; and Solar, UT, on the one hand, and on the other, all points in the U.S. except AK and HI., under continuing contract with Hardy Salt Company. Supporting shipper: Hardy Salt Company, P.O. Drawer 449, St. Louis, MO. 63166.

MC 150235 (Sub-3–10TA), filed June 17, 1981. Applicant: POWELL TRUCKING CO., INC., Route 3, Box 13, P.O. Box 346, Sumrall, Mississippi 39482. Representative: Fletcher W. Cochran, 1338 Gause Blvd., Suite 300, P.O. Box 741, Slidell, Louisiana 70459. *Contract:* Irregular: *Column pipe, drilling equipment, pumps, machinery, strainers, well casings and other related component parts; compressor packages and pump packages including component parts, engines and controls (Mercer Commodities),* between points in the U.S. under a continuing contract or contracts with Griner Drilling Service, Inc., Columbia, MS, and Oil Field Maintenance Service, Inc., Columbia, MS. Supporting shippers: Griner Drilling Service, P.O. Box 825, Columbia, MS. 39429 and Oil Field Maintenance Service, Inc., 524 Lumberton Road, Columbia, MS. 39429.

MC 156583 (Sub-3–1TA), filed June 17, 1981. Applicant: ALLISON LEASING, INC., P.O. Box 161, Cleveland, GA 30528. Representative: Jeffrey W. Kohlman, Fifth Floor, Lenox Towers S., 3390 Peachtree Rd., N.E., Atlanta, GA 30326. *Contract carrier*—irregular routes—*food and related products* between points in the U.S., under continuing contract(s) with Dak Foods, Inc. Supporting shipper: Dak Foods, Inc., P.O. Box 66, E. Brunswick, NJ 08816.

MC 111302 (Sub-3–10TA), filed June 17, 1981. Applicant: HIGHWAY TRANSPORT, INC., P.O. Box 10108, Knoxville, TN 37919. Representative: David A. Petersen (same address as applicant). *Liquid chemicals, in bulk,* from: (1) points in CA to points in CO, NE, KS, OK, IL, MI, TX, MO & MS and (2) points in Grundy and Cook Counties, IL to points in AZ, NM, CA and MT. Supporting shippers: Armak Industrial Chemicals, 8201 W. 47th St., McCook, IL 60525; Tretolite Division-Petrolite Corporation, 200 S. Puente, Brea, CA 92621 and Delst Chemical & Research, Inc., 540 E. Jamie, LaHabra, CA 90631.

MC 154279 (Sub-3–1TA), filed June 17, 1981. Applicant: S & S SERVICES, INC., East Pier, Port of Gulfport, Gulfport, MS 39501. Representative: D. R. Beeler, P.O. Box 482, Franklin, TN 37064. *Machinery and machinery parts* between the facilities of International Harvester Company at Gulfport, MS on the one hand and on the other, New Orleans, LA and Mobile, AL. Supporting shipper: International Harvester company, 401 N. Michigan Avenue, Chicago, IL 60611.

MC 118922 (Sub-3–1TA), filed June 17, 1981. Applicant: CARTER TRUCKING CO., INC., P.O. Box 225, Locust Grove, GA 30248. Representative: Charles H. White, Jr., 1019 19th Street, N.W., Suite 800, Washington, D.C. 20036. *Store fixtures and materials and supplies used in the manufacture, sale and distribution of store fixtures,* between Rockdale County, GA, and points in the United States (except AK and HI). Supporitng shipper: Warren/Sherer, Div. of Kysor Industrial Corp., 1600 Industrial Blvd., Conyers, GA 30207.

MC 146116 (Sub-3–1TA), filed June 17, 1981. Applicant: LOCUST HARDWARE CO., INC., P.O. Box 265, Highway 27, Locust, NC 28097. Representative: Webster S. Medlin, Medlin & Medlin, 43 Union Street, South, Concord, NC 28025. *Brick,* between facilities of Boren Clay Products Company at or near Gaffney, SC and at or near Blacksburg, SC, on the one hand, and, on the other, points in NC and SC. Supporting shipper: Boren Clay Products Company, P.O. Box 550, Gaffney, SC 29340.

MC 136828 (Sub-3–3TA), filed June 17, 1981. Applicant: COOK TRANSPORTS, INC., P.O. Box 6362–A, Birmingham, AL 35217. Representative: John R. Frawley, Jr., Suite 200, 120 Summit Parkway, Birmingham, AL 35209. *Pipe and the materials, equipment, parts, components and supplies used in the manufacture, sale and distribution of pipe;* between the facilities of Charlotte Pipe and Foundry Company located in Union and Mecklenburg Counties of NC and all points in the U.S. Supporting shipper: Charlotte Pipe and Foundry Company, P.O. Box 4430, Charlotte, NC 28204.

MC 111936 (Sub-3–9TA), filed June 17, 1981. Applicant: MURROW'S TRANSFER, INC., P.O. Box 4095, High Point, NC 27263. Representative: Wilmer B. Hill, 805 McLachlen Bank Building, 666 Eleventh Street, NW., Washington, D.C. 20001. *Tires,* (1) from Columbus and Warren, OH, Indiana, PA, and Salem, VA to points in the U.S., and (2) from points in AL, FL, OH, PA, MI, and IL to points in NC, SC, GA, VA, and TN. Supporting shippers: Regul Tire & Rubber Co., 814 East Main St., Lincolnton, NC, and Brad Ragan Inc., P.O. Box 11061, Greensboro, NC 27409.

MC 143118 (Sub-3–1TA), filed June 17, 1981. Applicant: ALFRED SWINFORD, d.b.a. SWINFORD TRUCKING, Route 8, Hendron Road, Paducah, KY 42001. Representative: Gary B. Houston, 300 Broadway, Paducah, KY 42001. *Steel* from Paducah, KY to Herrin, IL.

Supporting shipper: Paducah-McCracken County Riverport Authority, P.O. Box 2302, Paducah, KY 42001 and Norge Corporation, 410 East Maple Street, Herrin, IL 62948.

MC 156297 (Sub-3–1TA), filed June 18, 1981. Applicant: JEFFERSON HAULERS, INC., 1007 North 37th Place, Birmingham, AL 35234. Representative: Ted M. Cost, President, (same as above). *Contract* carrier: Irregular: *Iron and/or steel castings, dredge and slurry pumps, and operating supplies used in the manufacture thereof,* between Birmingham, AL, on the the one hand, and, on the other, points in the U.S. (except AK and HI), under continuing contract(s) with Thomas Foundries, Inc. Supporting shipper: Thomas Foundries, Inc., 1007 North 37th Place, Birmingham, AL 35234.

MC 145793 (Sub-3–2TA), filed June 18, 1981. Applicant: EMBERS EXPRESS TRUCKING COMPANY, P.O. Box 937, Lake City, South Carolina 29560. Representative: Kim D. Mann, 7101 Wisconsin Avenue, Suite 1010, Washington, D.C. 20014, (301) 986–1410. *Empty metal cans* from Philadelphia, PA, Baltimore, MD, Bartow, FL, and Arden, NC to the facilities of McCall Farms at or near Effingham, SC. Supporting shipper: McCall Farms, Route 1, Effingham, South Carolina 29541

MC 146782 (Sub-3–17TA), filed June 18, 1981. Applicant: ROBERTS CARRIER CORPORATION, 300 First Avenue, South, Nashville, TN 37201. Representative: James Rex Raines, (same address as applicant). *Metal and metal articles,* between points in Jefferson County, AL on the one hand, and, on the other points in the U.S. in and East of ND, SD, NE, KS, OK, and TX. Supporting shipper: J & E Steel Corporation, P.O. Drawer 7649, Birmingham, AL 35253.

MC 140334 (Sub-3–5TA), filed June 18, 1981. Applicant: AM-CAN TRANSPORT SERVICE, INC., P.O.B. 859, Anderson, SC 29621. Representative: John T. Wirth, 717 17th St., Ste. 2600, Denver, CO 80202, (303) 892–6700. *Contract Carrier,* irregular routes: *Such commodities as are dealt in or used by manufacturers and distributors of automotive parts and accessories,* between the facilities of Tenneco Automotive, a Division of Tenneco, Inc. at or near Hartwell, GA on the one hand, and, on the other, points in VA, AR, FL, OH, IN, KY and MI, under continuing contract(s) with Tenneco Automotive, a Division of Tenneco, Inc. Supporting shipper: Monroe Auto Equipment, Tenneco Automotive, a Division of Tenneco, Inc., International Drive, Monroe, MI 48161.

MC 105120 (Sub-3–4TA), filed June 18, 1981. Applicant: FREIGHTWAYS EXPRESS, INC., 222 E. Mallory Ave., Memphis, TN 38109. Representative: James N. Clay III, (same address as applicant). *General commodities, except Class A and B explosives, household goods, and commodities in bulk,* between the facilities of American Greetings Corp. at Osceola, Harrisburg and McCrory, AR, on the one hand, and, on the other, Philadelphia, MS. Supporting shipper: American Greetings Corp., 10500 American Road, Cleveland, OH 44144.

MC 155814 (Sub-3–1TA), filed June 12 1981. Applicant: ALL CARGO TRANSPORTATION, INC., P.O. Box 100301, Nashville, TN 37210. Representative: Francis J. Orschelm, 1736 Parkwood Drive, Moberly, MO 65270. (1) *General commodities (except Classes A and B explosives and household goods as defined by the Commission)* between points in MO, IA, MN, AR, KS, NE and TN, on the one hand, and, on the other, points in the U.S.; between points in Logan and Clay Counties, IL, Somerset County, NJ, and Lucas, Shelby and Stark Counties, OH, on the one hand, and, on the other, points in the U.S.; between points in Lee County, IA and Randolph County, MO, on the one hand, and, on the other, points in LA, OK and TX; and (2) *Steel and steel products* between points in Davidson County, TN, on the one hand, and, on the other, points in the U.S. Supporting shippers: Orscheln Farm and Home Supply, Inc., 339 N. Williams, Moberly, MO 65270; Lehn & Fink Products Group, Sterling Drug Inc., 225 Summit Ave., Montvale, NJ 07645; E. I. du Pont de Nemours & Co., Inc., 1007 Market St., Wilmington, DE 19898; and Nashville Steel Corporation, 7211 Centennial Blvd., Nashville, TN 37209.

The following applications were filed in Region 4. Send protests to: Interstate Commerce Commission, Complaint and Authority Branch, P.O. Box 2980, Chicago, IL 60604.

MC 29573 (Sub-4–1TA), filed June 15, 1981. Applicant: DONALD S. WEBB, and individual, d.b.a. WEBB-TRUCK-IT, 855 Wood Avenue, Loves Park, IL 61111. Representative: James A. Spiegel, 6333 Odana Road, Madison, WI 53719. *Contract;* irregular; *Malt beverages and related advertising materials, premiums, and dispensing equipment in mixed loads with malt beverages* from Memphis, TN, to Freeport, IL. Restriction: restricted to transportation to be performed under a continuing contract(s) with Hartman Beverage Co., Inc. An underlying ETA seeks 120 days authority. Supporting shipper: Hartman Beverage Co., Inc., 415 East Washington Street, Freeport, IL 61032.

MC 118806 (Sub-4–6TA), filed June 16, 1981. Applicant: ARNOLD BROS. TRANSPORT, LTD., 851 Lagimodiere Blvd., Winnipeg, Manitoba Canada R2J 3K4. Representative: Bernard J. Kompare, 10 South LaSalle Street, Suite 1600, Chicago, IL 60603. (1) *Pulp, paper, or allied products;* and (2) *rubber or miscellaneous plastic products (except in bulk),* from points in Wisconsin and Montgomery County, OH, to the ports of entry on the International Boundary Line between the U.S. and Canada, located in MN, ND, and MT. Supporting shippers: There are six (6) supporting shippers.

MC 119704 (Sub-4–8TA), filed June 16 1981. Applicant: R. A. HARRIS & SONS, INC., 3501 22nd Street, P.O. Box 237, Menominee, MI 49858. Representative: Dennis R. Harris (same as applicant). *(1) Finish products manufactured by Heywood-Wakefield Co. consisting of outdoor furniture, school furniture, office furniture, and auditorium furniture,* to all points in the U.S. (except AK and HI). *(2) Materials and supplies used in manufacturing furniture* from all points in the U.S. (except AK and HI), restricted to the transportation of Heywood-Wakefield Co. with a continuing contract. Supporting shipper: Heywood-Wakefield Co., 3010 Tenth St., Menominee, MI 49858.

MC 129974 (Sub-4–8TA), filed June 16, 1981. Applicant: THOMPSON BROS., INC., P.O. Box 1283, Sioux Falls, SD 57101. Representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, ND 58126. *Contract,* irregular: *Lumber and wood products,* from points in WA, OR, ID, MT, CA, WY, and SD to points in ND, SD, NE, KS, MO, IA, MN, WI, IL, and IN. Supporting shipper: Sprenger Midwest, Inc., 4660 West 77th Street, Minneapolis, MN 55435.

MC 139277 (Sub-4–1TA), filed June 16, 1981. Applicant: HALL TRUCKING, INC., 201 Livington St., Gridley, IL 61744. Representative: Patrick H. Smyth, Smyth & Guth, P.C. 19 South LaSalle St, Suite 401, Chicago, IL 60603 (312) 263–2397. *Contract* irregular: *Metal products and materials and supplies,* between points in Pontiac, IL, and Ferndale and Warren, MI, on the one hand, and, on the other, points in the U.S. (except AK and HI), under a continuing contract(s) with Walker Wire & Steel Company and its subsidiaries. Supporting shipper: Walker Wire & Steel Company, P.O. Box 561, Pontiac, IL 61754.

MC 139667 (Sub-4–4TA), filed June 16, 1981. Applicant: CHARLES SCHMIDT, JR., 101 West Sanger, Salem, IL 62881. Representative: Brenda Schmidt, 906 Meadow Land, Salem, IL 62881. *General Commodities (except those of unusal value),* between the IL Counties of Marion, Effingham, and Jefferson and St. Louis, MO. An underlying ETA seeks 120 days authority. Supporting shippers: Warfield-Beeson Tire Company, Inc., 714 West Main, Salem, IL 62881, Bachmann's Furniture, 109 West Main, Salem, IL 62881, Allens Book Store, 107 West Main, Salem, IL 62881.

MC 146065 (Sub-4–4TA), filed June 15, 1981. Applicant: DAY TRANSFER, INC., 1245 South West Street, P.O. Box 1426, Indianapolis, IN 46206. Representative: John H. Day, 3909 South Lynhurst, Indianspolis, IN 46241. *Contract Irregular: Metal Stampings, Auto Parts, And Materials Used in the Manufacture Thereof,* between points in the U.S. Restricted to a continuing contract(s) with Steel Parts Corp. Supporting shipper: Steel Parts Corp., Berryman Pike, Tipton, IN 56072. An underlying ETA seeks a 120 days.

MC 149591 (Sub-4–3TA), filed June 16, 1981. Applicant: VALLEY EXPRESS, INC., P.O. Box 68, Glyndon, MN 56547. Representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, ND 58126. *Frozen potato products* from Othello, WA, to Jacksonville, FL, Atlanta, GA, and points in NC and SC. Supporting shipper: Chef Reddy Foods Corp. P.O. Box 607, Othello, WA 99344.

MC 150281 (Sub-4–6TA), filed June 16, 1981. Applicant: BANGOR PUNTA TRANSPORTATION, INC., West Mighican Street, Topeka, IN 46571. Representative: Chandler L. van Orman, 1729 H Street, NW., Washington, D.C. *Boats, boat parts and materials, supplies and equipment used in the manufacturing, transportation or distribution of boats or boat parts* between points in the U.S. under a continuing contract(s) with Dickerson Boatbuilders, Inc. An underlying ETA seeks 120 days authority. Supporting Shipper: Dickerson Boatbuilders, Inc., RD 2, Box 92, Trappe, MD 21673.

MC 153829 (Sub-4–24TA), filed June 16, 1981. Applicant: UNITED SHIPPING COMPANY, P.O. Box 21186, St. Paul, MN 55121. Representative: James E. Ballenthin 630 Osborn Bldg. St. Paul, MN 55102 *Ready to eat breakfast cereals,* from the facilities of U.S. Mills, Inc. at Omaha, NE to points in the U.S. Supporting shipper: U.S. Mills, Inc., 4201 North 28th Avenue, Omaha, NE 68111.

MC 156520 (Sub-4–1TA), filed June 15, 1981. Applicant: PREMIER TRANSPORTATION SERVICES, INC., 2 East 106th Street, Room 150, Indianapolis, IN 46280. Representative: Buren V. Beaman (same address as applicant). *Cooper Rods* From Fort Wayne, IN to Carrollton, KY. An underlying ETA seeks 120 days authority. Supporting Shipper: Phelps Dodge Corporation, 4300 New Haven Avenue, Fort Wayne, IN 46801

MC 156520 (Sub-4–2TA), filed June 15, 1981. Applicant: PREMIER TRANSPORTATION SERVICE, INC., 2 East 106th Street, Room 150 Indianapolis, IN 46280. Representative: Buren V. Beaman (same address as applicant). *Power Pumps or Working Head Parts* between Fort Wayne, IN and Newbern, TN. An underlying ETA seeks 120 days authority. Supporting shipper: Tokheim Corporation, 1602 Wabash Avenue, Fort Wayne, IN 46801

MC 156539 (Sub-4–1TA), filed June 16, 1981. Applicant: HOUSER TRANSPORT, INC., 3125 U.S. 30 West, Fort Wayne, IN 46806. Representative: Phillip A. Renz, Suite 200, Metro Bldg., Fort Wayne, IN 46802. *Contract* irregular: *Iron and steel articles,* between Allen and DeKalb Counties, Indiana on the one hand, and on the other hand, points in AL, AR, GA, IL, KY, MI, NJ, NY, OH, OK, PA, TN, TX and VA. Restricted to movement of shipments under continuing contracts with Joslyn Stainless Steels and Vulcraft, Division of Nucor. Supporting Shippers: Joslyn Stainless Steels and Vulcraft, Division of Nucor. Fort Wayne, IN 46804 St. Joe, IN. 46785.

MC 99680 (Sub-4–3TA), filed June 18, 1981. Applicant: NORTH SHORE & CENTRAL ILLINOIS FREIGHT CO., 7701 W. 95th Street, Hickory Hills, IL 60457. Representative: James C. Hardman, 33 N. LaSalle Street, Chicago, IL 60602. *Lumber, building materials and related articles* from points in OR, WA and ID to points in IA, IL and NE. Supporting shipper: Elliott Lumber Transport, 7031 Federal Way, Boise, ID 83706.

MC 119522 (Sub-4–2TA), filed June 17, 1981. Applicant: McLAIN TRUCKING, INC., 2425 Walton Street, (P.O. Box 2159), Anderson, IN 46011. Representative: John B. Leatherman, Jr. (same address as applicant). *Television sets and parts thereof* between Stark County, OH (Massillon, OH) and Monroe County, IN (Bloomington, IN). Supporting shipper: RCA Corp., Bldg. 204–2, Rte. 38, Cherry Hill, N.J. 08358.

MC 129484 (Sub-4–2TA), filed June 18, 1981. Applicant: RAMDO TRANSPORT, INC., d.b.a. MELVIN WANG TRUCKING, 80–29th Ave. No., Fargo, ND 58102. Representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, ND 58126. *Asphalt, road oil and residual fuel, in bulk, in tank vehicles* from Fargo, Grand Forks, Williston, Mandan and Bismarck, ND to points in Clay, Polk, Pennington and Hubbard Counties, MN and Campbell, Day, Marshall and Roberts Counties, SD. Supporting shippers: Northern Imporvement Company, 2500 9th Ave. So., Fargo, ND 58103 and Nodak Contracting Corporation, Box 1443, Grand Forks, ND 58201.

MC 133314 (Sub-4–4), filed June 18, 1981. Applicant: SILVAN TRUCKING COMPANY, INC., RR 2, Box 137, Pendleton, IN 46064. Representative: Walter F. Jones, Jr., 601 Chamber of Commerce Building, 320 N. Meridian Street, Indianapolis, IN 46204. *Cleaning compounds, materials and supplies used in the manufacture and distribution thereof,* between French Lick and Indianapolis IN, on the one hand, and points in the U.S., under continuing contracts with Blue Lustre Home Care Products, Inc., Supporting shipper: Blue Lustre Home Care Products, Inc., 7950 Castle Way Dr, Indianapolis, IN 46250.

MC 146071 (Sub-4–7TA), filed June 18, 1981. Applicant: DEETZ TRUCKING, INC., P.O.B. 2, Strum, WI 54770. Representative: Jack B. Wolfe, 1600 Sherman St., 665 Capitol Life Center, Denver, CO 80203. *(1) Fire retardant insulation (except in bulk) and (2) materials, equipment, and supplies used in the installation of fire retardant insulation (except in bulk),* from the facilities of American Energy Products, Inc. at or near Edison, NJ to points in MN, IA, WI, IL, LA and TX. Supporting shipper: American Energy Products, inc., 435 Raritan Center Building, Edison, NJ 08817.

MC 146681 (Sub-4–1TA), filed June 18, 1981. Applicant: DUTCH MILL TRUCKING, INC., Route 1, Sparta, WI 54656. Representative: Michael J. Wyngaard, 150 East Gilman Street, Madison, WI 53703. *Building materials and supplies* from Minneapolis-St. Paul, MN to points in WI. Supporting shippers: Norwalk Lumber Co., P.O. Box 201, Norwalk, WI 54648; Weatherly Enterprises of Eau Claire, Inc. and Weatherly Enterprises of LaCrosse, Inc., 65 Copeland Street, LaCrosse, WI 54601; and Sparta Home and Building Center, 835 West Wisconsin Avenue, Sparta, WI 54656.

MC 147039 (Sub-4–11TA), filed June 18, 1981. Applicant: TRANSPORTATION SERVICES, INC., 21055 West Rd., Trenton, MI 48183. Representative: H. Neil Garson, 3251 Old Lee Hwy., Suite 400, Fairfax, VA 22030. *Beverages, in containers, materials, equipment and supplies used*

in the manufacture of beverages. (1.) Between the facilities of Faygo Beverages, Inc. in Detroit, MI on the one hand, and, on the other, points in DE, DC, IL, IN, KY, MD, MO, NJ, NY, PA, TN, VA, WV; and (2.) Between the facilities of Faygo Beverages, Inc. and those facilities utilized by it or under contract to Faygo Beverages, Inc. at Evansville, IN on the one hand, and, on the other, points in KY, IL, MO, OH, TN; and (3.) Between the facilities of Faygo Beverages, Inc. and those facilities utilized by it or under contract to Faygo Beverages, Inc. at Baltimore and Havre De Grace, MD, on the one hand, and, on the other, points in DE, DC, MD, NJ, NY, PA and VA, GA and NC; and (4.) Between the facilities of Faygo Beverages, Inc. and those facilities utilized by it or under contract to Faygo Beverages, Inc. at Scranton, PA, on the one hand, and, on the other, points in CT, MA, NJ and NY. Supporting shipper: Faygo Beverages, Inc., 3579 Gratiot Avenue, Detroit, Michigan 48207.

MC 149457 (Sub-4–10TA), filed June 18, 1981. Applicant: JWI TRUCKING, INC., 8100 North Teutonia Ave., Milwaukee, WI 53209. Representative: Michael J. Wyngaard, 150 East Gilman St., Madison, WI 53703. *Contract;* irregular: *General commodities,* except commodities in bulk, and Classes A and B explosives, between points in the U.S., under continuing contract(s) with United Freight, Inc., Morrow, GA. Underlying ETA seeks 120 days authority. Supporting shipper: United Freight, Inc., 1260 Southern Road, Morrow, GA 30260.

MC 149457 (Sub-4–11TA), filed June 18, 1981. Applicant: JWI TRUCKING, INC., 8100 North Teutonia Ave., Milwaukee, WI 53209. Representative: Michael J. Wyngaard, 150 East Gilman St., Madison, WI 53703. *Contract;* irregular: *General commodities,* except commodities in bulk, and Classes A and B explosives, between points in the U.S., under continuing contract(s) with Distribution Services of America, Inc. Supporting shipper: Distribution Services of America, Inc., 666 Summer Street, Boston, MA 02210.

MC 150301 (Sub-4–9TA), filed June 17, 1981. Applicant: EQUITY TRANSPORTATION COMPANY, INC., 9744 E. Fulton Rd., Ada, MI 49301. Representative: Edward Malinzak, 900 Old Kent Bldg., Grand Rapids, MI 49503. *Contract* irregular: *General commodities (except household goods as defined by the Commission, Classes A and B explosives, and commodities in bulk)* between all points in the U.S. under a continuing contract with United Freight, Inc. Supporting shipper: United Freight, Inc., 1260 Southern Rd., Morrow, GA 30260.

MC 150301 (Sub-4–10TA), filed June 17, 1981. Applicant: EQUITY TRANSPORTATION COMPANY, INC., 9744 E. Fulton Rd., Ada, MI 49301. Representative: Edward Malinzak, 900 Old Kent Bldg., Grand Rapids, MI 49503. *Contract,* irregular: *General commodities (except household goods as defined by the Commission, Classes A and B explosives, and commodities in bulk),* between all points in the U.S. under a continuing contract with Distribution Services of America, Inc. Supporting shipper: Distribution Services of America, Inc., 666 Summer St., Boston, MA 02210.

MC 154570 (Sub-4–2TA), filed June 18, 1981. Applicant: G & G EXPRESS, 4585 S. Harding St., Indianapolis, IN 46217. Representative: Gerry Hall (same as above). *New and used air conditioners, heater, materials, equipment and supplies used in the manufacture and distribution of such products,* between points in the States of AL, AR, CO, CT, DE, GA, IA, IL, IN, KS, KY, LA, MD, MA, MI, MN, MS, MO, NE, NJ, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, VA, WV and WI. Supporting shippers: Wed Zeb Enterprises, P.O. Box 607, Lebanon, IN 46052; Crescent Parts & Equipment Co., 2100 S. 59th St., St. Louis, MO 63110; TRACO, 461 W. 126th St., New York, NY.

MC 156358 (Sub-4–1TA), filed June 17, 1981. Applicant: PHIL TERESE, d.b.a. PHIL TERESE CARTAGE, 7800 W. 99th Place, Palos Hills, IL 60465. Representative: Philip A. Lee, 120 W. Madison St., Chicago, IL 60602. *New and used empty semi trailers, empty ocean containers and chassis, and "FAK" type cargo in conjunction with existing microbridge tariffs,* between points and places in IL, IN, and WI. Supporting shippers: Transamerica Realco, Inc., 175 W. Jackson Blvd., Chicago, IL; Badger Utility, Inc., P.O. Box 8487, Madison, WI 53708; International Great Lakes Shipping Co. as agents for NYK Lines, 111 E. Wacker Dr., Chicago, IL 60601; The Bank Line, Lavino Shipping, as agent, 26 Broadway, NY, NY 10004; Dorsey Trailers, Inc., 405 E. Fulton St., Edgerton, WI 53534.

MC 156521 (Sub-4–1TA), filed June 15, 1981. Applicant: WISE FARM LINES, INC., 9600 South Main Street, Downers Grove, IL 60505. Representative: Albert A. Andrin, 180 North La Salle Street, Chicago, IL 60601. *Building and construction materials* (except in bulk), between West Chicago, Joliet and Blue Island, IL, on the one hand, and, on the other, points in IL, IN, WI and IA. Supporting shippers: Continental Concrete Pipe Corp., 140th and Western Ave., Blue Island, IL; Howard Pipe & Concrete Products, Inc., 4 N 325 Powis Rd., West Chicago, IL; Rovanco Corp., I–55 and Frontage Rd., Joliet, IL.

MC 156588 (Sub-4–1TA), filed June 17, 1981. Applicant: BISON TRANSPORT SERVICES, LTD., 1063 Sherwin Road, Winnipeg, Manitoba, Canada R3H 0T8. Representative: Robert N. Maxwell, P.O. Box 2471, Fargo, ND 58108. *Paper, hides, and materials, equipment and supplies used in the manufacture and distribution of paper and hides,* between the ports of entry on the International Boundary Line between the U.S. and Canada at points in MN and ND, on the one hand, and, on the other, points in IL, IA, KS, MN, MO, NE, ND, SD and WI. Supporting shippers: Dominion Tanners, A Division of United Canadian Shares Ltd., 1601 Church Avenue, Winnipeg, Manitoba R2X 1G9; Abitibi-Price Inc., Toronto-Dominion Centre, P.O. Box 21, Toronto, Ont. M5K 1B3.

MC 156589 (Sub-4–1TA), filed June 17, 1981. Applicant: DRURY BROTHERS, 11950 East Newburg Rd., Durand, MI 48429. Representative: Robert G. Paluch, 7800 West 60th Pl., Summit, IL 60501. *Liquid commodities including waste, recycled or reprocessed products thereof;* between points in the United States, under continuing contract(s) with Oil Chem, Inc. of Flint, MI; Nortru, Inc. of Birmingham, MI; Commercial Industrial Chemicals, Inc. of Flint, MI; Dearborn Refining of Dearborn, MI; General Oil Company of Detroit, MI; and Inland Waters Pollution Control, Inc. of Ecorse, MI. Supporting shippers: There are six supporting shippers.

MC 156640 (Sub-4–1TA), filed June 18, 1981. Applicant: L & M TRUCKING, INC., 9125 Wicker, St. John, IN. Representative: Lyndel Adams (same as above). *Iron and steel and iron and steel articles* over irregular routes between points in IL and IN on the one hand, and, on the other, points in KY, TN, GA, FL, AL, MS, LA, AR, NC, SC, TX, OK, and MO. Supporting shipper: 81 Welded Tube Co. of America, 1855 E. 122nd St., Chicago, IL 60633.

The following applications were filed in region 5. Send protests to: Consumer Assistance Center, Interstate Commerce Commission, P.O. Box 17150, Fort Worth, TX 76102.

MC 109780 (Sub-5–1TA), filed June 17, 1981. Applicant: TRAILWAYS, INC., 1500 Jackson Street, Dallas, TX 75201. Representative: George W. Hanthorn (same as above). Common; regular. *Passengers and their baggage and express and newspapers in the same vehicle with passengers,* between

Flagstaff, AZ, and Grand Canyon, AZ, serving all intermediate points: from Flagstaff over U.S. Hwy 180 to junction unnumbered highway approximately 8 miles north of Moqui, AZ, thence over unnumbered highway to Grand Canyon and return over the same route. Applicant intends to tack. Supporting shippers: 18.

MC 119908 (Sub-5-2TA), filed June 16, 1981. Applicant: WESTERN LINES, INC., P.O. Box 1145, Houston, TX 77001. Representative: Wayne A. Premeaux (same as above). *Lumber, lumber products,* between points in AR, on the one hand, and, on the other, points in LA, MS, and TX. Supporting shippers: 5.

MC 124174 (Sub-5-50TA), filed June 16, 1981. Applicant: MOMSEN TRUCKING CO., 13811 "L" Street, Omaha, NE 68137. Representative: Karl E. Momsen (same as above). *Metal, metal products, scrap metals, and materials, equipment and supplies used in the manufacture, sale and distribution thereof,* between pts in the USA Supporting shipper(s): 12.

MC 135678 (Sub-5-18TA), filed June 17, 1981. Applicant: MIDWESTERN TRANSPORTATION, INC., 20 S.W. 10th, Okla. City, OK 73125. Representative: C. L. Phillips, Room 248, Classen Terrace Bldg., 1411 N. Classen, Oklahoma City, OK 73106. *Textile Mill Products,* between points in OK, NM, TX, AZ, NV and CA. Supporting shipper: Adams Millis Hosiery, 3601 S. Bdwy., Edmond, OK 73034.

MC 143343 (Sub-5-3TA), filed June 16, 1981. Applicant: BALLENTINE TRANSPORT, INC., P.O. Box 463, Scottsbluff, NE 69361. Representative: Richard S. Mandelson, Suite 1600, Lincoln Center, 1660 Lincoln Street, Denver CO 80264. *Food or related products,* between pts in TX, WI, CA, NE, OH, NY, GA and IL. Supporting shipper: Panhandle Beverage Co. Inc., 2000 E. 20th Street, Scottsbluff, NE 69361.

MC 145154 (Sub-5-2TA), filed June 16, 1981. Applicant: YOUNG'S TRANSPORTATION CO., P.O. Box 7200, 1230 West 17th Street, Houston, TX 77008. Representative: Eric Meierhoefer, Suite 1000, 1029 Vermont Avenue NW., Washington, DC 20005, (202) 347-9332. *Wooden and aluminum clad windows and doors, and materials and supplies used in the manufacture, distribution and installation thereof,* between points in Champaign County, IL, on the one hand, and, on the other, points in the U.S. Supporting shipper(s): Caradco Corporation, 201 Evans Drive, Rantoul, IL 61866.

MC 148035 (Sub-5-9TA), filed June 17, 1981. Applicant: QUANDT TRANSPORT SERVICE, INC., 2606 North 11th St., Omaha, NE 68110. Representative: Arlyn L. Westergren, Westergren & Hauptman, P.C., suite 201, 9202 W. Dodge Rd., Omaha, NE 68114. *Petroleum products,* from Council Bluffs, IA to pts in SD, KS, MO and MN. Supporting shipper: Searle Petroleum Company, 1701 S. Third St., Council Bluffs, IA 51501.

MC 156580 (Sub-5-1TA), filed June 17, 1981. Applicant: TRANS-STAR TRANSIT, INC., P.O. Box 13708, Edwardsville, KS 66113. Representative: A. Doyle Cloud, Jr., 2008 Clark Tower, 5100 Poplar Avenue, Memphis, TN 38137. *Foodstuffs and materials, equipment, and supplies used in the manufacture and distribution thereof,* between Johnson County, KS, on the one hand, and, on the other, points in AR, MO, OK, TX, NE, IL and IA. Supporting shipper: Shasta Beverages, Inc., Lenexa, KS 66215; Hoover Universal, Lenexa, KS 66215.

MC 156581 (Sub-5-1TA), filed June 17, 1981. Applicant: METROPLEX FREIGHT SERVICE, INC., 1804 Vantage St., Carrollton, TX 75006. Representative: Charles N. Sarrett, 1815 Elmwood Dr., Carrollton, TX 75006. Contract: Irregular, *Drugs, Medical Supplies, and Narcotics-Class 2, 3, 4, 5* between Oklahoma City, OK on the one hand, and, on the other, points in TX. Supporting shipper: Fox Vliet Drug Company, 4529 Enterprise Place, Oklahoma City, OK.

MC 96877 (Sub-5-2TA), filed June 19, 1981. Applicant: YUMA COUNTY TRANSPORTATION CO., 2128 East Highway 30, Grand Island, NE 68801. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501. *General Commodities (except Class A and B Explosives),* Between pts in Greeley, Howard, Valley, Wheeler and Nance Counties, NE, on the one hand, and, on the other, pts in the U.S. Supporting shippers: 5 shippers.

MC 114274 (Sub-5-13TA), filed June 19, 1981. Applicant: VITALIS TRUCK LINES, INC., P.O. Box 1703, Des Moines, IA 50306. Representative: William H. Towle, 180 North LaSalle St., Suite 3520, Chicago, IL 60601. *Empty Glass Bottles NOI.* From the plant sites and warehouse facilities of Chattanooga Glass Co., at or near Mt Vernon, OH, Corsicana, TX., Chattanooga, TN., Memphis, TN., Gulfport, MS., and Keyser, W.Va. to pts in ND, SD, IA, NE, MO, & KS. Supporting shipper: Chattanooga Glass Company, 400 West 45th St., Chattanooga, TN 37410.

MC 117892 (Sub-5-1TA), filed June 19, 1981. Applicant: THREE "I" TRUCK LINE, INC., P.O. Box 426, Bettendorf, IA 52722. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501. *Metal Products and Plastic Articles,* Between the Chicago, IL Commercial Zone on the one hand, and, on the other, pts in IL and IA. Supporting shipper: Joseph T. Ryerson & Son, Inc., 2621 West 15th Place, Chicago, IL 60608.

MC 124813 (Sub-5-30TA), filed June 19, 1981. Applicant: UMTHUM TRUCKING CO., 910 South Jackson Street, Eagle Grove, IA 50533. Representative: WILLIAM L. FAIRBANK, 2400 Financial Center, Des Moines, IA 50309. *(1) Gypsum and gypsum products,* from Eagle Grove, and Ft. Dodge, IA, to pts in the U.S. (except AK and HI) *and (2) pipe,* from Winnebago, MN, to pts in the U.S. (except AK and HI). Supporting shippers: Preco Industries, Ltd., 55 Skyline Drive, Plainview, NY 11803; Winnebago Drainage, Inc., Winnebago, MN 56098.

MC 135678 (Sub-5-19TA), filed June 19, 1981. Applicant: MIDWESTERN TRANSPORTATION, INC., 20 S.W. 10th, Oklahoma City, OK 73125. Representative: C. L. Phillips, Room 248—Classen Terrace Bldg., 1411 N. Classen, Oklahoma City, OK 73106. *Automobile Parts, Wheels, Tire and Accessories,* between points in OK, TX, NM, CA, CO, AZ and NV. Supporting shipper: Western Wheel Div. of Rockwell International, 7503 N. Broadway, Okhahoma City, OK 73116.

MC 135691 (Sub-5-22TA), filed June 18, 1981. Applicant: DALLAS CARRIERS CORP., P.O. Box 38528, Dallas, TX 75238. Representative: R. Connor Wiggins, Jr., 100 N. Main Bldg., Suite 909, Memphis, TN 38103. *Materials and supplies used in the manufacture, processing and packaging of consumer products* from points in the United States to points in Shelby County, TN. Supporting shipper: Speer Products, Inc., 4242 B. F. Goodrich Blvd., Memphis, TN 38118.

MC 138328 (Sub-5-25TA), filed June 18, 1981. Applicant: CLARENCE L. WERNER, d.b.a. WERNER ENTERPRISES, P.O. Box 37308, Omaha, NE 68137. Representative: Donna Ehrlich (same address as applicant). *Iron and steel articles, and building materials,* from Carson, CA, to pts in TX. Supporting shipper: Tree Island Steel, Inc., 2850 E. Del Amo Blvd., Carson, CA 90749.

MC 138328 (Sub-5-26TA), filed June 18, 1981. Applicant: CLARENCE L. WERNER, d.b.a. WERNER ENTERPRISES, I-80 & Hwy. 50, P.O. Box 37308, Omaha, NE 68137. Representative: Donna Ehrlich (same

address as applicant). *Foodstuffs*, between pts in CA and OR, on the one hand, and, on the other, pts in AL, AR, CO, IL, IN, IA, LA, MI, MN, MS, MO, NE, ND, OH, SD, TX, WA, and WI. Supporting shipper: Nugget Distributors, Inc., P.O. Box 8309, Stockton, CA 95204.

MC 142431 (Sub-5–12TA), filed June 19, 1981. Applicant: WAYMAR TRANSPORT CORP., 5225 E University Avenue, Des Moines, IA 50317. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309. *Food products* between pts in IA on the one hand and, on the other, pts in IL, MO and NE. Supporting shipper, Mid Continent Bottlers, Inc., 1679 NE 51st Avenue, Des Moines, IA 50313.

MC 145154 (Sub-5–3TA), filed June 19, 1981. Applicant: YOUNG'S TRANSPORTATION CO., P.O. Box 7200, Houston, TX 77008. Representative: Eric Meierhoefer, Suite 1000, 1029 Vermont Avenue, NW, Washington, DC 20005. (1) *plastic products*, between Houston, TX, and Atlanta, GA, and points in their commercial zones, on the one hand, and, on the other, points in the US; and (2) *glass products*, between Houston, TX, and points in its commercial zone, on the one hand, and, on the other, points in the US. Supporting shippers: 4.

MC 146388 (Sub-5–1TA), filed June 19, 1981. Applicant: GRANTSKI GRAIN CORPORATION, Route 1, Box 150, Beaver Crossing, NE 68313. Representative: Max H. Johnson, P.O. Box 6597, Lincoln, NE 68506. *Frozen foodstuffs*, between pts in ID, IL, NE, and IA. Supporting shipper: Booth Fisheries Corporation, 201 Clover Leaf Court, Sioux City, IA 51102.

MC 150496 (Sub-5–18TA), filed June 18, 1981. Applicant: P.A.M. TRANSPORT, INC., P.O. Box 188, Tontitown, AR 72770. Representative: Robert W. Weaver (same as above). (1) *Furniture parts*, (2) *metal products*, and (3) *material, equipment and supplies used in the manufacture or distribution of those commodities in (1) and (2) above*, between points in OH and KY on the one hand, and, on the other, points in AL, AR, CT, DE, FL, GA, IL, IN, KY, LA, ME, MD, MA, MI, MS, NH, NJ, NY, NC, OH, PA, RI, SC, TN, TX, VT, VA, WV, and WI. Supporting shipper: Leggett & Platt, Incorporated, P.O. Box 674, Carthage, MO 64836.

MC 151505 (Sub-5–3), filed June 19, 1981. Applicant: RAM TRUCK LINE, INC., P.O. Box 1287, Mesquite, TX 75149. Representative: Bob R. Bunch (same as above). *General commodities* (except household goods as defined by the Commission), which are at the time moving on bills of lading issued by United Forwarding, Inc., a freight forwarder as defined in Section 10102(8) of the Interstate Commerce Act, between points in the United States. Supporting shipper: United Forwarding, Inc., 7000 Bldg., Suite 445, 7000 West Center Rd., Omaha, NE 68106.

MC 151819 (Sub-5–13TA), filed June 19, 1981. Applicant: CARGO MASTER, INC., 917 S. Harwood St., Dallas, TX 75201. Representative: Jackson Salasky, P.O. Box 45538, Dallas, TX 75245. (1) *malt beverages, malt supplies and equipment used in the sale and distribution of malt beverages, empty used beverage containers for recycling;* from the facilities of the Pabst Brewing Co. located at Perry, GA to points in the states of AR, LA, MO and TX, (2) from the facilities of the Heilman Brewing Co. located at Evansville, IN to points in TX. Supporting shipper(s): 5.

MC 151993 (Sub-2), filed June 18, 1981. Applicant: FRANK SMITH, d.b.a. FRANK SMITH TRUCKING, Route 1, Box 3, Marble Falls, TX 78654. Representative: Charles E. Munson, 500 West Sixteenth St., P.O. Box 1945, Austin, TX 78767. *Contract* irregular. *Farm tractors and agricultural machinery and parts, attachments, and spare parts for such commodities*, between the Port of Houston, TX, on the one hand, and, on the other, Marble Falls, TX, under a continuing contract or contracts with Tom Loftus Imports, Incorporated of Marble Falls, TX.

MC 153457 (Sub-5–6TA), filed June 18, 1981. Applicant: GOLD STAR CARRIERS, INC., Rte. 2, Box 528, Springtown, TX 76082. Representative: Billy R. Reid, 1721 Carl Street, Fort Worth, TX 76103. *Machinery and parts*, between points in the U.S. Supporting shipper: Sherwood Packaging Machinery Co., 2619 Skyway Dr., Grand Prairie, TX 75051.

MC 155595 (Sub-5–10TA), filed June 18, 1981. Applicant: WTR TRANSPORTATION, INC., 3023 Herbert Street, Dallas, TX 75212. Representative: Daniel C. Sullivan, Sullivan & Associates, Ltd., 10 S. LaSalle Street, Suite 1600, Chicago, IL 60603. *General commodities* (except Classes A and B explosives), between the facilities of T.G.&Y. Stores, Inc. located in and east of ND, SD, NE, KS, OK, and TX, on the one hand, and, on the other, points in and east of the states of ND, SD, NE, KS, OK and TX. Supporting shipper: T.G.&Y. Stores, Inc.

MC 156328 (Sub-5–2TA), filed June 19, 1981. Applicant: U.S. TRANSPORTATION LTD., 334 N.W. Greenwood, Ankeny, Iowa 50021. Representative: James R. Snyder Pres. (same as above). Contract: Irregular: *(1) Fabricated metal products, and (2) Materials, equipment and supplies used in the manufacture, sale and distribution, of fabricated metal products.* Between Des Moines, IA, on the one hand and on the other, points in the United States (except AK and HI). Under contract or contracts with the Waldinger Corporation Des Moines, Iowa.

MC 156616 (Sub-1TA), filed June 19, 1981. Applicant: L & M TRANSPORTATION, INC., R. R. #1 Box 50, Deloit, IA 51441. Representative: James M. Hodge, 1000 United Central Bank Bldg., Des Moines, IA 50309. *Cement products*, from Louisville and Omaha, NE to pts in that part of IA west of Interstate Hwy 35. Supporting shipper(s): Builders Lumber & Supply Co. of Denison, Iowa, 1501 7th Avenue South, Denison, IA 51442.

MC 156644 (Sub-5–1TA), filed June 19, 1981. Applicant: M. L. YOCKSTICK d.b.a. M. L. YOCKSTICK TRUCKING, Box 88, King City, MO 64463. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309. Contract, Irregular: *General commodities, except explosives, commodities in bulk and household goods* between points in the U.S. under contract with Food Distributing Service, Inc., 4601 VanBrunt Road, Kansas City, MO.

The following applications were filed in region 6. Send protests to: Interstate Commerce Commission, Region 6 Motor Carrier Board, P.O. Box 7413, San Francisco, CA 94120.

MC 152871 (Sub-6–10TA), filed June 12, 1981. Applicant: ALL FREIGHT TRANSPORTATION, INC., P.O.B. 6699, Boise, ID 83707. Representative: Timothy R. Stivers, P.O.B. 1576, Boise, ID 83701. *Contract carrier*, irregular routes: *Such commodities as are used by or dealt in by manufacturers of medical, surgical and hospital supplies*, from the facilities of Becton, Dickinson & Co. at or near Sumter, SC and North Canaan, CT to Sumter, SC; North Canaan, CT; Chicago, IL; Los Angeles, CA; and points in NE, NJ and NY, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Becton, Dickinson & Co., Rutherford, NJ 07070.

MC 156518 (Sub-6–1TA), filed June 15, 1981. Applicant: MARIA BELEN SMIHULA, ANTHONY SMIHULA, JOSEPH MITCHELL, a partnership, d.b.a. BIG T TRUCKING CO., 1319 Philip Way, Suisun City, CA 94585. Representative: Anthony Smihula (same as applicant). *Contract carrier*, irregular routes: *Oil and petroleum products*, from points in OK, to points in CA, for the

account of Oakport Development Corporation, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Oakport Development Corporation, 1221 Broadway, suite 350, Oakland, CA 94612.

MC 115523 (Sub-6–12TA), filed June 15, 1981. Applicant: CLARK TANK LINES COMPANY, 1450 No. Beck St., Salt Lake City, UT 84110. Representative: Melvin J. Whitear (same as applicant). *Contract carrier;* irregular routes: *Petroleum, natural gas and their products, and chemicals and related products,* between points in the Cont'l U.S. for 270 days. Supporting shipper: Nalco Chemical Co., Oak Brook, IL 60521.

MC 135989 (Sub-6–12TA), filed June 15, 1981. Applicant: COAST EXPRESS, INC., 14280 Monte Vista Ave., Chino, CA 91710. Representative: William J. Lippman, Steele Park, Suite 330, 50 South Steele St., Denver, CO 80209. *Alcoholic beverages, beer and related mixes,* from points in CA, IL, IN, KY, MA, MD, MI, NJ, NY and PA to Denver, CO for 270 days. Supporting shipper: Beverage Distributors Corporation, d.b.a. Midwest Liquor and Wine Company, 14200 E. Moncrieff Place, Suite E, Aurora, CO 80011.

MC 156514 (Sub-6–1TA), filed June 15, 1981. Applicant: INTERCAL ENTERPRISES, INC., d.b.a. HARDIN TRUCKING, 8866½ Vincent Ave., Rancho Cucamonga, CA 91730. Representative: Donald R. Hedrick, P.O.B. 88, Norwalk, CA 90650. *General commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring the use of special equipment and hazardous wastes), between points in Los Angeles, Orange, Riverside, San Bernardino and Ventura Counties, CA, for 270 days. Supporting shipper: Clipper Express, 3400 Pershing Road, Chicago, IL 60632.

MC 142368 (Sub-6–2TA), filed June 11, 1981. Applicant: DANNY HERMAN TRUCKING, INC., 9030 Sierra Ave., Suite B, Fontana, CA 92335. Representative: John Ruggles, P.O.B. 3048, City of Industry, CA 91744. *General Commodities (except farm products, coal and coal products, food and food products, tobacco, class A and B explosives, and used household goods)* between points in the U.S. for 270 days. An underlying ETA seeks 120 days. Supporting shippers: Drew Refining, 1717 4th St., Berkeley, CA 94710; Film Processing Corporation, 3602 Crenshaw Blvd., Los Angeles, CA 90016; Western State Refining, 4720 S. Eastern Ave., Commerce, CA 90040; Industrial Silver Co., Inc., 116 E. Prospect St., Burbank, CA 91502.

MC 153714 (Sub-6–3TA), filed June 11, 1981. Applicant: FREDDY'S TRUCKING, 2200 S.E. 45th #49, Hillsboro, OR 97123. Representative: William A. Murray (same as above). (1) *Malt beverages* from Los Angeles and Solano Counties, CA to Wasco and Columbia Counties, OR and (2) *Wine* from Kern, Stanislaus, Joaquin, and Merced Counties, CA to Wasco and Columbia Counties, OR for 270 days. Supporting shippers: M&M Distributors, 1925 W. 2nd, The Dalles, OR 97058; River City Beverage Dist. Co., P.O. Box 809, St. Helens, OR 97051.

MC 156507 (Sub-6–1TA), filed June 12, 1981. Applicant: W. G. FROMM, 2215 Lundquist Dr., Lake Stevens, WA 98258. Representative: Jim Pitzer, 15 S. Grady Way, Suite 321, Renton, WA 98055. *Contract Carrier,* irregular routes, *Building Materials, Cement, Mortar, Sand, Asphalt in Bags, Western Red Cedar Products (shakes, shingles, etc.) Feeds, Fertilizer, Iron, Steel Articles and Ties, Lumber, Fencing* between WA, OR, CA, ID, MT, CO, WY, UT and Ports of Entry on the U.S./Canada Boundary Line in WA, ID, MT for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: There are 5 shippers. Their statements may be examined at the Regional office listed.

MC 139906 (Sub-6–78TA), filed June 12, 1981. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, P.O.B. 30303, Salt Lake City, UT 84127. Representative: Richard A. Peterson, P.O.B. 81849, Lincoln, NE 68501. *Rayon yarn, polyester staple and polyester chips* (except in bulk) between the facilities of North American Rayon Corporation and M.K.S. Inc., at or near Elizabethton, TN, on the one hand, and, on the other, points in the U.S. for 270 days. Supporting shippers: North American Rayon Corporation, West Elk Ave., Elizabethton, TN 37643; M.K.S. Inc., 1401 W. Elk Ave., Elizabethton, TN 37463.

MC 139906 (Sub-6–79TA), filed June 12, 1981. Applicant: INTERSTATE CONTRACT CARRIER CORP., P.O.B. 30303, Salt Lake City, UT 84127. Representative: Richard A. Peterson, P.O.B. 81849, Lincoln, NE 68501. *Presscake,* from Hawthorne, NJ to Elizabethtown, KY for 270 days. Supporting shipper: Flint Ink Corporation, 24111 Glendale Ave., Detroit, MI 48239.

MC 156504 (Sub-6–1TA), filed June 15, 1981. Applicant: JESS CERVANTES, INC., d.b.a. J.C. TRUCKING, 1207 S. Aurora, Stockton, CA 95203. Representative: Jaime A. Alcabes, 1939 Harrison St., Suite 555, Oakland, CA 94612. *General Commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions) for the United States Government. Between GSA Federal Supply Distribution Center in Stockton, CA and McClellan Air Force Base, Sacramento, CA for export, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: General Services Administration, 525 Market Street, Mail Station 28, San Francisco, CA 94105.

MC 154787 (Sub-6–1TA), filed June 15, 1981. Applicant: RAY JERREL, INC., P.O.B. 69, Miles City, MT 59301. Representative: William E. Seliski, P.O.B. 8255, Missoula, MT 59087. *Contract Carrier;* Irregular routes: *Burnoble bricks make from waste coal, waste paper and parafin wax* from Custer County, MT to all points in the U.S. for 270 days. Supporting shipper: Recycled Energy Corporation, P.O.B. 1767 Miles City, MT 59301.

MC 144676 (Sub-6–1TA), filed June 11, 1981. Applicant: M & S TRANSPORT LINES, INC., P.O.B. 417, Sultana, CA 93666. Representative: E. Stephen Heisley, Suite 805, 666 Eleventh St., N.W., Washington, D.C. 20001. *Contract carrier;* irregular routes: *Wall coverings and chemicals and related products,* between Columbus, OH, and Indianapolis, IN, on the one hand, and, on the other, points in CA, under continuing contract(s) with Borden Chemical Division, Borden, Inc. Supporting shipper: Borden Chemical, Division of Borden, Inc., 180 E Broad St., Columbus, OH 43215.

MC 128473 (Sub-6–2TA), filed June 15, 1981. Applicant: MONTANA EXPRESS, INC., P.O.B. 3346, Butte, MT 59701. Representative: Timothy R. Stivers, P.O.B. 1576, Boise, ID 83701. *Talc and soap stone,* from Three Forks, MT to San Francisco, CA and points in its commercial zone, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Carmona Chemical Company, P.O.B. 77211, San Francisco, CA 94107.

MC 142361 (Sub-6–1TA), filed June 12, 1981. Applicant: RISBERG TRUCK SERVICE, INC., 2339 SE. Grand Ave., Portland, OR 97214. Representative: Lawrence V. Smart, Jr., 419 NW. 23rd Ave., Portland, OR 97210. *Contract carrier:* irregular routes: *General commodities* (except classes A and B explosives) from the Mervyn's Warehouse at or near Hayward, CA to the Mervyn's stores in the Portland, OR commercial zone, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Mervyn's,

25001 Industrial Blvd., Hayward, CA 94545.

MC 156515 (Sub-6–1TA), filed June 15, 1981. Applicant: SAN FRAN CHARTERS, INC., 701 Hampshire St., Ste. 103, San Francisco, CA 94110. Representative: Michael J. Stecher, 256 Montgomery St., San Francisco, CA 94104. *Passengers and their baggage*, in charter operations, beginning and ending at points in San Francisco and Alameda Counties, CA and extending to points in NV, for 180 days. An underlying ETA seeks 90 days authority. Supporting shippers: There are eight shippers. Their statements may be examined at the Regional office listed above.

MC 147528 (Sub-6–7), filed June 15, 1981. Applicant: T.A.S. TRUCKING, INC., 2652 Springwood Dr., Meridian, ID 83642. Representative: Dan L. Poole, P.O. Box 1559, Boise, ID 83701. *Contract carrier*, irregular routes: *building materials and supplies*, restricted to traffic for Modern Builders Supply, between points in WA, OR, UT, CO, WY, CA and ID. An underlying ETA seeks 120 days authority. Supporting shipper: Modern Builders Inc., P.O. Box 2543, Boise, ID 83701.

MC 156276 (Sub-6–1TA), filed June 11, 1981. Applicant: TOTRAN TRANSPORT, INC., P.O. Box 217, Mills, WY 82644. Representative: Irene Warr, 311 S. State St., Ste. 280, Salt Lake City, UT 84111. *Mercer commodities and commodities which because of their size or weight require the use of special handling or equipment*, between points in and West of ND, SD, NE, KS, OK and TX, for 270 days. There are eight shippers. Their statements may be examined at the Regional Office listed above.

MC 156508 (Sub-6–1TA), filed June 12, 1981. Applicant: W.M.M. COMPANY, P.O. Box 80, Goshen, OR 97401. Representative: Wilford L. Main, 2299 Willona Dr., Eugene, OR 97401. *Wines, brandy & related advertising materials*, from points in CA to points in OR and WA, for 270 days. Supporting shippers: Almaden Vineyards, 2055 S. 7th St., San Jose, CA 95112; Al C. Giusti Wine Co., 66 SE. Morrison, Portland, OR 97214.

MC 152807 (Sub-6–2TA), filed June 12, 1981. Applicant: KARL ARTHUR WEBER, 2002 W Cypress, Phoenix, AZ 85009. Representative: (same as applicant). *Contract carrier*: Irregular routes: *Building materials, lumber and building material equipment* between points in AZ, NV and TX on the one hand, and, on the other, and points in AZ, CA, CO, ID, NM, NV, OK, OR, TX, UT and WA for 270 days. An underlying ETA seeks authority for 120 days. Supporting shipper: John Tinsley Lumber Sales, 6115 Denton Dr., Suite 132, Dallas, TX 75235.

MC 129572 (Sub-6–1TA), filed June 16, 1981. Applicant: ANDICO, INC., POB 1463, Provo, UT 84601. Representative: Bruce W. Shand, Ste. 280, 311 S. State St., Salt Lake City, UT 84111. *Contract carriage*, irregular routes, *Metal Products*, between AZ, CA, CO, ID, MT, NM, NV, OR, WA and WY under a continuing contract(s) with Pittsburg Des Moines Steel Corporation for 270 days. ETA seeks up to 120 days authority. Supporting shipper: Pittsburg Des Moines Steel Corporation, POB 1447, Provo, UT 84601.

MC 134387 (Sub-6–19TA), filed June 16, 1981. Applicant: BLACKBURN TRUCK LINES, INC., 4998 Branyon Ave., South Gate, CA 90280. Representative: Patricia M. Schnegg, 707 Wilshire Blvd., #1800, Los Angeles, CA 90017. *Appliances* from Phoenix, AZ to points in Los Angeles, Orange, Riverside and San Diego, Counties, CA, for 270 days. Supporting shipper: Appliance T.V.—City, 2202 S. 7th St., Phoenix, AZ 85040.

MC 151318 (Sub-6–3TA), filed June 17, 1981. Applicant: CALIFORNIA CONTRACT CARRIERS, 2681 5th St., Sacramento, CA. 95818. Representative: J. R. Fallabel (same as applicant). *Contract Carrier*: Irregular Routes: *Paper Printing, other than newsprint*, from the facility of Simpson Paper Company, Ripon, CA to points in AZ for 270 days. Supporting shipper: Simpson Paper Company, P.O. Box 757, Ripon, CA.

MC 148472 (Sub-6–1TA), filed June 17, 1981. Applicant: CLOVER CLUB FOODS CO., POB 228, Kaysville, UT 84037. Representative: Bruce W. Shand, Ste. 280, 311 S. State St., Salt Lake City, UT 84111. *Contract carriage*, irregular routes, *Containers*, from points in AZ, CA, CO, ID, NV, & WY to points in Utah County, UT under a continuing contract(s) with Masida Valley Daries, Inc., for 270 days. ETA seeks up to 120 days authority. Supporting shipper: Masida Valley Daries, Inc., 750 S. 300 E., Salem, UT 84653.

MC 156585 (Sub-6–1TA), filed June 15, 1981. Applicant: W. B. DAVIDSON TRANSPORT LTD., 7827 Bowcliff Crescent NW., Calgary, Alberta, CD T3B 2S7. Representative: John A. Anderson, 1600 One Main Place, 101 SW Main St., Portland, OR 97204. (1) *Factory manufactured fireplaces and related parts and accessories*, from Fullerton, CA to ports of entry on the international boundary line between the U.S. and CD in WA, ID and MT; (2) *hydrated lime*, from ports of entry on the international boundary line between the U.S. and CD in WA, ID and MT to Yakima and Wenatchee, WA, Hood River, OR and Emmett, ID; and (3) *fertilizer*, from ports of entry on the international boundary line between the U.S. and CD in WA, ID and MT to Yakima, WA, Hood River and Milton-Freewater, OR and Billings, MT, for 270 days. Supporting shippers: Superior Fireplace Distributors Ltd., 8617–63 Avenue, Edmonton, Alberta, CD T6K 2A2; North Pacific Lumber Co., dba North Pacific Trading Co., 1505 SE Gideon St. Portland, OR 97206.

MC 156584 (Sub-6–1TA), filed June 15, 1981. Applicant: BILL GUILL TRUCKING, INC., Locust Rd.—Box 83, Anderson, CA 96007. Representative: Jim Pitzer, 15 S. Grady Way, Suite 321, Renton, WA 98055. *Building Materials, Wallboard, Gypsumboard, Plywood and Paneling* between points in CA, OR and NV for 270 days. Supporting shipper: Champion International Corp., Knightsbridge Drive, Hamilton OH 45020; International Paper Co., 550 Main St., P.O.B. Drawer A, Weed, CA 96094.

MC 145187 (Sub-6–1TA), filed June 18, 1981. Applicant: W. R. HURST, INC., POB 416, Blanding, UT 84511. Representative: Grant A. Hurst, 463—11th Ave., Salt Lake City, UT 84103. (1) *Coal* in bulk; (2) *Sulphuric Acid* in bulk from points in CO, NM, and AZ to points in UT for 270 days. An underlying ETA seeks 120-day authority. Supporting shippers: National King Coal, Inc., POB 185, Hesperus, CO 81326; Peacock Coal, Inc., 3701 CR 120, Hesperus, CO 81326; Energy Fuels Nuclear, Inc., POB 787, Blanding, UT 84511; and San Juan School District, Monticello, UT 84535.

MC 156410 (Sub-6–1TA), filed June 15, 1981. Applicant: LIQUID WASTE DISPOSAL CO., P.O. Box 3821, Seattle, WA 98124. Representative: Boyd Hartman, P.O. Box 3641, Bellevue, WA 98009. *Hazardous waste and residuals* between points in King, Pierce, and Snohomish County, WA to Arlington, OR for disposal, for 270 days. Supporting shipper(s): Western Processing Company, Inc., 7215 So. 196th St., Kent, WA 98031; Universal Manufacturing Corporation, 14410 NE 190th St., Woodinville, WA 98072; John Fluke Mfg. Co., Inc., 9028 Evergreen Way, Everett, WA 98204.

MC 115648 (Sub-6–3TA), filed June 18, 1981. Applicant: LOCK TRUCKING, INC., P.O. Box 278, Wheatland, WY 82201. Representative: Ward A. White, P.O. Box 568, Cheyenne, WY 82001. *Metal products* between points in Box Elder County, UT on the one hand, and, on the other hand, points in AZ, CA, CO, ID, MT, NV, NM, OR, WA, and WY for 270 days. Supporting shipper: Nucor

Corporation, 4425 Randolph Road, Charlotte, NC 28211.

MC 144572 (Sub-6-23TA), filed June 18, 1981. Applicant: MONFORT TRANSPORTATION COMPANY, POB G, Greeley, CO 80632. Representative: John T. Wirth, 717—17th St., Ste. 2600, Denver, CO 80202. *Malt beverages*, from Buffalo, NY and Detroit, MI to points in WA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Labatts Importers, Inc., 3980 Sheridan Dr., Amherst, NY 14226.

MC 148676 (Sub-6-3TA), filed June 18, 1981. Applicant: R. F. PETERSON, INC., 3525 Walnut, Denver, CO 80205. Representative: James P. Beck, 717—17th St., Ste. 2600, Denver, CO 80202. *Cheese and dairy products*, from Lyons, IL to Albuquerque, NM, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Associated Grocers of Colorado, 5151 Bannock St., Denver, CO 80217.

MC 149078 (Sub-6-11TA), filed June 16, 1981. Applicant: ROAD WEST, INC., 1315 E. Holt Blvd., Ontario, CA 91761. Representative: Robert Fuller, 13215 E. Penn St., Ste. 310, Whittier, CA 90602. (1) *Meats, meat by-products; and articles distributed by meat packinghouses as described in Section A and C of Appendix to the report in Description in Motor Carrier Certificates, 61 MCC 209 and 766* (except hides and commodities in bulk), and (2) *materials, equipment and supplies used in the production and distribution of commodities named in (1)*, between the facilities of National Beef Packing Co., Inc., in Liberal, KS, on the one hand, and, on the other, points in the U.S. (except AK and HI), for 270 days. Supporting shipper: National Beef Packing Co., Inc., P.O. Box 978, Liberal, KS 67901.

MC 156548 (Sub-6-1TA), filed June 15, 1981. Applicant: TAYLORMADE TRUCKING CO. INC., P.O. Box "G", Baldwin Park, CA 91706. Representative: John Bilyeu (same as applicant). *General commodities, excluding farm products, coal and coal products, food and food products, tobacco, Classes A and B explosives and used household goods*, between points in the U.S., for 270 days. Supporting shippers: Trojan Battery Co. Inc., 9440 Ann St., Santa Fe Springs, CA; Interspace Battery Co. Inc., 2014 San Bernardino Rd., West Covina, CA; Victory Salvage Inc., 8311 So. Alameda, Los Angeles, CA 90058.

MC 112989 (Sub-6-7TA), filed June 17, 1981. Applicant: WEST COAST TRUCK LINES, INC., 85647 Hwy. 99 So., Eugene, OR 97405. Representative: John T. Morgans (same address as applicant). *Rubber and plastic products*, between Maricopa County, AZ, on the one hand, and, on the other, points in CA, CO, NV, NM and UT, for 270 days. Supporting shipper: Sewell Plastics, Inc., 135 E. Watkins, Phoenix, AZ 85004.

MC 153328 (Sub-6-1TA), filed June 17, 1981. Applicant: VANDENHOVEN TRANSPORT LTD., P.O.B. 841, Rimbey, Alberta, CD T0C 2J0. Representative: Wesley Vandenhoven (same as applicant). *Contract carrier*, irregular routes: *Oilfield drilling equipment and supplies*, between ports of entry on U.S.-Canada International Boundary located at Sweetgrass, MT or Raymond, MT to points in ND, MT, WY, CO, ID, UT, OK, SD, TX, for the account of H.R. (Harold) Thompson Transportation Consulting Co., for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: H.R. (Harold) Thompson Transportation Consulting Co., 8612-143 Ave., Edmonton, Alberta, CD.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-18998 Filed 6-26-81; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Proposed Consent Judgment in Action To Require Compliance With NPDES Permit and Clean Water Act at Hopewell Regional Wastewater Treatment Facility

In accordance with Departmental Policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that a proposed consent decree in *United States* v. *City of Hopewell and Commonwealth of Virginia*, Civil Action No. 81-0662-R, has been lodged with the District Court for the Eastern District of Virginia, Richmond Division. The proposed decree requires that the defendant City of Hopewell comply with the Clean Water Act and the provisions of a proposed NPDES permit for the Hopewell Regional Wastewater Treatment Facility which is now pending before the Virginia State Water Control Board. The decree will not be entered by the District Court until that NPDES permit is issued to the City of Hopewell by the State Water Control Board.

The proposed decree may be examined at the Office of the United States Attorney, 3rd Floor, Federal Courthouse Annex, 1102 East Main Street, Richmond, Virginia 23201; at the Region III Office of the Environmental Protection Agency, Enforcement Division, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106 and at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1254, Washington, D.C. 20530. A copy of the proposed consent decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. In order to cover the reproduction costs, all requests for copies must be accompanied by a check or a money order made out for $3.40 to the Treasurer of the United States.

The Department of Justice will receive written comments on the proposed settlement for thirty days from the date of publication of this notice. Comments should be addressed to the Assistant Attorney General for the Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530. They should refer to the respective case as captioned above and include Department of Justice reference number 90-5-1-1-1201.

Carol E. Dinkins,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 81-18997 Filed 6-26-81; 8:45 am]

BILLING CODE 4410-01-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 81-57]

Plan To Review Rules Having an Impact on Small Entities

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice to review rules impacting small entities

SUMMARY: The Regulatory Flexibility Act, Pub. L. 96-354, requires agencies to publish in the **Federal Register** within 180 days after January 1, 1981, a plan for the periodic review of the rules issued by the agency which have or will have a significant economic impact upon a substantial number of small entities. NASA will conduct a review of all of their existing regulations in the Code of Federal Regulations during the annual review of the NASA Management Directives System. Results of these reviews are due each July.

In addition to reviewing regulations for any impact on small entities, the following factors will be considered during this review:

a. The continued need for the regulation;

b. The type and number of complaints or suggestions received;

c. The burdens imposed on those directly or indirectly affected by the regulation;

d. The need to simplify or clarify language;

e. The need to eliminate overlapping and duplicative regulations;

f. The length of time since the regulation has been evaluated or the degree to which technology, economic conditions or other factors have changed in the area affected by the regulation; and

g. Identification of any proposed regulations being considered.

Thus far, none of NASA's existing or proposed regulations for publication in the Code of Federal Regulations have or will have a significant economic inpact on small entities.

DATE: Effective June 29, 1981.

ADDRESS: Office of Small and Disadvantaged Business Utilization, Code K, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Mr. Eugene D. Rosen, telephone 202–755–2288.

Carl M. Eichenlaub,

Minority Business Advisor, Office of Small and Disadvantaged Business Utilization.

[FR Doc. 81-19032 Filed 6-26-81; 8:45 am]

BILLING CODE 7510-01-M

NATIONAL FOUNDATION FOR THE ARTS AND THE HUMANITIES

National Council on the Humanities Advisory Committee; Meeting

June 24, 1981.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463 as amended) notice is hereby given that a meeting of the National Council on the Humanities will be held in Washington, D.C. on July 30, 1981.

The purpose of the meeting is to advise the Chairman of the National Endowment for the Humanities with respect to the first drafting of the Agency's 1983 budget to be submitted to the Office of Management and Budget.

The meeting will begin at 10:00 a.m. and will be held in the Shoreham Building, 806 15th Street NW., Room 1025, Washington, D.C. The meeting will be closed to the public pursuant to subsection (9)(B) of section 552b of Title 5, United States Code, because the Council will consider information that may disclose information the disclosure of which would significantly frustrate implementation of proposed agency action. I have made this determination under the authority granted me by the Chairman's Delegation of Authority dated January 15, 1978.

Further information about this meeting can be obtained from Mr. Stephen J. McCleary, Advisory Committee Management Officer, National Endowment for the Humanities, Washington, D.C. 20506, or call area code 202–724–0367.

Stephen J. McCleary,

Advisory Committee Management Officer.

[FR Doc. 81-19118 Filed 6-26-81; 8:45 am]

BILLING CODE 7536-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-324]

Carolina Power & Light Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 59 to Facility Operating License No. DPR–62 issued to Carolina Power & Light Company (the license) which revised the Technical Specifications for operation of the Brunswick Steam Electric Plant, Unit No. 2 (the facility), located in Brunswick County, North Carolina. The amendment is effective June 12, 1981.

The amendment revises the Technical Specifications to permit a one-time only exemption from the containment oxygen concentration limiting condition for operation requirements of 72 hours commencing 10:45 p.m. June 12, 1981.

The application for amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of the amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of the amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4), an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of the amendment.

For further details with respect to this action, see (1) the application for amendment dated June 11, 1981, as supplemented June 12, 1981, (2) Amendment No. 59 to License No. DPR–62, and (3) the Commission's related Safety Evaluation. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Southport-Brunswick County Library, 109 West Moore Street, Southport, North Carolina 28461. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Md., this 19th day of June 1981.

For the Nuclear Regulatory Commission.

Thomas A. Ippolito,

Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 81-19085 Filed 6-26-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-250 and 50-251]

Florida Power & Light Co.; Issuance of Amendment to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 67 to Facility Operating License No. DPR–31, and Amendment No. 59 to Facility Operating License No. DPR–41 issued to Florida Power and Light Company (the licensee), which revised Technical Specifications for operation of Turkey Point Plant, Unit Nos. 3 and 4 (the facilities) located in Dade County, Florida. The amendments are effective as of the date of issuance.

The amendments permit continued operation of Unit 3 for six equivalent months and modify the steam generator inspection license conditions for Unit 3 and Unit 4.

The application for the amendments comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the applications for amendments dated April 2 and 17, 1981, (2) Amendment Nos. 67 and 59 to License Nos. DPR–31 and DPR–41, and (3) the Commission's related Safety

Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Environmental and Urban Affairs Library, Florida International University, Miami, Florida 33199. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Md., this 23d day of June 1981.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 81-19096 Filed 6-26-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-250 and 50-251]

Florida Power & Light Co.; Issuance of Amendment to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 68 to Facility Operating License No. DPR-31, and Amendment No. 60 to Facility Operating License No. DPR-41 issued to Florida Power and Light Company (the licensee), which revised Technical Specifications for operation of Turkey Point Plant, Unit Nos. 3 and 4 (the facilities) located in Dade County, Florida. The amendments are effective as of the date of issuance.

The amendments incorporate the results of a revised ECCS analysis for a steam generator plugging limit of 28%.

The application for the amendments comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated March 5, 1981, (2) Amendment Nos. 68 and 60 to License Nos. DPR-31 and DPR-41, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Environmental and Urban Library, Florida International University, Miama, Florida 33199. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Md., this 23d day of June 1981.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 81-19097 Filed 6-26-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 70-1308 OLA (Spent Fuel Pool)]

General Electric Co. (GE Morris Operation Spent Fuel Storage Facility); Order Setting Prehearing Conference

June 22, 1981.

A prehearing conference will be held in this matter commencing at 9:00 a.m., July 23, 1981, at the Ramada O'Hare Inn, Room D-11, Mannheim and Higgins Roads, Des Plaines, Illinois 60018.

The purposes of this conference is to hear argument from the parties as to whether the State of Illinois should be permitted to participate further in this proceeding and the extent of such participation. The Board will also set times for the filing of testimony and hearings if any and any other matter that may come before the Board.

It is so ordered.

Dated at Bethesda, Md., this 22d day of June 1981.

For the Atomic Safety and Licensing Board.

Andrew C. Goodhope,

Chairman, Administrative Judge.

[FR Doc. 81-19098 Filed 6-26-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-309-OLA]

Maine Yankee Atomic Power Co.; Reconstitution of Board

Pursuant to the authority contained in 10 CFR 2.721, the Atomic Safety and Licensing Board for *Maine Yankee Atomic Power Company* (Maine Yankee Atomic Power Company), Docket No. 50-309-OLA, is hereby reconstituted by appointing the following Administrative Judge to the Board: Dr. Peter A. Morris. Mr. Gustave A. Linenberger was a member of this Board but, because of schedule conflict, is presently unable to continue to serve.

As reconstituted, the Board is comprised of the following Administrative Judges:

Robert M. Lazo, Chairman
Cadet H. Hand, Jr.
Peter A. Morris

All correspondence, documents and other materials shall be filed with the Board in accordance with 10 CFR 2.701 (1980). The address of the new Board member is:

Administrative Judge Peter A. Morris
U.S. Nuclear Regulatory Commission
Atomic Safety and Licensing Board Panel
Washington, D.C. 20555

Dated at Bethesda, Md., this 22 day of June 1981.

Robert M. Lazo,

Vice Chairman—Executive Atomic Safety and Licensing Board Panel.

[FR Doc. 81-19099 Filed 6-26-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-309-OLA]

Maine Yankee Atomic Power Co., (Maine Yankee Atomic Power Station—Spent Fuel Compaction); Notice and Order Scheduling Prehearing Conference

June 22, 1981.

On October 24, 1979, the U.S. Nuclear Regulatory Commission (NRC) published in the **Federal Register** (44 FR 61273-74) notice of the proposed issuance of an amendment to a facility operating license to increase the Maine Yankee Atomic Power Station's spent fuel storage capacity. Pursuant to this notice, Sensible Maine Power (Petitioner) submitted a timely petition for leave to intervene. Subsequently, the State of Maine, by its Attorney General, notified the NRC of its intention to participate in the proceeding as an interested State pursuant to the provisions of 10 CFR 2.715(c).

Prior to the Board's convening a special prehearing conference pursuant to 10 CFR 2.751(a) for the purpose of, *inter alia*, considering the admissibility of contentions and making determinations as to the parties to the proceeding, Maine Yankee Atomic Power Company (Licensee) proposed a modification to its earlier amendment proposal. Pursuant to this Board's Order of January 6, 1981, the NRC then published a "Supplemental Notice of Proposed Issuance of Amendment to Facility Operating License" (46 Fed. Reg.

9315-16, January 28, 1981). The supplemental notice provide that any person whose interest "may be affected by the additional proposed modifications (the utilization of the new spent fuel storage racks to increase spent fuel storage capacity and the utilization of the fuel cask laydown area for additional temporary storage)" may petition for leave to intervene in accordance with 10 CFR 2.714 by February 27, 1981. Pursuant to this notice the Petitioner submitted on February 27, 1981, a document entitled "Intervenor's Statement of Intent to File Additional Specific Contentions" and the State of Maine, acting through its Attorney General, filed a timely petition for leave to intervene as a full party pursuant to 10 CFR 2.714.

Please take notice that this Atomic Safety and Licensing Board has scheduled a prehearing conference in this proceeding to commence at 10:00 a.m. Tuesday, August 11, 1981, at the following location: Wiscasset Middle School, Federal Street, Wiscasset, ME 04578.

The purpose of the prehearing conference is to consider petitions for leave to intervene filed by Sensible Maine Power and the State of Maine and the permit identification of the issues in this proceeding.

On or before July 27, 1981, the Petitioners Sensible Maine Power and the State of Maine shall file a supplement to their petitions for leave to intervene which must include a list of the contentions which are sought to be litigated in this proceeding and the bases for each contention set forth with reasonable specificity.

Dated at Bethesda, Maryland, on the 22nd day of June, 1981.

It is ordered.

For the Atomic Safety and Licensing Board.

Robert M. Lazo,

Chairman.

[FR Doc. 81-19100 Filed 6-26-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-259, 50-260 and 50-296]

Tennessee Valley Authority; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 73 to Facility Operating License No. DPR-33, Amendment No. 70 to Facility Operating License No. DPR-52, and Amendment No. 45 to Facility Operating License No. DPR-68 issued to Tennessee Valley Authority (the licensee), which revised Technical Specifications for operation of the Browns Ferry Nuclear Plant, Unit Nos. 1, 2 and 3, located in Limestone County, Alabama. The amendments are effective as of the date of issuance and are to be fully implemented within 30 days of Commission approval in accordance with the provisions of 10 CFR 73.40(b).

These amendments add a condition to each of the Facility Operating Licenses to require the licensee to fully implement and maintain in effect all provisions of the Commission-approved Safeguards Contingency Plan, including amendments and changes made pursuant to the authority of 10 CFR 50.54(p), within 30 days of the date of these amendments.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

The licensee's application dated March 21, 1979, as supplemented by letters dated October 4, 1979, October 18, 1979, May 19, 1980, June 2, 1980, January 23, 1981, and April 7, 1981 are being withheld from public disclosure pursuant to 10 CFR 2.790(d). The withheld information is subject to disclosure in accordance with the provisions of 10 CFR § 9.12.

For further details with respect to this action, see (1) Amendment No. 73 to License No. DPR-33, Amendment No. 70 to License No. DPR-52, and Amendment No. 45 to License No. DPR-68, and (2) the Commission's related letter to the licensee dated June 19, 191. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Athens Public Library, South and Forrest, Athens, Alabama 35611. A copy of items (1) and (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 19th day of June 1981.

For the Nuclear Regulatory Commission.

Thomas A. Ippolito,

Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 81-19101 Filed 6-26-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-280 and 50-281]

Virginia Electric and Power Co.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 71 to Facility Operating License No. DPR-32 and Amendment No. 71 to Facility Operating License No. DPR-37 issued to Virginia Electric and Power Company (the licensee), which revised Technical Specifications for operation of the Surry Power Station, Unit Nos. 1 and 2, respectively, (the facilities), located in Surry County, Virginia. The amendments are effective as of the date of issuance.

The Unit 1 amendment revises the Technical Specifications to reflect changes as a result of modifications made to alleviate Net Positive Suction Head (NPSH) problems with the Low Head Safety Injection and Recirculation Spray Pumps and modifications made to the containment spray system. Changes have been made to service water temperature, containment temperature, containment air partial pressure, refueling water storage tank volume and outside recirculation pump flow rate. These limits have been transferred to the Technical Specifications from the license.

The Unit 2 amendment revises the Technical Specifications to reflect that the Unit 1 change above applies to both Units 1 and 2. The Unit 2 Technical Specification changes were issued in Amendment No. 59 on August 1, 1980.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since these amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant

to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated May 19, 1981, (2) Amendment Nos. 71 and 71 to License Nos. DPR-32 and DPR-37, (3) the Commission's letter to the licensee dated June 23, 1981, and (4) the Commission's Safety Evaluation dated August 1, 1980. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Swem Library, College of William and Mary, Williamsburg, Virginia 23185. A copy of items (2), (3), and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland this 23 day of June, 1981.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 81-19102 Filed 6-26-81; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

New Systems Report for the OMB Professional Roster

AGENCY: Office of Management and Budget.

ACTION: Privacy Act Notice of a New System for publication in the **Federal Register.**

SUMMARY: OMB Professional Staff Roster.

FOR FURTHER INFORMATION CONTACT: Ms. Linda L. Smith, Assistant Director for Administration, Office of Management and Budget, Room 425, Old Executive Office Building, Washington, D.C. 20503 (202/395-7097).

Linda L. Smith,

Assistant Director for Administration.

June 23, 1981.

Office of Management and Budget Privacy Act Notice of New System Report for the OMB Professional Staff Roster

Narrative Statement

The OMB Professional Staff Roster is a listing of the education and employment backgrounds of the professional staff. The purpose of the Roster is to make this information available in booklet form to OMB staff and other interested parties.

Disclosure of the requested information is voluntary and submitted with the understanding that it will be published. Professional staff members may submit partial records or choose not to participate without penalty.

Prior to publication, submitted information is stored on data sheets kept in a locked safe and on a computer file protected by an access code. After publication the data sheets are destroyed. When an employee leaves OMB or indicates that he or she no longer wants to be listed in the Roster that file is destroyed along with any data sheets.

Initial distribution of the Roster is limited to OMB personnel except when requested under the Freedom of Information Act.

SYSTEM NAME:

OMB Professional Staff Roster

SECURITY CLASSIFICATION:

None

SYSTEM LOCATION:

Office of Management and Budget, Old Executive Office Building, 17th and Pennsylvania Avenue, N.W., Washington, D.C. 20503

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and some former professional employees of the Office of Management and Budget.

CATEGORIES OF RECORDS IN THE SYSTEM:

These records may contain information about the individuals' name, division where employed, schools attended, fields of study, degrees, years of study or degree, former places of employment, positions held, years of employment, and federal service awards received.

AUTHORITY OF MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

When published in booklet form, the information is used to provide background information about the professional staff to other professional staff members, other staff, and interested parties outside OMB. Records may also be used in the preparation of biographical summaries for award recipients or for interagency meetings, to give two examples.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored on a computer file maintained by the Office of Administration. Data forms from which the file is created and hardcopy printouts of the data are stored in the safe in the Director's Correspondence Unit.

RETRIEVABILITY:

Access to records stored in the computer is restricted by an access code. Access to hardcopy records is limited to members of the staff of the Assistant Director for Administration.

SAFEGUARDS:

Access to record files is limited as described above. The information submitted is volunteered with the understanding that it will be published and distributed.

RETENTION AND DISPOSAL:

Data forms and hardcopy printout of the records are retained until the individual is no longer employed at OMB or indicates that his or her records be deleted. Records are then deleted from the computer file and hardcopy records destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Director for Administration, Office of Management and Budget, Old Executive Office Building, Room 425, 17th Pennsylvania Avenue, N.W., Washington, D.C. 20503.

NOTIFICATION PROCEDURE:

Requests to be notified whether or not the system contains a record pertaining to an individual should be addressed to the system manager, as above.

RECORD ACCESS PROCEDURES:

Same as above.

CONSTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Information is volunteered by employees on a form, "Information Sheet for Staff Roster."

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

As required by OMB Circular 108, Transmittal Memorandum No. 1, this statement acknowledges that no changes to existing rules are required for the institution of the new system of records, The OMB Professional Staff

Roster, nor is this system exempt from any provision of the Privacy Act.

[FR Doc. 81-19072 Filed 6-26-81; 8:45 am]

BILLING CODE 3110-01-M

SECURITIES AND EXCHANGE COMMISSION

[File No. 22-11124]

Lifemark Corp.; Application and Opportunity for Hearing

June 23, 1981.

Notice is hereby given that Lifemark Corporation ("Lifemark") has filed an application under Clause (ii) of Section 310(b)(1) of the Trust Indenture Act of 1939 (the "Act") for a finding that the trusteeship of Manufacturers Hanover Trust Company ("Manufacturers") under an indenture dated April 15, 1981, between Lifemark and Manufacturers and under three other indentures, all three heretofore qualified under the Act, dated June 1, 1978, June 1, 1979 and October 1, 1980, respectively between Lifemark and Manufacturers, is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Manufacturers from acting as Trustee under any such indenture.

Section 310(b) of the Act provides in part that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest it shall within ninety days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign. Subsection (1) of such Section provides, in effect, with certain exceptions that a trustee under a qualified indenture shall be deemed to have a conflicting interest if such trustee is trustee under another indenture under which any other securities of the same issuer are outstanding. However, under clause (ii) of subsection (1), there may be excluded from the operation of this provision another indenture under which other securities of the issuer are outstanding, if the issuer shall have sustained the burden of proving, on application to the Commission and after opportunity for hearing thereon, that the trusteeship under such qualified indenture and any other indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors, to disqualify such trustee from acting as trustee under any of such indentures.

The Company alleges that:

1. Lifemark has outstanding on the date hereof indentures covering (i) $10,000,000 principal amount of 11% Subordinated Sinking Fund Debentures due October 1, 1998 (the "1978 Debentures") under an Indenture, dated as of June 1, 1978 (the "1978 Indenture"), between Lifemark and Manufacturers, Trustee, (ii) $15,000,000 principal amount of 11¾% Subordinated Sinking Fund Debentures due 1999 (the "1979 Debentures") under an Indenture, dated as of June 1, 1979 (the "1979 Indenture") between Lifemark and Manufacturers, Trustee, and (iii) $24,976,000 principal amount of 9% Convertible Subordinated Debentures due 2005 (the "1980 Debentures") under an Indenture dated as of October 1, 1980 (the "1980 Indenture"), between Lifemark and Manufacturers, Trustee. Lifemark also has outstanding 9¼% Convertible Subordinated Debentures due 1996 (the "1981 Debentures") under an Indenture between Lifemark International N.V. ("International"), Lifemark as Guarantor and Manufacturers, Trustee, dated as of April 15, 1981 (the "1981 Indenture").

2. The 1978 Debentures, the 1979 Debentures and the 1980 Debentures were registered under the Securities Act of 1933 (File Nos. 2-61816, 2-64705 and 2-69191, respectively) and the 1978 Indenture, the 1979 Indenture and the 1980 Indenture were qualified under the Act (File Nos. 22-9604, 22-9994 and 22-10734, respectively).

3. Pursuant to the 1981 Indenture, there have been issued $25,000,000 aggregate principal amount of the 9¼% Convertible Subordinated Debentures Due 1996 of International which are guaranteed by Lifemark. Inasmuch as the 1981 Debentures were offered and sold outside the United States, its territories and possessions to persons who are not nationals or residents thereof, the 1981 Debentures were not registered under the Securities Act of 1933 and the Indenture was not qualified under the Act.

4. Execution of the 1981 Indenture will involve Manufacturrs in a conflict of interest within the meaning of Section 6.08 of the 1978, 1979 and 1980 Indentures since the 1981 Indenture was not qualified under the Trust Indenture Act of 1939 and was not the subject of any other proceeding of the Commission and Manufacturers will be required to resign as Trustee under the 1981 Indenture unless an order of the Commission is obtained within 90 days of the date of execution of the 1981 Indenture (April 28, 1981).

5. The 1978, 1979, 1980 and 1981 Indentures are wholly unsecured. The guaranty of Lifemark under the 1981 Indenture ranks equally with Lifemark's other unsecured and unsubordinated indebtedness, including the 1978, 1979 and 1980 Debentures. The only material differences between the 1978, 1979 and 1980 Indentures and the 1981 Indenture, and between the rights of the holders of the 1978, 1979 and 1980 Debentures and the holders of the 1981 Debentures relate to the fact that Lifemark is the Guarantor under the 1981 Indentures, but is the primary obligor under the 1978, 1979 and 1980 Indentures, and also relate to aggregate principal amounts, dates of issue, denominations, events of default, maturity and interest payment dates, interest rates, places of payment of interest and principal, form of registration, redemption or prepayment provisions or procedures, reports of the Trustee or the issuer, restrictions on transferability, provisions for conflicting interest of the Trustee, special provisions relating to the non-United States offering of the 1981 Debentures and other provisions of a similar nature. In addition, the 1980 Debentures are convertible into Lifemark's Common Stock at $37.00 per share and the 1981 Debentures are convertible into such Common Stock at $47.75 per share. The 1978 and 1979 Debentures are not convertible. Any such differences and any other difference in the provisions of the four Indentures are unlikely to cause any conflict of interest between the respective trusteeships of Manufacturers under said Indentures.

6. Lifemark is not in default under the 1978, 1979, 1980 or 1981 Indentures.

7. Such differences as exist between the 1978, 1979 and 1980 Indentures and the 1981 Indenture are not likely to involve a material conflict of interest so as to make it necessary in the public interest or for the protection of investors to disqualify Manufacturers from acting as trustee under 1981 Indenture.

Lifemark has waived notice of hearing, hearing, and any and all rights to specify procedures under Rules of Practice of the Securities and Exchange Commission in connection with this matter.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application, which is a public document on file in the office of the Commission, Washington, D.C. 20549.

Notice Is Further Given that any interested person may, not later than July 20, 1981, request in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or

law raised by said application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. At any time after said date, the Commission may issue an order granting the application, upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and the interest of investors, unless a hearing is ordered by the Commission.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-19111 Filed 6-26-81; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

Small Business Investment Company; Maximum Annual Cost of Money to Small Business Concerns

13 CFR 107.301(c) sets forth the SBA Regulation governing the maximum annual cost of money to small business concerns for Financing by small business investment companies.

Section 107.301(c)(2) requires that SBA publish from time to time in the **Federal Register** the current Federal Financing Bank (FFB) rate for use in computing the maximum annual cost of money pursuant to § 107.301(c)(1). It is anticipated that a rate notice will be published each month.

13 CFR 107.301(c) does not supersede or preempt any applicable law that imposes an interest ceiling lower than the ceiling imposed by that regulation. Attention is directed to new subsection 308(i) of the Small Business Investment Act, added by section 524 of Pub. L. 96-221, March 31, 1980 (94 Stat. 161), to that law's Federal override of State usury ceilings, and to its forfeiture and penalty provisions.

Effective July 1, 1981, and until further notice, the FFB rate to be used for purposes of computing the maximum cost of money pursuant to 13 CFR 107.301(c) is 13.565% per annum.

Dated: June 24, 1981.

Peter F. McNeish,

Deputy Associate Administrator for Investment.

[FR Doc. 81-19115 Filed 6-26-81; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[FRA Waiver Petition Docket HS-81-8]

Green Mountain Railroad; Petition for Exemption From the Hours of Service Act

In accordance with 49 CFR 211.41 and § 211.9, notice is hereby given that the Green Mountain Railroad (GMR) has petitioned the Federal Railroad Administration (FRA) for an exemption from the Hours of Service Act (83 Stat. 464, Pub. L. 91-169, 45 U.S.C. 64a(e)). That petition requests that the GMR be granted authority to permit certain employees to continuously remain on duty for in excess of twelve hours.

The Hours of Service Act currently makes it unlawful for a railroad to require or permit specified employees to continuously remain on duty for a period in excess of twelve hours. However, the Hours of Service Act contain a provision that permits a railroad, which employs no more than fifteen employees who are subject to the statute, to seek an exemption from this twelve hour limitation.

The GMR seeks this exemption so that it can permit certain employees to remain continuously on duty for periods not to exceed sixteen hours. The petitioner indicates that granting this exemption is in the public interest and will not adversely affect safety. Additionally the petitioner asserts that it employs no more than fifteen employees and has demonstrated good cause for granting this exemption.

Interested persons are invited to participate in this proceeding by submitting written views or comments. FRA has not scheduled an opportunity for oral comment since the facts do not appear to warrant it. Communications concerning this proceeding should identify the Docket Number, Docket Number HS-81-8, and must be submitted in triplicate to the Docket Clerk, Office of the Chief Counsel, Federal Railroad Administration, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590. Communications received before July 28, 1981, will be considered by the FRA before final action is taken. Comments received after that date will be considered as far as practicable. All comments received will be available for examination both before and after the closing date for comments, during regular business hours in Room 8211, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590.

(Sec. 5 of the Hours of Service Act of 1969 (45 U.S.C. 64a), 1.49(d) of the regulations of the Office of the Secretary, 49 CFR 1.49 (d))

Issued in Washington, D.C. on June 16, 1981.

Joseph W. Walsh,

Chairman, Railroad Safety Board.

[FR Doc. 81-19022 Filed 6-26-81; 8:45 am]

BILLING CODE 4910-06-M

[FRA General Docket No. H-80-7]

Locomotive Test Program; Report and Order

The Federal Railroad Administration (FRA) has been considering a proposal to grant a temporary limited waiver of compliance with certain provisions of the Locomotive Safety Standards (49 CFR Part 229). The proposed temporary waiver would be used to conduct a study of the safe service life and reliability of specific components of locomotive power brake equipment.

When the Locomotive Safety Standards were revised in 1980, the FRA noted in the preamble to the final rule that the time interval provisions of §§ 229.27 and 229.29 were not being amended. The FRA indicated that the decision to retain the time interval used in the prior regulation was based on an absence of adequate data and that a service test would be needed to obtain the needed information.

On December 3, 1980, the FRA held a public conference to obtain the views and comments of interested parties on the appropriate parameters for such a service test. Various individual railroads, the Association of American Railroads (AAR), several suppliers of locomotive brake equipment and representatives of rail labor groups attended the conference. Several parties strongly supported the initiation of a test program suggested by the AAR. Rail labor representatives, while not actively endorsing a test program, did not express strong opposition to it provided FRA imposed appropriate conditions.

The Railroad Safety Board (Board) of the FRA was delegated the responsibility for determining whether to grant the appropriate waivers of compliance in order to permit initiation of such test effort. Pursuant to its delegated authority, the Board has reviewed the limited available information and decided to grant the necessary waivers subject to a variety of conditions.

The waivers being granted by the Board will apply to eight railroads and will allow each of those railroads to include a specific number of locomotives in the test program. A total of

approximately 3,800 locomotives will be permitted to enter the test program. This constitutes approximately 13 percent of the existing locomotive fleet. This total fleet size is considerably larger than the number of locomotives suggested by some parties at the public conference. Several factors convinced the Board that a large fleet size was appropriate. Among these factors is the fact that prior FRA test efforts using small groups of equipment have demonstrated that many variable and uncontrollable factors can dramatically reduce a small test fleet to the point that statistically valid data can be very hard to obtain. Additionally, two railroads that are volunteering large numbers of locomotives for the test program have computerized data bases relating to their equipment which will be available to assist in subsequent data analysis.

The specific railroads involved in the test program and the maximum number of locomotives that each railroad will be permitted to place in the test program is as follows:

Atchison, Topeka and Santa Fe—200 locomotives
Burlington Northern—200 locomotives
Chicago and North Western—200 locomotives
Missouri Pacific—200 locomotives
Norfolk and Western—1110 locomotives
Seaboard Coast Line—200 locomotives
Southern Pacific—200 locomotives
Union Pacific—1500 locomotives

To date, not all of the railroads have indicated an intent to place the maximum permissible number of locomotives in the test. However, the Board concluded that the waiver terms should give the railroads that are furnishing only a small number of units initially, the option of adding more units later to reach the prescribed maximum.

The waivers being granted by the Board will only permit test locomotives to continue to operate without being brought into compliance with the periodic tests and inspections required in §§ 229.27(a)(2) and 229.29(a).

Tests and inspections required for locomotive air brake equipment by other provisions of the regulation remain in full effect. It should be noted that the Board has not waived compliance with the provisions of § 229.27(a)(1) and that the participating railroads must still perform the required cleaning of filtering devices and dirt collectors.

The waivers granted by the Board will only apply to a specific type of locomotive brake equipment identified as 26L equipment and will only apply to locomotives that are used in freight service. The decision to limit the test in this manner reflects a balancing of several factors by the Board. The type of equipment selected, the 26L design, will provide data on the most commonly used type of equipment. This limitation will avoid the possible confusion and the additional recordkeeping associated with collecting data on a variety of design types. The limitation does reduce the available data for subsequent analysis of a possible regulatory change. This data reduction is potentially troublesome in the area of passenger brake equipment. As discussed briefly at the public conference, a variety of railroads utilize a form of passenger locomotive brake equipment that combines the effects of air or pneumatic braking with dynamic or electrical resistance braking, which is commonly referred to as "blended" braking equipment. The types of locomotive air brake equipment found on both locomotive hauled passenger trains and multiple unit electrically propelled passenger trains are substantially different from the equipment initially focused on by FRA for use in the test program. The Board believes that this passenger equipment presents a separate set of unique issues and should be the subject of a separate but analogous test effort. Consequently, the Board excluded this equipment from the test and will approach that issue in a subsequent decision.

The Board has imposed a maximum duration of 10 years for this test program. This duration reflects an FRA analysis that existing equipment is unlikely to effectively perform for any significantly longer period and yet is long enough to gather a sizable data base. This duration also strikes some balance between the suggestions that the test period should be as extensive as 20 years or as brief as five years. In setting this maximum duration, the Board recognizes that the data being obtained during the test may necessitate either a shortening of this duration or a lengthening of the period. The test period will commence no earlier than August 1, 1981, for each of the railroads, and may commence only when the individual railroad is fully prepared to participate in the program.

The Board has imposed as a condition to the granting of these waivers, a requirement that each railroad adhere to the procedures contained in Appendix A to this report and order. Failure to adhere to this condition may serve as the basis for a subsequent Board action to terminate this test program on any particular railroad. The procedures contained in the appendix address the details of the test program and contain resolution of the concerns mentioned by various parties during the public conference.

Finally, in order to obtain uniform data collection, the Board has also provided specific forms to be used during this test period. These forms are identified as appendices 1, 2 and 3. These are the same forms suggested for use in the program by the parties at the public conference.

Issued in Washington, D.C. on June 16, 1981.

Joseph Walsh,
Chairman, Railroad Safety Board.

Appendix A—Procedure for Conducting Locomotive Air Brake Equipment Safe Service Life Reliability Test

1. Only freight and switch locomotives, which are equipped with 26L design brake equipment, shall be placed in this test program.

2. Each participating carrier will furnish the FRA a list of locomotives to be included in this test. For each locomotive, the carrier shall furnish the following information:

a. Number (identify).
b. Type (model).
c. Brake components included in the test.
d. Type of marking used to identify test components.
e. Last air brake annual (§ 229.27(a)) Inspection date.
f. Last air brake biennial (§ 229.29(a)(b)) Inspection date.
g. Facility where locomotive is assigned.
h. Facilities where locomotive air brake work will be performed on devices involved in the test.

3. Any participating carrier, that is providing less than 200 locomotives at the initiation of the test program, may subsequently add locomotives to its test fleet, up to a maximum of 200 locomotives, by furnishing FRA with the data prescribed in Item 2 of this appendix.

4. Portions of locomotive air brake equipment which will be included in this test are:

a. Control valve or distributing valve (all operating portions).
b. Automatic brake valve (all operating portions).
c. Independent brake valve.
d. Brake cylinder valves.
e. Mu2A valves.
f. Brake application valves (all operating portions).
g. Selector valve.
h. Charging cut-off pilot valve.
i. Vent valves (brake pipe).
j. Reduction selector valves.
k. Foot valve (safety valves).

l. Main reservior safety valve.
m. Double check valves.
n. Check valve between No. 1 and No. 2 main reservoir.
o. Air brake relay air valves.
p. Air brake magnet valves.
q. Related dirt collectors and filters, except those located in the main reservoir supplyline to the air brake system which will be cleaned, reparied or replaced annually.
r. Train control pneumatic valves (suppression and timing valves).
s. Separate feed and reducing valves.

5. Each participating carrier shall record Locomotive Safety Standards "§§ 229.27(a)(2) and 229.29(a)" according to instructions for Item 19 on the affected locomotive's form FRA F6180.49A. Also, distinctive markings shall be placed in a conspicuous place accessible to the engine crew indicating the following "FRA Air Test Locomotive".

6. Each participating carrier shall keep on file the data referred to in Items 2, 10, 11, 13, 14 and 15 of this appendix at a central location where it will be available for study by those concerned in the FRA, the AAR and the manufacturers involved.

7. Each participating carrier shall furnish to FRA, no later than July 15, 1981, the standard test procedures to be used when conducting their daily operational test of the locomotive brake system.

8. Each participating carrier will be responsible to see that their concerned personnel, including engine crew personnel when appropriate, are kept advised of the test and their duties in conducting the test.

9. Each participating carrier shall advise the FRA of a designated contact officer. The designated officer will be responsible to assemble and analyze data and determine cause of failure of devices listed in Item 4 of this appendix.

10. If the locomotive air brake equipment does not function satisfactorily during the required daily test, and the necessary repairs cannot be made at the location, the locomotive shall be handled as prescribed in § 229.9 or according to carrier's instructions provided they do not conflict with the Locomotive Safety Standards. When that locomotive reaches a location where the necessary repairs can be made, a test of the air brake equipment will be made in accordance with the participating carriers' instructions and the resuts recorded on Appendix One.

The Appendix One report will be forwarded to the officer of the carrier designated in Item 9. Repair of air brake parts shall be handled the same as in Item 11 of this appendix.

11. If the locomotive air brake equipment does not function satisfactorily during the required daily test, and the necessary repairs can be made at that location, test of air brake equipment will be made in accordance with the participating carriers' instructions and results recorded on Appendix One. Necesary repairs will be made to the locomotive air brake equipment and any failed devices listed in Item 4 of this appendix will be properly protected to prevent further damage or contamination. The failed device will be properly identified, protected, accompanied by a protected copy of Appendix One and transported to the locomotive air brake facility designated in Item 2 for further testing and study. A copy of Appendix One will also be forwarded to the officer of the carrier designated in Item 9 of this appendix.

12. Before disassembly, any devices received at locomotive air brake facility designated in Item 2 that were removed from a test locomotive and handled as required in Items 10 or 11 will be subjected to the same tests given new or reconditioned valves. The results of any failed test will be recorded on Appendix Two.

13. After it has been tested on a test track, as required in Item 12, each device will be disassembled, examined and any varitions from normal will be noted and documented on that portion of Appendix Two designated "Inspection after disassembly of valve".

14. Copy of Appendix One that accompanied the device to the locomotive air brake facility along with copy of Appendix Two, (prepared as required in Items 12 and 13) shall be forwarded to the designated carrier officer. The officer shall study and evaluate the data, make final determination of results and document this information on Appendix Three, designated as "Summary".

15. Each participating carrier will provide a method to enable locomotive engineers to report any problems experienced with test locomotive air brake equipment during his tour of duty. A copy of this report will be forwarded to the officer designated in Item 9 of this appendix. These reports shall be retained by the carrier at the location referenced in Item 6 of this appendix.

16. A report for the previous calendar year test results shall be furnished by each participating carrier to the FRA during the month of February. This report shall include a listing of those locomotives removed from test and reason for removal. The report shall also show age vs. failure data and population of all devices listed in Item 4 that are in the test.

17. For the purposes of the report required in Item 16 of this appendix, a device listed in Item 4 of this appendix will not be considered to be defective, if it is documented that the impaired condition of the device resulted from damage caused by external forces, immersion in water or mud, or exposure to excessive heat or fire. The document shall include specific circumstances involved for each locomotive or part.

18. Annually, representatives of the FRA, the AAR and the manufacturers involved will meet and review each of the railroads annual report. If any conditions develop indicating that a field inspection is desired, FRA and AAR representatives will conduct joint investigations. The results of these investigations may dictate continuation or termination of a component part or the entire test for all participating or individual carriers.

During the life of this test, the FRA accompanied by the carrier representative, may select locomotives for an annual or biennial test and shop test of components involved.

Appendix One

FRA–AAR Air Brake Test, Safe Service Life Reliability (Name of Carrier)

Data From Test On Locomotive

Locomotive Initial and Number: _____
Location: _____
Type of Equipment: 26L
Date of Last 229.27: _____
229.29: _____
Reason Shopped: _____
Were All Air Leaks Repaired?
Yes No
If Applicable:
Which Test/Tests of* was failed:
*Insert participating carriers locomotive air brake test procedure identification (procedure used in trouble shooting).

_____

_____

Condition of the other Air Brake Equipment:

_____

Comments: _____

_____

Shipping Identification: _____
Signature _____
Date _____

Appendix Two

FRA–AAR Air Brake Test, Safe Service Life Reliability (name of carrier)

Shipping Identification: _____

Results of Test Rack Test Prior to Disassembly

Date: _____
Locomotive Initial and Number: _____
Location: _____
Valve: _____
Did Valve Fail any of the "Code of Tests" for that Valve?

_____

If so which test or tests:—

How much did the test or tests differ from the requirements?

Inspection After Disassembly of Valve

General Appearance of Valve:

Externally
Internally
Were There Any Broken Parts: Yes No

If "Yes", what were they

Were Any Defects Other Than Broken Parts Noted: Yes No
If "Yes", what were they

Comments:

Signature
Date

Appendix Three—Summary

FRA–AAR Air Brake Test Safe Service Life Reliability (Name of Carrier)

Locomotive Initial and Number:
Type of Equipment: 26L
Failed Valve:
Date Failed Test:
Date of Last 229.27:
229.29:
Month Since Last 229.27:
Months Since Last 229.29:
Cause of Failure Based on Tests and Inspections:

Signature
Date

[FR Doc. 81-18519 Filed 6-26-81; 8:45 am]
BILLING CODE 4910-06-M

Office of the Secretary

[Notice No. 81-3]

Regulatory Flexibility Act: Review of Regulations

AGENCY: Department of Transportation (DOT), Office of the Secretary.

ACTION: Notice of Regulatory Flexibility Act review plans.

SUMMARY: An important provision of the recently enacted Regulatory Flexibility Act (Pub. L. 96–354) requires each agency to publish in the **Federal Register**, by June 30, 1981, a 10-year plan for the review of the agency's rules that have or will have a significant economic impact on a substantial number of small entities (small businesses, organizations and governments). This notice publishes the required review plans for the Department of Transportation.

FOR FURTHER INFORMATION CONTACT: Samuel Podberesky, Office of Regulation and Enforcement C–50, Office of the General Counsel, Department of Transportation, Washington, D.C. 20590. Telephone (202) 426–4723.

SUPPLEMENTARY INFORMATION: On January 1, 1981, the Regulatory Flexibility Act (RFA) took effect (5 U.S.C. § 601 *et. seq*). In general, the act requires the Department to consider the effect of rules on small entities, defined in the RFA as small businesses, organizations, and governments, and where possible, to tailor rules to the size of the entities being regulated. New 5 U.S.C. § 610(a), as added by the RFA, specifically requires that each agency publish in the **Federal Register** by June 30, 1981, a plan for the periodic review of the agency's rules that have or will have a significant economic impact on a substantial number of small entities. The plans must provide for the review of all such rules existing on January 1, 1981, within 10 years of the date. The purpose of this notice is to satisfy the publication requirements of section 610 for the Department of Transportation.

The Department of Transportation (DOT) is made up of the Office of the Secretary of Transportation (OST) and eight operating administrations—the United States Coast Guard (USCG), Federal Aviation Administration (FAA), Federal Highway Administration (FHWA), Federal Railroad Administration (FRA), National Highway Traffic Safety Administration (NHTSA), Urban Mass Transportation Administration (UMTA), Saint Lawrence Seaway Development Corporation (SLSDC), and Research and Special Programs Administration (RSPA). Each of these operating administrations and OST publish regulations. Those regulations are codified in Titles 14, 23, 32A, 33, 41, 46, and 49 of the Code of Federal Regulations. For the most part, those regulations either set safety standards for transportation equipment (e.g. airplane and automobile standards) or equipment operators (e.g. air carrier and interstate trucking maintenance requirements) or provide criteria for those desiring to obtain financial assistance from the Federal Government to improve a transportation system (e.g. airport, highway and mass transit construction assistance). Those subject to DOT regulations include individuals who are private pilots, boat owners and small package shippers as well as the largest automobile and aircraft manufacturing and shipbuilding concerns in the world. In view of the diversity of DOT regulations and, since the actual review of the DOT regulations that is required by the RFA will be conducted initially by the DOT element responsible for the regulations, a separate RFA review plan has been prepared and is set forth below for each DOT operating administration and OST.

In view of the marked dissimilarity between the organization and regulatory programs of the various major elements of the Department, the RFA review plans of those elements differ in approach. In certain cases, for example, it has already been determined that specific regulations do not have a significant economic impact on a substantial number of small entities and, therefore, are not subject to review under the RFA. In other cases, a preliminary assessment of the rules and their impacts is needed to determine if the RFA review requirements are applicable. In still other cases, a preliminary assessment has indicated that review of a particular regulation is required under the RFA although further analysis, in the future, might indicate that the regulation does not, in fact, have a significant economic impact on a substantial number of small entities. In all cases, however, the Department will endeavor to review each of its existing regulations that meets the RFA criteria, over the next 10 years, and each new regulation that meets that criteria, within 10 years of its publication. If review within 10 years is not feasible for a particular existing rule, the head of the administration involved, or the Secretary, will publish notification of the new completion date in accordance with 5 U.S.C. 610.

Section 610(b) specifically sets forth a number of criteria which will be met during the Department's RFA reviews. Where we find that a rule has a significant economic impact on a substantial number of small entities, the specific goal of our review will be to minimize that impact in a manner consistent with the stated objectives of the statutes authorizing the rule. Factors specified in 5 U.S.C. 610(b) that will be considered by DOT during RFA reviews are:

(1) The continuing need for the rule;

(2) The nature of public complaints or comments received concerning the rule;

(3) the complexity of the rule;

(4) The extent to which the rule overlaps, duplicates or conflicts with other Federal rules, and, to the extent feasible, with State and local government rules, and

(5) The length of time since the rule has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule.

In addition, during its RFA reviws, the Department will consider a number of other factors currently being considered in other DOT regulatory review

programs. These factors include an assessment of the costs and benefits of the rule as well as of less costly alternatives and an assessment of the paperwork burdens and environmental impacts associated with the alternatives. The Department will also be guided by the criteria specified in paragraph 2 of Executive Order 12291 on Federal Regulation (46 FR 13193; February 19, 1981) in conducting its RFA reviews.

As indicated above, the regulatory reviews required by the RFA are by no means the only reviews currently being conducted or planned within the Department. Most of the Department's operating administrations and OST are currently conducting reviews of a large number of existing regulations. The full extent of the Department's review activity is reflected in its Semi-Annual Regulations Agenda and Review List as published in the **Federal Register** on April 2, 1981 (46 FR 20038). For example, the Department is reviewing all pending (issued but not yet effective) regulations as required under paragraph 7 of Executive Order 12291. In addition, and of special importance, the Department is conducting an expedited and systematic priority review of 46 of its most costly and controversial existing requirements for possible revision/rescission. The Department views these efforts as only a beginning and expects to continue expedited review of the remainder of its regulations.

the next edition of the Department's Agenda is scheduled for publication in the **Federal Register** on October 1, 1981. In addition to including a more up-to-date listing of all the DOT regulations being reviewed, it will designate those FRA reviews being planned during the succeeding 12 months. In accordance with 5 U.S.C. 610(c), the list also will includd a brief description of each rule to be reviewed under the RFA and the need for and legal basis for the rule and will invite public comment on the rule.

To ensure that the Department is as informed as possible on which regulations should be reviewed under the RFA and the matters that should be considered during those reviews, the public is invited to submit their views on particular DOT regulations or RFA reveiw plans to the operating administrations involved or, if appropriate, to OST. Addresses for each operating administration and OST are set forthe below at the entd of the respective review plans.

(49 U.S.C. 1651 *et seq.*, 5 U.S.C. 610)

Issued in Washington, D.C. on June 23, 1981.

John M. Fowler,

General Counsel.

Note.—The FRA Review Plan for the Federal Railroad Administration was not completed in time to be published with the remainder of the Department of Transportation's RFA Review Plans. It will be published at a later date.

Regulatory Flexibility Act Review Plans—Office of the Secretary of Transportation

The regulations of the Office of the Secretary of Transportation are contained in Parts 1 through 99 of Title 49, Parts 701 and 702 of Title 32A, and Parts 12–1 through 12–99 of Title 41 of the Code of Federal Regulations. For the most part, those regulations concern Departmental organization, personnel and procedures. Several regulations, however, do have a substantive effect on State and local governments and the private sector. At present it appears that only two of these regulations might have a significant economic impact on a substantial number of small entities. Those regulations are 49 CFR Part 23—"Participation of Minority Business Enterprise in Department of Transportation Programs"—and 49 CFR Part 27—"Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefitting from Federal Financial Assistance." Both of these regulations are currently being reviewed as a part of the priority review process discussed above. Compliance with the RFA review requirements will be accomplished for these regulations as a part of the priority review process.

Address Inquiries or Comments to: Office of Regulation and Enforcement, C–50, Office of the General Counsel, Department of Transportation, Washington, D.C. 20590.

U.S. Coast Guard

Background

The U.S. Coast Guard regulations are codified in Parts 1 through 199 of Title 33, Parts 1 through 199 and 401 through 403 of Title 46, and Parts 420 through 453 of Title 49 of the Code of Federal Regulations. The Coast Guard intends to accomplish the RFA review process in two steps. In the next year, the Coast Guard will systematically examine its codified material, divide it into units which can be considered "regulations" for review purposes, and identify regulations which require review under the RFA. Once the regulations have been identified, the Coast Guard will establish a schedule for a comprehensive review of each.

Identifying Affected Regulations

The first step to be taken by the Coast Guard in implementing the provisions of RFA is to define a "regulation" for the purpose of the review. The Coast Guard has determined that its regulations should not be identified by the associated implementing law because, in many instances, the rules created to implement a law address a variety of subjects and affect diverse segments of the public. Additionally, many of the rules are authorized by more than one law. Regulations cannot be identified by individual Coast Guard programs for much the same reasons. Any one program may have various broad sectors impacting different groups. For example, the Merchant Vessel Safety Program encompasses licensing of both personnel and vessel stability, among other things. Obviously it would not be appropriate to combine a licensing requirement with a stability requirement and call the combination a single regulation.

In a similar vein, arbitrary divisions of the CFR into parts, sub-parts, or sections may not be appropriate for Coast Guard regulations. Many of the subchapters in Title 46 CFR are organized by class of vessel with similar rules restated for each class. For example, the same firefighting equipment requirements are repeated in several subchapters.

There are no simple formulas for determining what should be classified as a "regulation". Therefore, these determinations must be made on a case-by-case basis. The complexities of identifying all "regulations" for the purpose of the review will require at least a year. The Coast Guard will consolidate, as necessary, its sections of the CFR into coherent groups of requirements that can be classified meaningfully as regulations. By the end of the year, the Coast Guard will have compiled a list of specific regulations that will be reviewed in the following years.

Identification of "Small Entities" and "Substantial Numbers"

The RFA divides small entitles into (1) small businesses, (2) small organizations, and (3) small governmental jurisdictions. In all cases, the agency may issue its own definitions or use the definitions stated in RFA. The Act defines a "small governmental jurisdiction" as one with a population of

less than fifty thousand. The Act defines "small organization" as any not-for-profit enterprise which is independently owned and operated and is not dominant in its field. A preliminary review of the scope and intent of Coast Guard regulations indicates that these two subsets of small entities are not regulated in any substantial numbers by the Coast Guard. In the rare case that a regulation may cover one of these entities, there is no reason to believe that the entity or entities covered would constitute a significant portion of such entities.

There can be no question that the Coast Guard regulations have an impact on some kinds of small businesses. However, determining what businesses are small and how may are affected will be a major undertaking. The Coast Guard does not anticipate defining the term "small business." Instead, the Coast Guard intends to use the definitions and standards listed in the Small Business Administration regulations on SBA loan qualifications (13 CFR 121.3–10). The descriptions in the Standard Industrial Classification Manual will permit identification of the classifications of businesses affected by the Coast Guard regulations. Thus, an appropriate "small business" standard can be developed for each industry. The number of businesses within each classification will be obtained by using the Bureau of Census "Census of Manufacturers" and, if necessary, other sources of census material. This information will enable the Coast Guard to determine if a regulation will impact a substantial number of small entities.

During the 12 month period, when the Coast Guard is grouping together related requirements into "regulations", notices will be published in the **Federal Register** seeking public comment on those groupings. The notices will give the affected public opportunities to contribute constructively to the review process required by the RFA.

Address Inquiries and Comments To: U.S. Coast Guard, 2100 2nd Street, S.W., Washington, D.C. 20593.

Federal Aviation Administration

The Federal Aviation Administration's regulations are codified in Parts 1 through 199 of Title 14 of the Code of Federal Regulations. The following schedule will be used by the FAA to review its regulations for RFA purposes during the next five years. The remainder of the FAA regulations will be reviewed during the period 1987 through 1991.

Regulations	Year review is planned
14 CFR Part 91 (except Subpart E)—General Operating and Flight Rules	1981
14 CFR Part 36—Noise Standards, Aircraft Type and Airworthiness Certification	1982
14 CFR Part 61—Certification: Pilots and Flight Crewmembers	1982
14 CFR Part 121—Certification and Operations: Domestic, Flag, and Supplemental Air Carriers and Commercial Operators of Large Aircraft	1982
14 CFR Part 127—Certification and Operations of Scheduled Air Carriers with Helicopters	1982
14 CFR Part 135—Air Taxi Operators and Commercial Operators	1982
14 CFR Part 141—Pilot Schools	1982
14 CFR Part 143—Ground Instructors	1982
14 CFR Part 145—Repair Stations	1982
14 CFR Part 150—Airport Noise Compatibility Planning	1982
14 CFR Part 151—Federal Aid to Airports	1982
14 CFR Part 159—Expenditure of Federal Funds for Nonmilitary Airports or Air Navigation Facilities Thereon	1982
14 CFR Part 199—Aircraft Loan Guarantee Program	1982
14 CFR Part 91, Subpart E—Operating Noise Limits	1982
Special Federal Aviation Regulations (SFAR) 37 (Published with 14 CFR Part 91)—Payment for Carriage of Federal Election Candidates	1982
Special Federal Aviation Regulation (SFAR) 38 (Published with 14 CFR Part 121)—Operating Certificates	1982
14 CFR Part 23—Airworthiness Standards: Normal, Utility, and Acrobatic Category Airplanes	1983
14 CFR Part 25—Airworthiness Standards: Transport Category Airplanes	1983
14 CFR Part 139—Certification and Operations: Land Airports Serving CAB-Certificated Air Carriers	1983
14 CFR Part 67—Medical Standards and Certification	1984
14 CFR Part 153—Acquisition of U.S. Land for Public Airports	1984
14 CFR Part 154—Acquisition of U.S. Land for Public Airports Under the Airport and Airway Development Act of 1970	1984
14 CFR Part 155—Release of Airport Property from Surplus Property Disposal Restrictions	1984
14 CFR Part 152—Airport Aid Program	1985

Address Inquiries or Comments to: Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, D.C. 20591.

Federal Highway Administration

The Federal Highway Administration (FHWA) regulations are codified in Parts 1 through 1250 of Title 23 and Parts 301 through 399 of Title 49 of the Code of Federal Regulations. The following is a plan for the RFA review of those regulations:

I. Selection of Rules for Review

A. Initial Screening. By August 1, 1981, and by August 1 of each succeeding year, the FHWA will screen its rules and regulations in order to identify those which have or will have a significant economic impact on a substantial number of small entities. All rules so identified will be scheduled for review under Part III of this Plan.

B. Final Selection. In selecting the rules to be reviewed under this Plan during an particular twelve month period, the FHWA will strive to review its most significant and burdensome rules first and to select a number that will provide an adequate opportunity to the agency to conduct a meaningful review and to the public to participate.

II. Public Participation

By October 1, 1981, and by October 1 of each succeeding year, a list of those rules and regulations which have been selected for review during the succeeding twelve months will be submitted by the FHWA for publication in the **Federal Register** as part of the Department's Semi-Annual Regulations Agenda and Review List. Appropriate information will be provided for each such rule including a brief description of the rule and the need for and legal basis of the rule. The **Federal Register** publication will also indicate that the subject rules are to be reviewed by the FHWA under the Regulatory Flexibility Act during the succeeding twelve months and will invite public comment on the rules.

III. Review of Rules

A. Purpose. Rules and regulations selected under Part I of this Plan will be reviewed by the FHWA under Section 610 of the Regulatory Flexibility Act within the twelve month period following the **Federal Register** publication required under Part II of this Plan. The purpose of the review will be to determine whether such rules should be continued without change, or should be amended or rescinded, consistent with the stated objectives of applicable statutes, in order to minimize any significant economic impact of the rules on a substantial number of small entities.

B. Consideration Factors. In reviewing each rule under this Plan, the FHWA will consider the following factors:

(1) the continued need for the rule;

(2) the nature of public complaints or comments received concerning the rule;

(3) the complexity of the rule;

(4) the extent to which the rule overlaps, duplicates, or conflicts with other Federal rules, and, to the extent feasible, with State and local governmental rules; and

(5) the length of time since the rule has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule.

C. Deadlines. The review of those rules which were in existence on January 1, 1981, will be completed by Janury 1, 1991. The review of those rules which were adopted after January 1, 1981, will be completed within ten years of the date of publication of such rules in final form. If the Federal Highway

Administrator determines that completion of the review of an existing rule is not feasible by the date originally established under this Plan, the Administrator will so certify in a statement published in the Federal Register and may extend the completion date by one year at a time for a total of not more than five years.

D. Ongoing Reviews. At the time of approval of this Plan, a number of rules were already the subject of ongoing review by the FHWA. Where such reviews conform to the requirements of Section 610(b) of the Regulatory Flexibility Act, they will be considered to satisfy the applicable requirements of this Plan.

Address Inquiries or Comments To: Federal Highway Administration, 400 7th Street, S.W., Washington, D.C. 20590.

National Highway Traffic Safety Administration

The National Highway Traffic Safety Administration (NHTSA) regulations are codified in Parts 1204 through 1250 of Title 23 and Parts 501 through 590 of Title 49 of the Code of Federal Regulations. The following is a schedule for the review of existing NHTSA regulations for purposes of the RFA. NHTSA also intends to review its remaining regulations to assess their impact on small entities. The schedule should not be considered to be final since additional NHTSA regulations may be found to require RFA review while some regulations that are now included in the schedule may be later found not to have a significant economic impact on a substantial number of small entities.

FY–1981

3rd Quarter

49 CFR 571.208, Occupant Crash Protection
49 CFR 581, Bumper Standard
49 CFR 571.128, Fields of Direct View

4th Quarter

49 CFR 574, Tire Identification and Record Keeping
49 CFR 571.127, Speedometers and Odometers
49 CFR 571.114, Theft Protection
49 CFR 571.110, Tire Selection and Rims Complete RFA Review and revise schedule

FY–1982

1st Quarter

49 CFR 575.104, Uniform Tire Quality Grading System
49 CFR 571.214, Side Door Strength

2nd Quarter

49 CFR 571.213, Child Restraint Systems
49 CFR 571.108, Lamps, Reflective Devices and Associated Equipment
49 CFR 571.301, Fuel System Integrity

3rd Quarter

49 CFR 571.222, School Bus Passenger Seating and Crash Protection
49 CFR 571.105, Hydraulic Brake Systems
49 CFR 571.202, Head Restaints

4th Quarter

49 CFR 571.205, Glazing Materials
49 CFR 571.212, Windshield Mounting
49 CFR 571.207, Seating Systems

FY–1983

1st Quarter

49 CFR 531, Passenger Automobile Average Fuel Economy Standards
49 CFR 533, Light Truck Fuel Economy Standards
49 CFR 571.101–80, Controls and Displays

2nd Quarter

49 CFR 571.121, Air Brake System
49 CFR 571.210, Seat Belt Assembly Anchorages

3rd Quarter

49 CFR 571.111, Rearview Mirrors
49 CFR 571.112, Headlamp Concealment Devices

4th Quarter

49 CFR 571.113, Hood Latch Systems
49 CFR 571.120, Tire Selection and Rims
49 CFR 571.201, Occupant Protection in Interior Impact

FY–1984

1st Quarter

49 CFR 571.218, Motorcycle Helmets
49 CFR 571.125, Warning Devices

2nd Quarter

49 CFR 571.109, New Pneumatic Tires
49 CFR 571.119, New Pneumatic Tires for Vehicles Other Than Passenger Cars

3rd Quarter

49 CFR 571.115, Vehicle Identification Number
49 CFR 571.123, Motorcycle Controls and Displays

4th Quarter

49 CFR 571.221, School Bus Body Joint Strength
49 CFR 571.220, School Bus Rollover Protection

FY–1985

1st Quarter

49 CFR 571.209, Seat Belt Assemblies
49 CFR 571.107, Reflecting Surfaces

2nd Quarter

49 CFR 571.103, Windshield Defrosting and Defogging Systems
49 CFR 571.104, Windshield Wiping and Washing Systems

3rd Quarter

49 CFR 571.118, Power Operated Window Systems
49 CFR 571.106, Brake Hoses
49 CFR 571.116, Motor Vehicle Brake Fluids

4th Quarter

49 CFR 571.122, Motorcycle Brake Systems
49 CFR 571.211, Wheel Nuts, Wheeldiscs, and Hub Caps
49 CFR 571.117, Retreaded Pneumatic Tires

FY–1986

1st Quarter

49 CFR 571.219, Windshield Zone Intrusion
49 CFR 571.203, Impact Protection for the Driver from the Steering Control System

2nd Quarter

49 CFR 571.204, Steering Control Rearward Displacement
49 CFR 571.124, Accelerator Control Systems
49 CFR 571.102, Transmission Shift Lever Sequence Starter Interlock and Transmission Braking Effect

3rd Quarter

49 CFR 571.571.302, Flammability of Interior Materials
49 CFR 571.216, Roof Crush Resistance-Passenger Cars

4th Quarter

49 CFR 571.217, Bus Window Retention and Release
49 CFR 571.206, Door Locks and Door Retention Components
49 CFR 572, Anthropomorhic Test Dummies

FY–1987

1st Quarter

49 CFR 571.126, Truck/Camper Loading

2nd Quarter

49 CFR 582, Insurance Cost Information

3rd Quarter

49 CFR 523, Vehicle Classification

4th Quarter

49 CFR 568, Vehicles Manufactured in Two or More Stages

FY-1988

1st Quarter

49 CFR 569, Regrooved Tires

2nd Quarter

Revision of Schedule
Incorporation of New Regulations

3rd Quarter

Initiation of New Review Cycle

Address Inquiries or Comments To: National Highway Traffic Safety Administration, 400 7th Street, S.W., Washington, D.C. 20590.

Urban Mass Transportation Administration

The Urban Mass Transportation Administration has issued eleven "rules" as that term is defined in the RFA. They are:

1. 49 CFR Part 601—Organization, Functions, and Procedures
2. 49 CFR Part 603—Claims under the Federal Claims Collection Act
3. 49 CFR Part 604—Charter Bus Operations
4. 49 CFR Part 605—School Bus Operations
5. 49 CFR Part 609—Transportation for Elderly and Handicapped Persons
6. 49 CFR Part 613—Planning Assistance and Standards
7. 49 CFR Part 622—Environmental Impact and Related Procedures
8. 49 CFR Part 630—Uniform System of Accounts and Records and Reporting System
9. 49 CFR Part 635—Public Hearing Requirements for Service Changes and Fare Changes
10. 49 CFR Part 660—Buy America Requirements
11. 49 CFR Part 623—Air Quality Conformity and Priority Procedures for use in Federal-Aid Highway and Federally-Funded Transit Programs

UMTA has reviewed its rules and determined that the following rules are subject to review under the Reguatory Flexibility Act:

49 CFR Part 604—Charter Bus Operations

This rule governs the operation of charter bus service by UMTA grantees. It contains external requirements which apply to UMTA grantees and restrict their ability to compete with private charter operations. This rule also contains procedures for the filing and resolution of complaints from charter bus operators. These provisions have a significant economic impact on charter bus operations (many of which are small businesses) which compete with UMTA grant recipients or charter service. Because of this significant impact on small entities, this rule should be subject to review under the RFA.

49 CFR Part 605—School Bus Operations

This rule governs the operation of school bus service by UMTA grantees. It contains external requirements which restrict a UMTA grantee's ability to compete with private school bus operations. This rule also contains procedures for filing and resolving complaints from school bus operators. These provisions have a significant economic effect on school bus operations (many of which are small businesses) which may compete with UMTA grant recipients for school bus service. Because of this significant impact on small entities, this rule shoud be subject to review under the RFA.

49 CFR Part 660—Buy America Requirements

This rule implements the "Buy America" provision (Section 401 of the Surface Transportation Assistance Act of 1978). The rule requires that only domestic end products may be procured with UMTA assistance unless a waiver is granted by the UMTA Administrator. The rule establishes complicated procedures for determining "domestic end products" and procedures and criteria for granting waivers. It also establishes procedures that bidders must follow in order to be eligible for UMTA funded procurements. The Buy America Requirements restrict the bidder's use of foreign manufactured products when responding to bid solicitations. This has a significant economic impact on suppliers of transit-related equipment (including many small businesses). Because of this significant economic impact on small entities, this rule should be subject to RFA review. This rule has also been targeted for review under the Department's priority review process discussed above.

UMTA has determined that the remaining rules are not subject to review under the RFA. These rules only apply to UMTA grantees and all but a few UMTA grantees are not considered to be "small entities" as defined by the RFA. The RFA definition includes small private businesses, small not-for-profit organizations, and governmental jurisdictions with populations less than 50,000. Almost all of UMTA's grantees are States or local government agencies in urbanized areas with populations greater than 50,000. Fewer than 25 jurisdictions with populations under 50,000 directly receive UMTA assistance annually (from Section 3 discretionary capital grant funds). UMTA believes that this does not represent a "substantial" number of small entities. Therefore, the remaining UMTA rules are not subject to review under the Regulatory Flexibility Act. UMTA's schedule for RFA reviews is as follows:

FY 1982

1. 49 CFR Part 660—Buy America Requirements
2. 49 CFR Part 604—Charter Bus Operations
3. 49 CFR Part 605—School Bus Operations

FY 1983–FY 1991

Develop schedule for examination of new rules and re-examination of existing rules.

Address Inquiries or Comments to: Urban Mass Transportation Administration, 400 7th Street S.W., Washington, D.C. 20590.

Saint Lawrence Seaway Development Corporation

The Seaway Corporation rules are contained in Parts 401 through 403 of Title 33 of the Code of Federal Regulations. In general, those regulations deal with the rates for the use of the Seaway and rules prescribing the Seaway's use. Presently no U.S. customer of the Seaway appears to be a "small entity" as defined in the RFA. Therefore, the Seaway Corporation does not believe that it is required to conduct any RFA reviews.

It should be noted, however, that the Seaway Corporation does undertake a joint review with the Canadian Seaway Authority of all its operating rules and its Tariff of Tolls on an annual basis. Since its revenues are directly related to the competitive posture of its customers vis-a-vis alternative transportation routings, one of its long-standing objectives in this annual review has been to keep the costs of doing business in the Seaway to a minimum. Should the roster of the Seaway users begin to reflect an increased use of the Seaway by U.S. vessels, the need to conduct RFA reviews will be reevaluated.

Address Inquiries or Comments To: Saint Lawrence Seaway Development Corporation, Room 814, 800 Independence Avenue, S.W., Washington, D.C. 20591.

Research and Special Programs Administration—Materials Transportation Bureau

I. Review of the Hazardous Materials Regulations

Regulations pertaining to the safe transportation of Hazardous Materals are maintained and issued by the Department of Transportation pursuant

to the Hazardous Materials Transportation Act (49 U.S.C. 1801 et seq.). The Hazardous Materials Regulations (HMR) are published in 49 Code of Federal Regulations, Parts 171–179. The organization within the Department holding primary responsibility for promulgation of the HMR's is the Materials Transportation Bureau in the Research and Special Programs Administration.

With very few exceptions, it may not be possible to make major regulatory changes to reduce the economic impact of the HMR's on small as compared to large business entities or organizations. Assuming that the standards for a gasoline tank truck, for example, are reasonable and appropriate, a small business entity operating one truck is subject to the same level of regulation as a large company operating 5,000 tank trucks. The one tank truck poses the same level of risk while operating in a given area as any one of the 5,000 tank trucks of the large company operating in the same area. In this respect, the HMR's must apply equally to all shippers and transporters of hazardous materials.

Small business entities, however, are less able to afford the staffing necessary to assimilate and comprehend, in detail, the requirements of the HMR's as are many of the large corporations as made evident by the numerous complaints received by MTB concerning the complexity of the HMR's. Consequently, the MTB believes that the best approach to accomplish the purpose and intent of the RFA is review of all of the HMR's to determine if they serve a beneficial purpose relative to the cost they impose on all of the entities who must comply with them. Those regulations that are no longer considered essential (there may be many) should be eliminated, and those retained reviewed for clarity.

The following schedule of reviews relates to broad categories of regulations. It may be necessary for MTB to accelerate its review of certain regulations within those categories when their impact on small business entities is determined to warrant priority review. This is MTB's present practice in its rulemakings issued under Dockets HM–139 and 166 (Conversion of Individual Exemptions to Regulations of General Applicability and Minor Regulatory Adjustments to Regulations of General Applicability).

II. Review of the Pipeline Safety Regulations

The Department's gas pipeline safety regulations, codified at 49 CFR Parts 191–193, are issued pursuant to the National Gas Pipeline Safety Act (NGPSA) of 1968, as amended (49 U.S.C. 1671 et seq.), and include standards for design, construction, testing, operation, and maintenance of gas pipeline systems as well as those facilities for liquefied natural gas, and gas leak reporting requirements. Hazardous liquid pipeline safety regulations, codified at 49 CFR Part 195, are issued pursuant to the Hazardous Liquid Pipeline Safety Act of 1979 (HLPSA) (Title II of Pub. L. 96–129; 93 Stat. 1003).

Although a preliminary review indicates that there is little probability that the Federal safety standards for liquefied natural gas facilities, 49 CFR Part 193, or those for hazardous liquid pipelines in 49 CFR Part 195 will have significant economic impact on small entities, they are being scheduled for review in accordance with the RFA.

Regulations for gas pipelines in 49 CFR Part 192 and gas leak reporting requirements in 49 CFR Part 191 will have more impact on certain small gas system operators and will receive much attention in the regulatory review even though many provisions in those regulations already provide relief for small operators.

There are several exceptions or exemptions for certain classes of gas pipeline operators provided in Parts 191 and 192. There is an exception in 49 CFR 191.9 whereby a gas operator with fewer than 100,000 customers does not have to file a written, descriptive follow-up report of an accident which was required to be verbally reported under § 191.5. Original objections to this section of Part 191 were raised by small operators thinking that a voluminous, multi-page report would be required when, actually, only a simple two-page report is required. (From MTB's data bank, it has been determined that 50 percent of the gas service lines and probably 60 percent of the 46.5 million gas customers (source, American Gas Association) are served by operators with more than 100,000 customers, so current reports obtain over half the statistical data on accidents.) Another exemption in Part 191 is in § 191.11. This exemption applies to petroleum gas operators with less than 100 customers whereby they do not have to submit annual reports regarding their facilities and leaks on these facilities to MTB. This exemption may well be proposed for all gas distribution operators with fewer than 100 customers. Such action would remove a reporting burden from master meter operators.

Part 192 also has certain exemptions. Section 192.11 exempts petroleum gas operators from the requirements of Part 192 when their gas pipeline system serves less than 10 customers.

In compliance with section 111 of the 1979 Amendment to the HLPSA (Pub. L. 96–129), MTB is presently actively engaged in a study of all of the applicable regulations as they apply to small or master meter operators and will propose to amend the gas pipeline safety regulations to better fit this type of operator. The small and master meter operators, in particular, have special considerations regarding safety requirements and Federal safety regulations need to take that into account. The Office of Operations and Enforcement of MTB is presently engaged in a project to produce suitable guidelines for these operators. One of the major problems is that MTB has not been able to identify all of these, in particular the master meter operators. It is anticipated that identification and guidelines will be produced to improve the level of safety for all gas pipeline systems as originally anticipated by the NGPSA.

III. Schedule of Reviews

Regulation (49 CFR)	Date of review
Hazardous Materials	
Part 178. Review of packaging manufacturing regulations. Consideration will be given to adoption or performance oriented standards consistent with those contained in United Nations Recommendations for small packagings	1981
Part 173. Review of shipper regulations pertaining to selection and use of packagings for various chemicals	1982
Part 173. Review of regulations pertaining to packaging and shipping of explosives	1983
Part 173. Review of regulations pertaining to packaging and shipping of compressed gases	1984
Part 177. Review of carrier operations regulations pertaining to carriage of hazardous materials by motor vehicle	1985
Part 174. Review of carrier operations regulations pertaining to carriage of hazardous materials by railroad	1986
Part 176. Review of carrier operations regulations pertaining to carriage of hazardous materials by vessel	1987
Part 175. Review of carrier operations regulations pertaining to carriage of hazardous materials aboard aircraft	1988
Part 173. Review of regulations pertaining to packaging and shipments of radioactive materials	1989
Part 172. Review of regulations pertaining to hazardous materials communications	1990
Pipeline	
Part 191. Review of regulations pertaining to transportation of natural and other gas by pipeline; reports of leaks	1981–85
Part 192. Review of minimum Federal safety standards for transportation of natural and other gas pipeline:	
Subparts A–D. Regulations pertaining to materials, pipe design, and design of pipeline components	1982–1984
Subparts E–I. Regulations pertaining to welding of steel in pipelines; joining of materials other than by welding; general construction requirements for transmission lines and mains; customer meters, service regulators, and service lines; and corrosion control	1982–1988

Regulation (49 CFR)	Date of review
Subparts J–M. Regulations pertaining to test requirements, uprating, operations and maintenance	1983–1988
Part 193. Review of regulations pertaining to liquefied natural gas facilities:	
Subparts A–E. Regulations pertaining to siting requirements, design, construction and equipment	1982–1986
Subparts F–J. Regulations pertaining to operations, maintenance, personnel qualifications and training, fire protection and security	1983–1989
Part 195. Review of regulations pertaining to transportation of liquids by pipeline:	
Subparts A–D. Regulations pertaining to accident reporting, design requirements, and construction	1981–1985
Subparts E–F. Regulations pertaining to hydrostatic testing, operations and maintenance	1983–1989

Address Inquiries or Comments to: Research and Special Programs Administration, 400 7th Street, SW., Washington, D.C. 20590.

[FR Doc. 81-19064 Filed 6-26-81; 8:45 am]

BILLING CODE 4910-62-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms; Granting of Relief

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Treasury.

ACTION: Notice of granting of relief from disabilities incurred by conviction.

SUMMARY: The persons named in this notice have been granted relief by the Director, Bureau of Alcohol, Tobacco and Firearms, from their disabilities imposed by Federal laws. As a result, these persons may lawfully acquire, transfer, receive, ship, and possess firearms if they are in compliance with applicable laws of the jurisdiction in which they live.

FOR FURTHER INFORMATION CONTACT: Special Agent in Charge Noel A. Haera, Firearms Enforcement Branch, Investigations Division, Bureau of Alcohol, Tobacco and Firearms, Washington, D.C. 20026, (202–566–7457).

SUPPLEMENTARY INFORMATION: In accordance with 18 U.S.C. 925(c), the persons named in this notice have been granted relief from disabilities imposed by Federal laws with respect to the acquisition, transfer, receipt, shipment, or possession of firearms incurred by reason of their convictions of crimes punishable by imprisonment for a term exceeding one year.

It has been established to the Director's satisfaction that the circumstances regarding the convictions and each applicant's record and reputation are such that the applicants will not be likely to act in a manner dangerous to public safety, and that the granting of the relief will not be contrary to the public interest.

The following persons have been granted relief:

Amsel, Richard W., Jr., 2918 Green Street, Claymont, Delaware, convicted on December 4, 1969, in the Court of Common Pleas, Delaware County, Pennsylvania.

Arrington, Curtis, 314 Seale Road, Apt. 12, Phenix City, Alabama, convicted on November 9, 1977, in the United States District Court of Southern Alabama.

Bailey, Raymond D., 4750 10th Street, Lebanon, Oregon, convicted on October 21, 1974; and on May 11, 1976, in the Circuit Court of Washington County, Oregon.

Baird, Charles E., 3836 Buckner Lane, Paducah, Kentucky, convicted on June 12, 1978, in the McCracken County Circuit Court of Kentucky.

Barr, John R., 26116 Townley Street, Madison Heights, Michigan, convicted in 1955, in the Oakland County Circuit Court, Michigan.

Becker, Curtiss D., 11762 Green Lake Road, Middleville, Michigan, convicted on August 18, 1967, in the Barry County Circuit Court, Barry County, Michigan.

Bell, Sam Davis, Jr., 417 Westview Avenue, Nashville, Tennessee, convicted on March 31, 1980, in the United States District Court, Middle District of Tennessee.

Bertrand, Freeman R., Jr., 738 Bienville Street, Lake Charles, Oklahoma, convicted on October 12, 1967, in the District Court of Choctow County, Hugo, Oklahoma.

Boggs, Geronimo V., 146 E. Main Street, Luray, Virginia, convicted on October 31, 1979, in the United States District Court, Western District of Virginia, Charlottesville, Virginia.

Boswell, Mickey W., Route 1, Box 123–A, Cleveland, Mississippi, convicted on December 17, 1976, in the United States District Court, Delta Division, Northern District of Mississippi.

Brandon, Stuart D., 810 Westview Drive, Lynchburg, Virginia, convicted on December 6, 1965, in the Lynchburg Corporation Court, Lynchburg, Virginia.

Bray, Courtland, B. Jr., P.O. Box 427, Irrigon, Oregon, convicted on July 26, 1940, in the Superior Court, Yakima County, Oregon.

Brock, James W., East 27 Liberty Avenue, Spokane, Washington, convicted on September 26, 1977, in the Spokane County Superior Court, Spokane, Washington.

Cade, James W., 40 Monte Sano Drive, Hanalan, South Carolina, convicted in November 1972, in the United States District Court, Charleston, West Virginia.

Cameron, Douglas J., 46216 Dry Creek Road, Badger, California, convicted on July 22, 1969, in the Superior Court, Alameda County, California.

Carpenter, Larry, J., 810 S. Polk, Hugoton, Kansas, convicted on February 12, 1968, in the Ford County District Court, Kansas.

Casper, Wilfred E., 411 Two Mile Avenue, Wisconsin Rapids, Wisconsin, convicted on March 15, 1949 and August 28, 1951, in the Circuit Court, Wood County, Wisconsin Rapids, Wisconsin.

Cestare, Thomas J., 1800 South Main Street, Kokomo, Indiana, convicted on April 14, 1970, in the Superior Court, Howard County, Indiana.

Chernick, Larry, 89–40 51st Avenue, Howard Beach, New York, convicted on November 16, 1976, in the Queens County Criminal Court, New York.

Cochran, Lloyd F., Route 2, Box 122, Ellijay, Georgia, convicted on November 16, 1970, in the Gilmer County Superior Court, Georgia.

Condon, Joseph F., 1008 Shadow Mountain Place, Las Vegas, Nevada, convicted on December 8, 1948, in the United States District Court, Southern District of New York.

Cords, Edward W., 1311 Lynn Street, Owosso, Michigan, convicted on February 23, 1976, in the Circuit Court, Shiawassee County, Michigan.

Craig, Bernard F., RD 4, Kittanning, Pennsylvania, convicted on September 18, 1975, in the Common Pleas Court, Armstrong County, Pennsylvania.

Corbin, Richard D., Route 1, Box 261, Long Lane, Missouri, convicted on March 8, 1961, and December 28, 1961, in the Circuit Court, Greene County, Missouri.

Cylkouski, Walter, 8 Laycock Lane, Newport, Kentucky, convicted on July 22, 1976, in the United States District Court, Western District of Kentucky; on September 22, 1978, in the United States District Court, Southern District of Ohio.

Daniel, Ernie, 916 N.E. 11th Street, Grants Pass, Oregon, convicted on October 28, 1975, in the Circuit Court, Josephine County, Oregon.

Davis, Larry W., Star Route 1, Clifton, Texas, convicted on January 28, 1977, in the United States District Court, Northern District of Texas.

Delay, James R., 4600 Maple, Bellaire, Texas, convicted on April 16, 1970, in the District Court, Travis County, Texas.

Dwyer, Donald E., P.O. Box 787, Waterboro Road, Hollis, Maine, convicted on January 13, 1964, in the Cumberland County Superior Court, Portland, Maine.

Evans, Michael J., 1729–A Elmwood Street, New Bern, North Carolina, convicted on June 3, 1977, in the Superior Court, Craven County, North Carolina.

Fagan, John A., 4566 West Kiest, Dallas, Texas, convicted on March 18, 1966, and May 19, 1971, in the Criminal District Court, Dallas County, Texas.

Fellows, Tommy D., 779 Crittendon, Pontiac, Michigan, convicted on April 16, 1965, in the Circuit Court, Oakland County, Michigan.

Finton, Harry W., R.R. No. 6, Goose Lake, Columbia City, Indiana, convicted in 1932, in the Circuit Court, Whitley County, Columbia City, Indiana.

Foster, Cecil, P.O. Box 114, Easton, Illinois, convicted on July 20, 1966, in the 8th Judicial District of Illinois.

Gavis, Martin B., 414 South Braddock Street, Winchester, Virginia, convicted on October 2, 1973, in Winchester County Court, Winchester, Virginia.

Gawlik, Edward S., 2700 Huntington Road, Sacramento, California, convicted on March 6, 1979, in the United States District Court, Eastern District of California.

Gehrke, Larry F., 8000 Highway 169 South, Lot 11A, Grand Rapids, Minnesota,

convicted on April 3, 1978, in the Polk County District Court, Crookston, Minnesota.

Gianno, Leonard, 1249 Rose Ann Drive, Martinez, California, convicted on November 11, 1976, in the Superior Court, Contra Costa County, California.

Gohl, Michael D., North 524 McDonald Road, Apt 61, Spokane, Washington, convicted on February 9, 1974, and December 19, 1974, in the Superior Court, Spokane County, Washington.

Golden, Kevin L., P.O. Box 519, Valdosta, Georgia, convicted on December 7, 1970, in the Superior Court, Lowndes County, Georgia.

Grams, Walter A., 28 South Highland Avenue, New Ulm, Minnesota, convicted on July 30, 1975, in the District Court, Fifth Judicial District, New Ulm, Brown County, Minnesota.

Green, William D., Jr., 790 Antrim Lane, Green Castle, Pennsylvania, convicted on August 16, 1965, in the District Court of Baltimore, Maryland; and on March 23, 1978, in the Circuit Court of Anne Arundel County, Maryland.

Hackett, Jack L., Lot 97, Green Mountain Village, Jeffrey City, Wyoming, convicted in October 1980, in the District Court, Sweetwater County, Green River, Wyoming.

Hamill, Neil A., 7227 Valley View Place, Dallas, Texas, convicted on August 4, 1978, in the United States District Court, Northern District of Texas, Dallas, Texas.

Hanks, Michael, 4912 Cedar Bayou, Lynchburg, Texas, convicted on June 28, 1978, in the District Court, Harris County, Texas.

Harmon, Elmore, Jr., 5447 Glenwild Cove, Memphis, Tennessee, convicted on November 12, 1976, in the United States District Court, Memphis, Tennessee.

Hart, Donald H., 108 North 82nd, Seattle, Washington, convicted on March 16, 1971, and April 1, 1974, in the Superior Court, King County, Washington.

Hart, Henry G., P.O. Box 5534, Tallahassee, Florida, convicted on June 7, 1976, in the Circuit Court for 2nd Judicial Circuit, Leon County, Florida.

Hart, Lewis E., Jr., 30–205 SAC Married Housing, Flagstaff, Arizona, convicted on October 5, 1977, in the United States Judicial District of Arizona, Phoenix, Arizona.

Heard, Melbern, L., 4104 Jacksboro, Snyder, Texas, convicted on November 13, 1975, in the 167th Judicial District Court of Travis County, Texas.

Henderson, Stephen G., 5517 Daycrest Court, S.E., Olympia, Washington, convicted on January 18, 1974, in the Superior Court, Thurston County, Washington.

Henry, Linden E., 2205 West Hatch Road, Modesto, California, convicted on December 2, 1974, in the Stanislaus County Superior Court, Modesto, California.

High, James, Route 12, Box 894, Fayetteville, North Carolina, convicted on January 27, 1975, in Columbus County, North Carolina.

Hobson, Billy W., Route 1, Box R–21, Port Gibson, Mississippi convicted on May 23, 1977, in the 19th Judicial District Court, Parish of East Baton Rouge, Louisiana.

Hornberger, David H., 28054 Virginia, Warren, Michigan, convicted on September 15, 1965, in the Macomb County Circuit Court, Michigan.

Houston, Clifford, 1821 East Thomas, Seattle, Washington, convicted on March 7, 1969, in the Superior Court, King County, Washington.

Howell, Darrell, 230 Motor Avenue, Port Angeles, Washington, convicted on March 4, 1977, in the Superior Court, Clallan County, Washington.

Huth, Craig A., 116 South Elm Street, Nazareth, Pennsylvania, convicted on February 26, 1974, in the Northhampton County Court of Common Pleas, Pennsylvania.

Idowu, Alton B., 3270 Spanish Trail No. 3, East Point, Georgia, convicted on July 26, 1972, in the United States District Court, Atlanta, Georgia.

Jackson, Robert E., 2735 Iowa, Topeka, Kansas, convicted on December 21, 1976, in the United States District Court, District of Kanasa.

Johnson, Arthur L., 14733 Horseshoe Avenue, SW., Port Orchard, Washington, convicted on May 31, 1977, in the Kitsap County Court, Washington.

Jones, Edward E., Route 2, Box 10–A, Keysville, Virginia, convicted on November 5, 1975, in the Circuit Court, Charlotte County, Virginia.

Keitzman, Dennis R., 333 April Lane, Adrian, Michigan, convicted on October 16, 1973, in the Lenawee County Circuit Court, Michigan.

Keyser, George W., Route 2, Box 466, Lancaster, Virginia, convicted on August 19, 1975, in the Circuit Court, Lancaster County, Virginia.

Kilpatrick, James E., 634 Highland Oak Drive, Tuscaloosa, Alabama, convicted on August 6, 1971, in the United States District Court, Western District of Oklahoma.

King, Conly B., 2503 14th Street, NE., Apt 5, Washington, DC, convicted on June 25, 1926, in the Criminal Court, Polk County, Bartow, Florida.

King, Rex H., Route 1, Box 558, Peshastin, Washington, convicted on June 2, 1975, in the Superior Court, Chelan County, Washington.

Kirkham, Ronald C., Star Route 1, Ball Club, Minnesota, convicted on June 1, 1976, in the Ninth District Court, Itasca County, Grand Rapids, Minnesota.

Lair, Gary D., Prairie Village Trailer Park, Lot C–2, Dodge City, Kansas, convicted on March 12, 1956, in the District Court, Sedgwick, Kansas; on November 23, 1966, in the District Court, Rio Grand County, Colorado; and on October 3, 1966, in the District Court, Ouray County, Colorado.

Latreille, Irvin G., 1714 Elizabeth NW., Grand Rapids, Michigan, convicted on May 2, 1961, in the Superior Court, City of Grand Rapids, Michigan.

Lehrman, Robert W., 3822 Busse Street, Maddison, Wisconsin, convicted on March 22, 1977, in the Circuit Court, Grant County, Wisconsin.

Levin, Barry, P.O. Box 139, Badger, California, convicted on June 12, 1970, in the Cayahoga County Court, Ohio.

Little, Jerry N., 5408 Gillespie Avenue, Richmond, Virginia, convicted June 24, 1963, Circuit Court, Richmond, Virginia.

Lowder, Sherrill D., 451 Montgomery Avenue, Albermarle, North Carolina, convicted on January 17, 1974, in the United States District Court, Western District, Charlotte, North Carolina.

Martin, David S., 679 Herman Street, Marion, Ohio, convicted on November 26, 1973, in Boone County Court, Lebanon, Indiana.

Martin, Howard F., 1971 Rugby Avenue, College Park, Georgia, convicted on September 22, 1941, in the Newton County Superior Court, Georgia.

McKinney, Bary J., Route 1, Box 234, Spruce Pine, North Carolina, convicted on June 28, 1977, in the Mitchell County Superior Court, North Carolina.

Mehler, Ronald W., 2102 University Avenue, Madison, Wisconsin, convicted on March 30, 1972, in the Circuit Court, Milwaukee County, Wisconsin.

Miksitz, James P., 3614 Fisk Street, Philadelphia, Pennsylvania, convicted on March 13, 1968, in the Philadelphia Municipal Court, Pennsylvania..

Miles, Richard E., 3790 Hazelwood, Apt. 11, Las Vegas, Nevada, convicted on September 22, 1965, in the District Court of Utah, Ogden, Utah.

Miller, Ira B., 1711 Riverview Drive, Murfreesboro, Tennessee, convicted on May 15, 1979, in the United States District Court, Middle District of Tennessee.

Mitchell, Marvin A., 240 Cleveland Avenue, Gary, Indiana, convicted on April 23, 1954, in the Shelby County Court, Tennessee.

Montgomery, Robert W., Route 2, Cedar Bluff, Alabama, convicted on Janauary 31, 1958, in the 10th Judicial Circuit, Hardee County, Florida.

Moore, Benjamin G., 44505 Willow Road, Belleville, Michigan, convicted in 1958, Oakland County Circuit Court, Michigan.

Moore, David A., 3435 "D" Road, Route 1, Palisade, Colorado, convicted on October 10, 1962, in the Federal District Court, Tampa, Florida; and in October 1965, in the District Court, Portland, Oregon.

Moore, Melvin, 7239 Mount Vernon Street, Pittsburg, Pennsylvania, convicted on March 31, 1978, in the United States District Court, Western District of Pennsylvania.

Morris, Theodore L., P.O. Box 209, Poca, West Virginia, convicted on May 19, 1959, in the Circuit Court of Webster County, West Virginia; and on June 28, 1963, in the Record Court of Brevard County, Florida.

Myers, James R., 1318 South 14th Avenue, Yakima, Washington, convicted on December 12, 1968, in the Superior Court, Yakima County, Washington.

Nabbefeld, Joseph L., 319 West Weiland, Appleton, Wisconsin, convicted on August 9, 1976, in the Circuit Court, Winnebago County, Oshkosh, Wisconsin.

Nelson, Richard, 8010 83rd S.W., Apt 6, Tacoma, Washington, convicted on August 12, 1971, in the Superior Court of the State of Washington for Pierce County, Washington.

Nitz, Walter H. Jr., Route 2, Box 160–B, Lake Placid, Florida, convicted on July 28, 1978,

in the Circuit Court of St. Lucie County, Florida.

Norvell, Jesse R., 1510 South 10th Avenue, Yakima, Washington, convicted on March 9, 1935, in the Superior Court , Yakima County, Washington, and on September 20, 1939, in the 11th Judicial District, Twin Falls, Idaho.

Oakley, Jack H., Jr., 419 South Pennsylvania Street, Greenfield, Indiana, convicted on January 27, 1942, in the Henry County Circuit Court, Indiana.

Parkinson, David L., 8223 South "D" Street, Tacoma, Washington, convicted on August 14, 1974, in the Pierce County Superior Court, State of Washington.

Pedigo, Gary W., Route 2, Box 436H, Martinsville, Virginia, convicted on May 5, 1972, in the Corporation Court, Martinsville, Virginia.

Pelfrey, William D., Possum Kingdom, Route 3, P.O. Box 351, Madison County, Bera, Kentucky, convicted on January 6, 1971, in the Perry County Circuit Court, Hazard, Kentucky.

Pelishek, Dale L., 1328 McCormick Street, Green Bay, Wisconsin, convicted on January 27, 1976, in the Branch II of the County Court, Brown Couty, Wisconsin.

Pettway, Gary H., 205 Willow Drive, Vicksburg, Missipppi, convicted on July 21, 1978, in the Warren County Circuit Court, Vicksburg, Mississippi.

Phillips, James L.,145 North Oakley Avenue, Kansas City, Missouri, convicted on January 26, 1970, in the Jackson County Circuit Court of Missouri; and on September 13, 1978, in the United States District Court of Missouri.

Phillips, Rita Jean, Route 2, Box 30–B, McAlester, Oklahoma, convicted on December 12, 1977, in the District Court of Pittsburg County, Oklahoma.

Pierce, Clarance W., 477 Madison Street, Fond DuLac, Wisconsin, convicted on May 20, 1975, in the Branch II of the Fond DuLac County Court, Fond DuLac, Wisconsin.

Pippins, James C., 1011 Sheridan Street, Memphis, Tennessee, convicted on October 14, 1964, in the Shelby County District Court, Memphis, Tennessee.

Pogue, Percy E., 5784 Racetrack Road, St. Thomas, Pennsylvania, convicted on January 12, 1972, in the Criminal Court of Franklin County, Pennsylvania.

Purchase, Ralph S., 320 North Clara Street, Arlington, Washington, convicted on January 2, 1976, in the Superior Court of Snohomish County, Washington.

Ramsey, Billy G., P.O. Box 516, Grundy Virginia, convicted on November 5, 1965, in the United States District Court, Western District of Abingdon, Virginia.

Reddy, Jerry W., Jr., 2028 South Farloa, Dallas, Texas, convicted on May 26, 1977, in the District Court Number 3, in Dallas County, Texas.

Rice, Benjamin F., 217 West High Street, Springfield, Kentucky, convicted on March 27, 1978, in the United States District Court, Western District of Kentucky.

Roark, William A., 930 South Westland Avenue, Gallatin, Texas, convicted on January 29, 1979, in the Criminal Court of Sumner County, Tennessee.

Ross, Billy D., 600 Deerfield, Apt. 2606, Gretna, Louisiana, convicted on May 3, 1955, in the Lynn County Criminal District Court, Cedar Rapids, Iowa.

Ryan, Gary A., 1206East 3rd Street, Apt. 3, Moscow, Idaho, convicted on July 6, 1973, in the Alaska Superior Court, Third Judicial District of Anchorage, Alaska.

Schafer, Richard W., 129 70th Street, Apt 1B, New York, New York, convicted on November 29, 1972, in the 195th Judicial District Court in Dallas, Texas.

Schassberger, Kenneth J., 4195 El Paso, Beaumont, Texas, convicted on August 3, 1977, in the Jefferson County Criminal District Court, Jefferson County, Texas.

Scheffer, James A., RD 2, Franklin, Pennsylvania, convicted on May 27, 1980, in the United States District Court, Erie, Pennsylvania.

Seidler, Oliver J., 1919 East 64th Street, Indianapolis, Indiana, convicted on March 22, 1968, in the Criminal Court of Marion County, Indiana.

Simmons, James D., Route 1, Berry, Alabama, convicted on July 9, 1965, in the United States Federal Court, Northern District of Alabama; on February 25, 1966, in the Tuscaloosa County Court of Alabama; and on November 27, 1967, in the United States Federal Court, Northern District of Alabama.

Smallwood, James R., Route 1, Box 356, Sharpsburg, Georgia, convicted on March 1, 1974, in the United States District Court, Northern District of Georgia.

Sparks, Ralph T., Route 2, Box 419, Wilkesboro, North Carolina, convicted on November 22, 1971, in the United States District Court, Salisbury, North Carolina.

Stensby, Dennis D., 100 3rd Street, N.E., Minot, North Dakota convicted on March 11, 1978, in the United States District Court, North Western Division District of North Dakota, Minot, North Dakota.

Stewart, John S., 128 Masondale Avenue, Durham, North Carolina, convicted on December 6, 1976, in the United States District Court, Greensboro, North Carolina.

Stutesman, Gordon, 10175 Zinnia Way, Sandy, Utah, convicted on October 9, 1946, in the Circuit Court of Jackson County, Missouri.

Tardy, Gerald E., 7 Suncrest Terrace, Colchester, Vermont, convicted on March 19, 1965, and on Octobr 29, 1965, in the Bennington Municipal Court, Bennington, Vermont.

Tatge, Robert W., 240 North Ashland, Palatine, Illinois, convicted in May 1959, in the United States District Court, Northern Judicial District of Illinois.

Thomas, Billy Ray, 505 Parksburg Road, Jackson, Tennessee, convicted on July 9, 1979, in the Circuit Court of Gibson County, Tennessee.

Thomas, Michael G., 808 2nd Street, N.W., Valley City, North Dakota, convicted on July 13, 1966, in the Circuit Court, 17th Judicial District of Lee County, Florida.

Thornton, Clarke D., 2700 Chere Carol Road, Humboldt, Tennessee, convicted on November 30, 1978, in the United States District Court, Southern District of Texas.

Thornton, Richard L., 1830 8th Avenue, Spokane, Washington, convicted on August 13, 1975, in the Spokane County Superior Court, Spokane, Washington.

Tomlinson, Milton, 465 Fedora Way, N.W., Atlanta, Georgia, convicted on October 18, 1966, in the Fulton County Superior Court, Atlanta, Georgia.

Van Vetter, Michael L., 1276–5 Seacliff Court, Ventura, California, convicted on October 31, 1966, in the Superior Court of Ventura County, California.

Wagner, Alvin F., 907 East 11th Street, North Platte, Nebraska, convicted on July 16, 1970, in the United States District Court of Buchanan County, Missouri.

Walker, Anna Mae, Route 4, Box 230–L, Robstown, Texas, convicted on August 30, 1977, in the United States District Court, Karnes County, Texas.

Walker, Jody E., 4000 Bowser, Apt. 2, Dallas, Texas, convicted on September 20, 1974, in the 194th Judicial District Court, Dallas, Texas.

Walton, Clifton J. Jr., 121 Shadyside Lane, Montgomery, Alabama, convicted on December 29, 1976, in the Circuit Court, 15th Circuit, Montgomery, Alabama.

Weatherly, Benjamin T. Jr., 3818 Primrose Path, Deer Park, Texas, convicted on March 25, 1976, in the United States District Court, Brazoria City, Texas.

Weigand, Robert P., 1723 Kimsbrough Road, Sandy, Utah, convicted on October 2, 1967, in the United States District Court, Central District of California, Los Angeles, California.

Wellman, Arnold Lee, 3244 66th Avenue, S.W., Apt. 27, Olympia, Washington, convicted on August 8, 1976, in the Thruston County Superior Court of Washington.

Wickman, Raymond D., P.O. Box 539, Mt. Angel, Oregon, convicted on July 6, 1976, in the United States Circuit Court, Washington County, Oregon.

Williamson, Richard, P.O. Box 4516, Helena, Montana, convicted on January 18, 1973; and on February 21, 1973, in the 4th Judicial District of Missoula County, Montana.

Willis, Neil F., 1113 Wild Plum Drive, Lee's Summit, Missouri, convicted on February 15, 1974, in the United States District Court of Kansas City, Missouri.

Wilson, Barry Lee, RD 1, Box 288–A, Petersburg, Pennsylvania, convicted on February 4, 1976, in the Common Pleas Court, Huntingdon County, Pennsylvania.

Wilson, John L., Route 2, Box 143, Hockleburg, Alabama, convicted on November 2, 1976, in the United States District Court, Northern District of Alabama.

Winkler, Robert L., 912 Central Street, Oshkosh, Wisconsin, convicted on September 19, 1953, in the Winnebago County Municipal Court; and on March 2, 1954, in Outagamie County Municipal Court, Wisconsin.

Compliance With Executive Order 12044

This notice of granting of relief does not meet the Department's criteria for significant regulations as set forth in the **Federal Register** of November 8, 1978.

Signed: June 22, 1981.

G. R. Dickerson,

Director.

[FR Doc. 81-19074 Filed 6-26-81; 8:45 am]

BILLING CODE 4810-31-M

Customs Service

[T.D. 81-173]

Tariff-Rate Quota for the Calendar Year 1981, on Tuna Classifiable Under Item 112.30, Tariff Schedules of the United States, (TSUS)

AGENCY: Customs Service, Treasury.

ACTION: Announcement of the quota quantity for tuna for calendar year 1981.

SUMMARY: Each year the tariff-rate quota is applicable to tuna fish described in item 112.30, (TSUS), is based on the U.S. pack of canned tuna during the preceding calendar year.

EFFECTIVE DATES: The 1981 tariff-rate quota is applicable to tuna fish entered, or withdrawn from warehouse, for consumption during the period January 1 through December 31, 1981.

FOR FURTHER INFORMATION CONTACT: William D. Slyne, Chief, Special Operations Branch, Duty Assessment Division, Office of Commercial Operations, U.S. Customs Service, Washington, D.C. 20229 (202-566-8592).

It has now been determined that 104,355,000 pounds of tuna may be entered for consumption or withdrawn from warehouse for consumption during the calendar year 1981 at the rate of 6 per centum ad valorem under item 112.30, TSUS. Any such tuna which is entered, or withdrawn from warehouse, for consumption during the current calendar year in excess of this quota will be dutiable at the rate of 12.5 per centum ad valorem under item 112.34 of the tariff schedules.

(QUO-2-07D:S:Q GH).

Dated: June 23, 1981.

William T. Archey,

Acting Commissioner of Customs.

[FR Doc. 81-19084 Filed 6-26-81; 8:45 am]

BILLING CODE 4810-22-M

Fiscal Service

Renegotiation Board Interest Rate

The Renegotiation Board previously published the rate of interest determined by the Secretary of the Treasury pursuant to section 105(b)(2) of the Renegotiation Act of 1951, as amended. Since the Renegotiation Board is no longer in existence, the Department of the Treasury is publishing the current rate of interest.

Therefore, notice is hereby given that, pursuant to section 105(b)(2) of the Renegotiation Act of 1951, as amended, (50 U.S.C. App. 1215(b)(2)) the Secretary of the Treasury has determined that the rate of interest applicable, for the purposes of said section 105(b)(2) and section 106 of such Act, to the period beginning July 1, 1981 and ending on December 31, 1981, is 14⅞ per centum per annum.

Dated: June 19, 1981.

Paul Taylor,

Fiscal Assistant Secretary.

[FR Doc. 81-19057 Filed 6-26-81; 8:45 am]

BILLING CODE 4810-40-M

[Delegation Order No. 96 (Rev. 5)]

Internal Revenue Service

Delegation of Authority

AGENCY: Internal Revenue Service, Treasury.

ACTION: Delegation of authoiryt

SUMMARY: This is a revision to Delegation Order No. 96 (Rev. 4) which authorizes certain National Office and Key District personnel to limit the retroactive effect of the revocation of any determination letter issued with respect to employee plans. Rev. 5 revises section 8 of the delegation order to permit the authority to grant section 7805(b) relief in certain employee plan matters to be redelegated to the Assistant Chief, EP/EO Division. Under Rev. 4, the redelegation of this authority was limited to the level of Chief, EP/EO Division. Currently, only the Southeast and Southwest regions have the Assistant Cheif position. The text of the delegation order appears below.

EFFECTIVE DATE: June 18, 1981.

FOR FURTHER INFORMATION CONTACT: James M. Ballard, E:EP:T:5, 1111 Constitution Avenue, N.W., Room 6213, Washington, DC 2024, (202) 566-3330 (Not toll free).

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the Treasury directive appearing in the **Federal Register** for Wednesday, November 8, 1978.

Billy Hargett,

Director, Employee Plans Division.

Order No. 96 (Rev. 5)

Delegation Order

Date of issue: June 18, 1981.

Effective Date: June 18, 1981.

Subject: Application of rulings without retroactive effect.

1. Pursuant to authority granted to the Commissioner of Internal Revenue by 26 CFR 301.7805-1(b):

a. the Assistant Commissioner (Technical) and the Deputy Assistant Commissioner (Technical) are hereby authorized to prescribe the extent, if any, to which any ruling issued by or pursuant to authorization from the Assistant Commissioner relating to the internal revenue laws shall be applied without retroactive effect.

b. the Assistant Commissioner (Employee Plans and Exempt Organizations) and the Deputy Assistant Commissioner (Employee Plans and Exempt Organizations) are hereby authorized to prescribe the extent, if any, to which any ruling issued by or pursuant to authorization from the Assistant Commissioner relating to the internal revenue laws shall be applied without retroactive effect.

2.a. Pursuant to authority granted to the Commissioner of Internal Revenue by 26 CFR 301.7805-1(b), there is hereby delegated to the Director, Employee, Plans Division and to the Director, Actuarial Division of the National Office, and to the Director of each EP/EO Key District, the authority to limit the retroactive effect of the revocation of any determination letter issued with respect to employee plans if the following conditions are met:

(1) The plan sponsor has received a favorable determination letter under the law in effect prior to the date that the Employee Retirement Income Security Act of 1974 (ERISA) applied to the plan, but did not receive a favorable post-ERISA determination letter.

(2) The plan sponsor executed the necessary plan amendments to conform to ERISA retroactively to the first plan year that was subject to ERISA and such amendments are executed no later than 91 days after the issuance of a final determination letter or notice of amendments needed to effect compliance (which notice shall be issued at least 91 days prior to the final examination report).

(3) Employees' and beneficiaries' rights and/or benefits under the plan are restored to levels they would have had to attain if the plan had never failed to qualify under ERISA.

(4) The requirements of section 2b relating to form are satisfied on June 4, 1980, and the requirements of section 2b relating to operation are met beginning with the ERISA effective date for the minimum participation standards determined with regard to each plan.

b. The requirements of this section are:

(1) The plan satisfies the age and service requirements for participation described in section 410(a) of the Code or fails to satisfy such requirements solely because the plan incorrectly credits service for eligibility purposes;

(2) The plan satisfies the requirements of section 411(a) or fails to satisfy such requirements solely because the plan incorrectly credits service for vesting purposes;

(3) In the case of a plan subject to the joint and survior requirements of section 401(a)(11) such plan provides a joint and survivor annuity;

(4) The plan has not failed to satisfy the requirements of section 414(l);

(5) The plan has not, in operation, violated the limitations of section 415(c) by making excess allocations to individuals who are officers, shareholders or highly compensated: and

(6) The plan has not, in operation, been discriminatory in coverage or in contributions or benefits under sections 410(b) and 401(a)(4).

c. In the case of a plan that fails to satisfy section 2a solely as a result of not satisfying one or more of the requirements of section 2b, partial relief will be granted through section 7805(b). The employer's contributions will not be deductible as contributions to a qualified plan. However, section 7805(b) relief will be applied to the trust and all employees except to the extent described in the next two sentences. In the case of a plan that does not satisfy section 2b(5), the 7805(b) relief described in the previous sentence will not apply to any officer, shareholder, or highly compensated individual who received annual additions that did not satisfy such section. In the case of a plan which does not satisfy section 2b(6), the 7805(b) relief will not apply to any officer, shareholder or highly compensated individual. Thus, any such officer, shoreholder or highly compensated individual will not receive the tax treatment applicable with respect to qualified plans. In the case of a plan which fails to satisfy applicable requirements for any other reason relief can only be granted pursuant to section 1b.

d. The section 7805(b) relief detailed in sections 2a, 2c and 3 shall be effective for the period beginning with the ERISA effective date for the minimum participation standards determined with regard to each plan and ending on the date of final compliance which shall be no later than the date defined in section 2a(2) of this order.

e. In determining whether the requirements of this section are satisfied, proposed amendments received by the service by June 4, 1980, will be taken into account.

3. a. In addition to the authority delegated in section 2 above, there is delegated to the Director of each EP/EO Key District, the Director, Employee Plans Division and the Director, Actuarial Division, the authority to limit the retroactive effect of the revocation, if any, of a favorable post-ERISA determination letter issued for a plan, except issues with respect to which an Alert Guidelines worksheet was completed. If a determination letter was issued erroneously with respect to issues covered by a completed Alert Guidelines worksheet, retroactive relief may only be granted pursuant to section 1b.

b. If a plan described in section 3a is amended in accordance with section 2a(2), restoration will be required and relief will be granted to the extent described below. If the defect did not exist at the time of the prior letter, the sponsor must restore any benefits and relief will be granted in accordance with the principles in section 2c for the period in which the defect existed. If the defect did exist at the time of the prior letter, the related benefits need only be restored for the period during which the plan was, without regard to the defect, not in compliance wit Code section 401(a) and full section 7805(b) relief will be granted.

4. The delegation of authority granted pursuant to sections 2 and 3 above does not permit relief to be granted in any case if after September 30, 1982, amendments required for complete compliance have not been executed or a request for a determination letter with proposed ERISA amendments has not been filed. Notwithstanding the above, the Director of each EP/EO Key District is not delegated any section 7805(b) authority in the case of a plan which the Director of each EP/EO Key District determines to have been discriminatory for years before the effective date of section 410 for such plan. Cases described in this section must be referred to the National Office pursuant to procedures governing requests for technical advice.

5. Notwithstanding any of the above, section 7805(b) authority is not delegated to the Director, Employee Plans Division, the Director, Actuarial Division and the Director of each EP/EO Key District in the case of a plan which has been determined to have violated the exclusive benefit rule of section 401(a).

6. The section 7805(b) authority described in sections 2a, 2c or 3 will be exercised except in rare and unusual circumstances. Where rare and unusual circumstances exist, denial of section 7805(b) relief will be applied only if approved by the National Office.

7. The authority delegated in section 1 may not be redelegated.

8. The authority to grant 7805(b) relief in certain employee plan matters herein delegated to the Director, Employee Plans Division and to the Director of each EP/EO Key District may not be redelegated below the level of the Chief, Employee Plans Technical Branch and the Assistant Chief, EP/EO Division, respectively. The authority to grant 7805(b) relief delegated to the Director, Actuarial Division may not be redelegated.

9. This delegation order expires with respect to the Director of each EP/EO Key District on December 31, 1982.

10. This delegation order supersedes Delegation Order No. 96 (Rev. 4) issued June 4, 1980.

Roscoe L. Egger, Jr.,

Commissioner.

[FR Doc. 81-19059 Filed 6-26-81; 8:45 am]

BILLING CODE 4830-01-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 124
Monday, June 29, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

CONTENTS

	Items
Commodity Credit Corporation	1
Equal Employment Opportunity Commission	2, 3
Federal Communications Commission	4, 5
Federal Home Loan Bank Board	6
Postal Service (Board of Governors)	7
United States Railway Association	8
Tennessee Valley Authority	9

1

COMMODITY CREDIT CORPORATION.

TIME AND DATE: 9:30 a.m., July 6, 1981.

PLACE: Room 218–A, Administration Building, U.S. Department of Agriculture, Washington, D.C.

STATUS: Open/closed.

MATTERS TO BE CONSIDERED:

1. Memorandum re: Outline of organization of Commodity Credit Corporation.
2. Memorandum re: CCC Board docket procedures.
3. Docket CZ 157, Revision 5 re: Policy and procedure governing the submission of dockets to the Board of Directors, CCC, and the handling of dockets considered by the Board.
4. Memorandum re: Government in the Sunshine Act.
5. Major CCC actions approved and announced by the Secretary of Agriculture for the period April 16, 1981 thru June 9, 1981:
   a. Docket XCX 12(b) re: Sale of dairy products to Poland for unrestricted use.
   b. Docket VCP 98a, Amendment 1 re: Milk price support program, 1980–81.
   c. Docket WCP 154a re: 1981 Uniform Grain Storage Agreement.
   d. Docket WCP 2a re: 1981 crop wheat loan, purchase, and payments programs.
   e. Docket WCP 137a re: 1981 crop barley, corn, oats, rye, and sorghum loan, purchase, and payment programs.
   f. Docket WCO 309a re: 1981 crop flue-cured tobacco testing levels of maleic hylrazide (MH) residue in cured leaves.

Closed portion of meeting:

6. Memorandum re: CCC sales policy considerations.
7. Memorandum re: CCC commodity storage considerations.

CONTACT PERSON FOR MORE INFORMATION: Edward Rews, Acting Secretary, Commodity Credit Corporation, Room 3088 South Building, U.S. Department of Agriculture, Washington, D.C. 20013, Telephone (202) 447–7583.

[S–1001–81 Filed 6–25–81; 11:20 am]

BILLING CODE 3410–05–M

2

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

DATE AND TIME: 9:30 a.m. (eastern time), Tuesday, June 30, 1981.

PLACE: Commission Conference Room 5240, fifth floor, Columbia Plaza Office Building, 2401 E Street NW, Washington, D.C. 20506.

STATUS: Part will be open to the public and part will be closed to the public.

MATTERS TO BE CONSIDERED: Open to the public—

1. Proposed OFCCP's Final Rule Withdrawing its Earlier Rule on the Payment by Contractors of Membership Fees to Private Organizations.
2. A report on Commission Operations by the Executive Director.

Closed to the public—

1. Litigation Authorization; General Counsel Recommendations.
2. Proposed contracts for expert services needed in connection with court cases.

Note.—Any matter not discussed or concluded may be carried over to a later meeting.

CONTACT PERSON FOR MORE INFORMATION: Treva I. McCall, Executive Officer, Executive Secretariat, at (202) 634–6748.

This Notice Issued June 23, 1981.

[S–998–81 Filed 6–24–81; 4:16 pm]

BILLING CODE 6570–06–M

3

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: S–949–81.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30 a.m. (eastern time), Tuesday, June 23, 1981.

CHANGE IN THE MEETING: The following item was added to the agenda for the open portion of the meeting:

Plan for Periodic Review of Rules Required by the Regulatory Flexibility Act of 1980

A majority of the entire membership of the Commission determined by recorded vote that the business of the Commission required this change and that no earlier announcement was possible. In favor of change:

J. Clay Smith, Jr., Acting Chairman.
Daniel E. Leach, Vice Chairman.
Armando M. Rodriguez, Commissioner.
Opposed: None.

CONTACT PERSON FOR MORE INFORMATION: Treva I. McCall, Executive Officer, Executive Secretariat, (202) 634–6748.

[S–999–81 Filed 6–24–81; 4:17 pm]

BILLING CODE 6750–06–M

4

FEDERAL COMMUNICATIONS COMMISSION.

Closed Commission Meeting

The Federal Communications Commission will hold a Closed Meeting on the subjects listed below on Tuesday, June 30, 1981 following the Open Meeting which is scheduled to commence at 9:30 a.m., in Room 856, at 1919 M Street, NW., Washington, D.C.

Agenda, Item No., and Subject

Hearing—1—Authorized Appeal from an ALJ's interlocutory ruling in the Aurora, Illinois Section 307(b) proceeding. (BC Docket Nos. 80–432, 80–433).

Hearing—2—Joint Petition for Approval of Settlement Agreement, Petition for Leave to Amend TV 9, Inc.'s application, and other related pleadings in the Orlando, Florida comparative television proceeding (Docket Nos. 11083, 17339, 17341, 17342, 17344).

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Maureen Peratino, FCC Public Affairs Office, telephone number (202) 254–7674.

Issued: June 23, 1981.

William J. Tricarico,

Secretary, Federal Communications Commission.

[S–1004–81 Filed 6–25–81; 1:47 pm]

BILLING CODE 6712–01–M

5

FEDERAL COMMUNICATIONS COMMISSION.

Open Commission Meeting

The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Tuesday, June 30, 1981, which is scheduled to

commence at 9:30 a.m., in Room 856, at 1919 M Street, NW., Washington, D.C.

Agenda, Item No., and Subject

General—1—*Title:* Spread Spectrum and other wideband modulation techniques. *Summary:* The Commission intends to explore the merits of authorizing wideband modulation techniques. Radio services which might benefit from this authorization and the technical characteristics of wideband signals will be examined.

General—2—*Title:* In re petition by Del Norte Technology, Inc., (RM–3378) for amendment of Parts 2 and 90 of the FCC's Rules and Regulations. *Summary:* Del Norte Technology, Inc., has filed a petition with the FCC requesting inland expansion of operation in the 420–450 MHz band for non-Government radiolocation use, including the use of spread spectrum technology.

General—3—*Title:* Notice of Proposed Rulemaking to amend Parts 2 and 74 of the Commission's Rules and Regulations to allocate the 38.6–40 GHz band to TV Auxiliary Broadcast Pickup stations on a secondary basis. *Summary:* The FCC is proposing certain rules that would add a new band of frequencies to those currently available to TV auxiliary broadcast stations. Use of the band would be on a secondary basis for ENG (electronic newsgathering) equipment or similar TV auxiliary pickup equipment. Also, technical standards to govern the operation of such equipment are also being proposed.

General—4—*Title:* Amendment of Parts 2 and 97 of the Rules and Regulations to authorize spread spectrum modulation in the Amateur Radio Service. *Summary:* The Commission will consider authorizing the use of spread spectrum modulation by amateur radio operators. This modulation technique is presently implicitly prohibited by the rules because of its wideband spectral characteristics.

Private Radio—1—*Title:* Petition requests reconsideration of petition (RM–3500) denial action concerning licensing and operation of medical services radio systems in the 450–460 MHz band in the Special Emergency Radio Service. *Summary:* The FCC will consider whether to reconsider petition from the National Highway Traffic Safety Administration. The petitioner notes new developments concerning medical services radio systems which it feels will justify reconsideration action and the adoption of a Notice of Inquiry concerning the problems and regulatory and deregulatory requirements for these operations.

Private Radio—2—*Title:* Amendment of Part 90 of the Commission's Rules to delete the transmission of call sign requirements for stations in the Radiolocation Service. *Summary:* The FCC has before it a petition (RM–2993) proposing that the FCC delete the current station identification requirements that apply to stations in the Radiolocation Service. The FCC will consider whether to institute an Inquiry into the issues raised by the petition.

Private Radio—3—*Title:* Report and Order to clarify the aeronautical enroute station rules and provide two additional frequencies for use by certain aircraft operating agencies. *Summary:* The FCC will consider whether to adopt a general clarification of the rule concerning aeronautical enroute stations. It also will consider whether to provide two additional frequencies for use by relatively small aircraft operating companies without restriction as to the number of station licensees at a location. Aeronautical enroute stations provide air-ground communications for the operational control (flight management) of aircraft by the operating company.

Common Carrier—1—*Title:* Application for Review filed by Mobile Telecommunications Corporation. *Summary:* The Commission will consider whether to reverse the Common Carrier Bureau's denial of the request of Mobile Telecommunications Corporation to waive Section 22.501(a) of the Rules (47 CFR 22.501(a)) and the return of its application, File No. 21564–CD–P–(8)–78, as unacceptable for filing.

Common Carrier—2—*Title:* Amendment of Section 22.501(a) of the Commission's rules to allow the 35 MHz frequency band to be used for one-way signaling on an exclusive basis in the Domestic Public Land Mobile Radio Service. *Summary:* The Commission will consider whether to amend its rules to allow the 35 MHz and 43 MHz to be used for one-way signalling subject to technical restrictions to protect existing two-way licensees and licensees on adjacent channels in the Special Industrial Radio Service.

Common Carrier—3—*Title: Investigation into proposed tariff revisions filed by RCA American Communications, Inc. to Tariff FCC Nos. 1 and 2. CC Docket No. 81–41. Summary:* The Commission considers the investigation into an allocation plan proposed by RCA Americom by which the carrier would award a "bonus" transponder to permanent customers on its Cable Net II satellite.

Common Carrier—4—*Title:* Bell System Procurement Practices (CC Docket No. 80–53); RM 3381 Bell Operating Company Procurement. *Summary:* The Commission will consider a proposal submitted by the Bell System companies in response to the Final Decision in Docket No. 19129. That decision, among other things, ordered the Bell System to submit changes in procurement practices that would ensure that Bell operating companies would not be biased toward Western Electric in equipment purchasing.

Cable Television—1—*Title:* Petition for reconsideration of *Memorandum Opinion and Order in Docket 20649. Subject:* Fisher Broadcasting request for reconsideration of the Commission's decision declining to commence rulemaking looking toward rules that would require cable television systems to delete "pre-released" programming from foreign stations under the network nonduplication rules.

Cable Television—2—*Title:* Commission response to petition for reconsideration, filed by the American Civil Liberties Union, of *Order in Docket 20508. Summary:* By *Order*, FCC 80–606, 83 FCC 2d 147 (1980), the Commission formally deleted the cable television access, channel capacity and facility requirements from the Commission's Rules to comply with the court's mandate in *Midwest Video Corp. v. FCC*, 571 F. 2d 1025 (8th Cir. 1978), *aff'd* 440 U.S. 689 (1979). This response addresses the petition for reconsideration of that *Order* filed by the American Civil Liberities Union which asks that the scope of Section 76.215 (Obscenity Rule) be clarified or the rule be repealed entirely.

Cable Television—3—*Title:* "Petition for Special Relief" (CSR–1822X) filed October 6, 1980, by the Industrial National Bank of Rhode Island and by American Television and Communications Corporation. *Summary:* The Industrial National Bank of Rhode Island and American Television and Communications Corporation seek a nine-month extension of time for compliance with the Commission's opinion in *Wolverine Cabletelevision, Inc.* (Battle Creek, Michigan), FCC 78–774, 69 FCC 2d 1487 (1978), requiring divesture of a prohibited cross-interest.

Renewal—1—*Title:* Petition to Deny the License Renewal Applications of Turner Broadcasting Corp. for Stations KBUC and KBUC–FM, San Antonio, Texas, by the Housing Organizations Mobilized for Equality, Organizations United for Eastside Development and LULAC District 15. *Summary:* The Commission considers the allegations of a coalition of community organizations in San Antonio, Texas, that Turner Broadcasting Corp. has inadequately ascertained the needs and interests of the community, has engaged in discriminatory employment practices, and has aired racist and inflammatory opinions.

Renewal—2—*Title:* Application for renewal of license of Station WPBR, Palm Beach, Florida. *Summary:* The Commission considers the short-term license renewal application of Station WPBR, Palm Beach, Florida, filed by GR Group, Inc.

Renewal—3—*Title:* License renewal application of Cumberland College of Tennessee for WFMQ(FM), Lebanon, Tennessee, and the mutually exclusive application of Vanderbilt Student Communications, Inc., for WRVU(FM), Nashville, Tennessee. *Summary:* Cumberland College of Tennessee filed for renewal of its license for WFMQ(FM), Lebanon, Tennessee. Vanderbuilt Student Communications, Inc., filed a major modification request for the facilities of WRVU(FM), Nashville, Tennessee. The modification request, as proposed, would overlap with the present service of the WFMQ(FM) renewal applicant. The Commission considers designating the applications for a comparative hearing.

Aural—1—*Title:* Memorandum Opinion and Order in re petitions for reconsideration by Stereo Corporation (WBLM(FM)), Lewiston, Maine, and the Board of Trustees of the University of Cincinnati (WGUC(FM)) Cincinatti, Ohio. *Summary:* The FCC considers petitions for reconsideration of its action denying applications for modification of facilities

Broadcast—1—*Title:* Amendment of Part 74, Subpart L of the Commission's Rules pertaining to FM translators. *Summary:* The FCC will consider whether to adopt or deny a rulemaking petition (RM–2273). The rulemaking petition proposes to permit the retransmission of AM broadcast signals by FM translators in areas beyond the predicted 1 mV/m field strength contour of existing AM and FM stations.

Broadcast—2—*Title:* Increased antenna height of Class A FM broadcast stations in Puerto Rico and the Virgin Islands. *Summary:* The Commission considers a proposal to permit increased antenna height, up to 1100 feet above average terrain for Class A FM stations in Puerto Rico and the Virgin Islands.

Broadcast—3—*Title:* The use of subcarrier frequencies in the aural baseband of television transmitters. *Summary:* the FCC will consider whether to adopt a First Report and Order in Docket 21323 permitting TV aural subcarriers to be used for electronic news gathering purposes (ENG).

Broadcast—4—*Title:* Processing of noncommercial, educational FM station applications. *Summary:* The Commission will consider five alternatives in the processing of noncommercial, educational FM station applications pending the resolution of the FM-to-TV Channel 6 interference problem in Docket No. 20735.

Complaints and Compliance—1—*title:* Application for Review, filed Feburary 24, 1981, of the Broadcast Bureau's January 22, 1981 ruling denying the complaint of Martin E. Wendelken againt television station WPIX, New York, New York. *Summary:* Mr. Wendelken claims in his Application for Review that the station did not exercise proper control over a regularly scheduled news interview program on which two legally qualified candidates for public office appeared, so that the program was no longer exempt from Section 315 equal opportunities requirements.

Complaints and Compliance—2—*Title:* Application for Review, filed January 6, 1981, of the Broadcast Bureau's December 10, 1980 ruling denying the complaint of Richard Barrett against television station WLBT–TV, Jackson, Mississippi. *Summary:* The Bureau's ruling was based on its determination that Mr. Barrett provided insufficient information to substantiate his claim that WLBT–TV has not complied with its obligations under the Fairness Doctrine. Mr. Barrett provides the Commission with no additional information in his Application for Review.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Maureen P. Peratino, FCC Public Affairs Office, telephone number (202) 254–7674.

Issued: June 23, 1981.

William J. Tricarico,

Secretary, Federal Communications Commission.

[S–1005–81 Filed 6–25–81; 1:47 pm]

BILLING CODE 6712–01–M

6

FEDERAL HOME LOAN BANK BOARD.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: To be announced.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., Thirsday, July 2, 1981.

PLACE: 1700 G Street N.W., board room, Sixth floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION:
Mr. Marshall (202–377–6679).

Changes in the meeting: The first item has been withdrawn from the open portion of the Bank Board meeting scheduled for Thursday, July 2, 1981, and the second item has been added.

1. Payment of Interest on Federal Home Loan Bank Demand Deposit.
2. Advances Policy Amendment.

[No. 507, June 25, 1981.]

[S–1000–81 Filed 6–25–81; 11:20 am]

BILLING CODE 6720–01–M

7

POSTAL SERVICE.

(Board of Governors)

Notice of Vote to Close Meeting

At its meeting on June 22, 1981, the Board of Governors of the United States Postal Service voted to close to public observation a portion of its meeting scheduled for July 7, 1981. Each of the members of the Board voted in favor of closing this portion of the meeting. The meeting is expected to be attended by the following persons: Governors Babcock, Camp, Ching, Hardesty, Highest, Hyde, Jenkins, and Sullivan; Postmaster General Bolger; Deputy Postmaster General Benson; Secretary of the Board Cox, and Counsel to the Governors Califano.

The portion of the meeting to be closed will consist of a continuation of the discussion of the Postal Service's possible strategies and positions in connection with collective bargaining negotiations involving parties to the 1978 National Agreements between the Postal Service and four labor organizations representing certain postal employees, which are scheduled to expire in July of 1981.

The Board of Governors is of the opinion that public access to any discussion of possible strategies that Postal Service management may decide to adopt, or the positions it may decide to assert, in any collective bargaining sessions that may take place would be likely to frustrate action to carry out those strategies or assert those positions successfully. In making this determination, the Board is aware that the effectiveness of the collective bargaining process in labor-management relations has traditionally depended on the ability of the parties to prepare strategies and formulate positions without prematurely disclosing them to the opposite party. The public has a particular interest in the integrity of this process as it relates to the Postal Service, since the outcome of the negotiations between the Postal Service and the various postal unions, and consequently the cost, quality and efficiency of postal operations, may be adversely affected if the process is altered.

Accordingly, the Board of Governors has determined that, pursuant to section 552b(c)(3) of title 5, United States Code, and § 7.3(c) of title 39, Code of Federal Regulations, the portion of the meeting to be closed is exempt from the open meeting requirement of the Government in the Sunshine Act (5 U.S.C. 552(b)), because it is likely to disclose information prepared for use in connection with the negotiation of collective bargaining agreements under chapter 12 of title 39, United States Code, which is specifically exempted from disclosure by section 410(c)(3) of title 39, United States Code. The Board has determined further that, pursuant to section 552b(c)(9)(B) of title 5, United States Code, and § 7.3(i) of title 39, Code of Federal Regulations, the discussion is exempt, because it is likely to disclose information the premature disclosure of which is likely to frustrate significantly proposed Postal Service action. Finally, the Board of Governors has determined that the public has an interest in maintaining the integrity of the collective bargaining process and that the public interest does not require that the Board's discussion of its possible collective bargaining strategies and position be open to the public.

In accordance with section 552b(f)(1) of title 5, United States Code, and § 7.6(a) of title 39, Code of Federal Regulations, the General Counsel of the United States Postal Service has certified that in his opinion the portion of the meeting to be closed may properly be closed to public observation, pursuant to sections 552b(c)(3), (9)(B), and (10) of title 5, and section 410(c) (3) and (4) of title 39, United States Code.

and §§ 7.3(c) and 7.3 (i) and (j) of title 39, Code of Federal Regulation.

Louis A. Cox,

Secretary.

[S-1002-81 Filed 6-25-81; 1:14 pm]

BILLING CODE 7710-12-M

8

UNITED STATES RAILWAY ASSOCIATION.

DATE AND TIME: July 9, 1981; 9 a.m.

PLACE: Board Room, Room 2-500, Fifth Floor, 955 L'Enfant Plaza North, S.W., Washington, D.C.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED BY THE BOARD OF DIRECTORS: Portions closed to the public (9 a.m.):

1. Litigation Report.
2. Consideration of Internal Personnel Matters.
3. Review of Conrail Proprietary and Financial Information.
4. Review of Delaware & Hudson Proprietary and Financial Information.

Portions open to the public (9:30 a.m.):

5. Approval of Minutes on June 4, 1981 Board of Directors Meeting.
6. Consideration of Conrail Drawdown Request for July.
7. Review of Current Legislative Proposals for Conrail.
8. Report on Conrail Monitoring.
9. Contract Actions.

[S-1003-81 Filed 6-25-81; 1:18 pm]

BILLING CODE 8240-01-M

9

TENNESSEE VALLEY AUTHORITY.

[Meeting No. 1269]

TIME AND DATE: 10:15 a.m. (EDT), Thursday, July 2, 1981.

PLACE: Conference Room B-32, West Tower, 400 Commerce Avenue, Knoxville, Tennessee.

STATUS: Open.

Old Business Items

1. Project Authorization No. 3547—Blue Ridge Dam Project Improvements.
2. New lease agreement with City of Knoxville, Tennessee, for public recreation purposes, affecting 32 acres of land on Fort Loudoun Reservoir (Sequoyah Park)—Tract No. XTFL-96L.

New Business Items

A—Project Authorizations
1. Project Authorization No. 3575—Raise Scrubber Sludge Pond Dike at Widows Creek Steam Plant.
2. Project Authorization No. 3574—Demonstration-Scale Unit for Curtain Granulation of Urea.

B—Purchase Awards
1. Req. No. 828920—Insulated Conductors for Yellow Creek Nuclear Plant.
2. Amendment to Contract 77K53-820732 with ITT Grinnell Corporation, Providence, Rhode Island, for seismic supports for Bellefonte Nuclear Plant.
3. Coal procurement—emergency purchases for Widows Creek Steam Plant Units 1-6.
4. Req. No. 163703—Management of TVA's Morton Ranch Uranium Mining and Milling Project located in Converse County, Wyoming.

C—Power Items
1. Lease and amendatory agreement with Springfield, Tennessee, and Cumberland Electric Membership Corporation covering arrangements for 69-kV service to both distributors at TVA's Springfield District Substation.
2. Supplemental agreement to Interconnection Agreement with Louisville Gas and Electric Company providing for replacement of service schedules covering emergency assistance, energy interchange, and short term power.
3. Service Schedule under interconnection agreement between TVA and the Appalachian Power Company providing for reciprocal emergency conservation energy supply.

D—Personnel Items
*1. Change of status for Joseph E. Kerley, Chief, Auditing Branch, Division of Finance, Office of Management Services, Knoxville, Tennessee.
*2. Change of status for James F. Groves from Plant Superintendent, Watts Bar Nuclear Plant, to Project Manager, Director's Office, Division of Nuclear Power, Office of Power, Chattanooga, Tennessee.
*3. Personal services contract with The Babcock & Wilcox Company, Lynchburg, Virginia, for engineering assistance in connection with startup of the Bellefonte Nuclear Plant, requested by the Office of Power.

E—Real Property Transactions
1. Proposed relocation and abandonment of easement rights affecting a portion of the Widows Creek-Sequoyah 161-kV transmission line in Hamilton County, Tennessee—Tract No. WIS-116.
2. Abandonment of easement rights affecting approximately 0.20 acre of South Holston Reservoir land located in Washington County, Virginia—Tract No. SH-586F.
3. Conveyance of rights of way to Franklin County, Alabama, for highway adjustments due to the construction and operation of Little Bear Creek Dam and Reservoir.
4. Filing of condemnation suit.

F—Unclassified
1. Proposed sale of surplus property—IBM Type 3165 central processor and peripherals located at Computing Operations Branch, Chattanooga, Tennessee.
2. Proposed sale of surplus property—Construction equipment at various locations.
3. Revised budget plan for 1981—Midyear Review.

CONTACT PERSON FOR MORE INFORMATION: Craven H. Crowell, Jr., Director of Information, or a member of his staff can respond to request for information about this meeting. Call (615) 632-3247, Knoxville, Tennessee. Information is also available at TVA's Washington Office, (202) 245-0101.

Dated: June 25, 1981.

[S-1006-81 Filed 6-25-81; 2:50 pm]

BILLING CODE 8120-01-M

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*Items approved by individual Board members. This would give formal ratification to the Board's action

federal register

Monday
June 29, 1981

Part II

Department of Transportation

Federal Aviation Administration

Noise Standards: Aircraft Type and Airworthiness Certification; and Airport Noise Compatibility Planning

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 36

[Docket No. 16231; Amdt. 36-12]

Noise Levels for Turbojet Engine Powered Airplanes and for Large Propeller-Driven Airplanes: Recommended Regulations Submitted to the FAA by the Environmental Protection Agency

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule and notice of decision.

SUMMARY: This action involves recommended regulations submitted to the FAA by the U.S. Environmental Protection Agency (EPA) under section 611 of the Federal Aviation Act of 1958, as amended (the "Act"). This amendment adds a provision expressly stating that FAA approved equivalent procedures may be used in demonstrating compliance with the required noise levels instead of certain noise certification test procedures prescribed in the rules. That provision provides flexibility in test methodology available to the applicant and the FAA in modifying certain regulatory procedures to lower the cost and complexity of compliance when equivalent results can be achieved. Additionally, this amendment clarifies and simplifies the rule language to better explain which noise level requirements apply and which "tradeoff" provisions are available to applicants for approval of modifications to certain, already certificated aircraft type designs.

This document also contains the FAA's decisions under section 611 of the Act not to prescribe further amendments to the Federal Aviation Regulations based on the remaining proposals contained in Notice No. 76–22 regarding noise certification standards. It provides a detailed explanation of the reasons for those decisions. The supporting environmental assessment provides more detailed analysis and explanation of the alternatives and their effects. This action completes the required FAA consideration of all recommended aviation noise rules received to date from the EPA. This action is being taken at this time pursuant to the order of the U.S. District Court for the District of Columbia (*State of Illinois et al.* v. *William S. Coleman*, Civil Action No. 76–1961; March 12, 1981) to publish this document by June 30, 1981.

EFFECTIVE DATE: August 1, 1981.

FOR FUTHER INFORMATION CONTACT: Mr. Richard Tedrick, Noise Policy and Regulatory Branch (AEE–110), Noise Abatement Division, Office of Environment and Energy, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 755–9027.

SUPPLEMENTARY INFORMATION:

Brief Regulatory History

This amendment and notice of decision completes action on a notice of proposed rule making (Notice No. 76–22) published in the **Federal Register** on October 28, 1976 (41 FR 47358), and on Supplemental Notice No. 76–22A published in the **Federal Register** on December 9, 1976 (41 FR 53807). Those notices contained numerous recommended amendments submitted by the U.S. Environmental Protection Agency (EPA) for changes in the noise certification standards which would be applicable to turbojet engine powered airplanes and to large propeller-driven airplanes. The EPA proposal incorporated and supplemented the earlier FAA proposals contained in Notice Nos. 75–37, 75–37B, and 75–37C. A Notice of Public Hearing on the EPA recommendations was published in the **Federal Register** on October 28, 1976 (41 FR 47378); the public hearing was held in Washington, D.C., on December 14, 1976.

Earlier amendments acted on several of the EPA's recommendations; those remaining are disposed of by this amendment and notice of decision. Pursuant to section 611(b) of the Federal Aviation Act of 1958, as amended (the "Act"), the FAA has consulted with the Secretary of Transportation and the Administrator of the EPA concerning this amendment and notice of decision.

Synopsis

A. Description of the Amendment

This amendment clarifies two major portions of Appendix C of Part 36. First, it amends § 36.203 to adopt in part, the EPA's proposal to expressly authorize FAA approval of applicant proposed equivalent procedures for demonstrating compliance with Appendix C. Corresponding authority already exists for Appendices A and B under §§ 36.101 and 36.103, respectively.

Second, the acoustical change provisions (§ 36.7) adopted in Amendments 36–7 and 36–8 are amended (based on Notice No. 76–22 proposals) to clarify which noise level requirements apply and which tradeoff provisions under § C36.5 are applicable to approvals of type design changes to certain aircraft that might increase noise levels. Specifically, this amendment explicitly states the limitations on the use of the special tradeoff provisions for certain airplanes for which application for an original type certificate was made prior to the effective date of Part 36 (December 1, 1969). This amendment also corrects a typographical error in § 36.7(e)(2)(i) which occurred in the adoption of Amendment 36–8. In so doing, the FAA clarifies a cross-reference to correctly identify the noise level limits that are applicable to acoustical changes to certain Stage 3 airplanes that are not required to be Stage 3 airplanes before (or after) the acoustical change in type design.

B. Regulatory Analysis

Because of the potential economic impacts of the various EPA proposals that were considered, the FAA carefully examined the costs of each. This evaluation examined the various alternatives that the FAA considered in preparing this rule and decisions, considered the economic and program implications of the alternatives, and explained the FAA's reasons for making the choices resulting in the final rule and decisions. Because the economic and environmental analyses so closely parallel each other, both are included in the Finding of No Significant Impact.

C. Environmental Analysis

The FAA has determined that this action does not constitute a major Federal action significantly affecting the quality of the human environment. Accordingly, a Finding of No Significant Impact has been prepared. A copy of this finding has been placed in the docket for this rulemaking and is available for public inspection.

D. Background

The adoption of FAR Part 36 in 1969 prohibited the further escalation of aircraft noise levels of subsonic civil tubojet and transport category airplanes and required new airplane types to be markedly quieter than the generation of turbojets that were developed in the late 1950's and early 1960's. Since the adoption of Part 36, the FAA has issued a number of notices proposing amendments to its provisions and, subsequent to notice and public procedure, has adopted those amendments which have been found to conform to the statutory authority and responsibility conferred upon the FAA by the Congress. Those amendments have increased the protection of the public health and welfare by providing the control and abatement of aircraft noise and sonic boom under section 611 of the Act.

In considering amendments under the authority of section 611 of the Act, factors which the FAA must consider include the following:

1. Available data relating to aircraft noise, including the results of research, development, testing, and related evaluation activities.

2. The views and positions of other Federal, State, and interstate agencies.

3. Whether the proposed regulations are consistent with the highest degree of safety in air commerce and air transportation in the public interest.

4. Whether proposed regulations are—

a. Economically reasonable;

b. Technologically practicable; and

c. Appropriate for the particular types of aircraft, aircraft engines, appliance or certificates to which they would apply.

5. The extent to which the proposed regulations contribute to providing protection to the public health and welfare by carrying out the purpose of section 611 of the Act.

The overall environmental impacts of the proposed regulations (including environmental factors other than noise) must be assessed in accordance with the National Environmental Policy Act of 1969, and implementing Federal guidelines and directives.

Further, in exercising the authority under the Act, section 1102 requires the Administrator to do so

"* * * consistently with any obligations assumed by the United States in any treaty, convention, or agreement that may be in force between the United States and any foreign country * * *"

Thus, in furtherance of its aircraft noise policy and its responsibility to issue appropriate rules for the control and abatement of aircraft noise and sonic boom, the FAA has adopted amendments to the Federal Aviation Regulations (FARs).

E. Regulatory History

On October 1, 1976, the EPA submitted to the FAA its recommended regulation regarding noise level limits and acoustical change requirements for "turbojet powered airplanes" and "large propeller-driven airplanes," pursuant to section 611(c)(1) of the Federal Aviation Act of 1958, as amended by the Noise Control Act of 1972 (Public Law 92–574). Section 611(c)(1) of the Act, provides that the EPA shall submit to the FAA proposed regulations to provide such control and abatement of aircraft noise and sonic boom as the EPA determines is necessary to protect the public health and welfare. That section also provides that the FAA "shall consider such proposed regulations submitted by EPA under this paragraph and shall, within thirty days of its submission to the FAA, publish the proposed regulations in a notice of proposed rule making." Accordingly, pursuant to that provision of law, the FAA published Notice No. 76–22 entitled (as corrected) "Proposed Regulations Submitted to the FAA by the Evironmental Protection Agency: Noise Levels for Turbojet Engine Powered Airplanes and for Large Propeller-Driven Airplanes" (41 FR 47358, October 28, 1976; and 41 FR 53807, December 9, 1976). A second correction submitted by the EPA (41 FR 53807; December 9, 1976) republished proposed § C36.5(a) to include the EPA's recommended text for paragraph (a)(2) which had been omitted in the original submission to the FAA.

Pursuant to a notice also published on October 28, 1976 (41 FR 47378), the FAA held a public hearing in Washington, D.C., on December 14, 1976, regarding the proposals contained in Notice No. 76–22 (as corrected). The period for submitting written comments to the regulatory docket for the EPA recommended regulation closed on February 28, 1977.

Prior to adopting Amendment 36–7 (42 FR 12360; March 3, 1977) the FAA conducted a comparative review of the EPA proposal and the draft provisions of that amendment to determine whether issuance of the amendment at that time would in any manner commit the FAA to a course of action that would conflict with an objective consideration of the EPA proposals under the procedures prescribed in section 611(c) of the Act, or would in other ways impair its ability to discharge its responsibilities under the Noise Control Act of 1972. That review focused on those areas in which the EPA proposals differed from Amendment 36–7 with respect to the resulting protection afforded to the public health and welfare from the noise of airplanes to which each would apply. The review also concerned the EPA's analysis and stated views regarding the specific proposals contained in Notice Nos. 75–37, 75–37A, and 75–37B.

Based on that review, the FAA concluded in adopting Amendment 36–7 that there was no provision of the EPA recommendations submitted on October 1, 1976, or November 29, 1976, that could not be adopted later, as a supplement to that amendment, if adoption was shown to be appropriate under the procedures and standards of section 611 of the Act. Furthermore, the FAA by issuing that amendment in no way limited its ability or intent to respond fully to the respective EPA proposals in a manner contemplated by section 611(c) of the Act.

In addition to preserving FAA's ability to take any action that may be shown to be proper under the section 611(c) process, Amendment 36–7 reflected FAA's awareness of the need for timely action to protect the public from the noise of the affected airplanes. That amendment, thus, established immediate standards for the manufacturers of those airplanes, consistent with the direction in section 611(b) that the public be protected from aircraft noise without waiting to develop a full response to the EPA submissions.

The FAA had similar concerns when it adopted the Amendment 36–8 modifications (43 FR 8722, March 2, 1978) to the noise level and acoustical change provisions of Part 36. That amendment was also based on Notice Nos. 75–37, 75–37B, and 75–37C. In adopting Amendment 36–8, the FAA noted that the EPA proposals "incorporated and supplemented" those earlier FAA notices and again concluded that there is no provision that could not be adopted later, if adoption were appropriate under the procedure and standards of section 611 of the Act. Finally, the FAA stated that Amendment 36–8 may be later supplemented by further amendments on the basis of the remaining EPA proposals and the Comments received in response to those proposals.

Need for This Action

Under the Federal Aviation Act of 1958, as amended by Pub. L. 90–411 and the Noise Control Act of 1972 (Pub. L. 92–574), the FAA is responsible for aircraft noise regulation and, subject to the constraints of section 611 of the Act, is directed to regulate for purposes of affording present and future relief and protection to the public health and welfare by control and abatement of noise. In so doing, the FAA must consider whether those noise abatement regulations are consistent with the highest degree of safety in air commerce in the public interest and are economically reasonable, technologically practicable, and appropriate to the type of aircraft. As previously stated, the FAA adopted Part 36 of the Federal Aviation Regulations (FARs) in 1969, pursuant to section 611 of the Act. Part 36 specifies noise limits, based on gross weight, measured at three specified points under the takeoff flight path, on the sideline from the extended centerline of the runway, and under the approach flight path. The noise level at each of these points is measured as an effective preceived noise level (EPNL), in units of EPNdB.

Part 36 halted the escalation of aircraft noise at its source. The relatively low noise levels achieved by the current generation of widebody jets with high bypass ratio engines—the Boeing 747, Lockheed L-1011, and McDonnell-Douglas DC-10—serve to demonstrate the effectiveness of the regulation. Even so, aircraft noise remains a significant annoyance for six to seven million persons in the United States. The problem is particularly serious at several major airports. As air travel increases, noise may become a significant problem for residents living near many of the airports across the nation. The critical conclusion coming out of the many years of FAA review of this problem is that, from the standpoint of the preservation of a strong airport/air transportation system, continued Federal action is required to provide effective aircraft noise reduction at its source.

However, the FAA also recognizes that the usefulness of Part 36 can be enhanced by improving the clarity of the regulation. This is particularly important in those sections dealing with the flexibility available to applicants for modifying flight, test, and other procedures to best suit their needs and capabilities for particular noise tests. Similarly, the FAA has determined that there is a need to clarify which "tradeoff" noise level requirements apply and what provision is available to applicants for approval of modifications to certain, already certificated aircraft types.

In adopting acoustical change requirements for Stage 3 airplanes that are not required to be Stage 3 airplanes, the FAA (as discussed in the preamble) intended to permit an election—either to remain a Stage 3 airplane after the design change or, like other airplanes of older design types not required to meet Stage 3 noise levels, to comply with the acoustical change requirements (also being issued at that time) for Stage 2 airplanes with high bypass ratio engines. In issuing Amendment 36-8, unfortunately the reference in the rule to the new noise level provision (which distinguishes airplanes with high bypass ratio engines from other airplanes) was not also changed to effect that result. This amendment makes the necessary correction to avoid the unintended and unreasonable effect of that error.

In originally proposing Part 36 (34 FR 453; January 11, 1969), the FAA explained that the purpose of the tradeoff provisions is "to reflect the fact that total noise exposure is cumulative and that certain limited exceedances at certain measuring points are therefore acceptable if compensated by noise reductions at other measuring points." Tradeoffs, then, provide needed flexibility to aircraft manufacturers and modifiers to employ the most appropriate and most cost-effective technologies to their airplanes. During the many amendments to Part 36 since its original promulgation in 1969 the tradeoff provisions have been kept as an important and integral part of the noise certification process. However, in light of Notices Nos. 75-37 and 75-37C and Amendments 36-7 and 36-8, the language which defines their applicability in certain situations has become cloudy. Accordingly, the FAA is using this opportunity afforded by the EPA proposal on the same subject and notices to restate the tradeoff provisions to retain their original purpose but achieve the effect contemplated by Amendment 36-8 of eliminating the further use of the special tradeoff provisions under section C36.5(c) for certain older design four-engine airplanes.

Discussion of EPA Recommendations, Comments, and the Rule

Interested persons were invited to participate in this rulemaking proceeding by submitting their written comments to the regulatory docket on or before February 28, 1977. Further opportunity was afforded interested persons in a public hearing held in Washington, D.C., on December 14, 1976. All comments received have been reviewed and duly considered in promulgating this amendment and notice of decision.

Notice No. 76-22 contained twelve suggestions for revising FAR Part 36. Those twelve proposals are:

1. Substitution of the words "large propeller driven airplanes" for the words "subsonic transport category large airplanes" in paragraph 36.1(a)(1), the applicability provision.

2. Addition of a new provision at the end of § C36.1 of Appendix C to provide that approved equivalent procedures are permitted in demonstrating compliance with the test procedures specified in Appendix C. (This proposal does *not* include equivalencies for the noise levels or reference standards or conditions also prescribed under Appendix C.)

3. Addition of a provision to permit a specific, alternative flight test procedure when the normal takeoff test procedure produces a signal to noise ratio too low for satisfactory identification and analysis of the airplane noise.

4. Substitution of a 0.25 nautical mile measuring point for the 0.35 nautical mile measuring point for sideline noise for affected airplanes powered by more than 3 engines.

5. Imposition of successively more stringent noise requirements for affected airplanes for which an application for an original type certificate is made on or after the following dates:
December 1, 1969; November 5, 1975;
January 1, 1980; January 1, 1985

6. Commitment that Part 36 be reviewed every five years or less and updated where necessary to reflect the technology options that are practicable and appropriate for the aircraft types of that time.

7. Amendment of § C36.7 to add a requirement that takeoff thrust or power be used by all aircraft from the start of takeoff roll to a height above the runway of at least 1,000 feet.

8. Addition of a requirement that data also be reported for tests conducted without power or thrust cutback if compliance with the noise limits is shown using an authorized cutback during takeoff tests.

9. Amendment of § C36.7(d) to impose speed tolerances on takeoff test conditions and limits on the correction of acoustic data for airplane speed and climb performance.

10. Amendment of § C36.9 to require use during noise certification approach (landing) tests of one flap position less than the maximum certificated for airworthiness.

11. Adoption of the FAA proposed Stage 2 and Stage 3 "acoustical change" provisions as they appeared in Notices Nos. 75-37, 75-37B, or 75-37C.

12. Amendment of various sections of Part 36 to require supersonic airplanes to meet the same test measurement and noise limit requirements as subsonic airplanes.

Thirty-one commenters submitted comments (including presentations at the hearing) in response to Notice No. 76-22. Comments were received from State and local government authorities, foreign governmental bodies and their representatives, airport operators, foreign aircraft and aircraft engine manufacturers, U.S. trade/industry associations, and an association of concerned citizens.

The issues focused on by the commenters covered those subjects outlined above. The comments on those issues included data and views on the technical aspects of the respective proposals, the stringency and economic impact of several of the proposals, conformity with international standards, adequacy of the proposed noise measurement and flight test procedures, and other miscellaneous matters.

Analysis shows that the commenters' opinions were divided on the merits of the various proposals. Aviation industry and user groups generally were in opposition, while airport operators and community and environmental groups were in favor. In the following paragraphs, each of the twelve previously defined issues contained in the EPA proposal is separately considered. Additional discussion and analysis is contained in the environmental assessment of this action.

A. Large Propeller-Driven Airplanes

The EPA proposed to amend § 36.1(a) of FAR Part 36 statement of applicability by deleting the term "subsonic transport category large airplanes" and substituting for it the term "large propeller-driven airplanes." The EPA stated that the intention of this proposal is to avoid any misunderstanding as to which propeller-driven airplanes are covered in this portion of Part 36 as distinguished from Subpart F of Part 36 which deals with the noise of propeller-driven small airplanes.

The current FAR Part 36 prescribes noise standards for:

(1) Subsonic transport category large airplanes and for subsonic turbojet powered airplanes regardless of category;

(2) Propeller-driven small airplanes, except those designed and used for agricultural aircraft operations or for dispensing firefighting materials; and

(3) Concorde airplanes.

Propeller-driven small airplanes, as currently used in the Federal Aviation Regulations, are those whose maximum certificated gross weights do not exceed 12,500 lbs. Above 12,500 lbs., transport category, propeller-driven ("Large") airplanes are generally subject to the same noise certification rules as turbojet airplanes. However, propeller-driven large airplanes certificated in other categories (for instance, those certificated in the experimental or restricted categories) are not subject to noise limits as a part of their type certification basis.

The EPA, in its preamble discussion of the proposed change in the applicability provision, stated that it "does not involve a substantive change." However, that result could not be achieved by adopting the substitute language, because it would bring additional aircraft types under the applicability of Part 36. For the most part, these additional aircraft types are certificated in those other categories because of a need for specialized operations or because of airworthiness restrictions on their operations. An example is an experimental or restricted category airplane that has been converted to relatively short range operation carrying unusually large tanks of either liquid or dry chemicals for fighting forest fires. The reasons for, and the analysis of, those exclusions were presented at the time of their proposal and adoption in Part 36.

Under section 611, the FAA is required to consider the economic and technical basis for each regulatory proposal for noise control. Specifically, the FAA's responsibilities include consideration of the economic reasonableness and technological practicability of each EPA proposal submitted to it under the Noise Control Act of 1972 even when the EPA has not provided any analysis of those considerations in its submissions to the FAA. In the absence of any supporting analysis from the EPA (or information submitted to the Docket by an interested person) the FAA has relied upon its own analysis.

No comments made at the public hearing or to the Docket addressed this issue directly. The FAA concludes that the simple change in wording proposed by the EPA would result in an unwarranted, although unintended, expansion of the applicability of the regulations to additional categories of aircraft, that the proposal has no economic or technical justification, and that the stated purpose for making it would not be its actual effect. Accordingly, it is not being adopted at this time.

B. Equivalent Procedures

The EPA recommended that a provision be added to the end of § C36.1 of Appendix C expressly stating that approved equivalent procedures are also permitted for compliance with the test procedures as specified in Appendix C. The addition of that sentence would, according to the EPA, provide flexibility for compliance with the procedures (including the takeoff and approach test conditions) prescribed in Appendix C. Appendix C of FAR Part 36 contains the noise level requirements for transport category large airplanes and turbojet powered airplanes (regardless of category) and, among other things, specifications for the noise measuring points (microphone locations).

Currently, § C36.1 requires that compliance with Appendix C must be shown with noise levels measured and evaluated as prescribed by Appendix A and Appendix B of Part 36 or under approved equivalent procedures. Such procedures (either test methodology or analytical or some combination of them) must be shown to yield the same noise levels as if the specified Part 36 test or analysis were fully performed as prescribed.

Specifically, the EPA proposed adding a sentence to the end of § C36.1 to read "Approved equivalent procedures may also be permitted for compliance with the procedures in this Appendix." Two commenters to the Docket supported the need for the flexibility inherent in this wording change. The FAA agrees the rule should be changed to provide the maximum flexibility to applicants for noise certification and to minimize the costs of such certifications. However, the amendment does not authorize equivalencies to noise level or reference standards or conditions—(such as §§ C36.1, C36.5, C36.7(b) and (c), or C36.9(b)). For consistency and to more clearly define the intent of the amendment, the amendment is being made to § 36.203 and the wording of the current rule is modified to authorize approvals of equivalents only to the flight test condition aspects of §§ C36.7 and C36.9 of Appendix C, not any other requirements of those sections or other portions of Appendix C.

C. Alternative Takeoff Test Procedure

Notice No. 76–22 proposed to amend Appendix C to prescribe a specific, alternative flight test procedure under certain conditions. The EPA recommended an alternate horizontal flyover procedure for use when the signal to noise ratio obtained under the test conditions prescribed in § C36.7 is "too small for satisfactory identification and analysis of the airplane noise." The EPA did not provide information as to what conditions should define the boundaries or threshold of such "satisfactory identification and analysis." The FAA's review of this question did not develop any relevant information either. Therefore, the wording proposed by the EPA for amending FAR Part 36 is not itself adequate to permit applicants to know when the alternate flyover procedure may be used. The wording of procedural requirements must be as explicit as possible in order to avoid misapplication or the need for consequent interpretation and clarification of the rule.

Two comments to the Docket addressed this particular proposed amendment. One commenter stated that the airplane noise may be significantly influenced by the "flow field" surrounding the airplane, and that this flow field can be different in level flight from that when taking off due to speed and altitude differences. This commenter also stated that the proposed equivalent procedure could not be

applied in cases where testing is required with both cutback and maximum thrust as also proposed by the EPA. Another commenter stated that the proposed alternative takeoff testing procedure was unnecessary and impracticable. This commenter stated that where problems exist due to low noise levels, these could be solved by the use of other, better suited, equivalent procedures. The FAA agrees with both of these comments and believes that the added level of complexity embodied in this proposed amendment is not warranted by existing or expected conditions. Moreover, the FAA concludes the problem raised by the EPA is adequately resolved under the alternative test procedures contained in § A36.11(f) adopted in Amendment 36–9. Therefore, this proposal is not being adopted.

D. Reduced Sideline Distance

The EPA recommended deleting the current sideline measuring distance of 0.35 nautical mile (nm) for affected airplanes powered by more than three turbojet engines and substituting for it the 0.25 nm distance currently used for all other turbojet engine powered airplanes.

In Amendment 36–7 (42 FR 12360; March 3, 1977), the FAA amended § 36.11 to incorporate this recommendation for airplanes attempting to show compliance with the new Stage 3 noise levels. However, for acoustical changes of Stage 1 and Stage 2 airplanes powered by more than three turbojet engines the prescribed distance remained at 0.35 nm. Since acoustical change approvals usually involve examination of relatively small incremental changes to existing noise levels of older type design aircraft, moving the sideline microphones might obscure the real magnitude of any noise level change for these airplanes. Therefore, modifying the sideline distance applicable to further measurements of already approved aircraft would add a requirement for costly retesting or, at least, reanalysis of the original data to standardize the basis for noise level comparisons. Thus, applying the proposal to acoustical changes would add to the cost of noise certification without demonstrable benefit.

Only one commenter, an airline industry group, responded to this proposal. That comment expressed a preference for the rule change previously adopted in Amendment 36–7, but provided no information on the basis for that preference.

Based on the above analysis, the FAA concludes that the change promulgated in Amendment 36–7 is adequate, should be retained, and requires no further amendment at this time.

E. Noise Levels

The most significant proposal contained in Notice No. 76–22 was for phased, systematic reductions in the noise level requirements contained in Appendix C of FAR Part 36. Under the EPA proposal, there would be five stages of aircraft noise levels, based on the date of application for a type certificate; that is, for applications filed—

a. On or before November 30, 1969;

b. December 1, 1969, through November 4, 1975;

c. November 5, 1975, through December 31, 1979;

d. January 1, 1980, through December 31, 1984; and

e. On or after January 1, 1985.

As under the current Part 36, for "Stage 1 airplanes," there would be only acoustical change noise limits for the EPA's proposed first stage. The second stage proposed by the EPA covers the present Part 36, "Stage 2 airplanes," which are subject to the noise limits contained in § C36.5(a)(2). However, the last three stages differed from Part 36 requirements at that time.

The EPA's third stage of aircraft noise certification is essentially the equivalent to the "Stage 3" requirements adopted for original type certificates in Amendment 36–7 (42 FR 12360; March 3, 1977) and for acoustical changes in Amendments 36–7 and 36–8 (43 FR 8722; March 2, 1978). As previously discussed, in adopting those amendments the FAA conducted a comparative review of the EPA proposal contained in Notice No. 76–22 and of the draft provisions of those amendments. Based on those reviews, the FAA concluded that adoption at the time of Amendments 36–7 and 36–8 essentially adopted the EPA Stage 1, 2, and 3 proposals and would in no way limit its ability or intent to respond fully to the remainder of Notice No. 76–22 in a manner contemplated by section 611(c) of the Act.

Every commenter to the Docket and at the Public Hearing commented on the EPA's proposed third stage of noise certification. State and local governments, airport proprietors and operators, and local citizens groups generally favored the proposal. Foreign governments, aircraft manufacturers, and associations of airlines opposed it in part.

A national association of local citizens groups stated that "if the FAR 36 limits do not require the noise reductions which are appropriate, not just those easy to obtain, the airport certification for noise procedures will be an exercise in futility causing more confrontation between the airports and airlines and the airport neighbors." The FAA agrees that Part 36 should require noise reductions which are appropriate. Specifically, section 611 of the Federal Aviation Act requires that the FAA shall "consider whether any proposed standard or regulation is economically reasonable, technologically practicable, and appropriate for the particular type of aircraft, aircraft engine, appliance, or certificate to which it will apply."

No data, either technical or economic, were submitted by any commenter concerning EPA's third stage noise level issue that were not also submitted to the FAA and considered by the FAA prior to the adoption of Amendments 36–7 and 36–8. Further, the FAA notes that in its preamble to Notice No. 76–22, the EPA recommended amending § C36.5 of Part 36 to incorporate the noise level standards proposed by the FAA in Notice No. 75–37 or recommended by the International Civil Aviation Organization (ICAO) in the CAN/4 report (or some compromise of the two). Since the ICAO Committee on Aircraft Noise, Meeting 4 Report (CAN/4 report) was the basis for Notice No. 75–37C, the FAA has already considered the comments received and accepted the EPA's recommendation in adopting Amendments 36–7 and 36–8. Further, a comprehensive review of the technical and economic data was made and was discussed in the preambles to those amendments.

Review of the FAA's experience with Part 36 noise certification experience since those amendments shows that those amendments continue to provide realistic, state of the art challenges in the design and development of new aircraft. Economic developments over the last few years have also shown the wisdom of the impetus given by the noise rules for the development and use of medium-to-high bypass ratio engines. These engines, being significantly more fuel efficient, are proving to be the economic salvation of this nation's commerical air transportation industry. On the basis of its analysis, the FAA has determined that no amendment to Stage 3 noise standards is required or justified at this time.

In Notice No. 76–22, the EPA discussed two classes of aircraft which it identified as "available technology airplanes" and "future technology airplanes." These were aircraft which the EPA assumed could be developed to meet their fourth and fifth stages. Since many comments were received which simultaneouly addressed the EPA's

fourth and fifth stage levels, the FAA analysis here considers these two stages together.

Most comments addressing those noise level proposals were negative. However, nine comments were received which were favorable, at least in part. One commenter referred extensively to "future technology" supporting the EPA 1980 and 1985 levels. However, no information was provided to show what form that technology would take or why it was assumed that such technology would exist. Many comments, both positive and negative, referred to noise reduction "techology" as though it were a basic commodity that is universally applicable to any noise reduction situation. This somewhat simplistic characterization suggests a lack of understanding of the enormous number of interrelated facets to noise reduction technologies and their application.

Another commenter claimed that the proposed 1980 and 1985 limits were based on a "good scientific procedure." However, this commenter did not provide information to indicate either the details of the procedure, or if in fact a scientific procedure were even involved.

Another commenter supported the proposed 1980 levels because they appeared to be "eminently attainable," but did not support the proposed 1985 levels because evidence of technological achievability in support of the levels proposed seems too scant even to provide the incentive apparently intended by such standards. Similar observations were made by another commenter who noted that, based upon currently known technology, it appears that the levels recommended for the 1980's are well within reach. With regard to 1985, the commenter felt there are more questions but that a very good foundation has been established that makes further reduction in noise levels promising. Similar comments were offered by four airport operators in apparent support of their association's position. Another commenter stated that there is no reason to doubt the EPA conclusion that the proposed levels for 1980 and 1985 met the test of technological and economical practicability. However, the EPA stated in its preamble that it had "not identified the costs, if in fact, there would be any significant costs to the manufacturers resulting from regulatory actions such as the proposed amendments to Part 36." This statement indicates candidly that the EPA had not made an economic analysis or judgment that the proposed rule was economically reasonable. Furthermore, as other comments to the Docket indicate, there was serious doubt as to the very existence now or in the future of the noise reduction technology that would lead to the EPA proposed levels, particularly those proposed for 1985. Hence, it is impossible to conclude from docketed information that the proposed levels are technologically practicable or economically reasonable.

However, the Docket contains considerable comment on the impractical nature of the proposals. Several comments were received which stated that the proposed 1980 and 1985 levels were unrealistic or unattainable for a variety of reasons. One commenter noted that the proposed levels seemed inconsistent with all of the technical advice available to the ICAO Committee on Aircraft Noise, and that they were developed from unsound statistical analysis of an inadequate data base. This same commenter stated that the proposed 1985 levels seem to be based more on anticipated technological research rather than that which is sure to be available. This same theme was voiced by five other commenters. Another comment was that the EPA data for new type design airplanes presented in the proposed rule do not support the proposed 1980 or 1985 limits. One commenter reviewed the six graphic figures presented in Notice No. 76–22 and stated that using a mean curve based on a restricted sample as an example of achievable noise levels was an unsupportable procedure. According to this commenter, this means that 50% of the sample would be above the curve or would effectively be unable to meet the noise limits defined by the mean curve. This commenter suggests that a better procedure would have been to apply a 90 or 95 percentile fit to the data. Also, this commenter stated that there should exist at least conceptual definitions of the devices that would provide the noise reductions required to meet the 1985 limits. Two other commenters provided similar testimony regarding EPA methodology for deriving the 1980 limits and the lack of information to support the proposed 1985 limits. Another commenter stated that noise reduction technology has not been developed and demonstrated for propeller-driven aircraft greater than 12,500 pounds, and concluded that current noise limits should be retained for these aircraft, inferring that the 1980 and 1985 limits lack data support for applying them to propeller-driven large aircraft.

The essence of these comments is that the EPA proposed levels are not supported by valid data or technological bases. The FAA agrees with that judgment in light of the required considerations under section 611 of the Act. The EPA's data base is not a valid means of establishing noise levels that conform to the section 611 requirements because it: (1) uses a restricted, nonrepresentative sample of airplanes to describe achievable noise levels, (2) cites unproven theory or speculation as examples of technological practicability and (3) does not provide any indication of the economic impacts of achieving those noise levels if they were required. No data or indication is given that the application of those technologies relied upon would be consistent with the highest degree of safety in air transportation. The FAA concludes that such procedures result in a more optimistic view of safe, economically achievable noise levels than if representative aircraft samples were used or if known technology were the basis of analysis. In particular, the use of only aircraft that meet current Part 36 requirements as examples of current safe technology ignores a large number of other aircraft types which must also be considered as representing current technology and economic reasonability appropriate for that type. Indeed, if these other aircraft types had been included in the sample, the resulting average noise level curves would necessarily have been considerably higher.

In deriving its proposed 1985 noise limits the EPA refers to "future technology" as meaning "the results of R&D programs now in progress which have not been verified, but the results to date indicate high potential to a reasonable degree of confidence." The FAA is aware that during the past fifteen years both government and industry have conducted extensive research into the development of practical low-noise aircraft and aircraft engine designs. Some of these designs have already been safely applied to commercially available aircraft, such as the refanned JT8D engine used on the Douglas DC–9–80 airplanes. Others, like the recently designed Boeing 757 and 767 airplanes, are in the final stages of development. However, for the most part, the economical application of new acoustic technology consists of improved component design applied item by item in the earliest stage in designing and proving new aircraft and engines which can be many years before production. In fact, the Boeing 757 and 767 airplanes are the first newly designed air carrier aircraft that have emerged since the adoption of the Stage 3 noise level requirements.

The National Aeronautics and Space Administration (NASA) has been the major source of new acoustical designs and practices. They were responsible for the development of the "refanned" engines and for "jet mixer" technology. Both have been successfully applied on a retrofit basis to quiet certain aircraft that were already produced and in service. These developments are also being employed in the newest generation of aircraft engines. The safety of their application is shown during testing and the airworthiness certification process.

NASA is also developing methods for further reducing aircraft engine noise through the use of reverse flow annular combustors, geared fans, and inverted flow nozzles. They have maintained active research into methods for absorption and attenuation of sound while it is still within the engine. These methods include specially constructed inlets which either absorb the sound or trap it inside the engine to be harmlessly dissipated.

Besides noise reduction, one of the major goals of all of this technology development has been to optimize the engine/aircraft efficiency. Nearly all of the developments cited above increase the gross fuel efficiency of the engine at the same time that they reduce noise emissions. Some also reduce gaseous exhaust emissions. However, there is more to optimizing the efficiency of an airplane than optimizing gross fuel efficiency of the engine. Other costs, such as those for initial investment and maintenance, must also be considered. So must the change in installed weight and other parameters that affect the direct operating costs of an airplane and, thus, its marketability.

As both the EPA and FAA have noted, the initial installation of optimized engines and equipment on the first certified airplane of a type almost always results in the lowest noise levels for the series of airplane models within the type; i.e., subsequent, derivative aircraft are usually noisier than the models from which they are derived. This results from the natural "growth" of an airplane design during its life of development and production. Since the cost of an airplane decreases with the number sold, to maximize the return on investment, manufacturers try to maintain the sales and production of each type by introducing small variations in the basic aircraft. Generally, these changes are intended to increase the payload or range (and sometimes speed) to make the airplane more attractive economically to prospective buyers/operators. However, these changes generally require delivery of more thrust per engine. Such thrust increases are currently garnered by "turning up the wick" on the engine (increasing temperatures and flows through the engine). While this is generally inexpensive, it has the effect of decreasing the bypass ratio of the engine and increasing the noise disproportionately with the increase of aircraft weight. This practice is the basis for both the EPA proposal and the FAA rule on "acoustical change" discussed later.

More important to this decision, the "growth" of an airplane type is another crucial issue upon which rests the EPA proposal to impose more restrictive Federal regulations on airplane noise levels. Both the FAA and EPA recognize that several aircraft optimized for both noise and efficiency at their initial introduction-into-service weights and thrusts have been certificated at or below the EPA "Stage 4" proposal. However, FAA's analysis shows that the effect of the proposal would be to severely limit the "growth" described above, as well as its reasonable economic viability. During consultation, the EPA stated that they have not concluded that their proposal would restrict the development of growth aircraft. It is in this context that the NASA studies are important, since they are directed at developing safe, economical alternative methods for re-optimizing the engine performance (including noise and fuel efficiency) each time the aircraft grows in weight, range or speed. The FAA has found no economic basis at this time for imposing by regulation this emerging technology on an already capital-intensive industry.

The EPA states in its proposal that the 1985 levels represent predicted "airframe noise floors." However, these airframe noise levels are based on assumed differences between the noise of a clean wing and a reasonably clean airframe. The FAA takes issue with the assumption of a "reasonably clean airframe" primarily because such an assumption can be untenable to the safe operation of aircraft in terminal areas where the biggest noise problems exist. High performance aircraft require the use of lift and drag producing devices for low altitude, lower speed terminal area operations. Not coincidentally, these devices also produce noise when deflected into the airstream. Additionally, the extended landing gear and associated doors and wheel wells also produce noise. The EPA has not defined a "reasonably clean airframe" in its proposal and further has not presented information which leads to the confident expectation that its predictions and assumptions regarding noise differences between a clean wing and "reasonably clean airframe" can be evaluated or substantiated.

In summary, the FAA agrees with the contention of several commenters that the EPA has proposed noise limits for 1980 and 1985 based on invalid or nonexistent data and technical bases. While section 611 permits the EPA to submit proposed regulations which in its judgment are protective of public health and welfare, that same section of the Act requires the FAA to promulgate noise regulations that are (among other things) "consistent with the highest degree of safety", "economically reasonable", "technologically practicable", and "appropriate" for the particular type of aircraft, aircraft engine, etc. to which they would apply. In this instance, the FAA concludes that the EPA proposed noise limits for 1980 and 1985 have not been demonstrated to satisfy those conditions at this time. Hence, the FAA has determined that it should not promulgate regulations based on those proposals.

F. Five Year Review

The EPA said in the preamble of Notice No. 76-22 that "to encourage the implementation of noise control technology to the maximum extent feasible, the EPA also recommends that Part 36 should be reviewed every 5 years or less and updated where necessary to reflect the technology options that are practicable and appropriate for the aircraft types at that time. The comments of all interested persons are invited in regard to the need and desirability of such a periodic quinquennial review."

Six commenters submitted views on this issue. All but one favored the proposal in some form. An aircraft manufacturers association concurred "with the desirability for a periodic review of the technology options available and appropriate for all aircraft types." However, the commenter felt that in order to pace the development of technology, the periodic reviews should occur not more often than every five years and that during that review, other technology options besides application of technology must also be considered; that manufacturers should not be expected to drop a given product line and embark on programs to implement new technology simply because that technology exists; and that the economic reasonableness of incorporating available technology must be carefully assessed prior to mandating any further reductions in regulated noise levels. The

FAA agrees with those views on periodic reviews.

A representative of a certificating authority for a foreign government simply stated that he agreed with the need for a periodic review of noise standards, with a view of increasing their severity. However, a foreign manufacturer opined that each stage of technology development requires eight to ten years to be fully applied and that more frequent review of the rules is unnecessary. There is merit to that observation although not all developments are at the same stage at any given time.

While the FAA agrees in general with the principle of periodic reviews, the needs for periodic review can be met without prescribing a specific time table in the rules. The FAA will continue its on-going evaluation of noise reduction developments and, consistent with its statutory responsibilities, will ensure appropriate rulemaking is initiated to provide adequate noise standards to protect the public health and welfare as contemplated by section 611 of the Act. In addition, FAR Part 11 contains the procedures for public petitions for rulemaking that are available to any person who believes and demonstrates that any aspect of the current noise certification or operating rules should be amended under section 611 considerations.

G. Cutback Power

The EPA suggested an amendment to § C36.7 of Appendix C of FAR Part 36. This section specifies certain take-off test conditions used during noise certification tests. The EPA urged that each airplane, regardless of the number of its engines, should be required to use take-off power or thrust from the start of the take-off roll to a height above the runway of the airport of at least 1000 ft.

Currently, § C36.7 requires that take-off power or thrust must be used from the start of take-off roll to at least the altitude above the runway as follows:

(1) For Stage 1 or Stage 2 airplanes—the following apply:

(a) For airplanes with more than three turbojet engines—700 feet (214 meters).

(b) For all other airplanes—1,000 feet (305 meters).

(2) For Stage 3 airplanes—the following apply:

(a) For airplanes with more than three turbojet engines—689 feet (210 meters).

(b) For airplanes with three turbojet engines—853 feet (260 meters).

(c) For airplanes with fewer than three turbojet engines—984 feet (300 meters).

(d) For airplanes not powered by turbojet engines—1,000 feet (305 meters).

Upon reaching the altitude specified above, for consistency with airworthiness requirements, the rules require that the power or thrust may not be reduced below that needed to maintain level flight with one engine inoperative, or to maintain a four percent climb gradient, whichever power or thrust is greater.

The rationale provided by the EPA for this proposal is that "FAA noise certification tests show that it is both practicable and reasonable, as well as safer and less noise polluting." However, this statement is not entirely accurate. FAA noise certification test procedures are not a basis for and have not been used to determine the safety of any operational procedure. Further, it has been found that the presently authorized procedure which allows cutback for example, above 700 feet for four engine aircraft does not necessarily result in more noise pollution than would be obtained if higher power settings were used until 1000 feet was reached. In fact, determination of the least "noise polluting" cutback for any specific airport is dependent upon where the community is sited with respect to the end of the runway, the type of airplane involved, aircraft weight and other actual operating conditions. Also, the minimum cutback altitudes are reflected in the noise level limits and any change in them would require corresponding changes in those limits or reconsideration of those limits under the factors listed under section 611 to determine their effect. However, the EPA did not state that it contemplated either as part of its recommendation.

The EPA further states that it appears that the current FAR Part 36 cutback procedure "has not been used to any significant extent in normal air carrier operations." This statement is not accurate in its implications because FAR Part 36 does not contain and is not intended to provide, an operational cutback procedure. It prescribes only minimum altitudes below which cutback may not be used during noise tests and the minimum, airworthiness based thrust that may be used during the test. Nothing in Part 36 or other Federal Aviation Regulation requires air carriers or other operators to use thrust cutback in service nor do Part 36 noise test conditions apply to in-service operations. While the FAA assists in the development of safe and viable noise reductions available around airports through the judicious choice and application of operational techniques, it does not conclude that those operational matters are, or should be, an integral part of a required noise certification process. They are better handled through other FAA programs. While offering no information as to the basis of their opinions, two commenters to the Docket simply expressed negative views about the proposal.

It is the conclusion of the FAA that this EPA proposed amendment serves no useful purpose in achieving the objectives of section 611 of the Act and, further, has not been shown to provide any demonstrable health and welfare benefit were it adopted in accordance with a proper section 611 analysis.

H. Mandatory Data Reports

The EPA considers the noise produced by an airplane without power or thrust reduction important for use in analyzing community noise impact. For that reason, the EPA recommended adding a provision to paragraph (c) of § C36.7 requiring that, if compliance with Part 36 noise levels is shown with a power or thrust reduction (cutback), additional tests without power or thrust reduction must be conducted and the noise levels achieved under those tests reported for informational purposes.

Comments similar to those in the preceding section were offered regarding this part of the EPA proposed amendment. The intent of this proposal appears to be to determine "worst case" noise situations and a basis for analytical comparisons, even though the certificated noise levels may be based on tests with power on thrust reductions.

As suggested earlier, most people are aware that aircraft are capable of producing high noise levels. No apparent need exists to further reiterate this fact. The EPA states that the noise data obtained by flying aircraft without power or thrust reduction is important for use in "analyzing community noise impact." However, no information is given in the proposal to support that assertion or to explain how these data would be used in analyzing community noise impact. In the absence of any concrete, specific objective for that amendment, there appears to be little value to actual noise reduction in requiring additional expensive testing to produce that information or data. Since the EPA has not identified a specific need for the data to be obtained under this proposed amendment and since the FAA has been unable to find a meaningful use for the data, it is concluded that the economic burden that would be placed on applicants to provide these data would not provide a public benefit. One commenter noted that noise certification testing is the most expensive aspect of pre-service

flight tests and implied that the additional testing required by the proposal rule is unnecessary. Another commenter stated that the proposed procedure was unrelated to certification and therefore would make no contribution to the purposes of Part 36. The FAA agrees. The FAA concludes, therefore, that this proposal is of no known value and since it would provide no demonstrable health and welfare benefit should not be adopted.

I. Takeoff Test Speed

Notice No. 76–22 recommended requiring that a minimum speed of V_2 plus 10 knots or the all engines operating speed at 35 feet (for turbojet engine powered airplanes) or 50 feet (for reciprocating engine powered airplanes), whichever speed is greater, must be attained by all airplanes as soon as practicable after liftoff. That speed would then be maintained throughout the take-off noise test within tolerance speeds of plus or minus 3 knots and the noise values measured at the test day speeds would be corrected to the acoustic day reference speeds.

The FAA, in Amendments 36–3 (39 FR 43830; December 19, 1974) and 36–5 (41 FR 35053; August 19, 1976), has already incorporated this suggestion in what has become current § C36.7(f). Only one comment to the Docket addressed this proposed amendment. This commenter correctly noted that the EPA proposal was unnecessary since the FAA had already included those requirements in earlier FAA actions.

J. Approach Test Flap

The EPA proposed a change to the last sentence of paragraph (b) of § C36.9 of Appendix C of FAR Part 36 to read:

> If more than one flap setting is used to show compliance with the landing requirements in the airworthiness regulations constituting the type certification basis of the airplane one flap position less than the maximum certificated for the airplane must be used.

The current section C36.9(b) of Appendix C of FAR Part 36 reads as follows:

> The airplanes configuration must be that used in showing compliance with the landing requirements in the airworthiness regulations constituting the type certification basis of the airplane. If more than one configuration is used in showing compliance with the landing requirements in the airworthiness regulations constituting the type certification basis of the airplane, the configuration that is most critical from a noise standpoint must be used.

The EPA stated that its intent was to support an earlier recommendation submitted by the EPA and published by the FAA (40 FR 44256). That recommendation proposed amending the general flight rules of FAR Part 91 to require the use of a reduced flap setting procedure for approach and landing. After due consideration, that earlier proposal was accepted in modified form by the FAA (Amendment 91–134; 41 FR 52392; November 29, 1976).

Two comments on this proposal were received in the Docket. Both supported the recommendation. An association of U.S. commercial carriers had this comment:

"The proposal to conduct the approach noise certification at less than full landing flap, if more than one landing flap position is performance certificated, is reasonable provided there is no consequential restriction placed on the use of full flaps for normal operations. That is, full flaps must still be available under the dispatching rules as well as by pilot selection. This is not in contradiction to new FAR 91.85(c), which actually supports the proposal. The wording of the proposal could be improved to indicate the certificated setting next less than maximum."

The FAA disagrees with the docketed comments. Since the adoption of Amendment 91–134, aircraft are actually flown, in the absence of overriding safety concerns, using less than maximum flaps during normal landings. However, like all operational noise abatement rules it provides its benefit to airport communities in addition to the separate benefit accruing from the airplane manufacturer's application of noise abatement technology to the airplane itself.

The FAA has two concerns here. First, it is sometimes safer to land using maximum certificated flaps because of wind or runway conditions. For these or other safety reasons, the pilot may elect to use maximum flaps and may thereby make some additional noise. Because many airports and airport communities use Part 36 noise certification numbers in their noise abatement planning, the FAA believes it has a responsibility to continue to provide consistent information on the inherent noise characteristics of airplanes it certificates. Consistent with the original Part 36, this information should closely represent the higher noise levels that the airplane can make. The second FAA concern is the stringency of the certification tests and the noise levels measured during those tests. If a change in the certification test procedures resulted in a "reduction" in the measured noise levels, the FAA would be required either to also reduce the noise level limit correspondingly or to assess the environmental impact of relaxing the noise standards. However, since the "reductions" would not have been the result of a new or additional noise abatement technology, this illusion of an increase in stringency noise test would not actually change the noise of the airplane, how airplanes are flown, or the observed community noise levels. The lower measured noise levels would be misleading in their suggestion that the airplane has been made quieter simply because of the test methodology being employed. In some cases, the EPA recommendation would actually result in permitting higher noise levels during certification—a direct opposite of the purported purpose.

Based on the above analysis, the FAA has determined that it would not provide any noise reduction benefit to the public health and welfare to adopt the EPA proposal to conduct the approach noise certification test at less than full landing flap (rather than in the configuration most critical from a noise standpoint), if more than one landing flap position is certificated for airworthiness. Accordingly, the proposed change should not be adopted.

K. Acoustical Change

As was explained in the section on the noise level issues, acoustical changes in an airplane type generally result from an increase in the payload, range, or speed of the airplane. As a result, the airplane uses more thrust or flies lower and the noise levels measured on the ground tend to increase.

Notice No. 76–22 proposed adoption of the acoustical change provisions contained in FAA's Notice No. 75–37 (40 FR 51476; November 5, 1975) "or in the ICAO CAN/4 report or some compromise of the two." As explained earlier, the ICAO CAN/4 report was the basis for Notice No. 75–37C (41 FR 47375; October 28, 1976), which was printed in the same **Federal Register** as Notice No. 76–22. As a result, the public has been given the opportunity to comment on those additional, specific proposals which, in modified form, have already been adopted by the FAA.

Four comments were received in the Docket for Notice No. 76–22 on this issue. In each case, the commenter expressed a preference for the proposals contained in Notice No. 75–37C over 75–37 because, in part, of the need for international standardization and the belief that the Notice No. 75–37C proposals were more reasonable economically.

Having again reviewed the issues involved, the FAA concludes that the acoustical change requirements adopted in Amendments 36–7 and 36–8 were

basically sound. However, in discussing those amendments, the preambles and regulatory provisions were somewhat ambiguous and did not expressly identify which tradeoff provisions (§ C36.5) are applicable to acoustical changes of the different stages of airplanes. A confusion has developed and is compounded by a transcription error which occurred when some of the provisions adopted in Amendment 36–7 were redesignated in Amendment 36–8. As a result, a literal reading of the acoustical change regulations for the newer technology airplanes might lead one to believe that the manufacturers and modifiers of certain Stage 2 aircraft could not avail themselves of any tradeoff provision, although tradeoffs are available to both noisier Stage 2 airplanes and the quieter Stage 3 airplanes. That result was not intended and is being clarified by this amendment.

The tradeoff allowances in § C36.5 (b) and (c) of Appendix C were incorporated in the original FAR Part 36 (34 FR 18355; November 18, 1969). These allowances reflected the FAA's determination that noise exposure is cumulative in nature and that certain limited "exceedances" are acceptable if compensated by noise reductions at the one or two other measuring points. Thus, for most airplanes, Part 36 allowed exceedances of up to a total of 3 decibels at any two measuring points with those exceedances no more than 2 decibels at any one measuring point ("3/2 tradeoffs"). The one exception was paragraph (c) "5/3 tradeoffs" formula for the only four-engine airplane type that was already undergoing type certification at the time Part 36 was adopted and which otherwise would not have been subject to Part 36. Since the 5/3 tradeoffs were no longer available to any new type design airplanes at the time of Amendments 36–7 and 36–8, it was decided to eliminate the apparent access to the paragraph (c) containing the 5/3 tradeoffs and prohibit their future use during acoustical changes of those aircraft because economical technology is available to achieve the newly required noise level consistent with § 611 considerations without the use of the older, special tradeoff allowance.

Unfortunately, the resulting amendments may have left some readers uncertain whether *any* tradeoffs were available for acoustical changes of certain airplanes including those that previously could use the 5/3 tradeoffs. Further, after Amendment 36–8, it became unclear which noise level requirements apply as well as what tradeoffs (if any) might be available to other Stage 2 or Stage 3 airplanes with high bypass ratio engines. The amendments to §§ 36.7(d) and C36.5(c) clarify the intent of Amendments 36–7 and 36–8 (based on Notice Nos. 75–37, 75–37C, and 76–22) to allow all current Stage 2 airplanes to be certificated using paragraph C36.5(b) "3/2 tradeoffs," but not the paragraph C36.5(c) "5/3 tradeoffs" that were previously limited to certain airplane types and to prescribe the applicable noise level requirements for acoustical changes to Stage 3 airplanes that are not required by Part 36 (§ 36.201) to be Stage 3 airplanes. No other changes based on EPA's recommendations are being adopted at this time.

L. Supersonic Transports

The EPA recommended that in the event Part 36 noise limits are made applicable to supersonic transport (SST) airplanes, as recommended by the EPA in another proposal (Notice No. 75–15: 40 FR 14093; March 28, 1975), the amendments proposed to Appendix C in Notice No. 76–22 should also be applied to those SST airplanes. That recommendation had no limit as to time or airplane type.

On June 29, 1978, the FAA published final regulations applicable to all civil supersonic airplanes (Amendment 36–10; 43 FR 23406). In order to operate in the United States these rules require all SST's, except for Concordes which had flight time before January 1, 1980, to comply with the noise limits of Part 36 in effect on January 1, 1977 ("Stage 2 noise limits"). However, the rule also provides that the noncomplying Concordes may not be operated in the United States if their design is changed in a way that increases their noise levels.

Attendant with Amendment 36–10, the FAA published a notice of decision on the EPA's recommended regulations contained in Notice No. 75–15 (43 FR 28421; June 29, 1978), in which it postponed the final decision on applying all future noise reductions for subsonic airplanes to future SST types pending its in-depth review of EPA's recommendations in Notice No. 76–22. That postponement facilitated FAA's further in-depth review and commitment to making every possible effort to achieve the goal of full future compliance, by SST's, with the same noise levels that are applied to other turbojet airplanes.

Six comments were received on this issue. None supported the proposed application of the EPA's Stage 2 or 3 levels to supersonic airplanes. The reasons cited were both economic and technical. All reported that no technology (at any price) is known to exist to make SST's as quiet as even Stage 2 airplanes much less Stage 3 airplanes (or EPA's Stage 3 or 5 noise levels). The FAA concurs with this observation, as previously discussed in the preamble to Amendment 36–10. Further, the FAA has continued to monitor carefully both NASA and foreign research on this topic and concludes that no significant development in SST technologies has been realized that, under section 611 considerations, dictate any different regulatory decisions should be made at this time. Consequently, the FAA does not believe that an economically reasonable technology appropriate to this type of aircraft is likely to evolve in the foreseeable future. Therefore, the FAA has determined that under § 611 it should not promulgate further noise rules at this time applicable to SST's based upon Notice No. 76–22. The FAA will continue to monitor the developments in SST technology as they evolve and, when appropriate, will consider additional noise level regulations for civil supersonic aircraft.

Evaluation of Impacts

The economic and technological impacts of this amendment have been considered pursuant to section 611(d) of the Federal Aviation Act of 1958, as amended. Since this amendment only clarifies the language of previous amendments and provides additional flexibility to the applicant in choosing procedures for conducting noise tests, its regulatory and economic impacts, if any, are minor.

In deciding whether to use the detailed flight procedures already in FAR Part 36 or to seek FAA approval of a simpler or less costly equivalent procedure, the applicant is free, (within broad guidelines and subject to case by case FAA approval of the equivalency involved), to minimize manpower, equipment schedules, and paperwork costs.

Those impacts have been previously evaluated in accordance with Executive Order 11821, as amended by Executive Order 11949, and under OMB Circular A–107 and DOT Order 2050.4 then in effect. From that evaluation, it was determined that the proposals being adopted by this amendment would not significantly increase costs to the private sector, to consumers, or to Federal, State or local governments. Accordingly, the FAA concluded that the cumulative impact of this amendment would not be inflationary in nature and was not major or significant action for which an economic analysis

or impact statement was required. (An evaluation of the impacts under current directives is discussed at the end of this preamble).

Prior OMB Review Under E.O. 12291

Executive Order 12291 (46 FR 13193) requires, with certain exceptions, adherence to specific procedures in promulgating final regulations. The Executive Order exempts from compliance, to the extent necessary, any "regulation for which consideration and reconsideration under the terms of this order, would conflict with deadlines imposed by statutes or by judicial order *provided that* * * * the agency shall publish in the **Federal Register** a statement of the reasons why it is impracticable for the agency to follow the procedures of this order * * *."

On March 11, 1981, the U.S. District Court for the District of Columbia, in effect, ordered the Administrator, not later than June 30, 1981, to prescribe regulations (as proposed by the EPA, or modifications of those proposals) or to publish a notice of decision not to prescribe further regulations in response to the unacted upon portion of the EPA's recommended regulations contained in Notice No. 76–22 (*State of Illinois, et al. v. William S. Coleman,* (DDC 1981; No. 76–1961)). Thus, there is an absolute time limit provided by the court for the FAA to comply with its order and to do so in accordance with the requirements of section 611 of the Act (including considering specified factors, providing a detailed explanation of the reasons for the regulatory decisions and consulting with the EPA and the Secretary of Transportation) as well as comply with the National Environmental Policy Act and implementing directives, the Administrative Procedures Act, and the preamble and publications requirements of 1 CFR Chapter I. The FAA has complied, within that time limit, with the procedures and reviews applicable to noise regulations under section 611 of the Act and to emergency regulations subject to judicial deadlines under Executive Order 12291 and the DOT Regulatory Policies and Procedures.

Section-by-Section Analysis

These rules amend provisions in Part 36 of the Federal Aviation Regulations (14 CFR Part 36) which contains the substantive noise limits and related noise measurement and test procedures that must be complied with for the issuance of certain type and airworthiness certificates and changes to these certificates.

1. *Acoustical Change.* Section 36.7(e)(2)(i)(A) is amended to reference the correct paragraph within § 36.7(d) containing the applicable acoustical change requirements for certain Stage 3 airplanes for which applications for acoustical change approval is made on or after October 28, 1976. The intent of this change is to execute the intended effect of the acoustical change proposal concerning the applicable noise requirements for those early Stage 3 airplanes that were not required to continue to meet the Stage 3 noise levels. (Those requirements are those that apply to similar Stage 2 airplanes with high bypass ratios.) It should be noted that the determining factors for deciding which noise level limit is applicable include the bypass ratio of the airplane engines prior to the change in type design and whether the airplane is required to be a Stage 3 airplane under certification basis (§ 36.201).

2. *Noise Level Limits.* Section 36.7(d) is amended to clarify that "3/2 tradeoffs" are also permitted for acoustical change approvals under that provision as well as in other Stage 2 and Stage 3 noise certification actions.

3. *Approved Equivalent Procedures.* Section 36.201 is amended to authorize the use of FAA approved equivalent procedures in demonstrating compliance with the flight test conditions in Appendix C of Part 36. However, only equivalents for flight test conditions in §§ C36.7 and C36.9 (not reference conditions or standards) may be approved under this amendment.

4. *Tradeoffs.* Section C36.5(c) is amended to clarify the term "prior applications" as applications for original type certificates for certain airplanes made before December 1, 1969, and applications for acoustical changes to those airplanes covered by those original type certificates where the application for approval of the acoustical change was made before October 28, 1976, and approved before the effective date of this amendment. This amendment only affects early design Part 36 airplanes powered by more than three turbojet engines with bypass ratios of two or more. The reference to the effective date of this amendment avoids any unwarranted impact on acoustical changes, if any, that may have already been approved under the previous statement of the rule and precludes any future approvals.

Adoption of the Amendment and Notice of Decision

Accordingly, the Federal Aviation Administration hereby takes the following actions in response to the recommended regulations submitted to it under section 611(c)(1) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1431(c)(1)), by the U.S. Environmental Protection Agency which were published as Notice No. 76–22 (41 FR 47328; October 28, 1976, as corrected and supplemented at 41 FR 53807; December 6, 1976), regarding noise certificated standards for turbojet powered airplanes and large, propeller-driven airplanes:

A. Notice is hereby given in accordance with § 611(c)(1)(B) of the Federal Aviation Act of 1958, as amended, that the Federal Aviation Administration is not prescribing any new regulations or amendments to existing regulations in response to Notice No. 76–22, except for those amendments previously adopted in Amendments 36–3 (39 FR 43830; December 19, 1974); 36–5 (41 FR 35053; August 19, 1976); 36–7 (42 FR 12360; March 3, 1977); 36–8 (43 FR 8722; March 2, 1978, and 43 FR 44474; September 28, 1979); 36–9 (43 FR 8731; March 2, 1978, and 44 FR 3031; January 15, 1979), and 36–10 (43 FR 28406; June 2, 1978); and except for the further amendments adopted under item B of this action.

B. In accordance with section 611(c)(1)(A) of the Federal Aviation Act of 1958, as amended, Part 36 of the Federal Aviation Regulations (14 CFR Part 36) is amended, effective August 1, 1981, as follows:

1. By amending § 36.7 by deleting the word "and" at the end of paragraph (d)(3)(i)(A), redesignating paragraph (d)(3)(i)(B) as paragraph (d)(3)(i)(C), and adding a new paragraph (d)(3)(i)(B) to read as follows:

§ 36.7 [Amended]

(d) * * *

(3) * * *

(i) * * *

(B) The tradeoff provisions of § C36.5(b) of Appendix C of this part may be used in determining compliance under this paragraph with respect to the Stage 2 noise limit or to the Stage 3 plus 3 EPNdB noise limits, as applicable; and

* * * * *

2. By amending § 36.7(e)(2)(i)(A) by deleting the words "paragraph (d)(2) of this section; or" and substituting for them the words "paragraph (d)(3) (i) or (ii) of this section, as appropriate; and"

§ 36.201 [Amended]

3. By amending § 36.201 by deleting the words "prescribed in Appendix C of this part" and substituting for them a comma followed by the words "and in accordance with the flight test conditions under §§ C36.7 and C36.9 (or an approved equivalent procedure), prescribed under Appendix C of this part."

PART 36—APPENDIX C [AMENDED]

4. By amending section C36.5 of Appendix C as follows:

a. By amending paragraph (b) by deleting the reference to "§ 36.7(c)(1)" of Part 36 and substituting for it a reference to "§§ 36.7(c)(1) and 36.7(d)(3)(i)(B)".

b. By amending paragraph (c) by deleting the words "For applications made before December 1, 1969," and substituting for them the words "For applications for type certificates made prior to December 1, 1969, and for applications for approval of changes in type design involving acoustical changes to airplanes covered by those certificates that are made before October 28, 1976, and approved before August 1, 1981.".

Note.—The Federal Aviation Administration has determined that this action is an exempted regulation that is not major under section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of that Executive Order with respect to this action because it must be issued immediately to avoid a conflict with a deadline imposed by judicial order. It has been further determined that this document involves an emergency regulation under the DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979) because it is governed by a short-term judicial deadline. If it is subsequently determined that this action involves a significant regulation for which a final regulatory analysis is required, one will be prepared and placed in the regulatory docket. After it is filed, a copy of the regulatory assessment could be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

Issued in Washington, D.C. on June 12, 1981.

J. Lynn Helms,

Administrator.

[FR Doc. 81-18770 Filed 6-26-81; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION

14 CFR Part 150

[Docket Nos. 16279 and 18691; Adoption of Part 150]

Airport Noise Compatibility Planning; Editorial Corrections to Adoption of New Part 150

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Correction to interim final rule.

SUMMARY: On January 26, 1981, the FAA published a new Part 150 of the Federal Aviation Regulations (46 FR 8316) in which it adopted a new, interim regulation prescribing requirements for airport operators who choose to develop an airport noise compatibility planning program under the Federal program. New Part 150 implements portions of Title I of the Aviation Safety and Noise Abatement Act of 1979 (Pub. L. 96-193; 94 Stat. 50) and represents the FAA's response to recommendations for rulemaking submitted to it by the U.S. Environmental Protection Agency under section 611(c)(1) of the Federal Aviation Act of 1958, as amended. The publication of Part 150 contained inadvertent discrepancies between the titles of certain sections and the associated tables of sections of the rule. To avoid any potential confusion because of those discrepancies, this action editorially corrects those errors even though they do not affect the legal substance of the statement of the regulation.

DATES: Effective date: June 29, 1981.

Corrections effective February 28, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Tedrick, Noise Policy and Regulatory Branch (AEE-110), Noise Abatement Division, Office of Environment and Energy, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 755-9027.

SUPPLEMENTARY INFORMATION: The amendment editorially corrects certain titles of sections and the tables of sections under new Part 150 (46 FR 8316; January 26, 1981). It corrects those titles to coincide with the titles of those sections provided in the heading of the sections of the regulations, or vice versa to achieve consistency between the two.

This action is necessary to correct the discrepancies between those two statements of each title affected and thereby avoid any potential confusion or erroneous citation of the sections involved. For those reasons, it is appropriate to make the editorial corrections even though the titles themselves are not a substantive part of the regulation. Further, since it would not be in the public interest or consistent with sound regulatory practice to delay making necessary corrections to the amendment, good cause exists for making the corrective amendments effective in less than 30 days after publication. While this corrective amendment is effective upon its publication, the corrections it makes relate back to provisions which previously became effective and which clarify the proper title and citation of the affected sections. Accordingly, the corrections are made effective as of February 28, 1981, the original effective date of Part 150.

Adoption of the Amendment

Accordingly, the tables of sections and titles under Appendix A published under Part 150 of the Federal Aviation Regulations (14 CFR Part 150) are amended, effective February 28, 1981, as follows:

PART 150, APPENDIX A [AMENDED]

1. By amending the title of § 150.21 in the table of sections under Subpart B to read as follows:

§ 150.21 Noise exposure maps and related descriptions.

2. By amending the title of § 150.35 in the table of sections under Subpart C to read as follows:

§ 150.35 Determinations on programs, publication; effectivity.

3. By amending the titles of §§ A150.101 and A150.103 in the table of sections under Appendix A, Part B, to read as follows:

§ A150.101 Noise contours and land uses
§ A150.103 Use of computer prediction programs.

4. By amending the title of § A150.103 to read—"§ A150.103 Use of computer prediction program."

5. By amending the title of Appendix A, Part B, to read as follows:

PART B—NOISE EXPOSURE MAP DEVELOPMENT

6. By deleting the title "Subpart C—Mathematical Descriptions" in the body of Appendix A (after the text of § A150.105) and substituting for it the title:

PART C—MATHEMATICAL DESCRIPTIONS

(Secs. 307, 313(a), 601, and 611(b) and (c), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348, 1354(a), 1421, and 1431(b) and (c); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Title I, Secs. 101, 102, 103(a), and 104(a) and (b), Aviation Safety and Noise Abatement Act of 1979 (49 U.S.C. 2101, 2102, 2103(a), and 104(a) and (b); and 49 CFR 1.47(m))

Note.—The FAA has determined that this document involves a corrective amendment which is not major under Executive Order 12291 (46 FR 13193; February 19, 1981), and not significant under the procedures and criteria under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Accordingly, because its anticipated impact is so minimal, it does not warrant preparation of a regulatory evaluation and will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C., on May 21, 1981.

J. Lynn Helms,

Administrator.

[FR Doc. 81-18772 Filed 6-26-81; 8:45 am]

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federal register

Monday
June 29, 1981

Part III

Department of Housing and Urban Development

Office of Assistant Secretary for Housing—Federal Housing Commissioner

Low-Income Public Housing Development; Processing Procedures; Prototype Cost Determination

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 841

[Docket No. N-81-1073]

Low-Income Public Housing Development; Processing Procedures; Prototype Cost Determination

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Notice of prototype cost determinations under 24 CFR Part 841.

SUMMARY: This Notice establishes prototype limits for development of low-income public housing and Indian housing new construction projects under the United States Housing Act of 1937. The prototype cost determinations stated in this Notice supersede the prototype cost schedules published on December 2, 1980, and all amendments and additions to such schedules, published prior to the date of this Notice.

EFFECTIVE DATE: June 29, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Jack R. VanNess, Director, Technical Support Division, Office of Public Housing—Room 6248, 451 7th Street, S.W., Washington, D.C. 20410, (202) 755-4956 (This is not a toll-free number).

SUPPLEMENTARY INFORMATION: The United States Housing Act of 1937 requires determination by HUD of the costs in different areas for construction and equipment (prototype costs) of new dwelling units suitable for occupancy by low-income families. This determination must be made at least once a year and published in the **Federal Register**. The prototype costs constitute a limit on development cost for construction and equipment of new public housing projects including Indian projects.

The schedules in this Notice represent the semi-annual update of per unit prototype cost limits for development of public housing under 24 CFR Part 841 (see Section 841.204), and of Indian Housing under 24 CFR Part 805 (see Sections 805.213 and 805.214(b)).

The prototype cost determinations for the semi-annual update are based on Field Office estimates of example dwellings, actual public housing and insured multifamily project data and construction cost information published by the private segment of the housing industry.

Where prototype schedules are established for special Indian prototype cost areas in accordance with 24 CFR Section 805.213, the prototype cost limits apply only for development of Indian Housing (these special areas are identified by an asterisk (*) on the schedules).

Section 6(b) of the U.S. Housing Act of 1937 provides that the prototype costs shall become effective upon the date of publication in the **Federal Register**, and this Notice is, therefore, made effective upon publication.

Timely written comments will be considered and additional amendments will be published if the Department determines that acceptance of the comments is appropriate. Comments with respect to cost limits for a given location should be sent to the local HUD office. A list of these offices follows:

Region I

Connecticut, Hartford, 06103, One Financial Plaza.
Massachusetts, Boston, 02114, Bulfinch Bldg., 15 New Chardon Street.
New Hampshire, Manchester, 03103, Norris-Cotton Federal Bldg., 5th Floor, 275 Chestnut Street.
Rhode Island, Providence, 02903, John O. Pastore Federal Bldg. and U.S. Post Office, Room 330.

Region II

New Jersey, Newark, 07102, Raymond Plaza, Gateway 1 Bldg.
New York, Buffalo, 14202, Statler Building, Suite 800, 107 Delaware Ave.
New York, New York, 10007, 26 Federal Plaza.
Puerto Rico, San Juan, 00918, Caribbean Area Office, Federico Degetau Building and U.S. Courthouse, Room 428, Carlos E. Chardon Avenue, Hato Rey, Puerto Rico 00918.

Region III

District of Columbia, Washington, 20009, Universal North Bldg., 1875 Connecticut Avenue NW.
Maryland, Baltimore, 21201, 2 Hopkins Plaza, Mercantile Bank and Trust Building.
Pennsylvania, Philadelphia, 19106, Curtis Building, 625 Walnut Street.
Pennsylvania, Pittsburgh, 15219, Fort Pitt Commons, 445 Fort Pitt Blvd.
Virginia, Richmond, 23219, 701 East Franklin Street.
West Virginia, Charleston, 25301, Kanawah Valley Bldg., Capitol and Lee Streets.

Region IV

Alabama, Birmingham, 35233, Daniel Building, 15 South 20th Street.
Florida, Jacksonville, 32204, Peninsular Plaza, 661 Riverside Avenue.
Georgia, Atlanta, 30303, Richard B. Russell Federal Building, 75 Spring Street, S.W.
Kentucky, Louisville, 40201, 539 River City Mall, P.O. Box 1044.
Mississippi, Jackson, 39201, U.S. Federal Building, 100 W. Capital Street, Suite 1016.
North Carolina, Greensboro, 27401, 415 North Edgeworth Street.
South Carolina, Columbia, 29201, Strom Thurmond Federal Building, 1835-45 Assembly Street.
Tennessee, Nashville, 37219, 1 Commerce Place.
Tennessee, Knoxville, 37919, 1 Northshore Bldg., 1111 Northshore Drive.

Region V

Illinois, Chicago, 60602, 1 North Dearborn Street.
Indiana, Indianapolis, 46207, 151 North Delaware Street, P.O. Box 7047
Michigan, Detroit, 48226, 15th Floor, Patrick V. McNamara Building, 477 Michigan Ave.
Michigan, Grand Rapids, 49505, 2922 Fuller Avenue NE.
Minnesota, Minneapolis-St. Paul, 55401, Bridge Plaza Bldg., 220 Second Street South.
Ohio, Columbus, 43215, New Federal Office Building, 200 North High Street.
Ohio, Cleveland, 44114, 777 Rockwell Avenue, Second Floor.
Wisconsin, Milwaukee, 53203, 744 North Fourth Street.

Region VI

Arkansas, Little Rock, 72201, Union National Bank Building, 1 Union National Plaza.
Louisiana, New Orleans, 70113, Plaza Tower, 1001 Howard Avenue.
Oklahoma, Oklahoma City, 73102, Murrah Federal Bldg., 200 NW 5th Street.
Texas, Dallas, 75201, 2001 Bryan Tower, Fourth Floor.
Texas, San Antonio, 78285, Washington Square, 800 Dolorosa, P.O. Box 9163.

Region VII

Iowa, Des Moines, 50309, 210 Walnut Street, Room 25.
Kansas, Kansas City, 64106, Professional Building, 1103 Grand Street.
Missouri, St. Louis, 63101, 210 North 12th Street.
Nebraska, Omaha, 68106, Univac Bldg., 7100 West Center Road.

Region VIII

Colorado, Denver, 80202, Executive Tower, 1405 Curtis Street.

Region IX

California, Los Angeles, 90057, 2500 Wilshire Boulevard.
California, Sacramento, 95809, 545 Downtown Plaza, P.O. Box 1978, Suite 250.
California, San Francisco, 94111, 1 Embarcadero Center, Suite 1600.
Hawaii, Honolulu, 96850, Prince Jonah Kuhio Kalanianaole Federal Bldg., 300 Ala Moana Boulevard, Suite 3318.

Region X

Alaska, Anchorage, 99501, 334 West 5th Avenue.
Oregon, Portland, 97204, Cascade Building, 520 SW Sixth Avenue.
Washington, Seattle, 98101, 403 Arcade Plaza Building, 1321 Second Ave.

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations in 24 CFR Part 50, which

implement Section 102(2)(c) of the National Environmental Policy Act of 1969. The Finding of No Significant Impact will be available for public inspection during regular business hours in the Office of the Rules Docket Clerk, Office of the General Counsel, Room 5218, HUD, 451 7th Street, S.W., Washington, D.C. 20410.

Reference Catalog of Federal Domestic Assistance program numbers 14.146, Low Income Housing-Assistance Program (public housing), and 14.147, Low-Income Housing-Homeownership for Low-Income Families (Turnkey III, Mutual Help for Indians).

Upon the following consideration, the prototype costs are determined to be as set forth below.

A. Unit Prototype Cost. 1. Prototype cost comprises the cost of dwelling structures, account No. 1460, and dwelling equipment, account No. 1465, as described in HUD Low-Rent Housing Accounting Handbook 7510.1, Chapter 3, Section 15, which includes a pro rata share of the builders' fee and overhead, insurance, social security, sales tax, and bonds.

2. Prototype cost does not include the costs of site acquisitions, site improvement, nondwelling structures or spaces (and equipment), planning (architectural-engineering fees, permit fees, inspection, and similar costs), relocation, interest or PHA administrative costs, all of which are described in HUD Low-Rent Housing Accounting Handbook 7510.1, Chapter 3, Section 15.

3. The determination of prototype cost shall consider:

(a) For development of public housing under Part 841, compliance with applicable HUD Minimum Property Standards and planning and design criteria described in HUD Public Housing Development Handbook 7417.1 REV-1, Chapter 9, and for development of Indian Housing under Part 805, compliance with applicable HUD Minimum Property Standards and design criteria required by 805.212(a). Currently, copies of HUD Handbooks are maintained and available for public inspection in the Publications Service Center, Room B-256, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410, and in each of the Department's Regional, Area and Service Offices.

(b) The additional cost to provide, as required by Section 6(b) of the Act:

(1) The extra durability required for safety and security and economical maintenance of such housing,

(2) The provision of amenities designed to guarantee a safe and healthy family life and neighborhood environment,

(3) The application of good design as an essential component of such housing for safety and security as well as other purposes,

(4) The maintenance of quality in architecture to reflect the standards of the neighborhood and community,

(5) The need for maximizing the conservation of energy for heating, lighting, and other purposes,

(6) The effectiveness of existing cost limits in the area,

(7) The advice and recommendations of local housing producers, and

(8) With respect to remote areas such as may be found in connection with projects developed under the Indian and Alaskan Native housing program assisted under this Act, the extensive transportation required to provide the necessary labor, materials, and equipment to the project site and any additional conditions that the Secretary has taken into consideration under clauses (1) through (7) for such projects.

Accordingly, the prototype per unit cost schedules for all prototype cost areas, issued under 24 CFR Part 841, Prototype Cost Limits for Low-Income Public Housing, are hereby established as shown on the tables set forth hereinafter entitled "Prototype Per Unit Cost Schedule—Regions I through X."

(Sec. 7(d), Department of HUD Act, 42 U.S.C. 3535(d); Sec. 6(b) of the U.S. Housing Act of 1937, 42 U.S.C. 1437(d))

Issued at Washington, D.C., June 22, 1981.

Philip D. Winn,

Assistant Secretary for Housing—Federal Housing Commissioner.

Prototype Per Unit Cost Schedule

	Number of bedrooms						
	0	1	2	3	4	5	6
Connecticut							
Hartford							
Detached and semidetached	26,950	32,200	35,400	42,450	51,100	56,850	59,500
Row Dwellings	24,700	29,400	32,900	39,050	46,900	52,250	54,750
Walkup	21,600	26,700	30,100	35,950	41,400	45,600	47,800
Elevator-structure	30,500	35,400	44,950				
New Milford							
Detached and semidetached	25,800	30,900	34,150	40,850	49,150	54,700	57,250
Row Dwellings	23,600	28,200	31,350	37,350	44,900	50,050	52,150
Walkup	20,650	25,500	28,900	34,300	39,400	43,700	45,700
Elevator-structure	30,250	35,000	44,450				
New Haven							
Detached and semidetached	25,900	31,050	34,200	41,000	49,500	55,000	57,500
Row Dwellings	23,500	28,200	31,350	37,350	44,900	50,050	52,250
Walkup	20,650	25,500	28,750	34,450	39,650	43,700	45,700
Elevator-structure	30,250	35,000	44,450				
Bridgeport							
Detached and semidetached	26,300	31,500	34,850	41,650	50,150	55,700	58,350
Row Dwellings	23,600	28,200	31,350	37,350	44,900	50,050	52,150
Walkup	20,600	25,350	28,850	34,050	39,450	43,550	45,550
Elevator-structure	30,850	35,750	45,400				
New London							
Detached and semidetached	26,300	31,600	34,850	41,500	50,400	55,950	58,400
Row Dwellings	23,950	28,750	32,100	38,300	45,950	51,350	53,650
Walkup	21,550	25,450	28,850	34,300	39,600	43,750	45,900
Elevator-structure	30,850	35,700	45,400				
Windham							
Detached and semidetached	26,300	31,600	34,850	41,500	50,400	55,950	58,400
Row Dwellings	23,950	28,750	32,100	38,300	45,950	51,350	53,650
Walkup	21,950	25,950	29,500	34,900	40,450	44,650	46,850
Elevator-structure	30,850	35,700	45,400				
Ridgefield							
Detached and semidetached	32,200	38,700	42,600	51,000	61,550	68,100	71,500
Row Dwellings	29,550	35,300	39,400	46,800	56,400	62,950	65,700
Walkup	25,850	31,950	36,150	42,900	49,700	54,750	57,550
Elevator-structure	31,750	36,850	46,700				

Prototype Per Unit Cost Schedule—Continued

	Number of bedrooms						
	0	1	2	3	4	5	6
Norwich:							
Detached and semidetached	26,200	31,550	34,850	41,550	50,100	55,700	58,300
Row Dwellings	23,650	28,350	31,650	37,500	45,050	50,400	52,400
Walkup	20,750	25,550	29,050	34,500	39,700	43,800	45,850
Elevator structure	30,850	35,750	45,400				
*Meshantucket:							
Detached and semidetached	29,850	35,700	39,400	47,050	56,900	63,100	66,100
Row Dwellings							
Walkup							
Elevator structure							
Maine							
Bangor:							
Detached and semidetached	26,200	31,400	33,150	39,450	47,550	52,750	55,000
Row Dwellings	23,550	28,150	31,150	37,250	44,800	49,750	52,050
Walkup	21,050	26,050	29,650	34,950	40,650	44,650	47,000
Elevator structure	29,400	34,250	43,250				
*Old Town:							
Detached and semidetached	25,300	30,300	32,050	38,150	45,950	50,950	53,150
Row Dwellings	22,350	26,850	29,550	35,200	42,400	47,150	49,300
Walkup	21,600	26,750	30,600	35,950	41,900	45,850	48,350
Elevator structure	32,750	38,250	48,300				
Augusta:							
Detached and semidetached	27,050	32,150	35,600	42,750	51,300	57,100	59,550
Row Dwellings	24,250	28,800	32,100	38,500	46,200	51,450	53,600
Walkup	21,750	26,900	30,750	36,100	42,000	46,200	48,550
Elevator structure	29,650	34,550	43,700				
Brunswick:							
Detached and semidetached	26,900	32,000	35,250	42,250	50,950	56,500	59,200
Row Dwellings	23,950	28,600	31,900	38,050	45,900	50,800	53,200
Walkup	21,450	26,450	30,350	35,850	41,600	45,500	48,100
Elevator structure	29,950	34,950	44,150				
*Calais:							
Detached and semidetached	24,800	29,500	32,650	38,900	46,950	52,250	54,700
Row Dwellings	22,900	27,100	30,150	36,100	43,400	48,050	50,300
Walkup		26,950	30,850	36,450	42,200	46,200	48,900
Elevator structure	35,950	41,850	52,700				
Lewiston:							
Detached and semidetached	26,900	32,000	35,250	42,250	50,950	56,500	59,200
Row Dwellings	23,950	28,600	31,900	38,050	45,900	50,800	53,200
Walkup	21,450	26,450	30,350	35,850	41,600	45,500	48,100
Elevator structure	28,800	33,550	42,350				
Portland:							
Detached and semidetached	26,900	32,000	35,250	42,250	50,950	56,500	59,200
Row Dwellings	23,950	28,600	31,900	38,050	45,900	50,800	53,200
Walkup	21,800	27,000	30,600	36,400	42,300	46,300	48,800
Elevator structure	28,800	33,500	42,350				
Waterville:							
Detached and semidetached	25,950	30,900	34,150	41,000	49,350	54,650	57,150
Row Dwellings	23,400	27,800	30,800	36,850	44,500	49,350	51,600
Walkup	20,800	25,850	29,400	34,650	40,200	44,150	46,500
Elevator structure	29,000	33,950	42,800				
Massachusetts							
Boston:							
Detached and semidetached	25,900	30,700	34,000	40,700	48,950	54,400	56,950
Row Dwellings	25,250	30,150	33,500	39,950	48,200	53,550	55,950
Walkup	25,150	30,050	33,250	39,750	47,900	53,100	55,700
Elevator structure	35,750	41,500	52,600	39,700			
Worcester:							
Detached and semidetached	24,700	29,400	32,650	38,900	47,000	52,150	54,650
Row dwellings	24,300	29,000	32,250	38,350	46,300	51,450	53,700
Walkup	23,900	28,800	32,000	37,850	45,750	50,800	53,250
Elevator structure	34,700	40,650	51,200				
Fall River:							
Detached and semidetached	25,050	30,000	33,250	39,650	47,750	53,150	55,550
Row dwellings	24,750	29,350	32,850	39,150	46,950	52,350	54,750
Walkup	24,550	28,950	32,550	38,750	46,850	52,100	54,500
Elevator structure	33,400	38,850	49,200				
New Hampshire							
Manchester:							
Detached and semidetached	23,600	29,350	32,400	38,850	46,550	51,850	54,500
Row dwellings	23,250	28,100	31,150	36,950	44,450	49,600	51,750
Walkup	20,000	24,850	28,300	33,400	38,700	42,400	44,700
Elevator structure	29,100	33,900	42,750				
Concord:							
Detached and semidetached	25,450	31,550	34,850	41,550	49,900	55,600	58,400
Row dwellings	24,800	29,900	33,250	39,400	47,650	52,950	55,200
Walkup	20,900	25,950	29,400	34,800	40,350	44,250	46,650
Elevator structure	29,000	33,900	42,700				
Dover:							
Detached and semidetached	23,150	28,500	31,650	37,750	45,250	50,500	53,000
Row dwellings	22,550	27,100	30,150	35,750	43,000	47,850	50,000
Walkup	19,250	23,850	27,250	32,250	40,300	44,850	46,200
Elevator structure	29,800	34,550	43,700				
Keene:							
Detached and semidetached	24,250	30,100	33,200	39,750	47,650	53,000	55,750
Row dwellings	23,800	28,650	31,850	37,850	45,600	51,000	53,000
Walkup	20,500	25,350	28,800	34,300	39,700	43,450	45,600
Elevator structure	26,550	32,100	40,550				
Nashua:							
Detached and semidetached	23,600	29,350	32,400	38,850	46,550	51,850	54,500

Prototype Per Unit Cost Schedule—Continued

	Number of bedrooms						
	0	1	2	3	4	5	6
Row dwellings	23,250	28,100	31,150	36,950	44,450	49,600	51,750
Walkup	20,600	25,450	29,100	34,300	39,750	43,750	46,000
Elevator-structure	29,200	34,000	42,750				
Portsmouth							
Detached and semidetached	24,850	30,650	33,950	40,650	48,900	54,350	57,050
Row dwellings	24,450	29,300	32,700	38,800	46,500	51,800	54,300
Walkup	18,800	23,350	26,650	31,500	36,350	39,950	41,950
Elevator-structure	29,700	34,500	43,650				
Rhode Island							
Providence							
Detached and semidetached	29,350	35,050	38,550	46,300	55,700	62,000	64,850
Row dwellings	26,700	31,750	35,550	42,150	50,600	56,450	59,150
Walkup	23,600	29,200	32,900	39,300	45,200	49,800	52,250
Elevator-structure	30,600	35,550	45,100				
Vermont							
Burlington							
Detached and semidetached	24,800	29,700	32,800	39,150	47,150	52,400	54,900
Row dwellings	23,500	27,900	31,150	37,100	44,350	49,800	51,950
Walkup	20,700	25,450	29,150	34,450	39,800	43,950	46,200
Elevator-structure	29,100	33,850	42,950				
Bennington							
Detached and semidetached	24,800	29,700	32,800	39,150	47,150	52,400	54,900
Row dwellings	23,600	27,900	31,150	37,100	44,350	49,600	51,950
Walkup	20,700	25,450	29,150	34,450	39,800	43,950	46,200
Elevator-structure	29,400	34,250	43,450				
Brattleboro							
Detached and semidetached	24,800	29,700	32,800	39,150	47,150	52,400	54,900
Row dwellings	23,600	27,900	31,150	37,100	44,350	49,600	51,950
Walkup	20,700	25,450	29,150	34,450	39,800	43,950	46,200
Elevator-structure	29,400	34,250	43,450				
Montpelier							
Detached and semidetached	24,350	29,000	32,200	38,300	46,100	51,200	53,650
Row dwellings	22,850	27,200	30,200	35,950	43,050	48,100	50,400
Walkup	20,100	24,800	28,200	33,450	38,450	42,600	44,700
Elevator-structure	29,400	34,250	43,450				
Rutland							
Detached and semidetached	24,500	29,150	32,300	38,750	46,400	51,750	54,100
Row dwellings	23,200	27,550	30,600	36,400	43,600	48,850	50,900
Walkup	20,400	24,900	28,450	33,900	39,050	43,150	45,450
Elevator-structure	29,600	34,450	43,500				

REGION II

New Jersey							
Camden							
Detached and semidetached	26,150	31,450	34,850	41,500	50,200	55,700	58,500
Row dwellings	23,250	27,750	30,700	36,750	43,900	49,050	51,250
Walkup	21,150	26,150	29,850	35,350	41,050	45,050	47,600
Elevator-structure	33,050	38,450	48,750				
Atlantic City							
Detached and semidetached	25,800	31,000	34,300	40,900	49,400	54,750	57,450
Row dwellings	22,650	27,100	30,150	35,750	42,850	48,050	49,950
Walkup	20,700	25,700	29,300	34,550	40,200	44,250	46,600
Elevator-structure	31,550	36,650	46,450				
Burlington							
Detached and semidetached	26,100	31,300	34,850	41,350	49,950	55,400	58,250
Row dwellings	23,050	27,550	30,700	36,350	43,550	48,700	50,750
Walkup	21,350	26,250	29,850	35,300	40,900	45,000	47,500
Elevator-structure	33,200	38,750	49,000				
Gloucester							
Detached and semidetached	25,800	31,000	34,300	40,900	49,450	54,900	57,600
Row dwellings	22,850	27,250	30,150	36,050	43,050	48,150	50,300
Walkup	20,850	25,900	29,300	34,600	40,250	44,350	46,650
Elevator-structure	33,050	38,450	48,750				
Trenton							
Detached and semidetached	26,250	31,250	34,850	41,450	49,950	55,550	58,250
Row dwellings	23,150	27,500	30,700	36,450	43,750	48,800	51,100
Walkup	21,400	26,450	29,850	35,550	41,100	45,150	47,550
Elevator-structure	36,450	42,250	53,550				
Vineland							
Detached and semidetached	26,200	31,400	34,850	41,450	50,100	55,700	58,350
Row dwellings	23,050	27,650	30,700	36,550	43,750	48,850	51,100
Walkup	21,150	26,200	29,850	35,250	40,650	44,950	47,400
Elevator-structure	34,150	39,650	50,300				
Newark							
Detached and semidetached	28,800	34,100	38,000	45,400	54,500	60,450	63,300
Row dwellings	26,550	31,550	35,050	41,600	50,150	55,950	58,500
Walkup	23,950	29,850	33,950	40,200	46,600	51,200	54,100
Elevator-structure	33,700	39,200	49,500				
Asbury Park							
Detached and semidetached	28,800	34,100	38,000	45,400	54,500	60,450	63,300
Row dwellings	26,550	31,550	35,050	41,600	50,150	55,950	58,500
Walkup	23,500	29,250	33,250	39,350	45,750	50,250	52,900
Elevator-structure	32,250	37,550	47,400				
North Bergen:							
Detached and semidetached	28,800	34,100	38,000	45,400	54,500	60,450	63,300
Row dwellings	26,550	31,550	35,050	41,600	50,150	55,950	58,500
Walkup	24,600	30,400	34,650	41,100	47,800	52,500	55,150
Elevator-structure	33,750	39,350	49,700				

Prototype Per Unit Cost Schedule—Continued

	Number of bedrooms						
	0	1	2	3	4	5	6
Freehold:							
Detached and semidetached	28,800	34,100	38,000	45,400	54,500	60,450	63,300
Row dwellings	26,550	31,550	35,050	41,800	50,150	55,950	58,500
Walkup	23,450	29,250	33,200	39,300	45,550	50,200	52,850
Elevator-structure	32,500	37,750	47,650				
New York:							
Albany:							
Detached and semidetached	24,100	28,800	31,700	37,850	45,850	50,750	53,250
Row dwellings	21,650	26,150	29,150	34,650	41,650	46,400	48,600
Walkup	19,100	23,850	27,000	32,100	37,100	40,700	42,900
Elevator-structure	26,050	30,100	38,350				
Plattsburgh:							
Detached and semidetached	22,800	27,300	30,300	36,150	43,600	48,350	50,750
Row dwellings	21,050	25,000	27,800	33,050	39,850	44,250	46,150
Walkup	18,350	22,500	25,800	30,450	35,350	39,750	41,800
Elevator-structure	23,300	26,850	36,450				
Syracuse:							
Detached and semidetached	24,200	29,000	31,900	38,200	46,150	51,250	53,650
Row dwellings	22,150	26,450	29,350	34,900	41,950	46,800	49,050
Walkup	19,400	23,950	27,150	32,300	37,450	41,000	43,300
Elevator-structure	26,050	30,300	38,350				
Poughkeepsie:							
Detached and semidetached	25,350	30,250	33,550	40,050	48,350	53,600	56,150
Row dwellings	24,200	28,550	31,900	37,950	45,650	50,900	53,200
Walkup	20,600	25,600	29,050	34,500	39,800	43,800	46,100
Elevator-structure	25,700	29,850	37,850				
Binghamton:							
Detached and semidetached	24,050	28,400	31,650	37,800	45,600	50,600	53,050
Row dwellings	22,400	26,800	29,700	35,350	42,500	47,500	49,550
Walkup	19,050	23,650	26,900	31,800	36,900	40,350	42,650
Elevator-structure	26,150	30,350	38,400				
Buffalo:							
Detached and semidetached	24,400	29,150	32,350	38,600	46,500	51,750	54,200
Row dwellings	21,450	25,550	28,300	33,800	40,550	45,350	47,200
Walkup	20,300	24,900	28,250	33,400	38,700	42,600	44,600
Elevator-structure	28,600	33,500	42,100				
Rochester:							
Detached and semidetached	23,850	28,500	31,450	37,650	45,500	50,350	52,800
Row dwellings	20,900	24,950	27,800	32,950	39,500	44,050	46,100
Walkup	19,600	24,100	27,500	32,500	37,700	41,400	43,700
Elevator-structure	27,950	32,650	41,100				
Jamestown:							
Detached and semidetached	23,700	28,300	31,400	37,550	45,200	50,250	52,700
Row dwellings	20,750	24,850	27,450	32,650	39,350	44,000	45,800
Walkup	19,600	24,100	27,500	32,500	37,700	41,400	43,700
Elevator-structure	27,800	32,350	40,950				
Elmira:							
Detached and semidetached	25,350	30,250	33,750	40,250	48,450	53,750	56,400
Row dwellings	22,200	26,700	29,550	35,050	42,150	47,050	49,050
Walkup	21,050	25,900	29,350	34,850	40,250	44,400	46,750
Elevator-structure	29,800	34,700	43,800				
New York City (inner):							
Detached and semidetached	28,850	34,650	38,350	45,800	55,150	61,300	64,250
Row dwellings	27,700	33,050	36,700	43,600	52,300	58,300	61,100
Walkup	30,450	37,850	42,850	50,750	58,850	64,600	68,150
Elevator-structure	40,550	43,800	49,800	59,750	69,250	73,700	
New York City (metro):							
Detached and semidetached	24,600	28,200	31,900	37,850	43,800	46,000	48,250
Row dwellings	23,300	26,650	30,300	35,850	41,500	43,550	45,750
Walkup	25,850	29,600	33,650	39,800	46,100	48,400	50,800
Elevator-structure	39,700	42,900	48,900	58,500	67,850	72,200	
Nassau County:							
Detached and semidetached	24,600	28,200	31,900	37,850	43,800	46,000	48,250
Row dwellings	23,300	26,650	30,300	35,850	41,500	43,550	45,750
Walkup	25,850	29,600	33,650	39,800	46,100	48,400	50,800
Elevator-structure	33,650	38,550	43,850	52,650	61,000	64,950	
Suffolk County:							
Detached and semidetached	22,050	24,400	27,100	32,300	38,900	40,900	42,900
Row dwellings	21,150	23,250	25,850	30,800	36,850	38,700	40,600
Walkup	23,150	26,450	30,150	35,550	41,150	45,350	47,700
Elevator-structure	31,350	36,000	40,900	49,000	56,850	60,500	
Westchester County:							
Detached and semidetached	23,200	25,650	28,400	34,050	40,200	42,200	44,350
Row dwellings	22,200	24,450	27,150	32,400	38,800	40,750	42,800
Walkup	24,450	28,100	31,800	37,650	43,700	45,850	48,150
Elevator-structure	33,400	40,550	43,450	51,950	60,250		
Orange County:							
Detached and semidetached	20,200	23,000	25,500	30,450	36,700	38,550	40,450
Row dwellings	19,400	21,900	24,400	28,800	34,800	36,500	38,350
Walkup	22,100	26,150	29,700	35,150	40,650	44,800	47,200
Elevator-structure	30,400	35,050	39,750	47,750	55,500	59,100	
Rockland County:							
Detached and semidetached	21,550	23,850	26,500	31,650	38,100	40,000	42,000
Row dwellings	20,650	22,800	25,350	30,350	36,100	37,900	39,800
Walkup	22,600	25,950	29,450	34,850	40,450	44,400	46,750
Elevator-structure	32,200	34,450	39,100	46,950	54,450	57,900	
Puerto Rico:							
San Juan:							
Detached and semidetached	20,550	24,550	27,250	32,500	39,200	43,400	45,650
Row dwellings	20,300	24,300	27,050	31,800	38,450	42,700	44,800

Prototype Per Unit Cost Schedule—Continued

	Number of bedrooms						
	0	1	2	3	4	5	6
Walkup	17,150	21,300	24,150	28,700	33,150	36,550	38,450
Elevator-structure	19,200	22,550	26,400	31,600	34,650		
Old San Juan:							
Detached and semidetached	24,550	29,500	32,550	38,950	47,000	52,100	54,700
Row dwellings	24,350	29,150	32,450	38,300	46,200	51,350	53,850
Walkup	20,650	25,450	28,950	34,450	39,750	43,850	46,200
Elevator-structure	23,000	28,900	34,050	37,950	41,600		
Ponce							
Detached and semidetached	20,600	24,700	27,300	32,650	39,250	43,500	45,700
Row dwellings	20,400	24,450	27,150	31,850	38,550	42,800	44,900
Walkup	17,350	21,350	24,250	28,700	33,300	36,600	38,500
Elevator-structure	19,350	22,600	26,550	31,700	34,750		
Mayaguez:							
Detached and semidetached	20,600	24,700	27,300	32,650	39,250	43,500	45,700
Row dwellings	20,400	24,450	27,150	31,850	38,550	42,800	44,900
Walkup	17,350	21,350	24,250	28,700	33,300	36,600	38,500
Elevator-structure	19,350	22,600	26,550	31,700	34,750		
Arecibo							
Detached and semidetached	20,600	24,700	27,300	32,650	39,250	43,500	45,700
Row dwellings	20,400	24,450	27,150	31,850	38,550	42,800	44,900
Walkup	17,350	21,350	24,250	28,700	33,300	36,600	38,500
Elevator-structure	19,350	22,600	26,550	31,700	34,750		
Virgin Islands							
St. Thomas:							
Detached and semidetached	25,100	30,100	33,300	39,850	47,950	53,250	55,850
Row dwellings	24,900	29,650	32,900	39,200	47,050	52,400	54,950
Walkup	21,400	26,200	29,850	35,350	41,050	45,050	47,450
Elevator-structure	22,650	26,350	33,500	37,200	40,900		
St. Croix:							
Detached and semidetached	24,500	29,250	32,500	38,950	46,700	51,950	54,350
Row dwellings	24,350	29,100	32,300	38,300	46,000	51,300	53,650
Walkup	20,600	25,400	28,850	34,100	39,650	43,650	45,850
Elevator-structure	22,100	25,750	32,550	36,250	39,800		
REGION III							
Delaware							
Wilmington:							
Detached and semidetached	25,400	30,550	33,800	40,350	48,500	54,100	56,650
Row dwellings	21,050	25,100	27,700	33,100	40,000	44,400	46,550
Walkup	19,550	23,950	27,200	32,550	37,700	41,150	43,400
Elevator-structure	28,150	32,700	41,700				
Dover							
Detached and semidetached	25,100	30,450	33,550	40,000	48,050	53,650	56,100
Row dwellings	20,700	24,800	27,500	32,650	39,600	43,900	45,950
Walkup	19,200	23,700	27,000	32,050	37,150	40,700	42,850
Elevator-structure	28,050	32,600	41,400				
Washington, D.C.:							
Washington, D.C.:							
Detached and semidetached	25,550	30,600	33,800	40,350	48,600	54,200	56,600
Row dwellings	23,100	27,700	30,600	36,500	44,000	49,050	51,100
Walkup	20,950	25,700	29,600	34,750	40,350	44,550	46,750
Elevator-structure	29,600	34,150	43,400				
Maryland							
Baltimore:							
Detached and semidetached	23,450	28,150	31,200	37,200	44,650	50,050	52,150
Row dwellings	19,600	23,650	26,050	31,150	37,400	41,500	43,550
Walkup	18,500	22,850	25,950	30,750	35,700	39,150	41,250
Elevator-structure	26,850	31,200	39,600				
Baltimore City:							
Detached and semidetached	25,200	30,300	33,600	40,000	48,000	53,800	56,100
Row dwellings	21,200	25,600	28,100	33,650	40,400	44,850	47,000
Walkup	19,950	24,650	28,000	33,250	38,550	42,300	44,600
Elevator-structure	29,050	33,750	42,800				
Hagerstown:							
Detached and semidetached	23,350	27,900	31,000	37,050	44,550	49,700	51,850
Row dwellings	19,450	23,300	25,850	30,850	37,000	41,100	43,100
Walkup	18,400	22,750	25,750	30,600	35,500	39,000	41,150
Elevator-structure	26,750	31,100	39,350				
Salisbury							
Detached and semidetached	23,700	28,450	31,500	37,550	45,150	50,300	52,650
Row dwellings	19,950	23,750	26,250	31,450	37,800	42,050	43,950
Walkup	18,700	23,150	26,200	31,150	36,100	39,550	41,750
Elevator-structure	27,200	31,650	40,000				
Waldorf							
Detached and semidetached	24,400	29,350	32,500	38,700	46,450	52,000	54,250
Row dwellings	20,400	24,600	27,100	32,450	38,900	43,250	45,350
Walkup	19,300	23,900	27,050	32,100	37,250	40,900	43,050
Elevator-structure	22,650	26,350	33,450				
Pennsylvania							
Philadelphia:							
Detached and semidetached	26,550	32,150	34,800	42,350	50,750	56,700	59,100
Row dwellings	23,0560	27,750	30,700	36,500	43,900	49,000	50,850
Walkup	20,350	25,250	28,650	33,850	39,250	43,350	45,450
Elevator-structure	32,250	37,450	47,450				
Allentown							
Detached and semidetached	25,200	30,250	33,350	39,950	47,950	53,500	55,950
Row dwellings	21,500	25,850	28,500	34,000	40,800	45,500	47,400
Walkup	20,300	25,150	28,600	33,850	39,150	43,150	45,300
Elevator-structure	29,200	33,800	42,800				

Prototype Per Unit Cost Schedule—Continued

	Number of bedrooms						
	0	1	2	3	4	5	6
Bellefonte							
Detached and semidetached	25,050	30,250	33,550	39,950	47,950	53,550	55,950
Row dwellings	21,450	25,800	28,550	34,000	40,800	45,550	47,300
Walkup	20,400	25,250	28,650	33,800	39,250	43,250	45,300
Elevator-structure	30,550	35,350	45,050				
Wellsboro:							
Detached and semidetached	25,750	30,750	34,200	40,750	49,100	54,450	57,150
Row dwellings	21,750	26,150	28,950	34,300	41,250	46,100	48,050
Walkup	20,850	25,700	29,050	34,550	39,950	44,000	46,250
Elevator-structure	37,450	43,650	55,050				
Harrisburg:							
Detached and semidetached	24,950	30,150	33,300	39,600	47,650	53,150	55,450
Row dwellings	21,300	25,550	28,250	33,550	40,450	45,050	46,950
Walkup	20,100	24,900	28,350	33,500	38,950	42,800	44,900
Elevator-structure	29,300	34,050	43,150				
Lancaster							
Detached and semidetached	24,400	29,550	32,500	38,800	46,750	52,150	54,450
Row dwellings	20,800	25,000	27,550	32,900	39,600	44,050	45,850
Walkup	19,750	24,300	27,700	32,900	38,150	41,950	44,000
Elevator-structure	28,900	33,450	42,450				
York							
Detached and semidetached	24,400	29,550	32,500	38,800	46,750	52,150	54,450
Row dwellings	20,800	25,000	27,550	32,850	39,600	44,050	45,850
Walkup	19,750	24,300	27,700	32,900	38,150	41,950	44,000
Elevator-structure	28,900	33,450	42,450				
Reading							
Detached and semidetached	24,750	30,000	33,000	39,350	47,350	52,900	55,250
Row dwellings	21,150	25,450	28,000	33,400	40,200	44,750	46,550
Walkup	19,950	24,600	28,100	33,100	38,450	42,400	44,350
Elevator-structure	28,900	33,450	42,450				
Scranton							
Detached and semidetached	25,700	31,050	34,200	40,750	49,100	54,650	57,100
Row dwellings	21,200	25,400	28,000	33,450	40,150	44,850	46,600
Walkup	17,000	20,950	23,800	28,150	32,700	36,000	37,700
Elevator-structure	30,800	35,700	45,400				
Pittsburgh							
Detached and semidetached	26,450	31,650	35,050	41,650	50,050	55,750	58,300
Row dwellings	22,450	26,850	29,750	35,350	42,600	47,350	49,600
Walkup	22,200	26,550	29,450	35,050	42,150	46,850	49,000
Elevator-structure	30,600	35,700	45,200				
Altoona							
Detached and semidetached	25,350	30,400	33,750	40,150	48,100	53,700	56,050
Row dwellings	21,650	26,150	28,700	34,300	41,200	45,950	48,000
Walkup	20,050	24,650	28,400	33,450	38,650	42,600	44,750
Elevator-structure	29,750	34,500	43,550				
Erie							
Detached and semidetached	25,900	31,000	34,300	40,850	49,150	54,750	57,150
Row dwellings	22,400	26,850	29,500	35,000	42,350	47,300	49,250
Walkup	20,300	25,100	28,800	33,950	39,400	43,450	45,650
Elevator-structure	30,100	34,900	44,200				
Johnstown							
Detached and semidetached	25,350	30,400	33,750	40,100	48,150	53,750	56,150
Row dwellings	21,750	26,050	28,700	34,150	41,300	45,850	47,850
Walkup	20,050	24,800	28,400	33,500	38,800	42,800	44,950
Elevator-structure	29,600	34,400	43,550				
Virginia							
Richmond							
Detached and semidetached	18,950	22,800	26,050	33,600	40,450	44,950	46,900
Row dwellings	16,750	20,250	24,900	29,750	35,850	39,800	41,500
Walkup	15,050	18,900	23,750	28,050	32,450	35,700	37,650
Elevator-structure	30,050	34,850	44,100				
Norfolk							
Detached and semidetached	17,700	21,350	26,150	31,200	37,600	41,900	43,750
Row dwellings	15,500	18,900	23,250	27,750	33,400	37,100	38,650
Walkup	13,400	16,600	21,100	24,850	28,700	31,750	33,200
Elevator-structure	25,400	29,700	37,450				
Virginia Beach:							
Detached and semidetached	16,850	20,300	24,750	29,600	35,550	39,800	41,550
Row dwellings	14,750	17,800	22,050	26,250	31,700	35,350	36,800
Walkup	13,400	16,600	21,100	24,850	28,700	31,750	33,200
Elevator-structure	25,400	29,700	37,450				
Portsmouth:							
Detached and semidetached	16,700	20,300	24,750	29,550	35,550	39,700	41,450
Row dwellings	14,750	17,800	22,000	26,150	31,650	35,300	36,650
Walkup	13,150	16,350	20,750	24,450	28,250	31,250	32,800
Elevator-structure	25,400	29,700	37,450				
Chesapeake:							
Detached and semidetached	16,850	20,300	24,750	29,600	35,550	39,800	41,550
Row dwellings	14,750	17,800	22,050	26,250	31,700	35,350	36,800
Walkup	13,000	16,150	20,600	24,100	27,900	30,800	32,250
Elevator-structure	25,400	29,700	37,450				
Suffolk							
Detached and semidetached	16,850	20,300	24,750	29,600	35,550	39,800	41,550
Row dwellings	14,750	17,800	22,050	26,250	31,700	35,350	36,800
Walkup	13,400	16,600	21,100	24,850	28,700	31,750	33,200
Elevator-structure	23,250	27,150	34,250				
Roanoke							
Detached and semidetached	17,150	20,700	25,300	30,200	36,300	40,550	42,350
Row dwellings	14,950	18,350	22,450	26,850	32,300	36,000	37,550
Walkup	13,400	16,600	21,100	24,850	28,700	31,750	33,200

Prototype Per Unit Cost Schedule—Continued

	Number of bedrooms						
	0	1	2	3	4	5	6
Elevator-structure	23,200	26,850	33,950				
Lynchburg:							
Detached and semidetached	16,850	20,300	24,750	29,600	35,550	39,800	41,550
Row dwellings	14,750	17,800	22,050	26,250	31,700	35,350	36,800
Walkup	13,400	16,600	21,100	24,850	28,700	31,750	33,200
Elevator-structure	23,200	26,850	33,950				
Danville:							
Detached and semidetached	16,850	20,300	24,750	29,600	35,550	39,800	41,550
Row dwellings	14,750	17,800	22,050	26,250	31,700	35,350	36,800
Walkup	13,500	16,800	21,400	25,100	29,100	32,200	33,800
Elevator-structure	23,200	26,850	33,950				
Newport News:							
Detached and semidetached	16,900	20,350	25,000	29,900	36,000	39,950	41,700
Row dwellings	14,800	18,050	22,150	26,500	31,900	35,500	37,000
Walkup	13,700	17,100	21,650	25,600	29,650	32,800	34,400
Elevator-structure	25,650	29,900	37,650				
Hampton:							
Detached and semidetached	16,900	20,350	25,000	29,900	36,000	39,950	41,700
Row dwellings	14,800	18,050	22,150	26,500	31,900	35,500	37,000
Walkup	13,450	16,750	21,250	25,050	29,050	32,100	33,750
Elevator-structure	25,650	29,900	37,650				
Fredericksburg:							
Detached and semidetached	17,100	20,500	25,300	30,200	36,300	40,450	42,350
Row dwellings	14,850	18,250	22,350	26,700	32,250	35,750	37,200
Walkup	13,650	16,750	21,300	25,100	29,250	32,150	33,750
Elevator-structure	25,400	29,550	37,250				
Warrenton:							
Detached and semidetached	17,100	20,500	25,300	30,200	36,300	40,450	42,350
Row dwellings	14,850	18,250	22,350	26,700	32,250	35,750	37,200
Walkup	13,650	16,750	21,300	25,100	29,250	32,150	33,750
Elevator-structure	25,400	29,550	37,250				
Harrisonburg:							
Detached and semidetached	17,000	20,450	25,150	30,050	36,200	40,250	41,900
Row dwellings	14,850	18,100	22,200	26,650	32,000	35,700	37,100
Walkup	13,500	16,800	21,400	25,100	29,250	32,200	33,850
Elevator-structure	23,450	27,300	34,550				
Norton:							
Detached and semidetached	24,350	29,400	36,100	43,350	52,150	57,900	60,400
Row dwellings	21,550	26,100	32,000	38,300	46,100	51,350	53,600
Walkup	19,100	23,550	30,050	35,150	41,000	45,100	47,250
Elevator-structure	40,850	47,250	59,900				
Eastern Shore:							
Detached and semidetached	16,900	20,350	25,000	29,900	36,000	39,950	41,700
Row dwellings	14,800	18,050	22,150	26,500	31,900	35,500	37,000
Walkup	13,400	16,600	21,100	24,900	28,750	31,850	33,500
Elevator-structure	23,450	27,300	34,550				
Charlottesville:							
Detached and semidetached	19,700	23,750	29,300	34,700	42,050	46,800	48,700
Row dwellings	17,300	20,950	25,800	30,950	37,300	41,450	43,100
Walkup	15,700	19,500	25,850	29,250	33,950	37,450	39,400
Elevator-structure	27,250	31,650	40,200				
West Virginia							
Charleston:							
Detached and semidetached	20,200	24,400	30,300	36,000	43,300	48,450	50,450
Row dwellings	17,500	21,100	26,000	31,050	37,200	41,450	43,250
Walkup	16,650	20,700	26,400	31,150	36,500	39,850	41,850
Elevator-structure	29,250	33,900	43,100				
Bluefield:							
Detached and semidetached	19,750	23,900	29,350	35,100	42,250	47,200	49,000
Row dwellings	16,950	20,600	25,300	30,200	36,250	40,550	42,350
Walkup	16,250	20,200	25,800	30,350	35,100	38,800	40,700
Elevator-structure	28,450	33,150	41,950				
Huntington:							
Detached and semidetached	19,950	24,050	29,600	35,250	42,650	47,550	49,550
Row dwellings	17,000	20,650	25,650	30,500	36,500	40,850	42,600
Walkup	16,500	20,400	25,900	30,700	35,550	39,250	41,100
Elevator-structure	28,800	33,450	42,500				
Parkersburg:							
Detached and semidetached	20,350	24,550	30,350	36,200	43,550	48,700	50,750
Row dwellings	17,600	21,300	26,150	31,300	37,350	41,700	43,500
Walkup	16,500	20,400	25,900	30,700	35,550	39,250	41,100
Elevator-structure	28,800	33,450	42,500				
Wheeling:							
Detached and semidetached	19,750	23,900	29,350	35,100	42,250	47,200	49,000
Row dwellings	16,950	20,600	25,300	30,200	36,250	40,550	42,350
Walkup	16,250	20,200	25,800	30,350	35,100	38,800	40,700
Elevator-structure	28,450	33,150	41,950				
Martinsburg							
Detached and semidetached	18,350	22,350	27,500	32,750	39,350	43,900	45,800
Row dwellings	15,950	19,200	23,550	27,950	33,900	37,600	39,400
Walkup	14,900	18,600	23,750	27,900	32,400	35,800	37,650
Elevator-structure	28,450	33,150	41,950				
Fairmont							
Detached and semidetached	20,250	24,400	30,250	36,000	43,300	48,450	50,450
Row dwellings	17,500	21,100	26,000	31,050	37,200	41,450	43,400
Walkup	16,100	20,000	25,350	30,050	34,650	38,358	40,300
Elevator-structure	28,400	33,150	41,800				
Point Pleasant:							
Detached and semidetached	18,950	22,950	28,350	33,800	40,650	45,300	47,300
Row dwellings	16,300	19,800	24,400	29,050	34,850	38,850	40,700
Walkup	15,700	19,550	24,900	29,200	33,900	37,400	39,250
Elevator-structure	28,750	33,300	42,300				

Prototype Per Unit Cost Schedule—Continued

	Number of bedrooms						
	0	1	2	3	4	5	6
REGION IV							
Alabama							
Birmingham:							
Detached and semidetached	17,800	21,750	26,700	32,050	38,600	42,800	44,800
Row dwellings	15,650	18,650	23,100	27,500	33,150	36,850	38,650
Walkup	14,050	17,300	21,900	25,800	30,000	33,200	34,750
Elevator structure	25,500	29,900	37,550				
Dothan							
Detached and semidetached	17,050	20,700	25,500	30,700	36,800	40,750	42,650
Row dwellings	15,300	18,500	22,750	27,000	32,650	36,300	38,050
Walkup	13,200	16,600	20,950	24,850	28,800	31,650	33,350
Elevator structure	24,800	28,950	36,450				
Florence							
Detached and semidetached	17,300	20,900	25,550	30,950	37,100	41,200	43,100
Row dwellings	15,200	18,350	22,600	27,250	32,700	36,250	37,950
Walkup	13,250	16,650	21,000	25,000	29,000	31,800	33,450
Elevator structure	25,250	29,650	37,300				
Huntsville							
Detached and semidetached	16,850	20,450	25,300	30,050	36,350	40,400	42,250
Row dwellings	14,850	17,700	22,000	26,150	31,550	35,150	36,750
Walkup	13,150	16,450	20,750	24,450	28,350	31,300	32,800
Elevator structure	24,800	28,950	36,600				
Mobile							
Detached and semidetached	18,700	22,650	27,950	33,350	40,200	44,700	46,700
Row dwellings	16,150	19,700	24,200	28,750	34,600	38,450	40,300
Walkup	14,100	17,550	22,250	26,300	30,600	33,750	35,550
Elevator structure	26,150	30,400	38,250				
Montgomery							
Detached and semidetached	17,000	20,600	25,400	30,650	36,750	40,700	42,750
Row dwellings	14,850	17,900	22,050	26,150	31,650	35,150	36,850
Walkup	13,200	16,550	20,900	24,750	28,700	31,450	33,200
Elevator structure	25,050	29,350	36,800				
Tuscaloosa							
Detached and semidetached	16,850	20,450	25,300	30,050	36,350	40,400	42,250
Row dwellings	14,750	17,600	21,900	26,000	31,400	34,950	36,550
Walkup	13,150	16,450	20,750	24,450	28,350	31,300	32,800
Elevator structure	24,800	28,950	36,600				
Florida:							
Jacksonville							
Detached and semidetached	15,100	18,750	24,000	28,150	32,800	35,650	37,400
Row dwellings	14,750	18,200	23,300	27,400	31,800	34,800	36,500
Walkup	14,550	18,050	23,150	27,200	31,650	34,700	36,400
Elevator-structure	24,550	28,400	36,200				
Pensacola							
Detached and semidetached	15,100	18,650	23,750	27,750	32,450	35,450	37,200
Row dwellings	14,700	18,100	23,000	27,000	31,550	34,450	36,250
Walkup	14,550	18,000	22,900	26,850	31,400	34,350	36,050
Elevator structure	23,450	28,400	34,500				
Miami							
Detached and semidetached	18,300	21,900	26,950	32,300	38,900	43,250	45,250
Row dwellings	16,050	19,400	24,050	28,600	34,300	38,100	40,100
Walkup	14,700	18,600	23,550	28,000	32,350	35,700	37,500
Elevator structure	27,000	31,400	39,750				
*Big Cypress.							
Detached and semidetached	18,950	22,600	27,600	33,750	40,250	44,250	46,550
Row dwellings							
Walkup							
Elevator structure							
*Brighton:							
Detached and semidetached	18,950	22,600	27,600	33,750	40,250	44,250	46,550
Row dwellings							
Walkup							
Elevator-structure							
Key West							
Detached and semidetached	18,300	21,900	26,950	32,300	38,900	43,250	45,250
Row dwellings	16,050	19,400	24,050	28,600	34,300	38,100	40,100
Walkup	14,700	18,600	23,550	28,000	32,350	35,700	37,500
Elevator-structure	27,000	31,400	39,750				
Tampa							
Detached and semidetached	17,400	20,900	26,050	31,100	37,200	41,550	43,400
Row dwellings	15,900	19,150	23,800	28,350	34,200	38,050	39,850
Walkup	13,200	17,200	21,800	25,950	30,150	33,100	34,700
Elevator structure	25,750	29,950	37,900				
Orlando							
Detached and semidetached	17,000	20,250	25,050	30,000	35,950	40,150	41,950
Row dwellings	15,550	18,700	23,100	27,600	33,050	36,900	38,550
Walkup	14,700	18,400	23,250	27,650	32,000	35,350	36,950
Elevator structure	26,750	30,950	38,960				
Georgia:							
Atlanta							
Detached and semidetached	16,000	19,400	23,750	28,400	34,100	37,850	39,600
Row dwellings	15,800	19,050	23,650	28,050	33,800	37,550	39,300
Walkup	15,000	18,500	23,600	27,750	32,300	35,350	37,300
Elevator-structure	23,600	27,350	34,750				
Albany							
Detached and semidetached	15,950	19,250	23,600	28,100	33,700	37,500	39,300

Prototype Per Unit Cost Schedule—Continued

	Number of bedrooms						
	0	1	2	3	4	5	6
Row dwellings	15,750	19,000	23,400	27,850	33,450	37,350	39,050
Walkup	14,850	18,400	23,350	27,450	32,100	35,100	37,050
Elevator structure	23,400	27,250	34,350				
Augusta							
Detached and semidetached	16,400	19,650	24,400	29,100	35,000	38,750	40,600
Row dwellings	16,400	19,600	24,100	29,000	34,850	38,550	40,400
Walkup	15,050	18,500	23,600	27,900	32,300	35,750	37,350
Elevator structure	22,000	25,450	32,300				
Brunswick							
Detached and semidetached	15,000	18,050	22,200	26,550	31,900	35,500	37,000
Row dwellings	14,750	17,850	22,050	26,200	31,550	35,100	36,850
Walkup	13,650	16,950	21,450	25,350	29,450	32,350	34,000
Elevator structure	23,400	27,250	34,350				
Columbus							
Detached and semidetached	15,500	18,700	23,250	27,850	33,500	37,000	38,900
Row dwellings	15,700	18,650	23,200	27,650	33,250	36,900	38,550
Walkup	14,750	18,100	23,150	27,200	31,600	34,900	36,450
Elevator structure	23,300	27,050	34,200				
Macon							
Detached and semidetached	15,850	18,850	23,600	28,050	33,900	37,400	39,200
Row dwellings	15,800	19,000	23,300	27,850	33,550	37,250	39,000
Walkup	14,350	17,650	22,450	26,500	30,700	33,950	35,400
Elevator structure	23,300	27,050	34,200				
Rome							
Detached and semidetached	15,050	18,100	22,500	26,900	32,250	35,750	37,450
Row dwellings	15,050	18,100	22,300	26,650	31,850	35,450	37,100
Walkup	13,850	17,050	21,850	25,650	29,650	32,750	34,450
Elevator structure	22,950	26,750	33,850				
Savannah							
Detached and semidetached	15,000	18,050	22,200	26,550	31,900	35,500	37,000
Row dwellings	14,750	17,850	22,050	26,200	31,550	35,100	36,850
Walkup	13,650	16,950	21,450	25,350	29,450	32,350	34,000
Elevator structure	23,400	27,250	34,350				
Valdosta							
Detached and semidetached	15,450	18,600	23,150	27,700	33,250	36,850	38,550
Row dwellings	15,500	18,650	23,050	27,400	32,800	36,500	38,250
Walkup	14,600	17,900	22,900	27,000	31,200	34,450	36,000
Elevator structure	22,950	26,750	33,850				
Kentucky							
Louisville							
Detached and semidetached	17,950	21,450	26,450	31,750	38,200	42,350	44,450
Row dwellings	17,450	20,850	25,800	30,950	37,200	41,300	43,300
Walkup	17,500	20,850	25,750	30,900	37,300	41,300	43,350
Elevator structure	31,050	36,150	45,750				
Ashland							
Detached and semidetached	18,500	22,100	27,300	32,700	39,400	43,600	45,750
Row dwellings	17,950	21,500	26,500	31,900	38,300	42,500	44,650
Walkup	18,000	21,550	26,550	31,850	38,400	42,500	44,600
Elevator structure	31,950	37,400	47,250				
Bowling Green							
Detached and semidetached	17,950	21,450	26,450	31,750	38,200	42,350	44,450
Row dwellings	17,450	20,850	25,800	30,950	37,200	41,300	43,300
Walkup	17,500	20,850	25,750	30,900	37,300	41,300	43,350
Elevator structure	30,000	34,850	44,200				
Corbin							
Detached and semidetached	17,950	21,450	26,450	31,750	38,200	42,350	44,450
Row dwellings	17,450	20,850	25,800	30,950	37,200	41,300	43,300
Walkup	17,500	20,850	25,750	30,900	37,300	41,300	43,350
Elevator structure	31,050	36,150	45,750				
Covington							
Detached and semidetached	18,500	22,100	27,300	32,700	39,400	43,600	45,750
Row dwellings	17,950	21,500	26,500	31,900	38,300	42,500	44,650
Walkup	18,000	21,550	26,550	31,850	38,400	42,500	44,600
Elevator structure	32,750	38,300	48,100				
Frankfurt							
Detached and semidetached	17,950	21,450	26,450	31,750	38,200	42,350	44,450
Row dwellings	17,450	20,850	25,800	30,950	37,200	41,300	43,300
Walkup	17,500	20,850	25,750	30,900	37,300	41,300	43,350
Elevator structure	28,500	33,400	42,050				
Hopkinsville							
Detached and semidetached	17,750	21,200	26,250	31,400	37,850	41,900	44,000
Row dwellings	17,300	20,700	25,550	30,650	36,850	40,850	42,900
Walkup	17,250	20,700	25,550	30,600	36,900	40,900	42,900
Elevator structure	29,400	34,400	43,400				
Lexington							
Detached and semidetached	17,950	21,450	26,450	31,750	38,200	42,350	44,450
Row dwellings	17,450	20,850	25,800	30,950	37,200	41,300	43,300
Walkup	17,500	20,850	25,750	30,900	37,300	41,300	43,350
Elevator structure	31,050	36,150	45,750				
Middlesboro							
Detached and semidetached	20,550	24,650	30,450	36,500	43,950	48,650	51,100
Row dwellings	20,100	24,000	29,650	35,650	42,800	47,500	49,850
Walkup	20,100	24,000	29,650	35,600	42,850	47,500	49,850
Elevator structure	31,050	36,150	45,750				
Murray							
Detached and semidetached	18,100	21,650	26,750	32,000	38,550	42,750	44,900
Row dwellings	17,600	21,100	26,000	31,250	37,600	41,700	43,750
Walkup	17,650	21,100	26,050	31,250	37,650	41,750	43,800
Elevator structure	29,400	34,400	43,400				

Prototype Per Unit Cost Schedule—Continued

	Number of bedrooms						
	0	1	2	3	4	5	6
Newport							
Detached and semidetached	18,500	22,100	27,300	32,700	39,600	43,600	45,750
Row dwellings	17,950	21,500	26,500	31,900	38,300	42,900	44,650
Walkup	18,000	21,550	26,550	31,850	38,400	42,500	44,600
Elevator-structure	31,350	36,500	46,150				
Owensboro							
Detached and semidetached	17,950	21,450	26,450	31,750	38,200	42,350	44,450
Row dwellings	17,450	20,850	25,800	30,950	37,200	41,300	43,300
Walkup	17,500	20,850	25,750	30,900	37,300	41,300	43,350
Elevator-structure	31,350	36,500	46,150				
Paducah							
Detached and semidetached	18,100	21,650	26,750	32,000	38,550	42,750	44,900
Row dwellings	17,600	21,100	26,000	31,250	37,600	41,700	43,750
Walkup	17,650	21,100	26,050	31,250	37,650	41,750	43,800
Elevator-structure	29,400	34,400	43,400				
Mississippi							
Jackson							
Detached and semidetached	15,750	19,050	23,500	28,100	33,850	37,550	39,300
Row dwellings	14,750	17,750	21,750	26,050	31,300	34,600	36,450
Walkup	13,050	16,300	20,900	24,650	28,450	31,400	32,900
Elevator structure	23,500	27,200	34,500				
Corinth							
Detached and semidetached	16,050	19,450	24,000	28,700	34,600	38,400	40,150
Row dwellings	14,400	17,550	21,750	25,800	31,250	34,550	36,200
Walkup	13,600	16,850	21,500	25,300	29,500	32,250	33,900
Elevator structure	24,000	27,750	35,050				
Greenville							
Detached and semidetached	15,750	19,050	23,500	28,100	33,850	37,550	39,300
Row dwellings	14,750	17,750	21,750	26,050	31,300	34,600	36,450
Walkup	13,050	16,300	20,900	24,650	28,450	31,400	32,900
Elevator-structure	23,250	27,100	34,400				
Greenwood							
Detached and semidetached	15,750	19,050	23,500	28,100	33,850	37,550	39,300
Row dwellings	14,750	17,750	21,750	26,050	31,300	34,600	36,450
Walkup	13,600	17,050	21,600	25,450	29,550	32,500	34,150
Elevator structure	23,500	27,200	34,500				
Gulfport							
Detached and semidetached	15,800	19,150	23,550	28,150	33,900	37,600	39,500
Row dwellings	14,800	17,800	21,950	26,100	31,350	34,700	36,500
Walkup	12,850	16,150	20,450	24,000	27,900	30,650	32,050
Elevator-structure	23,700	27,650	34,950				
Hattiesburg:							
Detached and semidetached	15,750	19,050	23,500	28,100	33,850	37,550	39,300
Row dwellings	14,750	17,750	21,750	26,050	31,300	34,600	36,450
Walkup	13,050	16,300	20,900	24,650	28,450	31,400	32,900
Elevator-structure	23,500	27,200	34,500				
Southaven							
Detached and semidetached	15,600	18,650	23,250	27,550	33,250	36,850	38,750
Row dwellings	14,450	17,500	21,550	25,550	30,800	34,200	35,800
Walkup	13,850	17,250	22,000	25,750	29,950	33,150	34,650
Elevator-structure	22,950	26,900	34,000				
North Carolina.							
Greensboro							
Detached and semidetached	16,200	19,350	23,550	28,150	33,550	37,250	38,900
Row dwellings	16,000	18,800	23,300	27,450	32,950	36,650	38,300
Walkup	15,150	18,350	23,200	27,300	31,650	34,600	36,400
Elevator structure	24,150	28,150	35,650				
Asheville							
Detached and semidetached	16,650	19,850	24,300	29,050	34,650	38,400	40,200
Row dwellings	16,700	19,900	24,350	28,700	34,550	38,450	40,000
Walkup	15,950	19,750	24,850	29,100	33,600	36,350	38,750
Elevator-structure	24,900	28,750	36,400				
Charlotte							
Detached and semidetached	16,400	19,600	23,900	28,500	34,050	37,850	39,450
Row dwellings	16,250	19,350	23,650	27,950	33,350	37,050	38,800
Walkup	15,950	19,650	24,800	29,050	33,450	36,650	38,550
Elevator-structure	24,150	28,150	35,650				
*Cherokee							
Detached and semidetached	18,250	21,750	26,800	31,950	38,000	42,050	43,950
Row dwellings							
Walkup							
Elevator structure							
Durham.							
Detached and semidetached	15,900	18,900	23,150	27,650	33,000	36,750	38,400
Row dwellings	15,950	18,800	23,150	27,300	32,850	36,400	38,050
Walkup	15,000	17,600	23,200	27,250	31,400	34,250	36,200
Elevator-structure	24,000	28,100	35,500				
Elizabeth City							
Detached and semidetached	17,400	20,900	25,350	30,250	36,150	40,250	41,900
Row dwellings	15,850	19,100	23,300	27,800	33,350	37,000	38,550
Walkup	16,100	19,750	25,000	29,100	33,650	37,150	38,850
Elevator-structure	24,550	28,550	36,100				
Greenville.							
Detached and semidetached	15,950	19,050	23,200	27,650	33,150	36,850	38,450
Row dwellings	15,950	18,850	23,250	27,200	32,750	36,350	38,000
Walkup	14,600	18,000	22,850	26,650	30,700	33,600	35,400
Elevator-structure	23,750	26,950	33,500				
Raleigh							
Detached and semidetached	15,950	19,150	23,250	27,800	33,250	36,850	38,450
Row dwellings	15,950	19,050	23,150	27,300	32,850	36,400	38,050

Prototype Per Unit Cost Schedule—Continued

	Number of bedrooms						
	0	1	2	3	4	5	6
Walkup	14,750	18,250	22,900	27,200	31,300	34,300	36,200
Elevator-structure	24,000	28,100	35,500				
Wilmington:							
Detached and semidetached	15,550	18,700	22,950	27,650	33,250	36,900	38,500
Row dwellings	15,650	18,600	22,550	26,550	31,700	35,200	36,900
Walkup	15,700	19,200	24,200	28,200	32,750	35,800	37,550
Elevator-structure	24,150	27,800	34,600				
Winston-Salem							
Detached and semidetached	16,350	19,450	23,800	28,400	34,050	37,550	39,400
Row dwellings	15,750	18,750	22,900	27,050	32,500	36,050	37,650
Walkup	15,450	19,000	23,900	27,950	32,250	35,150	37,050
Elevator-structure	24,000	28,100	35,500				
Fayetteville:							
Detached and semidetached	15,950	19,150	23,250	27,800	33,250	36,850	38,450
Row dwellings	15,800	18,750	22,900	27,050	32,500	36,050	37,650
Walkup	15,450	19,000	24,000	28,050	32,450	35,400	37,200
Elevator-structure	23,550	26,950	33,450				
South Carolina.							
Columbia							
Detached and semidetached	16,350	19,800	24,300	29,100	35,000	38,850	40,750
Row dwellings	16,250	19,450	23,950	28,450	34,400	38,150	39,950
Walkup	14,350	17,850	22,700	27,200	30,950	34,000	35,950
Elevator-structure	27,700	32,200	40,550				
Aiken							
Detached and semidetached	16,350	19,800	24,300	29,100	34,950	38,900	40,800
Row dwellings	16,200	19,450	23,950	28,400	34,400	38,050	39,950
Walkup	14,950	18,650	23,550	27,850	32,200	35,550	37,500
Elevator-structure	28,150	32,650	41,400				
Anderson.							
Detached and semidetached	16,150	19,550	24,000	28,800	34,600	38,400	40,450
Row dwellings	16,050	19,150	23,750	28,250	34,000	37,750	39,400
Walkup	13,900	17,100	21,900	26,000	29,900	33,100	34,850
Elevator-structure	28,000	32,450	40,700				
Beaufort							
Detached and semidetached	16,650	20,250	24,850	29,800	35,850	39,700	41,800
Row dwellings	16,600	20,150	24,550	29,150	35,000	39,000	40,950
Walkup	14,750	18,350	23,150	27,250	31,750	34,950	36,650
Elevator-structure	28,450	32,900	41,600				
Charleston.							
Detached and semidetached	17,950	21,750	26,800	32,150	38,600	42,800	45,000
Row dwellings	17,800	21,400	26,650	31,650	38,000	42,200	44,100
Walkup	15,400	19,400	24,450	28,900	33,500	36,750	38,700
Elevator-structure	29,100	33,700	42,650				
Florence							
Detached and semidetached	15,650	19,000	23,250	28,050	33,600	37,500	39,200
Row dwellings	15,450	18,600	22,950	27,450	33,050	36,600	38,400
Walkup	13,750	17,200	21,800	25,650	29,750	32,850	34,750
Elevator-structure	28,150	32,650	41,400				
Greenville							
Detached and semidetached	16,400	19,900	24,500	29,150	35,250	39,150	41,000
Row dwellings	16,300	19,550	24,050	28,700	34,550	38,400	40,150
Walkup	13,950	17,500	22,000	26,050	30,200	33,450	35,050
Elevator-structure	28,150	32,650	41,400				
Greenwood							
Detached and semidetached	16,400	19,900	24,600	29,300	35,200	39,150	41,050
Row dwellings	16,300	19,550	24,150	28,700	34,550	38,550	40,150
Walkup	14,400	17,900	22,900	26,950	31,050	34,600	36,400
Elevator-structure	28,000	32,450	40,700				
Myrtle Beach:							
Detached and semidetached	16,650	20,250	24,850	29,800	35,850	39,700	41,800
Row dwellings	16,600	20,150	24,550	29,150	35,000	39,000	40,950
Walkup	14,750	18,350	23,150	27,250	31,750	34,950	36,650
Elevator-structure	28,450	32,900	41,600				
North Augusta:							
Detached and semidetached	17,400	21,000	25,850	30,950	37,100	41,100	43,200
Row dwellings	17,000	20,600	25,400	30,050	36,550	40,350	42,200
Walkup	15,150	18,900	24,050	28,150	32,700	36,200	38,100
Elevator-structure	29,350	34,100	43,050				
Orangeburg							
Detached and semidetached	16,350	19,800	24,300	29,100	35,000	38,850	40,750
Row dwellings	16,250	19,450	23,950	28,450	34,400	38,150	39,950
Walkup	14,350	17,850	22,700	27,200	30,950	34,000	35,950
Elevator-structure	27,700	32,200	40,550				
Rockhill							
Detached and semidetached	16,450	20,050	24,650	29,650	35,450	39,500	41,400
Row dwellings	16,450	19,800	24,250	28,850	34,800	38,750	40,500
Walkup	14,650	18,350	23,050	27,200	31,500	34,750	36,600
Elevator-structure	28,150	32,650	41,400				
Spartansburg:							
Detached and semidetached	16,900	20,350	24,900	29,950	36,100	39,950	41,850
Row dwellings	16,600	19,950	24,650	29,300	35,350	39,300	41,000
Walkup	14,750	18,450	23,200	27,350	31,850	35,050	36,750
Elevator-structure	28,150	32,650	41,400				
Tennessee							
Knoxville:							
Detached and semidetached	17,600	21,150	26,000	31,250	37,750	41,750	43,750
Row dwellings	16,800	20,200	25,000	29,750	35,800	39,650	41,650
Walkup	15,350	19,200	24,350	28,800	33,450	36,850	38,700
Elevator-structure	24,650	28,650	36,100				

Prototype Per Unit Cost Schedule—Continued

	Number of bedrooms						
	0	1	2	3	4	5	6
Chattanooga:							
Detached and semidetached	17,100	20,500	25,250	30,300	36,550	40,150	42,200
Row dwellings	17,750	21,300	26,500	31,500	37,750	42,100	44,100
Walkup	16,550	20,700	26,300	31,100	36,100	39,750	41,750
Elevator-structure	26,450	30,800	38,700				
Johnson City:							
Detached and semidetached	16,700	20,150	24,750	29,500	35,700	39,600	41,450
Row dwellings	16,000	19,150	23,650	28,300	33,950	37,800	39,550
Walkup	15,350	19,200	24,350	28,800	33,350	36,750	38,700
Elevator-structure	24,650	28,650	36,100				
Kingsport:							
Detached and semidetached	17,300	20,900	25,600	30,650	37,100	40,900	43,050
Row dwellings	16,600	19,900	24,600	29,250	35,150	39,000	40,900
Walkup	14,600	18,100	22,800	27,100	31,400	34,650	36,250
Elevator-structure	24,650	28,650	36,100				
Oak Ridge:							
Detached and semidetached	17,100	20,500	25,300	30,300	36,500	40,550	42,350
Row dwellings	16,350	19,700	24,300	28,950	34,850	38,550	40,600
Walkup	15,300	19,150	24,300	28,750	33,400	36,750	38,550
Elevator-structure	24,650	28,650	36,100				
Memphis:							
Detached and semidetached	18,350	22,300	27,450	32,750	39,500	44,000	45,900
Row dwellings	17,400	21,150	26,300	31,100	37,400	41,650	43,600
Walkup	16,650	20,600	26,350	31,050	35,950	39,500	41,500
Elevator-structure	26,050	30,200	38,050				
Jackson:							
Detached and semidetached	19,850	24,050	29,600	35,350	42,700	47,400	49,450
Row dwellings	18,800	22,950	28,300	33,550	40,350	45,000	47,250
Walkup	18,550	22,800	29,350	34,600	39,900	43,950	46,250
Elevator-structure	26,050	30,200	38,050				
Union City:							
Detached and semidetached	19,900	24,200	29,750	35,550	43,000	47,700	49,950
Row dwellings	18,900	23,000	28,400	33,750	40,750	45,350	47,600
Walkup	16,300	20,100	25,800	30,450	35,250	38,800	40,800
Elevator-structure	28,450	33,000	41,600				
Nashville:							
Detached and semidetached	17,300	20,800	25,650	30,650	36,900	41,150	42,900
Row dwellings	16,600	20,200	24,700	29,450	35,500	39,550	41,450
Walkup	15,300	19,150	24,300	28,650	33,350	36,700	38,550
Elevator-structure	24,200	28,250	35,750				
Clarksville:							
Detached and semidetached	16,600	20,150	24,750	29,550	35,700	39,700	41,550
Row dwellings	16,150	19,350	23,850	28,500	34,200	38,050	39,950
Walkup	14,100	17,600	22,500	26,400	30,650	33,750	35,400
Elevator-structure	25,300	29,500	37,400				
Columbia:							
Detached and semidetached	17,350	20,850	25,800	30,750	36,950	41,200	43,050
Row dwellings	16,650	20,250	24,750	29,600	35,600	39,600	41,500
Walkup	15,450	19,250	24,700	28,800	33,650	37,000	38,950
Elevator-structure	26,050	30,650	38,850				
REGION V							
Illinois:							
Chicago:							
Detached and semidetached	26,000	31,750	38,850	46,300	55,700	62,100	65,000
Row dwellings	24,700	29,900	36,650	43,800	52,700	58,600	61,400
Walkup	22,700	28,150	35,550	42,250	45,600	53,750	56,550
Elevator-structure	29,350	34,150	43,200				
Moline:							
Detached and semidetached	20,450	24,900	30,750	36,550	44,100	49,000	51,300
Row dwellings	18,900	22,850	28,200	33,550	40,450	44,900	47,150
Walkup	18,300	22,800	28,850	34,250	36,750	43,450	45,500
Elevator structure	29,350	34,100	43,200				
Springfield:							
Detached and semidetached	22,200	26,950	33,100	39,650	47,650	52,900	55,450
Row dwellings	20,300	24,650	30,250	36,300	43,600	48,400	50,750
Walkup	18,650	22,650	27,750	33,250	39,900	44,350	46,500
Elevator-structure	26,950	31,200	39,450				
Belleville:							
Detached and semidetached	22,550	27,150	33,700	40,150	48,250	53,650	56,350
Row dwellings	19,950	23,850	29,500	35,100	42,150	47,100	49,150
Walkup	18,550	23,100	29,350	34,650	40,150	44,450	46,650
Elevator-structure	26,500	33,050	41,800				
East St. Louis:							
Detached and semidetached	22,450	27,100	33,700	40,200	48,150	53,600	56,100
Row dwellings	19,600	23,750	29,500	35,000	42,100	47,050	49,100
Walkup	18,600	23,050	29,350	34,650	39,900	44,200	46,350
Elevator-structure	28,450	33,000	41,800				
Indiana:							
Indianapolis:							
Detached and semidetached	18,700	22,800	27,750	33,200	39,850	44,350	46,350
Row dwellings	16,250	19,600	27,000	28,950	34,650	38,700	40,350
Walkup	17,000	21,350	26,850	31,800	36,750	40,600	42,550
Elevator-structure	28,250	32,950	41,650				
Bloomington:							
Detached and semidetached	18,400	22,150	27,350	32,700	39,200	43,600	45,700
Row dwellings	16,600	20,000	24,700	29,300	35,300	39,250	41,050
Walkup	17,550	22,000	27,700	32,800	38,100	42,050	43,950
Elevator-structure	28,850	33,350	42,450				

Prototype Per Unit Cost Schedule—Continued

	Number of bedrooms						
	0	1	2	3	4	5	6
Evansville:							
Detached and semidetached	17,800	21,500	26,500	31,750	38,000	40,650	44,350
Row dwellings	17,950	21,450	26,500	31,900	37,950	42,350	44,200
Walkup	17,850	22,400	26,300	33,450	38,750	42,850	44,750
Elevator-structure	27,850	32,500	41,200				
Fort Wayne:							
Detached and semidetached	18,100	21,850	26,950	32,050	38,550	43,250	44,850
Row dwellings	15,800	19,100	23,400	27,950	33,550	37,500	39,200
Walkup	16,800	21,050	26,750	31,400	36,400	40,150	42,200
Elevator-structure	26,200	32,650	41,500				
Gary:							
Detached and semidetached	18,900	22,900	28,250	33,650	40,400	44,800	47,000
Row dwellings	19,950	24,150	29,850	35,450	42,600	47,700	49,600
Walkup	21,600	26,750	33,700	39,850	43,300	50,750	53,200
Elevator-structure	26,200	32,750	41,500				
Hammond:							
Detached and semidetached	19,850	24,200	29,750	35,400	42,500	47,350	49,500
Row dwellings	23,700	28,700	35,350	41,950	50,450	56,400	58,800
Walkup	18,500	23,250	29,200	34,550	40,000	44,000	46,300
Elevator-structure	28,800	33,350	42,250				
Lafayette:							
Detached and semidetached	19,150	23,200	28,500	34,000	40,650	45,450	47,600
Row dwellings	16,600	20,000	24,750	29,500	35,450	39,500	41,250
Walkup	17,400	21,750	27,650	32,600	37,700	41,600	43,600
Elevator-structure	29,100	33,750	42,650				
South Bend:							
Detached and semidetached	19,250	23,300	28,650	34,250	41,100	45,800	47,900
Row dwellings	18,250	22,100	27,150	32,250	38,750	43,350	42,250
Walkup	17,850	22,300	28,100	33,250	38,400	42,250	44,400
Elevator-structure	29,300	34,100	43,100				
Terre Haute:							
Detached and semidetached	19,800	23,950	29,600	35,200	42,200	47,000	49,150
Row dwellings	20,900	25,050	31,000	36,950	44,200	29,400	51,700
Walkup	19,200	23,700	30,100	35,750	41,300	45,400	47,750
Elevator-structure	29,700	34,500	43,850				
Michigan							
Detroit:							
Detached and semidetached	23,950	25,350	31,100	37,150	44,650	49,800	52,000
Row dwellings	18,150	21,900	27,050	32,200	38,850	43,150	45,150
Walkup	17,150	21,150	26,950	31,850	36,750	40,600	42,700
Elevator-structure	28,050	32,650	41,350				
Ann Arbor:							
Detached and semidetached	25,850	27,250	33,400	39,950	48,150	53,500	55,900
Row dwellings	19,500	23,550	29,100	34,600	41,800	46,400	48,600
Walkup	17,850	22,050	17,900	33,100	38,150	42,250	44,250
Elevator-structure	28,050	32,650	41,350				
Flint:							
Detached and semidetached	26,700	28,300	34,800	41,600	49,950	55,650	58,550
Row dwellings	20,400	24,600	30,300	36,050	43,250	48,200	50,650
Walkup	16,750	20,850	26,300	31,200	36,200	39,850	41,750
Elevator-structure	26,950	31,350	39,800				
Saginaw:							
Detached and semidetached	24,750	26,200	32,150	38,250	46,050	51,300	53,750
Row dwellings	18,800	22,700	27,850	33,300	40,000	44,500	46,700
Walkup	16,900	21,100	26,650	31,750	36,750	40,400	42,400
Elevator-structure	26,950	31,350	39,800				
Ypsilanti:							
Detached and semidetached	27,250	28,800	35,350	42,000	50,650	56,400	59,100
Row dwellings	20,800	24,800	30,750	36,600	44,150	48,950	51,400
Walkup	17,150	21,250	26,800	31,850	36,750	40,600	42,750
Elevator-structure	27,700	32,400	40,900				
Grand Rapids:							
Detached and semidetached	21,050	25,500	31,400	37,400	44,950	50,300	52,450
Row dwellings	18,200	22,000	27,250	32,300	38,750	43,250	45,200
Walkup	17,050	21,500	27,150	32,000	37,200	41,050	42,950
Elevator-structure	27,750	32,350	40,750				
Mt. Pleasant:							
Detached and semidetached	21,950	26,600	32,700	38,950	46,950	52,450	54,750
Row dwellings	19,050	22,900	28,400	33,650	40,350	45,100	47,200
Walkup	17,800	22,400	28,350	33,400	38,750	42,800	44,750
Elevator-structure	28,950	33,800	42,450				
Battle Creek:							
Detached and semidetached	21,650	26,100	32,100	38,350	46,150	51,400	53,700
Row dwellings	18,650	22,450	27,750	33,100	39,850	44,400	46,400
Walkup	17,050	21,150	27,000	31,900	36,850	40,800	42,750
Elevator-structure	28,450	33,100	41,650				
Benton Harbor:							
Detached and semidetached	23,350	28,150	34,600	41,300	49,650	55,550	57,900
Row dwellings	20,200	24,300	30,000	35,700	42,850	45,650	49,900
Walkup	18,200	22,650	28,700	34,050	39,200	43,400	45,600
Elevator-structure	29,800	34,750	43,850				
Jackson:							
Detached and semidetached	22,400	27,300	33,600	39,850	48,250	53,700	56,100
Row dwellings	19,550	23,350	28,950	34,500	41,550	46,250	48,400
Walkup	18,250	23,000	29,000	34,400	39,550	43,950	45,950
Elevator-structure	29,650	34,450	43,550				
Lansing:							
Detached and semidetached	25,050	30,200	37,300	44,400	53,350	59,600	62,400
Row dwellings	21,700	30,650	32,300	38,400	46,150	51,200	53,600
Walkup	17,800	22,200	28,100	33,300	38,550	42,650	44,650

Prototype Per Unit Cost Schedule—Continued

	Number of bedrooms						
	0	1	2	3	4	5	6
Elevator-structure	28,850	33,900	42,650				
*Manistique:							
Detached and semidetached	24,600	29,750	36,500	43,450	52,150	58,450	60,050
Row dwellings	21,250	25,700	31,600	37,550	45,050	50,450	51,900
Walkup	20,800	25,150	30,900	36,800	44,200	49,500	50,850
Elevator-structure	31,850	37,200	46,950				
Marquette:							
Detached and semidetached	23,250	28,150	34,550	41,200	49,700	55,450	57,950
Row dwellings	20,100	24,300	29,900	35,650	42,950	47,900	50,050
Walkup	19,750	23,850	29,300	34,850	42,100	46,950	49,100
Elevator-structure	30,000	35,100	44,150				
Muskegon:							
Detached and semidetached	21,250	25,600	31,700	37,700	45,400	50,800	52,900
Row dwellings	18,450	22,150	27,400	32,500	38,950	43,550	45,750
Walkup	15,150	18,950	23,950	28,400	32,700	36,150	37,900
Elevator-structure	27,750	32,350	40,750				
Traverse City:							
Detached and semidetached	23,250	28,100	34,600	41,300	49,550	55,450	57,800
Row dwellings	20,200	24,300	30,000	35,600	42,850	47,800	50,050
Walkup	16,600	20,700	26,200	31,100	35,900	39,850	41,450
Elevator-structure	30,450	35,500	44,700				
Minnesota:							
Minneapolis:							
Detached and semidetached	23,350	28,250	34,950	41,750	50,100	55,750	58,300
Row dwellings	20,050	24,400	29,900	35,700	42,900	47,700	49,950
Walkup	18,850	23,600	29,650	35,000	40,400	44,750	46,850
Elevator structure	27,350	31,650	40,200				
*Cass Lake:							
Detached and semidetached	28,900	34,850	42,950	51,350	61,600	68,700	71,950
Row dwellings	25,700	30,800	37,950	45,350	54,400	60,700	63,350
Walkup	22,000	27,250	34,700	41,000	47,400	50,400	54,850
Elevator-structure							
Duluth:							
Detached and semidetached	23,750	28,750	35,300	42,300	50,800	56,650	59,250
Row dwellings	20,500	24,650	30,450	36,250	43,500	48,550	50,750
Walkup	19,950	24,650	31,450	37,000	42,800	47,350	49,600
Elevator structure	27,750	32,200	40,650				
Mankato:							
Detached and semidetached	22,150	27,150	33,300	39,750	47,900	53,300	55,750
Row dwellings	19,300	23,150	28,600	34,150	41,150	45,700	47,700
Walkup	19,950	24,550	31,300	37,000	42,650	47,050	49,600
Elevator-structure	26,100	30,300	38,250				
Rochester:							
Detached and semidetached	22,850	27,700	34,150	40,700	49,050	54,450	57,000
Row dwellings	19,750	23,700	29,300	34,950	41,900	46,550	48,850
Walkup	18,350	22,800	28,800	34,150	39,500	43,600	45,750
Elevator-structure	25,450	29,700	37,700				
*Red Lake:							
Detached and semidetached	26,400	31,800	39,500	47,000	56,250	62,650	65,500
Row dwellings	23,400	28,300	34,900	41,550	49,900	55,750	58,100
Walkup	20,150	25,000	31,850	37,650	43,450	47,900	50,350
Elevator-structure							
St. Cloud:							
Detached and semidetached	22,150	26,800	33,300	39,650	47,450	52,900	55,350
Row dwellings	19,250	23,200	28,600	34,150	40,850	45,700	47,650
Walkup	18,850	23,450	29,900	35,250	40,750	44,950	47,150
Elevator-structure	25,200	29,250	37,000				
Worthington:							
Detached and semidetached	21,250	25,750	31,800	37,950	45,400	50,700	53,000
Row dwellings	18,450	22,050	27,250	32,400	39,050	43,350	45,500
Walkup	17,250	21,450	27,250	32,150	37,100	40,900	43,100
Elevator-structure	24,950	29,100	36,900				
Ohio							
Cincinnati:							
Detached and semidetached	22,350	27,050	33,400	39,950	47,750	53,300	55,850
Row dwellings	21,550	26,100	32,200	38,150	45,700	51,000	53,600
Walkup	20,550	25,350	32,300	38,300	44,150	48,650	51,150
Elevator-structure	33,900	39,350	49,700				
Dayton							
Detached and semidetached	22,350	27,050	33,400	39,950	47,750	53,300	55,850
Row dwellings	22,000	26,700	32,950	39,150	46,950	52,350	54,900
Walkup	20,550	25,350	32,300	38,300	44,150	48,650	51,150
Elevator-structure	33,900	39,350	49,700				
Cleveland:							
Detached and semidetached	21,900	26,800	32,750	39,200	47,050	52,400	54,950
Row dwellings	21,950	26,350	32,700	39,050	46,800	52,350	54,600
Walkup	20,950	25,900	32,800	39,000	45,100	49,750	52,350
Elevator-structure	26,700	31,150	39,400				
Akron							
Detached and semidetached	21,650	26,300	32,300	38,600	46,400	51,600	54,150
Row dwellings	21,700	26,000	32,250	38,550	46,000	51,600	53,850
Walkup	20,750	25,550	32,300	38,500	44,450	49,050	51,550
Elevator-structure	26,300	30,800	38,900				
Findlay:							
Detached and semidetached	20,050	24,450	29,900	35,650	42,850	47,750	49,900
Row dwellings	20,000	24,100	29,800	35,500	42,650	47,600	49,700
Walkup	19,100	23,550	29,850	35,550	41,000	45,300	47,550
Elevator-structure	24,350	28,350	35,850				
Lorain							
Detached and semidetached	21,800	26,550	32,500	38,900	46,600	52,000	54,400

Prototype Per Unit Cost Schedule—Continued

	Number of bedrooms						
	0	1	2	3	4	5	6
Row dwellings	21,850	26,050	32,350	38,700	46,250	51,800	54,100
Walkup	20,850	25,700	32,450	38,600	44,600	49,250	51,750
Elevator-structure	26,400	30,900	39,050				
Mansfield:							
Detached and semidetached	20,400	24,950	30,500	36,450	43,750	48,600	51,050
Row dwellings	20,400	24,550	30,350	36,300	43,500	48,650	50,700
Walkup	19,600	24,150	30,450	36,300	42,000	46,250	48,650
Elevator-structure	24,750	28,950	36,650				
Toledo:							
Detached and semidetached	21,900	26,800	32,750	39,200	47,050	52,400	54,950
Row dwellings	21,950	26,350	32,700	39,050	46,800	52,350	54,600
Walkup	20,950	25,900	32,800	39,000	45,100	49,750	52,350
Elevator-structure	26,700	31,150	39,400				
Youngstown:							
Detached and semidetached	21,100	25,850	31,400	37,650	45,200	50,350	52,800
Row dwellings	21,150	25,400	31,450	37,450	44,900	50,200	52,400
Walkup	20,100	24,900	31,450	37,500	43,350	47,800	50,250
Elevator-structure	25,650	30,000	37,750				
Columbus:							
Detached and semidetached	19,950	24,000	29,750	35,500	42,600	47,500	49,700
Row dwellings	19,900	24,000	29,650	35,200	42,300	47,200	49,400
Walkup	18,900	23,400	29,550	35,150	40,500	44,700	47,050
Elevator-structure	27,500	31,900	40,400				
Athens:							
Detached and semidetached	20,200	24,450	30,200	35,800	43,300	48,450	50,300
Row dwellings	19,550	23,400	28,900	34,500	41,400	46,150	48,300
Walkup	18,250	22,750	28,850	34,200	39,500	43,500	45,900
Elevator-structure	27,750	32,400	41,000				
Lima:							
Detached and semidetached	19,950	24,000	29,750	35,500	42,600	47,500	49,700
Row dwellings	19,450	23,400	28,900	34,450	41,400	46,100	48,300
Walkup	18,300	22,800	28,850	34,250	39,550	43,550	45,800
Elevator-structure	27,500	31,900	40,400				
Newark:							
Detached and semidetached	19,450	23,550	29,050	34,550	41,600	46,550	48,450
Row dwellings	19,450	23,400	28,850	34,350	41,300	46,000	48,150
Walkup	18,250	22,750	28,800	34,200	39,450	43,500	45,600
Elevator-structure	26,800	31,200	39,400				
Springfield:							
Detached and semidetached	19,950	24,000	29,750	35,500	42,600	47,500	49,700
Row dwellings	19,650	23,850	29,350	35,000	42,050	46,700	48,950
Walkup	18,700	23,150	29,250	34,800	40,000	44,250	46,500
Elevator-structure	27,500	31,900	40,400				
Sidney:							
Detached and semidetached	20,150	24,700	30,300	36,100	43,350	48,650	50,650
Row dwellings	19,600	23,700	29,150	34,800	41,600	46,450	48,500
Walkup	18,350	23,050	29,100	34,700	39,850	44,050	46,150
Elevator-structure	28,000	32,550	41,100				
Zanesville:							
Detached and semidetached	20,200	24,450	30,200	35,800	43,300	48,450	50,300
Row dwellings	20,200	24,300	30,050	35,750	42,900	48,000	50,200
Walkup	18,850	23,350	29,450	35,100	40,500	44,600	47,000
Elevator-structure	27,750	32,400	41,000				
Wisconsin:							
Milwaukee:							
Detached and semidetached	24,650	29,950	36,900	44,000	52,900	58,950	61,600
Row dwellings	22,650	27,150	33,300	39,800	47,850	53,150	55,800
Walkup	19,900	24,550	31,250	36,750	42,700	47,150	49,350
Elevator-structure	25,750	29,800	37,650				
Eau Claire:							
Detached and semidetached	23,950	28,900	35,650	42,700	51,200	57,150	59,650
Row dwellings	21,900	26,100	32,250	38,400	46,100	51,300	53,800
Walkup	20,000	24,800	31,500	37,150	43,100	47,300	49,700
Elevator-structure	25,000	29,100	36,700				
Green Bay:							
Detached and semidetached	22,900	27,600	34,050	40,800	48,800	54,600	57,150
Row dwellings	20,300	24,250	29,850	35,800	42,800	47,750	49,950
Walkup	18,500	23,050	29,000	34,300	39,750	43,950	45,900
Elevator-structure	23,850	27,750	35,200				
*Lac du Flambeau:							
Detached and semidetached	25,450	30,700	37,850	45,200	54,350	60,800	63,400
Row dwellings	23,300	27,850	34,300	40,850	49,050	54,600	57,250
Walkup	19,400	24,050	30,550	35,950	41,700	45,850	48,100
Elevator-structure	22,900	26,550	33,600				
Madison:							
Detached and semidetached	24,250	29,500	36,250	43,300	52,150	58,100	60,700
Row dwellings	21,650	25,750	31,800	37,950	45,550	51,000	53,150
Walkup	19,700	24,300	30,900	36,500	42,350	46,700	48,800
Elevator-structure	25,450	29,800	37,400				
*Red Cliff:							
Detached and semidetached	24,450	29,450	36,250	43,350	52,050	58,150	60,850
Row dwellings	22,250	26,550	32,700	39,150	47,050	52,300	54,800
Walkup	18,650	23,000	29,200	34,450	39,800	44,000	46,150
Elevator-structure	22,900	26,550	33,600				
Reedsville:							
Detached and semidetached	23,350	28,300	34,700	41,650	49,800	55,800	58,400
Row dwellings	20,650	25,000	30,800	36,650	43,900	48,900	51,300
Walkup	19,050	23,600	29,650	35,200	40,850	44,900	47,150
Elevator-structure	24,550	28,450	35,950				

Prototype Per Unit Cost Schedule—Continued

	Number of bedrooms						
	0	1	2	3	4	5	6
Superior:							
Detached and semidetached	24,950	30,050	37,100	44,250	50,250	56,500	62,150
Row dwellings	22,700	27,150	33,500	40,050	46,250	53,450	58,100
Walkup	20,700	25,600	32,350	38,300	44,300	48,900	51,300
Elevator-structure	26,000	30,250	38,250				
Wausau:							
Detached and semidetached	23,350	28,300	34,700	41,650	49,800	55,800	58,400
Row dwellings	20,600	24,900	30,350	36,560	43,650	48,800	51,150
Walkup	19,050	23,500	29,550	35,050	40,450	44,700	46,900
Elevator-structure	24,400	28,300	35,900				
REGION VI							
Arkansas:							
Little Rock:							
Detached and semidetached	17,450	21,150	26,150	31,150	37,400	41,700	43,350
Row dwellings	16,850	20,150	24,750	29,550	35,550	39,500	41,450
Walkup	15,300	19,100	24,100	28,800	33,200	36,700	38,350
Elevator-structure	26,950	31,150	39,700				
Fayetteville:							
Detached and semidetached	17,400	20,900	25,950	30,800	37,250	41,250	43,150
Row dwellings	16,500	20,100	24,650	29,400	35,400	39,250	41,050
Walkup	13,800	17,300	21,800	25,750	30,000	32,950	34,450
Elevator-structure	26,750	30,950	39,000				
Fort Smith:							
Detached and semidetached	16,350	19,900	24,800	29,100	35,050	39,000	40,700
Row dwellings	15,850	19,200	23,800	28,250	33,950	37,750	39,500
Walkup	14,550	18,000	22,800	26,950	31,200	34,450	36,100
Elevator-structure	27,200	31,650	40,000				
Jonesboro:							
Detached and semidetached	16,250	19,550	24,250	28,800	34,700	38,600	40,100
Row dwellings	15,600	18,850	23,550	27,700	33,400	37,450	38,850
Walkup	14,250	17,700	22,400	26,500	30,800	33,850	35,550
Elevator-structure	26,350	30,500	38,750				
Texarkana:							
Detached and semidetached	16,800	20,250	25,050	29,850	35,900	39,800	41,550
Row dwellings	15,850	19,300	23,800	28,300	34,150	37,950	39,600
Walkup	14,600	18,250	23,000	27,200	31,800	34,800	36,500
Elevator-structure	26,750	30,950	39,000				
Louisiana:							
New Orleans:							
Detached and semidetached	18,550	22,550	27,550	32,750	39,750	44,200	45,900
Row dwellings	17,150	20,800	25,950	30,800	36,950	41,050	43,150
Walkup	15,400	19,200	24,150	28,400	32,950	36,450	37,900
Elevator-structure	27,400	31,700	40,400				
Baton Rouge:							
Detached and semidetached	20,000	24,000	29,850	35,050	42,250	47,250	49,100
Row dwellings	18,450	22,250	27,800	32,950	39,400	43,750	45,950
Walkup	14,750	18,400	23,150	27,350	31,550	34,950	36,500
Elevator-structure	27,100	31,400	39,950				
Houma:							
Detached and semidetached	18,500	22,250	27,400	32,550	39,400	43,700	45,500
Row dwellings	17,050	20,700	25,700	30,550	36,850	40,700	42,750
Walkup	15,050	18,900	23,550	27,950	32,450	35,850	37,400
Elevator-structure	27,100	31,400	39,950				
Lafayette:							
Detached and semidetached	18,500	22,250	27,400	32,550	39,400	43,700	45,500
Row dwellings	17,050	20,700	25,700	30,550	36,850	40,700	42,750
Walkup	15,250	19,150	23,750	28,200	32,800	36,050	37,750
Elevator-structure	27,100	31,400	39,950				
Lake Charles:							
Detached and semidetached	19,950	24,000	29,550	35,050	42,250	47,050	49,100
Row dwellings	18,400	22,200	27,800	32,950	39,400	43,750	45,950
Walkup	15,500	19,450	24,500	28,900	33,500	37,100	38,750
Elevator-structure	27,400	31,700	40,400				
Shreveport:							
Detached and semidetached	18,550	22,150	27,550	32,650	39,500	44,050	45,850
Row dwellings	17,200	21,000	25,950	30,900	37,300	41,350	43,150
Walkup	15,250	19,000	24,150	28,600	33,000	36,600	38,350
Elevator-structure	27,450	31,900	40,400				
Alexandria:							
Detached and semidetached	16,850	20,100	25,000	29,800	35,650	39,900	41,650
Row dwellings	16,600	19,150	23,650	28,200	33,750	37,700	39,400
Walkup	14,850	18,400	23,400	27,700	32,050	35,300	37,200
Elevator-structure	26,650	30,950	39,000				
Marshall:							
Detached and semidetached	16,900	20,150	25,100	29,900	35,850	40,050	41,750
Row dwellings	16,000	19,500	24,000	28,650	34,450	38,400	40,050
Walkup	14,800	18,350	23,300	27,400	31,900	35,250	36,750
Elevator-structure	25,450	29,550	37,500				
Monroe:							
Detached and semidetached	16,700	20,000	24,700	29,450	35,450	39,850	41,150
Row dwellings	15,750	19,050	23,500	28,100	33,700	37,550	39,150
Walkup	15,250	18,900	23,950	28,350	32,850	36,150	38,050
Elevator-structure	27,200	31,500	40,150				
New Mexico:							
Albuquerque:							
Detached and semidetached	19,250	23,100	25,750	30,650	36,850	41,250	42,950
Row dwellings	17,850	21,300	23,750	28,350	33,900	37,800	39,750
Walkup	15,400	19,100	21,700	25,800	29,800	32,850	34,300

Prototype Per Unit Cost Schedule—Continued

	Number of bedrooms						
	0	1	2	3	4	5	6
Elevator-structure	24,900	29,050	36,800				
Alamogordo:							
Detached and semidetached	20,250	24,100	26,950	32,050	38,650	43,100	44,950
Row dwellings	18,550	22,200	24,750	29,500	35,200	39,200	41,200
Walkup	16,000	19,900	22,450	26,550	30,800	33,950	35,700
Elevator-structure	23,400	27,250	34,350				
Artesia							
Detached and semidetached	20,250	24,100	26,850	32,000	38,650	43,050	44,600
Row dwellings	18,550	22,200	24,800	29,700	35,350	39,350	41,300
Walkup	16,100	19,950	22,500	26,950	31,000	34,250	35,800
Elevator-structure	23,750	27,650	35,000				
Carlsbad							
Detached and semidetached	20,500	24,650	27,350	32,650	39,250	43,750	45,500
Row dwellings	18,800	22,700	25,200	30,200	35,950	40,100	42,050
Walkup	15,950	19,950	22,500	26,550	30,800	34,000	35,650
Elevator-structure	23,750	27,650	35,000				
Clovis							
Detached and semidetached	20,250	24,100	26,850	32,000	38,650	43,050	44,600
Row dwellings	18,550	22,200	24,800	29,700	35,350	39,350	41,300
Walkup	15,950	19,800	22,250	26,550	30,700	33,850	35,400
Elevator-structure	23,500	27,300	34,350				
Fort Sumner:							
Detached and semidetached	20,850	25,150	28,050	33,300	40,200	44,900	46,750
Row dwellings	19,350	23,250	25,800	30,750	36,900	41,000	43,050
Walkup	16,800	20,800	23,400	27,850	32,200	35,450	37,300
Elevator-structure	24,450	28,550	36,000				
Gallup							
Detached and semidetached	22,050	26,450	29,600	35,100	42,400	47,300	49,200
Row dwellings	20,000	23,850	26,700	31,700	37,950	42,200	44,250
Walkup	17,150	21,400	24,200	28,750	33,300	36,650	38,300
Elevator-structure	25,050	29,350	36,900				
Hobbs:							
Detached and semidetached	20,250	24,100	26,850	32,000	38,650	43,050	44,600
Row dwellings	18,550	22,200	24,800	29,700	35,350	39,350	41,300
Walkup	16,100	19,950	22,500	26,950	31,000	34,250	35,800
Elevator-structure	23,500	27,300	34,350				
Las Cruces							
Detached and semidetached	20,250	24,100	26,850	32,000	38,650	43,050	44,600
Row dwellings	18,550	22,200	24,800	29,700	35,350	39,350	41,300
Walkup	16,400	20,450	22,900	27,300	31,550	34,800	36,500
Elevator-structure	23,500	27,300	34,350				
Las Vegas							
Detached and semidetached	20,700	24,900	27,750	32,950	39,800	44,350	46,200
Row dwellings	19,550	23,300	25,850	31,000	37,000	41,250	43,100
Walkup	16,800	20,800	23,550	27,900	32,200	35,650	37,400
Elevator-structure	24,450	28,350	36,000				
Los Alamos							
Detached and semidetached	21,550	25,800	28,750	34,050	41,250	46,050	47,950
Row dwellings	20,000	23,850	26,700	31,700	38,000	42,200	44,300
Walkup	17,250	21,400	24,200	28,700	33,100	36,600	38,300
Elevator-structure	25,000	29,200	36,850				
Raton:							
Detached and semidetached	20,550	24,700	27,500	32,700	39,450	44,000	45,800
Row dwellings	19,550	23,300	25,850	31,000	37,000	41,250	43,100
Walkup	16,800	20,800	23,550	27,900	32,200	35,650	37,400
Elevator-structure	24,450	28,350	36,000				
Santa Fe							
Detached and semidetached	20,600	24,700	27,600	32,750	39,500	44,150	45,900
Row dwellings	19,550	23,300	25,850	31,000	37,000	41,250	43,100
Walkup	16,800	20,800	23,550	27,900	32,200	35,650	37,400
Elevator-structure	24,450	28,350	36,000				
Silver City:							
Detached and semidetached	21,250	25,750	28,600	33,900	41,100	45,800	47,600
Row dwellings	19,750	23,700	26,350	31,400	37,700	41,850	44,000
Walkup	17,100	21,300	24,100	28,350	32,900	36,300	38,050
Elevator-structure	24,900	28,950	36,700				
Truth or Consequences							
Detached and semidetached	19,950	23,800	26,750	31,700	38,200	42,600	44,250
Row dwellings	18,450	21,950	24,700	29,450	35,000	39,100	40,850
Walkup	15,950	19,800	22,400	26,500	30,750	33,850	35,450
Elevator-structure	23,150	27,000	34,100				
Farmington							
Detached and semidetached	21,550	25,800	28,850	34,300	41,350	46,200	48,050
Row dwellings	20,000	23,850	26,700	31,700	37,950	42,200	44,250
Walkup	17,150	21,400	24,200	28,750	33,300	36,650	38,300
Elevator-structure	25,050	29,350	36,900				
Terra Amarillo							
Detached and semidetached	21,550	25,800	28,750	34,050	41,250	46,050	47,950
Row dwellings	20,000	23,850	26,700	31,700	38,000	42,200	44,300
Walkup	17,250	21,400	24,200	28,700	33,100	36,800	38,300
Elevator-structure	25,000	29,200	36,850				
Taos							
Detached and semidetached	24,350	29,050	32,500	38,600	46,700	52,000	54,050
Row dwellings	22,600	27,100	30,150	35,800	43,050	47,800	50 150
Walkup	19,200	23,700	26,950	31,750	36,850	40,550	42,600
Elevator-structure	24,850	29,050	36,850				
Socorro							
Detached and semidetached	19,950	23,800	26,750	31,700	38,200	42,600	44,250
Row dwellings	18,450	21,950	24,700	29,450	35,000	39,100	40,850
Walkup	15,950	19,800	22,400	26,500	30,750	33,850	35,450

Prototype Per Unit Cost Schedule—Continued

	Number of bedrooms						
	0	1	2	3	4	5	6
Elevator-structure	23,150	27,000	34,100				
Ruidoso:							
Detached and semidetached	21,550	25,800	28,750	34,050	41,250	46,050	47,950
Row dwellings	20,000	23,850	26,700	31,700	38,000	42,200	44,300
Walkup	17,250	21,400	24,200	28,700	33,100	36,800	38,300
Elevator-structure	25,000	29,200	36,850				
*Dulce:							
Detached and semidetached	27,500	33,000	36,750	43,850	52,700	58,950	61,350
Row dwellings	23,450	28,050	31,300	37,200	44,500	49,550	51,900
Walkup	21,900	26,950	30,700	36,250	42,150	46,300	48,600
Elevator-structure	35,700	41,550	52,500				
*Isleta:							
Detached and semidetached	25,550	30,500	34,150	40,700	48,150	54,800	57,150
Row dwellings	20,750	24,800	27,800	33,100	39,450	44,100	46,100
Walkup	17,800	21,900	24,800	29,400	34,050	37,300	39,350
Elevator-structure	31,000	36,100	45,650				
*Laguna:							
Detached and semidetached	25,850	30,900	34,250	41,050	48,500	55,050	57,450
Row dwellings	23,400	27,900	31,150	37,200	44,550	49,500	56,600
Walkup	19,800	24,500	27,950	33,050	38,250	42,100	44,150
Elevator-structure	33,250	39,000	49,150				
*Mescalero:							
Detached and semidetached	25,950	31,350	34,850	41,550	50,050	55,800	58,050
Row dwellings	24,000	29,000	32,150	38,400	45,800	51,000	53,800
Walkup	20,500	25,300	28,750	34,050	39,550	43,350	43,950
Elevator-structure	34,350	40,200	50,700				
*Penasco:							
Detached and semidetached	26,100	31,500	35,100	41,800	50,450	56,400	58,650
Row dwellings	27,250	29,400	32,700	39,000	46,800	51,800	54,350
Walkup	20,800	25,800	29,250	34,650	40,000	44,150	46,250
Elevator-structure	35,050	40,850	51,600				
*Pojoaque:							
Detached and semidetached	26,550	31,950	35,650	42,500	50,900	57,000	59,150
Row dwellings	24,400	29,450	32,650	39,000	46,800	51,900	54,450
Walkup	20,950	25,800	29,400	34,750	40,300	44,200	46,250
Elevator-structure	34,550	40,400	51,050				
*Zuni:							
Detached and semidetached	25,150	30,200	37,450	44,800	53,700	58,700	62,550
Row dwellings	22,500	27,250	33,850	40,200	48,150	53,800	56,000
Walkup	19,700	24,500	31,000	36,700	42,300	46,650	49,150
Elevator-structure	29,600	34,200	43,300				
*Standing Rock:							
Detached and semidetached	26,300	31,600	39,100	46,500	56,100	62,250	65,300
Row dwellings	24,850	30,100	36,450	44,450	53,100	59,400	61,900
Walkup	21,500	26,850	33,950	40,250	46,300	51,100	53,750
Elevator-structure	27,600	31,850	40,300				
*Nageezi:							
Detached and semidetached	26,750	32,050	39,750	47,250	56,950	63,250	66,300
Row dwellings	25,250	30,550	37,950	45,050	53,900	60,400	62,900
Walkup	21,850	27,300	34,450	40,800	47,050	51,800	54,650
Elevator-structure	28,000	32,400	40,850				
*Alamo:							
Detached and semidetached	26,300	31,600	39,100	46,500	56,100	62,250	65,300
Row dwellings	24,850	30,100	37,300	44,450	53,100	59,400	61,900
Walkup	21,500	26,850	33,950	40,250	46,300	51,100	53,750
Elevator-structure	27,600	31,850	40,300				
Oklahoma:							
Oklahoma City:							
Detached and semidetached	18,250	21,950	27,300	32,500	39,000	43,550	45,500
Row dwellings	15,750	18,950	23,300	27,850	33,400	37,250	38,850
Walkup	14,400	17,900	22,700	26,850	31,250	34,350	36050
Elevator-structure	24,150	28,050	35,550				
Ada:							
Detached and semidetached	18,600	22,100	27,600	32,800	39,450	44,100	45,850
Row dwellings	16,350	19,800	24,450	29,150	34,850	38,850	40,700
Walkup	15,000	18,850	23,700	28,150	32,800	35,950	37,750
Elevator-structure	24,450	28,300	35,750				
Ardmore:							
Detached and semidetached	18,500	22,100	27,600	32,800	39,450	44,000	45,900
Row dwellings	16,900	20,300	25,000	29,800	35,800	39,900	41,600
Walkup	15,850	19,650	24,850	29,450	34,250	37,750	39,500
Elevator-structure	24,800	28,750	36,400				
Enid:							
Detached and semidetached	19,000	22,700	28,250	33,750	40,600	45,250	47,050
Row dwellings	16,650	20,150	24,650	29,550	35,450	39,450	41,250
Walkup	14,550	18,150	22,800	27,200	31,650	34,750	36,400
Elevator-structure	25,250	29,000	36,850				
Guymon:							
Detached and semidetached	19,350	23,200	29,050	34,400	41,350	46,250	48,200
Row dwellings	17,050	20,400	25,100	29,950	36,050	40,150	41,850
Walkup	15,600	19,200	24,450	28,950	33,600	37,150	38,900
Elevator-structure	25,600	29,800	37,550				
Lawton:							
Detached and semidetached	18,400	22,250	27,500	32,800	39,500	44,000	45,850
Row dwellings	16,050	19,300	23,700	28,350	34,000	37,900	39,650
Walkup	14,550	18,300	23,100	27,250	31,750	34,850	36,750
Elevator-structure	24,400	28,350	35,800				
Shawnee:							
Detached and semidetached	18,800	22,350	27,850	33,150	39,850	44,550	46,350
Row dwellings	16,350	19,800	24,450	29,150	34,850	38,850	40,700

Prototype Per Unit Cost Schedule—Continued

	Number of bedrooms						
	0	1	2	3	4	5	6
Walkup	15,000	18,850	23,700	28,150	32,800	35,950	37,750
Elevator-structure	24,650	28,550	36,050				
Stillwater:							
Detached and semidetached	18,800	22,350	27,850	33,150	39,850	44,550	46,350
Row dwellings	16,350	19,800	24,450	29,150	34,850	38,850	40,700
Walkup	15,000	18,850	23,700	28,150	32,800	35,950	37,750
Elevator-structure	24,650	28,550	36,050				
Woodward:							
Detached and semidetached	19,150	22,900	28,550	34,100	41,000	45,700	47,500
Row dwellings	16,650	20,150	24,650	29,550	35,450	39,450	41,250
Walkup	15,250	19,050	24,000	28,550	33,150	36,450	38,300
Elevator-structure	25,450	29,250	37,150				
Tulsa:							
Detached and semidetached	18,200	22,050	27,400	32,450	39,150	43,500	45,400
Row dwellings	16,000	19,500	23,900	28,450	34,150	38,050	39,850
Walkup	14,800	18,400	23,250	27,500	31,950	35,200	36,950
Elevator-structure	24,250	27,950	35,400				
Bartlesville:							
Detached and semidetached	18,950	22,900	28,350	33,750	40,500	45,150	47,150
Row dwellings	15,600	20,450	25,050	30,250	35,850	39,900	41,800
Walkup	14,850	18,600	23,300	27,700	32,300	35,500	37,200
Elevator-structure	25,200	29,050	36,800				
McAlester:							
Detached and semidetached	18,900	22,800	28,050	33,450	40,050	44,700	46,550
Row dwellings	16,800	20,250	25,050	29,900	35,850	39,900	41,750
Walkup	14,450	18,100	22,750	26,900	31,250	34,300	36,000
Elevator-structure	24,650	28,950	36,650				
Muskogee:							
Detached and semidetached	18,850	22,700	28,250	33,450	40,250	44,850	46,800
Row dwellings	17,350	21,050	26,150	31,050	37,150	41,550	43,350
Walkup	14,800	18,400	23,150	27,400	31,900	35,050	36,850
Elevator-structure	24,900	28,900	36,650				
Texas:							
Dallas:							
Detached and semidetached	17,600	21,550	26,550	31,700	38,100	42,500	44,300
Row dwellings	15,700	18,700	23,300	27,800	33,500	37,300	38,950
Walkup	14,400	18,000	22,700	26,850	31,250	34,200	35,900
Elevator-structure	24,150	28,050	35,550				
Sherman:							
Detached and semidetached	18,100	21,850	26,950	32,150	38,700	42,900	45,000
Row dwellings	15,550	18,700	23,250	27,650	33,250	37,150	38,800
Walkup	14,400	18,000	22,650	26,850	31,250	34,100	35,850
Elevator-structure	24,550	28,650	36,150				
Tyler:							
Detached and semidetached	17,150	20,850	25,700	30,750	36,950	41,000	42,800
Row dwellings	15,350	18,400	22,900	27,150	32,750	36,400	38,050
Walkup	13,600	16,900	21,450	25,250	29,250	32,100	34,000
Elevator-structure	25,000	29,200	36,950				
Waco:							
Detached and semidetached	17,100	20,700	25,650	30,550	36,800	40,850	42,750
Row dwellings	15,200	18,300	22,700	27,100	32,600	36,200	37,900
Walkup	13,600	17,000	21,450	25,250	29,550	32,100	33,900
Elevator-structure	25,050	28,450	35,950				
Fort Worth:							
Detached and semidetached	17,750	21,150	26,350	31,450	37,700	42,100	43,950
Row dwellings	15,500	18,600	23,100	27,600	33,000	36,900	38,650
Walkup	14,300	17,750	22,500	26,650	30,850	34,050	35,500
Elevator-structure	26,500	30,700	39,000				
Abilene:							
Detached and semidetached	18,400	22,050	27,350	32,600	39,200	43,850	45,400
Row dwellings	16,050	19,150	23,850	28,400	34,200	38,250	39,750
Walkup	13,450	16,850	21,300	25,050	29,050	32,100	33,550
Elevator-structure	27,450	31,750	40,300				
San Angelo:							
Detached and semidetached	18,100	21,850	27,150	32,400	38,850	43,450	45,400
Row dwellings	16,200	19,300	24,000	28,550	34,450	38,450	40,200
Walkup	14,050	17,400	21,950	26,150	30,400	33,350	34,900
Elevator-structure	27,650	32,150	40,600				
Wichita Falls:							
Detached and semidetached	18,400	21,950	27,450	32,600	39,150	43,850	45,650
Row dwellings	16,200	19,300	24,000	28,550	34,450	38,450	40,200
Walkup	15,600	19,550	24,650	29,200	34,050	37,400	39,050
Elevator-structure	27,650	32,150	40,600				
Houston:							
Detached and semidetached	18,650	22,550	27,700	32,950	39,700	44,350	46,200
Row dwellings	16,250	19,650	24,300	28,850	34,700	38,550	40,350
Walkup	14,900	18,750	23,600	28,000	32,300	35,750	37,450
Elevator-structure	25,950	30,350	38,200				
Beaumont:							
Detached and semidetached	19,100	23,050	28,550	33,800	40,900	45,500	47,450
Row dwellings	16,600	20,100	24,800	29,600	35,500	39,500	41,350
Walkup	15,200	19,100	24,050	28,500	32,950	36,400	38,050
Elevator-structure	26,700	31,150	39,300				
Bryan:							
Detached and semidetached	22,050	26,650	32,900	39,100	47,200	52,700	54,650
Row dwellings	17,450	21,200	26,200	31,100	37,300	41,550	43,400
Walkup	13,800	17,200	21,750	25,800	29,900	32,950	34,500
Elevator-structure	25,600	29,900	37,700				
El Campo:							
Detached and semidetached	20,450	24,550	30,200	35,900	43,400	48,300	50,550

Prototype Per Unit Cost Schedule—Continued

	Number of bedrooms						
	0	1	2	3	4	5	6
Row dwellings	16,050	19,600	24,100	28,600	34,450	38,250	40,100
Walkup	15,500	19,300	24,350	28,850	33,400	35,900	38,800
Elevator-structure	25,800	30,050	37,950				
Lufkin:							
Detached and semidetached	20,050	24,200	29,900	35,600	42,850	47,800	50,100
Row dwellings	17,450	21,200	26,550	31,150	37,400	41,800	43,550
Walkup	14,900	18,750	23,650	28,150	32,500	35,900	37,650
Elevator-structure	25,050	30,350	38,200				
Texas City:							
Detached and semidetached	18,650	22,550	27,700	32,950	39,700	44,350	46,200
Row dwellings	16,250	19,650	24,300	28,850	34,700	38,550	40,350
Walkup	15,650	19,550	24,700	29,200	33,850	37,400	39,200
Elevator-structure	25,950	30,350	38,200				
Lubbock:							
Detached and semidetached	17,750	21,250	26,400	31,500	37,900	42,150	43,900
Row dwellings	15,650	18,750	23,450	27,800	33,200	37,200	38,950
Walkup	14,150	17,800	22,350	26,500	30,700	33,650	35,300
Elevator-structure	23,400	27,150	34,450				
Amarillo:							
Detached and semidetached	17,700	21,300	26,550	31,650	38,150	42,400	44,200
Row dwellings	16,700	20,000	24,850	29,550	35,550	39,650	41,300
Walkup	14,950	18,650	23,600	27,850	32,400	35,650	37,350
Elevator-structure	23,950	27,800	35,200				
El Paso:							
Detached and semidetached	17,750	21,150	26,300	31,250	37,700	42,000	43,850
Row dwellings	17,400	20,650	25,850	30,700	36,900	41,350	42,950
Walkup	15,350	19,000	24,000	28,350	32,900	36,200	37,900
Elevator-structure	22,800	26,800	33,700				
Midland:							
Detached and semidetached	16,800	20,350	25,200	30,250	36,250	40,350	42,150
Row dwellings	15,250	18,450	22,750	27,250	32,600	36,450	38,150
Walkup	14,050	17,700	22,300	26,300	30,650	33,600	35,250
Elevator-structure	22,350	25,850	32,850				
Odessa:							
Detached and semidetached	16,850	20,400	25,200	30,300	36,250	40,400	42,200
Row dwellings	15,350	18,400	22,800	27,150	32,600	36,400	38,050
Walkup	14,150	17,600	22,300	26,450	30,600	33,600	35,300
Elevator-structure	22,350	25,850	32,850				
San Antonio:							
Detached and semidetached	16,950	20,300	25,200	30,150	36,250	40,300	42,050
Row dwellings	19,000	18,500	22,600	27,100	32,500	36,300	37,650
Walkup	14,250	17,900	22,550	26,650	31,050	34,100	35,700
Elevator-structure	22,500	26,200	33,250				
Austin:							
Detached and semidetached	17,650	21,150	26,100	31,150	37,600	41,800	43,550
Row dwellings	15,800	19,050	23,450	27,950	33,600	37,500	39,100
Walkup	14,000	17,750	22,100	26,450	30,700	33,550	35,350
Elevator-structure	19,700	22,850	28,950				
Corpus Christi:							
Detached and semidetached	18,350	22,050	27,800	32,750	39,300	43,850	45,550
Row dwellings	16,600	20,150	25,000	29,650	35,650	39,750	41,300
Walkup	15,350	19,100	24,200	28,450	32,950	36,300	38,200
Elevator-structure	18,350	21,300	27,150				
Del Rio							
Detached and semidetached	16,650	19,950	24,750	29,650	35,550	39,650	41,100
Row dwellings	15,150	18,250	22,600	26,900	32,250	35,950	37,450
Walkup	14,250	17,850	22,550	26,650	31,050	34,100	35,800
Elevator-structure	20,650	24,000	30,550				
Eagle Pass							
Detached and semidetached	19,550	23,350	28,950	34,600	41,650	46,250	48,050
Row dwellings	15,700	19,000	23,400	27,900	33,550	37,400	38,850
Walkup	14,650	18,600	23,250	27,750	32,150	35,350	37,050
Elevator-structure	21,100	24,600	31,150				
Harlingen:							
Detached and semidetached	18,350	22,050	27,300	32,750	39,250	43,800	45,550
Row dwellings	15,800	19,000	23,450	28,150	33,550	37,500	39,100
Walkup	14,650	18,600	23,350	27,750	32,200	35,450	37,250
Elevator-structure	19,650	22,650	28,750				
Junction:							
Detached and semidetached	18,250	22,000	27,200	32,300	38,950	43,350	45,050
Row dwellings	15,800	19,200	23,700	28,250	34,050	37,900	39,450
Walkup	14,900	18,700	23,500	28,100	32,500	35,800	37,600
Elevator-structure	21,500	25,500	31,550				
Laredo							
Detached and semidetached	18,250	21,850	27,150	32,300	38,750	43,250	44,950
Row dwellings	16,150	19,700	24,250	29,000	34,700	38,750	40,250
Walkup	14,100	17,750	22,250	26,400	30,800	33,750	35,500
Elevator-structure	20,650	24,000	30,550				
Victoria:							
Detached and semidetached	17,100	20,750	25,600	30,600	36,650	40,800	42,450
Row dwellings	16,100	19,600	24,150	28,700	34,650	38,650	40,200
Walkup	15,150	19,050	23,950	28,450	33,100	36,300	38,200
Elevator-structure	21,350	24,850	31,450				
REGION VII							
Iowa:							
Des Moines:							
Detached and semidetached	19,250	23,350	28,750	34,350	41,350	45,800	48,000
Row dwellings	18,800	22,650	27,800	33,150	39,900	44,350	46,400

Prototype Per Unit Cost Schedule—Continued

	Number of bedrooms						
	0	1	2	3	4	5	6
Walkup	17,350	21,750	27,500	32,850	37,750	41,400	43,600
Elevator-structure	25,300	29,300	37,200				
Bettendorf:							
Detached and semidetached	20,100	24,200	29,850	35,800	43,100	47,900	50,100
Row dwellings	19,550	23,500	28,950	34,400	41,600	46,350	48,300
Walkup	18,200	22,800	28,700	33,850	39,300	43,200	45,400
Elevator-structure	26,150	30,250	38,300				
Cedar Rapids:							
Detached and semidetached	20,000	24,100	29,850	35,350	42,800	47,450	49,500
Row dwellings	19,450	23,400	28,700	34,200	41,200	45,950	47,950
Walkup	17,400	21,850	27,450	33,700	39,000	41,250	43,350
Elevator-structure	25,950	30,050	38,150				
Council Bluffs:							
Detached and semidetached	19,350	23,350	28,750	34,350	41,450	45,850	48,000
Row dwellings	18,750	22,600	27,800	33,450	39,950	44,700	46,800
Walkup	17,300	21,850	27,500	32,550	37,850	41,450	43,500
Elevator-structure	25,350	29,550	37,200				
Davenport:							
Detached and semidetached	20,000	24,100	29,850	35,350	42,800	47,450	49,500
Row dwellings	19,400	23,400	28,750	34,250	41,150	45,950	47,900
Walkup	18,100	22,500	28,550	35,050	40,800	43,000	45,100
Elevator-structure	26,150	30,250	38,300				
Dubuque:							
Detached and semidetached	20,000	24,100	29,850	35,350	42,800	47,450	49,500
Row dwellings	19,400	23,400	28,750	34,250	41,150	45,950	47,900
Walkup	18,100	22,500	28,550	35,050	40,800	43,000	45,100
Elevator-structure	25,800	29,850	37,800				
Mason City:							
Detached and semidetached	20,000	24,100	29,850	35,350	42,800	47,450	49,500
Row dwellings	19,400	23,400	28,750	34,250	41,150	45,950	47,900
Walkup	18,000	22,450	28,550	35,200	40,850	43,000	45,200
Elevator-structure	25,800	29,850	37,800				
Sioux City:							
Detached and semidetached	20,000	24,100	29,850	35,350	42,800	47,450	49,500
Row dwellings	19,250	23,100	28,550	34,050	40,950	45,850	47,850
Walkup	18,000	22,250	28,300	34,950	40,350	42,750	44,850
Elevator-structure	25,600	29,850	37,800				
Waterloo:							
Detached and semidetached	20,000	24,100	29,850	35,350	42,800	47,450	49,500
Row dwellings	19,400	23,400	28,750	34,250	41,150	45,950	47,900
Walkup	18,100	22,500	28,550	35,050	40,800	43,000	45,100
Elevator-structure	25,600	29,850	37,800				
Sac Fox:							
Detached and semidetached	21,450	25,800	31,950	37,900	45,650	50,800	53,100
Row dwellings	20,250	24,300	29,850	35,450	42,700	47,700	49,800
Walkup	18,250	22,700	28,900	35,350	41,000	43,400	45,600
Elevator-structure	25,950	30,050	38,150				
Kansas:							
Kansas City:							
Detached and semidetached	20,550	24,950	30,700	36,550	44,000	48,900	51,150
Row dwellings	19,850	23,800	29,400	35,000	42,150	46,850	48,950
Walkup	18,600	22,950	29,350	34,650	40,050	44,250	46,450
Elevator-structure	27,350	31,850	40,050				
Topeka:							
Detached and semidetached	19,650	23,850	29,300	34,800	41,950	46,700	48,850
Row dwellings	18,950	22,550	28,050	33,300	40,100	44,800	46,800
Walkup	17,500	22,050	28,000	32,900	38,100	42,250	44,050
Elevator-structure	26,800	31,000	39,250				
Hutton:							
Detached and semidetached	22,200	26,850	33,250	39,400	47,450	52,850	55,400
Row dwellings	21,400	25,500	31,700	37,700	45,450	50,700	52,850
Walkup	19,850	24,900	31,800	37,300	43,200	47,750	49,900
Elevator-structure	26,750	31,000	39,250				
Garden City:							
Detached and semidetached	18,350	22,100	27,350	32,600	39,300	43,800	45,700
Row dwellings	17,700	21,200	26,150	31,200	37,500	42,000	43,850
Walkup	16,800	20,550	26,000	30,900	35,800	39,450	41,400
Elevator-structure	25,150	29,050	36,650				
Pittsburg:							
Detached and semidetached	18,050	21,750	26,900	32,050	38,600	42,900	44,900
Row dwellings	17,400	20,850	25,750	30,500	36,900	41,200	43,000
Walkup	16,150	20,200	25,600	30,150	35,150	38,800	40,600
Elevator-structure	24,500	28,500	35,950				
Salina:							
Detached and semidetached	18,050	21,750	26,900	32,200	38,800	42,950	45,100
Row dwellings	17,450	20,900	25,950	30,700	36,950	41,300	43,200
Walkup	16,250	20,250	25,850	30,300	35,300	38,800	40,650
Elevator-structure	24,750	28,800	36,050				
Wichita:							
Detached and semidetached	18,950	22,850	28,450	33,700	40,550	45,150	47,350
Row dwellings	18,150	21,800	27,100	32,050	38,850	43,250	45,100
Walkup	16,950	21,250	27,000	31,850	36,900	40,650	42,650
Elevator-structure	24,500	28,500	35,950				
Missouri:							
Kansas City:							
Detached and semidetached	20,550	24,950	30,700	36,550	44,000	48,900	51,150
Row dwellings	19,800	23,700	29,400	34,900	42,000	46,800	48,850
Walkup	18,600	23,050	29,350	34,650	40,050	44,250	46,550
Elevator-structure	27,350	31,650	40,050				

Prototype Per Unit Cost Schedule—Continued

	Number of bedrooms						
	0	1	2	3	4	5	6
Joplin:							
Detached and semidetached	19,050	23,050	28,800	33,950	40,850	45,550	47,650
Row dwellings	18,500	22,050	27,350	32,850	38,250	43,850	45,500
Walkup	17,400	21,450	27,400	32,250	37,400	41,150	43,350
Elevator-structure	25,500	29,800	37,400				
St. Joseph:							
Detached and semidetached	19,850	23,750	29,350	34,950	42,150	47,000	49,200
Row dwellings	19,100	22,750	28,150	33,400	40,350	44,950	46,850
Walkup	17,850	22,300	28,200	33,350	38,750	42,600	44,850
Elevator-structure	26,200	30,250	38,500				
Sedalia:							
Detached and semidetached	19,850	23,750	29,350	34,950	42,150	47,000	49,200
Row dwellings	19,100	22,750	28,150	33,400	40,350	44,950	46,850
Walkup	17,850	22,300	28,200	33,350	38,750	42,600	44,850
Elevator-structure	26,200	30,350	38,500				
Springfield:							
Detached and semidetached	19,950	23,900	29,800	35,250	42,550	47,300	49,450
Row dwellings	19,150	22,850	28,350	33,750	40,700	45,300	47,200
Walkup	17,000	21,200	26,700	31,550	36,700	40,450	42,300
Elevator-structure	25,950	30,150	38,200				
St. Louis:							
Detached and semidetached	20,500	24,750	30,450	36,300	42,750	48,650	50,900
Row dwellings	19,700	23,450	29,150	34,750	41,800	46,700	48,650
Walkup	18,500	23,100	29,100	34,450	40,050	44,000	46,100
Elevator-structure	26,900	31,200	39,400				
Cape Girardeau:							
Detached and semidetached	19,300	23,400	29,050	34,550	41,650	46,500	48,600
Row dwellings	18,900	22,450	27,800	33,200	39,650	44,250	46,250
Walkup	17,600	21,950	27,550	32,850	38,200	41,750	44,000
Elevator-structure	25,800	29,850	37,700				
Columbia:							
Detached and semidetached	20,150	24,250	30,000	35,850	43,150	47,900	50,200
Row dwellings	19,300	23,150	28,600	34,150	40,950	45,700	47,700
Walkup	18,300	22,750	28,700	34,100	39,600	43,300	45,350
Elevator-structure	25,800	29,850	37,800				
Kirksville:							
Detached and semidetached	20,150	24,250	30,000	35,850	43,150	47,900	50,200
Row dwellings	19,300	23,150	28,600	34,150	40,950	45,700	47,700
Walkup	18,400	22,800	28,900	34,250	39,750	43,700	45,800
Elevator-structure	25,800	29,850	37,800				
Rolla:							
Detached and semidetached	18,300	22,100	27,400	32,550	39,100	43,450	45,500
Row dwellings	17,650	21,100	26,150	31,000	37,450	41,800	43,650
Walkup	16,600	20,600	26,100	30,850	35,900	39,400	41,300
Elevator-structure	23,650	27,400	34,800				
Nebraska:							
Omaha:							
Detached and semidetached	19,750	23,800	29,350	35,050	42,150	46,850	49,000
Row dwellings	19,350	23,200	28,600	34,150	41,250	45,750	47,750
Walkup	18,100	22,600	28,550	33,750	39,100	43,100	45,200
Elevator-structure	26,400	30,650	38,850				
Grand Island:							
Detached and semidetached	20,700	24,850	30,550	36,400	43,950	48,800	51,150
Row dwellings	20,400	24,600	30,450	36,300	43,800	48,500	50,700
Walkup	18,800	23,600	29,900	35,200	40,900	44,950	47,200
Elevator-structure	27,300	31,750	39,900				
Lincoln:							
Detached and semidetached	19,600	23,750	29,150	34,850	41,850	46,500	48,800
Row dwellings	19,500	23,450	28,700	34,400	41,500	45,900	48,000
Walkup	17,250	21,450	27,050	32,150	37,200	41,100	43,050
Elevator-structure	26,150	30,250	38,000				
Macy:							
Detached and semidetached	23,600	28,400	35,100	41,900	50,450	56,450	58,900
Row dwellings	23,100	27,900	34,450	41,100	49,300	54,950	57,200
Walkup	21,250	26,350	33,400	39,600	45,950	50,900	51,750
Elevator-structure	31,300	36,150	45,750				
Norfolk:							
Detached and semidetached	20,000	24,100	29,800	35,550	42,850	47,800	49,950
Row dwellings	19,650	23,600	29,200	34,800	41,800	46,600	48,500
Walkup	17,900	22,150	28,050	33,100	38,600	42,700	44,650
Elevator-structure	27,650	31,950	40,600				
North Platte:							
Detached and semidetached	18,150	21,850	26,900	32,250	38,750	43,250	45,250
Row dwellings	18,300	22,050	27,200	32,500	38,900	43,350	45,300
Walkup	17,600	21,750	27,750	32,850	37,950	42,050	44,150
Elevator-structure	26,650	30,850	39,150				
* Santee:							
Detached and semidetached	24,800	29,850	36,900	44,050	53,000	59,300	61,900
Row dwellings	22,600	27,200	33,650	40,100	48,200	53,700	55,900
Walkup	20,700	25,700	32,600	38,600	44,800	49,600	51,800
Elevator-structure	31,300	36,150	45,750				
Scottsbluff:							
Detached and semidetached	20,450	24,650	30,150	35,050	43,400	48,250	50,350
Row dwellings	19,850	23,750	29,450	35,150	42,150	46,950	48,950
Walkup	18,650	23,000	29,300	34,800	40,050	44,250	46,600
Elevator-structure	26,900	31,150	37,250				
* Winnebago:							
Detached and semidetached	24,800	29,850	36,900	44,050	53,000	59,300	61,900
Row dwellings	22,600	27,200	33,650	40,100	48,200	53,700	55,900
Walkup	20,700	25,700	32,600	38,600	44,800	49,600	51,800
Elevator-structure	31,300	36,150	45,750				

Prototype Per Unit Cost Schedule—Continued

	Number of bedrooms						
	0	1	2	3	4	5	6
REGION VIII							
Colorado							
Denver							
Detached and semidetached	22,400	27,000	33,050	39,350	47,450	52,950	55,400
Row dwellings	19,100	22,850	28,350	33,650	40,500	45,100	47,250
Walkup	17,450	21,750	27,550	32,550	37,550	41,500	43,450
Elevator-structure	25,450	29,700	37,400				
Grand Junction							
Detached and semidetached	22,200	26,800	33,000	39,350	47,350	52,700	55,000
Row dwellings	19,400	23,150	28,550	34,200	41,250	45,600	47,950
Walkup	17,700	21,950	27,800	32,900	38,050	41,900	44,050
Elevator-structure	25,750	29,850	37,650				
Aspen-Vail							
Detached and semidetached	23,350	28,250	34,850	41,400	49,950	55,650	58,200
Row dwellings	20,550	24,650	30,400	36,300	43,750	48,700	51,000
Walkup	18,750	23,450	29,650	34,950	40,600	44,700	47,000
Elevator-structure	27,250	31,700	40,200				
Montana							
Helena							
Detached and semidetached	22,600	27,200	33,600	40,000	48,350	53,850	56,200
Row dwellings	19,450	23,150	29,000	34,400	41,450	46,050	48,300
Walkup	18,050	22,750	28,900	34,000	39,300	43,450	45,350
Elevator-structure	27,500	31,950	40,550				
Billings							
Detached and semidetached	21,400	25,850	31,850	38,000	45,650	50,700	53,150
Row dwellings	18,600	22,050	27,450	32,550	39,250	43,750	45,750
Walkup	17,000	21,500	27,300	32,150	37,050	41,100	43,000
Elevator-structure	26,100	30,100	38,400				
Great Falls							
Detached and semidetached	22,600	27,150	33,600	40,050	47,950	53,550	56,000
Row dwellings	19,750	23,450	29,000	34,850	41,900	46,450	49,050
Walkup	18,200	22,900	28,900	33,950	39,350	43,650	45,500
Elevator-structure	27,550	31,800	40,550				
Missoula							
Detached and semidetached	20,950	25,300	31,100	37,150	44,650	49,550	51,950
Row dwellings	18,200	21,500	26,850	31,850	38,400	42,800	44,750
Walkup	16,650	21,050	26,800	31,500	36,350	40,300	42,100
Elevator-structure	25,550	29,500	37,550				
* Ronan:							
Detached and semidetached	28,050	32,350	38,550	44,450	53,600	59,750	62,600
Row dwellings	25,550	29,450	35,050	40,450	48,850	54,350	57,000
Walkup	24,900	28,700	34,150	39,450	47,600	53,000	55,550
Elevator-structure	33,300	38,500	49,000				
* Browning:							
Detached and semidetached	29,000	33,300	39,400	45,350	54,550	60,900	63,700
Row dwellings	26,300	30,150	35,800	41,150	49,500	55,200	57,800
Walkup	25,650	29,450	34,850	40,100	48,200	53,800	56,350
Elevator-structure	30,900	35,700	45,450				
* Harlem:							
Detached and semidetached	29,100	33,550	39,950	46,150	55,650	62,000	64,950
Row dwellings	26,450	30,500	36,350	41,950	50,600	56,350	59,050
Walkup	25,800	29,750	35,400	40,900	49,300	54,900	57,550
Elevator-structure	33,000	38,100	48,500				
* Wolf Point:							
Detached and semidetached	29,250	34,000	40,350	47,100	56,450	63,100	66,150
Row dwellings	26,550	30,900	36,700	42,750	51,300	57,250	60,050
Walkup	25,850	30,100	35,750	41,650	49,900	55,750	58,450
Elevator-structure	33,600	38,850	49,400				
*Lodge Grass:							
Detached and semidetached	29,500	35,050	40,500	46,750	56,350	62,800	65,850
Row dwellings	26,150	31,100	35,950	41,500	50,000	55,750	58,450
Walkup	25,500	29,400	35,000	40,400	48,700	54,300	56,850
Elevator-structure	31,400	36,350	46,250				
North Dakota:							
Fargo.							
Detached and semidetached	23,500	28,100	34,800	41,850	50,350	55,600	58,500
Row dwellings	18,950	23,000	28,300	33,600	40,650	45,000	47,100
Walkup	17,650	22,150	27,550	32,650	38,250	42,000	44,200
Elevator-structure	26,900	31,300	39,500				
Bismark.							
Detached and semidetached	25,300	30,450	37,300	44,850	54,000	59,800	62,700
Row dwellings	20,400	24,700	30,350	36,250	43,850	48,500	50,850
Walkup	19,150	23,950	29,500	35,200	41,400	45,400	47,800
Elevator-structure	28,800	33,450	42,350				
Dickinson.							
Detached and semidetached	24,550	29,500	36,500	43,750	52,550	58,350	61,250
Row dwellings	19,850	24,100	29,750	35,300	42,600	47,150	49,300
Walkup	18,550	23,300	28,900	34,200	40,350	44,350	46,450
Elevator-structure	28,250	32,900	41,500				
*Fort Totten.							
Detached and semidetached	34,050	37,850	43,200	48,350	56,350	61,800	64,150
Row dwellings	30,950	34,350	39,200	43,900	51,150	56,100	58,250
Walkup	29,750	33,150	37,750	42,250	49,300	54,000	56,050
Elevator-structure							
South Dakota							
Sioux Falls:							
Detached and semidetached	23,400	28,100	34,650	41,350	49,650	55,400	57,850

Prototype Per Unit Cost Schedule—Continued

	Number of bedrooms						
	0	1	2	3	4	5	6
Row dwellings	21,300	25,800	32,000	38,100	45,950	50,800	53,350
Walkup	18,500	23,000	29,150	34,550	40,050	44,200	46,400
Elevator-structure	26,750	31,150	39,250				
Pierre:							
Detached and semidetached	24,850	29,900	36,850	43,800	52,850	58,700	61,150
Row dwellings	22,300	27,000	33,300	39,550	47,850	53,000	55,550
Walkup	18,600	23,350	29,300	34,800	40,350	44,350	46,750
Elevator-structure	27,250	31,800	40,050				
Rapid City:							
Detached and semidetached	23,550	28,800	35,250	41,750	50,200	56,100	58,500
Row dwellings	21,550	26,350	32,350	38,850	46,500	51,300	54,150
Walkup	19,350	24,300	30,850	36,100	41,800	46,200	48,650
Elevator-structure	27,100	31,550	39,850				
*Mission:							
Detached and semidetached	29,500	34,250	40,800	47,250	56,900	63,300	65,950
Row dwellings	28,000	32,550	38,750	44,850	54,050	60,100	62,650
Walkup	25,100	29,100	34,700	40,150	48,400	53,850	56,050
Elevator-structure	29,500	34,350	43,400				
*Fort Thompson:							
Detached and semidetached	29,800	34,550	41,150	47,650	57,450	64,000	66,800
Row dwellings	28,350	32,800	39,150	45,300	54,550	60,800	63,450
Walkup	25,350	29,350	35,000	40,500	48,850	54,400	56,800
Elevator-structure	29,850	34,550	43,600				
*McLaughlin:							
Detached and semidetached	30,500	35,250	41,850	48,450	58,200	64,950	67,900
Row dwellings	29,000	33,500	39,800	46,000	55,250	61,700	64,450
Walkup	25,900	30,000	35,600	41,150	49,450	55,200	57,700
Elevator-structure	29,750	34,700	43,850				
*Wagner:							
Detached and semidetached	24,700	31,400	37,400	43,350	52,150	58,150	60,750
Row dwellings	23,500	29,800	35,550	41,200	49,550	55,250	57,700
Walkup	21,000	26,700	31,800	36,850	44,300	49,400	51,600
Elevator-structure	30,150	35,200	44,450				
*Sisseton:							
Detached and semidetached	29,050	33,600	39,850	46,000	55,250	61,750	64,500
Row dwellings	27,650	31,950	37,850	43,700	52,500	58,700	61,250
Walkup	24,700	28,550	33,850	39,100	46,950	52,500	54,800
Elevator-structure	28,100	32,800	41,450				
Utah:							
Salt Lake City:							
Detached and semidetached	21,300	25,750	31,750	38,000	45,750	50,700	53,250
Row dwellings	19,150	23,000	28,450	34,150	40,750	45,250	47,400
Walkup	16,550	20,750	26,450	31,250	36,200	39,900	41,950
Elevator-structure	24,750	28,900	36,550				
Cedar City:							
Detached and semidetached	23,500	28,350	34,950	41,600	50,100	55,900	58,500
Row dwellings	18,400	22,250	27,350	32,850	39,250	43,850	45,650
Walkup	18,300	23,000	29,150	34,200	39,850	43,800	46,100
Elevator-structure	27,250	31,750	40,250				
Vernal:							
Detached and semidetached	22,600	27,250	33,600	40,100	48,300	53,700	56,300
Row dwellings	17,850	21,550	26,550	31,700	38,100	42,350	44,500
Walkup	17,650	22,100	28,000	32,900	38,350	42,150	44,400
Elevator-structure	26,200	30,600	38,700				
Wyoming:							
Casper:							
Detached and semidetached	23,550	28,500	35,150	41,850	50,350	56,100	58,850
Row dwellings	20,200	24,250	30,150	35,850	43,050	48,000	50,150
Walkup	18,350	23,100	29,300	34,350	40,000	44,000	46,150
Elevator-structure	26,900	31,350	39,850				
Cheyenne:							
Detached and semidetached	22,600	27,400	33,700	40,200	48,400	53,900	56,550
Row dwellings	19,200	23,250	28,900	35,800	41,250	45,750	47,800
Walkup	17,600	22,150	28,050	33,050	38,250	42,300	44,150
Elevator-structure	25,900	30,150	38,100				
Cody:							
Detached and semidetached	24,100	29,450	36,150	43,450	52,150	57,950	60,750
Row dwellings	20,900	24,950	31,050	37,000	44,350	49,250	51,750
Walkup	18,950	23,750	30,150	35,450	40,900	45,250	47,250
Elevator-structure	27,800	32,400	41,000				
REGION IX							
Arizona:							
Phoenix:							
Detached and semidetached	20,250	24,350	30,050	35,800	43,150	48,000	50,300
Row dwellings	18,350	22,200	27,400	32,800	39,200	43,900	45,750
Walkup	16,800	20,850	26,550	31,400	36,200	39,950	42,000
Elevator-structure	27,350	31,750	40,250				
Casa Grande:							
Detached and semidetached	21,150	25,500	31,350	37,400	45,100	50,050	52,600
Row dwellings	19,200	22,250	28,500	34,000	40,900	45,650	47,600
Walkup	17,450	21,850	27,750	32,850	37,900	41,800	43,800
Elevator-structure	28,500	33,150	42,000				
Douglas:							
Detached and semidetached	20,750	24,950	30,900	36,650	44,050	49,200	51,600
Row dwellings	18,950	22,900	28,250	33,650	40,400	45,150	47,150
Walkup	17,300	21,500	27,300	32,250	37,050	40,950	43,050
Elevator-structure	28,200	32,650	41,400				

Prototype Per Unit Cost Schedule—Continued

	Number of bedrooms						
	0	1	2	3	4	5	6
Flagstaff:							
Detached and semidetached	20,600	24,850	30,900	36,550	42,950	49,050	51,450
Row dwellings	18,950	22,900	28,250	33,650	40,400	45,150	47,150
Walkup	17,200	21,400	27,300	32,150	37,050	41,000	42,950
Elevator-structure	29,200	33,700	42,600				
*Kaibab							
Detached and semidetached	25,700	30,850	38,100	45,450	54,850	61,000	63,750
Row dwellings	23,250	28,050	34,600	41,350	49,500	55,250	57,750
Walkup	21,000	25,300	33,650	39,550	45,900	50,500	53,100
Elevator-structure	32,600	38,050	48,100				
Kingman:							
Detached and semidetached	21,000	25,300	31,100	37,200	44,800	49,700	52,200
Row dwellings	19,150	22,200	28,450	33,950	40,750	45,550	47,500
Walkup	17,350	21,750	27,500	32,600	37,550	41,450	43,450
Elevator-structure	26,250	32,900	41,700				
*Ft. Mojave:							
Detached and semidetached	22,550	27,000	33,550	39,700	47,850	53,250	55,850
Row dwellings	21,250	25,450	31,600	37,450	45,100	50,200	52,700
Walkup	19,250	23,050	28,650	33,900	40,900	45,550	47,750
Elevator-structure	30,700	35,850	45,400				
*Sacaton:							
Detached and semidetached	22,150	26,850	32,900	39,350	47,350	52,600	55,200
Row dwellings	20,200	24,300	29,900	35,650	42,900	47,900	49,950
Walkup	18,400	23,150	29,100	34,500	39,800	43,900	46,000
Elevator-structure	30,000	34,800	44,100				
*San Carlos:							
Detached and semidetached	22,450	27,150	33,600	39,850	48,050	53,500	56,050
Row dwellings	20,500	24,800	30,650	36,550	43,850	48,850	50,900
Walkup	18,750	23,550	29,650	35,250	40,600	44,800	47,000
Elevator-structure	28,800	33,400	42,400				
*Sells:							
Detached and semidetached	22,900	27,700	34,100	40,600	48,950	54,400	57,150
Row dwellings	20,900	25,300	31,050	37,000	44,500	49,650	51,800
Walkup	19,050	24,000	30,150	35,700	41,300	45,500	47,700
Elevator-structure	31,050	35,950	45,700				
*White River:							
Detached and semidetached	23,050	27,600	34,250	40,700	48,950	54,350	57,200
Row dwellings	21,200	25,550	31,500	37,550	45,100	50,450	52,450
Walkup	19,050	24,000	30,200	35,900	41,350	45,750	47,950
Elevator-structure	29,350	33,950	43,000				
Safford:							
Detached and semidetached	21,300	25,450	31,550	37,500	45,050	50,300	52,800
Row dwellings	19,300	23,450	29,050	34,500	41,400	46,300	48,300
Walkup	17,500	21,900	27,900	33,000	38,100	42,000	44,100
Elevator-structure	28,750	33,500	42,300				
*Camp Verde:							
Detached and semidetached	22,300	26,850	33,250	39,300	47,600	53,000	55,600
Row dwellings	20,300	24,750	30,450	36,250	43,600	48,700	50,800
Walkup	18,600	23,200	29,350	34,800	40,050	44,150	46,300
Elevator-structure	28,850	33,550	42,400				
*Keams Canyon:							
Detached and semidetached	27,600	33,050	40,950	48,700	58,650	65,200	68,300
Row dwellings	25,900	31,350	38,900	47,300	55,300	61,900	64,050
Walkup	22,350	28,000	35,350	41,850	48,250	53,150	55,950
Elevator-structure	33,550	38,800	49,000				
*Fort McDowell:							
Detached and semidetached	22,100	26,500	32,900	38,950	46,950	52,300	54,800
Row dwellings	20,200	24,600	30,300	36,000	43,150	48,450	50,400
Walkup	18,250	22,850	29,050	34,350	39,500	43,850	46,000
Elevator-structure	28,850	33,550	42,400				
*Parker:							
Detached and semidetached	23,400	28,400	34,850	41,450	50,050	55,750	58,450
Row dwellings	21,500	25,850	31,800	38,000	45,600	50,950	53,200
Walkup	19,550	24,400	30,850	36,400	42,050	46,550	48,700
Elevator-structure	29,950	34,750	44,050				
*Peach Springs:							
Detached and semidetached	25,400	30,700	38,000	45,100	54,400	60,600	63,450
Row dwellings	23,400	28,300	34,900	41,600	49,950	55,650	58,200
Walkup	21,300	26,500	33,600	39,750	45,800	50,650	53,200
Elevator-structure	32,400	37,650	47,500				
Tucson:							
Detached and semidetached	20,350	24,500	30,250	35,850	43,250	48,250	50,550
Row dwellings	19,000	22,950	28,350	33,800	40,600	45,400	47,450
Walkup	16,950	21,150	26,750	31,600	36,450	40,300	42,150
Elevator-structure	32,300	37,500	47,350				
Yuma:							
Detached and semidetached	20,050	24,150	29,850	35,450	42,750	47,800	50,000
Row dwellings	18,100	21,900	27,100	32,150	38,600	43,200	44,950
Walkup	16,800	20,700	26,350	31,300	36,050	39,750	41,650
Elevator-structure	27,100	31,650	39,950				
*Rough Rock:							
Detached and semidetached	29,100	35,000	43,300	51,550	62,100	68,950	72,350
Row dwellings	27,450	33,100	41,150	49,000	58,550	65,450	68,150
Walkup	23,700	29,600	37,400	44,300	51,050	56,250	59,300
Elevator-structure	32,500	37,550	47,500				
Nogales:							
Detached and semidetached	24,700	29,650	36,600	43,450	52,400	58,500	61,250
Row dwellings	22,300	27,100	33,350	39,900	47,950	53,400	55,600
Walkup	20,650	25,550	32,350	38,400	44,400	48,800	
Elevator-structure	33,200	38,650	49,000				

Prototype Per Unit Cost Schedule—Continued

	Number of bedrooms						
	0	1	2	3	4	5	6
†Steamboat:							
Detached and semidetached	27,700	33,300	41,200	49,000	58,000	65,550	68,750
Row dwellings	26,100	31,500	39,100	46,550	55,650	62,200	64,850
Walkup	22,500	28,200	35,550	42,100	48,550	53,450	56,350
Elevator-structure	32,900	36,000	48,050				
†Kaibito:							
Detached and semidetached	30,850	36,750	45,500	54,150	65,200	72,500	75,950
Row dwellings	28,800	34,850	43,200	51,460	61,500	68,800	71,850
Walkup	24,900	31,100	39,300	46,560	53,850	59,050	62,250
Elevator-structure	32,900	36,000	48,050				
California:							
Los Angeles:							
Detached and semidetached	23,700	28,200	36,050	41,900	50,300	56,250	58,750
Row dwellings	23,150	28,100	34,500	41,100	49,550	55,150	57,500
Walkup	21,650	27,200	34,000	40,400	48,550	51,400	54,000
Elevator-structure	35,200	41,000	51,700				
Bakersfield:							
Detached and semidetached	23,350	27,850	34,850	41,400	49,850	55,500	58,050
Row dwellings	22,800	27,700	34,050	40,500	48,850	54,400	56,750
Walkup	21,350	26,850	33,500	39,800	46,850	50,850	53,250
Elevator-structure	35,050	40,750	51,450				
Inyokern:							
Detached and semidetached	24,500	29,150	36,250	43,100	52,000	58,200	60,900
Row dwellings	24,100	29,200	35,700	42,700	51,350	57,100	59,700
Walkup	22,350	28,000	35,150	41,850	48,050	52,900	55,600
Elevator-structure	36,300	42,400	53,450				
Lancaster:							
Detached and semidetached	23,750	28,800	35,300	42,100	50,700	56,650	59,400
Row dwellings	23,200	28,200	34,750	41,450	49,750	55,200	57,800
Walkup	21,850	27,350	34,200	40,500	47,050	51,700	54,300
Elevator-structure	35,250	41,200	52,050				
†Lone Pine:							
Detached and semidetached	25,650	31,950	40,400	47,750	55,300	60,900	64,050
Row dwellings	24,450	30,500	38,550	45,550	52,800	58,150	61,150
Walkup	23,300	29,050	36,700	43,400	50,250	55,350	58,250
Elevator-structure	40,450	46,950	59,400				
Mojave:							
Detached and semidetached	24,350	28,950	36,000	42,850	51,650	57,650	60,150
Row dwellings	23,850	28,850	35,450	42,500	51,050	56,800	59,300
Walkup	22,250	27,800	34,900	41,200	47,500	52,550	55,100
Elevator-structure	36,050	42,000	53,100				
Ojai:							
Detached and semidetached	22,050	26,400	32,950	39,150	47,050	52,600	54,950
Row dwellings	21,650	26,300	32,400	38,600	46,350	51,700	54,050
Walkup	20,200	25,350	31,900	37,950	43,850	48,050	50,700
Elevator-structure	33,400	38,900	48,950				
Oxnard:							
Detached and semidetached	23,300	27,850	34,650	41,200	49,550	55,350	58,100
Row dwellings	22,750	27,650	34,050	40,500	48,750	54,300	56,550
Walkup	21,300	26,650	33,500	39,650	45,800	50,800	53,150
Elevator-structure	35,050	40,750	51,450				
Paso Robles:							
Detached and semidetached	23,200	27,750	34,350	40,950	49,100	55,000	57,700
Row dwellings	22,700	27,650	33,800	40,600	48,400	54,200	56,450
Walkup	21,250	26,500	33,300	39,300	45,300	50,150	52,550
Elevator-structure	36,000	41,950	53,050				
Piru:							
Detached and semidetached	22,050	26,400	32,950	39,150	47,050	52,600	54,950
Row dwellings	21,650	26,300	32,400	38,600	46,350	51,700	54,050
Walkup	20,200	25,350	31,900	37,950	43,850	48,050	50,700
Elevator-structure	33,400	38,900	48,950				
Ridgecrest:							
Detached and semidetached	22,750	27,100	33,700	40,050	48,500	53,950	56,500
Row dwellings	22,200	26,950	33,100	39,400	47,400	52,800	55,050
Walkup	20,700	25,950	32,600	38,650	44,600	49,100	51,600
Elevator-structure	36,150	42,200	53,200				
San Bernardino:							
Detached and semidetached	23,300	27,850	34,650	41,200	49,550	55,350	58,100
Row dwellings	22,750	27,650	34,050	40,500	48,750	54,300	56,550
Walkup	21,350	26,850	33,500	39,800	45,850	50,650	53,250
Elevator-structure	35,050	40,750	51,450				
Victorville:							
Detached and semidetached	23,850	28,500	35,300	42,200	50,650	56,450	59,050
Row dwellings	23,450	28,000	34,750	41,500	49,800	55,550	58,050
Walkup	23,100	27,600	34,200	40,950	49,100	54,800	57,250
Elevator-structure	35,300	41,050	52,050				
Santa Barbara:							
Detached and semidetached	23,700	28,550	35,300	41,950	50,650	56,450	59,150
Row dwellings	23,100	28,300	34,750	41,300	49,750	55,400	57,600
Walkup	21,750	27,200	34,200	40,300	48,900	51,550	54,250
Elevator-structure	35,250	41,200	52,050				
Arrowhead:							
Detached and semidetached	24,200	29,100	36,000	42,950	51,750	57,950	60,200
Row dwellings	23,850	28,650	35,450	42,250	50,950	56,650	59,300
Walkup	23,450	28,150	34,900	41,600	50,150	55,800	58,300
Elevator-structure	35,550	41,850	53,100				
Santa Maria:							
Detached and semidetached	23,850	28,550	35,300	42,050	50,450	56,500	59,250
Row dwellings	23,250	28,400	34,750	41,700	49,750	55,750	57,950
Walkup	21,800	27,250	34,200	40,400	46,550	51,600	54,050

Prototype Per Unit Cost Schedule—Continued

	Number of bedrooms						
	0	1	2	3	4	5	6
Elevator-structure	36,000	41,950	53,050				
Barstow:							
Detached and semidetached	23,950	28,650	35,500	42,500	50,950	56,800	59,350
Row dwellings	23,550	28,150	35,000	41,800	50,100	55,900	58,400
Walkup	23,250	27,800	34,450	41,250	49,450	55,150	57,650
Elevator-structure	35,550	41,350	52,400				
Tehachapi:							
Detached and semidetached	23,850	28,550	35,300	42,050	50,450	56,500	59,250
Row dwellings	23,250	28,400	34,750	41,700	49,750	55,750	57,950
Walkup	21,800	27,250	34,200	40,400	48,550	51,600	54,050
Elevator-structure	36,000	41,950	53,050				
Big Bear:							
Detached and semidetached	24,200	29,100	36,000	42,950	51,750	57,650	60,200
Row dwellings	23,850	28,650	35,450	42,250	50,950	56,650	59,300
Walkup	23,450	28,150	34,900	41,650	50,150	55,850	58,350
Elevator-structure	35,950	41,850	53,100				
Ventura:							
Detached and semidetached	23,300	27,850	34,650	41,200	49,550	55,350	58,100
Row dwellings	22,750	27,850	34,050	40,500	48,750	54,300	56,550
Walkup	21,350	26,850	33,500	39,800	45,850	50,650	53,250
Elevator-structure	35,050	40,750	51,450				
Santa Ana:							
Detached and semidetached	23,750	28,350	35,050	41,850	50,450	56,050	58,850
Row dwellings	23,250	28,150	34,500	41,300	49,650	55,350	57,600
Walkup	21,750	26,950	34,000	40,100	48,550	51,250	53,650
Elevator-structure	35,300	40,850	51,700				
Desert Center:							
Detached and semidetached	26,300	31,550	39,100	46,700	56,200	62,600	65,700
Row dwellings	25,900	31,000	38,500	45,950	55,250	61,600	64,600
Walkup	25,500	30,600	37,850	45,250	54,400	60,650	63,650
Elevator-structure	39,000	45,600	57,600				
Needles:							
Detached and semidetached	23,450	28,100	34,900	41,350	49,800	55,450	58,150
Row dwellings	23,100	27,650	34,350	40,700	49,050	54,550	57,250
Walkup	20,700	24,800	30,800	36,450	43,950	49,000	51,350
Elevator-structure	30,700	35,850	45,400				
Sacramento:							
Detached and semidetached	21,750	26,050	32,250	38,250	46,150	51,350	53,800
Row dwellings	20,100	24,250	29,900	35,650	42,850	47,800	49,800
Walkup	17,000	21,300	27,050	31,750	38,850	40,650	42,600
Elevator-structure	34,800	40,500	51,050				
*Ft. Bidwell:							
Detached and semidetached	33,400	40,150	49,800	54,450	60,200	63,950	65,450
Row dwellings	31,700	38,100	47,350	51,750	57,200	59,450	61,700
Walkup	28,700	34,550	42,900	46,800	51,850	53,900	56,000
Elevator-structure	38,700	44,750	56,450				
Placerville:							
Detached and semidetached	21,900	26,200	32,650	38,750	46,700	51,950	54,300
Row dwellings	20,250	24,450	30,250	36,150	43,300	48,350	50,400
Walkup	17,600	21,900	27,900	32,850	38,050	41,900	43,900
Elevator-structure	35,100	41,000	51,700				
Redding:							
Detached and semidetached	21,700	26,100	32,250	38,500	46,300	51,400	53,800
Row dwellings	20,050	24,250	29,900	35,600	42,700	47,650	49,800
Walkup	17,350	21,600	27,550	32,400	37,500	41,300	43,250
Elevator-structure	34,650	40,500	51,050				
*Susanville:							
Detached and semidetached	32,800	39,500	49,100	55,400	62,200	66,000	69,100
Row dwellings	31,150	37,550	46,500	52,750	58,700	62,650	65,400
Walkup	28,150	34,050	42,100	47,700	53,100	56,750	59,400
Elevator-structure	38,600	44,650	56,500				
Yreka:							
Detached and semidetached	21,850	26,300	32,500	38,650	46,550	51,850	54,100
Row dwellings	20,150	24,350	30,050	35,800	43,150	47,900	50,150
Walkup	17,500	21,750	27,700	32,600	37,750	41,800	43,650
Elevator-structure	34,900	40,650	51,300				
South Lake Tahoe:							
Detached and semidetached	22,400	26,950	33,350	39,550	47,700	53,200	55,600
Row dwellings	20,650	24,900	30,900	36,750	44,250	49,250	51,450
Walkup	17,900	22,450	28,450	33,400	38,800	42,700	44,800
Elevator-structure	37,050	43,000	54,200				
San Francisco:							
Detached and semidetached	27,850	33,600	41,600	49,500	59,600	66,300	69,250
Row dwellings	26,550	32,000	39,400	47,000	56,350	62,800	65,650
Walkup	23,500	28,350	37,050	43,800	50,800	55,950	58,550
Elevator-structure	41,300	47,950	60,500				
Eureka:							
Detached and semidetached	28,700	34,400	42,550	50,700	61,100	68,050	71,150
Row dwellings	21,050	25,500	31,300	37,400	44,800	50,050	52,200
Walkup	19,350	24,000	30,400	35,850	41,650	45,800	47,950
Elevator-structure	31,500	36,500	46,100				
Santa Rosa:							
Detached and semidetached	26,550	31,800	39,300	46,800	56,400	62,900	65,750
Row dwellings	20,700	25,050	30,750	36,750	44,000	49,200	51,350
Walkup	19,050	23,600	29,900	35,250	40,950	45,050	47,200
Elevator-structure	30,950	35,900	45,250				
Fresno:							
Detached and semidetached	21,900	26,000	32,350	38,450	46,400	51,550	54,050
Row dwellings	19,750	23,950	29,500	35,150	42,200	47,050	49,200
Walkup	18,150	22,550	28,600	33,650	39,050	42,950	45,100

Prototype Per Unit Cost Schedule—Continued

	Number of bedrooms						
	0	1	2	3	4	5	6
Elevator-structure	33,250	38,700	46,950				
*Grindstone:							
Detached and semidetached	29,450	35,550	44,100	49,900	55,700	59,350	62,050
Row dwellings	28,150	33,850	42,050	47,400	53,000	56,400	58,950
Walkup	25,400	30,700	38,050	42,950	47,800	51,050	53,500
Elevator-structure	33,000	38,150	48,200				
*Hoopa:							
Detached and semidetached	30,150	36,250	45,050	49,000	54,350	58,500	59,050
Row dwellings	28,550	34,400	42,650	46,550	51,700	53,500	55,650
Walkup	25,900	31,150	38,600	42,100	46,600	48,400	50,350
Elevator-structure	32,250	37,200	47,100				
*Tule River:							
Detached and semidetached	30,950	37,200	46,200	50,250	55,750	58,000	60,600
Row dwellings	29,300	35,300	43,750	47,750	53,000	54,850	57,050
Walkup	26,550	31,950	39,550	43,200	47,800	49,650	51,650
Elevator-structure	33,050	38,200	48,300				
Modesto:							
Detached and semidetached	22,350	27,050	33,250	39,550	47,700	53,000	55,550
Row dwellings	21,150	25,550	31,550	37,600	45,100	50,200	52,750
Walkup	18,500	23,000	29,150	34,250	39,700	43,950	45,700
Elevator-structure	30,250	35,050	44,200				
Oakland-Marin:							
Detached and semidetached	24,900	29,950	36,850	43,850	52,800	56,800	61,500
Row dwellings	22,800	27,300	33,700	40,250	48,350	53,900	56,400
Walkup	20,900	25,750	32,600	38,500	44,800	49,100	51,650
Elevator-structure	33,650	39,150	49,300				
San Jose:							
Detached and semidetached	23,550	28,250	35,000	41,750	50,200	56,000	58,500
Row dwellings	21,950	26,650	32,700	39,050	46,800	52,250	54,500
Walkup	20,250	25,100	31,800	37,500	43,550	47,850	50,150
Elevator-structure	31,800	36,850	46,500				
Santa Cruz:							
Detached and semidetached	28,800	34,550	42,750	50,900	61,350	68,350	71,450
Row dwellings	21,100	25,600	31,400	37,550	45,000	50,200	52,400
Walkup	19,450	24,100	30,500	36,000	41,800	46,000	48,150
Elevator-structure	31,600	36,600	46,300				
San Diego:							
Detached and semidetached	23,000	27,650	34,250	40,650	48,950	54,550	56,950
Row dwellings	21,000	25,300	31,250	37,050	44,550	49,800	52,150
Walkup	19,550	24,450	31,100	36,550	42,300	46,800	48,900
Elevator-structure	35,300	41,100	52,000				
El Cajon:							
Detached and semidetached	23,000	27,650	34,250	40,650	48,950	54,550	56,950
Row dwellings	21,000	25,300	31,250	37,050	44,550	49,800	52,150
Walkup	19,950	25,100	31,850	37,600	43,600	47,900	50,250
Elevator-structure	35,300	41,100	52,000				
*Barona:							
Detached and semidetached	17,250	21,600	33,100	40,700	48,900	54,850	57,050
Row dwellings	16,200	20,300	31,100	38,150	45,750	51,150	51,950
Walkup	15,100	19,750	31,100	37,950	43,950	48,250	50,700
Elevator-structure	27,850	32,550	41,250				
*Campo:							
Detached and semidetached	15,450	19,350	33,400	41,100	49,400	55,150	57,600
Row dwellings	14,550	18,200	31,350	38,550	46,250	51,650	52,450
Walkup	13,550	17,850	31,500	38,550	44,600	48,950	51,500
Elevator-structure	28,100	32,800	39,550				
*Hornogo:							
Detached and semidetached	16,500	20,700	31,750	39,150	48,950	52,400	54,750
Row dwellings	15,550	19,600	29,850	36,800	44,050	49,300	49,950
Walkup	14,350	18,800	29,700	36,250	42,000	46,050	48,350
Elevator-structure	28,350	33,100	41,950				
*Torres-Martinez:							
Detached and semidetached	23,550	28,250	35,100	41,900	50,450	56,100	58,850
Row dwellings	22,400	26,850	32,950	39,400	47,500	52,750	55,150
Walkup	21,100	26,100	32,950	39,200	45,350	49,700	52,100
Elevator-structure	30,600	35,700	45,250				
*Chemehueui:							
Detached and semidetached	24,200	29,400	36,150	42,900	51,850	57,650	60,400
Row dwellings	23,050	27,850	33,950	40,500	49,000	54,350	56,700
Walkup	22,650	27,450	33,750	40,100	48,400	53,900	56,400
Elevator-structure	32,150	37,500	47,550				
*Santa Ynez:							
Detached and semidetached	24,150	29,000	35,700	42,450	51,200	57,050	59,750
Row dwellings	24,000	28,850	31,950	39,600	51,050	56,900	59,600
Walkup	21,300	25,600	31,750	37,750	45,650	50,750	53,200
Elevator-structure	29,900	34,950	44,250				
*Rincon:							
Detached and semidetached	17,500	21,200	32,500	39,950	47,850	53,500	55,850
Row dwellings	16,550	19,950	30,500	37,500	44,950	50,350	50,950
Walkup	15,400	19,400	30,500	37,350	43,250	47,400	49,800
Elevator-structure	28,400	33,200	42,000				
* Pala:							
Detached and semidetached	16,350	20,550	31,500	38,850	46,550	51,850	54,300
Row dwellings	15,400	19,450	29,600	36,500	43,700	48,900	49,550
Walkup	14,250	18,650	29,450	35,950	41,650	45,700	47,950
Elevator-structure	29,000	33,900	42,950				
Hawaii:							
Honolulu:							
Detached and semidetached	30,000	36,500	45,050	53,550	69,500	71,850	75,150
Row dwellings	29,150	34,900	43,250	51,350	62,000	69,050	72,100

Prototype Per Unit Cost Schedule—Continued

	Number of bedrooms						
	0	1	2	3	4	5	6
Walkup	27,250	33,950	43,050	50,950	58,900	65,000	68,150
Elevator structure	48,450	58,450	71,500				
Hilo:							
Detached and semidetached	33,350	40,150	48,850	59,000	71,000	78,900	82,850
Row dwellings	31,700	38,500	47,500	56,400	68,050	75,850	79,250
Walkup	30,100	37,350	47,400	56,100	65,000	71,400	75,000
Elevator structure	53,450	61,300	78,500				
Kauai:							
Detached and semidetached	34,750	42,400	51,850	61,900	74,800	82,900	86,850
Row dwellings	33,450	40,350	50,000	59,150	71,400	79,850	83,300
Walkup	30,700	38,150	48,350	57,200	66,350	73,050	76,600
Elevator structure	54,700	63,450	80,300				
Kona:							
Detached and semidetached	33,850	41,100	50,550	60,250	72,600	80,700	84,250
Row dwellings	32,550	39,250	48,550	57,550	69,550	77,850	80,900
Walkup	30,700	38,150	48,350	57,200	66,350	73,050	76,600
Elevator structure	54,700	63,450	80,300				
Maui:							
Detached and semidetached	32,900	39,900	49,000	58,550	70,500	78,400	82,150
Row dwellings	31,650	38,250	47,350	56,050	67,650	75,450	78,900
Walkup	29,900	37,150	47,200	55,500	64,400	71,000	74,450
Elevator structure	53,100	61,750	78,100				
Guam:							
Detached and semidetached	27,700	33,400	41,250	49,000	59,200	65,850	69,000
Row dwellings	26,800	31,900	39,600	47,000	57,000	63,050	66,000
Walkup	25,000	30,950	39,300	46,500	53,950	59,150	62,250
Elevator structure	44,350	51,800	65,550				
Nevada:							
Reno:							
Detached and semidetached	21,900	26,150	32,500	38,800	46,800	51,750	54,250
Row dwellings	20,400	24,800	30,800	36,300	43,800	48,050	51,000
Walkup	19,300	23,850	30,450	35,950	41,850	46,050	48,000
Elevator structure	37,000	43,150	54,500				
Las Vegas:							
Detached and semidetached	22,650	27,100	33,850	40,200	48,150	53,850	56,400
Row dwellings	21,550	26,000	31,950	37,950	46,000	51,350	53,600
Walkup	20,200	25,000	31,750	37,450	43,550	47,950	50,150
Elevator structure	38,200	44,250	55,950				
* Elko:							
Detached and semidetached	30,300	36,400	40,450	47,350	58,600	62,750	65,700
Row dwellings	28,250	34,800	38,450	45,000	53,750	58,650	62,400
Walkup	26,400	31,700	35,300	41,300	49,300	54,750	57,250
Elevator structure							
* Fallon:							
Detached and semidetached	30,300	36,400	40,450	47,350	58,600	62,750	65,700
Row dwellings	28,800	34,800	38,450	45,000	53,750	58,650	62,400
Walkup	26,400	31,700	35,300	41,300	49,300	54,750	57,250
Elevator structure							
* Gardnerville:							
Detached and semidetached	30,300	36,400	37,250	43,800	52,400	57,900	60,700
Row dwellings	28,800	34,800	38,450	45,000	53,750	58,650	62,400
Walkup	25,750	30,950	34,350	40,250	48,050	53,350	55,800
Elevator structure							

REGION X

Alaska:							
Anchorage:							
Detached and semidetached	29,450	35,700	44,000	52,550	63,000	70,100	73,450
Row dwellings	28,000	35,100	43,250	51,450	62,200	69,100	72,150
Walkup	26,850	33,250	41,950	49,800	57,850	63,400	66,750
Elevator structure	45,550	53,200	67,250				
Fairbanks:							
Detached and semidetached	31,500	37,950	46,700	56,950	67,250	74,850	78,300
Row dwellings	31,000	37,450	46,050	54,700	66,250	73,600	76,950
Walkup	28,300	35,350	44,750	52,900	61,400	67,850	71,200
Elevator structure	48,300	56,150	70,950				
Juneau:							
Detached and semidetached	29,500	34,500	42,400	50,800	60,900	67,850	71,050
Row dwellings	28,100	34,000	42,000	50,050	60,400	67,050	70,100
Walkup	26,850	33,250	42,250	49,800	57,650	63,600	66,750
Elevator structure	44,100	51,400	64,800				
Ketchikan:							
Detached and semidetached	28,350	34,400	42,300	50,800	60,500	67,800	70,700
Row dwellings	27,800	33,750	41,850	49,400	59,700	66,250	69,400
Walkup	26,700	33,300	42,300	50,000	57,750	63,750	67,050
Elevator structure	44,850	51,900	65,550				
Sitka:							
Detached and semidetached	28,500	34,450	42,450	50,800	60,900	67,850	71,000
Row dwellings	28,100	33,900	41,800	49,550	59,950	66,800	69,750
Walkup	27,050	33,800	42,750	50,750	58,600	64,450	67,650
Elevator structure	46,000	53,500	67,650				
Kenai:							
Detached and semidetached	32,250	39,050	48,200	57,350	68,750	77,000	80,250
Row dwellings							
Walkup							
Elevator structure							
*Yakutat:							
Detached and semidetached	32,250	39,050	48,200	57,350	68,750	77,000	80,250
Row dwellings							

Prototype Per Unit Cost Schedule—Continued

	Number of bedrooms						
	0	1	2	3	4	5	6
Walkup							
Elevator-structure							
*Fort Yukon:							
Detached and semidetached	45,000	54,550	67,500	80,300	97,900		
Row dwellings							
Walkup							
Elevator-structure							
*Galena:							
Detached and semidetached	48,350	58,750	72,500	86,400	105,200		
Row dwellings							
Walkup							
Elevator-structure							
*Coastal Area N of Aleutians:							
Detached and semidetached	54,450	66,200	81,750	97,200	118,800		
Row dwellings							
Walkup							
Elevator-structure							
*Tok Junction:							
Detached and semidetached	41,850	50,850	62,850	74,650	91,000		
Row dwellings							
Walkup							
Elevator-structure							
*Barter Isl. N. Coastal Area:							
Detached and semidetached	56,050	68,100	84,100	100,150	122,250		
Row dwellings							
Walkup							
Elevator-structure							
*Inland Area N of Aleutians:							
Detached and semidetached	61,750	75,550	93,350	111,150	135,550		
Row dwellings							
Walkup							
Elevator-structure							
Idaho:							
Boise:							
Detached and semidetached	23,350	28,150	34,500	41,400	49,750	55,200	58,000
Row dwellings	21,250	25,650	31,550	37,750	45,450	50,550	53,000
Walkup	19,750	24,600	31,300	36,950	42,550	47,100	49,250
Elevator-structure	29,850	34,800	43,950				
Idaho Falls							
Detached and semidetached	24,000	29,350	35,900	42,950	51,650	57,300	60,050
Row dwellings	21,950	26,750	32,800	39,150	47,200	52,550	56,050
Walkup	20,650	25,550	32,400	38,400	44,150	49,000	51,300
Elevator-structure	31,100	35,950	45,650				
McCall:							
Detached and semidetached	24,350	29,550	36,100	43,350	52,000	57,850	60,700
Row dwellings	22,400	26,900	32,950	39,550	47,600	5,000	55,500
Walkup	20,850	25,850	32,650	38,550	44,650	49,400	51,700
Elevator-structure	31,250	36,200	46,050				
Pocatello:							
Detached and semidetached	25,500	31,150	38,200	45,700	55,000	61,000	64,000
Row dwellings	23,500	28,500	34,900	41,700	50,100	55,900	58,550
Walkup	21,650	27,300	34,400	40,900	47,100	52,200	54,700
Elevator-structure	33,050	38,350	48,500				
Twin Falls:							
Detached and semidetached	25,400	30,750	37,850	45,300	54,650	60,700	63,650
Row dwellings	23,200	28,250	34,650	37,750	49,700	55,450	58,150
Walkup	21,600	26,900	34,250	40,500	46,700	51,700	54,200
Elevator-structure	32,800	38,200	48,150				
Lewiston:							
Detached and semidetached	24,850	30,150	37,300	44,150	53,450	59,500	62,250
Row dwellings	22,850	27,600	34,200	40,450	48,750	54,350	56,900
Walkup	19,650	24,300	31,000	36,450	42,150	46,550	49,000
Elevator-structure	30,700	35,900	45,150				
*Coeur D'Alene:							
Detached and semidetached	26,300	31,800	39,300	46,750	56,400	62,750	65,600
Row dwellings	24,850	29,950	36,850	43,700	53,000	58,700	61,600
Walkup	21,600	26,750	34,300	40,250	46,500	51,350	53,900
Elevator-structure	32,800	38,350	48,350				
Oregon:							
Portland:							
Detached and semidetached	24,000	28,850	35,850	42,850	51,250	56,900	59,650
Row dwellings	22,400	27,200	33,650	39,750	48,050	53,350	55,700
Walkup	21,100	26,450	33,450	39,450	45,900	50,450	53,050
Elevator-structure	30,500	35,100	44,500				
Pendleton:							
Detached and semidetached	24,500	29,450	36,350	43,650	52,350	58,100	61,000
Row dwellings	25,150	30,650	37,750	44,600	54,100	60,000	62,650
Walkup	21,600	27,150	34,300	40,400	47,100	51,750	54,400
Elevator-structure	33,250	38,450	48,750				
*Mission:							
Detached and semidetached	27,350	32,900	40,500	48,650	58,400	64,850	67,950
Row dwellings	25,600	31,200	38,450	45,450	55,000	61,150	63,850
Walkup	24,100	30,150	38,200	45,000	52,400	57,850	60,600
Elevator-structure							
Ontario:							
Detached and semidetached	25,450	30,800	37,750	45,450	54,450	60,850	63,600
Row dwellings	24,200	29,050	35,750	42,500	51,450	57,350	60,100
Walkup	22,700	28,300	35,650	42,350	48,700	53,950	56,500
Elevator-structure	31,850	37,000	47,100				

Prototype Per Unit Cost Schedule—Continued

	Number of bedrooms						
	0	1	2	3	4	5	6
Bend:							
Detached and semidetached	23,350	26,150	34,850	41,600	49,950	55,350	58,100
Row dwellings	21,700	26,450	32,750	38,650	46,700	52,000	54,200
Walkup	20,300	25,150	31,900	37,700	43,900	48,050	50,600
Elevator-structure	30,500	35,100	44,500				
*Warm Springs:							
Detached and semidetached	25,600	30,800	37,950	45,500	54,650	60,650	63,550
Row dwellings	23,850	29,000	35,800	42,300	51,200	56,900	59,450
Walkup	22,450	28,100	35,550	41,900	48,800	53,650	56,450
Elevator-structure							
Coos Bay:							
Detached and semidetached	23,400	26,400	34,850	42,050	50,250	55,900	58,500
Row dwellings	22,850	27,650	34,350	40,450	49,050	54,450	56,800
Walkup	21,750	27,100	34,300	40,600	47,350	52,000	54,600
Elevator-structure	31,200	36,150	45,500				
Eugene:							
Detached and semidetached	22,400	27,050	33,350	40,050	47,900	53,300	55,800
Row dwellings	20,850	25,450	31,450	37,200	44,900	49,900	52,100
Walkup	19,450	23,100	30,950	36,400	42,500	46,700	49,150
Elevator-structure	29,850	34,500	43,750				
Medford:							
Detached and semidetached	22,800	27,300	33,850	40,450	45,900	54,000	56,400
Row dwellings	22,000	26,550	32,850	38,950	47,100	52,350	54,500
Walkup	20,750	25,700	32,750	38,400	44,750	49,350	52,050
Elevator-structure	30,050	34,750	44,150				
West Salem:							
Detached and semidetached	22,950	27,900	34,150	41,150	49,350	54,750	57,400
Row dwellings	21,500	26,200	32,400	38,200	46,300	51,400	53,650
Walkup	20,300	25,150	31,800	37,550	43,800	48,050	50,600
Elevator-structure	30,550	35,650	44,850				
Washington:							
Seattle:							
Detached and semidetached	22,950	27,750	34,100	40,700	48,850	54,250	56,950
Row dwellings	22,150	26,900	33,000	39,400	47,300	52,500	55,100
Walkup	20,650	25,050	30,850	36,750	44,150	49,000	51,450
Elevator-structure	30,400	35,300	44,500				
Port Angeles:							
Detached and semidetached	22,950	27,750	34,100	40,700	48,850	54,250	56,950
Row dwellings	22,150	26,900	33,000	39,400	47,300	52,500	55,100
Walkup	20,650	25,050	30,850	36,750	44,150	49,000	51,450
Elevator-structure	31,100	36,200	45,800				
*Tahola:							
Detached and semidetached	23,700	28,700	35,200	42,100	50,600	56,250	59,100
Row dwellings	23,350	28,200	34,700	41,500	49,800	55,450	58,200
Walkup	21,800	26,400	31,750	38,700	46,500	51,750	54,300
Elevator-structure	27,000	31,350	39,650				
Longview:							
Detached and semidetached	22,700	27,550	33,850	40,450	48,550	53,900	56,600
Row dwellings	21,950	26,600	32,750	39,150	47,000	52,150	54,750
Walkup	20,550	24,350	30,600	36,450	43,900	48,650	51,100
Elevator-structure	31,250	36,550	46,150				
Aberdeen:							
Detached and semidetached	22,700	27,550	33,850	40,450	48,550	53,900	56,600
Row dwellings	21,950	26,600	32,750	39,150	47,000	52,150	54,750
Walkup	20,550	24,350	30,600	36,450	43,900	48,650	51,100
Elevator-structure	30,600	35,450	45,000				
Bellingham:							
Detached and semidetached	22,950	27,750	34,100	40,700	48,850	54,250	56,950
Row dwellings	22,150	26,900	33,000	39,400	47,300	52,500	55,100
Walkup	20,650	25,050	30,850	36,750	44,150	49,000	51,450
Elevator-structure	30,600	35,450	45,000				
Olympia:							
Detached and semidetached	22,950	27,750	34,100	40,700	48,850	54,250	56,950
Row dwellings	22,150	26,900	33,000	39,400	47,300	52,500	55,100
Walkup	20,650	25,050	30,850	36,750	44,150	49,000	51,450
Elevator-structure	30,600	35,450	45,000				
Yakima:							
Detached and semidetached	23,800	28,800	35,400	42,300	50,850	56,500	59,350
Row dwellings	23,050	27,850	34,200	40,900	49,150	54,650	57,400
Walkup	21,500	26,000	32,000	38,150	45,900	51,050	53,600
Elevator-structure	31,850	37,100	47,000				
*Nespelem:							
Detached and semidetached	24,550	29,750	36,500	43,650	52,400	58,150	61,050
Row dwellings	23,550	28,500	35,000	41,750	50,150	55,700	58,400
Walkup	22,600	27,400	33,600	40,150	48,200	53,500	56,100
Elevator-structure	25,850	30,050	38,200				
Spokane:							
Detached and semidetached	21,900	26,600	32,600	38,950	46,800	52,000	54,550
Row dwellings	20,100	24,450	29,950	35,800	42,950	47,750	50,100
Walkup	18,700	22,700	27,850	33,350	39,950	44,350	46,600
Elevator-structure	29,000	33,700	42,750				
Cheney:							
Detached and semidetached	22,300	26,600	33,200	39,650	47,600	52,850	55,500
Row dwellings	20,450	24,450	30,500	36,400	43,700	48,500	50,950
Walkup	19,050	22,700	28,350	33,850	40,600	45,100	47,350
Elevator-structure	28,350	34,250	43,300				
Kennewick:							
Detached and semidetached	24,600	27,000	36,600	43,700	52,400	58,200	61,100
Row dwellings	22,550	24,800	33,850	40,100	48,150	53,450	56,100
Walkup	21,000	23,100	31,250	37,300	44,750	49,700	52,200

Prototype Per Unit Cost Schedule—Continued

	Number of bedrooms						
	0	1	2	3	4	5	6
Elevator-structure	30,400	33,450	42,450				
Pullman:							
Detached and semidetached	22,850	27,700	34,000	40,600	48,750	54,150	58,850
Row dwellings	21,000	25,450	31,200	37,300	44,800	49,700	52,200
Walkup	19,500	23,650	29,000	34,750	41,650	46,300	48,600
Elevator-structure	31,900	37,250	47,100				

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Monday
June 29, 1981

Part IV

Environmental Protection Agency

Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 265

[SW-FRL 1636-2]

Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities

AGENCY: Environmental Protection Agency.

ACTION: Amendment to interim final rule.

SUMMARY: On May 19, 1980, EPA promulgated regulations applicable to hazardous waste landfills which prohibited the landfilling of ignitable wastes as of November 19, 1980. On February 20, 1981, EPA amended the regulations to allow liquid ignitable wastes in containers to be disposed of in landfills until May 19, 1981, provided that the containers were landfilled in such a manner as to protect the wastes from any material or conditions which would cause them to ignite. EPA is today amending the regulations to allow the disposal of containerized liquid ignitable wastes in landfills until November 19, 1981, provided that the containers are landfilled in the manner specified in today's amendment to the regulations. Today's amendment also provides, without any time limitation, that solid ignitable wastes may be landfilled provided that they too are handled in a specified manner.

DATES: The amendment is effective on June 29, 1981. Comments are due on or before August 28, 1981.

ADDRESS: Comments should be addressed to Deborah Villari, Docket Clerk, Office of Solid Waste (WH-562), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C., 20460. Comments should identify the regulations docket as follows: "Docket No. 3004, Section 265.312". The official docket for this regulation is located in Room 2711, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C., 20460, and is available for viewing from 9:00 a.m. to 4:00 p.m., Monday through Friday, excluding holidays.

FOR FURTHER INFORMATION CONTACT:
For general information, contact Kenneth Shuster, Office of Solid Waste (WH-564), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, (202) 755-9125.

FOR INFORMATION ON IMPLEMENTATION CONTACT:
Region I, Dennis Huebner, Chief, USEPA, Radiation Waste Management Branch, John F. Kennedy Building, Boston, Massachusetts 02203, (617) 223-5775
Region II, Dr. Ernest Regna, Chief, USEPA, Solid Waste Branch, 26 Federal Plaza, New York, NY 10007, (212) 264-0504/5
Region III, Robert L. Allen, Chief, USEPA, Hazardous Materials Branch, 6th and Walnut Streets, Philadelphia, PA 19106, (215) 597-0980
Region IV, James Scarbrough, Chief, USEPA, Residuals Management Branch, 345 Courtland Street, NE., Atlanta, Georgia 30368, (404) 881-3016
Region V, Karl J. Klepitsch, Jr., Chief, USEPA, Waste Management Branch, 230 South Dearborn Street, Chicago, Ill. 60604, (312) 353-2197
Region VI, Stan Jorgensen, Acting Chief, USEPA, Solid Waste Branch, First International Building, 1201 Elm Street, Dallas, TX 75270, (214) 767-2645
Region VII, Robert L. Morby, Chief, USEPA, Hazardous Materials Branch, 324 E. 11th Street, Kansas City, Missouri 64106, (816) 374-3307
Region VIII, Lawrence P. Gazda, Chief, USEPA, Waste Management Branch, 1860 Lincoln Street, Denver, Colorado 80203, (303) 837-2221
Region IX, Harry Seraydarian, Chief, USEPA, Hazardous Materials Branch, 2125 Fremont Street, San Francisco, CA 94105, (415) 556-4606
Region X, Kenneth D. Feigner, Chief, USEPA, Waste Management Branch, 1200 Sixth Avenue, Seattle, WA 98101, (206) 442-1260

SUPPLEMENTARY INFORMATION:

I. Authority

This amendment is issued under the authority of Sections 1006, 2002(a) and 3004 of the Resource Conservation and Recovery Act of 1976 (RCRA), as amended, 42 U.S.C. 6905, 6912(a) and 6924.

II. Introduction

On May 19, 1980, EPA promulgated hazardous waste regulations in 40 CFR Parts 260-265 (45 FR 33066 *et seq.*) which established, in conjunction with earlier regulations promulgated on February 26, 1980 (45 FR 12721 *et seq.*), the principal elements of the hazardous waste management program under Subtitle C of the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6921, *et seq.*). Part 265 of the May 19 regulations set forth standards applicable to owners and operators of hazardous waste treatment, storage, and disposal facilities during the "interim status" period. Subpart N (§§ 265.300-265.339) of those regulations established interim status standards applicable to landfills.

Section 265.312 of these standards provides in part that ignitable or reactive waste must not be placed in a landfill, unless the waste is treated, rendered, or mixed before or immediately after placement in the landfill so that the resulting waste, mixture, or dissolution of material no longer meets the definition of ignitable or reactive waste under §§ 261.21 and 261.23. The regulation further requires that the treatment discussed in § 265.312 meet the general standards as discussed in § 265.17(b). This regulation, promulgated as interim final, became effective on November 19, 1980.

On February 20, 1981, based on claims by the regulated community that no practical alternatives existed, EPA amended § 265.312 to allow liquid ignitable wastes in containers to be disposed of in landfills until May 19, 1981, provided that the containers were landfilled in such a manner that the wastes were protected from any material or conditions which would cause the waste to ignite. In the preamble to the February 20, 1981 rule, EPA gave notice that the Agency was not willing to further extend the deadline unless it received convincing evidence that such an extension was necessary.

On March 25, 1981, EPA held a public hearing on the February 20, 1981 amendment. This meeting was well attended by a cross-section of people affected by this amendment. The public comment period for the February 20 amendment closed on April 10, 1981. The Agency received 50 written comments on this amendment. Based on evaluation of the statements made at the public hearing and the comments received, the Agency has now decided to further amend 40 CFR 265.312. Today's amendment extends the date of compliance for the ban on disposing containerized liquid ignitable wastes in landfills until the date of compliance for § 265.314 (November 19, 1981), which bans the disposal of all containerized liquid hazardous wastes. However, when handling containerized liquids, special handling requirements, including the placement of daily cover, must be observed. These requirements are specified in today's amendment. Additionally, today's amendment to § 265.312 will allow the disposal of containerized solid ignitables wastes, subject to specified handling requirements. No time limitation is being placed today on the landfilling of solid ignitables in containers.

III. Landfilling of Ignitable Wastes

The basis for the prohibition on disposing of ignitable wastes in landfills was that the ignitable waste would pose a continuing danger of ignition after disposal and would require continuing protection from conditions which would cause them to ignite. On February 20, 1981, EPA amended the May 19, 1980 regulations to allow the disposal of containerized liquid ignitable wastes in landfills provided that certain precautions were taken. In that amendment, EPA expressed its concern about the environmental risks associated with the disposal of ignitable wastes in landfills. These wastes, when placed in a landfill, increase the potential for a fire. Fires themselves emit toxic fumes and other pollutants and may trigger sometimes violent ignition of other ignitable wastes. Fires in landfills, therefore, pose both safety and health hazards.

The comments on the February 20, 1981 amendment were mixed as to the desirability of landfilling ignitable wastes. Several commenters contended that the practice of placing containerized liquid ignitable wastes in landfills is dangerous from both immediate and long-term perspectives. These commenters stated that drum leakage is inevitable, and that the wastes leaking from the containers would be highly mobile because of their liquid state, having the potential for migration beyond the confines of the disposal point. The commenters argued that sparks could ignite the leaking ignitable wastes, causing major fires at the landfill.

Additionally, some comments were received which relate to containerized liquid wastes in general, as well as liquid ignitable wastes. For example, commenters stated that many of these liquid ignitables (typically the organic classes) are known to have adverse effects on both clay and synthetic liners, if present. Effects can range from an alteration of physical properties (e.g., the alteration of the permeability characteristics of liner materials) to actual liner disintegration. Other commenters stated that upon drum degradation, the liquid contents would be expelled. This would result in void spaces which could cause major subsidence and breaches in the facility's cap. Such effects would increase the infiltration of water into the facility and consequently the volume of leachate. Another commenter warned of the dangers of high vapor pressure organics escaping into the air from the landfills.

Other commenters disagreed, stating that landfilling of liquid ignitable wastes in containers is a safe practice provided that proper precautions are taken such as those required by § 265.312(b). They contended that there are no case histories of fires being caused in properly managed chemical landfills. They noted that the fires discussed in EPA's Background Document for § 265.312 all occurred at municipal landfills, where liquid ignitable wastes were carelessly landfilled together with paper and other combustible wastes, not at "secure chemical landfills." These commenters suggested that the municipal wastes were primarily reponsible for the fires. Furthermore, they felt that where wastes are covered with soil, insufficient oxygen is available for combustion of the buried wastes.

The Agency continues to believe that landfill disposal of ignitable wastes involves some risk although perhaps a lesser risk at well managed chemical landfills than at typical municipal landfills. In any event, the Agency is compelled to allow the disposal of liquid and solid ignitable wastes for the near future due to the lack of adequate treatment and disposal alternatives as discussed in Section IV of this preamble. The Agency believes that the requirements included in this amendment will minimize the risk of ignition for these types of wastes when disposed in properly managed hazardous waste landfills.

The Agency remains concerned about the general problems caused by all types of liquids being disposed of in landfills. These problems are addressed in § 265.314 which prohibits, as November 19, 1981, the disposal of containerized liquids in landfills. Its purpose is to reduce the presence of liquid wastes and free liquids in a landfill. As discussed at 45 Fed. Reg. 33213 (May 19, 1981), liquids can migrate through a landfill, dissolving or mobilizing toxic substances in the process. In other words, liquids in a landfill usually become a transport and leaching medium. In the case of containerized liquid wastes, the containers eventually degrade, allowing the liquids to escape and create voids which can cause slumping and subsidence of the landfill cover. This may increase the infiltration of precipitation and can also result in the escape of wastes through cracks or fissures in the final cover. Several commenters noted this occurrence and their comments were summarized above.

However, once again, the Agency believes that due to the lack of treatment and disposal options for liquid ignitable wastes prior to November 19, 1981 (as discussed below), the disposal of containerized liquid ignitable wastes in landfills should be allowed. Section § 265.313, which remains in effect, should provide protection from risks of adverse effects from landfill disposal of incompatible wastes, such as the potential for adverse effects on landfill liners by liquid ignitable wastes.

The Agency believes that containerized solid ignitable wastes do not cause the same problems of leachate generation and subsidence as do containerized liquid ignitable wastes. Therefore, solid ignitable wastes can be disposed of in landfills provided that they are disposed of in compliance with the requirements included in this amendment. These requirements, specifying the proper management of solid ignitable wastes, should minimize the possibility of fires. A further reason for allowing solid ignitable wastes in landfills is the lack of treatment and disposal options currently available for these types of wastes (as discussed below).

IV. Alternative Means for Treating, Recycling or Disposing of Ignitable Wastes

Comments were specifically solicited in the February 20, 1981 amendment on the availability of alternatives to landfilling of liquid ignitable wastes. Commenters discussed incineration, solvent recovery, and deep well injection. According to many of the comments received, available alternatives for recycling or disposing of ignitable wastes depend upon the nature of the wastes. Certain ignitable wastes are amenable to reclamation, incineration, or use as fuel. The commenters indicated that these wastes are in fact generally reclaimed, incinerated, or used as fuel. However, many ignitable wastes, generally characterized by high viscosity, significant metal concentrations and high solids content, cannot be incinerated, reclaimed, or used as fuel. Also included in this category of "problem wastes" is the residue remaining after reclamation. Disposal of problem wastes is limited by both technological constraints and a shortage of available facility capacity for handling these wastes.

In general, it is the wastes that operators of reclamation and incineration facilities refuse to accept that go to landfills. One commenter stated that 20 million gallons of ignitable wastes are produced annually by the paint and coating industry. Of this 20 million gallons, approximately half are "problem" wastes characterized by high

viscosity, high solids content and heavy metals contamination. The remaining 10 million gallons are reused or recycled. Over 5 million of these are reclaimed by off-site solvent recycling facilities.

The specific characteristics of these problem wastes that create difficulties in treating, recycling or disposing them are discussed in greater detail below.

A. Incineration

The major option discussed by commenters was incineration. First, many commenters contended that in parts of the United States, particularly the western half of the country, few or no commercial hazardous waste incinerators exist. Several commenters disputed the data set forth in the Booz, Allen and Hamilton report entitled *Hazardous Waste Generation and Commercial Hazardous Waste Management Capacity—An Assessment* (Dec. 1980, SW 894), referred to in the preamble to the February 20, 1981 amendment. These commenters argued that the number of available commercial incinerators and incinerator capacity for incinerating any type of waste is significantly less than that set forth in the Booz-Allen report.

In those areas where commercial incinerators are not available, commenters stated that generators would have to transport wastes considerable distances to be incinerated (e.g., from the West Coast to Texas or the Midwest), thereby increasing the risks involved in transportation. However, two landfill operators, one on the East Coast and one on the West Coast, indicated that their firms receive large quantities of liquid ignitable wastes in drums from more than 1,000 miles away. Thus, in terms of transportation safety, commenters did not present clear distinctions between the options of landfilling and incineration. Additionally, through compliance with RCRA regulations governing transporters of hazardous waste (40 CFR Part 263) and Department of Transportation regulations governing the transportation of hazardous materials (40 CFR Parts 171–179), the transportation of wastes for incineration should not present unreasonable safety risks.

One landfill operator in Alabama commented that many generators in New England currently transport ignitable wastes to Alabama, passing more closely located incineration facilities. According to the commenter, the combined transportation and landfill disposal costs exceed incineration costs. The commenter concluded that the incinerators are unwilling or unable to accept these generators' wastes.

Comments were mixed as to the availability of incineration capacity for easy-to-incinerate ignitable wastes in the East and Midwest. However, no commenters disputed the lack of incineration capacity for ignitable wastes in the West Coast area. While some commenters contended that there is inadequate incinerator capacity, other commenters stated that many incinerators are being underutilized. One incineration facility operator stated that from November 19, 1980, to March 12, 1981, there was a 96% under-utilization of his facility. Another incinerator operator stated that in the two years of his facility's existence, it has never operated at full capacity due to insufficient clientele. The latter commenter added that very few restrictions are placed on the type of waste which will be accepted. However, material is taken only in bulk; drummed ignitable waste is not accepted.

The major difficulty raised with respect to incineration concerns not the total available national or regional capacity of incinerators but the capacity to incinerate "problem" ignitable wastes. Commenters (including some incinerator operators) stated that liquid injection incinerators cannot handle liquid wastes with high viscosity, or high solid or heavy metal content. According to these commenters, waste handling ability is constrained by the type of nozzles which are presently used in liquid injection incinerators. These nozzles become plugged if liquids with high solid content are injected into an incinerator. Another constraint on waste handling ability, according to commenters, is State air pollution regulations. Many State regulations may limit such characteristics as the halogen content as ash content of wastes accepted by incineration facilities. These regulations may in some cases be complied with by installing air pollution equipment, such as scrubbers or electrostatic precipitators. However, many incinerators may not presently have such equipment and thus cannot accept these wastes.

Another problem raised by commenters is that incineration facilities generally refuse to accept small quantities of ignitable waste such as two to four 55-gallon drums. One such commenter stated that it has so far been unable to locate incinerators willing to handle such small quantities of ignitable wastes.

A second type of commercial incinerator currently used is the rotary kiln incinerator. These incinerators can handle liquid, semi-solid and solid wastes. However, according to the commenters, there are only a few such commercial incinerators in the United States and these appear to be operating near full capacity. This statement is consistent with the limited information available to the Agency at this time. Indeed, shortly before publication of this amendment, one of the few such incinerators known to EPA was closed at least temporarily due to severe equipment damage.

Even the few operating rotary kilns cannot burn metal drums. Thus, they must be fed either bulk waste or waste in combustible containers. One rotary kiln incinerator operator stated that his facility has some excess capacity though not enough for all ignitable wastes. However, this facility does not presently have excess capacity to empty waste from metal drums for introduction into the kiln. This same incinerator operator suggested that generators should be required to use fiber drums, to modify their processes so as to produce less waste, and to separate liquids from solids by inexpensive settling methods. He contended that these actions would reduce incinerator capacity problems. However, no commenters provided any information concerning the amount of volume reduction which could be achieved by process modification and liquids/solids separation, or the total impact on ignitable waste treatment and disposal capacity which could be achieved by waste packaging requirements.

B. Recovery, Reuse and Reclamation

While solvent recovery or reclamation is a practicable and environmentally preferable option for some types of wastes, it appears that for many types of ignitable wastes it is not a viable alternative. Commenters contended that cleaner ignitable wastes generally are already reclaimed as solvents, burned in liquid injection incenerators or used as fuel. The commenters cited specific examples in this regard. One commenter stated that the majority of the less viscous wastes are either taken in bulk to cement kilns for use as fuel or sent to waste incineration facilities. Another commenter (a generator) stated that their drummed solvent wastes are sent to a recycler. All drums of solvents which can be feasibly handled are recycled. All drums of materials which cannot be recycled or reclaimed are disposed of by chemical landfill burial. Furthermore, commenters suggested that generators are able to use or sell these cleaner liquid ignitables for reclamation or use as fuel, thereby avoiding the expense of disposal. Thus, there already exists a substantial economic incentive

to reclaim or burn liquid ignitable wastes whenever feasible.

Several solvent recovery firms submitted comments to EPA opposing the ban on landfilling of these wastes. They stated that while they accept and treat liquid ignitable wastes, they can only treat the waste to a certain extent. They send the residue, which is of a semi-solid or solid consistency, to landfills, which they contend is their only disposal option.

For example, one recycling plant operator commented that his plant presently recycles approximately 250,000 gallons of solvents and chemicals per month. The residual still bottoms, resulting from the recycling, amount to approximately 60,000 gallons per month. Out of the 60,000 gallons of still bottoms, the recycling plant is able to further process approximately 25,000 gallons to complete dryness, which they then dispose of in bulk at a landfill. This leaves the recycling plant with approximately 35,000 gallons of ignitable still bottoms which must be disposed of in drums in a landfill.

Two other solvent recyclers stated that they send 10,000 gallons per day and 10,000 cubic feet per month, respectively, of ignitable wastes to landfills. This includes their still bottoms plus certain other wastes that are not amenable to further recovery.

Some liquid ignitable wastes are generally not accepted by reclaimers due to insufficient solvent content. The Agency received no comments contending that all liquid ignitable wastes could be treated by solvent recovery.

C. Deep Well Injection

Commenters indicated that the problems regarding liquid ignitable wastes which occur with incinerators occur to the same or greater extent with deep well disposal. Deep wells for hazardous waste injection are available in even fewer regions of the country than incinerators. Furthermore, the Agency agrees with commenters who stated that waste characterized by high solids and high viscosity are not capable of disposal by deep well injection. These wastes, according to commenters, are the same wastes that, as described above, are not amenable to reclamation or liquid injection incineration. It is for these wastes that many commenters felt that land disposal is currently the only feasible disposal alternative.

V. Treatment of Ignitable Wastes To Render Them Non-ignitable

Section 265.312 allows ignitable waste to be placed in a landfill if it is treated, rendered, or mixed before or immediately after placement into the landfill so that the resulting waste or mixture no longer meets the definition of ignitable wastes. Many commenters discussed this option.

The general approach mentioned by commenters is to open or drill a hole in each waste container and place into the drum some absorbent material (e.g., cement kiln dust, fly ash dust, or Fuller's earth). If properly done, this has two results. First, it raises the flash point of the waste, thereby rendering the waste less ignitable than before. Second, it may solidify a liquid ignitable waste. It is possible, as a result of this latter feature, to convert a liquid ignitable waste into a solid non-ignitable waste (based on the general characteristic for solid ignitable waste) even when the flash point has been raised only slightly. This is because flash point is not a determinative factor for non-liquid ignitable waste. (See the characteristic of solid ignitable waste at 40 CFR 261.21(a)(2). The issue of the definition of ignitables is discussed in more detail below.)

Commenters raised several questions concerning the procedure described above. First, they asked how well the added material and ignitable liquid must be mixed in order for the entire contents of the drum to be considered or whether each sample from the drum must be evaluated separately.

Commenters also asked whether the insertion of absorbent materials into drums to render the contents non-ignitable is "treatment" requiring a permit or interim status. The definition of "treatment" in § 260.10 includes methods "designed to change the physical, chemical, or biological character or composition of any hazardous waste so as to neutralize such waste, or so as to recover energy or material resources from the waste, or so as to render such waste non-hazardous or less hazardous; safer to transport, store, or dispose of; or amenable for recovery, amenable for storage or reduced in volume." Commenters noted that many generators of ignitable wastes do not have interim status as treatment facilities and thus would not be allowed to mix absorbent materials into drums if this process were considered "treatment" under the above definition. As discussed below, these issues are not being resolved by EPA in today's amendment but will be in the near future.

Apart from the procedural issues discussed above, commenters questioned the desirability and feasibility of opening drums and adding absorbent materials. Some argued that the safety hazards to workers opening drums would exceed the hazards resulting from landfilling liquid ignitable wastes in drums. However, several major landfill operators who accept these wastes stated that they are in the process of developing safe drum opening capability. Some stated that they needed at least until November 19, 1981. Others asked for an additional two years to fully develop this capability, although they did not present facts that they could not develop this capability by November 19, 1981. The Agency, however, believes that there has been sufficient lead time to develop safe treatment capabilities by November 19, 1981 since the prohibition was promulgated on May 19, 1980.

VI. Today's Amendment

A. Liquid Ignitable Wastes

After carefully reviewing the comments on the February 20, 1981 amendment to § 265.312, the Agency has decided that a further extension of time to allow the disposal of containerized liquid ignitable wastes in landfills is needed. In the preamble to the February 20, 1981 amendment, the Agency expressed its concern that a significant number of generators and landfill operators were unable to comply with the November 19, 1980 deadline for landfilling such waste. This concern was based upon the apparent unavailability of adequate alternatives to treat or dispose of some types of liquid ignitable wastes or the capacity to safely render these wastes non-ignitable. The comments received on the February 20, 1981 amendment have raised serious doubt over whether adequate alternatives exist and whether they could be made available by May 19, 1981.

The Agency is now convinced that § 265.312(a) could not be complied with by May 19, 1981, due to the lack of practical alternative management methods and available techniques that can safely render liquid ignitable wastes non-ignitable. Although some commenters are developing special drum handling and decanting equipment in order to comply with § 265.312(a), an adequate supply of these systems will not be operational until November 1981 at the earliest. To provide enough time for completing construction of drum handling and decanting equipment and the development of other treatment and disposal options, the Agency is granting a further extension to § 265.312(a) until the date of compliance for 40 CFR § 265.314, the ban on containerized liquids in landfills. The purpose of § 265.314, as mentioned above (and

discussed more fully in 45 FR 33213–33215), is to prevent subsidence and associated problems which will eventually result when liquids leak out of containers. Waste treatment and stabilization processes being developed and implemented to comply with the November 19, 1981 prohibition imposed by § 265.314 will be available to generators and disposers of liquid ignitable wastes in meeting the deadline being imposed by today's amendment.

The extension of the compliance deadline for liquid ignitable wastes is being granted subject to the same conditions that were stated in the February 20, 1981 amendment with the exception that cover is now required daily rather than at an unspecified frequency. Liquid ignitable wastes may be placed in a landfill without being treated to render them non-ignitable only if:

(1) they are placed in the landfill in non-leaking containers;

(2) they are carefully handled and placed in the landfill so as to avoid heat, sparks, rupture or any other condition that might cause ignition before or during placement.

(3) they are covered *daily* with soil or other suitable non-combustible material to minimize the potential for ignition; and

(4) they are not placed in landfill cells which contain or will contain other wastes that could generate heat sufficient to produce temperatures that exceed the flash point of the liquid ignitable wastes.

The Agency believes that these precautions will provide protection of human health and the environment from fires in landfills until the prohibition against landfilling liquid ignitable wastes in containers must be complied with. The amended regulation requires precautionary procedures to prevent ignition during both handling and placement, and minimizes the potential for ignition of the wastes after placement in a landfill by requiring daily cover and prohibiting co-disposal with wastes that could, at present or in the future, cause ignition. The liquid ignitable waste containers must be non-leaking and handled to avoid rupture during placement in the landfill.

Using a cover consisting of soil or other appropriate material and segregating incompatible wastes in the landfill will limit exposure of wastes to conditions which could cause ignition. Cover must be placed at least *daily* over each row or layer of containers, as is the generally accepted practice. "Other suitable non-combustible material" is allowed as cover instead of or in addition to soil, since other materials such as industrial sludges or wastes may sometimes be used effectively. Wastes used to cover ignitable wastes must not be hot or able to generate enough heat to ignite the waste (e.g., by focussing solar heat).

B. Solid Ignitable Wastes

As a result of re-evaluating the entire problem of ignitable wastes, the Agency has also now determined that the landfilling of solid ignitable wastes should not be prohibited in all cases. Like "problem" liquid ignitable wastes, these wastes are often not easily incinerable nor suitable for recovery and are generally not accepted by operators of incinerators and recovery facilities.

The Agency believes that human health and the environment will be protected when the solid ignitable waste is landfilled in a manner which substantially reduces the possibility of ignition. This procedure is the same as that required for the landfilling of liquid ignitable waste, including the requirements of landfilling these wastes in containers, daily cover, special handling, and segregation.

The Agency strongly encourages generators, owners and operators to continue to recover and burn those liquid and solid ignitable wastes which can be recovered or incinerated. Today's amendment will allow landfilling under controlled conditions of those ignitable wastes which are not accepted by waste recovery or incineration facilities because of their high solids content or other technical reasons. Additionally, the Agency believes that the exemption for landfilling solid ignitable wastes is appropriate only until such time as alternative treatment or disposal options exist.

VII. Issues Not Being Resolved Today

In both the comments and the public hearing several peripheral issues connected with § 265.312 were raised. The problem areas identified were:

(1) lab-pack wastes;

(2) reactive wastes;

(3) the definitions of the terms liquid, solid, and solid ignitable waste; and

(4) whether a treatment permit is necessary to mix (absorb) a liquid waste to render it non-liquid.

These issues will be discussed briefly below. However, in general no resolution has been reached at this time. The Agency acknowledges that these areas raise some important questions which require further evaluation. The Agency is currently looking into these areas and working on solutions to them. Although some of these issues need to be resolved prior to November 19, 1981, the Agency is of the opinion that these issues need not be resolved at this time in order to proceed with today's amendment.

A. Lab-Pack Wastes

Many commenters discussed the special problems relating to laboratory wastes produced by schools, research institutions and industry. These wastes typically consist of a variety of different waste types produced in small volumes, each of which may have different characteristics including ignitability. The lab-pack procedure involves the layering of small sealed containers of lab waste inside a drum filled with large quantities of an absorbent material, usually vermiculite

The commenters pointed out that incinerators and recovery operations generally refuse to accept lab-pack wastes due to their small volumes, toxicity, and wide variability in chemical characteristics. In the past, a common laboratory practice was to dump these wastes down the drain and consequently into the sewer system. Commenters argued that landfilling of lab-packs is superior to such a practice and constitutes environmentally sound disposal.

B. Reactive Wastes

A few commenters requested that reactive wastes be allowed in landfills. One commenter specifically requested that EPA allow the disposal of cyanide- or sulfide-bearing wastes in landfills. Commenters also stated that the definition of reactivity is too vague. However, little information on the problems concerning this prohibition was submitted.

C. Definition of the Terms Liquid, Solid, and Solid Ignitable Waste

Section 261.21 contains several definitions of ignitable waste. If the waste is liquid, it is considered ignitable if its flash point is below 140° F. If it is solid, it is considered ignitable if it "is capable, under standard pressure and temperature, of causing fire through friction, absorption of moisture or spontaneous chemical changes and when ignited, burns so vigorously and persistently that it creates a hazard." Two other characteristics of ignitablility are set forth to include some compressed gases and oxidizers as ignitable wastes.

Several commenters stated that the narrative definition for solid ignitable wastes is so vague that in some cases it is difficult to determine whether a waste is subject to the prohibition in § 265.312.

Other commenters asserted that the definition of ignitable wastes included some materials which flash below 140° F but are incapable of sustaining combustion. Examples provided include some paint sludges and mixtures. The commenters contended that such wastes should not be included in the prohibition contain in § 265.312.

A point of particular concern was the distinction between solid and liquid ignitable wastes in § 261.21. Commenters noted that EPA has not defined "liquid" and "solid" for purposes of this distinction. Therefore, they contend, members of the regulated community do not know what test or criteria to apply to borderline wastes such as sludges or highly viscous "liquids". Because a single waste may, for example, be ignitable under the liquid test and non-ignitable under the solid criteria, commenters felt that a clear, scientifically based distinction must be established by EPA between solid and liquid ignitable wastes.

D. Whether a Treatment Permit Is Needed To Mix (Absorb) a Liquid Waste To Render it Non-Liquid

As discussed above, the issue of the addition of absorbent to liquid ignitable waste was a concern of the commenters. The first question that this process raises is whether the resulting mixture is a solid and therefore subject to the narrative test for ignitability contained in § 261.21(a)(2). The second question raised by commenters is whether the process of adding absorbent material to liquid ignitable waste constitutes "treatment" (as defined in 40 CFR 260.10), thereby requiring a treatment permit or interim status.

VIII. Effective Date

Section 3010(b) of RCRA provides that EPA's hazardous waste regulations and revisions thereto take effect six months after their promulgation. The purpose of this statutory requirement is to allow persons affected by the regulations sufficient lead time to prepare to comply with major new regulatory requirements. Today's amendment, however, does not impose a new requirement but rather suspends a pre-existing requirement because it cannot yet be complied with by the regulated community. Since an effective date six months after promulgation would defeat the purposes of today's amendment, the Agency is making it effective immediately.

IX. Regulatory Analysis

Section 3(b) of Executive Order 12291, 46 FR 13193 (February 19, 1981) requires EPA to initially determine whether a rule that it intends to propose or issue is a major rule and to prepare regulatory impact analyses for all major rules.

EPA has determined that the amendment being promulgated today is not a major rule. As discussed above, this amendment will extend the period for which the ban on landfill disposal of ignitable waste (promulgated May 19, 1980) is suspended. As such, it increases the disposal options available to generators and disposers of ignitable waste by temporarily suspending a previously imposed prohibition. Accordingly, a Regulatory Impact Analysis is not being prepared for this amendment.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

Under the Regulatory Flexibility Act, 5 U.S.C. 601 et seq., EPA is required to determine whether a regulation will have a significant impact on a substantial number of small entities so as to require a regulatory analysis. The temporary suspension created by this amendment should reduce the burden of compliance with the hazardous waste disposal regulations for small entities. Therefore, pursuant to 5 U.S.C. 605(b), I hereby certify that this rule will not have a significant adverse economic impact on a substantial number of small entities.

Dated: June 22, 1981.

Anne M. Gorsuch,

Administrator.

40 CFR Part 265 is amended as follows:

1. The authority citation for Part 265 reads as follows:

Authority: Sections 1006, 2002(a), and 3004 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6905, 6912(a), and 6924).

2. Section 265.312 is revised to read as follows:

§ 265.312 Special requirements for ignitable or reactive waste

(a) Except as provided in paragraphs (b) and (c) of this Section, ignitable or reactive waste must not be placed in a landfill, unless the waste is treated, rendered, or mixed before or immediately after placement in the landfill so that:

(1) The resulting waste, mixture, or dissolution of material no longer meets the definition of ignitable or reactive waste under §§ 261.21 or 261.23 of this Chapter, and

(2) Section 265.17(b) is complied with.

(b) Until the compliance date for the ban on landfilling liquid hazardous wastes contained in § 265.314 of this Chapter liquid ignitable wastes in containers may be landfilled without meeting the requirement of paragraph (a) of this section, provided that the wastes are disposed in such a way that they are protected from any material or conditions which may cause them to ignite. At a minimum, these liquid ignitable wastes must be disposed in non-leaking containers which are carefully handled and placed so as to avoid heat, sparks, rupture, or any other condition that might cause ignition of the wastes; must be covered daily with soil or other non-combustible material to minimize the potential for ignition of the wastes; and must not be disposed in cells that contain or will contain other wastes which may generate heat sufficient to cause temperatures equal to or exceeding the flash point of the wastes.

(c) Solid ignitable wastes in containers may be landfilled without meeting the requirement of paragraph (a) of this section, provided that the wastes are disposed in such a way that they are protected from any material or conditions which may cause them to ignite. At a minimum, these solid ignitable wastes must be disposed in non-leaking containers which are carefully handled and placed so as to avoid heat, sparks, rupture, or any other condition that might cause ignition of the wastes; must be covered daily with soil or other non-combustible material to minimize the potential for ignition of the wastes; and must not be disposed in cells that contain or will contain other wastes which may generate heat sufficient to cause ignition of the waste.

[FR Doc. 81-19000 Filed 6-26-81; 8:45 am]

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FEDERAL

29239-2945
29453-2969
29691-2992
29921-3007
30073-3032
30327-3048
30481-3062
30623-3079
30797-3099
30997-3124
31249-3146
31403-3163
31635-3186
31869-3199
31999-3222
32227-3242
32425-3255
32551-3285

Reader Aids

Federal Register

Vol. 46, No. 124

Monday, June 29, 1981

INFORMATION AND ASSISTANCE

PUBLICATIONS

Code of Federal Regulations

CFR Unit	202-523-3419 523-3517
General information, index, and finding aids	523-5227
Incorporation by reference	523-4534
Printing schedules and pricing information	523-3419

Federal Register

Corrections	523-5237
Daily Issue Unit	523-5237
General information, index, and finding aids	523-5227
Public Inspection Desk	633-6930
Scheduling of documents	523-3187

Laws

Indexes	523-5282
Law numbers and dates	523-5282 523-5266
Slip law orders (GPO)	275-3030

Presidential Documents

Executive orders and proclamations	523-5233
Public Papers of the President	523-5235
Weekly Compilation of Presidential Documents	523-5235
Privacy Act Compilation	523-3517
United States Government Manual	523-5230

SERVICES

Agency services	523-3408
Automation	523-3408
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Public Inspection Desk	633-6930
Regulations Writing Seminar	523-5240
Special Projects	523-4534
Subscription orders (GPO)	783-3238
Subscription problems (GPO)	275-3054
TTY for the deaf	523-5239

FEDERAL REGISTER PAGES AND DATES, JUNE

29239-29452	1
29453-29690	2
29691-29920	3
29921-30072	4
30073-30326	5
30327-30480	8
30481-30622	9
30623-30796	10
30797-30996	11
30997-31248	12
31249-31402	15
31403-31634	16
31635-31868	17
31869-31998	18
31999-32226	19
32227-32424	22
32425-32550	23
32551-32852	24
32853-33018	25
33019-33236	26
33237-33508	29

CFR PARTS AFFECTED DURING JUNE

At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

1 CFR

3 33019

3 CFR

Executive Orders:

May 9, 1898 (Revoked by PLO 5949) 29939
February 25, 1919 (Revoked in part by PLO 5959) 31894
April 4, 1922 (Revoked in part by PLO 5961) 31894
June 13, 1925 (Revoked in part by PLO 5957) 31893
February 6, 1926 (Revoked by PLO 5948) 29938
April 17, 1926 (Revoked in part by PLO 5950) 29939
February 14, 1933 (Revoked by PLO 5944) 29710
5451 (Revoked by PLO 5947) 29938
5907 (Revoked in part by PLO 5960) 31894
6618 (Revoked in part by PLO 5958) 31893
11476 (Amended by EO 12306) 29693
11835 (See EO 12306) 29693
12018 (See EO 2306) 29693
12198 (Amended by EO 12306) 29693
12233 (See EO 12306) 29693
12285 (Amended by EO 12307) 30481
12296 (Amended by EO 12309) 30997
12306 29693
12307 30483
12308 30485
12309 (Amends EO 12296) 30997
12310 31869

Proclamations:

4846 29691
4847 30483
4848 31403

Administrative Orders:

Presidential Determinations:

No. 81-8 of June 2, 1981 30797
No. 81-9 of June 2, 1981 29921
No. 81-10 of June 9, 1981 31635

5 CFR

Ch. XIV 30327, 33019
213 31405
230 32425
930 31405
1200 30999

Proposed Rules:

Ch. I 31018

7 CFR

2 ..... 31871, 32227, 32853
20 32227
28 30073
29 32590
301 31999
354 32006
406 32853
409 32853
700 29453
800 ..... 30322, 32859
907 ..... 29923, 30799, 32425
908 ..... 32007, 32425, 32860
910 ..... 30012, 31249, 32008, 33020
911 32425
915 32425
917 ..... 30075, 30077, 32425
918 32425
923 32008
925 32425
945 32010
953 ..... 29454, 30487
979 29693
982 32012
984 31637
991 29693
1425 30327
1464 ..... 32591, 33217
1944 29239
1948 33020

Proposed Rules:

102 30620
201 ..... 30780, 31424
226 32026
907 32030
921 32871
922 32031
948 32031
989 ..... 30645, 32872
993 29271
1002 33007
1125 31424
1133 31424
1135 ..... 32873, 32874
1701 32033

8 CFR

204 ..... 29923, 30078
214 29456

238.....32551

9 CFR

78.....30487
82.....29456, 30488, 31249
92.....29239, 29240

10 CFR

2.....30328
51.....29457
376.....29680
390.....29680
440.....29242
1008.....31637
1500.....29924
1502.....29924
1534.....29924

Proposed Rules:

2.....30349
30.....29712
40.....29712
70.....29712
73.....31267
500.....31216
501.....31216
503.....31216
504.....31216
505.....31216
1504.....33053

12 CFR

Ch. II.....31406
204.....32426
217.....32426
220.....31250
265.....33022
303.....30079
523.....32013
552.....30488
570.....30079
701.....31871

Proposed Rules:

213.....29245
220.....32033, 32592
221.....32592
225.....32594
226.....29246
332.....31018
337.....31018
526.....30113
545.....30114
569a.....29246
615.....32450
701.....29247, 29482, 31651, 31654, 31660, 32875
720.....29248

13 CFR

120.....32430
124.....29251

Proposed Rules:

105.....32259
124.....29276, 31899

14 CFR

36.....33454
39.....29252, 29253, 29924–29926, 30332–30334, 30799, 30800, 31250, 31251, 31873–31879, 32228–32230, 32860, 32862, 33217–33228
71.....29254–29256, 29927, 30335, 30801–30806, 31250–31252, 32231–32233, 32863, 33229–33235
73.....29256, 30806
75.....31253
97.....29257, 30807, 33236
121.....32863
135.....30968, 32863
150.....33465
152.....30808
207.....31000
208.....31000
212.....31000
221.....32551
222.....32552
241.....33022
291.....32560
302.....31001
384.....32560
385.....32560, 32563

Proposed Rules:

Ch. I.....30352
39.....31268, 31899, 31900, 32265, 32266, 32875, 33280–33282
47.....33284
49.....33284
61.....33284
63.....33284
65.....33284
67.....33284
71.....29278–29281, 29947–29951, 30353, 30354, 30833, 31269, 32267, 32269, 32876–32879, 33284–33286
73.....30833
75.....29280, 29281, 31278
121.....32409, 32413
123.....32409
127.....32409
135.....32409, 32413
143.....33284
187.....33284
323.....29282
302.....29718
399.....29285, 29719, 29727

15 CFR

19.....33238
370.....29457
371.....32431
374.....32563
376.....31001, 31407, 32563
377.....32431
379.....32563
385.....31407
399.....31407, 32431
806.....30336
908.....32233
935.....32014
936.....32014

Proposed Rules:

330.....29662
331.....29662
332.....29662
340.....29662
341.....29662
342.....29662
343.....29662
350.....29662
351.....29662
352.....29662
353.....29662
354.....29662
373.....30623

16 CFR

4.....32435
13.....29456, 29928, 30337, 32233, 32234
460.....29256
1031.....29928
1032.....29928
1212.....29696

Proposed Rules:

Ch. II.....29951, 30115, 31901
13.....30646, 32450
453.....31662

17 CFR

15.....29931
16.....29931
17.....29931
18.....29931
21.....29931
230.....31680
285.....32879
286.....32879
287.....32879

Proposed Rules:

Ch. I.....29952
Ch. II.....33287
1.....33293
17.....33293
33.....33293
270.....32595

18 CFR

141.....29459
271.....29697, 29699, 30489–30491, 31253–31256, 32235–32238, 33023, 33024
282.....33238
284.....30491
292.....32238, 33025
375.....29700
1301.....31002
1309.....30811

Proposed Rules:

Ch. I.....31902
157.....30505
271.....30833, 32270, 32596, 32597
292.....31663
375.....30505

19 CFR

101.....29462, 32436
103.....32564
134.....30338
152.....32564
175.....32564
353.....32864

Proposed Rules:

Ch. I.....29953
200.....29729

20 CFR

655.....32437

Proposed Rules:

404.....29953

21 CFR

5.....31003
74.....31004
101.....31004
135.....31004
145.....33027
166.....31004
172.....30080, 32015
173.....30492, 30493
175.....32015
178.....31005–31007
193.....30338, 30494, 31008, 32239, 32865
314.....32016
444.....31009
510.....33028
520.....29464, 31010, 32017, 32438, 32439, 33028
524.....32440
540.....33029
558.....32018, 32019
561.....30339, 31637
573.....30081
1308.....32019

Proposed Rules:

105.....33053
145.....33055
161.....30505
180.....31020, 32453
182.....31020, 32453
430.....30115
436.....30115
440.....30115
444.....30115
448.....30115
452.....30115
1308.....29484

22 CFR

41.....30082

Proposed Rules:

171.....30649

23 CFR

Proposed Rules:

625.....32880
655.....32880

24 CFR

235.....29256, 31257
570.....29908
841.....33468

25 CFR

52.....31880
256.....33241

26 CFR

1.....29465, 31409, 31881, 32239
7a.....30495
11.....29465
35.....30495

Proposed Rules:

20.....32598
31.....31278

27 CFR

4.....29260
19.....29261, 32224
70.....29261
240.....29261
245.....29261
250.....29261
270.....29261
275.....29261

Proposed Rules:

9.....31020

28 CFR

0.....29704, 29931
16.....30495, 32021, 32866
301.....31204

Proposed Rules:

31.....29438

522.....31210
527.....31210
544.....31210
545.....31210

29 CFR

Ch. XXVI.....32574
92.....32214
778.....32440
1601.....33030
1910.....31010, 32021, 33244
1928.....32021
1952.....32022
2610.....31257, 32022
2613.....32866

Proposed Rules:

Ch. XIV.....33055
530.....29485

30 CFR

250.....29932
700.....31258
716.....31258
785.....31258
906.....33056
920.....33056
931.....31638, 33056
934.....33056
944.....33056
948.....33056
950.....33056

Proposed Rules:

Ch. II.....32885
221.....32454
715.....32455
816.....32455
817.....32455

31 CFR

51.....29261, 31409
535.....30340, 31630

32 CFR

199.....29704
294.....29705
295.....33245
706.....32023

Proposed Rules:

41.....31663
298a.....29486
505.....33057

33 CFR

25.....29933
165.....29933
183.....32867
204.....29934

Proposed Rules:

82.....32886
100.....29288
110.....31278
117.....30354, 30834, 32887
160.....30835
162.....29954
402.....30838

34 CFR

64.....33246
324.....31996
773.....31866

36 CFR

13.....31638, 33031

Proposed Rules:

1190.....30839
272.....31021

37 CFR

201.....33248
202.....33248
303.....32576

Proposed Rules:

201.....30649
202.....30651

38 CFR

3.....31011
21.....29474, 32023

Proposed Rules:

Ch. I.....31903
3.....32038
21.....31022

39 CFR

111.....32578, 33249
601.....30623

Proposed Rules:

10.....30505

40 CFR

30.....31259
35.....31642
40.....31259
52.....29707, 30082, 30496, 31011, 31012, 31258–31261, 31881, 32440
60.....29262
61.....29262
62.....30496
81.....31013, 31886, 32582, 33031, 33269
86.....30497, 31411, 32868
122.....29708, 30624
123.....29935
162.....29708
180.....30342, 30499, 30624, 31014, 31015, 31642, 32441, 32442, 33269
228.....31412, 31413
260.....29708
261.....29708
264.....29708, 30624
265.....29708, 30624, 33502
413.....30625
761.....32868

Proposed Rules:

52.....29289, 29488, 30116, 30355–30366, 30653–30655, 31023, 31024, 31446, 31675, 31903, 32036, 32271, 32456, 33058, 33333–33336
60.....29955, 31904
61.....32599
62.....31026
81.....29281, 30368, 30655, 31027, 32272, 33059
86.....31677
123.....29292, 31028, 31279
180.....30506, 30662, 31279, 32038, 32273, 32457, 33060
192.....32458
408.....30683
420.....32274
430.....31028
431.....31028
761.....32887
773.....30300

41 CFR

Ch. I.....33270
7-1.....31566, 31886
7-3.....31886
7-6.....31886
7-7.....31886
7-10.....31886
7-15.....31886
7-30.....31886
8-4.....33032
8-14.....31262
8-74.....31262
Ch. 12.....30616
15-1.....29709
15-3.....31643
Ch. 18 (Parts 1, 2, 3, 8, 20, App. M).....32443
Ch. 18 (Parts 1, 3, 4, 13, 21).....32444
51-1.....33032
51-2.....33032
51-3.....33032
51-4.....30084, 33032
51-5.....30084, 33032
60-1.....33033
60-2.....33033
60-4.....33033
60-20.....33033
60-30.....33033
60-50.....33033
60-60.....33033
60-250.....33033
60-471.....33033
Ch. 101.....31890, 31891

Proposed Rules:

Ch. 1.....30369
1-4.....30369
101-11.....30369
101-37.....30369
104-4.....29955

43 CFR

5420.....29262

Public Land Orders:

1281 (Revoked by 5883).....29263
1933 (Revoked by 5956).....31892
5169 (Amended by PLO 5396 and 5951).....29937
5179 (Amended by PLO 5250 and 5951).....29937
5180 (Amended by PLO 5418 and 5951).....29937
5250 (Amended by PLO 5951).....29937
5396 (Amended by PLO 5951).....29937
5418 (Amended by PLO 5951).....29937
5865.....30500
5866.....30500
5867.....32240
5883.....29263
5904.....33275
5943.....29710
5944.....29710
5945.....29939
5946.....29939
5947.....29938
5948.....29938
5949.....29939
5950.....29939
5951.....29937
5952.....30086
5953.....30617
5954.....31892
5955.....31892
5956.....31892
5957.....31893
5958.....31893
5959.....31894
5960.....31894
5961.....31894
5962.....31895

Proposed Rules:

35.....29955
230.....32459

44 CFR

1.....32583
64.....29940, 29942, 30626, 31643, 32240, 32241, 33275
65.....32243, 32247
67.....30500, 30628, 31263, 31645, 31646
205.....32587

Proposed Rules:

55.....29292
61.....29292
67.....29729–29732, 29956, 30116, 30124, 30507, 30663, 30665, 31281–31285, 31680, 31686, 31692, 32275, 33060–33062, 33337
300.....29264

45 CFR

3.....30343
46.....29883
74.....30500
235.....29264

Proposed Rules:

71.....29732
301.....30372
304.....29964
1300.....31029

46 CFR

Proposed Rules:

160.....33341
310.....30507
502.....30666
510.....32279
524.....32460
547.....30667

47 CFR

1.....30818
2.....31414, 31415
22.....31417
61.....29264, 30818
63.....31418
64.....29474, 32039
73.....30086–30091, 30343, 30344, 31264, 31265, 31421, 31422, 31895, 32039, 32868, 33033–33037
74.....31265
81.....31015
83.....31015
90.....31422, 31647, 32039
95.....32039, 32416
97.....31415

Proposed Rules:

Ch. I.....30516, 30668, 31288
2.....30124, 31290, 31693, 32280
21.....32280

22 31292
23 30124
31 ..... 30150, 30152
63 31693
67 32281
73 ..... 29488, 30153, 30154, 30372, 30516–30518, 31029, 31290, 31695, 31909, 32887
87 32280
90 32280
94 30124
97 32888

48 CFR

Proposed Rules:
4 32600
8 32600
47 32600

49 CFR

1 29269
172 ..... 29392, 32250
387 30974
531 29944
571 ..... 32251, 32254
575 29269
Ch. X 30092
1000 30502
1003 ..... 31016, 33277
1011 32449
1033 ..... 29480, 30502, 30632, 32588
1039 ..... 32025, 32257
1043 33277
1056 ..... 29711, 29945
1090 32257
1100 30832
1137 30832
1300 32257

Proposed Rules:
171 29967
172 ..... 29968, 29973
173 ..... 29967, 29968, 29973, 31294
175 29968
178 29973
192 32287
195 32287
212 32888
213 32898
571 ..... 31294, 32899
1004 ..... 30668, 32460
1047 30668
1048 31450
1057 32460
1127 30156
1201 ..... 30839, 32289
1241 30839
1248 30839

50 CFR

17 ..... 29481, 33278
36 31818
91 30633
219 31648
301 30345
371 32868
611 33038
651 30348
661 ..... 29733, 30633
672 33038
674 33041

Proposed Rules:
17 ..... 29490, 33063
20 31030
651 33350
653 30674
682 30674

V 46 N 29 81 UMI

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6-30-81
Vol. 46—No. 125
BOOK 1:
Pages
33509-34002

BOOK 2:
Pages
34003-34302

federal register

Book 1 of 2 Books
Tuesday
June 30, 1981

Highlights

33637, 33645 **Medicare Program** HHS/HCFA updates reimbursement schedule of limits for home health agency per visit costs and for hospital per diem inpatient general operating costs. (2 documents)

33651 HHS/HCFA updates economic index for physicians' services for 7–1–81 through 6–30–82.

33653 **Medicaid Program** HHS/HCFA issues Medicaid Management Information Systems performance standards.

34002 **Calendar of Federal Regulations** The Regulatory Information Service Center publishes catalog of regulations under development by 33 departments and agencies. (Part IV of this issue)

33980 **Incorporation by Reference** OFR approves certain materials in Titles 24 and 28–41. (Part III of this issue)

33657 **Grant Programs—Health Education** HHS/PHS and HRA permits decrease in first-year student enrollment for eligible health professions schools.

33521 **Grant Programs—Veterans** VA amends grant regulations on medical school and health manpower assistance.

CONTINUED INSIDE

Highlights

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

33509 **Exports** Commerce/ITA permits exports of medical supplies and equipment and of commodities to the Republic of South Africa and Namibia on case-by-case basis.

33542, 33565 **Electric Power** DOE/BPA increases, on an interim basis, 1981 wholesale power and transmission rates. (2 documents)

33626 **Motor Vehicles** EPA announces availability of evaluation report on "FUEL-MAX" retrofit fuel-economy device.

33530 **Marine Sanctuary** Commerce/NOAA proposes designation of St. Thomas National Marine Sanctuary.

33962 **Bonds** Treasury/FS lists companies holding certificates of authority as acceptable sureties on Federal bonds and as acceptable reinsuring companies. (Part II of this issue)

33693 **Treasury Notes** Treasury/Sec'y announces 14 percent per annum interest rate on Notes of Series No. 18–81.

33572 **Meat Import Limitations** USDA/Sec'y establishes third quarterly estimate.

33534 **Plants and Wildlife** Interior/FWS announces review and requests information on status of listed species.

Regulatory Flexibility Plans

33528 USDA/Sec'y
33536 Labor/Sec'y
33632 FMC
33693 DOT/Sec'y
33577 Commerce/Sec'y

Privacy Act Documents

33657 HHS/PHS
33630 FEMA
33583 DOD/Army

33533 **Timber Sales** USDA/FS proposes to waive formal advertising requirements when necessary to facilitate research on demonstration projects.

33518 **National Forests System Lands** USDA/FS clarifies and updates prohibitions reward and impoundment regulations.

33694 **Sunshine Act Meetings**

Separate Parts of This Issue

33962 **Part II, Treasury/FS**
33980 **Part III, OFR**
34004 **Part IV, Regulatory Information Service Center**

Contents

Federal Register
Vol. 46, No. 125
Tuesday, June 30, 1981

Agricultural Marketing Service
PROPOSED RULES
Milk marketing orders:
33529 Upper Florida, Tampa Bay and Southeastern Florida; hearing
NOTICES
33572 Plant Variety Protection Board; closed meetings, availability of report

Agriculture Department
See also Agricultural Marketing Service; Rural Electrification Administration; Science and Education Administration; Soil Conservation Service.
PROPOSED RULES
33528 Regulatory flexibility plan
NOTICES
Meat import limitations:
33572 Third quarterly estimates

Army Department
See also Engineers Corps.
RULES
Personnel Review Boards:
33518 Army Board for Correction of Military Records; special standards
NOTICES
33583 Privacy Act; systems of records; correction

Arts and Humanities, National Foundation
NOTICES
Meetings:
33688 Arts and Humanities, Presidential Task Force

Bonneville Power Administration
NOTICES
Federal Columbia River Transmission System:
33565 Transmission rates; interim basis approval
33542 Power rates, wholesale; interim basis approved

Census Bureau
RULES
Special services and studies:
33509 Fee structure for age search and citizenship information

Coast Guard
RULES
Incorporations by reference, approval. See entry under Federal Register Office.

Commerce Department
See also Census Bureau; International Trade Administration; Maritime Administration; National Bureau of Standards; National Oceanic and Atmospheric Administration.
NOTICES
33577 Regulatory flexibility plan

Defense Department
See Army Department; Engineers Corps.

Economic Regulatory Administration
NOTICES
Decisions and orders:
33583 Lindsay Olive Growers; petroleum substitute producer application

Education Department
RULES
Incorporations by reference, approval. See entry under Federal Register Office.

Employment and Training Administration
NOTICES
33678 Employment transfer and business competition determinations; financial assistance applications
Organization and functions:
33679 Worker adjustment assistance; certifying officers

Employment Standards Administration
RULES
Final rules; deferral of effective dates (Editorial note: See documents listed under Labor Department and Wage and Hour Division).

Energy Department
See also Bonneville Power Administration; Economic Regulatory Administration; Federal Energy Regulatory Commission.
NOTICES
33583 International energy program, implementation; inquiry; extension of time

Engineers Corps
RULES
Incorporations by reference, approval. See entry under Federal Register Office.

Environmental Protection Agency
RULES
Air quality implementation plans; approval and promulgation, and air quality planning purposes; designation of areas:
33524 Massachusetts et al.; corrections
Air quality implementation plans; approval and promulgation; various States, etc.:
33524 Virginia and Delaware; correction
Incorporations by reference, approval. See entry under Federal Register Office.
Toxic substances:
33525 Polybrominated biphenyls (PBBs) and tris (2,3-dibromopropyl) phosphate; importation or manufacture notice requirement; recodification
NOTICES
Meetings:
33626 Air quality criteria for particulate matter and sulfur oxides; benefits analysis methodology
Motor vehicle fuel economy, evaluation of retrofit devices:
33626 FUEL-MAX

Federal Communications Commission
PROPOSED RULES
Common carrier services:
33533 Satellite communications; direct broadcast satellite service, interim; regulatory policy development; extension of time
NOTICES
33629 Canadian standard broadcast stations; notification list
Common carriers:
33627 AT&T; Wide Area Telecommunications Service (WATS); domestic public switched network services; resale and shared use
Hearings, etc.:
33628 CLW Communications Group of Pennsylvania, Inc., et al.
33628 Hine Broadcasting Co. et al.

Federal Contract Compliance Programs Office
RULES
Incorporations by reference, approval. See entry under Federal Register Office.

Federal Emergency Management Agency
NOTICES
33630 Privacy Act; systems of records

Federal Energy Regulatory Commission
NOTICES
Natural gas companies:
33585 Certificates of public convenience and necessity; applications, abandonment of service and petitions to amend
Natural Gas Policy Act of 1978:
33586–33616 Jurisdictional agency determinations (5 documents)

Federal Highway Administration
RULES
Planning:
33513 Urban transportation investment policy and procedure with UMTA, etc.; deferral of effective date

Federal Maritime Commission
NOTICES
33631 Agreements filed, etc.
33632 Regulatory flexibility plan

Federal Register Office
RULES
33980 Incorporations by reference, approval

Federal Reserve System
NOTICES
Applications, etc.:
33634 Citizens State Bankshares of Bald Knob, Inc.
33634 Fort Gibson Bancshares, Inc.
33634 Frost BanCorporation, Inc.
33634 Moorcroft Corp.
33634 Newcastle Corp.
33694 Meetings; Sunshine Act

Federal Trade Commission
RULES
Prohibited trade practices:
33510 Coca-Cola Co.

Fiscal Service
NOTICES
33962 Surety companies acceptable on Federal bonds; annual list

Fish and Wildlife Service
PROPOSED RULES
Endangered Species Convention:
33534 Listed species (native to North America) review

Food and Drug Administration
RULES
Animal drugs, feeds, and related products:
33513 Prednisolone sodium succinate injection
Human drugs:
33512 Antibiotic drugs; standard response line concentrations; capreomycin, cycloserine, gramicidin, and troleandomycin
NOTICES
Food additives, petitions filed or withdrawn:
33637 Richardson-Merrell, Inc.
33637 Schenectady Chemicals, Inc.
Meetings:
33635 Consumer information exchange
Sunlamp variance approvals, etc.:
33635 M.A.F. Products, Inc.
33636 Sun Industries, Inc.
33636 Wolff System Corp.

Foreign Claims Settlement Commission
NOTICES
33694 Meetings; Sunshine Act

Forest Service
RULES
33518 National Forest System lands; prohibited acts, rewards, and impoundments; clarification and update
PROPOSED RULES
33533 Timber sales, national forest; advertisement and bids

General Services Administration
See also Federal Register Office.
RULES
Incorporations by reference, approval. See entry under Federal Register Office.
NOTICES
Authority delegations:
33634, 33635 Defense Department Secretary (2 documents)

Health and Human Services Department
See Food and Drug Administration; Health Care Financing Administration; Health Resources Administration; National Institutes of Health; Public Health Service.

Health Care Financing Administration
NOTICES
Medicaid:
33653 Management information systems performance standards; inquiry
Medicare:
33645 Home health agency costs per visit; schedule of limits
33637 Hospital per diem inpatient general routine operating costs; schedule of limits

33651
33657
33690
33659
33509
33574
33575
33678
33694
33670–33677
33660
33675

33651 Physicians' services; economic index (July 1981–June 1982)

Health Resources Administration
NOTICES
33657 Health professions schools construction grants; allowable first-year student enrollment decreases

Hostage Compensation, President's Commission
NOTICES
33690 Meetings

Housing and Urban Development Department
See Neighborhoods, Voluntary Associations and Consumer Protection, Office of Assistant Secretary.

Indian Affairs Bureau
NOTICES
33659 Indian tribes, acknowledgement of existence; petitions

Interior Department
See Fish and Wildlife Service; Indian Affairs Bureau; Land Management Bureau; National Park Service; Surface Mining Reclamation and Enforcement Office.

International Trade Administration
RULES
Export licensing:
33509 South Africa and Namibia; medical supplies and equipment and commodities used to prevent unlawful interference with international civil aviation
NOTICES
Antidumping:
33574 Birch 3-ply doorskins from Japan
33575 Fresh cut roses from Colombia

International Trade Commission
NOTICES
Import investigations:
33678 Fresh cut roses from Colombia
33694 Meetings; Sunshine Act

Interstate Commerce Commission
NOTICES
Motor carriers:
33670–33677 Permanent authority applications (3 documents)
33660 Permanent authority applications; restriction removals
Rail carriers:
33675 Cargo liability study; report to Congress; inquiry; extension of time

Justice Department
See also Foreign Claims Settlement Commission.
RULES
Incorporations by reference; approval. See entry under Federal Register Office.

Labor Department
See also Employment and Training Administration; Employment Standards Administration; Federal Contract Compliance Programs Office; Labor Management Standards Enforcement Office; Mine Safety and Health Administration; Occupational Safety and Health Administration; Pension and Welfare Benefit Programs Office; Wage and Hour Division.
RULES
33514 Final rules; deferral of effective dates
Incorporations by reference, approval. See entry under Federal Register Office.
PROPOSED RULES
33536 Regulatory flexibility plan
NOTICES
Adjustment assistance:
33687 Aberdeen Sportswear, Inc., et al.
33686 Ex-Cell-O Corp.
33688 Morton Industries, Inc.
33684 Precision-Kidd Steel Co. et al.

Labor Management Standards Enforcement Office
RULES
Incorporations by reference, approval. See entry under Federal Register Office.

Land Management Bureau
NOTICES
Classification of lands:
33659 New Mexico

Maritime Administration
NOTICES
Senior Executive Service:
33576 Performance Review Board; membership

Mine Safety and Health Administration
RULES
33517 CFR authority citations corrected
Coal mine health and safety:
33518 Respirable dust, surface coal mines and surface work areas of underground mines; sampling procedures; correction
Education and training:
33517 Mine rescue teams; correction
Incorporations by reference, approval. See entry under Federal Register Office.
NOTICES
Petitions for mandatory safety standard modifications:
33679 CF & I Steel Corp.
33679 M.S.W. Coal Co.

National Bureau of Standards
NOTICES
Information processing standards, Federal:
33576 I/O channel interface, channel level power control interface, etc.

National Institutes of Health
NOTICES
Meetings:
33655 Biometry and Epidemiology Contract Review Committee
33656 Clinical Cancer Program Project and Cancer Center Support Review Committee

33656 Heart, Lung, and Blood Research Review Committee A
33656 Heart, Lung, and Blood Research Review Committee B

National Oceanic and Atmospheric Administration
PROPOSED RULES
Marine sanctuaries:
33530 St. Thomas National Marine Sanctuary, Virgin Islands

National Park Service
NOTICES
Historic Places National Register; pending nominations:
33659 Montana et al.

National Transportation Safety Board
NOTICES
33694 Meetings; Sunshine Act

Neighborhoods, Voluntary Associations and Consumer Protection—Office of Assistant Secretary for Housing
RULES
Incorporations by reference, approval; correction. See entry under Federal Register Office.

Nuclear Regulatory Commission
NOTICES
Applications, etc.:
33688 Arkansas Power & Light Co.
33689 Power Authority of State of New York
Meetings:
33689 Reactors Safeguards Advisory Committee
33688 Three Mile Island Unit 2 Decontamination Advisory Panel
33695 Meetings; Sunshine Act

Occupational Safety and Health Administration
RULES
Health and safety standards:
33516 Lead; occupational exposure standards; deferral of effective date; republication
33516 Lead; occupational exposure standards; trigger levels for medical removal protection; deferral of effective date
Incorporations by reference, approval. See entry under Federal Register Office.
NOTICES
Variance applications etc.:
33680 Oxford Development Co.
33681 Tishman Speyder 520 Venture

Pension and Welfare Benefit Programs Office
RULES
Employee benefit plans:
33517 Suspension of benefit rules; deferral of effective date
NOTICES
Employee benefit plans; prohibited transaction exemptions:
33683 Carpenters Pension Trust for Southern California
33682 Teamsters Local 639-Employers Pension Trust et al.

Postal Service
RULES
Incorporations by reference, approval. See entry under Federal Register Office.
NOTICES
33695 Meetings; Sunshine Act

Public Health Service
NOTICES
33657 Privacy Act; systems of records

Regulatory Information Service Center
NOTICES
34004 Regulatory calendar for Federal agencies

Rural Electrification Administration
NOTICES
Environmental statements; availability, etc.:
33572 Lower Valley Power & Light, Inc.
33572 Plains Electric Generation & Transmission Cooperative, Inc.; meetings
33573 Southern Illinois Power Cooperative

Science and Education Administration
NOTICES
Meetings:
33573 Agricultural Research and Extension Users National Advisory Board (2 documents)

Securities and Exchange Commission
NOTICES
Hearings, etc.:
33690 Precious Metals Holdings, Inc.

Soil Conservation Service
NOTICES
Environmental statements; availability, etc.:
33574 Blue Springs RC&D Measure, Fla.
33574 East Carroll Watershed, La.

Surface Mining Reclamation and Enforcement Office
RULES
Incorporations by reference, approval. See entry under Federal Register Office.

Trade Representative, Office of United States
NOTICES
Import quotas and exclusions, etc.:
33690 Color television receivers from Korea

Transportation Department
See also Coast Guard; Federal Highway Administration; Urban Mass Transportation Administration.
NOTICES
33693 Regulatory flexibility plan

Treasury Department
See also Fiscal Service.
RULES
Incorporations by reference, approval. See entry under Federal Register Office.
NOTICES
Notes, Treasury:
33693 H–1985 series

Urban Mass Transportation Administration
RULES
Planning:
33513 Urban transportation investment policy and procedure with FHWA, etc.; deferral of effective date

Veterans Administration
RULES
Incorporations by reference, approval. See entry under Federal Register Office.
Medical benefits:
33521 Medical school and health manpower assistance

Wage and Hour Division
RULES
33515 Federal service contract labor standards, etc.; deferral of effective date
33514 Final rules; deferral of effective dates
Incorporations by reference, approval. See entry under Federal Register Office.
33515 Overtime compensation; interpretative bulletin amendment; correction

MEETINGS ANNOUNCED IN THIS ISSUE

AGRICULTURE DEPARTMENT
Science and Education Administration—
33573 National Agricultural Research and Extension Users Advisory Board, Seattle, Wash. (open), 7–29 through 7–31–81
33573 National Agricultural Research and Extension Users Advisory Board, Extension Programming Work Group, East Point, Ga. (open), 7–13–81

ARTS AND HUMANITIES, NATIONAL FOUNDATION
33688 Presidential Task Force on the Arts and Humanities, Chicago, Ill. and Los Angeles, Calif. (open), 7–9–81

ENVIRONMENTAL PROTECTION AGENCY
33626 Benefits analysis of National Ambient Air Quality Standards for sulfur oxides and particulate matter, Raleigh, N.C. (open), 7–27 and 7–28–81

HEALTH AND HUMAN SERVICES DEPARTMENT
Food and Drug Administration—
33635 Consumer participation, Portland, Oreg. (open), 7–25–81
33655 Biometry and Epidemiology Contract Review Committee, National Cancer Institute, Bethesda, Md. (partially open), 7–30 and 7–31–81
33656 Clinical Cancer Program Project and Cancer Center Review Committee, Bethesda, Md. (partially open), 7–16 and 7–17–81
33656 Heart, Lung, and Blood Research Review Committee A, National Heart, Lung, and Blood Institute, Bethesda, Md. (partially open), 7–10 and 7–11–81
33656 Heart, Lung, and Blood Research Review Committee B, National Heart, Lung, and Blood Institute, Bethesda, Md. (partially open), 7–10–81

NUCLEAR REGULATORY COMMISSION
33688 Decontamination of Three Mile Island, Unit 2 Advisory Panel, Harrisburg, Pa. (open), 7–9–81
33689 Reactor Safeguards Advisory Committee, Advanced Reactors Subcommittee, Chicago, Ill. (open), 7–14 and 7–15–81

PRESIDENT'S COMMISSION ON HOSTAGE COMPENSATION
33690 Meeting, Washington, D.C. (open), 7–6, 7–7, 7–16 and 7–17–81

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

1 CFR
51 33980

7 CFR
Proposed Rules:
Ch. I 33528
Ch. II 33528
Ch. III 33528
Ch. IV 33528
Ch. V 33528
Ch. VI 33528
Ch. VII 33528
1006 33529
1012 33529
1013 33529
Ch. IX 33528
Ch. X 33528
Ch. XI 33528
Ch. XII 33528
Ch. XIV 33528
Ch. XV 33528
Ch. XVI 33528
Ch. XVII 33528
Ch. XVIII 33528
Ch. XXI 33528
Ch. XXIV 33528
Ch. XXV 33528
Ch. XXVI 33528
Ch. XXVII 33528
Ch. XXVIII 33528
Ch. XXIX 33528

9 CFR
Proposed Rules:
Ch. I 33528
Ch. II 33528
Ch. III 33528
Ch. IV 33528

15 CFR
50 33509
385 33509
Proposed Rules:
937 33530

16 CFR
13 33510

20 CFR
Proposed Rules:
Ch. I 33536
Ch. V 33536
Ch. VI 33536

21 CFR
436 33512
522 33513

23 CFR
450 33513
630 33513

24 CFR
3280 33980

28 CFR
42 33980

29 CFR
1 33514
4 33515
5 33514
6 33514
402 33980
403 33980
404 33980
405 33980
406 33980
408 33980
409 33980
526 33981
570 33981
778 33515
1910 (3 documents) 33516, 33981
1915 33981
1916 33981
1917 33981
1918 33981
1926 33981
1928 33981
2530 33517
Proposed Rules:
Subtitle A 33536
Ch. II 33536
Ch. IV 33536
Ch. XVII 33536
Ch. XXV 33536

30 CFR
1 33517
11 (2 documents) 33517, 33989
15 33517
16 33517
17 33517
18 33517
19 33517
20 33517
21 33517
22 33517
23 33517
24 33517
25 33517
26 33517
27 33517
28 (2 documents) 33517, 33989
29 (2 documents) 33517, 33989
31 33517
32 33517
33 33517
35 33517
36 33517
49 33517
50 33517
55 33989
56 33989
57 33989
70 33989
71 (3 documents) 33517, 33518, 33989
74 33517
75 (2 documents) 33517, 33989
77 (2 documents) 33517, 33989
90 33989
700 33993
785 33993
795 33993
816 33993
817 33993
820 33993
Proposed Rules:
Ch. I 33536

31 CFR
51 33994

32 CFR
581 33518

33 CFR
67 33995
149 33995
150 33995
154 33995
155 33995
157 33995
159 33995
164 33995
183 33995
222 33996

34 CFR
104 33996

36 CFR
261 33518
262 33518
Proposed Rules:
Ch. II 33528
223 33533

38 CFR
17 33521
18 33997
36 33997

39 CFR
10 33997
111 33997
601 33997

40 CFR
51 33997
52 (3 documents) 33524, 33997
62 33999
81 33524
141 33999
180 34000
410 34000
415 34000
420 34000
430 34000
440 34000
704 33525
713 33525
761 34001

41 CFR
50-204 34001
60-741 34002
101-7 34002
Proposed Rules:
Ch. 4 33528
Ch. 29 33536
Ch. 50 33536
Ch. 60 33536

47 CFR
Proposed Rules:
Ch. I 33533

49 CFR
613 33513

50 CFR
Proposed Rules:
23 33534

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Rule

This secti
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15 CFR P

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AGENCY: I
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ACTION: F

SUMMARY
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Rules and Regulations

Federal Register
Vol. 46, No. 125
Tuesday, June 30, 1981

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF COMMERCE

Bureau of the Census

15 CFR Part 50

Commerce and Foreign Trade; Special Services and Studies by the Bureau of the Census

AGENCY: Bureau of the Census, Commerce.

ACTION: Final rule.

SUMMARY: The Bureau of the Census is hereby amending title 15, chapter 1, part 50.5, fee structure for age search and citizenship information to increase the fee for an age search from $8.50 to $12.00. This change is being made to recover the increase in cost to process a request. Title 13, United States Code, requires recovery of the costs. No transcript of any record will be furnished which would violate statutes requiring that information furnished to the Bureau of the Census be held confidential and not used to the detriment of the person to whom it relates.

EFFECTIVE DATE: August 1, 1981.

FOR FURTHER INFORMATION CONTACT: Francis N. Allai, Bureau of the Census, Pittsburg, Kansas 06762, (316) 752–6208.

SUPPLEMENTARY INFORMATION: In accordance with the rule-making provisions of Administrative Procedure, title 5, United States Code, section 553, it has been found that notice and hearing on this schedule of fees and postponement of the effective date thereof are impracticable and unnecessary for the reason that title 13, United States Code, requires recovery of the costs. Requests for searches should be directed to the Bureau of the Census, Pittsburg, Kansas 06762.

This is not a major rule under the conditions set forth in Executive Order 12291 and therefore does not require a Regulatory Impact Analysis. This rule does not impose an information collection requirement.

Section 50.5 of title 15 is revised to read as follows:

§ 50.5 Fee structure for age search and citizenship information:

Type of service	Fee
Searches of not more than two censuses for one person and one transcript of the most appropriate record	$12
Each additional copy of census transcript	2
Each full schedule (entire household) requested	4

Note.—The $4 for each full schedule requested is in addition to the fee increase to $12.

Dated: June 11, 1981.

Daniel B. Levine,

Acting Director, Bureau of the Census.

[FR Doc. 81-19164 Filed 6-29-81; 8:45 am]

BILLING CODE 3510-07-M

International Trade Administration

15 CFR Part 385

Revisions of Controls on Exports to the Republic of South Africa and Namibia

AGENCY: Office of Export Administration, International Trade Administration, Commerce.

ACTION: Final rule.

SUMMARY: This rule amends the Export Administration Regulations to permit the export of medical supplies and equipment and of commodities used to prevent unlawful interference with international civil aviation to any end-user in the Republic of South Africa and Namibia, including military and police entities. The amendments affecting medical exports were made for humanitarian purposes and reflect Congressional intent that exports to meet basic human needs not be restricted for foreign policy reasons.

The international civil aviation amendments reflect a general U.S. policy that export controls be used to encourage other countries to prevent international terrorism and to support the specific U.S. commitment to ensure the safety of international air transportation.

EFFECTIVE DATE: June 30, 1981.

FOR FURTHER INFORMATION CONTACT: Archie Andrews, Director, Exporters' Service Staff, U.S. Department of Commerce, Room 1623, 14th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20230, Telephone: (202) 377–4811.

SUPPLEMENTARY INFORMATION:

Rulemaking Requirements

In connection with various rulemaking requirements, the Office of Export Administration has determined that:

(1) Under Section 13(a) of the Export Administration Act of 1979 (Pub. L. 96–72, 50 U.S.C. app. 2401 *et seq.*) ("the Act"), this rule is exempt from the public participation in rulemaking procedures of the Administrative Procedure Act.

(2) This rule does not impose a burden under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*

(3) This rule involves a "foreign affairs" function of the United States and, therefore, is exempt from the requirements of Executive Order 12291 (46 FR 13193, February 19, 1981), "Federal Regulation."

(4) This rule is not subject to the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*

Section 13(a) of the Export Administration Act of 1979 (Pub. L. 96–72, 50 U.S.C. app. 2401 *et seq.*) ("the Act") exempts regulations promulgated under the Act from the public participation in rulemaking procedures of the Administrative Procedure Act. Section 13(b) of the Act, which expresses the intent of Congress that where practicable "regulations imposing controls on exports" be published in proposed form, is not applicable because this regulation does not impose new controls on exports. Therefore, this regulation is issued in final form. Although there is no formal comment period, public comments on this regulation are welcome on a continuing basis.

Substance of the Regulation

In conformity with United Nations Security Council Resolutions of 1963 and 1977 relating to exports of arms and munitions to the Republic of South Africa, and consistent with U.S. foreign policy toward the Republic of South Africa and Namibia, the Department of Commerce, since February 16, 1978, has had an embargo on the export and reexport of all U.S.-origin commodities and technical data (except data

generally available to the public) to or for use by or for military or police entities in the Republic of South Africa and Namibia.

Prior to this amendment, the regulations prohibited the export of medicines, medical supplies and medical equipment primarily destined for South Africa military or police entities or for their use. Although this prohibition was lawful under the Export Administration Act of 1979 ("Act") because it was already in place before the Act was enacted, section 6(f) of the Act clearly indicates the Congressional intent not to impose foreign policy controls on any item where the effect of the export of the item would be to help meet basic human needs. This amendment reflects that intent. Exports of medicines, medical supplies and medical equipment may now be permitted on a case-by-case basis to South African military and police end-users.

Each export application and reexport request will be reviewed in the light of U.S. foreign policy, with full consideration of all relevant facts involving the proposed export. The review will generally include an analysis of the humanitarian purpose of the items and their end-use.

Prior to this amendment, the regulations also prohibited the export of any equipment to be used to ensure the safety of civil air transportation in South Africa, because civil airport security is maintained by a police entity. This prohibition is not consistent with the policy expressed in section 3(8) of the Act, which states that export controls are to be used to encourage other countries to prevent international terrorism in their territory. One way for other countries to prevent international terrorism is to have adequate safeguards against acts of unlawful interference with international civil aviation. Title I, section 106 of the Antihijacking Act of 1974 (Pub. L. No. 93-366, 88 Stat. 414) added a new section 1115 to the Federal Aviation Act (49 U.S.C. § 1515), which requires the Secretary of Transportation to review safeguards at foreign airports to ensure the safety of air transportation. Where he finds such safeguards inadequate, he is authorized, with the Secretary of State's approval, to "withhold, revoke, or impose conditions on the operating authority of the airline or airlines of that nation," if that nation fails to take the necessary steps to meet minimum security standards. In determining the mimumum security measures for any nation, the Secretary of Transportation is directed to rely on the standards established in the Convention on International Civil Aviation, which describes the safeguards to be taken against acts of unlawful interference with international civil aviation, such as preventing unauthorized weapons from being taken on board international civil aircraft. Accordingly, the regulations are amended to permit exports to South African military or police on a case-by-case basis to assist in efforts to prevent acts of unlawful interference with international civil aviation.

Accordingly, Part 385 of the *Export Administration Regulations* (15 CFR Part 385) is amended by revising § 385.4(a) (2), (3), (4) and (7) and by adding a new § 385.4(a)(10), to read as follows:

§ 385.4 Country Group V.

(a) *Republic of South Africa and Namibia.*

* * * * *

(2) An embargo is in effect on the export or reexport to the Republic of South Africa or Namibia of *any* commodity, including commodities that may be exported to any destination in Country Group V under a general license, where the exporter or reexporter knows or has reason to know that the commodity will be sold to or used by or for military or police entities in these destinations or used to service equipment owned, controlled or used by or for such military or police entities. (See § 385.4(a) (7) and (10) for case-by-case exceptions.)

(3) An embargo is in effect on the export or reexport to the Republic of South Africa or Namibia of technical data, except technical data generally available to the public that meets the conditions of General License *GTDA*, where (i) the technical data relate to the commodities listed in Supplement No. 2 to Part 379, or (ii) the exporter or reexporter knows or has reason to know that the technical data or any product of the data as defined in § 379.4(e) are for delivery to or use by or for the military or police entities of these destinations or for use in servicing equipment owned, controlled or used by or for these entities. (See § 385.4(a) (7) and (10) for case-by-case exceptions.) In addition, users in the Republic of South Africa or Namibia of technical data that do qualify for export or reexport under the provisions of General License *GTDR* must be informed in writing at the time of the export or reexport of the data that the direct product of that data may not be sold or otherwise made available, directly or indirectly, to the military or police entities in these destinations. The term "direct product" is defined in footnotes in § 379.4(e).

(4) Parts, components, materials and other commodities exported from the United States under either a general or validated export license may not be used abroad to manufacture or produce foreign-made end-products, where it is known or there is a reason to know the end-products will be sold to or used by or for military or police entities in the Republic of South Africa or Namibia. (See § 385.4(a) (7) and (10) for case-by-case exceptions.)

* * * * *

(7) Applications for validated licenses will generally be considered favorably on a case-by-case basis for the export of medicines, medical supplies, and medical equipment, and related technical data, and parts and components, to any end-user.

* * * * *

(10) Applications for validated licenses will generally be considered favorably on a case-by-case basis for the export of commodities and related technical data, and parts and components, to be used in efforts to prevent acts of unlawful interference with international civil aviation.

* * * * *

(Secs. 3, 6, 13, and 15, Pub. L. 96-72, 93 Stat. 503, 50 U.S.C. app. § 2401 *et seq.*; Pub. L. No. 93-366, 88 Stat. 414; 49 U.S.C. § 1515; Executive Order No. 12214 (45 FR 29783, May 6, 1980); Department Organization Order 10-3 (45 FR 6141, January 25, 1980); International Trade Administration Organization and Function Orders 41-1 (45 FR 11862, February 22, 1980) and 41-4 (45 FR 65003, October 1, 1980))

William V. Skidmore,

Director, Office of Export Administration, International Trade Administration.

[FR Doc. 81-19231 Filed 6-29-81; 8:45 am]

BILLING CODE 3510-25-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket No. D-8824]

Coca-Cola Co.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Modifying order.

SUMMARY: This order reopens the proceeding and modifies the order issued by the Commission on October 26, 1976, 88 F.T.C. 866, 41 FR 53653, by deleting certain language from Paragraph 1(c) which required respondent to maintain *all* entry forms submitted in games or contests and by adding language limiting the

applicability of the record retention requirement to games of skill.

DATES: Decision issued, Oct. 26, 1976. Modifying order issued June 4, 1981.[1]

FOR FURTHER INFORMATION CONTACT: FTC/P, James H. Sneed, Washington, D.C. 20580, (202) 523–3727.

SUPPLEMENTARY INFORMATION: In the Matter of the Coca-Cola Company, a corporation. The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, and appearing at 41 FR 53853, remain unchanged.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

The Order Reopening the Proceeding and Modifying Cease and Desist Order, including further order requiring report of compliance therewith, is as follows:

Petitioner, The Coca-Cola Company, seeks the modification of a record-keeping provision of the Order to Cease and Desist issue by the Commission on October 26, 1976.

The Order Paragraph in question currently prohibits petitioner from:

> Engaging in, promoting the use of, or participating in any * * * promotional game, contest, sweepstake or similar device, by means of any announcement, notice or advertisement, unless;
>
> * * * * * *
>
> (c) There are maintained by respondent or its designee for a period of at least two years after the closing of each such promotional game or contest and the awarding of all prizes in connection therewith, full and adequate records *including all entry forms submitted by participants therein*, which clearly disclose the operation of such promotional game or contest, the basis or method used to determine entitlement to prizes, and the facts as to the receipt of such prizes by participants entitled thereto; which said records and documents shall be open for inspection during normal business hours by each contest participant or his duly authorized representative. (Emphasis supplied.)

Petitioner is required by this provision to retain all entry forms submitted in all contests—including games of chance and games of skill—in which it engages. Petitioner requests that the Commission modify the Order by limiting the applicability or this requirement to games of skill. Specifically, petitioner proposes that the Commission delete the underscored language, requiring the maintenance of entry forms, from paragraph (c), and add a new paragraph requiring the retention of entry forms in connection with games of skill.

The purpose of the requirement that petitioner keep entry forms submitted in contests in which it engages is to enable the Commission to determine whether contest winners were properly selected and, if not, to identify persons to whom prizes should have been awarded. Thus, the Commission could, at the conclusion of a skill contest, examine the contest entries and evaluate whether petitioner had fairly conducted the promotion and, it not, determine the proper winners of the contest. In the case of a game of chance, however, examination of the entry forms would not provide the Commission with any useful information in determining whether the contest was properly administered or the identity of any injured parties. This is because all entry forms are identical, and winners are chosen at random rather than based on whether the information contained on their entry forms is correct. The maintenance of entry forms submitted in connection with games of chance does not, therefore, serve any useful function. It does, however, impose costs upon petitioner.

The Commission, having considered the Petition, determines that petitioner has made a satisfactory showing that the public interest requires that the Order be reopened and modified as requested. This determination is consistent with the Commission's Order of February 24, 1981, modifying the Order against Glendinning Companies, Inc., in Docket No. 8824 in the same manner as the Commission hereby directs in the instant case.

It is therefore ordered that the proceeding is hereby reopened and the Decision and Order issued on October 26, 1976, against The Coca-Cola Company shall be mofified by making the following additions (indicated by underscoring the added language) and deletions (indicated by placing dashes over the deleted language) to the Order:

Order

It is ordered that respondent The Coca-Cola Company, a corporation, its successors and assigns, officers, agents, representatives and employees, directly or through any corporation or other device, in connection with the advertising, offering for sale, sale or distribution of Coca-Cola, Tab, or any food or other product, or in connection with the sale or distribution of "Big Name Bingo", or any other promotional game, contest, sweepstake or similar device which involves or offers the awarding of a prize or anything of value to participants therein, by any means, in commerce, as "commerce" is defined in the Federal Trade Commission Act, forthwith cease and desist from:

1. Engaging in, promoting the use of, or participating in any such promotional game, contest, sweepstake or similar device, by means of any announcement, notice or advertisement, unless:

(a) All of the requirements, terms and conditions for participating therein and for entitlement of such prizes are clearly and conspicuously set forth in each advertisement or notice which purports to explain or illustrate the operation of, manner of participation in, or the basis for or prospects of becoming entitled to or receiving a prize in connection with, any such contest or promotional game.

(b) All such prizes are in fact awarded to all participants therein whose entries conform to the stated requirements, terms and conditions for entitlement to and receipt of such prizes.

(c) There are maintained by respondent or its designee for a period of a least two years after the closing of each such promotional game or contest and the awarding of all prizes in connection therewith, full and adequate records which clearly disclose the operation of such promotional game or contest, the basis or method used to determine entitlement to prizes, and the facts as to the receipt of such prizes by participants entitled thereto; which said records and documents shall be open for inspection during normal business hours by each contest participant or his duly authorized representative.

2. *Engaging in, promoting the use of or participating in the development or operation of any skill contest unless respondent or its designee maintains for at least two years after the closing of each skill contest and the awarding of all prizes in connection therewith, in addition to the records required by Paragraph 1(c), all entry forms submitted by participants in such skill contests.*

It is further ordered, that respondent shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, that respondent notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, that the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this order.

[1] Filed as part of the original document.

It is further ordered, that this modification shall become effective upon service of this Order.

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 81-19226 Filed 6-29-81; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 436

[Docket No. 80N-0390]

Tests and Methods of Assay of Antibiotic and Antibiotic-Containing Drugs; Revised Standard Response Line Concentrations

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the antibiotic drug regulations by revising the standard response line concentrations for capreomycin, cycloserine, gramicidin, and troleandomycin in order to produce more accurate potency assay results.

DATES: Effective July 30, 1981; comments, notice of participation, and request for hearing by July 30, 1981; data, information, and analyses to justify a hearing by August 31, 1981.

ADDRESS: Written comments to the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Joan Eckert, Bureau of Drugs (HFD-140), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4290.

SUPPLEMENTARY INFORMATION: In the Federal Register of November 25, 1980 (45 FR 78162), corrected on January 6, 1981 (46 FR 1298), FDA proposed to amend the antibiotic drug regulations by revising the standard response line concentrations for capreomycin, cycloserine, gramicidin, and troleandomycin.

As discussed in the proposal, the current regulations set forth in § 436.106(a) (21 CFR 436.106(a)) for the microbiological turbidimetric potency assay for these antibiotic drugs provide for standard response line concentrations that are 64, 80, 100, 125, and 156 percent of the reference concentration of the assay. FDA has determined that when samples are diluted to a concentration within the 80 to 125 percent range, more accurate potency concentration estimates are obtained.

Interested persons were given until January 26, 1981, to submit written comments. No comments were received. FDA concludes that the amendment should be adopted as proposed.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 507, 701 (f) and (g), 52 Stat. 1055-1056 as amended, 59 Stat. 463 as amended (21 U.S.C. 357, 371(f) and (g))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)), Part 436 is amended in § 436.106(a) by revising the last column of the table for "Capreomycin," "Cycloserine," "Gramicidin," and "Troleandomycin," to read as follows:

§ 436.106 Microbiological turbidimetric assay.

* * * * *

(a) * * *

Anti-biotic	Working standard stock solutions: Drying conditions (method number as listed in § 436.200)	Working standard stock solutions: Initial solvent	Working standard stock solutions: Diluent (solution number as listed in § 436.101(a))	Standard response line concentrations: Final concentration units or milligrams per milliliter	Standard response line concentrations: Storage time under refrigeration	Standard response line concentrations: Diluent (solution number as listed in § 436.101(a))	Standard response line concentrations: Final concentration—units or micrograms of antibiotic activity per milliliter
Capreomycin	* * *	* * *	* * *	* * *	* * *	* * *	80.0, 89.0, 100.0, 112.0, 125.0 µg.
Cycloserine	* * *	* * *	* * *	* * *	* * *	* * *	40.0, 44.5, 50.0, 56.0, 62.5 µg.
Gramicidin	* * *	* * *	* * *	* * *	* * *	* * *	0.032, 0.0356, 0.040, 0.0446, 0.050 µg.
Troleandomycin	* * *	* * *	* * *	* * *	* * *	* * *	20.0, 22.25, 25.0, 28.0, 31.25 µg.

Any person who will be adversely affected by this regulation may file objections to it, request a hearaing, and show resonable grounds for the hearing. Any person who decides to seek a hearing must file (1) on or before July 30, 1981, a written notice of participation and request for hearing, and (2) on or before August 31, 1981, the data, information, and analyses on which the person relies to justify a hearing, as specified in 21 CFR 430.20. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for hearing that no genuine and substantial issue of fact precludes the action taken by this order, or if a request for hearings is not made in the required format or with the required analyses, the Commissioner of Food and Drugs will enter summary judgment against the person(s) who request(s) the hearing, making findings and conclusions and denying a hearing.

The procedures and requirements governing this order, a notice of appearance and request for hearing, a submission of data, information, and analysis to justify a hearing, other comments, and grant or denial of a hearing are contained in 21 CFR 430.20.

All submissions under this order must be filed in four copies, identified with the docket number appearing in the heading of this order and filed with the Dockets Management Branch (HFA-305), Food and Drug Administration (address above).

All submissions under this order, except for data and information prohibited from public disclosure under 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This amendment shall become effective July 30, 1981.

(Secs. 507, 701 (f) and (g), 52 Stat. 1055–1056 as amended, 59 Stat. 463 as amended (21 U.S.C. 357, 371 (f) and (g)))

Dated: June 22, 1981.

Mary A. McEniry,

Assistant Director for Regulatory Affairs, Bureau of Drugs.

[FR Doc. 81-19142 Filed 6-29-81; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 522

Implantation of Injectable Dosage From New Animal Drugs Not Subject To Certification; Prednisolone Sodium Succinate Injection

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by Carter-Glogau Laboratories, Inc., providing for safe and effective use of prednisolone sodium succinate injection as an anti-inflammatory agent in horses.

EFFECTIVE DATE: June 30, 1981.

FOR FURTHER INFORMATION CONTACT: Bob G. Griffith, Bureau of Veterinary Medicine (HFV–112), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3430.

SUPPLEMENTARY INFORMATION: Carter-Glogau Laboratories, Inc., 5160 W. Bethany Home Rd., Glendale, AZ 85301, filed an NADA (117–973) providing for use of a concentration of 10 milligrams of prednisolone (as prednisolone soduim succinate) per milliliter of injection solution. The drug is indicated for use in horses when an adrenal glucocorticoid and/or anti-inflammatory effect is required.

The product covered by NADA 117–973 is equivalent in effectiveness to the product that was the subject of the National Academy of Sciences/National Research Council, Drug Efficacy Study Group, evaluation that was published in the **Federal Register** of April 12, 1969 (34 FR 6447). In that publication FDA agreed with the Academy's conclusion that the product is effective as an anti-inflammatory agent for use in certain animals. Section 522.1884 (21 CFR 522.1884) reflects those labeling recommendations and specifies those conditions of use for which applications need not include effectiveness data as specified by § 514.111 (21 CFR 514.111), but may require submission of bioequivalency data and safety information. The labeling for Carter-Glogau's product is in compliance with § 522.1884. Evidence of in vivo bioavailability is not required, since the product is a true solution intended solely for intravenous administration (21 CFR 320.22(b)(1)(i)). Therefore, NADA 117.973 is approved on the basis of generic equivalence and the regulations are amended to reflect this approval.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The Bureau of Veterinary Medicine has determined pursuant to 21 CFR 25.24(d)(1)(i) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This action is governed by the provisions of 5 U.S.C. 556 and 557 and is therefore excluded from Executive Order 12291 by section 1(a)(1) of the Order.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 522 is amended in § 522.1884 by revising paragraph (c) and adding new paragraph (d)(2)(iv), to read as follows:

§ 522.1884 Prednisolone sodium succinate injection.

* * * * *

(c) *Sponsor.* See No. 000009 in § 510.600(c) of this chapter for products containing 10, 20, and 50 milligrams equivalent prednisolone activity per milliliter for use in horses, dogs, and cats as provided in paragraph (d)(1), (2)(i), (ii), and (iii) of this section. See No. 000381 in § 510.600(c) of this chapter for a product containing 10 milligrams equivalent prednisolone activity per milliliter for use in horses as provided in paragraph (d)(2)(iv) of this section.

(d) * * *

(2) * * *

(iv) In horses, 50 to 100 milligrams as an initial dose given intravenously over a period of ½ to 1 minute. May be repeated in inflammatory, allergic, or other stress conditions at intervals of 12, 24, or 48 hours, depending upon the size of the animal, the severity of the condition and the response to treatment. Not for use in horses intended for food. Clinical and experimental data have demonstrated that corticosteroids adminstered orally or parenterally to animals may induce the first stage of parturition when administered late in pregnancy and may precipitate premature parturition followed by dystocia, fetal death, retained placenta, and metritis.

* * * * *

Effective date: June 30, 1981.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: June 23, 1981.

Gerald B. Guest,

Acting Director, Bureau of Veterinary Medicine.

[FR Doc. 81-19028 Filed 6-29-81; 8:45 am]

BILLING CODE 4110-03-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Urban Mass Transportation Administration

23 CFR Parts 450 and 630

49 CFR Part 613

[FHWA Docket No. 80-24, Notice 4]

Urban Transportation Planning; Further Postponement of Pending Regulation

AGENCIES: Federal Highway Administration (FHWA) and Urban Mass Transportation Administration (UMTA), DOT.

ACTION: Notice of further postponement of pending regulation.

SUMMARY: On February 4, 1981, pursuant to a January 29 Memorandum from the President, the Department of Transportation (DOT) postponed the effective dates of all DOT regulations which had been published as final rules but had not yet taken effect. On March 25, 1981, the FHWA and UMTA further postponed the Urban Transportation Planning; Transportation Improvement Program regulation published at 46 FR 5702, January 19, 1981. This document postpones this action for an additional 30 days.

EFFECTIVE DATE: June 30, 1981.

FOR FURTHER INFORMATION CONTACT: FHWA: Stanley H. Abramson, Office of the Chief Counsel, (202) 426–0762; or UMTA: John Collins, Office of the Chief Counsel, (202) 426–1908, both located at 400 Seventh Street, SW., Washington, D.C. 20590. FHWA office hours are from 7:45 a.m. to 4:15 p.m. ET and UMTA

office hours are from 8:30 a.m. to 5:00 p.m. ET, Monday through Friday.

SUPPLEMENTARY INFORMATION: On January 29, 1981, a memorandum was issued by the President which, among other things, directed executive agencies to postpone for 60 days the effective dates of regulations which had been issued but were scheduled to become effective during that 60-day period. The Department of Transportation on February 4, 1981, pursuant to the President's memorandum, postponed the effective dates of all Department of Transportation regulations covered by the President's directive until March 31, 1981.

The purpose of this initial postponement was to afford the government the opportunity to review these recently issued, but not yet effective, regulations. As a result of their reviews, the FHWA and UMTA postponed the effective date of the Urban Transportation Planning; Transportation Improvement Program regulation (46 FR 5702, January 19, 1981) for 90 days (46 FR 19233, March 30, 1981). This document postpones regulatory action for an additional 30 days. By so postponing this regulation, the FHWA and UMTA continue in effect all current requirements and provisions of the Code of Federal Regulations, this rule would have amended had it become effective.

Before the end of the additional 30-day review period, the FHWA and UMTA intend to issue an interim final rule which would allow those provisions of the postponed rule which would reduce red tape and provide for streamlining to go into effect. In addition, the rule would update the existing joint FHWA/UMTA regulations to include recent legislative changes. Further regulatory action will be deferred pending a comprehensive review of the urban transportation planning process.

The FHWA and UMTA have determined that the initial postponement has provided an inadequate amount of time to make a decision concerning approporiate revisions to the postponed rule. The agencies believe that good cause exists for further postponing the effective date of this regulation and that such postponement is in the public interest. The postponed rule has been the subject of extensive public comment. Further review of the postponed rule by FHWA and UMTA will include full consideration of the public comments received. For these reasons and because this regulation would otherwise go into effect without this action, additional notice and public participation on this change of effective date is impracticable, unnecessary, and contrary to the public interest and good cause exists for making this postponement effective immediately.

Neither the rule as issued nor its postponement are major actions within the meaning of Executive Order 12291.

Accordingly, the effective date of the following rule is postponed until July 31, 1981:

Urban Transportation Planning; Transportation Improvement Program (23 CFR 450, 630; 49 CFR 613) published at 46 FR 5702, January 19, 1981.

(Executive Order 12291; 23 U.S.C. 101(e), 104(f)(3), 134, and 315; Sections 3, 5, and 8 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1602, 1604, and 1607); Sections 110, 172, 174, and 176 of the Clean Air Act; and 49 CFR 1.48(b) and 1.51)

(Catalog of Federal Domestic Assistance Program Numbers 20.205, Highway Research, Planning, and Construction; 20.500, Urban Mass Transportation Capital Grants; 20.501, Urban Mass Transportation Capital Improvement Loans; and 20.507, Urban Mass Transportation Capital and Operating Assistance Formula Grants. The provisions of OMB Circular No. A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects apply to these programs)

Issued on: June 26, 1981.

Arthur E. Teele, Jr.,

Urban Mass Transportation Administrator.

Richard B. Robertson,

Associate Administrator for Planning, Federal Highway Administration.

[FR Doc. 81-19068 Filed 6-29-81; 8:45 am]

BILLING CODE 4910-22-M

DEPARTMENT OF LABOR

Wage and Hour Division

Office of the Secretary

29 CFR Parts 1, 5, and 6

Further Deferral of Effective Dates of Regulations

AGENCY: Wage and Hour Division, and Office of the Secretary, Labor.

ACTION: Notice of further deferral of effective dates of final rules.

SUMMARY: This notice further defers the effective dates of certain Labor Department regulations from July 1, 1981 until July 15, 1981. This action is taken in order to continue the reconsideration of these rules in accordance with Executive Order 12291.

EFFECTIVE DATE: The effective dates are deferred until July 15 1981. See the table below for more information.

ADDRESS: Henry T. White, Jr., Deputy Administrator, Wage and Hour Division, Employment Standards Administration, Frances Perkins Department of Labor Building, Room S-3502, 200 Constitution Avenue, NW, Washington, D.C. 20210.

FOR FURTHER INFORMATION CONTACT: Henry T. White, Jr., Telephone: (202)523-8305.

SUPPLEMENTARY INFORMATION: In the Federal Register of February 6, 1981 (46 FR 11253-11254) the Department of Labor published a notice deferring the effective dates of Parts 1, 5, and 6 of Title 29 of the Code of Federal Regulations (29 CFR Parts 1, 5, and 6) until March 30, 1981. This action was taken in response to a January 29, 1981 Memorandum from President Reagan in order to allow for a full and appropriate review of these rules. The effective dates of all of these regulations (29 CFR Parts 1, 5, and 6) were further delayed until July 1, 1981 in order to fully reconsider the regulations pursuant to Executive Order 12291. See 46 FR 18973 (March 27, 1981); 46 FR 23739 (April 28, 1981).

This document will further defer the effective dates of all of these regulations until July 15, 1981. This action is necessary in order to continue the reconsideration of these rules in accordance with Executive Order 12291.

For this reason and because these rules are scheduled to become effective very shortly, additional notice and public procedure on this change of effective dates is impracticable, unnecessary and contrary to the public interest and good cause exists for making these postponements effective immediately. This finding is made pursuant to 5 U.S.C. 553(b)3(B).

The following chart contains a description of each of the rules being deferred by this notice:

Rule	Subject	Original publication of rule in final form	Previously scheduled effective date
1. 29 CFR Part 1	Procedure for Predetermination of Wage Rates	Jan. 16, 1981 (46 FR 4306)	July 1, 1981.
2. 29 CFR Part 5	Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction (Also Labor Standards Provisions Applicable to Nonconstruction Contracts Subject to the Contract Work Hours and Safety Standards Act).	Jan. 16, 1981 (46 FR 4380)	Do.
3. 29 CFR Part 6	Rules of Practice for Administrative Proceedings Enforcing Labor Standards in Federal and Federally assisted Construction Contracts and Federal Service Contracts.	Jan. 16, 1981 (46 FR 4398)	Do.

Authority

The statutory authority for this action is as follows:

1. As to 29 CFR Part 1: 5 U.S.C. 301; R.S. 161, 64 Stat. 1267; Reorganization Plan No. 14 of 1950, 5 U.S.C. Appendix; 29 U.S.C. 259; 40 U.S.C. 276a—276a–7; 40 U.S.C. 276c; and the law listed in Appendix A of Part 1.

2. As to 29 CFR Part 5: 40 U.S.C. 276a—276a–7; 40 U.S.C. 276c; 40 U.S.C. 327–332; Reorganization Plan No. 14 of 1950, 5 U.S.C. Appendix; 5 U.S.C. 301; and the statutes listed in section 5.1(a) of Part 5.

3. As to 29 CFR Part 6: Sections 4 and 5, 79 Stat. 1034, 1035 as amended by 86 Stat. 789, 790, 41 U.S.C. 353 and 354; 5 U.S.C. 301; Reorg. Plan No. 14 of 1950, 64 Stat. 1267, 5 U.S.C. Appendix; 48 Stat. 1494, as amended by 49 Stat. 1011, 78 Stat. 238, 40 U.S.C. 276a—276a–7; 76 Stat. 357–359, 40 U.S.C. 327–332; 48 Stat. 948, as amended by 63 Stat. 108, 72 Stat. 967, 40 U.S.C. 276c.

Signed at Washington, D.C. this 26th day of June 1981.

Raymond J. Donovan,

Secretary of Labor.

Robert B. Collyer,

Deputy Under Secretary of Labor for Employment Standards.

[FR Doc. 81-19364 Filed 6-30-81; 8:45 am]

BILLING CODE 4510-27-M

29 CFR Part 4

Further Deferral of Effective Dates of Regulations

AGENCY: Wage and Hour Division, Labor.

ACTION: Notice of further deferral of effective dates of final rules.

SUMMARY: This notice further defers the effective dates of certain Labor Department regulations from July 1, 1981 until August 1, 1981. This action is taken in order to continue the reconsideration of these rules in accordance with Executive Order 12291.

EFFECTIVE DATE: The effective dates are deferred until August 1, 1981. See the table below for more information.

ADDRESS: Henry T. White, Jr., Deputy Administrator, Wage and Hour Division, Employment Standards Administration, Frances Perkins Department of Labor Building, Room S–3502, 200 Constitution Avenue, NW, Washington, D.C. 20210.

FOR FURTHER INFORMATION CONTACT: Henry T. White, Jr., Telephone: (202) 523–8305.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of February 12, 1981 (46 FR 11971) this Department published a notice deferring (staying) the effective date of Part 4 (including § 4.133) of Title 29 of the Code of Federal Regulations (29 CFR Part 4) until April 17, 1981. This action was taken in response to a January 29, 1981 Memorandum from President Reagan in order to allow for a full and appropriate review of this rule. The effective date of this regulation (29 CFR Part 4) was further delayed until July 1, 1981 in order to fully reconsider the regulation pursuant to Executive Order 12291. See 46 FR 18973 (March 27, 1981); 46 FR 23739 (April 28, 1981).

This document will further defer the effective date of this regulation until August 1, 1981. This action is necessary in order to continue the reconsideration of this rule in accordance with Executive Order 12291.

For this reason and because this rule is scheduled to become effective very shortly, additional notice and public procedure on this change of effective dates is impracticable, unnecessary and contrary to the public interest and good cause exists for making these postponements effective immediately. This finding is made pursuant to 5 U.S.C. 553(b)(3)(B).

Following is a description of the rule being deferred by this notice:

Rule	Subject	Original publication of rule in final form	Previously scheduled effective date
1. 29 CFR Part 4	Service Contract Act; Labor Standards for Federal Service Contract	Jan. 16, 1981 (46 FR 4320) and Jan. 19, 1981 (46 FR 4866).	July 1, 1981.

Authority

The statutory authority for this action is as follows:

41 USC 351, *et seq.*, 79 Stat. 1034, as amended in 86 Stat. 789, 90 Stat. 2358; 41 U.S.C. 38 and 39; and 5 U.S.C. 301.

Signed at Washington, D.C. this 26th day of June 1981.

Raymond J. Donovan,

Secretary of Labor.

Robert B. Collyer,

Deputy Under Secretary of Labor for Employment Standards.

[FR Doc. 81-19365 Filed 6-29-81; 8:45 am]

BILLING CODE 4510-27-M

29 CFR Part 778

Overtime Compensation; Correction

AGENCY: Wage and Hour Division, Labor.

ACTION: Amendment to interpretative bulletin; correction.

SUMMARY: This document corrects an amendment to an Interpretative Bulletin on overtime compensation that appeared at pages 7308–7320 in the **Federal Register** of Friday, January 23, 1981 (Vol. 46, No. 15, 7308–7320). The action is necessary to correct typographical, arithmetic and incomplete sentence errors.

EFFECTIVE DATE: June 30, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. James L. Valin, Director, Division of Minimum Wage and Hour Standards, Office of Fair Labor Standards, Wage and Hour Division, U.S. Department of Labor, 200 Constitution Avenue, N.W., Rm. S–3508, Washington, D.C. 20210, Telephone: (202) 523–7043. (This is not a toll-free number.)

The following corrections are made in Part 778 appearing on pages 7308–7320 of FR Vol. 46, No. 15 in the issue of January 23, 1981.

1. On page 7316 in column three, eighth line down, the last word "or" should read "of."

2. On page 7317 in column two, seventeenth line under (b), the amount "$7.65" should read "$1.05."

3. On page 7318 in column two, sixteenth line under (a) of amendment 40, the word "at" should read "as."

4. On page 7319 in column two, the sentence starting in the eighth line under (a) of amendment 43 should read as follows: It permits a 14-day period to be established for the purpose of computing overtime compensation by an agreement or understanding between an employer engaged in the operation of a hospital or residential care establishment, and any of his employees employed in connection therewith.

(52 Stat. 1060, as amended; 29 U.S.C. 201–217; Secretary's Order No. 16–75, 40 FR 55913, Dec. 2, 1975; Employment Standards Order No. 78–1, 43 FR 51469, Nov. 3, 1978)

Signed at Washington, D.C. this 23rd day of June 1981.

Robert B. Collyer,

Deputy Under Secretary for Employment Standards.

Henry T. White, Jr.,

Deputy Administrator.

[FR Doc. 81-19105 Filed 6-29-81; 8:45 am]

BILLING CODE 4510-27-M

Occupational Safety and Health Administration

29 CFR Part 1910

[Docket No. H-004E]

Occupational Exposure to Lead; Supplemental Statement of Reasons and Amendment of Standard; Notice of Deferral of Effective Date

Note.—This document originally appeared in the **Federal Register** for Monday, June 29, 1981. It is reprinted in this issue to meet requirements for publication on the Tuesday-Friday schedule assigned to the Department of Labor.

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice of further deferral of effective date of final rule.

SUMMARY: This notice defers the effective date of the Supplemental Statement of Reasons and Amendment of the Lead Standard until August 31, 1981. The action is necessary to allow additional time to consider the appropriateness of the lengthy and complex document in light of the numerous petitions for administrative review which have been received, and to allow time for final disposition of complicated issues before the Supreme Court.

DATE: The effective date is deferred until August 31, 1981.

FOR FURTHER INFORMATION CONTACT: Dr. Robert Beliles, Occupational Safety and Health Administration, Room N3617, U.S. Department of Labor, Washington, D.C. 20210 (202) 523–7081.

SUPPLEMENTARY INFORMATION: On January 21, 1981, OSHA published in the **Federal Register** (46 FR 6134) a supplemental statement of reasons assessing the technological and economic feasibility of meeting the permissible exposure level for lead contained in the lead standard (29 CFR 1910.1025), in 46 industries. The document was prepared in response to a remand order from the U.S. Court of Appeals for the D.C. Circuit, in the "United Steelworkers of America v. Marshall," No. 79–1048 (August 15, 1980). The supplemental statement of reasons covered nearly 100 pages in the **Federal Register**, and was originally scheduled to be effective on February 20, 1981. On February 6, 1981, the effective dates of several final regulations were deferred until March 30, 1981 pursuant to a Presidential Memorandum to the Secretary of Labor and other cabinet officials (46 FR 11253). On March 27, 1981 (46 FR 18973) OSHA further deferred the effective date, for a period of 30 days, so that it might have additional time to consider the numerous petitions for administratrive review of the supplemental statement of reasons—a very lengthy and complex document.

In response to the D.C. Circuit's opinion to the lead standard several petitions for certiorari were filed with the Supreme Court. The agency responded on April 17, 1981, stating that the petitions for certiorari should be granted, that the judgment of the court of appeals should be vacated, that the case should be remanded with directions to return the record to the agency for further administrative proceedings, and that the standard that is currently effective should be left undisturbed. On the same day, OSHA filed with the **Federal Register** an advance notice of proposed rulemaking, published on April 21, 1981 (46 FR 22764), which stated the agency's intention to review the technological and economic feasibility of the lead standard, and to reevaluate several other important issues concerning the lead standard. Interested parties were invited to comment on the advance notice by June 1, 1981. Finally, on April 28, 1981 (46 FR 23741), the effective date was again deferred until June 30, 1981.

In light of the above, and since the Supreme Court has yet to dispose of the petitions before it dealing with the reevaluation of the lead standard, additional time is needed to make an appropriate and coordinated decision on the supplemental statement of reasons. Therefore, the effective date of the supplemental statement is hereby deferred until Agusust 31, 1981. Due to the short deferral period, notice and opportunity for public comment on the deferral is impractical and unnecessary under 5 U.S.C. 533 and 29 U.S.C. 655(b).

Signed at Washington, D.C. this 25th day of June, 1981.

Thorne G. Auchter,

Assistant Secretary of Labor.

[FR Doc. 81-19230 Filed 6-29-81; 8:45 am]

BILLING CODE 4510-26-M

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29 CFR Part 1910

[Docket No. H-004M]

Occupational Exposure to Lead, New Trigger Levels for Medical Removal Protection; Deferral of Effective Date

AGENCY: Occupational Safety and Health Administration, Labor.

ACTION: Notice of further deferral of effective date of new trigger levels for medical removal protection for primary smelters and secondary smelters.

SUMMARY: For primary and secondary smelters only, OSHA is delaying the effective date of the new trigger levels for medical removal protection under the lead standard (29 CFR 1910.1025(k)) from the July 1, 1981 date previously announced in the **Federal Register** (46 FR 28845, May 29, 1981) to July 21, 1981. The background and basis in the record for further delay of the effective date as to primary and secondary smelters are discussed in prior notices. This action is taken to allow the Agency time to prepare and publish in the **Federal Register** the document setting out the relief for the involved lead industries, while at the same time providing necessary protection for employees.

DATES: For primary and secondary lead smelters, the temporary stay of the new trigger levels is extended to July 21, 1981.

FOR FURTHER INFORMATION CONTACT: Dr. Robert P. Beliles, Occupational Safety and Health Administration, Room N–3718, U.S. Department of Labor, Washington, D.C. 20210; telephone (202) 523–7081.

Signed at Washington, D.C. this 25 day of June 1981.

Thorne G. Auchter,

Assistant Secretary of Labor.

[FR Doc. 81-19232 Filed 6-29-81; 8:45 am]

BILLING CODE 4510-26-M

Office of Pension and Welfare Benefit Programs

29 CFR Part 2530

Rules and Regulations for Minimum Standards for Employee Benefit Plans; Suspension of Benefit Rules—Deferral of Effective Date

AGENCY: Office of Pension and Welfare Benefit Programs, Department of Labor.

ACTION: Deferral of effective date of final rule.

SUMMARY: This document defers until August 1, 1981, the effective date of 29 CFR § 2530.203–3, Suspension of Benefit Rules. This regulation had been due to take effect on July 1, 1981. This action is taken in order to permit further analysis of the regulation in accordance with Executive Order 12291.

DATE: The effective date of 29 CFR 2530.203–3 is deferred until August 1, 1981.

FOR FURTHER INFORMATION CONTACT: Jay S. Neuman, Office of the Solicitor; 200 Constitution Avenue, N.W., Washington, D.C. 20216; Room C–4508; 202–523–8658.

SUPPLEMENTARY INFORMATION: On January 27, 1981, the Department of Labor published in the **Federal Register** (46 FR 8894) a final regulation under section 203(a)(3)(B) of the Employee Retirement Income Security Act of 1974 (ERISA) governing the circumstances under which it is permissible for a plan to suspend the payment of pension benefits (29 CFR § 2530.203–3). As published, this regulation was due to take effect May 27, 1981.

On May 26, 1981, the Department published a document (46 FR 28151) which announced its decision to defer the effective date of the suspension of benefits regulation until July 1, 1981. That action was taken in order to permit continuing reconsideration of this regulation in accordance with Executive Order 12291.

The Department has determined that a further deferral of the effective date of this regulation is necessary. As indicated in the prior notice, there are many issues involved with respect to this regulation. The Department believes that additional time is needed for full consideration of the issues, and the costs and benefits involved, in light of concerns raised in comments the Department has received on the final rule. Additional time is needed as well to fully coordinate review of this matter with the Office of Management and Budget, as required by the Executive Order.

For these reasons, and because this regulation is scheduled to become effective very shortly, the Department finds, pursuant to the Administrative Procedure Act (5 USC § 553(b)), that additional notice and public procedure on this change of effective date would be impracticable, unnecessary and contrary to the public interest.

Accordingly, pursuant to the authority set forth in sections 203(a)(3)(B) and 505 of ERISA, the effective date of 29 CFR 2530.203–3 is hereby deferred until August 1, 1981.

Signed at Washington, D.C., this 25th day of June, 1981.

Ronald J. St. Cyr,

Deputy Assistant Secretary, Labor-Management Services Administration.

[FR Doc. 81-19150 Filed 6-25-81; 1:42 pm]

BILLING CODE 4510-29-M

Mine Safety and Health Administration

30 CFR Parts 1, 11, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 31, 32, 33, 35, 36, 50, 71, 74, 75, and 77

AGENCY: Mine Safety and Health Administration (MSHA), Department of Labor.

ACTION: Authority citations; technical amendments.

SUMMARY: This document amends authority citations contained in several parts of the Department of Labor's Title 30, Code of Federal Regulations. This action is necessary to correct a typographical error which appears in citations of legal authority for the parts of Title 30, Code of Federal Regulations mentioned above.

FOR FURTHER INFORMATION CONTACT: Frank A. White, Chief, Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 631, Ballston Tower No. 3, 4015 Wilson Boulevard, Arlington, Virginia 22203, (703) 235–1910.

SUPPLEMENTARY INFORMATION: These amendments are nonsubstantive in nature and advance notice and public participation are unnecessary. Accordingly, these amendmends are exempt from notice and comment procedures by 5 U.S.C. 553(b)(B).

The authority citations of the Mine Safety and Health Administration in 30 CFR Parts 1, 11, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 31, 32, 33, 35, 36, 50, 71, 74, 75, and 77 are amended by removing "80 Stat. 803" and inserting in its place "83 Stat. 803."

Dated: June 25, 1981.

Frank A. White,

Chief, Office of Standards, Regulations and Variances.

[FR Doc. 81-19225 Filed 6-29-81; 8:45 am]

BILLING CODE 4510-43-M

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30 CFR Part 49

Mine Rescue Teams; Correction

AGENCY: Mine Safety and Health Administration (MSHA), Department of Labor.

ACTION: Final rule; correction.

SUMMARY: This action by the Mine Safety and Health Administration is an editorial correction to its safety and health standards, 30 CFR Part 49 (Mine Rescue Teams), which were published July 11, 1980 (45 FR 46992).

EFFECTIVE DATE: July 11, 1981.

FOR FURTHER INFORMATION CONTACT: Frank A. White, Chief, Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 631, Ballston Tower No. 3, 4015 Wilson Boulevard, Arlington, Virginia (703) 235–1910.

SUPPLEMENTARY INFORMATION: The Mine Safety and Health Administration makes the editorial corrections below to correct printing errors. The standards contained in 30 CFR Part 49 for mine rescue teams were published as a final rule on July 11, 1980, and apply to all underground mining operations. They are scheduled to become effective on July 11, 1981. No substantive provisions of any MSHA safety and health standard or regulation is affected by this action. Therefore, these amendments are exempt from notice and comment procedures by 5 U.S.C. 553(b)(B).

Accordingly, 30 CFR Part 49, appearing at pages 46992–47005 in the **Federal Register** issue of July 11, 1980, is corrected as follows:

1. At 45 FR 46995, first column, third full paragraph, eleventh line, "at" is corrected to read "and."

§ 57.4–59 [Corrected]

2. At 45 FR 47005, first column, line fourteen and line eighteen, 57.4–59 is corrected to read 57.4–69.

Dated: June 25, 1981.

Frank A. White,

Chief, Office of Standards, Regulations and Variances.

[FR Doc. 81-19228 Filed 6-29-81; 8:45 am]

BILLING CODE 4510-43-M

30 CFR Part 71

Mandatory Health Standards—Surface Coal Mines and Surface Work Areas of Underground Coal Mines; Correction

AGENCY: Mine Safety and Health Administration (MSHA), Department of Labor.

ACTION: Final rule; correction.

SUMMARY: The Department of Labor's mandatory health standard for surface coal mines and surface work areas of underground coal mines, 30 CFR Part 71, was amended at 45 FR 80746 (December 5, 1980). This document corrects an error which appeared in the final rule.

EFFECTIVE DATE: June 30, 1981.

FOR FURTHER INFORMATION CONTACT: Frank A. White, Chief, Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 631, Ballston Tower No. 3, 4015 Wilson Boulevard, Arlington, Virginia 22203, (703) 235–1910.

SUPPLEMENTARY INFORMATION: This correction is intended to correct the amendatory language in 30 CFR Part 71 which was published as a revised final rule on December 5, 1980. As the correction is nonsubstantive in nature, it is exempt from notice and comment procedures under 5 U.S.C. 553(b)(B).

The Mine Safety and Health Administration corrects FR Doc. 80–37865, 30 CFR Part 71, which appeared as a final rule at 45 FR 80746:

On page 80756, column 1, the amendatory language is corrected by adding a paragraph 2 to read as follows:

"2. The subject heading for 30 CFR Part 71 is amended as set forth below."

Dated: June 25, 1981.

Frank A. White,

Chief, Office of Standards, Regulations and Variances.

[FR Doc. 81–19227 Filed 6–29–81; 8:45 am]

BILLING CODE 4510–43–M

DEPARTMENT OF DEFENSE

Department of the Army

32 CFR Part 581

Personnel Review Boards; Procedures and Standards of the Army Board for Correction of Military Records

AGENCY: Army Board for Correction of Military Records.

ACTION: Final rule.

SUMMARY: On March 20, 1980, the Department of the Army published in the **Federal Register** an amendment to 32 CFR 581.3 by adding a new paragraph (h)(5) (45 FR 17990). Paragraph (h)(5)(iii) stated that the Department of the Army is presently seeking to appeal the District Court order that requires promulgation of paragraphs (h)(5)(i) and (h)(5)(ii), and that applications submitted pursuant thereto may be revised or revoked as a result of the appeal. Appellate review has been completed as to the content of paragraphs (h)(5)(i) and (h)(5)(ii), and no change has resulted in the District Court order. Therefore, paragraph (h)(5)(iii) must now be rescinded.

EFFECTIVE DATE: This amendment is effective immediately (June 30, 1981).

FOR FURTHER INFORMATION CONTACT: Mr. John W. Matthews, Army Board for Correction of Military Records, Room 1E–512, Pentagon, Washington, DC 20310, (202) 697–4254; Mr. Elwood E. Wilmeth, Army Board for Correction of Military Records.

§ 581.3 [Amended]

Accordingly, the rules of procedure of the Army Board for Correction of Military Records are amended to remove 581.3(h)(5)(iii).

Dated: June 10, 1981.

John O. Roach II,

Army Liaison Officer with the Federal Register.

[FR Doc. 81–19165 Filed 6–29–81; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF AGRICULTURE

Forest Service

36 CFR Parts 261 and 262

Prohibitions and Rewards and Impoundments

AGENCY: Forest Service, USDA.

ACTION: Final Rules.

SUMMARY: These rules amend regulations for National Forest System lands relating to 36 CFR Part 261, Prohibitions and Part 262, Rewards and Impoundments. Because of the interrelationship of Part 261 to Part 262, amendments to the rules have been considered simultaneously. The amendments are designed to (1) correct demonstrated weaknesses; (2) make existing regulations more current; and (3) clarify confusing language in existing regulations.

EFFECTIVE DATE: July 30, 1981.

FOR FURTHER INFORMATION CONTACT: Ernie Andersen, Fiscal and Accounting Management Staff, USDA-Forest Service, P.O. Box 2417, Washington, D.C. 20013 (703) 235–8484.

SUPPLEMENTARY INFORMATION: 36 CFR Part 261, Prohibitions, declares the range of unacceptable behavior when visiting and using National Forest System lands. Violations carry law enforcement sanctions. Part 262, Rewards and Impoundments, describes Forest Service authority to pay for information leading to the arrest and conviction of person(s) who start fires and destroy property on National Forest System lands as well as the policy and procedures for impounding or removing unauthorized personal property. The rules would have almost no impact on the economy and would result in no increase in cost or prices for consumers, individual industries, Federal, State or local government agencies or geographic regions. The rule would have no effect on competition, employment, investment productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. Therefore, the final rules are found to be "nonmajor" and not subject to the regulatory impact analysis requirements of Executive Order Number 12291.

The proposed rules amending Part 261, Prohibitions, and Part 262, Rewards and Impoundments, were published in the **Federal Register** (46 FR 1758) on January 7, 1981. The 60-day public comment period ended on March 9, 1981. Sixteen written replies were received, consisting of fifty comments concerning fifteen sections. Additionally six oral comments were received.

Comments are available for review in room 701, 1621 North Kent Street, Rosslyn Plaza, Building E, Arlington, Virginia, during regular business hours between 9 a.m. and 4 p.m., Monday through Friday.

Regulatory Flexibility Act Determination

The Secretary of Agriculture has determined that this action will not have a significant economic impact on a substantial number of small entities because it imposes no direct or indirect cost on small entities except for the possibility of fine for violation of a prohibited act, it imposes no paperwork or record keeping requirements of small entities, it does not affect the competitive position of small entities in relation to large entities, and it does not affect cash flow, liquidity, or ability to remain in the market for small entities.

Discussion of Comments

The majority of comments support the amendment with only grammatical, typographical, or stylistic changes suggested. The majority of these changes have been accepted. These

changes were not substantive in nature and included, for the most part, reorganizing sentences within a section for improved readability.

Suggested changes involving enforcement jurisdiction over State and private land administered under an agreement, cannot be made at the present time without amendment to Federal law. Other suggested amendments involving State laws and regulations governing vehicle traffic and operation on National Forest System lands require additional study to determine their merit. Because there is a practical need to adopt the revisions in time for the 1981 visitor season, these suggestions are not incorporated here but will be considered for inclusion in the next notice of proposed rulemaking for Parts 261 and 262.

There were fourteen comments with suggestions for improving the clarity of § 261.9 (g) and (h), Destruction of Archaeological Resources. The general consensus of the suggestions was to include historical and paleontological resources in the prohibited act. Both subjects are presently contained at 36 CFR 261.9(e). The suggested subjects were inadvertently omitted from the proposed rule; historical and paleontological resources therefore, are included in the final rule. The remaining suggestion in this subject area proposed including "Historical and Paleontological" in § 261.2, Definitions. This suggestion is accepted to further clarify 261.9 (g) and (h).

Five written comments and a number of oral suggestions concerned § 261.70(a)(10), Alcoholic beverage. The general thrust of these comments was to retain the prohibitive section, and move it from SUBPART C—PROHIBITIONS IN REGIONS, TO SUBPART B—PROHIBITIONS IN AREAS. This suggestion is accepted after careful consideration of all comments. We know of no situation where a need exists to apply this rule on a Forest-wide basis. We believe that considered application of this rule in needed areas, on a case by case basis, frequently reviewed for continuing need, will be an effective management tool responsive in a reasonable way to continuing public demand for a safer and more orderly recreation experience.

One comment to move § 261.12(c), "Failing to stop a vehicle when directed to do so by a Forest Officer," from 261.12, Forest Development Roads and Trails, to § 261.10, Occupancy and Use, is accepted. The definition of a vehicle in § 261.2 includes watercraft, snowmobiles, or any device by which any person or property may be transported. By moving the rule to 261.10, its application is broader in scope and is still applicable to 261.12.

One commenter suggested reprinting the penalty section of Title 16 U.S.C. 551 in 36 CFR 261.1, Scope, so the public would be better informed as to the consequences of violating Part 261, Prohibitions. We agree.

One commenter suggested removing 261.16 with the exceptions of, "wagon, cart or other vehicles" which would then be moved to 261.57 for optional use. This is accepted and is reflected in the final rule.

Other than those reflected above, there are no additional changes of substance in the final rule.

For the reasons set out in the preamble, Parts 261 and 262 of chapter II of Title 36 of the Code of Federal Regulations are amended as set forth below.

PART 261—PROHIBITIONS

1. Revise the table of contents by adding 261.1b to read as follows:

Sec.
261.1 Scope.
261.1a Permits.
261.1b Penalties.
* * * * *

2. The authority citation for Part 261 reads as follows:

Authority: 30 Stat. 35, as amended (16 U.S.C. 551); Sec. 1, 33 Stat. 628 (16 U.S.C. 472); 50 Stat. 526, as amended (7 U.S.C. 1011, (f)); 82 Stat. 916 (16 U.S.C. 1281, (d)); 82 Stat. 922 (16 U.S.C. 1246, (i)), unless otherwise noted.

Subpart A—General Prohibitions

3. In § 261.1, paragraph (b) is revised to read as follows:

§ 261.1 Scope.
* * * * *

(b) Nothing in this part shall preclude activities as authorized by the Wilderness Act of 1964 or the U.S. Mining Laws Act of 1872 as amended.

4. A new § 261.1b, is added to read as follows:

§ 261.1b Penalty.

Any violation to the prohibitions on this Part (261) shall be punished by a fine of not more than $500 or imprisonment for not more than six months or both pursuant to Title 16 U.S. Code Section 551, unless otherwise provided.

5. Amend § 261.2 by adding the following definitions to read as follows:

§ 261.2 Definitions.

The following definitions apply to this part:
* * * * *

"Archaeological resource" means any material remains of prehistoric or historic human life or activities which are of archaeological interest and are at least 50 years of age, and the physical site, location, or context in which they are found.
* * * * *

"Camping equipment" means the personal property used in or suitable for camping, and includes any vehicle used for transportation and all equipment in possession of a person camping. Food and beverage are not considered camping equipment.

"Damaging" means to injure, mutilate, deface, destroy, cut, chop, girdle, dig, excavate, kill or in any way harm or disturb.
* * * * *

"Historical resource" means any structural, architectural, archaeological, artifactual or other material remains of past human life or activities which are of historical interest and are at least 50 years of age, and the physical site, location, or context in which they are found.

"Motorized equipment" means any machine activated by a nonliving power source except small battery-powered, handcarried devices such as flashlights, shavers, Geiger counters, and cameras.

"Motor vehicle" means any vehicle which is self-propelled or any vehicle which is propelled by electric power obtained from batteries, but not operated on rails.
* * * * *

"Paleontological resource" means any evidence of fossilized remains of multicellular invertebrate and vertebrate animals and multicellular plants, including imprints thereof. Organic remains primarily collected for use as fuel such as coal and oil are Paleontological Resources, but are excluded from the prohibitions under the rule.
* * * * *

"Prehistoric resource" means any structural, architectural, archaeological, artifactual or other material remains of past human life or activity generally prior to the advent of written records and of anthropological interest, and the physical site, location, or context in which they are found.
* * * * *

"Vehicle" means any device in, upon, or by which any person or property is or may be transported, including any frame, chassis, or body of any motor vehicle, except devices used exclusively upon stationary rails or tracks.
* * * * *

6. Revise the heading of § 261.3, designating the existing paragraph as (a) and adding paragraph (b) to read as follows:

§ 261.3 Interfering with or giving false report to a Forest Officer.

The following are prohibited:

(a) * * *

(b) Giving any false, fictitious or fraudulent report or other information to any Forest Officer engaged in or on account of the performance of his official duties knowing that such report or other information contains false, fictitious or fraudulent statement or entry.

7. Revise § 261.4 (a), (b), (c) and add paragraph (d) to read as follows:

§ 261.4 Disorderly conduct.

The following are prohibited:

(a) Engaging in fighting.

(b) Addressing any offensive, derisive, or annoying communication to any other person who is lawfully present when such communication has a direct tendency to cause acts of violence by the person to whom, individually, the remark is addressed.

(c) Make statements or other actions directed toward inciting or producing imminent lawless action and likely to incite or produce such action.

(d) Causing public inconvenience, annoyance, or alarm by making unreasonably loud noise.

8. In § 261.5, revise paragraph (a) to read as follows:

§ 261.5 Fire.

The following are prohibited:

(a) Carelessly or negligently throwing or placing any ignited substance or other substance that may cause a fire.

* * * * *

9. In § 261.6, revise paragraph (a) to add paragraph (h) to read as follows:

§ 261.6 Timber and other forest products.

The following are prohibited:

(a) Cutting or otherwise damaging any timber, tree or other forest product, except as authorized by permit, timber sale contract, Federal law or regulation.

* * * * *

(h) Removing any timber, tree, or other forest product, except as authorized by permit, timber sale contract Federal law or regulation.

10. Revise the introductory paragraph of § 261.8 to read as follows:

§ 261.8 Fish and wildlife.

The following are prohibited to the extent Federal or State law is violated:

11. Revise § 261.9 to read as follows:

§ 261.9 Property.

The following are prohibited:

(a) Damaging any natural feature or other property of the United States.

(b) Removing any natural feature or other property of the United States.

(c) Damaging any plant that is classified as a threatened, endangered, sentitive, rare, or unique species.

(d) Removing any plant that is classified as a threatened, endangered, sentitive, rare, or unique species.

(e) Entering any building, structure, or enclosed area owned or controlled by the United States when such building, structure, or enclosed area is not open to the public.

(f) Using any herbicide, pesticide or fungicide except for personal use for medical purposes or as an insect repellant or with permission for other minor uses.

(g) Digging in, excavating, disturbing, injuring, destroying, or in any way damaging any paleontological, prehistoric, historic or archaeological resource, structure, site, artifact or property.

(h) Removing any paleontological, prehistoric, historic, or archaeological resource, structure, site, artifact or property.

12. In § 261.10, revise paragraphs (c), (d), and (e) and add paragraph (l) to read as follows:

§ 261.10 Occupancy and Use.

The following are prohibited.

* * * * *

(c) Selling or offering for sale any merchandise, conducting any kind of work activity or service unless authorized by Federal law, regulation, or permit.

(d) Discharging a firearm or any other implement capable of taking human life, causing injury, or damaging property: (1) In or within 150 yards of a residence, building, campsite, developed recreation site or occupied area, or (2) across or on a Forest Development road or a body of water adjacent thereto, or in any manner or place whereby any person or property is exposed to injury or damage as a result in such discharge.

(e) Abandoning any personal property.

* * * * *

(l) Failing to stop a vehicle when directed to do so by a Forest Officer.

13. In § 261.11, revise paragraphs (a), and (e) to read as follows:

§ 261.11 Sanitation.

The following are prohibited:

(a) Depositing in any toilet, toilet vault, or plumbing fixture any substance which could damage or interfere with the operation or maintenance of the fixture.

* * * * *

(e) Dumping of any refuse, debris, trash or litter brought as such from private property or from land occupied under permit, except, where a container, dump or similar facility has been provided and is identified as such, to receive trash generated from private lands or lands occupied under permit.

§ 261.12 [Amended]

14. Amend § 261.12 by removing paragraph (c) and relettering paragraphs (d), (e) and (f) as (c), (d), and (e).

15. In § 261.14, revise paragraphs (c), (l), and (m) to read as follows:

§ 261.14 Developed recreation sites.

The following are prohibited:

* * * * *

(c) Cleaning or washing any personal property, fish, animal, or food, or bathing or washing at a hydrant or water faucet not provided for that purpose.

* * * * *

(l) Bringing in or possessing a saddle, pack, or draft animal except as authorized by posted instructions.

(m) Operating or parking a motor vehicle or trailer except in places developed or designated for this purpose.

* * * * *

16. Revise § 261.15 to read as follows:

§ 261.15 Admission, recreation use and special recreation permit fees.

Failing to pay any fee established for admission or entrance to or use of a site, facility, equipment or service furnished by the United States is prohibited. The maximum fine shall not exceed $100 (Sec. 2, 78 Stat 897, as amended: 16 U.S.C. 460l–6(e)).

17. In § 261.16, revise paragraph (a) to read as follows:

§ 261.16 National Forest Wilderness.

The following are prohibited in a National Forest Wilderness:

(a) Possessing or using a motor vehicle, motorboat, or motorized equipment.

* * * * *

18. Revise § 261.21 to read as follows:

§ 261.21 Wild free-roaming horses and burros.

The following are prohibited:

(a) Removing or attempting to remove a wild free-roaming horse or burro from the National Forest System unless authorized by law or regulation.

(b) Causing or allowing the inhumane treatment or harassment of a wild free-roaming horse or burro.

(c) Removing or attempting to remove, alter or destroy any official mark used

to identify a wild horse or burro or its remains unless authorized or permitted by law or regulation.

(d) Violating any terms or conditions specified in a care and maintenance agreement or permit.

Subpart B—Prohibitions in Areas Designated by Order

19. Amend § 261.50(e) by adding subparagraph (6) to read as follows:

§ 261.50 Orders.

(e) * * *

(6) Any other person meeting exemption requirements specified in the order.

20. In § 261.52, revise paragraph (j) to read as follows:

§ 261.52 Fire.

When provided by an order, the following are prohibited:

* * * * * *

(j) Operating or using any internal or external combustion engine without a spark arresting device properly installed, maintained and in effective working order meeting either: (1) Department of Agriculture, Forest Service Standard 5100–1a; or (2) appropriate Society of Automotive Engineers (SAE) recommended practice J335(b) and J350(a).

* * * * * *

21. Amend § 261.54 by adding paragraph (f) to read as follows:

§ 261.54 Forest development roads.

When provided by an order, the following are prohibited:

* * * * * *

(f) Operating a vehicle carelessly, recklessly, or without regard for the rights or safety of other persons or in a manner or at a speed that would endanger or be likely to endanger any person or property.

22. Amend § 261.57 by adding paragraph (h) to read as follows:

§ 261.57 National Forest Wilderness.

When provided by an order, the following are prohibited:

* * * * * *

(h) Possessing or using a bicycle, wagon, cart, or other vehicle.

23. In § 261.58, revise paragraph (g) and add paragraphs (aa) and (bb) to read as follows:

§ 261.58 Occupancy and use.

When provided by an order, the following are prohibited:

* * * * * *

(g) Parking or leaving a vehicle in violation of posted instructions.

* * * * * *

(aa) Riding, hitching, tethering or hobbling a horse or other saddle or pack animal in violation of posted instructions.

(bb) Possessing a beverage which is defined as an alcoholic beverage by State law.

PART 262—REWARDS AND IMPOUNDMENTS

24. The authority citation for Part 262 reads as follows:

Authority: 30 Stat. 35, as amended (16 U.S.C. 551); sec. 1, 33 Stat. 628 (16 U.S.C. 472); 50 Stat. 526 as amended (7 U.S.C. 1011(f)); 58 Stat. 736 (16 U.S.C. 559(a)), unless otherwise noted.

25. In § 262.1 revise paragraphs (a)(1), (a)(2), and (a)(3) to read as follows:

§ 262.1 Rewards in connection with fire or property prosecutions.

(a) * * *

(1) Not exceeding $5,000 for information leading to the arrest and conviction of any person on the charge of willfully or maliciously setting on fire, or causing to be set on fire, any timber, underbrush, or grass upon the lands of the United States within the National Forest System or nearby.

(2) Not exceeding $1,000 for information leading to the arrest and conviction of any person on the charge of having kindled or caused to be kindled a fire on lands of the United States within the National Forest System or nearby, and leaving said fire which escapes before the same has been totally extinguished;

(3) Not exceeding $5,000 for information leading to the arrest and conviction of any person charged with destroying or stealing any property of the United States; and

* * * * * *

26. Revise § 262.4 by adding paragraph (e) to read as follows:

§ 262.4 Impounding of personal property.

* * * * * *

(e) The provisions of this section shall not apply to the impoundment or disposal of beached logs in Alaska if deemed abandoned under State law.

June 19, 1981.

Richard E. Lyng,

Acting Secetary.

[FR Doc. 81-18779 Filed 6-29-81; 8:45 am]

BILLING CODE 3410-11-M

VETERANS ADMINISTRATION

38 CFR Part 17

Medical School and Health Manpower Assistance

AGENCY: Veterans Administration.

ACTION: Final regulations.

SUMMARY: These amended regulations implement two laws, the Veterans Health Programs Extension and Improvement Act of 1979, and the Veterans Administration Health Care Amendments of 1980. In addition, certain pertinent sections of two previous laws, the Veterans Omnibus Health Care Act of 1976, and the Veterans Administration Programs Extension Act of 1978 are also implemented. These four laws remove the authority of the Administrator to enter into agreements supporting new State medical schools, delete the requirement for enrollment increases in medical school and other health manpower training institution classes, and extend the appropriations authorization to Fiscal Year 1982. Also, these amended regulations ease the terminal transition period by removing the seven-year limitation on grants to medical schools and other health manpower training institutions.

EFFECTIVE DATE: These regulations are effective June 30, 1981.

FOR FURTHER INFORMATION CONTACT:
Dr. Chester W. DeLong (202) 389–3072.

SUPPLEMENTARY INFORMATION: On March 23, 1981, these proposed amendments were published in the **Federal Register**, pages 18051–18054. Interested persons were given 30 days to submit comments, suggestions, or objections. No responses were received.

The Agency Head has determined that this proposed regulation is non-major in accordance with the requirements of Executive Order 12291, Federal Regulation.

It has also been determined as required by the Regulatory Flexibility Act (Pub. L. 96–354) that it poses no compliance costs or reporting burdens upon the public and has no effect on businesses or State and local governments. The proposed amendments to 38 CFR §§ 17.400 through 17.416 are hereby adopted.

Approved: June 19, 1981.

Donald L. Custis,

Acting Administrator.

38 CFR Part 17 is amended as follows:

Grants and Assistance for Development, Expansion and Improvement of Medical and Allied Health Education

1. Section 17.400 is amended by adding four new citations after "Veterans' Administration Medical School Assistance and Health Manpower Training Act of 1972" so that the revised section reads as follows:

§ 17.400 Purpose and scope of the program.

The provisions of §§ 17.400 through 17.416 are applicable to a program of grants and other forms of assistance under the "Veterans' Administration Medical School Assistance and Health Manpower Training Act of 1972" as amended by the Veterans Omnibus Health Care Act of 1976 (Pub. L. 94–581), the Veterans' Administration Programs Extension Act of 1978 (Pub. L. 95–520), the Veterans Health Programs Extension and Improvement Act of 1979 (Pub. L. 96–151), and the Veterans' Administration Health Care Amendments of 1980 (Pub. L. 96–330) (38 U.S.C. Chapter 82). This Act authorizes the Administrator of Veterans' Affairs to provide certain assistance in the establishment of new State medical schools and the improvement of existing medical schools affiliated with the Veterans' Administration; to develop cooperative arrangements between institutions of higher education, hospitals, and other nonprofit health service institutions affiliated with the Veterans' Administration to coordinate, improve, and expand the training of professional and allied health and paramedical personnel; to develop and evaluate new health careers, interdisciplinary approaches and career advancement opportunities; to improve and expand allied and other health manpower utilization; and for other purposes.

2. § 17.402, paragraph (c), paragraphs (f) (1), (2), and (3), and (g)(1) are revised to read as follows:

§ 17.402 Definitions.

For the purpose of §§ 17.400 through 17.416 the term:

* * * * *

(c) "Program period" means the time for which the grant assistance has been approved as specified in the agreement or grant document.

* * * * *

(f) For the purposes of 38 U.S.C. 5071–5074: (1) "Colleges" means nonprofit institutions of higher learning, which are primarily supported by the State, and are authorized to offer, and are offering a formal program of college level studies leading to the baccalaureate degree and are accredited or approved by an accrediting body or bodies recognized for such purposes by the Secretary of the Department of Education.

(2) "Universities" means educational institutions, which are primarily supported by the State; which are comprised of one or more undergraduate colleges or professional schools, each appropriately accredited or approved by an accrediting body or bodies recognized for such purposes by the Secretary of the Department of Education; and which are authorized to confer degrees.

(3) "Medical school" means a nonprofit school of medicine or osteopathy which provides a complete course of study which culminates in a degree of doctor of medicine or doctor or osteopathy; and with regard to which there has been a finding made of reasonable assurance that such a school can proceed to full accreditation as determined by the body or bodies recognized for such purposes by the Secretary of the Department of Education.

* * * * *

(g) For the purposes of 38 U.S.C. 5081–5083: (1) "Medical school" means a nonprofit school of medicine or osteopathy which provides a course of study of not less than 2 years, which forms a part or whole of the necessary requirements leading to a degree of doctor of medicine or doctor of osteopathy, and which has been reviewed and accredited for its stage of development by an appropriate accrediting agency recognized for such purpose by the Secretary of the Department of Education.

* * * * *

3. In § 17.403, paragraph (a)(3) is amended by changing the words "he may require" to read "as may be required" so the revised material reads as follows:

§ 17.403 Eligibility.

(a) To be eligible to receive assistance under 38 U.S.C. 5071–5074, the applicant must:

* * * * *

(3) Furnish the Administrator with such evidence as may be required that the college or university has prepared and presented a plan for the proposed new school of medicine or osteopathy; and that in a letter dated not earlier than October 24, 1972, has received reasonable assurance of accreditation of the new school as defined in § 17.402(f)(3).

* * * * *

4. In § 17.405, the introductory portions of (a)(1), (b)(1) and (c)(1) and paragraphs (a)(2) (ii) and (iii), (b)(2) and (c)(2) are amended by changing the word "his" to "the Administrator's" wherever it appears and new paragraph (a)(4) is added. In paragraph (b)(1)(iii) the words "including the accomplishment of the increased enrollment of full-time students" are removed. In paragraph (c)(1)(iii) the words "including the increase in enrollment of students," are removed and the title of the Commissioner of Education for the Department of Health, Education and Welfare is revised. In paragraph (d)(1) the words "(not to exceed 7 years.)" are removed. The revised and added material reads as follows:

§ 17.405 Agreements and grant awards.

(a) For the purposes of 38 U.S.C. 5071–5074: (1) Within the limits of funds available each year for such purposes, the Administrator, upon recommendation of the Chief Medical Director and after consultation with the Special Medical Advisory Group, may enter into, or continue with, agreements to provide assistance to a total of not more than eight applicants whose proposals in the Administrator's judgment best achieve the purposes of 38 U.S.C. 5071, taking into consideration.

* * * * *

(2) The terms of any agreement and the amount of any funds to be awarded shall be determined by the Administrator on the basis of:

* * * * *

(ii) The Administrator's estimate of the sums necessary to accomplish the adequate extension, alteration, remodeling, improvement, or repair of the building or structures to be leased; and to adequately equip such buildings or structures for the purposes proposed; and

(iii) The Administrator's estimate to the amounts necessary to assist in the payment of the cost of the salaries of faculty, the proportion will not exceed 90 percent of the salaries for the first year of operation, and a like percentage for the second and third years; 80 percent for the fourth year, 70 percent for the fifth year, 60 percent for the sixth year; and 50 percent for the seventh year.

* * * * *

(4) Notwithstanding any other provision concerning this program set forth in §§ 17.400 through 17.416, the Administrator may not enter into any agreement under Subchapter I of Chapter 82, Title 38, United States Code, after September 30, 1979. This is not to be interpreted as interfering with the

continued administration of existing agreements under Subchapter I.

(b) For the purposes of 38 U.S.C. 5081–5083: (1) Within the limits of funds available for such purposes, the Administrator, upon recommendation of the Chief Medical Director and after consultation with the Special Medical Advisory Group, may award grants and other assistance to those applicants whose projects or programs will in the Administrator's judgment best promote the purposes of 38 U.S.C. 5081, taking into consideration:

* * * * *

(iii) The capability of the applicant to carry out the proposed program of project, without threat to its accreditation as required in § 17.402(g)(1):

* * * * *

(2) The amount of any award shall be determined by the Administrator on the basis of the Administrator's estimate of the sum necessary for the cost of the applicant's approved program or project.

(c) For the purposes of 38 U.S.C. 5091–5093: (1) Within the limits of funds available for such purpose, the Administrator, upon recommendation of the Chief Medical Director and after consultation with the Special Medical Advisory Group, may award grants to those applicants whose projects or programs will in the Administrator's judgment best promote the purposes of 38 U.S.C. 5091, taking into consideration:

* * * * *

(iii) The capability of the applicant to carry out the proposed program or project under circumstances which will not compromise the quality of education at the institution nor jeopardize the accreditation of the training program by the appropriate body or bodies recognized for such purposes by the Secretary of the Department of Education.

* * * * *

(2) The amount of any award shall be determined by the Administrator on the basis of the Administrator's estimate of the sum necessary for the cost of the applicant's approved program or project.

(d) For the purposes of any grant program of 38 U.S.C. Chapter 82: (1) All grant awards shall be in writing, shall set forth the total amount of assistance awarded and the total period for which it will be available for obligation by the grantee.

* * * * *

5. In § 17.407, paragraph (b) is amended by changing the word "and" which appears after the word "expansion" to "or", and by replacing the words "to increase the production" with "in the training" so that the revised paragraph reads as follows:

§ 17.407 Expenditure of grant funds.

* * * * *

(b) For the purposes of 38 U.S.C. 5081–5083, any funds granted shall be expended solely for the expansion or improvement of the training capacities of medical schools affiliated with the Veterans Administration and to permit such schools to cooperate with other public and nonprofit institutions of higher learning, hospitals and other health manpower institutions affiliated with the Veterans Administration in the training of professional and other health personnel in accordance with the applicable provisions of 38 U.S.C. Chapter 82, §§ 17.400 through 17.416, and the terms and conditions of the grant award.

* * * * *

6. In § 17.408, paragraph (a) is amended by updating the title of the Department of Health, Education and Welfare so that the revised paragraph reads as follows:

§ 17.408 Nondiscrimination.

(a) Grants made under 38 U.S.C. Chapter 82 shall be subject to Title IX of the "Education Amendments Act of 1972" (effective July 1, 1972) and regulations promulgated by the Department of Education. Such title prohibits sex discrimination in all federally assisted education programs.

* * * * *

7. In § 17.410, paragraph (c) is amended by adding the word "revised," after the words "No. A–87" so that the revised paragraph reads as follows:

§ 17.410 Accountability.

* * * * *

(c) For the purposes of 38 U.S.C. 5081–5083 and 5091–5093, indirect costs may be computed on a percentage basis or on the basis of a negotiated lump-sum allowance in accordance with the principles set forth in the Office of Management and Budget Circulars No. A–88, No. A–87 revised, and No. A–21. In the method of computation used, only indirect costs shall be included which bear a reasonable relationship to the program funded by the grant and shall not exceed a percentage greater than the total institutional indirect cost is of the total direct salaries and wages paid by the institution.

8. Sections 17.412, 17.413, and paragraph (a) of § 17.414 are amended by replacing the word "his" with the words "the Administrator's" wherever it appears. The revised sections read as follows:

§ 17.412 Additional conditions.

The Administrator may with respect to any grant award impose additional conditions prior to or at the time of any award when in the Administrator's judgment such conditions are necessary to assure or protect advancement of the grant purposes, the interest of the Veterans Administration or the conservation of grant funds. All construction, and alterations of buildings and structures, related to the award of a grant or other assistance will be subject to section 102(2)(C) of the National Environmental Policy Act.

§ 17.413 Early termination and withholding of payments.

Whenever the Administrator finds that a grantee has failed in a material respect to comply with the applicable provisions of 38 U.S.C. Chapter 82, §§ 17.400 through 17.416, or the terms of the grant, the Administrator may, on reasonable notice to the grantee withhold further payments and take such other action, including the termination of the grant, as he finds appropriate to carry out the purposes of 38 U.S.C. Chapter 82 and §§ 17.400 through 17.416. Non-cancellable obligations of the grantee properly incurred prior to the receipt of the notice of termination will be honored. The grantee shall be promptly notified of such termination in writing and given the reasons therefor.

§ 17.414 Recapture provision.

(a) If the Administrator determines that any school established with assistance under §§ 17.400 through 17.416

(1) Is not accredited and fails to gain appropriate accreditation within a reasonable period of time;

(2) Is accredited but fails substantially to carry out the term of the agreement entered into under 38 U.S.C. Chapter 82; or

(3) Is no longer operated for the purpose for which such assistance was granted,

the Administrator shall be entitled to recover from the recipient of assistance the facilities of such school which were established with assistance under §§ 17.400 through 17.416. In order to recover such facilities the Administrator may bring an action in the district court of the United States for the district in whcih such facilities are situated.

(38 U.S.C. 210(c))

[FR Doc. 81–19172 Filed 6–29–81; 8:45 am]

BILLING CODE 8320–01–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-3-FRL-1869-6]

Virginia and Delaware State Implementation Plan; Correction

AGENCY: Environmental Protection Agency.

ACTION: Correction of final rulemaking.

SUMMARY: This Notice corrects several errors in the codification of the Virginia and Delaware State Implementation Plans (SIP) regarding the delegation of authority for the Prevention of Significant Deterioration (PSD) program.

EFFECTIVE DATE: June 30, 1981.

FOR FURTHER INFORMATION CONTACT: Robert J. Blaszczak (3AH13), Air Media and Energy Branch, Environmental Protection Agency, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106, Phone: (215) 597–8186.

SUPPLEMENTARY INFORMATION: On June 15, 1981 (46 FR 31261), EPA published final approval for delegation of authority to implement technical and administrative review and enforcement of PSD provisions to the State of Delaware. These provisions were incorrectly codified under Subpart VV Section 52.2451 which is the codification for the Commonwealth of Virginia's PSD program. This action resulted in deleting Virginia's program and placing Delaware's program in the wrong section of the CFR.

This notice serves to correct the above errors. Since it does not alter previously approved revisions but only the codification of said revisions, EPA finds that a notice and comment period are unnecessary. See 5 U.S.C. 522(b)(A)(B).

(42 U.S.C. 7401–7642)

Dated: June 19, 1981.

Alvin R. Morris,

Acting Regional Administrator.

Part 52 of Title 40 of the Code of Federal Regulations is amended as follows:

Subpart I—Delaware

1. Section 52.432, new paragraph (c) is added to read as follows:

§ 52.432 Significant deterioration of air quality.

* * * * *

(c) Pursuant to 40 CFR 52.21(u) full delegation of authority for all portions of the Federal PSD program, as described in 40 CFR 52.21, was relinquished to the State of Delaware as of June 15, 1981. All applications submitted as of that date and supporting information required pursuant to § 52.21 from sources located in the State of Delaware shall be submitted to: Delaware Department of Natural Resources and Environmental Control, Air Resources Section, Division of Environmental Control, Edward Tatnall Building, P.O. Box 1401, Dover, Delaware 19901.

* * * * *

Subpart VV—Virginia

1. Section 52.2451, new paragraph (c) is added to read as follows:

§ 52.2451 Significant deterioration of air quality.

* * * * *

(c) Pursuant to 40 CFR 52.21(u) full delegation of authority for all portions of the Federal PSD program, as described in 40 CFR 52.21, was relinquished to the Commonwealth of Virginia as of June 3, 1981. All applications submitted as of that date and supporting information required pursuant to § 52.21 from sources located in the Commonwealth of Virginia shall be submitted to: Division of Compliance, State Air Pollution Control Board, Commonwealth of Virginia, Room 1116, Ninth Street Office Building, Richmond, Virginia 23214.

[FR Doc. 81-19170 Filed 6-29-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Parts 52 and 81

[A-1-FRL-1870-2]

Approval and Promulgation of Implementation Plans—Massachusetts, Vermont, and Maine; and Designation of Areas for Air Quality Planning Purposes—New Hampshire and Maine; Corrections

AGENCY: Environmental Protection Agency.

ACTION: Corrections to final rules.

SUMMARY: This document corrects several errors in the designations of attainment and nonattainment areas published in 40 CFR Part 81 as required by Section 107 of the Clean Air Act and also corrects attainment dates published in 40 CFR Part 52. The changes being made reflect errors and omissions and do not represent any new information submitted by the states.

FOR FURTHER INFORMATION CONTACT: Margaret McDonough, Air Branch, EPA Region I, Room 1903, JFK Federal Building, Boston, Massachusetts 02203, (617) 223–4448.

SUPPLEMENTARY INFORMATION: The corrections being made to 40 CFR Part 81 are as follows:

PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES—NEW HAMPSHIRE AND MAINE

§ 81.320 [Corrected]

1. In § 81.320 "Maine", the table entitled "Maine-TSP" is corrected by placing an "x" on the line "Rockland" under the column "Cannot Be Classified".

§ 81.330 [Corrected]

2. In § 81.330 "New Hampshire" the table entitled "New Hampshire-TSP" is corrected as follows:

a. The line entitled "Metropolitan Keene, Manchester" is corrected by removing the word "Manchester."

b. A new line entitled "Metropolitan Manchester" is inserted between the lines entitled "Metropolitan Keene" and "Remainder of New Hampshire Portion of So. N.H.M.V. AQCR 121." An "x" is placed on this new line under the column entitled "Does Not Meet Secondary Standards."

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS—MASSACHUSETTS, VERMONT, AND MAINE

The corrections being made to 40 CFR Part 52 are as follows:

Subpart U—Maine

§ 52.1024 [Corrected]

1. In § 52.1024 "Attainment Dates for National Standards" the table entitled "Pollutant" in F.R. Doc. 81–5051 appearing at page 10774 in the **Federal Register** of February 19, 1980 is corrected by replacing the "a" on the line "Millinocket" under the column "Primary SO_2" with a "d" and, on the same line, replacing the "b" under the column "Secondary SO_2" with a "d."

Subpart W—Massachusetts

§ 52.1127 [Corrected]

2. In § 52.1127 "Attainment Dates for National Standards" the table entitled "Pollutant" in FR Doc. 80–841 appearing at page 61304 in the **Federal Register** of September 16, 1980 is corrected by:

a. Inserting a new line entitled "Swampscott" between the lines "Revere" and "Waltham". A "g" is placed under the column "TSP Secondary" and an "a" under the column "TSP Primary" for this line.

b. Placing an "a" on the line "Lawrence" under the column "TSP Primary" and a "g" under the column "TSP Secondary".

c. Placing an "a" under the column entitled "TSP Primary" and a "b" under the column "TSP Secondary" on the line "Remainder of AQCR" under the section "Merrimack Valley-Southern New Hampshire Interstate."

d. Replacing the "b" under the column "SO_2 Primary" on the line "Berkshire Intrastate" with an "a".

e. Inserting a note at the end of the table before the line "a. Air quality levels below primary standards or area is an unclassifiable" as follows, "NOTE. Footnotes which are underlined are prescribed by the Administrator because the plan did not provide a specific date or the date provided was not acceptable."

§ 52.1120 [Corrected]

3. In § 52.1120 "Identification of Plan" the paragraph in FR Doc. 81-8408 which reads "A revision submitted by the Commissioner of the Massachusetts Department of Environmental Quality Engineering on September 12, 1980 adding a new regulation 310 CMR 7.19 . . ." appearing at page 17552 in the Federal Register of March 19, 1981 is renumbered from 36 to 37.

Subpart UU—Vermont

§ 52.2375 [Corrected]

4. In § 52.2375 "Attainment Dates for National Standards" the table entitled "Pollutant" in FR Doc. 80-5084 appearing at page 10782 in the Federal Register of February 19, 1980, is corrected by inserting, on the lines "Essex Town (including Essex Jct.)," "South Burlington City," and "Winooski" the following letters: an "a" under the column "TSP Primary" a "c" under the column "TSP Secondary"; an "a" under the column "SO_2 primary"; an "a" under the column "SO_2 Secondary"; an "a" under the column "NO"$_2$; a "b" under the column "CO"; and a "b" under the column "O_3".

Dated: June 17, 1981.

Leslie Carothers,

Acting Regional Administrator.

[FR Doc. 81-19224 Filed 6-29-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Parts 704 and 713

[TSH-FRL-1869-4; OPTS 61005B]

Reporting and Recordkeeping Requirements; Submission of Notice of Manufacture or Import of PBBs and TRIS

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; redesignation.

SUMMARY: EPA issued a final rule concerning the submission of notices of manufacture or importation of polybrominated biphenyls (PBBs) and tris (2,3-dibromopropyl) phospate (Tris), 40 CFR Part 713, which was published in the Federal Register of October 24, 1980 (45 FR 70728). In order to consolidate the reporting of chemical processing information, EPA is establishing 40 CFR Part 704, and the rule published in the Federal Register of October 24, 1980 is being transferred and recodified into 40 CFR Part 704.

EFFECTIVE DATE: June 30, 1981.

FOR FURTHER INFORMATION CONTACT: John B. Ritch, Jr., Director, Industry Assistance Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, Rm. E-511, 401 M St., SW., Washington, D.C. 20460, Toll free: (800-424-9065). In Washington, D.C.: (554-1404), Outside the USA: (Operator-202-554-1404).

SUPPLEMENTARY INFORMATION: In order to consolidate the reporting of chemical processing information, Part 704 is being added to 40 CFR Chapter I, and Part 713 regulations are being recodified into that part. For the convenience of the reader the following redesignation table indicates where the recodified material may be found.

Redesignation Table

Old section	New section
713.11	704.95(c)
713.12	704.95(a)
713.13	704.95(b)
713.14	704.95(d)
713.15	704.95(e)
713.16	704.95(f)
713.17	704.95(g)
713.18	704.95(h)

Dated: June 23, 1981.

Edwin H. Clark, II,

Acting Assistant Administrator for Pesticides and Toxic Substances.

Therefore, Chapter I of 40 CFR is amended as follows:

1. By adding Part 704 to read as follows:

Part 704—REPORTING AND RECORDKEEPING REQUIREMENTS

Subparts A—D [Reserved]

Subpart E—Specific Chemical Reporting Requirements

§ 704.95 Polybrominated Biphenyls (PBBs) and Tris (2,3-dibromopropyl) phosphate; submission of notice of manufacture or import.

(a) *Scope.* This rule establishes procedures governing reporting by persons who manufacture or import or who propose to manufacture or import Tris, or PBBs which have been reported for the TSCA Chemical Substances Inventory under 40 CFR Part 710.

(b) *Compliance.* Violation of the requirements of this rule may result in civil penalty or criminal prosecution, as provided in sections 15 and 16 of TSCA. In addition, under section 17, the Government may seek judicial relief to compel submission or required information.

(c) *Definitions.* All definitions as set forth in the Toxic Substances Control Act (TSCA) section 3 apply for this rule. In addition, the following definitions are provided for the purposes of this rule.

(1) "Article" means a manufactured item (i) which is formed to a specific shape or design during manufacture, (ii) which has end use function(s) dependent in whole or in part upon its shape or design during end use, and (iii) which has either no change of chemical composition during its end use or only those changes of composition which have no commercial purpose separate from that of the article, and that result from a chemical reaction that occurs upon end use of other chemical substances, mixtures, or articles; except that fluids and particles are not considered articles regardless of shape or design.

(2) "Byproduct" means a chemical substance produced without a separate commercial intent during the manufacture, processing, use, or disposal of another chemical substance(s) or mixture(s).

(3) "EPA" means the United States Environmental Protection Agency.

(4)(i) "Importer" means any person who imports any chemical substance or any chemical substance as part of a mixture or article into the customs territory of the United States, and includes: (A) The person primarily liable for the payment of any duties on the merchandise, or (B) and authorized agent acting on his behalf (as defined in 19 CFR 1.11). (ii) Importer also includes, as appropriate:

(A) The consignee.

(B) The importer of record.

(C) The actual owner if an actual owner's declaration and superseding bond has been filed in accordance with 19 CFR 141.20.

(D) The transferee, if the right to draw merchandise in a bonded warehouse has been transferred in accordance with Subpart C of 19 CFR Part 144. For the purpose of this definition, the customs territory of the United States consists of the 50 states, Puerto Rico, and the District of Columbia.

(5) "Import in bulk form" means to import a chemical substance (other than

as part of a mixture or article) in any quantity, in cans, bottles, drums, barrels, packages, tanks, bags, or other containers, if the chemical substance is intended to be removed from the container and the substance has an end use or commercial purpose separate from the container.

(6) "Impurity" means a chemical substance which is unintentionally present with another chemical substance.

(7) "Manufacture" means to manufacture for commercial purposes.

(8)(i) "Manufacture for commercial purposes" means to import, produce, or manufacture with the purpose of obtaining an immediate or eventual commercial advantage for the manufacturer, and includes, among other things, such "manufacture" of any amount of a chemical substance or mixture.

(A) For commercial distribution, including for test marketing, and

(B) For use by the manufacturer, including use for product research and development, or as an intermediate.

(ii) Manufacture for commercial purposes also applies to substances that are produced coincidentally during the manufacture, processing, use, or disposal of another substance or mixture, including both byproducts that are separated from that other substance or mixture. Such byproducts and impurities may, or may not, in themselves have commercial value. They are nonetheless produced for the purpose of obtaining a commercial advantage since they are part of the manufacture of a chemical product for a commercial purpose.

(9) "Person" includes any individual, firm, company, corporation, joint venture, partnership, sole proprietorship, association, or any other business entity; any State or political subdivision thereof; any municipality; any interstate body; and any department, agency, or instrumentality of the Federal Government.

(10) "PBBs" (polybrominated biphenyls) means chemical substances the compositions of which, without regard to impurities, consist of brominated biphenyl molecules having the molecular formula $C_{12}H_xBr_y$ where $x+y=10$ and y ranges from 1 to 10.

(11) "Propose to manufacture or import PBBs or Tris" means that a person has made a firm management decision to commit financial resources for the manufacture or import of PBBs and Tris.

(12) "Small manufacturer or importer" means a manufacturer or importer whose total annual sales are less than $500,000, based upon the manufacturer's or importer's latest complete fiscal year, except that no manufacturer or importer is a small manufacturer or importer with respect to PBBs or Tris which such person manufactured at one site or imported in quantities greater than 10,000 pounds during the latest calendar year. In the case of a company which is owned or controlled by another company, total annual sales shall be based on the total annual sales of the owned or controlled company, the parent company, and all companies owned or controlled by the parent company taken together.

(13) "Tris" means tris (2,3-dibromopropyl) phosphate (also commonly named DBPP, TBPP, and Tris-BP).

(14) "TSCA" means the Toxic Substances Control Act, 15 U.S.C. 2601 *et seq.*

(d) *Persons who must report.* Except as provided in paragraph (h) of this section, the following persons are subject to the rule:

(1) Persons who manufacture or propose to manufacture Tris, or PBBs which have been reported for the Inventory.

(2) Persons who import (importers) or propose to import Tris, or PBBs which have been reported for the Inventory, as a chemical substance in bulk or as part of a mixture.

(e) *Persons not subject to this rule.* The following persons are not subject to this rule:

(1) Persons who are small manufacturers or importers, as defined in paragraph (c)(12) of this section.

(2) Persons who manufacture or import and persons who propose to manufacture or import PBBs or Tris solely for research and development.

(3) Persons who manufacture or import and persons who propose to manufacture or import PBBs or Tris as a byproduct or impurity.

(4) Persons who import or propose to import PBBs or Tris as part of an article.

(f) Reporting requirements. (1) Persons subject to this rule as described in paragraph (d) of this section must notify EPA of current or proposed manufacture or import of PBBs or Tris. Persons who are manufacturing or importing PBBs or Tris on the effective date of the rule must notify EPA within 30 days of the effective date of the rule. Persons who propose to manufacture or import PPBs or Tris must notify EPA within 15 days when they propose to manufacture or import the substance.

(2) The notice must include, to the extent that it is known to the person making the report or is reasonably ascertainable, the following information:

(i) Company name and address.

(ii) Principal technical contact.

(iii) A description of the use or intended use for the PBBs or Tris.

(iv) Estimated number of persons exposed to the PBBs or Tris during manufacture or importation, processing, distribution, use, and disposal.

(v) Quantity (by weight) manufactured or imported within twelve months prior to the effective date of the rule and/or estimated quantity (by weight) to be manufactured or imported in the foreseeable future.

(vi) The proposed date for the initiation of manufacturing or importation of PBBs or Tris, if appropriate.

(3) Notices shall be submitted by certified mail to the Document Control Officer, for TSCA, Office of Pesticides and Toxic Substances (TS–793), Environmental Protection Agency, Washington, DC 20460. ATTN: PBB notification or Tris notification.

(g) *Confidentiality claims.* (1) Any person submitting a notice under this rule may assert a business confidentiality claim covering all or any part of the notice. Any information covered by a claim will be disclosed by EPA only to the extent and by means of the procedures set forth in Part 2 of this title.

(2) If no claim accompanies the notice at the time it is submitted to EPA, the notice will be placed in an open file available to the public without further notice to the respondent.

(3) To assert a claim of confidentiality for data contained in a notice, the respondent must submit two copies of the notice.

(i) One copy of the notice must be complete. In that copy the respondent must indicate what data, if any, are claimed as confidential by marking the specific information on each page with a label such as "'confidential", "proprietary", or "trade secret".

(ii) If some data in the notice are claimed as confidential, the respondent must submit a second copy. The second copy must be complete except that all information claimed as confidential in the first copy must be deleted.

(iii) The first copy of the notice will be for internal use by EPA. The second copy will be placed in an open file to be available to the public.

(iv) Failure to furnish a second copy of the notice when information is claimed as confidential in the first copy will be considered a presumptive waiver of the claim of confidentiality. EPA will notify the respondent by certified mail that a finding of a presumptive waiver of the claim of confidentiality has been made. The respondent has 15 days from the

date of receipt of notification to submit the required second copy. Failure to submit the second copy will cause EPA to place the first copy in the public file.

(4) In submitting a claim of confidentiality, a person attests to the truth of the following four statements concerning all information which is claimed confidential:

(i) My company has taken measures to protect the confidentiality of the information, and it intends to continue to take such measures.

(ii) The information is not, and has not been, reasonably obtainable without our consent by other persons (other than government bodies) by use of ligitimate means (other than discovery based on a showing of special need in a judicial or quasi-judicial proceeding).

(iii) The information is not publicly available elsewhere.

(iv) Disclosure of the information would cause substantial harm to our competitive position.

(h) **Sunset provision.** The reporting requirements of paragraph (f) of this section will terminate on May 1, 1985.

(Sec. 8a, Pub. L. 94–169, 90 Stat. 2027, (15 U.S.C. 2607a))

PART 713—REPORTING AND RECORDKEEPING REQUIREMENTS

[Removed]

2. By removing Part 713.

(Sec. 8a, Pub. L. 94–169, 90 Stat. 2027, (15 U.S.C. 2627a))

[FR Doc. 81–19139 Filed 6–29–81; 8:45 am]
BILLING CODE 6560–31–M

Proposed Rules

Federal Register
Vol. 46, No. 125
Tuesday, June 30, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Chs. I-VII, IX-XII, XIV-XVIII, XXI, XXIV-XXIX

9 CFR Chs. I-IV

36 CFR Ch. II

41 CFR Ch. 4

Regulatory Flexibility Act; Plan for Periodic Review of Existing Rules

AGENCY: Department of Agriculture, Office of the Secretary.

ACTION: Publication of Plan for Periodic Review of USDA Rules.

SUMMARY: The U.S. Department of Agriculture, in accordance with the Regulatory Flexibility Act (P.L. 96-354), is publishing a plan for the periodic review of rules, as defined in P.L. 96-354, which are currently in existence and which have or will have a significant economic impact on a substantial number of small entities. Such entities are defined as small businesses, small organizations (generally, not-for-profit enterprises), or small governmental jurisdictions (generally, governments of cities, counties, towns, townships, villages, school districts, or special districts with population of less than fifty thousand).

All covered rules will be reviewed within the upcoming five years and within every five-year cycle thereafter.

FOR FURTHER INFORMATION CONTACT: Elizabeth Webber, Acting Director, Regulatory Analysis, Office of Budget and Program Analysis, Room 147-E, Administration Building, U.S. Department of Agriculture, Washington, DC 20250, Telephone (202) 382-1270.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act, P.L. 96-354, 94 Stat. 1164, 5 U.S.C. 601 *et seq.*, (hereinafter "RFA"), requires each agency to consider the effect on small entities of the rules it promulgates and attempt to tailor regulatory requirements to the scale of the small businesses, organizations, and governmental jurisdictions affected. The RFA further requires that existing rules, as defined by the RFA (excluding matters relating to certain loans, grants other than those to State and local governments, benefits, or contracts), with a significant economic impact on a substantial number of small entities be reviewed with a goal of minimizing any negative impacts through amendment or rescission.

Section 610 of the RFA provides that within one hundred and eighty days after the effective date of the law, each agency shall publish in the **Federal Register** a plan for the periodic review of the rules issued by the agency which have or will have a significant economic impact upon a substantial number of small entities. The purpose of the review is to determine whether such rules should be continued without change, or should be amended or rescinded, consistent with the stated objectives of applicable statutes, to minimize any significant economic impact of the rules upon a substantial number of such small entities. The plan shall provide for the review of all such existing agency rules within ten years of the effective date of the law.

Accordingly, the Department has prepared this plan for reviewing all of its affected rules which may have a significant economic impact on a substantial number of small entities.

Preliminary Screening of Current Regulations

All sub-units of the Department (hereinafter "agencies") have been directed to conduct a preliminary screening of their regulations currently in force, in order to determine which ones have such impacts and to establish a priority list and timetable for their review. Considerable discretionary authority has been given to the individual agencies to conduct their screenings and reviews in light of the large number of rulemaking units with the Department (seventeen separate entities) and in light of the range of program areas they cover (from soil conservation to food inspection). It should be noted that the screenings will also establish which of all existing regulations are "major" regulations, as defined in Executive Order 12291, "Federal Regulation" (46 FR 13193). These screenings are currently being carried out. In establishing their priority lists, agencies are to take into consideration the potential for reducing unnecessary regulatory burdens, the costs of the regulations, and the amount of time elapsed since the last review. Timetables are to be specifically designed so as to assure that no regulation exists for longer than five years without being reviewed; therefore, the legal requirement that a review of all rules existing as of January 1, 1981 be completed by January 1, 1991, will be met.

Review of Rules

The RFA requires that reviews of rules to minimize significant economic impacts on substantial numbers of small entities take the following factors into consideration:

(1) the continued need for the rule;

(2) the nature of complaints or comments received concerning the rule from the public;

(3) the complexity of the rule;

(4) the extent to which the rule overlaps, duplicates or conflicts with other Federal rules, and, to the extent feasible, with State and local governmental rules; and

(5) the length of time since the rule has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule.

In addition, the Department will consider:

(6) the cost-effectiveness of the rule;

(7) the compliance burdens (reporting, operating, capital outlays) imposed by the rule;

(8) the extent of compliance with the rule achieved in the past;

(9) the practical enforceability of the rule;

(10) the clarity of the language used in the rule; and

(11) the existence of other regulations affecting the same groups.

All such reviews and any subsequent modifications or rescissions must take into consideration the stated objectives of the applicable statutes.

Publication of Rules Scheduled for Review

The RFA further mandates that an annual schedule be published of the

rules to be reviewed in the next year, as follows:

Each year, each agency shall publish in the Federal Register a list of the rules which have a significant economic impact on a substantial number of small entities, which are to be reviewed pursuant to this section during the succeeding twelve months. The list shall include a brief description of each rule and the need for and legal basis of such rule and shall invite public comment upon the rule.

USDA plans to meet this requirement by publishing semi-annual listings of rules to be reviewed in the upcoming twelve months at the end of each regulatory agenda (published in the Federal Register in April and October). Those listings will include all USDA rules to be so reviewed; those having or that will have a significant economic impact on a substantial number of small entities will be specifically designated, as will those which fall into the "major" category as set forth in E.O. 12291. The listing of rules to be reviewed will be subdivided, with each entry appearing under the name of the responsible agency. Public comments will be solicited at that time. Should modification or rescission be determined appropriate, rulemaking procedures will be initiated as soon as is feasible.

Done at Washington, D.C. on June 25, 1981.

John R. Block,

Secretary.

[FR Doc. 81-19208 Filed 6-29-81; 8:45 am]

BILLING CODE 3410-01-M

Agricultural Marketing Service

7 CFR Parts 1006, 1012, 1013

[Docket Nos. AO-356-A17, AO-347-A20, AO-286-A23]

Milk in the Upper Florida, Tampa Bay and Southeastern Florida Marketing Area; Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice of public hearing on proposed rulemaking.

SUMMARY: This hearing is being held to consider proposals submitted by a handler to amend the three milk marketing orders in Florida. The proposals would change the classification of eggnog from Class I milk to the lower priced Class II milk. Proponent says that this change in the Florida orders would provide more uniform classification of eggnog among Federal milk orders and is needed to insure orderly marketing in the marketing areas covered by the orders.

DATE: The hearing will be on July 14, 1981.

ADDRESS: The hearing will be held at the Howard Johnson Motel, 603 Lee Road (at intersection of I 4), Orlando, Florida, telephone (305) 644-6100.

FOR FURTHER INFORMATION CONTACT: Clayton H. Plumb, Marketing Specialists, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447-6273.

SUPPLEMENTARY INFORMATION: This action is exempt from the requirements set forth in Executive Order 12291.

Notice is hereby given of a public hearing to be held at the Howard Johnson Motel, 603 Lee Road, Orlando, Florida, beginning at 9:30 a.m., local time, on Tuesday, July 14, 1981, with respect to proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the Upper Florida, Tampa Bay, and Southeastern Florida marketing areas.

The hearing is called pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR Part 900).

The purpose of the hearing is to receive evidence with respect to the economic and marketing conditions in each of the aforesaid specified marketing areas which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreements and to the orders.

Beginning January 1, 1981, actions under the Federal milk order program become subject to the "Regulatory Flexibility Act"(Pub. L. 96-354). This act seeks to ensure that, within the statutory authority of a program, the regulatory and information requirements are tailored to the size and nature of small businesses. For the purpose of the Federal order program, a small business will be considered as one which is independently owned and operated and which is not dominant in its field of operation. Most parties subject to a milk order are considered as a small business. Accordingly, interested parties are invited to present evidence on the probable regulatory and informational impact of the hearing proposals on small businesses. Also, parties may suggest modifications of these proposals for the purpose of tailoring their applicability to small businesses.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Borden, Inc.:

Proposal No. 1

Amend the orders regulating the handling of milk in the Upper Florida, Tampa Bay, and Southeastern Florida marketing areas to classify skim milk and butterfat used in eggnog as Class II milk rather than Class I milk.

Proposed by the Dairy Division, Agricultural Marketing Service

Proposal No. 2

Make such changes as may be necessary to make the entire marketing agreements and the orders for the aforesaid marketing areas conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the orders may be procured from the market administrator, Paul H. Halnon, P.O. Box 11368, Ft. Lauderdale, Florida 33339 or from the Hearing Clerk, Room 1077, South Building, United States Department of Agriculture, Washington, D.C. 20250 or may be there inspected.

From the time that a hearing notice is issued and until the issuance of a final decision in a proceeding, Department employees involved in the decisional process are prohibited from discussing the merits of the hearing issues on an ex parte basis with any person having an interest in the proceeding. For this particular proceeding the prohibition applies to employees in the following organizational units.

Office of the Secretary of Agriculture.
Office of the Administrator, Agricultural Marketing Service.
Office of the General Counsel.
Dairy Division, Agricultural Marketing Service (Washington Office only).
Office of the Market Administrator, Upper Florida, Tampa Bay and Southeastern Florida marketing areas.

Procedural matters are not subject to the above prohibition and may be discussed at any time.

Signed at Washington, D.C., on: June 25, 1981.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 81-19229 Filed 6-29-81; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

15 CFR Part 937

The St. Thomas National Marine Sanctuary

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed rule.

SUMMARY: The National Oceanic and Atmospheric Administration proposes the designation of the St. Thomas National Marine Sanctuary located southeast of St. Thomas, United States Virgin Islands. Presidential approval of the designation is reqired. After designation, necessary and reasonable regulations to control activities within the Sanctuary will be promulgated. These proposed regulations define permissible activities within the Sanctuary, the procedures by which persons may obtain permits for prohibited activities and the penalties for committing prohibited acts without a permit.

DATE: Comments due July 16, 1981.

ADDRESS: Send comments to: Director, Sanctuary Programs Office, Office of Coastal Zone Management, NOAA, 3300 Whitehaven Street, N.W., Washington, D.C. 20235.

FOR FURTHER INFORMATION CONTACT: Mr. Edward Lindelof, Gulf and Caribbean Project Manager, Sanctuary Programs Office, Office of Coastal Zone Management, NOAA, 3300 Whitehaven Street, N.W., Washington, D.C. 20235, (202) 634–4236.

SUPPLEMENTARY INFORMATION: Title III of the Marine Protection, Research and Sanctuaries Act of 1972, 16 U.S.C. 1431–1434 (the Act) authorizes the Secretary of Commerce, with Presidential approval, to designate ocean waters as far seaward as the outer edge of the Continental Shelf as marine sanctuaries to preserve or restore distinctive conservation, recreational, ecological, or aesthetic values. Section 302(f) of the Act directs the Secretary to issue necessary and reasonable regulations to control any activities permitted within a designated marine sanctuary. The authority of the Secretary to administer the provisions of the Act has been delegated to the Assistant Administrator for Coastal Zone Management within the National Oceanic and Atmospheric Administration, U.S. Department of Commerce (the Assistant Admnistrator).

The Office of Coastal Zone Management proposes to designate a 9.27 square nautical miles marine sanctuary adjacent to the southeast St. Thomas, United States Virgin Islands. The area contains the most significant stand of mangroves in the Virgin Islands, extensive coral reef communities, coral caves, and several shipwrecks. The area also supports numerous conch, and lobster habitats, and nesting and feeding areas for endangered turtle and fish species.

In May 1979, the Virgin Islands Department of Conservation and Cultural Affairs (DCCA) recommended this area as a National Marine Sanctuary. In July 1979 NOAA and DCCA distributed an Issue Paper and on August 8, 1979, held a public workshop in St. Thomas.

Following the workshop, DCCA and NOAA began preparation of a draft environmental impact statement (DEIS), which is being published concurrently with these regulations (a copy can be obtained by writing to the contact identified above). The DEIS describes the impacts of the marine sanctuary proposal including its ability to focus on the particularly valuable marine areas and to provide comprehensive management. It discusses marine sanctuary management including the administrative arrangement between NOAA and DCCA for onsite management, the rationale for the designation and for the regulatory system as well as alternative approaches to establishing a sanctuary.

OCZM will receive public comments on the proposal, hold a public hearing in St. Thomas, Virgin Islands, and prepare a final EIS which will incorporate and respond to the comments received. Only after final consultation with the appropriate Federal agencies, and with the approval of the Governor of the Virgin Islands and the President, can the Secretary designate the Sanctuary and promulgate regulations.

NOAA's General Marine Sanctuary Regulations (15 CFR Part 922) provide that the regulatory system for marine sanctuary will be established by two documents, a Designation document and the regulations issued pursuant to Section 302(f) of the Act. The Designation will serve as a constitution for the Sanctuary, setting forth, among other things, the purposes of the Sanctuary, the types of activities that may be subject to regulation within it, and the extent to which other regulatory programs will continue to be effective and relied upon to protect the resources of the Sanctuary.

As proposed, the St. Thomas Marine Sanctuary Designation would provide as follows:

Draft Designation Document of the St. Thomas Marine Sanctuary

Under the authority of the Marine Protection, Research and Sanctuaries Act of 1972, Pub. L. 92–532, (the Act) certain waters off St. Thomas, U.S. Virgin Islands, are hereby designated a Marine Sanctuary for the purposes of preserving and protecting their unique and fragile ecological and recreational resources.

Article 1. Effect of Designation

The designation of the St. Thomas National Marine Sanctuary (the Sanctuary), described in Article 2, establishes the basis for cooperative management of the area by the Virgin Islands and the National Oceanic and Atmospheric Administration (NOAA).

Within the area designated as the Sanctuary described in Article 2, the Act authorizes the promulgation of such regulations as are reasonable and necessary to protect the values of the Sanctuary.

On ———, 1981, the Virgin Islands issued regulations controlling those activities which may threaten the values of the Sanctuary, all of which are located within territorial waters. NOAA has determined that these regulations are adequate to protect the values of the Sanctuary. Therefore, this Designation authorizes NOAA to adopt these regulations as set forth in Article 5 and to issue additional regulations only in the event that an activity is found not to be subject to the jurisdiction of the Virgin Islands.

Article 4 of the Designation lists those activities which may require regulation, but the listing of an activity does not by itself prohibit or restrict it. Restrictions or prohibitions may be accomplished only through regulations, and activities not listed in Article 4 may be regulated only after amending Article 4, or in cases of emergency, as specified in Article 4, Section 2.

Article 2. Description of the Area

The Sanctuary consists of an area of approximately 9.27 square nautical miles of the waters of the territorial sea of the U.S. Virgin Islands located off southeast St. Thomas. The precise boundaries are defined by regulation.

Article 3. Characteristics of the Area Which Give it Particular Value

The Sanctuary contains hundreds of species of marine organisms, including Caribbean corals, hawksbill and leatherback turtles, significant mangrove stands, and diverse tropical fauna and floral communities. The area provides exceptional recreational experiences and scientific research opportunities and generally has unique value as an ecological, recreational, and esthetic resource.

Article 4. Scope of Regulation

Section 1. *Activities Subject to Regulation.* In order to protect distinctive values of the Sanctuary, the following activities may be regulated within the Sanctuary to the extent necessary to ensure the protection and preservation of the coral and other marine features and the ecological, recreational, and esthetic value of the area:

(a) Removing, breaking or otherwise harming coral or other bottom formations or plants, except incidental to other fishing operations.

(b) Anchoring by all vessels, operations of vessels other than fishing vessels, and operations of fishing vessels along designated underwater trails.

(c) Construction on, dredging of, or altering the seabed.

(d) Discharging or depositing any substance or object.

(e) Using poisons, electric charges or explosives.

(f) Conducting all activities including fishing along designated underwater trails.

(g) Removing or harming cultural or historical resources.

(h) Removing or damaging navigation aids, markers, or fishing traps or gear.

(i) Conducting activities affecting or likely to affect marine mammals, turtles or other endangered species.

Section 2. *Emergency Regulations.* Where essential to prevent immediate, serious and irreversible damage to the ecosystem of the Sanctuary, activities other than those listed in Section 1 of this Article may be regulated within the limits of the Act on an emergency basis for a period not to exceed 120 days, during which an appropriate amendment of this Article may be proposed in accordance with the procedures specified in Article 6. In order to invoke this section, the Secretary of Commerce must first make a finding of emergency, which determination shall be transmitted in writing to the Virgin Islands.

Section 3. *Consistency with International Law.* The regulations governing the activities listed in Section 4 of this Article will be applied to foreign flag vessels and persons not citizens of the United States only to the extent consistent with recognized principals of international law or as otherwise authorized by international agreement.

Article 5. Relation to Other Regulatory Programs

Section 1. *Virgin Islands Program.*

(a) The Virgin Islands' regulations described in Article 1 effectively protect the resources of the Sanctuary and shall constitute the primary regulatory regime for it. NOAA may adopt the Virgin Islands' regulations under the following conditions:

(1) No alteration or modification of any Sanctuary regulation shall become effective without the written concurrence of both the Virgin Islands and NOAA; and

(2) The Virgin Islands shall be responsible for enforcing all of the Sanctuary regulations to ensure protection for the values of the Sanctuary. NOAA will engage in enforcement activities only if requested by the Virgin Islands or if there has been a significant failure to provide adequate enforcement as determined under this section.

(b) Where the Virgin Islands shall propose any alteration or modification of the regulations described in Article 1, such alteration or modification shall be submitted to NOAA for simultaneous proposal in the **Federal Register**. Such alteration or modification shall be finally adopted unless, based on the comments received on the **Federal Register** proposal and after consultation with the Virgin Islands, NOAA determines that the regulations with the proposed amendments do not provide reasonable and necessary protection for the values of the Sanctuary.

(c) Should NOAA preliminarily determine that there has been a significant failure to provide adequate enforcement, it shall notify the Virgin Islands of this deficiency and suggest appropriate remedial action. If, after consultation, NOAA and the Virgin Islands are unable to agree either that a deficiency exists or on appropriate remedial action, NOAA may issue a final determination in writing specifying the deficiency and the appropriate action together with the reasons therefor. No less than 60 days prior to issuing a final determination that calls for NOAA to take enforcement action, NOAA shall submit the proposed determination to the Governor of the Virgin Islands. If the Governor finds that NOAA enforcement is unnecessary to protect the values of the Sanctuary NOAA shall give such finding presumptive weight in making its final determination.

Section 2. *Fishing.* The regulation of fishing is not authorized under Article 4 except with respect to the removal or damage of coral or other bottom formations (paragraph (a)), the use of certain techniques (paragraph (e)) and along underwater trails (paragraph (f)). In addition, fishing vessels may be regulated with respect to discharges (paragraph (d)) and anchoring (paragraph (b)).

Section 3. *Defense Activities.* The regulation of those activities listed in Article 4 shall not prohibit any activity conducted by the Department of Defense that is essential for national defense or because of emergency. Such activities shall be conducted consistently with such regulations to the maximum extent practicable. All other activities of the Department of Defense are subject to Article 4.

Article 6. Alterations to this Designation

This Designation can be altered only in accordance with the same procedures by which it has been made, including public hearings, consultation with interested Federal and Virgin Islands agencies and approval by the Governor of the Virgin Islands and by the President of the United States.

Article 7. Funding

In the event that a reduction in the funds available to administer the Sanctuary necessities a reduction in the level of enforcement provided by the Virgin Islands, the resulting reduced level of enforcement shall not, by itself, constitute a basis for finding a deficiency under Article 5, Section 1.

(End of Designation)

The proposed Designation establishes a cooperative management regime which will rely upon the Virgin Islands' regulations to protect the resources of the Sanctuary, all of which is located within territorial waters (See particularly Articles 1 and 5). Along with the designation, we are publishing regulations under consideration by the Virgin Islands for comment on their adoption as NOAA regulations. This procedure will ensure adequate review and comment on the substantive regulations at the national level. Once these regulations are finally promulgated by the Virgin Islands and approved by NOAA, they will be adopted as NOAA regulations for enforcement purposes.

The purpose of the regulations is to ensure protection of the mangroves, coral and other resources of the area as well as its general recreational and esthetic value. Acitivities which may threaten these features are prohibited including: taking or damaging coral [Sec. 937.4(A)(1)], anchoring on coral reefs [937.4(A)(2)], dredging and other activities altering the seabed except in certain limited areas or for public service cables and pipes when permitted by the Virgin Islands [937.4(A)(3)], polluting activities [Sec. 937.4(A)(4)] removing or damaging shipwrecks or other historical or other cultural features [937.4(A)(6)] and harassing or disturbing marine mammals or endangered species.

Other Matters:

Executive Order 12291 (E.O. 12291) defines a "major rule" as "any regulation that is likely to result in (1) an annual effect on the economy of $100 million or more; (2) a major increase in cost or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises in domestic or export markets. The economic activity supported by the area under consideration for marine sanctuary designation consists of a diversity of commercial and recreational activities. The total annual commercial harvest of fish from the proposed Sanctuary waters is about 71,000 pounds and has a current value of around $330,000. Commercial diving tour operators make approximately 5,256 trips at dive sites within the proposed Sanctuary, most of which will be protected rather than prohibited by the Sanctuary. This proposed rule would continue the Sanctuary. Those restrictions imposed, for example, on anchoring, on discharges and on fishing at underwater dive trails will have no economic impact and are designed to enhance the long term recreational value of the area. The Acting Administrator, therefore has determined that this is not a "major rule" under E.O. 12291.

On the same basis the Acting Administrator, also has determined that the proposed rules will not have a

significant economic impact on small entities in the proposed Sanctuary under the Regulatory Flexibility Act. This action will have a significant impact on the environment and copy of the draft environmental impact statement is available for review at the address above.

Public Review and Comment

NOAA will be reviewing the comments submitted to the Virgin Islands. A public hearing is scheduled on June 3, 1981, 7:30 PM at the St. Thomas Hotel and Marina, St. Thomas, U.S. Virgin Islands.

NOAA invites public review and comment on its proposed adoptions of these regulations. Written comments should be submitted to Dr. Nancy Foster, Deputy Director, Sanctuary Programs Office, 3300 Whitehaven Street N.W., Washington, D.C. 20035.

Robert W. Knecht,

Acting Assistant Administrator for Coastal Zone Management.

Accordingly, it is proposed to add Part 937 to 15 CFR as follows:

PART 937—THE ST. THOMAS NATIONAL MARINE SANCTUARY REGULATIONS

Sec.

937.1 Authority
937.2 Purpose.
937.3 Boundaries.
937.4 Regulated Activities.
937.5 Penalties for Commission of Prohibited Acts.

Authority: Section 302(a) and 302(f)(2) of Title III of the Marine Protection, Research and Sanctuaries Act of 1972, 16 U.S.C. 1431–1434.

§ 937.1 Authority.

The sanctuary has been designated by the Secretary of Commerce pursuant to the authority of section 302(a) of Title III of the Marine Protection, Research and Sanctuaries Act of 1972, 16 U.S.C. 1431–1434 (the Act). The following regulations are issued pursuant to the authorities of Sections 302(f), 302(g) and 303 of the Act.

§ 937.2 Purpose.

The purpose of designating the Sanctuary is to protect and preserve the diverse natural and cultural resources of the waters off southeast St. Thomas, U.S. Virgin Islands and to ensure the continued availability of the area for public educational purposes and as an ecological, research and recreational resource.

§ 937.3 Boundaries.

The Sanctuary consists of an area of 9.27 square nautical miles of the waters of the territorial sea of the U.S. Virgin Islands located off southeast St. Thomas. The precise boundaries are:

Beginning at the shoreline of Stalley Bay at Latitude 18°18'29" Longitude 64°52'49" to a point southwest of Packet Rock at Latitude 18°18'03" Longitude 64°53'36", to a point southwest of Buck Island at Latitude 18°16'26" Longitude 64°54'11", thence northeast to a point off Dog Rocks at Latitude 18°17'36" Longitude 64°49'42", then to the shoreline of Cabrita Point at Latitude 18°19'36" Longitude 64°49'56".

§ 937.4 Regulated Activities.

All activities carried on in the Sanctuary are subject to all prohibitions, restrictions and conditions imposed by any other authority. Any violation of the restrictions, prohibitions, or conditions imposed by Section 912 of the Virgin Islands Coastal Zone Management Act (VICZMA) and regulations issued pursuant thereto shall constitute a violation of these Federal regulations rendering the violator liable for the civil penalty described in § 937.5 in addition to any penalty perscribed by the Virgin Islands. The applicable Virgin Islands regulations are as follows:

(a) *Prohibited Activities.* Except as may be necessary for the national defense, in accordance with Article 5, section 2 of the Designation, or as may be necessary to respond to an emergency threatening life, property or the environment, the following activities are prohibited within the Sanctuary unless permitted by the Commissioner of the Virgin Islands Department of Conservation and Cultural Affairs in accordance with section B of these regulations.

(1) *Taking and Damaging Natural Resources.*

(i) No person shall break, cut, or similarly damage or destroy any coral, bottom formation or any marine plant, except dead shells. There shall be a presumption that any items listed in this paragraph found in the possession of a person within the sanctuary have been collected or removed from the sanctuary.

(ii) Only traditional fishing methods shall be permitted within the sanctuary. No person shall use poisons, electrical charges, explosives or similar methods to take any marine animal or plant.

(2) *Operation of Vessels.*

(i) No person shall anchor on coral reefs or in any manner that damages coral or other natural or cultural resources. All practicable efforts shall be taken to drop anchors on sand flats, rock and rubble bottoms, and other areas without extensive coral formations. When anchoring dive boats, the first diver down shall inspect the anchor to ensure that it is placed off the corals and will not shift in such a way as to damage corals. No further diving is permitted until the anchor is placed in accordance with these requirements.

(ii) No person shall anchor in areas where mooring buoys have been placed by the Government of the Virgin Islands or NOAA.

(iii) No vessel under power shall approach closer than 200 feet to a fishing vessel or a vessel displaying a diving flag except at a maximum speed of three knots.

(iv) No vessel or person shall interfere with any fishing activity.

(v) All vessels from which diving operations are being conducted shall fly, in a conspicuous manner, the international code flag alpha "A."

(3) *Alteration of the Seabed and Construction.*

(i) No person shal dredge, fill or otherwise alter the seabed in any manner nor construct any structure other than a navigation aid except as permitted by this section.

(ii) The following activities are allowed subject to the limitations and condtions imposed by the applicable permits and licenses issued under Chapter 21, Title 12, VICZMA:

(A) Construction of piers, docks, moorings, and similar structures, except in the Mangrove Lagoon (defined as an area from Bovoni Cay west to the shoreline of St. Thomas);

(B) Dredge and fill activities necessary for public service purposes, including but not limited to the burying and maintenance of cables and pipes; and

(C) Channel dredging within the area of Benner Bay and Bovoni Passage (defined as an area form the northwest point of Bovoni Cay, northeast to Benner Bay and in Benner Bay from a line drawn from the northeast corner of Bovoni Cay south to the northwest point of Grotto Cay, north to Compass Point) provided such activity can be clearly demonstrated to be in the public interest.

(4) *Discharging of Polluting Substances.* No person shall litter deposit or discharge any materials or substances of any king except:

(i) Indigenous fish of fish parts.

(ii) Effluent from marine sanitation devices allowable under Coast Guard standards.

(iii) Municipal sewage from the existing outfall consistent with U.S. Environmental Protection Agency standards.

(5) *Underwater Trails.*

(i) No person shall spearfish or fish at the underwater trails, except bait fishing.

(ii) No person shall mark, deface, or injure in anyway, or displace, remove, or tamper with underwater trails signs, markers or bouys.

(6) *Removing or Damaging Cultural Resources.* No person shall remove, damage, or tamper with, any historical or cultural feature, including archeological sites, historic structures, shipwrecks and artifacts.

(7) *Marine Mammals and Endangered Species.* No person shall harass, disturb, harm or in any way injure any marine mammal or other species classified as endangered by the Federal or Virgin Islands Government.

(8) *Damage to Fish Traps.* No person shall disturb, harm, or tamper with any legal fish gear, nets, traps, or pots.

(b) *Permit procedures and criteria.*

(1) Permits for those activities allowed under section A.3.b. shall be issued in accordance with the procedures and criteria set forth in section 910 of the VICZMA.

(2) Permits for those activities prohibited by section A may be issued by the Commissioner of the Virgin Islands Department of Conservation and Cultural Affairs in accordance with the VICZMA and with this section provided such activity is either (i) research related to the resources of the sanctuary or (ii) to preserve and protect the recreational and educational value of the sanctuary or (iii) for salvage or recovery operations.

(A) In addition to any other requirements under Section 912 of the VICZMA, in considering whether to grant a permit, the Commissioner shall evaluate such matters as (*1*) the general professional and financial responsibility of the applicant; (*2*) the appropriateness of the methods envisioned to the purpose(s) of the activity; (*3*) the extent to which the conduct of any permitted activity may diminish or enhance the value of the Sanctuary as an ecological, recreational, education of scientific resource; (*4*) whether the end value of the activity satisfies the criteria of this section; (*5*) and such other matters as deemed appropriate.

(B) At least 30 days prior to issuing any permit under this section, the Commissioner shall notify the Assistant Administrator for Coastal Zone Management, National Oceanic and Atmospheric Administration, 3300 Whitehaven Street, N.W. Washington, D.C. 20235, of the application and shall include a description of all activities proposed, the equipment, methods and personnel involved (particularly describing relevant experience) and a timetable for completion of the proposed activity.

(C) The Commissioner may seek and consider the views of any other person or entity, within or outside the Federal Government.

(D) NOAA's Assistant Administrator for Coastal Zone Management or designated representative may observe any permitted activity and/or require the submission of one or more reports of the status or progress of such activity.

(E) All information obtained pursuant to a permit issued under this section shall be made available to the public.

§ 937.5 Penalties for Commission of Prohibited Act.

Section 303 of the Act authorizes the assessment of a civil penalty of not more than $50,000 against any person subject to the jurisdiction of the United States for each violation of any regulation issued pursuant to the Act, and further authorizes a proceeding in rem. against any vessel used in violation of any such regulation. Procedures are outlined in Subpart D of Part 922 (15 CFR Part 922) of this chapter. Subpart D is applicable to any instance of a violation of these regulations.

[FR Doc. 81-19023 Filed 6-29-81; 8:45 am]
BILLING CODE 3510-08-M

DEPARTMENT OF AGRICULTURE

Forest Service

36 CFR Part 223

National Forest Timber Sales; Advertisement and Bids; Proposed Rulemaking

AGENCY: Forest Service, USDA.

ACTION: Proposed Policy.

SUMMARY: Proposed is a revision of Secretary of Agriculture's Regulation 36 CFR 223.5, Advertisement and Bids. The primary purpose of the revision will be to waive the formal advertising requirement for sales in which the appraised value exceeds $10,000, when such action is necessary to meet the objectives for research or formal demonstration projects.

No other alternatives were considered except the no action alternative. This would be to continue to formally advertise all sales with an appraised value of over $10,000.

No scoping process was used.

DATES: Comments must be received by: August 31, 1981.

Send Written Comments to: R. Max Peterson, Chief (2400), Forest Service, USDA, P.O. Box 2417, Washington, DC 20013.

FOR FURTHER INFORMATION CONTACT: Emil M. Sabol, Timber Management Staff, Room 3216, Forest Service, USDA, P.O. Box 2417, Washington, DC 20013, Telephone: (202) 447-4051.

SUPPLEMENTARY INFORMATION: Secretary's Regulations regarding the sale and disposal of National Forest timber have long made provision for the sale of timber without advertisement, when necessary to facilitate research on demonstration projects. This authority was omitted from regulations adopted in 1977 to implement the National Forest Management Act of 1976. Authority for disposal of timber, by sale or otherwise, related to research and demonstration projects is provided in Section (14)(f) of the National Forest Management Act of 1976 (16 U.S.C. 472a).

To effect this change, the following language is proposed to be added following the last sentence in § 223.5(a): "The formal advertising requirement for sales in which the appraised value exceeds $10,000 may be waived when such action is necessary to meet the objectives for research or formal demonstration projects."

USDA has made a preliminary determination that the proposed revision is not "major" and does not require a regulatory analysis under Executive Order No. 12291 and the Department's instructions.

John R. Block,

Secretary.

June 24, 1981.

[FR Doc. 81-19243 Filed 6-29-81; 8:45 am]
BILLING CODE 3410-11-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Ch. I

[Gen. Docket No. 80-603]

Inquiry Into the Development of Regulatory Policy In Regard To Direct Broadcast Satellites for the Period Following the 1983 Regional Administrative Radio Conference; Order Extending Time for Filing Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Proposed Rule and Policy Statement; Extension of reply comment period.

SUMMARY: The Commission is extending time in which to file reply comments relating to permanent regulatory policies for direct broadcast satellites in Docket No. 80-603 (published at 46 FR 30124). The action is being taken in response to a motion from the Citizens

Communications Center and other groups.

DATES: Reply comments are now due by July 31, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Florence Setzer or Bruce Franca, Office of Plans and Policy, (202) 653–5940.

SUPPLEMENTARY INFORMATION: .

In the matter of inquiry into the development of regulatory policy in regard to Direct Broadcast Satellites for the period following the 1983 Regional Administrative Radio Conference. Order Extending Time for Reply Comments, Gen. Docket No. 80–603 (46 FR 30124; 6–5–81).

Adopted: June 19, 1981.

Released: June 23, 1981.

By the Chief, Office of Plans and Policy:

1. On June 12, 1981, the Citizens Communication Center and several other groups (collectively referrred to as "CITIZENS") filed a motion requesting an extension of time within which to file reply comments concerning permanent regulatory policies for direct broadcast satellites (DBS) in the above-captioned proceeding. Reply comments are now due June 30, 1981; CITIZENS requests an extension to July 31, 1981.

2. CITIZENS notes that in the *Notice of Proposed Policy Statement and Rulemaking* in the instant proceeding, deadlines for comments and reply comments dealing with interim policies for DBS were set for July 1, 1981, and July 16, 1981, respectively. CITIZENS states that these dates, in conjunction with the June 30 deadline for reply comments on permanent regulatory policies, create a burdensome situation for comments who have to rely on limited resources.

3. In view of the fact that current deadlines for comments on interim policies and reply comments on permanent policies are only one day apart, and that many commenters are likely to wish to address both issues, we believe that CITIZENS' request for an extension is reasonable. We agree with CITIZENS that, because of the greater urgency of the interim than the permanent policy issues, the deadline for reply comments concerning permanent regulatory policies rather than the deadlines relating to interim policies should be extended.

4. Accordingly, IT IS ORDERED that the deadline for filing reply comments relating to permanent regulatory policies for DBS IS EXTENDED to and including July 31, 1981.

5. This action is taken pursuant to authority found in sections 4(i), 5(d)(1) and 303(r) of the Communications Act of 1934, as amended, and Section 0.271 of the Commission's Rules.

6. The Secretary shall cause this order to be published in the **Federal Register**.

Federal Communications Commission.

Peter K. Pitsch,

Chief, Office of Plans and Policy.

[FR Doc. 81-19190 Filed 6-29-81; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 23

Review of Species in Appendices to the Convention on International Trade in Endangered Species of Wild Fauna and Flora

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of Review.

SUMMARY: The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) is a treaty regulating the international shipment of certain wildlife and plant species, which are listed in appendices to CITES. The Conference of the Parties to CITES resolved, at a meeting in New Delhi, India, that the status of listed species should be periodically reviewed. The first such 10-year review is to be concluded in 1983 at the next meeting of the Parties.

This notice announces the review and invites information from the public concerning the status of listed species that are native to North America.

DATE: The Service will consider all information received by November 15, 1981, in identifying species for which CITES listings should be changed.

ADDRESS: Please send correspondence concerning this notice to the Office of the Scientific Authority, U.S. Fish and Wildlife Service, Washington, D.C. 20240. Materials received will be available for public inspection from 7:45 a.m. to 4:15 p.m., Monday through Friday, in room 536, 1717 H Street, N.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Dr. Richard L. Jachowski, Office of the Scientific Authority, U.S. Fish and Wildlife Service, Washington, D.C. 20240, telephone (202) 653–5948.

SUPPLEMENTARY INFORMATION: The Third Meeting of the Conference of the Parties to CITES was held on February 25 to March 8, 1981, at New Delhi, India. At the meeting, the Parties adopted the following resolution:

Ten Year Review of the Appendices

Recognizing that State attending the 1973 Conference to prepare and adopt an international convention to regulate the international trade in certain species of wild animals and plants, included species in Appendices I and II on the basis of scientific knowledge at the time;

Recalling that criteria for the addition to an deleting from Appendices I and II were developed and approved by the Parties attending the first meeting of the Conference of the Parties (Berne, 1976);

Recalling that the criteria were clarified by the Parties at the second meeting of the Conference of the Parties (San Jose, 1979);

Noting that the number of species added to the appendices between 1973 and 1981 has greatly increased the number of regulated species;

Recognizing that an effective method of evaluating the effectiveness of the Convention on international trade of species is a periodic trade and biological review of the status of a species;

The Conference of the Parties to the Convention

Recommends

(a) that Regional Committees be established to review the trade and biological status of all Appendices I and II species indigenous to the region, and that said review be substantially completed in time for proposals to be made for the fourth meeting of the Conference of the Parties;

(b) that a Secretariat Committee be established to review the trade and biological status of all Appendices I and II species not indigenous to any region, and that said review by completed by December 31, 1981;

(c) that representatives from the Regional and Secretariat Committees meet as a Central Committee including a representative of IUCN (International Union for Conservation of Nature and Natural Resources) between April and June 1982 to appraise and coordinate the regional reviews;

(d) that the Central Committee make recommendations for consideration by the Parties attending the fourth meeting of the Conference of the Parties to take place in 1983;

(e) that the Parties accept the principle that a review of species included in Appendices I and II be made at least every 10 years in order to assess the effectiveness of the Convention;

(f) that such reviews take as their basis the criteria agreed at the above

meeting of the Conference of the Parties; and

(g) that in preparing such reviews, the Parties and the Committees avail themselves of the data available from IUCN's Conservation Monitoring Centre and from other bodies; and

Requests the Secretariat and Regional Standing Committee members to make the necessary preparations and coordinating arrangements for convening the recommended meetings of the Regional Committees and the Central Committee.

The purposes of the present notice are to announce this review, to describe the schedule for its completion, and to request information about the status of species under review. A list of species in Appendices I and II that are included in the North American regional review may be obtained from the Office of the Scientific Authority (see address above). Copies of criteria previously adopted by the Parties for amendments to Appendices I and II also may be obtained from that office.

The schedule that the Service plans to follow for this review is as follows:

Deadline for receipt of information on species from the public—November 15, 1981

Publication of **Federal Register** notice to announce species for which the Service will submit draft proposals to the CITES Central Committee, and to invite public comment on these proposals—February 1, 1982

Review by CITES Central Committee—Between April and June 1982

Publication of **Federal Register** notice to announce the Service's final decisions on proposals to be submitted for adoption by the Parties; submission of proposals to the CITES Secretariat—September 20, 1982

Fourth Meeting of the Conference of the Parties, at which proposals will be considered for adoption—February or March 1983

The Service is seeking current information about listed species native to North America (i.e., those having natural breeding populations in North America), particularly those listed species native to the United States. The Service's review of listed species also will include any with breeding populations in the following areas for which the United States has international responsibility: Puerto Rico, Guam, the Virgin Islands of the United States, American Samoa, Midway Islands, Wake Island, Johnston Atoll, Palmyra Atoll, Kingman Reef, Howland Island, Baker Island, Jarvis Island, and Navassa Island.

Persons having curent information about the population status of such species or about the international trade in them are invited to contact the Service's Office of the Scientific Authority.

This notice was prepared by Dr. Richard L. Jachowski, Office of the Scientific Authority.

Dated: June 24, 1981.

A. Ray Arnett,

Assistant Secretary, Fish and Wildlife and Parks.

[FR Doc. 81-19197 Filed 6-29-81; 8:45 am]

BILLING CODE 4310-55-M

DEPARTMENT OF LABOR

Office of the Secretary

20 CFR Chs. I, V and VI

29 CFR Subtitle A and Chs. II, IV, XVII, and XXV

30 CFR Ch. I

41 CFR Chs. 29, 50, 60

Regulatory Flexibility Act; Ten Year Schedule for Review of Rules

AGENCY: Department of Labor.

ACTION: Ten year schedule for review of Department of Labor regulations.

SUMMARY: This Document sets forth the Department's ten year schedule for review of existing regulations, pursuant to requirements of the Regulatory Flexibility Act.

DATES: The schedule includes all regulations which are expected to be under review between June 30, 1981, and June 30, 1991.

FOR FURTHER INFORMATION CONTACT: Seth D. Zinman, Associate Solicitor for Legislation and Legal Counsel, Office of the Solicitor, Department of Labor, Room N2428, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 202–523–8201.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act requires that by July 1, 1981, each agency publish a 10 year schedule for the review of all agency rules that are in existence on the effective date of the Act (January 1, 1981), and that have or will have a significant economic impact upon a substantial number of small entities. The Act further requires that such rules adopted after the effective date of the Act be reviewed within 10 years of their publication as final rules.

Below is the anticipated 10 year schedule for review of existing rules of the Department of Labor. The schedule includes all of the Department's rules that could have a significant economic impact on a substantial number of small entities. As permitted by the Regulatory Flexibility Act, the Secretary of Labor may extend the completion date for review by one year at a time for a total of not more than 5 years, if he determines that completion of review is not feasible by the established date and so certifies in a statement published in the **Federal Register**.

In the review of rules, agencies are required by the Regulatory Flexibility Act to endeavor to minimize any significant economic impact of the rules on a substantial number of small entities in a manner consistent with the stated objectives of applicable statutes. During the course of such review, agencies are to consider the following factors: (1) the continued need for the rule; (2) the nature of complaints or comments received concerning the rule from the public; (3) the complexity of the rule; (4) the extent to which the rule overlaps, duplicates, or conflicts with other Federal rules, and, to the extent feasible, with State and local governmental rules; and, (5) the length of time since the rule has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule.

The Regulatory Flexibility Act also requires that each year agencies publish in the **Federal Register** a list of the rules which have a significant economic impact on a substantial number of small entities which are to be reviewed during the succeeding twelve months. The list must include a brief description of each rule, the need for and legal basis of such rule, and must invite public comment. It is anticipated that the Department of Labor will publish its list in the **Federal Register** in October 1981 as an adjunct to its next semiannual agenda, which, as in its last semiannual agenda (April 29, 1981), will be compiled to meet the requirements of both the Regulatory Flexibility Act and Executive Order 12291.

TEN YEAR REVIEW SCHEDULE

I. Mine safety and Health Administration

Years: 1981–1982.
Proposed Review: 30 CFR Part 100, Civil Penalties.

Years: 1981–1984.
Proposed Review: 30 CFR Parts 55–57, Review of Metal and Nonmetal Standards.

Years: 1982–1984.
Proposed Review: 30 CFR Part 48, Training & Retraining of Miners.

Years: 1981–1986.
Proposed Review: 30 CFR Part 50, Notification, Investigation, Reports and Records of Accidents, Injuries, Illnesses, Employment and Coal Production in Mines.

Years: 1982–1986.
Proposed Review: 30 CFR Parts 11 through 36, Equipment Approval and Certification Requirements.

Years: 1981–1987.
Proposed Review: 30 CFR Parts 70 (Subparts D, E and F), 71 (Subparts E, F, G, H and I), 74, 75 and 77, Review of Coal Standards.

Years: 1987–1991.
Proposed Review: 30 CFR Parts 70 (Subparts A, B and C), 71 (Subparts A, B, C and D) and 90, Review of Coal Standards.

II. Labor-Management Service Administration

1. The Pension and Welfare Benefits Program

Year: 1982.
Proposed Review:
29 CFR Part 2510.3–37 (Temporary), Multiemployer plan
29 CFR Part 2550.412–1, Temporary bonding requirements

Year: 1983.
Proposed Review:
29 CFR Part 2510.3–1, Employee Welfare Benefit Plan
29 CFR Part 2510.3–2, Employee Pension Benefit Plan
29 CFR Part 2510.3–3, Employee Benefit Plan

Year: 1984.
Proposed Review:
29 CFR Part 2520.101–1, Duty of Reporting and Disclosure
29 CFR Part 2520.102–1, Plan Description
29 CFR Part 2520.102–2, Style and Format of Summary Plan Description
29 CFR Part 2520.102–3, Contents of Summary Plan Description
29 CFR Part 2520.102–4, Option for Different Summary Plan Descriptions
29 CFR Part 2520.102–5, Limited Exemption with Respect to Summary Plan Description of Welfare Plans Providing Benefits through a Qualified Health Maintenance Organization
29 CFR Part 2520.104–5, Deferral of Certain Reporting and Disclosure Requirements Relating to the Summary Plan Description for Welfare Plans
29 CFR Part 2520.104–6, Deferral of Certain Reporting and Disclosure Requirements Relating to the Summary Plan Description for Pension Plans
29 CFR Part 2520.104–28, Extension of Time for Filing and Disclosure of the Initial Summary Plan Description
29 CFR Part 2520.104a–1, Filing with the Secretary of Labor
29 CFR Part 2520.104a–2, Plan Description Reporting Requirements
29 CFR Part 2520.104a–3, Summary Plan Description
29 CFR Part 2520.104a–4, Material Modifications to the Plan and Changes in Plan Description Information
29 CFR Part 2520.104a–7, Summary of Material Modifications

29 CFR Part 2520.104b–1, Disclosure
29 CFR Part 2520.104b–2, Summary Plan Description
29 CFR Part 2520.104b–3, Summary of Material Modifications to the Plan and Changes in the Information Required to be Included in the Summary Plan Description
29 CFR Part 2520.104b–4, Alternative Methods of Compliance for Furnishing Pension Plan Documents to Retired Participants and their Beneficiaries and Separated Participants with Vested Benefits
29 CFR Part 2520.104b–5, ERISA Notice
Year: 1985.
Proposed Review:
29 CFR Part 2550.407a–1, General Rule for the Acquisition and Holding of Employer Securities and Employer Real Property
29 CFR Part 2550.407a–2, Limitation with Respect to the Acquisition of Qualifying Employer Securities and Qualifying Employer Real Property
29 CFR Part 2550.407a–3, Limitation with Respect to the Holding of Qualifying Employer Securities and Qualifying Real Property
29 CFR Part 2550.407d–5, Definition of the term "Qualifying Employer Security"
29 CFR Part 2550.408e, Statutory Exemption for Acquisition or Sale of Qualifying Employer Securities and for Acquisition, Sale, or Lease of Qualifying Employer Real Property
Year: 1986.
Proposed Review: 29 CFR Part 2560.503–1, Claims Procedure.
Year: 1987.
Proposed Review:
29 CFR Part 2520.103–1, Contents of the Annual Report
29 CFR Part 2520.103–2, Contents of the Annual Report for a Group Insurance Arrangement
29 CFR Part 2520.103–3, Exemption from Certain Annual Reporting Requirements for Assets Held in a Common or Collective Trust
29 CFR Part 2520.103–4, Exemption from Certain Annual Reporting Requirements for Assets Held in an Insurance Company Pooled Separate Account
29 CFR Part 2520.103–5, Transmittal and Certification of Information to Plan Administrator for Annual Reporting Purposes
29 CFR Part 2520.103–6, Definition of Reportable Transaction for Annual Return/Report
29 CFR Part 2520.103–7, Special Accounting Rules for Plans Filing the Initial (1975) Annual Report
29 CFR Part 2520.103–8, Limitation on Scope of Accountant's Examination
29 CFR Part 2520.103–9, Direct Filing Rules for Bank Common and Collective Trusts and Insurance Carrier Pooled Separate Accounts
29 CFR Part 2520.103–10, Format and Contents of Annual Return/Report Financial Schedules
29 CFR Part 2520.103–11, Assets held for Investment Purposes
29 CFR Part 2520.104–1, General
29 CFR Part 2520.104–2, Postponing Effective Date of Annual Reporting Requirements and Extending WPPDA Reporting Requirements
29 CFR Part 2520.104–3, Deferral of Certain Initial Reporting and Disclosure Requirements
29 CFR Part 2520.104–4, Alternative Method of Compliance for Certain Successor Pension Plans
29 CFR Part 2520.104–20, Limited Exemption for Certain Small Welfare Plans
29 CFR Part 2520.104–21, Limited Exemption for Certain Group Insurance Arrangements
29 CFR Part 2520.104–22, Exemption from Reporting and Disclosure Requirements for Apprenticeship and Training Plans
29 CFR Part 2520.104–23, Alternative Method of Compliance for Pension Plans for Certain Selected Employees
29 CFR Part 2520.104–24, Exemption for Welfare Plans for Certain Selected Employees
29 CFR Part 2520.104–25, Exemption from Reporting and Disclosure for Day Care Centers
29 CFR Part 2520.104–26, Limited Exemption for Certain Dues Financed Welfare Plans Maintained by Employee Oranizations
29 CFR Part 2520.104–27, Alternative Method of Compliance for Certain Dues Financed Pension Plans Maintained by Employee Organizations
29 CFR Part 2520.104–41, Simplified Annual Reporting Requirements for Plans with Fewer than 100 Participants
29 CFR Part 2520.104–42, Waiver of Certain Actuarial Information in the Annual Report
29 CFR Part 2520.104–43, Exemption from Annual Reporting Requirements for Certain Group Insurance Arrangements
29 CFR Part 2520.104–44, Limited Exemption and Alternative Method of Compliance for Annual Reporting by Unfunded or Insured Welfare and Pension Plans
29 CFR Part 2520.104–45, Temporary Exemption from Reporting Insurance Fees and Commissions for Insured Plans with Fewer than 100 Participants
29 CFR Part 2520.104–46, Waiver of Examination and Report of an Independent Qualified Public Accountant for Employee Benefit Plans with Fewer than 100 Participants
29 CFR Part 2520.104–47, Limited Exemption and Alternative Method of Compliance for Filing of Insurance Company Financial Reports
29 CFR Part 2520.104–48, Alternative Method of Compliance for Model Simplified Employee Pensions—IRS Form 5305–SEP
29 CFR Part 2520.104–49, Alternative Method of Compliance for Certain Simplified Employee Pensions
29 CFR Part 2520.104–50, Short Plan Years, Deferral of Accountant's Examination and Report
29 CFR Part 2520.104a–5, Annual Reporting Filing Requirements
29 CFR Part 2520.104a–6, Annual Reporting for Plans Which are Part of a Group Insurance Arrangement
29 CFR Part 2520.104b–10, Summary Annual Report
29 CFR Part 2520.104b–30, Charges for Documents
Year: 1988.
Proposed Review:
29 CFR Part 2510.3–21, Definition of "Fiduciary"
29 CFR Part 2550.404a–1, Investment Duties
29 CFR Part 2550.404b–1, Maintenance of the Indicia of Ownership of Plan Assets Outside the Jurisdiction of the District Courts of the United States.
29 CFR Part 2550.408b–2, General Statutory Exemption for Services or Office Space
29 CFR Part 2550.408b–4, Statutory Exemption for Investments in Deposits of Banks or Similar Financial Institutions
29 CFR Part 2550.408b–6, Statutory Exemption for Ancillary Services by a Bank or Similar Financial Institution
29 CFR Part 2550.408c–2, Compensation for Services
29 CFR Part 2560.502–1, Requests for Enforcement Pursuant to Section 502(b)(2)
29 CFR Part 2509.75–2, Interpretive Bulletin Relating to Prohibited Transactions
29 CFR Part 2509.75–3, Interpretive Bulletin Relating to Investments by Employee Benefit Plans in Securities of Registered Investment Companies
29 CFR Part 2509.75–4, Interpretive

Bulletin Relating to Indemnification of Fiduciaries
29 CFR Part 2509.75–5, Questions and Answers Relating to Fiduciary Responsibility
29 CFR Part 2509.75–8, Questions and Answers Relating to Fiduciary Responsibility under the Employee Retirement Income Security Act of 1974
29 CFR Part 2509.75–9, Independence of Accountant Retained by Employee Benefit Plan
29 CFR Part 2509.78–1, Interpretive Bulletin Relating to Payments by Certain Employee Walfare Benefit Plans

The following regulations need to be reviewed jointly with the Internal Revenue Service; no joint date has yet been established:

Year: undetermined.
Proposed Review:
29 CFR Part 2550.407d–6 Definition of the Term "Employee Stock Ownership Plan"
29 CFR Part 2550.408b–3, Loans to Employee Stock Ownership Plans

III. Employment and Training Administration

A. Office of National Programs

Years: 1982–1985.
Proposed Review:
29 CFR Part 675 and 688, Indian and Native American Employment and Training Programs under Titles II, III, IV, VI, and VII, of the Comprehensive Employment and Training Act
29 CFR Part 94 Subpart (D), Special Target Groups, Youth Programs and Other Special Programs; and 29 CFR Parts 94–99

B. Unemployment Insurance Services

Years: 1981–1982.
Proposed Review:
29 CFR Part 615, Extended Benefits
20 CFR Part 616, Combined Wage Claims
20 CFR Part 618, Federal Supplemental Benefits
20 CFR Part 619, Special Unemployment Assistance
20 CFR Part 640, Benefit Payment Promptness Standard
20 CFR Part 650, Appeals Promptness Standard
Years: 1982–1986.
Proposed Review:
20 CFR Part 601, Administrative Procedures
20 CFR Part 609, Unemployment Compensation for Federal Civilian Employees
20 CFR Part 614, Unemployment Compensation for Ex-Servicemembers
20 CFR Part 625, Disaster Unemployment Assistance
20 CFR Part 91, Trade Readjustment Assistance

C. Office of Community Employment Programs

Years: 1982–1986.
Proposed Review: 20 CFR Parts 675–679, Comprehensive Employment and Training Act Regulations

D. Office of Youth Programs

Years: 1981–1982.
Proposed Review: 20 CFR Part 680, Comprehensive Employment and Training Act Amendments of 1978, Title IV, Youth Programs.
Years: 1982–1986.
Proposed Review: 20 CFR Part 684, Job Corps Program under Title IVB of the Comprehensive Employment and Training Act.

E. Bureau of Apprenticeship and Training

Years: 1981–1986.
Proposed Review:
29 CFR Part 29, Apprenticeship Programs Labor Standards for Registration
29 CFR Part 30, Equal Employment Opportunity in Apprenticeship and Training

F. United Stated Employment Services

Years: 1981–1982.
Proposed Review:
20 CFR Part 656, Labor Certification Process for the Permanent Employment of Aliens in the United States
20 CFR Part 655, Labor Certification Process for the Temporary Employment of Aliens in the United States
20 CFR Part 653, Services of the Employment Service System: Subpart A—Basic Services and Subpart C—Services for Veterans
20 CFR Part 604, Policies of the United States Employment Service
20 CFR Part 651, General Provisions Governing the Federal-State Employment Service System
20 CFR Part 75, Department of Labor Review and Certification Procedures and Rural Industrialization Loan and Grant Programs under the Consolidated Farm Rural Development Act of 1972
Years: 1983–1986.
Proposed Review:
20 CFR Part 602, Federal-State Employment Service System
20 CFR Part 653, Services of the Employment Service System: Subpart B—Services for Migrants and Seasonal Farmworkers and Subpart E—Support Services
20 CFR Part 658, Administrative Provisions Governing the Employment Service System
Years: 1987–1991.
Proposed Review:
20 CFR Part 621, Certification of Temporary Foreign Labor for Occupations Other than Agriculture or Logging
20 CFR Part 603, State Program Budget Plans under the Wagner-Peyser Act
20 CFR Part 654, Special Responsibilities of the Employment Service

G. Deputy Assistant Secretary for Veterans Employment/Veterans Employment Service

Years: 1981–1982.
Proposed Review:
20 CFR Part 28, Exemplary Rehabilitation Certificates for Ex-Servicemen

IV. Occupational Safety and Health Administration

Years: 1981–1984.
Proposed Review:
29 CFR Part 1919, Gear Certification
29 CFR Part 1907, Accreditation of Testing Laboratories
Years: 1981–1985.
Proposed Review: 29 CFR Part 1928, Occupational Safety and Health Standards for Agriculture.
Years: 1981–1987.
Proposed Review:
29 CFR Part 1915, Safety and Health Regulations for Ship Repair
29 CFR Part 1916, Safety and Health Regulations for Ship Building
29 CFR Part 1917, Safety and Health Regulations for Ship Breaking
Years: 1981–1988.
Proposed Review: 29 CFR Part 1918, Longshoring.
Years: 1981–1991.
Proposed Review: 29 CFR Part 1910, Occupational Safety and Health Standards not specifically listed will be set for a precise schedule for review at a later date, upon further review by the agency.
Years: 1981–1983.
Proposed Review:
29 CFR 1910.1025, Standard for Occupational Exposure to Lead
29 CFR 1910.1043, Standard for Occupational Exposure to Cotton Dust
29 CFR 1910.95, Standard for Occupational Exposure to Noise
29 CFR 1910.1018, Standard for Occupational Exposure to Inorganic Arsenic

29 CFR 1910.134, Standard for Respiratory Protection
29 CFR Part 1990, Standard for the Identification, Classification and Regulation of Potential Occupational Carcinogens
29 CFR 1910.20, Access to Employee Exposure and Medical Records
29 CFR 1910.1001, Standard for Occupational Exposure to Asbestos
Years: 1983–1985.
Proposed Review:
29 CFR 1910.1000, Table Z–2, Cadmium
29 CFR 1910.1000, Tables Z–1 and Z–2, Chromium
29 CFR 1910.1000, Table Z–2, Beryllium
29 CFR 1910.1017, Standard for Occupational Exposure to Vinyl Chloride
Years: 1986–1991.
Proposed Review: 29 CFR 1910.1000, Table Z–1, Standards for Occupational Exposure to Air Contaminants to include: Acetic acid, Acetic anhydride, Acrolein, Allyl alcohol, Allyl chloride, Allyl propyl disulfide, n-Amyl acetate, Arsine, Barium (soluble compounds), Carbaryl (Sevin R), Cyanide, as CN, Ethyl acetate, Ethylene glycol monomethyl ether acetate (Methyl cellosolve acetate), Ethyl ether, Hafnium, Hydrogen bromide, Hydrogen chloride, Hydrogen cyanide, Hydrogen peroxide, Isoamyl acetate, Isoamyl alcohol, Isopropyl acetate, Isopropyl alcohol, Liquified petroleum gas, Methyl alcohol (methanol), Nitric acid, Oil mist, mineral, Phenol, Phosphine, Phosphoric acid, Phosphorus (yellow), Phosphorus pentachloride, Phosphorus pentasulfide, Pyrethrum, Rotenone (commercial), Silver, metal, Silver, soluble compounds as AG, Turpentine, Zinc oxide fume, Zirconium compounds.
Years: 1981–1985.
Proposed Review: 29 CFR Part 1926, Safety and Health Regulations for Construction.

V. Office of the Assistant Secretary for Administration and Management

Years: 1982–1983.
Proposed Review: 41 CFR Part 29, Procurement and Grant Regulations

VI. Employment Standards Administration

A. Office of Workers' Compensation Programs (OWCP)

Year: 1981.
Proposed Review:
20 CFR 702, Administration and Procedures (Longshoremen's and Harbor Workers' Compensation Act (LHWCA) and related statutes)
20 CFR 703, Insurance Regulations (LHWCA and related statutes)
20 CFR 722, Criteria for Determining Whether State Workmen's Compensation Laws Provide Adequate Coverage for Pneumoconiosis and Listing of Approved State Laws
20 CFR 725, Claims for Benefits Under Part C of Title IV of the Federal Mine Safety and Health Act, as amended
20 CFR 728, Black Lung Benefits; Requirements for Coal Mine Operators' Insurance
Year: 1982.
Proposed Review:
20 CFR 1, Performance of Functions Under this Chapter (OWCP Organization and Procedures)
20 CFR 10, Claims for Compensation Under the Federal Employees' Compensation Act, as amended
20 CFR 25, Compensation for Disability of Noncitizen Federal Employees Outside the United States
20 CFR 701, General; Administering Agency; Definitions and Use of Terms (LHWCA and related statutes)
20 CFR 704, Special Provisions for LHWCA Extensions
Year: 1983.
Proposed Review:
20 CFR 61 and 62, Compensation for Injury, Disability, Death, or Enemy Detention of Employees of Contractors with the United States
20 CFR 71, Compensation for Injury, Disability or Death of American Citizens Incurred While Detained by or in Hiding from the Japanese Government
Year: 1985.
Proposed Review: 20 CFR 718, Standards for Determining Coal Miner's Total Disability or Death Due to Pneumoconiosis.
Year: 1985.
Proposed Review: 20 CFR 727, Review of Pending and Denied Claims under the Black Lung Benefits Reform Act of 1977.

B. Office of Federal Contract Compliance Programs (OFCCP)

Years: 1981–1982.
Proposed Review:
41 CFR 60–1, Obligations of Contractors and Subcontractors
41 CFR 60–2, Affirmative Action Programs (except 41 CFR 60–2.11)
41 CFR 60–4, Construction Contractors—Affirmative Action Requirements
41 CFR 60–20, Sex Discrimination Guidelines
41 CFR 60–30, Rules of Practice for Administrative Proceedings to Enforce Equal Opportunity Under Executive Order 11246
41 CFR 60–40, Examination and Copying of OFCC Documents
41 CFR 60–50, Guidelines on Discrimination Because of Religion or National Origin
41 CFR 60–60, Contractor Evaluation Procedures for Contractors for Supplies and Services
41 CFR 60–250, Affirmative Action Obligations of Contractors and Subcontractors for Disabled Veterans and Veterans of the Vietnam Era
41 CFR 60–741, Affirmative Action Obligations of Contractors and Subcontractors for Handicapped Workers
Years: 1983–1990.
Proposed Review:
41 CFR 60–2.11, Required Utilization Analysis
41 CFR 60–3, Guidelines on Employee Selection Procedures

C. Wage and Hour Division

Years: 1981–1982.
Proposed Review:
29 CFR 1 and 5, Subpart A, Labor Standards for Davis-Bacon and Related Acts
29 CFR 4, Labor Standards for Federal Service Contracts
29 CFR 6, Rules of Practice for Administrative Proceedings Enforcing Labor Standards in Federal Service Contracts
29 CFR 505, Labor Standards on Projects or Productions Assisted by Grants from the National Endowment for the Arts
29 CFR 516, Records to be kept by Employers
29 CFR 525, Employment of Handicapped Clients in Sheltered Workshops
29 CFR 530, Employment of Homeworkers in Certain Industries
29 CFR 531, Wage Payments under the Fair Labor Standards Act of 1938
29 CFR 541, Defining the Terms "Executive," "Administrative," "Professional," and "Outside Salesman" (Review of Salary Test Levels)
29 CFR 570, Subpart C, Employment of Minors between 14 and 16 Years of Age (Child Labor Regulation 3)
29 CFR 570.52, Motor Vehicle Driver and Outside Helper (Child Labor Hazardous Order No. 2 under the FLSA)
29 CFR 570.61, Occupations Involving Slaughtering, Meat Packing or Processing, or Rendering (Child Labor Hazardous Order No. 10 under the FLSA)
29 CFR 570.62, Occupations Involved

in the Operation of Bakery Machines (Child Labor Hazardous Order No. 11 under the FLSA)

Years: 1983–1987.

Proposed Review:

29 CFR 3 and 5, Subpart B, Copeland Act and Interpretations under the Davis-Bacon and Related Acts

29 CFR 40, Farm Labor Contractor Registration

29 CFR 41, Interpretations of Farm Labor Contractor Registration Act of 1963

29 CFR 529, Employment of Patient Workers in Hospitals and Institutions at Subminimum Wages

29 CFR 541, Defining the Terms "Executive," "Administrative," "Professional," and "Outside Salesman (Aspects of this Regulation not reviewed during 1981–1982)

29 CFR 548, Authorization of Established Basic Rates for Computing Overtime Pay

29 CFR 552, Application of the Fair Labor Standards Act to Domestic Service

29 CFR 779, The Fair Labor Standards Act as Applied to Retailers of Goods and Services

29 CFR 780, Exemptions Applicable to Agriculture, Processing of Agricultural Commodities, and Related Subjects under the Fair Labor Standards Act

29 CFR 785, Hours Worked

29 CFR 788, Forestry or Logging Operations in which not more than Eight employees are Employed

29 CFR 793, Exemption of Certain Radio and Television Station Employees from Overtime Pay Requirements under Section 13(b)(9) of the Fair Labor Standards Act

29 CFR 794, Partial Overtime Exemption for Employees of Wholesale or Bulk Petroleum Distributors under Section 7(b)(3) of the Fair Labor Standards Act

Child Labor Hazardous Orders under the FLSA not Reviewed in 1981–1982:

29 CFR 570.51, Occupations in or about plants or establishments manufacturing or storing explosives or articles containing explosive components (Order 1)

29 CFR 570.53, Coal-mine Occupations (Order 3)

29 CFR 570.54, Logging Occupations and Occupations in the Operation of any Sawmill, Lath Mill, Shingle Mill, or Cooperage-Stock Mill (Order 4)

29 CFR 570.55, Occupations Involved in the Operation of Power-Driven Wood-Working Machines (Order 5)

29 CFR 570.56, Exposure to Radioactive Substances and to Ionizing Radiations (Order 6)

29 CFR 570.58, Occupations Involved in the Operation of Power-Driven Hoisting Apparatus (Order 7)

29 CFR 570.59, Occupations Involved in the Operations of Power-Driver Metal Forming, Punching and Shearing Machines (Order 8)

29 CFR 570.60, Occupations in Connection with Mining, Other than Coal (Order 9)

29 CFR 570.63, Occupations Involved in the Operation of Paper-Products Machines (Order 12)

29 CFR 570.64, Occupations Involved in the Manufacture of Brick, Tile and Kindred Products (Order 13)

29 CFR 570.65, Occupations Involved in the Operations of Circular Saws, Band Saws, and Guillotine Shears (Order 14)

29 CFR 570.66, Occupations Involved in the Wrecking, Demolition, and Shipbreaking Operations (Order 15)

29 CFR 570.67, Occupations in Roofing Operations (Order 16)

29 CFR 570.68, Occupations in Excavation Operations (Order 17)

29 CFR 575—Waiver of Child Labor Provisions for Agricultural Employment of 10 and 11 year old Minors in Hand Harvesting of Short Season Crops.

Regulations Applicable to Puerto Rico, the Virgin Islands and American Samoa under the Fair Labor Standards Act:

29 CFR 511, Wage Order Procedure for Puerto Rico, the Virgin Islands, and American Samoa

29 CFR 545, Homeworkers in Industries in Puerto Rico

29 CFR 601 through 690 and 699 through 730, Regulations applicable to specific industries in Puerto Rico (see CFR for specific titles)

29 CFR 694, Minimum Wage Rates in Industries in the Virgin Island

29 CFR 695, Homeworkers in Industries in the Virgin Islands

29 CFR 697, Industries in American Samoa

Years: 1988–1990

Proposed Review:

29 CFR 24, Procedures for the Handling of Discrimination Complaints under Federal Employee Protection Statutes

29 CFR 515, Utilization of State Agencies for Investigations and Inspections

29 CFR 519, Employment of Full-Time Students at Subminimum Wages

29 CFR 520, Employment of Student Learners

29 CFR 521, Employment of Apprentices

29 CFR 522, Employment of Learners

29 CFR 523, Employment of Messengers

29 CFR 524, Special Minimum Wages for Handicapped Workers in Competitive Employment

29 CFR 526, Industries of a Seasonal Nature and Industries with Marked Seasonal Peaks of Operation

29 CFR 527, Employment of Student Workers

29 CFR 528, Annulment or Withdrawal of Certificates for the Employment of Student Learners, Apprentices, Learners, Messengers, Handicapped Persons, Student-Workers and Full-time Students in Agriculture or in Retail or Service Establishments at Special Minimum Wage Rates

29 CFR 536, Area of Production

29 CFR 547, Requirements of a "Bona Fide Thrift or Savings Plan"

29 CFR 549, Requirements of a "Bona Fide Profit-Sharing Plan or Trust"

29 CFR 550, Defining and Delimiting the term "Talent Fees"

29 CFR 551, Local Delivery Drivers and Helpers; Wage Payment Plans

29 CFR 553, Employees of Public Agencies Engaged in Fire Protection or Law Enforcement Activities (Including Security Personnel in Correctional Institutions)

29 CFR 775, General

29 CFR 776, Interpretative Bulletin on the General Coverage of the Wage and Hours Provisions of the Fair Labor Standards Act of 1938

29 CFR 778, Overtime Compensation

29 CFR 782, Exemption from Maximum Hours Provisions for Certain Employees of Motor Carriers

29 CFR 783, Application of the Fair Labor Standards Act to Employees Employed As Seamen

29 CFR 784, Provisions of the Fair Labor Standards Act Applicable to Fishing and Operations on Aquatic Products

29 CFR 786, Miscellaneous Exemptions

29 CFR 789, General Statement on the Provisions of Section 12(a) and Section 15(a)(1) of the Fair Labor Standards Act of 1938, Relating to Written Assurances

29 CFR 790, General Statement as to the Effect of the Portal-to-Portal Act of 1947 on the Fair Labor Standards Act of 1938

29 CFR 791, Joint Employment Relationship under Fair Labor Standards Act of 1938

29 CFR 870, Restriction on Garnishment

Child Labor Regulations under the Fair Labor Standards Act not reviewed in 1981–1987:

29 CFR 570, Child Labor Regulations

Orders and Statements of Interception (Aspects other than the Hazardous Orders reviewed in 1981–1987)
29 CFR 579, Child Labor Violations—Civil Money Penalties
29 CFR 580, Civil Penalties for Child Labor Violations—Rules of Practice for Administrative Proceedings

41 CFR 50—Public Contracts (Walsh-Healey Public Contracts Act):
41 CFR 50–201, General Regulations
41 CFR 50–202, Minimum Wage Determinations
41 CFR 50–203, Rules of Practice
41 CFR 50–206, The Walsh-Healey Public Contracts Act Interpretations
41 CFR 50–210, Statements of General Policy and Interpretations not Directly Related to Regulations

Signed this 24 day of June 1981 at Washington, D.C.

Raymond J. Donovan,

Secretary of Labor.

[FR Doc. 81-19112 Filed 6-29-81; 8:45 am]
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Notices

Federal Register
Vol. 46, No. 125
Tuesday, June 30, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF ENERGY

Bonneville Power Administration

1981 Wholesale Power Rates; Order Confirming, Approving, and Placing Increased Wholesale Power Rates in Effect on an Interim Basis

AGENCY: Bonneville Power Administration, Department of Energy.

ACTION: Notice of Approval on Interim Basis of Bonneville Power Administration Wholesale Power Rates.

SUMMARY: On June *24*, 1981, the Assistant Secretary for Conservation and Renewable Energy pursuant to Delegation Order No. 0204–33, as amended and supplemented, confirmed, approved, and placed in effect on an interim basis, Wholesale Power Rate Schedules PF–1, IP–1, MP–2, CF–1, CE–1, NR–1, NF–1, RP–1, FE–1, SI–1, and the General Rate Schedule Provisions setting forth the terms and conditions of service under the foregoing rate schedules. The wholesale power rates, plus a concommitant increase in transmission rates, will produce an estimated 78.5 percent increase in total revenues throughout the repayment period. This does not include revenues that will be collected from the direct-service industries to cover the costs of acquiring the investor-owned utility exchange resources.

EFFECTIVE DATE: The rates are confirmed and approved on an interim basis effective July 1, 1981.

FOR FURTHER INFORMATION CONTACT:
Ms. Donna Lou Geiger, Public Involvement Coordinator, Bonneville Power Administration, Department of Energy, P.O. Box 12999, Portland, Oregon 97212, (503) 234–3361, extension 4261.
Toll-free numbers for Oregon callers: 800–452–8429; for callers from Washington, Idaho, Montana, Utah, Nevada, Wyoming, and California: 800–547–6048.
or
Marlene A. Moody, Office of Power Marketing Coordination, Department of Energy, 12th Street & Pennsylvania Avenue, NW., Washington, D.C. 20461, (202) 633–8338.

SUPPLEMENTARY INFORMATION: The new rate schedules, applicable to all of Bonneville's power customers, constitute Bonneville's first wholesale power rate increase since the passage of the Pacific Northwest Electric Power Planning and Conservation Act (Public Law 96–501). Rate Order No. BPA–4 confirming, approving, and placing the wholesale power rates in effect on an interim basis will be promptly submitted to the Federal Energy Regulatory Commission for confirmation and approval on an final basis.

Issued at Washington, D.C. this 24th day of June, 1981.

Joseph J. Tribble,
Assistant Secretary, Conservation and Renewable Energy.

In the Matter of: Bonneville Power Administration—Systemwide Wholesale Power Rates—Rate Order, No. BPA–4.

Order Confirming, Approving, and Placing Increased Power Rates Into Effect on an Interim Basis

June 24, 1981.

The functions of the Secretary of the Interior and the Federal Power Commission under the Bonneville Project Act, 16 U.S.C. 832, the Federal Columbia River Transmission System Act, 16 U.S.C. 838, and other statutes relating to the Bonneville Power Administration (BPA) were transferred to and vested in the Secretary of Energy pursuant to Sections 302(a) and 301(b) of the Department of Energy Organization Act, Public Law 95–91. The Secretary of Energy, pursuant to section 7(i)(6) of the Pacific Northwest Electric Power Planning and Conservation Act (Public Law 96–501) is authorized to approve BPA power and transmission rates on an interim basis during a 1-year period, pending establishment of procedures by the Federal Energy Regulatory Commission (FERC) for approving rates on an interim basis, in the event the FERC determines such procedures are necessary. Upon the advice from the FERC that such procedures are necessary and will not be established prior to October 1, 1981, the Secretary of Energy delegated to the Assistant Secretary for Conservation and Renewable Energy in the June 19, 1981 Supplement to Delegation Order No. 0204–33, the authority to confirm, approve, and place into effect such rates on an interim basis. This rate order is issued pursuant to that delegation to the Assistant Secretary.

Background

Existing Rates

Wholesale power from the BPA system is delivered to 161 customers pursuant to rates in effect on an interim basis since December 20, 1979. The rates were approved on an interim basis by the Assistant Secretary for Resource Applications by Rate Order No. BPA–2 issued on December 3, 1979. On that same date the rates were submitted to the FERC for confirmation and approval on a final basis. Under Docket No. EF–80–2011 the FERC issued an order on November 21, 1980, remanding those rates without prejudice. BPA's response indicating the basis on which estimates of the revenues were made and otherwise answering the remand order will be separately submitted.

The eight rate schedules now in effect on an interim basis are:

EC–8, Wholesale Firm Power Rate; EC–9, Reserve Power Rate; IF–2, Wholesale Power Rate for Industrial Firm Power; MF–2, Wholesale Power Rate for Modified Firm Power; F–7, Wholesale Firm Capacity Rate; F–8, Emergency Capacity Rate; J–2, Wholesale Firm Energy Rate; and H–6, Wholesale Nonfirm Energy Rate.

Approval on an interim basis was also granted in Rate Order BPA–2 of BPA's General Rate Schedule Provisions and special contract rates and rate schedule provisions.

Need for Rate Increase

Pursuant to the Bonneville Project Act (Pub L. 75–329 as amended), the Federal Columbia River Transmission System Act (Pub L. 93–454), the Reclamation Project Act of 1939 (Pub L. 85–611 as amended), the Flood Control Act of 1944 (Pub L. 78–534), Section 2 of the Grand Coulee Third Powerhouse Authorization (Pub L. 89–448 as amended) and the Pacific Northwest Electric Power Planning and Conservation Act (Pub L. 96–501), the BPA Administrator

conducted a revised power repayment study to determine the revenue necessary to recover the cost of producing, purchasing, and transmitting the electric power that BPA markets, to repay investments as required by statute, and to recover other costs associated with the Pacific Northwest Electric Power Planning and Conservation Act (Regional Act). The results of the study showed the need for a 78.5-percent increase in total revenues over the repayment study period, excluding revenues required to cover the costs of acquiring the investor-owned utility exchange resources. The total revenues needed will be met by the increase in wholesale power rates approved by this order and the increase in transmission rates approved by my Rate Order No. BPA–5.

The costs of the utility exchange resources have not yet been determined. BPA will acquire that power at the average system cost of the seller which will be determined using a methodology currently being developed. The variable "X" represents the dollar amount of the exchange in the appropriate studies and rate schedules.

The existing wholesale power and transmission rate schedules would produce revenues of approximately $630,000,000 in fiscal year 1982, assuming average water conditions. The new wholesale power and transmission rates would produce approximately $1,100,000,000 during that year under these same conditions, excluding revenues associated with the exchange costs. BPA expects the cost of the exchange resources to fall between $350 million and $500 million. The cost of the exchange purchases has not been determined because the methodology for that determination requires a separate review process and separate approval by the FERC.

Present revenues are inadequate for a number of reasons. Since the last time rates were adjusted, there have been significant cost increases, including the addition of new programs required by the Regional Act. The cost increases include substantial increases in the construction cost of nuclear power plants from which BPA has acquired power generation capability, other purchase power costs, interest costs, and the costs to operate, maintain, and construct new Federal generation and transmission facilities. These cost increases have not been matched by revenue increases. In fact, revenues from the 1979 rate levels have been less than forecasted. New programs add substantial costs and include funding for the Regional Planning Council, fish and wildlife, local government assistance, load forecasting, increased public involvement, system planning, energy conservation, and new resources.

Public Notice and Comment

In response to the current power repayment study which showed that revenues from current rates were inadequate to meet BPA's repayment obligation, BPA published in the June 12, 1980, **Federal Register** (45 FR 34885) a "Notice of Intent to Develop Revised Wholesale Power Rates." Between June and December 1980, BPA met with various customer groups to elicit their comments and suggestions for an initial wholesale power rate proposal.

On December 5, 1980, the Regional Act became law. Sections 5, 7, and 9 of that Regional Act altered BPA's rate development procedures, costing methodology, and in some cases, rate design. BPA published proposed wholesale power rates in the February 17, 1981 **Federal Register** (46 FR 12659) based on the requirements of the Regional Act. The initial rate proposals were supported by an environmental assessment, a power repayment study, a cost-of-service analysis, a long run incremental cost analysis, a time-differentiated pricing analysis, and a rate design study.

On March 2, 1981, the formal hearing process required by the Regional Act began with a BPA presentation of the initial rate proposals. The BPA staff was cross-examined and 37 parties presented their testimony. Rebuttal testimony was taken, and oral arguments and briefs were presented. The hearing closed for wholesale power rates on May 4, 1981, with over 6,000 pages of transcript. The BPA staff prepared an evaluation of the record that was made available to the parties on May 27, 1981, for their review. Written comments on the initial proposals were received through May 27, 1981. An addendum to the staff evaluation of the record covering meetings on transmission issues that were received too late to be included in the initial evaluation document was also prepared. The hearing officer certified the record and determined that it was unnecessary to supplement the evaluation of the record. On the basis of the record, the Administrator developed his final proposed rate schedules and General Rate Schedule Provisions. These schedules and provisions are given interim approval by this order.

In addition to studies conducted by BPA, the Administrator issued a Record of Decision documenting the process by which the rates were developed. This includes the significant public comments received, BPA's responses to such comments, and the rationale for the Administrator's decisions.

Studies Conducted by BPA

The new wholesale power rates are based on studies conducted by BPA. Studies were conducted two or more times to reflect the most recent cost data available and to make changes as a result of public comment. The studies conducted wre: Power Repayment Study, April 1, 1980 (revised), February 24, 1981 (revised), April 23, 1981 (current and revised); May 14, 1981 (current and revised); Cost-of-Service Analysis, February 1981, June 1981; Long Run Incremental Cost Analysis, February 1981, June 1981; Time-Differentiated Pricing Analysis, February 1981, June 1981; Wholesale Power Rate Design Study (formerly the Summary Rate Design Study), February 1981, June 1981; Staff Evaluation of Official Record, May 1981, and Addendum, June 1981; Draft Environmental Assessment, February 1981, and a Final Environmenal Assessment, June 1981. The new wholesale power rate schedules are based on results of the final studies that appropriately reflect public comments, criticisms, and suggested alternatives.

Repayment Study

BPA is required by law to set its rates so as to recover the costs ot production, acquisition, conservation, and transmission of electric power, as well as the irrigation costs required to be repaid with power revenues, over a reasonable period of years; to recover other costs and expenses incurred pursuant to the Regional Act and other provisions of law; to pay the principal premiums discounts, expenses, and interest in connection with bonds issued on behalf of BPA; and to make payments to the credit of the Reclamation Fund required to be paid from electricity sales. It must also provide the lowest possible rates to consumers consistent with sound business principles (Section 5 of the Flood Control Act of 1944 and Section 9 of the Federal Columbia River Transmission System Act). Reclamation projects must be scheduled so that the required assistance from power revenues will not average more than $30,000,000 in any period of 20 consecutive years.

The Department of Energy repayment policy is set forth in Department of Energy Order No. RA 6120.2, dated September 20, 1979, which replaced Department of the Interior Policy, 730 DM 3 and 4, without substantive change. BPA's annual revenues must be sufficient to pay all annual operation

and maintenance costs, purchased power costs, interest expenses, and annual costs of bonds issued on behalf of BPA. Reasonable periods of years during which repayments must occur have been specified to be 50 years for Federal hydroelectric generating plants, and within the average service life of the facilities (up to a maximum of 50 years) for the transmission system and replacements. Irrigation assistance must be provided within the periods established for the irrigation water users to repay their share of construction costs. Each annual increment of investment must be amortized within its prescribed period. To the extent possible, while complying with the established repayment periods, revenues available for amortization will be applied to the highest interest-bearing investments first to minimize interest expenses.

BPA's transmission investments are repaid within 35 years after the facilities have been placed in service; original Federal investments in generating projects must be repaid within 50 years after the project begins producing revenues; replacements must be repaid within their estimated service lives up to a maximum of 50 years; and the repayment periods for interest-free irrigation investments range from 40 to 66 years.

The adequacy of revenues from existing power and wheeling rates to meet these cost recovery criteria is determined by preparing a current power system repayment study. This study projects estimated revenues and costs for the entire power system over the remainder of the repayment periods for major investments to determine if there will be enough revenue to recover all costs. The allowable unamortized investment for any given year is the maximum investment that can remain unamortized in that year if the repayment periods established for each power facility are observed. Each year, the amount of new power investment made that year is added to the allowable unamortized investment.

The power repayment study determines whether the repayment criteria are met by showing annual revenues and expenses and by comparing the estimated future unamortized power investment with the allowable unamortized investment. If the unamortized investment exceeds the allowable amount for any year, an increase in revenues will be necessary to assure complete recovery of all power costs within the required repayment period.

Cost-of-Service Analysis

The Cost-of-Service Analysis (COSA) was used to determine the average cost of providing power to each of BPA's classes of service. BPA followed generally accepted utility methods in preparing the study, although modifications were made to reflect the repayment method used by Federal power marketing agencies to determine revenue requirements. While the results of the COSA were used extensively in the design of rates, final rates also reflect adjustments in costs based on the results of the other studies, as well as considerations of value of service, equity, continuity of rates, and ease of administration.

In addition to providing information on the cost of serving various customer classes, the analysis was designed to respond to Section 10 of the Federal Columbia River Transmission System Act which requires that "the recovery of the cost of the Federal transmission system shall be equitably allocated between Federal and non-Federal power utilizing such system."

Three major steps were followed in preparing the COSA. First, investment and annual costs were divided according to functions performed by the power system. These functions were defined as generation, transmission, and metering and billing. Second, generation costs were classified to energy and capacity. Third, functionalized and classified costs were allocated to the service classes. The service classes include power rates, wheeling rates, other services, and miscellaneous services and revenues. The power rate category was further divided into the subcategories of priority firm power, reserve power, industrial firm power, modified firm power, annual and seasonal firm capacity, new resource firm power, and nonfirm energy.

Long-Run Incremental Cost Analysis

The BPA Long Run Incremental Cost (LRIC) Analysis is a cost-of-service analysis which focuses on the incremental costs incurred to meet load growth requirements or the cost saved by not consuming additional increments of power. This analysis differs from an average cost-of-service analysis where the primary function is to reflect the costs which a utility is required to recover based on particular accounting practices. BPA conducted the LRIC Analysis to obtain important information on the direction of future costs and rates.

The LRIC Analysis focuses on the costs BPA will incur during a planning period through 1989, adjusted to a 1982 constant price level. Included in the study are costs for constructing, operating, and maintaining new Federal generation and transmission facilities and costs associated with the Washington Public Power Supply System nuclear plants.

The LRIC of generation capacity is based on hydro peaking units added to the FCRPS through 1989. The long run incremental cost of energy is based on the cost associated with the net-billed portion of the Washington Public Power Supply System projects Nos. 1, 2, and 3. The LRIC of transmission is based on the cost of Federal transmission facilities added over the planning period to serve load growth and to provide transmission services for the movement of power for other utilities.

Time-Differentiated Pricing Analysis

The Time-Differentiated Pricing Analysis (TDPA) differentiated both incremental and embedded costs by time period. Separate analyses were conducted for capacity costs and for energy costs. The study results show that BPA's embedded historical costs for capacity vary over the year, with three separate distinguishable periods. The three capacity periods are: (1) December through May, Monday through Friday, 7 a.m. to 10 p.m. (winter); (2) June through November, Monday through Friday, 7 a.m. to 10 a.m. (summer); and (3) all remaining hours of the year (offpeak). Saturday is an onpeak day in BPA's curent rates, but the study indicates that it is now marginally offpeak.

The energy analysis of embedded historical costs indicates that there are two periods in which costs vary. There is a summer season from April through August and a winter season from September through March. The cost differences for these two periods are based on costs associated with storage of water used primarily to generate energy during the winter season.

Wholesale Power Rate Design Study

The Wholesale Power Rate Design Study (WPRDS) shows the development of the final rate schedules through a series of rate design steps. The Repayment Study and the COSA provide the foundation for the development of the rate levels. The LRIC Analysis provides a guide for developing rates from an economic efficiency perspective. The TDPA is used to design rates which reflect time-differentiated costs. The WPRDS shows how the cost information produced by the COSA is further treated to reflect several cost adjustments relating to fixed contractual obligations, credit of

nonfirm energy revenues, time differentiation of costs, recovery of other costs, and other adjustments which achieve rate design objectives.

Staff Evaluation of the Official Record and Addendum

The Staff Evaluation of Official Record notes and discusses each major comment received during the public involvement process. The staff evaluation contains an outline of the issues raised in response to the February 1981 rate proposal and details BPA's assessment of these issues. All issues are combined by generic category.

In June 1981, BPA updated the evaluation with an Addendum to the Staff Evaluation of Official Record. The Addendum details comments received since mid-May 1981, related to BPA's interim transmission arrangements. As in the main staff evaluation, it includes BPA's assessment of the issues raised.

Rate Environmental Assessment

The Draft (February 1981) and Final Rate Environmental Assessment (EA) (June 1981) were used by BPA to identify and analyze alternative revenue levels and rate designs. In addition to the 78.5 percent revenue increase, the EA identified two lower revenue level alternatives (no change and 30 percent increase) and one revenue alternative based on the LRIC Analysis which represented a 720 percent increase. The EA described each alternative revenue level, quantified the alternative, reviewed the effects of the alternative on BPA, its customers, and the ultimate consumers of the region, and analyzed the environmental impact of each alternative. The Rate EA also contains a discussion of rate design alternatives and their probable impacts.

Discussion

Revenue Requirement Issues

The power repayment study determines the total revenues which must be collected from rates, excluding revenues associated with the costs of the exchagne resources to be acquired from investor-owned utilities and paid for by the direct-service industrial customers. Issues on revenue requirements relate to forecasts of revenues and costs and to methods used in repayment analysis.

Accuracy of Forecasts

Revenues

Comments received regarding the initial revenue forecast included concerns that the projected loads needed to be updated; that revenue from the sale of power purchased to meet firm load deficits was not included in the forecast; and that there was a discrepancy in the purchased power expense included in the initial Repayment Study and COSA. In the final Repayment Study, BPA used updated load data. Additional adjustments were also made to public agency loads including a reduction 492 average megawatts to reflect historical differences between projected and actual loads, and a 46-megawatt reduction to public agency loads for conservation.

While earlier versions of the Repayment Study did not include revenues from the sale of power purchased to meet firm load deficits for investor-owned utilities, rates were applied to those loads in the final revenue forecasts to show that the rates recover revenues sufficient to meet repayment criteria.

The discrepancy in purchased power expense between the Repayment Study and the COSA has been corrected. The purchased power expense in the final Revised Repayment Study is now compatible with expenses in the COSA.

Under critical water conditions, BPA now projects the purchase of 491 average megawatt at a total cost of $159.9 million, plus the purchase of 208 average megawatts of power from Portland General Electric's (PGE's) Boardman Plant for $88.1 million. The power purchase forecast under average water conditions is 266 average megawatt at a total cost of $104.7 million, plus the cost of purchasing power from PGE's Boardman plant of $73.8 million. The cost estimate under average water conditions was incorporated in both the final Repayment Study and COSA.

The basis for the forecast of nonfirm revenues is the secondary energy analysis which projects sales of nonfirm energy by month for 40 historical water years to determine averages. For the initial proposal, this analysis projected regional sales of nonfirm energy and applied percentages to the regional markets to approximate Federal sales and Federal nonfirm energy sales revenues. Several comments were received indicating that a Federal secondary energy analysis rather than a regional analysis would be a more appropriate and accurate method of determining Federal nonfirm resources, revenues, and the level of sales to the various markets. For the final Repayment Study, a Federal secondary energy analysis was prepared. The analysis assumes displacement of short term power purchases required to serve the firm loads, the shifting of firm energy load carrying capability to serve the top quartile of the direct-service industrial load for 6 months of the year, service to the top quartile for the remainder of the year with nonfirm energy when possible, and the subsequent sale of remaining nonfirm resources to the various secondary energy markets.

Other comments received on the initial secondary energy analysis indicated some discrepancies between that analysis and the analysis used in the determination of purchased power for FY 1982 for the initial proposal. Specifically, an analysis assuming load growth over the critical period was made to determine the secondary energy available to displace power purchases, while an analysis assuming no load growth was made to estimate secondary energy sales. Also, the reduction in secondary available for sale due to shifting the firm energy load carrying capability was not reflected in the initial revenue forecast. Both of these discrepancies have been corrected in the final revenue forecast.

The revenue forecast is affected by how available energy is used. Representatives of the Public Power Council maintained that BPA's assumed use of hydroelectric energy which is in excess of a critical-year supply to displace power purchases proportionally for both the Federal base system and new resource pools is inconsistent with the preference clause of the Bonneville Project Act. These parties argued that preference extends to nonfirm energy as well as firm energy. Preference does extend to nonfirm energy, but energy is only nonfirm when it is not needed to serve firm or quasi-firm loads. Using hydroelectric energy which exceeds a critical year supply to displace BPA's most expensive purchases is more cost-effective than the sale of those resources to the quasi-firm top quartile of the direct-service industrial load or to the nonfirm energy markets. If only a portion of power purchases can be displaced, the highest incremental cost resources will be displaced first to maximize fuel cost savings. Operationally, BPA does not differentiate between purchases for the Federal base system deficits and those for the new resource pool deficit. Power purchases are made only to the extent necessary to serve firm loads. To the extent that Federal resources are available to meet those commitments, power purchases will not be made.

The revenue forecast used in the Repayment Study submitted to the parties in late April assumed that the firm energy load carrying capability of the hydro system would be adjusted to

provide service to the top quartile of the direct-service industrial customers for the first 6 months of the operating year. As stated above, it was also assumed that hydroelectric energy in excess of a critical year supply would be used to provide service to the top quartile before it would be sold in the various nonfirm energy markets. Representatives of the region's private and publicly-owned utilities contended that an adjustment of the firm energy load carrying capability to provide service to the top quartile of the direct-service industrial load is not permitted under the Coordination Agreement of 1964 because the top quartile is not a firm load as defined in the Regional Act.

In accordance with the Regional Act, the top quartile is considered a firm load for operating purposes and provides operating reserves for BPA which may be restricted at any time in order to protect firm loads within the region. BPA is obligated to operate to serve the top quartile as if it were firm, the sale of energy to the direct-service industries is not a nonfirm sale, although the top quartile is interruptible to protect firm loads. The adjustment of the firm energy load carrying capability to serve the top quartile load of the direct-service industries is therefore proper, and the preference provisions of the Bonneville Project Act and the Regional Act are not violated by serving the top quartile load prior to serving the nonfirm energy markets.

In the initial proposal, BPA estimated that a reduction of approximately 150 megawatts in firm energy loads would occur as a direct result of expenditures on conservation programs and the granting of billing credits. The total impact of this estimate was not reflected explicitly in the revenue forecast. Representatives of the InterCompany Pool indicated that the revenue forecast would be more accurate if BPA adjusted firm loads to account for the impact of conservation programs. This is important because it has an impact on the overall rate of load growth used in the revenue forecast as well as on the level of rates. BPA subsequently recalculated the costs and anticipated reductions in load associated with each of the programs. Current projected loads of the investor-owned utilities already reflect anticipated conservation program benefits. However, the projected loads of the public utilities and cooperatives do not incorporate a load adjustment reflecting these conservation programs. Consequently, the projected firm energy loads and revenues associated with the loads of the public utilities have been reduced by the projected amount of conservation.

Escalation

The Repayment Study supporting the initial power rate proposal used an annual 12-percent escalation rate. Representatives of the InterCompany Pool questioned the appropriateness of the 12-percent rate. Upon reconsideration, BPA determined that the Fiscal Year 1982 Budget Gross National Product deflator rate was the most appropriate rate to use, since it is widely used in the Federal government and because it is representative of the results of several other indices. Consequently, escalation rates for FY 81 and FY 82 or 10.5 percent and 9.3 percent, respectively, were used in the final Repayment Study. BPA rejected use of the revised Fiscal Year 1982 Gross National Product deflator as too low an inflation estimate for electric utilities which typically experience inflation in excess of general indices.

Washington Public Power Supply System (WPPSS)

The Repayment Study supporting the initial power rate proposal included the costs of bonds issued for WPPSS Nuclear Project Nos. 1 and 2 after July 1, 1982. Representatives of the State utility commissions suggested that the Repayment should exclude costs for WPPSS Nuclear Projects Nos. 1 and 2 that occur beyond the test year. This suggestion seemed appropriate and was adopted. The cost of bonds issued after July 1, 1982 were excluded in the final Repayment Study.

Methodology

The existing Repayment Study methodology incorporates the principle of repaying high interest-bearing investments first to the extent possible while repaying every investment within its repayment period. In addition, capitalized deferred expenses must be paid prior to the amortization of any Federal investment. These policies are established in DOE Order RA 6120.2, section 8, part C(3).

Parties to the rate hearings raised three major concerns with respect to the Repayment methodology: (1) whether the study could determine the minimum revenue requirement that would recover costs, (2) what the potential future impacts of amortizing high interest-bearing investment first would be, and (3) whether the priority given to the payment of deferred capitalized expenses was appropriate.

The optimization feature of the Repayment Study computer program determines the lowest revenue level that satisfies the cost recovery criteria within one-tenth of one percent. Given the numerous estimates inherent in a rate filing, a further refinement of this level of accuracy is not warranted. This computer program has been reviewed extensively to assure that it accurately performs the required calculations.

It is true that the policy of repaying highest interest-bearing investments first compresses the period in which lower interest-bearing investments are repaid. However, this does not increase the likelihood that a substantial increase in rates will be needed in the future to repay the low interest-bearing investments. The only reasons for additional rate increases in the future will be additional investments or higher operational costs that are not reflected in the present rates.

With respect to the concern that the payment of capitalized deferred expenses ahead of repaying Federal investments is inconsistent with minimization of rates, it is true that indefinitely deferring these expenses would reduce rates as long as interest rates on bonds are higher than the current interest rates used to capitalize deferred expenses. By the same reasoning, rates would be lower if BPA continued to defer paying annual expenses and used its revenue to retire the higher interest-bearing bonds instead. However, the statutory requirement is not to minimize rates; but rather to set them as low as possible consistent with sound business principles. The payment of annual expenses must have priority to comply with sound business principles.

Other Revenue Requirement Issues

Other revenue requirement issues are discussed in the Staff Evaluation of Official Record and the Administrator's Record of Decision.

Cost-of-Service Analysis Issues

Because the results of the COSA impact final rates, BPA received a significant number of comments on the methods that were used in preparing this study. The comments that were received concerned alternative interpretations of the Regional Act with respect to defining rate pools, the division of costs between capacity and energy, segmentation of transmission costs, and allocation of costs to various classes of service.

Rate Pools

The primary concern raised with respect to BPA's interpretation of Sections 7(b), 7(c), and 7(f) of the Regional Act revolves around the issue

of the allocation of the cost of the three resource pools to rate pools. The three resource pools are distinguished as (1) Federal base system resources; (2) resources acquired through the Section 5(c) residential exchange; and (3) any additional new resources acquired by the Administrator. Three rate pools are also defined in the Regional Act. Section 7(b) directs the Administrator to set a rate applicable to the preference customer and residential/rural exchange loads. Section 7(c) provides for the rate or rates applicable to the direct-service industries, and the rates provided for in 7(f) will be applicable to new large single loads of the preference customers and for service to investor-owned utilities' deficits in the previous year plus any load growth for the current year.

A sufficient amount of Federal base system resources has been assigned to the 7(b) rate pool to serve the entire 7(b) load. The proportionate cost of these resources was the basis for determining the PF–1 rate. A small amount of Federal base system was not required to serve 7(b) loads. The costs of the remaining portion of Federal base system resources, and all the costs of resources acquired through the residential exchange were assigned to be recovered from the 7(c) loads. These costs were the basis for determining the IP–1 and MP–1 rates. The 7(f) loads were assigned the costs of all additional new resources. These costs formed the basis for the NR–1 rate.

The InterCompany Pool contends that this assignment inappropriately grants a special "junior preference" to the direct-service industries and conflicts with both the intent of the Regional Act and its legislative history. The InterCompany Pool advocates two cost pools, the first of which would be identical to those costs assigned to the 7(b) rate pool established by BPA. The second pool, however, would consist of the costs of all remaining resources. This cost pool would provide the base for developing the rate that would be used to serve the direct-service industries, as well as the new resource rate which would apply to new large single loads of preference customers and to the power supply requirements (including deficits and load growth) of the investor-owned utilities. Section 7(f) of the Regional Act grants to the Administrator discretion in the determination of the appropriate assignment of resource costs to the new resource rate pool. In addition, the legislative history of the Regional Act supports the method of cost assignment proposed by BPA rather than the method proposed by the InterCompany Pool by continually referring to the 7(b) rate as the "new resources rate" and indicating that such rate would "likely to be at the marginal cost of power."

Another issue raised by the InterCompany Pool relates to the potential willingness of utilities to sell resources to BPA for inclusion in the New Resource pool. It was suggested that by assigning the costs of conservation and billing credits to the new resource pool, in the absence of a corresponding assignment of the load reduction associated with conservation to that pool, BPA would create a situation in which the resulting new resource rate would exceed the average cost of new resources. Under these circumstances it would not be cost effective for utilities to sell new resources to BPA as intended under the Regional Act.

No allocation of billing credit costs to the New Resource cost pool is made in developing the final rates, and both the costs and the load reductions associated with conservation on investor-owned utility systems are being assigned to that pool. Reducing load in the New Resource pool reduces the need for higher cost purchase power. In most cases it is estimated that the cost of conservation programs funded by BPA will be less than the cost of new resources added to the New Resource pool. Finally, the use of Federal secondary resources to meet a portion of the New Resource pool load will further reduce the NR–1 rate to a level that is expected to be attractive to utilities that are developing resources.

Definition of the Federal Base System and Allocation of Short-Term Purchase Power Costs

Several preference customer representatives have suggested that BPA should not have allocated deficit purchase power costs to the Federal base system pool in view of the fact the Federal base system resources are more than adequate to meet the 7(b) pool loads. In the absence of the Regional Act, BPA would have been making purchases to serve the firm loads of the preference customers and the direct-service industries. Those purchase power costs would have been allocated proportionately on the basis of load to the preference customers and the direct-service industries. The Regional Act was not intended to remove from the preference customers the responsibility for sharing a portion of the cost of meeting BPA's deficit.

It was further suggested that BPA would be circumventing the resource acquisition procedures of the Regional Act by proposing use of its short-term purchase authority under the Transmission System Act to meet its deficit. However, Section 6(a)(2) of the Regional Act specifically recognizes the Administrator's right to make short-term purchases under the Transmission System Act and places no restrictions on that authority.

Energy reserves are provided to BPA through the rights BPA has to restrict the second quartile of the direct-service industrial customer load. Another suggestion regarding assignment of purchase power costs was that BPA should restrict direct-service industrial second quartile loads before purchasing power to meet priority firm loads. The purpose of a reserve is to serve as a resource of last resort, and the value of the reserve is the right to restrict. Once the restriction is exercised, its value is lost and the reserve must be reestablished as quickly as possible. The reserve is intended to function not as an economical alternative to other resources, but as a final backup that can be relied on to protect the quality of firm service.

A final concern expressed relates to the use of Federal hydroelectric energy to meet a portion of the deficit assigned to the New Resource pool. Preference customer representatives have suggested this would violate the preference clause by depriving them of their preference to nonfirm energy. They also suggest this would represent a change in BPA's nonfirm energy policy. Under the Regional Act, BPA's deficit is a regional deficit and the Administrator must seek to meet it in an economically prudent manner. The use of available hydroelectric resources to meet a portion of this deficit is reasonable and proper and is not a violation of the preference clause. Furthermore, the use of this energy to offset a portion of the regional deficit is not in conflict with, or a change in, BPA's policy on nonfirm energy.

After BPA meets its firm and quasi-firm load obligations secondary energy becomes available which BPA then markets based on its secondary energy policy. This policy provides a maximum amount of decision flexibility in order to insure that specific goals can be met through the sale of secondary energy, and does not set forth procedures by which the goals are to be achieved. The goals of the secondary energy policy include (1) encouragement of widespread use, (2) compliance with Public Law 88–552, (3) distribution of the benefits of nonfirm sales to all ratepayers in the region, (4) consideration of existing market conditions, (5) minimization of effects on

fish and wildlife, (6) consideration of the purpose or use to which nonfirm energy would be put, (7) encouragement of conservation and renewable resource development, (8) conformity to National Energy Policy, and (9) subordination of revenue maximization to the foregoing objectives.

Allocation of Conservation Costs

Several concerns were raised regarding the appropriate method for allocating both the costs and projected load reductions associated with conservation programs. One suggestion was that it would be best to use a uniform allocation of conservation costs across all energy use, given the lack of information currently available concerning the future distribution of conservation benefits. A number of parties have suggested that both the costs and the load reductions associated with conservation should be assigned to those customers whose loads are being reduced through the conservation programs. This alternative is consistent with BPA's treatment of conservation in the final rates. The load reductions and costs associated with conservation programs funded by BPA on preference customers' systems have been assigned to the Federal base system pool. The load reductions and costs associated with conservation programs funded by BPA on investor-owned utility systems have been assigned to the New Resources pool.

Classification of Generation Costs

Since differences exist in the purpose and operation of hydro facilities and thermal plants, these facilities were classified separately. The direct service industries have suggested that this is inappropriate and argued for application of a fixed/variable cost method to all generation costs. Other parties have agreed with the general BPA approach but suggest that additional costs be classified to energy. The fixed/variable approach would result in classification of virtually all hydroelectric generation costs to capacity as well as most thermal generation costs to capacity. The fixed/variable approach would not reflect the capacity and energy relationship developed during the planning of a hydro system. In either case, a number of necessarily subjective decisions must be made in arriving at the resulting classification percentages. The potential problems associated with the cost causation approach are greatly exceeded by the failure of the fixed/variable approach to appropriately reflect the operational and planning characteristics of the Federal Columbia River Power System. The problem with a fixed/variable approach is that it classifies capacity and energy strictly from an operational standpoint and completely disregards why the costs were incurred initially. The Federal Energy Regulatory Commission has indicated general support for the classification scheme used by BPA in its order remanding BPA's 1979 Wholesale Power Rates without prejudice (45 FR 79545, 79548).

Segmentation

In order to enhance the equity of transmission system cost allocation and to insure compliance with the requirement of the Transmission System Act to equitably allocate Federal transmission costs between Federal and non-Federal power, BPA's transmission costs were separated into seven segments. These segments consist of (1) generation integration, (2) integrated network, (3) intertie, (4) fringe area, (5) preference customer delivery, (6) direct-service industrial delivery, and (7) investor-owned utility delivery.

Two concerns have been raised pertaining to segmentation. First, it was suggested that any lines over 69 kV that serve only a direct-service industry load should be assigned to that direct-service industry delivery segment rather than to the integrated network. BPA has not included lines above 69 kV leading from integrated network or fringe substations to investor-owned utilities or preference customer substations in the delivery segments for those customers. To follow the suggested procedure for lines serving direct service industries only would constitute unwarranted class discrimination. In addition, lines above 69 kV serving only a direct-service industry usually have a higher capacity than the substations they serve. The lines are expected to be extended to serve other substations and customers at some future time. To assign the total costs of these lines to the delivery segment of an existing customer would result in an inequitable overallocation of costs to that customer's service class.

The second concern regarding segmentation related to the general validity of BPA's segmentation method. It was suggested the studies of actual coincident power flows or coincident peak loads would better reflect actual facility use. Such approaches may be valid alternatives to the approach used, but are not necessarily preferable. BPA's approach is consistent with a cost causation approach to cost assignment and validly reflects a close approximation to actual use of facilities.

Allocation of Costs to Classes of Service

Energy-related costs were allocated among the classes of service in direct proportion to the kilowatthours of energy associated with each class. No adverse comments were received concerning this standard method of allocating energy-related costs.

Capacity-related costs were allocated according to the 12 coincidental peak (12 CP) method. The 12 CP method results in allocation of capacity-related costs to each customer class in proportion to the projected coincidental peak demands for the class, averaged over the 12 months in the test year. The use of coincidental rather than noncoincidental peak appropriately reflects the benefits that accrue to the system as a whole because of customer diversity.

Several concerns about the method of allocating capacity costs have been expressed. The direct service industries suggested the use of a 12 CP allocation method for capacity related costs is inconsistent with BPA's Time Differentiated Pricing Analysis and results in an excessive allocation of these costs to high load factor customers. The Time-Differentiated Pricing Analysis does indicate there should be a seasonal differentiation of generation capacity costs. Therefore, the seasonal load amounts are used to allocate the generation capacity costs among classes of service. This rate design step effectively replaces the use of the 12 CP allocation method for generation capacity costs.

A final concern expressed over the 12 CP method related to the use of maximum noncoincidential demand in some cases and average demand in others to develop noncoincidential demands. It was suggested that such a procedure might produce a biased allocation. Since BPA's coincidence factors are based on average demand, the use of average demand in those cases where no forecast is available for maximum noncoincidental demand would not produce a biased allocation of capacity costs.

Allocation of Exchange Resource Costs.

In the initial 1981 rate proposal, BPA assumed that the residential exchange loads had a load factor of 100 percent. It followed that the exchange resources were also at a 100 percent load factor. A number of parties expressed concern over the appropriateness of this assumption. Consequently, the allocation of exchange costs is now based on the ratio of the preference customers' 12 CP to their average energy requirement. The energy requirement of

the exchange load is then multiplied by this ratio to arrive at a 12 CP estimate for the exchange costs. Therefore, the resulting allocation is a reflection of the load factor of the preference customers. This procedure is the best and most reasonable method currently available to BPA for allocating the exchange costs.

Some parties have suggested that the costs of the exchange should be treated as an accounting transaction rather than a resource transaction. The direct-service industries have further suggested excluding the treatment of these costs from the COSA. They indicate this would avoid the unnecessary introduction of estimating errors relating to the load factor and average system cost assumptions into the analysis. The Regional Act requires BPA to treat the exchange resources as a resource acquisition and grants the Administrator the authority to make the appropriate allocation. The inclusion of the exchange resources in the COSA is necessary in order to arrive at an appropriate allocation of the cost of the Federal transmission system as well as the exchanage resources.

Allocation of Fish and Wildlife Expenses

In BPA's initial proposal, the cost of facilities associated with the mitigation of impacts to fish and wildlife by hydroelectric plants were assigned to all power users, based on the assumption that these mitigation efforts would benefit all citizens of the region, rather than just those served by Federal base system resources. It was suggested by a representative of the InterCompany Pool that the need for mitigation facilities at hydroelectric plants was directly related to the plants themselves and should be included as a cost of the plants and be recovered from customers supplied by the plants. The Regional Act provides for the collection of costs for fish and wildlife mitigation through power rates. The Regional Act does not indicate that this cost should be collected only from customers served by hydroelectric facilities. It is anticipated that at least a portion of the expense associated with fish and wildlife may be directed toward programs which are unrelated to the effects of hydro plants. As the programs for which these expenses are incurred become better defined, it may be possible to develop a more disaggregated allocation of these costs for future rate filings.

Allocation of Intertie Costs

The costs of the Pacific Northwest/Pacific Southwest Intertie have been allocated to nonfirm energy service and variouos intertie transmission services. The portion of intertie costs assigned to nonfirm energy reflects the fact that an original purpose for construction of the intertie was the transmission of nonfirm energy. A representative for Pacific Gas and Electric has suggested the BPA's allocation of transmission capacity costs to nonfirm energy is inappropriate in view of the fact that nonfirm energy purchasers enjoy no capacity rights. Additional concerns voiced by Southwest representatives relate to the consideration given to intertie functions other than transmission of nonfirm energy in allocating intertie costs.

The allocation of a portion of the intertie costs to nonfirm energy, based on cost causation and operational use, is not intended to reflect any entitlement by nonfirm energy purchases to transmission capacity rights. The intertie costs not assigned to nonfirm energy were allocated to seasonal capacity, formula power transmission, the Columbia Storage Power Exchange, capacity/energy exchange, and non-firm energy transmission. This allocation appropriately reflects the services provided by the intertie.

Other Cost-of-Service Issues

Other cost-of-service issues are discussed in the Staff Evaluation of Official Record and the Administrator's Record of Decision.

Long Run Incremental Cost Issues

The Long Run Incremental Cost (LRIC) Analysis is a cost-of-service analysis focused on incremental costs either incurred to meet load growth requirements or saved by not meeting an additional increment of load. The LRIC Analysis provides the basis for the classification of certain generation costs between capacity and energy and for certain rate design adjustments.

Combustion Turbine Analysis

In the initial proposal BPA indicated that while combustion turbines were the traditional least cost source of peaking capacity for utilities in general, hydro peaking units were selected. The rationale was that BPA did not have the authority to acquire combustion turbines and that hydro units were already being constructed to meet the increase in peaking demands. An analysis of the difference between the LRIC of capacity based on a combustion turbine or a hydro peaking unit indicated that the difference in cost was not significant, with combustion turbine being the higher cost of the two. With the passage of the Regional Act and BPA's new resource acquisition, the combustion turbine issue received significant comment during the hearing process. The comments directed to the analysis of a simple cycle combustion turbine indicated the following: (1) the reserve factor used was inappropriate; (2) the price of oil was low; (3) the capacity factor was high; (4) the interest rate used to capitalize investment was high; (5) the energy produced while using the combustion turbine should be valued; and (6) the cost of a combustion turbine should be used by BPA as the basis for the long run incremental cost of capacity.

The reserve factor applied in the combustion turbine analysis was not intended to be resource specific but to represent the reserve factor that would be applied to an additional increment of generating capacity regardless of the source of the capacity. The portion of the reserve factor related to the hdyro realization adjustment is not appropriate for analyzing a combustion turbine and consequently, it has been excluded from the reserve factor used in the combustion turbine analysis for the final study.

The price of oil developed for the analysis did not accurately reflect the current projected market prices for the test year. The oil price data submitted in testimony by the Public Generating Power Pool and Snohomish County Public Utility District has been used in the final analysis, and the average price for 1980 has been escalated to 1982 dollars.

The capacity factor used in the final analysis is 7.5 percent. This rate is supported by the Federal Energy Regulatory Commission that recommends use of a capacity factor of 7.5 percent for combustion turbines when evaluating hydroelectric power.

The interest rate applied to the capital cost was 12 percent, which represents the incremental rate at which BPA can borrow money from the U.S. Treasury. The analysis assumes that BPA would be funding the combustion turbine and, consequently, the 12 percent rate of interest is appropriate.

There appears to be a point at which continued operation of the turbine would be for the purpose of providing energy and that a credit is needed to offset these costs. To determine the energy credit, an iteration process was used. This resulted in an energy credit of 60.8 mills per kilowatt hour applied to the variable costs of the simple cycle combustion turbine for the final analysis.

With the energy credit applied, a 7.5 percent capacity factor, the higher fuel cost, and the revised reserve factor, the long run incremental cost of a

combustion turbine is $61.09 per kilowatt. This result supports BPA's use of the chosen hydro units to determine the long run incremental cost of capacity of $55.32 per kilowatt.

Capacity

Many comments were received regarding the long run incremental cost of capacity. Some of the comments indicated that BPA should not include certain peaking units in the LRIC Analysis. Another issue concerned the appropriate value for the energy produced by the hydro peaking units. For the final LRIC Analysis, the number of peaking units included in the LRIC of capacity was expanded to include all existing and planned peaking units through FY 1989. Costs for existing units were escalated to FY 1982 dollars. This expansion increased the sample size and will lead to increased stability in the LRIC of capacity. In addition, four of the Bonneville Second Powerhouse units and the Libby Reregulating Dam units are excluded from the LRIC of capacity determination. This change ensures that only those units considered to be entirely peaking units, i.e., no incremental energy produced, are included in the LRIC of capacity determination.

Energy

BPA received several comments on the LRIC of energy determination. Some comments indicated that BPA should base its LRIC of energy determination on the costs of WPPSS Nos. 4 and 5 instead of WPPSS Nos. 1, 2, and 3, or if not WPPSS Nos. 4 and 5, then WPPSS No. 3 should be the only unit used. BPA used the costs of WPPSS Nos. 1, 2, and 3, adjusted to FY 1982 constant dollars and averaged over the three units, as the basis for the LRIC of energy. In this way, BPA developed costs for a representative additional thermal baseload plant.

Other comments concerned the costs included by BPA for the LRIC of energy determination. It was recommended that waste disposal, decommissioning, and environmental costs related to nuclear power production facilities be included. BPA agreed that all quantifiable costs related to a facility should be included in the LRIC determination. BPA decided that certain costs such as waste disposal and environmental costs will require further study before they can be included in the LRIC Analysis. However, for the final LRIC Analysis, BPA included projected costs for decommissioning WPPSS units 1, 2, and 3 in the determination of the LRIC of energy.

Rate Design Issues

The results of all the other studies described in this order plus the following rate design objectives were used to develop the final rates: (1) total revenues must be adquate to meet total repayment obligations; (2) the cost burden must be distributed in an equitable manner among recipients of the service; (3) rates must be designed to encourage conservation and minimize environmental impacts; and (4) rates must be designed to encourage efficient use of the Federal Columbia River Power System by reflecting costs incurred and benefits received. Consideration also was given to rate continuity, ease of administration, revenue stability, and ease of understanding.

Adjustment to Reflect Long Run Incremental Costs

Three rate schedules (NF–1, nonfirm energy; CF–1, firm capacity; and ET–2, energy transmission) are expected to produce revenues in excess of allocated costs. These revenues have been credited to transmission and generation capacity costs. In the final study, a credit of $91.421 million was applied to Federal base system summer generation capacity costs and $29.857 million were applied to the new resources summer generation capacity costs. Transmission capacity cost credits were applied to the transmission portion of wholesale power costs ($26.814 million) and to the wheeling rates ($4.214 million).

The crediting of excess revenues to capacity costs reflects the incremental cost relationship between capacity and energy which is developed in the LRIC analysis. The cost relationship between capacity and energy is changing as BPA purchases the output of new thermal plants. By comparing the results of the COSA with those of the LRIC analysis, this changing relationship is evident. These studies show that although all costs are increasing, the costs of supplying energy are increasing at a faster rate than the costs of supplying new capacity. The ratio of the LRIC demand rate to the average demand rate is 3.1 to 1, while the ratio of the LRIC energy costs to the average energy costs is 10.6 to 1.

A comment was received that suggested the excess revenues be credited to energy instead of capacity. The reason offered was that NF–1 sales are energy-only transactions and have no effect on system peaking capability presently or in future years. This suggestion was not adopted because it is important to reflect the changing cost relationship between capacity and energy.

Time-Differentiated Pricing

BPA received many comments on the Time-Differentiated Pricing Analysis and incorporated some of these comments into the design of the new rate schedules. Rate schedules PF–1, NR–1, IP–1, and MP–1 contain both daily and seasonal differentials in the capacity rate and a seasonal differential in the energy rate.

BPA received comments questioning the method selected to determine seasonal and diurnal capacity periods. It was suggested that BPA should not have based the selection of seasonal capacity pricing periods on probability of negative margin data and that a more appropriate method would entail an analysis of monthly peak load data. The probability of negative margin method was criticized because the results can be influenced by the scheduling of maintenance. It was noted that probabilities of negative margin can be shown during months with high scheduled maintenance even though capacity requirements are much less during these months than during other months of the pricing period. Use of the suggested alternative method may result in different pricing periods. Additionally, some customers and customer groups argued that the daily peak period is too long to allow effective shifting of the load to the offpeak period.

Monthly peak load data are inadequate for determining pricing periods because these data reflect only demand for power. Probability of negative margin data take into account both the projected demand for capacity and the monthly availability of resources considering hydrological conditions, hydro and thermal capacity, and maintenance. While the probability of negative margin is influenced to a certain degree by maintenance schedules, it still represents the best indicator of appropriate time periods for developing rates. Moreover, probability of negative margin reflects both the supply of and demand for electricity, and this is preferable to examining only one side of the relationship, as is the case with using only load or generating data.

Federal base system, new resource, and exchange resource costs are time differentiated. Although rates are based on average costs, offpeak generation capacity and transmission costs are set at zero to reflect the fact that the time-differentiation of long run incremental capacity costs finds these costs to be incurred solely in response to additional

peak period usage. Generation capacity costs are apportioned to the winter and summer weekdays with Saturday included in the peak period based on the relative distribution of embedded costs to these time periods. Energy costs associated with the three resource pools are apportioned to the September through March (winter) and April through August (summer) periods based on the distribution of Federal base system energy costs. Specifically, 62.8 percent are assigned to the winter period and 37.2 percent to the summer period.

BPA received four types of comments on these decisions. These included: (1) the logic for including Saturday in the peak period is invalid; (2) the structure of long run incremental cost has not been sufficiently incorporated in the design of time-differentiated rates; (3) demand charges based on time-differentiated noncoincidental peaks do not properly reflect cost causation; and (4) the legitimacy of time-differentiating new resource and exchange costs on the basis of a Federal base system analysis is open to criticism.

The Time-Differentiated Pricing Analysis presented evidence that Saturday is marginally offpeak. Saturday's peak hours during FY 1975–79 average much closer to Sunday's than weekdays. This is a different statement than saying that Saturday is identical to Sunday or that daytime loads on either day are less than average nighttime loads. Statistically, this analysis shows that Saturday's peak was greater than Sunday's but closer to Sunday than weekday's. Clearly Saturday daytime loads belong to an intermediate period. Therefore, to provide continuity of rates and to avoid potential conflict with existing contracts, Saturday remains within the peak period.

The final studies credited excess revenues to summer generation capacity costs only, in contrast to the initial proposal which credited them to both seasons on a pro rata basis. This change provides more emphasis on long run incremental costs.

The California Energy commission contends that a kilowatthour energy charge more fairly recovers capacity costs than a time-differentiated demand charge based on individual customer's periodic peak usage. Although there is some truth in the Commission's position that, for a hydro system, peaking capability depends to an extent on the duration of previous demands as well as the hourly peak level of these demands, the sustained peak demands over time contribute more directly to energy requirements. Complete reliance on only a kilowatthour charge would ignore differences in capacity costs imposed by different customers consuming the same kilowatthours but at different onpeak kilowatts.

With respect to the criticism of the time differentiation of the new resource and exchange costs on the basis of a Federal base system analysis, the alternative was to not time differentiate them. The technical mix of the exchange and new resources and the timing of their associated loads are not expected to duplicate the technology and load shape of the historic Federal Columbia River Power System. However, there is no documentation on which to base a time-differentiation analysis of these resource pools other than the analysis of the Federal base system.

Value of Reserves

BPA's firm power sales contracts with the direct-service industries provide BPA with certain rights to restrict power deliveries to these customers. These restriction rights provide reserves to the Federal System that otherwise would have to be provided by generation resources or additional transmission facilities. In the 1974 and 1979 rate filings an availability credit was given as compensation for BPA's restriction rights on direct-service industry load. The 1979 availability credit was based on the costs of power to replace expected restrictions and was not based on any analysis of reserves. The Regional Act in Section 7(c)(3) states that BPA will determine the direct-service industries rate with consideration for the value of the reserves they provide.

BPA initially proposed a reserves credit of $86 million, based on an incremental cost reserve value of $479 million in fiscal year 1982. Both the public utility representatives and the investor-owned utility representatives argued that the $86 million was substantially greater than it should be, while the direct-service industries advocated increasing the proposed credit. The final value of reserves study resulted in a reserve credit of $76 million. In computing the operating and stability reserves credit in the initial proposal, incorrect ratios of average costs to incremental costs were used, and this was corrected. In addition, a further adjustment was made to reflect the LRIC relationship of capacity and energy.

The study of the value of these reserves provided through restriction rights was based on BPA's cost of alternative generation and transmission facilities for providing reserves. BPA's LRIC was used to represent the alternative cost of providing these reserves because the direct-service industry contracts are currently being renegotiated and the mutal decision of providing reserves through restriction rights has to be made again. However, while the value of the reserves is at the margin, it would be inequitable to grant the direct-service industries a reserve credit based on incremental costs because the direct-service industries and BPA's other customers are charged for power on the basis of average costs rather than marginal costs. A reserve credit based on marginal costs would be a windfall to the direct-service industries and unnecessarily burdensome for BPA's customers who are allocated the costs of the reserve credit.

Charges for Delivery Facilities

The 1974 firm power rate schedule included a separate charge based on the voltage of the customer's point of delivery. The charge was initiated to recognize that some customers take power at higher voltages and require less transformation than others. In 1979 this transformation charge was eliminated.

Customers have raised the issue again, suggesting that if BPA does not include a transformation charge in its rates, then some adjustment should be provided to customers who provide their own transformation. BPA has not reinstated a transformation charge because combining the costs for delivery facilities with other demand costs so that they are distributed among all firm power customers through the demand charge is: (1) consistent with Section 9 of the Federal Columbia River Transmission System Act which requires that rate schedules be established with a view to encouraging the widest possible diversified use of electric power; (2) more equitable since it spreads the economic impact of transformation costs among all of the firm power customers rather than concentrating it on a limited number of customers who could be severely affected; and (3) consistent with the concept of postage stamp rates.

Low Density Discount

A low density discount is included in the PF–1 Priority Firm Power Rate Schedule, pursuant to Section 7(d)(1) of the Regional Act, to avoid adverse impacts on residential consumers with low system densities. The amount of the discount will depend on either the ratio of the purchaser's preceding calendar year total electrical energy requirements to the purchaser's depreciated investment in electric plant in service

(excluding generating plant) on December 31 of that year, or the purchaser's ratio of residential consumers per mile of distribution line. The discount is: (1) 7 percent if such ratio is equal to or less than 15 kilowatthours per dollar of net investment, or if the number of consumers per mile of line is two or less; (2) 5 percent if such ratio is greater than 15 and equal to or less than 25 kilowatthours per dollar of net investment, or if the number of consumers per mile of line is four or less; and (3) 3 percent if such ratio is greater than 25 and equal to or less than 35 kilowatthours per dollar of net investment, or if the number of consumers per mile of line is six or less. The customer will receive the highest discount for which the utility qualifies. In addition, no customer with more than 10 residential consumers per mile of distribution line may qualify for a discount regardless of the investment ratio. This latter restriction was not included in the initial proposal and has been added as a result of comments received during the hearing process.

Other comments were received concerning eligibility requirements and criteria for calculating the discount. Some parties asserted that only preference customers should receive the discount. However, there is nothing in the Regional Act or its legislative history which would limit the discount to preference customers only. The legislative history of S. 885 indicates that the discount was proposed as an amendment by Senator Jackson and was to be offered specifically to public bodies and cooperatives. The Senate Committee on Energy and Natural Resources substituted the words "of the Administrator's customers" for the words "to public bodies and cooperatives."

Specific criteria to disqualify customers was not included, contrary to one suggestion, since BPA will review and determine eligibility of all customers for the discount at least annually. The discount criteria also will be evaluated regularly to determine whether it should be altered and whether the discounts should continue to be offered. Because of the need to review the discount periodically and because the discount is included in Section 7, which is the rate directives section of the Regional Act the low-density discount is considered to be a rate rather than a contract matter. Another party recommended the inclusion of an additional criterion involving the comparison of residential power costs of neighboring utilities. However, this would create a large administrative problem, and would develop information that is only peripheral to the issue.

At-Site Power

At-site power is made available under PF–1, IP–1 and MP–1 rate schedules for those customers that presently purchase power under existing contracts at the at-site rate. These customers are entitled by contract to an adjustment of $0.257 per kilowatt-month. This adjustment is about 25 percent of the proposed postage stamp transmission component of the wholesale rate schedules and is less than the 46 percent adjustment originally developed for the Bonneville Project in 1938. The present at-site customers are adjacent to The Dalles, John Day, Hungry Horse, and Ice Harbor Projects. The conditions at these projects do not correspond to those existing at the Bonneville Project Act in 1938, that were the basis for the $3.00 per kilowatt-year adjustment. At-site delivery no longer provides any significant reduction in the transmission system required to integrate a project; therefore, BPA does not plan to extend the at-site provisions for existing customers nor enter into any new agreements for at-site power.

An adjustment has been made to recover the $1.827 million that is given as an at-site discount. This deficiency is recovered from all users of the transmission system. This adjustment was not made in the initial proposal.

Two of the at-site customers, who had to install or acquire all the transmission facilities from the at-site point-of-delivery and pay for losses on those facilities, now recognize that the costs of these facilities exceed, or will soon exceed, the economic benefits of the at-site adjustment of the rate schedule. The at-site customer, in effect, is or will be paying a premium. While these existing customers will continue to receive no more than the credit required by the contract provisions, BPA expects to negotiate, when requested by the customer, a change of conditions to permit the customer to eliminate the at-site provisions of their contracts.

Streamflow Conditions Adjustments

A streamflow conditions adjustment was included in the PF–1, IP–1, MP–1, NR–1, RP–1, and FE–1 rate schedules in the initial wholesale rate proposal. Monthly adjustments were to be applied to all firm energy sales if actual and forecasted streamflow conditions indicated below average streamflow conditions for the remainder of the year. The major purpose of the streamflow adjustment was to provide a mechanism to alleviate the short term cash flow problem created by poor water conditions. In the past, BPA has responded to this situation by deferring payments to the Treasury for the amortization of the Federal investment in power system facilities, and if needed, for accrued interest on the Federal investment. Any amounts deferred are subsequently included in determining BPA's future revenue requirements and need for rate adjustments.

The streamflow adjustment in the initial proposal did not require BPA to utilize any of its deferral capabilities prior to imposing a streamflow conditions adjustment. Several parties argued that this was inequitable, in that no credits would be given to the firm energy customers when water conditions and revenues were better than projected. It is still possible for BPA to tolerate significant revenue fluctuations from year to year by deferring some interest payments and planned amortization payments. In determining the appropriateness of including the streamflow adjustment in the final rate schedules, this deferral capability was taken into account.

An analysis of BPA's potential cash flow situation during the test year, assuming critical water conditions, shows that the BPA's deferral capabilities would be sufficient to cover all but the most severe cash shortfall. The results of this analysis, along with consideration of the concerns expressed by customers about the potential adverse impact of the adjustment on an individual utility's financial viability, have led to the removal of the streamflow conditions adjustment from the rate schedules. BPA will continue to analyze such a mechanism, and will more thoroughly identify and assess how it could be designed and implemented, so that it can be addressed in a future rate filing.

Equalization of Demand Charges

Comments were received that the equalization of the demand charges nullifies the COSA results and thus, ignores the cost basis of the rates. The effect of the adjustment is to reduce the industrial firm power rate and overprice the cost of the investor-owned utility exchange resources to the benefit of the direct-service industries, and to increase the priority firm rate to the detriment of public agencies and the investor-owned utility residential and farm customers. However, the adjustment permitted by Section 7(e) of the Regional Act was applied to demand charges that were relatively close in magnitude. The

provision of a uniform rate for all capacity charges facilitates the administration of the rates and provides for continuity.

Adjustment of Seasonal Demand Rates

After the equalizing of the demand costs among users of the Federal base system, the summer capacity cost indicated a decrease over the current summer demand rate, while the winter capacity cost increased substantially over the current winter demand rate. For purposes of equity and to avoid encouraging additional capacity usage, the current summer capacity charge was increased by 21 percent, the rate of inflation between 1980 and 1982. Costs were removed from the winter capacity component and placed in the summer demand rate. As a result, the real cost of summer capacity when compared with the general level of inflation in the economy is the same under the 1979 rate and the 1981 rate.

Computed Demand; Overrun Charge

Most of BPA's preference customers rely on BPA for all of their power needs. A few, however, own generation facilities. Several of these allow BPA to operate their facilities or have their resources delivered directly to BPA. Others operate their own facilities. Some preference customers that do own and operate their own generation facilities are designated by the Administrator to purchase on a computed demand basis because operation of their resources can adversely impact the Federal system either through losses of power or revenue. BPA is obligated to provide the difference between the computed demand customer's load and their forecasted resource capability.

A utility that is designated to purchase on a computed demand basis has an ability and an obligation, due to the coordinated operation of resources by utilities in the Northwest, to produce an assured resource capability. The computed demand billing factors provide BPA with a means of assuring that the amount of firm power delivered to a customer does not exceed the customer's net requirements, thereby assuring BPA that the customer is using its own assured resources for its load.

When a computed demand customer receives more Federal firm power than it is entitled to, under certain conditions the excess amount is called an unauthorized increase or overrun. Several comments were received concerning this overrun charge. BPA concluded that the determination criteria for the unauthorized increase should be applied uniformly and treated as a contract matter. It is very difficult for a customer to buy on a computed demand basis. Due to variations in load, a computed demand customer, despite its best efforts, might not be able to avoid an overrun. Recognizing the difficulty of this situation, BPA has been negotiating with the computed demand customers over the last 2½ years to develop a set of basic principles that will help alleviate overruns in almost all cases. In the process of negotiating current power sales contracts, BPA is comtemplating including these basic principles so they would apply uniformly to all customers.

Parties also questioned the appropriateness of the level of the overrun charge, stating that the charge should be based on the cost to BPA of purchasing power to meet the overrun load. The overrun charge is not a cost-based charge. It is set at 130 mills per kilowatthour, a level high enough to discourage BPA's customers from taking an unauthorized amount of power.

Industrial Firm Rate Change on October 1, 1981, IP–1 and MP–1

Part of the resources serving the direct-service industry load have been identified as the exchange resources. The average system cost methodology that determines the cost of these resources has not yet been developed.

Therefore, the direct-service industry rate contains an "X" which represents the costs of the exchange resources. When the exchange commences after October 1, 1981, the greater of the base rate or a rate based on the monthly exchange cost and a projected average monthly total DSI billing energy, will apply. The exchange rate is designed such that if all of the eventual parties to the exchange do not sign contracts at the same time, the rate will compensate by increasing as exchange obligations are added.

Nonfirm Energy Rate, NF–1

The new rate schedule NF–1 for nonfirm energy continues to provide flexible rates that will permit BPA to adapt to market and water supply conditions. The introduction of a flexible nonfirm rate in 1979 was controversial and elicited a great deal of comment during the public involvement process. This high level of interest has continued because an associated issue is one of equity between Regional customers and the Southwest. Recommendations for alternative nonfirm rates based on a fixed rate structure were received which would be more beneficial to the Southwest.

While the nonfirm energy rate adopted in 1979 (H–6) was based on a share-the-savings principle, the new NF–1 rate is based on the cost of resources that contribute to the availability of nonfirm energy. The NF–1 nonfirm energy rate is based on the costs of power from hydroelectric facilities, power purchases, and other resources, all of which aid in maintaining the capability of BPA to meet firm load obligations under critical water, but contribute to resources exceeding resource requirements with the occurrence of greater than critical streamflows. The rate charged under the NF–1 rate schedule is based upon: (1) the diurnally differentiated cost of hydroelectric power, which is 4.5 mills per kilowatthour during the period Monday through Saturday, 7 a.m. through 10 p.m., and 3.0 mills per kilowatthour for all other hours of the year; (2) the cost of a power purchase; (3) the cost of other resources which have been operated; or (4) a weighted average based on costs from the preceding categories. A charge of 2.0 mills per kilowatthour, the average cost of transmission is added to the kilowatthour charge for each sale of nonfirm energy. The floor rates, which are equal to the diurnally-differentiated cost of hydroelectric power plus the 2.0 mills transmission charge, are 5.0 mills per kilowatthour during offpeak hours and 6.5 mills per kilowatthour during peak hours. The ceiling rate at any time is equivalent to the cost of the most expensive power purchase or resource operated since the preceding July 31 or since the last time that all Federal Columbia River Power System reservoirs were substantially full. For contracts that refer to this rate schedule for determining the value of energy, the rate is 9.6 mills per kilowatthour. This rate is equal to the projected average NF–1 sales rate.

The costs from categories 1–3 above may be combined to derive an average charge. As an amount of energy associated with any given power purchase or resource is used to derive a charge for a sale of nonfirm energy, that purchase or resource cost will no longer be used to determine the rate for subsequent sales of nonfirm energy. The average NF–1 sales rate of 9.6 mills per kilowatthour was changed from the 7.5 mills per kilowatthour assumed for the initial proposal on the basis of an analysis of monthly secondary energy sales and monthly operation of thermal resources and power purchases under average water conditions for fiscal year 1982.

Due to the variability of market and water conditions, a flexible rate structure is the most appropriate for

marketing BPA's nonfirm energy. A fixed rate structure that is set too low could not offer justification for operating thermal generation in order to make nonfirm energy sales. A fixed rate that is set too high would at times preclude BPA from selling available nonfirm energy thus forcing BPA to spill water. A high fixed rate would not provide the operators of Northwest thermal with an economic incentive to purchase nonfirm energy from BPA while continuing to operate their low cost thermal, and thus displace relatively higher cost oil-fired thermal. This variable rate structure will assure BPA of maximum flexibility to respond to market conditions.

Any rate based on the cost-of-service allocation process or the variable production cost of hydroelectric power would be unreasonably low. The COSA allocates only intertie costs to nonfirm service because development of generation resources is designed to meet firm loads under critical water conditions. It is also generally known that the variable production cost of hydroelectric power is less than 1 mill per kilowatthour. If the nonfirm rate were based on these costs, benefits from sales of nonfirm would be distributed inequitably because the Southwest would receive a greater portion of the benefits than the Northwest. In addition to benefitting from the Northwest integrated generation and transmission system which was built at a great financial and environmental cost to the Region, the Southwest would realize a savings of 40 to 50 mills for every kilowatthour of nonfirm energy that they purchase. In addition, thermal plants are sometimes operated concurrently with sales of secondary energy to provide energy for secondary sales. A low rate based on the above costs would not cover the thermal operating costs and thus, would not justify the continued operation of the thermal plants. This would be detrimental to nonfirm energy purchasers, assuming that they would be willing to pay a rate sufficient to justify continued plant operation.

It has been suggested that BPA is required to base its rates for each general class of service on the costs of providing that service. However, a review of the cost language contained in the pertinent statutes clearly rejects this suggestion. In fact, it becomes apparent from a reading of the legislative history of the Bonneville Project Act that one of its primary objectives would not have been met if cost-based rates were required. An objective of the bill was to encourage the most widespread use of electric power in the region. A widely debated issue was whether a uniform rate, which is not based on cost, would encourage widespread use more than a zone rate, which is lowest at the dam and increases with distance. The concern was that customers located farthest from the dams would not be able to pay actual costs using zone rates and the objective of widespread use would not be attained.

Both the language of Section 7(a)(1) of the Regional Act, the rate directives section, and the legislative history clearly indicate that Section 7(a)(1) is a restatement of the standards set forth in the Bonneville Project Act and the Transmission System Act. The Senate Report on the Regional Act notes:

> Section 7(a).—This section restates the Administrator's obligation periodically to establish and modify electric power and transmission rates. These rates *shall continue to be established* at levels to recover revenues sufficient to pay all of the Administrator's costs." S. Rep. No. 272, 96th Cong. 1st Sess. 31 (1979) (Emphasis added).

The House Interior Report similarly notes:

> Section 7(a) *continues the requirement* of existing law that BPA set its rates to recover, *in total*, the full cost (but not more than the full cost) of its financial obligations." H. Rep. No. 976, 96th Cong. 2d Sess. 52 (1980) (Emphasis added).

Thus, BPA is directed to set rates that are as low as possible consistent with sound business principles as long as they are cumulatively high enough to repay all appropriate costs. The language in the Bonneville Project Act, the Federal Columbia River Transmission System Act, and the Regional Act does not impose a cost-of-service requirement, but relates only to the revenue requirement. Additionally, rules of statutory construction support this view in that it would be improper to imply a cost-of-service standard when this requirement is not explicitly set forth in the statutes.

The contention that Section 7 of the Bonneville Project Act imposes a cost-of-service standard on BPA was rejected in *Pacific Power and Light* v. *Duncan*, 499 F. Supp. 672 (D. Or. 1980), appeal dismissed, No. 80–3517 (9th Circ., Feb. 13, 1981). The court noted, with reference to Section 7 of the Bonneville Project Act and BPA's PURPA 111 Order, 44 FR 68948 (1979), discussed infra:

> Despite all the references to cost, the two quoted passages do not support an inference that cost is the only basis upon which rates may be computed. The qualifying phrases 'having regard to,' 'may include,' and 'to the maximum extent practicable,' indicate that the discretion granted in 16 U.S.C. section 825s, 832e, 838g; and 43 U.S.C. section 485h(c) were not significantly altered by the requirement to consider costs in calculating rates. See *City of Santa Clara," Pacific*, supra, 499 F. Supp at 683.

The court continued to note that "(T)he statutory schemes, taken as a whole, invest the Secretary with such broad discretion, that with respect to the ratemaking challenged here, judicial review is not available because there is no law to apply." *Id.* at 683.

This conclusion was further upheld in *The Montana Power Company and Idaho Power Company v. Edwards et al.*, Civil No. 80–842 PA (D Or. May 18, 1981) (not yet reported), where the court noted:

> Although plaintiffs did not directly challenge the rate design, they impliedly did so when asserting a breach of contract. I note that the particular rates challenged here are not susceptible to judicial review because there is no law to apply. PP&L, at 681–683, *Id.* at 7 (citations omitted).

Rates based on considerations other than cost of service have met with administrative approval. Three other power marketing administrations, Southeastern, Southwestern, and Western Area Power Administrations, have received approval on share-the-savings rates. This rate structure has also been commonly used by investor-owned utilities, including Pacific Power and Light and Montana Power Company. It is also common utility practice to base nonfirm energy rates on the recovery of incremental costs plus up to 100 percent of fixed costs. The utilities mentioned above as well as Idaho Power Company and Puget Sound Power and Light Company use this sort of pricing for certain nonfirm energy sales.

In departing from a strict cost-of-service methodology for the NF–1 rate, BPA is conforming properly with its cost of service determination under section 111 of the Public Utility Regulatory Policies Act of 1978 (PURPA), Pub. L. 95–917, 92 Stat. 3117 et seq. (16 U.S.C. 2601 et seq.). After adopting the cost of service standard, BPA states:

> * * * The rate design will always consider such an embedded cost-of-service analysis but will also consider other factors, such as marginal or long-run incremental cost principles, the purposes of conservation, efficient use of resources, and equity, and the need to meet legal considerations.

Thus, it is clear that other factors in addition to a COSA must be considered when designing rates.

Another area of concern to the parties was whether the NF–1 rate schedule complied with BPA's stated rate objectives. The first of the assertions in regard to the objectives was that a poor

water year may jeopardize BPA's ability to meet its annual repayment requirement because the amount of revenue from NF–1 sales is dependent upon water conditions. Furthermore, commenters claimed that if NF–1 were based on cost of service, BPA would not be exposing itself to the same degree of revenue instability and would be able to meet the repayment obligation.

BPA's ability to repay the investment would not be jeopardized by a failure to collect a forecasted amount of revenues in any 1 year. Revenue instability results primarily from water conditions rather than from the amount of revenue forecast to be collected from its nonfirm energy sales. Regardless of the rate structure, water conditions dictate the level of nonfirm sales that is possible.

Another issue regarding the rate objectives is the contention that NF–1 customers are subsidizing firm power customers by paying the costs of purchased power and thermal generation that are incurred for firm power service. However, the NF–1 rate is equitably based on the costs of resources that contribute to the availability of nonfirm energy and implicitly recognizes the value of the generation and transmission systems of the Pacific Northwest from which nonfirm customers receive an enormous benefit.

Concern was expressed that the NF–1 rate will have a negative effect on conservation by not reflecting the true costs of firm energy. That is, it is believed that because nonfirm energy is priced above its cost and firm power rates are correspondingly lower, consumption by firm power customers is encouraged. Currently, however, there is insufficient information available with regard to the relative elasticity of demand of Northwest customers versus Southwest customers to conclude that the crediting of nonfirm energy revenue to firm capacity costs instead of other costs would result in a net total increase in consumption.

Another concern is that BPA's nonfirm energy rate will not always be the lowest cost alternative available to utilities, and thus, nonfirm energy will be spilled rather than be used to displace higher cost resources. BPA does not expect a situation to occur when water would be spilled because of the price of nonfirm energy. A great deal of flexibility has been incorporated in the NF–1 rate to respond to water and market conditions. In addition, it is BPA's policy to avoid spill situations. When necessary, BPA will sell at the floor rates, 6.5 mills per kilowatt hour during peak hours and 5.0 mills per kilowatthour during all other hours, until the secondary market is saturated in order to minimize spill. The Southwest operates high-cost oil-fired thermal at an incremental cost of over 40 mills, and thus, it seems unlikely that they would not be willing to buy any available low-cost energy.

The final comments regarding the rate objectives dealt with rate continuity, ease of administration and ease of understanding. Although it is true that the proposed NF–1 rate has a different structure than the present H–6 nonfirm energy rate, it does not appear that this would disturb the California parties who have objected vigorously to the H–6 rate. In fact, some of the administrative problems of H–6 have been eased with the NF–1 rate. Voluminous records would not have to be kept nor would utilities have to supply information to BPA on a daily basis. The rate is not difficult to understand, and the administration of the rate has been well detailed during the rate development process.

Various reasons were offered as to why the transmission component of NF–1 should be reduced or deleted. The arguments include: (1) the BPA transmission system is designed to meet peak demands of firm customers, (2) NF–1 customers enjoy no capacity rights on BPA's system, (3) there is no significant incremental transmission cost associated with surplus sales, (4) BPA is proposing to recover the same transmission costs twice, (5) the capacity/energy exchange agreements were not considered in formulating the transmission charge, and (6) intertie costs should not be allocated to nonfirm energy service.

The NF–1 transmission component explicitly recognizes the benefits of the Northwest integrated transmission system to nonfirm purchasers by charging the average cost of Federal base system energy transmission. In addition, recognition of a specific charge facilitates the process of crediting nonfirm revenues to allocated transmission costs in the rate design process.

The capacity/energy exchange agreements were not considered germane to discussions of the NF–1 rate. If capacity/energy exchange customers are given the option of not returning the energy, they pay 3 mills per kilowatt-hour under the contract agreement. BPA is not recovering transmission costs twice since the nonfirm revenues are credited to transmission costs and netted out before the transmission charges for other service classes are calculated.

The position that transmission capacity costs should not be allocated to nonfirm energy service is not inconsistent with a Federal Energy Regulatory Commission (FERC) decision, Kentucky Utilities Co., Opinion No. 116, Docket No. ER 78–147, issued April 2, 1981. FERC ruled that customers subject to curtailment of delivery or interruption by the utility should not be allocated transmission capacity costs. This FERC decision is not applicable to BPA's NF–1 service over the intertie. FERC's decision is based on the fact that no evidence was in the record to show that the customer had caused the utility to build any transmission facilities. BPA allocates intertie costs to nonfirm service because the legislative history of the intertie authorization indicated that the intertie was built, in part, to provide for nonfirm energy transmission.

Finally, the construction of a third Northwest-Southwest intertie transmission line would not be delayed unduly by the NF–1 rate structure. According to a General Accounting Office report, "Oil Savings from Greater Intertie Capacity Between the Pacific Northwest and California," the nonfirm energy rate is one of many factors that must be considered when planning a third intertie. Other major factors include the projected Northwest energy deficit, expected sales from Canada, oil prices, the amount of surplus energy available for California private utilities, and the ability to obtain Congressional approval to construct another intertie.

Variable Charge in the Wholesale Firm Capacity Rate Schedule, CF–1

BPA's current F–7 capacity rate schedule is for the sale of peaking capacity. This schedule separately identifies rates for: (a) annual capacity (delivery of capacity throughout the year as requested by the customer) and (b) seasonal capacity (capacity delivered during 5 summertime months, principally to Pacific Southwest utilities). To encourage capacity purchasers to limit their usage of Federal generating facilities and maximize use of their own facilities, the capacity rate in the F–7 schedule includes an additional monthly charge for capacity usage in excess of 6 hours per day. The reason for this additional charge is that the Federal hydro system cannot generate as much capacity during sustained daily periods as it can for shorter periods. The CF–1 rate schecule supersedes the F–7 rate schedule.

The development of this additional charge for sustained peaking in the F–7 rate and for the intial proposal for CF–1 was based on an alternative cost principal applied to an estimate of the

fuel savings realized by the customer not having to operate a combustion turbine peaking plant. This methodology was criticized by those who felt this type of sustained peaking charge was neither equitable nor cost based.

BPA's F–7 variable share-the-savings technique (halving the difference between baseload unit and peaking unit power costs) is a viable ratemaking alternative. However, in the final CF–1 rate, the charge has been related to costs incurred. In addition, the charge will be applied to capacity useage in excess of 9 hours a day rather than 6. The new cost-based variable charge is $.029 a kilowatt-month for each additional hour of capacity in excess of 9 hours a day. The 9 hour duration was selected because it corresponds to the duration of the preference customer's peak period demand on the Federal system.

New Resources Firm Power Rate Schedule, NR–1

Section 7(f) of the Regional Act requires the establishment of this new rate. The NR–1 rate is available for the purchase of firm power for resale or for direct consumption by purchasers other than direct-service industrial customers. It can be used by investor-owned utilities to purchase power to serve their previous year's deficit plus any load growth for the current year and by public bodies or cooperatives to purchase power to serve their new large single loads. It is based only on the costs of the "new resources" pool. Federal base system resources and exchange resources are serving the loads provided under Sections 7(b) and 7(c) of the Regional Act, and are therefore not available to serve NR–1 loads.

This rate has been time differentiated in the same manner as the priority firm rate. The demand charge is also set equal to the demand charge for the PF–1 rate schedule. This adjustment represents an increase in costs classified to capacity and allocated to the rate. The energy charge was decreased to compensate for the increase in the demand charge.

Irrigation

BPA has incorporated features in its PF–1 rate schedule which tend to mitigate the effects of the rate increase on irrigators. For example, applying more excess revenues to summer capacity costs instead of prorating them between summer and winter capacity costs has resulted in a reduction in the initially proposed summer demand rate.

Many comments were received advocating special rate considerations for irrigators. However, BPA rates are designed to be fair and equitable for all its customers without making special concessions for any customer, customer group, or customer class which are not defensible on cost or value basis or which are not legislatively mandated. BPA has phased out special irrigation promotion rates based on current costs of providing service to this group. The new PF–1 rate, in addition to reflecting an apportionment of costs between summer and winter demand components that is more favorable to heavy users of summer demand, provides a lower charge for power taken during the offpeak period. To the extent that irrigators or other customer groups can take advantage of and benefit from the offpeak service provision, they can reduce their costs for a given demand level of electric service. Utilities with large irrigation loads also benefit from the low density discount.

Special Industrial Power Rate Schedule, SI–1

During the public hearings held by BPA regarding its proposals to increase power and transmission rates, the Hanna Nickel Smelting Company requested a special power rate pursuant to the requirements of Section 7(d)(2) and Section 7(c)(3) of the Regional Act. Section 7(d)(2) allows the Administrator to establish a discount rate that need not be cost-based, if any direct-service industrial customer using raw materials indigenous to the region will suffer adverse impacts of increased rates pursuant to the Regional Act, and if all power sold to such a customer may be interrupted or withdrawn to meet firm loads in the region. The Administrator determined that Hanna Nickel Smelting Company (Hanna) is eligible for a special rate under Section 7(d)(2) of the Regional Act.

Establishment of a special rate requires that Hanna be offered a special class of service. Hanna has accepted another quartile of interruptible power, and BPA is therefore able to forego a $6.9 million purchase of 26 average megawatts of firm power which would otherwise be necessary to cover a portion of the firm energy deficit of the Federal base system. If the special Hanna rate were subsidized by other purchasers, it would only be to the extent that rates to other customers included a charge for recovery of credit given to Hanna is recognition of energy reserves no longer being provided by Hanna. To eliminate this potential subsidy, the $6.9 million cost savings has been reduced by the amount of reserve credit associated with the value of energy reserves not provided by Hanna but paid for through other's rates. The net cost savings that will be realized by the special quality of service arrangements with Hanna is $5.7 million.

If the quantity of power exchanged pursuant to Section 5(c) of the Regional Act and its associated costs equal the maximum amounts forecast by BPA, a cost-based rate for Hanna might still result in serious adverse impacts for Hanna. Conversely, if the $5.7 million net savings is credited to Hanna and the quantity and/or costs of exchange power are substantially less than BPA estimates, Hanna might actually receive a rate reduction. To preclude these potentially undesirable results, the special Hanna rate schedule has both a ceiling and a floor. If the ceiling rate applies from the initial date of the exchange, Hanna will need to obtain a significantly greater price per pound for its nickel as well as continue its efforts to cut costs and improve efficiency in order to avoid adverse impacts. The floor rate is the rate applicable to all direct-service industrial customers when there is no exchange. Contract provisions are under negotiation that will recover costs of serving Hanna that are not recovered through application of the rate, if there are such nonreimbursed costs, and if Hanna's sales price for nickel increases and/or the Hanna operation realizes profits. Independent audits and quarterly meetings to review plant operations and management will be conducted during the period of time Hanna is on a special rate.

Other Rate Design Issues

Other wholesale power rate design issues are discussed in the Staff Evaluation of Official Record and the Administrator's Record of Decision.

Other Considerations

General Rate Schedule Provisions

The General Rate Schedule Provisions which are attached to the order have remained unchanged in substance from those which accompany existing rates. A few wording changes have been made which allow the Provisions to conform to the new rate schedules. In response to comments received during the rate development process, some of the provisions will be superseded by contract terms upon completion of contracts now being negotiated.

Public Utility Regulatory Policies Act

BPA is a nonregulated utility, having more than 500 million kilowatthours in annual sales for direct use. It is therefore required by the Public Utility Regulatory Policies Act (PURPA) (Pub. L. 95–617, 92 Stat. 3117) among other things, to consider, after public notice and hearings, each of six specified

ratemaking standards (Section 111(a), PURPA). Hearings were held pursuant to public notice (44 FR 35285, June 19, 1979) on July 19, 1979. The BPA Administrator issued a Determination Order concerning the rate standards on November 19, 1979 (44 FR 66948).

Effective Date of Order

It is not possible to give 30 days notice before the effective date of the rates approved on an interim basis by this order. BPA power sales contracts limit rate adjustments to fixed dates, and the next date is July 1, 1981. If this contractually fixed date is missed, the next opportunity for adjustment will be July 1, 1982. In the interim, BPA, which is self-financed, would experience severe cash flow difficulties, in addition to falling behind in its obligation to repay the Federal Treasury for the capital cost of power projects. Rates are subject to the final confirmation and approval by the Federal Energy Regulatory Commission (FERC), and the rates approved herein are subject to refund if lesser rates are ultimately approved by the FERC.

Availability of Information

Information regarding these rates including studies, hearing transcripts, and other supporting material is available for public review in the office of the Public Involvement Coordinator, Booneville Power Administration Building, 1002 N.E. Holladay Street, Portland, Oregon 97212, and in the office of the Director of Power Marketing Coordination, 12th and Pennsylvania Avenue, N.W., Washington, D.C. 20461.

Submission to the Federal Energy Regulatory Commission

The rates herein confirmed and approved on an interim basis, together with supporting documents, will be submitted promptly to the Federal Energy Regulatory Commission for confirmation and approval on a final basis.

Environmental Impact

BPA prepared a Draft Environmental Assessment, the availability of which was announced in BPA's Federal Register Notice (46 FR 12659). BPA's Final Environmental Assessment is available for review at the locations indicated in this order and copies may be obtained by writing to the addressees indicated. BPA has a record of decision, incorporated into the "Administrator's Record of Decision 1981 Transmission Rate Proposal and 1981 Wholesale Power Rate Proposal," designed to document the decisionmaking process related to the National Environmental Policy Act. The record is available for review at the locations indicated in this order and copies of the Record of Decision may be obtained by the public by writing to the addressees indicated.

Order

In view of the foregoing and pursuant to the authority delegated to me by the Secretary of Energy, I hereby confirm and approve on an interim basis, effective July 1, 1981, the attached wholesale power rate schedules, PF–1, IP–1, MP–1, CF–1, CE–1, NR–1, NF–1, RP–1, FE–1, and SI–1, together with the attached General Rate Schedule Provisions. These rates and provisions shall remain in effect on an interim basis through June 30, 1982, or until the FERC confirms and approves them or substitute rates on a final basis.

Issued at Washington, D.C. this 24th day of June, 1981.

Joseph J. Tribble,

Assistant Secretary, Conservation and Renewable Energy.

Wholesale Power Rate Schedules and General Rate Schedule Provisions

Schedule PF–1—Priority Firm Power Rate

Section 1. *Availability:* This schedule is available for the purchase of firm power to be used within the Pacific Northwest for resale or for direct consumption by public bodies, cooperatives, Federal agencies, and investor-owned utilities participating in the exchange under Section 5(c) of the Pacific Northwest Electric Power Planning and Conservation Act (Regional Act). This schedule supersedes Schedule EC–8 which went into effect on an interim basis on December 20, 1979.

Section 2. *Rate:*

a. *Demand Charge:*

(1) for the billing months December through May, Monday through Saturday, 7 a.m. through 10 p.m.: $2.80 per kilowatt of billing demand.

(2) for the billing months June through November, Monday thorugh Saturday, 7 a.m. through 10 p.m.: $1.44 per kilowatt of billing demand.

(3) all other hours: No demand charge.

b. *Energy Charge:*

(1) for the billing months September through March: 7.4 mills per kilowatthour of billing energy.

(2) for the billing months April through August: 6.9 mills per kilowatthour of billing enegy.

Section 3. *Billing Factors:* The factors to be used in determining the billing for power purchased under this rate schedule are as follows:

a. For any purchaser not designated to purchase under subsection 3(b), 3(c), or 3(d):

(1) the contract demand as specified in the contract;

(2) the measured demand for the billing month adjusted for power factor;

(3) the measured energy for the billing month.

b. Designation of a purchaser to purchase on a computed demand basis will be according to this section unless the terms of an existing contract executed after December 5, 1980 provide otherwise. For any purchaser designated by BPA to purchase on a computed demand basis because of such purchaser's potential ability either to sell generation from its resources in such a manner as to increase BPA's obligation to deliver firm power to such purchaser in an amount in excess of BPA's obligation prior to such sale, or to redistribute the generation from its resources over time in such a manner as to cause losses of power or revenue on the Federal System; provided, however, that when a purchaser operates two or more separate systems, only those systems designated by BPA will be covered by this subsection:

(1) the peak computed demand for the billing month;

(2) the average energy computed demand for the billing month;

(3) the lesser of the peak computed demand for the billing month or 60 percent of the highest peak computed demand during the previous 11 billing months;

(4) the measured demand for the billing month adjusted for power factor;

(5) the measured energy for the billing month;

(6) the contract demand as specified in an agreement between a purchaser and BPA for a specified period of time.

c. For any purchaser contractually limited to an allocation of capacity and/or energy as determined by BPA pursuant to the terms of a purchaser's power sales contract:

(1) the allocated demand for the billing month, as specified in the contract;

(2) the measured demand for the billing month adjusted for power factor;

(3) the allocated energy for the billing month, as specified in the contract;

(4) the measured energy for the billing month.

d. For any purchaser participating in the exchange under Section 5(c) of the Pacific Northwest Electric Power Planning and Conservation Act:

(1) sixty percent of the energy associated with the utility's residential load as specified in the contract for each billing period;

(2) the demand calculated by applying the load factor, determined as specified in the contract, to the energy in 3(d)(1) for each billing period.

Section 4. *Determination of Billing Demand and Billing Energy:*

a. For a purchaser governed by subsection 3(a):

(1) the billing demand for the month shall be factor (a)(1) or 3(a)(2), as specified in the purchaser's power sales contract, except that at such time as BPA determines that the limitation in Section 3(c) is necessary, the billing demand for the month shall be factor 3(c)(2), provided, however, that billing demand factor 3(c)(2), before adjustment for power factor, shall not exceed factor 3(c)(1).

(2) the billing energy for the month shall be factor 3(a)(3), except that at such time as BPA determines that the limitation in Section 3(c) is necessary, the billing energy shall be factor 3(c)(4), provided, however, that factor 3(c)(4), shall not exceed factor 3(c)(3).

b. For a purchaser governed by subsection 3(b):

(1) the billing demand for the month shall be the largest of factors 3(b)(3), and 3(b)(4), or 3(b)(6), if applicable. Factor 3(b)(4), before adjustment for power factor, shall not exceed the largest of factors 3(b)(1), 3(b)(2), or 3(b)(6) if applicable, except that at such time as BPA determines that the limitation in Section 3(c) is necessary, the billing demand for the month shall be factor 3(c)(2), provided, however, that billing demand factor 3(c)(2), before adjustment for power factor, shall not exceed factor 3(c)(1).

(2) the billing energy for the month shall the factor 3(b)(5) except that at such time as BPA determines that the limitation in Section 3(c) is necessary. The billing energy shall be factor 3(c)(4), prpvided, however, that factor 3(c)(4), shall not exceed factor 3(c)(3). Factor 3(b)(5) shall not exceed factor 3(b)(2) times the number of hours during such months.

c. For purchaser governed by subsection 3(d):

(1) The billing demand for the month shall be factor 3(d)(2).

(2) The billing energy for the month shall be factor 3(d)(1).

Section 5. *Adjustment:*

a. *Power Factor:* The adjustment for power factor, when specified in this rate schedule or in the power sales contract, may be made by increasing the measured demand for each month by 1 percent for each 1 percent or major fraction thereof by which the average lagging power factor, or average leading power factor, at which energy is supplied during such month is less than 95 percent, such average power factor to be computed to the nearest whole percent from the formula given in Section 9.1 of the General Rate Schedule Provisions.

The adjustment for power factor may be waived in whole or in part by BPA. Unless specifically otherwise agreed, BPA may, if necessary to maintain acceptable operating conditions on the Federal System, restrict deliveries of power to a purchaser at a point of delivery or for a system at any time that the average power factor for all classes of power delivered to a purchaser at such point of delivery or for such system is below 75 percent lagging or 75 percent leading.

b. *At-Site Power:* At-site power purchased for consumption by a purchaser shall be used within 15 miles of the powerplant specified in the power sales contract. At least 90 percent of any at-site power purchased for resale shall be used within 15 miles of the specified powerplant.

The monthly demand charge for at-site firm power will be the monthly demand charge for priority firm power reduced by $0.257 per kilowatt of billing demand.

At-site priority firm power is made available only for those utility customers purchasing at-site firm power under existing contracts. At-site priority firm power may be purchased by such utility customers under new contracts only until a date certain specified in such new contracts. If deliveries are made from an interconnection with the Federal System other than at one of such designated points, the purchaser shall pay in amount adequate to cover the annual cost of the facilities which would have been required to deliver such power to such point from either the generator bus at the generating plant, or from the adjacent point as designated by BPA. This use-of-facilities charge shall be in addition to the charge determined by the application of Section 2 of the Rate Schedule as reduced by the provisions of this subsection.

c. *Low-Density Discount:* A predetermined discount will be applied each month of a calendar year to the charges for power purchased under contracts between BPA and its customers. The amount of such discount is based on the ratio of the total annual energy requirements of the purchaser's electric operations during the preceding calendar year to the purchaser's depreciated investment in electric plant in service (excluding generating plant) at the end of such year, or the purchaser's ratio of residential consumers per mile of line. This calculation of such ratio will be made using the customer's entire system. Provided that the purchaser's ratio of residential consumers per mile of line does not exceed ten, this discount shall be:

(1) Seven percent if such ratio is less than 15 kilowatthours per dollar of net investment or if the number of consumers per mile of lie is two or less.

(2) Five percent if such ratio is equal to or greater than 15 and less than 25 kilowatthours per dollar of net investment, or if the number of consumers per mile of line is four or less.

(3) Three percent if such ratio is equal to or greater than 25 and less than 35 kilowatthours per dollar of net investment, or if the number of consumers per mile of line is six or less.

Section 6. *Unauthorized Increase:* That portion of (a) any 60-minute clock-hour integrated demand or scheduled demand (the total amount of power scheduled to the purchaser from BPA) that cannot be assigned to a class of power which BPA delivers on such hour pursuant to contracts between BPA and the purchaser or to a type of power which the purchaser acquires from sources other than BPA which BPA delivers during such hour, or (b) the total of a purchaser's 60-minute clock-hour integrated or scheduled demands during a billing month which cannot be assigned to a class of power which BPA delivers during such month pursuant to contracts between BPA and the purchaser or to a type of power which the purchaser acquires from sources other than BPA which BPA delivers during such month, may be considered an unauthorized increase. Each 60-minute clock-hour integrated or scheduled demand shall be considered separately in determining the amount which may be considered an unauthorized increase pursuant to (a) and the total of such amounts which are in fact considered unauthorized increases shall be excluded from the total of the integrated or scheduled demands for such month in determining the amount which may be considered an unauthorized increase under (b).

The charge for an unauthorized increase shall be $0.13 per kilowatthour.

Section 7. *General Provisions:* Sales of power under this schedule shall be subject to the provisions of the BPA Project Act, as amended, the Regional Preference Act, the Federal Columbia River Transmission System Act, the Pacific Northwest Electric Power Planning and Conservation Act, and the General Rate Schedule Provisions.

Schedule IP–1—Wholesale Power Rate for Industrial Firm Power

Section 1. *Availability:* This schedule is available for the purchase by existing direct-service industrial customers of industrial firm power and/or authorized increase on a contract demand basis and for auxiliary power requested by the purchaser and made available an auxiliary demand by BPA on an intermittent basis. This rate schedule supersedes Schedule IF–2 which went into effect on an interim basis on December 20, 1979.

Section 2. *Rate:*

a. *Demand Charge:*

(1) for the billing months December through May, Monday through Saturday, 7 a.m. through 10 p.m.: $2.80 kilowatt of billing demand.

(2) for the billing months June through November, Monday through Saturday, 7 a.m. through 10 p.m.: $1.44 per kilowatt of billing demand.

(3) all other hours: No demand charge.

b. *Energy Charge:*

The greater of:

(1) for the billing months September through March: 7.4 mills per kilowatthour of billing energy; for the billing months April through August: 6.9 mills per kilowatthour of billing, or

(2) for the billing months September through March: (1.7+(X/2465)) mills per kilowatthour of billing energy; for the billing months April through August: (1.6+(X/2480)) mills per kilowatthour of billing energy.

Where X=the actual month's cost in thousands of dollars incurred by the Administrator pursuant to Section 5(c) of the Pacific Northwest Electric Power Planning and Conservation Act.

Section 3. *Billing Factors:* The factors to be used in determining the billing for power purchased under this rate schedule are as follows:

a. operating demand;
b. curtailed demand;
c. restricted demand;
d. measured energy.

Section 4. *Determination of Billing Demand and Billing Energy:* The billing demands for industrial firm power and authorized increase, respectively, and for auxiliary power requested by the purchaser and made available by BPA as an auxiliary demand on an intermittent basis will be the lowest of the respective operating demand, curtailed demand, or restricted demand after each such demand is adjusted for power factor. The billing energy associated with each of the respective billing demands will be the measured energy distributed proportionately among the respective demands for each hour each such demand is applicable during the billing month.

Section 5. *Adjustments:*

a. *Value of Reserves:* A monthly billing credit for the value of the reserves provided

by purchasers of industrial firm power shall be:

(1) $0.33 per kilowatt of billing demand.

(2) 2.3 mills per kilowatthour of billing energy.

The adjustment shall be applied to the same billing factors which are used to determine the billing for power purchased under this rate schedule.

b. *Power Factor:* The adjustment for power factor, when specified in this rate schedule or in the power sales contract, may be made by increasing the appropriate demand (operating, curtailed, or restricted) for each month by 1 percent for 1 percent or major fraction thereof by which the average lagging power factor, or average leading power factor, at which energy is supplied during such month is less than 95 percent, such average power factor to be computed to the nearest whole percent from the formula given in Section 9.1 of the General Rate Schedule Provisions.

The adjustment for power factor may be waived in whole or in part by BPA. Unless specifically otherwise agreed, BPA may, if necessary to maintain acceptable operating conditions on the Federal System, restrict deliveries of power to a purchaser at a point of delivery or for a system at any time that the average power factor for all classes or power delivered to a purchaser at such point of delivery or for such system is below 75 percent lagging or 75 percent leading.

c. *At-Site Power:* At-site industrial firm power shall be used within 15 miles of the powerplant.

The monthly demand charge for at-site industrial firm power will be the monthly demand charge for industrial firm power reduced by $0.257 per kilowatt of billing demand.

At-site industrial firm power is made available only for those industrial customers purchasing at-site industrial firm power under existing contracts. At-site industrial firm power may be purchased by such industrial customers under new contracts only until a date certain specified in such new contracts. If deliveries are made from an interconnection with the Federal System other than at one of such designated points, the purchaser shall pay an amount adequate to cover the annual cost of the facilities which would have been required to deliver such power to such point from either the generator bus at the generating plant, or from the adjacent point as designated by BPA. The use of facilities charge shall be in addition to the charge determined by application of Section 2 of the Rate Schedule as reduced by the provisions of this subsection.

Section 6. *Unauthorized Increase:* Any amount by which any 60-minute clock-hour integrated demand exceeds that sum of the billing demand for such hour before adjustment for power factor, plus any applicable scheduled demands which the purchaser acquires through other contracts for such hour will be assessed a charge of $0.13 per kilowatthour.

Section 7. *Special Conditions—Advance of Energy:* BPA may elect to advance energy under terms and conditions of the purchaser's power sale contract.

Section 8. *General Provisions:* Sales of power under this schedule shall be subject to the provisions of the BPA Project Act, as amended, the Regional Preference Act, the Federal Columbia River Transmission System Act, the Pacific Northwest Electric Power Planning and Conservation Act, and the applicable General Rate Schedule Provisions.

Schedule MP–1—Wholesale Power Rate for Modified Firm Power

Section 1. *Availability:* This schedule is available for the purchase by existing direct-service industrial customers of modified firm power on a contract demand basis for direct consumption by existing direct-service industrial customers until existing contracts terminate. This schedule is also available for the purchase of authorized increase power on a contract demand basis. This rate schedule supersedes Schedule MF–2 which went into effect on an interim basis on December 20, 1979.

Section 2. *Rate:*

a. *Demand Charge:*

(1) for the billing months December through May, Monday through Saturday, 7 a.m. through 10 p.m.: $2.80 per kilowatt of billing demand.

(2) for the billing months June through November, Monday through Saturday, 7 a.m. through 10 p.m.: $1.44 per kilowatt of billing demand.

(3) all other hours: No demand charge.

b. *Energy Charge:*

The greater of:

(1) for the billing months September through March: 7.4 mills per kilowatthour of billing energy; for the billing months April through August: 6.9 mills per kilowatthour of billing, or

(2) for the billing months September through March: (1.7+(X/2465)) mills per kilowatthour of billing energy; for the billing months April through August: (1.6+(X/2480)) mills per kilowatthour of billing energy.

Where X=the actual month's cost in thousands of dollars incurred by the Administrator pursuant to Section 5(c) of the Pacific Northwest Electric Power Planning and Conservation Act.

Section 3. *Billing Factors:* The factors to be used in determining the billing for power purchases under this rate schedule are as follow:

a. contract demand;

b. curtailed demand;

c. restricted demand;

d. measured energy.

Section 4. *Determination of Billing Demand and Billing Energy:* The billing demand for modified firm power and authorized increase, respectively, will be the lowest of the respective contract demand, curtailed demand, or restricted demand after each such demand is adjusted for power factor. The billing energy associated with each of the respective billing demands will be the measured energy distributed proportionately among the respective demands for each hour each such demand is applicable during the billing month.

Section 5. *Adjustments:*

a. *Power Factor:* The adjustment for power factor, when specified in this rate schedule or power sales contract, may be made by increasing the appropriate demand (contract, curtailed, or restricted) for each month by 1 percent for each 1 percent or major fraction thereof by which the average lagging power factor, or average leading power factor, at which energy is supplied during such month is less than 95 percent, such average power factor to be computed to the nearest whole percent from the formula given in Section 9.1 of the General Rate Schedule Provisions.

The adjustment for power factor may be waived in whole or in part by BPA. Unless specifically otherwise agreed, BPA may, if necessary to maintain acceptable operating conditions on the Federal System, restrict deliveries of power to a purchaser at a point of delivery or for a system at any time that the average power factor for all classes of power delivered to a purchaser at such point of delivery or for such system is below 75 percent lagging or 75 percent leading.

b. *At-Site Power:* At-site modified firm power shall be used within 15 miles of the powerplant.

The monthly demand charge for at-site modified firm power will be the monthly demand charge for modified firm power reduced by $0.257 per kilowatt of billing demand.

At-site modified firm power will be made available under existing contracts, providing for at-site modified firm power at a Federal hydroelectric generating plant or at a point adjacent thereto, and at a voltage, all as designated by BPA. If deliveries are made from an interconnection with the Federal System other than at one of such designated points, the purchaser shall pay an amount adequate to cover the annual cost of the facilities which would have been required to deliver such power to such point from either the generator bus at the generating plant, or from the adjacent point as designated by BPA. This use of facilities charge shall be in addition to the charge determined by application of Section 2 of the Rate Schedule as reduced by the provisions of this subsection.

Section 6. *Unauthorized Increase:* Any amounts by which any 60-minute clock-hour integrated demand exceeds the sum of the billing demand for such hour (before adjustment for power factor) plus any applicable scheduled demands which the purchaser acquires through other contracts for such hour will be assessed a charge of $0.13 per kilowatthour.

Section 7. *General Provisions:* Sales of power under this schedule shall be subject to the provisions of the BPA Project Act, as amended, the Regional Preference Act, the Federal Columbia River Transmission System Act, the Pacific Northwest Electric Power Planning and Conservation Act, and the General Rate Schedule Provisions.

Schedule CF–1—Wholesale Firm Capacity Rate

Section 1. *Availability:* This schedule is available for the purchase of firm capacity without energy on a contract demand basis for supply during a contract year of 12 months, or during a contract season of 5 months, June 1 through October 31. This schedule supersedes Schedule F–7 which we into effect on an interim basis on December 20, 1979.

Section 2. *Rate:*

A. *Contract Year Service:* $25.44 per kilowatt per year of contract demand.

b. *Contract Season Service:* $11.76 per kilowatt per season of contract demand.

c. The capacity rate specified in subsections a. and b. above shall be increased by $0.029 per kilowattmonth of billing demand for each hour that the purchaser's monthly demand duration exceeds nine (9) hours. The purchaser's demand duration for the month shall be determined by dividing the kilowatthours supplied under this rate schedule to a purchaser on the day of maximum kilowatthour use between the hours of 7 a.m. and 10 p.m., excluding Sundays, by the purchaser's contract demand effective for such month. If, however, BPA does not require the delivery of peaking replacement energy by the purchaser during certain periods, the additional charge above will not be made for such periods.

Section 3. *Billing Factors:* The billing demand will be the contract demand.

Section 4. *Special Provision:* Contracts for the purchase of firm capacity under this schedule will include provisions for replacement by the purchaser of energy accompanying the delivery of such capacity.

Section 5. *General Provisions:* Sales of power under this schedule shall be subject to the provisions of the BPA Project Act, as amended, the Regional Preference Act, the Federal Columbia River Transmission System Act, the Pacific Northwest Electric Power Planning and Conservation Act, and the applicable General Rate Schedule Provisions.

Schedule CE-1Emergency Capacity Rate.

Section 1. *Avaialability:* This schedule is available for purchase of emergency capacity requested by a purchaser's system and it has capacity available for such purpose. This schedule supersedes Schedule F-8 which went into effect on an interim basis on December 20, 1979.

Section 2. *Rate:* $0.56 per kilowatt of demand per calendar week or portion thereof. For deliveries over the Pacific Northwest-Pacific Southwest intertie, made available for the account of a purchaser at the Oregon-California or the Oregon-Nevada order, the charge will be increased by $0.22 per kilowatt per week. Bills will be rendered monthly.

Section 3. *Billing Factors:* The billing demand will be the maximum amount requested by the purchaser and made available by DPA during a calendar week, provided that if BPA is unable to meet subsequent requests by a purchaer for delivery at the demand previously established during such week, such billing demand for such week shall be the lower demand which BPA is able to supply.

Section 4. *Special Provision:* Energy delivered with such capacity shall be returned to BPA within 7 days of the date of delivery at times and rates of delivery agreed to by the purchaser and BPA prior to delivery. BPA may agree to accept delay of return energy beyond 7 days if it so agrees prior to the delivery of capacity.

Section 5, *General Provisons:* Sales of power under this schedule shall be subject to the provisions of the BPA Project Act, as amended, the Regional Preference Act, the Federal Columbia River Transmission System Act, the Pacific Northwest Electric Power Planning and Conservation Act, and the General Rate Schedule Provisions.

Schedule NR-1—New Resource Firm Power Rate

Section 1. *Availability:* This schedule is available for the purchase of firm power for resale or for direct consumption by purchasers other than direct-service industrial purchasers who puchase power under rate Schedules IP-1 or MP-1.

Section 2. *Rate:*

a. *Demand Charge:*

(1) for the billing months December through May, Monday through Saturday, 7 a.m. through 10 p.m.: $2.80 per kilowatt of billing demand.

(2) for the billing months June through November, Monday through Saturday, 7 a.m. through 10 p.m.: $1.44 per kilowatt of billing demand.

(3) all other hours: No demand charge.

b. *Energy Charge:*

(1) for the billing months September through March: 30.8 mills per kilowatthour of billing energy.

(2) for the biling months April through August: 24.7 mills per kilowatthour of billing energy.

Section 3. *Billing Factors:* The factors to be used in determining the billing for power purchased under this rate schedule are as follows:

a. For any purchaser not designated to purchase under subsection 3(b) or 3(c):

(1) the contract demand as specified in the contract;

(2) the measured demand for the billing month adjusted for power factor;

(3) the measured energy for the billing month.

b. Designation of a pruchaser to purchase on a computed demand basis will be according to this section unless the terms of an existing contract executed after after December 5, 1980 provide otherwise. For any purchaser designated by BPA to purchase on a computed demand basis because or such purchaser's potential ability either to sell generation from its resources in such a manner as to increase BPA's obligation to deliver firm power to such purchaser in an amount in excess of BPA's obligation prior to such sale, or to redistribute the generation from its resources over time in such a manner as to cause losses of power or revenue on the Federal System; provided, however, that when a purchaser operates two or more separate systems, only those systems designated by BPA will be covered by this subsection:

(1) the peak computed demand for the billing month;

(2) the average energy computed demand for the billing month;

(3) the lesser of the peak computed demand for the billing month or 60 percent of the highest peak computed demand during the previous 11 billing months;

(4) the measured demand for the billing month adjusted for power factor;

(5) the measured energy for the billing month;

(6) the contract demand as specified in an agreement between a purchaser and BPA for a specified period of time.

c. For any purchaser contractually limited to an allocation of capacity and/or energy as determined by BPA pursuant to the terms of a purchaser's power sales contract:

(1) the allocated demand for the billing month, as specified in the contract;

(2) the measured demand for the billing month adjusted for power factor;

(3) the allocated energy for the billing month, as specified in the contract;

(4) the measured energy for the billing month.

Section 4. Determination of Billing Demand and Billing Energy:

a. For a purchaser governed by subsection 3(a):

(1) the billing demand for the month shall be factor 3(a)(1) or 3(a)(2), as specified in the purchaser's power sales contract, except that at such time as BPA determines that the limitation in Section 3(c) is necessary, the billing demand for the month shall be factor 3(c)(2), provided, however, that billing demand factor 3(c)(2), before adjustment for power factor, shall not exceed factor 3(c)(1).

(2) the billing energy for the month shall be factor 3(a)(3) except that at such time as BPA determines that the limitation in Section 3(c) is necessary, the billing energy shall be factor 3(c)(4), provided, however, that factor 3(c)(4) shall not exceed factor 3(c)(3).

b. For a purchaser governed by subsection 3b:

(1) the billing demand for the month shall be the largest of factors 3(b)(3), and 3(b)(4), or 3(b)(6) if applicable. Factor 3(b)(4), before adjustment for power factor, shall not exceed the largest of factors 3(b)(1), 3(b)(2), or 3(b)(6) if applicable, except that at such time as BPA determines that the limitation in Section 3(c) is necessary, the billing demand for the month shall be factor 3(c)(2), provided, however, that billing demand factor 3(c)(2), before adjustment for power factor, shall not exceed factor 3(c)(1).

(2) the billing energy for the month shall be factor 3(b)(5) except that at such time as BPA determines that the limitation in Section 3(c) is necessary, the billing energy shall be factor 3(c)(4), provided, however, that factor 3(c)(4) shall not exceed factor 3(c)(3). Factor 3(b)(5) shall not exceed factor 3(b)(2) times the number of hours during such month.

Section 5. *Adjustments.*

a. *Power Factor:* The adjustment for power factor, when specified in this rate schedule or in the power sales contract, may be made by increasing the measured demand for each month by 1 percent for each 1 percent or major fraction thereof by which the average lagging power factor, or average leading power factor, at which energy is supplied during such month is less than 95 percent, such average power factor to be computed to the nearest whole percent from the formula given in Section 9.1 of the General Rate Schedule Provisions.

The adjustment for power factor may be waived in whole or in part by BPA. Unless specifically otherwise agreed, BPA may, if necessary to maintain acceptable operating conditions on the Federal System, restrict

deliveries of power to a purchaser at a point of delivery or for a system at any time that the average power factor for all classes of power delivered to a purchaser at such point of delivery or for such system is below 75 percent lagging or 75 percent leading.

Section 6. *Unauthorized Increase:* That portion of (a) any 60-minute clock-hour integrated demand or scheduled demand (the total amount of power scheduled to the purchaser from BPA) that cannot be assigned to a class of power which BPA delivers on such hour pursuant to contracts between BPA and the purchaser or to a type of power which the purchaser acquires from sources other than BPA which BPA delivers during such hour, or (b) the total of a purchaser's 60-minute clock-hour integrated or scheduled demands during a billing month which cannot be assigned to a class of power which BPA delivers during such month pursuant to contracts between BPA and the purchaser or to a type of power which the purchaser acquires from sources other than BPA which BPA delivers during such month, may be considered an unauthorized increase. Each 60-minute clock-hour integrated or scheduled demand shall be considered separately in determining the amount which may be considered an unauthorized increase pursuant to (a) and the total of such amounts which are in fact considered unauthorized increases shall be excluded from the total of the integrated or scheduled demands for such month in determining the amount which may be considered an unauthorized increase under (b).

The charge for an unauthorized increase shall be $0.13 per kilowatthour.

Section 7. *General Provisions:* Sales of power under this Schedule shall be subject to the provisions of the BPA Project Act, as amended, the Regional Preference Act, the Federal Columbia River Transmission System Act, the Pacific Northwest Electric Power Planning and Conservation Act, and the General Rate Schedule Provisions.

Schedule NF–1—Wholesale Nonfirm Energy Rate

Section 1. *Availability:* This schedule is available for the purchase on nonfirm energy both inside and outside the Pacific Northwest. This schedule is also available for energy delivered for emergency use under the conditions set forth in Section 5.1 of the General Rate Schedule Provisions. This schedule is not available for the purchase of energy which BPA has a firm obligation to supply. This schedule supersedes Schedule H–6 which went into effect on an interim basis on December 20, 1979.

Section 2. *Rate:*

a. *Nonfirm Energy Rate:* The rate shall be the average cost of transmission which is 2.0 mills per kilowatthour, plus one of the following:

(1) the diurnally differentiated average cost of power from hydroelectric facilities, which is 4.5 mills per kilowatthour during the period Monday through Saturday, 7 a.m. through 10 p.m.; and 3.0 mills per kilowatthour for all other hours of the year, or

(2) the cost of a power purchase in mills per kilowatthour incurred since the preceding July 31, or the last time that all FCRPS reservoirs were substantially full, if they were not substantially full on that date, to the extent such purchase cost is unrecovered, or

(3) BPA's cost of other resources in mills per kilowatthour operated since the preceding July 31, or the last time that all FCRPS reservoirs were substantially full, if they were not substantially full on that date, to the extent such purchase cost is unrecovered, or

(4) a weighted average in mills per kilowatthour based on costs from the preceding categories.

As an amount of energy associated with any given power purchase or resource is used to derive a charge for a sale of an equivalent amount of nonfirm energy, that purchase or resource cost will no longer be used to determine the rate for subsequent sales.

b. *Contract Rate:* For contracts which refer to this schedule for determining the value of energy, the rate is 9.6 mills per kilowatthour.

Section 3. *Delivery:* BPA shall determine the availability of energy hereunder and the rate of delivery thereof.

Section 4. *General Provisions:* Sale of energy under this schedule shall be subject to the provisions of the BPA Project Act, as amended, the Regional Preference Act, the Federal Columbia River Transmission Act, the Pacific Northwest Electric Power Planning and Conservation Act, and the applicable General Rate Schedule Provisions.

Schedule RP–1—Reserve Power Rate

Section 1. *Availability:* This schedule is available for the purchase of:

a. firm power to meet a purchaser's unanticipated load growth as provided in a purchaser's power sales contract;

b. power for which BPA determines no other rate schedule is applicable; or

c. power to serve a purchaser's firm power loads in circumstances where BPA does not have a power sales contract in force with such purchaser, and BPA determines that this rate should be applicable. This rate schedule supersedes Schedule EC–9 which went into effect on an interim basis on December 20, 1979.

Section 2. *Rate:*

a. *Demand Charge:*

(1) for the billing months December through May, Monday through Saturday, 7 a.m. through 10 p.m.: $12.57 per kilowatt of billing demand.

(2) for the billing months June through November, Monday through Saturday, 7 a.m. through 10 p.m.: $3.47 per kilowatt of billing demand.

(3) all other hours: No demand charge.

b. *Energy Charge:* 62.1 mills per kilowatthour of billing energy.

Section 3. *Billing Factors:* The factors to be used in determining the billing for power purchased under this rate schedule are as follows:

a. the contract demand as specified in the contract;

b. the measured demand;

c. the contract amount of energy for the month;

d. the measured energy for the month.

Section 4. *Determination of Billing Demand and Billing Energy:* The billing demand and billing energy shall be determined as provided in a purchaser's power sales contract. If BPA does not have a power sales contract in force with a purchaser, the billing demand and billing energy shall be the measured demand adjusted for power factor and measured energy.

Section 5. *Unauthorized Increase:* That portion of (a) any 60-minute clock-hour integrated demand or scheduled demand (the total amount of power scheduled to the purchaser from BPA) that cannot be assigned to a class of power which BPA delivers on such hour pursuant to contracts between BPA and the purchaser or to a type of power which the purchaser acquires from sources other than BPA which BPA delivers during such hour, or (b) the total of a purchaser's 60-minute clock-hour integrated or scheduled demands during a billing month which cannot be assigned to a class of power which BPA delivers during such month pursuant to contracts between BPA and the purchaser or to a type of power which the purchaser acquires from sources other than BPA which BPA delivers during such month, may be considered an unauthorized increase. Each 60-minute clock-hour integrated or scheduled demand shall be considered separately in determining the amount which may be considered an unauthorized increase pursuant to (a) and the total of such amounts which are in fact considered unauthorized increases shall be excluded from the total of the integrated or scheduled demands for such month in determining the amount which may be considered an unauthorized increase under (b).

The charge for an unauthorized increase shall be $0.13 per kilowatt hour.

Section 6. *Adjustments.*

a. *Power Factor:* The adjustment for power factor, when specified in this rate schedule or in the power sales contract, may be made by increasing the measured demand for each month by 1 percent for each 1 percent or major fraction thereof by which the average lagging power factor, or average leading power factor, at which energy is supplied during such month is less than 95 percent, such average power factor to be computed to the nearest whole percent from the formula given in Section 9.1 of the General Rate Schedule Provisions.

The adjustment for power factor may be waived in whole or in part by BPA. Unless specifically otherwise agreed, BPA may, if necessary to maintain acceptable operating conditions on the Federal System, restrict deliveries of power to a purchaser at a point of delivery or for a system at any time that the average power factor for all classes of power delivered to a purchaser at such point of delivery or for such system is below 75 percent lagging or 75 percent leading.

Section 7. *General Provisions:* Sales of power under this Schedule shall be subject to the provisions of the BPA Project Act, as amended, the Regional Preference Act, the Federal Columbia River Transmission System Act, the Pacific Northwest Electric Power Planning and Conservation Act, and the General Rate Schedule Provisions.

Schedule FE-1—Wholesale Firm Energy Rate

Section 1. *Availability:* This schedule is available for contract purchase of firm energy, to be delivered for the uses, in the amounts, and during the period or periods specified in such contract. This schedule supersedes Schedule J-2 which went into effect on an interim basis on December 20, 1979.

Section 2. *Rate:* 10.0 mills per kilowatthour of billing energy.

Section 3. *Billing Factors:* The contract energy is the billing factor.

Section 4. *Determination of Billing Energy:* The billing energy shall be determined as provided in the purchaser's power sales contract.

Section 5. *Delivery:* Delivery of energy under this rate schedule is assured during the contract period. However, BPA may interrupt the delivery of firm energy hereunder, in whole or in part, at any time that BPA determines that BPA is unable because of system operating conditions, including lack of generation or transmission capacity, to effect such delivery.

Section 6. *Adjustments:*

a. *Power Factor:* The adjustment for power factor, when specified in this rate schedule or in the power sales contract, may be made by increasing the contract energy delivered for each month by 1 percent for each 1 percent or major fraction thereof by which the average lagging power factor, or average leading power factor, at which energy is supplied during such month is less than 95 percent, such average power factor to be computed to the nearest whole percent from the formula given in Section 9.1 of the General Rate Schedule Provisions.

The adjustment for power factor may be waived in whole or in part by BPA. Unless specifically otherwise agreed, BPA may, if necessary to maintain acceptable operating conditions on the Federal System, restrict deliveries of power to the purchaser at a point of delivery or for a system at any time that the average power factor for all classes of power delivered to a purchaser at such point of delivery or for such system is below 75 percent lagging or 75 percent leading.

Section 7. *General Provisions:* Sales of power under this schedule shall be subject to the provisons of the BPA Project Act, as amended, the Regional Preference Act, the Federal Columbia River Transmission System Act, the Pacific Northwest Electric Power Planning and Conservation Act, and the General Rate Schedule Provisions.

Schedule SI-1—Special Industrial Power Rate

Section 1. *Availability:* This schedule is available for the Hanna Nickel Smelting Company's purchase of a special class of industrial power and/or authorized increase on a contract demand basis and for additional power requested by the purchaser and made available as authorized increase by Bonneville on an intermittent basis. This rate schedule is made available pursuant to section 7(d)(2) of the Pacific Northwest Electric Power Planning and Conservation Act (Regional Act).

Section 2. *Rate:*

a. *Demand Charge:*

(1) For the billing months December through May, Monday through Saturday, 7 a.m. through 10 p.m.: $2.80 per kilowatt of billing demand.

(2) For the billing months June through November, Monday through Saturday, 7 a.m. through 10 p.m.: $1.44 per kilowatt of billing demand.

(3) All other hours: No demand charge.

b. *Energy Charge:*

The greater of:

(1) For the billing months September through March: 7.4 mills per kilowatthour of billing energy; for the billing months April through August: 6.9 mills per kilowatthour of billing energy; or

(2) For the billing months September through March: ((X/2465)–4.8) mills per kilowatthour; for the billing months April through August: ((X/2480)–4.9) mills per kilowatthour.

Where X = the actual monthly costs in thousands of dollars incurred by the Administrator pursuant to section 5(c) of the Regional Act. But the energy charge is not to exceed 10.6 mills per kilowatthour in any month, excluding any surcharges that will be made applicable pursuant to provisions of the contract to recover the costs of services if conditions affecting profitability of the purchaser's operation improves.

Section 3. *Billing Factors:* The factors to be used in determining the billing for power purchased under this rate schedule are as follows:

a. contract demand;
b. curtailed demand;
c. restricted demand;
d. measured energy.

Section 4. *Determination of Billing Demand and Billing Energy:* The billing demands for this special class of industrial power and authorized increase, respectively, and for additional power requested by the purchaser and made available by Bonneville as authorized increase on an intermittent basis will be the lowest of the respective contract demand, curtailed demand, or restricted demand after each such demand is adjusted for power factor. The billing energy associated with each of the respective billing demands will be the measure energy distributed proportionately among the respective demands for each hour each such demand is applicable during the billing month.

Section 5. *Adjustments:*

a. *Value of Reserves:* An adjustment for the value of the reserves provided by purchasers of this special class of industrial power shall be:

(1) $0.33 per kilowatt of billing demand.

(2) 2.3 mills per kilowatthour of billing energy.

The adjustment shall be applied to the same billing factors which are use to determine the billing for power purchased under this rate schedule.

b. *Power Factor:* The adjustment for power factor, when specified in this rate schedule or in the power sales contract, may be made by increasing the appropriate demand (operating, curtailed, or restricted) for each month by 1-percent for 1-percent or major fraction thereof by which the average lagging power factor or average leading power factor at which energy is supplied during such month is less than 95-percent, such average power factor to be computed to the nearest whole percent from the formula given in Section 9.1 of the General Rate Schedule Provisions.

The adjustment for power factor may be waived in whole or in part by BPA. Unless specifically otherwise agreed, BPA may, if necessary to maintain acceptable operating conditions on the Federal System, restrict deliveries of power to a purchaser at a point of delivery or for a system at any time that the average power factor for all classes of power delivered to a purchaser at such point of delivery or for such system is below 75-percent lagging or 75-percent leading.

Section 6. *Unauthorized Increase:* Any amount by which any 60-minute clock-hour integrated demand exceeds that sum of the billing demand for such hour before adjustment for power factor, plus any applicable scheduled demands which the purchaser acquires through other contracts for such hour will be assessed a charge of $0.13 per kilowatthour.

Section 7. *Special conditions—Advance of Energy:* BPA may elect to advance energy under terms and conditions of the purchaser's power sale contract.

Section 8. *General Provisions:* Sales of power under this schedule shall be subject to the provisions of the Bonneville Project Act, as amended, The Regional Preference Act, the Federal Columbia River Transmission System Act, the Pacific Northwest Electric Power Planning and Conservation Act, and the applicable General Rate Schedule Provisions.

General Rate Schedule Provisions

Section 1.1. *Priority and New Resource Firm Power:* Priority and new resource firm power is electric power which BPA will make continuously available to a purchaser to meet its net firm load requirements within the Pacific Northwest except when restricted because the operation of generation or transmission facilities used by BPA to service such purchaser is suspended, interrupted, interfered with, curtailed, or restricted as the result of the occurrence of any condition described in the Uncontrollable Forces or Continuity of Service Sections of the General Contract Provisions of the contract. Such restriction of priority and new resource firm power shall not be made until industrial firm power has been restricted in accordance with Section 1.4 and until modified firm power has been restricted in accordance with Section 1.2.

Section 1.2. *Modified Firm Power:* Modified firm power is electric power which BPA will make continuously available to a purchaser on a contract demand basis subject to: (a) the restriction applicable to priority and new resource firm power, and (b) the following:

When a restriction is made necessary because the operation of generation or transmission facilities used by BPA to serve such purchaser and one or more priority and new resource firm power purchasers is suspended, interrupted, interfered with, curtailed, or restricted as a result of the occurrence of any condition described in the

Uncontrollable Forces or Continuity of Service Sections of the General Contract Provisions of the contract BPA shall restrict such purchaser's contract demand for modified firm power to the extent necessary to prevent, if possible, or minimize restriction of any priority and new resource firm power, provided, however that:

(1) such restriction of modified firm power shall not exceed at any time 25 percent of the contract demand therefor, and

(2) the accumulation of such restrictions of modified firm power during any calendar year, expressed in kilowatthours, shall not exceed 500 times the contract demand therefor. When possible, restrictions of modified firm power will be made ratably with restrictions of industrial firm power based on the proportion that the respective contract demands bear to one another. The extent of such restrictions shall be limited for modified firm power by this subsection and for industrial firm power by the Restriction of Deliveries Section of the General Contract Provisions of the contract.

Section 1.3. *Firm Capacity:* Firm capacity is capacity which BPA assures will be available to a purchaser on a contract demand basis except when operation of generation or transmission facilities used by BPA to serve such purchaser is suspended, interrupted, interfered with, curtailed, or restricted as the result of the occurrence of any condition described in the Uncontrollable Forces or Continuity of Service Sections of the General Contract Provisions of the contract.

Section 1.4. *Industrial Firm Power:* Industrial firm power is electric power which BPA will make continuously available to a purchaser on a contract demand basis subject to: (a) the restriction applicable to priority and new resource firm power, and (b) the following:

(1) the restrictions given in the Restrictive of Deliveries Section of the Power Sales Provisions of the contract.

(2) when a restriction is made necessary because of the operation of generation or transmission facilities used by BPA to serve such purchaser and one or more priority and new resource firm power purchasers is suspended, interrupted, interfered with, curtailed, or restricted as a result of the occurrence of any condition described in the Uncontrollable Forces or Continuity of Service Sections of the General Contract Provisions of the contract, BPA shall restrict such purchaser's operating demand for industrial firm power to the extent necessary to prevent, if possible, or minimize restriction of priority and new resource firm power. When possible, restrictions of industrial firm power will be made ratably with restrictions of modified firm power based on the proportion that the respectivce contract and operating demands bear to one another. The extent of such restrictions shall be limited for modified firm power by Section 1.2(b) of these General Rate Schedule Provisions and for industrial firm power by the Restrictions of Deliveries Section of the contract.

Section 1.5. *Authorized Increase:* An authorized increase is an amount of electric power specified in the contract in excess of the contract or operating demand for priority firm power, new resource firm power, modified firm power, or industrial firm power that BPA may be able to make available to the purchaser upon its request. The purchaser shall make such request in writing stating the amount of increase requested, the purpose for which it will be used, and the period for which it is needed. Such request shall be made prior to the first calendar month beginning such specified period. BPA will then determine whether such increase can be made available, but it shall retain the right to restrict the delivery of such increase if it determines at any subsequent time that such increase will no longer be available.

The purchaser may curtail an authorized increase, in whole or in part, at the end of any billing month within the period such authorized increase is to be made available.

Section 1.6. *Firm Energy:* Firm energy is energy which BPA assures will be available to a purchaser during the period or periods specified in the contract except during hours as may be specified in the contact and when the operation of the Government's facilities used to serve the purchaser are suspended, interrupted, interfered with, curtailed, or restricted by the occurrence of any condition described in the Uncontrollable Forces or Continuity of Service Sections of the General Contract Provisions of the contract.

Section 2.1 *Contract Demand:* The contract demand shall be the number of kilowatts that the purchaser agrees to purchase and BPA agrees to make available. BPA may agree to make deliveries at a rate in excess of the contract demand at the request of the purchaser (authorized increase), but shall not be obligated to continue such excess deliveries.

Section 2.2. *Measured Demand:*

a. The purchaser's measured demand will be determined according to this section unless the terms of a contract executed after December 5, 1980 provide otherwise.

b. Except where deliveries are scheduled as hereinafter provided, the measured demand in kilowatts shall be the largest of the 60-minute clock-hour integrated demands at which electric energy is delivered to the purchaser at each point of delivery during each time period specified in the applicable rate schedule during any billing period. Such largest 60-minute integrated demand shall be determined from measurements made as specified in the contract, or as determined in Section 3.2 herein. BPA, in determining the measured demand, will exclude any abnormal 60-minute integrated demands due to or resulting from (a) emergencies or breakdowns on, or maintenance of, the Federal System facilities, and (b) emergencies on the purchaser's facilities, provided that such facilities have been adequately maintained and prudently operated as determined by BPA. For those contracts to which BPA is a party and which provide for delivery of more than one class of electric power to the purchaser at any point of delivery, the portion of each 60-minute integrated demand assigned to any class of power shall be determined as specified in the contract. The portion of the total measured demand so assigned shall constitute the measured demand for such class of power.

If the flow of electric energy to a purchaser's system through two or more points of delivery cannot be adequately controlled because such points are interconnected within the purchaser's system, or the purchaser's system is interconnected directly or indirectly with the Federal System, the purchaser's measured demand for each class of power for such system for any billing period shall be the largest of the hourly amounts of such class of power which are scheduled for delivery to the purchaser during each time period specified in the applicable rate schedule.

Section 2.3. *Peak Computed Demand and Energy Computed Demand:*

The purchaser's peak computed demand and energy computed demand will be determined according to this section unless terms of a contract executed after December 5, 1980 provide otherwise.

The purchaser's peak computed demand for each billing month shall be the largest amount during such month by which the purchaser's 60-minute system demand exceeds its assured peaking capability.

The purchaser's average energy computed demand for each billing month shall be the amount during such month by which the purchaser's actual system average load exceeds its assured average energy capability.

a. *General Principles:*

(1) The assured peaking and average energy capability of each of the purchaser's systems shall be determined and applied separately.

(2) As used in this section, "year" shall mean the 12-month period commencing July 1.

(3) The critical period is that period, determined for the purchaser's system under adverse streamflow conditions adjusted for current water uses, assured storage operation, and appropriate operating agreements, during which the purchaser would have the maximum requirement for peaking or energy after utilizing the firm capability of all resources available to its system in such a manner as to place the least requirement for capacity and energy on BPA.

(4) Critical water conditions are those conditions of streamflow based on historical records, adjusted for current water uses, assured storage operation, and appropriate operating agreements, for the year or years which would result in the minimum capability of the purchaser's firm resources during the critical period.

(5) Prior to the beginning of each year the purchaser shall determine the assured capability of each of the purchaser's systems in terms of peaking and average energy for each month of each year or years within the critical period. The firm capability of all resources available to the purchaser's system shall be utilized in such a manner as to place the least requirement for capacity and energy on BPA. Such assured capability shall be effective after review and approval by BPA.

(6) The purchaser's assured energy capability shall be determined by shaping its firm resources to its firm load in a manner which places a uniform requirement on BPA within each year of the critical period with such requirement increasing each year not in excess of the purchaser's annual load growth.

(7) As used herein, the capability of a firm resource shall include only that portion of the total capability of such resource which the purchaser can deliver on a firm basis to its load. The capabilities of all generating facilities which are claimed as part of the purchaser's assured capability shall be determined by test or other substantiating data acceptable to BPA. BPA may require verification of the capabilities of any or all of the purchaser's generating facilities. Such verification will not be required more often than once each year for operating plants, or more often than once each third year for thermal plants in cold standby status, if BPA determines that adequate annual preventive maintenance is performed and the plant is capable of operating at its claimed capability.

(8) In determining assured capability, the aggregate capability of the purchaser's firm resources shall be appropriately reduced to provide adequate reserves.

b. *Determination of Assured Capability:* The purchaser's assured peaking and energy capabilities shall be the respective sums of the capabilities of its hydroelectric generating plants based on the most critical water conditions on the purchaser's system, the capabilities of its thermal generating plants based on the adverse fuel or other conditions reasonably to be anticipated; and the firm capabilities of other resources made available under contracts prior to the beginning of the year, after deduction of adequate reserves. Assured capabilities shall be determined for each month if the purchaser has seasonal storage. The capabilities of the purchaser's firm resources shall be determined as follows:

(1) *Hydroelectric Generating Facilities:* The capability of each of the purchaser's hydroelectric generating plants shall be determined in terms of both peaking and average energy using critical water conditions. The average energy capability shall be that capability which would be available under the storage operation necessary to produce the claimed peaking capability.

Seasonal storage shall mean storage sufficient to regulate all the purchaser's hydroelectric resources in such a manner that when combined with the purchaser's thermal generating facilities, if any, and with firm capacity and energy available to the purchaser under contracts, a uniform energy computed demand for a period on one (1) month or more would result.

A purchaser having seasonal storage shall, within 10 days after the end of each month in the critical period, notify BPA in writing of the assured energy capability to be applied tentatively to the preceding month; such notice shall also specify the purchaser's best estimate of its average system energy load for such month. If such notice is not submitted, or is submitted later than 10 days after the end of the month to which it applies, subject to the limitations stated herein, the assured energy capability determined for such month prior to the beginning of the year shall be applied to such month and may not be changed thereafter.

If notice has been submitted pursuant to the preceding paragraph, the purchaser shall, within 30 days after the end of the month, submit final specification of the assured energy capability to be applied to the preceding month; provided that the assured energy capability so specified shall not differ from the amount shown in the original notice by more than the amount by which the purchaser's actual average system energy load for such month differs from the estimate of that load shown in the original notice. If the assured energy capability for such month differs from that determined prior to the beginning of the year for such month, the purchaser, if required by BPA, shall demonstrate by a suitable regulation study based on critical water conditions that such change could actually be accomplished, and that the remaining balance of its total critical period assured energy capability could be developed without adversely affecting the firm capability of other purchaser's resources. The algebraic sum of all such changes in the purchaser's assured energy capability shall be zero at the end of the critical period or year, whichever is earlier. Appropriate adjustments in the assured peaking capability shall be made if required by any change in reservoir operation indicated by such revisions in the monthly distribution of critical period energy capability.

(2) *Thermal Generating Facilities:* The capability of each of the purchaser's thermal generating plants shall be determined in terms of both peaking and average energy. Such capabilities shall be based on the adverse fuel or other conditions reasonably to be anticipated. The effect of limitations on fuel supply due to war or other extraordinary situations will be evaluated at the time of occurrence.

(3) *Other Sources of Power:* The assured capability of other resources available to the purchaser on a firm basis under contracts shall be determined prior to each year in terms of both peaking and average energy.

c. *Determintation of Computed Demand:* The purchaser's computed demand for each billing month shall be the greater of:

(1) The largest amount during such month by which the purchaser's actual 60-minute system demand, excluding any loads otherwise provided for in the contract, exceeds its assured peaking capability for such month, or period within such month, or

(2) The largest amount for such month, or period within such month, by which the purchaser's actual system average energy load, excluding the average energy loads otherwise provided for in the contract, exceeds its assured average energy capability.

The use of computed demands as one of the alternatives in determining billing demand is intended to assure that each purchaser who purchases power from BPA to supplement its own firm resources will purchase amounts of power substantially equivalent to the additional capacity and energy which the purchaser would otherwise have to provide on the basis of normal and prudent operations, viz, sufficient capacity and energy to carry the load through the most critical water or other conditions reasonably to be anticipated, with an adequate reserve.

Since the computed demand on the relationships of capability of resources to system requirements, the computed demand for any month cannot be determined until after the end of the month. As each purchaser must estimate its own load, and is in the best position to follow its development from day to day, it will be the purchaser's responsibility to request scheduling of priority and new resource firm power, including any increase over previously established demands, on the basis estimated by the purchaser to result in the most advantageous purchase of the power to be billed at the end of the month.

Section 2.4. *Restricted Demand:* A restricted demand shall be the number of kilowatts of priority firm power, new resource firm power, modified firm power, industrial firm power, or authorized increase of any of the preceding classes of power which results when BPA has restricted delivery of such power for one (1) clock-hour or more. Such restrictions by BPA are made pursuant to the power sales contract for industrial firm power and pursuant to Section 1.1 and 1.2 of the General Rate Schedule Provisions for priority and new resource firm power and modified firm power, respectively. Such restricted demand shall be determined by BPA after the purchaser has made its determination to accept such restriction or to curtail its contract demand for the month in accordance with Section 2.5 of the General Rate Schedule Provisions.

Section 2.5. *Curtailed Demand:* A curtailed demand shall be the number of kilowatts of priority firm power, new resource firm power, modified firm power, industrial firm power, or authorized increase of any of the preceding classes of power which results from the purchaser's request for such power in amounts less than the contract demand therefor. Each purchaser of industrial firm power or modified firm power may curtail its demand in accordance with the contract. Each purchaser of an authorized increase in excess of priority firm power, new resource firm power, modified firm power, or industrial firm power may curtail its demand in accordance with Section 1.5 of the General Rate Schedule Provisions.

Section 3.1. *Billing:* Unless otherwise provided in the contract, power made available to a purchaser at more than one point of delivery shall be billed separately under the applicable rate schedule or schedules. The contract may provide for combined billing under specified conditions and terms when (a) deliver at more than one point is beneficial to BPA, or (b) the flow of power at the several points of delivery is reasonably beyond the control of the purchaser.

If deliveries at more that one point of delivery are billed on a combined basis for the convenience of the customer, a charge will be made for the diversity between the measured demands at the several points of delivery. The charge for the diversity shall be determined in a uniform manner among purchasers and shall be specified in the contract.

Section 3.2. *Determination of Estimated Billing Data:* If the purchased amounts of capacity, energy, or the 60-minute integrated demands for energy must be estimated from data other than metered or scheduled

quantities, BPA and the purchaser will agree on billing data to be used in preparing the bill. If the parties cannot agree on estimated billing quantities, a determination binding on both parties shall be made in accordance with the arbitration provisions of the contract.

Section 4.1. *Application of Rates During Initial Operation Period:* For an intital operating period, not in excess of 3 months, beginning with the commencement of operation of a new industrial plant, a major addition to an existing plant, or reactivation of an existing plant of important part thereof, BPA may agree (a) to bill for service to such new, additional, or reactivated plant facilities on the basis of the measured demand for each day, adjusted for power factor, or (b) if such facilities are served by a distributor purchasing power therefor from BPA to bill that portion of such distributor's load which results from service to such facilities on the bais of the measured demand for each day, adjusted for power factor. Any rate schedule provisions regarding contract demand, billing demand, and minimum monthly charge which are inconsistent with this Section shall be inoperative during such intital operating period.

The initial operating period and the special billing provisions may, on approval by Bonneville, be extended beyond the intitial 3 month period for such additional time as is justified by the developmental character of the operations.

Section 5.1. *Energy Supplies for Emergency Use:* A purchaser taking priority and/or new resource firm power shall pay in accordance with Wholesale Nonfirm Energy Rate Schedule NF–1 and Emergency Capacity Schedule CE–1 for any electric energy which has been supplied; (a) for use during an emergency on the purchaser's system; or (b) following an emergency to replace energy secured from sources other than BPA during such emergency, except that mutual emergency assistance may be provided and settled under exchange agreements

Section 6.1. *Billing Month:* Meters will normally be read and bills computed at intervals of 1 month. A month is defined as the interval between meter-reading dates which normally will be approximately 30 days. If service is for less or more than the normal billing month, the monthly charges stated in the applicable rate schedule will be appropriately adjusted. Winter and summer periods identified in the rate schedules will begin and end with the beginning and ending of the purchaser's billing month having meter-reading dates closest to the periods so identified.

Section 7.1. *Payment of bills:* Bills for power shall be rendered monthly and shall be payable at BPA's headquarters. Failure to receive a bill shall not release the purchaser from liability for payment. Demand and energy billings under each rate schedule application shall be rounded to whole dollar amounts, by elimination of any amount of less than 50 cents and increasing any amount from 50 cents through 99 cents to the next higher dollar.

If BPA is unable to render the purchaser a timely monthly bill which includes a full disclosure of all billing factors, it may elect to render an estimated bill for that month to be followed at a subsequent billing date by a final bill. Such estimated bill, if so issued, shall have the validity of and be subject to the same repayment provisions as shall a final bill.

Bills not paid in full on or before the close of business of the 20th day after the date of the bill shall bear an additional charge which shall be the greater of one-fourth percent (0.25%) of the amount unpaid or $50. Thereafter a charge on one-twentieth percent (0.05%) of the sum of the initial amount remaining unpaid and the additional charge herein described shall be added on each succeeding day until the amount due is paid in full. The provisions of this paragraph shall not apply to bills rendered under contracts with other agencies of the United States.

Remittance received by mail will be accepted without assessment of the charges referred to in the preceding paragraph provided the postmark indicates the payment was mailed on or before the 20th day after the date of the bill. If the 20th day after the date of the bill is a Sunday or other nonbusiness day of the purchaser, the next following business day shall be the last day on which payment may be made to avoid such further charges. Payment made by metered mail and received subsequent to the 20th day must bear a postal department cancellation in order to avoid assessment of such further charges.

BPA may, whenever a power bill or a portion thereof remains unpaid subsequent to the 20th day after the date of the bill, and after giving 30 days advance notice in writing, cancel the contract for service to the purchaser, but such cancellation shall not affect the purchaser's liability for any charges accrued prior thereto.

Section 8.1. *Approval of Rates:* Schedules of rates and charges, or modifications thereof, for electric power sold by BPA shall become effective on a final basis after confirmation and approval by the Federal Energy Regulatory Commission. Pending the establishment of procedures by the Commission to approve rates on a final basis, the entity or entitites having been designated by the Secretary of Energy prior to December 5, 1980, shall have authority to confirm and approve schedules of rates and charges on an interim basis.

Section 9.1. *Average Power Factor:* The formula for determining average power factor is as follows:

$$\text{Average Power Factor} = \frac{\text{Kilowatthours}}{\sqrt{(\text{Kilowatthours})^2 + (\text{Reactive Kilovoltamperehours})^2}}$$

The data used in the above formula shall be obtained from meters which are ratcheted to prevent adverse registration.

When deliveries to a purchaser at any point of delivery include more than one class of power or are under more than one rate schedule, and it is impracticable to separately meter the kilowatthours and reactive kilovoltamperehours for each class, the average power factor of the total deliveries for the month will be used, where applicable, as the power factor for each of the separate classes of power and rate schedules.

Section 10.1. *Temporary Curtailment of Contract Demand:* The reduction of charges for power curtailed pursuant to the purchaser's contract and Section 1.5 and 2.5 hereof shall be applied in a uniform manner.

Section 11.1. *General Provisions:* The Wholesale Rate Schedules and General Rate Schedule Provisions of the BPA Power Administration effective July 1, 1981, supersede in their entirety BPA's Wholesale Power Rate Schedule Provisions effective December 20, 1979.

[FR Doc. 81–19132 Filed 6–29–81; 8:45 am]
BILLING CODE 6450–01–M

1981 Transmission Rates; Order Confirming, Approving, and Placing Increased Transmission Rates in Effect on an Interim Basis

AGENCY: Bonneville Power Administration, Department of Energy.

ACTION: Notice of Approval on Interim Basis of Bonneville Power Administration Transmission Rates.

SUMMARY: On June 24, 1981, the Assistant Secretary for Conservation and Renewable Energy pursuant to Delegation Order No. 0204–33, as amended and supplemented, confirmed, approved, and placed in effect on an interim basis, Transmission Rate Schedules FPT–2, ET–2, UFT–2, IR–1, and the associated General Transmission Rate Schedule Provisions setting forth the terms and conditions of service under the transmission rate schedules. The transmission rates, plus a concommitant increase in wholesale power rates will produce an estimated 78.5 percent increase in total revenues throughout the repayment period. This does not include revenues that will be collected from the direct-service industries to cover the cost of acquiring investor-owned utility exchange resources.

EFFECTIVE DATE: The rates are confirmed and approved on an interim basis effective July 1, 1981.

FOR FURTHER INFORMATION CONTACT:

Ms. Donna Lou Geiger, Public Involvement Coordinator, Bonneville Power Administration, Department of Energy, P.O. Box 12999, Portland, Oregon 97212, (503) 234–3361, extension 4261, Toll-free numbers for Oregon callers: 800–452–8429; for callers from Washington, Idaho,

Montana, Utah, Nevada, Wyoming, and California: 800–547–6048; or
Marlene A. Moody, Office of Power Marketing Coordination, Department of Energy, 12th Street & Pennsylvania Avenue NW., Washington, D.C. 20461, (202) 633–8338.

SUPPLEMENTARY INFORMATION: The new rate schedules, applicable to all of Bonneville's transmission customers, constitute Bonneville's first transmission rate increase since the passage of the Pacific Northwest Electric Power Planning and Conservation Act (Pub. L. 96–501). Rate Order No. BPA–5 confirming, approving, and placing the transmission rates in effect on an interim basis will be promptly submitted to the Federal Energy Regulatory Commission for confirmation and approval on a final basis.

Issued at Washington, D.C. this 24th day of June 1981.

Joseph J. Tribble,

Assistant Secretary, Conservation and Renewable Energy.

Department of Energy, Assistant Secretary for Conservation and Renewable Energy

Order Confirming, Approving, and Placing Increased Transmission Rates Into Effect on an Interim Basis

June 24, 1981.

In the Matter of Bonneville Power Administration——Systemwide Transmission Rates, Rate Order No. BPA–5.

The functions of the Secretary of the Interior and the Federal Power Commission under the Bonneville Project Act, 16 U.S.C. 832, the Federal Columbia River Transmission System Act, 16 U.S.C. 838, and other statutes relating to the Bonneville Power Administration (BPA) were transferred to and vested in the Secretary of Energy pursuant to Sections 302(a) and 301(b) of the Department of Energy Organization Act, Public Law 95–91. The Secretary of Energy, pursuant to section 7(i)(6) of the Pacific Northwest Electric Power Planning and Conservation Act (Public Law 96–501) is authorized to approve BPA power and transmission rates on an interim basis during a 1-year period, pending establishment of procedures by the Federal Energy Regulatory Commission (FERC) for approving rates on an interim basis, in the event the FERC determines such procedures are necessary. Upon advice from the FERC that such procedures are necessary and will not be established prior to October 1, 1981, the Secretary of Energy delegated to the Assistant Secretary for Conservation and Renewable Energy in the June 19, 1981 Supplement to Delegation Order No. 0204–33, the authority to confirm, approve, and place into effect such rates on an interim basis. This rate order is issued pursuant to that delegation to the Assistant Secretary.

Background

Existing Rates

Existing transmission rates were conditionally approved on an interim basis on June 10, 1977 by the Federal Power Commission. That conditional confirmation and approval was extended on July 6, 1978 by the Economic Regulatory Administration for a 1-year period, and further extended on May 12, 1979, by the Assistant Secretary for Resource Application for an indefinite period. The rates superseded by the new rate schedules were remanded without prejudice by a Federal Energy Regulatory Commission Order issued December 1, 1980, Docket No. E–9563. The record for those rates is being further developed and will be separately submitted to the Commission.

The three rate schedules now in effect on an interim basis are:

FPT–1, for the firm transmission of electric power and energy using unspecified portions of the Federal transmission systems; UFT–1, for the firm transmission of electric power and energy using specified portions of the Federal transmission systems; and ET–1, for the incidental transmission of electric power and energy using excess capacity of the Federal transmission system.

Need for Rate Increase

Pursuant to the Bonneville Project Act (Pub. L. 75–329 as amended), the Federal Columbia River Transmission System Act (Pub. L. 93–454), the Reclamation Project Act of 1939 (Pub. L. 85–611 as amended), the Flood Control Act of 1944 (Pub. L. 78–534), Section 2 of the Grand Coulee Third Powerhouse Authorization (Pub. L. 89–448 as amended) and the Pacific Northwest Electric Power Planning and Conservation Act. (Pub. L. 96–501), the BPA Administrator conducted a revised power repayment study to determine the revenue necessary to recover the cost of producing, purchasing, and transmitting the electric power BPA markets, to repay investments as required by statute, and to recover othe costs associated with the Pacific Northwest Electric Power Planning and Conservation Act (Regional Act). The results of the study showed the need for a 78.5 percent increase in total revenues over the repayment study period, excluding revenues required to cover the cost of acquiring investor-owned utility exchange resources. Total revenues needed will be met by the increase in transmission rates approved by this order and the increase in wholesale rates approved by my Rate Order No. BPA–4.

Because the Repayment Study is concerned only with the adequacy of total revenues, BPA prepared a Cost-of-Service Analysis to separately identify the costs of providing transmission services. The most recent version of this study shows that revenues under the three transmission rate schedules need to be increased an average of 43 percent in order to recover the allocated costs.

The existing transmission rate schedules would produce revenues of approximately $30,154,000 in fiscal year 1982. The new transmission rates would produce approximately $43,000,000 during that year.

Public Notice and Comment

In response to the Cost-of-Service Analysis which showed that revenues form current transmission rates were inadquate to meet the allocated costs to transmission, BPA published in the May 25, 1979, **Federal Register** (44 FR 30405) a "Notice of Intent to Revise Transmission Rates." In December 1980, BPA met with various customer groups to elicit their comments and suggestions for an initial transmission rate proposal.

On December 5, 1980, the Regional Act became law. Sections 5, 7, and 9 of that Act altered BPA's rate development procedures, the costing methodology, and in some cases, rate design. BPA published proposed transmission rates in the February 17, 1981 **Federal Register** (46 FR 12659) based on the procedures identified in the Regional Act. The intitial transmission rate proposal was supported by an environmental determination, a power repayment study, a cost-of-service analysis, a long run incremental cost analysis, a time-differentiated pricing analysis, and a transmission rate design study.

On March 2, 1981, the formal hearing process required by the Regional Act began with a BPA presentation of the initial rate proposals. The BPA staff was cross-examined and 37 parties presented their testimony. Rebuttal testimony was taken, and oral arguments and briefs were presented. The hearings closed for wholesale power rates on May 4, 1981, and for transmission rates on May 27, 1981. The hearing process for transmission rates was extended through May 27, 1981, to allow inclusion of the transcript of meetings for consideration of contract matters offered for the first time in this rate filing. The BPA staff prepared an evaluation of the record which was made available to the parties on May 27,

1981, for their review. In addition, BPA staff prepared an addendum to the staff evaluation of the record covering transmission issues that were received too late to be included in the initial evaluation document. On the basis of the record, the BPA Administrator developed his final proposed transmission rate schedules and General Transmission Rate Schedule Provisions. These schedules and provisions are given interim approval by this order.

In addition to studies conducted by BPA, the Administrator issued a Record of Decision documenting the process by which both the wholesale power and transmission rates were developed. This includes the significant public comments received, BPA's responses to such comments, and the rationale for the Administrator's decisions.

I am unable to give 30 days prior notice before the effective date of these transmission rates and BPA's wholesale power rates because the record in this proceeding did not close until May 27, 1981 and the rate design process required that the studies indicated herein be reconducted. In order to assure recovery of revenues on a timely basis I am making these transmission rates effective on July 1, 1981, concurrent with the wholesale power rates which must, by contract, be adjusted July 1, 1981.

Studies Conducted by BPA

The new transmission rates are based on studies conducted two or more times by BPA to reflect the most recent cost data available, and to make changes as a result of public comment. In addition to those studies itemized and discussed in Order No. BPA–4 which support both the wholesale power and transmission rates, a February 5, 1981 Environmental Determination for BPA's 1981 transmission rate filing was prepared and two transmission rate design studies were conducted, an initial study in February 1981 and the final studies in June 1981. The new transmission rate schedules are based on results of the final studies that appropriately reflect public comments, criticisms, and suggested alternatives.

Transmission Rate Design Study

The Transmission Rate Design Study formulates a system of transmission rate schedules that recovers the revenue requirement allocated to the firm transmission component in the Cost-of-Service Analysis and provides rates for nonfirm and specific facility uses. A variety of factors are important in the design of BPA's transmission rate schedules. Primary among these factors is BPA's legislative requirement to equitably allocate the recovery of costs of the transmission system between Federal and non-Federal power utilizing the system and the obligations of its current wheeling contracts. Additional factors that are considered in the design of the transmission rate schedules are: competition from non-Federal transmission facilities, treatment of non-Federal costs and use, cost studies (Long Run Incremental Cost Analysis and Time-Differentiated Pricing Analysis in addition to the Cost-of-Service Analysis), equitable sharing of the benefits and risks of the Federal Columbia River Transmission System, efficient resource utilization, rate integrity, rate continuity, and ease of administration of the rate schedules.

While continuing BPA's present transmission rate structure would serve the purpose of rate continuity and integrity and would be consistent with contractual obligations, many of the other rate objectives would not be accomplished. However, a uniform, postage stamp rate schedule with a broader, more flexible service would also meet BPA's statutory requirements and would better serve the other rate objectives. As a result of these circumstances, optional transmission rate schedules have been developed. For convenience, these schedules have been referred to as Set A and Set B.

Set A schedules update BPA's current transmission rates and as such reflect historic decisions embodied in the present contractual arrangements. In the initial proposal, Set B included two rate schedules which, in the final study, were combined. Set B now refers only to the IR–1 schedule. It reflects many of the other rate design objectives and provides customers with a broader, more flexible service at a uniform rate. The IR–1 schedule is designed as an interim, 1-year set of rates and contracts to offer more flexible service while BPA develops new transmission policy. In February 1981, BPA published a Notice of Intent to develop a new transmission policy that will be responsive to customers' changing needs and consistent with management of the transmission system in the public interest.

The Set A schedules consist of three rate schedules: Formula Power Transmission (FPT–2) for wheeling of firm power over unspecific facilities, Energy Transmission (ET–2) for wheeling of nonfirm power, and Use-of-Facilities Transmission (UFT–2) for wheeling of firm power over specific and limited facilities. Set B, the Integration of Resources (IR–1) schedule, is for the integration of resources into the network and for firm intertie service. The IR–1 schedule is intended to be an option to FPT–2. Either one of these schedules may be used with ET–2 and UFT–2 schedules to provide a customer with all the transmission services required.

A transmission customer electing to retain the service, rate form, and loss determination provisions of existing contracts would utilize Set A rates.

For those parties electing the alternative transmission service and the standardized loss determination methodology offered by BPA under interim contracts for the period prior to the development of the transmission policy, the IR–1 rate will be applicable along with the UFT–2 and ET–2 rate schedules for use-of-facilities arrangements and nonfirm energy transmission. To provide transmission customers with an opportunity to receive service under the IR–1 schedule without permanently terminating existing contracts and to provide a period for development of a long-range transmission policy, Set B service and rates will be available for a 1-year trial period after which time a customer can choose to return to Set A service and rates or opt for the service offered to all customers under the new transmission policy formulated during this next year.

Discussion

Because of the dual nature of the hearings, covering both wholesale and transmission rate development, comments and criticisms were received which were pertinent to both rate filings. Those issues which are addressed in Rate Order No. BPA–4 (wholesale power rates) are not duplicated here. Only those major issues unique to the transmission rate filing are discussed here. These issues fall into three broad categories: cost issues, rate design issues, and service issues.

Claffification of Transmission System Costs

BPA's initial proposal classified all transmission costs to capacity. However, BPA staff noted that it might be appropriate to classify some transmission costs to energy and invited comment on methods to do so. Several comments suggested that some costs should be classified to energy and two methodologies were proposed. The difficulty is using either of the proposed methodologies resides in the manner in which transmission costs are incurred. Increments of transmission investment are made for a variety of reasons, many of which are not related solely to either capacity or energy transactions during

the test year. While transmission investment may be incurred to provide for peakloads in the test year or beyond, or to reduce energy losses, other reasons for an investment could be to improve reliability of the transmission system, to improve the stability of generation, to mitigate environmental concerns, and to reduce noise. Another difficulty that must be addressed is that transmission system uses frequently change over time and differ markedly from the purposes for which the facilities were originally planned. BPA determined that neither of the two proposed methodologies recognize the full range of cost causation factors. BPA classified transmission costs to capacity but used a 12 CP allocation factor which recognizes an energy component through an averaging of the 12 coincidental peaks. BPA plans to further review classification of transmission costs to capacity and energy in future rate filings.

Level of Costs

Because BPA incurs costs to provide reliable transmission service to all of its customers as opposed to piecemeal transmission components for individual customers, it may be that the rates resulting from a system costing approach could be higher than the alternative transmission costs available to a particular customer. One utility suggested that it could construct its own transmission system at a cost lower than the charges resulting from BPA's IR–1 rate. BPA will continue to encourage its customers to submit evidence that its alternative transmission costs are less than the charges under BPA's rates so that any potential for the construction of duplicate transmission facilities can be averted. To date BPA has received no evidence that this problem exists. The IR–1 rate therefore contains no special provisions related to the potential problem.

Distance Factor in Rate Design

BPA received comments both for and against recognizing the distance between a customer's resource and its load as a relevant factor in developing transmission rates. Some argued that distance is an important cost causation factor and should be recognized in order to prevent construction of duplicative short distance facilities. Others argued that distance is not an identifiable cost factor in an integrated transmission system because of diversity (in the use of resources to meet load) and displacement (a customer's resource may not be physically meeting that customer's load but is instead meeting another customer's load). BPA finds the relationship between distance and cost to be an extremely tenuous one and therefore did not apply it in the costing process. Consistent with this finding, the IR–1 rate also excludes distance as a separate rate factor. However, since the existing FPT contracts contain distance as a factor, the FPT–2 rate for these contracts continues using distance as one of the rate factors. All customers with firm wheeling contracts have the option of selecting rate schedule FPT–2 with its distance component or rate schedule IR–1 which does not have one.

Service Related Issues

BPA received several suggestions for modifying the transmission services it provides. Notable among these were: (1) the one way restrictions in FPT rates should be eliminated, (2) BPA should offer the transmission customers the same services as those customers would have obtained if the customer had constructed the transmission system, (3) the availability of the schedules should be sufficiently broad to allow a customer to choose which rate schedules to apply to specific transactions, and (4) losses should be treated as a rate matter.

The so-called one-way restriction refers to application of a transmission rate to transmission service from a specific receipt point to a designated delivery point. Consequently, the rates would be applied to service between those same points in the opposite direction even though the transmission required would be a net amount. This restriction does not apply to the IR–1 rate but continues to be a feature of the FPT–2 rate schedule.

The new rates do allow the customers the choice of limited service under the Set A rates or broad service under IR–1 rate. Should a customer choose the IR–1 rate, then it will be entitled to engage in transactions with any other customer who also chooses that rate at no additional charge. This option is believed to be similar to the type of service available to a sole owner of a transmission system. The new rates also respond in part to the request for the availability of multiple rates. The customers can choose between FPT and IR schedules but is not allowed to mix the two. Allowing a mixture of the two appears to be contrary to the principles involved in developing either alone. For example, BPA rationalizes that if distance is important (as it is under the FPT–2 rates) then it should be important for all of a customer's transactions and not just those transactions which are "short" and result in a lower customer charge. Finally, the treatment of losses offered under the IR–1 rate is also responsive to the customers' comments. Further mitigation of the concerns about losses may occur as BPA develops its transmission policy. At this time, however, BPA is constrained to treating losses for customers remaining on the Set A rates in the manner specified in the contracts.

General Transmission Rate Schedule Provisions

The General Transmission Rate Schedule Provisions for the Set A rate schedules are largely unchanged from existing provisions and continue the philosophy inherent in existing contracts. In addition, General Transmission Rate Schedule Provisions are included for the alternate Set B rate schedules. The latter provisions reflect the broad range of services available under the IR–1 rate schedule.

Other Transmission Rate Issues

Other transmission rate issues are discussed in the Staff Evaluation of the Official Record and the Administrator's Record of Decision.

Availability of Information

Information regarding these rates including studies, hearing transcripts, and other supporting material is available for public review in the office of the Public Involvement Coordination, Bonneville Power Administration Building, 1002 N.E. Holladay Street, Portland, Oregon 97212, and in the office of the Director of Power Marketing Coordination, 12th and Pennsylvania Avenue, N.W., Washington, D.C. 20461.

Submission to the Federal Energy Regulatory Commission

The rates herein confirmed and approved on an interim basis, together with supporting documents, will be submitted promptly to the Federal Energy Regulatory Commission for confirmation and approval on a final basis.

Order

In view of the foregoing and pursuant to the authority delegated to me by the Secreatry of Energy, I hereby confirm and approve on an interim basis, effective July 1, 1981, the attached transmission rate schedules, FPT–2, UFT–2, ET–2, and IR–1, together with the attached General Transmission Rate Schedule Provisions (Set A) and General Transmission Rate Schedule Provisions (Set B). These rates and provisions shall remain in effect on an interim basis through June 30, 1982, or until the FERC confirms and approves them or

substitute rates on a final basis. Pursuant to Delegation Order 0204–33, as amended, if lower rates are ultimately approved by FERC, the revenues collected in excess of such finally approved rates shall be refunded with interest to the extent determined by the Commission.

Issued at Washington, D.C. this 24th day of June 1981.

Joseph J. Tribble,

Assistant Secretary Conservation and Renewable Energy.

Transmission Rate Schedules

Set A Rates:

Schedule FPT–2—Formula Power Transmission

Section 1. *Availability:* This schedule supersedes FPT–1 and is available for existing and new Agreements which provide for firm transmission of electric power and energy using the Integrated Network segment, and/or the PNW–PSW Intertie Segment. This schedule is for full-year and partial-year service and for either continuous service or intermittent service so long as a firm availability of service is required.

Section 2. *Rate:*

A. *Full-Year Service:* The monthly charge per kilowatt of Transmission Demand shall be one-twelfth of the sum of the Main Grid Charge, the Secondary System Charge and Intertie Charge, as applicable and as specified in the Agreement.

1. *Main Grid Charge:* The Main Grid Charge shall be the sum of one or more of the following factors as specified in the Agreement:

a. Main Grid Distance Factor—The amount computed by multiplying the Main Grid Distance by $0.0200 per mile;

b. Main Grid Integration Terminal Factor—$0.16;

c. Main Grid Miscellaneous Facilities Factor—$0.89;

d. Main Grid Terminal Factor—$0.16; and

e. Main Grid Delivery Terminal Factor—$0.25.

2. *Secondary System Charge.* The Secondary System Charge shall be the sum of one or more of the following factors associated with deliveries at 115 kV as specified in the Agreement:

a. Secondary Transformation Factor—$1.41;

b. Secondary System Integration Terminal Factor—$0.41;

c. Secondary System Distance Factor—The amount determined by multiplying the Secondary System Distance by $0.1029 per mile;

d. Secondary System Intermediate Terminal Factor—$0.41;

e. Secondary System Delivery Terminal Factor—$0.48.

3. *Intertie Charge*—for use of Intertie facilities—$3.56.

B. *Partial-Year Service:* The monthly charge per kilowatt of capacity shall be as specified in Section 2.A. for all months of the year except:

1. For unplanned firm service, such as emergency station service when a generating unit is down, the yearly charge shall be equal to one monthly charge as defined in Section 2.A. so long as the use during each year does not exceed 730 hours. If the use during each year exceeds 730 hours, the yearly charge shall be as specified in Section 2.A.

2. For agreements whose term is 5 years or less and which specify service for fewer than 12 months per year, the charge shall be:

a. during months for which service is specified, the monthly charge defined in Section 2.A., and

b. during other months, the monthly charge defined in Section 2.A. multiplied by 0.2.

Section 3. *Determination of Transmission Demand:* Unless otherwise stated in the agreement, the factor to be used in determining the kilowatts of Transmission Demand is the largest of:

A. the Transmission Demand specified in the Agreement;

B. the highest Measured or Scheduled Demand for the month; or

C. the Ratchet Demand.

Section 4. *General Provisions:* Services provided under this schedule shall be subject to the provisions of the Bonneville Project Act, as amended; the Federal Columbia River Transmission System Act; the Pacific Northwest Electric Power Planning and Conservation Act; and the 1981 General Transmission Rate Schedule Provisions. The meaning of terms used in this rate schedule shall be as defined in the Agreement or any of the above Acts or Provisions which are attached to the Agreement.

Schedule ET–2—Energy Transmission

Section 1. *Availability:* This schedule supersedes ET–1 and is available for nonfirm transmission of non-Federal electric energy using excess capacity of the FCRTS. This rate is not available for the transmission of energy that is used to meet firm obligations on a planning basis, nor for energy which cannot be interrupted.

Section 2. *Rates:* The charge for nonfirm transmission of non-Federal nonfirm electirc energy shall be based on the following rates.

	Mills/kWh
1. Delivery over integrated network	0.97
2. Delivery over the PNW–PSW intertie	1.46
3. Delivery over PNW–PSW intertie including use of PNW Transmission system	2.43

Section 3. *General Provisons:* Services provided under this schedule shall be subject to the provisions of the Bonneville Project Act, as amended; The Federal Columbia River Transmission System Act; the Pacific Northwest Electric Power Planning and Conservation Act; and the 1981 General Transmission Rate Schedule Provisions. The meaning of terms used in this rate schedule shall be as defined in the agreement or any of the above Acts or Provisions which are attached to the Agreement.

Schedule UFT–2—Use-of-Facilities Transmission

Section 1. *Availability:* This schedule is available for the firm transmission of electric power and energy over specified FCRTS facilities installed or operated primarily for the benefit or convenience of a limited number of customers. This schedule is not appropriate for new agreements for service over the Integrated Network Segment, or the PNW–PSW Intertie Segment.

Section 2. *Rates:* The monthly charge per kilowatt of Transmission Demand specified in the Agreement shall be one-twelfth of the Annual Cost per kilowatt of Capacity of the specified facilities. Such Annual Cost shall be determined in accordance with Section 3.

Section 3. *Determination of Transmission Rate:*

A. From time to time, but not more often than once in each Contract Year, BPA shall determine the following data for the facilities which have been constructed or otherwise acquired by BPA and are used to transmit electric power and energy thereunder:

1. Capital cost of each such facility as specified in the most recently published plant investment records of BPA which are issued in support of the Federal Columbia River Power System financial statement.

2. Annual Interest and Amortization Ratios for each such facility using the most recent system average cost factors developed from actual Interst and Amortization costs for specific categories of FCRTS facilities and from data included in the financial statement.

3. Operation, maintenance, adminstrative and general, and general plant costs of such facilities using the most recent system average costs for specific categories of FCRTS facilities.

4. The yearly noncoincidental peak demands of all users of such facilities.

B. The monthly charge per kilowatt of Transmission Demand shall be one-twelfth of the sum of the Annual Cost per kilowatt of each of the FCRTS facilities used. The Annual Cost per kilowatt of each facility constructed or otherwise acquired by BPA shall be determined in accordance with the following formula:

$(I \times R_D) + B$

Where B = Operation, maintenance, adminstrative and general, and general plant cost of such facility as determined in A.3.

I = Capital cost of such facility as determined in A.1.

R = Annual Interest and Amortization Ratio for such facility as determined in A.2.

D = the sum of the yearly noncoincidental demands on the facility as determined in A.4.

The Annual Cost per kilowatt of facilities listed in the Agreement which are owned by another entity, and used by BPA for making deliveries to the Transferee, shall be determined from the costs specified in the Agreement between BPA and such other entity.

Section 4. *Determination of Transmission Demand:* Unless otherwise stated in the Agreement, the factor to be used in determining the kilowatts of Transmission Demand shall be the largest of:

A. the Transmission Demand specified in the Agreement;

B. the highest Measured or Scheduled Demand for the month, the Measured Demand being adjusted for power factor; or

C. the Ratchet Demand.

Section 5. *General Provisions:* Services provided under this schedule shall be subject to the provisons of the Bonneville Project Act, as amended; the Federal Columbia River Transmission System Act; the Pacific Northwest Electric Power Planning and Conservation Act; and the 1981 General Transmission Rate Schedule Provisions. The meaning of terms used in this rate schedule shall be as defined in the Agreement or any of the above Acts or Provisions which are attached to the Agreement.

General Transmission Rate Schedule Provisions

1. *Interpretation.* The provisions in the Agreement to which these General Transmission Rate Schedule Provisions (GTRSP) are attached as an exhibit shall be part of these GTRSP for the purpose of determining the meaning of any provision contained herein. If a provision in such Agreement is in conflict with a provision contained herein, the former provision shall prevail.

2. *Bonneville Service Area.* The Bonneville Power Administration (BPA) shall operate and maintain the Federal Columbia River Transmission System (FCRTS) within the Pacific Northwest and shall construct such improvements, betterments, system additions and replacements within the Pacific Northwest as it determines are appropriate and required to:

a. integrate and transmit "electric power" from existing or additional Federal or non-Federal generating units;

b. provide service to the BPA wholesale power and wheeling customers;

c. provide interregional transmission facilities; or

d. maintain the electrical stability and electric reliability of the Federal Columbia River Power System.

3. *Availability of Transmission Service* Any capacity in the FCRTS which BPA determines to be in excess of the capacity required to transmit Federal power will be made available to all utilities on a fair and nondiscriminatory basis by the application of schedules identified in the Schedule of Transmission Rates, dated 1981 or as subsequently revised.

4. *Billing Details.*

a. The Transmission Billing Determinant is the electric power quantified by the method specified in the Transmission Agreement or Transmission Rate Schedule. Scheduled power or metered power will be used.

b. Bills for transmission service will be computed and rendered monthly, generally on a calendar-month basis.

c. Bills not paid in full on or before the close of business of the twentieth day after the date of the bill shall bear an additional charge which is the greater of one-fourth percent (0.25%) of the amount unpaid or $50. Thereafter, a charge of one-twentieth percent (0.05%) of the sum of the initial amount remaining unpaid and the additional charge herein described shall be added on each succeeding day until the amount due is paid in full. The provisions of this paragraph do not apply to bills rendered under contracts with other agencies of the United States.

Remittances received by mail shall be accepted without assessment of the charges referred to in the preceding paragraph provided the postmark indicates the payment was mailed on or before the twentieth day after the date of the bill. If the twentieth day after the date of the bill is a Sunday or other nonbusiness day of the customer, the following day is the last day on which payment may be made to avoid such further charges. Payment made by metered mail and received subsequent to the twentieth day shall bear a postal department cancellation in order to avoid assessment of such further charges.

BPA may, whenever a transmission bill or a portion thereof remains unpaid subsequent to the twentieth day after the date of the bill, and after giving 30 days' advance notice in writing, cancel the Agreement, but such cancellation shall not affect the customer's liability for any charges accrued prior thereto.

If BPA is unable to render the customer a timely monthly bill which includes a full disclosure of all billing factors, it may elect to render an estimated bill for that month to be followed at a subsequent billing date by a final bill. Such estimated bill, if so issued, shall have the validity of, and shall be subject to, the same payment provisions as a final bill. Failure to receive a bill shall not release the customer from liability for payment. Billings under each rate schedule application are rounded to whole dollar amounts, by elimination of any amount of less than 50 cents and increasing any amount from 50 cents through 99 cents to the next higher dollar.

d. For an initial operating period, not to exceed 3 months, beginning with the commencement of operation of a new generating plant, a major addition to an existing plant, or reactivation of an existing plant or important part thereof, BPA may agree to modify the measured or scheduled demand established for that period, or make other adjustments which are determined to be appropriate.

e. The transmission customer shall furnish BPA necessary information for making any computation required for the purposes of determining the proper charges for the use of the FCRTS and shall cooperate with BPA in exchanging such additional information as may be reasonably useful for respective operations.

5. *Definitions.* Capitalized terms that are used in the Transmission Rate Schedules shall be as defined below, or, if not so defined, as defined in the Agreement.

a. *Agreement:* The transmission agreement to which this exhibit is attached.

b. *Connection Point:* Refers collectively to the following:

(1) Point of Integration (POI): Connection points where a non-Federal project is integrated with the FCRTS.

(2) Point of Delivery (POD): Connection points where power is delivered to a customer from the FCRTS. The power may be Federal or non-Federal.

(3) Point of Exchange (POE): Connection points listed in an Exchange Agreement. Power may be delivered or received at POE without special accounting.

c. *Electric Power* (or simply Power if no confusion would result without a modifier of mechanical, chemical, or electrical): Electric peaking capacity (kW), or electric energy (kWh), or both.

d. *Firm Transmission Service:* Firm availability of transmission service for any power scheduled or otherwise made available, limited only by the amount and time period specified in the Agreement. Firm transmission service is supplied for all types of power, such as firm, nonfirm, exchange, interruptible, or other.

e. *Interest and Amortization Ratio:* The annual interest and amortization costs of the Federal Columbia River Transmission System, or any applicable portion thereof, divided by the investment in such system or portion thereof.

f. *Main Grid:* That portion of the FCRTS with facilities rated 230 kV and higher, exclusive of the Intertie.

g. *Main Grid Deliveryd Terminal:* 230 kV Terminal Facilities associated with a Point of Delivery.

h. *Main Grid Distance:* The distance in airline miles on the Main Grid between the Point of Integration and the Point of Delivery, multiplied by 1.15.

i. *Main Grid Integration Terminal:* The Main Grid Terminal Facilities located at the Point of Integration.

j. *Main Grid Miscellaneous Facilities:* Switching, transformation and other backup facilities of the Main Grid required to integrate the Main Grid.

k. *Main Grid Terminal:* Terminal facilities on the Main Grid adjacent to the Secondary System.

l. *Nonfirm Transmission Service:* Service for which BPA will accept power only when it determines excess capacity is available. Once BPA accepts power for transmission service, the service provided is the same for firm and nonfirm transmission service.

m. *Ratchet Demand:* The maximum past or present demand established during the previous 11 billing months based on the highest scheduled demand during that time.

n. *Secondary System:* That portion of the FCRTS facilities with operating voltage of 115 kV or 69 kV, exclusive of Main Grid facilities, Intertie facilities, and lower voltage (less than 69 kV) FCRTS facilities which may be used on a use-of-facility basis.

o. *Secondary System Delivery Terminal:* A Point of Delivery from a Main Grid substation at 115 kV or 69 kV, or a terminal located at a Point of Delivery from the Secondary System.

p. *Secondary System Distance:* The number of circuit miles of Secondary System transmission lines between the Main Grid and the Point of Delivery or the lower voltage FCRTS facilities which may be used on a use-of-facility basis, as specified in the Agreement.

q. *Secondary System Integration Terminal:* The first Terminal Facility in the Secondary System.

r. *Secondary System Intermediate Terminal:* The final Terminal Facilities in the Secondary System.

s. *Secondary Transformation:* Transformation from Main Grid to Secondary System facilities.

Set B Rates:

Schedule IR–1—Integration of Resources

Section 1. *Availability.* This schedule is available for the integration of non-Federal resources by the Integrated Network Segment of FCRTS and for firm transmission over the Pacific Northwest-Pacific Southwest Intertie. This schedule is available only to utilities who agree to convert all firm transmission agreements using the Integrated Network and Intertie Segments (except Columbia Storage Power Exchange and other agreements as mutually agreed) to interim agreements consistent with this rate schedule.

Section 2. *Rate.*

a. *Network Service:* The monthly charge shall be the sum of:

(1) $0.1749 per kilowatt of Network Billing Demand, and

(2) $0.00056 per kilowatthour of Network Billing Energy.

b. *Intertie Service:* The monthly charge for firm service over the PNW–PSW Intertie shall be the charges in 2(a) plus the sum of:

(1) $0.3024 per kilowatt of Intertie Billing Demand, and

(2) $0.00061 Per kilowatthour of Intertie Billing Energy.

Section 3. *Determination of Billing Demand and Billing Energy.* The Billing Demand for the Network and for the Intertie shall be as specified in the Agreement. The Network Billing Energy shall be all power scheduled to the Integrate Network from resources specified in the Agreement. The Intertie Billing Energy shall be all firm energy scheduled over the Intertie pursuant to the terms of the Agreement.

Section 4. *General Provisions.* This Rate Schedule shall continue in effect until July 1, 1982. This schedule shall not be used for long-term agreements. The Services provided under this schedule shall be subject to the provisions of the Bonneville Project Act, as amended; the Federal Columbia River Transmission System Act; the Pacific Northwest Electric Power Planning and Conservation Act; the General Wheeling Provisions, Form 3, and the General Transmission Rate Schedule Provisions. The meaning of terms used in this rate schedule shall be as definded in the Agreement or any of the above Acts or Provisions which are attached to the Agreement.

General Transmission Rate Schedule Provisions (GTRSP) for Set B Transmission Schedules

1. *General:* This GTRSP applies to any and all Set B Rate Schedules. The provisions in the Interim IR Agreement to which this GTRSP is attached as an exhibit shall be part of this GTRSP for the purpose of determining the meaning of any provision contained herein. If a provision in such Agreement is in conflict with a provision contained herein, the provision in the Agreement shall prevail.

2. *Availability:* Any capacity, in the Federal Columbia River Transmission System (FCRTS) which BPA determines to be in excess of the capacity required to transmit Federal power and previous firm obligations of non-Federal power, will be made available to all utilities on a fair and nondiscriminatory basis. Charges for the use of the FCRTS will be as identified in the Transmission Schedules.

3. *Billing Details:*

a. Bills for transmission service will be computed and rendered monthly, generally on a calendar-month basis.

b. Bills not paid in full on or before the close of business of the twentieth day after the date of the bill shall bear an additional charge which is the greater of one-fourth (0.25) percent of the amount unpaid or $50. Thereafter, a charge of one-twentieth (0.05) percent of the sum of the initial amount remaining unpaid and the additional charge herein described shall be added on each succeeding day until the amount due is paid in full. The provisions of this paragraph do not apply to bills rendered under contracts with other agencies of the United States.

Remittance received by mail shall be accepted without assessment of the charges referred to in the preceding paragraph provided the postmark indicates the payment was mailed on or before the twentieth day after the date of the bill. If the twentieth day after the date of the bill is a Sunday or other nonbusiness day of the customer, the following day is the last day on which payment may be made to avoid such further charges. Payment made by metered mail and received subsequent to the twentieth day shall bear a postal department cancellation in order to avoid assessment of further charges.

BPA may, whenever a transmission bill or a portion thereof remains unpaid subseqent to the twentieth day after the date of the bill, and after giving 30 days' advance notice in writing, cancel the Agreement, but such cancellation shall not affect the customer's liability for any charges accrued prior thereto.

If BPA is unable to render the customer a timely monthly bill which includes a full disclosure of all billing factors, it may elect to render an estimated bill for that month to be followed at a subsequent billing date by a final bill. Such estimated bill, if so issued, shall have the validity of, and shall be subject to, the same payment provisions as a final bill. Failure to receive a bill shall not release the customer from liability for payment. Billings under each rate schedule application are rounded to whole dollar amounts, by elimination of any amount of less than 50 cents and increasing any amount from 50 cents through 99 cents to the next higher dollar.

c. For an initial operating period, not to exceed three months, beginning with the commencement of operation of a new generating plant, a major addition to an existing plant, or reactivation of an existing plant or important part thereof, BPA may agree to modify the measured or scheduled demand established for that period, or make other adjustments which are determined to be appropriate.

d. The transmission customer shall furnish BPA necessary information for making any computation required for the purposes of determining the proper charges for the use of the FCRTS and shall cooperate with BPA in exchanging such additional information as may be reasonably useful for respective operations.

4. *Definitions:* Capitalized terms (other than titles, proper nouns, and other words which normally have the first letter capitalized) and expressions in "quotes" that are used in Transmission Schedules, GTRSP, or in the Agreement shall be as defined below, or if not so defined, as defined in the Agreement. If a definition in the Agreement is in conflict with a definition below, the definition in the Agreement shall prevail.

a. Agreement: The interim, 1 year Integration of Resources Agreement to which this GTRSP is attached as an exhibit.

b. "approved point of connection:" Those points of connection which BPA and the customer using SET B Transmission Schedule agree are reasonable points of connection.

c. BPA: The Bonneville Power Administration, its Administrator, or his staff to which he has delegated certain responsibilities.

d. Contract Year—means the period of time commencing at 12:01 a.m., on July 1, 1981, and ending at 12:00 p.m., on June 30, 1982.

e. FCRTS: The Federal Columbia River Transmission System which includes those transmission facilities located within the Pacific Northwest that BPA has constructed or acquired for marketing Federal power or for transmitting non-Federal power.

f. "firm non-Federal resource:" The resource that a non-Federal utility identifies in the Pacific Northwest Utilities Conference committee's West Group Forecast and is required to meet that utilities' firm loads and capacity reserves. Those resources that provide a surplus in a particular year may also be considered a "firm non-Federal resource" on a case by case basis if other non-Federal customers in the same class have deficits which can be met by the surplus.

g. FPT Schedule: The Formula Power Transmission Rate Schedule identifies 14 different rates for various transmission facilities.

h. GTRSP: The General Transmission Rate Schedule Provisions supplements various Rate Schedules.

i. Intertie Service: That transmission service provided by the PNW–PSW Intertie which consists of 2–500kV and 1–800kV transmission lines between the Columbia River and the southern Oregon border.

j. Network Service: That transmission service provided by the Network Segment of the FCRTS.

k. Pacific Northwest: (1) the region consisting of the States of Oregon, Washington, and Idaho, the State of Montana west of the Continental Divide, and such portions of the States of Nevada, Utah, and Wyoming within the Columbia River drainage basin; and (2) any contiguous areas, not in excess of seventy-five airline miles from the area referred to above, which are a part of the service area of a rural electric cooperative customer that is served by the Administrator and has a distribution system from which it serves both within and without such region.

l. Power: electric peaking capacity, or electric energy or both.

m. Transmission Schedules: Any of the various transmission rate schedules identified in Set B Transmission Schedules.

n. UFT Schedule: The Use of Facilities Rate Schedule which identifies the methodology to

use for developing a rate for proportional use of specific facilities.

5. *General Provisions:* This GTRSP for Set B Transmission Schedules has a limited purpose for a limited time, probably 1 year, during which a new transmission policy will be developed. Consequently, this GTRSP is expected to be superseded within 1 year.

[FR Doc. 81-19162 Filed 6-29-81; 8:45 am]

BILLING CODE 6450-01-M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

Closed Meeting of a Panel Selected by the Plant Variety Protection Board

AGENCY: Agricultural Marketing Service.

ACTION: Notice of Public Availability of Report.

SUMMARY: Pursuant to the Federal Advisory Committee Act, Pub. L. 92-463 of October 6, 1972 (86 Stat. 770), and Office of Management and Budget Circular No. A-63, revised March 27, 1974, a panel selected by the Plant Variety Protection Board, held a closed meeting on April 15, 1981 (pursuant to section 10(d) of the Federal Advisory Committee Act, section 552b(c)(3) of the Government in the Sunshine Act, 5 U.S.C 552b, and section 56, Confidential Status of Application, of the Plant Variety Protection Act, 7 U.S.C. 2321 *et seq.*). The purpose of this meeting was to consider an appeal from the Commissioner's decision to deny an application for a plant variety protection certificate.

ADDRESSES: Copies of the report of this meeting have been filed and are available for public inspection at the Library of Congress, Exchange and Gift Division, Federal Advisory Committee Desk, James Madison Building, 101 Independence Avenue, SE., Washington, D.C. 20540, and the Plant Variety Protection Office, National Agricultural Library Building, Room 500, Beltsville, Maryland 20705.

Done at Washington, D.C.: June 25, 1981.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 81-19209 Filed 6-29-81; 8:45 am]

BILLING CODE 3410-02-M

Office of the Secretary

Meat Import Limitations; Third Quarterly Estimate

Public Law 88-482, approved August 22, 1964, as amended by the Meat Import Act of 1979, (hereinafter referred to as the "Act"), provides for limiting the quantity of fresh, chilled, or frozen meat of cattle, sheep except lambs, and goats, (TSUS 106.10, 106.22, and 106.25), and certain prepared or preserved beef and veal products (TSUS 107.55, 107.61, and 107.62), which may be imported into the United States in any calendar year. Such limitations are to be imposed when it is estimated by the Secretary of Agriculture that imports of articles provided for in TSUS 106.10, 106.22, 106.25, 107.55 and 107.62 (hereinafter referred to as "meat articles"), in the absence of limitations under the Act during such calendar year, would equal or exceed 110 percent of the estimated quantity of meat articles prescribed by Section 2(c) of the Act.

As published on November 26, 1980 (45 FR 78740), the estimated aggregate quantity of meat articles prescribed by Section 2(c) of the Act during the calendar year 1981 is 1,315 million pounds.

In accordance with the requirements of the Act, the third quarterly estimate for 1981 of the aggregate quantity of meat articles which would, in the absence of limitations under the Act, be imported during calendar year 1981 is 1,322 million pounds.

Done at Washington, D.C., 24th day of June 1981.

John R. Block,

Secretary.

[FR Doc. 81-19120 Filed 6-29-81; 8:45 am]

BILLING CODE 3410-10-M

Rural Electrification Administration

Lower Valley Power and Light, Inc.; Finding of No Significant Impact

Notice is hereby given that the Rural Electrification Administration (REA) has made a Finding of No Significant Impact with respect to proposed financing assistance to Lower Valley Power and Light, Inc., (LVPL) of Afton, Wyoming, for construction of 36 km (23 mi) of 115 kV transmission line from the Tincup Substation to the Afton Substation in Lincoln County, Wyoming.

REA reviewed a Borrower's Environmental Report (BER) prepared by LVPL and determined that it represents an accurate assessment of the environmental impacts of the project. Based upon the BER and information from other sources, REA has prepared an Environmental Assessment concerning the proposed project and its impacts and concluded that the proposed project would not represent a major Federal action significantly affecting the quality of the human environment.

REA has determined that the proposed project will not adversely affect floodplains, wetlands, federally listed threatened or endangered species, important farmland, or known cultural resources. Alternatives examined include no action, use of existing facilities, underground construction, and alternative routes. After reviewing these alternatives, REA has determined that the proposed project best meets LVPL's needs with the minimum of environmental impact.

REA's Finding of No Significant Impact, the Environmental Assessment and LVPL's BER may be reviewed in or requested from the Office of the Director, Distribution Systems Division, Room 3304 South Building, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250, phone (202) 447-4413, or at the office of Lower Valley Power and Light, Inc., (Mr. Boyd Parker, Manager) P.O. Box 188, Afton, Wyoming 83110, phone (307) 886-3175.

This Program is listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees.

Dated at Washington, D.C., this 25th day of June, 1981.

Joe S. Zoller,

Acting Administrator, Rural Electrification Administration.

[FR Doc. 81-19215 Filed 6-29-81; 8:45 am]

BILLING CODE 3410-15-M

Plains Electric Generation Transmission Cooperative, Inc.; Intent To Prepare an Environmental Impact Statement and Announcement of Public Scoping Meetings

Notice is hereby given that the Rural Electrification Administration (REA), if lead agency, intends to prepare an Environmental Impact Statement (EIS) in accordance with Section 102(2)(c) of the National Environmental Policy Act of 1969, in connection with possible financing assistance to Plains Electric Generation and Transmission Cooperative, Inc., (Plains) 2401 Aztec Road, N.E., Albuquerque, New Mexico 87107. In connection with the proposed project, REA intends to hold two (2) public scoping meetings to aid in the Federal decisionmaking process and formulation of issues to be addressed in the EIS.

The EIS will address the need for a proposed 345 kV transmission line intertie connecting the Colorado and New Mexico transmission systems from a switching station in the vicinity of Taos, New Mexico, to the San Luis Valley Substation, northwest of Alamosa, Colorado, with delivery point facilities to provide energy to Questa,

New Mexico, and Alamosa, Colorado, and other reasonable alternatives and their environmental impacts. The proposed project will provide local support to the San Luis Valley region. Additionally, it will improve system reliability as well as provide other benefits associated with the interconnection of the two systems.

Alternatives to be considered by REA are described in REA Bulletin 20–21:320–21 and may include among other options: (1) no project, (2) conservation and load management, (3) alternative methods of providing power, (4) alternative corridors, and (5) alternative construction methods.

Public scoping meetings will be held on August 6, 1981, at 7:00 p.m., in the Alamosa City Hall Council Chambers, 425 Fourth Street, Alamosa, Colorado, and on August 7, 1981, at 7:00 p.m., in the conference room of the U.S. Forest Service, Carson National Forest Office, Cruz Alto Road, Taos, New Mexico (call 505–758–2237 for directions). These public scoping meeting will be chaired by a representative of REA.

These public scoping meetings will be held in order to solicit public input and comments including, but not limited to, the proposed project's possible location, alternatives, and any significant issues and environmental concerns that should be addressed in the REA EIS. A record will be made of the meeting and comments will be addressed in the EIS.

All agencies, groups and individuals are invited to attend and participate in this series of public scoping meetings. All interest parties are invited to submit written comments to REA prior to, at, or within 30 days after the scoping meetings, if they desire to have their comments as part of the formal record for these scoping meetings. Comments may be sent to Frank W. Bennett, Director, Power Supply Division, Room 5168, South Building, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250, phone: (202) 447–6183. Requests for addition information concerning the scoping meetings may also be directed to Mr. Stanley K. Bazant, Manager, Plains Electric Generation and Transmission Cooperative, Inc., phone: (505) 884–1881.

REA financing assistance to Plains will be subject to, and release of funds thereunder will be contingent upon, REA's reaching satisfactory conclusions with respect to environmental effects. Final action will be taken only after compliance with environmental impact statement procedures required by the National Environmental Policy Act of 1969.

This Federal assistance program is listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees.

Dated at Washington, D.C., this 25th day of June 1981.

Joe S. Zoller,

Acting Administrator, Rural Electrification Administration.

[FR Doc. 81-19216 Filed 6-29-81; 8:45 am]

BILLING CODE 3410-15-M

Southern Illinois Power Cooperative Finding of No Significant Impact

Notice is hereby given that the Rural Electrification Administration (REA) has prepared a Finding of No Significant Impact which concludes that there is no need for REA to prepare an Environmental Impact Statement in connection with proposed financing assistance by REA for Southern Illinois Power Cooperative (SIPC), of Marion, Illinois, to construct approximately 25.75 km (16 miles) of 161 kV transmission line and a 161/69 kV substation.

The transmission line will be built between the existing Elizabethtown Substation in Hardin County, Illinois, and the proposed Gallatin Substation in Gallatin County, Illinois.

SIPC has prepared a Borrower's Environmental Report (BER) concerning the proposed project. It was evaluated independently by REA in its Environmental Assessment (EA). Various alternatives to the proposed project were examined. These alternatives include no action, alternative transmission routes, and alternative construction materials. REA has determined that the proposed transmission line and associated new substation will have no significant effect on the human environment and that it will best serve SIPC's present electric power needs and future loads within areas of its members. Based on this determination, REA has reached a Finding of No Significant Impact, in accordance with Sections IV.B and IV.D.1 of REA Bulletin 20–21:320–21, Part I.

Copies of SIPC's BER and of REA's EA, as well as copies of REA's Finding of No Significant Impact of this project, may be reviewed or obtained in the office of the Director, Power Supply Division, Room 5168, South Agriculture Building, Washington, D.C. 20250, or at the office of the cooperative, Southern Illinois Power Cooperative, Rural Route 4, Marion, Illinois 62959.

This program is listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees.

Dated at Washington, D.C., this 25th day of June, 1981.

Joe S Zoller,

Acting Administrator, Rural Electrification Administration.

[FR Doc. 81-19217 Filed 6-29-81; 8:45 am]

BILLING CODE 3410-15-M

SCIENCE AND EDUCATION ADMINISTRATION

National Agricultural Research and Extension Users Advisory Board; Meeting

According to the Federal Advisory Committee Act of October 6, 1972, (Pub. L. 92–463, 86 Stat. 770–776) the Science and Education Administration announces the following meeting:

Name: National Agricultural Research and Extension Users Advisory Board.

Date: July 29–31, 1981

Time: 8:30 a.m.–5:00 p.m., July 29–30.
8:30 a.m.–3:00 p.m., July 31.

Place: The Park Hilton, Sixth and Seneca, Seattle, Washington 98101

Type of Meeting: Open to the public. Persons may participate in the meeting as time and space permit.

Comments: The public may file written comments before or after the meeting with the contact person below.

Purpose: The Board will be reviewing and discussing agricultural research and extension programs in preparation for its annual report to the Secretary of Agriculture.

Contact Person for Agenda and More Information: Marvin E. Konyha, Interim Executive Secretary, National Agricultural Research and Extension Users Advisory Board; Room 357–A Administration Building, U.S. Department of Agriculture; Washington, D.C. 20250; telephone 202–447–3684.

Done at Washington, D.C., this 22d day of June 1981.

John G. Stovall,

Executive Director, National Agricultural Research and Extension Users Advisory Board.

[FR Doc. 81-19214 Filed 6-29-81; 8:45 am]

BILLING CODE 3410-03-M

National Agricultural Research and Extension Users Advisory Board; Meeting

According to the Federal Advisory Committee Act of October 6, 1972, (Pub. L. 92–463, 86 Stat. 770–776) the Science and Education Administration announces the following meeting:

Name: National Agricultural Research and Extension Users Advisory Board Work Group on Extension Programming.

Date: July 13, 1981.

Time: 8:30 a.m.-noon

Place: Sky Host Inn, 1360 Virginia Ave., East Point, Georgia 30344.

Type of Meeting: Open to the public. Persons may participate in the meeting as time and space permit.

Comments: The public may file written comments before or after the meeting with the contact person below.

Purpose: The Board Work Group will be reviewing and discussing agricultural extension programs in preparation for the Board's annual report to the Secretary of Agriculture.

Contact Person for Agenda and More Information: Marvin E. Konyha, Interim Executive Secretary, National Agricultural Research and Extension Users Advisory Board; Room 357–A Administration Building, U.S. Department of Agriculture; Washington, D.C. 20250; telephone 202–447–3684.

Done at Washington, D.C., this 22 day of June 1981.

John G. Stovall,

Executive Director, National Agricultural Research and Extension Users Advisory Board.

[FR Doc. 81-19213 Filed 6-29-81; 8:45 am]

BILLING CODE 3410-03-M

Soil Conservation Service

Blue Springs RC&D Measure, Florida; Finding of No Significant Impact

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of a Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT:
Mr. James W. Mitchell, State Conservationist, Soil Conservation Service, 401 S.E. 1st Avenue, Gainesville, Florida 32601, telephone 904–377–8732.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Blue Springs RC&D Measure, Lafayette County, Florida.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. James W. Mitchell, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for recreation facilities and critical area treatment. The planned works of improvement include picnic tables, barbeque grills, a picnic shelter, a water well, comfort stations, and a parking area. Conservation practices include diversions, spring bank stabilization, and seeding.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. James W. Mitchell. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until July 30, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: June 16, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 8119211 Filed 6-29-81; 8:45 am]

BILLING CODE 3410-16-M

East Carroll Watershed, Louisiana; Availability of a Record of Decision

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of Availability of a Record of Decision.

FOR FURTHER INFORMATION CONTACT:
Alton Mangum, State Conservationist, Soil Conservation Service, 3737 Government Street, P.O. Box 1630, Alexandria, Louisiana 71301, telephone number 318–473–7751.

NOTICE: Mr. Alton Mangum, responsible Federal official for projects administered under the provisions of Public Law 83–566, 16 U.S.C. 1001–1008, in the State of Louisiana, is hereby providing notification that a record of decision to proceed with installation of the East Carroll Watershed project is available. Single copies of this record of decision may be obtained from Alton Mangum at the above address.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: June 19, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81-19212 Filed 6-29-81; 8:45 am]

BILLING CODE 3410-16-M

DEPARTMENT OF COMMERCE

International Trade Administration

Birch 3-Ply Doorskins From Japan; Final Results of Administrative Review of Antidumping Finding

AGENCY: Department of Commerce, International Trade Administration.

ACTION: Notice of Final Results of Administrative Review of Antidumping Finding.

SUMMARY: On February 23, 1981, the Department of Commerce published the preliminary results of its administrative review of the antidumping finding on birch 3-ply doorskins from Japan. The review covered 10 of the 16 known exporters through January 31, 1980, and the remaining 6 exporters for various time periods up to December 31, 1979.

Interested parties were given an opportunity to submit written comments or requests a hearing on these preliminary results. Based on comments received from various exporters and importers, the Department has made adjustments which result in new weighted average margins for four of the exporters. The margins in the preliminary review remain unchanged for 12 of the 16 exporters.

EFFECTIVE DATE: June 30, 1981.

FOR FURTHER INFORMATION CONTACT:
Brian Kelly, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202–377–2923).

SUPPLEMENTARY INFORMATION:

Background

On February 18, 1976, a dumping finding with respect to birch 3-ply doorskins from Japan was published in the **Federal Register** as Treasury Decision 76–48 (41 FR 7389). On February 23, 1981, the Department of Commerce ("the Department") published in the **Federal Register** a notice of "Preliminary Results of Administrative Review of antidumping Finding" (46 FR 13532–3). The Department has now completed its administrative review of that finding.

Scope of the Review

Imports covered by this review are shipments of birch 3-ply doorskins manufactured in a variety of types, sizes

and colors. Birch 3-ply doorskins are currently classifiable under items 240.1420, 240.1440 and 240.1460 of the Tariff Schedules of the United States Annotated (TSUSA).

The review covers the 16 known exporters of Japanese birch 3-ply doorskins to the United States. They are listed below, together with the period of review for each exporter. The review does not include the January 1, 1979 through January 31, 1980 exports of three firms, Nichimen Co., Ltd., C. Itoh Co., Ltd., and Toyo Menka Kaisha, Ltd.; these shall be covered by subsequent preliminary and final notices during the current review. The Department had insufficient information to review the January 1980 exports of three additional firms, Associated Lumber & Trading Co., Ltd., Mitsui & Co., Ltd., and Nissho-Iwai Co., Ltd.; these will be included in the next administrative review of the finding.

Analysis of Comments Received

As a result of comments submitted by exporters and importers, we have adjusted the margins cited in the preliminary notice for 4 of the 16 exporters. In three cases the Department made clerical errors which have been corrected. The fourth adjustment in margins was due to a printing error in the preliminary notice which the Department has also corrected.

The exporters and importers submitted other comments for which we have made no adjustments. Certain exporters arqued that the Department should treat a period when no sales occured as a period with zero margins for deposit purposes. We reject that argument, for in a period of no exports the Department has no basis for comparing foreign market value with U.S. price, and therefore cannot determine a margin. These reasons are set out in more detail in our final notice on spun acrylic yarn from Japan (46 FR 32928). The deposit rate shall be that margin found in the most recent period with shipments. A submitted alternative to the Department's use of quarterly exchange rates was rejected by us as inconsistent with section 353.56 of the Commerce Regulations. We also rejected as administratively infeasible a proposal that the Customs Service apply deposit requirements against purchase price rather than entered value. Finally, we rejected the contention that the scope of the finding does not include oversize birch 3-ply doorskins, that is, those larger than 47" x 85". This is consistent with the Treasury Department's prior practice in this case.

Final Results of the Review

As a result of adjustments made based on comments received and our subsequent analysis, we determine that the following weighted average margins exist:

Japanese exporter (manufacturer)	Time period	Margin (percent)
1. Associated Lumber & Trading Co., Ltd	1/1/78–12/31/78	0
(Mfr.-Sanmoku Lumber Co., Ltd.)	1/1/78–12/31/78	4.55
2. Nissho-Iwai Co., Ltd	1/1/78–12/31/78	[1] 1.59
(Mfr.-Matsumoku Industries, Ltd.)	1/1/78–12/31/78	2.16
(Mfr.-Sattsuru Veneer Co., Ltd.)	1/1/78–12/31/78	0
3. Nichimen Co., Ltd	1/1/78–12/31/78	0
4. Shingu Shoko, Ltd	1/1/78–12/31/78	0
	1/1/79–1/31/80	[1] 0
5. Mitsubishi Corp	1/1/78–12/31/78	0
(Mfr.-Sattsuru Veneer Co., Ltd.)	1/1/79–1/31/80	2.00
(Mfr.-Marutama Industries Co., Ltd	1/1/79–1/31/80	0
6. C. Itoh & Co., Ltd.:		
(Mfr.-Matsumoku Industries, Ltd.)	1/1/78–12/31/78	.25
(Mfr.-Nitta Veneer Co., Ltd.)	1/1/78–12/31/78	.92
(Mfr.-Nitta Veneer Co., Ltd.)	1/1/79–12/31/79	0
(Mfr.-Showa Lumber Co., Ltd.)	1/1/78–12/31/78	0
(Mfr.-Sattsuru Veneer Co., Ltd.)	1/1/78–12/31/78	0
(Mfr.-Teshiogawa Lumber Co., Ltd.)	1/1/78–12/31/78	0
(Mfr.-Sanmoku Lumber Co., Ltd¼.)	1/1/78–12/31/78	14.40
7. Mitsui & Co., Ltd	1/1/77–12/31/77	0
(Mfr.-Sanmoku Lumber Co., Ltd.)	1/1/78–12/31/78	3.10
	1/1/79–12/31/79	0
(Mfr.-Teshiogawa Lumber Co., Ltd.)	1/1/78–12/31/78	0
	1/1/79–12/31/79	0
(Mfr.-Matsumoku Industries, Ltd.)	1/1/78–12/31/78	2.90
	1/1/79–12/31/79	0
(Mfr.-Marutama Industries, Ltd.)	1/1/78–12/31/78	0
	1/1/79–12/31/79	0
8. Ikeuchi Industry Co., Ltd	1/1/78–12/31/78	0
	1/1/79–1/31/80	1.83
9. Toyo Menka Kaisha, Ltd.:		
(Mfr.-Nitta Veneer Mfg. Co., Ltd.)	1/1/78–12/31/78	16.00
(Mfr.-Marutama Industries Co., Ltd.)	1/1/78–12/31/78	0
(Mfr.-Sattsuru Veneer Co., Ltd.)	1/1/78–12/31/78	0
(Mfr.-Teshiogawa Lumber Co., Ltd.)	1/1/78–12/31/78	0
(Mfr.-Sanmoku Lumber Co., Ltd.)	1/1/78–12/31/78	2.50
10. Nitta Veneer Mfg. Co., Ltd	1/1/78–12/31/78	3.67
	1/1/79–12/31/79	[1] 3.67
11. Kiyosato Rinsan Co., Ltd	1/1/78–1/31/80	[1] 65
12. Keisei Lumber Co., Ltd	1/1/78–1/31/80	[1] 0
13. Yuasa Trading Co., Ltd	1/1/79–1/31/80	[1] 0
14. Fujikawa Veneer Co., Ltd	1/1/79–1/31/80	[1] 0
15. Okura & Co., Ltd	7/1/79–1/31/80	[1] 1.75
16. Iwakura Gumi Lumber	4/1/79–1/31/80	[1] 7.20

[1] No shipments during this period.

The Department shall determine, and the U.S. Customs Service shall assess, duties on all entries by these firms with purchase dates during the periods involved. Individual differences between purchase price and foreign market value may vary from the percentages stated above. The Department will issue appraisement instructions separately on each exporter to the Customs Service.

Further, as required by § 353.48(b) of the Commerce Regulations, a cash deposit based on the most recent of the margins calculated above shall be required on all shipments entered, or withdrawn from warehouse, for consumption on or after the date of publication of these final results. Because the weighted average margin for C. Itoh exports of Matsumoku doorskins is *de minimis*, that is, less than 0.5%, the Department waives the deposit requirement for these exports. The deposit requirements, and waiver of deposit, shall remain in effect until publication on the final results of the next administrative review. The Department intends to conduct the next administrative review by the end of February 1982. For Nichimen, C. Itoh, and Toyo Menka, the deposit requirements shall stay in effect until publication of the final notice for these firms' 1979 exports.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act of 1930 (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

B. Waring Partridge, III,

Acting Deputy Assistant Secretary for Import Administration.

[FR Doc. 81-19109 Filed 6-29-81; 8:45 am]

BILLING CODE 3510-25-M

Fresh Cut Roses From Colombia; Dismissal of Antidumping Petition

AGENCY: U.S. Department of Commerce.

ACTION: Dismissal of Petition.

SUMMARY: The Department has received a petition requesting that an antidumping duty be imposed with respect to the importation of fresh cut roses from Colombia. The petition and one of the supporting documents contain conflicting information. As a result, they do not contain sufficient inforamtion to support the allegation of sales at less than fair value. Therefore, the Department is dismissing the petition and terminating the proceeding.

EFFECTIVE DATE: June 30, 1981.

FOR FURTHER INFORMATION CONTACT: Jack Davies, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street & Constitution Avenue, N.W., Washington, D.C. 20230 (202–377–3174).

SUPPLEMENTARY INFORMATION: On June 4, 1981, we received a petition from Roses Incorporated of Haslett, Michigan. The petition alleged that fresh cut roses from Colombia are being sold in the U.S. at less than fair value, and that these

imports are materially injuring a U.S. industry.

Under section 732(c) of the Tariff Act of 1930 (19 U.S.C. 1673a(c)) (the Act), we must determine, within 20 days after a petition is filed, whether the petition alleges the elements necessary for the imposition of an antidumping duty under section 731 and contains information reasonably available to the petitioner supporting the allegations.

The Senate Finance Committee Report on the Trade Agreements Act of 1979 (the TAA) reiterates that dismissal of the petition is appropriate when we are "* * * convinced that the petition and supporting information fail to state a claim upon which relief can be granted under section 731 or the petitioner does not provide information supporting the allegations which is reasonably available to him." (S. Rep. No. 96-249, 96th Cong., 1st Sess. 63 (1979)). In the floor debates on the TAA, Senators Danforth and Ribicoff provided additional guidance on the standard for determining the sufficiency of the petition:

> Mr. Danforth. Is it not the intent of congress that the administering authority use the same test in determining the sufficiency of a petition as our Federal courts, today, employ in determining whether a complaint states a claim upon which relief can be granted?
>
> Mr. Ribicoff. Answer is "yes".
>
> Mr. Danforth. *Should not the administering authority, like the courts, look only to the four corners of the petition—the pleading—and the information filed supporting the allegations and not elsewhere?*
>
> Mr. Ribicoff. *Definitely yes.*
>
> Mr. Danforth. Since at this stage, it is not the intent of Congress to have ongoing an advocacy proceeding, petitions or information seeking to rebut the allegations should not be considered by the administering authority, is this not correct?
>
> Mr. Ribicoff. That is correct. This is not to say, however, that the administering authority, like a court, may not take "judicial notice" of facts within the public domain. (125 Cong. Rec. S103318 (daily ed. July 23, 1979) (emphasis added)).

On its face, the petition and its supporting information contain conflicting information on U.S. price and constructed value calculations:

(A) U.S. price data contained in a market study the petitioner submitted in support of his petition differs from the U.S. price data presented in the petition. The price information in the study, when compared with the constructed value data in the petition, would eliminate any indication of sales at less than fair value in the U.S. market. The petitioner does not indicate why he chose one set of price data over the other or how to reconcile the discrepancies.

(B) From the information contained in the petition and the market study, it is possible to calculate an average bloom rate per rose plant in different ways, yielding very different bloom rate estimates. The bloom rate, as a measure of productivity, is of particular importance because small variances in this rate can greatly affect the per unit cost of production and consequently the constructed value calculations.

Due to the conflicting nature of the information in the petition with that found in the supporting study, we determine that the petitioner has not sufficiently supported the allegations in his petition. Thus, under section 732(c)(3), we are dismissing the petition and terminating the proceeding.

We are furnishing a copy of this determination to the U.S. International Trade Commission in accordance with section 732(d)(1) of the Act.

Leonard Shambon,

Acting Deputy Assistant Secretary for Import Administration.

June 24, 1981.

[FR Doc. 81-19202 Filed 6-29-81; 8:45 am]

BILLING CODE 3510-25-M

Maritime Administration

Change in Membership of Performance Review Board

This notice announces a change in membership of the Performance Review Board (PRB) for the Maritime Administration. The purpose of the PRB, as established by the Assistant Secretary for Maritime Affairs (44 FR 63130, Nov. 2, 1979), is to assure the equitable treatment of Maritime Administration members of the Senior Executive Service.

The names, titles and terms of the new members of the PRB who have been appointed are:

Mr. James G. Gross, Deputy Assistant Administrator for Research and Development, Maritime Administration, Washington, D.C. 20230. Term —1 year.

Mr. Ronald K. Kiss, Director, Office of Ship Construction, Maritime Administration, Washington, D.C. 20230. Term—1 year.

Mr. James S. Dawson, former Secretary, Maritime Administration/Maritime Subsidy Board (Retired). Term—1 year.

The following persons no longer serve on the PRB:

Mr. John J. Nachtsheim, former Assistant Administrator for Shipbuilding and Shipbuilding Operations, Maritime Administration, Washington, D.C. 20230.

Mr. James A. Higgins, former Assistant Administrator for Commercial Development, Maritime Administration, Washington, D.C. 20230.

Persons desiring any further information about the membership of the PRB may contact Ms. Myra R. Wells, Director, Office of Personnel, Maritime Administration, Washington, D.C. 20230 (202) 377-3616.

Dated: June 24, 1981.

Robert J. Patton, Jr.

Secretary.

[FR Doc. 81-19119 Filed 6-29-81; 8:45 am]

BILLING CODE 3510-15-M

National Bureau of Standards

Federal Information Processing Standards 60-1, 61, 62, 63 Technical Verification Guidance

Under the provisions of Pub. L. 89-306 (79 Stat. 1127; 40 U.S.C. 759(f)) and Executive Order 11717 (38 FR 12315, dated May 11, 1973), the Secretary of Commerce (Secretary) is authorized to establish uniform automatic data processing standards. On February 16, 1979, notice was given in the **Federal Register** (44 FR 10098-10101) announcing that the Secretary had approved three input/output (I/O) Federal Information Processing Standards (FIPS): (1)I/O Channel Interface, (2) Channel Level Power Control Interface, and (3) Operational Specifications for Magnetic Tape Subsystems, designated Federal Information Processing Standards Publication (FIPS PUB) 60 (which has been redesignated 60-1), FIPS PUB 61, and FIPS PUB 62, respectively. On August 27, 1979, notice was given in the **Federal Register** (44 FR 50078-50079) announcing that the Secretary had approved a fourth I/O channel level interface standard, Operational Specifications for Rotating Mass Storage Subsystems, designated FIPS PUB 63.

Those standards were the subject of corrections and revisions announced in the **Federal Register** on August 27, 1979 (44 FR 50079-50080), August 31, 1979 (44 FR 51294), and December 3, 1979 (44 FR 69317).

Each of those standards includes provision for verification of conformance to be made by demonstration or other means acceptable to the Government prior to acceptance of equipment having an interface required to conform. Accordingly, on December 11, 1979; February 27, 1980; and April 7, 1981, the National Bureau of Standards (NBS) annnounced in the **Federal Register** (44 FR 71444-71445, 45 FR 12862, and 46 FR 20719) the establishment of a verification service for those standards which is expected to result in equipment being placed on a list for use in Federal

automatic data processing procurement. NBS maintains this list and distributes it to all Federal agencies and interested parties upon request.

Following the December 11, 1979, and February 27, 1980, notices, NBS proposed in a notice published on June 25, 1980 (45 FR 42783–42784), that the applicability section of each of the standards referenced above be revised so as to (1) identify explicity NBS as the source for specifying the verification procedures and techniques to be employed with those standards, (2) conduct or arrange to have conducted verification following those procedures and techniques, and (3) issue related technical guidance concerning technical interface implementation approaches that will meet the verification requirement. Accordingly, it was proposed that the last paragraph of the applicability section of the above cited standards have appended to it the following language:

> The Director of the National Bureau of Standards shall, through publication of notices in the **Federal Register**, specify the verification procedures and techniques to be employed and shall conduct or arrange to have conducted this required verification. The Director shall provide, upon request or when he otherwise determines it to be necessary and appropriate, guidance as to whether specific technical interface implementation approaches will meet the verification requirement. Such guidance shall be published in summary form through notices in the **Federal Register**, specifying the manner in which persons may obtain copies of the full guidance provided.

This is the fifth notice providing specific guidance concerning technical interface implementation approaches. The first such notice was published in the **Federal Register** on August 13, 1980 (45 FR 53856–53857) and set out the paragraph numbering system that would be followed in listing and responding to questions in that first notice and subsequent notices. The second notice was published in the **Federal Register** on October 17, 1980 (45 FR 68989–68990). The third notice was published in the **Federal Register** on December 16, 1980 (45 FR 82687–82689). The fourth notice was published in the **Federal Register** on March 6, 1981 (46 FR 15526–15528) and was the subject of two correction notices, both on March 25, 1981 (46 FR 18575).

FIPS 60–1, 61, 62, and 63 are intended to achieve full plug-to-plug interchangeability of peripheral components. This general intent is the basis for this guidance.

5.1 How does the FIPS 60–1 through 63 verification process recognize that equipment on either side of the interface may contain reloadable (and thus changeable) microprogramming?

With current technolgy, it is expected that equipment implementing FIPS 60–1 through 63 will employ hardware logic for high speed operations and microprogramming for slower speed operations. It is also expected that microprograms can and will be changed more easily and more often than hardware.

Assuming that revised microprograms will retain compatibility with previous releases and assuming continued vertifiability with respect to the relevant FIPS, the verification certificates and the verification list will not explicitly identify the microprograms contained in verified equipment.

Equipment which is marketed under a brand name different from that of the manufacturer and/or marketed by an organization other than the manufacturer requires special attention. The following questions must be answered as indicated in order for equipment to be eligible for verification.

1(Q). Is any modification made to the equipment's hardware or microprogram?

1(A). If the answer is No, verification is possible based on previously verified equipment. If the answer is Yes, continue with the following questions.

2(Q). Is the modification more significant than a cosmetic change (cabinetry, brand name logo, model number)?

2(A). If the answer is No, verification is possible based on previously verified equipment. If the answer is Yes, continue with the next question.

3(Q). Will the equipment in question successfully operate in conjunction with equipment on the other side of the interface which has been previously verified, independent of the brand of that equipment?

3(A). If the answer is No, the equipment is not verifiable.

5.2 In FIPS PUB 63, the sense information formats in section 3.2.2 on page 43 do not agree with section 3.2 on page 50, section 3.2 on page 64, or with section 3.2 on page 78. Which is in errror?

There are two typographial errors on page 43. The third and fourth sentences of section 3.2.2 on page 43 should read: "Three of these formats, numbered 1, 2, and 3, are employed for reporting manufacturer-related maintenance and diagnostic information. The remaining four formats , numbered 0, 4, 5, and 6, are employed for reporting specific subsystem and device-dependent conditions or states."

Because it is possible to respond fully to the foregoing questions in such a brief fashion, NBS has decided not to avail itself of the opportunity to summarize the guidance provided for in the interim revision of FIPS PUBS 60–1 through 63. The guidance provided in response to questions 5.1 and 5.2 is, therefore considered complete. Requests for additional FIPS 60–1 through 63 verification guidance should be addressed to the Director, Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C. 20234, Attention: FIPS 60–1 through 63 Verification Guidance.

Dated: June 25, 1981

Ernest Ambler,

Director.

[FR Doc. 81–19183 Filed 6–29–81, 8:45 am]

BILLING CODE 3510–13–M

Office of the Secretary

Regulatory Flexibility Act Review Plan

AGENCY: Department of Commerce.

ACTION: Review Plan for Department Regulations.

SUMMARY: In compliance with the Regulatory Flexibility Act of 1980 (the Act), the Department of Commerce is publishing a Review Plan for regulations that have been identified as having a "significant economic impact upon a substantial number of small entities." Section 610 of the Act requires that regulations significantly affecting "small entities" be reviewed over a 10-year period. The purpose of the Review Plan is to provide information to the public on such regulations and the schedule for their review.

FOR FURTHER INFORMATION: Comments or inquiries of a general nature about the Review Plan should be directed to: Robert T. Miki, Director of Regulatory Policy, U.S. Department of Commerce, Washington, D.C. 20230, Telephone (202) 377–2482.

For additional information on the regulations listed in the Review Plan contact: Roger J. Mallet, Office of Regulatory Policy, U.S. Department of Commerce, Washington, D.C. 20230, Telephone (202) 377–2153.

SUPPLEMENTARY INFORMATION: The Department has 13 primary operating units in addition to departmental offices. Operating units, such as the Maritime Administration, have major regulatory activities whereas other operating units, such as the Minority Business Development Agency, currently have no regulations in effect. Departmental offices have few regulations affecting the public.

The Department developed an Inventory of regulations which was

published in the **Federal Register** on October 27, 1980, (45 FR 71083). The Inventory, which lists 241 regulations, provides a ranking of the relative importance of each regulation as well as a review schedule. Most of the Department's regulations affect large economic entities, such as the maritime industry, or large political entities, such as states or regional and metropolitan areas. As a result, the Department has determined that only a few regulations have a "significant economic impact upon a substantial number of small entities."

The National Marine Fisheries Service (NMFS), in the National Oceanic and Atmospheric Administration, has the greatest number of regulations affecting small entities. Under the Fishery Conservation and Management Act of 1976 (FCMA), NMFS administers fishery management regulations, as well as other regulations, that affect segments of the fishing and fish processing industries. These regulations may have a significant impact on large numbers of small entities, particularly small independent fishermen.

Explanation of Information Contained in the Review Plan

The Department's Review Plan is contained in the Appendix. The Review Plan contains 14 regulations. Eleven regulations are administered by NMFS. One regulation each is administered by the International Trade Administration (ITA), the Maritime Administration (MARAD) and the National Telecommunications and Information Administration (NTIA). The Review Plan provides the title, a brief description, the legal authority, and the review schedule for each of the 14 regulations.

The Act requires that regulations significantly affecting "small entities" be reviewed over a 10-year period. The Department has scheduled the review of nine regulations within the first five years. The remaining five regulations will be reviewed during the second half of the 10-year review cycle. Specific review dates for these five regulations will be provided when the Department revises it Review Plan in June 1986.

The Act requires that agencies review their regulations with the objective of minimizing the economic impact on "small entities." The Department unit reviews will consider the following factors:

1. Continued need for the regulation;
2. Nature of complaints or comments received from the public;
3. Complexity of the regulation;
4. Extent the regulation overlaps, duplicates or conflicts with other Federal regulations, and, to the extent feasible, with state and local government regulations; and
5. Length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors which affect the regulation have changed.

Public Comments

The Department is soliciting comments from the public on the following questions: (1) Whether the Department's Review Plan is a complete listing of its regulations. (2) Whether regulations listed present the most problem to small entities in terms of compliance or reporting costs? (3) Whether regulations affecting small entities should be candidates for possible repeal, and (4) Whether there are closely related regulations that should be reviewed together.

Comments on the Department's Review Plan should be submitted to the Department's Office of Regulatory Policy by July 31, 1981.

Malcolm Baldrige,

Secretary of Commerce.

BILLING CODE 3510-BT-M

Department of Commerce

Review Plan for Regulations Significantly Impacting Small Entities

Review Plan for Regulations Significantly Impacting Small Entities

Department Unit	Title/Description	Legal Authority	Review Date 1/
ITA	Export Administration Regulation (15 C.F.R Parts 368, and 370-399) The regulation establishes Commerce Department controls for purposes of national security, foreign policy, and short supply over the exports of U. S. good and technology.	50 U.S.C. App. 2401 et seq.	Review to be scheduled for second half of review cycle.
MARAD	Approval of Charters of Certain Vessels to Aliens. (46 C.F.R. 221.7) The regulation provides for blanket approval, for a period not to exceed six months, of charters of vessels to aliens. Among the exceptions are all bareboat charters, irrespective of vessel size, which require specific approval.	46 U.S.C. 808, 835 and 839	April 1981 - July 1981
NMFS	Regulation Governing the Taking and Importing of Marine Mammals: Taking and Related Acts Incidental to Commercial Fishing Operations (50 C.F.R 216.24) The regulation describes the procedures for obtaining general permits and certificates for the incidental catch of marine mammals and the gear requirements for the tuna fishery and the Japanese salmon gillnet fishery.	16. U.S.C. 1351-1407	Various sections of the regulation were published in final form in the Federal Register between October 1980 and May 1981. Review is planned during the second half of the review cycle.
NMFS	Processed Fishery Products, Processed Products thereof, and Certain Other Processed Food Products: Inspection and Certification (50 C.F.R Part 260) The regulation governs the conduct of the voluntary fish and fishery products inspection, grading and certification program which is made available to the seafood industry on a fee-for-service basis.	Agricultural Marketing Act of 1946	October 1, 1981 - January 31, 1982
NMFS	Processed Fishery Products, Processed Products thereof, and Certain Other Processed Food Products: U.S. Standards for Grades of Fish Steaks (50 C.F.R Part 262) The regulation describes uniform levels of quality (A, B, C, and substandard) for major types of seafood. The purpose of the standards is to facilitate marketing and trade in these commodities. Determination of grades for fish steaks is performed by Federal inspectors on a fee-for-service basis. Use of the standards by industry and trade is voluntary.	Agricultural Marketing Act of 1946	Summer 1981 - Winter 1981/82

1/ The Regulatory Flexibility Act requires a 10-year review cycle. Because of the limited number of Department regulations subject to the Act, DOC plans to review most regulations by June 1986, or during the first half of the review cycle. Those regulations not set for review by this date will be scheduled for review over the second half of the review cycle. The Department will revise its review plan and provide specific review dates for those regulations by June 1986.

Department of Commerce

Review Plan for Regulations Significantly Impacting Small Entities

Department Unit	Title/Description	Legal Authority	Review Date 1/
NMFS	Processed Fishery Products, Processed Products thereof, and Certain Other Processed Food Products: U.S. Standards for Grades of Whole or Dressed Fish (50 C.F.R. Part 261) The regulation describes uniform levels of quality (A, B, C, and substandard) for major types of seafoods. The purpose of the standards is to facilitate marketing and trade in these commodities. Determination of grades for whole or dressed fish is performed by Federal inspectors on a fee-for-service basis. Use of the standards by industry and trade is voluntary.	Agricultural Marketing Act of 1946	Summer/Fall 1981
NMFS	Processed Fishery Products, Processed Products thereof, and Certain Other Processed Food Products: U.S. Standards for Grades of Frozen Fish Blocks and Products Made Therefrom (50 C.F.R. Part 264) The regulation describes uniform levels of quality (A, B, C, and substandard) for major types of seafoods. The purpose of the standards is to facilitate marketing and trade in these commodities. Determination of grades of frozen fish blocks and products derived from fish blocks is performed by Federal inspectors on a fee-for-service basis. Use of the standards by industry and trade is voluntary.	Agricultural Marketing Act of 1946	Regulation last reviewed in 1979. Review is planned during second half of the review cycle.
NMFS	Processed Fishery Products, Processed Products thereof, and Certain Other Processed Food Products: U.S. Standards for Grades of Crustacean Shellfish Products (50 C.F.R. Part 265) The regulation describes uniform levels of quality (A, B, C, and substandard) for major types of seafoods. The purpose of the standards is to facilitate marketing and trade in these commodities. Determination of grades of crustacean shellfish products is performed by Federal inspectors on a fee-for-service basis. Use of the standards by industry and trade is voluntary.	Agricultural Marketing Act of 1946	Summer/Fall 1981
NMPS	Processed Fishery Products, Processed Products thereof, and Certain Other Processed Food Products: U.S. Standards for Grades of Molluscan Shellfish (50 C.F.R. Part 266) The regulation describes uniform levels of quality (A, B, C, and substandard) for major types of seafoods. The purpose of the standards is to facilitate marketing and trade in these commodities. Determination of grades of molluscan shellfish products is performed by Federal inspectors on a fee-for-service basis. Use of the standards by industry and trade is voluntary.	Agricultural Marketing Act of 1946	Regulation last reviewed in 1979. Review is planned during second half of the review cycle.

1/ The Regulatory Flexibility Act requires a 10-year review cycle. Because of the limited number of Department regulations subject to the Act, DOC plans to review most regulations by June 1986, or during the first half of the review cycle. Those regulations not set for review by this date will be scheduled for review over the second half of the review cycle. The Department will revise its review plan and provide specific review dates for those regulations by June 1986.

Department of Commerce

Review Plan for Regulations Significantly Impacting Small Entities

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Department of Commerce

Review Plan for Regulations Significantly Impacting Small Entities

Department Unit	Title/Description	Legal Authority	Review Date 1/
NMFS	Processed Fishery Products, Processed Products thereof, and Certain Other Processed Food Products: U.S. Standards for Grades of Fish Fillets (50 C.F.R. Part 263) The regulation describes uniform levels of quality (A, B, C, and substandard) for major types of seafood. The purpose of the standards is to facilitate marketing and trade in these commodities. Determination of grades for fish fillets is performed by Federal inspectors on a fee-for-service basis. Use of the standards by industry and trade is voluntary.	Agricultural Marketing Act of 1946	Regulation last reviewed in 1979. Review is planned during second half of the review cycle.
NMFS	High Seas Salmon Fishery Management Plan (FMP) - Amendment No. 1 (46 Fed. Reg. 30633) The objective of the regulation is to promote conservation of ocean salmon resources, and to bring regulations in the fishery conservation zone (FCZ) into conformity with regulations promulgated by the State of Alaska. The amendment addresses the following problems: excessive effort and harvest in the FCZ with consequent negative impacts on depressed naturally spawning stocks of Southeast Alaskan and Pacific Northwest Chinook salmon; and inadequate inseason collection of catch information which hinders the ability to monitor the fishery.	16 U.S.C. 1801 et seq.	Calendar Year 1986
NMFS	Fishery Management Plan (FMP) for the Shrimp Fishery of the Gulf of Mexico (46 Fed. Reg. 27489) The objectives of the FMP are to optimize yield from young maturing shrimp, coordinate development of shrimp management measures by the Gulf of Mexico Fishery Management Council with shrimp management programs of the several States, and promote consistency with the Endangered Species Act and the Marine Mammal Protection Act. The shrimp fishery is located in the fishery conservation zone (FCZ) in the Gulf of Mexico as well as in the areas of jurisdiction of various Gulf States. The problems in the shrimp fishery include: conflict among user groups as to area and size at which shrimp are to be harvested; discard of shrimp through the wasteful practice of culling; conflicts with other fisheries, such as the stone crab fishery in southern Florida, the groundfish fishery of the north central Gulf, the reef fish fishery in the Gulf; and the incidental capture of sea turtles.	16 U.S.C. 1801 et seq.	Calendar Year 1986

1/ The Regulatory Flexibility Act requires a 10-year review cycle. Because of the limited number of Department regulations subject to the Act, DOC plans to review most regulations by June 1986, or during the first half of the review cycle. Those regulations not set for review by this date will be scheduled for review over the second half of the review cycle. The Department will revise its review plan and provide specific review dates for those regulations by June 1986.

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Department of Commerce

Review Plan for Regulations Significantly Impacting Small Entities

Department Unit	Title/Description	Legal Authority	Review Date 1/
NMFS	Extension of Commercial/Recreational Salmon off California, Oregon, and Washington Fishery Management Plan (FMP) (50 C.F.R. Part 661) (Fishing year 1981) The 1981 amendment and implementing regulations are intended to prevent overfishing, to apportion equitably the ocean harvest between commercial and recreational fisheries, to allow more salmon to survive the ocean fisheries and reach the various inside fisheries, to meet the U.S. obligations to treaty Indian fisheries, and to achieve spawning escapement requirements. Specific management measures and implementing regulations vary by fisheries and area, but generally establish fishing seasons, provide harvest guidelines or quotas and other inseason management modifications, set daily catch limits for recreational fisheries and size limits on fish.	16 U.S.C. 1801 et seq.	Calendar Year 1986
NTIA	Public Telecommunications Facilities Program (15 C.F.R. Part 2301) The regulation implements a grant-in-aid program for the planning and construction of public telecommunications facilities. Organizations eligible to receive grants under the program include nonprofit organizations, as well as State and local governments.	47 U.S.C. 390 et seq.	October 1981 - April 1982

1/ The Regulatory Flexibility Act requires a 10-year review cycle. Because of the limited number of Department regulations subject to the Act, DOC plans to review most regulations by June 1986, or during the first half of the review cycle. Those regulations not set for review by this date will be scheduled for review over the second half of the review cycle. The Department will revise its review plan and provide specific review dates for those regulations by June 1986.

[FR Doc. 81-19378 Filed 6-29-81; 9:18 am]
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DEPARTMENT OF DEFENSE

Department of the Army

Privacy Act of 1974; Correction of System Notices

AGENCY: Correction to published system notices.

SUMMARY: On June 4, 1981, the Department of the Army published notification of the deletion of five system notices and amends two system notices for system of records subject to the Privacy Act of 1974. Two of the system notices to be deleted were improperly identified. System A0228.04aDAMH, entitled: "Historical photographic Piles" was incorrectly identified as A0228.aDAMH and System A0701.07bAMC entitled: "Retirement Services Control Reference Paper Files" was incorrectly identified as A0701.bAMC.

FOR FURTHER INFORMATION CONTACT: Mrs. Dorothy Karkanen, Office of the Adjutant General (DAAG–AMR–R) HQDA, Room 1146, Hoffman Building 1, Alexandria, VA 22331. Telephone 703/325–6183.

SUPPLEMENTARY INFORMATION: The notice of the deletion of the two systems notices cited above was published in FR Doc. 81–16878 [46 FR 29981 at page 29982) June 4, 1981.

M. S. Healy,

OSD Federal Register Liaison Officer Washington, Headquarters Services Department of Defense.

June 24, 1981.

[FR Doc. 81–19188 Filed 6–29–81; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF ENERGY

Plan of Action To Implement the International Energy Program

AGENCY: Department of Energy.

ACTION: Extension of Public Comment Period.

On May 8, 1981, the Department of Energy published in the **Federal Register** and requested public comments on a draft "Plan of Action to Implement the International Energy Program". 46 FR 26026. Comments were requested by July 10, 1981.

The Department of Energy hereby extends the public comment period to September 4, 1981.

DATE: All comments received by September 4, 1981, will be considered.

FOR FURTHER INFORMATION OR TO SUBMIT COMMENTS CONTACT: Craig S. Bamberger, Assistant General Counsel, International Trade and Emergency Preparedness (GC–11), Department of Energy, 1000 Independence Avenue, S.W., Washington, D.C. 20585, Telephone: (202) 252–2900.

Issued in Washington, D.C., June 24, 1981.

R. Tenney Johnson,

General Counsel.

[FR Doc. 81–19120 Filed 6–29–81; 8:45 am]

BILLING CODE 6450–01–M

Economic Regulatory Administration

Decision and Order

On June 17, 1980, the Lindsay Oliver Growers (Lindsay), Lindsay Olive Growers; 650 West Tulah Road Lindsay, California 93247 Applicaton for Designation as a Producer of a Petroleum Substitute in the Domestic Crude Oil Allocation Program filed with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) an application for designation as a producer of a petroleum substitute pursuant to 10 CFR 211.67(a)(5) (the Entitlements Program).

ERA is issuing this Decision and Order pursuant to Subpart G of 10 CFR Part 205 (Administrative Procedures and Sanctions) and Section 211.67(a)(5) of Subpart C of 10 CFR Part 211 (Mandatory Petroleum Allocation Regulations).

II. Background

Section 211.67 of the Mandatory Petroleum Allocation Regulations provides that upon application the ERA may desigante on a case-by-case basis a synthetic fuel as a petroleum substitute.

The fuels for which entitlements are being sought must satisfy the definition of petroleum substitute set forth in Section 211.62. The relevant portion of the definition states:

> Petroleum substitute means * * * (b) as designated in orders issued by ERA following review of applications submitted under Subpart G of Part 205 of this chapter, (1) any other fuel derived from solid-waste materials; or (2) any other fuel in a liquid form which is derived from domestic biomass, coal or tar sands.

The program was designed to "provide appropriate incentives for new technology while ensuring that crude oil substitutes not needing entitlement benefits or not materially contributing to a reduction in imported oil do not participate in the program." [43 Fr 21429] Thus, the ERA has administered the program "in a way that will carry out the spirit of the regulation, which is to encourage the development and use of domestically derived petroleum substitutes that have the potential of reducing our dependence on imported oil." [43 FR 21429]

Applications for designation of a material as a petroleum substitute under section (b) of the definition of "petroleum substitute" are handled on a case-by-case basis pursuant to the *Guidelines for Evaluation of Applications for Designation as a Producer, Marketer or Consumer of Petroleum Substitutes in the Entitlements Program* (Guidelines, 44 FR 6895, February 5, 1979). [1]

ERA may designate the producer, marketer, or consumer of the petroleum substitute as the party to receive entitlement benefits. The producer will in many cases, although not in all cases, be the designated recipient.

III. Comments Received

On September 3, 1980, the ERA issued a notice listing sixty-three (63) firms, including Lindsay, which had filed applications for entitlement benefits for petroleum substitutes. See 45 FR 59613 (September 10, 1980). The notice invited written comments from interested persons. Comments were submitted by Atlantic Richfield Company (ARCO), Gulf Oil Corporation (Gulf), and the Standard Oil Company of Ohio (Sohio). These commenters raised general legal challenges to the DOE regulations permitting the issuance of entitlements for petroleum substitutes. These legal contentions were fully considered and rejected by the U.S. District Court in Atlantic Richfield Co. v. DOE, No. 80–1427 (E.D. Pa. November 6, 1980).

Comments specific to the use of olive pits were received from ARCO. ARCO opposes the approval of Lindsay's application on the grounds that the raw material for the alternative fuel is merely the waste product for Lindsay's principal business activity. ARCO objects further because Lindsay's use of

[1] At the time of the adoption of the Guidelines in February 1979, only liquid fuels were eligible for inclusion in the entitlements program on a case-by-case bais. In November 1979, section 211.67(a)(5) was amended to expand the scope of the case-by-case category to permit the issuance of entitlements to certain gaseous and solid fuels [44 FR 66183, November 19, 1979]. While the Guidelines have not been amended to reflect the eligibility of non-liquid fuels, the preamble to the November 1979 final rule that made such fuels eligible for inclusion in the entitlements program stated that the gaseous and solid petroleum substitutes, newly eligible for case-by-case consideration, would receive the same treatment as those liquid petroleum substitutes that already were eligible on a case-by-case basis for inclusion in the entitlements program. Accordingly, those criteria set forth in the Guidelines (e.g., whether substitution for petroleum will occur or whether the process in producing the petroleum substitute results in a net energy gain or higher-valued fuel) apply to the consideration of all case-by-case determinations of whether a material shall be designated as a petroleum substitute.

BILLING CODE 3510–BT–C

the petroleum substitute in lieu of more conventional fuel (natural gas) represents a cost savings which, in and of itself, provides a sufficient incentive for the applicant to use the petroleum substitute. Finally, ARCO assets that Lindsay is not a potential user of a refined petroleum product and, therefore, is not eligible for entitlements benefits.

An applicant does not become ineligible for entitlement benefits because its own solid waste materials for the production of a petroleum substitute. Further, an applicant is not required to show whether there is a net cost savings. Nor is a firm's need for entitlement benefits determinative. *See,* Chevron USA, Inc., *et al.*, 6 DOE ¶ 80,136 at p. 80,656 (August 7, 1980). ARCO's comment that the applicant is a user of natural gas and not a refined petroleum product is addressed in the body of this Decision and Order.

IV. Description of the Application

Lindsay filed its application with ERA on June 17, 1980. The Lindsay facility located in Lindsay, California, is a cooperative venture owned by 400 central California olive growers. The facility processes olives into pitted black ripe olives which are then canned. The pits produced as by-products of olive processing are burned to produce steam for warming olives and sterilizing the canned olives. The facility is powered otherwise by either electricity or natural gas. The pit burner consumes 30 tons of wet pits per day and is equipped with electric motors and a start-up burner fueled by natural gas.

V. Analysis

The material used by Lindsay as fuel and for which Lindsay seeks entitlement benefits is olive pits. It is ERA's determination that this material is, as represented by Lindsay, domestically found solid waste. As such, the material used by Lindsay for fuel purposes is included within the definitions of "petroleum substitute" in Section 211.62.

The olive pits used as fuel are a waste by-product of Lindsay's canning operation and require no processing to be used as fuel. Hence no higher valued fuel is required to produce the fuel and production of the fuel is a net gain of energy.

Paragraph 5(f) of the Guidelines provides that entitlement benefits will not be issued to a petroleum substitute prior to a showing by the applicant that the petroleum substitute will replace the use of crude oil or refined petroleum products. This criterion, which in effect limits eligibility to those fuels that are in competition with petroleum, was adopted as a means of insuring, to the extent administratively practicable, that entitlement benefits would be issued only to those firms that can demonstrate that their production, marketing or consumption of a petroleum substitute represents a means of lessening our national dependency on foreign oil.

Lindsay has failed to demonstrate how its use of olive pits constitutes a substitution of that material for a petroleum product as contemplated by the petroleum substitute entitlements provisions and Guidelines. Lindsay indicates in its application that its consumption of olive pits reduces its requirement for natural gas.[2] Accordingly, Lindsay's application does not demonstrate that olive pits used as fuel by that firm substitute for the use of crude oil or refined petroleum products within the meaning of paragraph 5(f) of the Guidelines.

In summary, Lindsay's application indicates that:

(a) Lindsay uses domestically found solid waste materials as a source of fuel;

(b) Lindsay's operations result in a net energy gain;

(c) Lindsay's operations do not utilize significant volumes of a higher-valued fuel; and

(d) Lindsay has failed to demonstrate that the burning of olive pits results in the substitution of a petroleum substitute for crude oil or a petroleum product.

VI. Order

In consideration of the foregoing, the ERA hereby denies the application of Lindsay Olive Growers, for designation as a producer of petroleum substitutes under 10 CFR 211.67 (a)(5). In accordance with the provisions of 10 CFR Part 205, any aggrieved party may file an appeal from this Decision and Order with the Office of Hearings and Appeals of the Department of Energy. The provisions of 10 CFR Part 205, Subpart H, set forth procedures and criteria which govern the filing and determination of any such appeal.

This decision is based upon the presumed validity of statements, allegations, and documentary material submitted by the applicant. It may be revoked or modified at any time upon a determination that the factual basis underlying the application is incorrect.

[2] Lindsay's application does indicate that at times, when natural gas was unavailable, it has "used Diesel fuel for a few weeks." However, since Lindsay has provided no information concerning the volumes or manner in which it has used diesel fuel in the past, such usage has not been considered in reviewing Lindsay's application.

Issued in Washington, D.C. on June 19, 1981.

F. Scott Bush,

Acting Director Office of Program Operations Economic Regulatory Administration.

[FR Doc. 81-19167 Filed 6-29-81; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket Nos. G-7007-003, et al.]

Cities Service Company, et al.

Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

June 24, 1981.

Take notice that each of the applicants listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 10 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before July 2, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,
Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft.³	Pressure base
G-7007-003, D, Apr. 17, 1981	Cities Service Company, P.O. Box 300, Tulsa, Oklahoma 74102.	Cities Service Gas Company, Hickok, Kansas	(1)	
C180-458-001, June 18, 1981	Amnoil USA Inc., 2600 North Loop West, Houston, Texas 77018.	Tennessee Gas Pipeline Company, South Timbalier block 36 Field, Block 31, Offshore, Louisiana	(2)	15.025

[1] Producer abandonment Application Involving the Release of Limited Volumes of Gas From Contractual Dedication to be Used As an Alternative Fuel to Oil

[2] On February 11, 1981, Amnoil and Tennessee executed an amendment to the July 1960 base contract to provide that the point of delivery be changed to be South Timbalier Area Block 36 "D" platform

Filing Code: A—Initial Service. B—Abandonment. C—Amendment to add acreage. D—Amendment to delete acreage. E—Total Succession. F—Partial Succession

[FR Doc. 81-19218 Filed 6-29-81; 8:45 am]

BILLING CODE 6450-85-M

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: June 24, 1981.

JD NO	JA DKT	API NO	D SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
KANSAS CORPORATION COMMISSION							
-MCKELVY OPERATING CORP			RECEIVED: 05/29/81	JA: KS			
8133396	K-79-1978	1505500000	108-SA	F M GREATHOUSE #1	HUGOTON	15.0	NORTHERN NATURAL
8133397	K-79-1977	1505500000	108-SA	FOSTER #1	HUGOTON	10.0	NORTHERN NATURAL
-R J PATRICK OPERATING CO			RECEIVED: 05/26/81	JA: KS			
8133394	K81-0046	1503320369	103	RALPH BAKER NO 1-SWOPE		91.3	
MICHIGAN DEPARTMENT OF NATURAL RESOURCES							
-MICHIGAN OIL COMPANY			RECEIVED: 05/21/81	JA: MI			
8133431		2106500000	102-4	VFW NATIONAL HOME ET AL #2-16	ONONDAGA 18	0.0	CONSUMERS POWER C
-TENNECO OIL COMPANY			RECEIVED: 05/28/81	JA: MI			
8133395		2110132160	102-4	VAGI ET AL #3-8A	MAPLE GROVE 17A-23N-14W	132.0	CONSUMERS POWER C
NEW YORK DEPARTMENT OF ENVIRONMENTAL CONSERVATION							
-PARAGON RESOURCES INC			RECEIVED: 05/22/81	JA: NY			
8133445	435	3101311305	108	UNIT NO 286 - ANTHONY STREUBEL	LAKESHORE	7.8	NATIONAL FUEL GAS
8133447	436	3101311635	108	UNIT NO 287 - BETTY KING	LAKESHORE	4.1	NATIONAL FUEL GAS
8133448	437	3101311636	108	UNIT NO 288 - CARL BERGER	LAKESHORE	1.6	NATIONAL FUEL GAS
8133449	438	3101311697	108	UNIT NO 289 - CLARENCE ERICKSON	LAKESHORE	2.6	NATIONAL FUEL GAS
8133450	439	3101311698	108	UNIT NO 290 - ROBERT RAYNOR	LAKESHORE	3.6	NATIONAL FUEL GAS
8133451	440	3101311637	108	UNIT NO 291 - ROBERT RAYNOR	LAKESHORE	8.5	NATIONAL FUEL GAS
8133432	441	3101311648	108	UNIT NO 292 - EMERSON AMES	LAKESHORE	11.4	NATIONAL FUEL GAS
8133433	442	3101311638	108	UNIT NO 293 - CARL BERGER	LAKESHORE	4.7	NATIONAL FUEL GAS
8133434	444	3101311650	108	UNIT NO 295 - EMERSON AMES	LAKESHORE	6.0	NATIONAL FUEL GAS
8133452	445	3101311671	108	UNIT NO 296 - JAMES ONOFRIO	LAKESHORE	5.7	NATIONAL FUEL GAS
8133438	424	3101311585	108	UNIT NO 309 - CLARENCE BARBER	LAKESHORE	6.8	NATIONAL FUEL GAS
8133436	418	3101311598	108	UNIT NO 345 - LYLE NYHART	LAKESHORE	5.5	NATIONAL FUEL GAS
8133435	420	3101311499	108	UNIT NO 347 - EDWARD CRAWFORD	LAKESHORE	8.5	NATIONAL FUEL GAS
8133437	422	3101311504	108	UNIT NO 350 - BURTON AUSTIN	LAKESHORE	5.4	NATIONAL FUEL GAS
8133439	427	3101311595	108	UNIT NO 357 - WARREN SMITH	LAKESHORE	4.9	NATIONAL FUEL GAS
8133440	428	3101311616	108	UNIT NO 358 - KENNETH TARBOX	LAKESHORE	2.9	NATIONAL FUEL GAS
8133441	430	3101311617	108	UNIT NO 360 - WARREN SMITH	LAKESHORE	6.1	NATIONAL FUEL GAS
8133442	431	3101311644	108	UNIT NO 361 - PAUL JACOBS	LAKESHORE	18.2	NATIONAL FUEL GAS
8133443	432	3101311702	108	UNIT NO 363 - FREDERICK WOOD	LAKESHORE	4.5	NATIONAL FUEL GAS
8133444		3101311795	108	UNIT NO 366 - HOBART WEISE	LAKESHORE	17.8	NATIONAL FUEL GAS
8133446	152	3101310972	108	UNIT NO 519 - ALFRED CARDOT	LAKESHORE	5.4	NATIONAL FUEL GAS
OKLAHOMA CORPORATION COMMISSION							
-AMOCO PRODUCTION CO			RECEIVED: 05/21/81	JA: OK			

JD NO	JA DKT	API NO	D SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER

JD NO	JA DKT	API NO	C	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8133353	08869	3503920336		103		FRED BAILEY UNIT #1	WEATHERFORD	800.0	
8133288	08822	3503920343		103		TRUMAN UNIT NO 1	S E THOMAS	825.0	WESTERN FARMERS E
8133330	01183	3505920112		108		WILLARD UNIT #1	MOCANE-LAVERNE	5.0	MICHIGAN WISCONSI
-AMOCO PRODUCTION CO				RECEIVED: 05/26/81 JA: OK					
8133400	08838	3504321040		103		SCHOMP UNIT NO 1 (MORROW)	PUTNAM	50.0	MOBIL OIL CORP
8133399	08839	3504321040		103		SCHOMP UNIT NO 1 (RED FORK)	PUTNAM	50.0	MOBIL OIL CORP
-ANADARKO PRODUCTION COMPANY				RECEIVED: 05/21/81 JA: OK					
8133338	07160	3501321306		103		METCALF A NO 1	HOOKER N E	840.0	PANHANDLE EASTERN
-ANDOVER OIL COMPANY				RECEIVED: 05/21/81 JA: OK					
8133291	08821	3501721665		102-2		MILLER #30-4		185.0	DELHI GAS PIPELIN
8133291	08821	3501721665		103		MILLER #30-4		185.0	DELHI GAS PIPELIN
-ARCO OIL AND GAS COMPANY				RECEIVED: 05/21/81 JA: OK					
8133339	8085	3504320811		103		VANDERWORK #3	PUTNAM	36.5	MICHIGAN WISCONSI
-ARCO OIL AND GAS COMPANY				RECEIVED: 05/26/81 JA: OK					
8133426	89091	3504722276		102-4		KRAMER NO 1	SOUTH DOUGLAS	73.0	ARCO
-ARKLA EXPLORATION COMPANY				RECEIVED: 05/21/81 JA: OK					
8133332	08990	3500920388		102-2		STREET #1-36	NORTH CARTER	70.0	ARKANSAS LOUISIAN
-B J BROWN				RECEIVED: 05/21/81 JA: OK					
8133318	08516	3509100000		108		PATTON #2	COALTON	18.0	PHILLIPS PETROLEU
8133317	08515	3509100000		108		PATTON #3	COALTON	18.0	PHILLIPS PETROLEU
8133316	08514	3509100000		108		PATTON #4	COALTON	18.0	PHILLIPS PETROLEU
8133301	08513	3509100000		108		PATTON #5	COALTON	18.0	PHILLIPS PETROLEU
-B R POLK INC				RECEIVED: 05/21/81 JA: OK					
8133278	8783	3508321434		103		BETTY MAE #1	S LUCIEN	50.0	EASON OIL CO
8133369	8784	3508321388		103		JEWEL SIMPSON #1	N E LOVELL	50.0	EASON OIL CO
8133367	08893	3508321435		103		ROXANA SCHAEFER #1	S MARSHALL	50.0	EASON OIL CO
-BEARD OIL COMPANY				RECEIVED: 05/21/81 JA: OK					
8133314	08468	3511921202		103		BENTLEY #3	SOUTH EAST PARADISE	40.0	CITIES SERVICE GA
-BEREN CORPORATION				RECEIVED: 05/21/81 JA: OK					
8133265	08796	3515121011		102-4		CRAWFORD #1-15	NORTHEAST WAYNOKA	103.0	PANHANDLE EASTERN
8133260	8786	3513921249		102-4		DUNBAR #1-20	NORTH TEXOMA	234.0	PHILLIPS PETROLEU
8133320	08776	3515121026		102-4		NIEMAN #1	NORTHEAST WAYNOKA	9.4	PANHANDLE EASTERN
8133259	08777	3500721798		102-4		NOLDER #1-19	EAST BOYD	228.0	KANSAS NEBRASKA N
-BERRY PETROLEUM CORP				RECEIVED: 05/21/81 JA: OK					
8133335	08587	3507322579		103		MCALLISTER #35-1	SOONER TREND	150.0	PHILLIPS PETROLEU
-BOBBY ROWE OIL PROPERTIES				RECEIVED: 05/21/81 JA: OK					
8133281	08601	3511100000		108		JENKINS #1	BEGGS DIST	30.0	PHILLIPS PETROLEU
8133302	08602	3511100000		108		JENKINS #2	BEGGS DIST	29.0	PHILLIPS PETROLEU
8133337	08603	3511100000		108		JENKINS #3	BEGGS DIST	30.0	PHILLIPS PETROLEU
8133357	08606	3511100000		108		ZELLE #1	HAMILTON SWITCH	27.0	PHILLIPS PETROLEU
8133358	08607	3511100000		108		ZELLE #3	HAMILTON SWITCH	14.0	PHILLIPS PETROLEU
8133359	08608	3511100000		108		ZELLE #4	HAMILTON SWITCH	14.0	PHILLIPS PETROLEU
8133255	08609	3511100000		108		ZELLE #5	HAMILTON SWITCH	14.0	PHILLIPS PETROLEU
-BOGERT OIL CO				RECEIVED: 05/21/81 JA: OK					
8133323	08891	3507322670		103		LAURA #1-22		105.0	CONOCO INC
8133336	08586	3507322671		103		SHORT #1-23	SOONER TREND	0.0	CONOCO INC
-CANEY VALLEY OIL & GAS CO				RECEIVED: 05/21/81 JA: OK					
8133280	08940	3514721170		102-2		ATOR #9		18.0	DIAMOND-S GAS SYS
8133272	08931	3514721327		102-2		GORDON #15		18.0	DIAMOND-S GAS SYS
8133378	08932	3514721421		102-2		GORDON #17		18.0	DIAMOND-S GAS SYS
8133277	08938	3514721172		102-2		HAVES #8		18.0	DIAMOND-S GAS SYS
8133375	08939	3514721264		102-2		MCMILLIAN #10		18.0	DIAMOND-S GAS SYS
8133376	08935	3514721265		102-2		MCMILLIAN #13		18.0	DIAMOND-S GAS SYS

VOLUME 451 PAGE 003

JD NO	JA DKT	API NO	D SEC CAT	WELL NAME	FIELD NAME	PRCD	PURCHASER
8133380	8933	3514721420	102-2	MCMILLIAN #16		18.0	DIAMOND-S GAS SYS
8133377	08934	3514720980	102-2	SMITH #2		18.0	DIAMOND S GAS SYS
8133379	08936	3514720987	102-2	SMITH #3		18.0	DIAMOND-S GAS SYS
8133276	08937	3514721171	102-2	THOMPSON #7		18.0	DIAMOND-S GAS SYS
-CAYMAN EXPLORATION CORP				RECEIVED: 05/21/81 JA: OK			
8133370	08769	3504722100	103	ARMSTRONG #1	SOONER TREND	18.3	PANHANDLE EASTERN
8133319	08768	3507322458	103	GUNSAULLUS #1	SOONER TREND	18.3	CITIES SERVICE GA
-CHAMPLIN PETROLEUM COMPANY				RECEIVED: 05/26/81 JA: OK			
8133429	09012	3507322549	103	CLARENCE MOERY NO 2	SOONER TREND	160.0	PHILLIPS PETROLEU
8133409	8790	3509321878	103	SMITH-DENNING NO 2	E CHANEY DELL	0.0	CHAMPLIN PETROLEU
8133425	9011	3509321654	103	T D GOODWIN #2	EAST CHANEY DELL	0.0	CITIES SERVICE GA
-CHASE EXPLORATION CORP				RECEIVED: 05/21/81 JA: OK			
8133300	7917	3507121665	103	TATE #2-6		3.5	CITIES SERVICE GA
-CIMARRON PETROLEUM CORPORATION				RECEIVED: 05/21/81 JA: OK			
8133346	08870	3508321306	103	CPC #139 WELCH		273.8	CITIES SERVICE GA
-CLARK RESOURCES INC				RECEIVED: 05/26/81 JA: OK			
8133401	08977	3507322609	103	KIRSCH 12-1	SOONER TREND	65.7	CITIES SERVICE GA
8133406	08978	3504722172	103	ROY 1-1	SOONER TREND	273.8	CHAMPLIN PETROLEU
8133402	08976	3507322557	103	UNDERWOOD 2-1	SOONER TREND	55.0	CITIES SERVICE GA
-CLEMENTS ENERGY INC				RECEIVED: 05/21/81 JA: OK			
8133362	08770	3504921064	103	SIMMONS NO 9-1		36.5	AMINOIL USA INC
-DAVIS OIL COMPANY				RECEIVED: 05/21/81 JA: OK			
8133296	07067	3501721533	103	AIRPORT TRUST #5	NORTH FORK	400.0	PHILLIPS PETROLEU
8133269	03924	3503920234	103	BOYD MILLER NO 3	SOUTH THOMAS	400.0	ONG WESTERN INC
8133270	03922	3501721135	103	HOUGH NO 1		153.0	PHILLIPS PETROLEU
8133381	04011	3501120878	103	SHERMAN NO 1	ELM GROVE	260.0	OKLAHOMA NATURAL
8133295	03928	3503920213	103	STEARNS NO 2	SOUTH THOMAS	700.0	TRANSOK PIPELINE
8133382	03956	3503920247	103	STEARNS NO 3	SOUTH THOMAS	700.0	TRANSOK PIPELINE
-DEMINEX US OIL COMPANY				RECEIVED: 05/21/81 JA: OK			
8133289	08888	3504932464	103	L W WILLIAMS NO 1	S W PAOLI B	182.5	WARREN PETROLEUM
-DOUBLE DIAMOND INC				RECEIVED: 05/26/81 JA: OK			
8133408	08805	3507322726	103	GEIS #1	LOYAL	10.0	CITIES SERVICE CO
-DYCO PETROLEUM CORPORATION				RECEIVED: 05/21/81 JA: OK			
8133331	11792	3512920512	107-DP	WRIGHT #1-20	REYDON NW	250.0	
-EL DORADO DRILLING INC				RECEIVED: 05/21/81 JA: OK			
8133360	8781	3507121209	103	ROLLY #1	WILDCAT	12.3	SUN GAS CO
8133361	8779	3507121424	103	ROLLY #2	WILDCAT	22.1	SUN GAS CO
8133363	8778	3507120423	103	ROLLY #3	WILDCAT	22.1	SUN GAS CO
-FOLLETT OPERATING CO				RECEIVED: 05/21/81 JA: OK			
8133299	08858	3500721788	103	GRAVES #1		276.0	PANHANDLE EASTERN
8133347	08860	3500721820	103	LEACH #1	MOCANE - LAVERNE	270.0	PANHANDLE EASTERN
-FUNK EXPLORATION INC				RECEIVED: 05/21/81 JA: OK			
8133349	07833	3507322583	103	SIMMONS #1	WEST EDMOND	0.0	CONOCO INC
8133350	07834	3507322537	103	WITTROCK #1	WEST EDMOND	0.0	CONOCO INC
-GEMINI OIL CO				RECEIVED: 05/21/81 JA: OK			
8133367	08765	3504721863	103	COLLIER #1	SOUTH GARBER	0.0	GRACE PETROLEUM
8133366	08764	3504721883	103	COLLIER #2	SOUTH GARBER	0.0	GRACE PET
8133365	08762	3504721853	103	HALL #1	SOUTH GARBER	0.0	GRACE PETROLEUM
8133364	08763	3504721884	103	HALL #2	SOUTH GARBER	0.0	GRACE PETROLEUM
-GULFSTREAM PETROLEUM CORP				RECEIVED: 05/21/81 JA: OK			
8133334	08981	3509321859	103	HALL WELL NO 1-29	SOUTH MENO	0.0	PIONEER GAS PRODU
8133333	08982	3509321876	103	KENNEDY WELL NO 1-16	EAST RUSK	0.0	OKLAHOMA NATURAL
8133385	08979	3509321926	103	OTT WELL NO 1-25	WEST AMES	0.0	OKLAHOMA NATURAL

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8133315	08980	3509321811		103		SCHWIND WELL NO 1-12	SOUTH RINGWOOD	0.0	OKLAHOMA NATURAL
-HALLIBURTON OIL PRODUCING COMPANY		RECEIVED: 05/21/81 JA: OK							
8133293	08872	3507322658		103		POLLARD B #1	WEST LOVELL	5.0	EASON OIL CO
-HAMILTON BROTHERS OIL CO		RECEIVED: 05/26/81 JA: OK							
8133424	09849	3512120785		102-4		THORNTON RAILEY NO 1-20 (ATOKA)	WILDCAT	480.0	ARKANSAS LOUISIAN
8133419	09850	3512120785		102-3		THORNTON RAILEY NO 1-20 (WAPANUCKA)	WILDCAT	216.0	ARKANSAS LOUISIAN
-HARPER OIL COMPANY		RECEIVED: 05/21/81 JA: OK							
8133389	08915	3508321473		103		EMMERICH #1	SOONER TREND	36.0	EASON OIL CO
8133344	6496	3508900070		108		PENNINGTON #1	SOUTH ERICK	10.0	EL PASO NATURAL G
-HELMERICH & PAYNE INC		RECEIVED: 05/21/81 JA: OK							
8133345	11764	3514920082		107-DP		FLAMING NO 1-20		2920.0	MICHIGAN WISCONSI
-HOLDEN ENERGY CORP		RECEIVED: 05/21/81 JA: OK							
8133385	08758	3501900080		102-4		REED 1-1	SOUTH HEALDTON	88.0	AMINOIL USA INC
8133386	08760	3501900080		102-4		REED 2-1	JOINER CITY	37.0	AMINOIL USA INC
8133383	08756	3501921941		102-4		REED 34-1	JOINER CITY	250.0	AMINOIL USA INC
8133384	08757	3501900080		102-4		REED 35-1	JOINER CITY	13.9	AMINOIL USA INC
8133279	08759	3501900080		102-4		ROCKLAND 18-1	S E JOINER CITY	78.0	AMINOIL USA INC
-J W ALBRITTON		RECEIVED: 05/21/81 JA: OK							
8133304	08903	3512321038		108		MCANALLY #6	NORTH OF ADA	1.2	ARKANSAS LOUISIAN
-J W ALBRITTON		RECEIVED: 05/26/81 JA: OK							
8133414	08906	3512300080		108		AMY DYER #4	NORTH OF ADA	2.2	ARKANSAS LOUISIAN
8133405	08908	3512320868		108		DYER #1-A	NORTH OF ADA	2.2	ARKANSAS LOUISIAN
8133415	08907	3512320869		108		DYER #2-A	NORTH OF ADA	2.2	ARKANSAS LOUISIAN
8133413	08905	3512320944		108		DYER #3-A	NORTH OF ADA	2.2	ARKANSAS LOUISIAN
8133404	08910	3512321058		108		DYER #4-A	NORTH OF ADA	2.9	ARKANSAS LOUISIAN
8133403	08911	3512300080		108		LOWE #4 NOW BUSBY #4	NORTH OF ADA	1.7	ARKANSAS LOUISIAN
8133428	08900	3512300800		108		MCANALLY #1	NORTH OF ADA	1.2	ARKANSAS LOUISIAN
8133422	08898	3512320728		108		MCANALLY #2	NORTH OF ADA	1.2	ARKANSAS LOUISIAN
8133421	08899	3512320986		108		MCANALLY #3	NORTH OF ADA	1.2	ARKANSAS LOUISIAN
8133416	08896	3512320995		108		MCANALLY #4	NORTH OF ADA	1.2	ARKANSAS LOUISIAN
8133427	08897	3512321038		108		MCANALLY #5	NORTH OF ADA	1.2	ARKANSAS LOUISIAN
8133411	08904	3512300000		108		MOUNT #1	NORTH OF ADA	4.2	ARKANSAS LOUISIAN
8133412	08902	3512300000		108		MOUNT #1-A	NORTH OF ADA	4.2	ARKANSAS LOUISIAN
8133410	08901	3512300000		108		SKIRVIN #1	NORTH OF ADA	1.9	ARKANSAS LOUISIAN
-JIMMY GRAY INC 79-1 PROGRAM		RECEIVED: 05/21/81 JA: OK							
8133304	09056	3504921465		103		JUDY NO 1	FLORENCE CHAPEL SOUTHWES	0.0	WARREN PETROLEUM
-JOHN A TAYLOR		RECEIVED: 05/21/81 JA: OK							
8133322	05234	3508720287		102-4		HARMON 1-14	NORTH DIBBLE	183.0	SUN GAS CO
-JONES & PELLOW OIL CO		RECEIVED: 05/21/81 JA: OK							
8133292	08855	3501922026		103		HUNSUCKER 11-2	TATUM	90.0	MOBIL OIL CORP
-KENT PHILLIPS EXPLORATION LTD		RECEIVED: 05/21/81 JA: OK							
8133325	08859	3501721707		103		BLEVINS #1-33		500.0	CONOCO INC
8133343	07197	3501721450		102-4		CHEEK #1-35	RICHLAND	0.0	CONOCO INC
-KERR-MCGEE CORPORATION		RECEIVED: 05/21/81 JA: OK							
8133352	08871	3512120733		103		ROBERTS NO 2	RUSSELLVILLE	0.0	SOUTHEAST TRANSMI
-KETAL OIL PRODUCING CO		RECEIVED: 05/21/81 JA: OK							
8133387	08576	3504722103		103		MARION NO 1	SOUTH GARBER	183.0	
-L & N EXPLORATION INC		RECEIVED: 05/21/81 JA: OK							
8133275	08927	3508321395		103		FAGAN #2-19	NW RUSSELLVILLE	15.0	EASON OIL CO
8133274	08928	3508321347		103		NOBEE #1-34	EAST PLEASANT VALLEY	73.0	EASON OIL CO
-LADD PETROLEUM CORPORATION		RECEIVED: 05/21/81 JA: OK							
8133391	8862	3505120973		102-4		BILLY EISENHOUR NO 1	MINCO WEST	547.5	
8133356	8866	3505120844		102-4		GOOD NO 1	AMBER	127.0	

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JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME
8133285	08804	3505120972			103	HUSTED NO 1
8133393	8864	3505120972			102-4	HUSTED NO 1
8133267	08803	3509321891			103	JESTER NO 2
8133355	8863	3505120974			102-4	SPROWLS NO 1
8133268	8865	3504721363			103	WEINKAUF NO 2
-LINCOLN ROCK CORP						RECEIVED: 05/26/81 JA: OK
8133420	06903	3508500000	D		103	28B #1
-LUBELL OIL CO						RECEIVED: 05/21/81 JA: OK
8133264	08807	3506321230			103	LUBELL NO 2-21 MANUAL
-MARATHON OIL COMPANY						RECEIVED: 05/26/81 JA: OK
8133423	09026	3503920303			102-2	ARNEY STATE WELL NO 1
-PETRO-LEWIS CORPORATION						RECEIVED: 05/21/81 JA: OK
8133263	08929	3505121815			103	FRITT #4
-PETROMARK EXPLORATION INC						RECEIVED: 05/21/81 JA: OK
8133371	8792	3507322578			103	PECK #28-1
-PHILLIPS PETROLEUM COMPANY						RECEIVED: 05/21/81 JA: OK
8133321	00321	3513900000			108-ER	BISKRA NO 1
8133308	08530	3513900000			108	COVER #1
8133329	07200	3508700000			108	YORK # 1
-PIONEER PRODUCTION CORPORATION						RECEIVED: 05/21/81 JA: OK
8133368	08736	3515121075			102-2	VINSON - PETTIT #1-26
-POLARIS ENERGY CORP						RECEIVED: 05/21/81 JA: OK
8133273	08930	3511122539			103	HUCKABEE #1-A
-PORTS OF CALL OIL CO						RECEIVED: 05/26/81 JA: OK
8133417	08837	3501721713			103	MESA NO 19-1
-RAINS & WILLIAMSON OIL CO INC						RECEIVED: 05/21/81 JA: OK
8133388	08895	3505320614			103	HORNING #1
-RATLIFF EXPLORATION CO						RECEIVED: 05/21/81 JA: OK
8133372	08715	3508321336			103	MUSIL #1
-RED EAGLE OIL CO						RECEIVED: 05/21/81 JA: OK
8133313	08450	3509321879			103	DUERKSEN NO 1
-RICKS EXPLORATION CO						RECEIVED: 05/21/81 JA: OK
8133282	08568	3515121065			103	FARRIS 11A
-ROBERT P LAMMERTS						RECEIVED: 05/21/81 JA: OK
8133374	6900	3505920885			103	HAYES 22-2
-SEARCH DRILLING CO						RECEIVED: 05/21/81 JA: OK
8133290	08834	3508721893			103	FLOCK #1-28
8133294	08832	3508721892			103	WHISENANT #1-22
-SOUTHWESTERN EXPLOR CONSULTANTS INC						RECEIVED: 05/21/81 JA: OK
8133266	08843	3510320823			103	BELVA #1
8133298	08844	3510321128			103	BELVA #2
8133262	08841	3510321084			103	MERRILL #2
-STEVE JERNIGAN INC						RECEIVED: 05/21/81 JA: OK
8133303	08474	3504520867			102-2	JAMES #1
8133258	08470	3504520856			102-2	KELLN #1
8133283	08471	3504520857			102-2	NIGHTINGALE #1
-SWAN PETROLEUM CORP						RECEIVED: 05/21/81 JA: OK
8133354	8787	3504520801			103	REININGER #1
8133284	8788	3504520818			103	SCHNEIDER #1
-TEMPLEX INC						RECEIVED: 05/21/81 JA: OK
8133373	8580	3510720802			103	LUCINDA WEST NO 1
-TENNECO OIL COMPANY						RECEIVED: 05/21/81 JA: OK
8133326	08878	3504321046			102-4	FRANS 1-9

FIELD NAME	PROD	PURCHASER
MINCO WEST	479.0	
MINCO WEST	479.0	SOUTHERN NATURAL
RINGWOOD	9.5	OKLAHOMA NATURAL
MINCO WEST	1231.0	SOUTHERN NATURAL
ELK HORN	191.6	AMINOIL USA INC
NORTHEAST MARIETTA	5.0	CIMARRON TRANSMIS
GILCREASE	140.0	PUBLIC SERVICE CO
WILDCAT	91.0	
WEST MARLOW	350.0	ARKANSAS LOUISIAN
SOONER TREND	100.0	CITIES SERVICE GA
GUYMON HUGOTON	4.0	PANHANDLE EASTERN
GUYMON HUGOTON	21.0	PANHANDLE EASTERN
CAMRICK	28.0	NATURAL GAS PIPEL
WILDCAT	185.0	PANHANDLE EASTERN
BALD HILL	136.1	PHILLIPS PETROLEU
YUKON	91.0	PHILLIPS PETROLEU
CHEROKITA	182.0	SUN GAS CO
S E MARSHALL	8.0	EASON OIL CO
NW FAIRVIEW	100.0	PANHANDLE EASTERN
N OAKDALE	240.0	PANHANDLE EASTERN
N BOILING SPRINGS	8.0	DELHI GAS PIPELIN
LOGAN	251.0	PHILLIPS PETROLEU
	164.0	KANSAS NEBRASKA N
POLO	8.0	ARCO OIL & GAS CO
POLO	8.0	ARCO OIL GAS CO
POLO	8.0	ARCO OIL & GAS CO
W GOODWIN	8.0	
W GOODWIN	8.0	
W GOODWIN	8.0	
SE FARGO	8.0	NORTHERN NATURAL
SE FARGO	8.0	NORTHERN NATURAL
S W PHAROAH LAKE	73.0	PHILLIPS PET CO
NOBSCOT NW	666.0	DELHI GAS PIPELIN

JD NO	JA DKT	API NO	C	SEC	CAT	WELL NAME
8133351	07488	3513700000			108	J C GRAHAM #3
-THE OHM COMPANY						RECEIVED: 05/21/81 JA: OK

FIELD NAME	PROD	PURCHASER
SHO-VEL-TUM	9.4	AMINOIL USA INC

JD NO	JA DKT	API NO	C	SEC	CAT	WELL NAME
8133351	07488	3513700000			108	J C GRAHAM #3
-THE GHK COMPANY						RECEIVED: 05/21/81 JA: OK
8133297	08916	3503920364			102-2	#1-21 PECK
-TOWER OIL AND GAS COMPANY INC						RECEIVED: 05/21/81 JA: OK
8133257	08415	3504722388			103	SEMRAD #1
-TOWNER PETROLEUM CO						RECEIVED: 05/21/81 JA: OK
8133324	08913	3507920376			103	ROY REED #29-1
-UNION OIL COMPANY OF CALIF						RECEIVED: 05/21/81 JA: OK
8133271	11617	3500920331			107-DP	ALVIN REAM #1-22
-UNION TEXAS PETROLEUM						RECEIVED: 05/26/81 JA: OK
8133398	09021	3500920322			102-4	KENNEMER NO 1-6
-UNIT DRILLING & EXPLORATION CO						RECEIVED: 05/21/81 JA: OK
8133287	08823	3505120883			103	CLAIBORNE NO 1
-VULCAN ENERGY CORP						RECEIVED: 05/21/81 JA: CK
8133392	08774	3507322509			103	VOGT #1
-WALKER & WITHROW INC						RECEIVED: 05/21/81 JA: OK
8133286	08825	3501721626			103	CARY #23-1
-WENEXCO INC						RECEIVED: 05/26/81 JA: OK
8133430	09111	3504920950			102-4	BLEVINS #1-7
-WESSELY ENERGY CORPORATION						RECEIVED: 05/26/81 JA: OK
8133407	07773	3504921351			102-4	MANTOOTH NO 2 049-62515
-WESTERN OIL RESOURCES LTD						RECEIVED: 05/21/81 JA: OK
8133309	07985	3511720645			103	JOHNSON #2
8133341	07976	3511720648			103	JOHNSON #3
8133340	07977	3511720695			103	JOHNSON #4
8133312	07979	3511720721			103	JOHNSON #6
8133328	07980	3511720733			103	JOHNSON #7
8133256	07990	3511720732			103	JOHNSON GB-2
8133261	07989	3511720631			103	JOHNSON GBL
8133311	07981	3511720626			103	LITTLE O-1
8133310	07983	3511720628			103	MOORE C-1
8133348	07986	3511720734			103	MOORE GT-4
8133327	07984	3511720613			103	MOORE GTB
8133342	07974	3511720686			103	SCHOOL LAND #1
-WISHBONE OIL & GAS						RECEIVED: 05/21/81 JA: OK
8133390	08924	3504900000			103	GRANT #3
-WOODS PETROLEUM CORPORATION						RECEIVED: 05/26/81 JA: OK
8133418	09060	3501520938			102-3	THIESSEN #32-1

BILLING CODE 6450-85-C

FIELD NAME	PROD	PURCHASER
SHO-VEL-TUM	9.4	AMINOIL USA INC
EAST CARPENTER	630.0	
SOONER TREND	73.0	PANHANDLE EASTERN
WILDCAT	270.0	ARKANSAS LOUISIAN
S W SWEETWATER	150.0	
CARTER AREA SECTION 6 T8	548.0	
CHICKASHA SE	135.0	ARKANSAS LOUISIAN
SOONER TREND	180.0	PHILLIPS PET CO
YUKON	133.0	CONOCO INC
WILDCAT	250.0	WELLHEAD ENTERPRI
GOLDEN TREND	38.0	CITIES SERVICE GA
HALLETT SECTION 12-20N-7	19.2	MID-AMERICA GAS L
HALLETT SECTION 12-20N-7	29.7	MID-AMERICA GAS L
HALLETT SECTION 12-20N-7	14.4	MID-AMERICA GAS L
HALLETT SECTION 12-20N-7	93.1	MID-AMERICA GAS L
HALLETT SECTION 12-20N-7	136.4	MID-AMERICA GAS L
HALLETT SECTION 12-20N-7	108.8	MID-AMERICA GAS L
HALLETT SECTION 12-20N-7	25.2	MID-AMERICA GAS L
HALLETT SECTION 12-20N-7	7.4	MID-AMERICA GAS L
HALLETT SECTION 12-20N-7	11.6	MID-AMERICA GAS L
HALLETT SECTION 12-20N-7	24.1	MID-AMERICA GAS L
HALLETT SECTION 12-20N-7	11.8	MID-AMERICA GAS L
HALLETT SECTION 13-20N-7	4.8	MID-AMERICA GAS L
WILD HORSE	91.3	AMINOIL USA INC
ROUND VALLEY	1497.8	ARKANSAS LOUISIAN

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission on or before July 15, 1981.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OSC lease
- 102–2: New well (2.5 mile rule)
- 102–3: New well (1000 ft rule)
- 102–4: New onshore reservoir
- 102–5: New reservoir on old OCS lease

Section 107–DP: 15,000 feet or deeper
- 107–GB: Geopressured brine
- 107–CS: Coal seams
- 107–DV: Devonian shale
- 107–PE: Production enhancement
- 107–TF: New tight formation
- 107–RT: Recompletion tight formation

Section 108: Stripper well
- 108–SA: Seasonally affected
- 108–ER: Enhanced recovery
- 108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–19219 Filed 6–29–81; 8:45 am]

BILLING CODE 6450–85–M

[Volume 452]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: June 24, 1981.

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: June 24, 1981.

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
LOUISIANA OFFICE OF CONSERVATION									
-B G DENTON				RECEIVED: 05/28/81 JA: LA					
8133681	80-4301	1702120400		102-4		OLINKRAFT NO 2 156825	SARDIS CHURCH	125.0	UNITED GAS PIPELI
-D B MCCLINTON				RECEIVED: 05/28/81 JA: LA					
8133676	80-4288	1708120899		102-4		A LEONARDS HEIRS B-7 168345	SOUTH BAYOU MALLET	365.0	TEXAS GAS TRANSMI
-DAMSON OIL CORPORATION				RECEIVED: 05/28/81 JA: LA					
8133675	80-4270	1701920892		102-4		FARMERS LAND & CANAL CO INC	SOUTH MANCHESTER	0.0	LOUISIANA INTRAST
8133674	80-4269	1701900880		102-4		FARMERS LAND & CANAL CO INC	SOUTH MANCHESTER	0.0	LOUISIANA INTRAST
-EDWIN L & BERRY R COX				RECEIVED: 05/28/81 JA: LA					
8133680	80-4290	1701920899		102-4		CLARA BARBE NO 1	GILLIS ENGLISH BAYOU FIE	181.0	CONOCO INC
8133679	80-4293	1701920950		102-4		CLARA BARBE NO 2	GILLIS ENGLISH BAYOU	781.0	CONOCO INC
-EXCHANGE OIL & GAS CORPORATION				RECEIVED: 05/28/81 JA: LA					
8133678	80-4292	1709920710		102-4		WILLIAMS INC NO 1	MYSTIC BAYOU	365.0	MONTEREY PIPE LIN
-GENERAL AMERICAN OIL COMPANY OF TEX				RECEIVED: 05/28/81 JA: LA					
8133672	80-3558	1702321452		102-4		CAMERON PARISH SCHOOL BOARD NO 25	JOHNSON BAYOU	720.0	TRANSCONTINENTAL
-HOUSTON OIL & MINERALS CORPORATION				RECEIVED: 05/28/81 JA: LA					
8133682	81-287	1702321365		102-4		S L 7555 #2 (ST)	NORTH SABINE LAKE	50.0	TRANSCONTINENTAL
-PENNZOIL PRODUCING COMPANY				RECEIVED: 05/28/81 JA: LA					
8133673	80-4024	1710922266		102-4		CONTINENTAL LAND & FUR D NO 2	KENT BAYOU	100.0	
-SOUTH LOUISIANA PRODUCTION CO INC				RECEIVED: 05/28/81 JA: LA					
8133677	80-4291	1771120239		102-4		STATE LEASE 7758 WELL NO 1	SHIP SHOAL BLOCK 67	730.0	
-WOODS & DEAS				RECEIVED: 05/28/81 JA: LA					
8133687	81-514	1711122307		102-4		ADKINS #1 166467	CORNEY BAYOU	100.0	MISS RIVER TRANSM
8133685	81-512	1711122501		102-4		COLLET #1 #169045	CORNEY BAYOU	75.0	MISSISSIPPI RIVER
8133684	81-511	1711122489		102-4		ELLIOTT #2 #168916	CORNEY BAYOU	75.0	MISSISSIPPI RIVER
8133686	81-513	1711122696		102-4		ELLIOTT NO 3 #170368	CORNEY BAYOU	73.0	MISSISSIPPI RIVER
8133683	81-510	1711122595		102-4		LEE ESTATE #1	CORNEY BAYOU	75.0	MISSISSIPPI RIVER
8133689	81-550	1711122802		102-4		RABUN ESTATE #1	CORNEY BAYOU	73.0	MISSISSIPPI RIVER
8133688	81-515	1711122132		102-4		T W ELLIOTT #1 166467	CORNEY BAYOU	146.0	MISS RIVER TRANSM
WEST VIRGINIA DEPARTMENT OF MINES									
-ALLEGHENY LAND & MINERAL COMPANY				RECEIVED: 05/26/81 JA: WV					
8133477		4709701793		108		A - 724	WASHINGTON DISTRICT	0.0	CONSOLIDATED GAS
8133548		4704102936		103		A-805	HACKERS CREEK DISTRICT	0.0	EQUITABLE GAS CO
8133511		4708504854		103		A-866	MURPHY DISTRICT	0.0	CONSOLIDATED GAS
8133549		4704102911		103		A-891	HACKERS CREEK DISTRICT	0.0	CONSOLIDATED GAS
8133502		4709702106		103		A-894	WASHINGTON DISTRICT	0.0	COLUMBIA GAS TRAN
8133494		4708300350		103		A-904	MIDDLE FORK DISTRICT	0.0	COLUMBIA GAS TRAN
-ALLSTATE ENERGY CORP				RECEIVED: 05/26/81 JA: WV					
8133528		4708502047		108		SMITH #1	TROY SMITH	14.6	CONSOLIDATED GAS
-ASHLAND EXPLORATION INC				RECEIVED: 05/26/81 JA: WV					

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8133571		4708100454			103	EAGLE LAND CO #3-079591	PAINT CREEK	36.0	COLUMBIA GAS TRAN
8133600		4701900426			103	IMPERIAL COLLIERY #1-086391	GAULEY MOUNTAIN	110.0	
8133601		4701900427			103	IMPERIAL COLLIERY #2-086401	GAULEY MOUNTAIN	43.0	
8133579		4700500000			103	SOUTHERN LAND CO #5 - 080071	LOGAN - WYOMING	27.0	
-BEREA OIL AND GAS CORPORATION		RECEIVED: 05/26/81 JA: WV							
8133560		4710700000			103	C HOWARD #3	UNION	17.0	
8133561		4710721029			103	CARL S HOWARD #2	UNION	17.0	
8133563		4710720929			103	CLAUDE MCCALE #1	UNION	17.0	
8133562		4710720981			103	WILKINSON-BLANKENSHIP #1	UNION	17.0	
-BRAXTON OIL AND GAS CORP		RECEIVED: 05/26/81 JA: WV							
8133484		4704102932			103	NO 1 HULL	WALKERSVILLE	5.0	CONSOLIDATED GAS
-CABOT OIL & GAS CORP		RECEIVED: 05/26/81 JA: WV							
8133565		4708100485			103	BEAVER COAL CO A-26	TOWN	25.0	COLUMBIA GAS TRAN
8133567		4708100507			103	BEAVER COAL CO A-41	TOWN	25.0	COLUMBIA GAS TRAN
8133566		4708100504			103	BEAVER COAL CO A-45	SLAB FORK	25.0	COLUMBIA GAS TRAN
8133569		4708100525			103	BEAVER COAL CO A-52	TOWN	30.0	COLUMBIA GAS TRAN
8133568		4708100520			103	BEAVER COAL CO A-53	TOWN	30.0	COLUMBIA GAS TRAN
8133575		4707900961			103	J L MCLEAN A-12	UNION	15.0	TENNESSEE GAS PIP
8133473		4707900979			103	J L MCLEAN A-20	UNION	6.3	TENNESSEE GAS PIP
8133574		4707900965			103	J L MCLEAN A-31	UNION	10.0	TENNESSEE GAS PIP
8133472		4707900983			103	J L MCLEAN A-46	UNION	7.5	TENNESSEE GAS PIP
8133573		4707900977			103	J L MCLEAN A-47	UNION	15.0	TENNESSEE GAS PIP
8133572		4707900978			103	J L MCLEAN A-50	UNION	20.0	TENNESSEE GAS PIP
8133578		4703903513			103	SILER COAL & LAND A-4	WASHINGTON	11.0	TENNESSEE GAS PIP
8133577		4703903614			103	SILER COAL & LAND A-6	WASHINGTON	5.0	TENNESSEE GAS PIP
8133576		4703903615			103	SILER COAL & LAND A-7	WASHINGTON	11.0	TENNESSEE GAS PIP
-CHASE PETROLEUM		RECEIVED: 05/26/81 JA: WV							
8133457		4708504568			102-3	BITNER #1	UNION DISTRICT	820.0	
-COMMERCE ENERGY RESOURCES		RECEIVED: 05/26/81 JA: WV							
8133510		4708504881			103	PEGGY COFFMAN #1	UNION	20.0	COLUMBIA GAS TRAN
8133512		4708504859			103	PEGGY COFFMAN #5	UNION	25.0	COLUMBIA GAS TRAN
8133509		4708504920			103	PEGGY COFFMAN #6	UNION	25.0	COLUMBIA GAS TRAN
8133508		4708504924			103	PEGGY COFFMAN #7	UNION	25.0	COLUMBIA GAS TRAN
8133507		4708504925			103	PEGGY COFFMAN #8	UNION	25.0	COLUMBIA GAS TRAN
-CONSOLIDATED GAS SUPPLY CORPORATION		RECEIVED: 05/26/81 JA: WV							
8133463		4704700806			108	CONSOLIDATION COAL CO 12613	PINEVILLE A59442	21.0	GENERAL SYSTEM PU
8133460		4703302159			108	DORA E MCWHORTER 12608	WEST VIRGINIA OTHER A857	14.0	GENERAL SYSTEM PU
8133519		4700100854			108	GEORGE E MARTIN 12357	WEST VIRGINIA OTHER A857	11.0	GENERAL SYSTEM PU
8133459		4709100165			108	JOHN M GRIMES 12527	WEST VIRGINIA OTHER A857	5.0	GENERAL SYSTEM PU
8133518		4702102328			108	LOUIS BENNETT	WEST VIRGINIA OTHER A857	1.0	GENERAL SYSTEM PU
8133520		4700100811			108	MALCOM-TALBOTT 12248	WEST VIRGINIA OTHER A857	9.0	GENERAL SYSTEM PU
8133521		4703302137			108	MILTON S DAVIS 12598	WEST VIRGINIA OTHER A857	14.0	GENERAL SYSTEM PU
8133461		4703302157			108	NORA G DAVISSON 12607	WEST VIRGINIA OTHER A857	21.0	GENERAL SYSTEM PU
8133466		4700100987			108	RISSA M BOWERS 12461	WEST VIRGINIA OTHER A857	4.0	GENERAL SYSTEM PU
8133462		4704700618			108	ROSE L DENNIS 11642	PINEVILLE A59442	13.0	GENERAL SYSTEM PU
8133517		4703301173			108	VIRGINIA RAYMOND 12423	WEST VIRGINIA OTHER A857	10.0	GENERAL SYSTEM PU
-CROCKETT GAS CO		RECEIVED: 05/26/81 JA: WV							
8133522		4709927040			108	CROCKETT GAS CO WELL #2	SOUTHERN WEST VIRGINIA	34.1	GAS SUPPLY CORP
-D C MALCOLM INC		RECEIVED: 05/26/81 JA: WV							
8133480		4707900957			103	B C TORMEY HRS #1	ST ALBANS - BURDETTE	30.0	COLUMBIA GAS TRAN
-DORAN & ASSOCIATES INC		RECEIVED: 05/26/81 JA: WV							
8133491		4703322013			108	MARY JACKSON - M ROGERS #2 K-L-231	SARDIS	20.0	CARNEGIE NATURAL
8133493		4703322203			103	R B CURRET #1 K-L-257	UNION	30.0	CONSOLIDATED GAS

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8133492		4703300000			103	R COFFINDAFFER #1 K-L-232	UNION	30.0	CONSOLIDATED GAS

JD NO	JA DKT	API NO	C	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8133492		4703300000		103		R COFFINDAFFER #1 K-L-232	UNION	30.0	CONSOLIDATED GAS
-FIZER GAS CO				RECEIVED: 05/26/81 JA: WV					
8133524		4709929120		108		FIZER GAS COMPANY WELL #1	SOUTHERN WEST VIRGINIA	0.0	GAS SUPPLY CORP
-FRANKLIN ADKINS				RECEIVED: 05/26/81 JA: WV					
8133464		4702123202		108		AYMER #2	GLENVILLE DISTRICT	18.0	CONSOLIDATED GAS
-HATTIE GAS CO				RECEIVED: 05/26/81 JA: WV					
8133523		4709921378		108		HATTIE GAS CO #1 WELL	SOUTHERN	18.3	GAS SUPPLY CORP
-INDUSTRIAL GAS ASSOCIATES				RECEIVED: 05/26/81 JA: WV					
8133555		4701702491		103		D SMITH NO 1 DOD-2491	CENTRAL DISTRICT	23.0	CARNEGIE NATURAL
8133554		4701702497		103		G HURST NO 1 DOD-2497	CENTRAL DISTRICT	23.0	CARNEGIE NATURAL
8133553		4701702498		103		G HURST NO 2 DOD-2498	CENTRAL DISTRICT	23.0	CARNEGIE NATURAL
8133552		4701702514		103		J MONTGOMERY NO 1 DOD-2514	CENTRAL DISTRICT	23.0	CARNEGIE NATURAL
-J & J ENTERPRISES INC				RECEIVED: 05/26/81 JA: WV					
8133597		4701722552		103		B-307	COVE	200.0	COLUMBIA GAS TRAN
8133598		4701722553		103		B-308	COVE	200.0	COLUMBIA GAS TRAN
8133558		4700121349		103		B-339	VALLEY	200.0	CONSOLIDATED GAS
8133564		4709520782		103		J-142	CENTERVILLE	200.0	CARNEGIE NATURAL
8133599		4701722599		103		J-38	NEW MILTON	200.0	CONSOLIDATED GAS
-JAMES F SCOTT				RECEIVED: 05/26/81 JA: WV					
8133550		4703302469		103		PATRICIA BECKER S-328	UNION	32.0	CONSOLIDATED GAS
-JOHNSON GAS CO				RECEIVED: 05/26/81 JA: WV					
8133465		4707902108		108		JOHNSON GAS CO #1 ORVILLE JOHNSON	PUTNAM COUNTY TEAYS VALL	360.0	PENNZOIL CO
-KATHY ANNE GAS CO				RECEIVED: 05/26/81 JA: WV					
8133527		4709929350		108		KATHY ANNE GAS COMPANY #1	SOUTHERN WEST VIRGINIA	14.3	GAS SUPPLY CORP
-KILGORE GAS CO				RECEIVED: 05/26/81 JA: WV					
8133490		4701100460		108		G R KINNARD ETAL	CABELL CO	3.1	DEVON CORP
-L&M PETROLEUM INC				RECEIVED: 05/26/81 JA: WV					
8133454		4707320998		107-DV		BILLY ELDER #3	WASHINGTON	12.0	COLUMBIA GAS TRAN
8133455		4707320962		107-DV		FRANK CARPENTER #1	WASHINGTON	13.0	COLUMBIA GAS TRAN
8133456		4707320952		107-DV		H A CARPENTER HEIRS #3	UNION	18.3	COLUMBIA GAS TRAN
-LAUDERMAN OIL & GAS DRILLING				RECEIVED: 05/26/81 JA: WV					
8133468		4707300873		103		GALE SISTERS #2 WELL	WASHINGTON	18.3	COLUMBIA GAS TRAN
-M & F OIL & GAS CO				RECEIVED: 05/26/81 JA: WV					
8133516		4710301201		108		M A & BEN HEADLEY #1	GRANT	0.8	PENNZOIL CO
-MCCOY GAS CO				RECEIVED: 05/26/81 JA: WV					
8133526		4709929010		108		MCCOY GAS CO #1	SOUTHERN	3.1	GAS SUPPLY CORP
-PENNZOIL COMPANY				RECEIVED: 05/26/81 JA: WV					
8133541		4704302181		108		A E SMITH #1	DUVAL	0.0	CONSOLIDATED GAS
8133542		4704302171		108		B S OXLEY #1	DUVAL	0.0	CONSOLIDATED GAS
8133583		4704302134		108		G T LAWRENCE #6	DUVAL	0.0	CONSOLICATED GAS
8133470		4708702729		108		H D SERGENT #4	WALTON	0.0	CONSOLIDATED GAS
8133500		4704302287		108		J A MIDKIFF #1	WASHINGTON	0.0	CONSOLIDATED GAS
8133533		4704302216		108		J M DUNLAP #2	DUVAL	0.0	CONSOLIDATED GAS
8133532		4704302225		108		J S BURDETTE #2	DUVAL	0.0	CONSOLIDATED GAS
8133534		4704302215		108		J W CURNES #3	DUVAL	0.0	CONSOLIDATED GAS
8133495		4704302276		108		J W HARLESS #1	DUVAL	0.0	CONSOLIDATED GAS
8133584		4704302135		108		JAS LAWSON #1	DUVAL	0.0	CONSOLIDATED GAS
8133590		4704302144		108		JAS LAWSON #10	DUVAL	0.0	CONSOLIDATED GAS
8133591		4704302145		108		JAS LAWSON #11	DUVAL	0.0	CONSOLIDATED GAS
8133585		4704302136		108		JAS LAWSON #2	DUVAL	0.0	CONSOLIDATED GAS
8133586		4704302137		108		JAS LAWSON #3	DUVAL	0.0	CONSOLIDATED GAS
8133587		4704302139		108		JAS LAWSON #5	DUVAL	0.0	CONSOLIDATED GAS
8133588		4704302142		108		JAS LAWSON #8	DUVAL	0.0	CONSOLIDATED GAS

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8133589		4704302143		108		JAS LAWSON #9	DUVAL	0.0	CONSOLIDATED GAS
8133547		4704302159		108		JOEL MCCORMICK #1	DUVAL	0.0	CONSOLIDATED GAS
8133539		4704302204		108		LAFAYETTE ALFORD #2	DUVAL	0.0	CONSOLIDATED GAS
8133538		4704302205		108		LAFAYETTE ALFORD #3	DUVAL	0.0	CONSOLIDATED GAS
8133537		4704302206		108		LAFAYETTE ALFORD #4	DUVAL	0.0	CONSOLIDATED GAS
8133531		4704302227		108		MAHALA COON #1	DUVAL	0.0	CONSOLIDATED GAS
8133530		4704302228		108		MAHALA COON #2	DUVAL	0.0	CONSOLIDATED GAS
8133501		4704302283		108		MASON & TACKETT #6	DUVAL	0.0	CONSOLIDATED GAS
8133536		4704302211		108		O F BELL #2	DUVAL	0.0	CONSOLIDATED GAS
8133535		4704302212		108		O F BELL #6	DUVAL	0.0	CONSOLIDATED GAS
8133475		4708701579		103		S P SHAVER #4	WALTON	0.0	
8133540		4704302193		108		STEPHENSON ET AL #1	DUVAL	0.0	CONSOLIDATED GAS
8133544		4704302168		108		T F NELSON #1	DUVAL	0.0	CONSOLIDATED GAS
8133543		4704302169		108		T F NELSON #3	DUVAL	0.0	CONSOLIDATED GAS
8133546		4704302162		108		THOMAS MCDOWELL #3	DUVAL	0.0	CONSOLIDATED GAS
8133545		4704302163		108		THOMAS MCDOWELL #4	DUVAL	0.0	CONSOLIDATED GAS
8133496		4704302245		108		W M GOODE #11	DUVAL	0.0	CONSOLIDATED GAS
8133529		4704302238		108		W M GOODE #2	DUVAL	0.0	CONSOLIDATED GAS
8133499		4704302239		108		W M GOODE #3	DUVAL	0.0	CONSOLIDATED GAS
8133498		4704302241		108		W M GOODE #7	DUVAL	0.0	CONSOLIDATED GAS
8133497		4704302243		108		W M GOODE #9	DUVAL	0.0	CONSOLIDATED GAS
8133453		4704501831		108		YAUKEY-FREEMAN #30	YAUKEY-FREEMAN	5.2	CONSOLIDATED GAS
-PETROLEUM ENTERPRISES		RECEIVED: 05/26/81 JA: WV							
8133504		4709500757		103		A E PRATT TYL-0757	CENTERVILLE DISTRICT	23.0	CARNEGIE NATURAL
8133506		4709500731		103		C K MCCULLOUGH NO 1 TYL-0731	CENTERVILLE DISTRICT	23.0	CARNEGIE NATURAL
8133505		4709500755		103		C K MCCULLOUGH NO 2 TYL-0755	CENTERVILLE DISTRICT	23.0	CARNEGIE NATURAL
8133503		4709500000		103		E MULVAY NO 1 TYL-0759	CENTERVILLE DISTRICT	23.0	CARNEGIE NATURAL
8133551		4701702554		103		R MCCULLOUGH NO 1 DOD-2554	CENTRAL DISTRICT	23.0	CONSOLIDATED GAS
-RALPH KIRTLEY		RECEIVED: 05/26/81 JA: WV							
8133514		4701100382		108		NIDA #1	CITY OF HUNTINGTON	5.6	DEVON CORP
-ROUZER OIL CO		RECEIVED: 05/26/81 JA: WV							
8133592		4701501036		108		BETTIE G BELL #5	BOMONT	2.0	COLUMBIA GAS TRAN
-ROYAL OIL & GAS CORPORATION		RECEIVED: 05/26/81 JA: WV							
8133467		4702103544		103		WALTER MOORE B #1	NORMANTOWN	4.0	CONSOLIDATED GAS
-SHOALS GAS CO		RECEIVED: 05/26/81 JA: WV							
8133525		4709928720		108		SHOALS GAS CO WELL #1	SOUTHERN WEST VIRGINIA	7.9	GAS SUPPLY CORP
-STANLEY GAS CO		RECEIVED: 05/26/81 JA: WV							
8133513		4709900000		108		STANLEY GAS CO WELL #1	SOUTHERN WEST VIRGINIA	20.7	GAS SUPPLY CORP
-STERLING DRILLING & PROD CO INC		RECEIVED: 05/26/81 JA: WV							
8133476		4708703350		103		WILMOTH #333	GEARY DISTRICT	23.4	COLUMBIA GAS TRAN
-TEXAS INTERNATIONAL PET CORP		RECEIVED: 05/26/81 JA: WV							
8133570		4708100516		103		BERWIND LAND #1	MARSH FORK	71.0	COLUMBIA GAS TRAN
8133580		4708501278		103		BERWIND LAND #7	CROOK	163.0	COLUMBIA GAS TRAN
8133581		4700500000		103		BERWIND LAND CO #10	CROOK	232.0	COLUMBIA GAS TRAN
8133582		4708501313		103		BERWIND LAND CO #3	CROOK	146.0	COLUMBIA GAS TRAN
8133557		4708501277		103		BERWIND LAND CO #4	CROOK	566.0	COLUMBIA GAS TRAN
8133559		4700501274		103		BERWIND LAND CO #5	CROOK	144.0	COLUMBIA GAS TRAN
8133556		4708501276		103		BERWIND LAND CO #9	CROOK	89.0	COLUMBIA GAS TRAN
8133595		4700501319		103		BERWIND LAND COMPANY #8	CROOK	290.0	COLUMBIA GAS TRAN
8133479		4706700539		103		BETHLEHEM MINES CORP #38	TWENTY MILE CREEK	11.0	CABOT CORP
8133471		4706700538		103		BETHLEHEM MINES CORP #49	TWENTY MILE CREEK	91.0	CABOT CORP
8133515		4710900832		108		POCAHONTAS #C-10	BARKERS RIDGE	15.0	CONSOLIDATED GAS
8133458		4704700809		108		POCAHONTAS LAND CORP A-49	NORTH FORK	74.2	CONSOLIDATED GAS

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8133474		4708100372		103		ROWLAND LAND COMPANY #A-3	MARSH FORK	17.0	COLUMBIA GAS TRAN

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8133474		4708100372		103		ROWLAND LAND COMPANY #A-3	MARSH FORK	17.0	COLUMBIA GAS TRAN
8133596		4700501326		103		WESTERN POCAHONTAS #10	CROOK	15.0	COLUMBIA GAS TRAN
8133488		4700501327		103		WESTERN POCAHONTAS #11	CROOK DISTRICT MARSH FOR	37.0	COLUMBIA GAS TRAN
8133593		4700501315		103		WESTERN POCAHONTAS #2	CROOK	226.0	COLUMBIA GAS TRAN
8133594		4700501317		103		WESTERN POCAHONTAS #4	CROOK	147.0	COLUMBIA GAS TRAN
8133487		4700501320		103		WESTERN POCAHONTAS #8	CROOK	73.0	COLUMBIA GAS TRAN
-UNION DRILLING INC				RECEIVED: 05/26/81 JA: WV					
8133469		4708300341		103		CLEO W TACY #2 1540	ROARING CREEK DISTRICT	0.0	COLUMBIA GAS TRAN
8133478		4709702123		103		FLODA DINSER #1 1683	MEADE DISTRICT	0.0	COLUMBIA GAS TRAN
8133486		4708101402		103		HENRY C WOODYARD #1 1590	ELK DISTRICT	0.0	CONSOLIDATED GAS
-UNITED OPERATING CO				RECEIVED: 05/26/81 JA: WV					
8133485		4700101321		103		KENNETH THORN 1-A	TYGART RIVER VALLEY	0.0	CONSOLIDATED GAS
-UNITED PETRO LTD				RECEIVED: 05/26/81 JA: WV					
8133483		4710500869		103		OLIN D NUZUM #1-A	GARFIELD	6.0	CABOT CORP
-WEBSTER MYERS				RECEIVED: 05/26/81 JA: WV					
8133482		4707900440		108		L W DUKE ET AL WELL #1	CHARLEYS CREEK	0.0	DEVON CORP
8133489		4707900880		108		MCCOMAS WELL #1	MCCOMAS	2.3	DEVON CORP
8133481		4707900522		108		WILLIAM FISHER ET AL - WELL #1	DUNBAR	4.0	DEVON CORP
**********									
** U.S. GEOLOGICAL SURVEY - METAIRIE,LA									
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-AMINOIL USA INC				RECEIVED: 05/26/81 JA: LA 3					
8133605	G0-1715	1771140569		102-5		OCS-G-0434 WELL NO D-5A	SHIP SHOAL 154	18.0	TENNESSEE GAS PIP
-COLUMBIA GAS DEVELOPMENT CORP				RECEIVED: 05/26/81 JA: LA 3					
8133648	G1-1915	1778240433		102-5		A-1	WEST CAMERON	1460.0	COLUMBIA GAS TRAN
8133649	G1-1916	1778240487		102-5		A-2	WEST CAMERON	912.0	COLUMBIA GAS TRAN
-EXXON CORPORATION				RECEIVED: 05/26/81 JA: LA 3					
8133657	81-1936	1781740116		102-1		OCS-G 3799 NO A-6	MISSISSIPPI CANYON	308.0	SOUTHERN NATURAL
-GULF OIL CORPORATION				RECEIVED: 05/26/81 JA: LA 3					
8133625	81-1878	1772040079		102-5		OCS G-1101 WELL G-6 WD BLK 117	WEST DELTA	73.0	TEXAS EASTERN TRA
8133612	G1-1827	1771540340		102-5		OCS-G-2621 NO F-3	SOUTH TIMBALIER	135.0	TEXAS EASTERN TRA
-HUNT OIL COMPANY				RECEIVED: 05/26/81 JA: LA 3					
8133611	G1-1821	1770940404		102-5		WELL NO 4	EUGENE ISLAND	919.0	MICHIGAN WISCONSI
-MCMORAN OFFSHORE EXPLORATION CO				RECEIVED: 05/26/81 JA: LA 3					
8133670	G1-1973	1770540439		107-DP		OCS-G 3390 #12	VERMILION	7380.0	TRANSCONTINENTAL
-MOBIL OIL EXPLORATION & PROD S E				RECEIVED: 05/26/81 JA: LA 3					
8133626	G1-1879	1771340045		102-5		SOUTH PELTO 11 #19A	SOUTH PELTO	365.0	TRANSCONTINENTAL
8133627	G1-1880	1771340845		102-5		SOUTH PELTO 11 #19C (ALT)	SOUTH PELTO	1460.0	TRANSCONTINENTAL
-OCEAN PRODUCTION CO				RECEIVED: 05/26/81 JA: LA 3					
8133646	G1-1918	1771140532		102-5		OCS - 867 NO 34A	SHIP SHOAL	175.0	TRANSCONTINENTAL
8133613	81-1828	1771145270		102-5		OCS-G-1823 NO E-12A	SHIP SHOAL 222 FIELD	1825.0	TRANSCONTINENTAL
8133647	G1-1911	1771140516		102-5		OCS - 867 NO 37C	SHIP SHOAL	280.0	TRANSCONTINENTAL
8133609	G0-1785	1771340080		102-5		OCS - 873 NO 34B	SOUTH PELTO	730.0	TRANSCONTINENTAL
8133608	G0-1784	1771340080		102-5		OCS-873 NO 34A	SOUTH PELTO	1100.0	TRANSCONTINENTAL
-PENNZOIL OIL & GAS INC				RECEIVED: 05/26/81 JA: LA 3					
8133618	G1-1860	1770440474		102-5		PENNZOIL COMPANY OCS-G 2439 EAST	EAST CAMERON AREA SOUTH	3500.0	
8133619	G1-1861	1770440482		102-5		PENNZOIL COMPANY OCS-G 2439 EAST	EAST CAMERON AREA SOUTH	4400.0	
-QUINTANA OFFSHORE INC				RECEIVED: 05/26/81 JA: LA 3					
8133669	G1-1968	1771140522		107-DP		OCS-G-3411 WELL NO 1	SHIP SHOAL	365.0	
-SHELL OIL CO				RECEIVED: 05/26/81 JA: LA 3					
8133664	G1-1954	1770840173		102-5		OCS-G 2280 C-11	SOUTH MARSH ISLAND	73.0	TRANSCONTINENTAL
8133650	G1-1922	1770840379		102-5		OCS-G 2280 D-3	SOUTH MARSH ISLAND	180.0	TRANSCONTINENTAL
8133655	G1-1928	1770940283		107-DP		OCS-G 3152 JA-1 (FORMERLY NO 1)	EUGENE ISLAND	5280.0	TRANSCONTINENTAL

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8133623	G1-1876	1772340081		102-5		SP 61 OCS-G 1609 NO D-19	SOUTH PASS	0.0	SOUTHERN NATURAL
8133620	G1-1864	1772340082		102-5		SP 61 OCS-G 1609 NO D-23	SOUTH PASS	0.0	SOUTHERN NATURAL
8133639	G1-1901	1772340080		102-5		SP 61 OCS-G 1614 NO D-29	SOUTH PASS	0.0	SOUTHERN NATURAL
8133624	G1-1877	1772340062		102-5		SP 61 OCS-G 1614 NO D-3	SOUTH PASS	0.0	SOUTHERN NATURAL
-SONAT EXPLORATION COMPANY				RECEIVED: 05/26/81 JA: LA 3					
8133614	G1-1856	1770340202		102-5		OCS-G-2038 WELL #B-3	EAST CAMERON	2000.0	SEA ROBIN PIPELIN
8133615	G1-1857	1770340202		102-5		OCS-G-2038 WELL #B-3D	EAST CAMERON	1700.0	SEA ROBIN PIPELIN
8133616	G1-1858	1770340201		102-5		OCS-G-2038 WELL #B-4	EAST CAMERON	4200.0	SEA ROBIN PIPELIN
8133617	G1-1859	1770340215		102-5		OCS-G-2038 WELL NO B-9	EAST CAMERON	4200.0	SEA ROBIN PIPELIN
8133654	G1-1926	1770340142		102-1		OCS-G-3537 WELL #B-1	EAST CAMERON	175.0	SOUTHERN NATURAL
8133662	G1- 1947	1770340213		102-1		OCS-G-3537 WELL #B-6	EAST CAMERON	1400.0	SOUTHERN NATURAL
8133671	G1-1974	1770440469		102-1		OCS-G-4100 WELL NO B-11	EAST CAMERON	300.0	SOUTHERN NATURAL
-TENNECO OIL COMPANY				RECEIVED: 05/26/81 JA: LA 3					
8133653	G1-1925	1771140562		102-1		SHIP SHOAL 170 A-8	SHIP SHOAL	3025.0	TENNESSEE GAS PIP
-UNION OIL COMPANY OF CALIF				RECEIVED: 05/26/81 JA: LA 3					
8133652	G1-1929	1770240592		102-5		OCS-G 2437 NO A-7	WEST CAMERON	365.0	COLUMBIA GAS TRAN
8133651	G1-1923	1770240604		102-5		OCS-G 2437 NO A-8	WEST CAMERON	1095.0	COLUMBIA GAS TRAN
8133665	G1-1955	1771540344		102-1		OCS-G 4088 WELL NO A-1	SOUTH TIMBALIER	0.0	TENNESSEE GAS PIP
8133666	G1-1956	1771540376		102-1		OCS-G 4088 WELL NO A-2	SOUTH TIMBALIER	0.0	TENNESSEE GAS PIP
8133667	G1-1957	1771540385		102-1		OCS-G 4088 WELL NO A-4	SOUTH TIMBALIER	0.0	TENNESSEE GAS PIP
8133668	G1-1958	1771540392		102-1		OCS-G 4088 WELL NO A-6	SOUTH TIMBALIER	0.0	TENNESSEE GAS PIP
-AMINOIL DEVELOPMENT INC				RECEIVED: 05/26/81 JA: TX 3					
8133656	G1-1931	4271140244		102-4		A-14	HIGH ISLAND A-330	1113.0	NATURAL GAS PIPEL
8133638	G1-1897	4271140438		102-5		HIGH ISLAND BLOCK A-317 WELL A-14	HIGH ISLAND	986.0	NATURAL GAS PIPEL
*8133604	G1-1711	4271140262		102-5		OCS-G-2421 WELL NO A-16	HIGH ISLAND	760.0	NATURAL GAS PIPEL
-HOUSTON OIL & MINERALS CORPORATION				RECEIVED: 05/26/81 JA: TX 3					
8133630	G1-1887	4270940390		102-5		OCS-G-2685 #A-1 ALTERNATE	HIGH ISLAND	2.0	NATURAL GAS PIPEL
8133629	G1-1886	4270940390		102-5		OCS-G-2685 #A-1 L	HIGH ISLAND	2.0	NATURAL GAS PIPEL
8133628	G1-1885	4270940398		102-5		OCS-G-2685 #A-1 U	HIGH ISLAND	2.0	NATURAL GAS PIPEL
8133632	G1-1889	4270940395		102-5		OCS-G-2685 #A-2L	HIGH ISLAND	2.0	NATURAL GAS PIPEL
8133631	G1-1888	4270940395		102-5		OCS-G-2685 #A-2U	HIGH ISLAND	2.0	NATURAL GAS PIPEL
8133635	G1-1892	4270940489		102-5		OCS-G-2685 #A-3 ALTERNATE	HIGH ISLAND	2.0	NATURAL GAS PIPEL
8133634	G1-1891	4270940409		102-5		OCS-G-2685 #A-3 L	HIGH ISLAND	2.0	NATURAL GAS PIPEL
8133633	G1-1890	4270940409		102-5		OCS-G-2685 #A-3U	HIGH ISLAND	2.0	NATURAL GAS PIPEL
8133637	G1-1894	4270940544		102-5		OCSG-2685 #A-4 L	HIGH ISLAND	2.0	NATURAL GAS PIPEL
8133636	G1-1893	4270940544		102-5		OCSG-2685 #A-4 U	HIGH ISLAND	2.0	NATURAL GAS PIPEL
-MOBIL PROG TEXAS & NEW MEXICO INC				RECEIVED: 05/26/81 JA: TX 3					
*8133606	G0-1748	4270940343		102-5		A-16A	HIGH ISLAND	43.5	NATURAL GAS PIPEL
*8133607	G0-1749	4270940343		102-5		A-16B	HIGH ISLAND	31.6	NATURAL GAS PIPEL
*8133610	G0-1787	4270940180		102-5		OCS-G-2393 NO A-8A	HIGH ISLAND	64.5	NATURAL GAS PIPEL
-SHELL OIL CO				RECEIVED: 05/26/81 JA: TX 3					
8133640	G1-1903	4270940494		102-5		OCS-G 3117	HIGH ISLAND	7000.0	UNITED GAS PIPE L
8133641	G1-1904	4270940451		102-5		OCS-G 3117 JA-1	HIGH ISLAND	5250.0	UNITED GAS PIPE L
8133642	G1-1905	4270940503		102-5		OCS-G 3117 JA-3	HIGH ISLAND	7000.0	UNITED GAS PIPE L
8133643	G1-1906	4270940512		102-5		OCS-G 3117 JA-4	HIGH ISLAND	3500.0	UNITED GAS PIPE L
8133644	G1-1907	4270900000		102-5		OCS-G 3117 JA-5	HIGH ISLAND	3500.0	UNITED GAS PIPE L
8133645	G1-1908	4270940562		102-5		OCS-G 3117 JA-6	HIGH ISLAND	3500.0	UNITED GAS PIPE L
8133658	G1-1937	4271540002		102-1		OCS-G 4143 JB-1	SABINE PASS	3650.0	FLORIDA GAS TRANS
8133659	G1-1938	4271540002		102-1		OCS-G 4143 JB-1D	SABINE PASS	3650.0	FLORIDA GAS TRANS
8133660	G1-1939	4271540004		102-1		OCS-G 4143 JB-2	SABINE PASS	3650.0	FLORIDA GAS TRANS
8133661	G1-1940	4271540006		102-1		OCS-G 4143 JB-3	SABINE PASS	1825.0	FLORIDA GAS TRANS
-SUPERIOR OIL CO				RECEIVED: 05/26/81 JA: TX 3					
8133663	G1-1949	4270840071		102-5		BLOCK NO 139 WELL NO 2L	HIGH ISLAND	0.0	NATURAL GAS PIPEL

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8133622	G1-1874	4270840074		102-5		BLOCK NO 139 WELL NO 3	HIGH ISLAND	0.0	NATURAL GAS PIPEL

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8133622	81-1874	4270840874		102-5		BLOCK NO 139 WELL NO 3	HIGH ISLAND	0.0	NATURAL GAS PIPEL
8133621	81-1872	4270840865		102-5		BLOCK 139 WELL NO 1	HIGH ISLAND	0.0	NATURAL GAS PIPEL
** DEPARTMENT OF ENERGY									
-NAVAL PETROLEUM RESERVES IN CALIFOR		RECEIVED: 09/26/81 JA: CA 9							
8133602		0402900000		102-2		318 - 8361	NAVAL PETROLEUM RESERVES	365.0	CHEVRON USA INC
8133603		0402900000		103		7R - 8378	NAVAL PETROLEUM RESERVES	91.0	CHEVRON USA INC

OTHER PURCHASERS

8133604 TRANSCONTINENTAL GAS P L CORP
8133606 TRANSCONTINENTAL GAS P L CORP
8133607 TRANSCONTINENTAL GAS P L CORP
8133610 TRANSCONTINENTAL GAS PL CORP

BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations mays, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission on or before July 15, 1981.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 mile rule)
102–3: New well (1000 ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease
Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal seams
107–DV: Devonian shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Other Purchasers

8133804 Transcontinental Gas PL Corp
8133606 Transcontinental Gas PL Corp
8133807 Transcontinental Gas PL Corp
8133610 Transcontinental Gas PL Corp

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-19230 Filed 6-29-81; 8:45 am]

BILLING CODE 6450-85-M

[Volume 450]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued June 24, 1981.

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
**** NEBRASKA OIL & GAS CONSERVATION COMMISSION ****									
-DOUBLE M OIL CO						RECEIVED: 04/28/81 JA: NE			
81273118		2603300000		103		#1 NIEMANN		288.0	
**** TEXAS RAILROAD COMMISSION ****									
-A E HERRMANN CORP						RECEIVED: 05/28/81 JA: TX			
8133095	34252	4223330787		103		LUGINBHYL #5 - ID #02204	PANHANDLE-HUTCHINSON COU	16.2	PHILLIPS PETROLEU
8133096	34253	4223330818		103		LUGINBHYL #6 ID #02204	PANHANDLE-HUTCHINSON COU	23.4	PHILLIPS PETROLEU
-ACIETEROS LTD						RECEIVED: 05/28/81 JA: TX			
8133051	34178	4249330783		102-2		THOMS-WILSON #1	JYF	8.8	CLAJON GAS CO
-AMERICAN PUBLIC ENERGY CO						RECEIVED: 05/28/81 JA: TX			
8133133	34369	4235730776		103		ROGERS L #1 84229	HORIZON (CLEVELAND)	8.8	PHILLIPS PETROLEU
8133092	34239	4235730774		103		SWINK "C" #1	HORIZON (CLEVELAND)	6.8	PHILLIPS PETROLEU
8133186	34268	4235730773		103		SWINK F #1 84244	HORIZON-CLEVELAND	8.8	PHILLIPS PETROLEU
-AMOCO PRODUCTION CO						RECEIVED: 05/28/81 JA: TX			
8133126	34335	4218936329		103		ANTON IRISH CLEARFORK UNIT #444	ANTON IRISH	5.8	PIONEER NATURAL G
8133116	34307	4213533411		103		GOLDSMITH LANDRETH DEEP UNIT #196	GOLDSMITH (CLEARFORK)	11.3	PHILLIPS PETROLEU
8133117	34308	4239100742		108		IRA HEARD B 8 U	GRETA/L-85/	7.1	EXXON CO U S A
8133125	34334	4221933021		103		LEVELLAND UNIT #777	LEVELLAND	9.6	AMOCO PRODUCTION
8133124	34333	4221933017		103		LEVELLAND UNIT #779	LEVELLAND	10.1	AMOCO PRODUCTION
8133230	34651	4221933016		103		LEVELLAND UNIT #781	LEVELLAND	10.2	AMOCO PRODUCTION
*8133118	34309	4216730795		103		MARRS MCLEAN A R/A D #12	HIGH ISLAND	0.8	JOHN W RECOM
8133231	34652	4220330784		102-4		WARE GAS UNIT /A/ WELL NO 1	BLOCKER/COTTON VALLEY/	330.0	UNITED GAS PIPE L
8133231	34652	4220330784		107-TF		WARE GAS UNIT /A/ WELL NO 1	BLOCKER/COTTON VALLEY/	330.0	UNITED GAS PIPE L
-ANDERSON PETROLEUM INC						RECEIVED: 05/28/81 JA: TX			
8133013	33026	4218532259		107-TF		L B COX JR A 1-11	OZONA (CANYON SAND)	30.0	ANDERSON PIPELINE
-ANDOVER OIL COMPANY						RECEIVED: 05/28/81 JA: TX			
8133091	34237	4240931489		103		PERSON #3	MATHIS EAST (5400)	60.0	VAL GAS CO
-ARCO OIL AND GAS COMPANY						RECEIVED: 05/28/81 JA: TX			
8133053	34174	4249531264		103		E G HUTCHINGS NO 1	KERMIT FIELD (SEVEN RIVE	3.5	PHILLIPS PETROLEU
8133054	34175	4249531265		103		E G HUTCHINGS NO 2	KERMIT FIELD (SEVEN RIVE	9.8	PHILLIPS PETROLEU
-BEAL OPERATING						RECEIVED: 05/28/81 JA: TX			
8133119	34312	4208332234		102-4		T GRIFFIS A #2 (91233)	LITTLE LONGHORN (MORRIS)	97.0	ODESSA NATURAL CO
-BENGAL PRODUCING CO						RECEIVED: 05/28/81 JA: TX			
*8133015	33040	4232900000		108		FASKEN 2-7 (86378)	SPRABERRY AREA TREND	0.8	PHILLIPS PETROLEU
-BLACK ROCK OIL & GAS CO INC						RECEIVED: 05/28/81 JA: TX			
*8133195	34478	4232300000		108		BAKER RANCH NO 6-2 871968	GENESIS (OLMOS 2000)	14.4	WEBB INDUSTRIES I
*8133196	34479	4232300000		108		BAKER RANCH NO M-1 862221	AMY-J (ESCONDIDO)	4.8	WEBB INDUSTRIES I
-BOB WALLACE OIL INC						RECEIVED: 05/28/81 JA: TX			
8133226	34623	4206530831		103		BURNETT (84498) NO 7	PANHANDLE CARSON COUNTY	100.0	PANHANDLE EASTERN
-BURNS PETROLEUM						RECEIVED: 05/28/81 JA: TX			

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JD NO	JA DKT	API NO	D	SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8133148	34378	4214930600		103	CAIN #1	GIDDINGS (AUSTIN CHALK)	50.0	PHILLIPS PETROLEU
8133149	34379	4214930671		103	CAIN A #2	GIDDINGS (AUSTIN CHALK)	20.0	PHILLIPS PETROLEU
8133152	34382	4207731845		103	CONWAY NO 3	SHANNON (CADDO)	20.0	TAYLOR OPERATING
8133146	34375	4207700000		103	GARRETT B #2	WATSON	7.5	FAGADAU ENERGY CO
8133150	34380	4214930501		103	JUERGEN-UNGER UNIT NO 1	GIDDINGS (AUSTIN CHALK)	1.0	PHILLIPS PETROLEU
8133151	34381	4214930500		103	JUERGEN-WOOD UNIT #1	GIDDINGS (AUSTIN CHALK)	15.0	PHILLIPS PETROLEU
8133147	34376	4207731652		103	SPEEGLE-SHEPHERD UNIT #1	DEER CREEK SE (MISSISSIP	3.0	FAGADAU ENERGY CO
-CHAMPLIN PETROLEUM COMPANY				RECEIVED: 05/28/81 JA: TX				
8133002	32812	4238331779		102-2	COPE-BODINE NO 2	CONGER SW (PENN)	99.0	NORTHERN NATURAL
8133002	32812	4238331779		103	COPE-BODINE NO 2	CONGER SW (PENN)	99.0	NORTHERN NATURAL
*8133129	34341	4235500000		108	J S ELIFF #42	AUGA DULCE	5.5	TENNESSEE GAS PIP
8133009	32933	4217331099		102-2	P L CRAVENS NO 1	CONGER SW (PENN)	60.0	NORTHERN NATURAL
8133009	32933	4217331099		103	P L CRAVENS NO 1	CONGER SW (PENN)	60.0	NORTHERN NATURAL
-CHAPARRAL MINERALS INC				RECEIVED: 05/28/81 JA: TX				
8133222	34599	4205130991		103	W H GIESENSCHLAG #3 (12538)	CALDWELL (AUSTIN CHALK)	139.0	FERGUSON CROSSING
-CHEVRON U S A INC				RECEIVED: 05/28/81 JA: TX				
8133000	32287	4200331938		103	COLUMBUS GRAY 19 #21	FUHRMAN-MASCHO	2.9	PHILLIPS PETROLEU
-CITIES SERVICE COMPANY				RECEIVED: 05/28/81 JA: TX				
8133156	34400	4214930669		102-2	BARAT A NO 1 (13689)	GIDDINGS (AUSTIN CHALK)	74.0	FALCON GAS CO
8133155	34399	4214930752		102-2	HAWK A NO 1 (13706)	GIDDINGS (AUSTIN CHALK)	115.0	FALCON GAS CO
-COASTAL OIL & GAS CORP				RECEIVED: 05/28/81 JA: TX				
8133169	34422	4237530793		103	BIVINS 1618R0	PANHANDLE (RED CAVE)	30.0	COLORADO INTERSTA
8133107	34271	4237530795		103	BIVINS 1620R0	PANHANDLE (RED CAVE)	65.0	COLORADO INTERSTA
8133108	34272	4237530757		103	BIVINS 1735R0	PANHANDLE (RED CAVE)	1.0	COLORADO INTERSTA
8133193	34474	4237530760		103	BIVINS 3312 S	PANHANDLE (RED CAVE)	44.0	COLORADO INTERSTA
8133170	34424	4237530761		103	BIVINS 3404 S	PANHANDLE (RED CAVE)	6.0	COLORADO INTERSTA
8133194	34475	4237530759		103	BIVINS 5019R0	PANHANDLE (RED CAVE)	38.0	COLORADO INTERSTA
8133109	34273	4237530819		103	BIVINS 5038 R0	PANHANDLE (RED CAVE)	25.0	COLORADO INTERSTA
8133110	34274	4237530818		103	BIVINS 5065R0	PANHANDLE (RED CAVE)	68.0	COLORADO INTERSTA
-COLA PETROLEUM INC				RECEIVED: 05/28/81 JA: TX				
*8133220	34591	4238331639		103	LEONA 166 #1	CALVIN (DEAN)	19.1	UNION TEXAS PETRO
*8133209	34548	4238331529		103	ROACH 166 #1	CALVIN (DEAN)	39.6	UNION TEXAS PETRO
-CONOCO INC				RECEIVED: 05/28/81 JA: TX				
8133145	34373	4222732158		103	G O CHALK - #22 ID #02684	HOWARD GLASSCOCK	3.7	PHILLIPS PETROLEU
-CROMERA OIL & GAS CO				RECEIVED: 05/28/81 JA: TX				
8133165	34417	4236300000		108	CARTER BARNEY ESTATE 4-A865422	COSTELLO (BIG SALINE)	6.4	SOUTHWESTERN GAS
8133166	34418	4236300000		108	CARTER UNIT 3 TRI-STATE MACH #1-42	COSTELLO (BIG SALINE)	10.2	SOUTHWESTERN GAS
8133164	34416	4236700000		108	L W LESIKAR #1 ID77844	MEEKER (CONGL 4000)	9.1	UPHAM OIL & GAS C
8133030	33862	4223732225		103	SPENCER SOBOWSKY #1 ID-19803	ARCO (CONGLOMERATE)	102.5	SOUTHWESTERN GAS
8133163	34415	4236300000		108	TRI-STATE LEASING CORP #1-75251	PALO PINTO CO REG (GAS)	8.3	SOUTHWESTERN GAS
-CUMMINS & WALKER OIL CO INC				RECEIVED: 05/28/81 JA: TX				
8133016	33141	4228300000		103	SOUTH TEXAS SYNDICATE A 86 NO 1	WASHBURN RANCH (WILCOX L	146.0	TRANSCONTINENTAL
-DALLAS PRODUCTION INC				RECEIVED: 05/28/81 JA: TX				
8133005	32906	4222130619		102-2	SANDERS A NO 1	MCINTOSH (STRAWN)	87.0	SOUTHWESTERN GAS
-EL PASO NATURAL GAS COMPANY				RECEIVED: 05/28/81 JA: TX				
8133184	34451	4243532181		107-TF	SHURLEY #11	SAWYER CANYON	119.0	EL PASO NATURAL G
8133181	34448	4243532180		107-TF	SHURLEY #12	SAWYER CANYON	365.0	EL PASO NATURAL G
8133182	34449	4243532188		107-TF	SHURLEY #13	SAWYER CANYON	119.0	EL PASO NATURAL G
8133183	34450	4243532190		107-TF	SHURLEY #15	SAWYER CANYON	100.0	EL PASO NATURAL G
-ENERGETICS INC				RECEIVED: 05/28/81 JA: TX				
8133004	32869	4214930457		102-2	ALMA PIETSCH #1 ID# 13013	GIDDINGS (AUSTIN CHALK)	20.0	PHILLIPS PETROLEU
8133026	33840	4214930742		102-2	C B KULHANEK #1 ID #13680	GIDDINGS (AUSTIN CHALK)	20.0	PHILLIPS PETROLEU
8133012	33023	4214930454		102-2	HITT-SHEPARD #1 ID 13372	GIDDINGS (AUSTIN CHALK)	130.0	PHILLIPS PETROLEU

JD NO	JA DKT	API NO	D	SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8133025	33838	4214930459		102-2		W T KIESCHNIK NO 1 ID #12889	GIDDINGS (AUSTIN CHALK)	18.0	PHILLIPS PETROLEU
-ENERGY RESERVES GROUP INC				RECEIVED: 05/28/81 JA: TX					
8133214	34566	4238331783		103		ONA WELLS #4	CALVIN (DEAN)	9.4	UNION TEXAS PETRO
8133212	34564	4238331703		103		RUPERT P RICKER KO #10	CALVIN (DEAN)	27.0	UNION TEXAS PETRO
8133213	34565	4238331704		103		RUPERT P RICKER KO #11	CALVIN (DEAN)	28.2	UNION TEXAS PETRO
8133216	34572	4238331849		103		VESTER HUGHES #11	SPRABERRY (TREND AREA)	33.8	EL PASO NATURAL G
8133215	34570	4238331848		103		VESTER HUGHES #12	SPRABERRY (TREND AREA)	25.2	EL PASO NATURAL G
8133211	34562	4238331847		103		VESTER HUGHES #13	SPRABERRY (TREND AREA)	17.3	EL PASO NATURAL G
-ENRE CORP				RECEIVED: 05/28/81 JA: TX					
8133228	34636	4242932730		102-4		LILLIE BELLE THOMPSON #5 (16751)	LILLY BELL E (ELLEN)	51.0	WARREN PETROLEUM
-ENSERCH EXPLORATION INC				RECEIVED: 05/28/81 JA: TX					
8133127	34337	4238331784		103		FRIEND A NO 3	FARMER	19.0	NORTHERN NATURAL
-EXXON CORPORATION				RECEIVED: 05/28/81 JA: TX					
*8133236	34666	4236530661		103		F H DONALD #2 (CFEC #508)	CARTHAGE (COTTON VALLEY)	678.0	ARMCO STEEL CORP
8133248	34730	4237133318		103		FORT STOCKTON UNIT #908	FT STOCKTON (YATES LOWER	16.0	NUECES CO
*8133244	34722	4208332555		103		FULLERTON CLEARFORK UNIT #2535	FULLERTON	13.0	PHILLIPS PETROLEU
*8133024	33787	4200332483		103		FULLERTON CLEARFORK UNIT #3819	FULLERTON	15.0	PHILLIPS PETROLEU
8133249	34731	4229530935		103		HENRY FRASS JR E #5	FRASS (TONKAWA)	16.0	TRANSWESTERN PIPE
8133246	34727	4229530582		103		HENRY FRASS JR H #4	FRASS (TONKAWA)	34.0	TRANSWESTERN PIPE
8133247	34729	4210332399		103		J B TUBB A/C 1 #236L	SAND HILLS (TUBB)	184.0	EL PASO NATURAL G
8133036	33901	4245930458		103		JACK JONES EST G U #2	GILMER (JURASSIC)	488.0	DELHI GAS PIPELIN
8133036	33901	4245930458		107-TF		JACK JONES EST G U #2	GILMER (JURASSIC)	488.0	DELHI GAS PIPELIN
*8133021	33687	4226130238		103		N E RITA GAS UNIT 1 WELL 1 (89458)	RITA NE (1-78)	186.0	ARMCO STEEL CORP
*8133020	33640	4204730559		103		R J K JR TR VIBORAS PAST 68-F	VIBORAS	730.0	ARMCO STEEL CORP
8133245	34724	4216531954		103		ROBERTSON CLFK UNIT #8201	ROBERTSON N (CLFK 7100)	15.0	PHILLIPS PETROLEU
*8133022	33691	4204730614		103		SANTA FE RANCH 38-D (82217)	SANTA FE (E-89)	183.0	ARMCO STEEL CORP
-FOY BOYD MANAGEMENT CORP				RECEIVED: 05/28/81 JA: TX					
8133235	34665	4243532260		107-TF		ALLISON #1	BRANCH NORTH (CANYON SAN	75.0	EL PASO NATURAL G
-FRANK CASS				RECEIVED: 05/28/81 JA: TX					
8133086	34220	4238300000		103		HUGHES-TRIGG ARC AO 08489	SPRABERRY (TREND AREA)	38.0	EL PASO NATURAL G
-FRANK J KING				RECEIVED: 05/28/81 JA: TX					
*8133152	34358	4236731878		102-4		H B NETTLETON NO 1	CLAYTON (CONGLOMERATE)	129.0	TEXAS UTILITIES F
-GEODYNAMICS OIL & GAS				RECEIVED: 05/28/81 JA: TX					
8133161	34410	4205130725		102-2		BRAVENEC A #1	CALDWELL (AUSTIN CHALK)	88.0	CHAMPLIN PETROLEU
-GETTY OIL COMPANY				RECEIVED: 05/28/81 JA: TX					
8133087	34221	4234130583		103		H B ARMSTRONG NO 27	PANHANDLE HUTCHINSON	3.7	PANHANDLE EASTERN
-GRACE PETROLEUM CORPORATION				RECEIVED: 05/28/81 JA: TX					
8133089	34234	4223530285		108		BROCKS NO 5	BROCKS	3.1	NORTHERN NATURAL
8133090	34236	4223500000		108		BYLER A-2	BROOKS	9.8	CRA INC
-GULF OIL CORPORATION				RECEIVED: 05/28/81 JA: TX					
8133174	34436	4239300000		108		ADELIA CLARK B #1	QUINDUNO	10.0	NATURAL GAS PIPEL
8133243	34716	4223700000		108		J C RIGGS #1	BOONSVILLE BEND (CONGL G	18.0	SOUTHWESTERN GAS
8133173	34435	4239300000		108		JOHN HAGGARD #27	QUINDUNO	15.0	NATURAL GAS PIPEL
8133040	34069	4249501131		108		L DAUGHERTY WELL NO 2	KERMIT	2.5	CABOT CORP
8133044	34155	4249501063		108		L DAUGHERTY WELL NO 32	KERMIT	2.8	CABOT CORP
8133045	34156	4249501071		108		L DAUGHERTY WELL NO 36	KERMIT	2.7	CABOT CORP
8133043	34154	4249501076		108		L DAUGHERTY WELL NO 41	KERMIT	1.7	CABOT CORP
8133047	34160	4249501088		108		L DAUGHERTY WELL NO 49	KERMIT	1.6	CABOT CORP
8133046	34158	4249501096		108		L DAUGHERTY WELL NO 60	KERMIT	3.8	CABOT CORP
-GULF SANDS OIL CO				RECEIVED: 05/28/81 JA: TX					
8133186	34458	4202531383		103		ERIC HARTZENDORF NO 1	TYNAN E (FRIO 3400)	67.0	GULF STATES EQUIT
8133185	34457	4202531442		103		HARTZENDORF (KARSCH) NO 1	TYNAN (STILLWELL)	109.0	GULF STATES EQUIT
8133131	34357	4202531266		102-4		SIDNEY SUGAREK NO 1 (ID NO 89869)	LITTLE JOHN (1350)	0.0	GULF STATES EQUIT

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-H B RHOADS & ASSOCIATES						RECEIVED: 05/28/81 JA: TX			
8133218	34576	4239931526		103		STRAACH NO 1 WELL #08572	URBAN (MILES)	54.7	ODESSA NATURAL CO
-H W STRICKLAND						RECEIVED: 05/28/81 JA: TX			
8133198	34486	4223733182		102-4		CLAY NO 2	BOGEN (MISSISSIPPI)	85.0	SOUTHWEST GAS PIP
-HARRISON INTERESTS LTD						RECEIVED: 05/28/81 JA: TX			
8133130	34349	4210532459		107-TF		NO 17 UNIVERSITY LAND 38-38	HOWARDS CREEK (CANYON)	110.0	INTRATEX GAS CO
-HAWN BROTHERS						RECEIVED: 05/28/81 JA: TX			
8133019	33299	4204130526		102-2		#1 WYNNE-SULLIVAN	KURTEN (WOODBINE)	18.3	PRODUCERS GAS CO
-HENDERSON CLAY PRODUCTS INC						RECEIVED: 05/28/81 JA: TX			
8133052	34173	4240130971		102-3		LEATH ESTATE WELL #1 91568	HENDERSON NORTH (COTTON	402.0	UNITED GAS PIPELI
8133052	34173	4240130971		107-TF		LEATH ESTATE WELL #1 91568	HENDERSON NORTH (COTTON	402.0	UNITED GAS PIPELI
-HNG OIL COMPANY						RECEIVED: 05/28/81 JA: TX			
8133003	32829	4224531406		102-4		BLAUW PAETZ #6	STOWELL (SULLIVAN F)	12.4	WINNIE PIPELINE C
8133003	32829	4224531406		103		BLAUW PAETZ #6	STOWELL (SULLIVAN F)	12.4	WINNIE PIPELINE C
8133239	34680	4245431806		103		FELDMAN 113 #2 25231	RHODA WALKER (CANYON 590	12.8	CLAJON GAS CO
8133238	34679	4247532055		103		FELDMAN 113 #4 (25231)	RHODA WALKER (CANYON 590	18.3	CLAJON GAS CO
8133023	33746	4247932368		102-2		MARY ETTA LESSOR #2	BIG COWBOY (WILCOX 4800)	81.7	HOUSTON PIPELINE
8133023	33746	4247932368		103		MARY ETTA LESSOR #2	BIG COWBOY (WILCOX 4800)	81.7	HOUSTON PIPELINE
8133224	34618	4243532287		103		RICHARDSON 134 #1 85136	SAWYER/CANYON/	39.1	INTRATEX GAS CO
8133224	34618	4243532207		107-TF		RICHARDSON 134 #1 85136	SAWYER/CANYON/	39.1	INTRATEX GAS CO
8133180	34447	4243532312		103		WADE 52 #2 ID# 89162	MIERS E (STRAWN)	186.0	INTRATEX GAS CO
8133081	32596	4243532294		103		WARD 114-5 (86515)	SAWYER/CANYON/	84.7	INTRATEX GAS CO
8133081	32596	4243532294		107-TF		WARD 114-5 (86515)	SAWYER/CANYON/	84.7	INTRATEX GAS CO
8133225	34620	4243130866		103		WILKINSON 182 #1 (90322)	CREDO E /CISCO UPPER/	41.2	INTRATEX GAS CO
8133237	34677	4243130915		103		WILKINSON 9 #2	CREDO E/CISCO UPPER/	77.4	INTRATEX GAS CO
-HUNT OIL COMPANY						RECEIVED: 05/28/81 JA: TX			
8133082	34209	4221330288		103		FAIRWAY (JAMES LIME) UNIT #746-2	FAIRWAY (JAMES LIME) UNI	87.8	LONE STAR GAS CO
-IFA ENTERPRISES						RECEIVED: 05/28/81 JA: TX			
*8133251	34748	4223531562		103		ETHEL L AULT ET AL #3	ARDEN 3 (CANYON SD LO)	113.8	ESPERANZA PIPELIN
-INLAND OCEAN INC						RECEIVED: 05/28/81 JA: TX			
8132999	32285	4231180000		103		HAGIST RANCH 6 #1	HAGIST RANCH NO (FRIO 12	18.3	VALERO ENERGY COR
-J A D OIL & GAS						RECEIVED: 05/28/81 JA: TX			
8133229	34639	4206500000		108		MCCONNELL #3 RRC #02982	PANHANDLE	1.8	GETTY OIL CO
-J B HERRMANN						RECEIVED: 05/28/81 JA: TX			
8133097	34254	4223330824		103		LUCAS #1 ID #04565	PANHANDLE-HUTCHINSON COU	14.4	PHILLIPS PETROLEU
8133098	34255	4223330907		103		LUCAS #3 ID #04565	PANHANDLE-HUTCHINSON COU	7.2	PHILLIPS PETROLEU
8133099	34256	4223330991		103		LUCAS #4 ID #04565	PANHANDLE-HUTCHINSON COU	7218.0	PHILLIPS PETROLEU
-JOHN G MIDDLETON						RECEIVED: 05/28/81 JA: TX			
8133172	34432	4208931105		102-4		R L MINTER NO 1	ROCK ISLAND W	94.7	HOUSTON PIPE LINE
-KENNEDY & CHANEY						RECEIVED: 05/28/81 JA: TX			
8133038	34015	4247500000		103		DORR NO 10 #07229	WARD SOUTH	63.8	DELHI GAS PIPELIN
-KERR-MCGEE CORPORATION						RECEIVED: 05/28/81 JA: TX			
8133179	34441	4223330831		103		COCKRELL NO 31	PANHANDLE (HUTCHINSON)	28.8	GETTY OIL CO
8133178	34440	4223331012		103		COCKRELL NO 32	PANHANDLE (HUTCHINSON)	19.8	GETTY OIL CO
8133176	34438	4223330838		103		PITTS NO 116	PANHANDLE (HUTCHINSON)	8.8	GETTY OIL CO
8133175	34437	4223330841		103		PITTS NO 119	PANHANDLE (HUTCHINSON)	11.8	GETTY OIL CO
8133177	34439	4223330989		103		PITTS 122	PANHANDLE (HUTCHINSON)	23.8	GETTY OIL CO
-LA SALLE ENERGY CORP						RECEIVED: 05/28/81 JA: TX			
8133037	33947	4205100000		102-2		MISS ELLIE #1	GIDDINGS	102.2	CLAJON GAS CO
-LADD PETROLEUM CORPORATION						RECEIVED: 05/28/81 JA: TX			
8133121	34326	4210533125		103		A MILLSPAUGH 12-4	OZONA (CANYON SAND)	285.8	VALERO TRANSMISSI
8133121	34326	4210533125		107-TF		A MILLSPAUGH 12-4	OZONA (CANYON SAND)	285.8	VALERO TRANSMISSI
8133042	34148	4210533061		103		C SUTTON #16-1	OZONA (CANYON SAND)	167.1	
8133042	34148	4210533061		107-TF		C SUTTON #16-1	OZONA (CANYON SAND)	167.1	

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-LAGUNA PETROLEUM CO						RECEIVED: 05/28/81 JA: TX			
*8133210	34561	4211531413		103		SPRUILL #1	GIN NORTH (8000)	8.6	PHILLIPS PETROLEU

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-LAGUNA PETROLEUM CO						RECEIVED: 05/28/81 JA: TX			
*8133210	34561	4211531413		103		SPRUILL #1	GIN NORTH (8088)	8.6	PHILLIPS PETROLEU
-LYONS PETROLEUM INC						RECEIVED: 05/28/81 JA: TX			
8133085	34219	4220330756		102-4		ALVIN CHILDS NO 1	PINE BLUFF (PAGE 6500)	192.0	EAST TEXAS INDUST
8133085	34219	4220330756		103		ALVIN CHILDS NO 1	PINE BLUFF (PAGE 6500)	192.0	EAST TEXAS INDUST
-MADERA R F						RECEIVED: 05/28/81 JA: TX			
8133167	34419	4236300000		108		CLARA WATSON #2 ID60188	EMORY (BIG SALINE)	4.5	SOUTHWESTERN GAS
8133168	34420	4236300000		108		TRI-STATE LEASING #1 ID40159	EMORY (BIG SALINE 4116)	28.8	SOUTHWESTERN GAS
-MAGNUM RESOURCES INC						RECEIVED: 05/28/81 JA: TX			
8132998	32282	4250334202		103		RAMSOURS A #1 --- 20617	SCHULZ & BRANNAN (STRAWN	184.0	SUN GAS GATHERING
-MCFARLANE OIL CO INC						RECEIVED: 05/28/81 JA: TX			
8133254	34763	4246900000		103		LANDER NO 1	PLACEDO WEST 6850 SD FIE	8.8	TENNECO CHEMICALS
8133252	34755	4246900000		103		MCFARLANE FEE NO 3	PLACEDO FIELD	8.8	TENNECO CHEMICALS
-NEWBOURNE OIL COMPANY						RECEIVED: 05/28/81 JA: TX			
8133084	34218	4235700000		103		HARDY #1 #2 WELL RRC ID #	BULER NORTH (CLEVELAND)	28.8	TRANSWESTERN PIPE
-NGF OIL CORP						RECEIVED: 05/28/81 JA: TX			
8133050	34168	4231732266		103		CRIM #1	SPRAYBERRY (TREND AREA)	28.8	PHILLIPS PETROLEU
8133154	34395	4231732258		103		GULF A #1	SPRAYBERRY (TREND AREA)	17.6	PHILLIPS PETROLEU
8133153	34394	4231732198		103		NAIL C UNIT #1	SPRAYBERRY (TREND AREA)	23.4	NORTHERN NATURAL
-NIDWAY OIL CORP						RECEIVED: 05/28/81 JA: TX			
8133217	34575	4205131170		102-4		GUS KNESEK ESTATE NO 1	CALDWELL (AUSTIN CHALK)	219.0	CLAJON GAS CO
-NITCHELL ENERGY CORPORATION						RECEIVED: 05/28/81 JA: TX			
8133250	34733	4249731900		103		A A DRUMMOND #1-U	LEFTWICK (STRAWN)	1900.0	NATURAL GAS PIPEL
8133203	34520	4236700000		108		C C LAMKIN #1	BETHESDA BIG SALINE	11.0	SOUTHWESTERN GAS
8133202	34518	4249700000		108		E M BAUGH UNIT #1	BOONSVILLE (BEND CONGL &	9.0	SOUTHWESTERN GAS
8133204	34521	4242900000		108		FAMBRO -35- #1	BRITTANY SE (STRAWN)	1.0	SOUTHWESTERN GAS
8133206	34524	4236300000		108		MORGAN JONES ESTATE #1	PALO PINTO SW (STRAWN)	6.0	SOUTHWESTERN GAS
8133207	34525	4242900000		108		R L GREENLEE #1	LAKE DANIELS (STRAWN)	1.0	SOUTHWESTERN GAS
8133205	34522	4249700000		108		TACKEL #1	BOONSVILLE (BEND CONGL &	10.0	SOUTHWESTERN GAS
8133088	34223	4249700000		108		W H PORTWOOD #2	BOONSVILLE (BEND CONGL &	0.0	NATURAL GAS PIPEL
8133208	34526	4236700000		108		WESLEY STRAIN #3	BRAZOS EAST (CADDO)	2.0	SOUTHWESTERN GAS
-NORAN EXPLORATION INC						RECEIVED: 05/28/81 JA: TX			
8133232	34654	4223531549		103		MAYER -A- #2	SPRABERRY (TREND AREA)	0.0	NORTHERN NATURAL
-NR OIL CO						RECEIVED: 05/28/81 JA: TX			
8133143	34371	4247500000		103		I B MCFARLAND SEC 29 NO 11 #07359	WARD-ESTES NORTH	0.4	
8133135	34363	4247500000		103		LOUIS RICHTER NO 84 #07342	WARD-ESTES NORTH	10.2	CABOT CORP
8133136	34364	4247500000		103		LOUIS RICHTER NO 85 #07342	WARD-ESTES NORTH	0.4	CABOT CORP
8133137	34365	4247500000		103		LOUIS RICHTER NO 87 #07342	WARD-ESTES NORTH	0.4	CABOT CORP
8133138	34366	4247500000		103		LOUIS RICHTER NO 88 #07342	WARD-ESTES NORTH	0.4	CABOT CORP
8133139	34367	4247500000		103		LOUIS RICHTER NO 89 #07342	WARD-ESTES NORTH	0.4	CABOT CORP
8133140	34368	4247500000		103		LOUIS RICHTER NO 90 #07342	WARD-ESTES NORTH	6.5	CABOT CORP
8133141	34369	4247532109		103		LOUIS RICHTER NO 91 #07342	WARD-ESTES NORTH	7.5	CABOT CORP
8133142	34370	4247500000		103		MCFARLAND I B SEC 37 NO 26	WARD - ESTES NORTH	4.0	
8133144	34372	4247500000		103		W D JOHNSON B NO 7 #07329	WARD-ESTES NORTH	0.4	
-NIGAS SUPPLY INC						RECEIVED: 05/28/81 JA: TX			
8133104	34263	4206530860		103		BURNETT 1-120 LEASE	PANHANDLE - CARSON FIELD	75.0	PANHANDLE EASTERN
8133103	34262	4206530861		103		BURNETT 2-120 LEASE	PANHANDLE - CARSON FIELD	60.0	PANHANDLE EASTERN
8133102	34261	4206530862		103		BURNETT 3-120 LEASE	PANHANDLE - CARSON FIELD	75.0	PANHANDLE EASTERN
-NUCORP ENERGY INC						RECEIVED: 05/28/81 JA: TX			
8133049	34167	4217730632		103		MAVEL UNIT NO 1 #86482	PILGRIM (AUSTIN CHALK)	20.0	TIPPERARY GATHERI
8133014	33038	4228730749		102-2		SUSIE CLEMONS UNIT AO 1	GIDDINGS (AUSTIN CHALK)	43.0	PHILLIPS PETROLEU
-OIL AND GAS CO						RECEIVED: 05/28/81 JA: TX			
8133041	34093	4205100000		102-2		JOHANNA VAVRA #1	GIDDINGS (AUSTIN CHALK)	385.0	FERGUSON CROSSING

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JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-OILWELL OPERATORS INC						RECEIVED: 05/28/81 JA: TX			
8133081	34206	4217900000			108	BARRETT 25256	PANHANDLE-WEST	1.0	CITIES SERVICE CO
8133080	34205	4217900000			108	BELL #1 00261	PANHANDLE-GRAY	7.0	CITIES SERVICE CO
8133079	34204	4217900000			108	BELL #3 00261	PANHANDLE-GRAY	7.0	CITIES SERVICE CO
8133073	34197	4206500000			108	BRYAN #1 00072	PANHANDLE-CARSON	4.0	CABOT PIPELINE CO
8133072	34196	4206500000			108	BRYAN #2 00072	PANHANDLE-CARSON	4.0	CABOT PIPELINE CO
8133062	34183	4206500000			108	BYRUM #1 00126	PANHANDLE-CARSON	2.0	GETTY OIL CO
8133061	34182	4206500000			108	BYRUM #2 00126	PANHANDLE-CARSON	2.0	GETTY OIL CO
8133060	34181	4206500000			108	BYRUM #3 00126	PANHANDLE-CARSON	2.0	GETTY OIL CO
8133059	34180	4206500000			108	BYRUM #4 00126	PANHANDLE-CARSON	2.0	GETTY OIL CO
8133058	34179	4206500000			108	BYRUM #5 00126	PANHANDLE-CARSON	2.0	GETTY OIL CO
8133057	34178	4206500000			108	BYRUM #6 00126	PANHANDLE-CARSON	2.0	GETTY OIL CO
8133056	34177	4206500000			108	BYRUM #7 00126	PANHANDLE-CARSON	2.0	GETTY OIL CO
8133055	34176	4206500000			108	BYRUM #8 00126	PANHANDLE-CARSON	2.0	GETTY OIL CO
8133065	31489	4217900000			108	DICKEY B 26485	PANHANDLE-EAST	11.0	PHILLIPS PETROLEU
8133071	34195	4217900000			108	HOPKINS #1 02173	PANHANDLE-GRAY	6.0	PHILLIPS PETROLEU
8133070	34194	4217900000			108	HOPKINS #2 02173	PANHANDLE-GRAY	6.0	PHILLIPS PETROLEU
8133075	34199	4217900000			108	J S MORSE 25832	PANHANDLE-EAST	6.0	COLTEXO CORP
8133078	34202	4217900000			108	MEERS #1 00255	PANHANDLE-GRAY	7.0	CITIES SERVICE CO
8133077	34201	4217900000			108	MEERS A #1 00256	PANHANDLE-GRAY	7.0	CITIES SERVICE CO
8133076	34200	4217900000			108	MEERS A #2 00256	PANHANDLE-GRAY	7.0	CITIES SERVICE CO
8133069	34193	4217900000			108	MELTON #1 02203	PANHANDLE-GRAY	8.0	PHILLIPS PETROLEU
8133068	34192	4217900000			108	MELTON #2 02203	PANHANDLE-GRAY	8.0	PHILLIPS PETROLEU
8133067	34191	4217900000			108	MELTON #3 02203	PANHANDLE-GRAY	8.0	PHILLIPS PETROLEU
8133066	34190	4217900000			108	MELTON #4 02203	PANHANDLE-GRAY	8.0	PHILLIPS PETROLEU
8133064	34188	4217900000			108	MORSE 1-65 26468	PANHANDLE-EAST	4.0	PHILLIPS PETROLEU
8133063	34187	4217900000			108	MORSE 2-65 26469	PANHANDLE-EAST	3.0	PHILLIPS PETROLEU
8133074	34198	4217900000			108	WRIGHT 25833	PANHANDLE-EAST	21.0	COLTEXO CORP
-ORLA PETCO INC						RECEIVED: 05/28/81 JA: TX			
8133111	34277	4210931421			103	BILL MEEKER NO 2	ED KENNEDY (CHERRY CANYO	21.9	
-PALCO INC						RECEIVED: 05/28/81 JA: TX			
8133034	33889	4223300000			103	REIMER A #1	PANHANDLE HUTCHINSON	75.0	PANHANDLE PRODUCI
8133035	33890	4223300000			103	REIMER A #2	PANHANDLE HUTCHINSON	91.0	PANHANDLE PRODUCI
-PARKER & PARSLEY INC						RECEIVED: 05/28/81 JA: TX			
8133242	34690	4231732274			103	GLASCOCK WELL NO 1	SPRABERRY (TREND AREA)	15.0	ADOBE OIL & GAS C
8133241	34689	4232930963			103	KOONCE WELL NO 1	SPRABERRY (TREND AREA)	15.0	PHILLIPS PETROLEU
8133240	34688	4232930972			103	STROUD UNIT A WELL NO 1	SPRABERRY (TREND AREA)	18.0	PHILLIPS PETROLEU
-PENNZOIL PRODUCING COMPANY						RECEIVED: 05/28/81 JA: TX			
8133029	33853	4236531001			107-TF	HULL UNIT NO A-21	CARTHAGE/COTTON VALLEY/	558.0	UNITED GAS PIPE L
-PETROLEUM TECHNICAL SERVICES CO						RECEIVED: 05/28/81 JA: TX			
8133048	34164	4236732884			103	HOBSON UNIT A NO 1	MALES (4850)	36.5	SOUTHWESTERN GAS
8133083	34210	4205131211			103	RUSSELL NO 1	GIDDINGS (AUSTIN CHALK)	127.0	FERGUSON CROSSING
-PHILLIPS PETROLEUM COMPANY						RECEIVED: 05/28/81 JA: TX			
8133093	34244	4217900000			108	JOHNSON AA #18	PANHANDLE GRAY	0.0	
8133219	34587	4249531258			103	WALTON B NO 7 (26408)	KEYSTONE (COLBY)	34.5	SID RICHARDSON
-R & J PRODUCTION						RECEIVED: 05/28/81 JA: TX			
8133100	34259	4206530864			103	BURNETT #5 LEASE	PANHANDLE - CARSON FIELD	50.0	PANHANDLE EASTERN
8133101	34260	4206530863			103	BURNETT LEASE #4	PANHANDLE - CARSON FIELD	60.0	PANHANDLE EASTERN
-RALPH L WAY INC						RECEIVED: 05/28/81 JA: TX			
8133122	34328	4210532776			103	UNIVERSITY-DYCO A #3	FARMER (SAN ANDRES)	3.8	NORTHERN NATURAL
*8133128	34338	4210533169			103	UNIVERSITY-DYCO C #3	FARMER (SAN ANDRES)	16.2	J L DAVIS
-REALITOS ENERGY CORP						RECEIVED: 05/28/81 JA: TX			
8133188	34467	4217531347			102-4	W T NEYLAND NO 1	GANTT (FRIO 2140)	188.0	TRANSCONTINENTAL

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-RED RIVER PETROLEUM OF TEXAS						RECEIVED: 05/28/81 JA: TX			
8133094	34251	4209330783			103	WALKER NO 1	MITTIE (MARBLE FALLS)	260231.2	LONE STAR GAS CO
-RICHARDSON OIL CO						RECEIVED: 05/28/81 JA: TX			
8133104	34262	4206530865			103	BURNETT LEASE #6	PANHANDLE - CARSON FIELD	60.0	PANHANDLE EASTERN
-SAMSON RESOURCES COMPANY						RECEIVED: 05/28/81 JA: TX			
8133116	34272	4210931422			103	BILL MEEKER NO 3	ED KENNEDY (CHERRY CANYO	21.9	
-SANTA FE ENERGY COMPANY						RECEIVED: 05/28/81 JA: TX			
8133125	34284	4210931423			103	BILL MEEKER NO 4	ED KENNEDY (CHERRY CANYO	21.9	
-SHELL OIL COMPANY						RECEIVED: 05/28/81 JA: TX			
8133130	34340	4210931424			103	BILL MEEKER NO 5	ED KENNEDY (CHERRY CANYO	21.9	
-SOUTHLAND ROYALTY COMPANY						RECEIVED: 05/28/81 JA: TX			
8133135	34350	4210931425			103	BILL MEEKER NO 6	ED KENNEDY (CHERRY CANYO	21.9	
-SUN EXPLORATION & PRODUCTION CO						RECEIVED: 05/28/81 JA: TX			
8133139	34354	4210931426			103	BILL MEEKER NO 7	ED KENNEDY (CHERRY CANYO	21.9	
-TEXACO INC						RECEIVED: 05/28/81 JA: TX			
8133144	34359	4210931427			103	BILL MEEKER NO 8	ED KENNEDY (CHERRY CANYO	21.9	
-TEXAS OIL & GAS CORP						RECEIVED: 05/28/81 JA: TX			
8133149	34364	4210931428			103	BILL MEEKER NO 9	ED KENNEDY (CHERRY CANYO	21.9	
-TEXLAND PETROLEUM INC						RECEIVED: 05/28/81 JA: TX			
8133154	34369	4210931429			103	BILL MEEKER NO 10	ED KENNEDY (CHERRY CANYO	21.9	
-TEXLAND PETROLEUM INC						RECEIVED: 05/28/81 JA: TX			
8133159	34374	4210931430			103	BILL MEEKER NO 11	ED KENNEDY (CHERRY CANYO	21.9	
-TEXLAND PETROLEUM INC						RECEIVED: 05/28/81 JA: TX			
8133164	34379	4210931431			103	BILL MEEKER NO 12	ED KENNEDY (CHERRY CANYO	21.9	
-TEXLAND PETROLEUM INC						RECEIVED: 05/28/81 JA: TX			
8133169	34384	4210931432			103	BILL MEEKER NO 13	ED KENNEDY (CHERRY CANYO	21.9	
-TEXLAND PETROLEUM INC						RECEIVED: 05/28/81 JA: TX			
8133174	34389	4210931433			103	BILL MEEKER NO 14	ED KENNEDY (CHERRY CANYO	21.9	
-TEXLAND PETROLEUM INC						RECEIVED: 05/28/81 JA: TX			
8133179	34394	4210931434			103	BILL MEEKER NO 15	ED KENNEDY (CHERRY CANYO	21.9	
-TEXLAND PETROLEUM INC						RECEIVED: 05/28/81 JA: TX			
8133184	34399	4210931435			103	BILL MEEKER NO 16	ED KENNEDY (CHERRY CANYO	21.9	
-TEXLAND PETROLEUM INC						RECEIVED: 05/28/81 JA: TX			
8133189	34404	4210931436			103	BILL MEEKER NO 17	ED KENNEDY (CHERRY CANYO	21.9	
-TEXLAND PETROLEUM INC						RECEIVED: 05/28/81 JA: TX			
8133194	34409	4210931437			103	BILL MEEKER NO 18	ED KENNEDY (CHERRY CANYO	21.9	
-TEXLAND PETROLEUM INC						RECEIVED: 05/28/81 JA: TX			
8133199	34414	4210931438			103	BILL MEEKER NO 19	ED KENNEDY (CHERRY CANYO	21.9	
-TEXLAND PETROLEUM INC						RECEIVED: 05/28/81 JA: TX			
8133204	34419	4210931439			103	BILL MEEKER NO 20	ED KENNEDY (CHERRY CANYO	21.9	
-TEXLAND PETROLEUM INC						RECEIVED: 05/28/81 JA: TX			
8133209	34424	4210931440			103	BILL MEEKER NO 21	ED KENNEDY (CHERRY CANYO	21.9	
-TEXLAND PETROLEUM INC						RECEIVED: 05/28/81 JA: TX			
8133214	34429	4210931441			103	BILL MEEKER NO 22	ED KENNEDY (CHERRY CANYO	21.9	
-TEXLAND PETROLEUM INC						RECEIVED: 05/28/81 JA: TX			
8133219	34434	4210931442			103	BILL MEEKER NO 23	ED KENNEDY (CHERRY CANYO	21.9	
-TEXLAND PETROLEUM INC						RECEIVED: 05/28/81 JA: TX			
8133224	34439	4210931443			103	BILL MEEKER NO 24	ED KENNEDY (CHERRY CANYO	21.9	
-TEXLAND PETROLEUM INC						RECEIVED: 05/28/81 JA: TX			
8133229	34444	4210931444			103	BILL MEEKER NO 25	ED KENNEDY (CHERRY CANYO	21.9	
-TEXLAND PETROLEUM INC						RECEIVED: 05/28/81 JA: TX			
8133234	34449	4210931445			103	BILL MEEKER NO 26	ED KENNEDY (CHERRY CANYO	21.9	
-TEXLAND PETROLEUM INC						RECEIVED: 05/28/81 JA: TX			
8133239	34454	4210931446			103	BILL MEEKER NO 27	ED KENNEDY (CHERRY CANYO	21.9	
-TEXLAND PETROLEUM INC						RECEIVED: 05/28/81 JA: TX			
8133244	34459	4210931447			103	BILL MEEKER NO 28	ED KENNEDY (CHERRY CANYO	21.9	
-TEXLAND PETROLEUM INC						RECEIVED: 05/28/81 JA: TX			
8133249	34464	4210931448			103	BILL MEEKER NO 29	ED KENNEDY (CHERRY CANYO	21.9	
-TEXLAND PETROLEUM INC						RECEIVED: 05/28/81 JA: TX			
8133254	34469	4210931449			103	BILL MEEKER NO 30	ED KENNEDY (CHERRY CANYO	21.9	
-TEXLAND PETROLEUM INC						RECEIVED: 05/28/81 JA: TX			
8133259	34474	4210931450			103	BILL MEEKER NO 31	ED KENNEDY (CHERRY CANYO	21.9	
-TEXLAND PETROLEUM INC						RECEIVED: 05/28/81 JA: TX			
8133264	34479	4210931451			103	BILL MEEKER NO 32	ED KENNEDY (CHERRY CANYO	21.9	
-TEXLAND PETROLEUM INC						RECEIVED: 05/28/81 JA: TX			
8133269	34484	4210931452			103	BILL MEEKER NO 33	ED KENNEDY (CHERRY CANYO	21.9	
-TEXLAND PETROLEUM INC						RECEIVED: 05/28/81 JA: TX			
8133274	34489	4210931453			103	BILL MEEKER NO 34	ED KENNEDY (CHERRY CANYO	21.9	
-TEXLAND PETROLEUM INC						RECEIVED: 05/28/81 JA: TX			
8133279	34494	4210931454			103	BILL MEEKER NO 35	ED KENNEDY (CHERRY CANYO	21.9	
-TEXLAND PETROLEUM INC						RECEIVED: 05/28/81 JA: TX			
8133284	34499	4210931455			103	BILL MEEKER NO 36	ED KENNEDY (CHERRY CANYO	21.9	
-TEXLAND PETROLEUM INC						RECEIVED: 05/28/81 JA: TX			
8133289	34504	4210931456			103	BILL MEEKER NO 37	ED KENNEDY (CHERRY CANYO	21.9	
-TEXLAND PETROLEUM INC						RECEIVED: 05/28/81 JA: TX			
8133294	34509	4210931457			103	BILL MEEKER NO 38	ED KENNEDY (CHERRY CANYO	21.9	
-TEXLAND PETROLEUM INC						RECEIVED: 05/28/81 JA: TX			
8133299	34514	4210931458			103	BILL MEEKER NO 39	ED KENNEDY (CHERRY CANYO	21.9	
-TEXLAND PETROLEUM INC						RECEIVED: 05/28/81 JA: TX			
8133304	34519	4210931459			103	BILL MEEKER NO 40	ED KENNEDY (CHERRY CANYO	21.9	
-TEXLAND PETROLEUM INC						RECEIVED: 05/28/81 JA: TX			
8133309	34524	4210931460			103	BILL MEEKER NO 41	ED KENNEDY (CHERRY CANYO	21.9	
-TEXLAND PETROLEUM INC						RECEIVED: 05/28/81 JA: TX			
8133314	34529	4210931461			103	BILL MEEKER NO 42	ED KENNEDY (CHERRY CANYO	21.9	
-TEXLAND PETROLEUM INC						RECEIVED: 05/28/81 JA: TX			
8133319	34534	4210931462			103	BILL MEEKER NO 43	ED KENNEDY (CHERRY CANYO	21.9	
-TEXLAND PETROLEUM INC						RECEIVED: 05/28/81 JA: TX			
8133324	34539	4210931463			103	BILL MEEKER NO 44	ED KENNEDY (CHERRY CANYO	21.9	
-TEXLAND PETROLEUM INC						RECEIVED: 05/28/81 JA: TX			
8133329	34544	4210931464			103	BILL MEEKER NO 45	ED KENNEDY (CHERRY CANYO	21.9	
-TEXLAND PETROLEUM INC						RECEIVED: 05/28/81 JA: TX			
8133334	34549	4210931465			103	BILL MEEKER NO 46	ED KENNEDY (CHERRY CANYO	21.9	
-TEXLAND PETROLEUM INC						RECEIVED: 05/28/81 JA: TX			
8133339	34554	4210931466			103	BILL MEEKER NO 47	ED KENNEDY (CHERRY CANYO	21.9	
-TEXLAND PETROLEUM INC						RECEIVED: 05/28/81 JA: TX			
8133344	34559	4210931467			103	BILL MEEKER NO 48	ED KENNEDY (CHERRY CANYO	21.9	
-TEXLAND PETROLEUM INC						RECEIVED: 05/28/81 JA: TX			
8133349	34564	4210931468			103	BILL MEEKER NO 49	ED KENNEDY (CHERRY CANYO	21.9	
-TEXLAND PETROLEUM INC						RECEIVED: 05/28/81 JA: TX			
8133354	34569	4210931469			103	BILL MEEKER NO 50	ED KENNEDY (CHERRY CANYO	21.9	
-TEXLAND PETROLEUM INC						RECEIVED: 05/28/81 JA: TX			
8133359	34574	4210931470			103	BILL MEEKER NO 51	ED KENNEDY (CHERRY CANYO	21.9	
-TEXLAND PETROLEUM INC						RECEIVED: 05/28/81 JA: TX			
8133364	34579	4210931471			103	BILL MEEKER NO 52	ED KENNEDY (CHERRY CANYO	21.9	

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-RED RIVER PETROLEUM OF TEXAS						RECEIVED: 05/28/81 JA: TX			
8133094	34251	4209330783			103	WALKER NO 1	MITTIE (MARBLE FALLS)	260231.2	LONE STAR GAS CO
-SAGE ENERGY CO						RECEIVED: 05/28/81 JA: TX			
8133017	33268	4247730388			102-2	LONEPOINT #1 RRC #13683	GIDDINGS (AUSTIN CHALK)	556.0	PHILLIPS PETROLEU
-SAN JUAN EXPLORATION CO						RECEIVED: 05/28/81 JA: TX			
8133008	32926	4220330681			102-4	BAKER ESTATE WELL #11	WHELAN (COTTON VALLEY)	0.0	ARKANSAS LOUISIAN
8133008	32926	4220330681			107-TF	BAKER ESTATE WELL #11	WHELAN (COTTON VALLEY)	0.0	ARKANSAS LOUISIAN
8133006	32924	4220330640			102-4	DUNN GAS UNIT #1	WHELAN (COTTON VALLEY)	0.0	ARKANSAS LOUISIAN
8133006	32924	4220330640			107-TF	DUNN GAS UNIT #1	WHELAN (COTTON VALLEY)	0.0	ARKANSAS LOUISIAN
8133007	32925	4220303507			102-4	E F SMITH WELL #1	WHELAN (COTTON VALLEY)	0.0	ARKANSAS LOUISIAN
8133007	32925	4220303507			103	E F SMITH WELL #1	WHELAN (COTTON VALLEY)	0.0	ARKANSAS LOUISIAN
-SAXON OIL COMPANY						RECEIVED: 05/28/81 JA: TX			
8133123	34351	4238331810			103	GARDNER NO 3	BENEDUM (SPRABERRY)	21.5	PHILLIPS PETROLEU
-SHAH EXPLORATION CO INC						RECEIVED: 05/28/81 JA: TX			
8133201	34494	4250300000			103	SHAH COOPER #1	WILDCAT - YOUNG COUNTY	2.0	GAS ASSOCIATED SY
8133200	34493	4250333272			103	SHAH HINSON A #1	WILDCAT - YOUNG COUNTY	2.0	GAS ASSOCIATED SY
8133199	34491	4250300000			103	SHAH HINSON C	YOUNG COUNTY REGULAR	2.0	GAS ASSOCIATED SY
-SHELL OIL CO						RECEIVED: 05/28/81 JA: TX			
8133115	34305	4210300000			108	BARNSLEY -B- NO 5	SAND HILLS (MCKNIGHT)	5.8	WARREN PETROLEUM
8133114	34304	4210300000			108	BARNSLEY -B- NO 6	SAND HILLS (MCKNIGHT)	5.7	WARREN PETROLEUM
8133113	34303	4210300000			108	BARNSLEY -B- NO 8	SAND HILLS (MCKNIGHT)	8.6	WARREN PETROLEUM
8133233	34661	4246100000			103	NORTH CROSS (DEV) UNIT NO 66	CROSSETT (DEVONIAN)	124.1	SHELL ETAL
8133234	34662	4246100000			103	NORTH CROSS (DEV) UNIT NO 88	CROSSETT (DEVONIAN)	197.1	SHELL ET AL
-SOUTHLAND ROYALTY CO						RECEIVED: 05/28/81 JA: TX			
8133197	34482	4210300000			108	BEAVERS #1	ROBERDEAU W	0.7	PHILLIPS PETROLEU
-SUN OIL COMPANY (DELAWARE)						RECEIVED: 05/28/81 JA: TX			
8133112	34288	4242700000			108	BENTSEN BROS -B- NO 7	JUDD CITY	2.8	
-TAHOE OIL & CATTLE CO						RECEIVED: 05/28/81 JA: TX			
8132997	32281	4237133159			103	BIG BOW NO 1	FORT STOCKTON	47.5	NORTHERN NATURAL
-TENROC CORP						RECEIVED: 05/28/81 JA: TX			
8133018	33273	4205130902			102-2	LAUDERDALE NO 1	GIDDINGS (AUSTIN CHALK 6	525.8	PHILLIPS PETROLEU
-TEX-STAR PETROLEUM						RECEIVED: 05/28/81 JA: TX			
8133227	34635	4239931596			102-4	ALDRIDGE #2 (91426)	GOLCSBORO (MISS)	5.0	UNION TEXAS PETRO
-TEXACO INC						RECEIVED: 05/28/81 JA: TX			
8133171	34425	4226130437			102-4	YTURRIA L&C NCT-1 #40	CABAZOS (LM-15)	208.0	TENNESSEE GAS PIP
8133011	33014	4232930958			102-4	ZULA B WYLIE B #1	BRADFORD RANCH (ATOKA)	338.0	EL PASO NATURAL G
-TEXLAND-RECTOR & SCHUMACHER						RECEIVED: 05/28/81 JA: TX			
8133033	33882	4244530805			102-4	PAULINE H MORGENSTERN NO 4	TERRYON (CLEARFORK UP)	4.4	AMOCO PRODUCTION
8133031	33800	4244530202			102-4	PAULINE MORGENSTERN NO 1	TERRYON (CLEARFORK UPPER	1.8	AMOCO PRODUCTION
8133032	33881	4244530690			102-4	PAULINE MORGENSTERN NO 2	TERRYON (CLEARFORK UPPER	5.8	AMOCO PRODUCTION
-THOMAS D COFFMAN INC						RECEIVED: 05/28/81 JA: TX			
8133028	33850	4214930444			102-2	LOOMIS UNIT NO 1 097568	GIDDINGS (AUSTIN CHALK)	80.3	SOUTH CEN-TEX GAS
8133027	33849	4214930910			102-2	MARGARET ANN #1 186707	GIDDINGS (AUSTIN CHALK)	91.3	SOUTH CEN-TEX GAS
8133010	32946	4205131180			102-2	MIKESKA UNIT NO 1 100549	GIDDINGS (AUSTIN CHALK)	108.8	FERGUSON CROSSING
-TROJAN OIL PRODUCTION & SERVICES IN						RECEIVED: 05/28/81 JA: TX			
8133162	34414	4239931531			103	E H DEAN #4 (08268)	BIG ED (GARDNER LIME)	31.8	LONE STAR GAS CO
8133221	34597	4239931487			103	JAMES PALMER #2 (08095)	BIG ED (GARDNER LIME)	0.0	LONE STAR GAS CO
8133120	34313	4239931609			103	JAMES PALMER #3 (08099)	BIG ED (GARDNER LIME)	9.8	LONE STAR GAS CO
-UNION EXPLORATION						RECEIVED: 05/28/81 JA: TX			
8133223	34608	4205932922			102-4	DRAKE #1	BOWNE (CADDO)	7.0	LONE STAR GAS CO
-UNION TEXAS PETROLEUM						RECEIVED: 05/28/81 JA: TX			
8133190	34470	4223531181			103	FARMAR 57 #2	ROCK PEN (CANYON) CANYON	63.4	CRA INC
8133192	34473	4223531297			103	FARMAR 57 #8	ROCK PEN (CANYON) CANYON	52.2	CRA INC

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8133189	34469	4223531274		103		FARMER 56 #4	ROCK PEN (CANYON) CANYON	25.0	CRA INC
8133191	34472	4223531284		103		FARMER 57 #6	ROCK PEN (CANYON) CANYON	45.0	CRA INC
-WALSH AND WATTS INC				RECEIVED: 05/28/81 JA: TX					
8133253	34757	4229530810		103		GRAY NO 8 (LEASE NO 02359)	BRADFORD (TONKAWA)	18.0	PHILLIPS PETROLEU
-WARREN PETR CO A DIV OF GULF OIL CO				RECEIVED: 05/28/81 JA: TX					
8133185	34267	4210332329		103		W N WADDELL NO 1121	UNIVERSITY WADDELL (DEVO	162.0	EL PASO NATURAL G
8133157	34402	4210332358		103		W N WADDELL NO 1144	WADDELL	6.0	EL PASO NATURAL G
-WILSON ENERGY INC				RECEIVED: 05/28/81 JA: TX					
8133158	34405	4210500000		103		UNIVERSITY 12 C #1 08706	FARMER (SAN ANDRES)	9.0	BIG LAKE GASOLINE
8133159	34406	4232900000		103		UNIVERSITY 12 C #2 08706	FARMER (SAN ANDRES)	7.0	BIG LAKE GASOLINE
8133160	34407	4210500000		103		UNIVERSITY 12 C #3 08706	FARMER (SAN ANDRES)	7.0	BIG LAKE GASOLINE
-WOOLF & MAGEE INC				RECEIVED: 05/28/81 JA: TX					
*8133187	34466	4237330478		102-4		R E BIRCH GAS UNIT NO 2	DAMASCUS (WOODBINE 9230)	150.0	UNITED GAS PIPELI
-WORLD PRODUCERS INC				RECEIVED: 05/28/81 JA: TX					
8133134	34362	4236731775		103		TIMMONS #1	CABBAGE PATCH (ATOKA)	36.0	SOUTHWESTERN GAS
-WYNN D MILLER				RECEIVED: 05/28/81 JA: TX					
8133039	34049	4202500000		103		SID I MALONE NO 5	NORMANNA S (2050)	0.0	FERGUSON CROSSING
-ZINN PETROLEUM CO				RECEIVED: 05/28/81 JA: TX					
*8132996	32280	4239831142		103		FIRST NATIONAL BANK STATE #1 091331	REAVES NORTH (3200)	125.0	

OTHER PURCHASERS VOLUME NO :450

8132996	GAS CONTRACT PRESENTLY BEING NEGOTI
8133015	PHILLIPS PETROLEUM COMPANY
8133020	E I DUPONT DE NEMOURS & CO INC
8133021	E I DUPONT DE NEMOURS & CO INC
8133022	E I DUPONT DE NEMOURS & CO INC
8133024	AMOCO
8133118	WINNIE P L CO
8133128	EL PASO NATURAL GAS COMPANY
8133129	COLUMBIA GAS TRANS
8133132	SOUTHWESTERN GAS P L INC
8133187	UNITED PIPELINE COMPANY
8133195	VALERO TRANSMISSION COMPANY
8133196	VALERO TRANSMISSION COMPANY
8133209	EL PASO NATURAL GAS COMPANY
8133210	NORTHERN NATURAL GAS COMPANY
8133220	EL PASO NATURAL GAS COMPANY
8133236	E I DUPONT DE NEMOURS & CO INC
8133244	PHILLIPS PETROLEUM COMPANY
8133251	LONE STAR GAS COMPANY

BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agncies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchases listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Divison of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission on or before July 15, 1981.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 mile rule)
102–3: New well (1000 ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease
Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal seams
107–DV: Devonian shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–19221 Filed 6–29–81; 8:45 am]

BILLING CODE 6450–85–M

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: June 25, 1981.

JD NO	JA DKT	API NO	D	SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
NEW YORK DEPARTMENT OF ENVIRONMENTAL CONSERVATION								
-ARAPAHO VENTURES OF NEW YORK INC		RECEIVED: 06/01/81 JA: NY						
8133788	1063	3112113891		102-2	DAVID SHEARING #1	WILDCAT	20.0	COLUMBIA GAS
8133776	1056	3112113664		102-2	GORDON PIERSON #1	WILDCAT	20.0	COLUMBIA GAS
8133781	1057	3112113713		102-2	GORDON PIERSON #2	WILDCAT	20.0	COLUMBIA GAS
8133785	1062	3112113892		102-2	LESTER WILKIE #2	WILDCAT	20.0	COLUMBIA GAS
8133787	1054	3112113915		102-2	LESTER WILKIE #3	WILDCAT	20.0	COLUMBIA GAS
8133806	1055	3112113666		102-2	MICHAEL KELLY #1	WILDCAT	20.0	COLUMBIA GAS
-BOUNTY OIL & GAS INC		RECEIVED: 06/01/81 JA: NY						
8133789	1262	3101315462		102-2	AHLSTROM ETAL #1	BUSTI	0.0	NATIONAL FUEL DIS
8133783	1110	3101315263		102-2	BABYAK #2	WILDCAT	30.0	NATIONAL FUEL GAS
8133791	1257	3101315627		102-2	BARTON #2	BUSTI	0.0	COLUMBIA GAS TRAN
8133772	1108	3101315258		102-2	DAHLGREN #1	BUSTI	50.0	NATIONAL FUEL GAS
8133795	1263	3101315463		102-2	E CEDERQUIST #1	WILDCAT	0.0	NATIONAL FUEL GAS
8133794	1260	3101315559		102-2	E LEVIN UNIT #1	WILDCAT	0.0	NATIONAL FUEL DIS
8133782	1107	3101315260		102-2	GAGE #1	WILDCAT	60.0	NATIONAL FUEL GAS
8133771	1109	3101315261		102-2	GANFIELD UNIT #1	BUSTI	55.0	NATIONAL FUEL GAS
8133793	1259	3101315506		102-2	JONES UNIT #1	BUSTI	0.0	NATIONAL FUEL DIS
8133790	1261	3101314588		102-2	MAPLEHURST COUNTRY CLUB INC #1	BUSTI	0.0	NATIONAL FUEL GAS
8133792	1258	3101315509		102-2	NELSON JOINT OPERATING AREA #2	BUSTI	0.0	NATIONAL FUEL GAS
8133775	1111	3101315259		102-2	R NELSON #1	BUSTI	15.0	NATIONAL FUEL GAS
-COLUMBIA GAS TRANSMISSION CORP		RECEIVED: 06/01/81 JA: NY						
8133777	1168	3101313603		102-2	NY DEPT ENVIRON CONSERVATION 620606	BOUTWELL HILL	31.5	COLUMBIA GAS TRAN
8133778	1171	3101313605		102-2	TCO-NY DEPT ENVIRON CONSER 620609	GERRY	31.5	COLUMBIA GAS TRAN
-ENVIROGAS INC		RECEIVED: 06/01/81 JA: NY						
8133768	1094	3101315314		102-0	#1 R P HEWES	SUMMERDALE	18.0	COLUMBIA GAS TRAN
8133796	1253	3101315635		102-2	#1 W ESKELI	WILDCAT	18.0	NATIONAL FUEL GAS
8133770	1092	3101315033		102-2	#2 J BRIGHTMAN	STEBBINS CORNERS	18.0	COLUMBIA GAS TRAN
8133767	1095	3101315315		102-2	#2 R P HEWES	SUMMERDALE	18.0	COLUMBIA GAS TRAN
8133769	1093	3101315003		102-2	#3 J BRIGHTMAN	STEBBINS CORNERS	18.0	COLUMBIA GAS TRAN
8133801	976	3101315214		103	#3 J NERATKO	LAKESHORE	18.0	NATIONAL FUEL GAS
8133800	978	3101314369		103	P BARDEN #1	LAKESHORE	18.0	NATIONAL FUEL GAS
-FLINT OIL & GAS INC		RECEIVED: 06/01/81 JA: NY						
8133780	936	3102914436		103	C & M MASCIO UNIT #1	LAKESHORE	20.0	NATIONAL FUEL GAS
-NORD/MONTARA PETROLEUM CO		RECEIVED: 06/01/81 JA: NY						
8133798	1244	3112113083		102-2	KEEM UNIT NO 1	JAVA	25.0	COLUMBIA GAS TRAN
8133799	1245	3112114801		102-2	KEEM UNIT NO 2	JAVA	25.0	COLUMBIA GAS TRAN
8133797	1246	3112114804		102-2	LUDWIG UNIT NO 1	JAVA	25.0	COLUMBIA GAS TRAN
8133786	1242	3112114803		102-2	RAYMOND E HAYES ET UX NO 1	JAVA	25.0	COLUMBIA GAS TRAN
8133784	1243	3112115312		102-2	RING UNIT NO 2	JAVA	25.0	COLUMBIA GAS TRAN
-P & S DRILLING INC		RECEIVED: 06/01/81 JA: NY						
8133774	1066	3102915046		102-2	BUFFALO CREEK #4	BUFFALO CREEK	45.0	NATIONAL FUEL GAS

JD NO	JA DKT	API NO	D	SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-SENECA RESOURCES CORP		RECEIVED: 06/01/81 JA: NY						
8133802	1264	3101315561		102-2	#1 A BOSTWICK	WILDCAT	0.0	NATIONAL FUEL GAS
8133803	1265	3101315562		102-2	#1 A BOSTWICK	WILDCAT	0.0	NATIONAL FUEL GAS
8133804	1266	3101315563		102-2	#1 A BOSTWICK	WILDCAT	0.0	NATIONAL FUEL GAS
8133805	1267	3101315564		102-2	#1 A BOSTWICK	WILDCAT	0.0	NATIONAL FUEL GAS
-SUPERIOR OIL CO		RECEIVED: 06/01/81 JA: NY						
8133779	1169	3101313604		102-2	NY DEPT ENVIRON CONSERVATION 620606	BOUTWELL HILL	31.5	COLUMBIA GAS TRAN
-TEXACO INC		RECEIVED: 06/01/81 JA: NY						
8133773	1170	3101313602		102-2	NY DEPT ENVIRON CONSERVATION 620606	BOUTWELL HILL	31.5	COLUMBIA GAS TRAN
-TRANSCONTINENTAL OIL CO		RECEIVED: 06/01/81 JA: NY						
8133785	1062	3112113892		102-2	LESTER WILKIE #2	WILDCAT	20.0	COLUMBIA GAS
8133787	1054	3112113915		102-2	LESTER WILKIE #3	WILDCAT	20.0	COLUMBIA GAS
8133806	1055	3112113666		102-2	MICHAEL KELLY #1	WILDCAT	20.0	COLUMBIA GAS
-WOODWARD-CLYDE CONSULTANTS		RECEIVED: 06/01/81 JA: NY						
8133774	1066	3102915046		102-2	BUFFALO CREEK #4	BUFFALO CREEK	45.0	NATIONAL FUEL GAS

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8133803	1002	3102914257		103		RAKOCZY #1	COWLESVILLE	6.0	NATIONAL FUEL GAS
-PARAGON RESOURCES INC				RECEIVED: 06/01/81 JA: NY					
8133802	1034	3101312352		108		UNIT NO 467 - O BAIOCCO	LAKESHORE	12.6	NATIONAL FUEL GAS
-SCG GAS QUEST INC				RECEIVED: 06/01/81 JA: NY					
8133804	#929	3102913953		103		TMV ENTERPRISES CORP #2	EDEN-EVANS MEDINA	36.5	TENNESSEE GAS PIP
8133805	#930	3102913954		103		TMV ENTERPRISES CORP #3	EDEN-EVANS MEDINA	36.5	TENNESSEE GAS PIP
-TRAHAN PETROLEUM INC				RECEIVED: 06/01/81 JA: NY					
8133779	1150	3101314862		102-2		T WELLER #1 - NY 77 31-013-14862	PANAMA	36.0	COLUMBIA GAS TRAN
8133773	1149	3101315053		102-2		T WELLER #2 - NY 78 31-013-15053	PANAMA	36.0	COLUMBIA GAS TRAN
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PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL RESOURCES									
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-ADOBE OIL & GAS CORPORATION				RECEIVED: 05/27/81 JA: PA					
8133730	6904	3712921185		103		BEUTEN (SNADEL) #3	LATROBE	75.0	TITANIUM METALS C
8133746	6987	3706325444		103		GEORGE W ISENBERG I-C	CLYMER	38.0	COLUMBIA GAS TRAN
8133721	7013	3706325858		103		GLENN M ELLISON #1-B	BRUSH VALLEY	29.0	COLUMBIA GAS TRAN
8133745	6988	3712921186		103		JAMES C POOLE #1	MT PLEASANT	28.0	INDUSTRIAL GAS SA
8133742	6983	3712921188		103		KENNETH M TRICE ET UX	UNITY	34.0	UGI CORP
8133747	6986	3712921187		103		KENNETH M TRICE ET UX	UNITY	37.0	UGI CORP
8133741	6984	3703320724		103		REID C & LULU E REITER #3	DUBOIS	29.0	CONSOLIDATED GAS
-ADOBE OIL & GAS CORPORATION				RECEIVED: 05/29/81 JA: PA					
8133846	7014	3712921772		103		JAMES R CUNNINGHAM 1-C	SALTSBURGH	37.0	T W PHILLIPS GAS
8133842	7131	3712921278		103		W D FOSTER #1	BLAIRSVILLE	24.0	PEOPLES NATURAL G
8133843	7129	3712921160		103		WAYNE H & A HELEN HILLIS #2	MT PLEASANT	25.0	UNITED GAS UTILIT
-ANGERMAN ASSOCIATES INC				RECEIVED: 05/29/81 JA: PA					
8133848	7005	3706325962		103		FORSHA #1 IND-25962	BLACKLICK	0.0	T W PHILLIPS GAS
8133849	7003	3706326002		103		FORSHA #2 IND-26002	BLACKLICK	0.0	T W PHILLIPS GAS
8133847	7006	3706325486		103		LOMBARDI/COLEMAN UNIT #1 IND-25486	TUNNELLTON - UPPER DEVON	25.0	T W PHILLIPS GAS
-BAKER GAS INC				RECEIVED: 05/27/81 JA: PA					
8133733	6942	3700520036		108		VERNER #1	APOLLO	2.9	PEOPLES NATURAL G
-C & N CO				RECEIVED: 05/27/81 JA: PA					
8133715	7019	3712921673		103		KISKIMINETAS SPRINGS SCHOOL #6	LOYALHANNA	200.0	PEOPLES NATURAL G
8133714		3706324141		103		MUSSER FOREST INC #1	ARMSTRONG	200.0	PEOPLES NATURAL G
8133723	7017	3706324142		103		MUSSER FOREST INC #2	ARMSTRONG	200.0	PEOPLES NATURAL G
8133691	7047	3706324741		103		MUSSER FOREST INC #3 (87A)	ARMSTRONG	200.0	PEOPLES NATURAL G
8133695	7040	3706324077		103		RESCHINI INSURANCE AGENCY #1	WHITE	200.0	PEOPLES NATURAL G
-CABOT OIL & GAS CORP				RECEIVED: 05/27/81 JA: PA					
8133752	7109	3703920873		102-2		FRANK NADER #2	GREENWOOD	50.0	TENNESSEE GAS PIP
8133757	7108	3703921095		102-2		RAYMOND DEISS #2	FAIRFIELD	50.0	TENNESSEE GAS PIP
-CONSOLIDATED GAS SUPPLY CORPORATION				RECEIVED: 05/27/81 JA: PA					
8133744	7000	3706323955		108		C C CARR WN-1658	NORTH MAHONING TOWNSHIP	21.0	GENERAL SYSTEM PU
8133738	6970	3706325913		103		L E STARTZELL 1602	BANKS	1.5	GENERAL SYSTEM PU
8133737	6971	3712921093		103		MARGARET C ERRETT WN-1627	HEMPFIELD WN-1627	0.0	GENERAL SYSTEM PU
-D A DORWARD				RECEIVED: 05/27/81 JA: PA					
8133726	4507	3706521496		108		LARKO 1 (D-55) O/S 10595	PERRY TOWNSHIP	19.0	CONSOLIDATED GAS
8133727	4508	3706521503		108		LINDSEY 1 (D-53) O/S 10623	PERRY TOWNSHIP	19.0	CONSOLIDATED GAS
8133724	4505	3706521494		108		SKIBA 1 (D-52) O/S 10593	PERRY TOWNSHIP	19.0	CONSOLIDATED GAS
8133725	4506	3706521495		108		SKIBA 2 (D-54) O/S 10594	PERRY TOWNSHIP	19.0	CONSOLIDATED GAS
-DELTA DRILLING CO				RECEIVED: 05/27/81 JA: PA					
8133761	7104	3706325483		103		FELDMEIER #2	CHERRYHILL	0.0	PEOPLES NATURAL G
8133764	7101	3706325449		103		R HAUXHURST #2	CHERRYHILL	0.0	PEOPLES NATURAL G
8133760	7105	3706325475		103		VARGO #1	CHERRYHILL	0.0	PEOPLES NATURAL G
8133758	7107	3706325485		103		W BECK #1	CHERRYHILL	0.0	PEOPLES NATURAL G

VOLUME 453 PAGE 003

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8133759	7106	3706325687		103		YUCKENBERG #2	CHERRYHILL	0.0	PEOPLES NATURAL G
-FAIRMAN DRILLING CO				RECEIVED: 05/27/81 JA: PA					
8133751	7002	3706324991		103		WILLIAM W LLOYD NO 1 F-2606	MARION CENTER	30.0	T W PHILLIPS GAS
8133743	7001	3706324992		103		WILLIAM W LLOYD NO 2 F-2596	MARION CENTER	30.0	T W PHILLIPS GAS
-FOX OIL & GAS INC				RECEIVED: 05/29/81 JA: PA					
8133854	6957	3700325857		103		FONTZ - PICKARD #1	MONTGOMERY TOWNSHIP	28.5	COLUMBIA GAS TRAN
8133852	6959	3706325119		103		MARY L BROWN #1	GREEN TOWNSHIP	2.6	COLUMBIA GAS TRAN
8133853	6958	3706325784		103		MICHAEL GLOPUN #3	MONTGOMERY TOWNSHIP	29.2	COLUMBIA GAS TRAN
8133851	6960	3706325878		103		WILLIAM R CONNER #1	MONTGOMERY TOWNSHIP	2.6	COLUMBIA GAS TRAN
-GULF OIL CORPORATION				RECEIVED: 05/27/81 JA: PA					
8133722	7016	3703320838		103		H M DIEM #1	REED DEEMER/BIG RUN	0.1	
-J & J ENTERPRISES INC				RECEIVED: 05/27/81 JA: PA					
8133711	7023	3706324558		103		C J WENESKEY #1	WHITE	200.0	PEOPLES NATURAL G
8133713	7026	3700522411		103		C SCHRENCENGOST #3	PLUMCREEK	200.0	PEOPLES NATURAL G
8133699	7044	3706324383		103		CHRISTIAN MISSIONARY ALL CH #1 (4A)	WHITE	200.0	PEOPLES NATURAL G
8133718	7021	3706324589		103		DAVID L JOYCE #1	BURRELL	200.0	PEOPLES NATURAL G
8133710	7022	3706324079		103		ERNEST FOWLER #1	WHITE	200.0	PEOPLES NATURAL G
8133712	7025	3706324587		103		ERNEST GOOD #1	WEST MAHONING	200.0	PEOPLES NATURAL G
8133701	7033	3706324484		103		IVAN L MYERS #1	WASHINGTON	200.0	PEOPLES NATURAL G
8133705	7037	3706323813		103		JAMES E WILSON #1	ARMSTRONG	200.0	PEOPLES NATURAL G
8133708	7031	3700522203		103		JAMES F MCFARLAND #2	COWANSHANNOCK	200.0	PEOPLES NATURAL G
8133704	7028	3706324652		103		JOHN SEMON SR #1 (16A)	CENTER	200.0	PEOPLES NATURAL G
8133690	7046	3706324653		103		KUNKLE-BERRY #1	WHITE	200.0	PEOPLES NATURAL G
8133702	7034	3706324407		103		MARY WAGNER #1 (68A)	WASHINGTON	200.0	PEOPLES NATURAL G
8133706	7038	3706325101		103		MARY WAGNER #2 (62A)	WASHINGTON	200.0	PEOPLES NATURAL G
8133717	7020	3700522432		103		MELVIN PETTIGREW #2	COWANSHANNOCK	200.0	PEOPLES NATURAL G
8133709	7032	3706324209		103		ROGER L CRAIG #3	ARMSTRONG	200.0	PEOPLES NATURAL G
8133707	7030	3700522202		103		RONALD ALTMAN #1	COWANSHANNOCK	200.0	PEOPLES NATURAL G
8133700	7045	3700522410		103		ROY REARICK #3	PLUMCREEK	200.0	PEOPLES NATURAL G
8133696	7041	3700522417		103		ROY WIEGAND #2 (68A)	KITTANNING	200.0	PEOPLES NATURAL G
8133698	7043	3706324322		103		STUDENT COOP ASSOCIATION INC #1	WHITE	200.0	PEOPLES NATURAL G
8133703	7035	3706324323		103		STUDENT COOP ASSOCIATION INC #2	WHITE	200.0	PEOPLES NATURAL G
8133697	7042	3706324871		103		T FRICK #1 (237A)	WHITE	200.0	PEOPLES NATURAL G
-J & J ENTERPRISES INC				RECEIVED: 05/29/81 JA: PA					
8133858	7143	3706324399		103		ANDREW J FLECKENSTEIN #1	CANOE	200.0	T W PHILLIPS GAS
8133814	7188	3706323683		103		ARTHUS L WEISS #1	YOUNG	200.0	T W PHILLIPS GAS
8133840	7148	3706325570		103		BILLY LOUGHRY #1	E MAHONING	200.0	T W PHILLIPS GAS
8133839	7146	3706323943		103		C & Y SPORTMENS CLUB #1	YOUNG	200.0	T W PHILLIPS GAS
8133826	7153	3706324253		103		C&Y SPORTSMENS CLUB #2	YOUNG	200.0	T W PHILLIPS GAS
8133820	7168	3706324085		103		F LEONARD MCCAULEY #1	EAST MAHONING	200.0	T W PHILLIPS GAS
8133833	7150	3706323944		103		FARMERS & MINERS TRUST CO #5	BANKS	200.0	T W PHILLIPS GAS
8133864	7135	3706323949		103		FARMERS & MINERS TRUST CO #7	BANKS	200.0	T W PHILLIPS GAS
8133834	7149	3706323962		103		FARMERS & MINERS TRUST CO #8	BANKS	200.0	T W PHILLIPS GAS
8133865	7134	3706323945		103		FARMERS & MINERS TRUST CO 6	BANKS	0.0	T W PHILLIPS GAS
8133838	7151	3706324919		103		GEORGE KASCHAK #1	ARMSTRONG	200.0	T W PHILLIPS GAS
8133825	7162	3706323592		103		HARVEY WALL #1	W MAHONING	200.0	T W PHILLIPS GAS
8133824	7163	3712920969		103		JAMES B BASH #2	BELL	200.0	T W PHILLIPS GAS
8133828	7160	3706323519		103		JAMES B SHARPE #1	CANOE	200.0	T W PHILLIPS GAS
8133859	7142	3706324588		103		JOHN C BURNS #1	WASHINGTON	200.0	T W PHILLIPS GAS
8133810	7202	3706321585		103		JOHN M EBERHART #1	BELL	200.0	T W PHILLIPS GAS
8133830	7158	3712920967		103		L CLAWSON #2	BELL	200.0	T W PHILLIPS GAS
8133861	7137	3706324898		103		LESTER HANCOCK #1	YOUNG	200.0	T W PHILLIPS GAS
8133863	7144	3706324186		103		LOUIS ZAMBOTTI #4	YOUNG	200.0	T W PHILLIPS GAS

VOLUME 453 PAGE 004

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER

JO NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8133829	7159	3712920965			103	LOUISE JAMISON #2	BELL	200.0	T W PHILLIPS GAS
8133821	7166	3706324191			103	M J DEFRANK #1	CANOE	200.0	T W PHILLIPS GAS
8133823	7164	3706323815			103	NELSON S WHITE #1	YOUNG	200.0	T W PHILLIPS GAS
8133860	7140	3706325149			103	ORVILLE WATSON #3	CENTER	200.0	T W PHILLIPS GAS
8133835	7156	3706324763			103	R D MCNAUGHTON #1	WHITE	200.0	T W PHILLIPS GAS
8133832	7145	3706324363			103	R PENROSE #1	YOUNG	200.0	T W PHILLIPS GAS
8133808	7209	3703320764			103	RAYMOND BARRETT #1	BURNSIDE	200.0	T W PHILLIPS GAS
8133816	7173	3703320793			103	RAYMOND BARRETT #2	BURNSIDE	200.0	T W PHILLIPS GAS
8133807	7225	3703320794			103	RAYMOND BARRETT #3	BURNSIDE	200.0	T W PHILLIPS GAS
8133809	7208	3703320797			103	RAYMOND BARRETT #6	BURNSIDE	200.0	T W PHILLIPS GAS
8133817	7172	3703320771			103	RAYMOND BARRETT #7	BURNSIDE	200.0	T W PHILLIPS GAS
8133836	7155	3703320798			103	RAYMOND BARRETT #8	BURNSIDE	200.0	T W PHILLIPS GAS
8133811	7201	3703320667			103	ROYAL OIL & GAS CORP #10	BELL	200.0	T W PHILLIPS GAS
8133812	7200	3703320668			103	ROYAL OIL & GAS CORP #11	BELL	200.0	T W PHILLIPS GAS
8133813	7199	3703320669			103	ROYAL OIL & GAS CORP #14	BELL	200.0	T W PHILLIPS GAS
8133862	7136	3703320666			103	ROYAL OIL & GAS CORP #9	BELL	200.0	T W PHILLIPS GAS
8133815	7185	3703320849			103	RUTH MITCHELL #1	BURNSIDE	200.0	T W PHILLIPS GAS
8133819	7170	3706323812			103	S A NASTASE #1	RAYNE	200.0	T W PHILLIPS GAS
8133837	7154	3706324436			103	T L LONG #1	WASHINGTON	200.0	T W PHILLIPS GAS
8133822	7165	3706321323			103	W ZIMMERMAN #1	BELL	200.0	T W PHILLIPS GAS
8133827	7161	3706323818			103	WAYNE BAUN #4	CANOE	200.0	T W PHILLIPS GAS
8133831	7157	3706323616			103	WILLIAM SPICHER #1	CANCE	200.0	T W PHILLIPS GAS
-KEYSTONE ENERGY RESOURCES				RECEIVED: 05/27/81 JA: PA					
8133754	7114	3706325193			103	M GLENN SMITH #1	M GLENN SMITH 63A FARM	49.8	COLUMBIA GAS TRAN
8133753	7112	3706325598			103	M GLENN SMITH #1A	M GLENN SMITH 50 A FARM	100.3	COLUMBIA GAS TRAN
8133755	7113	3706325221			103	M GLENN SMITH #2	M GLENN SMITH 63 A FARM	68.4	COLUMBIA GAS TRAN
8133756	7111	3706325596			103	M GLENN SMITH #2A	M GLENN SMITH 50 A FARM	45.3	COLUMBIA GAS TRAN
-LAUREL ENERGY CORP				RECEIVED: 05/27/81 JA: PA					
8133736	6975	3706325496			102-2	GOSS #1 - IND-25496	W PA UPPER DEVONIAN SAND	0.0	COLUMBIA GAS TRAN
8133735	6976	3706325497			102-2	OHARRAH #1 IND-25497	W PA UPPER DEVONIAN SAND	0.0	COLUMBIA GAS TRAN
-MERIDIAN EXPLORATION CORP				RECEIVED: 05/29/81 JA: PA					
8133850	6999	3704921208			102-2	A STAFFORD #1-538	EDINBORO NORTH	30.0	COLUMBIA GAS TRAN
-MID-EAST OIL CO				RECEIVED: 05/27/81 JA: PA					
8133748	7009	3706325740			103	FRANK A ZINER #1	BRUSH VALLEY	24.9	COLUMBIA GAS TRAN
8133750	7007	3706322052			103	GEORGE S STANCHICK ET AL #1	REYNOLDSVILLE	23.0	CONSOLIDATED GAS
8133720	7012	3706325679			103	HELEN E MARTIN #1	BRUSH VALLEY	15.0	COLUMBIA GAS TRAN
8133719	7011	3706325677			103	NANCY L POUNDS #1 (15 AC)	BRUSH VALLEY	15.0	COLUMBIA GAS TRAN
8133716	7010	3706325678			103	NANCY L POUNDS #1 (17 AC)	BRUSH VALLEY	16.6	COLUMBIA GAS TRAN
8133749	7008	3706325637			103	PAUL J MCCUNN #1	CLYMER	21.3	COLUMBIA GAS TRAN
-MURDICK ENTERPRISES				RECEIVED: 05/27/81 JA: PA					
8133729	6884	3706322215			103	OSTROWSKI NO 1	PUNXSUTAWNEY	36.0	T W PHILLIPS GAS
-PENN STATE JOINT VENTURE				RECEIVED: 05/27/81 JA: PA					
8133728	6744	3705300000			108	65K	QUEEN SAND GLADE FORMATI	4.0	QUAKER STATE OIL
-PHILLIPS PRODUCTION CO				RECEIVED: 05/27/81 JA: PA					
8133734	6961	3706324350			108	ALEX ZONA JR ET AL #1	YOUNG	15.0	COLUMBIA GAS TRAN
8133740	6962	3706324858			108	ALEX ZONA JR ET AL #2	YOUNG	15.0	COLUMBIA GAS TRAN
8133739	6963	3706324859			108	ALEX ZONA JR ET AL #3	YOUNG	15.0	COLUMBIA GAS TRAN
-THE MUTUAL OIL & GAS COMPANY				RECEIVED: 05/29/81 JA: PA					
8133857	7133	3704921164			102-2	HOUGHTON-BAND UNIT		30.0	COLUMBIA GAS TRAN
8133855	6637	3704921095			102-2	KOSIENSKI #2	MCKEAN	48.0	COLUMBIA GAS TRAN
8133856	7132	3704921163			102-2	WOZNIAK #1	MCKEAN	30.0	COLUMBIA GAS TRAN
-UNION DRILLING INC				RECEIVED: 05/27/81 JA: PA					
8133692	7096	3706324174			188	EDWARD & CHARLES PEARS #1 0596	RAYNE TOWNSHIP	15.0	PEOPLES NATURAL G

VOLUME 453 PAGE 005

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8133693	7097	3706324629			108	GLEN W HELMAN #1 0602	RAYNE TOWNSHIP	19.0	COLUMBIA GAS TRAN
8133732	6934	3704921232			102-2	MICHAEL & ROSE POPOVICH #1 0696	LEBOEUF TOWNSHIP	0.0	COLUMBIA GAS TRAN
8133731	6933	3704921231			102-2	RICHARD & MARY SMITH #1 0695	LEBOEUF TOWNSHIP	0.0	COLUMBIA GAS TRAN
8133763	7102	3706324682			108	RUTH L STEFFY #1 0625	RAYNE TOWNSHIP	12.0	COLUMBIA GAS TRAN
8133766	7099	3706324681			108	VICTORIA J WADAS #1 0612	RAYNE TOWNSHIP	9.0	COLUMBIA GAS TRAN
8133762	7103	3706324302			108	WILBUR D HELMAN #1 0601	RAYNE TOWNSHIP	9.0	COLUMBIA GAS TRAN
8133765	7100	3706324702			108	WILLIAM L & EDNA BENCE #1 0617	RAYNE TOWNSHIP	15.0	PEOPLES NATURAL G
8133694	7098	3706324418			108	WILLIAM P DEEDS #2 0613	RAYNE TOWNSHIP	4.0	COLUMBIA GAS TRAN
-VINEYARD OIL & GAS CO						RECEIVED: 05/29/81 JA: PA			
8133841	5568	3704921039			102-2	MARSH #1 E-868	MARSH #1 - DRUMLIN	28.8	NATIONAL FUEL GAS
-WAINOCO OIL & GAS CO						RECEIVED: 05/29/81 JA: PA			
8133844	7122	3703920582			102-2	HUBERT VANDERHOFF NO 1 (W-25)	ATHENS	50.0	COLUMBIA GAS TRAN
8133818	7171	3703920652			102-2	M PAUL M P POST & M I PAUL NO 1	ATHENS	30.0	COLUMBIA GAS TRAN
8133845	7121	3703920647			102-2	NEAL & DOROTHY HASBROUCK NO 1 W-33	ATHENS	22.0	COLUMBIA GAS TRAN

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The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchases listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission on or before July 15, 1981, in the **Federal Register**.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 mile rule)
102–3: New well (1000 ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease
Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal seams
107–DV: Devonian shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–19222 Filed 6–29–81; 8:45 am]

BILLING CODE 6450–85–M

[Volume 454]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: June 25, 1981.

JD NO	JA DKT	API NO	D SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
TEXAS RAILROAD COMMISSION							
-ADA OIL EXPLORATION CORP				RECEIVED: 06/01/81 JA: TX			
8133970	F-03-029322	4205130896	102-2	NEWMAN-GERDES #1	GIDDINGS	0.0	PHILLIPS PETROLEU
-ADOBE OIL & GAS CORPORATION				RECEIVED: 06/01/81 JA: TX			
8134124	F-03-034908	4205131047	102-2	LUKSA UNIT #1	GIDDINGS (AUSTIN CHALK)	20.0	FERGUSON CROSSING
8134123	F-7B-034907	4213352787	102-4	SNEED B #2	MANGUM NORTH (3200)	24.0	ODESSA NATURAL CO
-ALAN P HEWITT				RECEIVED: 06/01/81 JA: TX			
8133949	F-7B-027886	4208331916	102-4	W C HENDERSON NO 1 WELL #88525	ECHO NORTH (GRAY) FIELD	82.0	SOUTHWESTERN GAS
-AMERICAN PUBLIC ENERGY CO				RECEIVED: 06/01/81 JA: TX			
8133984	F-04-030015	4221531070	103	LUITJEN #1	MISSION WEST E SAND	0.0	
-AMOCO PRODUCTION CO				RECEIVED: 06/01/81 JA: TX			
8134155	F-05-034999	4234931400	107-TF	DEE GARRETT LIVELY OU /C/ #1	CHENEYBORO/COTTON VALLEY	107.0	LONE STAR GAS CO
8134158	F-05-035003	4234930978	107-TF	DOROTHY CLARK OU /A/ #1	CHENEYBORO/COTTON VALLEY	54.0	LONE STAR GAS CO
8134149	F-05-034993	4234931267	107-TF	DOROTHY CLARK OU /B/ #1	CHENEYBORO/COTTON VALLEY	200.0	LONE STAR GAS CO
8134151	F-05-034995	4234930992	107-TF	DORCTHY CLARK OU /C/ #1	CHENEYBORO/COTTON VALLEY	213.0	LONE STAR GAS CO
8134161	F-05-035006	4234931276	107-TF	DRU MILLIGAN OU /A/ #1	CHENEYBORO/COTTON VALLEY	52.9	LONE STAR GAS CO
8134150	F-05-034994	4234931167	107-TF	H P BONNER OU /A/ #1	CHENYBORO/COTTON VALLEY/	37.0	LONE STAR GAS CO
8134047	F-8A-033080	4250131863	102-4	HEARNE #1	REEVES (WOLFCAMP)	30.0	PHILLIPS PETROLEU
8134154	F-05-034998	4234930917	107-TF	INA K CARROLL OU /C/ #1	CHEAEYBORO/COTTON VALLEY	110.0	LONE STAR GAS CO
8134159	F-05-035004	4216130553	107-TF	J E SIMS WELL NO 1	CHENEYBORO/COTTON VALLEY	18.3	LONE STAR GAS CO
8134160	F-05-035005	4234931052	107-TF	JOHN D CUNNINGHAM WELL NO 1	CHEAEYBORO/COTTON VALLEY	127.0	LONE STAR GAS CO
8134147	F-05-034980	4234931158	102-4	JOHN D CUNNINGHAM WELL NO 2	CHENEYBORO/COTTON VALLEY	116.0	LONE STAR GAS CO
8134147	F-65-034980	4234931158	107-TF	JOHN D CUNNINGHAM WELL NO 2	CHENEYBORO/COTTON VALLEY	116.0	LONE STAR GAS CO
8134152	F-05-034996	4234931157	107-TF	JOHN D CUNNINGHAM WELL NO 3	CHENEYBORO/COTTON VALLEY	103.0	LONE STAR GAS CO
8134148	F-05-034992	4234931213	107-TF	JOHN D CUNNINGHAM WELL NO 4	CHENEYBORO/COTTON VALLEY	200.0	LONE STAR GAS CO
8134153	F-05-034997	4234931159	107-TF	KATHRYN LOPER WELL NO 1	CHENEYBORO/COTTON VALLEY	100.0	LONE STAR GAS CO
8134156	F-05-035000	4234930932	107-TF	LILLIAN COOPER OU /B/ #1	CHEAEYBORO/COTTON VALLEY	182.5	LONE STAR GAS CO
8134157	F-05-035002	4234930934	107-TF	MILLER-BALCOM OIL UNIT WELL NO 1	CHENEYBORO/COTTON VALLEY	182.5	LONE STAR GAS CO
8133958	F-04-028496	4248930618	103	WILLAMAR W MIOCENE P-14	WILLAMAR WEST/MIOCENE 47	436.0	NATURAL GAS PIPEL
-ANDERSON PETROLEUM INC				RECEIVED: 06/01/81 JA: TX			
8133942	F-7C-027473	4210532260	103	ELMER HOOVER HATTON EST P 4-8	CANYON SAND	48.0	ANDERSON PIPELINE
8133942	F-7C-027473	4210532260	107-TF	ELMER HOOVER HATTON EST P 4-8	CANYON SAND	48.0	ANDERSON PIPELINE
8133944	F-7C-027480	4210532400	103	HOOVER ESTATE A 4-19	CANYON SAND	0.0	ANDERSON PIPELINE
8133944	F-7C-027480	4210532400	107-TF	HOOVER ESTATE A 4-19	CANYON SAND	0.0	ANDERSON PIPELINE
8133943	F-7C-027479	4210532250	107-TF	PAULINE FRIESS C 1-111	SAWYER (CANYON)	65.0	SUTTON COUNTY PIP
-ARCO OIL AND GAS COMPANY				RECEIVED: 06/01/81 JA: TX			
8134192	F-7C-035182	4223531676	103	ELA C SUGG C-51 WELL NO 2	SPRABERRY (TREND AREA)	50.0	J L DAVIS
8134195	F-7C-035185	4223531673	103	J R SCOTT ESTATE A-54 WELL NO 3	SPRABERRY (TREND AREA)	75.0	J L DAVIS
8134194	F-7C-035184	4223531675	103	J R SCOTT ESTATE 54 WELL NO 4	SPRABERRY (TREND AREA)	10.0	J L DAVIS
8134193	F-7C-035183	4223531679	103	J R SCOTT ESTATE 54 WELL NO 5	SPRABERRY (TREND AREA)	15.0	J L DAVIS
8134125	F-10-034910	4223300000	108	MERCHANT-VACUUM #5	PANHANDLE	14.6	PANHANDLE PRODUCI
-ASTIN CORP				RECEIVED: 06/01/81 JA: TX			

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8133962	F-7B-28834	4208331604			102-4	HEMPHILL #3 (88232)	HEMPHILL (GRAY)	0.0	ODESSA NATURAL CO
-AUSANKA OIL OPERATIONS						RECEIVED: 06/01/81 JA: TX			
8134070	F-09-034610	4250333269			103	EARL MAHANEY #1	BUNGER (3925-3960)	40.0	LONE STAR GAS CO
-B & M OPERATING CO INC						RECEIVED: 06/01/81 JA: TX			
8133876	F-04-019466	4213133866			103	BARTOSH UNIT NO 1	NEELY (BRUNI 1908)	150.0	VALERO TRANSMISSI
-BAR M PETROLEUM CO INC						RECEIVED: 06/01/81 JA: TX			
8133871	F-04-016611	4240931166			108	#2 KLANIKA 75559	REYNET (1930)	0.0	
-BEAL OPERATING						RECEIVED: 06/01/81 JA: TX			
8134119	F-7B-034880	4208331901			102-4	L S WEST #1 (91323)	CATTHE (MORRIS)	231.0	ODESSA NATURAL CO
-BLANKS ENERGY CORP						RECEIVED: 06/01/81 JA: TX			
8133889	F-08-022091	4243130810			103	TERRY 17-2U 25708	CONGER (PENN)	84.0	INTRATEX GAS CO
-BOB BLACK OPERATING						RECEIVED: 06/01/81 JA: TX			
8134017	F-7C-031266	4239931773			103	S HOLMES #1	ENOCH JOHNSON (MORRIS SA	180.0	UNION TEXAS PETRO
-BRAZOS RESOURCES INC						RECEIVED: 06/01/81 JA: TX			
8133953	F-7B-028100	4205932540			102-4	JOHN D ISENHOWER NO 1 ID NO 89477	ISENHOWER DUFFER	8.0	LONE STAR GAS CO
-BRITTANY DRILLING CO						RECEIVED: 06/01/81 JA: TX			
8133956	F-7B-028466	4204932316			102-2	WOODSON EMFINGER #1 (89378)	MIKLAR (STRAUN)	657.0	ODESSA NATURAL CO
-C L GAGE JR						RECEIVED: 06/01/81 JA: TX			
8133914	F-09-025256	4249700000			103	JERRY MARA NO 1	BOONSVILLE (BEND CONGL)	55.1	NATURAL GAS PIPEL
8133879	F-09-021709	4249700000			103	JIMMIE DON LEATH NO 1	BOONSVILLE (BEND CONGL)	450.4	NATURAL GAS PIPEL
-CAPITAL ENERGY CORP						RECEIVED: 06/01/81 JA: TX			
8134048	F-03-033081	4220100000			102-4	CEC-F & K PROPERTIES 73 LTD #1	CYPRESS	182.5	TENNESSEE GAS PIP
-CASSELL OIL CO						RECEIVED: 06/01/81 JA: TX			
8134065	F-7B-034389	4204931563			102-4	BUSBEE NO 1-S	BROWN COUNTY REGULAR	54.8	ODESSA NATURAL CO
8134065	F-7B-034389	4204931563			103	BUSBEE NO 1-S	BROWN COUNTY REGULAR	54.8	ODESSA NATURAL CO
8134064	F-7B-034388	4204900000			102-4	BUSBEE NO 2-S	BROWN COUNTY REGULAR	67.5	ODESSA NATURAL CO
8134064	F-7B-034388	4204900000			103	BUSBEE NO 2-S	BROWN COUNTY REGULAR	67.5	ODESSA NATURAL CO
8134063	F-7B-034387	4204931764			102-4	BUSBEE NO 3-S	BROWN COUNTY REGULAR	13.1	ODESSA NATURAL CO
8134063	F-7B-034387	4204931764			103	BUSBEE NO 3-S	BROWN COUNTY REGULAR	13.1	ODESSA NATURAL CO
-CENTEX OIL & GAS INC						RECEIVED: 06/01/81 JA: TX			
8134001	F-03-030981	4270830223			103	HIGH ISLAND BLOCK 10-L GULF NO 3	HIGH ISLAND BLOCK 10-L G	0.0	TRANSCONTINENTAL
-CHAMPLIN EXPLORATION INC						RECEIVED: 06/01/81 JA: TX			
8133935	F-03-026541	4202130275			103	HANNUSCH #1	GIDDINGS (AUSTIN CHALK)	2.2	PHILLIPS PETROLEU
-CHAMPLIN PETROLEUM COMPANY						RECEIVED: 06/01/81 JA: TX			
8134097	F-08-034802	4243130940			103	O L GLASS NO 2	CONGER SW (PENN)	60.0	NORTHERN NATURAL
8134176	F-04-35118	4227300000			108	G P WARDNER NO 134	STRATTON	12.7	TENNESSEE GAS PIP
8134179	F-04-035123	4235500000			108	O A GRUENE NO 1	STRATTON	9.0	TENNESSEE GAS PIP
8134178	F-04-035122	4235500000			108	S A J S L B NO 2	STRATTON	13.0	TENNESSEE GAS PIP
8134177	F-04-35120	4235500000			108	TEXON ROYALTY CO B #3	STRATTON	11.0	TENNESSEE GAS PIP
-CIRCLE SEVEN PRODUCTION CO						RECEIVED: 06/01/81 JA: TX			
8133925	F-7B-025386	4236700000			103	E BROWDER NO 1 WELL ID #81714	RENO (CONGLOMERATE)	8.0	LONE STAR GAS CO
-COASTAL OIL & GAS CORP						RECEIVED: 06/01/81 JA: TX			
8134174	F-10-035115	4237530826			103	BIVINS 4002RO	PANHANDLE (RED CAVE)	7.0	COLORADO INTERSTA
-COLUMBIA GAS DEVELOPMENT CORP						RECEIVED: 06/01/81 JA: TX			
8134107	F-03-034819	4205131253			102-2	R W JEFFERY NO 3	GIDDINGS (AUSTIN CHALK)	111.0	FERGUSON CROSSING
-CONOCO INC						RECEIVED: 06/01/81 JA: TX			
8133978	F-10-029959	4206500000			108	BURNETT 70A	WEST PANHANDLE	16.0	CITIES SERVICE GA
8133979	F-10-029960	4206500000			108	DAUER NO 1A	WEST PANHANDLE	19.0	CITIES SERVICE GA
8134127	F-08-034912	4210900000			103	G E RAMSEY -16- #2 ID #	FORD WEST (4100)	40.2	EL PASO NATURAL G
8134126	F-08-034911	4210931454			103	G E RAMSEY -22- #13 ID #24217	FORD WEST (4100)	11.7	EL PASO NATURAL G
8133980	F-10-029961	4206500000			108	J E MOERNER NO 1	WEST PANHANDLE	18.0	CITIES SERVICE GA
8134037	F-03-032110	4214930715			103	M H DRENNER NO 15	GIDDINGS (AUSTIN CHALK)	9.0	
8134023	F-04-031434	4242731351			108	T B SLICK EST A NO 155 88059	RINCON (VICKSBURG 6580)	15.0	TENNESSEE GAS PIP

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JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-CORPUS CHRISTI OIL AND GAS CO				RECEIVED: 06/01/81 JA: TX					
8133946	F-03-027661	4270330047		102	4	NO 6 STATE TRACT 520-L NW/4	EL GORDO (MIOCENE)	0.0	HOUSTON PIPELINE
8134034	F-04-032000	4200730126		102	4	STATE TRACT 829-S WELL #1 LOWER	CLEAR (MIOCENE 6450) FIE	0.0	CHANNEL INDUSTRIE
8134035	F-04-032001	4200730126		102	4	STATE TRACT 829-S WELL #1 UPPER	CLEAR (MIOCENE 6200) FIE	0.0	CHANNEL INDUSTRIE
8134036	F-04-032003	4200730124		102	4	STATE TRACT 830-S WELL #1 LOWER	CLEAR (MIOCENE 6700) FIE	0.0	CHANNEL INDUSTRIE
-CPC EXPLORATION INC				RECEIVED: 06/01/81 JA: TX					
8134038	F-03-0321148	4205131026		102	4	A G MCNEESE UNIT #2 WELL #1	CALDWELL (AUSTIN CHALK)	100.0	FERGUSON CROSSING
8134040	F-03-032151	4205131037		102	4	BRITT-JARRATT UNIT #2 WELL #1	STONE CITY (AUSTIN CHALK	100.0	FERGUSON CROSSING
8134039	F-03-032150	4205130849		102	4	MCKINNEY #1 WELL RRC #13257	CALDWELL (AUSTIN CHALK)	100.0	FERGUSON CROSSING
-D L BISHOP				RECEIVED: 06/01/81 JA: TX					
8133945	F-7C-027546	4210532642		103		THOMASON-UNIVERSITY #3 (RRC #05070)	AMIGO (SAN ANDRES)	8.0	NORTHERN NATURAL
-DELMI OIL CORP				RECEIVED: 06/01/81 JA: TX					
8134079	F-03-034735	4214900000		102	3	APPELT #3	GIDDINGS (EDWARDS GAS)	1101.2	PHILLIPS PETROLEU
-DIAMEX CO				RECEIVED: 06/01/81 JA: TX					
8133963	F-03-028893	4207130989		102	4	ST 20-D 21-D TRINITY BAY WELL #1	PEXCO DOUBLE BAYOU FIELD	144.0	AMOCO GAS CO
-DIAMOND SHAMROCK CORPORATION				RECEIVED: 06/01/81 JA: TX					
8133993	F-10-030681	4229530862		103		I A AKERS B NO 2	MARMOTH CREEK NORTH	524.0	
-DORCHESTER GAS PRODUCING CO				RECEIVED: 06/01/81 JA: TX					
8134106	F-10-034819	4206500000		108		BARNARD NO 2 (24318)	PANHANDLE WEST	14.0	NORTHERN NATURAL
8134104	F-10-034812	4206500000		108		R S MCCONNELL NO 4 (24367)	PANHANDLE WEST	20.0	NORTHERN NATURAL
8134103	F-10-034810	4217900000		108		SHERIDAN NO 3 (24386)	PANHANDLE WEST	19.0	NORTHERN NATURAL
8134114	F-10-034846	4217900000		108		W BENEDICT NO 2 (24331)	PANHANDLE WEST	18.0	NORTHERN NATURAL
-EGAN-WILSON PETROLEUM INC				RECEIVED: 06/01/81 JA: TX					
8134002	F-04-030998	4242700000		103		EGAN-WILSON RODRIGUEZ-PEREZ #2	SIXTO (HOCKLEY 2170)	73.0	INTRASTATE GATHER
-EL PASO NATURAL GAS COMPANY				RECEIVED: 06/01/81 JA: TX					
8134111	F-10-034843	4248333400		108		GOOCH #1-A	PANHANDLE EAST - BROWN D	25.0	EL PASO NATURAL G
8134113	F-10-034845	4248326142		108		LAYCOCK B #2	PANHANDLE EAST	14.0	EL PASO NATURAL G
8134112	F-10-034844	4208726144		108		LEDBETTER #1	PANHANDLE EAST	19.0	EL PASO NATURAL G
8134051	F-7C-033250	4243532341		103		SHURLEY #16	SAWYER CANYON	157.0	EL PASO NATURAL G
8134051	F-7C-033250	4243532341		107	TF	SHURLEY #16	SAWYER CANYON	157.0	EL PASO NATURAL G
-ENERGY RESERVES GROUP INC				RECEIVED: 06/01/81 JA: TX					
8134069	F-7C-034568	4208130825		103		J E CHAPPELL A #6	JAMESON (STRAWN)	53.6	UNION TEXAS PETRO
-ENERGY SOURCES INC				RECEIVED: 06/01/81 JA: TX					
8133904	F-04-023567	4235531499		103		OCIE MAE GIBSON #1 PERMIT #023603	WEST BISHOP (PFLUGER LOW	73.0	SEAGULL PIPELINE
-ENSERCH EXPLORATION INC				RECEIVED: 06/01/81 JA: TX					
8134169	F-08-035074	4247500000		108		J M EDWARDS C NO 1	JANELLE	19.0	SHADCO CORP
8133878	F-02-020711	4228531388		103		WILLIAM A EILERS NO 1	WORD N	179.7	VALERO TRANSMISSI
-ESENJAY PETROLEUM CORP				RECEIVED: 06/01/81 JA: TX					
8134083	F-02-034765	4212331045		103		HOTZ-RANGNOW GAS UNIT NO 2	HYNES (MASSIVE)	73.0	VALERO TRANSMISSI
-EXXON CORPORATION				RECEIVED: 06/01/81 JA: TX					
8134032	F-03-031900	4201530444		102	4	ADELE SCHROEDER NO 1	BLEIBLERVILLE (WILCOX 98	182.5	SNG INC
8134141	F-03-034955	4205131196		102	2	COOKS POINT UNIT NO 1 WELL 1	GIDDINGS (AUSTIN CHALK)	38.0	FERGUSON CROSSING
8134139	F-03-034953	4205131167		102	2	COOKS POINT UNIT NO 3 WELL 1	GIDDINGS (AUSTIN CHALK)	10.0	FERGUSON CROSSING
8134138	F-03-034952	4205131132		102	2	COOKS POINT UNIT NO 4 WELL 1	GIDDINGS (AUSTIN CHALK)	24.0	FERGUSON CROSSING
8134140	F-03-034954	4205131105		102	2	COOKS POINT UNIT NO 5 WELL 1	GIDDINGS (AUSTIN CHALK)	50.0	FERGUSON CROSSING
8134136	F-03-034949	4205131155		102	2	COOKS POINT UNIT NO 6 WELL 1	GIDDINGS (AUSTIN CHALK)	38.0	FERGUSON CROSSING
8134137	F-03-034950	4205131161		102	2	COOKS POINT UNIT NO 7 WELL 1	GIDDINGS (AUSTIN CHALK)	29.0	FERGUSON CROSSING
8134092	F-8A-034791	4216531899		103		EXXON-SHELL FEE C #2	ROBERTSON N (CLEAR FORK	8.0	
8133982	F-10-029997	4239330755		103		FLOWERS TRUST B #3L	MENDOTA NW (GRANITE WASH	776.0	TRANSWESTERN PIPE
8133983	F-10-029998	4239330755		103		FLOWERS TRUST B #3U	MENDOTA NW (DOUGLAS LO)	552.0	TRANSWESTERN PIPE
8134020	F-03-031396	4207130959		102	4	GALVESTON BAY STATE A 179	RED FISH REEF	164.0	HOUSTON PIPELINE
8134078	F-08-034732	4210331963		103		J B TUBB A/C 1 #175L	SAND HILLS (MCKNIGHT)	3.0	ODESSA NATURAL CO
8134135	F-03-034948	4205131092		102	2	JOSEPH J SKRIVANEK #1	GIDDINGS (AUSTIN CHALK)	15.0	FERGUSON CROSSING

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
*8134105	F-04-034813	4227331316		102	4	K R ALAZAN 329-E (92027)	ALAZAN (J-57)	290.0	ARMCO STEEL CORP
8134106	F-04-034814	4227331317		102	4	K R ALAZAN 330-E (92027)	ALAZAN (J-57)	290.0	ARMCO STEEL CORP
8134107	F-04-034815	4227331318		102	4	K R ALAZAN 331-E (92027)	ALAZAN (J-57)	290.0	ARMCO STEEL CORP
8134108	F-04-034816	4227331319		102	4	K R ALAZAN 332-E (92027)	ALAZAN (J-57)	290.0	ARMCO STEEL CORP
8134109	F-04-034817	4227331320		102	4	K R ALAZAN 333-E (92027)	ALAZAN (J-57)	290.0	ARMCO STEEL CORP
8134110	F-04-034818	4227331321		102	4	K R ALAZAN 334-E (92027)	ALAZAN (J-57)	290.0	ARMCO STEEL CORP
-FINA OIL AND CHEMICAL CO				RECEIVED: 06/01/81 JA: TX					
8134133	F-03-034945	4205131124		102	4	ROBERT LEE UNIT NO 1 WELL 1	GIDDINGS (AUSTIN CHALK)	50.0	FERGUSON CROSSING
8134134	F-03-034946	4205131125		102	4	ROBERT LEE UNIT NO 2 WELL 1	GIDDINGS (AUSTIN CHALK)	50.0	FERGUSON CROSSING
-FLAG-REDFERN OIL CO				RECEIVED: 06/01/81 JA: TX					
8134042	F-03-032153	4205131035		102	4	BRITT-JARRATT UNIT #2 WELL #2	STONE CITY (AUSTIN CHALK	100.0	FERGUSON CROSSING
-FLOYD OIL CO				RECEIVED: 06/01/81 JA: TX					
8134044	F-03-032155	4205131033		102	4	BRITT-JARRATT UNIT #2 WELL #3	STONE CITY (AUSTIN CHALK	100.0	FERGUSON CROSSING
-FRANKLIN EXPLORATION CO				RECEIVED: 06/01/81 JA: TX					
8134117	F-10-034849	4217900000		108		W BENEDICT NO 3 (24331)	PANHANDLE WEST	18.0	NORTHERN NATURAL
-GENERAL CRUDE OIL CO				RECEIVED: 06/01/81 JA: TX					
8134116	F-10-034848	4217900000		108		W BENEDICT NO 4 (24331)	PANHANDLE WEST	18.0	NORTHERN NATURAL
-GETTY OIL COMPANY				RECEIVED: 06/01/81 JA: TX					
8134115	F-10-034847	4217900000		108		W BENEDICT NO 5 (24331)	PANHANDLE WEST	18.0	NORTHERN NATURAL
-GULF OIL CORP				RECEIVED: 06/01/81 JA: TX					
8134118	F-10-034850	4217900000		108		W BENEDICT NO 6 (24331)	PANHANDLE WEST	18.0	NORTHERN NATURAL
-HARKEN EXPLORATION CO				RECEIVED: 06/01/81 JA: TX					
8134120	F-10-034852	4217900000		108		W BENEDICT NO 7 (24331)	PANHANDLE WEST	18.0	NORTHERN NATURAL
-HOUSTON OIL & MINERALS CORP				RECEIVED: 06/01/81 JA: TX					
8134121	F-10-034853	4217900000		108		W BENEDICT NO 8 (24331)	PANHANDLE WEST	18.0	NORTHERN NATURAL
-HUNT OIL COMPANY				RECEIVED: 06/01/81 JA: TX					
8134122	F-10-034854	4217900000		108		W BENEDICT NO 9 (24331)	PANHANDLE WEST	18.0	NORTHERN NATURAL
-HUNTER EXPLORATION INC				RECEIVED: 06/01/81 JA: TX					
8134123	F-10-034855	4217900000		108		W BENEDICT NO 10 (24331)	PANHANDLE WEST	18.0	NORTHERN NATURAL
-INTERNATIONAL OIL & GAS CORP				RECEIVED: 06/01/81 JA: TX					
8134124	F-10-034856	4217900000		108		W BENEDICT NO 11 (24331)	PANHANDLE WEST	18.0	NORTHERN NATURAL
-JAMES E SHEPPERD				RECEIVED: 06/01/81 JA: TX					
8134125	F-10-034857	4217900000		108		W BENEDICT NO 12 (24331)	PANHANDLE WEST	18.0	NORTHERN NATURAL
-JOHN H HENDRIX CORP				RECEIVED: 06/01/81 JA: TX					
8134126	F-10-034858	4217900000		108		W BENEDICT NO 13 (24331)	PANHANDLE WEST	18.0	NORTHERN NATURAL
-JOHN L COX				RECEIVED: 06/01/81 JA: TX					
8134127	F-10-034859	4217900000		108		W BENEDICT NO 14 (24331)	PANHANDLE WEST	18.0	NORTHERN NATURAL
-KERR-MCGEE CORP				RECEIVED: 06/01/81 JA: TX					
8134128	F-10-034860	4217900000		108		W BENEDICT NO 15 (24331)	PANHANDLE WEST	18.0	NORTHERN NATURAL
-KEY PRODUCTION CO				RECEIVED: 06/01/81 JA: TX					
8134129	F-10-034861	4217900000		108		W BENEDICT NO 16 (24331)	PANHANDLE WEST	18.0	NORTHERN NATURAL
-LEE M BASS				RECEIVED: 06/01/81 JA: TX					
8134130	F-10-034862	4217900000		108		W BENEDICT NO 17 (24331)	PANHANDLE WEST	18.0	NORTHERN NATURAL
-LEWIS B WOODS				RECEIVED: 06/01/81 JA: TX					
8134131	F-10-034863	4217900000		108		W BENEDICT NO 18 (24331)	PANHANDLE WEST	18.0	NORTHERN NATURAL
-LOUISIANA LAND & EXPLORATION CO				RECEIVED: 06/01/81 JA: TX					
8134132	F-10-034864	4217900000		108		W BENEDICT NO 19 (24331)	PANHANDLE WEST	18.0	NORTHERN NATURAL
-MARATHON OIL CO				RECEIVED: 06/01/81 JA: TX					
8134143	F-03-034957	4205131197		102	2	MARY ANN UNIT NO 1 WELL 1	GIDDINGS (AUSTIN CHALK)	38.0	FERGUSON CROSSING
8134142	F-03-034956	4205131198		102	2	MARY ANN UNIT NO 2 WELL 1	GIDDINGS (AUSTIN CHALK)	38.0	FERGUSON CROSSING
-MCCOMBS OIL & GAS CORP				RECEIVED: 06/01/81 JA: TX					
8134144	F-03-034958	4205131199		102	2	MARY ANN UNIT NO 3 WELL 1	GIDDINGS (AUSTIN CHALK)	38.0	FERGUSON CROSSING
-MCCULLOCH OIL CORP OF TEXAS				RECEIVED: 06/01/81 JA: TX					
8134145	F-03-034959	4205131200		102	2	MARY ANN UNIT NO 4 WELL 1	GIDDINGS (AUSTIN CHALK)	38.0	FERGUSON CROSSING
-MCMORAN EXPLORATION CO				RECEIVED: 06/01/81 JA: TX					
8134146	F-03-034960	4205131201		102	2	MARY ANN UNIT NO 5 WELL 1	GIDDINGS (AUSTIN CHALK)	38.0	FERGUSON CROSSING
-MESA PETROLEUM CO				RECEIVED: 06/01/81 JA: TX					
8134147	F-03-034961	4205131202		102	2	MARY ANN UNIT NO 6 WELL 1	GIDDINGS (AUSTIN CHALK)	38.0	FERGUSON CROSSING
-MOBIL OIL CORP				RECEIVED: 06/01/81 JA: TX					
8134148	F-03-034962	4205131203		102	2	MARY ANN UNIT NO 7 WELL 1	GIDDINGS (AUSTIN CHALK)	38.0	FERGUSON CROSSING
-MONSANTO COMPANY				RECEIVED: 06/01/81 JA: TX					
8134149	F-03-034963	4205131204		102	2	MARY ANN UNIT NO 8 WELL 1	GIDDINGS (AUSTIN CHALK)	38.0	FERGUSON CROSSING
-MOORE & SCHLEY				RECEIVED: 06/01/81 JA: TX					
8134150	F-03-034964	4205131205		102	2	MARY ANN UNIT NO 9 WELL 1	GIDDINGS (AUSTIN CHALK)	38.0	FERGUSON CROSSING
-MOSBACHER ENERGY CO				RECEIVED: 06/01/81 JA: TX					
8134151	F-03-034965	4205131206		102	2	MARY ANN UNIT NO 10 WELL 1	GIDDINGS (AUSTIN CHALK)	38.0	FERGUSON CROSSING
-MUSTANG PRODUCTION CO				RECEIVED: 06/01/81 JA: TX					
8134152	F-03-034966	4205131207		102	2	MARY ANN UNIT NO 11 WELL 1	GIDDINGS (AUSTIN CHALK)	38.0	FERGUSON CROSSING
-NATIONAL GAS & OIL CORP				RECEIVED: 06/01/81 JA: TX					
8134153	F-03-034967	4205131208		102	2	MARY ANN UNIT NO 12 WELL 1	GIDDINGS (AUSTIN CHALK)	38.0	FERGUSON CROSSING
-NATIONAL GAS & OIL CORP				RECEIVED: 06/01/81 JA: TX					
8134154	F-03-034968	4205131209		102	2	MARY ANN UNIT NO 13 WELL 1	GIDDINGS (AUSTIN CHALK)	38.0	FERGUSON CROSSING

JD NO	DA DAT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
*8134105	F-04-034813	4227331316			102-4	K R ALAZAN 324-F (92027)	ALAZAN (J-37)	290.0	ARMCO STEEL CORP
*8134199	F-04-035193	4227331504			102-4	K R BORREGOS PB-27 (91581)	STRATTON (M-55)	650.0	ARMCO STEEL CORP
*8134181	F-04-035144	4227331482			102-4	K R TIJERINA A-71 (91377)	T-C-B EAST (9400)	385.0	ARMCO STEEL CORP
*8133885	F-04-022015	4224930899			103	KING RANCH SEELIGSCA C-194-D (7846*	T-C-B (SECOND TIJERINA)	1570.0	ARMCO STEEL CORP
*8134094	F-04-034796	4227331454			102-4	KING RANCH SEELIGSCA C-204-C (9061*	SEELIGSON (20-6-02 U)	900.0	ARMCO STEEL CORP
8134050	F-04-033204	4242731327			102-4	LAZARO M GUERRA 7 (ID PENDING)	KELSEY SOUTH (ZONE 20-H	450.0	TRUNKLINE GAS CO
8134093	F-7C-034792	4241330958			103	PEARL WILLIAMS #10U	DOVE CREEK (CANYON C)	231.0	NORTHERN NATURAL
*8134182	F-04-035185	4204730815			103	R J K JR TR BARROSA PASTURE 21-D (*	PITA NW (6-59 U)	1022.0	ARMCO STEEL CORP
*8133884	F-04-022014	4204730693			103	R J K JR TR VIBORAS EAST 79-F (810*	VIBORAS (6-02)	584.0	ARMCO STEEL CORP
*8134095	F-04-034797	4204730787			102-4	R J K JR TR VP-86- D (88882)	VIBORAS (MASSIVE SECOND	1095.0	ARMCO STEEL CORP
*8134115	F-04-034872	4204730880			102-4	R J K JR TR VP-88-D (88799)	VIBORAS (MASSIVE 2ND VII	365.0	ARMCO STEEL CORP
*8133883	F-04-022013	4204730747			103	VIBORAS FIELD G U #1 Q-93-D (84383)	VIBORAS	475.0	ARMCO STEEL CORP
*8133882	F-04-022012	4204730758			103	VIBORAS FIELD GU #1 Q-95-D (85081)	VIBORAS (MASSIVE SECOND)	621.0	ARMCO STEEL CORP
*8133888	F-04-022020	4204730654			103	VIBORAS FIELD GU #1 V-78-D (79988)	VIBORAS (MASSIVE SECOND)	876.0	ARMCO STEEL CORP
*8133887	F-04-022019	4204730607			103	VIBORAS FIELD GU #1 Q-82-D (76369)	VIBORAS (MASSIVE SECOND)	694.0	ARMCO STEEL CORP
*8133886	F-04-022018	4204730606			103	VIBORAS FIELD GU #1 Q-86-D (78095)	VIBORAS (MASSIVE SECOND)	803.0	ARMCO STEEL CORP
*8133890	F-04-022099	4204730758			103	VIBORAS FIELD GU #1 Q-95-F (85079)	VIBORAS (MASSIVE FIRST)	767.0	ARMCO STEEL CORP
-F L LIVINGSTON		RECEIVED: 06/01/81 JA: TX							
8134014	F-08-031187	4249500000			108	J B WALTON #11 (03258)	KERMIT FIOLD	12.0	CABOT CORP
8134010	F-08-031182	4249500000			108	J B WALTON #2 (03258	KERMIT FIELD	12.0	CABOT CORP
8134011	F-08-031183	4249500000			108	J B WALTON #3 (03258	KERMIT FIELD	12.0	CABOT CORP
8134012	F-08-031184	4249500000			108	J B WALTON #4 (03258)	KERMIT FIELD	12.0	CABOT CORP
8134013	F-08-031185	4249500000			108	J B WALTON #7 (03258)	KERMIT FIELD	12.0	CABOT CORP
8134007	F-08-031179	4249500000			108	S M MALLEY #1 (21576)	MALLEY FIELD	3.0	CABOT CORP
8134008	F-08-031180	4249500000			108	S M MALLEY #3 (21576)	MALLEY FIELD	1.0	CABOT CORP
8134009	F-08-031181	4249500000			108	S M MALLEY #4 (21576)	MALLEY FIELD	1.0	CABOT CORP
-FRIO PRODUCTION CO		RECEIVED: 06/01/81 JA: TX							
8134054	F-02-033378	4217500000			108	ALTMAN GAS UNIT A 2-C	BOYCE NORTH (PETTUS)	19.0	UNITED GAS PIPELI
-FRONTIER OIL & GAS CO INC		RECEIVED: 06/01/81 JA: TX							
8134180	F-7B-035143	4236731772			103	YOUNGBLOOD #1 (86061)	MEEKER (1900)	694.0	SOUTHWESTERN GAS
-GENERAL PRODUCTION CORP		RECEIVED: 06/01/81 JA: TX							
8134026	F-03-031561	4205131209			103	FRANK C ANDERSON AO 5	WILLARD (NAVARRO)	8.0	FERGUSON CROSSING
-GETTY OIL COMPANY		RECEIVED: 06/01/81 JA: TX							
8133968	F-7C-029123	4241300000			108	J M TREADWELL #5-U	N FORT MCKAVITT (PALO PI	2.5	ARCO OIL & GAS CO
-GOLDEN PETOLEUM		RECEIVED: 06/01/81 JA: TX							
8134143	F-09-034971	4223733329			103	EATHERLY NO 1	STRAHAN (CONGL)	216.0	SOUTHWESTERN GAS
-GOLDKING PRODUCTION COMPANY		RECEIVED: 06/01/81 JA: TX							
8134043	F-02-032573	4212331084			102-4	E R RODE NO 1-C	COTTONWOOD CREEK S	103.0	HOUSTON PIPE LINE
8134022	F-03-031419	4203931557			102-4	ISABEL B MARTIN NO 1-L	CHENANGO (FRIO 9980)	730.0	HOUSTON PIPELINE
8133976	F-03-029912	4203951337			102-4	ISABEL B MARTIN UNIT NO 1	CHENANGO (9520)	8.0	HOUSTON PIPE LINE
-GULF OIL CORPORATION		RECEIVED: 06/01/81 JA: TX							
8134067	F-08-034404	4210332378			103	CRAVAR FIELD UNIT NO 16	CRAVAR	8.0	TRANSWESTERN PIPE
8134000	F-04-030961	4221530880			102-4	DICKERSON ET AL UNIT WELL NO 1	EL STAGGS (7330)	100.0	TENNGASCO GAS GAT
8134122	F-08-034897	4247532218			103	HUTCHINGS STOCK ASSN NO 1110	WAGON WHEEL (PENN)	192.0	CABOT CORP
8134173	F-08-035086	4247532215			103	HUTCHINGS STOCK ASSN NO 1114	WAGON WHEEL (PENN)	33.0	CABOT CORP
8133867	F-04-012150	4250530562			103	J G RATHWELL NO 1 MCC #71814	UREBENO (LOBO)	350.0	TENNESSEE GAS PIP
8133870	F-08-016460	4246130526			108	J T MCELROY CONS NO 866	MCELROY	1.0	PHILLIPS PETROLEU
-HAMMAN OIL & REFINING CO		RECEIVED: 06/01/81 JA: TX							
8133973	F-03-029372	4207131046			102-4	WILCOX HEIRS #1	TRINITY RIVER DELTA (F-1	300.0	UNITED TEXAS TRAN
-HARKEN OIL & GAS INC		RECEIVED: 06/01/81 JA: TX							
8134053	F-7C-033309	4239931488			102-4	COLLOM #1	HARRIS (FRY) FIELD	1150.0	EL PASO NATURAL G
-HARWOOD EXPLORATION INC		RECEIVED: 06/01/81 JA: TX							
8134033	F-02-031924	4202531434			102-4	GEORGIE HEARD B-1	GEORGIE HEARD/3700	180.0	TRUNKLINE GAS CO

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8133971	F-02-029519	4202500000		102-4		GEORGIE HEARD 1-T RRC #90959	GEORGIE HEARD/3500/3700	180.0	TRUNKLINE GAS CO
-HAYDEN FARMER				RECEIVED: 06/01/81 JA: TX					
8134084	F-09-034767	4207700000		103		SLAUGHTER A #1 (19189)	PEDEN (MISS)	70.0	FAGADAU ENERGY CO
-HEMINGWAY BARTELL & ASSOCIATES				RECEIVED: 06/01/81 JA: TX					
8133894	F-03-022873	4229131218		102-4		ALZINA M OBERWETTER NO 1	CLEVELAND (SE) YEGUA FIE	55.3	UNITED TEXAS TRAN
-HENDERSON CLAY PRODUCTS INC				RECEIVED: 06/01/81 JA: TX					
8133955	F-06-028375	4240130805		102-4		ALFORD GAS UNIT WELL #1 82807	CYRIL (HILL)	250.0	HENDERSON CLAY PR
8133960	F-06-028798	4240130917		107-TF		J ORVILLE TODD GAS UNIT WELL #2 RR*	OAKHILL (COTTON VALLEY)	400.0	HYDROCARBON TRANS
8133959	F-06-028738	4240130917		102-3		J ORVILLE TODD GAS UNIT WELL #2 88*	OAKHILL (COTTON VALLEY)	400.0	HYDROCARBON TRANS
-HIGHLAND RESOURCES INC				RECEIVED: 06/01/81 JA: TX					
8133991	F-05-030340	4216130609		103		WETTERMARK #2	REED (HAYNESVILLE)	1600.0	LONE STAR GAS CO
8133991	F-05-030340	4216130609		107-TF		WETTERMARK #2	REED (HAYNESVILLE)	1600.0	LONE STAR GAS CO
-HILLIARD OIL & GAS INC				RECEIVED: 06/01/81 JA: TX					
8134021	F-02-031418	4217531405		102-4		BUCKNER BAPTIST BENEVOLENCES #2	WEST GOTTSCHALK (SLICK)	108.0	UNITED GAS PIPE L
-HNG OIL COMPANY				RECEIVED: 06/01/81 JA: TX					
8134162	F-04-035009	4235531619		102-4		CHAPMAN HEIRS A 1143	ARNOLD DAVID (9400 CENTR	724.0	HOUSTON PIPELINE
8134162	F-04-035009	4235531619		103		CHAPMAN HEIRS A 1143	ARNOLD DAVID (9400 CENTR	724.0	HOUSTON PIPELINE
8134074	F-7C-034682	4243532436		103		DAVID 109 #5	SAWYER (CANYON)	62.1	INTRATEX GAS CO
8134074	F-7C-034682	4243532436		107-TF		DAVID 109 #5	SAWYER (CANYON)	62.1	INTRATEX GAS CO
8134073	F-7C-034678	4243532377		103		HUNT 71 #1	SONORA SOUTHEAST (PENN L	54.7	INTRATEX GAS CO
8134072	F-7C-034675	4243530459		107-TF		MAYFIELD 46 #1 (90118)	SAWYER (CANYON)	52.6	INTRATEX GAS CO
8133869	F-7C-16628	4241330338		108		MEADOR C #1 67102	SAWYER (CANYON)	2.8	INTRATEX GAS CO
8134096	F-7C-034801	4243532405		103		SHURLEY 166 #3 (91034)	SAWYER (CANYON)	219.6	INTRATEX GAS CO
8134096	F-7C-034801	4243532405		107-TF		SHURLEY 166 #3 (91034)	SAWYER (CANYON)	219.6	INTRATEX GAS CO
8134200	F-04-035205	4250530991		102-2		URIBE AURELIANO HEIRS #1	LAS OVEJAS (WILCOX 9100)	409.0	HOUSTON PIPELINE
8134200	F-04-035205	4250530991		103		URIBE AURELIANO HEIRS #1	LAS OVEJAS (WILCOX 9100)	409.0	HOUSTON PIPELINE
-HORIZON OIL & GAS CO OF TEXAS				RECEIVED: 06/01/81 JA: TX					
8134172	F-10-035083	4235731078		103		BRUHLMAN #2-17---892241	ELLIS RANCH (CLEVELAND)	175.0	TRANSWESTERN PIPE
8134171	F-10-035082	4235731079		103		DELBERT DAVIS #3-836---892332	ELLIS RANCH (CLEVELAND)	125.0	NORTHERN NATURAL
-HUMBLE EXPLORATION CO INC				RECEIVED: 06/01/81 JA: TX					
8133900	F-03-023345	4214900000		102-2		KATHRYN LABATT #1-	GIDDINGS	0.0	PHILLIPS PETROLEU
8133900	F-03-023345	4214900000		103		KATHRYN LABATT #1-	GIDDINGS	0.0	PHILLIPS PETROLEU
8133899	F-03-023343	4214930402		102-2		MAE FULKERSON #1 - 13048	GIDDINGS (BUDA)	365.0	PHILLIPS PETROLEU
8133899	F-03-023343	4214930402		103		MAE FULKERSON #1 - 13048	GIDDINGS (BUDA)	365.0	PHILLIPS PETROLEU
8133880	F-03-021869	4228700000		102-2		MARTHA C W #1 - 11961	GIDDINGS	296.0	PHILLIPS PETROLEU
8133880	F-03-021869	4228700000		103		MARTHA C W #1 - 11961	GIDDINGS	296.0	PHILLIPS PETROLEU
8133891	F-03-022372	4214930418		102-2		VERONICA #1 - 12767	GIDDINGS (AUSTIN CHALK)	79.5	PHILLIPS PETROLEU
8133891	F-03-022372	4214930418		103		VERONICA #1 - 12767	GIDDINGS (AUSTIN CHALK)	79.5	PHILLIPS PETROLEU
-HUNT OIL COMPANY				RECEIVED: 06/01/81 JA: TX					
8134142	F-06-034962	4221330251		103		FAIRWAY (JAMES LIME) UNIT 8449-3	FAIRWAY (JAMES LIME) UNI	150.0	LONE STAR GAS CO
-HYDROCARBON ENERGIES INC				RECEIVED: 06/01/81 JA: TX					
8134196	F-7C-035188	4232730379		103		NEEL NO 1 WELL #88716	JACOBY (FRY)	15.0	SUN GAS CO
-IFA ENTERPRISES				RECEIVED: 06/01/81 JA: TX					
8134110	F-7C-034833	4223531380		103		ETHEL E AULT ET AL #1	ARDEN S (CANYON SD LO)	108.0	ESPERANZA PIPELIN
-INTERNATIONAL OIL & GAS CORP				RECEIVED: 06/01/81 JA: TX					
8133909	F-7C-024387	4210532398		102-4		INGHAM 46 #1	INGHAM CONNELL	23.0	EL PASO NATURAL G
-J B PRODUCTION CO				RECEIVED: 06/01/81 JA: TX					
8134075	F-7C-034693	4239931667		103		ROSA EGGEMEYER NO 1 WELL	URBAN (MILES)	0.0	ODESSA NATURAL CO
-J R BROWN				RECEIVED: 06/01/81 JA: TX					
8133974	F-7C-029766	4226700000		102-4		AUBREY KOTHMANN #1	KOTHMAN RANCH (STRAUN 16	55.0	PRESSURE TRANSPOR
-JACKSON EXPLORATION INC				RECEIVED: 06/01/81 JA: TX					
8133995	F-7C-030888	4246131624		103		VENABLE #1	SPRABERRY (TREND AREA)	50.0	EL PASO NATURAL G
-JAH INC				RECEIVED: 06/01/81 JA: TX					

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8134098	F-04-034803	4213135046		102-4		OLIVEIRA #2	NOROSENA CREEK (TEDLEY)	90.0	UNITED GAS PIPELI
8134098	F-04-034803	4213135046		103		OLIVEIRA #2	NOROSENA CREEK (TEDLEY)	90.0	UNITED GAS PIPELI
8134097	F-04-034802	4213135045		102-4		OLIVEIRA #1	NOROSENA CREEK (TEDLEY)	90.0	UNITED GAS PIPELI
8134097	F-04-034802	4213135045		103		OLIVEIRA #1	NOROSENA CREEK (TEDLEY)	90.0	UNITED GAS PIPELI
-JAMES E SAUER				RECEIVED: 06/01/81 JA: TX					
8133966	F-06-028555	4240130870		102-4		ROBERT LEE GAS UNIT WELL #1 82807	CYRIL (HILL)	250.0	HENDERSON CLAY PR
-JAMES L HOLLOWAY				RECEIVED: 06/01/81 JA: TX					
8133992	F-05-030341	4216130610		103		HOLLOWAY #1	REED (HAYNESVILLE)	1600.0	LONE STAR GAS CO
8133992	F-05-030341	4216130610		107-TF		HOLLOWAY #1	REED (HAYNESVILLE)	1600.0	LONE STAR GAS CO
-JAMES L HOLLOWAY				RECEIVED: 06/01/81 JA: TX					
8133993	F-05-030342	4216130611		103		HOLLOWAY #2	REED (HAYNESVILLE)	1600.0	LONE STAR GAS CO
8133993	F-05-030342	4216130611		107-TF		HOLLOWAY #2	REED (HAYNESVILLE)	1600.0	LONE STAR GAS CO
-JAMES L HOLLOWAY				RECEIVED: 06/01/81 JA: TX					
8133994	F-05-030343	4216130612		103		HOLLOWAY #3	REED (HAYNESVILLE)	1600.0	LONE STAR GAS CO
8133994	F-05-030343	4216130612		107-TF		HOLLOWAY #3	REED (HAYNESVILLE)	1600.0	LONE STAR GAS CO
-JAMES L HOLLOWAY				RECEIVED: 06/01/81 JA: TX					
8133996	F-05-030344	4216130613		103		HOLLOWAY #4	REED (HAYNESVILLE)	1600.0	LONE STAR GAS CO
8133996	F-05-030344	4216130613		107-TF		HOLLOWAY #4	REED (HAYNESVILLE)	1600.0	LONE STAR GAS CO
-JAMES L HOLLOWAY				RECEIVED: 06/01/81 JA: TX					
8133997	F-05-030345	4216130614		103		HOLLOWAY #5	REED (HAYNESVILLE)	1600.0	LONE STAR GAS CO
8133997	F-05-030345	4216130614		107-TF		HOLLOWAY #5	REED (HAYNESVILLE)	1600.0	LONE STAR GAS CO
-JAMES L HOLLOWAY				RECEIVED: 06/01/81 JA: TX					
8133998	F-05-030346	4216130615		103		HOLLOWAY #6	REED (HAYNESVILLE)	1600.0	LONE STAR GAS CO
8133998	F-05-030346	4216130615		107-TF		HOLLOWAY #6	REED (HAYNESVILLE)	1600.0	LONE STAR GAS CO
-JAMES L HOLLOWAY				RECEIVED: 06/01/81 JA: TX					
8133999	F-05-030347	4216130616		103		HOLLOWAY #7	REED (HAYNESVILLE)	1600.0	LONE STAR GAS CO
8133999	F-05-030347	4216130616		107-TF		HOLLOWAY #7	REED (HAYNESVILLE)	1600.0	LONE STAR GAS CO
-JAMES L HOLLOWAY				RECEIVED: 06/01/81 JA: TX					
8134000	F-05-030348	4216130617		103		HOLLOWAY #8	REED (HAYNESVILLE)	1600.0	LONE STAR GAS CO
8134000	F-05-030348	4216130617		107-TF		HOLLOWAY #8	REED (HAYNESVILLE)	1600.0	LONE STAR GAS CO
-JAMES L HOLLOWAY				RECEIVED: 06/01/81 JA: TX					
8134001	F-05-030349	4216130618		103		HOLLOWAY #9	REED (HAYNESVILLE)	1600.0	LONE STAR GAS CO
8134001	F-05-030349	4216130618		107-TF		HOLLOWAY #9	REED (HAYNESVILLE)	1600.0	LONE STAR GAS CO
-JAMES L HOLLOWAY				RECEIVED: 06/01/81 JA: TX					
8134002	F-05-030350	4216130619		103		HOLLOWAY #10	REED (HAYNESVILLE)	1600.0	LONE STAR GAS CO
8134002	F-05-030350	4216130619		107-TF		HOLLOWAY #10	REED (HAYNESVILLE)	1600.0	LONE STAR GAS CO
-JAMES L HOLLOWAY				RECEIVED: 06/01/81 JA: TX					
8134003	F-05-030351	4216130620		103		HOLLOWAY #11	REED (HAYNESVILLE)	1600.0	LONE STAR GAS CO
8134003	F-05-030351	4216130620		107-TF		HOLLOWAY #11	REED (HAYNESVILLE)	1600.0	LONE STAR GAS CO
-JAMES L HOLLOWAY				RECEIVED: 06/01/81 JA: TX					
8134004	F-05-030352	4216130621		103		HOLLOWAY #12	REED (HAYNESVILLE)	1600.0	LONE STAR GAS CO
8134004	F-05-030352	4216130621		107-TF		HOLLOWAY #12	REED (HAYNESVILLE)	1600.0	LONE STAR GAS CO
-JAMES L HOLLOWAY				RECEIVED: 06/01/81 JA: TX					
8134005	F-05-030353	4216130622		103		HOLLOWAY #13	REED (HAYNESVILLE)	1600.0	LONE STAR GAS CO
8134005	F-05-030353	4216130622		107-TF		HOLLOWAY #13	REED (HAYNESVILLE)	1600.0	LONE STAR GAS CO
-JAMES L HOLLOWAY				RECEIVED: 06/01/81 JA: TX					
8134006	F-05-030354	4216130623		103		HOLLOWAY #14	REED (HAYNESVILLE)	1600.0	LONE STAR GAS CO
8134006	F-05-030354	4216130623		107-TF		HOLLOWAY #14	REED (HAYNESVILLE)	1600.0	LONE STAR GAS CO
-JAMES L HOLLOWAY				RECEIVED: 06/01/81 JA: TX					
8134007	F-05-030355	4216130624		103		HOLLOWAY #15	REED (HAYNESVILLE)	1600.0	LONE STAR GAS CO
8134007	F-05-030355	4216130624		107-TF		HOLLOWAY #15	REED (HAYNESVILLE)	1600.0	LONE STAR GAS CO
-JAMES L HOLLOWAY				RECEIVED: 06/01/81 JA: TX					
8134008	F-05-030356	4216130625		103		HOLLOWAY #16	REED (HAYNESVILLE)	1600.0	LONE STAR GAS CO
8134008	F-05-030356	4216130625		107-TF		HOLLOWAY #16	REED (HAYNESVILLE)	1600.0	LONE STAR GAS CO
-JAMES L HOLLOWAY				RECEIVED: 06/01/81 JA: TX					
8134009	F-05-030357	4216130626		103		HOLLOWAY #17	REED (HAYNESVILLE)	1600.0	LONE STAR GAS CO
8134009	F-05-030357	4216130626		107-TF		HOLLOWAY #17	REED (HAYNESVILLE)	1600.0	LONE STAR GAS CO
-JAMES L HOLLOWAY				RECEIVED: 06/01/81 JA: TX					
8134010	F-05-030358	4216130627		103		HOLLOWAY #18	REED (HAYNESVILLE)	1600.0	LONE STAR GAS CO
8134010	F-05-030358	4216130627		107-TF		HOLLOWAY #18	REED (HAYNESVILLE)	1600.0	LONE STAR GAS CO
-JAMES L HOLLOWAY				RECEIVED: 06/01/81 JA: TX					
8134011	F-05-030359	4216130628		103		HOLLOWAY #19	REED (HAYNESVILLE)	1600.0	LONE STAR GAS CO
8134011	F-05-030359	4216130628		107-TF		HOLLOWAY #19	REED (HAYNESVILLE)	1600.0	LONE STAR GAS CO
-JAMES L HOLLOWAY				RECEIVED: 06/01/81 JA: TX					
8134012	F-05-030360	4216130629		103		HOLLOWAY #20	REED (HAYNESVILLE)	1600.0	LONE STAR GAS CO
8134012	F-05-030360	4216130629		107-TF		HOLLOWAY #20	REED (HAYNESVILLE)	1600.0	LONE STAR GAS CO
-JAMES L HOLLOWAY				RECEIVED: 06/01/81 JA: TX					
8134013	F-05-030361	4216130630		103		HOLLOWAY #21	REED (HAYNESVILLE)	1600.0	LONE STAR GAS CO
8134013	F-05-030361	4216130630		107-TF		HOLLOWAY #21	REED (HAYNESVILLE)	1600.0	LONE STAR GAS CO
-JAMES L HOLLOWAY				RECEIVED: 06/01/81 JA: TX					
8134014	F-05-030362	4216130631		103		HOLLOWAY #22	REED (HAYNESVILLE)	1600.0	LONE STAR GAS CO
8134014	F-05-030362	4216130631		107-TF		HOLLOWAY #22	REED (HAYNESVILLE)	1600.0	LONE STAR GAS CO
-JAMES L HOLLOWAY				RECEIVED: 06/01/81 JA: TX					
8134015	F-05-030363	4216130632		103		HOLLOWAY #23	REED (HAYNESVILLE)	1600.0	LONE STAR GAS CO
8134015	F-05-030363	4216130632		107-TF		HOLLOWAY #23	REED (HAYNESVILLE)	1600.0	LONE STAR GAS CO
-JAMES L HOLLOWAY				RECEIVED: 06/01/81 JA: TX					
8134016	F-05-030364	4216130633		103		HOLLOWAY #24	REED (HAYNESVILLE)	1600.0	LONE STAR GAS CO
8134016	F-05-030364	4216130633		107-TF		HOLLOWAY #24	REED (HAYNESVILLE)	1600.0	LONE STAR GAS CO
-JAMES L HOLLOWAY				RECEIVED: 06/01/81 JA: TX					
8134017	F-05-030365	4216130634		103		HOLLOWAY #25	REED (HAYNESVILLE)	1600.0	LONE STAR GAS CO
8134017	F-05-030365	4216130634		107-TF		HOLLOWAY #25	REED (HAYNESVILLE)	1600.0	LONE STAR GAS CO
-JAMES L HOLLOWAY				RECEIVED: 06/01/81 JA: TX					
8134018	F-05-030366	4216130635		103		HOLLOWAY #26	REED (HAYNESVILLE)	1600.0	LONE STAR GAS CO
8134018	F-05-030366	4216130635		107-TF		HOLLOWAY #26	REED (HAYNESVILLE)	1600.0	LONE STAR GAS CO
-JAMES L HOLLOWAY				RECEIVED: 06/01/81 JA: TX					
8134019	F-05-030367	4216130636		103		HOLLOWAY #27	REED (HAYNESVILLE)	1600.0	LONE STAR GAS CO
8134019	F-05-030367	4216130636		107-TF		HOLLOWAY #27	REED (HAYNESVILLE)	1600.0	LONE STAR GAS CO
-JAMES L HOLLOWAY				RECEIVED: 06/01/81 JA: TX					
8134020	F-05-030368	4216130637		103		HOLLOWAY #28	REED (HAYNESVILLE)	1600.0	LONE STAR GAS CO
8134020	F-05-030368	4216130637		107-TF		HOLLOWAY #28	REED (HAYNESVILLE)	1600.0	LONE STAR GAS CO
-JAMES L HOLLOWAY				RECEIVED: 06/01/81 JA: TX					

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8134098	F-04-034803	4215135046			102-4	OLIVEIRA #2	NOROSENA CREEK (TEDLEY)	90.0	UNITED GAS PIPELI
-JOHN DEETER						RECEIVED: 06/01/81 JA: TX			
8134045	F-04-032832	4235531653			102-4	PAINTER NO 1-T	COTTON (CAGE)	131.0	FERGUSON CROSSING
-JOHN L COX						RECEIVED: 06/01/81 JA: TX			
8133947	F-08-027688	4231732192			103	STEWART #1 RRC #26841	SPRABERRY (TREND AREA)	10.0	ALPINE OIL CO
8133964	F-7C-028928	4246131607			103	WOODS #1	SPRABERRY (TREND AREA)	10.0	PHILLIPS PETROLEU
-JOHN Q MCCABE						RECEIVED: 06/01/81 JA: TX			
8133872	F-7C-016628	4241700000			108-ER	DELONG #1	VELREX SW (CANYON)	5.5	CRA INC
-KEITH D GRAHAM						RECEIVED: 06/01/81 JA: TX			
8134085	F-03-034769	4205131154			102-2	HUDSON FEE #2 ID-12983	GIDDINGS(AUSTIN CHALK)	286.2	CHAMPLIN PETROLEU
-KEN PETROLEUM CORP						RECEIVED: 06/01/81 JA: TX			
8134060	F-02-034302	4223900000			103	BOEHM WELL NO 1	GANADO EAST (6100)	70.0	LONE STAR GAS CO
-KNOX INDUSTRIES INC						RECEIVED: 06/01/81 JA: TX			
8134100	F-7C-034807	4238331676			103	TALLEY A NO 2	SPRABERRY (TREND AREA)	0.0	NORTHERN NATURAL
8134101	F-7C-034808	4238331712			103	TALLEY A NO 3	SPRABERRY (TREND AREA)	0.0	NORTHERN NATURAL
8134102	F-7C-034809	4238331713			103	TALLEY A NO 4	SPRABERRY (TREND AREA)	0.0	NORTHERN NATURAL
-LEAR PETROLEUM CORPORATION						RECEIVED: 06/01/81 JA: TX			
8133952	F-03-028032	4218500000			102-2	LEAR NO 1 A HOLTH	IOLA (SUBCLARKSVILLE)	700.0	PRODUCERS GAS CO
8133866	F-10-010359	4208700000			108	POLK LEASE WELL NO 2	EAST PANHANDLE	0.4	EL PASO NATURAL G
-LENOIR M JOSEY INC						RECEIVED: 06/01/81 JA: TX			
8133997	F-06-030916	4240100000			102-3	GIBSON ET AL UNIT WELL NO 1	OAK HILL (COTTON VALLEY)	73.0	DELHI GAS PIPELIN
8133997	F-06-030916	4240100000			107-IF	GIBSON ET AL UNIT WELL NO 1	OAK HILL (COTTON VALLEY)	73.0	DELHI GAS PIPELIN
-LOUISIANA LAND & EXPLORATION CO						RECEIVED: 06/01/81 JA: TX			
8133961	F-78-028881	4214330462			102-4	I W YOUNG NO 2	LIBERTY OAK - BIG SALINE	18.0	NORTHERN GAS PROD
-LULA BELLE ADAMS						RECEIVED: 06/01/81 JA: TX			
8134059	F-10-034266	4223300000			108	WHILLENBURG(80702) NO 2	PANHANDLE HUTCHINSON COU	13.0	PHILLIPS PETROLEU
-MADERA R F						RECEIVED: 06/01/81 JA: TX			
8134068	F-09-034421	4250332449			103	HERNDON #1 ID-74370	GRAHAM NE (CADDO LIME)	75.0	SUN GAS TRANSMISS
-MARDAM EXPLORATION INC						RECEIVED: 06/01/81 JA: TX			
8134003	F-02-031016	4229732540			102-4	T I HAWKINS NO 1 WELL	DINERO WEST (PETTUS)	109.5	VALLEY GAS TRANSM
-MATZINGER EXPLORATION CO						RECEIVED: 06/01/81 JA: TX			
8134120	F-03-034888	4219931372			103	T S HOOKS NO 1	NONA MILLS WEST (COOK MT	365.0	TRUNKLINE GAS CO
-MCCORMICK OPERATING CO						RECEIVED: 06/01/81 JA: TX			
8133933	F-05-026465	4234931233			102-2	OPAL UNIT #1	CHENEYBORO (COTTON VALLE	300.0	LONE STAR GAS CO
8133981	F-05-029974	4234931321			102-2	YOUNG UNIT NO 1	CHENEYBORO (COTTON VALLE	150.0	LONE STAR GAS CO
-MCFARLANE OIL CO INC						RECEIVED: 06/01/81 JA: TX			
8134134	F-02-034937	4246900000			103	J W WHELESS NO 6	PLACEDO FIELD	0.0	TENNECO CHEMICALS
8134088	F-02-034779	4246900000			103	J W WHELESS NO 7	PLACEDO FIELD	0.0	TENNECO CHEMICALS
8134081	F-02-034760	4246900000			103	KEERAN RANCH NO 2	LAKE PLACEDO FIELD	0.0	TENNECO CHEMICALS
8134080	F-02-034754	4246900000			103	MCFARLANE FEE NO 2	PLACEDO FIELD	0.0	TENNECO CHEMICALS
8134082	F-02-034764	4246900000			103	PICKERING & ROOS NO 38	PLACEDO FIELD	0.0	TENNECO CHEMICAL
-MCMORAN EXPLORATION CO						RECEIVED: 06/01/81 JA: TX			
8133967	F-04-029118	4235531393			102-4	STATE TRACT 342 WELL NO 2	RED FISH BAY NORTH (9100	400.0	UNITED GAS PIPE L
8133989	F-04-030258	4235531409			102-4	STATE TRACT 343 WELL NO 3	RED FISH BAY NORTH (D-10	700.0	CHANNEL INDUSTRIE
-MEWBOURNE OIL COMPANY						RECEIVED: 06/01/81 JA: TX			
8133948	F-10-027850	4235730941			103	BUZZARD UNIT #1 WELL	MANSFORD	200.0	
-MITCHELL ENERGY CORPORATION						RECEIVED: 06/01/81 JA: TX			
8134015	F-78-031199	4214330151			103	HAZEL SHARP #1	TEXOLINE (MARBLE FALLS)	200.0	
8133966	F-78-029051	4236731932			103	J O BAKER A-2	LAKE MINERAL WELLS (4000	575.0	
8134016	F-78-031200	4214330143			103	MARGARET BROOKS #2	TEXOLINE (MARBLE FALLS)	100.0	
8133996	F-03-030863	4231330208			103	NELLIE BOOZER #1	NORTH ZULCH (SUB-CLARKSV	0.0	LONE STAR GAS CO
8133954	F-09-028322	4223700000			108	T G MATLOCK #1 16645	BOLING CRUM (CONGL 4950)	4.6	SOUTHWESTERN GAS
-MOBIL PROD TEXAS & NEW MEXICO INC						RECEIVED: 06/01/81 JA: TX			

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JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME
8134164	F-7B-035067	4215131095			102-4	BRUCE COX NO 1
8134166	F-7B-035069	4215131096			102-4	BRUCE COX NO 2
8134057	F-04-034109	4235531550			102-4	BUFORD NICHOLSON TRUSTEE UT NO 1
8134049	F-03-033162	4219931494			102-4	D D FELDMAN A NO 1
8134133	F-10-034932	4223330782			103	ELIZABETH HERRING NO 2
8134168	F-08-035073	4232900000			108	J W DRIVER NO 6
8134165	F-7B-035068	4215130936			102-4	MITCHELL NO 1-33
8134167	F-7B-035071	4215130995			102-4	NEWHOUSE NO 2-34
-MOORE MCCORMACK OIL & GAS CORP						RECEIVED: 06/01/81 JA: TX
8133977	F-04-029928	4247900000			102-4	HUBBERD GG #1
-MORMAC OIL & GAS CO						RECEIVED: 06/01/81 JA: TX
8134046	F-01-032901	4212732094			102-4	CECIL WARD NO 2
-MURPHY H BAXTER						RECEIVED: 06/01/81 JA: TX
8134055	F-03-033400	4203931596			102-4	WILLIAMSON NO 2A
-MWJ PRODUCING COMPANY						RECEIVED: 06/01/81 JA: TX
8134118	F-7C-034878	4238300000			103	UNIVERSITY 6 #1
-NORTH AMERICAN ROYALTIES INC						RECEIVED: 06/01/81 JA: TX
8134086	F-08-034770	4222732090			103	RIDDLE #1 (25949)
8134087	F-08-034771	4222732154			103	STOKES #1 (26053)
-OCEAN MINERALS INC						RECEIVED: 06/01/81 JA: TX
8133921	F-7C-025336	4210532604			103	UNIVERSITY #2 25-29
8133920	F-7C-025333	4210532367			103	UNIVERSITY 1A LOWER 24-29
8133923	F-7C-025341	4210532535			103	UNIVERSITY 2 24-29
8133922	F-7C-025340	4210532566			103	UNIVERSITY 3 24-29
-PALCO INC						RECEIVED: 06/01/81 JA: TX
8134090	F-10-034783	4223300000			103	REIMER A #4
-PAUL DE CLEVA						RECEIVED: 06/01/81 JA: TX
8134198	F-09-035192	4223732590			103	MYERS NO 1
-PDC GAS CO						RECEIVED: 06/01/81 JA: TX
8133874	F-08-018916	4237100000			108	UNIVERSITY 3 WELL #1
8133875	F-08-018917	4237100000			108	UNIVERSITY 3A #2
-PENNZOIL PRODUCING COMPANY						RECEIVED: 06/01/81 JA: TX
8134042	F-06-032552	4206730312			103	OAKLAND CORPORATION NO 1
8134042	F-06-032552	4206730312			107-TF	OAKLAND CORPORATION NO 1
-PETROLEUM TECHNICAL SERVICES CO						RECEIVED: 06/01/81 JA: TX
8134170	F-08-035076	4210332477			103	P J LEA NO 4
-PHILLIPS & SPRADLEY						RECEIVED: 06/01/81 JA: TX
8133937	F-01-026550	4231131372			102-4	CHARLES C CARON #1
8133936	F-01-026549	4231131459			102-4	CHARLES C CARON NO 2
-PHILLIPS PETROLEUM COMPANY						RECEIVED: 06/01/81 JA: TX
8134058	F-08-034250	4213530521			108	BLOCK 11 DEVONIAN UNIT #8-86(20149)
8134129	F-08-034915	4213533526			103	GS ADOBE #17-11 (18713)
8134130	F-08-034918	4213533523			103	GS ADOBE #2308 (18713)
8134066	F-08-034403	4213503220			108	GS ANDECTOR #8-4 (21193)
8133873	F-10-017106	4242100000			108	JASPER A NO 1
8134163	F-10-035066	4217900000			108	JOHNSON CC #2
8133892	F-10-022399	4234100000			103	JULIUS NO 2
8134128	F-7C-034913	4246101120			103	N PEMBROOK SPRABERRY UNIT #5502 (8*
8133907	F-10-023776	4223300000			108	PRITCHARD J E #2
8133906	F-10-023775	4223300000			108	RANCH E NO 5
8133905	F-10-023774	4217900000			108	SIN-POPE #6
8133957	F-10-028491	4242100000			108	STARNES G NO 1
-PITCOCK INC						RECEIVED: 06/01/81 JA: TX

FIELD NAME	PROD	PURCHASER
ALKALI CREEK SW (FLIPPEN	21.9	
ALKALI CREEK SW (FLIPPEN	21.5	
CALLALLEN SE (8420)	17.5	
SARATOGA (EY)	54.4	
PANHANDLE HUTCHISON COUN	1.1	
SPRABERRY TREND AREA/DEA	1.7	EL PASO NATURAL G
ALKALI CREEK SW (FLIPPEN	9.5	
ALKALI CREEK SW (FLIPPEN	11.3	
LIZ (8700)	104.0	TENNESSEE GAS PIP
STUMBERG (OLMOS 4150)	40.0	VALERO TRANSMISSI
ANGLETON SOUTH (F-4)	60.0	UNITED TEXAS TRAN
SPRABERRY (TREND AREA)	55.0	PHILLIPS PETROLEU
SPRABERRY (TREND AREA)	50.0	GETTY OIL CO
SPRABERRY (TREND AREA)	50.0	GETTY OIL CO
INGHAM/QUEEN	73.0	SOUTHWESTERN GAS
INGHAM/DEVONIAN	547.0	SOUTHWESTERN GAS
INGHAM/DEVONIAN	146.0	SOUTHWESTERN GAS
INGHAM/QUEEN	73.0	SOUTHWESTERN GAS
PANHANDLE HUTCHINSON	90.0	PANHANDLE PRODUCI
PEAK (CADDO LIME)	15.0	SOUTHWESTERN GAS
CARDINAL (QUEEN W	0.0	NORTHERN NATURAL
CARDINAL (QUEEN WEST)	0.0	NORTHERN NATURAL
KILDARE (COTTON VALLEY)	520.0	TEXAS EASTERN TRA
KILDARE (COTTON VALLEY)	520.0	TEXAS EASTERN TRA
LEA (SAN ANDRES)	18.3	WARREN PETROLEUM
MILL CREEK (8425 WILCOX)	140.0	VALERO TRANSMISSI
MILL CREEK (GOVT WELLS S	140.0	VALERO TRANSMISSI
BLOCK 11 (DEVONIAN)	2.0	EL PASO NATURAL G
GOLDSMITH (5600)	5.0	EL PASO NATURAL G
GOLDSMITH (5600)	11.0	EL PASO NATURAL G
GOLDSMITH (CLEARFORK)	18.7	EL PASO NATURAL G
STRATFORD	20.0	DIAMOND SHAMROCK
PANHANDLE GRAY	0.0	
PANHANDLE WEST	132.0	EL PASO NATURAL G
SPRABERRY TREND	8.9	NORTHERN NATURAL
PANHANDLE HUTCHINSON	10.0	EL PASO NATURAL G
PANHANDLE HUTCHINSON	19.0	EL PASO NATURAL G
PANHANDLE GRAY	11.0	GETTY OIL CO
TEXAS HUGOTON	20.4	EL PASO NATURAL G

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME
8133924	F-09-025373	4223732494			103	GUNTER NO 1

FIELD NAME	PROD	PURCHASER
BARTONS CHAPPEL NW (CONG	25.0	LONE STAR GAS CO

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8133924	F-09-025373	4223732494		103		GUNTER NO 1	BARTONS CHAPPEL NW (CONG	25.0	LONE STAR GAS CO
-R H ENGELKE				RECEIVED: 06/01/81 JA: TX					
8134006	F-02-031144	4223931172		103		JOHN M BENNETT B NO 1	LASALLE (5778)	174.0	TENNESSEE GAS PIP
-R L KIRKWOOD JR				RECEIVED: 06/01/81 JA: TX					
8133902	F-02-023514	4202531154		103		DAN A HUGHES WELL NO 2	FRIENDSHIP CHURCH (HOCKL	406.2	VALERO TRANSMISSI
8133901	F-02-023513	4202531280		103		DAN A HUGHES WELL NO 3	FRIENDSHIP CHURCH (HOCKL	594.2	
-REALITOS ENERGY CORP				RECEIVED: 06/01/81 JA: TX					
8133987	F-02-030248	4246931658		102-4		BEN WILLIAMS NO 1	WILDCAT-PROPOSED COLOGNE	185.0	TENNESSEE GAS PIP
-RIO PETROLEUM INC				RECEIVED: 06/01/81 JA: TX					
8134031	F-10-031859	4221131248		103		RIO #1 NELLORA	HEMPHILL (GRANITE WASH)	160.0	PIONEER NATURAL G
-ROBERT L MCMILLAN				RECEIVED: 06/01/81 JA: TX					
8134030	F-78-031788	4209330785		103		BOYD-WRIGHT #1	MITTIE (MARBLE FALLS)	100.0	LONE STAR GAS CO
-ROCKWOOD RESOURCES INC				RECEIVED: 06/01/81 JA: TX					
8133911	F-02-024487	4223931477		103		RATLIFF NO 2 WELL ID NO 87954	MAYO (5800)	0.0	DELHI GAS PIPELIN
-RUTHERFORD OIL CORP				RECEIVED: 06/01/81 JA: TX					
8134061	F-03-034321	4216700000		102-4		STATE TRACT 104-L #9	GALVESTON BLOCK 104-L (S	100.0	DOW CHEMICAL CO
-SAGE ENERGY CO				RECEIVED: 06/01/81 JA: TX					
8134132	F-08-034931	4210332302		103		STATE 18 RRC #26044	DUNE	2.0	PHILLIPS PETROLEU
8134131	F-08-034930	4210332290		103		STATE 19-A RRC #26004	DUNE	1.6	PHILLIPS PETROLEU
-SAMEDAN OIL CORPORATION				RECEIVED: 06/01/81 JA: TX					
8133972	F-03-029532	4222530313		102-4		DELL LAND COMPANY A #1	FT TRINIDAD N E (GEORGET	160.0	LONE STAR GAS CO
-SAMSON RESOURCES COMPANY				RECEIVED: 06/01/81 JA: TX					
8133934	F-09-026499	4223700000		108		HOOTEN GAS UNIT NO 1	RISCH	5.9	SOUTHWESTERN GAS
-SANCHEZ-OBRIEN OIL & GAS CORP				RECEIVED: 06/01/81 JA: TX					
8133986	F-02-030209	4229732517		102-4		PONDER-GADDIS GAS UNIT NO 1U API#4*	SLICK WILCOX (8630) FIEL	500.0	UNITED TEXAS TRAN
-SAXON OIL COMPANY				RECEIVED: 06/01/81 JA: TX					
8133912	F-7C-024944	4246131561		103		AMACKER 86-1	AMACKER-TIPPETT (WOLFCAM	56.5	EL PASO NATURAL G
8133927	F-7C-025518	4238331621		103		DIXON NO 1	SPRABERRY (TREND AREA)	20.4	PHILLIPS PETROLEU
8133915	F-7C-025260	4238331609		103		DIXON NO 2	SPRABERRY (TREND AREA)	20.0	PHILLIPS PETROLEU
8133916	F-7C-025261	4238331586		103		GARDNER NO 2 WELL	SPRABERRY (TREND AREA)	14.2	PHILLIPS PETROLEU
8133950	F-08-027902	4231703216		103		GAY WADE C NO 1	BREEDLOVE EAST SPRABERRY	16.0	PHILLIPS PETROLEU
8133965	F-7C-028931	4238331481		103		LANE A NO 1	CALVIN (DEAN)	58.4	UNION TEXAS PETRO
8133928	F-7C-025519	4238331634		103		PATTERSON B NO 1	SPRABERRY (TREND AREA)	25.1	PHILLIPS PETROLEU
8134019	F-08-031277	4231732209		103		ROLLOW NO 2	BREEDLOVE EAST (SPRABERR	32.9	PHILLIPS PETROLEU
8133951	F-7C-027994	4238303166		103		STATE EIGHT NO 2	SPRABERRY (TREND AREA)	22.3	PHILLIPS PETROLEU
8134062	F-7C-034339	4246131680		103		TIMMINS NO 1	SPRABERRY (TREND AREA)	0.0	MOBIL PRODUCING T
8133917	F-7C-025279	4238331614		103		TURNER C NO 1	SPRABERRY (TREND AREA)	21.2	PHILLIPS PETROLEU
8133929	F-7C-025520	4238331617		103		TURNER C NO 2	SPRABERRY (TREND AREA)	28.4	PHILLIPS PETROLEU
8133992	F-7C-030581	4238331658		103		TURNER D NO 3	SPRABERRY (TREND AREA)	17.5	NORTHERN NATURAL
8133939	F-7C-027286	4238331345		103		UNIVERSITY 13 NO 3	SPRABERRY (TREND AREA)	73.0	NORTHERN NATURAL
8134018	F-7C-031272	4238331601		103		UNIVERSITY 22-10 NO 3	SPRABERRY (TREND AREA)	15.2	PHILLIPS PETROLEU
8133918	F-7C-025288	4238331502		103		UNIVERSITY 34-2 WELL NO 3	SPRABERRY (TREND AREA)	24.8	PHILLIPS PETROLEU
8133930	F-7C-025521	4238331615		103		WATKINS A NO 1	SPRABERRY (TREND AREA)	17.5	PHILLIPS PETROLEU
-SEELY OIL CO				RECEIVED: 06/01/81 JA: TX					
8134052	F-78-033308	4242900000		102-4		PEARL ROBERTSON #1 80189	WILENA (DUFFER)	130.0	LONE STAR GAS CO
-SHELL OIL CO				RECEIVED: 06/01/81 JA: TX					
8133926	F-10-025489	4221131160		103		HOBART RANCH #267	HEMPHILL (GRANITE WASH)	431.0	CITIES SERVICE GA
8133994	F-08-030758	4210300000		108		UNIVERSITY 38-C #5	DUNE	1.8	PHILLIPS PETROLEU
-SHOW PETROLEUM INC				RECEIVED: 06/01/81 JA: TX					
8134024	F-78-031545	4213332581		102-4		DILLINGER #1	DESDEMONA N (CONGL) FIEL	87.0	NORTH GORMAN GATH
-SIMPSON-MANN OIL PRODUCERS				RECEIVED: 06/01/81 JA: TX					
8134004	F-7C-031111	4241300000		108		MYRTLE WILLIAMS ET AL #1-27	WILLIAMS RANCH (CANYON)	7.6	NORTHERN NATURAL
-SOUTHLAND ROYALTY CO				RECEIVED: 06/01/81 JA: TX					

VOLUME 454 PAGE 009

JD NO	JA DKT	API NO	D	SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8134116	F-08-034876	4213500000		103	EDWARDS GRAYBURG UNIT #6-7	EDWARDS	7.6	PHILLIPS PETROLEU
8134117	F-08-034877	4213508000		103	EDWARDS GRAYBURG UNIT #7-28	EDWARDS	10.7	PHILLIPS PETROLEU
8133908	F-7C-024368	4210532587		103	TODD 47 #1	WYATT	25.0	PERMIAN CORP
-SOUTHWESTERN GAS EXPLORATION					RECEIVED: 06/01/81 JA: TX			
8133910	F-09-024402	4223731528		103	RICHARDS 237 #2	JACKSBORO SOUTH (ATOKA)	266.6	SOUTHWESTERN GAS
-SPINDLETOP OIL & GAS CO					RECEIVED: 06/01/81 JA: TX			
8133877	F-7B-020472	4236331743		102-4	MCCLISH #1 (80687)	MCCLISH - STONE (CONGL U	109.0	TEXAS UTILITIES F
-STATEX PETROLEUM INC					RECEIVED: 06/01/81 JA: TX			
8134005	F-10-031127	4221100000		103	STUDER NO 6	HUMPHREYS-DOUGLAS	182.0	NORTHERN NATURAL
-SUN OIL COMPANY (DELAWARE)					RECEIVED: 06/01/81 JA: TX			
8134189	F-01-035157	4212731941		103	BIG WELLS UNIT WELL NO 2806	BIG WELLS	31.0	HOUSTON PIPE LINE
8134190	F-01-035159	4212731944		103	BIG WELLS UNIT WELL NO 3804	BIG WELLS	33.0	HOUSTON PIPE LINE
8134186	F-01-035154	4212731938		103	BIG WELLS UNIT WELL NO 4304	BIG WELLS	45.0	HOUSTON PIPE LINE
8134187	F-01-035155	4212731883		103	BIG WELLS UNIT WELL NO 4615	BIG WELLS	46.0	HOUSTON PIPE LINE
8134188	F-01-035156	4212731890		103	BIG WELLS UNIT WELL NO 5453	BIG WELLS	2.0	HOUSTON PIPE LINE
8134185	F-01-035153	4212731891		103	BIG WELLS UNIT WELL NO 5505	BIG WELLS	15.0	HOUSTON PIPE LINE
8134191	F-7B-035180	4215130892		103	LOUELLA PATTERSON #6	ROYSTON (CANYON)	40.3	CONOCO INC
8133975	F-05-029834	4216130540		102-2	R C DUNLAP NO 1	DUNLAP	157.0	LONE STAR GAS CO
8133975	F-05-029834	4216130540		107-TF	R C DUNLAP NO 1	DUNLAP	157.0	LONE STAR GAS CO
-SUPERIOR OIL CO					RECEIVED: 06/01/81 JA: TX			
8134089	F-08-004782	4247532178		103	UNIVERSITY 28-18 WELL NO 2	WAR-WINK S (WOLFCAMP)	0.0	
8133938	F-03-027187	4201530444		107-DP	VOSKAMP 44 ACRE OIL UNIT NO 1	NEW ULM	0.0	
-TARTAN OIL & GAS					RECEIVED: 06/01/81 JA: TX			
8133881	F-B3-021899	4248100000		103	DUFFY NO 1	BLUE BASIN (4300)	180.0	MAGNET GAS GATHER
-TAURUS OIL CORP					RECEIVED: 06/01/81 JA: TX			
8133941	F-7B-027366	4236332060		108	HARALSON #1 - RRC #81591	MORGAN MILLS (MARBLE FAL	1.1	NORTHERN GAS PROD
8133940	F-7B-027364	4236300000		108	HARR #1 -- RRC #84803	MORGAN MILLS (MARBLE FAL	6.1	NORTHERN GAS PROD
-TENNECO OIL COMPANY					RECEIVED: 06/01/81 JA: TX			
8134091	F-10-034790	4217930695		103	COMBS #4-A	PANHANDLE GRAY	27.0	PHILLIPS PETROLEU
-TEXACO INC					RECEIVED: 06/01/81 JA: TX			
8134041	F-03-032405	4224531421		102-4	K B DOYLE #2	CONSTITUTION (WESTBURY)	500.0	TRANSCONTINENTAL
8134044	F-03-032647	4224531399		102-4	PICA INVESTMENT CO WELL #1	N E NOME	1095.0	PRODUCERS GAS CO
8134184	F-8A-035147	4216500000		103	SOUTHLAND ROYALTY #6	JENKINS (SAN ANDRES)	1095.0	PHILLIPS PETROLEU
-TEXLAND-RECTOR & SCHUMACHER					RECEIVED: 06/01/81 JA: TX			
8134029	F-8A-031778	4221932829		103	L G WILSON #5	SLAUGHTER	1.0	AMOCO PRODUCTION
8134028	F-8A-031777	4241933013		103	L G WILSON A NO 6	SLAUGHTER	1.0	AMOCO PRODUCTION
-THE MAURICE L BROWN COMPANY					RECEIVED: 06/01/81 JA: TX			
8133868	F-06-015540	4220300000		108-ER	BLOCKER - WARE GAS UNIT #2	BETHANY	18.0	UNITED GAS PIPE L
-TIERRA EXPLORATION INC					RECEIVED: 06/01/81 JA: TX			
8133985	F-7B-030043	4208300000		102-4	T C HALL #3	COLEMAN S (BRENEKE)	30.0	LONE STAR GAS CO
-TONK VALLEY PRODUCTION CO					RECEIVED: 06/01/81 JA: TX			
8134146	F-7B-034975	4213332695		103	L DILLINDER # A-1 (16802)	DESDEMONA N (CONGL)	31.0	NORTH GORMAN GATH
-U S OPERATING INC					RECEIVED: 06/01/81 JA: TX			
8133969	F-03-029159	4247730366		102-1	NEVA NO 1	GIDDINGS (AUSTIN CHALK G	100.0	PGP GAS PRODUCTS
-UNION OIL COMPANY OF CALIF					RECEIVED: 06/01/81 JA: TX			
8134099	F-08-034806	4213533554		103	MOSS UNIT #17-18	COWDEN SOUTH	12.0	ODESSA NATURAL CO
-UNION TEXAS PETROLEUM					RECEIVED: 06/01/81 JA: TX			
8134175	F-03-035116	4219931446		102-4	KIRBY LUMBER COMPANY #2	SOUR LAKE E (YEGUA LOWER	3285.0	
8134145	F-08-034974	4247531888		103	UNIVERSITY 18-19 #2	WAR-WINK S (WOLF CAMP) S	23.7	LONE STAR GAS COR
8134144	F-08-034973	4247531972		103	UNIVERSITY 18-20 #2	WAR-WINK S (WOLFCAMP) SE	57.4	LONE STAR GAS COR
-VORTT EXPLORATION CO INC					RECEIVED: 06/01/81 JA: TX			
8133898	F-7B-022958	4236300000		102-2	#1 GILL	MINERAL WELLS S (STRAWN	0.0	
8133897	F-7B-022957	4236300000		102-4	#1 HESS	MINERAL WELLS S (STRAWN	280.0	SOUTHWESTERN GAS

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME
8133896	F-7B-022953	4236300000			102-4	#1 LAWSON-STASIO
8133903	F-7B-023517	4236300000			102-4	#1C RHODES-GREEN
8133895	F-7B-022952	4236300000			102-4	#1C RHODES-GREEN
8133931	F-7B-026460	4236300000			102-4	D BAUM UNIT I #1
8133932	F-7B-026461	4236300000			102-4	D BAUM UNIT II #1
-W R EDWARDS JR						RECEIVED: 06/01/81 JA: TX
8133913	F-10-024992	4223330726			103	LITTLE RASCALS #4
8134121	F-10-034896	4223300000			103	WILLIAM #5
-W W BOLDT						RECEIVED: 06/01/81 JA: TX
8134027	F-7B-031666	4208200000			102-4	M D FULTON A #1
-WAINOCO OIL & GAS COMPANY						RECEIVED: 06/01/81 JA: TX
8133990	F-03-030333	4208931162			102-4	J R THOMAS NO 1
-WALSH AND WATTS INC						RECEIVED: 06/01/81 JA: TX
8134197	F-08-035189	4222732112			103	ABRAMS B NO 1 (LEASE NO 18630)
8134189	F-7B-034822	4215131132			103	BOYD D WELL NO 8 (10970)
8134108	F-7B-034821	4215131146			103	YORK WELL NO 3 (15270)
-WARREN PETR CO A DIV OF GULF OIL CO						RECEIVED: 06/01/81 JA: TX
8134183	F-08-035146	4210332396			103	W N WADDELL NO 1141
-WAYMAN W BUCHANAN						RECEIVED: 06/01/81 JA: TX
8134071	F-03-034628	4214930832			103	COLLEEN UNIT NO 1
8134077	F-03-034719	4214030704			103	GINNY NO 1
-WAYNE MOORE						RECEIVED: 06/01/81 JA: TX
8134056	F-08-033495	4237132606			I02-4	WALKER GLASS MT WELL #1
-WHITEHEAD PRODUCTION CO INC						RECEIVED: 06/01/81 JA: TX
8133919	F-09-025330	4223732987			103	G ELLIS #1
8133988	F-7B-030257	4236731781			102-4	LONG #1
-WILLIAMS PETROLEUM CO						RECEIVED: 06/01/81 JA: TX
8134025	F-7B-031553	4236300000			103	NO 3 DOUG DUVE
-WILLIAMS-GIEGER RESOURCES INC						RECEIVED: 06/01/81 JA: TX
8134076	F-06-034718	4236500000			103	W P MCFADDEN #1
8134076	F-06-034718	4236500000			107-TF	W P MCFADDEN #1
-ZAPATA EXPLORATION CO						RECEIVED: 06/01/81 JA: TX
8133999	F-03-030944	4270430171			102-4	S/L 68099 WELL 2A-L
8133998	F-03-030941	4270430171			102-4	S/L 68099 WELL 2A-U
-ZEPHYR OIL CO						RECEIVED: 06/01/81 JA: TX
8133893	F-06-022408	4240100000			108	ALFORD ENTERPRISES #1-T

FIELD NAME	PROD	PURCHASER
MINERAL WELLS S (STRAWN	280.0	SOUTHWESTERN GAS
MIN WELLS S (STRAWN A)	280.0	SOUTHWESTERN GAS
MINERAL WELLS S (STRAWN	280.0	SOUTHWESTERN GAS
MINERAL WELLS S (STRAWN	0.0	SOUTHWESTERN GAS
MINERAL WELLS S (GEORGIA	0.0	SOUTHWESTERN GAS
PANHANDLE HUTCHINSON COU	160.0	PANHANDLE PRODUCI
PANHANDLE HUTCHINSON	80.0	PANHANDLE PRODUCI
WILDCAT	180.0	
LISSIE W (WILCOX UPPER)	552.0	SEAGULL PIPELINE
COAHOMA N (FUSSEL)	24.0	GETTY OIL CO
JUDY GAIL (CANYON SAND)	11.0	LONE STAR GAS CO
JUDY GAIL (CANYON SAND)	11.0	LONE STAR GAS CO
WADDELL	5.0	EL PASO NATURAL G
GIDDINGS (AUSTIN CHALK)	86.7	PHILLIPS PIPELINE
GIDDINGS (AUSTIN CHALK)	145.5	PHILLIPS PIPELINE
GLASS MOUNTAIN	0.0	LONE STAR GAS CO
PERRIN EAST (5400 CONGL)	400.0	NATURAL GAS PIPEL
CABBAGE PATCH (BIG SALIN	0.0	
B R A (CONGLOMERATE)	260.0	TEXAS UTILITIES F
CARTHAGE (COTTON VALLEY)	100.0	UNITED GAS PIPELI
CARTHAGE (COTTON VALLEY)	100.0	UNITED GAS PIPELI
BRAZOS AREA 446L SE/4 (C	912.0	VALERO TRANSMISSI
BRAZOS AREA 446L SE/4 (6	912.0	VALERO TRANSMISSI
HENDERSON SOUTH (PETTIT)	4.3	TEXAS UTILITIES F

OTHER PURCHASERS VOLUME NO 3454

8133882	E I DUPONT DE NEMOURS & CO INC	
8133883	E I DUPONT DE NEMOURS & CO INC	
8133884	E I DUPONT DE NEMOURS & CO INC	
8133885	E I DUPONT DE NEMOURS & CO INC	
8133886	E I DUPONT DE NEMOURS & CO INC	
8133887	E I DUPONT DE NEMOURS & CO INC	
8133888	E I DUPONT DE NEMOURS & CO INC	
8133890	E I DUPONT DE NEMOURS & CO INC	
8134093	E I DUPONT DE NEMOURS & CO INC	
8134095	E I DUPONT DE NEMOURS & CO INC	
8134105	E I DUPONT DE NEMOURS & CO INC	
8134115	E I DUPONT DE NEMOURS & CO INC	
8134181	E I DUPONT DE NEMOURS & CO INC	
8134182	E I DUPONT DE NEMOURS & CO INC	
8134199	E I DUPONT DE NEMOURS & CO INC	

BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission on or before July 15, 1981.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 mile rule)
102–3: New well (1000 ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease
Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal seams
107–DV: Devonian shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–19223 Filed 6–29–81, 8:45 am]

BILLING CODE 6450–85–M

ENVIRONMENTAL PROTECTION AGENCY

[AD–FRL–1869–8]

Benefits Analysis of National Ambient Air Quality Standards for Sulfur Oxides and Particular Matter; Meeting

AGENCY: Environment Protection Agency (EPA).

ACTION: Notice of public meeting.

SUMMARY: EPA's Office of Air Quality Planning and Standards is conducting a public meeting to solicit input on a contractor's technical report containing a benefits analysis methodology for National Ambient Air Quality Standards for sulfur oxides and particulate matter under Section 109 of the Clean Air Act, 42 U.S.C. 7409. A panel of experts in the field of environmental benefits analysis will critically discuss the analysis of various economic sectors. Questions and comments from the general public will be also be discussed. The meeting will be from 9:00 a.m. to 5:00 p.m. on both Monday, July 27, and Tuesday, July 28, 1981. It will be held in the Governor's Room of the Sheraton-Crabtree Inn, U.S. 70 West, Raleigh, NC 27612.

FOR FURTHER INFORMATION CONTACT: Janet Scheid (919) 541–5611/(FTS 629–5611) of the Ecnomic Analysis Branch, Strategies and Air Standards Division, Office of Air Quality Planning and Standards. The mailing address is: Economic Analysis Branch (MD–12), U.S. Environmental Protection Agency, Research Triangle Park, 27711.

Dated: June 24, 1981.

Edward Tuerk

Acting Assistant Administrator for Air, Noise, and Radiation.

[FR Doc. 81–19162 Filed 6–29–81; 8:45 am]

BILLING CODE 6560–26–M

[AMS–FRL–1871–2]

Fuel Economy Retrofit Devices; Announcement of Fuel Economy Retrofit Device Evaluation for "FUEL-MAX"

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Fuel Economy Retrofit Device Evaluation.

SUMMARY: This document announces the conclusions of the EPA evaluation of the "FUEL-MAX" device under provisions of Section 511 of the Motor Vehicle Information and Cost Savings Act.

Background Information

Section 511(b)(1) and Section 511(c) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2011(b)) requires that:

(b)(1) "Upon application of any manufacturer of a retrofit device (or prototype thereof), upon the request of the Federal Trade Commission pursuant to subsection (a), or upon his own motion, the EPA Administrator shall evaluate, in accordance with rules prescribed under subsection (d), any retrofit device to determine whether the retrofit device increases fuel economy and to determine whether the representations (if any) made with respect to such retrofit devices are accurate."

(c) "The EPA Administrator shall publish in the Federal Register a summary of the results of all tests conducted under this section, together with the EPA Administrator's conclusions as to—

(1) the effect of any retrofit device on fuel economy;

(2) the effect of any such device on emissions of air pollutants; and

(3) any other information which the Administrator determines to be relevant in evaluating such device."

EPA published final regulations establishing procedures for conducting fuel economy retrofit device evaluations on March 23, 1979 [44 FR 17946].

Origin of Request for Evaluation

On January 18, 1980, the EPA received a request from FIDCO, Fuel Injection Development Corporation, for evaluation of a fuel saving device termed "FUEL-MAX." This device is an air bleed device that replaces the EGR valve. It is claimed to conserve fuel.

Availability of Evaluation Report

An evaluation has been made and the results are described completely in a report entitled: "EPA Evaluation of the FUEL-MAX Device Under Section 511 of the Motor Vehicle Information and Cost Savings Act." This entire report is contained in two volumes. The discussions, conclusions and list of all attachments are listed in EPA–AA–TEB–511–81–10A, which consists of 18 pages. The attachments are contained in EPA–AA–TEB–511–81–10B, which consists of 120 pages. The attachments include correspondence between the Applicant and EPA, all documents submitted in support of the Application and the EPA testing of the device.

As a part of its evaluation EPA has actually tested the FUEL-MAX device. The EPA testing is described completely in the report "Emissions and Fuel Economy of FUEL-MAX, a Retrofit Device," EPA–AA–TEB–81–15, consisting of 8 pages. This report is contained in the preceding FUEL-MAX 511 Evaluation as an attachment and can be obtained separately or as part of the attachment package.

Copies of these reports may be obtained from the National Technical Information Service by using the above report numbers. Address requests to: National Technical Information Service, U.S. Department of Commerce, Springfield, VA 22161, Phone: Federal Telecommunications System (FTS) 737–4650, Commercial 703–487–4650.

Summary of Evaluation

EPA fully considered all of the information submitted by the Device manufacturer in the Application. The evaluation of the "FUEL-MAX" device

was based on that information and the results of the EPA test program.

The "FUEL-MAX" is an air bleed device that replaces the Exhaust Gas Recirculation (EGR) valve which has been installed on almost all passenger cars since 1973. The purpose of the EGR System is to control oxides of nitrogen (NO_x). Removal of the EGR valve to install the "FUEL-MAX" disables the EGR system and would be expected to result in a large increase in NO_x emissions.

Test data submitted by the Applicant confirmed this prediction as well as indicating that "FUEL-MAX" might improve fuel economy. Although the data did not adequately quantify the amount of this improvement, EPA chose to conduct confirmatory testing.

The EPA Evaluation of the "FUEL-MAX" system included vehicle testing by the Federal Test Procedure (FTP) and the Highway Fuel Economy Test (HFET). These two tests are the basic means for evaluating exhaust emissions and fuel economy. During these tests, measurements were made of the fuel economy (FE) and the regulated emissions of hydrocation (HC), carbon monoxide (CO), and oxides of nitrogen (NO_x).

EPA tested the "FUEL-MAX" device on a sample of three typical 1979 passenger cars. The findings are summarized below:

1. Use of the "FUEL-MAX" resulted in increased NO_x emissions of between 440% to 1070% on the FTP and 280% to 770% on the HFET.

2. Use of the "FUEL-MAX" resulted in changes in fuel economy of between +1.6% to +4.1% on the FTP and −0.6% to +0.9% on the HFET.

3. Use of the "FUEL-MAX" resulted in a decrease in hydrocarbon emissions of between 15% to 24% on the FTP and 6% to 42% on the HFET.

4. Use of the "FUEL-MAX" resulted in a decrease in carbon monoxide emissions of between 7% and 44% on the FTP and 46% to 68% on the HFET.

5. On the road evaluations with "FUEL-MAX" showed that heavy knock exited in one car, that light knock occurred in one car and that knock was rarely noticed on the third car.

The Applicant's testing of the "FUEL-MAX" device showed the same emission and fuel economy trends noted in the EPA testing. The differences observed in the magnitude of these effects were due to the differences in the test fleets and the weaknesses noted in the Applicant's control of the vehicle test program.

Because EPA tests showed that use of the "FUEL-MAX" on the vehicles tested, caused emissions to exceed applicable standards, the installation of this device by a person in the business of servicing, repairing, selling, leasing, or trading motor vehicles, fleet operators, or new car dealers will be considered a violation of Section 203(a)(3) of the Clean Air Act, the Federal prohibition against tampering with emission control systems. That is, there is currently no reasonable basis for believing that the installation or use of this device will not adversely affect emission performance. This determination does not preclude the use of the "FUEL-MAX" device on a different vehicle or vehicles than those tested by EPA if Federal Test Procedure tests performed on such vehicles clearly establish that emission performance on such vehicles is not adversely affected.

Many state laws prohibit the operation or registration for use on public highways of a motor vehicle on which the emission control system has been removed or rendered inoperative. EPA has concluded that this device will render inoperative an element of design of the emission control devices or systems of a motor vehicle on which it is installed. Therefore, the installation or use of this device by individuals may be prohibited under some state laws.

FOR FURTHER INFORMATION CONTACT: Merrill W. Korth, Emission Control Technology Division, Office of Mobile Source Air Pollution Control, Environmental Protection Agency, 2565 Plymouth Road, Ann Arbor, Michigan 48105, 313–668–4299.

Dated: June 24, 1981.

Edward F. Tuerk,

Acting Assistant Administrator for Air, Noise, and Radiation.

[FR Doc. 81-19187 Filed 6-29-81; 8:45 am]

BILLING CODE 6560-26-M

FEDERAL COMMUNICATIONS COMMISSION

[Docket 80-765; Transmittal No. 13555; Docket 80-54; RM-3453; FCC 81-259]

American Telephone & Telegraph Co., Wide Area Telecommunications Service (WATS); Regulatory Policies Concerning Resale and Shared Use of Common Carrier Domestic Public Switched Network Services

AGENCY: Federal Communications Commission.

ACTION: Denial of motion to stay and petition for reconsideration.

SUMMARY: The Federal Communications Commission denies a petition for expedited relief filed by the Ad Hoc Telecommunications Users Committee and a Motion for Stay filed by Aeronautical Radio, Inc. and the Air Transport Association of America in Docket Nos. 80–54 and 80–765. The Commission finds that the pleadings raise no new matters which warrant reconsideration and do not set forth sufficient grounds for a stay. As a result, implementation of the Commission's earlier decision establishing June 1, 1981, as the effective date for WATS rates, to be filed by AT&T on five days' notice, which incorporate time-of-day sensitive pricing will not be delayed.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554

FOR FURTHER INFORMATION CONTACT: Brad Allenby, Common Carrier Bureau, 632–6917.

SUPPLEMENTARY INFORMATION:

In the matter of American Telephone and Telegraph Company, Revisions to Tariff F.C.C. No. 259, Wide Area Telecommunications Service (WATS), Docket No. 80–765, Transmittal No. 13555; and regulatory policies concerning resale and shared use of Common Carrier Domestic Public Switched Network Services, Docket No. 80–54, RM 3453.

Memorandum Opinion and Order

Adopted: May 28, 1981.

Released: May 29, 1981.

By the Commission: Chairman Fowler not participating; Commissioner Fogarty dissenting.

1. On May 15, 1981 the Commission adopted a decision which authorized the American Telephone and Telegraph Company (AT&T) to file, on five days' notice, proposed revisions to its Wide Area Telecommunications Service (WATS) tariff Tariff F.C.C. No. 259. The Ad Hoc Telecommunications Users Committee (Ad Hoc) filed a petition for expedited reconsideration on May 21, 1981. Aeronautical Radio, Inc. (ARINC) and The Air Transport Association of America (ATA) filed a joint "Motion For Stay" pending judicial review on May 22, 1981. AT&T has filed oppositions to the petitions and the motion.

2. We have examined the petition and the motion and find them unpersuasive. Briefly, neither has presented any new information, and the same arguments were considered at the time we entered our decision. We have compiled a large record in this matter and feel that all parties have had ample opportunity to present their views. Certainly no need for expedited reconsideration of these very complex issues has been shown.

3. The Motion for Stay does not convince us that there is any substantial likelihood that our order will be overturned on judicial review. Further, the possibility of irreparable injury to

movant has not been demonstrated. Moreover, we have required AT&T to keep accurate account of all amounts received by reason of the new WATS rates to facilitate possible refunds in the event the rates are later found unreasonably high. *See* 47 U.S.C. 204; *see also,* 47 U.S.C. 206, 209.

4. Accordingly, it is ordered, that the Petition for Expedited Reconsideration filed by the Ad Hoc Telecommunications Users Committee and the Motion for Stay filed jointly by Aeronautical Radio, Inc. and the Air Transport Association of America, are denied.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81-19155 Filed 6-29-81; 8:45 am]

BILLING CODE 6712-01-M

[BC Docket Nos. 81-398, 81-399; File Nos. BPH-800206AO, BPH-800312AG]

CLW Communications Group of Pennsylvania, Inc. and Morgan Communications, Inc.; Designating Applications for Consolidated Hearing on Stated Issues; Hearing Designation Order

Adopted: June 17, 1981.

Released: June 19, 1981.

By the Chief, Broadcast Bureau.

In re-applications of CLW Communications Group of Pennsylvania, Inc. Pittston, Pennsylvania, Req: 102.3 MHz, Channel 272, 3 kW (H&V), 147 feet, BC Docket No. 81-398, File No. BPH-800206AO; Morgan Communications, Inc., Pittston, Pennsylvania, Req: 102.3 MHz, Channel 272, 3 kW (H&V), 71 feet, BC Docket No. 81-399, File No. BPH-300312AG; for construction permit for a new FM station.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration the above-captioned mutally exclusive applications filed by CLW Communications Group of Pennsylvania, Inc. (CLW) and Morgan Communications, Inc. (Morgan).

2. *CLW.* Section 73.1125 of the Commission's Rules requires that the main studio of an FM station be located within the city of license, but that on a showing of good cause the main studio may be located outside that community. CLW proposes to locate its main studio adjacent to Oak Street, near Pittston, Pennsylvania. The applicant has not submitted a showing under the rule. Accordingly, an issue will be specified.

3. Since no determination has been reached that the antenna proposed by CLW would not constitute a menace to air navigation, an issue regarding this matter is required.

4. *Morgan.* Since no determination has been reached that the antenna proposed by Morgan would not constitute a menance to air navigation, an issue regarding this matter is required.

5. Data submitted by the applicants indicates that there would be a significant difference in the size of the areas and populations which would receive service from the proposals. Consequently, for the purpose of comparison, the areas and populations which would receive FM service of 1 mV/m or greater intensity, together with the availability of other primary aural services in such areas, will be considered under the standard comparative issue, for the purpose of determining whether a comparative preference should accrue to either of the applicants.

6. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

7. Accordingly, it is ordered, That, pursuant to Section 309(e) of the Communciations Act, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine whether the proposal of CLW Communications Group of Pennsylvania, Inc. to locate the main studio outside its community of license is in compliance with Section 73.1125 of the Communication's Rules with respect to location of the main studio and, if not, whether circumstances warrant a waiver of that Section.

2. To determine with respect to both CLW Communications Group of Pennsylvania, Inc. and Morgan Communications, Inc. whether there is a reasonable possibility that the tower heights and locations proposed would constitute a hazard to air navigation.

3. To determine which of the proposals would, on a comparative basis, better serve the public interest.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which, if either, of the applications should be granted.

8. It is further ordered, That the Federal Aviation Administration is made a party to the proceeding.

9. It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to Section 1.221(c) of the Commission's Rules in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

10. It is futher ordered, That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and Section 73.3594 of the Commission's Rules, give notice of the hearing (either individually or, if feasible and consistent with the Rules, jointly) within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by Section75.3594(g) of the Rules.

Federal Communication Commission.

Larry D. Eads,

Acting Chief, Broadcast Facilities Division, Broadcast Bureau.

[FR Doc. 81-19156 Filed 6-29-81; 8:45 am]

BILLING CODE 6712-01-M

[BC Docket Nos. 81-395 81-396, 81-397 File Nos. BPH-800731AD, BPH-800818AA, BPH-801003AE]

Hine Broadcasting Co. et al., Designating Applications for Consolidated Hearing on Stated Issues; Hearing Designation Order

Adopted: June 17, 1981.

Released: June 19, 1981.

By the Chief, Broadcast Bureau.

In re application of Hine Broadcasting Co. Whitehouse, Texas, Req: 99.3 MHz, Channel 257A 3kW (H&V), 300 feet BC Docket No. 81-395, File No. BPH-800731AD, Clint Formby, Inc., Marshall Formby, Inc. & Tunnell-Formby, Inc., a joint venture, d.b.a. Smith County Broadcasting, Whitehouse, Texas, Req: 99.3 MHz, Channel 257A 3kW (H&V), 300 feet, BC Docket No. 81-396 File No. BPH-800818AA; North American Broadcasting Co., Inc., Whitehouse, Texas, Req: 99.3 MHz, Channel 257A 3 kW (H&V), 300 feet, BC Docket No. 81-397 File No. BPH-801003AE; for a construction permit for a new FM station.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration the above-captioned mutually exclusive applications filed by Hine Broadcasting Company (HBC); Smith County Broadcasting (SCB); and North American Broadcasting Company Inc. (NABC) for a new FM station at Whitehouse, Texas.

2. *HBC.* Applicants for new broadcast stations are required by Section 73.3580

to give local notice of the filing of their application. Applicants for commerical FM stations are further required by Section 73.3526 of the Rules to maintain a copy of the application, as submitted to the Commission, on file for public inspection in the proposed community of license. They must then file with the Commission the statement described in Section 73.3580(h) of the Rules. Evidence submitted by HBC indicates that HBC failed to maintain a copy of its application on file for public inspection in the proposed community of license; that HBC did not publish its public notice in a newspaper published in the proposed community of license as required by Section 73.3580(c)(1)(ii) of the rules; and that HBC's public notice did not indicate the studio location. To remedy these deficiencies HBC will be required to republish local notice of this application, to maintain a local file for public inspection, and to file a statement of publication with the presiding Administrative Law Judge.

3. *SCB.* SCB is a joint venture of Clint Formby, Inc., Marshall Formby, Inc., and Tunnell-Formby, Inc. The applicant's Joint Venture Agreement states in Section 7, "The relationship between the parties shall be limited to the ownership and operation of Radio Station KTBB and deemed to be a joint venture for the sole purpose of owning and operating Radio Station KTBB." Under the Joint Venture Agreement there is no indication that SCB has the authority to file or prosecute the present application for a FM station. Accordingly, a legal qualification issue will be specified.

4. Since no determination has been reached that the antenna proposed by SCB would not constitute a menace to air navigation, an issue regarding this matter is required.

5. *NABC.* Information submitted by NABC indicates a weekly newspaper is published within Whitehouse, Texas, the proposed community of license. NABC, however gave notice of its application in a newspaper published outside of Whitehouse. Section 73.3580 of the Commission's Rules requires local notice to be published, when possible, within the proposed community of license. NABC will be required to republish local notice of the filing of its application in compliance with Section 73.3580(c)(1)(ii) of the Rules and to file a statement of publication with the presiding Administrative Law Judge.

6. *Other Matters.* Data submitted by the applicant indicate that there would be a significant difference in the size of the areas and populations which would receive service from the proposals. Consequently, for the purpose of comparison, the areas and populations which would receive FM service of 1 mV/m or greater intensity together with the availability of other primary aural services in such areas, will be considered under the standard comparative issue, for the purpose of determining whether a comparative preference should accrue to any of the applicants.

7. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

8. Accordingly, it is ordered, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications ARE DESIGNATED FOR HEARING IN A CONSOLIDATED PROCEEDING, at a time and place to be specified in a subsequent Order, upon the following issues.

1. To determine whether SCB is legally qualified to file and prosecute an application for the proposed FM service.

2. To determine whether there is a reasonable possibility that the tower height and location proposed by SCB would constitute a hazard to air navigation.

3. To determine which of the proposals would, on a comparative basis, best serve the public interest.

4. To determine, in light of the evidence adduced pursuant to the forgoing issues, which, if any, of the applications should be granted.

9. It is further ordered, That, the FAA IS MADE A PARTY to the proceeding.

10. It is further ordered, That, HBC maintain a local file for public inspection within the proposed community of license in accordance with Section 73.3526 of the Rules, republish notice of the filing of its application in accordance with Section 73.3580 of the Rules, and file a statement of publication with the presiding Administrative Law Judge.

11. It is further ordered, That, NABC, republish local notice of the filing of its application in accordance with Section 73.3580 of the Rules, and file a statement of publication with the presiding Administrative Law Judge.

12. It is further ordered, That, in the event that the application of SCB is granted, it is subject to the condition that if the Commission ultimately adopts a rule prohibiting commonly owned AM and FM stations in the same market, SCB will divest itself of either its AM station or FM station in accordance with the requirements established in such rulemaking proceeding.

13. It is further ordered, That to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to Section 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

14. It is further ordered, That, the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and Section 73.3594 of the Commission's Rules, give notice of the hearing (either individually or, if feasible and consistent with the Rules, jointly) within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by Section 73.3594(g) of the Rules.

Federal Communications Commission.

Larry D. Eads,

Acting Chief, Broadcast Facilities Division.

[FR Doc. 81-19159 Filed 6-29-81; 8:45 am]

BILLING CODE 6712-01-M

Notification List

List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Canadian standard broadcast stations modifying the assignments of Canadian broadcast stations contained in the Appendix to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting January 30, 1941.

June 12, 1981.

Canadian List No. 405

Call letters	Location	Power (kilowatts)	Antenna	Schedule	Class	Antenna height (feet)	Ground system: No. of radials	Ground system: Length (feet)	Proposed date of commencement of operation
				540 kHz					
CBGA-1	New Carlisle, Quebec. N 47 48 50", W 65 08 50 (Now on air)	10	DA-2	U.	II				
				680 kHz					
CFTR	Toronto, Ontario, N 43 12 52", W 79 *36 20"* (P.O 25 kW, N 43 34 48", W 78 38 30") (Correction of longitude to Change List No. 397) (D day – 3.79mV/m O night 31.7mV/m)	50	DA-2	U	II				Aug. 26, 1981
				1000 kHz					
CFLP	Rimouski, Quebec, N 48 23 07", W 68 41 12" (Augmentation of night-time directional pattern) (Now on air)	10	DA-2	U	II				
				1250 kHz					
CKOM	Saskatoon, Saskatchewan, N 52 04 45", W 106 30 38" (On air with change of directional pattern)	10	DA-N	ND-D220 U	III				
CHLR	Moncton, New Brunswick, N. *46 08 47"* W *64 48 02"* (Change of proposed site and antenna system) (Assignment of call letters)	10	*DA-N*	*1380 kHz* U	III				*June 12, 1982*
				1440 kHz					
CFGO	Ottawa, Ontario, N. 45 16 59", W 75 44 31" (P.O DA-1) (Change of directional antenna patterns)	50	*DA-2*	U	III				June 12, 1982
				1450 kHz					
CHUC	Cobourg, Ontario, N 43 57 20", W 78 13 09" (P.O 1kw)	10	DA-2	U	IV				Do
				1580 kHz					
New	Edmonton, Alberta, N 53 26 50", W 113 16 30"	50	DA-N	U	II				Do
				1600 kHz					
New	Calgary, Alberta, N. 50 56 15", W 113 51 30".	50	DA-N	U	III				Do

Richard J. Shiben,

Chief, Broadcast Bureau, Federal Communications Commission.

[FR Doc. 81-19160 Filed 6-29-81; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

Privacy Act of 1974; Addition of New Routine Use to An Existing System of Records

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed addition of a new routine use to three existing FEMA systems of records entitled, "Key Personnel Central Locator List—FEMA/OS-2"; "Emergency Assignment System—FEMA/OS-1"; and "Interagency Directories System—FEMA/PP-3."

SUMMARY: The purpose of this proposal is to give notice that an additional routine use "to provide the names, addresses and telephone numbers of FEMA subscribers having essential emergency functions to the General Services Administration for forwarding to the public telephone companies to designate those subscriber's home numbers as 'essential' for the purpose of providing a minimum of delay in placing calls from their residences during a national disaster or civil emergency . . ." is being proposed to be added to three existing systems of records entitled, "Key Personnel Central Locator List"; "Emergency Assignment System"; and "Interagency Directories System."

This proposed routine use is necessitated because of the overload of telephone lines encountered as a result of an emergency and unavailability to obtain an open line during these periods. The public telephone companies would designate those home telephone numbers of FEMA subscribers having essential emergency functions as "essential" and thereby permitting those individuals to place all outgoing calls from their residences with a minimum of delay while retaining generally good service, with only slight and intermittent delay to the other general public users.

The proposed routine use is compatible with the purposes for which the systems were established, therefore, we are not required to file any reports with Congress or the Office of Management and Budget.

In an effort to economize on the cost of publication in the **Federal Register**, we are publishing only the sections of the systems of records affected by this notice. The remaining portions of the systems can be viewed in the October 14, 1980, **Federal Register**, 45 FR 67845, 67846, and 67849.

DATE: Any interested parties may submit written comments regarding this proposal. To be considered, comments must be received July 30, 1981. Unless comments are received on or before that date, which would result in a contrary determination, the routine use will become effective as proposed without further notice on July 30, 1981.

ADDRESS: Address comments to the Rules Docket Clerk, Federal Emergency Management Agency, (Room 801), 1725 I Street, NW., Washington, D.C. 20472. Comments received will be available for public inspection at the above address from 9 a.m. to 4 p.m. during normal working days.

FOR FURTHER INFORMATION CONTACT: Linda M. Keener, Office of Public Affairs, (202) 634-6772.

SUPPLEMENTARY INFORMATION: Based on the above reasons outlined under the Summary section, the Federal Emergency Management Agency finds it necessary to include the following routine use in the following systems of records:

FEMA/OS-1

SYSTEM NAME:

Key Personnel Central Locator List.

* * * * *

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

To provide the names, addresses and telephone numbers of FEMA subscribers having essential emergency functions to the General Services Administration for forwarding to the public telephone companies to designate those subscriber's home numbers as "essential" for the purpose of providing a minimum of delay in placing calls from their residences during a national disaster or civil emergency.

To assist officials charged with emergency responsibilities in the assignment and coordination of activities in the Western Virginia Operations Division of FEMA.

Additional routine uses may include Nos. 1, 2, 3, 5, and 8 of Appendix A.

* * * * *

FEMA/OS-2

SYSTEM NAME:

Key Personnel Central Locator List.

* * * * *

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

To provide the names, addresses and telephone numbers of FEMA subscribers having essential emergency functions to the General Services Administration for forwarding to the public telephone companies to designate those subscriber's home numbers as "essential" for the purpose of providing a minimum of delay in placing calls from their residences during a national disaster or civil emergency.

In the event of a national disaster or civil emergency which requires action by FEMA, the list will be referred to in order to locate selected Key Officials.

Additional routine uses may include Nos. 5 and 8 of Appendix A.

FEMA/PP-3

SYSTEM NAME:

Interagency Directories System.

* * * * *

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

To provide the names, addresses and telephone numbers of FEMA subscribers having essential emergency functions to the General Services Administration for forwarding to the public telephone companies to designate those subscriber's home numbers as "essential" for the purpose of providing a minimum of delay in placing calls from their residences during a national disaster or civil emergency.

For the purpose of providing a locator service and a means of distributing publications and communications, interagency directories will be distributed to Federal, regional and state interagency committee members and to the agencies which they represent; e.g., State Emergency Planning Directors, holders of the FEMA Emergency Planning Reference Package for Regional Governments and Central Office Emergency Readiness Instructions and the White House Communications Agency. To the key personnel in Federal agencies and departments involved in emergency preparedness responsibilities.

Additional routine uses may include Nos. 2, 3, 5, and 8 of Appendix A.

Dated: June 23, 1981.

James L. Holton,

Director, Office of Public Affairs, Federal Emergency Management Agency.

[FR Doc. 81-19073 Filed 6-29-81; 8:45 am]

BILLING CODE 6718-01-M

FEDERAL MARITIME COMMISSION

Agreements Filed

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of each of the agreements and the justification offered therefor at the Washington Office of the Federal Maritime Commission, 1100 L Street, NW., Room 10218; or may inspect the agreements at the Field Offices located at New York, N.Y.; New Orleans, Louisiana; San Francisco, California; Chicago, Illinois; and San Juan, Puerto Rico. Interested parties may submit comments on each agreement, including requests for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before July 20, 1981. Comments should included facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreements and the statement should indicate that this has been done.

Agreement No. T-3193-1.

Filing Party: Charles Friedlander, Esquire, Galland, Kharasch, Calkins & Short, P.C., Canal Square, 1054 Thirty-First Street, NW., Washington, D.C. 20007.

Summary: Agreement No. T-3193-1, between Puerto Rico Maritime Shipping Authority and Sea-Land Service, Inc., modifies the parties' basic agreement which provides for the preferential interchange of container cranes situated in the vicinity of Berths E through H at Puerto Nuevo, San Juan, Puerto Rico. The purpose of the modification is to change the crane usage fee from $300 per hour, or fractional part thereof, to $50 per hour, or fractional part thereof.

Agreements Nos. T-3453 and T-3453-A

Filing Party: Charles Friedlander, Esquire, Galland, Kharasch, Calkins & Short, P.C., 1054 Thirty-first Street, NW., Washington, D.C. 20007.

Summary: Agreement No. T-3453 as refiled June 8, 1981, between the Puerto Rico Ports Authority (Authority) and Puerto Rico Maritime Shipping Authority (PRMSA) provides that the Authority will grant PRMSA preferential rights with respect to the docking and mooring of vessels and the use of certain marine facilities located at the Isla Grande Container Terminal, San Juan. The agreement becomes effective upon securing Commission approval and terminates September 30, 1990, with renewal options. PRMSA will compensate the Authority according to a schedule of rental fees as set forth in the agreement.

Agreement No. T-3453-A, as refiled June 8, 1981 between the Puerto Rico Ports Authority (Authority) and Puerto Rico Maritime Shipping Authority (PRMSA) provides that the Authority will lease to PRMSA for its exclusive use, certain backup and marshalling areas at the Isla Grande Container Terminal, San Juan. The agreement becomes effective upon securing

Commission approval, and terminates September 30, 1990, with renewal options. PRMSA will compensate the Authority according to a schedule of rental fees as set forth in the ageement.

Agreement No. T-3978.

Filing Party: Mr. Richard L. Landes, Deputy City Attorney, Offices of the City Attorney of Long Beach, Harbor Administration Building, P.O. Box 570, Long Beach, California 90801.

Summary: Agreement No. T-3978, between Sea-Land Service, Inc. (Lessor) and the City of Long Beach (Lessee), provides for the lease by Lessor to Lessee of two Paceco Container Cranes Nos. 452 and 453 located at Pier G at Berths 227-230 in Long Beach. The terms of the lease shall commence on the first day of the calendar month following approval and shall terminate on June 30, 1983. The agreement at City's option may be renewed for three additional terms of three (3) years each and a fourth term of one (1) year. Lessee agrees to pay a monthly rental equal to one-twelfth of the agreed compensation calculated as indicated in the agreement with adjustments to allow for depreciation and operating expenses for each subsequent term of the lease. Lessee will employ the cranes in such business as they undertake or may sublease or make temporary assignment of the cranes. Such utilization shall be in accordance with the provisions of Port of Long Beach Tariff No. 3.

Agreements Nos. T-3979, T-3979-A, T-3980, and T-3980-A.

Filing Party: Charles Friedlander, Esquire, Galland, Kharasch, Calkins & Short, P.C., 1054 Thirty-First Street, N.W., Washington, D.C. 20007.

Summary: Agreements Nos. T-3979 and T-3980, between the Puerto Rico Ports Authority (the Authority) and the Puerto Rico Maritime Shipping Authority (PRMSA), provide for the preferential assignment by the Authority to PRMSA of certain marine terminal facilities located at Piers J, K, and L at Puerto Nuevo, Puerto Rico. As compensation, PRMSA will pay the Authority a combined annual rental of $27,250, as well as a minimum annual dockage and wharfage fee in the amount of $437,500. The term of the agreements is 25 years, with one five-year renewal option.

Agreements Nos. T-3979-A and T-3980-A, between the same parties, provide for the lease to PRMSA for its exclusive use certain backup and marshalling areas adjacent to Piers J, K, and L. As compensation, PRMSA will pay the Authority an annual ground rental of $636,375.04 during the first ten years of the lease, the rental amount to be reestablished by the Authority for each five-year period of the lease thereafter. The term of the agreements is 25 years, with one five-year renewal option.

Agreement No. 5660-33.

Filing Party: Jeffrey F. Lawrence, Billig, Sher & Jones, P.C., Suite 300, 2033 K Street NW., Washington, D.C. 20006.

Summary: Agreement No. 5660-33 amends the Marseilles, North Atlantic U.S.A. Freight Conference's basic agreement by adding a new Article 23 which designates the authority to execute and file amendments to the basic agreement.

By Order of the Federal Maritime Commission.

Dated: June 25, 1981.

Joseph C. Polking,

Acting Secretary.

[FR Doc. 81-19188 Filed 6-29-81; 8:45 am]

BILLING CODE 6730-01-M

Compliance With Regulatory Flexibility Act

AGENCY: Federal Maritime Commission.

ACTION: Notice of Ten-Year Schedule for Review of Rules.

SUMMARY: Pursuant to section 610 of the Regulatory Flexibility Act (Pub. L. 96-354), the Federal Maritime Commission hereby publishes notice of its schedule for review of Commission rules.

DATE: None.

FOR FURTHER INFORMATION CONTACT: Francis C. Hurney, Acting Managing Director, Federal Maritime Commission, 1100 L Street NW., Washington, D.C. 20573, (202) 523-5800.

SUPPLEMENTARY INFORMATION: Section 610 of the Regulatory Flexibility Act (Pub. L. 96-354) requires that each agency subject thereto publish in the **Federal Register** a plan for periodic review of its rules. Incorporated herein is the plan of the Federal Maritime Commission extending over the next ten years. Any revision of this plan will likewise be published in the **Federal Register.**

Francis C. Hurney,

Acting Managing Director.

Ten-Year Review Plan

Year 1

General Provision:

C.F.R.—Title 46 Chapter IV Part 507
Name—Actions to Adjust a Meet Conditions Unfavorable to Shipping in the Foreign Trades of the U.S.
General Order—No. 39, December 1977
Reviewing Office—Managing Director

C.F.R.—Title 46 Chapter IV Part 509
Name—Actions to Adjust a Meet Conditions Unfavorable to Shipping in the U.S. Atlantic and Gulf/European trades
General Order—No. 33, 44 FR 8269, February 9, 1979

Regulations:

Reviewing Office—Managing Director

C.F.R.—Title 46 Chapter IV Part 522
Name—Filing of Agreements Between Common Carriers of Freight by Water in the Foreign Commerce of the U.S.
General Order—No. 24, August 1968
Reviewing Office—Bureau of Agreements

C.F.R.—Title 46 Chapter IV Part 521
Name—Time for Filing and Commentary on Certain Agreements
General Order—No. 17, December 1965
Reviewing Office—Bureau of Agreements

C.F.R.—Title 46 Chapter IV Part 549
Name—Regulations Governing Level of Military Rates
General Order—No. 29, December 1972
Reviewing Office—Bureau of Tariffs

C.F.R.—Title 46 Chapter IV Part 534
Name—Green Hide Weighing Practices
General Order—No. 10, May 1964
Reviewing Office—Bureau of Tariffs

C.F.R.—Title 46 Chapter IV Part 548
Name—Regulations to Implement the Economic Stabilization Act, 1970
General Order—No. 28, April 1972
Reviewing Office—General Counsel

C.F.R.—Title 46 Chapter IV Part 530
Name—Carrier Compliance with Wage and Price Standards
General Order—
Reviewing Office—General Counsel

Year 2

C.F.R.—Title 46 Chapter IV Part 540
Name—Security for the Protection of the Public (Passenger Vessel)
General Order—No. 20, March 1967
Reviewing Office—Certification and Licensing

C.F.R.—Title 46 Chapter IV Part 528
Name—Self-Policing Requirements for Section 15 Agreements
General Order—No. 7, September 21, 1978
Reviewing Office—Bureau of Agreements

C.F.R.—Title 46 Chapter IV Part 530.6 Section 14b
Name—Termination of Merchants Contract
General Order—
Reviewing Office—Bureau of Agreements

C.F.R.—Title 46 Chapter IV Part 530.1 Section 14b
Name—Termination of the Contract Rate System
General Order—
Reviewing Office—Bureau of Agreements

C.F.R.—Title 46 Chapter IV Part 530.2 Section 14b
Name—Spread between Contract and Non-Contract Rates
General Order—
Reviewing Office—Bureau of Agreements

C.F.R.—Title 46 Chapter IV Part 530.3 Section 14b
Name—Transition between Contract Systems
General Order—
Reviewing Office—Bureau of Agreements

C.F.R.—Title 46 Chapter IV Part 530.4 Section 14b
Name—Execution of New Contracts

General Order—
Reviewing Office—Bureau of Agreements
C.F.R.—Title 46 Chapter IV Part 533
Name—Filing of Tariffs by Terminal Operators
General Order—No. 15, October 1965, as amended
Reviewing Office—Bureau of Tariffs

Year 3

General Provision:

C.F.R.—Title 46 Chapter IV Part 503
Name—Public Information
General Order—No. 22, June 1967, as amended March 1977
Reviewing Office—Secretary
C.F.R.—Title 46 Chapter IV Part 530.5 Section 1, 15
Name—Terminal Lease Agreements
General Order—
Reviewing Office—Bureau of Agreements

Regulations:

C.F.R.—Title 46 Chapter IV Part 526
Name—Free Time and Demurrage Charges on Import Property Applicable to All Common Carrier by Water
General Order—No. 8 October 1963; No. 35, November 1975
Reviewing Office—Bureau of Tariffs
C.F.R.—Title 46 Chapter IV Part 541
Name—Free Time and Demurrage Charges on Export Cargo
General Order—No. 26, April 1970
Reviewing Office—Bureau of Tariffs

Year 4

General Provision:

C.F.R.—Title 46 Chapter IV Part 504 *et seq.*
Name—Collection, Compromise, and Termination of Enforcement Claims
General Order—No. 25, 35 FR 3116, February 18, 1970
Reviewing Office—Bureau of Investigation and Enforcement
C.F.R.—Title 46 Chapter IV Part 505
Name—Compromise, Assessment, Settlement and Collection of Civil Penalties under the Shipping Act, 1916 and the Intercoastal Shipping Act, 1933
General Order—No. 30, June 1973
Reviewing Office—Bureau of Investigation and Enforcement

Regulations:

C.F.R.—Title 46 Chapter IV Part 523
Name—Admission, Withdrawal and Expulsion Provisions of Steamship Conference Agreements
General Order—No. 9, May 1964
Reviewing Office—Bureau of Agreements
C.F.R.—Title 46 Chapter IV Part 550
Name—Filing of Tariffs by Terminal Barge Operators in Pacific Slope States
General Order—No. 35, April 1975
Reviewing Office—Bureau of Tariffs

Year 5

C.F.R.—Title 46 Chapter IV Part 543
Name—Financial Responsibility for Oil Pollution—Alaska
General Order—No. 37, July 1977
Reviewing Office—Bureau of Certification and Licensing
C.F.R.—Title 46 Chapter IV Part 542
Name—Financial Responsibility for Water Pollution—
General Order—No. 4, August 1978
Reviewing Office—Bureau of Certification and Licensing
C.F.R.—Title 46 Chapter IV Part 544
Name—Financial Responsibility for Oil Pollution—Outer Continental Shelf
General Order—No. 41, March 1979
Reviewing Office—Bureau of Certification and Licensing

Regulations:

C.F.R.—Title 46 Chapter IV Part 529
Name—Rules Governing the Right of Independent Action in Agreements
General Order—No. 6, July 1963
Reviewing Office—Bureau of Agreements
C.F.R.—Title 46 Chapter IV Part 511
Name—Reports by Common Carriers by Water in the Domestic Offshore Trades
General Order—No. 5, 27 FR 695, January 24, 1962
Reviewing Office—Bureau of Tariffs
C.F.R.—Title 46 Chapter IV Part 512
Name—Financial Reports by Common Carriers by Water in the Domestic Offshore Trades
General Order—No. 11, June 1964, revised January 1980
Reviewing Office—Bureau of Tariffs

Year 6

General Provisions:

C.F.R.—Title 46 Chapter IV Part 530.8
Name—P.L. 92-463—Availability of Transcripts
General Order—
Reviewing Office—Secretary
C.F.R.—Title 46 Chapter IV Part 538
Name—Dual Rate Contract Systems in the Foreign Commerce of the U.S.
General Order—No. 19, September 1966
Reviewing Office—Bureau of Agreements

Regulations:

C.F.R.—Title 46 Chapter IV Part 513
Name—Audits and Auditing Procedures
General Order—No. 21, April 1967
Reviewing Office—Bureau of Tariffs

Year 7

General Provisions:

C.F.R.—Title 46 Chapter IV Part 502
Name—Rules of Practice and Procedure
General Order—No. 16, October 1965, as amended
Reviewing Office—Office of Administrative Law Judges

Regulations:

C.F.R.—Title 46 Chapter IV Part 527
Name—Shipper's Requests and Complaints
General Order—No. 14, June 1965
Reviewing Office—Bureau of Agreements
C.F.R.—Title 46 Chapter IV Part 531
Name—Publishing, Filing and Posting of Tariffs in Domestic Offshore Commerce
General Order—No. 38 (and No. 13), October 1977, as amended
Reviewing Office—Bureau of Tariffs

Year 8

General Provisions:

C.F.R.—Title 46 Chapter IV Part 530.15 Section 18B
Name—Interest on Awards
General Order—
Reviewing Office—General Counsel
C.F.R.—Title 46 Chapter IV Part 537
Name—Conference Agreement Provisions Relating to Concerted Activities (Minutes)
General Order—No. 18 amdt 3, August 1966
Reviewing Office—Bureau of Agreements
C.F.R.—Title 46 Chapter IV Part 530.7 Section 18b(2)
Name—New and Initial Rates—Conference Member
General Order—
Reviewing Office—Bureau of Tariffs

Year 9

General Provisions:

C.F.R.—Title 46 Chapter IV Part 506
Name—Regulations to Adjust or Meet Conditions Unfavorable to Shipping in the Foreign Trade of the U.S.
General Order—No. 33, July 1975
Reviewing Office—Managing Director
C.F.R.—Title 46 Chapter IV Part 530.10 Section 15
Name—Exemption from Self-Policing Requirements
General Order—
Reviewing Office—Bureau of Agreements
C.F.R.—Title 46 Chapter IV Part 530.16 Section 15
Name—Exemptions from Self-Policing Requirements
General Order—
Reviewing Office—Bureau of Agreements
C.F.R.—Title 46 Chapter IV Part 51
Name—Truck Detention at the Ports of New York
General Order—No. 35, November 1975
Reviewing Office—Bureau of Tariffs

Year 10

General Provisions:

C.F.R.—Title 46 Chapter IV Part 510
Name—Licensing of Independent Ocean Freight Forwarders
General Order—No. 4, revised 1981
Reviewing Office—Bureau of Certification and Licensing

Regulations:

C.F.R.—Title 46 Chapter IV Part 524
Name—Exemption of Non-Exclusive Transshipment Agreements from the Approval Requirements of Section 15, Shipping Act, 1916
General Order—No. 23, May 1968
Reviewing Office—Bureau of Agreements
C.F.R.—Title 46 Chapter IV Part 436
Name—Publishing and Filing Tariffs by Common Carriers in the Foreign Commerce of the U.S.
General Order—No. 13, November 1977
Reviewing Office—Bureau of Tariffs

[FR Doc. 81-19285 Filed 6-29-81; 8:45 am]
BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Citizens State Bankshares of Bald Knob, Inc.; Formation of Bank Holding Company

Citizens State Bankshares of Bald Knob, Inc., Bald Knob, Arkansas, has applied for the Board's approval under Section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 96.5 percent or more of the voting shares of Citizens State Bank, Bald Knob, Arkansas. The factors that are considered in acting on the application are set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than July 23, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 24, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-19178 Filed 6-29-81; 8:45 am]

BILLING CODE 6210-01-M

Fort Gibson Bancshares, Inc.; Formation of Bank Holding Company

Fort Gibson Bancshares, Inc., Fort Gibson, Oklahoma, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 86 percent of the voting shares of Fort Gibson State Bank, Fort Gibson, Oklahoma. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than July 22, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 24, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-19179 Filed 6-29-81; 8:45 am]

BILLING CODE 6210-01-M

Frost BanCorporation, Inc.; Formation of Bank Holding Company

Frost BanCorporation, Inc., Frost, Minnesota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 94.4 percent or more of the voting shares of State Bank of Frost, Frost, Minnesota. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than July 23, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 24, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-19181 Filed 6-29-81; 8:45 am]

BILLING CODE 6210-01-M

The Moorcroft Corp.; Formation of Bank Holding Company

The Moorcroft Corporation, Moorcroft, Wyoming, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of Moorcroft State Bank, Moorcroft, Wyoming. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than July 23, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 24, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-19177 Filed 6-29-81; 8:45 am]

BILLING CODE 6210-01-M

Newcastle Corp. Formation of Bank Holding Company

Newcastle Corporation, Newcastle, Wyoming, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 62 per cent or more of the voting shares of National Bank of Newcastle, Newcastle, Wyoming. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than July 23, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 24, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-19180 Filed 6-29-81; 8:45 am]

BILLING CODE 6210-01-M

GENERAL SERVICES ADMINISTRATION

[E-81-9]

Delegation of Authority to the Secretary of Defense

1. *Purpose.* This delegation authorizes the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in proceedings before the Public Service

Commission of Indiana involving an increase in electric utility rates.

2. *Effective date.* This delegation is effective immediately.

3. *Delegation.*

a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the Public Service Commission of Indiana involving the application of the Public Service Company of Indiana for an increasse in its electric service rates.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

d. The Department of Defense shall forward to the General Services Administration copies of its testimony and briefs within 60 days of formal submission.

Ray Kline,

Acting Administrator of General Services.

June 17, 1981.

[FR Doc. 81-19130 Filed 6-29-81; 8:45 am]

BILLING CODE 6820-AM-M

[D-81-2]

Delegation of Authority to the Secretary of Defense

1. *Purpose.* This delegation authorizes the Secretary of defense to assist in controlling vehicular and pedestrian traffic on military installations in the United States.

2. *Effective date.* This delegation became effective on March 20, 1981.

3. *Delegation.*

a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, and the Act of June 1, 1948 (62 Stat. 281), as amended, authority is hereby delegated to the Secretary of Defense to make all needful rules and regulations, and to attach to these rules and regulations such reasonable penalties, not to exceed those prescribed in 40 U.S.C. 318c, as will ensure their enforcement for governing vehicular and pedestrian traffic on military installations of the Department of Defense, as defined in 40 U.S.C. 612, in the United States and over which the United States has exclusive or concurrent legislative jurisdiction.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the limitations and requirements of the above-cited acts, and the policies, procedures, and controls prescribed by the General Services Administration.

4. *Effect on other directives.* FPMR Temporary Regulation D-28 is revoked.

Dated: June 24, 1981.

Gerald P. Carmen,

Administrator of General Services.

[FR Doc. 81-19168 Filed 6-29-81; 8:45 am]

BILLING CODE 6820-22-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Consumer Participation; Open Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming consumer exchange meeting to be chaired by Kenneth Hansen, District Director, Seattle District Office, Seattle, WA.

DATE: The meeting will be held from 12 m. to 12:45 p.m., Saturday, July 25, 1981.

ADDRESS: The meeting will be held at the Memorial Coliseum Complex, 1401 N. Wheeler, Portland, OR 97209.

FOR FURTHER INFORMATION CONTACT: Ellen Miller, Consumer Affairs Officer, Food and Drug Administration, 5009 Federal Office Bldg., Seattle, WA 98174, 206-442-5258.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to encourage dialogue between consumers and FDA officials, to identify and set priorities for current and future health concerns, to enhance relationships between local consumers and FDA's Seattle District Office, and to contribute to the agency's policymaking decisions on vital issues.

Dated: June 23, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-19029 Filed 6-29-81; 8:45 am]

BILLING CODE 4110-83-M

[Docket No. 80P-0463]

M.A. F. Products, Inc., Ultraviolet-A Tanning Booths and Beds; Approval of Variance

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces that a variance from the performance standard for sunlamp products has been approved by the Bureau of Radiological Health for the Sundance System II, Tan Perfection and Sundancer Model SRCV II tanning booths, and the Sundancer Model SRCH II tanning bed manufactured by M.A.F. Products, Inc. The intended use of the products is to produce ultraviolet radiation for tanning the skin.

DATES: The variance became effective April 17, 1981, and ends April 17, 1986.

ADDRESS: The application and all correspondence on the application have been placed on display in the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Glenn E. Conklin, Bureau of Radiological Health (HFX-460), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3426.

SUPPLEMENTARY INFORMATION: Under § 1010.4 (21 CFR 1010.4), M.A.F. Products, Inc. (formerly River City Manufacturing Co., Inc.), 305 Westlake Drive, Austin, TX 78746, has been granted a variance from § 1040.20(c)(2)(ii) (21 CFR 1040.20(c)(ii)) of the performance standard for sunlamp products, which requires that the maximum timer interval be 10 minutes or less. All other provisions of § 1040.20 remain applicable to the sunlamp product. The variance permits the manufacturer to introduce into commerce the sunlamp products known as the Sundance System II, Tan Perfection and Sundancer Model SRCV II tanning booths, and the Sundancer Model SRCH II tanningh bed.

These sunlamp products have less than 5 percent of their ultraviolet radionation at wavelengths shorter than 320 nonometers. FDA's experience with this kind of sunlamp product indicates that the relatively lengthy exposure recommended by the manufacturers does not result in severe acute skin burns or corneal injury. However, even though the skin hazard is reduced, there is still a need to wear protective eyewear to eliminate the unnecessary risk of chemically sensitized lens or cornea damage or of long-term

development of lens opacities. Suitable means of radiation protection will be provided by constraints on the physical and optical design and by warnings in the user manual and on the product. The product shall bear the Variance Number 80P-0463.

By letter of April 17, 1981, the Director of the Bureau of Radiological Health approved the requested variance, which is effective on that date and terminates on April 17, 1986.

In accordance with § 1010.4, the application and all correspondence (including the written notice of approval) on this application have been placed on public display in the Dockets Management Branch (address above), and may be seen in that office between 9 a.m. and 4 p.m., Monday through Friday.

Dated: June 22, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-19015 Filed 6-29-81, 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 80P-0137]

Sun Industries, Inc., Models SB-1, SB-2, SB-3, SB-4, and SB-5 Sunbeds; Approval of Variance

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces that a variance from the performance standard for sunlamp products has been approved by the Bureau of Radiological Health for the Ultraviolet-A Sunbeds Models SB-1, SB-2, SB-3, SB-4, and SB-5 manufactured by Sun Industries, Inc. The intended use of the products is to produce ultraviolet radiation for tanning the skin.

DATES: The variance became effective March 17, 1981, and ends March 17, 1986.

ADDRESS: The application and all correspondence on the application have been placed on display in the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Glenn E. Conklin, Bureau of Radiological Health (HFX-460), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3426.

SUPPLEMENTARY INFORMATION: Under § 1010.4 (21 CFR 1010.4), Sun Industries, Inc., P.O. Box 2026, 2403 Nettleton Ave., Jonesboro, AR 72401, has been granted a variance from § 1040.20(c)(2)(ii) (21 CFR 1040.20(c)(2)(ii)) of the performance standard for sunlamp products, which requires that the maximum timer interval be 10 minutes or less, and § 1040.20(d)(1)(i) and (f)(1)(ii), which specify the exact wording in a required label warning statement and in the instructions supplied to the user of the sunlamp product. All other provisions § 1040.20 remain applicable to the sunlamp product and ultraviolet lamp. The variance permits the manufacturer to introduce into commerce the sunlamp products known as the SB-1, SB-2, SB-3, SB-4, and SB-5 sunbeds.

These sunlamp products have less than 5 percent of their ultraviolet radiation at wavelengths shorter than 320 nanometers. FDA's experience with this kind of sunlamp product indicates that the relatively lengthy exposure recommended by the manufacturers does not result in severe acute skin burns or corneal injury. However, even though the skin hazard is reduced, there is still a need to wear protective eyewear to eliminate the unnecessary risk of chemically sensitized lens or cornea damage or of long-term development of lens opacities. Suitable means of radiation protection will be provided by constraints on the physical and optical design and by warnings in the user manual and on the product. The product shall bear the Variance Number 80P-0137.

By letter of March 17, 1981, the Director of the Bureau of Radiological Health approved the requested variance, which is effective on that date and terminates on March 17, 1986.

In accordance with § 1010.4, the application and all correspondence (including the writen notice of approval) on this application have been placed on public display in the Dockets Management Branch (address above), and may be seen in that office between 9 a.m. and 4 p.m., Monday through Friday.

Dated: June 22, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-19014 Filed 6-26-81, 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 81P-0070]

Wolff System Corp., Sun Sky SHWWL 1.80 ALU and Sun Lounge SLWW 1.80 ALU; Approval of Variance

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces that a variance from the performance standard for sunlamp products has been approved by the Bureau of Radiological Health for the Sun Sky SHWWL 1.80 ALU and the Sun Lounge SLWW 1.80 ALU manufactured by the Wolff System Corp. The intended use of the products is to produce ultraviolet radiation for tanning the skin.

DATES: The variance became effective April 16, 1981, and ends April 16, 1986.

ADDRESS: The application and all correspondence on the application have been placed on display in the Dockets Management Branch (formerly the Hearing Clerk's office) (HFK-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Glenn E. Conklin, Bureau of Radiological Health (HFX-460), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3426.

SUPPLEMENTARY INFORMATION: Under § 1010.4 (21 CFR 1010.4), Wolff System Corp., 777 Harris Ave., Hasbrouck Heights, NJ 07604, has been granted a variance from § 1040.20(c)(2)(ii) (21 CFR 1040.20(c)(2)(ii)) of the performance standard for sunlamp products, which requires that the maximum timer interval be 10 minutes or less. All other provisions of § 1040.20 remain applicable to the sunlamp product. The variance permits the manufacturer to introduce into commerce the sunlamp products known as the Sun Sky SHWWL 1.80 ALU and Sun Lounge SLWW 1.80 ALU.

These sunlamp products have less than 5 percent of their ultraviolet radiation at wavelengths shorter than 320 nanometers. FDA's experience with this kind of sunlamp product indicates that the relatively lengthy exposure recommended by the manufacturers does not result in severe acute skin burns or corneal injury. However, even though the skin hazard is reduced there is still a need to wear protective eyewear to eliminate the unnecessary risk of chemically sensitized lens or cornea damage or of long-term development of lens opacities. Suitable means of radiation protection will be provided by constraints on the physical and optical design and by warnings in the user manual and on the product. The product shall bear the Variance Number 81P-0070.

By letter of April 16, 1981, the Director of the Bureau of Radiological Health approved the requested variance, which is effective on that date and terminates on April 16, 1986.

In accordance with § 1010.4, the application and all correspondence

(including the written notice of approval) on this application have been placed on public display in the Dockets Management Branch (address above), and may be seen in that office between 9 a.m. and 4 p.m., Monday through Friday.

Dated: June 22, 1981

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-19016 Filed 6-29-81; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 81C-0177]

Richardson-Merrell, Inc.; Filing of Color Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces that Richardson-Merrell, Inc., has filed a petition proposing that the color additive regulations be amended to provide for the safe use of FD&C Red No. 4 in coloring cosmetics and drugs intended for external use in the area of the eye.

FOR FURTHER INFORMATION CONTACT: Neal D. Singletary, Bureau of Foods (HFF-334), Food and and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5740.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 706(b)(1), 74 Stat. 399-402 as amended (21 U.S.C. 376(b)(1))), notice is given that a petition (CAP 0C0154) has been filed by Richardson-Merrell, Inc., New Rochelle, NY 10801, proposing that § 74.1304 *FD&C Red No. 4* and § 74.2304 *FD&C Red No. 4* (21 CFR 74.1304 and 21 CFR 74.2304) be amended to provide for the safe use of FD&C Red No. 4 to color cosmetics and drugs intended for external use in the area of the eye.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the environmental analysis report and the environmental assessment report may be seen in the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday.

Dated: June 17, 1981.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 81-19124 Filed 6-29-81; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 81F-0170]

Schenectady Chemicals, Inc.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces that Schenectady Chemicals, Inc., has filed a petition proposing that the food additive regulations be amended to provide for the safe use of 2,2'-ethylidene bis(4,6-di-*tert*-butylphenol) as an antioxidant and/or stabilizer in polymers for food-contact use.

FOR FURTHER INFORMATION CONTACT: Patricia J. McLaughlin, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 1B3559) has been filed by Schenectady Chemicals, Inc., P.O. Box 1046, Schenectady, NY 12301, proposing that § 178.2010 *Antioxidants and/or stabilizers for polymers* (21 CFR 178.2010) be amended to provide for the safe use of 2,2'-ethylidene bis(4,6-di-*tert*-butylphenol) as an antioxidant and/or stabilizer for polymers in contact with food.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c) (proposed December 11, 1979; 44 FR 71742).

Dated: June 17, 1981.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 81-19123 Filed 6-29-81; 8:45 am]

BILLING CODE 4110-03-M

Health Care Financing Administration

Medicare Program; Schedule of Limits on Hospital Per Diem Inpatient General Routine Operating Costs for Cost Reporting Periods Beginning on or after July 1, 1981

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Final Notice.

SUMMARY: This notice sets forth a schedule of limits on hospital per diem inpatient general routine operating costs that may be reimbursed under Medicare for cost reporting periods beginning on or after July 1, 1981. This is an annual update of the schedule, and will replace the current schedule, which was published in the **Federal Register** on June 20, 1980 (45 FR 41868).

This schedule does not apply to the costs of special care units or ancillary services, to capital-related costs or costs of malpractice insurance, or to the costs a hospital allocates to the interns and residents (in approved programs) or nursing school cost centers on its Medicare cost report. The notice explains the methodology we used to compute the revised schedule of limits.

EFFECTIVE DATE: The revised schedule of limits is effective for cost reporting periods beginning on or after July 1, 1981.

FOR FURTHER INFORMATION CONTACT: Carl Slutter, 301-594-9344.

SUPPLEMENTARY INFORMATION:

Background

Section 1861(v)(1) of the Social Security Act (42 U.S.C. 1395x(v)(1)) as amended by section 223 (Limitation on Coverage of Costs) of Pub. L. 92-603, the Social Security Amendments of 1972, authorizes the Secretary to set prospective limits on the costs that are reimbursed under Medicare. These limits may be applied to direct or indirect overall costs or to costs incurred for specific items or services furnished by a Medicare provider, and may be based on estimates of the cost necessary in the efficient delivery of needed health services.

Regulations implementing this authority are set forth at 42 CFR 405.460. Under this authority, we published limits on hospital per diem inpatient general routine service costs annually from 1974 through 1978, and limits on hospital per diem inpatient general routine operating costs in 1979 and 1980.

On June 20, 1980, we published in the **Federal Register** (45 FR 41868) a schedule of limits on hospital per diem inpatient general routine operating costs

applicable to cost reporting periods beginning on or after July 1, 1980. In that notice, we described the scope of the limits, and explained our methodology for deriving and applying those limits. The revised schedule of limits set forth below will replace the June 20, 1980 schedule, and will be effective for cost reporting periods beginning on or after July 1, 1981.

In developing the revised limits, we followed the same methodology we used to develop the current schedule of limits. However, we used more recent hospital cost and wage data, and more current projections of the rate of increase in the costs included in the hospital market basket. In addition, we made minor technical changes in the types of data we used to calculate the wage index and the market basket index values. These changes are described later in this preamble.

For the convenience of the reader, the major provisions of the revised schedule of limits are summarized below.

Major Provisions

The revised schedule of limits provides for:

1. Limits on hospital per diem inpatient general routine operating costs. The limits do not apply to capital-related costs, costs of approved medical or nursing education programs that are properly allocated to the interns and residents (in approved programs) and nursing school cost centers on the hospital's Medicare cost report, costs of special care units or ancillary services, or malpractice insurance costs.

2. A classification system based on each hospital's bed size and whether the hospital is located within a Standard Metropolitan Statistical Area (SMSA), a New England County Metropolitan Area (NECMA) or in a non-SMSA/non-NECMA area. (For a discussion of the exceptions to these rules for certain New England areas, see the notice published June 18, 1980 (45 FR 41218). For a listing of the counties included in each SMSA or NECMA, see the June 20, 1980 notice.)

3. Use of actual hospital inpatient general routine per diem operating cost data from Medicare cost reports to derive the limits.

4. A market basket index (see Appendix) that we developed to reflect changes in the prices of goods and services purchased by hospitals. We have revised the weights assigned to the market basket categories, for the reason explained under item 1 of the following section of this preamble.

5. A hospital wage index (see Tables III. A and III. B) that we developed from hospital wage and employment data obtained from the Bureau of Labor Statistics (BLS). We use this index to adjust for the differing levels of labor-related costs among the areas in which hospitals are located. The calculation of the wage index is described later in this preamble.

6. A cost-of-living adjustment to the nonlabor component of the limits for hospitals in Alaska and Hawaii.

7. Limits set at 112 percent of the mean labor-related costs and of the mean nonlabor costs of each group.

8. An adjustment to the limits for increased costs due to approved internship and residency programs.

9. A formula that permits the limits to be adjusted upward for areas where the number of covered days of care per 1,000 Medicare beneficiaries is less than the national average.

10. A revised schedule of dollar limits, by geographic area and hospital size, that we calculated under the methodology summarized above.

Major Features of Methodology

1. *Market basket index.* As in developing the 1979 and 1980 cost limit schedules, we used a market basket index (see Appendix) in developing the revised limits. We use this index to reflect changes in the prices of goods and services purchased by hospitals. We developed the market basket by identifying the most common categories of hospital routine operating expenses, and weighting these categories according to the estimated proportion of hospital routine operating costs attributable to each category. The categories we used are based on those currently used by the American Hospital Association (AHA) in its analysis of costs, by the U.S. Department of Commerce in publishing price indexes by industry, and by HCFA in its cost reports. The weights are based on surveys by the AHA, on the Department of Commerce's input-output studies, and on our analysis of Medicare cost reports.

Our next step in developing the market basket index was to obtain historical and projected rates of increase in the resource prices for each market basket category. Based on the rate of increase for each category and the weight assigned to each category, we then developed market basket index factors that we used to project the overall rates of increase in hospital inpatient general routine operating expenses for periods after June 30, 1979.

We wish to note that the costs in the various market basket categories do not increase at the same rate, and that differences between the rates of increase for the various categories can, over time, change the relative proportion of total cost in each category. Categories of costs with relatively higher rates of increase will get relatively higher proportions of total cost and vice versa. In developing the market basket set forth in the Appendix, we have revised the weights for the market basket categories to reflect these shifts in the proportion of cost in each category. We made these revisions solely to reflect price changes through 1979.

We used this index to account for the impact on hospital costs of changes in wages and prices for periods after June 30, 1979. If the final rate of increase in the market basket index for a year is greater than the estimated rate of increase by at least .3 of 1 percentage point, we will publish that rate in the **Federal Register** and the Medicare intermediaries will adjust each hospital's limit retroactively at final settlement of the hospital's cost report.

2. *Hospital wage index.* In developing both the current cost limits schedule and the revised limits, we used a hospital wage index to reflect area-by-area differences in the labor-related component of hospital costs (wages and salaries, employee benefits, professional fees, costs of business services, and other miscellaneous expenses). We developed this index from hospital wage data obtained from the BLS. The data used are those for the "hospital industry," a standard BLS reporting category. The wage index we used for the revised limits is based on data for calendar year 1979, which are the latest available data. Data for 1980 will not be available until late in 1981.

To calculate this index, we first computed the average hospital wage for each SMSA or NECMA and non-SMSA/non-NECMA area. We then calculated the national average hospital wage for all SMSA or NECMA areas, and a separate national average hospital wage for all non-SMSA/non-NECMA areas. We then divided the average wage level for each area by the appropriate national average (SMSA/NECMA or non-SMSA/non-NECMA). These calculations resulted in an index value for each SMSA or NECMA area that reflects the wage level for that area relative to the national average for all SMSA/NECMA areas, and in an index value for each non-SMSA/non-NECMA area that reflects the wage level for that area relative to the national average for all non-SMSA/non-NECMA areas (see Tables III.A and III.B).

In addition to being based on more current data, the wage index we used for the revised limits differs in two ways from the wage index used in developing the 1980 hospital cost limits. First, we

have used approximate, rather than actual, index values for 26 areas. (These approximate values are indentified by asterisks in Table III. A) We made this change because the Bureau of Labor Statistics (BLS), which supplies the data on wages and numbers of employees that we use to calculate the wage index, has informed us that its confidentiality requirements prohibit it from disclosing actual data for areas that include fewer than three reporting units. (A reporting unit need not be a single hospital. Reporting unit is defined by BLS as the smallest unit for which data are recorded on the employer's contribution report. For example, two facilities in the same area owned by one employer could appear as one reporting unit.)

To make it possible to calculate limits for these areas, we have asked the BLS to identify the areas having wage index values numerically closest to, but not less than, the areas for which it cannot supply actual data. In the case of each area for which actual data are unavailable, we have substituted the wage index value identified by BLS as being closest to the actual value. We believe that the use of approximate rather than actual values for these areas will not affect the accuracy of the limit significantly, and will assure that no hospital's limit is reduced because actual data for its area are unavailable.

In developing the wage index used for the revised limits, we have also excluded data from Federal government hospitals. Because these hospitals typically use national pay scales, the amounts they pay their employees do not necessarily reflect area wage levels. We believe excluding data from these hospitals will help improve the accuracy of the wage index adjustment.

If we receive additional data from BLS that require further changes in the wage index values for certain areas, we will publish separate **Federal Register** notices that provide corrected index values for the areas affected by the changes.

We wish to note that the data used to develop the wage index were supplied by BLS, and are the most reliable data available. All hospitals are required under State unemployment compensation laws to report these data. If we discover that we, or BLS, have made any error that results in an incorrect wage index for any area, we will publish corrected indexes in the **Federal Register** and will direct the Medicare intermediaries to recalculate the limits. However, BLS has advised us that they are unable to correct any inaccuracies in the wage index that may result from a hospital's failure to report the required wage data.

3. *Use of cost-of-living adjustment for Alaska and Hawaii.* To avoid disadvantaging hospitals located in Alaska and Hawaii, we have retained the cost-of-living adjustment for these States. This is an adjustment of the nonlabor component of the limits that apply to these two States by the amount of the Office of Personnel Management cost-of-living differential for those States. Since we adjust the labor-related component by the applicable wage index, this cost-of-living adjustment applies only to the nonlabor component.

4. *Limits set at 112 percent of mean costs.* The revised limits, like the current limits, are set at 112 percent of the mean labor-related costs and mean non-labor costs of each comparison group. The 12 percent allowance above the mean is intended to account for variations in costs that are consistent with efficiency but are not explicitly accounted for under our methodology for deriving and adjusting the limits, or by the exceptions or exemptions provided by our regulations at 42 CFR 405.460. (Exceptions are granted to cover specific types of costs, such as costs of atypical services to meet the special needs of patients treated; exemptions are granted in specific circumstances, such as when a hospital is the sole community source of inpatient hospital care.)

5. *Education cost adjustment.* As in the current schedule, we have provided an automatic upward adjustment to the limits for types of graduate medical education program costs that are not excluded from the limits because they normally are not recorded in the interns and residents (in approved programs) cost center on the Medicare hospital cost report. This adjustment permits a hospital's otherwise applicable limit to be increased by 4.7 percent for each .1 increase (above zero) in the hospital's ratio of full-time equivalent (FTE) interns and residents in approved programs to its bed size.

6. *Covered days of care adjustment.* As in the current schedule, we have provided an adjustment that permits the limits to be increased for hospitals in areas where the number of covered days of care per 1000 Medicare beneficiaries is less than the national average. This adjustment is provided as an added safeguard against disadvantage to hospitals in States with below average utilization in recognition of the possibility that shorter lengths of stay may tend to increase routine costs.

This adjustment was first described in the June 1, 1979 final notice of limits on hospital routine operating costs for cost reporting periods beginning on or after July 1, 1979 (44 FR 31806). Since this notice was published, we have received several inquiries regarding the basis for this adjustment. In response to these inquiries, we are providing the following explanation.

On March 1, 1979, we published a notice setting forth a proposed schedule of limits for cost reporting periods beginning on or after July 1, 1979 (44 FR 11612). In that notice, we noted that the proposed limits would have disparate effect in different regions of the country, and stated that we would welcome suggestions on that point. We received several comments indicating the limits should allow some latitude for higher costs per day that are associated with relatively shorter lengths of stay in certain areas. Typically, commenters on this issue stated that shorter lengths of stay result in increased costs per day because the typical patient day includes more actual medical services and less recuperative time. Since more resources are usually devoted to the early portion of a patient's stay than to later portions, it was alleged that hospitals with below-average lengths of stay could have relatively high costs per day, but below-average costs per admission. These commenters also stated that the proposed limits, by not recognizing the higher cost per diem believed to result from greater intensity of care reflected in a shorter length of stay, could unfairly penalize hospitals in some areas of the country. Therefore, these commenters claimed the proposed limits ignored a factor in the cost-effective delivery of inpatient care.

Research on the relationship betwen routine operating cost and utilization has been limited and, at the present time, is inconclusive. However, recognizing that there is a possibility that shorter lengths of stay and lower admission rates may have some effect on routine costs per day, HCFA provided an automatic upward adjustment to the per diem routine operating cost limits for hospitals in States with lower utilization, beginning with the schedule of limits that was effective July 1, 1979. The purpose of this adjustment was to give the affected hospitals the benefit of the doubt concerning whether shorter lengths of stay and lower admission rates actually affect routine costs.

We defined lower utilization as covered days of care per 1000 Medicare beneficiaries below the national average. Covered days of care was selected as the utilization measure because it is a product of both length of stay and admission rate.

The method of calculating the amount of the utilization adjustment is described in the June 1, 1979 notice. This method

was not based on definitive evidence that a shorter length of stay and lower admission rate increase routine operating costs. Rather, it provided for an automatic allowance in the absence of hospital specific data on the relationship between utilization and routine operating costs.

In addition to the adjustment, we have provided an exception to the limits for the cost of providing more intensive routine care over a shorter average length of stay. (See 42 CFR 405.460f(5)). This exception will be granted if the hospital can demonstrate the amount of the automatic adjustment is insufficient in its particular circumstanes. We believe that the automatic adjustment, and the exception we have provided for per diem costs not covered by the adjustment, are sufficient to ensure that hospitals in areas with high per diem costs and relatively low utilization are not disadvantaged by the application of per diem limits.

Revisions to Other Cost Limits Schedules

Under the authority in section 1861(v)(1) of the Social Security Act and the regulations at 42 CFR 405.460, we also issued annual schedules of prospective limits on home health agency (HHA) costs per visit, and on skilled nursing facility (SNF) inpatient routine service costs, in 1979 and 1980. The current HHA cost limit schedule was published on June 5, 1980, and is effective for cost reporting periods beginning on or after July 1, 1980 (45 FR 38014). The current SNF cost limit schedule was published on September 4, 1980, and is effective for cost reporting periods beginning on or after October 1, 1980 (45 FR 58699).

We are also publishing a revised schedule of limits on HHA costs that will be effective for cost reporting periods beginning on or after July 1, 1981, and we plan to publish a revised SNF cost limit schedule that will be effective for cost reporting periods beginning on or after October 1, 1981.

In revising the HHA cost limit schedule, we used the same general approach used in revising the hospital cost limits. Thiat is, we retained our current methodology for developing and applying the limits, but updated the limits based on more recent data. We also plan to use this approach in updating the SNF cost limits.

Executive Order 12291

The Secretary has determined that, although this notice will have an annual effect on the economy of $100 million or more, the development of a Regulatory Impact Analysis is not required in view of the fact that this notice merely updates economic factors employed in the existing methodology and does not modify the methodology used to compute the limits in any manner. If, in the future, changes are proposed that would modify the methodology used in computing the limits and would meet the criteria for conducting a Regulatory Impact Analysis, a Regulatory Impact Analysis will be developed and made available for public comments.

Regulatory Flexibility Act

The Secretary certifies, under Section 605(b) of the Regulatory Flexibility Act (Pub. L. 96–354), that the revised schedule of limits set forth in this notice will not have a significant economic impact on a substantial number of small entities. The reason for the Secretary's negative certification is that the revised limits merely update the system of home health agency cost limits that are now in effect, and do not include any changes in our methodology for deriving and applying them.

Waiver of Proposed Notice and 30-Day Delay in Effective Date

As explained previously, we developed the revised limits set forth below by using the same methodology that we used to develop the current hospital cost limits, which were published on June 20, 1980. On April 1, 1980, we published a proposed notice that described in detail our methodology for developing and applying those limits, and provided a 60-day period for public comment (45 FR 21582). In developing the current schedule of limits, we considered all comments received in response to the April 1, 1980 notice. These comments, and our responses to them, are described in the June 20, 1980 notice.

Because the methodology used for the revised schedule has previously been published for public comment, we do not believe it would be either necessary or useful to again request comment on that methodology. Moreover, without publication of this notice, the current limits would remain in effect without adjustment for cost reporting periods beginning after June 30, since there is no provision in the current schedule for adjusting the limits for cost reporting periods that begin after the date. We believe it would be contrary to the public interest to permit this to occur. Therefore, we find good cause to waive publication of a proposed notice, and publish this notice of updated limits in final form.

In the past, we generally have attempted to allow a 30-day period between the date of publication of each cost limit schedule and the effect date of the schedule. Since prompt publication of the limits would be in the public interest, and early implementation of this schedule will benefit those hospitals that will be affected by the updated limites, there is good cause to waive the customary 30-day delay between publication of new limits and their effective date, and apply them to hospitals with cost reporting periods beginning on or after July 1, 1981.

Methodology For Determining Per Diem Routine Operating Cost Limit

Development of Published Limits

1. *Data.* We developed the limits by using actual hospital inpatient general routine operating cost data obtained from the latest Medicare cost reports available as of April 15, 1980. In developing the revised limits, we excluded capital-related costs and costs allocated to the interns and residents (in approved programs) and nursing school cost centers. We then adjusted the remaining data for inflation by projecting them from the midpoints of the cost reporting periods used in the data collection through December 31, 1981, which is the mid-point of the first cost reporting period to which the limits would apply.

The annual percentage increases over the previsous year that we used for this projection are:

	Percent
1978	13.1
1979 (1/1 through 6/30)	10.8
1979 market basket (7/1 through 12/31	9.1
1980 market basket	11.7
1981 market basket	[1] 10.8
1982 market basket	[1] 9.5

[1] Forecasted increase.

If the actual rate of the increase in the market basket is at least .3 of 1 percentage point above the estimated rate, we will publish that rate in the **Federal Register.** The Medicare intermediaries will use the actual rate published in the **Federal Register** to adjust each hospital's cost limit at that time of final settlement.

2. *Adjustment for Education Costs.* After adjusting each hospital's Medicare and Medicaid per diem routine operating costs for inflation, we divided the per diem costs by 1.0 plus the product of the education adjustment factor (.047) and the individual hospital's adjusted intern-and-resident to bed ratio. We determined that adjusted ratio by dividing the number of full-time equivalent (FTE) interns and residents for the cost reporting period to which each per diem cost applies (see

step 4 of the "Calculation of Individual Hospital Limit") by the hospital's bed size determined at the beginning of that period to obtain the hospital's intern-and-resident to bed ratio, and dividing that ratio by .1.

Example: After adjustment for inflation, the per diem operating cost of 686-bed hospital in Los Angeles, California, is $220. The hospital employed 77 FTE interns and residents in approved teaching programs.

The per diem cost is adjusted for education costs as follows:

77 ÷ 686 = 1122, which is the intern-and-resident to bed ratio for this hospital.
.1122 ÷ .1 = 1.122 — Adjusted Ratio
$200 ÷ [1 + (.047 × 1.122)] =
$200 ÷ 1.527 = $189.99, Education-adjusted per diem cost.

The education-adjusted per diem costs are divided into labor-related and non-labor portions, adjusted by the wage index and used to calculate the group means (see steps 3 and 4 below).

3. *Use of Wage Index to Adjust Cost Data.* We divided each hospital's adjusted per diem routine operating cost into labor-related and nonlabor portions. We determined the labor-related portion of cost by multiplying each hospital's adjusted per diem routine operating cost by 79.26 percent, which is the labor-related portion of cost from the market basket. We then divided the labor-related portion of each hospital's per diem cost by the wage index applicable to the hospital's location (see Tables III.A and III.B) to arrive at an adjusted labor-related portion of routine cost.

4. *Group Means.* We calculasted separate means of routine labor-related and nonlabor operating costs for each group established in accordance with the hospitals' SMSA/NECMA or non-SMSA/non NECMA location and bed size.

5. *Components of Limit.* For each group, we multiplied the mean labor-related and mean nonlabor costs by 112 percent (see Tables I and II).

Calculation of Individual Hospital Limit

1. *Cost-of-Living Adjustment (Alaska and Hawaii Hospitals Only).* If a hospital is located in Alaska or Hawaii, the hospital's intermediary will multiply the nonlabor component for the hospital's group (see Tables I and II) by the appropriate cost-of-living adjustment factor from the list included in these tables. The intermediary will use the adjusted nonlabor component in computing the hospital's limit.

Example—Calculation of Cost-of-Living Adjusted Non-Labor Component for a 400-bed Hospital Located in Alaska.

Non-Labor Component—$30.93 (Published in Table I).

Adjustment Factor for Alaska = 1.25.

$30.93 × 1.25 = $38.66 Cost-of-Living Adjusted Non-Labor Component.

2. **Adjustment of Labor-Related Component by Wage Index.** To arrive at a labor-adjusted limit for each hospital, the hospital's Medicare intermediary will multiply the labor-related component for the hospital's group by the wage index developed from the wage levels for hospital workers in the area in which the hospital is located (see Tables III.A and III.B). The individual limit that applies to any hospital will be the sum of the nonlabor component, plus the adjusted labor-related component, unless the hospital also qualifies for one or more of the adjustments described in steps 3, 4, and 5 below. Example—Calculation of Adjusted Limit for a 686-bed Hospital Located in Los Angeles, California.

Non-Labor Component—$33.42 (published in Table I).

Labor-related Component—$109.92 (published in Table I).

SMSA Wage Index—1.2899 (published in Table III.A).

Computation of Adjusted Limit.

$109.92 × 1.2899 (wage index) = $141.79—Adjusted Labor Component.

$141.79 + $32.42 = $174.21—Adjusted Limit.

The wage indices for each SMSA/NECMA area and for the non-SMSA/non-NECMA areas of each State are published in Tables III.A and III.B.

3. *Adjustment for Covered Days of Care.* If a hospital is located in a State that is entitled to a covered days of care adjustment (see Table IV) the intermediary will determine the adjusted limit for the hospital, and multiply that limit by the applicable factor from Table IV. Example—A 686-bed hospital in Los Angeles, California has an adjusted Medicare limit of $174.21. The adjustment factor from Table IV is 1.06483.

Adjusted limit $174.21 × Adjustment factor 1.06483 = $185.50, which is the hospital's limit after application of the covered days of care adjustment.

4. *Education Cost Adjustment.* If a hospital has a graduate medical education program approved under 42 CFR 405.421, the intermediary will increase the hospital's limit by 4.7 percent for each .1 increase (above zero) in the hospital's ratio of full-time equivalent (FTE) interns and residents (in approved programs) to its bed size. The hospital will report to its intermediary, 45 days before the start of each cost reporting period, the number of FTE interns and residents it employed on the September 30 immediately preceding the date on which this report is due. The intermediary will calculate the amount of the education cost adjustment based on that report, and will adjust the hospital's limit retroactively at final settlement if, for a cost reporting year, a hospital actually employed more or fewer FTE interns and residents on September 30 of that period than the number it reported.

The number of full-time equivalent interns and residents is the sum of:

a. Interns and residents employed for 35 hours or more per week, and

b. One half of the total number of interns and residents working less than 35 hours per week (regardless of the number of hours worked).

For purposes of this adjustment, a hospital will be allowed to count only interns and residents in teaching programs approved under 42 CFR 405.421 who are employed at the hospital. Interns and residents in unapproved programs and those who are on the hospital's payroll but furnish services at another site will not be taken into account in making this adjustment.

Example—A 686-bed hospital in Los Angeles, California has an adjusted limit of $185.50 for the cost reporting period beginning July 1, 1981. The hospital employed 77 FTE interns and residents in approved teaching programs on September 30, 1980.

77 ÷ 686 = .1122 Ratio of FTE Interns and Residents to Beds
Ratio .1122 ÷ .1 = 1.122 Adjusted ratio
The Education Adjustment Factor is .047.

Adjusted Medicare limit $185.50 × [1 + (Education Adjustment Factor .047 × adjusted ratio 1.122)] = $185.50 × 1.0527 = $195.28 Education-adjusted Medicare limit.

If the number of FTE interns and residents the hospital employs on September 30, 1982, is more or less than 77, the intermediary will adjust the hospital's limit at the time of final settlement of the hospital's cost report.

5. *Adjustment for Cost Reporting Year.* If a hospital has a cost reporting period beginning on or after August 1, 1981, the intermediary will increase the limit that would otherwise apply to the hospital by the factor from Table V that corresponds to the month and year in which the cost reporting period begins. Each factor represents the monthly increase that we derived by dividing the projected annual increase in the market basket index by twelve. This adjustment is needed to account for price increases that occur after the date on which the limits are effective.

Example—A 686-bed hospital in Los Angeles, California has a cost reporting period that begins January 1, 1982.

The otherwise applicable limit for the hospital is $195.28.

Computation of Revised Hospital Limit

Individual Hospital Adjusted Limit—$195.28

Adjustment factor from Table V—1.0475

Adjusted Limit $195.28 × Adjustment factor 1.0475 = Revised Medicare limit $204.56.

If a hospital uses a cost reporting period that is not 12 months in duration, a special calculation of the adjustment factor must be made. This results from the fact that projections are computed to the midpoint of a cost reporting period and the adjustment factors in Table V are based on an assumed 12 month reporting period. For cost reporting periods other than 12-months, the calculation must be done specifically for the midpoint of the cost reporting period. The hospital's intermediary will obtain this adjustment factor from HCFA.

Schedule of Limits

Under the authority of section 1861(v) of the Social Security Act, the following per diem limits will apply to hospital inpatient general routine operating costs that may be reimbursed under Medicare for cost reporting periods beginning on or after July 1, 1981. Medicare fiscal intermediaries will compute the adjusted limits for hospitals that participate in Medicare using the methodology set forth in this notice, and will notify each hospital of its applicable limit. These limits, as adjusted by the cost reporting year adjustment factors in Table V, will remain in effect until replaced by a revised schedule of limits published in a final notice in the **Federal Register.**

Table I.—*Hospitals Located in SMSA (NECMA)* [1]

Bed size	Labor-related component	Nonlabor component
Less than 100	$113.43	31.43
100 to 404	109.51	30.93
405 to 684	105.45	29.77
685 and above	109.92	32.42

Table II.—*Hospitals Located in Non-SMSA (Non-NECMA) Areas* [1]

Bed size	Labor-related component	Nonlabor component
Less than 100	$107.67	26.90
100 to 169	102.93	26.06
170 and above	98.47	25.36

[1] Nonlabor components for hospitals located in the States of Alaska and Hawaii will be increased by multiplying them by the following cost-of-living adjustment factors:

Location	Adjustment factor
Alaska	1.25
Hawaii:	
Oahu	1.15
Kauai	1.15
Maloka	1.125
Maui and Lanai	1.15
Hawaii	1.10

Table IIIA.—*Wage Index for SMSA and NECMA Areas*

SMSA area	Wage index
Abilene, TX	.8485
Akron, OH	1.0417
Albany, GA	.8566
Albany-Schenectady-Troy, NY	.9824
Albuquerque, NM	1.0009
Alexandria, LA	.8964
Allentown-Bethlehem-Easton, PA-NJ	1.0569
Altoona, PA	1.0219
Amarillo, TX	.9233
Anaheim-Santa Ana-Garden Grove, CA	1.2115
Anchorage, AK	1.5461
Anderson, IN	.9812
Ann Arbor MI	1.2175
Anniston, AL	.8400
Appleton-Oshkosh, WI	1.0124
Asheville, NC	.9578
Atlanta, GA	.9162
Atlantic City, NJ	1.0174
Augusta, GA-SC	.9237
Austin, TX	.9859
Bakersfield, CA	1.1223
Baltimore, MD	1.1698
Baton Rouge, LA	.8813
Battle Creek, MI	1.0229
Bay City, MI	1.1238
Beaumont-Port Arthur-Orange, TX	.8530
Billings, MT	[1] .9496
Biloxi-Gulfport, MS	.8143
Binghamtom, NY-PA	.8789
Bermingham, AL	.9658
Bismarck, ND	.9032
Bloomington, IN	[1] .9481
Bloomington-Normal, IL	.8484
Boise City, ID	.9834
Boston-Lowell-Brockton-Lawrence-Haverhill, MA-NH	1.1214
Bradenton, FL	[1] .8631
Bridgeport-Stamford, Norwalk-Danbury, CT	1.1647
Brownsville-Harlingen-San Benito, TX	.8312
Bryan-College Station, TX	.8377
Buffalo, NY	.9926
Burlington, NC	.8869
Canton, OH	.9447
Cedar Rapids, IA	[1] .9193
Champaign-Urbana-Rantoul, IL	1.1197
Charleston-North Charleston, SC	.9751
Charleston, WV	1.0628
Charlotte-Gastonia, NC	.8456
Chattanooga, TN-GA	1.0226
Chicago, IL	1.1780
Cincinnati, OH-KY-IN	1.0614
Clarksville-Hopkinsville, TN-KY	.8297
Cleveland, OH	1.1957

Table IIIA.—*Wage Index for Urban Areas*

SMSA area	Wage index
Boise City, ID	.9834
Boston-Lowell-Brockton-Lawrence-Haverhill, MA-NH	1.1214
Bradenton, FL	[1] .8631
Bridgeport-Stamford, Norwalk-Danbury, CT	1.1647
Brownsville-Harlingen-San Benito, TX	.8312
Bryan-College Station, TX	.8377
Buffalo, NY	.9926
Burlington, NC	.8869
Canton, OH	.9447
Cedar Rapids, IA	[1] .9193
Champaign-Urbana-Rantoul, IL	1.1197
Charleston-North Charleston, SC	.9751
Charleston, WV	1.0628
Charlotte-Gastonia, NC	.8456
Chattanooga, TN-GA	1.0226
Chicago, IL	1.1780
Cincinnati, OH-KY-IN	1.0614
Clarksville-Hopkinsville, TN-KY	.8297
Cleveland, OH	1.1957
Colorado Springs, CO	.9743
Columbia, MO	1.1712
Columbia, SC	.9743
Columbus, GA-AL	.9021
Columbus, OH	1.1184
Corpus Christi, TX	.9337
Dallas-Fort Worth, TX	.9403
Davenport-Rock Island-Moline, IA-IL	.9219
Dayton, OH	1.1064
Daytona Beach, FL	.9423
Decatur, IL	.9096
Denver-Boulder, CO	1.0960
Des Moines, IA	1.0156
Detroit, MI	1.2280
Dubuque, IA	.9426
Duluth-Superior, MN-WI	.9193
Eau Claire, WI	.9606
El Paso, TX	.8714
Elkhart, IN	[1] .7997
Elmira, NY	.9642
Enid, OK	.8226
Erie, PA	.9652
Eugene-Springfield, OR	.9639
Evansville, IN-KY	1.0742
Fargo-Moorhead, ND-MN	.9355
Fayetteville, NC	[1] .8353
Fayetteville-Springdale, AR	.7997
Flint, MI	1.1919
Florence, AL	.8056
Fort Collins, CO	.8353
Fort Lauderdale-Hollywood, FL	1.0506
Fort Myers, FL	.9391
Fort Smith, AR-OK	.8899
Fort Wayne, IN	.8861
Fresno, CA	1.1265
Gadsen, AL	.9264
Gainesville, FL	.9019
Galveston-Texas City, TX	1.0607
Gary-Hammond-East Chicago, IN	1.1664
Grand Forks, ND-MN	.8779
Grand Rapids, MI	.9463
Great Falls, MT	[1] .9162
Greeley, CO	[1] .9312
Green Bay, WI	.9740
Greensboro-Winston-Salem-High Point, NC	.9232
Greenville-Spartanburg, SC	.9371
Hamilton-Middleton, OH	1.0620
Harrisburg, PA	.0534
Hartford-New Britain-Bristol, CT	1.1535
Honolulu, HI	1.11645
Houston, TX	1.0630
Huntington-Ashland, WV-KY-OH	.9270
Huntsville, AL	.8593
Indianapolis, IN	1.0507
Iowa City, IA	1.0209
Jackson, MI	[1] 1.0173
Jackson, MS	.8699
Jacksonville, FL	.9331
Janesville-Beloit, WI	.8579
Jersey City, NJ	1.1180
Johnson City-Kingsport-Bristol, TN-VA	.8777
Johnstown, PA	1.0445
Kalamazoo-Portage, MI	1.1695
Kankakee, IL	1.0073
Kansas City, MO-KS	.9399
Kenosha, WI	[1] 1.0778
Killeen-Temple, TX	.8868
Knoxville, TN	.9100
Kokomo, IN	.9828
La Crossse, WI	[1] .9016
Lafayette, LA	.8622
Lafayette-West Lafayette, IN	.9141
Lake Charles, LA	.8706
Lakeland-Winter Haven, FL	.9749
Lancaster, PA	1.0674
Lansing-East Lansing, MI	1.0811
Laredo, TX	[1] .8593
Las Cruces, NM	[1] .8129
Las Vegas, NV	1.1884
Lawrence, KS	[1] .9193
Lawton, OK	[1] .8377
Lewiston-Auburn, ME	[1] .8899
Lexington-Fayette, KY	.9016
Lima, OH	.9932
Lincoln, NE	.9259
Little Rock-North Little Rock, AR	1.0205
Long Branch-Asbury Park, NJ	1.0648
Longview, TX	.8129
Lorain-Elyria, OH	1.0207
Los Angeles-Long Beach, CA	1.2899

Table IIIA.—*Wage Index for Urban Areas*—Continued

SMSA area	Wage index
Louisville, KY–IN	.9915
Lubbock, TX	.9042
Lynchburg, VA	.8876
Macon, GA	.9637
Madison, WI	1.0257
Manchester-Nashua, NH	.9352
Mansfield, OH	.9196
McAllen-Pharr-Edinburg, TX	.8185
Melbourne-Titusville-Cocoa, FL	.9374
Memphis, TN–AR–MS	1.0371
Miami, FL	1.1050
Midland, TX	[1] .9141
Milwaukee, WI	1.0080
Minneapolis-St. Paul, MN–WI	.9502
Mobile, AL	.9416
Modesto, CA	1.0250
Monroe, LA	.9451
Montgomery, AL	.9626
Muncie, IN	[1] .9852
Muskegon-Norton Shores-Muskegon Heights, MI	.9656
Nashville-Davidson, TN	1.0187
Nassau-Suffolk, NY	1.2758
New Bedford-Fall River, MA	.9687
New Brunswick-Perth Amboy-Sayreville, NJ	1.0409
New Haven-Waterbury-Meriden, CT	1.0990
New London-Norwich, CT	1.0903
New Orleans, LA	.9644
New York, NY–NJ	1.3956
Newark, NJ	1.2099
Newport News-Hampton, VA	.8907
Norfolk-Virginia Beach-Portsmouth, VA–NC	.9496
Northeast Pennsylvania	1.0596
Odessa, TX	[1] .9496
Oklahoma City, OK	.9252
Omaha, NE–IA	.9365
Orlando, FL	.9087
Owensboro, KY	[1] .8364
Oxnard-Simi Valley-Ventura, CA	1.3788
Panama City, FL	[1] .8777
Parkersburg-Marietta, WV–OH	1.0461
Pascagoula-Moss Point, MS	[1] 1.1535
Paterson-Clifton-Passaic, NJ	1.0959
Pensacola, FL	.8841
Peoria, IL	1.0175
Petersburg-Colonial Heights-Hopewell, Va	.9484
Philadelphia, PA–NJ	1.1810
Phoenix, AZ	1.1100
Pine Bluff, AR	[1] .7997
Pittsburgh, PA	1.1275
Pittsfield, MA	1.0275
Portland, ME	.9718
Portland, OR–WA	1.1026
Poughkeepsie, NY	1.0778
Providence-Warwick-Pawtucket, RI	1.0314
Provo-Orem, UT	.9454
Pueblo, CO	1.0969
Racine, WI	.9240
Raleigh-Durham, NC	1.0173
Rapid City, SD	[1] .8680
Reading, PA	1.0101
Reno, NV	[1] 1.2428
Richland-Kennewick, WA	.9763
Richmond, VA	.9252
Riverside-San Bernadino-Ontario, CA	1.1729
Roanoke, VA	.9614
Rochester, MN	.9852
Rochester, NY	1.0653
Rockford, IL	.9696
Sacramento, CA	1.1396
Saginaw, MI	1.1279
St. Cloud, MN	.8680
St. Joseph, MO	.9749
St. Louis, MO–IL	.9977
Salem, OR	1.1083
Salinas-Seaside-Monterey, CA	1.2428
Salt Lake City-Ogden, UT	.8550
San Angelo, TX	[1] .8364
San Antonio, TX	.9509
San Diego, CA	1.1113
San Francisco-Oakland, CA	1.3153
San Jose, CA	1.3055
Santa Barbara-Santa Maria-Lompoc, CA	1.0552
Santa Cruz, CA	1.0811
Santa Rosa, CA	1.4037
Sarasota, FL	.8554
Savannah, GA	.9414
Seattle-Everett, WA	1.0500
Sherman-Denison, TX	.8277
Shreveport, LA	.9292
Sioux City, IA–NE	.9306
Sioux Falls, SD	.8544
South Bend, IN	.9154
Spokane, WA	1.0921
Springfield, IL	.9873
Springfield, MO	.8933
Springfield, OH	.9821
Springfield-Chicopee-Holyoke, MA	1.0184
Steubenville-Weirton, OH–WV	.9689
Stockton, CA	1.3046
Syracuse, NY	1.3209
Tacoma, WA	1.0514
Tallahassee, FL	[1] .9219
Tampa-St. Petersburg, FL	.9898
Terre Haute, IN	.8644
Texarkana-TX-Texarkana, AR	1.0929
Toledo, OH–MI	1.1157
Topeka, KS	1.0602
Trenton, NJ	1.1708
Tucson, AZ	.9977
Tulsa, OK	.9626
Tuscaloosa, AL	1.0142
Tyler, TX	.9481
Utica-Rome, NY	1.0145
Vallejo-Fairfield-Napa, CA	1.5862
Vineland-Millville-Bridgeton, NJ	1.0083
Waco, TX	.8593
Washington, DC–MD–VA	1.1456
Waterloo-Cedar Falls, IA	.8631
West Palm Beach-Boca Raton, FL	.9832
Wheeling, WV–OH	.9921
Wichita, KS	1.0248
Wichita Falls, TX	.8282
Williamsport, PA	.9749
Wilmington, DE–NJ–MD	1.0898
Wilmington, NC	.8936
Worcester-Fitchburg-Leominster, MA	.9703
Yakima, WA	.9523
York, PA	.9684
Youngstown-Warren, OH	1.1090

[1] Approximate value for area.

Table IIIB.—*Wage Index for Rural Areas*

Non-SMSA area	Wage index
Alabama	.8960
Alaska	1.5579
Arizona	1.0289
Arkansas	.8686
California	1.2415
Colorado	.8990
Connecticut	1.1552
Delaware	1.0370
Florida	.9517
Georgia	.9463
Hawaii	1.3362
Idaho	.9669
Illinois	.9180
Indiana	.9763
Iowa	.9220
Kansas	.8973
Kentucky	.9207
Louisiana	.9216
Maine	.9926
Maryland	1.1028
Massachusetts	1.1722
Michigan	1.1325
Minnesota	.9052
Mississippi	.8751
Missouri	.9156
Montana	.9561
Nebraska	.8130
Nevada	1.0790
New Hampshire	1.0971
New Jersey	1.0820
New Mexico	1.0073
New York	1.0327
North Carolina	.9917
North Dakota	.9045
Ohio	1.0086
Oklahoma	.9111
Oregon	1.0673
Pennsylvania	1.1358
Rhode Island	([1])
South Carolina	.9180
South Dakota	.7990
Tennessee	.8779
Texas	.8979
Utah	.8499
Vermont	.9993
Virginia	.9792
Washington	1.0465
West Virginia	1.0111
Wisconsin	.9179
Wyoming	1.0402

[1] Not applicable. All of Rhode Island is classified as urban.

Table IV.—*Adjustment to Limits Based on Areas With Covered Days of Care Per 1,000 HI Enrollees Less Than the National Average (1979 Data)*

State	Adjustment factor
Alaska	1.06577
Arizona	1.04813
California	1.06483
Colorado	1.00420
Connecticut	1.02302
Florida	1.01248
Georgia	1.01559
Hawaii	1.10006
Idaho	1.08364
Montana	1.04632
Nevada	1.02016
New Hampshire	1.02357
New Mexico	1.05796
Oregon	1.10056
Rhode Island	1.00912
South Carolina	1.02003
Utah	1.13128
Washington	1.10009

The published limit will be increased so that hospitals in States with low utilization per 1,000 HI enrollees would receive higher per diem limits.

Sources of data: Medicare inpatient covered days of care for short stay hospitals for 1979, by State: HCFA, Office of Research, Demonstrations and Statistics, Current Utilization Tabulations as of June 27, 1980—Table AA4A—Total—Number of Bills, Days of Care, Amount of Covered Charges and Reimbursement by Period Expense Incurred.

Number of Medicare beneficiaries, by State: HCFA, Office of Research, Demonstrations and Statistics, Medicare: 1979, Table 1.1.1., Enrollment (July 1) and reimbursement for hospital and medical insurance by census region, division, and State of residence: All persons, unpublished.

Table V.—*Cost Reporting Year Adjustment Factors* [1]

If the hospital cost reporting period begins	The adjustment factor is
August 1, 1981	1.0079
September 1, 1981	1.0158
October 1, 1981	1.0238
November 1, 1981	1.0317
December 1, 1981	1.0396
January 1, 1982	1.0475

Table V.—*Cost Reporting Year Adjustment Factors* [1]—Continued

If the hospital cost reporting period begins	The adjustment factor is
February 1, 1982	1.0554
March 1, 1982	1.0633
April 1, 1982	1.0713
May 1, 1982	1.0792
June 1, 1982	1.0871
July 1, 1982	1.0950
August 1, 1982	1.1029
September 1, 1982	1.1108

[1] Based on projected market basket inflation rates of 9.5 percent for 1982, and 9.5 percent for 1983. These adjustment factors are subject to change based on later estimates of cost increases.

If, for any reason, we do not publish a new schedule of limits to be effective on October 1, 1982, or do not announce other changes in the current schedule by that date, the current limits will continue in effect, with the adjustment factor increased by .007917 (corresponding to .7917 percent) per month, until a new schedule of limits or other provision is issued.

Appendix.—*Derivation of "Market Basket" Index for Routine Inpatient Hospital Operating Costs*

Category of costs	Relative importance,[1] 1979	Forecaster,[2] percent changes 1980–83	"Price" variable used
1. Wages and salaries	$59.41	DRI–CFS	For the period calendar year 1980 and thereafter: Percentage change in average hourly earnings of hospital industry workers (SIC 806).[3] Source: U.S. Department of Labor, Bureau of Labor Statistics, *Employment and Earnings*, (monthly) Table C–2.
2. Employee benefits	8.13	DRI–MM	Percentage change in supplements to wages and salaries per worker in nonagricultural establishments. Sources: For supplements to wages and salaries—U.S. Department of Commerce, Bureau of Economic Analysis, *Survey of Current Business* (monthly) table 7 (1.12). July issue has detailed components. For total employment—U.S. Dept. of Labor, Bureau of Labor Statistics *Employment and Earnings*, (monthly) table B–4.
3. Professional fees, other (legal, auditing, consulting, etc.).[4]	49	DRI–MM	Percentage change in hourly earnings index for production or nonsupervisory workers on private nonagricultural payrolls, total private Source: U.S. Dept. of Labor, Bureau of Labor Statistics, *Monthly Labor Review*, (monthly), table 15.
4. Malpractice insurance premiums	2.09	HHS, HCFA	Percentage change in hospital malpractice insurance premiums per hospital. Data obtained from the American Hospital Association for the period 1967–1978. HHS, Health Care Financing Administration projected these data for 1979–1981
5. Food	5.99	DRI–MM	A. Percentage change in food and beverages component of consumer prices index, all urban (relative importance, 3.02). Sources: U.S. Dept. of Labor, Bureau of Labor Statistics, *Monthly Labor Review*, table 23.
		DRI–MM	B. Percentage change in processed foods and feeds component of producer price index (relative importance, 2.97). Source: U.S. Dept. of Labor, Bureau of Labor Statistics, *Monthly Labor Review*, table 27.
6. Fuel and other utilities	3.33	DRI–MM	A. Percentage change in implicit price deflator—consumption of fuel oil and coal (derived from fuel oil component of consumer price index) (relative importance, 1.43). Source: U.S. Dept. of Commerce, Bureau of Economic Analysis, *Survey of Current Business*, (monthly) table 7.11
		DRI–MM	B. Percentage change in implicit price deflator—consumption of electricity (derived from electricity component of consumer price index) (relative importance, .83) Source: U.S. Dept. of Commerce, Bureau of Economic Analysis Unpublished data provided to Data Resources Inc. by the Bureau of Economic Analysis. Historical time series data are available from the Health Care Financing Administration or the Bureau of Economic Analysis.
		DRI–MM	C. Percentage change in implicit price deflator for natural gas, derived from utility (piped) gas component of consumer price index (relative importance, .69). Source: Same as electricity above.
		DRI–CFS	D. Percentage change in water and sewerage maintenance component of consumer price index (relative importance, .38). Source: U.S. Dept. of Labor, Bureau of Labor Statistics, *Monthly Labor Review*, table 23.

Appendix.—*Derivation of "Market Basket" Index for Routine Inpatient Hospital Operating Costs*—Continued

Category of costs	Relative importance,[1] 1979	Forecaster,[2] percent changes 1980-83	"Price" variable used
7 Drugs	1 32	DRI-CFS	Percentage change in pharmaceutical preparations, ethical component of producer price index Source: U.S. Dept. of Labor, Bureau of Labor Statistics, *Producer Prices and Price Indexes* (monthly), table 6
8 Chemicals and cleaning products	2 53	DRI-MM	Percentage change in chemicals and allied products component of producer price index Source: U.S. Dept. of Labor, Bureau of Labor Statistics, *Monthly Labor Review*, table 27
9 Surgical and medical instruments and supplies	1 25	DRI-CFS	Percentage change in special industry machinery and equipment component of producer price index Source: U.S. Dept. of Labor, Bureau of Labor Statistics, *Monthly Labor Review*, table 27
10 Rubber and miscellaneous plastics	1 07	DRI-MM	Percentage change in rubber and plastic products component of producer price index Source: U.S. Dept. of Labor, Bureau of Labor Statistics, *Monthly Labor Review*, table 27.
11 Business travel and motor freight	1 44	DRI-CFS	Percentage change in transportation component of consumer price index, all urban. Source: U.S. Dept. of Labor, Bureau of Labor Statistics, *Monthly Labor Review*, table 23
12 Apparel and textiles	1 72	DRI-MM	Percentage change in textile products and apparel component of producer price index Source: U.S. Dept. of Labor, Bureau of Labor Statistics, *Monthly Labor Review*, table 27.
13 Business services	3 93	DRI-MM	Percentage change in services component of consumer price index, all urban Source: U.S. Dept. of Labor, Bureau of Labor Statistics, *Monthly Labor Review*, table 23.
14 All other miscellaneous expenses	7 30	DRI-MM	Percentage change of consumer price index for all items, all urban. Source: U.S. Dept. of Labor, Bureau of Labor Statistics, *Monthly Labor Review*, table 23
Total	100.00		

[1] Routine operating cost weights for 1977 were derived from special studies by the Health Care Financing Administration using primarily data from the American Hospital Association and data from HCFA Medicare cost reports. A Laspeyres price index was constructed using 1977 weights and price variables indicated in this table. In calendar 1977 each price variable has an index value of 100.00. The "relative importance" of the routine operating cost weights changes each period in accordance with price changes for each price variable. Cost categories with relatively higher price increases get relatively higher cost weights and vice versa.

[2] DRI-CFS = Data Resources, Inc., Cost Forecasting Service, 1750 K Street, NW., Washington, D.C. 20006, (Forecast: CFS 811)

DRI-MM = Data Resources, Inc., Macro Model, 29 Hartwell Avenue, Lexington, Massachusetts 02173, (Forecast: Control 032381).

HHS-HCFA = Dept. of Health and Human Services, Health Care Financing Administration, 200 Independence Avenue, SW., Washington, D.C. 20201.

[3] For six months in 1979, the annual percentage change in average hourly earnings of service industry workers was used.

[4] Medical professional fees are included as part of nonroutine costs.

[5] This is a residual category of routine operating costs not included in the 13 specific categories above. It consists primarily of miscellaneous and unallocated items.

(Secs. 1102, 1814(b), 1861(v)(1), 1866(a), and 1871 of the Social Security Act; 42 U.S.C. 1302, 1395f(b), 1395x(v)(1), 1395cc(a), and 1395hh)

(Catalog of Federal Domestic Assistance Program No. 13.773, Medicare—Hospital Insurance)

Dated: June 2, 1981.

Carolyne K. Davis,

Administrator, Health Care Financing Administration.

Approved: June 24, 1981.

Richard S. Schweiker,

Secretary.

[FR Doc. 81-19185 Filed 6-29-81; 8:45 am]

BILLING CODE 4110-35-M

Medicare Program; Schedule of Limits on Home Health Agency Costs per Visit

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Final Notice.

SUMMARY: This notice sets forth a schedule of limits on home health agency (HHA) costs that may be reimbursed under the Medicare program. Limits are expressed as costs per visit. Although separate limits are established by type of service, we are applying them to each home health agency's total reasonable cost as a single "aggregate" limit, based on the cost limit multiplied by the agency's number of visits for each type of service. This is an annual update of the schedule and replaces the schedule published in the **Federal Register** on June 5, 1980 (45 FR 38014). It applies to cost reporting periods beginning on or after July 1, 1981, and remains in effect until superseded.

EFFECTIVE DATE: The revised schedule of limits is effective for cost reporting periods beginning on or after July 1, 1981.

FOR FURTHER INFORMATION CONTACT: Carl Slutter, 301-594-9344.

SUPPLEMENTARY INFORMATION:

Background

Section 1861(v)(1) of the Social Security Act (42 U.S.C. 1395x(v)(1)) authorizes the Secretary to set prospective limits on allowable costs incurred by a provider of services that will be reimbursed under Medicare, based on estimates of the costs necessary in the efficient delivery of needed health services. The limits may be applied to direct or indirect overall costs or to the costs incurred for specific items or services furnished by the provider. This provision of the statute is implemented under regulations at 42 CFR 405.460.

Under this authority, we have published limits on home health agency per visit costs annually since 1979. On June 5, 1980 we published in the **Federal Register** (45 FR 38014) the current schedule of limits, applicable to cost reporting periods beginning on or after July 1, 1980. These limits contained provisions related to (1) a classification system based on whether a HHA is provider-based or freestanding, and whether the HHA is located within a Standard Metropolitan Statistical Area (SMSA), a New England County Metropolitan Area (NECMA), or a non-SMSA area; (2) a "market basket" index developed from the price of goods and services purchased by HHAs; (3) adjustments to the limits by an area wage index developed from hospital wages; (4) a cost-of-living adjustment for HAAs in Alaska and Hawaii; (5) limits set at the 80th percentile; (6) calculation of per visit limits by type of service; and (7) application of the limits to each HHA in the aggregate.

In developing the limits contained in this notice, we have retained essentially the same provisions as in the current limits, as well as the same methodology. We have, however, used more current HHA cost data for calculating the limits, as well as more recent hospital wage data and projections of the rates of increase in the costs included in the HHA market basket, as specified below.

Summary of Provisions

This updated schedule of limits on home health agency costs provides for:

1. *Separate limits for provider-based and freestanding HHAs.* As in the current schedule, we have retained a classification system based on whether

a HHA is provider-based or freestanding. (A "provider-based" HHA is one that participates in Medicare as part of a hospital or skilled nursing facility complex.) In addition, agencies are classified according to whether the HHA is located within a SMSA, a NECMA or a non-SMSA. (See notice published June 18, 1980 (45 FR 41218) for a discussion of the exceptions to rules for certain New England areas. For a listing of the counties included in each SMSA or NECMA, see the notice published August 18, 1980 (45 FR 54864.)

We included separate limits for provider-based and freestanding agencies in the 1980 notice, based on a study of the effect of cost allocation on hospital-based HHAs. From this study, we determined that approximately 26 percent of the total cost reported by hospital-based agencies is attributable to Medicare cost allocation instructions that require costs to be allocated to the agency from the parent provider. Provider-based agencies are still required to use the step-down method of cost finding which allocates a disproportionate share of overhead costs from the parent facility; therefore, we have computed separate limits for provider-based and freestanding agencies. We are continuing to investigate all factors contributing to the differences in costs of freestanding and provider-based HHAs and will consider refinements to future schedules as data become available.

We received several inquiries from rehabilitation agencies requesting that we make a determination concerning their status under the provider-based/freestanding classification system. The basis for establishing separate limits for provider-based agencies is the Medicare apportionment rules. Therefore, no agency may be considered to be provider-based unless it is a part of a health care complex that is required to file a HCFA–2552 cost report (see PRM (HIM–15) § 2326.2).

2. *Use of HHA market basket index.* In the initial schedule of home health agency limits published June 1, 1979 (44 FR 31014), we obtained the inflation factors from actuarial projections of change in HHA interim reimbursement rates. Because we believe that the cost of goods and services purchased to provide home health care is a more accurate measure of inflation in the marketplace, for the July 1, 1980 schedule of limits, we developed a "market basket" price index specifically related to the home health industry. As in the current schedule, these limits are based on reported costs, adjusted from the midpoint of each provider's cost reporting period to June 30, 1980, using increase factors developed from actual historical increases in home health reimbursement. We then apply the HHA market basket index beginning July 1, 1980.

The market basket is comprised of the most common categories of HHA expenses. The categories we are using were identified through an analysis of Medicare cost reports and other available home health industry surveys. The categories of expenses are weighted according to the estimated proportion of HHA cost attributable to each category. The categories used in the market basket have not changed; however, the weights (see footnote to market basket) differ from those listed in the current schedule. The weights may change over time because of differences in the rate of increase in the various price variables. Categories with higher rates of price increases will receive higher weights and vice versa.

In developing the market basket index, we obtained historical and projected rates of increase in the resource prices for each category. The price variables and the source of the forecast for calendar years 1980 through 1982 are identified in the third and fourth columns. For further explanatory purposes, we have included below an updated market basket.

In applying the market basket index, we also provide for adjustments to be made in the limits if our forecast of economic trends proves to be erroneous. We will adjust the projected rate of increase in the market basket index to actual, if the actual rate of increase is more than 1/10 of 1 percentage point above the estimated rate. We will publish the actual rate of increase in the Federal Register and use it to adjust a HHA's limits at the time of final settlement.

Home Health Agency Input "Price" Index: Cost Categories, Weights, Forecasters and "Price" Variable Used

Cost categories	Relative [1] importance 1979	Forecaster [2] percent changes (1980–1982)	"Price" variable used
Wages and salaries	64.52		Average hourly earnings of nonsupervisory private hospital workers. (SIC 806).
		DRI–CFS	Source: U.S. Dept. of Labor, Bureau of Labor Statistics, *Employment and Earnings* (monthly) Table C–2.
Employee benefits	8.44		Supplements to wages and salaries per worker in non-agricultural establishments.
		DRI–MM	Source: U.S. Dept. of Commerce, Bureau of Economic Analysis, *Survey of Current Business* (monthly) Table 7.
Transportation	4.90		Transportation component of the Consumer Price Index, all urban.
		DRI–CFS	Source: U.S. Dept. of Labor, Bureau of Labor Statistics, *Monthly Labor Review*, Table 23.
Office costs	2.85		Services component of Consumer Price Index, all urban.
		DRI–MM	Source: U.S. Dept. of Labor, Bureau of Labor Statistics, *Monthly Labor Review*, Table 23.
Rent	1.29		Residential rent component of Consumer Price Index, all urban.
		DRI–MM, HCFA–HHS	Source: U.S. Dept. of Labor, Bureau of Labor Statistics, *Monthly Labor Review*, Table 23. *Projection*: Historical relationship of rental component of Consumer Price Index, all urban, for 1977 and 1978 to all item Consumer Price Index, all urban, projected to subsequent years.
Nonrental space occupancy costs	1.33		Composite Fuel and other Utilities Index.
		DRI–MM	Source: HHS–HCFA, Community Hospital Input Price Index.
Medical Nursing supplies and rental equipment.	2.67		After 1977: medical equipment and supplies component of the Consumer Price Index. Prior to 1978: commodities component of Consumer Price Index, all urban.
		DRI–CFS	Source: U.S. Dept. of Labor, Bureau of Labor Statistics, *Monthly Labor Review*, Table 23. *Projection*: Medical commodities component of the Consumer Price Index, all urban.
Miscellaneous	7.13		Source: U.S. Dept. of Labor, Bureau of Labor Statistics, *Monthly Labor Review*, Table 23. Consumer Price Index for all items, all urban.
		DRI–MM	Source: U.S. Dept. of Labor, Bureau of Labor Statistics, *Monthly Labor Review*, Table 23.
Contract services	6.87	HHS–HCFA	Weighted mean of price variables for items 1 through 8 above.
Total	100.00		

[1] Relative cost weights for 1976 were derived from special studies by the Health Care Financing Administration using primarily data from HCFA Medicare cost reports and data from the Council of Home Health Agencies and Community Health Services. A Laspeyres price index was constructed using 1976 weights and "price" variables indicated in this table. In calendar year 1976 each "price" variable has an index value of 100.00. The relative cost weights change overtime in accordance with "price" changes for each "price" variable. Cost categories with relatively higher "price" increases get relatively higher cost weights and vice versa.

[2] DRI–MM refers to Data Resources, Inc., Macro Model, 29 Hartwell Avenue, Lexington, Massachusetts 02173, Control 032381. DRI–CFS refers to Data Resources, Inc., Cost Forecaster Service, 1750 K Street, N.W., Washington, D.C. 20006, CFS–611.

3. *Adjustment of HHA cost data by wage index.* As in the current cost limits schedule, we are using a hospital wage index to account for area wage differences. Development of a wage index based specifically on HHA wage data is not feasible, because national employment and wage statistics needed to do so are not available from any adequate source at this time. Because the types of personnel employed by hospitals and HHAs are generally comparable, we adopted the hospital wage index as the best available proxy. We will, in the future, examine the technical feasibility of creating a HHA wage index based on data from the revised HHA cost report (See 45 FR 57126 for a discussion of the revised HHA cost report.)

We developed the wage index from hospital wage data obtained from the BLS. The data used are those for the "hospital industry", a standard BLS reporting category. The wage index we used for the revised limits is based on data for calendar year 1979, which are the latest available data. Data for 1980 will not be available until late in 1981.

To calculate this index, we first computed the average hospital wage for each SMSA or NECMA and non-SMSA/non-NECMA area. We then calculated the national average hospital wage for all SMSA or NECMA areas, and a separate national average hospital wage for all non-SMSA/non-NECMA areas. We then divided the average wage level for each area by the appropriate national average (SMSA/NECMA or non-SMSSA/non-NACMA). These calculations resulted in an index value for each SMSA or NECMA area that reflects the wage level for that area relative to the national average for all SMSA/NECMA areas, and in an index value for each non-SMSA/non-NECMA area that reflects the wage level for that area relative to the national average for all non-SMSA/non-NECMA areas (see Tables III. A and III. B).

The wage percentage used to adjust the per visit limit is 69.28 percent. In determining this wage factor for HHAs, we added an estimated wage percentage of contract service costs (4.76 percent) to the wage and salary weight shown in the market basket (64.52 percent). Home health agencies frequently contract for direct patient care services. As a result, the contract service component is expected to contain an element of salary expense. This added factor is based on an assumption, in absence of any evidence to the contrary, that the salary portion of contract services has the same weight as the wage portion in direct employment.

In addition to being based on more current data, the wage index we used for the revised limits differ in two ways from the wage index used in developing the 1980 cost limits. First, we have used approximate, rather than actual, index values for 26 areas. (These approximate values are identified by asterisks in Table III. A.) We made this change because the Bureau of Labor Statistics (BLS), which supplies the data on wages and numbers of employees that we use to calculate the wage index, has informed us that its confidentiality requirements prohibit it from disclosing actual data for areas that include fewer than three reporting units. (A reporting unit need not be a single hospital. Reporting unit is defined by BLS as the smallest unit for which data are recorded on the employer's contribution report. For example, two facilities in the same area owned by one employer could appear as one reporting unit.)

To make it possible to calculate limits for these areas, we have asked the BLS to identify the areas having wage index values numerically closest to, but not less than, the areas for which it cannot supply actual data. In the case of each area for which actual data are unavailable, we have substituted the wage index value identified by BLS as being closest to the actual value. We believe that the use of approximate rather than actual values for these areas will not affect the accuracy of the limits significantly, and will assure that no limit is reduced because actual data for its area are unavailable.

In developing the wage index used for the revised limits, we have also excluded data from Federal government hospitals. Because these hospitals typically use national pay scales, the amount they pay their employee do not necessarily reflect area wage levels. We believe excluding data from these hospitals will improve the accuracy of the wage index adjustment.

If we receive additional data from BLS that require further changes in the wage index values for certain areas, we will publish separate **Federal Register** notices that provide corrected index values for the areas affected by the changes.

We wish to note that the data used to develop the wage index were supplied by BLS, and are the most reliable data available. All hospitals are required under State unemployment compensation laws to report these data. If we discover that we, or BLS, have made any error that results in an incorrect wage index for any area, we will publish corrected indexes in the **Federal Register** and will direct the Medicare intermediaries to recalculate the limits. However, BLS has advised us that they are unable to correct any inaccuracies in the wage index that may result from a hospital's failure to report the required wage data.

Constraints inherent in the use of the BLS data prevented derivation of a wage index applicable to Puerto Rico, Guam and the Virgin Islands and none is included in the list of indices. However, a wage-index value of 1 will be assumed for applying the limits in these areas, effectively making no adjustment relative to the national average.

4. *Use of cost-of-living adjustment for Alaska and Hawaii.* To avoid disadvantaging HHAs located in Alaska and Hawaii, we have retained the cost-of-living adjustment for these States. This is an adjustment of the non-wage component of the limits that apply to these two States by the amount of the Office of Personnel Management cost-of-living differential for those States. Since we adjust the wage component by the applicable wage index, this cost-of-living adjustment applies only to the non-wage component.

5. *Limits set at the 80th percentile.* As in the 1980 notice, we are maintaining the basic service limits at the 80th percentile of each comparison group.

Each HHA's individual limits would be increased or decreased by the application of the wage index as described above.

6. *Application of limits in the aggregate.* In developing cost limits, we have relied on cost data that reflect the cost finding methods currently in use. Approximately 56.5 percent of the HHAs in our data base use a cost finding method that distributes costs to each service furnished by the agency (NLN/I-all separate, NLN II and combined PHS–NLN). However, the remainder do not. Including the latter agencies results in possible overstating or understating the costs of some services.

We are aware of this imperfection in the data base; however, we are unable to determine exactly the correct distribution of costs among the various services. Therefore, we have retained application of the limits in the aggregate. We intend, however, to consider applying limits separately to each type of service in the future as warranted by

our technical confidence in the methodology and data.

Revisions to Other Cost Limit Schedules

Under the authority in section 1861(v)(1) of the Social Security Act and the regulations at 42 CFR 405.460, we also issued annual schedules of prospective limits on hospital per diem inpatient general routine service costs from 1974 through 1978, and annual schedules of prospective limits on hospital per diem inpatient general routine operating costs, and on skilled nursing facility (SNF) inpatient routine service costs, in 1979 and 1980. The current hospital cost limit schedule was published on June 20, 1980, and is effective for cost reporting periods beginning on or after July 1, 1980 (45 FR 41868). The current SNF cost limit schedule was published on September 4, 1980, and is effective for cost reporting periods beginning on or after October 1, 1980 (45 FR 58699).

We are also publishing a revised schedule of limits on hospital costs that will be effective for cost reporting periods beginning on or after July 1, 1981, and we plan to publish a revised SNF cost limit schedule that will be effective for cost reporting periods beginning on or after October 1, 1981.

In revising the hospital cost limit schedule, we used the same general approach used in revising the HHA cost limits. That is, we retained our current methodology for developing and applying the limits, but updated the limits based on more recent data. We also plan to use this approach in updating the SNF cost limits.

Executive Order 12291

The Secretary has determined, in accordance with Executive Order 12291, that this final notice does not constitute a "major rule" because it will not: have an annual effect on the economy of $100 million or more; result in a major increase in costs or prices for consumers, any industries, any governmental agencies or any geographic regions; or have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of the United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Regulatory Flexibility Act

The Secretary certifies, under Section 605(b) of the Regulatory Flexibility Act (Pub. L. 96–354), that the revised schedule of limits set forth in this notice will not have a significant economic impact on a substantial number of small entities. The reason for the Secretary's negative certification is that the revised limits merely update the system of home health agency cost limits that is now in effect, and do not include any changes in our methodology for deriving and applying them.

Waiver of Proposed Notice and 30-Day Delay in Effective Date

As explained previously, we developed the updated limits using the same methodology that we used to develop the current limits, that were published on June 5, 1980. On February 15, 1980, we published a proposed notice that described in detail our methodology for developing and applying the limits and provided a 60-day period for public comment (45 FR 38014). In developing the current schedule, we considered all comments received in response to the February 15, 1980 notice. These comments, and our responses to them, are described in the June 5, 1980 notice. Because the methodology used for this updated schedule has previously been published for public comment, we do not believe it would be either useful or necesssary to again request public comment. Moreover, without publication of this notice, the current limits would remain in effect without adjustment for cost reporting periods beginning after June 30, since there is no provision in the current schedule for adjusting the limits for cost reporting periods that begin after that date. We believe it would be contrary to the public interest to permit this to occur. Therefore, we find good cause to waive publication of a proposed notice, and publish this notice of updated limits in final form.

In the past, we generally have attempted to allow a 30-day period between the date of publication of each cost limit schedule and the effective date of the schedule. Since prompt publication of the limits would be in the public interest, and early implementation of this schedule will benefit those HHAs that will be affected by the updated limits, there is good cause to waive the customary 30-day delay between publication of new limits and their effective date, and apply them to HHAs with cost reporting periods beginning on or after July 1, 1981.

Methodology for Determining Cost per Visit Limits

1. *Data.* The limits are determined by using actual cost per visit data obtained from the latest settled Medicare cost reports for periods ending on or before June 30, 1980. We adjusted the data from the midpoint of each HHA's cost reporting period to June 30, 1980 using factors developed from actual historical increases in home health reimbursement. We used the market basket factors to project costs from July 1, 1980 to the midpoint of the first cost reporting period to which the limits will apply. The annual percentage increases in the market basket for this projection are:

Calendar year	Percent increase
1977	7.1
1978	6.7
1979	7.6
1980 (1/1/80–6/30/80)	8.1
1980 (market basket, 7/1/80–12/31/80)	11.7
1981 (market basket)	10.8
1982 (market basket)	9.5

The forecasted rate of increase in the market basket index will be adjusted to the actual inflation rate if the actual rate of increase is more than 3/10 of 1 percentage point above the estimated rate. We will publish the actual rate of increase in the **Federal Register** and use it to adjust a home health agency's cost limit at time of final settlement.

2. *Deflation by Wage Index.* After adjustment by the market basket, each HHA's adjusted per visit cost is divided into wage and non-wage portions. We determine the wage portion of costs by using a 69.28 percent wage factor derived from the market basket weight (64.52 percent) for employee wages and salaries, plus a wage percentage (4.76 percent) of contract services. The wage portion is then divided by the wage index applicable to the HHA's location (see Tables III. A and III. B) to arrive at an adjusted wage cost. We then add this adjusted wage cost to the non-wage cost to obtain the per visit cost used to calculate the basic service limit.

3. *Basic Service Limit.* A basic service limit equal to the 80th percentile of the array was calculated for each type of service, according to the provider-based and freestanding classification and the urban or non-urban location of the group.

4. *Computing the Adjusted Limit.* To determine the wage adjusted limit applied to each service furnished by a HHA, the Medicare fiscal intermediary multiplies the wage portion of the comparison group limit by the appropriate wage index. (See Tables III A and III B.) We develop these indexes from the wage data for hospital workers in the areas in which the HHA is located. The adjusted limit which applies to each service group is the sum of the non-wage component of the basic limit, plus the adjusted wage component.

Example—Calculation of Adjusted Limit

Limit from Schedule—$46.31

Wage portion—$32.06
Nonwage portion—$14.23
Wage Index—1.0226

Computation of Adjusted Limit

$32.06 × 1.0226 (wage index) = $32.81—Adjusted Wage Portion
$32.81 + 14.23 = $47.04—Adjusted per visit limit for this HHA.

5. *Adjustment for Reporting Year.* If a HHA has a cost reporting period beginning on or after August 1, 1981, the adjusted per visit limit for each service will be revised upward by the factor from Table IV that corresponds to the month and year in which the cost reporting period begins. Each factor represents the monthly increase that we derived by dividing the projected annual increase in the market basket index by 12 and is used to account for inflation in costs that will occur after the date on which the limits become effective.

Example—HHA A's cost reporting period begins October 1, 1981. The adjusted physical therapy per visit limit for A's group is $47.04.

Computation of Revised Group Limit

Adjusted per visit limit—$47.04
1.0238 (Adjustment factor from Table IV) × $47.04 = $48.16

In this example, the revised adjusted per visit limit for physical therapy applicable to A for the cost reporting period beginning October 1, 1981, is $48.16 per visit.

If a HHA uses a cost report period that is not 12 months in duration, a special calcuation of the adjustment factor must be made. This results from the fact that projections are computed to the midpoint of a cost reporting period assuming a 12-month reporting period. For cost reporting periods other than 12 months, the calculation must be done for the midpoint of the specific cost reporting period. the HHA's intermediary will obtain this adjustment factor from HCFA.

Schedule of Limits

The schedule of limits set forth below applies to cost reporting periods beginning on or after July 1, 1981. The fiscal intermediaries will compute the adjusted limits using the wage index published in Tables III A and III B, and notify each HHA of its applicable limit. These limits, as adjusted using the methodology specified in item 5 above, will remain in effect until replaced by a revised schedule of limits published in a final notice in the **Federal Register**.

The HHA costs that are subject to the limits include the cost of medical supplies routinely furnished in conjunction with patient care. Medical supplies that are not routinely furnished in conjunction with patient care visits and are directly identifiable services to an individual patient (i.e., medical supplies for which a separate charge is made, in addition to the per visit charge) are excluded from the per visit cost if: (1) the common and established practice of comparable HHAs in the area is to charge separately for the items; (2) the HHA follows a consistent charging practice for Mediare and non-Medicare patients receiving the item; (3) generally, the item is not frequently furnished to patients; (4) the item is directly identifiable to an individual patient and its costs can be identified and accumulated in a separate cost center; and (5) the item is furnished at the direction of the patient's physician and is specificaly identified in the plan of treatment. This explanation of non-routine medical supplies is consistent with instructions for reporting the cost of these supplies on the revised HHA cost report, form HCFA-1728 (10/80). The reasonable costs of medical appliances, and of supplies that are not routinely furnished in conjunction with patient care visits, will be reimbursed without regard to the schedule of limits.

The fiscal intermediary determines the limit for each home health agency by multiplying the number of Medicare visits for each type of service furnished by the provider by the respective per visit cost limit. The sum of these amounts is compared to the home health agency's total allowable cost.

Example: Home Health Agency A, a freestanding agency located in Chattanooga, Tennessee made 5,000 skilled nursing, 1,000 physical therapy and 1,000 home health aide covered visits to Medicare beneficiaries during its 12-month cost reporting period beginning July 1, 1981.

The aggregate cost limit would be determined as follows using the wage index for Chattanooga—1.0226:

Type of visit	Visits	Per visit limits	Adjusted limits	Adjusted totals
Skilled nursing	5,000	47.19	47.93	$239,650
Physical therapy	1,000	46.31	47.04	47,040
Home health aide	1,000	35.34	35.89	35,890
Aggregate cost limit				322,580

Before the limits are applied at cost settlement, the provider's actual costs will be reduced by the amount of individual items of cost (e.g., administrative compensation, contract services) that are found to be excessive under Medicare principles of provider reimbursement. The fiscal intermediaries will review the various reported costs against such screens as the cost guidelines for physical therapy under arrangements (see 42 CFR 405.432) and against the limitation on costs that are substantially out of line with those of comparable agencies (see 42 CFR 405.451). The provider's cost will also be reduced by the amount of reimbursable costs that are not included in the limitation amount (e.g., medical appliances).

A home health agency operating as a branch or subunit (not independently certified for Medicare participation) whose main office, as of the effective date of the schedule of limits, is located in a SMSA (or within a NECMA, if in New England) will be classified as metropolitan. A home health agency whose main office is not located in a SMSA (or NECMA) will be classified non-metropolitan. (See 42 CFR 405.1202 for definition of branch office.)

State health department home health agencies with subunits are permitted to file a single combined cost report under the 7800 series of provider numbers. For these official agencies, location of the parent agency determines the applicable cost limits. A home health agency operating as a branch office of a parent agency, although located in a different area, is still classified according to the geographic location of the parent office. Branch offices are included in the cost report prepared by the parent agency since branch offices by definition are dependent on the parent agency for administrative, supervisory and other services and therefore are not independently certified.

Except as noted above, subunits of private agencies and providers in a chain organization, and other groups of providers, operating informally under a shared service agreement, must file separate cost reports. These agencies are classified according to their actual location.

Table I.—*Visit Limits for Provider-Based Home Health Agencies*

Type of visit	Limit	Wage portion	Non-wage portion
SMSA (NECMA) Location			
Skilled nursing care	62.35	43.20	19.15
Physical therapy	56.03	38.82	17.21
Speech pathology	58.88	40.79	18.09
Occupational therapy	55.71	38.60	17.11
Medical social services	56.91	39.43	17.48
Home health aide	54.13	37.50	16.63
Non-SMSA Location			
Skilled nursing care	58.15	40.29	17.86
Physical therapy	56.43	39.09	17.34
Speech pathology	(1)	(1)	(1)
Occupational therapy	(1)	(1)	(1)
Medical social services	(1)	(1)	(1)
Home health aide	50.57	35.03	15.54

[1] Insufficient data—Use basic service limits for freestanding non SMSA agencies.

Table II.—*Per Visit Limits for Freestanding Home Health Agencies* [1]

Type of visit	Limit	Wage portion	Non-wage portion
SMSA (NECMA) Location			
Skilled nursing care	47.19	32.69	14.50
Physical therapy	46.31	32.08	14.23
Speech pathology	47.83	33.14	14.69
Occupational therapy	46.95	32.53	14.42
Medical social services	55.24	38.27	16.97
Home health aide	35.34	24.48	10.86
Non-SMSA (NECMA) Location			
Skilled nursing care	48.64	33.70	14.94
Physical therapy	49.40	34.22	15.18
Speech pathology	51.05	35.37	15.68
Occupational therapy	47.43	32.86	14.57
Medical social services	53.37	36.97	16.40
Home health aide	33.46	23.18	10.28

[1] Non-wage portion of limits for HHAs located in States of Alaska and Hawaii will be increased by the following cost-of-living adjustment: Alaska, 25; Hawaii (island), —; Oahu, 15; Kauai, 15; Molokai, 12.5; Maui and Lanai, 15; Hawaii, 10.

Table III A.—*Wage Index for Urban Areas*

SMSA area	Wage index
Abilene, TX	.8485
Akron, OH	1.0417
Albany, GA	.8586
Albany-Schenectady-Troy, NY	.9824
Albuquerque, NM	1.0009
Alexandria, LA	.8954
Allentown-Bethlehem-Easton, PA-NJ	1.0569
Altoona, PA	1.0219
Amarillo, TX	.9233
Anaheim-Santa Ana-Garden Grove, CA	1.2115
Anchorage, AK	1.6461
Anderson, IN	.9612
Ann Arbor, MI	1.2175
Anniston, AL	.8400
Appleton-Oshkosh, WI	1.0124
Asheville, NC	.9675
Atlanta, GA	.9162
Atlantic City, NJ	1.0174
Augusta, GA-SC	.9237
Austin, TX	.9659
Bakersfield, CA	1.1223
Baltimore, MD	1.1696
Baton Rouge, LA	.8813
Battle Creek, MI	1.0229
Bay City, MI	1.1238
Beaumont-Port Arthur-Orange, TX	.8530
Billings, MT	[1].9496
Biloxi-Gulfport, MS	.8143
Binghamton, NY-PA	.9769
Birmingham, AL	.9558
Bismarck, ND	.9032
Bloomington, IN	[1].9481
Bloomington-Normal, IL	.8484
Boise City, ID	.9834
Boston-Lowell-Brockton-Lawrence-Haverhill, MA-NH	1.1214
Bradenton, FL	[1].8631
Bridgeport-Stamford-Norwalk-Danbury, CT	1.1647
Brownsville-Harlingen-San Benito, TX	.9312
Bryan-College Station, TX	.8377
Buffalo, NY	.9926
Burlington, NC	.8899
Canton, OH	.9447
Cedar Rapids, IA	[1].9193
Champaign-Urbana-Rantoul, IL	1.1197
Charleston-North Charleston, SC	.9751
Charleston, WV	1.0628
Charlotte-Gastonia, NC	.9456
Chattanooga, TN-GA	1.0226
Chicago, IL	1.1780
Cincinnati, OH-KY-IN	1.0614
Clarksville-Hopkinsville, TN-KY	.8397
Cleveland, OH	1.1957
Colorado Springs, CO	.9743
Columbia, MO	1.1712
Columbia, SC	.9743
Columbus, GA-AL	.9021
Columbus, OH	1.1184
Corpus Christi, TX	.9337
DAllas-Fort Worth, TX	.9403

Table III A.—*Wage Index for Urban Areas*—Continued

SMSA area	Wage index
Davenport-Rock Island-Moline, IA-IL	.9219
Dayton, OH	1.1054
Daytona Beach, FL	.9423
Decatur, IL	.9096
Denver-Boulder, CO	1.0960
Des Moines, IA	1.0156
Detroit, MI	1.2260
Dubuque, IA	.9426
Duluth-Superior, MN-WI	.9193
Eau Claire, WI	.9606
El Paso, TX	.8714
Elkhart, IN	[1].7997
Elmira, NY	.9642
Enid, OK	.8226
Erie, PA	.9612
Eugene-Springfield, OR	.9639
Evansville, IN-KY	1.0742
Fargo-Moorhead, ND-MN	.9355
Fayetteville, NC	[1].8353
Fayetteville-Springdale, AR	.7997
Flint, MI	1.1919
Florence, AL	.8056
Fort Collins, CO	.8353
Fort Lauderdale-Hollywood, FL	1.0506
Fort Myers, FL	.8391
Fort Smith, AR-OK	.8699
Fort Wayne, IN	.8681
Fresno, CA	1.1265
Gadsden, AL	.9264
Gainesville, IL	.9019
Galveston-Texas City, TX	1.0607
Gary-Hammond-East Chicago, IN	1.1664
Grand Forks, ND-MN	.8779
Grand Rapids, MI	.9463
Great Falls, MT	[1].9162
Greeley, CO	[1].9312
Green Bay, WI	.9740
Greensboro-Winston-Salem-High Point, NC	.9232
Greenville-Spartanburg, SC	.9371
Hamilton-Middleton, OH	1.0620
Harrisburg, PA	1.0534
Hartford-New Britain-Bristol, CT	1.1535
Honolulu, HI	1.1645
Houston, TX	1.0630
Huntington-Ashland, WV-KY-OH	.9270
Huntsville, AL	.8593
Indianapolis, IN	1.0507
Iowa City, IA	1.0209
Jackson, MI	[1].0173
Jackson, MS	.8699
Jacksonville, FL	.9331
Janesville-Beloit, WI	.8579
Jersey City, NJ	1.1180
Johnson City-Kingsport-Bristol, TN-VA	.8777
Johnstown, PA	1.0445
Kalamazoo-Portage, MI	1.1695
Kankakee, IL	1.0073
Kansas City, MO-KS	.9399
Kenosha, WI	[1].0778
Killeen-Temple, TX	.8868
Knoxville, TN	.9100
Kokomo, IN	.9628
La Crossee, WI	[1].9016
Lafayette, LA	.8622
Lafayette-West Lafayette, IN	.9141
Lake Charles, LA	.8706
Lakeland-Winter Haven, FL	.9749
Lancaster, PA	1.0674
Lansing-East Lansing, MI	1.0811
Laredo, TX	[1].8593
Las Cruces, NM	[1].8129
Las Vegas, NV	1.1884
Lawrence, KS	[1].9193
Lawton, OK	[1].8377
Lewiston-Auburn, ME	[1].8899
Lexington-Fayette, KY	.9016
Lima, OH	.9932
Lincoln, NE	.9259
Little Rock-North Little Rock, AR	1.0205
Long Branch-Asbury Park, NJ	1.0648
Longview, TX	.8129
Lorain-Elyria, OH	1.0207
Los Angeles-Long Beach, CA	1.2899
Louisville, KY-IN	.9915
Lubbock, TX	.9042
Lynchburg, VA	.8878
Macon, GA	.9507
Madison, WI	1.0257
Manchester-Nashua, NH	.9052
Mansfield, OH	.9196

Table III A.—*Wage Index for Urban Areas*—Continued

SMSA area	Wage index
McAllen-Pharr-Edinburg, TX	.8165
Melbourne-Titusville-Cocoa, FL	.9374
Memphis, TN-AR-MS	1.0371
Miami, FL	1.1050
Midland, TX	[1].9141
Milwaukee, WI	1.0080
Minneapolis-St. Paul, MN-WI	.9802
Mobile, AL	.9416
Modesto, CA	1.0250
Monroe, LA	.9451
Montgomery, AL	.9626
Muncie, IN	[1].9852
Muskegon-Norton Shores-Muskegon Heights, MI	.9058
Nashville-Davidson, TN	1.0187
Nassau-Suffolk, NY	1.2758
New Bedford-Fall River, MA	.9687
New Brunswick-Perth Amboy-Sayreville, NJ	1.0409
New Haven-Waterbury-Meriden, CT	1.0990
New London-Norwich, CT	1.0903
New Orleans, LA	.9644
New York, NY-NJ	1.3956
Newark, NJ	1.2099
Newport News-Hampton, VA	.8907
Norfolk-Virginia Beach-Portsmouth, VA-NC	.9496
Northeast Pennsylvania	1.0598
Odessa, TX	[1].9496
Oklahoma City, OK	.9252
Omaha, NE-IA	.9365
Orlando, FL	.9087
Owensboro, KY	[1].8364
Oxnard-Simi Valley-Ventura, CA	1.3788
Panama City, FL	[1].8777
Parkersburg-Marietta, WV-OH	1.0461
Pascagoula-Moss Point, MS	[1].1535
Paterson-Clifton-Passaic, NJ	1.0959
Pensacola, FL	.8841
Peoria, IL	1.0175
Petlersburg-Colonial Heights-Hopwell, VA	.9484
Philadelphia, PA-NJ	1.1810
Phoenix, AZ	1.1100
Pine Bluff, AR	[1].7997
Pittsburgh, PA	1.1275
Pittsfield, MA	1.0275
Portland, ME	.9718
Portland, OR-WA	1.1026
Poughkeepsie, NY	1.0778
Providence-Warwick-Pawtucket, RI	1.0314
Provo-Orem, UT	.9454
Pueblo, CO	1.0969
Racine, WI	.9240
Raleigh-Durham, NC	1.0173
Rapid City, SD	[1].8680
Reading, PA	1.0101
Reno, NV	[1]1.2428
Richland-Kennewick, WA	.9763
Richmond, VA	.9252
Riverside-San Bernadino-Ontario, CA	1.1729
Roanoke, VA	.9614
Rochester, MN	.9852
Rochester, NY	1.0653
Rockford, IL	.9696
Sacramento, CA	1.1396
Saginaw, MI	1.1279
St. Cloud, MN	.8680
St. Joseph, MO	.9749
St. Louis, MO-IL	.9977
Salem, OR	1.1083
Salinas-Seaside-Monterey, CA	1.2428
Salt Lake City-Ogden, UT	.8550
San Angelo, TX	.8364
San Antonio, TX	.9509
San Diego, CA	1.1113
San Francisco-Oakland, CA	1.3153
San Jose, CA	1.3055
Santa Barbara-Santa Maria-Lompoc, CA	1.0552
Santa Cruz, CA	1.0811
Santa Rosa, CA	1.4037
Sarasota, FL	.8554
Savannah, GA	.9414
Seattle-Everett, WA	1.0500
Sherman-Denison, TX	.8277
Shreveport, LA	.9292
Sioux City, IA-NE	.9306
Sioux Falls, SD	.8844
South Bend, IN	.9154
Spokane, WA	1.0921
Springfield, IL	.9673
Springfield, MO	.8933
Springfield, OH	.9821
Springfield-Chicopee-Holyoke, MA	1.0184

Table III A.—*Wage Index for Urban Areas*—Continued

SMSA area	Wage index
Steubenville-Weirton, OH-WV	.9689
Stockton, CA	1.3046
Syracuse, NY	1.3209
Tacoma, WA	1.0514
Tallahasee, FL	[1].9219
Tampa-St. Petersburg, FL	.9898
Terre Haute, IN	.8644
Texarkana-TX-Texarkana, AR	1.0929
Toledo, OH-MI	1.1157
Topeka, KS	1.0602
Trenton, NJ	1.1708
Tucson, AZ	.9977
Tulsa, OK	.9626
Tuscaloosa, AL	1.0142
Tyler, TX	.9481
Utica-Rome, NY	1.0145
Vallejo-Fairfield-Napa, CA	1.5862
Vineland-Millville-Bridgeton, NJ	1.0083
Waco, TX	.8593
Washington, DC-MD-VA	1.1457
Waterloo-Cedar Falls, IA	.8631
West Palm Beach-Boca Raton, FL	.9832
Wheeling, WV-OH	.9921
Wichita, KS	1.0248
Wichita Falls, TX	.8282
Williamsport, PA	.9749
Wilmington, DE-NJ-MD	1.0898
Wilmington, NC	.8936
Worcester-Fitchburg-Leominster, MA	.9703
Yakima, WA	.9323
York, PA	.9884
Youngstown-Warren, OH	1.1090

[1] Approximate value for area.

Table III B.—*Wage Index for Rural Areas*

Non-SMSA area	Wage index
Alabama	.8960
Alaska	1.5578
Arizona	1.0289
Arkansas	.8686
California	1.2415
Colorado	.9990
Connecticut	1.1552
Delaware	1.0370
Florida	.9917
Georgia	.9463
Hawaii	1.3352
Idaho	.9689
Illinois	.9180
Indiana	.9763
Iowa	.9220
Kansas	.8973
Kentucky	.9207
Louisiana	.9216
Maine	.9926
Maryland	1.1028
Massachusetts	1.1722
Michigan	1.1325
Minnesota	.9052
Mississippi	.8751
Missouri	.9156
Montana	.9561
Nebraska	.8130
Nevada	1.0790
New Hampshire	1.0971
New Jersey	1.0820
New Mexico	1.0073
New York	1.0327
North Carolina	.9917
North Dakota	.9045
Ohio	1.0066
Oklahoma	.9111
Oregon	1.0673
Pennsylvania	1.1358
Rhode Island	[1]
South Carolina	.9180
South Dakota	.7990
Tennessee	.8779
Texas	.8979
Utah	.8499
Vermont	.9993
Virginia	.9702
Washington	1.0465
West Virginia	1.0111
Wisconsin	.9179

Table III B.—*Wage Index for Rural Areas*—Continued

Non-SMSA area	Wage index
Wyoming	1.0402

[1] Not applicable. All of Rhode Island is classified as urban.

Table IV.—*Cost Reporting Year Adjustment Factors* [1]

If the HHA cost reporting period begins	The adjustment factor is
Aug. 1, 1981	1.0079
Sept. 1, 1981	1.0158
Oct. 1, 1981	1.0238
Nov. 1, 1981	1.0317
Dec. 1, 1981	1.0396
Jan. 1, 1982	1.0475
Feb. 1, 1982	1.0554
Mar. 1, 1982	1.0633
Apr. 1, 1982	1.0713
May 1, 1982	1.0792
June 1, 1982	1.0871
July 1, 1982	1.0950

[1] Based on a projected market basket inflation rate of 9.5 percent for 1982. These adjustment factors are subject to change based on later estimates of cost increases.

If, for any reason, we do not publish a new schedule of limits to be effective on July 1, 1982, or do not announce other changes in the current schedule by that date, the current limits will continue in effect, with the adjustment factor increased by .008 (corresponding to .8 percent) per month, until a new schedule of limits or other provision is issued. The adjustment factor of .008 is based on a projected market basket inflation rate of 9.6 percent for 1983.

(Sections 1102, 1814(b), 1861(v)(1), 1866(a), and 1871 of the Social Security Act; 42 U.S.C. 1302, 1395f(b), 1395x(v)(1), 1395cc(a) and 1395hh)

(Catalog of Federal Domestic Assistance Program No. 13.773, Medicare—Hospital Insurance)

Dated: June 2, 1981.

Carolyne K. Davis,

Administrator, Health Care Financing Administration.

Approved: June 24, 1981.

Richard S. Schweiker,

Secretary.

[FR Doc. 81-19184 Filed 6-29-81; 8:45 am]

BILLING CODE 4110-35-M

Medicare Program; Economic Index for Physicians' Services for the Period July 1, 1981 Through June 30, 1982

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Notice.

SUMMARY: This notice sets forth the economic index used in the calculation of prevailing charges for physicians' services under Part B of Medicare (title XVIII of the Social Security Act). The Medicare statute and regulations require that the calculation of these charges be subject to a limit based on appropriate indicators of economic changes. The economic index used for this purpose is 1.790 for the period July 1, 1981 through June 30, 1982. This is an increase of 7.96 percent over the economic index of 1.658 that was used for the previous 12 months.

EFFECTIVE DATE: July 1, 1981.

FOR FURTHER INFORMATION, CONTACT:
Paul Riesel, (301) 597-1843
or
Joseph Romano, (301) 594-1023.

SUPPLEMENTARY INFORMATION:

Background

Payment under Medicare Part B for a physician's service is based on a reasonable charge which may not exceed the lowest of (1) the physician's actual charge for the service, (2) his or her customary charge for that service, or (3) the prevailing charges of physicians for similar services in the locality. The prevailing charge for a service, before adjustment for the economic index, is calculated at the 75th percentile of physician customary charges. Section 1842(b)(3) of the Social Security Act (42 U.S.C. 1395u(b)(3)) and HCFA regulations at 42 CFR 405.504 further require that the prevailing charge for a service in a locality not exceed the level in effect for that service in the locality on June 30, 1973, except to the extent justified on the basis of appropriate indicators of economic change.

42 CFR 405.504 establishes an economic index for this purpose, consisting of two components: one measuring increases in general earnings level (attributable to factors other than increases in productivity) and the other measuring increases in expenses of the kind incurred by physicians.

Calculating the Economic Index

The Senate Finance Committee Report on Pub. L. 92-603 (1972 Amendments to the Social Security Act) explained that the index is intended to reflect inflationary trends accurately. To obtain information on income and expenses, HCFA first contracted for a national survey of 5,000 physicians. From the collected data, a research firm calculated that currently the expenses of medical practice for self-employed physicians account for approximately 40 percent of the gross income of practice, and net income accounts for approximately 60 percent.

This research firm also statistically estimated the relative expenses of

practice and arranged the data in tables. Each element of the expenses was compared to total expenses, and a weight was derived for each element. Each weight represents the ratio of the expense of each element to all the expenses of practice. (For example, currently the hourly earnings of non-supervisory personnel account for 43 percent of all the practice expenses of a self-employed physician.) We reviewed the tables and selected the set of weights that accurately reflects the existing distribution of physicians in the United States and the physicians' responses to the survey. We also verified that the estimated physician practice expenses are approximately 40 percent of the gross income of practice.

Items 1 through 6 in Table 1 below are the elements used in computing the increase in the physicians' expenses component of the economic index. Item 9, the net income component, is derived from information contained in items 7 and 8 and reflects increases in general earnings levels exclusive of productivity increases.

The principal source of the remaining data used is the data on labor statistics for calendar year 1980 as set forth in the Current Labor Statistics section of the April 1981 issue of *The Monthly Labor Review*, published by the U.S. Department of Labor. The increase for each element and component from 1979 to 1980 was calculated on the basis of these data and their weighted values were summed. This yielded an aggregate increase factor of 1.0926 (see Table 1). That factor, multiplied by the economic index for the period ending June 30, 1981, (see 45 FR 43475, June 27, 1980) adjusted as explained below (1.6386), resulted in the new economic index of 1.790. This means that the prevailing charges for physicians' services to be used during the 12-month period beginning July 1, 1981, may not exceed the prevailing charges in effect on June 30, 1973 by more than 79.0 percent.

Because the Bureau of Labor Statistics has periodically retroactively revised some of the statistics and data on which earlier economic indexes were based, it was necessary for us to recompute some of the values and ratios for earlier years in order to obtain an accurate index for the current year. As a result, the economic index for July 1, 1980 through June 30, 1981 was adjusted from 1.658 to 1.6386. Table 2 sets forth the revised values for that year and the preceding years.

It should be noted that, although we have recalculated prior year indexes, this does not change the applicability of the earlier indexes as published. Rather, prior year figures were recalculated only to reflect newly available data in order to prepare an accurate index for the period beginning July 1, 1981. Thus, the effective increase in the economic index is 7.96 percent above the index used for the previous 12-month period.

Table 1.—*Calculation of the Increase Factor for the Period July 1981 Through June 1982 To Be Applied to the Revised Economic Index for the Prior 12-Month Period*

	Ratio of 1980 values to 1979 values	Weight (pct)[1]
1. Hourly earnings of nonsupervisory workers in finance, insurance, and real estate	1.0988	0.43x40
2. Housing component of the consumer price index	1.1569	25x40
3. Private transportation component of the consumer price index	1.1747	07x40
4. Drugs and pharmaceutical component of the producer price index	1.0941	10x40
5. All other miscellaneous expenses (tied to the entire consumer price index)	1.1346	04x40
6. Premiums for malpractice insurance	[2] 1.0526	11x40
7. Average weekly earnings of production and nonsupervisory workers	1.0720	
8. Index of output per man hour of employed nonfarm workers	.9939	
9. Change in average weekly earnings net of change in output per man hour	1.0786	60
Increase factor of the economic index over the prior 12-month period	1.0926	

[1] The weights, including the malpractice component, were derived from a study done for HCFA by a research firm in 1981. The last previous revision of the weights occurred in 1980. The revised weights from the 1981 study reflect more recent data from a sample of physicians than were available previously.

[2] Derived from a survey of several major insurers.

Table 2.—*Determination of the Economic Index for the Period July 1981 Through June 1982*

12-month period ending June 30—	Economic index for the period adjusted for revision in BLS statistics since the announcement[1]
1976	1.1761
1977	1.2583
1978	1.3294
1979	1.4098
1980	1.5168
1981	1.6386
1982	1.7903

[1] See text for explanation.

Impact Analyses

Executive Order 12291

This notice announces the economic index which recognizes increases in physicians' prevailing charges due to inflation. We estimate that updating the index will increase Medicare payments to physicians by approximately $225 million for the 1982 fee screen year (July 1981 through June 1982).

Under Executive Order 12291, any rule that has an impact on the economy of $100 million or more (a major rule) requires a Regulatory Impact Analysis. That analysis must include a description of the potential benefits of the rule, the potential costs (including any adverse effects that cannot be quantified in monetary terms), a determination of the potential net benefits, a discussion of alternative approaches that could achieve the same goal at lower cost (with an analysis of potential benefits and costs), and an explanation of the legal reasons why such alternatives could not be adopted. This analysis must be submitted to the Director of the Office of Management and Budget (OMB) at least 60 days before publication of a major rule. However, the requirement to prepare an analysis does not apply to cases in which the requirements of the Order would conflict with statutory or judicial deadlines (section 8(a)(2) of the Order).

As indicated in the Supplementary Information, this notice is prepared in response to a statutory provision (section 1842(b)(3) of the Social Security Act) requiring an updating of the June 30, 1973 prevailing charge levels to reflect economic changes. The statute also refers to the 12-month period beginning July 1 of each year as the period for which prevailing charges are applied. The statute is implemented by computing an economic index as described above and applying that figure to determinations of prevailing charges for the 12-month period beginning each July 1. Because the data on which we base our computations for the update of the economic index are not available until April of each year, we could not prepare a regulatory analysis for submittal to OMB 60 days before publication and still publish the index timely.

Medicare beneficiaries, physicians participating in the Medicare program, and our carriers (private contractors who process Medicare claims) depend on timely updating of the economic index. Physicians expect that Medicare reimbursement will increase annually to account for inflation. We believe that if we were to delay the inflation adjustment, fewer physicians would be willing to accept assignment. (A physician who accepts assignment under Medicare agrees that the reasonable charge determined by the Medicare carrier will be the physician's full charge for the service.) If a physician does not accept assignment, an additional financial burden falls on beneficiaries who are then responsible for payment of amounts above Medicare's reasonable charges. Under these circumstances, any increase in a physician's charge to reflect inflation would be the financial responsibility of the beneficiary.

In addition, failure to publish the index timely may also injure Medicaid beneficiaries in some States. Because Medicaid payments may not exceed the reasonable charges under Medicare (section 1902(a)(30) of the Social Security Act), some physicians may be deterred from furnishing services to Medicaid beneficiaries, if increases in Medicaid reimbursement are prevented by a delay in the updating of the economic index.

We conclude that the exemption under section 8(a)(2) of Executive Order 12291 applies to this notice, and that it is impracticable for HCFA to prepare a Regulatory Impact Analysis for this notice.

The Regulatory Flexibility Act

Section 605(b) of Pub. L. 96–354 (The Regulatory Flexibility Act of 1980) requires Federal agencies to prepare and make public a regulatory flexibility analysis when final rules would have a significant economic impact on a substantial number of small entities.

As indicated above, this notice recognizes only inflationary increases in medical practice expenses and income. There is no reason to believe that this notice will cause a significant economic impact on small entities. In addition, it represents only a technical updating as required by the statute. Accordingly, we believe that a regulatory flexibility analysis is not required.

(Section 1102, 1832, 1838, 1842(b)(3), and 1871 of the Social Security Act (42 U.S.C. 1302, 1395k, 1395l, 1395u, and 1395hh))

(Catalog of Federal Domestic Assistance Program No. 13.774, Medicare—Supplementary Medical Insurance)

Dated: June 10, 1981.

Carolyne K. Davis,

Administrator, Health Care Financing Administration.

[FR Doc. 81-19127 Filed 6-29-81; 8:45 am]

BILLING CODE 4110-35-M

Medicaid Management Information Systems Performance Standards

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Notice with Comment Period.

SUMMARY: This notice contains performance standards (review elements and factors). We are required by section 1903(r)(6)(E) of the Social Security Act to notify all States of proposed procedures, standards, and other requirements at least one quarter prior to the fiscal year in which the procedures, standards, and other requirements will be used for Medicaid Management Information Systems reapproval reviews. This Notice meets that statutory requirements.

By October 1, 1981, we will use the performance standards and existing systems requirements when conducting the annual review of State system performance.

Comment: under 42 CFR 433.115, we will consider any comments mailed by August 31, 1981, and revise the standards, if necessary. We will respond to the comments and then publish the standards in the Medical Assistance Manual.

ADDRESSES: Please address your comments in writing to: Administrator, Health Care Financing Administration, Department of Health and Human Services, P.O. Box 17076, Baltimore, MD 21235.

If you prefer, you may deliver your comments to Room 309–G, Hubert H. Humphrey Building, 200 Independence Avenue, S.W., in the District; or to Room 789, East High Rise Building, 6325 Security Boulevard, in Baltimore.

In commenting, please refer to file code BPO–10–NC.

Comments will be available for public inspection, beginning approximately 2 weeks from today in Room 309–G of the Department's offices at 200 Independence Avenue, S.W., in Washington, D.C., on Monday through Friday of each week from 8:30 a.m. to 5:00 p.m. (telephone 202–245–7890).

FOR FURTHER INFORMATION CONTACT: Newton Dikoff, 301–594–8190.

SUPPLEMENTARY INFORMATION:

Background

Section 1903(a)(3) of the Social Security Act authorizes Federal matching funds at 75 percent for the operation of approved Medicaid Management Information Systems (MMIS), which are mechanized claims processing and information retrieval systems designed in accordance with basic Federal guidelines. The purpose of these systems is to provide more efficient, economical, and effective administration of State Medicaid plans.

On March 5, 1980, we published amendments to regulations (42 CFR Part 433, Subpart C) to implement further section 1903(a)(3) of the Act (45 FR 14211). That regulation now requires us to publish for public comment in the **Federal Register** changes we make in the requirements used for approval and periodic reapprovals of systems; i.e., new performance standards. We then must issue the final requirement in the Medical Assistance Manual (MAM), and allow an appropriate period for the State agencies to meet the requirement. The performance standards contained in this notice pertain to the reapproval process. Therefore, we are publishing the performance standards by which we will measure a State agency's continuing performance. In addition, section 1903(r) of the Social Security Act, 42 U.S.C. 1396b(r), as enacted by section 901 of the Mental Health Systems Act, Pub. L. 96–398 (October 7, 1980) requires us to review each system yearly to determine whether it meets performance standards and systems requirements and to reduce Federal financial participation (FFP) under certain circumstances. For example, the requirements of that legislation provide for reduction of FFP in State expenditures for operating an MMIS on an incremental basis from 75 percent to 50 percent if a State agency does not meet the performance standards or does not meet systems requirements. (The law requires us to reduce FFP by no less than 5 percent, and by no more than 25 percent. We may not reduce a State's FFP by more than 10 percent in any one year period.) A notice of proposed rulemaking on this subject (reduction of FFP) will be published soon.

This notice, in accordance with the provisions of section 901 of the Mental Health Systems Act, sets forth the first set of performance standards we will implement. These performance standards are the result of a joint Federal and State effort to identify the significant aspects of system performance and administration. That is, the States have been consulted extensively on the standards, elements and factors and have received drafts of them in the performance review package (which also includes the sampling and scoring procedures and methods by which the system will be evaluated). Moreover, the States have had ample opportunity to comment at each major stage in the development of the standards. The application of these performance standards is intended to improve the overall efficiency and effectiveness of the Medicaid program.

Performance Standards

Once a State MMIS system is approved and thus qualifies for higher Federal matching, there is now no formal system used to evaluate the State's performance in operating the sytem. Currently, Federal review is limited to assuring that MMIS systems continue to retain the basic capabilities documented during the original system approval review process.

During the past few years, it has become evident that MMIS systems need periodic updating, both to meet program needs and to improve the

management of the Medicaid program. It has become obvious that mere technical adherence to a systems design, as distinguished from system performance, is inadequate justification for continuing to make higher Federal payments. We have found it necessary to create a mechanism for objectively evaluating significant aspects of system performance and administration. This mechanism for evaluating system performance and administrative procedures contains standards that are based on expected system results and program goals. These standards will be used by HCFA to determine if additional Federal funds for MMIS operations represent an appropriate expenditure.

Under each performance standard are element statements that cover basic operational requirements for approved State MMIS systems and, as such, represent essential functions that must be performed at an acceptable level if the elements are to be met. In yearly system performance reviews, we will apply the review elements to both system operating procedures and system products (claim payments, reports, listings, etc.). In addition, we have developed certain elements that assess State administration of the MMIS and the provision of system support functions (such as systems integrity and emergency measures) without which effective system utilization is virtually impossible.

It should be noted that the standards themselves tell only what we will measure in assessing systems. After the first set of standards is published, we will issue detailed instructions in the MAM concerning the application of the standards in our yearly system reviews. The instructions will discuss sampling procedures, element scoring, evaluation methodologies, etc. We anticipate that the development of MMIS performance standards will be a continuing process. Thus while new standards and modifications to standards will appear in the **Federal Register**, the supporting material (sampling procedures, element scoring, evaluation methodologies, etc.) necessary for their application will not. These technical materials, which include several charts, worksheets, and supporting information, will be updated with each yearly review cycle, based on performance data and review experience from previous cycles. Copies of these materials also will be issued timely to all States subject to the annual system performance reviews.

Therefore, States will know, in advance of the evaluation period, both the standards against which their MMIS systems will be judged, through notice in the **Federal Register**, and exactly how those standards will be applied, through issuance of the detailed review methods in the MAM. This advance notification will permit States to evaluate themselves on an ongoing basis. The managers of a State's Medicaid program will have a continuing opportunity to identify and correct deficiencies in MMIS operations and so be aware of inadequate of railing performance in time to undertake remedical action.

Moreover, because the application of performance standards to previously approved MMIS systems is a new procedure, HCFA is conducting a nationwide "dry run" of performance reviews, from October 1, 1980 through September 30, 1981, using performance standards and review methods. (Procedures for reducing Federal matching for MMIS operations and subsequent reinstatement of higher level funding will be published as a notice of proposed rulemaking soon.) We have chosen to conduct the dry run because the data required for performance evaluation have little meaning if applied for a period of less than a year, and because we wish to obtain information on the impact of this new evaluation system as soon as possible. We are using the data base from the dry run to refine our review methodology and establish empirically based numerical scores for acceptable performance. These refinements are reflected in the performance standards contained in this notice.

HCFA will use established administrative procedures, such as technical assistance, to help States overcome deficiencies discovered through initial application of the review elements during the dry run.

Set forth below are our initial performance standards for evaluating MMIS operations and the elements by which we will assess adherence to the standards. Also included are examples of specific measurable factors derived from each element which will permit the objective and equitable application of the elements to State MMIS performance. The factors shown below are for illustrative purposes only. While only two examples of possible factors are given for each element, no limitations on the number of factors are given for each element, no limitations on the number of factors per element have as yet been finally established. As indicated above, we will publish the actual review factors to be used in applying review elements in the MAM with the other technical details of our system performance review methodology. In the interim, however, a copy of the system performance review package that we are using during the nationwide dry run is available to all interested parties and may be obtained by telephoning Newton Dikoff, at the number noted in "For Further Information" section, or by sending a request to him at the following address: HCFA, Room 1445, Meadows East Building, 6300 Security Blvd., Baltimore, Maryland 21207. States that currently have or are developing MMIS have already received copies of this material and will be sent any future revisions.

Standard 1

An accurate system of recipient eligibility information must be provided.

Element A—Accurate eligibility determinations must be made and responsiveness to provider requests for recipient eligibility information must be demonstrated. (Illustrative Factors: (1) Eligibility determinations must be made accurately, and (2) Timely responses to provider requests for recipient eligibility data must be provided);

Element B—The State must maintain accurate and adequate files on eligible recipients. (Illustrative Factors: (1) If the State is a buy-in State, the buy-in data must be integrated into the eligibility or third party file on a timely basis, and (2) The State must provide and retain minimum eligibility file data).

Standard 2

An accurate and accessible system of files must be provided to support system operations.

Element C—Accurate and adequate files must be maintained on eligible providers. (Illustrative Factors: (1) The provider file must be updated timely with provider status changes, and (2) A unique identifier must be provided for each enrolled provider to permit all services furnished to be adequately tracked).

Element D—Accurate pricing files must be maintained for ready access in system operations. (Illustrative Factors: (1) Procedures for controlling pricing file transactions must be established and complied with and (2) The approved Medicaid payment for items and services must not exceed the amounts posted on the pricing file).

Standard 3

Claims must be processed in an orderly and timely manner from initial receipt through issuance of claims determinations.

Element E—Claims must be controlled from receipt through final disposition with timely issuance of claim determination notices. (Illustrative

Factors: (1) Claims must be controlled with a unique identifier and aged from the date of receipt, and (2) Timely and complete notification of claims determinations must be furnished to providers);

Element F—Claims must be processed on a timely basis. (Illustrative Factors: (1) 90 percent of clean practitioner claims must be paid or denied as appropriate within 30 days of receipt, and (2) All claims must be paid or denied within 12 months of receipt).

Standard 4

Claims must be accurately processed and reviewed.

Element G—Claims data must be processed accurately. (Illustrative Factors: (1) Recipient eligibility must be verified for the entire period of service on each claim, and (2) Signature or certification by providers, as required by Federal regulations, must be present);

Element H—System operations must appropriately incorporate edits and screens. (Illustrative Factors: (1) Prepayment consistency and utilization edits and screens must be applied to all processed claims, and (2) The use of override edits (force codes) must be controlled).

Standard 5

A Management and Administrative Reporting Subsystem (MARS) must be efficiently and effectively operated in order to provide support to management review, evaluation, and decisionmaking processes.

Element I—Required Federal reports must be accurate, complete and received timely by the regional office. (Illustrative Factors: (1) The monthly HCFA–120, quarterly HCFA–80, and quarterly HCFA–156 must be received by HCFA timely, and (a) HCFA reports must be accurately completed in accordance with HCFA instructions);

Element J—The State must utilize the capabilities of MARS effectively to manage and control the Medicaid program and produce required reports that are accurate, complete and received timely. (Illustrative Factors: (1) The State must provide for on-going use of MARS by State management staff, and (2) State management reports (or their functional equivalents) required by the General Systems Design must be complete and accurate).

Standard 6

The operation of a surveillance and utilization review subsystem (S/URS) must provide comprehensive health care delivery and utilization data for program management, reveal potential defects in the quality of care, and reveal suspected instances of provider or recipient fraud or abuse.

Element K—An appropriate ongoing review of service delivery and utilization patterns must be maintained. (Illustrative Factors: (1) The State must periodically review an established minimum of active recipients indentified through the exception process, and (2) The State must periodically review an established minimum of active providers identified through the exception process;

Element L—The State must produce service delivery and utilization data timely and accurately in support of program administration. (Illustrative Factors: (1) S/URS summary profiles reports must be produced timely, and (2) Summary Profile Reports must contain required data and have internal consistency);

Element M—The capabilites of S/URS must be utilized to aid in program management and system improvement. (Illustrative Factors: (1) S/URS Management Summary Reports must be used in program evaluation and planning, and (2) Exception criteria must be adjusted to meet program needs.

Standard 7

Overall effectiveness in carrying out MMIS administrative responsibilities must be demonstrated.

Element N—Prudent and effective system management must be provided. (Illustrative Factors: (1) Effective oversight of fiscal agents and contractors must be demonstrated, and (2) Emergency backup facilities must be available);

Element O—Adequate internal system integrity and safeguards for information on recipients must be assured. (Illustrative Factors: (1) Appropriate administrative technical and physical system integrity safeguards must be established and utilized, and (2) The State must establish appropriate criteria for safeguarding, disclosing and distributing Medicaid information).

Impact on Small Businesses

Pub. L. 96–354, the Regulatory Flexibility Act, September 19, 1980, requires Federal agencies to prepare a regulatory flexibility analysis if proposed regulations and requirements would impact on small businesses or entities. The law applies if the the regulations or requirements impact on (1) "small businesses" as defined under section 3 of the Small Business Act; (2) not-for-profit enterprises independently owned and operated and not dominant in their fileds; and (3) government jurisdictions serving less than 50,000 persons. This notice does not affect any small entities or businesses, and thus no analysis is required.

The Secretary certifies, pursuant to Section 605(b) of the Regulatory Flexibility Act (P.L. 96–354), that the performance standards in this notice will not have a significant economic impact on a substantial number of small entities.

Executive Order 12291

The Secretary has determined, in accordance with Executive Order 12291, that this notice does not constitute a "major rule" because it will not have an annual effect on the economy of $100 million or more; result in a major increase in costs or prices for consumers, any industries, any governmental agencies or any geographic regions; or have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or import markets.

(Sections 1102, 1902(a)(4), 1903(a)(3), and 1903(r)(6) of the Social Security Act (42 U.S.C. 1302, 1396a(a)(4), 1396b(a)(3), and 1396b(r)(6))

(Catalog of Federal Domestic Assistance Program No. 13.774, Medical Assistance)

Dated: June 18, 1981.

Carolyne K. Davis,

Administrator, Health Care Financing Administration.

[FR Doc. 81-19126 Filed 6-29-81; 8:45 am]

BILLING CODE 4110-35-M

National Institutes of Health

Biometry and Epidemiology Contract Review Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Biometry and Epidemiology Contract Review Committee, National Cancer Institute, July 30–31, 1981, Building 31C, Conference Room 7, National Institutes of Health, Bethesda, Maryland. The meeting will be open to the public on July 30, from 9:00 a.m. to 9:30 a.m. to review administrative details. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on July 30, from 9:30 a.m. to 5:00 p.m., and July 31, from 9:00 a.m. to adjournment, for the review, discussion, and evaluation of individual contract proposals. These proposals and the discussions could reveal confidential trade secrets or commercial property

such as patentable material and personal information concerning individuals associated with the proposals, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Winifred Lumsden, the Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20205 (301/496–5708) will provide summaries of the meeting and a roster of committee members, upon request.

Dr. Wilna A. Woods, Executive Secretary, National Cancer Institute, Westwood Building, Room 822, National Institutes of Health, Bethesda, Maryland 20205 (301/496–7153) will furnish substantive program information.

Dated: June 23, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81-19152 Filed 6-29-81; 8:45 am]

BILLING CODE 4110-08-M

Clinical Cancer Program Project and Cancer Center Support Review Committee (Cancer Center Support Review Subcommittee); Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Clinical Cancer Program Project and Cancer Center Support Review Committee (Cancer Center Support Review Subcommittee), National Cancer Institute, July 16–17, 1981, Building 31A, Conference Room 4, National Institutes of Health, Bethesda, Maryland. This meeting will be open to the public on July 16, from 8:30 a.m. to 10:00 a.m., to review administrative details. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on July 16, from 10:00 a.m. to 6:00 p.m., and on July 17 from 8:30 a.m. to adjournment, for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Winifred Lumsden, the Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20205 (301/496–5708) will provide summaries of the meetings and rosters of committee members, upon request.

Dr. Robert L. Manning, Executive Secretary, National Cancer Institute, Westwood Building, Room 803, National Institutes of Health, Bethesda, Maryland (301/496–7721) will furnish substantive program information.

(Catalog of Federal Domestic Assistance Number 13.397, project grants in cancer center support, National Institutes of Health)

(NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b) (4) and (5) of that Circular)

Dated: June 23, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health

[FR Doc. 81-19149 Filed 6-29-81; 8:45 am]

BILLING CODE 4110-08-M

Heart, Lung, and Blood Research Review Committee A; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given to the meeting of the Heart, Lung, and Blood Research Review Committee A, National Heart, Lung, and Blood Institute, National Institutes of Health, July 10–11, 1981, Ramada Inn, Skyview Room, Bethesda, Maryland 20014.

This meeting will be open to the public on July 10, 1981 from 8:30 AM to approximately 9:30 AM to discuss administrative details and to hear reports concerning the current status of the National Heart, Lung, and Blood Institute. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(6), Title 5, U.S. Code, and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on July 10, 1981 from approximately 9:30 AM until adjournment on July 11, for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal personal information concerning individuals associated with the applications, the disclosure of which constitute a clearly unwarranted invasion of personal privacy.

Mr. York E. Onnen, Chief, Public Inquiries and Reports Branch, National Heart, Lung, and Blood Institute, Building 31, Room 4A21, National Institutes of Health, Bethesda, Maryland 20205, (301) 496–4236, will provide summaries of the meeting and rosters of the committee members. Dr. Arthur Merrick, Executive Secretary, NHLBI, Westwood Building, Room 552, Bethesda, Maryland 20205, phone (301) 496–7917, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.837, Heart and Vascular Diseases Research; 13.838, Lung Diseases Research; and 13.839, Blood Diseases and Resources Research, National Institutes of Health)

(NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in Section 8(b) (4) and (5) of that Circular).

[FR Doc. 81-19151 Filed 6-29-81; 8:45 am]

BILLING CODE 4110-08-M

Heart, Lung, and Blood Research Review Committee B; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Heart, Lung, and Blood Research Review Committee B, National Heart, Lung, and Blood Institute, National Institutes of Health, July 10, 1981, Ramada Inn, Skyview Room, Bethesda, Maryland 20014.

This meeting will be open to the public on July 10, 1981, from 8:30 AM to approximately 9:30 AM to discuss administrative details and to hear reports concerning the current status of the National Heart, Lung, and Blood Institute. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(6), Title 5, U.S. Code, and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on July 10, 1981, from approximately 9:30 AM until adjournment on July 10, 1981 for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. York E. Onnen, Chief, Public Inquiries and Reports Branch, National Heart, Lung, and Blood Institute, Building 31, Room 4A21, National Institutes of Health, Bethesda, Maryland 20205, (301) 496–4236, will provide summaries of the meeting and rosters of the committee members.

Dr. Louis M. Ouellette, Executive Secretary, NHLBI, Westwood Building, Room 554, Bethesda, Maryland 20205, (301) 496–7915, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.837, Heart and Vascular Diseases Research; 13.838, Lung Diseases Research; and 13.839, Blood Diseases and Resources Research, National Institutes of Health)

(NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in Section 8(b) (4) and (5) of that Circular)

Dated: June 23, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81–19150 Filed 6–29–81; 8:45 am]

BILLING CODE 4110–08–M

Public Health Service, Health Resources Administration

First-Year Student Enrollment Decreases for Health Professions Schools

The Department of Health and Human Services announces that schools of medicine, osteopathy, dentistry, pharmacy, optometry, podiatry, and veterinary medicine are permitted to decrease the first-year student enrollments that they assured as part of the conditions for receiving Health Professions Construction Grants, part B, Title VII, Public Health Service Act (42 U.S.C. 293 *et seq.*), if those enrollment figures are higher than the statutory requirements of the Act. Affected grantees wishing to decrease enrollments may do so with the 1981–82 entering classes.

No health professions schools may decrease enrollments below the statutory requirements of the contruction program. The affected schools will be notified individually of their statutory requirements.

Schools considering first-year enrollment decreases are reminded that eligibility for participation in the Health Education Assistance Loan Program, Section 727 *et seq.* of the Public Health Service Act, 42 U.S.C. 294 *et. seq.*, requires a determination that they have met the requirements for receipt of a Health Professions Capitation Grant. See Section 737(1) of the Public Health Service Act, 42 U.S.C. 294j.

Schools of public health accepting a fiscal year 1981 grant under the Health Professions Capitation Program may not decrease first-year enrollments in 1981–82 as eligibility for a capitation award required assurance of maintenance of entering class size at the 1980–81 level.

Both the Department and the National Advisory Council on Health Professions Education have specific concerns regarding the impact that decreases in first-year student enrollments might have on training opportunities for the disadvantaged. Schools are reminded of the commitments they made on this matter in their appoved applications for grants. This announcement does not alter those prior commitments.

This announcement will serve as an amendment to the approved applications, Notices of Grant Awards, and the Specifics of Grants pertaining to the number of first-year student enrollments.

Questions concerning this announcement should be directed to: Director, Bureau of Health Facilities, Health Resources Administration, PHS, Center Building, Room 5–22, 3700 East-West Highway, Hyattsville, Maryland 20782, Phone: 301–436–7700.

Dated: June 25, 1981.

Robert Graham,

Acting Administrator.

[FR Doc. 81–19310 Filed 6–29–81; 8:45 am]

BILLING CODE 4110–83–M

Privacy Act of 1974

AGENCY: Department of Health and Human Services: Public Health Service.

ACTION: Addition of a new routine use to a Privacy Act system of records, 09–35–0007, "Public Health Service Scholarship and National Health Service Corps Scholarship Progams," HHS/HRA/BHPr.

SUMMARY: In accordance with the requirements of the Privacy Act, the Public Health Service (PHS) is publishing notice of a proposal to add a new routine use ot the system of records for the Public Health Service Scholarship and National Health Service Corps (NHSC) Scholarship Programs. The new routine use will permit appropriate individuals outside of the Department to identify scholarship recipients for the purpose of guiding and informing these recipients about the nature of their forthcoming professional service obligation in health manpower shortage areas.

The Bureau of Health Professions in the Health Resources Administration, Department of Health and Human Services, originated this system of records. By direction of the Secretary, responsibility for the program was transferred from the Health Resources Administration to the Bureau of Health Personnel Development and Service in the Health Services Administration on November 25, 1980.

PHS invites interested persons to submit comments on the proposed routine use on or before July 30, 1981. The Health Services Administration, Bureau of Health Personnel Development and Service, will adopt the new routine use without further notice 30 days after the date of publication, unless PHS receives comments which would result in a contrary determination.

ADDRESS: Comments may be addressed to Daniel F. Whiteside, D.D.S., Director, Bureau of Health Personnel Development and Service, 5600 Fishers Lane, Parklawn Building, Rm. 6–17, Rockville, MD 20857. Comments received will be available for inspection weekdays at the same address, 8:30 A.M.—5:00 P.M..

FOR FURTHER INFORMATION CONTACT: Allan S. Noonan, M.D., Director, Division of Health Services Scholarships, Bureau of Health Personnel Development and Service, Health Services Administration, 3700 East-West Highway, Room C–15, Hyattsville, MD 20782. Telephone number: (301) 436–6788.

SUPPLEMENTARY INFORMATION: The new routine use will permit names, disciplines, current mailing addresses, and dates of graduation of scholarship recipients to be made available to designated coordinators at each school of medicine, osteopathy, and dentistry participating in the Scholarship Program for the purpose of guiding and informing these recipients about the nature of their forthcoming professional service obligation in health manpower shortage areas.

The NHSC has, through the contract mechanism, establish the Public Health Service Advocate Network whose goal is to better inform and prepare NHSC scholarship recipients regarding their futures with the Public Health Service and shortage area practice. The backbone of this Network is student and faculty advocates at each osteopathic, allopathic, and dental school in the country who develop locally relevant acclimation activities for scholarship recipients at their institutions. To date, either student or faculty advocates (or both) have been identified at 100 percent of medical institutions nationwide and at 85 percent of dental institutions. Experience demonstrates that volunteer advocates can be effective in making the NHSC a personal and tangible program to large numbers of scholarship recipients.

Advocates are specifically responsible for:

—Answering questions concerning the NHSC Scholarship Program;

—Disseminating information about practice options for NHSC Scholarship recipients in the Public Health Service;

—Promoting the development of local or regional student-run organizations whose purpose is to sponsor activities which respond to the acclimation needs of NHSC scholars;

—Encouraging students to begin preparing for practice in health underserved areas;

—Providing a forum which facilitates input to the NHSC Scholarship Program and the Public Health Service from students regarding their needs;

—Focusing student attention on community service rather than on the financial benefits of the Scholarship Program;

—Introducing students to the NHSC Preceptorship Program, the Indian Health Service Physician Clerkship Program, the Dental COSTEP (Commissioned Officer Student Training and Extern Program), other experiential learning opportunities, and educational materials which will contribute to students taking responsibility for their own acclimation and learning process.

A problem confronting many advocates is the difficulty in obtaining names of other scholarship recipients at their schools. The provisions of the Privacy Act prevent the Scholarship Program from releasing the names of awardees without prior approval. Since the Scholarship Program is charged with responsibilities to inform, orient, advise, and monitor scholarship recipients throughout the term of their schooling and residency training, the routine use proposed will further implement these responsibilities through the Public Health Service Advocate Network and, is therefore deemed compatible with the published purpose of the system of records as a whole.

The system notice was last published in the **Federal Register** on December 22, 1980, p. 84532, and is republished in its entirety below to incorporate the proposed new routine use. Additional changes to reflect the organizational transfer from the Health Resources Administration to the Health Services Administration and to reflet current policy requirements will be made in the Department's forthcoming 1981 annual publication of Privacy Act system notices.

Dated: June 23, 1981.

Jack N. Markowitz,

Acting Director, Office of Management.

09-35-0007

SYSTEM NAME:

Public Health Service Scholarship and National Health Service Corps Scholarship Program, HHS/HRA/BHPr.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Division of Health Professions Training Support
Center Building
Room G–17
3700 East-West Highway
Hyattsville, Maryland 20782

Division of Computer Research and Technology, NIH Building 12
9000 Rockville Pike
Bethesda, Md 20205

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for and recipients of Public Health Service and National Health Service Corps/Scholarships.

CATEGORIES OF RECORDS IN THE SYSTEM:

Application and associated forms; recipient records contain progress reports, payroll forms, deferment and placement data, and social security number.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pub. L. 92-385, and 42 U.S.C. 294t (section 751, PHS Act)

PURPOSE(S):

To select and monitor scholarship recipients. After award, the Health Resources Administration, the Health Services Administration and the Department's Central Payroll use the records for payment, tracking, deferment of service obligation, default, placement and claims determination.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Names, disciplines, current mailing addresses, and dates of graduation of scholarship recipients are to be made available to designated coordinators at each school of medicine, osteopathy, and dentistry participating in the Scholarship Program for the purpose of guiding and informing these recipients about the nature of their forthcoming professional service obligation in health manpower shortage areas.

Name of scholarship recipient, professional school he or she is attending, and date of graduation are made available to health professions associations and other interested health professions groups which have responsibility for coordinating funds paid to students from Federal and other sources.

A record may be disclosed for a research purpose, when the Department:

(a) has determined that the use or disclosure does not violate legal or policy limitations under which the record was provided, collected, or obtained;

(b) has determined that the research purpose (1) cannot be reasonably accomplished unless the record is provided in individually identifiable form, and (2) warrants the risk to the privacy of the individual that additional exposure of the record might bring.

(c) has required the recipient to—(1) establish reasonable administrative, technical and physical safeguards to prevent unauthorized use or disclosure of the record, and (2) remove or destroy, the information that identifies, the individual at the earliest time at which removal or destination can be accomplished consistent with the purpose of the research project, unless the receipient has presented adequate justification of a research or health nature for retaining such information, and (3) make no further use or disclosure of the record except—(A) in emergency circumstances affecting the health or safety of any individual, (B) for use in another research project, under these same conditions, and with written authorization of the Department, (C) for disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or (d) when required by law;

(d) has secured a written statement attesting to the recipient's understanding of, and willingness to abide by these provisions.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may diclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or partucular program statute, or by

regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders and magnetic tapes.

RETRIEVABILITY:

Name, Award No., University, or Social Security Number.

SAFEGUARDS:

Locked file units, 24 hour guard service, locked computer room and tape valut, password protection of automated records, personnel screening and limited access to only authorized personnel. (Safeguards are in accordance with Part 6, ADP Systems Security, of the Department's ADP Systems Manual, and Chapter 45–13, Safeguarding Records Contained in Systems of Records, of the Department's General Administration Manual.)

RETENTION AND DISPOSAL:

Records are disposed of in accordance with the Records Control Schedule of the Health Resources Administration. Contact the System Manager for the disposal standard.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Health Services Scholarship Branch/Division of Health Professions Training Support Center Building
Room G–17
3700 East-West Highway
Hyattsville, Maryland 20782

NOTIFICATION PROCEDURE:

To determine if a record exists, contact the System Manager.

RECORD ACCESS PROCEDURES:

Contact the System Manager and give a reasonable description of the record.

CONTESTING RECORD PROCEDURES:

Contact the System Manager giving a reasonable description of the record, specify the information you want to contest, and state the corrective action sought.

RECORD SOURCE CATEGORIES:

Evaluation forms from school faculty at the request of the student applicant
Educational institution attended
Internship and/or residency training site
Health Services Administration Commissioned Personnel Operations Division Office of Personnel Management/OASH

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 81–19157 Filed 6–29–81; 8:45 am]

BILLING CODE 4110–83–M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Receipt of Petition for Federal Acknowledgment of Existence as an Indian Tribe

June 9, 1981.

This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs 209 DM 8.

Pursuant to 25 CFR 54.8(a) notice is hereby given that the Potawatomi Indians of Indiana and Michigan, Inc., c/o Mr. Joseph R. Winchester, R.R. 6, Box 526, Dowagiac, Michigan 49047, has filed a petition for acknowledgment by the Secretary of the Interior that the group exists as an Indian tribe. The petition was received by the Bureau of Indian Affairs on May 5. The petition was forwarded and signed by Mr. Joseph R. Winchester.

This is a notice of receipt of petition and does not constitute notice that the petition is under active consideration. Notice of active consideration will be by mail to the petitioner and other interested parties at the appropriate time.

Under § 54.8(d) of the Federal regulations, interested parties may submit factual or legal arguments in support of or in opposition to the group's petition. Any information submitted will be made available on the same basis as other information in the Bureau of Indian Affairs files.

The petition may be examined, by appointment, in the Division of Tribal Government Services, Bureau of Indian Affairs, Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20242.

Roy H. Sampsel,

Deputy Assistant Secretary, Indian Affairs.

[FR Doc. 81–19125 Filed 6–29–81; 8:45 am]

BILLING CODE 4310–02–M

Bureau of Land Management

[NM 10827]

New Mexico; Termination of Disposal Classification

June 19, 1981.

1. By Order of the New Mexico Sate Director, Bureau of Land Management, which was published in the **Federal Register** on April 16, 1970 (35 FR Doc. 70–4019), the following described public land was classified for disposal through exchange pursuant to Section 2 of the Classification and Multiple Use Act of September 19, 1964 (43 U.S.C. 1412):

New Mexico Principal Meridian

T. 12 N., R. 9 E.,
Sec. 3, W½ of lot 2 of NW¼ (NW¼NW¼);
Sec. 4, lot 2 of NE¼ (N½NE¼), E½ lot 1 of NE¼ (SE¼NE¼), W½ lot 1 of NW¼ (SW¼NW¼), and SE¼SW¼;
Sec. 10, W½SW¼;
Sec. 13, lots 1, 2, SE¼SE¼;
Sec. 24, NE¼.
T. 12 N., R. 10 E.,
Sec. 18, lots 1 and 2;
Sec. 19, lot 1.

The area described contains 652.54 acres in Santa Fe County, New Mexico.

2. The above described public land has been eliminated from any exchange proposal; accordingly, pursuant to 43 CFR 2461.5(c)(2), the classification is terminated (date of publication).

3. At 10:00 a.m., on August 10, 1981 the above described public land will be relieved of the segregative effect of the above mentioned classification order.

Leroy C. Montoya,

Chief, Division of Technical Services.

[FR Doc. 81–19131 Filed 6–29–81; 8:45 am]

BILLING CODE 4310–84–M

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before June 19, 1981. Pursuant to § 1202.13 of 36 CFR Part 1202, written comments concerning the significance of these properties under the National Register criteria for evaluations may be forwarded to the National Register, National Park Service, U.S. Department of the Interior, Washington, DC 20243. Written

comments should be submitted by July 15, 1981.

Carol Shull,

Chief, Registration Branch.

MONTANA

One Room Schoolhouses of Gallatin County Thematic Resources. Reference—see individual listings under Gallatin County

Gallatin County

Belgrade vicinity, *Puss Creek School (One Room Schoolhouses of Gallatin County Thematic Resources)* NE of Belgrade
Belgrade vicinity, *Reese Creek School (One Room Schoolhouses of Gallatin County Thematic Resources)* NE of Belgrade
Belgrade vicinity, *Sedan School (One Room Schoolhouses of Gallatin County Thematic Resources)* NE of Belgrade
Belgrade vicinity, *Springhill School (One Room Schoolhouses of Gallatin County Thematic Resources)* NE of Belgrade
Bozeman vicinity, *Lower Bridger School (One Room Schoolhouses of Gallatin County Thematic Resources)* E of Bozeman
Bozeman vicinity, *Malmborg School (One Room Schoolhouses of Gallatin County Thematic Resources)* E of Bozeman
Bozeman vicinity, *Pine Butte School (One Room Schoolhouses of Gallatin County Thematic Resources)* W of Bozeman
Bozeman vicinity, *Rea School (One Room Schoolhouses of Gallatin County Thematic Resources)* W of Bozeman
Gallatin Gateway vicinity, *Anderson School (One Room Schoolhouses of Gallatin County Thematic Resources)* E of Gallatin Gateway
Gallatin Gateway vicinity, *Cottonwood School (One Room Schoolhouses of Gallatin County Thematic Resources)* SE of Gallatin Gateway
Gallatin Gateway vicinity, *Spanish Creek School (One Room Schoolhouses of Gallatin County Thematic Resources)* NW of Gallatin Gateway
Manhattan vicinity, *Dry Creek School (One Room Schoolhouses of Gallatin County Thematic Resources)* E of Manhattan
Trident, *Trident School (One Room Schoolhouses of Gallatin County Thematic Resources)*

Silver Bow County

Butte, *Silver Bow County Poor Farm Hospital,* 3040 Continental Dr

WISCONSIN

Polk County

St. Croix Falls vicinity, *Dalles Bluff Site (47PK67)* S of St. Croix Falls

[FR Doc. 81-18907 Filed 6-29-81; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

[Volume No. 110]

Motor Carrier; Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: June 24, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137, Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Alspaugh, and Shaffer.

Agatha L. Mergenovich,

Secretary.

FF-397 (Sub-1)X, filed June 16, 1981. Applicant: JAPAN LINE, LTD., 700 South Flower St., Suite 2900, Los Angeles, CA 90017. Representative: David J. Marchant, Graham & James, One Maritime Plaza, San Francisco, CA 94111. Applicant seeks to remove restrictions in permit No. FF-397 which limit service to transportation of containers having an immediately prior movement by water and which are loaded outside the U.S. by applicant in through intact movements to a described portion of IL.

MC 5296 (Sub-1)X, filed June 16, 1981. Applicant: LACY'S EXPRESS, INC., P.O. Box 369, Pendricktown, NJ 08069. Representative: Michael R. Werner, P.O. Box 1409, 167 Fairfield Road, Fairfield, NJ 07006. Applicant seeks to remove restrictions from its certificate No. MC-1769 acquired pursuant to No. MC-FC 78766 to (1) broaden the commodity description from (a) felt base carpeting, felt base and linoleum carpets, mats and rugs and linoleum paste to "floor coverings"; (b) lumber and piling, blue slate powder, fire clay and fire, brick, calcite grit, and composition wall covering to "building materials"; and (c) empty oil containers and glass containers to "containers"; and (2) authorize radial service in lieu of existing one-way authority and substitute county-wide authority in place of named cities as follows: between New Castle County (Newport and Wilmington), DE, Cecil and Harford County (Elkton and Whiteford), MD, and Salem, Cumberland, and Gloucester Counties (Salem, Cumberland County, and Gloucester City) NJ, and various eastern States and specified points; and from its lead certificate No. MC-5296 to (1) broaden the commodity description from general commodities (with exceptions) to "general commodities (except classes A and B explosives)"; and (2) expand city to county-wide authority from Salem to Salem County, NJ.

MC 40456 (Sub-17)X, filed June 19, 1981. Applicant: JOHN BENKART & SONS CO., 2500 N. Charles St., Pittsburgh, PA 15214. Representative: John A. Pillar, 1500 Bank Tower, 307 Fourth Ave., Pittsburgh, PA 15222. Applicant seeks to remove restrictions in its lead certificate and Sub-No. E-1 letter-notice to: (1) broaden its commodity description in its lead (a) from heavy machinery, construction, coal-mine, and oil-and-gas-field equipment to "machinery," and (b) from structural steel, iron and steel pipe and reinforcing steel to "metal products"; (2) rephrase its size and weight commodity descriptions in its lead and Sub-No. E-1 to read "those commodities which because of their size or weight require the use of special handling or equipment"; and (3) broaden the territorial descriptions in its lead and Sub-No. E-1 from Atlantic City, NJ, to "Atlantic County, NJ," and from points in New Jersey within 30 miles of New York, NY, to "points in Ocean, Monmouth, Mercer, Hunterdon, Somerset, Middlesex, Union, Essex, Hudson, Bergen, Passaic, and Morris Counties, NJ."

MC 46054 (Sub-85)X, filed June 8, 1981. Applicant: BROWN EXPRESS, INC., P.O. Box 9244, San Antonio, TX 78204. Representative: Jack Dawson (same as applicant). Applicant seeks to remove restrictions in its lead and Sub-Nos. 53, 55, 56, 57, 59, 62, 63, 64, 67, 68, 69, 70, 71, 72, 74, 75, and 78 certificates to (A) broaden the commodity descriptions to (1) "general commodities" in the lead (parts 1, 2, 3, 4, 5, and 6) and Sub-Nos. 55, 56, 57, 59, 63, 64, 74, and 75, from general commodities, with exceptions; (2) "general commodities (except classes

A and B explosives)" in the lead (part 7) and Sub-Nos. 53, 62, 68, 69, 70, 71, and 78, from general commodities, with exceptions but including explosives; and (3) "chemicals and related products" in Sub-Nos. 67 and 72, from carbon black; (B) remove restrictions (1) against service at intermediate points in lead certificate routes between (a) Port of Brownsville, TX and Brownsville, TX, (b) Corpus Christi, TX and Flour Bluff Naval Base, TX, (c) Corpus Christi, TX and Chapman Ranch, TX, (d) San Antonio, TX and Camp Bullis, TX, (e) San Antonio, TX and Camp Stanley, TX, (f) Dallas, TX and Fort Worth, TX, (g) Dallas, TX and Hillsboro, TX, (h) Fort Worth, TX and Alvarado, TX, (i) Fort Worth, TX and Consolidated Vultee Aircraft Corp. Plant, TX, (j) Fort Worth, TX and Globe Aircraft Corporation Plant, TX, (k) Sealy, TX and San Antonio, TX, (l) Victoria, TX and Beeville, TX, (m) Refugio, TX and Beeville, TX, (n) Kingsville, TX and Naval Air Station P-4, TX, (o) Waco, TX and North Camp Hood, TX, (p) San Antonio, TX and Randolph Field, TX, (q) Webb, TX and Catarina, TX, (r) Dilley, TX and Carrizo Springs, TX, (s) Dilley, TX and Crystal City, TX, (t) Alice, TX and Freer, TX (two routes), (u) San Marcos, TX and Karnes City, TX, (v) Fort Worth, TX and Houston, TX, (w) Taylor, TX and Bastrop, TX, (x) Austin, TX and Union Potash & Chemical Plant, TX, (y) Belton, TX and Camp Hood, TX, (z) Temple, TX and Waco, TX, (aa) Houston, TX and Robstown, TX, (bb) Houston, TX and Austin, TX, (cc) Smithville, TX and Lockhart, TX, (dd) Bastrop, TX and Lockhart, TX, (ee) Austin, TX and San Marcos, TX, (ff) Corpus Christi, TX and junction TX Hwy. 9 and U.S. Hwy. 281; in Sub-No. 53 route between Belton, TX and junction TX Hwy. 317 and TX Hwy. 36; in Sub-No. 57 route between Freer, TX and Laredo, TX; in Sub-No. 67 route between Kosmos, TX and Gregory, TX; in Sub-No. 68 routes between Cameron, TX and Victoria, TX and between Kenedy, TX and Goliad, TX; (2) in lead (a) that limits service at intermediate points in the route between San Antonio, TX and Pharr, TX to those points between Alice, TX and Pharr, TX and then only on Southbound traffic, and between Georgewest, TX and Pharr, TX, not including Georgewest, TX and then only on Northbound traffic, and (b) against service at Brenham, TX on route between Bellville, TX and Temple, TX; in Sub-No. 53(a) against service at Elgin, TX and at intermediate points on route between Austin, TX and Elgin, TX, (b) at Hungerford, TX and at intermediate points on route between Sealy, TX and Hungerford, TX, and (c) at Benavides, TX and Hebbronville, TX, and at all intermediate points on route between Benavides, TX and Hebbronville TX; in Sub-No. 56 against service at La Porte, TX as a Houston, TX Commercial Zone point; in Sub-No. 59 against service at a plantsite approximately three miles north of Fort Worth, TX as Fort Worth, TX Commercial Zone off-route points; in Sub-No 71 against service at Ennis, TX except for the purpose of joinder and (3) in lead the restriction "that service authorized over this route is subject to the condition that no traffic shall be transported which moves between San Antonio and Beeville" from the route between San Antonio, TX and Beeville, TX; in Sub-No. 72, the restriction "restricted to the transportation of carbon black moving from the said plant to Houston, TX, and points beyond, in connection with carrier's authorized regular route operations between the plant site and Houston", from the route between Kosmos, TX and Ganado, TX, and (C) broaden authority in connection with service at off-route points of Ingleside, Gregory, Abram, Hidalgo, Los Ebanos, La Grulla, Ojo de Aqua, Penitas, Progreso, Santa Maria, Brownsville Airport, Port of Brownsville, Hargill, La Paloma, Sa Sara, Los Indios, Rangerville, Engleman Gardens and San Perlita, TX to Cameron, Hidalgo, Starr and Willacy Counties in lead; Seven Sisters, Christine and Moore Field, TX to Duval, Atascosa and Hidalgo Counties in Sub-No. 53; Carbide and Carbon Chemical Co. at North Seadrift, TX to Calhoun County in Sub-No. 62; Lon Hill, TX to Nueces County in Sub-No. 63; Site of Canyon Dam, TX to Comal County in Sub-No. 74; and the Sites of Nike Launching Bases near Austin, TX to Travis County in Sub-No. 75.

MC 48958 (Sub-220)X, filed June 5, 1981. Applicant: ILLINOIS-CALIFORNIA EXPRESS, INC., 510 East 51st Avenue, Denver, CO 80216. Representative: Morris G. Cobb, P.O. Box 9050, Amarillo, TX 79189. Applicant seeks to remove restrictions in its Sub-Nos. 219X, 22, 28, 29, 31, 35, 37, 45, 46, 52, 53, 54, 56, 57, 61, 67, 69, 70, 72, 74, 75, 77, 79, 80, 82, 86, 91, 92, 93, 95, 97, 98, 100, 104, 108, 109, 111, 112, 113, 115, 117, 121, 127, 128, 129, 130, 136, 137, 139, 141, 142, 150, 160F, 188F, 193F, 195F, 202F, 209F, 211F, and 216X certificates to (A) remove all exceptions in its general commodity authorities, in all certificates, except the "classes A and B explosives" or "dangerous explosives" restriction in portions of Sub-No. 219X, and Sub-Nos. 22, 28, 29, 31, 35, 56, 57, 61, 67, 69, 70, 72, 74, 75, 77, 79, 80, 82, 86, 91, 92, 93, 95, 98, 100, 104, 108, 109, 111, 113, 115, 117, 127, 128, 129, 130, 136, 137, 139, 141, 142, 150, 160F, 188F, 193F, 195F, 202F, 209F, 211F and 216X; (B) remove all exceptions from general commodities descriptions, which authorize transportation of classes A & B explosives in Sub-No. 219X pages 10, 11, 12 and 13; (C) remove the restriction which authorizes service at specified intermediate points, to authorize service at all intermediate points on its described regular routes (1) in Sub-No. 219X page 9, between Armarillo, TX and Dallas, TX; and (2) in Sub-No. 209F, (a) between Cheyenne, WY and Sacramento, CA, and (b) between Denver, CO and Salt Lake City, UT; (D) remove the "joinder only" restriction, in Sub-No. 219X pages 14, 18 and 20; (E) remove the restriction limiting service to the transportation of traffic via Santa Fe, NM, in Sub-No. 219X page 24; (F) expand described portions of named counties to authorize off-route point service at all points in the named counties, in Sub-No. 219X pages 29, 30 and 31 and Sub-No. 129; (G) remove the "southbound traffic only" restriction, in Sub-No. 136; (H) remove the restriction prohibiting the transportation of traffic or specified commodities moving between from, to or through named points in Sub-No. 219X pages 4, 7, 9, 12, 16, 19, and Sub-Nos. 54, 61, 77 and 82; (I) remove the "commodities in bulk" restriction, in Sub-No. 93; (J) remove the "originating at and/or destined to" restriction in Sub-No. 219X pages 7, 8, 24 and 36 and Sub-Nos. 92 and 108; (K) remove the interlining restriction, in Sub-No. 219X pages 7 and 12; (L) authorize two-way authority to replace existing one-way service between Springerville, AZ and Los Angeles Harbor, CA, in Sub-No. 219X, the regular route portion, page 5; and (M) authorize radial authority to replace existing one-way service between points in NE, IL, IA, CO, KS, IN and OH, in Sub-No. 219X, the irregular route portion, pages 6 and 36.

MC 67361 (Sub-9)X, filed June 8, 1981. Applicant: GENERAL ROAD TRUCKING CORPORATION, 99 Mauran Avenue, East Providence, RI 02914. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108. Applicant seeks to remove the restrictions in its lead and Sub-Nos. 3, 4, 6, and 8 certificates to (1) broaden the commodity descriptions in the lead, from road building materials to "petroleum, natural gas and their products, ores and minerals, coal and coal products, clay, concrete, glass or stone products, metal products, and machinery"; from solid fuel to "coal and coal products and lumber and wood

products"; from road building machinery to "machinery"; from such bulk commodities as are usually transported in dump trucks to "commodities in bulk"; in Sub-Nos. 3 and 4, from coke to "coal and coal products"; in sub-No. 6, from liquid petroleum products to "petroleum, natural gas, and their products"; and in Sub-No. 8, from salt to "chemicals and related products"; (2) broaden the points of Seekonk, MA to Bristol County, MA; Providence, RI to Providence, Kent, Washington, and Bristol Counties, RI, and Bristol County, MA; Attleboro and Norton, MA, to Bristol County, MA; Oneco, CT, to Windham County, CT; Upton, MA, to Worcester County, MA; and Woonsocket, North Smithfield and East Providence, RI, to Providence, Washington, and Bristol Counties, RI, and Bristol County, MA; (3) remove the bulk, in dump vehicles restrictions where they appear; (4) authorize radial service in lieu of one way authority between specified points located throughout portions of the New England States; and (5) authorize intermediate point service in Sub-No. 6, between Providence, RI, and Worcester, MA.

MC 73165 (Sub-549)X, filed May 27, 1981. Applicant: EAGLE MOTOR LINES, INC., 1945 So. Redwood Rd., Salt Lake City, UT 84104. Representative: Roger E. Crum (same address as applicant). Applicant seeks to remove restrictions in its Sub-Nos. 343G, 344G, 369, 370, 371, 373, 375, 380, 382, 384, 388, 391, 393, 396, 397, 398, 399, 400, 402, 403, 405, 406, 408, 410, 412, 413, 414, 416, 419, 421, 426, 428F, 431F, 432F, 433F, 436F, 439F, 440F, 442F, 443F, 444F, 447F, 449F, 451F, 453F, 455F, 458F, 459F, 460F, 463F, 465F, 466F, 467F, 468F, 469F, 470F, 471F, 474F, 475F, 476F, 477F, 479F, 480F, 483F, 484F, 485F, 488F, 489F, 490F, 491F, 493F, 496F, 497F, 499F, 500F, 502F, 504F, 505F, 506F, 507F, 508F, 509F, 510F, 512F, 513F, 514F, 515F, 517F, 519F, 520F, 522F, 523F, 525F, 533F, 535F, 540F, 542F, 543F, and 544F certificates to (A) broaden the commodity descriptions from (1) iron and steel articles, iron and steel, iron and steel pipe, pipe fittings, cast iron pipe and fittings, pipe valves, cast iron and brass valves and components and cast iron fire hydrants, iron and steel valves, gaskets, cast iron pressure pipe, cast iron soil pipe and structural steel, pipe and pipe fittings, cast iron meter boxes, manhole frames, manhole covers, tubing, aluminum articles, iron and steel sidewalk and footing grating, zinc, zinc products, and materials and supplies used in the manufacture and distribution of zinc and zinc products, iron and steel fittings, aluminum ingots, aluminum scrap, aluminum sheet metal, aluminum plate, and aluminum industrial foil, steel tubing, zinc alloy, steel strip and cold rolled steel, steel decking and steel coils, iron or steel wire and steel cable, steel bars and materials, equipment and supplies used in the manufacture and distribution of steel bars, non ferrous metal, metal fencing and wire and wire mesh, and parts accessories and attachments, and metal articles to "metal products" in Sub-Nos. 343G, 344G, 369, 370, 391, 396, 410, 419, 421, 436F, 442F, 444F, 447F, 449F, 451F, 455F, 463F, 466F, 468F, 474F, 479F, 480F, 484F, 490F, 496F, 502F, 505F, 507F, 509F, 510F, 514F, and 523F; (2) iron and steel, and iron and steel articles, structural steel, and iron and steel pipe, which requires special equipment, restricted so, that or provided that, the loading and/or unloading which necessitates the special equipment, is performed by the consignor or consignee, or both to "metal products and commodities, the transportation of which, because of their size or weight, require the use of special equipment or handling" in Sub-No. 343F; (3) asphalt, in containers (except petroleum products in collapsible C&S containers such as sealdtanks and sealddrums) to "petroleum and coal products", and glass containers (except those requiring special equipment, those of unusual value, and household goods as defined by the Commission) to "clay, concrete, glass or stone products" in Sub-No. 344F; (4) incinerators, dust control systems, and blow pipe systems and accessories to "equipment for heating, cooling, humidifying, dehumidifying, or moving air, gas or liquid, pollution control equipment, and metal products" in Sub-No. 371; (5) solid waste collection systems, materials, supplies and parts, used in the manufacture, assembly and servicing to "pollution control equipment" in Sub-No. 373; (6) plastic pipe, plastic pipe fittings, and conduits, connections, valves and materials and supplies used in the installation or manufacture, to "rubber and plastic products" in Sub-Nos. 375, 433F and 477F; (7) crossties, lumber and poles to "lumber and wood products" in Sub-Nos. 380 and 493F; (8) evaporators, filters, dryers, flakers, boilers, extractors, clarifiers, aerators, separators, pumps and furnaces, parts and accessories, overhead material handling equipment, heat exchangers, crystallizers, centrifuges, pulpwashers, and spray and rotary dryers, parts and accesssories to "machinery and related supplies, and equipment for heating, cooling humidifying, dehumidifying, or moving air, gas or liquids" in Sub-Nos. 382 and 398; (9) air pollution control equipment, and fans, fanwheels, and pollution control equipment to "machinery and related supplies, and pollution control equipment" in Sub-Nos. 388 and 399; (10) tractors with or without attachments (except tractors used for pulling highway trailers), lift trucks, excavators, motor graders, scrapers, engines combined, road rollers, pipe layers, dump trucks, with or without bodies designed for off-highway use, parts, attachments, and accessories, self-propelled tractors, materials, equipment and supplies, rock crusher equipment, mining equipment attachments and parts, compressors, rotary drills, and component parts of compressors and rotary drills, drilling and mining machinery and equipment and component parts, materials and supplies, transporting machinery and equipment used in the wood products and forestry industries, aircraft engines, and parts for aircraft engines, machinery, equipment and supplies, materials, accessories and parts for machinery, material handling equipment, parts, attachments and accessories, and materials, equipment and supplies used in the manufacture and distribution to "machinery and related supplies" in Sub-Nos. 393, 400, 403, 412, 428F, 431F, 483F, 499F, 504F, and 525F; (11) cooling towers, and accessories, material and supplies used for cooling towers, heat exchangers and equalizers, heating, cooling, conditioning, humidifying, dehumidifying, and air and liquid moving equipment, parts attachments, and accessories for use in the installation and operating, and condensers to "equipment for heating, cooling, moving, humidifying or dehumidifying of air, gas, or liquids" in Sub-Nos. 397, 453F, and 465F; (12) pressure tanks to "machinery and related supplies, and commodities, the transportation of which, because of their size or weight, require the use of special equipment or handling" in Sub-No. 402; (13) plywood, paneling, gypsumboard, composition board, molding, building board, wallboards, insulating boards, and building woodwork to "lumber and wood products, and building materials" in Sub-Nos. 405 and 475F; (14) aluminum and aluminum articles, materials, equipment, machinery and supplies used in the manufacture, and steel piling, and pile-driving equipment to "metal products and machinery and related supplies" in Sub-Nos. 406 and 432F; (15) roofing and roofing materials to "building materials" in Sub-No. 408; (16) iron, steel, zinc, lead, and articles or products thereof, springs, and construction materials and supplies and equipment, and materials supplies and

equipment used in the manufacture and distribution to "metal products, and building materials and equipment" in Sub-No. 413; (17) iron and steel articles and scrap metals to "metal products and scrap" in Sub-No. 414; (18) trailer converter dollies, packers, refuse compactors, cargo containers, refuse containers, storage containers, material handling equipment and parts, and materials, supplies and parts used in the manufacture, assembly, and servicing to "transportation equipment, machinery and related supplies, and containers" in Sub-No. 416; (19) aluminum, and aluminum articles, copper and copper articles, zinc ingots, slabs, and dust, waste and scrap materials to "metal and metal products, and waste or scrap materials" in Sub-No. 439F; (20) iron and steel articles, and air pollution control equipment, to "metal products, and pollution control equipment" in Sub-No. 443F; (21) material handling equipment, winches, compaction and road making equipment, rollers, mobile cranes, and highway freight trailers, and parts, attachments and accessories to "machinery and related supplies, and transportation equipment in Sub-No. 458F; (22) equipment, attachments, accessories, and supplies for equipment and materials, equipment and supplies used in the manufacture and distribution thereof to "machinery and related supplies" in Sub-No. 459F; (23) prefabricated metal building panels, metal building sections, and metal structural components, and accessories to "metal products, and buildings, knocked down, set-up or in sections" in Sub-No. 467F; (24) tractors to "machinery" in Sub-No. 469F; (25) buildings, complete, knocked-down, or in sections, building sections, and building panels, and parts accessories used in the installation and erection there of to "buildings, knocked-down, set-up or in sections, and parts thereof" in Sub-No. 471F; (26) plywood (except paneling), panelings, particleboard, hardboard, gypsum board, and composition and moulding, to "lumber or wood products and gypsum board" in Sub-No. 476F; (27) activated sodium silicate to "chemicals and related products" in Sub-No. 489F; (28) ventilators, ventilator parts, air louvers, pre-fabricated building parts, and accessories used in the installation to "metal products, and building materials and parts" in Sub-No. 491F; (29) iron and steel articles, nuts, bolts and scrap metals, materials, supplies and equipment used in their manufacture, and aluminum and aluminum products, equipment, materials, and supplies used in their manufacture and distribution to "metal products and equipment, materials and supplies used in their manufacture and distribution", in Sub-Nos. 497F and 517F; (30) buildings, building panels, building, parts and materials, accessories and supplies used in their installation and construction to "buildings (knocked-down, set-up, or in sections), building panels, building parts and materials" in Sub-No. 500F; (31) iron and steel articles, aluminum articles, mining equipment, and parts, attachments and accessories for mining equipment, air pollution and control systems, and materials and supplies used in their manufacture and distribution to "metal products, machinery and related supplies, and air pollution and control systems" in Sub-No. 506F; (32) commodities, the transportation of which, because of their size or weight, requires the use of special equipment or handling, self-propelled articles, material-handling equipment, and materials, parts, accessories, and supplies used in their manufacture and distribution to "commodities the transportation of which, because of their size or weight, require the use of special equipment or handling, self-propelled articles, and machinery and related supplies" in Sub-No. 512F; (33) iron and steel articles, pipe, valves, hydrants, fittings and accessories therefor, and materials, machinery, equipment, and supplies used in the manufacture and distribution thereof to "metal products and pipe, valves, hydrants, fittings and accessories therefor" in Sub-No. 515F; (34) tractors to "machinery and related supplies, and self-propelled articles" in Sub-No. 522F; (35) commodities, the transportation of which, because of their size or weight require the use of special equipment or handling, machinery and machinery parts, metal articles, and materials and supplies used in their manufacture to "commodities, the transportation of which, because of their size or weight, require the use of special equipment or handling, machinery and related supplies, and metal products" in Sub-No. 533F; and (36) paper and paper products to "pulp, paper and related products" in Sub-No. 535F; (B) expand city to county-wide authority from: Louisville to Jefferson County, KY, Harriman to Roan County, TN, Martins Ferry and Coshocton to Belmont and Coshocton Counties, OH, Bensenville to DuPage County, IL, Joplin to Jasper County, MO, Chattanooga to Hamilton County, TN, and Baton Rouge and New Orleans to East Baton Rouge and Orleans Parish, LA, in Sub-No. 343G; Memphis to Shelby County, TN, in Sub-Nos. 343G, 344G, and 510F; Corpus Christi to Nueces County, TX, in Sub-No. 370; Eads to Shelby County, TN, in Sub-Nos. 371 and 375; Fort Payne to DeKalb County, AL, in Sub-No. 373; Birminghamn to Jeffeson County, AL in Sub-Nos. 382 and 384; Mathinson to Webster County, MS, in Sub-No. 388; Houston to Harris County, TX, in Sub-Nos. 391–489F; Avinger to Cass County, TX, in Sub-No. 396; Tulsa to Tulsa County, OK, in Sub-No. 397; Attalla to Etowah County, AL, in Sub-No. 398; Anniston, Leeds, and Gunterville to Calhoun, Jefferson, and Marshall Counties, AL, in Sub-No. 399; Wharton to Wharton County, TX, in Sub-No. 400; Vicksburg to Warren County, MS, in Sub-No. 402; Jacksonville to Duval County, FL, in Sub-Nos. 405, 431F, and 432F; Stephens and East Camden to Quachita County, AR, in Sub-No. 408; Oswego to Oswego County, NY, Warren to Trumbull County, OH, and Fairmont to Marion County, WV, in Sub-No. 410; Orange Park to Clay County, FL, in Sub-No. 412; Kokomo, Ft. Wayne, Cicero, and Elkhart to Howard, Allen, Hamilton, Elkhart Counties, IN, Centerville, to Appanoose County, IA, Joliet and Blue Island to Will and Cook Counties, IL, Jackson to Hinds County, MS, Lansing and Grand Rapids to Ingham and Kent Counties, MI, and Toledo and Columbus to Lucas and Franklin Counties, OH, in Sub-No. 413; Darlington to Darlington County, SC, in Sub-No. 414; Vernon to Lamar County, AL, in Sub-No. 416; La Vergne to Rutherford County, TN, in Sub-No. 419; Savannah to Chatham County, GA, in Sub-No. 421; Beaumont to Jeffeson County, TX, in Sub-No. 426; Franklin to Luzerne County, PA, in Sub-No. 428F; East Point to Fulton County, GA, in Sub-No. 439F; Sparrows Point to Baltimore County, MD, in Sub-No. 442F; Cleveland to Cuyahoga County, OH, in Sub-No. 443F; Neville Island to Allegheny County, PA, in Sub-No. 444F; Scottsboro to Jackson County, AL, in Sub-No. 447F; Canfield, Yorkville, Martins Ferry, Steubenville, and Mingo Junction to Mahoning, Belmont and Jefferson Counties, OH, in Sub-No. 449F; Little Rock to Pulaski County, AR, in Sub-No. 451F; Danville and Kewanee to Vermilion and Henry Counties, IL, Crawfordsville to Montgomery County, IN, and Berea to Madison County, KY, in Sub-No. 458F; Manitowoc and Sturgeon Bay to Manitowoc and Door Counties, WI, in Sub-No. 459F; Plum to Fayette County, TX, in Sub-No. 463F; Paxton to Ford County, IL, in Sub-No. 465F; Jemison to Chilton County, AL, and Stafford to Fort Bend County, TX, in Sub-No. 467F; Quakertown to Bucks County, PA, in Sub-No. 468F; Romeo to

Macomb County, MI, in Sub-No. 469F; Hillsboro to Hill County, TX, in Sub-No. 470F; Perkasie to Bucks County, PA, in Sub-No. 474F;

Corona to Riverside County, CA, in Sub-No. 475F; Jasper to Hamilton County, FL, and Valdosta to Lowndes County, GA, in Sub-No. 476; Valley View to Jefferson County, OH, and Bakersfield, Sun Valley and Santa Ana to Kern, Los Angeles, and Orange Counties, CA, in Sub-No. 477; Jacksonville and Sanderson to Duval and Baker Counties, FL, in Sub-No. 480F; Millville to Cumberland County, NJ, in Sub-No. 483F; Phillipsburg to Warren County, NJ, in Sub-No. 484F; Sarasota to Sarasota County, FL, in Sub-No. 485F; Hartselle to Morgan County, AL, in Sub-No. 488F; Baton Rouge to East Baton Rouge Parish, LA, Hammond to Lake County, IN, and Port Neches to Jefferson County, TX, in Sub-No. 489; New Orleans to Orleans Parish, LA, in Sub-No. 490F; Batavia to Clermont County, OH, in Sub-No. 491F; Florence to Florence County, SC, in Sub-No. 493F; Atlanta and Cartesville to Fulton and Bartow Counties, GA, in Sub-No. 496F; San Marcos to Hays County, TX, in Sub-No. 500f; Atco to Camden County, NJ, Gulfport to Harrison County, MS, Wilton to Muscatine County, IA, and Wichita to Sedgwick County, KS, in Sub-No. 502F; Pennsauken to Camden County, NJ, in Sub-No. 504F; Nashville to Davidson County, TN, in Sub-No. 507F; Tyler to Smith County, TX, in Sub-No. 508F; Brilliant, OH, and Leeds, AL, to Jefferson County, OH, and Jefferson County, AL, in Sub-No. 509F; Charlotte to Mecklenburg County, NC, in Sub-No. 514F; South Fulton to Obion County, TN, in Sub-No. 515F, Walnut Grove and Youngstown to McDonough and Warren Counties, IL, and Picher and Commerce to Ottawa County, OK, in Sub-No. 540F; Foxburg and Parker to Clarion and Armstrong Counties, PA, in Sub-No. 524F; and Herscher to Kankakee County, IL, in Sub-No. 543F; (C) change one-way to radial authority between numerous points throughout the U.S.; (D) eliminate the facilities limitations in Sub-Nos. 343G, 344G, 370, 371, 382, 384, 388, 393, 396, 397, 398, 399, 400, 402, 403, 405, 406, 408, 410, 413, 414, 416, 419, 426, 436F, 439F, 440F, 442F, 443F, 447F, 449F, 451F, 453F, 458F, 459F, 460F, 463F, 465F, 466F, 467F, 468F, 469F, 470F, 471F, 475F, 476F, 477F, 480F, 485F, 488F, 493F, 496F, 500F, 502F, 507F, 508F, 509F, 510F, 514F, 515F, and 517F; (E) remove the restrictions (1) except pipe, pipeline material, machinery, equipment, and supplies incidental to, and used in connection with, the construction, dismantling, and repairing of pipelines, and except buildings prefabricated or in sections; except commodities used in, or in connection with, the discovery, development, production, refining, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum, and their products and by-products in Sub-No. 343G; (2) limiting to or excepting size and weight commodities in Sub-Nos. 343G, 344G, 391, and 412; except iron and steel buildings complete, knocked-down, or in sections in Sub-Nos. 343G and 391; (4) except commodities in bulk, and those requiring special equipment in Sub-Nos. 343G,. 344G, and 416; (5) to equipment, materials and supplies used in the manufacture of mobile homes, material handling equipment, and equipment, materials and supplies used in the manufacture of material handling equipment, and part, attachments and accessories used in connection with the commodities described above, and against service to New Orleans, LA, in Sub-No. 344G; (6) against service to (a) AK and HI in Sub-Nos. 344G, 373, 375, 384, 396, 398, 402, 412, 416, 426, 433F, 443F, 451F, 463F, 468F, 470F, 475F, 477F, 480F, 488F, 489F, 490F, 497F, 499F, 500F, 502F, 504F, 505F, 506F, 507F, 508F, 509F, 510F, 514F, 515F, 517F, 523F, 525F, 533F, and 535F; (b) AK, HI, and TX in Sub-Nos. 370, 344G and 400; (c) TN in Sub-No. 371; (d) AK, HI, and MS in Sub-No. 388; (e) AK, HI and OK in Sub-No. 397; (f) AK, HI and SC in Sub-No. 403; (g) Louisville, KY, in Sub-Nos. 343G and 391; (h) points in TN in Sub-No. 436F; (i) points in MD in Sub-No. 442F; (j) AK, HI and FL in Sub-No. 431F and 432F; (k) AK, HI and PA in Sub-No. 444F; and (l) HI in Sub-No. 483F; (7) except in bulk, in tank vehicles in Sub-No. 370; (8) except commodities in bulk in Sub-No. 373, 384, 397, 399, 406, 412, 413, 433F, 436F, 439F, 458F, 459F, 460F, 470F, 477F, 497F, 500F, 502F, 505F, 506F, 507F, 508F, 509F, 510F, 513F and 515F; (8) originating at and destined to in Sub-Nos. 382, 388, 400, 408, 410, 413, 414, 416, 426, 436F, 439F, 440F, 442F, 443F, 447F, 458F, 459F, 460F, 463F, 466F, 468F, 469F, 475F, 480F, 493F, 500F, 510F and 517F; (9) except tractors used for pulling highway trailers in Sub-No. 393; (10) except commodities in bulk, in tank vehicles in Sub-No. 400; (11) against transportation of aluminum scrap in dump vehicles in Sub-No. 410; (12) against traffic moving in foreign commerce in Sub-Nos. 413, 436F and 469F; (13) except iron and steel articles, and commodities in bulk in Sub-No. 440; (14) against the transportation, from Houston, TX, to points in KS and OK, of iron and steel articles, transported as materials and supplies used in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission or distribution of oil and gas, or sulphur, or used in connection with the drilling of water wells in Sub-No. 455F; (15) against transportation of precut log buildings and materials used in their construction in Sub-No. 460F; (16) except truck tractors in Sub-No. 469F; (17) in containers in Sub-No. 489F; (18) except motor vehicles in Sub-No. 513; and (19) remove all exceptions to general commodities except classes A and B explosives, and remove the restrictions in containers or trailers having a prior or subsequent movement by water or rail in Sub-No. 519F and (20) against service at facilities at Rankin County, MS and against service at Memphis, TN in Sub-No. 344G.

MC 106920 (Sub-135)X, filed May 22, 1981. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, OH 45869. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, NW., Washington, DC 20001. Applicant seeks to remove restrictions in its Sub-Nos. 2, 8, 21, 74, E–4, E–11, E–12, E–13, E–97, E–112, and E–113 to (1) broaden the commodity description from sugar in Sub-No. 2, dairy products as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (with or without exceptions) in Sub-Nos. 8, 21, E–112, and E–113; bakery products and confectionaries (except commodities in bulk) in Sub-No. 74; milk, cream, and buttermilk (with exceptions) in Sub-Nos. E–4, E–11, E–12; sweet cream and milk in Sub-No. E–13; dairy products under B in the appendix to the report in *Modifications of Permits—Packing House Products*, 48 M.C.C. 628 and dairy products as described in section B of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C 209 and 766 in Sub-No. E–97 to "food and related products"; (2) remove vehicle restrictions in Sub-No. 74; (3) replace Boston, MA, with Suffolk, Norfolk, Plymouth, Middlesex and Essex Counties, MA, in Sub-No. 2, Newark, NJ, with Bergen, Passaic, Essex, Union, and Middlesex Counties, NJ, and Manhattan, Queens, King, and Richmond Counties, NY and Trenton, NJ, with Burlington and Mercer Counties, NJ, and Bucks County, PA, in Sub-No. 21, Livonia, MI, with Wayne and Oakland Counties, MI in Sub-No. 74; and (4) replace one way with radial authority.

MC 107452 (Sub-15)X, filed June 4, 1981. Applicant: R. D. BROWN d.b.a. DAN BROWN TRUCKING, P.O. Box 312, Greybull, WY 82426. Representative: James B. Hovland, 525

Lumber Exchange Building, Ten South Fifth Street, Minneapolis, MN 55402. Applicant seeks to remove restrictions in its lead, and Sub-Nos. 3, 5, 7, and 9 certificates to (A) broaden commodity descriptions: lead certificate, to "farm products" from livestock, feeds and seeds; and to "clay, glass, concrete or stone products" from rock and stone; Sub-No. 3, to "Mercer commodities, and equipment, materials and supplies used in the manufacture thereof" from Mercer and earth drilling commodities; Sub-No. 5, to "Mercer commodities, cement, chemicals and related products, and equipment, materials and supplies used in the manufacture thereof" from drilling mud, lost circulation materials including cement, additives and drilling fluids; Sub-No. 7, to "Mercer commodities, clay products, cement, and equipment, materials and supplies used in the manufacture thereof" from bentonite and cement; and Sub-No. 9, to "Mercer commodities, clay products, and equipment, materials and supplies used in the manufacture thereof" from bentonite clay; (B) remove exceptions excluding "commodities in bulk, in tank vehicles" in Sub-Nos. 5, 7, and 9; (C) change one-way authority to radial authority in Sub-Nos. 7 and 9; and (D) replace named facilities near Dryhead, MT with county-wide authority to serve Carbon County, MT (lead certificate, sheet 2).

MC 111611 (Sub-56)X, filed June 8, 1981. Applicant: NOERR MOTOR FREIGHT, INC., 205 Washington Avenue, Lewistown, PA 17044. Representative: William D. Taylor, 100 Pine Street, Suite 2550, San Francisco, CA 94111. Applicant seeks to remove restrictions in its lead (regular route portion) and Sub-Nos. 15, 18 and 21 to (1) change the commodity description from general commodities (with exceptions) to general commodities (except classes A and B explosives) in all certificates, (2) change the off-route points description from points within ten miles of Lewistown, and those within two miles of U.S. Hwy 22 between Lewistown and Harrisburg, PA to points in Mifflin, Huntingdon, Juniata, Perry, Dauphin, York and Cumberland Counties, PA in the lead, (3) remove the restriction (a) to service at Harrisburg, PA for purpose of interchange only and allow service to above points in connection with all carriers regular-routes in Sub-No. 15, (b) to the transportation of traffic received from or delivered to connecting carriers at the 3 named off-route points and allow service to those 3 points in connection with all carriers regular-routes in Sub-No. 21 and (4) remove plantsite limitation in Sub-No. 18 and allow service to Huntingdon County, PA as an off-route point in connection with all carriers regular-routes.

MC 114323 (Sub-27)X, filed June 3, 1981. Applicant: PAUL MARCKESANO & SONS CO., INC., 36 Ferris Street, Brooklyn, NY 11231. Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048. Applicant seeks to remove restriction in its lead, and Sub-Nos. 2, 3, 4, 8, 11, 13, 15, 17, 18, 19, 20, 21, 23F, and 24F certificates to (A) broaden commodity descriptions: lead certificate, to "clay, concrete, glass or stone products, chemicals and related products, petroleum, natural gas and their products, building materials, lumber and wood products, metal products, and rubber and plastic products" from face brick, lime, cement, plasterboard, window frames, rock wool, wire lath, rock lath, sheet rock, sewer pipe, glazed title, and glass brick; Sub-Nos. 2, 3, 4, 8, 17, and 23, to "clay, concrete, glass or stone products, chemicals and related products, and petroleum, natural gas and their products" from dry cement, and from cement; Sub-Nos. 11 and 15, to "clay, concrete, glass or stone products" from refractory products, and from waste kiln dust; Sub-Nos. 13 and 21, to "clay, concrete, glass or stone products, and metal products" from fly ash and pozament; Sub-No. 18, to "clay, concrete, glass or stone products, metal products, lumber and wood products, and rubber and plastic products" from brick and tile; Sub-No. 19, to "pulp, paper and related products, and textile mill products" from paper and paper products, and flocking material; Sub-Nos. 20 and 24, to "pulp, paper and related products" from newsprint; (B) eliminate "in bulk" and "in container" restrictions in Sub-Nos. 2, 3, 4, 8, 11, 15 and 21; (C) eliminate restrictions limiting service to shipments having a prior movement by rail in the lead, and Sub-No. 18; or having a prior movement by motor, rail, or water carrier in Sub-No. 19; or having a prior movement in interstate or foreign commerce and destined to points in CT in Sub-No. 20; and (D) substitute city-wide or county-wide authority in place of the plantsites and cities, as follows: Sub-No. 2, New York, NY (storage site in College Point, NY); Sub-Nos. 3, 4, and 17, Jersey City, NJ (facilities in Jersey City, NJ); Sub-No. 8, New York, NY (facilities at Long Island City, NY); Sub-No. 13, New Haven County, CT (Milford, CT); Sub-Nos. 15 and 19, New York, NY (exempt portion of New York, NY commercial zone, as defined in *Commercial Zones and Terminal Areas*, 53 M.C.C. 451 (1951) within which local operations may be conducted pursuant to Sec. 203(b)(8) of the Act (the "exempt" zone)); Sub-No. 19, Essex County, NJ (Port Newark, NJ); (Sub-No. 21, Northampton County, PA (Portland, PA); Sub-No. 23, Berks County, PA (Evansville, PA); and Sub-No. 24, New York, NY (facilities in Brooklyn, NY).

MC 114725 (Sub-117)X, filed June 4, 1981. Applicant: WYNNE TRANSPORT SERVICE, INC., 2222 North 11th Street, Omaha, NE 68110. Representative: Donald L. Stern, Suite 610, 7171 Mercy Road, Omaha, NE 68106. Applicant seeks to remove restrictions in its Sub-Nos. 3, 12, 13, 14, 15, 17, 18, 19, 21, 22, 24, 25, 26, 27, 29, 30, 32, 33, 36, 39, 41, 52, 53, 61, 62, 68, 70, 72, 73, 75, 78, 79, 80, 82, 87F, 89F, 91F, 100F, 101F, 104F, 105F, 108F, 109F, 112F, 113F and 114F certificates to (1) change commodity descriptions such as anhydrous ammonia (Sub-Nos. 3, 15, 18, 19, 21, 25, 27, 32, 39, 41, 61, 78, 87F, and 89F); liquid fertilizer (Sub-Nos. 12, 14, 72, 73, 79, 80, 82, and 105F); fertilizer and fertilizer compounds (Sub-Nos. 13 and 53); inedible animal fats and blends (Sub-Nos. 17, 26, 70 and 75); dry fertilizer and urea (Sub-Nos. 22 and 24); acids, chemical fertilizers and fertilizer ingredients (Sub-No. 29); fertilizer, insecticides, fungicides and herbicides (Sub-No. 33); fuel oil (Sub-No. 52); urea liquor (Sub-No. 54); mineral seal oil (Sub-No. 62); caustic soda, sulphuric acid, phosphoric acid, and dinitro phenol solution (Sub-Nos. 68, 100F, 101F and 112F); asphalt (Sub-No. 104F); liquified petroleum gas (Sub-No. 108F); and chemicals (Sub-No. 113F), to "commodities in bulk"; (2) remove restrictions limiting service to the use of particular equipment, i.e., "in tank vehicles" or "in hopper vehicles" (Sub-Nos. 3, 12, 13, 14, 15, 17, 18, 19, 21, 26, 27, 29, 32, 52, 61, 62, 72, 73, 75, 78, 79, 80, 82, 87F, 89F, 91F, 100F, 101F, 105F, 108F, 112F, and 114F); (3) eliminate facilities limitations in (Sub-Nos. 3, 15, 18, 19, 21, 24, 25, 26, 27, 29, 30, 32, 33, 36, 41, 53, 61, 72, 73, 78, 87F, 89F, and 104F; (4) remove "originating at or destined to" restrictions in Sub-Nos. 26, 33, 36, 72, and 104F; (5) authorize radial service where only one-way exists between specified points located throughout the U.S.; (6) eliminate restriction against service at Belleville, KS in (Sub-No. 26); (7) delete restriction against transporttion of dry feed ingredients from points in SD, MO, and MN in Sub-No. 72; (8) remove exception to AK and HI in Sub-No. 113F; and (9) replace city with county-wide authority wherever the following appear in each certificate: Hastings with Adams County, NE; Nebraska City with Oteo County, NE;

Fremont with Dodge County, NE; Hoag and Beatrice with Gage County, NE; Lincoln with Lancaster County, NE; Fargo with Cass County, ND; Watertown with Codington County, SD; Murphy with Hamilton County, NE; Fort Dodge with Webster County, IA; Council Bluffs with Pottawattamie County, IA; Creston with Union County, IA; Phelps City with Atchison County, MO; Garner with Hancock County, IA; Niota with Hancock County, IL; LaPlatte with Sarpy County, NE; Blair with Washington County, NE; Omaha with Douglas County, NE; Borger with Hutchinson County, TX; Conway with McPherson County, KS; Greenwood with Cass County, NE; Whiting with Monona County, IA; Early with Sac County, IA; Garner with Hancock County, IA; Marshall with Saline County, MO; Hastings with Adams County, NE; Clay Center with Clay County, KS; West Branch with Ogemaw County, MI; Sycamore with DeKalb County, IL; Tulsa with Tulsa County, OK; Wyandotte with Wayne County, MI; Blair with Washington County, NE; Red Oak with Montgomery County, IA; Falls City with Richardson County, NE; Spencer with Clay County, IA; Holstein with Ida County, IA; David City with Butler County, NE; Optic with Buffalo County, NE; Friend with Finney County, KS; Casper with Natrona County, WY; Weeping Water with Cass County, NE; Dakota City with Dakota County, NE; West Point with Cuming County, NE; Denison with Crawford County, IA; Fort Dodge with Webster County, IA; Emporia with Lyon County, KS; Luverne with Rock County, MN; Audubon with Audubon County, IA; Geneva with Fillmore County, NE; Greenwood with Cass County, NE; Norfolk with Madison County, NE; McPherson with McPherson County, KS and Kearney with Clay County, MO.

MC 114737 (Sub-8)X, filed June 16, 1981. Applicant: O & A TEX-PACK EXPRESS, INC., 1313 Avenue E, Lubbock, TX 79401. Representative: Timothy J. Herman, 522 First Federal Plaza, Austin, TX 78701. Applicant seeks to remove a restriction from its Sub-No. 2 certificate against the transportation of packages or articles weighing more than 200 pounds in the aggregate from one consignor at any one location to one consignee at any one location on any one day.

MC 118130 (Sub-122)X, filed June 2, 1981. Applicant: SOUTH EASTERN XPRESS, INC., P.O. Box 6459, Fort Worth, TX 76115. Representative: Billy R. Reid, 1721 Carl Street, Fort Worth, TX 76103. Applicant seeks to remove restrictions in its lead certificate MC-118130, and Sub-Nos. 67, 69, 71, 72, 73, 79, 82F, 83F, 84F, 85F, 88F, 90F, 91F, 93F, 94F, 96F, 99F, 100F, 103F, 104F, 105F, 109F, 110F, 113F, 114F, 117F, 118F, 119F, 120F, 121F, and Gateway letter notices Sub-Nos. E1, E2, E3, E4, E5, E7, and E8 and No. MC-115092 Sub-Nos. 25 and 108, issued pursuant to MC-F-14440F, to (A) broaden commodities descriptions to (1) "food and related products", from meats, meat products, meat-byproducts and articles distributed by meat packinghouses, bananas, cocoanuts, pineapples, frozen potatoes, frozen potato products, frozen onion rings, canned goods, canned and bottled foodstuffs, and foodstuffs, in lead certificate, from foodstuffs in Sub-Nos. 67, and 91F, from bananas and agricultural commodities in Sub-Nos. 69, 73, 113F, and 117F, from meats and packinghouse products in Sub-No. 71, from malt beverages in Sub-Nos. 79, 82F, 90F, and 118F, from fruits and fruit products in Sub-No. 83F, from bakery goods in Sub-Nos. 88F and 104F, from margarines, salad oils, bacon bits and butter in Sub-Nos. 96F, and 103F from frozen foodstuffs in Sub-No. 100F, from frozen potatoes and potato products in Sub-No. 119F, from bananas in Sub-Nos. E1, E2, E3, E5, E6, and E7, from meats, meat products, meat byproducts in Sub-No. E4, and from canned and bottled foodstuffs (except bananas) in Sub-No. E8, and from meats meat products, meat byproducts and articles distributed by meat packing houses in MC-F-14440F; (2) "general commodities, (except classes A and B explosives)", from general commodities (with certain exceptions) in Sub-No. 121F; (3) "pulp paper and related products" from paper and paper products in Sub-No. 99F; (4) "metal products, rubber and plastic products and clay, concrete, glass and stone products", from plumbing or bathroom fixtures, and materials, equipment and supplies used in the manufacture of plumbing or bathroom fixtures in Sub-No. 105F; (5) "rubber and plastic products", from rubber articles, plastic articles, rubber and plastic articles in Sub-No. 110F; (6) "textile mill products, lumber and wood products, leather and leather products, chemicals and related products, metal products, and petroleum products", from carpeting, rugs, carpet tiles, floor covering, carpet padding, cushions, carpeting cement, and adhesives, and articles used in the installation of carpeting, rugs, and floor covering, in Sub-No. 72, and from carpeting and materials, equipment and supplies used in the manufacture and distribution of carpeting in Sub-No. 109F; (7) "building materials", from insulating materials in Sub-No. 84F; (8) "machinery, metal products, lumber and wood products, and rubber and plastic articles", from mowers, trimmers, edgers and materials, equipment and supplies used in the manufacture and distribution of mowers, trimmers and edgers in Sub-No. 85F; (9) "forest products, metal products, machinery, petroleum products and coal and coal products", from manufactured fireplace logs, charcoal briquets, hickory chips, and accessories for barbeque grills in Sub-No. 93F; and (10) "lumber and wood products, petroleum products and coal and coal products", from charcoal briquets and lump wood charcoal in lead certificate; (B) remove restrictions on commodities such as, "except commodities in bulk", "except commodities in tank vehicles", "except hides", "in mixed shipments with", etc., wherever they appear in the above-named certificates; (C) delete facilities limitations in the lead and Sub-Nos. 67, 71, 99F, 105F, 110F, and 114F; (D) remove "originating at or destined to" restrictions in the lead and Sub-Nos. 67, 71, 85F, 96F, 105F, and 110F; (E) delete ex-water restrictions in Sub-Nos. 69 and 73; (F) remove "except Memphis" from TN territorial description in the lead; (G) eliminate exception to AK and HI in Sub-Nos. 94F, 110F, 117F, and 119F; (H) change its one-way authorities (wherever they appear in the above named certificates) to radial authorities between named points throughout the U.S., or combinations of such states (i) replace citywide authority with county-wide authority wherever it appears in each of the above certificates as follows: Garden City, KS with Finney County, KS, Freeport, TX with Brazoria County, TX, New Orleans, LA with Jefferson and Orleans Parishes, LA, Galveston, TX with Galveston County, TX, Fort Worth, TX with Tarrant County, TX, Galveston, TX with Galveston County, TX, Houston, TX with Harris County, TX, New Orleans, LA with Jefferson and Orleans Parishes, LA, Gulfport, MS with Harrison County, MS, Crookston, Duluth, Minneapolis, Albert Lea and Mankota, MN with Polk, St. Louis, Hennepin, Freeborn and Blue Earth Counties, MN, Fargo, ND with Cass County, ND, Sioux City, IA with Woodbury County, IA, Lindale, TX with Smith County, TX, Muncie and Plumtree, IN with Delaware County, IN, Macon and Atlanta, GA with Fulton and Bibb Counties, GA, Clarksville and Nashville, TN with Montgomery and Davidson Counties, TN, Jennings, LA with Jefferson Davis Parish, LA, Monroe, LA with Quachita Parish, LA, New Orleans, LA, with Orleans Parish, LA, Shreveport, LA with Caddo Parish, LA,

Cade, LA with St. Martin and Iberia Parishes, LA, Lozes, LA with St. Martin Parish, LA, Grand Forks, ND with Grand Forks County, ND, Le High, ND with Stark County, ND, Collins, MS with Covington County, MS, New Albany, MS with Union County, MS, Canton, MS with Madison County, MS, Crystal Springs, MS with Copiah County, MS, Jackson, MS with Hinds County, MS, Guymon, OK with Texas County, OK, and Lubbock, TX with Lubbock County, TX in lead certificate and Sub-Nos. E1, E2, E3, E4, E5, E6, E7, and E8; Grand Forks, ND with Grand Forks County, ND in Sub-No. 67; Mobile, AL with Baldwin and Mobile Counties, AL in Sub-No. 69; Cactus, TX with Moore County, TX in Sub-No. 71; Long Beach, CA with Los Angeles County, CA, and Orange County, CA in Sub-No. 73; Fort Worth, TX with Tarrant County, TX in Sub-Nos. 79 and 85; Galveston, TX with Galveston County, TX, Albuquerque, NM with Bernalillo County, NM, Las Cruces, NM with Dona Ana County, NM, Roswell, NM with Chaves County, NM, and Santa Fe, NM with Santa Fe County, NM in Sub-No. 82; Delta, CO with Delta County, CO in Sub-No. 83; Valdosta, GA with Lowndes County, GA in Sub-No. 88; Jacksonville, FL with Duval County, FL, Madison, FL with Madison County, FL; and Orlando, FL with Orange County, FL in Sub-No. 91; Fort Worth, TX with Tarrant County, TX in Sub-No. 96; Laramie, WY with Albany County, WY in Sub-No. 100; Fort Worth, TX with Tarrant County, TX in Sub-No. 103; Valdosta, GA with Lowndes County, GA in Sub-No. 104; Port Hueneme, CA with Ventura County, CA in Sub-No. 113; Charleston, SC with Charleston, Dorchester and Berkeley Counties, SC in Sub-No. 117; Plover, WI with Portage County, WI in Sub-No. 119; Laveen, AZ with Maricopa County, AZ, and Boise, ID with Ada County, ID to MC-F-14449F; Tifton, GA with Tift County, GA and Savannah, GA with Chatham County, GA in Sub-No. 99; Monroe, GA with Walton County, GA, Union Point, GA with Greene County, GA, Corsicana, TX with Navarro County, TX, Hondo, TX with Medina County, TX, Ottumawa, IA with Wapello County, IA, Phoenix, AZ with Maricopa County, AZ, Redlands, CA with San Bernardino County, CA in Sub-No. 105; Irving, TX with Dallas and Tarrant Counties, TX in Sub-No. 110; Brundidge, Al with Pike County, AL and Troy, AL to Pike County, AL in Sub-No. 94; Oklahoma City, OK with Oklahoma amd McLain Counties, OK, and Denver, CO with Denver, Arapahoe, Jefferson and Adams Counties, CO in Sub-No. 114; Compton, CA with Los Angeles, CA and Commerce, CA with Orange County, CA in Sub-No. 72; Marlin, TX with Falls County, TX in Sub-No. 109; Fruita, CO with Mesa County, CO and Gramblin, LA with Lincoln Parish, LA in Sub-No. 84; and Cotter, AR with Baxter County, AR, Elk Grove, CA with Sacramento County, CA, Springfield, OR with Lane County, OR and Jacksonville, TX with Cherokee County, TX in Sub-No. 93F.

MC 121683 (Sub-11)X, filed June 18, 1981. Applicant: JACKSON EXPRESS, INC., P.O. Box 3310, Jackson, TN 38301. Representative: Louis J. Amato, P.O. Box E, Bowling Green, KY 42101. Applicant seeks to remove restrictions in Sub-No. 8 certificate to (1) broaden the commodity description from general commodities (with exceptions) to "general commodities (except classes A and B explosives); (2) authorize service at all intermediate points along described regular routes between TN and MS; and (3) remove the restrictions prohibiting the handling of traffic originating at, destined to, or interlined at named points in TN.

MC 121787 (Sub-3)X, filed June 19, 1981. Applicant: DRILLING MUD HAULERS, INC., Star Route A, Box 1349, Anchorage, AK 99502. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101. Applicant seeks to remove restrictions in Sub-No. 2 certificate to (1) broaden the commodity description to "Mercer commodities" from drilling mud products, drilling compounds, and well logging units, and (2) broaden the territorial descriptions to (a) "King, Kitsap, Pierce, and Snohomish Counties, WA," for Seattle, WA, and (b) "the Second and Fourth Alaska Judicial Districts" for Barrow, Tanana, and Fort Greeley, AK.

MC 123778 (Sub-50)X, filed June 9, 1981. Applicant: JALT CORP., d.b.a. UNITED NEWSPAPER DELIVERY SERVICE, 802 Raritan Center, Edison, NJ 08817. Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048. Applicant seeks to remove restrictions in its Sub-Nos. 1, 19, 21, 23, 26, 28, 33, 37F, 39F, 41F, 42F, 44F, 46F, 47F, and 49F permits to (1) broaden the commodity description in all permits to "printed matter, and materials, supplies, and equipment used in the manufacture or distribution thereof" from magazines, magazine parts, sections and inserts, books, magazine racks, advertising matter, printing plates, shells, molds, film, mats, vinylites, and newspapers; and in Sub-No. 42 from paper and paper products to "pulp, paper and related products"; (2) in Sub-No. 1 eliminate restrictions requiring an immediately prior movement from specified points; a prior movement by air; a maximum weight restriction of 600 pounds; and a mixed load restrictions; and (3) authorize service between points in the U.S. under contract(s) with named shippers.

MC 126091 (Sub-10)X, filed June 16, 1981. Applicant: FRALEY & SCHILLING, INC., Rushville, IN. Representative: Donald Smith, P.O. Box 40248, Indianapolis, IN 46240. Applicant seeks to remove restrictions in its Sub-Nos. 5F, 6F, and 8F permits to (1) broaden its commodity descriptions to "metal products, and materials, equipment and supplies used in the manufacture and distribution of metal products", from aluminum extrusions and ingots, and materials, equipment and supplies used in the manufacture and distribution thereof, and aluminum ingots, scrap aluminum, and aluminum extrusions, in all of the above sub-numbers; and (2) broaden its territorial authority to between points in the U.S., under continuing contracts(s) with a named shipper, in all of the above sub-numbers.

MC 126537 (Sub-38)X, filed June 8, 1981. Applicant: KENT I. TURNER, KENNETH E. TURNER AND ERVIN L. TURNER, d.b.a. TURNER EXPEDITING SERVICE, P.O. Box 21333, Standiford Field, Louisville, Kentucky 40221. Representative: George M. Catlett, Suite 708, McClure Building, Frankfort, Kentucky 40601. Applicants seek to remove restrictions from their Sub-Nos. 1, 4, 5, 6, 9, 10, 14, 15, 17, 18, 19, 22, 26, 32, 36F certificates and Sub-No. E2 letter notice to (1) remove all exceptions to general commodities, except classes A and B explosives; (2) delete ex-air restrictions wherever they appear in each certificate; (3) delete facilities limitation in Sub-No. 18; (4) replace airports with cities or counties wherever they appear in each certificate as follows: Greater Cincinnati Airport near Erlanger, KY, with Cincinnati, OH; Standiford Field, Louisville, KY, with Louisville, KY; Blue Grass Field near Lexington, KY with Fayette County, KY; Tri-Cities Airport, Sullivan County, TN with Sullivan County, TN; Douglas Municipal Airport, Charlotte, NC, with Mecklenburg County, NC; O'Hare Field, Chicago, IL, with Chicago, IL; Weir-Cook Airport near Indianapolis, IN, with Marion County, IN; James Cox Municipal Airport, Vandalia, OH, with Dayton, OH; Berry Field, Nashville, TN, with Nashville, TN; McGhee-Tyson Airport, Knoxville, TN, with Knoxville, TN; Newark Airport, Newark, NJ, with Newark, NJ; John F. Kennedy Airport, Jamaica, NY, with New York, NY; Tri-Cities Airport, Blountville, TN, with

Sullivan County, TN; and (5) delete restriction in Sub-No. E2 to service at Standiford Field for joinder only.

MC 133219 (Sub-31)X, filed March 11, 1981, previously noticed in the **Federal Register** of March 30, 1981, republished as follows: Applicant: NEBRASKA BULK TRANSPORTS, INC., P.O. Box 215, Bennet, NE 68317. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Applicant seeks to remove restrictions in its lead and Sub-Nos. 1, 4, 7, 9, 11, 12, 13, 16, 19, 23F, 24F, 26F, 27F, 29F, and 30 certificates. This Board previously broadened these certificates by (1) changing the commodity descriptions to the appropriate STCC levels, (2) removing "in bulk" and equipment exceptions, (3) expanding territories from points to counties (4) removing plantsite limitations and "origianting at, destined to" restrictions and (5) replacing one-way operations with two-way authority. Applicant also sought to remove a tacking restriction in its Sub-No. 7 certificate, which was granted pursuant to an application filed before November 23, 1973. Subequent to the grant of this restriction removal application, the Board has determined that such a tacking restriction is removable as being unduly restrictive. Notice is hereby given that applicant seeks to remove the tacking restriction in its Sub-No. 7 certificate, authority now appearing at part 4 of applicant's Sub-No. 31X certificate.

MC 133590 (Sub-36)X, filed June 2, 1981. Applicant: WESTERN CARRIERS, INC. P.O. Box 925, Worcester, MA 01613. Representative: David M. Marshall, 101 State Street, Suite 304, Springfield, MA 01103. Applicant seeks to remove restrictions in its Sub-Nos. 2, 9, 10, 11, 12, 13, 15, 16F, 17F, 19F, 20F, 21F, 22F, 23F, 24F, 25F, and 26F permits, and Sub-Nos. 27F, 29F, 31F, and 34F certificates to (1) broaden the commodity descriptions (a) in Sub-Nos. 2, 10, 17 and 22F permits from plastic, plastic articles, paper and paper products, and materials and supplies used in the manufacture and distribution of such commodities to "such commodities as are dealt in by a manufacturer or distributor of paper, plastic, rubber, or paper products, plastic products, or rubber products;" (b) from sporting goods, sporting goods apparel, skis, skiing apparel, skiing equipment, leisure and recreational goods, and materials and supplies used in the manufacture, distribution and sale of such commodities to "such commodities as are dealt in by a manufacturer or distributor of sporting goods, sports wear, and recreational and leisure products" in Sub-Nos. 9, 11, 12, 13, 16F, 19F and 24F permits; (c) from beverages, alcoholic beverages, malt beverages, wines, cocktail mixes, and drink mixes, to "such commodities as are dealt in by a manufacturer or distributor of beverages, food, or related products" in Sub-Nos. 21F and 26F permits; (d) from new furniture and materials, supplies and equipment used in the manufacture, distribution and sale of new furniture to "such commodities as are dealt in by a manufacturer or distributor of furniture and household furnishings" in Sub-No. 15 permit, and (e) from automotive accessories and materials, equipment and supplies used in the manufacture and distribution of automotive accessories to "such commodities as are dealt in by a manufacturer or distributor of automotive products" in Sub-No. 23F permit; (2) broaden the territorial description to between points in the U.S. under continuing contract(s) with a named shipper, in each permit; (3) broaden the commodity descriptions from (a) alcoholic beverages, malt beverages, wines, drink mixes, and cocktail mixes to "food and related products" in Sub-Nos. 27F and 34F certificates; and (b) general commodities with exceptions to "general commodities (except classes A and B explosives)" in Sub-No. 29F certificate; (4) eliminate the facilities limitation in Sub-No. 29F certificate; (5) authorize radial authority for one-way authority between points in the U.S. in Sub-No. 34F certificate; and (6) remove the restrictions (a) againt commodities in bulk or in bulk in tank vehicles in Sub-Nos. 2, 9, 10, 11, 12, 13, 15, 16F, 17F, 19F, 20F, 21F, 22F, 23F, 24F and 25F permits, and Sub-Nos. 26F and 27F certificates; and (b) against service to AK and HI in Sub-No. 31F certificate.

MC 133932 (Sub-4)X, filed June 16, 1981. Applicant: CATAWBA VALLEY MOTOR LINES, INC., P.O. Box 370, Claremont, NC 28610. Representative: D. R. Beeler, P.O. Box 482, Franklin, TN 37064. Applicant seeks to remove restrictions in its Sub-No. 2F certificate to (1) broaden the commodity description from uncrated upholstered furniture to "furniture and fixtures" and (2) authorize radial authority for existing one-way authority between Catawba, Alexander, and Burie Counties, NC, and, points in SC, GA, FL, MS, and AL.

MC 133975 (Sub-13)X, filed June 3, 1981. Applicant: FLAMINGO TRANSPORTATION, INC., 11405 N.W. 36th Avenue, Miami, FL 33167. Representative: S. S. Eisen, 370 Lexington Avenue, New York, NY 10017. Applicant seeks to remove restrictions in its Sub-No. 11F certificate to (A) remove all restrictions in its general commodities authority "except classes A and B explosives"; and (B) eliminate service restriction limiting traffic to that moving on bills of lading of freight forwarder as defined in 49 U.S.C. 10102(8), on service between named facilities in seven States, and points in FL.

MC 139482 (Sub-187)X, filed April 22, 1981, previously noticed in the **Federal Register** of May 20, 1981, republished as corrected this issue. Applicant: NEW ULM FRIEGHT LINES INC., P.O. Box 877, New Ulm, MN 56073. Representative: Barry M. Bloedel, P.O. Box 877, New Ulm, MN 56073. Applicant seeks to remove restrictions in its Sub-Nos. 2, 5, 7, 9, 11, 16, 19, 20, 22, 26, 27, 28, 30, 31, 35F, 37F, 42F, 44F, 47F, 51F, 57F, 58F, 59F, 60F, 61, 62F, 63F, 64F, 66F, 68F, 70F, 73F, 75F, 76F, 77F, 78F, 79F, 80F, 81F, 82F, 84F, 85F, 86F, 87F, 88, 94F, 95F, 97F, 98F, 99F, 100F, 101F, 102, 103F, 104F, 115F, 117F, 121F, 123F, 124F, 125F, 126F, 128, 130F, 133F, 135F, 136F, 138F, 139F, 140F, 144F, 146F, 147F, 148F, 149F, 150F, 151F, 152F, 153F, 157F, 158F, 168F, 170F, 171, 172F, 174F, 176F, 177F, 178F, 179, 180, 181F, 182, 183, 185 and 186 to (1) broaden the community descriptions (a) in Sub-Nos. 16, 19, 26, 28, 31, 35F, 37F, 42F, 44F, 47F, 51F, 57F, 59F, 61, 62F, 64F, 70F, 73F, 75F, 76F, 80F, 81F, 84F, 87F, 88, 94F, 95F, 99F, 100F, 101F, 103F, 104F, 117F, 123F, 125F, 126F, 128, 135F, 140F, 150F, 168F, 170F, 171, 174F, 179, 180, and 186 to "food and related products" from foodstuffs, frozen foods, cheese, meat, candy, dairy products, butter, salt; (b) in Sub-Nos. 7, 32, 79F, 144F, and 181F to "building materials and related products" from building board, wallboard, insulating board, ceiling titles, composition board, glazed clay tile, mechanical construction forms and cellulose insulation, vermiculite and polyethylene; (c) in Sub-No. 20 to "furniture and fixtures" from redwood furniture; (d) in Sub-Nos. 11, 60F, 68F, 147F, 149F, 152F, 172F, and 185 to "electrical appliances, supplies and related products" from electric ranges and micowave ovens, and such commodities as are used in the manufacture of electric ranges and micowave ovens, television sets, radios, and audio equipment, electric light bulbs, copper wire and household appliances and equipment; (e) in Sub-Nos. 22, 27, 77F, 78F, 85F 102, 130F, and 153F to "pulp, paper and related products" from cardboard boxes and sheets, paper and paper products and printed matter; (f) in Sub-Nos. 58F, 124F, 133F, 157F, 158F, and 178F to "chemicals and related products" from deodorants, disinfectants, breath fresheners,

cleaning compounds, swimming pool treatment compounds and insecticides, drugs, agricultural chemicals, maintenance and industrial chemicals, and dry fertilizer compound; (g) in Sub-No. 66F to "rubber and plastic products" from scrap rubber; (h) in Sub-No. 98F to "agricultural equipment" from turkey, poultry and hog feeding equipment; (i) in Sub-No. 115F to "rubber and plastic products" from plastic pellets; (j) in Sub-No. 177F to "coal and coal products, and lumber and wood products" from charcoal and charcoal briquets; (k) in Sub-No. 182 and 183 to "automotive supplies and related products" from automotive supplies and accessories and automotive fluids and cleaning compounds; (l) in Sub-Nos. 2 and 121F from "general commodities (with exceptions) to "general commodities (except classes A and B explosives)" and (m) in Sub-No. 138F to "Ordnance or accessories, machinery, metal products, clay, concrete, glass or stone products, printed matter and materials, equipment, and supplies used in manufacture of the forgoing commodities" from small arms ammunition and related components, electrical switch boxes, conduit outlet boxes, junction boxes and covers, electrical apparatus for the forgoing commodities (with exceptions) and advertising materials, and materials, equipment and supplies used in the manufacture of the foregoing commodities; (2) remove "except AK and HI; in the territorial description in Sub-Nos. 5, 16, 20, 42F, 70F, 81F, 85F, 94F, 99F, 103F, 126F, 128, 133F, 138F, 140F, 151F, 170F, 174F, 178F, 179, and 180; (3) remove the restriction "in vehicles equipped with mechanical refrigeration" from Sub-Nos. 31, 35F, 84F,

117F, and 135F; (4) remove the restriction limiting service to the transportation of shipments originating at or destined to the facilities of a named shipper in Sub-Nos. 2, 5, 9, 11, 16, 19, 22, 26, 27, 28, 30, 31, 32, 35F, 42F, 44F, 47F, 57F, 61, 62F, 63F, 66F, 68F, 70F, 75F, 76F, 78F, 79F, 80F, 81F, 82F, 84F, 85F, 86F, 87F, 88 (parts 1 and 3), 94F, 95F, 97F, (part 2), 100F, 102, 117F, 124F, 126F, 128, 130F, 135F, 136F, 140F, 148F, 151F, 170F, 174F, and 178F; (5) to expand one-way authority to radial authority in Sub-Nos. 2, 7, 9, 16, 19, 20, 22, 26, 27, 28, 31, 32, 35F, 37F, 42F, 44F, 47F, 51F, 57F, 59F, 60F, 61, 62F, 63F, 64F, 66F, 68F, 70F, 73F, 75F, 76F, 79F, 80F, 82F, 84F, 85F, 86F, 87F, 88, 94F, 95F, 97F, 98F, 99F, 100F, 101F, 102, 103F, 104F, 115F, 117F, 123F, 124F, 125F, 126F, 128, 130F, 135F, 136F, 147F, 148F, 149F, 150F, 153F, 158F, 168F, 170F, 171, 172F, 174F, 177F, 178F, 181F, and 182 between various combinations of points and States; (6) remove a restriction requiring a prior or subsequent movement by water in Sub-Nos. 37F, 64F, and 73F; (7) remove the restriction "except commodities in bulk," "in tank vehicles" and "requiring special equipment" where applicable in Sub-Nos. 2, 5, 7, 9, 16, 20, 28, 31, 35F, 37F, 42F, 44F, 47F, 58F, 62F, 63F, 75F, 76F, 77F, 78F, 80F, 81F, 82F, 86F, 87F, 88, 95F, 97F, 99F, 100F, 115F, 123F, 125F, 128, 133F, 138F, 144F, 151F, 152F, 170F, 174F, 176F, 179, 180, 181F, 182, and 183; and (8) in applicant's regular-route authority in Sub-No. 121F remove the intermediate point exception in part 19 and remove the off-route point exceptions in part 20. The purpose of this republication is to correct several typographical errors or omissions, to notice the broadened commodity description for Sub-No. 138F, and to add item 8 to provide notice of proposed changes in applicant's regular-route authority.

MC 141033 (Sub-93)X, filed June 16, 1981. Applicant: CONTINENTAL CONTRACT CARRIER CORP., P.O. Box 1257, City of Industry, CA 91749. Representative: Richard A. Peterson, P.O. Box 81849, Lincoln, NE 68501. Applicant seeks to remove restrictions in its Sub-No. 88X certificate to expand city to countywide authority from: Atlanta, GA, to Cobb, DeKalb, Fulton, Clayton, Douglas, Coweta, Fayette, Henry, Rockdale, and Gwinett Counties, GA; Charlotte, NC to Mecklenburg, Gaston, and Union Counties, NC, and York and Lancaster Counties, SC, Greensboro, NC to Guilford County, NC; Greenville, SC to Greenville, Pickens and Anderson Counties, SC; Nashville, TN to Davidson, Williamson, and Wilson Counties, TN, and Memphis, TN to Shelby County, TN, Crittenden County, AR, and DeSoto County, MS, to authorize authority (a) between Cobb, DeKalb, Fulton, Clayton, Douglas, Coweta, Fayette, Henry, Rockdale, and Gwinett Counties, GA, Mecklenburg, Gaston and Union Counties, NC, York and Lancaster Counties, SC, Guilford County, NC, Greenville, Pickens, and Anderson Counties, SC, Lynchburg and Norfolk, VA, Davidson, Williamson and Wilson Counties, TN, and, Shelby County, TN, Crittenden County, AR, and DeSoto County, MS, and, points in AZ, CA, OR, and WA; and (b) between Shelby County, TN, Crittenden County, AR, and DeSoto County, MS, and, points in AZ, CA, OR, and WA.

MC 141264 (Sub-5)X, filed June 18, 1981. Applicant: GATEWAY TRUCKING CO., INC., P.O. Box 16331, Jacksonville, FL 32216. Representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, FL 32202. Applicant seeks to remove restrictions in its Sub-No. 4 certificate to (1) broaden the commodity description from general commodities, with exceptions to "general commodities (except classes A and B explosives)"; (2) remove the "having a prior or subsequent movement by water" restriction; and (3) expand Jacksonville to Duval County, FL.

MC 142305 (Sub-5)X, filed June 18, 1981. Applicant: WISCONSIN EXPRESS LINE, INC., Route 2, Green Bay, WI 54301. Representative: Daniel R. Dineen, 710 North Plankinton Avenue, Milwaukee, WI 53203. Applicant seeks to remove restrictions in its Sub-No. 4F permit to broaden the territorial description to authorize service between points in the U.S. under continuing contract(s) with named shippers.

MC 145384 (Sub-57)X, filed June 12, 1981. Applicant: ROSE-WAY, INC. 1914 East Euclid, Des Moines, IA 50317. Representative: James M. Hodge, 1000 United Central Bank Bldg., Des Moines, IA 50309. Applicant seeks to remove restrictions in its Sub-Nos. 25F, 27F, 28F, 29F, 32F, 36F, 39F, 40F, 43F, certificates to (1) broaden the commodity descriptions from (a) plastic pipe and pipe fittings, plastic granules to "rubber and plastic products" in Sub-No. 25; (b) titanium, nickel base alloys, stainless steel alloys, nickel base ingots and billets, and titanium ingots and billets to "metal products" in Sub-No. 27; (c) steel castings and steel forgings to "metal products" in Sub-No. 28, part 1; (d) resir compound, cloth and woven roving, wood resin, fiberglass matting and reinforced fiberglass plastic panels to "rubber and plastic products" in Sub-No. 28, parts 2, 3, 5 and 7; (e) facing and paving brick to "clay, concrete, glass, or stone products" in Sub-No 28 part 4; (f) adhesives to "chemicals and related products" in Sub-No. 28; (g) metal articles, and iron and steel articles to "metal products" in Sub-No. 29; (h) lumber, lumber products, wood products, and millwork to "lumber and wood products" in Sub-No. 32; (i) iron and steel articles to "metal products" in Sub-No. 36; (j) self-propelled street sweepers, self-propelled industrial plant sweepers, brush chippers, jet runway cleaners, sewer cleaners, catch basin cleaners, flushers, and brushes and parts to "machinery" in Sub-No. 39; (k) construction forms, parts and accessories for construction forms, and materials, equipment, and supplies to "building materials, and related equipment, materials, and supplies" in Sub-No. 43; (2) delete plantsite restrictions in Sub-Nos. 25, 28, 36, 39, 40,

and 43; (3) remove originating at or destined to restriction in Sub-No. 36; (4) eliminate the exception of service to AK and HI in Sub-Nos. 39 and 43; (4) broaden cities to counties: Bakersfield, Santa Ana, and Sun Valley, CA, with Kern, Orange, and Los Angeles, Counties, CA; Avon Lake, OH, with Lorain County, OH; Louisville, KY, with Jefferson County, KY, in Sub-No. 25; New Kensington, PA, with Westmoreland County, PA; Stead and Verdi, NV, with Washoe County, NV, in Sub-No. 27; Santa Barbara, CA, with Santa Barbara County, CA; Los Angeles, La Mirada, and Santa Monica, CA, with Los Angeles County, CA, in Sub-No. 28; Santa Barbara, CA, with Santa Barbara County, CA, and Shelby, OH, with Richland County, OH, in Sub-No. 29; East Chicago, IN, with Lake County, IN and Cook County, IL in Sub-No. 36; Pomona, CA, with Los Angeles County, CA, in Sub-No. 39; Des Moines, IA, with Polk County, IA, in Sub-Nos. 40 and 43; Columbus, OH, with Franklin County, OH; Metuchen, NJ, with Middlesex County, NJ; Dallas, TX, with Dallas County, TX; Kent, WA, with King County, WA and Fresno, CA, with Fresno County, CA, in Sub-No. 43; (5) delete commodity restrictions such as "in bags, in dump vehicles, in containers" in Sub-Nos. 25, 27, and 28; (6 authorize radial service in lieu of existing one-way authority between the above named counties and points throughout the U.S. in Sub-Nos. 25, 28, 29, 32, 36, and 40; and (7) delete the exception of transporting metal products except from named facilities in Chicago, IL, in Sub-No. 29.

MC 145785 (Sub-3)X, filed June 16, 1981. Applicant: McADAMS TRUCKING CO., 3 South Des Plaines, Joliet, IL 60435. Representative: Patrick H. Smyth, 19 South LaSalle Street, Suite 401, Chicago, IL 60603. Applicant seeks to remove restrictions in its Sub-No. 2F permit to (1) broaden the commodity description from steel parts for trusses and materials, equipment and supplies used in the manufacture and distribution thereof to "metal products"; (2) broaden its territorial description to between points in the U.S., under continuing contract(s) with a named shipper; and (3) remove the except commodities in bulk restriction.

MC 148676 (Sub-3)X, filed June 18, 1981. Applicant: R. F. PETERSON, INC, 2535 Walnut, Denver, CO 80205. Representative: James P. Beck, 717 17th Street, Ste. 2600, Denver, CO 80202. Applicant seeks to remove restrictions in its Sub-No. 2F certificate to (1) broaden the commodity description from sugar, beet or cane, in containers, and materials and supplies used in the production or distribution of sugar to "food and related products and materials and supplies used in the production or distribution of food and related products"; (2) eliminate the facilities limitation; and (3) expand city to county-wide authority from: Brighton to Adams County, CO; Longmont to Boulder County, CO; Loveland to Larimer County, CO; Ovid to Sedgewick County, CO; Fort Morgan to Morgan County, CO; Eaton and Greeley to Weld County, CO; Sterling to Logan County, CO; Bayard to Morrill County, NE; and Gering, Mitchell and Scottsbluff to Scotts Bluff County, NE, authorizing authority between Denver, CO, Adams, Boulder, Larimer, Sedgewick, Morgan, Weld, and Logan Counties, CO, and Morrill and Scotts Bluff County, NE, and points in several States.

MC 148954 (Sub-2)X, filed June 16, 1981. Applicant: PAL TRANSPORTATION, INC., 556 Forest Road, Orange, CT 06477. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, NW., Washington, DC 20001. Applicant seeks to remove restrictions in its lead and Sub-No. 1 permits to (1) broaden the commodity description, (a) from plastic articles and materials, equipment and supplies used in their manufacture to "rubber and plastic products, materials, equipment and supplies used in their manufacture" in the lead, and (b) from malt beverages to "food and related products" in Sub-No. 1; and (2) expand the territorial authorization in the lead and Sub-No. 1 to between points in the United States under continuing contract(s) with named shippers.

MC 149100 (Sub-11)X, filed June 8, 1981. Applicant: JIM PALMER TRUCKING, INC., Missoula, MT 59801. Representative: William E. Seliski, 2 Commerce POB 8255, Missoula, MT 59807. Applicant seeks to remove restriction in its lead and Sub-Nos. 1F, 2F, 3F, 4F, 5F and 6F certificates to (1) broaden its commodity descriptions in the lead from plastic pipe and fittings to "building materials"; in Sub-No. 1F from wrought iron pipe to "building materials"; in Sub-No. 2F from expanded plastic products to "rubber and plastic products"; in Sub-No. 3F from wood fiberboard, materials and supplies used in the installation of wood fiberboard (except commodities in bulk) to "building materials"; in Sub-No. 4F from paper drying and processing equipment, parts for the commodities in the above, materials, equipment and supplies used in the manufacture, installation and maintenance of the commodities above (except commodities in bulk) to "machinery"; in Sub-No. 5F from agricultural implements, farm equipment (except those in agricultural implements), parts and attachments for the commodities in agricultural implements to "machinery"; in Sub-No. 6F from iron and steel articles to "metal products"; (2) remove facilities limitations (a) in the lead and replace Fairfield, IA, with Jefferson County, IA, (b) in Sub-No. 1 and replace Blue Island, with Cook County, IL; (3) change city to county-wide authority from Hamilton, OH, to Butler County, OH, in Sub-No. 2F and from Newark, OH, to Licking County, OH, in Sub-No. 3; (4) remove the "originating at and destined to" restriction in Sub-No. 1; and (5) change one-way to radial authority between (a) Jefferson County, IA, and, 10 States in the lead, (b) Chicago, and Evanston, IL, Cook County, IL, and Hammond, IN, and 6 States in Sub-No. 1, (c) Butler County, OH, and a described portion of the U.S. in Sub-No. 2, (d) Licking County, OH, and 4 States in Sub-No. 3, and (e) 13 States, and, 4 States in Sub-No. 5.

[FR Doc. 81-19207 Filed 6-29-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carrier; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each

applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract". (For status, please contact 202–275–7326.)

Volume No. OP1–184

Decided: June 23, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 38921 (Sub-21), filed June 16, 1981. Applicant: KMA LEASING, INC. d.b.a. WM. H. P., INC., 1342 North Howard St., Philadelphia, PA 19122. Representative: Michael R. Werner, P.O. Box 1409, 167 Fairfield Rd., Fairfield, NJ 07006, (201) 575–7700. Transporting *food and related products, containers and container closures,* between points in MA, RI, CT, NY, NJ, PA, MD, DE, OH, VA, NC, IL, MI, WI, IN, NH, KY, WV, GA, FL, AL, SC, and DC.

MC 106170 (Sub-14), filed June 9, 1981. Applicant: GRAY LINE SCENIC TOURS, d.b.a. CALIFORNIA-NEVADA GOLDEN TOURS, 3185 Mill Street, Reno, NV 89510. Representative: Irwin J. Borof, 2133 San Pablo Avenue, Oakland, CA 94612, (415) 763–2800. Transporting *passengers and their baggage,* in the same vehicle with passengers, in special and charter operations, between Carson City, NV, and San Francisco, CA, and points in San Francisco, Alameda, San Mateo, Santa Clara, Monterey, San Benito, Santa Cruz, Contra Costa, San Joaquin, Marin, Napa, Sonoma, Sutter, Merced, Lake, Stanislaus, Nevada, Amador, Mendocino, Solano, Yolo, Sacramento, El Dorado, and Placer Counties, CA, and Washoe, Douglas, and Storey Counties, NV, on the one hand, and, on the other, points in the U.S., including Alaska but excluding Hawaii.

MC 115391 (Sub-4), filed June 16, 1981. Applicant: GENSIMORE TRUCKING, INC., P.O. Box L, Pleasant Gap, PA 16823. Representative: Barry L. Gensimore (same address as applicant), (814) 355–5461. Transporting *ores and minerals,* between points in Columbiana County, OH, and Hardin County, IL, on the one hand, and, on the other, those points in the U.S. on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, thence northward along the western boundaries of Itasca and Koochiching Counties, MN, to the international boundary line between the U.S. and Canada.

MC 127351 (Sub-4), filed June 16, 1981. Applicant: CHANCE FREIGHT LINES, INC., 202 West Main, Gardner, IL 60420. Representative: Douglas G. Brown, 913 South Sixth Street, Springfield, IL 62703, (217) 753–3925. Transporting *petroleum, natural gas and their products,* between points in Grundy County, IL, on the one hand, and, on the other, points in IN, MI, and WI.

Note.—To the extent that any certificate issued in this proceeding authorizes the transportation of liquefied petroleum gas, it shall expire 5 years from its date of issuances.

MC 133470 (Sub-5), filed June 16, 1981. Applicant: S. J. DURRANCE COMPANY, INC., 207 Administration Bldg., State Farmers Market, Forest Park, GA 30050. Representative: Frank D. Hall, Suite 713, 3384 Peachtree Rd. NE., Atlanta, GA 30326. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Drytex, Inc., Atlanta Felt Company, and Atlanta Wire Works, Inc., all of Jonesboro, GA.

MC 133590 (Sub-37), filed May 28, 1981. Applicant: WESTERN CARRIERS, INC., P.O. Box 925, Worcester, MA 01613. Representative: David M. Marshall, 101 State St., Suite 304, Springfield, MA 01103, (413) 732–1136. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contracts(s) with Amory Chemical & Plastics Co., Inc., of Clinton, MA, Rossignol Ski Co., Inc., of Williston, VT, Plastic Packaging Corporation, of West Springfield, MA, Salomon North American, Inc., of Peabody, MA, Questor Corporation, of Chicopee, MA, Furniture Industries, Inc., of Randolph, MA, Fischer of America, Inc., of Worburn, MA, Shipley Company, Inc., of Newton, MA, All Brand Importers, Inc., of Roslyn Heights, NY, American Pad & Paper Company, of Holyoke, MA, Mark Fore-Vatco Industries, of Chelsea, MA, Borden Chemical Company, of North Andover, MA, Garmont USA Inc., of Winooski, VT, M. S. Walker Incorporated, of Boston, MA, Southern Wine & Spirits, Inc., of Miami, FL, Western Electric Company, Inc., of Greensboro, NC, Pellon Corporation, of Chelmsford, MA, and National Patent Development Corp., of Dayville, CT.

MC 138000 (Sub-92), filed June 10, 1981. Applicant: ARTHUR H. FULTON, INC., P.O. Box 99, Stephens City, VA 22655. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740, (301) 797–6060. Transporting *general commodities* (except classes A and B explosives), between the facilities used by ITOFCA, Inc., and its members, at those points in the U.S. in and east of MN, IA, KS, OK, and TX, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, KS, OK, and TX.

MC 142901 (Sub-8), filed June 10, 1981. Applicant: TMI TRANSPORT CORP., 050 Third Ave. West, Dickinson, ND 58601. Representative: Robert N. Maxwell, P.O. Box 2471, Fargo, ND 58108, (701) 237–4223. Transporting (1) *furniture and fixtures,* (2) *lamps,* (3) *clocks,* and (4) *textile mill products,* between points in MT, ND, SD, NE, IL, IN, MN, OH, IA, WY, WI, MI, Arapahoe and El Paso Counties, CO, on the one hand, and, on the other, points in the U.S.

MC 143061 (Sub-16), filed June 16, 1981. Applicant: ELECTRIC TRANSPORT, INC., P.O. Box 528, Eden, NC 27288. Representative: Archie W. Andrews (same address as applicant), (919) 623–9106. Transporting *general commodities* (except classes A and B

explosives), between points in the U.S., under continuing contract(s) with Acme Fast Freight, Inc., of Los Angeles, CA.

MC 147031 (Sub-2), filed June 4, 1981. Applicant: CLARENCE D. BISHOP, 1501 Branch, St. Louis, MO 63107. Representative: Warren H. Sapp, P.O. Box 30010, Kansas City, MO 64112 (816) 931–8711. Transporting *building materials*, between St. Louis, MO, on the one hand, and, on the other, points in AR, IL, IN, IA, KS, KY, NE, OK, TN, and WI.

MC 150301 (Sub-10), filed June 16, 1981. Applicant: EQUITY TRANSPORTATION COMPANY, INC., 9744 E. Fulton Rd., Ada, MI 49301. Representative: Edward Malinzak, 900 Old Kent Bldg, Grand Rapids, MI 49503, (616) 459–6121. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Distribution Services of American, Inc., of Boston, MA.

MC 150301 (Sub-11), filed June 17, 1981. Applicant: EQUITY TRANSPORTATION COMPANY, INC., 9744 E. Fulton Rd., Ada, MI 49301. Representative: Edward Malinzak, 900 Old Kent Bldg., Grand Rapids, MI 49503 (616) 459–6121. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with United Freight, Inc., of Morrow, GA.

MC 151840, filed June 16, 1981. Applicant: DITATA TRANSPORTATION CO., Box 156, Livermore Falls, ME 04254. Representative: Michael N. Ditata, 102 Main St., Jay, ME 04239, 1–207–897–3915. Transporting *pulp, paper and related products*, between points in the U.S., under continuing contract(s) with International Paper Company of New York, NY.

MC 156471, filed June 11, 1981. Applicant: LAWRENCE JAMES ATWOOD, d.b.a. BUTCH ATWOOD TRUCKING, P.O. Box 518, Coos Bay, OR 97420. Representative: Lawrence V. Smart, Jr., 419 N.W. 23rd St., Portland, OR 97210, (503) 226–3755. Transporting *farm supplies and equipment*, between Tacoma, WA, on the one hand, and, on the other, points in OR.

MC 156480, filed June 11, 1981. Applicant: INDEPENDENT DISPATCH, INC., 9460 S.W. Davies Rd., Beaverton, OR 97005. Representative: Michael D. Gilbert (same address as applicant), (503) 641–6160. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Western States Shippers Association, Inc., Transportation Cost Control, doing business as Portland Shippers Agents, Worjaws Shippers Coop, and Tri-Venture Corp., all of Portland, OR, and Arthur J. Fritz & Co., of Seattle, WA.

MC 156481, filed June 11, 1981. Applicant: B.F.S. CARTAGE, INC., P.O. Box 263, McKees Rocks, PA 15136. Representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, PA 15219, (412) 771–3195. Transporting *general commodities* (except classes A and B explosives), (1) between points in Erie, Crawford, Warren, Mercer, Venango, Forest, Elk, Lawrence, Butler, Clarion, Jefferson, Clearfield, Armstrong, Indiana, Cambria, Blair, Beaver, Allegheny, Westmoreland, Somerset, Bedford, Fayette, Washington and Greene Counties, PA, Ashtabula, Lake, Cuyahoga, Geauga, Trumbull, Portage, Summit, Medina, Mahoning, Columbiana, Stark, Wayne, Holmes, Tuscarawas, Carroll, Jefferson, Coshocton, Harris, Muskingum, Guernsey, Bellmont, Morgan, Noble, Monroe and Washington Counties, OH, Garrett and Allegany Counties, MD, and Hancock, Brooke, Ohio, Marshall, Wetzel, Tyler, Pleasants, Wood, Ritchie, Doddridge, Harrison, Lewis, Marion, Barbour, Tucker, Taylor, Preston, Monongalia and Mineral Counties, WV, and (2) between points in Erie, Crawford, Warren, Mercer, Venango, Forest, Elk, Lawrence, Butler, Clarion, Jefferson, Clearfield, Armstrong, Indiana, Cambria, Blair, Beaver, Allegheny, Westmoreland, Somerset, Bedford, Fayette, Washington and Greene Counties, PA, Ashtabula, Lake, Cuyahoga, Geauga, Trumbull, Portage, Summit, Medina, Mahoning, Columbiana, Stark, Wayne, Holmes, Tuscarawas, Carroll, Jefferson, Coshocton, Harris, Muskingum, Guernsey, Bellmont, Morgan, Noble, Monroe and Washington Counties, OH, Garrett and Allegany Counties, MD, and Hancock, Brooke, Ohio, Marshall, Wetzel, Tyler, Pleasants, Wood, Ritchie, Doddridge, Harrison, Lewis, Marion, Barbour, Tucker, Taylor, Preston, Monongalia and Mineral Counties, WV, on the one hand, and, on the other, Chicago, IL.

MC 156491, filed June 16, 1981. Applicant: TRANSPORTES DEL VALLE, S.A. DE C.V., Prol. Madero, 4217 Ote., Monterrey, N.L., Mexico. Representative: James W. Hightower, First Continental Bank Bldg., Suite 301, 5801 Marvin D. Love Freeway, Dallas, TX 75237, (214) 339–4108. Transporting *chemicals and related products*, between Houston, TX, on the one hand, and, on the other, ports of entry on the international boundary line betwen the U.S. and the Republic of Mexico in TX.

MC 156590, filed June 16, 1981. Applicant: ROBERT WHITEHOUSE, d.b.a. BOB WHITEHOUSE TRUCKING, 214 8th St., Estherville, IA 51334. Representative: Richard D. Howe, 600 Hubbell Bldg., Des Moines, IA 50309, (515) 244–2329. Transporting *food and related products*, between points in Emmet and Woodbury Counties, IA, Minnehaha County, SD, and Martin and Nobles Counites, MN, on the one hand, and, on the other, points in AL, AR, IL, IN, IA, KS, LA, MI, MN, NE, MS, MO, OK, OH, SD, TN, TX, and WI.

Vol. No. OPY–5–87

Decided: June 22, 1981.
By the Commission, Review Board No. 3. Members Krock, Joyce, and Dowell.

MC 107638 (Sub-7), filed June 5, 1981. Applicant: EVERGREEN TRAILS, INC., d.b.a. EVERGREEN TRAILWAYS, 666 Stewart Street, Seattle, WA 98101. Representative: Lawrence E. Lindeman, 1032 Pennsylvania Building, Pennsylvania Ave. & 13th St., NW., Washington, DC 20004, 202–628–4600. Transporting *passengers and their baggage, and express and newspapers in the same vehicle with passengers*, (1) between Seattle, WA, and Anacortes, WA, (a) from Seattle over Interstate Hwy 5 to junction Washington Hwy 525, then over Washington Hwy 525 to junction Washington Hwy 20 on Whidbey Island, then over Washington Hwy 20 to Anacortes; and (b) from Seattle over Interstate Hwy 5 to junction Washington Hwy 536, then over Washington Hwy 536 to junction Washington Hwy 20, then over Washington Hwy 20 to Anacortes; (2) between Anacortes, WA, and the International Boundry Line between the U.S. and Canada near San Juan Island via the Washington State Ferry; and (3) between Seattle, WA, and the Seattle-Tacoma International Airport, King County, WA, (a) from Seattle over Interstate Hwy 5 to junction Washington Hwy 518, then over Washington Hwy 518 to the Seattle-Tacoma International Airport, and (b) from Seattle over Interstate Hwy 5 to junction Washington Hwy 518, then over Washington Hwy 518 to Washington Hwy 99, then over Washington Hwy 99 to the Seattle-Tacoma International Airport, serving all intermediate points in Routes 1(a) and 1(b).

MC 109449 (Sub-63), filed June 9, 1981. Applicant: KUJAK TRANSPORT, INC., 6366 West 6th St., Winona, MN 55987. Representative: Francis Cisewski (same address as applicant), 507–452–1032.

Transporting *food and related products* between points in MN, on the one hand, and, on the other, points in AR, CA, FL, IL, KS, KY, LA, MD, MO, NJ, NY, OK, TN, TX, and WY.

MC 110328 (Sub-23), filed June 8, 1981. Applicant: ROY A LEIPHART TRUCKING, INC., 1298 Toronita St., York, PA 17402. Representative: Charles E. Creager, P.O. Box 1417, Hagerstown, MD 21740, 301–797–6060. Transporting *general commodities* (except classes A and B explosives), between points in MD, PA, VA, IL, DE, IN, NY, NJ, MA, CT, RI, MI, OH, KY, TN, WV, and DC.

MC 114829 (Sub-27), filed June 9, 1981. Applicant: GENERAL CARTAGE COMPANY, INC., P.O. Box 417, Sterling, IL 61081. Representative: Bernard J. Kompare, 10 S. LaSalle St., Suite 1600, Chicago, IL 60603, 312–263–1600. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Ralston Purina Company of St. Louis, MO

MC 143208 (Sub-2), filed May 14, 1981. Applicant: SHENANDOAH RECYCLING, INC., Route 3, Box 452, Staunton, VA 24401. Representative: Harry J. Jordan, Suite 502, Solar Bldg., 1000 16th St., NW, Washington, DC 20036, (202) 783–8131, Transporting *hazardous materials* and *waste or scrap materials not identified by industry producing*, between Waynesboro and Lynchburg, VA, and points in Albermarle and Rockingham Counties, VA, Dougherty County, GA, and Cambria, Dauphin, Northumberland, Lackawanna, and Lehigh Counties, PA, on the one hand, and, on the other, Baltimore, MD, and points in Sumter County, AL, Gloucester and Salem Counties, NJ, Augusta, County, VA, Queens County, NY, Montgomery County, PA, and Spartanburg and Sumter Counties, SC.

MC 145359 (Sub-38), filed May 14, 1981, previously noticed in **Federal Register** issue of June 1, 1981. Applicant: THERMO TRANSPORT, INC., P.O. Box 41587, Indianapolis, IN 46241. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240, (317) 846–6655. Transporting *metal products*, between Houston, TX, and points in Dallas, Bowie, and Morris Counties, TX, and Miller County, AR, on the one hand, and, on the other, point is the U.S.

Note.—This republication corrects the territorial description of the previous publication.

MC 147258 (Sub-2), filed June 10, 1981. Applicant: F. T. SILFIES, 751 Pt. Phillips Rd., Bath, PA 18014. Representative: Francis W. Doyle, 323 Maple Ave., Southampton, PA 18966, 215–357–7220. Transporting (1) *coal and coal products*, between points in Luzerne and Schuylkill Counties, PA, on the one hand, and, on the other, CT, MA, NJ, NY, and RI, and (2) *ores and minerals*, between points in Burlington and Camden Counties, NJ, and Rockland County, NY, on the one hand, and, on the other, points in Lehigh and Northampton Counties, PA.

MC 149338 (Sub-2), filed June 5, 1981. Applicant: FLEMING TRANSPORT, INC., 222 Airport Rd., Butler, PA 16601. Representative: William A. Gray, 2310 Grant Bldg., Pittsburgh, PA 15219, (412) 471–1800. Transporting *petroleum, natural gas and their products*, between points in the U.S., under continuing contract(s) with (a) E. Stewart Mitchell, Inc., of Baltimore, MD, (b) Warden Asphalt Company, of Harrisburg, PA, and (c) Tri-State Emulsion, Inc., of Rayland, OH.

MC 150189 (Sub-4), filed June 8, 1981. Applicant: R. G. BERRY, d.b.a. R. G. BERRY TRUCKING, P. O. Box 8, Shawneetown, IL 62984. Representative: Jackson Salasky, P.O. Box 45538, Dallas, TX 75248, (214) 358–3341. Transporting *food and related products*, between the facilities of Anderson-Clayton Co., at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 150339 (Sub-31), filed June 9, 1981. Applicant: PIONEER TRANPORTATION SYSTEMS, INC., 302 Blomingdale Ave., Federalsburg, MD 21632. Representative: Stephen J. Hammer (same address as applicant), (301) 673–7151. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with William H. Masson, Inc., of Baltimore, MD.

MC 150988 (Sub-3), filed June 10, 1981. Applicant: A&B CARTAGE, INC., 2411 Robeson St., Fayetteville, NC 28305. Representative: Eric Meierhoefer, 1029 Vermont Ave., NW., Washington, D.C. 20005, (202) 347–9332. Transporting *pulp, paper, and related products*, between points in NC and VA, on the one hand, and, on the other, points in FL, GA, NC, SC, TN, VA, NY, NJ, WI, PA, OH, MI, IN, MD, DE, NH, and CT.

MC 153559, filed June 8, 1981. Applicant: PLAZA EXPRESS, INC., 6467 Van Nuys Blvd., Suite 460, Van Nuys, CA 91401. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609, (213) 945–2745. Transporting *furniture and fixtures*, between points in the U.S., under continuing contract(s) with G. J. Industries, Inc., of Panorama City, CA.

MC 154158 (Sub-1), filed June 10, 1981. Applicant: KINNEY TRUCK LINE, INC., 124 West Willis Ave., Perry, IA 50220. Representative: Steven C. Schoenebaum, 1200 Register & Tribune Bldg., Des Moines, IA 50309, (515) 283–2076. Transporting *machinery*, between points in Dallas County, IA on the one hand, and, on the other, points in Stanislaus County, CA.

MC 155389 filed April 20, 1981. Applicant: WITS TRANSPORT, INC., 333 Vine St., Seattle, WA 98121. Representative: James T. Johnson, 1610 IBM Bldg., Seattle, WA 98101, 206–624–2832. Transporting *general commodities* (except classes A and B explosives), between points in Boston, MA, San Franciso, CA, Salt Lake City, UT, Atlanta, GA and points in Los Angeles and Orange Counties, CA, Spartansburg and Greenville Counties, SC, Maricopa County, AZ, and Montgomery County, OH, on the one hand, and, on the other, points in the U.S.

MC 155958, filed June 5, 1981. Applicant: AMBASSADOR TRANSPORTATION, INC., 303 S. Jefferson St., Green Bay, WI 54301. Representative: William J. Vande Castle (same address as applicant), 414–822–8232. Transporting *pasengers and their baggage* in special operations, between points in Menominee County, MI, on the one hand, and, on the other, Austin Straubel Field, in Brown County, WI, and points in Marinette and Oconto Counties, WI.

Mc 156418, filed June 9, 1981. Applicant: MID-SOUTH AUTOMOBILE CLUB, INC., d.b.a. AAA WORLD WIDE TRAVEL AGENCY, 1121 Church St., Nashville, TN 37203. Representative: William Prentice Cooper, P.O. Box 2808, Nashville, TN 37219, (615) 244–1440. To operate as a *broker* at Chattanooga, Clarksville, Jackson, Memphis, Murfreesboro, and Nashville, TN, in arranging for the transportation of *passengers and their baggage*, in charter or special operations, beginning and ending at points in Davidson, Hamilton, Knox, Madison, Montgomery, Rutherford and Shelby Counties, TN, and extending to points in the U.S.

Vol. No. OPY–5–88

Decided: June 23, 1981.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

FF–478 (Sub-2), filed June 5, 1981. Applicant: BRINKE TRANSPORTATION CORPORATION, 11858 N.W. 26th Ave., Miami, FL 33168. Representative: Ronald N. Cobert, 1730 M St., Suite 501, Washington, DC 20036, 202–296–2900. *As a freight forwarder*, in

connection with the transportation of *general commodities* (except classes A and B explosives), between points in AL, AR, DE, FL, GA, IL, IN, KY, LA, MS, MD, NJ, NY, NC, OH, PA, SC, TN, TX, VA, and WV.

MC 41098 (Sub-60), filed May 28, 1981. Applicant: GLOBAL VAN LINES, INC., One Global Way, Anaheim, CA 92803. Representative: Alan F. Wohlstetter, 1700 K St., NW, Washington, DC 20006, (202) 833–8884. Transporting (1) *Furniture and fixtures*, and (2) *hotel equipment and supplies* (except furniture and fixtures), between points in the U.S.

MC 41098 (Sub-61), filed June 5, 1981. Applicant: GLOBAL VAN LINES, INC., One Global Way, Anaheim, CA 92803. Representative: Alan F. Wohlstetter, 1700 K Street, NW, Washington, DC 20006, (202) 833–8884. Transporting *general commodities* (except classes A and B explosives) between points in the U.S., under continuing contract(s) with Xerox Corporation of Rochester, NY.

MC 57239 (Sub-59), filed June 5, 1981. Applicant: RENNER'S EXPRESS, INC., 1350 South West Street, Indianapolis, IN 46225. Representative: James R. Smith (same address as applicant), 317–635–9312. Over regular routes, transporting *general commodities* (except classes A and B explosives), (1) between Cleveland, OH, and Louisville, KY, over U.S. Hwy 42; (2) between Columbus, OH, and Louisville, KY, over Interstate Hwy 71; (3) between Toledo, OH, and Columbus, OH, over U.S. Hwy 23; (4) between Toledo, OH, and Cincinnati, OH, over Interstate Hwy 75; (5) between Mansfield, OH, and Fort Wayne, IN, over U.S. Hwy 30; (6) between Columbus, OH, and Fort Wayne, IN, over U.S. Hwy 33; (7) between Indianapolis, IN, and junctions U.S. Hwy 36 and Interstate Hwy 71, over U.S. Hwy 36; (8) between Lexington, KY, and Fort Wayne, IN, over U.S. Hwy 27; (9) between Indianapolis, IN, and Cincinnati, OH, over U.S. Hwy 52; (10) between Dayton, OH, and Muncie, IN, over U.S. Hwy 35; (11) between Richmond, IN, and Pendleton, IN, over IN Hwy 38; (12) between Columbus, IN, and junction In Hwy 46 and U.S. Hwy 52, over IN Hwy 46; (13) between Seymour, IN, and Cincinnati, OH, over U.S. Hwy 50; (14) between Indianapolis, IN, and Lexington, KY, over U.S. Hwy 421; (15) between Muncie, IN, and Jeffersonville, IN, from Muncie over IN Hwy 3 to junction IN Hwy 62, then over IN Hwy 62 to Jeffersonville; (16) between Lawrenceburg, IN, and Fiat, IN, over IN Hwy 1; (17) between Frankfort, KY, and junction U.S. Hwy 127 and U.S. Hwy 24, over U.S. Hwy 127; (18) between Lexington, KY, and Louisville, KY, over U.S. Hwy 60; (19) between Cincinnati, OH, and Lexington, KY, over U.S. Hwy 25; (20) between Cynthiana, KY, and Elizabethtown, KY, over U.S. Hwy 62; (21) between Lousiville, KY, and Hodgenville, KY, over Hwy 31E; (22) between Paris, KY, and Lexington, KY, from Paris over KY Hwy 627 to junction U.S. Hwy 60, then over U.S. Hwy 60 to Lexington; (23) between Milton, KY, and junction KY Hwy 36 and U.S. Hwy 42, over KY Hwy 36; (24) between Charlestown, IN, and junction IN Hwy 62 and U.S. Hwy 421, over IN Hwy 62; (25) between Colubmus, IN, and Madison, IN, over In Hwy 7; (26) between Columbus, IN, and Pendleton, IN, over IN Hwy 9; (27) between Cincinnati, OH, and junction OH Hwy 4 and U.S. Hwy 30, over OH Hwy 4; (28) between Van Wert, OH, and Akron, OH, over U.S. Hwy 224; (29) between Fort Wayne, IN, and Toledo, OH, over U.S. Hwy 24; (30) between Cincinnati, OH, and Columbus, OH, from Cincinnati over U.S. Hwy 22 to junction U.S. Hwy 23, then over U.S. Hwy 23 to Columbus, serving all intermediate points in (1) thru (30), and serving Tiffin, Bellefontaine, Lima, and Newark, OH, as off-route points in connection with applicant's existing regular-route operations.

MC 78039 (Sub-11), filed June 5, 1981. Applicant: B & R MOTOR EXPRESS, INC., P.O. Box 4085, Utica, NY 13504. Representative: Murray J. S. Kirshtein, 118 Bleecker St., Utica, NY, (315) 797–1970. Transporting *pulp, paper and related products*, and *rubber and plastic products*, between points in the U.S., under contining contract(s) with Georgia Pacific Corp., of Darien, CT.

MC 105629 (Sub-103), filed June 9, 1981. Applicant: GRAFF TRUCKING COMPANY, INC., 2110 Lake St., P.O. box 986, Kalamazoo, MI 49005. Representative: Edward Malinzak, 900 Old Kent Bldg., Grand Rapids, MI 49503, 616–459–6121. Transporting *pulp, paper and related products*, between the facilities used by Roosevelt Paper Company at points in IL, IN, IA, KY, MI MN, MO, OH, PA, WV, and WI.

MC 110288 (Sub-24), filed June 5, 1981. Applicant: HARRY HENERY, INC., 3517 W. Washington St., Indianapolis, IN 46241. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240, 317–846–6655. Transporting (1) *Mercer commodities*, (2) *machinery*, and (3) *metal products*, between points in the U.S., and (4) *rubber and plastic products*, between Denver, CO, on the one hand, and, on the other, points in the U.S.

MC 111299 (Sub-14), filed June 4, 1981. Applicant: KIRVAN TRUCK LINES, INC., Box 629, International Falls, MN 56649. Representative: Stanley C. Olsen, Jr., 5200 Willson Road, Suite 307, Edina, MN 55424, 612–927–8855. Transporting (1) *pulp, paper and related products*, between points in MN, and WI; (2) *food and related products*, between St. Louis, MO, on the one hand, and, on the other, points in MN; (3) *food and related products*, between points in MN and WI; (4) *general commodities* (except classes A and B explosives), between Minneapolis, MN, on the one hand, and, on the other, points in Koochiching, Beltrami, Itasca, St. Louis and Carlton Counties MN; (5) *metal products*, and (6) *machinery* between points in St. Louis, Itasca, Koochiching, and Lake Counties, MN, on the one hand, and, on the other, points in IL, IN, IA, and WI.

MC 118318 (Sub-63), filed June 8, 1981. Applicant: IDA–CAL FREIGHT LINES, INC., P.O. Drawer M, Nampa, ID 83651 Representative: Timothy R. Stivers, P.O. Box 1576, Boise, ID 83701, 202–343–3071. Transporting *general commodities* (except classes A and B explosives) between point in the U.S., under continuing contract(s) with The Clorox Company, of Oakland, CA.

MC 126528 (Sub-4), filed June 8, 1981. Applicant: BULK HAULERS, INC., Airport Rd., Nashua, NH 03061. Representative: T. J. O'Loughlin Jr., 18 Baker St., Hudson, NH 03051, 603–883–5531 Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Lawpool, Inc., and Law Warehouses, Inc., both of Nashua, NH.

MC 136828 (Sub-42), filed June 1, 1981. Applicant: COOK TRANSPORTS, INC., P.O. Box 6362–A Birmingham, Al 35217. Representative: John R. Frawley, Jr., Suite 200, 120 Summit Parkway, Birmingham, AL 35209 (205) 942–9116. Transporting *general commodities* (except classes A and B explosives) between points in AL, TN, KY, GA, FL, MS, and LA, on the one hand, and, on the other, points in the U.S.

MC 143209 (Sub-20), filed June 5, 1981. Applicant: HOUSTON FREIGHTWAYS, INC., P.O. Box 607, Galena Park, TX 77547. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101, (703) 893–3050. Transporting *metal products*, between points in Cass and Morris Counties, TX, on the one hand, and, on the other, points in the U.S.

MC 145079 (Sub-3), filed June 5, 1981. Applicant: ALBERT J. AMATUZIO AND RICHARD A. AMATUZIO, d.b.a. AMO EXPRESS, 2206 Winter St., Superior, WI 54880. Representative: Andrew R. Clark, 1600 TCF Tower, Minneapolis, MN

55402, (612) 333–1341. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with AMS/OIL, Inc., of Superior, WI.

MC 146078 (Sub-46), filed June 5, 1981. Applicant: CAL-ARK, INC., 854 Moline, P.O. Box 610, Malvern, AR 72104. Representative: John C. Everett, 140 E. Buchanan, P.O. Box A, Prairie Grove, AR 72753, (501) 846–2185. Transporting *general commodities* (except classes A and B explosives) between points in the U.S.

MC 146689 (Sub-9), filed June 8, 1981. Applicant: RONALD DINNOCENTI, ANGELINE DINNOCENTI, ROBERT L. LIST AND CHARLES W. YETTER III, d.b.a. LARK LEASING 261 Maplewood Dr., Pottstown, PA 19464. Representative: Christian V. Graf, 407 N. Front St., Harrisburg, PA 17101, (717) 236–9318. Transporting *chemicals and related products* between points in the U.S., under continuing contract(s) with Reichard Coulston, Inc., of Bethlehem, PA.

MC 147009 (Sub-3), filed June 8, 1981. Applicant: DEAN HUGHS, INC., R.R. #2, New Berlin, IL 62670. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701, (217) 544–5468. Transporting (1) *printed matter* and (2) *pulp, paper and related products*, between points in Sangamon, Morgan, Cook, and Effingham Counties, IL, Allen and Vigo Counties, IN, and Winnebago County, WI, on the one hand, and, on the other, points in the U.S.

MC 147299 (Sub-5), filed June 8, 1981. Applicant: REDWAY CARRIERS, INC., P.O. Box 104, Waukegan, IL 60085. Representative: Paul J. Maton, 10 S. LaSalle St., Suite 1620, Chicago, IL 60603, (312) 332–0905. Transporting *such commodities* as are dealt in or used by a manufacturer of expanded plastic articles, between points in the U.S., under continuing contract(s) with Free-Flow Packaging Corporation, of Redwood City, CA.

MC 149568 (Sub-7), filed June 5, 1981. Applicant: TRUCK SERVICE COMPANY, 2169 E. Blaine, Springfield, MO 65803. Representative: John L. Alfano, 550 Mamaroneck Ave., Harrison, NY 10528, (914) 835–4411. Transporting *general commodities* (except classes A and B explosives) between points in the U.S., under continuing contract(s) with Sterling Drug Inc., of New York, NY.

MC 152509 (Sub-2), filed June 5, 1981. Applicant: CONTRACT TRANSPORTATION SYSTEMS CO., 1370 Ontario St., Cleveland, OH 44101. Representative: Robert R. Harris, 1730 M Street NW., Washington, DC 20036, (202) 296–2900. Transporting *general commodities* (except classes A and B explosives) between points in the U.S., under continuing contract(s) with Northeastern Pennsylvania Shippers Cooperative Association, Inc., of Dunmore, PA, or its members.

MC 153648, filed June 8, 1981. Applicant: PATRICK C. SENG, d.b.a. S & S Transport, P.O. Box 579, Grand Forks, ND 58201. Representative: Robert N. Maxwell, P.O. Box 2471, Fargo, ND 58108, (701) 237–4223. Transporting (1) *food and related products*, and (2) *chemicals and related products*, between points in Grand Forks, Ramsey, and Ward Counties, ND, and Polk and Pennington Counties, MN, on the one hand, and, on the other, points in the U.S.

MC 155539, filed June 5, 1981. Applicant: JOHN W. FJOSEIDE, Route 1, P.O. Box 206A, Dawson, MN 56232. Representative: Robert S. Lee, 1600 TCF Tower, 121 So. 8th St., Minneapolis, MN 55402, (612) 333–1341. Transporting *food and related products*, between points in MN, WI, IL, IA, and OH, on the one hand, and, on the other, points in CA, WA, OR, and UT.

MC 156178, filed June 5, 1981. Applicant: DONALD E. PECK, d.b.a. DON PECK'S MOVING & STORAGE, 1101 Chester-Hack Drive, Paducah, KY 42001. Representative: George M. Catlett, 708 McClure Bldg., Frankfort, KY 40601, (502) 227–7384. Transporting *such commodities* as are dealt or used by distributors of lumber and building materials, between points in the U.S., under continuing contract(s) with Cole Lumber & Supply Co., Inc., of Paducah, KY.

MC 156338, filed June 4, 1981. Applicant: MAROADI TRANSFER & STORAGE, INC., 1801 Lincoln Hwy., North Versailles, PA 15137. Representative: Authur J. Diskin, 806 Frick Bldg., Pittsburgh, PA 15219, (412) 281–9494. Transporting *household goods* between those points in the U.S. east of MT, WY, CO, and NM.

MC 156399, filed June 8, 1981. Applicant: CASTLE CONTRACT CARRIER, INC., 2337 Summer St., Lauderdale, MN 55113. Representative: Jerry E. Hess (same address as applicant), (612) 633–7911. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Davis Water & Waste Industries, Inc., of Albany, GA.

MC 156439, filed June 9, 1981. Applicant: CHASE PRODUCTS, INC., P.O.B. 117, Hagerman, ID 83332. Representative: Timothy R. Stivers, P.O.B. 1576, Boise, ID 83701, (208) 343–3071. Transporting *General commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Chase Products, Inc., of Hagerman, ID, and Lewis Foods, a division of CHB Foods, Inc. of Long Beach, CA.

[FR Doc. 81-19200 Filed 6-20-81; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 403]

Cargo Liability Study; Report to Congress

AGENCY: Interstate Commerce Commission.

ACTION: Extension of Time for Replies

SUMMARY: By notice in the **Federal Register** of March 20, 1981, (46 FR 17893), the Commission requested comments on whether 49 U.S.C. 11107 should be modified or eliminated with respect to rail carriers. By **Federal Register** notice of May 18, 1981 (46 FR 27182), we extended the comment and reply dates to May 29, 1981 and June 26, 1981, respectively. The Association of American Railroads (AAR) filed a request for a three week extension to July 17, 1981, for filing the replies. It claims that the June 26 deadline makes its task onerous because of the large volume of statements filed by shippers. The AAR's request shall be granted in part, and an extension shall be granted to July 6, 1981. This should enable the AAR to file a comprehensive reply. On the other hand, a further extension is not justified, particularly in light of the requirement under Section 211 (d) of the Staggers Rail Act of 1980, that this study be completed by October 1, 1981.

DATES: Replies are now due July 6, 1981.

FOR FURTHER INFORMATION CONTACT: Richard B. Felder or Jane F. Mackall, (202) 275–7693.

Decided: June 19, 1981.

By the Commission, Marcus Alexis, Acting Chairman.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-19204 Filed 6-29-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule 251 of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance

procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

(For status calls, please contact 202–275–7326)

Volume No. OP1–185

Decided: June 23, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 133820 (Sub-3), filed June 8, 1981. Applicant: CLYDE W. PLUNKARD, Route #2, Box 163, Boonsboro, MD 21713. Representative: Edward N. Button, 580 Northern Ave., Hagerstown, MD 21740, (301) 739–4860. Transporting (1) for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), (2) *shipments weighing 100 pounds or less*, if transported in a motor vehicle in which no one package exceeds 100 pounds, and (3) *food and other edible products and by products intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, by the owner of the motor vehicle in such vehicle, between points in the U.S.

Volume No. OPY–2–108

Decided: June 18, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Member Chandler not participating.)

MC 58923 (Sub-73), filed June 1, 1981. Applicant: GEORGIA HIGHWAY EXPRESS, INC., 2090 Jonesboro Road, S.E., Atlanta, GA 30315. Representative: William W. West (Same address as applicant) (404) 627–7331. Transporting *general commodities* between Platt, Port Charlotte, Southland, Placida, Boca Grande, and Port Boca Grande, FL, on the one hand, and, on the other, points in the U.S.

Note.—(1) Applicant intends to tack this authority with its otherwise authorized regular route authority.

(2) The purpose of this application is to substitute motor carrier for abandoned rail carrier service.

MC 94992 (Sub-3), filed June 10, 1981. Applicant: AUSTIN VERITY & SON, INC., 3685 Merrick Road, Seaford, NY 11783. Representative: Arthur J. Piken, Queens Office Tower, 95–25 Queens Boulevard, Rego Park, NY 11374 (212) 275–1000. Transporting *used household goods* for the account of the United States Government incident to the performance of a pack-and-crate service on behalf of the Department of Defense, between points in the U.S.

MC 148552 (Sub-1), filed June 10, 1981. Applicant: MOTOR HOME TRANSPORT, INC., 3401 Etiwanda, Space No. 941, Mira Loma, CA 91752. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 Fifteen St., NW., Washington, DC 20005 (202) 296–3555. Transporting for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 156373, filed June 8, 1981. Applicant: ELITE TRUCK DISPATCH, P.O. Box 2489, Sacramento, CA 95811. Representative: Bill J. Smith, 1283 Ponderosa Dr., Petaluma, CA 94952 (707) 762–6131. As a broker of general commodities (except household goods), between points in the U.S.

MC 156402, filed June 8, 1981. Applicant: EFFICIENT TRANSPORTATION CONSULTANTS, INC., 190 Godwin Ave., P.O. Box 131, Midland Park, NJ 07432. Representative: Thomas D. Thompson, (same as applicant) (201) 445–6875. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 156412, filed June 9, 1981. Applicant: KOHLER ENTERPRISES, INC., 228 Vanderbilt Ave., Norwood, MA 02062. Representative: Robert M. Cohen, 99 High St., Boston, MA 02110, (617) 542–4010. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

Volume No. OPY–5–89

Decided: June 23, 1981.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 9268 (Sub-19), filed June 11, 1981. Applicant: PACE MOTOR LINES, INC., P.O. Box 87, Bridgeport, CT 06601. Representative: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, NJ 08904, (201) 572–5551. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 107678 (Sub-82), filed June 5, 1981. Applicant: HILL & HILL TRUCK LINE, INC., 14942 Talcott Ave., Houston, TX 77015. Representative: Edward D. Brown (same address as applicant.) 713–452–1531. Transporting, for and on behalf of the United States Government, *general commodities* (except used household goods, hazardous materials or secret materials, and sensitive weapons and munitions), between points in the U.S. Condition: The person or persons who appear to be in common control of another regulated carrier must either file an application under 49 U.S.C. § 11343 (A) or submit an affidavit indicating why such approval is unnecessary to the Secretary's office. In order to expedite issuance of any authority, please submit a copy of the affidavit or proof of filing the application(s) for common control to Team 5, Room 6370.

MC 113658 (Sub-51), filed April 22, 1981. Applicant: SCOTT TRUCK LINE, INC., 5280 Newport Street, Commerce City, CO 80022. Representative: Rick A. Rude, Suite 611, 1730 Rhode Island Ave., NW., Washington, DC 20036, 202–223–5900. Transporting *general commodities* (except classes A and B explosives), between Stillman Valley, Esmond, Clare, Lindenwood, and Five Points, IL, on the one hand, and, on the other, points in the U.S. Condition: Prior to institution of operations at any particular point for which authority has been granted, the applicant must have on file with the Commission a certification that rail service actually has terminated at that point. See No. MC–119988 (Sub-No. 289F), *Great Western Trucking Co., Inc., Extension—Substitution for Rail at Richmond, IL,* —— M.C.C. —— (decided June 8, 1981).

Note.—The purpose of this application is to substitute motor carrier service for completely abandoned rail service.

MC 125708 (Sub-215), filed June 5, 1981. Applicant: THUNDERBIRD MOTOR FREIGHT LINES, INC., 210 E. State, Kokomo, IN 46901. Representative: A. C. Goebel, 109 Velma, South Roxana, IL 62087, 618–254–7624. Transporting *shipments* weighing 100 pounds or less if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 128648 (Sub-32), filed June 10, 1981. Applicant: TRANS–UNITED, INC., 425 West 152nd St., P.O. Box 2081, East Chicago, IN 46312. Representative: Joseph Winter, 29 South LaSalle St., Chicago, IL 60603, 312–263–2306. To operate as a *broker* of *general commodities* (except household goods), between points in the U.S.

MC 145078 (Sub-2), filed June 9, 1981. Applicant: RAYMOND SEMRAU, 904 Miller Street, Marinette, WI 54143. Representative: Daniel R. Dineen, 710 North Plankinton Ave., Milwaukee, WI 53203 (414) 273–7410. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 149199 (Sub-8), filed June 11, 1981. Applicant: FRONTIER EXPRESS, INCORPORTED d.b.a. D & M TRANSPORTATION, 905 S.W. Second St., Oklahoma City, OK 73109. Representative: C. Timothy Armstrong, 200 North Choctaw, P.O. Box 1124, El Reno, OK 73036, 405–262–1322. Transporting, for and on behalf of the United States Government, *general commodities* (except household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 151168 (Sub-2), filed June 9, 1981. Applicant: STEPHEN W. KETCHUM, d.b.a. KETCHUM TRUCKING COMPANY, P.O. Box 464, Pontiac, MI 48056. Representative: William B. Elmer, 624 Third St. Traverse City, MI 49684 (616) 941–5313. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazarouds or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 153938 (Sub-3), filed June 4, 1981. Applicant: ENERGY EXPRESS, INC., 2125 North Redwood Rd., Salt Lake City, UT 84116. Representative: William S. Richards, P.O. Box 2465, Salt Lake City, UT 84110, 801–531–1777. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 154628 (Sub-1), filed June 8, 1981. Applicant: R & R, INC, 2882 W. Lake Sammamish Pkwy. NE, Redmond, WA 98052. Representative: Boyd Hartman, P.O. Box 3641, Bellevue, WA 98009, 206–453–0312. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 155639 (Sub-1), filed June 5, 1981. Applicant: G. & H. ENTERPRISES, Route 224, Marbury, MD 20658. Representative: Charles Gray (Same address as applicant.) 301–753–6991. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 155828, filed May 1, 1981. Applicant: PAC–TRANS, INC, 1900 Powell St., Emeryville, CA 94608. Representative: Donald E. Cross, 918 16th St., Suite 700, Washington, DC 20006, 202–785–3700. Transporting, for and on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons), between points in the U.S.

MC 156348, filed May 27, 1981. Applicant: GREEN AERO, P.O. Box 1646, Tacoma, WA 98401. Representative: Jim Pitzer, 15 S. Grady Way, Suite 321, Renton, WA 98055 (206) 235–1111. Transporting for or on behalf of the United States Government, *general commodities*, (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81–19205 Filed 6–29–81; 8:45 am]
BILLING CODE 7035–01–M

[Volume No. OP2–068]

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Decided: June 19, 1981

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special Rule 247 was published in the **Federal Register** of July 3, 1980, at 45 FR 45539. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common

control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient interest in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed) appropriate authorizing documents will be applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

MC 151762, filed September 22, 1981. (Correction), previously published in the **Federal Register** issues of October 7, 1980 and April 9, 1981, and republished this issue. Applicant: COMMERCIAL TOWING CO., 4080 West 21st South, Salt Lake City, UT 84120. Representative: Mark K. Boyle, 10 Broadway Bldg., Suite 400, Salt Lake City, UT 84101. Transporting (1) *motor vehicles*, tranported by wrecker or towing equipment, and (2) *cargo* of the commodities in (1) above, between points in AZ, CA, CO, ID, KS, MT, ND, NE, NM, NV, OK, OR, SD, TX, UT, WA, and WY.

Note.—This republication is to correct the commodity description in (1) above.

[FR Doc. 81-19203 Filed 6-29-81; 8:45 am]

BILLING CODE 7035-01-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731-TA-43 (Preliminary)]

Fresh Cut Roses From Colombia; Termination of Investigation

AGENCY: United States International Trade Commission.

ACTION: Termination of preliminary countervailing duty investigation and cancellation of public conference.

EFFECTIVE DATE: June 24, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. John MacHatton, Supervisory Investigator (202-523-0439), Office of Investigations.

SUPPLEMENTARY INFORMATION: On June 8, 1981, following receipt of a petition filed by counsel for Roses Incorporated, the Commission instituted preliminary antidumping investigation No. 731-TA-43 (Preliminary), Fresh cut roses from Colombia. The purpose of the investigation was to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry is materially retarded, by reason of imports of fresh cut roses from Colombia, provided for in item 192.18 of the Tariff Schedules of the United States, allegedly sold at less than fair value.

On June 25, 1981, the Commission received advice from the Department of Commerce that the petition in the subject investigation had been dismissed because it does not contain sufficient information to support the allegation of sales at less than fair value. Pursuant to its authority under section § 207.13 of the Commission's Rules of Practice and Procedure, the Commission's investigation concerning this product from Colombia is hereby terminated, and the conference scheduled for June 30, 1981 is hereby canceled.

Issued June 25, 1981.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-19247 Filed 6-29-81; 8:45 am]

BILLING CODE 7020-02-M

DEPARTMENT OF LABOR

Employment and Training Administration

Employment Transfer and Business Competition Determinations Under the Rural Development Act; Applications

The organizations listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the locations listed. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 U.S.C. 1924(b), 1932, or 1942(b).

The Act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to resul' in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secreary of Labor's review and certification procedures are set forth at 29 CFR Part 75. In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in which the proposed facility will be located.

2. Employment trends in the same industry in the local area.

3. The potential effect of the new facility upon the local labor market, with particular emphasis upon its potential impact upon competitive enterprises in the same areas.

4. The competitive effect upon other facilities in the same industry located in

other areas (where such competition is a factor).

5. In the case of applications involving the establishment of branch plants or facilities, the potential effect of such new facilities on other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding these applications are invited to submit such information in writing within two weeks of publication of this notice. Comments received after the two-week period may not be considered. Send comments to: Administrator, Employment and Training Administration, 601 D Street, N.W., Washington, D.C. 20213.

Signed at Washington, D.C. this 25th day of June 1981.

Lusi Sepulveda,

Acting Director, Office of Program Services.

Applications Received During the Week Ending June 27, 1981

Name of applicant and location of enterprise	Principal Product or activity
Lakeside Community Hospital, Incline Village, Nev.	Short term acute care hospital
R. A. Pulley and Sons Rare Mineral, Inc., Parowan, Utah.	Iron ore mining and smelting plant for production of pig iron.
J & J Drive, Dalton, Ga.	Manufacture of commercial institutional carpet.

[FR Doc. 81-19154 Filed 6-29-81; 8:45 am]

BILLING CODE 4510-30-M

[Employment and Training Order No. 2-81]

Worker Adjustment Assistance; Designation of Certifying Officers

1. *Purpose.* To designate five officials within the Employment and Training Administration as certifying officers to carry out functions required under the worker adjustment assistance provisions of the Trade Act of 1974 (19 USC 2271, *et seq.*) and the regulations published at 29 CFR Part 90.

2. *Directives Affected.* International Labor Affairs Orders No. 79-1 and No. 77-1 are superseded effective July 1, 1981, by operation of Secretary's Order No. 3-81 (46 FR 31117).

3. *Background.* Persons designated as certifying officers are assigned a number of responsibilities under 29 CFR Part 90, including the authority to make determinations of eligibility to apply for adjustment assistance under section 223 of the Trade Act of 1974 (19 USC 2273). Since the inception of the current program in 1975, certifying officers have been designated from the Bureau of International Labor Affairs. Pursuant to Secretary's Order No. 3-81, all of the worker adjustment assistance functions of the Secretary of Labor have been transferred to the Assistant Secretary of Labor for Employment and Training, including the authority to determine eligibility of groups of workers to apply for adjustment assistance. The purpose of this order is to designate certifying officers within the Employment and Training Administration who will perform this function, on and after July 1, 1981.

4. *Designation of Officials.* The following officials of the Employment and Training Administration are hereby designated as certifying officers:

(1) The Assistant Secretary of Labor for Employment and Training;

(2) The Administrator, Unemployment Insurance Service (UIS);

(3) The Deputy Administrator, UIS;

(4) The Director, Office of Program Management, UIS; and

(5) The Deputy Director, Office of Program Management, UIS.

5. *Effective Date.* This Order is effective July 1, 1981.

Dated: June 26, 1981.

Albert Angrisani,

Assistant Secretary of Labor.

[FR Doc. 81-19317 Filed 6-29-81; 8:45 am]

BILLING CODE 4510-30-M

Mine Safety and Health Administration

[Docket No. M-81-25-M]

CF&I Steel Corp.; Petition for Modification of Application of Mandatory Safety Standard

CF&I Steel Corporation, P.O. Box 316, Pueblo, Colorado 81002 has filed a petition to modify the application of 30 CFR 56.19-124 (hoist ropes; requirements) to its Sunrise Mine located in Platte County, Wyoming. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that hoist ropes be cut off at least six feet above the highest connection to the conveyance at time intervals not to exceed one year unless a shorter time is required by 30 CFR 57.19-126 or by conditions of use.

2. The mine was shut down indefinitely on July 13, 1980 and only a small maintenance force of 8-10 people was kept to maintain the underground facilities. The use of the hoisting facility was reduced to a one-shift per day operation and its actual usage is estimated to be only 5 percent of its previous normal operation. The hoist rope was replaced on June 20, 1980.

3. Monthly inspections as required by 30 CFR 57.19-126 show negligible wear; the rope that was replaced on June 20, 1980 had been installed on May 19, 1972 and was subsequently cut above the last connecting device on August 28, 1976, and reconnected.

4. Because the mine is presently not under full operation, petitioner requests a modification to be allowed to not cut the rope on a yearly basis but as needed. Petitioner further states that the process of cutting the rope as well as also cutting the counterweight rope which is on an unclutched drum appears to have more a risk of any injury than riding the cage using an essentially new rope less than one year old.

5. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before July 30, 1981. Copies of the petition are available for inspection at that address.

Dated: June 23, 1981.

Frank A. White,

Director Office of Standards, Regulations and Variances.

[FR Doc. 81-19191 Filed 6-29-81; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-81-122-C]

M.S.W. Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

M.S.W. Coal Company, P.O. Box 507, Valley View, Pennsylvania 17983 has filed a petition to modify the application of 30 CFR 75.1400 (hoisting equipment; general) to its Skidmore Slope located in Schuylkill County, Pennsylvania. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that cages, platforms or other devices which are used to transport persons in shafts and slopes be equipped with safety catches or other approved devices that act quickly and effectively in an emergency.

2. Petitioner states that no such safety catch or device is available for steeply

pitching and undulating slopes with numerous curves and knuckles present in the main haulage slopes of this anthracite mine.

3. Petitioner further believes that if a "makeshift" safety device were installed it would be activated on knuckles and curves, when no emergency existed, and cause a tumbling effect on the conveyance which would increase rather than decrease the hazard to the miners.

4. As an alternate method, petitioner proposes to operate the man cage or steel gunboat with secondary safety connections securely fastened around the gunboat and to the hoisting rope, which have a factor of safety in excess of the design factor as determined by the formula specified in the American National Standard for Wire Rope for Mines.

5. Petitioner states that the proposed alternate method will at all times provide the same degree of safety to the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before July 30, 1981. Copies of the petition are available for inspection at that address.

Dated: June 23, 1981

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-19192 Filed 6-29-81; 8:45 am]

BILLING CODE 4510-43-M

Occupational Safety and Health Administration

[V-81-3]

Oxford Development Co.; Notice of Application for Variance.

AGENCY: Occupational Safety and Health Administration, Department of Labor.

ACTION: Notice of application for variance.

SUMMARY: This notice announces the application of Oxford Development Company for variance from the standard prescribed in 29 CFR 1910.66(b)(3) concerning the design requirements for powered platforms for exterior building maintenance.

DATES: The last date for interested persons to submit comments is July 30, 1981. The last date for affected employers and employees to request a hearing on the application is July 30, 1981.

ADDRESS: Send comments or requests for a hearing to: Office of Variance Determination, Occupational Safety and Health Administration, U.S. Department of Labor, Third St. and Constitition Avenue, NW., Room N-3662, Washington, D.C. 20210.

FOR FURTHER INFORMATION CONTACT:
Mr. James J. Concannon,
Director, Office of Variance Determination, at the above address, telephone: 202-523-7144 or the following Regional and Area Offices:
U.S. Department of Labor, Occupational Safety and Health Administration, Gateway Building, Suite 2100, 3535 Market Street, Philadelphia, PA 19104
U.S. Department of Labor, Occupational Safety and Health Administration, 400 Penn Center Boulevard, Suite 600, Pittsburgh, PA 15235

Notice of Application

Notice is hereby given that Oxford Development Company, 300 Monroeville Mall, Monroeville, PA 15146, has made application pursuant to section 6(d) of the Occupational Safety and Health act of 1970 (84 Stat. 1596; 29 U.S.C. 655) and 29 CFR 1905.11 for a variance from the standard prescribed in 29 CFR 1910.66(b)(3) powered platforms for exterior maintenance—design requirements.

The address of the place of employment that will be affected by the application is as follows: One Oxford Center, 301 Grant Street, Pittsburgh, PA 15219.

The applicant certifies that employees who would be affected by the variance have been notified of the application by giving a copy of it to their authorized employee representative, and by posting a copy at all places where notices to employees are normally posted. Employees have also been informed of their right to petition the Assistant Secretary for a hearing.

Regarding the merits of the application, the applicant contends that it is providing a place of employment as safe as that required by 29 CFR 1910.66(b)(3) which states that all new powered platforms for exterior building maintenance shall meet the requirement of Parts II and III of ANSI A120.1-1970. The ANSI Standard requires that the design of the building or structure face in conjunction with the design of the building contact member on the working platform shall provide continuous contact of the working platform with the building or structure in order to absorb wind forces and horizontal components of dead and live loads on the working platform. The face of the building shall be provided with continuous T-rails, indented mullions, or equivalent guides which will positively engage building contact members on the working platform. On buildings where the working platform has a rise of less than 130 feet, guides providing positive engagement are not required.

The applicant contends that its design does not allow for continuous vertical mullions and, therefore, does not provide continuous T-rails or indented mullions required by ANSI A120.1-1980, since the building height is approximately 600 feet.

The applicant proposes to use a system of intermittent stabilization of his powered platform to prevent horizontal translation of the platform with respect to the face of the building. The system will consist of protruding anchors secured to the face of the building in vertical rows at every third floor (approximately 40 feet) and spaced horizontally to allow a stabilization attachment for each of the two platform suspension wire ropes. The stabilization attachment, a quick connect-quick disconnect tie containing an adjustable lanyard to allow positioning of each suspension wire rope vertically parallel to the face of the building, will be attached to each anchor as each elevation of tie-in anchorage is reached during the descent of the working platform. The process will be reversed as the platform ascends. The removal will be assured in that the platform will be provided with electrical interlocks to interrupt power to its hoist(s) in the event either interlock contacts a stabilizer during the ascent of the platform. The platform will also be equipped with building face rollers.

The applicant further states that this Type "T" powered platform will be less than thirty-two (32) feet in length, also less than three (3) feet in width. The gross suspended weight will be approximately 2,000 pounds, with a net weight of 1,500 pounds. The platform will be provided with a taut 5/16 inch diameter horizontal galvanized wire rope, secured to a structural member at both ends of the platform and at the mid-point of the rear guard rail.

The platform's two occupants will each be provided a safety body harness. The lanyard from each, not exceeding three (3) feet in length, will be secured to the previously mentioned horizontal wire rope by means of an automatic locking rope grab.

This powered platform will not be used during any period of predicted wind velocities above twenty-five (25) miles per hour.

The applicant also contends that its alternative method of securing the powered platform, as described above, is as safe and healthful as the requirements of the standard from which a variance is sought.

All interested persons, including employers and employees who believe they would be affected by the grant or denial of the application for variance are invited to submit written data, views, and arguments relating to the pertinent application no later than July 30, 1981. In addition, employers and employees who believe they would be affected by a grant or denial of the variance may request a hearing on the application no later than July 30, 1981, in conformance with the requirements of 29 CFR 1905.15. Submission of written comments and requests for a hearing should be in quadruplicate, and must be addressed to the Office of Variance Determination at the above address.

Signed at Washington, D.C., this 22d day of June 1981.

Thorne G. Auchter,

Assistant Secretary of Labor.

[FR Doc. 81-19193 Filed 6-29-81; 8:45 am]

BILLING CODE 4510-26-M

[V-81-4]

Tishman Speyer 520 Venture; Notice of Application for Variance

AGENCY: Occuptional Safety and Health Administration, Department of Labor.

ACTION: Notice of application for variance.

SUMMARY: This notice announces the application of Tishman Speyer 520 Venture for variance from the standard prescribed in 29 CFR 1910.66(b)(3) concerning the design requirements for powered platforms for exterior building maintenance.

DATES: The last date for interested persons to submit comments is July 30, 1981. The last date for affected employers and employees to request a hearing on the application is July 30, 1981.

ADDRESSES: Send comments or requests for a hearing to: Office of Variance Determination, Occupational Safety and Health Administration, U.S. Department of Labor, Third St. and Constitution Avenue NW., Room N-3662, Washington, D.C. 20210.

FOR FURTHER INFORMATION CONTACT: Mr. James J. Concannon, Director, Office of Variance Determination at the above address, telephone: 202-523-7144 or the following Regional and Area Offices:

U.S. Department of Labor, Occupational Safety and Health Administration, 1515 Broadway (1 Astor Plaza), Room 3445, New York, New York 10007.

U.S. Department of Labor, Occupational Safety and Health Administration, 90 Church Street, Room 1405, New York, New York 10007.

Notice of Application

Notice is hereby given that Tishman Speyer 520 Venture, 666 Fifth Avenue, New York, New York 10019, has made application pursuant to section 6 (d) of the Occupational Safety and Health Act of 1970 (84 Stat. 1596; 29 U.S.C. 655) and 29 CFR 1905.11 for a variance from the standard prescribed in 29 CFR 1910.66(b)(3) powered platforms for exterior maintenance—design requirements.

The address of the place of employment that will be affected by the application is as follows: 520 Madison Avenue, New York, New York.

The applicant certifies that employees who would be affected by the variance have been notified of the application by giving a copy of it to their authorized employee representative, and by posting a copy at all places where notices to employees are normally posted. Employees have also been informed of their right to petition the Assistant Secretary for a hearing.

Regarding the merits of the application, the applicant contends that it is providing a place of employment as safe as that required by 29 1910.66(b)(3) which states that all new powered platforms for exterior building maintenance shall meet the requirement of Parts II and III of ANSI A120.1-1970. The ANSI standard requires that the design of the building or structure face in conjunction with the design of the building contact member on the working platform shall provide continuous contact of the working platform with the building or structure in order to absorb wind forces and horizontal components of dead and live loads on the working platform. The face of the building shall be provided with continuous T-rails, indented mullions, or equivalent guides which will positively engage building contact members on the working platform. On buildings where the working platform has a rise of less than 130 feet, guides providing positive engagement are not required.

The applicant contends that its design does not allow for continuous vertical mullions and, therefore, does not provide continuous T-rails or indented mullions required by ANSI A120.1-1980, since the building height is approximately 578 feet.

The applicant proposes to use a system of intermittent stabilization of his powered platform to prevent horizontal translation of the platform with respect to the face of the building. The system will consist of protruding anchors secured to the face of the building in vertical rows at every third floor (approximately 25 feet) and spaced horizontally to allow a stabilization attachment for each of the two platform suspension wire ropes. The stabilization attachment, a quick connect-quick disconnect tie containing an adjustable lanyard to allow positioning of each suspension wire rope vertically parallel to the face of the building, will be attached to each anchor as each elevation of tie-in anchorage is reached during the descent of the working platform. The process will be reversed as the platform ascends. The removal will be assured in that the platform will be provided with electrical interlocks to interrupt power to its hoist(s) in the event either interlock contacts a stabilizer during the ascent of the platform. The platform will also be equipped with building face rollers.

In addition, the applicant states that due to the design of the building, which includes splayed facades for the lower 170 feet of the building, it will be necessary that the platform be traversed horizontally to service the lower portions of the building.

The horizontal translation has been designed to be accomplished by means of a manual winch secured to the inboard guardrail of the platform. The haul line to be attached to permanent anchors located on the face of the splayed portions of the building.

The platform is intended to be held in its displaced position by stabilizing its suspension wire ropes with rigid stand-off anchors that too will be secured to the permanent anchors located on the face of the splayed facades.

The building anchors have been designed to be located at every other floor vertically and horizontally to be compatible with the platforms suspension wire ropes.

The platform will be moved horizontally at 3 foot 9 inch ◊ intervals, at every other floor elevation, and its suspension ropes secured to the stand-off anchors, to allow the splayed areas of the lower facades to be serviced, as the platform descends. This procedure will be reversed as the platform ascends.

The stand-off anchors, will be secured to the platform by means of lanyards until after they are secured to the building anchors, to prevent their being dropped. Also, they will only be secured to the building anchors when the platform is directly below a set of anchors.

The platform will be moved laterally across the precast sprandal members on caster type facade rollers, located at the upper guardrail and deck levels, to minimize the effort required and to eliminate marking the face of the building.

The calculated horizontal force required to move the platform across the facade, neglecting friction, is 304 pounds, distributed to two building anchors.

This type "T" powered platform will be less than thirty-two (32) feet in length, also less than three (3) feet in width. The gross suspended weight will be approximately 2,000 pounds, with a net weight of 1,500 pounds. The platform will be provided with a taut 5/16 inch diameter horizontal galvanized wire rope, secured to a structural member at both ends of the platform and at the mid-point of the rear guardrail.

The platform's two occupants will each be provided a safety body harness. The lanyard from each, not exceeding three (3) feet in length, will be secured to the previously mentioned horizontal wire rope by means of an automatic locking rope grab.

This powered platform will not be used during any period of predicted wind velocities above twenty-five (25) miles per hour.

The applicant also contends that its alternative method of securing the powered platform, as described above, is as safe and healthful as the requirements of the standard from which a variance is sought.

All interested person, including employers and employees who believe they would be affected by the grant or denial of the application for variance are invited to submit written data, views, and arguments relating to the pertinent application no later than July 30, 1981. In addition, employers and employees who believe they would be affected by a grant or denial of the variance may request a hearing on the application no later than July 30, 1981, in conformance with the requirements of 29 CFR 1905.15. Submission of written comments and requests for a hearing should be in quadruplicate, and must be addressed to the Office of Variance Determination at the above address.

Signed at Washington, D.C., this 22d day of June 1981.

Thorne G. Auchter,

Assistant Secretary of Labor.

[FR Doc. 81-19194 Filed 6-29-81, 8:45 am]

BILLING CODE 4510-26-M

Office of Pension and Welfare Benefit Programs

[Prohibited Transaction Exemption 81-54; Exemption Application Nos. D-2317 and D-2318]

Exemption From the Prohibitions for Certain Transactions Involving the Teamsters Local 639—Employers Pension Trust and the Teamsters Local 639—Employers Health Trust, Located in Washington, D.C.

AGENCY: Department of Labor.

ACTION: Grant of Individual Exemption.

SUMMARY: This exemption permits the proposed lease of office space by the Teamsters Local 639—Employers Pension Trust (the Pension Trust) to the Teamsters Local 639—Employers Health Trust (the Health Trust).

FOR FURTHER INFORMATION CONTACT: Mrs. Miriam Freund, of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20216, (202) 523-8671. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On April 24, 1981, notice was published in the **Federal Register** (46 FR 23346) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(b)(2) of the Employee Retirement Income Security Act of 1974 (the Act) for transactions described in an application filed on behalf of the Pension Trust and the Health Trust. The notice set forth a summary of facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. The applicant has represented that a copy of the notice was furnished to interested persons in compliance with the requirements to notify interested persons as set forth in the notice of pendency of the proposed exemption. No public comments and no requests for a hearing were received by the Department.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act does not relieve a fiduciary or other party in interest with respect to a plan to which the exemption is applicable from certain other provisions of the Act. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act.

(2) This exemption does not extend to transactions prohibited under section 406(a) and 406(b)(1) and (b)(3) of the Act.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of both Plans and of their participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of both Plans.

Accordingly the restrictions of section 406(b)(2) of the Act shall not apply to the lease of office space by the Pension Trust to the Health Trust according to the lease terms and conditions specified in the notice of proposed exemption, provided the rental payments equal fair market rental value.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material and terms of the transaction to be

consummated pursuant to this exemption.

Signed at Washington, D.C., this 24th day of June 1981.

Morton Klevan,

Deputy Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 81-19186 Filed 6-29-81; 8:45 am]
BILLING CODE 4510-29-M

[Application No. D-2150]

Proposed Exemption for Certain Transactions Involving the Carpenters Pension Trust for Southern California, Located in Los Angeles, Calif.

AGENCY: Department of Labor

ACTION: Notice of Proposed Exemption

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt the proposed sale of a piece of improved real property (the Rose Hills property) from the Carpenters Pension Trust for Southern California (the Trust) to the Los Angeles County District Council of Carpenters (the District Council), an employee organization some of whose members are participants in the Trust. The proposed exemption, if granted, would effect the trustees, participants and beneficiaries of the Trust, and the District Council.

DATE: Written comments must be received by the Department on or before Aug. 14, 1981.

ADDRESSES: All written comments (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20216, Attention: Application No. D-2150. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue NW., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Mrs. Miriam Freund, of the Department, telephone (202) 523-8671. (This is not a toll-free number).

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of section 406(a) of the Act and from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (D) of the Code. The proposed exemption was requested in an application filed by the Trust, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. The Trust is a multiemployer, jointly-trusteed employee pension benefit plan with approximately 47,000 participants. In addition to having members which participate in the Trust, the District Council also employs persons on whose behalf contributions are made to the Turst. Thus, the District Council is a party in interest and disqualified person with respect to the Trust. The Trust has ten trustees: J. W. Bernard, Warren Driver, C. V. Holder, John Kuhl, Roy Silver, John Evert, Sam Heil, Paul Miller, G. T. Stedman and James Wood (collectively, the Trustees). Messrs. Silver, Kuhl, Holder, Driver and Bernard are management trustees and are not affiliated with the District Council. Messrs. Evert, Heil, Stedman and Wood are labor trustees; however, they are from geographic areas not associated with the District Council. Mr. Miller, the fifth labor trustee, is the only trustee associated with the District Council. Because Mr. Miller is an officer of the District Council, it is represented that he would exclude himself from the Trust's consideration of the proposed sale and that he has not and will not influence the Trust's conduct with respect to the transaction. Messrs. Miller, Heil, Stedman, Wood and Silver are also trustees of the Carpenters' Joint Apprenticeship and Training Committee Fund for Southern California (the Apprenticeship Fund). However it is represented that responsibility for Apprenticeship Fund transactions involving Trust properties had been delegated to a committee of the Apprenticeship Fund known as the Pension Trust Liaison Committee, composed of Apprenticeship Fund trustees Peter Johnson and Elmer Kirkwood.

2. In 1973 the Trust purchased the Rose Hills property, a parcel of unimproved real property of approximately 131,551 squae feet in Los Angeles County, from an unrelated party for $200,000. The Rose Hills property is located at 10015 Rose Hills Road, Whittier, California. The Trust then constructed improvements on the property for $523,000, and in 1977 modified those improvements at a cost of $104,000. The improvements consisted of a 59,400 square foot industrial building, divided into office, classroom and warehouse space, and the paving of the remaining land for parking.

3. The Rose Hills property is currently leased to two tenents. Ashflash Corporation, which is represented to be unrelated to the Trust, leases 19,800 square feet of the building pursuant to a lease expiring in 1982 with a five-year renewal option (the Ashflash Lease). The balance of the facility is leased to the Apprenticeship Fund under two leases (the Apprenticeship Fund Leases). The first lease covers 6,000 square feet of space in the facility, was entered into in 1972 and expires in 1997. The second lease which was entered into in 1980 and expires in 1985, covers 33,500 square feet of the facility.

4. The Trustees propose to sell the Rose Hills property to the District Council for the greater of $1,428,000 or fair market value on the date of sale. Fair market value will be established by an independent appraisal. The sale will be made for cash only and no real estate commissions will be incurred by the Trust in the transaction.

5. The Trustees have obtained an appraisal of the property as of February 12, 1980 by Mr. John J. Archer, ASA, who is represented to be independent of the Trust. Mr. Archer set the fair market value of the property at that time at $1,428,000. His opinion was based upon an income analysis approach to determining value. Mr. Archer also indicated that the rent being paid under the first Apprenticeship Fund Lease and under the Ashflash Lease is currently below fair market rental, and that the value of the property was concomitantly lowered. If the Apprenticeship Fund were to prematurely terminate its 25-year lease shortly after the proposed purchase of the property by the District Council, an entity related to the Apprenticeship Fund, leaving the space available for rental at a current market rate, Mr. Archer estimates that an

additional $27,000 of annual income would be generated which would add approximately $285,000 to the value of the property. The shorter the remaining term of the lease at the time of any such abrogation, the smaller would be the additional value which would accrue to the property. Mr. Archer states that, in his opinion, any such "Windfall" profit would accrue to the District Council on a decreasing scale in the first through the tenth years of the remaining term of such lease. Thus the District Council will reimburse the Trust for additions in current fair market value on the following scale if the Apprenticeship Fund terminates its 25-year lease in any of the following remaining years of the lease term: Year 1—$285,000; Year 2—$267,325; Year 3—$248,060; Year 4—$227,061; Year 5—$204,172; Year 6—$179,223; Year 7—$152,029; Year 8—$122,388; Year 9—$90,079; Year 10—$35,217.

6. The applicants represent that the proposed sale of the Rose Hills property to the District Council satisfies the statutory criteria set forth in section 408(a) of the Act because: (1) the sale would be a one-time cash transaction; (2) the sale would take place on terms established by an independent appraiser after an objective evaluation; (3) the transaction will result in the Trust realizing a substantial profit on the Rose Hills property; and (4) the Trustees have determined that the proposed sale is in the best interests of the Trust and its participants and beneficiaries.

Notice to Interested Persons

The Trust will notify all employees or job applicants of employers who are obliged by collective bargaining agreements to make contributions to the Trust, each employer association whose members make contributions to the Trust, and each employee organization whose members are participants in the Trust.

Notice will be given by providing a copy of the notice of pendency of this exemption published in the **Federal Register** together with a statement informing interested persons of their right to comment within the time period indicated in the notice of pendency. Within 10 days of publication of the notice of pendency in the **Federal Register**, the notices and statements will be publicly posted in each employee organization hall and hiring hall where Trust participants and potential employees of employers who are obligated to make contributions to the Trust normally congregate, and will be mailed, postage prepaid, to each employer association whose members make contributions to the Trust and to each employee organization whose members are participants of the Trust.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b) of the Act and section 4975(c)(1) (E) and (F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation, of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments

All interested persons are invited to submit written comments on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments should state the reasons for the writier's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(a) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (D) of the Code shall not apply to the proposed sale of the Rose Hills property by the Trust to the District Council for $1,428,000, provided that that amount is not less than fair market value at the time of the sale.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 22nd day of June 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 81-19195 Filed 6-29-81; 8:45 am]

BILLING CODE 4510-29-M

Office of the Secretary

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for worker adjustment assistance issued during the period June 15–19, 1981.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of Section 222 of the Act must be met.

(1) that a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) that sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) that increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations

In each of the following cases the investigation revealed that criterion (30 has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-9804; Precision-Kidd Steel Co., West Aliquippa, PA

TA-W-9787; Rockwell International Corp., Collins Transmission Systems Div., Dallas, TX

TA-W-9953; Linden Products Co., Linden, TN

TA-W-9971; General Electric Co., Niles/Mahoning Glass Facility, Niles, OH

TA-W-9925; Elegante Blouse Co., Inc., Brooklyn, NY

TA-W-9765; Kelly-Springfield Tire Co., Cumberland, MD

TA-W-9436; Applied Arts Division, American General Mfg. Industries, Inc., Grand Rapids, MI

TA-W-9983; N&M Handbag Co., Inc., Walnut Ridge, AR

TA-W-10-591; Ren Plastics, A Ciba-Geigy Co., Lansing, MI

TA-W-11-912; Clear Shake, Inc., Clear Lake, WA

TA-W-10,407; Levinson Steel Co., Fabrication Div., Ambridge & Pittsburgh, PA

TA-W-10,992; Bay State Abrasives, Westborough, MA

TA-W-11,575; Republic Steel Corp., Mahoning Valley District, Niles, OH

TA-W-10,720; Nagle Industries, Assembly Div., Rascommon, MI

TA-W-10,503; Allegheny Ludlum Steel Corp., Wallingford, CT

TA-W-10,446; Greer Steel Co., Steel Div., Dover, OH

TA-W-10,396; Arjay Mfg. Co., Bad Axe, MI

TA-W-10,322; Spiral Industries, Inc., Milford, MI

TA-W-9028, 9231, 9232, 9232A, 12,125, and 12,126; McQuay-Norris, Inc., Washington, MO, St. Louis, MO, #1 St. Louis, Missouri Plant, Bradford, TN, Indianapolis Division, IN, and Casey, IL

TA-W-8911; Algy Shoe Co., Chelsea, MA

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of women's and misses nonrubber footwear did not increase.

TA-W-9228; Cuyahoga Valley Railway Co., Cleveland, OH

Investigation revealed that criterion (3) has not been met. The Cuyahoga transports for the Cleveland works of Jones and Laughlin whose workers were denied eligibility to apply for adjustment assistance.

(TA-W-8845 and 9503).

TA-W-9240; Elkton Fashion Industries, Inc., Elkton, MD

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of tailored dress coats and tailored suits did not increase as required for certification.

TA-W-9498; The River Terminal Railway Co., Cleveland, OH

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of hot and cold rolled carbon steel sheet and metallic coated sheets did not increase as required for certification. U.S. imports or alloy steel sheet are negligible. Shipments of carbon steel plate increased from 1978 to 1979 and in the first eight months of 1980 compared to the first eight months of 1979. With respect to carbon and and alloy steel bars and alloy steel plate, a survey of customers revealed that increased imports did not contribute importantly to declines in employment or production at the subject firm.

TA-W-10,606; Chase Brass & Copper Co., Inc., Sheet Div., Cleveland, OH

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of copper and copper base alloy sheet and strip did not increase as required for certification.

TA-W-11,071; Drummond Dolomite, Inc., Drummon Island, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm. Furthermore, none of the workers at the affiliated Bethlehem plants have been certified eligible to apply for adjustment assistance.

TA-W-11,105 and 11,106; King Powellton Mining, Inc., Xcello Corp., Kingston, WV

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports imports of bituminous coal are negligible. U.S. imports of coke did not increase as required for certification.

TA-W-11,166; Darco Corp., River Rouge, MI

Investigation revealed that criterion (3) has not been met. U.S. imports of refractory products were negligible during the period under investigation.

TA-W-11,224; Eaton Corporation, Truck Component Group, Transmission Division Shelbyville, TN

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of transmissions for heavy duty trucks are negligible.

TA-W-11,330; Interlake, Inc., Chicago, IL

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of pig iron did not increase as required for certification. Trade and industry sources state that molten iron is not imported. Furthermore, workers at the affiliated Riverdale plant of Interlake were denied eligibility to apply for adjustment assistance in TA-W-11,331.

TA-W-11,434; Paragon Woven Label Co., Inc., Haskell, NJ

Investigation revealed that criterion (3) has not been met. The Haskell plant was permanently closed in January 1981 and all production activities were transferred to the Fuquay-Varina facility.

TA-W-11,651; Product Services, Inc., St. Clair Shores, MI

Investigation revealed that criterion (3) has not been met. The separations of workers of Product Services, Inc., can not be related to a facility whose workers independently meet the statutory criteria for certification at this time.

TA-W-12,160; Ohio Ferro Alloys Corporation, Powhatan Point, OH

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of silicon metal did not increase.

TA-W-12,267; H&H Atlas, Inc., New York, NY

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of women's, girls, and infants swimsuits did not increase as required for certification.

TA-W-12,421; Topline Fashion Co., Inc., Hoboken, NJ

Investigation revealed that criterion (3) has not been met. Company sales increased during the period under investigation, except for normal

seasonal declines common to the industry.

TA-W-9360; L&R Mfg., Co., Kearny, NJ

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of ultrasonic machines are negligible.

TA-W-10,573; Arctic Enterprises, Inc., Lund American Div., Shell Lake, WI

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of fiberglass outboard powered pleasure boats did not increase as required for certification.

TA-W-12,516; Mack Trucks, Inc., Mack Western Div., Hayward, CA

Investigation revealed that criterion (3) has not been met. Separations from the subject firm resulted from a transfer of production to another domestic facility.

TA-W-10,518; Kelly-Springfield Tire Co., Freeport, IL

Investigation revealed that criterion (3) has not been met. With respect to passenger car and truck tires, a survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm. With respect to tractor tires, U.S. imports are negligible.

TA-W-10,557, 10,558, and 10,559; Bethlehem Mines Corp., Mine #51, Ellsworth, PA, Mine #58, Marianne, PA, and Mine #60, Cokeburg, PA

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm. Furthermore, none of the workers engaged in basic steel production at any of the Bethlehem facilities to which the coal is shipped have been certified eligible to apply for adjustment assistance.

TA-W-10,611; Beth-Elkhorn Corporation, Mine #29, Virgie, KY

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm. Furthermore, none of the workers in the basic steel making operations at any of the Bethlehem facilities which the subject firm supplies are currently certified eligible to apply for adjustment assistance.

TA-W-11,342; Frank Saltz and Sons, Inc., New York, NY

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of men's and boys suits and men's and boys dresscoats and sportscoats did not increase as required for certification.

TA-W-11,427; Bethlehem Steel Corp., Portland Sales Office, Portland, OR

Investigation revealed that criterion (3) has not been met. None of the workers at the Bethlehem plants which the Portland Office services are currently certified eligible to apply for adjustment assistance.

TA-W-11,474; Penn State Textile Mfg. Co., Inc. (formerly known as Penn State Coat and Apron, Inc.), Clifton Heights, PA

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of washable service apparel are negligible.

TA-W-11,843; Joseph Asch Co., Inc., New York, NY

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of leotards and bodysuits did not increase as required for certification.

Affirmative Determination

TA-W-9220; C. J. Bachner & Sons, Inc., Gloversville, NY

A certification was issued covering all workers separated on or after June 20, 1979.

TA-W-10,029 and 10,030; Precision Spring Corporation, Canton Township, MI and Detroit, MI

A certification was issued covering all workers of the firm engaged in employment related to the production of valve springs separated on or after December 15, 1979.

With respect to workers producing rings, shims, and clips the investigation revealed that criterion (3) has not been met. A survey of the firm's customers revealed that increased imports did not contribute importantly to worker separations at the firm.

I hereby certify that the aforementioned determinations were issued during the period June 15–19, 1981. Copies of these determinations are available for inspection in Room S–5314, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210 during normal working hours or will be mailed to persons who write to the above address.

Dated: June 23, 1981.

Harold A. Bratt,

Acting Director, Office of Trade Adjustment Assistance.

[FR Doc. 81-19201 Filed 6-29-81; 8:45 am]
BILLING CODE 4510-28-M

[TA-W-8175]

Ex-Cell-O Corp., Manistee Operation; Revised Determination on Reconsideration

On April 24, 1981, after being granted a filing extension, the Department made an Affirmative Determination Regarding Application for Reconsideration for workers and former workers at Ex-Cell-O Corporation's Manistee Operation, Manistee, Michigan. This determination was published in the **Federal Register** on May 1, 1981 (46 FR 24756).

A company official in his application for reconsideration claims that the conditions which qualified Ex-Cell-O Corporation's Oakman plant in Detroit, Michigan directly affected Ex-Cell-O's Manistee operations.

The Department's review revealed that the worker petition for the Manistee Operations did not meet the "contributed importantly" test of the Trade Act of 1974. Most customers did not purchase imported gear cutting or broaching machines during the period under investigation.

In its reconsideration investigation, the Department found that Ex-Cell-O's Manistee complex consists of a foundry, a machine shop and an assembly department. Ex-Cell-O's sales at Manistee declined slightly in 1980 compared to 1979.

The Department found that the foundry and machine shop were substantially integrated into the production of Ex-Cell-O's Oakman plant in Detroit, Michigan whose workers were certified for trade adjustment assistance on June 17, 1980, TA-W-7154. This certification was published in the **Federal Register** on June 27, 1980 (45 FR 43485). The reduced production and increased worker separations in the foundry and machine shop were importantly caused by the adverse impact of imports on the Oakman plant of the Ex-Cell-O Corporation. Production at the foundry and machine shop decreased by 36 and 29 percent, respectively, in 1980 compared to 1979.

The Department also found that the assembly department's production at Manistee was only minimally integrated during the period under investigation with that of the Oakman plant. Sales and production in the assembly department increased in quantity and

value in FY 1980 compared to FY 1979 and increased in value in the first six months of FY 1981 compared to the same period in FY 1980. U.S. imports of gear cutting machines declined absolutely and relative to domestic shipments in 1979 compared to 1978 and in 1980 compared to 1979.

Conclusion

After careful review of the facts obtained on reconsideration, it is concluded that increased imports of articles like or directly competitive with the machines made at Ex-Cell-O's Oakman plant in Detroit, Michigan contributed importantly to the decline in sales or production and to the total or partial separation of workers and former workers at Ex-Cell-O's foundry and machine shop at Manistee, Michigan. In accordance with the provisions of the Trade Act of 1974, I make the following revised determinations:

All workers of Ex-Cell-O Corporation's foundry and machine shop at Manistee, Michigan who became totally or partially separated from employment on or after January 1, 1980 and July 9, 1979, respectively, and before May 1, 1981, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Further, I reaffirm after reconsideration, the original denial of eligibility to apply for adjustment assistance for all workers of Ex-Cell-O Corporation's assembly department at Manistee, Michigan.

Signed at Washington, D.C. this 22nd day of June 1981.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 81-19199 Filed 6-29-81; 8:45 am]

BILLING CODE 4510-28-M

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 211(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to Section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than July 10, 1980.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than July 10, 1981.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 22nd day of June 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

Appendix

Petitioner: union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Aberdeen Sportswear, Inc. (workers)	Trenton, N.J.	6/15/81	6/13/81	TA-W-12,772	Men's outerwear
Ben Shiffrin, Inc.	New York, New York	6/15/81	6/11/81	TA-W-12,773	Contractor of ladies' skirts and slacks.
Brother Sportswear, Inc. (ILGWU)	New York, New York	6/15/81	6/10/81	TA-W-12,774	Polyester dresses.
Elco Coat Co., Inc (workers)	New York, New York	6/17/81	6/10/81	TA-W-12,775	Women's outerwear.
Gibson, Inc (USWA)	Kalamazoo, Michigan	6/15/81	6/10/81	TA-W-12,776	Guitars, banjos, mandolins and parts thereto.
Knudsen Pole Co. (workers)	Shelton, Washington	6/15/81	6/8/81	TA-W-12,777	Power poles.
Mercer Coat Company, Inc. (workers)	Trenton, N.J.	6/15/81	6/13/81	TA-W-12,778	Men's outerwear.
Salvatore & Catherine Bonfiglio, Inc., d.b.a. S & C Sportswear (ILGWU).	Brooklyn, New York	6/15/81	6/11/81	TA-W-12,779	Contractor of ladies' dresses and sportswear
Vera Industries (workers)	New York, New York	5/21/81	5/17/81	TA-W-12,780	Ladies' sportswear.
Westmoreland Coal Co., East Gulf Mine (UMWA)	McAlpin, West Va.	6/15/81	6/11/81	TA-W-12,781	Metallurgical coal.
Aileen, Inc (workers)	Brookneal, Va.	6/15/81	6/10/81	TA-W-12,782	Women's and children's sportswear
Arrowhead Sportswear (ACTWU)	Philadelphia, Pa.	6/17/81	6/5/81	TA-W-12,783	Blazers for ladies' and outerwear for men
Broderick & Bascom Rope Company (USWA)	Houston, Texas	6/15/81	6/8/81	TA-W-12,784	Wire rope and rope products.
Hyster Company (Lift Truck Builders Union)	Danville, Ill.	6/15/81	6/9/81	TA-W-12,785	Lifting and hoisting equipment.
McGrew Brothers Sawmill, Inc. (workers)	Ashland, Oregon	6/15/81	6/10/81	TA-W-12,786	Dimension construction lumber and boards.
Rittenberry Cake Artcraft (company)	Knox, Tenn.	6/18/81	6/11/81	TA-W-12,787	Cake baking and decorating.
Roselaine Dress, Inc. (workers)	Hazelton, Pa.	6/18/81	6/11/81	TA-W-12,788	One and two piece dresses.
Royal Dorchester, Inc. (company)	Millville, N.J.	6/18/81	6/15/81	TA-W-12,789	Dinnerware and artware items.
South Bend Lathe, Inc	South Bend, Indiana	6/15/81	6/11/81	TA-W-12,790	Machine tools, lathe, etc.
Ashland Oil, Inc (OCAWU)	Findlay, Ohio	6/18/81	6/12/81	TA-W-12,791	Asphalt products, diesel fuels, jet fuels, heavy fuel oil, lube oils, industrial chemicals and processing oils.
Advanced Technology & Testing (workers)	Livonia, Michigan	6/16/81	6/5/81	TA-W-12,792	Diagnostic test stands for automotive engines and transmissions.
Eastern Blouse Manufacturing Co. (ILGWU)	New York, New York	6/17/81	6/10/81	TA-W-12,793	Blouses.
Fiat-Allis Construction Machinery, Inc. (workers)	Deerfield, Ill.	6/17/81	6/12/81	TA-W-12,794	Moving graders and wheel loaders

Appendix—Continued

Petitioner: union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Kaiser Steel Corp., Light Steel Products (USWA)	Fontana, Calif	6/19/81	6/17/81	TA-W-12,795	Light steel products.
Kaiser Steel Corp., Structural Fabricating Plant (USWA)	Fontana, Calif	6/19/81	6/17/81	TA-W-12,796	Structural Steel products.
Kork Ease, Inc. (National Organization of Industrial Trade Union)	New York, New York	6/17/81	6/12/81	TA-W-12,797	Leather shoes and sandals

[FR Doc. 81-19196 Filed 6-29-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-8648]

Morton Industries, Inc., Bloomfield, N.J.; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met. It is determined in this case that all of the requirements have been met.

The investigation was initiated on June 9, 1980, in response to a petition which was filed on behalf of workers at Morton Industries, Incorporated, Bloomfield, New Jersey. Workers at the firm produced men's and women's sportwear.

U.S. aggregate imports of men's and boy's woven sport shirts increased absolutely and relative to domestic production in 1978 compared with 1977 and in 1979 compared with 1978. Average U.S. aggregate imports of women's, misses', and children's blouses and shirts increased during the period 1978–1979 compared with the average for the period 1976–1977. Since 1976, the ratio of imports to domestic production of blouses and shirts have been greater than 50 percent.

The Department surveyed the principal manufacturer with which Morton Industries, Incorporated contracted during 1977 and 1978. This manufacturer reported that it had decreased contract work with Morton Industries, Incorporated and increased work with foreign contractors during the period under investigation.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with the men's and women's sportwear produced at Morton Industries, Incorporated, Bloomfield, New Jersey contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of Morton Industries, Incorporated, Bloomfield, New Jersey who became totally or partially separated from employment on or after February 28, 1979 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C. this 22nd day of June 1981.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 81-19200 Filed 6-29-81; 8:45 am]

BILLING CODE 4510-28-M

NATIONAL ENDOWMENT ON THE ARTS AND THE HUMANITIES

Presidential Task Force on The Arts and Humanities; Meetings

June 25, 1981

Notice is hereby given of the following meetings of the Presidential Task Force on the Arts and Humanties. The purpose of these meetings is to consider ways that private sector support for the arts and humanities can help offset budget cuts at the National Endowment for the Humanities and the National Endowment for the Arts. The agenda for the Task Force will also be considered.

The Midwest Regional meeting will convene at 10:00 a.m. on Thursday July 9, 1981 at Standard Oil Company, Room 3 on the 3rd Floor, 200 East Randolph Street, Chicago, Illinois.

The Western Regional meeting will convene at 2:00 p.m. in the Founders Room; Dorothy Chandler Pavilion, Los Angeles Music Center, 120 North Hope Street, Los Angeles, California.

These meetings will be open to the public, however, because of limited seating, members of the public who wish to attend should call Jeanne Rhinelander of the Presidential Task Force on the Arts and Humanties at (202) 395–6830 to reserve a seat no sooner than June 30, and no later than July 6, 1981.

Because the Presidential Task Force on the Arts and Humanities was established by Executive Order 12308 of June 5, 1981 with a mandate to terminate on September 30, 1981, it was not possible to schedule these meetings in time to give 15 days notice in the **Federal Register.**

Stephen J. McCleary,

Advisory Committee, Management Officer.

[FR Doc. 81-19210 Filed 6-29-81; 8:45 am]

BILLING CODE 7536-01-M

NUCLEAR REGULATORY COMMISSION

Advisory Panel for the Decontamination of Three Mile Island, Unit 2

Notice is hereby given pursuant to the Federal Advisory Committee Act that the Advisory Panel for the Decontamination of Three Mile Island, Unit 2 will be meeting on July 9, 1981, from 7:00 p.m. to 10:00 p.m. in the Holiday Inn, 23 South Second Street, Harrisburg, Pennsylvania. The meeting will be open for public observation.

At this meeting the Panel will discuss the current status of cleanup activities at TMI.

Further information on the meeting may be obtained from Dr. William Travers, Three Mile Island Program Office, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, telephone 301/492–7466.

Dated: June 24, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81-19140 Filed 6-29-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-368]

Arkansas Power and Light Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 24 to Facility operating License No. NPF-6, issued to the Arkansas Power and Light

Company, which revised the license and the Technical Specifications for operation of Arkansas Nuclear One, Unit No. 2 (the facility) at steady state reactor core power levels not in excess of 2815 megawatts thermal, in accordance with the provisions of the license and the Technical Specifications. However, the facility is temporarily restricted from operating at full rated power pending completion of the staff's detailed review of the core protection calculator system (CPCS) changes for Cycle 2 operation. The facility is located at the licensee's site in Pope County, Arkansas. The license amendment is effective as of its date of issuance.

The amendment authorizes Cycle 2 operation at seventy (70) percent of the licensed power level of 2815 MWt with:

- Changes in the Core Protection Calculator System (CPCS) to reflect utilization of the CE-1 critical heat flux correlation and associated thermal hydraulic methodology.
- Changes in the CPCS to reflect utilization of the Statistical Combination of Uncertainties (SCU) thermal hydraulic methodology for the combination of system parameter uncertainties.
- Changes in the RPS and ESFAS trip setpoints to reflect a change in signal transmitter design and to reflect staff approval of the licensee's equipment trip setpoints.
- Changes in the minimum required shutdown margin to lengthen the time available for operator action during a boron dilution event.
- Changes required to maintain acceptable results for the steamline break analysis.
- Some demonstration fuel assemblies to test new fuel designs.
- Numerous other miscellaneous change of a clarifying, editorial and administrative nature.
- Other changes in the Technical Specification to incorporate requirements resulting from the detailed physics and thermal hydraulic analysis of the Cycle 2 reload core.

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the applications for amendment dated February 20 and March 5, 1981, as supplemented by references identified in the related Safety Evaluation, (2) Amendment No. 24 to License No. NPF-6 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Arkansas Tech University, Russellville, Arkansas 72801. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland this 19th day of June 1981.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 81-19174 Filed 6-29-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-286-OLA]

Power Authority of the State of New York, (Indian Point Station, Unit No. 3); Reconstitution of Board

Pursuant to the authority contained in 10 CFR § 2.721, the Atomic Safety and Licensing Board for *Power Authority of the State of New York* (Indian Point Station, Unit No. 3), Docket No. 50-286-OLA, is hereby reconstituted by appointing the following Administrative Judges to the Board: Elizabeth S. Bowers, Peter A. Morris, and Oscar H. Paris. The former Board members were Samuel W. Jensch, Chairman, R. Beecher Briggs, and Dr. Franklin C. Daiber.

As reconstituted, the Board is comprised of the following Administrative Judges:

Elizabeth S. Bowers, Chairman
Peter A. Morris
Oscar H. Paris

All correspondence, documents and other materials shall be filed with the Board in accordance with 10 CFR 2.701 (1980). The addresses of the new Board members are:

Administrative Judge Elizabeth S. Bowers, U.S. Nuclear Regulatory Commission, Atomic Safety and Licensing Board Panel, Washington, D.C. 20555

Administrative Judge Peter A. Morris, U.S. Nuclear Regulatory Commission, Atomic Safety and Licensing Board Panel, Washington, D.C. 20555

Administrative Judge Oscar H. Paris, U.S. Nuclear Regulatory Commission, Atomic Safety and Licensing Board Panel, Washington, D.C. 20555

Dated at Bethesda, Maryland, this 22nd day of June 1981.

Robert M. Lazo,

Vice Chairman—Executive, Atomic Safety and Licensing Board Panel.

[FR Doc. 81-19175 Filed 6-29-81; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards Subcommittee on Advanced Reactors; Meeting

The ACRS Subcommittee on Advanced Reactors will hold a meeting on July 14 and 15, 1981, Rodeway Inn, Board Room—215, 5615 North Cumberland Avenue, Chicago, IL to discuss matters relating to the development of liquid metal fast breeder reactor safety design criteria. Notice of this meeting was published June 17.

In accordance with the procedures outlined in the **Federal Register** on October 7, 1980, (45 FR 66535), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance except for those sessions during which the Subcommittee finds it necessary to discuss proprietary information. One or more closed sessions may be necessary to discuss such information. (Sunshine Act Exemption 4). To the extent practicable, these closed sessions will be held so as to minimize inconvenience to members of the public in attendance.

The agenda for subject meeting shall be as follows:

Tuesday and Wednesday—July 14 and 15, 1981

8:30 a.m. Until the Conclusion of Business Each Day

- Safety design bases for the Department of Energy (DOE) conceptual design of an advanced liquid metal fast breeder reactor.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr Elpidio Igne (telephone 202/634–1414) between 8:15 a.m. and 5:00 p.m., EDT.

I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act, that it may be necessary to close some portions of this meeting to protect proprietary information. The authority for such closure is Exemption (4) to the Sunshine Act, 5 U.S.C. 552b(c)(4).

Dated: June 25, 1981.

John C. Hoyle,

Advisory Committee Management Officer

[FR Doc. 81-19173 Filed 6-29-81; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Letter to the Commissioner of Customs Adjusting Restraint Levels on Color Television Receivers From Republic of Korea

June 25, 1981.

Pursuant to the authority delegated to the United States Trade Representative under Presidential Proclamation 4760 of June 30, 1980, the following letter was sent to the Commissioner of Customs adjusting the third and fourth period restraint levels for color television receivers from the Republic of Korea.

William E. Brock,

United States Trade Representative

June 25, 1981.

Honorable William T. Archey,
Acting Commissioner, U.S. Customs Service, Department of the Treasury, Washington, D.C. 20229

Dear Mr. Commissioner: The Government of the Republic of Korea has requested that the restraint level for TSUS item 923.71 be adjusted under the carryover and carryforward provisions of the Orderly Marketing Agreement on color television receivers. This would increase the restraint level for that category by 37,124 sets, reflecting maximum permissible carryover of the shortfall in the previous restraint period and carryforward of 20,000 sets from the succeeding restraint period. Only that portion of the carryforward actually shipped in the current period will be deducted from the total for the succeeding period.

Accordingly, pursuant to operative paragraph (6) of Proclamation 4769 of June 30, 1980, you are hereby requested to make the appropriate adjustments in TSUS item numbers 923.71 and 923.73.

The revised restraint levels for the applicable periods will be:

Category	Revised levels (units)
TSUS 923.71	237,124
TSUS 923.73	205,000

This letter will be published in the **Federal Register** and the action will become effective on the first working day after publication.

Very truly yours,

William E. Brock,

[FR Doc. 81-19141 Filed 6-29-81; 8:45 am]

BILLING CODE 3190-01-M

PRESIDENT'S COMMISSION ON HOSTAGE COMPENSATION

[Public Notice CM-8/419]

Open Meetings

The President's Commission on Hostage Compensation will hold its first meeting on July 6 and 7, 1981 from 6:00 to 8:00 p.m. on July 6 and from 9:00 a.m. to 1:00 p.m. or later on July 7. The meeting will be held in Room 1107 of the Department of State, 22nd and C Streets, N.W.

The Commission will operate under the authority of Executive Order 12285 of January 19, 1981, as amended. The Chairman of the Commission is Mr. James S. Dwight, Jr. and it is composed of nine private citizen members, a number of whom have formerly served in the legislative or executive branches of the U.S. Government.

The Commission is directed to advise the President whether the United States should provide financial compensation to United States nationals who have been held in captivity outside the United States, either (1) by or with the approval of a foreign government, or (2) by reason of their status as employees of the United States Government or as dependents of such employees.

At its initial session on the evening of July 6, the Commission will limit itself to personal orientation and discussion of administrative matters. On July 7, the Commission will plan its work schedule and receive briefings from State Department officials concerning the facts of the Iranian hostage situation and relevant legal and administrative precedents. It will consider what additional written or oral presentations should be requested from other sources.

The second meeting of the Commission is scheduled for July 16, 1981, from 6:00 p.m. to 8:00 p.m., continuing on July 17 from 9:00 a.m. to 1:00 p.m. or later. It will also be held in Room 1107 of the Department of State, 22nd and C Streets, N.W., Washington, D.C.

The meetings will be open to public observation. Written comments or statements may be submitted at any time before or after the meeting and should be limited to the substantive matters described above. Approximately 60 seats will be available to the public on a first come, first served basis. The Commission proceedings will be recorded and extensive minutes prepared which may be examined subsequently at the Commission's office, Room 1004, Department of State.

Because the Commission has only recently been appointed and because of the requirement to complete the Commission's work by August 20, 1981, less than fifteen days notice of the initial meeting is being given.

For further information, contact John R. Davis, Jr., at (202) 632–3116 who can arrange admission to the building.

James S. Dwight, Jr.,

Chairman.

June 25, 1981.

[FR Doc. 81-19082 Filed 6-29-81; 8:45 am]

BILLING CODE 4710-15-M

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 11828; 812-4872]

Precious Metals Holdings, Inc.; Filing of Application

June 24, 1981.

Notice is Hereby Given that Precious Metals Holdings, Inc. (the "Applicant") 60 State Street Boston, Massachusetts 02109, a closed-end, diversified, management investment company registered under the Investment Company Act of 1940 ("Act"), filed an application on May 8, 1981, pursuant to Section 6(c) of the Act, requesting an Order exempting the Applicant from the provisions of Section 2(a)(19) of the Act to the extent necessary to permit compliance with Section 15(f)(1)(A) of the Act. All interested persons are referred to the application on file with the Commission for a statement of the

representations contained therein, which are summarized below.

Applicant states that it is a Delaware corporation and has its principal place of business at 60 State Street; Boston, Massachusetts. Applicant states that its principal investment objective is to seek long-term capital appreciation and protection of the purchasing power of the shareholders' capital. The generation of current income is only a secondary objective.

Applicant states that pursuant to such objective its policy is to invest not less than 80% of its net assets in securities of companies engaged in (or receiving at least 50% of their revenues from other companies engaged in) mining, processing or dealing in gold or other precious metals and minerals. Applicant states that it also has a subsidiary which is authorized to invest directly in gold bullion and other precious metals. Applicant's By-Laws provide for the indemnification of its directors under certain circumstances. Applicant states that its shares are traded on the over-the-counter market and are listed on the American and Pacific Stock Exchanges.

Applicant states that, prior to November 9, 1979, its investment adviser was Phoenix Investment Counsel of Boston, Inc. ("Phoenix"). In 1979 Phoenix sold certain of its assets and business relating to the provision of investment advice and certain management services on behalf of the Applicant and private accounts to Harbor Capital Management Company, Inc. ("Harbor"). The purchase and sale to Harbor was effected only after approval by the shareholders of the Applicant of an investment advisory contract with Harbor.

Applicant states that Harbor was incorporated in Massachusetts on August 9, 1979, with offices at 60 State Street, Boston, Massachusetts 02109; and is registered as an investment adviser under Federal and certain state laws. Applicant states that the directors of Harbor are Alan S. Fields, Lawrence J. Marks, Malcolm Pirnie, III, Richard A. Spindler, E. William Hansen and Frederick G. P. Thorne, President and principal executive officer.

Applicant states that the prospectus, dated February 19, 1974, for its initial offering of stock stated that Applicant intended to submit to its shareholders within six months a proposal that it become an open-end investment company. Said prospectus also stated that if that proposal was not approved by Applicant's shareholders at said meeting, the proposal would be resubmitted at each subsequent annual meeting of the shareholders until approved. The proposal that Applicant become an open-end investment company has been submitted to the shareholders each year but has never been approved.

Applicant states that on April 25, 1980, certain shareholders formed The Precious Metals Holdings, Inc. Shareholders Group and designated representatives to act on the Group's behalf to take whatever course of action was deemed necessary to achieve a change in the subclassification of Applicant to an open-end investment company, including nominating a slate of candidates for election as directors of Applicant and soliciting proxies with respect to such slate and with respect to the open-end proposal. On July 8, 1980, the Board of Directors of Applicant announced that it would recommend to its shareholders that they vote against the open-end proposal. On September 8, 1980, three shareholders, individually and on behalf of the Shareholders Group, filed a shareholder derivative action in United States District Court for the district of Columbia against the officers and certain directors of Applicant entitled *Stephen Hartwell, et al.* v. *Frederick G. P. Thorne, et al.* This action (hereinafter referred to as the "Litigation") was subsequently transferred to the United States District Court for the District of Massachusetts. The Plaintiffs Filed an Amended Verified Complaint for Injunction and Damages wherein they seek to enjoin the effect of the vote of Applicant's shareholders at the annual meeting held on October 10, 1980, and further seek, among other relief, (1) an order declaring that the 1980 proxy statement and letters to shareholders disseminated by the defendants to Applicant's shareholders violates Section 20(a) of this Act, Section 14(a) of the Securities Exchange Act of 1934, and the rules and regulations of the Commission thereunder, and (2) reimbursement from each non-Applicant defendant for alleged waste of corporate assets.

Applicant states that the parties to the Litigation have entered into a settlement agreement. As part of that settlement agreement, Applicant states that its present directors have agreed to vote to increase the number of directors from nine to eleven, to elect Messrs. Stephen Hartwell and James R. Kleeblatt, members of the Shareholders Group, as directors of Applicant, and to exercise their best efforts to cause the election of each of Messrs. Hartwell and Kleeblatt, as a director at the 1981 annual meeting, and thereafter as long as each shall desire to serve in such capacity and satisfactorily carry out his duties as a director. Among other provisons of the settlement agreement, Applicant will provide its shareholders in connection with Applicant's 1981 meeting of shareholders material prepared by the Shareholders Group concerning whether the subclassification of the Fund should be changed to that of an open-end investment company.

Applicant states that its October 5, 1979, and September 2, 1980, proxy statements informed the shareholders that Harbor, in effecting the purchase of the assets of Phoenix, had undertaken to use its best efforts to assure that for a period of at least three years after it became the investment adviser to Applicant at least 75% of the directors of Applicant (or any investment company that may succeed Applicant by reorganization or otherwise) would not be "interested persons" of Phoenix or Harbor as such term is defined in Section 2(a)(19) of the Act. The purchase by Harbor of the assets of Phoenix was structured to qualify for the protections afforded by section 15(f) of the Act, which provides that the owner of an investment advisory firm advising an investment company can receive any amount or benefit in connection with the sale of an investment adviser's advisory business, such as the sale by Phoenix to Harbor, provided; (a) the composition of the investment company's Board of Directors for a period of three years following the assignment is such that at least 75% of such directors are not "interested persons" of the investment adviser or any successor, and (b) no "unfair burden", as defined in the Act, is imposed upon the investment company as a result of the transaction or any expressed or implied terms, conditions or undersandings applicable thereto.

Applicant states that Phoenix has agreed to waive the contractual limitations placed on Applicant by the terms of its purchase and sale agreement with Harbor with respect to the number of directors of Applicant who may be "interested persons" to the extent necessary to effect the settlement of the Litigation. Applicant states that the United States District Court for the District of Massachusetts has ordered, at the request of the parties to the Litigation, that a Notice be mailed to each shareholder of record at his or her address of record of the terms of the proposed settlement, and of a court hearing to be held to determine whether the Court shall approve dismissal of the derivative action. Opportunity to object to the terms of the proposed settlement will be afforded to each shareholder of Applicant.

Sections 2(a)(19)(A)(v) and (B)(v) of the Act define an "interested person" of an investment company, an investment

adviser, and of a principal underwriter for any investment company to include "any broker or dealer registered under the Securities Exchange Act of 1934 or any affiliated person of such a broker or dealer".

Applicant states that at the present time its Board of Directors consists of seven directors, Frans J. C. Conje, James R. Dempsey, Theodore C. Haffenreffer, Jr., John E. Lawrence, Georges J. Muller, Joseph W. Powell, Jr., and A. R. O. Williams, who are not "interested persons" within the meaning of Section 2(a)(19) of the Act, and two directors, Messrs. Frederick G. P. Thorne and Jack M. Barbour, who are "interested persons" by reason of their relationships to Applicant and its investment adviser. As an officer or Applicant and an officer, director and security holder of Harbor, Applicant's investment adviser, Mr. Thorne is an "interested person" within the meaning of the Act. Mr. Barbour is a director and vice chairman of Applicant and a consultant to Harbor. As an officer of Applicant and a consultant to Harbor, Mr. Barbour is an "interested person" within the meaning of the Act.

Applicant states that Messrs. Hartwell and Kleeblatt, whom its directors have agreed to elect as directors pursuant to the proposed settlement agreement in the Litigation, are persons whose relationship with a broker-dealer might cause them to be deemed "affiliated persons" of such broker-dealer and hence "interested persons" of Applicant and its investment adviser. Mr. Hartwell is a registered representative of Johnston, Lemon & Co., Inc. ("Johnston"), a broker-dealer registered under the Securities Exchange Act of 1934. Mr. Kleeblatt is a vice-president of Johnston.

Section 15(f)(1)(A) of the Act provides, in pertiment part, that "An investment adviser * * * of a registered investment company * * * may receive any amount or benefit in connection with a sale of securities of, or sale of any other interest in, such investment adviser * * * which results in an assignment of an investment advisory contract with such company * * *, if (A) for a period of three years after the time of such action, at least 75 per centum of the members of the board or directors of such registered company * * * (or succesor thereto, by reorganization or otherwise) are not (i) interested persons of the investment adviser of such company * * *, or (ii) interested persons of the predecessor investment adviser * * *". For purposes of this Section whether a director is an interested person of an outgoing or incoming investment adviser is determined in accordance with the definition of "interested person" in Section 2(a)(19)(B) of the Act.

Applicant states that, if Messrs. Hartwell and Keeblatt become members of its Board of Directors, four of its eleven directors will be deemed "interested persons" within the meaning of the Act, and the 75 per centum requirement of Section 15(f)(1)(A) will not be satisfied. In order to assure compliance with Section 15(f)(1)(A) of the Act and to continue the policy of Applicant of having a high proportion of directors who are not interested persons, the Applicant requests an exemption from the provisions of Section 2(a)(19) of the Act to the extent necessary to permit it to comply with the provisions of Section 15(f)(1)(A) of the Act.

Applicant represents that it has never engaged in any portfolio transactions with Johnston, and further represents that, if the Commission pursuant to Section 6(c) of the Act exempts Messrs. Hartwell and Kleeblatt from the provisions of Section 2(a)(19) of the Act to the extent requested, Applicant will not transact any portfolio business with Johnston for so long as Messrs. Hartwell and Kleeblatt serve on its Board of Directors. In view of the large number of other suitable broker-dealers available to Applicant, such an undertaking would in no way adversely affect Applicant's ability to effect its portfolio transactions according to Applicant.

Applicant argues that the requested exemption is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicant represents that the independence of Messrs. Hartwell and Kleenblatt in acting on behalf of Applicant will in no way be impaired because of their affiliations with Johnston. Applicant contends that the principal purpose of Section 15(f)(1)(A) of the Act is to insure that any decision made by the members of a Board of Directors of an investment company with respect to the sale of an interest in an investment adviser which results in an assignment of an investment advisory contract is made without influence from interested persons of the investment adviser or persons who may become interested persons of the investment adviser within a period of three years.

Under the circumstances of this application, Applicant contends that the above statutory goal would be achieved even if Messrs. Hartwell and Kleeblatt were elected to its Board of Directors. Applicant notes that Messrs. Hartwell and Kleenblatt were not involved, except as shareholders holding a minuscule percentage of its shares, in the decision making process with respect to the sale of assets from Phoenix to Harbor, and have no interest in either Phoenix or Harbor. Applicant states that at the time of such sale of assets and increasingly thereafter Messrs. Hartwell and Kleeblatt have been vigorous in their opposition to the positions taken by the Board of Directors of Applicant and by Harbor, particularly with respect to the question of whether Applicant should be subclassified as an open-end or closed-end fund. Applicant further states that such opposition continues today and appears likely to continue at least for the next year and one-half to the point in time where Section 15(f)(1)(A) no longer will apply to the composition of its Board of Directors. Applicant has agreed that any Commission order entered on this application may be conditioned upon the District Court's approval of the proposed settlement agreement.

Section 6(c) of the Act, in pertinent part, provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities or transactions, from any provision of the Act or of any rule or regulation promulgated thereunder, if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice if further given that any interested person may, not later than July 20, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course

following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-19137 Filed 6-29-81; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF TRANSPORTATION

[Notice No. 81-5]

Regulatory Flexibility Act: Review of Regulations of the Federal Railroad Administration

AGENCY: Department of Transportation (DOT), Office of the Secretary.

ACTION: Notice of Regulatory Flexibility Act Review Plans.

SUMMARY: An important provision of the recently enacted Regulatory Flexibility Act (Pub. L. 96-354) requires each agency to publish in the **Federal Register**, by June 30, 1981, a 10-year plan for the review of the agency's rules that have or will have a significant economic impact on a substantial number of small entities (small businesses, organizations and governments). In yesterday's edition of the **Federal Register**, the Department published Notice 81-3 containing the Regulatory Flexibility Act (RFA) Review Plans for each of the Department's operating administrations except the Federal Railroad Administration. This notice publishes the required review plans for the Federal Railroad Administration. Notice 81-3 should also be reviewed for further information on this subject.

FOR FURTHER INFORMATION CONTACT:

Samuel Podberesky, Office of Regulation and Enforcement C-50, Office of the General Counsel, Department of Transportation, Washington, D.C. 20590. Telephone (202) 426-4723.

(49 U.S.C. 1651 *et seq.*, 5 U.S.C. § 610)

Issued in Washington, D.C. on June 26, 1981.

Rosalind A. Knapp,

Deputy General Counsel.

Federal Railroad Administration

The Federal Railroad Administration (FRA) regulations are codified in Parts 200 through 268 of Title 49 of the Code of Federal Regulations. The following is a plan for the RFA Review of those regulations:

1981 As the first step in this review process, a Notice of Proposed Rulemaking (NPRM) will be published in the **Federal Register** to establish the criteria for review as authorized in the Regulatory Flexibility Act. The NPRM will be published during 1981 and will contain the following proposed criteria:

—"Significant economic impact" means a cost to a single entity of in excess of $10,000 in any one year or $20,000 in any two years,

—"Substantial number" means that in excess of 15 entities would be affected, and

—"Small entity" means:

(1) A local governmental organization with a jurisdictional population of less than 50,000 people, and

(2) A small business that is independently owned and operated; is not dominant in its field of operation; and has gross revenues that do not exceed $1,500,000 annually.

The NPRM would provide for a 60-day comment period. Following review of any public comments, FRA would issue a final rule in October. The adopted criteria would then be used as benchmarks in a subsequent general public inquiry and for assisting in analyzing the small business impact of future FRA rules. That inquiry would be initiated in November 1981 to obtain data on identifiable impacts on small entities of the existing FRA regulations.

1982 Once the data is available, FRA would either initiate a single proceeding or several proceedings to make the necessary regulatory revisions. FRA anticipates being able to complete the review and revision process in 1982. If necessary, this schedule would be extended without infringing on the 10 year statutory deadline established by the Act.

Address Inquiries or Comments To: Federal Railroad Administration, 400 Seventh Street, SW., Washington, D.C. 20590.

[FR Doc. 81-19297 Filed 6-29-81; 8:45 am]

BILLING CODE 4910-62-M

DEPARTMENT OF THE TREASURY

[Supplement to Department Circular, Public Debt Series No. 18-81]

Notes of Series H-1985; Interest Rate

June 24, 1981.

The Secretary announced on June 23, 1981, that the interest rate on the notes designated Series H-1985, described in Department Circular—Public Debt Series—No. 18-81 dated June 11, 1981, will be 14 percent. Interest on the notes will be payable at the rate of 14 percent per annum.

Paul H. Taylor,

Fiscal Assistant Secretary.

Supplementary Statement

The announcement set forth above does not meet the Department's criteria for significant regulations and, accordingly, may be published without compliance with the departmental procedures applicable to such regulations.

[FR Doc. 81-19138 Filed 6-29-81; 8:45 am]

BILLING CODE 4810-40-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 125
Tuesday, June 30, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

CONTENTS

	Items
Federal Reserve System	1
Foreign Claims Settlement Commission	2
International Trade Commission	3
National Transportation Safety Board	4
Nuclear Regulatory Commission	5
Postal Service	6

1

FEDERAL RESERVE SYSTEM.

Board of Governors

TIME AND DATE: 10 a.m., Monday, July 6, 1981.

PLACE: 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452–3204.

Dated: June 26, 1981.

James McAfee,

Assistant Secretary of the Board.

[S–1012–81 Filed 6–26–81; 3:41 p.m.]

BILLING CODE 6210–01

2

FOREIGN CLAIMS SETTLEMENT COMMISSION.

[FCSC Meeting Notice No. 6–81]

Meetings Announcement in Regard to Commission Meetings and Hearings

The Foreign Claims Settlement Commission, pursuant to its regulations (45 CFR Part 504), and the Government in the Sunshine Act (5 U.S.C. 552b) hereby gives notice in regard to the scheduling of open meetings and oral hearings for the transaction of Commission business and other matters specified, as follows:

Date and Time

Wednesday, July 1, 1981 at 10:30 a.m.
Consideration of decisions involving claims of American Citizens against the People's Republic of China and Claims for Vietnam Prisoners of War Compensation.

Friday, July 31, 1981 at 10:30 a.m.
Consideration of decisions involving claims of American Citizens against the People's Republic of China and Claims for Vietnam Prisoners of War Compensation.

Subject matter listed above not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

All meetings are held at the Foreign Claims Settlement Commission, 1111 20th Street, N.W., Washington, D.C. Request for information, or advance notice of intention to observe a meeting, may be directed to Executive Director, Foreign Claims Settlement Commission, 1111 20th Street, N.W., Washington, D.C. 20579

Dated at Washington, D.C. on June 19, 1981.

Judith H. Lock,

Administrative Officer.

[S–1007–81 Filed 6–25–81; 4:56 pm]

BILLING CODE 4410–01–M

3

INTERNATIONAL TRADE COMMISSION.

[USITC SE–81–18A]

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46 FR 21985, June 18, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 11 a.m., Thursday, July 2, 1981.

CHANGES IN THE MEETING: Emergency action to close a portion of the meeting originally announced as open to the public.

Pursuant to the specific exemptions of 5 U.S.C. 552b(c)(4) and in conformity with 19 CFR 201.36(b)(4), Commissioners Alberger, Calhoun, Bedell, and Stern voted by action jacket INV–E–075 to hold a portion of the discussion with respect to item No. 5 [Investigation 104–TAA–2 (Optic Liquid-Level Sensing Systems from Canada)—briefing and vote] in closed session.

Commissioners Alberger, Calhoun, Bedell, and Stern determined, pursuant to 19 CFR 201.37(b) that Commission business requires the change in the determination of the Commission to open or close this portion of the meeting and directed the issuance of this notice at the earliest practicable time.

CONTACT PERSON FOR MORE INFORMATION: Kennety R. Mason, Secretary (202) 523–0161.

[S–1011–81 Filed 6–26–81; 3:30 pm]

BILLING CODE 7020–02–M

4

NATIONAL TRANSPORTATION SAFETY BOARD.

[NM–81–23]

TIME AND DATE: 9 a.m., Tuesday, July 7, 1981.

PLACE: NTSB Board Room, National Transportation Safety Board, 800 Independence Avenue, S.W., Washington, D.C. 20594.

STATUS: The first three items are open to the public; the fourth is closed under Exemption 9B of the Government in the Sunshine Act and items five and six are closed under Exemption 10.

MATTERS TO BE CONSIDERED:

1. *Highway Accident Report:* Direct Transfer Lines, Inc., Tractor-Semitrailer/Multiple-Vehicle Collisions and Fire, U.S. Route 40, Frostburg, Maryland, February 16, 1981, and *Recommendations* to the Bureau of Motor Carrier Safety.

2. *Aircraft Incident Report:* Northwest Airlines Flight 79, McDonnell-Douglas DC–10–40, N143US, Leesburg, Virginia, January 31, 1981.

3. *Marine Accident Report:* Collision and Sinking of the Tug *Lauren Castle* while Towing the Tanker SS *Amoco Wisconsin* on Traverse Bay, Michigan, November 5, 1980, and *Recommendations* to the U.S. Coast Guard and the U.S. Department of Transportation.

4. Joint Coast Guard and NTSB Marine Investigation Regulations.

5. *Opinion and Order:* Petition of Hamilton, Docket SE–2434; disposition of the Administrator's appeal.

6. *Opinion and Order:* Administrator v. Deville, Docket 4848; disposition of respondent's appeal.

CONTACT PERSON FOR MORE INFORMATION: Sharon Flemming, 202–382–6525.

June 26, 1981.

[S–1010–81 Filed 6–26–81; 3:23 p.m.]

BILLING CODE 4910–58–M

5

NUCLEAR REGULATORY COMMISSION.

DATE: Week of June 29, 1980.

PLACE: Commissioners Conference Room 1717 H Street, N.W., Washington, D.C.

STATUS: Open/closed.

MATTERS TO BE CONSIDERED: Monday, June 29 (2 p.m.):

1. Affirmation/Discussion Session (approximately 15 minutes, public meeting).

Items to be affirmed and/or discussed:

a. 10 CFR Part 61, "Licensing Requirements for Land Disposal of Radioactive Waste" (delayed from June 25).

b. Proposed Rulemaking to Eliminate Need for Power and Alternative Energy Sources Issued in OL Proceedings in the Absence of Special Circumstances.

c. Appointment of ACRS Member.

d. Proposed Addition to the Secretary's Authority to Rule on Misfiled Pleadings Under 10 CFR 2.772 (tentative).

e. Amendments to 10 CFR Pts. 2 and 50 with Respect to Criteria Involving No "Significant Hazards Consideration" (tentative).

f. Proposed Rulemaking to Reduce or, Alternatively, to Eliminate Requirements with Respect to Financial Qual. for Power Reactor Applicants, and to Require Power Reactor Licensees to Maintain Property Damage Insurance.

2. General Administrative Meeting (approximately 30 minutes, public meeting).

3. Continuation of Discussion and Possible Vote on Operating License for McGuire (closed meeting).

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR SCHEDULE UPDATE: (202) 634–1498. Those planning to attend a meeting should reverify the status on the day of the meeting.

CONTACT PERSON FOR MORE INFORMATION: Walter Magee (202) 634–1410.

June 26, 1981.

Walter Magee,

Office of the Secretary.

[S–1009–81 Filed 6–26–81 3:22 pm]

BILLING CODE 7590–01–M

6

POSTAL SERVICE.

Board of Governors

Meeting

The Board of Governors of the United States Postal Service, pursuant to its Bylaws (39 CFR 7.5) and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice that it intends to hold a meeting at 8:00 A.M. on Tuesday, July 7, 1981, in the Benjamin Franklin Room, 11th Floor, Postal Service Headquarters, 475 L'Enfant Plaza, SW, Washington, D.C. 20260. Except as indicated in the following paragraph, the meeting is open to the public. The Board expects to discuss the matters stated in the agenda which is set forth below. Requests for information about the meeting should be addressed to the Secretary of the Board, Louis A. Cox, at (202) 245–4632.

On June 22, 1981, the Board of Governors of the United States Postal Service voted to close to public observation a portion of its July 7 meeting which is expected to be attended by the following persons: Governors Babcock, Camp, Ching, Hardesty, Hughes, Hyde, Jenkins, and Sullivan; Postmaster General Bolger; Deputy Postmaster General Benson; Secretary to the Board Cox; and Counsel to the Governors Califano.

The portion of the meeting to be closed will involve a continuation of the discussion of the Postal Service's possible strategies and positions in connection with anticipated collective bargaining negotiations.

Agenda

1. Minutes of the Previous Meeting.
2. Remarks of the Postmaster General.
   (In keeping with its consistent practice, the Board's agenda provides this opportunity for the Postmaster General to inform the members of miscellaneous current developments concerning the Postal Service. He might report, for example, the appointment or assignment of a key official, or the effect on postal operations of unusual weather or a major strike in the transportation industry. Nothing that requires a decision by the Board is brought up under this item.)
   (Mr. Duka, Assistant Postmaster General, Public and Employee Communications Department, will report on developments in the communications area.)
3. Report on Operations Group Programs.
   (Mr. Jellison, Senior Assistant Postmaster General, Operations Group, will brief the Board on Programs in the Operations Group.)
4. Capital Investment Projects:

a. Procurement of 17,839 Light Delivery Vehicles.
   (The Board will consider the purchase of light delivery vehicle.)

b. General Mail Facility in San Rafael/Santa Rosa, California.
   (The Board will consider a new General Mail Facility for San Rafael/Santa Rosa, California.)

5. Report of the Committee on Electronic Communications.
   (Mr. Sullivan will report on the Committee's review of E–COM INTELPOST, etc.)
6. E–COM Management Briefing.
   (Ms. Uemoto, Director, E–COM Operations, will brief the Board on management preparations for the Electronic Computer Originated Mail service.)
7. Action by the Governors on Remand of E–COM Case from Court of Appeals.
   (On May 29, 1981, the U.S. Court of Appeals for the District of Columbia Circuit issued its decision in *Governors of the United States Postal Service* v. *United States Postal Rate Commission*, No. 80–1971. In its decision, the Court held that the Postal Rate Commission had no authority to recommend to the Governors that Electronic Computer Mail (E–COM) service be offered only under an experimental classification provision with a fixed terminal date. The Board will consider appropriate formal action to take to comply with the Court's Decision.)
8. Report of the Committee on Worker Health and Safety.
   (Mr. Jenkins will advise the Board of the Committee's review of the Postal Service employee safety programs.)
9. Report of the Committee on Corporate Responsibility (EEO Policy and Affirmative Action Program).
   (The Board will continue its discussion, commenced at the June 2 meeting, of the Committee's report in regard to Postal Service policy on equal employment opportunity and affirmative action.)
10. Discussion of Labor Relations.
    (The Board will continue its discussion of the Postal Service's possible strategies and positions in connection with collective bargaining negotiations involving parties to the 1978 National Agreements between the Postal Service and four labor organizations representing certain postal employees, which is scheduled to expire in July of 1981. As stated above in the Notice of Meeting, this portion of the meeting will be closed to the public.)

Louis A. Cox,

Secretary.

[S–1008–81 Filed 6–26–81; 1:56 pm]

BILLING CODE 7710–12–M

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federal register

Tuesday
June 30, 1981

Part II

Department of the Treasury

Fiscal Service, Bureau of Government Financial Operations

Circular 570; 1981 Revision; Surety Companies Acceptable on Federal Bonds

4810-35-198

DEPARTMENT OF THE TREASURY

FISCAL SERVICE, BUREAU OF GOVERNMENT FINANCIAL OPERATIONS

(Dept. Circular 570; 1981 Rev.)

COMPANIES HOLDING CERTIFICATES OF AUTHORITY AS ACCEPTABLE SURETIES ON FEDERAL BONDS AND AS ACCEPTABLE REINSURING COMPANIES

Effective: July 1, 1981

This circular is published annually, as of July 1, solely for the information of Federal bond-approving officers and persons required to give bonds to the United States. Copies of this circular may be obtained from: Audit Staff, Bureau of Government Financial Operations, Department of the Treasury, Washington, D.C. 20226. Telephone (202) 634-5810. Interim changes in the circular are published in the FEDERAL REGISTER as they occur.

The following companies have complied with the law and the regulations of the Treasury Department and are acceptable as sureties and reinsurers on Federal bonds, to the extent and with respect to the localities indicated.

W. E. Douglas
Commissioner
Bureau of Government
Financial Operations

COMPANIES HOLDING CERTIFICATES OF AUTHORITY UNDER SECTIONS 6 TO 13 OF TITLE 6 OF THE UNITED STATES CODE AS ACCEPTABLE SURETIES ON FEDERAL BONDS, INCLUDING REINSURANCE (See Note a/)

IMPORTANT INFORMATION IS CONTAINED IN THE NOTES AT THE END OF THIS TABLE. PLEASE READ THE NOTES CAREFULLY WHEN USING THE CIRCULAR. NOTE D WAS CHANGED EXTENSIVELY TO REFLECT A REVISED TREASURY PROCEDURE.

AID Insurance Company (Mutual). BUSINESS ADDRESS: 701 Fifth Avenue, Des Moines, Iowa 50309. UNDERWRITING LIMITATION b/: $8,077,000. SURETY LICENSES c/: Ariz., Ark., Cal., Colo., D.C., Idaho, Ill., Ind., Iowa, Kans., Minn., Mo., Mont., Nebr., Nev., N. Mex., N. Dak., Okla., Oreg., S. Dak., Tex., Utah, Wash., Wis., Wyo. INCORPORATED IN: Iowa. FEDERAL PROCESS AGENTS d/.

AIU Insurance Company. BUSINESS ADDRESS: 70 Pine Street, New York, N.Y. 10270. UNDERWRITING LIMITATION b/: $2,307,000. SURETY LICENSES c/: All except C.Z., Del., Guam, Hawaii, Puerto Rico, Virgin Islands, Wyo. INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/.

Accredited Surety and Casualty Company, Inc. BUSINESS ADDRESS: 918 South Orange Avenue, Orlando, Fla. 32806. UNDERWRITING LIMITATION b/: $181,000. SURETY LICENSES c/: Ala., Fla., Ga., Ind., La., Miss., Va. INCORPORATED IN: Fla. FEDERAL PROCESS AGENTS d/.

The Aetna Casualty and Surety Company. BUSINESS ADDRESS: 151 Farmington Avenue, Hartford, Conn. 06156. UNDERWRITING LIMITATION b/: $118,835,000. SURETY LICENSES c/: All except C.Z. INCORPORATED IN: Conn. FEDERAL PROCESS AGENTS d/.

Aetna Casualty & Surety Company of Illinois. BUSINESS ADDRESS: 230 West Monroe Street, Chicago, Ill. 60606. UNDERWRITING LIMITATION b/: $14,112,000. SURETY LICENSES c/: Ala., Ariz., Ark., Del., Ga., Idaho, Ill., Ind., Iowa, Ky., Md., Mich., Miss., Mo., Mont., Nev., N.J., Okla., Oreg., S.C., S. Dak., Tex., Utah, Va., Wash., W. Va., Wis. INCORPORATED IN: Ill. FEDERAL PROCESS AGENTS d/.

Aetna Fire Underwriters Insurance Company. BUSINESS ADDRESS: 55 Elm Street, Hartford, Conn. 06115. UNDERWRITING LIMITATION b/: $1,024,000. SURETY LICENSES c/: All except C.Z., Guam, Puerto Rico, Virgin Islands. INCORPORATED IN: Conn. FEDERAL PROCESS AGENTS d/.

Aetna Insurance Company. BUSINESS ADDRESS: 55 Elm Street, Hartford, Conn. 06115. UNDERWRITING LIMITATION b/: $31,838,000. SURETY LICENSES c/: All except C.Z. INCORPORATED IN: Conn. FEDERAL PROCESS AGENTS d/.

Aetna Life and Casualty Company. BUSINESS ADDRESS: 151 Farmington Avenue, Hartford, Conn. 06156. UNDERWRITING LIMITATION b/: $239,935,000. SURETY LICENSES c/: Conn., D.C. INCORPORATED IN: Conn. FEDERAL PROCESS AGENTS d/.

Aetna Reinsurance Company. BUSINESS ADDRESS: 55 Elm Street, Hartford, Conn. 06115. UNDERWRITING LIMITATION b/: $1,890,000. SURETY LICENSES c/: All except Ala., C.Z., Guam, Hawaii, Ill., Ind., La., Ohio, Puerto Rico, Tex., Virgin Islands, W. Va. INCORPORATED IN: Del. FEDERAL PROCESS AGENTS d/.

Alaska Pacific Assurance Company. BUSINESS ADDRESS: 1600 Arch Street, Philadelphia, Pa. 19101. UNDERWRITING LIMITATION b/: $1,736,000. SURETY LICENSES c/: Alaska, Cal., Idaho, Oreg., S. Dak. INCORPORATED IN: Alaska. FEDERAL PROCESS AGENTS d/.

Allegheny Mutual Casualty Company. BUSINESS ADDRESS: 485 Chestnut Street, Meadville, Pa. 16335. UNDERWRITING LIMITATION b/: $161,000. SURETY LICENSES c/: D.C., Fla., Ill., Ind., La., Md., Mich., N.J., Ohio, Okla., Pa., Tenn., Tex., Wis. INCORPORATED IN: Pa. FEDERAL PROCESS AGENTS d/.

*See footnotes at end of table.

Allianz Insurance Company. BUSINESS ADDRESS: Post Office Box 54897, Terminal Annex, Los Angeles, Cal. 90054. UNDERWRITING LIMITATION b/: $2,706,000. SURETY LICENSES c/: All except C.Z., Guam, Okla., Puerto Rico. INCORPORATED IN: Cal. FEDERAL PROCESS AGENTS d/.

Allied Fidelity Insurance Co. BUSINESS ADDRESS: Post Office Box 20112, Indianapolis, Ind. 46220. UNDERWRITING LIMITATION b/: $236,000. SURETY LICENSES c/: All except C.Z., D.C., Guam, Hawaii, Me., Md., Mich., N.J., N.Y., N.C., Pa., Puerto Rico, R.I., S. Dak., Vt., Virgin Islands. INCORPORATED IN: Ind. FEDERAL PROCESS AGENTS d/.

Allstate Insurance Company. BUSINESS ADDRESS: Allstate Plaza, Northbrook, Ill. 60062. UNDERWRITING LIMITATION b/: $236,612,000. SURETY LICENSES c/: All except C.Z., Guam. INCORPORATED IN: Ill. FEDERAL PROCESS AGENTS d/.

American Agricultural Insurance Co. BUSINESS ADDRESS: 225 Touhy Avenue, Park Ridge, Ill. 60068. UNDERWRITING LIMITATION b/: $2,855,000. SURETY LICENSES c/: Ariz., Colo., Fla., Ga., Idaho, Ill., Ind., Iowa, Mo., N. Mex., N.C., N. Dak., Oreg., Pa., S.C., Tex., Utah, Va., Wash., Wis. (Reinsurance only in Kans., Mass., N.Y.) INCORPORATED IN: Ind. FEDERAL PROCESS AGENTS d/.

American Automobile Insurance Company. BUSINESS ADDRESS: 3333 California Street, San Francisco, Cal. 94119. UNDERWRITING LIMITATION b/: $8,515,000. SURETY LICENSES c/: All except C.Z., Guam, Puerto Rico, Virgin Islands. INCORPORATED IN: Mo. FEDERAL PROCESS AGENTS d/.

American Bonding Company. BUSINESS ADDRESS: 8601 Beverly Boulevard, Los Angeles, Cal. 90048. UNDERWRITING LIMITATION b/: $229,000. SURETY LICENSES c/: Alaska, Ariz., Ark., Cal., Colo., D.C., Idaho, Iowa, Kans., Miss., Mo., Mont., Nebr., Nev., N. Mex., Okla., Oreg., Tex., Utah, Wash. INCORPORATED IN: Nebr. FEDERAL PROCESS AGENTS d/.

American Casualty Company of Reading, Pennsylvania. BUSINESS ADDRESS: CNA Plaza, Chicago, Ill. 60685. UNDERWRITING LIMITATION b/: $6,827,000. SURETY LICENSES c/: All except C.Z., Guam, Puerto Rico, Virgin Islands. INCORPORATED IN: Pa. FEDERAL PROCESS AGENTS d/.

American Credit Indemnity Company of New York. BUSINESS ADDRESS: 300 St. Paul Place, Baltimore, Md. 21202. UNDERWRITING LIMITATION b/: $4,604,000. SURETY LICENSES c/: All except Alaska, C.Z., Del., Guam, Hawaii, N. Dak., Puerto Rico, Virgin Islands, Wyo. INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/.

The American Druggists' Insurance Company. BUSINESS ADDRESS: 800 American Building, Cincinnati, Ohio 45202. UNDERWRITING LIMITATION b/: $3,374,000. SURETY LICENSES c/: Ala., Ark., Cal., Colo., Fla., Ga., Ill., Ind., Iowa, Kans., Ky., La., Me., Md., Mass., Mich., Minn., Miss., Mo., N.Y., N.C., Ohio, Okla., Oreg., Pa., R.I., S.C., Tenn., Tex., Va., Wash., Wis. INCORPORATED IN: Ohio. FEDERAL PROCESS AGENTS d/.

American Economy Insurance Company. BUSINESS ADDRESS: 500 North Meridian Street, Indianapolis, Ind. 46207. UNDERWRITING LIMITATION b/: $10,756,000. SURETY LICENSES c/: All except C.Z., Conn., N.J., Puerto Rico, Virgin Islands. INCORPORATED IN: Ind. FEDERAL PROCESS AGENTS d/.

American Employers' Insurance Company. BUSINESS ADDRESS: One Beacon Street, Boston, Mass. 02108. UNDERWRITING LIMITATION b/: $7,883,000. SURETY LICENSES c/: All except Guam, Kans., Puerto Rico. INCORPORATED IN: Mass. FEDERAL PROCESS AGENTS d/.

AMERICAN-EUROPEAN REINSURANCE CORPORATION. BUSINESS ADDRESS: 280 Park Avenue, New York, N.Y. 10017. UNDERWRITING LIMITATION b/: $1,322,000. SURETY LICENSES c/: Del., N.Y. INCORPORATED IN: Del. FEDERAL PROCESS AGENTS d/.

American Fidelity Company. BUSINESS ADDRESS: Post Office Box 960, Manchester, N.H. 03105. UNDERWRITING LIMITATION b/: $645,000. SURETY LICENSES c/: Alaska, Conn., D.C., Iowa, Me., Md., Mass., Miss., Nebr., N.H., N. Dak., Okla., R.I., S. Dak., Utah, Vt., W. Va. INCORPORATED IN: Vt. FEDERAL PROCESS AGENTS d/.

American Fidelity Fire Insurance Company. BUSINESS ADDRESS: 100 Crossways Park West, Woodbury, N.Y. 11797. UNDERWRITING LIMITATION b/: $653,000. SURETY LICENSES c/: All except C.Z., Colo., Guam, Hawaii, Mo., Nebr., N.H., Virgin Islands. INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/.

American Fire and Casualty Company. BUSINESS ADDRESS: 136 North Third Street, Hamilton, Ohio 45012. UNDERWRITING LIMITATION b/: $1,466,000. SURETY LICENSES c/: Ala., Ark., Colo., D.C., Fla., Ga., Kans., Ky., La., Md., Miss., Mo., N.C., Okla., S.C., Tenn., Tex., Va. INCORPORATED IN: Fla. FEDERAL PROCESS AGENTS d/.

American General Fire and Casualty Company. BUSINESS ADDRESS: Post Office Box 1502, Houston, Tex. 77001. UNDERWRITING LIMITATION b/: $1,983,000. SURETY LICENSES c/: Ark., La., N. Mex., Okla., Tex. INCORPORATED IN: Tex. FEDERAL PROCESS AGENTS d/.

American Guarantee and Liability Insurance Company. BUSINESS ADDRESS: 231 North Martingale Road, Schaumburg, Ill. 60196. UNDERWRITING LIMITATION b/: $1,908,000. SURETY LICENSES c/: All except Ala., Guam, Hawaii, Puerto Rico, Virgin Islands. INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/.

American Home Assurance Company. BUSINESS ADDRESS: 70 Pine Street, New York, N.Y. 10270. UNDERWRITING LIMITATION b/: $21,826,000. SURETY LICENSES c/: All except C.Z., Guam, Puerto Rico, Virgin Islands. INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/.

American Indemnity Company. BUSINESS ADDRESS: Post Office Box 1259, Galveston, Tex. 77553. UNDERWRITING LIMITATION b/: $3,095,000. SURETY LICENSES c/: Ala., Cal., Colo., D.C., Fla., Ga., Ill., Ind., Iowa, Kans., Ky., La., Miss., Mo., Mont., Nebr., N. Mex., N.C., Ohio, Okla., S.C., Tenn., Tex., Wis., Wyo. INCORPORATED IN: Tex. FEDERAL PROCESS AGENTS d/.

The American Insurance Company. BUSINESS ADDRESS: 3333 California Street, San Francisco, Cal. 94119. UNDERWRITING LIMITATION b/: $24,086,000. SURETY LICENSES c/: All except C.Z., Virgin Islands. INCORPORATED IN: N.J. FEDERAL PROCESS AGENTS d/.

American Manufacturers Mutual Insurance Company. BUSINESS ADDRESS: Long Grove, Ill. 60049. UNDERWRITING LIMITATION b/: $7,719,000. SURETY LICENSES c/: All except C.Z., Guam, Puerto Rico, Virgin Islands. INCORPORATED IN: Ill. FEDERAL PROCESS AGENTS d/.

American Motorists Insurance Company. BUSINESS ADDRESS: Long Grove, Ill. 60049. UNDERWRITING LIMITATION b/: $13,363,000. SURETY LICENSES c/: All except C.Z., Del., Guam, Virgin Islands. INCORPORATED IN: Ill. FEDERAL PROCESS AGENTS d/.

*See footnotes at end of table.

American Mutual Liability Insurance Company. BUSINESS ADDRESS: Wakefield, Mass. 01880. UNDERWRITING LIMITATION b/: $6,997,000. SURETY LICENSES c/: All except C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands. INCORPORATED IN: Mass. FEDERAL PROCESS AGENTS d/.

American National Fire Insurance Company. BUSINESS ADDRESS: 580 Walnut Street, Cincinnati, Ohio 45202. UNDERWRITING LIMITATION b/: $1,141,000. SURETY LICENSES c/: All except C.Z., Guam. INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/.

American Re-Insurance Company. BUSINESS ADDRESS: One Liberty Plaza, 91 Liberty Street, New York, N.Y. 10006. UNDERWRITING LIMITATION b/: $22,334,000. SURETY LICENSES c/: All except Guam, Virgin Islands. INCORPORATED IN: Del. FEDERAL PROCESS AGENTS d/.

American Southern Insurance Company. BUSINESS ADDRESS: Post Office Box 7369, Station C, Atlanta, Ga. 30357. UNDERWRITING LIMITATION b/: $504,000. SURETY LICENSES c/: Ala., Fla., Ga., S.C. INCORPORATED IN: Ga. FEDERAL PROCESS AGENTS d/.

American States Insurance Company. BUSINESS ADDRESS: 500 North Meridian Street, Indianapolis, Ind. 46207. UNDERWRITING LIMITATION b/: $25,273,000. SURETY LICENSES c/: All except C.Z., Conn., Guam, N.Y., Puerto Rico, Virgin Islands. INCORPORATED IN: Ind. FEDERAL PROCESS AGENTS d/.

Amwest Surety Insurance Company. BUSINESS ADDRESS: 6301 Owensmouth Ave., 6304, Woodland Hills, Cal. 91367. UNDERWRITING LIMITATION b/: $74,000. SURETY LICENSES c/: Cal. INCORPORATED IN: Cal. FEDERAL PROCESS AGENTS d/.

Antilles Insurance Company. BUSINESS ADDRESS: Post Office Box 3507, Old San Juan, Puerto Rico 00904. UNDERWRITING LIMITATION b/: $438,000. SURETY LICENSES c/: Puerto Rico. INCORPORATED IN: Puerto Rico. FEDERAL PROCESS AGENTS d/.

Argonaut Insurance Company. BUSINESS ADDRESS: 250 Middlefield Road, Menlo Park, Cal. 94025. UNDERWRITING LIMITATION b/: $34,524,000. SURETY LICENSES c/: All except C.Z., Puerto Rico. INCORPORATED IN: Cal. FEDERAL PROCESS AGENTS d/.

Arkwright-Boston Manufacturers Mutual Insurance Company. BUSINESS ADDRESS: 225 Wyman Street, Waltham, Mass. 02154. UNDERWRITING LIMITATION b/: $34,842,000. SURETY LICENSES c/: Cal., Colo., Conn., D.C., Ill., Ind., Iowa, Md., Mass., Mich., Minn., Mo., Nebr., Nev., N.H., N.J., N.Y., N.C., Ohio, R.I., Utah, Vt., Wash., Wyo. INCORPORATED IN: Mass. FEDERAL PROCESS AGENTS d/.

Associated Indemnity Corporation. BUSINESS ADDRESS: 3333 California Street, San Francisco, Cal. 94119. UNDERWRITING LIMITATION b/: $2,055,000. SURETY LICENSES c/: All except C.Z., Guam, Virgin Islands. INCORPORATED IN. Cal. FEDERAL PROCESS AGENTS d/.

Atlanta International Insurance Company. BUSINESS ADDRESS: 1700 Commerce Drive N.W., Suite 100, Atlanta, Ga. 30318. UNDERWRITING LIMITATION b/: $1,264,000. SURETY LICENSES c/: All except Ala., C.Z., Conn., Del., Fla., Guam, Hawaii, Ind., Ky., Me., Nebr., N.H., N.J., Oreg., Pa., Puerto Rico, Vt., Virgin Islands, Wis., Wyo. INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/.

Atlantic Insurance Company. BUSINESS ADDRESS: Post Office Box 1771, Dallas, Tex. 75219. UNDERWRITING LIMITATION b/: $939,000. SURETY LICENSES c/: All except C.Z., Conn., Del., Guam, Hawaii, Idaho, Iowa, La., Me., Mass., Nebr., N.H., N.J., N.Y., N. Dak., Oreg., Puerto Rico, R.I., Vt., Va., Virgin Islands, Wash., Wis., Wyo. INCORPORATED IN: Tex. FEDERAL PROCESS AGENTS d/.

Atlantic Mutual Insurance Company. BUSINESS ADDRESS: Atlantic Building, 45 Wall Street, New York, N.Y. 10005. UNDERWRITING LIMITATION b/: $10,965,000. SURETY LICENSES c/: All except Ala., C.Z., Guam, Hawaii, Virgin Islands. INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/.

Auto-Owners Insurance Company. BUSINESS ADDRESS: Post Office Box 30660, Lansing, Mich. 48909. UNDERWRITING LIMITATION b/: $25,060,000. SURETY LICENSES c/: Ala., Fla., Ga., Ill., Ind., Iowa, Mich., Minn., Mo., N.C., N. Dak., Ohio, S.C., S. Dak., Tenn., Wis. INCORPORATED IN: Mich. FEDERAL PROCESS AGENTS d/.

The Automobile Insurance Company of Hartford, Connecticut. BUSINESS ADDRESS: 151 Farmington Avenue, Hartford, Conn. 06156. UNDERWRITING LIMITATION b/: $4,169,000. SURETY LICENSES c/: All except C.Z., Guam. INCORPORATED IN: Conn. FEDERAL PROCESS AGENTS d/.

Balboa Insurance Company. BUSINESS ADDRESS: Post Office Box 1770, Newport Beach, Cal. 92663. UNDERWRITING LIMITATION b/: $5,240,000. SURETY LICENSES c/: All except C.Z., La., Puerto Rico. INCORPORATED IN: Cal. FEDERAL PROCESS AGENTS d/.

Bankers Multiple Line Insurance Company. BUSINESS ADDRESS: 4010 North Kenneth Avenue, Chicago, Ill. 60630. UNDERWRITING LIMITATION b/: $2,828,000. SURETY LICENSES c/: All except C.Z., Del., Guam, Hawaii, Idaho, La., Me., Puerto Rico, S.C., Virgin Islands. INCORPORATED IN: Iowa. FEDERAL PROCESS AGENTS d/.

Binford Insurance Company. BUSINESS ADDRESS: 700 Nicholas Blvd., Elk Grove Village, Ill. 60007. UNDERWRITING LIMITATION b/: $63,000. SURETY LICENSES c/: N. Mex. INCORPORATED IN: N. Mex. FEDERAL PROCESS AGENTS d/.

Boston Old Colony Insurance Company. BUSINESS ADDRESS: 80 Maiden Lane, New York, N.Y. 10038. UNDERWRITING LIMITATION b/: $527,000. SURETY LICENSES c/: All except C.Z., Guam. INCORPORATED IN: Mass. FEDERAL PROCESS AGENTS d/.

The Buckeye Union Insurance Company. BUSINESS ADDRESS: Post Office Box 1499, Columbus, Ohio 43216. UNDERWRITING LIMITATION b/: $20,075,000. SURETY LICENSES c/: D.C., Fla., Ill., Ind., Ky., Mich., Mo., N.Y., Ohio, Pa., Va., W. Va. INCORPORATED IN: Ohio. FEDERAL PROCESS AGENTS d/.

Builders Mutual Surety Company. BUSINESS ADDRESS: 1545 Wilshire Boulevard, Suite 516, Los Angeles, Cal. 90017. UNDERWRITING LIMITATION b/: $112,000. SURETY LICENSES c/: Cal. INCORPORATED IN: Cal. FEDERAL PROCESS AGENTS d/.

The Camden Fire Insurance Association. BUSINESS ADDRESS: General Building, 414 Walnut Street, Philadelphia, Pa. 19106. UNDERWRITING LIMITATION b/: $12,132,000. SURETY LICENSES c/: All except Ala., Ark., C.Z., Del., Ga., Guam, Hawaii, Idaho, La., Me., Miss., Mont., Nebr., N.M., Oreg., Puerto Rico, S.C., S. Dak., Tenn., Tex., Virgin Islands, Wash. (Fidelity only in Ala., S.C.) INCORPORATED IN: N.J. FEDERAL PROCESS AGENTS d/.

*See footnotes at end of table.

Capitol Indemnity Corporation. BUSINESS ADDRESS: Post Office Box 8, Madison, Wis. 53701. UNDERWRITING LIMITATION b/: $180,000. SURETY LICENSES c/: Ariz., Fla., Idaho, Ill., Ind., Iowa, La., Mich., Minn., Mo., Mont., N. Mex., N. Dak., Okla., S. Dak., Tex., Wis., Wyo. INCORPORATED IN: Wis. FEDERAL PROCESS AGENTS d/.

Centennial Insurance Company. BUSINESS ADDRESS: Atlantic Building, 45 Wall Street, New York, N.Y. 10005. UNDERWRITING LIMITATION b/: $3,609,000. SURETY LICENSES c/: All except Ala., C.Z., Guam, Virgin Islands. INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/.

Central Mutual Insurance Company. BUSINESS ADDRESS: 800 South Washington Street, Van Wert, Ohio 45891. UNDERWRITING LIMITATION b/: $4,917,000. SURETY LICENSES c/: All except Ark., C.Z., Guam, N. Dak., Oreg., Puerto Rico, S. Dak., Virgin Islands, Wis. INCORPORATED IN: Ohio. FEDERAL PROCESS AGENTS d/.

Century Indemnity Company. BUSINESS ADDRESS: 55 Elm Street, Hartford, Conn. 06115. UNDERWRITING LIMITATION b/: $850,000. SURETY LICENSES c/: All except C.Z., Guam, Oreg., Puerto Rico, Virgin Islands. INCORPORATED IN: Conn. FEDERAL PROCESS AGENTS d/.

Century Surety Company. BUSINESS ADDRESS: 1689 Fountain Square Court, Columbus, Ohio 43224. UNDERWRITING LIMITATION b/: $270,000. SURETY LICENSES c/: Ohio. INCORPORATED IN: Ohio. FEDERAL PROCESS AGENTS d/.

The Charter Oak Fire Insurance Company. BUSINESS ADDRESS: One Tower Square, Hartford, Conn. 06115. UNDERWRITING LIMITATION b/: $4,665,000. SURETY LICENSES c/: All except Virgin Islands. INCORPORATED IN: Conn. FEDERAL PROCESS AGENTS d/.

The Cincinnati Insurance Company. BUSINESS ADDRESS: Post Office Box 14567, Cincinnati, Ohio 45214. UNDERWRITING LIMITATION b/: $8,410,000. SURETY LICENSES c/: Ala., Ariz., Colo., Fla., Ga., Ill., Ind., Iowa, Ky., Mich., Miss., N.[illegible], Ohio, Pa., S.C., Tenn., Tex., Va., W. Va., Wis. INCORPORATED IN: Ohio. FEDERAL PROCESS AGENTS d/.

Colonial Surety Company. BUSINESS ADDRESS: 9 Parkway Center, Pittsburgh, Pa. 15220. UNDERWRITING LIMITATION b/: $301,000. SURETY LICENSES c/: Del., N.J., Pa. INCORPORATED IN: Pa. FEDERAL PROCESS AGENTS d/.

Commercial Insurance Company of Newark, N.J. BUSINESS ADDRESS: 80 Maiden Lane, New York, N.Y. 10038. UNDERWRITING LIMITATION b/: $5,828,000. SURETY LICENSES c/: All except C.Z., Guam, Puerto Rico, Virgin Islands. INCORPORATED IN: N.J. FEDERAL PROCESS AGENTS d/.

Commercial Union Insurance Company. BUSINESS ADDRESS: One Beacon Street, Boston, Mass. 02108. UNDERWRITING LIMITATION b/: $30,070,000. SURETY LICENSES c/: All except C.Z., Guam. INCORPORATED IN: Mass. FEDERAL PROCESS AGENTS d/.

Compass Insurance Company. BUSINESS ADDRESS: 1221 River Bend Drive, Dallas, Texas 75247. UNDERWRITING LIMITATION b/: $1,802,000. SURETY LICENSES c/: All except C.Z., Conn., Guam, Hawaii, Ind., Kans., Me., Md., N.J., N.C., Pa., P.I. INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/.

The Connecticut Indemnity Company. BUSINESS ADDRESS: Post Office Box 420, Hartford, Conn. 06141. UNDERWRITING LIMITATION b/: $1,015,000. SURETY LICENSES c/: All except C.Z., Del., Guam, Hawaii, Puerto Rico, S.C., Virgin Islands. INCORPORATED IN: Conn. FEDERAL PROCESS AGENTS d/.

Consolidated Insurance Company. BUSINESS ADDRESS: 115 North Pennsylvania Street, Indianapolis, Ind. 46204. UNDERWRITING LIMITATION b/: $1,016,000. SURETY LICENSES c/: Fla., Idaho, Ill., Ind., Iowa, Ky., Mich., Ohio, Wash., Wis. INCORPORATED IN: Ind. FEDERAL PROCESS AGENTS d/.

Continental Casualty Company. BUSINESS ADDRESS: CNA Plaza, Chicago, Ill. 60685. UNDERWRITING LIMITATION b/: $84,639,000. SURETY LICENSES c/: All except C.Z., Guam, Puerto Rico, Virgin Islands. INCORPORATED IN: Ill. FEDERAL PROCESS AGENTS d/.

The Continental Insurance Company. BUSINESS ADDRESS: 80 Maiden Lane, New York, N.Y. 10038. UNDERWRITING LIMITATION b/: $15,702,000. SURETY LICENSES c/: All. INCORPORATED IN: N.H. FEDERAL PROCESS AGENTS d/.

Continental Reinsurance Corporation. BUSINESS ADDRESS: 80 Maiden Lane, New York, N.Y. 10038. UNDERWRITING LIMITATION b/: $4,066,000. SURETY LICENSES c/: Alaska, Ariz., Ark., Cal., Colo., D.C., Fla., Hawaii, Idaho, Ill., Ind., Iowa, Mich., Mont., Nev., N.J., N. Mex., N.Y., N.C., Okla., Oreg., Tex., Utah, Va., Wash., Wyo. INCORPORATED IN: Cal. FEDERAL PROCESS AGENTS d/.

Continental Surety and Fidelity Insurance Company. BUSINESS ADDRESS: Post Office Box 730, Littleton, Colo. 80160. UNDERWRITING LIMITATION b/: $67,000. SURETY LICENSES c/: Colo. INCORPORATED IN: Colo. FEDERAL PROCESS AGENTS d/.

Continental Western Insurance Company. BUSINESS ADDRESS: Post Office Box 1594, Des Moines, Iowa 50306. UNDERWRITING LIMITATION b/: $2,269,000. SURETY LICENSES c/: Ariz., Ark., Colo., Idaho, Ill., Ind., Iowa, Kans., Ky., Mich., Minn., Mo., Mont., Nebr., Nev., N. Mex., N. Dak., Okla., S. Dak., Utah, Wis., Wyo. INCORPORATED IN: Iowa. FEDERAL PROCESS AGENTS d/.

Contractors Bonding and Insurance Company. BUSINESS ADDRESS: 1213 Valley Street, Seattle, Wash. 98109. UNDERWRITING LIMITATION b/: $124,000. SURETY LICENSES c/: Wash. INCORPORATED IN: Wash. FEDERAL PROCESS AGENTS d/.

Cooperativa de Seguros Multiples de Puerto Rico. BUSINESS ADDRESS: G.P.O. Box 3846, San Juan, Puerto Rico 00936. UNDERWRITING LIMITATION b/: $1,477,000. SURETY LICENSES c/: Puerto Rico. INCORPORATED IN: Puerto Rico. FEDERAL PROCESS AGENTS d/.

CORONET INSURANCE COMPANY. BUSINESS ADDRESS: 3500 West Peterson Avenue, Chicago, Ill. 60659. UNDERWRITING LIMITATION b/: $548,000. SURETY LICENSES c/: Ill. INCORPORATED IN: Ill. FEDERAL PROCESS AGENTS d/.

Cotton Belt Insurance Company, Inc. BUSINESS ADDRESS: Post Office Box 29405, New Orleans, La. 70189. UNDERWRITING LIMITATION b/: $203,000. SURETY LICENSES c/: Ala., Ariz., Ark., Cal., Colo., Del., Fla., Ga., Idaho, Ind., Ky., La., Miss., Mo., Mont., Nebr., Nev., N. Mex., N. Dak., Ohio, Okla., Oreg., Pa., Tenn., Tex., Utah, Wash. INCORPORATED IN: Tenn. FEDERAL PROCESS AGENTS d/.

*See footnotes at end of table.

Cotton States Mutual Insurance Company. BUSINESS ADDRESS: Post Office Box 2214, Atlanta, Ga. 30301. UNDERWRITING LIMITATION b/: $2,680,000. SURETY LICENSES c/: Ala., Fla., Ga., Miss., N.C., S.C., Tenn. INCORPORATED IN: Ga. FEDERAL PROCESS AGENTS d/.

Covenant Mutual Insurance Company. BUSINESS ADDRESS: 95 Woodland Street, Hartford, Conn. 06105. UNDERWRITING LIMITATION b/: $1,190,000. SURETY LICENSES c/: Ariz., Cal., Conn., N.H., Oreg., Wash. INCORPORATED IN: Conn. FEDERAL PROCESS AGENTS d/.

Cumis Insurance Society, Inc. BUSINESS ADDRESS: Post Office Box 1084, Madison, Wis. 53701. UNDERWRITING LIMITATION b/: $2,775,000. SURETY LICENSES c/: All except C.Z., Guam, Virgin Islands. INCORPORATED IN: Wis. FEDERAL PROCESS AGENTS d/.

DELTA CASUALTY COMPANY. BUSINESS ADDRESS: 4711 North Clark Street, Chicago, Ill. 60640. UNDERWRITING LIMITATION b/: $349,000. SURETY LICENSES c/: Ill., Iowa. INCORPORATED IN: Ill. FEDERAL PROCESS AGENTS d/.

Dependable Insurance Company, Inc. BUSINESS ADDRESS: Post Office Box 10169, Jacksonville, Fla. 32207. UNDERWRITING LIMITATION b/: $981,000. SURETY LICENSES c/: All except C.Z., Conn., Guam, Hawaii, Me., Mass., Minn., Mont., N.H., N.J., N.Y., N. Dak., Pa., Puerto Rico, R.I., Vt., Virgin Islands, Wis., Wyo. INCORPORATED IN: Fla. FEDERAL PROCESS AGENTS d/.

DEVELOPERS' INSURANCE COMPANY. BUSINESS ADDRESS: Post Office Box 884, Los Alamitos, Cal. 90720. UNDERWRITING LIMITATION b/: $167,000. SURETY LICENSES c/: Cal., Nev. INCORPORATED IN: Cal. FEDERAL PROCESS AGENTS d/.

Eastern Indemnity Company of Maryland. BUSINESS ADDRESS: 4340 East West Highway, Bethesda, Md. 20014. UNDERWRITING LIMITATION b/: $277,000. SURETY LICENSES c/: D.C., La., Md., Va. INCORPORATED IN: Md. FEDERAL PROCESS AGENTS d/.

Empire Fire and Marine Insurance Company. BUSINESS ADDRESS: 1624 Douglas Street, Omaha, Nebr. 68102. UNDERWRITING LIMITATION b/: $1,970,000. SURETY LICENSES c/: All except Cal., C.Z., Conn., Del., D.C., Guam, La., Md., Mass., N.J., N.Y., Oreg., Puerto Rico, R.I., Tenn., Virgin Islands, W. Va. INCORPORATED IN: Nebr. FEDERAL PROCESS AGENTS d/.

The Employers' Fire Insurance Company. BUSINESS ADDRESS: One Beacon Street, Boston, Mass. 02108. UNDERWRITING LIMITATION b/: $3,422,000. SURETY LICENSES c/: All except C.Z., Guam, Puerto Rico. INCORPORATED IN: Mass. FEDERAL PROCESS AGENTS d/.

EMPLOYERS INSURANCE OF WAUSAU A Mutual Company. BUSINESS ADDRESS: 2000 Westwood Drive, Wausau, Wis. 54401. UNDERWRITING LIMITATION b/: $46,476,000. SURETY LICENSES c/: All except C.Z., Guam, Virgin Islands. INCORPORATED IN: Wis. FEDERAL PROCESS AGENTS d/.

Employers Mutual Casualty Company. BUSINESS ADDRESS: Post Office Box 712, Des Moines, Iowa 50303. UNDERWRITING LIMITATION b/: $9,740,000. SURETY LICENSES c/: All except C.Z., Guam, Puerto Rico, Virgin Islands. INCORPORATED IN: Iowa. FEDERAL PROCESS AGENTS d/.

Employers Reinsurance Corporation. BUSINESS ADDRESS: 5200 Metcalf, Post Office Box 2991, Overland Park, Kansas 66201. UNDERWRITING LIMITATION b/: $22,360,000. SURETY LICENSES c/: All except C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands. INCORPORATED IN: Mo. FEDERAL PROCESS AGENTS d/.

ENNIA REINSURANCE COMPANY OF AMERICA. BUSINESS ADDRESS: 127 John Street, New York, N.Y. 10038. UNDERWRITING LIMITATION b/: $970,000. SURETY LICENSES c/: Colo., Idaho, La., Md., N. Mex., N.Y., Okla., Pa., S.C., Tex., Vt. INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/.

Equitable General Insurance Company. BUSINESS ADDRESS: One Equitable General Place, Fort Worth, Tex. 76151. UNDERWRITING LIMITATION b/: $5,983,000. SURETY LICENSES c/: All except C.Z., Guam, Virgin Islands. INCORPORATED IN: Iowa. FEDERAL PROCESS AGENTS d/.

Farmers Alliance Mutual Insurance Company. BUSINESS ADDRESS: 1122 North Main Street, McPherson, Kansas 67460. UNDERWRITING LIMITATION b/: $1,965,000. SURETY LICENSES c/: Ariz., Ark., Cal., Colo., Idaho, Ill., Ind., Iowa, Kans., Md., Mass., Mich., Minn., Mo., Mont., Nebr., N.H., N.J., N. Mex., N.Y., N.C., N. Dak., Ohio, Okla., Oreg., S.C., S. Dak., Tex., Vt., Wash. INCORPORATED IN: Kans. FEDERAL PROCESS AGENTS d/.

Farmland Mutual Insurance Company. BUSINESS ADDRESS: 1963 Bell Avenue, Des Moines, Iowa 50315. UNDERWRITING LIMITATION b/: $1,997,000. SURETY LICENSES c/: Ark., Colo., Ill., Iowa, Kans., Ky., Minn., Mo., Nebr., N. Dak., Okla., S. Dak., Tex., Wis., Wyo. INCORPORATED IN: Iowa. FEDERAL PROCESS AGENTS d/.

Federal Insurance Company. BUSINESS ADDRESS: 51 John F. Kennedy Parkway, Short Hills, N.J. 07078. UNDERWRITING LIMITATION b/: $33,483,000. SURETY LICENSES c/: All. INCORPORATED IN: N.J. FEDERAL PROCESS AGENTS d/.

Federated Mutual Insurance Company. BUSINESS ADDRESS: 129 East Broadway, Owatonna, Minn. 55060. UNDERWRITING LIMITATION b/: $14,133,000. SURETY LICENSES c/: All except Alaska, C.Z., Del., Guam, Hawaii, Me., N.H., Puerto Rico, Virgin Islands. INCORPORATED IN: Minn. FEDERAL PROCESS AGENTS d/.

The Fidelity and Casualty Company of New York. BUSINESS ADDRESS: 80 Maiden Lane, New York, N.Y. 10038. UNDERWRITING LIMITATION b/: $6,713,000. SURETY LICENSES c/: All except Guam, Virgin Islands. INCORPORATED IN: N.H. FEDERAL PROCESS AGENTS d/.

Fidelity and Deposit Company. BUSINESS ADDRESS: Charles and Lexington Streets, Baltimore, Md. 21203. UNDERWRITING LIMITATION b/: $238,000. SURETY LICENSES c/: Md., Tex. INCORPORATED IN: Md. FEDERAL PROCESS AGENTS d/.

Fidelity and Deposit Company of Maryland. BUSINESS ADDRESS: Charles and Lexington Streets, Baltimore, Md. 21203. UNDERWRITING LIMITATION b/: $10,784,000. SURETY LICENSES c/: All except C.Z., Guam. INCORPORATED IN: Md. FEDERAL PROCESS AGENTS d/.

Financial Indemnity Company. BUSINESS ADDRESS: Post Office Box 7754, Burbank, Cal. 91510. UNDERWRITING LIMITATION b/: $1,772,000. SURETY LICENSES c/: Ala., Ariz., Cal., Colo., Fla., Idaho, Ind., Mo., Mont., Nev., N. Mex., Oreg., Tex., Utah, Wash. INCORPORATED IN: Cal. FEDERAL PROCESS AGENTS d/.

*See footnotes at end of table.

Fireman's Fund Insurance Company. BUSINESS ADDRESS: 3333 California Street, San Francisco, Cal. 94119. UNDERWRITING LIMITATION b/: $87,889,000. SURETY LICENSES c/: All except C.Z. INCORPORATED IN: Cal. FEDERAL PROCESS AGENTS d/.

Firemen's Insurance Company of Newark, New Jersey. BUSINESS ADDRESS: 80 Maiden Lane, New York, N.Y. 10038. UNDERWRITING LIMITATION b/: $39,701,000. SURETY LICENSES c/: All except C.Z., Guam, Puerto Rico, Virgin Islands. INCORPORATED IN: N.J. FEDERAL PROCESS AGENTS d/.

First Financial Insurance Company. BUSINESS ADDRESS: 222 West Adams Street, Chicago, Ill. 60606. UNDERWRITING LIMITATION b/: $403,000. SURETY LICENSES c/: Ala., Alaska, Ariz., Ark., Colo., Del., Ga., Idaho, Ill., Ind., Iowa, Ky., Md., Miss., Mo., Mont., N. Mex., N. Dak., Okla., Oreg., S. Dak., Utah, Wash. INCORPORATED IN: Ill. FEDERAL PROCESS AGENTS d/.

First Insurance Company of Hawaii, Ltd. BUSINESS ADDRESS: Post Office Box 2866, Honolulu, Hawaii 96803. UNDERWRITING LIMITATION b/: $1,842,000. SURETY LICENSES c/: Alaska, Ariz., Cal., Colo., Guam, Hawaii, Ill., Ind., La., Minn., Mo., N.Y., Oreg., Utah, Wash. INCORPORATED IN: Hawaii. FEDERAL PROCESS AGENTS d/.

First National Insurance Company of America. BUSINESS ADDRESS: SAFECO Plaza, Seattle, Wash. 98185. UNDERWRITING LIMITATION b/: $3,337,000. SURETY LICENSES c/: All except Alaska, C.Z., Guam, Hawaii, Me., N.J., N.Y., Puerto Rico, Vt., Virgin Islands. INCORPORATED IN: Wash. FEDERAL PROCESS AGENTS d/.

FLORIDA FARM BUREAU MUTUAL INSURANCE COMPANY. BUSINESS ADDRESS: Post Office Box 730, Gainesville, Fla. 32602. UNDERWRITING LIMITATION b/: $443,000. SURETY LICENSES c/: Fla. INCORPORATED IN: Fla. FEDERAL PROCESS AGENTS d/.

Fremont Indemnity Company. BUSINESS ADDRESS: 1709 West Eighth Street, Los Angeles, Cal. 90017. UNDERWRITING LIMITATION b/: $9,991,000. SURETY LICENSES c/: Alaska, Ariz., Cal., Idaho, Ill., Iowa, Nev., N. Mex., Ohio, Oreg., Pa., Tex., Utah, Wash. INCORPORATED IN: Cal. FEDERAL PROCESS AGENTS d/.

Fritz Insurance Company. BUSINESS ADDRESS: 700 Nicholas Boulevard, Elk Grove Village, Ill. 60007. UNDERWRITING LIMITATION b/: $60,000. SURETY LICENSES c/: N. Mex. INCORPORATED IN: N. Mex. FEDERAL PROCESS AGENTS d/.

General Insurance Company of America. BUSINESS ADDRESS: SAFECO Plaza, Seattle, Wash. 98185. UNDERWRITING LIMITATION b/: $14,544,000. SURETY LICENSES c/: All. INCORPORATED IN: Wash. FEDERAL PROCESS AGENTS d/.

General Reinsurance Corporation. BUSINESS ADDRESS: 600 Steamboat Road, Greenwich, Conn. 06830. UNDERWRITING LIMITATION b/: $68,057,000. SURETY LICENSES c/: All except C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands. INCORPORATED IN: Del. FEDERAL PROCESS AGENTS d/.

The Glens Falls Insurance Company. BUSINESS ADDRESS: 80 Maiden Lane, New York, N.Y. 10038. UNDERWRITING LIMITATION b/: $1,986,000. SURETY LICENSES c/: All except C.Z., Guam, Virgin Islands. INCORPORATED IN: Del. FEDERAL PROCESS AGENTS d/.

Global Surety & Insurance Co. BUSINESS ADDRESS: 168 Kiewit Plaza, Omaha, Nebr. 68131. UNDERWRITING LIMITATION b/: $1,203,000. SURETY LICENSES c/: Ariz., Cal., Mont., Nebr., S. Dak. INCORPORATED IN: Nebr. FEDERAL PROCESS AGENTS d/.

Globe Indemnity Company. BUSINESS ADDRESS: 150 William Street, New York, N.Y. 10038. UNDERWRITING LIMITATION b/: $14,012,000. SURETY LICENSES c/: All except C.Z., Guam, Puerto Rico, Virgin Islands. INCORPORATED IN: Del. FEDERAL PROCESS AGENTS d/.

Grain Dealers Mutual Insurance Company. BUSINESS ADDRESS: Post Office Box 1747, Indianapolis, Ind. 46206. UNDERWRITING LIMITATION b/: $1,515,000. SURETY LICENSES c/: All except Ala., Alaska, C.Z., Conn., Del., D.C., Fla., Guam, Idaho, Me., Md., Mass., Mont., N.H., N.J., N.Y., N. Dak., Pa., Puerto Rico, R.I., Utah, Vt., Virgin Islands, W. Va. INCORPORATED IN: Ind. FEDERAL PROCESS AGENTS d/.

Granite State Insurance Company. BUSINESS ADDRESS: Post Office Box 960, Manchester, N.H. 03107. UNDERWRITING LIMITATION b/: $562,000. SURETY LICENSES c/: All except C.Z., Conn., Del., Guam, Hawaii, Idaho, Puerto Rico. INCORPORATED IN: N.H. FEDERAL PROCESS AGENTS d/.

Great American Insurance Company. BUSINESS ADDRESS: 580 Walnut Street, Cincinnati, Ohio 45202. UNDERWRITING LIMITATION b/: $41,648,000. SURETY LICENSES c/: All except C.Z., Guam. INCORPORATED IN: Ohio. FEDERAL PROCESS AGENTS d/.

Great Northern Insurance Company. BUSINESS ADDRESS: 190 River Road, Summit, N.J. 07901. UNDERWRITING LIMITATION b/: $1,915,000. SURETY LICENSES c/: All except Ala., Ark., Cal., C.Z., Conn., Guam, Idaho, N.C., Puerto Rico, Tenn., Virgin Islands, W. Va. INCORPORATED IN: Minn. FEDERAL PROCESS AGENTS d/.

Greater New York Mutual Insurance Company. BUSINESS ADDRESS: 215 Lexington Avenue, New York, N.Y. 10016. UNDERWRITING LIMITATION b/: $5,650,000. SURETY LICENSES c/: All except Alaska, Ark., C.Z., Guam, Hawaii, La., Oreg., S.C., Tenn., Virgin Islands. INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/.

Gulf Insurance Company. BUSINESS ADDRESS: Post Office Box 1771, Dallas, Tex. 75221. UNDERWRITING LIMITATION b/: $7,324,000. SURETY LICENSES c/: All except C.Z., Guam, Idaho, N.J., Puerto Rico, Virgin Islands. INCORPORATED IN: Mo. FEDERAL PROCESS AGENTS d/.

The Hamilton Mutual Insurance Company of Cincinnati, Ohio. BUSINESS ADDRESS: 1520 Madison Road, Cincinnati, Ohio 45206. UNDERWRITING LIMITATION b/: $370,000. SURETY LICENSES c/: Ind., Ky., Mich., Ohio. INCORPORATED IN: Ohio. FEDERAL PROCESS AGENTS d/.

The Hanover Insurance Company. BUSINESS ADDRESS: 440 Lincoln Street, Worcester, Mass. 01605. UNDERWRITING LIMITATION b/: $17,653,000. SURETY LICENSES c/: All except C.Z., Guam, Puerto Rico, Virgin Islands. INCORPORATED IN: N.H. FEDERAL PROCESS AGENTS d/.

Harleysville Mutual Insurance Company. BUSINESS ADDRESS: 355 Maple Avenue, Harleysville, Pa. 19438. UNDERWRITING LIMITATION b/: $9,173,000. SURETY LICENSES c/: Cal., Colo., Del., D.C., Ga., Ill., Ind., Iowa, Kans., Md., Mich., Minn., Miss., Mo., N.J., N. Mex., N.C., Ohio, Okla., Pa., S.C., Tenn., Tex., Utah, Va., W. Va. INCORPORATED IN: Pa. FEDERAL PROCESS AGENTS d/.

*See footnotes at end of table.

Hartford Accident and Indemnity Company. BUSINESS ADDRESS: Hartford Plaza, Hartford, Conn. 06115. UNDERWRITING LIMITATION b/: $67,128,000. SURETY LICENSES c/: All except Guam. INCORPORATED IN: Conn. FEDERAL PROCESS AGENTS d/.

Hartford Casualty Insurance Company. BUSINESS ADDRESS: Hartford Plaza, Hartford, Conn. 06115. UNDERWRITING LIMITATION b/: $7,561,000. SURETY LICENSES c/: All except C.Z., Guam, Puerto Rico, Virgin Islands. INCORPORATED IN: N.J. FEDERAL PROCESS AGENTS d/.

Hartford Fire Insurance Company. BUSINESS ADDRESS: Hartford Plaza, Hartford, Conn. 06115. UNDERWRITING LIMITATION b/: $134,520,000. SURETY LICENSES c/: All except C.Z. INCORPORATED IN: Conn. FEDERAL PROCESS AGENTS d/.

Hartford Insurance Company of Alabama. BUSINESS ADDRESS: Hartford Plaza, Hartford, Conn. 06115. UNDERWRITING LIMITATION b/: $673,000. SURETY LICENSES c/: Ala. INCORPORATED IN: Ala. FEDERAL PROCESS AGENTS d/.

Hartford Insurance Company of Illinois. BUSINESS ADDRESS: Hartford Plaza, Hartford Conn. 06115. UNDERWRITING LIMITATION b/: $2,435,000. SURETY LICENSES c/: Ill. INCORPORATED IN: Ill. FEDERAL PROCESS AGENTS d/.

Hartford Insurance Company of the Midwest. BUSINESS ADDRESS: Hartford Plaza, Hartford, Conn. 06115. UNDERWRITING LIMITATION b/: $328,000. SURETY LICENSES c/: Ind. INCORPORATED IN: Ind. FEDERAL PROCESS AGENTS d/.

Hartford Insurance Company of the Southeast. BUSINESS ADDRESS: Hartford Plaza, Hartford, Conn. 06115. UNDERWRITING LIMITATION b/: $446,000. SURETY LICENSES c/: Fla., Ga., La. INCORPORATED IN: Fla. FEDERAL PROCESS AGENTS d/.

Hawkeye-Security Insurance Company. BUSINESS ADDRESS: 1017 Walnut Street, Des Moines, Iowa 50307. UNDERWRITING LIMITATION b/: $2,357,000. SURETY LICENSES c/: Ariz., Colo., D.C., Idaho, Ill., Ind., Iowa, Kans., Md., Mich., Minn., Mo., Mont., Nebr., Nev., N. Mex., N.C., Ohio, Pa., S. Dak., Tex., Utah, Va., Wis., Wyo. INCORPORATED IN: Iowa. FEDERAL PROCESS AGENTS d/.

Heritage Insurance Company of America. BUSINESS ADDRESS: 7366 North Lincoln Avenue, Lincolnwood, Ill. 60646. UNDERWRITING LIMITATION b/: $428,000. SURETY LICENSES c/: Alaska, Ariz., Ark., Colo., Fla., Ga., Ill., Mo., Nev., Okla., Oreg., Va., Wash. INCORPORATED IN: Ill. FEDERAL PROCESS AGENTS d/.

Highlands Insurance Company. BUSINESS ADDRESS: 600 Jefferson Street, Houston, Tex. 77002. UNDERWRITING LIMITATION b/: $12,244,000. SURETY LICENSES c/: All except C.Z., Guam, Virgin Islands. INCORPORATED IN: Tex. FEDERAL PROCESS AGENTS d/.

Highlands Underwriters Insurance Company. BUSINESS ADDRESS: 600 Jefferson Street, Houston, Tex. 77002. UNDERWRITING LIMITATION b/: $1,001,000. SURETY LICENSES c/: Ala., Ariz., Ark., Cal., Fla., Ga., La., Miss., N. Mex., Okla., S.C., Tex. INCORPORATED IN: Tex. FEDERAL PROCESS AGENTS d/.

The Home Indemnity Company. BUSINESS ADDRESS: 59 Maiden Lane, New York, N.Y. 10038. UNDERWRITING LIMITATION b/: $5,770,000. SURETY LICENSES c/: All except C.Z., Guam, S.C. INCORPORATED IN: N.H. FEDERAL PROCESS AGENTS d/.

The Home Insurance Company. BUSINESS ADDRESS: 59 Maiden Lane, New York, N.Y. 10038. UNDERWRITING LIMITATION b/: $55,188,000. SURETY LICENSES c/: All except C.Z., Guam, S.C. INCORPORATED IN: N.H. FEDERAL PROCESS AGENTS d/.

Houston General Insurance Company. BUSINESS ADDRESS: Post Office Box 2932, Fort Worth, Tex. 76113. UNDERWRITING LIMITATION b/: $974,000. SURETY LICENSES c/: Ala., Alaska, Ariz., Ark., Cal., Colo., Del., Fla., Ga., Ill., Iowa, Kans., Ky., La., Mich., Miss., Mo., N. Mex., N.Y., N. Dak., Okla., Oreg., S.C., S. Dak., Tenn., Tex., Utah, Wash. INCORPORATED IN: Tex. FEDERAL PROCESS AGENTS d/.

Hudson Insurance Company. BUSINESS ADDRESS: 280 Park Avenue, New York, N.Y. 10017. UNDERWRITING LIMITATION b/: $1,954,000. SURETY LICENSES c/: Cal., Del., Iowa, N.H., N.Y. (Reinsurance only in Colo., Md.) INCORPORATED IN: Del. FEDERAL PROCESS AGENTS d/.

IGF Insurance Company. BUSINESS ADDRESS: 315 Shops Building, Des Moines, Iowa 50309. UNDERWRITING LIMITATION b/: $316,000 SURETY LICENSES c/: Ariz., Colo., Iowa, Kans., Mich., Minn., Mo., Mont., Nebr., N. Dak., S. Dak., Wis. INCORPORATED IN: Iowa. FEDERAL PROCESS AGENTS d/.

INA Reinsurance Company. BUSINESS ADDRESS: 1600 Arch Street, Philadelphia, Pa. 19101. UNDERWRITING LIMITATION b/: $10,918,000. SURETY LICENSES c/: All except C.Z., Guam, Me., Virgin Islands. INCORPORATED IN: Del. FEDERAL PROCESS AGENTS d/.

INA Underwriters Insurance Company. BUSINESS ADDRESS: 1600 Arch Street, Philadelphia, Pa. 19101. UNDERWRITING LIMITATION b/: $9,801,000. SURETY LICENSES c/: All except Hawaii, La., Puerto Rico. INCORPORATED IN: Cal. FEDERAL PROCESS AGENTS d/.

Illinois National Insurance Co. BUSINESS ADDRESS: 133 South 4th Street, Springfield, Ill. 62700. UNDERWRITING LIMITATION b/: $965,000. SURETY LICENSES c/: Alaska, Ill., Ind., Iowa, Ky., Md., Mo., Mont., Nebr., N. Mex., N.Y., N. Dak., Ohio, S. Dak., Tex., Utah, Vt., W. Va. INCORPORATED IN: Ill. FEDERAL PROCESS AGENTS d/.

Indemnity Company of California. BUSINESS ADDRESS: 820 North Parton Street, Santa Ana, Cal. 92701. UNDERWRITING LIMITATION b/: $159,000. SURETY LICENSES c/: Cal. INCORPORATED IN: Cal. FEDERAL PROCESS AGENTS d/.

Indemnity Insurance Company of North America. BUSINESS ADDRESS: 1600 Arch Street, Philadelphia, Pa. 19101. UNDERWRITING LIMITATION b/: $2,967,000. SURETY LICENSES c/: All. INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/.

Indiana Insurance Company. BUSINESS ADDRESS: 115 North Pennsylvania Street, Indianapolis, Ind. 46204. UNDERWRITING LIMITATION b/: $5,800,000. SURETY LICENSES c/: Fla., Idaho, Ill., Ind., Iowa, Ky., Mich., Ohio, Wash., Wis. INCORPORATED IN: Ind. FEDERAL PROCESS AGENTS d/.

Indiana Lumbermens Mutual Insurance Company. BUSINESS ADDRESS: Post Office Box 68600, Indianapolis, Ind. 46268. UNDERWRITING LIMITATION b/: $1,102,000. SURETY LICENSES c/: Ala., Ariz., Ark., Cal., Colo., Fla., Ga., Idaho, Ill., Ind., Iowa, Kans., Ky., La., Mich., Minn., Miss., Mo., Nebr., N. Mex., N.C., Ohio, Okla., Oreg., Pa., S.C., Tenn., Tex., Va., Wash., Wis. INCORPORATED IN: Ind. FEDERAL PROCESS AGENTS d/.

*See footnotes at end of table.

Industrial Indemnity Company. BUSINESS ADDRESS: Post Office Box 3660, San Francisco, Cal. 94120. UNDERWRITING LIMITATION b/: $12,290,000. SURETY LICENSES c/: All except C.Z., Conn., Puerto Rico, Virgin Islands, W. Va. INCORPORATED IN: Cal. FEDERAL PROCESS AGENTS d/.

Inland Insurance Company. BUSINESS ADDRESS: Post Office Box 80468, Lincoln, Nebr. 68501. UNDERWRITING LIMITATION b/: $1,229,000. SURETY LICENSES c/: Colo., Iowa, Kans., Minn., Nebr., N. Dak., Okla., S. Dak., Wyo. INCORPORATED IN: Nebr. FEDERAL PROCESS AGENTS d/.

Insurance Company of North America. BUSINESS ADDRESS: 1600 Arch Street, Philadelphia, Pa. 19101. UNDERWRITING LIMITATION b/: $83,340,000. SURETY LICENSES c/: All. INCORPORATED IN: Pa. FEDERAL PROCESS AGENTS d/.

Insurance Company of the Pacific Coast. BUSINESS ADDRESS: Post Office Box 7220, Newport Beach, Cal. 92660. UNDERWRITING LIMITATION b/: $573,000. SURETY LICENSES c/: Cal. INCORPORATED IN: Cal. FEDERAL PROCESS AGENTS d/.

The Insurance Company of the State of Pennsylvania. BUSINESS ADDRESS: 70 Pine Street, New York, N.Y. 10370. UNDERWRITING LIMITATION b/: $4,535,000. SURETY LICENSES c/: All except C.Z., Guam, Kans., Puerto Rico, Virgin Islands. INCORPORATED IN: Pa. FEDERAL PROCESS AGENTS d/.

Insurance Company of the West. BUSINESS ADDRESS: Post Office Box 81063, San Diego, Cal. 92138. UNDERWRITING LIMITATION b/: $1,331,000. SURETY LICENSES c/: Ariz., Cal., Nev., Oreg. INCORPORATED IN: Cal. FEDERAL PROCESS AGENTS d/.

Integon Indemnity Corporation. BUSINESS ADDRESS: Post Office Box 3199, Winston-Salem, N.C. 27102. UNDERWRITING LIMITATION b/: $346,000. SURETY LICENSES c/: Ala., Alaska, Ariz., Ark., Fla., Ga., Idaho, Ind., Iowa, Ky., La., Miss., Nebr., Nev., N. Mex., N.C., Okla., Oreg., S.C., Tenn., Tex., Utah, Va., Wash. INCORPORATED IN: N.C. FEDERAL PROCESS AGENTS d/.

Integrity Insurance Company. BUSINESS ADDRESS: Mack Centre Drive - 5th Floor, Paramus, N.J. 07652. UNDERWRITING LIMITATION b/: $2,236,000. SURETY LICENSES c/: All except C.Z., Conn., Guam, Hawaii, Nebr., Puerto Rico, Virgin Islands, Wyo. INCORPORATED IN: N.J. FEDERAL PROCESS AGENTS d/.

Integrity Mutual Insurance Company. BUSINESS ADDRESS: Post Office Box 539, Appleton, Wis. 54912. UNDERWRITING LIMITATION b/: $349,000. SURETY LICENSES c/: Minn., Wis. INCORPORATED IN: Wis. FEDERAL PROCESS AGENTS d/.

International Cargo and Surety Insurance Company. BUSINESS ADDRESS: 700 Nicholas Boulevard, Elk Grove Village, Ill. 60007. UNDERWRITING LIMITATION: $49,000. SURETY LICENSES c/: N. Mex. INCORPORATED IN: N. Mex. FEDERAL PROCESS AGENTS d/.

International Fidelity Insurance Company. BUSINESS ADDRESS: 24 Commerce Street, Newark, N.J. 07102. UNDERWRITING LIMITATION b/: $175,000. SURETY LICENSES c/: Alaska, Ariz., Ark., Colo., Del., Fla., Idaho, Ill., Ind., La., Md., Mass., Mich., Miss., Mo., Mont., Nev., N.J., N. Mex., N.Y., N. Dak., Okla., Oreg., Pa., Puerto Rico, S.C., S. Dak., Tex., Utah, Wash., Wyo. INCORPORATED IN: N.J. FEDERAL PROCESS AGENTS d/.

International Insurance Company. BUSINESS ADDRESS: 233 South Wacker Drive, Chicago, Ill. 60606. UNDERWRITING LIMITATION b/: $2,902,000. SURETY LICENSES c/: All except C.Z., Del., Guam, Hawaii, Kans., La., S.C., Virgin Islands. INCORPORATED IN: Ill. FEDERAL PROCESS AGENTS d/.

International Service Insurance Company. BUSINESS ADDRESS: Post Office Box 1040, Fort Worth, Tex. 76101. UNDERWRITING LIMITATION b/: $2,615,000. SURETY LICENSES c/: Alaska, Cal., Nebr., N. Mex., Tex. INCORPORATED IN: Tex. FEDERAL PROCESS AGENTS d/.

Investors Insurance Company of America. BUSINESS ADDRESS: 145 No. Franklin Turnpike, Ramsey, N.J. 07446. UNDERWRITING LIMITATION b/: $1,023,000. SURETY LICENSES c/: Fla., Ga., N.J., N.Y. INCORPORATED IN: N.J. FEDERAL PROCESS AGENTS d/.

Iowa National Mutual Insurance Company. BUSINESS ADDRESS: 518 Second Avenue, S.E., Post Office Box 111, Cedar Rapids, Iowa 52406. UNDERWRITING LIMITATION b/: $4,695,000. SURETY LICENSES c/: All except Alaska, Ariz., Cal., C.Z., Conn., Del., D.C., Guam, Hawaii, La., Me., Md., Mass., Miss., Nev., N.H., N.J., N. Mex., Oreg., Puerto Rico, R.I., Tex., Vt., Virgin Islands, W. Va. INCORPORATED IN: Iowa. FEDERAL PROCESS AGENTS d/.

John Deere Insurance Company. BUSINESS ADDRESS: 400 19th. Street, Moline, Ill. 61265. UNDERWRITING LIMITATION b/: $3,485,000. SURETY LICENSES c/: All except C.Z., Guam, Puerto Rico, Virgin Islands. INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/.

The Kansas Bankers Surety Company. BUSINESS ADDRESS: Post Office Box 1654, Topeka, Kans. 66601. UNDERWRITING LIMITATION b/: $163,000. SURETY LICENSES c/: D.C., Kans., Mo., Wis. INCORPORATED IN: Kans. FEDERAL PROCESS AGENTS d/.

Kansas City Fire and Marine Insurance Company. BUSINESS ADDRESS: 80 Maiden Lane, New York, N.Y. 10038. UNDERWRITING LIMITATION b/: $785,000. SURETY LICENSES c/: All except C.Z., Guam, Puerto Rico, Virgin Islands. INCORPORATED IN: Mo. FEDERAL PROCESS AGENTS d/.

Lawyers Surety Corporation. BUSINESS ADDRESS: 1820 Regal Row, Dallas, Tex. 75235. UNDERWRITING LIMITATION b/: $301,000. SURETY LICENSES c/: Ala., Ark., Fla., Ga., Ill., Ky., Miss., N.C., Okla., S.C., Tenn., Tex. INCORPORATED IN: Tex. FEDERAL PROCESS AGENTS d/.

Liberty Mutual Insurance Company. BUSINESS ADDRESS: 175 Berkeley Street, Boston, Mass. 02117. UNDERWRITING LIMITATION b/: $103,426,000. SURETY LICENSES c/: All except Guam, Virgin Islands. INCORPORATED IN: Mass. FEDERAL PROCESS AGENTS d/.

Lumbermens Mutual Casualty Company. BUSINESS ADDRESS: Long Grove, Ill. 60049. UNDERWRITING LIMITATION b/: $73,763,000. SURETY LICENSES c/: All except C.Z., Guam, Puerto Rico, Virgin Islands. INCORPORATED IN: Ill. FEDERAL PROCESS AGENTS d/.

Maine Bonding and Casualty Company. BUSINESS ADDRESS: Post Office Box 448, Portland, Me. 04112. UNDERWRITING LIMITATION b/: $801,000. SURETY LICENSES c/: Me., Mass., N.H., R.I., Vt. INCORPORATED IN: Me. FEDERAL PROCESS AGENTS d/.

*See footnotes at end of table.

Maryland Casualty Company. BUSINESS ADDRESS: Post Office Box 1228, Baltimore, Md. 21203. UNDERWRITING LIMITATION b/: $36,831,000. SURETY LICENSES c/: All except C.Z., Guam, Mass. INCORPORATED IN: Md. FEDERAL PROCESS AGENTS d/.

Massachusetts Bay Insurance Company. BUSINESS ADDRESS: 440 Lincoln Street, Worcester, Mass. 01605. UNDERWRITING LIMITATION b/: $625,000. SURETY LICENSES c/: Ark., Cal., Colo., Conn., D.C., Fla., Ga., Ill., Ind., Iowa, Kans., Me., Md., Mass., Mich., Minn., Miss., Mo., Nebr., N.H., N.J., N.Y., N.C., Ohio, Okla., Pa., R.I., S.C., Tenn., Tex., Vt., Va., Wash., Wis. INCORPORATED IN: Mass. FEDERAL PROCESS AGENTS d/.

Mead Reinsurance Corporation. BUSINESS ADDRESS: Courthouse Plaza, N.E., Dayton, Ohio 45463. UNDERWRITING LIMITATION b/: $1,101,000. SURETY LICENSES c/: All except Ark., C.Z., Conn., D.C., Guam, Hawaii, Ill., Kans., Me., Md., Mass., Mo., Nebr., N.H., N.J., Puerto Rico, R.I., S. Dak., Vt., Virgin Islands, W. Va., Wis., Wyo. (Reinsurance only in Kans.) INCORPORATED IN: Ill. FEDERAL PROCESS AGENTS d/.

The Mercantile and General Reinsurance Company of America. BUSINESS ADDRESS: 130 John Street, New York, N.Y. 10038. UNDERWRITING LIMITATION b/: $2,390,000. SURETY LICENSES c/: Cal., D.C., Idaho, Iowa, Nebr., N.Y., Ohio, Pa., Utah, Wis. (Reinsurance only in Colo., Conn., Fla., Ind., Kans., Md., Mich., N.J., Okla., S.C., Tenn., Tex., Vt., W. Va.) INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/.

Merchants Mutual Bonding Company. BUSINESS ADDRESS: 2100 Grand Avenue, Des Moines, Iowa 50312. UNDERWRITING LIMITATION b/: $244,000. SURETY LICENSES c/: Ariz., Iowa, Kans., Nebr., Okla., Tex. INCORPORATED IN: Iowa. FEDERAL PROCESS AGENTS d/.

Meritplan Insurance Company. BUSINESS ADDRESS: Post Office Box 1770, Newport Beach, Cal. 92663. UNDERWRITING LIMITATION b/: $799,000. SURETY LICENSES c/: Ala., Ariz., Cal., Colo., Del., Fla., Ga., Hawaii, Ind., Iowa, Ky., Md., Mich., Minn., Miss., Mont., Nebr., Nev., N. Mex., N.Y., Ohio, S.C., Utah, Wash., Wis. INCORPORATED IN: Cal. FEDERAL PROCESS AGENTS d/.

Michigan Millers Mutual Insurance Company. BUSINESS ADDRESS: Post Office Box 30060, Lansing, Mich. 48909. UNDERWRITING LIMITATION b/: $3,892,000. SURETY LICENSES c/: Ark., Cal., Colo., Fla., Ind., Kans., Ky., Mich., Mo., Nebr., N.J., N.Y., N.C., Ohio, Okla., Pa., Tenn., Tex., Va., Wash. INCORPORATED IN: Mich. FEDERAL PROCESS AGENTS d/.

Michigan Mutual Insurance Company. BUSINESS ADDRESS: 28 West Adams Avenue, Detroit, Mich. 48226. UNDERWRITING LIMITATION b/: $10,320,000. SURETY LICENSES c/: All except C.Z., Del., Guam, Hawaii, Oreg., Puerto Rico, Virgin Islands. (Fidelity only in D.C.) INCORPORATED IN: Mich. FEDERAL PROCESS AGENTS d/.

Mid-Century Insurance Company. BUSINESS ADDRESS: Post Office Box 2478, Terminal Annex, Los Angeles, Cal. 90051. UNDERWRITING LIMITATION b/: $2,105,000. SURETY LICENSES c/: Ariz., Ark., Cal., Colo., Del., Idaho, Ill., Ind., Iowa, Mich., Minn., Mo., Mont., Nebr., Nev., N. Mex., N. Dak., Ohio, Okla., Oreg., Tex., Utah, Vt., Wash., Wis., Wyo. INCORPORATED IN: Cal. FEDERAL PROCESS AGENTS d/.

Midland Insurance Company. BUSINESS ADDRESS: 160 Water Street, New York, N.Y. 10038. UNDERWRITING LIMITATION b/: $1,486,000. SURETY LICENSES c/: All except C.Z., Guam. INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/.

Midwestern Casualty & Surety Company. BUSINESS ADDRESS: 7628 Hiesman Road, Des Moines, Iowa 50322. UNDERWRITING LIMITATION b/: $74,000. SURETY LICENSES c/: Iowa. INCORPORATED IN: Iowa. FEDERAL PROCESS AGENTS d/.

The Millers Mutual Fire Insurance Company of Texas. BUSINESS ADDRESS: Post Office Box 2269, Fort Worth, Tex. 76113. UNDERWRITING LIMITATION b/: $2,723,000. SURETY LICENSES c/: Ark., Cal., Colo., D.C., Idaho, Ill., Ind., Iowa, La., Minn., Miss., Mo., Mont., Nebr., Okla., Oreg., Pa., Tex., Wash., Wis., Wyo. INCORPORATED IN: Tex. FEDERAL PROCESS AGENTS d/.

Millers' Mutual Insurance Association of Illinois. BUSINESS ADDRESS: Post Office Box 339, Alton, Ill. 62002. UNDERWRITING LIMITATION b/: $4,173,000. SURETY LICENSES c/: Ala., Ark., Colo., D.C., Ga., Ill., Ind., Iowa, Kans., La., Minn., Miss., Mo., N.C., Okla., S. Dak., Tenn., Wis. INCORPORATED IN: Ill. FEDERAL PROCESS AGENTS d/.

Millers National Insurance Company. BUSINESS ADDRESS: 29 North Wacker Drive, Chicago, Ill. 60606. UNDERWRITING LIMITATION b/: $926,000. SURETY LICENSES c/: All except Alaska, C.Z., Colo., Conn., Del., Guam, Hawaii, La., Me., Miss., Nev., N.H., Pa., Puerto Rico, R.I., Vt., Virgin Islands, Wash. INCORPORATED IN: Ill. FEDERAL PROCESS AGENTS d/.

Minnesota Trust Company of Austin. BUSINESS ADDRESS: 107 West Oakland, Post Office Box 463, Austin, Minn. 55912. UNDERWRITING LIMITATION b/: $76,000. SURETY LICENSES c/: Minn. INCORPORATED IN: Minn. FEDERAL PROCESS AGENTS d/.

Mission Insurance Company. BUSINESS ADDRESS: 2600 Wilshire Boulevard, Los Angeles, Cal. 90057. UNDERWRITING LIMITATION b/: $16,243,000. SURETY LICENSES c/: All except C.Z., Guam, Me., N.H., Puerto Rico, Virgin Islands INCORPORATED IN: Cal. FEDERAL PROCESS AGENTS d/.

Morrison Assurance Company, Inc. BUSINESS ADDRESS: 5109 South Lois Avenue, Tampa, Fla. 33681. UNDERWRITING LIMITATION b/: $382,000. SURETY LICENSES c/: Ala., Ariz., Ark., Fla., Ga., Ky., La., Miss., Mont., N. Mex., Okla., S.C., Tenn., Tex., Utah. INCORPORATED IN: Fla. FEDERAL PROCESS AGENTS d/.

MOTORS INSURANCE CORPORATION. BUSINESS ADDRESS: 767 Fifth Avenue, New York, N.Y. 10153. UNDERWRITING LIMITATION b/: $25,125,000. SURETY LICENSES c/: All except Ark., Cal., C.Z., Colo., Conn., Guam, Hawaii, Kans., La., Mass., Mo., Mont., Nebr., N.H., Ohio, Oreg., Pa., Puerto Rico, Tenn., Utah, Va., Virgin Islands, Wis. INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/.

Munich American Reinsurance Company. BUSINESS ADDRESS: 560 Lexington Avenue, New York, N.Y. 10022. UNDERWRITING LIMITATION b/: $4,590,000. SURETY LICENSES c/: Ark., Cal., Colo., Del., D.C., Ga., Hawaii, Ill., Ind., Iowa, La., N.J., N.Y., Ohio, Pa., S.C., Tex. (Reinsurance only in Conn., Kans., N.H., Okla.) INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/.

National American Insurance Company of New York. BUSINESS ADDRESS: 1105 Hamilton Street, Allentown, Pa. 18101. UNDERWRITING LIMITATION b/: $1,707,000. SURETY LICENSES c/: All except Ariz., C.Z., Del., Guam, Hawaii, Mo., N. Mex., Puerto Rico, Virgin Islands, Wyo. INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/.

National Automobile and Casualty Insurance Company. BUSINESS ADDRESS: Post Office Box 7040, Pasadena, Cal. 91109. UNDERWRITING LIMITATION b/: $909,000. SURETY LICENSES c/: Alaska, Ariz., Cal., Nev., Tex., Wash. INCORPORATED IN: Cal. FEDERAL PROCESS AGENTS d/.

*See footnotes at end of table.

National-Ben Franklin Insurance Company of Illinois. BUSINESS ADDRESS: 200 South Wacker Drive, Chicago, Ill. 60606. UNDERWRITING LIMITATION b/: $10,606,000. SURETY LICENSES c/: D.C., Ill., Ind., Iowa, Ky., Minn., N.Y., N.C., N. Dak., Wis. INCORPORATED IN: Ill. FEDERAL PROCESS AGENTS d/.

National-Ben Franklin Insurance Company of Michigan. BUSINESS ADDRESS: 26500 Northwestern Highway, Southfield, Mich. 48076. UNDERWRITING LIMITATION b/: $2,177,000. SURETY LICENSES c/: Mich. INCORPORATED IN: Mich. FEDERAL PROCESS AGENTS d/.

National Bonding and Accident Insurance Company. BUSINESS ADDRESS: 4242 Lindell Boulevard, St. Louis, Mo. 63108. UNDERWRITING LIMITATION b/: $252,000. SURETY LICENSES c/: All except C.Z., Guam, Mass., N.C., Puerto Rico, Virgin Islands, Wis. INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/.

National Fire Insurance Company of Hartford. BUSINESS ADDRESS: CNA Plaza, Chicago, Ill. 60685. UNDERWRITING LIMITATION b/: $11,365,000. SURETY LICENSES c/: All except C.Z., Guam, Puerto Rico. INCORPORATED IN: Conn. FEDERAL PROCESS AGENTS d/.

National Grange Mutual Insurance Company. BUSINESS ADDRESS: 55 West Street, Keene, N.H. 03431. UNDERWRITING LIMITATION b/: $3,399,000. SURETY LICENSES c/: Conn., Del., D.C., Ill., Ind., Iowa, Me., Md., Mass., Mich., N.H., N.J., N.Y., N.C., Ohio, Pa., R.I., S.C., Tenn., Vt., Va., W. Va., Wis. INCORPORATED IN: N.H. FEDERAL PROCESS AGENTS d/.

National Indemnity Company. BUSINESS ADDRESS: 3024 Harney Street, Omaha, Nebr. 68131. UNDERWRITING LIMITATION b/: $26,526,000. SURETY LICENSES c/: All except C.Z., Guam, Hawaii, Mass., N.J., N.Y., Puerto Rico. INCORPORATED IN: Nebr. FEDERAL PROCESS AGENTS d/.

The National Reinsurance Corporation. BUSINESS ADDRESS: 777 Long Ridge Road, Stamford, Conn. 06905. UNDERWRITING LIMITATION b/: $7,451,000. SURETY LICENSES c/: All except Ala., C.Z., Conn., Fla., Ga., Guam, La., Me., Miss., Mo., N.C., Oreg., S.C., S. Dak., Tenn., Wash., W. Va. INCORPORATED IN: Del. FEDERAL PROCESS AGENTS d/.

National Surety Corporation. BUSINESS ADDRESS: 200 West Monroe Street, Chicago, Ill. 60606. UNDERWRITING LIMITATION b/: $10,026,000. SURETY LICENSES c/: All except Guam, Virgin Islands. INCORPORATED IN: Ill. FEDERAL PROCESS AGENTS d/.

National Union Fire Insurance Company of Pittsburgh, Pa. BUSINESS ADDRESS: 70 Pine Street, New York, N.Y. 10270. UNDERWRITING LIMITATION b/: $17,118,000. SURETY LICENSES c/: All except C.Z., Guam, Puerto Rico, Virgin Islands. INCORPORATED IN: Pa. FEDERAL PROCESS AGENTS d/.

Nationwide Mutual Insurance Company. BUSINESS ADDRESS: One Nationwide Plaza, Columbus, Ohio 43216. UNDERWRITING LIMITATION b/: $94,175,000. SURETY LICENSES c/: All except Guam. INCORPORATED IN: Ohio. FEDERAL PROCESS AGENTS d/.

The Netherlands Insurance Company. BUSINESS ADDRESS: 62 Maple Avenue, Keene, N.H. 03431. UNDERWRITING LIMITATION b/: $722,000. SURETY LICENSES c/: Ariz., Cal., Idaho, Me., Md., Mass., Mich., Nev., N.H., N.J., N.Y., N.C., Ohio, Oreg., Puerto Rico, R.I., Utah, Vt., Va., Virgin Islands, Wash., Wis. INCORPORATED IN: N.H. FEDERAL PROCESS AGENTS d/.

New Hampshire Insurance Company. BUSINESS ADDRESS: Post Office Box 960, Manchester, N.H. 03107. UNDERWRITING LIMITATION b/: $22,050,000. SURETY LICENSES c/: All. INCORPORATED IN: N.H. FEDERAL PROCESS AGENTS d/.

New South Insurance Company. BUSINESS ADDRESS: Post Office Box 3199, Winston-Salem, N.C. 27102. UNDERWRITING LIMITATION b/: $426,000. SURETY LICENSES c/: N.C., Tex., Va. INCORPORATED IN: N.C. FEDERAL PROCESS AGENTS d/.

New York Underwriters Insurance Company. BUSINESS ADDRESS: Hartford Plaza, Hartford, Conn. 06115. UNDERWRITING LIMITATION b/: $6,077,000. SURETY LICENSES c/: All except C.Z., Guam, Puerto Rico, Virgin Islands. INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/.

Newark Insurance Company. BUSINESS ADDRESS: 150 William Street, New York, N.Y. 10038. UNDERWRITING LIMITATION b/: $3,054,000. SURETY LICENSES c/: All except C.Z., Guam, Puerto Rico, Virgin Islands. INCORPORATED IN: N.J. FEDERAL PROCESS AGENTS d/.

Niagara Fire Insurance Company. BUSINESS ADDRESS: 80 Maiden Lane, New York, N.Y. 10038. UNDERWRITING LIMITATION b/: $1,922,000. SURETY LICENSES c/: All except C.Z., Guam. INCORPORATED IN: Del. FEDERAL PROCESS AGENTS d/.

North American Reinsurance Corporation. BUSINESS ADDRESS: 245 Park Avenue, New York, N.Y. 10017. UNDERWRITING LIMITATION b/: $14,412,000. SURETY LICENSES c/: All except C.Z., Guam, Virgin Islands, Wyo. INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/.

The North River Insurance Company. BUSINESS ADDRESS: Post Office Box 2387, Morristown, N.J. 07960. UNDERWRITING LIMITATION b/: $11,947,000. SURETY LICENSES c/: All except C.Z., Guam, Virgin Islands. INCORPORATED IN: N.J. FEDERAL PROCESS AGENTS d/.

Northbrook Property and Casualty Insurance Company. BUSINESS ADDRESS: Allstate Plaza, Northbrook, Ill. 60062. UNDERWRITING LIMITATION b/: $4,641,000. SURETY LICENSES c/: All except C.Z., Guam, Virgin Islands. INCORPORATED IN: Ill. FEDERAL PROCESS AGENTS d/.

The Northern Assurance Company of America. BUSINESS ADDRESS: One Beacon Street, Boston, Mass. 02108. UNDERWRITING LIMITATION b/: $4,630,000. SURETY LICENSES c/: All except C.Z., Guam, Puerto Rico. INCORPORATED IN: Vt. FEDERAL PROCESS AGENTS d/.

Northern Insurance Company of New York. BUSINESS ADDRESS: Post Office Box 91, Baltimore, Md. 21203. UNDERWRITING LIMITATION b/: $2,401,000. SURETY LICENSES c/: All except C.Z., Guam, Puerto Rico, Virgin Islands. INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/.

Northwestern National Casualty Company. BUSINESS ADDRESS: Post Office Box 2070, Milwaukee, Wis. 53201. UNDERWRITING LIMITATION b/: $483,000. SURETY LICENSES c/: All except Alaska, C.Z., Conn., Guam, Hawaii, Me., Mass., Nev., N.H., N.J., N.Y., Puerto Rico, Vt., Virgin Islands. INCORPORATED IN: Wis. FEDERAL PROCESS AGENTS d/.

Northwestern National Insurance Company of Milwaukee, Wisconsin. BUSINESS ADDRESS: Post Office Box 2070, Milwaukee, Wis. 53201. UNDERWRITING LIMITATION b/: $6,713,000. SURETY LICENSES c/: All except C.Z., Guam, Virgin Islands. INCORPORATED IN: Wis. FEDERAL PROCESS AGENTS d/.

*See footnotes at end of table.

Oceanic Insurance and Surety Company. BUSINESS ADDRESS: 5105 Tollview Drive, Rolling Meadows, Ill. 60008. UNDERWRITING LIMITATION b/: $55,000. SURETY LICENSES c/: N. Mex. INCORPORATED IN: N. Mex. FEDERAL PROCESS AGENTS d/.

The Ohio Casualty Insurance Company. BUSINESS ADDRESS: 136 North Third Street, Hamilton, Ohio 45025. UNDERWRITING LIMITATION b/: $33,310,000. SURETY LICENSES c/: All except C.I., Guam. INCORPORATED IN: Ohio. FEDERAL PROCESS AGENTS d/.

Ohio Farmers Insurance Company. BUSINESS ADDRESS: Westfield Center, Ohio 44251. UNDERWRITING LIMITATION b/: $10,439,000. SURETY LICENSES c/: All except Alaska, C.I., Conn., Guam, Hawaii, Kans., Puerto Rico, Virgin Islands. INCORPORATED IN: Ohio. FEDERAL PROCESS AGENTS d/.

Oklahoma Surety Company. BUSINESS ADDRESS: Post Office Box 1409, Tulsa, Okla. 74101. UNDERWRITING LIMITATION b/: $242,000. SURETY LICENSES c/: Okla., Tex. INCORPORATED IN: Okla. FEDERAL PROCESS AGENTS d/.

Old Republic Insurance Company. BUSINESS ADDRESS: Post Office Box 789, Greensburg, Pa. 15601. UNDERWRITING LIMITATION b/: $2,059,000. SURETY LICENSES c/: All except C.I., Puerto Rico, Virgin Islands. INCORPORATED IN: Pa. FEDERAL PROCESS AGENTS d/.

The Omaha Indemnity Company. BUSINESS ADDRESS: 3201 Farnam Street, Omaha, Nebr. 68131. UNDERWRITING LIMITATION b/: $1,724,000. SURETY LICENSES c/: All except La., N.H., N.J. INCORPORATED IN: Wis. FEDERAL PROCESS AGENTS d/.

Oregon Automobile Insurance Company. BUSINESS ADDRESS: Post Office Box 74, Portland, Oreg. 97207. UNDERWRITING LIMITATION b/: $2,601,000. SURETY LICENSES c/: Idaho, Nev., Oreg., Utah, Wash. INCORPORATED IN: Oreg. FEDERAL PROCESS AGENTS d/.

Pacific Employers Insurance Company. BUSINESS ADDRESS: 1600 Arch Street, Philadelphia, Pa. 19101. UNDERWRITING LIMITATION b/: $5,907,000. SURETY LICENSES c/: All except Puerto Rico. INCORPORATED IN: Cal. FEDERAL PROCESS AGENTS d/.

Pacific Indemnity Company. BUSINESS ADDRESS: Post Office Box 3099, Los Angeles, Cal. 90051. UNDERWRITING LIMITATION b/: $7,882,000. SURETY LICENSES c/: All except C.I., Guam, Puerto Rico, Virgin Islands. INCORPORATED IN: Cal. FEDERAL PROCESS AGENTS d/.

Pacific Insurance Company, Limited. BUSINESS ADDRESS: Post Office Box 1140, Honolulu, Hawaii 96807. UNDERWRITING LIMITATION b/: $3,023,000. SURETY LICENSES c/: Hawaii. INCORPORATED IN: Hawaii. FEDERAL PROCESS AGENTS d/.

Peerless Insurance Company. BUSINESS ADDRESS: 62 Maple Avenue, Keene, N.H. 03431. UNDERWRITING LIMITATION b/: $3,356,000. SURETY LICENSES c/: All except C.I., Guam, Hawaii, N.J., Puerto Rico, Virgin Islands. INCORPORATED IN: N.H. FEDERAL PROCESS AGENTS d/.

Pekin Insurance Company. BUSINESS ADDRESS: 2505 Court Street, Pekin, Ill. 61558. UNDERWRITING LIMITATION b/: $699,000. SURETY LICENSES c/: Ill., Ind., Iowa. INCORPORATED IN: Ill. FEDERAL PROCESS AGENTS d/.

Pennsylvania Manufacturers' Association Insurance Company. BUSINESS ADDRESS: 925 Chestnut Street, Philadelphia, Pa. 19107. UNDERWRITING LIMITATION b/: $8,135,000. SURETY LICENSES c/: All except Ala., Ark., C.I., Conn., Guam, Hawaii, Kans., Me., Minn., N. Dak., Oreg., Puerto Rico, R.I., S. Dak., Virgin Islands, Wyo. INCORPORATED IN: Pa. FEDERAL PROCESS AGENTS d/.

Pennsylvania Millers Mutual Insurance Company. BUSINESS ADDRESS: 15 Public Square, Wilkes-Barre, Pa. 18773. UNDERWRITING LIMITATION b/: $2,071,000. SURETY LICENSES c/: Ark., Conn., D.C., Fla., Ga., Ind., Kans., Ky., Me., Md., Mass., Miss., Mo., N.H., N.J., N.Y., N.C., N. Dak., Pa., R.I., S.C., Tenn., Vt., Va. INCORPORATED IN: Pa. FEDERAL PROCESS AGENTS d/.

Pennsylvania National Mutual Casualty Insurance Company. BUSINESS ADDRESS: 1900 Derry Street, Harrisburg, Pa. 17105. UNDERWRITING LIMITATION b/: $5,702,000. SURETY LICENSES c/: All except Cal., C.I., Conn., Guam, Hawaii, Nev., N.H., N. Dak., Puerto Rico, Virgin Islands, Wyo. INCORPORATED IN: Pa. FEDERAL PROCESS AGENTS d/.

The Personal Service Insurance Co. BUSINESS ADDRESS: 100 East Gay Street, Columbus, Ohio 43215. UNDERWRITING LIMITATION b/: $547,000. SURETY LICENSES c/: Ind., Ohio. INCORPORATED IN: Ohio. FEDERAL PROCESS AGENTS d/.

Phoenix Assurance Company of New York. BUSINESS ADDRESS: 80 Maiden Lane, New York, N.Y. 10038. UNDERWRITING LIMITATION b/: $7,305,000. SURETY LICENSES c/: All except C.I., Guam. INCORPORATED IN: N.H. FEDERAL PROCESS AGENTS d/.

The Phoenix Insurance Company. BUSINESS ADDRESS: One Tower Square, Hartford, Conn. 06115. UNDERWRITING LIMITATION b/: $23,074,000. SURETY LICENSES c/: All. INCORPORATED IN: Conn. FEDERAL PROCESS AGENTS d/.

Potomac Insurance Company. BUSINESS ADDRESS: 414 Walnut Street, Philadelphia, Pa. 19106. UNDERWRITING LIMITATION b/: $27,931,000. SURETY LICENSES c/: All except Ala., Alaska, Ark., C.I., Del., Guam, Hawaii, Idaho, Me., Mont., Nev., N.H., N. Dak., Puerto Rico, S.C., S. Dak., Vt., Virgin Islands. (Fidelity only in Ala., S.C.) INCORPORATED IN: Pa. FEDERAL PROCESS AGENTS d/.

PRESTIGE CASUALTY COMPANY. BUSINESS ADDRESS: 5454 West Fargo Avenue, Skokie, Ill. 60077. UNDERWRITING LIMITATION b/: $724,000. SURETY LICENSES c/: Ill., Ind. INCORPORATED IN: Ill. FEDERAL PROCESS AGENTS d/.

Progressive Casualty Insurance Company. BUSINESS ADDRESS: 6300 Wilson Mills Road, Mayfield Village, Ohio 44143. UNDERWRITING LIMITATION b/: $7,621,000. SURETY LICENSES c/: All except Ariz., C.I., Conn., Del., D.C., Guam, Hawaii, Ill., Kans., La., Md., Nebr., N.H., N.Y., Pa., Puerto Rico, S.C., Tex., Utah, Va., Virgin Islands, W. Va., Wis. INCORPORATED IN: Ohio. FEDERAL PROCESS AGENTS d/.

The Progressive Mutual Insurance Company. BUSINESS ADDRESS: 6300 Wilson Mills Road, Mayfield Village, Ohio 44143. UNDERWRITING LIMITATION b/: $569,000. SURETY LICENSES c/: N.J., Ohio. INCORPORATED IN: Ohio. FEDERAL PROCESS AGENTS d/.

Protective Insurance Company. BUSINESS ADDRESS: 3100 North Meridian Street, Indianapolis, Ind. 46208. UNDERWRITING LIMITATION b/: $2,750,000. SURETY LICENSES c/: All except C.I., Guam, Hawaii, Puerto Rico, Virgin Islands. INCORPORATED IN: Ind. FEDERAL PROCESS AGENTS d/.

*See footnotes at end of table.

Prudential Reinsurance Company. BUSINESS ADDRESS: 213 Washington Street, Post Office Box 908, Newark, N.J. 07101. UNDERWRITING LIMITATION b/: $16,803,000. SURETY LICENSES c/: All except C.I., Guam, La., Nev., N.C., Okla., Puerto Rico, S.C., Va., Virgin Islands, W. Va., Wyo. (Reinsurance only in N.C., W. Va.) INCORPORATED IN: Del. FEDERAL PROCESS AGENTS d/.

Public Service Mutual Insurance Company. BUSINESS ADDRESS: 393 Seventh Avenue, New York, N.Y. 10001. UNDERWRITING LIMITATION b/: $5,528,000. SURETY LICENSES c/: Ariz., Colo., Conn., Del., D.C., Fla., Ga., Idaho, Ill., Ind., Iowa, Me., Md., Mass., Mich., Minn., Miss., N.H., N.J., N.Y., N.C., Ohio, Oreg., Pa., R.I., S.C., Vt., Va., W. Va., Wis. INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/.

Puerto Rican-American Insurance Company. BUSINESS ADDRESS: Post Office Box S-112, San Juan, Puerto Rico 00902. UNDERWRITING LIMITATION b/: $2,398,000. SURETY LICENSES c/: Puerto Rico, Virgin Islands. INCORPORATED IN: Puerto Rico. FEDERAL PROCESS AGENTS d/.

Puritan Insurance Company. BUSINESS ADDRESS: Post Office Box 8900, Stamford, Conn. 06904. UNDERWRITING LIMITATION b/: $4,371,000. SURETY LICENSES c/: All except Ala., C.I., Del., Guam, Virgin Islands. INCORPORATED IN: Conn. FEDERAL PROCESS AGENTS d/.

Ranger Insurance Company. BUSINESS ADDRESS: Post Office Box 2807, Houston, Tex. 77001. UNDERWRITING LIMITATION b/: $4,991,000. SURETY LICENSES c/: All except Ariz., C.I., Conn., Guam, Hawaii, Miss., N.J., Oreg., Puerto Rico, Virgin Islands, Wash. INCORPORATED IN: Del. FEDERAL PROCESS AGENTS d/.

The Reinsurance Corporation of New York. BUSINESS ADDRESS: 99 John Street, New York, N.Y. 10038. UNDERWRITING LIMITATION b/: $2,444,000. SURETY LICENSES c/: All except C.I., Guam, Hawaii, Puerto Rico, Virgin Islands. (Co-surety only in Fla., Mass., Va.) INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/.

Reliance Insurance Company. BUSINESS ADDRESS: 4 Penn Center Plaza, Philadelphia, Pa. 19101. UNDERWRITING LIMITATION b/: $37,358,000. SURETY LICENSES c/: All except C.I. INCORPORATED IN: Pa. FEDERAL PROCESS AGENTS d/.

Reliance Insurance Company of New York. BUSINESS ADDRESS: 4 Penn Center Plaza, Philadelphia, Pa. 19101. UNDERWRITING LIMITATION b/: $660,000. SURETY LICENSES c/: N.Y. INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/.

Republic-Franklin Insurance Company. BUSINESS ADDRESS: Post Office Box 1438, Columbus, Ohio 43216. UNDERWRITING LIMITATION b/: $216,000. SURETY LICENSES c/: Ohio. INCORPORATED IN: Ohio. FEDERAL PROCESS AGENTS d/.

Royal Indemnity Company. BUSINESS ADDRESS: 150 William Street, New York, N.Y. 10038. UNDERWRITING LIMITATION b/: $9,861,000. SURETY LICENSES c/: All except Puerto Rico, Virgin Islands. INCORPORATED IN: Del. FEDERAL PROCESS AGENTS d/.

Royal Insurance Company of America. 1* BUSINESS ADDRESS: 150 William Street, New York, N.Y. 10038. UNDERWRITING LIMITATION b/: $18,061,000. SURETY LICENSES c/: All except C.I., Guam, Puerto Rico, Virgin Islands. INCORPORATED IN: Ill. FEDERAL PROCESS AGENTS d/.

S & H Insurance Company. BUSINESS ADDRESS: 3550 Camino Del Rio North, San Diego, Cal. 92108. UNDERWRITING LIMITATION b/: $1,205,000. SURETY LICENSES c/: Ariz., Cal., Fla., Md., Miss., Nev., N. Mex., Okla., Oreg., S.C., Tex., Utah, Wash. INCORPORATED IN: Cal. FEDERAL PROCESS AGENTS d/.

SAFECO Insurance Company of America. BUSINESS ADDRESS: SAFECO Plaza, Seattle, Wash. 98185. UNDERWRITING LIMITATION b/: $18,138,000. SURETY LICENSES c/: All except C.I., N.J., N.Y., Puerto Rico, Vt., Virgin Islands. INCORPORATED IN: Wash. FEDERAL PROCESS AGENTS d/.

SAFECO Insurance Company of Illinois. BUSINESS ADDRESS: SAFECO Plaza, Seattle, Wash. 98185. UNDERWRITING LIMITATION b/: $1,025,000. SURETY LICENSES c/: Ill. INCORPORATED IN: Ill. FEDERAL PROCESS AGENTS d/.

SAFECO National Insurance Company. BUSINESS ADDRESS: SAFECO Plaza, Seattle, Wash. 98185. UNDERWRITING LIMITATION b/: $1,441,000. SURETY LICENSES c/: Mo., N.Y. INCORPORATED IN: Mo. FEDERAL PROCESS AGENTS d/.

St. Paul Fire and Marine Insurance Company. BUSINESS ADDRESS: 385 Washington Street, St. Paul, Minn. 55102. UNDERWRITING LIMITATION b/: $69,632,000. SURETY LICENSES c/: All except C.I. INCORPORATED IN: Minn. FEDERAL PROCESS AGENTS d/.

Seaboard Surety Company. BUSINESS ADDRESS: 90 William Street, New York, N.Y. 10038. UNDERWRITING LIMITATION b/: $4,301,000. SURETY LICENSES c/: All except C.I. INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/.

Security Insurance Company of Hartford. BUSINESS ADDRESS: Post Office Box 420, Hartford, Conn. 06141. UNDERWRITING LIMITATION b/: $2,880,000. SURETY LICENSES c/: All except C.I., Guam, Mass., Puerto Rico, Virgin Islands. INCORPORATED IN: Conn. FEDERAL PROCESS AGENTS d/.

Security National Insurance Company. BUSINESS ADDRESS: Post Office Box 225028, Dallas, Tex. 75265. UNDERWRITING LIMITATION b/: $609,000. SURETY LICENSES c/: Ark., Cal., Ill., Ind., Kans., Ky., N. Mex., Ohio, Okla., Tex., Wash., Wis., Wyo. INCORPORATED IN: Tex. FEDERAL PROCESS AGENTS d/.

Select Insurance Company. BUSINESS ADDRESS: Post Office Box 1771, Dallas, Tex. 75221. UNDERWRITING LIMITATION b/: $1,155,000. SURETY LICENSES c/: All except Ariz., C.I., Conn., Del., Guam, Hawaii, La., Me., Md., Mass., N.H., N.J., N.Y., N. Dak., Pa., Puerto Rico, R.I., Tenn., Utah, Va., Virgin Islands. INCORPORATED IN: Tex. FEDERAL PROCESS AGENTS d/.

Selected Risks Insurance Company. BUSINESS ADDRESS: Wantage Avenue, Branchville, N.J. 07826. UNDERWRITING LIMITATION b/: $5,956,000. SURETY LICENSES c/: Del., D.C., Md., N.J., Pa., Va. INCORPORATED IN: N.J. FEDERAL PROCESS AGENTS d/.

SENTINEL INSURANCE COMPANY, LTD. BUSINESS ADDRESS: Post Office Box 1140, Honolulu, Hawaii 96807. UNDERWRITING LIMITATION b/: $504,000. SURETY LICENSES c/: Hawaii. INCORPORATED IN: Hawaii. FEDERAL PROCESS AGENTS d/.

Sentry Indemnity Company. BUSINESS ADDRESS: 1800 North Point Drive, Stevens Point, Wis. 54481. UNDERWRITING LIMITATION b/: $826,000. SURETY LICENSES c/: All except Alaska, C.I., Conn., Del., D.C., Guam, Hawaii, Me., Mass., Mich., Nebr., N.H., N.J., N.Y., Pa., Puerto Rico, R.I., Vt., Va., Virgin Islands, W. Va. INCORPORATED IN: Wis. FEDERAL PROCESS AGENTS d/.

*See footnotes at end of table.

Sentry Insurance a Mutual Company. BUSINESS ADDRESS: 1800 North Point Drive, Stevens Point, Wis. 54481. UNDERWRITING LIMITATION b/: $8,024,000. SURETY LICENSES c/: All except C.Z., Guam, Virgin Islands. INCORPORATED IN: Wis. FEDERAL PROCESS AGENTS d/.

Skandia America Reinsurance Corporation. BUSINESS ADDRESS: 280 Park Avenue, New York, N.Y. 10017. UNDERWRITING LIMITATION b/: $9,451,000. SURETY LICENSES c/: Ariz., Cal., Del., D.C., Ill., Ind., Iowa, Mich., Miss., Nebr., N.J., N.Y., Ohio, Okla., Pa., Utah, Wash., Wis. (Reinsurance only in Alaska, Colo., Fla., Ga., Kans., Md., Mass., N.M., S.C., Tex., Vt., W. Va.) INCORPORATED IN: Del. FEDERAL PROCESS AGENTS d/.

South Carolina Insurance Company. BUSINESS ADDRESS: Post Office Box 11, Columbia, S.C. 29202. UNDERWRITING LIMITATION b/: $4,723,000. SURETY LICENSES c/: Ala., Alaska, Ariz., Cal., Colo., D.C., Fla., Ga., Ill., Ind., Iowa, Ky., Md., Mich., Minn., Miss., Mo., Mont., Nebr., Nev., N.J., N. Mex., N.Y., N.C., N. Dak., Ohio, Okla., Pa., S.C., S. Dak., Tenn., Tex., Utah, Va., W. Va., Wis., Wyo. (Reinsurance only in Conn.) INCORPORATED IN: S.C. FEDERAL PROCESS AGENTS d/.

The Standard Fire Insurance Company. BUSINESS ADDRESS: 151 Farmington Avenue, Hartford, Conn. 06156. UNDERWRITING LIMITATION b/: $10,081,000. SURETY LICENSES c/: All except C.Z., Guam, N.J. INCORPORATED IN: Conn. FEDERAL PROCESS AGENTS d/.

State Automobile Mutual Insurance Company. BUSINESS ADDRESS: 518 East Broad Street, Columbus, Ohio 43216. UNDERWRITING LIMITATION b/: $11,865,000. SURETY LICENSES c/: Ala., Ark., Fla., Ga., Ill., Ind., Ky., Md., Mich., Miss., Mo., N.J., N.C., Ohio, Pa., S.C., Tenn., Va., W. Va. INCORPORATED IN: Ohio. FEDERAL PROCESS AGENTS d/.

State Farm Fire and Casualty Company. BUSINESS ADDRESS: 112 East Washington Street, Bloomington, Ill. 61701. UNDERWRITING LIMITATION b/: $93,056,000. SURETY LICENSES c/: All except C.Z., Guam, Virgin Islands. INCORPORATED IN: Ill. FEDERAL PROCESS AGENTS d/.

State Surety Company. BUSINESS ADDRESS: 645 Insurance Exchange Building, Des Moines, Iowa 50309. UNDERWRITING LIMITATION b/: $296,000. SURETY LICENSES c/: Ariz., Colo., D.C., Ill., Iowa, Kans., Minn., Mo., Mont., Nebr., N. Dak., Okla., S. Dak., Wis., Wyo. INCORPORATED IN: Iowa. FEDERAL PROCESS AGENTS d/.

Surety Company of the Pacific. BUSINESS ADDRESS: Post Office Box 2105, Santa Monica, Cal. 90406. UNDERWRITING LIMITATION b/: $171,000. SURETY LICENSES c/: Cal. INCORPORATED IN: Cal. FEDERAL PROCESS AGENTS d/.

Surety Insurance Company of California. BUSINESS ADDRESS: Post Office Box 2430, La Habra, Cal. 90631. UNDERWRITING LIMITATION b/: $125,000. SURETY LICENSES c/: Ala., Alaska, Ariz., Ark., Cal., Colo., Ga., Kans., Miss., Mo., Nev., N. Mex., Okla., Oreg., Tex., Wash. INCORPORATED IN: Cal. FEDERAL PROCESS AGENTS d/.

Transamerica Insurance Company. BUSINESS ADDRESS: 1150 South Olive Street, Los Angeles, Cal. 90015. UNDERWRITING LIMITATION b/: $20,064,000. SURETY LICENSES c/: All except C.Z., Puerto Rico, Virgin Islands. INCORPORATED IN: Cal. FEDERAL PROCESS AGENTS d/.

Transamerica Insurance Company of Michigan. 2* BUSINESS ADDRESS: 1150 South Olive Street, Los Angeles, Cal. 90015 UNDERWRITING LIMITATION b/: $7,574,000. SURETY LICENSES c/: Ark., Ill., Ind., Iowa, Kans., Mich., Minn., Ohio, S. Dak. INCORPORATED IN: Mich. FEDERAL PROCESS AGENTS d/.

Transcontinental Insurance Company. BUSINESS ADDRESS: CNA Plaza, Chicago, Ill. 60685. UNDERWRITING LIMITATION b/: $3,182,000. SURETY LICENSES c/: All except C.Z., Guam, Puerto Rico, Virgin Islands. INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/.

Transport Indemnity Company. BUSINESS ADDRESS: 3670 Wilshire Boulevard, Los Angeles, Cal. 90010. UNDERWRITING LIMITATION b/: $2,636,000. SURETY LICENSES c/: All except C.Z., Guam, Puerto Rico, Virgin Islands. INCORPORATED IN: Cal. FEDERAL PROCESS AGENTS d/.

Transportation Insurance Company. BUSINESS ADDRESS: CNA Plaza, Chicago, Ill. 60685. UNDERWRITING LIMITATION b/: $1,655,000. SURETY LICENSES c/: All except C.Z., Guam, Puerto Rico, Virgin Islands. INCORPORATED IN: Ill. FEDERAL PROCESS AGENTS d/.

The Travelers Indemnity Company. BUSINESS ADDRESS: One Tower Square, Hartford, Conn. 06115. UNDERWRITING LIMITATION b/: $95,672,000. SURETY LICENSES c/: All. INCORPORATED IN: Conn. FEDERAL PROCESS AGENTS d/.

The Travelers Indemnity Company of Rhode Island. BUSINESS ADDRESS: One Tower Square, Hartford, Conn. 06115. UNDERWRITING LIMITATION b/: $8,113,000. SURETY LICENSES c/: All except Guam. INCORPORATED IN: R.I. FEDERAL PROCESS AGENTS d/.

Trinity Universal Insurance Company. BUSINESS ADDRESS: Post Office Box 225028, Dallas, Tex. 75265. UNDERWRITING LIMITATION b/: $45,602,000. SURETY LICENSES c/: Ala., Ariz., Ark., Cal., Colo., Ga., Idaho, Ill., Ind., Iowa, Kans., Ky., La., Mich., Miss., Mo., Nebr., N. Mex., (Reinsurance only in N.Y.), Ohio, Okla., Oreg., Tex., Wash., Wis., Wyo. INCORPORATED IN: Tex. FEDERAL PROCESS AGENTS d/.

Trinity Universal Insurance Company of Kansas, Inc. BUSINESS ADDRESS: Post Office Box 225028, Dallas, Tex. 75265. UNDERWRITING LIMITATION b/: $338,000. SURETY LICENSES c/: Ala., Ariz., Colo., Ga., Kans., La., Ohio, Okla., Tex. INCORPORATED IN: Kans. FEDERAL PROCESS AGENTS d/.

Tri-State Insurance Company. BUSINESS ADDRESS: Post Office Box 3269, Tulsa, Okla. 74102. UNDERWRITING LIMITATION b/: $1,146,000. SURETY LICENSES c/: Ala., Ariz., Ark., Colo., Fla., Ga., Idaho, Ill., Ind., Iowa, Kans., Ky., La., Minn., Miss., Mo., Mont., Nebr., N. Mex., N. Dak., Okla., S. Dak., Tenn., Tex., Utah, Wash., Wyo. INCORPORATED IN: Okla. FEDERAL PROCESS AGENTS d/.

Twin City Fire Insurance Company. BUSINESS ADDRESS: Hartford Plaza, Hartford, Conn. 06115. UNDERWRITING LIMITATION b/: $2,708,000. SURETY LICENSES c/: All except C.Z., Guam, Puerto Rico, Virgin Islands. INCORPORATED IN: Minn. FEDERAL PROCESS AGENTS d/.

ULICO CASUALTY COMPANY. BUSINESS ADDRESS: 850 Third Avenue, New York, N.Y. 10022. UNDERWRITING LIMITATION b/: $503,000. SURETY LICENSES c/: Colo., Del., D.C., Mich., N. Mex., Oreg., Pa. INCORPORATED IN: Del. FEDERAL PROCESS AGENTS d/.

*See footnotes at end of table.

Unigard Mutual Insurance Company. BUSINESS ADDRESS: 1215 Fourth Avenue, Seattle, Wash. 98161. UNDERWRITING LIMITATION b/: $5,665,000. SURETY LICENSES c/: All except C.I., Ga., Guam, N.J., Puerto Rico, Virgin Islands. INCORPORATED IN: Wash. FEDERAL PROCESS AGENTS d/.

Union Indemnity Insurance Company of New York. BUSINESS ADDRESS: 260 Madison Ave., New York, N.Y. 10016. UNDERWRITING LIMITATION b/: $750,000. SURETY LICENSES c/: All except Ala., Cal., C.I., Guam, Kans., Ky., Me., Md., Minn., N.C., Puerto Rico, Virgin Islands, W. Va., Wyo. INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/.

United Fire & Casualty Company. BUSINESS ADDRESS: Post Office Box 4909, Cedar Rapids, Iowa 52407. UNDERWRITING LIMITATION b/: $2,187,000. SURETY LICENSES c/: Ariz., Ark., Colo., Idaho, Ill., Ind., Iowa, Kans., La., Minn., Miss., Mo., Mont., Nebr., N.J., N.Y., N. Dak., Ohio, S.C., S. Dak., Utah, Wis., Wyo. INCORPORATED IN: Iowa. FEDERAL PROCESS AGENTS d/.

UNITED NATIONAL INSURANCE COMPANY. BUSINESS ADDRESS: 1737 Chestnut Street, Philadelphia, Pennsylvania 19103. UNDERWRITING LIMITATION b/: $651,000. SURETY LICENSES c/: Pa. INCORPORATED IN: Pa. FEDERAL PROCESS AGENTS d/.

United Pacific Insurance Company. BUSINESS ADDRESS: 4 Penn Center Plaza, Philadelphia, Pa. 19103. UNDERWRITING LIMITATION b/: $4,871,000. SURETY LICENSES c/: All except C.I., Puerto Rico, Virgin Islands. INCORPORATED IN: Wash. FEDERAL PROCESS AGENTS d/.

United Pacific Insurance Company of New York. BUSINESS ADDRESS: 4 Penn Center Plaza, Philadelphia, Pa. 19103. UNDERWRITING LIMITATION b/: $661,000. SURETY LICENSES c/: N.Y. INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/.

United States Fidelity and Guaranty Company. BUSINESS ADDRESS: 100 Light Street, Post Office Box 1138, Baltimore, Md. 21203. UNDERWRITING LIMITATION b/: $102,795,000. SURETY LICENSES c/: All except C.I., Guam, Virgin Islands. INCORPORATED IN: Md. FEDERAL PROCESS AGENTS d/.

United States Fire Insurance Company. BUSINESS ADDRESS: Post Office Box 2387, Morristown, N.J. 07960. UNDERWRITING LIMITATION b/: $26,536,000. SURETY LICENSES c/: All except C.I., Guam. INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/.

Universal Surety Company. BUSINESS ADDRESS: Post Office Box 80468, Lincoln, Nebr. 68501. UNDERWRITING LIMITATION b/: $539,000. SURETY LICENSES c/: Ariz., Colo., Ill., Iowa, Kans., Minn., Mo., Mont., Nebr., N. Mex., N. Dak., Ohio, Okla., S. Dak., Utah, Wash., Wis., Wyo. INCORPORATED IN: Nebr. FEDERAL PROCESS AGENTS d/.

Universal Underwriters Insurance Company. BUSINESS ADDRESS: 5115 Oak Street, Kansas City, Mo. 64112. UNDERWRITING LIMITATION b/: $12,329,000. SURETY LICENSES c/: All except C.I., Guam, Puerto Rico, Virgin Islands. INCORPORATED IN: Mo. FEDERAL PROCESS AGENTS d/.

Utica Mutual Insurance Company. BUSINESS ADDRESS: Post Office Box 530, Utica, N.Y. 13503. UNDERWRITING LIMITATION b/: $7,820,000. SURETY LICENSES c/: All except C.I., Guam, Virgin Islands. INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/.

Valley Forge Insurance Company. BUSINESS ADDRESS: CNA Plaza, Chicago, Ill. 60685. UNDERWRITING LIMITATION b/: $2,446,000. SURETY LICENSES c/: All except C.I., Guam, Puerto Rico, Virgin Islands. INCORPORATED IN: Pa. FEDERAL PROCESS AGENTS d/.

Van Tol Surety Company, Incorporated. BUSINESS ADDRESS: 424 Fifth Street, Brookings, S. Dak. 57006. UNDERWRITING LIMITATION b/: $122,000. SURETY LICENSES c/: S. Dak. INCORPORATED IN: S. Dak. FEDERAL PROCESS AGENTS d/.

Vigilant Insurance Company. BUSINESS ADDRESS: 100 William Street, New York, N.Y. 10038. UNDERWRITING LIMITATION b/: $4,800,000. SURETY LICENSES c/: All except C.I., Guam. INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/.

Washington International Insurance Company. BUSINESS ADDRESS: 650 N. Second Avenue, Phoenix, Ariz. 85003. UNDERWRITING LIMITATION b/: $237,000. SURETY LICENSES c/: Ariz., Cal., Fla., Ill., Md., Mass., N.Y., Oreg., Tex., Wash. INCORPORATED IN: Ariz. FEDERAL PROCESS AGENTS d/.

West American Insurance Company. BUSINESS ADDRESS: 136 North Third Street, Hamilton, Ohio 45026. UNDERWRITING LIMITATION b/: $20,944,000. SURETY LICENSES c/: All except Alaska, C.I., Conn., Guam, Hawaii, Me., Mass., Mont., N.H., Puerto Rico, R.I., Vt., Virgin Islands, W. Va. INCORPORATED IN: Cal. FEDERAL PROCESS AGENTS d/.

Westchester Fire Insurance Company. BUSINESS ADDRESS: Post Office Box 2387, Morristown, N.J. 07960. UNDERWRITING LIMITATION b/: $11,868,000. SURETY LICENSES c/: All except C.I., Guam, Virgin Islands. INCORPORATED IN: N.Y. FEDERAL PROCESS AGENTS d/.

The Western Casualty and Surety Company. BUSINESS ADDRESS: 14 East First Street, Fort Scott, Kans. 66701. UNDERWRITING LIMITATION b/: $17,919,000. SURETY LICENSES c/: All except C.I., Conn., Guam, Hawaii, Me., Mass., N.H., N.Y., Puerto Rico, Vt., Va., Virgin Islands. INCORPORATED IN: Kans. FEDERAL PROCESS AGENTS d/.

The Western Fire Insurance Company. BUSINESS ADDRESS: 14 East First Street, Fort Scott, Kans. 66701. UNDERWRITING LIMITATION b/: $11,259,000. SURETY LICENSES c/: All except Ala., C.I., Conn., Del., D.C., Ga., Guam, Hawaii, Idaho, La., Me., Md., Mass., Mont., N.H., N.J., Oreg., Puerto Rico, S.C., Vt., Virgin Islands. INCORPORATED IN: Kans. FEDERAL PROCESS AGENTS d/.

Western National Assurance Company. BUSINESS ADDRESS: 5350 West 78th Street, Minneapolis, Minn. 55435. UNDERWRITING LIMITATION b/: $279,000. SURETY LICENSES c/: Alaska, Ariz., Cal., Colo., D.C., Hawaii, Idaho, Ind., Minn., Mont., Nev., Oreg., Utah, Wash. INCORPORATED IN: Wash. FEDERAL PROCESS AGENTS d/.

Western Surety Company. BUSINESS ADDRESS: 908 West Avenue, North, Sioux Falls, S. Dak. 57192. UNDERWRITING LIMITATION b/: $1,979,000. SURETY LICENSES c/: All except C.I., Guam, Hawaii, N.Y., Puerto Rico, Virgin Islands. INCORPORATED IN: S. Dak. FEDERAL PROCESS AGENTS d/.

Westfield Insurance Company. BUSINESS ADDRESS: Westfield Center, Ohio 44251. UNDERWRITING LIMITATION b/: $4,297,000. SURETY LICENSES c/: All except Alaska, C.I., Conn., Fla., Guam, Hawaii, Me., Puerto Rico, Virgin Islands. INCORPORATED IN: Ohio. FEDERAL PROCESS AGENTS d/.

*See footnotes at end of table.

Wilshire Insurance Company. BUSINESS ADDRESS: 5670 S. Syracuse Circle, Suite 500, Englewood, Colo. 80111. UNDERWRITING LIMITATION b/: $1,077,000. SURETY LICENSES c/: Ariz., Cal., Colo., Hawaii, Idaho, Iowa, Kans., Mont., Nebr., Nev., N. Mex., Oreg., S. Dak., Utah, Wash. INCORPORATED IN: Cal. FEDERAL PROCESS AGENTS d/.

Worldwide Underwriters Insurance Company. BUSINESS ADDRESS: 2000 Westwood Drive, Wausau, Wis. 54401. UNDERWRITING LIMITATION b/: $656,000. SURETY LICENSES c/: Ala., Ariz., Ark., Cal., Colo., Del., Fla., Idaho, Iowa, La., Mich., Miss., Mo., Nebr., N. Mex., N.Y., N. Dak., Okla., Oreg., Pa., S.C., Utah, Va., Wis. INCORPORATED IN: Wis. FEDERAL PROCESS AGENTS d/.

COMPANIES HOLDING CERTIFICATES OF AUTHORITY AS ACCEPTABLE REINSURING COMPANIES
UNDER SECTION 223.3(b) of TREASURY CIRCULAR NO. 297, REVISED SEPTEMBER 1, 1978 (See Note (e))

Alliance Assurance Company, Limited, London, England. BUSINESS ADDRESS (U.S. Office): 190 River Road, Summit, N.J. 07901. UNDERWRITING LIMITATION b/: $2,620,000. FEDERAL PROCESS AGENTS: D.C.

The Canadian Indemnity Company, Winnipeg, Manitoba, Canada. BUSINESS ADDRESS (U.S. Office): 675 South Park View Street, Los Angeles, Cal. 90057. UNDERWRITING LIMITATION b/: $1,787,000. FEDERAL PROCESS AGENTS: D.C.

General Accident Fire and Life Assurance Corporation, Limited, Perth, Scotland. BUSINESS ADDRESS (U.S. Office): Fourth and Walnut Streets, Philadelphia, Pa. 19106. UNDERWRITING LIMITATION b/: $56,052,000. FEDERAL PROCESS AGENTS: D.C.

The London Assurance, London, England. BUSINESS ADDRESS (U.S. Office): 190 River Road, Summit, N.J. 07901. UNDERWRITING LIMITATION b/: $3,239,000. FEDERAL PROCESS AGENTS: D.C.

Munich Reinsurance Company, Munich, Germany. BUSINESS ADDRESS (U.S. Office): 560 Lexington Avenue, New York, N.Y. 10022. UNDERWRITING LIMITATION b/: $3,879,000. FEDERAL PROCESS AGENTS: D.C.

Rochdale Insurance Company. BUSINESS ADDRESS: 99 John Street, New York, N.Y. 10038. UNDERWRITING LIMITATION b/: $443,000. FEDERAL PROCESS AGENTS: D.C.

The Sea Insurance Company, Limited, London, England. BUSINESS ADDRESS (U.S. Office): 190 River Road, Summit, N.J. 07901. UNDERWRITING LIMITATION b/: $2,273,000. FEDERAL PROCESS AGENTS: D.C.

Sun Insurance Office, Limited, London, England. BUSINESS ADDRRSS (U.S. Office): 190 River Road, Summit, N.J. 07901. UNDERWRITING LIMITATION b/: $3,349,000. FEDERAL PROCESS AGENTS: D.C.

Swiss Reinsurance Company, Zurich, Switzerland. BUSINESS ADDRESS (U.S. Office). 245 Park Avenue, New York, N.Y. 10017. UNDERWRITING LIMITATION b/: $17,160,000. FEDERAL PROCESS AGENTS: D.C.

The Tokio Marine and Fire Insurance Company, Limited, Tokyo, Japan. BUSINESS ADDRESS (U.S. OFFICE): 55 Water Street, New York, N.Y. 10041. UNDERWRITING LIMITATION b/: $3,785,000. FEDERAL PROCESS AGENTS: D.C.

"Winterthur" Swiss Insurance Company, Winterthur, Switzerland. BUSINESS ADDRESS (U.S. Office): One World Trade Center, Suite 8419, New York, N.Y. 10048. UNDERWRITING LIMITATION b/: $6,446,000. FEDERAL PROCESS AGENTS: D.C.

Zurich Insurance Company, Zurich, Switzerland. BUSINESS ADDRESS (U.S. Office): 231 North Martingale Road, Schaumburg, Ill. 60196. UNDERWRITING LIMITATION b/: $16,189,000. FEDERAL PROCESS AGENTS: D.C.

FOOTNOTES

1* Royal Globe Insurance Company, New York, N.Y. -- changed its name to Royal Insurance Company of America (See Federal Register of October 16, 1980, pgs. 68822 - 68823)

2* Wolverine Insurance Company, Battle Creek, Mich. -- changed its name to Transamerica Insurance Company of Michigan (See Federal Register of February 5, 1981, pg. 11089)

PLEASE READ THE SUPPORTING NOTES
ON THE NEXT PAGE

NOTES

(a) All certificates of authority expire June 30, and are renewable July 1, annually. Companies holding certificates of authority as acceptable sureties on Federal bonds are also acceptable as reinsuring companies.

(b) Treasury requirements do not limit the penal sum of bonds which surety companies may execute. The net retention, however, cannot exceed the underwriting limitation, and excess risks must be protected by co-insurance, reinsurance, or other methods in accordance with Treasury Circular 297, Revised September 1, 1978 (31 CFR Section 223.10, Section 223.11). When excess risks on bonds in favor of the United States are protected by reinsurance, such reinsurance is to be effected by use of a Treasury reinsurance form to be filed with the bond or within 45 days thereafter. Risks in excess of the limit fixed herein must be reported for the quarter in which they are executed. In protecting such excess, the rating in force on the date of the execution of the risk will govern absolutely. This limit applies until a new rating is established by the Treasury Department.

(c) A surety company must be licensed in the State or other area in which it executes (signs) a bond, but need not be licensed in the State or other area in which the principal resides or where the contract is to be performed (28 Op. Atty. Gen. 127, Dec. 24, 1909; 31 CFR Section 223.5(b)). The term "other area" includes the Canal Zone, District of Columbia, Guam, Puerto Rico, and the Virgin Islands.

(d) FEDERAL PROCESS AGENTS: Treasury approved surety companies are required to appoint Federal process agents in accord with 6 U.S.C. 7 and 31 C.F.R. 224 in the following districts: Where the principal resides; where the obligation is to be performed; and in the District of Columbia where the bond is returnable or filed. No process agent is required in the state or other area wherein the company is incorporated (31 CFR Section 224.2). Beginning with the 1980 publication of the Treasury Circular 570, surety companies' individual listings of Federal process agent appointments will no longer be printed in the Circular 570. However, the name and address of a particular surety's process agent in a particular Federal Judicial District may be obtained from the Clerk of the U.S. District Court in that district. (The appointment documents are on file with the clerks.) (NOTE: A surety company's underwriting agent who furnishes its bonds may or may not be its authorized process agent.)

SERVICE OF PROCESS: Process should be served on the Federal process agent appointed by a surety in a judicial district, except where the appointment of such agent is pending or during the absence of such agent from the district. Only in the event an agent has not been duly appointed, or the appointment is pending, or the agent is absent from the district, should process be served directly on the Clerk of the court pursuant to the provisions of 6 U.S.C. 7.

Title 6, Section 7 of the U.S. Code provides that in the absence of any agent of a company, service of process may be made upon the Clerk of the court within the district where suit is brought, with like effect as upon an agent appointed by the company. The officer serving process upon the Clerk should immediately transmit a copy of the summons by mail to the corporate secretary of the company (at the business address shown in Treasury Circular 570), and state such fact in his return. A judgment, decree, or order of a court entered or made after service of process will be as valid and binding on the company as if served with process in said district.

Currently, legislation is being considered to permit nationwide service of process by mail, thereby eliminating the need to appoint process agents. If the legislation is enacted, appropriate notice will be issued by the Treasury.

(e) Companies holding certificates of authority as acceptable reinsuring companies are acceptable only as reinsuring companies on Federal bonds.

[FR Doc. 81-18423 Filed 6-29-81; 8:45 am]

BILLING CODE 4810-35-C

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UMI

Federal Register

Tuesday
June 30, 1981

Part III

Office of the Federal Register

Incorporations by Reference; Approval and Corrections in Titles 24, and 28 through 41

Title 24	Chapter XX—Office of Assistant Secretary for Neighborhoods, Voluntary Associations and Consumer Protection, Department of Housing and Urban Development
Title 28	Chapter I—Justice Department
Title 29	Chapter IV—Office of Labor-Management Standards Enforcement, Department of Labor
	Chapter V—Wage and Hour Division, Department of Labor
	Chapter XVII—Occupational Safety and Health Administration, Department of Labor
Title 30	Chapter I—Mine Safety and Health Administration, Department of Labor
	Chapter VII—Office of Surface Mining Reclamation and Enforcement, Department of the Interior
Title 31	Chapter I—Monetary Offices, Department of the Treasury
Title 33	Chapter I—Coast Guard, Department of Transportation
	Chapter II—Corps of Engineers, Department of the Army
Title 34	Chapter II—Office of Civil Rights, Department of Education
Title 38	Chapter I—Veterans Administration
Title 39	Chapter I—Postal Service
Title 40	Chapter I—Environmental Protection Agency
Title 41	Chapter 50—Public Contracts, Department of Labor
	Chapter 60—Office of Federal Contract Compliance Programs, Department of Labor
	Chapter 101—General Services Administration

OFFICE OF THE FEDERAL REGISTER

1 CFR Part 51

Approval of Incorporations by Reference

AGENCY: Office of the Federal Register.

ACTION: Approval of incorporations by reference.

SUMMARY: The Office of the Federal Register publishes a document listing materials that have been approved by the Director for incorporation by reference into Titles 24, and 28 through 41 of the *Code of Federal Regulations*. This document is published to inform the public of materials that have the Director's approval and have the same legal status as if they were published in full in the **Federal Register**.

EFFECTIVE DATE: The Director approves the following incorporations by reference for one year effective July 1, 1981, unless otherwise noted.

FOR FURTHER INFORMATION CONTACT: Susan Schruth, (202) 523–4534.

ADDRESSES: For specific addresses where materials are available, see table. Materials are also on file at the Office of the Federal Register, 1100 L Street NW., Washington, DC.

SUPPLEMENTARY INFORMATION:

Authority. Each agency that wishes material incorporated by reference in the CFR to remain effective must annually submit to the Director a list of that material and the date of its last revision (1 CFR 51.13). The materials included on the table below are incorporated by reference in the CFR under 5 U.S.C. 552(a) and 1 CFR Part 51. These procedures provide that material approved for incorporation by reference by the Director of the Federal Register has the same legal status as if it were published in full text in the **Federal Register**.

Availablity. Before an agency may incorporate by reference any material into the *Code of Federal Regulations*, it must make the material reasonably available to the class of persons affected by it. Agencies have listed addresses where you can obtain each item included in the table. The materials approved for incorporation by reference are also available for inspection and copying at the Office of the Federal Register, 1100 L St., NW., Washington, DC, phone (202) 523–5240.

Amendments. If the agency wishes to amend material before the annual approval expires, the agency shall publish notice of the amendment in the **Federal Register**, and make the amendment available as indicated on the table or as modified in the notice of amendment. Amendments are not properly incorporated until notice is given in the **Federal Register**, the amendments are filed at the Office of the Federal Register and available to the public.

Quarterly Publication. Every quarter, beginning June 30, 1981, the Office of the Federal Register will publish a document on incorporation by reference. This quarterly document will contain the following information on incorporation by reference. First, the document will contain a table of items in the applicable titles that have been reapproved for incorporation by reference under 1 CFR 51.13. Second, the document will contain a listing of any items which were granted extensions under 1 CFR 51.13 review in the last quarter and have since received final approval by the Director of the Federal Register. Third, the document will contain any material approved for incorporation by reference for the first time under Office of the Federal Register general procedures contained in 1 CFR Part 51. And fourth, the document may contain corrections to previously published incorporation by reference approval documents.

Material which is approved in a timely fashion during the quarterly review process is also listed in the *Code of Federal Regulations* volume(s).

Problems. If you have any problems getting the material, notify the agency. If you find the material is not available, notify the Director of the Federal Register (NARS), Washington, DC 20408 or call (202) 523–4534.

Dated: June 19, 1981.

Martha B. Girard,

Acting Director of the Federal Register.

24 CFR SUBTITLE B, CHAPTER XX—OFFICE OF ASSISTANT SECRETARY FOR NEIGHBORHOODS, VOLUNTARY ASSOCIATIONS, AND CONSUMER PROTECTION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

1. Make the following corrections to the issue of May 29, 1981:

a. On page 29232, under American National Standards Institute, correct "ANSI A95.1–1974" to read "ANSI Z95.1–1974."

b. On page 29234, under American Society of Testing and Materials, correct "D2261–1973" to read "D2661–1973."

2. The following publications, given an extension of approval on March 31, 1981 (46 FR 19660), are given final approval for incorporation by reference for one year effective April 1, 1981:

	CFR Citation
American National Standards Institute 1430 Broadway, New York, NY 10018	
ANSI Z21.19a–1972 Addendum to Refrigerators Using Gas Fuel	3280.703
ANSI Z21.22a–1972 and Z21.22b–1973 Addenda to Relief Valves and Automatic Gas Shutoff Devices for Hot Water Supply Systems.	3280.703
ANSI Z21.44a–1974 and Z21.44b–1975 Addenda to Gas-Fired Gravity and Fan-Type Direct Vent Wall Furnaces.	3280.703
ANSI Z21.47a–1974 Addendum to Gas-Fired Gravity and Forced Air Central Furnace.	3280.703

28 CFR CHAPTER I (PART 42)—DEPARTMENT OF JUSTICE

	CFR Citation
American National Standards Institute (ANSI) 1430 Broadway, New York, New York 10018	
ANSI A117.1–1961 (R1971) American National Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped.	42.522

29 CFR CHAPTER IV (PARTS 402, 403, 404, 405, 406, 408, 409)—OFFICE OF LABOR-MANAGEMENT STANDARDS ENFORCEMENT, DEPARTMENT OF LABOR

	CFR Citation
U.S. Department of Labor/Labor-Management Services Administration Frances Perkins Building, 200 Constitution Avenue N.W., Washington, D.C. 20216	
LM–1, Labor Organization Information Report	402.2
LM–1A, Report of Current Status, Labor Organization Information Supplement.	402.4
LM–2, Labor Organization Annual Report	403.3
LM–3, Labor Organization Annual Report	403.4
LM–10, Employer Report	405.3
LM–15, Trusteeship Report	408.3
LM–15A, Schedule on Selection of Delegates and Officers	408.4
LM–16, Terminal Trusteeship Report	408.8

29 CFR CHAPTER IV (PARTS 402, 403, 404, 405, 406, 408, 409)—OFFICE OF LABOR-MANAGEMENT STANDARDS ENFORCEMENT, DEPARTMENT OF LABOR—Continued

	CFR Citation
LM-20, Agreement and Activities Report	406.2
LM-21, Receipt and Disbursements Report	406.3
LM-30, Labor Organization Officer and Employee Report	404.3
LMSA-1, Surety Company Annual Report	409.2

29 CFR CHAPTER V (PART 526)—WAGE AND HOUR DIVISION, DEPARTMENT OF LABOR

	CFR Citation
U.S. Department of Agriculture, Agricultural Marketing Service (for the Bureau of Agricultural Economics of the U.S. Department of Agriculture)	
U.S. Government Printing Office, (GPO) Bookstores located throughout the United States.	
Tobacco in the United States—U.S. Department of Agriculture—Agricultural Marketing Service, Miscellaneous Publication No. 867—See page 2. Revised February, 1979.	526.10

29 CFR CHAPTER V (PART 570)—WAGE AND HOUR DIVISION—U.S. DEPARTMENT OF LABOR

	CFR Citation
Institute of Makers of Explosives	
420 Lexington Ave., New York, N.Y. 10017	
The American Table of Distances, June 5, 1964	570.51
Michigan State University	
Department of Secondary Education, East Lansing, Michigan	
Vocational Agriculture Training Programs: Safe Tractor Operation, Safe Farm Machinery Operation (Rural Manpower Center, Special Paper No. 8, April, 1969).	570.72; 570.72; 570.72
National Education Association	
1201 16th St., N.W., Washington, D.C. 20036	
Standards for School Buses, 1964 Rev. ed	570.52
National 4-H Council	
7100 Connecticut Ave., Washington, D.C. 20015	
Petroleum Power Program: Specified Units from four Training Manuals on operation and use of tractors.	570.72; 570.72
The Interstate Printers & Publishers	
Danville, Illinois	
Agricultural Engineering, 1965 ed	570.71
U.S. Department of Commerce	
National Bureau of Standards, Gaithersburg, Md. 20234	
Maximum Permissible Body Burdens and Maximum Permissible Concentrations of Radionuclides in Air and in Water for Occupational Exposure (National Bureau of Standards, Handbook 69, 1959).	570.57

29 CFR CHAPTER XVII (PARTS 1910, 1915, 1916, 1917, 1918, 1928, AND 1928)—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

(Copies of the documents listed in this table are available through the Technical Data Center, U.S. Department of Labor, Washington, D.C., and through Regional Offices of the Occupational Safety and Health Administration. For a complete listing of these addresses, see the end of this table.)

PART 1910

	CFR Citation
American Conference of Governmental Industrial Hygienists (ACGIH)	
ACGIH Manual "Industrial Ventilation" (1970)	1910.94
American Society of Agricultural Engineers (ASAE)	
ASAE Emblem for Identifying Slow Moving Vehicles, ASAE S276.2 (1968).	1910.145
Agriculture Ammonia Institute—Rubber Manufacturers Association (AAI—RMA)	
AAI—RMA Specifications for Anhydrous Ammonia Hose	1910.111
American National Standards Institute (ANSI)	
ANSI A10.2 (1944) Safety Code for Building Construction	1910.144
ANSI A10.3 (1970) Safety Requirements for Explosive-Actuated Fastening Tools.	1910.243

29 CFR CHAPTER XVII (PARTS 1910, 1916, 1917, 1926, AND 1928)—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR—Continued

PART 1910—Continued	*CFR Citation*
ANSI A11.1 (1965, R1970) Practice for Industrial Lighting	1910.178; 219; 261; 265
ANSI A11.1 (1965) Practice for Industrial Lighting	1910.262; 265
ANSI A12.1 (1967) Safety Requirements for Floor and Wall Openings, Railings, and Toe Boards.	1910.66; 68; 261; 264
ANSI A13.1 (1956) Scheme for the Identification of Piping Systems	1910.252; 261; 262; 264
ANSI A14.1 (1968) Safety Code for Portable Wood Ladders, Supplemented by ANSI A14.1a—1977.	1910.261
ANSI A14.2 (1956) Safety Code for Portable Metal Ladders, Supplemented by ANSI A14.2a—1977.	1910.261
ANSI A14.3 (1956) Safety Code for Fixed Ladders	1910.68; 179; 261
ANSI A17.1 (1965) Safety Code for Elevators, Dumbwaiters and Moving Walks, Including Supplements, A17.1a (1967); A17.1b (1968); A17.1c (1969); A17.1d (1970).	1910.261
ANSI A17.2 (1960) Practice for the Inspection of Elevators, Including Supplements, A17.2a (1965), A17.2b (1967).	1910.261
ANSI A90.1 (1969) Safety Standard for Manlifts	1910.68
ANSI A92.2 (1969) Standard for Vehicle Mounted Elevating and Rotating Work Platforms.	1910.67; 268
ANSI A120.1 (1970) Safety Code for Powered Platforms for Exterior Building Maintenance.	1910.66
ANSI B7.1 (1970) Safety Code for the Use, Care and Protection of Abrasive Wheels.	1910.94; 215; 218
ANSI B15.1 (1953, R1958) Safety Code for Mechanical Power Transmission Apparatus.	1910.68; 261
ANSI B20.1 (1957) Safety Code for Conveyors, Cableways, and Related Equipment.	1910.218; 261; 265; 266
ANSI B30.2 (1943, R1952) Safety Code for Cranes, Derricks, and Hoists.	1910.261
ANSI B30.2.0 (1967) Safety Code for Overhead and Gantry Cranes	1910.179; 261; 266
ANSI B30.5 (1968) Safety Code for Crawler, Locomotive, and Truck Cranes.	1910.180; 261; 266
ANSI B30.6 (1969) Safety Code for Derricks	1910.181; 268
ANSI B31.1 (1955) Code for Pressure Piping	1910.261
ANSI B31.1a (1963) Addenda to ANSI B31.1 (1955)	1910.261
ANSI B31.1.0 (1967) and Addenda B31.1.0a (1969) Code for Pressure Piping.	1910.106; 218; 261
ANSI B31.2 (1968) Fuel Gas Piping	1910.103; 104; 108; 252; 261
ANSI B31.3 (1966) Petroleum Refinery Piping	1910.103; 106
ANSI B31.5 (1966) Addenda B31.5a (1968) Refrigeration Piping	1910.103; 111
ANSI B56.1 (1969) Safety Standard for Powered Industrial Trucks	1910.178; 261
ANSI B57.1 (1965) Compressed Gas Cylinder Valve Outlet and Inlet Connections.	1910.252
ANSI B71.1 (1968) Safety Specifications for Power Lawn Mowers	1910.243
ANSI C1 (1971) National Electrical Code	1910.66; 68; 94; 103; 178
ANSI C33.2 (1956) Safety Standard for Transformer-Type Arc Welding Machines.	1910.252
ANSI D8.1 (1967) Practices for Railroad Highway Grade Crossing Protection.	1910.265
ANSI H23.1 (1970) Seamless Copper Water Tube Specification	1910.110
ANSI H38.7 (1969) Specification for Aluminum Alloy Seamless Pipe and Seamless Extruded Tube.	1910.110
ANSI J6.1 (1950, R1962) Standard Specifications for Rubber Insulating Line Hose.	1910.137
ANSI J6.2 (1950, R1962) Standard Specifications for Rubber Insulating Hood.	1910.137
ANSI J6.4 (1970) Standard Specification for Rubber Insulating Blankets.	1910.137
ANSI J6.4 (1971) Standard Specification for Rubber Insulating Blankets	1910.268
ANSI J6.5 (1962) Standard Specification for Rubber Insulating Sleeves	1910.137
ANSI J6.6 (1967) Standard Specification for Rubber Insulating Gloves	1910.137
ANSI J6.6 (1971) Standard Specification for Rubber Insulating Gloves	1910.268
ANSI J6.7 (1935, R1962) Standard Specifications for Rubber Matting for Use Around Electric Apparatus.	1910.137
ANSI K13.1 (1967) Identification of Gas Mask Canisters	1910.261

29 CFR CHAPTER XVII (PARTS 1910, 1916, 1917, 1926, AND 1928)—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR—Continued

PART 1910—Continued	*CFR Citation*
ANSI K61.1 (1960) Safety Requirements for the Storage and Handling of Anhydrous Ammonia.	1910.111
ANSI K61.1 (1968) Safety Requirements for the Storage and Handling of Anhydrous Ammonia.	1910.111
ANSI O1.1 (1954, R1961) Safety Code for Woodworking Machinery	1910.261
ANSI S1.4 (1971, R1976) Specification for Sound Level Meters	1910.95
ANSI S1.11 (1971, R1976) Specification for Octave, Half-Octave and Third-Octave Band Filter Sets.	1910.95
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29 CFR CHAPTER XVII (PARTS 1910, 1916, 1917, 1926, AND 1928)—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR—Continued

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29 CFR CHAPTER XVII (PARTS 1910, 1916, 1917, 1926, AND 1928)—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR—Continued

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29 CFR CHAPTER XVII (PARTS 1910, 1916, 1917, 1926, AND 1928)—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR—Continued

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29 CFR CHAPTER XVII (PARTS 1910, 1916, 1917, 1926, AND 1928)—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR—Continued

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29 CFR CHAPTER XVII (PARTS 1910, 1916, 1917, 1926, AND 1928)—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR—Continued

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29 CFR CHAPTER XVII (PARTS 1910, 1916, 1917, 1926, AND 1928)—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR—Continued

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Addresses

Technical Data Center: Frances Perkins Department of Labor Building, Room N2439, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Boston Regional Office—Region I: Regional Administrator, U.S. Department of Labor—OSHA, 16–18 North Street, 1 Dock Square Building, 4th Floor, Boston, Massachusetts 02109.

New York Regional Office—Region II: Regional Administrator, U.S. Department of Labor—OSHA, 1515 Broadway (1 Astor Plaza), Room 3445, New York, New York 10036.

Philadelphia Regional Office—Region III: Regional Administrator, U.S. Department of Labor—OSHA, Gateway Building, Suite 2100, 3535 Market Street, Philadelphia, Pennsylvania 19104.

Atlanta Regional Office—Region IV: Regional Administrator, U.S. Department of Labor—OSHA, 1375 Peachtree Street, N.E., Suite 587, Atlanta, Georgia 30309.

Chicago Regional Office—Region V: Regional Administrator, U.S. Department of Labor—OSHA, 32nd Floor, Room 3263, 230 South Dearborn Street, Chicago, Illinois 60604.

Dallas Regional Office—Region VI: Regional Administrator, U.S. Department of Labor—OSHA, 555 Griffin Square Building, Room 602, Dallas, Texas 75202.

Kansas City Regional Office—Region VII: Regional Administrator, U.S. Department of Labor—OSHA, 911 Walnut Street, Room 3000, Kansas City, Missouri 64106.

Denver Regional Office—Region VIII: Regional Administrator, U.S. Department of Labor—OSHA, Federal Building, Room 1554, 1961 Stout Street, Denver, Colorado 80294.

San Francisco Regional Office—Region IX: Regional Administrator, U.S. Department of Labor—OSHA, 11349 Federal Building, 450 Golden Gate Avenue, P.O. Box 36017, San Francisco, California 94102.

Seattle Regional Office—Region X: Regional Administrator, U.S. Department of Labor—OSHA, Federal Office Building, Room 6003, Seattle, Washington, 98174.

30 CFR CHAPTER I (PARTS 11, 28, 29, 55, 56, 57, 70, 71, 75, 77, AND 90)—MINE SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

(Copies of material incorporated in Parts 55, 56, and 57 are available at MSHA Metal and Nonmetal Mine Safety and Health District and Subdistrict Offices. Copies of material incorporated in parts 70, 71, 75 and 77 are available at MSHA Coal Mine Safety and Health District and Subdistrict Offices. For a complete listing of these addresses, see the end of this table.)

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85 John Street, New York, N.Y. 10038	
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30 CFR CHAPTER I (PARTS 11, 28, 29, 55, 56, 57, 70, 71, 75, 77, AND 90)—MINE SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR—Continued

	CFR Citation
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1430 Broadway, New York, N.Y. 10018	
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ANSI K13.1–1973 Identification of Air Purifying Respirator Canisters and Cartridges.. (Copies of the above document are also available for inspection at MSHA Coal or Metal and Nonmetal Mine Safety and Health District and Subdistrict Offices.)	11.93
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ANSI M11.1–1960 Specification for Use of Wire Rope for Mines	77.1402–1; 77.1903
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American Society of Mechanical Engineers (ASME)	
345 East 47th Street, New York, N.Y. 10017	
ASME Boiler and Pressure Vessel Code, 1977; Sections I–VIII	55.13–1; 56.13–1; 57.13–1
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30 CFR CHAPTER I (PARTS 11, 28, 29, 55, 56, 57, 70, 71, 75, 77, AND 90)—MINE SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR—Continued

	CFR Citation
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MIL–F–15160D Fuses; Instrument, Power, and Telephone	28.31
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National Board of Boiler and Pressure Vessel Inspectors 1055 Crupper Avenue, Columbus, OH 43229	
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NFPA 13A—1971 Care and Maintenance of Sprinkler Systems	75.1107–16
NFPA 15—1969 Water Spray Fixed Systems for Fire Protection	75.1107–16
NFPA 17—1969 Dry Chemical Extinguishing Systems	75.1107–16
NFPA 22—1971 Water Tanks for Private Fire Protection	75.1107–3; 75.1107–13
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30 CFR CHAPTER I (PARTS 11, 28, 29, 55, 56, 57, 70, 71, 75, 77, AND 90)—MINE SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR—Continued

	CFR Citation
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Underwriters Laboratories, Inc.	
Copies of the following document are available at: MSHA Approval and Certification Center, Box 201B, Industrial Park Boulevard, Triadelphia, West Virginia 26059.	
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U.S. Corps of Engineers	
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MSHA District and Subdistrict Office Addresses

Coal Mine Safety and Health

District No. 1 Office, 20 North Pennsylvania Ave., Wilkes-Barre, PA 18701.
District No. 2 Office, 4800 Forbes Ave., Pittsburgh, PA 15213.
District No. 3 Office, P.O. Box 886, Morgantown, WV 26505.
District No. 4 Office, P.O. Box 112, Mount Hope, WV 25880.
District No. 5 Office, P.O. Box 560, Norton, VA 24273.
District No. 6 Office, 218 High St., Pikeville, KY 41501.
District No. 7 Office, P.O. Box 572, Barbourville, KY 40906.
District No. 8 Office P.O. Box 418, Vincennes, IN 47591.
District No. 9 Office, P.O. Box 23567, Denver, CO 80225.
District No. 10 Office, P.O. Box 473, Madisonville, KY 42431.
Monroeville Subdistrict Office, 4099 William Penn Hgwy., Monroeville, PA 15146.
Johnstown Subdistrict Office, Sunray and Goucher, Johnstown, PA 15905.
Mount Hope Subdistrict Office, P.O. Box 112, Mount Hope, WV 25880.

30 CFR CHAPTER I (PARTS 11, 28, 30, 55, 56, 57, 70, 71, 75, 77, AND 90)—MINE SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR—Continued

CFR Citation

Princeton Subdistrict Office, 110 Gott Rd., Princeton, WV 24740.
Madison Subdistrict Office, P.O. Box 8, Madison, WV 25130.
Norton Subdistrict Office, P.O. Box 560, Norton, VA 24273.
Richlands Subdistrict Office, Drawer AA, Richlands, VA 24641.
Paintsville Subdistrict Office, 1568 F.M. Stafford St., Paintsville, KY 41240.
Pikeville Subdistrict Office, 218 High St., Pikeville, KY 41501.
Barbourville Subdistrict Office, 616 Manchester St., Barbourville, KY 40906.
Birmingham Subdistrict Office, 228 West Valley Ave., Birmingham, AL 35209.
Hazard Subdistrict Office, R.R. 3, Box 550–F, Hazard, KY 41701.
Benton Subdistrict Office, P.O. Box 370, Benton, IL 62812.
St. Clairsville Subdistrict Office, R.D. 6, St. Clairsville, OH 43950.
Denver Subdistrict Office, P.O. Box 23567, Denver, CO 80225.
Price Subdistrict Office, Drawer J, Price, UT 84501.
Madisonville Subdistrict Office, P.O. Box 473, Madisonville, KY 42431.
McAlester Subdistrict Office, 509 S. Third St., McAlester, OK 74501.

Metal and Nonmetal Mine Safety and Health
Northeastern District Office, 4800 Forbes Ave., Pittsburgh, PA 15213.
Southeastern District Office, 228 West Valley Ave., Birmingham, AL 35209.
North Central District Office, 228 Federal Building, Duluth, MN 55802.
South Central District Office, 1100 Commerce St., Rm. 4C50, Dallas, TX 75242.
Rocky Mountain District Office, Box 25367, Denver, CO 80225.
Western District Office, 620 Central Ave., Bldg. 7, Alameda, CA 94501.
Pittsburgh Subdistrict Office, 4800 Forbes Ave., Pittsburgh, PA 15213.
Albany Subdistrict Office, P.O. Box 1894, Albany, N.Y. 12201.
Birmingham Subdistrict Office, 228 West Valley Ave., Birmingham, AL 35209.
Knoxville Subdistrict Office, 301 West Cumberland Ave., Rm. 223, Knoxville, TN 37902.
Duluth Subdistrict Office, 228 Federal Building, Duluth, MN 55802.
Vincennes Subdistrict Office, 501 Busserson St., Vincennes, IN 47591.
Dallas Subdistrict Office, 1100 Commerce St., Rm. 4C50, Dallas TX 75242.
Rolla Subdistrict Office, 900 Pine St., Rolla, MO 65401.
Denver Subdistrict Office, Box 25367, Denver, CO 80225.
Salt Lake City Subdistrict Office, 2900 Main St., Salt Lake City, UT 84115.
Phoenix Subdistrict Office, 2721 N. Central Ave., Suite 900, Phoenix, AZ 85004.
Bellevue Subdistrict Office, 117 107th Ave., N.E., Rm. 100, Bellevue, WA 98004.

30 CFR CHAPTER VII (PARTS 700, 785, 795, 816, 817, 820)—OFFICE OF SURFACE MINING, DEPARTMENT OF THE INTERIOR

CFR Citation

American Association of State Highway and Transportation Officials (AASHTO)
444 North Capitol Street, N.W., Suite 225, Washington, D.C. 20001

AASHTO T–99, Standard Specification for Transportation Materials and Methods of Sampling and Testing, Part II 1978. — 816.85; 817.85

American National Standards Institute (ANSI)
1430 Broadway, New York, New York 10018

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1015 18th Street, N.W., Washington, D.C. 20036

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1916 Race Street, Philadelphia, Pennsylvania 19103

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345 East 47th Street, New York, New York 10017

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30 CFR CHAPTER VII (PARTS 700, 785, 795, 816, 817, 820)—OFFICE OF SURFACE MINING, DEPARTMENT OF THE INTERIOR—Continued

	CFR Citation
Pennsylvania Code—Title 25, Chapters 75, 77, 91, 92, 93, 94, 95, 97, 99, 100, 101, 102, 105, 121, 123, 124, 125, 127, 129, 131, 133, 135, 137, 139, 141, 143, 209, 210, 211, 241, 243 and 401.	820.11
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Regulation of subsidence under P.L. 1198, May 22, 1921, as amended through December 31, 1980, 52 P.S. Section 661 et seq. (Purdons 1966, 1980 Supp.)	
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The establishment of mine safety zones under P.L. 1994, December 22, 1959, as amended through December 31, 1980, 52 P.S. Section 3101 et seq. (Purdons 1966, 1980 Supp.)	
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U.S. Department of Agriculture, Soil Conservation Service Superintendent of Documents, Government Printing Office, Washington, D.C. 20402	
Agricultural Handbook No. 18, "Soil Survey Manual"—1951	785.17
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U.S. Department of Agriculture, Soil Conservation Service Deputy Administrator—Technical Services, Soil Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20013	
Soil Conservation Service Practice Standard 378, "Ponds"—1977–1978	816.49, 817.49
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U.S. Environmental Protection Agency, Office of Technology Transfer Office of Technology Transfer, Industrial Environmental Research Laboratory, U.S. Environmental Protection Agency, Cincinnati, Ohio 45268	
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31 CFR CHAPTER I—MONETARY OFFICES, DEPARTMENT OF TREASURY

	CFR Citation
American National Standards Institute (ANSI) 1430 Broadway, New York, New York 10018	
ANSI A117.1—1980, Specifications For Making Buildings and Facilities Accessible to, and Usable by the Physically Handicapped.	51.55(K)(9)

31 CFR CHAPTER I—MONETARY OFFICES, DEPARTMENT OF TREASURY—Continued

	CFR Citation
(The following standard is available from: The Engineering Society Library, 345 East 47th Street, New York, New York 10017 (212) 644-7611 and Document Engineering Company, 15210 Stagg Street, Van Nuys, California 91405, (213) 782-1010, 873-5366.)	
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33 CFR CHAPTER I—UNITED STATES COAST GUARD, DEPARTMENT OF TRANSPORTATION

All the following materials are also on file at Coast Guard Headquarters, Room 4407, Trans Point Building, 2100 Second Street S.W., Washington, D.C. 20593.

	CFR Citation 33 CFR
Air Moving and Conditioning Association (AMCA) 30 West University Drive, Arlington Heights, IL 60004	
210-74 Laboratory Methods of Testing Fans for Ratings	183.610
American Bureau of Shipping 65 Broadway, New York 10006	
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American National Standards Institute (ANSI) 1430 Broadway, New York, NY 10018	
ANSI A12.1—1973 Safety Requirements for Floor and Wall Openings, Railings and Toeboards.	149.441
ANSI B16.5—1977 Steel Pipe Flanges and Flange Fittings	154.500; 155.350; Part 155, Appendix
ANSI B16.24—1971 Brass or Bronze Pipe Flanges	154.500
ANSI B16.31—1971 Nonferrous Pipe Flanges	154.500; 155.350
ANSI B31.3—1976 Chemical Plant and Petroleum Refinery Piping (with 1978 addenda B31.4a).	154.510
ANSI B31.4—1974 Liquid Petroleum Transportation Piping Systems (with 1979 addenda B31.4a).	149.205
ANSI Z41.1—1972 Requirements for Men's Safety-toe Footwear	150.509
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ANSI Z89.1—1969 Safety Requirements for Industrial Head Protection	150.509
American Society for Testing and Materials (ASTM) 1916 Race Street, Philadelphia, PA 19103	
D-471-79 Rubber Property—Effect of Liquids	183.114; 183.516; 183.607; 183.620
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D-2842-69(1975) Water Absorption of Rigid Cellular Plastics	183.114
E-11-70(1977) Wire Cloth Sieves for Testing Purposes	159.125
Illumination Engineering Society 345 East 47th Street, New York, NY 10017	
Lighting Handbook, 5th Edition, 1972 p. 3-36	149.703
Institute of Electrical and Electronic Engineers, Inc. (IEEE) 345 East 47th Street, New York, NY 10017	
45-1977 Cable Construction	183.435
Inter-governmental Maritime Consultative Organization IMCO Sales, New York Nautical Instrument and Service Corp., 140 West Broadway, New York, NY 10013	
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International Chamber of Shipping 30-32 St. Mary's Axe, London, UK ED3A8ET	
Clean Seas Guide for Oil Tankers, 1973	157.23
International Commission on Illumination (CIE) Illumination Engineering Society, 345 East 47th Street, New York, NY 10017	
Standard Observer Diagram, 1931 (1964 Suppl.) in Lighting Handbook, 5th edition, 1972 on pp. 5-3 and 5-5.	149.727
National Fire Protection Association (NFPA) 470 Atlantic Ave., Boston, MA 02210	

33 CFR CHAPTER I—UNITED STATES COAST GUARD, DEPARTMENT OF TRANSPORTATION—Continued

All the following materials are also on file at Coast Guard Headquarters, Room 4407, Trans Point Building, 2100 Second Street S.W., Washington, D.C. 20593.

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NFPA 13–1978 Installation of Sprinkler Systems	149.481
NFPA 70–1981 National Electrical Code, Articles 310 and 400	183.435
NFPA 72A–1975 Installation, Maintenance, and Use of Local Protective Signalling Systems.	149.541
NFPA 407–1975 Fueling at Rooftop Heliports, Chapter 6	149.213
Naval Publications Forms Center	
Customer Service—Code 1052, 5801 Tabor Avenue, Philadelphia, PA 19120	
Federal Specification, ZZ–H–451–1978 Woven Hose, Rubber or Cambric-lined, with Couplings.	149.469
Military Specification, MIL–C–25050 Color, Aeronautical Lights & Lighting Equipment, 1963(1971).	67.30–5(a)
MIL–P–21929B Plastic Material, Cellular Polyurethane, Foam-in-Place, Rigid, 1970.	183.505; 183.518
Radio Technical Commission for Marine Services (RCTM)	
P.O. Box 19087, Washington, D.C. 20036	
Paper 12–78/DO–100 Minimum Performance Standards, Loran C Receiving Equipment, 1977.	164.41
Society of Automotive Engineers, Inc. (SAE)	
400 Commonwealth Drive, Warrendale, PA 15096	
SAE J30–1977 Fuel and Oil Hoses	183.505
SAE J378–1978 Marine Engine Wiring	183.430
SAE J557–1968 High Tension Ignition Cable	183.440
SAE J1127–1980 Battery Cable	183.430
SAE J1128–1975 Low Tension Primary Cable	183.430
Underwriters Laboratories (UL)	
333 Pfingsten Road, Northbrook, IL 60062	
UL 19–1978(1979) Woven Jacketed, Rubber-lined Firehose	149.469
UL 83–1980 Standard for Thermoplastic Insulated Wires	183.435
UL 1114–1979 Standard for Marine Use, Flexible Fuel Line Hose	183.505
UL 1128–1977 Marine Blowers	183.610
UL Hazardous Location Equipment Directory, May 1979 Portable Lighting Units.	149.539
United States Coast Guard	
2100 Second St., SW., Washington, D.C. 20593	
Guidelines for Preparation of a Deepwater Ports Operations Manual, 1975.	150.105

33 CFR CHAPTER II—CORPS OF ENGINEERS, DEPARTMENT OF THE ARMY

	CFR Citation
Institute of Electrical and Electronic Engineers, Inc. (IEEE)	
IEEE Service Center, 445 Hoes Lane, Piscataway, N.J. 08854	
ANSI C2–1981 National Electrical Code. See also NFPA 70	222.5

34 CFR, SUBTITLE B, CHAPTER II (PART 104)—OFFICE OF CIVIL RIGHTS, DEPARTMENT OF EDUCATION

	CFR Citation
American National Standards Institute, Inc.	
1430 Broadway, New York, New York 10018	
ANSI A117.1–1961	104.23(c)
American National Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped	

38 CFR CHAPTER I—VETERANS ADMINISTRATION

	CFR Citation
American National Standards Institute	
(This standard is available at the Office of Human Goals, Veterans Administration, Room 900, 1425 K Street, N.W., Washington, D.C. 20420. Mailing Address: 810 Vermont Avenue, N.W., Washington, D.C. 20420)	
ANSI A117.1-1961(R1971)—American National Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped.	18.423
Department of Housing and Urban Development	
(This material is available for public inspection at Veterans Administration field installations; at Information Center Room 1202, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410; and at HUD Regional, Area, and Insuring Offices)	
HUD 4900.1 Minimum Property Standards for One- and Two-Family Dwellings, November, 1980.	36.4360

39 CFR CHAPTER I—UNITED STATES POSTAL SERVICE

	CFR Citation
United States Postal Service	
Washington, D.C. 20260	
Domestic Mail Manual, October 1, 1980	111.1
International Mail, Postal Service Publication 42, December 15, 1979	10.1
Postal Contracting Manual, Postal Service Publication 41, March 23, 1981.	601.100

For information on where these materials are available see—
39 CFR 10.2 Availability of Postal Service Publication 42, International Mail
39 CFR 111.2 Availability of the Domestic Mail Manual
39 CFR 601.104 Availability of Postal Contracting Manual

40 CFR, CHAPTER I (PART 51): SUBCHAPTER C—AIR PROGRAMS—ENVIRONMENTAL PROTECTION AGENCY

	CFR Citation
Environmental Protection Agency	
Office of Air Quality Planning and Standards, Research Triangle Park, NC 27711	
"Guidelines for Determining Best Available Retrofit Technology for Coal-Fired Power Plants and Other Existing Stationary Facilities", (1980), EPA 450/3-80-0096.	51.03(c)
Copies may be obtained from: National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161.	

40 CFR, CHAPTER I (PART 52): SUBCHAPTER C—AIR PROGRAMS—ENVIRONMENTAL PROTECTION AGENCY

	CFR Citation
Environmental Protection Agency	
Office of Air Quality Planning and Standards, Research Triangle Park, NC 27711	
State Implementation Plans: Consisting of Original State Implementation Plans for the fifty States and the territories of Guam; Puerto Rico, Virgin Islands and American Samoa; Regulatory and Non-Regulatory Revisions to State Implementation Plans approved 1972–June 1979 (prepared by Atlantic Environmental Associates, Inc.); and Individual State Implementation Plan Revisions approved July 1979–June 1981, which are identified below by State and Date of publication of the **Federal Register** notice. (Note.—The Director of the **Federal Register** has extended for 30 days the 1980 approval of the State Implementation Plans pending completion of review under 1 CFR 51.13.).	52.02(d)

Alabama: Nov. 26, 1979, June 3, Aug. 11, 1980, Oct. 31, 1980, April 27, 1981
Alaska: Dec. 30, 1980, April 15, 1981
Arizona: Dec. 17, 1979, Aug. 11, 1980, Oct. 10, 1980
Arkansas: Jan. 29, 1980, Aug. 15, 1980
California: July 30, 1979, Dec. 6, 1979, April 24, 1980 (2 notices), May 9, 1980, May 28, 1980 (2 actions), June 3, 1980, June 4, 1980, Aug. 11, 1980 (2 notices), Sept. 26, 1980, Oct. 24, 1980, Oct. 31, 1980, Nov. 10, 1980, Dec. 4, 1980, Jan. 16, 1981, Jan. 21, 1981, Jan. 27, 1981, April 14, 1981, May 18, 1981 (2 notices)
Colorado: Oct. 5, 1979, July 9, 1980, July 16, 1980, Aug. 1, 1980, Aug. 11, 1980, March 13, 1981, March 19, 1981, April 30, 1981

40 CFR, CHAPTER I (PART 52): SUBCHAPTER C—AIR PROGRAMS—ENVIRONMENTAL PROTECTION AGENCY—Continued

CFR Citation

Connecticut: July 30, 1979, Dec. 23, 1980, April 27, 1981, May 14, 1981
Delaware: July 30, 1979, March 6, 1980, Aug. 1, 1980, May 15, 1981
District of Columbia: Jan. 4, 1980, March 3, 1980, Jan. 30, 1981
Florida: Feb. 29, 1980, March 18, 1980, Sept. 10, 1980, Nov. 14, 1980, Oct. 22, 1980, Dec. 10, 1980, March 17, 1981, May 14, 1981
Georgia: Sept. 18, 1979, Jan. 3, 1980, Jan. 24, 1980, March 20, 1981, May 5, 1981, May 22, 1981
Hawaii: Aug. 7, 1979
Idaho: July 30, 1979, Oct. 23, 1980, March 4, 1981
Illinois: Dec. 6, 1979, Jan. 3, 1980, Feb. 21, 1980, Sept. 22, 1980, Oct. 24, 1980, Jan. 27, 1981, March 4, 1981
Indiana: Jan. 2, 1981, May 19, 1981
Iowa: March 6, 1980, March 20, 1981, April 17, 1981
Kansas: April 3, 1981
Kentucky: Jan. 25, 1980, Oct. 31, 1980, Dec. 24, 1980, June 15, 1981
Louisiana: Feb. 14, 1980
Maine: Jan. 30, 1980, Feb. 19, 1980, Sept. 9, 1980, Dec. 9, 1980, Jan. 5, 1981, Jan. 22, 1981
Maryland: Dec. 6, 1979, March 18, 1980, April 17, 1980, April 25, 1980, July 3, 1980, Aug. 12, 1980, Aug. 19, 1980, Sept. 3, 1980, Sept. 4, 1980, March 18, 1981
Massachusetts: May 21, 1979, July 16, 1979, Jan. 10, 1980, May 28, 1980, June 17, 1980, Aug. 12, 1980, Sept. 10, 1980 (2 actions), Sept. 16, 1980, Dec. 15, 1980, Jan. 19, 1981, Jan. 27, 1981, March 4, 1981, March 19, 1981
Michigan: May 6, 1980, June 2, 1980, Aug. 11, 1980, Aug. 25, 1980, Dec. 17, 1980, Dec. 29, 1980, Jan. 27, 1981, March 4, 1981, April 17, 1981, May 1, 1981, May 14, 1981, May 22, 1981, June 5, 1981
Minnesota: Dec. 13, 1979, June 16, 1980, March 4, 1981, April 8, 1981
Mississippi: Jan. 10, 1980, July 10, 1980
Missouri: March 18, 1980, April 9, 1980, May 9, 1980, June 16, 1980, Oct. 31, 1980, Dec. 24, 1980, March 16, 1981, April 3, 1981, April 27, 1981, May 22, 1981, June 12, 1981
Montana: Sept. 6, 1979, Jan. 10, 1980, March 4, 1980, Sept. 23, 1980, March 3, 1981
Nebraska: (none)
Nevada: Feb. 4, 1980, Feb. 6, 1980, July 10, 1980, April 14, 1981
New Hampshire: April 11, 1980, June 23, 1980, Sept. 9, 1980, Sept. 22, 1980, Dec. 18, 1980
New Jersey: March 11, 1980, April 19, 1980, May 7, 1980, Oct. 31, 1980, April 15, 1981, April 27, 1981, May 12, 1981
New Mexico: April 10, 1980, Dec. 24, 1980, March 20, 1981, June 18, 1981
New York: Feb. 5, 1980, Mar. 6, 1980, April 24, 1980, May 21, 1980, July 1, 1980, Nov. 10, 1980, Jan. 27, 1981 (2 actions), March 19, 1981 (2 actions), April 27, 1981, May 26, 1981
North Carolina: Jan. 10, 1980, April 17, 1980, Aug. 20, 1980, Sept. 10, 1980, March 19, 1981, April 13, 1981, April 16, 1981, May 15, 1981
North Dakota: Nov. 2, 1979, Aug. 12, 1980
Ohio: Oct. 31, 1980 (3 actions), Nov. 28, 1980, Jan. 27, 1981, March 4, 1981, March 31, 1981, May 1, 1981
Oklahoma: Feb. 13, 1980, Nov. 28, 1980, May 28, 1981
Oregon: July 30, 1979, April 18, 1980, June 24, 1980, July 15, 1980, Jan. 2, 1981, March 4, 1981
Pennsylvania: July 7, 1979, Aug. 8, 1979, Dec. 17, 1979, May 20, 1980, Aug. 19, 1980
Rhode Island: Jan. 15, 1981, Jan. 21, 1981, May 7, 1981
South Carolina: Sept. 21, 1979, Jan. 29, 1980, July 7, 1980
South Dakota: July 30, 1979, Aug. 9, 1979, Sept. 4, 1980
Tennessee: Jan. 10, 1980, Feb. 6, 1980, April 24, 1980, Aug. 13, 1980, Nov. 17, 1980
Texas: Sept. 24, 1979, Dec. 18, 1979, March 25, 1980, Aug. 6, 1980
Utah: Feb. 19, 1980, Sept. 10, 1980, May 5, 1981
Vermont: Jan. 30, 1980, Feb. 19, 1980, Sept. 9, 1980, March 18, 1981
Virginia: Dec. 17, 1979, Jan. 31, 1980, Aug. 19, 1980, Oct. 8, 1980 (2 actions), Dec. 5, 1980, March 18, 1981, April 20, 1981
Washington: July 30, 1979, June 5, 1980, July 31, 1980, Dec. 24, 1980, April 15, 1981
West Virginia: Aug. 14, 1980, Nov. 10, 1980
Wisconsin: Jan. 11, 1980, April 9, 1981, April 17, 1981, May 6, 1981, June 9, 1981
Wyoming: July 2, 1979, Sept. 6, 1979, April 27, 1981
Guam: March 6, 1980, May 12, 1981
Puerto Rico: Nov. 3, 1980, April 27, 1981
Virgin Islands: May 2, 1980, April 27, 1981
American Samoa: (none)

Copies of the Plans listed above are available at the Environmental Protection Agency, Public Information Reference Unit, Room 2404, 401 M Street, SW, Washington, DC 20460 and at the appropriate EPA Regional Office as follows:

EPA Region

I—Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont—JFK Federal Building, Boston, Mass. 02203

40 CFR, CHAPTER I (PART 52): SUBCHAPTER C—AIR PROGRAMS—ENVIRONMENTAL PROTECTION AGENCY—Continued

	CFR Citation
II—New York, New Jersey, Puerto Rico, Virgin Islands—Federal Office Building, 26 Federal Plaza, New York, N.Y. 10007	
III—Delaware, District of Columbia, Pennsylvania, Maryland, Virginia, West Virginia—Curtis Building, 6th and Walnut Sts., Philadelphia, Pa. 19106	
IV—Alabama, Florida, Georgia, Mississippi, Kentucky, North Carolina, South Carolina, Tennessee—345 Courtland NE., Atlanta, Ga. 30308	
V—Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin—Federal Building, 230 South Dearborn St., Chicago, Ill. 60606	
VI—Arkansas, Louisiana, New Mexico, Oklahoma, Texas—1st International Building, 1201 Elm Street, Dallas, Texas 75270	
VII—Iowa, Kansas, Missouri, Nebraska—1735 Baltimore Street, Kansas City, Mo. 64108	
VIII—Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming—916 Lincoln Towers, 1860 Lincoln Street, Denver, Colo. 80203	
IX—Arizona, California, Hawaii, Nevada, Guam, American Samoa—215 Fremont Street, San Francisco, Calif. 94105	
X—Washington, Oregon, Idaho, Alaska—1200 6th Avenue, Seattle, Washington 98101	
OAQPS Guideline Series, "Guideline on Air Quality Modeling" (OAQPS 1.2-080) (1978).	52.21(m)
Copies are available at: Environmental Protection Agency Library, 401 M Street, SW, Room 2404, Washington, DC 20460; Environmental Protection Agency, Office of Air Quality Planning and Standards, 411 Chapel Hill St., Durham, NC 27701	

40 CFR CHAPTER I (PART 62): SUBCHAPTER C—AIR PROGRAMS—ENVIRONMENTAL PROTECTION AGENCY

	CFR Citation
Copies available at: First International Building, 1201 Elm Street, Dallas, Texas 75270	
EPA-approved State Plans for designated facilities and pollutants	62.02(d)
Approved plan for Louisiana	

40 CFR CHAPTER I (PART 141): SUBCHAPTER D—WATER PROGRAMS—ENVIRONMENTAL PROTECTION AGENCY

	CFR Citation
American Society for Testing and Materials	
1916 Race Street, Philadelphia, Pennsylvania 19103	
ASTM D-2459, Gamma Spectrometry in Water, 1975	141.25(a)(6)
ASTM D-2907, Micro-quantities of Uranium in Water by Flourometry, 1975.	141.25(a)(7)
Address code: b.	
Department of Commerce	
National Bureau of Standards, Washington, D.C. 20234	
Handbook No. 69, Permissible Body Burdens and Maximum Permissible Concentrations of Radionuclides in Air or Water for Occupational Exposure, August 1963.	141.16(b)
Address code: b.	
Department of Energy	
Environmental Measurements Laboratory, 376 Hudson Street, New York, New York 10014	
HASL Procedures Manual HASL—300, 1976	141.25(b)(2)
Address code: b.	
Environmental Protection Agency	
Environmental Monitoring & Support Laboratory (EMSL), 25 W. St. Clair Street, Cincinnati, Ohio 45268	
Interim Radiochemical Methodology for Drinking Water, EMSL, EPA-600/4-75-008.	141.25(a)
Address code: b.	
National Environmental Research Center	
Methods Development and Quality Assurance Research Laboratory (MDQARL), Cincinnati, Ohio 45268	
Methods for Chlorinated Phenoxy Acid Herbicides in Industrial Effluents, MDQARL, 1973.	141.24(f)
Methods for Organochlorine Pesticides in Industrial Effluents, MDQARL, 1973.	141.24(e)
Address code: a.	
Availability Address Codes	
a. Document Control Officer, Room E-447, Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460	

40 CFR CHAPTER I (PART 141): SUBCHAPTER D—WATER PROGRAMS—ENVIRONMENTAL PROTECTION AGENCY—Continued

CFR Citation

b. Office of Drinking Water, Criteria and Standards Division, Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460

40 CFR, CHAPTER I (PART 180): SUBCHAPTER E—PESTICIDE PROGRAMS—ENVIRONMENTAL PROTECTION AGENCY

The following is available from the Document Control Officer, Rm. E-107, Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

CFR Citation

Williams & Wilkinson
Baltimore, MD.

Bergey's Manual of Determinative Bacteriology, Eighth Edition, 1974, pp. 530–536. — 180.1011(a)(1)

40 CFR, CHAPTER I (PARTS 410, 415, 420): SUBCHAPTER N EFFLUENT GUIDELINES AND STANDARDS—ENVIRONMENTAL PROTECTION AGENCY

American Society for Testing and Materials (ASTM)
1916 Race Street, Philadelphia, Pennsylvania 19103

CFR Citation

ASTM D2036–72 Standard Methods of Test for Cyanides in Water, Method B, 1972 Annual Book of ASTM Standards, page 553. — 415.91(c); 420.11(b); 420.41(b); 420.51(b)
Availability address code: a.

Ann Arbor Science Publishers, Inc.
P.O. Box 1425, Ann Arbor, Michigan 48106

Color as Measured by the Modified Tristimulus Method. Proceedings of the 28th Industrial Waste Conference, Purdue University. This publication is no longer available. The same information is contained in the Development Document for Effluent Limitations Guidelines for Textile Mills cited below.. — 410.11(d); 410.21(c); 410.41(c); 410.51(c); 410.61(c); 410.71(c)
Availability address code: See reference referred to below.

U.S. Environmental Protection Agency (WH–552)
401 M Street, S.W., Washington, D.C. 20460

Color as Measured by the Modified Tristimulus Method, Development Document for Effluent Limitations, Guidelines and New Source Performance Standards for the Textile Mills Point Source Category, Appendix A, June 1974, EPA–440/1–74–022–a. — 410.11(d); 410.21(c); 410.41(c); 410.51(c); 410.61(c); 410.71(c)
Availability address code: a and b.

Availability Address Codes

a. Distribution Officer, Effluent Guidelines Division (WH–552), Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460

b. EPA Libraries at the following locations.

Headquarters, Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460

EPA Region I, John F. Kennedy Federal Building, Room 2203, Boston, Massachusetts 02203

EPA Region II, 26 Federal Plaza, Room 900, New York, New York 10007

EPA Region III, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106

EPA Region IV, 345 Courtland Street, N.E., Atlanta, Georgia 30308

EPA Region V, 230 South Dearborn Street, Chicago, Illinois 60604

EPA Region VI, First International Building, 1201 Elm Street, Dallas, Texas 75270

EPA Region VII, 324 East 11th Street, Kansas City, Missouri 64106

EPA Region VIII, 1860 Lincoln Street, Denver, Colorado 80295

EPA Region IX, 215 Fremont Street, San Francisco, California 94105

EPA Region X, 1200 6th Avenue, Seattle, Washington 98101

40 CFR CHAPTER I (PARTS 430, 440): SUBCHAPTER N—EFFLUENT GUIDELINES AND STANDARDS—ENVIRONMENTAL PROTECTION AGENCY

National Council for Air and Stream Improvements, Inc.
260 Madison Avenue, New York, New York 10016

40 CFR CHAPTER I (PARTS 430, 440): SUBCHAPTER N—EFFLUENT GUIDELINES AND STANDARDS—ENVIRONMENTAL PROTECTION AGENCY—Continued

	CFR Citation
Technical Bulletin 253, December 1971	430.11(b); 430.21(b); 430.31(b); 430.41(b)

Availability address code: a.

U.S. Department of Energy
Environmental Measurements Laboratory, 376 Hudson Street, New York, New York 10014

HASL Procedures Manual, HASL–300, 1973, page EU–03	440.82(g)

Availability address code: b and c.

Availability Address Codes

a. National Council for Air and Stream Improvements, Inc., 260 Madison Avenue, New York, New York 10016
b. Health and Safety Research Division, Oak Ridge National Laboratory, Oak Ridge, Tennessee 37830
c. National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22151

40 CFR CHAPTER I (PART 761)—SUBCHAPTER R—TOXIC SUBSTANCES CONTROL ACT—ENVIRONMENTAL PROTECTION AGENCY

American Society for Testing and Materials (ASTM)
1916 Race Street, Philadelphia, PA 19103

ASTM D93–77 Standard Test Method for Flash Point by Pensky-Martens Closed Tester.	761.10(a)(3)(iii)(B)(*6*); 761.41(b)(8)(iii)
ASTM D129–64 (Reapproved 1978) Standard Test Method for Sulfur in Petroleum Products (General Bomb Method).	761.10(a)(3)(iii)(B)(*6*)
ASTM D240—76 Standard Test Method for Heat of Combustion of Liquid Hydrocarbon Fuel by Bomb Calorimeter.	761.10(a)(3)(iii)(B)(*6*)
ASTM D482–74 Standard Test Method for Ash from Petroleum Products.	761.10(a)(3)(iii)(B)(*6*)
ASTM D524–76 Standard Test Method for Ramsbottom Carbon Residue of Petroleum Products.	761.10(a)(3)(iii)(B)(*6*)
ASTM D808–63 (Reapproved 1976) Standard Test Method for Chlorine in New and Used Petroleum Products (Bomb Method).	761.10(a)(3)(iii)(B)(*6*)
ASTM D923–75 Standard Test Method for Sampling Electrical Insulating Liquids.	761.10(g)(1)(ii); .10(g)(2)(ii)
ASTM D1266–70 (Reapproved 1975) Standard Test Method for Sulfur in Petroleum Products (Lamp Method).	761.10(a)(3)(iii)(B)(*6*)
ASTM D1796–68 (Reapproved 1977) Standard Test Methods for Water and Sediment in Crude Oils and Fuel Oils by Centrifuge.	761.10(a)(3)(iii)(B)(*6*)
ASTM D2158–65 (Reapproved 1975) Standard Test Method for Residues in Liquefied Petroleum (LP) Gas.	761.10(a)(3)(iii)(B)(*6*)
ASTM D2709–68 (Reapproved 1977) Standard Test Method for Water and Sediment in Distillate Fuel by Centrifuge.	761.10(a)(3)(iii)(B)(*6*)
ASTM D2784–70 (Reapproved 1975) Standard Test Method for Sulfur in Liquefied Petroleum Gases (Oxyhydrogen Burner or Lamp).	761.10(a)(3)(iii)(B)(*6*)
ASTM D3178–73 Standard Test Methods for Carbon and Hydrogen in the Analysis Sample of Coke and Coal.	761.10(a)(3)(iii)(B)(*6*)
ASTM D3278–73 Standard Test Methods for Flash Point of Liquid by Setaflash Closed Tester.	761.41(b)(8)(iii)
ASTM E258–67 (Reapproved 1977) Standard Test Method for Total Nitrogen Inorganic Material by Modified KJELDAHL Method.	761.10(a)(3)(iii)(B)(*6*)

41 CFR CHAPTER 50 (PART 50–204)—PUBLIC CONTRACTS, DEPARTMENT OF LABOR

	CFR Citation
U.S. Department of Agriculture, Agricultural Research Service (ARS) Science and Education Administration, National Agricultural Library, Photo Duplication Division, Beltsville, Maryland 20705	
Respiratory Devices for Protection Against Certain Pesticides, ARS–33–76–2	204.1(a)(4)

(Copies of this standard are also available for inspection and copying at the addresses provided for in the Department of Labor's other submissions for 41 CFR Chapter 50)

The following standards are available for inspection and copying at the following locations:

Technical Data Center: Frances Perkins Department of Labor Building, Room N2439, 200 Constitution Avenue N.W., Washington, D.C. 20210.

Boston Regional Office—Region I: Regional Administrator, U.S. Department of Labor—OSHA, 16–18 North Street, 1 Dock Square Building, 4th Floor, Boston, Massachusetts 02109.

New York Regional Office—Region II: Regional Administrator, U.S. Department of Labor — OSHA, 1515 Broadway (1 Astor Plaza), Room 3445, New York, New York 10036.

41 CFR CHAPTER 50 (PART 50-204)—PUBLIC CONTRACTS, DEPARTMENT OF LABOR—Continued

Philadelphia Regional Office—Region III: Regional Administrator, U.S. Department of Labor—OSHA, Gateway Building, Suite 2100, 3535 Market Street, Philadelphia, Pennsylvania 19104.

Atlanta Regional Office—Region IV: Regional Administrator, U.S. Department of Labor—OSHA, 1375 Peachtree Street, NE., Suite 587, Atlanta, Georgia 30309.

Chicago Regional Office—Region V: Regional Administrator, U.S. Department of Labor—OSHA, 32nd Floor, Room 3263, 230 South Dearborn Street, Chicago, Illinois 60604.

Dallas Regional Office—Region VI: Regional Administrator, U.S. Department of Labor—OSHA, 555 Griffin Square Bldg., Room 602, Dallas, Texas 75202.

Kansas City Regional Office—Region VII: Regional Administrator, U.S. Department of Labor—OSHA, 911 Walnut Street Room 3000, Kansas City, Missouri 64106.

Denver Regional Office—Region VIII: Regional Administrator, U.S. Department of Labor—OSHA, Federal Building, Room 1554, 1961 Stout Street, Denver, Colorado 80294.

San Francisco Regional Office—Region IX: Regional Administrator, U.S. Department of Labor—OSHA, 11349 Federal Building, 450 Golden Gate Avenue, P.O. Box 36017, San Francisco, California 94102.

Seattle Regional Office—Region X: Regional Administrator, U.S. Department of Labor—OSHA, Federal Office Bldg., Room 6003, Seattle, Washington 98174.

	CFR Citation
American Conference of Governmental Industrial Hygenists	
Threshold Limit Values for Air-borne Contaminents for 1968	50-204.50(a)(1)
American Welding Society, Inc.	
Pamphlet A-6.0-1965, Safe Practices for Welding and Cutting Containers that Have Held Combustibles.	50-204.72
Compressed Gas Association, Inc.	
Pamphlet C-6-1978, Standards for Visual Inspection of Compressed Gas Cylinders.	50-204.65
Pamphlet C-8-1962, Standard for Requalification of ICC-3HT Cylinders.	50-204.65
Pamphlet G-1-1966, Acetylene	50-204.66(a)
Pamphlet G-1.3-1959, Acetylene Transmission for Chemical Synthesis	50-204.66(b)
Pamphlet G-1.4-1966, Standard for Acetylene Cylinder Charging Plants.	50-204.66(c)
Pamphlet G-4-1966, Oxygen	50-204.67
Pamphlet G-5.1-1961, Standard for Gaseous Hydrogen Systems at Consumer Sites.	50-204.68
Pamphlet G-5.2-1966, Standard for Liquefied Hydrogen Systems at Consumer Sites.	50-204.68
Pamphlet G-8.1-1964, Standard for the Installation of Nitrous Oxide Systems at Consumer Sites.	50-204.69
Pamphlet P-1-1965, Safe Handling of Compressed Gases	50-204.70
Pamphlet S-1.1-1963 and 1965 Addenda, Safety Release Device Standards—Cylinders for Compressed Gases.	50-204.71
Pamphlet S-1.2-1963, Safety Release Device Standards—Cargo and Portable Tanks for Compressed Gases.	50-204.71
National Committee on Uniform Traffic Laws and Ordinances	
Uniform Vehicle Code-1962 Edition—Chapters 10, 11, 12, and 14	50-204.75

41 CFR CHAPTER 60—OFFICE OF FEDERAL CONTRACT COMPLIANCE PROGRAMS, DEPARTMENT OF LABOR

	CFR Citation
American Medical Association	
535 North Dearborn Street, Chicago, IL 60610	
Guides to the Evaluation of Permanent Impairment—1971	60-741.7(d)

41 CFR CHAPTER 101—GENERAL SERVICES ADMINISTRATION

	CFR Citation
General Services Administration	
Washington, DC 20405	
(The following publications are distributed in accordance with 41 CFR 101-1.104-2 and are available in accordance with 41 CFR 105-60.3.)	
Federal Travel Regulations GSA Bulletin FPMR A-40 as supplemented by FPMR Temporary Regulation A-11 and its Supplements 4, 8, 9, 10, and 11, September 26, 1980.	101-7.003(a)
Commuted rate schedule for transportation of household goods GSA Bulletin FPMR A-2 thru Supplement 92, October 27, 1980.	101-7.003(b)

[FR Doc. 81-18694 Filed 6-29-81; 8:45 am]
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Reader Aids

Federal Register

Vol. 46, No. 125

Tuesday, June 30, 1981

INFORMATION AND ASSISTANCE

PUBLICATIONS

Code of Federal Regulations	
CFR Unit	202-523-3419 523-3517
General information, index, and finding aids	523-5227
Incorporation by reference	523-4534
Printing schedules and pricing information	523-3419
Federal Register	
Corrections	523-5237
Daily Issue Unit	523-5237
General information, index, and finding aids	523-5227
Public Inspection Desk	633-6930
Scheduling of documents	523-3187
Laws	
Indexes	523-5282
Law numbers and dates	523-5282 523-5266
Slip law orders (GPO)	275-3030
Presidential Documents	
Executive orders and proclamations	523-5233
Public Papers of the President	523-5235
Weekly Compilation of Presidential Documents	523-5235
Privacy Act Compilation	523-3517
United States Government Manual	523-5230

SERVICES

Agency services	523-3408
Automation	523-3408
Dial-a-Reg	
Chicago, Ill.	312-663-0884
Los Angeles, Calif.	213-688-6694
Washington, D.C.	202-523-5022
Magnetic tapes of FR issues and CFR volumes (GPO)	275-2867
Public briefings: "The Federal Register—What It Is and How To Use It"	523-5235
Public Inspection Desk	633-6930
Regulations Writing Seminar	523-5240
Special Projects	523-4534
Subscription orders (GPO)	783-3238
Subscription problems (GPO)	275-3054
TTY for the deaf	523-5239

FEDERAL REGISTER PAGES AND DATES, JUNE

29239-29452	1
29453-29690	2
29691-29920	3
29921-30072	4
30073-30326	5
30327-30480	8
30481-30622	9
30623-30796	10
30797-30996	11
30997-31248	12
31249-31402	15
31403-31634	16
31635-31868	17
31869-31998	18
31999-32226	19
32227-32424	22
32425-32550	23
32551-32852	24
32853-33018	25
33019-33236	26
33237-33508	29
33509-34302	30

CFR PARTS AFFECTED DURING JUNE

At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

1 CFR

3 33019
51 33980

3 CFR

Executive Orders:
May 9, 1898
(Revoked by PLO 5949) 29939
February 25, 1919
(Revoked in part by PLO 5959) 31894
April 4, 1922
(Revoked in part by PLO 5961) 31894
June 13, 1925
(Revoked in part by PLO 5957) 31893
February 6, 1926
(Revoked by PLO 5948) 29938
April 17, 1926
(Revoked in part by PLO 5950) 29939
February 14, 1933
(Revoked by PLO 5944) 29710
5451 (Revoked by PLO 5947) 29938
5907 (Revoked in part by PLO 5960) 31894
6618 (Revoked in part by PLO 5958) 31893
11476 (Amended by EO 12306) 29693
11835 (See EO 12306) 29693
12018 (See EO 2306) 29693
12198 (Amended by EO 12306) 29693
12233 (See EO 12306) 29693
12285 (Amended by EO 12307) 30481
12296 (Amended by EO 12309) 30997
12306 29693
12307 30483
12308 30485
12309 (Amends EO 12296) 30997
12310 31869
Proclamations:
4846 29691
4847 30483
4848 31403
Administrative Orders:
Presidential Determinations:
No. 81-8
of June 2, 1981 30797
No. 81-9
of June 2, 1981 29921
No. 81-10
of June 9, 1981 31635

5 CFR

Ch. XIV 30327, 33019
213 31405
230 32425
930 31405
1200 30999
Proposed Rules:
Ch. I 31018

7 CFR

2 ..... 31871, 32227, 32853
20 32227
28 30073
29 32590
301 31999
354 32006
406 32853
409 32853
700 29453
800 ..... 30322, 32859
907 ..... 29923, 30799, 32425
908 ..... 32007, 32425, 32860
910 ..... 30012, 31249, 32008, 33020
911 32425
915 32425
917 ..... 30075, 30077, 32425
918 32425
923 32008
925 32425
945 32010
953 ..... 29454, 30487
979 29693
982 32012
984 31637
991 29693
1425 30327
1464 ..... 32591, 33217
1944 29239
1948 33020
Proposed Rules:
Ch. I 33528
Ch. II 33528
Ch. III 33528
Ch. IV 33528
Ch. V 33528
Ch. VI 33528
Ch. VII 33528
Ch. IX 33528
Ch. X 33528
Ch. XI 33528
Ch. XII 33538
Ch. XIV 33528
Ch. XV 33528
Ch. XVI 33528
Ch. XVII 33528
Ch. XVIII 33528
Ch. XXI 33528

Ch. XXIV.....33528
Ch. XXV.....33528
Ch. XXVI.....33528
Ch. XXVII.....33528
Ch. XXVIII.....33528
Ch. XXIX.....33528
102.....30620
201.....30780, 31424
226.....32026
907.....32030
921.....32871
922.....32031
948.....32031
989.....30645, 32872
993.....29271
1002.....33007
1006.....33529
1012.....33529
1013.....33529
1125.....31424
1133.....31424
1135.....32873, 32874
1701.....32033

8 CFR

204.....29923, 30078
214.....29456
238.....32551

9 CFR

78.....30487
82.....29456, 30488, 31249
92.....29239, 29240

Proposed Rules:

Ch. I.....33528
Ch. II.....33528
Ch. III.....33528
Ch. IV.....33528

10 CFR

2.....30328
51.....29457
376.....29680
390.....29680
440.....29242
1008.....31637
1500.....29924
1502.....29924
1534.....29924

Proposed Rules:

2.....30349
30.....29712
40.....29712
70.....29712
73.....31267
500.....31216
501.....31216
503.....31216
504.....31216
505.....31216
1504.....33053

12 CFR

Ch. II.....31406
204.....32426
217.....32426
220.....31250
265.....33022
303.....30079
523.....32013
552.....30488
570.....30079
701.....31871

Proposed Rules:

213.....29245
220.....32033, 32592
221.....32592
225.....32594
226.....29246
332.....31018
337.....31018
526.....30113
545.....30114
569a.....29246
615.....32450
701.....29247, 29482, 31651, 31654, 31660, 32875
720.....29248

13 CFR

120.....32430
124.....29251

Proposed Rules:

105.....32259
124.....29276, 31899

14 CFR

36.....33454
39.....29252, 29253, 29924-29926, 30332-30334, 30799, 30800, 31250, 31251, 31873-31879, 32228-32230, 32860, 32862, 33217-33228
71.....29254-29256, 29927, 30335, 30801-30806, 31250-31252, 32231-32233, 32863, 33229-33235
73.....29256, 30806
75.....31253
97.....29257, 30807, 33236
121.....32863
135.....30968, 32863
150.....33465
152.....30808
207.....31000
208.....31000
212.....31000
221.....32551
222.....32552
241.....33022
291.....32560
302.....31001
384.....32560
385.....32560, 32563

Proposed Rules:

Ch. I.....30352
39.....31268, 31899, 31900, 32265, 32266, 32875, 33280-33282
47.....33284
49.....33284
61.....33284
63.....33284
65.....33284
67.....33284
71.....29278-29281, 29947-29951, 30353, 30354, 30833, 31269, 32267, 32269, 32876-32879, 33284-33286
73.....30833
75.....29280, 29281, 31278
121.....32409, 32413
123.....32409
127.....32409
135.....32409, 32413
143.....33284
187.....33284
323.....29282
302.....29718
399.....29285, 29719, 29727

15 CFR

19.....33238
50.....33509
370.....29457
371.....32431
374.....32563
376.....31001, 31407, 32563
377.....32431
379.....32563
385.....31407, 33509
399.....31407, 32431
806.....30336
908.....32233
935.....32014
936.....32014

Proposed Rules:

330.....29662
331.....29662
332.....29662
340.....29662
341.....29662
342.....29662
343.....29662
350.....29662
351.....29662
352.....29662
353.....29662
354.....29662
373.....30623
937.....33530

16 CFR

4.....32435
13.....29458, 29928, 30337, 32233, 32234, 33510
460.....29256
1031.....29928
1032.....29928
1212.....29696

Proposed Rules:

Ch. II.....29951, 30115, 31901
13.....30646, 32450
453.....31662

17 CFR

15.....29931
16.....29931
17.....29931
18.....29931
21.....29931
230.....31880
285.....32879
286.....32879
287.....32879

Proposed Rules:

Ch. I.....29952
Ch. II.....33287
1.....33293
17.....33293
33.....33293
270.....32595

18 CFR

141.....29459
271.....29697, 29699, 30489-30491, 31253-31256, 32235-32238, 33023, 33024
282.....33238
284.....30491
292.....32238, 33025
375.....29700
1301.....31002
1309.....30811

Proposed Rules:

Ch. I.....31902
157.....30505
271.....30833, 32270, 32596, 32597
292.....31663
375.....30505

19 CFR

101.....29462, 32436
103.....32564
134.....30338
152.....32564
175.....32564
353.....32864

Proposed Rules:

Ch. I.....29953
200.....29729

20 CFR

655.....32437

Proposed Rules:

Ch. I.....33536
Ch. V.....33536
Ch. VI.....33536
404.....29953

21 CFR

5.....31003
74.....31004
101.....31004
135.....31004
145.....33027
166.....31004
172.....30080, 32015
173.....30492, 30493
175.....32015
178.....31005-31007
193.....30338, 30494, 31008, 32239, 32865
314.....32016
436.....33512
444.....31009
510.....33028
520.....29464, 31010, 32017, 32438, 32439, 33028
522.....33513
524.....32440
540.....33029
558.....32018, 32019
561.....30339, 31637
573.....30081
1308.....32019

Proposed Rules:

105.....33053
145.....33055
161.....30505
180.....31020, 32453
182.....31020, 32453
430.....30115
436.....30115
440.....30115
444.....30115
448.....30115
452.....30115
1308.....29484

22 CFR

41.....30082

Proposed Rules:

171.....30649

23 CFR

450.....33513
630.....33513

Proposed Rules:

625.....32880

655 32880

24 CFR

235 ..... 29256, 31257
570 29908
841 33468
3280 33980

25 CFR

52 31880
256 33241

26 CFR

1 ..... 29465, 31409, 31881, 32239
7a 30495
11 29465
35 30495

Proposed Rules:

20 32598
31 31278

27 CFR

4 29260
19 ..... 29261, 32224
70 29261
240 29261
245 29261
250 29261
270 29261
275 29261

Proposed Rules:

9 31020

28 CFR

0 ..... 29704, 29931
16 ..... 30495, 32021, 32866
42 33980
301 31204

Proposed Rules:

31 29438
522 31210
527 31210
544 31210
545 31210

29 CFR

Ch. XXVI 32574
1 33514
4 33515
5 33514
6 33514
92 32214
402 33980
403 33980
404 33980
405 33980
406 33980
408 33980
409 33980
526 33981
570 33981
778 ..... 32440, 33515
1601 33030
1910 ..... 31010, 32021, 33244, 33515, 33981
1915 33981
1916 33981
1917 33981
1918 33981
1926 33981
1928 ..... 32021, 33981
1952 32022
2530 33517
2610 ..... 31257, 32022
2613 32866

Proposed Rules:

Subtitle A 33536
Ch. II 33536
Ch. IV 33536
Ch. XIV 33055
Ch. XVII 33536
Ch. XXV 33536
530 29485

30 CFR

1 33517
11 ..... 33517, 33989
15 33517
16 33517
17 33517
18 33517
19 33517
20 33517
21 33517
22 33517
23 33517
24 33517
25 33517
26 33517
27 33517
28 ..... 33517, 33989
29 ..... 33517, 33989
31 33517
32 33517
33 33517
35 33517
36 33517
49 33517
50 33517
55 33989
56 33989
57 33989
70 33989
71 ..... 33517, 33518, 33989
74 33517
75 ..... 33517, 33989
77 ..... 33517, 33989
90 33989
250 29932
700 ..... 31258, 33993
716 31258
785 ..... 31256, 33993
795 33993
816 33993
817 33993
820 33993
906 33056
920 33056
931 ..... 31638, 33056
934 33056
944 33056
948 33056
950 33056

Proposed Rules:

Ch. I 33536
Ch. II 32885
221 32454
715 32455
816 32455
817 32455

31 CFR

51 ..... 29261, 31409, 33994
535 ..... 30340, 31630

32 CFR

199 29704
294 29705
295 33245
581 33518
706 32023

Proposed Rules:

41 31663
298a 29486
505 33057

33 CFR

25 29933
67 33995
149 33995
150 33995
154 33995
155 33995
157 33995
159 33995
164 33995
165 29933
183 ..... 32867, 33995
204 29934
222 33996

Proposed Rules:

82 32886
100 29288
110 31278
117 ..... 30354, 30634, 32887
160 30835
162 29954
402 30838

34 CFR

64 33246
104 33996
324 31998
773 31866

36 CFR

13 ..... 31836, 33031
261 33518
262 33518

Proposed Rules:

Ch. II 33528
223 33533
272 31021
1190 30839

37 CFR

201 33248
202 33248
303 32576

Proposed Rules:

201 30649
202 30651

38 CFR

3 31011
17 33521
18 33997
21 ..... 29474, 32023
36 33997

Proposed Rules:

Ch. I 31903
3 32036
21 31022

39 CFR

10 33997
111 ..... 32578, 33249, 33997
601 ..... 30623, 33997

Proposed Rules:

10 30505

40 CFR

30 31259
35 31642
40 31259
51 33997
52 ..... 29707, 30082, 30496, 31011, 31012, 31258–31261, 31881, 32440, 33524, 33997
60 29262
61 29262
62 ..... 30496, 33999
81 ..... 31013, 31886, 32582, 33031, 33269, 33524
86 ..... 30497, 31411, 32868
122 ..... 29708, 30624
123 29935
141 33999
162 29708
180 ..... 30342, 30499, 30624, 31014, 31015, 31642, 32441, 32442, 33269, 34000
228 ..... 31412, 31413
260 29708
261 29708
264 ..... 29708, 30624
265 ..... 29708, 30624, 33502
410 34000
413 30625
415 34000
420 34000
430 34000
440 34000
761 ..... 32868, 34001

Proposed Rules:

52 ..... 29289, 29488, 30116, 30355–30366, 30653–30655, 31023, 31024, 31446, 31675, 31903, 32036, 32271, 32456, 33058, 33333–33336
60 ..... 29955, 31904
61 32599
62 31026
81 ..... 29281, 30368, 30655, 31027, 32272, 33059
86 31677
123 ..... 29292, 31028, 31279
180 ..... 30506, 30662, 31279, 32038, 32273, 32457, 33060
192 32458
408 30663
420 32274
430 31028
431 31028
761 32887
773 30300

41 CFR

Ch. I 33270
7–1 ..... 31566, 31886
7–3 31886
7–6 31886
7–7 31886
7–10 31886
7–15 31886
7–30 31886
8–4 33032
8–14 31262
8–74 31262
Ch. 12 30816
15–1 29709
15–3 31643
Ch. 18 (Parts 1, 2, 3, 8, 20, App. M) 32443
Ch. 18 (Parts 1, 3, 4, 13, 21) 32444
50–204 34001
51–1 33032
51–2 33032

51-3.....33032
51-4.....30084, 33032
51-5.....30084, 33032
60-1.....33033
60-2.....33033
60-4.....33033
60-20.....33033
60-30.....33033
60-50.....33033
60-60.....33033
60-250.....33033
60-471.....33033
60-741.....34002
Ch. 101.....31890, 31891
101-7.....34002

Proposed Rules:
Ch. 1.....30369
Ch 4.....33528
Ch. 29.....33536
Ch. 50.....33536
Ch. 60.....33536
1-4.....30369
101-11.....30369
101-37.....30369
104-4.....29955

43 CFR

5420.....29262

Public Land Orders:
1281 (Revoked by 5883).....29263
1933 (Revoked by 5956).....31892
5169 (Amended by PLO 5396 and 5951).....29937
5179 (Amended by PLO 5250 and 5951).....29937
5180 (Amended by PLO 5418 and 5951).....29937
5250 (Amended by PLO 5951).....29937
5396 (Amended by PLO 5951).....29937
5418 (Amended by PLO 5951).....29937
5865.....30500
5866.....30500
5867.....32240
5883.....29263
5904.....33275
5943.....29710
5944.....29710
5945.....29939
5946.....29939
5947.....29938
5948.....29938
5949.....29939
5950.....29939
5951.....29937
5952.....30086
5953.....30817
5954.....31892
5955.....31892
5956.....31892
5957.....31893
5958.....31893
5959.....31894
5960.....31894
5961.....31894
5962.....31895

Proposed Rules:
35.....29955
230.....32459

44 CFR

1.....32583
64.....29940, 29942, 30626, 31643, 32240, 32241, 33275
65.....32243, 32247
67.....30500, 30628, 31263, 31645, 31646
205.....32587

Proposed Rules:
55.....29292
61.....29292
67.....29729-29732, 29956, 30116, 30124, 30507, 30663, 30665, 31281-31285, 31680, 31686, 31692, 32275, 33060-33062, 33337
300.....29264

45 CFR

3.....30343
46.....29883
74.....30500
235.....29264

Proposed Rules:
71.....29732
301.....30372
304.....29964
1300.....31029

46 CFR

Proposed Rules:
160.....33341
310.....30507
502.....30666
510.....32279
524.....32460
547.....30667

47 CFR

1.....30818
2.....31414, 31415
22.....31417
61.....29264, 30818
63.....31418
64.....29474, 32039
73.....30086-30091, 30343, 30344, 31264, 31265, 31421, 31422, 31895, 32039, 32868, 33033-33037
74.....31265
81.....31015
83.....31015
90.....31422, 31647, 32039
95.....32039, 32416
97.....31415

Proposed Rules:
Ch. I.....30516, 30668, 31286, 33533
2.....30124, 31290, 31693, 32280
21.....32280
22.....31292
23.....30124
31.....30150, 30152
63.....31693
67.....32281
73.....29488, 30153, 30154, 30372, 30516-30518, 31029, 31290, 31695, 31909, 32887
87.....32280
90.....32280
94.....30124
97.....32888

48 CFR

Proposed Rules:
4.....32600
8.....32600
47.....32600

49 CFR

1.....29269
172.....29392, 32250
387.....30974
531.....29944
571.....32251, 32254
575.....29269
613.....33513
Ch. X.....30092
1000.....30502
1003.....31016, 33277
1011.....32449
1033.....29480, 30502, 30632, 32588
1039.....32025, 32257
1043.....33277
1056.....29711, 29945
1090.....32257
1100.....30832
1137.....30832
1300.....32257

Proposed Rules:
171.....29967
172.....29968, 29973
173.....29967, 29968, 29973, 31294
175.....29968
178.....29973
192.....32287
195.....32287
212.....32888
213.....32898
571.....31294, 32899
1004.....30668, 32460
1047.....30668
1048.....31450
1057.....32460
1127.....30156
1201.....30839, 32289
1241.....30839
1248.....30839

50 CFR

17.....29481, 33278
36.....31818
91.....30633
219.....31648
301.....30345
371.....32868
611.....33038
651.....30348
661.....29733, 30633
672.....33038
674.....33041

Proposed Rules:
17.....29490, 33063
20.....31030
23.....33534
651.....33350
653.....30674
682.....30674

AGENCY PUB

The following ag
documents on t
(Monday/Thursd

Monday
DOT/SECRE
DOT/COAST
DOT/FAA
DOT/FHWA
DOT/FRA
DOT/NHTSA
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Note: No publi
Office of the Fe
Laws.

Last Listing Ju

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
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DOT/FHWA	USDA/REA		DOT/FHWA	USDA/REA
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DOT/NHTSA	LABOR		DOT/NHTSA	LABOR
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Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
Comments should be submitted to the

Day-of-the-Week Program Coordinator,
Office of the Federal Register,
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List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

Last Listing June 26, 1981

V
4
6

J
E

3
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8
1
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V 46 JE 30 81 UMI

Vol. 46, No. 1
Book 2 of 2 B
Pages 34003-

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Vol. 46, No. 125
Book 2 of 2 Books
Pages 34003-34282

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Book 2 of 2 Books
Tuesday, June 30, 1981

Part IV

REGULATORY INFORMATION SERVICE CENTER

Calendar of Federal Regulations

34011 Chapter 1—Energy

34033 Chapter 2—Environment and Natural Resources

34067 Chapter 3—Finance and Banking

34089 Chapter 4—Health and Safety

34144 Chapter 5—Human Resources

34159 Chapter 6—Trade Practices

34183 Chapter 7—Transportation and Communication

34209 Index I—Sectors Affected by Regulatory Action

34243 Index II—Date of Next Regulatory Action

34256 Index III—Dates for Comments, Hearings, or Meetings

34262 Appendix I—Executive Order 12291

34269 Appendix II—Status of Regulations from November 1980 Edition

34282 Appendix III—Publication Dates for Agency Semiannual Regulatory Agendas

34283 Appendix IV—Important Regulations Scheduled for Agency Review

REGULATORY INFORMATION SERVICE CENTER

AGENCY: Regulatory Information Service Center.

ACTION: Calendar of Federal Regulations.

SUMMARY: The Regulatory Information Service Center publishes the **Calendar of Federal Regulations** in order to provide the President, the Congress, and the public with a tool to better understand and help shape the Federal regulatory process. Special indices to the material help readers identify quickly items that might be of most interest.

ADDRESS: Regulatory Information Service Center, Suite 700, 2100 M Street N.W., Washington, DC 20037.

FOR FURTHER INFORMATION: For information about specific regulations, please refer to the Agency Contact listed at the end of each entry.

For further information about the work of the Regulatory Information Service Center: Mark G. Schoenberg, Executive Director, Regulatory Information Service Center, Suite 700, 2100 M Street N.W., Washington, DC 20037, (202) 653–7246.

For further information about the **Calendar** project: Elizabeth Jester, Project Manager, **Calendar of Federal Regulations**, Regulatory Information Service Center, Suite 700, 2100 M Street N.W., Washington, DC 20037, (202) 653–7240.

SUPPLEMENTARY INFORMATION:

Letter From the Executive Director of the Regulatory Information Service Center

The Regulatory Information Service Center is responsible for providing regulatory information to the President, the Congress, and the public so they can understand and help shape Federal regulatory policy. The Center publishes the **Calendar of Federal Regulations** twice a year as a part of its responsibility. The **Calendar of Federal Regulations** provides a comprehensive overview of important regulations that agencies are developing and a summary of the analytical bases for them. Agencies submit entries describing their regulatory activities to Center staff who review the material to make sure it is in a consistent format and provides the reader as much information as is available. The Center is not, however, responsible for the accuracy or completeness of agency materials.

The **Calendar** is designed to help improve the regulatory process, to identify areas of multiple regulatory impact, and to assist the regulators in developing well-reasoned, cost-effective, and consistent regulatory policies. By doing so, it complements other efforts by President Reagan's Administration, such as Executive Order 12291, "Federal Regulation," which seek to reduce the regulatory burden on our economy and our citizens. It also provides information to Vice President Bush's Task Force on Regulatory Relief about the burdens and benefits of important regulatory activities under development.

The **Calendar** and the Regulatory Agendas required under E.O. 12291 allow interested parties to track most of the regulatory activity under development in the Federal Government. Through continued publication of the **Calendar of Federal Regulations** and other projects we will undertake, the Regulatory Information Service Center will design and implement systems that will provide information about regulatory activities so that we can better understand and manage the Federal regulatory process. We solicit your comments on what regulatory information you need and in what forms that information would be most valuable. You can provide this information by completing the comment card we have provided on the back of this volume or by writing to us. We look forward to hearing from you.

Dated: June 26, 1981.

Mark G. Schoenberg,

Executive Director.

TABLE OF CONTENTS

Introduction

Page

Letter from the Executive Director of the Regulatory Information Service Center .. 34004
Agency Participation in the Calendar Project 34004
Information about Additional Copies 34005
How to Use the Calendar 34005
About the Entries
- Criteria for Selection 34005
- Contents of Entries 34005
- Data Limitations 34006

List of Abbreviations 34006
List of Agency Acronyms 34006
List of Regulations (Alphabetically by Agency) 34007

Chapters

Chapter 1 Energy 34011
Chapter 2 Environment and Natural Resources 34033
Chapter 3 Finance and Banking 34067
Chapter 4 Health and Safety 34089

Chapters—Continued

Chapter 5 Human Resources 34144
Chapter 6 Trade Practices 34159
Chapter 7 Transportation and Communication 34183

Indices

Index I Sectors Affected by Regulatory Action 34209
Index II Date of Next Regulatory Action 34243
Index III Dates for Comments, Hearings, or Meetings 34256

Appendices

Appendix I Executive Order 12291 34262
Appendix II Status of Regulations from November 1980 Edition 34269
Appendix III Publication Dates for Agency Semiannual Regulatory Agendas 34282
Appendix IV Important Regulations Scheduled for Agency Review 34283

AGENCY PARTICIPATION IN THE CALENDAR PROJECT

Thirty-three Federal departments and agencies with significant regulatory responsibilities have submitted information about regulations under development for this edition of the **Calendar**. Eighteen of these 33 are executive departments and agencies, and 15 are independent regulatory agencies. The extent of an independent regulatory agency's activity in the **Calendar** project is determined by the independent agency. Listed below are the 33 agencies that contributed to this edition:

Executive Agencies

- Department of Agriculture
- Department of Commerce
- Department of Education
- Department of Energy
- Department of Health and Human Services
- Department of Housing and Urban Development
- Department of the Interior
- Department of Justice
- Department of Labor
- Department of Transportation
- Department of the Treasury
- Environmental Protection Agency
- Equal Employment Opportunity Commission
- Federal Emergency Management Agency

General Services Administration
National Credit Union Administration
Small Business Administration
Veterans Administration

Independent Regulatory Agencies

Civil Aeronautics Board
Commodity Futures Trading Commission
Consumer Product Safety Commission
Federal Communications Commission
Federal Deposit Insurance Corporation
Federal Election Commission
Federal Energy Regulatory Commission
Federal Home Loan Bank Board
Federal Maritime Commission
Federal Reserve System
Federal Trade Commission
Interstate Commerce Commission
Nuclear Regulatory Commission
Postal Rate Commission
Securities and Exchange Commission

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HOW TO USE THE CALENDAR

The **Calendar** is organized to help users locate information about regulations of interest to them. The **Calendar** contains a letter from Mark G. Schoenberg, Executive Director of the Regulatory Information Service Center; a table of contents; a section on how to use the **Calendar**; a list of abbreviations; a list of regulations covered in this edition; seven chapters describing these regulations; three indices; and four appendices.

The section on how to use the **Calendar** explains the basic organization of the **Calendar**, how to use its individual components, the criteria the agencies used to select the regulations reported, the type of information available in each entry, and the limitations on the data presented.

The entries describing regulations have been divided into seven chapters; each covers a major area of Federal regulatory activity:

(1) Energy
(2) Environment and Natural Resources
(3) Finance and Banking
(4) Health and Safety
(5) Human Resources
(6) Trade Practices
(7) Transportation and Communication

Within each chapter entries are presented in alphabetical order, first by executive and then by independent agencies. The entries are further alphabetized by issuing office, if any, and then by the title of the entry.

Seven indices and appendices have been created to aid **Calendar** readers to locate easily information that may be important to them.

Separate indices identify sectors affected by each proposal, the estimated date of the next regulatory action, and dates for comments, hearings, and meetings on the regulations under development, when applicable.

The appendices include: (I) President Reagan's Executive Order 12291 ("Federal Regulation"), (II) the status of the regulations that were reported in the last edition of the **Calendar** but are absent from this edition, (III) publication dates for each agency's Semiannual Regulatory Agenda, and (IV) important regulations scheduled for agency review.

Each index and appendix begins with a brief description of its contents, and how to use it.

ABOUT THE ENTRIES

Agencies submitted entries for the **Calendar** that describe their regulations under development. These entries comprise the body of the **Calendar**.

Criteria for Selection

This edition of the **Calendar** provides an overview of important regulations *under development* by 33 Federal agencies. Each agency submitted entries for the **Calendar** according to several criteria. At a minimum, agencies were asked to use the same criteria as those they use for determining when to prepare Regulatory Impact Analyses under the general guidelines in Executive Order 12291 ("Federal Regulation," 46 FR 13193, February 19, 1981).

In addition to these criteria, agencies have submitted reports on regulations for this **Calendar** that concern:

- Precedent-setting rules.
- Issues of great public interest.
- Rules that may increase productivity and/or profits without causing any adverse effects.
- Grants and income transfer program regulations that may impose annual compliance costs of $100 million or more.
- Regulations that the agency is reproposing after review pursuant to Executive Order 12291 or their own internal review procedures, if the proposed change would have important consequences.

Any regulation which the agency reported in the fourth edition of the **Calendar** is also reported in this edition unless it has been issued as a final rule, is "on hold" for various reasons, or has been withdrawn. If so, we have noted this action in Appendix II: Status of Regulations from November 1980 Edition.

The regulations covered in the **Calendar** are those for which an agency is reasonably likely to issue an Advance Notice of Proposed Rulemaking (ANPRM), a Notice of Proposed Rulemaking (NPRM), a Final Rule, or to take other significant action *within the next twelve months.*

For clarity and consistency, the **Calendar** staff asked all agencies in preparing their **Calendar** entries to follow a set of guidelines we developed in consultation with the agencies and the Office of Management and Budget, the Council of Economic Advisers, and other offices in the Executive Office of the President. The guidelines used by agencies in preparing submissions to this edition of the **Calendar** are available from the Regulatory Information Service Center.

Contents of Entries

Each **Calendar** entry describes a regulation and contains the following information

Title and CFR Citation	Title of the regulation under development and the CFR citation for the regulation. An asterisk (*) after the CFR citation indicates that the regulation will be a revision to an existing regulation that has been codified in the CFR. If the regulation under development will occupy a new CFR section, there is no asterisk. If there is no CFR citation, the regulation has not yet been assigned a place in the CFR.
Legal Authority	A citation of the statutory authority under which the agency undertakes the regulatory action.
Reason for Including This Entry	A brief statement of the importance of the regulation under development.
Statement of Problem	A brief discussion of the problem that the regulation is addressing.

Contents of Entries—Continued

Alternatives Under Consideration	A brief description of the major choices the agency is considering to achieve its regulatory objectives.
Summary of Benefits	A discussion of the expected direct and indirect benefits of the regulatory action to the sectors of the economy, population, government, etc., that will be affected.
Sectors Affected	A listing of those sectors that may benefit as a result of the proposal. Where possible, we use Standard Industrial Classification (SIC) terminology in listing the sectors.
Summary of Costs	A discussion of the expected direct and indirect costs of this action to the sectors of the economy, population, government, etc., that may be affected.
Sectors Affected	A listing of the sectors that may bear costs as a result of the proposal. Where possible, we use SIC terminology in listing the sectors.
Related Regulations and Actions	A description of other regulations or actions, either within or outside the agency, that are related to the regulation under consideration.
Active Government Collaboration	The steps the agency is taking to coordinate the proposed regulation with any other Federal, State, or local agencies.
Timetable	A chronological listing of the future major steps the agency will take to develop the regulation.
Available Documents	A list of major background documents related to the proposed regulation, and notice of where they may be obtained or read.
Agency Contact	The name, address, and telephone number of a person in the agency who can respond to questions about the proposed regulation.

Data Limitations

Agencies prepared entries for this edition of the **Calendar** to give the public the earliest possible notice of their plans to propose and promulgate regulations. They have tried to predict their future activities accurately, but dates and schedules are still tentative. Agencies may withdraw some of the entries they have listed, or they may promulgate or propose other regulations not included in this edition. Agency actions in the rulemaking process may occur before or after the dates they have listed in the **Calendar**. The **Calendar** does not create a legal obligation on submitting agencies to adhere to schedules within it or to confine their regulatory activities to those regulations that appear. The information in this edition is accurate as of May 1, 1981, in the judgment of the submitting agencies.

LIST OF ABBREVIATIONS

The following abbreviations appear throughout this edition of the **Calendar**:

ANPRM—The Advance Notice of Proposed Rulemaking is a preliminary notice that an agency is considering a regulatory action. The agency issues an ANPRM before it develops a detailed proposed rule. The ANPRM usually describes the general area that will be subject to the regulation, lists the alternatives that the agency is considering, and asks for public comment on the proposed regulation.

CFR—The Code of Federal Regulations is a codification of the general and permanent rules published in the **Federal Register** by the departments and agencies of the Federal Government. The Code is divided into 50 titles which represent broad areas subject to Federal regulation. The Office of the Federal Register revises it annually.

E.O.—Executive Orders are Presidential directives issued to agencies. They are published in the **Federal Register** and in Title 3 of the Code of Federal Regulations.

FR—The **Federal Register** is a daily Federal Government publication that announces all proposed and final Federal regulations. It also contains notices of public meetings and other events Federal agencies may schedule.

FY—Fiscal year is a budget term. The Federal fiscal year runs from October 1 to September 30, as opposed to the calendar year, which runs from January 1 to December 31. (For example, fiscal year 1982 extends from October 1, 1981 to September 30, 1982.)

NTIS—The National Technical Information Service of the Department of Commerce is the central point in the United States for the public sale of government-funded research and development reports and other analyses prepared by Federal agencies, their contractors, or grantees.

NPRM—The Notice of Proposed Rulemaking is the document an agency issues and publishes in the **Federal Register** that solicits public comments on a proposed regulatory action. Under the Administrative Procedure Act, it must include, at a minimum:

- Statement of the time, place, and nature of the public rulemaking proceeding.
- Reference to the legal authority under which the rule is proposed.
- Either the terms or substance of the regulation under development, or a description of the subjects and issues involved.

SIC—The Standard Industrial Classification Manual defines industries in accordance with the composition and structure of the economy and covers the entire field of economic activities. The **Calendar of Federal Regulations** uses SIC terminology, whenever possible, throughout the "Sectors Affected" sections. Please see the introduction to Index I for a detailed description of SIC terminology and for information on how to obtain the SIC manual.

U.S.C.—The United States Code contains a consolidation and codification of all general and permanent laws of the United States. The U.S.C. is divided into 50 titles which represent broad areas of Federal law.

LIST OF AGENCY ACRONYMS

Executive Agencies

USDA—U.S. Department of Agriculture
- AMS—Agricultural Marketing Service
- APHIS—Animal and Plant Health Inspection Service
- FmHA—Farmers Home Administration
- FNS—Food and Nutrition Service
- FS—Forest Service
- FSQS—Food Safety and Quality Service
- SCS—Soil Conservation Service

DOC—Department of Commerce
- ITA—Industry and Trade Administration
- MARAD—Maritime Administration
- NMFS—National Marine Fisheries Service
- NOAA—National Oceanic and Atmospheric Administration
- NTIA—National Telecommunications and Information Administration
- OCZM—Office of Coastal Zone Management
- OPSP—Office of Product Standards Policy
- PTI—Productivity, Technology, and Innovation

ED—Department of Education
- OCR—Office for Civil Rights
- OERI—Office of Educational Research and Improvement
- OESE—Office of Elementary and Secondary Education
- OM—Office of Management
- OPE—Office of Post-Secondary Education

OS—Office of the Secretary
OSERS—Office of Special Education and Rehabilitative Services
DOE—Department of Energy
CE—Conservation and Renewable Energy
CS—Conservation and Solar Applications (now changed to CE)
ERA—Economic Regulatory Administration
FE—Fossil Energy
RA—Resource Applications (now changed to FE)
HHS—Department of Health and Human Services (formerly Department of Health, Education, and Welfare)
FDA—Food and Drug Administration
HCFA—Health Care Financing Administration
HUD—Department of Housing and Urban Development
FHA—Federal Housing Administration
HOUS—Office of the Assistant Secretary for Housing
NVACP—Neighborhoods, Voluntary Associations, and Consumer Protection
OS—Office of the Secretary
DOI—Department of the Interior
BIA—Bureau of Indian Affairs
BLM—Bureau of Land Management
FWS—Fish and Wildlife Service
GS—Geological Survey
HCRS—Heritage Conservation and Recreation Service
NPS—National Park Service
OSM—Office of Surface Mining
WPRS—Water and Power Resource Service
DOJ—Department of Justice
CRD—Civil Rights Division
INS—Immigration and Naturalization Service
LEAA—Law Enforcement Assistance Administration
OJARS—Office of Justice Assistance, Research, and Statistics
DOL—Department of Labor
ESA—Employment Standards Administration
ETA—Employment and Training Administration
LMSA—Labor Management Services Administration
MSHA—Mine Safety and Health Administration
OSHA—Occupational Safety and Health Administration
PWBP—Pension Welfare Benefits Program
DOT—Department of Transportation
FAA—Federal Aviation Administration
FHWA—Federal Highway Administration
FRA—Federal Railroad Administration
NHTSA—National Highway Traffic Safety Administration
OST—Office of the Secretary of Transportation
RSPA—Research and Special Programs Administration
UMTA—Urban Mass Transportation Administration
USCG—United States Coast Guard
TREAS—Department of the Treasury
ATF—Alochol, Tobacco, and Firearms Bureau
CUSTOMS—U.S. Customs Service
IRS—Internal Revenue Service
OCC—Office of the Comptroller of the Currency
ORS—Office of Revenue Sharing
EPA—Environmental Protection Agency
OANR—Office of Air, Noise, and Radiation
OE—Office of Enforcement
OMSAPC—Office of Mobile Source Air Pollution Control
OPTS—Office of Pesticides and Toxic Substances
ORP—Office of Radiation Programs
OWWM—Office of Water and Waste Management
EEOC—Equal Employment Opportunity Commission
OGC—Office of the General Counsel
OPI—Office of Policy Implementation
FEMA—Federal Emergency Management Agency
GSA—General Services Administration
FPRS—Federal Property Resources Service
HRO—Administration Operations Division
NARS—National Archives and Records Service
NCUA—National Credit Union Administration
OMB—Office of Management and Budget
SBA—Small Business Administration
VA—Veterans Administration
DMA—Department of Memorial Affairs
OHG—Office of Human Goals

Independent Regulatory Agencies

CAB—Civil Aeronautics Board
CFTC—Commodity Futures Trading Commission
CPSC—Consumer Product Safety Commission
FCC—Federal Communications Commission
FDIC—Federal Deposit Insurance Corporation
FEC—Federal Election Commission
FERC—Federal Energy Regulatory Commission
FHLBB—Federal Home Loan Bank Board
FMC—Federal Maritime Commission
FRS—Federal Reserve System
FTC—Federal Trade Commission
ICC—Interstate Commerce Commission
NRC—Nuclear Regulatory Commission
OSD—Office of Standards Development (now combined with and referred to, as RES)
RES—Office of Nuclear Regulatory Research
PRC—Postal Rate Commission
SEC—Securities and Exchange Commission

LIST OF REGULATIONS

Alphabetically by Agency

EXECUTIVE AGENCIES

Department of Agriculture

Please see Appendix II. 34269

Department of Commerce

DOC-MARAD Construction-Differential Subsidy Repayment; Total Repayment Policy 34159
DOC-NOAA Regulations Implementing a Fishery Management Plan for the Groundfish Fishery for the Bering Sea/Aleutian Island Area 34033
DOC-NOAA Regulations on the Construction, Location, Ownership, and Operation of Ocean Thermal Energy Conversion (OTEC) Facilities and Plantships 34011
DOC-NOAA Regulations on the Mining of Deep Seabed Hard Mineral Resources 34036

Department of Education

ED-OESE Financial Assistance to Local and State Agencies to Meet Special Educational Needs; and Financial Assistance to Local Educational Agencies for Children with Special Educational Needs 34144
ED-OPE Institutional Aid Program Regulations 34145

Department of Energy

DOE-CE Commercial and Apartment Conservation Service Program 34013
DOE-CE Energy Conservation Program for Consumer Products Other Than Automobiles 34014
DOE-CE Energy Performance Standards for New Buildings ... 34015
DOE-ERA Natural Gas Curtailment Priorities for Interstate Pipelines 34016

DOE-FE Variable Work Commitment Bidding System for Outer Continental Shelf Oil and Gas Lease Sales 34019

Department of Health and Human Services

HHS-FDA Abbreviated New Drug Applications for New Drugs Approved After October 10, 1962, for Human Use .. 34089
HHS-FDA Chemical Compounds Used in Food-Producing Animals; Criteria and Procedures for Evaluating Assays for Carcinogenic Residues 34091
HHS-FDA New Drug and Antibiotic Drug Regulations; Revision of Regulations Governing Approval for Marketing 34093
HHS-HCFA Uniform Reporting Systems for Health Services Facilities and Organizations 34094

Department of Housing and Urban Development

HUD-HOUS Minimum Property Standards for One- and Two-Family Dwellings..... 34146

Department of the Interior

DOI-HCRS Uniform Rules and Regulations for the Protection and Conservation of Archaeological Resources Located on Public and Indian Lands..... 34038
DOI-NPS Right-of-Way Regulations 34041

Department of Justice

DOJ-CRD Coordination of Enforcement of Nondiscrimination in Federally Assisted Programs..... 34147
DOJ-CRD Procedures for Complaints of Employment Discrimination Filed Against Recipients of Federal Funds.... 34149
DOJ-CRD Regulations Prohibiting Discrimination on the Basis of Age in Federally Assisted Programs..... 34150
DOJ-CRD Regulations Prohibiting Discrimination on the Basis of Sex in Education and Training Programs Receiving Federal Financial Assistance 34151
DOJ-INS Admission of Refugees and Asylum Procedures.. 34152

Department of Labor

Please see Appendix II. 34269

Department of Transportation

DOT-FAA Flammability Standards for Crewmember Uniforms..... 34096
DOT-FHWA Buy America Requirements 34161
DOT-FHWA Design Standards for Highways—Geometric Design Standards for Resurfacing, Restoration, and Rehabilitation (RRR) of Streets and Highways Other Than Freeways..... 34183
DOT-FHWA Hours of Service of Drivers..... 34098
DOT-NHTSA Bumper Standard.. 34100
DOT-NHTSA Crashworthiness Ratings 34100
DOT-NHTSA Heavy-Duty Vehicle Brake Systems 34102
DOT-NHTSA Occupant Crash Protection..... 34103
DOT-OST Special Air Traffic Rules and Airport Traffic Patterns..... 34185
DOT-USCG Construction and Equipment for Existing Self-Propelled Vessels Carrying Bulk Liquefied Gases..... 34104
DOT-USCG Construction Standards for the Prevention of Pollution from New Tank Barges Due to Accidental Hull Damage; and Regulatory Action to Reduce Pollution from Existing Tank Barges Due to Accidental Hull Damage..... 34042

Department of the Treasury

TREAS-ATF Implementation of the Distilled Spirits Tax Revision Act of 1979..... 34162
TREAS-ATF Labeling and Advertising Regulations Under the Federal Alcohol Administration Act..... 34164
TREAS-CUSTOMS Civil Aircraft Regulations 34166
TREAS-CUSTOMS Importation of Motor Vehicles and Motor Vehicle Engines Under the Clean Air Act..... 34167
TREAS-CUSTOMS Interest Charges on Delinquent Accounts..... 34168
TREAS-OCC Description of Office, Procedures, Public Information; Supplemental Application Procedures; Assessment of Fees; National Banks; District of Columbia Banks; Employee Stock Option and Stock Purchase Plans; Changes in Capital Structure; Change in Bank Control; Federal Branches and Agencies of Foreign Banks; Policy Statements 34067
TREAS-OCC Lending Limits; Unimpaired Surplus Fund..... 34069
TREAS-OCC Use of Data Processing Equipment and Furnishing of Data Processing Services 34071

Environmental Protection Agency

EPA-OANR Environmental Radiation Protection Standards for Management and Disposal of Spent Nuclear Fuel, High-Level and Transuranic Radioactive Wastes..... 34105
EPA-OANR Policy and Procedures for Identifying, Assessing, and Regulating Airborne Substances Posing a Risk of Cancer..... 34107
EPA-OANR Regulations for the Prevention of Significant Deterioration (PSD) from Set II Pollutants (Hydrocarbons, Carbon Monoxide, Nitrogen Oxide, Ozone, and Lead) 34044
EPA-OANR Review, and Possible Revision, of the National Ambient Air Quality Standards for Carbon Monoxide 34046
EPA-OANR Review, and Possible Revision, of the National Ambient Air Quality Standard for Nitrogen Dioxide 34047
EPA-OANR Review, and Possible Revision, of the National Ambient Air Quality Standards for Particulate Matter 34048
EPA-OANR Review, and Possible Revision, of the National Ambient Air Quality Standards for Sulfur Oxides (Sulfur Dioxide) 34049
EPA-OANR Standards of Performance to Control Atmospheric Emissions from Industrial Boilers 34050
EPA-OANR-OMSAPC Fuels and Fuel Additives Protocols... 34109

EPA–OANR–OMSAPC Gaseous Emission Regulations for 1985 and Later Model Year Light-Duty Trucks and Heavy-Duty Engines 34051
EPA–OANR–OMSAPC Heavy-Duty Diesel Particulate Regulations 34053
EPA–OANR–ORP Remedial Action Standards for Inactive Uranium Processing Sites 34110
EPA–OPTS Pesticide Registration Guidelines 34113
EPA–OPTS Premanufacture Notification Requirements and Review Procedures 34115
EPA–OPTS Rules Restricting the Commercial and Industrial Use of Asbestos Fibers 34116
EPA–OPTS Toxic Substances Control Act (TSCA) Section 4 Test Rules 34118
EPA–OWWM Control of Organic Chemicals in Drinking Water 34121
EPA–OWWM Effluent Limitations Guidelines and Pretreatment Standards, and New Source Standards Controlling the Discharge of Pollutants from Metal Finishing Facilities 34055
EPA–OWWM Effluent Limitations Guidelines and Pretreatment Standards, and New Source Standards Controlling the Discharge of Pollutants from Pulp, Paper, and Paperboard Mills into Navigable Waterways 34057
EPA–OWWM Effluent Limitations Guidelines and Standards Controlling the Discharge of Pollutants from Iron and Steel Manufacturing Plants to Navigable Waterways and the Pretreatment of Wastewaters Introducted into Publicly Owned Treatment Works 34059
EPA–OWWM Effluent Limitations Guidelines and Standards Controlling the Discharge of Pollutants from Steam Electric Power Plants ... 34063
EPA–OWWM Hazardous Waste Regulations: Phase II–C Regulations Applicable to Hazardous Waste Disposal Facilities 34122
EPA–OWWM Sewage Sludge Disposal Regulations 34125

Equal Employment Opportunity Commission

Please see Appendix II. 34269

Federal Emergency Management Agency

FEMA Review and Approval of State and Local Radiological Emergency Plans and Preparedness 34126

General Services Administration

GSA–FPRS National Defense Stockpile Disposal Regulations 34169
GSA–HRO Nondiscrimination in Federally Assisted Programs ... 34153
GSA–NARS Freedom of Information Act Requests for National Security Classified Information in the National Archives 34156

National Credit Union Administration

NCUA Group Purchasing Activities of Federal Credit Unions ... 34072

Small Business Administration

SBA Revision of Business Loan Policy; Business Loans and Guarantees 34188
SBA Revision to Method of Establishing Size Standards and Definitions of Small Business 34157

Veterans Administration

Please see Appendix II. 34269

INDEPENDENT REGULATORY AGENCIES

Civil Aeronautics Board

CAB Air Carrier Insurance and Liability 34190
CAB Essential Air Service Subsidy Guidelines 34191
CAB Notice to Passengers of Conditions of Carriage 34193

Commodity Futures Trading Commission

CFTC Large Trader Reporting to Exchanges and Reporting Open Positions 34074
CFTC Proposed Dealer Option Regulations 34075
CFTC Proposed Rules Concerning Foreign Brokers and Traders 34077
CFTC Review of Guideline No. 1—Criteria for Determining Whether a Board of Trade Meets the Economic Purpose and Public Interest Tests for Contract Market Designation 34078

Consumer Product Safety Commission

CPSC Chronic Hazards Associated with Benzidine Congener Dyes in Consumer Dye Products 34128
CPSC Consumer Products Containing Asbestos 34130
CPSC Omnidirectional Citizens Band Base Station Antenna Standard 34131
CPSC Safety Requirements for Chain Saws 34133
CPSC Upholstered Furniture Cigarette Flammability Standard 34136
CPSC Urea Formaldehyde Foam (UFF) Insulation 34137

Federal Communications Commission

FCC Children's Television Programming and Advertising Practices (Docket 19142) 34194
FCC Creation of "New" Personal Radio Service (PR Docket 79–140) 34195
FCC Deregulation of Competitive Domestic Telecommunications Market (Common Carrier Docket 79–252) 34196
FCC Inquiry into the Future Role of Low-Power Television Broadcasting and Television Translators in the National Telecommunications System (Broadcast Docket No. 78–253; RM–1932; FCC 80–503) 34198

Federal Deposit Insurance Corporation

Please see Appendix II. 34269

Federal Election Commission

FEC Nonpartisan Communications by Corporations or Labor Organizations 34170

Federal Energy Regulatory Commission

FERC High-Cost Natural Gas Produced from Wells Drilled in Deep Waters 34021

FERC High-Cost Natural Gas: Production Enhancement Procedures 34022
FERC Procedures Governing Applications for Special Relief Under Sections 104, 106, and 109 of the Natural Gas Policy Act of 1978 34023
FERC Rate of Return on Common Equity for Electric Utilities 34024
FERC Regulations Governing Applications for Major Unconstructed Projects 34026
FERC Regulations Implementing Section 110 of the Natural Gas Policy Act of 1978 and Establishing Policy Under the Natural Gas Act 34028
FERC Revised Rules of Practice: Procedures to Expedite Trial-Type Proceedings 34029
FERC Revision of Form 1 Annual Report by Electric Utilities 34031

Federal Home Loan Bank Board

Please see Appendix II. 34269

Federal Maritime Commission

FMC Filing of Currency Adjustment Factors 34199

Federal Reserve System

Please see Appendix II. 34269

Federal Trade Commission

FTC Proposed Amendment to Eyeglasses Rule and Eyeglasses II 34172
FTC Proposed Trade Regulation Rule Concerning Credit Practices 34174
FTC Proposed Trade Regulation Rule on Mobile Home Sales and Service 34178
FTC Residential Real Estate Brokerage Industry Practices 34180

Interstate Commerce Commission

ICC Leasing Rules Modifications (Ex Parte No. MC-43 (Sub-No. 12)) 34200
ICC Revision of Abandonment Regulations (Ex Parte No. 274 (Sub-No. 5)) 34202

Nuclear Regulatory Commission

NRC-RES Disposal of High-Level Radioactive Waste in Geologic Repositories Regulation 34142

Postal Rate Commission

PRC Postal Rate Commission Docket—Attached Mail Proceeding, 1981 34203
PRC Postal Rate Commission Docket—E-COM Forms of Acceptance, 1980 34205
PRC Postal Rate Commission Docket MC81-3, ZIP + 4 Subclasses of First-Class Mail 34206

Securities and Exchange Commission

SEC Classification of Issuers for Reducing or Modifying Certain Reporting Requirements 34079
SEC Proposed Comprehensive Revision to System for Registration of Securities Offerings 34081
SEC Proposed Revision of Regulation S-K and Guides for the Preparation and Filing of Registration Statements and Reports 34083
SEC Simplification of Investment Company Prospectuses 34085

CHAPTER 1—ENERGY

DOC–NOAA

Regulations on the Construction, Location, Ownership, and Operation of Ocean Thermal Energy Conversion (OTEC) Facilities and Plantships 34011

DOE–CE

Commercial and Apartment Conservation Service Program 34013

DOE–CE

Energy Conservation Program for Consumer Products Other Than Automobiles 34014

DOE–CE

Energy Performance Standards for New Buildings 34015

DOE–ERA

Natural Gas Curtailment Priorities for Interstate Pipelines 34016

DOE–FE

Variable Work Commitment Bidding System for Outer Continental Shelf Oil and Gas Lease Sales 34019

FERC

High-Cost Natural Gas Produced from Wells Drilled in Deep Waters 34021

FERC

High-Cost Natural Gas: Production Enhancement Procedures 34022

FERC

Procedures Governing Applications for Special Relief Under Sections 104, 106, and 109 of the Natural Gas Policy Act of 1978 34023

FERC

Rate of Return on Common Equity for Electric Utilities 34024

FERC

Regulations Governing Applications for Major Unconstructed Projects 34026

FERC

Regulations Implementing Section 110 of the Natural Gas Policy Act of 1978 and Establishing Policy Under the Natural Gas Act 34028

FERC

Revised Rules of Practice: Procedures to Expedite Trial-Type Proceedings 34029

FERC

Revision of Form 1 Annual Report by Electric Utilities 34031

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Regulations on the Construction, Location, Ownership, and Operation of Ocean Thermal Energy Conversion (OTEC) Facilities and Plantships (15 CFR Part 1001)

Legal Authority

Ocean Thermal Energy Conversion Act of 1980, 42 U.S.C. § 9101 *et seq.*

Reason for Including This Entry

These regulations are of signficant public interest and may have a major impact on the economy by providing a new legal system under which various commercial Ocean Thermal Energy Conversion (OTEC) operations may proceed.

Statement of Problem

Ocean Thermal Energy Conversion is a process for using solar energy stored in the warm surface waters of the ocean as a renewable source of power to produce electricity or other power used to manufacture energy-intensive products such as ammonia or aluminum. The OTEC process is driven by the temperature differential between warm ocean surface waters and cold, deep waters. It can be implemented by means of an OTEC facility, which is moored or fixed to the ocean bottom or located on land with intake and discharge piping running out to appropriate locations in the ocean. OTEC plantships which float unmoored or move through the ocean can also use the OTEC process.

The OTEC principle can be applied efficiently in areas where the temperature difference between surface waters and deep waters is about 20°C or more. This makes the most probable U.S. locations for OTEC facilities or plantships the Gulf of Mexico area, the southeastern continental United States, the island areas under U.S. jurisdiction such as the State of Hawaii, the Commonwealth of Puerto Rico, Guam, the Commonwealth of the Northern Mariana Islands, the U.S. Virgin Islands, and American Samoa.

The OTEC industry is in a formative stage at present because, although the basic principles of OTEC power generation have been developed and demonstrated at sea, the hardware, engineering, and operational requirements of commercial-scale OTEC operations have not yet been fully developed, and to conduct that development will require substantial private sector capital investment, on the order of $25 million to $100 million or more per OTEC facility or plantship (all dollar values are expressed in 1980 dollars unless otherwise noted).

Estimates in the report of the House of Representatives Committee on Merchant Marine and Fisheries on H.R. 6154, which was a predecessor to the OTEC Act, indicate that OTEC could provide from 5 to 20 percent of all new electrical generating capacity coming on line in the U.S. by the year 2000 if commercial development of OTEC is aggressively pursued. The OTEC Research, Development, and Demonstration Act, P.L. 96–310, 94 Stat. 941 (42 U.S.C. 9001 *et seq.*) sets a goal of 10,000 megawatts of installed U.S. OTEC capacity by the year 1999. Meeting that goal would stimulate capital investment on the order of $25 billion in the evolving OTEC industry and its supliers. If that projected OTEC capacity replaced the use of imported oil for electricity generation and other product production, an import reduction of 360,000 barrels per day would result, with a concurrent reduction of $4.6 billion per year in oil import costs at $35 per barrel.

These proposed regulations will implement the Ocean Thermal Energy Conversion Act of 1980 (the Act), which authorizes the Administrator of NOAA to license (and requires persons to obtain licenses prior to) the construction, location, ownership, and operation of: (1) OTEC facilities connected to the United States by pipeline or cable; (2) OTEC facilities located in the territorial sea of the U.S.; (3) OTEC plantships documented under the laws of the United States; and (4) OTEC plantships that are constructed, owned, or operated by U.S. citizens.

The Act requires NOAA to issue regulations with respect to licensing of these OTEC facilities and plantships.

Along with its licensing provisions, the Act is intended to: (1) establish a legal system to encourage the development of OTEC as a commercial energy technology; (2) protect the marine and coastal environment and the

interests of other users of the territorial sea, Continental Shelf, and high seas and foreign nations that might be affected by a discharge plume from an OTEC; and (3) ensure that Federal OTEC-related actions are consistent with approved State coastal zone management plans. The Act requires NOAA to issue final implementing regulations by August 13, 1981.

Alternatives Under Consideration

NOAA has evaluated three general regulatory approaches to OTEC licensing: (A) establishment of initial regulations specifying the designs to be used for OTEC plant components and requiring use of specific operating procedures, (B) establishment of detailed performance standards and guidelines in initial regulations with the burden on the applicant to prove compliance with each of the detailed performance standards and guidelines as a prerequisite to obtaining a license, or (C) establishment of general guidelines and performance standards in initial regulations and use of detailed guidelines and performance standards as license terms and conditions coupled with subsequent operational and environmental monitoring to ascertain whether additional requirements are necessary in the future.

The advantage of requiring the detailed information contained in alternative (A) would be greatly outweighed by the disadvantages. The substantive provisions of the regulations might include detailed design specifications for screens on warm and cold water intakes, specification of the geometry of discharge outlets, detailed design criteria for valves and controls to prevent discharge of working fluid into the environment, and detailed specification of operating procedures for biofouling control. NOAA would have to conduct detailed reviews of all aspects of the proposed OTEC plant—including its design—in order to determine full compliance with the detailed regulations. The information required to be submitted with an application would have to be voluminous, and the level of plant design detail required would necessitate completion of detailed design of the proposed OTEC plant prior to preparation of the license application for submission to NOAA. Therefore, the requirement for a large and expensive administrative apparatus, and the lack of allowance for design flexibility needed for technological development led NOAA to reject alternative (A).

Under alternative (B) the regulations would not contain detailed substantive provisions specifying design of OTEC plant components or plant operating procedures. The regulations would, however, contain detailed guidelines and performance standards applicable to all OTEC facilities and plantships in order to insure adherence to the overall regulatory goals.

Use of this approach would result in NOAA establishing uniform guidelines and performance standards applying to all OTEC plants, regardless of specific design or location. In some cases the uniform guidelines and performance standards would restrict design options which might be preferred from an engineering standpoint. Prospective OTEC plant owners would have to make major expenditures of time, personnel, and funds to prepare their applications. NOAA would have to increase the size of its staff to review the information and consequently the amount of the application fee for the license would need to be increased. The licensee would be required to keep substantially more detailed records than were kept in the normal course of business.

In summary, alternative (B) has two disadvantages: (1) it requires a relatively large administrative apparatus to develop performance standards and determine compliance with them, and (2) it would limit engineering flexibility more than necessary to meet the regulatory goals at some potential sites.

NOAA has adopted alternative (C) as most appropriate to the developmental state of the OTEC industry and the need to accommodate to site- and technology-specific issues which will be raised when an OTEC application is submitted for licensing. Detailed guidelines and performance standards would not be prescribed in advance in regulations, but would be included as terms and conditions in a license if they were deemed necessary by the Administrator to prevent significant adverse impacts on the environment or to prevent other results contrary to law. Only those problems which appear to be significant would be analyzed in detail.

Though some minor degree of predictability may be lost, other benefits greatly outweigh this potential loss. For instance, the information required of the applicant would not be as extensive, the administrative burden would be reduced, flexibility for this new industry would be maintained, and the greatest probability of obtaining the potential benefits to society from OTEC development at the least possible cost would occur. Once NOAA issued a license we would expect the OTEC builder, owner, or operator to conduct its activities according to the terms of its application.

Summary of Benefits

Sectors Affected: Ocean thermal energy production; shipbuilding and repairing; manufacturing of electric transmission and distribution equipment and electric industrial apparatus; electric utilities; production of ammonia, fertilizer, aluminum, and other energy-intensive products; inhabitants of the U.S. southeastern and Gulf of Mexico States, the U.S. Virgin Islands, Puerto Rico, Hawaii, and the U.S. Pacific island possessions and territories; and the general public.

Commercialization of OTEC technology under the new legal system of the Ocean Thermal Energy Conversion Act and the proposed regulations could generate benefits to the shipbuilding and repairing industry that would construct and maintain the OTEC facilities and plantships. Electrical equipment manufacturers would benefit from any additional demand for electric generation and transmission equipment. Energy intensive industries such as production of ammonia, some fertilizers, and aluminum would benefit from availability of a competitively priced alternative source of electric power. Areas of the United States adjacent to ocean waters which contain thermal differentials sufficient to support OTEC power generation would benefit from availability of a non-fossil fuel, non-nuclear energy supply, and consequent reduction of costs or risks associated with fossil or nuclear fuel. The regulations will provide the framework for development of a new OTEC industry, which will benefit those owning and operating OTEC facilities or plantships as a business.

Development of OTEC technology to produce energy intensive products, such as ammonia, could also have significant implications for reducing fossil fuel consumption in the United States. The substitution of OTEC-produced ammonia for ammonia currently produced from natural gas could conserve the equivalent of 300,000 to 500,000 barrels of oil per day, based on the fact that approximately 3 percent of U.S. natural gas production is currently used in ammonia production.

Commercial OTEC technology also represents a major export opportunity for the United States. Approximately 70 countries and territories, many of them lesser developed countries which are now dependent on imported oil, are located near exploitable OTEC resource areas. If even a small fraction of the projected demand for new electrical

generating capacity in those countries between the years 1990 and 2010 were met through export of U.S.-built OTEC facilities and plants, the OTEC export market potential would be on the order of $200 billion to $300 billion (in 1980 dollars).

NOAA has prepared a Preliminary Regulatory Impact Analysis/Initial Regulatory Flexibility Analysis on these proposed regulations, which further details these potential benefits.

Summary of Costs

Sectors Affected: Suppliers of fossil and nuclear fuel for electric power production; suppliers of natural gas for production of ammonia, fertilizer, and other energy-intensive products; and ocean thermal energy production.

Some companies whose business is based on supplying fossil or nuclear fuel for electric power production may lose market opportunities to the extent OTEC facilities or plantships are built on a commercial scale and replace other sources of energy. Suppliers of natural gas feedstocks for production of ammonia and other energy intensive products would suffer some market displacement as OTEC power becomes available for ammonia production from air and seawater. To the extent that availability of OTEC electric power in affected areas of the U.S. results in economic development which causes environmental or socioeconomic problems, some costs may be incurred in the areas where OTECs operate. Persons applying to construct, own, or operate OTEC facilities or plantships will incur costs in assembling the financial, technical, environmental, and other information required for the license application, and in complying with license conditions relating to matters such as environmental protection and monitoring and non-interference with other users of the ocean.

NOAA has preapared a Preliminary Regulatory Impact Analysis/Initial Regulatory Flexibility Analysis which addresses these costs in more detail.

Related Regulations and Actions

Internal: None.

External: Under the Act, the Coast Guard must issue regulations governing documentation, design, construction, alteration, equipment, maintenance, repair, inspection, certification, and manning of OTEC facilities and plantships. The Coast Guard also is to issue, after consulting with the Administrator of NOAA, regulations governing the movement and navigation of OTEC plantships. The Coast Guard also is to ensure that the discharge plume from the plantship generally does not unreasonably impinge upon and degrade the operation of another OTEC facility or plantship, or adversely affect the territorial sea or natural resource jurisdiction zone of a foreign nation. NOAA consulted the Coast Guard before deciding not to issue regulations governing site evaluation and preconstruction activities. NOAA and the Coast Guard may jointly or severally issue enforcement regulations. The Environmental Protection Agency may prepare regulations applicable to OTEC facilities and plantships under the National Pollutant Discharge Elimination System program under the Clean Water Act. The Secretary of Energy may determine, after consultation with the Administrator of NOAA, which substantive requirements of Title I of the Act will apply to OTEC demonstration projects. NOAA must consult with the Secretary of Energy and the heads of other Federal agencies before issuing regulations to carry out the Act.

Active Government Collaboration

NOAA has initiated discussions with the Department of Energy, the Maritime Administration, the Coast Guard, and the Environmental Protection Agency concerning implementation of the Act and the respective programs and jurisdictions of the other agencies. NOAA also has discussed matters with the Departments of State (with respect to non-interference with other ocean users, and with other nations) and Justice (with respect to OTEC antitrust issues). NOAA also has initiated discussions with components of the Department of the Interior, such as the U.S. Geological Survey and the Bureau of Land Management, in order to benefit from their experience in certain areas where those agencies have faced similar issues. NOAA has coordinated with the Small Business Administration in order to assess the potential impact of these regulations on small businesses.

In addition to this coordination with affected Federal agencies, NOAA will contact relevant State (and, as appropriate local) government officials in potentially affected areas (for example, the Gulf of Mexico area, the U.S. Virgin Islands, Puerto Rico, Hawaii, and the Commonwealth of the Northern Mariana Islands).

Timetable

Final Rule—August 3, 1981.
Final Rule Effective—September 2, 1981.

Available Documents

A **Federal Register** notice requesting other Federal agencies having expertise concerning, or jurisdiction over, any aspect of the construction or operation of OTEC facilities and plantships to send NOAA written descriptions of their expertise or statutory responsibilities (45 FR 56857, August 26, 1980).

Ocean Thermal Energy Conversion Environmental Issues Discussion Paper, September 1980.

Notice of Environmental Impact Statement (EIS) scoping meeting (45 FR 63543, September 25, 1980).

ANPRM—45 FR 77038, November 21, 1980.

NPRM—46 FR 19418, March 30, 1981.

Public comments on the ANPRM and NPRM.

Draft Environmental Impact Statement (March 25, 1981).

Preliminary Regulatory Impact Analysis/Initial Regulatory Flexibility Analysis (March 1981).

Record/transcript of hearings held in Honolulu, HI; (April 27, 1981); San Juan, PR (May 1, 1981); and Washington, DC (May 11, 1981).

Documents may be obtained from the Office of Ocean Minerals and Energy, NOAA, Page Building No. 1, Room 410, 2001 Wisconsin Avenue, N.W., Washington, DC 20235 ((202) 254–3483).

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DEPARTMENT OF ENERGY

Office of Conservation and Renewable Energy

Commercial and Apartment Conservation Service Program (10 CFR 458*)

Legal Authority

National Energy Conservation Policy Act (NECPA), 42 U.S.C. § 8211, as amended by Energy Security Act (ESA), P. L. 96–294, 794 Stat. 611.

Reason for Including This Entry

The Department of Energy (DOE) includes this entry because the regulations could impose costs in excess of $100 million per year.

Statement of Problem

The Energy Security Act of 1980 (ESA), amends the National Energy Conservation Policy Act (NECPA) to require DOE to develop rules on the content and implementation of State energy conservation plans for commercial buildings and multifamily dwellings. Large gas and electric utilities are required to offer, and to provide upon request, energy audits of commercial buildings and multifamily dwellings. Building heating suppliers may provide these services at their discretion.

States may submit plans to DOE for approval to administer and enforce utility compliance with State programs, but, if they do not, NECPA requires DOE to prepare a Federal plan and order covered investor–owned utilities to comply with it. Covered utilities include those which during the second preceding year had sales (for purposes other than resale) which exceeded 10 billion cubic feet for natural gas, or exceeded 750 million kilowatt hours of electricity. Participating Governors must decide whether or not to include non-regulated, municipally owned utiltities and interested home heating suppliers in State plans. Non-regulated utilities not included in State plans but meeting the above size criteria must prepare and submit their own plans for DOE approval.

The Department issued an NPRM on January 16, 1981 (46 FR 4482). Some comments were received in response to this proposal which questioned the cost effectiveness of the program. DOE is currently in the process of reviewing its analysis of the program in light of these comments. Moreover, the Administration has requested rescission of funds for this program in fiscal year 1981 and no funds in fiscal year 1982. These requests reflect the Administration's and the Department's view that this program would impose unnecessary costs on the economy and public and would not result in significant savings of energy.

Alternatives Under Consideration

In the absence of further legislative action, DOE is required to proceed with this rulemaking, and no alternatives under the requirements of the current statute would significantly reduce the costs and burdens of the program. However, the Department is exploring alternative ways of designing the rules so as to minimize their potential adverse effects.

Summary of Benefits

Sectors Affected: The Federal Government; State governments; investor-owned and municipally owned electric and gas utilities; participating building heating suppliers; tenants and owners of eligible commercial buildings and multifamily dwellings of five or more units; and the general public.

DOE is in the process of reviewing the detailed estimate of the benefits of this program. The results of this review, if available, will be provided in the next **Calendar**.

Summary of Costs

Sectors Affected: The Federal Government; State governments; investor-owned and municipally owned electric and gas utilities; participating building heating suppliers; tenants and owners of eligible commercial buildings and multifamily dwellings of five or more units; and the general public.

DOE is in the process of reviewing its detailed estimate of the costs of this program. The results of this review, if available, will be provided in the next **Calendar**.

Related Regulations and Actions

Internal: Residential Conservation Service (10 CFR 456); Low Income Weatherization Assistance Program (10 CFR 440).

External: Existing State laws and regulations.

Active Government Collaboration

None at this time.

Timetable

Regulatory Flexibility Analysis—To accompany final rule.
Final Rule—Summer 1981.

Available Documents

NPRM—46 FR 4482, January 16, 1981.
Draft Regulatory Analysis—November 1980.
Comments in response to NPRM.
All documents are available for review in the DOE Freedom of Information Reading Room, Forrestal Building, Room GA–142, 1000 Independence Avenue, S.W., Washington, DC 20585.

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DOE–CE

Energy Conservation Program for Consumer Products Other Than Automobiles (10 CFR Part 430*)

Legal Authority

Energy Policy and Conservation Act, Title III, as amended by the National Energy Conservation Policy Act, 42 U.S.C. § 6315.

Reason for Including This Entry

The Department of Energy (DOE) includes this entry because the proposed rule would impose substantial costs on the home appliance industry and increase the cost of appliances.

Statement of Problem

The Energy Policy and Conservation Act (EPCA) requires DOE to adopt energy efficiency standards for 13 product categories if such standards are technologically feasible, economically justified, and result in significant energy conservation. These product categories are: refrigerators and refrigerator/freezers, freezers, dishwashers, clothes dryers, water heaters, room air conditioners, home heating equipment (not including furnaces), television sets, kitchen ranges and ovens, clothes washers, humidifiers and dehumidifiers, central air conditioners, and furnaces. Nine of these categories were given priority under EPCA, and standards for these products (or a determination that standards are not technologically feasible and economically justified) were required by January 2, 1981. The statutory deadline for the other four categories is November 1981. The public comments following the publication of the NPRM relating to the standards for the first nine product categories (45 FR 43976, June 30, 1980) raised substantial issues with regard to the economic justification of the standards as well as other issues. Consequently, in December 1980, the Department announced that it would not be able to meet the statutory deadline for rules for the first nine products. Later, in February 1981, DOE gave notice of its intent not to issue standards until further study (46 FR 13517).

As announced in February, DOE is currently reviewing the methodology and analysis upon which the standards would be based. Furthermore, additional assessment of the underlying data is necessary. Moreover, the Administration has requested rescission of funds for this program in FY 81 and

no funds in FY 82. These requests reflect the Administration's view that with rising energy prices consumers are demanding and manufacturers are producing more energy efficient products without mandatory Federal standards.

Alternatives Under Consideration

Under EPCA the alternatives are either to adopt standards, or make a finding that standards would not be technologically feasible, economically justified, or would not result in significant conservation of energy.

Summary of Benefits

Sectors Affected: Manufacturers and users of major household appliances; and the general public.

The Department is reviewing its detailed estimate of the benefits that would result from implementing mandatory energy efficiency standards for consumer products. The results of this review, if available, will be provided in the next **Calendar**.

Summary of Costs

Sectors Affected: Manufacturers of major household appliances; and users of these appliances.

The Department is reviewing its detailed estimate of the costs that would result from implementing mandatory energy efficiency standards for consumer products. The results of this review, if available, will be provided in the next **Calendar**.

Related Regulations and Actions

Internal: None.
External: Federal Trade Commission Appliance Labeling Program.

Active Government Collaboration

Federal Trade Commission and National Bureau of Standards.

Timetable

Final Rule for Nine Products—To be determined. The statutory deadline was January 1981.
Final Rule for Five Products—November 1981 (statutory deadline).
Regulatory Flexibility Analysis—Will accompany NPRM and final rule.

Available Documents

Draft Regulatory Analysis.
Test Procedures:
Refrigerators, Refrigerator/freezers and Freezers—42 FR 46140, September 14, 1977; 45 FR 47396, July 14, 1980.
Dishwashers—42 FR 39964, August 8, 1977.
Clothes Dryers—42 FR 46140, September 14, 1977; 45 FR 46762, July 10, 1980.
Water Heaters—42 FR 54110, October 4, 1977; 43 FR 48986, October 19, 1978; 44 FR 52632, September 7, 1979.
Room Air Conditioners—42 FR 27896, June 1, 1977; 45 FR 43382, June 26, 1980.
Furnaces and Home Heating Equipment—43 FR 20108, May 10, 1978; 44 FR 1970, January 9, 1979; 45 FR 53714, August 12, 1980.
Television Sets—42 FR 46140, September 14, 1977.
Kitchen Ranges and Ovens—42 FR 20106, May 10, 1978.
Clothes Washers—42 FR 49802, September 28, 1977.
Humidifiers and Dehumidifiers—42 FR 55599, October 18, 1977.
Central Air Conditioners, including Heat Pumps—42 FR 60150, November 25, 1977; 44 FR 76700, December 27, 1979.
NPRM Regarding Provisions for the Waiver of Consumer Product Test Procedures, 45 FR 14188, March 4, 1980.
Sampling Requirements of Consumer Products Test Procedures—44 FR 22410, April 13, 1979.
Public comments (including comments from public hearing held August 1980).
Representative Average Unit Cost of Electricity, Natural Gas, No. 2 Heating Oil, and Propane—44 FR 37534, June 27, 1979.
Standards:
ANPRM Regarding Energy Efficiency Standards for Nine Types of Consumer Products—44 FR 49, January 2, 1979.
ANPRM Regarding Energy Efficiency Standards for Four Types of Consumer Products—44 FR 72276, December 13, 1979.
NPRM Regarding Energy Efficiency Standards for Nine Types of Consumer Products—45 FR 43976, June 30, 1980.
Notice of Intent Not to Issue Energy Efficiency Standards Until Further Study—46 FR 13517, February 23, 1981.
All documents are available for review in the Freedom of Information Office.

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DOE—CE

Energy Performance Standards for New Buildings (10 CFR 435*)

Legal Authority

Energy Conservation Standards for New Buildings Act of 1976, 42 U.S.C. §§ 6831–6840; Department of Energy Organization Act, § 304, 42 U.S.C. § 7101 *et seq.*; and the Housing and Community Development Act of 1980, 42 U.S.C. § 6831 *et seq.*

Reason for Including This Entry

This entry is included because this program would impose significant costs on the building and residential housing industries as well as the general public.

Statement of Problem

The Energy Conservation Standards for New Buildings Act, which is Title III of the Energy Conservation and Production Act (ECPA), requires the Department of Energy (DOE) to develop, by regulation, interim and final building energy performance standards (BEPS) for new commercial and residential buildings. The standards would establish minimum levels of overall building energy efficiency, by building type and climate zone. The standards would not bar, on energy efficiency grounds, use of any particular building components. Rather, they would allow a building to be designed in any of a variety of ways that would meet the maximum level of energy usage established for that particular building type and climate.

ECPA requires DOE to promulgate interim standards by August 1, 1981. The interim standards are to apply only to new Federal construction and to two demonstrations in the private sector testing whether the BEPS concept is feasible. Under ECPA the final standards, which would have nationwide mandatory applicability subject to Congressional approval, are to be promulgated by April 1, 1983.

Before ECPA was amended last fall to require initial testing of the BEPS concept by interim standards, the Department has issued an NPRM on the standards (44 FR 68120, November 28, 1979). Many comments were received in response to this proposal indicating that DOE's approach failed to result in significant conservation of energy, was technologically impracticable, and would be economically disabling to the construction industry. These comments raised serious concerns about the need or justification for the program. These concerns apparently contributed to the amendment of ECPA and are undergoing further review by DOE. Moreover, the Administration has requested a rescission of funds for this program in fiscal year 1981 and no funds in fiscal year 1982. These requests reflect the Administration's and the Department's view that this program would impose

unnecessary costs on the economy and the public.

Alternatives Under Consideration

In the absence of further legislative action, DOE is required to proceed with this rulemaking. However, the Department is exploring alternative ways of designing the rules so as to minimize their potential adverse effects.

Summary of Benefits

Sectors Affected: The building industry; construction workers; the building market; and the general public.

The benefits of BEPS are under continuing review by DOE. The results of this review, if available, will be provided in the next **Calendar**.

Summary of Costs

Sectors Affected: The building industry; the building market; DOE; HUD; State and local governments; and the general public.

The costs of BEPS are under continuing review by DOE. The results of this review, if available, will be provided in the next **Calendar**.

Related Regulations and Actions

Internal: None.

External: Minimum Property Standards for One- and Two-Family Dwellings, Department of Housing and Urban Development (HUD); Minimum Property Standards for Multifamily Dwelling; HUD Handbook 4910, Revision 5, April 1977; Proposed Increase in Thermal Insulation Requirements for the Minimum Property Standards for One- and Two-Family Dwellings, 43 FR 17311, April 24, 1978; Farmers Home Administration, Form 424.1; 7 CFR Part 1804, Subpart A, Appendix D, Construction Standards, and criteria of all Federal agencies that build new buildings.

Active Government Collaboration

The Department of Housing and Urban Development, the National Bureau of Standards, and the National Institute of Building Sciences (a quasi-governmental organization).

Timetable

Regulatory Flexibility Analysis—Not required.
Interim Final Rule—August 1981 (statutory deadline).
Public Comment Period—Will follow interim final rule.
Demonstration—August 1981 to August 1982 (statutory requirement).
Final Rule—April 1983 (statutory deadline).

Available Documents

In support of this proposed rule, the Department has developed ten Technical Support Documents. These documents provide detailed information on important aspects of the proposed rule and are referred to throughout the preamble. All documents may be obtained from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22150, and the Technical Information Center, Oakridge National Laboratory, P.O. Box 62, Oakridge, TN 37830.

Technical support document No.	Title	Administrative record No.
1	The Standard Evaluation Technique	9561.00
2	Statistical Analysis	9562.00
3	Energy Budget Levels Selection	9563.00
4	Weighting Factors	9564.00
5	Standard Building Operating Conditions	9565.00
6	Draft Regulatory Analysis	9566.00
7	Draft Environmental Impact Statement	9567.00
8	Economic Analysis	9568.00
9	Passive and Active Solar Heating Analysis	9569.00
10	Climate Classification Analysis	9570.00

Additional documents: Development of Energy Performance Standards for New Buildings, phase one/base data (Final Report, PB–286 898; Climatic Classification, PB–286 900; Data Collection, PB–286 902; Residential Data Collection and Analysis, PB–286 901; Building Classification, PB–286 904; and Sample Design, PB–286 903), January 12, 1978; Comments on ANPRM and NPRM.

ANPRM—43 FR 54512, November 21, 1978.

NPRM—44 FR 68120, November 28, 1979.

All documents are available for review in the Freedom of Information Office at the address below.

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DOE—Economic Regulatory Administration

Natural Gas Curtailment Priorities for Interstate Pipelines (10 CFR Part 580*)

Legal Authority

Natural Gas Act, § 15, U.S.C. § 717 *et seq;* Natural Gas Policy Act of 1978, 15 U.S.C. § 3301 *et seq.;* Department of Energy Organization Act, 42 U.S.C. § 7101 *et seq.;* E.O. 11790 (3 CFR 1974 Comp.); E.O. 12009 (3 CFR 1977 Comp.).

Reason for Including This Entry

The Department of Energy (DOE) is including this rule because of its potentially far reaching effects on interstate pipelines and local distributors and their natural gas customers.

Statement of Problem

The Department of Energy Organization Act (DOE Act) makes the Secretary of Energy responsible for reviewing and establishing natural gas curtailment (rationing) priorities.

Natural gas curtailment priorities deal with the manner in which natural gas will be allocated to customers of interstate pipelines when there are serious shortages. Under the DOE Act, the Secretary of Energy is responsible for establishing and reviewing priorities for curtailments. The Secretary of Energy has delegated this authority to the Administrator of the Economic Regulatory Administration (ERA). Under the DOE Act, the Federal Energy Regulatory Commission (FERC) administers and implements the curtailment policies developed by the ERA.

Historically, FERC's predecessor, the Federal Power Commission (FPC), had exclusive Federal jurisdiction, under the authority of the Natural Gas Act (NGA), for curtailment of natural gas in interstate pipelines. The FPC dealt with curtailment of natural gas on a case-by-case basis. From the rulings issued in these cases by the FPC, a priority system developed which ranked end-users of natural gas from high (last to be curtailed) to low (first to be curtailed). The FPC priority system generally placed residential and small commercial use in the highest priorities and interruptible large volume industrial users in the lowest, first curtailed, priorities.

Several considerations shaped FPC's approach to the curtailment priority system: first, the importance of gas used to protect health, safety, and other human needs; second, the operational difficulty of physically cutting off or reducing service to residential and small commercial customers; third, the differences in the costs that different kinds of end-users would experience in converting to an alternative fuel.

This review and rulemaking process will implement the provisions of the Natural Gas Policy Act that mandate the establishment of certain curtailment

priorities. Additionally, the rulemaking provides an opportunity for review of the policy statement concerning gas curtailment priorities adopted by the FPC in 1973.

Specifically, the review of curtailment priorities has focused on the following:

(1) High priority and essential agricultural uses. Section 401 of the NGPA requires the Secretary of Energy to prescribe a rule restricting interstate pipelines from curtailing the essential agricultural use requirements that the Secretary of Agriculture has certified as necessary for full food and fiber production (44 FR 15642, March 15, 1979). The ERA issued this rule on March 9, 1979. Essential agricultural uses may be curtailed only to meet needs of "high priority users" (e.g., schools, hospitals, residences) or when FERC determines in consultation with the Secretary of Agriculture that an alternative fuel is economically practicable and reasonably available.

(2) Essential industrial process and feedstock uses. Section 402 of the NGPA directs the Secretary of Energy to prescribe a rule limiting the circumstances in which an interstate pipeline may curtail gas supplies used in an essential industrial process or as an essential feedstock. Use as a feedstock refers to gas employed as an ingredient of the end-product, as distinguished from gas used to power production machinery.

(3) Emergency allocation authority. Relevant sections of the National Energy Act (NEA) authorize the President to declare a natural gas supply emergency which would trigger various consequences related to this review. As an example, the President could authorize an interstate pipeline to make emergency purchases from intrastate pipelines under short term contracts. This authority, while outside the scope of the curtailment priority system itself, must work in concert with it. Therefore, this rule will consider the effects of the NEA emergency authorities on the curtailment priority system. Decontrol of natural gas prices will not affect the curtailment priorities established by this rule.

Alternatives Under Consideration

(A) Maintain a system similar to the present system as developed by the FPC while making those changes required by the NGPA and improving the present system by facilitating free flow of gas between systems. As compared to making no change in the present system, this alternative would have a benefit for gas users in the order of magnitude of $1 billion of average annual costs, in constant 1978 dollars, due largely to savings in costs of fuel. This benefit would be offset by $0.9 billion, which is the estimated cost to gas users of establishing the essential agricultural priority required by the NGPA. If the present system is also improved by allowing a "percentage-limitation" option, i.e., allowing lower priorities to not be curtailed completely before a higher priority is curtailed, this would provide a further reduction in average annual costs to users of $1.1 billion. The net benefit to gas users of this alternative would be in the estimated order of magnitude of $1.2 billion ($1 billion plus $1.1 billion minus $0.9 billion).

The present curtailment system also has the advantage of being familiar to both gas suppliers and users, which would minimize the uncertainty that could otherwise lead to additional costs during the period the system was being changed and could offset most of the benefits of a newer and more complicated system, such as a "pricing" system, until the suppliers and users became completely familiar with the new system. However, a pricing system could allocate natural gas to users more precisely on the basis of cost benefit analysis. A pricing system would allow each end-user of natural gas to decide the price he would be willing to pay for available gas supplies based on his determination of the cost benefit to his particular operation. The present end-use type systems makes these determinations based on broad general categories of end-use.

(B) Developing a curtailment system as in alternative (A) but updating the base period from which requirements are measured. Systems using a fixed base period instead of rolling or updating the base period are likely to cause increases in shortage costs if they switch under the present Federal curtailment approach. A rolling base period involves updating the index of gas requirements from which curtailments are measured. In rolling the base period, the total supply of gas available to all distrubution companies served by a pipeline would not be affected, but the supply would be reallocated in proportion to the current end-use profiles of the pipeline's distribution company customers, which may have changed over time.

Athough this updating process may give a more current picture of the end-use of the gas delivered, it would increase the costs of curtailments to gas users by about $0.2 billion per year (1978 dollars), if there were a complete shift to a rolling base period in the present Federal plans. Suppliers and users have instigated self-help measures obtaining their own supplies of gas under the present curtailment system and the cost of disrupting these self-help projects would most likely offset any benefits derived from the updating process.

(C) Develop a pro-rata system that reduces all users' deliveries by a percentage equal to the percentage of supply reduction. It is tempting to think that the apparent fairness of pro-rata curtailment justifies this alternative and that users with low conversion costs would switch to another fuel, allowing a gradual evolution to an optimal curtailment system based on pro-rata allocation, but this is not the case. Unfortunately, switching to a pro-rata system would destroy good parts of the present system and eliminate the benefits from users who have already adjusted to curtailments under the present system.

The present FERC curtailment policy provides for pro-rata allocation within each priority category. Since the present categories have been formed by an end-use system that does recognize differences in shortage costs, a full pro-rata plan is bound to increase costs. It will lump all users into one category even though surveys show that there are widely different costs. The 1976–77 shortage had impact costs to users of $54 per thousand cubic feet (Mcf) of shortfall in higher priorities and only $2/Mcf in lower priorities. Pro-rata is less precise than the end use approach in present curtailment plans for identifying uses which have high costs of conversion to other fuels.

In addition to causing higher shortage costs, pro-rata is not practical and not in accordance with new legislation. For example, pro-rata cannot be applied to residential and small commercial users for operational reasons. It cannot be applied to "essential agricultural uses" and "essential industrial process or feedstock uses" because of stipulations in the NGPA.

Weather and price controls combined create shortages that cause high shortage costs under pro-rata. There are high costs of fuel switching and there are high impact costs for users who cannot justify fuel substitution. Even when feasible, fuel substitution is expensive when the investment is only for infrequent shortages.

Emergency gas allocations do not follow a pro-rata approach because of the high value of selected gas use to protect life, health, and property. Curtailment pertains to situations with lesser shortage costs, but the same principle of high costs under a pro-rata

system eliminates this alternative as an easy solution to curtailment.

(D) Use some form of "pricing" or bidding approach to distributing available gas supplies during periods of curtailments instead of a rationing system. Fuel substitution costs vary greatly, even among users within the same carefully designed end-use priority categories; precise ranking of users in line with substitution costs may not be possible except under some type of pricing approach. Surveys reveal that substitution costs range from $2/Mcf to $20/Mcf even within one end-use category, as presently constituted; in addition, shortage impact costs range from $0.10/Mcf to $100/Mcf among users within one end-use priority class due to large impacts as curtailment reaches 100 percent.

To be practical, a pricing system must be implemented at the end-user level. Since local distribution companies deliver most of the gas to end-users and these companies are subject to the jurisdiction of State regulatory agencies, this would involve changes in concepts for State regulation and would require distribution company participation. There appears to be no practical implementation plan for a pricing system at the Federal level, i.e., using only interstate pipeline participation. Such a plan would have to be developed at the end-user distribution company level.

Additional studies are necessary to determine if a practical pricing approach could be developed and whether it could attain most or all of the $3.6 billion savings estimated as the national average annual benefit (in 1978 dollars) of switching from the present system to some type of pricing system. These studies could also determine if implementation of a pricing approach would have significant costs that might affect the annual gains. A thorough study of pricing prior to any major change in curtailment policy would be valuable for outlining the best long-run solution to managing natural gas curtailments.

We are also considering whether the guidelines should apply strictly to all interstate pipelines which transport gas, or whether FERC should be allowed to depart from strict application of the general policy under the ERA rule to account for the differing circumstances of individual pipelines, making adjustments where they are necessary. Individual pipelines vary as to number and types of customers and suppliers of gas as well as to the conditions under which they operate, such as weather conditions in their particular service areas.

The present Federal approach to curtailment priorities is based on end-use; it reflects costs of substitution and has the benefit of being familiar to suppliers and users after years of operation. NGPA mandates some changes in priorities, but no further changes are warranted because benefits will not justify the greater costs and uncertainty from changing priorities. However, there are worthwhile modifications that can be made to the overall functioning of the present system. For example, the total costs of natural gas curtailments could be reduced if priority systems and natural gas policies in general could encourage freer flow of gas from users with low costs of fuel substitution to users with high costs of substitution.

The proposed rule concerns all priority-of-service categories related to curtailment of natural gas deliveries by interstate pipeline companies. The rule is consistent with the majority of the comments responding to our Notice of Inquiry (NOI) (44 FR 18954, March 20, 1979) and the findings of our Regulatory Analysis, and adopts in substance our previously issued final rule regarding essential agricultural uses. Priorties established by the proposed rule, with Priority One to be the last curtailed, are as follows:

(1) high priority, which includes residential, small commercial (less than 50 Mcf on a peak day), schools, hospitals, plant protection, and institutions such as prisons.

(2) Essential agricultural uses, certified by the Secretary of Agriculture, without alternative fuel capability.

(3) Essential industrial process and feedstock uses, as defined by the proposed rule, without alternative fuel capability.

(4) All gas use less than 300 Mcf per day not included in Priorities One through Three, including large commercial users.

(5) All other uses not included in Priorities One through Four, with volumetric subcategories, i.e., larger users would be curtailed before smaller users.

The first three priorities are defined in accordance with the language in Title IV of the NGPA and our final rule governing priorities for essential agricultural use. The 300 Mcf per day cutoff level of Priority Four is based on comments from the NOI indicating that it is logistically almost impossible to curtail such uses on a short-term basis. These uses may be presumed not to have alternate fuel capability.

The rule provides more flexibility for priority categories Four and Five by providing that curtailment of volumes within any priority category or subcategory below the statutorily mandated categories (Priorities One, Two, and Three) may be limited to some percentage of the total requirements in circumstances where such treatment would reduce shortage costs and where more precise end-use priority classification is not possible. Imprecision in present curtailment plans might be reduced in two ways. First, individual suppliers and users could more precisely classify uses within the base period requirements for each priority category. Second, a Federal rule could give higher priority to more critical volumes within categories, e.g., by establishing subdivisions within intermediate priorities, such as the "percentage-limit" option. Priority Five is subdivided into volumetric ranges for requirements over 300 Mcf per day based on findings by the Regulatory Analysis that large users have lower curtailment costs per unit of gas.

The proposed rule should give the FERC ample flexibility to take into consideration a pipeline's specific circumstances in implementing the rule.

The proposed rule sets out a curtailment priority system which the comments to our NOI and our draft Regulatory Analysis say should reduce the overall national costs of curtailments. Costs from implementing changes that are not necessasry may outweigh any benefits. To prevent this, the proposed rule states that "nothing requires that a curtailment plan in effect on the date of the adoption of this rule be changed, except to the extent that changes are necessary to protect Priorities One, Two, and Three from curtailment."

Summary of Benefits

Sectors Affected: The general public.

Placing users with higher costs of curtailment in the higher priorities reduces the economic costs of gas shortages. Any reduction in the costs of curtailments under improved curtailment options helps to reduce the inflationary effects of cost increases stemming from delayed production and from shifting production among producers. Studies and analysis show that the net macroeconomic effect of using any alternative that reduces curtailment costs is a reduction in the amount of inflation in the same proportion as the reduction in total costs resulting from the use of such alternative. The proposed rule is based on alternative (A) which would result in an estimated annual average cost reduction in the event of natural gas

shortages in the magnitude of $1.2 billion (1978 dollars).

Summary of Costs

Sectors Affected: Interstate pipelines, natural gas distribution companies; low priority direct users of natural gas, such as large volume industrial or electric utility users; high priority users, such as residential users; customers of industrial users and electric utilities; and the general public.

The selection of a curtailment option has no significant effects on real Gross National Product. Curtailment impacts on gas users are offsetting because any permanently lost production of goods and services by a curtailed end-user is made up by other establishments and temporarily lost production is made up later by the same end-user. Surveys of redistribution of services indicate that this is usually not a problem because of the short duration of critical gas shortages.

The following types of costs have been analyzed:

(1) *Users' shortage impact costs:* These are all users' costs that can be attributed to a specific shortage of natural gas, e.g., the higher costs of substitute fuels, cost of interrupted production, and unemployment.

(2) *Users' shortage coping costs:* These are all users' costs to prepare for natural gas curtailments whenever it might occur, e.g., the investment costs of having dual-fuel capability to prevent interrupted production during curtailment.

(3) *Suppliers' operating costs:* All costs that pipeline and distribution company suppliers incur to supply and allocate gas, e.g., the cost of maintaining underground storage, liquefied natural gas, and propane storage to meet sharp peaks on abnormally cold days, and the cost to operate in a spot market during potential shortages.

(4) *Non-user pollution costs:* The costs of different pollution levels, e.g., the additional pollution damage when dirtier fuels are substituted for natural gas.

For example, the "users' shortage impact costs" that could result from doing nothing about the present curtailment system is estimated to be in the order of magnitude of $4 billion on an overall national basis; the "users' shortage coping costs" are $1.6 billion and the "suppliers' operating costs" are $18 billion, or a total of $23.6 billion in constant 1978 dollars. These same costs for a system based on a pricing approach which is integrated with rate design structure is estimated to have total costs of $20 billion. The result of using a pricing approach could theoretically reduce costs by $3.6 billion ($23.6 billion less $20 billion). These costs represent the willingness-to-pay to avoid curtailments, and they are based on simulations of day-to-day management of curtailments in the face of uncertain weather. Shortage costs are the average for all types of weather that could occur. The studies of "non-user pollution costs" indicate a negligible cost change between the alternatives for changing the present rationing approach and doing nothing and an uncertain gain if some type of pricing approach is used.

The results of case studies indicated there would be little change in environmental impacts from the *status quo* of any of the curtailment alternatives. The impacts of all alternate curtailment policies on annual pollutant concentrations were nearly identical to the impact of the existing curtailment policy. The net effect, therefore, of any change from the *status quo* was essentially zero. This is explained in major industrial areas by the fact that large quantities of emissions from other sources in these major industrial areas completely overshadow the emissions from the burning of alternate fuels during periods of winter season natural gas curtailment.

Exceptional cases of larger incremental increases in pollutants can be dealt with on a case-by-case basis. The FERC currently has authority to grant exemptions from a given curtailment policy if it finds that undue hardship otherwise would result. The Draft Environmental Impact Statement therefore recommends that the FERC continue environmental reviews of individual pipelines for the purpose of evaluating requests for exemptions from applicable curtailment rules.

Related Regulations and Actions

Internal: "Curtailment Priorities for Essential Agricultural Use," Final Rule issued 44 FR 15642, March 15, 1979. "Emergency Natural Gas Regulations," under consideration.

External: FERC—Incremental Pricing Rules issued under Title III of the NGPA.

FERC—Curtailment Implementation Rules issued under Title IV of the NGPA.

Active Government Collaboration

The Federal Energy Regulatory Commission staff is kept informed of Economic Regulatory Administration activities. The Commission is formally reviewing the DOE–ERA rule, as provided in § 404 of the DOE Act. ERA and FERC held four joint hearings on this NPRM in July and August 1980 (Chicago, Atlanta, San Francisco, and Washington, DC).

Timetable

Final Rule—June 1981.
Final Rule Effective—30 days after publication in the **Federal Register**.
Regulatory Flexibility Analysis—Not required.

Available Documents

Final Rule—"Curtailment Priorities for Essential Agricultural Uses," Docket No. ERA–R–78–22 (44 FR 15642, March 15, 1979).

NOI "Concerning Review of Natural Gas Curtailment Priorities," Docket No. ERA–R–79–10 (44 FR 16954, March 20, 1979).

NOI "Concerning the Use of Natural Gas Authorities to Increase Coal and Other Non-Petroleum Fuel Usage and Heavy Oil Production," ERA Docket No. ERA–R–79–49 (44 FR 61243, October 24, 1979). NPRM (45 FR 45096, July 2, 1980) and related Regulatory Analysis and Environmental Impact Statement.

Public comments on the above.

Transcripts of public hearings.

All documents are available in the DOE Freedom of Information Reading Room, Forrestal Building, Room GA–142, 1000 Independence Avenue, S.W., Washington, DC 20585.

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DOE–Fossil Energy

Variable Work Commitment Bidding System for Outer Continental Shelf Oil and Gas Lease Sales (10 CFR Parts 376* and 390*)

Legal Authority

Department of Energy Organization Act, §§ 302(b)(2) and 303(c), 42 U.S.C. §§ 7152(b)(2) and 7153(c); and the Outer Continental Shelf Lands Act, 43 U.S.C. § 1331 *et seq.*, as amended by the Outer Continental Shelf Lands Act Amendments of 1978, § 205, 43 U.S.C. § 1337(a)(1)(G).

Reason for Including This Entry

This regulation establishes a new bidding system for use in connection with the sale of Outer Continental Shelf (OCS) oil and gas leases. Use of this system may have a significant economic impact upon the revenues generated by

OCS lease sales and may significantly affect the rate and method of development of OCS resources.

Statement of Problem

The Department of the Interior (DOI) periodically sells oil and gas leases for tracts of land on the OCS using many different statutorily authorized bidding systems. These bidding systems establish the criteria for awarding leases and the basis for calculating the compensation due to the United States for the right to drill for and extract oil and gas resources from the OCS. The Secretary of Energy is responsible for the promulgation of regulations establishing the components of the different bidding systems.

On June 22, 1979, Energy Action Educational Foundation and others sued the Secretaries of Energy and Interior, alleging that the failure to issue regulations implementing two new alternative bidding systems enumerated in § 8(a) of the Outer Continental Shelf Lands Act, as amended, and the failure to use those systems violated that law. On October 30, 1980, the U.S. Court of Appeals for the District of Columbia Circuit agreed and directed the Secretary of Energy, through a subsequent order of the District Court, to take expedited action to issue regulations establishing the variable net profit share and variable work commitment bidding systems. In accordance with the District Court order, new draft regulations were published in the **Federal Register** on March 5, 1981, and April 3, 1981, for the respective systems. On April 6, 1981, the U.S. Supreme Court granted certiorari in this case.

The plaintiffs in the lawsuit contend that use of these two systems will create more competition for OCS leases and increase OCS revenues to the U.S. Treasury. The Departments of Energy (DOE) and Interior are investigating these contentions.

Failure to issue regulations establishing these systems would result in an injunction of the OCS leasing program until the regulations are promulgated.

The variable work commitment bidding system requires a bidder interested in leasing OCS tracts to offer to commit a varying (at the bidder's option) amount of money toward the exploration of the lease tract. The bidder is also required to pay to the Government a fixed cash bonus payment, a fixed royalty, and a fixed annual rental payment for the right to explore and extract oil and gas from the lease tract. The bidder offering to commit the largest amount of money to lease exploration will generally be awarded the lease.

Alternatives Under Consideration

Because the Court specifically directed promulgation of this regulation (and the variable net profit share regulation), alternatives, such as non-promulgation or promulgation of other regulations, were not considered.

Summary of Benefits

Sectors Affected: Offshore oil and gas extraction (including independent producers and joint business ventures); and the general public.

The proposed regulation is designed to encourage more participation in OCS lease sales by a more diverse range of firms. Participation in OCS lease sales may be measured in terms of an increase in the overall number of bids in an OCS lease sale, in the number of bids per tract, or in the number of sale participants. To the extent that greater participation may be considered a measure of competition for OCS leases, the proposed regulation should lead to increased competition. Also, to the extent that available capital is not used to pay large front-end cash bonuses, it should remain available for downstream exploration and development expenses. DOE and DOI are investigating these possibilities.

Summary of Costs

Sectors Affected: The U.S. Treasury; DOE; and DOI.

DOE expects that the most immediate effect of using the bidding system proposed in this regulation would be a reduction in front-end cash bonuses and a consequent reduction of funds flowing into the U.S. Treasury at the time of the lease sale. The reduction in bonus amounts may be eventually offset, at least in part, to the extent that lessees make higher contingency payments during production; however, any such contingency payments would not begin for several years after issuance of the lease. It is also possible that these lower cash bonus amounts may lead to speculative bidding.

In any bidding system where the bid variable is not the cash bonus, there is no assurance that the high bid on a tract will yield the greatest return to the public or to the Government over the life of the lease.

DOE and DOI are investigating these matters.

Related Regulations and Actions

Internal: Final OCS Oil and Gas Leasing Regulations (10 CFR Part 376); Final Accounting Procedures for Determining Net Profit Share Payment for OCS Oil and Gas Leases (10 CFR Part 390).

External: Regulations of the Department of the Interior regarding OCS leases (43 CFR Part 3300).

Active Government Collaboration

As required by § 303(b) of the Department of Energy Organization Act, the Secretary of the Interior was consulted during the preparation of these proposed regulations and afforded the statutory opportunity to comment formally on them.

Pursuant to § 5(a) of the Outer Continental Shelf Leasing Act (43 U.S.C. § 1334(a)), a copy of this proposed regulation has been transmitted to the Attorney General for his views on any matters contained herein that may affect competition. The Attorney General is required to consult with the Federal Trade Commission in the preparation of any such views. Their views will be carefully considered by DOE before the promulgation of any final regulation.

Pursuant to § 605(b) of the Regulatory Flexibility Act (5 U.S.C. § 601 *et seq.*) a copy of this proposed regulation was transmitted to the Chief Counsel for Advocacy, Small Business Administration, for his views on the economic effect of this regulation upon small entities. Any comments of the Chief Counsel will be carefully considered by DOE before the promulgation of any final regulation.

Timetable

Regulatory Impact Analysis—These rules are being promulgated pursuant to judicial order with a judicial deadline that does not permit sufficient time for preparing a complete Regulatory Impact Analysis prior to issuing a final rule. However, an RIA will be made available as soon as possible thereafter.

Regulatory Flexibility Analysis—Not required.

Final Rule—June 30, 1981.

Available Documents

Notice of Inquiry—July 17, 1980 (45 FR 49588, July 25, 1980).

NPRM—46 FR 20522, April 3, 1981.

Public comments in response to the NPRM are available for inspection at the DOE Freedom of Information Office, Room 1E–190, Forrestal Building, 1000 Independence Avenue, S.W., Washington, DC 20585 (Docket No. LPDO 81–2).

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FEDERAL ENERGY REGULATORY COMMISSION

High-Cost Natural Gas Produced from Wells Drilled in Deep Waters

Legal Authority

Natural Gas Policy Act of 1978, 15 U.S.C. § 3317.

Reason for Including This Entry

This rule will encourage production of natural gas from unconventional sources by setting an incentive price for one source of such gas—gas from wells drilled in deep water. "Unconventional" or "high-cost" gas, gas produced from geologic formations or under other conditions that make it especially expensive or risky to produce, represents an important and abundant domestic energy resource and can help in our national efforts to reduce dependence on foreign fuels.

Statement of Problem

The Natural Gas Policy Act of 1978 (NGPA) placed all sales of natural gas by producers under Federal jurisdiction and set a series of gradually escalating prices for recently discovered or "new" natural gas which more closely approximated the higher costs of alternate fuels at the time that Act was passed. These prices were intended to stimulate production and to smooth the transition to deregulation of most new gas which was set for january 1, 1985 by the NGPA.

Unconventional gas, while abundant, can be discovered and produced only at extraordinary risk or cost. The Natural Gas Policy Act of 1978 (NGPA) specifies certain categories of unconventional gas eligible for an incentive price, that is, a selling price higher than the prices for conventional gas set by Congress and high enough to make recovery of this gas economically feasible. Under § 107(c)(5), the NGPA gives the Federal Energy Regulatory Commission authority to designate other categories of natural gas as unconventional.

In a Notice of Inquiry issued on June 13, 1979, the Commission requested that the public suggest categories of gas which might qualify under § 107(c)(5) for an incentive price as high-cost or high-risk gas. This rulemaking is an outgrowth of the comments received in response to the Notice of Inquiry. All commenters agreed the production of gas from submerged acreage becomes more costly as offshore production moves seaward. Costs and risks escalate rapidly because specially designed exploratory vessels, drilling and production platforms, and other equipment are required.

The purpose of this rule would be to encourage the development and production of one type of unconventional gas—gas produced from wells drilled in deep water—with an incentive price.

Alternatives Under Consideration

The Commission has proposed an incentive price of 150 percent of the otherwise applicable maximum lawful price for gas produced from water 500 feet deep or deeper. Under the proposed regulations, to qualify for the incentive price, surface drilling of the well must have been commenced on or after May 28, 1980. The Commission proposes to qualify submerged acreage in blocks conforming to the blocks leased by the Department of the Interior (DOI) by reference to the 500-foot contour line on National Oceanic and Atmospheric Administration (NOAA) maps.

The Commission specifically solicited public comment on the incentive price necessary to encourage production of natural gas produced from deep water and on the depth at which an incentive price becomes necessary.

The Commission is considering several alternatives. The Commission could:

(A) vary the incentive price;

(B) vary the depth at which drilling is eligible for the incentive price;

(C) establish several depths and set corresponding graduated incentive prices;

(D) take no action.

Comments on the proposed rule and continued staff analysis are expected to provide information on the relative merits of each alternative.

Summary of Benefits

Sectors Affected: Natural gas producers; natural gas users; and the general public.

An appropriate incentive price should permit producers to develop natural gas from wells drilled in deep water on submerged acreage that has already been leased. The pace at which additional development will proceed and the additional volumes of gas that will be produced are not quantifiable. The benefits to natural gas users and the general public of increased domestic supplies of natural gas—a clean, environmentally benign fuel—and the possibility of a concomitant reduction in imports of foreign fuels are likewise not precisely quantifiable.

Summary of Costs

Sectors Affected: Natural gas producers; natural gas users; and the general public.

If the incentive price finally adopted is lower than that necessary to encourage production from deep-water wells, producers will be discouraged from recovering deep-water gas, less gas will be available to domestic consumers and we will not, therefore, be able to displace that amount of imported fuel. Conversely, if a higher than necessary price is adopted, consumers will pay unnecessarily high prices for the additional gas.

Related Regulations and Actions

Internal: The Commission is considering other categories of gas which may be eligible, as high-cost or high-risk gas, for an incentive price.

External: None.

Active Government Collaboration

The Commission worked with the Department of the Interior to develop a method of designating qualified acreage.

Timetable

Final Rule—To be determined.
Final Rule Effective—To be determined.
Rehearing Decision—To be determined.
Regulatory Impact Analysis—The FERC is an independent regulatory agency and is not required to prepare the Regulatory Impact Analysis prescribed in E.O. 12291. However, the FERC performs essentially the same analysis for rules of major importance, the results of which are reported in the orders issuing NPRMs and final rules.
Regulatory Flexibility Analysis—Not required.

Available Documents

NPRM—45 FR 47863, July 17, 1980 (Docket No. RM80–38).

The comments filed on this proposed rule are available to the public at the Commission's Division of Public Information, Room 1000, 825 N. Capitol Street, N.E., Washington, DC 20426.

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FERC

High-Cost Natural Gas: Production Enhancement Procedures (18 CFR Part 271, Subpart G*)

Legal Authority

Natural Gas Policy Act of 1978, 15 U.S.C. § 3317.

Reason for Including This Entry

This rule will encourage production of reserves of natural gas which are recoverable only by application of techniques to enhance production which are often too costly to apply at the prices available.

This, along with other categories of "unconventional" or "high-cost" gas, gas produced from geologic formations or under other conditions that make it especially expensive or risky to produce, represents an important and abundant domestic energy resource and can help to reduce imports of foreign fuels.

Statement of Problem

The Natural Gas Policy Act of 1978 (NGPA) placed all sales of natural gas by producers under Federal jurisdiction and set a series of gradually escalating prices for recently discovered or "new" natural gas which more closely approximated the higher costs of alternate fuels at the time the Act was passed. These prices were intended to stimulate production and to smooth the transition to deregulation of most new gas which was set for January 1, 1985 by the NGPA.

Unconventional gas, while abundant, can be discovered or produced only at extraordinary risk or cost. The NGPA specifies certain categories of unconventional gas eligible for an incentive price, that is, a selling price higher than the prices for conventional gas established by Congress and high enough to make recovery of these reserves economically feasible. Section 107(c)(5) of the NGPA gives the Commission authority to designate other categories of natural gas as unconventional.

In a Notice of Inquiry issued on June 13, 1979, the Federal Energy Regulatory Commission requested that the public suggest categories of gas which might qualify under § 107(c)(5) as high-cost or high-risk.

This rulemaking is an outgrowth of the comments received in response to that Notice of Inquiry and a petition filed by the Sun Gas Company requesting the Commission to classify gas produced as a result of production enhancement procedures as high-cost. This petition was supported by other natural gas producers and environmental groups such as Friends of the Earth and the Environmental Policy Center.

Production enhancement procedures often become necessary in order to maintain or to increase production from a depleting well or a well in which production has become marginal. Production supply enhancement procedures eligible under the proposed rule include: (1) re-entry into a well which has been plugged and abandoned; (2) re-entry into a well in order to drill deeper or start a side shaft; (3) reperforation of the well casing or perforation into a separate gas-producing zone; (4) repair or replacement of a faulty or damaged casing or related equipment in the well; (5) acidizing, fracturing, or installation of compression equipment. Current regulations do not allow sufficient flexibility to contracting parties to amend, modify, or renegotiate contracts in order to provide for production enhancement work.

The purpose of this rule is to set a ceiling or maximum price which may be paid by a purchaser and which is high enough to encourage production of reserves of natural gas recoverable only if production enhancement procedures are applied.

Alternatives Under Consideration

The Commission has proposed that gas produced with supply enhancement procedures applied after May 29, 1980 be eligible for an incentive price as high as the price for gas under § 109 of the NGPA. (In August 1980, the price for § 109 gas was $1.72 per million Btu's.) A negotiated contract price must be in effect to ensure that the price for qualified production enhancement gas is set by agreement of all the contract parties. The Commission has also proposed a formula limiting the unit cost of production that results from enhancement procedures so that incremental revenues are not excessive.

The Commission specifically solicited comments on what constitutes a reasonable incentive price and whether other production enhancement techniques should be eligible for the incentive. The Commission also requested any information on the types of supply enhancement projects that will not be undertaken unless the ceiling is even higher that the § 109 price.

The Commission will consider in a separate proceeding whether gas subject to § 104 (gas already dedicated to interstate commerce when the NGPA was enacted) and § 106 (natural gas subject to both interstate and intrastate "rollover" contracts) of the NGPA should be eligible for the incentive price if supply enhancement procedures are necessary to maintain production.

Summary of Benefits

Sectors Affected: Natural gas producers; natural gas users; and the general public.

Large volumes of gas remain in mostly depleted or faulty wells, although it is impossible to estimate the amount. An appropriate incentive price should allow producers to tap reserves on natural gas recoverable only through supply enhancement procedures. The benefits to natural gas users and the general public of increased domestic supplies of natural gas—a clean, environmentally benign fuel—and the possibility of a concomitant reduction in imports of foreign fuels are not precisely quantifiable.

Summary of Costs

Sectors Affected: Natural gas producers; natural gas users; the general public; State jurisdictional agencies; and the Commission.

If the incentive price finally adopted is lower than that necessary to encourage production of reserves recoverable through supply enhancement procedures, these reserves may be left in the ground and therefore, natural gas users and the economy will not benefit from increased domestic supply. If an incentive price that is higher than necessary is adopted, consumers will pay unjustified prices for additional gas.

Workload will be increased at the Commission and at the State jurisdictional agencies in order to determine that the supply enhancement work for which the incentive price is claimed has actually been performed and that such work is in fact necessary to produce the gas.

Related Regulations and Actions

Internal: The Commission is considering other categories of gas which may be eligible, as high-cost or high-risk gas, for an incentive price.

External: None.

Active Government Collaboration

None.

Timetable

Rehearing Decision—To be determined.

Regulatory Impact Analysis—The FERC is an independent regulatory agency and is not required to prepare a Regulatory Impact Analysis as prescribed in E.O. 12291. However, the FERC performs

essentially the same analysis for rules of major importance and reports the results in the orders issuing NPRMs and final rules.

Regulatory Flexibility Analysis—Not required.

Available Documents

NPRM—45 FR 51219, August 1, 1980 (Docket No. RM80–50).

Sun Gas Petition for Rulemaking (Docket No. RM80–41).

Sun Gas Petition for Rulemaking (Docket No. RM80–41).

Final Rule—45 FR 77421, November 24, 1980 (Docket No. RM80–50).

The comments filed on the proposed rule and copies of the final rule are available to the public at the Commission's Division of Public Information, Room 1000, 825 N. Capitol Street, N.E., Washington, DC 20426.

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FERC

Procedures Governing Applications for Special Relief Under Sections 104, 106, and 109 of the Natural Gas Policy Act of 1978 (18 CFR Parts 2* and 271*)

Legal Authority

Natural Gas Policy Act of 1978, 15 U.S.C. § 3301 *et seq.*; Department of Energy Organization Act, 42 U.S.C. § 7107 *et seq.*; Natural Gas Act, as amended, 15 U.S.C. § 717 *et seq.*; E.O. 12009, 3 CFR, 1977–78 Comp., p. 142.

Reason for Including This Entry

These proposed regulations would encourage producers of these categories of natural gas to undertake new production or production enhancement projects not otherwise economically feasible. These regulations will cover natural gas production costing millions of dollars annually.

Statement of Problem

The Natural Gas Policy Act of 1978 (NGPA) established a maximum lawful price (MLP) for any first sale of natural gas. The proposed regulations are important in that they would implement the Federal Energy Regulatory Commission's (Commission) authority under the NGPA to set prices higher than the MLP for three categories of gas sales, namely: first sales of gas committed or dedicated to interstate commerce on the day before the date of enactment of the NGPA, first sales of gas under rollover contracts, and first sales of gas not covered by any MLP under any other section of the NGPA. ("First sale" is a term indicating that the sale is subject to the terms of the NGPA and is therefore eligible for NGPA prices. The term does not refer to the first time gas is sold—hence there may be a chain of first sales.) Thus, producers of these categories of natural gas would be encouraged to undertake new production or production enhancement projects not otherwise economically feasible at the MLP specified in the NGPA.

In the past, ceiling prices for producer sales of natural gas were set by the Commission or its predecessor, the Federal Power Commission (FPC), on an area—later a nationwide—basis. These prices were set to cover classes of producers (large or small) and vintage (when the well was drilled or production began). In some instances, however, the ceiling price did not permit a producer to earn a fair profit or, in the extreme case, recover his cost of production. This put the producer face-to-face with two alternatives: continue production at an economic loss, or abandon the well. Neither of these alternatives was in the public interest, as the first affected the producer and would likely discourage further business ventures, and the latter affected the consumer in that it made less gas available. Therefore, regulations called "special relief procedures" were adopted; they allowed producers to apply for prices higher than those set at area or nationwide ceilings.

Passage of the NGPA fundamentally removed the responsibility for establishing ceiling prices from the Commission. The MLP for a particular sale now depends on when the well is drilled, where the gas is produced, and whether it was priced under the earlier practices of the Commission. As part of its general regulatory scheme, however, the NGPA provides that the Commission may set a price higher than that stated in the NGPA for certain types of producer sales; in other words, the Commission may continue to grant "special relief" under the NGPA.

The Commission believes that it is necessary to continue providing producers with the opportunity, in special or unusual situations, to obtain relief from the MLPs. To this end, the Commission has proposed new regulations for granting such relief. The new regulations describe the circumstances under which a producer-seller of natural gas may seek a "special relief" rate, the manner in which the seller may apply for the rate, the process by which the Commission will consider an application, and the cost standards which the Commission will use to determine a special relief rate.

Alternatives Under Consideration

In providing regulations to govern the application for, and granting of special relief under, the NGPA, the Commission must determine which of the various categories of natural gas that are priced under the NGPA will be eligible for the relief, and on what basis it will grant the relief. There are alternatives for both of these questions.

The Commission has the authority to grant special relief for the three above-discussed categories of natural gas sales. It does not, however, have authority to grant special relief for the remaining five categories of natural gas sales defined in the NGPA, namely: new natural gas and certain natural gas produced from the outer continental shelf; natural gas produced from new, onshore production wells; natural gas sold under existing intrastate contracts; certain high-cost natural gas; and stripper well natural gas (wells which produce at very low rates). However, the NGPA could be read to permit a price higher than the MLP for these categories under circumstances which might be considered as warranting "special relief." The Commission is, therefore, considering other rulemaking procedures to encompass some or all of these categories.

Also under consideration is the advisability of an upper limit or "cap" on special relief. The Commission has requested comments on this issue, and a related one: If a "cap" is indeed advisable, what should it be?

One of the more complex problems in establishing a rule for special relief is the criteria by which the Commission should determine a special relief rate. Under the old special relief rules a producer could recover either out-of-pocket expenses or a rate sufficient to provide a fair return on past and future costs, including any extra investment he had to make. The new regulations, while simplifying the standards by providing a formula approach, also distinguish between a producer who must undertake an important investment to make his well economically productive, and one who needs no further investment but needs special relief to cover ongoing operating and maintenance expenses.

The most difficult issues concern the rates to be granted to producers making new investment. The Commission must

decide what kinds of investment should be recovered and what the appropriate rate of return on investment should be.

The relative pros and cons of alternative standards are extremely complex. In deciding among them, the Commission must balance the impact of each alternative against the practicalities of producer regulation, the supplies affected, the administrative difficulty (or simplicity) of the regulations, and the intent of the NGPA.

Summary of Benefits

Sectors Affected: The Commission; natural gas production; natural gas pipelines; and natural gas consumers.

This proceeding will directly benefit producer-sellers of natural gas. It will provide the sellers with an opportunity to petition for maximum lawful prices greater than those explicitly set forth under the NGPA. This is important for those sellers who might incur real economic harm or hesitate to undertake new projects because the costs to produce their gas exceeds the MLP they could get for the gas under the NGPA.

In addition, the proceeding will benefit the pipelines that purchase the gas and the ultimate consumers. The benefits will be in the form of added supplies of natural gas—a clean, environmentally benign fuel—which would otherwise never reach the market. These added supplies may permit a reduction in imports of foreign fuels.

The new procedures of the proposed rule should result in a more economical use of the Commission's time. Thus, administrative costs should be lower than under prior practices. However, about 130 requests for special relief are now pending. These cases, originally filed under the old procedures, form a backlog requiring immediate administrative action under the new procedures.

Summary of Costs

Sectors Affected: The Commission; natural gas producers and sellers; natural gas pipelines that purchase the gas; and natural gas consumers.

The procedures to allow special relief applications will add to administrative time and costs at the Commission. The number of petitions for special relief that may be filed cannot be determined at this time and will depend upon many variables, including general economic trends and the particulars of individual cases. About 50 to 60 cases per year were administered under the old special relief procedures. This would be a realistic estimate for cases filed under the proposed regulations.

The granting of a special relief rate means that a producer can receive a higher price for the sale of his gas. This higher price can be passed through to the ultimate consumer. The exact magnitude of this effect is unknown but could well reach millions of dollars annually.

Related Regulations and Actions

Internal: Regulations implementing the Natural Gas Policy Act.

External: None.

Active Government Collaboration

None.

Timetable

Final Rule—To be determined.

Rehearing Decision—To be determined.

Regulatory Impact Analysis—The FERC is an independent regulatory agency and is not required to prepare the Regulatory Impact Analysis prescribed in E.O. 12291. However, the FERC performs essentially the same analysis for rules of major importance and includes the results in the orders issuing NPRMs and final rules.

Regulatory Flexibility Analysis—Not required.

Available Documents

NPRM—44 FR 49468, August 23, 1979 (Docket No. RM79–67).

Notice Granting Extension of Time to Comment—44 FR 53759, September 17, 1979 (Docket No. RM79–67).

Notice of Public Hearing, issued October 13, 1979 under Docket No. RM79–67.

Notice of Request for Public Comments and Notice of Public Discussion, 45 FR 5321, January 23, 1980 (Docket No. RM79–67).

NPRM—45 FR 31744, May 14, 1980 (Docket No. RM79–67).

Transcripts of public hearings and public discussions, and written comments are available at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, DC 20426.

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FERC

Rate of Return on Common Equity for Electric Utilities (18 CFR Part 2)

Legal Authority

Federal Power Act, 16 U.S.C. §§824, 824d and, 824e (Supp. 1979) and 42 U.S.C. § 712(a)(1)(B)(Supp. 1979).

Reason for Including This Entry

The Commission regulates the sale of electric power sold wholesale in the interstate market. This means that the Commission regulates about 13 percent of the total sales of electricity made in the U.S. This rulemaking can have an important impact on the amounts paid by those who purchase electric power in sales regulated by the Commission and on the ability of those utilities that make those sales to raise money for capital improvement. The rulemaking can also have an important impact on the processes used by the Commission to decide ratemaking issues.

Statement of Problem

The Federal Energy Regulatory Commission (FERC) has begun an inquiry to explore alternatives to the case-by-case procedure it now uses in setting an allowed rate of return on common equity for electric utilities that sell wholesale electric power. "Return on common equity" is the amount of the utility's total revenues—earned by the rates charged for electricity—that remains for sharing among common shareholders or for improving the business after payment of expenses and debts (including dividends to preferred shareholders).

FERC now sets the allowed rate of return, a percentage that defines the return to be permitted on the common shareholders' capital contribution to the utility, for each utility individually as part of its general rate case. This takes time and involves a great deal of highly involved financial analysis. If a new generic procedure can be developed, the necessary calculations in each of these rate cases could be greatly simplified. This can mean not only a savings in time for the FERC and the utilities (and as time frequently means money, a savings to those utilities' customers), but also a more accurate determination of a critical component of a utility's rate structure.

Electric utilities finance construction of new plant and equipment to serve ratepayers just like other businesses, that is, with a mixture of borrowed funds (debt) and the utilities' shareholders' invested funds (equity). In general, those who purchase the utilities'

electricity (the ratepayers) do not finance new construction or system upgrading. They only pay for the plant that is actually in use for current service. For this reason, the utilities must attract investors and raise capital for construction. To do this, the utilities must be allowed a sufficient rate of return on investment; that is, they must be permitted a rate that—considering the riskiness of the business and other factors—will cover their costs of equity capital.

Many local electric utilities do not own facilities to generate power, and confine their operations to the distribution of electric power bought in interstate wholesale transactions. Under the Federal Power Act of 1935, FERC set the rates for these interstate wholesale power transactions. The FERC regulates rates charged by 211 privately owned electric utilities for their wholesale sales of electricity—about 13 percent of the total annual sales of electricity in the U.S. This authority to set rates is, of course, the authority to specify the overall revenues of the utility; included within these overall revenues is a recovery of equity capital costs through the Commission-established rate of return on common equity investment.

Because many rate increases filed by electric utilities subject to the FERC's jurisdiction are contested by customers of utilities, in order to determine an appropriate rate of return on equity, extensive evidence must be taken in a trial-type hearing before an administrative law judge. The equity rate of return issue is at present essentially considered anew in each contested rate case, and is thus now determined on a utility-by-utility, case-by-case basis.

In a special report to Congress ("Decisional Delay in Wholesale Electric Rate Increase Cases: Causes, Consequences and Possible Remedies," January 23, 1980), FERC Chairman Charles Curtis spoke of the Commission's large and growing electric rate caseload and the length and complexity of electric rate cases. At that time, he suggested that the Commission should work to develop alternative methods for determining the equity rate of return, perhaps the most important and time-consuming of the many elements in a rate case. This is because electric utilities, like most other regulated utilities, are "capital intensive"—that is, far more than in unregulated manufacturing or retailing industries, a considerable amount of capital investment in plant, including costly transmission and distribution equipment, is required to earn a relatively low level of revenues. The cost of invested capital accordingly is a relatively much larger component of the final "sale price" of a kilowatt hour of electricity, than it is, for example, in the case of a pair of shoes. Moreover, the allowed level of this element of a utility's total cost of service will in a sense determine that utility's net profit—and it thus is not surprising that disputes on this matter are frequent.

Although the capital structure, business organization, and financial condition of electric utilities vary widely, there are enough similarities to suggest that a more general approach to equity rate of return questions might be possible.

Alternatives Under Consideration

The Commission has four basic alternatives to consider in determining a method for setting the common equity rate of return for electric utilities.

(A) The Commission could continue the current practice of determining the rate of return on a case-by-case basis. This method is geared to individual company requirements and circumstances, and complex issues of corporate finance and economic market conditions are considered. The advantage of this method is that these individualized factors can be carefully weighed and—in theory—a finely-tailored result will be produced. However, this alternative necessarily involves a large commitment of efforts by analysts, accountants, and attorneys from the utilities, and at the FERC, and additional efforts in the Federal courts.

(B) The Commission could develop a general, or generic, approach for determining an appropriate return for all electric utilities. Within this general approach, there are three options.

(1) The Commission could establish a specific percentage rate of return, based on industry-wide averages, that would apply to each utility. Once the "standard rate" had been set, this approach would be easily and cheaply administered; and FERC could develop a system of periodic revisions to keep the industry average rate of return current with existing capital market conditions.

(2) FERC could set a limited range of percentages within which the equity rate of return for each utility could be set. Depending on whether a given utility's equity costs were relatively low, medium, or high, its return could be set at the bottom, middle, or top of this zone. However, litigation over whether a specific utility falls in the upper, middle, or lower classes could be just as lengthy and costly as the current litigation over what the percentage rate should be.

(3) A "formulaic" alternative would involve the use of a general formula for setting rate of return on a case-by-case basis: Appropriate utility-specific numbers, when entered into the general formula, would result in a return for that specific utility. With this alternative, the Commission could speed up rate cases while retaining some of the advantages of examining each company's specific structure and capital requirements. There are many precedents for this formulaic approach: For example, the valuation of oil pipelines has been determined in a similar manner for more than 40 years. However, litigation over the utility-specific numbers that would be entered into the formula could create costly delays.

While the results of all these generic approaches may not be as "individualized" as those produced by the present case-by-case approach, it is possible that the savings in litigation costs (both to utilities and FERC) may easily offset the arguable precision that the current system achieves.

All three generic alternatives were developed in some detail by a special FERC Staff Study Group, and were presented to the Commission and its staff. This presentation, including the report entitled "Establishing the Rate of Return on Equity for Wholesale Electric Sales: Potential Regulatory Reforms," was made public for comment and discussion on December 15, 1980. A public hearing, attended by representatives of electric power sellers and buyers, the Special Study Group, and FERC staff, was held January 30, 1981, to discuss this report, and written comments from the public have also been submitted. The concept of the report—that there should be a generic approach to setting rates of return—was well received. However, there was no consensus as to which of the three specific approaches (single inflexible percentage rate, range of permissible rates, or formula) was best suited to the needs of the public, the utilities, or the Commission. There was a recommendation from the participants in the public conference that whatever approach the Commission adopts, that approach should be followed concurrently with the current system of case-by-case treatment until the new approach "proves out."

The next step may be an NPRM. Staff will be making its recommendations on such a proposal to the Commission later this year.

Summary of Benefits

Sectors Affected: Electric utilities selling power at wholesale; investors

in those utilities: electric utilities purchasing power at wholesale: and ultimate industrial, commercial, agricultural, and residential consumers of electricity.

Shortening the time to decide rate of return issues and simplifying the processes involved could benefit electricity consumers, electric utilities, and the Commission.

Under the law, a utility that sells electric power at wholesale and that wishes to increase its rates must file with the FERC a rate increase notice. The new rate goes into effect no sooner than 2 months after the rate increase is filed with FERC, and no later than 7 months after it is filed with the FERC. However, a final FERC decision on whether the new rate is proper can require an additional 2 or 3 years, or even longer; thus, until that final decision is made, both customers and the selling utility cannot be certain that the new rate is lawful—even though it may have previously gone into effect and is being charged to the rate-payers.

Although these rates are collected subject to the seller's obligation to refund to the customers any excess charges (plus interest) if the new rate is finally determined to be too high, the uncertainty of what that refund will be (if any) makes it difficult for utilities—which both sell and buy the electricity—to decide on firm financial commitments and attract investors. Any procedural change that can speed up the time required to finally decide the proper rate reduces that uncertainty, and the substantial costs thereby created.

Summary of Costs

Sectors Affected: Electric utilities selling power at wholesale; investors in those utilities; electric utilities purchasing wholesale power; and ultimate consumers of electricty.

Depending on which alternative the Commission selects and how the Commission decides to implement the method selected, there may be costs to one or more of the sectors involved. A high rate of return would result in higher costs to consumers. Conversely, a low rate would reduce rates to consumers. But low rates might also adversely affect investor interest in individual utilities and utilities in general; that in turn might force the utility to postpone needed new construction to a later date, when it may well be far more costly; and these postponements in turn might well result in poorer or more costly service to the ratepayers.

If the generic alternatives are adopted—for example, industry-wide determinations of an appropriate rate of return through the use of either a single number, a zone, or a formula—there will be additional costs.

First, there is an administrative development cost. To develop a workable procedure will most likely take a considerable amount of FERC time and manpower. And these commitments must, in some measure, be maintained in future years in order to "fine tune" the number, range, or formula over time to accord with the vagaries of shifting financial conditions and capital markets.

Second, there will be an implementation and use cost. This is particularly true if the percentage range approach is adopted. Under that approach, although a "high" and a "low" rate is set, precisely where between these two extremes a specific utility may fall will likely be a subject of administrative litigation, much as now occurs. While the scope of that litigation might be considerably narrower than it is at present, it may still be complex and time-consuming. The single rate and formula approaches minimize this type of cost, by virtue of their inflexible rigidity.

Third, there is the cost that accompanies a "wrong" result, when a particular utility is subjected to the "wrong" rate of return. If that rate is too low, the utility will suffer, and ultimately, so will its customers; if it is too high, the customers will pay too much, for too little service. This potential cost problem is most likely with the single rate approach, for that approach is the least utility-specific. Conversely, it is least likely with the formula approach.

Fourth, because a generic or industry-wide ratemaking procedure may not cover all utilities—for example, utilities at the extreme ends of the industry norms may be deliberately excluded from the generic rate because they are so atypical (e.g., their financial structure or condition or their capital costs are substantially different from the industry norms)—there is a possible added cost that could be incurred in determining the proper rate of return for atypical companies that cannot "fit" under a generic approach. This would be the cost of a case-by-case ratemaking procedure for those special cases that would not be addressed under some of the generic alternatives.

At the present time, all of these various costs are very much unquantifiable, and subject to much debate. Some, such as the costs of a "wrong" decision, can never be computed.

Related Regulations and Actions

None.

Active Government Collaboration

None.

Timetable

NPRM—To be determined.
Final Rule—To be determined.
Rehearing Decision—To be determined.
Regulatory Impact Analysis—The FERC is an independent regulatory agency and is not required to prepare a Regulatory Impact Analysis as prescribed in E.O. 12291. However, the FERC performs a similar analysis for rules of major importance, and includes the results in the orders issuing NPRMs and final rules.
Regulatory Flexibility Analysis—To be determined.

Available Documents

Staff Study Group Report and Executive Summary, "Establishing the Rate of Return on Equity for Wholesale Electric Sales: Potential Regulatory Reforms," RM80-36, December 15, 1980.

Transcript of public hearing held January 30, 1981, to discuss the Staff Study Group Report.

Written comments submitted in response to the Report.

All documents are available at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, DC 20426, during regular business hours.

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FERC

Regulations Governing Applications for Major Unconstructed Projects (18 CFR Part 4*)

Legal Authority

Federal Power Act, 16 U.S.C. § 791a *et seq.*; Public Utility Regulatory Policies Act of 1978, 16 U.S.C. § 2601 *et seq.*

Reason for Including This Entry

This rulemaking is important because it simplifies and clarifies licensing requirements and procedures for major projects yet to be constructed, thereby making the development of new sources of hydroelectric power generation—a

renewable energy resource with great undeveloped potential—more attractive and efficient.

Statement of Problem

This rulemaking is the third phase of the Federal Energy Regulatory Commission's (FERC) licensing reform program for all projects built for the generation of electric energy by water power that are within the Commission's jurisdiction.

Section 405 of the Public Utility Regulatory Policies Act of 1978 (PURPA) charges the Commission to establish simple licensing procedures for water power projects which are connected with existing dams and have a capacity to generate 15 megawatts (20,000 horsepower) or less of electricity at any one time. The Commission is extending this reform effort to licensing procedures for all water power projects. As a result, this rulemaking proposes licensing reforms which deal with all "major" projects (those with a generating capacity of more than 1.5 megawatts or 2,000 horsepower) (1) for which there is no dam or impoundment (body of water impounded by a dam) at the time of the application, or (2) which would result in a significant increase in the normal surface elevation of an existing impoundment, or (3) which are otherwise determined, pursuant to the Commission's regulations implementing the National Environmental Policy Act of 1969 (NEPA), to have a potentially significant environmental impact.

The current requirements governing licensing of major water power projects are to be found in various sections of the Commission's regulations. An applicant may be required to submit information in as many as 23 different exhibits within each application. Frequently, the existing regulations do not explain in sufficient detail what information applicants must submit. This can result in duplicate filings or deficient applications. The revision of the regulations governing major unconstructed projects where no dam or impoundment has been built will consolidate and simplify the information required of any applicant in order to elicit only that information which is relevant to an informed decision on the merits of the application.

Projects of the magnitude covered by this rulemaking naturally result in more significant environmental disturbances than other, smaller water power projects. The Commission will therefore require any applicant for a major unconstructed project to file an Environmental Report of considerably greater depth and detail than it will require for smaller projects or projects at existing dams. The Commission is also revising its NEPA regulations that set forth the specifications of an Environmental Report for all projects, and is tailoring the requirements for such reports to the type of water power project for which the applicant seeks a license. The need for relatively greater detail concerning such projects also extends to information relating to their structural and financial integrity.

Alternatives Under Consideration

The Commission is not required by PURPA to reform its licensing procedures for hydroelectric projects that are not connected with existing dams. Nevertheless, the FERC has previously reformed hydroelectric licensing procedures outside the scope of PURPA, and this rulemaking accordingly extends to major unconstructed projects the benefits of the simplified licensing program.

The Commission must determine how it will revise the licensing procedures, and decide which of the current reporting requirements to simplify and consolidate. For example, the Commission must determine how extensive the Environmental Report for such projects must be. Because construction of a dam involves flooding land permanently and for the first time and the impacts of extensive construction activity, more environmental detail will be needed to assess the environmental impacts of such a project than is needed for projects where the dam already exists. The Commission will also revise its NEPA reporting requirements to require an Environmental Impact Statement for all such projects.

Summary of Benefits

Sectors Affected: The Commission; State, municipal, and private developers of major unconstructed hydroelectric power projects within the jurisdiction of the Commission; consumers of hydroelectric power; and the general public.

Better licensing procedures should expedite the licensing of water power projects, thus encouraging hydroelectric development. This in turn may help replace costly imported energy supplies with this cheap, renewable energy resource.

Additional hydroelectric facilities will mean that more consumers will have access to hydropower. This may create greater stability in the cost of electricity to consumers. It may even result in lower rates for electric power.

The improved regulations will help conserve the manpower and financial resources of both the Commission and the hydroelectric facility applicants, because the regulations will be more understandable and more reasonable in their requirements. As a result, developers may file fewer deficient applications which require upgrading, and both developers and the Commission may waste less time interpreting and litigating the regulations.

By obtaining more complete environmental data, the improved regulations should also enable the Commission to better fulfill its obligations under NEPA to identify and minimize adverse environmental disturbances. The public will benefit because development of hydropower will be more attractive and adverse environmental impacts will be minimized.

Summary of Costs

Sectors Affected: State, municipal, and private developers of major unconstructed hydroelectric power projects within the jurisidiction of the Commission.

This proposal will require an applicant for a license to construct a major project to file with the Commission a more detailed Environmental Report than is required for smaller projects or for projects at existing dams. The Commission will also require greater specificity regarding the structural and financial integrity of these projects. This will create an additional reporting burden for major project developers. The burden should not discourage them from applying for licenses, however, in light of the significant improvements in the other licensing procedures.

Related Regulations and Actions

Internal: The first phase of the licensing reform program revised the licensing regulations for all "minor" projects (installed capacity of 1.5 megawatts or less) (FERC Order No. 11, 43 FR 40215, September 11, 1978). The second phase revised the regulations for "major" projects (more than 1.5 megawatts of installed capacity) where at least a dam and impoundment are in existence at the time of the application (FERC Order No. 59, 44 FR 67645, November 27, 1979). In conjunction with these reforms, the Commission also revised its procedural regulations governing licenses and preliminary permits for all water power projects (FERC Order No. 54, 44 FR 61328, October 25, 1979).

The Commission proposed new Regulations Implementing the National Environmental Policy Act of 1969

governing the collection, evaluation, and dissemination of environmental information concerning Commission actions (NPRM, 44 FR 50052, August 20, 1979, Docket No. RM79–76).

External: None.

Active Government Collaboration

None.

Timetable

Final Rule—June 1981.
Rehearing Decision—To be determined.
Regulatory Impact Analysis—The FERC is an independent regulatory agency and is not required to prepare the Regulatory Impact Analysis prescribed in E.O. 12291. However, the FERC performs essentially the same analysis and includes the results in the orders issuing NPRMs and final rules.
Regulatory Flexibility Analysis—To be determined.

Available Documents

FERC Order No. 11, 43 FR 40215, September 11, 1978.
FERC Order No. 59, 44 FR 67645, November 27, 1979.
FERC Order No. 54, 44 FR 61328, October 25, 1979.
NPRM, 44 FR 50052, August 20, 1979, Docket No. RM79–76.
NPRM, 46 FR 10165, February 2, 1981, Docket No. RM80–39

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FERC

Regulations Implementing Section 110 of the Natural Gas Policy Act of 1978 and Establishing Policy Under the Natural Gas Act (18 CFR Part 271, Subpart K*)

Legal Authority

15 U.S.C. § 3320(a) (Supp. II 1978).

Reason for Including This Entry

These regulations will determine who pays for certain services necessary for natural gas production and transportation and how much may be paid for those services.

This rule involves millions of dollars annually in potential revenues to producers and other sellers of natural gas. The Federal Energy Regulatory Commission (FERC), in providing for collection of production-related costs, will establish a workable set of rules for natural gas pricing which may increase deliveries of properly compressed, treated, and processed gas for shipment to ultimate consumers.

Statement of Problem

On December 1, 1978, the Natural Gas Policy Act of 1978 (NGPA) became law. By that law, the Congress established maximum prices for which a producer could sell natural gas. In establishing these prices, the Congress specified that a producer could collect amounts above the maximum lawful prices when the producer incurred particular types of costs, if the Commission approved.

When the NGPA went into effect, the Commission put out interim regulations implementing the Act. Among those regulations were rules defining who could apply to the Commission for production-related costs, what costs could be applied for, and how an application could be made for authorization to collect the add-ons (i.e., additions to a ceiling price that compensate a producer for certain production-related costs) for the costs. The Commission solicited comments on these interim regulations and amended them in July of 1980.

The July 1980 amendments attempted to address three important problems. First, how can the Commission establish a mechanism so that a producer can promptly receive approval to add on to a ceiling price an amount for production-related costs? Second, how can the Commission best respond to the situation in which a pipeline company rather than the producer agrees to incur production-related costs? And third, how can the regulations best be designed to ensure that a producer knows what can be applied for and how to apply?

Alternatives Under Consideration

In implementing the production-related cost section of the NGPA, the Commission has two basic alternatives. It could provide a "simple rule" outlining who can apply, what kinds of production-related costs can be applied for, and how to apply. This was the approach used in the interim regulations first issued to implement the NGPA. That approach was based on a case-by-case determination of cost add-ons and only treated cases in which the producers or other sellers of natural gas incur the production-related costs.

Alternatively, the Commission could establish certain categories of production-related costs that could automatically be added to a producer's ceiling price and provide for situations when the purchaser, instead of the seller, agrees to incur those costs. In this way, the administration of the program becomes simpler, and both the seller and the purchaser are considered. This was the approach adopted by the Commission in the July 1980 amendments.

In adopting this approach, the Commission decided to proceed step-by-step. First, the regulations were amended to immediately provide that certain minimal types of production-related costs could be automatically added by a producer to a sales price without further administrative action or delay. Second, the two most important types of production-related costs were isolated—costs for gathering natural gas (i.e., collecting it from individual wells and bringing it to a common transporting system) and compressing natural gas (i.e., pressurizing it so that it will move from the gas well to and through a transporting system). An appropriate add-on for these costs will be determined in separate notices of proposed rulemaking so that they too may automatically be added on by sellers.

Third, a policy statement for pipelines that purchase natural gas from producers was issued. This policy describes the types of production-related activities that the Commission will automatically permit in the pipeline's rates, further simplifying administrative proceedings.

Finally, FERC would propose a new rule to mark out certain costs that will be considered production costs, as opposed to production-related costs. These costs must therefore be covered by the sales price for the gas, which price cannot exceed the maximum lawful price.

Summary of Benefits

Sectors Affected: Producers and other sellers of natural gas; industry purchasers of natural gas, such as pipelines; and ultimate consumers of natural gas.

All sectors will benefit from a workable and prcticable set of rules governing collection of production-related costs.

This rule involves several millions of dollars in potential revenues to producers and other sellers of natural gas. The Commission, in providing for production-related costs, is seeking to establish a workable set of rules for natural gas pricing and to increase deliveries of properly compressed, treated, and processed gas for shipment to consumers.

Summary of Costs

Sectors Affected: Natural gas producers; natural gas purchasers; and natural gas consumers.

Any and every add-on permitted by the Commission to a producer will increase the sale price of natural gas. This price must be paid in all cases by the ultimate consumer of that gas. To the extent that a producer does not get an add-on for a production-related cost, or is delayed in getting the add-on, the producer will incur costs. To the extent that the add-on is permitted, costs will be incurred by natural gas purchasers and, ultimately, paid by natural gas consumers.

The cost involved is sizable but not quantifiable. The amounts involved will be determined by several factors: how many sellers request or receive add-ons; what add-ons are sought; and the amounts of those add-ons. Some measure of the potential impact of the rule can be deduced from the number of producing natural gas wells in the country. There are some 15,000 such wells now in existence, and more being completed every year. There may be production-related costs allowed for most, if not all, of these wells.

Related Regulations and Actions

Internal: Because of the step-by-step process, there are several rulemakings involved. These will include, in addition to the main docket described in this entry, the rulemaking for gathering allowances (Docket No. RM80–73), the rulemaking for compression allowances (Docket No. RM80–74), and a rulemaking for production costs (Docket No. RM80–72). Also, rules considered under Order No. 68, "Final Regulations Under Sections 105 and 106(b) of the Natural Gas Policy Act of 1978," Docket No. RM80–14 (issued January 18, 1980, 45 FR 5678, January 24, 1980), may affect this regulation.

External: None.

Active Government Collaboration

None.

Timetable

Final Rule—Mid-1981.
Final Rule Effective—The rule is effective on an interim basis as of July 25, 1980.
Rehearing Decision—To be determined.
Regulatory Impact Analysis—The FERC is an independent regulatory agency and is not required to prepare a Regulatory Impact Analysis as prescribed in E.O. 12291. However, the FERC performs essentially the same analysis for rules of major importance and includes the results in the orders issuing NPRMs and final rules.
Regulatory Flexibility Analysis—Not required.

Available Documents

The interim regulations on which this proceeding is based were published in the **Federal Register** of December 1, 1978 (43 FR 56488).

Amendments to interim regulations, Order No. 94, "Regulations Implementing Section 110 of the Natural Gas Policy Act of 1978 and Establishing Policy Under the Natural Gas Act," Docket No. RM80–47 (issued July 25, 1980, 45 FR 53099, August 11, 1980).

NPRM, "Special Rule Under Part 270: Production Costs and Maximum Lawful Prices in Sales Under the Natural Gas Policy Act of 1978," 45 FR 61643, September 17, 1980, Docket No. RM 80–72.

Notice of Inquiry, "Gathering and Compression Allowances Under Section 110 of the Natural Gas Policy Act of 1978," 45 FR 84814, December 16, 1980, Docket Nos. RM80–73 and RM80–74. This is a special staff report, published for public comment, that estimates costs for gathering and compressing natural gas.

Transcripts of hearings and comments on the interim regulations and their amendments and the notices of inquiry and proposed rulemaking are available and may be obtained from the Commission's Division of Public Information, Room 1000, 825 N. Capitol Street, N.E., Washington, DC 20426.

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FERC

Revised Rules of Practice: Procedures To Expedite Trial-Type Proceedings (18 CFR Part 385)

Legal Authority

Administrative Procedure Act, 5 U.S.C. §§ 551–557; Department of Energy Organization Act, 42 U.S.C. § 7101 *et seq.;* Federal Power Act, 16 U.S.C. § 791 *et seq.;* Natural Gas Act, 15 U.S.C. § 717 *et seq.;* Natural Gas Policy Act, 15 U.S.C. § 3301 *et seq.;* Public Utility Regulatory Policies Act, 16 U.S.C. § 2601 *et seq.;* and Interstate Commerce Act, 49 U.S.C. § 1 *et seq.*

Reason for Including This Entry

This rulemaking can have an important impact on how the Commission operates in reaching decisions. In addition, this rulemaking will have a significant impact upon those who take part in that process.

Statement of Problem

Many of the Federal Energy Regulatory Commission's (FERC) most significant ratemaking and licensing decisions are initially determined in formal, trial-type proceedings—proceedings in which evidence on disputed factual matters is formally presented in hearings presided over by an independent Administrative Law Judge (ALJ), with testimony by witnesses who are subject to cross-examination, and a decision made by the ALJ based solely upon the record evidence. To avoid costly delays and excessive litigation, it is imperative that the FERC's rules establishing the procedural requirements for these formal, on-the-record, trial-type proceedings be as clear, simple, and precise as possible.

This proposed rulemaking seeks to clarify, simplify, and reorganize the FERC rules governing trial-type proceedings so that uncertain or confusing rules are clarified, and out-dated rules are revised to provide shorter and more sensible procedures. These changes should significantly help to expedite formal natural gas pipeline, oil pipeline, hydroelectric, and electric utility ratemaking and licensing proceedings at the FERC, as well as a variety of other proceedings which are handled in a less formal manner.

Since its inception in 1977, the Commission has been faced with a substantial backlog of numerous proceedings which had been pending for a number of years. In mid-1978, it undertook an examination of its decisionmaking process. To this end, the Commission established an Advisory Committee on the Rules of Practice and Procedure. One of the subcommittees was asked to focus on the procedures governing formal, trial-type proceedings. The final recommendation of that Subcommittee is the subject of this rulemaking.

There are two primary objectives in this proposed rulemaking: First, to create a comprehensive set of rules that can be easily understood by all persons affected by Commission action; these include all who come to the Commission seeking rates or licenses (both electric utilities and gas pipelines and producers) and their customers. Second,

to recommend new hearing procedures that would remove unnecessary work from the Commission's agenda and expedite decisionmaking by the Commission.

The need for reorganized and comprehensive FERC procedural rules is compelling. The Department of Energy Organization (DOE) Act conferred upon the Commission many functions of the old Federal Power Commission (FPC) as well as the oil pipeline ratemaking functions of the Interstate Commerce Commission (ICC). Provisions in the DOE Act (42 U.S.C. § 7295) continued the effectiveness of FPC and ICC regulations for Commission proceedings previously conducted by those agencies, until such time as the Commission promulgates its own procedural rules. Accordingly, at this time, the Commission operates under two unrelated sets of rules. This, of course, is difficult and confusing for both the Commission and the public. Equally confusing is the fact that in many respects the existing FPC and ICC rules are obsolete and do not accurately reflect current Commission practice.

Work on these proposed rules has led to the conclusion that a complete reorganization of the procedural rules was necessary to achieve a set of rules that could be easily found in the Code of Federal Regulations and understood by all who practice before the Commission.

Among the areas addressed by the proposal are the following:

- pleadings, tariff or rate filings, notices of tariff or rate examination, orders to show cause, intervention, and summary disposition;
- formal hearings, including the powers of presiding officers, the presentation of evidence, and the examination of witnesses;
- conferences, settlements, and stipulations;
- decisions by presiding officers and by the Commission;
- shortened procedures;
- commission review of remedial orders;
- commission review of adjustment request denials;
- petitions for adjustments under the Natural Gas Policy Act (NGPA);
- cooperative procedure with State commissions;
- subpoenas, depositions, and NGPA interpretations;
- formal filing requirements;
- appearance and practice before the Commision; and
- ex parte communications and separation of functions between advisory and trial staff.

Alternatives Under Consideration

This proposal presents the Commission and its staff with an unusually wide variety of alternatives. For example, to what extent should the Commission treat in a similar fashion the different types of legal filings presented to it—applications, tariff and rate filings, complaints, notices of protest or intervention, adjustment requests, motions, answers, orders to show cause, and other pleadings or amendments to pleading—in order to reduce the complexities necessarily introduced by a different legal status and effect for each of these filings? Or will a more uniform treatment instead blur legitimate distinctions among these different filings, make them less suited to fulfill the specific legal functions they do serve, and thereby result in greater confusion and delay? If a more uniform treatment is desirable, to what extent can the Commission achieve it with each type of filing?

Similarly, to what extent should the FERC expressly codify in these rules a variety of procedures and practices customarily followed at the FERC, but not specifically set down in detail in the present FERC rules? Too much specific codification can result in overly-detailed, inflexible, and unwieldy rules; but too little can be equally counterproductive, simply because vague rules may create uncertainty and in turn, needless litigation.

Summary of Benefits

Sectors Affected: Natural gas producers and pipelines; oil pipelines; electric utilities; cogeneration and small power producers; hydroelectric powerplants; persons served by these facilities; and the FERC.

The most likely benefits will be in the form of more rapid, simpler, and less costly processing of the wide variety of filings made with the FERC by the industries regulated by it, and in the form of shorter, more streamlined formal hearings in ratemaking, certificate, and license proceedings.

These savings cannot be quantified. However, it is expected that they will translate into not only savings of dollars to the private and public sectors; but, because of changes in the processes, better participation by all involved.

Summary of Costs

Sectors Affected: Natural gas producers and pipelines; oil pipelines; electric utilities; cogeneration and small power producers; hydroelectric powerplants; and persons served by these facilities.

The most likely costs will be those inevitably occasioned by any new procedures—attorneys practicing before the FERC, and to some extent their clients, will have to become familiar with, and master, a new set of ground rules; and so will the Commission's Members, administrative law judges, and trial, supervisory, and advisory staff. It is accordingly important that the new rules be drafted in a way that minimizes these "switchover" costs as much as possible. Although these costs are impossible to quantify, some portion of them could be borne by consumers and taxpayers in general.

Related Regulations and Actions

None.

Active Government Collaboration

None.

Timetable

Public Comment Period—Written comments due by June 1, 1981.
Final Rule—To be determined.
Rehearing Decision—To be determined.
Regulatory Impact Analysis—The FERC is an independent regulatory agency and is not required to prepare a Regulatory Impact Analysis as prescribed in E. O. 12291. However, the FERC performs a similar analysis for rules of major importance, and includes the results in the orders issuing NPRMs and final rules.
Regulatory Flexibility Analysis—To be determined.

Available Documents

Report of FERC Advisory Committee on the Rules of Practice and Procedure, February 13, 1981.

Notice of Proposed Rulemaking, Revised Rules of Practice: Procedures to Expedite Trial-Type Proceedings, issued March 9, 1981, Docket No. RM78–22 (46 FR 17023, March 17, 1981).

Transcript of public hearing held May 19, 1981.

All documents are available at the Commission's Office of Public Information, Room 1000, 825 North Capital Street, N.E., Washington, DC 20426, during regular business hours.

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FERC

Revision of Form 1 Annual Report by Electric Utilities

Legal Authority

Federal Power Act, § 304, 16 U.S.C. § 825c.

Reason for Including This Entry

The Federal Energy Regulatory Commission (FERC) is systematically reviewing each of its information collection and reporting forms, to verify whether all the data thereby collected are in fact required by the FERC to carry out its regulatory responsibilities. This rulemaking is part of that effort and should result in a substantial reduction in reporting requirements imposed on electric utilities.

Statement of Problem

One of the major reporting requirements imposed by the FERC on the electric utility industry is the annual Form 1 report. The Form 1 collects summary information on corporate organization, finances, balance and income statements and their supporting information, and electric plant sales and operating and statistical data. Form 1 must be filed by all investor-owned utilities that earn annual operating revenues of $1 million or more, and either sell electricity for resale in interstate commerce, or transmit electricity in interstate commerce. On the average, it takes about 1,500 person-hours to complete the form. By eliminating the reporting in Form 1 of data that are not used by the FERC, this rulemaking seeks to minimize unnecessary reporting burdens and costs now borne by these utilities, and in turn, by their ratepayers.

The present version of Form 1 has evolved over many decades, by the intermittent addition of new reporting requirements, to a point where a substantial volume of data is now required. Over that same time period, however, there have been numerous changes in applicable law and Commission policy. Despite these many changes, a comprehensive review of the FERC's present need for each item of information collected under Form 1 had never been instituted. Such a review is the purpose of this rulemaking.

This review—undertaken in accordance with the goals of Executive Orders 12044 and 12291, which urge Federal agencies to systematically review their information collection demands and delete unnecessary reporting requirements, and the similar mandate of the Paperwork Reduction Act of 1980, 35 U.S.C. § 3501—has to date resulted in plans to delete about 28 percent of the information currently required under Form 1.

Alternatives Under Consideration

In one sense, this proposal presents the FERC with hundreds of alternatives: That is, for each of the hundreds of items of information now submitted in Form 1, the FERC may choose to retain that reporting requirement in its entirety; or choose to partially reduce the requirement by setting different information thresholds or by requiring summarized or aggregated data instead of more detailed data arranged in a subcategory-by-subcategory basis; or choose to entirely delete that specific data requirement.

In each case, the decision will depend on the Commission's assessment of its current need for the data in order to carry out its ratemaking duties; whether the data at issue are currently collected under some other reporting requirement and are thus otherwise available; and whether the data can be collected by means of separate filings by utilities made in support of proposed rate increases, or pursuant to data requests by parties in formal rate proceedings.

Summary of Benefits

Sectors Affected: Electric utilities, including investor-owned utilities and non-investor-owned utilities that purchase wholesale power or transmission services from investor-owned utilities; and all ultimate consumers of electricity generated or transmitted by investor-owned utilities.

The most likely benefit is a reduction in reporting burdens currently incurred by reporting utilities. The Commission's best estimate is that, by deleting about 28 percent of the information currently required under Form 1, the electric utility industry would save a total of approximately 167,000 hours of effort—the equivalent of several millions of dollars in salaries and related costs. These savings could be shared by the utilities and their customers.

Summary of Costs

Sectors Affected: Electric utilities, including investor-owned utilities and non-investor owned utilities that purchase wholesale power or transmission services from investor-owned utilities; and ultimate consumers of electricity.

The most significant costs imposed by the proposed reduction in reporting requirements will likely be the added costs incurred by purchasers of electricity from investor-owned utilities—including other utilities, and industrial, commercial, agricultural, and residential ratepayers—who presently use the information reported in Form 1 to monitor and scrutinize the prudence of electric utility investments and costs, and to challenge the lawfulness of proposed utility rate increases. These added costs, which are difficult to quantify, will be the costs of using other means to gather information that may no longer be reported under Form 1, but which may still be relevant to a State or Federal rate or licensing proceeding involving an investor-owned utility. Some of the data proposed for deletion from Form 1 would be available in the form of other filings made by the utility, for example, filings in support of rate increases, which typically contain considerable detail; and even data not otherwise separately filed by a utility could be requested in discovery proceedings before State commissions or the FERC, if those data were necessary and relevant.

Nevertheless, gathering these data from several sources, and in different proceedings, could entail more costs for participants in rate and licensing proceedings, than they would incur by simply copying and reviewing the full, unrevised Form 1 report filed annually with the FERC.

However, it may also be the case that participants rarely rely entirely on the data presently submitted in Form 1, but instead routinely use these other sources of information—rate filing information and data or discovery requests—to provide a more detailed and current analysis of a given utility, than is available solely from that utility's Form 1 report. In this latter instance, these possible added costs stemming from the proposed revision of Form 1 could be less significant.

Related Regulations and Actions

None.

Active Government Collaboration

None.

Timetable

Final Rule—Mid-1981.
Rehearing Decision—To be determined.
Regulatory Impact Analysis—The FERC is an independent regulatory agency and is not required to prepare a Regulatory Impact Analysis as prescribed in E.O. 12291. However, the FERC performs a similar analysis for rules of major importance, and includes the results in the orders issuing NPRMs and final rules.
Regulatory Flexibility Analysis—Not

required.

Available Documents

NPRM issued July 8, 1980 (45 FR 47705, July 16, 1980).

Extensions of Comment Period on RM80–55, issued September 11, and October 17, 1980; comment period closed November 20, 1980.

Transcript of October 9, 1980, informal public conference on RM80–55.

Transcript of October 14, 1980, informal public conference on RM80–55.

Transcript of October 16, 1980, informal public conference on RM80–55.

All documents are available at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, DC 20426, during regular business hours.

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CHAPTER 2—ENVIRONMENT AND NATURAL RESOURCES

DOC–NOAA

Regulations Implementing a Fishery Management Plan for the Groundfish Fishery for the Bering Sea/Aleutian Island Area 34033

DOC–NOAA

Regulations on the Mining of Deep Seabed Hard Mineral Resources 34036

DOI–HCRS

Uniform Rules and Regulations for the Protection and Conservation of Archaeological Resources Located on Public and Indian Lands 34038

DOI–NPS

Right-of-Way Regulations 34041

DOT–USCG

Construction Standards for the Prevention of Pollution from New Tank Barges Due to Accidental Hull Damage; and Regulatory Action to Reduce Pollution from Existing Tank Barges Due to Accidental Hull Damage 34042

EPA–OANR

Regulations for the Prevention of Significant Deterioration (PSD) from Set II Pollutants (Hydrocarbons, Carbon Monoxide, Nitrogen Oxide, Ozone, and Lead) 34044

EPA–OANR

Review, and Possible Revision, of the National Ambient Air Quality Standards for Carbon Monoxide 34046

EPA–OANR

Review, and Possible Revision, of the National Ambient Air Quality Standard for Nitrogen Dioxide 34047

EPA–OANR

Review, and Possible Revision, of the National Ambient Air Quality Standard for Particulate Matter 34048

EPA–OANR

Review, and Possible Revision, of the National Ambient Air Quality Standards for Sulfur Oxides (Sulfur Dioxide) 34049

EPA–OANR

Standards of Performance to Control Atmospheric Emissions from Industrial Boilers 34050

EPA–OANR–OMSAPC

Gaseous Emission Regulations for 1985 and Later Model Year Light-Duty Trucks and Heavy-Duty Engines 34051

EPA–OANR–OMSAPC

Heavy-Duty Diesel Particulate Regulations 34053

EPA–OWWM

Effluent Limitations Guidelines and Pretreatment Standards, and New Source Standards Controlling the Discharge of Pollutants from Metal Finishing Facilities 34055

EPA–OWWM

Effluent Limitations Guidelines and Pretreatment Standards, and New Source Standards Controlling the Discharge of Pollutants from Pulp, Paper, and Paperboard Mills into Navigable Waterways 34057

EPA–OWWM

Effluent Limitations Guidelines and Standards Controlling the Discharge of Pollutants from Iron and Steel Manufacturing Plants to Navigable Waterways and the Pretreatment of Wastewaters Introduced into Publicly Owned Treatment Works 34059

EPA–OWWM

Effluent Limitations Guidelines and Standards Controlling the Discharge of Pollutants from Steam Electric Power Plants 34063

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Regulations Implementing a Fishery Management Plan for the Groundfish Fishery for the Bering Sea/Aleutian Island Area

Legal Authority

The Fishery Conservation and Management Act of 1976, as amended, 16 U.S.C. § 1801 *et seq.*

Reason for Including This Entry

The Department of Commerce (DOC) believes these regulations are of significant public interest in the fishery management area under the geographical jurisdiction of the North Pacific Fishery Management Council. We expect the regulations, developed by the National Marine Fisheries Service (NMFS), to provide the framework for development of underutilized species of fish, to rebuild fishery stocks or maintain them at productive levels, and to increase profits and productivity of the U.S. fishing industry.

Statement of Problem

Background Information on Fishery Management Plans

The Fishery Conservation and Management Act of 1976 (the Act), as amended, established a national fishery management program for the conservation and management of fishery resources subject to exclusive U.S. management authority in the fishery conservation zone (FCZ). The FCZ is the area between the seaward boundary of each coastal state and a point 200 miles from the baseline used to measure the territorial sea. Congress authorized this program to prevent overfishing, rebuild overfished stocks, ensure conservation of fishery stocks, and realize the full potential benefits of the Nation's fishery resources for present and future generations. To meet these objectives, the Act calls for the preparation of fishery management plans (FMPs) by the eight Regional Fishery Management Councils (the Councils), or under certain conditions, by the Secretary of Commerce (the Secretary). The Secretary is responsible for the review, approval, and implementation of these FMPs. Each Council has the authority to prepare an FMP for each fishery within its geographical area of authority. (A fishery is defined as one or more stocks of fish identifiable on the basis of geographical, scientific, technical, recreational, and economic characteristics.) Enforcement of the Act, including the provisions of approved FMPs and the implementing regulations, is the joint responsibility of the Secretary and the Secretary of Transportation (who oversees the operations of the Coast Guard).

The Act established seven National Standards to be applied by both the Council and the Secretary in the preparation and review of any FMP. The National Standards require that the Councils design their FMPs to: (1)

achieve the optimum yield of a stock of fish (a species, subspecies, geographical grouping, or other category of fish capable of being managed as a unit) on a continuing basis; (2) use the best scientific information available; (3) manage an individual stock of fish as a unit throughout its range; (4) be nondiscriminatory among residents of different States (assigning fair and equitable fishing privileges); (5) promote efficiency in harvesting techniques or strategies; (6) take into account the variability of fishery resources and the needs of fishermen, consumers, and the general public; and (7) minimize the costs of conservation and management measures. Optimum yield (OY) is based upon the maximum sustainable yield (MSY) of a fishery modified by relevant economic, social, or ecological factors. The MSY is an average, over a reasonable length of time, of the largest catch which can be taken continuously from a stock under current environmental conditions.

An FMP allows foreign fishing fleets to harvest that portion of the optimum yield of a fishery which will not be harvested by U.S. fishermen. To participate in a U.S. fishery in the FCZ, a foreign vessel must have a permit issued by the Secretary. Each permit contains a statement of the conditions and restrictions with which the foreign fishing vessel must comply.

Before a foreign nation may obtain a U.S. fishing permit, it must sign a Governing International Fishery Agreement (GIFA). This agreement acknowledges the exclusive fishery management authority of the United States and forms a binding commitment of that nation to comply with the terms and conditions specified under the Act. Any existing international agreements, other than GIFAs, are considered valid only if they were in effect before the Act and have not expired, been renegotiated, or been negated in any manner. The Secretary of State, in cooperation with the Secretary, determines the allocation of the total allowable surplus the applicant nation will receive.

The Bering Sea/Aleutian Island Groundfish FMP

The North Pacific Fishery Management Council (the Council) has developed an FMP for the groundfish fishery of the Bering Sea/Aleutian Island area off the coast of Alaska. The stocks covered by this FMP include Pacific Ocean perch, Alaska pollock, Pacific cod, yellowfin sole, turbots, sablefish, other flounders and flatfish, Atka mackerel, squid, and other species.

The FMP for the groundfish fishery in the Bering Sea/Aleutian Island area would replace the current Preliminary Fishery Management Plan (PMP) prepared by NOAA/NMFS. This is necessary because the PMP cannot regulate domestic fishing activities and, therefore, guard against overfishing and the potential for incidental catches of halibut in a directed fishery for groundfish.

The FMP addresses four problems: (1) maintaining stocks currently at levels of MSY; (2) rebuilding depleted stocks to levels of abundance producing MSY; (3) controlling the incidental catch of species of commercial importance to U.S. fishermen; and (4) establishing an environment conducive to development of a U.S. groundfish fishery.

(1) Maintaining or rebuilding of stocks. We (NOAA/NMFS) have conducted stock assessment studies on the following categories of Bering Sea/Aleutian Island groundfish species: Alaska pollock, Pacific halibut, Pacific Ocean perch, yellowfin sole, turbots, other flatfishes, Pacific cod, rockfishes, sablefish, Atka mackerel, squid, and other species. With the exception of Pacific Ocean perch, Pacific halibut, and sablefish, we believe all other groundfish species in the Bering Sea/Aleutian Island area to be at levels of abundance equal to or greater than those that would produce MSY.

We consider Pacific Ocean perch stocks to be at relatively low levels of abundance because of: (1) a continuous decline in catch per unit of effort (CPUE) since 1968, (2) a drastic reduction in the availability of all sizes of ocean perch between 1969–1972, (3) a heavy dependence of the fishery on younger fish, and (4) the lack of any evidence of a strong incoming year class. The Council defined the target level which would serve the development of a stock rebuilding program as being equal to MSY (107,000 metric tons (mt)) in the FMP. Therefore, to promote rebuilding, the Council set the allowable biological catch (ABC = 10,750 mt) of Pacific Ocean perch at half of the current equilibrium yield (EY = 21,500 mt). The ABC is a seasonally determined catch that may differ from MSY for biological reasons. The EY is the annual or seasonal harvest which allows the stock to be maintained at approximately the same level of abundance, apart from the effects of environmental variation, in successive seasons or years.

Pacific halibut stocks have declined sharply in the eastern Bering Sea since the early 1960s. Recent surveys indicate an increase in the abundance of juveniles; however, abundance is still below early 1960s levels. The Council did not set an allowable biological catch for Pacific halibut in the FMP because the fishery is currently regulated by the International Pacific Halibut Commission (IPHC). Instead, the Council specified OY for species other than halibut covered by the FMP to accommodate rebuilding of halibut stocks. It is important to note that the rebuilding program of the IPHC is governed by a philosophy rather than a mandate to achieve a specified stock size. Specifically, the IPHC's concern is focused on rebuilding stocks back to levels which can support the maximum catch, given the biological and economic conditions of the fishery.

Analyses of CPUE data for sablefish by both U.S. and Japanese scientists show a declining trend. They have interpreted the declining trend in CPUE, coupled with catch data, as indicating that sablefish stocks in the eastern Bering Sea/Aleutian Region are at reduced levels of abundance. The Council set the allowable biological catch for sablefish (5,000 mt) at 38 percent of the estimated MSY (13,200 mt) to facilitate rebuilding of the stock.

(2) Incidental catch. Foreign fishing fleets dominate current fishery activity directed at Bering Sea groundfish resources. Foreign vessels target on groundfish and substantial numbers of halibut and crabs (king and Tanner) are taken as an incidental catch. Although regulations require that these species be released, most die from injuries received during capture. In the eastern Bering Sea, we estimated the annual yield loss of halibut due to the incidental catch by foreign vessels to be 5,000 mt. On the basis of 1978 exvessel prices (the value of the catch at dockside), we calculated the potential market value of the lost halibut to be $11,550,000. We projected the incidental catches of king and Tanner crab during 1977 to be about 0.6 million and 17.5 million crabs, respectively. The potential market value of the incidental crab losses using 1977 U.S. exvessel prices was estimated at $4.8 million for king crab and $13.6 million for Tanner crab. These estimates assume that U.S. fishermen would have caught the king and Tanner crab and that exvessel prices would not have changed significantly in response to the additional crab landings. We expect that regulations implementing the Bering Sea

groundfish FMP and the Tanner crab FMP will reduce the incidental catch of crabs and halibut by foreign vessels. The magnitude of halibut and crab losses indicates that optimum yields, total allowable levels of foreign fishing (TALFF), and domestic allowable harvests established in the FMP can affect several important domestic fisheries.

(3) Development of a U.S. groundfish fishery. Many U.S. fishing interests perceive the presence of fleets of large foreign trawlers as an impediment to the development of a domestic groundfish trawl fishery in the Bering Sea because of the possibility of: (a) preemption of favored grounds by concentrations of foreign vessels that are two to three times the size of the largest U.S. trawlers, and (b) competition for fish by foreign vessels that can apparently operate successfully at levels of abundance and average fish sizes that are less than those required for economic operation of domestic trawlers.

Management objectives for the groundfish fishery in the Bering Sea/Aleutian Island area are as follows:

(a) continue rebuilding the halibut resource so that a viable halibut longline (a type of gear with hooks attached to a long rope suspended from buoys) fishery is again available to American fishermen;

(b) rebuild depleted groundfish stocks to, and maintain healthy groundfish stocks at levels of abundance that will produce MSY;

(c) provide an opportunity for U.S. involvement in the Bering Sea/Aleutian Island groundfish fishery, limited only by the OY of individual species and objectives (a) and (b) above; and

(d) allow foreign participation in the fishery, consistent with objectives (a), (b), and (c), above.

Alternatives Under Consideration

In the process of preparing the FMP, the Council considered alternative management options to attain the plan's objectives. Before making a final decision on a particular set of management options, the Council developed a draft FMP and solicited, through public hearings and public comments, the advice and recommendations of all interested persons, including States and commercial and recreational fishery groups. After the Council selected the preferred management options, it prepared a final FMP for submission to the Secretary for review, approval, and implementation. The alternatives we now are considering are:

(A) Continue the 1981 PMP—Under this alternative, we would extend the 1981 PMP to cover the 1982 fishing season. However, a PMP can only regulate foreign fishing. As a result, the Council would not be able to develop regulations to permit the rebuilding of depleted stocks or to adequately control the incidental catch of species of commercial importance to U.S. fishermen (halibut, king crab, and Tanner crab).

(B) Develop an FMP—The FMP developed by the North Pacific Fishery Management Council contains management measures specifying OY for the total fishery (1,559,226 metric tons (mt)), domestic allowable harvest (56,100 mt), reserves (73,324 mt), and the total allowable level of foreign fishing (TALFF) (1,429,802 mt). The Council set optimum yields for Pacific Ocean perch and sablefish at levels which should result in rebuilding these stocks to MSY levels. The Council also set the domestic allowable harvest at a level consistent with the production expectations of both U.S. harvesters and processors.

To prevent the OY from being exceeded without hindering unexpected domestic fishery development (an unanticipated increase in U.S. catching capability and intent), we will hold in reserve 500 mt or 5 percent of the OY (whichever is greater) of each species for allocation later in the fishing season on the basis of domestic need. Unless specifically withheld by the National Marine Fisheries Service Alaska Regional Director, acting with the advice of the North Pacific Council, up to 25 percent of the reserve of each species can be released to TALFF every two months, beginning with the end of the second month of the fishing year. The Council determined initial TALFFs for each species by subtracting the sum of domestic allowable harvest and reserve from optimum yield.

Additional management measures selected by the Council included statistical reporting requirements, and permit requirements and area closures for foreign fishing vessels.

(C) Areas Closed to Foreign Fishing—The Council considered several area closure alternatives applicable to foreign fishing fleets. These areas cover the "Winter Halibut-savings areas," the Petrel Bank, and fishing grounds off the western portions of the Aleutian Islands. If we allowed foreign fishing in these areas during the specified time periods, there would be a continuation of incidental halibut catches. Although these areas are known to contain large concentrations of juvenile halibut, we are unable to quantify the halibut yield losses.

Public comment on the proposed regulations and the draft environmental impact statement raised new issues which forced the Council to reassess the impacts of the management measures on the environment and user groups in the fishery. This has caused at least a 1-year delay in the implementation of the FMP. The PMP, therefore, has been extended through the 1981 fishing season to prevent overfishing by foreign nations. An amendment to the original FMP has been proposed by the Council which updates the specifications of OY, Domestic Annual Harvest (DAH), and TALFF on the basis of current ecological and economic conditions in the fishery.

Summary of Benefits

Sectors Affected: U.S. commercial fishing and processing in Alaska; exporting of groundfish; consumers of groundfish; and the general public.

The optimun yield of 1,559,226 mt set by the 1980 FMP represents an increase of 133,156 mt over the OY of 1,426,070 mt specified in the 1979 PMP. There were also increases in the domestic allowable harvest (46,100 mt), reserves (71,224 mt), and the TALFF (15,832 mt). We have estimated that foreign nations could pay $21 million in vessel and privilege fees to fish in the Bering Sea/Aleutian Island area in 1981.

At present, there is insufficient information to quantify the economic effects of this FMP on U.S. fishermen and processors. Projections of domestic catches are not reliable for the fishery because there has been only a limited amount of effort directed at the harvesting of groundfish by U.S. fishermen in the Bering Sea/Aleutian Island area. However, the preferential U.S. allocation of groundfish allows opportunity for expansion of U.S. harvests as rapidly as the private sector is willing to invest in the fishery. The U.S. allocation will permit the continued harvest of groundfish, which are used as crab bait, as well as the implementation of pilot projects for food fish production. If these projects are successful, there may be an opportunity for expansion of U.S. exports of seafood products.

We also expect economic benefits from the rebuilding of stocks to levels of high abundance or to MSY levels. There are potential reductions in the cost of harvesting fish because of larger CPUE (i.e., greater productivity). Additionally, there is a strong consumer demand for halibut products. A rebuilt stock, under proper management, will enable the catch of the fishery to expand and increase the supply of halibut for the U.S. consumer.

A biological benefit of rebuilding depleted fish stocks is the maintenance of a large amount of genetic variability in the stock to increase its chances of adapting to changes in the environment. Also, there is the benefit of stabilizing the fishable population to reduce the likelihood of sharp yearly variations in the harvest.

Summary of Costs

Sectors Affected: The State of Alaska; the Federal Government; and the Departments of Commerce, State, and Transportation.

We project the total annual cost of implementing the FMP at $5,574,000 (in 1979 dollars). Of this total, the cost of the foreign fishery observer program of $370,000 will be reimbursed to the U.S. Treasury by foreign governments. The remaining $5,204,000 is divided among the National Oceanic and Atmospheric Administration ($493,000) for administrative and data collection costs, the State of Alaska ($11,000) for data collection costs, and the Coast Guard ($4.7 million) for ship and aerial patrols.

Related Regulations and Actions

Internal: Provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. § 1361 *et seq.*) have a bearing on this FMP through restrictions on killing or harvesting seals and sea lions (50 CFR Part 216), which may prey on fish already captured in nets. The FMP for Groundfish in the Gulf of Alaska (43 FR 17242, April 22, 1978) has implementing regulations designed to minimize the incidental catch of halibut. In addition, the Convention for the Preservation of the Halibut Fishery of the North Pacific Ocean and Bering Sea (5 UST 5) controls the directed catch of halibut.

External: The Alaska Department of Fish and Game and the Alaska Limited Entry Commission issue regulations which control the harvest of fishery resources in State territorial waters (0 to 3 miles) off the coast of Alaska.

Active Government Collaboration

We requested comments on this FMP from the Environmental Protection Agency; the Marine Mammal Commission; the Departments of Agriculture, Interior, State, and Transportation; and several State governments.

Timetable

Final Rule—Summer 1981.
Final Rule Effective—Fall 1981.
Regulatory Flexibility Analysis—None.

Available Documents

NPRM—44 FR 66356, November 19, 1979.
The Draft Environmental Impact Statement and Fishery Management Plan for the Groundfish Fishery in the Bering Sea/Aleutian Island area.
Draft Regulatory Analysis for the FMP.
Public Comments.
Amendment No. 1 to the FMP.
Amendment No. 2 to the FMP.
Trawl and Herring Gillnet Fishing in the Eastern Bering Sea—Preliminary Fishery Management Plan.
All documents are available for review at the National Marine Fisheries Service, Office of Resource Conservation and Management, Plan Review Division, 3300 Whitehaven Street, Washington, DC 20235.

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DOC–NOAA

Regulations on the Mining of Deep Seabed Hard Mineral Resources (15 CFR Part 970)

Legal Authority

Deep Seabed Hard Mineral Resources Act, 30 U.S.C. § 1401 *et seq.*

Reason for Including This Entry

The National Oceanic and Atmospheric Administration (NOAA) includes these proposed regulations because they may create a major impact on the economy by providing a legal system under which seabed mining by U.S. citizens may proceed. The proposed rules will have an integral relationship to the regulations of certain other programs and agencies, and they also may have significant public interest.

Statement of Problem

Pursuant to the Deep Seabed Hard Mineral Resources Act, the deep seabed hard minerals mining industry will be engaging in exploration authorized by NOAA until at least January 1988, at which time it may begin commercial recovery operations under permits issued by NOAA. The industry will be mining from the deep seabed nodules that include one or more minerals, at least one of which contains manganese, nickel, cobalt, or copper. The industry is in a formative stage, and the engineering and equipment requirements for mining at the necessary tremendous depths (approximately 15,000 feet) will necessitate very substantial investments by the mining industry. It is estimated that over $1 billion ultimately must be invested for each mining system, including processing facilities. Five international consortia are now engaged in seabed mining exploration and development efforts, and nine United States companies are participants in four of these.

The significance to the United States of such mining is apparent from the fact that this country must rely almost entirely on imports to meet its needs for manganese (approximately 98 percent), cobalt (approximately 98 percent), and nickel (approximately 75 percent), which are necessary for the production of steel and other alloys. Because of the increasing domestic needs and other export opportunities of present suppliers, the United States cannot count on a continued supply of imports of all of these metals. Thus, the future supply of such metals is not as reliable as it should be, considering their significance to the needs of the Nation.

The mining of such nodules from the deep seabed has been a major issue in the present discussions at the U.N. Conference on the Law of the Sea. In the face of the uncertainties created by the Law of the Sea negotiations with respect to the legal status of potential miners, and their priority of rights to pursue mining in specific areas of the sea floor, U.S. companies determined that they could no longer proceed with their mining activities, in the absence of domestic legislation authorizing mining, due to their inability to obtain the commitment of the substantial financial resources needed for such efforts.

In response to this situation, Congress passed domestic legislation to establish a legal structure pursuant to which U.S. miners could proceed with their efforts, pending the conclusion of an acceptable Law of the Sea treaty. On June 28, 1980, P.L. 96–283, the Deep Seabed Hard Mineral Resources Act (the Act), became law. It establishes an interim program to regulate exploration for and commercial recovery of seabed minerals by U.S. citizens; encourages the successful conclusion of a Law of the Sea treaty that will assure, among other things, nondiscriminatory access to seabed minerals for all nations; establishes an international revenue-sharing fund; accelerates NOAA's seabed mining environmental assessment program; encourages the conservation of seabed mineral resources; protects the environment; promotes safety of life and property at

sea; and encourages the continued development of necessary seabed mining technology. The Act requires NOAA to promulgate implementing regulations, which will govern the issuance by NOAA of exploration licenses and, eventually, commercial recovery permits for industry. As required by the Act, NOAA issued, on March 24, 1981, proposed regulations for the issuance of exploration licenses (46 FR 18448). Final regulations are scheduled for issuance in September 1981.

Aside from the Act's requirement to promulgate these regulations, the consequences of not responding to the above problem would have been the continued uncertainty for potential U.S. miners with respect to their legal ability to rely on returns on their deep seabed mining investments. This uncertainty probably would have led to a halt in the development of such industry, which in turn would mean the continued U.S. dependence for the important metals on potentially unreliable foreign sources, at the same or increased levels.

Alternatives Under Consideration

NOAA has prepared a preliminary Regulatory Impact Analysis on these regulations pursuant to E.O. 12291, and an initial Regulatory Flexibility Analysis pursuant to the Regulatory Flexibility Act. As part of this analysis, NOAA has considered alternative regulatory approaches. NOAA has relied on certain innovative techniques to allow more flexibility to individual miners while still accomplishing the purposes and requirements of the statute.

The regulations address eleven major issues concerning which NOAA has discretion in implementing the Act. These issues are:

(1) The extent of information needed to determine the applicant's financial responsibility to engage in the proposed exploration.

(2) The extent of information needed to determine the applicant's technological capability to undertake the proposed exploration.

(3) The information specified for an applicant to include in its exploration plan.

(4) The extent of information or analysis to require on, and use as a basis for evaluating potential environmental effects from, exploration activities.

(5) Criteria and procedures for resolving overlapping applications by explorers who began activity before the Act was passed.

(6) Criteria for evaluating the proposed size and location of an exploration area.

(7) Criteria for resolving potential conflicts on uses of the high seas and other international conflicts.

(8) Criteria for determining whether there are undue threats to the safety of life and property at sea.

(9) Criteria for terms, conditions, and restrictions to be included in a license for the purpose of ensuring diligent or persevering implementation of the licensee's exploration plan.

(10) Requirements in the form of license terms, conditions, and restrictions relative to environmental impact monitoring and mitigation measures.

(11) Provisions for terms, conditions, and restrictions in licenses to avoid waste during mining and to allow the opportunity for future recovery of the unrecovered balance of nodules.

In order to benefit the decisionmaking process in developing the regulations, NOAA has identified and considered three alternative regulatory approaches. These are:

(1) fixed regulations;

(2) flexible regulations preceding license issuance; and

(3) flexible regulations both preceding and following license issuance.

The first alternative approach provides the benefit of maximum predictability or certainty derived from minimum discretion or variation on the part of the Agency. However, NOAA also concluded that in most cases this benefit would be outweighed by the resulting lack of flexibility which is needed for this evolving industry. The specificity and certainty of this alternative can be provided and is appropriate, for instance, with respect to major issue number 8 above (safety of life and property at sea), because NOAA can address this issue by specifying adherence to vessel inspection and certification requirements of the U.S. Coast Guard. Thus, there would be no costs to seabed miners above those required for other vessel operations. In addition, we have selected a fixed approach for the procedural provisions in the regulations, to conform to the Act where applicable and also to provide the certainty for which procedures are intended.

The second alternative provides for more of a performance standard approach, by setting forth the necessary requirements but allowing applicants discretion in how they are to be met. This approach has been selected for those issues which must be addressed by the time a license is issued. It provides the opportunity for innovation by potential miners by allowing the miners and NOAA to take account of the individual approaches and circumstances of each company, while allowing the certainty of resolving the issue by the time the license is granted. Innovation in such areas as the development of mining techniques and equipment is necessary to meet the statutory purpose of encouraging the development of deep seabed mining technology. This approach has been selected for major issues number 1, 2, 3, 5, and 6 above.

The third alternative approach has been selected for those issues for which the Act allows NOAA to continue its review and consideration after a license has been issued. This approach provides the benefit of flexible guidance to applicants for the issuance of a license, like the second alternative, yet allows the additional benefit of not imposing undue requirements on an applicant and NOAA, when requirements are unnecessary for agency determinations prior to the issuance of a license. For example, with respect to issue number 4 (relating to required information or analysis on environmental effects), preliminary information does not indicate likely significant environmental effects from seabed mining exploration activities. The use of the third approach allows the issuance of a license initially, with greater reliance on subsequent monitoring to verify preliminary conclusions on the environmental effects of exploration. This approach has been selected for major issues number 4, 7, 9, 10, and 11 above, which is also consistent with the requirements of the Act.

Summary of Benefits

Sectors Affected: Mining of copper ores and ferroalloy ores, except vanadium; metal mining services; primary metal industries; and the general public.

Generally, the benefits from these regulations will relate to the initiation of a more certain legal structure within which deep seabed mining may proceed. Yet mining will proceed in a responsible manner with respect to concerns such as environmental effects and rational development of the resources. These efforts in turn will lead to a more stable source to the United States of important metals such as cobalt, manganese, nickel, and copper. Furthermore, a greater demand for products from these metals ultimately can provide a variety of employment. There also should be a positive effect on the U.S. balance of payments. NOAA also further assumes that those companies will realize a reasonable profit from their future commercial recovery efforts.

Summary of Costs

Sectors Affected: Mining copper ores and ferroalloy ores, except vanadium; metal mining services; primary metal industries; and NOAA.

Due to the fact that the deep seabed mining industry is just developing, NOAA's investigation of costs is preliminary. Currently, it appears that the primary costs which would be incurred are the costs to NOAA to establish a legal foundation conducive to seabed mining and the costs to the private sector from the license application and reporting requirements. Although the cost estimates are general and preliminary, NOAA has concluded that the cost of compliance with such requirements should be negligible when compared with a miner's substantial overall exploration costs. Furthermore, NOAA envisions that the information needed is not significantly greater than a company in this field would generate for its own planning and operations.

Related Regulations and Actions

Internal: None.

External: Pursuant to the Act, the Coast Guard will provide NOAA with necessary license conditions for seabed miners in order to meet the statute's requirement pertaining to avoiding inordinate threat to the safety of life and property at sea. The Act provides that the Coast Guard will have the exclusive responsibility for enforcement measures which affect the safety of life and property at sea, and may assist NOAA in the enforcement of the provisions of the statute. Furthermore, the Act specifies that any discharge of a pollutant from a mining vessel or other floating craft will be subject to the Clean Water Act and thus require a National Pollutant Discharge Elimination System (NPDES) permit from the Environmental Protection Agency (EPA).

Active Government Collaboration

NOAA already has initiated preliminary discussions with the Environmental Protection Agency and the Coast Guard with respect to their authorities discussed above. NOAA has sought to facilitate Federal decisions related to seabed mining and to reduce duplication by specifying in its proposed regulations information needed for both Coast Guard vessel inspection requirements and EPA NPDES permits. Furthermore, NOAA has coordinated information requirements with the Department of Justice and the Federal Trade Commission, which under the statute are to conduct antitrust reviews of seabed mining applications. NOAA also has initiated discussions with the Department of State, which has specified functions under the statute relating to NOAA's designation of reciprocating foreign states (the recognition of other nations' programs, referenced above). NOAA intends to continue to coordinate these functions in the most effective and efficient manner possible.

In addition to preliminary discussions with the above agencies, NOAA has initiated discussions with other agencies with expertise concerning or jurisdiction over any aspect of the recovery or processing of deep seabed hard mineral resources. Thus, NOAA has initiated discussions with the Corps of Engineers to assist and coordinate with that agency in planning for the impact of onshore processing of deep seabed nodules under future commercial recovery permits. NOAA has also discussed the potential implications of the statute with the Maritime Administration, which may receive requests for financial assistance for mining-related vessels. NOAA has undertaken joint studies pertaining to processing waste disposal with EPA and the Bureau of Mines of the Department of the Interior.

In addition to coordination at the Federal level, NOAA has sponsored studies of the Federal, State, and local laws which would affect the possible siting of a seabed mining processing plant on the west coast of the United States ("An Analysis of Applicable Law Concerning Seabed Mineral Processing in California, Washington, Oregon and Alaska," Nossaman, Krueger, and Marsh) and on the Gulf Coast (contract still in process). NOAA also is conducting public hearings on the West Coast and in Hawaii, and has initiated discussions with interested governmental representatives, in preparation for the onshore effects of commercial scale mining due to transportation and processing activities.

Timetable

Public Comment Period—Comment period on NPRM ends May 29, 1981.
Final Rules—September 1981.
Final Rules Effective—October 1981.

Available Documents

ANPRM—45 FR 49953, July 28, 1980.

A preliminary discussion paper on the regulations which NOAA made available to the public in November 1980.

NPRM—46 FR 18448, March 24, 1981.

Preliminary Regulatory Impact Analysis and initial Regulatory Flexibility Analysis.

Draft Programmatic Environmental Impact Statement.

Record of public hearings held in Honolulu (April 24, 1981), San Francisco (April 28, 1981), and Washington, DC (May 8, 1981).

Information on the availability of these documents may be obtained from the Agency Contact below.

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DEPARTMENT OF THE INTERIOR

Heritage Conservation and Recreation Service

Uniform Rules and Regulations for the Protection and Conservation of Archaeological Resources Located on Public and Indian Lands (36 CFR 1215)

Legal Authority

The Archaeological Resources Protection Act of 1979, 16 U.S.C. § 470 aa–11.

Reason for Including This Entry

The Department of the Interior (DOI) believes these rules and regulations are important because they will significantly affect many archaeological investigations conducted on public and Indian lands by providing an equitable decisionmaking process within the permitting procedure and thereby ensuring greater accountability among Federal agencies. Furthermore, the regulations will improve the management of archaeological resources, detail procedures for civil penalties, and benefit authorized users by reducing or eliminating procedural differences within and among agencies

Statement of Problem

In the past, the administration of the American Antiquities Act of 1906 (Public Law 59–209; 16 U.S.C. §§ 431–433) was subjected to legal challenges in the courts. The challenges were based on the statute's vagueness, resulting from its failure to inform the public in lay terms of what constitutes an "object of antiquity." Consequently, the criminal sanctions of this statute were easily avoided by those individuals who were destroying, excavating, and removing objects of antiquity without authorization from federally owned or controlled lands. In addition, P.L. 59–209

did not foster cooperation from all segments of society to protect and conserve such resources, for its focus was directed toward institutionally initiated research only. By 1974, it became obvious that the permitting sections of the Act were outdated because they did not provide adequate criminal penalties for violations.

As a result of the above, the Congress enacted the Archaeological Resources Protection Act of 1979 (P.L. 96–95), which provides adequate criminal penalties, clear definitions, new civil penalties, and the promotion of greater public involvement in the decisionmaking process connected with the permitting procedure. This new law is administered by the Heritage Conservation and Recreation Service (HCRS), as is P.L. 59–209, on behalf of the Secretary of the Interior. Although HCRS exercises overall program policy direction, each land-managing bureau of the Department is responsible for field-level program operations on those lands under its immediate jurisdiction. This statute also applies to all Interior land-managing bureaus, the Departments of Defense and Agriculture, the Tennessee Valley Authority, and all other independent land-managing or holding agencies of the Federal Government.

On Indian lands, the specific individual Indian land owner or the recognized Indian tribal authority with jurisdiction over such lands owns the archaeological resources located thereon. Such lands are administered jointly by the Bureau of Indian Affairs and the appropriate tribal authority.

These regulations establish procedures for enforcing the Act. The regulations will place limitations on the use of archaeological resources located on all public and Indian lands. The rule will include a systematic permitting procedure, an appeals process for parties denied permits, and a procedural approach for civil penalties imposed by the Secretary of the Interior and the other major Federal land managers for those persons who violate the statute in a noncriminal manner. This approach leaves a measure of Secretarial discretion in educating the public rather than using only criminal sanctions as the single effective deterrent to resource degradation.

These regulations seek Federal-wide uniformity in program administration and management policy direction. The Department of the Interior, as the lead Federal agency in the field of historic preservation, seeks to provide national leadership in this effort through the administration of the Federal Antiquities Program by the Departmental Consulting Archaeologist.

The regulations will have a direct impact on the activities of collectors, treasure hunters, and other users of the public domain. These rules will also have a direct impact upon the activities of professional archaeologists undertaking either institutionally initiated field research investigations or work directly related to survey, clearance, and mitigation investigations for energy projects. These regulations will also create new opportunities for the Native American community, resulting in its direct authority to provide protection for resources that form a part of their immediate cultural heritage.

The Departmental Consulting Archaeologist or his/her duly authorized representative, on behalf of the Secretary, either issues or denies permits for archaeological investigations after completion of an institutional and professional review process in response to each application received. Applications are received from potential permittees and placed within a comprehensive review system which includes internal review, and review by the affected land managing bureau, scholars who are familiar with the archaeology of the proposed land area, and representatives of the appropriate Native American community. The review system constitutes a formal analysis of the applicant's ability to undertake the work, provide adequate curatorial facilities for the archaeological resources recovered, and meet several other requirements which demand professional objectivity by the Federal Government. Permits are normally issued within 4 to 6 weeks after an application is received. In addition, HCRS may impose an emergency permitting procedure when specific archaeological resources are in immediate danger from natural or manmade terrain-altering activities, or when such investigations may delay energy-related projects if not allowed to commence immediately.

Today, the success of many small professional archaeological businesses and the livelihood of thousands of employees depends upon responsible and objective review.

Therefore, the Federal Antiquities Program is one of the few centralized programs to maintain uniform policy direction within the Department of the Interior and to ensure full professional accountability within the permitting authority.

Alternatives Under Consideration

The Department considered several alternatives to this proposal:

(A) No rules and regulations to implement the legislation. This alternative was rejected, for the Act requires at least two levels of rulemaking to occur: (1) interagency uniform regulations as required in § 10(a) of the Act; and (2) departmental or independent agency regulations directly oriented to the individual mission of each, as required in § 10(b) of the Act.

(B) Implementation through voluntary compliance guidelines. This alternative would not have the binding force of rulemaking and would be contrary to Congressional intent, and was therefore rejected.

(C) More restrictive definition of "archaeological resource," which would exclude bottles, bullets, coins, or other collector items of non-Native American manufacture. This alternative was rejected because it was not viewed as consistent with the broad purpose of the Act to protect and conserve the Nation's archaeological resources and sites. The field of archaeology is not confined to the study of prehistoric Indian cultural remains. Much of this Nation's cultural heritage is of non-Indian origin and can be the object of archaeological inquiry. Even common collector's items such as bottles and coins can be of great value in establishing the age of associated materials, demonstrating cultural contact, or determining the function of a site. In order to preserve such value, blanket exclusion of such items was rejected in favor of a definition which provides a test for determining whether items have archaeological value.

Summary of Benefits

Sectors Affected: Federal land managers (including the Departments of the Interior, Defense, and Agriculture; the Tennessee Valley Authority; and all other independent land-managing or holding agencies of the Federal Government); professional archaeologists, particularly small professional archaeological firms; Native Americans; the general public; and public and Indian lands throughout the United States (approximately 800 million acres), with major emphasis in the 13 Western States where the majority of such lands are located.

The major benefit of the proposed rules will be to inform the public of what is expected of them, and to clarify obligations of the Federal land managers to the public. The general public will benefit from increased knowledge of important cultural resources and availability of those resources for educational purposes. Archaeological

research benefits because the program procedures are simpler to understand, and thereby inform the public in a clear, concise manner while affording a systematic and equitable permitting procedure for legitimate field investigations. Professional archaeologists will be affected, particularly small professional archaeological firms to which permitting delays are financially burdensome. These firms will benefit from the appeals process in cases of permit denial and from the general streamlining of the permitting process, especially in cases of energy related projects. The Native American community also benefits greatly because these regulations provide greater control of archaeological resources to the Indian landowners, and afford all Indian tribes an opportunity to provide comment on all undertakings proposed to occur on non-Indian public lands which may be their former traditional tribal lands.

This rule also clarifies the enforcement procedures of each land-managing bureau of the Department. The most important single benefit to the public in this rule lies in its implicit intent to foster greater and improved involvement and cooperation among the professional archaeological community, Native Americans, and collectors nationwide.

The Department of the Interior strongly believes one of the most important aspects of the Archaeological Resources Protection Act and its regulations lie in their authority to bring about a greater national sensitivity for the protection and conservation of archaeological resources. Because this program will increase public awareness, the Interior Department is confident that it will help to enhance and safeguard that which remains of our national patrimony as represented by the tangible remains of man's prehistory and history in the United States.

Summary of Costs

Sectors Affected: Federal land managers.

It is difficult to provide reliable estimates for the direct and indirect costs of the regulations to the sectors they affect. However, we anticipate only minimal costs. Increases will occur in the costs to the Federal Government of administering the Federal Antiquities Program, especially through policy direction at the national level by the Office of the Departmental Consulting Archaeologist on behalf of the Secretary of the Interior. Beyond costs incurred for overall program management and policy direction through the Federal Antiquities Program, responsibilities at the national level also include initial costs for coordination with Native Americans in constructing a centralized registry of interested Native Americans for application consultation purposes; a classified listing of sites that are significant to Native Americans for religious and cultural purposes; leadership in constructing departmental regulations; policy for the disposition of collection and exchange procedures; and other purposes. In addition, the ongoing activities of the Federal Antiquities Program include the annual report to the Congress and the national public awareness program element to sensitize the general public to the benefits of protecting and conserving this component of the national heritage. Such expenses as recordkeeping, inspections of curatorial facilities, onsite field investigations, and overall program monitoring of project-specific activities by the land-managing bureaus will obviously bring additional costs. These same bureaus will incur slight increases in funds for law enforcement efforts, not by increasing the number of field agents, but by providing greater coordination among existing law enforcement facilities at the State and local levels and increased coordination among Federal law enforcement agencies. However, total costs incurred by the Interior land managing bureaus at the operational level, other Departments, and independent agencies will not increase over present required program funds for application field review. Costs in time involved in securing permits will be reduced for the private sector by further streamlining the review process and permit issuance.

HCRS requested $425,000 for FY 1981 for implementation of the program at the national policy direction level. Such funds as are necessary to implement the responsibilities of the several land-managing bureaus of the Department will be sought as needed by those bureaus, as well as the other Federal land managing departments and independent agencies. We anticipate the needs of the Interior land-managing bureaus not to exceed $700,000 per fiscal year.

Costs are greater for the Interior Department because as the nationally recognized lead Federal agency in the field of historic preservation, it maintains national program expertise, and the law itself directs Interior to assume greater responsibilities and to provide leadership for the protection and conservation of archaeological resources throughout the Nation.

For other departments and independent agencies, the levels of funding for full program implementation above existing program levels will depend upon their actual level of involvement and whether or not they choose to delegate program administration and/or policy direction to the Department of the Interior. Fiscal impacts to existing protection and permitting programs for non-Interior agencies is expected to be proportionally equal to Interior.

Related Regulations and Actions

Internal: American Antiquities Act of 1906 (43 CFR 3)—The Department of the Interior published proposed rulemaking on the "Definition of an Object of Antiquity" on April 10, 1978 (43 CFR 14975). Due to the passage of P.L. 96–95, the definition of an "object of antiquity" will be republished as proposed rulemaking under 36 CFR 1214 to coordinate definitions between the two separate statutes next fall after uniform regulations under 36 CFR 1215 are published in final form and become effective after Congressional review.

External: None.

Active Government Collaboration

The Department of the Interior, through the auspices of the Federal Antiquities Program, initiated an interagency task force to write the rules and regulations immediately prior to the President's signing of House Bill 1825 (Archaeological Resources Protection Act), on October 31, 1979. On March 24, 1980, the Secretary of the Interior formally created the Interagency Rulemaking Task Force for the Implementation of Public Law 96–95. This task force is comprised of representatives of each Interior land-managing bureau, the Departments of Defense (Navy, Air Force, and Army) and Agriculture, and the Tennessee Valley Authority. In addition, several other smaller land-managing and holding independent agencies will be affected by these uniform regulations, and will be expected to issue agency-specific guidelines and procedures. This interagency task force will remain active through publication of final uniform regulations in the **Federal Register.**

These rules and regulations are the first in a three-tier rulemaking process. Subsequent to the publication of final regulations in the **Federal Register** of the uniform regulations, each Federal land manager (department or independent agency) is required to publish the next level of regulations specific to that department or agency's overall mission.

Procedurally, each may vary in scope and applicability within the framework of the uniform regulations. Subsequent to the publication of final departmental regulations in the **Federal Register**, each bureau of a department may issue bureau mission-specific guidelines or procedures which may take the form of regulations within the scope of that particular bureau's departmental regulations or departmental manual.

Timetable

Compliance with Executive Order 12291 and Regulatory Flexibility Act by June 1, 1981.
Completion of Task Force's draft final rulemaking scheduled for June 15, 1981.
Endorsement by Secretary of the Interior expected by June 23, 1981.
Concurrence by Departments of Defense and Agriculture, and the Tennessee Valley Authority expected by July 15, 1981.
Office of Management and Budget (OMB) review completed by July 24, 1981.
Publication of final rulemaking in **Federal Register** scheduled for July 27, 1981, initiating 90 day review by Congress.
Proposed effective date: October 27, 1981.
Final Rule—Spring 1981.

Available Documents

"Archaeological Resources Protection Act of 1979; Notice of Permitting Procedures Pending Publication of New Regulations," **Federal Register**, January 23, 1980 (45 FR 5302).

"Archaeological Resources Protection Act of 1979; Public Hearings Prior to Publication of Proposed Rulemaking," **Federal Register**, March 19, 1980 (45 FR 17622).

"Uniform Rules and Regulations for the Protection and Conservation of Archaeological Resources Located on Public and Indian Lands," 36 CFR 1215, 45 FR 77755, November 24, 1980.

Transcripts and recordings of early input public hearings held in Denver, Colorado (March 22, 1980); Phoenix, Arizona (March 29, 1980); Portland, Oregon (April 12, 1980); and Knoxville, Tennessee (April 19, 1980).

The Environmental Assessment, the Determination of Significance, and the Work Plan for Public Involvement.

"Archaeological Resources Protection Act of 1979; Proposed Uniform Rulemaking and Notice, 46 FR 5566, January 19, 1981.

Transcripts of public hearings held in Chicago, Illinois (February 7, 1981); Atlanta, Georgia (February 14, 1981); Albuquerque, New Mexico (February 21, 1981); San Francisco, California (February 28, 1981); Anchorage, Alaska (March 7, 1981); and Denver, Colorado (March 14, 1981).

"Archaeological Resources Protection Act of 1979; Extension of Comment Period; Rulemaking," 46 FR 22208, April 16, 1981.

The above documents are available by mail from the offices of the Heritage Conservation and Recreation Service, Washington, DC 20243, (202) 343–5264.

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DOI—National Park Service

Right-of-Way Regulations (36 CFR Part 14°)

Legal Authority

16 U.S.C. §§ 5, 79; 23 U.S.C. § 317; 36 CFR Part 14 (45 FR 47092, July 11, 1980).

Reason for Including This Entry

The National Park Service (NPS) includes this entry because these regulations may have regionwide or local impacts on State and local government, and on other programs of the Department of the Interior or other Federal agencies.

Statement of Problem

A right-of-way is a use of National Park System lands by State and local governments, other Federal agencies, and private individuals and organizations for such purposes as roads and highways, utility and communication lines and facilities, pipelines, and water facilities.

At the present time, the National Park System of the United States comprises nearly 320 areas covering some 76 million acres in 49 States, the District of Columbia, Guam, Puerto Rico, Saipan, and the Virgin Islands. These areas include such designations as national park, national preserve, national monument, national memorial, national historic site, national seashore, and national battlefield park.

Until July 1, 1980, the National Park Service, in dealing with requests for rights-of-way, used regulations promulgated by the Bureau of Land Management (BLM) and codified in 43 CFR Part 2800. However, BLM revised these regulations in accordance with the Federal Land Policy and Management Act of 1976 (43 U.S.C. § 1761) and deleted all reference to the National Park Service. Since the provisions of this Act and the regulations promulgated to comply with it do not apply to the National Park Service, the Service must develop independent regulations applicable to right-of-way requests on National Park System lands.

These regulations will provide a process for the review, consideration, and approval or disapproval of requests for rights-of-way across all areas of the National Park System. They will establish procedures for the granting of rights-of-way to State and local governments, other Federal agencies, and private individual and organizations. These procedures will cover rights-of-way authorized at the discretion of the Secretary of the Interior, by individual park legislation, and for rights-of-way issued because of the right to which the holder is legally entitled.

Until these regulations are drafted, the Service is following interim regulations (45 FR 47092, July 11, 1980).

Alternatives Under Consideration

The National Park Service is considering two alternatives:

Alternative (A) is the drafting of right-of-way regulations which at a minimum are needed to comply with existing laws (16 U.S.C. §§ 5, 79 and 23 U.S.C. § 317). This will provide a process for the review, consideration, and approval or disapproval of requests for rights-of-way across all areas of the National Park System.

The disadvantage of this alternative is that it will not address all the issues and problems and may not assure the best protection of all National Park values. Issues and problems that would not be addressed under Alternative A include: access across park lands to private property and rights-of-way authorized in specific legislation establishing a park. These situations currently exist in most of the more than 320 units of the National Park System. By failing to address them in regulations, the NPS will not be providing the maximum protection to the natural, cultural, aesthetic, and recreational resources it administers and is required by law to preserve and protect.

Alternative (B) is the drafting of broader regulations that will cover such issues as: reasonable access to an owner's property, a legally held right to cross NPS lands, and right-of-way authorizations in individual statutes.

These broader regulations will address problems and issues that

presently exist in units of the National Park System and will afford greater protection for the natural, cultural, aesthetic, and recreational values that the parks were established to protect. However, since these regulations will be addressing a greater number of complex issues it is likely that they will be more controversial and difficult to enforce.

At this time the National Park Service prefers alternative (B) because it will afford greater protection for all National Park System areas.

Summary of Benefits

Sectors Affected: Other Federal agencies; State and local governments; private industries (e.g., electric, gas, and other utility services, oil and gas extraction, pipeline transportation, communication services); other establishments requesting rights-of-way across National Park System areas; and NPS.

These rules will benefit each of these sectors because they will provide more detailed, specific, and concise procedures for rights-of-way across National Park System areas. They will also provide information on costs involved and the terms and conditions for revocation and cancellation of permits. These sectors will realize these benefits over the entire time span of the permit.

These regulations will benefit the National Park Service because they will provide detailed, specific, and concise instructions to park management and will afford protection to natural, cultural, aesthetic, and recreational park resources.

If these rules are not promulgated, none of these sectors will have the information or guidance that is necessary to deal with right-of-way requests.

Summary of Costs

Sectors Affected: Other Federal agencies; State and local governments; private industries (i.e., electric, gas, and other utility services, oil and gas extraction, pipeline transportation, communication companies); other establishments requesting rights-of-way across National Park System areas; and NPS.

At this time, NPS does not know what costs these sectors will bear as a result of this proposal. However, fees will be charged to applicants to cover the cost of processing the application. Rental fees, appraised at fair market value, will also be charged to the holder of a right-of-way. It is likely that these charges will be waived for State and local governments if their use of a right-of-way is for governmental purposes and such lands and resources shall continue to serve the general public.

The National Park Service will incur costs for reviewing and processing applications and permits and insuring that the necessary environmental documents are prepared. It is unknown at this time what these costs will be.

Related Regulations and Actions

Internal: On July 11, 1980, the National Park Service issued interim right-of-way regulations (45 FR 47092). These regulations will remain in effect until replaced or revised through the rulemaking process. Other Interior agencies have right-of-way regulations. Bureau of Land Management regulations are located in 43 CFR Part 2800, and the U.S. Fish and Wildlife Service regulations are located in 50 CFR Part 29.

External: None reported.

Active Government Collaboration

The National Park Service is working with other Interior agencies (Bureau of Land Management, U.S. Fish and Wildlife Service) in the promulgation of these regulations. In addition, NPS will be working with State and local agencies as these rules are developed since these regulations will have an impact on their programs.

Timetable

NPRM—July 15, 1981.
Regulatory Impact Analysis—The National Park Service has not made a determination on the need for a Regulatory Impact Analysis. We are soliciting public comment on the potential economic impact of the proposed rule.
Public Hearing—None scheduled.
Public Comment Period—90 days following publication of NPRM. Comments should be directed to Division of Ranger Activities and Protection, National Park Service, Department of the Interior, Washington, DC 20240.
Final Rule—January 15, 1982.
Final Rule Effective—February 15, 1982.
Regulatory Flexibility Analysis—Undecided.

Available Documents

ANPRM—45 FR 54771, August 18, 1980.

Agency Contact

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DEPARTMENT OF TRANSPORTATION

United States Coast Guard

Construction Standards for the Prevention of Pollution from New Tank Barges Due to Accidental Hull Damage; and Regulatory Action to Reduce Pollution from Existing Tank Barges Due to Accidental Hull Damage (46 CFR Parts 30*, 32*, and 35*)

Legal Authority

Port and Tanker Safety Act of 1978, 33 U.S.C. § 1221, 46 U.S.C. § 391a.

Reason for Including This Entry

The Coast Guard believes that this rule is important because it has major economic implications for the barge and towing industry in this country. In addition, testimony presented at the hearings on this proposal indicated that the rule may adversely affect the national oil supply network because it would take barges out of service that may not be replaced.

Statement of Problem

Data gathered by the Coast Guard show that, from 1973 through 1977, the total volume of oil spilled by tank barges was about 174,000 barrels. Approximately 85 percent of the oil spilled resulted from hull damage, which occurred as a result of groundings and collisions in the normal course of barge movements. Because barges operate mainly on the inland river system, most of the oil spilled by tank barges enters highly sensitive inland waters where the effect on the marine environment is more significant than it would be on the high seas. While the amount of pollution entering the waters from tank barges fluctuates annually, it is not decreasing in general. Thus, the present regulations in 33 CFR Subchapter O dealing with pollution prevention, which essentially regulate only loading and unloading operations, are insufficient to reduce oil pollution from tank barges. After examining a study entitled "Tank Barge Oil Pollution Study," prepared by Automation Industries, Inc., the Coast Guard concluded that the lack of construction standards for tank barges is a major factor in the pollution they cause. After reviewing the data, the Coast Guard determined that a "no action" alternative is not acceptable. The barge industry would not attack the river pollution problem without our intervention. The Coast Guard believes

that barges need the protection of a double hull to prevent cargo discharge, which would ordinarily result from groundings and minor collisions that breach the hulls of single-skin barges.

Alternatives Under Consideration

In 1971 the Coast Guard proposed a requirement for double walls on new tank barges constructed for the carriage of oil in specified trades. This proposal would have required the vertical surfaces, or walls, of barges to be double, but it did not propose double bottoms. Because the normal attrition of existing tank barges is fairly slow, there would be no dramatic reduction in oil pollution due to improved construction standards for new barges. In order to accelerate the retirement of the existing fleet of single-hull barges, the 1971 proposal included a provision that would have prohibited the complete rebuilding of existing vessels, and would have allowed only limited repair to damaged areas on these vessels. This provision was designed to speed the attrition of existing single-hull barges, while at the same time allowing them sufficient service life to reduce the financial impact that total fleet replacement would have on barge owners. Another proposed alternative was to specify a date after which owners and operators could not use single-hull barges.

Because of the extensive negative comments from the towing industry, we did not impose the double-wall construction requirement for new tank barges at that time. Instead, the Coast Guard initiated two studies. The first, "Alternative Inland Tank Barge Designs for Pollution Avoidance," developed design and construction alternatives and evaluated them for effectiveness. The second, "Tank Barge Study," evaluated design, construction, and equipment standards for tank barges that carry oil. These studies convinced the Coast Guard that a double-hull tank barge fleet is necessary to prevent pollution due to hull damage.

The comments we received in response to the 1971 NPRM indicated that, while the industry supported the intent of the regulations to prevent pollution, it strongly objected to the methods proposed to accelerate the retirement of existing single-hull vessels and to substitute double-hull barges. Both the early retirement option and rebuilding prohibition were attacked as being too costly. We received no comments suggesting economically acceptable ways to accelerate retirement of these vessels.

The Coast Guard is aware that the problems and costs associated with the construction of new barges differ greatly from the problems and costs associated with modifying existing barges. For this reason, following the 1971 proposal, the Coast Guard split this rulemaking into two parts: an ANPRM asking for comments on how to reduce the pollution problem posed by the existing fleet, and an NPRM proposing construction standards for new barges.

The present barge fleet consists of about 1,200 full double-hull barges, 2,200 single-hull barges, and 428 barges with partial double skins. Hastening the retirement of single-hull barges could significantly affect both the economic viability of many individual tank barge operators and the tank barge industry's ability to respond to the Nation's need to transport bulk liquid cargo. The alternatives we considered in the ANPRM are early retirement of vessels, conversion to other service, restriction of routes, increased Coast Guard inspection standards, and reduction of the numbers of barges towed together as a single unit.

In the case of new construction, the NPRM proposed two alternatives to the double-hull approach: (1) taking no action or (2) requiring the use of heavier internal structures in either selected areas of the vessel or overall to make the hulls more resistant to penetration. We selected the double-hull alternative as a result of information gathered in a joint Coast Guard/Maritime Administration study known as the "1974 Tank Barge Study," which indicated that this was the most effective method.

Because any action taken on these two items would have a profound effect on the environment and the economy of the towing industry, we decided to hold a series of hearings on both the ANPRM and the NPRM in various parts of the country. Responses at the hearings addressed both the ANPRM and the NPRM, without distinguishing between them.

In general, the comments pointed out the high costs of the proposed alternatives to both the towing industry and the Nation's economy. The comments advocated the following alternatives:

(A) Do not retire existing equipment.

(B) Require constructing single-hull barges with heavier materials.

(C) Require more stringent inspection and vigorous enforcement of existing regulations.

In addition, industry representatives questioned the effectiveness of double hulls in preventing pollution.

These issues are valid and deserve further consideration. The Coast Guard has decided that an independent agency should evaluate the proposed alternatives. In addition, industry estimates of costs differ greatly from Coast Guard estimates. Industry estimates are higher by far. In light of the industry data, the Coast Guard will have to reexamine the anticipated economic effects of the proposal. Consequently, the National Academy of Sciences will reexamine the entire tank barge issue and recommend various options to accomplish the Coast Guard's objective.

Summary of Benefits

Sectors Affected: Manufacturing of tank barges; aquatic environment for wildlife; and the general public.

The Coast Guard has concluded that double hulls would be 95 percent effective in preventing pollution due to hull damage. This conclusion is based on the report we mentioned previously, the "1974 Tank Barge Study." In fairness to those protesting the proposal, it should be pointed out that several comments called into question the data used in the study. Simply stated, these comments contended that the amount of hull penetration suffered in several of the casualties examined in the study would have resulted in spills regardless of whether or not the barge had been equipped with a double hull.

The benefits to the general public are impossible to quantify. There would be some reduction in the amount of oil in the water, which would have an aesthetic value for those using the waterways for recreational purposes. However, the actual improvement in the aquatic environment for wildlife is difficult to determine, because destruction done to plants and animals depends upon such factors as how much oil is spilled and how quickly and at what time of year. The success of subsequent cleanup efforts also has a direct bearing upon how much environmental damage is done. A relatively large spill that occurs in protected waters and is promptly cleaned up could have very little impact on the quality of the water while representing a statistically significant pollution incident. There are no reliable statistical data available to determine the actual extent of damage oil pollution has caused in terms of destroyed wildlife or depleted income as a result of fish-kills. All parties involved with this proposal agree that reduced oil pollution is a desirable goal, but there are no ways to measure the benefits.

Shipyards that manufacture barges would benefit from an increased demand for construction and servicing.

Summary of Costs

Sectors Affected: Water transportation of oil tank barges; towing services; manufacturing of tank barges; and users of oil.

In 1978, the cost of a double-hull inland tank barge ranged from $146,000 to $425,000 more than for a single-hull inland barge of comparable size. Added costs for full double hulls on ocean barges ranged from $700,000 to $1,700,000 for each barge.

The costs for modifying existing barges are more difficult to determine.

The total cost differential between normal fleet replacement and imposed replacement for inland barges is $120,274,000 (1978 dollars), a 28 percent increase over normal replacement costs. The difference for ocean barges (those engaged in trade between U.S. and foreign ports) and coast-wise barges (those engaged in trade between U.S. ports) is $245,030,000, an 85 percent increase over normal replacement costs. To assess which portion of this cost is attributable to the new construction standards, the replacement costs for imposed attrition of these barges was also computed using single-hull construction costs. The early replacement cost for these barges was $101,268,000, a 35 percent increase. The remaining $143,763,000 cost differential is attributable to the proposed rule for double-hull construction and represents a 50 percent increase over normal replacement costs.

The ANPRM solicited estimates of these costs as well as costs the industry would incur for activities such as oil recovery and cleanup resulting from spills related to hull damage. Comments received indicated industry estimates for increased expenses were several times the Coast Guard estimates. In addition, repair costs for double-hull barges would be much more expensive because the space between the hulls is difficult to work in and must be freed from toxic and explosive gas before any work can be done on the barge's hull. The comments also failed to show any offsetting savings to industry resulting from decreased cleanup costs. Compliance costs would be passed on to the consuming public.

We do not anticipate any significant administrative costs associated with the proposal.

Related Regulations and Actions

Internal: The Coast Guard is also considering double-hull requirements as a possible solution to spilling hazardous materials.

External: None.

Active Government Collaboration

The Coast Guard has informed the Environmental Protection Agency, the Maritime Administration, and the National Oceanographic and Atmospheric Administration of its regulatory proposals.

Timetable

Since the comments called so many of its basic assumptions into question, the Coast Guard has decided that it is time for an impartial third party to be consulted on the merits of the proposed regulations. The Coast Guard has contracted with the National Academy of Sciences to study the problem and make recommendations concerning the alternatives we have identified and to propose any additional alternatives that may be developed during the course of the study.

The National Academy of Sciences held a workshop on these proposals on April 15 and 16, 1980. The Academy's report has been delayed until the end of April 1981, at the earliest. We will defer any further action until we have evaluated these recommendations and any new economic information.

The Regulatory Flexibility Act requires a Regulatory Flexibility Analysis for this proposal. One has not yet been drafted.

Available Documents

Karlson, E. S., et al., "Alternative Inland Tank Barge Designs for Pollution Avoidance," May 22, 1974.

"Polluting Incidents In and Around U.S. Waters," annual reports for 1971 through 1977. Coast Guard publication number C.G. 487.

Joint Coast Guard/Maritime Administration Study, "Tank Barge Study," October 1974. National Technical Information Service number COM-75-10284/AS.

Bender, A., et al., "Tank Barge Oil Pollution Study," prepared for the Coast Guard by Automation Industries, Inc., 1978.

NPRM—36 FR 24960, December 24, 1971 (superseded).

NPRM—44 FR 34440, June 14, 1979, for new construction.

ANPRM—44 FR 34443, June 14, 1979, for existing construction.

Supplementary NPRM—45 FR 16436, March 13, 1980, for both proposals.

Draft Regulatory Analysis and Environmental Impact Statement, "Design Standards for New Tank Barges and Regulatory Analysis for Existing Tank Barges to Reduce Oil Pollution Due to Accidental Hull Damage, May 1979."

Documents available from Agency Contact. Fees will be charged for duplicating the material.

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ENVIRONMENTAL PROTECTION AGENCY

Office of Air, Noise, and Radiation

Regulations for the Prevention of Significant Deterioration (PSD) from Set II Pollutants (Hydrocarbons, Carbon Monoxide, Nitrogen Oxide, Ozone, and Lead) (40 CFR 51.24* and 52.21*)

Legal Authority

The Clean Air Act, as amended, § 166, 42 U.S.C. § 7476.

Reason for Including This Entry

The regulation, when developed and promulgated, is likely to impose siting restrictions on air pollution sources because of limitations on areawide emission totals. This could have a significant effect on industry.

Statement of Problem

The purpose of this program is to provide for adequate representation of the public interest where the Nation's clean air resources are threatened by increases in concentrations of Set II pollutants (hydrocarbons, carbon monoxide, nitrogen oxides, ozone, and lead). The present Prevention of Significant Deterioration (PSD) regulations administered by the Environmental Protection Agency (EPA) require the use of "best available control technology" (BACT) on all new or modified major sources of all pollutants covered by the Clean Air Act. In addition, the present program also limits increases in areawide concentrations of sulfur dioxide and particulate matter through an air quality increment system, which limits the amount of emission increases based on air quality impact. The present program, however, does not similarly limit areawide emission levels or air quality impacts of Set II pollutants and, therefore, cannot protect against the degradation of air quality up to the National Ambient Air Quality Standards (NAAQS) (i.e., those levels of air quality set to prevent adverse health and welfare effects). The Clean Air Act, as

amended in 1977, requires EPA to respond to this problem (42 U.S.C. 7476).

Alternatives Under Consideration

EPA is now reviewing a range of regulatory alternatives which appear to be most reasonable at this time. These alternatives include the following:

(A) Existing Emissions Controls—This system would rely primarily on the requirements for best available control technology (BACT) on major new stationary sources and the Federal standards for motor vehicle emissions. Control requirements under this system would not vary as a function of ambient pollutant concentrations or of the proximity of other sources, as long as the National Ambient Air Quality Standards were not violated.

(B) Ambient Air Quality Allocation.

Ambient Air Quality Increments—This approach would call for the States to develop an area classification system establishing numerical limits for allowable degradation of ambient air quality. This system would be similar to that already in effect for particulate matter and sulfur dioxide.

(C) Emission Allocation—

(1) Emission Density Zoning (EDZ)—An EDZ system would set theoretical ambient air quality increments to serve only as a guideline for establishing limits on maximum allowable emissions per unit land area. Once EPA established these emissions density limits, the appropriate State or local air pollution control agency would base preconstruction review of new and modified sources on the emission density limits rather than on ambient air quality.

(2) Inventory Management—This system would require State and local agencies to develop and maintain detailed emission inventories, with the provision for mandatory periodic public review whenever the local emission inventory increased by a pre-established quantity or percentage. The system would require this public review before allowing any further incremental increase in emissions, and could include an environmental analysis, a community environmental education program, a public hearing, and a vote by elected officials from the potentially affected areas.

(D) Empirical Criteria—

(1) Transportation BACT—This alternative would require means to reduce emissions associated with motor vehicle-related sources. These means could involve specifications for road systems or performance standards for public transportation systems, such as specified levels of service for public transportation. EPA also could consider additional criteria for existing transportation processes and inspection and maintenance.

(2) Indirect Source Review for Federally Funded Projects—The Clean Air Act precludes EPA from requiring States to perform indirect source reviews of non-federally funded projects; therefore, this alternative would require indirect source review for Federally owned, funded, or assisted projects. These projects could include airports, highways, sport complexes, and other projects constructed with Federal grants.

EPA is also investigating economic allocation schemes to use in conjunction with the above described regulatory alternatives. The specific programs we are considering at this time are emission fees and marketable permits.

The final regulation will include the existing emission controls option combined with one or more of the other alternatives, or may present several regulatory options from which a State would choose its specific program.

Summary of Benefits

Sectors Affected: The general public.

Areas of the country which are presently attaining the NAAQS for carbon monoxide, nitrogen dioxide, ozone, and lead will have a program to prevent significant air quality deterioration from those pollutants. In addition, regulations will provide special protection to national parks, national wilderness areas, and other Class I areas.

These regulations are at such an early stage of development that we cannot yet quantify benefits and costs. The benefits will vary depending on the alternative or alternatives we select. The regulations are unlikely to impose additional direct emission control requirements on air pollution sources, but they may impose siting restrictions because of limitations on areawide emission totals. Once we complete the Regulatory Impact Analysis, we will have a better estimate of the benefits and costs associated with this regulation.

Summary of Costs

Sectors Affected: Industries emitting Set II pollutants, including: transportation, electric services, and manufacturing (particularly the petroleum refining and the primary metal industries).

We do not anticipate that the regulation will affect small entities disproportionately. The Regulatory Impact Analysis will, however, specifically address this problem.

As we noted above, we will assess the costs of implementing these regulations as a part of the Regulatory Impact Analysis. We already require the affected sources under the present PSD regulations to install the best available control technology (40 CFR 51.24 and 40 CFR 42.21). Therefore, the costs (decline in economic growth, regional costs, etc.) resulting from this regulation alone will be related only to site location.

Related Regulations and Actions

Internal: EPA has developed and currently administers regulations for the prevention of significant deterioration of air quality resulting from emissions of particulate matter and sulfur dioxide (40 CFR 51.24). The same regulations also require best available control technology on the stationary sources potentially affected by this regulation.

External: The regulation will require each State to develop regulations to implement this program. These regulations will require EPA review and approval.

Active Government Collaboration

EPA has formed an interagency work group to assist it in the development and review of these regulations. The following are members of the work group: Department of Transportation, Department of Energy, Department of Interior (National Park Service, Fish and Wildlife Service, and Bureau of Land Management), Department of Commerce, Department of Housing and Urban Development, Department of Agriculture, and Council on Environmental Quality. In addition, we have solicited and received cooperation from State governments through the State and Territorial Air Pollution Program Administrators, and local agencies through the Association of Local Air Pollution Control Officers.

Timetable

Regulatory Flexibility Analysis—July 1981.

Regulatory Impact Analysis—July 1981.

NPRM—September 1981.

Public Hearing—October 1981.

Public Comment Period—November 1981.

Final Rule—June 1982.

Available Documents

"Program to Prevent Significant Deterioration of Carbon Monoxide, Ozone, Hydrocarbons, Nitrogen Dioxide and Lead" (EPA report number EPA-450/2-80-071, March 1980), available from NTIS Accession No. PB80-221260.

"Community Environmental Education: Three Models of Organization for PSD Set II" (EPA report number EPA–450/2–80–079, June 1980), available from NTIS, Accession No. PB81–118721.

EPA has established a docket (EPA, Central Docket Section A–79–34) for review of the PSD Set II regulations.

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EPA–OANR

Review, and Possible Revision, of the National Ambient Air Quality Standards for Carbon Monoxide (40 CFR Part 50*)

Legal Authority

Clean Air Act, as amended, § 109(d)(1), 42 U.S.C. § 7409 *et seq.*

Reason for Including This Entry

The Environmental Protection Agency (EPA) believes that this review is important in order to ensure the protection of public health and welfare and because any changes to the existing standards may result in an annual effect of $100 million or more on the economy.

Statement of Problem

Section 109(d)(1) of the Clean Air Act as amended directs EPA to review existing national ambient air quality standards (NAAQS) every 5 years. Ambient air quality standards define allowable pollutant concentrations in the ambient air that are required to protect public health and welfare. EPA set the original carbon monoxide (CO) standards (36 FR 8186, April 30, 1971) at 9 parts per million (ppm) averaged over an 8-hour period and 35 ppm for a 1-hour period. On August 18, 1980 (45 FR 55066), the Agency proposed to retain the 9 ppm 8-hour standard and lower the 1-hour standard to 25 ppm. EPA also proposed to change the form of the original standards, which allowed one exceedance in any year, to a statistical form, in which the standards cannot be exceeded more than one day per year averaged over several years.

The incidence of adverse health effects in the general population resulting from human exposure to carbon monoxide has not been completely quantified. However, there are several population groups that are particularly sensitive to carbon monoxide exposure, such as people with coronary heart disease (e.g., angina pectoris), peripheral vascular disease, cerebrovascular disease, or chronic obstructive pulmonary disease; pregnant women and their fetuses; and people with anemia. These sensitive population segments range from 5 to 12 percent of the U.S. population. Thus, between 11 million and 27 million persons in the United States with cardiovascular, pulmonary, and central nervous system diseases can have these conditions aggravated by exposure to carbon monoxide.

Alternatives Under Consideration

The Agency considered the following alternative standards prior to the August 18, 1980 proposal:

1 hr averaging time	8-hr averaging time
15 ppm	7 ppm
25 ppm	9 ppm
35 ppm	12 ppm

EPA originally selected the 8-hour averaging time because most people achieve equilibrium or near-equilibrium levels of carboxyhemoglobin (COHb) in the blood after an 8-hour exposure to carbon monoxide. In addition, most people are exposed to carbon monoxide in roughly 8-hour blocks of time. We uncovered no evidence during the review process resulting in the August 18, 1980 NPRM that indicated that the 8-hour averaging time should be changed.

As a result of the review and revision of the health criteria, EPA proposes to retain the existing primary 8-hour standard at 9 ppm and to lower the primary 1-hour standard from the current 35 ppm to 25 ppm. The change in the 1-hour standard is being proposed because of the more rapid accumulation of blood carboxyhemoglobin in moderately exercising sensitive persons compared to resting individuals. The impact of exercise, which is greater for short-duration exposures, was not considered in the original standard.

We are investigating no new Federal regulatory techniques in the CO NAAQS review process. State governments use their own discretion in taking regulatory actions to meet EPA's national ambient air quality standards. The States are free to use performance standards, economic incentives, or any other means to attain ambient air quality standards within their jursidiction. The only EPA requirement for State governments is that they demonstrate attainment and maintenance of the NAAQS by statutory compliance dates.

Summary of Benefits

Sectors Affected: Persons with cardiovascular or pulmonary disease; pregnant women and fetuses; and anemics.

The newly proposed CO NAAQSs should result in a greater assurance that persons with cardiovascular heart disease will not experience deleterious health effects due to high ambient concentrations of carbon monoxide. Specifically, the two standards are intended to keep exposure of 99 percent of the estimated 11 million to 27 million people particularly affected by cardiovascular heart or peripheral vascular disease to a COHb level below 2.1 percent.

Summary of Costs

Sectors Affected: Consumers who purchase automobiles; manufacturing of automobiles; administration of State and local transportation programs; the driving public; EPA; and State air pollution control agencies.

In its Regulatory Impact Analysis, EPA estimated the 1987 annualized costs of various CO control strategies for the three 8-hour alternatives; the total nationwide cost in 1979 dollars is approximately $2.8 billion for the 9 ppm proposed standard. It is $2.9 billion for the 7 ppm alternative and $2.6 billion for the 12 ppm alternative. Costs for alternative 1-hour standards were not developed because control strategies needed to attain any of the three alternative 8-hour standards investigated automatically attain all of the 1-hour standards that EPA analyzed.

Approximately 82 percent of these costs are due to the Federal Motor Vehicle Control Program (the automobile emission control program). Buyers of new cars incur these costs. An additional 15 percent of total costs are borne by the auto-using public through inspection and maintenance program fees and repair costs. The remaining 3 percent of total costs are borne by local governments and industrial plants.

Related Regulations and Actions

Internal: The newly proposed CO NAAQSs will not affect any other Agency program since there is no change in the controlling 8-hour standard. Emission standards for moving sources will not be affected since they are established under Title II of the Clean Air Act (42 U.S.C. § 7501 *et seq.*).

External: The newly proposed CO NAAQSs will not alter any on-going or planned State, local, or private industry

control program since there is no change in the controlling 8-hour standard.

Active Government Collaboration

Other Federal agencies that are involved in reviewing the standard include the Departments of Transportation, Energy, and Health and Human Services. In addition, EPA has contacted the Interagency Regulatory Liaison Group (IRLG) and will involve them in the standard review. The IRLG functions to coordinate the regulatory authorities of the Environmental Protection Agency, Food and Drug Administration, Consumer Product Safety Commission, Occupational Safety and Health Administration, and the Food Safety and Quality Service, Department of Agriculture.

Timetable

Final Rule—To be determined.
Regulatory Flexibility Analysis—None.

Available Documents

ANPRM—"Review of the Carbon Monoxide Air Quality Standard," 43 FR 56250, December 1, 1978.

NPRM—"Carbon-Monoxide. Proposed Revisions to the NAAQS," 45 FR 55066, August 18, 1980.

"Air Quality Criteria for Carbon Monoxide" (External Review Draft, April 1979); it is available from the Environmental Criteria and Assessment Office, MD–52, U.S. Environmental Protection Agency, Research Triangle Park, NC 27711.

U.S. Environmental Protection Agency Science Advisory Board Clean Air Scientific Advisory Committee, Subcommittee on Carbon Monoxide, "Transcript of Proceedings" for January 30 and 31, 1979 and June 14–16, 1979.

Public hearing record and public comments (comment period closed November 10, 1980).

The following reports are available from the U.S. EPA Library (MD–35), Research Triangle Park, NC 27711. Telephone: (919) 541–2777 (FTS: 629–2777).

"Control Techniques for Carbon Monoxide Emissions," EPA–450/3–79–006, June 1979.

"Regulatory Impact Analysis of the National Ambient Air Quality Standards for Carbon Monoxide," April 2, 1980.

"Proposed National Ambient Air Quality Standards for Carbon Monoxide: Draft Environmental Impact Statement," July 1980.

"Estimated Exposure to Ambient Carbon Monoxide Concentrations Under Alternative Air Quality Standards (Draft)," August 1980.

"Preliminary Assessment of Adverse Health Effects from Carbon Monoxide and Implications for Possible Modifications of the Standard (Draft)," June 1, 1979.

"Sensitivity Analysis of Coburn Model Predictions of COHb levels Associated with Alternative CO Standards (Draft)," July 1, 1980.

"Significant Harm Levels for Carbon Monoxide (Draft)," July 1980.

EPA has established a docket (EPA, Central Docket Section OAQPS–79–7) for review of this standard. The docket is available for investigation between 9:00 a.m. and 4:00 p.m. on weekdays in the Section Office: Room 2903B, 401 M Street, S.W., Washington, DC.

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EPA–OANR

Review, and Possible Revision, of the National Ambient Air Quality Standard for Nitrogen Dioxide (40 CFR Part 50*)

Legal Authority

Clean Air Act, as amended, §§ 109(c) and 109(d), 42 U.S.C. § 7409 *et seq.*

Reason for Including This Entry

The Environmental Protection Agency (EPA) believes that this review is important to ensure protection of public health and welfare and because any changes to the existing standards may result in an annual effect of $100 million or more on the economy.

Statement of Problem

Section 109(c) of the Clean Air Act, as amended, directs EPA to promulgate a short-term nitrogen dioxide (NO_2) standard unless there is no significant scientific evidence that such a standard is needed to protect public health. Section 109(d)(1) of the Act requires EPA to review the scientific basis of existing National Ambient Air Quality Standards (NAAQS) every 5 years. (Ambient air quality standards define allowable pollutant concentrations in the ambient air that are required to protect public health and safety. The States are responsible for developing and implementing the necessary regulatory programs to ensure the attainment and maintenance of the NAAQS.) This review includes the existing NO_2 annual average standard promulgated by EPA on April 30, 1971 (36 FR 8186). The standard is 100 micrograms per cubic meter ($\mu g/m^3$), annual arithmetic mean (40 CFR 50.11). The Agency has combined possible proposal of a short-term NO_2 standard with review of the annual average NAAQS into one rulemaking process (see 45 FR 6959, January 31, 1980). After review of scientific bases for the standards (the air quality criteria), EPA will decide whether to propose a short-term NO_2 standard and change or reaffirm the existing annual NO_2 NAAQS.

Public exposure to NO_2 can result in impairment of pulmonary (lung) function and can increase susceptibility to respiratory infection. NO_2 or other nitrogen oxide compounds in the ambient air can adversely affect crops, visibility, and materials, and can cause acid rainfall. Acid rainfall adversely affects crops, materials, and aquatic ecosystems.

Alternatives Under Consideration

Based on revised air quality criteria, EPA may decide to keep the existing annual standard without change, or make some modification to the allowable air concentration of nitrogen dioxide, the period over which the concentration is measured, or the number of times States will be allowed to exceed the standards. The Agency may also decide to propose a short-term NO_2 standard.

We are investigating no new regulatory techniques in the NO_2 NAAQS review/standard-setting process. All governmental regulatory actions taken as a result of setting an NAAQS are at the discretion of State governments. They are free to use performance standards, economic incentives, or any other means to attain ambient air quality standards within their jurisdictions. The only EPA requirement for State governments is that they demonstrate attainment and maintenance of the NAAQS by statutory attainment dates.

Summary of Benefits

Sectors Affected: The general public, particularly those persons suffering from respiratory disease; agriculture; and the aquatic ecosystem.

Revision of air quality criteria and review of the existing ambient air standard will result in greater assurance that the standard which EPA reaffirms or newly promulgates will protect public health and welfare, crops, materials, and aquatic ecosystems.

Summary of Costs

Sectors Affected: Industries emitting nitrogen oxides, such as manufacturing, electric services, and natural gas pipelines; manufacturing of motor vehicles and motor vehicle equipment; regulation and administration of transportation programs; EPA; and State air pollution control agencies.

We will assess the costs and economic effects of controlling oxides of nitrogen for alternative short-term and annual standards at the time we propose a revised standard. In addition, EPA will also assess the impact on State air pollution control agencies of developing and modifying control programs to attain and maintain a possible short-term and annual NO_2 standard. The Agency will publish these assessments in a Regulatory Impact Analysis that will be issued simultaneously with the NPRM.

The costs may exceed $100 million annual impact on the economy.

If the Agency's NO_2 activities result in a new regulatory action, the regulation could affect the level of control for sources of nitrogen oxides emissions, such as power plants, industrial boilers, and natural gas pipeline stations. We currently are controlling mobile source emissions under existing emissions limits for motor vehicles; however, a stringent short-term NO_2 standard could result in the need for community-wide inspection and maintenance programs for automobile and truck emissions.

Related Regulations and Actions

Internal: Changes to the current ambient standard may affect EPA's regulations for nitrogen oxides emissions from motor vehicles and EPA regulations for new source review (40 CFR 51.18 and 51.24).

External: Modifications in the existing standard may require States to reassess their current implementation control programs and make revisions in control measures and strategies if necessary. A new short-term standard would require States to assess ambient air quality data, and if concentrations exceed the standard, develop a State implementation plan to control NO_2 emissions.

Active Government Collaboration

Other Federal agencies that are involved in reviewing the nitrogen dioxide standards are the Departments of Energy, Transportation, Interior, Commerce, and Health and Human Services; and the Tennessee Valley Authority. In addition, we have informed the Interagency Regulatory Liaison Group (IRLG) of this review. The IRLG functions to coordinate the regulatory authorities of the Environmental Protection Agency, Food and Drug Administration, Consumer Product Safety Commission, Occupational Safety and Health Administration, and the Food Safety and Quality Service, Department of Agriculture.

Timetable

NPRM—To be determined.
Regulatory Impact Analysis—To be determined.
Public Comment Period—To be specified in NPRM.
Public Hearings—60 days after publication of NPRM.
Final Rule—To be determined.
Regulatory Flexibility Analysis—Undecided.

Available Documents

"Air Quality Criteria for Nitrogen Dioxide" (external review draft, annotated version, June 1980), available from the Environmental Criteria and Assessment Office (ECAO), U.S. Environmental Protection Agency, MD-52, Research Triangle Park, NC 27711.

U.S. Environmental Protection Agency, Science Advisory Board, Clean Air Scientific Advisory Committee, Committee Meeting on Air Quality Criteria for Oxides of Nitrogen, "Transcript of Proceedings" conducted in Washington, DC on January 29 and 30, 1979; available from ECAO.

"Control Techniques for Nitrogen Dioxide Emissions" (draft, January 1978), available from Emission Standards and Engineering Division, U.S. Environmental Protection Agency, MD-13, Research Triangle Park, NC 27711.

"National Ambient Air Quality Standards: Establishment of Standard Review Docket for Nitrogen Dioxide," 45 FR 6958, January 31, 1980.

EPA has established a docket (EPA, Central Docket Section OAQPS-78-9) for review of the NO_2 standard. Reports in the docket are available for inspection between 8 a.m. and 4 p.m. on weekdays at the Docket Section Office, Room 2903B, 401 M Street, S.W., Washington, DC.

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EPA-OANR

Review, and Possible Revision, of the National Ambient Air Quality Standards for Particulate Matter (40 CFR Part 50*)

Legal Authority

The Clean Air Act, as amended, § 109(d)(1), 42 U.S.C. § 7409 *et seq.*

Reason for Including This Entry

The Environmental Protection Agency (EPA) beleives that this review is important to ensure the protection of public health and welfare, and because any changes to the existing standards may result in an annual effect of $100 million or more on the economy.

Statement of Problem

Section 109(d) of the Clean Air Act Amendments of 1977 directs EPA to review the existing National Ambient Air Quality Standards (NAAQS) every 5 years. Ambient air quality standards define the level of pollutant concentrations in the ambient air that are allowed while still protecting public health and safety. The current primary standard for particulate matter (to protect public health) is 75 micrograms per cubic meter ($\mu g/m^3$), annual geometric mean, and 260 $\mu g/m^3$, maximum 24-hour concentrations, not to be exceeded more than once per year. The current secondary standard for particulate matter (to protect public welfare, e.g., effects on soils, vegetation, man-made materials, visibility, economic values, etc.) is 150 $\mu g/m^3$, maximum 24-hour concentration, not to be exceeded more than once per year. The States are responsible for developing and implementing the necessary regulatory programs to ensure the attainment and maintenance of the NAAQSs.

EPA will review the scientific basis of the primary and secondary standards (the air quality criteria), as well as the standards themselves. Where appropriate, EPA will revise the air quality criteria and promulgate new standards.

Exposure to airborne particulate matter (PM) aggravates asthma and other respiratory disorders, as well as cardiovascular diseases and can impair pulmonary function; this exposure can also increase coughing and chest discomfort. PM may also increase the adverse health effects of gaseous air pollutants, such as sulfur dioxide. Depending on their chemical composition, specific types of PM may have more serious toxic or carcinogenic effects than others. Elevated PM levels

result in increased soiling of exposed materials and impair visibility.

Alternatives Under Consideration

On the basis of the revised air quality criteria, EPA may decide to keep the existing standards without change or, alternatively, may decide to change the allowable air concentration of particulate matter, the period over which the concentration is measured, or the number of allowable exceedances of the standards. EPA is also considering standards based on the size of the particulate as well as its concentration. This consideration is based on evidence that smaller particles penetrate deeper into the lung and evidence that when elevated concentrations of particulate matter occur in combination with elevated levels of sulfur oxides, adverse health effects may be more pronounced.

EPA is not investigating new Federal regulatory techniques in the NAAQS review and revision process. All governmental regulatory actions taken as a result of setting an NAAQS are at the discretion of State governments, which are free to use performance standards, economic incentives, or any other means to attain ambient air quality standards within their jurisdiction. The only EPA requirement for State governments is that they attain and maintain the NAAQSs by statutory compliance dates.

Summary of Benefits

Sectors Affected: The general public, including children and those persons suffering from respiratory diseases and cardiovascular diseases.

The revision of the air quality criteria and the review of the existing ambient standards will result in greater assurance that the standards, whether reaffirmed or newly promulgated, will adequately protect health and welfare of the general public, including those groups within the general public most sensitive to adverse health effects of PM.

Summary of Costs

Sectors Affected: Industries emitting particulate matter, including (1) electric and sanitary services, (2) the primary metal industry, and (3) those industries that use or supply large quantities of fossil fuels; and State air pollution control agencies.

EPA will complete a study of costs and economic impacts of controlling particulate matter under alternative standards when it issues the NPRM. This analysis will involve estimates of capital, operating, and energy cost for various industries. Also, estimates of national annual cost will be provided. The annualized cost may exceed $100 million, depending upon the final level of the standards proposed. In addition, EPA will also assess the impact on State air pollution control agencies of modifying their control programs to accommodate revisions to the existing standards.

Related Regulations and Actions

Internal: Changes to the current ambient standards for particulate matter may affect EPA's regulations for new source review (40 CFR 51.18 and 51.24).

External: Modifications in the existing standards would require States to reassess their current implementation control programs and make revisions in control measures and strategies if necessary.

Active Government Collaboration

Other Federal agencies that are actively involved in reviewing the standards for particulate matter are the Departments of Energy, Transportation, Interior, Commerce, and Health and Human Services; and the Tennessee Valley Authority. In addition, EPA has informed the Interagency Regulatory Liaison Group (IRLG) of this review. The IRLG coordinates the regulatory activities of the Environmental Protection Agency, Food and Drug Administration, Consumer Product Safety Commission, Occupational Safety and Health Administration, and the Food Safety and Quality Service, Department of Agriculture.

Timetable

NPRM—To be determined.
Regulatory Impact Analysis—Fall 1981.
Public Comment Period—To be specified in NPRM.
Public Hearing—60 days after publication of NPRM.
Final Rule—To be determined.
Regulatory Flexibility Analysis—Will be combined with Regulatory Impact Analysis.

Available Documents

ANPRM—"National Ambient Air Quality Standards; Review of Criteria and Standards for Particulate Matter and Sulfur Oxides," 44 FR 56730, October 2, 1979.

"Air Quality Criteria for Particulate Matter," AP–49, January 1969, available from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161.

"Health Effects Considerations for Establishing a Standard for Inhalable Particles," July 1978, available from the Health Effects Research Laboratory, Environmental Protection Agency, Research Triangle Park, NC 27701.

"Airborne Particles," National Academy of Sciences, 1977, available from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161.

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EPA—OANR

Review, and Possible Revision, of the National Ambient Air Quality Standards for Sulfur Oxides (Sulfur Dioxide) (40 CFR Part 50*)

Legal Authority

The Clean Air Act, as amended, § 109(d)(1), 42 U.S.C. § 7409 *et seq.*

Reason for Including This Entry

The Environmental Protection Agency (EPA) believes that this review is important in order to ensure the protection of public health and welfare, and because any changes to the existing standards may result in an annual effect of $100 million or more on the economy.

Statement of Problem

Section 109(d) of the Clean Air Act Amendments of 1977 directs the EPA to review the existing National Ambient Air Quality Standards (NAAQS) every 5 years. Ambient air quality standards define allowable pollutant concentrations in the ambient air that are allowed while still protecting public health and welfare. The present primary standard for sulfur oxides measured as sulfur dioxide (set to protect public health) is 80 micorgrams per cubic meter ($\mu g/m^3$), annual arithmetic mean, and a maximum 24-hour concentration of 365 $\mu g/m^3$, not to be exceeded more than once per year. The current secondary standard for sulfur oxides measured as sulfur dioxide (to protect public welfare e.g., effects on soils, vegetation, man-made materials, visibility, economic values, etc.) is 1300 $\mu g/m^3$ with the maximum 3-hour concentration not to be exceeded more than once per year. The States are responsible for developing and implementing the necessary regulatory programs to ensure the attainment and maintenance of the NAAQSs.

EPA will review the scientific basis of the standards (the air quality criteria), as well as the standards themselves. Where appropriate, EPA will revise the air quality criteria and promulgate new standards.

Sulfur oxides in the air, working alone or in combination with other pollutants, aggravate respiratory diseases such as asthma, chronic bronchitis, and emphysema and also irritate the eyes and respiratory tract. Sulfur oxides also cause impaired visibility, harm vegetation, and help form acid rain, which harms crops, materials, and aquatic ecosystems.

Alternatives Under Consideration

On the basis of the revised air quality criteria, EPA may decide to keep the existing standards without change or, alternatively, may alter the air concentration of sulfur dioxide or the period over which the concentration is measured.

EPA is investigating no new Federal regulatory techniques in the NAAQS review and revision process. All governmental regulatory actions taken as a result of setting an NAAQS are at the discretion of State governments. They are free to use performance standards, economic incentives, or any other means to attain ambient air quality standards within their jurisdiction. The only EPA requirement for State governments is that they attain and maintain the NAAQSs by statutory compliance dates.

Summary of Benefits

Sectors Affected: The general public, including children and those persons suffering from respiratory diseases; and agricultrure.

The revision of the air quality criteria and the review of the existing ambient standards will result in greater assurance that the standards, whether reaffirmed or newly promulgated, will adequately protect the health and welfare of the general public, including those most sensitive to adverse health effects of sulfur oxides.

Summary of Costs

Sectors Affected: Industries emitting sulfur dioxides, including (1) electric, gas, and sanitary services industries, (2) the non-ferrous metal industry, (3) the petroleum refining industry, and (4) those industries that supply or use large quantities of fossil fuel; and State air pollution control agencies.

A study of costs and economic impacts of controlling sulfur oxides under alternative standards will be completed by EPA when the NPRM is issued. These estimates will include capital, operating, administrative, and other costs (including research and development) for the various industries. Nationwide estimates of annualized cost of the regulatory action will also be provided. It is estimated that such cost will exceed $100 million. In addition, EPA will also assess the impact on State air pollution control agencies of modifying their control programs in order to accommodate any revisions to existing standards.

Related Regulations and Actions

Internal: Changes to the current ambient standards may affect EPA's regulations for new source review (40 CFR 51.18 and 51.24).

External: Modifications in the existing standards would require States to reassess their current implementation control programs, and make revisions in control measures and strategies if necessary.

Active Government Collaboration

Other Federal agencies that are actively involved in reviewing the sulfur oxide standards are the Departments of Energy, Transportation, Interior, Commerce, and Health and Human Services; and the Tennessee Valley Authority. In addition, EPA has informed the Interagency Regulatory Liaison Group (IRLG) of this review. The IRLG coordinates certain regulatory activities of the Environmental Protection Agency, Food and Drug Administration, Consumer Product Safety Commission, Occupational Safety and Health Administration, and the Food Safety and Quality Service, Department of Agriculture.

Timetable

NPRM—To be determined.
Regulatory Impact Anaylsis—To be determined.
Public Comment Period—To be specified in NPRM.
Public Hearing—60 days after publication of NPRM.
Final Rule—To be determined.
Regulatory Flexibility Analysis—Will be combined with Regulatory Impact Anaylsis.

Available Documents

ANPRM—"National Ambient Air Quality Standards; Review of Criteria and Standards for Particulate Matter and Sulfur Oxides," 44 FR 56730, October 2, 1979.

"Air Quality Criteria for Sulfur Oxides," AP–50, January 1969—available from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161.

"Sulfur Oxides," National Academy of Sciences, 1978—available from the National Academy of Sciences, Printing and Publication Office, 2101 Constitution Avenue, Washington, DC 20418.

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EPA–OANR

Standards of Performance to Control Atmospheric Emissions from Industrial Boilers (40 CFR Part 60*)

Legal Authority

The Clean Air Act, as amended, § 111, 42 U.S.C. 7411.

Reason for Including This Entry

The Environmental Protection Agency (EPA) believes this rule would be important because it would affect many industries; address a major air polluter, namely industrial boilers; and minimize emissions in the face of increased industrial use of coal. The impact of this regulation on industry would approach $100 million per year for additional capital and annualized costs by 1990.

Statement of Problem

Combustion of coal, oil, and gas in industrial boilers results in the emission of significant quantities of particulate matter, sulfur dioxide, and nitrogen oxides to the atmosphere. Because of the large number of boilers and the associated emission rates, industrial boilers contribute significantly to air pollution in the United States. In 1975, emissions from industrial boilers were estimated to include 2.8 million tons of particulate matter, 3.3 million tons of sulfur dioxide, and 2.0 million tons of nitrogen oxides, or approximately 17, 11, and 8 percent of total national emissions of these pollutants. The projected growth rate of the use of industrial boilers, coupled with the emphasis on shifting fuel from gas and oil to coal, will increase the potential for emissions. These air pollutants affect the health and welfare of most of our urban-dwelling citizens by contributing to respiratory disease in people and animals, reducing visibility in the atmosphere, damaging vegetation, and soiling and deteriorating real estate. Failure to provide more effective control

of emissions from industrial boilers will increase exposure to the undesirable effects of these pollutants and will expand the portions of the country that exceed EPA's ambient standards for these pollutants. This rule will apply to new and modified industrial boilers. Only the largest industrial boilers are presently covered by standards established in § 111 of the Clean Air Act; these standards apply only to new and modified units. Existing industrial boilers are required to meet State and local regulations which usually limit sulfur dioxide and particulate emissions. The expanded § 111 regulations are expected to incorporate limits for nitrogen oxides and limits for sulfur dioxide and particulates that are more stringent than State and local regulations.

Alternatives Under Consideration

The 1977 Clean Air Act Amendments require that EPA adopt standards of performance for stationary sources of air pollution that are fired by fossil fuels. EPA is gathering information on eight technologies for reducing boiler pollutants: (1) oil cleaning and use of existing clean oil, (2) coal cleaning and existing clean coal, (3) synthetic fuels, (4) fluidized bed combustion (a relatively new technology applicable only to large coal-fired boilers), (5) particulate control, (6) flue gas desulfurization, (7) nitrogen oxides combustion modification, and (8) nitrogen oxides flue gas treatment.

We are examining several control alternatives which include different levels of control for the three pollutants being studied. Computer modeling is being used to determine the cost impacts, emission impacts, effects upon fuel consumption, overall energy impacts, and other environmental effects on a regional and national basis. Based upon results of this modeling, the regulation will be designed to exempt the 70 to 85 percent of small boilers which release only 10 to 20 percent of total air pollutants from industrial boilers.

Summary of Benefits

Sectors Affected: Manufacturing industries; and the general public.

This rule will apply to new and modified industrial boilers used in a large number of manufacturing industries, particularly energy-intensive industries, such as glass (SIC 321, 322, 323), pulp and paper (SIC 261, 262, 263), and chemical manufacturing (SIC 281), and will affect people in urban and rural areas who are subject to pollution emissions from these industries.

Installing equipment that represents the best available control technology at new and modified industrial boiler facilities will help lessen air pollution in already affected areas and preserve clean air in as yet unpolluted areas of the country. Since only a small fraction of the industrial boiler population is replaced or modified annually, the short term impact on air quality will be only nominal. However, annual reductions in emissions will be cumulative resulting in significant betterment of air quality over the long term. Equipping new boilers with best available control technology will reduce the need for using the "cleanest" fuels, which can be diverted to existing plants in which new add-on controls are less cost effective.

A regulation that requires more stringent controls on new and modified industrial boilers will allow industrial expansion and economic growth without an accompanying assault on ambient air quality.

Summary of Costs

Sectors Affected: Manufacturing industries; and users of products produced by these industries.

Energy intensive industries such as glass (SIC 321, 322, 323), pulp and paper (SIC 261, 262, 263), and chemical manufacturing (SIC 281) are the specific industries that this rule would affect most.

Cost estimates for applying the control technology required by a regulation governing emissions from industrial boilers would be determined by the number, sizes, and types of sources we regulate and the degree of control we require. EPA estimates that by 1990, annual added capital costs of control will approach $200 million and annualized costs will approach $100 million (1978 dollars). These estimates are necessarily very tentative at this time. Consumers may pay higher prices for products manufactured by energy-intensive industries.

Related Regulations and Actions

Internal: We have issued water pollution regulations for several industries in the form of "Best Practical Technology Currently Available" and "Best Available Technology Economically Achievable." In some industries, these regulations cover effluents from boilers. Industrial boilers are also subject to requirements of the Resource Conservation and Recovery Act, Part 261, Subpart C.

External: Industrial boilers are subject to the Power Plant and Industrial Fuel Use Act and associated regulations established by the Department of Energy.

Active Government Collaboration

Because emissions from industrial boilers come from the combustion of fossil fuels, EPA is working closely with the Department of Energy to share information and stimulate advances in technology.

EPA works closely with State and local governments in developing and implementing these rules.

Timetable

Regulatory Impact Analysis—November 1981.
NPRM—November 1981.
Regulatory Flexibility Analysis—November 1981.
Public Hearing—December 1981.
Public Comment Period—To be announced on proposal.
Final Rule—December 1982.

Available Documents

ANPRM—40 CFR Part 60 (44 FR 37632, June 28, 1979).

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EPA–OANR—Office of Mobile Source Air Pollution Control

Gaseous Emission Regulations for 1985 and Later Model Year Light-Duty Trucks and Heavy-Duty Engines (40 CFR Part 86*)

Legal Authority

The Clean Air Act, as amended, § 202, 42 U.S.C. § 7521.

Reason for Including This Entry

The Environmental Protection Agency (EPA) thinks this rule is important because we expect it will have an annual economic impact of more than $100 million.

Statement of Problem

The Clean Air Act Amendments of 1977 require EPA to establish regulations which require a reduction (from the uncontrolled state) of heavy-duty engine or vehicle emissions of 90 percent for hydrocarbon (HC) and carbon monoxide (CO) in 1983 and 75 percent for oxides of nitrogen (NO_x) in 1985. These amendments also provide EPA with options to either temporarily revise or change the standards under certain conditions. As defined in the Act, heavy-duty vehicles include those trucks over 6,0000 pounds gross vehicle

weight (GVW); excluded are off-road vehicles, such as farm tractors and construction equipment. This definition overlaps two truck categories as used by EPA. These are light-duty trucks (LDTs), which EPA defines as trucks up to 8,500 pounds GVW, and heavy-duty vehicles (HDVs), which include the 8,500 pounds GVW and over trucks. We published regulations implementing the mandated reductions in HC and CO emissions for HDVs on January 21, 1980 (45 FR 4136) and for LDTs on September 25, 1980 (45 FR 63734). This entry concerns the regulations implementing the mandated reduction in NO_x.

During high temperature combustion in internal combustion engines, atmospheric nitrogen reacts to form nitric oxide (NO) and a comparatively small amount of nitrogen dioxide (NO_2). In the atmosphere, the NO is converted to NO_2 by direct reaction with oxygen and by photochemical processes. NO_2 in the atmosphere causes visibility restrictions and brownish coloration, and is a major contributor to the incidence of acid precipitation, commonly referred to as "acid rain." Elevated NO_2 levels are also associated with both long-term and short-term health effects on the respiratory system.

Based upon the present annual standard of 0.05 parts per million, EPA identified 34 (out of a total of roughly 250) Air Quality Control Regions in 1976 which were either exceeding acceptable levels, or were within 40 percent of the standard. EPA's analysis of future oxides of nitrogen (NO_x) emissions indicates that current light-duty and heavy-duty vehicle NO_x control strategies will produce some overall NO_x reductions through the mid-1980s, after which annual growth of vehicle sales, industry, and other sources contributing to pollution will begin to dominate. Thus, to even maintain the status quo, further NO_x controls will be needed. Heavy-duty vehicles and light-duty trucks, representing approximately 40 percent of mobile source NO_x emissions, constitute one area where further NO_x control is available on a cost-effective basis. Mobile sources (which as a group include railroads, boats, planes, etc., in addition to motor vehicles) constitute about 30 percent of total NO_x emissions.

Alternatives Under Consideration

In the development of the NO_x standard, EPA will consider the following alternatives:

(A) Implement an NO_x standard that reflects the Clean Air Act's mandated 75 percent reduction.

(B) Implement an NO_x standard that is either less stringent or more stringent than the 75 percent reduction required by the Clean Air Act.

EPA is currently evaluating the advantages and disadvantages of both alternatives. The Clean Air Act (as amended August 1977) directs EPA to set an NO_x standard that reflects a 75 percent reduction (from uncontrolled levels), applicable for the 1985 model year. However, Congress incorporated provisions in the Act allowing EPA either to set more stringent standards or less stringent standards. EPA can make such revisions to the standard if it finds that the emission standards cannot be achieved by available technology at reasonable cost. Of course, as standards are made more stringent, more benefits will accrue. Likewise, as standards become more stringent, costs of compliance will generally increase. The task confronting EPA is one of determining techological capabilities, and balancing costs and benefits.

At the present time, the Agency considers alternative (B) as the most likely option to propose. Based on available information, a 75 percent reduction standard appears to be infeasible for heavy-duty diesel engines. However, EPA does not yet have enough information to propose a specific alternative level though we are in the process of gathering this information.

EPA had also considered the additional alternative of emission averaging, but has decided to pursue averaging as a separate rulemaking. Under an averaging approach, a manufacturer could achieve compliance to an emission standard by averaging its aggregate fleet emissions. The manufacturer could design some engines to be below the standard and others above it. Conceptually, this approach could increase a manufacturer's flexibility from both a technological and an economic standpoint. Averaging will require a major effort to incorporate the concept into the existing regulations. Since the Clean Air Act requires EPA to promulgate the NO_x rulemaking swiftly, and since we believe the averaging concept will need lengthy analysis and discussion between EPA and the industry and public, we will pursue averaging and NO_x as separate rulemakings. We published an ANPRM for the averaging concept on November 28, 1980 (45 FR 79382) and will attempt to complete the averaging rulemaking as close as possible to the time of the NO_x final rule.

Summary of Benefits

Sectors Affected: The general public, especially urban populations and persons particularly susceptible to respiratory disease.

As stated above, the Agency believes that an NO_x standard representing a 75 percent reduction from uncontrolled levels is infeasible for heavy-duty diesel vehicles. Given that we do not yet have enough information to propose a specific alternative level, our benefit analysis is based on a 75 percent reduction standard. Such a standard would reduce lifetime emissions of an average light-duty truck by 0.2 tons (59 percent) and of an average heavy-duty vehicle by 0.9 tons (77 percent) and 7.8 tons (79 percent) for gas and diesel, respectively (compared to vehicles sold under present regulations). These reductions will yield improvements in excess of 10 percent in average NO_x air quality by 1995.

Summary of Costs

Sectors Affected: Manufacturers of heavy-duty engines and vehicles and light-duty trucks; and purchasers and users of heavy-duty engines and vehicles and light-duty trucks.

Based on technology we expect heavy-duty diesel engine manufacturers to use to achieve maximum feasible emission levels, and based on a 75 percent reduction standard for all other classes, we project that the average initial price increase of a light-duty truck will be roughly $150 (2 percent), while the average initial price increases of heavy-duty vehicles will be roughly $280 (3 percent) for gasoline engines and $740 (at most 7 percent) for diesel engines (in 1980 dollars). We do not expect these price increases to have a substantial impact on total vehicle sales, nor do we expect the cost of products hauled by heavy-duty vehicles to increase appreciably.

EPA is not able to quantify the fuel economy impacts of the regulations at this time, though buyers of gasoline-powered light-duty trucks and heavy-duty vehicles will probably see an improvement over earlier models, and buyers of diesel light-duty trucks may see a decrease. We cannot predict the effect on heavy-duty diesel vehicles until we have more information on a feasible standard level. We do not project an increase in maintenance costs for any of these vehicles.

We stated earlier that we expect this regulation to have an annual economic impact of over $100 million. Specifically, EPA expects this regulation to have a total cost over the first 5 years of $2.4 billion for light-duty trucks, and $1.8 billion for heavy-duty vehicles. These costs are expressed in 1980 dollars as a lump sum investment made in the first year of production, assuming a discount rate of 10 percent. Since we are not able

to quantify fuel economy effects at this time, these costs do not reflect possible fuel economy impacts.

Related Regulations and Actions

Internal: Current emission standards for light-duty trucks and heavy-duty engines can be found in "Control of Air Pollution from New Motor Vehicles and New Motor Vehicle Engines: Certification and Test Procedures," 40 CFR Part 86. Regulations implementing the Department of Transportation light-duty truck fuel economy standards are found in "Fuel Economy of Motor Vehicles," 40 CFR Part 600.

EPA has recently finalized standards and measurement procedures for the control of particulate emissions for diesel-fueled light-duty trucks ("Standard for Emission of Particulate Regulation for Diesel-Fueled Light-Duty Vehicles and Light-Duty Trucks," 45 FR 14496, March 5, 1980). Other related regulations recently finalized are HC and CO emission regulations for 1984 and later model year heavy-duty engines and for 1984 and later light-duty trucks ("Gaseous Emission Regulations for 1984 and Later Model Year Heavy-Duty Engines," 45 FR 4136, January 21, 1980, and "Gaseous Emission Regulations for 1984 and Later Model Year Light-Duty Trucks," 45 FR 63734, September 25, 1980).

In addition to the existing regulations above, EPA has proposed particulate regulations for heavy-duty diesel engines (46 FR 1910, January 7, 1981).

External: Light-duty vehicle and light-duty truck fuel economy standards are found in the Department of Transportation "Passenger Automobile Average Fuel Economy Standards," 41 CFR Part 351.

Active Government Collaboration

Department of Transportation (discussions with the National Highway Traffic Safety Administration prior to ANPRM regarding light-duty truck fuel economy). Other government offices (for example, the Department of Commerce) routinely provide comment during the rulemaking process.

Timetable

NPRM—June 1982.
Public Hearing (on ANPRM)—After July 1981.
Public Comment Period (on ANPRM)—Ends 30 days after the public hearing. Comments may be sent to Central Docket Section A-130, West Tower Lobby, Gallery 1, Environmental Protection Agency, Attn: Docket No. A-80-18, 401 M Street S.W., Washington, DC 20460.
Regulatory Flexibility Analysis—Need to be determined.
Final Rule—Applicable to model year 1985 for light-duty trucks and 1986 for heavy-duty vehicles.

Available Documents

ANPRM—46 FR 5838, January 19, 1981.
Draft Regulatory Impact Analysis—January 1981.
Draft Regulations—January 1981.
All documents available for review in Public Docket No. A-80-18, located at the EPA, Central Docket Section A-130, West Tower Lobby Gallery 1, 401 M Street, S.W., Washington, DC 20460. The documents are available for personal inspection Monday through Friday between 8:00 a.m. and 4:00 p.m., or copies can be obtained by personal or written request. A reasonable fee may be charged for copying.

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EPA-OANR-OMSAPC

Heavy-Duty Diesel Particulate Regulations (40 CFR Part 86 *)

Legal Authority

The Clean Air Act, as amended, §§ 202, 206, 207, and 301, 42 U.S.C. §§ 7521, 7525, 7541, and 7601.

Reason for Including This Entry

The Environmental Protection Agency (EPA) thinks that this rule is important because it may have an annual effect of $100 million or more on the economy.

Statement of Problem

Despite significant gains made in the control of particulate emissions, there are still many regions of the United States that are not able to meet the National Ambient Air Quality Standard (NAAQS) for total suspended particulate matter (TSP). To help improve this situation, Congress required EPA (through the Clean Air Act Amendments of 1977) to prescribe standards for the emission of particulate matter from 1981 model year heavy-duty diesel vehicles. EPA must base this standard on the lowest emission rates that we find technologically feasible at the time the standard will take effect, while also taking cost, noise, energy, and safety into consideration.

Diesel engines already power one-third of the heavy-duty vehicles sold in this country. By 1995, EPA expects this figure to increase to over two-thirds, primarily because of the fuel economy advantage of diesel engines over gasoline engines. These diesels emit 40 to 100 times the particulate matter emitted by catalyst-equipped vehicles operated on unleaded gasoline. (EPA expects that most gasoline-fueled heavy-duty vehicles will require catalysts and unleaded gasoline beginning in 1984 due to stringent standards for the emissions of hydrocarbons and carbon monoxide (see 45 FR 4136, January 21, 1980).) Heavy-duty diesel vehicles, if left uncontrolled, would emit 218,000 to 266,000 metric tons per year of particulate matter to the atmosphere by 1995. Urban areas would be the most seriously affected by these emissions. Ambient particulate levels from heavy-duty diesels alone would reach 2 to 7 micrograms per cubic meter (annual geometric mean) in cities such as Chicago, Los Angeles, New York, and Dallas. Somewhat smaller levels of 2 to 5 micrograms per cubic meter (annual geometric mean) would occur in smaller cities such as St. Louis, Denver, and Phoenix. These levels would occur over large-scale areas within these cities. Additional diesel particulate levels of 5 to 6 micrograms per cubic meter (annual geometric mean) would be expected in localized areas within 90 meters of very busy roadways. If controls are not applied, these ambient impacts would hinder the efforts of many urban air quality control regions to meet the primary NAAQS for TSP of 75 micrograms per cubic meter. EPA set this NAAQS at a level to protect the public health; many areas of the county are currently exceeding the standard.

Diesel particulate is a particular health concern because of its chemical nature. Diesel particulate contains polycyclic organic matter, which is believed to be carcinogenic, and carbon, which can react with other pollutants and increase their effects. The extractable organic fraction of diesel particulate has been shown to be mutagenic (causing genetic damage) in short-term bioassays. EPA is currently performing a health assessment to determine the carcinogenic risk (if any) to human health.

Diesel particulate is also extremely small in size, allowing it to penetrate deeply into the lungs. Over 95 percent of diesel particulate is fine (aerodynamic diameter of less than 2.5 micrometers). Fine particles, such as these, have the greatest potential health impact as they have the longest contact with the most sensitive areas of the respiratory tract. Particulate emitted from diesels also has a greater relative exposure impact than

that from many stationary sources because it is emitted at ground level in areas where people live and work.

Alternatives Under Consideration

EPA is considering the following alternatives in adopting a standard for particulate emissions from heavy-duty diesel vehicle engines:

(A) Do not regulate particulate emissions from heavy-duty diesel vehicles, but apply additional controls to particulate emissions from stationary sources. Control of particulate emissions from stationary sources may be less costly than controlling particulate emissions from heavy-duty diesel vehicles. But these stationary source controls may not be able to provide the necessary improvements in air quality which are available from the control of heavy-duty vehicles.

(B) Do not regulate particulate emissions from heavy-duty diesel vehicles, but apply more stringent controls to particulate emissions from other classes of motor vehicles, such as gasoline-powered passenger cars, light-duty trucks and heavy-duty vehicles, and diesel light-duty trucks and passenger cars. Controls placed on these other vehicle classes, however, do not at this time appear to be as cost effective as heavy-duty diesel controls. Also, controls placed on these other vehicle classes may not be able to provide the same improvement in air quality as the regulation of emissions from heavy-duty diesels.

(C) Prescribe a heavy-duty diesel particulate standard and examine alternative levels of control along with alternative dates of implementation. It is likely that the different alternatives examined will have different costs and effectiveness and one may prove to be significantly better than the others, while still complying with Congressional mandates.

We currently regard alternative (C) as the most desirable alternative. Additional particulate controls available for stationary sources and other mobile sources do not appear able to reduce particulate emissions enough to remove the need for regulation of particulate emissions from heavy-duty diesel engines.

Summary of Benefits

Sectors Affected: The general public, particularly those living in urban areas or near busy roadways, and those who are especially susceptible to respiratory disease; and States containing areas currently in violation of the National Ambient Air Quality Standard (NAAQS) for total suspended particulate matter (TSP).

EPA estimates that this regulation will reduce particulate emissions from heavy-duty diesel vehicles by 64 percent. This reduction would begin to appear with those new vehicles produced in the 1986 model year. By 1995, emissions of particulate matter from these vehicles would be reduced from 218,000–266,000 metric tons per year (depending on the number of diesels on the road) to 78,000–95,000 metric tons per year. Urban levels of heavy-duty diesel particulate in the atmosphere would be reduced from 2–7 micrograms per cubic meter to 1–3 micrograms per cubic meter. Roadside levels would be reduced similarly. These reductions will help many areas of the country meet the primary NAAQS for TSP (75 micrograms per cubic meter) which EPA set at a level to protect the public health. Because diesel particulate is highly respirable, these reductions should provide an added benefit in the area of public health.

Also, because diesel particulate is very small (average diameter of 0.07 to 0.2 micrometer) and is primarily made up of carbon, it is very effective in reducing visibility. Thus, any reduction in diesel-particulate concentration should improve visibility, particularly in urban areas.

Summary of Costs

Sectors Affected: Manufacturers of heavy-duty diesel engines and vehicles; and purchasers and users of heavy-duty diesel vehicles.

This regulation probably will require the addition of emission control devices to heavy-duty diesel engines, though the actual devices used and their cost could vary from manufacturer to manufacturer and engine to engine. Manufacturers of these engines and of the vehicles equipped with these engines will have to raise prices to recover their increased investment. While this increase could be substantial, roughly a one-time purchase price increase of $527 to $650 (1980 dollars), EPA does not expect this to adversely affect sales. This increase only represents a 0.5 to 3 percent increase in the price of a heavy-duty diesel vehicle.

EPA does not expect this regulation to increase the operating costs of heavy-duty diesel vehicles; in fact, a decrease may actually be possible. Because operating costs comprise 90 to 95 percent of the total cost of owning and operating heavy-duty diesel vehicles, this regulation should have a negligible impact (less than 0.3 percent) on the cost of hauling freight in these vehicles. Thus, neither those whose business is hauling freight nor those who have their freight hauled should be adversely affected. Small independent haulers should experience no disproportionate effect.

The regulation could have an annual effect on the economy of $100 million or more.

Related Regulations and Actions

Internal: "Control of Air Pollution from New Motor Vehicles and New Motor Vehicle Engines: Certification and Test Procedures," 40 CFR Part 86.

EPA is also in the process of revising the standard for the emissions of nitrogen oxides from both gasoline-fueled and diesel heavy-duty engines.

External: None.

Active Government Collaboration

None.

Timetable

Public Hearings—After July 1981.
Public Comment Period—Ends 30 days after public hearings.
Comments may be sent to:
Charles L. Gray, Jr., Director
Emission Control Technology Division
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2565 Plymouth Road
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Final Rule—June 1982.
Final Rule Effective—1986 model year.
Regulatory Flexibility Analysis—Not required.

Available Documents

ANPRM—42 FR 61287, December 2, 1977, EPA docket A–80–18.

NPRM—46 FR 1910, January 7, 1981.

Draft Regulatory Impact Analysis—December 23, 1980.

All documents available for review at the EPA, Central Docket Section A–130, West Tower Lobby, Gallery 1, Attn: Docket No. A–80–18, 401 M Street, S.W., Washington, DC 20460. The documents are available for personal inspection Monday through Friday between 8:00 a.m. and 4:00 p.m. or copies can be obtained by personal or written request. A reasonable fee may be charged for copying.

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EPA—Office of Water and Waste Management

Effluent Limitations Guidelines and Pretreatment Standards, and New Source Standards Controlling the Discharge of Pollutants from Metal Finishing Facilities (40 CFR Part 413)

Legal Authority

The Clean Water Act, 33 U.S.C. §§ 1311, 1314, 1316, 1317, 1318, and 1361.

Reason for Including This Entry

The Environmental Protection Agency (EPA) believes this regulation is important because it will prevent the annual discharge into the water and into publicly owned treatment works (POTWs) of approximately 266 million pounds of toxic metals and 164 million pounds of toxic organics. It is expected to have an annual effect on the economy of more than $100 million.

Statement of Problem

The Clean Water Act requires the Environmental Protection Agency (EPA) to limit the industrial discharge of pollutants to the waters of the United States and the introduction of pollutants into publicly owned treatment works (POTWs). (In general, POTWs store or treat municipal sewage or liquid industrial wastes and are owned by a State or municipality.) This is accomplished for categories and classes of direct dischargers, i.e., industries that discharge directly to the Nation's waters, through effluent limitations guidelines based on best practicable technology (BPT), best available technology (BAT), best conventional technology (BCT), and new source performance standards (NSPS). For categories and classes of indirect dischargers, i.e., industries that discharge to POTWs, limits are established through pretreatment standards for existing sources (PSES), and pretreatment standards for new sources (PSNS). (In general, pretreatment is the treatment of pollutants prior to the introduction of such pollutants into a POTW). EPA must review these effluent limitation guidelines and pretreatment standards at least once every 5 years.

The Clean Water Act requires industry to achieve, by July 1, 1984, effluent limitations requiring application of BAT for toxic pollutants identified under § 307(a) of the Act. The Act requires industry to achieve, by July 1, 1984, effluent limitations requiring the application of BCT for conventional water pollutants (biochemical oxygen demand, suspended solids, fecal coliform, oil and grease, and pH). All pollutants that are neither "toxic" nor "conventional" are considered "non-conventional" pollutants and are subject to regulation under BAT 3 years after the date of promulgation of the regulation but in no case later than July 1, 1987.

The Metal Finishing Category combines two previous studies conducted by the Agency: electroplating and mechanical products. Although there are no existing effluent limitations or pretreatment standards for the mechanical products category, the results of our earlier study have been incorporated into the metal finishing rulemaking. The electroplating study led to the promulgation on September 7, 1979 of pretreatment standards for existing sources based on BPT (44 FR 52590). These standards were subsequently amended on January 28, 1981 (46 FR 9462). Plants discharging 38,000 liters (10,000 gallons) or more per day must meet limitations for the discharge of cyanide, copper, nickel, chromium, zinc, lead, cadmium, and, in some cases, silver. Plants discharging less than 38,000 liters (10,000 gallons) must meet limitations for the discharge of cadmium, lead, and cyanide. These standards only apply to indirect discharging electroplaters, i.e., those that discharge to POTWs; there are no currently effective standards for direct discharging electroplaters. The electroplating pretreatment standards took effect on March 30, 1981, and establish a compliance deadline of May 12, 1983, for non-integrated facilities, and 3 years after the effective date of 40 CFR § 403.6(e) (the "combined wastestream formula") for integrated facilities. Section 403.6(e) has not yet taken effect. Therefore, the integrated facilities do not have to comply with the electroplating standards yet. (The term "integrated facility" is defined in 40 CFR § 413.02(h); in general, it means a facility that performs electroplating as only one of several operations, has significant quantities of non-electroplating process wastewater, and its electroplating and non-electroplating process wastewater lines are combined prior to treatment.)

The metal finishing regulations we are proposing are more comprehensive than the electroplating regulations, and, with two exceptions, are expected to supersede the electroplating pretreatment standards. The exceptions apply to the job shop and printed circuit board segments of the electroplating industry currently covered by the electroplating pretreatment standards. Since the publication of the final electroplating amendments on January 28, 1981, the Agency has reviewed the data which serve as support material for the new metal finishing regulations. EPA has agreed, in view of the estimated economic impact, not to apply more stringent limitations for metals and cyanide to electroplating job shops (operations plating goods owned by other companies) and printed circuit board manufacturers that were covered by the existing electroplating pretreatment standards.

However, the Agency may propose limitations on the dumping of toxic organic solvents by all electroplaters, including indirect discharging job shops and printed circuit board manufacturers. This additional control is expected to result in very low cost to the industry, and, in fact, is predicted in many cases to result in cost savings due to the reclamation value of spent solvents. We expect that most operators would store their spent solvents in separate containers and sell them to a solvent reclaimer. The limitation would take the form of a pretreatment standard for total toxic organics. As an alternative to monitoring for these organics, the plant operator or owner would be permitted to certify that toxic organic solvents are not being dumped into the plant's wastewater. Such certification would obviate the need for monitoring, including monitoring for other toxic organics that might come from sources other than solvents.

The proposed Metal Finishing regulation includes electroplating operations among the 45 total regulated processes such as painting, machining, hot dip coating, and others. With the exceptions noted above, direct and indirect dischargers for both existing and new sources will be covered.

EPA estimates that there are approximately 31,000 metal finishing plants in the United States which discharge about 2 billion gallons per day of wastewater. During EPA's sampling program, a number of toxic pollutants, including silver, copper, chromium nickel, lead, cadmium, zinc, cyanide, and various toxic organics, were found in significant concentrations. Although there are variations in toxicity among the toxic organic pollutants, a number are known carcinogens. The toxic metals and cyanide are, in varying degrees, hazardous to human, aquatic, and plant life. The toxic metals may also contaminate sludges resulting from wastewater treatment and make them unsuitable for recycling into agricultural use as a soil conditioner. Conventional pollutants of concern are TSS and oil and grease.

Toxic metals can enter wastewater as a result of any one of 45 operations

considered to be metal finishing operations, while cyanide can enter wastewater through electroplating, heat treating, burnishing, and tumbling operations. Toxic organics are generally present in metal finishing wastewater in very small quantities. EPA believes the presence of high concentrations of toxic organics detected in the sampling program is due to the dumping of waste solvents.

Alternatives Under Consideration

In evaluating options for development of regulations, the Agency takes into account several important factors, including the quantity and type of pollutants discharged, available treatment technologies, the air pollution and solid waste that the treatment systems may produce, and the cost of these systems. In selecting a treatment technology as the basis for a regulation, the Agency considers the criteria provided in § 304(b) of the Clean Water Act (33 U.S.C. § 1314(b)). For example, the choice of technology systems for BAT and new source regulations depends on EPA's consideration of the age of equipment and facilities involved; the process employed; engineering aspects of the application of various control techniques; process changes; cost of achieving such effluent reduction; non-water quality environmental impact; and such other factors as the Administrator deems appropriate.

For metal finishing, EPA plans to propose BPT and NSPS regulations controlling toxic and conventional pollutants, and PSES, PSNS, and BAT regulations controlling toxic pollutants. The Agency may also regulate conventional pollutants under BCT.

For BPT, the technology being considered includes isolated hexavalent chromium reduction, cyanide destruction, emulsion breaking/skimming of excessive oily wastes, followed by precipitation/clarification and toxic organic control by in-plant isolation and contract hauling of waste solvent degreasers. The Agency refers to this treatment chain as a "precipitation/clarification" system. With the exception of emulsion breaking and toxic organic control, this is the same technology which is the basis for the current Electroplating Pretreatment Standards for Existing Sources.

Two technologies are being considered for BAT and PSES regulations. Option 1 is the same precipitation/clarification system under consideration for BPT. In both the BPT and BAT–Option 1 systems, the control of toxic organics would be achieved by setting an effluent limitation or pretreatment standard for total toxic organics and then permitting demonstration of compliance through certification by a plant operator that solvent degreasers are not being dumped into the wastewater. Option 2 includes all of Option 1 plus the addition of filtration. New source technology systems (NSPS and PSNS) being considered include the precipitation/clarification/filtration system with in-plant controls to achieve zero discharge from lead and cadmium plating.

EPA estimates that the precipitation/clarification process would remove about 97.6 percent of the raw waste toxic metals from metal finishing wastewater, assuming there is no existing treatment in place. An estimated additional 0.7 percent of the raw waste toxic metals would be removed by the addition of filtration, assuming no filtration is presently in place. It is noteworthy that although the incremental reduction of pollutants from a plant's raw waste load due to filtration is small compared to the percent of removal afforded by precipitation/clarification, filtration nevertheless removes approximately 30 to 40 percent of the pollutants still in the waste stream following precipitation/clarification treatment. This results in the removal of a considerable mass of toxic metals industrywide because of the large number of dischargers in this industry and the relatively concentrated nature and high flow of their process wastes.

Because of the projected significant economic impact on the direct discharging job shop segment of the industry (see Summary of Costs below), EPA is also considering alternative regulatory approaches such as subcategorization of the industry by job shops and captive shops (captive shops perform electroplating operations on their own materials), limited treatment requirements, and size exemptions based on wastewater flow.

Summary of Benefits

Sectors Affected: The general public; and manufacturers of wastewater treatment equipment.

The metal finishing industry is a major industrial source of water pollution in the United States. If precipitation/clarification is selected as the basis for the proposed metal finishing BAT effluent limitation guidelines and pretreatment standards, the metal finishing regulations would prevent the discharge into the Nation's waters and POTWs of approximately 266 million pounds per year or about 97 percent of the toxic metals currently discharged by the metal finishing industry. (The 266 million pound/97 percent removal is in addition to that currently being achieved by treatment equipment already in place.) The proposed rule would also prevent the discharge of approximately 164 million pounds per year of toxic organics by preventing the dumping of organic solvents at little or no cost to metal finishing firms. These levels of removal constitute approximately one third of the total toxic metals and organics removal that could be achieved by all industrial sources for which effluent limitations and standards have been planned or promulgated. Finally, a significant reduction in cyanide, TSS, and oil and grease pollution would be achieved by the proposed regulations.

Although it is not possible to estimate the impact on human health, the proposed rules would lead to a significant improvement in water quality in areas populated with metal finishing plants. Manufacturers of wastewater treatment equipment would indirectly benefit by this regulation, through increased demand for their products.

Summary of Costs

Sectors Affected: Metal finishing plants; and users of products from metal finishing plants.

The Agency currently estimates that a total capital expenditure of $1.6 billion in 1980 dollars may be necessary for installation of precipitation/clarification technology systems (Option 1) and an additional $2.0 billion would be required if filtration (Option 2) were chosen as part of the BAT technology system. Both of these estimates assume some treatment equipment already in place. The total annual operating costs for the precipitation/clarification system are estimated to be $0.49 billion, while the total incremental operating costs for the addition of the filtration system are estimated to be $0.60 billion. These large aggregate costs are, in part, due to the size of the industry: current EPA estimates place the total number of plants at over 31,000. Although these costs do not include the costs for control of toxic organics, EPA believes such control can be achieved at little or no cost to the industry by proper solvent segregation and resale of spent solvents to reclaimers.

Despite the high projected industrywide costs, the impact on the direct and indirect discharging captive shops, which comprise approximately 80 percent of the metal finishing plants, is projected to be low. They are projected to have a "closure" rate due to metal finishing regulations based on precipitation/clarification of only 0.3

percent. (For captive shops, "closures" are being estimated on the basis of both closures and projected "divestitures" of electroplating lines. In estimating divestitures, EPA has projected that some captive shops would send their electroplating work to a third party rather than shut down the entire business.) The Agency projects an employment loss of .1 percent or 1,976 jobs for this option. If filtration is added to precipitation/clarification, captive shop divestitures are projected to be 0.9 percent. The Agency projects an employment loss of .5 percent or 7,669 jobs for this option. The impact on direct discharging job shops, which comprise approximately 1 percent of the industry, is expected to be much higher. For Option 1 (precipitation/clarification), EPA projects a closure rate of 11 percent of job shops and an employment loss of 11.9 percent or 855 jobs. For Option 2 (precipitation/clarification/filtration), EPA projects a closure rate of 37 percent of job shops and an employment loss percent of 40 percent or 2,860 jobs. EPA is evaluating this segment of the industry in great detail and, as was stated previously, is currently exploring options to alleviate the impact of these regulations on this segment of the industry.

No additional closures are expected for indirect discharging job shops and printed circuit board manufacturers already subject to the Electroplating Pretreatment Standards for Existing Sources, because EPA does not plan to impose more stringent limitations on such facilities. (See Statement of Problem above.)

The metal finishing regulations are estimated to affect prices of metal finishing products by about 0.3 percent if limitations are not based on filtration and by 0.72 percent if based on filtration. These price increases could affect many items in the wide range of metal-based products (e.g., automobiles, household appliances, and machinery). EPA will carefully consider these costs prior to proposal and throughout the rulemaking. Because this rule is expected to have an annual effect on the economy in excess of $100 million and therefore is a major rule under Executive Order 12291, the Agency will conduct a Regulatory Impact Analysis (RIA). EPA plans to complete the RIA in 1981.

These regulations should not require additional resources of EPA or State permit authorities.

Related Regulations and Actions

Internal: Requirements for the management of solid wastes under the Resource Conservation and Recovery Act may affect the cost of installation and operation of various wastewater treatment technologies. The General Pretreatment Regulations, 40 CFR Part 403, may reduce some of the costs of compliance with these regulations through various provisions modifying these and other categorical pretreatment standards.

External: None.

Active Government Collaboration

The Department of Commerce has provided assistance by reviewing materials.

Timetable

NPRM—Fourth quarter 1981.
Public Comment Period—60 days following publication of NPRM.
Regulatory Impact Analysis—Second half of 1981.
Regulatory Flexibility Analysis—Under preparation.
Final Rule—1982.

Available Documents

Development Document for Existing Source Pretreatment Standards for the Electroplating Point Source Category, EPA, April 1979, National Technical Information Service (NTIS) Number PB80-196488.

Draft Development Document for Effluent Limitation Guidelines and Standards for the Metal Finishing Point Source Category, prepared for the U.S. Environmental Protection Agency by Hamilton Standard, Division of United Technologies (available for review at EPA Headquarters and Regional Libraries only).

Economic Impact Analysis of Proposed BATEA Regulations for the Metal Finishing Industry (available for review at EPA Headquarters and Regional Libraries in mid-July).

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EPA—OWWM

Effluent Limitations Guidelines and Pretreatment Standards, and New Source Standards Controlling the Discharge of Pollutants from Pulp, Paper, and Paperboard Mills into Navigable Waterways (40 CFR Parts 430 and 431)

Legal Authority

The Clean Water Act, §§ 301, 304, 306, 307, 308, and 501; 33 U.S.C. §§ 1311, 1314, 1316, 1317, 1318, and 1361.

Reason for Including This Entry

The Environmental Protection Agency (EPA) thinks that this rule is important because it will have an annual effect of $100 million or more on the economy. Also, the pulp, paper, and paperboard industry is the largest industrial discharger of conventional pollutants.

Statement of Problem

The Clean Water Act requires the Environmental Protection Agency (EPA) to develop technology-based effluent limitations guidelines and standards for discharges of pollutants into navigable waterways and the introduction of pollutants into publicly owned treatment works (POTWs), and to review such guidelines and standards at least once every 5 years. EPA promulgated effluent limitations guidelines reflecting the best practicable control technology currently available (BTP) and the best available technology economically achievable (BAT) and new source performance standards (NSPS) for six subcategories of the industry on May 9 and 29, 1974 (39 FR 16578, 40 CFR Part 431; and 39 FR 18742, 40 CFR Part 430). EPA promulgated BPT guidelines for the 16 remaining subcategories of the industry on January 6, 1977 (42 FR 1398, 40 CFR Part 430).

The Clean Water Act of 1977 requires industry to achieve, by July 1, 1984, effluent limitations requiring application of BAT for those pollutants which Congress declared "toxic" under § 307(a) of the Act. In addition to the emphasis on toxic pollutants reflected by BAT, the Act requires industry to achieve, by July 1, 1984, "effluent limitations requiring the application of the best conventional pollutant control technology" (BCT) for the regulation of conventional water pollutants (biochemical oxygen demand (BOD), suspended solids, fecal coliform, oil and grease, and pH). All pollutants that are not either toxic or conventional have been termed "non-conventional" and

are subject to regulation under BAT.

EPA published proposed effluent limitations guidelines for BAT, BCT, and NSPS, and pretreatment standards for existing and new sources (PSES, PSNS) for the pulp, paper, and paperboard and the builders' paper and board mills point source categories in the **Federal Register** on January 6, 1981 (46 FR 1430).

EPA estimates that there are 706 operating pulp, paper, and paperboard mills in the United States which discharge about 4.2 billion gallons per day of wastewater. Toxic pollutants of concern detected in the industry's wastewaters during an EPA sampling program were 2,4,5-trichlorophenol, 2,4,6-trichlorophenol, pentachlorophenol, chloroform, and zinc. Chloroform, pentachlorophenol, 2,4,5-trichlorophenol, 2,4,6-trichlorophenol, and zinc can be toxic to aquatic organisms. Chloroform and trichlorophenol are known carcinogens. Conventional pollutants routinely monitored in discharges from pulp, paper, and paperboard mills include biochemical oxygen demand, suspended solids, and pH. Excessive discharge of conventional pollutants may cause a depletion of the dissolved oxygen in streams, which can kill fish and other aquatic life.

Alternatives Under Consideration

The Agency considered various wastewater treatment technologies for controlling toxic and conventional pollutant discharges from the pulp, paper, and paperboard industry to the Nation's waterways. We are required to regulate toxic pollutants under the best available technology economically achievable (BAT), and to set new source performance standards (NSPS), pretreatment standards for existing sources (PSES), and pretreatment standards for new sources (PSNS). We are required to regulate conventional pollutants under the best conventional pollutant control technology (BCT) and under new source performance standards (NSPS). In setting these various standards, we have divided the industry into 25 separate subcategories to account for processing differences and differences in final products manufactured.

In evaluating the options for development of regulations, the Agency considered several important factors, including the quantity and type of pollutants each wastewater source discharges, treatment technologies that are available for the control of these wastewaters, the air pollution and solid wastes that the wastewater treatment systems may produce, the cost of these systems, and the economic effects of the regulations.

The Agency, through its sampling and data gathering efforts, has determined that existing biological treatment systems are very effective in removing most toxic pollutants found in pulp, paper, and paperboard industry wastewaters. However, several toxic pollutants were detected with sufficient frequency and/or at sufficient levels to concern us and we have proposed that they be controlled through implementation of BAT and pretreatment regulations. The pollutants of concern and the basis of the proposed regulations are described below.

Pentachlorophenol, 2,4,5-trichlorophenol, and 2,4,6-trichlorophenol (toxic pollutants) are present in treated effluents in many subcategories of the industry. These compounds are present in certain of the slimicide and fungicide formulations used in the pulp, paper, and paperboard industry. The best and least expensive method for control of these pollutants is the substitution of these slimicides and fungicides with formulations that do not contain pentachlorophenol, 2,4,5-trichlorophenol, or 2,4,6-trichlorophenol. Chemical substitution forms the basis for proposed BAT, PSES, NSPS, and PSNS for control of these chlorophenolic compounds.

Chloroform (a toxic pollutant) is present in very high concentrations (up to 10 milligrams per liter) in raw wastewaters from mills producing bleached pulps. Biological treatment systems are capable of removal of chloroform to low levels (less than 0.1 milligram per liter). The Agency has proposed establishing BAT effluent limitations guidelines and NSPS based on those levels of chloroform attained through the application of biological treatment.

Zinc (a toxic pollutant) is present in wastewaters from facilities using zinc hydrosulfite as a bleaching chemical. The Agency has proposed the establishment of BAT effluent limitations guidelines, NSPS, and pretreatment standards based on the substitution of zinc hydrosulfite with sodium hydrosulfite.

Conventional pollutants currently regulated include: biochemical oxygen demand (BOD), total suspended solids (TSS), and pH. BCT requires that limitations for conventional pollutants be assessed in light of a "cost-reasonableness" test, which involves a comparison of the cost and level of reduction of conventional pollutants from the discharge of publicly owned treatment works (POTWs) to the cost and level of reduction of such pollutants from a class or category of industrial sources. This methodology compares subcategory removal costs (dollars per pound of pollutant, measuring from BPT to BCT) with costs experienced at POTWs. EPA applied this methodology in developing BCT effluent limitations.

Four technology alternatives were considered under BCT to reduce further the discharge of BOD and TSS from pulp, paper, and paperboard mills:

Alternative (A) includes BPT plus additional production process controls to reduce raw waste loads.

Alternative (B) includes BPT plus chemically assisted clarification, which involves the use of different chemicals to agglomerate dissolved and colloidal particles in treated effluents which are not readily removed from solution by simple settling, for those subcategories where BPT was based on biological treatment, or BPT plus biological treatment for subcategories where BPT was based on primary treatment only.

Alternative (C) includes Alternative (A) plus chemically assisted clarification for those subcategories where BPT was based on biological treatment, or Alternative (A) plus biological treatment for those subcategories where BPT was based on primary treatment only.

Alternative (D) includes upgrading of existing BPT to attain effluent levels characteristic of best performing mills.

Proposed BCT effluent limitations are based on Alternative (D) for those subcategories that pass the BCT cost-reasonableness test. In those subcategories where Alternative (D) fails the cost-reasonableness test, the less stringent Alternative (A) forms the basis of BCT if it passes the cost-reasonableness test. There are two exceptions—facilities where dissolving sulfite pulp and builders' paper or roofing felt are manufactured—where neither Alternatives (A) or (D) were chosen. Instead, BCT is established at the BPT level because of projected severe economic impact.

EPA selected Alternative (D) as the primary basis of BCT effluent limitations because it yields significant BOD and TSS removals at substantially less cost to the industry than would Alternatives (B) or (C). Alternative (D) technology has proved successful in full-scale operation throughout the entire range of process types and allows considerable flexibility to the industry in achieving BCT.

A major issue in this rulemaking has been the methodology used to establish BCT limitations and, particularly, the methodology used to determine the POTW comparison figure used in the BCT cost-reasonableness test. EPA is examining BCT options very closely and, among other activities, is evaluating a study by the Council on Wage and Price Stability (CWPS) on

this subject. CWPS suggests a different methodology to determine the POTW comparison figure used in the BCT cost-reasonableness test. We invited comments on the CWPS study in the proposed rule (46 FR 1456, January 6, 1981) and, in addition, commissioned our own study evaluating CWPS' suggestions. On March 5, 1981, we announced that EPA would make its review of the CWPS study available to the public and allow a 60-day period for comment. This comment period will be in addition to the comment period for all other aspects of the rulemaking (46 FR 15287, March 5, 1981).

The proposed NSPS are based on production process controls and end-of-pipe treatment for all subcategories, and use of chemical substitutes for control of toxic pollutants. The proposed PSNS and PSES are based on chemical substitution for control of toxic pollutants.

Summary of Benefits

Sectors Affected: The general public; and manufacturers of pollution abatement equipment.

The major benefit of the proposed rule will be the reduction or elimination of toxic and conventional pollutant discharges from pulp, paper, and paperboard mills. The discharge of 2,4,5-trichlorophenol, 2,4,6-trichlorophenol, pentachlorophenol, and zinc would be virtually eliminated and the discharge of chloroform will be reduced by about 10.6 million pounds per year from raw waste levels, or about 67 percent.

The discharges of BOD and TSS from pulp, paper, and paperboard mills will be substantially reduced by the following amounts:

BOD: 126 million pounds per year (34 percent).

TSS: 245 million pounds per year (40 percent).

The current discharge of 365 million pounds per year of BOD from pulp, paper, and paperboard mills accounts for about 45 percent of the total industrial contribution of BOD. Therefore, these additional reductions represent a significant portion of current conventional pollutant discharge to the Nation's waterways.

Summary of Costs

Sectors Affected: Pulp, paper, and paperboard mills; and users of pulp, paper, and paperboard products.

It is anticipated that chemical substitution will impose a minimal cost burden on manufacturers or formulators. Pulp, paper, and paperboard industry use of zinc hydrosulfite and slimicides containing chlorophenolics has declined substantially in recent years. It is expected that current suppliers of these chemicals will also supply the substitute chemicals.

There is minimal incremental cost ($23,300 per year, 1978 dollars) associated with attainment of proposed BAT, PSES, and PSNS effluent limitations; therefore, they will have an insignificant impact on the pulp, paper, and paperboard industry.

The Agency estimates that the capital and total annual costs (1978 dollars) for all U.S. pulp, paper, and paperboard mills to attain levels of BOD and TSS associated with the BCT effluent limitations will be $918 million and $280 million, respectively. These costs are expected to result in price increases of such products as newsprint, toilet tissue, writing papers, and bleached kraft foldingboard ranging from zero to 3.6 percent.

These regulations should not require additional resources of EPA or State permit authorities.

Related Regulations and Actions

Internal: Requirements for the management of solid wastes under the Resource Conservation and Recovery Act may affect the cost of installation and operation of various wastewater treatment technologies.

External: None.

Active Government Collaboration

The Department of Commerce has provided assistance by reviewing materials.

Timetable

Regulatory Impact Analysis—Available with final rule.
Regulatory Flexibility Analysis—None.
Public Comment Period—Ends June 9, 1981.
Final Rule—August 1982.

Available Documents

NPRM—46 FR 1430, January 6, 1981.

Development Document for Proposed Effluent Limitations Guidelines, New Source Performance Standards, and Pretreatment Standards for the Pulp, Paper, and Paperboard and the Builders' Paper and Board Mills Point Source Categories, EPA, December 1980 (copies may be obtained from: Distribution Officer, Effluent Guidelines Division (WH-552), U.S. Environmental Protection Agency, Washington DC 20460, (202) 426-2724).

Economic Impact Analysis of Proposed Effluent Limitations Guidelines, New Source Performance Standards and Pretreatment Standards for the Pulp, Paper, and Paperboard Mills Point Source Category, EPA, December 1980 (copies may be obtained from: Robert C. Ellis, Water Economics Branch (WH-586), U.S. Environmental Protection Agency, Washington, DC 20460; (202) 426-2617).

Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Unbleached Kraft and Semichemical Pulp Segment of the Pulp, Paper, and Paperboard Mills Point Source Category, EPA, May 1974, National Technical Information Service (NTIS) Number PB-238833.

Development Document for Effluent Limitations Guidelines (BPCTCA) for the Bleached Kraft, Groundwood, Sulfite, Soda, Deink, and Nonintegrated Paper Mills Segment of the Pulp, Paper, and Paperboard Point Source Category, EPA, December 1976 (available for review at EPA Headquarters Library, 401 M Street, S.W., Washington, DC 20460).

Preliminary Data Base for Review of BATEA (Best Available Technology Economically Achievable) Effluent Limitations Guidelines, NSPS, and Pretreatment Standards for the Pulp, Paper, and Paperboard Point Source Category, prepared for the U.S. Environmental Protection Agency by the Edward C. Jordan Co., Inc., Portland, Maine, June 1970 (available for review at EPA Headquarters and Regional Libraries only).

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EPA-OWWM

Effluent Limitations Guidelines and Standards Controlling the Discharge of Pollutants from Iron and Steel Manufacturing Plants to Navigable Waterways and the Pretreatment of Wastewaters Introduced into Publicly Owned Treatment Works (40 CFR Part 420)

Legal Authority

The Clean Water Act as amended, §§ 301, 304, 306, 307, and 501; 33 U.S.C. §§ 1311, 1314, 1316, 1317, and 1351.

Reason for Including This Entry

The Environmental Protection Agency (EPA) believes this regulation is important because it will provide control of discharges into the water from the largest metal manufacturing industry in

the United States. It will have an annual effect on the economy of more than $100 million.

Statement of Problem

The Clean Water Act requires the Environmental Protection Agency (EPA) to develop technology-based effluent limitations guidelines and standards for discharge of pollutants into navigable waterways and the introduction of pollutants into publicly owned treatment works (POTWs), and to review such guidelines and standards at least once every 5 years. EPA promulgated effluent limitations guildelines reflecting the best practicable control technology currently available (BPT) and the best available technology economically achievable (BAT) and new source performance standards (NSPS) for twelve subcategories of the industry on June 28, 1974 (39 FR 24114, 40 CFR Part 420). EPA promulgated BPT guidelines for 14 remaining subcategories of the industry on March 29, 1976 (41 FR 12990, 40 CFR Part 420). These regulations were remanded (Phase I remanded November 7, 1975; Phase II remanded September 14, 1977) to the Agency by the Third Circuit Court (see below).

The Clean Water Act of 1977 requires industry to achieve, by July 1, 1984, effluent limitations requiring application of BAT for those pollutants which Congress declared "toxic" under § 307(a) of the Act. In addition to the emphasis on toxic pollutants reflected by BAT, the Act requires industry to achieve, by July 1, 1984, "effluent limitations requiring the application of the best conventional pollutant control technology" (BCT) for the regulation of conventional water pollutants (biochemical oxygen demand, suspended solids, fecal coliform, oil and grease, and pH). All pollutants that are not either toxic or conventional have been termed "non-conventional" and are subject to regulation under BAT.

The Agency promulgated regulations for the iron and steel manufacturing industry on June 28, 1974 (Phase I or steelmaking operations), and on March 29, 1976 (Phase II or forming, finishing, and specialty steel segments). The U.S. Court of Appeals for the Third Circuit remanded the regulations for several reasons, including procedural errors and the Agency's failure to consider adequately (1) the impact of plant age on the cost or feasibility of retrofitting, (2) site-specific costs, (3) consumptive water use, (4) the economic condition of the industry, and (5) the achievability of certain limitations *(AISI et al.* v. *EPA)* 526 F. 2d 1027 (3d Cir. 1975) and *AISI et al.* v. *EPA)* 568 F. 2d 284 (3d Cir. 1977).

The Agency has developed and proposed (46 FR 1858, January 7, 1981) a regulation to replace the regulations remanded by the court. This regulation reflects new information from industry surveys and sampling and is designed to remedy the deficiencies found by the court. In addition, the proposed regulation includes BCT and BAT regulations to control conventional, non-conventional, and toxic pollutants, as required by the 1977 amendments to the Clean Water Act. The proposed regulation pertains to effluent limitations and standards for the manufacturing operations covered by the 1974 and 1976 regulations.

The iron and steel manufacturing category (Standard Industrial Classification Codes 3312, 3315, 3316, 3317, and parts of 3479) is comprised of approximately 680 manufacturing facilities nationwide. The amount of process water used by these facilities is estimated to be 6.3 million gallons per day. Because of these large flows, the quantity of pollutants discharged is very large, even though the concentration of pollutants in a waste stream sometimes may be relatively small. A Development Document is available which presents the concentration and load data used in the development of this proposed regulation.

During its sampling program, EPA detected, in iron and steel manufacturing wastewaters, significant levels of copper, chromium, cyanide, iron, nickel, lead, zinc, oil and grease, ammonia, sulfide, fluoride, and suspended solids. Additionally, the Agency found a wide variety of organic materials including benzene, phenols, and aromatic compounds in wastewaters from coke manufacturing, from blast furnaces which use the coke, and in cold rolling operations. The heavy metals may produce cumulative toxic effects on the aquatic environment and on humans through impacts on drinking water and foods (particularly fishes), and many of the organic compounds are known or suspected carcinogens. Ammonia, a "non-conventional" pollutant, is proposed for control because of its high aquatic environmental impact at the high concentrations present in wastes from some operations in this industry.

Alternatives Under Consideration

The Agency evaluated the capabilities and costs of various wastewater treatment technologies for controlling pollutant discharges from iron and steel manufacturing facilities. A primary focus of this effort was to promulgate regulations to control the discharge of toxic pollutants by direct (to surface waters) and indirect (to POTW) dischargers.

The technologies for the control of wastewater pollutants include both end-of-pipe treatment and methods to reduce water usage. End-of-pipe treatment, best applied after recyle to reduce wastewater volumes, includes, where appropriate, cyanide oxidation, hexavalent chromium reduction, metals precipitation, oil removal, suspended solids (including precipitated metals) removal, and chemical and biological destruction of ammonia and toxic organic materials. The applicability of these technologies is dependent on the type of waste generated by the subcategory or segment; i.e., not all of the listed technologies are applicable to all sources. However, within each subcategory or subdivision the selected technologies are generally applicable to all iron and steel manufacturing facilities within that segment.

In evaluating options for this regulation the Agency considered several important factors, including: the quantity and type of pollutants generated by each wastewater source; the treatment technologies available for application to that wastewater source; air, solid waste, energy, and other non-water quality environmental aspects of the proposed regulation; and the cost and economic impact of applying each of the several options. The principal technologies selected as the basis for the proposed regulation are: waste volume reduction by recycle, extended biological treatment (by-product coke subdivision), alkaline chlorination and dechlorination (sinter and iron making subcatergories), slag evaporation (iron making subcategory where appropriate), lime precipitation, filtration, process changes (cold rolling subdivision), and cascade rinsing (pickling and hot coating subcategories). Cold rolling is an operation in which unheated steel is passed through rolls or otherwise processed to reduce its thickness, to produce a smooth surface, or to develop controlled mechanical properties in the steel.

Pickling is an operation in which steel products are immersed in acid solutions to chemically remove oxides and scale, and those rinsing operations associated with such immersion.

Hot coating is an operation in which steel products are ccated with other metals by immersion of the steel product in a molten bath of the coating metal and the related operations preceding and subsequent to the immersion phase.

The Agency also evaluated additional alternatives including such control and treatment technologies as sulfide

precipitation to reduce toxic metals discharges and the use of multiple effect evaporators to achieve zero discharge. The environmental benefits that could be achieved, beyond those achievable by the regulation as proposed, are very small and the costs in both dollars (capital and annual) and energy are very large. The Agency determined these technologies not to be justifiable.

The Agency is gathering additional information on wastewater characteristics, on costs, and on the availability and effectiveness of technologies, particularly on the hot forming and cold rolling operations and on plants with existing central treatment facilities (i.e., waste treatment facilities which treat wastes from multiple sources). These data will be evaluated to determine (a) the extent to which the hot rolling of carbon steels contributes toxic metal pollutants to wastewaters, (b) the extent to which cold rolling operations contribute toxic organic pollutants to wastewaters, and (c) what central treatment alternatives to BAT might be developed at specific mills.

The Agency will evaluate these data and the comments received in response to the proposal prior to final promulgation.

Summary of Benefits

Sectors Affected: The general public.

The major benefit of the proposed regulation will be the reduction of toxic pollutant discharges from iron and steel manufacturing facilities. The quantity of pollutants removed from discharges to the environment under this regulation will be significant. The Agency estimates that through compliance with the BAT regulation the industry will remove approximately 3.8 million pounds per year of toxic organics (88.5 percent of BPT discharges), 5.0 million pounds per year of toxic metals (91.9 percent of BPT discharges), and 260 million pounds per year of suspended solids, oil and grease, ammonia, and other pollutants (92.7 percent of BPT discharges). The proposed regulation would reduce BPT process wastewater volumes from about 2,600 million gallons per day (mgd) to about 300 mgd (89.8 percent of the BPT flow). The Agency will reevaluate these figures as a part of the reanalysis of the proposed regulation, and specifically examine toxic pollutant contributions by hot rolling operations.

The employment effects associated with the installation and operation of the water pollution control facilities required by this regulation will ease the overall employment impacts of the regulation.

In the regulation as proposed, the BCT limitations will be achieved by the BPT and BAT systems in almost all subdivisions, i.e., little additional cost will be incurred specifically to achieve BCT limitations.

For the Iron and Steel industry, 31 organic priority pollutants have been observed in sampling in quantities and under circumstances sufficient to consider for regulation. These toxic organics have been found primarily in the coke making and cold rolling operations wastewaters. These toxic organics are known to be carcinogenic (benzene, benzo(a)pyrene, chrysene, anthracene, phenanthrene, pyrene), eye or skin irritants (ethylbenzene), toxic by ingestion (phenol, toluene, benzene), or toxic by inhalation (trichloroethylene, benzene).

Eleven of the thirteen toxic metals were found in wastes generated by the steel industry in quantities and under circumstances sufficient to consider for regulation. Most steel operations' wastewaters contain one or more of these toxic metals. Toxic effects can be cumulative (long-term) or acute (immediate).

The Agency has determined that 37.3 million tons per year of solid waste (at 30 percent solids) have been and will be generated by the steel industry in complying with the proposed regulation. Of this amount almost all (37.0 million tons) is currently generated by the steel industry in complying with the proposed BPT limitations. This solid waste is comprised almost entirely of treatment plant sludges. EPA recognizes that significant quantities of other solid wastes, such as electric furnace dust and blast furnace slag, are generated by the steel industry. However, those solid wastes are generated by the manufacturing processes and are not associated with this proposed water pollution control regulation. For this reason process solid wastes are not included in this impact analysis.

The data gathered for this study demonstrate that the industry collects and disposes of most sludges currently generated in existing treatment systems. Hence, the industry is presently incurring sludge disposal costs and finding the necessary disposal sites. The Agency believes that the industry will continue to be able to do so. (EPA is unable to estimate accurately the number of disposal sites that are secure, well maintained operations.) The average sludge disposal cost used in this analysis is $5.00 per ton. These costs have been included in the Agency's estimate for costs of compliance with the proposed regulation and the Agency expects the solid waste impacts associated with the proposed regulation to be small.

Summary of Costs

Sectors Affected: Manufacturing of iron and steel products; and users of these products.

The Agency is continuing to refine the cost data for BPT remaining to be installed and the costs to implement the proposed BAT requirements. The proposed regulation, when promulgated, would require capital expenditures for water pollution control equipment and create jobs related to the construction and operation of new equipment and facilities. Process changes may also be required (i.e., to rolling oil compositions) to achieve control of toxic pollutants in the cold rolling subdivisions.

The Agency estimates the capital investment required to achieve compliance (in millions of 1978 dollars) for the BPT remaining to be installed and the BAT proposed, to be as follows:

BPT	417.8
BAT	444.1
NSPS	159.5
Total	1021.4

These costs exclude individual Consent Decree commitments and anticipated shutdowns through July 1, 1984. Consent Decrees are legally binding agreements between the Agency and a specific company to make certain changes (usually installation of specific waste treatment facilities). Those costs will not be costs incurred as a result of promulgation of this regulation.

The Agency projected the economic impact of the proposed rule using:

- A model developed for EPA that is designed to use the costing methodology of the ADL/AISI model. ADL (Arthur D. Little, Inc.) is a consultant to the AISI (American Iron and Steel Institute, an association of steel companies).
- An assessment of the economic impact of the proposed regulation under three scenarios. These three scenarios are based on the following assumptions:

Scenario 1: A continuation, from 1981 to 1990, of the economic environment and governmental policy faced by the steel industry over the last 10 years with two subscenarios: zero passthrough and full passthrough of water pollution control annual costs to the prices for steel industry products.

Scenario 2: A 3-percent growth in steel shipments; higher profitability; and policy changes, including quicker recovery of capital investments, return to "fair value" import prices, and latitude to increase prices.

Scenario 3: Changed economic environment as a result of governmental policies such as increased real economic growth, reinstatement of the U.S. Treasury's trigger price mechanism that was suspended upon U.S. Steel's filing of dumping charges in early 1980, and a 40-percent increase in depreciation cash flows.

The impact of the proposed regulations under the three scenarios are summarized in Tables 1 and 2.

TABLE 1.—*Short-Run Economic Impact of Proposed Water Pollution Control Regulation—1984*

	Domestic shipments (millions of net tons)	Number of employees (thousands)	Market share (percent)
Industry status in 1979	100.3	342.0	84.8
Scenario 1: Baseline	101.3	334.5	82.0
Additional water pollution control costs			
Zero passthrough	101.3	335.8	82.0
Full passthrough	101.3	335.8	82.0
Scenario 2: Baseline	106.7	356.0	82.0
Additional water pollution control costs	106.7	357.3	82.0
Scenario 3: Baseline	106.6	354.6	[1] 85.0
Additional water pollution control costs	106.6	356.1	85.0

[1] Reflects new surge provisions of recently reinstituted Trigger Price Mechanism.

TABLE 2.—*Long-Run Economic Impact of Proposed Water Pollution Control Regulation—1990*

	Domestic shipments (millions of net tons)	Number of employees (thousands)	Market share (percent)
Industry status in 1979	100.3	342.0	84.8
Scenario 1: Baseline	92.4	[1] 271.1	71.5
Additional water pollution control costs			
Zero passthrough	88.1	[2] 254.6	66.6
Full passthrough	89.1	262.9	68.9
Scenario 2: Baseline	126.0	366.4	82.0
Additional water pollution control costs	126.0	368.3	82.0
Scenario 3: Baseline	117.8	341.5	[1] 85.0
Additional water pollution control costs	115.3	336.0	[1] 83.2

[1] Represents recovery from baseline market share of 77.8 percent in 1988 and from market share and additional water pollution control costs of 73.4 percent, also in 1988.

[2] Derivation of Employment Estimates: The effect of the proposed regulations on employment is a combination of two estimates—the loss in production workers due to cut-backs in reworks expenditures due to the regulations, and the additional workers needed to operate the pollution control equipment necessitated by the regulations. This derivation can be seen in Table 2 under the first Scenario. The decline in production workers by 1990 in the zero passthrough scenario, due to the regulations, would be about 17,925 jobs because of foregone reworks expenditures. However, the additional water pollution control requirements will require the addition of 1,360 workers to operate the equipment. Thus, the net job loss is about 16,500—the difference between 271.1 thousand in the 1990 baseline of Scenario 1 and the 254.6 in the zero passthrough case in Scenario 1. The methodology in all three scenarios is the same.

Total additional investment costs are estimated at $1.02 billion (in 1978 dollars) as follows:

BPT: $418 million;

BAT: $444 million;

NSPS: $159 million.

Incremental annual costs are estimated at $264 million in 1984, decreasing to $226 million in 1990, as follows:

BPT: $97 million decreasing to $93 million;

BAT: $150 million decreasing to $93 million; and

NSPS: $17 million increasing to $40 million.

Industry's ability both to finance baseline production and to satisfy capital requirements for water pollution control from 1981 to 1990 depends heavily on governmental policy changes such as those described in Scenarios 2 and 3.

The Agency selected the economic conditions of the industry depicted in the third scenario as the most likely to represent those the steel industry will face in the 1980s. At the time the regulations were under consideration for proposal, the industry, the Congress, the Carter Administration, and then-candidate Reagan were proposing major changes in government economic policy towards steel in particular, and industry in general. These proposals ranged from refundable investment tax credits to complete pricing latitude free from government interference. In the Agency's judgment the conditions embodied in the third scenario represented a reasonable attempt to compromise these proposals into a comprehensive policy that contained common programs being discussed by all parties at the time. Specific changes included a 40 percent increase in depreciation cash flows, a return to the trigger price mechanism for steel, and allowable steel price increases of 10.1 percent through the mid-1980s, in accordance with the wage-price guidelines set forth at the time of proposal. These conditions led to an economic impact less severe than in the first scenario but less optimistic than the second scenario, but recognized that some changes in government industrial economic policy will probably be forthcoming in the early 1980s.

Under this scenario the following impacts may result:

- Temporary net job loss of 14,540 below projected baseline by 1988. However, by 1990 the net job loss will be 5,500 below baseline 1990. (For more detail regarding the derivation of employment effects see Table 2.)
- Decreased current market share of 4.4 percentage points below baseline but rising to only 1.8 percent below baseline in 1990.

Related Regulations and Actions

Internal: The Agency is reviewing the interaction between this regulation and air pollution and solid waste disposal requirements. As an example, we are evaluating the possible disposal of blowdown (approximately 2 percent of the water applied to the scrubber) from blast furnace wastewater recycle systems by evaporation in slag pits (a pit, adjacent to the blast furnace at many installations, provided as a place to cool the molten slag by-product of the blast furnace operation). The Agency is coordinating this evaluation with the EPA's Office of Research and Development and with air programs.

In addition, in evaluating wastewater treatment alternatives, the Agency considered, to the extent possible, the requirements and costs for the management of solid wastes under the Resource Conservation and Recovery Act.

External: This proposed regulation would set minimum requirements on a national level which supersede less stringent State or local regulations. However, all levels of government may require more stringent limitations in specific instances if water quality criteria or other requirements so justify.

Active Government Collaboration

None.

Timetable

Final Rule—December 1981.
Regulatory Flexibility Analysis—Not required.

Available Documents

The applicable documents currently available are:

NPRM—January 7, 1981 (46 FR 1858).

Public Comments—May 8, 1981 (46 FR 20707, April 7, 1981).

All comments on this proposal are available for inspection and copying at the EPA Public Information Reference Unit, Room 2404 (Rear—EPA Library). The EPA information regulation (40 CFR Part 2) provides that a reasonable fee may be charged for copying. The transcript of the public hearing on pretreatment held March 6, 1981 is also available.

Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Iron and Steel Manufacturing Point Source Category, December 1980, EPA 440/1–80/024b (Volumes 1 through 6).

The Development Document may be obtained from the Agency Contact.

An Economic (Regulatory) Analysis of Proposed Effluent Limitations Guidelines, New Source Performance

Standards, and Pretreatment Standards for the Iron and Steel Manufacturing Point Source Category (December 1980), EPA 440/2-81-009.

The Economic (Regulatory) Analysis document may be obtained by contacting Robert Greene, Office of Planning and Evaluation (PM-220), Environmental Protection Agency, 401 M Street, S.W., Washington, DC 20560, (202) 287-0713.

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EPA—OWWM

Effluent Limitations Guidelines and Standards Controlling the Discharge of Pollutants from Steam Electric Power Plants (40 CFR Part 423*)

Legal Authority

The Clean Water Act, §§ 301, 304, 306, 307, 308, and 501, 33 U.S.C. §§ 1311, 1314, 1316, 1317, 1318, 1321, 1364, and 1346.

Reason for Including This Entry

Although the Environmental Protection Agency (EPA) does not believe this regulation will have an annual effect on the economy of $100 million or more, the Agency is including this entry because of the high public interest in these regulations. Further, the affected industry thinks the compliance costs will be over $100 million per year.

Statement of Problem

The Environmental Protection Agency (EPA), in its efforts to control water pollution under the Clean Water Act, is required to develop technology-based effluent limitations guidelines and standards to control pollutant discharges from the steam electric power generating industry, and review these regulations at least once every 5 years. We initially promulgated effluent limitations guidelines for this industry on October 8, 1974 that reflected the best practicable control technology currently available (BPT), the best available technology economically achievable (BAT), new source performance standards (NSPS), and pretreatment standards for new sources (PSNS). The U.S. Court of Appeals for the Fourth Circuit remanded parts of the guidelines (*Appalachian Power* v. *Train*, 545 F. 2d 1351 (4th Cir. 1976)). The court found the record insufficient with respect to various technical aspects and non-water quality considerations (especially cost data and ultimate disposal of wastes).

We reviewed the 1974 regulations to incorporate updated information and attempt to remedy the deficiencies pointed out by the Fourth Circuit Court of Appeals. In addition to the pollutants examined in the previous regulations, such as biological oxygen demand (BOD), pH, oil and grease, copper, and iron, we expanded this review to include toxic substances cited in the June 8, 1976 Consent Decree, *Natural Resources Defense Council et al.* v. *Train*, 8 ERC 2120 (D.D.C. 1976), as modified 12 ERC 1833 (D.D.C. 1979), and incorporated into § 307 of the Clean Water Act. The NPRM was published in the **Federal Register** on October 14, 1980 (45 FR 68328). We did not include guidelines for thermal discharges in these regulations. The Agency is still considering various thermal options in light of *Appalachian*.

The steam electric generating industry is composed of approximately 850 generating plants nationwide. Because these plants have extremely large discharge flows, the quantity of pollutants they discharge may be substantial even if the concentration is relatively low. The Agency estimated that the average discharge flow from a steam electric power plant is 210 million gallons per day and that discharges from the steam electric power industry constitute about 15 percent of the total flow in the United States rivers and streams. Major pollutants detected in the wastewaters of steam electric plants during an EPA sampling program were total residual chlorine (TRC), copper, zinc, nickel, chromium, arsenic, and selenium.

These pollutants, especially TRC, are toxic to fish and other aquatic organisms. Their effect on humans is less documented. The attached Table 1 summarizes ambient waste quality criteria levels and effects on organisms due to their presence in water.

TABLE 1.—*Environmental and Health Effects*

Pollutant	Ambient water quality criteria (WQC) (chronic levels, parts per billion (PPB))		Effects
	Fresh water	Salt water	
Total Residual Chlorine	2-10	10	Toxic to fish and other aquatic organisms. No WQC established for human health protection.
Arsenic	NCA	NCA	Toxic to aquatic organisms. Suspected carcinogen in humans (10^{-5} risk—0.022 ppb).
Chromium:			
Trivalent	NCA	NCA	Toxic to fish and invertebrates. Hexavalent chromium is most
Hexavalent	.29	18	toxic form and is extremely toxic to aquatic life.
Nickel	[1]1,800	7.1	Toxic to fish and aquatic organism.
Copper	5.6	4.0	Quite toxic to aquatic life. No WQC is established for human health protection.
Zinc	47	58	Toxic to fish and invertebrates. WQC is established for human health protection.
Selenium	35	54	Toxic to fish and aquatic organisms.

[1] Water hardness = 100 mg/l.
NCA = No criteria available.

Alternatives Under Consideration

The Agency considered several wastewater treatment technologies for controlling pollutant discharges from steam electric plants to the Nation's waterways. The primary focus of this effort was to assess the potential control of discharges of toxic substances. In this review of effluent regulations, we focused our efforts on cooling water and ash transport water as the major wastestreams because of their large flows. Over 95 percent of the volume of water used in an average power plant is used as cooling water.

The regulatory options for cooling water and ash transport waste are described below:

Cooling Water—All steam electric power plants circulate large volumes of water through their condensers in order to condense steam in the turbines. About 65 percent of existing plants use a "once-through" cooling system. With such a system, the plant withdraws water from a water body, passes the water through condensers, and then discharges the heated water into a receiving water body. Other plants recirculate part of the cooling water using evaporative cooling towers. Cooling towers do not recirculate all of the water; the portion that is discharged is known as cooling tower "blowdown." For regulatory purposes, the Agency has treated once-through cooling water discharges and cooling tower blowdown as two separate waste streams.

The thermal efficiency of the steam cycle can be greatly reduced if biological growth occurs in the condensers. About 60 percent of the

plants with once-through cooling water add chlorine to control biological growth; such plants have the potential to discharge total residual chlorine (TRC) and chlorinated compounds into the navigable waters. TRC is a pollutant that has been studied extensively and is known to adversely affect aquatic life.

Chlorine is also added to inhibit biological growth in the cooling tower and condensers. In addition to TRC discharges, plants with cooling towers have the potential to discharge toxic pollutants through other chemicals added for maintenance of the cooling tower.

The technologies that the Agency evaluated for control of pollutants from cooling water included (1) chlorine minimization, (2) dechlorination, (3) chemical substitutes, and (4) mechanical antifouling devices.

Chlorine minimization is a program designed to ensure the most efficient use of chlorine and reduce the amount of TRC discharged. Plant personnel conduct a series of tests to determine the minimum amount of chlorine necessary to control biological growth in the condensers. Chlorination practices can then be adjusted in accordance with the test results. EPA believes that many plants undergoing such a program for once-through cooling water will be able to reduce chlorine doses approximately 70 percent; other plants may not need such control at all.

Dechlorination is chemical treatment that removes a significant amount of TRC from the cooling water before it is discharged from the plant. Although dechlorination reduces the amount of TRC to less than 0.14 milligrams per liter (mg/l) at any time, it does not eliminate it.

Alternatives to chlorine were explored for use in both cooling tower blowdown and once-through cooling water discharges. Substitutes for chlorine were often more expensive and, in some cases, had similar adverse environmental effects as chlorine.

Alternatives to the non-chlorine chemicals used in cooling towers to prevent scaling and corrosion in the cooling tower were also evaluated. For example, high levels of chromium and zinc are present in cooling tower blowdown when they are added for cooling tower maintenance. Some chemicals which are not priority pollutants, such as sodium bisulfate, potassium hydroxide, and sodium boro-polyphosphate, were found to be available at no additional cost and their expected use is reflected in EPA's proposal for control of toxic pollutants in cooling water blowdown.

Some plants use mechanical antifouling devices to control biological growth in the condensers. Two types of methods are used. One uses sponge rubber balls that are forced through the tubes under water pressure and then recycled. The second method uses brushes that are installed on the inside of each tube. Although this method eliminates chlorine use, it is expensive to install on existing sources. Furthermore, mechanical antifouling devices are not always adequate substitutes for chlorine.

(a) Once-Through Cooling Water—While a total prohibition against TRC discharges is technologically and economically achievable for many plants with once-through cooling water, this is not the case for all plants. Thus, the Agency has structured the proposed TRC regulation in two parts. First, EPA proposed a general prohibition against TRC discharges. This would be BAT for the many plants that do not need chlorine for biofouling control. Second, plants which must use chlorine to control biofouling would use only the minimum amount demonstrated to be necessary at that plant (chlorine minimization). In no event could a TRC limitation exceed 0.14 mg/l concentration at the point of discharge and generally TRC could not be discharged for more than 2 hours per day. Use of dechlorination in addition to chlorine minimization may be necessary in some cases to achieve this 0.14 mg/l limitation. These limitations would be established by the National Pollutant Discharge Elimination System (NPDES) permit writer on a case-by-case basis after reviewing the chlorine minimization study.

The Agency considered requiring minimization without specifying a maximum TRC concentration level, as well as specifying a maximum TRC level based on dechlorination technology, without first requiring chlorine minimization. Among other reasons, EPA rejected both options because many plants would have the economic and technological capability to achieve lower discharge levels than either of those options would achieve.

(b) Cooling Towers—For plants with cooling towers, the Agency did not require a chlorine minimization program; it would be unduly complex for this waste stream because chlorine may be used for cooling tower maintenance as well as for biological control. Further, the daily flow is commonly less than 1/100th of the once-through cooling water. Thus, for BAT the proposed regulations only limit the discharge of TRC to 0.14 mg/l based on dechlorination technology. For control of toxic pollutants discharged from cooling towers, the Agency has chosen chemical substitutes as the best technology to eliminate toxic pollutant discharges. These alternative chemicals should protect cooling towers from scaling, corrosion, and biological growth.

The proposed new source performance standards for once-through cooling water and cooling tower blowdown are the same as the proposed BAT.

Ash Transport Water—Coal or oil that is burned in a steam electric plant's boiler produces varying amounts of ash that require periodic collection and disposal. The relatively fine and light-weight ash is carried from the boiler with the flue gases and collected with air pollution control equipment. This type of ash is called "fly ash." The relatively bulky and heavy ash that settles at the bottom of the boiler's furnace is called "bottom ash." These two types of ash can be transported wet or dry to their ultimate or temporary disposal sites. (Only those plants that transport their ash using water would be affected by effluent regulations.)

The Agency is concerned about the presence of inorganic toxic substances in ash transport water. Pollutant concentrations in bottom ash transport water are typically lower than those in fly ash transport water. The Agency did not propose any further controls for existing sources of fly ash transport water beyond the current BPT regulation. EPA seriously considered proposing no-discharge of fly ash transport water but concluded that there would be extremely high costs to the industry ($3.2 billion in capital costs for 1980–1985) which were not justified in view of the available data regarding the degree of pollutant reduction. The technology base for achieving this option would have been the use of transport methods that do not require the use of water (dry transport). The Agency is considering further sampling to clarify wastewater characteristics of ash pond discharges.

The Agency proposed a new source performance standard and a pretreatment standard for new sources that would prohibit the discharge of fly ash water for all new plants. EPA proposed the zero discharge limit because the technology to achieve it is clearly demonstrated and available; since about half of the industry already uses dry methods of transport. Moreover, EPA believes that the costs for installing a dry fly ash handling system are not appreciably different than costs to install a wet ash sluicing system in a new plant.

Bottom Ash—The need to control pollutant discharges from bottom ash transport water was not demonstrated by the sampling data, since at most plants sampled, the concentrations of pollutants detected in the bottom ash pond were less than the concentrations detected in the plant's inlet water. In addition, the concentrations of these pollutants were not only lower than those detected in fly ash ponds, but also exhibited a greater variability. Further, while high costs were associated with the various technological options, the data to quantify effluent reduction beyond BPT were inadequate. Thus, we proposed no further control beyond BPT. We also proposed to withdraw the current BAT requirement for partial recycle of bottom ash sluice water for conventional pollutants since this option does not pass the BCT cost-reasonableness test (40 CFR Part 405, August 23, 1978). This test involves a comparison of the cost and level of reduction of conventional pollutants from the discharge of POTWs to the cost and level of reduction of such pollutants from a class or category of industrial sources.

In addition to the regulatory options for cooling water and ash transport water, the Agency also examined the regulations for metal cleaning wastes. Metal cleaning wastes are generated periodically through operational cleaning of the boiler and steam generator tubes to remove scale and corrosion products that accumulate on the metal surfaces.

The 1974 BAT regulations require that all metal cleaning operations meet limits of 1.0 mg/l for copper and iron. In 1975, EPA narrowed the coverage of the rule to apply only to those metal cleaning operations adding chemicals. EPA now proposes to drop this distinction and to regulate all metal cleaning operations as metal cleaning wastes regardless of whether chemicals or water were used to clean the metal.

Summary of Benefits

Sectors Affected: The general public.

The major benefit of the proposed rule is the improvement of the aquatic environment through the reduction and/or elimination of discharges from steam electric generating facilities. Benefits to public health are less documented, although arsenic (refer to Table 1) is a suspected carcinogen.

The main effect of this rulemaking is to strengthen the control of chlorine. In addition, discharges of toxic pollutant additives from cooling towers were prohibited. Preliminary estimates indicate that the proposed regulations will result in the following reduction or elimination of pollutants by waste stream types:

(1) Once-Through Cooling Water: 17.4 million pounds per year of total residual chlorine.

(2) Cooling Tower Blowdown: a. 30,000 pounds per year of total residual chlorine; b. 157,000 pounds per year of toxic pollutants (chromium, zinc, chlorinated phenolics, etc.). These discharges are estimated to be between 3 and 5 percent of all chlorine discharged into the Nation's waters. No estimate of the total amount can be made for the toxic pollutants.

Summary of Costs

Sectors Affected: Establishments engaged in the generation, transmission, and/or distribution of electric energy for sale; and users of the electric energy.

On a national basis, EPA estimated that the total capital expenditures required to bring existing plants into compliance with the proposed regulations for the period 1980 to 1985 would be $120 million (1980 dollars). This would represent about 0.05 percent of the total anticipated capital expenditures for the industry during the same period. With the addition of operation and maintenance costs, this means that the average electric bill for consumers would increase by approximately 0.04 percent. The estimated capital expenditures for plants coming on line between 1985 to 1995 are $80 million (1980 dollars).

Commenters have questioned some aspects of EPA's analysis, particularly with respect to the costs of treating metal cleaning wastes. EPA will be examining these comments closely before making any further decisions.

Related Regulations and Actions

Internal: The scrubber systems used to comply with air pollution regulations may discharge contaminated water. The proposed requirements of the new source performance standards under § 111 of the Clean Air Act will increase the number of facilities with scrubber systems in the future.

Section 316(b) of the Clean Water Act authorizes the Agency to require the best available technology in the location, design, construction, and capacity of intake structures for cooling water to minimize adverse environmental impact.

Requirements for the management of solid wastes under the Resource Conservation and Recovery Act may affect the economic and environmental factors associated with various wastewater treatment technologies.

External: The recent emphasis on converting oil fired power plants to other fuel types and the problems associated with nuclear waste disposal will affect the distribution of generating capacity by fuel types in the industry and, therefore, the amount of pollutants that would be discharged and controlled.

Active Government Collaboration

The Nuclear Regulatory Commission, the Department of the Interior, and the Department of Energy have provided assistance by supplying the Agency with information and/or reviewing materials.

Timetable

Regulatory Impact Analysis—To be determined.
Regulatory Flexibility Analysis—None.
Final Rule—November 1981.

Available Documents

Development Document for Proposed Effluent Limitations Guidelines, New Source Performance Standards and Pretreatment Standards for the Steam Electric Power Generating Point Source Category (EPA 440/1–80/029-b, September 1980).

NPRM—45 FR 68328, October 14, 1980.

Economic Analysis of Proposed Effluent Limitations Guidelines, New Source Performance Standards and Pretreatment Standards for the Steam Electric Power Generating Point Source Category (EPA, August 1980).

Copies of the above reports can be obtained from National Technical Information Service (NTIS) (5285 Port Royal Road, Springfield, VA 22151, Telephone Number: (703) 321–8543) or the EPA contacts designated below. Public comments on the NPRM and transcript record of the pretreatment public meeting are available for inspection and copying at the EPA Public Information Reference Unit, Room 2404 (Rear) PM–213 (EPA Library), 401 M Street, S.W., Washington, DC 20460. The EPA information regulation (40 CFR Part 2) provides that a reasonable fee may be charged for copying.

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CHAPTER 3—FINANCE AND BANKING

TREAS-OCC

Description of Office, Procedures, Public Information; Supplemental Application Procedures; Assessment of Fees; National Banks; District of Columbia Banks; Employee Stock Option and Stock Purchase Plans; Changes in Capital Structure; Change in Bank Control; Federal Branches and Agencies of Foreign Banks; Policy Statements 34067

TREAS-OCC

Lending Limits; Unimpaired Surplus Fund 34069

TREAS-OCC

Use of Data Processing Equipment and Furnishing of Data Processing Services 34071

NCUA

Group Purchasing Activities of Federal Credit Unions 34072

CFTC

Large Trader Reporting to Exchanges and Reporting Open Positions 34074

CFTC

Proposed Dealer Option Regulations 34075

CFTC

Proposed Rules Concerning Foreign Brokers and Traders ... 34077

CFTC

Review of Guideline No. 1—Criteria for Determining Whether a Board of Trade Meets the Economic Purpose and Public Interest Tests for Contract Market Designation 34078

SEC

Classification of Issuers for Reducing or Modifying Certain Reporting Requirements 34079

SEC

Proposed Comprehensive Revision to System for Registration of Securities Offerings .. 34081

SEC

Proposed Revision of Regulation S-K and Guides for the Preparation and Filing of Registration Statements and Reports 34083

SEC

Simplification of Investment Company Prospectuses 34085

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Description of Office, Procedures, Public Information (12 CFR Part 4*); Supplemental Application Procedures (12 CFR Part 5*); Assessment of Fees; National Banks; District of Columbia Banks (12 CFR Part 8*); Employee Stock Option and Stock Purchase Plans (12 CFR Part 13*); Changes in Capital Structure (12 CFR Part 14*); Change in Bank Control (12 CFR Part 15*); Federal Branches and Agencies of Foreign Banks (12 CFR Part 28*); Policy Statements (41 FR 47964)

Legal Authority

Authority to issue regulations, 12 U.S.C. § 93a.

Reason for Including This Entry

The Comptroller of the Currency (OCC) is undertaking a comprehensive review of all of its rules, policies, procedures, and forms governing application for charters, branches, mergers, changes in capital, and all other structural and corporate activities of national banks. This review should:

(1) lower costs to the applicants, the OCC and the public;

(2) provide a better understanding of OCC policies;

(3) modify or eliminate OCC rules, regulations, policies, procedures, and forms that are unnecessary or lead to inefficiencies; and

(4) remove barriers to competition.

Statement of Problem

The OCC has authority over the corporate activities of the approximately 4,500 national banks. Each of those banks may file various applications with the OCC at any time. In 1979, for example, OCC received approximately 87 charter applications, 984 branch applications, 100 merger applications, and hundreds of additional applications for changes in capital structure, relocations, operating subsidiaries, title changes, and other matters.

OCC rules, policies, procedures, and forms for the various structural and corporate activities of national banks have not been substantially reviewed or revised since November 1976. Since that time, the banking system has experienced substantial changes and many new laws were enacted which may have altered the appropriateness of existing OCC rules, policies, procedures, and forms covering filings for various structural and corporate activities.

In addition, the OCC believes that its regulations and policies governing the procedures it uses in evaluating those filings should be periodically reviewed, with input from national banks and other members of the public. The OCC also believes that the corporate filing process should not create unnecessary delays and costs. Forms and processing procedures should not require the submission or review of unnecessary information while failing to elicit information vital to an appropriate decision.

Accordingly, the OCC has started a comprehensive review of this area and has labeled this review the Corporate Activities Review and Evaluation (CARE) Program.

The first phase of the CARE Program has been completed. Included in this phase is a reorganization and consolidation of all rules, policies, procedures, and forms for national bank structural and corporate activities, which previously were located in numerous Parts of the Code of Federal Regulations and other documents, into a single regulation—12 CFR Part 5. This action should make it easier for all interested parties to locate and understand present requirements plus enable the OCC to review its policies, the need for additional policies, existing regulations, and methods, and to improve its decision criteria and reduce inappropriate burdens on applicants. Other areas covered in the first phase include:

(1) a policy statement governing OCC evaluation of applications for a national bank charter;

(2) a policy statement governing public disclosure by the OCC of material filed with notices of change in control of a national bank;

(3) final rules to be followed by OCC in determining whether or not a public hearing should be held in connection with an application for any corporate activity (charter, branches, etc.); and

(4) final procedures enabling the OCC to treat expeditiously applications for interim banks.

The areas that are being or will be reviewed include:

(1) policies and forms to be used by banks applying for branches, mergers, stock options, Federal branches and agencies, conversions, location and title changes, changes in capital structure, and subordinated debt;

(2) assessing stock appraisal rights of dissenting shareholders in merger type transactions; and

(3) developing procedures to be employed by the OCC in processing applications.

Alternatives Under Consideration

Although proposed changes will be issued for comment on a subject-by-subject basis (e.g., branches, mergers, etc.), the major alternatives common to each involve the choice between current or lesser levels of government intervention in the business judgments of national banks. OCC's intent is to eliminate unnecessary interference in the business decisions of national banks. For example, OCC will consider whether national banks in sound condition desiring to branch or issue subordinated debt should be permitted to do so with lesser filing requirements and lesser review procedures than are currently in effect.

Summary of Benefits

Sectors Affected: The national banking industry; customers and shareholders of national banks; the general public; and OCC.

A preliminary investigation of these proposals indicates a significant reduction in regulatory burden for a substantial number of small banks.

The benefits of lesser government intervention could include enhanced competition and efficiency in the supply of financial services. Experience has shown that the marketplace normally is the best regulator of economic activity and that competition allows the marketplace to function and promote a sound and more efficient banking system that better serves customers. In addition, OCC and applicants' costs may be reduced by this lesser amount of intervention. Unnecessary requirements should be eliminated, speed of processing corporate filings increased, and the quality of OCC and banker decisions enhanced.

Because OCC will continue to regulate the national banking system where some intervention is necessary to protect the public interest, the revisions to its corporate rules, policies, procedures, and forms will ensure that in general, banks would not implement poor decisions to the detriment of the banks themselves and their customers, shareholders, and communities.

Summary of Costs

Sectors Affected: The national banking industry; customers and shareholders of national banks; and the general public.

The costs of lesser government intervention include possible implementation of poor business decisions by individual banks which could increase operating costs that would be passed on to customers and shareholders, or possible increases in the number of individual banks exiting from the banking system through mergers or failures.

Related Regulations and Actions

Internal: None.

External: Each of the 50 States has rules governing applications for State-chartered banks. Regulations of the Board of Governors of the Federal Reserve System are included in 12 CFR Parts 262, 263, and 265. Federal Deposit Insurance Corporation regulations are included in 12 CFR Parts 303, 304, 306, and 308.

Active Government Collaboration

OCC will send proposals it issues for comment to the banking authorities for each of the 50 States and to the Board of Governors of the Federal Reserve System and Federal Deposit Insurance Corporation.

Timetable

NPRM (stock appraisal rights of dissenting shareholders)—September 30, 1981.

NPRM (policy statements on OCC evaluation of applications for branches, changes in title, relocation, and OCC evaluation of employee stock option plans)—June 30, 1981.

NPRM (new forms for charter applications)—June 30, 1981.

Regulatory Impact Analysis—OCC will not prepare. Our initial investigation indicates that suggested costs, if any, to affected parties will be minor.

Regulatory Flexibility Analysis—Not required.

Public Hearing—None planned.

Public Comment Period—We have grouped issues under review topically, with each topic cutting across several regulations, and each having its own comment period. We expect the total period to be September 1980 to December 1981.

Comments may be sent to Communications Division, Office of the Comptroller of the Currency, 490 L'Enfant Plaza East, S.W., Washington, DC 20219.

Final Rules—Since we are reviewing a number of issues, several rules are involved. We project publication of final rules over a period of time, probably December 1980 through December 1981.

Available Documents

Policy Statement—41 FR 47964, November 1, 1976.

Semiannual Agenda—46 FR 22112, April 15, 1981.

NPRM—45 FR 68611, Docket No. 80–14, October 15, 1980. (Proposes amendments to OCC's rules governing use of public hearings to acquire additional information prior to evaluating applications for charters, branches, mergers, change in title and location, and changes in capital.)

NRPM—45 FR 08612, Docket No. 80–15, October 15, 1980. (Proposes amendments to OCC rules governing material to be submitted in support of an application to charter an interim bank.)

Final Rule—45 FR 68586, Docket No. 80–11, October 15, 1980. (Consolidates all existing OCC rules, policies, procedures, and forms concerning the review and processing of applications for charters, branches, mergers, changes in title and location, and changes in capital into a single regulation—12 CFR Part 5.)

Final Rule—45 FR 68603, Docket No. 80–12, October 15, 1980. (Codifies OCC chartering policy in 12 CFR Part 5 and describes the analytical framework used by the OCC to determine whether a proposed national bank is likely to be operated in a safe and sound manner, possess reasonable prospects for success, and can be expected to meet the credit needs of its entire community.)

Final Rule—45 FR 68607, Docket No. 80–13, October 15, 1980. (Specifies the circumstances under which the OCC will routinely release basic information contained in notices of change in control required by 12 CFR Part 5.)

Final Rule—46 FR 16656, Docket No. 81–6, March 13, 1981. (Adopts new fee structure for processing applications.)

Final Rule—46 FR 16659, Docket No. 81–7, March 13, 1981. (Adopts revised rules governing written comments and hearings on applications.)

Final Rule—46 FR 16661, Docket No. 81–8, March 13, 1981. (Adopts amendments to OCC rules governing an application to charter an interim bank.)

These documents are available for review and photocopying in the Communications Division, Office of the Comptroller of the Currency, 490 L'Enfant Plaza East, S.W., Washington, DC 20219.

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TREAS—OCC

Lending Limits (12 CFR 7.1100*); Unimpaired Surplus Fund (12 CFR 7.7545*)

Legal Authority

Authority to issue regulations, 12 U.S.C. § 93a.

Reason for Including This Entry

The Office of the Comptroller of the Currency (OCC) is proposing to change the definition of "capital," thereby affecting the activities of all national banks, State and local governments, and the general public.

Statement of Problem

The OCC charters, examines, regulates, and supervises national (i.e., federally chartered) banks. Maintaining adequate capital in national banks is an important part of OCC's goal to assure a safe and sound national banking system. OCC is considering changes to its policy and procedures for assessing the adequacy of capital of individual banks. In connection with that effort, OCC is reviewing its interpretive rules which define capital for statutory purposes.

Various statutes limit the extent of a national bank's activities based on the amount of its capital. These activities include, among others, holding investment securities, establishing branches, borrowing, lending to a single entity or group of related entities, lending secured by real estate, and lending to affiliated entities. In some cases, the limitation is on the aggregate extent of activity; in others, the limitation is on the magnitude of the activity as it relates to single bank customers. Adoption of OCC's proposal to change the definition of capital would affect all those activities.

Immediate changes in the interpretive rulings which define capital under those statutes would have instant impact on all national banks. Those changes would also have an impact on borrowers from national banks, State and local governments which issue securities, national bank shareholders, and other members of the public.

Capital planning is an integral element in the management of every national bank. Assuring adequate capital in national banks is an important element of bank supervision. Although maintaining adequate capital in the national banking system is a continual task of the OCC, several recent factors present in the financial system have increased the OCC's attention to the subject. These factors include, among others, the effects on bank capital of inflation-generated growth in bank assets and liabilities.

In order to develop and implement a consistent, rational capital adequacy policy, an appropriate definition of capital is necessary. The present OCC definition includes (for most, but not all purposes) all shareholders' equity accounts, subordinated notes and debentures (long-term debt securities whose holders' rights are subordinated to the rights of depositors and other creditors), and 50 percent of the reserve for possible loan losses (a contra-asset account reflecting expected losses in the loan portfolio). That definition is inconsistent with definitions used by the Board of Governors of the Federal Reserve System and by the Federal Deposit Insurance Corporation in their supervision of State-chartered banks. The other Federal bank regulatory agencies do not include subordinated debt in their definitions of capital. While this is not a problem from our supervisory point of view, the inconsistency could be creating some problems for multibank holding companies with both State and nationally chartered banks. OCC is working with those agencies to develop a consistent definition of capital and a more uniform capital adequacy policy. In light of recent economic conditions and uncertainty as to the future, OCC believes that a revised, consistent rational capital adequacy policy (based on an appropriate definition of capital) is necessary at this time to supervise and monitor national banks properly and to assist banks in their own analyses and planning.

Alternatives Under Consideration

OCC is considering alternatives to the statutory definition of capital and alternative implementation programs. One alternative is to make no change. A disadvantage of that approach is that it would inhibit the development of well conceived capital adequacy policies. Implementation costs associated with change would, of course, be avoided.

The OCC had proposed deleting the reserve for possible loan losses from the statutory definition of capital. That contra-asset account reflects the difference between the face amount of all loans outstanding on the books of the bank and the amount the bank anticipates will be repaid. Deleting the reserve would also limit capital to those accounts representing shareholder equity which are available to absorb loan losses, thereby granting the bank sufficient time for earnings to recover while sustaining market confidence. The disadvantage of deleting this account from the definition of capital is that it would reduce the maximum size of certain loans and investments that may presently be made by national banks.

The OCC also had proposed deleting subordinated notes and debentures from the definition of capital. Although those debt instruments reflect some of the characteristics of capital when they have distant maturities, they must be repaid, interest payments are mandatory, and they become increasingly less like capital instruments as maturity dates approach. The advantage of eliminating subordinated debt from the statutory definition is that the entire capital account will be available to absorb unforeseen losses which may be experienced by an otherwise sound institution. A disadvantage of elimination is a curtailment of various bank activities presently subject to limitations based on bank capital.

In order to avoid disruptions in the on-going conduct of banking operations, the OCC had proposed to implement any changes over time. The delayed impact would enable banks to plan adequately for any necessary changes. Another advantage is that anticipated growth in other components of capital would minimize the reductions in banking activities inherent in the proposals. As such, it is proposed that the reserve for possible loan losses be eliminated as of December 31, 1981, and that subordinated notes and debentures be eliminated at maturity or December 31, 1985, whichever occurs first.

The OCC considered other implementation options including:

(1) eliminating only subordinated notes and debentures with short maturities;

(2) establishing a timetable to reduce, in stages, the percentage of the reserve and subordinated debt which may be included in the definition (i.e., a phase-out over time); and

(3) allowing outstanding long-term subordinated debt to be included until

its maturity, but excluding new debt regardless of its maturity.

OCC solicited comments on specific questions germane to the proposal. These include:

(1) what terms, e.g., length to maturity, or mandatory conversion features might qualify subordinated notes and debentures as capital;

(2) what other forms of capital instruments exhibit sufficient characteristics to qualify as equity; and

(3) whether subordinated notes and debentures issued or outstanding at any time prior to December 31, 1985 should be included.

As a result of comments received on the NPRM of July 24, 1980 (45 FR 49276), OCC will publish a new NPRM in May 1981.

Changes to the July 1980 redefinition of impaired surplus which we may make with our May 1981 reproposal include:

(1) inclusion of 100 percent of the loan loss reserve in the definition of surplus (compared to 0 percent in the July 1980 proposal);

(2) continued inclusion of subordinated debt under certain conditions (minimum initial maturity and subject to amortization over the final 5 years to maturity) (compared to total elimination of subordinated debt from the definition under the July 1980 proposal); and

(3) inclusion of other non-equity instruments (e.g., limited life preferred stock) for statutory and adequacy purposes—this change was not specifically covered in our July 1980 proposal.

Summary of Benefits

Sectors Affected: The national banking industry; customers of national banks; the general public; and OCC.

Adequately capitalized banks permit a broad range of banking services to be offered competitively to the public. Improvements in capital analysis will have nonquantifiable benefits for national banks and their customers by improving the ability of bankers, regulators, and the public to assess capital adequacy and by maintaining public confidence. The consistency in our proposed definition of capital for both statutory and adequacy purposes will simplify matters for everyone. Related OCC decisions to be made, such as the need for OCC review of bank plans to issue debt and equity, may reduce burdens on applicants and OCC, and are expected to result in expanded abilities in national banks to take advantage of market opportunities to issue appropriate securities. The proposal would also establish a more uniform definition of capital, for statutory purposes, among the Federal bank regulatory agencies and eliminate variable, regulatory treatment of banks in more or less similar circumstances.

Summary of Costs

Sectors Affected: The national banking industry, particularly in rural areas; and customers of national banks, including businesses and State and local governments.

Any reduction in capital, as defined, would further limit a variety of national bank activities. For example, current statutes generally permit a national bank to lend to an individual entity no more than 10 percent of its defined capital. Similarly, current statutes generally permit a national bank to invest in a revenue obligation issued by a State or local government in an amount no greater than 10 percent of its defined capital. Reducing the amount of defined capital will decrease the maximum lending and investment limits at every national bank.

OCC has performed a preliminary study based on information otherwise filed by national banks for the period ending March 31, 1980, indicating:

(1) that 999 of the country's approximately 4,500 national banks have subordinated debt outstanding in an aggregate amount approximating $3.3 billion;

(2) that many of those banks have equity capital to asset ratios below the average level for banks of similar size; and

(3) that the average decrease in maximum lending limits for those banks, if subordinated debt were excluded from the definition of capital, would be 12.8 percent. Similarly, the average reduction in maximum lending limits for all national banks, should the reserve for possible loan losses be excluded from the definition of capital, would be approximately 4.5 percent. Our data on the effect of the July 1980 proposal were for national banks as a group and do not distinguish between "large" and "small" banks. However, in their comments banks from both groups indicated that the proposal would reduce their lending limits and create problems.

That analysis, by itself, does not, however, indicate whether the changed limits would affect actual bank performance. For example, the preliminary analysis might indicate that a specific national bank's lending limit to a single borrower would be decreased from $100,000 to $90,000 if the proposals were adopted without a delayed effective date. If that bank has not made and does not intend to make loans to a single borrower in excess of $70,000, the changes would have little impact. Conversely, if that bank has been making loans at its limit and its present and future customers were likely to need loans in amounts approaching the bank's lending limit, the effects of the changes could be more dramatic. However, the anticipated growth in other components of capital between the date of adoption of the changes and the delayed effective dates as proposed would significantly decrease the likelihood of adverse disruptive consequences. Accordingly, in its NPRM, OCC specifically requested input on the extent of adverse effects the proposal would have. Comments received suggest that the proposed changes could have greater adverse consequences for banks, businesses, and local governments in rural areas, compared to other areas, if banks in those rural areas have significant amounts of subordinated debt outstanding. Such banks have access to fewer sources of equity funds and would thus find it difficult to keep total capital at desired levels as the debt portion was phased out.

Related Regulations and Actions

Internal: Section 303 of the *Comptroller's Handbook for National Bank Examiners* describes the present capital adequacy analysis.

External: Each of the 50 States has capital definitions and limitations based on capital applicable to State-chartered banks.

Active Government Collaboration

OCC has been working with the Board of Governors of the Federal Reserve System and the Federal Deposit Insurance Corporation to develop a uniform capital adequacy policy and definition of capital. Meetings among staff are, and will continue to be, held frequently.

Timetable

NPRM—May 31, 1981. OCC received almost 800 comment letters in response to an NPRM of July 24, 1980 (45 FR 49276, Docket No. 80-6). The wealth of information provided in those letters is being analyzed and will lead to the publication of a new NPRM.

Public Comment Period—June 1 to August 31, 1981.

Regulatory Impact Analysis—OCC will not prepare. Our initial investigation indicated costs to affected parties will be negligible, with the possible exception of rural banks.

Regulatory Flexibility Analyses are

not required for interpretive rulings.
Public Hearing—None planned.
Final Rule—December 31, 1981.
Final Rule Effective—To be determined.

Available Documents

NPRM—45 FR 49276, Docket No. 80-6, July 24, 1980.
Semiannual Agenda—46 FR 22112, April 15, 1981.
Comptroller's Handbook for National Bank Examiners, Section 3.
Public comments.
These documents are available for review and photocopying in the Communications Division, Office of the Comptroller of the Currency, 490 L'Enfant Plaza East, S.W., Washington, DC 20219.

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TREAS-OCC

Use of Data Processing Equipment and Furnishing of Data Processing Services (12 CFR 7.3500*)

Legal Authority

Authority to issue regulations, 12 U.S.C. § 93a; Corporate Powers, 12 U.S.C. § 24.

Reason for Including This Entry

The Office of the Comptroller of the Currency (OCC) includes this entry because of the possible significant impact on the activities of all national banks, the data processing industry, and the general public.

Statement of Problem

The OCC regulates and supervises national (i.e., federally-chartered) banks. In addition to certain express activities, the National Bank Act (12 U.S.C. § 24) authorizes national banks to exercise "all such incidental powers as shall be necessary to carry on the business of banking."

OCC Interpretive Ruling 7.3500, last revised in 1974, attempts to define by generic description and by example the data processing services which a national bank may lawfully provide for itself and others pursuant to 12 U.S.C. § 24. That ruling currently permits national banks to perform all data processing services directly or incidentally related to the business of banking. As examples under the existing ruling, a national bank may collect, transcribe, process, analyze, and store, for itself and others, banking, financial, or related economic data, as part of its banking business. Additionally, the ruling notes that a national bank, incidental to its banking business, may market excess time on data processing equipment and sell the by-products of data processing activity under certain defined circumstances. Finally, the ruling emphasizes the Federal prohibitions found in 12 U.S.C. § 1971 against national banks tying other banking services to customer use of data processing facilities.

Since Interpretive Ruling 7.3500 was last revised in 1974, there have been rapid and profound advances in both data processing technology and the application of that technology to the financial industry. Morever, experience with the application and interpretation of the Interpretive Ruling indicates that a more precise delineation of permissible data processing activities by national banks may be needed. Accordingly, the OCC is considering whether the existing ruling accommodates technological advances and provides adequate guidance, or whether the ruling should be revised and, if so, how.

To this end, the OCC issued an ANPRM (45 FR 40613, June 16, 1980) inquiring into a wide range of subjects. We solicited comments on the types of electronic data processing services (EDP) offered by banks; the advantages and disadvantages of banks as providers of data processing; the extent to which the sale of EDP services, software, and excess time is necessary or beneficial to acquisition and maintenance of an adequate EDP capacity by banks; and foreseeable new applications of EDP technology.

Alternatives Under Consideration

The OCC has defined the following alternatives, described more fully in the ANPRM:

(A) OCC could retain the ruling as now written. This alternative would avoid new confusion for those who have accustomed themselves to working with the ruling, but it would not address ambiguities which may currently exist;

(B) OCC could revise the ruling to include a new generic description of permissible data processing activities. This alternative would establish a clearer framework for data processing activities in which national banks are legally entitled to engage, but it could soon become outdated in failing to reflect future technological change;

(C) OCC could revise the ruling to adopt standards similar to those articulated in the present regulation and the interpretive ruling of the Board of Governors of the Federal Reserve System concerning data processing services provided by bank holding companies. This alternative would provide a measure of consistency to a system in which banks and bank holding companies are closely allied, but it might inhibit innovation and improvement as the two perform their distinct financial roles;

(D) OCC could retain its current ruling and provide supplemental aids such as a listing of specific activities found to be permissible under the ruling. This alternative would remove uncertainty surrounding the existing ruling, but it might be interpreted as restricting data processing activities which arguably fall within the purview of the statute; and

(E) OCC is also considering the promulgation of a formal regulation as an alternative, or in addition to, an interpretive ruling. This alternative would convert what is now an opinion into a formal directive to national banks, adding greater certainty to the permissible limits of data processing activities, but relinquishing the flexibility needed to reflect changes in banking and technology.

Summary of Benefits

Sectors Affected: The national banking industry; the data processing industry; customers of national banks; the general public; and OCC.

Until both the form and substance of any revision in the interpretive ruling are known, it is impossible to predict the benefits expected from such a revision. Nevertheless, a more specific interpretive ruling would provide additional guidance concerning the nature of data processing services which may lawfully be offered by national banks. By identifying those data processing services that are incidental to the business of banking, the OCC could eliminate confusion regarding the application of the existing ruling to specific services, which would benefit both the national banking and data processing industries. Greater certainty about national bank data processing activities would result in fewer court challenges for the OCC and would reduce its need to issue a multiplicity of individual interpretive letters. Customers also would benefit from the reduced risk to their banks of engaging in data processing activities which are expressly permissible and which might otherwise invite costly litigation or worrisome supervisory actions. Finally, such a revision would benefit the public because it would provide greater

certainty to banks which may be deterred from offering the public financially related data processing services because of the legal questions raised under the existing ruling.

Summary of Costs

Sectors Affected: The national banking industry; the data processing industry; customers of national banks; the general public; and OCC.

Until both the form and substance of any revision are known, it is impossible to predict the costs expected from such a revision. Nevertheless, specific guidelines in the area of electronic data processing technology might unduly limit the flexibility needed by banks to accommodate technological change. Also, such guidelines could become rapidly outdated, requiring continual modification by the OCC. Thus, a less flexible interpretive ruling might retard the development and financial application of data processing technology by national banks. Such an impediment would adversely affect the data processing industry and the general public which would otherwise benefit from such innovations.

Related Regulations and Actions

Internal: None.

External: The present regulation and interpretive ruling of the Board of Governors of the Federal Reserve System concerning data processing services provided by bank holding companies appears at 12 CFR 225.4(a)(8) and 12 CFR 115.123(e), respectively.

Active Government Collaboration

None at present.

Timetable

NPRM—June 30, 1981.
Regulatory Impact Analysis—We will determine if one is required after reviewing the public comments and determining the precise content of the NPRM.
Regulatory Flexibility Analyses are not required for interpretive rulings.
Public Hearing—None planned.
Public Comment Period—June 30, 1981 to August 31, 1981. Comments may be sent to Communications Division, Office of the Comptroller of the Currency, 490 L'Enfant Plaza East, S.W., Washington, DC 20219.
Final Rule—October 31, 1981.
Final Rule Effective—October 31, 1981.

Available Documents

Interpretive Ruling 12 CFR 7.3500.
ANPRM—45 FR 40613, Docket No. 80–1, June 16, 1980.
Semiannual Agenda—46 FR 22112, April 15, 1981.
Public comments.

These documents are available for review and photocopying in the Communications Division, Office of the Comptroller of the Currency, 490 L'Enfant Plaza East, S.W., Washington, DC 20219.

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NATIONAL CREDIT UNION ADMINISTRATION

Group Purchasing Activities of Federal Credit Unions (12 CFR 721.1* and 721.2*)

Legal Authority

Federal Credit Union Act, 12 U.S.C. § § 1752(1), 1757(15), and 1766(a).

Reason for Including This Entry

The National Credit Union Administration (NCUA) includes this entry because we have recently discovered that there may have been a number of abuses of the authority now exercised by Federal credit unions under the present regulations. Such abuses may be due in part to a lack of clarity in the present regulations. Our proposed rule will also affect the way insurance companies and consumer product and service vendors market their goods and services.

Statement of Problem

Federal credit unions are financial cooperative associations, chartered by the Federal Government for the purpose of promoting thrift among their members and making loans to their members. The members of Federal credit unions must have a common bond of occupation (such as employees in the same factory) or association (such as members of a local fraternal lodge) or must be within a well-defined neighborhood, community, or rural district.

In addition to specific enumerated powers (such as paying dividends on members' share (savings) accounts and granting loans), a Federal credit union can, according to the Federal Credit Union Act, "exercise such incidental powers as shall be necessary and requisite to enable it to carry on effectively the business for which it has been incorporated" (12 U.S.C. § 1757(15)). NCUA interprets "incidental powers" authority in light of the Federal Credit Union Act definition of a Federal credit union: ". . . . a cooperative association organized . . . . for the purpose of promoting thrift among its members and creating a source of credit for provident and productive purposes" (12 U.S.C. § 1752(1)). In 1972, NCUA issued 12 CFR 721.1, which permits Federal credit unions to facilitate their members' voluntary purchase of insurance, incidental to the promotion of thrift or to the borrowing of money. NCUA limited credit unions to facilitating their members' voluntary purchase of group disability coverage related to loan obligations, and group insurance related to share (savings) accounts, life savings and loan protection insurance, and group, fire, theft, automobile, life, and disability insurance. Finally, NCUA decided, pursuant to 12 CFR 721.2, that Federal credit unions could promote thrift among their members by informing their members of the availability of group purchasing plans for goods and services other than insurance.

NCUA placed certain limitations on Federal credit unions to make sure that Federal credit unions maintained their identity as financial cooperatives. Federal credit unions can inform their members as to the availability of insurance or group purchasing plans, but cannot endorse the insurance or the purchasing plan. In order to maintain the privacy of their members, Federal credit unions are prohibited by NCUA from making mailing lists available to the insurance company or vendor. Federal credit unions are not permitted to act as an agent for an insurance company. When making credit-related insurance available to its members, Federal credit unions must inform borrowers that they may purchase coverage from another insurance company. Finally, Federal credit unions are permitted to accept reimbursement from the insurance company or vendor, but only for actual costs of administrative tasks performed by the credit union.

A recent study conducted by NCUA indicates that a number of instances exist of possible abuse of this "incidental authority." For example, in some cases, credit unions offer types of insurance, such as cancer insurance, which many studies show to be of dubious value to consumers. Credit unions apparently have provided, in some cases, mailing lists of their members to insurance companies and other vendors. These vendors use the lists for purposes not intended by the credit union. Eighteen of seventy credit

unions surveyed had violated the prohibition against providing mailing lists to vendors. Some credit unions enter into agreements with insurance companies or other vendors that indicate that the credit union is, in effect, serving as an insurance agent by filing applications and processing claims. A number of credit unions surveyed by NCUA are lax in making it clear to their members the loan-related insurance offered through the credit union is voluntary and that members may obtain such insurance from other sources. Finally, many credit unions receive compensation not attributable to their costs in providing informational material (such as brochures) and performing paperwork-related tasks. Instead, insurance companies compensate the credit union based on a percentage of the dollar amount of the insurance purchased by the credit union's members.

NCUA has decided to act on this problem at this time for a number of reasons. First, an NCUA study has indicated that credit unions are involved in the sale of a type of insurance which may be of dubious value to their consumer members. Second, random examinations by NCUA have indicated a number of apparent violations of the existing regulations, some possibly due to a lack of a clear understanding of the requirements of the regulations. Finally, NCUA is reviewing all its existing regulations as required by § 804 of P.L. 96–221, the Financial Regulation Simplification Act of 1980. NCUA is required to review its existing regulations periodically.

If we take no action at this time, the abuses noted above may continue, and perhaps worsen. Federal credit unions may rely more heavily on the income derived from their participation in these sales programs, although compensation above their actual costs is a violation of present regulations. This, in turn, may lead to credit union involvement in other commercial ventures totally unrelated to their identities as financial cooperatives. This may violate the Federal Credit Union Act. Lastly, credit unions may continue to be involved in the sale of insurance or products and services which may be of dubious value to their members. Credit union members rely on their credit unions for advice. If credit unions offer insurance or products that are not worthwhile, this may endanger member loyalty.

Alternatives Under Consideration

NCUA considered a number of alternatives and issued an NPRM (46 FR 22003, April 15, 1981) similar to Alternative (A).

(A) We proposed, in our NPRM, to revise the existing regulations to require credit unions to consider the programs more carefully, to permit mailing lists to be made available to insurance companies and other vendors if credit union members agree, and to prohibit compensation of the credit union, except reimbursement for certain administrative costs. Insurance companies and other vendors would have access to the credit union's mailing list only if the credit union has endorsed the insurance or group purchasing plan and each member listed consents. This alternative would eliminate the problem of compensation in excess of costs by prohibiting compensation. It would also ensure closer examination of products and services by credit unions because this alternative would require that a credit union provide a written justification of the decisions to participate in a group program. The advantage of this alternative would be that credit unions can continue to offer a variety of group plans, while the innovative regulatory technique of economic disincentives would discourage participation in programs that are not especially valuable to the credit union members. Another advantage of this alternative would be that credit union members could protect their privacy by refusing to consent to being included on a mailing list made available to an insurance or group purchasing plan. In addition, by prohibiting compensation, this alternative would eliminate the possible conflict of interest between increasing income for the credit union versus providing credit union members with information on valuable services. The disadvantages are that investigations by credit unions of proposed plans may cost additional time and money. Another risk is that the credit union may place greater emphasis on considering its own costs than on the quality of the plan to be offered to its members. Mailing list abuse may continue.

(B) We considered making no change to the existing regulations, 12 CFR 721.1 and 721.2, but issuing an "Interpretive Ruling and Policy Statement" (IRPS) to clarify ambiguities in the regulation. This may have solved the problem by placing credit unions on notice of NCUA's position and of our intent to take administrative action against violators. This alternative had the advantages of clarifying ambiguities, permitting credit unions to seek compliance with existing regulations, and continuing to permit credit unions to offer a wide range of group purchasing activities. The disadvantages were that the clarification and warning of possible enforcement action may not have prevented all continued violations. Investigation and prosecution of violations could tax NCUA's resources heavily. Lastly, this alternative would not have offered assurance that credit unions would give their members adequate information about the plans offered through their credit union.

(C) We could have, by revising the regulation, permitted only group purchasing activities related to insurance and directly related to loans or savings, and prohibited reimbursement of expenses by vendors. This alternative could have solved the problem of whether Federal credit unions can act as economic cooperatives by limiting their group purchasing activities to those related directly to financial services. It would have eliminated the need for the use of mailing lists because credit unions could have given the information to a prospective borrower or saver when the loan was made or the account was opened. This alternative would have eliminated the problem of calculating costs for determining the amount of reimbursement for administrative tasks performed by the credit union. Other advantages of this alternative would have been the elimination of certain types of insurance which are of dubious value and the elimination of mailing list violations, because information would have been provided directly to the borrower only at the time of the loan application. One disadvantage would have been increased costs to credit unions because this alternative would have prohibited reimbursement. Another disadvantage would have been that the credit unions could choose the insurance plan that was least costly to the credit union although the plan may not have been the most beneficial to its members. Group purchasing plans for products or services other than insurance would have been prohibited and thus the types of services that credit union members could receive would have been limited.

(D) We could have permitted the credit union community to attempt self-regulation. This could have solved the problem by allowing a committee of representatives of credit unions, credit union members, insurance companies, and vendors to develop guidelines to prevent the identified abuses. This committee would have been necessary to ensure that there was a broad base of interests represented in the formulation of voluntary standards. The advantages of this approach would have been the use of voluntary standards, in lieu of binding regulations, through increased

industry cooperation. The disadvantages would have been the administrative problems involved in coordinating an industry committee to develop guidelines. NCUA is uncertain of the effectiveness of any voluntary guidelines. Finally, there may have arisen an appearance of an abdication of NCUA responsibility.

(E) We could have, by revising the regulations, banned all group purchasing plans except those purchased by the credit union for all qualified members. This alternative could have solved the problem by placing the economic risk of involvement in group purchasing plans on the credit union directly. The advantages of this approach were that it would have given the credit union the incentive to obtain the best coverage for the least cost because it would have derived the primary benefit (for example, the credit union would receive payments on loans covered by loan protection insurance that might otherwise go into default) and borne premium cost. This alternative would have allowed the credit union to receive commissions from the sales of its group insurance from the vendor (which the credit union could have used to reduce its own premiums). Credit union members still would have obtained the advantages of group purchasing. The disadvantages were that members who may not want to obtain these services would bear part of the costs to the credit union, because all members might receive lower dividends, higher interest rates on loans, or reduced services. The credit union's investment may act as a disincentive for advising members that they may obtain these services elsewhere. If certain types of insurance were extended to members already covered under their own personal insurance plans, these members may have received no additional benefit if the insurance plan prohibited the insured from collecting twice on the same loss. Finally, this alternative would have eliminated a wide range of group purchasing activities, because the credit union could not afford the initial cost or the economic risk.

Summary of Benefits

Sectors Affected: Federal credit unions and their members; insurance industry; and wholesale and retail trade of consumer products.

Our proposed rule would have the benefit of protecting credit union members' privacy by prohibiting the distribution of mailing lists to insurance companies or vendors without the consent of the members included in the list. While continuing to allow credit unions to offer a wide range of group purchasing plans, this approach may have the advantage of eliminating less valuable plans because the credit union would more carefully select the group purchasing plan. The credit union would, therefore, no longer face the conflict of interest between choosing a plan that compensates the credit union or choosing a plan best suited for its members.

Summary of Costs

Sectors Affected: Federal credit unions and members; insurance industry; and wholesale and retail trade of consumer products.

Our proposed rule may increase costs to the Federal credit union. This, in turn, may harm consumers because credit unions may be reimbursed for their costs by the group plan, which may pass these costs on to the consumers. Also, by permitting credit unions to distribute mailing lists only with the consent of the members included in the list, this proposal places the burden of obtaining consent on the credit union.

Related Regulations and Actions

None.

Active Government Collaboration

None.

Timetable

Public Comment Period—Comments due on or before June 1, 1981.
Public Hearing—Not anticipated.
Final Rule—July 1, 1981.
Regulatory Impact Analysis—Not required.
Regulatory Flexibility Analysis—Not required.

Available Documents

Memorandum from Office of Policy Analysis to NCUA Board, dated June 5, 1980, "Evaluation of Federal Credit Union Group Purchase Plans."

Abt Associates, Inc., "Cancer Insurance Costs and Benefits: A Study for the Board of the National Credit Union Administration," May 1980.

ANPRM—45 FR 84811, December 23, 1980.

"Preliminary Review Memorandum for Evaluating Alternative Approaches to a Proposed Rule for Federal Credit Union Insurance and Group Purchasing Activities," March 26, 1981.

Memorandum from Offices of Policy Analysis, Consumer Affairs, Examination and Insurance and General Counsel, to NCUA Board, dated March 20, 1981, "Review of Regulation 721: Federal Credit Union Insurance and Group Purchasing Activities."

NPRM—46 FR 22003, April 15, 1981.

The above documents are available for review in the Office of General Counsel, National Credit Union Administration, 1776 G Street, N.W., Washington, DC 20456.

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COMMODITY FUTURES TRADING COMMISSION

Large Trader Reporting to Exchanges and Reporting Open Positions (17 CFR Parts 15*, 16*, 17*, 18*, and 21*)

Legal Authority

Commodity Exchange Act, §§ 4g, 4i, 5(d), and 8a(5), 7 U.S.C. §§ 6g, 6i, 7(d), and 12a(5).

Reason for Including This Entry

The Commodity Futures Trading Commission (CFTC) thinks these rules are important because they would shift primary responsibility for the collection of key market surveillance data from the Commission itself to the commodity exchanges. If we adopt these rules, the exchanges will be better equipped to prevent price manipulations, cornering of commodities, and other market disturbances, and the Commission will be able to act more in an oversight role and less as primary regulator. This will set an important precedent.

Statement of Problem

The Commission and the commodity exchanges both have obligations under the Commodity Exchange Act to prevent price manipulation, corners, and other disruptions in the futures markets. In order to detect market disruptions, the Commission and the exchanges both conduct market surveillance activities. The Commission operates an extensive large trader reporting system through which it collects information about traders who control significant futures positions from commodity exchanges, futures commission merchants (FCMs), foreign brokers who carry futures accounts, and individual traders. The various exchanges employ widely differing market surveillance practices and, according to a recent staff review, in some cases apparently collect little data on individual traders' positions for routine use in their surveillance efforts.

As a result of the overlapping responsibility of the Commission and

the exchanges described above, some duplication of effort exists. Additionally, since large trader data, which the Commission considers essential to preventing and detecting price manipulations and other market disturbances, are generally not equally available to the exchanges and the Commission, it may be difficult for the exchanges to fully discharge their market surveillance obligations. If the Commission does not act, these problems are unlikely to be resolved. In order to reduce duplication of effort and to enable the exchanges to discharge their self-regulatory responsibilities, the Commission is considering a general proposal that would require exchanges to collect, process, and forward to the Commission in machine readable form information similar to that which the Commission currently collects under existing regulations from FCMs and brokers. If adopted, this rulemaking approach would improve the market surveillance capability of the exchanges and thus enable the Commission to move toward an oversight, rather than regulatory role.

Alternatives Under Consideration

As described above, the Commission is considering whether, as self-regulatory entities, commodities exchanges should be primarily responsible for collecting and processing large trader data. It has requested public comments on this question and will determine, after studying those comments, whether to publish specific rulemaking proposals to implement this approach.

Shifting primary responsibility for this activity to the exchanges would have several advantages. It would provide the exchanges with the information that is essential to maintaining an effective exchange market surveillance program; it would transfer significant responsibility from government to the private sector; it would reduce some duplicative reporting burdens now imposed on the FCM community; and it would transfer a substantial portion of the cost of market surveillance to entities that are the direct beneficiaries of effective self-regulation—namely the exchanges, their members, and their customers. This innovative compliance reform would reduce government costs as well. The most significant disadvantage to this approach is that, absent coordination by the exchanges, a reduction in reporting burdens may not be achieved.

Alternatively, the Commission is considering whether it would be feasible for the exchanges or a newly created self-regulatory organization to maintain a joint reporting system. This would have all of the advantages of the approach described above and would eliminate the possibility that different exchanges might impose duplicative or inconsistent reporting requirements. The disadvantage of this approach is that it could delay, complicate, or because of start-up costs associated with creating a new self-regulatory organization, render more expensive the transfer of primary responsibility from the Commission to the exchanges.

Summary of Benefits

Sectors Affected: Commodity exchanges; futures commission merchants; foreign brokers; the CFTC; and all market users.

These proposals would directly benefit commodity exchanges by enhancing their surveillance capability and by lessening the degree of government involvement in their operations. They would also benefit FCMs and foreign brokers by eliminating the need for them to report certain information both to the Commission and some commodity exchanges, as they are required to do under existing Commission and exchange rules. Moreover, the CFTC would save time and money if proposals which shifted the primary burden of data collection to the exchanges were adopted.

Less directly but equally importantly, all market users would benefit from the exchanges' improved surveillance capacity and ability to prevent certain market disruptions.

Summary of Costs

Sectors Affected: Commodity exchanges; futures commission merchants; and foreign brokers.

Commodity exchanges which are currently collecting and maintaining less compehensive data than would be required under these proposals are likely to experience increased operating costs. Additionally, unless a joint or coordinated reporting program is developed by the exchanges, futures commission merchants and foreign brokers in some instances might incur the cost of complying with duplicative reporting requirements. It is unlikely, however, that their reporting costs under the new system would exceed present reporting costs once the reporting system has been shifted fully from the Commission to the exchanges.

Related Regulations and Actions

Internal: At the same time that the Commission requested comments on large trader reporting, it also published for comment proposed rules designed to standardize and simplify some of its reporting requirements. These proposals were adopted on March 25, 1981 (46 FR 18528).

External: None.

Active Government Collaboration

None.

Timetable

Regulatory Impact Analysis—the CFTC, as an independent agency, is not required to prepare a Regulatory Impact Analysis as it is defined under E.O. 12291. However, the CFTC prepares much of the same information in its NPRMs and final rules.
Revised NPRM—to be determined.
Public Hearing—None.
Regulatory Flexibility Analysis—None.

Available Documents

NPRM—45 FR 57141, August 27, 1980.
Public Comments on NPRM.
The above documents are available by mail at no charge from the Office of the Secretariat, CFTC, 2033 K Street, N.W., Washington, DC 20581.

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CFTC

Proposed Dealer Option Regulations (17 CFR Parts 1, 3, and 32*)

Legal Authority

Commodity Exchange Act, §§ 4c(b), 4c(d), and 8a(5), 7 U.S.C. §§ 6c(b), 6c(d), and 12a(5) (1976 and Supp. III 1979).

Reason for Including This Entry

The Commodity Futures Trading Commission (CFTC) includes this entry because the proposed rules would make it possible for more firms to participate in the dealer option business than can presently do so. The growth of the dealer option business could be economically significant.

Statement of Problem

Prior to 1978, certain kinds of commodity options (rights to buy or sell commodities at agreed upon prices within a specific time) could legally be

offered and sold to the public. Unscrupulous promoters engaged in a variety of fraudulent and abusive practices and many options customers were cheated. In response, Congress amended the Commodity Exchange Act in 1978. In its present form, the Act generally prohibits the offer and sale of commodity options to the public. In recognition of commercial practices which existed in 1978, however, Congress exempted options transactions on particular physical commodities from the general ban. Persons domiciled in the United States who, on May 1, 1978, were in the business of granting options on physical commodities and were also "in the business of buying, selling, producing or otherwise using that commodity," were permitted to continue granting these so-called "dealer options" in accordance with the Commission's existing commodity option regulations. Congress directed the Commission to develop a comprehensive program for regulating dealer options.

Because dealer options can only be granted by firms who met this two-pronged statutory test as of May 1, 1978, as well as certain other requirements, only a handful of firms currently grant these options. Nevertheless, in calendar year 1980, more then 2,000 dealer options with a dollar value of $89.6 million were sold. In February 1981, the most recent month for which statistics are available, the dollar value of reported dealer option transactions was over $4 million. We expect that the removal of legal barriers to entry in the dealer option business will cause it to grow substantially.

Pursuant to the direction of Congress, since 1978, the CFTC has been attempting to develop a comprehensive regulatory scheme applicable to dealer options which will adequately protect the public. Unlike futures contracts, which are our primary regulatory responsibility, dealer options are not traded on exchanges. The differences in the way dealer options are priced, marketed, and traded, and the lack of a self regulatory authority responsible for overseeing their offer and sale, present difficult problems for protection of the investing public. We solicited public comments on rules proposed in December 1978 which would have eliminated the requirement that a dealer option grantor have been in the business on May 1, 1978, and would also have instituted a registration requirement for dealer option grantors, established a $5 million capital requirement for dealer option grantors in addition to the $5 million net worth requirement set by Congress, and required certain additional disclosures to be made to prospective dealer option purchasers. After reviewing the public comments on the proposals and the staff's analysis of these comments, the Commission decided to republish modified proposals for further public comment. A failure by the Commission to act may well be inconsistent with our legislative mandate.

Alternatives Under Consideration

If adopted, the rules proposed by the Commission would establish a comprehensive regulatory scheme for offers and sales of dealer options. Registration of dealer option grantors, certain disclosure to prospective customers, and the meeting of various financial requirements by the brokers (futures commission merchants) who sell these options, all would be required. We believe that these rules would protect the investing public by assuring that the persons who grant dealer options are statutorily entitled to do so, by providing investors with material information about dealer options they are considering purchasing, and by attempting to assure the financial responsibility of firms dealing with the public and the safety of public monies in their possession.

If at a future time the Commission believes that, despite the adoption of rules, the public is not being adequately protected, it can, after public notice and opportunity for a hearing on the record, determine whether dealer options are contrary to the public interest. Should we find that they are contrary to the public interest, we have statutory authority to adopt rules which would prohibit the granting or sale of these options. This would have the advantage of fully protecting the public but would outlaw commercial practices that some firms have engaged in since prior to May 1978.

Summary of Benefits

Sectors Affected: Potential grantors of dealer options; and members of the investing public.

If the CFTC adopts the proposed rules, firms which are not able to grant dealer options under existing law may be able to do so. This could make it easier for firms in the business of buying, selling, producing, or using the commodities in which they grant options to manage the risks of their business, and thereby reduce their operating costs. It is also possible that the entry of more firms into the dealer option business will bring with it the benefits normally associated with increased competition.

Members of the investing public would also benefit from the adoption of these rules, which are designed to provide customer protections exceeding those presently provided under CFTC regulations.

Summary of Costs

Sectors Affected: Dealer option grantors; futures commission merchants; and CFTC.

Dealer option grantors and futures commission merchants will incur the costs of complying with registration, recordkeeping, reporting, and information dissemination requirements if the proposals are adopted. CFTC would also incur the costs of administering the new regulations. If expansion of the dealer option business gives rise to abuses, increased amounts of CFTC enforcement resources would have to be expanded.

Related Regulations and Actions

None.

Active Government Collaboration

None.

Timetable

Regulatory Impact Analysis—the CFTC, as an independent agency, is not required to prepare a Regulatory Impact Analysis. However, the CFTC prepares much of the same information in its NPRMs and final rules.

Final Rule—Late 1981.

Regulatory Flexibility Analysis—None.

Public Hearing—None.

Available Documents

NPRM—46 FR 23469, April 27, 1981.

"Proposed Reissuance of and Amendments to Regulations Permitting the Grant, Offer and Sale of Options on Physical Commodities."

"Proposed Dealer Option Regulations," Staff discussion paper, March 16, 1981.

"Proposed Reissuance of and Amendments to Commodity Options Regulations."

NPRM—43 FR 59396, December 20, 1978.

Public comments on the NPRM.

All of the above documents are available by mail at no cost from the Office of the Secretariat, CFTC, 2033 K Street, N.W., Room 806, Washington, DC 20581.

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CFTC

Proposed Rules Concerning Foreign Brokers and Traders (17 CFR 21.03*)

Legal Authority

Commodity Exchange Act, §§ 4g, 4i, 5, 5a, and 8a, 7 U.S.C. §§ 6g, 6i, 7, 7a, and 12a.

Reason for Including This Entry

The Commodity Futures Trading Commission (CFTC) thinks this rule is important because it will facilitate the Commission's ability to obtain timely information concerning foreign traders. We expect that, if adopted, the rule could substantially improve our market surveillance capability.

Statement of Problem

In recent years, foreign participation in the United States futures markets has become increasingly significant. Although little statistical information is available, it appears that foreign participation may account for 25 percent or more of the activity in some commodities. By engaging in futures trading in the United States, foreigners, like domestic market participants, become subject to the regulatory scheme set forth in the Commodity Exchange Act, 7 U.S.C. § 1 *et seq.*, and the Commission's regulations thereunder. One aspect of this scheme requires the Commission to perform intensive market surveillance, which involves collecting reports from and communicating with both domestic and foreign market participants.

The CFTC published for comment proposed rules which would make domestic futures commission merchants (FCMs) who are registered with the Commission primarily responsible for ensuring the availability of information needed by the Commission about the foreign brokers and traders whose futures trading accounts they carry. The reason for this action is that, at present, the Commission receives less timely, less complete, and less verifiable information from some foreign brokers and traders than it generally receives from their domestic counterparts, about the size of accounts and the identity of the persons for whose benefit the accounts were established. The Commission has encountered difficulties and delays in trying to identify and communicate with these foreign entities, in part because of foreign secrecy laws and legal restrictions in some countries on direct communications between foreign governments and their citizens. There is apparent widespread noncompliance by foreign brokers and traders with CFTC reporting requirements and it is difficult for the Commission to take effective enforcement action against them. As the markets regulated by the Commission have become increasingly international in character, the need for us to address these problems has become more important. If the agency does not take any action, its market surveillance program will be hampered, and it will be difficult for the Commission to detect and take action to prevent price manipulations, corners, and other market disruptions.

Alternatives Under Consideration

As proposed, the rule would require domestic futures commission merchants who are registered with the Commission and who carry accounts for foreign persons to obtain a list of the persons for whose benefit the accounts were established. If a futures commission merchant could not provide this information to the Commission about an account on request, it would have to liquidate the futures positions in the account.

At a meeting held on November 25, 1980, the Commission approved the rule in principle, subject to some further revisions. It directed the staff to modify the rule to provide a greater role for futures exchanges (contract markets). These exchanges have certain self-regulatory responsibilities under the Commodity Exchange Act and may be better situated than futures commission merchants to oversee liquidations of foreign traders' accounts in an orderly way, without disrupting the market. On the other hand, futures commission merchants who have a contractual relationship with foreign traders or their intermediaries may be the most appropriate persons to collect information about the identity of the beneficial owners of an account. The commission's staff is presently considering what the roles of the various market participants should be.

Summary of Benefits

Sectors Affected: All sectors of the U.S. commodity futures markets, including farmers and other producers, processors, manufacturers, commercial users, and consumers of commodities; persons speculating in the futures markets; and CFTC.

If the CFTC adopts the proposed rule, the information available to the agency about the size of positions held by foreigners and the identity of the persons who are the true owners of the positions will increase. The accounts of foreign persons who refuse to provide requested information will be liquidated by FCMs. This should provide an incentive for greater compliance with our reporting requirements by foreigners. The availability of more complete market information will promote fair dealing and integrity in the markets and improve the CFTC's ability to detect and take action to prevent price manipulations, corners, and other market disruptions. All market users will benefit from more honest markets. The CFTC will benefit from being able to shift the burden from government to industry for obtaining this information.

Summary of Costs

Sectors Affected: Registered domestic futures commission merchants; contract markets; and foreign brokers and traders who participate through domestic agents in the U.S. futures market.

The proposed regulation could impose some administrative costs on registered futures commission merchants in the United States who would be responsible for obtaining required information about foreigners whose accounts they carry. Additionally, if futures commission merchants are required to liquidate customers' accounts to comply with the rule, they may experience some loss of foreign business.

Depending on the nature of the obligations placed on contract markets in assuring orderly liquidations of the positions of uncooperative foreign traders, these entities could also experience some increased administrative costs and a possible loss of trading volume.

Related Regulations and Actions

Internal: On April 1, 1980, CFTC voted to adopt final rules which would require foreign brokers and traders to have an agent for service or delivery of Commission communications ("Designation of a Futures Commission Merchant to be the Agent of Foreign Brokers, Customers of Foreign Brokers and Foreign Traders," 17 CFR 15.05).

External: None.

Active Government Collaboration

None.

Timetable

Regulatory Impact Analysis—the CFTC, as an independent agency, is not required to prepare a Regulatory Impact Analysis as it is defined under E.O. 12291. However, the CFTC prepares much of the same information in its NPRMs and final rules.

Regulatory Flexibility Analysis—
None.
Final Rule—Summer 1981.

Available Documents

NPRM—45 FR 31733, May 14, 1980.
"Futures Commission Merchants—Duties Concerning Accounts Carried For Foreign Brokers and Traders."
"Rules Concerning Foreign Brokers and Traders," Memorandum of the Office of the General Counsel, April 1, 1980.
"Commission Policy on Reporting Requirements for Foreign Brokers and Traders," Memorandum of the Office of the General Counsel, November 17, 1980.
"Foreign Broker and Trader Reporting Requirements," Memorandum of the Division of Economics and Education, November 21, 1980.
Public comments on the NPRM.
All of the above documents are available by mail at no cost from the Office of the Secretariat, CFTC, 2033 K Street, N.W., Room 806, Washington, DC 20581.

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CFTC

Review of Guideline No. 1—Criteria for Determining Whether a Board of Trade Meets the Economic Purpose and Public Interest Tests for Contract Market Designation (17 CFR Part 5)

Legal Authority

Commodity Exchange Act, §§ 5, 5a, 6, and 8a, 7 U.S.C. §§ 7, 7a, 8, and 12.

Reason for Including This Entry

The Commodity Futures Trading Commission (CFTC) Guideline No. 1 sets forth the criteria that a board of trade must meet to become and to continue to be a market for a particular commodity futures contract. The CFTC includes this entry because clarification concerning these criteria could have a significant effect on the futures contracts traded on boards of trade.

Statement of Problem

The Commodity Exchange Act requires a board of trade (commodity exchange) seeking to become a market for a particular commodity futures contract to show CFTC that trading in the contract would not be contrary to the public interest. Guideline No. 1 (40 FR 25849 June 19, 1975) sets forth the criteria a contract market must meet in making such a showing. It indicates that the public interest test includes an "economic purpose" test and "to meet the 'economic purpose' test a board of trade is expected to establish that something more than occasional use of the contract for hedging (a method of protecting against price fluctuations) or price basing exists, or can reasonably be expected to exist." It also requires a demonstration, based on the individual terms and conditions of the contract, that the contract will result in adequate deliverable supplies. Further, the guideline requires an affirmation that transactions for future delivery in the commodity will not be contrary to the public interest.

The public interest, hedging, and price-basing standards, as presently contained in Guideline No. 1, are very general. It has been the Commission's experience, in reviewing applications for initial contract market designation, that boards of trade have not uniformly met their statutory burden of demonstrating that their proposed contract markets may reasonably be expected to serve an economic purpose and are not contrary to the public interest. Furthermore, these applications have not consistently shown compliance with all other applicable requirements. As a result, the Commission has expended much time and effort in soliciting additional information from boards of trade and others. There have been concomitant delays in review. Additionally, the Commission is concerned about problems which could result when a previously designated contract becomes completely inactive or otherwise stops serving an economic purpose. The Commission estimates that more than 50 contracts (out of a total of 140) may fall into this category. Further, the Commission is concerned with low volume or lightly traded contracts. The Commission estimates that at least 10 to 13 contracts will fall into this category. In such cases the Commission believes there is increased potential for price manipulation and other market distortions.

The existence of a particular futures market which does not meet a public interest standard could have an adverse impact on markets for the underlying and related commodities, to the detriment of farmers and other producers, processors, fabricators, commercial users, and consumers of the commodity, as well as members of the public who buy and sell futures contracts. Trading in a contract for which an adequate deliverable supply does not exist, for example, could result in price distortion.

The recent enormous growth of the futures markets and the development of futures contracts in many new commodities make this issue particularly important at the present time. At the end of fiscal 1979, U.S. futures exchanges were offering 119 different futures contracts in 59 commodities. There were 3,000 commodity exchange members, more than 300 futures commission merchants, about 37,000 Commission registered futures industry salespeople and 1,660 commodity trading advisors and commodity pool operators. Futures trading in government securities, which was just beginning in 1975 when Guideline No. 1 was promulgated, has become increasingly significant. The market for Treasury bonds, for example, increased from about 3,000 open contracts in 1977 to more than 65,000 in 1979.

If the Agency does not act, it will be difficult for exchanges to be on notice concerning what showing is required by a board of trade seeking designation as a contract market and what standards should be applied for continuation of such designation.

Alternatives Under Consideration

The Commission is considering several alternatives which were published for public comment in November 1980. For futures contracts which we have not yet approved (designated) for trading, the Commission has proposed specific requirements which are intended to clarify the present economic purpose test a board of trade must meet in its application for designation. One approach the Commission has suggested is that a board of trade which seeks designation for a contract which is similar to one already traded by another exchange be required to describe the particular terms or conditions of the proposed contract or the exchange's institutional features which make it reasonable to expect that the proposed contract will meet the standards of the economic purpose test.

The Commission is also considering adopting a requirement which will clarify that a board of trade which is seeking designation as a new contract market first must demonstrate the adequacy of its rule enforcement and surveillance programs for its existing contracts. This proposal reflects the Commission's view that it would be contrary to the public interest to designate boards of trade as additional contract markets, where information available to the Commission

demonstrates significant deficiencies in enforcement programs for currently designated markets.

The Commission is also considering adoption of a rule which would clarify the requirement that boards of trade that seek designation as contract markets for contracts based on securities issued or guaranteed by the United States government must make certain additional showings. For these contracts, boards of trade would have to provide information to the Commission about the effects, if any, such contracts would have on the debt financing requirements of the United States Government and the continued efficiency and integrity of the underlying market for government securities. The Commission is required, under § 2(a)(B)(ii) of the Commodity Exchange Act, to consider these factors for contracts based on government securities.

With respect to the showing that boards of trade should be required to make to justify continued designation as a contract market, the CFTC has considered several alternatives. Although we initially consider requiring boards of trade to provide us with quantitative standards for assessing whether a contract continues to serve an economic purpose, we have determined not to propose such a rule at this time. Instead, we have proposed a rule which would require boards of trade to evaluate trading in low volume contracts and document that they are used for price basing and commercial participation. Additionally, contract markets would be required to evaluate the extent to which commercial participants used the contract for hedging, a method of protecting against price fluctuations. We believe this approach is more desirable and that it will facilitate our determination as to whether a contract continues to serve an economic purpose, without imposing excessive paperwork burdens on boards of trade.

Additionally, the Commission has proposed for comment a rule preventing an exchange from adding new delivery months to a dormant contract without Commission approval. A related rule proposal would require a contract market to file periodic reports with the Commission containing volume and trading information concerning low volume contracts. This approach would provide the Commission with an indication of whether a contract continues to serve an economic purpose. It would also be useful to boards of trade in fulfilling their self-regulatory responsibilities concerning low volume contracts.

Summary of Benefits

Sectors Affected: All sectors of commodity futures markets, including farmers and other producers, processors, manufacturers, commercial users, and consumers of commodities; persons who speculate in the futures markets; boards of trade; and CFTC.

Codification and clarification of current Commission requirements concerning the economic purpose and public interest tests would help assure the proper functioning of the futures and cash markets by reducing the potential for market abuses such as price manipulations, which would result from initial or continuing designation of a contract which does not serve an economic purpose. It would also decrease the likelihood of adverse effects on other sectors of the economy which would result from artifical commodities prices, and enhance the protections provided to market participants by boards of trade. In addition, clarifying the standards to be applied could make the Commission contract review process more efficient. A reduction of the uncertainty about what the Commission considers an adequate showing that a board of trade meets the requirements for contract market designation should also reduce the effort and resources which boards of trade expend in new contract preparation. Finally, to the extent that the submission of more detailed, relevant information facilitates agency action, the Commission could realize some savings in staff resources.

Summary of Costs

Sectors Affected: Boards of trade.

Boards of trade could incur some additional administrative costs if the submissions accompanying their applications for contract market designation are required to be more detailed. They also would be subject to a new reporting requirement with respect to low volume contracts, which would raise their compliance costs.

Related Regulations and Actions

Internal: On October 21, 1980, CFTC voted to publish for comment proposed rules clarifying the economic and public interest requirements for contract rules market designation, and proposed rules relating to dormant and low volume contracts.

External: None.

Active Government Collaboration

None.

Timetable

Regulatory Impact Analysis—CFTC, an independent regulatory agency, is not required to prepare Regulatory Impact Analyses. However, it prepares much of the same information in its NPRMS and final rules.
Final Rule—Winter 1981–1982.
Public Hearing—None.
Regulatory Flexibility Analysis—None.

Available Documents

NPRM—45 FR 73504, November 5, 1980, "Economic and Public Interest Requirements for Contract Market Designation."

NPRM—45 FR 73499, November 5, 1980, "Dormant and Low Volume Contracts."

Public comments on the NPRM.

"Possible Revisions to Commission Guideline No. 1," Staff discussion paper, April 22, 1980.

Guideline 1 Revisions, Staff discussion paper, October 14, 1980.

The above documents are available by mail at no charge from the Office of the Secretariat, CFTC, 2033 K Street, N.W., Washington, DC 20581.

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SECURITIES AND EXCHANGE COMMISSION

Classification of Issuers for Reducing or Modifying Certain Reporting Requirements

Legal Authority

Securities Exchange Act of 1934, §§ 12(h) and 13(c), 15 U.S.C. §§ 78*l*(h) and 78m(c).

Reason for Including This Entry

The Securities and Exchange Commission (Commission) includes this entry because the proposal represents a further initiative to identify and remove impediments to small business to the greatest extent consistent with the public interest and protection of investors. The proposal also raises general questions about the desirability or feasibility of a classification system and the criteria which could be used in grouping companies for the purpose of reducing or modifying certain reporting

requirements for one or more such groups.

Statement of Problem

The registration and reporting provisions of the Securities Exchange Act of 1934 (Exchange Act) were expanded by the Securities Acts Amendments of 1964 (1964 Amendments) (78 Stat. 565, U.S. Code Cong. & Ad. News 2798 (1964)). The registration provisions of § 12 of the Exchange Act were extended to issuers of securities with both total assets in excess of $1 million and a class of equity securities (stocks or similar securities, as opposed to debt-type securities) held of record by 500 or more persons, and pursuant to § 15(d) of the Exchange Act, each issuer that files a registration statement which the Commission declares effective pursuant to the Securities Act of 1933 (Securities Act) must file with the Commission such supplementary, periodic, and current reports as may be required with respect to a security registered pursuant to § 12 of the Exchange Act. Sections 13 and 14 of the Exchange Act require other periodic reports and require compliance with proxy information statement and tender offer disclosure requirements for issuers registered pursuant to § 12. A proxy is a consent or authorization, given to another person by a security holder, to vote on corporate actions, and a tender offer is a general offer made to shareholders of publicly held corporations to acquire all or some specified majority of the outstanding shares.

As a general matter, issuers required to file periodic reports with the Commission are now required to provide essentially the same type and quality of information regardless of their size. Similarly, the present proxy solicitation and information statement provisions do not make distinctions among issuers based on size.

Many critics have noted that the cost of compliance with Exchange Act reporting requirements is not only substantial in absolute amounts but is relatively greater for smaller companies than for larger issuers. Seven percent of reporting companies have under $2 million in assets, according to 1979 statistics. The benefits derived by smaller companies from such reporting requirements may be limited. A survey conducted in 1977 indicates that individual investors rely primarily upon the annual report to shareholders for information about a company rather than on reports filed with the Commission. While there is evidence to indicate that professional analysts are the principal users of Form 10–K (annual) and Form 10–Q (quarterly) reports, securities of smaller issuers are rarely followed by such analysts. The principal reason for analysts' failure to follow these securities is that professional investors lack interest in small companies. Such factors as a lack of liquidity, lack of independent research, price volatility, and the investment restrictions under the Employee Retirement Income Security Act are usually cited by institutions as primary reasons for not investing in these companies. The Commission believes it must balance its concern for the costs of compliance with the possibility that the need by investors for mandated disclosure may be as great as or even greater for small companies than for large ones. On the other hand, to the extent that the reporting requirements are the same for all issuers regardless of size, these requirements impose proportionately higher time and expense burdens on smaller issuers than large ones and the ultimate weight of these burdens falls on the shareholders of such companies.

Alternatives Under Consideration

In its release (Securities Exchange Act of 1934 Release No. 16866, 45 FR 40145, June 13, 1980) on the possibility of classifying small issuers, the Commission published a profile of 8,891 companies that are currently required to file reports with the Commission pursuant to §§ 12 or 15(d) of the Exchange Act and requested responses on a number of questions regarding the possible methods of, and costs and benefits of, reducing disclosure requirements for small issuers pursuant to a classification system. Specifically, the Commission asked commentators whether small companies would benefit from a classification system that would provide for reduced disclosure requirement for small issuers under the Exchange Act. The Commission also asked what criteria it should use in establishing categories of issuers, i.e., asset size, revenues, net worth, number of shareholders, or some combination thereof. The Commission stated that one alternative it is considering is to require a first category of small issuers to file and update some type of basic data document in lieu of the current form. In addition, the Commission is also considering proposing that smaller issuers in the first category be relieved of certain compliance obligations under the proxy solicitation and information statement requirements.

Summary of Benefits

Sectors Affected: Small companies having a class of securities registered under § 12 or with a reporting obligation under § 15(d) of the Exchange Act; shareholders of such companies; persons wishing to purchase shares of such companies; other persons who rely upon or use information filed by such companies with the Commission, or who rely upon or use information contained in informal shareholder reports; and the Commission.

The Commission believes that any amendments to its requirements along the lines suggested in the release on classification of issuers would result in a reduction of costs for small issuers in complying with Exchange Act reporting and other requirements. Such a cost reduction would be anticipated in view of the reduced number and extent of the reports required to be filed by these companies.

The Commission does not believe that there will be any measurable cost savings to shareholders, potential investors, and other users of financial reports and filed information. However, to the extent that corporate costs are reduced, companies may pass on some of the cost reduction to one or more of these groups.

Because of the possible reduction in the total volume and complexity of disclosure documents, registered companies and issuers of securities should realize reduced legal and other professional costs, printing and duplicating charges, and mailing costs. Although the Commission cannot measure the amount of these savings, because of numerous internal variables and the lack of a reporting system, the Commission believes them to be significant. Additionally, the overall volume reductions should decrease the administrative burden to the Commission staff and increase processing speed.

Summary of Costs

Sectors Affected: Small companies having a class of securities registered under § 12 or with a reporting obligation under § 15(d) of the Exchange Act, or which offer securities subject to registration under the Securities Act, shareholders of such companies and other persons who rely upon or use information filed by such companies with the Commission, or who rely upon or use information contained in informal shareholder reports.

The Commission does not believe that any significant costs would be incurred by any affected sector as a result of

proposals under consideration by the Commission.

Shareholders, investors, and other users of filed documents, however, may receive less information as a result of these proposals.

Related Regulations and Actions

None.

Active Government Collaboration

None.

Timetable

NPRM—Summer 1981.
Regulatory Flexibility Analysis—With NPRM and final adoption.
Regulatory Impact Analysis—Not required.
Public Hearings—None planned.
Public Comment Period—60 days following publication of NPRM.
Final rule—Fall 1981.

Available Documents

"Consideration of a System of Classifying Smaller Issuers for Purposes of Modifying Certain Reporting and Other Requirements," Securities Exchange Act of 1934 Release No. 16886, 45 FR 40145, June 13, 1980.

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SEC

Proposed Comprehensive Revision to System for Registration of Securities Offerings (17 CFR Part 239*)

Legal Authority

Securities Act of 1933, §§ 6, 7, 10, and 19(a), 15 U.S.C. § 77a *et seq.*

Reason for Including This Entry

The Securities and Exchange Commission (SEC) believes that these new registration forms are important because they will significantly revise the registration statements filed with the SEC under the federal securities acts when securities are offered to the public. The proposed revision potentially would affect all of the approximately 9,000 public companies and other issuers of securities.

Statement of Problem

The Securities Act of 1933 (Securities Act) requires companies which desire to offer securities to the public to file registration statements with the SEC. The Securities Exchange Act of 1934 (Exchange Act) requires companies with publicly traded securities to register with the SEC, to file annual and other periodic reports, and to register additional securities which they may wish to sell to the public. The SEC is proposing to revise its forms for registration statements to establish a single, integrated disclosure system which will permit most registered companies to comply simultaneously with the disclosure provisions of both Acts.

At present, the Securities Act and the Exchange Act have different disclosure requirements. The Securities Act requires that companies registering securities give detailed disclosure concerning their business and financial condition at the time that securities are offered for public sale. Under the Exchange Act, companies whose shares are registered with the SEC, or which have previously sold shares to the public under the Securities Act, must file periodic reports containing detailed disclosure of their affairs. Often major portions of the disclosure required in Securities Act registration statements and in Exchange Act reports overlap to a great degree, but because of differences in the timing of the filings, the disclosure is not word-for-word the same.

In addition to filing registration statements and periodic reports with the SEC, many public companies prepare and deliver to shareholders informal annual reports, portions of which are required by various State laws and SEC rules. Again, the informal annual reports prepared by many public companies tend to contain information which duplicates some of the information contained in Securities Act registration statements in the Exchange Act reports. In the case of informal reports, however, the duplicated information tends to be delivered in a somewhat different format.

The problem faced by the SEC is to reduce or eliminate the duplicative reporting and to reduce thereby both the volume and the cost of the material which companies prepare. Concurrently, the SEC is seeking to maintain the quality of disclosure and to update disclosure obligations to eliminate outmoded or unnecessary requirements.

At least three significant factors suggest that the SEC should act at this time to combine or integrate disclosure under the Securities Act, the Exchange Act, and in informal shareholder reports. First, the report of the SEC's Advisory Committee on Corporate Disclosure, delivered to the SEC in November 1977, examined the possibility of combined reporting and indicated a significant and urgent need for integration. Second, an SEC examination of registration statements, Exchange Act reports, and informal shareholder reports indicates that over the years, the number of significant content differences may have diminished, thereby making an integrated system more feasible. Finally, as the volume of disclosure requirements has increased over the years, the cost to registrants and the burden upon the SEC staff has correspondingly increased. An integrated system will reduce the volume of disclosure documents, and correspondingly reduce both the costs and burdens to reporting companies.

If the SEC does not act now, companies will continue to bear unnecessary costs and burdens. Additionally, from the SEC's point of view, over the past 10 years the SEC staff responsible for the review of filings has been gradually reduced, while the volume of disclosure has increased. At present staffing levels, if the SEC did not eliminate the need to review essentially duplicative filings, the staff would increasingly dilute its ability to review effectively the content and quality of filed documents.

Alternatives Under Consideration

(A) With respect to Exchange Act reports, information is classified into two general categories relating to either an Exchange Act filing or to an informal shareholder report. Companies could avoid duplicating information already contained in their shareholder reports by incorporating such information by reference into their Exchange Act filings. The content of public company registration statements filed under the Securities Act in connection with the sale of additional securities would depend upon the availability of previously documented information in the marketplace or from other sources outside of the Exchange Act. Thus, the SEC would employ a three-tier scheme to classify companies desiring to sell securities. First, companies with widely traded securities could incorporate most disclosure by reference to Exchange Act filings. Second, companies with no record of financial difficulty and 3 years of adequate Exchange Act filings could incorporate some disclosure by reference to Exchange Act filings and to informal reports to shareholders, but the SEC would require the delivery of one or more of those filings or reports to prospective purchasers of securities. Finally, the SEC would require all other companies to prepare extensive registration statements which would

involve some duplication of information previously filed in Exchange Act reports. The SEC staff believes this alternative would result in both a more rational organization of information concerning public companies, and the development of informal reports to shareholders, which could serve as the primary source of descriptive and financial information concerning those companies. Reports to the SEC would supplement, but not duplicate, the informal shareholder report. Although the SEC staff does not expect a reduction in the size or information content in the informal shareholder report, it would expect dramatic decreases in both size and content of formal SEC filings.

(B) This alternative would involve the opportunity for integration of disclosure between Exchange Act filings and informal shareholder reports as outlined in the first alternative, but would keep these filings and reports separate from registration statements. The SEC would make no effort to integrate further these filings and reports with registration statements filed under the Securities Act. Because some duplication of prior disclosure would be required where a registrant decided to sell additional securities to the public, this approach would result in less cost savings to public companies. On the other hand, this approach would accept the existing different structures and, particularly, the existing different liability provisions of the two Acts, thereby avoiding potentially difficult legal issues which arise when a document prepared for filing under the Exchange Act is subsequently used to satisfy a requirement under the Securities Act.

(C) This alternative would integrate disclosure under the official Exchange Act filings and Securities Act registration statements, but would leave informal reports to shareholders outside of the formal disclosure system. This would continue much of the present disclosure system. The SEC would require companies to make changes in Exchange Act reports to make them more readable so that they could be used more effectively in connection with Securities Act registration statements. This approach would maximize a company's ability to communicate in informal reports, but probably would not result in a significant reduction in the volume of disclosure documents.

The SEC currently is pursuing Alternative A, which maximizes the potential for reductions in duplicative disclosure without doing away with informal reports. The SEC believes that informal shareholder reports are currently the most effective means of communicating with shareholders. Alternative C does not appear to be attractive because the advantage in terms of the readability of the informal shareholder report would be lost in the Securities Act registration context, as such reports would not be incorporated by reference into Securities Act registration statements. Finally, the SEC is not pursuing Alternative B because reductions in duplicative disclosures would be minimal and in any event, the SEC may have to address the liability problems which Alternative B avoids.

Summary of Benefits

Sectors Affected: Companies having a class of securities registered under § 12 or with a reporting obligation under § 15(d) of the Exchange Act, or which offer securities subject to registration under the Securities Act; shareholders of such companies; persons wishing to purchase shares of such companies; other persons who rely upon or use information filed by such companies with the SEC, or who rely upon or use information contained in informal shareholder reports; and the SEC.

The SEC believes, on the basis of its own informal estimates, that the proposed amendments would reduce the total volume of Exchange Act periodic reports filed by a particular registered company from 0 to 50 percent, and of registration statements filed under the Securities Act from 0 to 75 percent. Approximately 30,000 Exchange Act reports and 2,500 Securities Act registration statements were filed in 1979. The greater reductions would relate to filings by companies with widely traded securities, since those companies incur the largest costs. In this regard, the SEC's Advisory Committee on Corporate Disclosure reported in 1977 that large companies incurred costs averaging more than $45,000 per year to prepare SEC-mandated annual reports. We believe that at least some direct cost savings would be realized by nearly all companies having a reporting or filing obligation.

The SEC does not believe that there will be any measurable cost savings to shareholders, potential investors, and other users of financial reports and filed information. However, to the extent that corporate costs are reduced, companies may pass on some of the cost reduction to one or more of these interests.

Because of the reduction in the total volume and complexity of disclosure documents, registered companies and issuers of securities should realize reduced legal and other professional costs, printing and duplicating charges, and mailing costs. Although the SEC cannot measure the amount of these savings, because of numerous internal variables and the lack of a reporting system, the SEC believes them to be significant. Additionally, the overall volume reductions should decrease the administrative burden to the SEC staff, increase processing speed, improve communications with shareholders and investors, and result in some improved access to capital markets.

Shareholders, investors, and other users of filed information should also benefit because companies will produce more readable and communicative disclosure information.

Summary of Costs

Sectors Affected: Companies having a class of securities registered under § 12 or with a reporting obligation under § 15(d) of the Exchange Act, or which offer securities subject to registration under the Securities Act; shareholders of such companies; persons wishing to purchase shares of such companies; and other persons who rely upon or use information filed by such companies with the SEC, or who rely upon or use information contained in informal shareholder reports.

The SEC does not believe that any significant costs would be incurred by any affected sector as a result of the adoption of these proposals, although in some circumstances a limited number of companies filing reports and issuing shares could incur greater auditing costs.

Additionally, if the SEC mandates incorporation by reference into Securities Act registration statements of information in informal reports to shareholders, it may eliminate some flexibility in the manner in which companies disseminate information to shareholders. The imposition of Securities Act liability on portions of these documents could also inhibit their present communicative style, even though the SEC expects the overall communicability of the portions which do become formal filings and reports to improve.

Shareholders, investors, and other users of filed documents will receive slightly less information as a result of these proposals; and to the extent that legal liability makes portions less readable, these sectors could also be detrimentally affected. The SEC believes, however, that these costs will be more than offset by the greater readability of the overall information package.

Related Regulations and Actions

Internal: A series of related rule changes were proposed for comment in Securities Act of 1933 Release No. 6276, 46 FR 78, January 2, 1981. It is expected that such rules will be adopted in final form simultaneously with the new registration forms.

External: None.

Active Government Collaboration

None.

Timetable

Regulatory Impact Analysis—Not required.
Regulatory Flexibility Analysis—None required, as the NPRM was published for notice and comment prior to January 1, 1981.
Public Hearings—None planned.
Final Rule—Early summer.

Available Documents

Public comments. The public comment period was September 2, 1980 to January 1, 1981.

"Proposed Comprehensive Revision to System for Registration of Securities Offerings," Securities Act of 1933 Release No. 6235, 45 FR 63693, September 25, 1980.

"Amendments to Annual Report Form, Related Forms, Rules and Guides; Integration of Securities Acts Disclosure Systems," Securities Act of 1933 Release No. 6231, 45 FR 63630, September 25, 1980.

"Business Combination Transactions—New Short Form for Registration and Related Rule Amendments," Securities Act of 1933 Release No. 6232, 45 FR 63647, September 25, 1980.

"General Revision of Regulation S–X," Securities Act of 1933 Release No. 6233, 45 FR 63660, September 25, 1980.

"Uniform Instructions as to Financial Statements—Regulation S–X," Securities Act of 1933 Release No. 6234, 45 FR 63682, September 25, 1980.

"Proposed Revision of Form 10–Q, Quarterly Report," Securities Act of 1933 Release No. 6236, 45 FR 63724, September 25, 1980.

These releases are available from Publications, Securities and Exchange Commision, 500 N. Capitol Street, Washington, DC 20549, (202) 272–2960. 20 SEC Docket 1059–1239.

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SEC

Proposed Revision of Regulation S–K (17 CFR Part 229*) and Guides for the Preparation and Filing of Registration Statements and Reports

Legal Authority

Securities Act of 1933, §§ 7, 10, and 19(a), 15 U.S.C. §§ 77g, 77j, and 77s(a); Securities Exchange Act of 1934, §§ 13, 14, 15(d), and 23(a), 15 U.S.C. §§ 78m, 78n, 78o(d), and 78w(a); and Investment Company Act of 1940, §§ 20 and 38(a), 15 U.S.C. §§ 80a–20 and 80a–37(a).

Reason for Including This Entry

The Securities and Exchange Commission (SEC) believes that this proposed action to revise the requirements for preparation and filing of registration statements and reports is of major interest to registrants subject to the disclosure provisions of the Federal securities laws. The proposals potentially would affect approximately 9,000 public companies and other issuers.

Statement of Problem

The Securities Act requires companies that desire to offer securities to the public to file registration statements with the SEC. The Exchange Act requires certain companies with publicly traded securities to register such securities with the SEC, to file annual and other periodic reports, and, in connection with the solicitation of proxies or consents from shareholders to elect directors or approve various corporate actions, to file proxy solicitation materials. The registration statements and reports are designed to provide the investing public with complete and accurate information to assist them in making investment decisions, while the proxy solicitation materials are designed to provide adequate information to security holders for voting purposes. Historically, the mandated disclosures in the registration statements, reports, and proxy statements required under the two Acts evolved separately, resulting, in some areas, in different disclosure requirements even though the disclosures are to be used by investors to make the same investment decisions. Moreover, while major portions of the disclosure required under the two Acts may overlap, differences in the timing of the filings and other factors also resulted in varying disclosures on the same subject matter; such varying disclosures serve no purpose under the Acts.

In addition, many public companies prepare and deliver to security holders informal annual and other periodic reports, portions of which are regulated by State law and SEC and stock exchange regulations. These informal reports may contain much of the information also required in formal filings, but because of differences in State regulatory requirements and the purposes of such reports, the disclosures may vary substantially in form and context of presentation.

Thus, as a result of the separate historical evolution of disclosure requirements under the two Acts and the differences in informal disclosure documents, registrants had to prepare, in many instances, and the SEC staff had to review, three separate sets of disclosure documents that were all addressed to the same general subject matters and served the same statutory purpose, that is, to provide investors the information necessary to make informed investment decisions. The SEC, recognizing the problems and inefficiencies of subjecting registrants to several disclosure systems, both from the standpoint of registrants themselves and that of the reviewing staff of the SEC, began an effort in the mid-1960s to integrate the various disclosure systems.

The problem faced by the SEC is to reduce or eliminate the duplicative reporting and to reduce thereby both the volume and the cost of the material which companies prepare. Concurrently, the SEC is seeking to maintain the quality of disclosure and to update disclosure obligations to eliminate outmoded or unnecessary requirements.

At least three significant factors suggest that the SEC combine or integrate disclosure under the Securities Act and the Exchange Act, and in informal shareholder reports. First, the report of the SEC's Advisory Committee on Corporate Disclosure, delivered to the SEC in November 1977, examined the possibility of combined reporting and indicated a significant and urgent need for integration. Second, an SEC examination of registration statements, Exchange Act reports, and informal shareholder reports indicated that over the years, the number of significant content differences may have diminished, thereby making an integrated system more feasible. Finally, as the volume of disclosure requirements has increased over the years, the cost to registrants and the burden upon the SEC staff correspondingly has increased. An integrated system would reduce the volume of disclosure documents and the number of varying rules, and thus

reduce both the costs and burdens to reporting companies.

Prior to the adoption in December 1977 of Regulation S–K, a regulation which contains the specific disclosure requirements that are incorporated by reference into registration statement and report forms of the SEC (17 CFR 229.20), there were disparate informational requirements between Securities Act registration forms and Exchange Act reporting forms. Regulations S–K reflects the SEC's judgment that information necessary for investment or voting decisions (other than that relating to the transaction itself) should be the same for the trading markets and for primary distributions. Having made such determination, the Commission was in a position to decide what information is important to such investment decisions, and thus should be standardized for use under both Acts.

The SEC designed Regulation S–K as the repository for the Commission's standardized disclosure requirements to be incorporated by reference into the provisions of the various forms that specify the content of registration statement, reports, and proxy statements. In December 1977, the Commission adopted Items 1 and 2 of Regulation S–K, outlining the required descriptions of a registrant's business and properties, respectively, to be included in both registration statements and periodic reports filed pursuant to the Securities Act and Exchange Act.

Over the past 3 years, the SEC has added 10 more standardized disclosure items to Regulation S–K, specifying the disclosure requirements with respect to registrants' directors and executive officers, remuneration, legal proceedings, security ownership, market for and dividends on common stock, selected financial data, management's discussion and analysis of the financial condition and results of operations of the registrant, and certain supplementary financial information.

The revisions presently proposed to Regulation S–K will complete the SEC's consolidation into a single regulation of the standardized disclosure requirements for most registration statements and periodic reports filed under the two Acts. The proposed revisions also implement a recommendation of the Advisory Committee that the Commission undertake a "sunset" review of existing rules and regulations in order to eliminate "duplicative, unnecessary, or impractical reporting requirements."

The principal factors indicating that the SEC should act at this time to revise Regulation S–K and the Guides for the Preparation and Filing of Registration Statements and Reports, a compendium of policies and practices of the Division of Corporation Finance of the SEC in applying the Federal securities laws in its review of disclosure documents, include (1) the SEC's concurrrent proposal to revise the system for registration of securities offerings under the Securities Act, (2) the need to complete the SEC's efforts to consolidate and to standardize disclosure requirements in Regulation S–K, and (3) in view of costs to registrants of compliance with disclosure requirements and the burden such requirements also place on the SEC staff in its review procedures, the need to facilitate the integration of the disclosure systems to achieve the efficiencies and cost advantages such integration will provide.

If the SEC does not act to fully implement an integrated disclosure system at this time, companies will continue to bear unnecessary disclosure costs and burdens.

Alternatives Under Consideration

(A) With respect to the "sunset" review and revision of the Guides, there are two alternatives to that presented in the proposals, neither of which appear viable. The first is to have the Guides stand as presently in effect. The consequences of such inaction would be to diminish the usefulness of Regulation S–K to the integrated disclosure system, to continue a system in which disclosure requirements applicable to a filing are dispersed throughout the rules and regulations of the SEC rather than centralized in a single place, and to fail to eliminate those requirements that have become outmoded, unnecessary, or inordinately burdensome. If the proposed revisions to the Guides are adopted, over 30 percent of the existing Guides would be withdrawn as being out of date. Moreover, to leave certain of the Guides in their present form as Guides, a type of disclosure requirement whose legal status is not clear (i.e., on adoption it is specifically noted that they are "not to be rules of the Commission nor are they published as bearing the Commission's official approval"), would perpetuate the practice of formalizing staff practices that have not been adopted by the Commission as rules. The SEC believes this practice is no longer appropriate except in the area of specific industry guides where, in many instances, formal, inflexible rules would not serve the public interest. The SEC believes it is important to clarify the legal status of the other Guides by codifying their substantive and procedural provisions in rules and regulations of the SEC. This clarification is particularly important at this time due to the Commission's recent initiation of a system whereby only selected disclosure documents are reviewed, as under these procedures more and more disclosure will not be subject to the staff review and comment which in the past have been relied upon to assure general compliance with the Guides.

The second alternative is to withdraw the Guides altogether, without incorporating their substance into other Commission rules and regulations. The SEC originally adopted the Guides to clarify existing staff construction of its rules and regulations and to make public its staff practices and policies in applying various disclosure and procedural requirements. To eliminate completely this source of clarification and public information may lead to the problems the Guides originally were designed to eliminate.

(B) With respect to the proposed revision of Regulation S–K, in order to incorporate the disclosure requirements presently included in the Guides and used in proposed Securities Act Registration Forms A, B, and C, the principal alternatives are either to repeat disclosure requirements in each form or to adopt the proposed system under which the Regulation S–K items will be incorporated into the various Securities Act and Exchange Act forms.

The SEC believes that there is sufficient commonality of disclosure whichever major registration form is being used to justify the standardization of such disclosure requirements and their inclusion in Regulation S–K. To leave these requirements in each separate form would again lead to dispersion of disclosure requirements and the inefficiency such dispersion produces. Moreover, Regulation S–K, with its uniform requirements for both the Acts, encourages the uniformity which reduces duplicative disclosure and hence reporting burdens.

Summary of Benefits

Sectors Affected: Companies having a class of securities registered under § 12 or with a reporting obligation under § 15(d) of the Exchange Act, or which offer securities subject to registration under the Securities Act; persons soliciting proxies with respect to securities of registered investment companies or securities registered under § 12 of the Exchange Act; security holders of such companies; persons wishing to purchase securities of such companies; other persons who rely upon or use information filed by such companies with the SEC, or who

rely upon or use information contained in informal security holder reports; and the SEC.

The SEC does not believe that its proposed revisions of the Guides or Regulation S–K, by themselves, will result in any measurable cost savings to issuers, security holders, potential investors, and other users of financial reports and filed information, as they largely involve simply a change in formation and the relocation of existing or proposed disclosure items, and the proposed revision of some of the Guides should have at most a minor impact as the proposals generally would codify existing practice.

The proposed revisions, however, would make the integrated disclosure system more workable and therefore would indirectly help to achieve the cost savings which the Commission believes will result from such an integrated system. The Commission believes that with integration at least some direct cost savings would be realized by nearly all of the approximately 9,000 companies having a reporting or filing obligation. Although the SEC cannot measure the amount of these savings, because of numerous internal variables and the lack of a reporting system, it believes them to be significant. Additionally, the overall volume reductions should decrease the administrative burden to the SEC staff, increase processing speed, improve communications with shareholders and investors, and result in some improved access to capital markets.

That part of the proposal which may result in the total withdrawal of outmoded Guides will, however, have a benefit as it will lessen the reporting burden of registrants. Again, however, the cost saving is very difficult to quantify. In addition, the proposals contain a new rule derived from an existing Guide that would, under certain circumstances, permit the registration of securities that are intended to be offered for sale on a delayed or continuous basis in the future. The procedures proposed in the rule are intended to reduce registration costs and the burdens on capital formation by permitting an issuer (or another person) to take immediate advantage of favorable market conditions.

The SEC does not believe that there will be any measurable cost savings to shareholders, potential investors, and other users of financial reports and filed information. However, to the extent that corporate costs are reduced, companies may pass on some of the cost reduction to one or more of these interests.

Summary of Costs

Sectors Affected: None.

The SEC does not believe that any significant costs would be incurred by any affected sector as a result of the adoption of these proposals.

Related Regulations and Actions

Internal: "Proposed Comprehensive Revision to System for Registration of Securities Offerings," Securities Act of 1933 Release No. 6235, 45 FR 63693, September 25, 1980.

External: None.

Active Government Collaboration

None.

Timetable

Regulatory Impact Analysis—Not required.
Regulatory Flexibility Analysis—With reproposal (June 1981) and final adoption.
Public Hearing—None planned.
Reproposal Comment—June 14, 1981 to August 14, 1981.
Final Rule—Fall 1981.

Available Documents

"Review of Guides for the Preparation and Filing of Registration Statement and Reports," Securities Act of 1933 Release No. 6163, 44 FR 72604, December 14, 1979.

"Proposed Revision of Regulation S–K and Guides for the Preparation and Filing of Registration Statements and Reports," Securities Act of 1933 Release No. 6276, 46 FR 78, January 2, 1981.

"Proposed Comprehensive Revision to System for Registration of Securities Offerings," Securities Act of 1933 Release No. 6235, 45 FR 63693, September 25, 1980.

Public comments for period ending March 6, 1981.

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SEC

Simplification of Investment Company Prospectuses (17 CFR 239.15*, 17 CFR 274.11*)

Legal Authority

Securities Act of 1933, 15 U.S.C. § 77a *et seq.*, and Investment Company Act of 1940, 15 U.S.C. § 80a–1 *et seq.*

Reason for Including This Entry

The Securities and Exchange Commission (Commission) believes that its effort to simplify investment company prospectuses is precedent-setting and of great public interest because it represents the first time the Commission has studied the information contained in investment company prospectuses, and the way that information is presented, with the express aim of making the prospectus more useful to investors in understanding the essential features of an investment in an investment company.

Statement of Problem

The Securities Act of 1933 requires investment companies, like other companies, to file a registration statement with the Commission before they may offer their securities for sale to the public. The registration statement form on which securities are registered includes a prospectus, which must contain the information about the investment company and its operations that the Commission considers necessary to an investor wishing to make an informed investment decision. The Securities Act requires that a company deliver its prospectus to an investor no later than the time of the delivery of the securities or confirmation of the sale, if the securities themselves are not delivered to the investor. However, an investment company that uses sales literature as part of its sales effort cannot deliver such literature unless it is accompanied or preceded by a prospectus so that many prospective investors in investment companies receive a prospectus before they make an investment decision. As a result, the prospectus is the principal selling document for issuers of securities.

The prospectus is also a significant means of communication to existing shareholders for many investment companies, namely open-end management investment companies. Because these companies engage in a continuous offering of their securities, they must bring their prospectuses up to date each year. Many of these companies (the types commonly known as "mutual funds") send a prospectus to their existing shareholders every year, whether or not these shareholders are making further investments in the company.

Under current rules of the Commission (17 CFR 239.15, 17 CFR 274.11), the prospectus includes information about the following aspects of an investment company's operations:

(1) its investment objectives (e.g., current income or long-term growth of capital) and policies;

(2) its investment adviser (including its experience and the fee it charges for administration and portfolio management);

(3) purchase of the company's securities (including whether it charges a sales load or whether there are minimum amounts for initial and subsequent investments;

(4) redemption of the company's securities (including any redemption charges and the proper procedure for redemption); and

(5) its financial condition (presented both as a per share table covering the 10 most recent years of its operation, and in statements of income, changes in net assets, and assets and liabilities for shorter time periods).

In addition, the prospectus contains a great deal of additional disclosure about an investment company, including identification of the company's officers and directors, a discussion of how it chooses broker-dealers to execute its portfolio transactions, and a discussion of special investment options that it may make available, including whether it offers its securities through retirement plans.

The Commission has required all of this information to be included in investment companies' prospectuses because it considered the information to be material to investors: that is, information that an average prudent investor ought reasonably to have before purchasing the security. Nonetheless, while the Commission has added new disclosure requirements over the years as a response to changes in investment company operations, it has rarely reviewed existing requirements to remove those that have become outmoded. In addition, because the Securities Act imposes heavy standards of liability upon companies for omissions or misstatements in prospectuses, there has been a growing tendency on the part of issuers to include more disclosure, and in greater detail, than that actually required by the Commission, in order to avoid that liability. As a result of these forces, the prospectus has grown more and more cumbersome, so that it is not as effective as it should be as a source of information for prospective investors. The prospectus has become so long and complex that an investor may be discouraged from reading it at all, much less from learning about the significant features of the investment.

The Commission has attempted in the past to improve the utility of prospectuses to prospective and existing investors. For example, in 1976 the Commission introduced a new item, called the synopsis, to investment company prospectuses, in an effort to highlight the significant features of the offering. The synopsis and a table describing the income and capital changes of a share of stock over the previous 10 years are required to appear within the first five pages of the prospectus, so that an investor is fully informed if he or she reads only that part of the prospectus. Additionally, the Commission is currently considering a separate proposal to eliminate the differences in financial statements between prospectuses, which are sent to purchasers and prospective purchasers (including purchasers who are also already shareholders), and reports to all current shareholders. However, it would appear that more basic changes in the form and content of investment company prospectuses are necessary in order for those documents to be useful to investors.

If the Commission does not revise the disclosure requirements for investment company prospectuses, such prospectuses will continue to be documents that, by their length and complexity, often defeat the Commission's goal of facilitating informed investment decisions.

Alternatives Under Consideration

The Commission is considering the following possible alternatives regarding disclosure in prospectuses of open-end management investment companies:

(A) Reducing the number of items of required disclosure—The types of disclosure requirements that might be deleted altogether from the prospectus include: disclosure of "negative" investment policies (such as "the registrant does not invest in real estate") that the Investment Company Act requires to appear in the company's registration statement but not necessarily in the prospectus; disclosure of practices that are common to most investment companies (such as the company's status under the Internal Revenue Code); and disclosure of those aspects of an investment company's operations which require detailed description to be legally sufficient but which do not appear to be material to most investors (such as a description of a company's valuation practices). Reducing the number of required items of disclosure would allow companies to shorten prospectuses, so that they would not be as daunting to a prospective investor. A problem with this alternative, however, is that all of the information currently required to be in the prospectus is there because it is considered significant at least to some investors. Deleting disclosure requirements could conceivably result in the loss of information that is material to an investment decision.

(B) Changing the format of prospectuses—Another alternative would be to require companies to describe their fundamental characteristics at the beginning of the prospectus. Generally, those features of an investment company that are considered most significant to investors are the following: its fundamental investment policies; its investment adviser; its financial condition; and the method of purchase and redemption of shares. All other disclosure items would be required to follow this introductory portion, which might look like an expanded version of the synopsis that is currently required. This proposal would have the advantage of making it easier for a prospective investor in a mutual fund to find out the most significant things about an investment without reading detailed disclosure that may be directed only to certain groups of investors (such as disclosure concerning the fund's offering of its securities through retirment plans). One disadvantage of a required format, however, would be the cost to investment companies in accommodating themselves to a new disclosure format. Depending on whether the change in format included specific requirements as to the placement of information within the prospectus, investment companies might find that they have less flexibility in arranging disclosure within the prospectus than they find desirable.

(C) Developing a "core prospectus" for investment company complexes—Under this alternative, complexes of investment companies (i.e., investment companies that are managed by the same investment adviser or affiliated advisers) could send one prospectus covering all the companies in the complex, describing their common features, with a separate prospectus for each company describing its fundamental characteristics and other information specific to the fund. This proposal would allow investment company complexes to save printing and mailing costs by allowing them to make disclosure about complex-wide operations in only one document, rather than five or ten (or more, in some complexes), and by eliminating duplicative information to prospective investors who request a prospectus for more than one company in a complex. However, a two-part prospectus could confuse investors.

(D) Developing a separate prospectus for current shareholders—An investment company could send a current shareholder who makes an additional investment in the company a prospectus shorter than the one it delivers to prospective investors. The prospectus for current investors could incorporate the company's annual report to shareholders and describe any recent material changes in the company's operations without repeating information that was provided to the investor as of the time of his or her initial investment and that has not changed. This proposal could allow an investment company to save on printing and mailing costs and allow current shareholders to receive a more concise and readable prospectus. Any such savings, however, could be offset by the necessity of developing two separate prospectuses.

These proposals are not mutually exclusive. For example, the elimination of certain disclosure requirements from the prospectus might be accomplished in combination with the development of a core prospectus for investment company complexes. Alternatively, the elimination of certain disclosure requirements could be effected in conjunction with a change in prospectus format that would highlight the essential features of the investment.

Summary of Benefits

Sectors Affected: Registered investment companies; current holders of shares in registered investment companies; and prospective investors.

Prospective investors in investment companies will benefit from the elimination of certain disclosure requirements or from a change in the format of the prospectus by receiving a more readable prospectus. Because a prospectus with fewer items of required disclosure could be a significantly shorter document, investment companies might be more likely to send the prospectus before the delivery (or confirmation of the purchase) of the security. Earlier delivery of the prospectus would allow a prospective investor to have more time to study the prospectus before making an investment decision. Even if the prospectus were not delivered earlier, a prospective investor would benefit from the removal of certain disclosure requirements if the resulting prospectus were shorter and less complex. A prospective investor receiving a prospectus with disclosure about the essential features of the investment highlighted in the first few pages would find it easier to locate essential information. A change in format would also benefit prospective investors, because the format change would make the prospectus more readable by requiring a company to highlight its essential features at the beginning of the prospectus and to disclose information that is useful to sophisticated investors or investors with special interest in the back of the prospectus where they could find it, but where it would not be likely to confuse other investors.

Investment companies would benefit from the removal of certain disclosure requirements or the development of a separate prospectus for current shareholders because the resulting shorter prospectuses would be cheaper for them to print and mail. Investment companies would also benefit from the development of a core prospectus for investment company complexes. A complex would save money whenever a prospective investor requested information about more than one fund in the complex because the complex would only be required to send one prospectus for the complex, with separate, shorter prospectuses for each of the funds about which the investor inquired. Investment companies that are not part of complexes, roughly 40 percent of the industry, would not receive any benefits from this alternative, however.

Current shareholders would benefit from the removal of certain disclosure requirements, a change in the prospectus format, or the development of a separate prospectus for current shareholders. Many investment companies send current shareholders copies of their most recent prospectus whether or not the shareholder invests additional money in the fund. Therefore, any improvement in the readability of the prospectus would benefit those current shareholders who receive copies of the prospectus. Also, because the removal of certain disclosure requirements and the development of a separate prospectus for current shareholders would lead to shorter, less expensive prospectuses, more investment companies might send prospectuses annually to their current shareholders, who would then receive more information about the company than is currently required to appear in reports to shareholders. Finally, the development of a separate prospectus for current shareholders would allow a company to send a current shareholder a prospectus that is more closely tailored to his or her needs.

Summary of Costs

Sectors Affected: Registered investment companies; and prospective investors.

Because all of the information currently required to be disclosed in the prospectus is useful at least to some investors, the removal of some disclosure requirements could be harmful to those investors who would no longer receive information they believe is useful to an informed investment decision. Prospective investors could also be harmed by the development of a core prospectus for investment company complexes, with shorter, separate prospectuses for each fund, if they found the two-part prospectus format to be confusing. However, this cost could be minimized if the Commission required companies to explain clearly the importance of each part of the prospectus on the cover of each part.

Investment companies could be expected to incur higher expenses as a result of any change in the prospectus format. These increased costs would not be expected to continue, however, after companies have changed their current prospectuses to meet the new disclosure requirements.

Related Regulations and Actions

Internal: The proposed revision of the disclosure requirements for the prospectuses of investment companies is part of the Commission's ongoing review of the disclosure process as it applies to investment companies. On December 15, 1980, the Commission proposed to standarize the financial statement requirements in prospectuses and shareholder reports of management investment companies (Investment Company Act Release No. 11490; 45 FR 83517, December 19, 1980; File No. S7–865). The comment period on that proposal expired March 16, 1981.

External: None.

Active Government Collaboration

None.

Timetable

NPRM—July 1, 1981.
Regulatory Flexibility Analysis—With NPRM and final adoption.
Regulatory Impact Analysis—Not required.
Public Hearing—None planned.
Public Comment Period—90 days following publication of NPRM.
Final Rule—Late 1981.
Final Rule Effective—For companies with fiscal years ending after March 1, 1982.

Available Documents

None.

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CHAPTER 4—HEALTH AND SAFETY

HHS–FDA

Abbreviated New Drug Applications for New Drugs Approved After October 10, 1962, for Human Use 34089

HHS–FDA

Chemical Compounds Used in Food-Producing Animals; Criteria and Procedures for Evaluating Assays for Carcinogenic Residues 34091

HHS–FDA

New Drug and Antibiotic Drug Regulations; Revision of Regulations Governing Approval for Marketing 34093

HHS–HCFA

Uniform Reporting Systems for Health Services Facilities and Organizations 34094

DOT–FAA

Flammability Standards for Crewmember Uniforms 34096

DOT–FHWA

Hours of Service of Drivers 34098

DOT–NHTSA

Bumper Standard 34100

DOT–NHTSA

Crashworthiness Ratings 34100

DOT–NHTSA

Heavy-Duty Vehicle Brake Systems 34102

DOT–NHTSA

Occupant Crash Protection 34103

DOT–USCG

Construction and Equipment for Existing Self-Propelled Vessels Carrying Bulk Liquefied Gases 34104

EPA–OANR

Environmental Radiation Protection Standards for Management and Disposal of Spent Nuclear Fuel, High-Level and Transuranic Radioactive Wastes 34105

EPA–OANR

Policy and Procedures for Identifying, Assessing, and Regulating Airborne Substances Posing a Risk of Cancer 34107

EPA–OANR–OMSAPC

Fuels and Fuel Additives Protocols 34109

EPA–OANR–ORP

Remedial Action Standards for Inactive Uranium Processing Sites 34110

EPA–OPTS

Pesticide Registration Guidelines 34113

EPA–OPTS

Premanufacture Notification Requirements and Review Procedures 34115

EPA–OPTS

Rules Restricting the Commercial and Industrial Use of Asbestos Fibers 34116

EPA–OPTS

Toxic Substances Control Act (TSCA) Section 4 Test Rules 34118

EPA–OWWM

Control of Organic Chemicals in Drinking Water 34121

EPA–OWWM

Hazardous Waste Regulations: Phase II–C Regulations Applicable to Hazardous Waste Disposal Facilities 34122

EPA–OWWM

Sewage Sludge Disposal Regulations 34125

FEMA

Review and Approval of State and Local Radiological Emergency Plans and Preparedness 34126

CPSC

Chronic Hazards Associated with Benzidine Congener Dyes in Consumer Dye Products 34128

CPSC

Consumer Products Containing Asbestos 34130

CPSC

Omnidirectional Citizens Band Base Station Antenna Standard 34131

CPSC

Safety Requirements for Chain Saws 34133

CPSC

Upholstered Furniture Cigarette Flammability Standard 34136

CPSC

Urea Formaldehyde Foam (UFF) Insulation 34137

NRC–RES

Disposal of High-Level Radioactive Waste in Geologic Repositories Regulation 34142

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Abbreviated New Drug Applications for New Drugs Approved After October 10, 1962, for Human Use (21 CFR Part 314*)

Legal Authority

Federal Food, Drug, and Cosmetic Act, 21 U.S.C. §§ 321(p), 352, 355, and 371(a).

Reason for Including This Entry

The Food and Drug Administration (FDA) includes this entry because it represents a change in Federal policy with significant implications for competition for prices in prescription drug markets.

Statement of Problem

Under § 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. § 355), no person (sponsor) may market a new drug for human use in interstate commerce without prior approval from FDA in the form of an approved new drug application (NDA). An approved NDA permits marketing of the product only under the conditions approved and only by the person named in the NDA. Other persons who want to manufacture and market the same product must have their own approved NDAs.

The statute also requires that an NDA contain the information essential for FDA to determine whether a new drug is approvable. FDA regulations (21 CFR Part 314) explain the application requirements in detail. These regulations also describe the contents of abbreviated new drug applications (ANDA) (21 CFR 314.1(f)). An ANDA must contain all the information essential for FDA to determine the approvability of a drug product that is identical or closely related to a drug

product that has previously satisfied the NDA requirements. However, an ANDA need not contain evidence of safety and effectiveness of the drug product because that information already is available to FDA. (Safety and effectiveness evidence, gathered from studies of the drug when used in animals and humans, account for the largest costs to a firm that seeks approval of an NDA.)

On October 10, 1962, the Federal Food, Drug, and Cosmetic Act was amended to require that new drugs be proven to be effective as well as safe before marketing. Prior to that date, the statute required only evidence of safety. FDA regulations (21 CFR Part 314) and policy now in effect make many drug products first approved for marketing prior to October 10, 1962 eligible for approval on the basis of an ANDA rather than an NDA. The proposed rule would extend the applicability of ANDAs to certain drug products introduced after this date.

It is not in the public interest for FDA to continue to require full NDAs for all new drug products introduced into commerce after October 10, 1962. Because FDA now requires an NDA for all post-1962 drug products, prospective marketers of a "duplicate" drug product (i.e., a product identical in active ingredient(s), dosage form and strength, and route of administration to one that has an approved NDA) either must conduct their own clinical studies or they must reference published studies to support claims of safety and effectiveness that already had been documented in the NDA of the first sponsor ("pioneer") of the drug. If published studies do not exist, prospective marketers of duplicate drug products cannot obtain NDA approval without incurring the costs of clinical trials. This situation acts as a barrier to the marketing of duplicate drug products, thus dampening competition and causing higher drug prices. Moreover, conducting duplicate clinical studies for the purpose of obtaining safety and effectiveness data consumes clinical resources unnecessarily and causes FDA to use its resources unnecessarily in reviewing the reports of the studies.

FDA will attempt, in its draft Regulatory Impact Analysis, to estimate the effects of its policy on competition, drug prices, and use of resources.

Alternatives Under Consideration

The agency is considering several alternatives in developing its proposed rule:

(A) No change. The Agency does not permit ANDAs for duplicates of drug products that FDA approved after October 10, 1962. However, FDA has allowed the submission of "paper" NDAs, i.e., NDAs that rely on published reports of clinical studies showing safety and effectiveness. Thus, a paper NDA policy would achieve many of the same objectives sought by an extended ANDA policy. However, this informal paper NDA policy would necessarily be restricted to drugs for which adequate published literature is available, and published data are known to exist for less than one-third of the pioneer drugs whose patents have expired. No change in policy would perpetuate the existing restrictions on competition in prescription drug markets. Such a policy benefits sponsors of pioneer drug products to the extent that market exclusivity sometimes continues beyond the patent expiration.

(B) Full extension of ANDA applicability. This alternative would allow ANDAs for appropriate drugs introduced after October 10, 1962, regardless of date of approval. Although this alternative would maximize the potential competition in prescription drugs by reducing the costs associated with marketing new drugs, ANDA activity would be constrained (just as NDA activity is now constrained) by the existence of patents in many cases, particularly for more recently approved pioneer drugs. (Although NDA and ANDA approvals are independent of patent issues, marketers of duplicate drugs risk civil suits of patent infringement when a patent has not expired.)

(C) Limited extension of ANDA applicability. The Agency could limit the extension of applicability of the post-1962 ANDA policy in two general ways. First, FDA could extend ANDA availability to duplicates or drugs very similiar to "older" drugs introduced during a fixed period of time (e.g., 1962–1967). Second, FDA could extend ANDA availability initially to duplicates of drugs introduced before a certain date (e.g., December 31, 1970) and provide annually for successive 1-year extensions, thereby increasing each year the total number of products for which FDA would accept ANDAs. This alternative is a means to balance the tradeoff to society. On the one hand, society benefits from enhanced competition (i.e., the expectation of subsequent lower prices on generic drugs to consumers). On the other hand, society derives benefits from a policy that fosters research and development of previously unmarketed drugs, which in turn is dependent on adequate revenues that result from an exclusive marketing period for a producer of drugs.

Summary of Benefits

Sectors Affected: Consumers of prescription drugs (pharmaceutical preparations); taxpayer, manufacturers of generic drugs (generic pharmaceutical preparations); certain drug test populations; and Federal and State drug purchasing programs.

The proposal would be favorable to increased competition in post-1962 drugs, potentially leading to reduced prices in many cases through increased direct competition or through anticipatory price decreases to reduce the threat of such competition. Consumers would benefit from savings on purchases of affected drugs, as would taxpayers through Federal and State drug purchasing and reimbursement programs.

Prospective marketers (e.g., generic drug manufacturers) could submit ANDAs for approval without conducting new safety and effectiveness testing. Subsequently, they would benefit from the profit they receive after their drug products are marketed. Additionally, the proposal would eliminate the use of human subjects and clinical investigators in unnecessary testing of drugs with known characteristics. FDA resources would not be used unnecessarily for the review of duplicative research.

Summary of Costs

Sectors Affected: Manufacturers of drugs (pharmaceutical preparations); consumers; and FDA.

None of the alternatives imposes any direct costs on the economy. Extension of the ANDA policy would reduce from present levels the requirements on firms who must now submit an NDA to obtain approval to market duplicate drug products. Nevertheless, insofar as an action (i.e., any alternative except no change) results in activities that promote the concomitant goals of increased competition and reduced societal expenditures for prescription drugs, certain costs may incurred by various sectors of the ecomony.

Drug manufacturers as a group would incur costs for the preparation of increased numbers of ANDAs. The costs per ANDA are modest as compared to costs of an NDA. However, as the proposed rule became fully implemented, the number of ANDAs submitted could generate aggregate application costs that exceed those costs that likely would have been

generated by the submission of a smaller number of duplicate NDAs.

Drug firms that develop innovative drug products could receive less revenues from such products as a consequence of increased competition in certain markets. Conceivably, the impact on total revenues of such firms or on the expected revenues from newly developed drugs could affect unfavorably the economic capacity or incentives for drug development. Should this be translated into a reduction in the future rate of drug development, it could represent a future indirect cost to consumers in the form of delayed introduction of new or improved therapies.

Processing the increased volume of ANDAs could produce a net increase in FDA's total drug approval workload and resource requirements.

Related Regulations and Actions

Internal: 21 CFR Part 314.
External: None.

Active Government Collaboration

None.

Timetable

NPRM—October 1981.
Public Comment Period—To be determined.
Public Hearing(s)—To be determined.
Final Rule—To be determined.
Draft Regulatory Impact Analysis—Available at time of NPRM.
Regulatory Flexibility Analysis—To be determined.

Available Documents

None.

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HHS—FDA

Chemical Compounds Used in Food-Producing Animals; Criteria and Procedures for Evaluating Assays for Carcinogenic Residues (21 CFR Parts 70*, 500*, 514*, and 571*)

Legal Authority

Federal Food, Drug, and Cosmetic Act, 21 U.S.C. §§ 409(c)(3)(A), 512(d)(1)(H), 706(b)(5)(B), and 701(a).

Reason for Including This Entry

The Food and Drug Administration (FDA) includes this entry because the proposed rule could have an annual effect of $100 million or more on the economy.

Statement of Problem

The Federal Food, Drug, and Cosmetic Act (§§ 409(c)(3)(A), 512(d)(1)(H), and 706(b)(5)(B)) allows FDA to approve a carcinogenic new animal drug, food additive, or color additive for use in food-producing animals, provided the compound will not adversely affect the animals for which it is intended, and no residue of such compound will be found (by methods of examination prescribed or approved by FDA regulation) in any edible portion of such animals after slaughter, or in any food yielded by or derived from the living animals. This exception to the general statutory prohibition (Delaney clause) against the addition of carcinogenic substances to the food supply has come to be known as the "DES Proviso."

The enactment, in 1962, of the DES Proviso to the Delaney clause of the Act has been a source of continuing controversy stemming from the phrase "no residue will be found." This phrase can be interpreted either in an absolute or an operational sense. There are two important facts bearing on this controversy. First, the introduction of a compound, whether or not carcinogenic, into the system of a food-producing animal is likely to leave in the animal's edible tissues minute residues that cannot be detected or measured by any known or likely to be developed method of analysis. Second, for any test developed to measure the concentration of a residue in an edible tissue, there is some level of residue in that tissue below which the test will show no interpretable result. In view of these facts, FDA could not permit any use of carcinogenic drugs in animals if the Agency adopted the absolute interpretation of the phrase "no residue will be found." The effect of that interpretation would be to deny the DES Proviso any effect whatever. The second possible interpretation is to assume that Congress intended to require FDA to give an operational and more realistic definition to the phrase "no residue" and to proceed accordingly.

As a matter of policy, to implement the DES Proviso, the Agency has adopted the second interpretation as a more likely reflection of congressional intent, for two reasons. First, by its nature, the absolute interpretation constitutes a negation of the DES Proviso to the Delaney clause and leads to the conclusion that the Congress introduced the Proviso intending it to have no effect. Second, the critical term in the Proviso is that no residue will be "found"—not that none will exist. Therefore, application of the Delaney clause to animal drugs, food additives, or color additives hinges on the availability of appropriate analytical methods that determine whether residues are present in edible tissues from animals treated with carcinogenic drugs. Although FDA has adopted the second interpretation, it has never specified by regulation the criteria and procedures that apply in the process of approving methods for analyzing animal tissues for carcinogenic residues. The proposed regulation would specify such criteria and procedures.

Alternatives Under Consideration

The Agency considered several alternatives in developing its proposed rule published in the **Federal Register** of March 20, 1979 (44 FR 17070).

(A) No change. The current method for approval of suspect carcinogenic compounds for veterinary use relies on an FDA/sponsor-negotiated ("sponsor" means the person seeking approval to market the compound) residue level, which attempts to weigh in balance the known or perceived human risk of cancer, the availability of a reliable regulatory test method, and the agricultural importance of the compound. The Agency has rejected this approach, because it is difficult to adminster fairly and rationally.

(B) State-of-the-art. This alternative, which the Agency has considered inappropriate from the start, defines the phrase "no residue" as the lowest limit of measurement or detection by the best analytical method that is capable of measuring the residues of a compound in edible tissues of animals, and that is available at the time FDA approves the compound. The Agency has rejected this approach. Different compounds have differing carcinogenic potencies. These differences are not in any way related to the availability or lack of sensitive analytical methods that measure residues in edible tissues from food-producing animals that have been administered a compound. For instance, depending on the relative sensitivity of the available methods, this alternative would permit public consumption of meat contaminated with very large levels of some potently carcinogenic residues while it would require that meat be essentially free from other carcinogenic residues of low potency. The Agency has rejected this alternative because the degree of public risk associated with the use of a compound would become a function solely of the capability of available analytical technology.

(C) Practical zero. This approach would have one advantage over alternative (B): it would provide a well-defined criterion for the lowest limit of measurement that a regulatory assay method would have to satisfy. This approach would not, however, take into account differences in carcinogenic "potency" among various carcinogens. Therefore, it is unacceptable for the same reason as alternative (B). Unless the "practical zero" were set at the level appropriate for the most potent carcinogen, it would not provide sufficient protection; but if it were set at that level, it might be unnecessarily stringent for carcinogens that produce a response that is of a lower magnitude. In sum, no one "practical zero" is appropriate for all carcinogens.

(D) Sensitivity of Method (SOM). A third approach is to establish procedures to define "no residue" operationally, on the basis of quantitative carcinogenicity testing of residues, and extrapolation of test data (using one of a number of available procedures). The extrapolation procedure would estimate the residue levels that are safe in the total diet of test animals and that would, it they occurred, be considered safe in the total diet of man. This approach (SOM procedures) would account for differing carcinogenic potencies of each compound, but is feasible only if there is a regulatory assay method to reliably measure the safe level in edible tissue. Under this approach, the Agency accepts a very low level of increased risk of cancer (one case in one million lifetimes).

FDA proposed to adopt this alternative.

Summary of Benefits

Sectors Affected: Veterinary pharmaceutical manufacturing; livestock production; consumers of meat and poultry; and FDA.

The proposal would provide uniform criteria and procedures for evaluating the carcinogenic risk presented by residues of sponsored compounds for use in food-producing animals. FDA, industry, and consumers would benefit from uniformity in regulation of such compounds.

Veterinary pharmaceutical manufacturers would know in advance the procedures on which FDA would rely to approve or reaffirm prior approval of applications, if the compound is a suspect carcinogen. FDA would apply a screening mechanism known as "threshold assessment" to make the determination of potential carcinogenicity. If, under the criteria provided in the threshold assessment, no such potential exists, the compound need not be subject to the SOM data collection procedures. This should benefit sponsors of future applications because they would be able to determine the kinds and extent of evidence the FDA require would evaluate carcinogenic potential. For some compounds, such evidence already exists, and the manufacturer would avoid unnecessary costs. In other cases, manufacturers could elect to initiate SOM procedures if it appears that the stepwise SOM procedures would identify a safe, feasible residue level and a suitable analytical method for its detection. Finally, there could be cases where manufacturers would avoid the expense of conducting tests for compounds that are unlikely to be approved because their safe residue levels cannot be measured by existing technology.

Consumers of meat and poultry derived from the animals to whom the compounds were administered (either as a drug or a feed additive) would be assured a virtually risk-free supply of these products.

FDA would benefit because the standardized requirements would permit more efficient review of applications, fewer negotiating sessions with industry, and reduced likelihood of legal challenges to its decisions.

Summary of Costs

Sectors Affected: Veterinary pharmaceutical manufacturing; livestock production; and consumers.

The sponsor of a compound subject to SOM procedures would bear the costs to complete the prescribed procedures. The aggregate cost estimate would depend on the outcome of the Agency's application of the "threshold assessment" to individual compounds sponsored for approval. If the safety of an already approved compound is called into question, the agency in all likelihood would evaluate the compound first by applying the threshold assessment in order to determine if studies under the SOM procedures are necessary to resolve the safety concerns. FDA plans to publish the guideline for conducting threshold assessments in May 1981.

Veterinary pharmaceutical manufacturers who sponsor or have sponsored a compound that is subject to SOM procedures (that is, a compound that the threshold assessment finds has a carcinogenic potential) would bear the costs to conduct the prescribed testing procedures. These costs could be passed on to livestock and poultry producers who later purchase the products to control diseases and stimulate animal growth. Ultimately, consumers could pay higher prices for meat and poultry.

The draft Regulatory Analysis estimated that the average one-time costs of compliance with SOM procedures for an exogenous substance (a synthetic- or natural-origin substance that is not produced in the body of the food-producing animal) would not exceed $2.8 million (1979 dollars) for each combination of target species and route of administration. There is a corresponding estimate of $0.5 million for endogenous substances (a substance normally produced in the body of the food-producing animal). The aggregate cost would depend on the carcinogenic potential as identified by the threshold assessment. Thus, the greater the number of compounds that are identified, the greater the aggregate cost. If, after conducting SOM procedures and determining the approvable residue level for a specific compound, the manufacturer were unable to develop a residue-testing method of the required sensitivity (and such a method is otherwise unavailable), FDA would deny approval of the product and perhaps, where the FDA has applied procedures to re-evaluate the safety of an already approved product, withdraw approval. It is difficult, if not impossible, to predict which products would be affected in this way. The ultimate effect on feedlot operations and on the supply of meat and poultry is in turn subject to speculation about which products might lose market approval. If few products are affected in this way and there were an adequate array of substitute products, the impacts could be small and limited to the substitution costs and some loss of total output of slaughtered animals. Conceivably, however, a number of unique products could be affected and the impact correspondingly higher. The annual effect on the economy could exceed $100 million. FDA's final Regulatory Impact Analysis will address these questions.

Related Regulations and Actions

Internal: FDA may develop procedures and priorities for a review of previously-approved animal drugs.

External: None.

Active Government Collaboration

We are keeping the Department of Agriculture (USDA) informed of our action and they are reviewing the analytical methodology that we require.

Timetable

Reproposal or Tentative Final Regulation—November 1981.

Draft Regulatory Impact Analysis—Available with reproposal or tentative final regulation.
Regulatary Flexibility Analysis—Will accompany Regulatory Impact Analysis.

Available Documents

NPRM—44 FR 17070, March 20, 1979.
Data and information supporting the NPRM.
Comments received during public comment periods.
Transcript of the public hearing on June 21–22, 1979.
Draft Regulatory Analysis.
Food and Drug Administration Docket No. 77N–0026.
The above documents are available for review in the Dockets Management Branch, Food and Drug Administration, 5600 Fishers Lane, Room 4–62, Rockville, MD 20857.

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HHS—FDA

New Drug and Antibiotic Drug Regulations; Revision of Regulations Governing Approval for Marketing (21 CFR Parts 310, 314, and 431*)

Legal Authority

Federal Food, Drug, and Cosmetic Act, 21 U.S.C. §§ 321(p), 352(1), 355, 357, and 371(a).

Reason for Including This Entry

The Food and Drug Administration (FDA) includes this entry because it represents a comprehensive revision of current regulations governing the agency's review and approval processes for new drugs and antibiotic drugs and it will have significant implications for applicants seeking marketing approval of human drug products.

Statement of Problem

The Federal Food, Drug, and Cosmetic Act (the Act) provides in § 505 (21 U.S.C. 355) that a new drug for human use may not be introduced or delivered for introduction into interstate commerce in the United States unless FDA has approved a new drug application (NDA) for it. FDA approves an NDA if the sponsor of the application shows by scientific evidence that the drug is safe and effective for the conditions prescribed, recommended, or suggested in the product's proposed labeling.

The drug approval process begins with extensive preclinical and clinical tests of an investigational drug by the sponsor. This phase of drug approval is subject to a comprehensive regulatory scheme (21 CFR Part 312), whose revision is contemplated as a future objective of this entry. It is commonly referred to as the IND or "investigational new drug" phase.

When a sponsor believes the investigational studies on a drug have shown that the drug is safe and effective for specific therapeutic conditions, the sponsor submits an NDA to FDA to obtain the agency's approval under the Act to market the drug in the United States. The Act requires FDA to approve the application before the new drug may be marketed. By the time an application is submitted, the drug usually has been studied in several thousand patients. The application, which often consists of thousands of pages of material, is reviewed by FDA physicians, pharmacologists, chemists, statisticians, and other professionals who are experienced in evaluating new drugs. Their recommendations receive further review by FDA management before the agency approves the application. The regulations governing this part of the approval process are the subject of the current entry, and are found at 21 CFR Part 314.

The statutory standards for approval are stated in the Act, but only generally. Accordingly, FDA has established general regulations, applicable to all "new drugs," that implement the statutory requirements. Although the Agency's review of new drug applications has incorporated new scientific and technological developments as they have become known, its regulations have been revised infrequently, and then primarily to deal with specific, discrete problems.

The infrequent revisions of the regulations and the evolutionary changes in the Agency's review practices have resulted in regulations that no longer adequately reflect the Agency's approval practices. For the same reasons, they fail to promote expeditious Agency review of applications. In some cases they are outdated, requiring information often found unnecessary. The regulations also do not reflect well the Agency's "bookkeeping" practices regarding the filing of applications; nor the significance of certain administrative actions taken on applications, such as the issuance of "approvable" or "nonapprovable" letters. These latter failures have contributed to communications problems with sponsors, and have generated a perception that Agency review of applications is unjustifiably long and not uniform. By providing the regulated industry with requirements that accurately reflect the Agency's informational needs, that improve the organization of applications, and that explain the mechanics of the approval process, FDA hopes both to improve the quality and speed of the review process and to enhance the Agency's credibility with the industry and the Agency's other critics.

Requirements for the approval of antibiotic drugs will also be revised. Under special statutory requirements not applicable to other new drugs, antibiotics are required to be "batch certified," that is, manufactured batches are subject to laboratory testing by the Agency before marketing. Standards for these tests are embodied in regulations issued through informal rulemaking. The regulations for batch certification are drug-specific, and are frequently issued without a need for prior public comment. Although the approval of each new antibiotic requires the issuance of a new regulation, the standards for approval (safety and effectiveness) of an antibiotic are very much like those for non-antibiotic drugs. Current regulations, however, still differ in some respects: for example, sponsors of new drug applications may make many changes in manufacturing processes or labeling without FDA's prior approval, but sponsors of antibiotic drugs must obtain FDA approval before making almost any change. Apart from certification, the Agency intends in the revision to conform the requirements for antibiotics to the more liberal ones for other new drugs.

Alternatives Under Consideration

The Agency is considering the following alternatives in developing its proposed rule:

(A) No change. FDA rejects this alternative because the Agency believes changes in the regulations are essential.

(B) Retain current requirements but restate them in "plain English." This alternative would help applicants understand existing NDA regulations. It would not, however, provide any refinement of the regulations to improve the approval process, for example, the elimination of requirements for submitting unnecessary information.

(C) Revise the regulations. FDA would revise the existing regulations to improve the efficiency of FDA's review processes, and to improve the Agency's

dealings with applicants for marketing approval. The Agency would articulate general requirements in regulations, containing performance standards, and would complement them through detailed guidelines that would better address the intricate scientific issues involved. Although the guidelines do not establish regulatory requirements, persons may rely upon them with confidence that action taken under a guideline is acceptable to the Agency.

Summary of Benefits

Sectors Affected: Consumers of drugs (pharmaceutical preparations); and manufacturers of drugs (pharmaceutical preparations).

The changes in the regulation are intended to improve the approval process and the accompanying dialogue between FDA and sponsors of new drug applications. The improvements will enable sponsors to prepare and submit higher quality applications, ones which FDA can review more efficiently and with fewer delays. This will benefit sponsors, by accelerating the receipt of revenues for marketed products. It also will benefit consumers through earlier availability of new drugs.

Summary of Costs

Sectors Affected: Manufacturers of drugs (pharmaceutical preparations).

Sponsors of applications may bear additional costs in preparing summaries, analyses, and tabulations in submissions to meet some of the revised FDA requirements. It is expected that such costs will be offset by indirect cost savings and by the sponsor benefits described above. The degree to which these costs may be offset is not yet well established.

Related Regulations and Actions

Internal: New drug and antibiotic regulations, 21 CFR Parts 310 (new drugs), 312 (investigational new drugs), 314 (new drug applications), and 431 (certification of antibiotic drugs).

External: None.

Active Government Collaboration

None.

Timetable

NPRM—By October 31, 1981.
Public Comment Period—To be determined.
Final Rule—To be determined.
Draft Regulatory Impact Analysis—Available at time of NPRM.
Regulatory Flexibility Analysis—Will accompany Regulatory Impact Analysis.

Available Documents

Notice of Public Meeting, October 12, 1979 (44 FR 58919).

Transcript of the public meeting on November 7, 1979.

Concept Document—Investigational and New Drug Regulations—Revisions—HHS/FDA—October 1979.

The above documents are available for review in the Dockets Management Branch (Docket No. 79N–0388), Food and Drug Administration, 5600 Fishers Lane, Rm. 4–62, Rockville, MD 20857.

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HHS—Health Care Financing Administration

Uniform Reporting Systems for Health Services Facilities and Organizations (42 CFR Part 402)

Legal Authority

Medicare-Medicaid Anti-Fraud and Abuse Amendments of 1977, § 19, 42 U.S.C. § 1121.

Reason for Including This Entry

The Department of Health and Human Services (HHS) includes these regulations because they set a precedent for changing the Medicare/Medicaid reporting methodologies currently employed. The systems we propose will enable the Department to obtain uniform, comparable data necessary for Federal reimbursement of health services facilities, effective cost containment and policy analysis, assessment of alternative reimbursement mechanisms, and health planning.

In FY 1981 the Health Care Financing Administration (HCFA) will pay more than $50 billion for services delivered under the Medicare and Medicaid programs. HCFA's ability to manage these publicly funded health care programs has been impeded by current cost-reporting methods, which make it difficult to judge the efficiency of institutional providers and to accurately compare the costs of services furnished within institutions or among institutions.

Statement of Problem

Section 19 of P.L. 95–142 requires improved financial and statistical data from institutional providers of Medicare and Medicaid services to accurately identify costs and to aid in the control of the escalating inflation rate in health care costs. It requires the Secretary of Health and Human Services to establish a uniform reporting system for institutional health care providers.

With the beginning of the Medicare program in 1966, the Federal Government reimbursed providers of health services on the basis of costs they incurred. The Government made reimbursement under a relatively unsophisticated mechanism compatible with the individual provider accounting systems of the time. Since then, health care costs have risen dramatically. For the year ending September 30, 1980, health care expenditures were $235.1 billion, up 14.1 percent from the previous 12-month period. Health expenditures claimed 9.2 percent of the GNP, up from 8.7 percent in the prior 12-month period and 8.8 percent for calendar year 1979. During 1978 and 1979, hospital costs rose at an annual rate of 12.5 percent. Because of their need to furnish accountings to the Government and private insurance companies and a growing awareness of the value of cost control, health care providers began to upgrade the complexity and sophistication of their accounting systems. However, each provider continued to report costs on the basis of its unique location, age of physical plant, and management philosophy. The unsophisticated reimbursement methods employed by the Federal Government also permitted providers to legitimately maximize the amount of reimbursement by the way in which they chose to report their costs.

With the continued rise in health care costs, efforts at cost containment were initiated on several occasions. However, lacking means to effectively compare costs of services delivered by different institutions, the Government has been compelled to reimburse on the basis of costs incurred—there has been no means of determining whether a provider was furnishing health care services in an efficient and cost-effective manner. Recognizing this problem, Congress enacted the Medicare-Medicaid Anti-Fraud and Abuse Amendments in 1977.

The regulations we propose would establish uniform reporting systems for all health services facilities and organizations that participate in the Medicare and Medicaid programs, including hospitals, skilled nursing facilities, intermediate care facilities, home health agencies, and health maintenance organizations.

The law requires promulgation of regulations to establish a uniform

system of reporting for the following types of information for each type of health services facility or organization:

(1) the aggregate cost of operations and the aggregate volume of services;

(2) the cost and volume of services by functional account (a group of activities involved in providing a particular health care service);

(3) rates by category of patient and class of purchaser;

(4) capital assets, as defined by the Secretary of Health and Human Services, including (as appropriate) capital funds, debt services, lease agreements used in lieu of capital funds and the value of land, facilities, and equipment, and;

(5) discharge and bill data.

We will implement uniform reporting through several different regulations, since the different types of facilities and different types of data required involve diverse issues and approaches.

When in place, these systems will enable the Department to obtain uniform, comparable data necessary for reimbursement, effective cost containment and policy analysis, assessment of alternative reimbursement mechanisms, and health planning. Adequate and comparable data are not presently available to support these objectives.

If we fail to regulate in this area, we would fail to follow the legislative mandate of the Congress and have no effective means of securing data to permit inter-institutional comparisons of health care costs. Without such comparisons, we cannot judge relative efficiency in health care delivery and we are hampered in our own efforts at health care cost containment.

Alternatives Under Consideration

Within the legislative mandate, certain options are available. The major goal of the Department in developing the rules that will affect the scope of the regulations is to minimize reporting burden and eliminate duplicative and overlapping data requirements placed on the provider, while meeting the intent of the legislation.

For the regulation implementing reporting of data on cost, use, and capital assets for hospitals, the major options we have chosen in rules published to date are:

(1) To merge, to the extent possible, Departmental data collection activities (e.g., Medicare and Medicaid cost reporting, hospital facilities components of the Cooperative Health Statistics Systems funded by the Public Health Service) to coordinate reporting requirements and minimize the burden on the providers. (This will shift some of the burden to HCFA, since it will have to pass the information on to the Public Health Service.)

(2) To reduce cost reporting requirements for small facilities (less than 4,000 admissions annually) in order to minimize the burden on such facilities. (This will have only a slight effect on the comparability of the data obtained through the system.)

(3) To limit, to the extent possible, the level of detail required to ascertain the cost of services provided (e.g., sub-classification of salaries, employee benefits, supplies) for specified cost centers, in an effort to decrease the reporting burden. This will also reduce the accuracy of the data derived, but we are unable to directly correlate the loss of accuracy with the significant savings that will result from limiting the degree of detail in these areas.

For the regulation implementing the collection of hospital bill and discharge data, the major issues under consideration are:

(1) Confidentiality considerations regarding data collected on non-federally financed patients and the physicians treating them. In order to assure the adequacy of sampled data, such data must be collected on a random basis from the entire patient population, without distinction as to source of payment. Of necessity, this will mean that some of the discharge and billing data obtained will pertain to non-Federal patients and their physicians. The data collected on Federal patients are required in order to verify the accuracy of charges made, but in the case of non-Federal patients no such consideration exists. Appropriate safeguards will be required to avoid inappropriate disclosure and to assure that data collected are not identified with a patient or practitioner to any greater degree than required for completion of the study.

(2) Method of collecting and processing the bill and discharge data.

(3) Appropriate areas of reporting for industries with differing methods of patient care, such as home health agencies and skilled nursing facilities.

(4) Appropriate "discharge data" from such institutions as health maintenance organizations which primarily treat ambulatory patients.

Summary of Benefits

Sectors Affected: All hospitals, skilled nursing facilities, intermediate care facilities (nursing and personal care facilities), home health agencies, health maintenance organizations and other types of health services facilities and organizations participating in the Medicare and Medicaid program; patients in these facilities or those being treated by them; physicians and other health care practitioners reimbursed through Medicare and/or Medicaid programs; and the Department of Health and Human Services.

In 1979, the Nation spent an estimated $212.2 billion, or $943 per person, for health care. This expenditure included $54.4 billion in premiums to private health insurance, $60.9 billion in Federal payments, and $30.5 billion in State and local government funds. For the 12-month period ending September 30, 1980, the Nation spent $235.1 billion, or $911 per person. Of this amount, 29 percent, or $60.2 billion, was spent by the Federal Government and 40 percent by State and local governments. (These are only estimates, since many programs are still completing their records for fiscal year 1980.)

Since 1965, health care costs have averaged a 12.2 percent increase annually, while the Gross National Product (GNP) increased an average 9.2 percent annually over the same period. The result has been that health care costs, which accounted for 6.1 percent of the GNP in 1965, now account for 9.0 percent. This cost spiral has affected the entire economy. Better management practices and health care cost containment are expected to decrease the health care portion of the GNP and expand the resources available for other sectors of the economy. The Department of Health and Human Services will also benefit through a reduction in the rate of cost increase and improved data for comparability and health planning. Providers will benefit through improved management techniques potentially resulting from comparisons of data from their institution and others across the Nation.

It is HCFA's judgment that cost savings will be realized by the health care industry and the general public by implementation of uniform bill and discharge reporting systems. Most patients at health care facilities today have their treatment costs defrayed in whole or part by a third party (Federal, State, and local government, private insurance, employer, etc.) and most of these payors require billing data to be presented in their own specified formats. If a format can be devised that gains universal acceptance, health care providers are expected to save considerable staff time with consequent reductions in the costs of administering health care facilities. In addition to bill data, numerous Federal and State agencies as well as other organizations require discharge information to be

reported separately from the billing process. As with bill data, providers are required to report discharge data according to the specifications of the data user. Most discharge data sets duplicate over 60 percent of the data reported on the bill. HCFA is working toward improving the collection and management of these two data sets. Alternative reporting mechanisms are now being investigated.

We are designing uniform reporting systems with the intent of reducing and eliminating costly multiple collection and processing of duplicate data and with the intent of improving the utility of the data through consistent and compatible definitions and codes. It is anticipated that providers will prepare a single data set instead of the several reports for multiple State and Federal agencies required in the past. We expect the data collected through these systems to result in further cost savings because they will provide the basis for reimbursement reform, better health policy analysis, improved health planning, and better control over expenditures by providers for supplies, services, and capital. Cost savings should also be realized by individuals, since promotion of greater efficiency and less staff time for furnishing discharge and bill reports data should aid in curbing the increases in health care costs.

Summary of Costs

Sectors Affected: All hospitals, skilled nursing facilities, intermediate care facilities (nursing and personal care facilities), home health agencies, health maintenance organizations, and other types of health services facilities and organizations participating in the Medicare and Medicaid programs; patients in these facilities and those being treated by them; and HHS.

Based upon an initial Regulatory Analysis of costs of implementing a uniform cost reporting system for the hospitals of the Nation, alternatives available range in cost from $218 million to $0 in 1979 dollars. The former figure represents costs of conversion to uniform accounting and reporting systems, a situation not required by the Congress or HCFA. The latter figure represents no revision of any sort, which is contrary to legislative mandate. In proposed rules published March 19, 1980 (45 FR 17894), we chose an alternative that we estimated would cost $56 million to implement, or approximately $8,000 for each of the 7,000 hospitals in the Nation. This figure includes a $19 million ($2,700 per hospital) start-up cost, and an annual cost of $37 million ($5,300 per hospital) thereafter. Of these figures, HCFA would share approximately 40 percent of the cost through normal reimbursement mechanisms. We are now reassessing this proposal to determine what additional revisions can be made to minimize cost and burden. A preliminary cost study for implementing uniform reporting for home health agencies has recently been completed for HCFA by the firm of Morris, Davis and Company, certified public accountants. First year implementation cost, projected on the basis of generally accepted statistical principles, was estimated at $2.9 million for the year-end conversion to furnish required data or $11.4 million if the industry elected to convert its accounting systems to furnish the data required. The average reporting effort was estimated at 196 hours per year in the first case and 747 hours for the second. For the average agency, this translates into a cost of $1,011 to give a year-end report or $4,270 to convert its accounting system. We will undertake similar studies in conjunction with development of other uniform reporting systems.

Related Regulations and Actions

Internal: Medicare and Medicaid cost reporting requirements. Professional Standards Review Organization reporting requirements, and National Center for Health Statistics Cooperative Health Statistics Systems reporting requirements are in effect now. We will incorporate these in the uniform reporting systems.

External: None.

Active Government Collaboration

The Public Health Service has cooperated with HCFA to merge their hospital facilities' data collection requirements into the proposed uniform cost and utilization reporting systems.

Timetable

NPRM, Uniform Cost Reporting for Skilled Nursing Facilities and Intermediate Care Facilities—To be determined.
NPRM, Hospital Discharge and Billing Data—To be determined.
NPRM, Skilled Nursing Facility/Intermediate Care Facility Discharge and Billing Data—To be determined.
NPRM, Home Health Agency Cost and Utilization—To be determined.
Draft Cost and Regulatory Impact Analysis—To be determined.
NPRM, Home Health Agency Discharge and Billing—To be determined.
NPRM, Health Maintenance Organization Cost and Utilization—To be determined.
NPRM, Health Maintenance Organization Discharge and Billing—To be determined.
Final Rule, Hospital Cost and Utilization Reporting—To be determined.
Final Cost and Regulatory Impact Analysis—January 1981.
Regulatory Flexibility Analysis—None.

Available Documents

Uniform Reporting Systems for Health Services Facilities and Organizations, NPRM—44 FR 4741, January 23, 1979.

Public Comments Responding to NPRM.

A Guide to Hospitals for Planning and Producing the Reports for the System for Hospital Reporting (SHUR)—September 30, 1979.

Annual Hospital Report (Manual and Forms)—February 20, 1980.

NPRM and Draft Regulatory Analysis—45 FR 17894, March 19, 1980.

Public Comments Responding to NPRM.

Copies of these documents may be reviewed in the Department's offices at Room 309G, Humphrey Building, 200 Independence Avenue, S.W., Washington, DC, (202) 245-7890.

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Flammability Standards for Crewmember Uniforms (14 CFR Parts 121*, 123*, 127*, and 135*)

Legal Authority

Department of Transportation Act, § 6(c), 49 U.S.C. § 1655(c); Federal Aviation Act of 1958, as amended, §§ 313(a), 601, and 604, 49 U.S.C. §§ 1354(a), 1421, and 1424.

Reason for Including This Entry

The Federal Aviation Administration (FAA) thinks these proposed rules are important because they will impose a major increase in costs on the airline industry.

Statement of Problem

The FAA has found that many uniform items worn by flight crewmembers are highly flammable when exposed to fire and other sources of ignition. Tests performed by the National Bureau of Standards of the Department of Commerce under contract to FAA established that fabrics presently used in making uniforms for crewmembers would not resist the effects of flame and heat flux in survivable cabin fires and could prevent crewmembers from helping passengers in such situations. Among other actions, the FAA is considering establishing standards of flammability and resistance to heat flux for materials used in crewmember uniforms.

Alternatives Under Consideration

Possible alternatives to establishing flammability standards for crewmembers are:

(A) No regulation; do not require uniforms worn by crewmembers to meet any flammability standard. Current materials used to make uniforms provide maximum comfort, a range of styling, and are easily cleaned. However, they are constructed of conventional fabric that is flammable and may provide inadequate protective clothing. Without protective clothing, crewmembers may be incapable of performing necessary functions in certain emergencies.

(B) Require crewmembers to put on special garments such as firemen wear in case of a fire. This option was fully explored and reported in FAA Report No. FAA–RD–77–18. Although the garment provides maximum protection from flame and radiant heat, it is very expensive and difficult to put on.

(C) Require that crewmember uniforms meet a standard similar to the current children's sleepwear standards. This is a performance standard that requires that materials used for children's sleepwear resist ignition when exposed to flame, and self-extinguish rapidly. Materials which satisfy the children's sleepwear standard must be flame-resistant, but need not protect the wearer from radiant heat transferred through clothing.

(D) Require crewmember uniforms to meet a test measuring resistance to ignition and ability to self-extinguish as well as a standard designed to protect the wearer from injury from the transfer of radiant heat through clothing.

(E) Withdraw Advance Notice of Proposed Rulemaking No. 75–13 (40 FR 11737, March 13, 1975) and publish an Advisory Circular (AC) containing the degree of protection provided by various types of materials that could be used for crewmember uniforms. This AC should also discuss the characteristics of these materials such as comfort, serviceability, color-fastness, type of protection provided, ease of tailoring, method of cleaning, etc. This would provide the information necessary for an operator voluntarily to select the material best suited for its type of operation, climatic conditions in its area of operation, length of flights, uniform design requirements, and crewmember preference. The selection could balance the amount of protection wanted with the cost, comfort, serviceability, and style the operator and its crewmembers desire. This approach would also give the FAA an opportunity to study the suitability of these materials in actual use without imposing an unacceptable economic burden on all operators. A disadvantage of using an AC would be that it contains voluntary guidelines. There would be no guarantee that operators would comply, although many carriers already meet similar standards as a result of labor-management agreements.

We have not completed our review and analysis of the numerous public comments received in response to Notice Nos. 75–13, 75–13A, and 75–13B and in response to a public hearing held in May 1980. Until we complete this analysis, we will be unable to state which of the five alternatives is the most desirable. However, in view of the regulatory action we already have taken, the next action will be to issue either an NPRM or a notice of withdrawal of the ANPRM. We will decide which action we will take by July 1981.

Currently, technology in the textile industry permits the establishment of a standard that protects wearers from both flame and radiant heat. Most fabrics can be treated to increase their protective qualities. In addition, fire-retardant wool and cotton are available in a wide range of colors and weights. These fire-retardant fabrics are woven of both natural and synthetic fire-retardant fibers to maximize wearability and protection. Synthetic fabrics such as Nomex are available in a variety of weights. Although these synthetics provide the greatest protection to the wearer, their range is somewhat limited due to problems with colorfastness. In the past, Nomex has been used primarily by fire and police agencies, and color choice was not a problem. If demand for more variety increases, a wider range of colors may be developed.

Although certain fabrics such as polyester have limited fire-retardant qualities, other fabrics of similar weight and purpose may be substituted. Fire-retardant fabrics are available that are comparable to conventional fabrics with respect to durability, color choice, style and tailoring capability, and fabric weight range. The fire retardant properties of some fabrics can be retained through the useful life of the garment. For other fabrics, it could last through at least 50 wash/cleaning cycles.

Summary of Benefits

Sectors Affected: Air carrier flight crewmembers; and air passengers.

Until the type of material to be used has been established, it is difficult to determine the benefit to the clothing manufacturers. However, from the public meeting, the manufacturers indicated that the manufacture of crewmember uniforms is a small part of the industry's overall output. If this is so, the impact on industry would be negligible.

The benefit expected from the proposed flammability standards would be increased safety for crewmembers and passengers. Flightcrews would be safer in case of fire, which would increase safety for the traveling public.

Summary of Costs

Sectors Affected: Manufacturers of textile mill products and apparel, and other textile products; the air transportation industry; and air passengers.

The cost per uniform would increase, causing an economic impact on the user or purchaser. The U.S. textile and clothing industry would be affected by the economic impact of producing new materials and clothing made from these materials. The air carrier industry would bear the cost, possibly through increased airfare, which would directly affect air passengers. No specific cost information is available at this time. We will include it in the Regulatory Impact Analysis.

While using more wool and wool-blend fabrics would provide some increase in protection, the textile, fabric, and uniform manufacturers at the public meeting did not appear to be too interested in producing uniforms from the kind of space-age fabrics that would result in a substantial increase in fire protection. While no precise cost figures were presented, designing and producing uniforms to the current fashion demands of the airline industry could significantly increase the per-item cost for this small segment of the clothing industry. In addition, care costs to the crewmember may increase for

these kinds of fabric, as is already the case for all-wool fabrics.

Related Regulations and Actions

Internal: Part 121 of the Federal Aviation Regulations and FAA Report Nos. FAA-RD-75-176 and FAA-RD-77-18.

External: Federal Rule, Flammability Standard for Children's Sleepwear, 16 CFR 1616.5(a)(b)(c)(i)(ii). State and local governments have established clothing standards for some hazardous professions, such as those for fireman.

Active Government Collaboration

The National Transportation Safety Board's comments on Notices 75.13 and 75-13A recommended that the scope be expanded to include clothing of all crewmembers to give them the same protection as flight attendants. The National Bureau of Standards developed the technical basis for the flammability standards.

Timetable

The FAA is proposing standards to be listed in appendices to 14 CFR Parts 121, 123, 127, and 135. The following are future action dates:

NPRM or Notice of Withdrawal—July 1981.

If an NPRM is issued, the Timetable will be:

NPRM—July 1981.

Public Comment Period—For NPRM, 90 to 120 days after issuance.

Preliminary Regulatory Impact Analysis—Will accompany NPRM.

Final Rule—Pending.

Final Rule Effective—36 months after we issue final rule.

Regulatory Flexibility Analysis—Not required.

Available Documents

ANPRM 75-13 (40 FR 11737), published March 13, 1975; Notice 75-13A (45 FR 2775) published April 24, 1980 reopening the comment period; and Notice 75-13B (45 FR 55760) published August 21, 1980 extending the comment period, are available from the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rule Docket (AGC-24), Docket No. 14451, Federal Aviation Administration, 800 Independence Ave., S.W., Washington, DC 20591.

You can get copies of FAA reports entitled "Development of a Proposed Flammability Standard for Commercial Transport Flight Attendant Uniforms," Report No. FAA-RD-75-176, and "Development of a Fire Protective Overgarment for Use by Air Carrier Flight Attendants," Report No. FAA-RD-77-18, from the National Technical Information Service, Springfield, VA 22161.

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DOT—Federal Highway Administration

Hours of Service of Drivers (49 CFR Part 395*)

Legal Authority

The Motor Carrier Act of 1935 (Part II of the Interstate Commerce Act), 49 U.S.C. § 304; Department of Transportation Act, § 3, 49 U.S.C. § 1655.

Reason for Including This Entry

The Federal Highway Administration (FHWA) thinks this rule is important because any change in the hours of service regulations that restricts when a driver may work could have a major economic impact on both the trucking industry and consumers, causing considerable controversy.

Statement of Problem

The FHWA is considering revising the regulations that limit the driving hours and prescribe rest periods for drivers of vehicles engaged in interstate or foreign commerce. It is taking this action in response to:

- Numerous requests from public interest groups, labor organizations, motor carriers, and individual drivers.
- Research studies showing driver fatigue to be a cause in commercial motor vehicle accidents.
- A 1974 decision of a Federal District Court involving a suit brought by PROD, Inc., an interest group representing some commercial truck drivers who sought judicial review of FHWA's failure to initiate rulemaking proceedings on the hours of service regulations (*PROD, Inc., et al.* v. *Claude S. Brinegar*, U.S. District Court for the District of Columbia, Civil Action No. 2098-73). The suit was dismissed by the Court to allow FHWA to begin rulemaking. The dismissal allowed PROD to reinstate the suit in 18 months if FHWA had failed to initiate rulemaking.

PROD initiated another lawsuit on December 8, 1980, requesting the Court to direct DOT to publish an NPRM revising the hours of service regulations and asking that the Court establish a reasonable timetable for completion of the rulemaking proceeding. (*PROD, Inc., et al.* v. *Drew Lewis*, U.S. District Court for the District of Columbia, Civil Action No. 80-3118.)

The objective of this regulation is to increase the overall safety of the Nation's highways through the revision of current regulations governing the hours of service for drivers of commercial trucks and buses engaged in interstate or foreign commerce.

The FHWA currently limits, by regulation, the hours of service for drivers, as part of its overall responsibility for the safe operation of motor carriers.

Studies have been attempted to determine the impact of the hours of service for commercial motor vehicle drivers on the incidence of traffic accidents. In 1977, a study was done on over 5,000 accidents where it was suspected that driver fatigue was a factor in the accident. There were no consistent patterns in the data to imply the number of driving hours alone were related to the frequency or severity of the truck accidents.

Studies of the effects of prolonged driving show increased risks as measured by physiological decreases and performance data, and therefore the argument could be made that there is an increased risk in driving longer hours. These risks are not supported in the accident data, which indicate the number of driving hours alone was not related to the frequency or severity of accidents; however, research studies dating from the mid-1930s have indicated that fatigue causes narrowing of vision and inattention, which make drivers miss signs and signals, and result in highway accidents. In 1978, more than 34,000 commercial motor vehicle accidents were reported to the Bureau of Motor Carrier Safety; many of these were single-vehicle accidents and other accidents that involved running off of the road without apparent cause. The FHWA suspects that fatigue was a factor in many of these cases.

In the absence of regulatory limits on hours of service for drivers we may be unable to prevent fatigued drivers from traveling the Nation's highways, thereby allowing a potentially dangerous situation to continue.

Under Executive Order 12291, Federal Regulations, we have identified this regulation as costly and/or controversial, and therefore deserving of a priority review. As part of this review, FHWA will reexamine the costs and benefits of the entire regulatory program for hours of service to determine whether the regulation in its present form is necessary to ensure the safety of commercial vehicle operations.

Alternatives Under Consideration

The present regulations as defined by Title 49, Part 395 of the Federal Motor Carrier Safety Regulations, stipulate:

- no motor carrier shall permit or require any driver to drive more than 10 hours following 8 consecutive hours off duty;
- no motor carrier shall permit or require any driver to drive for any period after having been on duty 15 hours following 8 consecutive hours off duty;
- no motor carrier shall permit or require any driver to be on duty more than 60 hours in any 7 consecutive days, except if a carrier operates every day of the week—then it may be extended to 70 hours in 8 consecutive days;
- drivers using sleeper-berth equipment may accumulate the 8 hours off-duty in two periods of at least 2 hours each resting in the sleeper berth.

Some of the alternatives to current regulations that FHWA is studying include: requiring 10 consecutive hours off duty at home terminal and 8 consecutive hours off duty away from home terminal, a 24-hour off-duty period following 6 consecutive days on duty, a one-half hour meal stop during a tour of duty of 7 hours or more, and a one-half hour relief period following 4 consecutive hours of driving; allowing a maximum of 15 consecutive hours in any duty tour, and a maximum of 8 consecutive hours of driving following a required off-duty period; prohibiting driving after being on duty for 12 consecutive hours; computing as on duty all time spent in a sleeper berth for less than 8 hours; and prohibiting driving between midnight and 6:00 a.m.

DOT is also considering requirements that would simplify methods for recording hours of service. Such requirements would eliminate the industry-wide complaints about the drivers' logs, and may increase compliance. The other proposed regulatory actions would provide stricter controls over drivers' work habits, but they would not necessarily increase compliance.

Summary of Benefits

Sectors Affected: Users of highways, including bus drivers, truckers, and the general public; the interstate trucking industry; interstate bus lines and bus charter srvices; shippers and users of goods transported by truck or bus; and passengers and tour groups that normally travel by bus.

FHWA believes that revising the regulations to tighten limits on the hours of service for drivers could help reduce driver fatigue and ensure alertness, thereby reducing the risk of fatigue-related accidents. This, in turn, would increase the overall safety of the Nation's highways. In addition, both the driver and carrier may benefit if DOT authorizes the use of a simplified alternative method of recording a driver's activities in lieu of a daily log.

The FHWA expects that such a revision of the regulation could have economic benefits, because there may be fewer fatalities and injuries and less property damage caused by highway accidents. In addition, motor carriers' operating expenses would be reduced because of fewer accidents, lower insurance premiums, and reduced compensation payments. The economic benefits of reduced operating costs due to fewer accidents could provide cost savings that could be passed on to consumers of bus services and goods shipped by truck.

FHWA does not at this time have an estimate of the savings that would occur as a result ot these regulations. Many factors impair drivers' alertness. The Agency cannot distinguish between those accidents that would be prevented by changing these regulations and those that would be prevented by taking other actions.

If the hours of service limits are expanded, and there are no additional accidents, there could be savings to consumers resulting from more efficient vehicle usage, increased energy savings, and other productivity factors.

Summary of Costs

Sectors Affected: Interstate trucking industry; interstate bus lines and bus charter services; interstate truckers and bus drivers; shippers and users of goods transported by truck or bus; and passengers and tour groups that normally travel by bus.

FHWA expects that the costs resulting from these regulations may be high. Revising the hours of service regulations to restrict the hours that a driver may work could increase payroll expenses for motor carriers because they may need additional drivers. This could increase other operating expenses for motor carriers, resulting in increased costs to passengers and shippers for truck and bus transportation and, eventually, for goods consumed. The increased expenses to motor carriers would, however, be offset by such items as reduced vehicle downtime, minimized delays in cargo delivery, and lower insurance premiums that could result from fewer accidents.

Longer off-duty periods and fewer driving hours could reduce a driver's take-home pay.

Related Regulations and Actions

Internal: Current FHWA regulations restrict hours of service of drivers (49 CFR Part 395).

FHWA has initiated a test program, which began May 1, 1980, to evaluate alternatives to drivers' daily logs.

External: None.

Active Government Collaboration

None.

Timetable

NPRM—September 1981.
Regulatory Impact Analysis/ Regulatory Flexibility Analysis—Will accompany NPRM.
Public Hearing—None planned.
Public Comment Period—120 days following NPRM.
Final Rule—to be determined.

Available Documents

ANPRM—41 FR 6275, February 12, 1976.

Second ANPRM—43 FR 21905, May 22, 1978.

Bureau of Motor Carrier Safety Docket MC–70–1.

Sixteen reports of professional journal articles are referenced in the second ANPRM, 43 FR 21905, May 22, 1978.

PROD, Inc., et al. v. *Brinegar,* U.S. District Court, District of Columbia, Civil Action 2098–73 (May 20, 1974). This is a decision in which the District Court dismissed, without prejudice to renew in 18 months, a suit brought against DOT by PROD, Inc., a group representing professional drivers. The suit sought judicial review of the FHWA's failure to institute rulemaking proceedings on hours of service.

PROD, Inc. et al. v. *Drew Lewis,* U.S. District Court, District of Columbia, Civil Action No. 80–3118 (December 8, 1980). This is a suit requesting the Court to direct DOT to publish an NPRM revising the hours of service regulation and asking the Court to establish a reasonable timetable for the completion of the rulemaking proceeding.

"Effects of Hours of Service, Regularity of Schedules, and Cargo Loading on Truck and Bus Driver Fatigue," October 1978, available through the National Technical Information Service, Springfield, VA 22161 (DOT HS—803799).

Bureau of Motor Carrier Safety dockets are available at the Federal Highway Administration, Room 3402, 400 Seventh Street, S.W., Washington, DC 20590.

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DOT—National Highway Traffic Safety Administration

Bumper Standard (49 CFR Part 581*)

Legal Authority

Motor Vehicle Information and Cost Savings Act, § 102, 15 U.S.C. § 1912; National Traffic and Motor Vehicle Safety Act, § 103, 15 U.S.C. § 1392.

Reason for Including This Entry

The National Highway Traffic Safety Administration (NHTSA) believes this proposed rule is important because of its possible effect on manufacturers of motor vehicles and components; the interest the motor vehicle and insurance industries, Congress, and the public have shown in the proposed rule; and the potentially significant effect of the rule on costs to consumers.

Statement of Problem

In passing the Motor Vehicle Information and Cost Savings Act of 1972, Congress sought to reduce the economic losses resulting from motor vehicle accidents by providing for the promulgation of standards for bumper performance. Congress directed the Secretary of Transportation to promulgate bumper standards, taking into account the costs and benefits of the proposed standard and other factors. To fulfill this mandate, NHTSA issued the 49 CFR Part 581 "Bumper Standard" (41 FR 9346, March 4, 1976). The standard incorporates the safety features of former Federal Motor Vehicle Safety Standard 215, "Exterior Protection," and adds requirements for damage resistance for front and rear vehicle exterior surfaces in general.

In light of changing economic conditions (e.g., increasing fuel costs), the Senate Appropriations Committee, in June 1978, directed NHTSA to conduct studies and analyses to reevaluate the costs and benefits of the bumper standard. This led NHTSA to reassess the standard. In June 1979, NHTSA issued a report that concluded that the current Part 581 bumper standard provides greater net benefits to consumers than the alternatives considered. However, since that report was completed, manufacturers, insurance companies, and others have continued to supply information to the Agency on this subject. In addition, NHTSA has developed additional relevant data of its own.

Taking into account the information now available, the Agency is at the point of completing a new evaluation of the costs and benefits of the current bumper regulation. Preliminary results of that analysis support initiation of a rulemaking proceeding to modify the Part 581 standard, making it less stringent.

Alternatives Under Consideration

NHTSA is currently studying several ways to modify the present damage resistance requirements of the bumper standard to determine the difference in net benefits provided by various possible levels of damage resistance. Specific alternatives currently being considered are retaining the uniform bumper height requirements, eliminating the rear bumper requirements, and either reducing the front bumper requirements to 2.5 mph or eliminating them altogether.

Summary of Benefits

Sectors Affected: Manufacturing of passenger cars; insurance companies; and consumers.

NHTSA is developing an evaluation of the benefits of the bumper standard in terms of the value of damage the requirements would prevent. If the Agency takes no action (i.e., maintains the current standard), the chief benefit of the regulation would continue to be the damage repair cost saving provided to consumers. The standard also provides benefits by reducing insurance costs resulting from low-speed collisions and by saving consumers time and inconvenience in inspecting and repairing minor collision damage. No estimates of the precise savings are available at this time.

If the requirements of the Part 581 standard are found to be more stringent than necessary to maximize net benefits, then an easing of the requirements would reduce manufacturers' production costs and likely reduce new car costs to consumers. Consumers would also benefit from increased fuel savings due to reduced bumper weight and from the reduced repair and replacement costs of lighter weight, less complex bumper systems.

Summary of Costs

Sectors Affected: Manufacturing of passenger cars; insurance companies; and consumers.

NHTSA is developing an evaluation of the costs of the current Part 581 bumper standard for manufacturers and consumers. Damage resistance requirements add significantly to manufacturers' and consumers' costs for new vehicles due to the additional materials and complexity built into the improved bumper system. In addition, consumer operating costs could increase due to the added weight of the upgraded bumper system. If the standards requirements are lowered, the frequency of damage-producing accidents would increase, resulting in some losses for consumers in terms of time and inconvenience, as well as possible increased insurance rates.

Related Regulations and Actions

Internal: Passenger Automobile Average Fuel Economy Standards (49 CFR Part 531); Insurance Cost Information Regulation (49 CFR Part 582).

External: None.

Active Government Collaboration

None.

Timetable

Completion of Evaluation—April 1981.
NPRM—To be determined.
Regulatory Impact Analysis—Will accompany NPRM.
Regulatory Flexibility Analysis—Will accompany NPRM.
Public Hearing—None planned.
Public Comment Period—To be determined.
Final Rule—To be determined.

Available Documents

NHTSA's 1979 bumper analysis, together with all comments and data received in connection with that analysis, is available for review in Docket No. 73-19, Notices 25 and 26. These documents are located in the Docket Section, NHTSA, Room 5109, 400 Seventh Street, S.W., Washington, DC 20590. The results of NHTSA's pending evaluation will be made available when completed.

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DOT—NHTSA

Crashworthiness Ratings (49 CFR Chapter 5)

Legal Authority

Motor Vehicle Information and Cost Savings Act, 15 U.S.C. § 1941; National Traffic and Motor Vehicle Safety Act, 15 U.S.C. § 1401.

Reason for Including This Entry

The National Highway Traffic Safety Administration (NHTSA) thinks that this rulemaking is important because of the possible impact on manufacturers, the interest shown by consumers, and the potentially significant effect of the rule on the automotive marketplace.

Statement of Problem

Consumers do not have objective, comprehensive information available to them on the comparative ability of cars to protect them in a crash. Such information would help consumers make informed decisions about buying cars and would foster competition among manufacturers to produce safer cars.

To help consumers make informed purchasing decisions, Congress enacted the Motor Vehicle Information and Cost Savings Act of 1972. Title II of the Act directs NHTSA to develop ways to assess the ability of a car to protect its occupants in a crash (crashworthiness), the susceptibility of a car to property damage in a crash (damageability), and the ease of diagnosing and repairing vehicle systems that fail in use or are damaged in a crash (repairability).

The Act further directs NHTSA to develop methods of providing information on crashworthiness, damageability, and repairability to the public in a simple and readily understandable form to facilitate comparisons among various makes and models of cars.

The Act also directs the Agency to require car dealers to distribute information to prospective purchasers that compares differences in insurance costs for different makes and models of cars based upon differences in damageability and crashworthiness.

NHTSA has conducted an experimental program to assess the crashworthiness of cars in representative, standardized crash tests. The Agency's testing of 1979, 1980, and 1981 makes and models has demonstrated that there are significant differences in the ability of cars to protect their occupants in a crash.

Alternatives Under Consideration

The Agency is currently considering several alternative ways of carrying out its statutory mandate to provide consumers with comparative information rating the crashworthiness of cars. This information program would supplement the command and control regulatory program under the National Traffic and Motor Vehicle Safety Act.

NHTSA issued an NPRM on January 22, 1981 (46 FR 7025) to solicit public comments on ways to assess the crashworthiness of passenger cars and how to distribute this data to consumers to help them make more informed purchasing decisions.

(A) Alternative (A), proposed in the Agency's NPRM, would require manufacturers to develop the crashworthiness data and distribute it to consumers. Manufacturers already conduct crash testing to determine if their cars comply with the Federal Motor Vehicle Safety Standards. By conducting those tests at higher speeds (e.g., 35 mph rather than 30 mph as set in the current safety standards), manufacturers would be able to determine if their vehicles comply with the Federal Safety Standards. They would also be able to rate the crashworthiness of their cars. As a practical matter, the compliance crash testing must be completed before the cars are produced and offered for sale to enable manufacturers to have the crashworthiness ratings available for prospective purchasers at the beginning of the model year.

(B) Under Alternative (B), also discussed in the NPRM, the Agency would conduct all the crash tests needed to rate the cars and provide the information to manufacturers for dissemination to prospective purchasers. Although this approach would place all the testing under the full, direct control of the Agency, it would require an expensive test program. More importantly, the Agency would have to obtain the cars for testing after they have been publicly offered for sale to ensure that they are representative of cars available to the public rather than pre-production prototypes. Thus, the comparative ratings could not be distributed at the beginning of the model year to help consumers make their buying decisions.

Other issues discussed in the NPRM include: (1) developing an indexing procedure that would combine head, chest, and femur (leg) injury readings developed in frontal crash tests into a composite measure of crashworthiness; and (2) rating cars on a continuum of crash test speeds.

The NPRM proposes disseminating information to consumers by using a window sticker containing information on the particular model and distributing a booklet containing comparative information. NHTSA would publish this booklet and make it available through automobile dealerships. The NPRM requests comments on alternatives to this approach, including elimination of the window sticker requirement.

Summary of Benefits

Sectors Affected: Purchasers of new cars.

NHTSA has developed an analysis of the benefits for the proposed rulemaking. One of the chief benefits would be to provide prospective purchasers of new cars with objective information about the crashworthiness of different makes and models to enable them to make informed buying decisions. The crashworthiness rating should foster competition among manufacturers to produce cars that provide increased levels of protection in a crash. To the extent that consumers and manufacturers respond to this program by demanding and building safer vehicles, there will be a corresponding reduction in highway deaths and injuries.

Summary of Costs

Sectors Affected: Manufacturers of cars; purchasers of new cars.

NHTSA has developed an analysis of the expected costs of the proposed rulemaking. If manufacturers are required to develop the crashworthiness data, they would have to conduct crash tests to rate the ability of their cars to protect occupants in a crash. Manufacturers could combine that crash testing with the testing they already do to certify compliance with Federal Safety Standards. Thus, the additional crash test costs for all manufacturers should be limited, particularly for manufacturers who design their cars to provide more than the 30 mph level of protection required by the current Federal Safety Standards.

Under the system proposed in the NPRM, the first-year cost to the industry for developing the ratings would be approximately $3 million (in 1980 dollars) for model year 1983 vehicles. The annual cost for each successive year would be $240,000. It would cost the Government less than $1 million (annually) to compile, print, and disseminate the ratings booklet and to perform new car verification testing for enforcement purposes.

No direct costs to automobile purchasers are associated with the crash testing and information dissemination program. Manufacturers, however, may raise prices on their vehicles if they design them with new, more costly safety features.

Related Regulations and Actions

Internal: Insurance Cost Information Regulation (49 CFR Part 582).

External: None.

Active Government Collaboration

None.

Timetable

Public Comment Period—Ends October 22, 1981. Comments should refer to Docket No. 79–19, Notice 1, and be submitted to the Docket Section, NHTSA, Room 5109, 400 Seventh Street S.W., Washington, DC 20590.
Public Hearing—None scheduled.
Final Rule—To be determined.

Available Documents

NPRM—46 FR 7025, January 22, 1981.
Preliminary Regulatory Analysis.
Regulatory Flexibility Analysis.
Results of the Agency's series of tests rating the crashworthiness of 1979 and 1980 model cars.
Public comments on the NPRM.
These documents are in Docket No. 79–1, Notice 1, and are available for public inspection along with all public comments received on the NPRM. All documents are available for review in the Docket Section at the address given above in the "Timetable" section.

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DOT—NHTSA

Heavy-Duty Vehicle Brake Systems (49 CFR Parts 571.105*, 571.121*)

Legal Authority

National Traffic and Motor Vehicle Safety Act, § 103, 15 U.S.C. § 1392.

Reason for Including This Entry

The National Highway Traffic Safety Administration (NHTSA) thinks this rule is important because of the level of public and Congressional interest.

Statement of Problem

Various Federal safety standards issued by NHTSA apply to truck, bus, and trailer brake systems (Federal Motor Vehicle Safety Standards No. 106, "Brake Hoses;" No. 116, "Brake Fluids;" and No. 121, "Air Brake Systems").

In addition, the requirements of Safety Standard No. 105, "Hydraulic Brake Systems," were recently extended to trucks, buses, and multipurpose passenger vehicles with a gross vehicle weight (GVWR) of 10,000 pounds or less. Some portions of the standard were also extended on a more limited basis to those types of vehicles with a GVWR greater than 10,000 pounds. (The effective date of the amendment is September 1, 1983.)

Although these standards have improved heavy truck braking performance considerably, problems with braking systems remain, and heavy truck accident rates are increasing. NHTSA is examining the long-range issues related to braking systems for trucks, buses, and tractor-trailers.

The number of persons killed while riding in heavy trucks increased from 847 in 1975 to 1,248 in 1978—an increase of 47 percent. In addition, the number of deaths involving automobiles and heavy trucks increased from 2,086 in 1975 to 2,959 in 1978. Roadside inspections, which the Bureau of Motor Carrier Safety (BMCS) of the Federal Highway Administration (FHWA) conducted, indicate an unacceptably high number of poorly maintained trucks.

For example, 9,671 of 23,838 vehicles (or 41 percent) that were inspected in 1979 were found to have one or more serious mechanical defects, which resulted in the vehicles' being declared out-of-service. Thirty-five percent of the vehicles that were inspected in 1976 were declared out-of-service. Of all out-of-service defects found on vehicles inspected in 1979, the largest number (48 percent) concerned the vehicles' primary brake system (as opposed to its emergency brake system).

If the Agency does not take any action, the number of deaths resulting from accidents involving heavy trucks is likely to continue.

Alternatives Under Consideration

NHTSA has issued an ANPRM to solicit comments on the Agency's long-range course of action regarding medium- and heavy-duty truck braking performance. Although it is too early in the regulatory process to identify specific alternatives and their advantages and disadvantages, general areas of consideration include:

(A) Establishing performance requirements in one or more of the following areas: (1) brake adjustment; (2) stability of the vehicle during stopping; (3) fade resistance, or stopping power for brakes exposed to high brake temperatures caused by prolonged or severe use; (4) contamination of brake systems by road dust, water, etc.; and (5) reliability and maintainability.

(B) Other possible approaches include: (1) issuing a public advisory notice on ways to improve fade resistance; (2) establishing criteria for total brake system performance and stopping distance capability; (3) increasing State vehicle inspection programs; (4) teaching drivers how to avoid accidents; and (5) requiring vehicle manufacturers to improve the design of vehicles to enhance the driver's visibility and ability to brake rapidly.

Summary of Benefits

Sectors Affected: Users of highways, including the trucking industry, truckers, bus charter services, bus drivers, and the general public.

The benefits this rulemaking would achieve depend on specific performance requirements, which have not yet been determined. The chief benefit would be a reduction in the number of accidents related to the braking systems in heavy trucks. The purpose of the ANPRM is to make the public aware of NHTSA's concerns, to outline our research plans, and to solicit relevant comments from the trucking industry.

Summary of Costs

Sectors Affected: Manufacturers of trucks, buses, tractor-trailers, and braking systems; purchasers of buses, trucks, and tractor trailers; and the general public.

Generally, the manufacturers would incur costs for designing new brake systems or components. Ultimately, such costs would be passed on to the consumer public through higher prices. For example, if requirements were set on brake adjustment, manufacturers would possibly have to use automatic adjusters in their brake systems. Automatic adjusters would cost truck buyers about $50 to $75 per axle more than manual adjusters. The initial cost of automatic adjusters would be more than offset by the savings in brake system maintenance and tire wear. However, until the regulatory requirements are defined, it is not possible to specify the overall economic impact.

Related Regulations and Actions

Internal: NHTSA issued a related ANPRM (44 FR 9783) on February 15, 1979. The ANPRM proposed establishing a new Air Brake Standard (No. 130) for trucks, buses, and trailers over 10,000 pounds gross vehicle weight rating (GVWR) to replace Air Brake Standard No. 121. The new Air Brake Standard would reinstate a stopping distance requirement to replace the one invalidated by the decision of the U.S. Court of Appeals for the Ninth Circuit in *PACCAR* v. *NHTSA and Department of Transportation*, 573 F. 2d 632 (9th Cir. 1978), cert denied, 439 U.S. 862 (October 2, 1978). The standard would also

include requirements for heavy trucks and buses equipped with hydraulic brakes.

NHTSA issued a final rule on June 2, 1980 (45 FR 38380) that amends existing Standard No. 121. That amendment requires all vehicles with a GVWR over 10,000 pounds to have service brakes on all wheels. On June 13, 1980, the Agency granted a California Highway Patrol petition (45 FR 41468) asking the Agency to begin rulemaking to amend the parking brake requirements of Standard No. 121.

As noted above, the Agency extended the requirements of Safety Standard No. 105 on a limited basis to heavy trucks in a final rule (46 FR 55) published January 2, 1981.

External: None.

Active Government Collaboration

None.

Timetable

NPRM—To be determined.
Preliminary Regulatory Impact Analysis—Will accompany NPRM.
Regulatory Flexibility Analysis—Will accompany NPRM.
Public Hearing—None planned at this date.
Public Comment Period—To be determined.
Final Rule—To be determined.

Available Documents

ANPRM—45 FR 13155, February 28, 1980.

NHTSA Docket No. 79–03, Notice 03.

All documents available for review in the Docket Section, NHTSA, Room 5108, 400 Seventh Street, S.W., Washington, DC 20590.

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DOT—NHTSA

Occupant Crash Protection (49 CFR 571.208*)

Legal Authority

National Traffic and Motor Vehicle Safety Act, as amended, § 103, 15 U.S.C. § 1392.

Reason for Including This Entry

The National Highway Traffic Safety Administration (NHTSA) recently issued an NPRM to amend the automatic restraint requirements of Federal Motor Vehicle Safety Standard No. 208, "Occupant Crash Protection" (46 FR 21205, April 9, 1981). The notice included three proposed alternatives. NHTSA believes that any of these alternatives would qualify as a major rule under Executive Order 12291, Federal Regulation. For this reason, the Agency believes this rulemaking is important to vehicle manufacturers, insurance companies, Congress, and the public.

Statement of Problem

The Department of Transportation (DOT) issued the automatic restraint requirements of Safety Standard No. 208 in July 1977 (42 FR 34289, July 5, 1977). DOT took that action because of the substantial safety problem posed by the approximately 25,000 occupants killed annually in the front seat of passenger cars. Although the cars were equipped with manual safety belts under Safety Standard No. 208, relatively few people were being protected since most did not use manual belts.

To provide a solution to the problem of a high death rate and injury toll and of a low manual belt use rate, DOT turned to requiring automatic restraints. Automatic restraints are systems that require no action by vehicle occupants, such as buckling a seat belt, to be effective. Two existing systems that qualify as automatic restraints are air cushion restraint systems (air bags) and automatic seat belts (belts that automatically move into place when an occupant enters a vehicle and closes the door).

As issued in 1977, the automatic restraint requirements were to become effective in three phases: September 1, 1981, for large cars; September 1, 1982, for mid-size cars; and September 1, 1983, for small cars.

On April 6, 1981, DOT issued a final rule (46 FR 21172) that delayed the effective date of the first phase of the automatic restraint requirements of Safety Standard No. 208 until September 1, 1982. The rule provided that the automatic restraint requirements for large and mid-size cars would become effective on the same date—September 1, 1982.

In addition, on April 6, 1981, DOT issued an NPRM that proposed amending Safety Standard No. 208 to ensure that it reflects the changes in circumstances since the automatic restraint provisions were issued in 1977. DOT wants to make certain that it is taking the most effective, reasonable approach to addressing the serious safety problem posed by both the low rate of manual safety belt use in all cars and the steadily decreasing average size of new cars sold in this country. (Studies show that small cars are less safe than larger models.)

Developments since the automatic restraint requirements were first issued include the following:

- In 1977, the Department thought that manufacturers would comply with those requirements by equipping a majority of vehicles with air bags. However, manufacturers now indicate they will install air bags in only about 1 percent of the total fleet of new cars. Automatic belts will be installed in the other 99 percent.
- The original implementation schedule (large cars, mid-size cars, then small cars) was established because manufacturers had more experience using air bags in large cars than they had with smaller models. Because air bags will now be installed in relatively fewer vehicles, this factor is no longer important. Manufacturers' experience with automatic belts is more relevant. They now have had more experience using automatic belts in small cars than in large models.
- The switch to smaller, more fuel-efficient cars is occurring much more rapidly than DOT anticipated in 1977. As noted earlier, these cars are less safe than large cars, yet under the current standard they are scheduled to have automatic restraints after the larger models.
- In 1977, NHTSA thought that automatic belts would cost only $34 more per vehicle than manual belts would, and that air bags would cost about $154 more per vehicle than manual belts. The comparable figures (per vehicle) are $108 for the incremental cost of automatic belts and about $400 (in 1981 dollars) for air bags produced in large quantities (e.g., approximately 300,000 vehicles annually) and as much as $1,100 for air bags produced in lower quantities.
- Public acceptance is a major consideration in determining what action to take on a Safety Standard. DOT believes that the public may not be able to choose between automatic belts and air bags because manufacturers plan to install automatic belts in most vehicles as standard equipment. In addition, DOT is concerned about the potential lack of public acceptance of the specific automatic belt designs currently planned by automobile manufacturers.

The above factors have led DOT to conclude that the entire automatic restraint standard should be reconsidered to determine if it is still reasonable and practicable.

Alternatives Under Consideration

The recently issued NPRM included three alternatives:

(A) The implementation schedule of automatic restraints would be changed so that small cars would be required to comply by September 1, 1982, mid-size cars by September 1, 1983, and large cars by September 1, 1984.

(B) All car sizes would be required to comply with the automatic restraint requirements by March 1, 1983.

(C) The automatic restraint requirements would be rescinded altogether.

Summary of Benefits

Sectors Affected: Manufacturing of passenger cars; insurance companies; and consumers.

Alternative (A), the reversal proposal, would ensure that automatic restraints are first placed in the car size class which represents the greatest safety risk. The reversed schedule could produce greater net benefits (in terms of lives saved and injuries prevented) than the original implementation schedule because small cars are not as safe as large cars, and more small cars are being produced. To the extent injuries and deaths are prevented, the number of insurance claims should also decrease. This alternative would also largely avoid the necessity and extra cost of redesigning and equipping large cars with automatic restraints for the few years that these cars will continue to be produced.

Alternative (B), the simultaneous compliance proposal, would require manufacturers to install automatic restraints in all car sizes by the same date. This means that the implementation schedule would shift so that large and mid-size cars would comply 6 months later and small cars would comply 6 months earlier than the current standard provides. This alternative could also be more beneficial than the original schedule because it would accelerate the date by which all cars must be equipped with automatic restraints. The alternative would be more equitable than either the existing standard or Alternative (A) because all manufacturers would have to comply at the same time. The impact on individual company sales should be minimized by Alternative (B), since competitive effects among manufacturers and different car size classes would be eliminated.

Alternative (C), the rescission proposal, would save millions of dollars in costs for manufacturers, who would not have to redesign and retool to install the more expensive automatic restraints in their vehicles. Similarly, rescission would save consumers millions of dollars.

Summary of Costs

Sectors Affected: Manufacturing of passenger cars; insurance companies; and consumers.

The costs of the reversal and simultaneous compliance alternatives would be mixed. For example, Alternative (A), the reversal proposal, would delay the costs manufacturers would incur for installing automatic restraints in model year 1983 mid-size and large cars. The costs consumers would incur because of installing automatic restraints would also be delayed. There could be some slight loss in sales or deferral of purchases of model year 1983 small cars as well as model year 1984 mid-size cars. However, the market forces pushing consumers toward smaller, more fuel-efficient cars could minimize such effects.

The costs of Alternative (B), the simultaneous compliance proposal, would depend on how near the manufacturers come to beginning compliance on March 1, 1983. If they begin precisely on that date, then the manufacturer and consumer costs would not increase for the mid-size and large cars produced between the current effective date of September 1, 1982 and the proposed March 1, 1983 effective date. Costs would increase for the small cars produced between the proposed March 1, 1983 effective date and the currently scheduled September 1, 1983 effective date.

The possible adverse safety impacts of Alternative (C), rescinding the standard, and the associated costs to society, are difficult to quantify at this time. The safety impact would depend greatly on whether automatic restraints are acceptable to and used by the public. If consumers will not use automatic seat belts, the results of a rescission could be minimal. Moreover, the Department is embarking on an extensive educational campaign to increase the use of existing manual belts. The success of this campaign would also reduce the ultimate impact upon the public and insurance companies of a rescission of the automatic restraint standard.

Related Regulations and Actions

None.

Active Government Collaboration

On April 27 and 30, 1981, the Subcommittee on Telecommunications, Consumer Protection, and Finance of the House Committee on Energy and Commerce held hearings on the subject of Safety Standard 208.

Timetable

Final Rule—To be determined.
Public Hearing—None.

Available Documents

Final rule delaying the first phase of the automatic restraint requirements—46 FR 21172, April 9, 1981.

Regulatory Impact Analysis for the April 9, 1981, final rule.

NPRM—46 FR 21205, April 9, 1981.

Preliminary Regulatory Impact Analysis and Regulatory Flexibility Analysis for the April 9, 1981 NPRM.

All documents and all the comments and data received in response to the revisions and proposed revisions of Standard No. 208 can be found in Docket 74–14; Notices 20, 21, and 22, and are available for review in the NHTSA Docket Section, Room 5109, 400 Seventh Street, S.W., Washington, DC 20590.

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DOT—U.S. Coast Guard

Construction and Equipment for Existing Self-Propelled Vessels Carrying Bulk Liquefied Gases (46 CFR 31*, 34*, 38*, 40*, 54*, 98*, and 154*)

Legal Authority

Port and Tanker Safety Act of 1978, 33 U.S.C. § 1221, 46 U.S.C. § 391a.

Reason for Including This Entry

This proposal concerns the safe shipping of bulk liquefied gas in existing ships that have been designed for this purpose. The Coast Guard has included this entry because the safety of this cargo and class of vessels has been a general public concern for several years.

Statement of Problem

Existing U.S. ships for carrying liquefied gas, which are called gas ships, were designed and constructed in accordance with current Coast Guard standards. The Coast Guard developed these standards as the need for ships capable of carrying extremely cold liquefied gas grew. However, there has never been an internationally accepted set of design, equipment, and construction standards, and virtually every nation uses its own unique standards. This has created problems because not all countries recognize each other's standards. Therefore, an

individual ship must comply with the standards of each country with which it wants to trade. This has the effect of restricting free international trade. To alleviate this situation, the international community agreed upon two uniform sets of standards for gas ships, developed by the International Maritime Consultative Organization (IMCO).One set of standards was for new ships. The Coast Guard adopted these standards on May 3, 1979 (44 FR 25986). There was not much controversy about the standards for new ships because they represented only small incremental additional construction costs.

The second set of standards was for existing vessels. A very careful evaluation of the economic impact of implementing the Existing Gas Ship Code is needed because it may involve costly retrofit of vessels that are presently in operation. Therefore, the Coast Guard has issued an ANPRM for public comment (42 FR 33353, June 30, 1977).

Alternatives Under Consideration

The Coast Guard has considered four alternatives:

(A) Adopt the IMCO Existing Ship Gas Code.

(B) Issue no regulations.

(C) Require existing gas ships to comply with the IMCO new gas ship standards.

(D) Treat all affected vessels on a case-by-case basis.

The proposal in the ANPRM—adoption of the IMCO Existing Ship Gas Code—would affect 19 U.S. flag vessels and approximately 150 foreign flag vessels. Most U.S. vessels and those foreign vessels currently trading with the United States come close to complying with the IMCO Existing Ship Gas Code. Adoption of the code would establish a uniform level of safety at an acceptable cost, and would allow U.S. flag ships to trade in countries that have adopted the IMCO standard. Consequently, the Coast Guard favors Alternative (A). Comments received in response to the ANPRM indicate that there would be minimal difficulty for U.S. vessels to comply with this alternative. Alternatives (B), (C), and (D) have serious drawbacks, such as perpetuating inconsistencies, imposing heavy economic burdens on the industry, and restricting free trade.

Summary of Benefits

Sectors Affected: The general public; the marine environment; water transportation of bulk liquefied gas; and construction of liquid cargo vessels.

The Coast Guard expects that any proposed regulation would benefit the public because it would ensure the safe transportation of bulk liquefied gases aboard existing vessels entering the United States by upgrading the mimimum standards for their equipment, material, and construction. However, development of the IMCO standards has been going on for a long time, and most U.S. vessels come close to meeting these standards. In addition, the Coast Guard has been issuing Letters of Compliance to foreign vessels for years. This means that although the IMCO rules would upgrade some safety standards, there would be no radical changes. The major benefit derived from the adoption of these rules would be to have an internationally uniform set of regulations. This would help the industry and the Nation by eliminating confusing conflicts between various standards accepted in different parts of the world. In other words, along with increased safety, an even greater benefit would be promotion of free trade between countries that adopt the IMCO standards.

Summary of Costs

Sectors Affected: Water transportation of bulk liquefied gas; users of this product; and manufacturing of liquid cargo vessels.

Any regulatory action would directly affect owners and operators of gas ships, who probably would pass costs on to the general consumer. The comments received in response to the ANPRM, although incomplete in many respects, indicate that costs would be well below the levels required for a Regulatory Impact Analysis in the Department of Transportation's guidelines. In any case, the present market for this type of ship is at a minimum. Therefore, in most cases, owners and operators would have the flexibility to perform modifications without interrupting their delivery schedules.

This eliminates one of the most costly aspects of laying up a ship that has a busy delivery schedule. In some cases the cost of pulling a ship out of service can be more than the cost of actual modifications. A slack market eliminates this cost, or at least reduces it to a minimum. Administrative costs to the Government would be minimal.

Related Regulations and Actions

Internal: On May 3, 1979, the Coast Guard published rules for new self-propelled vessels carrying bulk liquefied gases, which are based on the IMCO Gas Code for new ships. The rules were effective on May 31, 1979.

External: IMCO Existing Gas Ship Code.

Active Government Collaboration

None.

Timetable

NPRM—December 1981. This project has been delayed because other regulatory proposals have had priority over the limited USCG resources available for drafting.
Regulatory Impact Analysis—No Regulatory Impact Analysis will be done.
Regulatory Flexibility Analysis—Not needed.
Public Hearings—To be determined.
Public Comment Period—90 days following publication of NPRM.

Available Documents

ANPRM—42 FR 33353, June 30, 1977.

Documents, including comments responding to the ANPRM, are available from the Agency Contact. Fees will be charged for duplicating the material.

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ENVIRONMENTAL PROTECTION AGENCY

Office of Air, Noise, and Radiation

Environmental Radiation Protection Standards for Management and Disposal of Spent Nuclear Fuel, High-Level and Transuranic Radioactive Wastes (40 CFR Part 191)

Legal Authority

Atomic Energy Act of 1954, as amended, 42 U.S.C. § 2201(b).

Reason for Including This Entry

The Environmental Protection Agency (EPA) thinks this rule is important because it is a critical step towards developing disposal methods for high-level and other long-lived radioactive wastes which could pose serious health problems to current and future generations of people. In addition, we estimate that the annual cost for implementing these standards could exceed $100 million (1978 dollars).

Statement of Problem

It is important to ensure proper management and disposal of high-level radioactive wastes; otherwise, they

could cause excessive radiation exposures to the population of the United States which, in turn, could result in some premature cancer deaths. Large quantities of these wastes already exist, and national defense programs, commercial nuclear power plants, and research reactors are producing more. At present, the Department of Energy (DOE) stores 70 million gallons of high-level defense wastes in various liquid and solid forms on three Federal reservations in the States of Idaho, South Carolina, and Washington. Owners of commercial nuclear power plants are temporarily storing about 6,000 tons of spent fuel (i.e., fuel removed from a reactor after it has generated electrical power) in holding ponds at the various plant sites. Over the next few years, reactors currently licensed to operate are expected to produce an additional 600 tons a year of spent fuel. EPA estimates that these proposed standards will limit cancer deaths resulting from disposal of these wastes to less than 10 per 100 years over the first 10,000 years after disposal. We made this estimate by considering possible releases of waste from a repository and by using present risk versus radiation exposure estimates to arrive at the number of premature cancer deaths.

Our program to develop these standards began in 1976 as part of an interagency effort to speed up development and demonstration of a high-level waste repository. President Ford announced this program as part of his Nuclear Waste Management Plan on October 27, 1976. President Carter established an Interagency Review Group (IRG) on Waste Management in March 1978 to review existing programs and recommend new policies where necessary. After holding several public hearings on its draft report, the IRG prepared a final report to the President in March 1979. This report recommended that EPA accelerate its programs to set standards for nuclear waste management and disposal activities. President Carter approved this recommendation as part of his Program on Radioactive Waste Management, which he announced on February 12, 1980.

If EPA took no action, this would further delay the Federal waste management program and could have significant environmental consequences. Delay in developing disposal methods results in longer storage of existing wastes in surface facilities requiring human control. Such storage is not necessarily a danger under normal conditions. The wastes, however, are more vulnerable to accidental release in surface storage than they would be in disposal facilities. The chances for environmental damage are greater the longer the wastes are stored in existing sites. Furthermore, the lack of a solution to this problem has caused serious uncertainty about the future use of nuclear energy in the United States. This uncertainty makes both national and local energy policy more difficult to develop and has many indirect adverse economic and environmental effects.

Alternatives Under Consideration

The disposal system for high-level radioactive waste has yet to be designed and demonstrated by DOE. As a result, we are evaluating two basic types of environmental protection standards, and a third alternative which combines certain aspects of both.

Alternative (A)—We could develop a standard establishing general principles to govern disposal methods without setting quantitative standards. These principles would specify broad design requirements for disposal systems such as: (1) designing multiple manmade barriers and using natural barriers to prevent release of the wastes, (2) disposing of the wastes so that future generations could recover and relocate them, if necessary, and (3) designing disposal systems to reduce potential releases to the lowest levels reasonably achievable. Such requirements would reduce some of the uncertainties of the disposal systems to be developed which must work for very long times. However, they would not place any clear limit on expected environmental effects.

Alternative (B)—We could set numerical performance requirements for disposal systems without using general principles like those discussed in Alternative (A). These environmental protection standards would then be compared by the Nuclear Regulatory Commission (NRC) against the predicted performance of a proposed disposal system to determine whether the system should be approved. Such an approach would allow complete flexibility in meeting the objectives; however, it would rely upon predictions over very long time periods and such predictions involve many uncertainties.

Alternative (C)—Combine both types of standards discussed above. This will require long-term predictions of disposal system performance to determine if environmental protection objectives are met. The general principles will require conservative design approaches which will protect the environment as much as possible even if these long-term predictions are wrong.

We believe that Alternative (C) provides the most reliable protection of the general population and the environment.

Summary of Benefits

Sectors Affected: The general public.

The primary benefit of these standards is the protection of human health. Because the Federal Government has yet to design and demonstrate the disposal system, we are unable to accurately determine the health impact resulting from these standards. We estimate that the number of premature cancer deaths that would be caused by disposal in compliance with our standards would not exceed 1,000 over the first 10,000 years after disposal of the wastes. This is an average of one death every 10 years. Because our estimates are conservative, there is a good chance that actual disposal systems would result in fewer cancer deaths than we estimate.

Many sectors of society, especially environmental groups, State governments, and Members of Congress, have stated that nuclear power should not continue to be used while the problem of high-level radioactive waste disposal remains unsolved. Nuclear power now provides approximately 13 percent of the Nation's power supply. While EPA is neither for nor against nuclear power, we believe that these standards are the first step towards solving the problem of disposing of high-level radioactive wastes, so that the Nation can decide whether or not nuclear power will continue to be part of our energy system.

Summary of Costs

Sectors Affected: Commercial nuclear power plants; consumers of electricity supplied by nuclear power; Federal defense waste management programs; and NRC.

The high-level radioactive waste disposal program will initially be financed by the Federal Government. According to the provisions of President Carter's spent fuel policy, utilities will pay a one-time full cost recovery charge to the Federal Government for the transfer of spent fuel. This charge will cover all the costs of storage (away-from-reactor, if any), encapsulation, disposal, research and development, and government overhead involved in the management of spent fuel. Military-produced wastes are to be managed and disposed of by the Federal Government.

We calculated the cost impact of these standards by estimating the cost of the additional steps the Federal Government would have to take to be in

compliance. Based largely on data and analyses performed by DOE, we estimate that in the year 1990 these standards will result in an incremental annual cost of commercial waste management of about $100 to $800 million (1978 dollars). It is also possible that the incremental cost will be zero. The maximum cost impact amounts to less than a 1-percent increase in national average electricity rates.

We also estimated that the standards would cause an increase of $0.9 billion to $1.7 billion (1978 dollars) over the total cost of the reference defense waste management program (assuming on-site disposal of high-level waste in geological repositories as the reference program), which is estimated to cost about $3.7 billion (1978 dollars).

The details of our cost estimates are contained in the report "Economic Impacts of 40 CFR 191" (see Available Documents, below).

The Nuclear Regulatory Commission (NRC) is responsible for implementing these standards, and therefore will incur administrative costs.

Related Regulations and Actions

Internal: We have coordinated the part of these standards that covers normal waste management operations with our Environmental Radiation Protection Standards for Nuclear Power Operations (40 CFR Part 190) to provide consistent exposure standards for all uranium fuel cycle operations.

External: The Nuclear Regulatory Commission (NRC) is responsible for implementing these standards. To accomplish this, NRC is currently developing regulations for Disposal of High-Level Radioactive Wastes in Geologic Repositories (10 CFR Part 60); NRC describes these proposed regulations in this edition of the **Calendar.**

Active Government Collaboration

We established an interagency working group to help us develop these standards. The agencies represented are the Nuclear Regulatory Commission, the Department of Energy, and the United States Geological Survey.

Timetable

NPRM—July 1981.
Regulatory Impact Analysis and Environmental Impact Statement—July 1981 (under preparation).
Public Hearings—Several public hearings will be conducted during the public comment period, at times and places that we will announce in the **Federal Register.**
Public Comment Period—180 days following publication of NPRM.
Final Rule—July 1982.
Final Rule Effective—July 1982.
Regulatory Flexibility Analysis—Not required.

Available Documents

ANPRM—41 FR 235, December 6, 1976.

"Economic Impact of 40 CFR 191," available from Criteria & Standards Division (ANR-460), Office of Radiation Programs, U.S. Environmental Protection Agency, Washington, DC 20460.

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EPA—OANR

Policy and Procedures for Identifying, Assessing, and Regulating Airborne Substances Posing a Risk of Cancer (40 CFR Part 61)

Legal Authority

The Clean Air Act, as amended. §§ 111, 112, and 301(a), 42 U.S.C. §§ 7411, 7412, and 7601(a).

Reason for Including This Entry

The Environmental Protection Agency (EPA) thinks that this policy is important because it will set a precedent in establishing how EPA will regulate airborne carcinogens under the Clean Air Act, and include risk assessment and economic analysis in the regulatory process.

Statement of Problem

Cancer is the second leading cause of death in the United States. One American in four is expected to contract some form of cancer in his or her lifetime, and one in five is expected to die from the disease. The most recent statistics show a continued increase in the total incidence of cancer, resulting principally from increases in lung cancer.

Studies of human cancer rates and their worldwide geographical variations, and observations of incidence rates in migrant populations, have revealed that factors in the human environment are probably responsible for a large proportion of cancers. "Environmental factors" in the broad sense include chemical exposures from smoking, diet, occupation, drinking water, and air pollution; various forms of radiation, including sunlight; and some forms of severe physical irritation. Although the uncertainties are great, estimates by the World Health Organization, other prominent institutions, and individual experts suggest that these factors may cause 60 to 90 percent of all human cancers.

Although airborne carcinogens may induce cancer at a number of areas in the body, lung cancer is thought to be the principal form of cancer related to air pollution. While cigarette smoking is probably the most important cause of lung cancer in the United States, many scientists believe that various air pollutants increase the risk of cancer from smoking and other carcinogenic insults. Available estimates also indicate that occupational exposures to chemicals are responsible for a significant portion of the incidence of lung cancer in the United States.

Through preliminary examination of industries producing chemicals and radioactive materials, and of air sampling results, EPA has identified over 50 known or potential chemical carcinogens and numerous radioactive materials which may be emitted into the atmosphere. Many of these substances are synthetic organic chemicals that have been in commercial use only since the 1930s. Because cancer induced by exposures to small amounts of airborne carcinogens may not appear for 15 to 40 years after exposure, it is still too early to detect the full effects of these chemicals on human health. Thus, it is both prudent and, in view of the large number of people potentially affected, important to reduce or contain emissions of known or suspected atmospheric carcinogens in order to prevent future problems before we actually observe them.

We have, since 1971, listed five airborne carcinogens (asbestos, vinyl chloride, benzene, radionuclides, and arsenic) as hazardous pollutants under § 112, National Emission Standards for Hazardous Air Pollutants, of the Clean Air Act. As required by § 112, we have developed and are continuing to develop emission standards for significant sources of these pollutants. In addition, we are evaluating a number of other potentially carcinogenic substances to determine whether action under § 112 is appropriate. We have found our actions on airborne carcinogens to be hampered by the lack of a policy, developed with public participation, that would guide our use of § 112 to control airborne carcinogens.

Specifically, we need publicly stated, legally binding policies and regulatory mechanisms to: (1) determine the

carcinogenicity and carcinogenic risks of air pollutants for regulatory purposes, (2) establish priorities for evaluating the need for and implementing additional regulatory action, (3) specify the degree of source control required in general under § 112 and indicate how we will determine that level of control in setting individual standards, and (4) provide more extensive public involvement in the Agency's decisionmaking on the regulation of airborne carcinogens.

Alternatives Under Consideration

We describe a number of alternatives in the proposal document (44 FR 58642, October 10, 1979):

(1) approaches leading to a zero-emission level;

(2) predetermined decision rules (e.g., specification of a fixed target (numeric) carcinogenic risk or incidence level; cost-per-life goals; best available technology); and

(3) special approaches for new sources.

Beyond that, the principal alternative is to have no formal policy. Under this alternative, EPA would continue with a case-by-case approach for regulating airborne carcinogens under § 112 of the Clean Air Act. This strategy would allow the Agency maximum regulatory flexibility, but would not give either the general public or the regulated industry sufficient information to enable them to participate fully in the rulemaking process. In addition, the alternative of no policy would not resolve the difficulties which EPA has encountered in the listing of airborne carcinogens and in the subsequent development of emissions regulations. It also does not recognize the need for procedures to ensure that available resources are allocated to the most important or tractable problems on a priority basis.

Under the policy, we will list under § 112 those airborne substances identified as high probability human carcinogens which present a significant carcinogenic risk to public health as a result of air emissions from one or more categories of stationary sources. Where applicable, we will propose generic standards (low-cost, good housekeeping-type standards for the control of fugitive emissions) for control of fugitive emissions from industrial sources. We will submit these standards concurrently with the listing to expedite reduction in emissions which can be achieved through good housekeeping practices in the manufacturing, handling, or use of hazardous materials. We will use risk assessments to determine priorities for further regulation of significant source catagories and in the evaluation of residual risk (the risk remaining after the application of best available technology).

At a minimum, the policy requires new and existing sources which present or would present significant cancer risks to apply best available technology (BAT) to control emissions of listed airborne carcinogens. BAT for new sources represents the most advanced level of control adequately demonstrated, considering economic, energy, and environmental effects. For existing sources, the determination of BAT also considers the impacts and technological problems associated with the retrofitting of control equipment. Controls more stringent than BAT may be imposed if the risk remaining after the application of BAT is unreasonable, or, for new sources, if EPA's criteria for risk avoidance associated with plant siting cannot be met.

Our proposed policy contains no reporting requirements.

In most cases, emission standards we establish pursuant to our proposed policy will be in the form of performance standards, rather than specific design standards. Design, operating, or equipment standards will be used only when performance standards are not practical.

In addition, the new source-siting provisions of the policy allow a new source owner to use an emission offset mechanism to locate a new source of airborne carcinogens in an area where other such sources exist or where the owner has difficulty in meeting emission requirements for the new source. An emission offset is an emission reduction at an existing source which compensates for emissions from a new source.

Summary of Benefits

Sectors Affected: The general public, particularly people living and working in densely populated urban areas and areas with a high concentration of chemical manufacturing industries; EPA; and State and local regulatory authorities.

Generic and emission standards that we develop for sources of airborne carcinogens under the proposed policy will reduce cancer risks for large segments of the U.S. population exposed to airborne carcinogens in the ambient air. The greatest benefits will be to individuals who live in the immediate vicinity of characteristic source types.

While low levels of potentially carcinogenic substances have been detected in many parts of the country, the areas of greatest concern are densely populated urban centers and areas with a high concentration of chemical manufacturing industries. In the latter case, the proposal would benefit populations in the Gulf Coast (Louisiana and Texas), the Kanawha Valley (West Virginia), and Northern New Jersey.

The proposed policy will significantly improve EPA's regulatory effort in identifying and controlling airborne carcinogens. Proposing generic standards for certain categories or sources concurrent with listing under § 112 will provide significant reduction in emissions pending development of final § 112 standards.

A mechanism for establishing regulatory priorities will ensure that we address the most important or tractable problems first. The policy also provides for increased public understanding of and participation in EPA's actions and allows EPA to give earlier notice of its findings and regulatory intent to State and local regulatory authorities and to industries.

Summary of Costs

Sectors Affected: Source types emitting carcinogenic substances into the atmosphere, including petroleum refining and establishments which mine or manufacture minerals, inorganic chemicals, radioactive substances and byproducts, and synthetic organic chemicals; and users of these products.

Our preliminary analyses have identified a number of source types which may emit carcinogenic substances into the atmosphere. Most of these types fall into one of the following six broad groups: (1) mining, smelting, refining, manufacture, and end-use of minerals and other inorganic chemicals; (2) combustion processes, coke ovens, incinerators, power plants, etc.; (3) petroleum refining, distribution, and storage; (4) synthetic organic chemical industries and end-use applications and waste disposal; (5) mining, processing, use, and disposal of radioactive substances and radioactive byproducts; and (6) sources of noncarcinogenic emissions which are chemically transformed into carcinogens in the atmosphere.

All emissions standards will include capital costs, some increase in operating costs, and possibly some administrative reporting costs or research and development costs for industry to comply with the various regulations we develop pursuant to this policy.

We intend the proposed rule only to guide the Agency in identifying and controlling airborne carcinogens. In its present form, we cannot assess its regulatory effects quantitatively. This policy will, however, provide a basis for

impact assessments in subsequent regulatory actions that are taken in accord with its provisions.

Related Regulations and Actions

Internal: Other offices within EPA which are also in the process of developing carcinogen control programs include the Office of Pesticides and Toxic Substances, the Office of Water and Waste Management, and the Office of Mobile Source Air Pollution Control. A program is also underway to develop an agencywide cancer policy.

External: Related external efforts include the development of a national cancer policy by the member agencies of the U.S. Regulatory Council (44 FR 39858); the recent report by the Risk Assessment Work Group of the Interagency Regulatory Liaison Group (IRLG) on the identification of carcinogens and the quantitative assessment of risks; a staff paper by the White House Office of Science and Technology Policy on the identification, characterization, and control of potential human carcinogens; and a report to President Carter by the Interagency Toxic Substances Strategy Committee ("Toxic Chemicals and Public Protection," May 1980).

Other regulatory agencies that are involved in this area include the Occupational Safety and Health Administration, which published a final policy for regulating occupational exposure to carcinogens on January 2, 1980 (45 FR 5002), the Food and Drug Administration, and the Consumer Product Safety Commission. Nongovernmental groups which have expressed interest in or made recommendations on the control of carcinogens include the Environmental Defense Fund, the American Industrial Health Council, and the Natural Resources Defense Council.

Active Government Collaboration

The Agency has presented testimony at the public hearings held after the Occupational Safety and Health Administration proposed its carcinogen policy. We have also provided information briefings for the Interagency Regulatory Liaison Group and members of the President's Council on Environmental Quality, the Council on Wage and Price Stability, Congressional staff, and interested State air pollution agencies. We have participated in the proposed policy regulating chemical carcinogens issued by the Regulatory Council on October 17, 1979 (44 FR 60038).

Timetable

Final Rule—December 1981.

Regulatory Impact Analysis—None.
Regulatory Flexibility Analysis—None.

Available Documents

"Policy and Procedures for Identifying, Assesssing, and Regulating Airborne Substances Posing a Risk of Cancer," NPRM, October 10, 1979, 44 FR 58642.

"National Emission Standards for Hazardous Air Pollutants—Generic Standards," ANPRM, October 10, 1979, 44 FR 58662.

"Summary of Responses and Proposals—Testimony and Written Submissions," EPA Public Hearings on Regulation of Carcinogenic Air Pollutants, Washington, DC, March 23, 1978.

Testimony presented at public hearings in Washington, DC, Boston, MA, and Houston, TX the week of March 10, 1980 as well as the written comments received.

Copies of written comments received during the public comment period.

These documents as well as others referenced in the proposed policy are available in public rulemaking docket number OAQPS 79-14. The docket is open for public inspection between 8:00 a.m. and 4:00 p.m., Monday through Friday at: Central Docket Section, Gallery 3, West Tower, Waterside Mall, 401 M Street, S.W., Washington, DC 20460.

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EPA-OANR—Office of Mobile Source Air Pollution Control

Fuels and Fuel Additives Protocols (40 CFR Part 79*)

Legal Authority

The Clean Air Act, as amended, § 211, 42 U.S.C. § 7545.

Reason for Including This Entry

The Environmental Protection Agency (EPA) thinks that this rule is important because it may have a marked effect on the way private industry develops and markets fuels and fuel additives, and because of its potentially beneficial public health effects. While this rule may not have an annual impact of $100 million or more, the potential growth in the use of synthetic fuels and fuel additives in the future, as the Nation attempts to lessen its dependence on foreign oil, makes it a rulemaking worthy of attention.

Statement of Problem

In 1977, Congress amended the Clean Air Act, adding § 211(e), which requires EPA to develop regulations to test the environmental and health effects of fuels and fuel additives (including, but not limited to, the carcinogenic or mutagenic effects resulting from respiration). Section 211(e)(2) of the Act itself establishes deadlines by which the manufacturer must provide the requisite information to the EPA Administrator. Section 211(e)(3) authorizes the Administrator to: (1) exempt small businesses from the regulations, (2) provide for sharing of testing costs among manufacturers who desire to register identical compounds, and (3) exempt businesses from duplicative testing requirements.

The present registration regulation requires that manufacturers submit certain information on the chemical composition and the toxicity of fuels and fuel additives to the extent this information is known by the manufacturer as the result of testing conducted for reasons other than fuel registration (40 CFR 79.31(c)).

The proposed action may require the manufacturer to perform certain physical, chemical, and biological testings of fuels and fuel additives before registration.

On August 29, 1978, EPA published an ANPRM in the **Federal Register** (43 FR 38607) requesting comments on the types of health effects and emissions test methods to be used, small business criteria, and cost sharing provisions. In response to this request, the Agency received over 22 submittals of comments from the interested public. These regulations will consider all comments received from the interested individuals and organizations.

Alternatives Under Consideration

Our preferred alternative is to require health effects and emissions testing by manufacturers on a tier basis. This approach would require manufacturers to report the chemical composition of all candidate fuels and fuel additives. If, based on chemical composition, EPA can make a determination that the environmental and health impacts are insignificant, further testing may not be required. However, if the initial and subsequent data present a cause for concern, further testing will be required until the concern is alleviated.

The second alternative would require full testing by manufacturers for all fuels and fuel additives with no exemptions. Approximately 2,000 fuels and fuel additives could require full environmental and health testing by their current manufacturers. This alternative would be unnecessarily costly, as many fuels and fuel additives whose environmental impact we can predict to be small or negligible will have to be tested.

The third alternative would provide for full testing for all fuels and fuel additives, except that firms producing a small amount of a fuel or fuel additive could be exempted from testing requirements. (This small business exemption would not apply to chemicals that are believed by EPA to have a potentially hazardous environmental effect.) Testing costs may be prohibitively expensive for small businesses, and EPA believes that this alternative would provide an incentive for small businesses to produce and test fuels and fuel additives. The disadvantage of this alternative is that it would be difficult for EPA to determine criteria for exempting small businesses. Therefore, the Agency is planning further study of this alternative.

The fourth alternative would permit companies to share the costs of producing and testing fuels and fuel additives. For example, EPA could allow two companies that are making essentially the same additive to test and register the chemical jointly. This alternative could reduce costs for individual firms and also eliminate duplication. In addition, it might provide some incentive for a company to be first in producing and testing new fuels. By sharing the costs with another firm, the entrepreneurial firm could protect its investment. EPA has not determined specifically how such a cost sharing plan would work; therefore, this alternative is being studied further.

The final alternative would be to require manufacturers to submit test data demonstrating the effect of their fuel or fuel additive on regulated pollutants only (oxides of nitrogen, carbon dioxide, hydrocarbons) before registration, but not to require health or environmental testing. This is the present system as required by 40 CFR Part 79, but which the Congress required be improved via these regulations.

Summary of Benefits

Sectors Affected: The general public, particularly those living in urban areas where the concentration of vehicles is greatest; and those people who live near or work in plants which produce fuels or fuel additives.

The benefit we expect from this regulation is the protection of public health. Those fuels and fuel additives and the products of their combustion, which may be harmful to public health, will be identified and eliminated from the marketplace, where appropriate. A particular concern is that certain combustion products of fuels and fuel additives are believed to be carcinogenic or mutagenic.

We cannot estimate the economic benefits, in terms of reduction in respiratory and other diseases, at this time. However, because of the current cost of medical services and because of the generally accepted view that prevention is preferable to treatment of diseases, the expected economic and social benefits, although they are not quantifiable at this time, should be significant.

Summary of Costs

Sectors Affected: Petroleum refining; and users of motor vehicles or their services.

There are over 2,000 fuels and fuel additives currently registered under § 211 of the Clean Air Act. We roughly estimate that approximately 200 of these will require some degree of testing by the manufacturers. The cost to the industry of implementing these tests could total as high as $99 million to $132 million (1980 dollars). These costs will be incurred over the first 3 years of regulation, because by law, all fuels and fuel additives must meet the testing requirements within 3 years of the date of promulgation of this regulation. Small businesses would be exempt from the most costly tests. Users of motor vehicles will share these costs to the extent they are passed on by the petroleum refiners.

Related Regulations and Actions

Internal: Fuels and Fuel Additives Registration, 40 CFR Part 79.

Proposed Guidelines for Registration of Pesticides, 40 CFR Parts 161, 162, and 163.

Toxic Substances Control Act, § 4, Carcinogen Protocols and Chronic Toxicity Protocols, 40 CFR Part 772.

Ambient Air Quality Standards, 40 CFR Part 50.

External: None.

Active Government Collaboration

Health-testing protocols will be submitted to the Interagency Regulatory Liaison Group (IRLG) for screening before the regulation is promulgated.

Timetable

ANPRM—June 1982.
NPRM—June 1983.
Regulatory Impact Analysis—June 1983.
Public Hearing—60 days after publication of NPRM.
Public Comment Period—90 days following publication of NPRM. Comments may be sent to Charles L. Gray, Jr., Director, Emission Control Technology Division, Environmental Protection Agency, 2565 Plymouth Road, Ann Arbor, MI 48105.
Final Rule—June 1984.
Final Rule Effective—Three years after promulgation of regulation.
Regulatory Flexibility Analysis—In conjunction with NPRM.

Available Documents

Gause, et al., Testing for Health Effects on Fuels and Fuel Additives, Environmental Monitoring Systems Laboratory, Research Triangle Park, NC 27711.

Test Plan to Study the Effect of MMT on Emissions Control Performance (unpublished draft); Protocol to Characterize Gaseous Emissions as a Function of Fuel and Additive Composition, EPA–600/2–750048, September 1975.

ANPRM—43 FR 38607, August 29, 1978, EPA Docket ORD–78–1.

All documents available for review at the EPA, Central Docket Section, Waterside Mall, Room 2903B, 401 M Street, S.W., Washington, DC 20460. The documents are available for personal inspection Monday through Friday between 8:00 a.m. and 5:00 p.m., or copies can be obtained by personal or written request. A reasonable fee may be charged for copying.

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EPA–OANR—Office of Radiation Programs

Remedial Action Standards for Inactive Uranium Processing Sites (40 CFR Part 192*)

Legal Authority

Uranium Mill Tailings Radiation Control Act of 1978, § 206, 42 U.S.C. § 2022.

Reason for Including This Entry

The Environmental Protection Agency (EPA) thinks these standards are important because the Federal and State governments cannot undertake the remedial actions Congress authorized until we have promulgated standards for them. People who live or work near tailings areas, primarily in the Rocky Mountain States and Pennsylvania, are very interested in all aspects of the remedial action program.

Statement of Problem

The soils and rocks which make up the earth's crust contain radioactive uranium and thorium isotopes (radionuclides). Almost all human activities that involve removing and processing materials from the earth's crust can result in the release of some of these radioactive materials into the atmosphere. These releases can become potentially hazardous when:

(1) the activity involves handling materials that contain concentrations of these radionuclides significantly above the average concentrations in soil;

(2) these radionuclides are concentrated during processing to a level significantly above the average concentrations in soil; or

(3) the radioactive material is redistributed from its place in nature into a pathway where humans can be exposed to it.

Uranium mining operations involve removing large quantities of ore containing uranium and its radioactive decay products in concentrations up to 1,000 times greater than are normally found in the natural terrestrial environment. After mining, the ores are shipped to uranium mills for separation of the uranium from the other materials in the ore. After the mill crushes and grinds the ore, the uranium is dissolved, precipitated, dried, and packaged as "yellow cake" (U_3O_8). The residues of the process, normally in the form of a wet sand (tailings), are discharged to a disposal area where the liquids are evaporated or partially recycled.

The tailings disposal area consists of a pond and a dry beach area. The size of each component depends on the amount of water that is recycled, the rate of evaporation, and the amount of raw ore being milled. In areas of high evaporation, large dry beach areas are exposed. Radioactive emissions from these areas result from wind erosion of the tailings and diffusion of radioactive radon gas out of the tailings. In addition, radioisotopes and other toxic substances may seep into ground water.

The release of radon gas from piles of uranium mill tailings exposes people in the immediate vicinity of the tailings site to radioactivity and, to a lesser extent, exposes more distant populations. Windblown radioactive particulates from tailings sites and direct gamma radiation constitute secondary sources of radiation exposure. If the tailings are uncontrolled, EPA estimates that approximately 200 premature deaths per century could occur in the national population from radiation-inducing lung cancer resulting from radon emissions from the tailings piles. These effects would be divided approximately equally between people who live within 5 miles of the inactive tailings piles and those in the rest of the country. Health effects from tailings that have blown off the piles and potential contamination of ground water resources are not included in this estimate. The radioactive components in the tailings will remain hazardous for hundreds of thousands of years.

In addition to the hazards posed by tailings piles are those of tailings which have been removed from the piles. In source areas, tailings have been used in construction, often as fill under buildings. Radioactive gas from the tailings may then enter the buildings and raise indoor radioactivity well above normal levels.

Congress recognized that unless it acted, tailings from inactive processing sites might pose a continuing health hazard. Therefore, with the Uranium Mill Tailings Radiation Control Act of 1978 (UMTRCA), Congress authorized a joint Federal and State program to perform remedial actions for inactive uranium processing sites according to standards EPA would set. Under the terms of UMTRCA, the Department of Energy (DOE) has designated 25 eligible inactive processing sites. Tailings piles at these sites contain more than 26 million tons of residual radioactive materials on more than 1,030 acres of land. In addition, DOE is working to designate additional lands and buildings that are affected by tailings from these sites. However, UMTRCA also provides that no remedial actions may be undertaken until EPA has promulgated standards.

Alternatives Under Consideration

EPA's standards for uranium mill tailings will apply to all the inactive sites designated under P.L. 95-604. They are standards which define environmental radiation conditions that must not be exceeded, but they do not specify the means of remedying existing excesses. UMTRCA requires DOE to conduct the remedial action program. We are developing the standards based on currently available knowledge of the potential harmful effects of uranium mill tailings and the technology and costs of avoiding them. With regard to the form and content of the standards, we have considered the following alternatives:

(A) Disposal Standards—EPA has considered an entire range of options from no control to virtually complete control of releases of radioactivity and of nonradioactive toxic substances from tailings. We find that means of providing long-term control of radon releases are available. We have also examined the health benefits and costs of controlling these releases to alternative levels that are (a) significantly above the radon release rates characteristic of undisturbed land areas, (b) within the normal range of release from undisturbed lands, or (c) significantly below average rates from such lands.

We have proposed standards corresponding to alternative (b) because it avoids nearly all the harmful effects of radon releases and appears to be technically and economically feasible to achieve. Alternative (c) is neither needed nor is it clear that it is reasonably achievable.

We have also considered whether we should prohibit releases of radioactive and nonradioactive toxic substances from tailings to water or should limit releases to levels that preserve water quality for potential uses, including drinking and agriculture. Although information is very limited, we currently believe that a standard prohibiting any releases may be very difficult to implement, and is not clearly needed. Therefore, we have proposed standards for uranium mill tailings disposal that prohibit degrading the existing quality of underground and surface water bodies.

The health protection the disposal system ultimately affords depends on the control levels and the time over which they are maintained. We have examined the technical and economic reasonability of requiring effective control for (a) several hundred years, (b) hundreds to thousands of years, and (c) longer than tens of thousands of years. Because we currently believe it reasonable, we proposed to apply the disposal standards for at least 1,000 years. Applying them for very much longer periods would be impractical for general application.

(B) Cleanup Standards for Contaminated Open Land—We have considered alternative standards for cleanup of contaminated open land as follows:

(a) Standards that would reduce residual radiation levels to local natural background levels.

(b) Standards that would limit the residual radioactivity to levels that may be above local background, but are still within a common natural range of values.

(c) Standards that limit residual radiation to levels significantly above normal background.

Alternative (a) would be unreasonalble because the measurements required to distinguish small elevations above background radioactivity would be unproductively expensive. Our proposed standards follow alternative (b), which we believe is technically and economically reasonable, with a very small residual risk in practice. We feel alternative (c) is not warranted.

(C) Cleanup Standards for Buildings—Tailings have sometimes been used as construction materials for buildings. This can cause elevated indoor radioactivity and increased risk of lung cancer for occupants who breathe radioactive particles in the air. In developing remedial action standards for this condition, we have considered earlier recommendations by the U.S. Surgeon General for a similar situation at Grand Junction, Colorado, and guidance provided by EPA to the State of Florida regarding indoor radioactivity. We have also considered alternative standards which take account of this earlier guidance, and which reflect current assessments of the health effects of the indoor radioactivity. The proposed standards take the form of "action levels," i.e., specifications that, if exceeded, will require remedial action.

We could set action levels in terms of the total indoor radioactivity concentrations, or as an increment above average natural background levels. We prefer to express the indoor radon decay product action level in terms of total radon decay concentration, because background levels cannot be determined separately in practice. Indoor gamma radiation levels are much more easily determined, however, so we prefer to express the gamma radiation standard as an increment above background. In all cases, the standards will apply to radiation that may reasonably be attributed to tailings, not to other causes.

Summary of Benefits

Sectors Affected: People living or working near inactive uranium mill tailings sites designated by DOE for remedial actions under UMTRCA which are located in Arizona, Colorado, Idaho, New Mexico, North Dakota, Oregon, Texas, Pennsylvania, Utah, and Wyoming; individuals who live or work in contaminated buildings; and the general public.

The proposed disposal standards provide a reasonable expectation of avoiding virtually all detrimental effects of uranium mill tailings from the 25 designated inactive sites for at least 1,000 years. Based on current population distributions, we estimate about 200 lung cancer deaths per century due to radon emissions from tailings piles will be avoided. The number may be larger if populations increase, or if population centers develop near piles that are now remote from people. About 500,000 people live within 6 miles of these tailings piles. Furthermore, surface and ground water will be protected from degradation by the tailings. Individuals who live or work in perhaps hundreds of contaminated buildings will benefit from application of the cleanup standards. Finally, applying the cleanup standards for open land will result in conditions that do not require further control. This could make several thousand acres of land available for use, and avoid a potential future administrative burden for the Government.

Local economies could benefit from decreased unemployment and increased business activity associated with performing the remedial actions to comply with the standards. The remedial actions would also virtually eliminate the inequitable distribution of risk associated with the tailings, which is now greater for people who live or work very near the piles or in contaminated buildings than for the general population. After disposal, the radiation risk for such people will be within the normal range of natural background values.

Summary of Costs

Sectors Affected: The Federal Government; affected States; and people living near inactive uranium mill tailings sites designated by DOE for remedial action.

The Federal Government will bear 90 percent of the costs of the remedial action program and the 10 affected States will bear 10 percent. The Federal Government will bear all the costs of remedial actions on Indian lands.

The costs of meeting the disposal standards at all the tailings piles eligible under UMTRCA are difficult to estimate, primarily because methods should be chosen on a site-specific basis. We estimate the average one-time cost of meeting the standards we have proposed to be about $1 million to $6 million (1978 dollars) per site if the existing site is suitable, and $6 million to $13 million (1978 dollars) per site otherwise. Total disposal costs for all sites, spread over the 7 years Congress authorized for the remedial action program, would therefore be about $21 million to $273 million, and most likely nearer the high end of this range. More restrictive standards, which would limit radon releases from tailings to well below release rates from normal soils, could require much costlier methods of disposal.

A DOE contractor (Ford, Bacon, and Davis, Utah Inc.), using interim cleanup criteria, previously estimated that cleanup costs for open lands and buildings would be about $10 million (1978 dollars). Even allowing for increased costs under the cleanup standards we now prefer, which are very difficult to estimate, tailings disposal is still by far the largest cost component of the remedial action program.

During the performance of the remedial actions, localities will be subjected to increased traffic, dust, and other side-effects of earth-moving and construction operations. Disposal operations may require large quantities of clay and soil for covering the tailings. Contaminated open land will be subjected to scraping and digging by the cleanup operations. The environmental effects of these land disturbances will vary with the site.

Related Regulations and Actions

Internal: Radiation protection guidance for remedial actions on residences on Florida phosphate lands (44 FR 38664, July 2, 1979).

Draft proposed standard for high-level radioactive waste (in development).

Regulations for treatment, storage, and disposal of hazardous wastes under the Resource Conservation and Recovery Act (40 CFR Parts 260–267).

Proposed Environmental Protection Criteria for Radioactive Wastes (43 FR 53262, November 15, 1978), and applicable Federal Radiation Protection Guidance.

Clean Water Act regulations (40 CFR Subchapter D, Part 100 *et seq.*).

National Interim Primary Drinking Water standards (40 CFR Part 141).

EPA Air Carcinogen Policy (44 FR 58642, October 10, 1979).

Resource Conservation and Recovery Act (42 U.S.C. §§ 6905, 6912(a), 6921–27, 6930, and 6974).

External: Under UMTRCA, the responsibility for selecting and performing remedial actions that satisfy EPA's standards is given to the Department of Energy. Any States that share the cost must fully participate, and

the Nuclear Regulatory Commission must concur. Any affected Indian tribe and the Department of Interior must be consulted when Indian lands are involved. In addition, the Department of Justice has responsibilities related to determining the responsibility, if any, of any private parties for remedial actions.

Active Government Collaboration

President Carter's Energy Coordinating Committee formed a subcommittee to oversee Federal implementation of UMTRCA. The subcommittee is chaired by the Administrator of the Environmental Protection Agency. Other participating agencies are the Nuclear Regulatory Commission and the Departments of Energy, Justice, and Interior. These agencies, which all have responsibilities under UMTRCA, have formed a staff level working group that plans necessary interagency coordination and reviews draft documents as appropriate.

Timetable

Final Rule—Cleanup Standards—September 1981.
Final Rule—Disposal Standards—September 1981.
Final Rules Effective—60 days after promulgation.
Regulatory Impact Analysis—EPA will not develop an analysis, because we expect the cost of implementing the standard in any calendar year will be less than the $100 million criterion established for requiring an analysis.
Regulatory Flexibility Analysis—EPA will not develop an analysis. The standards do not apply to small entities and would have no effect on them. In any case, EPA proposed the standards before the Regulatory Flexibility Act took effect.

Available Documents

From the Congress—House Document Room, H–226 Capitol, Washington, DC 20515. P.L. 95–604, Uranium Mill Tailings Radiation Control Act (UMTRCA); House Report No. 95–2480, Pt. I, Committee on Interior and Insular Affairs; House Report No. 95–1480, Pt. II, Committee on Interstate and Foreign Commerce.

From DOE—Technical Library, Bendix Field Engineering Corp., P.O. Box 1569, Grand Junction, CO 81502—"Phase II, Title I, Engineering Assessment of Inactive Uranium Mill Tailings Sites" by Ford, Bacon, and Davis, Utah Inc. (microfiche copy only, nominal charge per report).

From EPA/OANR–ORP—"EPA Development of Standards for Uranium Mill Tailings and Report on Uranium Mining Wastes—Call for Information and Data," **Federal Register** notice, 44 FR 33433, June 11, 1979.

"EPA Indoor Radiation Exposure Due to Radium-226 in Florida Phosphate Lands—Radiation Protection Recommendations and Request for Comment," **Federal Register** notice, 44 FR 38664, July 2, 1979.

"Interim Cleanup Standards for Inactive Uranium Processing Sites," **Federal Register** notice, 45 FR 27366, April 22, 1980.

"Proposed Cleanup Standards for Inactive Uranium Processing Sites," **Federal Register** notice, 45 FR 27370, April 22, 1980.

"Proposed Disposal Standards for Inactive Uranium Processing Sites," **Federal Register** notice, 46 FR 2556, January 9, 1981.

"Draft Environmental Impact Statement for Remedial Action Standards for Inactive Uranium Processing Sites," EPA Report 520/4–80–011, December 1980.

EPA documents listed above are available at 401 M Street, S.W., Washington, DC 20460.

Comments on the proposed standards and transcripts and other material from public hearings have been placed in Docket No. A–79–25, which is located in the EPA, Central Docket Section, West Tower Lobby, 401 M Street, S.W., Washington, DC 20460. Additional documents, when they become available, will also be placed in this Docket.

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EPA—Office of Pesticides and Toxic Substances

Pesticide Registration Guidelines (40 CFR Part 163, Subparts A–P)

Legal Authority

Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. §§ 136a(c)(2)(A), 136f, and 136w.

Reason for Including This Entry

The Environmental Protection Agency (EPA) estimates that the cost to chemical companies and other registrants whose products are registered with EPA or who apply for registration of their products to meet the Guidelines' requirements will total $70 million to $100 million annually over the next 10-year period.

Statement of Problem

With certain limited exceptions, EPA must, in accordance with the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), register all pesticides before legal sale and distribution by manufacturers and formulators can occur in the United States. The purpose of requiring registration of a pesticide is to permit EPA to determine if: (A) the composition of the pesticide is such as to warrant the proposed claims for it; (B) the labeling and other material required to be submitted comply with the requirements of the Act; (C) the pesticide will perform its intended function without unreasonable adverse effects on the environment; and (D) when used in accordance with widespread and commonly recognized practice it will not generally cause unreasonable adverse effects on the environment.

In the absence of the Guidelines, manufacturers and formulators must develop, and EPA must review, health and safety data on a case-by-case basis. Such a procedure causes confusion, inefficiency, and inconsistency. Experience has shown that, when guidelines have not existed, registration applications often have been incomplete or inadequate; applicants have spent unnecessary time and money because requirements were not clearly delineated, and EPA could not perform registration reviews efficiently. With some 35,000 currently registered pesticide products to be reregistered, and many new ones to be registered each year, the Congress recognized the need for guidelines and called for their preparation and publication at FIFRA § 3(c)(2)(A).

The Guidelines specify the kinds of information required to support a registration application. Such information encompasses data required for evaluation of health and safety hazards to humans, domestic animals, wildlife, aquatic organisms, and nontarget plants and insects. It also includes data concerning chemical characteristics of the ingredients of the pesticide products, the food and feed crop residues resulting from the use of pesticides, and the environmental fate of pesticides. In addition, information on labeling, product efficacy, exposure analysis, and product disposal is required. The Guidelines also specify the kinds of information of each type mentioned above that are required for pesticides to be tested under an

experimental use permit, and for pesticides categorized as biorational pesticides (pheromones, bacteria, viruses, etc.).

Prospective registrants (primarily pesticide manufacturers and formulators) are responsible for both testing and submittal of test results to the Agency to support their applications for new registrations. In addition, FIFRA requires that currently registered pesticides be *reregistered* expeditiously. In many cases, the registrants of these pesticides will have to submit health and safety data to meet FIFRA requirements during the next several years, either because they had not previously submitted the data or because they had submitted inadequate data.

Alternatives Under Consideration

Section 3(c)(2)(A) of FIFRA requires that "The Administrator shall publish guidelines specifying the kinds of information required to support the registration of a pesticide and shall revise such guidelines from time to time." Therefore, EPA is not considering alternatives to publication of the Guidelines. The Agency is analyzing public comments on the portions already proposed (see "Available Documents") and is considering these comments to improve the nature and clarity of the proposed data and testing requirements. The comments consist principally of suggestions for improving technical aspects of test standards and reporting requirements, and for defining more clearly the intent and scientific rationales supporting the standards and requirements.

Summary of Benefits

Sectors Affected: Pesticide chemical manufacturing and formulating; chemical/ biological testing laboratories; EPA; and people who use or are exposed to pesticides, including farmers and the general public.

The Guidelines will give prospective registrants the benefit of knowing precisely what kinds of data the Agency requires (though there are provisions for waiving or modifying some requirements under some circumstances, such as certain use- or product-related situations where specific kinds of exposure are precluded, or where certain kinds of data, such as efficacy results, are no longer needed under Agency policy). Manufacturers and formulators therefore will be able to plan their research and development programs with greater certainty and thereby save money and time. The chemical/ biological testing industry (comprising 90 to 100 businesses at present, but still expanding) will also benefit from increased business due to some additional requirements now in the Guidelines and due to the standardized requirements that improve planning and efficiency. The Guidelines will benefit the Agency by improving the quality of data available for making decisions, and by allowing for more efficient processing of applications. Farmers and other major users will benefit generally from having registered pesticides made available sooner.

Summary of Costs

Sectors Affected: Pesticide chemical manufacturing and formulating; and users of pesticides, including farmers and the general public.

To meet the guidelines requirements over the next 10 years, EPA estimates that the cost (in 1981 dollars) to registrants would range between $250 million and $750 million (most likely to be less than $500 million) to fill data gaps for chemicals already registered. These chemicals already registered would generate about $30 billion in sales during the 10-year time period. About $300 million to $450 million in expenditures for data would be needed to support new registrations. The cost ranges stated above cover all Guidelines subparts as now drafted.

On an annual basis, the cost would be highest (averaging $100 million) during the first 5 years and would then decline (to about $70 million per year) during the latter 5 years. Current (1981) pesticide industry research and development expenditures are estimated to be $365 million annually; of this total, approximately $100 million are used to meet registration requirements. Thus, the costs imposed by these Guidelines, as applied to reregistration and new registrations, would add about 20 percent to 30 percent to total research and development expenditures. In relation to sales, the costs attributable to the Guidelines would amount to 2 percent to 3 percent of the income at the basic producer level ($3 billion), or 1 percent to 1.5 percent of the income at the retail level ($5.8 billion).

The projected cost of the Guidelines represents expenditures for conducting laboratory and field testing and developing the reports of such tests. While registrants will initially bear the cost, we expect that it will be passed on to pesticide users. The per-farm pesticide expenditure was estimated in 1980 to be $63 to $70 per year, including $21 due to costs of new requirements in the Guidelines.

We do not expect these Guidelines to have any significant effect on employment in the pesticide industry, or to have any other nationally significant economic effects. We do expect producers of some currently registered pesticides of small economic significance to withdraw their products from the market rather than go to the expense of developing the data required for reregistration. In this situation, we expect consumers to choose other available pesticides.

Related Regulations and Actions

Internal: EPA is also developing testing standards for chemical substances and mixtures under the Toxic Substances Control Act (TSCA). As far as possible, EPA will make the TSCA and FIFRA testing standards consistent with each other. The Good Laboratory Practice standards we are developing under TSCA and FIFRA, which prescribe standards of performance for toxicological testing, will also be consistent.

External: Under the aegis of the Interagency Regulatory Liaison Group, four Federal agencies (EPA, the Food and Drug Administration, the Occupational Safety and Health Administration, and the Consumer Product Safety Commission) are jointly developing guidelines describing test methods and standards that will meet all four agencies' needs.

The Agency is also working with the Organization for Economic Cooperation and Development (OECD). This group is developing international testing standards, and has the cooperative input of 24 other countries besides the United States. In published form, our toxicology guidelines (Subpart F) will be consistent with the international standards. As additional international standards in other areas are developed the Agency will seek to achieve as much consistency as possible.

Active Government Collaboration

FIFRA §§ 25 (a) and (d) requires the Administrator of EPA to provide copies of draft proposed and final regulations to the Department of Agriculture, the Committee on Agriculture in the House of Representatives, the Committee on Agriculture and Forestry in the Senate, and the FIFRA Scientific Advisory Panel. These groups provide technical, legal, and scientific oversight.

Agencies and other government groups that EPA has consulted or that have provided assistance in Guidelines development include members of the Interagency Regulatory Liaision Group, the National Cancer Institute, the Department of the Interior, and the Department of Agriculture.

Timetable

The current rulemaking process began in 1973 and is expected to continue until 1982–1983. There are a number of subparts to these regulations that will have separate NPRMs, public hearings, and requests for public comments. An overall Regulatory Impact Analysis will be published for the entire Guidelines in July 1981. This analysis will also include the impacts cited in the Regulatory Flexibility Act and Executive Order 12291.

We intend to publish the following subparts as NPRMs by fall 1981:

Subpart D—Chemistry Requirements: Product Chemistry (sections dealing with a bioassay to detect toxic product components that must be chemically identified and quantified).

Subpart G—Product Performance.

Subpart H—Label Development.

Subpart I—Experimental Use Permits.

Subpart K—Exposure Data Requirements: Reentry Protection.

Subpart L—Hazard Evaluation: Nontarget Insects.

Subpart M—Data Requirements for Biorational Pesticides.

We intend to publish the following portions as final rules by fall 1981:

Subpart A—Introduction.

Subpart D—Chemistry Requirements: Product Chemistry.

Subpart E—Hazard Evaluation: Wildlife and Aquatic Organisms.

Subpart F—Hazard Evaluation: Humans and Domestic Animals.

Subpart J—Hazard Evaluation: Nontarget Plants.

Subpart N—Chemistry Requirements: Environmental Fate.

Subpart Q—Good Laboratory Practices.

Available Documents

An economic impact analysis was prepared for public comment on September 6, 1978 (43 FR 39644). Its title is "Economic Impact Analysis of Guidelines for Registering Pesticides in the U.S." This analysis covered the cost of Subparts B, D, E, and F, which would be responsible for 90 percent of the total cost of the Guidelines.

We have published the following portions of the Guidelines as NPRMs:

Subpart B—Introduction, 43 FR 29606, July 10, 1978. This subpart will become Subpart A when published final.

Subpart D—Chemistry Requirements, 43 FR 29696, July 10, 1078. This subpart has now been divided into five subparts: D—Chemistry Requirements: Product Chemistry; K—Exposure Data Requirements: Reentry Protection; N—Chemistry Requirements: Environmental Fate; O—Chemistry Requirements: Residue Chemistry (scheduled for NPRM in 1982); and P—Data to Support Disposal Instructions (scheduled for NPRM in 1982).

Subpart E—Hazard Evaluation: Wildlife and Aquatic Organisms, 43 FR 29696, July 10, 1978.

Subpart F—Hazard Evaluation: Humans and Domestic Animals, 43 FR 37336, August 22, 1978.

Subpart F—Hazard Evaluation: Humans and Domestic Animals (two additional general sections on good laboratory practices for toxicology testing), 45 FR 26373, April 18, 1980. (This proposal will be separated from Subpart F when developed into a final rule; it will be Subpart Q—Good Laboratory Practices.)

Subpart J—Hazard Evaluation: Nontarget Plants and Microorganisms, 45 FR 72948, November 3, 1980.

We have published the following portion of the Guidelines as an interim final rule:

Subpart C—Registration Procedures, 40 FR 41788, September 9, 1975.

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EPA—OPTS

Premanufacture Notification Requirements and Review Procedures (40 CFR Part 720)

Legal Authority

Toxic Substances Control Act (TSCA), § 5, 15 U.S.C. § 2604.

Reason for Including This Entry

The Environmental Protection Agency (EPA) thinks that this rule is important because the regulations may have a substantial impact on the chemical industry.

Statement of Problem

To prevent public health risks and environmental contamination before potentially toxic substances are widely used and dispersed, Congress included a section on premanufacture notification in the Toxic Substances Control Act (TSCA). This section requires a manufacturer to notify EPA of his intent to manufacture or import a new chemical substance, and to submit information concerning that substance which the Agency can use to assess the risks associated with its manufacture, processing, distribution in commerce, use, or disposal. On the basis of this assessment and evaluation of economic considerations and other relevant factors, EPA will make decisions concerning the reasonableness of any risk, and will take appropriate action to obtain more information or data; regulate production or use; or require reporting by manufacturers, processors, or distributors of chemicals once the substance is in commerce. If EPA does not regulate the substance during the premanufacture notification period, the manufacturer may begin production (subject to regulation under any other laws).

To implement the notification process, EPA proposed a set of premanufacture notification rules and forms for public comment on January 10, 1979. In October 1979, EPA reproposed the forms and certain portions of the rule. While the statute generally described the notice requirements, the rules, when final, will clarify the statutory obligations of manufacturers and importers of new chemical substances to provide information on the substances, and will also clarify the Agency's procedures for reviewing the information. Without knowledge of the Agency's review procedures, the chemical industry may have difficulty in providing information to the Agency, in planning commercialization of new chemical substances, or in understanding the reasons for regulatory actions taken by the Agency. The forms will provide a detailed specification of the information they must submit and the formats in which they should supply the information. The manufacturers are responsible for assembling the information. EPA must decide, generally within 90 days of receiving the information, whether the substance in question presents an unreasonable risk to human health or the environment, and if so, what action to take.

Alternatives Under Consideration

There are several significant issues to be resolved in this rulemaking. Among them are the scope and the level of detail of information it should require; the identification of chemical substances for which industry must submit premanufacture notification to EPA; policies regarding the confidentiality of information submitted; the extent to which the submitter must contact prospective customers to obtain relevant data; supplemental reporting; and whether and how EPA determines that submissions meet its requirements. A detailed discussion of the proposal and other regulatory options the Agency is considering is included in the draft

Regulatory Analysis and proposed Economic Impact Analysis (see "Available Documents," Proposed Economic Impact and Draft Regulatory Analysis of November 13, 1980 (45 FR 74945)).

Summary of Benefits

Sectors Affected: Establishments and employees in the chemical industry; importing of chemical products; the general public; and the environment.

The premanufacture review process will benefit public health and the environment by preventing the production, use, or disposal of new chemicals which present unreasonable risks. By preventing potential hazards at an early stage, EPA can minimize economic dislocation, especially that which would result if a chemical is in full production and use is withdrawn. The rules will benefit manufacturers and importers of chemical products by clarifying statutory obligations for providing information. Adverse employment effects and the obsolescence of plant equipment will be substantially reduced by early regulation. Preventing toxic chemicals from entering the environment also will decrease lost work days and hospitalization costs that result from worker exposure to toxic chemicals.

Summary of Costs

Sectors Affected: The chemical industry; and importing of chemical products.

EPA is conducting an in-depth study of the premanufacture notification requirements to determine with a greater degree of confidence the nature of the costs and economic effects of this rulemaking. These effects will include the effect on research and development programs; industry sales, growth, and profitability; and the structure of the chemical industry. EPA will use the results of this study in making final decisions on how to implement the premanufacture notification program. Preliminary results of this analysis estimated that the notice form proposed on January 10, 1979 would impose a one-time cost between $2,500 and $22,500 to complete for each submitter, in 1980 dollars. Estimates for the October 16, 1979 reproposed shortened form indicated that completion of the revised form would impose a one-time cost between $1,155 and $8,925, in 1980 dollars. It has also been estimated that approximately 400 notices would be submitted per year. Therefore, the total cost of providing the notice forms in a typical year would be between $462,000 and $3,570,000, in 1980 dollars. October 16 cost estimates also included costs of between $0 and $6,400 for asserting and substantiating claims of confidential business information in connection with the notice submission.

The previous estimate did not include confidentiality costs, although there would be some cost for confidentiality imposed by the statute as well as any implementing regulation.

The fiscal year 1981 EPA operating plan for implementing the premanufacture notification program is $5,720,000.

Related Regulations and Actions

None.

Active Government Collaboration

Other Federal agencies that have been involved in this rulemaking include the Consumer Product Safety Commission, the Occupational Safety and Health Administration, the Food and Drug Administration, the Department of Transportation, and the Bureau of the Census.

Timetable

Final Rule—August 1981.
Final Rule Effective—30 days following publication of the final rule.
Regulatory Flexibility Analysis—Not required.

Available Documents

Public comments.
NPRM for Premanufacture Notification Requirements and Review Procedures—44 FR 2242, January 10, 1979 (Docket Number OTS 050002).
Discussion of Premanufacture Testing Policy and Technical Issues—44 FR 16240, March 16, 1979 (Docket Number OTS 050002).
Interim Policy Statement—44 FR 28558, May 15, 1979 (Docket Number OTS 050002).
NPRM for Proposed Processor Requirements, Premanufacture Review Program—45 FR 54642, August 15, 1980 (Docket Number OTS 050002). Proposed Economic Impact and Draft Regulatory Analysis—45 FR 74945, November 13, 1980.
Extension of Comment Period—45 FR 81615, December 11, 1980.
These documents are available from the Agency Contact listed below.

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EPA—OPTS

Rules Restricting the Commercial and Industrial Use of Asbestos Fibers (40 CFR Part 763)

Legal Authority

Toxic Substances Control Act (TSCA), 15 U.S.C. §§ 2601 and 2605.

Reason for Including This Entry

The Environmental Protection Agency (EPA) has included this action because of its potential economic impact on the asbestos industry. The economic cost of the rule may exceed $100 million. We may prohibit a large portion of the domestic production and importation of asbestos-containing products into the United States.

Statement of Problem

Epidemiological studies have established that exposure to asbestos fibers can contribute to increased risk of lung damage (asbestosis) and human cancer of several kinds.

EPA is concerned that in spite of past governmental regulation of asbestos, millions of Americans may be exposed to levels of asbestos that significantly increase the risk of contracting asbestos-related diseases. (Past regulations are cited below under Related Regulations and Actions.) Currently, more than 2 million workers are exposed to asbestos fibers (at levels higher than background) in their places of employment. In addition, the 159 million Americans who live in urban areas may be exposed to asbestos fiber levels that significantly increase the risk of contracting asbestos-related diseases. EPA is concerned that asbestos fiber emissions from the mining, milling, processing, or distribution of asbestos or from the use, misuse, or disposal of asbestos-containing products might cause significant pollution of urban air.

It is difficult to estimate the number of people who will contract asbestos-related diseases at current exposure levels. Data on mortality rates are available for workers who are exposed to asbestos fiber levels considerably higher than general population exposures. EPA will extrapolate to predict risks for the general population.

EPA is conducting this regulatory program because the Agency is not convinced that existing regulations have adequately protected the public. These regulations have focused on limited aspects of the asbestos exposure problem, such as worker exposures, air emissions from manufacturing facilities,

and some consumer products. Regulation under the Toxic Substances Control Act (TSCA) would eliminate unreasonable human health risks from all asbestos-related activities. The comprehensive mandate of TSCA enables EPA to reduce health risks from sources that are difficult to control through medium-specific or source-specific regulation authorized under other Federal authorities. Under TSCA, EPA is currently investigating the cumulative effects of exposure to asbestos throughout its life cycle in commercial and industrial products from mining and milling through processing, product manufacturing, use, and disposal. Our preliminary studies indicate substantial continuing exposure of millions of people to the ever-growing inventory of asbestos sources. As a result of this study, the Agency expects to promulgate rules to prevent and reduce any unreasonable risks that are identified.

Alternatives Under Consideration

EPA is considering the following alternative actions: (A) prohibiting the manufacture, processing, distribution in commerce, and importation of asbestos for all nonessential asbestos uses; (B) instituting a quota system restricting the quantity of fibers that could be mined and imported, or processed annually in the United States, thus allowing the marketplace to determine which products and uses to eliminate; (C) developing other marketplace regulatory strategies; (D) requiring labeling of asbestos-containing products; (E) regulating under laws other than TSCA; and (F) taking no regulatory action.

EPA choice of a regulatory program will depend on the seriousness of the risks and the identification of the major sources of exposure. EPA suspects that much of the asbestos to which the public is exposed comes form emissions caused by mining, milling, and processing asbestos fibers; emissions resulting from the use of asbestos-containing products may not be as significant. In that case, EPA would want to reduce risks from mining, milling, and processing as much as possible (Alternative A). A disadvantage of Alternative A would be that both the affected industry and EPA would be involved in extensive exemption proceedings.

At this time it is not clear that the economic impact of a quota approach (Alternative B) would be any less than Alternative A. The major advantage of Alternative B over Alternative A is that the marketplace would decide which uses of asbestos should continue.

Alternative C involves developing other marketplace strategies, such as emission fees for asbestos release, performance bonding, and a bubble policy where a plant's total asbestos release would be limited. A disadvantage of both Alternatives B and C is that since they have never been attempted before, the implementation problems are unknown. Also, there would be no guarantee of eliminating products that present a particularly high health risk. For example, if a product with fibers that are easily released commands a relatively high price, it might remain in the marketplace much longer than if it were regulated specifically. However, if necessary, a market strategy could be modified to eliminate this problem.

EPA is considering imposing a labeling requirement (Alternative D) either in addition to or in lieu of other requirements. A labeling rule would have considerably less economic impact than Alternatives A, B, or C, and it would also provides less direct protection to public health. Alternative D, if implemented alone, would increase awareness of the hazards of asbestos and would increase recognition of products that can cause these health risks. However, it would not force any reduction in exposure to asbestos fibers. EPA is considering either regulating under other Federal laws adminstered by EPA or not regulating in deference to other Federal agencies (Alternative E). Several comments on the ANPRM (44 FR 60056, October 17, 1979) indicated that industry does not consider TSCA to be appropriate authority for regulating asbestos and that further Federal regulation, if needed, should be implemented under other laws, particularly the Occupational Safety and Health Act (OSH Act). Although the Occupational Safety and Health Administration (OSHA) has announced its intention to lower its workplace standard to 0.1 fiber per cubic centimeter, OSHA lacks the legislative mandate to address the problem of asbestos exposure outside of the workplace. EPA action to restrict production and importation of products containing asbestos may be necessary to complement the OSHA workplace standard for airborne asbestos.

Any action by the Consumer Product Safety Commission (CPSC) would not affect production of industrial asbestos-containing products, and these production processes may cause significant fiber emissions.

A combination of EPA actions under the Clean Air Act, Clean Water Act, Safe Drinking Water Act, Resource Conservation and Recovery Act, and other laws might significantly reduce asbestos-related risks. However, the EPA Administrator might find that it is in the public's interest to regulate under TSCA because the limited mandate of these other laws results in continued risk from asbestos.

Alternative F, taking no regulatory action, would benefit the asbestos industry since it would incur no costs. However, there would also be no reduction in the exposure to asbestos in the United States.

Summary of Benefits

Sectors Affected: Establishments and workers in the asbestos industry (including asbestos mining and asbestos product manufacturing); the general public; and establishments that manufacture asbestos substitutes.

At this early stage of development of EPA's rule, it is difficult to estimate benefits in quantitative terms. Regulation will decrease the incidence of asbestosis and lung cancer in the United States, thereby decreasing the number of worker-days lost due to worker sickness, increasing space available in hospitals, and decreasing costs due to illness and premature death.

EPA regulation of asbestos should increase demand for substitutes such as fiberglass, ceramic fibers, polyvinylchloride, and ductile iron pipe. Therefore, manufacturers and distributors of substitutes should benefit from regulation.

Summary of Costs

Sectors Affected: Establishments and workers in the asbestos industry (including asbestos mining and asbestos product manufacturers) and their suppliers; importers of asbestos and asbestos products; and users of asbestos products.

Because EPA has not completed its analysis of economic effects, cost estimates are not available.

Although costs to industry clearly depend on the option chosen, and that has not been determined at this time, costs may exceed $100 million annually. Asbestos mines and asbestos processors may be forced to reduce production, and many processors may be forced out of the asbestos business. EPA plans to regulate in a manner that will allow asbestos processors time to convert to substitutes. Small businesses may seek aid from the Small Business Administration to obtain capital to convert. It is too early to predict the effect of regulation on employment. EPA hopes that jobs lost from the asbestos

industry will be offset by jobs gained in the substitutes industries. Substitute products generally cost more than asbestos-containing products, and these costs will be passed on to consumers.

Related Regulations and Actions

Internal: EPA has established National Emission Standards for Hazardous Air Pollutants for several asbestos sources under the Clean Air Act, 42 U.S.C. § 7401 *et seq.* EPA is developing effluent guidelines regulating wastewater discharges of asbestos under the Federal Water Pollution Control Act, 33 U.S.C. § 1251 *et seq.*, as amended in 1972 and 1977. It is also considering additional regulation of asbestos in drinking water under the Safe Drinking Water Act, 42 U.S.C. § 3006 *et seq.*

The Agency is developing a rule to require surveys to determine whether asbestos hazards are present in public schools because of deteriorating insulation. EPA is also considering requiring appropriate corrective measures where it finds hazards (see 44 FR 54676, September 20, 1979). Other existing asbestos sources that the Agency may control in the future include public buildings where asbestos was used as an insulation or decorative material and merchant ships where asbestos is widely used as insulation.

EPA regulations directed specifically to asbestos are found in 40 CFR Part 61 (air) and Parts 129 and 427 (water).

External: EPA and CPSC both published ANPRMs on October 17, 1979 in the **Federal Register** (44 FR 60053). These ANPRMs were prefaced by a Joint Statement of Cooperation signed by the EPA Administrator and the CPSC Chairman. The statement indicated how the two agencies will cooperate and direct their regulatory efforts to minimize reporting requirements and other burdens on industry, and to improve overall public health. EPA is planning to promulgate a rule under § 8(a) of TSCA to require manufacturers and processors of asbestos fibers to submit economic and exposure information. EPA has proposed a rule under § 8(d) of TSCA requiring industry to submit unpublished health and safety studies relating to asbestos. CPSC is planning to issue a general order requiring manufacturers and private labelers of some categories of consumer products to submit information on the use of asbestos in those products. CPSC will not require the submission of information already submitted to EPA.

OSHA plans to lower its workplace standard for asbestos exposure (8-hour time-weighted average) from 2 f/cc (fibers per cubic centimeter) to 0.1 f/cc. This action is in response to a recommendation in April 1980 by the joint National Institute for Occupational Safety and Health (NIOSH)–OSHA Asbestos Work Group that "a new occupational standard be promulgated which is designed to eliminate nonessential asbestos exposures, and which requires the substitution of less hazardous and suitable alternatives where they exist."

Asbestos regulations promulgated in the past by other agencies are as follows:

CPSC—16 CFR Parts 1145, 1304, and 1305; OSHA—29 CFR Part 1910; FDA—21 CFR Parts 121, 128, 133, and 191; DOT—49 CFR Parts 170–189; MSHA—30 CFR Parts 55, 57, and 71.

Active Government Collaboration

To maximize the effectiveness of this proposed rule, EPA is coordinating either directly or through the Interagency Regulatory Liaison Group (IRLG) with the Occupational Safety and Health Administration (OSHA), the Consumer Product Safety Commission (CPSC), the Food and Drug Administration (FDA), the Mine Safety and Health Administration (MSHA), and the Department of Transportation (DOT).

In July 1980, EPA and the Consumer Product Safety Commission cooperated in sponsoring and organizing a 3-day workshop on substitutes for various uses of asbestos in commercial and industrial products. About 500 persons attended the workshop, which was designed to increase industry's awareness of substitutes for asbestos and to expand EPA's and CPSC's data base. EPA was the lead agency in coordinating the workshop.

Timetable

NPRM—Spring 1982.
Regulatory Impact Analysis—Draft Regulatory Impact Analysis, spring 1982; final version, spring 1983.
Public Hearing—Summer 1982, Washington, DC.
Public Comment Period—Spring 1982.
Final Rule—Spring 1983.
Final Rule Effective—Summer 1983.
Regulatory Flexibility Analysis—To be determined.

Available Documents

ANPRM for Asbestos-Containing Materials in School Buildings—44 FR 54676, September 20, 1979.

ANPRM for Commercial and Industrial Use of Asbestos Fibers—44 FR 60056, October 17, 1979.

Comment period extended—44 FR 73127, December 17, 1979.

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EPA—OPTS

Toxic Substances Control Act (TSCA) Section 4 Test Rules (40 CFR Part 773)

Legal Authority

Toxic Substances Control Act, §§ 4 and 26, 15 U.S.C. §§ 2603 and 2625.

Reason for Including This Entry

The Environmental Protection Agency (EPA) thinks these rules are important because we need data to assess the risk of injury to human health and the environment caused by exposure to chemicals in commercial production and use.

Statement of Problem

Section 4 of the Toxic Substances Control Act (TSCA) gives the Environmental Protection Agency the authority to require that manufacturers and/or processors of chemicals test these chemicals for possible adverse effects on human health or the environment. To implement § 4, we are in the process of developing, proposing, and promulgating test standards and test rules. A test standard is a description of the scientific methodology and analysis to be used in testing for an effect. A test rule is a regulation requiring manufacturers and processors of specific chemicals to test these substances for certain effects according to appropriate test standards. The Agency established a reasonable timetable in which industry must complete the development of the test data.

Section 4(e) of TSCA established an Interagency Testing Committee (ITC) to make recommendations to the EPA Administrator, in the form of a list, regarding chemical substances that should receive priority consideration in the Agency's development of test rules. For the most part, chemicals to be included in test rules come from the semiannual recommendations made by the ITC. The Committee's eight members represent the Council on Environmental Quality, the Department of Commerce, the Environmental Protection Agency, the National Science Foundation, the National Institute of Environmental Health Sciences, the National Institute

for Occupational Safety and Health, the National Cancer Institute, and the Occupational Safety and Health Administration (OSHA).

In its Initial Report (42 FR 55026, October 12, 1977), The ITC recommended that chloromethane be tested for carcinogenicity, mutagenicity, teratogenicity, and other chronic effects and emphasized its concern about chloromethane's effects on the central nervous system, liver, kidney, bone marrow, and the cardiovascular system.

Monochlorobenzene and dichlorobenzene were also contained in the ITC's initial report. The ITC recommended the development of rules that would require industry to test these chlorinated benzenes for potential to cause cancer, gene mutation and chromosomal aberration, structural birth defects, other chronic effects, and environmental effects and also recommended requiring an epidemiological study. The ITC's third report (43 FR 50830, October 30, 1978) added the higher chlorinated benzenes, (tri-, tetra-, and penta-) to the priority list and recommended testing requirements for the same effects. To date, the ITC has completed reports designating 43 chemicals and groups of chemicals as priority for EPA test rule development.

On July 18, 1980, EPA proposed that chloromethane be tested for its potential to cause cancer and structural birth defects, and that chlorinated benzenes be tested for their potential to cause cancer, birth defects, reproductive effects and organ-specific effects (45 FR 48524). Approximately 300 million to 500 million pounds of chloromethane are manufactured annually in the United States. Almost all chloromethane is used as a chemical intermediate in the manufacture of materials such as silicones and tetramethyl lead. Because of chloromethane's almost exclusive use in chemical and allied product manufacture and processing, the greatest potential for human exposure during its life cycle occurs for workers engaged in the manufacture, processing, and use of the chemical.

The annual domestic production volume of chlorinated benzenes ranges from over 1 million pounds of pentachlorobenzene to 325 million pounds of monochlorobenzene. Exposure to the liquid chlorobenzenes is due to their use as a functional fluid in transformers, process solvents, solvents in formulated products, and synthetic intermediates, while exposure to the solid forms results from their use as synthetic intermediates and pesticides. Workers are exposed to chlorinated benzenes during manufacture, processing, and use; consumers are exposed to certain chlorobenzenes in the use of formulated products such as toilet bowl cleaners, drain cleaners, space deodorants, and moth control agents; and the general population may be exposed from environmental concentrations resulting from manufacture, processing, use, and disposal of the substances.

Simultaneously, with the publication of this first proposed test rule, we published a proposed Statement of Exemption Policy and Procedure relating to the granting of exemptions from § 4 testing (45 FR 45812). EPA's exemption policy will implement § 4(c) of TSCA, which provides that manufacturers and processors can be exempted from the testing requirements of § 4 if EPA finds that the chemical they manufacture or process is equivalent to a chemical already being tested and that testing of both chemicals would produce data that are duplicative. EPA proposed that in most cases the Agency will consider one test substance to be representative of all forms of the substance subject to the test rule.

We also announced on July 18, 1980 our tentative decision not to require health effects testing for acrylamide, a compound suspected of entering surface water and ground water through its use as a chemical grout, a wastewater treatment chemical, and other industrial applications (45 FR 48510). This decision was made on the judgment that exposure to acrylamide could be controlled on the basis of its neurotoxicity and Agency resources could best be used on more pressing testing needs. Final rulemaking on these actions is scheduled for November 1981.

We plan to propose our second test rule in May 1981. This rule would propose testing of dichloromethane (DCM), 1,1,1-trichloroethane (TCE), and nitrobenzene for both health and environmental effects. In its Initial Report, the Interagency Testing Committee recommended that nitrobenzene be tested for its potential to cause cancer, genetic damage, and environmental effects. In its Second Report, the ITC recommended that DCM and TCE be tested for their potential to cause cancer, genetic damage, birth defects, chronic toxicity, and environmental effects and that epidemiology studies be performed.

EPA's third § 4 test rule is scheduled for proposal in December 1981. We plan to include alkyl phthalates, antimony, antimony sulfide, and antimony trioxide and the chloroparaffins in this proposal. The ITC recommended the alkyl phthalates and chloroparaffins for testing in its Initial Report and antimony, antimony sulfide, and antimony trioxide in its Fourth Report. Alkyl phthalates were recommended for environmental effects testing; the chloroparaffins, for potential to cause cancer, genetic damage, birth defects, chronic toxicity, and environmental effects. The ITC recommended testing antimony and its oxide and sulfide for potential to cause cancer, genetic damage, birth defects, chronic toxicity, and environmental effects and that epidemiology studies be performed.

We also plan to publish a notice stating our reasons for not requiring testing on the benzidine dyes, o-dianisidine dyes, o-tolidine dyes, polychlorinated terphenyls, and chlorinated napthalenes. These chemicals were recommended for testing by the ITC in its Fourth and Fifth Reports. The notice of our decision not to require testing is scheduled for July 1981.

Other test rules covering the remainder of the 43 ITC-designated priority chemicals will follow.

Alternatives Under Consideration

The alternatives available to us are quite limited. Under TSCA, if EPA finds that (1) a chemical may present an unreasonable risk of injury to human health or the environment or a chemical may enter the environment in substantial quantities or result in significant human exposure, and (2) there are insufficient data or experience to characterize its effects on health or the environment, and (3) testing is necessary to develop such data, we must require industry to conduct testing and there is no alternative to issuing a test rule. However, we will encourage industry to begin testing of a chemical before a test rule is proposed. If such testing is satisfactory, it could obviate the need for a test rule.

Another alternative is to conduct testing in govenmental facilities or under contract to the Government. We may take this approach where it would be inappropriate or infeasible to require testing by the chemical industry, such as when testing is of high priority but cannot be funded by the manufacturers and processors of the chemical or when no test standard exists and EPA's sponsorship of testing would aid the development of the test standard. Heavy reliance on this approach would be in direct conflict with TSCA, which states that the development of data on health and environmental effects "should be the responsibility of those who manufacture and those who process chemical substances and mixtures."

EPA also considered an alternative approach to the reporting deadlines. This approach would have established dates only for the beginning of the testing period rather than dates for reporting during and at the end of the testing period. This alternative was rejected because § 4(b)(1)(C) of TSCA requires EPA to specify the time period within which persons subject to a test rule must submit test data. In addition, EPA believes that it is not necessary to consider size or production capacity of the manufacturers or processors subject to the rule when establishing reporting deadlines because this is not specifically required in the Act, because it is difficult to predict exactly who will bear the testing responsibility, and because EPA expects manufacturers and processors to coordinate their testing efforts.

Summary of Benefits

Sectors Affected: Workers in establishments manufacturing industrial chemicals and products produced with these chemicals, and workers otherwise exposed to these chemicals; consumers of formulated products containing the chemicals; the environment; the general public; EPA; OSHA; and State and local governments.

The data generated from the testing required by this rule would permit EPA to assess the risk to humans and the environment of manufacturing, processing, distribution in commerce, use, and disposal of chemicals subject to a test rule. If the Agency finds this risk to be unreasonable, it may take action to reduce human exposure under one of its authorities or recommend regulation by another agency, such as OSHA.

The testing required by these rules could potentially benefit individuals who may be exposed to these chemicals. In the case of the first rule, this would include potentially 50,000 workers who may be exposed to chloromethane and potentially 3 to 4 million workers who may be exposed to the chlorinated benzenes. In addition, consumers exposed to products containing the chlorinated benzenes and the general population exposed to any of these chemical via dissemination throughout the environment may also derive benefits from the test rule on these chemicals. The benefits from future regulations which are based on data obtained through test rules would include reduced illnesses among workers, consumers, or the general population; this would potentially result in reductions of absenteeism at work, higher productivity levels, and savings of health costs.

The data generated by this test rule will also result in benefits to Federal agencies such as EPA and OSHA and State and local governments. These data will serve to alert government agencies to potential risk from these chemicals and will also obviate the need for these agencies to expend resources to search for data on these chemicals when assessing their risks.

Summary of Costs

Sectors Affected: Manufacturing and processing of designated chemicals, including some manufacturers and processors of industrial solvents, dyes, organic intermediates, pesticides, and solvent-carrying chemicals; and processors of some silicone products, chlorinated hydrocarbons, butyl rubber products, herbicides, and lubricating greases and oils; and consumers of products produced with these chemicals.

EPA estimates the annualized costs of complying with the first proposed rule to be $144,000 to $287,000 (1979 dollars) for manufacturers and processors of chloromethane and $371,000 to $1,016,000 for manufacturers and processors of the chlorinated benzenes. These costs might conceivably be passed on to processors of these chemicals who have not contributed money towards the cost of testing through reimbursement procedures (i.e., manufacturers using these chemicals in their manufacturing processes), or to consumers of products produced with these chemicals.

In general, for future rules, EPA expects that manufacturers will bear the costs of testing directly, but that processors will pay for testing indirectly through small increases in the price of chemicals. For instance, price increases on dichloromethane, 1,1,1-trichloroethane, and nitrobenzene, chemicals in EPA's second rule, are predicted to be less than 0.1¢ per pound.

Related Regulations and Actions

Internal: We proposed health effects test standards for various effects on May 9, 1979 (44 FR 27334) and July 26, 1979 (44 FR 44054) and standards for Good Laboratory Practices for Health Effects on May 9, 1979 (44 FR 27362). We also proposed environmental fate test standards and Good Laboratory Practices for Environmental Effects testing on November 21, 1980 (45 FR 77332).

EPA will publish final health effects standards later this year. EPA also plans to propose standards for various ecological toxicology tests and standards for additional environmental fate later this year.

We also published a proposed rule under TSCA § 8(d) that would require persons to submit all unpublished health and safety studies concerning all chemicals recommended for testing by the Interagency Testing Committee (44 FR 77470, December 31, 1979).

External: The EPA has been a full and regular partner in extensive international consultations and negotiations in the Organization for Economic Cooperation and Development (OECD) during the development of its chemical testing and other requirements under TSCA. The Agency places a high priority on these activities because of benefits both for international chemical trade and for more effective health and environmental protection.

U.S. experts, along with those of other OECD member states, have worked since 1977 to develop agreed chemical testing guidelines and good laboratory practices, as well as an agreed set of data that should be developed for new chemicals prior to marketing. The United States strongly endorsed the work of the expert groups at a meeting of high level national regulatory officials in May 1980 and firmly committed the United States to domestic implementation of the guidelines and practices.

Active Government Collaboration

Other Federal agencies that have been or will be consulted include the Food and Drug Administration, Consumer Product Safety Commission, Occupational Safety and Health Administration, National Cancer Institute, and National Institute of Environmental Health Sciences.

Timetable

- Proposed Test Rule for Dichloromethane; 1,1,1-Trichloromethane, and Nitrobenzene—May 1981.
- Explanation of Decision Not to Test Benzidine dyes, o-Dianisidine dyes, o-Tolidine dyes, Polychlorinated terphenyls, and Chlorinated naphthalenes—July 1981.
- Final Test Rule on Chloromethane and Chlorinated benzenes or Decisions Not to Require Testing—November 1981.
- Explanation of Decision Not to Test Acrylamide—November 1981.
- Proposed Test Rule or Decision Not to Require Testing for Antimony, Antimony sulfide, Antimony trioxide, Alkyl phthalates, and Chloroparaffins—December 1981.
- Regulatory Impact Analysis—Not required. Economic Impact Analysis

and Regulatory Flexibility Analysis for all test rules available at proposal.

Available Documents

Chloromethane and Chlorinated Benzenes Proposed Test Rule, Proposed Health Effects Standards Amended, 45 FR 48524, July 18, 1980.

Acrylamide: Response to the Interagency Testing Committee, 45 FR 48510, July 18, 1980.

Exemptions from Test Rules: Proposed Statement of Policy and Procedures, 45 FR 48512, July 18, 1980.

Proposed Health Effects Test Standards for Toxic Substances Control Act Test Rules: Proposed Good Laboratory Practice Standards for Health Effects, 44 FR 44054, July 26, 1979.

Proposed Health Effects Test Standards for Toxic Substances Control Act Test Rules, 44 FR 27334, May 9, 1979.

The Interagency Testing Committee established under TSCA has issued six reports making recommendations on chemicals to be covered by TSCA testing rules:

First Report—42 FR 55026, October 12, 1977.
Second Report—43 FR 16884, April 19, 1978. OTS Docket 040004.
Third Report—43 FR 50630, October 30, 1978. OTS Docket 04005.
Fourth Report—44 FR 31886, June 1, 1979. OTS Docket 41001.
Fifth Report—44 FR 70864, December 7, 1979. OTS Docket 41001.
Sixth Report—45 FR 35897, May 28, 1980. OPTS Docket 41002A.
Seventh Rule—46 FR 12317, November 25, 1980.

Public comments on the first test rule received during the comment period, which ended October 31, 1980, are available for inspection in the OPTS Reading Room (Room 407 East Tower, 401 M Street, S.W., Washington, DC 20460) between the hours of 8:00 a.m. and 4:00 p.m. on working days.

Transcripts of public meetings held on October 15, October 21, October 24, October 30, and October 31, 1980, are also available for inspection in the OPTS Reading Room.

The following Proposed Support Documents are also available in the OPTS Reading Room: 1) Chloromethane Support Document, 2) Chlorinated Benzenes Support Document, 3) Exposure Support Document, and 4) Economic Analysis Support Document.

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EPA—Office of Water and Waste Management

Control of Organic Chemicals in Drinking Water (40 CFR Part 141)

Legal Authority

The Safe Drinking Water Act, as amended, § 412, 42 U.S.C. § 300(f) *et seq.*

Reason for Including This Entry

The Environmental Protection Agency (EPA) includes this regulation because it could impose compliance costs of over $100 million.

Statement of Problem

Recent technological developments in sophisticated analytical measurement techniques have resulted in the identification of numerous organic contaminants in drinking water, particularly in some ground water supplies that have been contaminated by improper waste disposal practices, that may pose a health risk to consumers. For example, choloroform, a suspected human carcinogen, is only one of many synthetic organic chemicals known to be present in drinking water. Chloroform is representative of a class of chemicals known as trihalomethanes (THMs), whose presence in drinking water were controlled by rules finalized at 44 FR 68624 on November 29, 1979. Future measures to control organic chemicals in drinking water are proceeding through an approach involving control of volatile organics in drinking water, which we will describe in an ANPRM in June 1981.

The ANPRM will set forth current considerations in the development of maximum contaminant levels (MCLs) for certain volatile organic chemicals in the Revised Primary Drinking Water Regulations, which EPA is developing to apply to all public water systems in the United States. At this time, contamination of drinking water by volatile organics has most often been found in ground waters in urbanized and industrial areas. The levels of occurence, coupled with the suspected carcinogenicity and toxicity of several identified compounds, appear to support the setting of MCLs for some of the following compounds:

- Trichloroethylene
- Carbon tetrachloride
- Tetrachloroethylene
- 1,2-Dichloroethane
- 1,1,1-Trichloroethane
- cis-1,2-Dichloroethylene
- trans-1, 2-Dichloroethylene
- 1, 1-Dichloroethylene
- Methylene chloride
- Vinyl chloride
- Benzene
- Chlorobenzene
- Dichlorobenzene
- Trichlorobenzene

If EPA takes no action with regard to the above chemicals, a possible health risk to the public will continue to exist and the overall quality of drinking water will be suspect in those ground water areas. As a class, most of these chemicals are suspected carcinogens based upon animal tests while certain of them are considered mutagens and/or teratogens.

Alternatives Under Consideration

Specific options are being developed and alternatives will be separately evaluated for each contaminant. MCLs will be proposed only after careful evaluation of the best available evidence in the areas of epidemiology, toxicology, analytical methods, quality assurance, monitoring requirements, feasibility, and efficiency of competing treatment methods and economic impacts.

Summary of Benefits

Sectors Affected: The general public in locations with contaminated ground water supplies; municipally and privately owned public water supply systems; and consulting sanitary engineers, analytical chemists, and equipment manufacturers and suppliers.

In general, these MCLs will have their greatest impact on small water supply systems which currently employ little or no treatment. Of a total of 61,500 public water systems, approximately 45,000 use ground water exclusively as their source of supply. The vast majority of these systems are considered small water systems serving fewer than 10,000 people. Preliminary data suggest that 1 to 5 percent of these supplies may have contaminated sources of water and thereby be impacted by these regulations. The public served by such systems will, in particular, realize the benefits of this proposal. Consulting sanitary engineers, analytical chemists, and suppliers and manufacturers of anti-pollution equipment will benefit from increased business.

It is impossible at this time to assign direct monetary values to the benefits to be realized under this proposal. Such benefits include a lessening of public exposure to toxic substances including carcinogens in drinking water and a

consequential safeguarding of public health.

Summary of Costs

Sectors Affected: The general public, State and local governments, and public water systems (both privately and publicly owned).

The public in general will be the principal group affected by this proposal, since the users will undoubtedly bear the costs of any necessary modifications to their water supply systems. This will particularly be true of small water supply systems that currently employ little or no treatment. Impact upon State and local governments will be in the administrative aspects of implementing the regulation.

No estimates of the economic impact are available at this time.

Related Regulations and Actions

Internal: All EPA regulations that affect control of chemical contaminants of water are directly related, including: Effluent Guidelines, National Pollution Discharge Elimination System, Water Quality Criteria, Hazardous Waste Disposal Controls, and Underground Injection Control.

External: State programs would be expected to deal with decisions on variances and exemptions from the regulations and to provide technical assistance to public water systems making changes in their treatment processes.

Active Government Collaboration

Supporting documentation for the health basis of any regulations requires information-sharing with the National Cancer Institute, National Institute of Environmental Health Sciences, Consumer Product Safety Commission, and Food and Drug Administration. In addition, the National Academy of Sciences and the National Drinking Water Advisory Council will be consulted during the development of MCLs.

Timetable

ANPRM—June 1981.
Public Technical Seminar (to be announced)—Summer 1981.
NPRM—Late fall 1981.
Final Rule—Fall 1982.
Public Hearings—To be determined.
Public Comment Period—Will be 90 days following ANPRM publication.
Regulatory Impact Analysis—To be determined.
Regulatory Flexibility Analysis—To be determined.

Available Documents

"National Organics Reconnaissance Survey," EPA, Municipal Environmental Research Laboratory, 1975.

"National Organics Monitoring Survey," EPA, Office of Drinking Water.

"Interim Treatment Guide for Controlling Organic Contaminants in Drinking Water Using Granular Activated Carbon," EPA, Municipal Environmental Research Laboratory, January 1978.

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EPA—OWWM

Hazardous Waste Regulations: Phase II–C Regulations Applicable to Hazardous Waste Disposal Facilities (40 CFR Parts 260, 264, and 122*)

Legal Authority

Resource Conservation and Recovery Act of 1976 (RCRA), as amended, §§ 3004 and 3005, 42 U.S.C. §§ 6924 and 6925.

Reason for Including This Entry

These regulations are important because they initiate, for the first time on a national level, management of the disposal on land of hazardous waste. The Environmental Protection Agency (EPA) includes them in the **Calendar** to inform the general public of EPA's continuing actions to implement a comprehensive national program to manage hazardous wastes from generation through transportation, storage, and treatment to final disposal. In addition, this qualifies as a "major rule" in accordance with Executive Order 12291. EPA projects that associated costs to industries that generate waste could be $100 million or more per year.

Statement of Problem

Because of the enormity and complexity of the regulatory task, EPA elected to issue its hazardous waste regulations in phases. The Phase I regulations became effective November 19, 1980. These regulations identify hazardous wastes; establish standards for generators and transporters of hazardous wastes; govern the issuance of facility permits by EPA and the States and authorization of States to implement a hazardous waste program; and set both interim status standards for existing treatment, storage, and treatment facilities and administrative non-technical standards for use in issuing permits.

The Phase II regulations providing the technical standards for use in issuing permits to hazardous waste management facilities (as well as companion requirements pertaining to permit applications) were partially promulgated on January 12, 1981 (46 FR 2802). That promulgation included additional general facility standards and standards for closure and postclosure and financial responsibility of facilities; permitting of storage of hazardous wastes in containers; permitting of storage and treatment in tanks, surface impoundments, and waste piles; and permitting of incinerators. Missing from the promulgation were standards for land disposal facilities—surface impoundments and waste piles in which hazardous wastes are disposed in lieu of or in addition to their storage or treatment; land treatment facilities; landfills; underground injection facilities; and underground seepage facilities. EPA is not ready to promulgate these land disposal standards (Phase II–C) and instead is reproposing them.

At least 27 million wet metric tons per year of hazardous wastes are currently sent to land disposal facilities where they are intended to remain forever. This prevailing method for disposal of hazardous waste presents two major problems: (1) the waste and its hazardous constituents may remain hazardous for a long period of time and in some cases forever, and (2) the waste or its constituents and byproducts may migrate from the confines of the land disposal facility into the broader environment.

There are data and theoretical evidence that in most cases, hazardous constituents placed in land disposal facilities, even with the application of best available technology, will eventually migrate beyond the facility. Natural water from precipitation or groundwater, or liquids in the wastes, will inevitably infiltrate the land disposal facility and generate leachate which, in turn, leaks out into the underlying soils and groundwater. Watertight containment systems (impermeable liner and cover) and leachate collection systems to interrupt migration are limited in the length of time they can operate effectively. However, many hazardous wastes placed in hazardous waste facilities, such as toxic heavy metals or organic constituents, do not degrade or will do so only very slowly, or leave toxic

degradation products, thereby remaining a potential hazard to human health and the environment for 100 years or more. Currently, EPA does not know the degradation periods for most hazardous wastes, but they exceed the lifetimes of most containment and collection systems.

Long-term migration of hazardous wastes into the broader environment beyond the land disposal facility is not only due to leachate; migration of volatile constituents into the atmosphere is possible in many cases. In the Love Canal area in New York, for example, volatile carcinogens migrated into the basements of homes. Toxic or explosive gases from degradation of organic wastes, or untreated ignitable or reactive wastes can present long-term fire or explosion threats to facilities.

Finally, hazardous wastes remaining in or on the land can pose a direct health problem in the event that future land uses or activities serve to expose the public to them, such as also occurred at Love Canal when the former dumpsite area was converted into public school grounds.

EPA believes that the problem of eventual leachate and volatiles generation and migration, and the technical and institutional limits on preventing or perpetually controlling such occurrences, should be dealt with in the development of land disposal standards. EPA is not confident that the originally proposed standards assure sufficiently secure land disposal facilities to protect human health or the environment. The reproposed standards offer another approach for public review.

Alternatives Under Consideration

Drafting standards for landfills, surface impoundments, land treatment facilities, and underground injection wells is the most difficult task EPA faces in developing its hazardous waste management regulatory program. The Agency first proposed standards for permitting land disposal facilities on December 18, 1978 (43 FR 58982). EPA received hundreds of comments on these standards, which were basically design and operating standards, criticizing them for their reliance on design criteria and their lack of flexibility. In response, EPA examined several other regulatory approaches and decided to develop revised regulations combining features of four approaches: (A) facility design and operating standards, (B) containment standards, (C) specific (numerical) health and environmental performance standards, and (D) non-specific (non-numerical) health and environmental performance standards.

(A) A major advantage of detailed requirements for liners, leachate collection systems, and final covers, such as design and operating standards contain, is that the regulated community and regulating agencies clearly know land disposal facility requirements. The drawbacks are their inability to reflect site-specific or waste-specific conditions, their tendency to inhibit application of emerging technology or improved operating procedures, and the finiteness of the time period for which they guarantee protection to human health and the environment.

(B) Containment standards EPA considered specified some amount of time, e.g., 100 years, that hazardous wastes had to be contained within the land disposal facility. Although similar in effect to design and operating standards, this approach differs in that it specifies the ultimate performances that land disposal methods will achieve. Thus, the permit applicant would have the flexibility of tailoring the design and operating methods of the facility to its waste or site conditions. Because this approach also will not provide protection beyond a set containment period, EPA is not reproposing such standards.

(C) Specific health and environmental performance standards involve establishing specific, often numerical, ambient quality standards which could not be exceeded for ground and surface waters and eventually for air and soils. Such standards would apply at points of current or potential use of the environment, such as points of groundwater withdrawal. This approach allows the permit applicant wide flexibility in designing and operating a land disposal facility. The application of this type of standard would require a considerable amount of site study and prediction by the permit applicant to demonstrate that migration of hazardous wastes beyond the facility would never cause the established ambient standards to be exceeded. Ambient quality standards have not, however, been established for most of the constituents or wastes EPA has designated as hazardous. Consequently, exclusive use of this approach is not currently possible.

(D) Non-specific health and environmental performance standards establish (1) the type of assessments and predictions to be performed by a permit applicant to show the environmental effect of the land disposal facility's operation, and (2) the broad environmental objectives to be used by the agencies issuing permits to judge the acceptability of the facility's effects. The broad narrative environmental objectives substitute for ambient quality levels contained in specific standards as the basis for judging whether or not the future health and environmental effects can be accepted.

EPA's newest proposed standards for land disposal facilities are drawn primarily from alternatives C and D, above, supplemented with certain design and operating standards where EPA concludes these can be fashioned. The newest proposal provides for full consideration of the serious implications that land disposal facilities might have for the long-term public health and welfare.

The practical result of EPA's reproposal is to postpone issuance of final standards until at least 1982, which means no land disposal facilities could be issued permits to operate until mid-1982. Such a long delay in beginning the permit program would slow down the upgrading of existing facilities. This is a concern because most of the existing land disposal facilities are capable of presenting potential hazards. To address this need, EPA is considering employing an interim permit process based on a combination of design and operating standards and containment-type performance standards that are quite specific and can be readily applied to facilities. The purpose of these would be to require full containment for a finite period, such as 50 years, to assure environmental protection and allow remedial measures to be taken, during the period preceding the issuance (or denial) of a full Resource Conservation and Recovery Act (RCRA) permit to an existing land disposal facility.

The delay in promulgation of final land disposal regulations also creates a serious problem for new facilities, since RCRA prohibits a new facility from commencing operations until a full RCRA permit is issued. There are strong reasons of public policy why permitting of new hazardous waste land disposal facilities should begin as soon as possible: to reduce pressures for improper disposal, provide a reserve of disposal capacity to make it easier to upgrade or close down inadequate existing facilities, and to assure new investment in energy and other productive facilities is not delayed because a national hazardous waste control program is not fully in place. Consequently, EPA promulgated temporary standards (46 FR 12414, February 13, 1981) for new hazardous waste land disposal facilities. These will be replaced by the more detailed standards of the reproposal. These

interim regulations for new facilities allow their permitting, as of August 13, 1981, on much more general performance standards than are featured in the reproposal.

Summary of Benefits

Sectors Affected: The general public; all industries generating hazardous wastes, especially manufacturing; and the hazardous waste management industry.

EPA deems it necessary to take additional time to develop appropriate final land disposal standards in order to avoid erring in promulgating standards with adverse long-term public health and environmental consequences. As entries in previous **Calendars** indicated, these regulations will contribute to a framework for control of wastes which would otherwise contaminate ground and surface waters, poison humans and animals, and cause air pollution, fires, and explosions. These regulations, when final, will reduce the incidence of health and environmental damages in the vicinity of land disposal sites and save hundreds of millions of dollars in clean-up, emergency response, and damages costs. Improved regulatory controls over land disposal may also help reduce opposition to the siting of land disposal facilities at environmentally secure locations.

Advancements in the state-of-the-art and technical capabilities will be encouraged by land disposal facilities' implementation of the reproposed facility requirements, as will the use of alternative methods of managing hazardous wastes, such as incineration, treatment, and recycling. In EPA's view, these are not undesirable results since land disposal generally remains the least desirable method of hazardous waste management in terms of long-term protection of human health and the environment.

However, EPA contends there are suitable sites, adequate facility designs and practices, and reliable operators for land disposal of hazardous wastes that cannot be handled by other management alternatives. The temporary standards applicable to new facilities will, EPA also believes, assure that secure commercial land disposal capacity will be available.

Summary of Costs

Sectors Affected: All industries generating hazardous waste, especially manufacturing; public and private waste management industry; consumers of goods produced by waste generating industries; and EPA and State governments.

At the time of the original proposal of the set of RCRA hazardous waste regulations, EPA estimated the annual costs of the § 3004 standards, to industries that generate and must dispose of waste, including the technical requirements for land disposal facilities, to be $570 million (in 1977 dollars). Two-hundred and sixty million dollars were attributed to building and operating waste management facilities in compliance with all portions of the technical § 3004 standards. EPA has not yet prepared the overall impact analysis for this revised rulemaking limited to land disposal. However, EPA plans to complete one and make it available for public review prior to promulgation of the final rule.

EPA realizes the assessments of long-term health and environmental impacts of individual land disposal facilities will require gathering considerable, detailed information and performing difficult and complex demonstrations. This will be difficult for facility operators and time-consuming for EPA and State permitting officials to review. The extensive information and demonstration requirements proposed may be sufficiently great to deter some land disposal facilities with limited resources or technical capabilities from seeking permits. This will probably reduce the number of such facilities, significantly limit the location of these facilities, and limit the types of wastes allowed to be accepted by these facilities. Clearly, the reproposed standards will create economic and feasibility constraints that will limit, but not preclude, land disposal practices and will increase costs both to waste generators and consumers of some products.

Related Regulations and Actions

Internal: Regulations constituting "Phase I" of EPA's phased hazardous waste regulatory program were issued on February 26, 1980 and May 19, 1980. Several proposed, final, and interim final amendments to these have been published on or since May 19, 1980. The Phase I regulations require generators to identify their hazardous wastes; transporters to meet specific requirements for off-site shipment of hazardous wastes; and owners and operators of existing treatment, storage, and disposal facilities to comply with administrative and interim status standards. The interim status standards continue to apply to land disposal facilities until final rules are promulgated.

EPA promulgated the non-land disposal portions of "Phase II" technical standards on January 12, 1981 (46 FR 2802) to enable EPA to begin processing permits for facilities that store hazardous wastes in containers, and treat or store in tanks, surface impoundments, or piles, and for treatment of hazardous wastes in incinerators, on January 23, 1981 (46 FR 7666).

External: In many cases, more stringent State standards, including standards for issuing State permits, will apply to existing land disposal facilities.

Active Government Collaboration

The Department of Interior, Soil Conservation Service, Water Resources Council, and U.S. Geological Survey cooperated with EPA during development of the proposed regulations.

Timetable

Regulatory Impact Analysis and Regulatory Flexibility Analysis—These analyses will be prepared and allow for public comment before promulgation of a final rule. EPA expressly invites the public to address the impacts of the reproposed rule on small entities and the specific elements of the regulatory approaches considered in their comments to EPA on the reproposal.

Public Hearings—June 8–9, 1981, Chicago, IL; June 11–12, 1981, Washington, DC; June 13–16, 1981, Houston, TX; June 18–19, 1981, San Francisco, CA. Details on participation in these hearings are available in 46 FR 20706.

Public Comment Period—Comments on the reproposal are due on or before August 3, 1981 (180 days after publication). Comments should be addressed to Deborah Villari, Docket Clerk, Office of Solid Waste (WH-562), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, DC 20460. Comments should be identified for the "Section 3004 Permitting Standards for Land Disposal Facilities" regulatory docket.

Final Rule—Early 1982.

Final Rule Effective—Six months after promulgation.

Available Documents

NPRM—43 FR 58946, December 18, 1978.

Supplemental Notice of Proposed Rulemaking—45 FR 66816, October 8, 1980.

Reproposal of Proposed Rule and Proposed Amendments to Rule—46 FR 11126, February 5, 1981.

Interim Final Rule and Request for Comments—46 FR 12414, February 13, 1981.

Draft Technical Resource Documents—Limited copies of the following are available from Ed Cox, Solid Waste Information, U.S. EPA, 20 West St. Clair Street, Cincinnati, OH 45268:

- Evaluating Cover Systems for Solid and Hazardous Waste (SW–867).
- Hydrologic Simulations on Solid Waste Disposal Sites (SW–868).
- Landfill and Surface Impoundment Performance Evaluation (SW–869).
- Lining of Waste Impoundment and Disposal Facilities (SW–870).

Background Documents—Copies of the following nine Background Documents, which include summaries and responses to public comments, are available for review in all EPA Regional Offices' and headquarters' libraries:

- Surface Impoundments
- Waste Piles
- Land Treatment
- Landfills
- Underground Injection and Underground Seepage
- Information Requirements for Permitting Discharges from Land Disposal Facilities
- Ground Water Protection Standard
- Groundwater and Air Emission Monitoring
- Performance Standards for Land Disposal Facilities

Copies of all of the above documents are also available for public review in the regulatory docket, "Section 3004 Permitting Standards for Land Disposal Facilities," Room 2711, U.S. EPA, 401 M Street, S.W., Washington, DC 20460.

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EPA—OWWM

Sewage Sludge Disposal Regulations (40 CFR Part 258)

Legal Authority

Clean Water Act, § 405(d), 33 U.S.C. § 1345

Reason for Including This Entry

Increasingly, sludge left as residue from wastewater treatment plants is being disposed of by landspreading, or is distributed and marketed as a fertilizer or soil conditioner. Therefore we feel it could be important to issue comprehensive guidance for the disposal and use of sludge.

Statement of Problem

The Environmental Protection Agency (EPA) estimates that approximately 8.6 million dry tons of municipal sewage sludge are generated annually from publicly owned treatment works (POTWs). Sewage sludge is a broad term for the solids removed from wastewater as it goes through a municipal treatment plant and is cleaned up for discharge. Sludge can be disposed of—or used—in a liquid form or it can be concentrated by dewatering processes. These can be mechanical, heat drying, or outdoor drying beds or lagoons. The end product can be a liquid, a thick slurry, a wet cake, a dry cake, a compost product, or a dried powder.

Sludge volume is expected to increase in the next 10 years due to an increase in the volume of sewage to be treated by POTWs. Currently, the major disposal methods for sewage sludge are landspreading (29 percent), landfilling (13 percent), thermal processing (23 percent), and ocean disposal (4 percent). Approximately 21 percent of POTW sludge, composted and in other forms, is distributed free or marketed. Composted sludge is produced by adding wood chips or other organic refuse to dewatered sludge to produce a humus-like material with soil-conditioning and nutrient value. When composted properly, this material is essentially odorless and pathogen-free.

Over the years, EPA has issued several regulations protecting single environmental media, such as air, water, or land, from degradation. In the area of sludge disposal, this sequential, rather than comprehensive approach, has often resulted in shifting the problem from one environmental medium to another (e.g., from the ocean to land). A comprehensive approach to sludge management will enable risk assessment to be conducted across all environmental media, rather than transferring risk from one medium to another.

Alternatives Under Consideration

EPA is considering a new approach to sludge regulation incorporating all standards affecting sewage sludge disposal into a comprehensive sludge management guideline. The most important beneficial result of this approach would be to encourage a complete environmental and economic assessment of management alternatives by the governments of the localities where sludge is generated and disposed. Other benefits will include an easier understanding of sludge disposal requirements by the public and better coordination of sludge management programs at the State and local levels.

Since complete issuance of comprehensive sewage sludge guidelines would take several years, EPA intends to develop a phased program. This allows the Agency both to address the various methods of sewage sludge disposal according to perceived priorities and to expand the scientific data base.

All land disposal of non-hazardous sludges, which includes landfilling, disposal in surface impoundments, and landspreading on food-chain crop land and non-food-chain land (food-chain crop land is used for growing crops for direct human consumption or for feeding animals whose products will be used for direct human consumption; non-food-chain land is that land used for other purposes and which does not contribute to the human food chain) is currently regulated by the requirements of the "Criteria for Classification of Solid Waste Disposal Facilities and Practices," 44 FR 53438, issued on September 13, 1979 (the Criteria). These regulations were issued by EPA under authority of the Resource Conservation and Recovery Act (RCRA), Subtitle D, and the Clean Water Act (CWA) § 405.

Summary of Benefits

Sectors Affected: Public and privately owned sewage treatment systems; State and local governments; manufacturers and distributors of fertilizers and soil conditioners derived from sludge; and the general public.

Benefits include aiding the State and local governments in the selection of the most effective sludge management approach for their individual situations, promoting better coordination of sludge management programs among jurisdictions within a regional area (such as would be needed for the Potomac River, which travels through Maryland, Virginia, and the District of Columbia), and providing the public and the sludge disposal organizations (both private and public) with advice on the safe and proper methods for disposing of sewage sludge.

Summary of Costs

Sectors Affected: EPA; State and local governments; and public and privately owned sewage treatment systems.

The Agency will prepare a Regulatory Impact Analysis accompanying the

NPRM that will discuss the costs that the regulation could cause.

Related Regulations and Actions

Internal: Incineration methods of sewage sludge disposal are regulated by the Clean Air Act (CAA). Polychlorinated biphenyls (PCBs) are regulated by the Toxic Substances Control Act (TSCA), and hazardous wastes by RCRA Subtitle C. Ocean dumping is regulated by the Marine Protection, Research, and Sanctuaries Act (MPRSA).

External: None.

Active Government Collaboration

EPA is working with the Food and Drug Administration, the Consumer Product Safety Commission, and the U.S. Department of Agriculture on guidelines for distribution and marketing of sewage sludge.

Timetable

NPRM or revised ANPRM—Late 1981.
Regulatory Impact Analysis—Will accompany NPRM.
Regulatory Flexibility Analysis—Will accompany NPRM.
Public Hearing—To be determined.

Available Documents

Final Rule for air emissions and hazardous pollutants is in 40 FR 46259, October 6, 1975 and 40 FR 48302, October 14, 1975.

Final Rule for ocean dumping is in 42 FR 2462, January 11, 1977.

Final, Interim Final, and Proposed Rules for the Criteria for classification of solid waste disposal facilities and practices are in 44 FR 53438, September 13, 1979.

Final Rule for polychlorinated bipenyls is in 44 FR 31514, May 31, 1979.

Final, Interim Final, and Proposed Rules for hazardous waste are in 45 FR 33066, May 19, 1980.

Pre-proposal draft of the distribution and marketing of sewage sludge, May 6, 1980. Available free from the Public Information & Participation Branch, U.S. EPA, Office of Solid Waste (WH–562), 401 M Street, S.W., Washington, DC 20460.

Public comments concerning sludge requirements contained in the Criteria and the pre-proposal draft of the distribution and marketing of sewage sludge are available for review in the Solid Waste Docket, Room 2711A, U.S. EPA, Office of Solid Waste (WH–562), 401 M Street, S.W., Washington, DC 20460.

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FEDERAL EMERGENCY MANAGEMENT AGENCY

Review and Approval of State and Local Radiological Emergency Plans and Preparedness (44 CFR Part 350)

Legal Authority

Disaster Relief Act of 1974, as amended, 42 U.S.C. § 5121; Federal Civil Defense Act of 1950, as amended, 50 U.S.C. App. § 2251 *et seq.*, Executive Order 12148 of July 20, 1979, as amended 44 FR 43239.

Reason for Including This Entry

The Federal Emergency Management Agency (FEMA) includes these regulations because of the great interest of the public in planning for safety around nuclear power plants. These procedures describe how State and local governments can obtain FEMA evaluation, assessment, findings, and determinations as to the adequacy of State and local plans and preparedness to cope with the offsite effects of a radiological emergency at nuclear power plants.

Statement of Problem

President Carter's Commission on the Accident at Three Mile Island (known as the Kemeny Commission), the General Accounting Office, Congressional Committees, and others have all concluded that State and local plans and preparedness are inadequate to cope with the offsite effects of an emergency resulting from accidental emission of radiation at a nuclear power plant.

Forty States have populations within 10 miles of the 73 nuclear power plants that are licensed to operate, the 88 under construction, and the 66 planned. While a significant number of States have either completed or will shortly complete their plans, considerably more needs to be done to achieve the proper preparedness. For example, a large number of local jurisdictions have not completed their plans. The plans need to be exercised before FEMA deems them adequate, and public hearings need to be held by FEMA, State, and/or local authorites.

The Federal Emergency Management Agency is responsible for offsite emergency planning and response. This means planning for action taken outside the plant to deal with consequences affecting the public away from the plant. FEMA also reviews State plans in those States with nuclear power facilities either in operation or scheduled for operation in the near future. FEMA, in order to implement this assignment, entered into a Memorandum of Understanding with the Nuclear Regulatory Commission (NRC), which has the responsibility for licensing nuclear power plants. NRC, however, has no authority to specify the emergency planning responsibilities of State and local governments. Under the Memorandum, FEMA has agreed to make findings and determinations as to whether State and local plans are adequate and capable of implementation (e.g., adequacy and maintenance of procedures, training, resources, staffing levels, and qualifications and equipment adequacy).

The NRC recently issued new emergency planning regulations which became effective November 3, 1980. These were published August 19, 1980 (45 FR 55402). Under the NRC rule, in order for a plant to continue operations or to receive an operating license, the plant will be required to submit its emergency plans, as well as State and local government emergency response plans, to NRC. The NRC will then make a finding as to whether the state of onsite and offsite emergency preparedness provides reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency. The NRC will base its finding on a review of the FEMA findings and determinations as to whether State and local emergency plans are adequate and capable of being implemented and on the NRC assessment as to whether the emergency plans for the nuclear plant itself are adequate and capable of being implemented. These issues may be raised in NRC operating license hearings, but a FEMA finding will constitute a rebuttable presumption on the question of adequacy.

Alternatives Under Consideration

The FEMA-proposed rule provides for a formal process for evaluation, review, and approval by FEMA of State plans and the local plans which are submitted to FEMA as annexes to the State plan and considered jointly with it. FEMA would also evaluate and assess the capabilities of State and local governments to implement the plans. The process is voluntary; that is, there is no requirement in law that a State submit a plan to FEMA for review and approval. There is no FEMA sanction for failure to submit a plan. FEMA, which offers grants to State and local agencies

to support civil defense and disaster preparedness planning, has not made submission of radiological emergency plans and preparedness a condition for making these other grants.

The FEMA-proposed rule also calls for a public meeting at which the State, utility, and FEMA would explain the plan and for an exercise at which the plan is tested. Both of these requirements are conditions for approval. The findings and determinations are based on performance standards rather than adherence to detailed criteria.

Alternatives would include deletion of one or all of the above features. For example, as one Governor suggested, the review process could be established without a rule, without an exercise or public meeting, and without public involvement at all. A number of commentators on the proposed rule believe the public meeting is unnecessary. FEMA believes such a meeting is extremely important in informing the public and thus obtaining its support for whatever decisions may be made.

Summary of Benefits

Sectors Affected: State and local governments; NRC; nuclear power facilities; and the general public.

The benefits to be obtained from these procedures are those of an orderly process by which States can obtain evaluation and review of their plans and preparedness to cope with the away-from-the-plant consequences of a radiological accident at a nuclear power plant. The Nuclear Regulatory Commission is conditioning licensing of nuclear power plants on, among other things, the adequacy of State or local measures to be taken offsite in event of a radiological emergency. The NRC does not have jurisdiction to require a State or locality to develop or submit a plan. It does have jurisdiction to require a nuclear power plant licensed by NRC to submit, as data, information (the State and local plans) about the adequacy of State and local preparedness to cope with the effects of an accident. NRC, by its rules, will rely in its licensing proceedings on FEMA findings and determinations on the adequacy for health and safety purposes of the plans and preparedness. FEMA is the expert Federal agency on State and local plans and preparedness to respond to emergencies of all types.

The FEMA procedure is justified on its own terms as a process for review and approval of State and local plans to cope with a special type of emergency, and the procedure thus exists independent of NRC licensing hearings and is usable even if not tied to a licensing hearing.

The State and local governments benefit because the procedure is related to other emergency preparedness response plans and allows them to deal with a single Federal agency on this subject rather than dealing with many agencies. It further assures an independent, carefully considered review and evaluation of their plans.

Nuclear power facilities also benefit because they will know that FEMA's findings and determinations are the product of a comprehensive, impartial, and independent review process.

The general public also benefits because it knows that the process calls for review and approval of plans and preparedness, based on established performance standards; and it can directly participate by attending the public meeting where it can comment. The various notices and the meeting keep the public informed. Advance planning may result in reduced public expenditures in dealing with emergencies.

Summary of Costs

Sectors Affected: FEMA; State and local governments; nuclear power plants; and users of electricity produced by nuclear power.

We have not prepared a Regulatory Impact Analysis. The procedure itself does not require any expenditure of large amounts of funds. That is to say, submission of a plan is voluntary and the process by which FEMA determines whether or not it can approve the plan involves staff time on the part of Federal agencies, such as the Departments of Energy, Health and Human Services, Commerce, and Agriculture, and the Environmental Protection Agency, State and local governments, and the utilities. The conduct of an exercise and the holding of a public hearing do have cost impact on the aforementioned agencies.

What may have a small cost impact are actions which a State or local government may need to take in order that its plans and preparedness can be found adequate. According to studies, typical costs to a State or local government to prepare a plan for a single facility can be approximately $360,000 initially and $74,000 yearly to update plans. It may well be that these costs can be passed to the utilities, and perhaps to the consumer. Costs might include communications equipment, radiation monitoring equipment, exercises, training, etc. However, the total cost is going to be minute when compared to a total investment in a nuclear plant, which will be in the hundreds of millions of dollars. Who bears the cost is a matter of State and local law. In some cases, the utilities are charged for State and local costs. In some, the utilities may volunteer to pay.

Related Regulations and Actions

Internal: FEMA has developed, pursuant to a Presidential assignment, interagency assignments which replace a description of assignments set out in a Notice published in the **Federal Register** on December 24, 1975 (40 FR 59494). These new assignments were published on October 22, 1980 (45 FR 69904). See also the discussion under External actions.

External: FEMA and the Nuclear Regulatory Commission (NRC) have jointly issued "Criteria for Preparation and Evaluation of Radiological Emergency Response Plans and Preparedness in Support of Nuclear Power Plants," NUREG–0654/FEMA–REP–1, Rev. I. These guidance and acceptance criteria provide a basis for NRC licensees and State and local governments to develop radiological emergency plans and improve emergency preparedness associated with nuclear power facilities. The document combines guidance to State and local governments with guidance to the NRC and supersedes previous guidance and criteria published by FEMA and NRC. It is intended for use by Federal officials in reviewing and assessing the adequacy of State, local, and nuclear power facility operator emergency plans and preparedness. FEMA–REP–1/NUREG 0654 contains a series of planning standards which will be a part of the FEMA rule. It lists specific criteria for the planning and preparedness activities of State and local governments as well as the licensees of NRC. Notice of this publication was given December 30, 1980 in the **Federal Register** (45 FR 85862). We intend that the FEMA rule will set the same standards and criteria as the new NRC rule discussed in "Statement of Problem." Thus, both FEMA reviewers and NRC reviewers will be using the same criteria and standards.

Active Government Collaboration

We are closely coordinating this rulemaking with the Nuclear Regulatory Commission (NRC), which has formally commented on it. We furnish the findings and determinations with respect to adequacy of State plans and preparedness, which are a product of this procedure, to NRC.

FEMA will use the expertise of the Department of Energy, the

Environmental Protection Agency, the Department of Commerce, and others in making its findings and determinations. The manner in which we will accomplish this is set out at 45 FR 69904, which was prepared in collaboration with other agencies.

Timetable

Public Hearing—None.
Final Rule—Not yet scheduled.
Final Rule Effective—30 days after adoption.
Regulatory Impact Analysis—None.
Regulatory Flexibility Analysis—None.

Available Documents

NPRM—45 FR 42341, June 24, 1980.

Memorandum of Understanding between NRC and FEMA to accomplish a prompt improvement in radiological emergency planning and preparedness, 45 FR 82713, November 8, 1980.

FEMA–REP–1, NUREG–0654, Rev. I: Criteria for Preparation and Evaluation of Radiological Emergency Plans and Preparedness in Support of Nuclear Power Plants (now under revision jointly with NRC).

Copies of the above documents are available from the Agency Contact listed below.

Public Comments: Copies are available for review at FEMA, Rules Docket Clerk, Room 801, 1725 I Street, N.W., Washington, DC 20472.

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CONSUMER PRODUCT SAFETY COMMISSION

Chronic Hazards Associated with Benzidine Congener Dyes in Consumer Dye Products

Legal Authority

Consumer Product Safety Act 15 U.S.C. § 2051 *et seq.*

Reason for Including This Entry

The Consumer Product Safety Commission (CPSC) believes this is an issue of considerable public interest due to the possibility of adverse health effects which can result from consumer exposure to benzidine dyes, o-tolidine dyes, and o-dianisidine dyes and the significant number of consumers that may be exposed to them.

Statement of Problem

Benzidine and two related chemicals (congeners), o-tolidine and o-dianisidine, constitute a family of synthetic aromatic amines used as intermediates in the synthesis of more than four hundred direct benzidine congener dyes.

In 1972, the International Agency for Research on Cancer (IARC) concluded that benzidine is carcinogenic in several species of animals, and that "epidemiologic studies showed that occupational exposure to commercial benzidine alone was strongly associated with bladder cancer." Both the Occupational Safety and Health Administration (OSHA) and the Environmental Protection Agency (EPA) have issued regulations for benzidine based on the determination of its carcinogencity. In 1978, the National Cancer Institute (NCI) reported that three benzidine dyes produced tumors in rats. Although it has not been conclusively shown that o-tolidine and o-dianisidine are human carcinogens, there is animal evidence demonstrating carcinogenicity. In addition, evidence indicates that dyes based on benzidine, o-tolidine, and o-dianisidine may be metabolically converted to their respective parent compounds in the body. These studies cause the staff of the CPSC to believe that benzidine dyes, o-tolidine dyes and o-dianisidine dyes may present substantial health hazards to consumers.

Consumer exposure to these dyes may occur from the use of packaged consumer dyes in homes, schools, and arts and crafts processes. In addition to the consumer market, benzidine dyes, o-tolidine dyes, and o-dianisidine dyes are used industrially in the manufacture of consumer products. For example, it is estimated that 40 percent of all benzidine dyes produced are used to dye paper goods such as tissues, paper towels, and stationery; 25 percent are applied to textiles; and 15 percent are used in dyeing leather products.

The consumer dyes market can be divided into two segments: the mass-merchandised dye market, consisting of consumer dye products sold at various retail outlets to the general public for home dyeing applications, and the market for specialty dye products sold as arts and crafts materials. Consumer dyes are purchased by the general public from retail stores; their major use is in home fabric dyeing because these dye products are specifically formulated for ease of application and affinity for cotton and rayon fibers. Artists use the consumer dyes for home crafts, teaching workshops, textile printing, and in the production of craft items for resale on a limited basis. Children may be exposed to benzidine congener dyes during arts and crafts applications in school projects.

A danger to consumers arises from the possibility that benzidine congener dyes or their decomposition products may enter the human system by skin absorption. In addition, dry dust powders may enter the human system by inhalation and ingestion. It is possible, despite precautions, for even an experienced artist to contact dye solution on some part of the body during dyeing operations.

Sources estimate that about 30 million packages of consumer dye products are sold annually. Using 65 cents as an average unit price, it is estimated that the retail market for home dyes falls between $15 million and $18 million.

The three major home dye manufacturers have indicated that since 1978, they have not used benzidine dyes in consumer dye products. However, field studies conducted by the CPSC have demonstrated that general retail outlets still sell older dye packages, manufactured at a time when industry used benzidine dyes.

Although benzidine dyes no longer may be produced for sale to the general public, arts and crafts people are able to purchase them directly from manufacturers or retail dye outlets. Often these dyes are industrial dyes which have been repackaged for arts and crafts use. It is estimated that 100 to 500 pounds of benzidine dyes are sold annually to between 1,000 and 4,000 consumers for arts and crafts applications.

Substitutes used for benzidine dyes in consumer dye products may be based on o-tolidine or o-dianisidine. About nine different o-tolidine dyes and o-dianisidine dyes are currently used in consumer dye products. Of approximately 30 million packages sold annually, estimates place the range of packaged dye products containing o-dianisidine dyes or o-tolidine dyes between 15 and 21 million, encompassing as much as 60 to 70 percent of the home dye market.

In response to a petition jointly submitted in October 1978 by the Center for Occupational Hazards, the Artist-Craftsmen of New York, the Foundation for the Community Artists, and the Surface Design Association the CPSC is considering the need to take regulatory action with respect to benzidine congener dyes in consumer dye products.

Alternatives Under Consideration

The Commission considered the following three regulatory alternatives in response to a petition requesting a ban of benzidine dyes, o-tolidine dyes, and o-dianisidine dyes in consumer dye products. The staff recommended alternative A to the Commission.

(A) Commence a proceeding to ban benzidine dyes, o-tolidine dyes, and o-dianisidine dyes in consumer dye products. This action would eliminate the risk of consumer exposure to benzidine congener dyes in consumer dye products. Considering the estimate that o-tolidine dyes and o-dianisidine dyes may be represented in 60 to 70 percent of the formulations presently used by the consumer dye industry, the economic impact of a ban on these dyes may be considerable.

(B) Commence a proceeding to ban benzidine dyes in consumer dye products and do not take immediate action on o-tolidine dyes and o-dianisidine dyes.

The economic impact of a ban on benzidine dyes on the consumer dye industry is expected to be minimal. Deferred action on o-tolidine dyes and o-dianisidine dyes pending further study of substitutes and reformulation may cause less market disruption.

Although the consumer dye industry has indicated that benzidine dyes are no longer being used, a Commission survey revealed that consumer dye products containing benzidine dyes are still available at retail stores. Therefore, if this alternative is chosen, a recall of consumer dye products containing benzidine dyes may also be considered. CPSC staff plans to gather information from consumer dye manufacturers concerning the feasibility of a recall.

(C) Deny the petition. The Commission may decide to take no action with respect to benzidine dyes, o-tolidine dyes, and o-dianisidine dyes in consumer dye products. This alternative would permit continued consumer exposure to benzidine congener dyes.

To date, the CPSC staff's primary concern has been with home dye packages containing benzidine dyes, o-tolidine dyes, or o-dianisidine dyes sold directly to consumers. The Commission staff plans to investigate the commercial use of benzidine congener dyes in textiles. There is a possibility that the staff will recommend to the Commission further action in the future with respect to those products that have been dyed commercially with benzidine congener dyes.

On November 12, 1980, the Commission voted to grant the petition in part, that is, to ban consumer dye products containing benzidine dyes, o-tolidine dyes, and o-dianisidine dyes, and instructed the staff to prepare an appropriate proposal under § 8 of the Consumer Product Safety Act. The staff was directed to examine the economic effects of alternative effective dates of any proposed ban and to prepare a recommendation addressing the feasibility of any recall action.

Summary of Benefits

Sectors Affected: Consumers of benzidine congener dyes, including home dyes; craftspeople and hobbyists.

Benzidine congener dyes are used in packaged consumer dye products. Evidence indicates that these dyes may be potential carcinogens. Consumers may be exposed to these dyes by inhalation, skin absorption, or ingestion during the home dyeing process. Regulation of benzidine congener dyes in consumer dye products would reduce consumer exposure to potential carcinogens.

Summary of Costs

Sectors Affected: Craftspeople and hobbyists who use benzidine congener dyes; and consumer dye product manufacturers.

The consideration of substitute dyes to replace benzidine congener dyes is of great concern to the Commission staff; substitution of noncarcinogenic dyes for those that present chronic health effects is essential. Current information indicates that substitutes for o-tolidine dyes and o-dianisidine dyes are generally available with the possible exception of a few colors.

If substitutes for these few colors cannot be readily identified or developed for consumer dye products, a search for substitutes not based on benzidine or its congeners could involve virtually hundreds of other organic compounds and, because the entire dye formulation may need to be adjusted, there could be substantial costs to industry. Reformulations have not yet been developed and therefore no overall estimates of substitution costs are available. However, information currently available to the CPSC staff suggests that the cost of dye ingredients may not be the predominant cost element that determines the retail price of consumer dyes. If substitution were to occur, costs for labor, packaging, distribution, and advertising, which may be the primary price determinants, may not vary greatly from present costs.

If a recall were to occur of products containing benzidine dyes, the lack of ingredient listing on dye containers may make it difficult for retailers to identify which dye products contain benzidine dyes.

Should the price of commercial dyes increase, an indirect cost may be felt by artists and craftspeople. If manufacturers pay higher prices for raw materials, greater overhead costs and possible smaller profit margins could result for artists.

The CPSC staff is considering, at the present time, only the need for controls of consumer dye products; however, if later action is considered against the other uses of benzidine congener dyes in consumer products, the Commission will investigate the potential economic impacts on those products that have been colored with benzidine dyes, o-tolidine dyes, and o-dianisidine dyes.

Related Regulations and Actions

Internal: At the present time the CPSC is supporting research on the breakdown of benzidine congener dyes in the body and on the long and short term economic effects of various regulatory alternatives on consumers and the consumer dye industry. A hazard assessment for textile and non-textile uses of benzidine dyes, o-tolidine dyes, and o-dianisidine dyes is planned for FY 1982.

External: The Occupational Safety and Health Administration (OSHA) recently released a field directive on the carcinogenicity of three benzidine dyes which recommends that other benzidine dyes also be handled as carcinogens.

The National Institute for Occupational Safety and Health (NIOSH) published the "Special Hazard Review of Benzidine Based Dyes," which recommends that these dyes should be recognized as potential human carcinogens and that the benzidine congener dyes be handled with extreme care.

OSHA and NIOSH jointly released a Health Hazard Alert for benzidine dyes, o-tolidine dyes, and o-dianisidine dyes which concludes that benzidine dyes are carcinogenic, and states that o-tolidine dyes and o-dianisidine dyes may present a cancer risk to workers and should be handled with care.

The Environmental Protection Agency (EPA) has proposed a Toxic Substances Control Act (TSCA) section 8(a) rule, and is developing a TSCA section 8(d) rule to require manufacturers to submit specific information and health and safety studies for a variety of chemicals, including benzidine dyes.

Active Government Collaboration

The CPSC is working closely with the Interagency Regulatory Liaison Group (IRLG) Benzidine Congener Dyes

Workgroup in determining the most effective statutes for possible controls on the use of benzidine dyes and benzidine congener dyes, and is investigating regulatory options.

The National Cancer Institute (NCI), National Institute of Occupational Safety and Health (NIOSH), the Stanford Research Institute, Consumer Product Safety Commission (CPSC), Occupational Safety and Health Administration (OSHA), and the Environmental Protection Agency (EPA), plan to meet periodically with the Dyes Environmental and Toxicology Organization (DETO) to perform a systematic study of dyes and to recommend dyes to the National Toxicology Program (NTP) for carcinogenicity testing.

Timetable

The Commissioners granted a petition and directed the staff to prepare a proposed ban. The proposed ban will be completed in fall 1981.

NPRM—Fall 1981.

Public Hearing—Fall 1981.

Public Comment Period—Fall 1981.

Commission Decision/Order—Fall 1981.

Regulatory Flexibility Analysis—Fall 1981.

Regulatory Impact Analysis—The Commission, as an independent agency, is not required to prepare a Regulatory Impact Analysis as defined under E.O. 12291. However, the Commission prepares essentially the same information in its rulemaking proceedings.

Available Documents

"CPSC Staff Briefing Packages" dated February 26, 1979 and September 24, 1980 are available from the Office of the Secretary, 1111 18th St., N.W., U.S. Consumer Product Safety Commission, Washington, DC 20207.

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CPSC

Consumer Products Containing Asbestos

Legal Authority

Consumer Product Safety Act, 15 U.S.C. § 2051 *et seq.*; Federal Hazardous Substance Act, 15 U.S.C. § 1261 *et seq.*

Reason for Including This Entry

Asbestos is a known human carcinogen used in a variety of products. The Consumer Product Safety Commission (CPSC) believes this to be an issue of great interest to the public because of serious potential health hazards that may be involved when consumers are exposed to inhalable asbestos fibers.

Statement of Problem

The Consumer Product Safety Commission (CPSC) is concerned that the presence of asbestos in consumer products under certain conditions may present a risk of cancer and respiratory disease to consumers. CPSC could act to protect the public from exposure to asbestos fibers in consumer products by issuing a standard or ban concerning asbestos-containing products, requiring labeling of consumer products containing asbestos, encouraging some form of voluntary action by industry, or taking other action.

The CPSC staff has completed a review of the health effects of asbestos which causes the staff to believe that, under certain conditions, the presence of asbestos in consumer products may present a risk of cancer and respiratory disease. The health hazard occurs when asbestos fibers are released into the air and people inhale them. Inhaled asbestos fibers may become embedded in lung tissue and once embedded they may remain there indefinitely. Asbestos fibers that are released from consumer products can remain in household air for long periods of time and may subject household members to a continuous risk of fiber inhalation.

Consumer products are one source of exposure to asbestos fibers; there are also a number of environmental sources. Therefore, consumer products must be viewed as part of a cumulative burden of asbestos exposure.

Asbestos released from consumer products poses several problems in the household. First, young children and infants are exposed. Second, asbestos fibers that consumer products release into the living space can remain there over long periods of time and may be subject to repeated cycles of settling and resuspension. The presence of asbestos fibers can thus pose an ongoing inhalation risk in the household. Third, unlike the workplace, where engineering control systems and protective clothing are available to minimize worker's exposure to asbestos, the home provides household members with little or no protection from exposure to asbestos fibers released from consumer products.

In a **Calender of Federal Regulations** entry published November 24, 1980 (45 FR 77883) the Commission stated its concern about consumer exposure to asbestos fibers. This **Calendar** statement on asbestos described an ANPRM we issued in October 1979 (44 FR 60057). The purpose of the ANPRM was to inform the public of the Commission's concern and to announce the initiation of a Commission investigation of asbestos in consumer products. The Commission is considering comments and information received in response to the ANPRM in determining regulatory options we might pursue.

One example of CPSC action on products containing asbestos is hairdryers. As a result of information indicating that certain hairdryers released asbestos fibers during use, CPSC asked the National Institute for Occupational Safety and Health (NIOSH) of the Department of Health, Education, and Welfare (now the Departments of Education and Health and Human Services) to conduct tests. The results showed that some hairdryers released asbestos fibers into the air stream and directly on the user's head during ordinary use; thus, any fibers the hairdryers emitted could potentially be inhaled.

As a result of negotiation between the Commission's staff and firms which share approximately 50 percent of the consumer hairdryer market, the firms agreed to cease production and distribution of hairdryers containing asbestos and to offer consumers some form of repair, replacement, or refund for hairdryers they currently own.

We do not know exactly how many asbestos-containing products are available to the consumer. CPSC has initiated a program to test various products for asbestos fiber release and issued a General Order (December 22, 1980, 45 FR 84384) to manufacturers (including importers) of certain categories of consumer products to submit information on the use of asbestos in their products. CPSC staff will examine the information received in response to the order to help identify specific products containing asbestos, to determine how the asbestos is used in the products, and to analyze the use of possible substitute materials in a variety of applications. The CPSC staff review of this information will also aid in evaluating the impact of possible regulation on the cost, availability, and utility of the products.

The staff is concentrating its evaluation on certain types of products. We will focus initial action on products which show definite fiber release. We

may make subsequent efforts to investigate other products which contain asbestos.

Alternatives Under Consideration

On the basis of health research and economic studies, the Commission may consider remedial options which would reduce risks to consumers from asbestos-containing consumer products from which asbestos fibers may be released.

In making its determination of whether or not to take action, the CPSC will consider detailed risk and economic findings. The CPSC will also take into account the function performed by the asbestos in the product, the cost to industry and consumers of the regulations and the availability of substitutes for the asbestos and the safety of such substitutes.

In cases in which we do not know the asbestos content and whether there is any fiber release, the staff will continue to test products for any asbestos fiber emission.

Summary of Benefits

Sectors Affected: The general public.

The primary benefit of asbestos regulations is to reduce consumer exposure to a known human carcinogen.

Asbestos fiber inhalation has been linked with lung cancer, asbestosis and mesothelioma (cancer of the pleura—the membranes surrounding the lung). These diseases can inflict pain and are often fatal. They may cause large financial burdens due to medical expenses that result. The CPSC believes that by reducing the release of asbestos from consumer products it will help alleviate some of these unfortunate consequences.

Summary of Costs

Sectors Affected: Asbestos mining industry; and all manufacturers, wholesale and retail traders, and users of products containing asbestos.

The CPSC estimates that some economic impact may occur on industry in those cases where a mandatory regulation concerning asbestos-containing products occurs. Currently, studies are being made to determine potential costs to industry in developing substitutes for asbestos in consumer products.

Related Regulations and Actions

Internal: In 1979, the Consumer Product Safety Commission issued an ANPRM. The purpose of the ANPRM was to inform the public of the Commission's concern and to announce the initiation of a Commission investigation of asbestos in consumer products. In April 1980, the Commission granted a petition to ban asbestos paper and in July of 1980, the Commission cosponsored with EPA a workshop on asbestos substitutes. The Commission issued a general order (45 FR 84384) in December 1980 seeking information on asbestos in certain products. The Commission has initiated a testing program for the purpose of testing certain products for asbestos fibers released under typical use conditions.

External: The Environmental Protection Agency (EPA) issued on January 26, 1981 (46 FR 8200) a proposal for comment on a life-cycle reporting and recordkeeping requirement on asbestos. In September 1980, EPA published a corrective action program for school buildings containing asbestos.

The Occupational Safety and Health Administration (OSHA), during spring 1980, published for comments a proposal for reducing occupational exposure to asbestos from 2 fibers per cubic centimeter to 100,000 fibers per cubic meter.

Active Government Collaboration

We have worked closely with the Environmental Protection Agency to ensure that our efforts to investigate and possibly regulate the use of asbestos will be coordinated, compatible, and nonduplicative. EPA simultaneously published an ANPRM in October 1979 which describes that Agency's systematic effort to gather information on groups of asbestos products, and to evaluate risk from these products based on the "life-cycle" concept. In the life-cycle analysis, the Agency examines cumulative risk from human exposure to asbestos from primary processing through end use and disposal. The CPSC's ANPRM describes an approach to the investigation of possible health risks that may be associated with the use of asbestos in a number of consumer products.

Through close cooperation in our regulatory endeavors, EPA and CPSC hope to achieve the following three objectives. The first is to reduce significantly, through complementary actions, unreasonable human health risk from exposure to asbestos. The second is to reduce potential reporting burdens on industry by coordinating information-gathering activities. Third, to avoid inconsistent or needlessly burdensome regulations, we will develop regulatory actions that may result from these investigations in close consultation with each other.

CPSC published, jointly with EPA, an ANPRM on consumer products containing asbestos in the **Federal Register** of October 17, 1979 (44 FR 60057). Comments on that ANPRM have been received and reviewed.

Timetable

Regulatory Impact Anaylsis—The Commission, as an independent agency, is not required to prepare a Regulatory Impact Analysis as defined under E.O. 12291. However, the Commission prepares essentially the same information on its own rulemaking proceedings.

Development of Future Regulatory Actions—To be determined.

Available Documents

CPSC—Consumer Products Containing Asbestos; Advance Notice of Proposed Rulemaking—44 FR 60057, October 17, 1979.

Briefing Package of Comments on Advance Notice of Proposed Rulemaking, September 1980, and briefing package on Petition to Ban Asbestos Paper, April 1980.

Asbestos: General Order for Submission of Information, December 22, 1980 (45 FR 84384).

Proceedings of the Workshop on Asbestos Substitutes, February 1981.

16 CFR Parts 1304 and 1305: Ban on asbestos-containing patching compounds and emberizing materials, January 1977.

Copies are available from the Office of the Secretary, 1111 18th St., N.W., U.S. Consumer Product Safety Commission, Washington, DC 20207.

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CPSC

Omnidirectional Citizens Band Base Station Antenna Standard (16 CFR Part 1402)

Legal Authority

Consumer Product Safety Act §§ 7 and 14, 15 U.S.C. §§ 2056 and 2063.

Reason for Including This Entry

This standard may impose a major increase in costs or prices for antenna manufacturers, distributors, retailers, and purchasers.

Statement of Problem

One hundred thousand omnidirectional Citizens Band (CB) base station antennas are sold annually in the United States. The Consumer

Product Safety Commission (CPSC) estimates that 220 persons in 1977, 105 persons in 1978, 105 in 1979, and 95 in 1980 were electrocuted in incidents involving communications antennas. The vast majority of these deaths occurred when people were putting up or taking down the antennas which in the process contacted electric power lines. Typically, these incidents occur when the antenna contacts the power line while people are transporting it to the erection site or when it falls into a power line because it gets out of the control of the people who are putting it up or taking it down. The Commission estimates that over 55 percent of the antennas involved in these accidents are omnidirectional Citizens Band (CB) base station (other than mobile) antennas.

On June 29, 1978, the Commission issued a rule under § 27(e) of the Consumer Product Safety Act which requires manufacturers and importers of (1) outdoor Citizens Band (CB) base station antennas, (2) outdoor television antennas, and (3) antenna supporting structures to provide purchasers with (a) instructions on how to avoid the hazard of contacting electric power lines with the antenna or supporting structure while putting it up or taking it down, (b) labels on the antennas and supporting structures warning of this hazard and referring the reader to the instructions, and (c) statements on the packaging or parts container, and at the beginning of the instructions, warning of this hazard and referring the reader to the instructions. We intend this rule to help prevent injuries and death from electric power lines when people put up or take down antennas or antenna-supporting structures. The Commission reasoned that if consumers know of the danger and how to avoid it, they will be better able to take the necessary steps to protect themselves.

While the Commission believes that the present information and labeling rule will reduce the deaths that occur because of the contact of television and CB base station antennas with electric power lines, the Commission also believes that a standard which would help ensure that the antenna would not transmit a harmful amount of electricity to the installer if the antenna did contact a power line may address the risk of electrocution more effectively, and thereby cause a greater reduction in deaths.

In 1979, the Commission contracted to evaluate the impact of its § 27(e) information and labeling rule, which became effective September 26, 1978. The contractor surveyed consumers who had purchased CB base station antennas and outdoor TV antenna components before and after the effective date of the labeling rule.

The hypothesis that many consumers do not recognize nor accurately gauge the potential for electrical shock death or injury associated with antenna installation and removal is firmly supported by the findings of this study. Only one respondent in ten knew that power lines often are not insulated, and a substantial minority failed to recognize the strong likelihood of death or severe injury should direct contact be made with power lines. These findings support the rationale for requiring manufacturers to include hazard avoidance instructions and warning labels with new communications antenna equipment, and also indicate that warning labels and instructions are less effective than safety standard requirements.

The Commission is presently developing a standard directed only at non-directional CB antennas because they account for the largest number of reported injuries. Moreover, they can be insulated more readily than TV and directional CB antennas because they have fewer joints and element parts.

Alternatives Under Consideration

One possible alternative to pursuing a mandatory standard was a voluntary approach through the electronics Industries Association (EIA). The EIA had formed an ad hoc committee to develop a voluntary standard for CB omnidirectional base station antennas. However, the EIA effort was dropped on October 6, 1980. This action was taken after the committee reached the determination that the conclusions contained in a contractor's final report to the Commission on research in support of the standard development formed a "de facto" standard.

Under the Consumer Product Safety Act, CPSC may develop a proposed consumer product safety standard in the following ways: (1) we may invite people or organizations outside the Commission to develop a recommended standard (those who submit such offers are referred to as "offerors" and the development of recommended standards in this manner is called the "offeror process"); (2) the Commission may invite people or organizations outside the Commission to submit to the Commission an existing standard which it could propose as a consumer product safety standard; (3) the Commission may publish an existing standard as a proposed consumer product safety standard; or (4) the Commission may develop the standard itself.

The standard under development is a performance standard, and is expected to apply to importers, as well as U.S. manufacturers.

In the case of the electrocution hazard associated with CB base station antennas, the Commission is not aware that any Federal department or agency or other qualified agency, organization, or institution has issued, adopted, or proposed any standard that would adequately reduce the risk and that the Commission could publish as a proposed standard. The Commission has determined that it would be more expeditious to develop this standard itself than for interested parties outside the Commission to develop the standard. The Commission started the proceeding by publishing an ANPRM in the **Federal Register** on September 14, 1979 (45 FR 53676).

The Commission believes the development of this standard is the best alternative to address hazards associated with CB antennas because industry has not developed a voluntary standard for these antennas. Moreover, surveys have shown that warning labels and instructions are less effective than safety standard requirements.

Summary of Benefits

Sectors Affected: Users, installers, manufacturers, and importers of CB base station omnidirectional antennas.

The benefits from this proceeding are related to the injury and death information we cited in "Statement of Problem." The staff estimates that the standard could prevent many of the deaths associated with outdoor communications antennas (all outdoor antennas) by addressing omnidirectional (reception and transmission essentially uniform in all directions) CB antennas only. These antennas are involved in about one-half or 50 deaths each year.

We estimate that in the first year of the standard, deaths associated with CB antennas would be reduced by 20 percent, since the standard would only affect new antennas. In subsequent years, a greater percentage of deaths would be prevented because more insulated antennas would be in use and would have replaced old antennas that are involved in accidents when they are taken down or moved.

In addition to the reduction in deaths associated with the standard, we anticipate that the present § 27(e) rule will reduce other deaths: (a) some deaths that would otherwise be associated with antennas manufactured between October 1978, the effective date

of the § 27(e) rule, and the date when the new standard will take effect; (b) some deaths otherwise associated with antennas or voltages that the standard will not cover, and (c) some deaths where contact would be between the power line and the mast or other support structures, rather than the antenna itself.

We estimate that the standard would prevent up to ten deaths in the first year of compliance. If ten deaths were averted, and the cost of the standard to consumers each year were about $1 million (in 1981 dollars), then the standard could cost about $100,000 per life saved. The cost per life saved would be greater if fewer deaths were averted in the first year. In any case, consumers would incur a higher product price from the cost of the standard passed on to them.

The draft standard could also prevent ten or more injuries in the first year of compliance. Using a conservative range of average costs from the Commission's Injury Cost Model (excluding cost components for pain and suffering and long-term disability), the estimated injury-reduction savings attributable to the standard in the first year of compliance may be about $26,000 to $46,000 (in 1981 dollars). Using a range of average costs which includes the less readily quantifiable components for pain and suffering and long-term disability, first-year injury-reduction benefits could be about $360,000 to $2,100,000 (in 1981 dollars).

Certain provisions of the standard may also benefit consumers in the form of increased useful life of the product.

Manufacturers and importers of these antennas may also benefit from a decrease in product liability suits to the extent the standard reduces accidents.

Summary of Costs

Sectors Affected: Manufacturing, importers, wholesale and retail trade, and purchasers of CB base station omnidirectional antennas.

The price of a typical CB antenna, which retails for about $50.00, may rise to about $60.00; the price of some antennas may rise by nearly 50 percent as a result of the standard. The Commission staff estimates that the standard may cost consumers $1 million dollars a year (in 1981 dollars).

We anticipate that manufacturers may meet the standard by coating or covering the antenna with a nonconductive material, by constructing antennas of a nonconductive material with an embedded conductor, or by electrically separating the antenna from the antenna mast or antenna support structure by a nonconductive material.

Current retail prices for omidirectional CB antennas range from $20.00 to over $150.00. The price of some antennas may not increase at all because of the standard. Some manufacturers have claimed that depending on provisions of the standard, price increases for some antennas may range up to 50 percent or more. The standard may lead to an annual cost to the industry of up to $300,000. Certain producers, particularly the smaller companies in the industry, may leave the omnidirectional CB antenna market if they cannot develop the capability to produce complying antennas at a reasonable cost.

Related Regulations and Actions

Internal: "CB Base Station Antennas, TV Antennas and Supporting Structures: Warning and Instructions Requirements," 16 CFR Part 1402 (43 FR 28392).

External: Electronics Industry Association (EIA) development of a Voluntary Standard for CB Antennas.

Active Government Collaboration

We encourage Federal agencies and State governments to participate in developing the standard by submitting comments.

Timetable

NPRM—July 30, 1981.
Public Comment Period—August and September 1981.
Final Rule—January 31, 1982.
Regulatory Impact Analysis—The Commission, as an independent agency, is not required to prepare a Regulatory Impact Analysis as defined under E.O. 12291. However, the Commission prepares essentially the same information in its rulemaking proceedings.

Available Documents

Comments from public meeting held November 17, 1980, in Washington, DC.

"CSPC Staff Briefing Packages," dated January 23, 1979 and August 1, 1979.

ANPRM—"Omnidirectional Citizens Band Base Station Antennas—Proceeding to Develop a Consumer Product Safety Standard by the Commission," 44 FR 53676, September 14, 1979.

"Accident Factors Relevant to the Development of a Safety Standard for Omnidirectional Citizens Band Base Station Antennas," June 1980.

"Research and Technical Service for Safety Standard Development for CB Based Station Antennas Final Report," June 1980.

Transcripts of four public meetings from November 1, 1979 to November 17, 1980.

Six progress reports from August 4, 1979 to January 19, 1981.

Eight evaluation reports on standard development from September 25, 1980 to January 26, 1981.

"CB Antennas: Initial Regulatory Flexibility Analysis," March 25, 1981.

These documents are available from the Office of the Secretary, U.S. Consumer Product Safety Commission, Washington, DC 20207.

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CPSC

Safety Requirements for Chain Saws

Legal Authority

Consumer Product Safety Act, 15 U.S.C. § 2051 *et seq.*

Reason for Including This Entry

The Commission estimates that there were over 100,000 chain saw injuries requiring medical attention in 1979, an increase from an estimated 77,000 injuries in 1976. This rulemaking proceeding aims to reduce many of the 23,000 injuries that are specifically related to kickback problems, and is of public interest to those concerned about consumer safety and well being.

Statement of Problem

In recent years, the increased use of wood-burning stoves and fireplaces in this country has brought about the increased use of chain saws by consumers. It is estimated that industry shipped 3.8 million professional and home use chain saws for sale in 1979, compared to 2.3 million in 1976. Unfortunately, the increase in the use of chain saws has been accompanied by an increase in injuries associated with them. The Commission estimates that there were over 100,000 chain saw injuries requiring medical attention in 1979, which is up from an estimated 77,000 injuries in 1976. It further estimates that about 23 percent of the injuries associated with chain saws resulted from a phenomenon known as "kickback." The other injuries result from loss of control of the saw or from loss of balance of the operator. They also result from the saw bouncing, from

following through after the cut, or from falling material.

Kickback is the sudden and potentially violent rearward and/or upward movement of the chain saw that can be caused by sudden interference with the movement of the chain. This interference can be caused by the chain binding in the cut, or by the chain hitting an unusually hard portion or obstruction in the wood being cut, or by the chain striking the wood or another object on the top quadrant of the tip of the bar. This interference with the movement of the chain transfers the energy that is driving the chain into a movement of the entire saw, causing the bar tip to move back and/or up so fast that the operator may be struck by the moving chain, frequently in the face, neck, or throat area.

Manufacturers have developed a number of devices in attempts to reduce the risk of kickback occurring or to reduce the likelihood of injury if it occurs. One way to help prevent kickback is to provide a guard to cover the chain at the upper quadrant of the tip of the blade, thereby preventing contact with the chain in the chain area. Another way is to provide a chain brake intended to stop the chain before contact with the operator can occur. The chain brake is generally operated by contact of the operator's hand with a hand guard as the saw moves back, although some types of chain brakes are automatic and do not depend upon the user's hand. These automatic brakes are actuated by an inertial sensing device. A hand guard alone can also provide significant protection against kickback and other injuries. Manufacturers have also designed "low-kick" guide bars and chains which are intended to reduce the energy generated when the chain at the bar tip contacts an object.

By a letter dated March 21, 1977, John Purtle, Esq., of Batesville, Arkansas, petitioned the Commission (Petition CP 77-10) to begin proceedings under § 7 of the Consumer Product Safety Act (CPSA) to develop a mandatory consumer product safety standard to minimize and prevent chain saw kickback. Mr Purtle suggested that every chain saw incorporate a safety device such as ". . . a chain saw brake, a nose-tip guard, a kill switch or other safety device."

Alternatives Under Consideration

While the Commission's staff was evaluating this petition in 1977, the Chain Saw Manufacturers Association (CSMA) met with the staff. CSMA recommended that the petition be denied on the grounds that a mandatory standard was not needed because the industry was taking significant voluntary steps to address the chain saw kickback hazard. CSMA estimated that 50 to 60 percent of the saws being sold at that time already contained some type of kickback protection. The industry expected the American National Standards Institute (ANSI) to approve an interim design standard by February 1978. The interim voluntary design standard (ANSI B 175.1, published in April 1980) would require gasoline chain saws to incorporate such protection as a nose-tip guard, a chain brake, a low kick chain, or a low kick guide bar. The technology to define kickback in terms of a performance standard did not exist, but CSMA estimated at that meeting that a test method could be developed and performance requirements drafted in approximately 2½ years.

In December 1977, CSMA proposed a joint 18-month effort with the Commission to develop a voluntary performance standard. The Commission directed the staff to study the proposal to determine whether it provided an acceptable approach. In March 1978, the staff recommended the voluntary effort as the most expeditious and cost effective strategy for reducing chain saw kickback injuries.

Subsequently, the Commission denied the petition to establish a mandatory standard (43 FR 26103, June 16, 1978) and in June 1978, formally agreed to participate with CSMA in a joint effort to develop a voluntary performance standard to reduce chain saw kickback injuries. The joint process involved the active participation of consumer, industry, and government representatives in the development of testing equipment and procedures, study of operator interaction with the saw, and analysis of injury data. The agreement specified that work on the standard was to be completed by December 31, 1979.

On December 21, 1979, CSMA submitted to the Commission draft performance requirements for chain saws and backup documentation. CSMA considered the draft to be both "a final standard and rationale" containing sufficient information for CPSC to write a supportable performance standard proposal, although additional work on correlation between the standard and rationale was needed.

The draft standard submitted by CSMA calls for manufacturers to use a specified test apparatus to measure the maximum energy generated at the tip of the chain bar at the initial moment of kickback. A computer model then translates the maximum energy measurement into the angle that the saw would rotate toward an operator. In making this translation, the model uses (1) the energy measurement, (2) information describing key characteristics of the saw being tested, (3) an equation for converting the measured energy into horizontal, vertical, and rotational energy, and (4) formulas intended to describe the influence of the operator's hands on the handle during kickback. The result is a "Derived Angle of Rotation," which manufacturers compare to acceptance criteria to determine whether the saw meets or fails the requirements.

The staff's evaluation of CSMA's draft standard and rationale has left serious doubts that the standard as submitted would reduce injuries associated with chain saws. Staff identified the following specific deficiencies:

(1) The portion of the computer model that attempts to account for the action of the operator's hands on the saw is based on an unproved equation. Furthermore, the study did not establish that the hand-held tests that were performed by CSMA related to the situation where kickback occurs with an unsuspecting user.

(2) The lack of a method to determine the angle at which the chain would stop, and the inability of the model to predict the angle at which the chain stops, prevent use of the acceptance criteria applicable to chain brakes.

(3) There is no analysis of the sensitivity of the computer model to variations in input data.

(4) The draft standard would apply only to saws with an engine displacement of 3 cubic inches (CID) and less, whereas the Commission has data indicating that saws up to 4.5 CID are used regularly by consumers.

These deficiencies, and the failure of CSMA to perform the development process in the manner specified in the agreement with the CPSC, caused the Commission to conclude preliminarily that it cannot rely on the voluntary process being conducted by CSMA to adequately protect the public from the risk of injury associated with the kickback of chain saws. Furthermore, the Commission preliminarily concludes that the risk of kickback injuries associated with chain saws is unreasonable and that a consumer product safety standard is necessary to reduce or eliminate this unreasonable risk.

In starting the effort to develop a standard addressing chain saw kickback, the Commission expects the standard to apply to both gasoline-powered and electric chain saws. The standard that we develop could be a

performance standard that would, for example, specify allowable levels of kickback energy or allowable kickback angles under specified test conditions. However, if the Commission concludes that a performance standard is not feasible, the standard could require the incorporation of specified design features to reduce the risk of kickback injuries. Or, the standard might incorporate both design and performance requirements. In addition, we have not determined whether the standard should apply only to the assembled chain saw, only to components of the saw such as saw chain, or both; or whether replacement parts such as saw chains should be subject to requirements of the standard. These questions will be considered by the Commission during the development of the standard. For the time being, however, where the term "chain saw" is used in this regulatory development it also refers to the components and replacement parts of chain saws.

In the case of the kickback hazard associated with chain saws, the Commission is not now aware of any standard issued, adopted, or proposed by any Federal department or agency or by any other qualified agency, organization, or institution that could be published as a proposed standard by the Commission. CPSC is undertaking further analysis of foreign standards.

The voluntary standard presently in effect in the United States (ANSI B 175.1, Safety Specification for Gasoline Powered Chain Saws, published in April 1980), while requiring at least some features designed to reduced the hazard, does not go far enough and still permits the marketing of consumer chain saws which present an unreasonable risk of injury. ANSI is developing a similar standard, ANSI B 175.2, for electric chain saws. There are also a number of standards in effect in foreign countries that may be effective in reducing the unreasonable risks of kickback, but the requirements of these standards have not been developed or analyzed to the point that we could propose them as a consumer product safety standard at this time.

If a valid voluntary standard applicable to a sufficient number of consumer saws is developed and implemented in the future, the Commission could reconsider the need to continue the development of a mandatory standard at that time.

Summary of Benefits

Sectors Affected: Users of chain saws, especially working age males and their dependents; and manufacturing of chain saws.

The benefits we expect from this proceeding are improved public health and safety through the prevention of accidents and injuries associated with chain saws. We estimate that over 100,000 injuries occur annually requiring medical treatment. There are also an increasing number of deaths associated with this product.

The purpose of these proceedings would be to reduce injuries and deaths and the costs associated with them. These costs can be considerable.

For example, assuming kickback injuries are a fairly constant proportion of total chain saw injuries, the Commission estimates that the cost (in 1978 dollars) of chain saw kickback injuries, not including pain and suffering, was $12 million in 1976, $17 million in 1977, $22 million in 1978, and $24 million in 1979. We estimate injury costs (in 1978 dollars), including pain and suffering, at $28 million in 1976, $40 million in 1977, $51 million in 1978, and $54 million in 1979. These cost estimates include hospital costs, follow-up medical treatment costs, foregone earnings, health insurance costs, product liability insurance, litigation cost, transportation cost, patients' visitors' foregone earnings, and transportation costs.

A reduction in any of these costs would be a sizable benefit to the accident victims and their families.

Furthermore, many manufacturers may benefit from a decrease in product liability suits to the extent safety requirements reduce accidents.

Summary of Costs

Sectors Affected: Professionals who use consumer chain saws; and manufacturing of consumer chain saws.

Professional users of consumer chain saws may find that low kick bar and chain safety requirements may decrease cutting speed of the saws. They may also find saws with chain brakes more expensive and heavier. Increased cost for a chain saw could be up to $10.00, or less than 10 percent of the total cost of the saw, depending on the requirements of the final standard and the changes needed to comply with it.

Economic costs of these safety requirements for manufacturers, suppliers, and purchasers would be minimal, and would depend in part on the need to retool and redesign to comply with the standard. Many manufacturers now offer safety features on their saws. Additional costs would also vary depending on whether or not specific parts suppliers have already retooled for options now available.

Related Regulations and Actions

Internal: None.

External: In spring of 1980, the State of Washington proposed safety standards for chain saws including requirements for chain brakes and low kick chains.

Active Government Collaboration

The National Bureau of Standards (NBS) of the Department of Commerce has provided some technical analysis concerning the Commission's safety activities on chain saws. We will ask NBS to continue to do so in this regulatory development.

Timetable

NPRM—To be determined.
Public Hearing—August 1981, Washington, DC.
Public Comment Period—To be determined.
Regulatory Impact Analysis—the Commission, as an independent agency, is not required to prepare a Regulatory Impact Analysis as defined under E.O. 12291. However, the Commission prepares essentially the same information as a part of its rulemaking proceedings.
Regulatory Flexibility Analysis—To be determined.
Final Rule—To be determined.
Final Rule Effective—To be determined.

Available Documents

ANPRM, "Chain Saws and Their Components and Replacement Parts; Proceedings to Develop a Consumer Product Safety Standard"—46 FR 26262, May 11, 1981.

Notice of Intent to Develop Standard for Chain Saws, 45 FR 62392, September 19, 1980.

"CPSC Staff Briefing Packages," dated November 1977, March 1978, April 15, May 28, 1980, and January 1981, are available from the Office of the Secretary, U.S. Consumer Product Safety Commission, Washington, DC 20207.

Denial of Petition from John Purtle, 43 FR 26103, June 16, 1978.

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CPSC

Upholstered Furniture Cigarette Flammability Standard

Legal Authority

Flammable Fabrics Act, § 4, 15 U.S.C. § 1193.

Reason for Including This Entry

One of the major causes of death, injuries, and property damage in the United States each year is from fires in upholstered furniture started by burning cigarettes. Appropriate remedial action is needed to address these problems.

Mandatory or voluntary upholstered furniture cigarette flammability standards could reduce this death, injury, and property damage toll. Standards could increase costs for upholstered furniture manufacturers, and these cost increases are likely to be passed on to distributors, retailers, and purchasers.

Statement of Problem

The staff of the Consumer Product Safety Commission (CPSC) estimates that 39,000 upholstered furniture fires occur each year in residences in the United States, 25,000 of which are associated with cigarettes. Our current estimates indicate that 1,500 deaths occur annually because of those fires. Cigarette ignition of residential upholstered furniture causes 1,200 of the deaths. Among other actions, the Commission is considering both mandatory and voluntary cigarette-ignition resistant flammability standards for upholstered furniture.

The Commission staff estimates that the annual losses associated with cigarette ignition of upholstered furniture exceeded $1.3 billion (in 1978 dollars).

Alternatives Under Consideration

The major alternative under consideration is the Upholstered Furniture Action Council's (UFAC) Voluntary Action Program. UFAC believes that manufacturers who agree to build furniture according to the provisions of the UFAC program will produce furniture that can resist ignition by cigarettes. This program provides for the classification of upholstered fabrics into two categories based on their performance in a cigarette-ignition test that UFAC developed. For furniture covered with Class I fabrics (those that are more resistant to cigarette-ignition), this voluntary program requires elimination of ignition-prone welt cord (heavy yarn enclosed by fabric around the edges of furniture cushions) and untreated cotton beneath the decking fabric (the material on which a loose seat cushion rests) and in immediate contact with the covering of inside vertical furniture walls. The requirements for furniture covered with Class II fabrics (those that are less resistant to cigarette-ignition) are the same as for Class I, with the addition that furniture using Class II fabrics must also avoid contact between conventional polyurethane foam cushions and horizontal seating surfaces. The UFAC voluntary program provides test methods to determine acceptable filling materials (such as treated cotton batting, polyester batting, etc.) for use in furniture.

Tests carried out by CPSC and UFAC during 1979 indicated that the UFAC Voluntary Action Program had a strong potential for significantly increasing the safety (cigarette ignition resistance) of upholstered furniture. Therefore, the program might substantially reduce the annual loss of life and property damage attributed to cigarette ignition of upholstered furniture. Late in 1979, the Commission voted to defer any regulatory action on the flammability of upholstered furniture for 1 year in order to determine the effectiveness of UFAC's voluntary program in reducing the ignition of upholstered furniture by cigarettes. This 1-year evaluation is now complete and the Commission staff is analyzing the results of the program.

When this analysis is complete, the Commission will decide the appropriate future activity. One alternative is the proposal of a mandatory performance standard which is now in draft form. Under this draft proposed mandatory standard, firms would test upholstery fabrics and place them into one of four classes—A through D—on the basis of their resistance to ignition from cigarettes burned on the fabric. Fabric manufacturers would label fabrics according to these classes to show their flammability classification.

Furniture manufacturers would determine furniture constructions suitable for use with the fabric classes by testing mockups of the furniture to demonstrate their resistance to cigarette ignition. The standard would require annual testing, and permit manufacturers to use only the combinations of fabric and filling material that did not ignite when the applicable mockup was tested.

Summary of Benefits

Sectors Affected: Users of upholstered furniture.

The benefits we expect from the proceeding are related to the loss statistics we cite in "Statement of Problem." The staff previously estimated that the draft proposed mandatory standard could prevent more than about 86 percent of the losses.

Other benefits that may be related to the cigarette-ignition standard are a reduction in losses associated with pain and suffering from burn injuries, a possible reduction in losses due to ignition sources other than cigarettes, and a possible increase in the durability of upholstered furniture fabrics as thermoplastics replace cellulosic fibers.

Summary of Costs

Sectors Affected: Upholstered furniture manufacturing; textile mill products manufacturing (particularly cotton and other cellulosic fibers); upholstery shops that sell reupholstered furniture to non-original owners, particularly small establishments in these industries; wholesale and retail trade of upholstered furniture; and users of upholstered furniture.

In 1978 the CPSC staff estimated that the annual retail cost increase to the consuming public as a result of the mandatory standard which it is considering would range from $114 million to $174 million (in 1978 dollars). However, the preliminary results for the one year evaluation of the UFAC program have indicated that many of the technological assumptions upon which these estimates were based need to be modified.

Related Regulations and Actions

Internal: None.

External: The State of California has flammability regulations, parts of which the CPSC standard may preempt. Other States may have similar regulations.

Active Government Collaboration

The National Bureau of Standards of the Department of Commerce developed the technical basis for the standard.

Timetable

ANPRM—To be determined.
NPRM—To be determined.
Regulatory Impact Analysis—The Commission, as an independent agency, is not required to prepare a Regulatory Impact Analysis as defined under E.O. 12291. However, the Commission prepares essentially the same information in its rulemaking proceedings.
Public Hearing—To be determined.
Public Comment Period—To be determined.
Final Rule—To be determined.
Final Rule Effective—To be determined.
Regulatory Flexibility Analysis—To

be determined.

Available Documents

"CPSC Staff Briefing Packages," November 15, 1978 and September 27, 1979, and other applicable material related to upholstered furniture flammability are available from the Office of the Secretary, U.S. Consumer Product Safety Commission, Washington, DC 20207.

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CPSC

Urea Formaldehyde Foam (UFF) Insulation (16 CFR Part 1306)

Legal Authority

Consumer Product Safety Act, 15 U.S.C. § 2051 *et seq.*

Reason for Including This Entry

This investigation is of great public interest because of possible adverse health and safety effects of urea formaldehyde foam (UFF) insulation. It is of special interest to consumers with homes containing the insulation, to consumers considering the purchase of it, and to those who manufacture, distribute, sell, and install it.

Statement of Problem

The Consumer Product Safety Commission (CPSC) is concerned about adverse safety and health effects that may be associated with UFF insulation. This type of home insulation, which is also referred to as urea-based foam insulation or foamed in-place insulation, is manufactured at the job-site. Workers drill holes in existing wall cavities and pump in the resin and a foaming agent through pressurized hoses. There are an estimated 500,000 installations of UFF insulation. The Commission has received nearly 1,600 complaints involving an estimated 4,100 people concerning adverse health effects associated with the release of formaldehyde from UFF insulation. Over one-half of these complaints were reported directly to the Commission, and the remainder were referred, mainly by various State agencies. The Commission has complaints from 47 States, and has received 10 or more complaints from 21 States. Most of these complaints involve installations of UFF insulation that occurred after 1977, although a small proportion of installations occurred in 1976 and earlier. In some cases the reactions to formaldehyde gas do not appear for months after installation. Also, any connection between the symptoms and the insulation may be delayed or never recognized by the consumer. As a result, the Commission does not know the exact number of health problems from UFF insulation.

Based on current information, the Commission believes interested persons should be aware of the following reports concerning the possible carcinogenic potential of formaldehyde. Preliminary test results from the Chemical Industry Institute of Toxicology (CIIT), a scientific organization supported by 36 U.S. chemical corporations, show that rats and mice exposed to formaldehyde gas (15 parts per million (ppm)) and rats exposed to 6 ppm formaldehyde gas developed squamous cell carcinomas of the nose. To date no tumors have been reported in rats or mice exposed to the lower concentrations.

The Commission, under the auspices of the National Toxicology Program, convened a panel of eminent scientists from within the Federal Government. This Federal panel assessed the human health implications of this study and the health implications of exposure to formaldehyde. The panel concluded that formaldehyde should be presumed to pose a carcinogenic risk to humans.

The potential for UFF insulation to release formaldehyde may be dependent on the following factors: (a) quality of ingredients in the insulation; (b) age or shelf life of ingredients; (c) viscosities of ingredients; (d) ratios of ingredients; (e) temperatures at which foaming occurs; and (f) mixing of ingredients. Additional factors that may increase the likelihood of liberating formaldehyde are: (a) excess formaldehyde in the resin; (b) excess catalyst in the foaming agent; (c) excess foaming agent; (d) improper ratio of resin to foaming agent; (e) foaming at high humidities; (f) foaming with cold chemicals; (g) dry density of foam exceeding the manufacturer's specifications; (h) application against recommended practice; and (i) improper use or lack of vapor barriers.

The Commission staff has conducted in-depth investigations for over 400 of the consumer complaints and has reviewed over 350 of these investigations. The in-depth investigations reviewed so far have confirmed the presence of UFF insulation and the involvement of a human health problem for over 90 percent of the consumer complaints investigated. Thirty-one persons were hospitalized, primarily for respiratory distress, after UFF insulation was installed. In over one-fourth of the investigated cases, involving nearly 100 families, there were reports that some or all of the occupants either vacated, or planned to vacate, all or a portion of the building for various periods of time, or had to delay their move into a home insulated with UFF insulation. Some of these families were advised to leave their homes by their physicians. In about half of the households involved in the consumer complaints, someone sought medical treatment. The health-related symptoms were linked to formaldehyde by a doctor or someone in the medical profession in about 50 of the investigation reports. Non-specific allergic reactions were diagnosed in an additional 30 families. About 40 percent of the reports state that the symptoms improve when the victim leaves the insulated environment and reappear after the victim returns to the environment.

Current information suggests that the most common reactions of consumers exposed to formaldehyde gas released from UFF insulation are: (1) eye, nose, and throat irritation: (2) coughing and shortness of breath; (3) skin irritation; (4) headaches and dizziness; and (5) nausea. Persons with respiratory problems or allergies, and especially persons who are allergic to formaldehyde, can suffer more serious reactions.

Although some consumers' reactions to formaldehyde may be so severe that they seek medical attention, many others may experience a less specific but persistent discomfort that may be mistaken for a cold, allergy, or general rundown feeling.

In addition to the above effects, current information indicates that formaldehyde is a strong sensitizer, so that certain exposed individuals may become allergic and experience progressively more severe reactions to formaldehyde at very low levels of exposure. Sensitized individuals may find it increasingly difficult to stay in their homes. In some cases, the individual's sensitization to formaldehyde is so severe that even after leaving the home, the consumer may be adversely affected by exposure to very low levels of formaldehyde from other sources. Since there are many souces of formaldehyde exposure, complete avoidance of this exposure may be nearly impossible.

After the UFF insulation is in place it may begin to release formaldehyde, either immediately or after a delay, and may continue to release formaldehyde indefinitely. Available information indicates that heat and humidity may

increase formaldehyde emissions. Because of these factors, the Commission believes that some consumers who insulate their homes in the winter months may not experience adverse health and safety effects until the summer months.

Alternatives Under Consideration

On January 13, 1981 the Commission proposed a ban on UFF insulation (46 FR 11188, February 5, 1981). The comment period ended on April 6, 1981 and the Commission, after analyzing the comments received, will decide whether or not to make the ban final. The proposed regulation would ban UFF insulation in order to prevent the risk of injury from cancer as well as acute illnesses caused by the release of formaldehyde gas from the product. After the effective date of the final regulation, persons would be prohibited from manufacturing or selling UFF insulation. The ban would not apply to UFF insulation that had been installed before the effective date.

The proposal defines the product that is banned as any cellular plastic thermal insulation material which contains, as a component chemical, formaldehyde, formaldehyde polymers, formaldehyde derivatives, or any other chemical from which formaldehyde can be released.

The definition does not include urethane or styrene foam insulation. These insulation materials are rigid in form and are not foamed-in-place or manufactured at the site of installation.

The proposed ban applies to UFF insulation for use as a consumer product, including UFF insulation that is intended for installation in new homes or residences as well as retrofit applications in existing homes. As proposed, the ban would also apply to UFF insulation that is installed in commercial buildings, recreational facilities, schools, and other public buildings. The Commission included non-residential applications within the scope of the proposal since (1) there is no information showing that the product that is installed in non-residences is different than the product installed in residences, (2) there are some reports of acute health problems associated with non-residences, and (3) there could be some degree of risk to persons exposed to formaldehyde gas released in non-residential applications.

The Commission proposed this ban under the authority provided by § 8 of the Consumer Product Safety Act (CPSA) (15 U.S.C. § 2057).

The Commission staff learned of possible health problems associated with UFF insulation as early as 1976. In October 1976, the Metropolitan Denver District Attorney's Consumer Office filled a petition (CP 77–1) under § 10 of the Consumer Product Safety Act (CPSA), 15 U.S.C. § 2059, requesting the Commission to develop a safety standard under § 7 of the CPSA, 15 U.S.C. § 2065, for certain types of home insulation products, including UFF insulation. The petitioner claimed that there is an unreasonable risk of injury of irritation and poisoning associated with UFF insulation. After considering information compiled by the Commission staff, the Commission decided, on March 5, 1979, to defer a decision on the part of the petition relating to UFF insulation and instructed the Commission staff to evaluate additional information on possible means of addressing this alleged unreasonable risk of injury (44 FR 12080).

After gathering additional information, the Commission held public hearings on UFF insulation in Portland, Oregon; Atlanta, Georgia; Minneapolis, Minnesota; and Hartford, Connecticut from December 1979 through February 1980 (44 FR 69578, December 3, 1979).

From April 9–11, 1980, the Commission staff held a technical workshop on formaldehyde at the National Bureau of Standards. At this workshop, experts from the United States and eight foreign countries presented information on UFF insulation, formaldehyde chemistry, product applications and properties, and measurement and sampling of formaldehyde.

On June 10, 1980, the Commission published a proposed notice to purchasers concerning the potential adverse acute health effects associated with the release of formaldehyde gas from UFF insulation (45 FR 39434). The proposal would have required manufacturers of UFF insulation to give specified technical and performance information to prospective purchasers to assist them in making an informed choice in purchasing the product. The proposal included information concerning the release of formaldehyde gas, symptoms of the acute illness associated with its release, and certain conditions under which the release of formaldehyde gas is more likely. The Commission solicited comments on the proposal and received 63 comments from interested persons.

Also during its 2-year investigation of UFF insulation and consideration of regulatory options, CPSC staff and Commissioners have met with representatives of the Formaldehyde Institute and other industry representatives including UFF insulation installers on numerous occasions, including a lengthy public meeting to assess industry data and viewpoints on December 5, 1980.

The CPSC staff recommendation to propose the ban also relied on two advisory reports on the chronic and acute health effects posed by formaldehyde prepared for the Commission by two prestigious bodies of outside experts and a panel ("Federal Panel on Formaldehyde") of 16 Federal experts in health science and cancer research established under the auspices of the National Toxicological Program. The panel's recommendation was based in part on a chemical industry cancer study conducted for 2 years on laboratory animals. The study showed that two different species (rats and mice) developed nasal cancer when exposed to inhalation doses of formaldehyde gas within an order of magnitude of the exposure in residences where UFF insulation has been installed.

CPSC also recently received a report from the Franklin Research Center of Philadelphia which tested nine separate installations of UF foam under conditions considered by installers to be ideal for minimizing release of formaldehyde gas. The Franklin Research Center discovered that significant amounts of formaldehyde gas were released by all the products that were tested.

The Commission has carefully examined existing standards and manufacturer's specifications for the product, as well as draft standards that recently have been submitted to the Commission. Those standards examined were: Department of Energy standard (1980); HUD Use of Materials Bulletin No. 74 (1977); Dutch Quality Requirements for UFF Insulation (1976); British Standards 5617 and 5618 (1978); German Standard DIN 18–159 (Part 2)(1977); and Canadian Standards, 51–CP–24M (1977), and 51–CP–22 MP (1978). Those standards recently submitted to the Commission were: the National Insulation Certification Institute Voluntary Standard and the Formaldehyde Institute Draft Standard. The Commission preliminarily has concluded that none of these standards or specifications have been shown to adequately address the release of formaldehyde from the product and the chronic and acute risk of injury associated with that release. The Commission also concludes at this time that the provisions purporting to reduce formaldehyde emissions are not supported by either a technical rationale or by documentation and experimentation demonstrating their effectiveness. Instead, the ability of

manufacturers to avoid complaints of acute illness after the product has been installed is at the present time largely dependent on the skill of the individual installer, and is not something which can be codified in a standard or predictably and reliably duplicated by others. Moreover, even those installations which do not result in complaints of acute illness pose a risk of injury from cancer to consumers exposed to the formaldehyde.

Based on present information, the Commission believes that the technology and support for a standard that would adequately limit the release of formaldehyde from the product to a predictable level is not presently at hand has not been shown to be readily available in the future.

The Commission has also considered other regulatory alternatives, such as labeling and information disclosure to consumers. However, because of (1) the nature of the product—the fact that it is manufactured at the site of installation and is essentially a nonreturnable product, or one that is removable only at great expense—and (2) the inability to provide notification to subsequent purchasers of the building where the insulation is installed, labeling or disclosures would not adequately address the problem.

The Commission recognizes that banning a product is a serious action. If UFF insulation is banned, the economic consequences to that industry, which is composed of many small businesses, are likely to be severe. At the same time, however, given the unreasonable risk of injury presented by the product, the availability of substitute forms of insulation for nearly all applications, and the fact that there is no feasible standard, including labeling or information disclosure, that would eliminate or adequately reduce the risk, the Commission preliminarily concludes that a ban is necessary and is in the public interest. The Commission has included in the proposed rule a procedure for interested persons to apply for an exemption from the ban, based on evidence showing that they have developed a product that will not present an unreasonable risk of injury from the release of formaldehyde gas.

Summary of Benefits

Sectors Affected: Consumers of UFF insulation, especially persons with respiratory problems and allergies and those sensitized to formaldehyde; and manufacturers, wholesale and retail traders, and installers of UFF insulation.

The benefits we expect from this proceeding are improved public health and safety resulting from the reduction of consumer exposure to formaldehyde released from UFF insulation.

The Commission staff estimates the lifetime risk of injury from cancer to consumers resulting from the release of formaldehyde gas from UFF insulation is that up to 150 people may develop cancer among the population of 1.75 million persons exposed to formaldehyde in residences that have been insulated with UFF insulation from 1975 to 1980. Although this estimate reflects the limitations and uncertainties of data, it does provide a measure of the magnitude of the problem associated with the levels of formaldehyde to which consumers are exposed from UFF insulation.

In preparing the risk assessment for UFF insulation, the Commission staff relied upon the model used by the Federal panel to assess the risk of nasal tumors in rats caused by the inhalation of formaldehyde insulation.

In considering the potential benefits of a ban in reducing the future incidence of cancer, the Commission has relied upon a risk assessment concerning the degree of the risk of injury for chronic hazards. Based on a projection of 75,000 installations of UFF insulation in 1980 as well as the information in the risk assessment, approximately 262,500 persons would be at risk from the projected 1980 residential installations of UFF insulation. Based on the upper estimation of risk (.000086), approximately 23 of these persons may develop cancer as a result of their exposure.

If the estimated value of foregone energy savings (discussed in the "Summary of Cost" section) is compared to the estimated risk of 23 cases of cancer that might eventually result from these installations each year, based on the upper value of the estimated range of risk, the calculated cost of foregone energy savings per cancer avoided would range from $70,000 to $226,000 per year.

This range compares only the benefits of avoided incidences of cancer to estimated foregone energy savings. Although additional benefits cannot be reliably quantified, a ban would also benefit society in the following ways: (1) avoidance of the cost of lives lost and the medical and social costs for treatment of cancer; (2) reducing the costs of adverse acute health effects caused by formaldehyde; (3) avoidance of the costs of remedial measures to attempt to correct problems in future installations, including the costs of removing foam from residences; and (4) avoidance of costs incurred due to time lost from work, rental of other residences, and costs of litigation involving installations.

When the benfits of avoided incidences of cancer and the additional benefits described above are considered in relationship to the facts that the ban is likely to result in a relatively minor impact to the economy as a whole, and will result in minimal energy losses because of the ready availability of substitute types of insulation for most applications, the Commission has preliminarily concluded that the benefits of the ban do bear a reasonable relationship to, and do in fact justify, the costs of the regulatory action.

The Commission staff believes that there are substitutes for most, but not all, uses of UFF insulation. Each of the UFF-insulated homes is a potential source of formaldehyde exposure. The Commission is not aware of a practical solution that has been demonstrated to be effective in all instances to the problems from release of formaldehyde gas from UFF insulation. Some of the remedial measures that have been suggested by industry representatives include ventilation by opening windows and doors and turning on air conditioners, the use of ammonia or other chemicals to neutralize formaldehyde gas, painting interior walls with an oil-base paint to keep formaldehyde gas out of the living areas of the home, and the use of chemically treated air filters to absorb formaldehyde gas. These remedies have not been successful in all cases. In some instances, persons have successfully eliminated problems by removing the UFF insulation after it has hardened. However, since this remedy requires removal of the interior walls of the home, it can be a very expensive solution. The Commission has also received reports that in some instances, formaldehyde gas problems have continued even after the UFF insulation has been removed. Also the proposed ban may result in or cause some firms a decrease in the number of complaints, costs of remedial meaure to correct installations involving complaints, law suits involving adverse health effects, and unfavorable publicity.

Summary of Costs

Sectors Affected: Manufacturers, importers, wholesale and retail traders, installers, and consumers of UFF insulation; and the general public.

The economic effects of a ban of UFF insulation would fall on: (1) UFF chemical manufacturers and suppliers of imported UFF chemicals; (2) UFF insulation contractors who manufacture

the product at the site of installation; and (3) consumers and the public at large, in the direct effect of foregone energy savings, and the indirect effect of reduced real estate values.

The major anticipated economic impacts of a ban for manufacturers and importers of urea formaldehyde foam component materials are in lost revenues and unemployment. If the total number of residential installations of urea formaldehyde foam per year in the absence of a ban is 60,000 to 80,000, suppliers of the materials used to make UFF insulation would have a loss in sales that corresponds to the value of the materials in these installations. If the lost revenues are calculated by multiplying the estimated value of the chemicals used by the number of installations, the lost sales would be $12 million to $20 million per year (in 1980 dollars). If the lost revenues are calculated as percentage of the retail value of the installed product, then the estimated lost sales would be from $11 million to $40 million per year.

When the Commission staff prepared its preliminary economic assessment, available information indicated that 30, and possibly more, companies in the United States either manufactured urea formaldehyde foam chemicals or distributed imported urea formaldehyde foam chemicals. Information available in preparing the assessment showed that the ten largest companies may supply 85 to 90 percent of the resin used for UFF insulation. More recent estimates by industry representatives indicate that there are nine U.S. firms manufacturing component materials for UFF insulation, and that there are ten U.S. firms that are either private labelers of component materials or distributors of materials produced by domestic or foreign firms. Information gathered by Dun and Bradstreet shows that nearly all of these companies have fewer than 20 employees, and some have fewer than 10 employees. Only one company has more than one plant. Although some of these companies may be able to produce UFF foam resins for other uses, such as adhesives for the production of plywood and particle board, or may be involved in marketing other energy conservation related products, many of the suppliers of UFF chemicals would face a substantial reduction in their total revenues if UFF insulation were banned. Many of the remaining suppliers of UFF insulation materials are likely to go out of business, unless they can diversify their operations. Some major manufacturers and suppliers of urea formaldehyde foam chemicals have gone out of business because of reduced demand for UFF insulation or anticipated problems in marketing the product in the future. The maximum impact of a ban for manufacturers and distributors of the component materials used to make UFF insulation may be the exodus of 19 firms from the industry, with a loss in employment of approximately 250 to 350 persons.

The major anticipated economic impacts of a ban for persons installing UFF insulation will be in the form of a loss of revenues and reduced employment.

Available information indicates that there has been a substantial decline in the number of installers in the last several years. As of April 1980, the best available estimates were that there were approximately 1,500 to 2,000 active installers, and that approximately an equal number of persons had the necessary equipment to install the product but were not installing UFF insulation. A recent submission to the Commission, however, states that the number of active installers is only 600 to 800. Based on information provided by Battelle Columbus Laboratories and an informal survey conducted by the CPSC staff, most of these installers are likely to have other sources of income, such as from the installation of siding, roofing, and storm windows, as well as from other types of insulation. Seventy-eight percent of insulation contractors surveyed by *Roofing/Siding/Insulation* magazine in 1980 reportedly installed at least one energy conservation product other than insulation.

Based on an estimated total annual retail value of $43 million to $120 million (in 1980 dollars) for 60,000 to 80,000 UFF insulation installations per year and on the assumption that 1,500 to 2,000 installers would be active in the absence of a ban, the average number of annual installations per firm would range from 30 to 50. The average gross revenues per firm would range from $30,000 to $80,000 per year (in 1980 dollars). The actual gross revenues may be greater or less than this amount for individual installers. The overall impact of a ban on each installer would depend on the extent to which total revenues are derived from UFF insulation jobs, and the extent to which lost revenues may be compensated by increased installation of other types of insulation materials or other home improvement operations. (As noted above, the number of active installers of UFF insulation may now range from 600 to 800. However, the Commission does not have current information on UFF insulation activity that would allow precise estimates of average installation rates of revenues for these firms.)

Information provided by insulation contractors indicates that there may be from 3 to 15 employees per firm who install UFF insulation. The number of employees who would lose their jobs as a result of a ban would vary depending on whether these employees could be used in other activities. Some of the contractors contacted by the staff who are no longer installing UFF insulation indicated that they were able to use these employees in other activities and were not forced to lay them off when they discontinued use of UFF insulation. However, where UFF insulation represents a substantial portion of the firm's revenue, layoffs are more likely to result.

Based on a projection of 75,000 installations in 1980, the estimated total energy savings for UFF insulation ranges from 2.7 trillion to 3.4 trillion Btu's annually. These savings have an estimated value between $16 million and $20 million of 1980 energy prices. This may be less than .005 percent of national energy use.

Present information indicates that the walls of most residences now being insulated with urea formaldehyde foam could be insulated with alternative insulating materials. In approximately 5 to 10 percent of the residences, the wall cavities may be so narrow that alternative materials are inadequate. However, because these homes have narrow wall cavities, the energy savings from UFF insulation in these homes would probably be less than in homes with deeper wall cavities. The Commission staff estimates that the total annual energy savings for UFF insulation in these residences in 1980 could range from 35 to 87 billion Btu's, with a value of $204,000 to $518,000 at 1980 energy prices. These foregone energy savings would be repeated for each year that insulation is not installed.

A ban could also have the indirect result of discouraging installation of alternative types of wall insulation in some homes in which the alternative types of insulation are suitable, because of a decline in the solicitation of insulation jobs or a decision by consumers not to have other types of insulation installed. However, where other types of insulation are suitable, the energy losses are less likely to be continued in later years, since consumers are able to insulate and are more likely to do so as they consider their energy losses. For this reason, and because the failure to insulate these residences would be an indirect result of a ban, the foregone energy savings in

those homes where alternative types of insulation are less suitable should be given greater emphasis.

The cumulative foregone energy savings after the ban becomes effective cannot be precisely determined because of uncertainty about: (1) the number of UFF insulation installations in future years in the absence of a ban; (2) the total number of uninsulated residences; and (3) the development of new alternative wall cavity insulating materials in the future that may also be suitable for the small percentage of installation for which urea formaldehyde foam is now reportedly the only available insulating material.

A ban of UFF insulation could have an adverse effect on the resale value of residences or other buildings that have been insulated with UFF insulation. Since the ban is not retroactive and does not directly affect products that have already been installed, this impact would be a secondary, rather than a primary impact of the ban. A decline in real estate values of homes insulated with UFF insulation could also occur in the absence of a ban, though to the extent that it does, such losses in value would not be attributable to the ban. At the present time, there is insufficient information to accurately estimate the magnitude of these effects, if any.

If the Commission bans UFF insulation, consumers who have already had the product installed may increase their efforts to have the insulation removed. This increase in efforts may lead to greater costs incurred by urea formaldehyde foam chemical manufacturers and installers in litigation or in taking remedial measures. Although these costs could be a significant factor in the overall economic impact of a ban, at the present time there is insufficient information to estimate their magnitude, if any.

Related Regulations and Actions

Internal: None.

External: The Commission is aware of the following actions taken by State and Federal agencies concerning UFF insulation.

(1) Based on the risk of acute illness presented by the product, the State of Massachusetts has declared UFF insulation to be a banned hazardous substance and has required the removal of UFF insulation from commerce in that State. The Massachusetts ban became effective November 14, 1979. The Massachusetts regulations are currently in litigation, although the ban itself is in effect during this litigation. The State has issued repurchase provisions for the ban, effective November 20, 1980. These provisions allow homeowners who have had their homes insulated with UFF insulation to have the foam removed at the manufacturer's expense if at least one occupant of the structure has suffered adverse health effects which occured or were aggravated after exposure to the UFF insulation.

(2) The Attorney General's Office of the State of Connecticut has entered into an agreement with nine members of the UFF insulation industry to resolve complaints concering acute illness associated with UFF insulation. The Connecticut agreement also requires manufacturers to provide prospective purchasers with a notice concerning possible adverse health effects associated with the product. On January 1, 1980, the Connecticut Department of Consumer Protection proposed a regulation to require a health notice in all UFF insulation contracts for all manufacturers.

(3) The Office of the Attorney General of the State of Colorado issued a warning on December 4, 1978 about potential acute health hazards to consumers who have purchased UFF insulation. Denver County has adopted a prohibition against the use of UFF insulation in new or existing construction.

The Colorado Board of Health held a hearing on UFF insulation on June 18, 1980 on the advisability of either requiring labeling or banning the product. On September 17, 1980, based on the acute health hazards to consumers, the Colorado Department of Health banned the future installation of UFF insulation in facilities where persons may be exposed for a protracted length of time without knowledge of the presence of the product. The health department also requires a disclosure statement in contracts for installation of the product in private dwellings or other buildings not covered by the ban.

(4) New York and Rhode Island have adopted health- and safety-related disclosure requirements for the product concerning the acute risk of injury.

(5) In Minnesota, the legislature enacted a law requiring the Commissioner of Health to determine if a significant health problem is presented by the use of building materials, including UFF insulation, that emit formaldehyde gas. On May 22, 1980, the Commissioner of Health declared that because of problems of acute toxicity, the use of building materials which give off formaldehyde vapor can be a "significant health problem" under certain circumstances. On June 23, 1980, a temporary rule was proposed which will establish a maximum limit of 0.1 parts per million for the air inside newly constructed dwelling units.

(6) On December 18, 1979, the Virginia Department of Health issued a Health Hazard Alert Sheet on the problems of acute toxicity presented by formaldehyde and UFF insulation.

(7) In several State legislatures, bills have been introduced to ban or impose a moratorium on the sale of UFF insulation (Arizona, West Virginia, New Hampshire, and Ohio), to set performance requirements limiting formaldehyde emission (California), or to require safety-related disclosures (Maryland).

(8) The Canadian government has adopted a temporary ban of further sales of UFF insulation, effective in December 1980, because of the acute and chronic risks of injury associated with the product.

(9) The Department of Housing and Urban Development (HUD) has issued a Use of Materials Bulletin (UMB #74, October 13, 1977) for UFF insulation. UMB #74 explains the conditions under which HUD will accept the product and stipulates certain limitations for its use in new home construction.

(10) On May 29, 1980, the Small Business Administration (SBA) informed the Commission that the SBA declined to make small businesses in the UFF insulation industry eligible for financial assistance under the Economic Dislocation Loan Program. SBA determined that the problems affecting the industry are not due to direct governmental actions but were caused by adverse publicity resulting from improper installation of the product by dealers.

(11) On September 25, 1980, the Department of Energy (DOE) published interim final material and installation standards for UFF insulation (45 FR 63786). These standards are now in effect. DOE stated in the preamble to the regulation that if significant new information arises, DOE will be able to take whatever action is appropriate including, if necessary, banning UFF from the Residential Conservation Service Program (45 FR 63787). DOE also stated that its regulations will conform with any legal action taken by the Commission with respect to UFF insulation (45 FR 63787). The DOE regulations include a required notice to consumers that is similar to the notice proposed by the Commission.

On January 27, 1981 DOE proposed (46 FR 8997) to either amend their interim standard for UFF insulation or to ban the installation of UFF insulation under the Residential Conservation Service Program.

Active Government Collaboration

The National Academy of Sciences (NAS), in a 10-month comprehensive analysis of existing formaldehyde research in the international health community prepared for the Commission in March 1980, recommended that consumer exposure to formaldehyde be reduced to the lowest practical level.

In November 1980, a panel of 16 Federal experts in health science and cancer research advised the Commission that formaldehyde should be presumed to pose a risk of cancer for human beings.

The Commission has also conducted research with the Department of Energy to help determine why formaldehyde gas is released from UFF insulation and whether there are means of preventing such release. The Commission has also received a completed economic study, conducted by a contractor, concerning the major uses of formaldehyde in consumer products, including UFF insulation. The study also provides an overview of the production of and market for formaldehyde.

The Commission staff has had meetings with the National Association of Urea Foam Insulation Manufacturers, the National Insulation Certification Institute, and the Formaldehyde Institute (including the National Particleboard Association and the Hardwood Plywood Manufacturers Association).

Timetable

Regulatory Impact Analysis—The Commission, as an independent agency, is not required to prepare a Regulatory Impact Analysis as defined under E.O. 12291. However, the Commission prepares essentially the same information in its rulemaking proceedings.

Final Rule—To be determined.

Final Rule Effective—30 to 180 days after any final ban is published.

Available Documents

CPSC staff briefing packages dated November 2, 1979, April 23, 1980, September 2, 1980 and November 18, 1980 (includes economic impact report and public comments, from comment period February 5 to April 6, 1981) are available from the Office of the Secretary, U.S. Consumer Product Safety Commission, Washington, DC 20207.

"Public Hearings Concerning Safety and Health Problems That May Be Associated With Release of Formaldehyde Gas From Urea Formaldehyde Foam Insulation," 44 FR 69578, December 3, 1979.

"Urea-Formaldehyde Foam Insulation Proposed Notice to Purchasers," 45 FR 39434, June 10, 1980.

Regulatory Flexibility Analysis, January 1981.

"Urea-Formaldehyde Foam Insulation: Proposed Ban; Denial of Petition," 46 FR 11188, February 5, 1981.

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NUCLEAR REGULATORY COMMISSION

Office of Nuclear Regulatory Research

Disposal of High-Level Radioactive Waste in Geologic Repositories Regulation (10 CFR Part 60)

Legal Authority

Energy Reorganization Act of 1974, §§ 202 (3) and (4), 42 U.S.C § 5842.

Reason for Including This Entry

The Nuclear Regulatory Commission (NRC) has included this rule in the Calendar because it deals with an important health and safety issue which has great public interest.

Statement of Problem

The Energy Reorganization Act of 1974 gives NRC licensing and regulatory authority over facilities to be built and operated by the Department of Energy (DOE) for the permanent disposal of high-level radioactive wastes (HLW) that have been generated under activities licensed by the Commission or by government programs. High-level radioactive wastes are either the residue from reprocessing spent reactor fuel or spent fuel itself if it is to be disposed without reprocessing.

The intent of this regulation is to provide information to DOE and other interested parties on how the NRC plans to exercise its authority over DOE facilities to be used for the disposal of HLW in prepared cavities deep in the earth. (This method of waste disposal is commonly termed "geologic disposal," and the facility itself is called a "geologic repository.") The NRC has published as a final rule the licensing procedures for the disposal of HLW in geologic repositories (February 25, 1981, 46 FR 13971).

This rulemaking is taking place in two segments. The first segment consisted of the licensing procedures noted above. The second deals with the technical criteria which will be published shortly as a proposed rule. An ANPRM was published May 13, 1980. Specifically, the first segment spells out the procedures DOE should follow in applying for an NRC license for geologic disposal of HLW and the procedures NRC will follow in reviewing that application. The second segment contains the technical criteria the NRC will use in evaluating a DOE application, approving or disapproving a license, and inspecting the placement of the waste within the geologic repository. Specific topics addressed include the suitability of a site and the design and closure of a repository. During the licensing process, the NRC staff will be available to discuss opportunities for participation with representatives of both State and local governments. Provisions for participation of Indian tribes in the licensing process are also set forth.

Alternatives Under Consideration

This regulation addresses only geologic disposal of HLW. The NRC had considered promulgating a broad regulation to cover other methods which have been suggested for the disposal of HLW, such as placing the wastes on the ocean floor (seabed emplacement), or within a polar ice cap (icesheet disposal). However, neither of these methods appears to be within NRC's jurisdiction, and other potential methods (e.g., transmutation-alteration of the waste to decrease its radioactivity) do not appear to be technically developed to the point that rulemaking would be warranted.

The NRC had also considered whether to proceed with rulemaking at this time or to rely on its existing body of regulations in discharging its licensing responsibilities over the disposal of HLW. The NRC has decided to proceed with rulemaking because reliance on existing regulations would neither give proper perspective to the unique problem of geologic disposal of HLW, nor provide the guidance to both the DOE and the public which NRC believes to be necessary to an efficient and publicly accessible licensing process.

Summary of Benefits

Sectors Affected: Industries producing high-level radioactive waste, such as electric services using nuclear power; DOE (including HLW from its research and development and military programs); State and local governments; and the general public.

Industry would be able to dispose of its high-level radioactive waste permanently in a DOE repository licensed under this regulation. State,

Tribal, and local governments would be able to participate in the licensing process under the provisions of this regulation. This regulation would require NRC to make a finding of reasonable assurance that the high-level radioactive waste could be disposed of in a manner that would protect the public health and safety, and the environment.

The principal benefit that will accrue to the public is that it will better understand the basis upon which the Commission will determine whether waste disposal by DOE meets the standard set forth by the Environmental Protection Agency (EPA). It should be noted that the NRC could fulfill its licensing responsibilities through judicious application of its existing regulations for possession of source, byproduct, and special nuclear material (10 CFR Parts 30, 40, and 70). However, to do so would not afford the public the opportunity to comment in a very specific way as to what it believes are the necessary features of a waste disposal system adequate to meeting the generally applicable environmental standard.

Summary of Costs

Sectors Affected: Industries producing high-level radioactive waste, such as electric services using nuclear power; DOE (including HLW from its research and development, and military programs); users of electricity produced by nuclear power; and NRC.

Based on EPA estimates done in 1978, the estimated construction and operating costs for a geologic repository range from $1 billion to $5 billion (in 1978 dollars). Estimates of the impact on the cost of electricity production vary over a wide range, but are not expected to exceed one mill (1/10 of a cent) per kilowatt hour. As many as four repositories may be required to accommodate the HLW that the Government and commercial interests generate by the end of the century. Compliance with NRC's regulations are not expected to alter these costs.

The only costs to produce the regulation are the resources that NRC expends to develop, support, and issue it.

Related Regulations and Actions

Internal: This action is related to an NRC program to classify radioactive waste according to the degree of hazard it presents.

External: This action is related to the Environmental Protection Agency's criteria and standards being developed for the disposal of HLW.

Active Government Collaboration

The NRC has active liaison with the Environmental Protection Agency, the United States Geological Survey, and the Department of Energy.

Timetable

NPRM (Technical Criteria)—June 1981.
Public Comment Period—Ninety days following NPRM.
Public Hearing—To be determined.
Final Rule (Technical Criteria)—June 1982.
Regulatory Impact Analysis—Not required, but similar material available with NPRM.
Regulatory Flexibility Analysis—Not required.

Available Documents

Commission Paper—SECY-79-366.

ANPRM, "Technical Criteria for Regulating Geologic Disposal of High-Level Radioactive Waste," 45 FR 31393, May 13, 1980.

Policy Statement—"Licensing Procedures for Geologic Repositories for High-Level Radioactive Wastes," 43 FR 53869, November 17, 1978.

NPRM (Procedural Requirement)—"Disposal of High-Level Radioactive Wastes in Geologic Repositories; Proposed Licensing Procedures," 44 FR 70408, December 6, 1979.

NPRM (Procedural Requirement)—"Disposal of High-Level Radioactive Wastes in Geologic Repositories; Licensing Procedures," 46 FR 13971, February 25, 1981.

NUREG-0279—"Determination of Performance Criteria for High-Level Solidified Nuclear Waste," July 1977.

NUREG-0465—"A Classification System for Radioactive Waste Disposal—What Waste Goes Where?", June 1978.

All of the above documents are available in the NRC Public Document Room at 1717 H Street, N.W., Washington, DC, for inspection and copying for a fee. The NUREG docments are also available for sale by writing the National Technical Information Service, Springfield, VA 22161.

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CHAPTER 5—HUMAN RESOURCES

ED-OESE

Financial Assistance to Local and State Agencies to Meet Special Educational Needs; and Financial Assistance to Local Educational Agencies for Children with Special Educational Needs 34144

ED-OPE

Institutional Aid Program Regulations 34145

HUD-HOUS

Minimum Property Standards for One- and Two-Family Dwellings 34146

DOJ-CRD

Coordination of Enforcement of Nondiscrimination in Federally Assisted Programs 34147

DOJ-CRD

Procedures for Complaints of Employment Discrimination Filed Against Recipients of Federal Funds 34149

DOJ-CRD

Regulations Prohibiting Discrimination on the Basis of Age in Federally Assisted Programs 34150

DOJ-CRD

Regulations Prohibiting Discrimination on the Basis of Sex in Education and Training Programs Receiving Federal Financial Assistance 34151

DOJ-INS

Admission of Refugees and Asylum Procedures 34152

GSA-HRO

Nondiscrimination in Federally Assisted Programs 34153

GSA-NARS

Freedom of Information Act Requests for National Security Classified Information in the National Archives 34156

SBA

Revision to Method of Establishing Size Standards and Definitions of Small Business .. 34157

DEPARTMENT OF EDUCATION

Office of Elementary and Secondary Education

Financial Assistance to Local and State Agencies to Meet Special Educational Needs; and Financial Assistance to Local Educational Agencies for Children with Special Educational Needs (34 CFR Parts 200 and 201)

Legal Authority

Elementary and Secondary Education Act of 1965, Title I, §§ 101–198, as amended by P.L. 95–561, 20 U.S.C. §§ 2701–2854.

Reason for Including This Entry

The Department of Education (ED) includes this entry because the regulations govern one of ED's largest programs of Federal assistance to education. These regulations could have an effect of $100 million or more on the economy.

Statement of Problem

These regulations are necessary to implement Title I of the Elementary and Secondary Education Act of 1965 as amended by the Education Amendments of 1978.

Title I authorizes a State-administered grant program that provides financial assistance to:

(1) Local educational agencies (LEAs) for projects designed to meet the special educational needs of educationally deprived children in low-income areas and children in local institutions for neglected or delinquent children.

(2) State agencies for projects designed to meet the special educational needs of handicapped children.

(3) State agencies for projects designed to meet the special educational needs of children in institutions for neglected or delinquent children, or children in adult correctional institutions.

(4) State educational agencies (SEAs) for projects designed to meet the special educational needs of migratory children of migratory agricultural workers or fishers.

The proposed Title I regulations consist of two parts: 34 CFR Part 200 and 34 CFR Part 201.

Part 200 contains general requirements that apply to all Title I grantees and to State and Federal administration of Title I programs.

Part 201 contains requirements that apply only to those Title I projects operated by LEAs to provide supplemental educational services for educationally deprived children in eligible low-income areas and for children in local institutions for neglected or delinquent children.

Alternatives Under Consideration

We published in the **Federal Register** on January 19, 1981 (46 FR 5136) final regulations for Title I of the Elementary and Secondary Education Act of 1965, as amended. Pursuant to a Presidential memorandum, we postponed the effective date of these regulations until March 30, 1981 (46 FR 12495, February 17, 1981).

On the same date that we published the final Title I regulations, the Department published a Notice of Proposed Rulemaking: Cross-reference (46 FR 5236, January 19, 1981), in which we invited public comment on the requirements imposed on State and local educational agencies by 34 CFR 200.93–200.95 (requiring use of Title I funds only for the "excess costs" directly attributable to Title I projects which exceed the average per pupil expenditure of a local educational agency) and 34 CFR 201.130–201.143 (requiring use of Title I funds only to "supplement, not supplant" certain funds from State and local sources). The Department received a number of comments objecting to the burdens imposed by these provisions. In particular, a number of school administrators expressed the opinion that the final regulations regarding "excess costs" did not provide as much flexibility as the June 11, 1980 proposed regulations because the more recent regulations defined "excess costs" in terms of individual Title I projects, and therefore did not provide administrators with the opportunity to develop individual interpretations of "excess costs."

After further reviewing the final Title I regulations concerning the "excess costs" and "supplement, not supplant" requirements, the Secretary decided to amend §§ 200.93–200.95 and §§ 201.130–201.144 to designate them as guidelines, rather then regulations (46 FR 18976, March 27, 1981). As guidelines, these provisions do not impose any requirements on grantees beyond those specified in the Title I statute. Rather, the guidelines are intended to assist agencies in meeting the statutory requirements. While the guidelines describe permissible ways of meeting the statutory "excess costs" and "supplement, not supplant" requirements, grantees may develop and pursue alternative approaches that comply and are not bound by the excessively rigid and burdensome regulatory requirements in the

regulations as originally published. Grantees must, of course, continue to comply fully with the "excess costs" requirement in § 126(b) of the Title I statute and to use Federal funds to "supplement, not supplant" non-Federal sources as required in §§ 126 (c) and (d) of the Title I statute.

The Department published this amendment to the Title I final regulations in the **Federal Register** on March 27, 1981 at 46 FR 18976. On the same date, the Department published a notice of intent to further review these regulations by a target date of January 31, 1982 (46 FR 19000). The notice of review invited interested persons to submit comments on or before May 31, 1981.

Summary of Benefits

Sectors Affected: State and local educational agencies; educationally deprived elementary and secondary school students and their parents; and elementary and secondary school teachers and other education employees.

Congress appropriated $3.2 billion in fiscal year 1979 for Title I programs operated in the 1979–1980 school year. Of that total, Congress appropriated $2.8 billion for Title I grants to LEAs.

In appropriating this sum, Congress recognized the special educational needs of children from low-income families and the impact that concentrations of low-income families have on the ability of LEAs to support adequate educational programs. Federal financial assistance is provided as formula grants to LEAs serving areas with concentrations of children from low-income families and enables them to expand and improve those educational programs which contribute particularly to meeting the special educational needs of educationally deprived children. The amount of assistance available to an LEA depends on the number of these children being served. Financial assistance is also provided to meet the special educational needs of Indian children, of children of certain migrant parents, and of handicapped, neglected, and delinquent children.

Federal funds are used to pay instructional and administrative costs. In addition, the proposed rules provide for teacher, school board, and parent participation in Title I projects.

By amending these regulations to designate the provisions regarding "excess costs" and "supplement, not supplant" as guidelines, the Secretary relieves regulatory burdens on grantees. Although grantees will now be able to approach these issues with more flexibility, they must continue to comply fully with the statutory requirements.

Summary of Costs

Sectors Affected: State and local educational agencies.

The primary administrative costs stem from the recordkeeping and reporting requirements imposed on State and local educational agencies in order for them to obtain and account for Federal funds. However, Federal payments are made from Title I funds to reimburse these costs. Some of the requirements, such as the rule against supplanting local effort, also cause administrative burdens by requiring that LEAs be prepared to demonstrate that the State and local funds currently available for each type of special program are properly allocated. Many of these requirements, however, are imposed by statute. No systematic data are available on the costs of those requirements that are only partially mandated by law and whether State and local educational agencies are fully reimbursed from Title I funds for the costs of these requirements.

Related Regulations and Actions

Internal: ED regulations in 34 CFR Parts 203, 204, and 302 were published separately and are now in effect as final regulations. Part 302 governs Title I grants to State agencies operating projects for handicapped children. Part 203 governs Title I grants to State agencies operating projects for neglected or delinquent children. Part 204 governs Title I grants to SEAs operating projects for migratory children.

External: None.

Active Government Collaboration

In addition to considering public comments, ED made special efforts to obtain additional specific suggestions from State and local government officials.

Timetable

Regulatory Impact Analysis—To be completed by January 31, 1982.
Final Rules—Have taken interim effect pending completion of Regulatory Impact Analysis in accordance with Executive Order 12291.
Public Hearings—None.
Regulatory Flexibility Analysis—Not required.

Available Documents

NPRM—44 FR 38400, June 29, 1979.
NPRM—45 FR 39712, June 11, 1980.
Individuals interested in reviewing public comments may call or write the Agency Contact listed below.
Final Rule—46 FR 5136, January 19, 1981.
NPRM—46 FR 5236, January 19, 1981.
Final Rule—46 FR 18976, March 27, 1981.
Notice of Intent To Review—46 FR 1900, March 27, 1981.

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ED—Office of Post-Secondary Education

Institutional Aid Progam Regulations (34 CFR Parts 624, 625, 626, and 627)

Legal Authority

Title III of the Higher Education Act of 1965, §§301–347, as amended by P.L. 96–374, 20 U.S.C. §§ 1051–1069c.

Reason for Including This Entry

The Department of Education (ED) includes this entry to increase public participation in the development of these regulations because the regulations concern issues of great public interest to the institutions targeted for funding.

Statement of Problem

The regulations the Department expects to propose are necessary to implement Title III of the Higher Education Act of 1965 as amended by the Education Amendments of 1980.

Title III provides Federal financial assistance to institutions of higher education to solve problems that threaten their ability to survive and to stabilize their management and fiscal operations.

Title III is one of the original programs authorized by the Higher Education Act of 1965. In 1973, Title III consisted of two separate programs, and in 1979 these programs were merged. The Education Amendments of 1980 revised Title III by establishing three separate grant programs:

(1) Strengthening Institutions Program;
(2) Aid to Institutions with Special Needs Program; and
(3) Challenge Grant Program.

All three programs fund the same type of activities. The only major differences in the programs are: the institutions eligible for funding, the duration of the

grants, and the matching funds requirements.

Alternatives Under Consideration

The regulations ED expects to propose are in the planning stage. Therefore, it is not clear what, if any, alternatives will be considered.

Summary of Benefits

Sectors Affected: Institutions of higher education.

In reenacting the Title III program, Congress recognized that many institutions of higher education face the problems of declining enrollments and scarce resources which threaten their ability to survive. In addition, many institutions also face problems stemming from ineffective administrative and fiscal management, as well as an inability to engage in long-range planning, recruitment, and development activities. The money provided to institutions under the Title III programs enables them to plan, develop, and implement a comprehensive long-range development plan to strengthen their academic quality and institutional management and to promote self-sufficiency and growth. Activities that may be funded as part of such a plan include faculty and curriculum development, student services, and fiscal and administrative management development. For example, grants have been awarded to institutions of higher education to: improve their career counseling and placement services; develop curriculum in new areas; establish an integrated management information system; and develop institutional research offices.

It has been estimated that 375 to 400 awards will be made under Title III in FY 1982:

- 203 under the Strengthening Institutions Program;
- 213 under the Aid to Institution with Special Needs Program; and
- 15 under the Challenge Grant Program.

Further, it has been estimated that:

- planning grants awarded under the Strengthening Institutions and Aid to Institutions with Special Needs programs will range from $30,000 to $50,000;
- implementation grants awarded under the Strengthening Institutions and Aid to Institutions with Special Needs programs will range from $200,000 to $750,000; and
- grants awarded under the Challenge Grant Program will range from $500,000 to $1 million.

The Administration requested an appropriation of $129.6 million for FY 1982 for the Title III programs.

Summary of Costs

Sectors Affected: Institutions of higher education.

The authorizing legislation requires an applicant to develop a long-range comprehensive development plan. However, before an institution submits a plan, it must submit an application to determine if it is eligible to receive Title III funding.

It is estimated that:

- the application for grants under the Strengthening Institutions Program, the Aid to Institutions with Special Needs Program, and the Challenge Grant Program will each require an average of 60 person hours to complete; and
- the request for designation as an eligible institution under the institutional aid programs will require an average of .5 person hours to complete.

Related Regulations and Actions

None.

Active Government Collaboration

None.

Timetable

NPRM—August 1981.
Public Comment Period—Following NPRM.
Public Hearings—To be determined.
Final Rule—To be determined.
Regulatory Impact Analysis—Not required.
Regulatory Flexibility Analysis—To be determined.

Available Documents

None.

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DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing

Minimum Property Standards for One- and Two-Family Dwellings (24 CFR Part 200, Subpart S)

Legal Authority

National Housing Act, § 211, 12 U.S.C. § 1715(b).

Reason for Including This Entry

The Department of Housing and Urban Development (HUD) thinks this rule is important because it is an initial effort to reduce unessential regulations, incorporate model code standards, and minimize the bulk of the current Minimum Property Standards.

Statement of Problem

HUD now imposes Minimum Property Standards on the construction of one- and two-family dwellings insured or assisted by HUD funds. The standards were first issued in the 1930s, during the early days of the Federal Housing Administration. Some 300,000 units a year are subject to these standards. The standards are set for the health and safety, marketability, durability, livability, and workmanship of these dwellings. Over the years, these standards have increased in length and complexity, due to the continuing review and revision of the standards to conform to up-to-date building practices. Unfortunately, this has made the standards harder to use by builders, who must maintain a familiarity with a more lengthy document, and a streamlining of the standards is now appropriate. HUD's Housing Cost Task Force identified several aspects of the Minimum Property Standards, such as conformity with the three major, nationally recognized model building codes and elimination of unessential "livability" standards, which, if changed, might improve the affordability of housing without substantially lowering the construction quality of the housing affected (i.e., housing with FHA mortgage insurance or HUD-assisted units). For these reasons, HUD is proposing a revision to delete redundant, obsolete, and unnecessary requirements. Appropriate parts of the model one- and two-family dwelling code are also being incorporated into the Minimum Property Standards, particularly in the safety and health sections where the model code is a suitable substitute.

Alternatives Under Consideration

Alternative A would be to make no change in the present standards. This would save administrative effort but has no other advantage. On the other hand, if we do not revise the standards, they will become more obsolete through time, and present undue compliance costs will be perpetuated. Therefore, we are considering the following alternatives:

Alternative B would be to replace the Minimum Property Standards with the model one- and two-family dwelling code. While this would reduce

compliance costs to builders, we are concerned that this drastic step should be undertaken only after careful study and consideration of the implications. We are studying additional ways to make the Minimum Property Standards conform to the model code, but until these studies are completed and evaluated, we feel alternative B is premature.

Alternative C is to move toward simplification of the Minimum Property Standards by deleting standards we consider unnecessary and revising the sections of the standards that in our judgment can safely be simplified at this time, while retaining those standards which we feel are necessary to ensure the health and safety of the occupants. Alternative C is the alternative that HUD has selected in this rulemaking procedure.

Summary of Benefits

Sectors Affected: Residential building construction and construction workers; public and private developers of housing programs; occupants and owners of minimum standard housing, especially FHA-insured housing; and the mortgage banking industry.

Although Minimum Property Standards govern all FHA housing, FHA-eligible dwellings are often built to standards higher than those required by the Minimum Property Standards. In such cases, the standards are not binding and lowering them will have no effect. We expect, however, that the impact of these changes would be felt throughout the construction industry generally, because they would promote lower building costs, ultimately reducing the purchaser's outlay. Our draft Regulatory Analysis attempted to come to grips with the potential cost savings, but accurate estimates are not available, since obtaining such estimates would require a large survey to determine which standards are binding, and what the impact of lowering these standards would be. Qualitatively, to the extent that cost savings are realized, the amount of new housing produced would increase, and this would generate indirect benefits in the form of construction employment and increased mortgage activity for the banking industry. Also, the standards are picked up by a number of local building codes, and for this reason, changes in the standards should have an impact beyond FHA-insured and HUD-assisted housing alone.

The draft Regulatory Analysis estimated the maximum benefit in terms of a maximum direct cost saving of $61.5 million per year (1979 dollars), such saving consisting of potential lowered construction costs. The likely impact is considerably less than this, in that this estimate assumed all dwellings currently constructed at the lower end of the quality scale would adopt the lower allowed standards. Of course, some of these units would not fully exploit the potential cost savings, because builders might consider a higher quality unit more marketable.

Summary of Costs

Sectors Affected: Residential building construction; occupants and owners of minimum standard housing; and HUD.

The purpose of the Minimum Property Standards is to ensure units of housing which are decent, safe, and sanitary, and which conform to good building practice. This protects the home buyer by assuring the unit is built to (at least) a minimum quality level, and provides a basis for FHA mortgage insurance, so that if a mortgage defaults, there is a high probability that the value of the property will exceed the principal balance on the loan. Most of the costs associated with the proposed changes are in the form of what we consider a small additional risk of lower quality units being built. (Lower quality here means smaller units with fewer amenities.)

There are administrative costs involved in issuing a new regulation, and builders will have to become familiar with a new set of standards, even though the standards are simplified compared to the existing ones. It is felt, however, that these costs are small, and more than likely to be offset by future cost savings.

Related Regulations and Actions

Internal: None.
External: Local Building Codes.

Active Government Collaboration

None.

Timetable

Public Hearings—None planned.
Final Rule—To be determined. The proposal is under HUD review.
Final Rule Effective—A minimum of 30 days after publication.
Regulatory Flexibility Analysis—None.

Available Documents

NPRM—September 15, 1980; 45 FR 62316.

Public comments in response to the NPRM can be reviewed in Room 5128 at the address below.

Draft Regulatory Analysis.

Environmental Impact Statement, July 1980.

Available from Rules Docket Clerk, Room 5218 at address below.

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DEPARTMENT OF JUSTICE

Civil Rights Division

Coordination of Enforcement of Nondiscrimination in Federally Assisted Programs (28 CFR 42.401–.415*).

Legal Authority

E.O. 12250, "Leadership and Coordination of Nondiscrimination Laws" (45 FR 72995, November 4, 1980).

Reason for Including This Entry

The Department of Justice (DOJ) includes this entry because it concerns nondiscrimination, a matter of great public interest.

Statement of Problem

The DOJ has proposed changes to its existing regulations that coordinate enforcement of nondiscrimination in federally assisted programs, 28 CFR 42.401–.415. These changes are the result of responsibilities assigned to the Attorney General by President Carter when he issued Executive Order 12250 on November 2, 1980. This Order, which superseded E.O. 11764 (1974), was the result of a multi-year study undertaken by President Carter's Reorganization Task Force on Civil Rights. The first part of its review resulted in the issuance of E.O. 12067 which made the Equal Employment Opportunity Commission (EEOC) responsible for coordinating Federal Government activity concerning nondiscrimination in employment. A subsequent evaluation by the Task Force of Government activities in the area of nondiscrimination in federally assisted programs found numerous problems including: a lack of civil rights enforcement by the 34 Federal grant agencies charged with that responsibility; overlapping civil rights and programmatic jurisdictions resulting in inconsistent standards, investigative procedures and findings; inadequate coordination and Government-wide leadership; deficient civil rights laws; poor management; and inadequate resources.

The Task Force identified several possible alternatives for resolving these problems, including: complete consolidation of civil rights enforcement into a new or existing Federal agency; partial consolidation; improving the existing enforcement mechanisms; and legislative changes in civil rights laws.

In choosing among the possible alternatives, the option of working within existing structures but following the FEOC model of consolidating coordination responsibility within one agency was chosen. Therefore, E.O. 12250 was issued. This Order substantially broadened the authority previously conferred on DOJ in E.O. 11764 for coordinating Federal enforcement of Title VI, of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*). In addition to Title VI, which prohibits discrimination in access to federally assisted programs because of race, color, or national origin, the Attorney General also was charged by the new Order to coordinate Federal enforcement of Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. § 1681 *et seq.*, which prohibits discrimination on the basis of sex in federally assisted education and training programs; § 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794, which prohibits discrimination on the basis of handicap in federally assisted or federally conducted programs; and all other provisions of Federal statutory law which prohibit discrimination on the basis of race, color, national origin, sex, handicap, or religion in federally assisted programs.

In addition to increasing the number of protected classes under the Attorney General's jurisdiction, E.O. 12250 also expanded and enlarged upon the number of coordination responsibilities assigned to DOJ by the earlier E.O. 11764. For example, the Attorney General is now charged with the responsibility for: reviewing existing and proposed rules and regulations issued by executive agencies in order to identify those which are inadequate, unclear, or unnecessarily inconsistent; issuing standards and procedures concerning civil rights law enforcement such as those establishing reasonable time frames for securing voluntary compliance, for initiating sanctions, and for referring matters to DOJ when voluntary compliance fails and administrative hearings are inappropriate; developing model information systems; ensuring consistent reporting and recordkeeping requirements; and establishing cooperative enforcement systems between Federal, State, and local agencies.

Alternatives Under Consideration

The Department considered the possibility of not amending the existing regulations which were issued to implement E.O. 11764, but rejected taking no action for three reasons. First, 4 years of experience with the existing regulations on nondiscrimination in federally assisted programs, 28 CFR 42.401–.415, indicated that a redraft was necessary whether or not there were any changes in the Attorney General's authority. For example, 28 CFR 42.407(b), "Application Review," requires that all grant agencies must review and make a written determination of compliance with Title VI prior to the provision of Federal financial assistance. Our experience has shown that disbursing agencies with a large number of applicants could not reasonably be expected to implement this section. To illustrate, when we raised this requirement with the Department of Health and Human Services, they pointed out to us they had neither the time nor the staff, whether civil rights or programmatic, to make pre-award determinations of compliance for all of the thousands of applications they receive yearly. Consequently, the new regulations will recommend a series of alternative approaches to be used in conducting pre-award reviews which will be more reasonable and at the same time improve civil rights enforcement.

Second, the existing coordination regulations extend only to Title VI (race, color, or national origin discrimination). To effectively implement E.O. 12250, this coverage must be expanded to include § 504 (discrimination against the handicapped), Title IX (sex discrimination in federally assisted education and training programs), and the nondiscrimination provisions of grant statutes. Therefore, the regulation must be redrafted to be responsive to this new authority.

Third, DOJ is presently involved in two law suits, *Paralyzed Veterans of America et. al.* v. *Smith*, C.A. No. CV. 79–1979 (C.D.-Cal.), and *Gale Williams* v. *U.S.A.*, C.A. No. CV. 80–5368 (C.D.-Cal.), concerning the Attorney General's responsibility for implementing portions of E.O. 12250. The changes proposed in the coordination regulations would in part respond to the issues being raised in these cases.

Summary of Benefits

Sectors Affected: The Federal Government; minorities; handicapped individuals; women; and the general public.

We expect that these proposed rules will result in a more efficient use of Federal executive agency civil rights personnel. The rules place time limits on how long investigation of alleged civil rights noncompliance may last and how long voluntary negotiations between an agency and recipient may continue before the agency determines whether voluntary compliance is possible or formal enforcement action is necessary. As a result, civil rights investigations should be resolved more quickly. In addition, because they provide that civil rights compliance decisions are subject to the approval of agency civil rights offices, whose staffs are trained in civil rights requirements, decisions should be more consistent and made more promptly.

As a result, recipients, minorities, women, handicapped individuals, and the public can expect that civil rights problems will be dealt with in a more predictable and efficient manner.

Summary of Costs

Sectors Affected: The Federal Government.

The proposed regulations would only affect the Federal sector, and any additional costs—incurred, for example, for increased staff or training—would be borne by the Federal Government.

Over a period of time, however, Federal costs should be reduced by E.O. 12250 and the proposed implementing regulations, which will stress more efficient use of staff and increased cooperation among Federal agencies.

Related Regulations and Actions

Internal: These proposed rules will require the amendment of regulations entitled "DOJ Nondiscrimination in Federally Assisted Programs—Implementation of Title VI of the Civil Rights Act of 1964," 28 CFR 42.401–.415.

External: These proposed rules will require the amendment or issuance of regulations implementing Title VI, Title IX, § 504, and other statutes which prohibit discrimination on the basis of race, color, national origin, handicap, religion, or sex by the following agencies: ACTION; Agency for International Development; Department of Agriculture; Civil Aeronautics Board; Department of Defense; Department of Commerce; Department of Education; Equal Employment Opportunity Commission; Environmental Protection Agency; Federal Home Loan Bank Board; General Services Administration; Department of Health and Human Services; Department of Labor;

Department of Housing and Urban Development; Department of the Interior; Department of the Treasury; National Aeronautics and Space Administration; National Endowment for the Arts; Nuclear Regulatory Commission; National Science Foundation; Office of Personnel Management; Small Business Administration; Department of State; Department of Transportation; Tennessee Valley Authority; Water Resources Council; Veterans Administration; Community Services Administration; Department of Energy; Department of Justice; Federal Emergency Management Agency; International Communications Agency; International Development Corporation; and National Endowment for the Humanities.

Active Government Collaboration

As required by § 1-303 of E.O. 12250, the Attorney General shall consult with the agencies listed above and others, as appropriate, before the final coordination regulations are issued.

Timetable

NPRM—May/June 1981.
Regulatory Impact Analysis—Not required.
Public Hearing—Not required.
Public Comment Period—Minimum of 90 days following publication of NPRM.
Final Rule—September/October 1981.
Final Rule Effective—Upon publication.
Regulatory Flexibility Analysis—Not required.

Available Documents

E.O. 12250, "Leadership and Coordination of Nondiscrimination Laws," 45 FR 72995, November 4, 1980.
28 CFR 42.401–.415.
42 U.S.C. § 2000d *et seq.*
20 U.S.C. § 1681 *et seq.*
29 U.S.C. § 794.
"Agencies When Providing Federal Financial Assistance Should Ensure Compliance With Title VI," General Accounting Office, April 15, 1980. Available from the General Accounting Office, publication number HRD–80–22.

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DOJ—CRD

Procedures for Complaints of Employment Discrimination Filed Against Recipients of Federal Funds (28 CFR Part 42; 29 CFR Part 1691)

Legal Authority

E.O. 12250 (45 FR 72995, November 4, 1980); E.O. 12067 (43 FR 28967, June 30, 1978); Civil Rights Act of 1964, Title VI, 42 U.S.C. § 2000d *et seq.;* Civil Rights Act of 1964, Title VII, as amended, 42 U.S.C. § 2000e *et seq.;* Education Amendments of 1972, Title IX, 20 U.S.C. § 1681; Age Discrimination in Employment Act, as amended, 29 U.S.C. § 621 *et seq.;* Equal Pay Act of 1963, 29 U.S.C. § 206(d); President's Reorganization Plan No. 1 of 1978, 92 Stat. 3781.

Reason for Including This Entry

The Department of Justice (DOJ) includes this entry because the proposed rule would cause an increase in the efficiency and productivity of Federal agencies.

Statement of Problem

The authority of the Equal Employment Opportunity Commission (EEOC) to enforce prohibitions against employment discrimination on the basis of race, color, religion, sex, national origin, or age overlaps with the authority of Federal funding agencies to enforce prohibitions against employment discrimination by recipients of Federal funds. There is, therefore, a potential for duplicative efforts by Federal agencies which may cause needless burdens on the recipients, such as separate investigations by EEOC and Federal agencies of the same employment practice. In addition, victims of discrimination may be confused about where to file their complaints of employment discrimination.

We have decided to act on this problem at this time upon the suggestion of several Federal fund-granting agencies. By taking regulatory action, we may be able to eliminate duplicative investigations, increase the efficiency of Federal agencies, and minimize needless burdens on recipients of Federal funds.

Alternatives Under Consideration

(A) Allow each interested Federal-granting agency to negotiate a separate memorandum of understanding with EEOC. A memorandum of understanding could provide for a Federal fund-granting agency and EEOC to share information or conduct joint investigations relating to the employment practices of the recipients of Federal funds. This alternative would allow a Federal agency to address a unique aspect of its program in a separate memorandum of understanding. However, the process of negotiating separate memoranda would be time-consuming and might lead to inconsistent results. For example, employment discrimination complaints filed with one Federal fund-granting agency may be treated differently by that agency than similar kinds of complaints filed with another agency.

(B) Promulgate a joint (DOJ and EEOC) regulation setting forth procedures for processing complaints of employment discrimination filed with Federal fund-granting agencies. The regulation would allow Federal fund-granting agencies to refer complaints of employment discrimination to EEOC for investigation and would provide for the agencies and EEOC to share information relating to the employment practices of recipients of Federal funds. This alternative would provide a uniform approach to the processing of such complaints and would be easier to administer.

We regard alternative (B) as the desirable alternative because it addresses the problem across the board and eliminates the possibility of a multiplicity of different procedures governing the same types of complaints.

Summary of Benefits

Sectors Affected: Recipients of Federal financial assistance covered by Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, and similar provisions in Federal grant statutes; Federal fund-granting agencies; DOJ; EEOC; and the general public.

This regulation is intended to eliminate duplication of investigations by EEOC and Federal fund-granting agencies by providing for EEOC investigation when the complaint is individual in nature. The elimination of duplicative investigations will not only increase the efficiency and therefore productivity of Federal agencies, but will minimize the burdens on recipients of Federal funds.

By referring complaints of individual discrimination to EEOC, Federal fund-granting agencies will be able to focus their enforcement efforts on discrimination in the provision of services and systemic acts of employment discrimination which affect the rights of beneficiaries. The individual complaints, as a general rule, will be handled by EEOC, the agency with the most expertise in processing that kind of complaint.

Summary of Costs

Sectors Affected: None.

We anticipate that this regulation will save money because it should reduce duplicative investigations of employment discrimination complaints by Federal fund-granting agencies and EEOC.

Related Regulations and Actions

Internal: Coordination of Enforcement of Non-discrimination in Federally Assisted Programs, 28 CFR 42.401 *et seq.*; Guidelines for the Enforcement of Title VI, Civil Rights Act of 1964, 28 CFR 50.3.

External: The procedural regulations of EEOC are codified at 29 CFR 1601.1 *et seq.* Federal fund-granting agencies have promulgated regulations concerning the enforcement of Title VI of the Civil Rights Act of 1964. See, e.g., 34 CFR Part 100.

Active Government Collaboration

DOJ and EEOC have worked together to develop this joint regulation. In December 1980, we circulated for comment a draft of the proposed regulation to Federal fund-granting agencies and met to discuss the draft with the major fund granting agencies, including the Departments of Health and Human Services, Education, Labor, Energy, Interior, Housing and Urban Development, and Transportation, and the Economic Development Administration.

Timetable

Public Comment Period—60 days following publication of NPRM. Comments may be addressed to: Executive Secretariat, EEOC, 2401 E Street, N.W., Washington, DC 20503.
Final Rule—August 1981.
Final Rule Effective—September 1981.
Public Hearing—None.
Regulatory Impact Analysis—None.
Regulatory Flexibility Analysis—None.

Available Documents

NPRM—46 FR 22395, April 17, 1981.

Agency Contact

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DOJ—CRD

Regulations Prohibiting Discrimination on the Basis of Age in Federally Assisted Programs

Legal Authority

Age Discrimination Act of 1975, as amended, 42 U.S.C. Section 6101 *et seq.*; Health, Education, and Welfare (now Health and Human Services) Government-wide Age Discrimination Regulations, 44 FR 33768, June 12, 1979.

Reason for Including This Entry

The Department of Justice (DOJ) includes this entry because it concerns nondiscrimination, an issue of great public interest. This proposed regulation prohibits discrimination on the basis of age against persons participating or attempting to participate in DOJ-assisted programs.

Statement of Problem

A substantial number of people in the United States are denied full participation in major activities, such as public benefits, services, and facilities, because of discrimination based on their age. Recognizing this fact, the Congress passed the Age Discrimination Act of 1975, which prohibits discrimination solely on the basis of age in all programs and activities that receive Federal financial assistance. Federal agencies that provide such assistance must develop and publish regulations in furtherance of the broad remedial purpose of the Age Discrimination Act of 1975.

Pursuant to the Act, the Secretary of Health and Human Services (HHS) has issued a general regulation, 45 CFR Part 90, 44 FR 33768 (June 12, 1979), to guide Federal agencies in implementing the Act. In addition to setting Government-wide Standards, HHS required all disbursing agencies, such as DOJ, to issue agency specific regulations.

The DOJ regulation closely adheres to the substance of the HHS standard. However, the DOJ directive has been made program specific by including a number of illustrative examples which apply the Act to those recipients who receive assistance from DOJ, including police departments, court systems, and correction agencies.

Alternatives Under Consideration

In furtherance of its statutory authority, the HHS has required each Federal department or agency to issue regulations that are consistent with the Government-wide standards found in its regulations. There are no alternatives to the standards published by HHS in terms of scope, timing, or substantive requirements. However, the regulations have been tailored to identify issues of concern to recipients of DOJ grant programs.

Although there are no alternatives to issuing these regulations, we are concerned that some applications of the Act may result in substantial problems in the administration of federally funded programs. We have recommended to HHS and the Regulatory Council in a letter from Drew S. Days III, Assistant Attorney General, Civil Rights Division, DOJ, to Patricia R. Harris, Secretary, HHS, dated November 10, 1980, that Federal agencies further examine the effects of the Act upon particular types of programs. We are especially concerned about the unclear nature of the Act's prohibitions and exceptions; for example, many terms used directly in the Act are not defined, so it is difficult to determine the specific scope of, for instance, the discretion recipients of funds are allowed under the Act.

Summary of Benefits

Sectors Affected: Approximately 9,000 units of State and local governments that are involved in law enforcement and related activities; approximately 1,000 private entities, such as juvenile homes, educational institutions, and public interest groups that participate in activities related to the Nation's criminal justice system; and individuals eligible to take part in their programs.

The regulations will establish standards to define and prohibit age discrimination in programs and activities that receive Federal financial assistance from DOJ. Programs and activities that the regulations would cover include those administered by State and local units of the criminal justice system that receive Federal assistance in the form of grants and Federal assistance contracts from the Law Enforcement Assistance Administration (e.g., police departments, prisons, courts), or training from the Federal Bureau of Investigation or other agencies within DOJ.

We are unable to provide precise data on the number of recipients covered by the proposed regulations because the major disbursing component of the DOJ, the Law Enforcement Assistance Administration, is scheduled to cease its grant-making programs. Other components of DOJ which provide Federal financial assistance include the National Institute of Justice, the Bureau of Justice Statistics, the Federal Bureau of Investigation, the Bureau of Prisons, and the Drug Enforcement Administration. These agencies provide

grants, contracts, and training to units of State and local government.

Summary of Costs

Sectors Affected: Units of government receiving Federal financial assistance from DOJ include police departments, court systems, and correction agencies.

We cannot provide estimates of compliance costs but we expect them to be minimal because the exemptions contained in the Act appear to exclude from coverage a significant portion of the activities conducted by DOJ recipients. In support of this conclusion, we note that DOJ has not yet received any age discrimination complaints. Thus we do not believe the costs associated with these regulations will result in major economic consequences within the meaning of E.O. 12291. We considered the appropriateness of a Regulatory Impact Analysis and determined that no such analysis was necessary. We invited public comment on this issue.

Related Regulations and Action

Internal: None.

External: HEW (now HHS) general regulations under the Age Discrimination Act, 44 FR 33768, June 12, 1979.

Active Government Collaboration

Pursuant to 42 U.S.C. § 6103(a)(4), the proposed regulation was sent to the Secretary of Health and Human Services for review.

Timetable

Final Rule—June 1981.
Regulatory Impact Analysis—Not required.
Public Hearing—Not required.
Regulatory Flexibility Analysis—Not required.
Final Rule Effective—Upon publication.

Available Documents

NPRM—45 FR 32710, May 19, 1980.
Public Comments—Available for review; see Agency Contact.

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DOJ-CRD

Regulations Prohibiting Discrimination on the Basis of Sex in Education and Training Programs Receiving Federal Financial Assistance (28 CFR 42.701-.771)

Legal Authority

Education Amendments of 1972, as amended, Title IX, §§ 901 and 902, 20 U.S.C. § 1681 *et seq.*

Reason for Including This Entry

The Department of Justice (DOJ) includes this entry because it deals with nondiscrimination, a matter of public concern. These regulations would prohibit discrimination on the basis of sex in education and training programs receiving Federal financial assistance from DOJ.

Statement of Problem

In June 1980, the Department of Justice proposed a new regulation for nondiscrimination on the basis of sex in education and training programs receiving or benefiting from Federal financial assistance provided by DOJ (45 FR 41001, June 17, 1980). We intended the June proposal to implement Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. § 1681 *et seq.*, which prohibits (with certain exceptions) sex discrimination in federally assisted education programs or activities.

Examples of such DOJ covered programs include:

The National Institute of Corrections gives a grant to a State sheriffs' association to develop and implement a plan to assist local jails. Activities under the grant project include training of resource personnel, who in turn provide on-site training to local jail employees. The sheriffs' association is a recipient of Federal financial assistance for a program which includes education programs and activities. Title IX and this regulation apply to the association's selection and training of resource personnel, and to on-site training provided to local jail employees.

The National Institute of Corrections provides a grant to a State agency to implement State jail standards. Employees of the State agency provide training to employees of local jails on the requirements of the jail standards. This training is part of the implementation project which is subject to the Federal grant, and it is covered by Title IX and these regulations.

Alternatives Under Consideration

The DOJ had two possible alternatives to choose from in designing this congressionally mandated regulation: it could have followed the directions provided by the other Federal agencies, the Department of Health, Education, and Welfare (HEW), now the Departments of Education (ED) and Health and Human Services (HHS), and the Department of Agriculture (USDA), which had already issued their Title IX regulations; or it could have developed an entirely new approach to Title IX enforcement, ignoring the work performed by other agencies. DOJ is following the leads of HEW and USDA in order to ensure consistency in the Federal Government's approach to enforcing Title IX.

On June 17, 1980, this Department issued proposed regulations implementing Title IX (45 FR 41001-41012). On August 18, 1980, the Department of Justice extended the comment period on the June 17 proposal to September 19, 1980 (45 FR 54770). Because numerous comments received on the original proposal indicated a serious misunderstanding of its nature and scope, the Department is publishing revised and clarified regulations for additional comments.

In addition to providing clarifying information, the redraft will also contain changes based on suggestions made during the public comment period. For example, we have provided new definitions for "Department" and "assisted education program or activity;" added a prohibition against sexual harrassment; decided not to allow for a lengthy adjustment period for recipients who have already been permitted an adjustment period because of prior coverage under another regulation; and added a new section on fringe benefit plans.

Summary of Benefits

Sectors Affected: Approximately 9,000 units of State and local governments that are involved in law enforcement and related activities; approximately 1,000 private entities, such as juvenile homes, educational institutions, and public interest groups that participate in activities related to the Nation's criminal justice system; and individuals eligible to take part in their programs.

We are unable to provide precise data on the number of recipients covered by the proposed regulations because the major disbursing component of the DOJ, the Law Enforcement Assistance Administration, is scheduled to cease its grant-making programs. Other components of DOJ which provide Federal financial assistance include the National Institute of Justice; the Bureau

of Justice Statistics; the Federal Bureau of Investigation; the Bureau of Prisons; and the Drug Enforcement Administration. These agencies provide grants, contracts, and training to units of State and local government, including police departments, courts systems, and correction agencies.

This regulation will clarify prohibited discrimination on the basis of sex in access to education and training programs and in fringe benefit plans sponsored by these recipients. Viewed from a larger perspective, implementation of the regulation will upgrade the quality of law enforcement and related activities by ensuring equal access to education and training programs regardless of sex. Specifically, it will improve the ability of women who have traditionally been discriminated against by the employment practices of law enforcement agencies to obtain equal access, once hired, to those activities needed for professional advancement.

Below is an outline of the issues to be addressed by this regulation.

Introduction

Purpose and effective date.
Definitions.
Remedial and affirmative action and self-evaluation.
Assurance required.
Transfers of property.
Effect of other requirements.
Effect of employment opportunities.
Designation of responsible employee and adoption of grievance procedures.
Dissemination of policy.

Coverage

Application.
Educational institutions controlled by religious organizations.
Military and merchant marine educational institutions.
Membership practices of certain organizations.
Exempt activities.
Admission.
Education institutions eligible to submit transition plans.
Transition plans.

Discrimination on the Basis of Sex in Admission and Recruitment Prohibited

Admission to assisted education programs and activities.
Preference in admission to assisted programs or activities.
Recruitment.

Discrimination on the Basis of Sex in Education Programs and Activities Prohibited

Education programs and activities.
Housing.
Comparable facilities.
Access to course offerings.
Access to schools operated by LEAs.
Counseling and use of appraisal and counseling materials.
Financial assistance.
Employment assistance to students.
Health and insurance benefits and services.
Marital or parental status.
Athletics.
Textbooks and curricular material.

Discrimination on the Basis of Sex in Employment in Education Programs and Activities Prohibited

Employment.
Employment criteria.
Recruitment.
Compensation.
Job classification and structure.
Fringe benefits.
Marital or parental status.
Effect of State or local law or other requirements.
Advertising.
Pre-employment inquiries.
Sex as a bona fide occupational qualification.

Procedures

Interim procedures.
Appendix.

Summary of Costs

Sectors Affected: State and local law enforcement and correction agencies; and private entities participating in activities related to the Nation's criminal justice system, such as juvenile homes, educational institutions, and public interest groups.

We cannot provide estimates of compliance costs; however, they appear minimal. The primary costs to the recipients associated with Federal implementation of these regulations are those traditionally associated with civil rights compliance activities, for example, responding to complaint investigations and compliance reviews, the collection and reporting of equal opportunity data, and public notification programs. We do not believe that the Federal enforcement costs will have any major economic consequences within the meaning of E.O. 12291.

Related Regulations and Actions

Internal: DOJ regulation issued by the Law Enforcement Assistance Administration under the authority of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, 42 U.S.C. § 3789d(c) *et seq.* This law, which contains a general prohibition against sex discrimination, has been reenacted in the Justice System Improvement Act of 1979, P.L. 96–157, and is implemented by 28 CFR 42.201–.217.

External: HEW regulation, 45 CFR Part 86; USDA regulation, 44 FR 21610, April 11, 1979.

Active Government Collaboration

At the time of development of the regulation, no Federal agency had been delegated overall responsibility for coordination of Title IX. However, on November 2, 1980, DOJ was assigned the responsibility by E.O. 12250, of coordinating all government activity, including Title IX, concerning nondiscrimination in access to Federally assisted programs on the grounds of race, color, national origin, sex, handicap, and religion. Nevertheless, in order to assure consistency with the regulations already published, DOJ has followed the lead established by HEW (now the Departments of ED and HHS) and USDA in their Title IX rules.

Timetable

Revised NPRM—July 1981.
Regulatory Impact Analysis—Not required.
Public Hearing—Not required.
Public Comment Period—90 days following publication of revised NPRM.
Final Rule—October 1981.
Final Rule Effective—Upon publication.
Regulatory Flexibility Analysis—Not required.

Available Documents

NPRM—45 FR 41001, June 17, 1980.
Comments received on the June 17 NPRM and the revised NPRM will be available for public inspection in Room 412, 521 12th Street, N.W., Washington, DC, between 9:00 a.m. and 5:30 p.m., Monday through Friday, except on Federal holidays, until the rule is published in final form.

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DOJ—Immigration and Naturalization Service

Admission of Refugees and Asylum Procedures (8 CFR Parts 207, 208, and 209)

Legal Authority

Refugee Act of 1980, P.L. 96–212, Title II; 8 U.S.C. 1157–1159.

Reason for Including This Entry

These regulations set a precedent for U.S. programs providing relief for the increasing numbers of refugees seeking haven in the United States. The refugee problem has generated worldwide attention and is of major concern to the United States and its citizens.

Statement of Problem

The Refugee Act of 1980 is a major departure from prior legislation which provided relief for refugees. It establishes a permanent and systematic procedure for meeting these humanitarian needs. Prior statutory provisions have proven to be inadequate because of the lack of uniformity in treating refugees from different parts of the world. The Immigration and Naturalization Service (INS) must adopt regulations to implement the provisions of the new Act.

On June 2, 1980, we adopted interim regulations (45 FR 37392) to carry out the Act. The interim regulations provide that the Immigration and Naturalization Service accomplish the following specific responsibilities: determine who qualifies as a refugee; establish asylum procedures; adjust the status of refugees; establish procedures for inspection and examination of refugees; waive certain exclusionary grounds for admitting refugees; develop regulations for procedures to terminate the status of those who no longer qualify as refugees; and admit refugees into the United States, subject to numerical limitations established by the President after appropriate consultation with Congress. In addition, the regulations also specify procedures for the Immigration and Naturalization Service to inform aliens, other governmental agencies, and the public as to who may qualify as a refugee, and the methods and procedures for refugees to apply for the benefits which the Act provides.

Alternatives Under Consideration

Because of provisions in the Refugee Act of 1980, and the short time frame within which to develop regulations, the Immigration and Naturalization Service decided to publish interim regulations. The nature of the problem we are faced with—emergency relief for human suffering—argued against a prolonged deliberative process to weigh innumerable alternatives before deciding upon a course of regulatory action. We believe that by publishing the interim regulations, we best served the intent of the law. Fine tuning in the form of final regulations is now in process and incorporates the constructive comments received from the public during the interim period.

Summary of Benefits

Sectors Affected: Refugees; Federal agencies, such as Departments of State, Health and Human Services, and Labor, and the Public Health Service; international organizations; foreign governments; State governments; others involved in refugee relief and resettlement; and the general public.

Until the refugees are absorbed into the economy and contribute to the Nation's gross national product through their labor and services, they place a burden upon public agencies. This rule would help refugees more quickly become productive participants in the economy.

Summary of Costs

Sectors Affected: Federal agencies, such as Departments of State, Health and Human Services, and Labor, and the Public Health Service; international organizations; foreign governments; State governments; and others involved in refugee relief and resettlement.

As the number of refugees admitted increases because of the new liberalized admission trend reflected in the Act, the workloads of the Federal agencies, public and private agencies, and charitable organizations increase proportionately. The need for financial and medical assistance for the refugees falls upon various Federal and State agencies responsible for public health and welfare. Private and voluntary organizations which provide services not available from public agencies also have increased operating costs. While we are unable at this time to place a dollar value on the cost to all sectors affected by the Act, our experience in fiscal year 1979 indicates that about 108,875 refugees were approved for admission to the United States by the Immigration and Naturalization Service and 213,950 were approved for admission in fiscal year 1980.

Related Regulations and Actions

Internal: Existing regulations, dealing with asylum, 8 CFR Part 108, adjustment of status, 8 CFR Parts 242 and 245, and other references in various sub-sections in Title 8, Chapter I of the regulations are affected by the new regulations, and we will amend them as necessary.

External: Other Federal agencies are also affected by the Act, and appropriate revisions are being made to their regulations, particularly Department of State.

Active Government Collaboration

Operating units of the Immigration and Naturalization Service have been in contact with the Departments of State, Labor, and Health and Human Services because of the mutual areas of responsibility each shares under the Act.

Timetable

Final Regulations—July 1981.
Regulatory Impact Analysis—Not required.
Regulatory Flexibility Analysis—Not required.
Public Hearing—None.

Available Documents

Refugee Act of 1980, P.L. 96–212 (94 Stat. 102), available from Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, at $1.50 per copy.

Senate Conference Report 96–590, Refugee Act of 1980, available from Senate Document Room, U.S. Capitol, Washington, DC 20510 (no cost).

Interim Regulations—45 FR 37392, June 2, 1980.

Public comments on the interim regulations (public comment period ended July 31, 1980) are available for review. See Agency Contact.

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GENERAL SERVICES ADMINISTRATION

Administrative Operations Division

Nondiscrimination in Federally Assisted Programs (41 CFR Parts 101–8)

Legal Authority

The Civil Rights Act of 1964, Title VI, 42 U.S.C. § 2000d *et seq.;* the Education Amendments of 1972, Title IX, as amended, 20 U.S.C. § 1681 *et seq.;* Age Discrimination Act of 1975, as amended, 42 U.S.C. § 6101 *et seq.;* the Rehabilitation Act of 1973, as amended, § 504, 29 U.S.C. § 794; and E.O. 12250 (45 FR 72995, November 4, 1980).

Reason for Including This Entry

The General Services Administration (GSA) includes this entry because it is imperative to inform the widest possible audience of the scope of procedures GSA will issue to enforce nondiscrimination in programs and activities which receive Federal assistance from GSA.

Statement of Problem

GSA is required by Federal laws to promulgate regulations which provide,

in whole or in part, that no person in the United States shall on the grounds of race, color, national origin, handicap, age, or sex be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving Federal assistance from GSA.

GSA has issued one such regulation in 1964 which prohibits discrimination only on the grounds of race, color, and national origin (41 CFR 101–6.2). This regulation needs revision to reflect the changes that have occurred in (1) the GSA organizational structure, namely the shifting of commensurate responsibilities to different components within the Agency, (2) the methods of implementation of nondiscrimination regulations, and (3) the scope of federally assisted programs and activities.

In order to ensure that these and regulations on other bases of discrimination are issued in the most useful, timely, and comprehensive manner, GSA will issue an umbrella regulation, which will incorporate the required prohibitions provided in the Federal laws listed under the "Legal Authority" section above. The regulation will follow the Department of Justice (DOJ) standards and procedures for monitoring compliance, taking enforcement actions, conducting investigations, establishing reasonable time limits on efforts to secure voluntary compliance, and referring to DOJ for enforcement when there is noncompliance.

The objective of this regulation is, to the extent possible, to reduce GSA's administrative burdens and the cost of issuing separate regulations for each of the Federal statutes. Until now, other Federal agencies with financially assisted programs have issued separate regulations to implement each of the statutes. Unfortunately, this has led to too many instances of duplication and placed a strain on meager resources and caused a severe negative impact on program implementation at the Federal, State, and local levels.

The nondiscriminatory provisions found in Federal statutes were enacted by the U.S. Congress after thorough analysis and debate about federally assisted programs. The following excerpt from the legislative history of Title VI of the Civil Rights Act of 1964 clearly illustrates Congress' intent: "Title VI is necessary . . . because the Federal Government simply cannot be expected to continue to pay out tax dollars contributed by all the people to just some of them and to exclude others because of the color of their skin." (110 Cong. Rec., p. 6842, April 7, 1964.) The Congress gradually saw fit to include additional distinctions of nondiscriminatory protections for other classes of individuals (i.e., based on handicap, age, and sex) as they too were being denied benefits from federally assisted programs and activities.

GSA-assisted programs and activities, for the most part, permit the taxpayer to obtain the maximum use of real and personal property acquired by the Federal Government. This is achieved by redistributing back to eligible individuals, groups, and State and local governments the property which the Federal Government no longer needs.

Alternatives Under Consideration

GSA will propose one regulation that will incorporate the nondiscriminatory provisions applicable to federally assisted programs and activities by the Agency. The approach we propose in this rule will provide the most flexibility, considering the scope and dollar value of the GSA-assisted programs, and will alleviate unnecessary burdens and cost to the approximately 62,000 recipients or subrecipients (donees).

Federally assisted programs sponsored or supported by GSA are categorized as follows: (A) Project Grants; (B) Sale, Exchange, or Donation of Real and Personal Property and Goods; and (C) Use of Property, Facilities, and Equipment.

GSA activities to ensure compliance with this proposed rule are projected to occur in categories B and C. The compliance efforts will also include monitoring the civil rights compliance activities of other Federal agencies with whom we have delegated agreements or to whom we have delegated authority, as we are still required by the Department of Justice regulations to monitor these nondiscrimination compliance activities as they pertain to categories B and C above. The nature of some assisted programs does not lend itself to compliance monitoring; i.e., compliance monitoring is not appropriate for State participation in Federal Telpaks, one program under the category, "Use of Property, Facilities, and Equipment." ("Federal Telpaks" refers to interstate telecommunications circuits consisting of twelve or more voice circuits comprising a single channel. The Federal Government leases Telpaks from a common carrier. To make use of any spare capacity that exists, such excess capacity is offered to State governments at a specific rate.)

There are two programs in which the greatest GSA compliance activity will occur. The first, the "Federal Surplus Personal Property Donation Program," by which the Federal Property Resources Service (FPRS), through State agencies, may transfer surplus personal property for donation to public agencies for public purposes and to eligible nonprofit, tax-exempt activities, falls under category B above. Under this program, Federal surplus personal property, with an organized Government acquisition cost of approximately $340 million, was distributed through 50 States and Territorial Possession Agencies for Surplus Property to 61,792 recipients or subrecipients (donees) during FY 1980.

Another program in the "Sale, Exchange, or Donation of Property and Goods" category is the program for real property donation or transfers for education or public health; public airports; and park, recreation, or historic monument purposes. In FY 1980, 420 conveyances of real property were completed by the Office of Real Property.

The second area of high compliance activity is the assistance program which deals with facilities (space) and services (utilities) offered to vendors and concessionaires through negotiated contracts. This program falls under the category "Use of Property, Facilities, and Equipment." GSA's Public Buildings Service (PBS) permits and encourages the location of commercial, cultural, educational, and recreational facilities and activities in public buildings.

The proposed GSA regulation will require that applicants for assistance from GSA submit an assurance to GSA that the assisted program or activity will be offered on a nondiscriminatory basis, and will be accessible and usable by the handicapped. A recipient might comply with this latter requirement through such means as redesign of equipment, or structural changes in existing buildings. We will use "GSA Accessibility Standards," PBS (PCD): DG6, October 14, 1980, as our standard. Where the assistance is in the form of real property, the proposed regulation will stipulate that GSA may reclaim the property if the recipient's use is contrary to the nondiscrimination provisions.

The regulation will require recipients to maintain relevant data on demography; race, color, and national origin; sex; age; and handicapping conditions to allow GSA or primary recipients to evaluate the effectiveness of their nondiscrimination effort. Further, recipients must set up a complaints procedure. In programs where discrimination is found to occur, the regulation will require GSA to encourage remedial action on a voluntary basis before commencing with the provisions to terminate aid. The

subparts on nondiscrimination on the basis of sex and of race, color, and national origin prohibit discrimination in employment on these bases in programs established to increase employment or where service is affected by employment practices. The handicap subpart prohibits discrimination in employment in federally assisted programs and activities. This means, for example, that a hospital built on GSA-donated land would have to abide by Federal nondiscrimination regulations in hiring a handicapped individual.

In the subpart of the regulation on nondiscrimination on the basis of handicap, we are considering the following alternatives:

(A) Allow those recipients of GSA assistance who employ fewer than 15 employees, after consulting with the handicapped individual, to refer the individual to another provider where the program is in an accessible location.

We could eliminate this option for small employers, but we prefer to include it in order to provide greater flexibility to small providers while still meeting the needs of handicapped individuals.

(B) Require that increasingly more stringent steps be taken to ensure accessibility to historic buildings and allow a waiver, to be reviewed by the GSA Administrator, where structural changes would permanently endanger the historic integrity of the building and alternate methods have been exhausted. We could allow fewer alternatives to ensure accessibility in historic buildings but feel that doing so would not ensure the integrity of historic buildings as well as the rights of handicapped individuals.

Summary of Benefits

Sectors Affected: The general population; special populations (Blacks, Hispanics, Asian Americans and Pacific Islanders, American Indians, Alaskan Natives, women, and handicapped individuals); Federal, State, and local governments; other public bodies; charitable (tax-exempt) organizations; and GSA.

The direct benefits will primarily accrue to the special populations as recipients and beneficiaries, who will be assured of equal participation in programs, and, in the case of handicapped individuals, access to facilities which receive Federal assistance through GSA. Because nondiscrimination provisions cover employment, some handicapped workers may achieve self-sufficiency or higher standards of living because of increased employment opportunities.

Indirect benefits are realized in terms of GSA fulfilling its obligations under the law. Other beneficiaries will benefit from the enrichment of the program by the increased presence of the special population, particularly its participation in GSA's National Archives and Records Service (NARS) historical records grants. Recipients, including government and other public bodies, and charitable organizations, will be in a better position to administer their assisted programs on an equitable basis because of definitive guidance and clearer understanding of how to comply with all Agency requirements, as provided in the regulation.

Summary of Costs

Sectors Affected: State and local governments and other public and charitable bodies receiving Federal assistance through GSA; programs and activities that benefit from this assistance; and GSA.

Because the projected effect on the economy is less than $100 million, we will not prepare a Regulatory Impact Analysis. We have not estimated cost figures for the recipient, but we can provide a list of the requirements for each recipient and the number of recipients to allow the reader to analyze the scope of the direct costs (see below). Because a large proportion of GSA recipients in these programs also receives assistance from other Federal agencies, the GSA regulations will not generate additional significant program costs for recipients. Any cost incurred by recipients to meet, for example, accessibility requirements of § 504 of the Rehabilitation Act of 1973 would be to comply with Department of Health and Human Services (HHS) regulations. The recipients, therefore, should have no significant passthrough costs to the general public as a result of the GSA nondiscrimination regulation.

Recipients—*GSA-Sponsored Programs and Activities*

Number of Disposals of Federal Surplus Real Property	420
Number of Recipients of Federal Surplus Personal Property	
Primary Recipients	50 States and Territorial Possessions
Subrecipients (Donees)	61,792
Number of Recipients of National Historical Publications and Records Grants	180
Number of Recipients of Facilities and Services (Vendors and Concessionaires):	
Health Units	227
8(a) Facilities	45
Recreation and Services Facilities	527
Cafeterias	134
Credit Unions	(*)
Employee Associations	(*)
Unions	(*)
Day Care	(*)
Other	(*)

*Data unavailable.

Requirements for Compliance with Nondiscrimination Provisions in Federal Statutes

General. As a requirement for compliance with nondiscrimination provisions in Federal statutes, a recipient of Federal assistance must take action in those areas, as listed below.

Certificate of Assurance. In order to qualify for Federal assistance an application must be accompanied by a written assurance that the program or facility to be benefited will be operated in compliance with nondiscrimination Federal laws and GSA regulations. An applicant must provide methods of administration for the program designed to ensure that the primary recipient and subrecipient (donee) under the program will comply with all applicable regulations, and correct any existing or developing instances of noncompliance.

Publication Notification Procedures. Each recipient will be responsible for ensuring that all eligible persons, particularly minorities, women, and handicapped individuals, who may have been previously or traditionally deprived of equal opportunity, are adequately encouraged to participate fully in GSA programs, and informed of GSA policy of nondiscrimination and the procedures for filing a complaint. The recipient will be required to prominently display the nondiscrimination poster, "We Won't Cut You Out Because Of," developed by GSA.

Program Participation Data. A recipient must establish and maintain a system for collecting and reporting data on minority, women, and handicapped persons' participation in any program or activity receiving Federal assistance. The system should identify the eligible populations and measure delivery of program benefits in order that the quantity and quality of benefits and services delivered to minority, women, and handicapped individuals can be documented and compared to benefits delivered to nonminority individuals.

Access to Sources of Information. The regulation will require recipients to keep records and to submit timely, complete, and accurate compliance reports. In addition, it will require recipients to permit access by GSA to such books, records, accounts, and other sources of information as may be pertinent to determining compliance.

Failure to Take Action. Failure on the part of a recipient of Federal assistance to take action in any of the aforementioned areas constitutes a case of noncompliance.

This will require GSA to take immediate corrective action to remedy the situation of noncompliance. If a recipient fails to cooperate or take voluntary corrective actions, GSA may wish to take formal enforcement action. This, in turn, could result in termination of assistance or other legal means to achieve compliance.

Preliminary Cost Data. In order to implement the regulation, GSA will incur costs in the following primary areas:

Annual costs	1980 dollars
Training	$9,900
Compliance and Enforcement	$100,000

Related Regulations and Actions

Internal: The Federal Property Resources Service (FPRS), in conducting GSA's "Federal Surplus Personal Property Donation Program" in accordance with 41 CFR 101–44.207(f), requires all applicants for program participation to provide necessary assurances of nondiscrimination. FPRS also requires nondiscrimination clauses in any disposal of real property to public bodies by negotiations in accordance with 41 CFR 101–47.307–2. In contracts entered into for facilities and services offered to vendors and concessionaires, GSA's Public Buildings Service (PBS) requires contractors to adhere to equal employment provisions of Title VII of the Civil Rights Act of 1964. PBS monitors these provisions in accordance with Executive Order 11246. In addition, the above contracts require the contractor to render nondiscriminatory services to the general public (Title VI).

External: The Department of Health and Human Services (HHS) has issued guidelines for nondiscrimination in federally assisted programs on the basis of (1) Sex, 45 CFR Part 86; (2) Handicapping condition, 45 CFR Part 84; and (3) Age, 44 CFR Part 90. The Department of Justice issued guidelines on the basis of race, color, and national origin, 28 CFR Part 42. Executive Order 12250 (45 FR 72995, November 4, 1980) delegated to the Attorney General additional responsibilities to coordinate the implementation and enforcement by executive agencies of items (1) and (2) above, but keep in effect HHS regulations implementing (1) and (2) until revoked or modified.

Active Government Collaboration

GSA has worked with the Department of Justice, the lead agency for nondiscrimination in federally assisted programs under Title VI of the Civil Rights laws of 1964; Title IX of the Educational Amendments Act of 1972; and § 504 of the Rehabilitation Act of 1973, as amended; and with the Department of Health and Human Services, the lead agency for nondiscrimination in federally assisted programs under the Age Discrimination Act of 1975.

Timetable

NPRM—June 15, 1981.
Public Hearing—Do not plan to hold.
Public Comment Period—June 15–August 15, 1981.
Final Rule—October 1981.
Final Rule Effective—December 1981.
Regulatory Impact Analysis—Not required.
Regulatory Flexibility Analysis—Not required.

Available Documents

28 CFR Part 42, Nondiscrimination; Equal Employment Opportunity; Policies and Procedures.

41 CFR Chapter 101, Federal Property Management Regulations.

45 CFR Part 84, Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefitting From Federal Financial Assistance.

45 CFR Part 86, Nondiscrimination on the Basis of Sex in Education Programs and Activities Receiving or Benefitting From Federal Financial Assistance.

45 CFR Part 90, Nondiscrimination on the Basis of Age in Programs or Activities Receiving Federal Financial Assistance.

E.O. 11246, 3 CFR, 1964–65 Comp., p. 339, Equal Employment Opportunity.

E.O. 12250 (45 FR 72995, Nov. 4, 1980), Leadership and Coordination of Nondiscrimination Laws.

PBS (DG 6), October 14, 1980, GSA Accessibility Standards.

GSA Order PRM P 4025.1, Chapter 2, Donation of Surplus Personal Property.

The Code of Federal Regulations and **Federal Register** are available at many public libraries. Write to the Office of the Federal Register to obtain a list of libraries which receive these documents: Director of the Federal Register, National Archives and Records Service, General Services Administration, Washington, DC 20408 or call (202) 523–5240. PBS (DG 6) and GSA Order PRM P 4025.1, Chapter 2, can be obtained through Business Service Centers, General Services Administration, National Capital Region, 7th and D Streets, S.W., Washington, DC 20407, or Regional Business Service Centers in Boston, MA; New York, NY; Philadelphia, PA; Atlanta, GA; Chicago, IL; Kansas City, MO; Fort Worth, TX; Denver, CO; San Francisco, CA; and Seattle, WA.

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GSA—National Archives and Records Service

Freedom of Information Act Requests for National Security Classified Information in the National Archives (41 CFR Part 105–61*)

Legal Authority

Freedom of Information Act, 5 U.S.C. § 552; E.O. 12065, 3 CFR, 1978 Comp., p. 190.

Reason for Including This Entry

The General Services Administration (GSA) includes this rule because it deals with public access to classified information, which is an important resource for historical research.

Statement of Problem

The Freedom of Information Act (FOIA) sets out procedures for obtaining information and records from Federal Government agencies. Researchers and other persons seeking access to records of Federal agencies under the FOIA direct their requests to the agency which has custody of the records. The National Archives and Records Service (NARS) of the General Services Administration acts as custodian of noncurrent records of Federal agencies, including records classified for reasons of national security. A request for access to classified information also serves as a request for declassification of the information. NARS is authorized to declassify records more than 20 years old (or 30 years in the case of foreign government information provided to the United States). If a request is for newer classified records, NARS forwards a request for declassification to the agency with declassification authority (usually the originating agency), and that agency decides whether to declassify the requested information. FOIA requires NARS to notify the requestor of a denial of access, but under current NARS regulations, agencies with declassification authority sometimes inform requestors directly of denials of declassification without informing NARS. One result of this

information gap is that subsequent requests for the same classified material must again be routed to the agencies. Another result occurs when a request is for both classified and unclassified material. In these cases, NARS replies to the request for unclassified material, but delays the response in anticipation of being able to give a full notification on all records requested. So, when the agencies send their responses directly and solely to the FOIA requestor, the consequences can be delays in supplying NARS notifications and the sending of multiple notifications.

Alternatives Under Consideration

The proposed regulation changes the current procedure so that agencies with declassification authority would notify NARS of the decision about declassification, and NARS would in turn provide a single notification to the requestor. Our alternative would be to keep the current procedure, but we rejected that option because of the reasons given above.

Summary of Benefits

Sectors Affected: Persons and organizations requesting access to national security classified information under the Freedom of Information Act; NARS; and other agencies with declassification authority.

If NARS changes the regulation, the 100 to 200 persons a year who request access to national security classified information will maintain direct contact with NARS when it is the agency which has physical custody of the records, and will receive notices only from NARS. We expect that this "single point of contact" approach will be less confusing to persons requesting information, and frequently result in quicker replies by the Federal Government. It should also slightly reduce costs of other Government agencies by reducing duplication of notices.

Summary of Costs

Sectors Affected: None.

The proposed regulation has no significant direct or indirect costs. (When the request involves only classified material, there would be some added work for NARS employees who handle the requests. Conversely, work on subsequent requests for the same material would be reduced. We assume that these factors largely cancel each other out, with any resulting savings or costs being insignificant.)

Related Regulations and Actions

None.

Active Government Collaboration

None.

Timetable

NPRM—August 1981.
Public Hearing—None.
Public Comment Period—60 days following NPRM.
Final Rule—November 1981.
Regulatory Impact Analysis—Not required.
Regulatory Flexibility Analysis—Not required.

Available Documents

Public Use of Archives and FRC Records, 41 CFR Part 105–61.

Agency Contact

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SMALL BUSINESS ADMINISTRATION

Revision to Method of Establishing Size Standards and Definitions of Small Business (13 CFR Part 121*)

Legal Authority

The Small Business Act, 15 U.S.C. §§ 632 and 634.

Reason for Including This Entry

The Small Business Administration (SBA) thinks that these rules are important because they will define the term "small business" and thus clarify what businesses are eligible for SBA programs. In addition, these rules have an annual effect on the economy in excess of $100 million.

Statement of Problem

SBA is charged by the Small Business Act of 1953 and the Small Business Investment Act of 1958 to administer a wide variety of programs designed to benefit the small business community of the United States. These programs include financial business assistance, such as direct loans, loan guarantees, and surety bond guarantees; management and technical assistance, such as direct consultation; and provision of opportunities to contract with the Federal Government to provide it goods and services. Eligibility for these programs is based on, among other things, the size of the applicant. SBA must define the term "small business" in a manner which is equitable to all concerns seeking the Agency's assistance. Hence, size standards are necessary, and we have set them to cover each of the industries specified in the Standard Industrial Code. We urge other Federal agencies to use these standards as well, and many do, in their contracting and financial assistance programs.

The promulgation of size standards is a difficult chore because the concept of size is by nature a relative one. The Small Business Act precludes SBA from rendering assistance to firms that are dominant in their industries. However, conception of the size of a firm can be based on a number of other factors, including number of employees, sales per particular time period, and competitive position within an industry or geographic area. It may also be appropriate to define "small" differently depending on the SBA program involved.

In the past, size standards have varied from SBA program to program and were often set to suit the preferences of SBA's program offices or other procuring agencies within the Federal Government. However, many of these standards attracted considerable criticism from the public because they were factually unsubstantiated, inconsistent, and confusing, and not tied sufficiently to expressed SBA policy. Both the House and Senate Small Business Committees have made frequent inquiries concerning SBA's size-standard setting procedures, and the General Accounting Office prepared two reports in 1978 and 1979 which were somewhat critical of the process as it concerned SBA's procurement and timber set-aside programs.

All of this led SBA Administrator A. Vernon Weaver to pledge in congressional testimony, in 1979, that SBA would develop new size standards where justified.

SBA thinks that the proposed revision of these size standards rules is important because it will update and improve the logic, methodology, and format of the size standards. It will simplify understanding of SBA programs for the small business community, reduce complexity in the administration of SBA's programs, and improve the targeting of SBA's resources.

Alternatives Under Consideration

The possible alternatives under consideration are:

(A) SBA can use a combination of factors to determine a firm's size for the purposes of these proposed rules, such as sales, number of employees,and gross assets. The advantage of this system is that it allows for review of a firm from a number of different viewpoints. The

disadvantage is that it can confuse the small business community and the public at large because it will require comparisons of the operative factors within various industries which cannot be easily made and which will make uniformity of decisionmaking, to the extent that it is desirable, an impossibility. Furthermore, SBA has found that size standards measured in dollars, such as in sales or gross assets, are not a true measure, since inflation can affect different products or assets differently, and distort any attempt to compare their prices.

(B) SBA can use a single factor, such as number of employees, to determine a firm's size. Such a standard will be easier for SBA to administer, but might be inequitable, because the factor chosen may not be an adequate measure of size in a given industry. However, SBA feels that using employment as opposed to sales or assets will provide greater stability for SBA and its clients because it will remove distortions generated by inflation and will reduce the need for frequent future adjustments merely to reflect inflation.

(C) SBA can use the same size standard in administering each of its programs. This will promote uniformity in SBA decisionmaking and ease of administration for SBA and applicants, but it also inevitably will lead to decisions that do not take all the important variables into consideration.

(D) SBA can use individual size standards for each of its programs, which may mean several different standards would apply to one company. This will lead to a more flexible decisionmaking process, but will also promote confusion and difficulty in administration, because a given company might be eligible for one SBA program and not another based on this system.

Currently, SBA bases its size standards on a combination of factors and uses different standards for each of its programs. We are proposing to use the firm's number of employees as the exclusive measure of size, and to develop a single standard to cover all of our programs by this proposed revision.

Summary of Benefits

Sectors Affected: SBA; businesses eligible to receive SBA assistance.

The proposed regulations will benefit SBA because they will help us determine which businesses will be eligible for SBA assistance. Our program will cover all sectors covered by the Standard Industrial Classification.

Currently, about 99 percent of all American firms meet the definition of "small business," and are eligible for SBA assistance. We project that our redefinition will decrease that figure to 96 percent. While this means that some businesses that previously may have been eligible for SBA assistance may no longer be eligible, there will be a corresponding benefit to those that remain eligible, in that there may be fewer companies competing for SBA assistance.

We cannot project precisely what the cost or benefit impact will be in this respect, because businesses are not automatically entitled to SBA assistance it they meet our definition of "small." There are no other eligibility requirements for the various SBA programs that would still apply to an applicant in a given situation. (Our proposed rule to redefine "small business" will not modify these program-specific requirements.)

Summary of Costs

Sectors Affected: Businesses that may no longer be defined as small.

Because the total number of businesses eligible for SBA assistance will decline by about 3 percentage points (from 99 percent under the current definition to about 96 percent under the new definition), some businesses that previously may have been eligible for SBA assistance will no longer be eligible for assistance. This represents a difference of about 225,000 businesses, of which about 150,000 are agricultural and about 75,000 are industrial, manufacturing, or retail businesses.

Related Regulations and Actions

Internal: In order to be eligible for any SBA business assistance, SBA must determine the firm is "small." Therefore, these regulations will, of necessity, affect the application of all of the Agency's business assistance regulations, including 13 CFR Parts 106, 107, 115, 118, 119, 120, 122, 124, 125, 128, 129, 130, and 131.

External: These regulations will affect any Federal regulations which contemplate governmental assistance to, or contracting with, small business, if those regulations incorporate by reference SBA's definitions of small business. Use of SBA's size standards is left to the discretion of each governmental agency.

Active Government Collaboration

In establishing its size standards, SBA has relied upon information developed by the Department of Commerce and Internal Revenue Service. SBA contemplates the receipt of comments and suggestions from other Federal and State agencies on its proposed rules during the comment period thereon.

Timetable

NPRM—Summer 1981.
Public Comment Period—60 days following publication of NPRM.
Regulatory Impact Analysis—A Regulatory Impact Analysis of these rules is presently being prepared. It will accompany the NPRM.
Regulatory Flexibility Analysis—Will be combined with RIA accompanying NPRM.

Available Documents

ANPRM—45 FR 15442, March 10, 1980; 45 FR 23704, April 8, 1980; and 45 FR 59587, September 10, 1980.

In addition, comments received in regional hearings held between May 8 and June 5, 1980, and comments in response to the ANPRMs, are available at SBA's Central Office, 1441 L Street, N.W., Washington, DC 20416, for public review and inspection.

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CHAPTER 6—TRADE PRACTICES

DOC–MARAD

Construction-Differential Subsidy Repayment; Total Repayment Policy 34159

DOT–FHWA

Buy America Requirements 34161

TREAS–ATF

Implementation of the Distilled Spirits Tax Revision Act of 1979 34162

TREAS–ATF

Labeling and Advertising Regulations Under the Federal Alcohol Administration Act 34164

TREAS–CUSTOMS

Civil Aircraft Regulations 34166

TREAS–CUSTOMS

Importation of Motor Vehicles and Motor Vehicle Engines Under the Clean Air Act 34167

TREAS–CUSTOMS

Interest Charges on Delinquent Accounts 34168

GSA–FPRS

National Defense Stockpile Disposal Regulations 34169

FEC

Nonpartisan Communications by Corporations or Labor Organizations 34170

FTC

Proposed Amendment to Eyeglasses Rule and Eyeglasses II 34172

FTC

Proposed Trade Regulation Rule Concerning Credit Practices 34174

FTC

Proposed Trade Regulation Rule on Mobile Home Sales and Service 34178

FTC

Residential Real Estate Brokerage Industry Practices 34180

DEPARTMENT OF COMMERCE

Maritime Administration

Construction-Differential Subsidy Repayment; Total Repayment Policy (46 CFR Part 276)

Legal Authority

Merchant Marine Act, 1936, as amended, §§ 204(b), 207, 506, and 714, 46 U.S.C. §§ 1114(b), 1117, 1156, and 1204.

Reason for Including This Entry

The Maritime Administration (MarAd) is including this entry because the regulation sets a major precedent for the administration of the maritime subsidy programs. The regulation would establish a policy for total repayment of construction-differential subsidy (CDS) in exchange for the removal of domestic trade restrictions prescribed in § 506 of the Merchant Marine Act, 1936, as amended (the Act). However, the annual impact of the regulation on the economy may not exceed $50 million, and is not expected to impose a major increase in costs or prices.

Statement of Problem

Pursuant to Title V of the Act, MarAd grants financial aid in the form of construction-differential subsidy (CDS) for the construction of vessels for operation in the U.S. foreign trade. However, if no favorable opportunities exist for the viable employment of CDS-built vessel(s) during a protracted period which exceeds that normally associated with cyclical downturns, then MarAd might consider whether "exceptional circumstances" exist to consider payback of CDS in order that the vessel may seek viable employment opportunities in the domestic trade. By establishing the existence of "exceptional circumstances" as a precondition to considering CDS repayment, the regulation would ensure that CDS-vessel owners do not prematurely abandon the foreign trade for which they are intended if more lucrative opportunities exist in the domestic trade. The purpose of the regulation is to establish guidelines for deciding whether to permit vessels built with such aid to operate without restriction in the domestic trade in exchange for the payback of the CDS attributable to the remaining economic useful life of the vessel. These guidelines will be designed to minimize adverse impacts on investors in and operators of vessels built without CDS exclusively for the domestic trade, shipbuilders, shippers, MarAd, consumers, and the general public.

Sections 501–507 of the Act (46 U.S.C. §§ 1151–1157) contain the provisions relating to eligibility and conditions for the award of CDS by the Secretary of Commerce (Secretary). The authority to grant these awards rests, by delegation, with the Maritime Subsidy Board within MarAd. Essentially, CDS represents the excess of the cost of constructing (including reconstructing or reconditioning in exceptional cases) a vessel in a U.S. shipyard (excluding the cost of national defense features) over the fair and reasonable estimated cost of its construction in a representative foreign shipbuilding center. This excess is paid by MarAd to the U.S. shipyard only for a vessel "to be used in the foreign commerce of the United States," as defined in § 905 of the Act (46 U.S.C. § 1244).

Section 506 of the Act (46 U.S.C. § 1156) requires the owner of every vessel for which CDS has been paid to agree that the vessel be operated "exclusively in foreign trade" or in foreign trade with limited domestic trade operation as specified in this section. If such a vessel engages in this limited domestic operation, the owner must repay a portion of the CDS. Section 506 also provides for the temporary transfer of such a vessel to services other than those covered by the owner's CDS agreement for periods "not exceeding 6 months in any year," with the consent of the Secretary. A condition for consent to such temporary transfer is the agreement by the owner to repay, on conditions that the Secretary may prescribe, "an amount which bears the same proportion to CDS paid as such temporary period bears to the entire economic life of the vessel."

In addition to these express statutory provisions for partial repayment, the Secretary has discretionary authority to accept full repayment of CDS in return for the permanent removal of the domestic trading restrictions in § 506. The U.S. Supreme Court has affirmed this authority. (*Seatrain Shipbuilding Corp., et al.* v. *Shell Oil Co. et al.*, 100 S. Ct. 800 (February 20, 1980).)

Consistent with this decision, MarAd proposed the regulation to provide, as a matter of sound policy, guidelines and procedures for approval of applications to repay CDS, which MarAd can apply uniformly to all applicants.

Neither § 506 nor any other provision of the Act provides guidelines for determining the circumstances under which the total repayment of CDS is appropriate. In order to establish such guidelines, MarAd is conducting an analysis to provide a basis for determining suitable conditions and to

estimate costs and benefits. The economic impact of the regulation will depend on these conditions.

Recently MarAd published an interim regulation applying only to tankers of at least 100,000 deadweight tons (DWT) (45 FR 68393, October 5, 1980). Ten existing CDS-built vessels are in this category. MarAd has received applications for the total repayment of CDS with respect to six of these vessels. One of the applications has been approved and three have been withdrawn, leaving two applications with aggregate outstanding CDS balances of approximately $39 million. MarAd has approved one of these applications with respect to the BAY RIDGE (upheld on appeal to the Secretary), a 225,000 DWT vessel. A consolidated action is pending in the U.S. District Court for the District of Columbia (*American Petrofina and Independent U.S. Tanker Owners Committee* v. *Baldrige et al.;* C.A. Nos. 80–3038 and 80–3214). The principal issues involved are whether the interim rule was issued in full compliance with the Administrative Procedure Act and whether the decision to approve the BAY RIDGE application was arbitrary and capricious.

Alternatives Under Consideration

The first alternative requiring consideration in any regulatory impact analysis is the "no-action" option. MarAd believes that adoption of a regulation is not a legal requirement, and that it could exercise discretion in allowing the total repayment of CDS by adopting a case-by-case approach and making a determination on the individual merits of each application. However, the advantage of a formalized rule is that it would provide a framework for the decisionmaking process. The regulation would be in compliance with the District Court's suggestion in the *Seatrain* case that the Agency provide guidelines that apply uniformly to all applicants.

MarAd is considering whether it should adopt a single regulation for all CDS vessels, regardless of type, size, or employment pattern, or whether it should adopt separate regulations for various categories, however defined. A single regulation has the advantage of general applicability and simplicity, but may not adequately reflect the unique aspects of the markets in which the various categories of vessels operate.

The choice of specific "exceptional circumstances" under which MarAd would grant permission for a vessel to operate in the domestic trade requires the evaluation of a number of potential alternatives and underlying conditions. If the conditions are too restrictive, the interest of the CDS-built vessel's owner, MarAd, and the maritime industry may not be served. If they are too general, they raise questions concerning whether the non-subsidized fleet, in which there is considerable investment, will be equitably treated.

If no favorable opportunities exist for economic employment of a category of CDS-built vessels in the foreign trade for a protracted period that is longer than that of normal cyclical market downturns, MarAd might consider whether exceptional circumstances are present which would warrant approval of total CDS repayment in return for removal of the restrictions on domestic trade operation of the vessel.

MarAd must consider potential impacts on competition in the development of these conditions. The approval of an application for total repayment of CDS for a vessel can be expected to remove that vessel from the foreign trade for which it was intended, generating a potential competitive impact in that trade. Similarly, the removal of the domestic trading restrictions may have a competitive impact in the domestic trade. Among the factors that MarAd might consider before approving an application is whether the operation of the vessel in the domestic trade would be likely to have any significant adverse impact on other vessels operating in that trade.

Finally, MarAd must consider two principal procedural alternatives to insure that all interested parties have an opportunity to present their views. Under the first alternative, MarAd would publish in the **Federal Register** a notice of any application for the total repayment of CDS, and would allow a specified period for interested parties to submit written comments. As a second alternative, MarAd would hold a hearing or similar proceeding to provide an opportunity for all interested parties to provide data and analyses in support of their respective positions. The formal hearing requirement would greatly increase the likelihood of delays in the decisionmaking process. These delays could have significant adverse impacts on the applicant, as well as on the Government's security interest in the vessel with respect to any outstanding ship obligation guarantees or ship mortgage insurance.

MarAd must consider various hypotheses in order to prepare a Regulatory Impact Analysis involving economic matters. The statements in this document concerning impacts are merely illustrative and are in no sense to be considered exhaustive or definitive.

Summary of Benefits

Sectors Affected: Owners and operators of vessels built with CDS and intended for deep sea foreign water transportation; owners and operators of vessels built without CDS and intended for deep sea domestic water transportation; shipbuilding; shippers of commodities by U.S. deep sea foreign and domestic water transportation; MarAd; consumers; and the general public.

Fairness to all identifiable interests in the administration of the CDS program is the object of the regulation. The regulation can be expected to state the conditions MarAd will consider for removing a restriction on domestic trade operation that is required by the Act as a condition for receiving CDS assistance.

The regulation may limit total repayment of CDS in exchange for the removal of domestic trade restrictions to situations determined by MarAd to represent "exceptional circumstances," with guidelines provided for making this determination. Benefits would accrue to the owner or operator of an existing vessel that has no favorable opportunities for employment in the foreign trades for which it was originally built with CDS.

Since vessels built with CDS may have obligation guarantees or vessel mortgage insurance issued by MarAd under Title XI of the Act, the prospective default by the vessel owner may mean an imminent loss to the Government due to its payment of the debt (reduced by the amount of recovery through foreclosure sale), as well as the loss of any on-going benefit to the economy from the Government's CDS expenditure. With respect to the two remaining CDS repayment applications that meet the criteria of this regulation, only one involves Title XI obligation guarantees amounting to approximately $13.7 million. MarAd may better preserve the value of its security interest by allowing the vessel to operate in the domestic trade in order to generate sufficient income to amortize its Government guaranteed obligations or insured debt. The incidence of default for Title XI guarantees has been extraordinarily low, only seven-tenths of one percent (net losses of only $62.9 million out of $8.8 billion of guarantees since the inception of the program in 1938 to date).

The guidelines to be adopted are intended to minimize any potential adverse impact on the U.S. shipbuilding market for the construction of vessels for the domestic trade. The regulation

may significantly reduce uncertainties in this market. Other objectives are that owners of vessels built without CDS will not be subject to excess tonnage competition; shippers will be protected against unreasonably high rates; and the consuming public will not experience higher commodity prices resulting from unreasonably high freight rates.

MarAd's careful application of these guidelines should protect investment in domestic trade shipping, shippers of domestic trade cargoes, consumers of commodities shipped in the domestic trade, MarAd's security interests, and the general public.

By allowing repayment, the funds repaid become available for other Government purposes and the vessel can be actively employed. The general public may benefit through reallocation of the asset. A Regulatory Impact Analysis is currently being prepared which will provide estimates of the potential benefits.

Summary of Costs

Sectors Affected: Owners and operators of vessels built with CDS and intended for deep sea foreign water transportation; owners and operators of vessels built without CDS and intended for deep sea domestic transportation; shipbuilding; shippers of commodities by U.S. deep sea foreign and domestic water transportation; MarAd; and the general public.

The Regulatory Impact Analysis MarAd is currently preparing will provide estimates of these costs and impacts. Owners and operators of existing domestic trade vessels, which are not eligible for CDS aid, contend that the introduction of even a single additional vessel into the trade, through CDS repayment, would have significant impacts on rates. Unlike liner trades with regulated tariffs, rates in the bulk trades are generally controlled by vessel availability, suitability, and location at any particular time. The domestic trades are relatively small. Few vessels are available at any given time, since most are in proprietary trades or under long-term charter. Thus, the addition of a single CDS vessel could temporarily reduce the profit potential of an existing owner. However, over time, the average charter rates obtained in the domestic trade might not be significantly affected.

While the regulation is intended to limit impacts on shipbuilding, shipyards in the United States could possibly lose an opportunity for new vessel construction for the domestic trade if a CDS vessel owner is allowed to make total repayment in exchange for the removal of domestic trade restrictions. In addition, the uncertainty of potential competition from other CDS vessels could further reduce the incentives for vessel construction for the domestic trade. Since the Act expressly permits owners of vessels built with CDS to apply for permission to operate temporarily in domestic trades for periods not exceeding 6 months in any year, the policy reflected in the regulation does not create a completely new class of competing vessel. Also, when the foreign trades again provide favorable employment opportunities, new construction for these trades would probably occur.

Related Regulations and Actions

Internal: Participation by vessels built with CDS in the carriage of oil from Alaska in the domestic trade (46 CFR Part 250).

External: None.

Active Government Collaboration

MarAd encourages Federal agencies and State and local governmental bodies, as well as the general public, to participate in development of this regulation through submission of comments to the Agency Contact listed below.

Timetable

Final Rule—Unknown, publication may be delayed until final disposition of pending litigation in the U.S. District Court for the District of Columbia (*American Petrofina and Independent U.S. Tanker Owners Committee* v. *Baldrige et al.;* C.A. Nos. 80–3038 and 80–3214).

Regulatory Impact Analysis—Although the economic impacts of the regulation may not exceed the thresholds requiring the preparation of a Regulatory Impact Analysis, MarAd is now preparing a Regulatory Impact Analysis because it considers the regulation to be a matter of sufficient policy significance to warrant such an analysis.

Public Hearing—The agency does not plan to hold public hearings on this regulation.

Regulatory Flexibility Analysis—This regulation will not have a significant economic impact on a substantial number of small entities. Since the notice of proposed rulemaking was issued prior to January 1, 1981, the Regulatory Flexibility Act (P.L. 96–354) provisions are not applicable.

Available Documents

Comments received in response to the NPRM (45 FR 29610, May 5, 1980) are available for inspection in Room 3099B, Department of Commerce Building.

Interim Rule—45 FR 68393, October 15, 1980.

The final Regulatory Impact Analysis will be made available for inspection at the time the notice of final rulemaking is published in the **Federal Register.**

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DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Buy America Requirements (23 CFR 635.410*)

Legal Authority

Surface Transportation Assistance Act of 1978, § 401, P.L. 95–599, 92 Stat. 2689.

Reason for Including This Entry

The Federal Highway Administration (FHWA) thinks this rule is important because it is controversial and could possibly increase construction costs in the Federal-aid highway program by 2 percent, or approximately $150 million (in 1980 dollars) annually.

Statement of Problem

The Buy America provisions (§ 401) of the Surface Transportation Assistance Act (STAA) of 1978 require that all articles, materials, and supplies purchased with grant funds authorized under the Act must be of U.S. origin. The States, as recipients of the grant funds, are responsible for enforcing § 401.

Before Congress enacted STAA, suppliers of certain foreign products, including steel, were allowed to compete for contracts on Federal-aid highway projects. The pressure of foreign competition has been increasing and will continue. In fact, the General Accounting Office (GAO) found that, in 1976 and 1977, foreign-produced steel products valued at $97.8 million (in 1976 and 1977 dollars) were used in Federal-aid highway construction projects.

Under STAA, the Department of Transportation (DOT) must develop and enforce a policy on procurement of foreign materials for projects funded by Federal-aid highway assistance. However, the Secretary of

Transportation has retained the authority to waive the Buy America provisions under certain conditions. These include situations where domestic supplies are unavailable or where using them would increase the cost of the project by more than 10 percent.

Alternatives Under Consideration

The Buy America provisions were effective immediately and required implementation. Therefore, the FHWA issued an emergency regulation on November 17, 1978, to implement them. That regulation applied only to foreign structural steel.

The FHWA is continuing the provisions of the emergency rule because its approach is consistent with the legislative history of the Buy America provisions. Competition between domestic and foreign sources for highway construction contracts generally has been limited to the structural steel market. Other products are abundant domestically or are not available in sufficient quantities from American sources to meet highway construction needs (e.g., petroleum and petroleum products).

The FHWA is considering whether materials used in Federal-aid construction projects over $500,000 should meet the Buy America provisions. While fairly large quantities of petroleum products, such as fuel, lubricants, and asphalts, are used on all highway projects, domestic petroleum is not sufficiently and reasonably available to meet this need. Restrictions on the purchase of petroleum products undoubtedly would delay many construction projects and would be contrary to the legislative intent. Moreover, the statute clearly allows domestic preference only if the exclusion of foreign products would not increase project costs by more than 10 percent.

Summary of Benefits

Sectors Affected: Domestic steel industry, including blast furnaces and basic steel products manufacturing steel foundries, fabricated structural steel products manufacturing, and iron ore mining and related services.

Reduction in the use of foreign products would give domestic suppliers more opportunities for contracts. The FHWA estimates that, from 1979 to 1982, the Bridge Replacement and Rehabilitation Program will use more than $500 million (in 1980 dollars) annually in structural steel. The GAO estimates that 9.5 percent of the steel used annually in the Federal-aid highway program is from foreign sources. For the years 1976 and 1977, the GAO estimated that $97.8 million in foreign steel products were used in the highway program. Domestic suppliers could have provided this steel.

Summary of Costs

Sectors Affected: Highway construction industry; States; steel importing; and the general public.

The increase of up to 10 percent in the cost of highway construction projects may affect all industries participating in these projects. The regulatory provisions would force contractors to find domestic sources for some of their steel and steel products. States would be required to bear additional administrative costs in order to evaluate bids. A limited number of steel importers could lose some import business. Some highway improvements would be delayed or abandoned because of the increased overall cost of highway construction. As a result, the general public would be denied, at least temporarily, the benefits to be expected from such improvements.

The FHWA has estimated that the provisions of Buy America, which apply to approximately 87 percent of the Federal-aid authorization of $35 billion over the years of 1979 to 1982, could increase construction costs by 2 percent, or $150 million (in 1980 dollars) annually.

Because the States are responsible for administering the regulations, State administrative costs may increase. Further, projects could be delayed until the Secretary approved any necessary waivers.

Related Regulations and Actions

Internal: The Buy America regulation of the Urban Mass Transportation Administration (49 CFR Part 660).

External: None.

Active Government Collaboration

None.

Timetable

Final Rule—To be determined.
Public Hearing—None.
Regulatory Impact Analysis—Will be prepared in conjunction with final rule.
Regulatory Flexibility Analysis—Not required.

Available Documents

Emergency Rule—43 FR 53717, November 17, 1978.

Federal Highway Administration Docket 78–35.

Emergency Final Rule—45 FR 75643, November 17, 1980.

NPRM—45 FR 77435, November 24, 1980.

Federal Highway Administration Docket No. 80–1, including Draft Regulatory Analysis.

Extension of Comment Period—46 FR 10177, March 2, 1981.

GAO Report, "Foreign Source Procurement Funded Through Federal Programs by States and Organizations," report number 1D–79–1, November 30, 1978.

All documents are available for review in the Office of the Chief Council, Room 4205, 400 Seventh Street, S.W., Washington, DC 20590.

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DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco, and Firearms

Implementation of the Distilled Spirits Tax Revision Act of 1979 (27 CFR Parts 5*, 13*, 19*, 170*, 173*, 186*, 194*, 195*, 196*, 197*, 200*, 201*, 211*, 212*, 213*, 231*, 240*, 250*, 251*, and 252*)

Legal Authority

Distilled Spirits Tax Revision Act of 1979; Trade Agreements Act of 1979, Title VIII, P. L. 96–39, 93 Stat. 273.

Reason for Including This Entry

The Department of the Treasury thinks that this is important because it establishes a new tax system for proprietors of distilled spirits plants. There will also be an annual revenue loss to the Treasury in excess of $100 million and a tax savings amounting to over $100 million a year to importers of bottled distilled spirits.

Statement of Problem

Under the Internal Revenue Code of 1954, the Secretary of the Treasury has strict control over liquors for beverage purposes and alcohol for industrial purposes, from the beginning of the production process to the point of removal from bonded premises (the portion of the distilled spirits plant where spirits on which the tax has not been paid or determied are stored). The Secretary has maintained control through a rigid system requiring permits, on-site supervision, and restriction of industry operations to separate premises

or designated areas. However, in recent years, with the increased emphasis on audit techniques, and the use by industry of sophisticated data and accounting systems, Treasury's Bureau of Alcohol, Tobacco, and Firearms (ATF) has recognized the need for modernizing this system of control and has sought legislative amendments to make possible an all-in-bond system for taxing and controlling distilled spirits. Under the all-in-bond system, all distilled spirits operations are conducted on the bonded premises of a distilled spirits plant, and the tax is determined after processing and bottling is completed on the basis of the proof (alcoholic content) of the finished product when it is removed from bond.

The Distilled Spirits Tax Revision Act of 1979 changed the tax system to eliminate disparities in taxation between domestic and imported spirits. Under this Act, the tax is based solely on the alcoholic content of the domestic or foreign distilled spirits products. The Act also gave the Secretary of the Treasury authority to discontinue assignment of government officers at distilled spirits plants. Finally, in order to promote increased efficiency of government and industry operations, the Act permitted many other simplifications in the regulation of the distilled spirits industry. Reduction of government forms and increased acceptance of commerical documents in place of separate government records, elimination of the distinction between bonded and non-bonded operations and premises, and elimination of many letterhead applications all contribute to greater simplification of operations and recordkeeping systems.

On December 11, 1979, ATF issued temporary regulations in Treasury Decision (T.D.) ATF–62 (44 FR 71613). These regulations implemented the Distilled Spirits Tax Revision Act of 1979, effective January 1, 1980.

Alternatives Under Consideration

Because these regulations were required to implement a statute, there was no practical alternative to issuing them. However, because these regulations completely changed the ways the distilled spirits industry was operated and regulated, ATF issued them in the form of a temporary rule with provision for public comment. Based on the public comments received, ATF will issue a final rule. Pertinent comments citing practical experiences of both the industry and the Government under the temporary regulations will be considered in the writing of the final rule.

Summary of Benefits

Sectors Affected: Manufacturers and importers of distilled spirits, brandy and wine spirits; bonded manufacturers of wine; and the Federal Government.

Direct benefits accruing to proprietors of distilled spirits plants include savings due to simplification of their operational methods and required recordkeeping. With respect to operations, greater flexibility on the use of premises and equipment is possible, because all operations are conducted on bonded premises. Proprietors will be able to employ their equipment, such as tanks, in multiple uses, and will be concerned with paper transactions rather than the physical transfer of spirits from one type of premises to another. In addition, eliminating the requirement for Government officers to supervise directly certain operations or to be present to allow proprietors access to bonded areas allows the proprietors to schedule plant operations more efficiently.

Under the new system, proprietors determine the amount of tax due to the Government after processing and bottling is completed on the basis of the proof (alcoholic content) of the bottled product when removed from bond. Under previous regulations, ATF officers determined the tax when bulk spirits were withdrawn from bonded premises to non-bonded processing and bottling facilities. By postponing the tax determination until removal of the finished products, the new system simplifies the records systems necessary for proprietors to document their tax liability.

Distilled spirits taxes are paid on the basis of semimonthly returns. Under the previous system, qualified proprietors could defer actual payment of tax for up to 30 days. The new law provided for an additional deferral period of 15 days, and this benefits proprietors of distilled spirits plants because it saves them the cost of borrowing money for this additional length of time. This increased deferral period will be phased-in over 3 years.

Wineries are also directly affected by the elimination of "standard wine premises." Under previous law, winery proprietors could not manufacture and bottle nonstandard wine products on standard winery premises. The previous regulations required these nonstandard wine products to be manufactured on nonstandard wine premises. Effective January 1, 1980, the new law abolished distinction between standard and nonstandard premises and manufacturers may now both produce and bottle wines on the same bonded winery premises.

These regulations directly affect importers of bottled distilled spirits because such products are no longer taxed on a wine gallon basis when below 100 degrees proof (i.e., on the actual volume of liquid in the product when below 100 degrees proof). Under the new law and regulations, imported bottled distilled spirits are taxed on a proof gallon basis (i.e., on the actual degree of proof in the product). As a result, importers will pay a reduced amount of tax amounting to over $100 million a year (1980 dollars) beginning in calendar year 1980.

The Government will realize manpower savings because of the elimination of on-site supervision of distilled spirits plants by ATF officers, and the more simplified methods of tax collection, records, and reporting requirements.

Summary of Costs

Sectors Affected: Manufacturers of distilled spirits, brandy, and wine spirits; bonded manufacturers of wine; manufacturers of nonbeverage products; and the Department of the Treasury.

Proprietors of distilled spirits plants should generally experience some increase in costs during the year in which government supervision is eliminated. Training employees, adopting security measures to replace those that were formerly provided by the Government, and revising internal control and recordkeeping systems will entail a one-time cost.

The wine industry and manufacturers of alcoholic flavorings used in spirits will probably feel some effects of the new distilled spirits tax system. While the regulations will provide ways for wineries and flavoring manufacturers to continue their existing relationships with distilled spirits plants, the statutory changes in the tax system may lead to changes in product mix or in the formulation of existing products which would affect their sales to the distilled spirits industry.

The Government also will bear administrative costs of implementing the new system. Specific costs include those for developing the new regulations and procedures and for providing assistance to the industry in converting to the new system. The taxation of certain distilled spirits on a proof gallon basis rather than on a wine gallon basis directly affects the Government because there will be an annual revenue loss to the Treasury amounting to over $100 million

a year (in 1980 dollars) beginning in calendar year 1980.

Related Regulations and Actions

Internal: The principal regulations that this statutory change affects are the following: Gauging Manual (27 CFR Part 13); Distilled Spirits Plants (27 CFR Part 19); Distilled Spirits Plants (27 CFR Part 201); Wine (27 CFR Part 240); Taxpaid Wine Bottling Houses (27 CFR Part 231); Liquors and Articles from Puerto Rico and Virgin Islands (27 CFR Part 250); Importation of Distilled Spirits, Wine, and Beer (27 CFR Part 251); Exportation of Liquors (27 CFR Part 252); Gauging Manual (27 CFR Part 186); Miscellaneous Regulations Relating to Liquors (27 CFR Part 170); Distribution and Use of Denatured Alcohol and Rum (27 CFR Part 211); Distribution and Use of Tax-free Alcohol (27 CFR Part 213); Liquor Dealers (27 CFR Part 194); Drawback on Distilled Spirits Used in Manufacturing Nonbeverage Products (27 CFR Part 197); Labeling and Advertising of Distilled Spirits (27 CFR Part 5).

We have incorporated the following regulation projects that were under development into this general revision:

Alternate Premises between Distilled Spirits Plants and Bonded Wine Cellars (27 CFR Parts 201 and 240).

Formulas for Rectified Products (27 CFR Parts 170, 201, 250, and 252).

Strip Stamps and Alternative Devices (NPRM published November 7, 1978 (43 FR 51808), 27 CFR Parts 194, 201, 250, 251, and 252).

Export Storage Facilities at Distilled Spirits Plants (27 CFR Part 201).

Samples of Distilled Spirits (27 CFR Part 201).

Distilled Spirits Meters (27 CFR Part 201).

External: The statutory changes affect the regulations that the U.S. Customs Service administers (Title 19, Code of Federal Regulations).

Active Government Collaboration

Certain aspects of the regulatory changes affect procedures of the U.S. Customs Service and the Internal Revenue Service (IRS). Some distilled spirits plants currently receive imported bulk spirits under an immediate delivery procedure wherby ATF officers act as Customs officers. Elimination of assignment of ATF officers would preclude the use of this procedure in the future. ATF is coordinating its plans for withdrawal of ATF officers with the U.S. Customs Service.

The repeal of the rectification tax (an additional tax applicable to certain mixed or processed products) eliminated the need for the collection of the rectifier's occupational tax by IRS.

Timetable

Public Hearing—None.
Final Rule—June 1981.
Regulatory Impact Analysis—ATF will not prepare.
Regulatory Flexibility Analysis—ATF will not prepare.

Available Documents

ANPRM—Notice No. 326, 44 FR 41633, July 18, 1979.

Public comments in response to ANPRM and NPRM.

NPRM—Notice No. 329, 44 FR 71612, December 11, 1979.

Temporary Rule—T.D. ATF-62, 44 FR 71613, December 11, 1979.

Extension of comment period—Notice No. 347, 45 FR 54087, August 14, 1980.

Extension of comment period—Notice No. 349, 45 FR 69249, October 20, 1980.

Public Law 96-39, Trade Agreements Act of 1979.

Committee Reports—U.S. Senate, Committee on Finances (S. 1376); U.S. House of Representatives, Ways and Means Committee (H.R. 4537).

These documents are available for public inspection during normal business hours at the ATF Reading Room, Room 4407, Federal Building, 12th Street and Pennsylvania Avenue, N.W., Washington, DC 20226.

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TREAS—ATF

Labeling and Advertising Regulations Under the Federal Alcohol Administration Act (27 CFR Parts 4*, 5*, and 7*)

Legal Authority

Federal Alcohol Administration Act, 27 U.S.C. §§ 205 (e) and (f).

Reason for Including This Entry

The Department of the Treasury believes this rule is important because it is the first major amendment of alcoholic beverage advertising regulations since the repeal of prohibition. The regulations proposed are intended to deregulate in some instances, update advertising standards, and ensure conformity between the labeling and advertising regulation subparts.

Statement of Problem

The Bureau of Alcohol, Tobacco, and Firearms (ATF) is responsible for ensuring that advertisements for alcoholic beverages contain certain information about the product, and that the advertisements are not false or misleading. While the current advertising regulations have remained basically unchanged since ATF adopted them in the mid-1930s, advertising techniques and practices and consumer education and awareness have changed significantly in the past 40 years. Over the years, ATF has issued a number of rulings interpreting the regulations in light of the changing advertising practices and growing consumer awareness. In many cases, inappropriate regulations and varied interpretations of these regulations have caused confusion for both the advertiser and the consumer.

ATF reviews approximately 3,000 advertisements for alcoholic beverages each year, usually after the advertiser is ready to release the advertisment to the media. However, since review by ATF is not mandatory, some advertisements are released without ATF review.

Furthermore, because of the confusion over certain regulations, some advertisements violate these regulations, and ATF recalls or rejects them, costing the industry and ATF money and effort. ATF does not have a monetary estimate of the costs which it and industry incur because of recalled and rejected advertisements.

From the consumer's perspective, many advertisements which conform to ATF regulations seem to be false or misleading because of consumers' changing perceptions toward certain products. For instance, the term "light" used with a malt beverage traditionally referred to the color of the product. Now the term "light" has a completely different meaning to most consumers of malt beverages, that is, reduced caloric content.

For these reasons, ATF reviewed the labeling and advertising regulations for possible updating and revision. The major proposals in the NPRM are:

(A) the use of active athletes and the depiction of athletic events where alcoholic beverages are shown being consumed before or during the event would be prohibited in alcoholic beverage advertisements and on labels;

(B) the use of subliminal advertising techniques (subliminal is the use of words and devices to send a message to an audience below the level of normal

awareness (subconsciously)) would be prohibited;

(C) a regulatory standard for the use of the word "Natural" on labels and in advertisements to imply that the product is natural;

(D) a definition for "false" or misleading statements and advertisements;

(E) the prohibition of curative or therapeutic references on labels and in advertisements;

(F) allowing comparative advertisements (i.e., ads that mention a competitor's name or brand);

(G) a definition of disparagement (for instance, should statements about a competitor's product which are true but nonetheless disparaging be allowed on labels and in advertisements?);

(H) allowing "taste tests" in alcoholic beverage advertisements;

(I) a standard for the use of the term "light" on alcoholic beverages; and

(J) lifting the prohibition against the use of the words "pure," "double distilled," and "triple distilled" on labels and in advertisements.

If ATF fails to address these issues, the problem of false and misleading labeling and advertising statements and representations will continue.

Alternatives Under Consideration

The Federal Alcohol Administration (FAA) Act requires the Treasury Department to regulate the labeling and advertising of alcoholic beverages. ATF received approximately 8,900 comments on the ANPRM (43 FR 54266, November 21, 1978) from the general public, some of whom wanted greater restrictions on advertising, including a total ban on alcoholic beverage advertisements. This is beyond the authority of ATF and would require legislative action. However, the Treasury Department may deregulate in certain areas, such as in taste tests, within the framework of the FAA Act and may rely on industry self-regulation. For example, if an industry member feels that a certain advertisement by a competitor does not comply with regulations or certain statements made in the advertisement cannot be factually supported, the industry member would submit a complaint to ATF for their appropriate action.

ATF reviewed all comments received in response to the ANPRM and analyzed the alternatives. The NPRM we published on December 19, 1980 (45 FR 83530) reflected the consideration of the alternatives and comments received on the ANPRM. The alternatives were to take no action, leaving the present regulations as they are now written and not consolidating rulings into the regulations; to place stricter regulations on industry; or to issue guidelines for industry to follow in presenting advertisements that are truthful and that will not tend to mislead the consumer, while at the same time allowing industry greater discretion in choosing their advertising matter. ATF received 372 comments on the NPRM proposals, as described previously. The comments supported our intent and made many suggestions on modifying the proposed regulations.

By clarifying and consolidating regulations, policies, interpretations, and rulings on advertising, ATF hopes to provide a single comprehensive source of guidelines and to liberalize the regulations in certain areas (for example, if ATF allows the use of truthful comparative advertising, the consumer might gain more information about various alcoholic beverage products and be able to make a more informed selection). ATF hopes also to restrict certain advertising practices which the public finds objectionable (for example, many respondents objected to the possible use of subliminal stimuli in alcoholic beverage advertising).

ATF will uniformly apply the adopted regulations to all alcoholic beverage advertising.

Summary of Benefits

Sectors Affected: Manufacturing and wholesale and retail trade of advertised alcoholic beverages, including malt beverages, wines, and distilled spirits (liquors); the advertising industry; consumers who view advertisements of these products; and Federal and State governments.

These regulations will benefit consumers and those listed above. Because these regulations will clarify ATF's position on advertising, they will help reduce the recall and rejection of advertisements, thus saving the industry money by reducing necessary revisions of the advertisement's content in order to comply with regulations, while protecting the industry's right to advertise its products and reinforcing the consumer's right to expect clear and truthful advertisements. In addition, the use of taste tests will promote competition among industry members, while regulations prohibiting subliminal advertising would protect the consumer against undue persuasive advertising.

Revising the regulations will not increase costs to Government. The Government will benefit, since it currently spends much effort in explaining confusing regulations and rulings.

The FAA Act affects only labeled and advertised alcoholic beverages which are entered into interstate commerce. In the case of malt beverages, the labeling and advertising regulations issued under the authority of the FAA Act apply only to the extent that the law of a particular State imposes similar requirements. In States which have adopted the FAA Act (22 States have adopted) or impose similar requirements, these State governments should also benefit from the revisions and amendments of the regulations.

Summary of Costs

Sectors Affected: None.

We have not been able to determine specific cost estimates for this project. In general, costs to producers of alcoholic beverages and the advertising media should not increase because these regulations affect only advertising content and do not alter methods of advertising.

Related Regulations and Actions

Internal: ATF has published a Treasury decision (T.D. ATF-66, 45 FR 40538, June 13, 1980) requiring ingredient labeling for alcoholic beverages. ATF contracted a study with Michigan State University to study the effects of alcoholic beverage advertising on the drinking habits of young people. The University has submitted a preliminary report, which ATF did not accept. Michigan State University is in the process of revising their report. We held a meeting with the Federal Trade Commission and the National Institute of Alcohol Abuse and Alcoholism concerning the preliminary report.

External: The Federal Trade Commission is responsible for regulating the advertisement of wine with less than 7 percent alcohol by volume and the advertisement on nonalcoholic beverages. Under the FAA Act (27 U.S.C. § 211(a)(7)) wine is an alcoholic beverage containing not less than 7 percent and not more than 24 percent of alcohol by volume. Therefore, any beverage containing less than 7 percent does not come under the purview of the FAA Act and is not subject to regulations promulgated by ATF.

Active Government Collaboration

The Federal Trade Commission and ATF are collaborating on this project. ATF is soliciting comments on proposed regulations from other Federal agencies, and State and local governments.

Timetable

Final Rule—Summer 1982.

Public Hearings—We will hold at

least one hearing in the Washington, D.C. area.

Regulatory Impact Analysis—ATF will not prepare.

Regulatory Flexibility Analysis—ATF will not prepare.

Available Documents

ANPRM—Notice No. 313, 43 FR 54266, November 21, 1978, entitled Advertising Regulations Under the Federal Alcohol Administration Act.

Extension of comment period—Notice No. 313, 44 FR 2603, January 12, 1979.

NPRM—Notice No. 362, 45 FR 83530, December 19, 1980, entitled Labeling and Advertising Regulations Under the Federal Alcohol Administration Act.

Copies of the documents and comments may be inspected during normal business hours at the ATF Reading Room, Room 4407, Federal Building, 12th Street and Pennsylvania Avenue, N.W., Washington, DC 20226.

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TREAS—United States Customs Service

Civil Aircraft Regulations (19 CFR Parts 6* and 10*)

Legal Authority

Trade Agreements Act of 1979, § 601, 19 U.S.C. §§ 66 and 1624.

Reason for Including This Entry

The Customs Service (Customs) believes this rule is important because, by eliminating duty on civil aircraft and parts for civil aircraft, it implements the Civil Aircraft Agreement of the Multilateral Trade Negotiations (MTN). Further, the amendments will change the procedures for the admissibility of civil aircraft and parts for civil aircraft and therefore, it is of public interest.

Statement of Problem

Unless specifically exempted, all merchandise imported into the United States is subject to a customs duty. One of the major responsibilities of Customs is to assess and collect duties when due, and to insure that the entry requirements for merchandise are met.

In some instances, the President and the Congress determine that it would be in the national interest to reduce or eliminate duty on particular merchandise. In this regard, as part of the MTN conducted with many of the nations engaged in international trade, the United States signed the Agreement on Civil Aircraft. This Agreement, which was incorporated into U.S. law as Title VI of the Trade Agreements Act of 1979 (the Act), provides for the duty-free trade in civil aircraft and parts for civil aircraft.

To implement the statutory provisions of Title VI of the Act, Customs is proposing to amend its regulations as they relate to (1) the importation of civil aircraft and parts for civil aircraft, and (2) foreign repairs to and foreign purchases of repair parts and materials for U.S.-registered civil aircraft. The regulations which we will develop will enable us to administer the provisions of the Agreement.

In the area of tariffs, the Agreement eliminates, as of January 1, 1980, duties on the following:

(a) all civil aircraft;

(b) all civil aircraft engines and their parts and components;

(c) all other parts, components, and subassemblies of civil aircraft; and

(d) all ground-flight simulators (machines used for training on the ground which duplicate flight conditions) and their parts and components, whether used as original or replacement equipment in the manufacture, repair, maintenance, rebuilding, modification, or conversion of civil aircraft.

"Civil aircraft" are defined in Title VI of the Act to mean all aircraft other than those purchased for use by the Department of Defense and the Coast Guard.

Under the Act, parts, components, and subassemblies of civil aircraft qualify for duty-free entry if they (1) are for use in civil aircraft, and (2) are classified for Customs purposes under one of the specific Tariff Schedules of the United States (19 U.S.C. § 1202) headings listed in Title VI of the Act.

To be admitted free of duty, parts, components, and subassemblies must be "Certified for Use in Civil Aircraft" by the Federal Aviation Administration (FAA) or an FAA-recognized airworthiness authority in the country of exportation.

In addition, duties on foreign repairs to and foreign purchases of repair parts and materials for U.S.-registered civil aircraft, previously assessed under § 466, Tariff Act of 1930, as amended (19 U.S.C. § 1466), and §§ 6.7 (d) and (e), Customs Regulations (19 CFR 6.7 (d) and (e)), are eliminated.

Alternatives Under Consideration

Customs cannot consider alternatives to the proposal because it must implement the provisions of the Agreement and the Act providing for the duty-free entry of civil aircraft and aircraft parts. However, certain enforcement and administrative methods are being considered as a result of public comments on the NPRM.

Summary of Benefits

Sectors Affected: Domestic and foreign manufacturing, repair services, wholesale trade (particularly importing), and retail trade of civil aircraft and parts for civil aircraft; the general public; and purchasers of civil aircraft and parts for civil aircraft.

This Agreement and implementing regulations will indirectly benefit all nations with a civil aircraft industry, whether it be a civil aircraft manufacturer, air carrier, or civil aircraft maintenance industry, by providing for the free flow between countries that are signatories to the Agreement on civil aircraft and parts for civil aircraft.

Foreign repairs to, and foreign purchase of, repair parts and materials for U.S.-registered civil aircraft which were previously dutiable, are duty free under the Act and Customs' proposed implementing regulations. This will eliminate a trade barrier to foreign repairs to and foreign purchases of repair parts and materials for U.S.-registered civil aircraft. Elimination of the duty will also benefit purchasers of foreign civil aircraft and purchasers of spare or replacement parts for those aircraft through a reduction in the purchase price because of elimination of duties. The reduction would vary because of the different percent rates of duty on aircraft, parts, and foreign equipment and repairs, but would range between 5 and 50 percent of their appraised value.

Summary of Costs

Sectors Affected: None.

These regulations do not require a Regulatory Impact Analysis under the criteria established by E.O. 12291 (46 FR 13193). Accordingly, no analysis of costs has been made by Customs. An analysis of the budgetary impact is contained in the Senate report on the Act (Senate Report No. 96–249). Customs believes the costs of implementation of the provisions would be negligible, since significant additional requirements for the entry of the items covered by the Act have not been and will not be established.

Related Regulations and Actions

Internal: Customs has appointed an MTN Coordinator to oversee implementation of the Act, including the proposed regulations relating to civil aircraft. We have held meetings at the Customs Service headquarters with representatives of the aircraft industry and others who were involved in the MTN negotiations on this Agreement.

External: None.

Active Government Collaboration

The proposal has been coordinated with representatives of the Office of the Special Trade Representative; the Departments of State, Labor, Commerce, and Treasury; the International Trade Commission; and the Federal Aviation Administration.

Timetable

Regulatory Impact Analysis—None.
Public Hearing—None.
Final Rule—Summer 1981.
Final Rule Effective—30 days from date of publication in the **Federal Register**.
Regulatory Flexibility Analysis—Will accompany final rule.

Available Documents

Work Plan 79–30.
NPRM—45 FR 1633, January 8, 1980.
Public comments on NPRM. (Public comment period closed March 10, 1980.)

Copies of these documents may be reviewed at the Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, DC 20229, Room 2426, during normal business days between 9:00 a.m. and 4:30 p.m.

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TREAS—Customs

Importation of Motor Vehicles and Motor Vehicle Engines Under the Clean Air Act (19 CFR 12.73*)

Legal Authority

Clean Air Act Amendments of 1970, 42 U.S.C. § 7521 *et seq.;* 19 U.S.C. §§ 66 and 1624; 42 U.S.C. §§ 7521, 7522, and 7601.

Reason for Including This Entry

The Customs Service (Customs) thinks this proposal is important because it would improve our administrative and enforcement efficiency and the effectiveness of regulations relating to the importation of motor vehicles and motor vehicle engines under the Clean Air Act. The proposal also would be a matter of great public interest because it provides a precedent-setting exemption to an individual who wishes to import a vehicle or engine for personal use.

Statement of Problem

Under §§ 202 and 203 of the Clean Air Act, as amended (42 U.S.C. §§ 7521 and 7522) (the Act), the Department of Health and Human Services (formerly the Department of Health, Education, and Welfare) and the Environmental Protection Agency (EPA) have promulgated regulations in 40 CFR Parts 85 and 86 which establish standards for the control of emissions from certain vehicles and engines. The Act prohibits importation into the United States of a vehicle or engine manufactured after the effective date of an emission control standard applicable to the vehicle or engine (or which would have been applicable had the vehicle been manufactured for importation into the United States). However, this prohibition does not apply if the vehicle or engine is covered by a certificate of conformity with applicable standards or if it is exempted by the EPA Administrator.

In conjunction with EPA, Customs enforces those laws and regulations applicable to emission controls for imported vehicles and engines. Regulations relating to those importations are found in § 12.73, Customs Regulations (19 CFR 12.73), and in the EPA regulations at 40 CFR Part 85, Subpart P. EPA is proposing several major changes in its regulations, published in the **Federal Register** on July 21, 1980 (45 FR 48812). If adopted, the revision to the EPA regulations would require corresponding changes to 19 CFR 12.73, Customs Regulations.

If a vehicle or engine now fails to comply with emission standards, an importer may post a bond with Customs and bring the vehicle or engine into conformity within 90 days of entry. This procedure has misled some importers into believing that modification is an easy option. Likewise, although an importer may post a bond and enter a vehicle or engine to attempt to demonstrate that it conforms by subjecting it to the full Federal test procedure, in some cases this is expensive and impracticable.

Administration and enforcement of present procedures place a substantial burden on Customs and EPA. To alleviate this burden, Customs published in the **Federal Register** on July 21, 1980 (45 FR 48817) an NPRM which would eliminate the provisions currently found in § 12.73(c), Customs Regulations, which allow conditional importation of a vehicle or engine under bond. Further, because of potential hardships, the proposed regulations would provide an exemption from EPA emission control regulations to an individual who has not imported or attempted to import a nonconforming vehicle or engine since December 31, 1970, the effective date of the Clean Air Act Amendments of 1970, and who wishes to import a vehicle or engine for personal use and not for resale. The individual could use this exemption only once.

The Customs proposal provides very limited exemptions for national security and repairs or alterations to vehicles or engines and strengthens and clarifies the exemption in § 12.73 and other exclusions.

Alternatives Under Consideration

Because Customs, in conjunction with EPA, enforces those laws and regulations applicable to emission controls for imported vehicles and engines, the proposed Customs regulations to a large degree are predicated upon the alternatives proposed by EPA.

Alternative (A) would be to maintain the *status quo.* However, because the present regulations appear to have misled some importers, resulting in great expense and inconvenience to them, and are burdensome to Customs and EPA, we believe that this alternative is not satisfactory.

Alternative (B) would be to eliminate the current provisions which allow conditional importation of a vehicle or engine under bond, pending modification to make the vehicle or engine identical in construction to a vehicle or engine covered by a certificate of conformity, or testing to demonstrate that the vehicle or engine conforms with Federal emission standards. However, adoption of this alternative could cause a hardship to individuals who import nonconforming personal use vehicles for the first time. Without the modification and testing options, an individual attempting to import a vehicle or engine not covered by a certificate of conformity would have to export or destroy the vehicle.

Alternative (C), which we favor and have set forth in the NPRM, would be to adopt Alternative (B) above, but promulgate regulations providing a qualified exemption for an individual who imports a nonconforming vehicle or engine for his or her own personal use and not for resale. The exemption would apply only to an individual who has not

imported or attempted to import a nonconforming vehicle or engine since the effective date of the Clean Air Act Amendments of 1970 (December 31, 1970). Therefore, an individual could use the exemption only one time at most to import one vehicle or engine not covered by a certificate of conformity.

Summary of Benefits

Sectors Affected: Individuals importing nonconforming vehicles or engines for their own personal use and not for resale; nonresident and resident owners of fleet vehicles (such as corporate owners of taxicabs or buses) importing those vehicles or engines for repairs or alterations; Customs; and EPA.

Under current regulations, if a vehicle or engine fails to comply with emission standards, an importer may post a bond with Customs and bring the vehicle or engine into conformity within 90 days of entry. This procedure and related regulations have imposed a substantial administrative and enforcement burden on Customs and EPA. Similarly, it has proved misleading, expensive, and impracticable for importers to modify or test nonconforming vehicles or engines. Adoption of Alternative (C) would allow an individual, under specified conditions, to import a nonconforming vehicle or engine only once and for personal use and not for resale.

A savings in expenses to the Government and individuals would be realized. Individuals eligible to use the exemption to import a nonconforming vehicle or engine for personal use would be saved the expense of bringing the vehicle or engine into conformity or having to export or destroy it. Similarly, the Government would be able to reduce its expenses associated with administering and enforcing the present procedures related to conditional importations under bond.

The current regulations do not allow residents or nonresidents to import vehicles or engines for the purpose of repairs or alterations. Under the proposed regulations, owners of fleet vehicles would be allowed to import those vehicles or engines for repairs or alterations.

Summary of Costs

Sectors Affected: None.

Customs believes that adoption of the proposed regulations would not result in any increased costs to any sectors.

Related Regulations and Actions

Internal: None.

External: The regulations of EPA applicable to emission control for imported vehicles and engines are found in 40 CFR Part 85, Subpart P.

In conjunction with Customs, EPA published its NPRM on July 21, 1980, in the **Federal Register** (45 FR 48812). On September 22, 1980, EPA published a document in the **Federal Register** (45 FR 62851) extending the time for public comment to December 3, 1980, and announcing that a public hearing would be held at EPA headquarters on November 3, 1980. Customs' final action on these regulations suspended pending EPA consideration of public comment received in response to both NPRMs and EPA public hearing.

Active Government Collaboration

Customs-proposed regulations were coordinated with and reviewed by the Environmental Protection Agency, which would review in a similar manner any final rule adopted by Customs.

Timetable

Regulatory Impact Analysis—None.
Public Hearing—None.
Final Rule—Summer 1981.
Final Rule Effective—30 days from date of publication in the **Federal Register**.
Regulatory Flexibility Analysis—None.

Available Documents

Clean Air Act Amendments of 1970 (P.L. 91-604).

Customs NPRM—45 FR 48817, July 21, 1980.

Extension of comment period until December 3, 1980—45 FR 64601, September 30, 1980.

Comments to NPRM.

EPA NPRM—45 FR 48812, July 21, 1980.

Copies of these documents may be reviewed at Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, DC 20229, Room 2426, during normal business days between 9:00 a.m. and 4:30 p.m.

Agency Contact

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TREAS—Customs

Interest Charges on Delinquent Accounts (19 CFR Parts 24* and 113*)

Legal Authority

19 U.S.C. §§ 66, 580, 1623, and 1624.

Reason for Including This Entry

The Customs Service (Customs) believes this project is important because it would provide an incentive for importers to pay accounts due to Customs promptly and, if accounts are not paid on time, provide for reimbursement of interest costs resulting from unnecessary government borrowing resulting in possibly millions of dollars in savings to the Government. Because of the possible savings involved, Customs believes this matter is of great public interest.

Statement of Problem

The Department of the Treasury (Treasury) has overall responsibility to maintain adequate cash to meet the Government's expenditure needs. One source of that revenue is the duty and other charges that Customs collects on imported merchandise. If importers or other persons who owe the Government money do not pay these amounts on time, Treasury must borrow funds to meet the Government's expenditure needs.

In a major effort toward improving cash management practices, Treasury in 1979 issued requirements prescribing cash management-related procedures, including interest charges on overdue receivable accounts. Specifically, Part 6, Chapter 8020.20, Treasury Fiscal Requirements Manual (TFRM), requires payment of amounts owed the Government on time and assessment of a late charge on overdue accounts calculated at a percentage rate based on the current value of funds to the Treasury. The percentage rate will be calculated by Treasury as an average of the current value of funds to the Treasury for a recent 3-month period; and will be transmitted in TFRM bulletins before the first day of each calendar quarter.

Section 580 of Title 19, United States Code (19 U.S.C. § 580), provides for collection of interest upon all bonds, on which suits are brought for the recovery of duties at the rate of 6 percent a year, from the time when the bonds became due. The TFRM provides that interest will be charged at an annual rate of 9 percent on all contracts, agreements, or other formal arrangements. Thus, the TFRM requirements would be applicable in all cases except those covered by 19 U.S.C. § 580.

In a report from the Comptroller General to the Congress dated August 21, 1978, the General Accounting Office (GAO) recommended that Customs charge interest on all duty accounts 30 days past due. GAO made this

recommendation as part of an effort to maximize the Government's use of Customs collections to decrease its own borrowing. That report states that in the Customs Regions of Boston, Chicago, Los Angeles, and New York, accounts receivable for duties averaged $8.5 million each month from April 1976 to March 1977 and that approximately 38 percent of that amount was more than 90 days past due.

The present Customs accounts collection policy is to (1) issue a bill which is due and payable upon receipt, (2) pursue collection in accordance with the Federal Claims Collection Act (31 U.S.C. §§ 951, 952, and 953) if payment is not received by Customs within 30 days, and (3) if a surety (guarantor) is also liable by virtue of a bond (contract), to make a formal demand on the surety for payment if the bill remains unpaid after 60 days. Currently, there is no provision for collection of an amount exceeding the principal amount, regardless of the time period of delay or additional administrative costs to the Government incurred as a result of special collection efforts.

This project would amend Parts 24 and 113, Customs Regulations (19 CFR Parts 24 and 113), to establish interest charges for the late payments of supplemental duty bills (bills for additional duties found due after payment of estimated duties and release of merchandise); reimbursable services; and miscellaneous bills issued by Customs to organizations outside the Government, including sureties upon which a formal demand for payment has been issued and that have not paid the amount within 60 days of the issuance of the formal demand.

The proposal bases the interest rate on the current value of funds to the Treasury and calculates the rates as prescribed by the TFRM, as discussed above.

Alternatives Under Consideration

Customs is proposing amending its regulations to conform to Treasury cash management policies. Accordingly, other than giving the importing community sufficient time to adjust their procedures, alternative approaches are not applicable. To take no action would result in continued unnecessary government borrowing.

Summary of Benefits

Sectors Affected: The Federal Government.

If this proposal is adopted, it will provide substantial benefits to the Government (1) through the avoidance of unnecessary borrowing by the Treasury, and (2) by providing an incentive for prompt payment of accounts which will reduce delays in collection or, alternatively, provide compensation to the Government for revenue collection delays on overdue accounts.

Customs considered preparing a Regulatory Impact Analysis to detail the monetary benefits and other impacts from this proposal on the Federal Government, importing community, and surety insurance industry. However, it has been determined that neither a Regulatory Impact Analysis as described in E.O. 12291, nor a Regulatory Flexibility Analysis, as provided in the Regulatory Flexibility Act, is required.

Summary of Costs

Sectors Affected: The Federal Government; the importing community; and the surety insurance industry.

The Federal Government will bear the start-up costs to initiate this project. The importing community and the surety insurance industry would bear the cost of interest charges for late payments. However, there will be no such cost if payments are made on a timely basis.

Related Regulations and Actions

None.

Active Government Collaboration

None.

Timetable

NPRM—Summer 1981.
Regulatory Impact Analysis—None.
Regulatory Flexibility Analysis—None.
Public Comment Period—60 days following publication of NPRM in the **Federal Register.**
Public Hearing—None.
Final Rule/Treasury Decision (T.D.)—Winter 1981.
Final Rule Effective—120 days from date of publication in the **Federal Register.**

Available Documents

Work Plan 80–2.
Part 6, Chapter 8020.20, "Treasury Fiscal Requirements Manual."
Report from the Comptroller General to the Congress, dated August 21, 1978.
These documents are available at Customs Service Headquarters, 1301 Constitution Avenue, N.W., Room 2426, Washington, DC, during normal business days from 9:00 a.m. to 4:30 p.m.

Agency Contact

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GENERAL SERVICES ADMINISTRATION

Federal Property Resources Service

National Defense Stockpile Disposal Regulations (41 CFR Part 101–14*)

Legal Authority

Strategic and Critical Materials Stockpiling Act, 50 U.S.C. § 98 *et seq.*

Reason for Including This Entry

The General Services Administration (GSA) includes this entry because it is of interest to industries concerned with commodities maintained in the National Defense Stockpile and because the Government is a significant seller of these commodities.

Statement of Problem

Under the Strategic and Critical Materials Stockpiling Act, the Federal Property Resources Service (FPRS) is responsible for the congressionally authorized disposal of materials that are excess to the needs of the National Defense Stockpile. The stockpile contains many commodities such as tungsten, tin, industrial diamonds, and silver that are excess to stockpiling requirements.

Section 6(b) of the Act provides that "disposal of materials from the Stockpile shall be made by formal advertising or competitive negotiation procedures to the maximum extent feasible." The purpose of advertising a sale, when appropriate, and of competitive negotiations, is to involve the largest practical number of bidders, and thereby to obtain the most favorable offer. At this time there are no specific regulations which describe the practices and procedures which FPRS uses in disposing of materials from the stockpile. The proposed regulation will amend 41 CFR Chapter 101 and is intended to prescribe FPRS's practices in a publicly available form.

Alternatives Under Consideration

We have considered issuing no regulation, amending other disposal regulations to cover stockpile disposals, and issuing a separate regulation. If we do not issue a regulation, the public will be left without a formal description of our practices and procedures for the authorized disposal of stockpile

materials. We see no advantages to this option. Procedures contained in other disposal regulations are not applicable to stockpile material transactions. For this reason, we believe that a separate regulation is preferable, and can better describe FPRS practices in disposing of stockpile commodities. Specific procedures to be included in the regulations are procedures for both formal advertising and competitive negotiation.

Summary of Benefits

Sectors Affected: Domestic and foreign industries which supply, trade, and use the basic industrial raw materials of the economy of the United States; and users of these raw materials.

The proposed regulation will increase public knowledge of FPRS stockpile disposal practices, especially among dealers in and consumers of the stockpile materials. This knowledge should help other buyers, traders, and users of affected commodities to deal with FPRS and plan their transactions. Standardizing forms and procedures should minimize administrative expenses and help to maximize real competition. The public will benefit by knowing how to contract for these materials.

Summary of Costs

Sectors Affected: FPRS.

The proposed regulation does not impose direct or indirect costs on the Government or any sector of the economy because it will not require changes in existing practices. The administrative costs of compiling the practices and procedures are the necessary result of legislation and are covered by appropriations. Once these initial costs are paid, the continuing benefits of the regulations will accrue.

Related Regulations and Actions

None.

Active Government Collaboration

The Federal Emergency Management Agency coordinates National Defense Stockpile programs activity, developing stockpile goals and policies in coordination with the Departments of Defense, Interior, State, Commerce, and Treasury; the Central Intelligence Agency; GSA; and the Office of Management and Budget. GSA, as the stockpile manager, has sole control over actual stockpile transactions.

Timetable

NPRM—None.
Public Hearing—None.
Public Comment Period—None.
Final Rule—Winter 1981.
Regulatory Impact Analysis—Not required.
Regulatory Flexibility Analysis—Not required.

Available Documents

None.

Agency Contact

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FEDERAL ELECTION COMMISSION

Nonpartisan Communications by Corporations or Labor Organizations (11 CFR 114.4)

Legal Authority

Federal Election Campaign Act, 2 U.S.C. §§ 438(a)(8) and 441b.

Reason for Including This Entry

The Federal Election Commission (FEC) includes this proposed rulemaking because it concerns an issue of public interest that affects all corporations and labor organizations contemplating nonpartisan activities in connection with Federal elections.

Statement of Problem

The Federal Election Campaign Act (at 2 U.S.C. § 441b) prohibits corporations and labor organizations from making contributions or expenditures in connection with a Federal election. Certain exceptions from that general prohibition are set forth in the statute. These statutory exceptions permit a corporation or labor organization to make contributions or expenditures for communications or activities aimed at the corporation's executive and administrative personnel, stockholders and their families, or the union's members and their families. Thus, 2 U.S.C. § 441b(2)(A) and (B) specifically permit:

(1) A corporation to use its treasury funds for communications or for nonpartisan registration and get-out-the-vote campaigns aimed at its stockholders and their families or at its executive or administrative personnel and their families.

(2) A labor organization to use its treasury funds for communications or for nonpartisan registration and get-out-the-vote campaigns aimed at its members and their families.

While the above statutory exceptions permit contributions or expenditures for communications or activities aimed at a corporation's or labor organization's restricted class, there are no comparable statutory exceptions for communications or activities aimed at the general public. Commission regulations, however, do permit a corporation or union to use its treasury funds for communications or activities directed to individuals who are outside the restricted class—that is, to all employees of the corporation or labor organization or to the general public—provided that certain requirements are met. 11 CFR 114.4(c) and (d) of Commission Regulations permit the following activities:

(1) A corporation or labor organization may, through various communications, urge *employees* of the corporation or employees of the labor organization to register, to vote, or to otherwise participate in the electoral process, provided that the organization meets certain specified conditions designed to ensure nonpartisanship. These conditions are that the communication mentions no political affiliation and that information on paticular candidates or political parties is not included unless the entire list of candidates on the ballot is reproduced (see 11 CFR 114.4(c)(1)(i) and (ii)).

(2) A corporation or labor organization may reprint in whole and distribute to the *general public* official registration and voting information or materials, provided that the organization distributes the forms in a nonpartisan manner and does not encourage or support registration with a particular party (see 11 CFR 114.4(c)(2)).

(3) A corporation or labor organization may distribute to the *general public* voter guides and similar materials describing the candidates and their positions if the organization obtains the materials from a nonpartisan nonprofit organization and if the materials do not favor one candidate or political party over another (see 11 CFR 114.4(c)(3)).

(4) A corporation or labor organization may participate in registration and get-out-the-vote drives aimed at the *general public* if the drive is jointly sponsored with and conducted by a nonpartisan nonprofit organization and if the services are made available without regard to the voter's political preference (see 11 CFR 114.4(d)).

The above regulations thus specifically permit a corporation or labor organization to make nonpartisan registration and voting communications directly to the corporation's or union's *employees*. There is, however, no provision which specifically permits a corporation or labor organization to use

its treasury funds to make such communications directly to the *general public*. Except for offical materials prepared by a State government, current regulations specifically permit a corporation or labor organization to make contributions or expenditures for communications or activities directed to the general public only with the involvement of a nonpartisan, nonprofit organization.

Any person may request an Advisory Opinion from the FEC on the application of the Federal Election Campaign Act to a proposed specific transaction or activity by the requestor. Several corporations and labor organizations have expressed, through the Advisory Opinion procedure, interest in making nonpartisan communications directly to the general public. In certain situations, the Commission has approved the expenditure of corporate funds for nonpartisan registration and voting communications directed to the general public without the involvement of a nonpartisan nonprofit organization. (See Advisory Opinions 1980–20, Federal Election Campaign Financing Guide (CCH) ¶5487; and Advisory Opinion 1980–33, ID., ¶5500.) In order to clarify the circumstances in which corporations and labor organizations may make such nonpartisan communications, the Commission is considering the promulgation of regulations to govern such activity.

Alternatives Under Consideration

The Commission is considering the following four possible revisions to 11 CFR 114.4:

(A) Should 11 CFR 114.4 be revised to permit corporations or labor organizations to make contributions or expenditures for nonpartisan communications to the general public about registration and voting?

(B) Should 11 CFR 114.4 be revised to permit corporations or labor organizations to make contributions or expenditures to prepare and distribute to the general public publications about the record of a candidate, including the voting record of an officeholder?

(C) Should 11 CFR 114.4 be revised to permit corporations or labor organizations to make contributions or expenditures to prepare and distribute to the general public voter guides setting forth the positions of candidates on various issues?

(D) Should 11 CFR 114.4 be revised to include a provision prohibiting any activity which is not specifically permitted under that section, or should 11 CFR 114.4 be revised to include a provision permitting any activity which is indistinguishable from those activities specifically permitted under that section?

Summary of Benefits

Sectors Affected: Labor organizations and corporations in all industries, including corporations without capital stock, incorporated membership organizations, trade associations, and cooperatives.

The revisions under consideration would affect those entities whose activities come within the purview of 2 U.S.C. § 441b: corporations, labor organizations, incorporated membership organizations, trade associations, cooperatives, and corporations without capital stock.

By clarifying which types of nonpartisan communications by corporations and labor organizations to the general public are permissible under 2 U.S.C. § 441b, the revisions under consideration will remove uncertainty as to such activity. This will make it easier for corporations and labor organizations to plan such nonpartisan activity, and will thereby encourage such activity.

It is hoped that the proposed action will provide increased voter participation, reduced costs to corporations and labor organizations in complying with 2 U.S.C. § 441b(because greater clarity in regulations will eliminate the need to seek Advisory Opinions), and reduction in Advisory Opinion workload at FEC.

Summary of Costs

Sectors Affected: None.

The alternatives under consideration would impose no obligation to make nonpartisan communications. There is, therefore, no cost imposed by any of the possible revisions.

Related Regulations and Actions

Internal: Generally, 11 CFR Part 114 ("Corporate and Labor Organization Activity").

External: None.

Active Government Collaboration

Per 2 U.S.C. § 438(f), we have informed the Internal Revenue Service of our actions.

Timetable

NPRM—June–July 1981.
Public Hearing—None scheduled.
Public Comment Period—To be determined.
Regulatory Impact Analysis—None.
Regulatory Flexibility Analysis—None.
Transmittal to Congress—Summer 1981. (Pursuant to 2 U.S.C. § 438(d), the FEC must transmit all rules interpreting the Federal Election Campaign Act to Congress. Each House has 30 legislative days to disapprove a regulation submitted under this provision.)
Final Rule—30 legislative days after transmittal to Congress, if not disapproved.

Available Documents

ANPRM—45 FR 56349, August 25, 1980.

Agency Contact

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FEDERAL TRADE COMMISSION

The entries for credit practices and mobile homes describe rulemaking proceedings that are currently in progress. The views expressed in these entries are those of the rulemaking staff, based upon information now available. These views should not be regarded as a final staff position, nor should they be attributed to the Commission itself, which will address the issues presented after it reviews the record.

The entries for real estate brokers and eyeglasses describe current investigations in which rulemaking is one of several options under consideration. The views expressed here are those of the investigative staff, based upon information now available. These views should not be regarded as a final staff position, nor should they be attributed to the Commission itself, which will consider whether a rulemaking proceeding or some other courses of action should be undertaken after it reviews the results of the investigation and comments in response to any advance notices of proposed rulemakings.

The entry for the standards and certification rulemaking proceeding which was included in the **Calendar of Federal Regulations** published in November 1979 is not included in this edition. A description of this proceeding may be found in the **Federal Register** (44 FR 68331, November 28, 1979).

The standards and certification rulemaking is currently pending. It is affected by the Federal Trade Commission Improvements Act of 1980, P.L. 96–252. More specifically, the Federal Trade Commission's authority to issue the standards and certification rule with respect to "unfair or deceptive

acts or practices" under § 18 of the FTC Act has been removed. The 1980 Act leaves unaffected whatever authority the FTC might have under any other provision of the Act to issue a rule with respect to "unfair methods of competition."

With respect to any rulemaking activities and in compliance with the Federal Trade Commission Improvements Act of 1980, P.L. 96–252, a preliminary Regulatory Analysis will be issued whenever the Commission publishes a notice of proposed rulemaking, and a final Regulatory Analysis will be issued whenever the Commission promulgates a final rule. Such Regulatory Analysis parallels the requirements of Executive Order 12291 for Regulatory Impact Analysis.

FTC

Proposed Amendment to Eyeglasses Rule and Eyeglasses II (16 CFR Part 456*)

Legal Authority

Federal Trade Commission Act, §§ 5 and 18, 15 U.S.C. §§ 45 and 57(a).

Reason for Including This Entry

The Federal Trade Commission (FTC) is examining restrictions on the delivery of eye care services and products in an effort to ensure maximum consumer access to these goods and services at the lowest possible price, without any compromise in the quality of vision care.

On December 2, 1980, the Commission issued an ANPRM requesting public comment on the issues discussed below.

Statement of Problem

The staff of FTC's Bureau of Consumer Protection has identified a number of restrictions on delivery of eye care goods and services which may have the effect of decreasing consumer access to vision care services, increasing the cost of those services, and impeding the growth of alternative "non-traditional" eye care practices. The Commission's interest in assessing the effects on these restrictions stems from its earlier eyeglasses investigation which began in 1975, and culminated in 1978 in a new Federal regulation (16 CFR Part 456) requiring (among other things) the release of eyeglasses prescriptions following an eye examination. In that investigation, which focused on advertising restrictions, the Commission's staff became aware of a number of additional eye care restrictions which may significantly harm consumers by maintaining higher prices and limiting the accessibility to consumers of vision care products and services. The Commission staff is aware of little evidence, at this time, to support the assertion by proponents of these restrictions that they are necessary to protect the public health and safety.

One category of restriction under review inhibits the commercial or high-volume practice of optometry and opticianry. (Optometry is the examining of eyes and the prescribing of corrective lenses, and opticianry is the dispensing of eyeglasses.) For example, many States prohibit opticians and optometrists from working for nonprofessional corporations or department stores, or from locating in high-traffic commercial locations, such as shopping centers. Many States also ban the use of trade names by practitioners, or place restrictions on the number of branch offices they may operate.

Proponents of these restraints argue that they are needed to guard against low quality vision care. They argue that the practice of optometry in commercial settings invites the intrusion of profit motives into the profession, resulting in poor quality, incomplete examinations, or unnecessary prescribing of corrective lenses. Bans against the use of trade names are justified by the additional argument that they protect consumers from deception.

The effect of these laws may be to prevent individual practitioners from locating in areas such as shopping centers, where the potential for developing high-volume, lower cost operations, such as optical chains, exists. They may also limit the ability of opticians, optical chains, and department stores to compete, and, according to preliminary evidence, may result in an increase in consumer prices. Finally, branching and location restrictions may restrict consumer accessibility to vision care, especially affecting the elderly and other less mobile members of society. Both higher prices and decreased accessibility may mean that some consumers receive no care at all or obtain vision care less frequently than they otherwise would.

The second category of restrictions which the FTC staff has examined consists of those prohibiting opticians from (1) duplication, a process whereby a new eyeglass lens is produced by analyzing the prescription of an existing lens, and (2) fitting of contact lenses. These restrictions may limit the consumer's ability to comparison shop for eyeglasses or contact lenses, particularly when consumers are not given a copy of the prescriptions following the initial sale of eyeglasses or contact lenses. The Commission's Eyeglasses Rule currently mandates prescription release only after the eye examination, and not after the dispensing of prescription lenses.

Approximately twelve States prohibit opticians from duplicating a new eyeglass lens from an existing lens. One of the justifications advanced in support of such prohibitions is that opticians may not be able to duplicate eyeglasses accurately from an existing pair. The FTC staff conducted a study which was designed to measure the accuracy of the duplication process. The results indicate that there appears to be some potential for introducing a significant margin of error through the duplication process. However, even in States where duplication is prohibited, an optician is permitted to make new eyeglass lenses from a valid prescription. Thus, if the consumer has been provided with a copy of his or her prescription following the initial sale of eyeglasses (i.e., a "re-release" procedure), he or she could use that prescription to purchase new eyeglass lenses from any optician, so that comparison shopping would be facilitated while any problems in the duplication process would be avoided.

A possible concern with such a "re-release" procedure is that it will enable the consumer to bypass regular eye examinations. However, staff is unaware of any State which presently requires an additional eye examination before the purchase of new eyeglasses if the seller already possesses a valid prescription for the consumer. Thus, even in States where duplication is prohibited, a consumer can purchase additional eyeglasses from his or her initial seller without further eye examinations.

Certain States also prohibit opticians from fitting contact lenses. It has been argued that these restrictions are necessary on the ground that opticians may not be adequately trained to perform this function. The FTC staff has designed a study of recently fitted contact lens wearers in an attempt to generate comparative empirical data about relative quality and prices of lenses in States which restrict opticians from fitting contact lenses and those States which do not.

Alternatives Under Consideration

Various options are available to the Commission if it decides to proceed in this area, including an amendment to its Eyeglasses Rule, the promulgation of new trade regulation rule provisions, a formal complaint against private parties alleged to have engaged in unfair acts or practices, a voluntary guide defining unfair acts or practices, legislative

recommendations to Congress or to the States (including development of model State laws), or a public report setting forth the findings of the staff, or no action. On December 2, 1980, an ANPRM was published in the **Federal Register** (45 FR 79823), requesting comment on the options available to the Commission. A discussion of some of these options follows.

A. Staff Recommendations

The FTC staff has written a report recommending that the Commission (1) commence a rulemaking proceeding to examine commerical practice restrictions and (2) propose amendments to the Eyeglasses Rule concerning release of eyeglass and contact lens prescriptions following the dispensing of those ophthalmic goods.

The staffs proposal concerning commercial practice restraints would remove certain restrictions on the practice of optometry and opticianry in commercial settings. Economic evidence indicates that these restrictions may raise consumer prices and that the argued justifications are without merit. The staff proposal, however, would not interfere with the State's ability to control any perceived abusive practices through more direct regulations rather than broad restrictions aimed at banning commercial practice altogether. For example, to the extent that a State is concerned with the thoroughness of eye examinations offered by eye doctors, the State would remain free to enact minimum eye examination standards.

In its report, the staff has also recommended that the Commission extend the prescription release requirement of the Eyeglasses Rule to require that upon filling a prescription for spectacle lenses, the dispenser (whether an ophthalmologist, optometrist, or optician) return the prescription to the consumer. This would enable the consumer to obtain replacement or duplicate pairs of eyeglasses from the provider of his or her choice, and should enhance competition among dispensers. Under this recommendation, States or individual eye doctors would be free to impose a reasonable expiration date on the prescription.

The staff has also recommended that questions concerning the fitting of initial contact lenses by opticians be explored in public hearings which could result in the issuance of a model State law.

Finally, in its report the staff has recommended that the Commission expand the release-of-prescription requirement in the Eyeglasses Rule to require that the original contact lens fitter provide each consumer with a copy of his or her complete contact lens specifications at the completion of the initial contact lens fitting process. This would enable consumers to obtain replacement contact lenses from the dispenser of their choice.

The Commission has made no determination on the findings and recommendations of the staff. The ANPRM solicited comments on the staff's analysis and on the facts and evidence supporting the staff report.

B. Other Options

In addition to the staff report recommendations, the Commission is considering alternative courses of action. One of the alternatives is a publication of a Commission report along with a model State law for review by the States. Such a model statute might for example, permit optometrists and opticians to practice in commercial settings but at the same time ensure protection of quality of care by including minimum standards for eye examinations and equipment and the protection of the doctor-patient relationship.

Another alternative would be the issuance of a voluntary guide, including some or all of the provisions recommended by the Commission's staff for a rulemaking. A guide could define, for example, the kinds of private restrictions on commerical practice that the Commission believed unjustifiably inhibited competition among eye care providers or consumer access to alternative, low cost eye care goods and services.

Summary of Benefits

Sectors Affected: The retail ophthalmic industry and primarily three groups within that industry: ophthalamologists, optometrists, and opticians; and consumers of eyeglasses and contact lenses.

The Commission's staff estimates that the removal of commerical practice restraints should benefit consumers by reducing vision care costs and making vision care more accessible. In this regard, the Commission's Bureau of Economics (BE) conducted a study which compared prices charged for eye examinations and eyeglasses in cities where commerical optometry exists and in cities where it is restricted. The data, collected in late 1977 and early 1978, suggest that (1) prices are significantly lower in cities where commercial practice and advertising are not restricted; (2) commerical optometrists charged lower prices than noncommercial optometrists; and (3) noncommercial providers who operated in markets where commerical practice was permitted charged less than those noncommercial providers working in markets where commercial practice was prohibited.

The BE Study also found that the estimated average price for an eye examination and eyeglasses was $72 (in 1977–78 dollars) in markets where commercial practice was permitted, as opposed to $94 in restrictive cities. Given the substantial size of this industry, consumers annually spend approximately $2.7 billion for ophthalmic goods and an additional $1 billion for eye examinations. There may be considerable savings to consumers if commercial practice restrictions are lessened or eliminated.

The lifting of commercial practice restraints may also facilitate the growth of commercial chains or volume practices because practioners would be able to locate in high-traffic commercial areas, have branch offices, and be employed by lay individuals and firms. Such firms could compete with other traditional dispensers of optical goods, with a very possible effect of generating lower prices to consumers. In addition, such changes may provide consumers with a wider choice of providers and greater accessibility to vision care.

If the Commission were to adopt a requirement that the person who fills an eyeglasses prescription must return the prescription, consumers would be able to have their prescriptions refilled by sellers of their choice without necessarily obtaining another eye examination. Such a "re-release" requirement, by enabling consumers to engage in comparison-shopping for replacement lenses, could increase competition and lead to lower prices. In addition, the re-release requirement recommended by the staff should fully protect the quality of care received by consumers who wish a duplicate or replacement pair of eyeglasses which reproduce the visual correction present in their existing eyeglasses. The duplication process, on the other hand, may have some potential for error, according to preliminary evidence reviewed by the staff.

Under the staff's recommendation, States or individual eye doctors would be free to impose a reasonable expiration date on the prescription. Such a requirement would prevent consumers from bypassing needed examinations by obtaining duplicate or replacement lenses with an outdated prescription.

If the Commission were to adopt a provision which requires original contact lens fitters to release complete contact lens specifications after the initial fitting, consumers would be able

to engage in comparison shopping for replacement lenses. The market for replacement lenses appears to be substantial: preliminary data indicate that contact lens wearers purchase, on the average, one new lens per year. Furthermore, the data suggest that there may be a wide price disparity for replacement lenses. Such a provision could enable consumers who have been forced to purchase replacement lenses from higher-priced providers to obtain lenses from lower-priced providers without undergoing a new fitting procedure. (Although there is no currently available evidence that lower-priced providers of contact lenses offer lower quality goods or services, data from the FTC's contact lens study will provide information concerning comparative quality and any possible tradeoffs between quality and price.)

Summary of Costs

Sectors Affected: The retail ophthalmic industry and primarily three groups within that industry: ophthalmologists, optometrists, and opticians; and States.

In assessing the costs of possible Commission action, it should be understood that this proposal is essentially deregulatory, not regulatory. That is, the investigation seeks to enhance competition by eliminating restrictions on the marketplace which may be unnecessary.

One cost associated with removal of present commercial restrictions may involve the issue of quality of care. While removal of these restrictions may lower consumer prices, it is necessary to determine whether their removal would involve any decrease in the quality of care received by the public. Before any action is taken, the Commission must determine what, if any, effect there will be if such restrictions are removed.

The critical area of concern is the quality of care comparison between markets which permit commercial forms of practice and those which restrict such practice. The Bureau of Economics study found that the overall level of quality for each of the measures of quality employed was the same both in markets which permit commercial practice and those which prohibit it. With respect to one of the measures of quality, the thoroughness of the eye examination, the results show substantial variation from optometrist to optometrist in the thoroughness of exams being performed, and that variation exists both in markets with and without commercial forms of practice.

Within cities which permit commercial practice, the less thorough exams tended to be given more frequently by commercial providers. However, less thorough examinations were available from about the same percentage of optometrists even in markets where commercial practice was prohibited. With respect to the other measures of quality, commercial or chain firm optometrists derived the correct prescription and produced accurate eyeglasses no less frequently than noncommercial optometrists. In addition, the study found no difference between commercial optometrists and noncommercal optometrists in the incidence of unnecessary prescribing of eyeglasses.

If instead of restricting commercial practices the States were solely to impose requirements to control specific abusive practices (for example, by setting minimum eye examination requirements to ensure that all practitioners provide thorough examinations), the States would have to bear the costs of monitoring compliance with those requirements, and it is possible that the prices of vision care would be affected.

The Commission staff does not yet know exactly what costs would be associated with a requirement that a seller return an eyeglass prescription to the purchaser, or a requirement that the original contact lens fitters release complete contact lens specifications to their customers following the fitting process. As noted above, data from the FTC's contact lens study will provide information concerning comparative quality of contact lenses fitted by lower-priced providers and possible tradeoffs between price and quality.

If the Commission were ultimately to promulgate a rule requiring that when an eyeglass prescription is filled the seller return it to the patient, the compliance cost should be minimal, involving only the time and material for the seller to write a copy of the prescription. If the Commission were to require ophthalmologists and optometrists to release complete contact lens specifications following the initial contact lens fitting so that consumers can obtain replacement contact lenses from a fitter of their choice, the compliance cost should be, again, minimal.

Related Regulations and Actions

Internal: The Advertising of Ophthalmic Goods and Services Trade Regulation Rule (16 CFR Part 456).

External: Various State laws restricting commercial vision care practices and the ability of opticians to fit contact lenses and duplicate lenses without a prescription.

Active Government Collaboration

None.

Timetable

The FTC staff is presently reviewing and analyzing the comments which were received in response to the request for comment.

Following this review, the staff will make its next set of recommendations and the Commission will decide what action, if any, it should take in this area.

Commission Decision on Appropriate Action—October 1981.

Preliminary Regulatory Analysis—If, and when, an NPRM is issued.

Initial Regulatory Flexibility Analysis—If, and when, an NPRM is issued.

Available Documents

All are available from Room 281, Federal Trade Commission, Washington, DC 20580.

ANPRM—45 FR 79823, December 2, 1980. Comments in response to the ANPRM are available for review and copying. Call Agency Contact.

"Staff Report on the Advertising of Ophthalmic Goods and Services and Proposed Trade Regulation Rule (16 CFR Part 456)," dated May 1977.

"A Comparison of a Random Sample of Eyeglasses," prepared by Resource Planning Corporation for the Federal Trade Commission, dated July 2, 1979.

"Advertising and Commercialism in the Profession: The Case of Optometry," prepared by the FTC's Bureau of Economics, April 1980.

"State Restrictions on Vision Care Providers: The Effects on Consumers (Eyeglasses II)," Report of the Staff to the Federal Trade Commission, July 1980.

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FTC

Proposed Trade Regulation Rule Concerning Credit Practices (16 CFR Part 444)

Legal Authority

Federal Trade Commision Act, §§ 5 and 18, 15 U.S.C. §§ 45 and 57(a).

Reason for Including This Entry

The Commision is conducting a rulemaking proceeding on the consumer

and competitive effects of certain practices used by creditors when consumers have difficulty repaying their debts. Remedies under consideration in this proceeding could have an important effect on the relationship between creditors and consumer debtors in the United States and on competition in this sizable sector of the economy.

Statement of Problem

Most Americans use consumer credit at some time in their lives. At any given time, about half of all households in the Nation are making payments on installment debt. Many encounter financial or other problems which cause them to become delinquent in their payments. Only rarely is such delinquency deliberate. Studies show that the leading causes are such unplanned events as unemployment, illness, and circumstances in which the consumer is overburdened with debt obligations.

When debtors default, they become subject to a variety of legal remedies that creditors use to collect money. Many creditor remedies are appropriate collection devices. Certain others, however, inflict injury on debtors that may be disproportionate to the gain to creditors. The injury includes not only dollar losses, but also nonpecuniary harm, such as emotional distress, loss of privacy, and disruption of family relationships. The disproportionate nature of the injury may mean that many consumers may be obtaining credit on terms that they would not choose in a market in which complete information and choice about credit terms were available.

The right of creditors to use remedies derives largely from provisions included in credit contracts. Credit contracts are standardized form documents prepared by creditors. There is generally no bargaining over terms between debtor and creditor.

The record shows that consumers frequently cannot shop for credit terms because they lack the specialized legal knowledge necessary to understand and evaluate remedy terms in contracts. Furthermore, creditors often do not compete with each other by offering more favorable remedy terms of contracts, and therefore, in a given market, consumers will find little variation in such terms. We believe that all these factors indicate market forces may not have produced a reasonable balance of creditor and debtor rights in credit contracts.

Specific contractual and other creditor remedies which may cause substantial injury to consumers and which are in widespread use include the following:

(1) Confession of judgment—As part of the contract by which credit is extended, the debtor signs a form which authorizes the creditor to obtain a court judgment against him without notice to the consumer and without any opportunity for the consumer to appear and defend himself. The debtor thus loses due process rights, such as the ability to contest disputed claims.

(2) Waivers of state property exemptions—The debtor waives the right granted by State law, to keep certain minimal property if a court judgment is obtained against him. In many States, a court will not honor the waiver, however, the rulemaking record shows that some creditors nonetheless have used this waiver to threaten debtors with loss of all their goods.

(3) Wage assignments—The debtor authorizes the creditor to seize a portion of his wages without first obtaining a court judgment. The debtor loses the ability to contest disputed claims. Moreover, some debtors may be subject to disciplinary action or firing by employers who do not like to divide employee wages between a creditor and an employee because of the accounting costs this imposes.

(4) Blanket security interests in household goods—These security interests give the creditor the right to take all of the debtor's household goods in the event of default. Because in many instances such goods may have little resale value, it appears that creditors may use these security interests primarily to threaten the debtor and deter default, rather than to actually secure the debt.

(5) Cross-collateral security interests—These security interests allow a merchant to take all goods that a consumer has purchased from that merchant over an extended period of time, in the event of the consumer's failure to pay for a single purchase.

(6) Deficiencies—Following the repossession and sale of collateral, the creditor can sue the debtor for deficiency, i.e., the difference between the sale price of the product and the amount the consumer owes. The evidence shows that the sale prices of repossessed collateral may frequently be very low, resulting in large deficiencies.

(7) Attorney's fee provisions—The provisions require the debtor to pay the creditor's attorney fees. They thus may tend to inhibit debtors from defending themselves against payment of disputed debts. The evidence indicates that, in some instances, attorney's fees assessed by courts may be larger than actual court costs or the cost of actual legal service provided.

(8) Late charges—Late charges are penalty fees that the creditor assesses when the debtor fails to pay an installment on time. The rulemaking record shows that sometimes they are "pyramided," i.e., a creditor allocates payments in such a way that a single late or missed payment may result in the debtor being assessed a late fee on all subsequent installments.

(9) Third party contacts—The record indicates that creditors make contacts for debt collection purposes with third parties, such as relatives, neighbors, or the debtor's employer. Such contacts may tend to invade privacy and may harm a debtor's employment relationship and lead to job loss.

(10) Cosigners—Creditors sometimes having the debtor obtain one or more consigners who agree to pay the debt if the principal debtor defaults. The evidence shows that consigners frequently do not understand that the obligation they undertake is substantial.

Alternatives Under Consideration

The rule that was originally proposed on April 11, 1975 (40 FR 16347) would prohibit a number of the above creditor remedies and restrict the use of others. It would prevent or limit confessions of judgment, waivers of State property exemptions, wage assignments, non-purchase money security interests in household goods, and attorney's fee provisions. Creditors would have to promise in the contract not to make third party contacts except to locate the debtor or his property. Cross-collateral security would be permitted only if creditors released collateral from the security agreement as the consumer paid for it in the order it was purchased by the consumer. Creditors could collect deficiencies only if they credited the debtor with the fair market retail value of the collateral. Late fees would be limited. Cosigners would have to be given an information disclosure explaining their obligation and a 3-day "cooling-off" period to evaluate that obligation. Creditors would also be required to give cosigners copies of relevant documents, to notify cosigners in the event of default by the principal debtor, and to make serious efforts to collect from the principal before seeking payment from the cosigner.

Following publication of the NPRM, members of the public (including many members of the credit industry, which would be affected by the rule) suggested numerous modifications, alternatives, exceptions, and deletions to the proposed rule. Based, in part, on these suggestions, the rulemaking staff, in its staff report, recommended modifications

to the originally proposed rule. The most important proposed modifications concern the provisions on late fees, security interests, deficiencies, and cosigners.

The original proposal would have limited late fees to the amount derived by applying the annual percentage interest rate governing the debt to the amount which was late for the period it was late. The staff report finds insufficient evidence to support the proposed general limitation on late fees and recommends confining the provision to a ban on "pyramiding."

The original proposal on security interests would have prohibited any security interest other than a purchase money security interest, where credit is used to purchase consumer goods. (A purchase money security interest is a security interest in goods that are purchased with the credit that is being secured.) The staff report recommends dropping the general restriction on non-purchase money security interests. Instead, it recommends a provision banning non-purchase money security interests in household goods but allowing them in other consumer goods such as automobiles. The recommended provision is intended to focus on the specific problem documented on the record.

The original proposal on deficiencies would have required that whenever a creditor repossesses collateral, the creditor must credit the debtor with the fair market retail value of the property. The revised proposal would apply a retail value standard only if the creditor wishes to collect a deficiency. Creditors would not be required to return surpluses to debtors based solely on the retail value standard. In addition, retail value would have to be determined based on an actual sale in an established retail market, either by the creditor or a third party. This would eliminate ambiguity in the determination of retail value. If no established retail market exists for the collateral, the creditor could not collect any deficiency. This is consistent with the view that deficiencies may be appropriate when high value collateral, such as automobiles, is repossessed but not when low value collateral is repossessed.

The original proposal required that creditors provide cosigners with a 3-day cooling-off period before the cosigners become obligated on a debt. The staff report recommends a cooling-off period only where a creditor solicits someone to become a cosigner after a debtor has defaulted.

Apart from the four alternatives described, the staff report recommends a variety of other, more technical changes in the proposed rule. The staff report is accompanied by a memorandum from the Director of the Bureau of Consumer Protection which does not make specific recommendations but which invites public comment on alternatives to a number of proposed rule provisions. These include: substituting a "loser pays" approach to attorney's fees for the proposed ban on provisions that require a debtor to pay attorney's fees, limiting the prohibition against third party contacts to contacts with employers, and dropping proposed protections for cosigners that go beyond disclosure. In addition, the Bureau Director's memorandum suggests that the Commission may wish to consider some optimal mix of rule provisions, perhaps modeled on consumer credit laws that are already in effect in Connecticut, Iowa, and Wisconsin. These three States have laws that are similar in many respects to the proposed rule, and the rulemaking developed extensive information about how these State laws have worked in practice.

Finally, a memorandum from the Commission's Bureau of Economics concerning the recommended rule is also available to the public. The Bureau of Economics memorandum suggests alternative rule provisions in a number of areas, including elimination of the prohibition on security interests in household goods; elimination of the cross-collateralization provision of the rule; substitution of a "loser pays" approach to attorney's fees; and modification of the deficiency balances section of the rule to permit creditors to calculate deficiencies based on either the wholesale or retail value of the collateral, as determined by an actual sale.

The Commission will consider the alternatives recommended in the staff report, as well as those raised by the Bureau Director, the Bureau of Economics, and various participants in the proceeding, and will decide what form of rule, if any, it ultimately should promulgate.

Summary of Benefits

Sectors Affected: Consumer debtors.

The primary beneficiaries of this rule would be consumers who borrow to obtain goods or services and have difficulty repaying their debts. While the rule would not prevent creditors from compelling consumers to pay legitimate debts where necessary, it seeks to limit unjustified consumer injury arising from the use of certain boilerplate collection remedies, where the benefits to creditors from such use appear to be small and the injury to consumers is substantial.

Although at the present time the Commission does not know what form of rule, if any, it will adopt, it is possible to identify the type of benefits that should result if it promulgates certain provisions of the proposed rule. For example, several provisions would produce dollar benefits for consumers by reducing excessively large deficiencies and late fees. If the final rule eliminates collection methods which result in injury to the employment relationship, it would benefit consumers by protecting their employment security. Eliminating practices by which creditors evade due process requirements would increase the fairness with which creditors treat consumers and would improve consumers' ability to legally defend themselves when creditors demand payment even though the consumer did not get what he or she paid for as a result of fraud or other seller non-performance.

An important qualitative benefit of any final rule should be fairer treatment of people suffering from financial difficulties. The proposed rule attempts to rectify practices that currently result in some creditors unfairly threatening such individuals with the loss of their possessions and jobs, and harassing their friends and relatives.

Quantitative information relevant to an assessment of current injury to consumers is available for a number of provisions of the proposed rule. For example, evidence in the rulemaking record indicates that over 60,000 consumers have wage assignments filed with their employers each year. One source estimates that use or threatened use of wage assignments results in loss of employment up to 10 to 20 percent of the time, at least for low-income consumers. Next, the rulemaking record indicates that well over 10 million consumers are subject to contracts containing blanket security interests in household goods. Creditors often make implicit or explicit threats to repossess when borrowers become seriously delinquent. We estimate, based on the rulemaking record, that creditors make such threats to repossess to at least several hundred thousand borrowers each year. Finally, over 750,000 automobiles are repossessed each year. In most cases where an auto is repossessed, it is sold at less than its wholesale value and the consumer continues to owe the creditor money. Based on figures for the mid-1970s, the amount owed totals over $400 million. The provision of the proposed rule relating to deficiency judgments, if

adopted, may significantly reduce this amount.

Summary of Costs

Sectors Affected: Consumer debtors; credit agencies other than banks, particularly installment sales finance companies, and other establishments providing consumer credit; retail trade or consumer products; adjustment and collection agencies; and State governments.

The cost to consumers of any rule may potentially take two forms: increases in the price of consumer credit (i.e., interest rate) and reductions in availability of credit to certain consumers.

The rulemaking record contains empirical economic evidence based on data in States whose credit laws contain provisions similar to one or more provisions of the proposed rule. These economic studies and other information on the record provide an imprecise estimate of the effect a rule would have on the cost of credit, but suggest that adopting the rule in the form originally proposed by the Commission would cause no more than a small increase in the interest rate on loans made by finance companies in States with no existing regulation.

For example, the primary econometric study prepared for the proceeding applied statistical techniques commonly used by economists to data on individual loans from 30 States with varying credit laws. The estimates of the effect of the rule on the price of credit varied with the method of estimation. The estimates predicted an increase in the annual percentage rate ranging from 0.19 percentage points to 1.6 percentage points, compared to the average interest rate of 25 percent for loans in the sample. (The 0.19 percent measures the overall impact on the price of credit of demand and supply factors influencing the cost and availability of credit. The 1.6 percent, in contrast, measures only the factors influencing the supply of credit. This estimate is based on loans made at or above the legal interest rate ceiling where it is hypothesized that the demand for credit exceeds the available supply of credit.) However, these estimates should be viewed as "worst case" estimates. For example, the study measures the effect of a shift to the rule from a system where there is no regulation whatsoever. In fact, most States already restrict one or more of the creditor remedies covered by the rule, so the change created by the rule should be smaller than that measured by the study.

Testimony by State officials, some creditors, and others who have experience in States with laws similar to the proposed rule indicates that prohibitions on the covered creditors' remedies have not had significant impact on either the cost or availability of credit in those States.

However, the Commission and its staff will analyze these economic data carefully before determining if the rule should be issued or what form it should take.

The main costs of creditors' compliance with any rule should be those associated with revising contract forms and instructional materials that they give their employees. They will have to do these tasks only once. Creditors can spread the cost over all subsequent transactions covered by the rule: costs should therefore be low on a per-transaction basis. While the rule would restrain certain creditor remedies, the evidence suggests that such restraints would not prevent creditors from collecting debts.

For example, the remedies rated as most valuable by creditors in surveys—self-help repossession (retaking of collateral without first going to court) and garnishment (creditor taking a proportion of a debtor's wages directly from the employer pursuant to a court order)—would not be affected by the rule. Moreover, the fact that most serious delinquency is unintentional should involuntarily limit the economic importance of any collection remedy, and particularly of presure devices such as household goods security and third party contacts.

The proposed rule would be likely to affect large and small creditors in similar ways. This proposal would affect finance companies more than other creditors because finance companies make greater use of the remedies covered by the rule.

The rule would not impose any requirements on State and local governments. However, several of the proposals concerning cosigners could preempt State laws on this subject.

Related Regulations and Actions

Internal: None.

External: If the Commission decides to adopt the proposed rule, the Federal Reserve Board is required by § 18 of the FTC Act to consider adopting a substantially similar rule for banks, unless the Board determines that such acts or practices of banks are not unfair or deceptive or that implementation of similar regulations would seriously conflict with essential monetary and payment systems policies of the Board. The Federal Home Loan Bank Board is also required to consider a similar rule for savings and loan institutions.

Most States have laws similar to one or more provisions of the proposed rule. A small number of States—including Connecticut, Iowa, and Wisconsin—have laws similar to most provisions of the rule, though they differ in detail.

Active Government Collaboration

Federal, State, and local government agencies participated in the rulemaking proceeding. Representatives of over half of the States testified at hearings, along with a number of local government officials. A member of the Federal Reserve Board staff also testified. The commission received written comments from additional government agencies including, among others, the Department of Defense, the National Credit Union Administration, and several State and local agencies.

Timetable

Final Staff Recommendations to Commission—July 1981.
Oral Presentation to Commission by Interested Parties—September 1981.
Commission Consideration—October 1981.
Final Regulatory Analysis—If, and when, any final rule is issued.
Regulatory Flexibility Analysis—Not required.

Available Documents

NPRM—40 FR 16347, April 11, 1975.

Final Notice Concerning Proposed Trade Regulation Rule—42 FR 32259, June 24, 1977.

Report of the Presiding Officer—August 1978.

Staff Report—August 1980.

Bureau of Economics Comments on Credit Practices Rule—August 1980.

Copies of these documents can be obtained from the Office of Legal and Public Records, Room 130, Federal Trade Commission, 6th Street and Pennsylvania Avenue, N.W., Washington, DC.

All documents on the rulemaking record, including hearing transcripts, public comments, etc., are available for examination at the same address.

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FTC

Proposed Trade Regulation Rule on Mobile Home Sales and Service (16 CFR Part 441)

Legal Authority

Federal Trade Commission Act, §§ 5 and 18, 15 U.S.C. §§ 45 and 57(a).

Reason for Including This Entry

Mobile homes are an important segment of the housing industry, with annual sales of approximately 275,000 units. The recommended rule of the Federal Trade Commission (FTC) staff seeks to enhance warranty performance in the mobile home industry by establishing certain requirements and incentives designed to ensure that mobile home manufacturers fulfill warranty obligations. Therefore, the rule could have a significant impact on the mobile home segment of the housing market.

Statement of Problem

Most mobile home manufacturers offer a 1-year written warranty to cover defects in the materials and workmanship of the home. This warranty obligates them to repair defects. However, the FTC staff believes, on the basis of the rulemaking record developed, that some manufacturers and dealers have failed in a significant number of instances to provide adequate warranty service to the homeowner.

The record indicates that many mobile homeowners discover defects in their new mobile homes, including water leaks, malfunctioning plumbing, buckled frames, and inoperative windows and doors. Such problems may have been caused by factory defects or improper transportation or installation of the mobile home. In some cases, severe problems—for example, lack of electricity and heat—may threaten the safety of the homeowner, and make the mobile home uninhabitable. Nonetheless, when consumers seek warranty repairs, some manufacturers and dealers often refuse service or delay repairs beyond a reasonable time. In some instances, when manufacturers and dealers attempt repairs, they do not adequately remedy the problem.

These problems in providing adequate warranty service indicate that mobile home manufacturers and dealers may not have adequate service systems to properly perform their warranties. Their warranty systems appear to be deficient in several ways. First, although dealers perform much of the warranty work, the evidence indicates that many manufacturers fail to clearly allocate service responsibilities between themselves and their dealers. As a result, disputes between manufacturers and dealers can delay warranty service. Second, some manufacturers and dealers fail to have sufficient parts, service personnel, and equipment to fulfill consumer requests for repairs. Finally, some manufacturers do not properly monitor their dealers to determine if they have completed repairs. Because they do not have an adequate warranty performance system, some manufacturers and dealers are not able to provide prompt and adequate warranty repairs for mobile homeowners. In addition, disputes over the responsibility for defects caused by transportation and installation (set-up) of the home also impede and delay warranty repairs.

The Federal Trade Commission's investigation into warranty service problems in the mobile home industry initially led to consent orders against four major manufacturers. (A consent order is an agreement between the Commission and a company, in which the company agrees to change certain of its business practices. The agreement is not an admission of wrongdoing by the company.) Under the orders, the companies agreed to take specific steps to improve their warranty service programs. Shortly after the consent agreements were entered into, the Commission began this rulemaking proceeding because it had reason to believe that substantial numbers of mobile home purchasers receive inadequate warranty service, and that an industrywide approach to this problem might be necessary.

On August 13, 1980, the Commission staff issued a report and recommended a rule concerning warranty practices in the mobile home industry. The recommended rule contains substantial modifications and deletions from the original rule (40 FR 23334, May 29, 1975) that had been proposed. The recommended rule seeks to improve warranty service by setting time limits within which the warrantor must complete warranty repairs, and by requiring manufacturers or their service agents to perform pre-occupancy inspections of the home. It would also require that manufacturers who offer written warranties on mobile homes maintain recordkeeping systems and disseminate a consumer questionnaire to monitor the adequacy of factory and dealer repairs. The recommended rule also would require that manufacturers enter into written service agreements with dealers and others who perform warranty repairs. Under the rule, written warranties must include specific time deadlines for service; set-up and transportation damage cannot be excluded; and repairs cannot be contingent on return of the home to the factory or return of a registration card (some mobile home manufacturers have used clauses in their written warranties requiring that a registration card be returned to validate the warranty as a precondition to receiving free warranty service.)

Alternatives Under Consideration

In contrast to the detailed requirements of the original proposed rule, the recommended rule sets general performance standards for warranty service and warranty service systems, and omits many of the original provisions proposed in 1975. The use of performance standards should allow industry flexibility to develop its own specific systems and procedures. To illustrate this approach, the original proposal addressed alleged problems in the manufacturers' handling of consumer complaints by requiring (1) implementation of a specific system to process complaints; (2) designation of a corporate focal point to handle complaints, with responsibility vested in non-sales personnel; (3) recordkeeping; and (4) regular review and periodic reports on the effectiveness of complaint handling procedures. In contrast, the rule now recommended by staff only requires warrantors to resolve complaints in 30 days and to keep records concerning such complaints. Similarly, the 1975 proposal contained detailed requirements for the manufacturers' evaluation of prospective new dealers, including periodic visits to the dealer's sales lot. The staff has deleted these provisions from the recommended rule on the basis that the recommended service deadlines—as well as Federal warranty law, which places ultimate responsibility for warranty performance on the manufacturer that offers a written warranty—provide sufficient incentives for manufacturers to develop their own cost-effective evaluation mechanisms.

The Commission and the staff will further evaluate the need for each of the provisions of the recommended rule based on a review of the written comments that have been received on the staff report. While the staff has designed the provisions of the recommended rule as performance standards for warranty service and service systems, the Commission and staff must still resolve the appropriate degree of flexibility for each rule provision. For instance, the

recommended rule sets specific time deadlines for warranty repairs. These deadlines are consistent with some present industry policies and some State laws. A possible alternative would be to allow individual manufacturers and dealers to set their own deadlines, so long as they were disclosed in their warranties.

The recommended rule sets out eight issues (e.g., specific time deadlines for repairs, inspections) that must be addressed in the written service agreement between the manufacturer and dealer. If any final rule that is promulgated retains specific deadlines and related requirements, the written agreement may not need to include some of the terms that essentially track obligations the recommended rule would impose on manufacuturers.

The Commission and staff also will consider the need to mandate a pre-occupancy inspection by the warrantor or his agent. Industry members consider such an inspection to be a beneficial procedure, and at present about half of all new mobile homes are inspected prior to occupancy, by manufacturers or their agents. Given these facts and that other provisions of the rule create strong incentives for timely warranty service, many manufacturers may independently decide to perform inspection.

The recommended rule requires warrantors to assume responsibility for set-up and transportation damage. While this requirement should eliminate manufacturer-dealer disputes as to the cause and responsibility for defects, the Commission and staff will consider further whether ultimate liability for such defects should rest on the manufacturer.

Finally, the recommended rule requires manufacturers to monitor the effectiveness of factory and dealer warranty repairs by maintaining service records and disseminating consumer questionnaires. The questionnaire should provide a low-cost means of monitoring dealer service. Because the questionnaire will also enable consumers to list in one place all remaining defects at a specified time, service costs thereby could be lessened to the extent that the number of service calls decreases. Since the recommended rule would require manufacturers to monitor warranty repairs, an alternative may be to have manufacturers select their own monitoring devcies, rather than require the use of a questionnaire.

Summary of Benefits

Sectors Affected: Purchasers of mobile homes, mobile home dealers, and mobile home manufacturers.

By ensuring that manufacturers meet warranty obligations, the recommended rule should heighten industry competition by removing unjustified advantages that may be enjoyed by companies that appear to offer warranty coverage, but breach their warranties. It would allow reputable manufacturers to communicate the effectiveness of their warranty repair program through written warranties and would enable consumers to rely on competing warranty claims when making their decision to select a particular brand.

Owners of new mobile homes would receive more prompt and adequate warranty service. Survey data on the rulemaking record from California and Ohio indicate that as many as 80 percent of new mobile homes have defects, and 40 percent of the mobile homeowners who request service have been unsuccessful in obtaining adequate repairs. Thus, significant numbers of owners either have to pay for repairs themselves or suffer the inconvenience of defective homes. Improved warranty service may reduce these problems. Moreover, consumers may benefit from inspections that provide early detection and repair of problems. Because many defects can lead to more serious structural damage if not promptly repaired, the recommended rule may also prolong the useful life of mobile homes and, thus, increase their resale value. This, in turn, may lead to more favorable financing terms for purchasers of mobile homes and should make mobile homes a more attractive investment, providing consumers with a less costly but reliable alternative to site-built homes.

The recommended rule may also encourage warrantors to reduce customer claims by voluntarily correcting the underlying causes of defects. For example, manufacturers may find it less costly to comply if they build better homes that require less warranty service, thereby providing a clear benefit to consumers.

Summary of Costs

Sectors Affected: Mobile home manufacterers and dealers, particularly firms not presently providing adequate warranty service.

The proposed rule would affect the business practices of some 200 mobile home manufacturers (Standard Industrial Classification 2451) and approximately 12,000 mobile home dealers.

The recommended rule would affect most heavily those firms that do not presently provide adequate warranty service. For such companies, staff estimates that the total costs to comply with the rule recommended in the staff report would be a maximum of $120 per home (all cost figures in this section are 1977 dollars). This figure represented approximately 1 percent of the average wholesale price of a new home in 1978. Other companies would experience lower compliance costs. These projections are based in part upon an analysis of records submitted in 1977 by the four mobile home manufacturers that are operating under consent orders. These estimates of compliance costs are based on the terms of the recommended rule and may change significantly if it is modified.

Industry compliance costs fall into one of three categories: (1) administrative and other overhead costs, (2) inspections, and (3) additional repairs to mobile homes. Many of the provisions of the original proposed rule that imposed purely administrative costs have been eliminated. Staff estimates that administrative costs for the recommended rule will represent a maximum per-home cost increase of about $5.00 to $10.00 for large manufacturers, $13.00 for medium-sized producers, and $25.00 for small firms, assuming that no corporate officials now work on warranty matters. Since most companies currently assign at least some corporate personnel to their warranty programs, the net cost increase should be substantially below these estimates.

Manufacturers would also incur other overhead costs through compliance with the service agreement and questionnaire provisions of the recommended rule. The cost to manufacturers of entering into written agreements should be concentrated in the first year of compliance and therefore should have minimal effect on prices in the long run. For the most part, the long run impact will depend on the frequency with which manufacturers affiliate with new dealers. Responses from the companies currently under Commission order indicate that legal costs for drafting the written service contracts should not exceed about $2.00 per home for the medium-sized manufacturer. Staff estimates that such costs would be less than $1.00 for large manufacturers and should not exceed $5.00 for small companies. Based upon the experience of the consent order companies, the required consumer questionnaires should cost no more than $5.00 per home to print, distribute, and tabulate. Adding this figure to the other costs brings the total administrative and overhead compliance costs of the recommended rule to a maximum of $35.00 per home

for small firms, $20.00 for medium firms, and $16.00 for large firms.

Analysis of data from the companies under the consent orders indicates that each of the required pre-occupancy inspections of mobile homes costs these manufacturers about $50.00. Since half of all new mobile homes are already inspected, total industry compliance costs should not exceed $25.00 per unit. These estimates include reimbursements to dealers for travel and all inspection expenses. Furthermore, because the total number of inspections will depend directly upon the number of homes sold, large and small manufacturers will spend approximately the same amount per home to meet the inspection requirements of the proposed rule.

It is difficult to estimate the magnitude of increases in warranty costs related to repairs or general increases in warranty expenditures resulting from more diligent attention to customer complaints, as the recommended rule presumably could motivate producers to lower the incidence of defective homes. Specifically, manufacturers can be expected to introduce quality control improvements whenever the cost is justified by expected future savings in warranty expenditures. In addition, a pre-occupancy inspection should permit dealers to spot and correct installation problems before costly structural problems result and would therefore reduce overall warranty service expenditures.

Staff estimates that additional expenditures for each different size of manufacturer for the warranty service under the recommended rule should be approximately $0 to $75 per home, depending on the present level of service provided. Companies that already meet the recommended requirements should experience no additional costs. Firms on the other end of the service and quality spectrum could expect to incur substantial costs, perhaps greater than the $75 estimate. However, if industry service costs increase more than $75 per home, it will be because staff has underestimated the seriousness of current warranty problems and thus the benefits to be achieved by strengthening warranty performance. Thus, total compliance costs for administration, overhead, inspection, and service should not exceed $120 per home for medium size firms. Comparable maximums for large firms would be $115 per unit and for small firms $135. These costs should not have an unfair impact on small manufacturers, since most of the cost (direct warranty service) will vary by the number of homes sold. Manufacturers would probably attempt to increase prices by an equivalent amount, though competitive pressures from firms with more effective warranty systems and lower compliance costs might prevent a full cost pass-through to consumers.

The recommended rule should not alter the competitive structure of the industry significantly. Staff has investigated whether the rule will encourage manufacturers to integrate vertically into retailing or enter into exclusive franchising agreements with dealers. Even the largest manufacturers would probably find the capital costs of establishing a large network of company-owned retail outlets to be prohibitive. The record also documents that dealers would not find exclusive franchises (representing one manufacturer) as profitable as their present practice of representing four to five manufacturers. Since consumers generally do not select mobile homes on the basis of brand reputation, dealers currently compete for sales by offering the widest possible selection of homes in varying price ranges, sizes, and floor plans. Exclusive dealing would necessarily limit the variety of homes that dealers could offer without giving them any compensating benefits.

Related Regulations and Actions

Internal: Commission consent orders presently require four mobile home companies to establish effective warranty performance systems. The Commission has also brought other cases against mobile home companies allegedly in violation of the warranty disclosure and labeling requirements of the Magnuson-Moss Act, § 101 *et seq.*, 15 U.S.C. § 2301 *et seq.*

External: The Department of Housing and Urban Development regulates the production of mobile homes at the factory under the National Mobile Home Construction and Safety Standards Act of 1974, Title VI, 42 U.S.C. § 5401 *et seq.*

Seventeen States require warranties in the sale of new mobile homes. A number of States license and bond mobile home dealers and manufacturers.

Active Government Collaboration

The Department of Housing and Urban Development, Small Business Administration, and representatives from eleven State attorney general offices testified at the rulemaking hearings. Other Federal and State officials submitted written comments on the proposed rule.

Timetable

Final Staff Recommendations—September 1981.

Oral Presentation before the Commission by Interested Parties—October 1981.

Commission Consideration—November 1981.

Final Regulatory Analysis—If, and when, any final rule is issued.

Regulatory Flexibility Analysis—Not required.

Available Documents

NPRM—40 FR 23334, May 29, 1975.

Final NPRM—42 FR 26398, May 23, 1977.

Presiding Officer's Report—45 FR 53538, September 11, 1979.

Final Staff Report (including a cost-benefit analysis)—45 FR 53839, August 13, 1980.

The record of this proceeding, including comments to the NPRMs, is publicly available at the Office of Legal and Public Records Section, Room 130, Federal Trade Commission, 6th Street and Pennsylvania Avenue, N.W., Washington, DC 20580.

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FTC

Residential Real Estate Brokerage Industry Practices

Legal Authority

Federal Trade Commission Act, § 5, 15 U.S.C. § 45.

Reason for Including This Entry

The Federal Trade Commission (FTC) has authorized a staff investigation to determine whether competition among real estate brokers may be hindered by private restrictions, thus causing consumers to pay higher than necessary prices for brokerage services and causing the performance of the industry to suffer. If remedial action ultimately is taken, it could have an important effect on the relationships among consumers, brokers, and agents in real estate transactions and on competition and productivity in this critical sector of the economy.

Statement of Problem

The FTC staff estimates that in 1979 approximately 3.8 million existing homes were sold through real estate brokers. Total revenues from those 1979

sales exceeded $215 billion, generating an estimated $13 billion in commissions paid to over 2 million licensed brokers and agents in the country.

The FTC has received complaints from many sources within the real estate brokerage industry. Brokers and sales agents throughout the country contend that their competitive efforts have been frustrated by other brokers and groups in unfair ways.

In addition, complaint letters, petitions, and public statements from individuals and consumer groups have called attention to alleged consumer problems in the brokerage services market, including inadequate representation of the buyer's and the seller's interests.

Further, articles and studies in legal and economic publications have suggested that problems may exist in the competitive process of the industry. Economists and other observers have questioned whether the seemingly high degree of price and service uniformity among brokers, characterized by the commonplace 6 or 7 percent commission rate, is the product of problems with the competitive process. Studies have also questioned whether this high degree of price uniformity may contribute to an apparent decline in productivity in the industry.

The FTC staff has identified five issues for particular emphasis in its study of the residential brokerage industry: (1) the nature and role of private trade associations of brokers; (2) the structure and operations of multiple listing services (systems for sharing house listings among brokers); (3) problems facing brokers who offer innovative packages of prices and services; (4) the role of the broker in the residential brokerage transactions, including issues of potentially conflicting duties and interests which may make the adequate representation of consumers difficult, and (5) the nature and role of State law and State agencies that regulate the industry.

The Commission staff has completed its investigative fieldwork. A staff report to the Commission, summarizing staff findings and possible regulatory alternatives, is being reviewed before submission to the Commission.

Alternatives Under Consideration

Since the FTC staff has just completed its investigative work, neither the staff nor the Commission has reached any conclusions on any appropriate FTC action. However, the following are among the numerous alternatives under scrutiny.

The FTC staff is considering at least five major types of alternative recommendations: (A) a public FTC report designed to aid the industry, State regulators, and brokers in dealing with industry performance problems; (B) a trade regulation rule or guide; (C) FTC efforts to educate the customers of brokers, who are the home buying and selling public; (D) FTC formal administrative complaints alleging violations of the FTC Act against groups or individuals in the industry; and (E) no FTC action.

One or more of these alternatives might encourage a number of substantive changes which would enhance competition and improve the flow of information to consumers. The FTC staff, in considering various policy alternatives, is seeking to insure that the marketplace will be allowed to provide the choices consumers want. The staff is giving primary consideration to actions that enhance competition by eliminating any anticompetitive private restraints on competitors, and that improve the flow of accurate information to consumers. Among the many possible provisions the staff is considering are: (1) elimination of restrictions that directly or indirectly inhibit competition among brokers on the basis of prices and services offered; (2) easing restrictions on the use by brokers of multiple listing services; (3) clarification of legal duties between brokers, and between brokers and consumers; and (4) facilitating informed consumer choice through requirements that brokers make brief information disclosures to consumers. The FTC could incorporate these provisions in any of the above alternative approaches.

Summary of Benefits

Sectors Affected: Licensed real estate brokers and agents, and brokerage firms; and consumers of brokerage services, both buyers and sellers.

The costs and benefits of FTC action will depend upon the final choices the Commission makes among the numberous policy alternatives currently under consideration. Overall estimates will remain highly conjectural until the Commission determines which specific actions, if any, it will take. The staff is now carefully analyzing each alternative.

Pending a final decision on which alternative or alternatives, if any, the Commission will follow, the precise benefits of the above alternatives can only be roughly estimated by the FTC staff. However, if one accepts the view of some experts that the widespread 6-percent standard commission rate is not the product of healthy competition, then improving competition could produce a significant reduction in consumer settlement costs.

Improving competition also could provide substantial benefits for the brokerage industry. If declining productivity of the industry is resulting from competitive restraints, reducing those restraints could help ensure the competitive viability of the present industry, composed of small businesses.

Removing restraints on the free flow of information to consumers could significantly increase the flow of accurate information to consumers. This should benefit buyers and sellers in their home purchase/sale transactions and should lead to a better overall housing market.

Summary of Costs

Sectors Affected: Licensed real estate brokers and agents, and brokerage firms; trade associations; and related services, such as multiple listing services.

The FTC will carefully design any action in the brokerage industry to minimize regulatory burdens and costs. For example, many of the alternatives under consideration involve the removal of private regulation by trade associations of brokers' activities, rather than additional government regulation. Other alternatives, such as affirmative disclosures, should in most cases involve no additional paperwork than brokers currently use, and would require disclosures currently recommended by real estate attorneys to protect brokers from liability.

The principal costs of these remedial efforts would be the one-time costs to brokers involved in redrafting forms and revising training programs.

It is possible that lower rates flowing from greater competition might reduce total revenues to the industry as a whole if there is little change in business volume. However, with the high level of entry and exit by brokers and agents, a decrease in revenues may primarily result in a decrease in the rate of entry, and not in a decrease in individual broker income.

The staff is analyzing all the proposals under consideration against the criterion that the positive impact on consumers and the brokerage industry must outweigh the burdens imposed. The staff is taking particular care to identify alternatives which avoid placing small businesses at a competitive disadvantage.

Related Regulations and Actions

Internal: None.

External: Other Federal agencies have a role in the brokerage industry. The

Justice Department's Antitrust Division has conducted a series of investigations of brokerage practices, primarily involving alleged local brokerage conspiracies in restraint of trade. The Department of Housing and Urban Development (HUD) maintains a Real Estate Brokerage Practices Division. HUD is currently conducting a 2-year study of settlement services, including brokerage services, in light of the 1975 Real Estate Settlement Procedures Act, which requires that certain information be provided to the consumer at different stages of the home purchase/sale process.

State departments of real estate or real estate commissions have primary regulatory responsibility in this industry. The FTC staff believes this will continue to be the case. A number of the State agencies are actively engaged in reviewing and revising licensing and related regulations.

State antitrust enforcement officials are also active in the brokerage industry. State and local prosecutors in California, New Jersey, New York, Washington, and many other States have conducted investigations and brought lawsuits involving many of the practices identified for study in this investigation.

Active Government Collaboration

The FTC staff is in contact with the Justice Department and the Department of Housing and Urban Development regarding the studies and investigation under way in those agencies.

The staff has sent a "Notice of Intent to Make Recommendations and Invitation to Comment" to State and local government officials, including all the State departments of real estate, governors, attorneys general, and legislatures, and to selected local prosecutors and State consumer agencies. The FTC will encourage State and local agencies to participate in every phase of any FTC effort in the industry.

Timetable

Commission Decision on Appropriate Action—July 1981.
Preliminary Regulatory Analysis—If, and when, NPRM is issued.
Initial Regulatory Analysis—If, and when, an NPRM is issued.

Available Documents

Documents available to the public include:

(1) FTC Press Release, dated December 27, 1975, describing the initiation of the original FTC brokerage investigation;

(2) FTC Press Release, dated March 31, 1978, announcing that the Los Angeles Regional Office of the FTC would coordinate the consolidated FTC brokerage investigation;

(3) "Notice of Intent to Make Recommendations and Invitation to Comment," issued in July 1979 to State and local government officials.

Copies of these documents can be obtained from the FTC Office of Public Information, Sixth and Pennsylvania Avenue, N.W., Washington, DC 20580 or from the Agency Contact listed below.

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CHAPTER 7—TRANSPORTATION AND COMMUNICATION

DOT-FHWA

Design Standards for Highways—Geometric Design Standards for Resurfacing, Restoration, and Rehabilitation (RRR) of Streets and Highways Other Than Freeways 34183

DOT-OST

Special Air Traffic Rules and Airport Traffic Patterns 34185

SBA

Revision of Business Loan Policy; Business Loans and Guarantees 34188

CAB

Air Carrier Insurance and Liability 34190

CAB

Essential Air Service Subsidy Guidelines 34191

CAB

Notice to Passengers of Conditions of Carriage 34193

FCC

Children's Television Programming and Advertising Practices (Docket 19142) 34194

FCC

Creation of "New" Personal Radio Service (PR Docket 79-140) 34195

FCC

Deregulation of Competitive Domestic Telecommunications Market (Common Carrier Docket 79-252) 34196

FCC

Inquiry into the Future Role of Low-Power Television Broadcasting and Television Translators in the National Telecommunications System (Broadcast Docket No. 78-253; RM-1932; FCC 80-503) .. 34198

FMC

Filing of Currency Adjustment Factors 34199

ICC

Leasing Rules Modifications (Ex Parte No. MC-43 (Sub-No. 12)) 34200

ICC

Revision of Abandonment Regulations (Ex Parte No. 274 (Sub-No. 5)) 34202

PRC

Postal Rate Commission Docket—Attached Mail Proceeding, 1981 34203

PRC

Postal Rate Commission Docket—E-COM Forms of Acceptance, 1980 34205

PRC

Postal Rate Commission Docket MC81-3, ZIP + 4 Subclasses of First-Class Mail 34206

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Design Standards for Highways—Geometric Design Standards for Resurfacing, Restoration, and Rehabilitation (RRR) of Streets and Highways Other Than Freeways (23 CFR Part 625*)

Legal Authority

Federal-Aid Highway Acts, as amended, 23 U.S.C. §§ 101, 109, 315, and 402; 49 CFR 1.48(b).

Reason for Including This Entry

The Federal Highway Administration (FHWA) believes this rule is important because of the controversy over its possible impacts on safety and because the geometric design criteria proposed in the NPRM would substantially affect the condition of the Nation's highway system.

Statement of Problem

The 1976 and 1978 Highway Acts provided for a Federal-aid program to assist the States in resurfacing, restoration, and rehabilitation (RRR) of streets and highways.

Under current regulations and procedures (23 CFR Part 625), RRR improvements must meet the geometric design standards established for new construction, unless FHWA approves specific exceptions on a project-by-project basis. These standards were established by the American Association of State Highway and Transportation Officials (AASHTO) and are called the "Geometric Design Guide for Resurfacing, Restoration, and Rehabilitation (RRR) of Highways and Streets." They have been adopted by FHWA. The standards deal with the dimensions of highway features such as alignment, grades, widths, sight distances, slopes, and clearances. The intent of this proposed rule is to amend existing regulations in order to provide procedures for establishing separate geometric design standards for RRR improvements.

Separate geometric design standards are needed for RRR improvements because current standards for new construction are not appropriate to the basic purpose of RRR improvements—to preserve and prolong the service life of existing highways. Geometric design standards for new construction were developed for projects normally much greater in scope and cost than typical RRR improvements. Continued application of these higher standards to RRR improvements has complicated and discouraged the use by States of Federal-aid funds for RRR improvements. Although figures are not available, this practice probably has kept some RRR improvements from being completed in a timely manner.

The red tape, delay, and inconsistency (with project-by-project exceptions), associated with the current process aggravate the already serious problem of preserving and maintaining the Nation's highway system. Rapidly spiraling construction costs in the past few years, coupled with relatively static or diminishing State and local revenues, have prevented the traditional State and locally funded RRR programs from keeping pace with RRR needs. Consequently, the overall condition of the highway system is deteriorating. Since 1972, the percent of the Nation's arterial and collector systems rated in good condition has dropped from 38 percent to 30 percent. Furthermore, the rate of deterioration accelerates as the deterioration progresses. If this situation is allowed to continue unabated, the utility of the highway system will be significantly diminished, and the eventual repair or replacement cost will rise sharply.

Because of the magnitude of the need and relative shortness of funds, it is important to devise a system that permits States to make some improvements in as many highways as possible, allocating funds at their own discretion. Uniform design standards that require a high level of improvements would instead

concentrate available funds in relatively fewer places.

Alternatives Under Consideration

The FHWA has considered a number of alternatives for implementing the RRR program. Initially, the FHWA explored three major alternatives through the publication of an ANPRM on August 25, 1977 (42 FR 42876). These were:

(A) To continue FHWA design approval operations within the provisions of the current regulations (23 CFR Part 625) by granting exceptions to existing design standards on an individual project basis for RRR projects.

(B) To incorporate, by reference, AASHTO's "RRR" Guide as the acceptable criteria for Federal-aid RRR work.

(C) To develop, with State officials, individual RRR standards for each State by using the AASHTO "RRR Guide" and other guides.

An FHWA task force rejected all three alternatives after reviewing comments it received on the ANPRM. The alternatives were rejected because: (1) FHWA recognized the need to establish separate standards for RRR improvements; (2) FHWA perceived the need to minimize inconsistencies in application arising from the present exceptions process (FHWA approval of exception to full standards on a project-by-project basis); and (3) public comments, primarily from highway safety groups, severely criticized AASHTO's "RRR Guide" because it tended to emphasize the perpetuation of existing geometric features rather than safety improvements. The FHWA withdrew the ANPRM on January 19, 1978 (43 FR 2734).

FHWA then recommended a new set of geometric design standards for RRR projects on August 23, 1978 (43 FR 37556), which it published as an NPRM. The FHWA design standards were more stringent than AASHTO's "RRR Guide," but still significantly less stringent than full geometric standards required for new construction. The NPRM elicited more than 100 comments, primarily from State and local highway agencies. The FHWA subsequently established an internal working group to review the comments it received on the NPRM and to identify and evaluate alternatives for implementing the RRR program.

Two basic policy alternatives are available to the FHWA:

(A) The FHWA would adopt design standards for use on all federally assisted, non-freeway RRP projects nationwide. Various options for implementing this alternative include: application of current design standards in 23 CFR Part 625 with exceptions granted on a case-by-case basis (i.e., essentially maintaining the status quo); application of current design standards in 23 CFR Part 625 without exception; development and application of new design standards (e.g., standards proposed by the FHWA in 1978 under Docket No. 78–10).

(B) The FHWA would adopt a flexible approach to non-freeway RRR projects without establishing nationwide standards. Options available under this alternative include: providing State highway agencies with full authority to adopt their own non-freeway RRR design standards; issuing an FHWA policy statement for non-freeway RRR work; issuing an FHWA policy statement for non-freeway RRR work; and establishing a framework for the adoption of non-freeway RRR procedures and criteria in each State that meets the intent of the FHWA policy.

After evaluating these alternatives, FHWA chose to issue an FHWA policy statement for non-freeway RRR work and establish a framework for the adoption of non-freeway RRR procedures and criteria in each State which meets the intent of the FHWA policy. The advantages of this approach are that: (1) it provides needed program flexibility; (2) it encourages designs that conform to local needs; (3) it maintains sufficient Federal oversight for preservation of the highway system as well as for safety; (4) it reflects the intent of Congress to provide greater flexibility in the use of Federal funds and to obtain maximum use of the existing highway system; (5) it minimizes the burden of Federal regulations on State and local governments; and (6) it avoids disproportionate impacts on urban and rural communities that nationally uniform standards might cause. The only significant disadvantage is that, to use the flexibility provided by the proposal, States would have to develop their own procedures, criteria, and/or standards. We do not consider this a serious disadvantage, since most States already have developed similar procedures or criteria for guidance in using the present system of exceptions on a project-by-project basis. The selected alternative was published as an NPRM on January 5, 1981 (46 FR 1228).

Summary of Benefits

Sectors Affected: Users of highways; State and local governments; and the general public.

The primary benefits of this program would be to prolong the life of the existing highway system and to enhance highway safety features.

Approximately 8 percent of the Nation's arterial and collector highway mileage is rated in poor condition, which means it is approaching structural failure. Another 62 percent is rated only as fair, or in a state of advancing deterioration. If this program is not expediently and effectively implemented, these highways would otherwise continue to deteriorate to the point of structural failure, requiring a much larger expenditure by Federal, State, and local governments, and ultimately taxpayers, for reconstruction. Other anticipated benefits to users of highways and the general public include: reducing costs related to vehicle operation and future highway repair; lowering energy consumption; and increasing the comfort, convenience, and safety of drivers.

Summary of Costs

Sectors Affected: Users of highways; State and local governments; the highway construction industry and its suppliers; and engineering services.

The FHWA has prepared an analysis of the impacts of the major alternatives entitled "RRR Alternative Evaluations for Non-Interstate Rural Arterial and Collector Highways Systems." Using estimates of the funding levels that Congress might provide, the analysis considers the impacts of various levels of design standards. It concludes that, given limited funding availability, improving or preserving many miles of existing highways to less than full standards would yield a greater safety benefit than complete reconstruction of many fewer miles to full standards. In addition, it concludes that effective and expedient implementation of the RRR program would avoid much of the sharply higher costs of total reconstruction or replacement. The analysis is available as a support document for the NPRM.

Related Regulations and Actions

Internal: FHWA has regulations establishing geometric design standards for highway construction projects (23 CFR Part 625).

External: None.

Active Government Collaboration

None.

Timetable

Final Rule—October 31, 1981.
Regulatory Impact Analysis—Will be prepared in conjunction with final rule.
Regulatory Flexibility Analysis—Not required.

Available Documents

ANPRM—42 FR 42876, August 25, 1977, FHWA Docket 77–4.

Withdrawal of ANPRM—43 FR 2734, January 19, 1978.

NPRM—43 FR 37556, August 23, 1978.

Draft Regulatory Analysis of the proposed regulations (FHWA Docket 78–10).

Notice regarding status of proposed rulemaking—44 FR 29921, May 23, 1979.

NPRM—46 FR 1228, January 5, 1981, FHWA Docket 80–3.

Draft Regulatory Analysis on proposed regulations, FHWA Docket 80–3.

Analysis Appendix—"RRR Alternative Evaluations for Non-Interstate Rural Arterial and Collector Highway Systems," FHWA Docket 80–3.

All documents, including the record of a public meeting we held February 3, 1981, and public comments in response to the January 5, 1981 NPRM, are available for review in the Office of the Chief Counsel, Federal Highway Administration, Room 4205, 400 Seventh Street, S.W., Washington, DC 20590.

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DOT—Office of the Secretary of Transportation

Special Air Traffic Rules and Airport Traffic Patterns (14 CFR Part 93*)

Legal Authority

Federal Aviation Act of 1958, as amended, 49 U.S.C. §§ 1303, 1348 (a) and (c), and 1354(a); Department of Transportation Act, § 6(c), 49 U.S.C. § 1655(c); Act for the Administration of Washington National Airport, 54 Stat. 688, 1940.

Reason for Including This Entry

The Department of Transportation (DOT) thinks these proposed rules are significant for several reasons. Airline fares and services are of substantial public interest. The proposed rules could be potentially costly for the airlines and, if they have to pay for slots, the airlines may pass the costs on to customers. The rules could also affect air transportation service to some communities with service to and from Washington National Airport (DCA).

Statement of Problem

The airport "High Density Rule" (14 CFR 93.123 *et seq.*) limits the number of landings and takeoffs per hour at four heavily used airports: Washington National (DCA), LaGuardia, John F. Kennedy, and O'Hare. Because of this restriction, air carriers serving these airports must make reservations for each landing and takeoff. Such reservations are known as "slots." To distribute (allocate) the limited number of slots among air carriers who want to serve these airports, airline scheduling committees, made up of representatives of the air carriers and chaired by a representative from the Air Transport Association, draw up schedules for each of the four airports. The schedules are made up on the basis of unanimous agreement among the airline representatives who serve on the respective scheduling committees. Without antitrust immunity, the airlines were unwilling to meet in scheduling committees to allocate slots. The Civil Aeronautics Board (CAB) granted such immunity in the form of an exemption from antitrust law.

Currently, scheduling committees operate under a strict set of rules designed to prevent collusion and overtly anticompetitive behavior. To a degree, they are successful. However, they recently have been criticized on antitrust grounds for faults inherent in the system. The CAB is investigating whether slot agreements substantially reduce or eliminate competition within the meaning of § 412 of the Federal Aviation Act and whether it should continue to grant antitrust immunity to the scheduling committees. The Department of Justice, which will inherit the exemption-granting authority when the CAB expires in 1985, also has opposed the scheduling committees as anticompetitive.

While the Federal Aviation Administration (FAA) of DOT does not have statutory authority to authorize the continued operation of the committees, it solicited comments on them as part of its consideration of a "no-action" regulatory alternative, in an NPRM issued October 27, 1980 (45 FR 71236). DOT does have the authority to allocate slots by means other than the existing scheduling committee system, and several alternatives were proposed in the NPRM.

Alternatives Under Consideration

Based on several studies and review of the existing slot allocation system, DOT proposed, in its NPRM, to establish a specific methodology for allocation of slots at Washington National Airport. (Although the proposals in the NPRM apply only to DCA, if the rule is promulgated and proves effective, they could be expanded to cover all high density airports. Such expansion would occur only through additional rulemaking.)

The NPRM described three alternative types of slot allocation methods:

(A) administrative allocation;

(B) allocation by auction;

(C) allocation by the present scheduling committee (the status quo) or some modified version of this technique.

The NPRM indicated no preferred methods.

Regardless of the method that may be adopted there are elements of the allocation process which are applicable to each method and should be considered. Specifically, these elements are:

- How should a "slot" or "reservation" be defined?
- Should all airport users compete for all slots or should there be separate allocations for different classes of users?
- Who should be eligible to bid for slots?
- Over how long a time period should a slot be awarded?
- What property rights, if any, do recipients of a slot have with respect to resale of slots?
- Should there be a penalty for nonuse of a slot?
- What provision is provided to assure that slots are available for essential air service?
- Should provision be made to restrict the use of slots to assure that carriers do not substitute more profitable service to larger cities for existing service to smaller communities?

With respect to these elements, DOT proposed in its October 1980 NPRM that:

(1) A reservation be defined as authority to schedule one operation, either landing or takeoff, during a given one-hour interval between 7:00 a.m. and 8:59 p.m. or the half-hour interval between 9:00 p.m. and 9:30 p.m. The term "slot" as used in this document refers to a single reservation.

(2) Three classes of reservations be defined. The first would be for "air carriers," which conduct operations with aircraft having a maximum passenger seating capacity of 55 or more; the second would be for "scheduled air taxis," which would be defined as air taxis or air carriers that conduct operations with aircraft having a maximum seating capacity of less than 56; and the third would be for other operations (general aviation). The first two categories of slots would be subject to the carrier agreement, administrative

allocation, or auction processes described below. In the NPRM, DOT further proposed that allocations for the first two categories of reservations be made through separate allocations for each category. Finally, a procedure for establishing fees for the third class of user (general aviation) would be set forth in a separate section.

(3) Bidding or application for reservations would be limited to carriers operating under a certificate of convenience and public necessity issued by the CAB or registered with CAB and exempted from certification under 14 CFR Part 298.

(4) Reservations would be awarded for a period of 6 months starting either in October or April immediately following the award of reservations. This would follow the current procedure of the airline scheduling committee, which allocates slots in January for the 6-month period starting the last Sunday in October.

(5) The air carrier slots available under any of the three proposed allocation methods would be subdivided into three parts, with three different sets of slots devoted to three categories of airports served: large hub, medium hub, and small and non-hub. (A hub is an airport where there is a lot of connecting traffic.)

The question of a marketable property right for holders of a slot (the right to sell a slot) and the question of a penalty being levied for nonuse of a slot was addressed in the NPRM in the discussion of each of the procedures under consideration. In addition, under the administrative allocation procedure, DOT proposed as one alternative to allocate slots specifically for the purpose of providing the minimum level of essential air service as determined by the CAB. DOT recognizes that there may be some problems with this proposal and, therefore, solicited comments on other alternatives that may be more effective for the allocation of slots for essential air service under any allocation procedure chosen. A discussion of the three major alternatives follows.

(A) Administrative Procedures—To ensure continuity of operation at Washington National Airport, DOT has been analyzing several alternative administrative procedures for allocating slots. The easiest way would be to freeze all allocations at their existing levels, but this would not help DOT meet the objectives of the Airline Deregulation Act, such as increased competition and access by new carriers. If DOT froze slot allocations, new carriers could begin operations at DCA only when encumbent carriers were willing to relinquish slots.

Alternative (A) would involved a two-step administrative allocation procedure. Each carrier wanting a reservation would submit an initial reservation request to DOT. For any given hour, an air carrier could request one or more reservations as desired. These requests would have to be submitted by January 1 and July 1 of each year. DOT would tally the reservation requests. If there were a "resolution" (i.,e., the number of reservations requested by the airlines was less than or equal to the number available in each hour), DOT would grant all requests. If there were no resolution, DOT would have to compute the number of slots for each airline. This would be done based on a number of factors, including:

- number of slots allocated in the preceding scheduling period, with a minimum of slots;
- number of pasengers enplaned (i.e., who board the plane) per departure;
- number of passengers deplaned (i.e., who leave the plane) per arrival;
- number of different cities to which nonstop service has been provided in the preceding scheduling period relative to the number of slots allocated.

The first factor (current slot allocation) would allow for some continuity and stability of existing service patterns. DOT is now considering allocating half of the available slots based upon the existing allocation. The second and third factors (enplaning and deplaning) would allow DOT to measure the service each airline provided with its slot allocations in the past. Because larger airlines, serving higher-population markets, tend to enplane and deplane more passengers, this factor placed smaller markets (i.e., areas with less air service) at a disadvantage. Therefore, DOT also proposed using the fourth factor, namely, the number of different cities provided direct air service by each carrier. By considering the airlines' enplanement/deplanement figures, along with the number of cities served, DOT would be able to measure the carriers' "public service," obtain a better distribution of service to and from high density markets among the three area airports (National, Dulles, and Baltimore-Washington International), and provide direct access to and from DCA to the maximum number of cities.

Once DOT had awarded each carrier its total number of reservations for the day, the second step of this administrative procedure—allocation of slots by hour of day—would begin. Each carrier would submit several alternative schedules, and DOT would combine these into a feasible "consolidated schedule" for all participating airlines. DOT invited comments in the NPRM concerning this mechanism, the specific weighting factors to be assigned to each component of the allocation formula, and minimum allocation to new entrants.

(B) Actions—DOT also proposed separate semiannual auctions for air carrier commuter reservations at DCA. The proposed procedure would take place in two steps: a "reservation auction," followed by a continuous "reservation exchange." In the first step of the auction, each carrier (a similar procedure would be used for air taxis) would have to submit, by January 1 and July 1 of each year, sealed bids for the landing and takeoff reservations it desires for the next 6-month period. The bidding would take place in a number of rounds, during which DOT would release certain information on which the air carriers could base their bids for the next round. Individual airline's demands would not be revealed. After a specified period, if there were no more bids, or only minimal changes to previous-round bids, the auction would end. The auction also could end, and DOT could finalize awards and prices, if all the participating carriers informed DOT withn 24 hours after a round of bidding that they chose to end the auction. DOT then would notify each successful bidder in writing of the amount of its accepted bid prices. (DOT would not retain this money, but would pay it into the United States Treasury. DOT also has asked for comments in its NPRM on whether this money could be handled in other ways—for example, paid into a special fund for DCA or some other aviation-related purpose. The auction revenues would not take the place of landing fees, which now cover the cost of maintaining and operating the airfield, and which air carriers and taxis would continue to pay.)

In the second step of the process—the continuing "reservation exchange"—reservation owners could sell their reservations to other users. Any reservation owner wishing to sell a reservation and any air carrier or air taxi wishing to buy a reservation would notify DOT in writing. DOT would maintain a list of available reservations and desired reservations and bid prices, but the names of the bidders and offerors would not be disclosed until the transaction was completed. This would eliminate special deals, collusion, or conspiracy that might impair DOT's objective of enhancing competition.

There are several advantages to the auction process. By requiring carriers to pay for slot rights, the auction method ensures that the slots go to those carriers that can most profitably use them. New entry and expansion by the more efficient carriers would be encouraged, while less efficient carriers would be discouraged from entering or expanding at the airport. A carrier would be free to discontinue marginal or unprofitable service by selling its slots, but could re-enter the market at a future date if it so desired.

An important advantage of the auction system is that, because it would force airlines to pay for landing and takeoff privileges, the airlines might be encouraged to redistribute their flights to the other area airports (Dulles International and Baltimore-Washington International), where they could charge lower fares (because the fares would not reflect slot allocation costs). One disadvantage of the auction system would be that airlines serving DCA could raise fares to reflect the cost of their slots.

(C) Scheduling Committees—This alternative would maintain the status quo.

The DOT invited specific comments on the appropriateness of the operations of the present committee system as well as any suggestions for modifications to the rules under which the committees function that would improve the results. In addition, comments were invited on the current system used to allocate air taxi slots. Under that system, slots allocated to commuters are essentially frozen. New entrants or additional flights by a given air taxi can only be added when another air taxi relinquishes a slot or when the number of slots is increased. These comments will be weighed against objections to aspects of the auction and administrative allocation process to determine whether regulatory action under Alternative (A) or (B) is advisable. In addition, these comments will be considered if Alternative (A) or (B) is adopted and proves unworkable, inefficient, or otherwise undesirable in actual practice.

In addition to Alternatives (A), (B), and (C), above, the October 1980 NPRM also described a special provision that would offer some protection to smaller markets and, in the event of an auction, the airlines that serve them. These markets have suffered because of the current trend at DCA and other major airports toward slot usage by carriers on more profitable markets (those involving longer hauls and/or high passenger levels). To alleviate this problem, DOT proposed dividing the current market categories (large hub, medium hub, and small or non-hub) into "submarkets," based on distance from Washington, geographic quadrant (New England, Middle Atlantic, Southeast, etc.), or city hub size.

The process would start with a determination of the percent of total slots which are currently being used to serve the three market categories. During June 1980, the distribution was:

	Percent
Large hub	54
Medium hub	23
Small hub and non-hub	23

These percentages would then be applied to the total number of slots to be made available during the forthcoming scheduling period. This would set the size of the three air carrier "submarkets."

The second phase would be to allocate the slots independently in each of these submarkets using either scheduling committees, slot auctions, or the administrative procedure. There would be no transfer of slots between "submarkets" unless the total demand for slots fell short of the number available. Using hub size as a criterion for establishing the allocation subset has the advantage of placing together markets of relatively comparable economic strength. While this mechanism would not guarantee that every small or non-hub would continue to receive the same amount of non-stop service to and from Washington National, it would tend to protect these markets, and to compete more equitably for a limited resource with similarly situated competitors.

With respect to the possible two-step process for allocation, DOT also proposed that if the slots are not used to serve the specified hub type, they would revert to the DOT for reallocation.

Another alternative DOT is considering involves general aviation operators (those that do not qualify as commuter operators or air carriers). For example, if DOT adopts the auction system—Alternative (B), above—the system might treat general aviation operators separately, setting aside an allocation for these operators, rather than requiring them to participate in the bidding process. Some public comments have pointed out that this is a logical system, since general aviation operators do not require slots on a regularly scheduled basis. Others, however, contend that, given the limited number of slots available and the need for economic efficiency, it is not desirable to allocate slots specifically to general aviation. These commenters believe that general aviation users should compete in an auction system.

DOT is considering two alternatives:

(1) Continue the present system, in which general aviation operators would continue to pay landing fees, but would not be required to bid for slots or participate in a two-step administrative scheduling procedure. This would not require a regulatory change.

(2) Set the fee for the use of a slot for general aviation during any hour at the bid price established during the auction for scheduled air taxi reservations. An advantage to this alternative is that it would encourage redistribution of general aviation traffic to nearby airports, where auction fees are not applied.

Summary of Benefits

Sectors Affected: Scheduled air carriers; commuter airlines; and scheduled passengers, including passengers traveling to and from small communities.

DOT expects that benefits from a two-step allocation system, which is different from the current scheduling committee system, would be to increase competition among carriers serving DCA; to make more efficient use of the airspace; and to continue and possibly improve service to Washington, DC, for travelers from small communities. Other benefits are discussed above in the "Alternatives Under Consideration" section.

Summary of Costs

Sectors Affected: Air carriers; commuters; and scheduled passengers.

Without the two-step procedure, both the slot exchange auction and the administrative allocation are expected to result in increased service on high-density routes at the expense of service to smaller cities. If a slot exchange auction is initiated, passenger fares may, on the average, rise by as much as $6 to $24 (in 1980 dollars) depending on the airline bidding strategy. The average first-leg-out/last-leg-in fare for DCA (that is, the fare to the first stop after leaving DCA or the last stop before landing there) was $72 in February 1980. Fares would be unaffected by the administrative procedure or the scheduling committee procedure.

The slot exchange auction may increase airline costs of service at DCA between $49 million and $197 million per year (in 1980 dollars) depending upon airline bidding strategy.

Related Regulations and Actions

Internal: On August 15, 1980, the Secretary of Transportation issued a Washington Airport Policy. This followed publication of a Notice of Proposed Policy (45 FR 4320, January 21, 1980). The policy and implementing regulations were published in the **Federal Register** on September 18, 1980 (45 FR 62406). On October 29, 1980, DOT issued a regulation for the temporary allocation of slots at DCA for the period December 1, 1980, until April 26, 1981, because of the failure of the scheduling committee to come to agreement for that period. On March 24, 1981, the Secretary issued a notice delaying the effective date of the Washington Airport Policy and implementing regulations so that they could be reviewed under Executive Order 12291 (46 FR 19225, March 30, 1981), Federal Regulation.

External: The Air Transport Association (ATA) has petitioned the CAB for an extension of antitrust immunity granted to the Airline Scheduling Committee. In CAB Order 80–9–148, the CAB granted the ATA a one-year extension of antitrust immunity. At the same time, the CAB will investigate the need for antitrust immunity for airline scheduling committees.

Active Government Collaboration

The DOT has worked with the Civil Aeronautics Board (CAB) and the Department of Justice to develop a set of alternative allocation procedures. An initial study of slot auctions was prepared for DOT/CAB and was widely circulated for comment within the Government and to the general public

Timetable

Final Rule—To be determined.
Final Rule Effective—Not before January 1982.
Regulatory Flexibility Analysis—Not required, because NPRM was published before January 1, 1981.

Available Documents

NPRM—October 27, 1980 (45 FR 71238).

Draft Regulatory Analysis.

"A Method for Administrative Assignment of Runway Slots," June 1980, FAA–AVP–80–5.

Econ, Inc. "The Allocation of Runway Slots by Auction," Princeton, NJ, April 1980, FAA–AVP–80–3.

J. Watson Noah, Inc. "A Slot Allocation Model for High Density Airports," Falls Church, VA, August 1980.

The above documents are, or will be, available from the Agency Contact listed below.

Polynomics Research Laboratories, Inc. "Alternative Method of Allocating Slots; Performance and Evaluation." Available from the Civil Aeronautics Board.

Transcripts from public hearings held February 12 and 13, 1981, and written comments are available for public inspection and copying in the Office of the Assistant General Counsel for Regulation and Enforcement, Room 10421, Department of Transportation, 400 Seventh Street, S.W., Washington, DC. Refer to Docket No. 70. The docket is open between 9:00 a.m. and 5:30 p.m., Monday through Friday.

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SMALL BUSINESS ADMINISTRATION

Revision of Business Loan Policy; Business Loans and Guarantees (13 CFR 120.2(d)(4)*)

Legal Authority

The Small Business Act, 15 U.S.C. § 633(d).

Reason for Including This Entry

The Small Business Administration (SBA) has determined that these regulations are significant because they are precedent-setting—they will allow us for the first time to target media-oriented small businesses for financial assistance.

Statement of Problem

The Small Business Administration (SBA) is acutely aware of the large number of recent mergers and acquisitions in the media industries, and we are concerned that these takeovers tend to eliminate many media-oriented small businesses and promote concentration of ownership. We are also concerned that our present "opinion-molder" policy relative to media industry eligibility may be unnecessarily inhibiting our ability to assist these small businesses, and that it may thereby indirectly promote undesirable concentration of ownership. We are therefore in the process of altering this policy, and as we have expressed in recent testimony before Congress, we favor a regulatory rather than a legislative approach to accomplishing this purpose.

Under SBA's present regulatory policy, the Agency cannot make business loans to an applicant engaged in the "creation, origination, expression, dissemination, propagation, or distribution of ideas, values, thoughts, opinions or similar intellectual property, regardless of medium, form or content" (13 CFR 120.2(d)(4)). There are several exceptions to this prohibition regarding assistance to firms involved in printing, advertising, T.V., and certain publishing firms.

SBA originally adopted this policy in 1953 under the authority granted by § 4(d) of the Small Business Act (15 U.S.C. § 633(d)), which permits SBA to "establish general policies which shall govern the granting and denial of applications for financial assistance by the Administration."

There are three basic reasons for the policy: First, the prohibition is based upon SBA's desire to avoid any possible accusation that the Government is attempting to control editorial freedom by subsidizing media or communication for political or propaganda purposes. Second, the Agency has generally sought to avoid government identification, through its business assistance programs, with concerns which might publish or produce matters of a religious or controversial nature. Third, SBA recognizes that the constitutionally protected rights of freedom of speech and press ought not be compromised either by the fear of government reprisal or by the expectation of government financial assistance.

SBA has come to the conclusion that assistance rendered under exceptions to the "opinion-molder" rule and its Small Business Investment Company and disaster programs may not be sufficient to assist the small businesses in the media industries which are demonstrably in need of increased assistance. We feel that time has come for a complete revision of our "opinion-molder" policy. We note that there has been strong sentiment in both Houses of Congress favoring a change in the policy, and we acknowledge that the present policy has produced inconsistent results in the way we have rendered our assistance. For example, we have made assistance available to some "opinion-molders" by virtue of the rule's exceptions. However, we have denied assistance to those businesses in analogous areas of opinion-molding which do not fit into the exceptions. Therefore, we have recently undertaken a legal review of the policy, and we feel that we are not legally prohibited from making regulatory changes which will allow us to make much more assistance available from SBA to media concerns.

We favor a regulatory approach to this problem because, as indicated below, we feel it will permit us to maintain the rule's valid features while allowing increased assistance to worthy elements of the media industry.

Alternatives Under Consideration

Alternative (A)—Retain the present rule, but provide a waiver procedure by which media concerns which SBA denies assistance could demonstrate that the purpose of the rule is not served by the denial of assistance.

This policy would add a "rule of reason" to SBA's current strict policy of denying assistance to all "opinion-molders" except those that qualify for specific exemptions. This proposal would give SBA administrative flexibility to allow funding of certain enterprises covered by the rule where application of the rule would serve no useful purpose (e.g., most publishers or distributors of greeting cards, sheet music, pictures, and posters; producers or distributors of musical broadcasts or recordings; specialty bookstores that do not promote a particular point of view; most neighborhood newspapers). The waiver procedure would be administered by an SBA central office committee to ensure fairness and uniformity in ruling on waiver requests.

Alternative (B)—Expand the exceptions in the current rule to allow SBA assistance to those types of businesses which meet the present broad definition of an "opinion-molder," but which do not primarily mold opinions, and the funding of which would not be likely to promote governmental interference with freedom of speech and press.

This proposal would substantially reduce the number of cases in which SBA is forced to deny assistance to concerns which technically are covered by the rule but in which no real purpose is served by denying them assistance. Unlike the waiver procedure described above, this proposal could directly exclude from the rule, for example, greeting card manufacturers and certain types of publishers. The case-by-case determinations involved in the waiver procedure are absent from this proposal.

Alternative (C)—Replace the present broad proscription against assisting "opinion-molders" with specific prohibitions against certain types of assistance to certain types of enterprises. This proposal would reverse the structure of the current extremely broad rule by making small media concerns eligible for assistance unless otherwise prohibited from receiving it. This proposal would have the effect of widening the scope of media concerns to which SBA would provide assistance.

Alternative (D)—Prohibit SBA assistance to certain forms of media enterprises which advocate a particular religious, political, social, or economic point of view.

This proposal would narrow the "opinion-molder" rule to cover those cases where its purpose is best served. The danger of government censorship of the press is greatest where a newspaper, magazine, book publisher, or bookstore advocates a particular point of view. By refraining from assisting all such businesses (regardless of what point of view is advocated) while funding other media concerns which do not advocate a particular point of view, SBA could assist eligible media enterprises while avoiding actual or apparent government censorship of the media.

For the purposes of this proposal, a daily or weekly newspaper serving a city or community would not be considered as advocating a particular point of view, even if it carried editorials as well as news stories.

Alternative (E)—Prohibit SBA assistance to an applicant if more than 30 percent of the applicant's annual gross income is derived from the sale, rental, or lease of religious products, materials, or services.

This proposal, which includes but is not limited to media concerns, would ensure that SBA's liberalization of the "opinion-molder" rule would not run afoul of the First Amendment's prohibition of governmental establishment of religion. The Supreme Court has repeatedly held that government cannot act in a manner which will have a primary effect that advances religion or which will promote excessive entanglement with religion. SBA funding of religious bookstores or broadcast stations that emphasize religious programming would advance religion and excessively involve the government in religiously oriented enterprise. The 30 percent income limitation contained in the proposal is a reasonable standard by which SBA could determine that assisting an enterprise would violate the First Amendment.

Alternative (F)—Prohibit SBA assistance to an applicant if more than 30 percent of the applicant's annual gross income is derived from the sale, rental, or lease of sexually explicit products, materials, or services.

This proposal, which includes but is not limited to media concerns, would keep SBA from funding hard-core sex industries. Such businesses (e.g., sexually explicit magazines or pornographic bookstores or theaters) are generally not in need of governmental assistance and thus SBA's finite resources could be more productively applied to other types of businesses.

Alternative (G)—Prohibit direct SBA loans to "opinion-molders."

Presently, all financial assistance, including SBA loan guarantees as well as direct loans, is denied to "opinion-molders." The dangers of government interference with freedom of speech and press is greatest where direct loans are involved. This proposal would be a reasonable accommodation between our desire to assist eligible media enterprises while minimizing the danger of actual or apparent government censorship of the media.

Summary of Benefits

Sectors Affected: All "media" small businesses, including printing, publishing, and allied industries, news syndicates, television and radio broadcasting, motion pictures, and theatrical producers; and SBA.

These regulations will benefit all U.S. small media businesses because we will use them to determine which of those businesses will be eligible for SBA assistance. In addition, these revisions will benefit SBA by making its policy with respect to assistance to media concerns more specific. However, no additional funds will be available to media concerns as a result of the revisions. The revisions will merely affect the targeting of appropriated funds.

Summary of Costs

Sectors Affected: None.

SBA expects no costs as this rule by itself would impose no burdens. There is a possibility that the rule could result in decreased funding to some businesses, since the rule would not generate additional funds, but redistribute current targets. However, we do not know at this time what businesses would be affected or to what degree.

Related Regulations and Actions

Internal: These regulations will apply to SBA's loan-making function. Therefore, those regulations which deal with that function, 13 CFR Parts 120 and 122, will be affected.

External: None.

Active Government Collaboration

In preparing its ANPRM, SBA contacted the Department of Justice and Office of Management and Budget to obtain legal clearance. We do not contemplate any other government collaboration although we anticipate that comments may be forthcoming from

other sectors of the executive branch, as well as from the legislative branch of government.

Timetable

NPRM—Summer 1981.
Public Comment Period—60 days following publication of NPRM.
Public Hearing—None planned.
Regulatory Impact Analysis—None planned.
Regulatory Flexibility Analysis—Not required.
Final Rule—To be determined.

Available Documents

ANPRM—45 FR 66807, October 8, 1980.

A complete docket of public comment is available for copying and inspection at the offices of the Small Business Administration, 1141 L Street, N.W., Washington, DC 20416, Room 700.

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CIVIL AERONAUTICS BOARD

Air Carrier Insurance and Liability (14 CFR Part 205)

Legal Authority

Federal Aviation Act of 1958, § 401(q), as amended by the Airline Deregulation Act of 1978, § 22(d), P.L. 95-504, 92 Stat. 1722, 49 U.S.C. § 1371(q).

Reason for Including This Entry

The Civil Aeronautics Board (CAB) considers this rule important because it would place insurance requirements on certificated route airlines for the first time and would substantially increase the present insurance requirements for air taxi operators. The proposed rule would also meet a concern of Congress when it passed the Airline Deregulation Act of 1978: that passengers be protected during the transition to a more competitive environment.

Statement of Problem

The Civil Aeronautics Board (CAB) staff estimates that the average bodily injury/death claim award for losses suffered by passengers and non-passengers has climbed from $55,182 in 1967 to a projected $252,834 in 1979, an increase of 450 percent. The CAB's insurance regulations (14 CFR Parts 208 and 298), which require airlines to obtain insurance from private companies, now only apply to air taxis (operators of small aircraft), charter airlines, and domestic cargo carriers. The minimum insurance limits that the CAB requires for these carriers range from $75,000 per person to $500,000 per person. However, at the present time, there are no CAB insurance requirements for CAB-certificated passenger carriers, such as the large nationwide airlines.

The Airline Deregulation Act of 1978 requires all certificated air carriers to have liability insurance coverage as established by the CAB. Unless a carrier complies with the CAB's insurance rules, it cannot obtain or retain operating authority. Although there has not been a problem with the ability of existing scheduled carriers to pay claims made against them, Congress concluded that airline deregulation would significantly reduce the barriers to entry into air transportation. This in turn could result in operations by new carriers that are less able to compensate the public for damage losses in an accident.

Changes in the liability protection rules also appear to be needed to keep pace with the steadily increasing value of losses the public suffers in aircraft accidents. The restructuring and revision of insurance rules will also meet the mandate of the Congress, in ensuring protection of the public during the transition of air transportation from a heavily regulated to a deregulated market.

Alternatives Under Consideration

Possible alternatives the CAB is considering include (A) minimum standards for insurance policies and self-insurance plans, to prohibit certain types of exclusions of liability, such as for safety violations, or to require certain specific terms, such as for policy cancellation, (B) minimum limits of coverage, (C) requiring disclosure of the carrier's insurance and liability limits to shippers, (D) establishing different limits and standards for different types and sizes of air carriers, and (E) no action at all at this time.

Minimum limits of liability and minimum standards for insurance policies, alternatives (A) and (B), would set specific amounts and terms and conditions that the carriers must meet. The standards would be similar to the CAB's current insurance rules, which require insurance by licensed insurors, and prohibit cancellation without notice to the CAB. These alternatives have the advantage of ensuring a minimum financial responsibility for all existing carriers, whatever their past records, and for new carriers as the historical barriers to entry are reduced. They would also go further in meeting the intent of the Airline Deregulation Act, which emphasizes that safety in air transportation be given primary importance in the transition to deregulation. A possible disadvantage could be corresponding ticket price increases if mandatory coverage is adopted with conditions requiring higher premiums, or in amounts greater than standard industry coverage.

For domestic air cargo transportation, the CAB now uses alternative (C), requiring carriers to disclose their insurance and liability limits for cargo, but does not require specific amounts for those limits. While the CAB has only used this type of approach in regulation of insurance liability for a short time, it has the advantage of allowing carriers to establish their own liability limits within the boundaries of competition and internal economic management. Its disadvantages are that it depends on a generally knowledgeable consumer, such as a shipper in cargo transportation, and may not be as effective in giving actual notice to vacation travelers and others who might not be regular users of air transportation.

Alternative (D) is important because of the wide variety in the size of airlines, the aircraft they use, and the size of their businesses. An advantage of different rules for large and small aircraft or businesses is that the rules may be structured so that the premium costs are not overwhelming. The disadvantage is that nonuniform rules may be misleading to passengers and shippers.

Alternative (E) is based on the assumption that the present standards, conditions, and applicability of the CAB's insurance requirements are adequate, and that the burden should generally be on passengers and shippers to ensure that they have necessary insurance coverage in case of an accident. Advantages are no increase in costs to airlines, other than inflation. The disadvantages are the possibility of substantial loss for some passengers because of inadequate insurance of some air carriers, and that passengers would have no way of knowing whether the airline has adequate coverage.

The CAB is proposing to use a combination of alternatives (A) through (D). The proposal includes authorized exclusions and standards for insurers, and minimum coverage of $300,000 per passenger. The minimum for passenger liability per accident would be $300,000 x 75 percent of the number of seats. For liability to non-passengers, the proposed amounts are $300,000 per person and

$20,000,000 per occurrence ($2,000,000 for small aircraft). The proposal would also require disclosure of an air cargo carrier's insurance and liability limits to shippers. This combination of alternatives would allow the agency to tailor insurance regulations to the needs of each group of shippers and passengers, and to the ability of carriers to afford needed coverage.

Summary of Benefits

Sectors Affected: Air cargo carriers; air travelers; shippers using air transportation; and the general public.

Air passengers, air shippers, and, for that matter, anyone on the ground can be expected to benefit from the proposed insurance requirements because they would be better able to recover money damages in the event of an accident or damage to property. Cargo air carriers would benefit by being able to set their own insurance levels and liability limits to meet market demand, thus ensuring they will be at the most efficient amounts.

Summary of Costs

Sectors Affected: The air transportation industry, including certificated air passenger carriers, charter air carriers, air taxis, and air cargo carriers; the insurance industry; air travelers; and the CAB to monitor enforcement.

Although the CAB has not previously required certificated route carriers to maintain insurance, most already have coverage in amounts equal to or greater than the limits being considered. All but one of the charter airlines also have such coverage. Some air taxi operators may have to increase their insurance coverage to meet the proposal, and new carriers would, of course, have to obtain coverage meeting these standards. Air cargo carriers would have the cost of giving notice to their customers of the insurance carried. The CAB staff estimates that the increased annual cost to the air taxis for new passenger liability coverage may be approximately $200 (1979 dollars) per seat, and the increase in cost for public liability coverage (insurance for liability to people other than passengers) may be approximately $200 to $4,000 (1979 dollars) per plane, depending on the size of the plane. These costs would likely be passed on to passengers and shippers as increases in prices.

The insurance industry would have some costs in rewriting present policies and obtaining reinsurance to meet the new coverages and conditions.

Operators of small aircraft would have somewhat smaller costs for the proposed third-party liability coverage, since the per-occurrence limit set for those aircraft would be $2,000,000 rather than $20,000,000.

Related Regulations and Actions

Internal: Insurance requirements for special classes of air carriers: Indirect Cargo Carriers—14 CFR Part 296; Air Taxis—14 CFR Part 298; Domestic Cargo Carriers—14 CFR Part 291; and Charter Carriers—14 CFR Part 208.

External: The CAB staff is researching related actions by other agencies.

Active Government Collaboration

CAB staff held discussions with the Federal Aviation Administration, whose experience with accident litigation and insurance problems is helpful to the CAB in formulating a proposed rule, and with the Military Traffic Management Command for information about insurance of air carriers carrying civilians for the Department of Defense.

Timetable

Public Hearing—None.
Final Rule—Summer 1981.
Final Rule Effective—Fall 1981.
Regulatory Impact Analysis—The CAB, as an independent agency, is not required to prepare a Regulatory Impact Analysis as it is defined under E.O. 12291. However, the CAB prepares essentially the same information in its NPRMs and final rules.
Regulatory Flexibility Analysis—The Regulatory Flexibility Act does not require a Regulatory Flexibility Analysis for proposals, such as this one, that were issued before January 1, 1981.

Available Documents

NPRM—45 FR 7566, February 4, 1980 (EDR-395).

Extension of Comment Period—45 FR 14062, March 4, 1980 (EDR-395A).

NOTE.—Numbers in parentheses are CAB reference numbers for these documents.

Civil Aeronautics Board Dockets 37531 and 37532.

Public comments may be examined in Room 711, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, DC.

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CAB

Essential Air Service Subsidy Guidelines (14 CFR Part 271)

Legal Authority

Federal Aviation Act of 1958, § 419(d), as amended by the Airline Deregulation Act of 1978, P.L. 95-504, 92 Stat. 1739, 49 U.S.C. § 1389(d).

Reason for Including This Entry

The Civil Aeronautics Board (CAB) considers this rule important because it should significantly reduce the Federal subsidy of airlines. It also represents a major shift in focus of the subsidy program. Rather than subsidizing certificated airlines to aid in their economic viability and expansion, the new subsidy program will focus on smaller commuter airlines in order to improve air service to small communities.

Statement of Problem

The primary thrust of the Airline Deregulation Act of 1978 is to let the level, quality, and price of air transportation be determined by free competition of airlines seeking to meet consumer demand, instead of by pervasive government regulation. However, to minimize the potential disruption caused by airlines' increased freedom to reduce or eliminate service in particular markets, the Deregulation Act also established a program to preserve essential air service to small communities that cannot support profitable air service, using Federal subsidy when necessary. The CAB is responsible for determining the level of essential air transportation at each eligible point and ensuring that such service is provided. "Eligible points" basically are those to which any certificated airline was authorized to provide service on October 24, 1978 (746 points), plus certain other points that the CAB may designate. "Essential air transportation" is a level of air transportation that the CAB, according to statutory criteria, finds will satisfy the community's needs for air transportation to one or more principal destinations, and will ensure the community's access to the Nation's air transportation system.

The Federal Aviation Act has long contained a subsidy provision, § 406. Although the CAB has built incentives

into that subsidy system, § 406 has not always been effective as a tool to prevent the withdrawal of airlines from small communities. One reason is that § 406 is limited to certificated airlines, which typically use large aircraft that cannot operate efficiently to many of the affected cities and towns. Also, the CAB must consider the needs of the certificated airline's overall system, and not only the points affected, when determining the airline's subsidy need.

This subsidy provision had not been significantly modified since the adoption of the Civil Aeronautics Act in 1938. Its primary intent was the development of a national air transportation system, rather than ensuring air service to small communities. That is why the CAB considered the financial need of the airline's entire system in establishing subsidy rates. This approach enabled airlines to expand and acquire larger aircraft. While this worked well in building the air transportation system and nurturing airlines to self-sufficiency, the shift to larger equipment made high-frequency service to smaller points increasingly impractical. Because the § 406 subsidy was limited to certificated airlines, the CAB was unable to subsidize the air taxi industry (uncertificated operators of small aircraft) whose equipment was better suited to serving the small points.

The essential air service subsidy program of § 419, which was added to the Federal Aviation Act by the Airline Deregulation Act of 1978, corrects this problem. This rulemaking to establish subsidy guidelines responds to § 419(d), which states:

> The Board shall, by rule, establish guidelines to be used by the Board in computing the fair and reasonable amount of compensation required to insure the continuation of essential air transportation to any eligible point. Such guidelines shall include expense elements based upon representative costs of air carriers providing scheduled air transportation of persons, property, and mail, using aircraft of the type determined by the Board to be appropriate for providing essential air transportation to the eligible point.

During fiscal year 1980, the CAB provided subsidy support for 27 points, at an average cost of about $225,000 per point. During fiscal year 1981, the CAB expects to provide subsidy support for 51 points. Those points are smaller communities where air service cannot be provided at a profit. The § 419 subsidy program is reaching all communities that want service, need subsidy, are not receiving subsidized service under § 406, and qualify as eligible points under the Act.

Alternatives Under Consideration

The Airline Deregulation Act does not point the CAB toward any particular subsidy approach. On the contrary, Congress expects the CAB to develop new and innovative subsidy methods. The primary emphasis is on ensuring essential services, rather than on minimizing the costs of the program; i.e., the subsidy program must be structured so as not to hinder, in any way, the provision of essential services. But of course, the CAB must be prudent with Federal expenditures, so it is faced with the dual and possibly conflicting objectives of assuring the provision of essential air services while maintaining a fiscally responsible program.

Developing a market for air service to small communities is a step common to achieving both goals. Specifically, increased traffic volumes can at once justify better service (more flights) and reduced subsidy cost. The CAB is considering two alternatives for achieving these goals. The cost-plus subsidy, under which the CAB would reimburse airlines for their expected losses, allow them a reasonable profit, and, in addition, compensate them for any additional losses that they incur in actually providing the service, does not appear to promote either goal. The CAB has rejected this approach.

Instead, the CAB favors two innovative incentive approaches. Under one, the fixed incentive rate, the CAB would reimburse the airline for a predetermined projected loss, and would allow a reasonable profit. If the airline incurred additional losses, it would not receive additional compensation. If the airline received additional revenue, however, it could keep the extra profit. The possibility of making large profits with subsidy gives airlines the incentive to be cost efficient and develop the market. The possibility of uncompensated losses, however, poses the danger of service terminations. To avoid this problem, the CAB is considering another approach, the shared incentive rate. Under this approach, as with the others, the CAB would reimburse the airline for a predetermined projected loss and allow a reasonable profit. The difference is that under the shared rate, the CAB would compensate the airline for some of its additional losses instead of all of them (cost-plus approach) or none of them (fixed incentive rate approach). These alternatives are more fully discussed in the NPRM (45 FR 83254, December 18, 1980).

Summary of Benefits

Sectors Affected: Small communities; air travelers and potential travelers to these communities; industries within small communities; the air transportation industry, particularly small, commuter airlines; the general public; and CAB.

The benefit from the subsidy program is the assurance that all communities that were receiving service from a Board certificated carrier would continue to be linked to the air transportation network. In some subsidy cases, the combination of deregulation and subsidy will result in more flights and cheaper or more available air service. Small commuter airlines are more likely to take advantage of the subsidy program because it is oriented towards cities where jet service is inefficient. This may lead to other tangible benefits to the communities, such as the attraction of new industry or business, and intangible benefits, such as an improved way of life stemming from better and continued access to the Nation's air transportation system.

The subsidy guideline rule, as opposed to the subsidy program itself, should also provide several benefits. It would simplify the procedures for computing subsidy amounts, thus saving administrative time for the CAB and airlines. It should also result in improved services and lower subsidy costs by using an incentive approach. Although the effect on individual taxpayers of the choice of guidelines will be slight in any event, the incentive plan should minimize subsidy compensation and save taxpayers in the aggregate several million dollars annually, when compared with other approaches to subsidy.

The Congressional Budget Office estimated that when this new system is phased in and the old subsidy system phased out (currently scheduled for 1986), there will be a savings of 26 million subsidy dollars (1980 dollars) per year. A proposal has been submitted to Congress to end the § 406 subsidy program on October 1, 1981. If it is adopted, several points currently subsidized under § 406 would require subsidy under the § 419 program. This would raise the costs of the § 419 program but should result in an estimated overall savings of 55.6 million subsidy dollars (1980 dollars) per year. The subsidy program and guidelines are not predicated on a cost/benefit analysis by the Agency, but are required by law.

Summary of Costs

Sectors Affected: CAB.

The cost to the Government of the underlying § 419 subsidy program for fiscal year 1979 was $1.2 million and for fiscal year 1980 was $9 million. The CAB staff's preliminary estimates of the costs are $20.2 million (1980 dollars) for fiscal year 1981 and $25.1 million (1980 dollars) for fiscal year 1982. (If the § 406 program is eliminated, the CAB staff estimates that the costs of the § 419 program would be $58 million (1980 dollars) for fiscal year 1982.) A regulation establishing subsidy guidelines, as opposed to the subsidy program itself, is not likely to impose any significant costs.

Related Regulations and Actions

Internal: The CAB has adopted the following new regulations:

Criteria for Designating Additional Eligible Points—14 CFR Part 270.

Terminations, Suspensions, and Reductions of Service—14 CFR Part 323.

Procedures for Compensating Air Carriers for Losses—14 CFR Part 324.

Guidelines for Individual Determinations of Essential Air Transportation—14 CFR Part 398.

External: The CAB is a party to an interagency cooperative agreement, described below.

Active Government Collaboration

The CAB is a party to an interagency cooperative agreement for the purpose of fostering optimum air service to small communities through coordinated financial assistance. The agreement is titled "Small Community Air Transportation Memorandum of Cooperation." Other parties to it are: the Economic Development Administration (Department of Commerce), the Federal Aviation Administration (Department of Transportation), the Farmers Home Administration, and the Small Business Administration.

Timetable

Public Hearing—None.
Final Rule—Summer 1981.
Final Rule Effective—Summer 1981.
Regulatory Impact Analysis—The CAB, as an independent agency, is not required to prepare a Regulatory Impact Analysis as it is defined under E.O. 12291. However, the CAB prepares essentially the same information in its NPRMs and final rules.
Regulatory Flexibility Analysis—The Regulatory Flexibility Act does not require a Regulatory Flexibility Analysis for proposals, such as this one, that were issued before January 1, 1981.

Available Documents

Available documents can be viewed at Docket Section, Room 711.

Final Rule adopting Part 270: 44 FR 76767, December 28, 1979 (ER–1166).

Final Rule adopting Part 323: 44 FR 20835, April 6, 1979 (PR–200).

Final Rule adopting Part 324: 44 FR 42171, July 19, 1979 (PR–209).

Final Rule adopting Part 398: 44 FR 52846, September 7, 1979 (PS–87).

NPRM proposing new Part 271: 45 FR 83254, December 18, 1980 (EDR–415).

Public comments in CAB Docket 39041 may be examined and copied at the Docket Section, Room 711, Civil Aeronautics Board, Washington, DC 20428.

Note.—Numbers in parentheses are CAB reference numbers for these documents.

Agency Contact

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CAB

Notice to Passengers of Conditions of Carriage (14 CFR Part 255)

Legal Authority

Federal Aviation Act of 1958, as amended, §§ 403, 404, and 411, 49 U.S.C. §§ 1373, 1374, and 1381.

Reason for Including This Entry

The Civil Aeronautics Board (CAB) considers this rule important because it should greatly benefit a large portion of the public by increasing passengers' ability to understand their agreements with the airlines, and to make informed choices about what airlines to fly and what services to buy. It should also help airlines to prepare for the later stages of deregulation, when they will have to make contracts directly with passengers, rather than through tariffs filed with the CAB.

Statement of Problem

Contracts between airlines and their passengers are very complicated. The airlines write thousands of contract provisions in technical legal language and publish them in tariffs, which are documents that airlines file with the Civil Aeronautics Board (CAB). These documents contain crucial information about the rights passengers do or do not have when they encounter air travel problems like mishandled baggage, delayed or canceled flights, oversold flights (bumping), lost tickets, or fare misunderstandings. Unlike the practice with most contracts, airlines do not give air travelers a copy of the tariffs to take home and read. The CAB requires airlines to inform passengers about a few basic subjects by using airline ticket notices and ticket counter signs written by the CAB (14 CFR 221.173–221.176). But even these notices have been technical and hard to understand, and to read most of the terms of their contracts, passengers must visit the Tariffs Section at the CAB or an airline ticket office where tariffs are kept open for public inspection. It is hard for the average passenger to locate and understand important information in the tariffs, and most airline passengers don't find out about many important limitations on their rights until after they have a serious problem and register a claim with the airline. But because of the legal doctrine of "constructive notice," under which passengers are assumed to know what is in the tariffs, passengers are usually bound by the contents of tariff rules, whether or not they are aware of them when they agree to buy their tickets.

Alternatives Under Consideration

The CAB has issued an NPRM (45 FR 42629, June 25, 1980) proposing a simpler, more direct way than tariffs for informing passengers of their contract terms. The proposed rule states that airlines may not use the tariff system to put terms in the contract without giving passengers a direct opportunity to read and know of them. The courts would review the adequacy of the airlines' notification efforts in claims brought before them, as they do in unregulated industries. The NPRM requests comments on alternative ways to notify passengers. One alternative under consideration would entail increased amounts of CAB involvement in specifying "plain English" standards for the contract documents prepared by airlines, or in reviewing the clearness and completeness of documents. More detailed regulation—such as specifying subject matter, readability, form, distribution, and type size of notices—has the disadvantages of restricting airline management decisions and not necessarily using the most effective and least costly method.

Summary of Benefits

Sectors Affected: Air travelers (over 250 million passengers yearly); the air transportation industry; and travel agents.

Passengers would have more reasonable expectations of just what is

included in their air fares, and would be able to take precautions to avoid many types of air travel problems or minimize the consequences when problems do arise. They would also be able to make more informed choices among competing airlines, since they would have a clearer understanding of the differences in the services offered. Airlines would also receive some benefits, since they would gain valuable experience for the later phases of deregulation, when they will no longer have the protection of a government-regulated tariff system and the concomitant doctrine of constructive notice. Similarly, travel agents would be better able to serve their customers, since they could more easily determine the differences between different airlines' service offerings.

Summary of Costs

Sectors Affected: The air transportation industry; and air travelers.

There would be one-time airline costs to develop "plain English" contract documents, as well as printing and distribution costs to make the documents available to passengers. Under airline deregulation, when tariffs are eliminated for domestic air transportation in 1983, however, airlines will eventually face this problem and these costs in some form anyway. The costs would presumably be reflected in the airlines' fare-setting decisions. The effect of the CAB regulation would not be to add significantly to costs in the long run, but instead to assist the industry in developing the most cost-effective means of making passengers aware of the terms and conditions of their travel.

Related Regulations and Actions

Internal: The CAB issued an NPRM to simplify the notices that it already requires airlines to give passengers (45 FR 25817, April 16, 1980); CAB reference number for this document is EDR-396.

The CAB issued an NPRM to require that airlines give actual notice to passengers about the terms of the contract of carriage. Under the proposed rule, tariff filings would no longer automatically be part of the passenger/airline contract (45 FR 42629, June 25, 1980); CAB reference number for this document is EDR-404.

Exemption of U.S. and Foreign Air Carriers from Tariff Observance Requirements to Permit Resolution of Consumer Complaints, Order 78-12-49, Docket 34189.

Air Carrier Rules Governing Failure to Operate on Schedule or Failure to Carry, Orders 79-4-115, 79-9-129, 79-11-23, and 80-3-10, Docket 35361.

Air Carrier Rules Governing the Application of Tariffs, Order 79-2-108, 79-12-98, and Order 80-4-51, Docket 34772.

14 CFR Part 221, Tariffs.

14 CFR Part 250, Oversales.

External: None.

Active Government Collaboration

None.

Timetable

Public Hearings—None.
Supplemental NPRM—Summer 1981.
Final Rule—Fall 1981.
Final Rule Effective—Fall 1981.
Regulatory Impact Analysis—The CAB, as an independent agency, is not required to prepare a Regulatory Impact Analysis as it is defined under E.O. 12291. However, the CAB prepares essentially the same information in its NPRMs and final rules.
Regulatory Flexibility Analysis—The Regulatory Flexibility Act does not require a Regulatory Flexibility Analysis for proposals, such as this one, that were issued before January 1, 1981.

Available Documents

The orders listed under Related Regulations and Actions can be obtained from the Distribution Section, Civil Aeronautics Board, Washington, DC 20428, (202) 673-5432.

NPRM—45 FR 42629, June 25, 1980 (EDR-404).

Extension of Comment Period—45 FR 52820, August 5, 1980 (EDR-404A).

Public Comments—CAB Dockets 38021 and 38348 may be examined and copied at the Docket Section, Room 711, Civil Aeronautics Board, Washington, DC 20428.

Note.—Numbers in parentheses are CAB reference numbers for these documents.

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FEDERAL COMMUNICATIONS COMMISSION

Children's Television Programming and Advertising Practices (Docket 19142)

Legal Authority

The Communications Act of 1934, as amended, 47 U.S.C. §§ 307, 308, and 403.

Reason for Including This Entry

The Federal Communications Commission (FCC) thinks that these proposed regulations are of significant public interest because of the large volume of citizen mail received by the FCC about children's television programming and practices. This proposed rulemaking puts out for comment the options we think may be available for changing children's television programming practices, if change is appropriate.

Statement of Problem

On January 28, 1971, at the request of a public interest group, Action for Children's Television (ACT), the FCC issued a Notice of Inquiry into children's programming and advertising practices, calling for comments on ACT's proposal that the Commission adopt certain guidelines for television programming for children. As a result of this inquiry, the FCC issued a Children's Television Report and Policy Statement in October 1974 stating that it expected television licensees to make meaningful efforts to voluntarily regulate themselves in several areas:

- to air programming specifically designed for children;
- to air a reasonable amount of programming designed to educate and inform and not merely to entertain;
- to provide programming for specific age groups; and
- to improve scheduling practices.

The FCC also set forth specific advertising guidelines regarding too many commercials, separation of program matters from commercial matters, host selling (use of a program host or other program personality to promote products), and tie-ins (promotion of products during a program in such a way that it constitutes advertising). In 1978, the Commission reopened its inquiry and issued a Second Notice of Inquiry seeking information to evaluate the effectiveness of its 1974 guidelines and to assess possible alternatives to these guidelines. As a result of the Commission's findings, the FCC issued a Children's Television Task Force Report in October 1979, concluding that industry self-regulation during this period had not been effective in fully meeting the programming guidelines set forth in the 1974 Children's Television Report and Policy Statement. Subsequently, the Commission issued an NPRM (45 FR 1976, January 9, 1980) asking for comments on a number of options for rules to be applied to the broadcast industry. Comments were due

on June 16, 1980 and reply comments on August 1, 1980. The FCC is now reviewing these filings.

Alternatives Under Consideration

In considering whether (and to what extent) the FCC needs to regulate children's television programming, the FCC is considering the following alternatives:

(A) Repealing the existing Policy Statement.

(B) Maintaining or modifying the Policy Statement in accordance with comments received.

(C) Adopting interim programming rules requiring a minimum amount of educational programming for preschool and school-age children (the Task Force report recommended 2½ hours per week of educational and instructional programming for school-age children and 5 hours per week for preschool children). If these rules are adopted, they would require most broadcasters to provide additional programming for children. Economic analyses of television programming conducted by the FCC staff indicate that broadcasters are generally providing less children's programming than is desired by parents. The rules would require that the programming be aimed at specific age groups. Many broadcasters believe there is sufficient children's programming already being aired and that the proposed rules would result in improper government intervention into a licensee's operations.

(D) Adopting requirements similar to the proposed interim programming rules as license renewal processing guidelines. Such guidelines would provide that the renewal applications of stations broadcasting less than the guideline amounts of children's programming during the previous license term could not be routinely granted by the FCC staff, but would have to be brought before the full Commission. This would provide for some flexibility in licensee operations, as licensees failing to broadcast the guideline programming amounts would have the opportunity to make a showing as to why they took such action, and why their failure to meet the guideline was not an indication of failure to operate in the public interest. A guideline is essentially procedural in nature, while a rule is an absolute requirement.

(E) Encouraging competition in telecommunications by increasing the number of cable systems, subscription television and other types of pay television. If this is adopted, it would increase the number of sources of programming to provide diversity, and more programming might well be provided to small audiences and children's programming without Commission action.

Summary of Benefits

Sectors Affected: Children nationwide and their families; cablevision services; subscription or closed circuit television; and other types of pay television.

If adopted, the rules proposed as alternative (C) or the processing guidelines proposed as alternative (D) may increase the amount of educational/informational programming for children broadcast on any commercial television station. By increasing competition as proposed in alternative (E), the proceeding might lead to increased diversity in the type of programming available, including programming specifically produced for the child audience. Presently, children watch television on an average of 33½ hours per week for preschool age and 29 hours per week for school age. Eight percent of programming by network affiliates and 11 percent of programming by independent stations was devoted to children in 1978.

Summary of Costs

Sectors Affected: The entire television broadcasting industry, including networks, stations, and production and programming activities; and the advertising industry.

The FCC will review public comments on the question of potential costs of this proposal, and cannot make any express findings of these costs until final review has taken place.

Related Regulations and Actions

None.

Active Government Collaboration

None.

Timetable

Report and Order—December 31, 1981.

Regulatory Impact Analysis—The FCC, as an independent agency, is not required to prepare a Regulatory Impact Analysis. However, the FCC does an extensive analysis of the economic effects of regulation.

Regulatory Flexibility Analysis—None.

Available Documents

"Television Programming for Children," A Report of the Children's Television Task Force, October 1979.

Notice of Inquiry/Notice of Proposed Rulemaking—45 FR 1976, January 9, 1980.

The comments from the public are available for review (the public was invited to an FCC panel discussion on October 15–16, 1980).

Request Docket 19142.

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FCC

Creation of "New" Personal Radio Service (PR Docket 79–140)

Legal Authority

The Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i) and 403.

Reason for Including This Entry

The Federal Communications Commission (FCC) thinks this rulemaking is important because it would make a new personal radio service available to the public.

Statement of Problem

For over 30 years, the Federal Communications Commission has recognized the need for, and the value of, personal radio communications. The largest personal radio service is the Citizens Band (CB) Radio Service, in which the FCC has licensed more than 14 million people. Other personal radio services include the General Mobile Radio Service, which offers the general public very high quality communications, but at greater equipment cost, and the Radio Control Radio Service, which licenses people to operate model boats, cars, and airplanes by radio control. The CB Radio Service meets many personal and business needs, but there are continuing complaints by CB users about channel congestion and interference.

The FCC is now exploring several issues:

(1) to what extent the public views the limitations of the three personal radio services as problems (the limitations include the complaints mentioned above, as well as any other problems brought to our attention during the comment period);

(2) whether creation of a new personal radio service in a different frequency range would solve any problems;

(3) what the demand would be for a new personal radio service; and

(4) what features the public would like to see incorporated in a new personal radio service.

Alternatives Under Consideration

The FCC is considering whether to establish a new personal radio service in the 900 Megahertz (MHz) band. The major alternative under consideration is for the FCC to decline to create a new personal radio service. If the decision is made to establish the new service, there will be a series of secondary issues that will have to be resolved. For example, the FCC will decide whether equipment to be used in this new service should be designed so that it automatically identifies the station, and whether to allow interconnection with the public telephone system. A new service would aid the public in satisfying their personal communication needs. In comparison to CB, a new service could provide for better emergency highway and information communications, better communications between known parties (car to home or work, etc.), and could provide other technical and operational features not available in the other personal services. For these reasons, our demand estimates indicate that a new service could attract new people into personal radio who would never become users of CB radio, because of its problems. In addition, a new service could better provide for the needs of many CBers. It may also help to stimulate development of technology that can be used for other services; for example, the experience gained from the use of single sideband and/or digital communications may be applicable to other personal or land mobile services.

Summary of Benefits

Sectors Affected: Manufacturing, wholesale, and retail trade of two-way radio transmitting, signaling, and detection equipment and apparatus; all potential personal two-way radio users; and all owners of home entertainment equipment (such as stereos, televisions, etc.).

Some members of the public have suggested that the benefits of a new personal radio service at 900 MHz would include better quality communications than those available in the CB Radio Service; less potential than the CB Radio Service for causing television interference; and the possibility to incorporate special features (such as channels devoted to special uses) in the new service. A new service could reduce congestion in the CB radio service and offer a higher quality radio service than the present-day CB service offers. The communications equipment industry could benefit from the sale of a new line of equipment usable by the general public. Some individuals may purchase new 900 MHz equipment to supplement or supplant their 27 MHz CB equipment, while others who never bought 27 MHz equipment will purchase 900 MHz equipment because of the high quality communications potential of the new personal radio service.

Summary of Costs

Sectors Affected: Radio services desiring the 900 MHz spectrum for their communications systems (broadcasting, private land mobile, and common carriers); and FCC.

Nine-hundred MHz equipment costs more than CB equipment because it uses an advanced state-of-the-art technology and, at least initially, demand would be low for the 900 MHz equipment.

The FCC has requested the public to comment on the issue of possible costs. For example, the FCC expressly asked for comments on whether the technical standards for the radios in the new service should be set so as to minimize the costs of the radio.

Related Regulations and Actions

Internal: The Commission terminated the proceeding in Docket 19759 (the proposal to create a new personal radio service in 220 MHz band). The public comments filed in this proceeding were inconclusive. The FCC concluded that a "fresh start" was necessary on the creation of a new Personal Radio Service, and, therefore, that it would start a new rulemaking proceeding to request public comment.

In addition to the actions noted above, the Commission is also investigating the feasibility of allocating some single sideband (SSB)–only channels to the CB Service. The role of SSB in the CB Service is one of the unresolved issues in Docket 20120, and, in view of the very widespread interest in this issue, the staff is researching the ramifications of an allocation of frequencies above 27.410 MHz. The reduced occupied bandwidth, the slight frequency offset, and the time varying characteristics of an SSB signal may well result in substantially reduced intermodulation product generation than occurs with the mixing of two AM signals. We hope to resolve this issue in the near future and take appropriate action based on our findings. The current proceeding will not be able, nor is it intended, to be the forum through which the SSB issue is resolved. We would, however, urge respondents who have unmet communications needs at 27 MHz to consider which, if any, of those needs might be met at 900 MHz, and to determine what impact a 900 MHz service will have on their overall communications needs.

External: None.

Active Government Collaboration

None.

Timetable

NPRM—Fall 1981.
Regulatory Flexibility Analysis—None.
Regulatory Impact Analysis—The FCC, as an independent agency, is not required to prepare a Regulatory Impact Analysis. However, the FCC does an extensive analysis of the economic effects of regulation.
Public Hearing—None.

Available Documents

The Notice of Inquiry (June 7, 1979) is available on request from the FCC's Office of Public Affairs, Washington, DC 20554.

For review of public comments, request PR Docket 79–140.

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FCC

Deregulation of Competitive Domestic Telecommunications Market (Common Carrier Docket 79–252) (47 CFR 61.38*)

Legal Authority

Communications Act of 1934, as amended, 47 U.S.C. §§ 4(i), 4(j), 201, 202, 203, 204, 205, 214, and 403; Administrative Procedure Act, 5 U.S.C. § 553.

Reason for Including This Entry

The Federal Communications Commission (FCC) is attempting to change the traditional approach to regulating common carriers to one where the Commission would exercise only that amount of regulation that is necessary, depending upon the degree of market power exercised by particular providers of communications services.

Statement of Problem

The telecommunications industry provides telephone, telegraph, and similar "communications" services. As a result of technological and regulatory developments in recent years, the telecommunications industry has evolved from one dominated by a few large entities to one where there is now some competition for the provision of some communications services.

The rules the FCC originally adopted to regulate a monopoly telecommunications market may now result in unnecessary regulatory burdens on smaller competitive carriers, which up until now we have regulated fully as common carriers. However, there is some debate as to whether they should even be defined as common carriers. In general, a common carrier means any entity engaged in providing interstate and foreign communications services for hire.

Alternatives Under Consideration

We have attempted to address the problem in two ways. (A) The FCC has adopted a new regulatory scheme substantially reducing or eliminating several of the rules by which we regulate the entry and exit of certain carriers in the telecommunications market and the rates and practices they may charge and employ.

Under the FCC's new approach toward fulfilling its regulatory responsibilities, we have classified carriers on the basis of their ability to control prices in the marketplace. Those that lack such ability are labeled as non-dominant, and regulatory burdens on them have been significantly reduced or eliminated through a rulemaking that became effective November 28, 1980. Because these carriers lack the market power to charge rates or impose conditions of service that would contravene the Act, we now presume that their tariff filings are lawful. These carriers no longer have to submit the extensive economic data required by our current rules to support their tariff filings and they only have to provide 14 days notice to the public of tariff changes rather than the 90 days notice previously required. Moreover, the FCC will not suspend their tariff filings unless a petitioner can make a strong showing of substantial and irreparable injury to competition that harms the public. Non-dominant carriers are also able to institute or discontinue service more easily under the new regime. They have blanket authority to extend their circuits into any part of the continental United States and thus will no longer need a separate certificate to do so. They will also be able to discontinue service simply upon giving the Commission and their customers 30 days notice.

On the other hand, we have not relaxed the regulatory rules for those carriers which we have identified as possessing market power, i.e., dominant carriers, since we need to insure that such carriers do not exploit their dominance to the detriment of the public.

(B) The FCC is also examining the question of what types of communications carriers should be defined as common carriers and hence subject to our jurisdiction. The issues involved are set forth in a further NPRM released January 16, 1981 (46 FR 10924, February 5, 1981).

The Federal Communications Commission has tentatively concluded that the Communications Act of 1934 (the Act) does not compel us to apply any of the regulatory obligations set forth in Title II of the Act to all companies which offer communications services and facilities to the public. (The essential elements of Title II encompass traditional public utility regulations including control on price, publication of terms and conditions of service, prohibitions on price discrimination, control on investments, and an obligation to service all. These obligations are imposed on common carriers.) Rather, the Commission has the discretion to decide which communications suppliers should be treated as common carriers, and hence subject to Title II regulation as well as the discretion to forbear from imposing the full panoply of Title II regulation upon those entities which the Commission determines should be treated as common carriers.

The Commission must have a set of standards upon which to exercise this discretion. We therefore seek comment on what criteria should be used; but we tentatively conclude that market power is at least one element sufficient to identify those firms which should be treated as carriers as well as those common carriers which need not be subjected to full regulation under Title II. This element emerges from an analysis of the regulatory scheme embodied in Title II of the Act, the historical context in which the Act was adopted, and applicable legal precedent. We also seek comment on how this discretionary authority should be applied to the telecommunications industry, although we have tentatively determined that only those carriers with substantial market power in relevant submarkets need be subjected to Title II regulation. And finally, we seek comment on how our tentative conclusions should be implemented.

Summary of Benefits

Sectors Affected: The telecommunications industry, particularly nondominant carriers; telecommunications users; and the FCC.

This proposal would allow the FCC staff to concentrate its resources on regulating those carriers with substantial market power, particularly AT&T.

Under our new regulatory scheme, the FCC expects that non-dominant carriers (approximately 27) will save unnecessary regulatory costs, which savings in turn will be passed on to the consumer.

Summary of Costs

Sectors Affected: None.

We do not expect that the industry or the FCC will bear any additional costs as a result of these policies and in fact, regulatory and administrative costs will be significantly reduced if not totally eliminated.

Related Regulations and Actions

Internal: The FCC found that the public interest would be served by allowing all interstate telecommunications services, including message telephone service (MTS), wide area telephone service (WATS), and their functional equivalents, to be provided competitively (FCC Docket 78–72, MTS–WATS Market Structure Inquiry).

External: None.

Active Government Collaboration

None.

Timetable

Reply Comments are due June 5, 1981. (The initial comment period closed May 1, 1981.)
Second Report and Order—Winter 1981.
Regulatory Impact Analysis—The FCC, as an independent agency, is not required to prepare a Regulatory Impact Analysis. However, the FCC does an extensive analysis of the economic effects of regulation.
Public Hearing—None.
Regulatory Flexibility Analysis—46 FR 10934, February 5, 1981.

Available Documents

First Report and Order—FCC 80–628 released November 28, 1980 (45 FR 76148, November 18, 1980).

The Notice of Inquiry/NPRM of September 27, 1979, 77 F.C.C. 2d 308 (1979), the First Report and Order, and Further Notice of Proposed Rulemaking (46 FR 10924, February 6, 1981), are available on request from the FCC's Office of Public Affairs, Washington, DC 20554. Request FCC Docket 79–252.

MTS/WATS Market Structure Inquiry (FCC Docket 78–72).

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FCC

Inquiry into the Future Role of Low-Power Television Broadcasting and Television Translators in the National Telecommunications System (Broadcast Docket No. 78-253; RM-1932; FCC 80-503) (47 CFR Part 73*)

Legal Authority

The Communications Act of 1934, as amended, 47 U.S.C. §§ 303 (b), (c), (g), and (r), 315, 317, 318, 325(a), and 4(i).

Reason for Including This Entry

The Federal Communications Commission (FCC) believes the rules proposed for a new low-power television service are important because they could facilitate the provision of increased and more diverse television service to greater numbers of viewers throughout the United States and to groups that are currently underserved by conventional methods of television distribution. They also would afford new television opportunities to entrepreneurs, while continuing to permit translator licensees to offer rebroadcast service.

Statement of Problem

On September 9, 1980, the FCC began a rulemaking proceeding proposing to authorize low-power television stations that could originate an unlimited amount of programming and operate subscription (pay TV) service. If adopted, the low-power proposal could result in a significant increase in the number of television stations, both in rural areas and large cities. The Commission's action was motivated in part by its recognition of the large unsatisfied demand for television service, particularly in rural and mountainous areas where millions of Americans do not receive even a basic complement of three of the four signals available. According to ARBITRON and A.C. Nielsen surveys, about 1,879,175 households, or 5,252,676 individuals, do not have television receivers; the Office of Telecommunications Policy estimated that 15,200,000 households, or 42,560,000 individuals receive fewer than four television signals. The low-power proposal would permit low-power stations (with maximum power of 100 watts VHF and 1,000 watts UHF) to operate on any available channel on a secondary, or noninterference, basis to regular, full-service stations. Secondary status, or spectrum priority, means that any low-power station creating interference to a full-service station must cease operation if it is unable to change channels or take other steps to correct the interference. Low-power stations must also give way to full-service stations proposing a mutually exclusive use of a frequency. The proposed low-power service would consist of existing translator stations, as well as new low-power stations. A translator is a low-powered transmitter permitted by present FCC rules only to rebroadcast simultaneously the programming of a full-service station, in order to extend coverage or correct interference problems. Under the FCC's present rules, the only stations that can originate programs are full-service stations. The FCC's TV Table of Assignments, which allocates spectrum by community, requires full-service stations operating on the same or adjacent channels to be separated by very wide mileages. Low-power stations could be separated from each other and full-service stations by small distances, because their low operating powers would make their coverage areas smaller. Thus, low-power station operators would have the flexibility to use lower cost equipment and design and program a system adapted to local needs.

In markets where cable penetration is high, the multi-channel aspect of cable is likely to make it more attractive than low-power subscription service, because the FCC's proposed ownership restrictions would prevent a low-power licensee from operating on more than one channel within the same service area.

Alternatives Under Consideration

Through the proposed rule changes, the FCC hopes to facilitate television service in locations that otherwise are unserved or underserved by regular stations and cable services. At the same time, translators can continue the rebroadcast service they have offered in the past.

Low-power is the first new broadcast service the FCC has proposed in over 20 years. The low-power stations would be subjected to minimal programming rules, as required by the Communications Act. These include the Fairness Doctrine, the prohibitions against obscenity and lotteries, access for political candidates, and the personal attack rule. The copyright laws, which require consent of the primary station for retransmission or commercial substitution, would apply. Cable systems would not be required to carry the programming of local low-power stations. Low-power stations that originate programming would be required to have a licensed operator on duty at all times. The FCC has proposed no ascertainment requirement, nonentertainment programming or commercialization guidelines, or prescribed hours of operation or origination for low-power stations. It is believed that these essentially deregulatory aspects of the proposal will facilitate the swift development of low-power stations. To promote diversified control of broadcast outlets and therefore diverse program offerings, TV networks would not be permitted to own low-power stations. Cable and full-service TV and radio station operators would not be permitted to own low-power stations in their own service areas.

Summary of Benefits

Sectors Affected: Television broadcasting industry, including the subscription TV industry and cable industry; and television users.

If adopted, the low-power proposal could result in a significant number of new broadcasting outlets, bringing television service to locations and audiences that are otherwise unserved or underserved by regular television and cable systems and bringing specialized service to particular groups in larger communities. Low-power could open up new opportunities for increased service to and ownership by minorities, as well as other individuals wishing to enter the broadcast market. The relatively inexpensive nature of construction and operation of a low-power facility would facilitate entry into the market. The FCC has proposed few limitations on the method of financial support of low-power stations. They may use subscription (pay for programming) service, advertising, listener solicitation, or local tax revenues, in any combination. Satellite and terrestrial microwave interconnection, already permitted for TV translators, will facilitate program networking on low-power stations.

Another concern is the competition between cable and low-power. Cable systems operate on a subscriber basis and offer a multi-channeled service. The cost of laying cable is very high, and a minimum population density is necessary for a cable operation to be economically viable. It is believed that the less costly low-power service could fill in areas where neither cable nor full-service operation is economically attractive.

Summary of Costs

Sectors Affected: The television broadcasting industry, including cable

industry and subscription television: and television users.

Provision of a signal of very high technical quality and coverage of a wide area are goals for the FCC's current regulatory scheme. Expensive transmitting equipment is necessary to achieve these goals. Thus, the cost of entry into the television industry is relatively high. These costs may preclude development of stations that would be financially viable if smaller coverage areas and relaxed transmission standards were permitted. It is believed that numerous small communities cannot provide the advertising revenues required to maintain full-service stations. The proposed low-power rules could reduce the cost of serving small or specialized communities, because low-power stations would be less expensive to own and operate than full-service stations. The trade-off is wide-area coverage, superior reception, and fewer stations in exchange for smaller coverage areas, adequate reception, and a greater number of stations and program offerings.

Subscription television involves encoding (scrambling) a broadcast signal and charging a rental or sale fee for a decoding device that is attached to the subscribers' television sets. For full-service subscription operation, the community of license is required first to receive at least four unscrambled or free signals. No such complement of four would be required for low-power subscription operation. Theoretically, communities served only by translators and by no full-service stations could lose some free TV service, as a result.

The FCC is interested in learning during the comment period if this proceeding will affect any other sectors and what other potential costs and benefits may be anticipated.

Related Regulations and Actions

Internal: The FCC instructed its staff to continue to accept for filing and processing translator applications, including those seeking waiver of the rules for low-power features, during the pendency of the rulemaking. With nearly 5,000 such applications pending, the FCC has discontinued acceptance of new applications until further notice.

External: None.

Active Government Collaboration

None.

Timetable

Report and Order—Winter 1981. Staff is reviewing reply comments during the summer.

Regulatory Impact Analysis—The FCC, as an independent agency, is not required to prepare a Regulatory Impact Analysis. However, the FCC does an extensive analysis of the economic effects of regulation.

Public Hearings—None.

Regulatory Flexibility Analysis—None.

Available Documents

Staff Report and Recommendations in the Low-Power Television Inquiry, September 9, 1980.

Notice of Inquiry/NPRM—45 FR 69178, October 17, 1980.

Comments are available for review from address below.

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FEDERAL MARITIME COMMISSION

Filing of Currency Adjustment Factors (46 CFR Parts 536* and 538*)

Legal Authority

The Shipping Act of 1916, 46 U.S.C. §§ 813(a), 817(b), 820, 833(a), and 841(a).

Reason for Including This Entry

The Federal Maritime Commission (FMC) thinks this rule is important because it will provide shippers with greater rate stability and the consequent ability to improve long-range commercial marketing practices.

Statement of Problem

The shocks absorbed in foreign exchange markets since 1971, arising from two devaluations of the U.S. dollar and a shift of most of the major currencies from fixed to floating exchange rates, have created frequent and substantial fluctuations in these exchange rates. Consequently, ocean carriers and conferences (associations of carriers permitted, pursuant to an agreement approved by the Commission under § 15 of the Shipping Act of 1916, to discuss, establish, and file rates and practices on behalf of their member lines) have filed numerous currency adjustment factors with the Commission in recent years to accommodate currency fluctuations. A currency adjustment factor is a surcharge imposed upon the shipping public by steamship carriers and conferences to allow for the adjustment of ocean freight rates to reflect currency fluctuations. Several years ago, carriers in the U.S. foreign commerce began to impose these surcharges upon the shipping public in response to currency changes.

Whenever currency adjustment factors are established by steamship conferences, the shipping public frequently registers legitimate complaints about their establishment. Over the last several years, the Commission has received an increased number of such complaints, centering on three major issues. One major complaint refers to the fact that such surcharges often do not reflect current foreign exchange market conditions because currency surcharges are generally implemented some time after the negative currency fluctuation in question has occured. Another complaint concerns the allegedly disproportionate level of the surcharge imposed in response to the currency fluctuation and the methods used in its computation. The shipping public also protests the lack of reciprocal adjustments to reflect positive tariff currency changes.

When a surcharge of any type is filed by an ocean carrier or conference, the Commission has an obligation to ensure that these transportation costs will not unduly impede our international trade by interfering with the efficient flow of goods or imposing costs upon U.S. exporters that are unreasonably high in comparison to costs imposed upon their foreign counterparts. In response to this obligation, the Commission promulgated rules to provide for a procedure under which certain carriers and conferences that operate pursuant to a Commission-approved system of dual-rates could justify and impose currency surcharges on less than the required statutory notice period (90 days) in the event of a depreciation of the tariff currency. (Dual-rate contracts are used as a patronage or loyalty device to offer lower rates to shippers who agree to give all or a fixed portion of their shipments to a specific carrier or conference. The Shipping Act of 1916 requires that the contract rate shall not be more than 15 percent lower than the published ordinary rate.) Owing to its cumbersome requirements for justifying a "short-notice" currency surcharge, this rule has never been used by any carrier or conference since its promulgation.

Since this rule has never been used, the staff of the Commission developed other, informal procedures in February 1977 to validate currency surcharges. However, this system did not produce sufficient data to permit proper evaluation of the surcharges. Since the existing formal rule has never been used and the Commission's informal system has yielded inadequate data regarding

the validity of currency surcharges, it has become apparent that a new procedure is required.

The proposed regulation replaces the existing rules, which apply only to carriers and conferences employing approved dual-rate systems. The proposal currently under consideration will require a currency adjustment factor (CAF) scale to be included in a carrier's tariff filings. The carriers may use one of several publicly recognized scales based on a fixed annual currency exchange rate, with the amount of allowable surcharge or discount scaled according to monthly deviations from this annual exchange rate base. A separate scale must be constructed by an ocean carrier or conference for each major trade currency to apply on cargo destined to that nation's ports. The proposed rule will establish a simplified and uniform procedure for the filing of all currency surcharges and will apply to all carriers and conferences.

The proposed regulation represents an effective system which will ensure prompt Commission consideration of all currency surcharges. The proposal establishes clear, understandable procedures that are equitable to the industry and permit adequate review by the Commission to ensure protection of the shipping public.

Alternatives Under Consideration

Retention of the existing rules and the informal currency surcharge validation system is an alternative. However, to do so would cause the Commission to be unresponsive to problems that have arisen under these procedures. For example, one of these problems concerns the selection of a base date used by a carrier or conference to compute the level of a currency surcharge. The proposed rule eliminates the uncertainties under existing procedures by specifically defining the base date that must be used.

If the Commission takes no action, regulatory supervision over carriers and conferences imposing currency surcharges will continue to be inadequate and the shipping public will not benefit from the increased degree of protection that would be provided through the rule.

Other alternatives would entail different systems of evaluating currency adjustment factors. However, the Commission believes the existing proposal is the simplest and most equitable because it affords shippers the greatest protection while imposing the least burden upon the industry and generating the least administrative cost within the FMC.

Summary of Benefits

Sectors Affected: Steamship carriers and conferences operating in the U.S. foreign commerce (deep sea foreign transportation); and shippers.

All steamship carriers and conferences operating in the U.S. foreign commerce will be affected by the proposed rule if they impose currency surcharges. The proposal establishes a simplified and uniform procedure for the publication of currency adjustment factors. This will enable the Commission to fairly, reasonably, and promptly review these surcharges under statutory standards and provide a greater degree of protection to the shipping public.

The rule also requires a reciprocal adjustment in rates if the tariff currency appreciates by 2 percent or more. This requirement permits the currency adjustment factor to operate as a true adjustment, restoring the prior currency relationship, and it is therefore clearly responsive to shippers' complaints. Since the methods used to compute a currency adjustment factor level as prescribed in the rule are uniform, shippers will be aware of how individual currency surcharges are determined.

Summary of Costs

Sectors Affected: Steamship carriers and conferences operating in the U.S. foreign commerce (deep sea foreign transportation).

No quantitative estimate of the relative costs is available. At most, those carriers and conferences imposing currency surcharges will incur slight administrative costs.

Related Regulations and Actions

None.

Active Government Collaboration

None.

Timetable

Regulatory Impact Analysis—Section 3(d) of E.O. 12291 exempts the FMC from the Regulatory Impact Analysis requirements. However it is possible that a voluntary Regulatory Impact Analysis might be prepared.

Regulatory Flexibility Analysis—A Regulatory Flexibility Analysis is not required for any proposed regulation for which an NPRM is published prior to January 1, 1981. If a revised NPRM is published in the future, a Regulatory Flexibility Analysis will be prepared pursuant to the Regulatory Flexibility Act, 5 U.S.C. § 601 *et seq.*

Public Hearing—None.

Final Rule—Winter 1981.

Final Rule Effective—Winter 1981.

Available Documents

NPRM—45 FR 23708, April 8, 1980.

Public comments.

Federal Maritime Commission Docket 80–19.

Commission General Order 13, "Publishing and Filing Tariffs by Common Carriers in the Foreign Commerce of the United States" (46 CFR Part 536).

Commission General Order 19, "Dual-Rate Contract Systems in the Foreign Commerce of the United States" (46 CFR Part 538).

All documents are available for review in the Office of the Secretary, Federal Maritime Commission, Room 11101, 1100 L Street, N.W., Washington, DC 20573.

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INTERSTATE COMMERCE COMMISSION

Leasing Rules Modifications (Ex Parte No. MC–43 (Sub-No. 12)) (49 CFR Part 1057*)

Legal Authority

Interstate Commerce Act, 49 U.S.C. §§ 11101 and 11107; Administrative Procedure Act, 5 U.S.C. § 553.

Reason for Including This Entry

The Interstate Commerce Commission (ICC) believes that this proposed rule is important because it could cause an increase in efficiency, productivity, and profits in the motor carrier industry in general and in the private carriage segment of the industry in particular.

Statement of Problem

Under existing Commission regulations (49 CFR 1057.11), an authorized carrier (one holding a certificate or a permit from the ICC authorizing it to engage in furnishing interstate transportation for hire) may perform authorized transportation in equipment it does not own only when a written lease grants the use of the equipment to the authorized carrier-lessee for a minimum duration of 30 days. Equipment is typically leased in this fashion from owner-operators or commercial lessors. Commission regulations do allow a lease of

equipment to authorized carriers for less than 30 days (commonly called a trip-lease) as an exemption from the standard lease requirements, but only if the lessor is another authorized carrier. Even then, the authorized carrier-lessor must (A) own the equipment or hold it under a lease of 30 days or more, (B) regularly use the equipment in the service it is authorized by the Commission to perform, and (C) provide transportation under the trip-lease in the direction of a point which the lessor is authorized to serve. These requirements preclude the use of the trip-lease arrangement by private carriers (persons who operate private fleets of trucks in furtherance of their primary business).

Critics of the existing regulations claim that such a distinction between private carriage and for-hire carriage causes private carriers, which transport approximately 40 percent of the total truck tonnage, to operate unproductively and hence less efficiently compared to other segments of the motor carrier industry. They point out that a manufacturer operating a private motor carrier for distribution purposes has no way of profitably returning its equipment from the destination to the point of origin unless it can transport a load of commodities exempt from ICC regulation such as agricultural products and other commodities listed in 49 U.S.C. § 10526(a)(6) and 49 U.S.C. §§ 10526 (a)(11)–(13). This is often difficult, as many consuming areas of the country are not producing areas for exempt commodities, and raw materials supplies may be located hundreds of miles away from the vehicle's destination. If private carriage equipment is returned empty, the excess costs of empty vehicle operations are no doubt built into and inflate the cost of products delivered via private carriage. A 1979 Commission study estimated that approximately 27.3 percent of private carrier truck mileage is empty. This factor is 6.1 percent higher than other forms of exempt motor carrier mileage and is higher than all types of interstate motor carrier transportation except bulk, tank, and "other" (residual) haulers.

Opponents of the existing regulations also focus on the regulations' discrimination against private carriers. Historically, private carriers were tightly controlled and closely scrutinized by the Commission to ensure that the freight which they carried was not diverted from a young and growing regulated motor carrier industry and that their operations would not encroach on the established province of for-hire motor carriers.

In November 1980, the Private Carrier Conference of the American Trucking Associations, Inc. petitioned the Commission to institute a rulemaking proceeding addressing the operating inefficiencies of private carriers by amending the existing regulation to include private carriers in the class of carriers which could avail themselves of trip-lease arrangements. The Commission responded by granting the petition and instituting the rulemaking. In the course of reviewing the involved regulation, the Commission determined to receive public comment on a proposal to delete requirements (B) and (C) for trip-leases (above). It is generally believed by the Commission that the two requirements in question tend to frustrate the efficient movement of goods, contrary to the national transportation policy, and that they place unnecessary and costly burdens on a carrier attempting to qualify for the trip-lease exemption.

The Commission is proposing this rulemaking as part of its overall program to improve and streamline its regulation of the motor carrier industry and in response to staff studies and public comments that have indicated the Commission should change the involved regulations to accommodate private carriers. If action is not now taken, Commission regulations will continue to have the effect of preventing private carriers from conducting their operations as efficiently as they could.

Alternatives Under Consideration

No specific alternatives are presently contemplated; however, the Commission retains the option, based on the response to the NPRM, to delete all, some, or none of the present requirements for trip-leasing.

Summary of Benefits

Sectors Affected: Corporations which now operate or desire in the future to operate private truck fleets; users of these corporations' products; the motor carrier industry; and shippers and consumers of products shipped by regulated motor carriers.

If the proposed rules are adopted, private carriage operators who cannot find raw materials or exempt commodities available at their destination for backhaul (return trip), will be able to trip-lease their equipment to an authorized lessee-carrier to transport any regulated freight which the lessee is authorized to transport. Private carriers could thus improve their present operating efficiency, reduce the number and extent of their empty backhauls, and avert the use of precious energy resources for unproductive operations. The aggregate result could be lower consumer prices.

Adoption of the proposed rules could benefit existing regulated motor carriers by enabling them to augment their equipment fleets with private carriage equipment without an investment of capital or personnel. This could help existing carriers expand their services to meet the shipping needs of the public, while allowing them to maintain balanced traffic movements and avoid the burden and costs of empty backhauls themselves. Furthermore, the Commission generally believes it best to leave questions of equipment repositioning logistics under trip-lease to the business judgments of individual carriers, both regulated and private, rather than have the Government mandate their decisions through regulations.

Summary of Costs

Sectors Affected: None.

The Commission does not believe that adoption of the proposal would adversely affect any sector.

Related Regulations and Actions

None.

Active Government Collaboration

None.

Timetable

Final Rules—Final rules, if any, should be adopted by the end of fiscal year 1981. There is no statutory deadline for final decision.

Regulatory Impact Analysis—The Commission does not plan to issue a separate Regulatory Impact Analysis in this proceeding. However, the final decision of the Commission will incorporate the results of any analysis we conduct.

Public Hearing—No public hearing is anticipated at this time.

Regulatory Flexibility Analysis—None.

Available Documents

NPRM—Appears 46 FR 15300, March 5, 1981. Public comments were due on April 20, 1981.

"Empty/Loaded Truck Miles on Interstate Highways during 1976," Bureau of Economics and Bureau of Operations, Interstate Commerce Commission, April 1977.

Public comments on the NPRM are available for inspection at the Interstate Commerce Commission, 12th and Constitution Avenue, N.W., Washington, DC 20423, during normal business hours. Documents may be copied at a nominal charge.

Agency Contact

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ICC

Revision of Abandonment Regulations (Ex Parte No. 274) (Sub-No. 5)) (49 CFR Part 1121*)

Legal Authority

Interstate Commerce Act, 49 U.S.C. §§ 10321, 10362, and 10903–06.

Reason for Including This Entry

The Interstate Commerce Commission (ICC) believes this rulemaking proceeding will make significant policy changes regarding cost evidence in proceedings in which railroads seek to abandon service over railroad lines.

Statement of Problem

The Interstate Commerce Act requires the ICC to regulate abandonments of railroad lines and, in certain circumstances, to set terms for rail service continuation subsidies. (49 U.S.C. §§ 10903–06.) ICC regulations set forth at 49 CFR Part 1121 govern abandonment and subsidy proceedings. The ICC proposes to revise these regulations to reflect various policy changes made since the present regulations were adopted in 1976. The policy changes arise from ICC decisions, court decisions, and new legislation. In addition to reflecting policy changes, the new regulations will be substantially rewritten and reorganized in order to make them easier to understand.

These regulations prescribe standards for the submission of financial evidence by railroads in abandonment applications filed with the ICC relating to operations over lines the railroads propose to abandon. The ICC uses this evidence to determine whether to permit the abandonment and to determine what level of subsidy would be adequate to keep the line in service. Case-by-case adjudications by the ICC have made various refinements to the cost/revenue standards applicable to preparation of the financial evidence submitted by railroads in abandonment proceedings. These policy refinements include clarification of the treatment of labor costs and property taxes by the regulations as costs attributable to operations of a line and avoidable through abandonment. The ICC also has adopted a policy of considering opportunity costs in abandonment proceedings. (*Abandonment of Railroad Lines—Use of Opportunity Costs*, 360 I.C.C. 571 (1979).) Opportunity cost is the real economic loss a business entity experiences when it must forego some other, more profitable use of its resources.

The ICC proposes changing its equipment costing policy in the abandonment regulations in response to the decision in *Chicago & North Western Transp. Co.* v. *U.S.*, 582 F.2d 1043 (7th Cir. 1978), *cert. denied*, 439 U.S. 1039 (1978) (*CNW* case). In that case the Court held that the equipment costing methodology in the present abandonment regulations does not meet the requirements of the Railroad Revitalization and Regulatory Reform Act of 1976, P.L. 94–210 (4R Act). In order to comply with the *CNW* case, the proposed rules will provide for railroads to calculate equipment costs on the basis of the replacement cost for new equipment, rather than on the basis of the value of the railroad's equipment, as carried on the railroad's financial accounts. The ICC originally proposed these changes in Ex Parte No. 274 (Sub-No. 2), *Abandonment of Railroad Lines and Discontinuance of Service* (not printed), decided March 20, 1979, 44 FR 37243 (June 26, 1979). That proceeding will be embraced on this rulemaking for further comment and action.

The recent enactment of the Staggers Rail Act of 1980, P.L. 96–448, also requires numerous changes to the abandonment regulations. The ICC is proposing procedural changes to the regulations in compliance with the Staggers Act in Ex Parte No. 274 (Sub-No. 6), *Abandonment of Railroad and Discontinuance of Service* (not printed), served November 25, 1980. Those changes, when final, will be incorporated in the rules to be proposed in this proceeding. The procedural changes set strict time limits for the major steps in abandonment proceedings in order to comply with the statutory deadlines for abandonment proceedings set by the Staggers Act.

The Staggers Act also makes a fundamental change in the treatment of subsidy offers in abandonment proceedings. The 4R Act merely created a framework for subsidy negotiations. Under that Act, the ICC could postpone the effective date of an abandonment for up to 6 months if a responsible party made a reasonable subsidy offer to the railroad. The ICC's subsidy regulations, therefore, were used merely to determine whether a subsidy offer met a minimal level of reasonableness warranting postponement of the abandonment. Under the Staggers Act, however, a party offering subsidy may request that the ICC determine the amount of subsidy if subsidy negotiations fail to produce agreement, and the railroad must accept the Commission's determination and continue operations. The regulations must be revised to reflect this change.

Alternatives Under Consideration

No specific alternatives to the regulations to be proposed are being considered. Several of the policies to be enunciated have already been adopted by the ICC. Other changes have been mandated by judicial decision or new legislation. However, certain aspects of the cost/revenue standards are susceptible to differing approaches, and the ICC will ask the public to comment specifically on these approaches. For example, the ICC will seek public comments regarding amortization of rehabilitation costs for lines proposed to be abandoned. At present, the abandonment regulations merely provide for consideration of the total cost of needed rehabilitation, if any, for the line proposed to be abandoned. The regulations provide no methodology for considering these costs on a meaningful annualized basis. The revised regulations may propose to consider allowing railroads to annualize rehabilitation costs. Amortization of these costs will promote more accurate determination of whether operation of a line burdens interstate commerce. The ICC will consider public comments on amortization methodology for rail lines, especially with respect to what amortization period would be appropriate.

The ICC will also consider public comments regarding traffic retention after abandonment. The present abandonment regulations do not assume that, after abandonment, a railroad will retain any traffic that has been originating or terminating on a line. The railroad, however, often will retain at least some of this traffic on other lines. Shippers, rather than the railroad, control the degree to which the railroad would retain this traffic after abandonment. The retention factor is highly speculative and there may be no reliable method of estimating retention. If public comments provide a feasible methodology for determining a traffic retention factor in individual abandonment proceedings, that methodology may be adopted in the final rules to be adopted in this proceeding.

Summary of Benefits

Sectors Affected: Railroads; railroad employees; shippers and consumers of products transported by rail, particularly those located in small communities and rural areas; and State and local governments.

The revised regulations will provide a clear, uniform methodology for the presentation of financial evidence in abandonment proceedings. The regulations will provide for the submission of necessary cost and revenue data prepared from company records and other readily available sources to the greatest extent possible. The regulations will attempt to minimize and simplify the financial data required to be compiled specifically for abandonment proceedings.

The revised regulations should simplify and clarify the process of determining costs and revenues of rail operations over lines proposed to be abandoned. The clarification of the standards should reduce the length and complexity of administrative proceedings on abandonment applications, thus reducing costs to all parties in abandonment proceedings, including railroads, railroad employees and their unions, and State and local governments. By permitting the submission of financial evidence accurately reflecting operating costs, the revised regulations should make easier the abandonment of lines which burden railroad operations. The shedding of burdensome lines will allow railroads to operate more efficiently and economically and to compete more effectively with other railroads and other transportation modes. Increased efficiency and competitiveness should promote better and more economical service to the public.

Summary of Costs

Sectors Affected: Railroads; railroad employees; shippers and consumers of products transported by rail, particularly those located in small communities and rural areas; and State and local governments.

The revised regulations to be proposed should not impose any burdens significantly different from those imposed by the existing regulations. The information required by the revised regulations should take about the same amount of preparation as does the information required by the existing regulations. To the exent the revised regulations provide for the submission of more comprehensive financial data, the preparation of evidentiary exhibits may become somewhat more complicated for applicant railroads; however, the increase in preparation required likely will not be significant and should be more than offset by the benefits to the railroads of allowing the presentation of a more complete case in support of the abandonment application. The presentation of more complete and accurate financial evidence by railroads in abandonment applications might increase the likelihood of approval of abandonment applications. An increase in abandonments may have adverse impacts on railroad employees, who could lose jobs, and shippers and communities that would lose rail service.

Related Regulations and Actions

None.

Active Government Collaboration

None.

Timetable

NPRM—May 1981.
Regulatory Impact Analysis—The Commission does not plan to issue a separate Regulatory Impact Analysis in this proceeding. However, the NPRM and any final notice will incorporate the results of any analyses that we conduct.
Public Comment Period—60 days following publication of NPRM in the Federal Register. Comments should be sent to: Interstate Commerce Commission, Office of Proceedings, Section of Finance (Room 5417), 12th and Constitution Ave., N.W., Washington, DC 20423.
Public Hearing—No public hearings are contemplated.
Regulatory Flexibility Analysis—The ICC does not plan to prepare a Regulatory Flexibility Analysis.
Final rule—90 days after close of public comment period.
Final Rule Effective—30 days after publication of final rule in the **Federal Register.**

Available Documents

NPRM—pending publication, approximately June 1981.

ICC dockets Ex Parte No. 274 (Sub-No. 2), Ex Parte No. 274 (Sub-No. 2A), Ex Parte No. 274 (Sub-No. 6), No. AB–43 (Sub-No. 47), and No. AB–20 (Sub-No. 3).

The above documents are available for review in the Office of the Secretary, Docket Room, 12th and Constitution Avenue, N.W., Washington, DC 20423.

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POSTAL RATE COMMISSION

Postal Rate Commission Docket—Attached Mail Proceeding, 1981

Legal Authority

Postal Reorganization Act, 39 U.S.C. § 3623(b).

Reason for Including This Entry

This case may have a national effect because it is an investigation into a mail classification change that may bring about improvement in the joint productivity of mailers and the Postal Service, and therefore may mitigate cost increases for both the Postal Service and its customers.

Statement of Problem

Attached mail occurs when more than one item travels through the mail as one unit. An example is a first-class letter enclosed within a package mailed at the parcel post rate. Under current postal regulations, the mailer must pay the first-class rate for the letter plus the parcel post rate for the package. The Postal Service, of course, handles the items as a unit. The package with the enclosed letter receives regular parcel post treatment, and the Postal Service does not incur the cost of handling the first-class letter separately.

The Commission initiated this case to explore the issue of whether separate classifications, and possibly different rates, are appropriate for the various types of attached mail (e.g., first-class letters attached to magazines and third-class brochures enclosed in parcels). This case should show whether the Postal Service should encourage mailers, by offering lower rates, to make greater use of attached mail. These classification changes might stimulate new volume. Business mailers might take advantage of the classification changes, if they result in lower rates, to offer various products and services to their current customers. Such a change could reduce the postal workload while the rates paid would protect necessary postal revenue. If the rates charged reflect a savings made possible by the handling of combined rather than separate pieces, the Postal Service will benefit because it can handle the greater volume more efficiently, because of economies of scale. If the change results in additional volume, the Postal Service will benefit as long as the rates are set to cover the costs and make a contribution toward covering

institutional costs (e.g., headquarters and regional administration costs).

Alternatives Under Consideration

On February 5, 1981, the Commission issued an order instituting the Attached Mail Proceeding. The order set a deadline for persons who want to intervene and requested that parties submit proposed language to describe any change they support.

At this early stage in the proceeding, only some of the alternatives that the Commission will consider are apparent. After the parties have had time to address the issue, the Commission will have additional alternatives to consider.

The parties to this proceeding now include the Postal Service, Associated Third Class Mail Users, Meredith Corporation, Reader's Digest Association, Magazine Publishers Association, Association of American Publishers, Recording Industry Association of America, American Business Press, American Retail Federation, Classroom Publishers Association, Department of Defense, J.C. Penney Company, Time Incorporated, United Parcel Service, Parcel Shippers Association, and the Officer of the Commission (OOC), who represents the interests of the general public.

The alternatives at present are:

(A) No change in the current classification schedule. Mailers who wish to attach first-class mail or other types to the other classes of mail will continue to pay the same rates as if the pieces were mailed separately. The Parcel Shippers Association (PSA) opposes any change with regard to third-class pieces, such as brochures, included with fourth-class mail, such as parcel post. According to PSA, the combined piece pays the fourth-class rate and any change would be inappropriate. This alternative would avoid the potential drop in Postal Service revenue if mailers currently using attached mail should pay a lower rate for the service. Because attached mail now must pay the same rate as separate pieces, mailers have no monetary incentive to combine pieces and, although no definite figures are available, the volume of attached mail appears to be small. The Postal Service therefore incurs the costs for the larger number of pieces that must be handled separately.

(B) Another alternative is to classify attached mail separately and to charge a rate that reflects the lower costs of handling attached mail as one piece rather than separately. Under this alternative the Postal Service would face a reduction in revenue, because the small number of pieces of attached mail now pays the full rate charged the class. However, the Service also would find a cost savings if mailers convert into attached mail pieces now mailed separately. Rates can be set to reflect the Postal Service's cost reduction and so protect its financial position. Additionally, lower rates might attract more volume and hence improve the Postal Service's financial position. A rate schedule requiring the full rate for a mail piece as well as some payment for the attached or enclosed piece could improve the financial situation of both the Postal Service and mailers. Taking into account revenue lost because attached mail now must pay the full rate, the Postal Service's overall revenue might increase if reduced rates can be offered and generate additional volume. The mailers would have a more economic means of sending messages.

The Association of American Publishers, the Recording Industry Association of America, the Department of Defense, and the Officer of the Commission generally support this alternative.

Summary of Benefits

Sectors Affected: USPS; mailers who could take advantage of the attached mail option, such as magazine publishers and mail order businesses, and recipients of that mail.

This case will explore the potential benefits of separate classification for attached mail. The Postal Service would benefit if a classification change caused mailers to give the Postal Service additional volume as long as rates cover costs and provide some contribution to institutional costs. Moreover, if present volume shifts to attached mail, the Service would experience reduced costs because of fewer pieces to handle. Mailers would benefit if the classification change permitted them to send messages more economically. Recipients of the mail would benefit from the mailers' lower costs because often those recipients are purchasing products or services from the mailers. In this case, the Commission will consider these benefits as well as any other ones the parties may point out.

Summary of Costs

Sectors Affected: USPS; mailers who could take advantage of the attached mail option, such as magazine publishers and mail order businesses, and recipients of that mail.

One of the costs that could result from a classification change for attached mail is reduced Postal Service revenue, since attached mail now pays the regular rate. Additionally, mail that could convert to attached mail also pays the regular rate when mailed separately. However, the Postal Service's costs of handling mail that converts to attached mail will drop. Mailers might experience some increased costs in their preparation of items for mailing if they decided to change and take advantage of an attached mail classification, and they might pass these costs on to their customers. For the mailers who decide to convert, those increases would be offset by lower postage. In this case, the Commission will consider these costs, as well as any others the parties may point out, and make appropriate provisions for the protection of the financial stability of the Postal Service. The Commission expects that the parties will present estimates on the amounts of the relevant costs.

Related Regulations and Actions

None.

Active Government Collaboration

None.

Timetable

Public Hearing—The Commission will hold hearings in compliance with the requirements for formal rulemaking on the record.

Public Comment—In addition to intervention in the proceedings, interested parties may send letters of comment at any time during the Commission's consideration of this case (see address below). Although these letters do not become part of the record on which the Commission bases its decision, they are placed in the Commission's public "commenter" file.

Regulatory Impact Analysis—The Postal Rate Commission, as an independent agency, here engaged in formal rulemaking on the record, is not required to prepare a Regulatory Impact Analysis as it is defined under E.O. 12291. However, the Postal Rate Commission presents essentially the same information in its decisions.

Regulatory Flexibility Analysis—The Postal Rate Commission, as an independent agency, here engaged in formal rulemaking on the record, is not required to prepare a Regulatory Flexibility Analysis as it is defined in 5 U.S.C. §§ 603–04. However, the Postal Rate Commission presents essentially the same information in its decisions.

Available Documents

As the following documents are filed with the Commission or issued by it

during the course of the proceedings, they will be available from the Commission's Docket Room, 2000 L Street N.W., Room 500, Washington, DC 20268, (202) 254–3800.

Commission Order No. 367 instituting the proceeding in MC81–2 and the Notice sent to the **Federal Register**, published at 46 FR 12377, February 13, 1981.

Transcripts of Hearings, as well as Letters of Comment, Testimony, Exhibits, Workpapers, Library References/Studies, Interrogatories and Answers, and Requests for Oral Cross-Examination and Written Cross-Examination for Docket MC81–2.

Commission Orders and Notices; Presiding Officer's Orders, Ruling, Motions, and Notices, Petitions for Leave to Intervene, and Requests for Limited Participation; and Commission's Recommended Decision for Docket MC81–2.

Documents may be inspected in the Commissions reading room. Copies of documents issued by the Commission or filed by the OOC are available without charge. Copies of all other public documents are available for 15 cents per page.

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PRC

Postal Rate Commission Docket—E-COM Forms of Acceptance, 1980

Legal Authority

Postal Reorganization Act, 39 U.S.C. §§ 3621–23.

Reason for Including This Entry

This case may have a national effect because it will investigate possible ways to make the Postal Service's planned new service, E–COM (Electronic Computer Originated Mail), available to more mailers. The decision in this case may provide an opportunity for the Postal Service and large volume mailers to increase their productivity without causing any adverse effects.

Statement of Problem

The Postal Service is preparing to offer a service, E–COM, in which large volume mailers can electronically transmit messages from their computers to specially equipped post offices. At these post offices, the Postal Service will convert the electronic messages to printed documents that the Postal Service will put in envelopes and deliver. After reviewing new and developing technologies, the Postal Service decided that electronic mail was an important way of offering innovative service and lowering costs to mailers. The Postal Service plans to offer E–COM service by early 1982.

The Postal Service filed a proposal for the Postal Rate Commission's (PRC) consideration. The Postal Service intended to contract with a single commercial telecommunications carrier to provide all the transmission and data processing services involved when mailers used the E–COM service. The Commission, while agreeing with the Postal Service's decision to enter the market for electronic mail, recommended an alternative plan in which various private firms can compete for the business of transmitting the electronic messages from customers to 25 specially equipped post offices, where the data processing, printing, and enveloping would be done. This system provided a technically superior service at a lower price to the consumer. On August 15, 1980, the Governors of the Postal Service accepted the E–COM system the Commission recommended.

At the time the Governors accepted the Commission's design for E–COM, they instructed the Postal Service to present, as soon as possible, evidence to the Commission supporting two additional methods mailers could use to enter electronic mail into the postal system. With either of these methods, mailers would not need to purchase telecommunications service from one of the various firms that will offer it. The Governors want to permit (1) mailers to enter electronic mail by presenting magnetic tapes over-the-counter at the specially equipped post offices, and (2) direct connection to those post offices by mailers who have their own telecommunication systems.

Consideration of these two additional methods of entry will not delay the Postal Service's implementation of its E–COM service offering. To facilitate consideration of the matter, the PRC instituted Docket No. MC80–1 on May 27, 1980, shortly after the Governors first suggested the two alternative entry methods, in anticipation of the Postal Service's filing. The institution of Docket No. MC80–1 gives notice to interested parties that the Commission will expeditiously consider the proposal to add two other methods of entry for E–COM mail. The parties therefore have additional time to assess their positions and decide whether to intervene and what to present.

Alternatives Under Consideration

At this stage of the case, before the Postal Service has filed its proposal, only a general outline of the issues to be considered is clear. After the Postal Service has filed its proposal, interested parties will have an opportunity to offer modifications to the two forms of entry under consideration, as well as any related proposals—possibly including additional methods for entry. The alternatives we are considering are:

(A) No change in the forms of entry. The system would operate as described in our opinion in Docket No. MC78–3. Any mailer wanting to use E–COM would have to use the services of a carrier. The Postal Service can implement E–COM service without the additional methods of entry. These two methods were not explored in Docket No. MC78–3; therefore, neither the Postal Service nor the Commission can estimate how many mailers would use the additional methods if they were available and what the cost to the Postal Service and mailers would be.

(B) The Governors of the Postal Service want the methods of entry expanded to include presentation of magnetic tapes in the specified post offices and direct connection of telecommunication systems owned by mailers. According to the Governors, this expansion of the methods of entry into the E–COM system could reduce mailers' costs. Additionally, mailers who might not use the E–COM service if they had to purchase telecommunication service might decide to use E–COM if the additional methods of entry are available.

The parties to this proceeding now include the Postal Service, Graphnet, Inc., Computer & Business Equipment Manufacturers Association, American Cables & Radio Corporation, and MCI Telecommunications Corporation. After the Postal Service files its proposal, the Commission will set a deadline for persons to notify the Commission that they wish to intervene in this case.

Summary of Benefits

Sectors Affected: USPS; large volume mailers and recipients of that mail; and the telecommunications industry.

The exploration of these possible modifications should reveal whether improvements can be made in methods of entry into the E–COM system. The availability of additional ways to enter messages into the E–COM system might decrease costs to mailers who take advantage of them, and might make electronic mail available to more mailers. Competition might be enhanced

because the telecommunications carriers would be competing against these alternatives as well as each other. The Postal Service would benefit if the additional entry methods increased the volume of E–COM mail and the Postal Service's costs of handling this mail were not increased by the different forms of entry. Recipients of E–COM mail might benefit if the alternative methods reduced mailers' costs, because the recipients will often be consumers of the goods and services produced by the mailers and anything that serves to hold down the mailers' costs will tend to stabilize the prices charged consumers. Possible benefits may have to be weighed against potential increases in costs to the Postal Service, which might result if extra equipment or personnel are needed to deploy the new forms of entry. These are the issues that the Commission will consider in the case.

Summary of Costs

Sectors Affected: USPS; and large volume mailers and recipients of that mail.

If the methods in Alternative B, described above, are adopted, the Postal Service will have to pay for an employee to accept computer tapes over-the-counter and perform the operations necessary to convert the messages from the tapes into printed words on paper. Large volume mailers who use either alternative form of entry will need to pay the cost of putting their messages into a form that the Postal Service's E–COM system can accept. Some of these costs would be one time start-up costs. Others, such as the actual conversion of messages into a form that the E–COM system can accept, would occur for each mailing. Because recipients will often be consumers of the goods and services produced by the mailer, those recipients probably will bear the costs involved when they pay for the goods and services.

At this time, the Commission cannot estimate the effect this case will have on costs. The Commission anticipates that the Postal Service will present evidence on the costs of accepting electronic mail under the two additional methods and that mailers desiring to use the additional methods of entry will present evidence concerning their costs.

Related Regulations and Actions

None.

Active Government Collaboration

None.

Timetable

When the Postal Service files its proposal, the Commission will issue a schedule for the expeditious consideration of this case.

Public Hearing—The Commission will hold public hearings in compliance with the requirements for formal rulemaking on the record.

Public Comments—In addition to intervention in the proceedings, interested parties may send letters of comment at any time during the Commission's consideration of this case (see address below). Although these letters do not become part of the record on which the Commission bases its decision, they are placed in the Commission's public "commenter" file.

Regulatory Impact Analysis—The Postal Rate Commission, as an independent agency, here engaged in formal rulemaking on the record, is not required to prepare a Regulatory Impact Analysis as it is defined under E.O. 12291. However, the Postal Rate Commission presents essentially the same information in its decisions.

Regulatory Flexibility Analysis—The Postal Rate Commission, as an independent agency, here engaged in formal rulemaking on the record, is not required to prepare a Regulatory Flexibility Analysis as it is defined in 5 U.S.C. §§603–04. However, the Postal Rate Commission presents essentially the same information in its decisions.

Available Documents

As the following documents are filed with the Commission or issued by it during the course of the proceedings, they will be available from the Commission's Docket Room, 2000 L Street, N.W., Room 500, Washington, DC 20268, (202) 254–3800.

Commission Order No. 339 instituting the proceeding in MC80–1 and the Notice sent to the **Federal Register**, published at 45 FR 37571, June 3, 1980.

Transcripts of Hearings, as well as Testimony, Letters of Comment, Exhibits, Workpapers, Library References/Studies, Interrogatories and Answers, and Requests for Oral Cross-Examination and Written Cross-Examination for Docket MC80–1.

Commission Orders and Notices; Presiding Officer's Orders, Ruling, Motions and Notices, Petitions for Leave to Intervene and Request for Limited Participation; and Commission's Recommended Decision for Docket MC80–1.

Documents may be inspected in the Commission's docket room. Copies of documents issued by the Commission or filed by the Office of the Commission (OOC) are available without charge. Copies of all other public documents are available for 15 cents per page.

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PRC

Postal Rate Commission Docket MC81–3, ZIP+4 Subclasses of First-Class Mail

Legal Authority

Postal Reorganization Act, 39 U.S.C. §§ 3621–23.

Reason for Including This Entry

This case may have a national effect because the U.S. Postal Service (USPS) is proposing to offer first-class mailers a discount of ½ cent per piece for mail whose address includes the Postal Service's planned ZIP+4 (the current 5-digit ZIP code plus four new digits) and conforms with the automated processing equipment that the Postal Service is purchasing. The USPS projects that mailers using the system could save $38.7 million in postage during the test year.

Statement of Problem

The Postal Service is purchasing automated processing equipment to assist in sorting the mail. The Postal Service says the equipment will be able to sort the mail to smaller, more useful groupings if the address includes the planned 9-digits ZIP code (ZIP+4). The current 5-digit ZIP identifies the post office responsible for delivering that mail. The planned 9-digit ZIP would identify the parts of the area that post office serves. For example, one 4-digit add-on may identify one side of a block. The Postal Service is proposing this discount for large volume mailers as an incentive for them to use the 9-digit ZIP code.

As an indication of the magnitude of this proposal the Postal Service estimates that in fiscal year 1982 total first-class volume will be 62.2 billion pieces (including both mail eligible and ineligible for the proposed discount).

Alternatives Under Consideration

The Postal Service filed its proposal on April 22, 1981. Therefore, the Commission has only a general outline of the issues that it, the Postal Service, and other parties will address during the course of the proceedings. At this time,

the Postal Service is the only party to the proceeding. However, the Commission anticipates that many parties will take advantage of the opportunity to intervene. These parties will then have an opportunity to present their views on the Postal Service's proposal and offer any related alternatives they may support. The alternatives that we are considering currently are:

(A) No change in the rates or classification for first-class mail. Under this alternative the Postal Service would not face the reduction in revenue that implementation of the discount will cause. Mailers would not have the benefit of the discount, but they also would not incur the cost of adding the additional 4-digits to mailing lists. The Postal Service says it will carry out its plan for automating its processing system even if no change is made in the rates and classifications to offer mailers an incentive to use the planned 9-digit ZIP.

(B) The Postal Service proposes establishing new subclasses of first class which would provide a discount of ½ cent per piece for mail bearing the planned 9-digit ZIP code and meeting certain other requirements. The other requirements are that (1) mailings include at least 500 pieces, (2) the mail is compatible with the equipment the Postal Service is purchasing, (3) the mailers present their mail in trays or other suitable containers, (4) the mailers pay the postage in a manner such that the Postal Service does not have to postmark the mail (for example, the mailers can use meter strips), and (5) the mailers present these mailings only at certain locations, generally postal facilities. Additionally, the Postal Service proposes the 9-digit ZIP code discount only for first-class mail that is either not presorted or presorted only to the 5-digit ZIP code. The Postal Service does not propose any 9-digit ZIP code discount for mail presorted to the carrier route on which the Postal Service delivers the mail. The Postal Service says it does not propose a 9-digit ZIP code discount for mail presorted to carrier route because it does not currently see a benefit in this mail bearing the planned 9-digit ZIP code. Under such a plan, the mailers would enjoy a rate reduction while the Postal Service would face a revenue reduction. But by offering a discount for first-class mail that is not presorted to carrier route, the Postal Service asserts the revenue reduction would be less than the savings in mail processing costs from using its new equipment in conjunction with the planned 9-digit ZIP code.

Summary of Benefits

Sectors Affected: USPS; and large volume mailers and recipients of that mail.

The Postal Service asserts that offering a ½ cent discount per piece for mailings bearing the planned 9-digit ZIP code and meeting the other proposed criteria will benefit the Postal Service's financial situation because it will be able to process those mailings at a lower cost, and these savings should be greater than the revenue reduction mentioned above. The Postal Service estimates that in the test year, mailers using the proposed 9-digit subclasses will save $38.7 million in postage. Mailers who take advantage of the proposed discount would incur additional costs to prepare their mailings, but the increased costs for preparation would be offset by lower postage. Recipients of the mail would benefit if the discount enables large volume mailers to reduce their costs, because often those recipients are purchasing products or services from the mailers at prices based on these mailers' costs.

Summary of Costs

Sectors Affected: USPS; and large volume mailers and recipients of that mail.

If the discount is offered, the Postal Service estimates that in fiscal year 1982 its revenues will decrease $38.7 million, a .16 percent reduction in total Postal Service revenues. Mailers taking advantage of the discount will incur the additional costs of conforming their mailings to meet the requirements for the proposed discount, but the increase in preparation expenses would be offset by lower postage. Some of the costs would be one-time start-up costs—for example, adding the planned 9-digit ZIP code to each address on the mailing lists. Recurring costs would be involved if specific mail preparation is required, such as placing mail in trays. The Commission anticipates that mailers who intervene in this case will present testimony on their costs to conform mailings to meet the proposed requirements.

Related Regulations and Actions

None.

Active Government Collaboration

None.

Timetable

Public Hearing—The Commission will hold hearings in compliance with the requirements for formal rulemaking on the record.

Public Comment Period—In addition to intervention in the proceedings, interested parties may send letters of comment at any time during the Commission's consideration of this case (see address below). Although these letters do not become part of the record on which the Commission bases its decision, they are placed in the Commission's public "commenter" file.

Regulatory Impact Analysis—The Postal Rate Commission, as an independent agency, here engaged in formal rulemaking on the record, is not required to prepare a Regulatory Impact Analysis as it is defined under E.O. 12291. However, the Postal Rate Commission presents essentially the same information in its decisions.

Regulatory Flexibility Analysis—The Postal Rate Commission, as an independent agency, here engaged in formal rulemaking on the record, is not required to prepare a Regulatory Flexibility Analysis as it is defined in 5 U.S.C. §§ 603–04. However, the Postal Rate Commission presents essentially the same information in its decisions.

Commission Decision—To be determined.

Available Documents

As the following documents are filed with the Commission or issued by it during the course of the proceedings, they will be available from the Commission's Docket Room, 2000 L Street, N.W., Room 500, Washington, DC 20268, (202) 254–3800.

The Notice issued by the Commission on April 24, 1981 (46 FR 24060).

Transcripts of Hearings, as well as Letters of Comment, Testimony, Exhibits, Workpapers, Library References/Studies, Interrogatories and Answers, and Requests for Oral Cross-Examination and Written Cross-Examination for Docket No. MC81–3.

Commission Orders and Notices; Presiding Officer's Orders, Ruling, Motions and Notices, Petitions for Leave to Intervene, and Requests for Limited Participation; and Commission's Recommended Decision for Docket No. MC81–3.

Documents may be inspected in the Commission's reading room. Copies of documents issued by the Commission or filed by the Officer of the Commission (OOC) are available without charge. Copies of all other public documents are available for 15 cents per page.

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INDEX I—SECTORS AFFECTED BY REGULATORY ACTION

This index graphically presents those sectors of our society that are most likely to benefit from or incur the costs of the regulations described in this edition of the **Calendar**. The information noted here corresponds to that provided by the agencies in the "Summary of Costs" and "Summary of Benefits" sections of each entry. The index presents the regulations alphabetically, by agency, by unit within the agency, and then by title of the regulation. For additional information on the effects of the regulation, the reader should refer to the specific **Calendar** entry.

A reader who is interested in a particular industry or group can easily identify those regulations that have a major impact on that industry or group. The reader should locate the relevant "Affected Industries" or "Other Affected Sectors" heading and scan the columns within them to locate the specific industry or other sector in which he or she is interested. For each entry, the reader can then see the agency issuing the regulation, the title of the regulation affecting the sectors of interest, and the page number on which the regulation appears in the **Calendar**.

Similarly, a reader who is interested in a particular regulation can identify the activities and groups that the particular regulation will affect significantly.

This index highlights two types of regulatory impacts: (1) direct impacts on industries and other sectors that are required to take a specific action or that will receive a direct or immediate benefit as a result of a regulation; and (2) indirect impacts on sectors that are important suppliers or customers of the directly regulated or benefited sector, or important providers of substitute products.

For each regulation, we first identify the major industrial sectors affected. The terminology we use in the Affected Industries section of the index corresponds, where possible, to standard SIC nomenclature (Standard Industrial Classification Manual, 1972 edition with 1977 supplement, available from Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, Stock Nos. 041-001-00066-6 and 003-005-00176-0 respectively). The SIC Manual defines industries in accordance with the composition and structure of the economy, and covers the entire field of economic activities. The SIC classifies industries by major division, and further classifies them within divisions by using multiple digit codes.

The specific categories within the Affected Industries section correspond to the major SIC industrial divisions. Where an impact will probably be felt throughout a major industrial division, we name that major division (e.g., Agriculture, Mining, Construction, Manufacturing, etc.). Where a regulation will affect only a particular type of establishment within a division, we use a more specific SIC level (e.g., Livestock Production, Coal Mining, Building Construction, Petroleum Refining, etc.). Below is a brief explanation of each major industrial division.

Agriculture, Forestry, Fishing

This division includes establishments primarily engaged in agricultural production of crops, seeds, livestock and dairy products, and related agricultural services; forestry; and commercial fishing (including shellfish and marine products). Manufacturing and processing of agricultrual products away from the farm and packaging of fish are classified under Manufacturing.

Mining

This division includes establishments primarily engaged in metal and nonmetallic mineral mining, coal mining and processing, oil and gas extraction, and related mining services. Manufacturing and processing of agricultural products away from the farm, packaging of fish, petroluem refining and smelting, and refining of metal are classified under Manufacturing. Natural gas transmission is classified under Electric, Gas, and Sanitary Services, and pipeline transportation of petroleum is listed under Transportation.

Construction

This category includes establishments and contractors primarily engaged in construction. Construction includes new work, additions, alterations, and repairs. Three broad types of construction activity are covered: (1) building construction by general contractors or builders primarily engaged in construction of buildings for sale on their own account rather than as contractors; (2) heavy construction, such as highways, streets, cemeteries, mines, dams and water projects, sewage collection, treatment and disposal facilities, hydroelectric plant construction, and irrigation projects; and (3) construction by special trade contractors, such as painting, carpentry, and electric work, including establishments primarily engaged in the sale and installation of communications equipment and insulation material.

Manufacturing

This division includes establishments engaged in the mechanical or chemical transformation of materials or subs[redacted] into new products. The materials processed by manufacturing establishments include products of agriculture, forestry, fishing, mining, and quarrying, as well as products of other manufacturing establishments. This division includes milk processing and bottling, fish packaging, smelting and refining of metal, and shipbuilding.

Transportation, Communications, and Electric, Gas, and Sanitary Services

This division includes establishments providing to the general public or to other business enterprises passenger and freight transportation; communication services; utilities such as electricity, gas, steam, and water or sanitary services; and the U.S. Postal Service.

Trade

This division covers both wholesale and retail trade. In addition, we have specifically identified impacts on the exporting and importing operations of wholesale and retail establishments. Wholesale trade includes establishments or places of

business primarily engaged in selling merchandise to retailers, to industrial, commercial, institutional, farm, or professional business users, or to other wholesalers; and businesses acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies. Retail trade includes establishments engaged in selling merchandise for personal or household consumption, and rendering services incidental to the sale of goods. Impacts highlighted include increases or decreases in demand for goods or services traded, as well as passthrough costs from suppliers to wholesalers and retailers.

Finance, Insurance, Real Estate

This division includes establishments operating primarily in the fields of finance, insurance, and real estate. Finance includes banks, trust companies, credit agencies other than banks, investment companies, brokers and dealers in securities and commodity contracts, and security and commodity exchanges. Insurance covers carriers of all types of insurance, and all insurance agents and brokers. Real estate includes owners, lessors, lessees, buyers, sellers, agents, and developers of real estate.

Other Services

This division includes establishments primarily engaged in providing a wide variety of services for individuals, business and government establishments, and other organizations. Included are health services; accounting, architectural, legal, engineering, and other professional services; educational institutions; business, repair, and recreational services; and membership organizations. Not included are services closely related to a particular industry, such as agricultural, mining, transportation, etc., which are noted in their respective categories.

All- or Multi-Industry Impact

This category identifies regulations having (1) an "across-the-board" impact on all sectors of the economy, or (2) an impact which affects several industries and cannot be adequately identified with SIC terminology. Examples of the latter include regulations affecting industries producing a particular pollutant; using a particular manufactured product, raw material, or energy source; employing a particular minority group; or subject to a particular law. For some regulations having this kind of cross-industry impact, we also identify specific industries within the general group which will be significantly affected. For example, in the case of a regulation restricting the production of asbestos products, we (1) record "Other Industries Using Asbestos Products" in the All- or Multi-Industry Impact column, and (2) record "Construction" in the Construction column, because that industry is the major industrial user of asbestos products.

After highlighting industrial sectors affected, we next record impacts on governmental, social, geographic, and other sectors. A brief explanation of each of these "Other Affected Sectors" follows:

State and Local Government

This category identifies regulations significantly affecting State and local governments. We highlight regulations in this category which directly regulate a State or local government function, involve State or local government in implementation, or preempt a State law or regulation.

Some State and local governments engage in operations not traditionally considered "governmental" in nature (such as State-owned liquor stores). Impacts on such operations are recorded in the appropriate category of the Industries Affected section of the index (e.g., any impact on State-owned liquor stores is included in the listing "Retail of Liquor" under the Wholesale and Retail Trade column). Such impacts are not noted in the State, Local Government category.

Population Groups

We use this category to highlight impacts on various population groups, including groups defined by age, income, health status, type of employment, ethnicity, and living environment.

We also use this column to highlight regulations which the agencies identify as having a specal or significant impact on consumers. Regulations identified include proposals aimed at providing safer and better quality consumer goods and services, as well as proposed actions which might raise prices or decrease the quality or quantity of consumer goods and services.

This category also indentifies proposed actions which impact the general public. This term encompasses general improvements to the quality of life, including upgrading the environment, encouraging the development of energy sources, curbing inflation, and improving the balance of trade.

Geographic Areas

In this category, we identify those areas of the country particularly affected by a regulation, such as specific States (as physical regions rather than political units), rural, urban, or other regions, Indian lands, public lands, and national parks.

Small Business

In this category we identify those regulations which have special impacts on the small business community as a whole, as well as on small businesses within specific industries. Notations in this category encompass a variety of impacts, including Small Business Administration proposals aimed at directly benefiting the small business community, proposals which might adversely affect small businesses, and regulations which are structured to meet both the special needs and the special limitations of small businesses.

Alternative Regulatory Approaches Considered

The Alternative Regulatory Approaches category is the final column in our index. This category highlights regulations which agencies are considering implementing by using alternative, market-oriented approaches. These approaches are departures from traditional "command-and-control" regulation, which involves strictly specified rules and formal government

sanctions for failure to comply. Instead, alternative regulatory approaches involve the use of private ingenuity and the economic forces of the marketplace to develop better long-term solutions to regulatory problems. These approaches include:

• Marketable rights: allowing government-conferred rights to be exchanged by private parties, eliminating the need for detailed government involvement in their allocation.

• Economic incentives: structuring fees or subsidies (rather than government-enforced standards) that encourage private sector achievement of regulatory goals.

• Performance standards: replacing regulations that specify the means of compliance (usually detailed design standards) with more general standards. These standards are based on desired overall performance levels—leaving regulated firms free to find the most efficient means of compliance.

• Information disclosure: replacing direct regulation with programs to give customers informed freedom of choice among products and services.

• Nongovernmental compliance measures: replacing or supplementing strict governmental monitoring and enforcement with market-oriented mechanisms, including third-party compliance monitoring and supervised self-certification.

• Enhanced competition: achieving needed regulatory goals more efficiently by adjusting market structure through the removal of barriers, governmental or nongovernmental, to market entry or limits on the services that may be provided.

• Tiering: tailoring regulatory requirements, usually recordkeeping and reporting requirements and compliance responsibilities, according to the nature of the regulated entity, to make for more cost-effective attainment of regulatory goals.

The remaining paragraphs provide an overview of the sectors that may be most significantly affected by regulations described in this edition of the **Calendar**. We present industrial impacts by major SIC Division; where appropriate, we also present data for particular industries within the major Divisions. We only tabulated impacts when they were industry-specific; we did not include other all- or multi-industry impacts in the tabulations we present below. Because our goal is to present an overview rather than a detailed analysis, we limited the information we present here to direct impacts and *significant* indirect impacts.

Of the 113 regulations appearing in the **Calendar**, approximately 60 affect Manufacturing. Within the Manufacturing Division, regulatory impacts are most frequent on transportation-related manufacturing (19), manufacturing of various products (15), energy-related manufacturing (9), and manufacturing in general (9).

The next largest regulatory impact is on Wholesale and Retail Trade (24), Electric, Gas, and Sanitary Services (23), and Transportation (20). Service industries such as education or engineering are affected by 19 of the regulations, mining by 16, and construction and finance by 14 each.

Population groups affected include minorities (6), persons susceptible to air pollution or fumes (6), and children (3).

Over 52 of the regulations have direct or significant indirect effects on the general public, 45 regulations have an effect on State governments, and 25 will affect local governments.

A total of 52 of the 113 entries (46 percent) discuss implementation of various alternative regulatory approaches. The techniques more often mentioned are performance standards (18), tiering (18), enhanced competition (10), and information disclosure (7).

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INDEX I SECTORS AFFECTED BY REGULATORY ACTION

AGENCY / TITLE OF REGULATION	PAGE NO.	AFFECTED INDUSTRIES: AGRICULTURE, FORESTRY, FISHING	MINING	CONSTRUCTION	MANUFACTURING	TRANSPORTATION, COMMUNICATIONS, ELECTRIC, GAS, AND SANITARY SERVICES	WHOLESALE AND RETAIL TRADE	FINANCE, INSURANCE, REAL ESTATE	OTHER SERVICES	ALL OR MULTI-INDUSTRY	OTHER AFFECTED SECTORS: STATE, LOCAL GOVERNMENT	POPULATION GROUPS, GEOGRAPHIC AREAS	SMALL BUSINESS	ALTERNATIVE REGULATORY APPROACHES CONSIDERED
DOC-MARAD Construction-Differential Subsidy Repayment; Total Repayment Policy	34159				Ship-building	Deep Sea Foreign and Domestic Water Transportation				Shippers of Goods by Deep Sea Transportation and Their Customers		Consumers of Goods Shipped by Deep Sea Transportation; General Public		Tiering
DOC-NOAA Regulations Implementing a Fishery Management Plan for the Groundfish Fishery for the Bering Sea/Aleutian Island Area	34033	Commercial Fishing for Groundfish in Bering Sea/Aleutian Island Area			Fish Processing		Exporting of Fish Products				Alaska	Consumers of Groundfish; General Public; Alaska		
DOC-NOAA Regulations on the Construction, Location, Ownership, and Operation of Ocean Thermal Energy Conversion (OTEC) Facilities and Plantships	34011		Oil, Gas, Coal, and Uranium Extraction	Power Plant Construction	Shipbuilding & Repairing; Electric Equipment; Energy-Intensive Products, e.g. Ammonia, Fertilizer, & Aluminum; Petroleum Refining; Nuclear Fuel	Electric Services; Ocean Thermal Energy Production	Wholesale of Natural Gas, Petroleum, and Nuclear Fuel			Other Energy-Intensive Products		S.E. United States; Gulf Coast; Virgin Islands; Puerto Rico; Hawaii and Pacific Islands; General Public		

PLEASE SEE INTRODUCTION FOR EXPLANATION OF CATEGORIES

INDEX I SECTORS AFFECTED BY REGULATORY ACTION

AGENCY / TITLE OF REGULATION	PAGE NO.	AFFECTED INDUSTRIES									OTHER AFFECTED SECTORS			
		AGRICULTURE, FORESTRY, FISHING	MINING	CONSTRUCTION	MANUFACTURING	TRANSPORTATION, COMMUNICATIONS, ELECTRIC, GAS, AND SANITARY SERVICES	WHOLESALE AND RETAIL TRADE	FINANCE, INSURANCE, REAL ESTATE	OTHER SERVICES	ALL OR MULTI-INDUSTRY	STATE, LOCAL GOVERNMENT	POPULATION GROUPS, GEOGRAPHIC AREAS	SMALL BUSINESS	ALTERNATIVE REGULATORY APPROACHES CONSIDERED
DOC-NOAA Regulations on the Mining of Deep Seabed Hard Mineral Resources	34036		Mining of Copper and Ferroalloy Ores; Metal Mining Services		Primary Metal Industries							General Public		Performance Standards
ED-OESE Financial Assistance to Local and State Agencies to Meet Special Educational Needs; and Financial Assistance to Local Educational Agencies for Children with Special Educational Needs	34144										State and Local Education Agencies	Educationally Deprived Students and Their Parents; Teachers and Other Education Employees		Performance Standards
ED-OPE Institutional Aid Program Regulations	34145								Institutions of Higher Education					
DOE-CE Commercial and Apartment Conservation Service Program	34013					Electric and Gas Services	Retail of Home Heating Oil	Commercial Buildings; Apartment Buildings		Occupants and Owners of Apartment and/or Commercial Buildings	State	Apartment Dwellers; General Public		
DOE-CE Energy Conservation Program for Consumer Products Other Than Automobiles	34014				Major Household Appliances							Consumers of Major Household Appliances; General Public		Performance Standards

PLEASE SEE INTRODUCTION FOR EXPLANATION OF CATEGORIES

INDEX I SECTORS AFFECTED BY REGULATORY ACTION

AGENCY / TITLE OF REGULATION / PAGE NO.	AFFECTED INDUSTRIES: AGRICULTURE, FORESTRY, FISHING	MINING	CONSTRUCTION	MANUFACTURING	TRANSPORTATION, COMMUNICATIONS, ELECTRIC, GAS, AND SANITARY SERVICES	WHOLESALE AND RETAIL TRADE	FINANCE, INSURANCE, REAL ESTATE	OTHER SERVICES	ALL OR MULTI-INDUSTRY	OTHER AFFECTED SECTORS: STATE, LOCAL GOVERNMENT	POPULATION GROUPS, GEOGRAPHIC AREAS	SMALL BUSINESS	ALTERNATIVE REGULATORY APPROACHES CONSIDERED
DOE-CE 34015 Energy Performance Standards for New Buildings			Building Construction	Construction Materials					Occupants of New Commercial Buildings	State and Local	Building Workers; Occupants of New Residential Housing; General Public		Performance Standards
DOE-ERA 34016 Natural Gas Curtailment Priorities for Interstate Pipelines				Manufacturing	Natural Gas Transmission and Distribution				Other Commercial Users of Natural Gas and Electricity		Consumers of Natural Gas and Electricity; General Public		Tiering; Economic Incentives
DOE-FE 34019 Variable Work Commitment Bidding System for Outer Continental Shelf Oil and Gas Lease Sales		Offshore Oil and Gas Extraction							Companies Bidding for OCS Leases		General Public; Outer Continental Shelf		Enhanced Competition
HHS-FDA 34089 Abbreviated New Drug Applications for New Drugs Approved After October 10, 1962, for Human Use				Pharmaceutical Preparations, particularly Generic Drugs		Wholesaling and Retailing of Pharmaceutical Preparations				State Drug Purchasing Programs	Consumers of Pharmaceutical Preparations; General Public		Enhanced Competition
HHS-FDA 34091 Chemical Compounds Used in Food-Producing Animals; Criteria and Procedures for Evaluating Assays for Carcinogenic Residues	Livestock and Poultry Production			Veterinary Pharmaceutical Preparations							Consumers of Meat and Poultry		

PLEASE SEE INTRODUCTION FOR EXPLANATION OF CATEGORIES

INDEX I SECTORS AFFECTED BY REGULATORY ACTION

INDEX I SECTORS AFFECTED BY REGULATORY ACTION

AGENCY / TITLE OF REGULATION / PAGE NO.	AFFECTED INDUSTRIES									OTHER AFFECTED SECTORS			ALTERNATIVE REGULATORY APPROACHES CONSIDERED
	AGRICULTURE, FORESTRY, FISHING	MINING	CONSTRUCTION	MANUFACTURING	TRANSPORTATION, COMMUNICATIONS, ELECTRIC, GAS, AND SANITARY SERVICES	WHOLESALE AND RETAIL TRADE	FINANCE, INSURANCE, REAL ESTATE	OTHER SERVICES	ALL OR MULTI-INDUSTRY	STATE, LOCAL GOVERNMENT	POPULATION GROUPS, GEOGRAPHIC AREAS	SMALL BUSINESS	
HHS-FDA 34093 New Drug and Antibiotic Drug Regulations; Revision of Regulations Governing Approval for Marketing				Pharmaceutical Preparations		Wholesaling and Retailing of Pharmaceutical Preparations					Consumers of Pharmaceutical Preparations		
HHS-HCFA 34094 Uniform Reporting Systems for Health Services Facilities and Organizations								Health Care Services Facilities and Practitioners			People in Need of Health Services	Small Health Care Facilities and Operations	Tiering
HUD-HOUS 34146 Minimum Property Standards for One-and Two-Family Dwellings			Residential Building Contractors				Minimum Standard Housing; Housing Developers; Mortgage Banking Industry			Local Building Codes	Occupants of Minimum Standard Housing; Construction Workers		
DOI-HCRS 34038 Uniform Rules and Regulations for the Protection and Conservation of Archaeological Resources Located on Public and Indian Lands								Archaeological Activities			Native Americans; Collectors and Treasure Hunters; General Public; Public and Indian Lands, particularly in 13 Western States		

PLEASE SEE INTRODUCTION FOR EXPLANATION OF CATEGORIES

INDEX I SECTORS AFFECTED BY REGULATORY ACTION

AGENCY	TITLE OF REGULATION	PAGE NO.	AFFECTED INDUSTRIES: AGRICULTURE, FORESTRY, FISHING	MINING	CONSTRUCTION	MANUFACTURING	TRANSPORTATION, COMMUNICATIONS, ELECTRIC, GAS, AND SANITARY SERVICES	WHOLESALE AND RETAIL TRADE	FINANCE, INSURANCE, REAL ESTATE	OTHER SERVICES	ALL OR MULTI-INDUSTRY	OTHER AFFECTED SECTORS: STATE, LOCAL GOVERNMENT	POPULATION GROUPS, GEOGRAPHIC AREAS	SMALL BUSINESS	ALTERNATIVE REGULATORY APPROACHES CONSIDERED
DOI-NPS	Right-of-Way Regulations	34041		Oil and Gas Extraction			Communications Services; Electric, Gas, and Sanitary Services			Other Establishments Requesting Rights-of-Way Across National Parks		State and Local Governments Requesting Rights-of-Way Across National Parks	National Parks		
DOJ-CRD	Coordination of Enforcement of Nondiscrimination in Federally Assisted Programs	34147									Recipients of Federal Financial Assistance	State and Local	Minorities; Women; Handicapped; General Public		
DOJ-CRD	Procedures for Complaints of Employment Discrimination Filed Against Recipients of Federal Funds	34149									Recipients of Federal Financial Assistance	State and Local	Victims of Employment Discrimination; General Public		
DOJ-CRD	Regulations Prohibiting Discrimination on the Basis of Age in Federally Assisted Programs	34150									DOJ-Funded Programs and Activities	State and Local Law Enforcement Agencies	Employees of and Participants in DOJ-Funded Programs and Activities		

PLEASE SEE INTRODUCTION FOR EXPLANATION OF CATEGORIES

INDEX I SECTORS AFFECTED BY REGULATORY ACTION

INDEX I SECTORS AFFECTED BY REGULATORY ACTION

AGENCY / TITLE OF REGULATION / PAGE NO.	AFFECTED INDUSTRIES: AGRICULTURE, FORESTRY, FISHING	MINING	CONSTRUCTION	MANUFACTURING	TRANSPORTATION, COMMUNICATIONS, ELECTRIC, GAS, AND SANITARY SERVICES	WHOLESALE AND RETAIL TRADE	FINANCE, INSURANCE, REAL ESTATE	OTHER SERVICES	ALL OR MULTI-INDUSTRY	OTHER AFFECTED SECTORS: STATE, LOCAL GOVERNMENT	POPULATION GROUPS, GEOGRAPHIC AREAS	SMALL BUSINESS	ALTERNATIVE REGULATORY APPROACHES CONSIDERED
DOJ-CRD 34151 Regulations Prohibiting Discrimination on the Basis of Sex in Education and Training Programs Receiving Federal Financial Assistance									DOJ-Funded Programs and Activities	State and Local Law Enforcement and Correction Agencies	Employees of and Participants in DOJ-Funded Programs and Activities		
DOJ-INS 34152 Admission of Refugees and Asylum Procedures								Charitable Organizations Involved with Refugee Relief		State and Local Refugee Relief Programs	Refugees; General Public		
DOT-FAA 34096 Flammability Standards for Crewmember Uniforms					Air Transportation						Air Passengers and Crewmembers		Performance Standards
DOT-FHWA 34161 Buy America Requirements		Iron Ores	Highway Construction	Domestic Steel Industry		Steel Importing				State Highway Construction Programs	General Public		Tiering
DOT-FHWA 34183 Design Standards for Highways -- Geometric Design Standards for Resurfacing, Restoration, and Rehabilitation (RRR) of Streets and Highways Other Than Freeways			Highway and Street Construction	Highway Construction Materials				Engineering Services		State and Local	Users of Highways; General Public		

PLEASE SEE INTRODUCTION FOR EXPLANATION OF CATEGORIES

UMI 1 8 0 3 E J 9 4 V

INDEX I SECTORS AFFECTED BY REGULATORY ACTION

AGENCY / TITLE OF REGULATION	PAGE NO.	AFFECTED INDUSTRIES									OTHER AFFECTED SECTORS			ALTERNATIVE REGULATORY APPROACHES CONSIDERED
		AGRICULTURE, FORESTRY, FISHING	MINING	CONSTRUCTION	MANUFACTURING	TRANSPORTATION, COMMUNICATIONS, ELECTRIC, GAS, AND SANITARY SERVICES	WHOLESALE AND RETAIL TRADE	FINANCE, INSURANCE, REAL ESTATE	OTHER SERVICES	ALL OR MULTI-INDUSTRY	STATE, LOCAL GOVERNMENT	POPULATION GROUPS, GEOGRAPHIC AREAS	SMALL BUSINESS	
DOT-FHWA Hours of Service of Drivers	34098					Interstate Trucking and Busing				Shippers of Goods by Truck and Bus; Business Users of These Goods		Users of Highways; Consumers of Goods Shipped by Truck and Bus		
DOT-NHTSA Bumper Standard	34100				Manufacturing of Passenger Cars and Passenger Car Equipment			Accident Insurance Carriers		Commercial Users of Passenger Cars		Consumers of Passenger Cars; General Public		Performance Standards
DOT-NHTSA Crashworthiness Ratings	34100				Passenger Cars					Commercial Users of Passenger Cars		Purchasers of New Passenger Cars		Information Disclosure
DOT-NHTSA Heavy-Duty Vehicle Brake Systems	34102				Trucks, Buses; Tractor-Trailers; Braking Systems	Trucking and Busing				Other Commercial Users of Trucks, Buses, and Tractor-Trailers		Users of Highways; Purchasers of Trucks and Tractor-Trailers; General Public		Performance Standards

PLEASE SEE INTRODUCTION FOR EXPLANATION OF CATEGORIES

INDEX I SECTORS AFFECTED BY REGULATORY ACTION

INDEX I SECTORS AFFECTED BY REGULATORY ACTION

AGENCY / TITLE OF REGULATION	PAGE NO.	AFFECTED INDUSTRIES: AGRICULTURE, FORESTRY, FISHING	MINING	CONSTRUCTION	MANUFACTURING	TRANSPORTATION, COMMUNICATIONS, ELECTRIC, GAS, AND SANITARY SERVICES	WHOLESALE AND RETAIL TRADE	FINANCE, INSURANCE, REAL ESTATE	OTHER SERVICES	ALL OR MULTI-INDUSTRY	OTHER AFFECTED SECTORS: STATE, LOCAL GOVERNMENT	POPULATION GROUPS, GEOGRAPHIC AREAS	SMALL BUSINESS	ALTERNATIVE REGULATORY APPROACHES CONSIDERED
DOT-NHTSA Occupant Crash Protection	34103				Manufacturing of Passenger Cars and Passenger Car Equipment			Accident Insurance Carriers		Commercial Users of Passenger Cars		Consumers of Passenger Cars		Tiering
DOT-OST Special Air Traffic Rules and Airport Traffic Patterns	34185					Air Carriers				Commercial Users of Scheduled Air Carriers, particularly at DCA - National Airport		Air Passengers; Communities with Air Service to DCA; DCA - National Airport		Marketable Rights
DOT-USCG Construction and Equipment for Existing Self-Propelled Vessels Carrying Bulk Liquefied Gases	34104				All Manufacturing; Liquid Cargo Vessels	Water Transportation of Bulk Liquefied Gas; Utilities and Transportation Industries				Other Commercial Users of Bulk Liquefied Gas		Marine Environment; General Public; Consumers of Bulk Liquefied Gas		

PLEASE SEE INTRODUCTION FOR EXPLANATION OF CATEGORIES

INDEX I SECTORS AFFECTED BY REGULATORY ACTION

AGENCY / TITLE OF REGULATION / PAGE NO.	AFFECTED INDUSTRIES: AGRICULTURE, FORESTRY, FISHING	MINING	CONSTRUCTION	MANUFACTURING	TRANSPORTATION, COMMUNICATIONS, ELECTRIC, GAS, AND SANITARY SERVICES	WHOLESALE AND RETAIL TRADE	FINANCE, INSURANCE, REAL ESTATE	OTHER SERVICES	ALL OR MULTI-INDUSTRY	OTHER AFFECTED SECTORS: STATE, LOCAL GOVERNMENT	POPULATION GROUPS, GEOGRAPHIC AREAS	SMALL BUSINESS	ALTERNATIVE REGULATORY APPROACHES CONSIDERED
DOT-USCG 34042 Construction Standards for the Prevention of Pollution from New Tank Barges Due to Accidental Hull Damage; and Regulatory Action to Reduce Pollution from Existing Tank Barges Due to Accidental Hull Damage				All Manufacturing; Tank Barges	Water Transportation of Oil; Tank Barges; Marine Towing; Utilities and Transportation Industries				Other Commercial Users of Oil.		Aquatic Environment; General Public; Consumers of Oil		
TREAS-ATF 34162 Implementation of the Distilled Spirits Tax Revision Act of 1979				Distilled Spirits; Brandy; Wine; Alcoholic Flavorings		Importing of Distilled Spirits, Wine, and Brandy							
TREAS-ATF 34164 Labeling and Advertising Regulations Under the Federal Alcohol Administration Act				Alcoholic Beverages		Wholesale and Retail of Alcoholic Beverages		Advertising Industry		Twenty-Two States that have Adopted the Federal Alcohol Administration Act	Consumers of Alcoholic Beverages		Enhanced Competition; Non-governmental Compliance Measures
TREAS-CUSTOMS 34166 Civil Aircraft Regulations				Civil Aircraft and Parts, Domestic and Foreign	Air Transportation	Wholesale, Retail, and Importing of Civil Aircraft and Parts		Domestic and Foreign Repair of Civil Aircraft and Parts	Other Commercial Users of Civil Aircraft and Parts		Consumers of Civil Aircraft and Parts; General Public		

PLEASE SEE INTRODUCTION FOR EXPLANATION OF CATEGORIES

INDEX I SECTORS AFFECTED BY REGULATORY ACTION

INDEX I SECTORS AFFECTED BY REGULATORY ACTION

AGENCY	TITLE OF REGULATION	PAGE NO.	AFFECTED INDUSTRIES: AGRICULTURE, FORESTRY, FISHING	MINING	CONSTRUCTION	MANUFACTURING	TRANSPORTATION, COMMUNICATIONS, ELECTRIC, GAS, AND SANITARY SERVICES	WHOLESALE AND RETAIL TRADE	FINANCE, INSURANCE, REAL ESTATE	OTHER SERVICES	ALL OR MULTI-INDUSTRY	OTHER AFFECTED SECTORS: STATE, LOCAL GOVERNMENT	POPULATION GROUPS, GEOGRAPHIC AREAS	SMALL BUSINESS	ALTERNATIVE REGULATORY APPROACHES CONSIDERED
TREAS-CUSTOMS	Importation of Motor Vehicles and Motor Vehicle Engines Under the Clean Air Act	34167					Passenger Transportation by Taxicab, Bus, or Charter Service				Other Industries Owning Fleet Vehicles, such as Taxicabs and Buses		Individuals Importing Motor Vehicles and Engines		
TREAS-CUSTOMS	Interest Charges on Delinquent Accounts	34168				Manufacturers Importing Intermediate Materials		Importing Community	Surety Insurance Industry						
TREAS-OCC	Description of Office, Procedures, Public Information; Supplemental Application Procedures; Assessment of Fees; National Banks; District of Columbia Banks; Employee Stock Option and Stock Purchase Plans; Changes in Capital Structure; Change in Bank Control; Federal Branches and Agencies of Foreign Banks; Policy Statements	34067							National Banking Industry		Business Customers and Shareholders of National Banks	Comments Solicited from Banking Commissioners of Each State	Customers and Shareholders of National Banks; General Public		Enhanced Competition
TREAS-OCC	Lending Limits; Unimpaired Surplus Fund	34069							National Banking Industry		Business Customers of National Banks	State and Local	Customers of National Banks; General Public; Rural Areas		

PLEASE SEE INTRODUCTION FOR EXPLANATION OF CATEGORIES

INDEX I SECTORS AFFECTED BY REGULATORY ACTION

AGENCY	TITLE OF REGULATION	PAGE NO.	AFFECTED INDUSTRIES: AGRICULTURE, FORESTRY, FISHING	MINING	CONSTRUCTION	MANUFACTURING	TRANSPORTATION, COMMUNICATIONS, ELECTRIC, GAS, AND SANITARY SERVICES	WHOLESALE AND RETAIL TRADE	FINANCE, INSURANCE, REAL ESTATE	OTHER SERVICES	ALL OR MULTI-INDUSTRY	OTHER AFFECTED SECTORS: STATE, LOCAL GOVERNMENT	POPULATION GROUPS, GEOGRAPHIC AREAS	SMALL BUSINESS	ALTERNATIVE REGULATORY APPROACHES CONSIDERED
TREAS-OCC	Use of Data Processing Equipment and Furnishing of Data Processing Services	34071							National Banking Industry	Data Processing	Business Customers of National Banks		Customers of National Banks; General Public	Non-bank Suppliers of Data Processing Services	
EPA-OANR	Environmental Radiation Protection Standards for Management and Disposal of Spent Nuclear Fuel, High-Level and Transuranic Radioactive Wastes	34105					Commercial Nuclear Power Plants				Other Commercial Users of Electricity Produced by Nuclear Power		Consumers of Electricity Produced by Nuclear Power; General Public		Performance Standards
EPA-OANR	Policy and Procedures for Identifying, Assessing, and Regulating Airborne Substances Posing a Risk of Cancer	34107		Mining of Minerals and Radioactive Metals			Petroleum Refining; Chemicals, Radioactive Materials				Other Industries Emitting Carcinogenic Substances; Commercial Users of Products of Industries Emitting Carcinogenic Substances	State and Local Air Pollution Control	General Public; Consumers of Products of Industries Emitting Carcinogenic Substances; Urban Areas; Gulf Coast, W.V., and Northern N.J.		Performance Standards

PLEASE SEE INTRODUCTION FOR EXPLANATION OF CATEGORIES

INDEX I SECTORS AFFECTED BY REGULATORY ACTION

INDEX I SECTORS AFFECTED BY REGULATORY ACTION

AGENCY / TITLE OF REGULATION / PAGE NO.	AFFECTED INDUSTRIES: AGRICULTURE, FORESTRY, FISHING	MINING	CONSTRUCTION	MANUFACTURING	TRANSPORTATION, COMMUNICATIONS, ELECTRIC, GAS, AND SANITARY SERVICES	WHOLESALE AND RETAIL TRADE	FINANCE, INSURANCE, REAL ESTATE	OTHER SERVICES	ALL OR MULTI-INDUSTRY	OTHER AFFECTED SECTORS: STATE, LOCAL GOVERNMENT	POPULATION GROUPS, GEOGRAPHIC AREAS	SMALL BUSINESS	ALTERNATIVE REGULATORY APPROACHES CONSIDERED
EPA-OANR 34044 Regulations for the Prevention of Significant Deterioration (PSD) from Set II Pollutants (Hydrocarbons, Carbon Monoxide, Nitrogen Oxide, Ozone, and Lead)				Manufacturing Industries Emitting Set II Pollutants, particularly Petroleum Refining and Primary Metal Industries	Transportation Industries; Electric Services				Other Industries Emitting Set II Pollutants	State Air Pollution Control	General Public		Performance Standards; Economic Incentives, Marketable Rights
EPA-OANR 34047 Review, and Possible Revision, of the National Ambient Air Quality Standard for Nitrogen Dioxide	Agriculture			Manufacturing Industries Emitting Nitrogen Oxides; Motor Vehicles and Equipment	Electric Services; Natural Gas Pipelines				Other Industries Emitting Nitrogen Oxides	State and Local Transportation Programs; State Air Pollution Control	General Public, Particularly Persons Suffering from Respiratory Disease; the Aquatic Ecosystem		
EPA-OANR 34046 Review, and Possible Revision, of the National Ambient Air Quality Standards for Carbon Monoxide				Motor Vehicles and Equipment	Motor Vehicles					State and Local Transportation Programs; State Air Pollution Control	Persons with Cardiovascular or Pulmonary Disease; Pregnant Women and Fetuses; Anemics; the Driving Public		

PLEASE SEE INTRODUCTION FOR EXPLANATION OF CATEGORIES

INDEX I SECTORS AFFECTED BY REGULATORY ACTION

AGENCY / TITLE OF REGULATION / PAGE NO.	AFFECTED INDUSTRIES									OTHER AFFECTED SECTORS			ALTERNATIVE REGULATORY APPROACHES CONSIDERED
	AGRICULTURE, FORESTRY, FISHING	MINING	CONSTRUCTION	MANUFACTURING	TRANSPORTATION, COMMUNICATIONS, ELECTRIC, GAS, AND SANITARY SERVICES	WHOLESALE AND RETAIL TRADE	FINANCE, INSURANCE, REAL ESTATE	OTHER SERVICES	ALL OR MULTI-INDUSTRY	STATE, LOCAL GOVERNMENT	POPULATION GROUPS, GEOGRAPHIC AREAS	SMALL BUSINESS	
EPA-OANR 34048 Review, and Possible Revision, of the National Ambient Air Quality Standards for Particulate Matter		Coal Mining		Primary Metal Industry Petroleum Refining	Electric and Sanitary Services				Other Industries Emitting Particulate Matter, including Industries Supplying or Using Large Quantities of Fossil Fuel	State Air Pollution Control	General Public, particularly Children and People with Respiratory and Cardiovascular Diseases		Tiering
EPA-OANR 34049 Review, and Possible Revision, of the National Ambient Air Quality Standards for Sulfur Oxides (Sulfur Dioxide)	Agriculture	Coal Mining		Non-ferrous Metal Industry, Petroleum Refining	Electric, Gas, and Sanitary Services				Other Industries Emitting Sulfur Dioxides, including Industries Supplying or Using Large Quantities of Fossil Fuel	State Air Pollution Control	General Public, particularly Children and People with Respiratory Diseases		

PLEASE SEE INTRODUCTION FOR EXPLANATION OF CATEGORIES

INDEX I SECTORS AFFECTED BY REGULATORY ACTION

AFFECTED INDUSTRIES	OTHER AFFECTED SECTORS	

INDEX I SECTORS AFFECTED BY REGULATORY ACTION

AGENCY / TITLE OF REGULATION	PAGE NO.	AFFECTED INDUSTRIES									OTHER AFFECTED SECTORS			ALTERNATIVE REGULATORY APPROACHES CONSIDERED
		AGRICULTURE, FORESTRY, FISHING	MINING	CONSTRUCTION	MANUFACTURING	TRANSPORTATION, COMMUNICATIONS, ELECTRIC, GAS, AND SANITARY SERVICES	WHOLESALE AND RETAIL TRADE	FINANCE, INSURANCE, REAL ESTATE	OTHER SERVICES	ALL OR MULTI-INDUSTRY	STATE, LOCAL GOVERNMENT	POPULATION GROUPS, GEOGRAPHIC AREAS	SMALL BUSINESS	
EPA-OANR Standards of Performance to Control Atmospheric Emissions from Industrial Boilers	34050				Energy-Intensive Manufacturing Industries, particularly Glass, Pulp and Paper, and Chemicals					Other Energy-Intensive Industries; Commercial Users of Manufactured Products, particularly Glass, Pulp and Paper, and Chemicals		General Public; Consumers of Manufactured Products, particularly Glass, Pulp and Paper, and Chemicals	Small Industrial Boilers	Tiering
EPA-OANR-OMSAPC Fuels and Fuel Additives Protocols	34109				Petroleum Refining	Trucking; Passenger Transportation by Taxicab, Bus, or Charter Service				Other Commercial Users of Motor Vehicles		People Who Live Near or Work in Plants Producing Fuels and Additives; Users of Motor Vehicles; Urban Areas; General Public	Firms Producing Small Amounts of Fuels or Fuel Additives	Tiering

PLEASE SEE INTRODUCTION FOR EXPLANATION OF CATEGORIES

UMI 1 8 0 3 7 6 4 7

INDEX I SECTORS AFFECTED BY REGULATORY ACTION

AGENCY / TITLE OF REGULATION	PAGE NO.	AFFECTED INDUSTRIES: AGRICULTURE, FORESTRY, FISHING	MINING	CONSTRUCTION	MANUFACTURING	TRANSPORTATION, COMMUNICATIONS, ELECTRIC, GAS, AND SANITARY SERVICES	WHOLESALE AND RETAIL TRADE	FINANCE, INSURANCE, REAL ESTATE	OTHER SERVICES	ALL OR MULTI-INDUSTRY	OTHER AFFECTED SECTORS: STATE, LOCAL GOVERNMENT	POPULATION GROUPS, GEOGRAPHIC AREAS	SMALL BUSINESS	ALTERNATIVE REGULATORY APPROACHES CONSIDERED
EPA-OANR-OMSAPC Gaseous Emission Regulations for 1985 and Later Model Year Light-Duty Trucks and Heavy-Duty Engines	34051			Construction	Heavy-Duty Engines and Vehicles, Light-Duty Trucks	Trucking, Busing				Other Commercial Users of Heavy-Duty Engines and Vehicles and Light-Duty Trucks		General Public, particularly Urban Populations and People with Respiratory Disease, Consumers of Heavy-Duty Vehicles and Light-Duty Trucks		Performance Standards
EPA-OANR-OMSAPC Heavy-Duty Diesel Particulate Regulations	34053			Construction	Heavy-Duty Diesel Engines and Vehicles	Trucking; Busing				Other Commercial Users of Heavy-Duty Diesel Engines and Vehicles	States with Areas in Violation of the National Ambient Air Quality Standard for TSP	General Public, particularly People with Respiratory Diseases, and Urban Populations, Consumers of Heavy-Duty Diesel Vehicles		

PLEASE SEE INTRODUCTION FOR EXPLANATION OF CATEGORIES

INDEX I SECTORS AFFECTED BY REGULATORY ACTION

INDEX I SECTORS AFFECTED BY REGULATORY ACTION

AGENCY	TITLE OF REGULATION	PAGE NO.	AFFECTED INDUSTRIES									OTHER AFFECTED SECTORS			ALTERNATIVE REGULATORY APPROACHES CONSIDERED
			AGRICULTURE, FORESTRY, FISHING	MINING	CONSTRUCTION	MANUFACTURING	TRANSPORTATION, COMMUNICATIONS, ELECTRIC, GAS, AND SANITARY SERVICES	WHOLESALE AND RETAIL TRADE	FINANCE, INSURANCE, REAL ESTATE	OTHER SERVICES	ALL OR MULTI-INDUSTRY	STATE, LOCAL GOVERNMENT	POPULATION GROUPS, GEOGRAPHIC AREAS	SMALL BUSINESS	
EPA-OANR-ORP	Remedial Action Standards for Inactive Uranium Processing Sites	34110										AZ, CO, ID, NM, ND, OR, TX, PA, UT, and WY	People Living or Working Near Inactive Uranium Mill Tailings Sites in Affected States or Uranium-Contaminated Buildings; General Public		
EPA-OPTS	Pesticide Registration Guidelines	34113	Agriculture and Forestry			Pesticides and Agricultural Chemicals				Chemical and Biological Testing Laboratories	Other Commercial Users of Pesticides and Agricultural Chemicals		Users of Pesticides and Agricultural Chemicals; General Public		
EPA-OPTS	Premanufacture Notification Requirements and Review Procedures	34115				Chemicals		Importing of Chemical Products					Workers in the Chemical Industry; General Public		Information Disclosure; Performance Standards

PLEASE SEE INTRODUCTION FOR EXPLANATION OF CATEGORIES

INDEX I SECTORS AFFECTED BY REGULATORY ACTION

AGENCY / TITLE OF REGULATION	PAGE NO.	AFFECTED INDUSTRIES: AGRICULTURE, FORESTRY, FISHING	MINING	CONSTRUCTION	MANUFACTURING	TRANSPORTATION, COMMUNICATIONS, ELECTRIC, GAS, AND SANITARY SERVICES	WHOLESALE AND RETAIL TRADE	FINANCE, INSURANCE, REAL ESTATE	OTHER SERVICES	ALL OR MULTI-INDUSTRY	OTHER AFFECTED SECTORS: STATE, LOCAL GOVERNMENT	POPULATION GROUPS, GEOGRAPHIC AREAS	SMALL BUSINESS	ALTERNATIVE REGULATORY APPROACHES CONSIDERED
EPA-OPTS Rules Restricting the Commercial and Industrial Use of Asbestos Fibers	34116		Asbestos	Construction	Asbestos Products; Asbestos Substitutes		Importing of Asbestos and Asbestos Products			Other Commercial Users of Asbestos Products		Workers in Asbestos Mining and Manufacturing; Consumers of Asbestos Products; General Public		Information Disclosure; Marketable Rights
EPA-OPTS Toxic Substances Control Act (TSCA) Section 4 Test Rules	34118				Chloromethane, Chlorinated Benzenes; Other Chemical Products Produced with These Chemicals				Testing Laboratories; Welding		State and Local	Workers Exposed to Industrial Chemicals in Production and Handling; Consumers of Formulated Products Containing the Chemicals; General Public		
EPA-OWWM Control of Organic Chemicals in Drinking Water	34121				Water Supply Equipment	Public and Private Water Supply Systems	Wholesale of Water Supply Equipment		Sanitary Engineers	Commercial Users of Water	State and Local	Water Consumers; General Public		

PLEASE SEE INTRODUCTION FOR EXPLANATION OF CATEGORIES

INDEX I SECTORS AFFECTED BY REGULATORY ACTION

INDEX I SECTORS AFFECTED BY REGULATORY ACTION

AGENCY / TITLE OF REGULATION / PAGE NO.	AFFECTED INDUSTRIES: AGRICULTURE, FORESTRY, FISHING	MINING	CONSTRUCTION	MANUFACTURING	TRANSPORTATION, COMMUNICATIONS, ELECTRIC, GAS, AND SANITARY SERVICES	WHOLESALE AND RETAIL TRADE	FINANCE, INSURANCE, REAL ESTATE	OTHER SERVICES	ALL OR MULTI-INDUSTRY	OTHER AFFECTED SECTORS: STATE, LOCAL GOVERNMENT	POPULATION GROUPS, GEOGRAPHIC AREAS	SMALL BUSINESS	ALTERNATIVE REGULATORY APPROACHES CONSIDERED
EPA-OWWM 34055 Effluent Limitations Guidelines and Pretreatment Standards, and New Source Standards Controlling the Discharge of Pollutants from Metal Finishing Facilities				Metal Finishing; Wastewater Treatment Equipment					Other Industries with Electroplating and Metal Finishing Operations; Commercial Users		Aquatic Environment; General Public		Tiering; Nongovernmental Compliance Measures
EPA-OWWM 34057 Effluent Limitations Guidelines and Pretreatment Standards, and New Source Standards Controlling the Discharge of Pollutants from Pulp, Paper, and Paperboard Mills into Navigable Waterways				Pulp, Paper, and Paperboard Mills; Manufacturing of Pollution Abatement Equipment					Commercial Users of Pulp, Paper, and Paperboard Products	State and Local Water Pollution Control Agencies	Consumers of Pulp, Paper, and Paperboard Products; General Public		
EPA-OWWM 34059 Effluent Limitations Guidelines and Standards Controlling the Discharge of Pollutants from Iron and Steel Manufacturing Plants to Navigable Waterways and the Pretreatment of Wastewaters Introduced into Publicly Owned Treatment Works			Construction	Iron and Steel; Manufacturing Industries Using Iron and Steel Products					Other Commercial Users of Iron and Steel Products	State and Local	Consumers of Iron and Steel Products; General Public		
EPA-OWWM 34063 Effluent Limitations Guidelines and Standards Controlling the Discharge of Pollutants from Steam Electric Power Plants				Anti-pollution Equipment; Manufacturing Industries Using Electricity	Electric Services				Other Commercial Users of Electricity	State and Local Water Pollution Control Agencies	Consumers of Electricity; General Public; Aquatic Environment		

PLEASE SEE INTRODUCTION FOR EXPLANATION OF CATEGORIES

INDEX I SECTORS AFFECTED BY REGULATORY ACTION

AGENCY / TITLE OF REGULATION	PAGE NO.	AFFECTED INDUSTRIES: AGRICULTURE, FORESTRY, FISHING	MINING	CONSTRUCTION	MANUFACTURING	TRANSPORTATION, COMMUNICATIONS, ELECTRIC, GAS, AND SANITARY SERVICES	WHOLESALE AND RETAIL TRADE	FINANCE, INSURANCE, REAL ESTATE	OTHER SERVICES	ALL OR MULTI-INDUSTRY	OTHER AFFECTED SECTORS: STATE, LOCAL GOVERNMENT	POPULATION GROUPS, GEOGRAPHIC AREAS	SMALL BUSINESS	ALTERNATIVE REGULATORY APPROACHES CONSIDERED
EPA-OWWM Hazardous Waste Regulations: Phase II-C Regulations Applicable to Hazardous Waste Disposal Facilities	34122			Construction of Hazardous Waste Depositories	Industries Generating Hazardous Wastes	Hazardous Waste Management Industry				All Industries Generating Hazardous Wastes; Consumers of Goods Produced by Waste-Generating Industries	State Governments	Persons Living or Working Near Hazardous Waste Disposal Sites; General Public		
EPA-OWWM Sewage Sludge Disposal Regulations	34125				Fertilizer and Soil Conditioners Derived from Sludge	Sewage Systems	Wholesale and Retail of Fertilizer and Soil Conditioners Derived from Sludge			Industries Discharging into Water Treatment Facilities	State and Local Waste Management Programs	General Public		
FEMA Review and Approval of State and Local Radiological Emergency Plans and Preparedness	34126				Manufacturing	Nuclear Power Plants				Other Commercial Users of Electricity Produced by Nuclear Power	State and Local Radiological Emergency Programs	Consumers of Electricity Produced by Nuclear Power; General Public		Performance Standards

PLEASE SEE INTRODUCTION FOR EXPLANATION OF CATEGORIES

INDEX I SECTORS AFFECTED BY REGULATORY ACTION

INDEX I SECTORS AFFECTED BY REGULATORY ACTION

AGENCY / TITLE OF REGULATION	PAGE NO.	AFFECTED INDUSTRIES: AGRICULTURE, FORESTRY, FISHING	MINING	CONSTRUCTION	MANUFACTURING	TRANSPORTATION, COMMUNICATIONS, ELECTRIC, GAS, AND SANITARY SERVICES	WHOLESALE AND RETAIL TRADE	FINANCE, INSURANCE, REAL ESTATE	OTHER SERVICES	ALL OR MULTI-INDUSTRY	OTHER AFFECTED SECTORS: STATE, LOCAL GOVERNMENT	POPULATION GROUPS, GEOGRAPHIC AREAS	SMALL BUSINESS	ALTERNATIVE REGULATORY APPROACHES CONSIDERED
GSA-FPRS National Defense Stockpile Disposal Regulations	34169		Mining		Manufacturing					Other Industries Supplying, Trading, and Using Basic Industrial Raw Materials				
GSA-HRO Nondiscrimination in Federally Assisted Programs	34153									GSA-Funded Programs and Activities	State and Local GSA-Funded Programs and Activities	Special Populations (e.g., Hispanic, Women, Handicapped)		Tiering
GSA-NARS Freedom of Information Act Requests for National Security Classified Information in the National Archives	34156								Organizations Requesting Classified Information	Other Establishments Requesting Classified Information		People Requesting Classified Information		
NCUA Group Purchasing Activities of Federal Credit Unions	34072						Wholesale and Retail Trade of Select Consumer Products	Federal Credit Unions, Insurance Groups				Members of Federal Credit Unions		

PLEASE SEE INTRODUCTION FOR EXPLANATION OF CATEGORIES

INDEX I SECTORS AFFECTED BY REGULATORY ACTION

AGENCY / TITLE OF REGULATION / PAGE NO.	AFFECTED INDUSTRIES: AGRICULTURE, FORESTRY, FISHING	MINING	CONSTRUCTION	MANUFACTURING	TRANSPORTATION, COMMUNICATIONS, ELECTRIC, GAS, AND SANITARY SERVICES	WHOLESALE AND RETAIL TRADE	FINANCE, INSURANCE, REAL ESTATE	OTHER SERVICES	ALL OR MULTI-INDUSTRY	OTHER AFFECTED SECTORS: STATE, LOCAL GOVERNMENT	POPULATION GROUPS, GEOGRAPHIC AREAS	SMALL BUSINESS	ALTERNATIVE REGULATORY APPROACHES CONSIDERED
SBA 34188 Revision of Business Loan Policy; Business Loans and Guarantees					Small Communications Businesses							Small Media-Oriented Businesses	Enhanced Competition
SBA 34157 Revision to Method of Establishing Size Standards and Definitions of Small Business									Businesses that Qualify for SBA Programs			Small Business	Tiering
CAB 34190 Air Carrier Insurance and Liability					Air Transportation		Insurance Industry		Shippers of Goods by Air		Air Passengers		Economic Incentives; Information Disclosure; Tiering
CAB 34191 Essential Air Service Subsidy Guidelines					Air Transportation				Industries in Small Communities		Small Communities; Air Passengers To and From those Communities; General Public		Economic Incentives
CAB 34193 Notice to Passengers of Conditions of Carriage					Air Transportation; Travel Agencies						Air Passengers		Information Disclosure

PLEASE SEE INTRODUCTION FOR EXPLANATION OF CATEGORIES

INDEX I SECTORS AFFECTED BY REGULATORY ACTION

INDEX I SECTORS AFFECTED BY REGULATORY ACTION

AGENCY / TITLE OF REGULATION / PAGE NO.	AFFECTED INDUSTRIES									OTHER AFFECTED SECTORS			ALTERNATIVE REGULATORY APPROACHES CONSIDERED
	AGRICULTURE, FORESTRY, FISHING	MINING	CONSTRUCTION	MANUFACTURING	TRANSPORTATION, COMMUNICATIONS, ELECTRIC, GAS, AND SANITARY SERVICES	WHOLESALE AND RETAIL TRADE	FINANCE, INSURANCE, REAL ESTATE	OTHER SERVICES	ALL OR MULTI-INDUSTRY	STATE, LOCAL GOVERNMENT	POPULATION GROUPS, GEOGRAPHIC AREAS	SMALL BUSINESS	
CFTC 34074 Large Trader Reporting to Exchanges and Reporting Open Positions							Commodity Exchanges; Futures Commission Merchants; Foreign Brokers		Commercial Users of and Speculators in Commodity Futures		Consumers of and Speculators in Commodities		Nongovernmental Compliance Measures
CFTC 34075 Proposed Dealer Option Regulations							Commodity Exchanges; Futures Commission Merchants		Commercial Investors in Commodity Dealer Options		Investing Public for Commodity Options		Enhanced Competition
CFTC 34077 Proposed Rules Concerning Foreign Brokers and Traders							Commodity Exchanges; Domestic Futures Commission Merchants; Foreign Brokers and Traders		Commercial Users of and Speculators in Commodities		Consumers of and Speculators in Commodities		
CFTC 34078 Review of Guideline No. 1 -- Criteria for Determining Whether a Board of Trade Meets the Economic Purpose and Public Interest Tests for Contract Market Designation							Commodity Exchanges, Futures Commission Merchants		Commercial Users of and Speculators in Commodities		Consumers of and Speculators in Commodities		

PLEASE SEE INTRODUCTION FOR EXPLANATION OF CATEGORIES

INDEX I SECTORS AFFECTED BY REGULATORY ACTION

AGENCY / TITLE OF REGULATION / PAGE NO.	AFFECTED INDUSTRIES									OTHER AFFECTED SECTORS			ALTERNATIVE REGULATORY APPROACHES CONSIDERED
	AGRICULTURE, FORESTRY, FISHING	MINING	CONSTRUCTION	MANUFACTURING	TRANSPORTATION, COMMUNICATIONS, ELECTRIC, GAS, AND SANITARY SERVICES	WHOLESALE AND RETAIL TRADE	FINANCE, INSURANCE, REAL ESTATE	OTHER SERVICES	ALL OR MULTI-INDUSTRY	STATE, LOCAL GOVERNMENT	POPULATION GROUPS, GEOGRAPHIC AREAS	SMALL BUSINESS	
CPSC 34128 Chronic Hazards Associated with Benzidine Congener Dyes in Consumer Dye Products				Dye							Consumers of Benzidine Congener Dyes, including Home Dyes; Crafts-people, Hobbyists		
CPSC 34130 Consumer Products Containing Asbestos		Asbestos	Construction	Asbestos Products		Wholesale and Retail of Asbestos Products			Other Commercial Users of Asbestos Products		Consumers of Asbestos Products, General Public		
CPSC 34131 Omnidirectional Citizens Band Base Station Antenna Standard			Installation of CB Base Station Omnidirectional Antennas	CB Base Station Omnidirectional Antennas		Wholesale, Retail, and Importing of CB Base Station Omnidirectional Antennas			Commercial Users of CB Base Station Omnidirectional Antennas		Consumers of CB Base Station Omnidirectional Antennas		Performance Standards
CPSC 34133 Safety Requirements for Chain Saws	Forestry			Chain Saws and Components					Industries Using Chain Saws	State of Washington	Professional and Consumer Users of Chain Saws		Performance Standards

PLEASE SEE INTRODUCTION FOR EXPLANATION OF CATEGORIES

INDEX I SECTORS AFFECTED BY REGULATORY ACTION

INDEX I SECTORS AFFECTED BY REGULATORY ACTION

AGENCY / TITLE OF REGULATION	PAGE NO.	AFFECTED INDUSTRIES: AGRICULTURE, FORESTRY, FISHING	MINING	CONSTRUCTION	MANUFACTURING	TRANSPORTATION, COMMUNICATIONS, ELECTRIC, GAS, AND SANITARY SERVICES	WHOLESALE AND RETAIL TRADE	FINANCE, INSURANCE, REAL ESTATE	OTHER SERVICES	ALL OR MULTI-INDUSTRY	OTHER AFFECTED SECTORS: STATE, LOCAL GOVERNMENT	POPULATION GROUPS, GEOGRAPHIC AREAS	SMALL BUSINESS	ALTERNATIVE REGULATORY APPROACHES CONSIDERED
CPSC Upholstered Furniture Cigarette Flammability Standard	34136				Upholstered Furniture; Textile Mill Products		Wholesale and Retail of Upholstered Furniture and Mill Products				California	Consumers of Upholstered Furniture	Small Upholsterers	Performance Standards
CPSC Urea Formaldehyde Foam (UFF) Insulation	34137			Installation of UFF Insulation	UFF Insulation		Wholesale, Retail, and Importing of UFF Insulation			Commercial Users of UFF Insulation	Several States That Have Taken Some Action on UFF Insulation	Consumers of UFF Insulation, particularly People Sensitized to Formaldehyde, and with Respiratory Illness and Allergies; General Public		Information Disclosure; Performance Standards
FCC Children's Television Programming and Advertising Practices (Docket 19142)	34194					Television Broadcasting Industry			Advertising Industry			Children		Enhanced Competition

PLEASE SEE INTRODUCTION FOR EXPLANATION OF CATEGORIES

INDEX I SECTORS AFFECTED BY REGULATORY ACTION

AGENCY / TITLE OF REGULATION	PAGE NO.	AFFECTED INDUSTRIES: AGRICULTURE, FORESTRY, FISHING	MINING	CONSTRUCTION	MANUFACTURING	TRANSPORTATION, COMMUNICATIONS, ELECTRIC, GAS, AND SANITARY SERVICES	WHOLESALE AND RETAIL TRADE	FINANCE, INSURANCE, REAL ESTATE	OTHER SERVICES	ALL OR MULTI-INDUSTRY	OTHER AFFECTED SECTORS: STATE, LOCAL GOVERNMENT	POPULATION GROUPS, GEOGRAPHIC AREAS	SMALL BUSINESS	ALTERNATIVE REGULATORY APPROACHES CONSIDERED
FCC Creation of "New" Personal Radio Service (PR Docket 79-140)	34195				Two-Way Radio Equipment	Radio Broadcasting	Wholesale and Retail of Two-Way Radio Equipment			Other Commercial Users of Two-Way Radio Equipment		Consumers and Users of Two-Way Radios; Owners of Home Entertainment Equipment		
FCC Deregulation of Competitive Domestic Telecommunications Market (Common Carrier Docket 79-252)	34196					Telecommunications Industry				Commercial Telecommunications Users		Telecommunications Users	Small Business	Enhanced Competition; Tiering
FCC Inquiry into the Future Role of Low-Power Television Broadcasting and Television Translators in the National Telecommunications System (Broadcast Docket No. 78-253; RM-1932; FCC 80-503)	34198				Television Equipment Industry	Television Broadcasting Industry, including Subscription Television and Cablevision Services						Television Users, particularly in Rural and Mountainous Areas		Enhanced Competition
FEC Nonpartisan Communications by Corporations or Labor Organizations	34170								Membership Organizations, including Trade Associations and Labor Organizations	Corporations in All Industries				

PLEASE SEE INTRODUCTION FOR EXPLANATION OF CATEGORIES

INDEX I SECTORS AFFECTED BY REGULATORY ACTION

INDEX I SECTORS AFFECTED BY REGULATORY ACTION

AGENCY / TITLE OF REGULATION / PAGE NO.	AFFECTED INDUSTRIES									OTHER AFFECTED SECTORS			ALTERNATIVE REGULATORY APPROACHES CONSIDERED
	AGRICULTURE, FORESTRY, FISHING	MINING	CONSTRUCTION	MANUFACTURING	TRANSPORTATION, COMMUNICATIONS, ELECTRIC, GAS, AND SANITARY SERVICES	WHOLESALE AND RETAIL TRADE	FINANCE, INSURANCE, REAL ESTATE	OTHER SERVICES	ALL OR MULTI-INDUSTRY	STATE, LOCAL GOVERNMENT	POPULATION GROUPS, GEOGRAPHIC AREAS	SMALL BUSINESS	
FERC 34022 High-Cost Natural Gas: Production Enhancement Procedures		Natural Gas Production		Manufacturing	Natural Gas Transmission and Distribution				Other Business Users of Natural Gas	State	Consumers of Natural Gas; General Public		
FERC 34021 High-Cost Natural Gas Produced from Wells Drilled in Deep Waters		Natural Gas Production		Manufacturing	Natural Gas Transmission and Distribution				Other Business Users of Natural Gas		Consumers of Natural Gas, General Public		Economic Incentives, Tiering
FERC 34023 Procedures Governing Applications for Special Relief Under Sections 104, 106, and 109 of the Natural Gas Policy Act of 1978		Natural Gas Production		Manufacturing	Natural Gas Transmission and Distribution				Other Business Users of Natural Gas		Consumers of Natural Gas		Tiering
FERC 34024 Rate of Return on Common Equity for Electric Utilities				Manufacturing	Electric Services				Other Business Users of Electricity; Investors in Electric Services		Private Investors in Electric Services; Consumers of Electricity		Tiering
FERC 34026 Regulations Governing Applications for Major Unconstructed Projects			Hydroelectric Power Projects	Manufacturing	Hydroelectric Power				Other Commercial Users of Hydroelectric Power	State and Local Hydroelectric Power Projects	Consumers of Hydroelectric Power; General Public		

PLEASE SEE INTRODUCTION FOR EXPLANATION OF CATEGORIES

INDEX I SECTORS AFFECTED BY REGULATORY ACTION

AGENCY	TITLE OF REGULATION	PAGE NO.	AFFECTED INDUSTRIES									OTHER AFFECTED SECTORS			ALTERNATIVE REGULATORY APPROACHES CONSIDERED
			AGRICULTURE, FORESTRY, FISHING	MINING	CONSTRUCTION	MANUFACTURING	TRANSPORTATION, COMMUNICATIONS, ELECTRIC, GAS, AND SANITARY SERVICES	WHOLESALE AND RETAIL TRADE	FINANCE, INSURANCE, REAL ESTATE	OTHER SERVICES	ALL OR MULTI-INDUSTRY	STATE, LOCAL GOVERNMENT	POPULATION GROUPS, GEOGRAPHIC AREAS	SMALL BUSINESS	
FERC	Regulations Implementing Section 110 of the Natural Gas Policy Act of 1978 and Establishing Policy Under the Natural Gas Act	34028		Natural Gas Production		Manufacturing	Natural Gas Transmission and Distribution				Other Business Users of Natural Gas		Consumers of Natural Gas		
FERC	Revised Rules of Practice: Procedures to Expedite Trial-Type Proceedings	34029		Natural Gas Production			Oil and Natural Gas Transmission and Distribution; Electric Services, Hydroelectric Power; Cogeneration				Commercial Users of Natural Gas, Oil, and Electric Services		Consumers of Natural Gas, Oil, and Electric Services	Small Power Producers	
FERC	Revision of Form 1 Annual Report by Electric Utilities	34031					Electric Services			Commercial Users of Electric Services		State	Consumers of Electric Services		
FMC	Filing of Currency Adjustment Factors	34199					Deep Sea Foreign Transportation				Shippers of Goods by Deep Sea Foreign Transportation				

PLEASE SEE INTRODUCTION FOR EXPLANATION OF CATEGORIES

INDEX I SECTORS AFFECTED BY REGULATORY ACTION

INDEX I SECTORS AFFECTED BY REGULATORY ACTION

AGENCY	TITLE OF REGULATION	PAGE NO.	AFFECTED INDUSTRIES: AGRICULTURE, FORESTRY, FISHING	MINING	CONSTRUCTION	MANUFACTURING	TRANSPORTATION, COMMUNICATIONS, ELECTRIC, GAS, AND SANITARY SERVICES	WHOLESALE AND RETAIL TRADE	FINANCE, INSURANCE, REAL ESTATE	OTHER SERVICES	ALL OR MULTI-INDUSTRY	OTHER AFFECTED SECTORS: STATE, LOCAL GOVERNMENT	POPULATION GROUPS, GEOGRAPHIC AREAS	SMALL BUSINESS	ALTERNATIVE REGULATORY APPROACHES CONSIDERED
FTC	Proposed Amendment to Eyeglasses Rule and Eyeglasses II	34172						Retail Ophthalmic Industry		Ophthal-mologists; Optome-trists; Opticians		State Regulation of Ophthalmic Industry	Consumers of Eye-glasses and Contact Lenses		Enhanced Competition
FTC	Proposed Trade Regulation Rule Concerning Credit Practices	34174						Retail of Consumer Products	Credit Agencies; Other Establish-ments Providing Consumer Credit	Adjustment and Collection Agencies		State Regulation of Consumer Credit	Consumer Debtors		
FTC	Proposed Trade Regulation Rule on Mobile Home Sales and Service	34178				Mobile Homes		Retail of Mobile Homes				State Mobile Home Regulation	Purchasers of Mobile Homes		Perfor-mance Standards
FTC	Residential Real Estate Brokerage Industry Practices	34180							Real Estate Agents and Brokers; Related Services, such as MLS	Brokerage Trade Associ-ations; Related Services	Commercial Users of Real Estate Brokerage Services	State Regulation of Real Estate Practices	Consumers of Brokerage Services	Small Real Estate Brokerage Firms	Enhanced Competi-tion; Information Disclosure
ICC	Leasing Rules Modifications (Ex Parte No. MC-43 (Sub-No. 12))	34200					Trucking				Corpora-tions Operating Private Truck Fleets		Shippers and Consumers of Products Shipped by Regulated Motor Carriers		

PLEASE SEE INTRODUCTION FOR EXPLANATION OF CATEGORIES

INDEX I SECTORS AFFECTED BY REGULATORY ACTION

AGENCY / TITLE OF REGULATION / PAGE NO.	AFFECTED INDUSTRIES									OTHER AFFECTED SECTORS			ALTERNATIVE REGULATORY APPROACHES CONSIDERED
	AGRICULTURE, FORESTRY, FISHING	MINING	CONSTRUCTION	MANUFACTURING	TRANSPORTATION, COMMUNICATIONS, ELECTRIC, GAS, AND SANITARY SERVICES	WHOLESALE AND RETAIL TRADE	FINANCE, INSURANCE, REAL ESTATE	OTHER SERVICES	ALL OR MULTI-INDUSTRY	STATE, LOCAL GOVERNMENT	POPULATION GROUPS, GEOGRAPHIC AREAS	SMALL BUSINESS	
ICC 34202 Revision of Abandonment Regulations (Ex Parte No. 274 (Sub-No.5))					Railroad Transportation	Shippers of Products by Rail			Commercial Users of Railroads	State; Local	Railroad Employees; Consumers of Products Transported by Railroad; Rural Areas	Small Communities	
NRC-RES 34142 Disposal of High-Level Radioactive Waste in Geologic Repositories Regulation					Nuclear Power Plants				Business Users of Electricity Produced by Nuclear Power	State and Local	Consumers of Electricity Produced by Nuclear Power; General Public		
PRC 34203 Postal Rate Commission Docket -- Attached Mail Proceeding, 1981					U.S. Postal Service				Business Users of the Mail		Large Volume Mailers; Recipients of Attached Mail		
PRC 34205 Postal Rate Commission Docket -- E-COM Forms of Acceptance, 1980					Telecommunications Industry; U.S. Postal Service				Large Volume Mailers; Business Users of These Mailers' Goods and Services		Recipients of Mail throughout the Nation		

PLEASE SEE INTRODUCTION FOR EXPLANATION OF CATEGORIES

INDEX I SECTORS AFFECTED BY REGULATORY ACTION

INDEX I SECTORS AFFECTED BY REGULATORY ACTION

AGENCY / TITLE OF REGULATION	PAGE NO.	AFFECTED INDUSTRIES									OTHER AFFECTED SECTORS			ALTERNATIVE REGULATORY APPROACHES CONSIDERED
		AGRICULTURE, FORESTRY, FISHING	MINING	CONSTRUCTION	MANUFACTURING	TRANSPORTATION, COMMUNICATIONS, ELECTRIC, GAS, AND SANITARY SERVICES	WHOLESALE AND RETAIL TRADE	FINANCE, INSURANCE, REAL ESTATE	OTHER SERVICES	ALL OR MULTI-INDUSTRY	STATE, LOCAL GOVERNMENT	POPULATION GROUPS, GEOGRAPHIC AREAS	SMALL BUSINESS	
PRC Postal Rate Commission Docket MC81-3, ZIP + 4 Subclasses of First-Class Mail	34206					U.S. Postal Service				Large Volume Mailers		Recipients of Mail from Large Mailers		
SEC Classification of Issuers for Reducing or Modifying Certain Reporting Requirements	34079							Security Brokers and Dealers; Investment Advisory Companies; and Institutional Investors		Publicly Held Companies Required to Register Securities with SEC		Investors in Publicly Held Companies Required to Register with SEC	Small Issuers of Securities	Tiering
SEC Proposed Comprehensive Revision to System for Registration of Securities Offerings	34081							Security Brokers and Dealers; Investment Advisory Companies; and Institutional Investors		Publicly Held Companies Required to Register Securities with SEC; Business Investors in These Companies		Investors in Publicly Held Companies Required to Register with SEC		

PLEASE SEE INTRODUCTION FOR EXPLANATION OF CATEGORIES

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INDEX I SECTORS AFFECTED BY REGULATORY ACTION

AGENCY / TITLE OF REGULATION / PAGE NO.	AFFECTED INDUSTRIES									OTHER AFFECTED SECTORS			ALTERNATIVE REGULATORY APPROACHES CONSIDERED
	AGRICULTURE, FORESTRY, FISHING	MINING	CONSTRUCTION	MANUFACTURING	TRANSPORTATION, COMMUNICATIONS, ELECTRIC, GAS, AND SANITARY SERVICES	WHOLESALE AND RETAIL TRADE	FINANCE, INSURANCE, REAL ESTATE	OTHER SERVICES	ALL OR MULTI-INDUSTRY	STATE, LOCAL GOVERNMENT	POPULATION GROUPS, GEOGRAPHIC AREAS	SMALL BUSINESS	
SEC 34083 Proposed Revision of Regulation S-K and Guides for the Preparation and Filing of Registration Statements and Reports							Security Brokers and Dealers		Publicly Held Companies Required to Register Securities with SEC; Business Investors in These Companies		Investors and Those Seeking Proxies in Publicly Held Companies Required to Register with SEC		
SEC 34085 Simplification of Investment Company Prospectuses							Registered Investment Companies		Business Investors in Registered Investment Companies		Prospective Investors in Registered Investment Companies		Tiering

PLEASE SEE INTRODUCTION FOR EXPLANATION OF CATEGORIES

INDEX II DATE OF NEXT REGULATORY ACTION

This index provides you with a quick reference to the status of each of the regulations under development that agencies describe in this edition of the Calendar. The index indicates the month(s) in which the agency plans to take the next scheduled

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This index provides you with a quick reference to the status of each of the regulations under development that agencies describe in this edition of the Calendar. The index indicates the month(s) in which the agency plans to take the next scheduled regulatory action.

The index is organized alphabetically by agency, unit within the agency, and then by title of the regulation. We also provide the page number where you can find each entry in this edition of the Calendar, so you can check specific dates in the "Timetable" section of that entry.

The actions we note fall into four general categories: ANPRM (Advance Notice of Proposed Rulemaking), NPRM (Notice of Proposed Rulemaking), Final Rule, and Other (any important next action which does not fall into the previous three categories). Independent agencies are most likely to have "Other" actions, such as Staff Recommendations or Commission Decisions.

Of the 113 entries described in this Calendar, 50, or about 44 percent, of the entries have "Final Rule" scheduled as the next regulatory action; NPRMs are scheduled as the next action for 40 (about 35 percent); and 3 (about 3 percent) list ANPRMs as the next action. Of the remaining entries, 11 list "Other" regulatory actions, 6 do not have next actions scheduled yet, and 3 involve multiple actions.

To review the overall schedule which the agency anticipates for each Calendar entry, the reader should turn to the specific entry and refer to the "Timetable" section.

Note.--In most cases, the agency can only estimate these dates. For current information on any action, please call the "Agency Contact" listed for the specific entry.

AGENCY / TITLE OF REGULATION	PAGE NO.	MAY 81	JUN 81	JUL 81	AUG 81	SEP 81	OCT 81	NOV 81	DEC 81	JAN 82	FEB 82	MAR 82	APR 82	MAY 82	JUN 82	JULY 82 AND BEYOND
DOC-MARAD Construction-Differential Subsidy Repayment; Total Repayment Policy	34159	FINAL RULE -- TO BE DETERMINED														
DOC-NOAA Regulations Implementing a Fishery Management Plan for the Groundfish Fishery for the Bering Sea/Aleutian Island Area	34033		<——F——>													
DOC-NOAA Regulations on the Construction, Location, Ownership, and Operation of Ocean Thermal Energy Conversion (OTEC) Facilities and Plantships	34011				<-F->											
DOC-NOAA Regulations on the Mining of Deep Seabed Hard Mineral Resources	34036					<-F->										

A = ANPRM N = NPRM F = FINAL RULE O = OTHER

INDEX II DATE OF NEXT REGULATORY ACTION

AGENCY / TITLE OF REGULATION	PAGE NO.	MAY 81	JUN 81	JUL 81	AUG 81	SEP 81	OCT 81	NOV 81	DEC 81	JAN 82	FEB 82	MAR 82	APR 82	MAY 82	JUN 82	JULY 82 AND BEYOND
ED-OESE Financial Assistance to Local and State Agencies to Meet Special Educational Needs, and Financial Assistance to Local Educational Agencies for Children with Special Educational Needs	34144	FINAL RULES IN INTERIM EFFECT PENDING REGULATORY IMPACT ANALYSIS														
ED-OPE Institutional Aid Program Regulations	34145				<—N—>											
DOE-CE Commercial and Apartment Conservation Service Program	34013		<————F————>													
DOE-CE Energy Conservation Program for Consumer Products Other Than Automobiles	34014	FINAL RULES -- TO BE DETERMINED														
DOE-CE Energy Performance Standards for New Buildings	34015				<—O—>											
DOE-ERA Natural Gas Curtailment Priorities for Interstate Pipelines	34016		<—F—>													
DOE-FE Variable Work Commitment Bidding System for Outer Continental Shelf Oil and Gas Lease Sales	34019		<—F—>													
HHS-FDA Abbreviated New Drug Applications for New Drugs Approved After October 10, 1962, for Human Use	34089						<—N—>									
HHS-FDA Chemical Compounds Used in Food-Producing Animals, Criteria and Procedures for Evaluating Assays for Carcinogenic Residues	34091							<—O—>								

A = ANPRM N = NPRM F = FINAL RULE O = OTHER

INDEX II DATE OF NEXT REGULATORY ACTION

AGENCY / TITLE OF REGULATION	PAGE NO.	MAY 81	JUN 81	JUL 81	AUG 81	SEP 81	OCT 81	NOV 81	DEC 81	JAN 82	FEB 82	MAR 82	APR 82	MAY 82	JUN 82	JULY 82 AND BEYOND

INDEX II DATE OF NEXT REGULATORY ACTION

AGENCY / TITLE OF REGULATION / PAGE NO.	MAY 81	JUN 81	JUL 81	AUG 81	SEP 81	OCT 81	NOV 81	DEC 81	JAN 82	FEB 82	MAR 82	APR 82	MAY 82	JUN 82	JULY 82 AND BEYOND
HHS-FDA 34093 New Drug and Antibiotic Drug Regulations; Revision of Regulations Governing Approval for Marketing						<--A-->									
HHS-HCFA 34094 Uniform Reporting Systems for Health Services Facilities and Organizations	MULTIPLE ACTIONS -- TO BE DETERMINED														
HUD-HOUS 34148 Minimum Property Standards for One-and Two-Family Dwellings	FINAL RULE -- TO BE DETERMINED														
DOI-HCRS 34038 Uniform Rules and Regulations for the Protection and Conservation of Archaeological Resources Located on Public and Indian Lands			<--F-->												
DOI-NPS 34041 Right-of-Way Regulations			<--N-->												
DOJ-CRD 34147 Coordination of Enforcement of Nondiscrimination in Federally Assisted Programs	<------N------>														
DOJ-CRD 34149 Procedures for Complaints of Employment Discrimination Filed Against Recipients of Federal Funds				<--F-->											
DOJ-CRD 34150 Regulations Prohibiting Discrimination on the Basis of Age in Federally Assisted Programs		<--F-->													
DOJ-CRD 34151 Regulations Prohibiting Discrimination on the Basis of Sex in Education and Training Programs Receiving Federal Financial Assistance			<--N-->												

A = ANPRM N = NPRM F = FINAL RULE O = OTHER

INDEX II DATE OF NEXT REGULATORY ACTION

AGENCY / TITLE OF REGULATION	PAGE NO.	MAY 81	JUN 81	JUL 81	AUG 81	SEP 81	OCT 81	NOV 81	DEC 81	JAN 82	FEB 82	MAR 82	APR 82	MAY 82	JUN 82	JULY 82 AND BEYOND
DOJ-INS Admission of Refugees and Asylum Procedures	34152			<-F->												
DOT-FAA Flammability Standards for Crewmember Uniforms	34096			<-O->												
DOT-FHWA Buy America Requirements	34161	FINAL RULE -- TO BE DETERMINED														
DOT-FHWA Design Standards for Highways -- Geometric Design Standards for Resurfacing, Restoration, and Rehabilitation (RRR) of Streets and Highways Other Than Freeways	34183						<-F->									
DOT-FHWA Hours of Service of Drivers	34098					<-N->										
DOT-NHTSA Bumper Standard	34100	NPRM -- TO BE DETERMINED														
DOT-NHTSA Crashworthiness Ratings	34100	FINAL RULE -- TO BE DETERMINED														
DOT-NHTSA Heavy-Duty Vehicle Brake Systems	34102	NPRM -- TO BE DETERMINED														
DOT-NHTSA Occupant Crash Protection	34103	FINAL RULE -- TO BE DETERMINED														
DOT-OST Special Air Traffic Rules and Airport Traffic Patterns	34185	FINAL RULE -- TO BE DETERMINED														
DOT-USCG Construction and Equipment for Existing Self-Propelled Vessels Carrying Bulk Liquefied Gases	34104								<-N->							

A = ANPRM N = NPRM F = FINAL RULE O = OTHER

INDEX II DATE OF NEXT REGULATORY ACTION

AGENCY / TITLE OF REGULATION	PAGE NO.	MAY 81	JUN 81	JUL 81	AUG 81	SEP 81	OCT 81	NOV 81	DEC 81	JAN 82	FEB 82	MAR 82	APR 82	MAY 82	JUN 82	JULY 82 AND BEYOND

INDEX II DATE OF NEXT REGULATORY ACTION

AGENCY / TITLE OF REGULATION / PAGE NO.	MAY 81	JUN 81	JUL 81	AUG 81	SEP 81	OCT 81	NOV 81	DEC 81	JAN 82	FEB 82	MAR 82	APR 82	MAY 82	JUN 82	JULY 82 AND BEYOND
DOT-USCG 34042 Construction Standards for the Prevention of Pollution from New Tank Barges Due to Accidental Hull Damage; and Regulatory Action to Reduce Pollution from Existing Tank Barges Due to Accidental Hull Damage	TO BE DETERMINED														
TREAS-ATF 34162 Implementation of the Distilled Spirits Tax Revision Act of 1979		<-F->													
TREAS-ATF 34164 Labeling and Advertising Regulations Under the Federal Alcohol Administration Act		<——F——>													
TREAS-CUSTOMS 34166 Civil Aircraft Regulations		<——F——>													
TREAS-CUSTOMS 34167 Importation of Motor Vehicles and Motor Vehicle Engines Under the Clean Air Act		<——F——>													
TREAS-CUSTOMS 34168 Interest Charges on Delinquent Accounts		<——N——>													
TREAS-OCC 34067 Description of Office, Procedures, Public Information; Supplemental Application Procedures; Assessment of Fees; National Banks; District of Columbia Banks; Employee Stock Option and Stock Purchase Plans; Changes in Capital Structure; Change in Bank Control; Federal Branches and Agencies of Foreign Banks; Policy Statements		<-N->			<-N->										
TREAS-OCC 34069 Lending Limits; Unimpaired Surplus Fund	<-N->														
TREAS-OCC 34071 Use of Data Processing Equipment and Furnishing of Data Processing Services		<-N->													

A = ANPRM N = NPRM F = FINAL RULE O = OTHER

INDEX II DATE OF NEXT REGULATORY ACTION

AGENCY / TITLE OF REGULATION	PAGE NO.	MAY 81	JUN 81	JUL 81	AUG 81	SEP 81	OCT 81	NOV 81	DEC 81	JAN 82	FEB 82	MAR 82	APR 82	MAY 82	JUN 82	JULY 82 AND BEYOND
EPA-OANR Environmental Radiation Protection Standards for Management and Disposal of Spent Nuclear Fuel, High-Level and Transuranic Radioactive Wastes	34105			<--N-->												
EPA-OANR Policy and Procedures for Identifying, Assessing, and Regulating Airborne Substances Posing a Risk of Cancer	34107								<--F-->							
EPA-OANR Regulations for the Prevention of Significant Deterioration (PSD) from Set II Pollutants (Hydrocarbons, Carbon Monoxide, Nitrogen Oxide, Ozone, and Lead)	34044					<--N-->										
EPA-OANR Review, and Possible Revision, of the National Ambient Air Quality Standard for Nitrogen Dioxide	34047	NPRM -- TO BE DETERMINED														
EPA-OANR Review, and Possible Revision, of the National Ambient Air Quality Standards for Carbon Monoxide	34046	FINAL RULE -- TO BE DETERMINED														
EPA-OANR Review, and Possible Revision, of the National Ambient Air Quality Standards for Particulate Matter	34048	NPRM -- TO BE DETERMINED														
EPA-OANR Review, and Possible Revision, of the National Ambient Air Quality Standards for Sulfur Oxides (Sulfur Dioxide)	34049	NPRM -- TO BE DETERMINED														
EPA-OANR Standards of Performance to Control Atmospheric Emissions from Industrial Boilers	34050							<--N-->								
EPA-OANR-OMSAPC Fuels and Fuel Additives Protocols	34109														<--A-->	

A = ANPRM N = NPRM F = FINAL RULE O = OTHER

INDEX II DATE OF NEXT REGULATORY ACTION

AGENCY / TITLE OF REGULATION	PAGE NO.	MAY 81	JUN 81	JUL 81	AUG 81	SEP 81	OCT 81	NOV 81	DEC 81	JAN 82	FEB 82	MAR 82	APR 82	MAY 82	JUN 82	JULY 82 AND BEYOND
EPA-OANR Environmental Radiation Protection Standards for Management and Disposal of Spent Nuclear Fuel, High-Level and Transuranic Radioactive Wastes	34105			<--N-->												
EPA-OANR Policy and Procedures for Identifying, Assessing, and Regulating Airborne Substances Posing a Risk of Cancer	34107								<--F-->							
EPA-OANR Regulations for the Prevention of Significant Deterioration (PSD) from Set II Pollutants (Hydrocarbons, Carbon Monoxide, Nitrogen Oxide, Ozone, and Lead)	34044					<--N-->										
EPA-OANR Review, and Possible Revision, of the National Ambient Air Quality Standard for Nitrogen Dioxide	34047	NPRM -- TO BE DETERMINED														
EPA-OANR Review, and Possible Revision, of the National Ambient Air Quality Standards for Carbon Monoxide	34046	FINAL RULE -- TO BE DETERMINED														
EPA-OANR Review, and Possible Revision, of the National Ambient Air Quality Standards for Particulate Matter	34048	NPRM -- TO BE DETERMINED														
EPA-OANR Review, and Possible Revision, of the National Ambient Air Quality Standards for Sulfur Oxides (Sulfur Dioxide)	34049	NPRM -- TO BE DETERMINED														
EPA-OANR Standards of Performance to Control Atmospheric Emissions from Industrial Boilers	34050							<--N-->								
EPA-OANR-OMSAPC Fuels and Fuel Additives Protocols	34109														<--A-->	

A = ANPRM N = NPRM F = FINAL RULE O = OTHER

INDEX II DATE OF NEXT REGULATORY ACTION

AGENCY / TITLE OF REGULATION	PAGE NO.	MAY 81	JUN 81	JUL 81	AUG 81	SEP 81	OCT 81	NOV 81	DEC 81	JAN 82	FEB 82	MAR 82	APR 82	MAY 82	JUN 82	JULY 82 AND BEYOND
EPA-OANR-OMSAPC Gaseous Emission Regulations for 1985 and Later Model Year Light-Duty Trucks and Heavy-Duty Engines	34051														<--N-->	
EPA-OANR-OMSAPC Heavy-Duty Diesel Particulate Regulations	34053														<--F-->	
EPA-OANR-ORP Remedial Action Standards for Inactive Uranium Processing Sites	34110					<--F-->										
EPA-OPTS Pesticide Registration Guidelines	34113	MUTIPLE ACTIONS -- CALL OR WRITE AGENCY CONTACT (SEE ENTRY)														
EPA-OPTS Premanufacture Notification Requirements and Review Procedures	34115				<--F-->											
EPA-OPTS Rules Restricting the Commercial and Industrial Use of Asbestos Fibers	34116											<----N---->				
EPA-OPTS Toxic Substances Control Act (TSCA) Section 4 Test Rules	34118	MULTIPLE ACTIONS -- SEE ENTRY FOR DETAILS														
EPA-OWWM Control of Organic Chemicals in Drinking Water	34121		<--A-->													
EPA-OWWM Effluent Limitations Guidelines and Pretreatment Standards, and New Source Standards Controlling the Discharge of Pollutants from Metal Finishing Facilities	34055					<--N-->										
EPA-OWWM Effluent Limitations Guidelines and Pretreatment Standards, and New Source Standards Controlling the Discharge of Pollutants from Pulp, Paper, and Paperboard Mills into Navigable Waterways	34057															FINAL RULE -- AUGUST 1982

A = ANPRM N = NPRM F = FINAL RULE O = OTHER

UMI 1 8 0 3 E J 6 4 V

INDEX II DATE OF NEXT REGULATORY ACTION

AGENCY / TITLE OF REGULATION	PAGE NO.	MAY 81	JUN 81	JUL 81	AUG 81	SEP 81	OCT 81	NOV 81	DEC 81	JAN 82	FEB 82	MAR 82	APR 82	MAY 82	JUN 82	JULY 82 AND BEYOND
EPA-OWWM Effluent Limitations Guidelines and Standards Controlling the Discharge of Pollutants from Iron and Steel Manufacturing Plants to Navigable Waterways and the Pretreatment of Wastewaters Introduced into Publicly Owned Treatment Works	34059								<–F–>							
EPA-OWWM Effluent Limitations Guidelines and Standards Controlling the Discharge of Pollutants from Steam Electric Power Plants	34063							<–F–>								
EPA-OWWM Hazardous Waste Regulations: Phase II-C Regulations Applicable to Hazardous Waste Disposal Facilities	34122									<——F——>						
EPA-OWWM Sewage Sludge Disposal Regulations	34125	NEXT ACTION IS N OR A						<————>								
FEMA Review and Approval of State and Local Radiological Emergency Plans and Preparedness	34126	FINAL RULE -- TO BE DETERMINED														
GSA-FPRS National Defense Stockpile Disposal Regulations	34169								<————F————>							
GSA-HRD Nondiscrimination in Federally Assisted Programs	34153		<–N–>													
GSA-NARS Freedom of Information Act Requests for National Security Classified Information in the National Archives	34156				<–N–>											
NCUA Group Purchasing Activities of Federal Credit Unions	34072			<–F–>												

A = ANPRM N = NPRM F = FINAL RULE O = OTHER

INDEX II DATE OF NEXT REGULATORY ACTION

AGENCY / TITLE OF REGULATION	PAGE NO.	MAY 81	JUN 81	JUL 81	AUG 81	SEP 81	OCT 81	NOV 81	DEC 81	JAN 82	FEB 82	MAR 82	APR 82	MAY 82	JUN 82	JULY 82 AND BEYOND

INDEX II DATE OF NEXT REGULATORY ACTION

AGENCY / TITLE OF REGULATION	PAGE NO.	MAY 81	JUN 81	JUL 81	AUG 81	SEP 81	OCT 81	NOV 81	DEC 81	JAN 82	FEB 82	MAR 82	APR 82	MAY 82	JUN 82	JULY 82 AND BEYOND
SBA Revision of Business Loan Policy; Business Loans and Guarantees	34188		<——	N	——>											
SBA Revision to Method of Establishing Size Standards and Definitions of Small Business	34157		<——	N	——>											
CAB Air Carrier Insurance and Liability	34190		<——	F	——>											
CAB Essential Air Service Subsidy Guidelines	34191		<——	F	——>											
CAB Notice to Passengers of Conditions of Carriage	34193		<——	N	——>											
CFTC Large Trader Reporting to Exchanges and Reporting Open Positions	34074	REVISED NPRM -- TO BE DETERMINED														
CFTC Proposed Dealer Option Regulations	34075						<——	F	——>							
CFTC Proposed Rules Concerning Foreign Brokers and Traders	34077		<——	F	——>											
CFTC Review of Guideline No. 1 -- Criteria for Determining Whether a Board of Trade Meets the Economic Purpose and Public Interest Tests for Contract Market Designation	34078								<——	F	——>					
CPSC Chronic Hazards Associated with Benzidine Congener Dyes in Consumer Dye Products	34128					<——	N	——>								

A = ANPRM N = NPRM F = FINAL RULE O = OTHER

INDEX II DATE OF NEXT REGULATORY ACTION

AGENCY / TITLE OF REGULATION	PAGE NO.	MAY 81	JUN 81	JUL 81	AUG 81	SEP 81	OCT 81	NOV 81	DEC 81	JAN 82	FEB 82	MAR 82	APR 82	MAY 82	JUN 82	JULY 82 AND BEYOND
CPSC Consumer Products Containing Asbestos	34130	TO BE DETERMINED														
CPSC Omnidirectional Citizens Band Base Station Antenna Standard	34131			<—N—>												
CPSC Safety Requirements for Chain Saws	34133	NPRM -- TO BE DETERMINED														
CPSC Upholstered Furniture Cigarette Flammability Standard	34136	ANPRM -- TO BE DETERMINED														
CPSC Urea Formaldehyde Foam (UFF) Insulation	34137	FINAL RULE -- TO BE DETERMINED														
FCC Children's Television Programming and Advertising Practices (Docket 19142)	34194								<—O—>							
FCC Creation of "New" Personal Radio Service (PR Docket 79-140)	34195					<————N————>										
FCC Deregulation of Competitive Domestic Telecommunications Market (Common Carrier Docket 79-252)	34196								<————O————>							
FCC Inquiry into the Future Role of Low-Power Television Broadcasting and Television Translators in the National Telecommunications System (Broadcast Docket No. 78-253; RM-1932; FCC 80-503)	34198								<————O————>							
FEC Nonpartisan Communications by Corporations or Labor Organizations	34170		<——N——>													

A = ANPRM N = NPRM F = FINAL RULE O = OTHER

INDEX II DATE OF NEXT REGULATORY ACTION

AGENCY / TITLE OF REGULATION	PAGE NO.	MAY 81	JUN 81	JUL 81	AUG 81	SEP 81	OCT 81	NOV 81	DEC 81	JAN 82	FEB 82	MAR 82	APR 82	MAY 82	JUN 82	JULY 82 AND BEYOND

INDEX II DATE OF NEXT REGULATORY ACTION

AGENCY / TITLE OF REGULATION	PAGE NO.	MAY 81	JUN 81	JUL 81	AUG 81	SEP 81	OCT 81	NOV 81	DEC 81	JAN 82	FEB 82	MAR 82	APR 82	MAY 82	JUN 82	JULY 82 AND BEYOND
FERC High-Cost Natural Gas: Production Enhancement Procedures	34022	REHEARING DECISION -- TO BE DETERMINED														
FERC High-Cost Natural Gas Produced from Wells Drilled in Deep Waters	34021	FINAL RULE -- TO BE DETERMINED														
FERC Procedures Governing Applications for Special Relief Under Sections 104, 106, and 109 of the Natural Gas Policy Act of 1978	34023	FINAL RULE -- TO BE DETERMINED														
FERC Rate of Return on Common Equity for Electric Utilities	34024	NPRM -- TO BE DETERMINED														
FERC Regulations Governing Applications for Major Unconstructed Projects	34026		<--N-->													
FERC Regulations Implementing Section 110 of the Natural Gas Policy Act of 1978 and Establishing Policy Under the Natural Gas Act	34028		<----F---->													
FERC Revised Rules of Practice: Procedures to Expedite Trial-Type Proceedings	34029	FINAL RULE -- TO BE DETERMINED														
FERC Revision of Form 1 Annual Report by Electric Utilities	34031		<----F---->													
FMC Filing of Currency Adjustment Factors	34199								<----F---->							
FTC Proposed Amendment to Eyeglasses Rule and Eyeglasses II	34172						<--O-->									

A = ANPRM N = NPRM F = FINAL RULE O = OTHER

UMI 1 8 0 3 E C 6 4 V

INDEX II DATE OF NEXT REGULATORY ACTION

AGENCY / TITLE OF REGULATION / PAGE NO.	MAY 81	JUN 81	JUL 81	AUG 81	SEP 81	OCT 81	NOV 81	DEC 81	JAN 82	FEB 82	MAR 82	APR 82	MAY 82	JUN 82	JULY 82 AND BEYOND
FTC 34174 Proposed Trade Regulation Rule Concerning Credit Practices			<–O–>												
FTC 34178 Proposed Trade Regulation Rule on Mobile Home Sales and Service							<–O–>								
FTC 34180 Residential Real Estate Brokerage Industry Practices			<–O–>												
ICC 34200 Leasing Rules Modifications (Ex Parte No. MC-43 (Sub-No.12))				<——F——>											
ICC 34202 Revision of Abandonment Regulations (Ex Parte No. 274 (Sub-No.5))	<–N–>														
NRC-RES 34142 Disposal of High-Level Radioactive Waste in Geologic Repositories Regulation		<–N–>													
PRC 34203 Postal Rate Commission Docket -- Attached Mail Proceeding, 1981	TO BE DETERMINED														
PRC 34205 Postal Rate Commission Docket -- E-COM Forms of Acceptance, 1980	TO BE DETERMINED														
PRC 34206 Postal Rate Commission Docket MC81-3, ZIP + 4 Subclasses of First-Class Mail	TO BE DETERMINED														
SEC 34079 Classification of Issuers for Reducing or Modifying Certain Reporting Requirements		<——N——>													
SEC 34081 Proposed Comprehensive Revision to System for Registration of Securities Offerings		<——F——>													

A = ANPRM N = NPRM F = FINAL RULE O = OTHER

INDEX II DATE OF NEXT REGULATORY ACTION

AGENCY / TITLE OF REGULATION / PAGE NO.	MAY 81	JUN 81	JUL 81	AUG 81	SEP 81	OCT 81	NOV 81	DEC 81	JAN 82	FEB 82	MAR 82	APR 82	MAY 82	JUN 82	JULY 82 AND BEYOND

INDEX II DATE OF NEXT REGULATORY ACTION

AGENCY / TITLE OF REGULATION / PAGE NO.	MAY 81	JUN 81	JUL 81	AUG 81	SEP 81	OCT 81	NOV 81	DEC 81	JAN 82	FEB 82	MAR 82	APR 82	MAY 82	JUN 82	JULY 82 AND BEYOND
SEC 34083 Proposed Revision of Regulation S-K and Guides for the Preparation and Filing of Registration Statements and Reports					<———	F	———>								
SEC 34085 Simplification of Investment Company Prospectuses			<—N—>												

A = ANPRM N = NPRM F = FINAL RULE O = OTHER

UMI 1 8 0 3 E C 6 4 V

INDEX III DATES FOR COMMENTS, HEARINGS, OR MEETINGS

This index graphically displays the dates of comment periods, meetings, and hearings on regulations under development which agencies describe in this edition of the Calendar. Where possible, we indicate the opening and closing dates of the comment periods, the dates and locations of hearings and meetings, and the next regulatory action for the entry.

The index is organized alphabetically by agency, by unit within the agency, and then by the title of the regulation.

Not all regulations described in the Calendar are included here; only those with present or future comment periods, hearings, or meetings. Those which are not listed usually had comment periods, meetings, or hearings that have passed, or have not yet been scheduled.

For further information on each regulation, the reader should refer to the text of the entry in the appropriate chapter of the Calendar.

AGENCY / TITLE OF REGULATION	PAGE NO.	MAY 81	JUN 81	JUL 81	AUG 81	SEP 81	OCT 81	NOV 81	DEC 81	JAN 82	FEB 82	MAR 82	APR 82	NEXT REGULATORY ACTION	COMMENTS
DOC-NOAA Regulations on the Mining of Deep Seabed Hard Mineral Resources	34036	C—>												FINAL RULES	Comment period on NPRM (published March 24) ends May 29, 1981.
ED-OPE Institutional Aid Program Regulations	34145					<—C—>								NPRM	
DOE-CE Energy Performance Standards for New Buildings	34015													OTHER	Public comment period to follow interim Final Rule to be published in August 1981.
DOI-NPS Right-of-Way Regulations	34041			<—C—>										NPRM	
DOJ-CRD Coordination of Enforcement of Nondiscrimination in Federally Assisted Programs	34147													NPRM	Public comment period minimum of 90 days following NPRM published in May/June 1981.
DOJ-CRD Procedures for Complaints of Employment Discrimination Filed Against Recipients of Federal Funds	34149	—C—>												FINAL RULE	Public comment period on NPRM (published April 17, 1981) ends June 17, 1981.
DOJ-CRD Regulations Prohibiting Discrimination on the Basis of Sex in Education and Training Programs Receiving Federal Financial Assistance	34151				<—C—>									NPRM (REVISED)	Public comment period 90 days following revised NPRM published in July.

COMMENT PERIOD = C MEETING = M HEARING = H OTHER = O

INDEX III DATES FOR COMMENTS, HEARINGS, OR MEETINGS

INDEX III DATES FOR COMMENTS, HEARINGS, OR MEETINGS

AGENCY / TITLE OF REGULATION	PAGE NO.	MAY 81	JUN 81	JUL 81	AUG 81	SEP 81	OCT 81	NOV 81	DEC 81	JAN 82	FEB 82	MAR 82	APR 82	NEXT REGULATORY ACTION	COMMENTS
DOT-FAA Flammability Standards for Crewmember Uniforms	34096													OTHER	NPRM or notice of withdrawal will be published in July. If NPRM, comment period 90 to 120 days after issuance.
DOT-FHWA Hours of Service of Drivers	34098						<—	—	C	—	—>			NPRM	
DOT-NHTSA Crashworthiness Ratings	34100	<—	—	—	C	—	—>							FINAL RULE	Public comment period on NPRM (published January 22, 1981) ends October 22, 1981.
DOT-USCG Construction and Equipment for Existing Self-Propelled Vessels Carrying Bulk Liquefied Gases	34104									<—	—	C	—>	NPRM	
TREAS-ATF Labeling and Advertising Regulations Under the Federal Alcohol Administration Act	34164													FINAL RULE	Date of D.C. public hearing preceding Final Rule undetermined at time of publication.
TREAS-CUSTOMS Interest Charges on Delinquent Accounts	34168													NPRM	Public comment period 60 days following publication of NPRM in summer 1981.
TREAS-OCC Description of Office, Procedures, Public Information; Supplemental Application Procedures; Assessment of Fees; National Banks; District of Columbia Banks; Employee Stock Option and Stock Purchase Plans; Changes in Capital Structure; Change in Bank Control; Federal Branches and Agencies of Foreign Banks; Policy Statements	34067	<—	—	—	C	—	—	—	—>					NPRMS	Total public comment period on multiple actions covers September 1980 to December 1981.
TREAS-OCC Lending Limits; Unimpaired Surplus Fund	34069		<—	—	C	—	—>							NPRM	Public comment period June 1 – August 31, 1981.

COMMENT PERIOD = C MEETING = M HEARING = H OTHER = O

INDEX III DATES FOR COMMENTS, HEARINGS, OR MEETINGS

AGENCY / TITLE OF REGULATION / PAGE NO.	MAY 81	JUN 81	JUL 81	AUG 81	SEP 81	OCT 81	NOV 81	DEC 81	JAN 82	FEB 82	MAR 82	APR 82	NEXT REGULATORY ACTION	COMMENTS
TREAS-OCC 34071 Use of Data Processing Equipment and Furnishing of Data Processing Services			<——C——>										NPRM	Public comment period on NPRM from June 30 - August 31, 1981.
EPA-OANR 34105 Environmental Radiation Protection Standards for Management and Disposal of Spent Nuclear Fuel, High-Level and Transuranic Radioactive Wastes				<——————————C——————————>									NPRM	Public comment period of 180 days on NPRM published in July. Several public hearings will be announced in Federal Register.
EPA-OANR 34044 Regulations for the Prevention of Significant Deterioration (PSD) from Set II Pollutants (Hydrocarbons, Carbon Monoxide, Nitrogen Oxide, Ozone, and Lead)						<—H—>	<—C—>						NPRM	
EPA-OANR 34050 Standards of Performance to Control Atmospheric Emissions from Industrial Boilers								<—H—>					NPRM	Public comment period to be announced in NPRM.
EPA-OANR-OMSAPC 34051 Geseous Emission Regulations for 1985 and Later Model Year Light-Duty Trucks and Heavy-Duty Engines													NPRM	Public hearing on ANPRM (published January 19, 1981) will be held some time after July 1981. Public comment period ends 30 days after hearing.
EPA-OANR-OMSAPC 34053 Heavy-Duty Diesel Particulate Regulations													FINAL RULE	Public hearings on NPRM (published January 7, 1981) held after July 1981. Public comment period ends 30 days after public hearings.
EPA-OPTS 34113 Pesticide Registration Guidelines														Multiple actions -- call or write Agency Contact named in entry.
EPA-OPTS 34116 Rules Restricting the Commercial and Industrial Use of Asbestos Fibers											<——C——>		NPRM	Public comment period on NPRM to be published in spring 1982; public hearing in summer 1982.

COMMENT PERIOD = C MEETING = M HEARING = H OTHER = O

INDEX III DATES FOR COMMENTS, HEARINGS, OR MEETINGS

AGENCY / TITLE OF REGULATION / PAGE NO.	MAY 81	JUN 81	JUL 81	AUG 81	SEP 81	OCT 81	NOV 81	DEC 81	JAN 82	FEB 82	MAR 82	APR 82	NEXT REGULATORY ACTION	COMMENTS

INDEX III DATES FOR COMMENTS, HEARINGS, OR MEETINGS

AGENCY / TITLE OF REGULATION	PAGE NO.	MAY 81	JUN 81	JUL 81	AUG 81	SEP 81	OCT 81	NOV 81	DEC 81	JAN 82	FEB 82	MAR 82	APR 82	NEXT REGULATORY ACTION	COMMENTS
EPA-OWWM Control of Organic Chemicals in Drinking Water	34121		<—C—> <—M—>											ANPRM	Public technical seminar will be held during summer of 1981.
EPA-OWWM Effluent Limitations Guidelines and Pretreatment Standards, and New Source Standards Controlling the Discharge of Pollutants from Metal Finishing Facilities	34055						<—C—>								
EPA-OWWM Effluent Limitations Guidelines and Pretreatment Standards, and New Source Standards Controlling the Discharge of Pollutants from Pulp, Paper, and Paperboard Mills into Navigable Waterways	34057	—C—>												FINAL RULE	Public comment period on NPRM (published January 6, 1981) ends June 9, 1981.
EPA-OWWM Hazardous Waste Regulations: Phase II-C Regulations Applicable to Hazardous Waste Disposal Facilities	34122		<—H—> C—	—>										FINAL RULE	Public hearings on NPRM June 8-9, 1981 in Chicago, June 11-12 in Washington, D.C., June 13-16 in Houston, June 18-19 in San Francisco. Public comments due on or before August 1, 1981. Details on hearings in 46 FR 20706
GSA-HRO Nondiscrimination in Federally Assisted Programs	34153			<—C—>										NPRM	
GSA-NARS Freedom of Information Act Requests for National Security Classified Information in the National Archives	34156					<—C—>								NPRM	
NCUA Group Purchasing Activities of Federal Credit Unions	34072	—C—>												FINAL RULE	Public comment period on NPRM (published April 15, 1981) ends June 1, 1981.
SBA Revision of Business Loan Policy; Business Loans and Guarantees	34188													NPRM	Public comment period 60 days following publication of NPRM.

COMMENT PERIOD = C MEETING = M HEARING = H OTHER = O

INDEX III DATES FOR COMMENTS, HEARINGS, OR MEETINGS

AGENCY / TITLE OF REGULATION / PAGE NO.	MAY 81	JUN 81	JUL 81	AUG 81	SEP 81	OCT 81	NOV 81	DEC 81	JAN 82	FEB 82	MAR 82	APR 82	NEXT REGULATORY ACTION	COMMENTS
SBA 34157 Revision to Method of Establishing Size Standards and Definitions of Small Business													NPRM	Public comment period 60 days following publication of NPRM.
CPSC 34128 Chronic Hazards Associated with Benzidine Congener Dyes in Consumer Dye Products					<—C—> <—H—>								NPRM	
CPSC 34131 Omnidirectional Citizens Band Base Station Antenna Standard				<—C—	—>								NPRM	
CPSC 34133 Safety Requirements for Chain Saws				<—H—>									NPRM	
FCC 34196 Deregulation of Competitive Domestic Telecommunications Market (Common Carrier Docket 79-252)	—C—>												OTHER	Reply comments due June 5, 1981. Initial comment period closed May 1, 1981.
FERC 34029 Revised Rules of Practice: Procedures to Expedite Trial-Type Proceedings	—C—>												FINAL RULE	Comment period on NPRM published March 9, 1981 ends June 1, 1981
ICC 34202 Revision of Abandonment Regulations (Ex Parte No. 274 (Sub-No.5))		<—C—>											NPRM	
NRC-RES 34142 Disposal of High-Level Radioactive Waste in Geologic Repositories Regulation			<—C—	—>									NPRM	Public hearing to be determined.
PRC 34203 Postal Rate Commission Docket -- Attached Mail Proceeding, 1981													OTHER	Public comment period open throughout proceeding. Dates and places of public hearings to be announced.

COMMENT PERIOD = C MEETING = M HEARING = H OTHER = O

INDEX III DATES FOR COMMENTS, HEARINGS, OR MEETINGS

AGENCY / TITLE OF	PAGE	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	NEXT REGULATORY	COMMENTS

INDEX III DATES FOR COMMENTS, HEARINGS, OR MEETINGS

AGENCY / TITLE OF REGULATION / PAGE NO.	MAY 81	JUN 81	JUL 81	AUG 81	SEP 81	OCT 81	NOV 81	DEC 81	JAN 82	FEB 82	MAR 82	APR 82	NEXT REGULATORY ACTION	COMMENTS
PRC 34205 Postal Rate Commission Docket -- E-COM Forms of Acceptance, 1980													OTHER	Public comment period open throughout proceeding. Dates and places of public hearings to be announced.
PRC 34206 Postal Rate Commission Docket MC81-3, ZIP + 4 Subclasses of First-Class Mail													OTHER	Public comment period open throughout proceeding. Dates and places of public hearings to be announced.
SEC 34079 Classification of Issuers for Reducing or Modifying Certain Reporting Requirements													NPRM	Public comment period 60 days following NPRM to be published in summer 1981.
SEC 34083 Proposed Revision of Regulation S-K and Guides for the Preparation and Filing of Registration Statements and Reports		<——C——>											FINAL RULE	Reproposal comment period June 14 - August 14, 1981.
SEC 34085 Simplification of Investment Company Prospectuses			<——C——>										NPRM	

COMMENT PERIOD = C MEETING = M HEARING = H OTHER = O

APPENDIX I: EXECUTIVE ORDER 12291

Executive Order 12291 is a major part of the Administration's program for regulatory relief. The Executive Order has three major parts. First, it sets forth the Administration's regulatory principles. These include requirements that if the agency wishes to regulate, it should do so for good reason; the benefits of the regulation should exceed the costs; the agency should choose the least costly way of securing the regulatory objective; and the regulation should maximize net benefits.

Second, the Executive Order establishes the preeminence of the Presidential Task Force on Regulatory Relief in matters concerning regulatory policy.

Third, the Executive Order creates a mechanism through which the Office of Management and Budget (OMB), under the overall direction of the Task Force, is to review proposed regulations and consult with agencies about them. It also calls for a mechanism for OMB to identify existing regulations which agencies must address, and for OMB and the Task Force to coordinate the development of legislative proposals in the regulatory area.

Thus, the Executive Order strengthens agency management, ensures sound analysis, minimizes regulatory burden, and provides for Executive oversight of the regulation development process. We include it below for your information.

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Presidential Documents

Executive Order 12291 of February 17, 1981

Federal Regulation

By the authority vested in me as President by the Constitution and laws of the United States of America, and in order to reduce the burdens of existing and future regulations, increase agency accountability for regulatory actions, provide for presidential oversight of the regulatory process, minimize duplication and conflict of regulations, and insure well-reasoned regulations, it is hereby ordered as follows:

Section 1. *Definitions.* For the purposes of this Order:

(a) "Regulation" or "rule" means an agency statement of general applicability and future effect designed to implement, interpret, or prescribe law or policy or describing the procedure or practice requirements of an agency, but does not include:

(1) Administrative actions governed by the provisions of Sections 556 and 557 of Title 5 of the United States Code;

(2) Regulations issued with respect to a military or foreign affairs function of the United States; or

(3) Regulations related to agency organization, management, or personnel.

(b) "Major rule" means any regulation that is likely to result in:

(1) An annual effect on the economy of $100 million or more;

(2) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

(3) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

(c) "Director" means the Director of the Office of Management and Budget.

(d) "Agency" means any authority of the United States that is an "agency" under 44 U.S.C. 3502(1), excluding those agencies specified in 44 U.S.C. 3502(10).

(e) "Task Force" means the Presidential Task Force on Regulatory Relief.

Sec. 2. *General Requirements.* In promulgating new regulations, reviewing existing regulations, and developing legislative proposals concerning regulation, all agencies, to the extent permitted by law, shall adhere to the following requirements:

(a) Administrative decisions shall be based on adequate information concerning the need for and consequences of proposed government action;

(b) Regulatory action shall not be undertaken unless the potential benefits to society for the regulation outweigh the potential costs to society;

(c) Regulatory objectives shall be chosen to maximize the net benefits to society;

(d) Among alternative approaches to any given regulatory objective, the alternative involving the least net cost to society shall be chosen; and

(e) Agencies shall set regulatory priorities with the aim of maximizing the aggregate net benefits to society, taking into account the condition of the

particular industries affected by regulations, the condition of the national economy, and other regulatory actions contemplated for the future.

Sec. 3. *Regulatory Impact Analysis and Review.*

(a) In order to implement Section 2 of this Order, each agency shall, in connection with every major rule, prepare, and to the extent permitted by law consider, a Regulatory Impact Analysis. Such Analyses may be combined with any Regulatory Flexibility Analyses performed under 5 U.S.C. 603 and 604.

(b) Each agency shall initially determine whether a rule it intends to propose or to issue is a major rule, *provided that,* the Director, subject to the direction of the Task Force, shall have authority, in accordance with Sections 1(b) and 2 of this Order, to prescribe criteria for making such determinations, to order a rule to be treated as a major rule, and to require any set of related rules to be considered together as a major rule.

(c) Except as provided in Section 8 of this Order, agencies shall prepare Regulatory Impact Analyses of major rules and transmit them, along with all notices of proposed rulemaking and all final rules, to the Director as follows:

(1) If no notice of proposed rulemaking is to be published for a proposed major rule that is not an emergency rule, the agency shall prepare only a final Regulatory Impact Analysis, which shall be transmitted, along with the proposed rule, to the Director at least 60 days prior to the publication of the major rule as a final rule;

(2) With respect to all other major rules, the agency shall prepare a preliminary Regulatory Impact Analysis, which shall be transmitted, along with a notice of proposed rulemaking, to the Director at least 60 days prior to the publication of a notice of proposed rulemaking, and a final Regulatory Impact Analysis, which shall be transmitted along with the final rule at least 30 days prior to the publication of the major rule as a final rule;

(3) For all rules other than major rules, agencies shall submit to the Director, at least 10 days prior to publication, every notice of proposed rulemaking and final rule.

(d) To permit each proposed major rule to be analyzed in light of the requirements stated in Section 2 of this Order, each preliminary and final Regulatory Impact Analysis shall contain the following information:

(1) A description of the potential benefits of the rule, including any beneficial effects that cannot be quantified in monetary terms, and the identification of those likely to receive the benefits;

(2) A description of the potential costs of the rule, including any adverse effects that cannot be quantified in monetary terms, and the identification of those likely to bear the costs;

(3) A determination of the potential net benefits of the rule, including an evaluation of effects that cannot be quantified in monetary terms;

(4) A description of alternative approaches that could substantially achieve the same regulatory goal at lower cost, together with an analysis of this potential benefit and costs and a brief explanation of the legal reasons why such alternatives, if proposed, could not be adopted; and

(5) Unless covered by the description required under paragraph (4) of this subsection, an explanation of any legal reasons why the rule cannot be based on the requirements set forth in Section 2 of this Order.

(e) (1) The Director, subject to the direction of the Task Force, which shall resolve any issues raised under this Order or ensure that they are presented to the President, is authorized to review any preliminary or final Regulatory Impact Analysis, notice of proposed rulemaking, or final rule based on the requirements of this Order.

(2) The Director shall be deemed to have concluded review unless the Director advises an agency to the contrary under subsection (f) of this Section:

(A) Within 60 days of a submission under subsection (c)(1) or a submission of a preliminary Regulatory Impact Analysis or notice of proposed rulemaking under subsection (c)(2);

(B) Within 30 days of the submission of a final Regulatory Impact Analysis and a final rule under subsection (c)(2); and

(C) Within 10 days of the submission of a notice of proposed rulemaking or final rule under subsection (c)(3).

(f) (1) Upon the request of the Director, an agency shall consult with the Director concerning the review of a preliminary Regulatory Impact Analysis or notice of proposed rulemaking under this Order, and shall, subject to Section 8(a)(2) of this Order, refrain from publishing its preliminary Regulatory Impact Analysis or notice of proposed rulemaking until such review is concluded.

(2) Upon receiving notice that the Director intends to submit views with respect to any final Regulatory Impact Analysis or final rule, the agency shall, subject to Section 8(a)(2) of this Order, refrain from publishing its final Regulatory Impact Analysis or final rule until the agency has responded to the Director's views, and incorporated those views and the agency's response in the rulemaking file.

(3) Nothing in this subsection shall be construed as displacing the agencies' responsibilities delegated by law.

(g) For every rule for which an agency publishes a notice of proposed rulemaking, the agency shall include in its notice:

(1) A brief statement setting forth the agency's initial determination whether the proposed rule is a major rule, together with the reasons underlying that determination; and

(2) For each proposed major rule, a brief summary of the agency's preliminary Regulatory Impact Analysis.

(h) Agencies shall make their preliminary and final Regulatory Impact Analyses available to the public.

(i) Agencies shall initiate reviews of currently effective rules in accordance with the purposes of this Order, and perform Regulatory Impact Analyses of currently effective major rules. The Director, subject to the direction of the Task Force, may designate currently effective rules for review in accordance with this Order, and establish schedules for reviews and Analyses under this Order.

Sec. 4. *Regulatory Review.* Before approving any final major rule, each agency shall:

(a) Make a determination that the regulation is clearly within the authority delegated by law and consistent with congressional intent, and include in the **Federal Register** at the time of promulgation a memorandum of law supporting that determination.

(b) Make a determination that the factual conclusions upon which the rule is based have substantial support in the agency record, viewed as a whole, with full attention to public comments in general and the comments of persons directly affected by the rule in particular.

Sec. 5. *Regulatory Agendas.*

(a) Each agency shall publish, in October and April of each year, an agenda of proposed regulations that the agency has issued or expects to issue, and currently effective rules that are under agency review pursuant to this Order. These agendas may be incorporated with the agendas published under 5 U.S.C. 602, and must contain at the minimum:

(1) A summary of the nature of each major rule being considered, the objectives and legal basis for the issuance of the rule, and an approximate

schedule for completing action on any major rule for which the agency has issued a notice of proposed rulemaking;

(2) The name and telephone number of a knowledgeable agency official for each item on the agenda; and

(3) A list of existing regulations to be reviewed under the terms of this Order, and a brief discussion of each such regulation.

(b) The Director, subject to the direction of the Task Force, may, to the extent permitted by law:

(1) Require agencies to provide additional information in an agenda; and

(2) Require publication of the agenda in any form.

Sec. 6. *The Task Force and Office of Management and Budget.*

(a) To the extent permitted by law, the Director shall have authority, subject to the direction of the Task Force, to:

(1) Designate any proposed or existing rule as a major rule in accordance with Section 1(b) of this Order;

(2) Prepare and promulgate uniform standards for the identification of major rules and the development of Regulatory Impact Analyses;

(3) Require an agency to obtain and evaluate, in connection with a regulation, any additional relevant data from any appropriate source;

(4) Waive the requirements of Sections 3, 4, or 7 of this Order with respect to any proposed or existing major rule;

(5) Identify duplicative, overlapping and conflicting rules, existing or proposed, and existing or proposed rules that are inconsistent with the policies underlying statutes governing agencies other than the issuing agency or with the purposes of this Order, and, in each such case, require appropriate interagency consultation to minimize or eliminate such duplication, overlap, or conflict;

(6) Develop procedures for estimating the annual benefits and costs of agency regulations, on both an aggregate and economic or industrial sector basis, for purposes of compiling a regulatory budget;

(7) In consultation with interested agencies, prepare for consideration by the President recommendations for changes in the agencies' statutes; and

(8) Monitor agency compliance with the requirements of this Order and advise the President with respect to such compliance.

(b) The Director, subject to the direction of the Task Force, is authorized to establish procedures for the performance of all functions vested in the Director by this Order. The Director shall take appropriate steps to coordinate the implementation of the analysis, transmittal, review, and clearance provisions of this Order with the authorities and requirements provided for or imposed upon the Director and agencies under the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, and the Paperwork Reduction Plan Act of 1980, 44 U.S.C. 3501 *et seq.*

Sec. 7. *Pending Regulations.*

(a) To the extent necessary to permit reconsideration in accordance with this Order, agencies shall, except as provided in Section 8 of this Order, suspend or postpone the effective dates of all major rules that they have promulgated in final form as of the date of this Order, but that have not yet become effective, excluding:

(1) Major rules that cannot legally be postponed or suspended;

(2) Major rules that, for good cause, ought to become effective as final rules without reconsideration. Agencies shall prepare, in accordance with Section 3 of this Order, a final Regulatory Impact Analysis for each major rule that they suspend or postpone.

(b) Agencies shall report to the Director no later than 15 days prior to the effective date of any rule that the agency has promulgated in final form as of the date of this Order, and that has not yet become effective, and that will not be reconsidered under subsection (a) of this Section:

(1) That the rule is excepted from reconsideration under subsection (a), including a brief statement of the legal or other reasons for that determination; or

(2) That the rule is not a major rule.

(c) The Director, subject to the direction of the Task Force, is authorized, to the extent permitted by law, to:

(1) Require reconsideration, in accordance with this Order, of any major rule that an agency has issued in final form as of the date of this Order and that has not become effective; and

(2) Designate a rule that an agency has issued in final form as of the date of this Order and that has not yet become effective as a major rule in accordance with Section 1(b) of this Order.

(d) Agencies may, in accordance with the Administrative Procedure Act and other applicable statutes, permit major rules that they have issued in final form as of the date of this Order, and that have not yet become effective, to take effect as interim rules while they are being reconsidered in accordance with this Order, *provided that*, agencies shall report to the Director, no later than 15 days before any such rule is proposed to take effect as an interim rule, that the rule should appropriately take effect as an interim rule while the rule is under reconsideration.

(e) Except as provided in Section 8 of this Order, agencies shall, to the extent permitted by law, refrain from promulgating as a final rule any proposed major rule that has been published or issued as of the date of this Order until a final Regulatory Impact Analysis, in accordance with Section 3 of this Order, has been prepared for the proposed major rule.

(f) Agencies shall report to the Director, no later than 30 days prior to promulgating as a final rule any proposed rule that the agency has published or issued as of the date of this Order and that has not been considered under the terms of this Order:

(1) That the rule cannot legally be considered in accordance with this Order, together with a brief explanation of the legal reasons barring such consideration; or

(2) That the rule is not a major rule, in which case the agency shall submit to the Director a copy of the proposed rule.

(g) The Director, subject to the direction of the Task Force, is authorized, to the extent permitted by law, to:

(1) Require consideration, in accordance with this Order, of any proposed major rule that the agency has published or issued as of the date of this Order; and

(2) Designate a proposed rule that an agency has published or issued as of the date of this Order, as a major rule in accordance with Section 1(b) of this Order.

(h) The Director shall be deemed to have determined that an agency's report to the Director under subsections (b), (d), or (f) of this Section is consistent with the purposes of this Order, unless the Director advises the agency to the contrary:

(1) Within 15 days of its report, in the case of any report under subsections (b) or (d); or

(2) Within 30 days of its report, in the case of any report under subsection (f).

(i) This Section does not supersede the President's Memorandum of January 29, 1981, entitled "Postponement of Pending Regulations", which shall remain in effect until March 30, 1981.

(j) In complying with this Section, agencies shall comply with all applicable provisions of the Administrative Procedure Act, and with any other procedural requirements made applicable to the agencies by other statutes.

Sec. 8. *Exemptions.*

(a) The procedures prescribed by this Order shall not apply to:

(1) Any regulation that responds to an emergency situation, *provided that,* any such regulation shall be reported to the Director as soon as is practicable, the agency shall publish in the **Federal Register** a statement of the reasons why it is impracticable for the agency to follow the procedures of this Order with respect to such a rule, and the agency shall prepare and transmit as soon as is practicable a Regulatory Impact Analysis of any such major rule; and

(2) Any regulation for which consideration or reconsideration under the terms of this Order would conflict with deadlines imposed by statute or by judicial order, *provided that,* any such regulation shall be reported to the Director together with a brief explanation of the conflict, the agency shall publish in the **Federal Register** a statement of the reasons why it is impracticable for the agency to follow the procedures of this Order with respect to such a rule, and the agency, in consultation with the Director, shall adhere to the requirements of this Order to the extent permitted by statutory or judicial deadlines.

(b) The Director, subject to the direction of the Task Force, may, in accordance with the purposes of this Order, exempt any class or category of regulations from any or all requirements of this Order.

Sec. 9. *Judicial Review.* This Order is intended only to improve the internal management of the Federal government, and is not intended to create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies, its officers or any person. The determinations made by agencies under Section 4 of this Order, and any Regulatory Impact Analyses for any rule, shall be made part of the whole record of agency action in connection with the rule.

Sec. 10. *Revocations.* Executive Orders No. 12044, as amended, and No. 12174 are revoked.

Ronald Reagan

THE WHITE HOUSE,
February 17, 1981.

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APPENDIX II: STATUS OF REGULATIONS FROM NOVEMBER 1980 EDITION

This appendix provides information about those regulations that appeared as entries in the November 1980 edition of the **Calendar of Federal Regulations** but are not repeated in this June 1981 edition.

Many entries from the last edition repeat in this edition because the agencies are still developing those regulations. However, some entries do not repeat; for example, a regulation which an agency was developing in November may have been issued as a final rule, or the agency may have withdrawn it or taken some other action that makes it inappropriate to include in this edition of the **Calendar**. This appendix notes the actions the agencies have taken on such regulations. In addition, it notes any significant word changes in the titles of the regulations to help the reader locate entries that have been retitled and appear as entries in both editions of the **Calendar**.

The appendix also includes the page number on which the entry appeared in the November 1980 **Federal Register** edition of the **Calendar** (45 FR 77701, November 24, 1980).

The appendix lists 93 regulations that appeared in the November 1980 edition of the **Calendar** but that do not repeat in this edition.

Twenty-nine (or 31 percent) of those 93 regulations were withdrawn from the **Calendar** pending policy review. Twelve (13 percent) were withdrawn because the agency expects no further action; nine (10 percent) because the agency expects no further action in the next 12 months. Six (6 percent) regulations were withdrawn because the agency no longer considered them major under E.O. 12291—in some cases because the agency narrowed the scope of its previous proposal. Three (3 percent) regulations were rescinded or superseded by Executive order and thirty-one (33 percent) regulations went final. Two regulations involve multiple rulemaking actions, parts of which may have been issued as final rules, while other parts reappear in the revised entry in this edition of the **Calendar**.

This appendix also lists three regulations with title changes from the last edition.

The appendix is organized alphabetically by agency, unit within the agency, and then by title of the regulation.

AGENCY	TITLE OF REGULATION	FR 11/24/80 PAGE NO.	ACTIVITY SINCE LAST EDITION
USDA-AMS	Amendments to Federal Seed Act Regulations	77924	Withdrawn from Calendar--USDA determined is non-major under E.O. 12291.
USDA-AMS	Regulatory Treatment of Reconstituted Milk in All Federal Milk Marketing Orders	77926	No further activity--USDA denied petition for hearing on April 7, 1981.
USDA-FSQS	Proposed Net Weight Regulations	77928	Postponed pending policy review.
USDA-FSQS	Proposed Polychlorinated Biphenyls (PCBs) Regulation--Existing Equipment	77805	Deferred indefinitely due to court case involving EPA's existing rules.
USDA-SCS	Watershed Protection and Flood Prevention Program	77747	Withdrawn from Calendar--no action scheduled during next 12 months.

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APPENDIX II: STATUS OF REGULATIONS FROM NOVEMBER 1980 EDITION

AGENCY	TITLE OF REGULATION	FR 11/24/80 PAGE NO.	ACTIVITY SINCE LAST EDITION
DOC-NOAA	Regulations Implementing a Fishery Management Plan for the Shrimp Fishery of the Gulf of Mexico, United States	77751	Final Rule--46 FR 27489, May 20, 1981.
ED-OCR	Nondiscrimination Under Programs Receiving Federal Assistance Through the Department of Education, Effectuation of Title VI of the Civil Rights Act of 1964	77898	Withdrawn pending agency review--Withdrawal Notice, 46 FR 10516, February 3, 1981.
DOE-CE	Emergency Building Temperature Restrictions	77714	Rescinded by Presidential Proclamation Number 4820--46 FR 12941, February 19, 1981.
DOE-CE	Federal Price Support Loan Program for Energy From Municipal Waste Resource Recovery Facilities	77718	Withdrawn from Calendar--preliminary analysis indicates this rule does not meet criteria for major regulation.
DOE-CE	Standby Federal Emergency Conservation Plan	77719	Proposed Rule and Notice of Proposed Rulemaking Withdrawn--46 FR 13517, February 23, 1981. Proposal was amended and no longer meets E.O. 12291 criteria for major regulation.
DOE-ERA	Amendments to Puerto Rican Naphtha Entitlements Regulations	77721	Final Rule--46 FR 5722, January 19, 1981.
DOE-ERA	Crude Oil Resales Pricing Revisions	77722	Final Rule--45 FR 74432, November 7, 1980.

APPENDIX II: STATUS OF REGULATIONS FROM NOVEMBER 1980 EDITION

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AGENCY	TITLE OF REGULATION	FR 11/24/80 PAGE NO.	ACTIVITY SINCE LAST EDITION
DOE-ERA	Domestic Crude Oil Entitlements	77723	Notice of Intent Not to Issue Final Rule--46 FR 5722, January 19, 1981.
DOE-ERA	Gasohol Marketing Regulations	77724	Final Rule will not be issued due to E.O. 12287, "Decontrol of Crude Oil and Petroleum Products."
DOE-ERA	Maximum Lawful Price for Unleaded Gasoline	77726	Final Rule--46 FR 3827, January 16, 1981.
DOE-ERA	Motor Gasoline Allocation Regulations Revisions	77727	Final Rule--45 FR 82586, December 15, 1980.
DOE-ERA	Motor Gasoline -- Downward Certification	77729	Final Rule will not be issued due to E.O. 12287, "Decontrol of Crude Oil and Petroleum Products."
DOE-ERA	Powerplant and Industrial Fuel Use Act of 1978; Cogeneration Exemption	77733	Further action is pending Departmental review expected to be completed by fall 1981.
DOE-FE	Outer Continental Shelf (OCS) Sequential Bidding Regulations	77734	Further action is pending Departmental review expected to to be completed by fall 1981.
DOE-RA	Proposed Regulations Establishing Alternative Bidding Systems for Coal Lease Sales	77736	Final Rule--45 FR 84928, December 23, 1980.

APPENDIX II: STATUS OF REGULATIONS FROM NOVEMBER 1980 EDITION

AGENCY	TITLE OF REGULATION	FR 11/24/80 PAGE NO.	ACTIVITY SINCE LAST EDITION
HHS-FDA	Current Good Manufacturing Practice Relating to Poisonous and Deleterious Substances in Food, Feed, and Food-Packaging Materials Plants; Polychlorinated Biphenyls (PCBs)	77816	Withdrawn from Calendar pending agency review.
HHS-FDA	Food Labeling Initiatives	77813	Withdrawn from Calendar pending agency review.
HHS-HCFA	Conditions of Participation for Skilled Nursing Facilities and Intermediate Care Facilities	77814	Withdrawn from Calendar pending agency review.
HHS-HCFA	Consolidation of Survey and Certification Requirements for Medicare and Medicaid	77816	Withdrawn pending agency review.
HHS-HCFA	Life Safety Code in Hospitals, Nursing Facilities, and Intermediate Care Facilities	77818	Final Rule--45 FR 50264, July 28, 1980.
HUD-FHA	Coinsurance for Private Mortgage Lenders (New Construction)	77902	Withdrawn from Calendar--no action anticipated in next 12 months.
HUD-NVACP	Lead-Based Paint--Chewable Surfaces	77821	Withdrawn--no action anticipated in next 12 months; may be reintroduced after internal legal and policy review.
HUD-OS	Solar Energy and Energy Conservation Bank	77737	Withdrawn--no longer under consideration.

APPENDIX II: STATUS OF REGULATIONS FROM NOVEMBER 1980 EDITION

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AGENCY	TITLE OF REGULATION	FR 11/24/80 PAGE NO.	ACTIVITY SINCE LAST EDITION
DOI-OSM	Definition: "Surface Coal Mining Operations" and "Coal-Processing Plant"	77759	Withdrawn from Calendar pending agency review.
DOI-OSM	Discharge from Mine Areas: Revision of Standards for Effluent Limits and Sedimentation Ponds	77760	Withdrawn from Calendar pending agency review.
DOI-WPRS	Rules and Regulations for Acreage Limitation Under Federal Reclamation Law	77762	Withdrawn from Calendar pending agency review.
DOJ-INS	Employment Authorization	77907	Final Rule--46 FR 25079, May 5, 1981 (effective June 4, 1981).
DOJ-OJARS-LEAA	Equal Service Evaluation Guidelines	77908	Action suspended indefinitely.
DOL	The Department of Labor is submitting a list of regulations for the May 1981 Calendar of Federal Regulations rather than the detailed entries appearing in previous Calendars. The Department is currently reviewing all regulatory actions to assure that they are consistent with current admininistration policy and the goals of the Executive Order on regulatory reform. The regulations are listed here for informational purposes only, pending resolution of their status.		
DOL-ESA	Sex Discrimination Guidelines--Employee Benefits	77910	
DOL-LMSA-PWBP	Definition of Plan Assets and Establishment of Trust	77911	
DOL-LMSA-PWBP	Individual Benefit Reporting and Recordkeeping for Multiple Employer Plans	77912	

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APPENDIX II: STATUS OF REGULATIONS FROM NOVEMBER 1980 EDITION

AGENCY	TITLE OF REGULATION	FR 11/24/80 PAGE NO.	ACTIVITY SINCE LAST EDITION
DOL-LMSA-PWBP	Individual Benefit Reporting and Recordkeeping for Single Employer Plans	77913	
DOL-MSHA	Mandatory Safety Standards for Surface Coal Mines and Surface Areas of Underground Coal Mines	77822	No further action anticipated.
DOL-MSHA	Regulations Setting Forth Requirements for Safety and Health Training for Mine Construction Workers	77823	No further action anticipated.
DOL-MSHA	Requirements for Construction and Maintenance of Impounding Structures and Tailings Piles at Metal and Nonmetal Mines	77824	
DOL-MSHA	Review of Safety and Health Standards Applicable to Metal and Nonmetal Mining and Milling Operations	77825	
DOL-MSHA	Safety and Health Standards for Construction Work at All Surface Mines and Surface Areas of Underground Mines	77826	
DOL-OSHA	Generic Standard for Occupational Exposure to Pesticides During Manufacture and Formulation	77827	
DOL-OSHA	Identification and Labeling of Hazardous Materials in the Workplace	77829	

APPENDIX II: STATUS OF REGULATIONS FROM NOVEMBER 1980 EDITION

APPENDIX II: STATUS OF REGULATIONS FROM NOVEMBER 1980 EDITION

AGENCY	TITLE OF REGULATION	FR 11/24/80 PAGE NO.	ACTIVITY SINCE LAST EDITION
DOL-OSHA	Occupational Noise Exposure Hearing-Conservation Amendment	77831	
DOL-OSHA	OSHA General Industry Standard for Walking and Working Surfaces, and Construction Safety Standards for Ladders and Scaffolding, Floor and Wall Openings, and Stairways	77833	
DOL-OSHA	Regulations for Reducing Safety and Health Hazards in Abrasive Blasting Operations	77835	
DOL-OSHA	Safety and Health Regulations for Locking Out and Tagging Energy Sources in General Industry and in Construction	77837	
DOL-OSHA	Safety and Health Standard for Conveyors	77838	
DOL-OSHA	Standard for Occupational Exposure to Asbestos	77840	
DOL-OSHA	Standard for Occupational Exposure to Chromium	77842	
DOL-OSHA	Standard for Occupational Exposure to Safety and Health Hazards in Grain Handling Facilities	77844	
DOT-FHWA	Minimum Cab Space Dimensions	77848	Withdrawn from Calendar--no significant action expected during next 12 months.
DOT-FRA	Alerting Lights Display--Locomotives	77849	Withdrawn from Calendar--no longer meets criteria for major regulation.

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APPENDIX II: STATUS OF REGULATIONS FROM NOVEMBER 1980 EDITION

AGENCY	TITLE OF REGULATION	FR 11/24/80 PAGE NO.	ACTIVITY SINCE LAST EDITION
DOT-NHTSA	Fuel Economy Standards for FY 1983-85 Light Trucks	77738	Final Rule--45 FR 81593, December 11, 1980.
DOT-NHTSA	Pedestrian Protection	77852	Withdrawn from Calendar--the scope of this proposed rulemaking has been significantly narrowed and it is no longer considered to meet the criteria for a major regulation.
TREAS-ATF	Accelerated Payment of Certain Tobacco Products Excise Taxes	77934	Withdrawn--no present plan to propose again.
TREAS-ATF	Delivery of Certain Alcohol and Tobacco Products Excise Tax Payments via Electronic Fund Transfer	77935	Final Rule--46 FR 2999, January 13, 1981. Riders on fiscal year 1981 Supplemental Appropriations Act prohibit EFT in fiscal year 1981. Rule expected to take effect October 1, 1981.
TREAS-CUSTOMS	Accelerated Duty Payment	77940	Project withdrawn.
TREAS-CUSTOMS	Administrative Rulings	77942	Final Rule--45 FR 80100, December 3, 1980.
TREAS-CUSTOMS	Valuation of Imported Merchandise for Customs Purposes	77946	Final Rule--46 FR 2597, January 12, 1981.
TREAS-OCC	Adjustable Rate Mortgages	77782	Final Rule--46 FR 18932, March 29, 1981, Docket No. 81-9.

APPENDIX II: STATUS OF REGULATIONS FROM NOVEMBER 1980 EDITION

APPENDIX II: STATUS OF REGULATIONS FROM NOVEMBER 1980 EDITION

AGENCY	TITLE OF REGULATION	FR 11/24/80 PAGE NO.	ACTIVITY SINCE LAST EDITION
TREAS-OCC	Description of Office Procedures, Public Information; Supplemental Application Procedures; Assessment of Fees; Employee Stock Option and Stock Purchase Plans; Changes in Capital Structure; Change in Bank Control; Federal Branches and Agencies of Foreign Banks; and Policy Statements	77783	Parts of this proceeding went final; parts remain in Calendar. Supplemental Application Procedures--Final Fules, 46 FR 16659, March 13, 1981, Docket No. 81-7 and 46 FR 16661, Docket No. 81-8. Assessment of Fees--Final Final Rule, 46 FR 16656, March 13, 1981, Docket No. 81-6.
EPA-OPTS	Chemical Hazard Warning Labels	77861	Withdrawn--no further action anticipated.
EPA-OPTS	Chloromethane and Chlorinated Benzene Proposed Test Rule; Amendment to Proposed Health Effects Standards	77863	Title Change--is now Toxic Substances Control Act (TSCA) Section 4 Test Rules.
EPA-OWWM	Hazardous Waste Regulations: Phase I and II Regulations to Control Hazardous Solid Waste from Generation to Final Disposal	77872	Various Final Rules either published or effective on January 16, 1981, 46 FR 4614.
EPA-OWWM	Water Quality Standards Regulations	77780	Withdrawn from Calendar--EPA will not take action on this regulation during the next 12 months.
EEOC-OGC	Employee Benefit Plans; Proposed Guidelines on the Application of the Age Discrimination in Employment Act of 1967 to Retirement and Pension Plans	77915	Withdrawn from Calendar pending agency review.

APPENDIX II: STATUS OF REGULATIONS FROM NOVEMBER 1980 EDITION

AGENCY	TITLE OF REGULATION	FR 11/24/80 PAGE NO.	ACTIVITY SINCE LAST EDITION
EEOC-OGC	Proposed Rule on the Application of the Age Discrimination in Employment Act of 1967 to Apprenticeship Programs	77916	Withdrawn--no further action anticipated.
EEOC-OPI	Interpretive Guidelines on Employment Discrimination and Reproductive Hazards	77917	Withdrawn--no further action anticipated.
EEOC-OPI	Proposed Revision of the Guidelines on Discrimination Because of National Origin	77918	Final Guidelines--45 FR 85632, December 29, 1980.
GSA-FPRS	National Defense Stockpile Acquisition Regulations	77948	Final Rule--46 FR 21602, April 13, 1981.
GSA-HRO	Nondiscrimination Against Handicapped Persons in Programs and Activities Receiving Federal Assistance	77919	Title Change--is now Nondiscrimination in Federally Assisted Programs.
VA-DMA	State Cemetery Grants	77922	Withdrawn from Calendar--no action anticipated during next 12 months.
VA-OHG	Nondiscrimination on the Basis of Age in Programs or Activities Receiving Federal Financial Assistance From the Veterans Administration	77922	Withdrawn--no action anticipated during next 12 months.
CPSC	Chronic Hazards Associated with Formaldehyde	77881	Withdrawn from Calendar--no significant regulatory activity expected in the next 12 months.
FCC	Notice of Inquiry/Notice of Proposed Rulemaking in the Matter of Radio Deregulation	77975	Report and order adopted January 14, 1981, released February 24, 1981, 46 FR 13888.

APPENDIX II: STATUS OF REGULATIONS FROM NOVEMBER 1980 EDITION

APPENDIX II: STATUS OF REGULATIONS FROM NOVEMBER 1980 EDITION

AGENCY	TITLE OF REGULATION	FR 11/24/80 PAGE NO.	ACTIVITY SINCE LAST EDITION
FDIC	Applications, Requests, Submittals, and Notices of Acquisition of Control; and Disclosure of Information	77794	Final Rule--45 FR 79410, December 1, 1980.
FDIC	Securities of Insured State Nonmember Banks	77795	Final Rule--46 FR 25204, May 5, 1981.
FERC	Rate of Return: Electric	77743	Title Change--is now Rate of Return on Common Equity for Electric Utilities.
FERC	Regulations Governing the Safety of All Water Power Projects and Project Works Licensed Under Part 1 of the Federal Power Act	77893	Final Rule--46 FR 9029, January 28, 1981.
FHLBB	Regulations to Implement the Depository Institutions Deregulation and Monetary Control Act of 1980	77797	Final Rules-- Investment in Consumer Loans, Commercial Paper, and Corporate Debt Securities, 45 FR 76104, November 18, 1980. Mutual Capital Certificates, 45 FR 82154, December 15, 1980. Reserve Accounts, 45 FR 76111, November 18, 1980. Revision of Real Estate Lending Regulations, 45 FR 76095, November 18, 1980. Trust Powers Authorization, 45 FR 82162, December 15, 1980.
FMC	Amendments to Tariff Filing Requirements for Controlled Carriers	77977	Final Rule--46 FR 13217, February 20, 1981.

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APPENDIX II: STATUS OF REGULATIONS FROM NOVEMBER 1980 EDITION

AGENCY	TITLE OF REGULATION	FR 11/24/80 PAGE NO.	ACTIVITY SINCE LAST EDITION
FMC	Revision of Commission General Order 4, Licensing of Independent Ocean Freight Forwarders	77979	Final Rule--46 FR 24565, May 1, 1981.
FRS	Truth in Lending	77798	Final Rule--46 FR 20848, April 7, 1981.
FTC	Medical Participation in Control of Certain Open-Panel Medical Prepayment Plans	77953	The Commission decided on April 23, 1981 to not undertake any rulemaking. Future action will be based upon a case-by-case review of the legality of physician-groups' control of medical prepayment plans.
ICC	Elimination of Gateway Restrictions and Circuitous Route Limitations; Removal of Restrictions from Authorities of Motor Carriers of Property (Ex Parte No. 142; Ex Parte No. 142 (Sub-No. 1))	77981	Final Rules Adopted--45 FR 86741 and 86747, December 31, 1980.
ICC	Rules Governing Applications for Operating Authority (Ex Parte No. 55 (Sub-No. 43)) and Acceptable Forms of Requests for Operating Authority (Ex Parte No. 55 (Sub-No. 43A))	77982	Final Rules Adopted--45 FR 86771 and 86798, December 31, 1980.
NRC-OSD	Decommissioning of Nuclear Facilities Regulation	77894	Withdrawn from Calendar because economic impact appears to be less than $100 million per year.

APPENDIX II: STATUS OF REGULATIONS FROM NOVEMBER 1980 EDITION

APPENDIX II: STATUS OF REGULATIONS FROM NOVEMBER 1980 EDITION

AGENCY	TITLE OF REGULATION	FR 11/24/80 PAGE NO.	ACTIVITY SINCE LAST EDITION
NRC-OSD	Disposal of High-Level Radioactive Waste in Geologic Repositories Regulation	77896	Final Rule (Procedural Requirement), "Disposal of High-Level Radioactive Waste in Geologic Repositories: Licensing Procedures"--46 FR 13971, February 25, 1981. The entry describing the rule outlining the technical criteria for siting is in this edition of the Calendar.
PRC	Experimental Classification--Rulemaking Docket No. RM80-2	77983	Final Rule--45 FR 83222, December 18, 1980.
PRC	Postal Rate Commission Docket R80-1--Postal Rate and Fee Changes, 1980	77987	Commission issued Opinion and Recommended Decision, February 19, 1981. Governors of USPS remanded decision to PRC for reconsideration on March 10, 1981.
SEC	Proposed Rules Exempting the Acquisition and Ownership of Interests in Power Generation and Transmission Companies and Exempting Certain Non-Utility Subsidiaries of Registered Holding Companies	77802	Final Rules--46 FR 5867, January 21, 1981.

APPENDIX III: PUBLICATION DATES FOR AGENCY SEMIANNUAL REGULATORY AGENDAS

This appendix lists publication dates for the semiannual regulatory agendas that agencies prepare each April and October in response to Executive Order 12291, Federal Regulation (46 FR 13193, February 17, 1981). It provides the dates of each agency's last published semiannual agenda and the Federal Register citation to enable interested parties to gain quick access to the list of regulations the agency is considering or reviewing in addition to those it describes in the Calendar.

The appendix also lists the date the agency expects to publish its next agenda. All executive agencies, and those independent agencies that choose to, publish these agendas. Each agenda entry describes, at a minimum, the regulations agencies are considering and their objectives; the legal basis of the action the agency is taking; an approximate schedule for issuing the rules; and an agency contact. The Calendar describes more fully only the most important of these regulations.

AGENCY	PUBLICATION DATE OF LAST AGENDA	FEDERAL REGISTER CITATION	PUBLICATION DATE OF NEXT AGENDA
Executive Agencies			
Department of Agriculture	April 28, 1981	46 FR 23671	October 1981
Department of Commerce	April 29, 1981	46 FR 24096	October 1981
Department of Education	April 30, 1981	46 FR 24412	October 1981
Department of Energy	April 30, 1981	46 FR 24498	October 1981
Department of Health and Human Services	April 30, 1981	46 FR 24424	October 1981
Department of Housing and Urban Development	September 15, 1980	45 FR 59062	Early June 1981
Department of the Interior	April 30, 1981	46 FR 24456	October 30, 1981
Department of Justice	April 29, 1981	46 FR 24128	October 26, 1981
Department of Labor	April 28, 1981	46 FR 23684	October 1981
Department of Transportation	April 2, 1981	46 FR 20036	October 1, 1981
Department of the Treasury:			
Alcohol, Tobacco, and Firearms	April 15, 1981	46 FR 22133	October 15, 1981
Comptroller of the Currency	April 15, 1981	46 FR 22112	October 15, 1981
Customs	April 15, 1981	46 FR 22116	October 15, 1981
Internal Revenue Service	April 15, 1981	46 FR 22121	October 15, 1981
Environmental Protection Agency	April 27, 1981	46 FR 23692	October 1981
Equal Employment Opportunity Commission	April 3, 1981	46 FR 20228	October 1981
Federal Emergency Management Agency	April 24, 1981	46 FR 23271	October 15, 1981
General Services Administration	April 30, 1981	46 FR 24503	October 30, 1981
National Credit Union Administration	April 30, 1981	46 FR 24514	October 30, 1981
Small Business Administration	May 4, 1981	46 FR 24955	October 1981
Veterans Administration	April 23, 1981	46 FR 23081	October 1981
Independent Regulatory Agencies			
Civil Aeronautics Board	April 30, 1981	46 FR 24201	October 1981
Commodity Futures Trading Commission	April 30, 1981	46 FR 24209	October 1981
Consumer Product Safety Commission	May 1981	Not available at time of publication	October 1981
Federal Communications Commission	May 4, 1981	46 FR 24969	October 1981
Federal Deposit Insurance Corporation	May 14, 1981	46 FR 26664	October 1981
Federal Election Commission	Not Applicable	- - -	- - -
Federal Energy Regulatory Commission	Not Applicable	- - -	- - -
Federal Home Loan Bank Board	October 14, 1980	45 FR 67674	Summer 1981
Federal Maritime Commission	Not Applicable	- - -	- - -
Federal Reserve System	April 1, 1981	46 FR 19824	October 1981
Federal Trade Commission	May 7, 1981	46 FR 25468	October 1981
Interstate Commerce Commission	April 30, 1981	46 FR 24217	October 1981
Nuclear Regulatory Commission	- - -	- - -	October 1981
Postal Rate Commission	Not Applicable	- - -	- - -
Securities and Exchange Commission	April 21, 1981	46 FR 23942	October 1981

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APPENDIX IV: IMPORTANT REGULATIONS SCHEDULED FOR AGENCY REVIEW

APPENDIX IV: IMPORTANT REGULATIONS SCHEDULED FOR AGENCY REVIEW

This appendix provides information about regulations that agencies are reviewing according to their internal review procedures or as part of the review requirements of Executive Order 12291, "Federal Regulation." Many agencies periodically review their existing regulations to determine whether the regulations are still achieving their intended goals effectively.

In some cases, **Calendar** entries describe regulatory actions that the agencies initiated as a result of a review process. Because these regulations appear in the text, this appendix does not list such actions.

In addition, on March 25, 1981, the Presidential Task Force on Regulatory Relief released a list of final regulations whose effective date will be postponed (indicated on the following appendix by a dagger (†)) and a list of existing regulations that will be reassessed and possibly modified (indicated by an asterisk (*)). The regulations on both of these lists will undergo the review procedures outlined in E.O. 12291 and these regulations are included below. Review of two of the regulations on the Task Force's list has been completed and the regulations have been published. These two regulations are the Department of Justice's "The Effect of a Strike on the Admission and Continued Employment of Certain Nonimmigrants" (46 FR 4856), and the Environmental Protection Agency's "Pesticides: Classification of Uses of Active Ingredients and State Registration of Pesticide To Meet Local Needs" (46 FR 2008 and 5696).

The appendix is organized alphabetically by agency, by unit within the agency, and then by the title of the regulation.

For a more complete list of regulations under review, readers should refer to each agency's Semiannual Regulatory Agenda.

AGENCY	TITLE OF REGULATION	CITATION	ESTIMATED DATES OF REVIEW	
			BEGIN	END
USDA-AMS	*Marketing Orders for Fruits and Vegetables	7 CFR Parts 900-999	5/81	9/81
USDA-APHIS	Animal Welfare Act	9 CFR Parts 1-3	5/80	7/82
USDA-APHIS	Importation of Fruits and Vegetables (for prevention of introduction into U.S. of insects)	7 CFR 319.56	5/81	10/82
USDA-FmHA	†Revision and Redesignation of Section 502 Rural Housing Loan Policies, Procedures, and Authorization (Farmers Home Administration, 46 FR 4681) (Excluding income limits and interest credit subsidy)	7 CFR Part 1822, Subpart A	3/81	11/81
USDA-FNS	Food Distribution Program	7 CFR Part 250	7/80	9/81

*Existing Regulations To Be Reviewed †Rules Designated for Postponement

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APPENDIX IV: IMPORTANT REGULATIONS SCHEDULED FOR AGENCY REVIEW

AGENCY	TITLE OF REGULATION	CITATION	ESTIMATED DATES OF REVIEW	
			BEGIN	END
USDA-FS	*National Forest System (NFS) Land and Resource Management Planning	36 CFR Part 219	5/81	7/81
USDA-FSQS	*Mechanically Processed (Species) Product	9 CFR Parts 317, 317, 318, 319	2/81	6/81
USDA-FSQS	Standards and Labeling of Meat and Poultry Products	9 CFR Parts 312, 316, 317, 319, 381	9/79 8/80	7/80 (screening) 8/83 (actual review)
DOC-NOAA	*Atlantic Mackerel Fishery Management Plan	50 CFR Part 656	Under Review	6/81
DOC-NOAA	†The Channel Islands National Marine Sanctuary (45 FR 65198). (These regulations went final excepting the section relating to hydrocarbon activity, which is suspended pending Department review.)	15 CFR Parts 935, 936	6/81	9/81
DOC-NOAA	*Extension of Commercial/Recreational Salmon off California, Oregon, and Washington Fishery Management Plan (Fishing Year 1981)	50 CFR Part 661	Under Review	6/81
DOC-NOAA	Marine Mammals: Pribilof Islands	50 CFR Part 215, Subparts A and C	Summer 1981	Fall 1981
DOC-NOAA	†The Point Reyes-Farallon Islands National Marine Sanctuary (46 FR 7936). (These regulations went final excepting the section relating to hydrocarbon activity, which is suspended pending Department review.)	15 CFR Parts 935, 936	6/81	9/81

*Existing Regulations To Be Reviewed †Rules Designated for Postponement

APPENDIX IV: IMPORTANT REGULATIONS SCHEDULED FOR AGENCY REVIEW

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*Existing Regulations To Be Reviewed †Rules Designated for Postponement

APPENDIX IV: IMPORTANT REGULATIONS SCHEDULED FOR AGENCY REVIEW

AGENCY	TITLE OF REGULATION	CITATION	ESTIMATED DATES OF REVIEW	
			BEGIN	END
DOC-PTI-OPSP	†Federal Interaction with Voluntary Standards Bodies; Procedures (46 FR 1574)	15 CFR Part 19	2/81	6/81
ED-OCR	*Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance; and Assistance to †States for Education of Handicapped Children	34 CFR Parts 104, 300	3/27/81	9/30/81
ED-OERI	Arts in Education	34 CFR Part 753	3/27/81	9/30/81
ED-OERI	Law-Related Education Program	34 CFR Part 757	3/27/81	9/30/81
ED-OERI	Library Career Training Program	34 CFR Part 776	3/27/81	9/30/81
ED-OERI	Minority Institutions Science Improvement Program	34 CFR Part 735	3/27/81	9/30/81
ED-OERI	Strengthening Research Library Resources Program	34 CFR Part 778	3/27/81	9/30/81
ED-OESE	Asbestos Detection and Control: Local Educational Agencies; Asbestos Detection and State Plan; State Educational Agencies	34 CFR Parts 230, 231	3/27/81	9/30/81
ED-OESE	Special Impact Aid Provisions for Local Educational Agencies that Claim Entitlements Based on the Number of Children Residing on Indian Lands	34 CFR Part 223	3/27/81	9/30/81

*Existing Regulations To Be Reviewed †Rules Designated for Postponement

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APPENDIX IV: IMPORTANT REGULATIONS SCHEDULED FOR AGENCY REVIEW

AGENCY	TITLE OF REGULATION	CITATION	ESTIMATED DATES OF REVIEW	
			BEGIN	END
ED-OM	Selection Criteria for Fiscal Year 1981	34 CFR Parts 211, 215, 305, 307, 315, 318, 324, 338, 408, 525, 526, 527, 624, 643, 644, 645, 646, 726, 740	3/27/81	9/30/81
ED-OPE	Graduate and Professional Study Fellowships	34 CFR Part 649	3/27/81	9/30/81
ED-OPE	Guaranteed Student Loan Program (Deferments, and Refund of Tuition Charges and Other Fees)	34 CFR Part 682	3/27/81	6/30/82
ED-OPE	International Education Programs	34 CFR Parts 655, 656, 658, 660, 667	3/27/81	9/30/81
ED-OPE	Pell Grants Program	34 CFR Part 690	3/27/81	6/30/82
ED-OPE	Student Assistance General Provisions	34 CFR Part 668	3/27/81	6/30/82
ED-OS	Educational Appeal Board	34 CFR Part 78	3/27/81	9/30/81
ED-OS	Education Department General Administrative Regulations (EDGAR); Annual Funding Priorities	34 CFR Part 75	3/27/81	9/30/81
ED-OS	Education Department General Administrative Regulations (EDGAR); Grant Programs Without Specific Regulations	34 CFR Parts 75, 76	3/27/81	9/30/81

APPENDIX IV: IMPORTANT REGULATIONS SCHEDULED FOR AGENCY REVIEW

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AGENCY	TITLE OF REGULATION	CITATION	ESTIMATED DATES OF REVIEW	
			BEGIN	END
ED-OSERS	Centers for Independent Living	34 CFR Part 366	3/27/81	9/30/81
ED-OSERS	Instructional Media for the Handicapped	34 CFR Part 332	3/27/81	9/30/81
ED-OSERS	Rehabilitation Training	34 CFR Parts 385, 386, 387, 388, 389, 390	3/27/81	9/30/81
ED-OSERS	State Vocational Rehabilitation and Independent Living Rehabilitation Programs	34 CFR Parts 361, 365	3/27/81	9/30/81
ED-OSERS	Training Programs for Teachers of Handicapped Children in Areas With a Shortage	34 CFR Part 322	3/27/81	9/30/81
ED-OSERS	Vocational Rehabilitation Service Projects	34 CFR Parts 362, 369, 370, 371, 372, 373, 374, 375, 378, 379, 395	3/27/81	9/30/81
DOE	On 2/6/81 the Secretary of Energy established a task force and a process to completely review all of the Department's regulations with the exception of those related to the decontrol of crude oil and petroleum products. Upon completion of the review, the Department will issue the appropriate notices of proposed action in the Federal Register.	Departmental Memorandum dated 2/6/81	2/6/81	9/81
DOE-CE	*Residential Conservation Service (See Calendar entry, "Commercial and Apartment Conservation Service Program")	10 CFR Part 458	Ongoing	Ongoing

*Existing Regulations To Be Reviewed

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APPENDIX IV: IMPORTANT REGULATIONS SCHEDULED FOR AGENCY REVIEW

AGENCY	TITLE OF REGULATION	CITATION	ESTIMATED DATES OF REVIEW	
			BEGIN	END
DOE-ERA	*Coal Conversion Program	10 CFR Parts 500, 501, 502, 507	Ongoing	Ongoing
HHS-FDA	*Abbreviated New Drug Applications for New Drugs Approved After October 10, 1962, for Human Use (See Calendar entry)	21 CFR Part 314	Ongoing	Ongoing
HHS-HCFA	*All Medicaid Regulations	42 CFR-Various Parts	Ongoing	Ongoing
HHS-HCFA	*Consolidation of Survey and Certification Requirements for Medicare and Medicaid	42 CFR Parts 405, 431	Ongoing	Ongoing
HUD-HOUS	*Minimum Property Standards for One- and Two-Family Dwellings and Multi-Family Dwellings (See Calendar entry for One - and Two-Family Dwellings)	24 CFR Part 200	Ongoing	Ongoing
DOI-BIA	†Tribal Government Elections (46 FR 1668, and 1674)	25 CFR Parts 52, 53	Ongoing	Ongoing
DOI-BLM	*Federal Coal Management Program	43 CFR Part 3400	Ongoing	Ongoing
DOI-BLM	†FLPMA Exchange Authority for Public Land (46 FR 1634)	43 CFR Part 2200	Ongoing	Ongoing
DOI-BLM	†Land Withdrawal Procedures Amendments (46 FR 5794)	43 CFR Parts 2090, 2300, 2310, 2320, 2340, 2350	Ongoing	Ongoing

*Existing Regulations To Be Reviewed †Rules Designated for Postponement

APPENDIX IV: IMPORTANT REGULATIONS SCHEDULED FOR AGENCY REVIEW

*Existing Regulations To Be Reviewed †Rules Designated for Postponement

APPENDIX IV: IMPORTANT REGULATIONS SCHEDULED FOR AGENCY REVIEW

AGENCY	TITLE OF REGULATION	CITATION	ESTIMATED DATES OF REVIEW	
			BEGIN	END
DOI-FWS	†Gypsum Wild Buckwheat and Todsens Pennyroyal (46 FR 5730)	50 CFR Part 17	Ongoing	Ongoing
DOI-FWS	†Hawaiian Tree Snail (46 FR 3178)	50 CFR Part 17	Ongoing	Ongoing
DOI-NPS	†Glacier Bay National Monument; Protection of Humpback Whale (45 FR 85741)	36 CFR Part 7	Ongoing	Ongoing
DOI-NPS	†Leases, Permits, Easements Through Public Lands (46 FR 5773)	36 CFR Part 14	Ongoing	Ongoing
DOI-OSM	†Extraction of Coal, Two Acres or Less (46 FR 7902)	30 CFR 700.11	Ongoing	Ongoing
DOI-OSM	†Prime Farmlands (46 FR 7208 and 7894)	30 CFR 716.7	Ongoing	Ongoing
DOI-OSM	*Surface Mining Rules	30 CFR Part 700, Various Sections	Ongoing	Ongoing
DOJ-CRD	*Leadership and Coordination of Nondiscrimination Laws	28 CFR 42.401-.415	Ongoing	Ongoing
DOL-ESA	†Government Contractors: Affirmative Action Requirements (46 FR 9084)	41 CFR Parts 60-1, 60-2, 60-4, 60-20, 60-30, 60-40, 60-50, 60-60, 60-250, 60-741	Ongoing	Ongoing
DOL-ESA	†Labor Standards Provisions: Construction Contracts (46 FR 4380)	29 CFR Part 1-5	Ongoing	Ongoing

*Existing Regulations To Be Reviewed †Rules Designated for Postponement

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APPENDIX IV: IMPORTANT REGULATIONS SCHEDULED FOR AGENCY REVIEW

AGENCY	TITLE OF REGULATION	CITATION	ESTIMATED DATES OF REVIEW	
			BEGIN	END
DOL-ESA	*Office of Federal Contract Compliance Policy	41 CFR Parts 60-1, 60-2, 60-4, 60-20, 60-30, 60-40, 60-50, 60-60, 60-250, 60-741	Ongoing	Ongoing
DOL-ESA	†Payment of Membership Fees (46 FR 3892)	41 CFR Part 60-1	Final Rule Proposed to be Withdrawn	
DOL-ESA	*Prevailing Wage	29 CFR Part 1-5	Ongoing	Ongoing
DOL-ESA	†Procedures for Pre-determination of Wage Rate under Davis-Bacon (46 FR 4306)	29 CFR Part 1-5	Ongoing	Ongoing
DOL-ESA	†Salary Test Levels to Determine Eligibility for Exemption from Overtime Provisions (46 FR 3010)	29 CFR Part 541	Ongoing	Ongoing
DOL-ESA	†Service Contract Act (46 FR 4398)	29 CFR Part 4	Ongoing	Ongoing
DOL-ETA	†Certification Process and Adverse Effect Wage Rate (46 FR 4568)	20 CFR Part 655.207	Final Rule Proposed to be Withdrawn	
DOL-OSHA	†Occupational Exposure to Lead (46 FR 6134)	20 CFR 1910.1025	Ongoing	Ongoing
DOL-OSHA	*Occupational Noise	29 CFR 1910.95	Ongoing	Ongoing
DOL-OSHA	*OSHA Carcinogen Policy	29 CFR Part 1990	Ongoing	Ongoing

*Existing Regulations To Be Reviewed †Rules Designated for Postponement

APPENDIX IV: IMPORTANT REGULATIONS SCHEDULED FOR AGENCY REVIEW

*Existing Regulations To Be Reviewed †Rules Designated for Postponement

APPENDIX IV: IMPORTANT REGULATIONS SCHEDULED FOR AGENCY REVIEW

AGENCY	TITLE OF REGULATION	CITATION	ESTIMATED DATES OF REVIEW	
			BEGIN	END
DOL-OSHA	*Personal Protective Devices	29 CFR 1910.143, 1926.103, 1915.83, 1916.82, 1917.82, 1918.102	Ongoing	Ongoing
DOL-OSHA	†Walkaround Compensation (46 FR 3582)	29 CFR 1903.8	Final Rule Proposed to be Withdrawn	
DOT-FAA	Air Carrier Certification, Operating and Maintenance Rules	14 CFR Part 121	3/81	7/81
DOT-FAA	Deregulation of Sport Aviation	14 CFR Parts 21, 91	3/81	7/81
DOT-FAA	General Operating and Flight Rules	14 CFR Part 91	3/81	7/81
DOT-FAA	Normal, Utility, and Acrobatic Category Airworthiness Rules	14 CFR Part 23	3/81	7/81
DOT-FAA	Pilot Certification, Ground Instructor, and Pilot School Rules	14 CFR Parts 61, 141	3/81	7/81
DOT-FAA	Production and Quality Control System Rules	14 CFR Part 21	3/81	7/81
DOT-FAA	Repair Station Rules	14 CFR Part 145	3/81	7/81
DOT-FAA	Rotorcraft Certification and Operating Rules	14 CFR Parts 27, 29, 91, 127	3/81	7/81
DOT-FHWA	Air Quality Guidelines/Environmental Impact Procedures	23 CFR Parts 770, 771	3/81	7/81

*Existing Regulations To Be Reviewed †Rules Designated for Postponement

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APPENDIX IV: IMPORTANT REGULATIONS SCHEDULED FOR AGENCY REVIEW

AGENCY	TITLE OF REGULATION	CITATION	ESTIMATED DATES OF REVIEW	
			BEGIN	END
DOT-FHWA	†Carpool and Vanpool Projects (46 FR 2298)	23 CFR Part 656	Withdrawn to ensure with E.O.	for review compliance 12291
DOT-FHWA	Civil Rights Requirements	23 CFR Parts 200, 230	3/81	7/81
DOT-FHWA	Commercial Vehicle Inspection, Repair, and Maintenance	49 CFR Part 396	3/81	7/81
DOT-FHWA	Guidelines for the Development of Environmental Action Plans	23 CFR Part 795	3/81	7/81
DOT-FHWA	†Traffic Control Devices (46 FR 2038)	23 CFR Part 655, Subpart F	Withdrawn to ensure with E.O.	for review compliance 12291
DOT-FHWA/ UMTA	†Urban Transportation Planning (46 FR 5702)	23 CFR Part 450, Subparts A and C	Ongoing	Ongoing
DOT-FRA	Movement of Defective Cars	45 U.S.C. §13	3/81	7/81
DOT-FRA	Power Brake Rules	49 CFR Part 232	3/81	7/81
DOT-FRA	Regulations on Hours of Service of Railroad Employees	49 CFR Part 228	3/81	7/81
DOT-NHTSA	Fields of Direct View	49 CFR 571.128	3/81	7/81
DOT-NHTSA	Head Restraints	49 CFR 571.202	3/81	7/81
DOT-NHTSA	Light Truck Hydraulic Brakes	49 CFR 571.105-75	3/81	7/81

†Rules Designated for Postponement

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			BEGIN	END
DOT-NHTSA	Seat Belt Comfort and Convenience	49 CFR 571.208	3/81	7/81
DOT-NHTSA	Side Impact Protection	49 CFR 571.214	3/81	7/81
DOT-NHTSA	Theft Protection	49 CFR 571.114	3/81	7/81
DOT-NHTSA	Uniform Tire Quality Grading	49 CFR 575.104	3/81	7/81
DOT-OST	Minority Business Enterprise	49 CFR Part 23	3/81	7/81
DOT-OST	*Nondiscrimination on the Basis of Handicap (new legislation being proposed as a result of departmental review)	49 CFR Part 27	Ongoing	Ongoing
DOT-RSPA	†Addition of Water to Pipelines Transporting Anhydrous Ammonia (47 FR 39)	49 CFR 195.418 (e)	Ongoing	Ongoing
DOT-RSPA	Data Collection and Reporting: Gas Pipeline Reporting	49 CFR Part 191	3/81	10/81
DOT-RSPA	Data Collection: Liquid Pipeline Nondestructive Weld Tests	49 CFR 195.234 (g)	3/81	7/81
DOT-RSPA	Highway Routing of Radioactive Materials	49 CFR Parts 171, 172, 173, 177	3/81	7/81
DOT-RSPA	Line Markers for Mains and Transmission Lines	49 CFR 192.707 (a)	3/81	7/81
DOT-RSPA	Monitoring of External Corrosion Control	40 CFR 192.465 (a)	3/81	7/81
DOT-RSPA	Regulation of Paint	49 CFR 173.128	3/81	7/81

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AGENCY	TITLE OF REGULATION	CITATION	ESTIMATED DATES OF REVIEW	
			BEGIN	END
DOT-RSPA	Repair and Removal of Defects	49 CFR 192.245, 195.232	3/81	7/81
DOT-UMTA	Advanced Design Bus Specification	DOT Document call 426-1428	3/81	7/81
DOT-UMTA	†Bus Rehabilitation Program Policy and Procedures (46 FR 9862)	49 CFR Part 640	Withdrawn--nonregulatory guidance will be published in future	
DOT-UMTA	Buy America Regulations	49 CFR Part 660	3/81	7/81
DOT-UMTA	†Emergency Stockpiling of Buses (46 FR 5480)	49 CFR Part 639	Withdrawn--nonregulatory guidance will be published in future	
DOT-UMTA	†Urban Initiatives Program (46 FR 5820)	49 CFR Part 654	Withdrawn--program no longer funded	
DOT-USCG	Documentation and Admeasurement of Vessels	46 CFR Parts 66, 67	3/81	7/81
DOT-USCG	Marine Sanitation Devices on Vessels	33 CFR Part 159	3/81	8/81
DOT-USCG	Navigation Safety Regulations	33 CFR Part 164	3/81	7/81
DOT-USCG	Pollution Prevention Regulations	33 CFR Part 157	3/81	7/81
DOT-USCG	Puget Sound Vessel Traffic Service Rule	33 CFR Part 161, Subpart B and Appendix A	3/81	11/81

†Rules Designated for Postponement

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AGENCY	TITLE OF REGULATION	CITATION	ESTIMATED DATES OF REVIEW	
			BEGIN	END
DOT-USCG	Vessel Reporting Requirements	33 CFR Part 161	3/81	7/81
TREAS-ATF	Recodification of Wine Regulations	27 CFR Parts 240, 231, 170	5/79	12/81
TREAS-IRS	*LIFO Indexing	26 CFR 1.472-8	Ongoing	Ongoing
TREAS-OCC	Assessment of Fees, National Banks, District of Columbia Banks	12 CFR Part 8	9/80	6/81
TREAS-OCC	Fair Housing Home Loan Data System	12 CFR Part 27	6/81	12/81
TREAS-ORS	†Revenue Sharing Handicapped Discrimination Regulations (46 FR 1120)	46 FR 1120 1/5/81; 46 FR 19468, 3/31/81 Extends Effective Date to 6/1/81	Ongoing	Ongoing
EPA-OE	†General Pretreatment Regulations (46 FR 9404) (this includes the Electroplating *Pretreatment Regulations)	40 CFR Part 403 40 CFR Part 413	Ongoing	Ongoing
EPA-OWWM	*Best Conventional Pollutant Control Technology	40 CFR Parts 405-09, 411, 412, 418, 422, 424, 426, 427, 432	Ongoing	Ongoing
EPA-OWWM	†Effluent Guidelines for Timber Products; BCT (46 FR 8260)	40 CFR Part 429	Ongoing	Ongoing
EPA-OWWM	*Identification and Listing of Hazardous Waste (RCRA 3001)	40 CFR Part 261	Ongoing	Ongoing

*Existing Regulations To Be Reviewed †Rules Designated for Postponement

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APPENDIX IV: IMPORTANT REGULATIONS SCHEDULED FOR AGENCY REVIEW

AGENCY	TITLE OF REGULATION	CITATION	ESTIMATED DATES OF REVIEW	
			BEGIN	END
EPA-OWWM	*Standards Applicable to Generators of Hazardous Waste (RCRA 3002)	40 CFR Part 262	Ongoing	Ongoing
EPA-OWWM	*Standards Applicable to Owners and Operators of Hazardous Waste Treatment and Disposal Facilities (RCRA 3004)	40 CFR Parts 264, 265, 266, 267	Ongoing	Ongoing
EPA-OWWM	*Standards Applicable to Transporters of Hazardous Waste	40 CFR Part 263	Ongoing	Ongoing
GSA	GSA is re-evaluating its regulation review program to conform with Executive Order 12291 of February 17, 1981. A new review schedule has not yet been established.			
NCUA	Investments and Deposits	12 CFR Part 703	12/80	7/81
NCUA	Lending Regulations	12 CFR 701.21-1 - 701.21-6	5/1/81	7/31/81
OMB	*Cost Sharing on University Research	OMB Circular 73-3	In progress	
OMB	*University Research	OMB Circular 73-7	In progress	
OMB	*Urban/Community Impact Analyses	OMB Circular A-116	5/81	7/81
SBA	Business Loans	13 CFR Part 122	3/81	10/81
SBA	Disaster Loans	13 CFR Part 123	3/81	10/81

*Existing Regulations To Be Reviewed

APPENDIX IV: IMPORTANT REGULATIONS SCHEDULED FOR AGENCY REVIEW

*Existing Regulations To Be Reviewed

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AGENCY	TITLE OF REGULATION	CITATION	ESTIMATED DATES OF REVIEW	
			BEGIN	END
SBA	Small Business Investment Companies	13 CFR Part 107	1/81	10/81
CAB	The CAB's regulations scheduled for agency review are listed in its Semiannual Agenda, which was last published at 46 FR 24201 on April 30, 1981.	46 FR 24201	Ongoing	Ongoing
CFTC	Amendments to Minimum Financial and Related Reporting Requirements for Futures Commission Merchants	17 CFR 1.17	Ongoing	Fall 1981
CFTC	Proficiency Examinations for Applicants for Registration as Associated Persons	17 CFR Parts 3 and 140	Ongoing	Ongoing
CFTC	Reform of Reparations System	17 CFR Part 12	Ongoing	Ongoing
CFTC	Regulation of Domestic Exchange Traded Commodity Options	17 CFR Part 33	Ongoing	Ongoing
CFTC	Regulation of Gold and Silver Leverage Transactions	17 CFR Part 31	Ongoing	Ongoing
CFTC	Revision of Commodity Pool Operation and Commodity Trading Advisor Regulations	17 CFR Parts 4, 140	Ongoing	Spring 1981
CFTC	Speculative Position Limits	17 CFR Part 1	Ongoing	Ongoing
FCC	Franchise Standards	47 CFR 76.31	Ongoing	Summer 1981
FCC	Television Broadcast Translator Station	47 CFR Part 74 Subpart G	8/78	Summer 1981

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AGENCY	TITLE OF REGULATION	CITATION	ESTIMATED DATES OF REVIEW	
			BEGIN	END
FRS	Bank Holding Companies and Changes in Bank Control (Regulation Y)	12 CFR Part 225	Ongoing	Ongoing
FRS	Credit by Banks for the Purposes of Purchasing or Carrying Margin Stocks (Regulation U)	12 CFR Part 221	Ongoing	Ongoing
FRS	Credit by Brokers and Dealers (Regulation T)	12 CFR Part 220	Ongoing	Ongoing
FRS	Rules Governing Borrowers who Obtain Securities Credit (Regulation X)	12 CFR Part 224	Ongoing	Ongoing
FRS	Securities Credit By Persons Other Than Banks, Brokers, or Dealers (Regulation G)	12 CFR Part 207	Ongoing	7/81
FTC	Cooling Off Period for Door to Door Sales	16 CFR Part 429	11/79	9/81
FTC	Disclosure Requirements and Prohibitions Concerning Franchising and Business Opportunity Ventures	16 CFR Part 436	11/79	3/82
FTC	Retail Food Store Advertising and Marketing Practices	16 CFR Part 424	1/77	7/81
ICC	Classification of Brokers and Motor Carriers (Investigation into Motor Carrier Classifications)	49 CFR Part 1040	In progress	8/81
ICC	Detention of Motor Vehicles--Nationwide	49 CFR 1310.15	In progress	8/81

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AGENCY	TITLE OF REGULATION	CITATION	ESTIMATED DATES OF REVIEW	
			BEGIN	END
ICC	Payment of Rates and Charges of Motor Carriers	49 CFR Part 1320	In progress	Fall 1981
ICC	Procedures to be Followed in Motor Carrier Revenue Proceedings	49 CFR Part 1104	In progress	Fall 1981
ICC	Regulations for Payment of Rates and Charges	49 CFR 1320.1	In progress	Fall 1981
NRC	In the Three Mile Island Action Plan (NUREG 0660, May 1980) the Commission directed the staff to review each NRC regulation within 5 years. We are doing so.		Ongoing	Ongoing
PRC	We are not listing any regulations here because our regulations primarily involve agency organization, procedure, and practice and therefore do not have a significant effect on the general public or the economy.			
SEC	Disclosure Study -- Review of Disclosure Requirements Under the Securities Act of 1933 and Investment Company Act of 1940	17 CFR Part 270	8/79	Unknown
SEC	Financial Responsibility Rules for Broker-Dealers	17 CFR 240.15c3-1 and 240.15c3-3	9/80	Unknown
SEC	Investment Advisers Act Study	17 CFR Part 275	12/78	Unknown

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REGULATORY INFORMATION SERVICE CENTER

COMMENT CARD

JUNE 1981 CALENDAR OF FEDERAL REGULATIONS

The Calendar is intended to help readers learn about important regulations under development in the Federal Government, and to help government decisionmakers better manage the development of these regulations. This is the fifth edition of the Calendar, which is published every six months. We hope to make each edition more useful to readers, and therefore are asking for your comments. Please take a moment to answer the few questions below. We designed this comment card as a self-mailer—simply fold the page as indicated, so that our address is on the outside, staple, and mail.

Mark G. Schoenberg
Executive Director

Name _____ Title _____

Organization _____ Telephone No. _____

Address _____

_____

What is the nature of your organization if you represent one? For example: labor union, chemical manufacturing, educational institution, etc. _____

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(FOLD HERE)

Please answer the questions below by circling the appropriate number unless otherwise instructed. (Please circle only one reply to each question.)

	Very useful	Useful	No opinion	Not very useful	Not at all useful
• Overall, how useful is the Calendar for you or your organization? . . .	1	2	3	4	5
• How useful are specific sections in the Calendar?					
• Descriptions of regulations under development	1	2	3	4	5
• Index I—Sectors Affected by Regulatory Action	1	2	3	4	5
• Index II—Date of Next Regulatory Action	1	2	3	4	5
• Index III—Dates for Comments, Hearings, or Meetings	1	2	3	4	5
• Appendix II—Status of Regulations from November 1980 Edition .	1	2	3	4	5
• Appendix III—Publication Dates for Agency Semiannual Regulatory Agendas	1	2	3	4	5
• Appendix IV—Important Regulations Scheduled for Agency Review	1	2	3	4	5
• We have used the Standard Industrial Classification (SIC) terms to identify sectors of the economy affected by the proposed regulations. How useful are these terms to you?	1	2	3	4	5
• We are considering adding the SIC *number* to the terms we use. How useful would this be to you?	1	2	3	4	5

(OVER)

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(CONTINUED)

- In what specific way is the Calendar useful to you? (Please check (✓) as many as apply.)

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  ____ Helps us to know in which rulemaking procedures we want to become involved.

  ____ Other (please write in) _____

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Please add any other comments you have about the Calendar.

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